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[6] Includes only orders which were revoked by OHE prior to amendment. Orders amended by OHE appear under their new section numbers in this chapter. Revocations of former CPA orders are listed in detail under their original section numbers in Title 32.

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[1] Includes only orders which were revoked by OHE prior to amendment. Orders amended by OHE appear under their new section numbers in this chapter. Revocations of former CPA orders are listed in detail under their original section numbers in Title 32.

[2] Appears as 1010.1077.

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NOTE: The Office of Temporary Controls was terminated by E. O. 9841, 12 F. R. 2645. Functions of the Civilian Production Administration which had not already been terminated or transferred to the Housing Expediter by E. O. 9836, 12 F. R. 1939, were transferred to the Secretary of Commerce. Chapter IX was thereupon redesignated as set forth above and such regulations as had not been revoked or transferred were retained in the new Chapter IX under their existing section numbers.

The list below is a guide to actions taken during 1947 whether by CPA or by the successor agencies. The new code locations, if any, of text are noted following sections affected when action was first taken by the successor agency. Subsequent actions appear only under the successor agency, except when the only action taken by that agency was to revoke the section. Such revocations are listed in full below.

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[2] Appears in 4003.4c.

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Washington, Wednesday, January 1, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2714

CESSATION OF HOSTILITIES OF WORLD WAR II

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

With God's help this nation and our allies, through sacrifice and devotion, courage and perseverance, wrung final and unconditional surrender from our enemies. Thereafter, we, together with the other United Nations, set about building a world in which justice shall replace force. With spirit, through faith, with a determination that there shall be no more wars of aggression calculated to enslave the peoples of the world and destroy their civilization, and with the guidance of Almighty Providence great gains have been made in translating military victory into permanent peace. Although a state of war still exists, it is at this time possible to declare, and I find it to be in the public interest to declare, that hostilities have terminated.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the cessation of hostilities of World War II, effective twelve o'clock noon, December 31, 1946.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of December in the year of our Lord nineteen hundred and forty-six, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

JAMES F. BYRNES,
The Secretary of State.

[F. R. Doc. 46-22110; Filed, Dec. 31, 1946; 1:19 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

STANDARDS FOR CITRUS FRUITS

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong.), the United States Standards for citrus fruits (11 F. R. 13239) are hereby amended as follows:

1. In § 51.191 (b) delete subparagraph (8) and substitute therefor the following:

§ 51.191 *Citrus fruits.* * * *

(b) *Grades.* * * *

(8) *U. S. Combination Grade.* (i) Any lot of citrus fruits except oranges may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in any container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade.

(ii) As applied to oranges, not less than 50 percent, by count, of the fruits in any container shall meet the requirements of U. S. No. 1 grade; each of the remainder of the oranges, in addition to meeting all other requirements of the U. S. No. 2 grade, shall have not more than one-half of the surface in the aggregate affected with discoloration.

It is hereby found and determined that compliance with notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d Sess.) in connection with the issuance of this amendment, is impracticable, unnecessary, and contrary to the public interests in that: (1) The amendment has been under consideration since November 1, 1946 and it has been prepared on the basis of suggestions of growers, packers, shippers and other handlers of citrus fruits; (2) the issuance of the amendment, effective January 2, 1947, is necessary to make the United States standards for citrus fruits conform to present

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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handling and packing practices; and (3) the issuance of the amendment which involves only minor changes in the present standards should be accomplished as soon as possible because the seasonal shipments of citrus fruits have begun. (Pub. Law 422, 79th Cong.; Delegation of Authority to Administrator of Production and Marketing Administration, July 11, 1946, 11 F. R. 7713).

Issued at Washington, D. C. this 27th day of December 1946, to be effective on and after the 2d of January 1947.

[SEAL] JESSE B. GILMER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 46-22044; Filed, Dec. 31, 1946; 8:50 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 730—RICE

NATIONAL MARKETING QUOTA

Sec.
730.1 Basis and purpose.
730.2 Findings and determination with respect to the national marketing quota for rice for the marketing year beginning August 1, 1947.

AUTHORITY: §§ 730.1 and 730.2 issued under 52 Stat. 38, 43, 62; 7 U. S. C. 1301 (b), 1301 (c), 1355 (a).

§ 730.1 *Basis and purpose.* This proclamation is issued under section 355 (a) of the Agricultural Adjustment Act of 1938, as amended. Its purpose is to announce the findings of the Secretary of Agriculture with respect to the relationship between the total supply of rice and the normal supply thereof for the current marketing year in order to determine whether marketing quotas for rice for the 1947-48 marketing year shall be proclaimed under the act. Prior to making the findings, notice was given (11 F. R. 14501) that the Secretary was preparing to examine the supply situation to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto. All written expressions received postmarked by December 24, 1946, the closing date therefor mentioned in the notice aforesaid, have been considered.

§ 730.2 *Findings and determination with respect to the national marketing quota for rice for the marketing year beginning August 1, 1947.*—(a) *Normal supply.* The normal supply of rice for the marketing year beginning August 1, 1946, is 72,590,000 bushels of rough rice.

(b) *Total supply.* The total supply of rice for the marketing year beginning August 1, 1946, is 73,130,000 bushels of rough rice.

(c) *National marketing quota.* The total supply of rice for the current marketing year does not exceed by more than 10 percent the normal supply of rice for such marketing year; therefore no national marketing quota for rice shall be in effect for the 1947-48 marketing year for the marketings of rice by producers.

Done at Washington, D. C., this 27th day of December 1946. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-22042; Filed, Dec. 31, 1946; 8:50 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

CREDITS EXTENDED BEFORE DECEMBER 1, 1946

The following interpretation under this part (11 F. R. 13949) relating to consumer credit was issued by the Board of Governors of the Federal Reserve System on December 16, 1946:

§ 222.107 *Credits extended before December 1, 1946.* The Board of Governors recently received an inquiry relating to the footnote 1 of the December 1, 1946, revision of this part (11 F. R. 13949), which, in part, provides that "the revision (of December 1, 1946) shall not affect any transaction prior to such date". The inquiry concerned pre-December credits, still outstanding, that were subject to this part when they originated but would not be subject if they originated on or subsequent to December 1, 1946; and the question was whether, in the light of the footnote, renewals, revisions and other actions currently taken with respect to such pre-December credits must follow the pre-December rules.

In reply, the Board ruled that unless the credit, regardless of when negotiated, falls within the terms of the December 1 revision, any action taken on or after December 1 with respect to the credit is not subject to this part.

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a) and Supp., 50 U. S. C. App. 616, 617; E. O. 8843, August 9, 1941, 3 CFR Cum. Supp.)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-22018; Filed, Dec. 31, 1946; 8:52 a. m.]

PART 222—CONSUMER CREDIT

CONVERSION OF NON-INSTALMENT CREDIT TO INSTALMENT BASIS

The following interpretation under this part (11 F. R. 13949) relating to consumer credit was issued by the Board of Governors of the Federal Reserve System on December 10, 1946:

§ 222.106 *Conversion of non-instalment credit to instalment basis.* The Board of Governors has been requested for a ruling as to the conversion of a charge account covering the sale of a "listed article" to an instalment basis, under this part as revised December 1, 1946. The question also arises in connection with the conversion of a single-payment loan to an instalment basis.

This was one of the general problems which were considered in connection with the revision of this part, but after preliminary drafts had been made of provisions governing the conversion of non-instalment credit to an instalment basis, it was decided to omit them from this revised part and to rely upon the provisions of § 222.6 (i) to furnish protection against evasion. In any case where investigation showed that a registrant was converting an undue number of credits to an instalment basis after originating them on a non-instalment basis, the inference would be fairly plain that the registrant was violating § 222.6 (i) by attempting to disguise instalment credit as non-instalment credit.

Accordingly, it is the view of the Board that if a credit originates in good faith as an obligation payable in a lump sum, its later conversion to an instalment basis does not make it subject to the present part. It is essential, of course, that the original transaction be in good faith and not a subterfuge.

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a) and Supp., 50 U. S. C. App. 616, 617, and E. O. 8843, Aug. 9, 1941, 3 CFR Cum. Supp.)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-22017; Filed, Dec. 31, 1946; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter II—United States Tariff Commission

PART 201—RULES OF GENERAL APPLICATION

AMENDMENT OF RULES RELATING TO WITNESSES AND SUBPENAS

In conformity with the Administrative Procedure Act (Public Law 404, 79th Congress), § 201.15 (11 F. R. 177A–744) of Title 19 of the Code of Federal Regulations is hereby amended by adding thereto the following paragraph (d):

§ 201.15 *Witnesses and subpenas.*

* * *

(d) Subpenas for the attendance of witnesses or for the production of documentary evidence will be issued at the request of any person who has entered an appearance in an investigation in accordance with § 201.12, upon application in writing and determination by the Commission of the general relevance and reasonable scope of the evidence sought. Such application shall be addressed to the Commission, and shall include a statement as to the nature, relevance, and scope of the testimony sought, and, in the case of documentary evidence, an adequate specification of the documents desired.

(Sec. 333, 46 Stat. 699; Pub. Law 404, 79th Cong.; 60 Stat. 237; 19 U. S. C. 1333)

CROSS REFERENCE: For rule regarding expenses see § 201.16.

CROSS REFERENCE: For rule regarding service of process, see § 201.19.

[SEAL] OSCAR B. RYDER,
Chairman,
United States Tariff Commission.

[F. R. Doc. 46–22014; Filed, Dec. 31, 1946; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PENICILLIN VAGINAL SUPPOSITORIES

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, as amended by 59 Stat. 463; 21 U. S. C., Sup. V, 357) the regulations for tests and methods of assay of antibiotic drugs (11 F. R. 12128) are hereby amended by adding the following new section:

§ 141.18 *Penicillin vaginal suppositories*—(a) *Potency.* Proceed as directed in § 141.1 except paragraph (g) (3) of that section and in lieu of the directions in paragraph (d) prepare sample as follows:

Place 5 suppositories in a separatory funnel containing 150 ml of peroxide free ether. Shake the separatory funnel vigorously to bring about complete mixing of the material with the ether. Shake with a 25 ml portion of 1% phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with three 25 ml quantities of buffer. Combine all extracts and make the proper estimated dilutions in 1% phosphate buffer at pH 6.0. The average potency of the suppository is satisfactory if it contains not less than 85% of the number of units it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.7 (c) using one suppository.

(c) *Microorganism count.* Use four suppositories and place approximately one fourth of each into each of four sterile, tared test tubes. Determine weight of sample in each tube. Melt at 37° C and add sufficient penicillinase to inactivate the penicillin in the sample. Mix thoroughly. Incubate for one hour at 37° C. Mix thoroughly and transfer the contents of each tube to 25 ml of nutrient agar prepared as directed in § 141.1 (b) (1) cooled to approximately 48° C. Mix thoroughly and pour into sterile petri dishes. Allow to harden, invert and incubate at 37° C for 48 hours. Count the number of colonies appearing on the petri dish and calculate therefrom the number of viable microorganisms per gram of suppository.

This order, which provides for the marketing of a new penicillin product, shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of a new penicillin product.

(Sec. 507, 52 Stat. 1040, as amended, 59 Stat. 463; 21 U. S. C. Supp. V., 357)

Dated: December 26, 1946.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 46–22040; Filed, Dec. 31, 1946; 8:49 a. m.]

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN-CONTAINING DRUGS

PENICILLIN VAGINAL SUPPOSITORIES

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, as amended by 59 Stat. 463; 21 U. S. C., Sup. V. 357), the regulations for the certication of batches of penicillin-containing drugs (11 F. R. 12136) are hereby amended by adding the following new section:

§ 146.36 *Penicillin vaginal suppositories (sodium penicillin vaginal suppositories, calcium penicillin vaginal suppositories, potassium penicillin vaginal suppositories, penicillin vaginal suppositories sodium salt, penicillin vaginal suppositories calcium salt, penicillin vaginal suppositories potassium salt)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin suppositories are suppositories composed of sodium penicillin, calcium penicillin, or potassium penicillin or a mixture of these salts in a base of spermaceti and cocoa butter. The potency of each suppository is not less than 100,000 units; its moisture content is not more than 1.0 percent; its content of viable microorganisms is not more than 50 per gram. The sodium penicillin, calcium penicillin and potassium penicillin used conform to the requirements of § 146.24 (a), except subparagraphs (1), (2), (4) and (7) of that paragraph, but its potency is not less than 300 units per milligram. The spermaceti and cocoa butter conform to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* In all cases, the immediate container of penicillin vaginal suppositories shall comply with the definition of tight container on page 6 of the U. S. P., except the provision that it shall be capable of tight reclosure, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin vaginal suppositories shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each suppository of the batch; and

(iii) The statement, "Expiration date ------", the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)";

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ------", the blank being filled in with the word "physician" or "veterinarian" or both as the case may be; and

(iii) Unless the drug is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such suppositories; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such suppositories, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin vaginal suppositories shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the sodium penicillin, calcium penicillin, or potassium penicillin used in making such batch was completed, the number of units in each suppository, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the spermaceti and cocoa butter used in making such batch conform to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per suppository, moisture, microorganism count.

(ii) The sodium penicillin, calcium penicillin, and potassium penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request in the quantities hereinafter indicated, accurately representative sample of the following:

(i) The batch: One suppository for each 5000 suppositories in the batch, but in no case less than 20 suppositories or more than 100 suppositories, collected by taking single suppositories at such intervals throughout the entire time the suppositories are being made, that the quantities made during the intervals are approximately equal.

(ii) The sodium penicillin, calcium penicillin, or potassium penicillin used in making the batch: 6 packages, or in the case of crystalline penicillin, 10 packages of each containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, the spermaceti and cocoa butter used in making the batch: one package of each containing respectively approximately 10 grams and 100 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin vaginal suppositories under the regulations in this part shall be:

(1) $2.00 for each suppository in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such suppositories and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for the marketing of a new penicillin product shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of a new penicillin product.

(Sec. 507, 52 Stat. 1040, as amended, 59 Stat. 463; 21 U. S. C., Supp. V, 357)

Dated: December 26, 1946.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 46–22041; Filed, Dec. 31, 1946; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

PART 102—PERSONNEL ADMINISTRATION

SALARIES OF OFFICERS TEMPORARILY IN CHARGE

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to sections 302, 421, and 422 of the Foreign Service Act of 1946 (Public Law 724, 79th Cong.), the Foreign Service Regulations comprising Part 102 of Title 22 of the Code of Federal Regulations are amended by adding the following section:

§ 102.101 *Salaries of officers temporarily in charge*—(a) *Salaries of chargés de affaires ad interim.* A Foreign Service officer authorized to act as chargé d' affaires ad interim at the post to which he is assigned, shall, if he acts in such capacity for a period in excess of ten days, receive compensation, in addition to his basic salary as Foreign Service officer, computed as follows:

(1) One half the difference between his basic salary and the per annum salary provided for the chief of mission at that post for the first three months he shall act in such capacity. Payment of this additional compensation shall be made for the period beginning the first day the officer is in charge.

(2) Three-fourths of the difference between his basic salary and the per annum salary provided for the chief of mission at that post for the next three months he shall act in such capacity.

(3) Should an assignment to act temporarily in charge extend beyond six months, the officer may apply for and the Secretary may in his discretion allow the payment of the full difference in salaries after the sixth month (sec. 421, Foreign Service Act of 1946).

(b) *Salaries of officers in charge of consulates and consulates general.* A Foreign Service officer or a consul or vice consul who is not a Foreign Service officer who is temporarily in charge of a consulate general or consulate during the absence or incapacity of the principal officer, shall be entitled to additional compensation computed in accordance with the provisions of paragraph (a) of this section (sec. 422, Foreign Service Act of 1946).

(c) The additional compensation paid to a diplomatic or consular officer acting temporarily in charge shall be known as chargé pay. (R. S. 161, secs. 302, 421, 422 Pub. Law 724, 79th Cong., 60 Stat. 999; 5 U. S. C. 22)

This regulation shall become effective on November 13, 1946.

For the Secretary of State,

[SEAL] DONALD RUSSELL,
Assistant Secretary.

[F. R. Doc. 46–22039; Filed, Dec. 31, 1946; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[Bulletin 83]

PART 203—OPERATION

APPRAISAL REQUIREMENTS ON LOANS INSURED UNDER THE NATIONAL HOUSING ACT, AS AMENDED

DECEMBER 27, 1946

Section 203.21 *Additional lending powers* (10 F. R. 11284, 11 F. R. 631) is hereby amended, effective January 1, 1947 by adding paragraph (c), reading as follows:

(c) The making or purchasing of any loan approved for insurance protection under the provisions of the National Housing Act, as now or hereafter amended, where one qualified person selected by the board of directors shall have submitted a signed appraisal of the real-estate security for such loan: *Provided*, That the making or purchasing of any such loan shall be otherwise subject to any applicable limitations imposed by law, the association's Charter, or any rule or regulation, or otherwise.

The Federal Home Loan Bank Administration finds, pursuant to the provisions of the Administrative Procedure Act approved June 11, 1946 (60 Stat. 237) and 24 CFR 201.2, that notice and public procedure on this amendment are unnecessary because the amendment relieves a restriction on Federal savings and loan associations.

(Sec. 5 (a), (c), 48 Stat. 132, 133; 12 U. S. C. 1464 (a), (c); E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 46-22038; Filed, Dec. 31, 1946; 9:01 a. m.]

Chapter VI—Federal Public Housing Authority

PART 610—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: PROCEDURES

COMMUNITY SERVICES AND TENANT ACTIVITIES

Section 610.415[1] is amended, effective January 3, 1947, to read as follows:

§ 610.415 *Community services and tenant activities*—(a) *Relationship with community service agencies.* The local authority shall be responsible for planning and for developing and maintaining working relationships and agreements with local community service agencies for the provision of education, recreation, health, and welfare facilities and services to meet the needs of the residents of the development. It shall discharge these responsibilities in such a manner as to promote the maximum application of the resources of community service agencies in meeting these needs. Where necessary facilities cannot be provided by local community service agencies, the local authority shall provide such facilities as a part of the development in accordance with FPHA minimum physical standards (see § 610.213).

(b) *Relationship with tenants.* The local authority shall encourage tenants to assume community responsibilities, and shall stimulate and assist individual tenants and tenant groups and organizations (1) to plan and work with management on those phases of the development's operation which affect them, (2) to participate with management and with local community service agencies in planning and evaluating community services and activities, and (3) to sponsor and operate services and programs in order to supplement those provided by community service agencies.

(c) *Integration of developments with community.* In fulfilling its responsibilities, the local authority shall strive for complete integration of the development with the neighborhood and community and for integration of the community services and programs conducted in the development with those conducted in the community at large. (50 Stat. 888; 42 U. S. C. 1401-30)

Approved: December 24, 1946.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 46-22016; Filed, Dec. 31, 1946; 8:51 a. m.]

[1] Part 610, formerly Part 601, appeared at 10 F. R. 7321.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 130—TRANSACTIONS IN FOREIGN EXCHANGE AND FOREIGN-OWNED PROPERTY, REPORTING OF ALL FOREIGN-OWNED PROPERTY AND RELATED MATTERS

LICENSES

Amendment of regulations of April 10, 1940, as amended under Executive Order No. 8389, as amended.

Section 130.3 is hereby amended to read as follows:

§ 130.3 *Licenses.* All applications for licenses to engage in any transaction prohibited by the order or otherwise prohibited pursuant to sections 3 (a) or 5 (b) of the act of October 6, 1917 (40 Stat. 415), as amended, shall be filed in duplicate with the Federal Reserve Bank of New York, with the exception of applications from the territory of Hawaii which shall be filed directly with the Secretary of the Treasury, Washington, D. C. The applicant shall furnish such information as shall be requested of him by the Secretary of the Treasury or the Federal Reserve Bank of New York. Licenses will be issued by the Secretary of the Treasury, acting directly or through any officers or agencies that he may designate, and by the Federal Reserve Bank of New York, acting in accordance with such regulations, rulings and instructions, as the Secretary of the Treasury may from time to time prescribe, in such cases or classes of cases as the Secretary of the Treasury may determine. The Federal Reserve Bank of New York or the Secretary of the Treasury will advise the applicant of the decision respecting the application. Appropriate forms for applications and licenses will be prescribed by the Secretary of the Treasury. Licensees may be required to file reports upon the consummation of transactions. The decision of the Secretary of the Treasury with respect to an application for license shall be final.

(Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839; 12 U. S. C. 95a; 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, 5 F. R. 1400; E. O. 8785, June 14, 1941, 6 F. R. 2897; E. O. 8832, July 26, 1941, 6 F. R. 3715; E. O. 8963, Dec. 9, 1941, 6 F. R. 6348; E. O. 8998, Dec. 26, 1941, 6 F. R. 6785; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 46-21934; Filed, Dec. 30, 1946; 8:46 a. m.]

PART 138—ORGANIZATION OF FOREIGN FUNDS CONTROL

MISCELLANEOUS AMENDMENTS

Sections 138.2 (b), 138.3 (f), 138.4 (b) and 138.6 are hereby amended to read as follows:

§ 138.2 *Outline of organization.* • • •

(b) *The field organization.* Foreign Funds Control is represented in the field by the Federal Reserve Bank of New York. There is also a small Liberated Areas Staff. Under General Ruling No. 5 (31 CFR, 1943 Supp., 131, App. A) controls over the importation of securities and currency are in the first instance enforced in the field by the Bureau of Customs and the Post Office Department as agents of the Control.

• • • • •

§ 138.3 *Description of functions performed by divisions and offices.* • • •

(f) *Federal Reserve Bank.* Under general supervision of the central organization, the Federal Reserve Bank of New York performs substantially all field operations of the Control in the territorial United States and Puerto Rico other than initial enforcement of controls over importation of securities and currency under General Ruling No. 5 (31 CFR, 1943 Supp., 131, App. A). Excepting a limited category of cases directly involving foreign governments, all license applications with the exception of applications from the territory of Hawaii, are filed with the Federal Reserve Bank of New York and final action on the applications is announced through it.

§ 138.4 *Delegation of final authority.* • • •

(b) *The field organization.* Authority to take final licensing action on most types of applications has been delegated to the Federal Reserve Bank of New York, subject to policies and procedures prescribed by Foreign Funds Control. Applications which are of a special nature or involve policy decisions are forwarded to the central office for review before final action.

• • • • •

§ 138.6 *Places and methods of securing information and making submittals*—(a) *Information, submittals and requests in general.* The public may in general secure any information or make submittals, requests or petitions with respect to any Foreign Funds Control matters by communicating through correspondence or telephone or by coming in person or sending a representative, either to the central office in Washington or to the Federal Reserve Bank of New York.

(b) *Applications for licenses.* Applications for licenses to effect transactions subject to the Control should be filed with the Federal Reserve Bank of New York, with the exception of applications from the territory of Hawaii which should be filed directly with the Secretary of the Treasury as prescribed by the appropriate regulations (31 CFR, 130.3), or other applicable document. Instructions in this respect are set forth in § 139.1 of this chapter.

(c) *Prescribed forms.* Forms and instructions to be used in submitting license applications, reports and certain other types of submittals or requests are covered in § 139.1 through § 139.3, inclusive, of this chapter.

(d) *Addresses.* Correspondence with the central office should be directed to "Foreign Funds Control, United States, Treasury Department, Washington 25, D. C." Personal inquiries to the central office should be made at the District National Bank Building, 1406 G Street N. W., Washington, D. C. All correspondence or inquiries to the Federal Reserve Bank of New York should be addressed as follows: Foreign Funds Control Department, Federal Reserve Bank of New York, 33 Liberty Street, New York 7, New York.

(R. S. 161, sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 22, 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, E. O. 9567, June 8, 1945; 3 C. F. R. Cum. Supp. 10 F. R. 6917)

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 46-21932; Filed, Dec. 30, 1946; 8:46 a. m.]

PART 139—PROCEDURES OF FOREIGN FUNDS CONTROL

LICENSING

Section 139.1 (b) of this title is hereby amended to read as follows:

§ 139.1 *Licensing.* • • •

(b) *Specific licenses*—(1) *General course of procedure.* Transactions subject to the Executive orders which are not authorized by general license may be effected only under specific license. The specific licensing activities of Foreign Funds Control are performed by the central organization and the Federal Reserve Bank of New York. Under policies and procedures prescribed by the Control, the Federal Reserve Bank takes final action upon most applications filed with it. All other applications are forwarded to the central office and are initially referred to the section within the Control dealing with the type of subject matter or transaction with which the application is concerned. (For a description of the organization of the Control see §§ 138.2 through 133.3, inclusive, of this chapter). When an unusual problem is presented, the proposed action is cleared with the Chief of the Division or with the Director.

(2) *Applications for specific licenses.* Except as provided below, applications for specific licenses are to be filed on Form TFE-1 with the Federal Reserve Bank of New York or other agency prescribed in the appropriate regulations. 31 CFR, 130.3.

Applications for the release of securities imported into the United States and surrendered in accordance with the provisions of General Ruling No. 5 (31 CFR, 1943 Supp., 131, App. A) are to be filed on Form TFA-1 with the Federal Reserve Bank of New York.

(3) *Information to be supplied.* Applicants must supply all information specified by the respective forms and instructions, including, in the case of business enterprises applying for operating licenses, the information required by Form TFBE-1. They may also be required to furnish such information as is deemed necessary to a proper determination by the Control or the Federal Reserve Bank of New York. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should ordinarily be made with the agency with which the application was filed.

(4) *Effect of denial.* Except as provided by General Ruling No. 19 (31 CFR 131 App. A; 11 F. R. 8530) relating to property vested by the Alien Property Custodian, the denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition upon the issuance of any licenses, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or related communication.

(R. S. 161, sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839; Pub. Law 404, 79th Cong.; 60 Stat. 237; 5 U. S. C. 22; 50 U. S. C. App. 3 (a); 12 U. S. C. 95a; 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941; E. O. 8832, July 26, 1941; E. O. 8963, Dec. 9, 1941; E. O. 8998, Dec. 26, 1941; E. O. 9193, July 6, 1942; E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917)

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 46-21933; Filed, Dec. 30, 1946; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 7, as Amended Dec. 31, 1946]

CERTIFICATIONS ON PURCHASE ORDERS AND OTHER DOCUMENTS

§ 944.27 *Priorities Regulation No. 7*—(a) *What this regulation does.* This regulation explains the use of certifications on purchase orders and delivery orders. It sets forth a standard form of certification which may be used where orders and regulations of the Civilian Production Administration permit. It also states the rules for signing and executing all certificates and other documents which must be filed under CPA orders and regulations.

Standard Certification

(b) *When standard certification may be used.* The standard certification which is described below may be used on purchase and delivery orders only when expressly permitted by the applicable regulation or order of the Civilian Production Administration.

(c) *Use is optional.* The use of the standard certification is optional unless an order or regulation states that it is the only one that can be used. Anyone who wishes to may use the more specific certifications provided by the various orders and regulations, such as the one given in Priorities Regulation 3 for use in applying or extending preference ratings.

(d) *Form of standard certification.* The standard certification must be in substantially the following form:

> The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the Civilian Production Administration, that, to the best of his knowledge and belief, the undersigned is authorized under applicable Civilian Production Administration regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating which the undersigned has placed on this order.

(e) *Additional information with standard certification.* When the standard certification is used, additional information must be given when required by the applicable order or regulation. This information may be put either at the end of the standard certification or anywhere else on the order, or accompanying it.

Waiving Certifications

(f) *Waiver of buyer's certification.* If a seller receives an order without the certification required by the governing CPA regulation or order, he may accept the purchase order and treat it as bearing the proper certification if he complies with the following rules:

(1) The seller must know the facts which the certification would show and must place the necessary certification on the order and sign it himself. He may not merely insert the certification over the buyer's signature. In adding the certification, the seller shall be deemed to make the representation to the Civilian Production Administration. The individual who signs for the seller must be a responsible official of the seller, duly

authorized to make binding representations in this respect on the seller's behalf.

(2) The seller must use the certification in the governing order or regulation unless it permits the use of the standard certification. In using the latter, he must change the words "undersigned purchaser" to "undersigned seller", cross out the words "the seller and" and change the words "the undersigned is authorized" to "the buyer is authorized". If he uses the form in the governing order or regulation, he must make corresponding changes in wording.

(3) A certification may not be waived if the governing order or regulation expressly states that it may not be waived.

(g) [Deleted Dec. 31, 1946.]

(h) [Deleted Dec. 31, 1946.]

(i) [Deleted Dec. 31, 1946.]

Signature of Certification

(j) *Who must sign and how.* Certifications on purchase or delivery orders which are required by CPA orders or regulations must be signed by the person placing the order (or the person receiving it under paragraph (f) above, or by a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature.

(k) *Use of facsimile signature.* If a facsimile signature is used, the individual who uses it must be duly authorized by the individual whose signature it is, to use it on representations to the Civilian Production Administration, and a written record of the authorization must be kept.

(l) *Only one signature necessary in most cases.* If several certifications are placed above the signature of the purchase order, they need not be separately signed provided the purchase order is signed in the way required for a certification by paragraph (j) above. If any certifications are placed below the signature of the purchase order, or on the back of it, the last certification must be separately signed, unless there is a statement above the signature of the purchase order which shows clearly that it applies to the certification.

(m) *Certification may be on separate paper.* If it is not convenient to place a certification on a purchase order or delivery order, it may be placed on a separate piece of paper either attached to it or clearly identifying it. For example, if the buyer has sent an order but has forgotten to place the certification on it, he may send the seller a separate certification clearly identifying the order to which it applies. A signature on the purchase order shall apply to the certification on an attached or unattached piece of paper only where the words above the signature clearly make it include the certification.

(n) *Signature on other documents.* The above rules for signing certifications on purchase orders also apply to the signature on reports, applications for preference ratings, and other documents that are required to be filed under orders and regulations of the Civilian Production Administration.

Telegraph, Telephone and Verbal Orders

(o) *Telegraphic orders.* When a purchase order is placed by telegram and a certification is necessary the certification must be set out in full in the telegram. It will be sufficient if the file copy of the outgoing telegram is signed in the manner required for certification by this regulation. Also, the certification contained in the telegram may be abbreviated in the following cases, but the purchaser assumes the same responsibility as if it were set out in full:

(1) When the standard certification is used, it may be shortened to the words "order certified under Priorities Regulation 7."

(2) When the certification is used for the sole purpose of applying or extending a preference rating, the words "ratings certified" or words to that effect are enough.

(3) Where the certification is used for the sole purpose of showing that the order comes under a small order exemption in an order or regulation of the Civilian Production Administration, it may be shortened to "small order certified."

(4) Where the certification required simply states the number of the CPA authorization form, the identification of the form and its number only need be given.

(p) *Verbal or telephone orders.* On purchase orders requiring shipment within seven days the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

Miscellaneous Provisions

(q) *Responsibility for truth of certification.* The person who places the order, the individual whose signature is used and the individual who approves the use of the signature will each be considered to be making a representation to the Civilian Production Administration that the statements contained in the certification are true to the best of his knowledge and belief, subject to criminal penalties for misrepresentation. The person receiving the certification and other information required to be included with the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(r) *Reference to criminal penalties.* The reference to criminal penalties for misrepresentation in the above forms of certification and similar phrases in certifications required by other orders and regulations are included solely for the purpose of making sure that persons signing certifications realize the responsibility they are undertaking. These references may not be omitted, but their inclusion shall not be deemed to make any person subject to any criminal penalties to which he would not be subject if the references were omitted.

(s) *Records to be kept by the purchaser.* Each person using any certification must maintain at his regular place of business all documents upon which he relies as entitling him to make the representations in the particular certification used and to supply the other information required to be placed with his purchase order. These documents must be segregated and available for inspection by a representative of the Civilian Production Administration or filed in such manner that they can be readily segregated and made available for inspection.

(t) *Effect on other regulations and orders.* Provisions in any other orders or regulations of the Civilian Production Administration which are inconsistent with this regulation may be disregarded unless they expressly state that this regulation does not apply.

(u) *Use and disposal of material obtained with certification.* Any person who gets any material with a certification prescribed by a CPA order or regulation must use or dispose of the material only in accordance with the provisions of the certification as long as the governing order or regulation remains in effect.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—[Deleted Dec. 31, 1946.]

LIST B—[Deleted Dec. 31, 1946.]

LIST C—[Deleted Dec. 31, 1946.]

INTERPRETATION 1

PREFERENCE RATING MUST BE FURNISHED BY THE BUYER

Paragraph (f) of Priorities Regulation No. 7, which permits a seller to waive the buyer's certification where he knows the facts, does not allow the seller to rate an order which the buyer has not attempted to rate. If the buyer has stated the rating on the order but has not certified it, the seller may add the appropriate certification; and if the buyer has not shown the rating on the order, but has otherwise informed the seller that he wishes to apply or extend the rating, the seller may also insert it on the order. (Issued Jan. 5, 1944.)

[F. R. Doc. 46-21838; Filed, Dec. 31, 1946; 11:19 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1057]

GEORGE CHANG AND NICHOLAS CANTERA

George Chang resides at and is the owner of the premises at 112 West 7th Street, Wilmington, Delaware. Nicholas Cantera is a General Building Contractor, conducting his business at 1602 Sycamore Street, Wilmington, Delaware. Subsequent to March 26, 1946, they began construction in altering and building a residential and commercial addition to a commercial building at 112 West 7th Street, Wilmington, Delaware, at an estimated cost of $35,000, without authorization of the Civilian Production Administration. On July 31, 1946, official telegrams from the Civilian Production Administration by J. Joseph Whelan, Recording Secretary, were sent to George Chang and Nicholas Cantera, ordering them to stop all construction work within one week unless they obtained from a Civilian Production Administration Compliance Commissioner written findings that the construction work does not appear to be in violation of Civilian Production Administration orders and regulations. In spite of being fully informed as to the requirements under the Veterans' Housing Program, and the receipt of the telegrams, they have continued to carry on the said construction. The beginning and carrying on of this construction, without authorization, constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation had diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1057 *Suspension Order No. S-1057.* (a) Neither George Chang nor Nicholas Cantera, their successors or assigns, or any other person shall do any construction on the premises located at 112 W. 7th Street, Wilmington, Delaware, including the completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration or the Federal Housing Administration.

(b) George Chang and Nicholas Cantera shall refer to this order in any application or appeal which they may file with the Civilian Production Administration or Federal Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve George Chang or Nicholas Cantera, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-22107; Filed, Dec. 31, 1947; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1046]

DURA-BILT GARAGE BUILDING CO., INC. AND JACK SCHERR AND MEYER YAGODA

Dura-Bilt Garage Building Company, Inc., a Michigan Corporation, and Jack Scherr and Meyer Yagoda—individually and doing business as Bilt-Rite Cement Company—with principal places of business at 18109 James Couzens Highway, Detroit, Michigan, and 19132 Schaefer Highway, Detroit, Michigan, respectively, on or about April 29, 1946, in the case of a structure at 1854 Twenty-first Street, Wyandotte, Michigan, and on or about August 10, 1946, in the case of a structure at 20400 Ward Avenue, Detroit, Michigan, without authorization of the Civilian Production Administration, began and after the aforesaid dates carried on construction of a residential garage at each of the above locations, the estimated cost of each of which was in excess of $400, in violation of Veteran's Housing Program Order No. 1. These violations have diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1046 *Suspension Order S-1046.* (a) Neither Dura-Bilt Garage Building Company, Inc., nor Jack Scherr and Meyer Yagoda, individually and doing business as Built-Rite Cement Company, their successors or assigns, nor any other person, shall do any further contruction on the premises located at 1854 Twenty-first Street, Wyandotte, Michigan, and 20400 Ward Avenue, Detroit, Michigan, including putting up, completing or altering the structure, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Dura-Bilt Garage Building Company, Inc., and Jack Scherr and Meyer Yagoda, individually and doing business as Built-Rite Cement Company, shall not, for a period of three months from the effective date of this order, apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(c) Dura-Bilt Garage Building Company, Inc., and Jack Scherr and Meyer Yagoda, individually and doing business as Built-Rite Cement Company, shall cancel immediately all preference ratings which they have applied or extended to orders which have not yet been filled.

(d) Dura-Bilt Garage Building Company, Inc., and Jack Scherr and Meyer Yagoda, individually and doing business as Built-Rite Cement Company, shall not, for the three months from the effective date of this order, receive or accept delivery of any materials obtained through the use of preference ratings. This does not apply to material in transit for delivery to them on the effective date of this order.

(e) Dura-Bilt Garage Building Company, Inc., and Jack Scherr and Meyer Yagoda, individually and doing business as Built-Rite Cement Company, shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction in connection with the construction hereby prohibited.

(f) The provisions of this order shall not apply to any housing projects which Dura-Bilt Garage Building Co., Inc., or Built-Rite Cement Company have received authority to construct prior to issuance of this order from the Federal Housing Administration nor to the use of any preference ratings so authorized.

(g) Nothing contained in this order shall be deemed to relieve Dura-Bilt Garage Building Company, Inc., and Jack Scherr and Meyer Yagoda, individually and doing business as Built-Rite Cement Company, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(h) Paragraphs (b), (c), and (d) of this order shall take effect on the 7th day of January, 1947, and the remaining paragraphs shall take effect upon the date of issuance.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-22106; Filed, Dec. 31, 1946; 11:20 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, List 1, as Amended Dec. 31, 1946, to Direction 13]

PURCHASERS ELIGIBLE FOR VETERANS PREFERENCE

A purchaser is eligible, under paragraph (q) of Direction 13 to PR 33, for veterans' preference in buying a new mounted VEHP house trailer if he is in one of the following classes and if, in addition, he meets the other requirements stated in paragraph (q):

(a) A person who (1) has served in the active military or naval forces of the United States on or after September 16, 1940, (2) has been discharged or released therefrom under conditions other than dishonorable, and (3) wishes to buy the house trailer for his own full-time housing use or for the full-time housing use of his dependent family.

(b) A person who (1) is serving in the active military or naval forces of the United States, (2) requires dwelling accommodations for his dependent family, and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

(c) The spouse of a veteran (as described in paragraph (a) of this list) who died after being discharged or released from service, or the spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse wishes to buy the house trailer for full-time housing use by her (him) and a child or children of the deceased.

(d) A citizen of the United States who (1) served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable), (2) requires dwelling accommodations for his dependent family, and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

(e) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Mer-

chant Marine and who (1) requires dwelling accommodations for his dependent family, and (2) wishes to buy the house trailer for the full-time housing use of his dependent family.

(f) A citizen of the United States who (1) as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, (2) requires dwelling accommodations for his dependent family and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-22103; Filed, Dec. 31, 1946; 11:20 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, as amended December 31, 1946]

Rubber Order R-1, as amended November 15, 1946, is hereby further amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of natural rubber and other materials entering into the production of rubber products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

Purpose of this order. Rubber Order R-1 embraces the Civilian Production Administration regulations covering acceptance of delivery of certain raw materials, restrictions on consumption, purchase procedure, delivery, inventories and importation, and deliveries of tires and tubes for original equipment.

Appendix I, which is printed at the foot of this order, establishes general permitted uses for raw materials and special restrictions for the use of raw materials in the manufacture of specified products listed in Table B.

Appendix II, which is printed separately, establishes manufacturing regulations for various end products, principally tires and tubes, set out in lists applicable to the particular product.

Sec.
4600.01 Definitions of certain terms.
4600.02 Authorization required to accept delivery of certain raw materials.
4600.03 Restrictions on consumption of natural rubber (excluding natural rubber latex) and butyl.
4600.03a Authorization required to accept delivery of and to consume natural rubber latex.
4600.04 Purchase requests for natural rubber, natural rubber latex, GR-S and Butyl.
4600.05 Restrictions on making deliveries of materials.
4600.06 Restrictions on inventories of materials.
4600.07 Restrictions on importations of materials.
4600.08 Fifteen day inventory of tires and tubes for vehicle manufacturers.
4600.09 [Deleted November 15, 1946].
4600.10 [Deleted November 15, 1946].
4600.11 Scrap S-7 tires.
4600.12 Reports.
4600.13 Applicability of regulations.
4600.14 Appeals.
4600.15 Violations.
4600.16 Communications.
Appendix I—General permitted uses of raw materials and table of permitted products.
Appendix II—Manufacturing regulations (printed separately).

§ 4600.01 *Definitions of certain terms.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, including guayule. Not included in the definitions are reclaimed rubber, scrap rubber, balata, chilte, gutta percha, gutta siak, gutta jelutong or pontianac.

(b) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(c) "Reclaimed rubber" means any vulcanized material derived from the processing or treatment of scrap rubber, but excluding reclaimed residue or "mud". Reclaimed residue or "mud" means dried or recovered sludge consisting of a mixture of partially hydrolyzed cellulose, finely divided rubber and other waste products of the digester process of reclaiming rubber.

(d) "Scrap rubber" means any finished or semi-finished product or part thereof made in part or in whole from natural rubber or natural rubber latex which through wear, deterioration or obsolescence, cannot be used in the processing of any product for which the use of natural rubber or natural rubber latex is permitted in Table B of Appendix I hereof. Not included in the definition of scrap rubber is any vulcanized or unvulcanized material with a specific gravity of 1.15 or less which results from or is incident to the handling or the processing of natural rubber or natural rubber latex in the manufacture or the repair of any product and which may be used for a purpose for which originally designed, or which may be used for any product for which the use of natural rubber or natural rubber latex is permitted in Table B of Appendix I hereof. Also not included in the definition is any finished or semi-finished product or material containing natural rubber or natural rubber latex which may be used for a purpose for which originally designed, or which may be used for any product for which the use of natural rubber or natural rubber latex is permitted in Table B of Appendix I hereof.

(e) "Synthetic rubber" means Neoprene (all types including latex), Butyl (GR-I), all grades; all Butadiene polymer and copolymer types including latex, including but not limited to GR-S types, such as Hycar OS and Styraloy; and all Butadiene-Acrylonitrile types, such as Hycar, Perbunan, Chemigum, Butaprene, Thiokol RD and GR-A.

(f) "Butyl" means all types of Butyl (GR-I) except butyl plant clean-up material.

(g) "Chlorinated natural rubber" means the reaction product of chlorine and natural rubber.

(h) "Consume" means to compound, expend, formulate, or in any manner make any substantial change in the form, shape or chemical composition of natural rubber, natural rubber latex, synthetic rubber, or reclaimed rubber.

(i) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

§ 4600.02 *Authorization required to accept delivery of certain raw materials.* (a) No person shall accept delivery of any of the following raw materials:

Natural rubber (excluding natural rubber latex).
Butyl.
GR-S.

until he has received an authorization to do so from the Civilian Production Administration on Form CPA-4488. Applications for an authorization to accept delivery of any or all of these materials shall be made on Form CPA-4488, pursuant to instructions accompanying that Form, not later than the first day of the month next preceding the calendar quarter for which the authorization is required. The authorizations to accept delivery on Form CPA-4488 will be mailed by the Civilian Production Administration only to applicants who previously have applied on Form CPA-4488. This authorization form will be mailed on or before the 20th day of the month next preceding the calendar quarter for which the delivery is authorized.

(b) *Pale crepe.* Only manufacturers of the products specified in Table B of Appendix I for which the use of pale crepe is specifically permitted, will be authorized by the Civilian Production Administration to accept delivery of that material.

(c) *Basis for authorization to accept delivery of natural rubber (excluding natural rubber latex), Butyl and GR-S.* In determining the amounts of natural rubber (excluding natural rubber latex), Butyl and GR-S to be authorized for acceptance of delivery by an applicant in any calendar quarter, the Civilian Production Administration will take into consideration the consumption and inventories of those materials reported monthly on Form CPA-3410 and quarterly on Form CPA-4488, information furnished by the applicant as to past production and estimated future production of rubber products, as well as the proportional requirements for such materials in the production of rubber products, required by Appendices I and II hereof. It will be the policy of CPA to distribute equitably the supply of these materials among all consumers so that the quantities authorized for delivery will be sufficient for industry to maintain its production schedules, within the limitations of the available supplies of these materials. The CPA will determine the end use of any grade of natural rubber consistent with technical requirements and available supplies.

§ 4600.03 *Restrictions on consumption.* No person shall consume natural rubber or Butyl except in the manufacture of permitted products listed in Appendix I hereof and in accordance with the applicable special restrictions or provisions in Appendix I and the manufacturing regulations in Appendix II. These materials may be consumed for experimental use without authorization to the extent permitted in Table A of Appendix I.

§ 4600.03a *Authorization required to accept delivery of and to consume natural rubber latex.* No person other than the Office of Rubber Reserve shall accept delivery of or consume natural rubber latex until he has received an authorization to do so from the Civilian Production Administration on Form CPA-4562. Applications for an authorization to accept delivery of and to consume natural rubber latex shall be made on Form CPA-4562 pursuant to instructions accompanying that form, not later than the first day of the month next preceding the calendar quarter in which the authorization is required. The authorizations to accept delivery of and to consume on Form CPA-4562 will be made by the CPA only to those persons who have previously filed applications on Form CPA-4562. These authorizations will be mailed on or before the 20th day of the month next preceding the calendar quarter for which the delivery is authorized.

(a) Only those manufacturers of the products specified in Table B, Appendix I and in List 8 of Appendix II for which the use of natural rubber latex is specifically permitted will be authorized to accept delivery of this material and to consume this material. Where the application shows natural rubber latex is to be used for prophylactics, animal curled hair and foamed latex products, the authorization to consume will be made in the proportion that the supply available for such products bears to the total requirements.

§ 4600.04 *Purchase requests for natural rubber, natural rubber latex, Butyl and GR-S (all types).* Natural rubber, natural rubber latex, Butyl and GR-S (all types) are sold by the Office of Rubber Reserve, RFC. Persons wishing to purchase any of these materials from the Office of Rubber Reserve shall first file their requests for natural rubber, Butyl or GR-S on Form CPA-4488 and for natural rubber latex on Form CPA-4562, with the Rubber Division, CPA, in accordance with instructions accompanying the Forms.

(a) *Issuance by Office of Rubber Reserve of purchase permits.* On the basis of such requests, the Civilian Production Administration will recommend to the Office of Rubber Reserve that a purchase permit be issued to the applicant for an amount determined by CPA from the applicant's inventory and the amount authorized for delivery on Form CPA-4488 or Form CPA-4562. The Office of Rubber Reserve will issue purchase permits directly to the applicant.

§ 4600.05 *Restrictions on making deliveries of raw materials.* No person (other than the Office of Rubber Reserve) shall deliver to any person (other than the Office of Rubber Reserve) any natural rubber, natural rubber latex, Butyl or GR-S except as specifically authorized by the Civilian Production Administration. Any person (other than the Office of Rubber Reserve) wishing to make delivery to any person (other than the Office of Rubber Reserve) of any of these raw materials shall apply by letter to the Rubber Division, Civilian Production Administration, stating the type of material, the quantity and the name of the person to whom it will be delivered. The Civilian Production Administration may issue an authorization for the delivery, taking into account the consumption capacity of the person to whom the delivery is to be made, his actual consumption as reported on Form CPA-3410 and the products for which the material is to be used. Nothing contained in this section shall be deemed to prohibit:

(a) Delivery of natural rubber, natural rubber latex, synthetic rubber of any type or reclaimed rubber from one location to another location controlled by the same person where no change of ownership takes place, or by any corporation to another corporation which is its subsidiary or of which it is a subsidiary within the continental limits of the United States.

(b) Delivery of natural rubber, natural rubber latex, Butyl or GR-S to any person for the purpose of milling, washing, deresinating, drying, compounding or conditioning the same, or for processing or manufacturing products therefrom, and thereafter returning the same or the products thereof to the person making the delivery.

§ 4600.06 *Restrictions on inventories of materials.* No person other than the Office of Rubber Reserve, shall accept delivery of any of the following materials, if his inventory is or will by virtue of such acceptance become in excess of the amount reasonably necessary to meet his requirements for the period designated below:

	Maximum Days
Natural rubber or natural rubber latex	60
Any type of synthetic rubber (including their latices)	45
Reclaimed rubber	30

If any holder has an excess inventory, he may ask for the assistance of the Rubber Division, Civilian Production Administration, in its disposal.

A person engaged in the business of manufacturing synthetic rubber or of reclaiming rubber may, however, maintain such inventories of synthetic or reclaimed rubber of his own manufactured grades as he deems advisable. These exceptions may be made notwithstanding the provisions of this § 4600.06, or of Priorities Regulation No. 32, as amended.

§ 4600.07 *Restrictions on importation of materials.* For the purpose of this section, "import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It does not include shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States for trans-shipment to any foreign country.

No person shall import any natural rubber, natural rubber latex, or any finished or semi-finished product of which 10% or more by weight is composed of natural rubber or natural rubber latex, except as permitted under this section. The term "10% or more by weight" shall mean the weight of the rubber hydrocarbon content of the finished or semi-finished product.

The restrictions of this section shall not apply to any of the following:

(a) Any importation by the Office of Rubber Reserve or Rubber Development Corporation, or any agent acting for either of them.

(b) The importation by the United States Army or Navy of any finished product made of natural rubber, natural rubber latex or butyl.

(c) The importation of tires for recapping, retreading or repair, provided the tires are thereafter exported to the owners in the foreign country from which the products were imported.

(d) The importation of any finished product made of natural rubber or natural rubber latex by diplomatic representatives of any foreign government for their personal use or the use of members of their staffs.

(e) The importation of any finished product made of natural rubber or natural rubber latex by commercial representatives of any foreign government for use in their official business.

(f) The importation for testing purposes of camelback, or of tires or tubes or sections thereof by any manufacturer of camelback, tires or tubes.

(g) The importation of any scrap rubber.

(h) The importation by any person during any calendar month of products or materials (except tires, tire casings and tire tubes) which contain an aggregate of not more than twenty-five pounds of natural rubber or natural rubber latex provided such products or materials are not imported for the purpose of manufacturing, processing, sale or resale.

(i) The importation by any person of any finished or semi-finished product manufactured in accordance with the provisions of Rubber Order R-1 and in respect to which the importer shall furnish to the Collector of Customs at the port of entry a certificate substantially as follows:

> The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Section 35 (A) of the United States Criminal Code, that the products covered by the invoice to which this certificate is attached, as noted therein, are being imported into the United States in accordance with the provisions of § 4600.07 of Civilian Production Administration Rubber Order R-1. The undersigned further certifies that the products covered by the invoice to which this certificate is attached were manufactured in accordance with the special restrictions or provisions in Appendix I and the manufacturing regulations contained in Appendix II of R-1.
>
> ---------- ----------
> Date. Signature.

§ 4600.08 *Fifteen (15) day inventory of tires and tubes for vehicle manufacturers.* No manufacturer of automobiles, trucks, tractors, trailers, farm machinery or other rubber-borne vehicles or equipment shall take delivery of any tires or tubes from a manufacturer of such

products which will increase his inventory above that required for his scheduled production of vehicles or equipment during the 15-day period following any such delivery.

In the event of a decrease in the number of tires and tubes actually required, due to work stoppage in the vehicle manufacturer's plant or for any other cause, the vehicle manufacturer shall immediately notify his supplier of the reduction in the requirement and the scheduled deliveries must be revised accordingly.

§ 4600.09 [Deleted November 15, 1946].

§ 4600.10 [Deleted November 15, 1946].

§ 4600.11 *Scrap S–7 tires.* No person engaged in the business of selling or otherwise disposing of used or scrap tires, shall sell or otherwise dispose of any such tires of S–7 construction or higher quality, except for use in the manufacture of reclaimed rubber.

§ 4600.12 *Reports.* (a) The following persons shall file with the Civilian Production Administration a report on stocks, receipts, consumption and shipments on Form CPA–3410 in accordance with the instructions accompanying the Form.

(1) Each person who, during the next preceding month, consumed or owned any natural rubber, natural rubber latex or Butyl.

(2) Each person who during the preceding month consumed or owned the rubbers listed below, in excess of the following minimums:

	Consumption	Stocks
	Pounds	*Pounds*
Reclaimed rubber	10,000	10,000
GR-S (all types, including GR-S latex)	15,000	15,000
Neoprene	5,000	10,000
Butadiene-Acrylonitrile types	5,000	10,000

This paragraph shall not apply to persons who perform the operations listed in § 4600.05 (b) of this order except that producers of reclaimed rubber shall report their entire production regardless of the material consumed.

(b) Each manufacturer of tires and tubes or camelback, shall file a report on his production, shipments and inventory for each calendar month on Form CPA–3438 with the Civilian Production Administration, in accordance with the instructions accompanying the form, unless otherwise directed.

(c) Such other reports as may be required, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 4600.13 *Applicability of regulations.* Except as otherwise provided, this order and all transactions affected thereby are subject to all applicable provisions of Civilian Production Administration regulations as amended from time to time.

§ 4600.14 *Appeals.* Appeals from any provision of this order shall be made by filing Form CPA–2242 in accordance with the instructions appearing on the form.

§ 4600.15 *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

§ 4600.16 *Communications.* All reports required to be filed under this order, and all communications concerning this order, shall, unless otherwise directed be addressed to: Civilian Production Administration, Washington 25, D. C., Ref. Order R–1.

NOTE.—The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TABLE A—GENERAL PERMITTED USES OF RAW MATERIALS

Type of material	General permitted uses of raw materials subject to applicable end product restrictions	Monthly consumption for experimental use without specific authorization
Natural rubber	In the manufacture only of products listed in Table B below for which natural rubber is specifically permitted, subject to any applicable manufacturing regulations or restrictions, but only in the amount authorized on Form CPA–4488.	25 pounds.
Natural rubber latex	In the manufacture only of products specifically designated in Table B below, subject to any applicable manufacturing regulations or restrictions, but only in the amount authorized on Form CPA–4562.	None.
Butyl	In the manufacture only of products listed in Table B below for which Butyl is specifically permitted, subject to any applicable manufacturing regulations or restrictions, but only in the amount authorized on Form CPA–4488.	200 pounds.

Experimentation need not be confined to permitted uses. Materials in the amounts indicated may be diverted for experimentation from inventory or from purchase for manufacturing operations. If the manufacturer does not have an inventory of natural rubber, application for permission to purchase should be made on Form CPA–4488. Such applications must definitely state that the natural rubber or Butyl is to be used for experimentation and name the end product on which the experiment is to be made. To purchase Butyl for experimental purposes, make application by letter to Sales Division, Office of Rubber Reserve, Reconstruction Finance Corporation, Washington 25, D. C.

For permission to consume materials for experimental use, in excess of the amounts authorized, file an appeal Form CPA–2242, in accordance with § 4600.14 of this order.

TABLE B—PERMITTED PRODUCTS

For general permitted uses of raw materials in the manufacture of products, see Table A above. Quarterly consumption of natural rubber, natural rubber latex or Butyl, will be permitted on the basis of uses shown in this Appendix, but only to the extent that material is available.

Explanation of the third, fourth and fifth columns in Table B, and the symbols used:

The third column shows to what extent natural rubber authorized on Form CPA–4488 may be used in the manufacture of particular products. The fourth column shows to what extent natural rubber latex authorized on Form CPA–4562 may be used in the manufacture of particular products. The fifth column shows to what extent Butyl authorized on Form CPA–4488 may be used in the manufacture of particular products.

The natural rubber, natural rubber latex or Butyl column is left blank when applicable regulations in Appendix II or special restrictions in the last column of Appendix I limit the use of these materials.

"O" indicates that the use of the material is prohibited, subject to any special restrictions or provisions applicable to the particular products.

"X" indicates that the material may be consumed in the minimum quantities required by a manufacturer who has received authorization to accept delivery on Form CPA–4488 subject to any special restrictions or provisions applicable to the particular product.

Percentage figures indicate maximum percent to total volume of compound, unless otherwise specified.

The rubber hydrocarbon (designated RHC in this Table) is the sum total of natural rubber, synthetic rubber and the rubber hydrocarbon value of reclaimed rubber. The rubber hydrocarbon value of reclaimed rubber shall be calculated from the rubber value of reclaimed rubber as certified by the manufacturer of the reclaimed rubber and shall be determined by the "difference or indirect" method.

TABLE B—PERMITTED PRODUCTS—Continued

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Butyl	(6) Special restrictions or provisions
10B	Cement hose:		0	X	
	Cement and material hose dry and ice	X	0	X	
	Cement hose	X	0	X	
	Cement handling, including grouting	X	0	X	
	Concrete placing	X	0	X	
10C	Diverter valve liner	10	0	X	Pale crepe types other than Thiokol or thin permitted.
10D	Dredging hose and tubing:		0	X	
10E	Miscellaneous hose and tubing:		0	X	
	Acid conducting and acid suction hose	X	0	X	
	Alcohol, food and beverage handling hose	X	0	X	
	Ammonia hose	X	25	X	
	Arbor pipe forming hose		10		
	CO_2 fire extinguisher hose		25		
	Fire hose, cotton rubber lined	X		X	Aeronautical only.
	Natural gasoline hose	X		X	
	Oxygen (welding) hose	X		X	
	Phosphate flexible hose	X		X	
	Rotary drilling hose	X		X	
	Steel head hose	X		X	
	Suction, inlet, fluid line	X	20	X	Thiokol tube hose only.
	Tubing	X		X	For durometer hardness 45 or less only.
10F	Miscellaneous related products:		0	X	
	Expansion joints normally used in rigid lines to absorb thrust or excessive motion or to isolate vibration and/or noise).	X		X	Tube $\frac{1}{8}$" maximum on size $\frac{5}{16}$" I. D. and under; $\frac{3}{16}$" maximum on size over $\frac{5}{16}$" I. D. Cover $\frac{1}{16}$" maximum all sizes. Corrugated and abrasive only.
	Flanged flexible pipe	X	0	X	
	Pinch valve	X	0	O	
10G	Railroad hose:		25	X	
	Steam, air and hot water hose (except tender tank hose).	X	0	X	
	Steam hose				
10H	Steam hose	X	0	X	
10I	Suction hose:				
	Dredging sleeves	X	25	X	
	Fire engine suction hose soft			X	
	Rotary sludge pump suction hose	X		X	
	Sand suction hose	X		X	
10J	Vacuum brake hose and exhaust hose	X		X	
11	Packing and gaskets:				
11A	Packing without fabric or high percentage of fiber:				
	Packing with high fiber content:		0	X	5 percent natural rubber by volume permitted in Thiokol "A" compounds.
	Gaskets, including sheet (generally known as compressed asbestos sheet) from which gaskets are cut.	X	0	X	
	Sheet packing including cut, extruded or molded strips, gaskets, packing rings or nonfabric diaphragms over 45 durometer.		0		
	Sheet packing including cut, extruded, or molded strips, gaskets, packing rings or nonfabric diaphragms 45 durometer or under.	X	0	X	
11B	Packing with high fiber content:		5	X	Natural rubber by weight.
	Gaskets, including sheet (generally known as compressed asbestos sheet) from which gaskets are cut.		5	X	
	Rod packing (generally known as rubber bonded plastic packing).		5	X	Natural rubber by weight excluding cotton or wire.
11C	Packing with fabric insertion (not generally known as rubber bonded plastic packing):				
	Gaskets (generally known as cut sheet) from which gaskets may be cut.		10	X	
	Piston packing				
	Diaphragm sheet, including cut diaphragms		20	X	
	Valve seat inserts		0	X	
	Orifices for hydraulic presses (fabric or nonfabric).		0	X	
	Roll packing		10	X	
9	Conveyor and elevator belting:				
9A	Conveyor and elevator belting and pulley lagging therefor.	35	0	X	For operating temperature 200° F. and over.
	Hot material belts	X	0	X	
9B	Miscellaneous belting and related products:				
	Belt splicing and repair material	X	0	X	
	Conveyor belting for cardboard rubber	35	0	X	
	Cover, machine aprons	35	0	X	
	Connector belts	35	0	X	
	Escalator handrails		0	X	
	Hauler belts	X	50	X	
	Hose lacing belts	35	0	X	
	Paper machine aprons	X	0	X	
	Postal meter and letter opener feed belts	35	0	X	
	Rubber scrapers for conveyor belts	35	0	X	
	Screen diaphragms for paper making equipment.		0	X	
	Special molded conveyor belts	X	0	X	
	Street sweeper belts	35	0	X	
9C	Transmission belting:				
	Flat transmission belting		0	X	Natural rubber 0 lb. per ply permitted. Cover of seaming strip is of fabric.
9D	Round transmission belting	35	0	X	Natural rubber 1.0-1.5 (3) percent maximum of total volume of belt.
	V-belts	X		X	
10	Hose and tubing:		0		When ingested needles are built on end of hose. The restrictions for the fuel-cell type shall prevail.
10A	Automotive and aircraft hose:				

TABLE B—PERMITTED PRODUCTS—Continued

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Butyl	(6) Special restrictions or provisions
11D	Packing with fabric insertion made by folding or rolling:				
	Cotton fabric:				
	Frictioned	10	0	X	
	Spread	1	0	X	Natural rubber percent of weight of fabric.
	Asbestos fabric	X	0	X	
11E	Miscellaneous packing	0	0	X	
11F	Valve and valve parts	----------	0	X	5 percent natural rubber permitted in Thiokol "A" compound.
	Dry pipe valves	X	0	X	For sprinkler systems.
	Pump valves	X	0	X	For hot water and vacuum feed lines only.
	Soft rubber valves	X	0	X	45 durometer or under only.
	Steam valves	X	0	X	
	Valve seats for compressed gases	X	0	X	
11G	Sealing compounds:				
	Food closures (molded, extruded or lathe cut).	----------	0	X	15 percent natural rubber permitted (by weight). Pale crepe types other than thin permitted.
	Food closures (flowed-in type for glass containers) for home canning.	X	26	X	Pale crepe types other than thin permitted.
	Food closures (flowed-in type for glass containers) for commercial packing.	X	30	X	Do.
	All other closures	0	0	X	
11H	Miscellaneous:				
	Packing gaskets and washers not elsewhere listed.	0	0	X	
	Air brake gaskets	X	0	X	
	Heater gaskets	X	0	X	For sealing vulcanizer doors.
12	Mechanicals listed in this Code 12.				
12A	Aircraft equipment:				
	Airplane de-icer parts (except propeller hose)	X	0	0	
	All items with a durometer of 45 or less	X	0	X	
	Brake expander tubing	X	0	X	
	Engine and instrument mountings	X	0	X	
12B	Automotive and railroad equipment and suspension parts for track laying vehicles:				
	Automobile engine, transmission, and propeller center bearing mountings.	X	0	X	
	Axle bumpers	10	0	X	
	Brake boots and clutch boots	X	0	X	
	Brake linings, brake blocks and clutch facings.	30	0	X	
	Bumpers for independent suspension mechanisms.	X	0	X	
	Contoured automotive floor mats	10	0	0	
	Fender stone guards	25	0	X	Designs applied to outer surface of fender and held in place by rubber buttons integral with the part.
	Hydraulic brake cups	X	0	X	Pale crepe types other than thick or thin permitted.
	Molded or extruded glass and cowl weather strip.	40	0	X	50 durometer or under only.
	Pedal pads	10	0	X	
	Pitman arm bushings	X	0	X	
	Radius rod pivot balls	X	0	X	
	Shock and instrument mounts	X	0	X	
	Sealed beam gaskets	X	0	X	
	Shock absorber bushings	X	0	X	
	Suspension shackle bushings	X	0	X	
	Tail pipe bushings	X	0	X	
	Torque arm bushings	X	0	X	
	Torsional vibration dampers	X	0	X	
	Vibration insulators and absorbers	X	0	X	
	Windshield wiper blades	X	0	X	

TABLE B—PERMITTED PRODUCTS—Continued

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Butyl	(6) Special restrictions or provisions
12C	Electrical products equipment:				
	Lineman's protective devices including only:				
	Blankets	X	0	X	
	Base attachment plugs	40	0	X	Not including cord protectors.
	Cable bandage	X	0	X	
	Cable and test caps and separators	X	0	X	
	Insulator hoods	X	0	X	
	Line hose and protective straps	X	0	X	
	Lineman's sleeves	X	0	X	
12D	Hard rubber products:				
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measures, pails, racks and trays.	30	0	0	For chemical resistance purposes only.
	Bleaching rods	X	0	0	
	Blown work	X	0	0	
	Bowling balls	25	0	0	
	Combs	25	0	0	
	Component hard rubber parts of machinery for manufacture and handling of rayon, explosive and corrosive chemicals.	50	0	0	
	Dye sticks	X	0	0	
	Filter media	X	X	0	
	Insulated tools	20	0	0	Handles for tools for mechanical, industrial, or electrical use excluding cutlery handles.
	Jack strips	30	0	0	
	Latex covering (hard rubber) for agitators, buckets, concave rollers, dippers, drums, fans, frames, fume ducts, funnels, measurers, pumps and fittings, racks, screens, trays, valves and valve parts only.	X	X	0	
	Microporous separators	X	X	0	
	Mine lamp cases	50	0	0	
	Molded thin wall containers	30	0	0	
	Mouth pieces for musical instruments	X	0	0	
	Pipe (commercial)	30	0	0	
	Pipe bits	15	0	0	
	Plating barrels and parts	30	0	0	
	Potentiometer cards	X	0	0	
	Refrigerator parts	30	0	0	
	Rods up to 0.040" diameter	X	0	0	
	Rods 0.040" diameter to ½" diameter inclusive	50	0	0	
	Rods over ½" diameter	30	0	0	
	Serving trays	25	0	0	
	Sheets ⅛" or less in thickness	X	0	0	
	Sheets thickness over ⅛" to ¼" inclusive	50	0	0	
	Sheets thickness ¼" or more	30	0	0	
	Submarine battery jars	43	0	0	
	Storage batteries, heavy duty cases over 15 lbs. in weight.	50	0	0	
	Storage batteries (hand wrapped cases only)	30	0	0	
	Telephone commutator inserts	50	0	0	
	Tubing (wall thickness less than 3/32")	X	0	0	
	Tubing (wall thickness over 3/32" to ⅛", inclusive).	50	0	0	
	Tubing (wall thickness over ⅛")	30	0	0	
	Tubular retainers	60	0	0	
	Water meter parts	X	0	0	
	X-ray and photographic tanks	30	0	0	
12E	Industrial equipment:				
	Bladders and diaphragms for shoe manufacture.	X	0	X	
	Brake linings, brake blocks and clutch facings.	30	0	X	
	Brake expander tubing	X	0	0	For marine and industrial motors.
	Industrial abrasive implements	----------	0	X	A minimum of 33⅓ percent of the total monthly consumption of natural rubber and synthetic rubber shall be synthetic rubber.

TABLE B—PERMITTED PRODUCTS—Continued

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Butyl	(6) Special restrictions or provisions
12F	Molds	40	0	0	
	Parts for machinery for manufacture of incandescent and fluorescent lamps, electronic tubes and vacuum bottles.	X	0	X	Flexible connections for vacuum and exhaust equipment only.
	Press die pads	X	0	0	For the manufacture of forming pads to shape metals.
	Sand blast curtains	X	0	X	
12F	Miscellaneous mechanical goods:				
	Casters and molded wheels	5	0	0	
	Cherry pitters	X	0	X	
	Cutting rubbers	X	0	X	
	Deep freeze throat collars	X	0	X	Pale crepe types other than thin permitted.
	Billiard and pool table cushions	X	0	X	
	Brush setting compounds	X	0	X	
	Budding strips	X	0	0	
	Dam and lock gate seals	X	0	0	
	Filter media	X	X	0	
	Flexible couplings (molded)	X	0	X	
	Gas main bags	X	0	X	
	Hat forming bags and parts	X	0	X	
	Industrial balls	X	0	X	For vibration screens and ball mills.
	Inflations and cup caps for milking machines	X	0	X	
	Insulation tubing	X	0	X	Extruded compounds having a high bonding of cork.
	Labels	X	----------	0	Latex residue only permitted.
	Launder linings	X	0	X	For use in handling wet slurry.
	Molded annular tires	10	0	0	
	Molded diaphragms	X	0	X	
	Molding or forming bags and pads	X	0	X	For plywood, safety glass and plastic forming.
	Mucilage spreaders	35	0	X	Molded tips for dispensing from bottles only.
	Poultry picker fingers	55	0	X	
	Pressure sensitive vehicle signal controls	50	0	X	
	Parts for microphones and phonograph pickups.	X	0	0	
	Parts for rayon manufacturing machinery	X	0	X	
	Punch press bumpers	X	0	X	
	Pipe coupling rings designed for couplings, mechanical joints and bell joints, clamps, rings, bands, plugs, gaskets, etc., for air, gas, gasoline, water and oil pipelines.	X	0	X	
	Refrigerator door gaskets and terminal seals	X	0	X	Pale crepe types other than thin permitted.
	Sand blast stencil sheet	25	0	X	
	Seals for electrolytic condensers	X	0	0	
	Shock and instrument mounts	X	0	X	
	Street car wheel sandwich rings and springs	X	0	0	
	Treadles and door shoes for subways, trolleys, and buses.	10	0	X	
	Underground cable connectors	70	0	X	For use as cable splice protectors.
	Vacuum sweeper belts	X	0	0	
	Vibration dampers (industrial mounts)	X	0	X	
	X-ray sheets	X	0	X	
12G	Oil well supplies: Parts for drilling, testing, cementing and pumping oil wells, not elsewhere listed.		0	X	A minimum of 33⅓ percent of the total monthly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
12H	Plumbing supplies: Tank balls designed for flush valves.	----------		X	Do.
12I	Printing rubber products:				
	All printing rubber products		0	X	Do.
	Rubber solution for wet-pull latex negatives	X	0	0	
12J	Rolls and rollers:				
	Paper mill rolls	X	0	X	
	Rubber covered industrial rolls and roll coverings.	30	0	X	

TABLE B—PERMITTED PRODUCTS—Continued

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Butyl	(6) Special restrictions or provisions
12J	Textile rolls	X	0	X	
	Business machine rolls	X	0	X	For machines duplicating from master and cash register rolls only.
	Power rolls	X	0	X	For use on electromatic typewriters only.
	Wringer rolls	30	0	X	For household washing machines.
12K	Rubber protected or lined equipment—Rubber lining (hard or soft) for:				
	Drums and tanks	X	X	X	
	Pipes and fittings	X	X	X	
	Rubber protected industrial equipment for handling corrosive materials and explosives.	X	X	X	
	Rubber coverings for agitators, blowers, exhausters, pumps, pump lining valves and valve parts.	X	X	X	
	Rubber linings for centrifugal pumps designed to handle ore concentrates; sand and other highly abrasive materials in suspension; and slurry.	X	X	X	
	Tank cars and barge tanks (Spec. ICC-103BW, 103B and AAR-200).	X	0	X	
12L	Textile machinery parts:				
	Card clothing	X	0	X	
	Loop pickers, all types	50	0	X	
	Loom harness and strapping	35	0	X	
13	Wire and cable:				
13A	Insulation compounds:				
	Compounds for 15/64 wall insulation (18 mils or less except for building wire).	98	98	X	
	Compounds for insulation (3/64" or less) except for building wire Type R.	70	0	X	
	Insulation compounds for Type R building wire.	30	0	X	
	Insulation compounds for nonleaded cable for use in wet locations.	70	0	X	Continuously damp or immersed only.
	Insulation compounds for heat-resisting insulation.	70	0	X	For operation at conductor temperatures higher than 60° C.
	Insulation compounds for ignition cable	30	0	X	
	Insulation compounds for cable insulation for operation above 2,000 volts except ignition cable.	70	0	X	
13B	Insulation material: Compounds for patching and splicing.	70	0	X	
13C	Tapes:				
	Compounds for rubber insulating tape for:				
	D. R. Tape	X	0	X	
	Operating voltages in excess of 3,000 volts	70	0	X	
	Cables to be used in wet locations	70	0	X	
	Friction tape	----------	0	X	2.5 lbs. natural rubber permitted for 100 sq. yards tape.
	Operations at conducting temperatures of 50° C. or higher.	70	0	X	
	Repair and splicing purposes in the manufacture of wire and cable.	70	0	X	
	Splicing compound (E-HHL-T-111A)	----------	0	X	7 lbs. natural rubber permitted for 27,000 sq. in.
	Skim tape for protective sheath	----------	0	X	0.2 lbs. natural rubber per square yard.
13D	Jacket compounds:				
	Compounds for colored portable jackets 1" or less in diameter.	55	0	X	
14	Rubber footwear	----------	0	X	A minimum of 33⅓ percent of the total monthly consumption of natural rubber and synthetic rubber shall be synthetic rubber. No type of rubber footwear shall contain more than 98 percent natural rubber.

TABLE B—PERMITTED PRODUCTS—Continued

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Butyl	(6) Special restrictions or provisions
15	Heels and soles:				
15A	Cushions for the following:				
	Molded No-Mark heels, inner shoe cushions and pads.	50	0	X	All types pale crepe permitted.
	Molded No-Mark soft utility soles and soling sheet.	40	0	X	Pale crepe types other than thin permitted.
	Composition (hard) molded No-Mark soles, soling sheet, half soles, molded toplifts and toplift sheets.	30	0	X	All types pale crepe permitted.
	Molded corded soles, corded sheets and cut cork soles.	50	0	X	Pale crepe types other than thin permitted.
	All other sole and heel items including black.	10	0	X	A minimum of 33⅓ percent of the total monthly consumption of natural rubber and synthetic rubber shall be synthetic rubber. Pale crepe types other than thick or thin permitted.
16	Cements:				
16A	Cements for all purposes not elsewhere listed.		0	X	A minimum of 33⅓ percent of the total monthly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
16B	Miscellaneous uses: In the manufacture of any product listed in Code 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18A, and 22A, for adhesion, splicing and repair purposes only.	X	0	X	All types pale crepe permitted.
17	Proofed or coated fabrics:				
17A	Compounds for the following:				
	Airplane coats, spread on fabric intended directly for application to airplane surface or material to be subsequently calendered or spread.	X	0	X	For crutches only.
	Baby carriage topping		0	X	All types pale crepe permitted.
	Bathinette material	X	0	X	Pale crepe types other than thin permitted.
	Bicycle saddle topping	X	0	X	
	Heating pad covering waterproof, underwriter approved.	X	0	X	
	Hospital sheeting	X	0	X	All types pale crepe permitted.
	Life saving equipment and airborne life rafts.	X	0	X	Do.
	Photographic bellows and shutter material	X	0	X	Natural rubber not exceeding 50 percent RHC by weight permitted.
17B	Compounds for seaming tapes: For seaming all types of clothing	X	0	X	
17C	Compounds for proofing or coating for any purpose not elsewhere listed	0	0	X	Medical, surgical, dental, veterinary and mortuary types only. Pale crepe types other than thin permitted.
18	Drug sundries, medical, surgical and dental:				
18A	Adhesive products:				
	Moleskin and medicated plasters	X	0	X	Pale crepe types other than thick or thin permitted.
	Pressure sensitive foot products	X	0	X	Do.
	Surgical tape and cohesive bandage	X	50	X	Pale crepe types other than thin permitted.
18B	Bulbs:				
	Medical bulbs	X	0	X	Pale crepe types other than thick or thin permitted.
	All other bulbs	X	0	X	Do.
	Meldene droppers	X	0	X	Pale crepe types other than thin permitted.
18C	Dental products:				
	Dental dam	X	0	X	Professional use only.
	Dental polishing tips	X	0	X	Pale crepe types other than thin permitted.
	Denture rubber	X	0	X	
	Orthodontia bands		0	X	Pale crepe types other than thick or thin permitted.
18D	Flat goods:				
	Cloth inserted and handmade flat goods	60	0	X	Do.
	Fountain syringe bags	35	0	X	Do.
	Ice bags	35	0	X	Do.
	Invalid cushions	35	0	X	Do.
	Operating cushions	35	0	X	Do.
	Water bottles and combination syringes	35	0	X	Do.
18E	Gloves and cots:				
	Finger cots	X	0	0	Do.
	Gloves:				
	Physicians'	X	X	0	Do.
	Industrial gloves, handmade, netlined only.	X	0	X	Do.
	Surgeons' and mortuary	X	X	0	Professional use only.
18F	Infant goods:				
	Breast shields, nursing		0	X	All types pale crepe permitted.
	Feeding bottle caps and covers		0	X	Pale crepe types other than thin permitted.
	Small feeding nipples (including animal)	X	X	X	All types pale crepe permitted.
	Large feeding nipples (including animal)	X	X	X	Pale crepe types other than thin permitted.
18G	Miscellaneous sundries:				
	Bathing caps		0	X	A minimum of 33⅓ percent of the total monthly consumption of natural rubber and synthetic rubber shall be synthetic rubber. Pale crepe types other than thick or thin permitted.
	Blood pressure bags	X	X	X	All types pale crepe permitted.
	Blood pressure bag tubing	X	X	X	
	Catheters and glass blown tubes	X	X	X	
	Colostomy outfits (molded, dipped and hand-made).		0	X	For catheters only.
	Crutch tips	X	0	X	All types pale crepe permitted.
	Crutch tips (reinforced with metal or cloth)	X	0	X	
	Dilators	X	0	X	
	Ear plugs		0	X	Pale crepe types other than thin permitted.
	Inhalation bags and face pieces (medical, dental, surgical and veterinary types only).	X	X	X	
	Parts for medical, surgical, dental, veterinary, and mortuary instruments.	X	X	X	All types pale crepe permitted.
	Prosthetic bags	X	X	X	
	Prosthetic devices	X	X	X	Do.
	Orthopedic pads (molded or cut)	X	0	X	Natural rubber not exceeding 50 percent RHC by weight permitted.
	Respirator seal sponge for iron lung	X	X	X	Medical, surgical, dental, veterinary and mortuary types only. Pale crepe types other than thin permitted.
	Rubber bands and cushions designed for artificial limbs	X	0	X	
	Stoppers	X	X	X	
	Tourniquets	X	0	X	Pale crepe types other than thin permitted.
	Truss pads	X	0	X	
	Urinals	X	0	X	
	Vaccine caps	X	X	X	Pale crepe types other than thin permitted.
	Veterinary sleeves	X	X	X	All types pale crepe permitted.
	Pessaries and prophylactics	X	0	X	Pale crepe types other than thin permitted.
18H	Sheet goods: Bandage gum (surgical and medical quality)	X	0	X	Professional use only.
18I	Tubing:				
	Tubing syringe (medical, surgical, dental, veterinary and mortuary).	X	0	X	Pale crepe types other than thick or thin permitted.
	Tubing	X	X	X	Blood plasma, intravenous, multiple lumen, and drainage only. All types pale crepe permitted.
18J	Bullet sealing fuel and oil cells	X	X	X	
	Miscellaneous		0	X	
	Athletic equipment:		0	X	
	Ball centers	X	0	X	
	Ball covers	X	0	X	
	Bladders and valves	X	0	X	
	Football cushions	X	0	X	
	Handballs, squash, LaCrosse and tennis balls	X	0	X	
	Inflatable balls, including beachballs	X	0	X	
	Balloons		0	X	Professional use only.

TABLE B—PERMITTED PRODUCTS—Continued

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Butyl	(6) Special restrictions or provisions
22C	Cushioning and sponge:				
	Curled animal hair	X		0	Natural rubber latex not exceeding 25 percent of average monthly consumption of RHC during year ending March 31, 1941, permitted monthly.
	Latex foam products			0	Natural rubber latex not exceeding 50 percent RHC permitted.
	Sponge for all purposes not elsewhere listed		0	X	A minimum of 33⅓ percent of the total monthly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
22D	Safety respiratory equipment:				
	Breathing apparatus, safety masks and respirators including parts.	X	X	X	Pale crepe types other than thin permitted.
22E	Miscellaneous products:				
	Radio, radar and fire-control instruments	X	0	X	
	Parachute bands and ventilating rings	X	0	0	
	Chlorinated and cyclized rubber for packaging.	X	0	0	Do.
	Chlorinated natural rubber and cyclized rubber for protective coatings, including paints.		0	0	Natural rubber not exceeding 15 percent of the average monthly consumption of RHC during the year ending March 31, 1941, permitted monthly.
	Chlorinated natural rubber for the manufacture of cement for any purpose.		0	0	A minimum of 33⅓ percent of the total monthly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Protective coatings including paints and inks.		0	X	Natural rubber not exceeding 15 percent of the average monthly consumption of RHC during year ending March 31, 1941 permitted monthly.
	Fly paper	5	0	X	
22F	Pressure sensitive tape:				
	High temperature masking tape	X	0	X	
	Noncorrosive electric tape	X	0	X	
	Other pressure sensitive tape		0	X	A minimum of 33⅓ percent of the total monthly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
22G	Stationers supplies:				
	Erasers		0	0	Do.
	Pen sacs	X	X	0	
	Rubber bands		0	0	Do.
22H	Rubber thread		0	0	Do.
22I	Rubber tape and elastic bands for clothing	60	0	X	
22K	Toys:				
	Molded and blown dolls and parts	37	0	X	
	Sculptured bounce toys	35	0	X	

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9246, 7 F. R. 7379, as amended by E. O. 9475, 9 F. R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F. R. 64)

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-22045; Filed, Dec. 31, 1946; 11:19 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Direction 8, as Amended Dec. 31, 1946]

PREFABRICATED HOUSING UNDER THE VEHP

The following amended direction is issued pursuant to Priorities Regulation 33:

No. 1——3

(a) *What this regulation does.* This direction explains the new restrictions on prefabricators' and dealers' (wholesale and retail) sales of prefabricated houses, sections, panels, or packages. The sales restrictions in this direction used to apply only to items produced with priorities assistance under this direction. Restrictions on the sale of items not produced under this direction used to be in Schedule B to PR 33. The present sales restrictions of this direction now apply to all such items (as defined below) regardless of whether or not they were produced with priorities assistance under this direction.

Definitions

(b) *Definitions.* For the purpose of this direction:

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, or panels.

(2) "Prefabricated house" means a house of which at least the exterior walls are formed by the assembly of prefabricated sections or panels as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which is manufactured in a factory, is transported without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof, or truss panel which is manufactured in a factory and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations. Prefabricated panels may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) "Prefabricated package" means the aggregation of prefabricated sections or panels and building materials and equipment shipped, in a lot, by a prefabricator.

(6) The terms "prefabricated panel" and "prefabricated section" do not include: (i) fabricated structural steel such as columns or beams, (ii) millwork as defined in Order L–359, (iii) items of furniture and equipment not to be permanently attached to and made a part of a house, or (iv) building materials cut to size and shape for assembly at the building site (unless shipped by the prefabricator as part of the prefabricated package he supplies).

(7) Any prefabricated house, section, panel, or package containing materials obtained with priorities assistance given, on Forms CPA-4415 or NHA-14-53, under this direction or under HEPR 6 is "produced" or "manufactured" under this direction.

Priorities Assistance for Prefabricators

(c) *Prefabricators' applications for priorities assistance.* After December 24, 1946, no priorities assistance will be given to prefabricators, under this direction (or under HEPR 6), for the manufacture of prefabricated houses, sections, panels, and packages. However, authorizations given before that date remain valid for the periods covered by them.

(d) *Prefabricators' use of priorities assistance.* Prefabricators to whom priorities assistance has been given may use that assistance and material obtained with the assistance, only in accordance with applicable Civilian Production Administration regulations (including Orders L–358 and L–359 and the provisions of paragraph (c) of Schedule A to PR 33). In addition, any conditions and limitations placed under HEPR 6 must be complied with.

Sales Provisions

(e) *Unerected sales.* In selling unerected prefabricated houses, sections, panels, or packages, a prefabricator or a dealer must accept and fill rated orders in preference to unrated orders in accordance with the rules of PR 1. This applies regardless of whether or not the items were produced under this direction.

(f) *Erected sales.* In selling erected prefabricated houses, sections, panels, or packages, a prefabricator or dealer must comply with the rules of PR 33, HEPR 5 or the following Permit Regulation (whichever is applicable). This applies regardless of whether or not the items were produced under this direction.

(g) *Applicability of VHP 1.* Erection of a prefabricated house, section, panel, or package is "construction" under Order VHP 1. Consequently, such construction must be authorized unless any of the exemptions in VHP 1 are applicable. A person wishing to erect, for his own use or for sale, may apply under the Housing Permit Regulation for authorization by the Federal Housing Ad-

ministration (or, in appropriate cases, by the Federal Public Housing Authority).

(h) *Extending customers' HH ratings*—(1) *Extension by prefabricators prohibited.* A prefabricator must not extend an HH rating which he receives from a customer.

(2) *Extension by dealers permitted.* A dealer who receives an HH or HHH rated order from a customer for a prefabricated house, section, panel, or package may extend the rating to get the item for sale to that customer or to replace an item sold out of inventory to that customer on the rated order.

Disposal of Materials

(i) *Disposal of materials.* In accordance with Priorities Regulation 1, materials obtained by a prefabricator with priorities assistance under this direction or HEPR 6 may be used by him only for the purposes for which the assistance was given. If he is unable to use the materials for those purposes, he may use or dispose of them only as follows:

(1) By "special sale" under Priorities Regulation 13; or

(2) By such other use as may be authorized in writing by the National Housing Agency.

Miscellaneous Provisions

(j) *Technical provision.* A reference to Direction 8 to PR 33 in any CPA regulation or order shall, where appropriate, be deemed a reference to HEPR 6 also.

(k) *Communications and appeals.* Communications regarding the provisions of this direction, and appeals from these provisions, should be sent to the National Housing Agency, Washington 25, D. C., Ref: Dir. 8 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

(l) *Violations.* Any person who wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(m) [Deleted Dec. 31, 1946.]

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-22105; Filed, Dec. 31, 1946; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1061]

CHARLES POSTERNACK

Charles Posternack resides at 230 South 45th Street, Philadelphia, Pa., and is the owner of the commercial property located at 814 Walnut Street, Philadelphia, Pa. On or about August 20, 1946, he began alteration construction on his commercial building at 814 Walnut Street, Philadelphia, Pa., at an estimated cost in excess of $1,000 without authorization of the Civilian Production Administration. The carrying on of this construction, without authorization, at an estimated cost in excess of $1,000 after being informed of the restrictions of Veterans' Housing Program Order No. 1 constituted a willful violation of that order. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1061 *Suspension Order No. S-1061.* (a) Neither Charles Posternack, his successors or assigns, nor any other person shall do any further construction on the premises located at 814 Walnut Street, Philadelphia, Pa., including completing, putting up, or the altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration or the Federal Housing Administration.

(b) Charles Posternack shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Charles Posternack from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-22108; Filed, Dec. 31, 1946; 11:21 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Schedule B as Amended Dec. 31, 1946]

HOW DISTRIBUTORS OF BUILDING MATERIALS HANDLE RATINGS

PURPOSE AND SCOPE OF SCHEDULE B

Par.
(a) What this schedule does.

DEFINITIONS

(b) Definitions.

EXTENSION OF RATINGS

(c) What "extension" of ratings means.
(d) HHH and HH ratings are not extendible by manufacturers.
(e) When HHH and HH ratings are extendible.
(f) Special rule for "certified-HH" ratings.

SET-ASIDE PROVISIONS

(g)-(k) [Revoked Dec. 31, 1946.]

"CEILING" PROVISIONS

(l) Purpose of "ceiling".
(m) Operation of "ceiling".
(n) Ceilings for materials for which HHH and HH ratings are not extendible.
(o) Ceilings for materials for which HHH and HH ratings are extendible.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) Minimum percentage for users.
(q) Special rule for nails.
(r) Exclusion of certain quantities in figuring ceilings.
(s) Inclusion of direct shipments in figuring ceilings.

OTHER SPECIAL PROVISIONS

(t) Rated orders must be accepted.
(u) Manufacturer's scheduling for HHH, HH, and CC ratings.
(v) Materials for which manufacturers need not accept any HHH or HH rated orders.
(w) Refusal of outside-area orders.
(x) Applicability of this schedule to AAA rated orders.

RECORDS

(y) Records.

MISCELLANEOUS PROVISIONS

(z) Communications.
(aa) [Revoked Dec. 31, 1946.]

PURPOSES AND SCOPE OF SCHEDULE B

§ 944.54b *Schedule B to Priorities Regulation 33*—(a) *What this schedule does.* This Schedule B explains special rules for the handling of rated orders (AAA; MM; HHH; HH and CC) by people who sell most of the building materials listed in Schedule A to Priorities Regulation 33. (Schedule A lists the building materials for which HH ratings can be used by builders and other authorized persons and tells how they use these ratings.)

This amendment of Schedule B becomes effective as of January 1, 1947. Until that date, the provisions of Schedule B, as amended November 12, 1946, remain effective.

This means that, beginning January 1, 1947, no further set-asides need be made and that items previously set aside become released from the holding requirements. The materials previously listed in the set-aside table remain subject to the ceiling provisions, as amended (see paragraphs (l), (m), (n), and (o) below).

When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

The provisions of this Schedule B apply to HHH ratings since they are to be treated exactly the same as HH ratings except in one respect—the HHH rating has a higher priority than the HH rating. The provisions of this Schedule B apply to "certified-HH" ratings only where specifically mentioned below. This is because there are special rules for certified-HH ratings, as explained in Direction 11 to PR-33.

This schedule does not apply to the "Lumber Materials" group listed on Schedule A because they are covered by other orders (Orders L-358 and L-359).

This Schedule also does not apply to deliveries of any "prefabricated houses, sections, and panels." They are covered by Direction 8 to PR 33.

DEFINITIONS

(b) *Definitions.* For the purposes of this schedule:

(1) "Distributor" means any of the following:

(i) A person (including, but not limited to, wholesalers, jobbers, dealers) who sells to users.

(ii) A retail outlet (including, but not limited to, the following: mail order houses, department stores, hardware stores, appliance stores, appliance sales departments of public utility companies, etc.)

(iii) A manufacturer's factory branch sales offices which sell to users.

(iv) A manufacturer (to the extent that he sells directly to users and not through factory branch sales offices).

(2) "User" means any person who buys for use instead of for resale. This includes, but is not limited to, the following:

(i) A builder, prefabricator, or house trailer manufacturer.

(ii) A person buying from a retail outlet.

(iii) A person buying for a structure, property, or installation owned, occupied, or managed by him.

(iv) A person who installs what he sells (such as a plumbing contractor, wiring contractor, etc.) The performance of such service as the mere connecting of a stove to an existing gas line in a structure does not constitute "installing" for the purpose of this definition.

EXTENSION OF RATINGS

(c) *What "extension" of ratings means.* Some of the new provisions of this schedule involve the matter of "extension" of ratings. This matter is explained in Priorities Regulation 3, but a brief generalized explanation is as follows (this is merely explanatory and its application to particular materials depends on the various provisions in the schedule).

In general, people may place rated orders in one of two ways (the distinction between the two is important):

(1) *By "application."* When a rating is used by a person to whom it was originally issued (or by a person he has authorized to use it), he is "applying" it to his supplier.

(2) *By "extension."* When a person receives a rated order from a customer and passes the rating on to his supplier, he is "extending" the rating. The cases in which HHH and HH ratings may be extended are explained below.

(d) *HHH and HH ratings are not extendible by manufacturers.* HHH and HH ratings are never extendible by manufacturers (as such).

(e) *When HHH and HH ratings are extendible.* In general, distributors and other suppliers may not extend HHH and HH ratings. However, they may extend such ratings for certain materials, subject to certain conditions. In these cases, the ratings may be extended by them to get the material to be delivered on the rated orders involved. The procedure for extending ratings is explained in Priorities Regulation 3.

(1) *Limited extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers except manufacturers (as such):

Nails.
Pipe, steel and wrought iron.
Pipe fittings (cast and malleable).
Pipe nipples, steel and wrought iron.
Sheet, copper.
Sheet, galvanized steel.
Tubing, copper.
Tubing (copper) fittings.

(2) *Complete extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers, including manufacturers (as such):

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural clay.

(f) *Special rule for certified-HH ratings.* "Certified-HH" ratings may be issued, under Direction 11 to PR 33, for the following materials, for use in FPHA projects: building board, cast iron soil pipe, and gypsum board. A "certified-HH" rating is extendible to suppliers, including manufacturers.

SET-ASIDE PROVISIONS

(g)-(k) [Revoked Dec. 31, 1946.]

"CEILING" PROVISIONS

(l) *Purpose of "ceiling."* In general, rated orders must be accepted and filled in accordance with the basic priorities rules of Priorities Regulation 1. One of those rules is that rated orders must be accepted and filled in preference to unrated or lower rated orders. The "ceiling" provisions of this Schedule modify that basic rule by putting a limit on the amount of his supply a person has to use in filling rated orders.

It is not necessary to hold any supply in expectation of receiving rated orders.

(m) *Operation of "ceiling."* A person who is required to fill rated orders for a Schedule A material does not have to use more than his "ceiling" amount to fill such orders. (AAA rated orders are an exception to this rule. While amounts delivered on AAA orders may be charged against the ceiling, a person may not refuse to fill a AAA rated order merely on the ground that it will exceed his ceiling.)

The distributor may set his own unit of measure in figuring the ceiling. Ordinarily, the customary way of billing the material in the industry should be used, such as units on things like stoves, pounds for insulated copper wire, square feet for screen cloth, etc.

The figuring and application of ceilings depend on whether or not HHH and HH ratings are extendible for the particular material involved. The following paragraphs (n) and (o) explain this in more detail.

(n) *Ceilings for materials for which HHH and HH ratings are not extendible.* In the case of materials for which HHH and HH ratings are not extendible, the ceiling applies to the distributor only. The ceiling is 75% of the distributor's deliveries to users during the month.

(o) *Ceilings for materials for which HHH and HH ratings are extendible.* In the case of materials for which HHH and HH ratings are extendible, the figuring and application of ceilings depend on whether or not these ratings are extendible to the manufacturer.

(1) *Percentage ceiling for "complete-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to a manufacturer, the percentage ceiling applies to him. His ceiling is 75% of the total amount scheduled for production during the month. This applies to the materials listed in paragraph (e) (2).

(2) *Percentage ceiling for "limited-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to any supplier except a manufacturer (as such), the percentage ceiling applies to the supplier who gets his supply from the manufacturer (as such). The supplier's ceiling is 75% of the total quantity delivered by him during the month. This applies to the materials listed in paragraph (e) (1).

(3) *General ceiling for other suppliers of "extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible, the ceiling for any distributor or other supplier who extends the rating is generally the amount he gets by extending those ratings. He must redeliver these (or equivalent) amounts on the orders bearing the ratings he extended. Generally, the amounts he gets without extending ratings (i. e., "free supply") need not be used to fill rated orders.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) *Minimum percentage for users.* Where a person normally sells both to users and to persons buying for resale, he must continue to sell to both those classes of customers. The portion he sells to users must be at least as large, percentage-wise, as the portion he has usually sold to that class of customers in the past. He may sell more than that percentage to users and should do so when it will help the Veterans' Emergency Housing Program. While this percentage requirement is an exception from the rules of Priorities Regulation 1, the other rules of that regulation apply to his handling of rated orders from users.

(q) *Special rule for nails.* The former special rule for apportioning sales of

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

nails between users and persons buying for resale is revoked. Instead, the apportioning rule of paragraph (p) now applies to nails,[1] as well as to the other materials in Schedule A to PR 33.

(r) *Exclusion of certain quantities in figuring ceilings.* In the case of materials for which a distributor's ceiling is based on deliveries to users, his ceiling figuring does not have to include amounts delivered to persons who are not users if those deliveries are made in conformity with paragraph (p) above. (This rule does not apply to any materials for which HHH and HH ratings are extendible, as listed in paragraph (e) above.)

For instance, where a manufacturer of sinks makes some deliveries directly to users, those deliveries are subject to this Schedule and he is a "distributor" with respect to them. However, the ceiling provisions of this Schedule do not apply to the rest of his deliveries, if they are not made to users.

Also, where a person delivers to a distributor, the ceiling provisions do not apply to the person making the delivery for those quantities but do apply to the person who receives them. This is an example of the rule. If a distributor delivers 100 sinks during a month, he would normally be required to deliver up to 75 (75% of 100) on rated orders, if received. If, however, he legitimately delivers 40 of the 100 to another distributor, then he need apply the ceiling provisions to 60 sinks only and deliver up to 45 (which is 75% of 60) on rated orders, if received.

However, in these cases he must make a complete record of the transaction and adjust the records which he is required to keep under paragraph (y) accordingly.

(s) *Inclusion of direct shipments in figuring ceilings.* A distributor must include any direct shipments which he arranges to have made by his supplier directly to his customer for his own account. These kinds of shipments count against the distributor's ceiling, and the distributor must handle these shipments just as if the material had actually been delivered from his stock. It is the distributor's job to make arrangements with the manufacturer so that these shipments the manufacturer makes are in accordance with those that the distributor can make under this schedule.

OTHER SPECIAL PROVISIONS

(t) *Rated orders must be accepted.* A person required to accept rated orders under this schedule must not turn down a rated order merely because he does not have the material ordered in stock or because it would exceed his ceiling. He must accept the order, and keep it on hand to fill it as soon as possible (subject to the ceiling provisions), and he must tell his customer how soon he expects to be able to fill it.

(u) *Manufacturer's scheduling for HHH, HH, and CC ratings.* When a manufacturer receives, and is required to accept, any rated order, including an HHH, HH or CC rated order (by extension or by application), he must schedule it as required by Priorities Regulation 1.

(v) *Materials for which manufacturers need not accept any HHH or HH rated orders.* (1) For the following materials[1], HHH and HH rated orders may not be served on a manufacturer and have no effect on him (see paragraph (v) (3) below):

Cable
Fabricated reinforcing rod and mesh
Nails
Pipe, steel and wrought iron
Pipe, fittings (cast and malleable)
Pipe nipples, steel and wrought iron
Sheet, copper
Sheet, galvanized steel
Stucco mesh
Tubing, copper

These items have been marked with an asterisk in Schedule A to PR 33.

(2) For any of the following materials,[1] a manufacturer who sells to dealers directly (and not through factory branch sales offices) need not accept HHH and HH rated orders from a dealer even if the dealer has been authorized to use such a rating as a subcontractor:

Asphalt tile floor covering
Boilers, low pressure
Controls, temperature and combustion
Furnaces, floor, wall
Furnaces, warm air
Oil burners, domestic

(3) Subparagraphs (v) (1) and (v) (2) above do not mean, by implication, that HHH and HH rated orders may be served on manufacturers for the Schedule A materials not mentioned. This question is controlled by other rules (Priorities Regulation 1 and other applicable regulations). The special rules in those subparagraphs merely mean that, for the materials mentioned, HHH and HH rated orders may not be served on the manufacturers involved even if other applicable rules might otherwise permit that.

(w) *Refusal of outside-area orders.* A producer or other supplier may refuse to accept an HHH or HH rated order for any material listed below for delivery by him in any area to which he has not delivered it in the five years preceding receipt of this order. A new producer or dealer may not apply this basis for refusal to accept such rated orders for delivery in his local trading area. This paragraph applies to the following materials[1]:

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural, clay.

(x) *Applicability of this schedule to AAA rated orders.* This schedule does not limit acceptance of AAA rated orders or deliveries on AAA rated orders.

RECORDS

(y) *Records.* Each person entitled to apply a ceiling under this Schedule must keep records in such a way that, upon request of authorized government representatives, he can show for each material, how much he delivered with or without ratings, separately, after the material was put on Schedule A.

NOTE: Former undesignated subparagraph re required set-aside deleted Dec. 31, 1946.

These various records must be kept so that each rated purchase order placed with him can be easily identified. (These record requirements are in addition to those of Priorities Regulation 1.)

MISCELLANEOUS PROVISIONS

(z) *Communications.* All communications about this Schedule should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Schedule B to PR 33.

(aa) [Revoked Dec. 31, 1946.]

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—[Deleted Dec. 31, 1946.]

[F. R. Doc. 46-22023: Filed, Dec. 31, 1946; 11:19 a. m.]

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Direction 13, as Amended Dec. 31, 1946]

PRODUCTION AND SALE OF HOUSE TRAILERS UNDER THE VETERANS' EMERGENCY HOUSING PROGRAM

The following amended direction is issued pursuant to Priorities Regulation 33:

(a) *What this direction does.* Under this direction, trailer manufacturers have been given priorities assistance for use in getting certain materials to be used in the manufacture and sale of certain kinds of house trailers. The assistance was given on Form NHA 14-44, for the latter part of 1946 only. No further assistance is being given under this direction. Therefore, trailer manufacturers may not use the authorizations (Form NHA 14-44) to place orders after December 31, 1946. Unfilled HH-rated or certified orders placed before that date and calling for delivery by that date remain valid for delivery after that date.

The restrictions of this direction continue to apply to the manufacturers' use of materials obtained with priorities assistance and to the manufacturers' and dealers' sales of house trailers manufactured with such materials.

In general, the restrictions on the manufacture of house trailers are directed at channeling materials into moderate cost house trailers suitable for full-time housing use, and the sales restrictions are directed at channeling house trailers to purchasers needing them for full-time house use and at giving preference to veterans of World War II in buying house trailers for that purpose.

Definitions

(b) *Definitions.* For the purpose of this direction:

(1) "House trailer" means a mobile shelter made in a factory and designed as follows: (i) to be used as housing accommodations, (ii) to be towed on the public highway on an undercarriage attached to the shelter as a permanent integral part of it, and (iii) to be used or towed without dismantling or substantial change in external dimensions. Except where otherwise specified in this direction, this term includes a house trailer designed as above but sold in "demounted" condition (i. e., without an undercarriage).

(2) "VEHP house trailer" means a house trailer manufactured with the use of priorities assistance under the Veterans' Emergency Housing Program.

(3) "Trailer manufacturer" means any person engaged in the business of manufacturing house trailers for sale.

(4) "Institutional purchaser" means an educational institution or public organization buying one or more house trailers to provide housing accommodations for veterans or for local emergency housing situations.

(5) [Deleted Dec. 31, 1946.]

(c)-(f) [Revoked Dec. 31, 1946.]

Restrictions on Manufacturers

(g) *Use of materials.* A trailer manufacturer may use materials obtained under this direction only for the manufacture of house trailers in moderate-cost models of the types for which priorities assistance was granted. A "moderate-cost model" is one which, under the maximum price regulations of the Office of Price Administration applicable on November 9, 1946, had a maximum retail price of not more than (1) $2500 with at least minimum standard equipment included or (2) $2500 minus the maximum retail list prices or other appropriate amounts for any minimum standard equipment not included.

"Retail price" means retail price f. o. b. plant, exclusive of the manufacturer's federal excise tax and exclusive of any state and local sales taxes customarily separately stated by the seller as being in addition to the selling price. "Minimum standard equipment" means the equipment and furnishings necessary to provide livable housing accommodations, including at least the following: (1) sleeping facilities for at least four persons, (2) heating unit, (3) interior-lighting equipment, (4) cooking unit, (5) refrigerator, (6) sink, (7) work table, and (8) storage facilities.

(h) *Identifying marking.* Any house trailer in which materials obtained under this direction have been used must be marked by the trailer manufacturer to identify it as a VEHP house trailer. This is to be done by adding the letters "VEHP" to the serial number stamped, stencilled, or otherwise placed on the house trailer.

(i) *Prohibited sales.* A trailer manufacturer must not sell a VEHP house trailer to any purchaser except to one of those specified in paragraph (j) below. In addition, he must not sell it even to such a purchaser if he knows, or has reason to believe, that it will be acquired or disposed of in violation of this direction.

(j) *Permitted sales.* A trailer manufacturer may sell VEHP house trailers to the following purchasers, under the conditions specified.

(1) He may sell a mounted or demounted house trailer to a dealer from whom he has received a copy of a dealer's statement as described in paragraph (1) below.

(2) He may sell a mounted or demounted house trailer to an institutional purchaser eligible under paragraph (p) below.

(3) He may sell a mounted house trailer to an individual purchaser who is eligible under paragraph (p) below, and who, in addition, establishes veterans' preference under paragraph (q) below.

(k) *Report of direct sales.* If a trailer manufacturer sells a VEHP house trailer to any purchaser except a dealer, he must promptly make out a report of the sale on Form NHA 14-45, in triplicate, and have the purchaser fill out the purchaser's-statement section of the form. The trailer manufacturer should give one copy to the purchaser, keep one copy for his files, and, by the last day of the month, send the original to the National Housing Agency, Washington, D. C.

Restrictions on Dealers

(l) *Filing of "dealer's statement".* A dealer may not accept delivery of a VEHP house trailer from the trailer manufacturer unless he has filed a "Dealer's Statement" with the National Housing Agency, Washington 25, D. C., and, in addition, has sent a copy of that statement to the trailer manufacturer. A dealer who has filed a "Dealer's Statement" with the appropriate State or District Office of the Federal Housing Administration need not file again with the National Housing Agency. The "Dealer's Statement" shall be in writing and in substantially the following form:

DEALER'S STATEMENT

I certify to the Civilian Production Administration and to the National Housing Agency that I am a dealer in house trailers; that I wish to become eligible to receive house trailers manufactured under the Veterans' Emergency Housing Program; that I am familiar with the dealers' restrictions in Direction 13 to Priorities Regulation 33 (issued by the Civilian Production Administration), including the 60-day veterans' preference; and that I will comply with the terms of that direction in making sales of VEHP house trailers.

Name of Dealer's Firm

Address

By

Title of Authorized Official

Date

(m) *Prohibited disposition.* A dealer may not dispose of a new VEHP house trailer except by sale to any purchaser specified in paragraph (n) below. In addition, he must not sell it even to such a purchaser if he knows or has reason to believe, that it will be acquired, or disposed of, in violation of this direction.

(n) *Permitted sales.* A dealer may sell a VEHP house trailer to any of the following purchasers under the conditions specified:

(1) *Demounted VEHP house trailers.* A dealer may sell a new demounted VEHP house trailer only to an institutional purchaser eligible under paragraph (p) below. Such a sale may be made at any time.

(2) *Mounted VEHP house trailers.* A dealer may sell a new mounted VEHP house trailer to an institutional purchaser eligible under paragraph (p) below. Such a sale may be made at any time. A dealer may also sell a new mounted VEHP house trailer to an individual purchaser who is eligible under paragraph (p) below. He may make such a sale at any time, if the eligible purchaser establishes veterans' preference under paragraph (q) below. However, he may sell it to any other eligible individual purchaser only after publicly offering it, for 60 days, for sale to purchasers with veterans' preference. In making a public offering, the dealer must keep the trailer on display and must conspicuously post, at his place of business, a sign stating that he has VEHP house trailers for sale to purchasers with veterans' preference. The sign shall be at least 9" x 12" in size.

(o) *Dealer's report of sale.* After each sale of a VEHP house trailer, the dealer shall promptly make out a report of the sale on Form NHA 14-45, in quadruplicate, and have the purchaser fill out the purchaser's section of the form. The dealer should give one copy to the purchaser and one copy to the manufacturer from whom he received the house trailer, keep one copy for his files, and by the last day of the month send the original statement to the National Housing Agency, Washington 25, D. C.

Eligible purchasers and veterans' preference

(p) *Eligible purchasers.* A purchaser who is not a dealer is eligible to buy a new VEHP house trailer under the following circumstances only:

(1) *Individual purchasers.* An individual may buy a mounted VEHP house trailer only if (i) he is buying it for his own full-time housing use and (ii) he certifies to that purpose in writing. Certification is to be made on the purchaser's statement section of the Form NHA 14-45 Report of Sale, which is to be provided by the seller. An individual in this class is entitled to preference over other individuals in the same class if he is eligible for, and establishes, veterans' preference under paragraph (q) below.

(2) *Institutional purchasers.* An institutional purchaser may buy one or more mounted or demounted VEHP house trailers only if (i) it is buying them to provide housing facilities for veterans or for local emergency housing situations, (ii) it certifies to that purpose on the purchaser's-statement section of Form NHA 14-45, and (iii) it shows, to the seller, a written statement from the Federal Public Housing Authority, signed by an authorized official, stating that it considers the specified number of house trailers necessary and desirable for the purpose. (See paragraph (r) below about the applicability of VHP-1 to installation of demounted house trailers.)

(q) *Eligible purchasers with veterans' preference.* An individual purchaser is entitled to veterans' preference in buying a new VEHP house trailer under the following circumstances only: (1) he must be eligible under paragraph (p) above, (2) he must be in one of the classes on List 1 to this direction, (3) he must certify to that status in writing, and (4) he must show satisfactory documentary evidence of that status to the seller of the house trailer. Certification is to be made on the purchaser's-statement

section of the Form NHA 14-15 Report of Sale, which is to be provided by the seller.

Other Provisions

(r) *Applicability of VHP-1.* The installation of a demounted house trailer on a foundation would be "construction" under Veterans' Housing Program Order 1, and, in general, requires authorization under that order. Application for such authorization should be made to the appropriate regional office of the Federal Public Housing Authority.

(s) *Communications and appeals.* Communications regarding the provisions of this direction, and appeals from those provisions, should be sent to the National Housing Agency, Washington 25, D. C. Ref: Dir 13 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

(t) *Violations.* Any person who wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(u) *Reporting and record requirements approved.* The reporting and record requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-22102; Filed, Dec. 31, 1946; 11:20 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Limitation Order L-359, as Amended Dec. 31, 1946]

LUMBER, HARDWOOD FLOORING AND MILLWORK

There is a shortage in the supply of lumber, hardwood flooring and millwork for defense, for private account and for export. Lumber, millwork and hardwood flooring are necessary for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings, and special priorities for the deliveries of lumber, millwork, and hardwood flooring for these purposes are established in Schedule A to Priorities Regulation 33. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 3285.153 *Limitation Order L-359*—(a) *What this order does.* This order provides that sawmills shall produce a percentage of their total production of softwood lumber in housing construction lumber. It applies to all sawmills and to lumber suppliers, manufacturers of millwork, hardwood flooring and house trailers, prefabricators and builders and other consumers who have been assigned priorities assistance. Rated orders must be accepted and filled as provided in Priorities Regulation 1. However, a ceiling is provided for rated orders and the filling of unrated orders is permitted where the filling of such orders will not interfere with the filling of rated orders.

Definitions

(b) *Definitions for the purpose of this order.*

(1) "Lumber" means any sawed lumber of any species, size, or grade, including rough, surfaced on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except (i) shingles, slabs and round edge lumber; (ii) mine and railway cross ties nine feet or less in length; (iii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Housing construction lumber" means softwood lumber in the form of flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, shop and lath.

(3) "Hardwood flooring lumber" means Grades 2 and 3a common, of rough Oak, Hard Maple, Beech and Birch in 5/8, 4/4 and 5/4 thicknesses; and Grades 2 and 3 common, of rough Pecan in 5/8, 4/4 and 5/4 thicknesses.

(4) "Millwork" means only sash, windows, doors, interior and exterior frames for the foregoing, combination doors and garage doors; storm sash and storm doors; window, sash and door screens; porch columns, louvres and newels; standing interior trim for doors and windows and cased openings; crown, bed, cove, brick, screen, panel, band and cornice mouldings; quarter, half and full rounds; window and door steps; nosing; screen, sash, sill and frame stock; hook strip, corner and glass bead; chair, porch and hand rails; shelf cleat; panel strips; stools and aprons; lattice; drip cap and water table; back bank, cap trim, floor and base moulding; astragals, and baluster stock; mantels; built-in kitchen cabinets, medicine cases, china cabinets, ironing boards and linen closets.

(5) "Sawmill" means: (i) a person operating any mill or plant, stationary or portable, that produces lumber. The term includes a person who has logs manufactured into lumber by a sawmill, except a person who has less than 5,000 feet a quarter of his own logs sawed into lumber for his own use; (ii) a person operating any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of logs and lumber which it receives, into an item which is defined as lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard, even though owned by a sawmill, engaged in either retail or wholesale business and even though it may process, for the servicing of special orders from consumers, more than 25 percent of the lumber it receives.

(6) "Distributor" means any person who buys and stocks millwork or hardwood flooring for resale and lumber for resale as lumber either at wholesale or retail. The term "distributor" also includes any establishment owned or operated by a sawmill where lumber is sold at either wholesale or retail. A distributor who has two or more distinct and separate yards must for the purpose of this order, consider each yard a "distributor".

(7) "Cut-stock manufacturer" means a person who supplies from his production plant stock surfaced 2-sides, cut to approximate net sizes for the manufacture of doors, sash, check rail and plane rail windows, exterior frames and inside jambs. Cut-stock for doors, windows and sash consists of stock cut to approximate net sizes S2S and not further machined for stiles, rails, bars, muntins, meeting rails and facings for door stiles. Cut-stock for frame parts consists of stock cut to approximate net sizes S2S and not further machined for pulley stiles, blind and parting stops, outside casings, sills, drip cap and brick mould.

Sawmills

(c) *Sawmills*—(1) *Softwood lumber.* Each sawmill shall manufacture at least 50% of its total monthly production of softwood lumber in the form of housing construction lumber. 85% of all 8/4 and thinner Douglas Fir shop and Western Pine shop including No. 3 clears must be sold only to millwork and cut-stock manufacturers or to persons who certify in writing they will sell to millwork or cut-stock manufacturers. A sawmill need not accept or fill rated orders for more than 50% of its total production of softwood lumber in any month. It may not fill MM rated orders for more than 5% of its total production of softwood lumber in any month.

(2) *Hardwood lumber.* Each sawmill shall sell only to hardwood flooring manufacturers, or to persons who certify in writing they will sell to hardwood flooring manufacturers, all the hardwood flooring lumber it produces.

(3) *Seasoning.* Where it is the customary practice of a sawmill to season lumber by air drying, and the lumber is properly piled for seasoning and carried in inventory for this purpose, such lumber will not be considered as produced until seasoned for the customary period.

(4) *Orders must be accepted or rejected promptly.* A sawmill must accept or reject rated orders in writing within 5 days of receipt. Reasons for rejection of a rated order must be stated.

Distributors

(d) *Distributors.* (1) A distributor is authorized to apply an HH rating on orders for delivery each quarter for housing construction lumber for the greater of the following amounts:

(i) an amount of housing construction lumber not exceeding 15% of the amount of footage in inventory of all softwood lumber as of January 1, 1942, or

(ii) two carloads of housing construction lumber at the rate of not more than one carload in any month of the quarter.

Distributors who apply a rating under (i) or (ii) above must use the certificate provided in paragraph (i) below.

(2) Instead of applying an HH rating as provided in paragraph (d) (1) above, a distributor may in any quarter extend HH ratings for the amount of housing construction lumber which he will deliver or has delivered on HH rated orders accepted by him for delivery in that quarter. Rated orders placed with a distributor before October 1, 1946, may not be extended.

(3) A distributor must sell only to millwork or cut-stock manufacturers, or persons who certify that they will sell only to millwork or cut-stock manufacturers, 85% of all 8/4 and thinner Douglas Fir shop and Western Pine shop including No. 3 clears received in any quarter on unrated orders.

(4) A distributor need not use more than 50 percent of the softwood lumber received in any quarter on HH rated orders placed under paragraph (d) (1) (i) or (ii) to fill rated orders.

(5) A distributor need not use more than 50 percent of the lumber he receives in any quarter on unrated orders to fill rated orders.

(6) A distributor may not fill MM rated orders for more than 10 percent of his total receipts in any quarter of softwood lumber.

Millwork and Cut-Stock Manufacturers

(e) *Millwork and cut-stock manufacturers*—(1) *Extension of HH ratings.*

(i) A millwork or cut-stock manufacturer who receives HH rated orders may extend the HH rating to his supplier for the housing construction lumber or cut-stock to be incorporated or used in the millwork or cut-stock to be delivered on HH rated orders.

(ii) Where a millwork or cut-stock manufacturer has already delivered millwork or cut-stock on an HH rated order, he may extend the rating for the amount of housing construction lumber or cut-stock he used in the manufacture of the millwork or cut-stock delivered on the HH rated order.

(2) A millwork manufacturer need not accept or fill rated orders for millwork manufactured from lumber received on unrated orders.

Hardwood Flooring Manufacturers

(f) *Hardwood flooring manufacturers*—(1) *Extension of ratings.* (i) A hardwood flooring manufacturer who receives HH rated orders may extend the HH rating to his supplier for the hardwood flooring lumber to be incorporated or used in the hardwood flooring to be delivered on HH rated orders.

(ii) Where a hardwood flooring manufacturer has already delivered hardwood flooring on HH rated orders, he may extend the HH rating for the amount of hardwood flooring lumber he used in the manufacture of the hardwood flooring delivered on HH rated orders.

(2) A hardwood flooring manufacturer need not accept or fill rated orders for hardwood flooring manufactured from hardwood flooring lumber received on unrated orders.

Builders, Prefabricators and House Trailer Manufacturers

(g) *Builders, prefabricators and house trailer manufacturers.* A builder, prefabricator or house trailer manufacturer may place HH rated orders for a quantity of housing construction lumber, millwork or hardwood flooring for which he has received priorities assistance. While Schedule A to Priorities Regulation 33 lists residential hardwood flooring only, HH ratings may be used by the above persons to obtain any suitable hardwood flooring.

Integrated Operations

(h) *Integrated operations.* A person having integrated operations which are subject to this order must treat each operation as a separate unit. Each unit must conform to all the applicable provisions of this order.

Certificate for Application of Rating by Distributors

(i) *Certificate for application of rating by distributors.* (1) A distributor applying an HH rating to an order for housing construction or hardwood flooring lumber under paragraph (d) (1) (i) or (ii) must endorse on or attach to the purchase order, sales ticket or other delivery orders, the following certificate:

VETERANS' EMERGENCY HOUSING PROGRAM

I certify to the U. S. Government that HH rating has been assigned for the materials covered by this order. The quantities covered by this order (together with the quantities called for by all other rated HH or certified orders placed with this or other suppliers for softwood lumber for delivery in the quarter specified in this order) do not exceed the amount permitted under Limitation Order L-359 with the provisions of which I am familiar.

Date ---------- ----------
(Signature)
(Distributor).

(2) The certificate must be signed manually or as explained in Priorities Regulation 7. However, the standard form described in that regulation may not be used in place of certificate described in this order. The certification required by this order may not be waived under paragraph (f) of Priorities Regulation 7.

Miscellaneous

(j) The following provisions generally affect all persons operating under this order and should be carefully read:

(1) *Extension of ratings.* Rules for extendibility of the HH ratings are set out in paragraph (d), (e) and (f). The extendibility of all other ratings is governed by the rules of Priorities Regulation 3.

(2) *Treatment of certified orders.* Any person who before January 1, 1947, has received an order certified under Order L-359, dated October 18, 1946, must treat such order as an HH rated order. Any person authorized to place HH ratings under this order must reduce the quantity of lumber for which he placed the HH ratings by the quantity of his unfilled certified orders for lumber on January 1, 1947.

(3) *Applicability of regulations.* Except as otherwise required by this order, Priorities Regulations 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this order.

(4) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency designated by the Civilian Production Administration such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Directives.* The Civilian Production Administration may issue directives requiring sawmills, millwork manufacturers, cut-stock manufacturers or hardwood flooring manufacturers or distributors to set aside specific quantities or percentages of production or shipment for persons placing rated orders. CPA may also allocate production or shipment to specified persons for specified uses, and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any persons of particular items of lumber, millwork, cut-stock or hardwood flooring. Directives according to their terms may take precedence over rated orders. They may be issued for the satisfaction of Veterans' Emergency Housing Program and other essential requirements, and in order to carry out more fully the purposes of this order.

(7) *Appeals.* An appeal from the provisions of this order should be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: L-359, or to the Civilian Production Administration, Portland, Oregon, Ref.: L-359, when made by persons in the states of Washington, Oregon, California, Idaho, Wyoming, Montana, Nevada, Utah, Colorado, Arizona, New Mexico, or South Dakota, stating the particular provision appealed from and stating fully the grounds for the appeal.

(8) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(9) *Effective date.* This amended version of Order L-359 shall become effective January 1, 1947. Order L-359 dated October 18, 1946, shall remain in effect until January 1, 1947.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21840; Filed, Dec. 31, 1946; 11:19 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317A, Direction 2]

TERMINATION OF SET-ASIDES FOR EXPORTS (INCLUDING THOSE TO CANADA), AND CERTAIN CC RATINGS FOR COTTON FABRICS FOR EXPORT

The following direction is issued pursuant to Supplementary Order M-317A:

(a) *Set-asides for export.* Effective January 1, 1947, the set-asides for cotton fabrics in Order M-317A for export (other than to Canada), and for export to Canada, are ended. These set-asides are contained in paragraph (g), and in Columns 9 and 10 of the Distribution Tables. Beginning January 1, 1947, producers may deliver cotton fabrics without regard to the above set-asides.

(b) *Preference ratings for export.* All CC preference ratings issued before January 1, 1947, for any cotton fabrics, for export to Canada, or to any other foreign country (but not the territories and possessions of the United States), are revoked, effective January 1, 1947. Any person who has obtained any of such cotton fabrics with a certificate provided for the above set-asides, or with a CC rating assigned for export, may now use and dispose of the fabric or products made from the fabric, without regard to the provisions of the certificate, or of Order M-317A, or the purpose for which the rating was granted.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-22104; Filed, Dec. 31, 1946; 11:20 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 11]

PART 8311—PROCEEDS AND EXPENSES

Surplus Property Administration Regulation 11, January 15, 1946, as amended through May 14, 1946, entitled "Proceeds and Expenses" (11 F. R. 636, 1990, 5355) is hereby further revised and amended as herein set forth as War Assets Administration Regulation 11. Order 1, December 11, 1946 (11 F. R. 14288), Order 2, August 16, 1946 (11 F. R. 9079), and Order 3, November 27, 1946 (11 F. R. 14104), under this part, shall continue in full force and effect.

Sec.
8311.1 Definitions.
8311.2 Scope.
8311.3 Proceeds to be covered into Treasury.
8311.4 Net proceeds.
8311.5 Refunds and claims.
8311.6 Expenses.
8311.7 Estimate of expenses.
8311.8 Statement of expenses.
8311.9 Submission prior to commitment.
8311.10 Allocations and reimbursement.
8311.11 Regulations by agencies to be reported to the Administrator.
8311.12 Records and reports.

AUTHORITY: §§ 8311.1 to 8311.12, inclusive, issued under the Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); E. O. 9689 (11 F. R. 1265); and Pub. Law 521, 79th Cong. (60 Stat. 721).

§ 8311.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Disposition" means disposal to a person other than a Government agency.

(2) "Transfer" means disposal to a Government agency.

§ 8311.2 *Scope.* This part shall apply to transfers and dispositions within the continental United States, its territories and possessions.

§ 8311.3 *Proceeds to be covered into Treasury.* Except as provided in subsections (b), (c) and (d) of section 30 of the act, all proceeds from transfer or disposition of property under the act (including rents, interest, other proceeds) shall be set aside in the special fund account in the Treasury, authorized in the First Deficiency Appropriations Act, 1946.[1] Sums deducted from gross proceeds under section 30 (b) of the act to determine net proceeds shall be set aside in such special fund account in the Treasury. Under no circumstances may a disposal agency designated by the Administrator retain all or any part of the proceeds from any transfer or disposition under the act as reimbursement for the cost or expense of care, handling, disposition, or transfer of surplus property. Deposits or other payments forfeited by the purchaser shall not be considered to be proceeds from transfer or disposition of surplus property; such forfeitures shall not be set aside in a special fund account in the Treasury but shall be covered into miscellaneous receipts of the Treasury.

§ 8311.4 *Net proceeds.* (a) Where the property transferred or disposed of was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated from the general fund of the Treasury but by law reimbursable from assessment, tax, or other revenue or receipts, then upon the request of the interested agency, the net proceeds of the disposition or transfer shall be credited to the reimbursable fund or appropriation or paid to the owning agency. As used herein, the term "net proceeds of the disposition or transfer" means the proceeds of the disposition or transfer minus all expenses incurred for care and handling and disposition or transfer. On and after December 1, 1946, except as otherwise provided herein, net proceeds shall be computed by deducting twenty (20) per cent from the gross proceeds of disposition or transfer when and as net proceeds are paid to the owning agency by the disposal agency and regardless of when the sale was made or collection effected. Unless otherwise provided herein such deduction shall be deemed to represent all expenses incurred by or for the account of the disposal agency for care, handling, and disposition or transfer. This percentage may be revised from time to time by the Administrator to reflect substantial changes in the over-all cost of care, handling, and disposition of surplus property.

(b) Substantial expenditures for capital improvements or demolition made or incurred by a disposal agency in addition to the normal expense of care, handling and disposition or transfer shall be deducted from the proceeds before computing net proceeds. Percentage deductions to determine net proceeds shall be computed on the balance remaining after deducting such substantial expenditures.

(c) When sales are made on credit, the percentage deductions shall be computed by applying said percentage deductions to such collections when and as paid to the owning agency by the disposal agency. All interest collected on credit sales shall be deposited in the special fund account in the Treasury.

(d) Rents received shall be deemed to be proceeds, and on and after December 1, 1946, the twenty (20) percent deduction shall be made from each collection in the manner specified in paragraph (a) of this section.

(e) No part of the proceeds received by a disposal agency from the sale of surplus property as scrap or salvage or from charges made on donations shall be deemed to be net proceeds, and all such proceeds shall be deposited in the special fund account in the Treasury.

(f) With the approval of the Administrator in cases where the disposal agency demonstrates that it has not incurred any expenses or has incurred only negligible expenses of care, handling, disposition, or transfer, the disposal agency may make payment to, or credit the appropriate account of, an agency entitled to such proceeds to the extent of the entire proceeds without deduction.

(g) If it is impossible to determine the applicable gross proceeds (by reason of commingling of property or otherwise), disposal agencies shall deposit the gross proceeds into the special fund account in the Treasury, as required in § 8311.3 of this part.

(h) If practicable, before deposit in the special fund account, disposal agencies may, in the case of commingling, make such payment or credit from the proceeds of the transfers or dispositions of similar property transferred or disposed of directly after the receipt of the surplus declaration.

§ 8311.5 *Refunds and claims.* Disposal agencies may make refunds and may make payments in settlement of claims pursuant to and to the extent authorized by section 30 (c) of the act. Disposal agencies shall not withhold, from deposit into the special fund account in the Treasury, any part of the proceeds of dispositions for the purpose of making such refunds and payments to purchasers unless such amount is deposited in a special account with the Treasurer of the United States: The maximum balance to be maintained in such special account shall be determined and authorized by the Administrator; and no deposit shall be made in such account which will bring the net balance of the account to an amount in excess of the determined maximum. In applying to the Administrator for such authorizations, the disposal agency concerned shall recommend the maximum balance which it deems necessary.

[1] Pub. Law 269, 79th Cong. (59 Stat. 632).

§ 8311.6 *Expenses.* (a) Government agencies shall apply to the Administrator as provided herein for allocation, payment, or reimbursement of funds to meet expenses of:

(1) Government agencies designated by the Administrator as disposal agencies pursuant to the act;

(2) Government agencies designated by the Administrator to render special services in connection with the disposal of surplus property in such amounts as shall be approved by the Bureau of the Budget; and

(3) Owning agencies in such amounts and upon such basis as shall be approved by the Bureau of the Budget, (i) for care and handling of surplus property from the date of the filing of a declaration of surplus covering such property filed with the Administrator or the disposal agency in accordance with applicable regulations of the Administrator or (ii) where declarations of surplus are deferred under established procedures approved by the Administrator and are made at approximately the time of disposal or removal, for care and handling of surplus property from the date of filing of notice by the owning agency to the disposal agency that surplus property is being held for disposal under such procedures.

(b) Expenses for which funds may be allocated, paid or reimbursed hereunder shall not include:

(1) Costs incident to filing a declaration of surplus with the disposal agency, including the cost of taking inventories, ascertaining and furnishing proper descriptions, and preparation of the declaration of surplus, except to the extent that such costs may be incurred by disposal agencies acting under procedures referred to in § 8311.6 (a) (3) of this part.

(2) Costs of separating personal property declared surplus from property of the owning agency and of making it available for inspection prior to declaration of surplus and the costs of placing the property in condition to insure its reasonable preservation and safety including decontamination and removal of explosives or other inherently dangerous materials as well as all other such costs.

(3) Costs of removing from real property such property of the owning agency which is not declared surplus to a disposal agency and the costs of placing the real property in a stand-by condition to insure its reasonable preservation and safety including decontamination and removal of explosives or other inherently hazardous objects as well as all other such costs.

(4) Costs incident to disposal of property by owning agencies including preparation of property for sale as scrap.

(5) Costs of removing surplus personal property on clearance of privately owned or operated plants or where the owning agency is otherwise obligated to remove surplus property from private facilities.

§ 8311.7 *Estimate of expenses.* On or before the 15th day of the last month of each quarter, Government agencies shall submit to the Administrator for the succeeding quarter, an estimate of their expenses for which funds may be allocated, paid, or reimbursed hereunder, together with appropriate statements explaining the basis upon which the estimate was determined. Such expenses shall be presented in such detail and in such form as may be mutually agreed upon between the disposal agency and the owning agency. The Administrator requires that in the preparation of estimates of expenses all agencies will explore all available means to reduce expenditures to a minimum. Each agency in preparing estimates shall absorb indirect administrative or overhead expense to the fullest extent possible within the limits of existing appropriations or enabling statutes. Bases for computing expenses may be established by the Administrator with the approval of the Bureau of the Budget. Estimates of fiscal year expenses shall be submitted by Government agencies at such times as necessary to meet regular or special hearings before the Bureau of the Budget and the Congress.

§ 8311.8 *Statement of expenses.* On or before the 15th day of each month, disposal and service agencies financed by this Administration shall submit to the Administrator a statement of their expenditures and obligations for expenses made during the preceding month.

§ 8311.9 *Submission prior to commitment.* Wherever substantial expenses are involved, particularly contracts involving commitments in excess of $100,000, Government agencies may request the Administrator for determination of the propriety of such expenses prior to committing themselves to such expenses.

§ 8311.10 *Allocations and reimbursement.* Within the terms and limits of its appropriations and subject to the approval of the Bureau of the Budget when such approval is required, the Administrator will, at the beginning of each quarter, allocate funds or authorize expenditures subject to reimbursement, as the case may be, in such amounts determined to be necessary for proper expenses to cover that quarter. Reimbursement will be made on the basis of vouchers submitted with such supporting detail as the Administrator may require. Government agencies shall make such reports as the Administrator may require and will cooperate with the Administrator in such studies as it may conduct to determine effective and economical use of the funds allocated or authorized for reimbursement.

§ 8311.11 *Regulations by agencies to be reported to the Administrator.* Each Government agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

§ 8311.12 *Records and reports.* Government agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of this act. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This revision of this part shall be effective as of July 1, 1946, except as provided in § 8311.4 of this part.

ROBERT M. LITTLEJOHN,
Administrator.

DECEMBER 30, 1946.

[F. R. Doc. 46-22109; Filed, Dec. 31, 1946; 11:40 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter A—Organization

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Section 1.6 (11 F. R. 177A-116) is amended to read as follows:

§ 1.6 *Office of the Second Assistant Postmaster General*—(a) *Matters assigned.* The Second Assistant Postmaster General is charged with the responsibility and authority for administering all matters relating to the transportation of the domestic and international mails by means of railroads, electric and cable cars, steamships, steamboats, mail messengers, star routes and air mail routes, routing of such mails and distribution thereof, management of the international postal service, and supervision of the personnel, accounting, budgetary and other administrative services of the Bureau of Postal Transport.

(b) *Under Second Assistant Postmaster General.* The Under Second Assistant Postmaster General is charged with the coordination and general supervision of the activities of the bureau, aiding and assisting in the formulation of plans and policies, and acting as head of the bureau during absences of the Second Assistant Postmaster General.

(c) *Deputy Second Assistant Postmaster General in charge of Surface Postal Transport.* The Deputy Second Assistant Postmaster General in charge of Surface Postal Transport, aided by a Director of Transportation and a Director of the Divisions of Personnel and Facilities, is charged with the authorization and management of the transportation of mails on railroads, electric cars, steamboats on inland routes, steamship and steamboat routes between the United States and its territories; the authorization of side and transfer service required in the transportation of the mails; the determination of the necessity for the establishment of new or additional service, and the necessity for changing authorizations and car space to meet service needs in accordance with rates and regulations of the Interstate Commerce Commission; the general management of mail service on highway post

office routes and authorization for new routes or additional service on existing routes; the investigation of cases of delinquencies in service and determination as to fines or penalties to be imposed and the amounts thereof; the collaboration with the Interstate Commerce Commission for the purpose of issuing rules and regulations concerning transportation of the mails and fixing rates for the carriage of mail on railroads and electric cars; the distribution, routing and dispatch of all mails other than those postmasters are authorized to distribute and dispatch; the instruction of postmasters relative to the distribution, routing and dispatch of surface domestic mails; devising plans, specifications and changes in railway post office cars and highway post office vehicles; the collaboration with the Third Assistant Postmaster General in arranging for the routing and protection of valuable registered mail; passing upon requests for increases or decreases of field personnel assigned to railway post office lines, highway post office routes, transfer offices, administrative offices (except those assigned to air postal transport), terminal railway post offices and air mail field offices; the preparation of advertisements inviting proposals for transportation of mails on star routes including those operating in territories and possessions of the United States; the drafting of orders awarding such service and the preparation of contracts; issuing authorizations for mail messenger service; the investigation of delinquencies and determination as to fines and penalties against contractors; and all matters relating to the operation of these services; the preparation of regulations for the government of postal transport personnel assigned to railway post offices, highway post offices, terminal railway post offices, air mail field post offices and transfer offices, and in administrative offices (except those assigned to the air postal transport); handling all matters relating to the appointment, transfer, promotion, seniority, reduction, removal and all other personnel actions affecting such employees; supervision of preparation of schemes and schedules and awarding of contracts for printing of same, except air mail schedules and schemes; the distribution of pouches, sacks and locks used in the transportation of the mails, other than those used exclusively in the city and rural delivery service; the designation of mail bag depositories; the determination of proper travel allowances to be paid officers and employees of the Surface Postal Transport system; arranging for terminal railway post office quarters on the basis of investigations by the Chief Inspector, and preparation of leases relating thereto; arranging for incidental services such as telephones, heat, light and water and negotiating for such services; handling requisitions for supplies and equipment used by the Surface Postal Transport Service; issuing instructions regarding the admissibility to the mails of matter liable to damage the mails or injure the personnel, and regarding preparation and packing where admissible; determination of and issuing instructions regarding the packing of other parcel post matter necessary to withstand ordinary handling in transit.

(1) *Field Divisions of Surface Postal Transport.* The Surface Postal Transport is divided into fifteen field divisions, each in charge of a general superintendent. The locations of the general superintendents' offices and the area under the jurisdiction of each is shown below:

Division, Jurisdictional Area and Office Location
First: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; Post Office Building, Boston 9, Mass.
Second: New York, New Jersey, Delaware, The Eastern Shore of Maryland, Accomac and Northampton Counties, Virginia; General Post Office Building, New York 1, N. Y.
Third: District of Columbia, Maryland, North Carolina, Virginia and West Virginia (except the Peninsula of Maryland and Virginia); City Post Office Building, Washington 25, D. C.
Fourth: Alabama, Florida, Georgia, South Carolina, Tennessee, Puerto Rico and Virgin Islands; Federal Annex, Atlanta 4, Ga.
Fifth: Ohio, Indiana, and Kentucky; Post Office Annex, Cincinnati 35, Ohio.
Sixth: Illinois and Iowa; Main Post Office Building, Chicago 7, Ill.
Seventh: Kansas and Missouri; Post Office Building, St. Louis 3, Mo.
Eighth: Arizona, California, Guam, Hawaii, Nevada, Samoa, and Utah; Post Office Building, San Francisco 1, Calif.
Ninth: Lower Peninsula of Michigan, The Main line of the New York Central R. R. between New York, N. Y., and Chicago, Ill., and collateral lines; Post Office Building, Cleveland 1, Ohio.
Tenth: Northern Peninsula of Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin; Post Office Building, St. Paul 1, Minn.
Eleventh: New Mexico, Oklahoma, and Texas; Post Office Building, Fort Worth 1, Tex.
Twelfth: Arkansas, Louisiana and Mississippi; Post Office Building, New Orleans 6, La.
Thirteenth: Alaska, Idaho, Montana, Oregon, and Washington; Post Office Building, Seattle 11, Wash.
Fourteenth: Nebraska, Colorado, and Wyoming; Post Office Building, Omaha 1, Nebr.
Fifteenth: Pennsylvania and Main line of Erie R. R. west of Salamanca, N. Y., Main lines of the B. & O. R. R. and Pennsylvania R. R. System west of Pittsburgh, Pa., and collateral lines; Federal Building, Pittsburgh 19, Pa.

(2) *General superintendent.* The general superintendent shall supervise the operation of the service and clerks assigned to his division; see that the Postal Laws and Regulations and all departmental orders are complied with; prepare schemes of distribution and schedules for use as guides to the correct dispatch of the mails; prepare semimonthly pay sheets and quarterly pay rolls showing the names of the employees and the amounts of salaries and travel allowances to be paid by checks issued by postmasters at division headquarters of the Railway Mail Service; make investigations ordered by the department, and of irregularities occurring within his territory, except losses, taking corrective action when necessary, and report upon all essential matters to the Deputy Second Assistant Postmaster General in charge of Surface Postal Transport.

(d) *Deputy Second Assistant Postmaster General in charge of Air Postal Transport.* The Deputy Second Assistant Postmaster General in charge of Air Postal Transport, aided by a Director of Domestic Air Postal Transport and a Director of Foreign Air Postal Transport, is charged with the authorization and management of the transportation of mails by aircraft; the preparation and issuance of orders authorizing, changing, modifying, altering and suspending service; the selection and control of schedules; the preparation and issuance of orders requiring air carriers to change, alter, modify, and operate additional schedules for the carriage of air mails; preparation and issuance of statements of official distances between points served for the carriage of air mails; the preparation and issuance of rules and regulations covering the transportation of mails by air carriers; the analysis of reports of non-performance of service, violation of rules and regulations, and irregularities in the handling of air mail; the investigaton and the determination of fines and penalties to be assessed against air carriers for violation of rules and regulations, non-performance of service, and irregularities in the handling of air mails; the preparation and issuance of instructions to postmasters and field officers concerning the distribution and dispatch of domestic air mails as well as the distribution and dispatch of foreign air mails in accordance with the policies of the International Postal Transport, and the operation and conduct of the Air Postal Transport Service; the computation and maintenance of records of the volume of air mail dispatched by post offices and other postal units; the publication and distribution of official schedules, schemes, and pouching instructions for use in the distribution, routing, and dispatch of air mails; the examination of flight reports for operating irregularities; the determination of performance of service by carriers; the allocation of mails between competing carriers; the examination of inspection reports submitted by field officials; the administration and general management of field service personnel; the supervision of the distribution, routing, and dispatch of domestic air mails by personnel assigned to air mail fields; the requisitioning of and furnishing of supplies, equipment, furniture, and fixtures for field offices; the preparation and issuance of instructions governing the handling of air mail cachets and first-flight covers in the domestic service; the conducting of promotional air mail activities; the examination and analysis of proposals for new air mail routes; the determination of future needs for air mail service; the collaboration with the Solicitor in the preparation and presentation of the Department's cases in proceedings before the Civil Aeronautics Board; the determination of needs for new and additional quarters at airports for the distribution and handling of air mail; the preparation of plans and specifications for quarters at airports, and the negotiation of leases therefor; the preparation of commissions authorizing free air travel directed by the Postmaster General; and in general the supervision and management of the operation of the Air Postal Transport Service, the facilities used and useful therefor and the services connected therewith. Attends meetings of and acts as the Post Office Department's voting member of the Air Coordinating Committee and assumes such research and analysis work as may devolve upon the Department's representative by reason of such membership.

(1) *Field divisions of Air Postal Transport.* Jurisdiction of the field operations of Air Postal Transport is assigned according to air mail routes. There are five regional offices, each with a superintendent in charge, having jurisdiction roughly as follows:

Region, Jurisdictional Area, and Office Location
Eastern: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Virginia, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Transatlantic service; General Post Office Building, New York 1, N. Y.
Central: Illinois, Indiana, Iowa, Michigan, Minnesota, Wyoming, Nebraska, North Dakota, South Dakota, Wisconsin, Ohio; Main Post Office Building, Chicago 7, Ill.
Western: Arizona, California, Idaho, Washington, Hawaii, Montana, Oregon, Utah, Alaska, Nevada, Transpacific service; Post Office Building, San Francisco 1, Calif.
Southwestern: Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, Central and South American and Caribbean Area, jointly with Southeastern Region; Post Office Building, Fort Worth 1, Tex.
Southeastern: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Central and South American and Caribbean Area, jointly with Southwestern Region; Federal Annex, Atlanta 4, Ga.

(2) *Regional superintendents.* Regional Superintendents, Air Postal Transport, have general supervision over the Air Postal Transport in their areas. They are responsible for seeing that proper service is rendered by carriers; for coordinating air mail activities between post offices, air mail fields, and railway post offices; for making regular examinations of the distribution of air mail at post offices which are stop points on air mail routes and at air mail fields, and other special examinations as conditions require; for supervision of the preparation of air mail schemes and pouch orders and regulating the manner of distribution of air mail, both foreign and domestic, at air mail field offices; for issuing dispatch schedules for the routing of air mail and diverting air mail from its regular routing when necessary because of weather, operations, or volume requirements; for checking flight reports submitted by carriers; for assisting post offices in handling souvenir mail when air mail service is inaugurated at a new point; for surveying proposed new routes; for rendering reports of accidents to planes carrying mail; for determining the cause of mail failures and other irregularities on the part of the carriers and submitting reports thereof to the Deputy Second Assistant Postmaster General in charge of Air Postal Transport, Washington 25, D. C., with appropriate recommendation of action to be taken.

(e) *Deputy Second Assistant Postmaster General in charge of International Postal Transport.* The Deputy Second Assistant Postmaster General in charge of International Postal Transport, aided by a Director of International Postal Transport, is charged with the arrangement and management of details connected with the exchange of mails with foreign countries by surface and air, including the creation and promulgation of all matters of policy relating to the international mails, the classification, rates and other conditions applicable thereto, both by surface and air, and including the ocean transportation of mails from the United States and of other mails the United States is obligated to convey; the investigation and determination of fines and deductions against steamship companies for delinquencies in service or failures to safeguard the international mails while in their custody; negotiating with foreign postal administrations of postal conventions and agreements (except those relating to the money-order system) and the arrangement of all details in connection with the putting into effect of the provisions thereof; the preparation and issuance of instructions to postmasters in regard to the international postal service, (except those issued by the Air Postal Transport), including the compilation and editing of Part II of the Official Postal Guide; the consideration and preparation of replies to inquiries relating to the international postal service (except those intended for the Chief Inspector); the consideration and disposal of applications for the return to senders of, or change of address on, articles contained in the mails exchanged with foreign countries; the compilation of general statistics of international mails (except those to be compiled by the Air Postal Transport); the translation of letters and documents in foreign languages received by the Department (except those intended for the Third Assistant Postmaster General or Chief Inspector); the administrative determination of the balances due from or to foreign countries on account of intermediary maritime and land transit of international mails as well as the preparation of instructions to govern the collection of the transit statistics on which these balances are based; the management of all international registry, insurance, and collect-on-delivery services and all instructions and correspondence in relation thereto, except that assigned to the Third Assistant Postmaster General (Division of Money Orders) and that assigned to the Chief Inspector under sections 14, 809 and 811; the examination and authorization for payment of indemnity claims for international mail and of claims for refund of postage paid on international mails for which no service was rendered; the supervision of the sea post service, the Navy Mail Service, and international parcel-post service; the adjustment of air mail postage rates and air mail transportation rates to foreign countries; and preparation of general correspondence with foreign postal administration, the postal service and the general public relating to the international postal service (except that assigned to the Third Assistant Postmaster General and the Chief Inspector).

(f) *Deputy Second Assistant Postmaster General in charge of Administrative Services.* (1) The Deputy Second Assistant Postmaster General in charge of Administrative Services, aided by a Director of Budget and Accounting, a Director of Systems and Procedures, a Director of Verification, and a Director of Records, is charged with verification of all authorizations and claims for the transportation of mail; passing upon claims of railroads for side and transfer service required of them in connection with the transportation of the mails; maintaining contact with and attending hearings before the Interstate Commerce Commission; examining evidence of the performance of those services and passing upon the application of the requirements and rates fixed by the Interstate Commerce Commission governing service on railroad and electric car routes, and by the Civil Aeronautics Board governing service on domestic and foreign air mail routes; preparing statements of accounts of the carriers for payment (except for mail messenger service), preparation of orders of fines and deductions in cases of delinquencies in service, maintenance of bookkeeping records which form the basis of administrative audit of all claims for payment for transportation of mails; the stating of accounts for payment and the preparation and certification of vouchers and journals authorizing payment to carriers for the transportation of mails; the verification of accounts covering miscellaneous expenditures of the Surface Postal Transport; the administrative audit of travel expense accounts for personnel of the bureau; performing coast studies; the review, analysis, revision, establishment and discontinuance of systems and procedures for the conduct of the work of the Postal Transport system, at Washington, D. C., and in the field in the interests of economy, practicability, and efficiency; recommendation of changes in existing laws and new legislation to meet the requirements of the service; preparation of estimates of appropriations necessary for the conduct of the Postal Transport system as a whole, and justifications in support thereof; presentation of such estimates to the Bureau of the Budget and Committees of Congress; the control of all financial obligations of the Postal Transport system; preparation of reports on budget and fiscal matters and furnishing such other data which might be required by the Bureau of the Budget and Committees of Congress.

(2) The duties of the Director of Records shall include surveying the adequacy of existing air mail routes; with the collaboration of the Air Postal Transport Service, the examination and analysis of proposals for new air mail routes and the planning of such routes; the maintaining of current analysis of air postal transportation rates; the making of appropriate recommendations

to the Second Assistant Postmaster General concerning routes and rates; the collaboration with the Solicitor in the preparation and presentation of the Department's cases before the Civil Aeronautics Board.

(g) *Information.* (1) Requests for information concerning any matters under the jurisdiction of the Second Assistant Postmaster General may be directed to local postmasters or to any of the field officials listed in this section. Requests for information which can not be obtained satisfactorily in the field may be addressed to the Second Assistant Postmaster General, Washington 25, D. C.

(2) Detailed information concerning postal matters is available to the public in the current issue of the U. S. Official Postal Guide, Part I for domestic mail and Part II for foreign mail; the Postal Laws and Regulations, as amended; the Postal Bulletin, issued twice weekly; and in the annual reports of the Postmaster General. These publications may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

(h) *Official records.* Official records of public interest pertaining to service actions or request for service actions are on file in the Bureau of the Second Assistant Postmaster General, Washington 25, D. C. and, with the exception of those held confidential, are available at that place to all persons properly and directly concerned. (R. S. 161, 326, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 46-22011; Filed, Dec. 31, 1946; 8:53 a. m.]

Subchapter B—Regulations

PART 19—TRANSPORTATION OF MAILS

AIR CARRIERS

Whereas the regulations promulgated by the Postmaster General to govern the transportation of mail by air have been in force and effect for a long period of time and are not now being amended, and as it is necessary to the operation of the Air Postal Transport service that the effect of the said regulations be continuous, it has been found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Congress) is impracticable and contrary to the public interest. Accordingly, Part 19 of Title 39, Code of Federal Regulations, is amended, effective at once, by the addition of the following sections.

Sec.
19.5 General regulations to air carriers.
19.6 Report of one-way trip.
19.7 Schedules.
19.8 Flight operations; early departures; notification of plane movements.
19.9 Omissions of service at scheduled stop points.
19.10 Delayed or cancelled scheduled trips; resumed flights; delayed operations.
19.11 Record of air mail pouches and weights dispatched.
19.12 Emergency trips and extra sections.
19.13 Times for exchange of mail at stop points, and for loading and unloading.
19.14 Direct transfer of mail between planes.
19.15 Disposition of mail in cases of cancellation, unscheduled stop, or irregular operations.
19.16 Holding orders.
19.17 Registered mail.
19.18 Protection of the mail.
19.19 Payment for mail service performed.
19.20 Reports of accidents.
19.21 Quarters.
19.22 Correspondence.
19.23 Post Office inspectors.

AUTHORITY: §§ 19.5 to 19.23, inclusive, issued under sec. 405 (d), 52 Stat. 995, as amended; 49 U. S. C. 485.

§ 19.5 *General regulations to air carriers.* (a) Carriers will transport the mail on the route specified in the certificate of public convenience and necessity issued by the Civil Aeronautics Board and on the schedules designated by the Postmaster General pursuant to section 405 (e) of the Civil Aeronautics Act.

(b) In case of cancellation, carriers will be held responsible for the prompt transfer of mail to other routes or trips or transportation of the mail to the nearest post office or train from whence it can be given the most expeditious dispatch to destination.

(c) Carriers will furnish adequate and suitable quarters at such air mail stops on the routes as may be necessary to receive, transfer, dispatch, and distribute mail; such quarters will conform to specifications approved by the Department.

(d) Carriers will truck the mail between such points as may be necessary in emergencies caused by unscheduled stops and unscheduled operation, including cancellations of trips either en route or at termini. Compensation for this service is included in the mail rate prescribed by the Civil Aeronautics Board.

(e) Carriers will keep postal officials fully informed regarding irregularities in the operation of service on their routes.

(f) Carriers will be required to maintain approved schedules except where prevented from doing so by weather and providential causes. They will make the connections between planes of other routes as required and will observe such holding orders as may be prescribed by authorized officials of the Post Office Department.

(g) Carriers will answer promptly all official correspondence from officials of the Post Office Department.

(h) Carriers will keep such records and transmit such reports as may be necessary for the Postmaster General to make prompt and proper accounting for the transportation of the mail on air routes and for other services connected therewith. They will utilize standard forms issued by the Department and will promptly transmit same on completion to the Department or to the authorized field representative.

(i) The Post Office Department will pay the rates prescribed by the Civil Aeronautics Board for the transportation of air mail. The mileage on which payment is based will be that prescribed by the Civil Aeronautics Board.

(j) Carriers will be held responsible for the proper handling and protection of mails in their custody.

(k) In case of accident involving possible damage to or loss of mails, the carrier will promptly notify designated postal officials by telephone or telegraph.

(l) Mail shall be given priority over all other forms of traffic, not only in the matter of transportation, but also in unloading and transfer to the connecting airline, the designated postal representative, or the air mail field.

(m) Carriers who transport mail will carefully observe all rules and regulations issued by the Post Office Department and will be required to take cognizance of and comply with all postal laws and regulations covering the transportation of mail and to be guided by such portions thereof as are not inconsistent with the provisions of the Civil Aeronautics Act or the interpretation made thereof and the rulings made thereunder by the Civil Aeronautics Board. They may be subject to fines and deductions for failure to do so.

§ 19.6 *Report of one-way trip.* (a) Form 2702, Record of one-way trip, is an accounting form used by the Post Office Department and the air carrier in determining mail pay due for mail transported. This form should be an accurate and complete record of the trip flown.

(b) The form, in triplicate, is required for each trip designated by the Post Office Department for the transportation of mail, whether or not mail is carried; also for irregular and emergency trips transporting mail. When a trip cancels at the initial terminal, Form 2702 will be prepared in the usual manner and endorsed to show the reason for cancellation and disposition made of the mail, and disposed of as directed by paragraph (h) of this section.

(c) The carrier will indicate on Form 2702 in correct sequence all scheduled and non-scheduled stops made; also arrival and departure time at each point. Scheduled stops omitted shall be indicated in proper sequence with explanation of failure to stop under "Remarks."

(d) Entries of pouches and parcels and total weights on and off at each station will be made by the carrier in the columns provided. When a scheduled stop is omitted and mails for the omitted stop are removed from the plane at another point, the entry of mails off for the omitted stop shall be shown separately from and immediately below the entry for the point at which such mails are removed, and the entry properly identified.

(e) On Form 2702, in the column headed "Remarks," carriers will make explanation of all failures, irregularities, and delays in handling mail. If a pouch or parcel is mishandled show origin, destination, weight, place boarded and point where put off. If there is insufficient space in the column headed "Remarks", such explanation should be made at the bottom of the form or on the reverse side.

(f) Where transfers are made by the carriers, mail and weights transferred

will be entered by both delivering and receiving carrier on their respective Form 2702's in space immediately below the station at which the transfer is made and the entries properly identified. One entry may be used for mails transferred to another route and received from another route by showing the mails transferred in the "off" columns and the mails received in the "on" columns, with appropriate statement of routes concerned in the remarks column.

(g) Forms 2713 and 2715-B should be used to correct entries on Form 2702. The weight of each pouch placed on the plane as listed on Forms 2713 and 2715-B is the weight due off. When corrections on Form 2702 are necessary, they must be legible and made by drawing a line through or circling the incorrect figures and placing the correct figures immediately above or below. Original figures must not be erased or obliterated. All corrections must be initialed by the person making the correction.

(h) Form 2702 will be balanced and completed upon termination of a trip; this may be done at the terminus or in the carrier's central office or other designated point. The Form 2702 will be retained by carriers until balanced and completed. Carriers are expected to take action to prevent undue delay in completing Form 2702. The carrier will retain the duplicate copy and deliver the original and triplicate copies as directed by the Regional Superintendent concerned.

(i) Form 2702 may be carried on the trip to which it relates or at the option of the carrier only working data (2713, 2715-B) may be carried on the trip and the Form 2702 prepared at the terminus or in the carrier's central office or other designated point. The carrier will inform the Regional Superintendent, Air Mail Service, concerned, where the Form 2702 will be prepared for the route or routes operated.

(j) When a flight is cancelled at an intermediate or off-line point and mail is to be trained, Form 2702 will be closed out as outlined herein. Entry below the station where training is to occur should show in proper "off" columns the number of pouches and outside parcels and total weight similar to entry for direct transfer between routes; also brief explanation under "Remarks" as to reason for cancellation and the disposition made of mail, etc.; i. e., the train to which trained. Form 2702 will be disposed of as directed by paragraph (h) of this section.

CROSS REFERENCE: See § 55.1400 (11 F. R. 177A-153) for description of Form 2702.

§ 19.7 *Schedules.* (a) Carriers will file with the Superintendent, Division of Air Mail Service, Washington 25, D. C., three copies of proposed changes in existing schedules preferably fifteen (15) days, but in no case less than ten (10) days, prior to the effective date. The date of filing is the date of receipt in the Superintendent's office.

(b) Proposed new schedules shall be accompanied by a letter or cover sheet, briefly outlining proposed changes and shall be prepared north to south, east to west, with the flights arranged in chronological order left to right.

(c) When additional trips are proposed, without changing the current schedule, and are designated by the Postmaster General for mail, the Department's order authorizing the use of the additional trips for mail will include the effective date.

§ 19.8 *Flight operations; early departures; notification of plane movements.* Carriers must operate schedules as nearly as practicable at time shown on approved time tables, but early departure may be made when necessary to prevent cancellation. However, as much notice as possible should be given the air mail field or post office to allow for closing out and dispatching available mail. When planes are operating thirty minutes or more late, dispatching offices on the route should be notified as to the approximate arrival to permit of a later closing and the advancement of additional mail.

§ 19.9 *Omissions of service at scheduled stop points.* (a) If a stop cannot be made on any scheduled trip, the local postal representative at the office concerned shall be notified immediately.

(b) If service is to be suspended for one week or more, immediate notice must be furnished to the Superintendent, Division of Air Mail Service, Washington 25, D. C., the Regional Superintendent and postal unit concerned.

(c) When service is to be resumed at a scheduled stop point after suspension, those listed in paragraph (b) of this section will be immediately notified.

§ 19.10 *Delayed or cancelled scheduled trips; resumed flights; delayed operations.* (a) Delayed scheduled trips on routes the mail rates of which are on a pound-mile basis may operate with available mail from initial terminals, even though available mail on hand at scheduled departure has been trained or dispatched to other routes or trips.

(b) Delayed scheduled trips on routes the mail rates of which are on a mileage basis may operate from the initial terminal; however, the delayed operation should not overlap or duplicate other scheduled trips. Carrier claims of payment for mileage of delayed trips which overlap or duplicate other scheduled trips will be disallowed by the Department unless such operation provides service which could not have been performed by other scheduled trips.

(c) When a scheduled trip has been cancelled at the initial terminal or at some intermediate point, a section may be originated at any intermediate point on the route, provided there will be no duplication of service for the same authorized pay trip which would result in additional cost to the Postal Service.

§ 19.11 *Record of air mail pouches and weights dispatched.* (a) The postal unit delivering air mail to carriers for transportation will prepare Form 2713, listing the pouches and outside parcels by origins and destinations. Weights of the pouches and pieces for each destination on the route will be shown on the Form in a proper station sequence.

(b) Pouches and parcels for off-line points will be listed so as to indicate point of transfer.

(c) On receipt of the mail from the local postal unit, the carrier will check the entries and weights as shown on the pouch label against such entries on Form 2713. If there is any difference in weights shown on 2713 and on the pouch labels, Form 2713 will be appropriately corrected without erasure. If mail not listed is received, appropriate entry will be made on Form 2713.

(d) If mail listed on Form 2713 is not received, appropriate notation will be made on the form and the dispatching office notified immediately.

CROSS REFERENCE: For description of Form 2713, see § 55.1402.

§ 19.12 *Emergency trips and extra sections.* (a) Extra sections of authorized trips initiated by the carrier may be used for the transportation of mail whenever mail is tendered by authorized postal representatives at points served by such extra sections on all routes having pound-mile rates and those having included in the rate formula prescribed by the Civil Aeronautics Board the following provisions:

The aforesaid rate per airplane mile shall be applied to the direct airport-to-airport mileage between points served for the carriage of mail on each schedule flown with the mail on the route, and the mail poundage for the route shall be computed at the end of each calendar month on the basis of the average mail load per airplane mile carried over the route during such period: *Provided, however,* That if any scheduled flight is operated in two or more sections between any two points served for mail and mail is transported on more than one such section, the aggregate of the sections so used shall for all purposes of computing compensation pursuant to this order be treated as a single flight, and the rate shall be applied to the airport-to-airport mileage flown by that section which covers the greatest airport-to-airport mileage between points served for mail, and the mail poundage shall be computed as though the total weight of mail carried on all sections had been consolidated in a single aircraft.

(b) On all other routes, extra sections will not be used for mail, unless specifically authorized by the Regional Superintendent concerned.

(c) Refer to § 19.5, paragraph (l) as to handling of Form 2702.

§ 19.13 *Times for exchange of mail at stop points, and for loading and unloading.* (a) Upon arrival of planes at stations, carrier representatives will immediately unload the mail and deliver it to the authorized postal representative at such point as may be designated. Maximum time for unloading at important points may be specified for each trip by the Regional Superintendent, Air Mail Service, in the area concerned.

(b) Mail for all outgoing trips will be delivered to the air carrier by messenger or Motor Vehicle Service from the local post office or by the Air Mail Field at the time authorized by the Regional Superintendent in the area concerned.

§ 19.14 *Direct transfer of mails between planes; use of Form 2715-B.* (a) At junctions of air mail routes or other

stop points where mail is due to be transferred between routes, or trips of the same route, it is the responsibility of the carrier to make the transfer unless otherwise instructed by the Regional Superintendent concerned.

(b) Form 2715–B will be used to record the transfer of mail between carriers and will be prepared by the incoming carrier. When mutually agreed to, Form 2715–B may be prepared by receiving carrier. The receiving carrier will receipt for the mail so turned over, in the space provided for on the form.

(c) The receiving carrier is obligated to accept and transport all mail transferred from incoming planes regularly due to connect his route. If unable to transport such mail it is the obligation of receiving carrier to make disposition according to § 19.15.

(d) The entries of the local mail and transferred mail will be shown as separate items on the trip report, Form 2702. Direct transfers of mail between trips operated by the same carrier may be made without the use of Form 2715–B, provided the mail does not leave the custody of the carrier, and appropriate transfer entries of the trips involved are entered, by carrier, on Forms 2702.

CROSS REFERENCE: See § 55.1403 for description of Form 2715–B.

§ 19.15 *Disposition of mail in case of cancellation, unscheduled stop, or irregular operations.* (a) If at initial terminal or at any stop point enroute, a trip is to be cancelled, the local postal officials concerned should be notified in sufficient time for the mail to be trained or otherwise re-routed.

(b) (1) In case of cancellation at any point served by Motor Vehicle or Mail Messenger Service, and such service is available at no additional cost to the Department, such service may be used to transport the mail to the post office or train from which it can best be expedited to destination.

(2) If Motor Vehicle or Mail Messenger Service cannot be used, under the conditions named in paragraph (b) (1) of this section, the carrier will arrange to promptly transport the mail to the post office or train from which it can best be expedited to destination.

(c) In case mail from cancelled trip, or trips, arrives by train to connect a plane for resumed flight, the carrier whose service was cancelled will be required to meet the train on arrival and transport the mail to the airport unless local instructions from authorized officials of the Air Mail Service provide for other handling.

§ 1916 *Holding orders.* (a) Carriers will observe orders of Regional Superintendents, Air Mail Service, for holding of planes at junction points for connecting mails. Such holding orders will be forwarded to carriers as soon as practicable after schedule changes which necessitate them are received.

(b) If the carrier disagrees with the order of the Regional Superintendent, Air Mail Service, and the differences cannot be reconciled, the case should be submitted to the Deputy Second Assistant Postmaster General in charge of Air Postal Transport, Washington 25, D. C., for decision.

§ 19.17 *Registered mail.* (a) Carriers shall receipt for all rotary lock pouches, iron lock R pouches, and outside registered articles received for dispatch by plane on forms prescribed by the Post Office Department. Carriers will not be required to check the rotary lock numbers of the pouches and registration numbers of outside pieces, it being understood that in signing the bill the carrier simply certifies to receiving a specific number of rotary lock pouches, iron lock R pouches, and outside registered pieces.

(b) When registered pouches, iron lock R pouches, and outside pieces are delivered to Air Mail Field employees, the representative of the carrier shall obtain a receipt for all registered pouches, iron lock R pouches and outsides on Form 2715–B.

(c) When registered pouches and outside pieces are delivered to a mail messenger or motor vehicle driver, the carrier will prepare Form 2753 in triplicate, listing the pouches by fixed and rotary numbers, iron lock R pouches in bulk, and outsides by registration numbers, and obtain receipt from the driver on original. The duplicate and triplicate copies will be turned over to the mail messenger or motor vehicle driver by carrier's employees.

(d) The carrier will indicate on Form 2753 in addition to the registered mail the total of ordinary pouches and outsides delivered to mail messengers, or MVS drivers.

CROSS REFERENCE: See § 55.1404 for description of Form 2715–B and § 55.1405 for description of Form 2753.

§ 19.18 *Protection of the mail.* (a) Carriers will be held strictly responsible and accountable for mails in their custody. Space provided at stations will be such as will adequately protect the mail and prevent any unauthorized persons from having access to it. Mail must not be left exposed on trucks or otherwise be subjected to depredation or weather. Air mail handlers will be identified either by a distinguishing cap, badge, or clothing.

(b) Air carriers will take every precaution to protect air mail in their custody from fire hazard both on the ground and in the air.

§ 19.19 *Payment for mail service performed.* (a) As soon as possible after the end of each month, carriers will submit sworn statements of air mail service performed.

(b) Carriers having pound-mile or ton-mile rates of pay will submit in duplicate, on Form 2720, Monthly Trip Detail Sheet, for each route and trip, a transcript of the pertinent information on Form 2702, One-Way Trip Report, and a detailed computation of pound-miles performed. This will be accompanied by a statement of service performed on Forms 2703–A and 2703–B, in triplicate. Each trip will be listed separately on Forms 2703–A and 2703–B, showing dates, mileage, pound-miles, and amount of claim. Cases of partial or irregular operation and extra sections, should be itemized separately. A recapitulation will be made on the last sheet of the statement showing miles, pound-miles and pay claimed, and consisting of a separate item for each sheet of Form 2720. One copy of each of the above forms, together with a copy of the pay certification on Form 2706, will be returned to the carrier at the time payment is certified to the General Accounting Office.

(c) Carriers paid at other than pound-mile or ton-mile rates will submit statements of service performed, in triplicate, on Forms 2703–A and 2703–B. One copy will be returned to the carrier after audit by the Department. These forms will be completed in detail showing dates of service, trip numbers, miles flown, and such other information as is necessary for settlement of the account. A recapitulation on the last sheet of the statement will show the total miles flown, the rate and the amount of the claim for the month.

(d) In all cases, statements on Forms 2703–A and 2703–B will be subscribed and sworn to by the officer of the company authorized to sign such statements. They will be prepared in such form as may be prescribed by the Department from trip reports covering actual performance of service.

(e) The General Accounting Office has agreed that the Department may authorize advance payment in an amount not greater than 90% of the current payment authorizations. Such advance payments will be certified to the General Accounting Office promptly at the end of each month and the advance payment will be made as soon as the amounts are approved by the General Accounting Office. Balances due carriers will be certified as soon as the accounts can be adjusted and audited.

(f) Each company will file with the Department the names of the person or persons who are authorized to sign the statements on Form 2703. If there are any changes, it will be the responsibility of the carrier to promptly submit a report of such changes to the Department.

CROSS REFERENCE: See § 55.1406 for description of Form 2703–A; § 55.1407 for description of Form 2703–B; § 55.1408 for description of Form 2706; and § 55.1409 for description of Form 2720.

§ 19.20 *Reports of accidents.* (a) Carriers will report immediately by telegraph or telephone to the Deputy Second Assistant Postmaster General in charge of Air Postal Transport, Washington 25, D. C., and to the Regional Superintendent, Air Mail Service, in the area concerned, any accident resulting in damage to or loss of the mail by crash or otherwise. In addition, such other officials of the Postal Service as may be designated by the Regional Superintendent, Air Mail Service, in the area concerned, will also be notified.

(b) When accidents occur resulting in possible damage or loss of mail, mail should be guarded and not disturbed or withdrawn from the plane until arrival of a postal official, except to prevent further damage by fire or otherwise. It is important that a post office inspector or other official of the Postal Service reach the scene of the crash as soon as possible.

§ 19.21 *Quarters.* (a) Carriers will furnish adequate and suitable quarters at such air mail stop points on the route as may be necessary to receive, transfer, dispatch, and distribute the mail.

(b) Such quarters will be furnished with heat, light, hot and cold water, janitor service, toilet facilities, and such other equipment as will provide comfortable working conditions and convenient facilities for expeditious handling and distribution of the mail.

(c) Quarters will be located so as to provide expeditious handling of mail to and from planes, and be conveniently accessible to all vehicles used in the handling of mail.

(d) Whenever necessary suitable lobby space will be provided for the transaction of air mail business by the public.

(e) Requests for changes in established air mail field quarters, plans and specifications of air carriers, and request of officials of the Postal Service for the establishment of new air mail field quarters will be made through the office of Regional Superintendent, Air Mail Service, concerned and will be subject to the approval of the Deputy Second Assistant Postmaster General in charge of Air Postal Transport, Washington 25, D. C.

§ 19.22 *Correspondence.* Air carriers will answer promptly all correspondence from officials of the Post Office Department. Correspondence concerning the Air Mail Service, except that which is initiated by and directed to the Department at Washington, D. C., and post office inspectors, should be channeled through the Regional Superintendent, Air Mail Service, having jurisdiction of the area or route involved.

§ 19.23 *Post Office inspectors.* (a) Post Office inspectors are the special representatives of the Postmaster General. Their duties are outlined in section 29 of the Postal Laws and Regulations of 1940, from which the following is quoted:

> Postmasters, clerks, employees, contractors, and others connected with the postal service, are subordinate to post office inspectors when acting within the scope of their duty and employment. * * * Inspectors are empowered to open pouches and sacks and examine the mails therein and are authorized to enter and inspect post offices at all times.

(b) All employees of air carriers engaged in the transportation of mail are required to cooperate and assist inspectors in the performance of their duties.

(c) Inspectors will exhibit as evidence of their authority the Commission issued by the Postmaster General.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 46–22012; Filed, Dec. 31, 1946; 8:52 a. m.]

Subchapter C—Procedures and Forms

PART 55—FORMS OF THE POST OFFICE DEPARTMENT

AIR MAIL

Part 55—Forms of the Post Office Department (11 F. R. 177A–151) is amended by the insertion of the following sections:

Sec.
55.1402 Form 2713; air mail dispatch record.
55.1403 Form 2715–B; weight of air mail transferred.
55.1404 Form 2715–D; record of air mail pouches and weights received.
55.1405 Form 2753; registry receipt to airline.
55.1406 Form 2703–A; carrier's monthly statement of air mail service performed.
55.1407 Form 2703–B; carrier's monthly statement of air mail service performed.
55.1408 Form 2706; authorization of payment for air mail service performed.
55.1409 Form 2720; monthly trip detail sheet.

AUTHORITY: §§ 55.1402 to 55.1409, inclusive, issued under R. S. 396, sec. 304, 42 Stat. 24; 5 U. S. C. 369.

§ 55.1402 *Form 2713; air mail dispatch record.* A detailed record of the air mail pouches, outside parcels and weights, by origins and destinations, dispatched by a post office or air mail field to a trip of air mail service.

§ 55.1403 *Form 2715–B; weight of air mail transferred.* A record of the pouches, outside parcels, weight and destination of the direct transfer of mail between carriers. The form is prepared by the incoming carrier and the receiving carrier receipts for the mail in the space provided on the form.

§ 55.1404 *Form 2715–D; record of air mail pouches and weights received.* A record of the air mail pouches, outside parcels and weights, by origins and destinations, received by a post office or air mail field.

§ 55.1405 *Form 2753; registry receipt to airline.* When registered mail is delivered by a carrier to a mail messenger or motor vehicle driver, the carrier prepares Form 2753, listing the registered mail in detail, and obtains a receipt from the messenger or driver in the space provided on the form.

§ 55.1406 *Form 2703–A; carrier's monthly statement of air mail service performed.* This form is prescribed by the Comptroller General of the United States and provides for detailed information as to mail matter carried by air and the amount claimed by the carrier as compensation for service performed, supported by a sworn statement of the carrier.

§ 55.1407 *Form 2703–B; carrier's monthly statement of air mail service performed.* Form 2703–B is a continuation sheet for Form 2703–A.

§ 55.1408 *Form 2706; authorization of payment for air mail service performed.* This form consists of a monthly statement of authorized service performed and the amount of compensation due the carrier for the performance of such service. It is prescribed by the Comptroller General of the United States and constitutes the certification of payments to the General Accounting Office.

§ 55.1409 *Form 2720; monthly trip detail sheet.* The form is prescribed by the Comptroller General of the United States and provides for a detailed monthly transcript and analysis of the daily information shown on Form 2702, report of one-way trip. It is used in the determination of air mail pound-miles.

CROSS REFERENCE: See § 55.1400 (11 F. R. 177A–153) for description of Form 2702.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 46–22010; Filed, Dec. 31, 1946; 8:52 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter D—Tank Vessels

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

ELECTRIC WATER LIGHTS

By virtue of the authority vested in me by R. S. 4405 and 4417a, as amended (46 U. S. C. 375, 391a), and Reorganization Plan No. 3 of 1946 (11 F. R. 7875), I find that an emergency exists and the following amendment to the Tank Vessel Regulations shall be made effective on the date of publication of this order in the FEDERAL REGISTER:

Section 37.9–1 *Automatic electric water lights—TB/ALL* is amended in the second sentence by changing the date "January 1, 1947" to "July 1, 1947." (For text of section see FEDERAL REGISTER of August 23, 1945, 10 F. R. 10365, as amended October 2, 1945, 10 F. R. 12408, December 19, 1945, 10 F. R. 15174, and July 2, 1946, 11 F. R. 7346.)

This amendment to the Tank Vessel Regulations is published without prior general notice of its proposed issuance for the reason that notice and public rule making procedure in connection therewith are hereby found to be impracticable. Because of the shortage of critical materials necessary in the manufacture of automatic electric water lights sufficient quantity of approved types of water lights is not available for compliance with the regulations. This amendment postpones the effective date of the new requirements for automatic electric water lights until July 1, 1947.

(R. S. 4405, 4417a, 46 U. S. C. 375, 391a; Reorganization Plan No. 3 of 1946 (11 F. R. 7875))

Dated: December 26, 1946.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 46–22037; Filed, Dec. 31, 1946; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

STANDARDS FOR GRADES OF CANNED TANGERINE JUICE[1]

NOTICE OF RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the tentative United States Standards for Grades of Canned Tangerine Juice pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946). These standards are to become effective January 15, 1947.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards and the effective date of the standards shall file the same in quadruplicate with the Hearing Clerk, Office of the Solicitor, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.667 *Canned tangerine juice*—(a) *Definition.* Canned tangerine juice is the undiluted, unfermented juice obtained from the matured fresh fruit of the tangerine tree (Citrus reticulata) which fruit has been properly washed; may be packed with or without the addition of sugar; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(b) *Grades of canned tangerine juice.* (1) U. S. Grade A or U. S. Fancy canned tangerine juice possesses a bright typical color; is practically free from defects; possesses a fine, distinct normal canned tangerine juice flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined herein. Canned tangerine juice of this grade meets the following requirements:

(i) *Brix.* Not less than 10.5 degrees Brix.

(ii) *Acid.* Not less than 0.75 gm. nor more than 1.4 gm., calculated as anhydrous citric, per 100 ml. of juice.

(iii) *Recoverable oil.* Not more than 0.015 percent by volume of recoverable oil.

(iv) *Pulp.* Not more than 7 percent free and suspended pulp.

(2) U. S. Grade C or U. S. Standard canned tangerine juice possesses a good typical color; is fairly free from defects; possesses a good, normal canned tangerine juice flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined herein. Canned tangerine juice of this grade meets the following requirements:

(i) *Brix.* Not less than 10.0 degrees Brix.

(ii) *Acid.* Not less than 0.65 gm. nor more than 1.6 gm., calculated as anhydrous citric, per 100 ml. of juice.

(iii) *Recoverable oil.* Not more than 0.020 percent by volume of recoverable oil.

(iv) *Pulp.* Not more than 10 percent free and suspended pulp.

(3) U. S. Grade D or Substandard canned tangerine juice is tangerine juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(4) Canned tangerine juice of any of the foregoing grades may be considered "sweetened" if sugar has been added and the juice tests not less than 13.5 degrees Brix.

(c) *Recommended fill of container.* It is recommended that canned tangerine juice occupy not less than 90 percent of the volume capacity of the container.

(d) *Ascertaining the grade.* The grade of canned tangerine juice may be ascertained by considering, in addition to the foregoing requirements, the following factors: Color, absence of defects, and flavor. The relative importance of each factor has been expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

(1) Color	20
(2) Absence of defects	40
(3) Flavor	40
Total score	100

(e) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical ranges within each factor are inclusive. For example, the range 17 to 20 means 17, 18, 19, and 20.

(1) *Color.* (i) Canned tangerine juice that possesses a bright typical color may be given a score of 17 to 20 points. "Bright typical color" means that the tangerine juice possesses a bright yellow to yellow-orange color typical of freshly extracted juice and is free from traces of browning due to scorching, oxidation, carmelization, or other causes.

(ii) If the canned tangerine juice possesses a good typical color, a score of 14 to 16 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product. "Good typical color" means that the tangerine juice is a typical yellow to yellow-orange color that may be slightly amber or show evidence of slight browning.

(iii) If the canned tangerine juice is definitely dull or off-color for any reason, a score of 0 to 13 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product.

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from particles of membrane, core, skin, seeds and seed particles, "rag," recoverable oil, residue, similar substances, or other defects.

(i) Canned tangerine juice that is practically free from defects may be given a score of 34 to 40 points. Canned tangerine juice that shows coagulation shall not be scored in this classification. "Practically free from defects" means that the juice may contain not more than 7 percent free and suspended pulp and that there may be present not more than 0.015 percent by volume of recoverable oil when determined in accordance with the methods outlined herein; and that the juice contains no noticeable seed particles, similar substances, nor other defects.

(ii) If the canned tangerine juice is fairly free from defects, a score of 28 to 33 points may be given. Canned tangerine juice that shows more than a slight coagulation shall not be scored in this classification. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product. "Fairly free from defects" means that the juice may contain not more than 10 percent free and suspended pulp and that there may be present not more than 0.020 percent by volume of recoverable oil when determined in accordance with the methods outlined herein; and that seed particles, similar substances, or other defects may be noticeable but not prominent.

(iii) Canned tangerine juice that fails to meet the requirements of subparagraph (2) (ii) of this paragraph, may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product.

(3) *Flavor.* (i) Canned tangerine juice that possesses a fine, distinct, normal canned tangerine juice flavor, free from traces of scorching, caramelization, oxidation or terpene may be given a score of 34 to 40 points. To score in this classification canned tangerine juice shall meet the following additional requirements:

Canned tangerine juice tests not less than 10.5 degrees Brix.

Canned tangerine juice contains not less than 0.75 gm. nor more than 1.4 gm. of acid, calculated as anhydrous citric, per 100 ml. of juice.

(ii) If the canned tangerine juice possesses a good normal canned tangerine juice flavor, but not an objectionable flavor, a score of 28 to 33 points may be given. Canned tangerine juice

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

OIL SEPARATORY TRAP

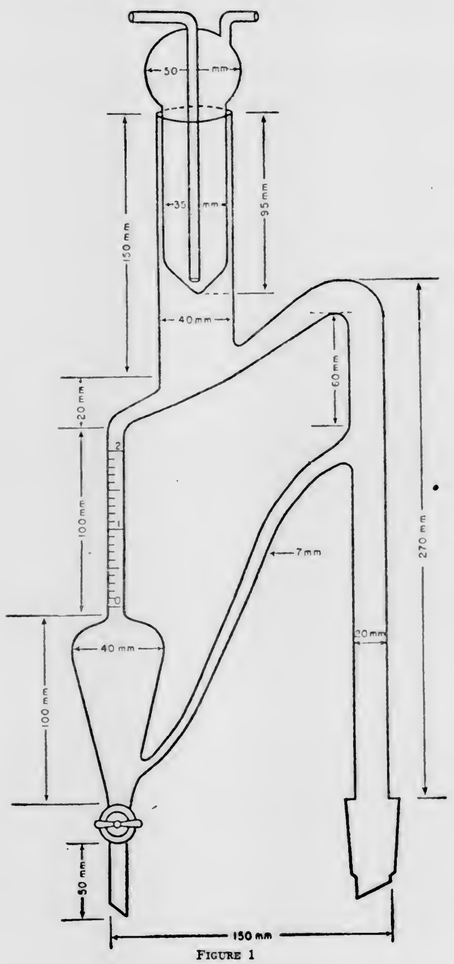


FIGURE 1

OIL SEPARATORY TRAP

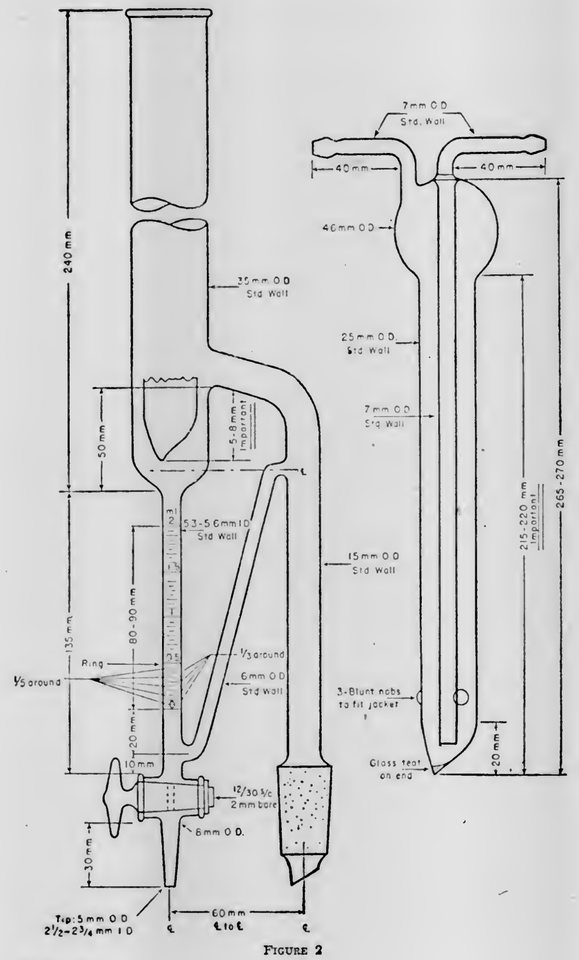


FIGURE 2

that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product. To score in this classification canned tangerine juice shall meet the following additional requirements:

Canned tangerine juice tests not less than 10 degrees Brix.

Canned tangerine juice contains not less than 0.65 gm. nor more than 1.6 gm. of acid, calculated as anhydrous citric, per 100 ml. of juice.

(iii) If the canned tangerine juice fails to meet the requirements of subparagraph (3) (ii) of this paragraph, or if the canned tangerine juice has the flavor of green fruit, is off flavor, or is distinctly unpalatable for any reason, a score of 0 to 27 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product.

(f) *Explanation of terms.* (1) "10.5 degrees Brix" means that the juice tests 10.5 degrees when tested with a Brix hydrometer, read at the proper temperature for the instrument used.

(2) "Normal canned tangerine juice flavor" means that the product is free from objectionable flavor or off flavor of any kind.

(3) "Free and suspended pulp" is determined by the following method:

(i) Graduated centrifuge tubes with a capacity of 50 ml. are filled with juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table I and the juice is centrifuged for exactly 10 minutes. As used herein, "diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multipled by 2 to give the percentage of pulp.

TABLE I

Diameter	Approximate revolutions per minute	Diameter	Approximate revolutions per minute
10 inches	1,609	15½ inches	1,292
10½ inches	1,570	16 inches	1,271
11 inches	1,531	16½ inches	1,252
11½ inches	1,500	17 inches	1,234
12 inches	1,468	17½ inches	1,216
12½ inches	1,438	18 inches	1,199
13 inches	1,410	18½ inches	1,182
13½ inches	1,381	19 inches	1,167
14 inches	1,379	19½ inches	1,152
14½ inches	1,336	20 inches	1,137
15 inches	1,311		

(4) "Acid" in tangerine juice is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator. Acid is calculated as anhydrous citric acid.

(5) "Percent by volume of recoverable oil" in tangerine juice is determined by the following method:

(i) *Equipment.* Oil Separatory trap similar to those illustrated in figure 1 and figure 2.

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

(g) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned tangerine juice the grade will be determined by averaging the score of all containers, provided not more than one-sixth of the containers fail in some respect to meet the requirements of the grade indicated by the average score.

(2) However, none of the containers may fall more than 4 points below the minimum score for the grade indicated by the average score, and if one-sixth or less of the containers fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers for the limiting factor must be within the range for the grade indicated by the average total score.

(3) This tolerance does not apply if any container falls below any applicable standard of quality promulgated under the Federal Food, Drug, and Cosmetic Act.

(h) *Score sheet for canned tangerine juice.*

Factors	Score points	
I. Color	20	(A) 17-20 (C) 14-16 [1] (D) 0-13 [1]
II. Absence of defects	40	(A) 34-40 (C) 28-33 [1] (D) 0-27 [1]
III. Flavor	40	(A) 34-40 (C) 28-33 [1] (D) 0-27 [1]
Total score	100	
Grade		

[1] Indicates limiting rule within classification.

Issued this 20th day of December 1946.

[SEAL] JESSE B. GILMER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 46-21901; Filed, Dec. 24, 1946; 8:46 a. m.]

[7 CFR Part 52]

STANDARDS FOR GRADES OF CANNED SWEETPOTATOES

NOTICE OF EXTENSION OF TIME TO FILE WRITTEN DATA, VIEWS, OR ARGUMENTS

On November 28, 1946, there was published in the FEDERAL REGISTER (11 F. R. 13921) notice of proposed rule making in connection with the proposed revision of United States Standards for Grades of Canned Sweetpotatoes to become effective December 15, 1946. It is now proposed to change the effective date of the revised standards to January 15, 1947.

Notice is hereby given that the time within which written data, views, or arguments must be filed with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., to be considered in connection with the proposed issuance of the revised standards effective January 15, 1947, has been extended from December 12, 1946 to not later than 5:30 p. m., e. s. t., January 2, 1947.

Dated: December 27, 1946.

[SEAL] JESSE B. GILMER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 46-22043; Filed, Dec. 31, 1946; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7922]

META LENTZ

In re: Bank account and stock owned by and a debt owing to Meta Lentz. F-28-4211-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Meta Lentz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Meta Lentz, by City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, arising out of a savings account, Account Number 87887, entitled Meta Lentz, and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation owing to Meta Lentz, by Illinois Timber Co., evidenced by a 6% Promissory Note made by Illinois Timber Co., payable to Meta Lentz, and presently in the custody of City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

c. Sixty (60) shares of capital stock of Louisiana Consolidated Mining Co., Inc., registered in the name of Central Trust Co. of Illinois, Trustee, and presently in the custody of City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with all declared and unpaid dividends thereon,

d. Forty (40) shares of capital stock of Central Coal Co., evidenced by a certificate numbered 124, registered in the name of Meta Lentz, and presently in the custody of City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with all declared and unpaid dividends thereon, and

e. Twenty (20) shares of capital stock of Powell County Land Co., evidenced by a certificate numbered 21, registered in the name of Meta Lentz, and presently in the custody of City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Meta Lentz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 18, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-22046; Filed, Dec. 31, 1946; 8:49 a. m.]

[Vesting Order 7924]

JOSEPH AND MARIE MEITINGER

In re: Bank account, stock and bonds owned by Joseph Meitinger and Marie Meitinger. F-28-26910-A-1

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Meitinger and Marie Meitinger, whose last known addresses are Sophieblatt 61, Kiel, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Joseph Meitinger and Marie Meitinger, by Manufacturers Bank and Trust Co. of St. Louis, 1731 South Broadway, St. Louis 4, Missouri, arising out of a savings account, Account Number 20103, entitled Joseph Meitinger or Marie Meitinger, and any and all rights to demand, enforce and collect the same,

b. Twenty (20) shares of no par value capital stock of Hugo Stinnes Corporation, 10 Light Street, Baltimore, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by certificate number NY06441, registered in the name of Joseph Meitinger, and presently in the custody of St. Louis Union Trust Co., 323 North Broadway, St. Louis 2, Missouri, together with all declared and unpaid dividends thereon,

c. Four (4) 7% Hugo Stinnes Corporation Ten Year Bonds, of $1,000.00 face value, bearing the numbers M6795, M7272, M7273, M7274, presently in the custody of St. Louis Union Trust Co., 323 North Broadway, St. Louis 2, Missouri, together with any and all rights thereunder and thereto, and

d. Two (2) 7% Hugo Stinnes Corporation Ten Year Bonds, of $500.00 face value, bearing the numbers D682 and D683, presently in the custody of St. Louis Union Trust Co., 323 North Broadway, St. Louis 2, Missouri, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 18, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 46-22047; Filed, Dec. 31, 1946; 8:49 a. m.]

JAN 4 1947

DEPARTMENT OF THE INTERIOR

Geological Survey

GRANDE RONDE AND WALLOWA RIVERS, OREGON

POWER SITE CLASSIFICATION NO. 381

NOVEMBER 25, 1946.

Under authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), the following described land is hereby classified as power sites and, in so far as title thereto remains in the United States and subject to valid existing rights, it is recommended that this classification be given full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (41 Stat. 1075, 49 Stat. 846; 16 U. S. C. 818):

POWER SITE CLASSIFICATION NO. 381

GRANDE RONDE AND WALLOWA RIVERS, OREGON

Willamette Meridian

T. 2 N., R. 40 E.
Sec. 12, NE¼.
T. 3 N., R. 40 E.
Sec. 11, SW¼NE¼, and S½NW¼.
T. 2 N., R. 41 E.,
Sec. 18, lot 1, SE¼NW¼;
Sec. 20, NW¼NW¼.
The area described aggregates 385.53 acres.

Approved: December 20, 1946.

W. E. WRATHER,
Director.

WARNER W. GARDNER,
Assistant Secretary.

[F. R. Doc. 46-22013; Filed, Dec. 31, 1946; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5565]

KENTUCKY UTILITIES CO.

NOTICE OF ORDER APPROVING DISPOSITION OF AMOUNTS CLASSIFIED AS PLANT ADJUSTMENTS AND PLANT ACQUISITION ADJUSTMENTS AND TERMINATING PROCEEDINGS

DECEMBER 26, 1946.

Notice is hereby given that, on December 24, 1946, the Federal Power Commission issued its order approving disposition of amounts classified as plant adjustments and plant acquisition adjustments and terminating proceedings, entered December 23, 1946, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-22015; Filed, Dec. 31, 1946; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1343]

COLUMBIA GAS & ELECTRIC CORP.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of December 1946.

The Commission by orders entered in this proceeding on August 28, 1946 and September 11, 1946 having permitted to become effective the declaration, as amended, filed by Columbia Gas & Electric Corporation, a registered holding company, pursuant to sections 6, 7, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder, regarding the issuance and sale of $77,500,000 principal amount of Debentures due 1971 and $20,000,000 principal amount of ten-year Serial Debentures (Holding Company Act Release Nos. 6866 and 6885); and

The Commission having in said orders reserved jurisdiction with respect to the payment of all legal fees and expenses of counsel in connection with the proposed transactions; and

Shearman & Sterling & Wright, counsel for the Underwriters having submitted information regarding the nature and extent of the services rendered by it for which a fee of $30,000 and reimbursement of expenses in the amount of $4,368.70 are requested;

The Commission having considered the record and finding that said fee and expenses are not unreasonable:

It is ordered, That the jurisdiction heretofore reserved in the orders of August 28, 1946 and September 11, 1946 with respect to the payment of legal fees and expenses of Shearman & Sterling & Wright be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-22021; Filed, Dec. 31, 1946; 8:53 a. m.]

[File No. 70-1424]

THE UNITED CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of December 1946.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Corporation ("United"), a registered holding company. Declarant has designated section 12 (c) of the act and Rule U-46 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 7, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after January 7, 1947, such declaration as filed or as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below:

United proposes to declare and pay the quarterly dividend of 75 cents per share which will accrue on its $3 Cumulative Preference Stock on January 1, 1947.

As of December 18, 1946, United had outstanding 1,136,199 shares of $3 Preference Stock. However, the number of shares of such stock which may be outstanding on the record date of the proposed dividend cannot be determined at this time, since the company is proceeding with the purchase of a limited number of the shares of such stock as authorized by the Commission's Order of August 9, 1946 (Holding Company Act Release No. 6936). Based on the number of shares outstanding as of December 18, 1946, the proposed dividend would amount to $852,149. United's entire balance in earned surplus, estimated at $766,000 as of January 1, 1947, will be utilized for the payment of such dividends, and the remaining part of the aggregate amount of such dividend will be charged to unrestricted capital surplus which as of November 30, 1946 amounted to $29,557,236.

The proposed transaction is described as a facilitating step in a program contemplated by United to effectuate further partial compliance with the Commission's order of August 14, 1943, directing United to change its capitalization to one class of stock, namely, common stock, and to take such action as will cause it to cease to be a holding company. As part of such program, United pursuant to authorization contained in the Commission's orders of July 17, 194 and September 27, 1946 (Holding Company Act Release Nos. 6787 and 6921 has paid in full all dividends on its $ Preference Stock accumulated up to and including October 1, 1946 and contemplates the filing of plans, which are no before us for approval at this time, providing for further compliance with the Commission's order of August 14, 1946.

The company states that any plans for compliance with that order will be simplified, if all dividends on the $3 Preference Stock are declared and paid as they accrue.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-22022; Filed, Dec. 31, 1946; 8:53 a. m.]

Reference

JAN 4 1947

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 2

Washington, Friday, January 3, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9816

PROVIDING FOR THE TRANSFER OF PROPERTIES AND PERSONNEL TO THE ATOMIC ENERGY COMMISSION

By virtue of the authority vested in me by the Constitution and the statutes, including the Atomic Energy Act of 1946, and as President of the United States and Commander in Chief of the Army and the Navy, it is hereby ordered and directed as follows:

1. There are transferred to the Atomic Energy Commission all interests owned by the United States or any Government agency in the following property:

(a) All fissionable material; all atomic weapons and parts thereof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy; all processes and technical information of any kind, and the source thereof (including data, drawings, specifications, patents, patent applications, and other sources) relating to the processing, production, or utilization of fissionable material or atomic energy; and all contracts, agreements, leases, patents, applications for patents, inventions and discoveries (whether patented or unpatented), and other rights of any kind concerning any such items.

(b) All facilities, equipment, and materials, devoted primarily to atomic energy research and development.

2. There also are transferred to the Atomic Energy Commission all property, real or personal, tangible or intangible, including records, owned by or in the possession, custody or control of the Manhattan Engineer District, War Department, in addition to the property described in paragraph 1 above. Specific items of such property, including records, may be excepted from transfer to the Commission in the following manner:

(a) The Secretary of War shall notify the Commission in writing as to the specific items of property or records he wishes to except; and

(b) If after full examination of the facts by the Commission, it concurs in the exception, those specific items of property or records shall be excepted from transfer to the Commission; or

(c) If after full examination of the facts by the Commission, it does not concur in the exception, the matter shall be referred to the President for decision.

3. The Atomic Energy Commission shall exercise full jurisdiction over all interests and property transferred to the Commission in paragraphs 1 and 2 above, in accordance with the provisions of the Atomic Energy Act of 1946.

4. Any Government agency is authorized to transfer to the Atomic Energy Commission, at the request of the Commission, any property, real or personal, tangible or intangible, acquired or used by such Government agency in connection with any of the property or interests transferred to the Commission by paragraphs 1 and 2 above.

5. Each Government agency shall supply the Atomic Energy Commission with a report on, and an accounting and inventory of, all interests and property, described in paragraphs 1, 2 and 4 above, owned by or in the possession, custody, or control of such Government agency, the form and detail of such report, accounting and inventory, to be determined by mutual agreement, or, in case of nonagreement, by the Director of the Bureau of the Budget.

6. (a) There also are transferred to the Atomic Energy Commission, all civilian officers and employees of the Manhattan Engineer District, War Department, except that the Commission and the Secretary of War may by mutual agreement exclude any of such personnel from transfer to the Commission.

(b) The military and naval personnel heretofore assigned or detailed to the Manhattan Engineer District, War Department, shall continue to be made available to the Commission, for military and naval duty, in similar manner, without prejudice to the military or naval status of such personnel, for such periods of time as may be agreed mutually by the Commission and the Secretary of War or the Secretary of the Navy.

7. The assistance and the services, personal or other, including the use of property, heretofore made available by

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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any Government agency to the Manhattan Engineer District, War Department, shall be made available to the Atomic Energy Commission for the same purposes as heretofore and under the arrangements now existing until terminated after 30 days notice given by the Commission or by the Government agency concerned in each case.

8. The Commission is authorized to exercise all of the powers and functions vested in the Secretary of War by Executive Order No. 9001, of December 27, 1941, as amended, in so far as they relate to contracts heretofore made by or hereby transferred to the Commission.

9. Such further measures and dispositions as may be determined by the Atomic Energy Commission and any Government agency concerned to be necessary to effectuate the transfers authorized or directed by this order shall be carried out in such manner as the Director of the Bureau of the Budget may direct and by such agencies as he may designate.

10. This order shall be effective as of midnight, December 31, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 31, 1946.

[F. R. Doc. 46-22112; Filed, Dec. 31, 1946; 5:05 p. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

PART 1590—SUSPENSION ORDERS

ALLIED MOLASSES CO., INC.

Pursuant to an order of the Acting Administrator, Production and Marketing Administration, dated December 3, 1946 (11 F. R. 14131), a hearing was accorded the Allied Molasses Company, Inc., on December 6, 1946, for the purpose of affording that company an opportunity to present evidence in support of its contention that third parties who in the past have purchased its products have suffered undue and unreasonable hardship by reason of a suspension order heretofore issued against the company on August 16, 1946 (11 F. R. 9329).

From the evidence adduced at the hearing it appears that the aforesaid suspension order is working an unreasonable hardship on persons who are necessarily solely dependent upon that company for blackstrap molasses or for products derived therefrom. It also appears that no other company is in a position to satisfy the requirements of such persons.

Upon due consideration of all of the facts established by the record, *It is ordered*, That paragraph (a) of the aforesaid suspension order be, and the same is, hereby amended to read as follows:

§ 1590.15 *Suspension against Allied Molasses Company, Inc., 386 Smith Street, Perth Amboy, New Jersey.* (a) The respondent, Allied Molasses Company, Inc., 386 Smith Street, Perth Amboy, New Jersey, shall not accept deliveries of edible molasses, as that term is defined in War Food Order No. 51, as amended, until its basic quota of 382,800 gallons, by quarterly accumulations of 95,700 gallons per quarter, shall in the aggregate exceed its over-use of 504,193 gallons: *Provided, however*, That Allied Molasses Company, Inc., may accept delivery of blackstrap molasses containing not over 76 percent sugars, on the dry basis, equal to one-half of its yearly quota, or 191,400 gallons during each marketing year, and to use such blackstrap molasses equal to one-half of its quarterly quota of 47,850 gallons during each calendar quarter until the unused part of its basic quota of 382,800 gallons, by quarterly accumulations of 47,850 gallons per quarter, shall in the aggregate equal its over-use of 504,193 gallons; *And provided further*, That blackstrap molasses, as hereinabove defined may be accepted as hereinabove set forth by Allied Molasses Company, Inc., for the following purposes only: (1) for the manufacture of products for distribution in consumer-size containers, not to exceed 32 ounces, and (2) for the bulk manufacture of thick and thin soy sauces.

The petition of Allied Molasses Company, Inc., for relief from hardship is, in all other respects, denied.

This order shall become effective upon issuance thereof.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179; E. O. 9322, Mar. 26, 1943, 8 F. R. 3807; E. O. 9334, Apr. 19, 1943, 8 F. R. 5423; E. O. 9577, June 29, 1945, 10 F. R. 8087; and WFO 78, Amdt. 2, 10 F. R. 13041; 11 F. R. 5105)

Issued this 30th day of December 1946.

[SEAL] C. C. FARRINGTON,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 47-46; Filed, Jan. 2, 1947; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

[B. A. I. Order 373]

PART 94—RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATION

MEXICO

Section 94.1 *Existence of rinderpest or foot-and-mouth disease; importations prohibited* of Part 94, Chapter I, Title 9, Code of Federal Regulations (B. A. I. Order 373), as amended, is hereby further amended by adding Mexico to the list of countries named therein, as I have

determined that foot-and-mouth disease now exists in Mexico and have so notified the Secretary of the Treasury.

The protection of the livestock interests of the United States demands that this amendment be made effective at the earliest possible moment. Accordingly, notice and public procedure thereon, as provided for in section 4 (a) of the Administrative Procedure Act (Act of Congress approved June 11, 1946, 60 Stat. 238) are impracticable and contrary to the public interest, and there is good cause for finding that compliance with the publication requirements of section 4 (c) of that act is unnecessary. Neither notice nor hearing is required by any other statute.

This notice shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 306 (a) and (c), 46 Stat. 689; 19 U. S. C. 1306)

Done at Washington, D. C., this 30th day of December 1946.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-23; Filed, Jan. 2, 1947; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

DETERMINATION AND EFFECT OF PURPOSE OF LOAN

The following interpretation under this part relating to loans by banks for the purpose of purchasing or carrying registered stocks was issued by the Board of Governors of the Federal Reserve System on December 24, 1946:

§ 221.101 *Determination and effect of purpose of loan.* Under this part the original purpose of a loan is controlling. In other words, if a loan originally is not for the purpose of purchasing or carrying registered stocks, changes in the collateral for the loan do not change its exempted character.

However, a so-called increase in the loan is necessarily on an entirely different basis. So far as the purpose of the credit is concerned, it is a new loan, and the question of whether or not it is subject to this part must be determined accordingly.

Certain facts should also be mentioned regarding the determination of the purpose of a loan. Section 221.3 (a) provides in that connection that "a bank may rely upon a statement with respect thereto, accepted by the bank in good faith, signed by an officer of the bank or by the borrower." The requirement of "good faith" is of vital importance here. Its application will necessarily vary with the facts of the particular case, but it is clear that the bank must be alert to the circumstances surrounding the loan. For example, if the loan is to be made to a customer who is not a broker or dealer in securities, but such a broker or dealer is to deliver registered stocks to secure the loan or is to receive the proceeds of the loan, the bank would be put on notice that the loan would probably be subject to this part. It could not accept in good faith a statement to the contrary without obtaining a reliable and satisfactory explanation of the situation.

Furthermore, the "purpose" of a loan means just that. It cannot be altered by some temporary application of the proceeds. For example, if a borrower is to purchase Government securities with the proceeds of a loan, but is soon thereafter to sell such securities and replace them with registered stocks, the loan is clearly for the purpose of purchasing or carrying registered stocks. (Secs. 3 (a), (b), 7, 48 Stat. 882, 886, sec. 23 (a), as amended by sec. 8, 49 Stat. 1379; 15 U. S. C. 78c, 78g, 15 U. S. C., Sup., 78w (a))

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 47-17; Filed, Jan. 2, 1947; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 340-B [1]]

LIMITED MECHANIC CERTIFICATE WITH PROPELLER OR AIRCRAFT APPLIANCE RATING

EXTENSION OF EFFECTIVE PERIOD

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 24th day of December 1946.

It appearing that: Special Civil Air Regulation Serial Number 340 expires December 31, 1946; it was intended that the provisions of this regulation would be included in the revision of Part 24, Mechanic Certificates, prior to December 31, 1946; it has not been possible to complete the revision of Part 24 within such time.

The Board finds that the purpose of this regulation is to continue the issuance and effectiveness of limited mechanic certificates until such time as these provisions are included in Part 24; the extension of Special Civil Air Regulation Serial Number 340 should be made effective December 31, 1946, for an additional 6-month period, within which time it is expected that the revision of Part 24 will be completed; and that compliance with paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is unnecessary in the public interest.

Now, therefore: Effective December 31, 1946, Special Civil Air Regulation Serial Number 340 is amended by striking the words "December 31, 1946" and inserting in lieu thereof the words "June 30, 1947."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-51; Filed, Jan. 2, 1947; 8:45 a. m.]

[1] Reg. 340, 10 F. R. 7790, Reg. 340-A, 11 F. R. 31.

[Civil Air Reg., Amdt. 20-4]

PART 20—PILOT CERTIFICATES

EXCHANGE OF PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 24th day of December 1946.

It appearing that: § 20.55 of the Civil Air Regulations does not provide for the exchange of pilot certificates issued between January 1, 1942, and July 1, 1945; it is desirable to have all effective pilot certificates issued in accordance with the provisions of Part 20, effective July 1, 1945; the exchange of certificates required by this amendment may be accomplished by the holders of pilot certificates merely by presentation of their private or commercial pilot certificates.

The Board finds that this amendment is for the purpose of clarifying § 20.55 of the Civil Air Regulations, that it imposes no substantive restriction, and that compliance with paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is unnecessary in the public interest.

Now, therefore: Effective December 24, 1946, § 20.55 of the Civil Air Regulations is amended to read as follows:

§ 20.55 *Exchange of certificates.* A private or commercial pilot certificate which was effective on or after January 1, 1942, and which was issued prior to July 1, 1945, will expire on July 1, 1947. Such certificate may be exchanged at any time prior to July 1, 1947, for a pilot certificate and the appropriate ratings provided for in this part. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-52; Filed, Jan. 2, 1947; 8:47 a. m.]

[Civil Air Regs., Amdt. 35-0]

PART 35—FLIGHT ENGINEER CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 24th day of December 1946.

It appearing that: The proposal to adopt a new Part 35 of the Civil Air Regulations to provide certification standards for the issuance of flight engineer certificates was circulated to the air carrier industry and to the interested aviation organizations on February 15, 1946, with the request for the submission of any comments and suggestions not later than May 1, 1946; the comments submitted by interested parties have been considered by the Board and the oral comment submitted at various discussion meetings by interested persons has also been considered by the Board; it is desirable to provide for the certification of flight engineers who will serve in connection with civil aircraft as provided by the aircraft operation rules of the Civil Air Regulations.

The Civil Aeronautics Board finds that the notice and public procedure provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary and that this regulation should become effective 90 days after the adoption date.

Now, therefore; Effective March 15, 1947, the Civil Air Regulations are amended by adopting a new Part 35, Flight Engineer Certificates, to read as follows:

In accordance with the provisions of Title VI of the Civil Aeronautics Act of 1938 it is unlawful for any person to serve in any capacity as an airman in connection with any civil aircraft used in air commerce without an airman certificate authorizing him to serve in such capacity, or in violation of the terms of any such certificate. A flight engineer falls within the definition of airman as defined in that act.

The purpose of this part is to provide a means for compliance with the airman requirements of Title VI of the act with respect to the use in air commerce of those types of aircraft which require the services of flight engineers by providing the standards by which flight engineers may be certificated as airmen.

Sec.
35.0 Requirements for certificate.
35.00 Issuance.
35.01 Age.
35.02 Citizenship.
35.03 Education.
35.04 Physical standards.
35.05 Experience.
35.06 Knowledge.
35.07 Skill.
35.1 Certification rules.
35.10 Application.
35.11 Duration.
35.12 Surrender.
35.13 Reexamination.

AUTHORITY: §§ 35.0 to 35.13, inclusive, issued under 52 Stat. 984, 1007; 49 U. S. C. 425, 551.

§ 35.0 *Requirements for certificate.*

§ 35.00 *Issuance.* A flight engineer certificate will be issued to an applicant who meets the following requirements:

§ 35.01 *Age.* Applicant shall be at least 21 years of age.

§ 35.02 *Citizenship.* Applicant shall be a citizen of the United States or of a foreign government which grants reciprocal flight engineer privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 35.03 *Education.* Applicant shall be able to read, write, speak, and understand the English language.

§ 35.04 *Physical standards.* Applicant shall meet the physical standards of the second class prescribed in Part 29 of this chapter.

§ 35.05 *Experience.* Applicant shall:

(a) Have had at least 4 years of diversified practical experience in the maintenance and repair of aircraft and aircraft engines, or

(b) Hold a degree in engineering from a recognized college, university, or engineering school and in addition have had at least one year of diversified practical experience in the maintenance and repair of aircraft and aircraft engines, or

(c) Have had at least 200 hours of flight experience in the duties of a flight engineer, or

(d) Have satisfactorily completed a course of ground and flight instruction in at least the items specified in § 35.06 which the Administrator has found adequate for the training of a flight engineer, or

(e) Have had at least 200 hours as a pilot in command of an aircraft having 4 engines or more.

§ 35.06 *Knowledge.* Applicant shall pass a written examination on the following subjects pertaining to aircraft having 4 engines and certificated in the transport category:

(a) Responsibilities and limitations of a flight engineer as specified in the Civil Air Regulations;

(b) Theory of flight and elementary aerodynamics;

(c) Aircraft performance and aircraft engine operation with respect to limitations;

(d) Mathematical computations of engine operation and fuel consumption, including basic meteorology with respect to engine operation;

(e) Aircraft loading and center of gravity computations;

(f) Basic aircraft maintenance and operating procedures.

§ 35.07 *Skill.* Applicant shall pass a practical test in the duties of a flight engineer during flight, on an aircraft having 4 engines and certificated in the transport category, and shall demonstrate competency with respect to:

(a) Normal duties and procedures relating to aircraft, aircraft engines, propellers, and appliances;

(b) Recognition of the malfunctioning of aircraft, aircraft engines, propellers, and appliances, and the taking of appropriate action thereon;

(c) Emergency duties and procedures relating to aircraft, aircraft engines, propellers, and appliances.

§ 35.1 *Certification rules.*

§ 35.10 *Application.* Application shall be made on a form and in the manner prescribed by the Administrator.

§ 35.11 *Duration.* A flight engineer certificate shall remain in effect unless it is suspended, or revoked, or a general termination date for such certificate is fixed by the Board.

§ 35.12 *Surrender.* Any flight engineer shall, upon request, deliver his certificate to the Administrator, if it has been suspended or revoked.

§ 35.13 *Reexamination.* Applicants who have failed in any examination may apply for reexamination on the part failed after 30 days from the date of such failure.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-49; Filed, Jan. 2, 1947; 8:47 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 651—PROCEDURE OF THE CIVIL AERONAUTICS ADMINISTRATION

CIVIL PENALTY

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938 as amended, (52 Stat. 973, 1015, 54 Stat. 1233, 1235, 1236) and in accordance with the Administrative Procedure Act (Public Law 404, 79th Congress 2d Session), I hereby amend Part 651, Procedure of the Civil Aeronautics Administration as follows:

1. By amending § 651.21 (b) (11 F. R. 177A-320) to read as follows:

§ 651.21 *Violations of Titles V and VI of the Civil Aeronautics Act of 1938.*
* * *

(b) *Civil penalty.* (1) Pursuant to section 901 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 1015, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 621), any person who violates any provisions of Titles V or VI of such act or section 11 of the Air Commerce Act of 1926, as amended (44 Stat. 568, 45 Stat. 933, 49 U. S. C. 171, 181), shall be subject to a civil penalty of not to exceed $1 000 for each such violation, and any such penalty may be compromised by the Administrator. In the event a civil penalty is contemplated by the Administrator and it is considered advisable to compromise the amount of such civil penalty, the Regional Attorney, or an official of the office of the General Counsel sends a letter to the alleged violator advising him of the provisions of the act or the regulations alleged to have been violated and of his opportunity to compromise the civil penalty. If an offer of compromise in a specified amount is made, the offer is submitted to the Administrator of Civil Aeronautics with a recommendation respecting its acceptance. The Administrator, or the Deputy Administrator may accept or refuse the offer of compromise. If the offer of compromise is accepted, the alleged violator is notified by letter of its acceptance and that such acceptance constitutes full settlement of any civil penalties due under the Act by reason of the alleged violation.

(2) Any person, after receipt of a letter from a Regional Attorney or an official of the Office of the General Counsel informing him of an alleged violation, may submit to the official signing the notice of civil penalty, either orally or in writing, any material or information in answer to or tending to explain, mitigate or extenuate the alleged violation. Any material or information thus submitted will be considered in making the final de-

termination of the amount at which the civil penalty will be compromised.

(3) If a compromise settlement of the civil penalty cannot be effected, the matter will be determined through trial of the case in the United States District Courts upon a civil complaint filed pursuant to section 903 of the Civil Aeronautics Act of 1938, as amended.

(52 Stat. 975, 1015, 54 Stat. 1233, 1235, 1236, Pub. Law 404, 79th Cong.; 49 U. S. C. 401, 621)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-27; Filed, Jan. 2, 1947; 8:48 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 2—SPECIAL STUDIES AND SERVICES BY BUREAUS OF THE DEPARTMENT OF COMMERCE

LIMITATIONS OF AUTHORITY; PROCEDURE GOVERNING MAKING OF REQUESTS AND ESTIMATING COSTS

In accordance with Department Order No. 59, effective December 24, 1946, §§ 2.2 and 2.3 (a) (15 CFR, Cum. Supp. 2.2 and 2.3) are revised to read as follows:

§ 2.2 *Limitations of authority.* The minimum charge for any study, compilation or transcript shall be $1. Heads of primary organization units are authorized to approve projects up to an estimated cost of $1,000. All projects estimated to cost more than $1,000 shall be submitted to the Director of the Office of Budget and Managament for review and concurrence. The Director of the Office of Budget and Management shall present all projects estimated to cost more than $10,000 to the Secretary for his approval. No study under the authority of this act shall be approved which would violate existing or future acts requiring that information furnished by contributors be held confidential.

§ 2.3 *Procedure governing the making of requests and estimating costs.* (a) Each applicant desiring a special study or other service authorized by this act shall submit a formal written request therefor. Such request shall be submitted to the head of the primary organization unit concerned who shall either approve or disapprove the request after study of the nature and scope of the project, the estimated cost thereof, and other pertinent information.

(49 Stat. 292; 5 U. S. C. 601d, 15 U. S. C. 189a, 192)

Dated: December 24, 1946.

[SEAL] WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-40; Filed, Jan. 2, 1947; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

EXTENSION OF EXEMPTION FROM REGISTRATION TO CERTAIN GUARANTEES BY FOREIGN GOVERNMENTS

The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby amends paragraph (e) of § 230.-221 (Rule 221 (e) of Regulation A) to read as follows:

§ 230.221 *Securities excluded from exemptions.* * * *

(e) Any securities issued by an individual who is a resident of a foreign country, a corporation incorporated in a foreign country, or any other person organized under the laws of, or having its principal place of business in, a foreign country; *Provided,* That this regulation shall apply to the guarantee by a foreign government of securities of a political subdivision of such foreign government offered in exchange for other securities of such political subdivision;

The Commission finds that the foregoing amendment relieves restriction and that notice and public procedure pursuant to sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary and that the amendment may be declared effective immediately pursuant to section 4 (c) of that act. Accordingly, the amendment shall become effective December 27, 1946.

(Secs. 3 (b), 19 (a), 48 Stat. 76, 85; 15 U. S. C. 77c, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 27, 1946.

[F. R. Doc. 47-6; Filed, Jan. 2, 1947; 8:52 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization,* paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886) is amended, effective December 16, 1946, by:

1. Opposite the State of Indiana, in the column headed "City," and directly below "Indianapolis" adding "Gary[1]" and, on the same horizontal line, in the column headed "Address," adding "541 Broadway"; and in the column headed "Jurisdiction", adding "(See Indianapolis)".

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup., 1702)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

DECEMBER 20, 1946.

[F. R. Doc. 47-18; Filed, Jan. 2, 1947; 8:49 a. m.]

Chapter VIII—Office of Housing Expediter

[Premium Payments Reg. 5, Amdt. 3]

PART 805—PREMIUM PAYMENTS REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

CONVECTORS

Section 805.5 (Housing Expediter Premium Payments Regulation No. 5) is amended in the following respect:

The first sentence of paragraph (k) is amended to read as follows:

(k) *Termination.* This section shall terminate on January 31, 1947.

Issued and effective this 30th day of December 1946.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 46-22111; Filed, Dec. 31, 1946; 3:53 p. m.]

[Premium Payments Reg. 3, as Amended Dec. 3, 1946, Amdt. 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

MERCHANT GYPSUM LINER

Section 805.3 (Housing Expediter Premium Payments Regulation 3) is amended as follows:

1. By deleting paragraph (1) and substituting therefor a new paragraph reading as follows:

(1) *Termination.* This section shall terminate on January 31, 1947. Such termination shall not preclude the filing of claims for payments during February, 1947, on account of shipments made during the month of January, 1947. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

2. This amendment shall be effective as of January 1, 1947.

3. Issued this 31st day of December 1946.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-118; Filed, Jan. 2, 1947; 11:16 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

APPENDIX B TO PART 131—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

CERTAIN COMMUNICATIONS WITH GERMANY AND JAPAN AND CERTAIN ACTS EXEMPTED FROM GENERAL RULING NO. 11

Public Circular No. 34 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

(1) There are hereby exempted from the provisions of General Ruling No. 11:

(a) Any communication of a financial, commercial, or business character with any person within Germany or Japan;

(b) Any act involving any such communication; and

(c) Any act for the benefit or on behalf of any person within Germany or Japan;

Provided, That any such communication or act is limited to the ascertainment of facts or the exchange of information.

(2) Attention is directed to rules of procedure § 501.6 (General Order No. 6)[1] and the regulations thereunder issued by the Office of Alien Property, Department of Justice, pertaining to service of notice in certain court or administrative actions or proceedings.

(Sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, February 19, 1946, and June 28, 1946; 31 CFR, Cum. Supp., 130.1-7, 11 F. R. 1769, 7184)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-4; Filed, Jan. 2, 1947; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

EXPORT LICENSES

ORDER EXTENDING VALIDITY

It is hereby ordered, That all outstanding export licenses, except licenses to export coal, Department of Commerce Schedule B Nos. 500100 and 500200, which expire by their own terms, or the terms of an order of extension heretofore issued, during the period January 2, 1947, through January 15, 1947, are extended through January 16, 1947: *Provided,* That shipments made under such licenses are exported by ocean carriers from ports on the West Coast of the United States or from Hawaii.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 50 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: December 27, 1946.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-44; Filed, Jan. 2, 1947; 8:53 a. m.]

[Amdt. 285]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Dairy products:
	Milk and cream:
006200	Evaporated (unsweetened).
	Cheese, processed, blended and spreads:
006755	Processed American cheddar.
006758	Other cheese, processed, blended and spreads.
	Cheese, whether or not in original loaves except any cheese processed other than by division into pieces:
006795	American cheddar.
006798	Other.
	Wood, unmanufactured:
	Logs and hewn timber (indicate quantity scale) (include stumps and burls):
	Hardwoods (report burls in 400600):
400200	Cottonwood and aspen.
	Sawmill products (lumber):
	Boards, planks and scantlings, less than 5" in least dimension:
	Hardwoods:
411700	Ash.
413400	Wagon-oak planks (include railway car material).
	Small hardwood dimension stock:
413600	Handle blanks only.
	Wood manufactures:
421401	Plywood, aero grade.
421405	Plywood, hardwood, except aero grade.
421409	Plywood, softwood, except Douglas fir and aero grade.
422200	Lath.
422500	Shingles (square coverage of 100 sq. ft.).
	Other nonmetallic minerals, including precious:
	Gypsum, and manufactures:
548400	Calcined (plaster of paris).
	Steel mill products:
603510	Steel sheets, black, ungalvanized (hot and cold rolled included) containing no alloy; 0.40% or more carbon content, only.
603711	Iron and steel strip (cold rolled) containing no alloy; 0.40% or more carbon content, only.
	Chemical specialties:
823800	Arctic syntex M.
823800	Igepon T.
823800	Igepon TD.
823800	MP 189.
823800	MP 189 SX.
823800	MP 646.
823800	Nacconal HG.
823800	Nacconal NR.
823800	Nacconal NRG.
823800	Nacconal NRSF.
823800	Neutronyx 33.
823800	Santomerse No. 1.
823800	Santomerse No. 3.
823800	Santomerse No. 55.
823800	Synthetic detergent 92.
823800	Ultrawet A.
823800	Ultrawet 40 A.
823800	Ultrawet 60 A.
823800	Vel.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: December 26, 1946.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-41; Filed, Jan. 2, 1947; 8:46 a. m.]

[Amdt. 283]

PART 816—LIMITED DISTRIBUTION LICENSE FOR WOMEN'S AND CHILDREN'S FINISHED AND UNFINISHED NYLON HOSIERY

Part 816—Limited Distribution License For Women's and Children's Finished and Unfinished Nylon Hosiery is hereby revoked. The revocation of this part does not affect the validity of licenses issued thereunder authorizing exportation to countries in Group E as set forth in § 802.3 of this subchapter. Licenses authorizing shipment to Group E countries may be used until the full amount licensed for export to those countries has been shipped or until the validity period of the licenses has expired, whichever is sooner.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: December 23, 1946.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-43; Filed, Jan. 2, 1947; 8:54 a. m.]

[1] For text see 8 CFR Cum. Supp. 503.6; redesignated 501.6, 11 F. R. 9988).

[Amdt. 284]

PART 802—GENERAL LICENSES

GIFT PARCELS TO ENEMY PRISONERS OF WAR

Section 802.31 *Gift parcels to enemy prisoners of war* is hereby amended as follows:

Subparagraph (2) of paragraph (c) is amended to read as follows:

(2) *Gift parcels to prisoners of war in custody of Great Britain.* No gift parcel may be sent under this general license to enemy prisoners of war held by the armed forces of Great Britain except by persons who have received an official label issued by the British Army authorities to prisoners of war and sent to such persons by a prisoner of war. This label must be affixed to address side of the parcel when mailed.

Commodities which may be included in a gift parcel are restricted to nonperishable foodstuffs, clothing, soaps and shaving preparations, medicinals and vitamins, and similar items of a relief nature. No written or printed matter of any kind shall be included in any parcels.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: December 24, 1946.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-42; Filed, Jan. 2, 1947; 8:54 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Revocation of Direction 24]

DISPOSAL OF CERTAIN SURPLUS CHLORINE PRESSURE CARS BY WAR ASSETS ADMINISTRATION

Direction 24 to Priorities Regulation 13 is hereby revoked.

Issued this 2d day of January 7, 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-121; Filed, Jan. 2, 1947; 11:27 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[Administrative Notice 26]

CERTIFICATION OF COMMODITIES IMPORTANT IN RELATION TO BUSINESS COSTS OR LIVING COSTS

Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, particularly section 1A (d) of said act as added by the Price Control Extension Act of 1946, I hereby find the following commodities to be important in relation to business costs or living costs:

§ 1305.247 *Certification of commodities which are important in relation to business costs or living costs.* * * *

Sugar and sugar solutions derived from sugarcane or sugar beets, including all grades of edible syrups and molasses and blackstrap molasses;

Corn syrup and corn sugar;

Blended syrups which contain at least 20% by weight or volume of sugar, sugar solutions, corn syrup or corn sugar either singly or in combination; and

Rice, rough and milled.

Issued this 30th day of December 1946.

J. W. FOLLIN,
Acting Temporary Controls Administrator.

[F. R. Doc. 47-25; Filed, Jan. 2, 1947; 8:54 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373, Amdt. 118 (§ 1418.151)]

SUGAR IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 15 is revoked and a new section 15 is added to read as follows:

SEC. 15. *Maximum prices for sales of fine granulated sugar, washed Hawaiian sugar, and raw cane sugar when sold by producers and primary distributors*—(a) *Definitions.* When used in this section the term:

(1) "Producer" or "primary distributor" means any person who produces or manufactures sugars, or the agent of any such person. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(2) "Canner" means a canner of pineapples.

(b) *Maximum prices for sales of fine granulated sugar by primary distributors located on the island of Oahu*—(1) *Sales of fine granulated sugar to canners.* (i) For orders placed by the canner with the primary distributor before June 25 of any calendar year, the maximum prices per one hundred pounds shall be as follows:

(a) $7.75 when packaged in a paper container.

(b) $7.81 when packaged in a cotton container.

(c) $7.85 when packaged in a jute container with cotton liner.

(ii) For orders placed by the canner with the primary distributor on and after June 25 of any calendar year, the maximum prices per one hundred pounds shall be:

(a) $8.00 when packaged in a paper container.

(b) $8.06 when packaged in a cotton container.

(c) $8.10 when packaged in a jute container with cotton liner.

(iii) The maximum prices specified in (i) and (ii) above:

(a) Include delivery by the primary distributor f. o. b. cars of the Oahu Railway and Land Company at the buyer's cannery in Honolulu, or the depot or wharf of the Oahu Railway and Land Company in Honolulu, or f. a. s. Inter-Island Steamer, at the buyer's option.

(b) Shall be discounted by 2% for cash within five days, and time from which the five-day period shall begin to run shall be determined in accordance with the customary practice which existed between the primary distributor and canner prior to the effective date of Maximum Price Regulation 373.

(c) Are for a quality and polarization of granulated sugar not below the average quality and polarization delivered to canners by the primary distributor during the calendar year 1942.

(d) May be adjusted in accordance with the grade and polarization differentials employed by the primary distributor in the calendar year 1942.

(2) *Sales of fine granulated sugar to persons other than canners.* For sales of fine granulated sugar to persons other than canners, the maximum price per one hundred pounds, f. o. b. seller's refinery, shall be as follows:

(i) $8.00 when packaged in a paper container.

(ii) $8.06 when packaged in a cotton container.

(iii) $8.10 when packaged in a jute container with cotton liner.

(iv) The following amounts may be added to the maximum prices set forth in (2) (i), (ii) and (iii) above for packaging in less than 100 pound packages:

(a) For packaging in 5 pound pockets, $0.45 per 100 pounds.

(b) For packaging in 10 pound pockets, $0.30 per 100 pounds.

(c) For packaging in 25 pound pockets, $0.20 per 100 pounds.

(v) The maximum prices specified in (2) (i), (ii) and (iii) above are for a quality and polarization of fine granulated sugar not below the average quality and polarization delivered to persons other than canners during the calendar year 1942, and shall be adjusted in accordance with the grade and polarization differentials employed by the primary distributor in the calendar year 1942.

(c) *Maximum prices for sales of fine granulated sugar by primary distributors located on the island of Maui*—(1) *Sales of fine granulated sugar to canners.* For sales of fine granulated sugar to canners, the maximum prices per one hundred pounds, f. o. b. railroad cars or buyer's conveyances, Paia, Maui, shall be as follows:

(i) $7.70 when packaged in a paper container.

(ii) $7.76 when packaged in a cotton container.

(iii) $7.80 when packaged in a jute container with cotton liner.

(iv) The maximum prices specified in (c) (1) above are for a quality and polarization of fine granulated sugar not below the average quality and polarization delivered to the same class of purchaser during the calendar year 1942, and may be adjusted in accordance with the grade and polarization differentials employed by the primary distributor in December 1942.

(2) *Sales of fine granulated sugar to persons other than canners.* For sales of fine granulated sugar to persons other than canners, the maximum prices per one hundred pounds, f. o. b. seller's refinery, shall be as follows:

(i) $7.75 when packaged in a paper container.

(ii) $7.81 when packaged in a cotton container.

(iii) $7.85 when packaged in a jute container with cotton liner.

(iv) The following amounts may be added to the maximum prices set forth in (i), (ii) and (iii) above for packaging in less than 100 pound packages:

(a) For packaging in 5 pound pockets, $0.45 per 100 pounds.

(b) For packaging in 10 pound pockets, $0.30 per 100 pounds.

(c) For packaging in 25 pound pockets, $0.20 per 100 pounds.

(v) The maximum prices specified in (1), (ii) and (iii) above are for a quality and polarization of fine granulated sugar not below the average quality and polarization delivered to the same class of purchaser during the calendar year 1942, and may be adjusted in accordance with the grade and polarization differentials employed by the primary distributor in December 1942.

(d) *Automatic adjustment of maximum prices.* If, after November 20, 1946, the maximum price established by Maximum Price Regulation 60 applicable to mainland primary distributors of fine granulated cane sugar is increased by the Office of Price Administration, the maximum prices set forth in paragraphs (b) and (c) above may be increased by an amount equal to such increase, subject to the same recapture conditions and any other conditions that may be imposed by the mainland regulation.

(e) *Maximum prices for sales by producers of washed Hawaiian sugar.* (1) Maximum prices for sales by producers of washed Hawaiian sugar (sugar produced in the Territory of Hawaii polarizing between 98° and 99.5°) shall be as follows:

On the island of Maui: $6.47 per 100 lbs. f. o. b. mill.

On all other islands: $6.71 per 100 lbs. delivered to a purchaser on the island on which the producer's mill is located.

(2) Whenever the maximum prices of fine granulated sugar are increased in accordance with the provisions of paragraph (d), the maximum prices set forth in subparagraph (1) above may be increased by the percentage by which the maximum prices established in paragraphs (b) and (c) have been increased, subject to the same recapture conditions and any other conditions that may be imposed by Maximum Price Regulation 60.

(f) *Maximum prices for sales of raw cane sugar.* (1) The maximum price for sales of raw cane sugar in the Territory of Hawaii shall be the applicable maximum price established by Maximum Price Regulation 16 for off-shore raw cane sugar at the port of San Francisco, less an amount equal to ocean freight from the Territory of Hawaii to San Francisco. If, after November 20, 1946, the maximum price is increased by the Office of Price Administration, such increase shall be subject to the same recapture conditions and any other conditions that may be imposed by the mainland regulation.

(g) *Application of Supplementary Regulation 2.* The provisions of this section 15 supersede the provisions of sections 2 and 5 of Supplementary Regulation 2 to the General Maximum Price Regulation for the Territory of Hawaii with respect to the sale, purchase and delivery of raw cane and washed Hawaiian sugars, except that the recapture provisions thereof shall remain in effect until the conditions imposed by such provisions have been complied with.

This amendment shall become effective as of November 20, 1946.

Issued this 30th day of December 1946.

J. W. FOLLIN,
Acting Temporary Controls Administrator.

Statement of the Considerations Involved in the Issuance of Amendment 118 to Revised Maximum Price Regulation 373

The accompanying amendment revises section 15 of Revised Maximum Price Regulation 373 and accomplishes the following:

First, controls of raw cane and washed Hawaiian sugars are removed from Supplementary Regulation 2 to the General Maximum Price Regulation for the Territory of Hawaii and brought within the coverage of section 15 so as to centralize controls of all sugars at all levels in a single regulation. Thus, section 15 now provides for sales by producers and primary distributors of raw and fine granulated cane sugars and washed Hawaiian sugars; sections 39 and 40 of Revised Maximum Price Regulation 373 continue to provide, as heretofore, for sales of all sugars at the retail and wholesale levels, respectively. The recapture provisions of Supplementary Regulation 2 remain in effect, however, as applied to stocks held in inventory on September 18, 1946, the date when maximum prices of raw cane and refined sugars were increased by 1.37 and 1.5 cents per pound, respectively.

Second, the maximum prices of raw cane sugar are increased 36.5 cents per hundredweight and of fine granulated sugar 40 cents per hundredweight, and maximum prices of washed Hawaiian sugar are also increased proportionately. These are the same increases that were authorized on the mainland on November 20, 1946, and are made applicable to the Territory for the same reasons the earlier increases were made to apply as explained in the applicable statements of considerations.

Third, an automatic adjustment provision is provided under which maximum prices may be increased by the same amount of any increases granted on the mainland after November 20, 1946, subject, however, to the same recapture conditions and any other conditions that may be imposed by mainland regulations. As the prices of sugars produced and sold in the Territory have always been tied to mainland prices and considered together, the automatic adjustment provision will remove the necessity of amending the regulation to authorize the same increases granted to mainland sellers. In this connection, a different method for pricing raw cane sugar is provided by this amendment. Heretofore, under Supplementary Regulation 2, a seller's maximum price for raw cane sugar was the price established for him by the General Maximum Price Regulation for Hawaii plus such increases as were authorized. Under this amendment, a seller's maximum price of raw cane sugar is the applicable maximum price established by Maximum Price Regulation 16 for off-shore raw cane sugar at the port of San Francisco, less an amount equal to the ocean freight from the Territory to San Francisco. The resulting maximum price in the Territory would be the same whether determined under section 15 or under Supplementary Regulation 2 but the method now provided for pricing raw cane sugar will, as in the case of fine granulated and washed sugars, avoid the necessity of amending the regulation to provide for an increased price should any increase be granted to mainland sellers of raw sugar in the future.

Lastly, the provisions pertaining to "classes of purchasers" have been eliminated because the only distinct class of purchaser—canners of pineapples—is recognized by the establishment of separate ceiling prices applicable to sales to canners. The prices so established are the prices which prevailed prior to this amendment.

Prior to this amendment representative members of the industry were advised and consulted and their recommendations—some of which are incorporated in this amendment—were considered. For the foregoing reasons, the Administrator finds that the actions taken by this amendment are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the applicable Executive orders.

[F. R. Doc. 47-26; Filed, Jan. 2, 1947; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 13—COMMERCIAL RADIO OPERATORS

[Order 128-B]

APPLICATIONS FOR RENEWAL OF LICENSES

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1946;

Whereas, The Commission by its Order No. 128-A, adopted June 20, 1946, provided that under certain conditions applications filed or mailed not later than December 31, 1946 for the renewal of certain commercial radio operator licenses, which were valid on December 7, 1941 and had expired, might be acted upon by the Commission notwithstanding the provisions of § 13.11 of the Commission's rules governing commercial radio operators; and

Whereas, It appears that the provisions of Commission Order No. 128-A should be continued for an additional period of six months in order to provide for the renewal of numerous commercial radio operator licenses which have expired or will expire, held by persons serving or who have served in the armed forces of the United States or the United States Maritime Service, or who are or have been employed outside the continental limits of the United States; and

Whereas, The Commission by its Order No. 77-G, adopted today, effective January 1, 1947, has suspended until June 30, 1947 § 13.28 of the Commission's rules in so far as that section requires a showing of service or use as a condition precedent to the renewal of a commercial operator license;

Now, therefore, it is ordered, That any application filed or mailed not later than June 30, 1947, for the renewal of a commercial radio operator license (other than a Temporary Emergency Radiotelegraph Second Class Operator License or a Temporary Limited Radiotelegraph Second Class Operator License) which was valid on or after December 7, 1941 and has expired by its own terms without having been cancelled or suspended, may, until the further order of the Commission, be acted upon, notwithstanding the provisions of § 13.11, if a statement is filed as a part of the renewal application showing that (1) the applicant is serving in the armed forces of the United States or has been honorably discharged therefrom since December 7, 1941; or (2) the applicant is serving in the United States Maritime Service or has voluntarily left that Service since December 7, 1941; or (3) the applicant is or has been employed outside the continental United States and has been unable to file timely application for renewal of license because of such employment outside the continental United States.

It is further found and ordered, That, whereas, authority for this order is contained in sections 303 (l) and (r) of the Communications Act of 1934, as amended, and the effect of the order is to extend for an additional period after December 31, 1946 the relief from certain restrictions as now afforded by Commission Order No. 128-A, and is noncontroversial, and it is in the public interest that this order be made effective not later than January 1, 1947, notice and public procedure required by section 4 of the Administrative Procedure Act are, hereby, found unnecessary, and this order should be, and is hereby, made effective January 1, 1947.

(Sec. 303 (l) and (r), 48 Stat. 1082; 50 Stat. 191, 47 U. S. C. 303 (l), (r))

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-45; Filed, Jan. 2, 1947; 8:53 a. m.]

PART 12—AMATEUR RADIO SERVICE
PART 13—COMMERCIAL RADIO OPERATORS

[Order 77-G]

RENEWAL OF LICENSES

At a session of the Federal Communications Commission, held at its office in Washington, D. C. on the 17th day of December 1946;

Whereas, § 12.27 of the Commission's rules governing amateur radio service and § 13.28 of the Commission's rules governing commercial radio operators require a showing of service or use as a condition precedent to the renewal, respectively, of an amateur or commercial operator license; and

Whereas, the Commission by its Order No. 77-F, dated June 20, 1946, suspended until December 31, 1946, § 12.27 of its rules governing amateur radio service and § 13.28 of its rules governing commercial radio operators, in so far as those sections require a showing of service or use as a condition precedent to the renewal, respectively, of an amateur or commercial operator license; and

Whereas, it appears that it would be advisable to extend for an additional period of six months the suspension of the showing of service or use requirement in order to provide a cushion for the full return to normal peacetime procedures;

Now, therefore, it is ordered, That § 12.27 of the Commission's rules governing amateur radio service and § 13.28 of its rules governing commercial radio operators be, and they hereby are, suspended until further order of the Commission, but in no event beyond June 30, 1947.

It is further found and ordered, That, whereas, authority for this order is contained in sections 303 (l) and (r) of the Communications Act of 1934, as amended, and the effect of the order is to extend for an additional period after December 31, 1946 the relief from certain restrictions as now afforded by Commission Order No. 77-F, and is non-controversial, and it is in the public interest that this order be made effective not later than January 1, 1947, notice and public procedure required by section 4 of the Administrative Procedure Act are, hereby, found unnecessary, and this order should be, and is hereby, made effective January 1, 1947.

(Sec. 303 (l) and (r), 48 Stat. 1082, 50 Stat. 191; 47 U. S. C. 303 (l) and (r))

By the Commission.

[SEAL] WM P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-29; Filed, Jan. 2, 1947; 8:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 68, Amdt. 13]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of December A. D. 1946.

Upon further consideration of the provisions of Service Order No. 68 (8 F. R. 8513), as amended (8 F. R. 8513, 14224, 16265; 9 F. R. 7206, 14306; 10 F. R. 6040, 8142, 9720, 12090; 11 F. R. 562, 6983), and good cause appearing therefor: It is ordered, that:

Section 95.15 *Suspension of follow-lot rule and two-for-one rule*, of Service Order No. 68, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order as amended shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order shall become effective at 12:01 a. m., December 31, 1946; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-31; Filed, Jan. 2, 1947; 8:47 a. m.]

[S. O. 93, Amdt. 9]

PART 95—CAR SERVICE

GIANT REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of December A. D. 1946.

Upon further consideration of Service Order No. 93 (7 F. R. 8903) as amended, (8 F. R. 13752, 13925; 9 F. R. 2481, 11208; 10 F. R. 15175; 11 F. R. 561, 2189, 14271, 14469, and good cause appearing therefor: it is ordered, that:

Section 95.301 *Giant type refrigerator cars*, of Service Order No. 93, as amended, be, and it is hereby, further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., December 31, 1946; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, 485, sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4)).

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-32; Filed, Jan. 2, 1947; 8:47 a. m.]

[S. O. 95, Amdt. 6]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of December A. D. 1946.

Upon further consideration of the provisions of Service Order No. 95 (7 F. R. 9257), as amended (8 F. R. 17428; 10 F. R. 15175, 15354; 11 F. R. 4038, 6909), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 95, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) of § 95.302, *Refrigerator car agent*, for paragraph (d) thereof:

(d) This order, as amended, shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., December 31, 1946; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-33; Filed, Jan. 2, 1947; 8:47 a. m.]

[Rev. S. O. 107, Amdt. 3]

PART 95—CAR SERVICE

FREIGHT CARS TO MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of December A. D. 1946.

Upon further consideration of Revised Service Order No. 107 (9 F. R. 15158), as amended (10 F. R. 10234; 11 F. R. 2190), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 107, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) of § 95.7 *Freight cars including refrigerator cars in Mexico*, for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m. June 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., December 31, 1946; that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-39; Filed, Jan. 2, 1947; 8:46 a. m.]

[2d Rev. S. O. 244, Amdt. 5]

PART 95—CAR SERVICE

DISTRIBUTION OF GRAIN CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of December A. D. 1946.

Upon further consideration of the provisions of Second Revised Service Order No. 244 (10 F. R. 2252) as amended (10 F. R. 3094; 11 F. R. 1300, 2190, 6910), and good cause appearing therefor: *It is ordered*, That:

Second Revised Service Order No. 244, as amended, be, and it is hereby further amended by substituting the following paragraph (f) of § 95.244 *Distribution of grain cars*, for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., December 31, 1946; that a copy of this order and direction be served upon all State regulatory bodies regulating common carriers by railroad, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-38; Filed, Jan. 2, 1947; 8:46 a. m.]

[S. O. 562, Amdt. 1]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of December A. D. 1946.

Upon further consideration of the provisions of Service Order No. 562 (11 F. R. 8286), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 562 be, and it is hereby, amended by substituting the following paragraph (h) of § 95.562, *Rerouting of freight traffic and empty cars, appointment of agent*, for paragraph (h) thereof:

(h) *Expiration date.* This order shall expire at 11:59 p. m., April 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., December 31, 1946; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Com-

mission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-35; Filed, Jan. 2, 1947; 8:46 a. m.]

[S. O. 260, Amdt. 4]

PART 95—CAR SERVICE

SALTING OF ICE ON CARS OF CITRUS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of December, A. D. 1946.

Upon further consideration of the provisions of Service Order No. 260 (9 F. R. 14547), as amended (10 F. R. 4818; 11 F. R. 8452, 13639), and good cause appearing therefor: it is ordered, that:

Section 95.260, *Salting of ice on cars of citrus*, of Service Order No. 260, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) This order, as amended, shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., January 2, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-37; Filed, Jan. 2, 1947; 8:46 a. m.]

[S. O. 624, Amdt. 3]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of December A. D. 1946.

Upon further consideration of Service Order No. 624 (11 F. R. 12183), as amended (11 F. R. 13792, 14272), and good cause appearing therefor: It is ordered, that:

Section 95.624 *Movement of grain to terminal elevators by permit*, of Service Order No. 624, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 7 a. m., March 1, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., January 1, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-36; Filed, Jan. 2, 1947; 8:46 a. m.]

[S. O. 434, Amdt. 4]

PART 95—CAR SERVICE

FREE TIME ON BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of December A. D. 1946.

Upon further consideration of the provisions of Service Order No. 434 (11 F. R. 893), as amended (11 F. R. 2190, 10771, 12308), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 434, as amended, be, and it is hereby, further amended by substituting the following paragraph (f) of § 95.434, *Free time on box cars*, for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 7:00 a. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., December 31, 1946; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-34; Filed, Jan. 2, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR, Part 962]

[No. 173]

FRESH PEACHES

NOTICE OF REFERENDUM TO BE CONDUCTED AMONG PRODUCERS IN GEORGIA; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM

Pursuant to the applicable provisions of Marketing Agreement No. 99 and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the calendar year 1946 (which period is hereby determined to be a representative period) have been engaged, in the State of Georgia, in the production of peaches for market to determine whether a majority of such producers favor the termination of the aforesaid marketing agreement and order. D. M. Rubel, G. A. Nahstoll, and D. K. Young, in the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid producers to cast his ballot in the manner herein authorized, relative to the aforesaid termination of the marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing fresh peaches grown in the State of Georgia or in rendering services for or advancing

the interests of the producers of such peaches, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By conducting said referendum during the period January 31 through February 10, 1947, both dates inclusive.

(3) By giving public notice, as prescribed in (a) (4), (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to D. K. Young, Chief, Southeastern Marketing Field Office, Fruit and Vegetable Branch, 449 West Peachtree Street, Atlanta 3, Georgia, and must be postmarked not later than February 10, 1947.

(4) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Georgia; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address is known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(5) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determines that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(6) By giving ballots to producers at the meetings; and receiving any ballots when they are cast.

(7) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(8) By giving public notice of the time and place of any meetings authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (4).

(9) By forwarding to D. K. Young, Chief, Southeastern Marketing Field Office, Fruit and Vegetable Branch, 449 West Peachtree Street, Atlanta 3, Georgia, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer to whom a ballot form was given;

(ii) A register containing the name and address of each producer from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and,

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(10) By appointing any county agricultural agent in the State of Georgia, and any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such county agricultural agent and other person so appointed shall serve without compensation and may be authorized, by the said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (6), (7), (8), and (9) (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth.

(b) Upon receipt by D. K. Young of all ballots cast in accordance with the provisions hereof, and such other information and data as may be required pursuant hereto, he shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid marketing agreement and order may be examined in the Office of the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., and at the Southeastern Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 449 West Peachtree Street, Atlanta, Georgia.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 27th day of December 1946.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-24; Filed, Jan. 2, 1947; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-358]

WATCH CASE INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 27th day of December A. D. 1946.

In the matter of proposed trade practice rules for the Watch Case Industry.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, or other parties or groups (including consumers) affected by or having an interest in the proposed trade practice rules for the Watch Case Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum brief, or other communication, to be filed with the Commission not later than January 21, 1947. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., January 21, 1947, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, partnerships, corporations, associations, or other parties or groups (including consumers) who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] A. N. ROSS, *Acting Secretary.*

[F. R. Doc. 47-5; Filed, Jan. 2, 1947; 8:52 a. m.]

NOTICES

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-108, 59-81]

CRESCENT PUBLIC SERVICE CO. ET AL.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of December A. D. 1946.

In the matters of Crescent Public Service Company, Central Ohio Light & Power Company, Colorado Central Power Company, Empire Southern Service Company, Helene Curley Rea, Robert W. Rea, Floyd W. Woodcock, Kathleen T. Woodcock, Robin Corporation, (Applicants) File No. 54-108; Crescent Public Service Company, Central Ohio Light & Power Company, Colorado Central Power Company, Empire Southern Service Company, (Respondents) File No. 59-81.

The Commission having issued its findings and opinion dated January 22, 1946, and its supplemental findings and order dated February 1, 1946, in which, among other things, we approved an amended plan filed by Crescent Public Service Company ("Crescent"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and we granted and permitted to become effective certain applications and declarations of Crescent and Central Ohio Light & Power Company ("Central Ohio") in connection with a proposed recapitalization of Central Ohio; and

The Commission in its memorandum findings and order dated March 28, 1946, having granted the application of Central Ohio with respect to the proposed sale at competitive bidding of 12,000 shares of new preferred stock; and

The Commission in the above mentioned orders having reserved jurisdiction over the payment of all fees and expenses in connection with Crescent's section 11 (e) plan, as amended, and related transactions, and the issuance and sale by Central Ohio of 12,000 shares of new preferred stock; and

Information having been provided with respect to the fees and expenses of Crescent and Central Ohio incurred prior to October 31, 1946, in connection with said plan, as amended, and related transactions and the issuance and sale by Central Ohio of 12,000 shares of new preferred stock; and

Crescent and Central Ohio having stated further that when a final determination has been made of Crescent's Federal Tax liabilities a request will be filed with the Commission for approval of any fees and expenses incurred subsequent to October 31, 1946; and

The Commission having examined the records and the data submitted in support of the fees and expenses incurred prior to October 31, 1946, and finding that the amounts thereof, under the circumstances of this case, are not unreasonable and that jurisdiction over such matters should be released;

It is hereby ordered, That the jurisdiction heretofore reserved over the fees and expenses of Crescent and Central Ohio arising out of the aforementioned transactions be released, as provided below:

	To be paid by Crescent	To be paid by Central Ohio	Total
Taxes and SEC filing fees	$474	$1,446	$1,920
Accounting services	630	1,583	2,213
Trustees fees and expenses	10,859	-------	10,859
Transfer agents fees and expenses	859	1,638	2,497
Printing	11,066	10,011	21,077
Preparation of securities	400	422	822
Legal expenses:			
Miles, Walsh, O'Brien & Morris	22,000	6,000	28,000
Morris, Steel, Rodney, Nichols & Arsht	1,750	-------	1,750
Pam, Hurd and Reichman	500	-------	500
Barnes, Dechert, Price and Smith	350	-------	350
Chapman and Cutler	35	-------	35
Power & McConnaughey	-------	1,500	1,500
Miller & Chevalier	1,500	-------	1,500
Lawyers expenses	3,348	1,925	5,273
Total	29,483	9,425	38,908
Company expenses	7,408	5,427	12,835
Engineer's fees and expenses	3,418	-------	3,418
Grand total	64,397	29,952	94,549

It is further ordered, That the reservation of jurisdiction over the payment of any fees and expenses by Crescent incurred subsequent to October 31, 1946, in connection with its section 11 (e) plan, as amended, be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7; Filed, Jan. 2, 1947; 8:51 a. m.]

[File No. 31-539]

J. G. WHITE & CO., INC.

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of December A. D. 1946.

J. G. White & Company, Inc., having heretofore been granted a temporary exemption from the Public Utility Holding Company Act of 1935, pursuant to section 3 (a) (4) thereof, by Commission order of December 26, 1945; such exemption having been granted for a period of twelve months in connection with the acquisition by J. G. White & Company, Inc. of certain interests in The Trinidad Electric Transmission, Railway and Gas Company (now Frontier Power Company), except that J. G. White & Company, Inc. and its subsidiaries [1] as such were not exempted from the provisions of sections 6, 7, 9, 10, 12 (b), 12 (c) and 12 (f) of the act insofar as these sections concern Frontier Power Company; and

J. G. White & Company, Inc. having requested that the Commission extend the period of such exemption to and including January 31, 1947; and

The Commission having considered such request and deeming it appropriate in the public interest and in the interests of investors and consumers to grant such request:

It is ordered, That the exemption heretofore granted J. G. White & Company, Inc., and its subsidiaries, as such, pursuant to section 3 (a) (4) of the act, for a period of twelve months from the date of acquisition of the common stock of The Trinidad Electric Transmission, Railway and Gas Company, be, and hereby is, extended to and including January 31, 1947 except that J. G. White & Company, Inc. and its subsidiaries, as such, shall not be exempted from the provisions of sections 6, 7, 9, 10, 12 (b), 12 (c) and 12 (f) of the act insofar as these sections concern Frontier Power Company (formerly The Trinidad Electric Transmission, Railway and Gas Company).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-10; Filed, Jan. 2, 1947; 8:50 a. m.]

[1] J. G. White & Company, Inc., in addition to its interests in Frontier Power Company, has interests in certain foreign public utility companies in respect of which it has been granted exemption as a holding company pursuant to section 3 (a) (5) of the act. See Holding Company Act Release No. 6332.

[File No. 70-1308]

ARKANSAS-MISSOURI POWER CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of December A. D. 1946.

Arkansas-Missouri Power Corporation ("Arkansas"), a registered holding company having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (d) and 12 (e) thereof and Rules U-44 and U-62 thereunder with respect, among other things, to the following:

Arkansas, a Delaware corporation, proposes to transfer its assets to Arkansas-Missouri Power Company, a corporation recently organized under the laws of the State of Arkansas, which company will assume the liabilities of Arkansas and will issue its capital stock to the stockholders of Arkansas on a share for share basis upon the surrender for cancellation of the outstanding shares of capital stock of Arkansas. Arkansas will then dissolve.

Arkansas having proposed to solicit proxies in connection with a special meeting of its stockholders to be called for the purpose of voting upon the said proposals, and having filed copies of the proposed notice of such meeting, proxy, and proxy statement; and

Arkansas having requested that the declaration with respect to the proxy solicitation material be considered and disposed of independently of the principal transactions and that the Commission enter its separate order permitting said declaration as to all such proxy solicitation material to become effective; and

It appearing that the solicitation of authorizations of stockholders, as proposed to be conducted, does not make it necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the act or the rules and regulations thereunder that the Commission issue any order with respect thereto other than an order permitting the declaration as to such solicitation to become effective:

It is therefore ordered, That, without passing upon the merits of the application-declaration filed with respect to the principal transactions herein, the declaration as to solicitation of authorizations be, and it is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-8; Filed, Jan. 2, 1947; 8:50 a. m.]

[File No. 70-1407]

WISCONSIN POWER AND LIGHT CO. AND NORTH WEST UTILITIES CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of December A. D. 1946.

North West Utilities Company ("North West"), a registered holding company, and its subsidiary, Wisconsin Power and Light Company ("Wisconsin"), a public utility company, having filed a joint application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Wisconsin proposes to issue and sell to North West, and North West proposes to acquire, 100,000 shares of common stock of the par value of $10 per share for a cash consideration of $1,000,000. Expenses estimated at $2,100, will be paid by Wisconsin. Wisconsin proposes to use the net proceeds for the payment in part of the cost of additions and betterments to its utility facilities. All holders of record of the common stock of Wisconsin, other than North West, have waived their preemptive rights with respect to the common stock proposed to be issued.

Said application having been filed on November 25, 1946, and the latest amendment thereto having been filed on December 9, 1946, and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants having requested that the Commission's order granting the application be issued at an early date and become effective forthwith in order to permit the consummation of the proposed transactions without delay and the Commission deeming it appropriate to grant such request; and

The Commission finding that the Public Service Commission of Wisconsin has expressly authorized the transactions hereinabove set forth and the Commission being satisfied on the basis of the record that the applicable requirements of the act, particularly sections 6 (b) and 10 thereof, are met, and that it is appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted;

It is hereby ordered, Effective forthwith, pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-9; Filed, Jan. 2, 1947; 8:50 a. m.]

[File No. 70-1415]

CONSOLIDATED ELECTRIC AND GAS CO. AND CHAMBERSBURG GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of December A. D. 1946.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and Chambersburg Gas Company ("Chambersburg"), a gas utility subsidiary of Consolidated, have filed a joint application-declaration, with an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding the following transactions:

Chambersburg, a wholly-owned subsidiary of Consolidated, has entered into an agreement with the Borough of Chambersburg, Pennsylvania, pursuant to which the Borough is purchasing, or causing to be purchased, from Chambersburg all of its assets except cash, accounts receivable, and Government securities owned by Chambersburg, for the sum of $370,000, in cash. The amendment filed in these proceedings contains a copy of an order of the Pennsylvania Public Utility Commission approving the purchase and sale of these assets.

As at October 31, 1946, Chambersburg had outstanding 6% demand notes in the aggregate base amount of $37,579 and 3,754 shares of common stock, $50 par value per share, all owned by Consolidated. These securities of Chambersburg are pledged by Consolidated with Central Hanover Bank and Trust Company as part security for certain indebtedness of Consolidated. Upon the consummation of the sale by Chambersburg of all of its physical assets, Chambersburg proposes to discharge its note indebtedness to Consolidated and to pay to Consolidated $310,000 as liquidation dividend.

Consolidated proposes to deposit with Central Hanover Bank and Trust Company $370,000 (approximately $22,500 from cash on hand in addition to the sums to be received from Chambersburg) as part payment on its indebtedness and in order to obtain release of the pledged securities of Chambersburg. Consolidated thereupon proposes to deliver the promissory notes to Chambersburg for cancellation against the payment, above mentioned.

Subsequently, but not later than May 1, 1947, Chambersburg proposes to make its final distribution in liquidation (as at October 31, 1946 this would amount to $35,904 in cash): Consolidated will then assume any remaining liabilities of Chambersburg and surrender to Chambersburg its common stock for retirement and cancellation in complete liquidation and dissolution of Chambersburg.

The joint application-declaration was filed on December 9, 1946. Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission has not received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application be granted and said joint declaration be permitted to become effective; and further deeming it appropriate to grant the request of applicants-declarants to accelerate the effective date of this order;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that this joint application be, and the same hereby is, granted and that this joint declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-11; Filed, Jan. 2, 1947; 8:50 a. m.]

[File No. 43-160]

COLUMBIA GAS & ELECTRIC CORP. AND ATLANTIC SEABOARD CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 18th day of December 1946.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its wholly-owned subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company, having filed a supplemental declaration to a previous declaration permitted to become effective by this Commission (4 S. E. C. 406 (1939)) pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, with respect to the following adjustments in their accounts:

(1) The reclassification by Columbia of the balance at September 30, 1946, in all of its present surplus accounts and "Unclassified Profit or Loss from Sale of Investments in Subsidiaries," aggregating $133,723,378, into an account designated "Capital Surplus."

(2) The restatement by Columbia and Seaboard of their investments in their respective subsidiaries to adjusted underlying net book worth at September 30, 1946, and the charging by Columbia in connection therewith of $6,624,825 to said Capital Surplus and of $4,427,067 to presently existing Reserve for Investments.

(3) The crediting to said Capital Surplus by Columbia of the remaining balance of $1,741,492 in Reserve for Investments and $794,819 of payments to be made by subsidiaries from their surpluses at September 30, 1946.

(4) The appropriation by Columbia of $4,840,056 from said Capital Surplus for the creation of additional Reserves for Investments by Columbia to provide for the excess of book value of property accounts of subsidiaries over the original cost thereof; and the appropriation by Seaboard of $796,628 from its Special Capital Surplus for the creation of similar Reserves for Investments.

(5) The transfer by Columbia of $110,068,866 of said Capital Surplus to common stock capital account, thereby making the stated value thereof equivalent to $10 per share, leaving a balance in Capital Surplus of $14,725,943, which will be available for appropriate charges applicable to the period prior to October 1, 1946.

Said supplemental declaration having been filed on November 26, 1946, and notice of said filing having been given in the form and manner prescribed in Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

Columbia and Seaboard having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective.

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-12; Filed, Jan. 2, 1947; 8:51 a. m.]

[File No. 70-1417]

COLUMBIA GAS & ELECTRIC CORP.

NOTICE REGARDING FILING OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of December 1946.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company. Declarant has designated section 12 of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 30, 1946, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after December 30, 1946, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia proposes to make a cash contribution of $1,000,000 to its wholly-owned subsidiary, United Fuel Gas Company ("United"), to enable United to meet obligations incurred in connection with a construction program. Columbia proposes to increase its investment in the common stock of United in the amount of the capital contribution which United will credit to "Paid-In Capital Surplus".

Declarant states that the transactions are not subject to the jurisdiction of any State Commission or any other Federal commission.

Columbia requests that the Commission's order permitting the declaration to become effective be issued at the earliest date possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-13; Filed, Jan. 2, 1947; 8:51 a. m.]

[File No. 70-1416]

COLUMBIA GAS & ELECTRIC CORP. AND ATLANTIC SEABOARD CORP.

NOTICE REGARDING FILING OF JOINT DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of December 1946.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and by its wholly-owned subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company. Declarants have designated section 12 of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 30, 1946, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after December 30, 1946, said joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia proposes to make a capital contribution of $500,000 in cash to Seaboard, which, in turn, proposes to make a similar contribution to its wholly-owned subsidiary, Virginia Gas Transmission Corporation ("Virginia"), to enable Virginia to meet obligations incurred in connection with its construction program. Columbia proposes to add the amount of the contribution to the book value of its investment in the common stock of Seaboard, and Seaboard proposes to increase its investment in the common stock of Virginia in like manner. Both Seaboard and Virginia will credit the capital contribution to "Paid-In Capital Surplus."

Declarants state that the proposed transactions are not subject to the jurisdiction of any State commission or any other Federal commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-14; Filed, Jan. 2, 1947; 8:51 a. m.]

[File Nos. 70-1266 and 70-965]

COLUMBIA GAS AND ELECTRIC CORP. ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of December 1946.

In the matters of Columbia Gas & Electric Corporation, Central Kentucky Natural Gas Company, and Cincinnati Gas Transportation Company, File No. 70-1266; Columbia Gas & Electric Corporation, United Fuel Gas Company, Warfield Natural Gas Company, Huntington Development and Gas Company, Point Pleasant Natural Gas Company, Central Kentucky Natural Gas Company, and Cincinnati Gas Transportation Company, File No. 70-965.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and certain of its subsidiaries, namely, United Fuel Gas Company ("United Fuel"), Warfield Natural Gas Company ("Warfield"), Huntington Development and Gas Company ("Huntington Development") and Point Pleasant Natural Gas Company ("Point Pleasant"), have filed a joint application-declaration with amendments thereto pursuant to sections 6 (a), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder, regarding the acquisition by United Fuel of all the assets of Warfield, Huntington Development and Point Pleasant and the dissolution of these latter companies.

Columbia and its subsidiaries, Central Kentucky Natural Gas Company ("Central Kentucky") and Cincinnati Gas Transportation Company ("Cincinnati Gas"), have also filed a joint application-declaration pursuant to the above sections of the act and the rules promulgated thereunder, regarding the acquisition by Central Kentucky of all the assets of Cincinnati Gas and the dissolution of the latter company.

The several steps proposed to carry out the foregoing transactions are as follows:

1. United Fuel will increase its authorized common stock from $300,000, consisting of 300,000 shares of $1 par value (all of which shares are now outstanding and owned by Columbia) to $400,000 consisting of 400,000 shares of the same par value.

2. United Fuel will acquire all the assets of Warfield, Huntington Development and Point Pleasant and, in consideration therefor, will assume all their liabilities, obligations and indebtedness existing at the date of acquisition of such assets, and issue to the latter companies shares of its $1 par value stock in the following amounts, respectively:

	Shares
Warfield	40,478
Huntington Development	40,223
Point Pleasant	500
Total	81,201

3. After the transactions described in paragraph 2 above have been consummated Warfield will exchange the 40,478 shares of United Fuel common stock for its own outstanding 5,470 shares of common stock; Huntington Development will exchange 20,223 shares of United Fuel common stock for its own outstanding 14,445 shares of preferred stock and 20,000 shares of United Fuel common stock for its own outstanding 40,000 shares of common stock; and Point Pleasant will exchange the 500 shares of United Fuel common stock for its own outstanding 200 shares of common stock. Warfield, Huntington Development and Point Pleasant upon the acquisition of the shares of their own capital stocks will cancel the same and dissolve.

4. Pursuant to the exchanges set forth in the foregoing paragraph Columbia will acquire 81,183.7 shares of common stock of United Fuel and minority stockholders owning 2 shares of Huntington Development preferred stock and 29 shares of common stock will receive in exchange therefor 17.3 shares of United Fuel common stock.

5. Central Kentucky will increase its common stock from $1,500,000, consisting of 60,000 shares of $25 par value, to $5,000,000, consisting of 200,000 shares of the same par value.

6. Central Kentucky will acquire all the assets of Cincinnati Gas in exchange for the issuance to Cincinnati Gas of 128,139 shares of the Central Kentucky common stock, and will assume all the liabilities, obligations and indebtedness of Cincinnati Gas existing at the date of acquisition of its assets.

7. After the transactions described in paragraph 6 above have been consummated Cincinnati Gas will exchange the 128,139 shares of common stock of Central Kentucky for its own outstanding 30,000 shares of preferred stock and 38,500 shares of common stock. Cincinnati Gas upon acquiring the shares of its own preferred and common stocks will cancel the same and dissolve.

8. Columbia will acquire 127,563 shares of common stock of Central Kentucky in exchange for Columbia's surrender of 30,000 shares of preferred stock and 38,308 shares of common stock of Cincinnati Gas, and minority stockholders holding 192 shares of common stock of Cincinnati Gas will acquire 576 shares of the common stock of Central Kentucky in exchange for their surrender of 192 shares of common stock of Cincinnati Gas.

The Commission has been requested to enter an order finding that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and that such order conform to the formal requirements of sections 371, 373 and 1808 (f) of the Internal Revenue Code, as amended.

The Public Service Commission of West Virginia has approved the acquisition by United Fuel of the assets of Point Pleasant, Warfield and Huntington Development, and the approval of the Public Service Commission of Kentucky and the Federal Power Commission has also been obtained in respect of certain aspects of the matters proposed. The approval of these latter two Commissions has also been obtained in respect of the acquisition by Central Kentucky of the assets of Cincinnati Gas.

The Commission having issued a notice of filing and order for hearing on said applications-declarations and having directed that the proceedings thereon be consolidated, and a public hearing having been held on such matters, after appropriate public notice; the Commission having considered the record in the matter and having made and filed its findings and opinion herein:

It is ordered, That said applications-declarations, as amended, be, and the same hereby are, granted and permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24.

It is further ordered, That United Fuel be permitted to pay principal and interest on such portion of its 6% demand indebtedness due Columbia as might have originated from dividends paid out of capital or unearned surplus.

It is further ordered, That the increases, issuances, exchanges, sales, transfers, distributions, acquisitions and dissolutions hereinabove described in paragraphs (1) to (8) above inclusive, as proposed by the applications-declarations, as amended, are necessary or appropriate to the integration and simplification of the holding company system of which Columbia, United Fuel, Warfield, Huntington Development, Point Pleasant, Central Kentucky and Cincinnati Gas are members and are necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-15; Filed, Jan. 2, 1947; 8:51 a. m.]

[File No. 70-1413]

COLUMBIA GAS AND ELECTRIC CORP. AND THE MANUFACTURERS LIGHT AND HEAT CO.

ORDER GRANTING AMENDED APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of December 1946.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its public utility subsidiary,

The Manufacturers Light & Heat Company ("Manufacturers"), having filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9 and 10 thereof, with respect to the following transactions:

The issuance and sale by Manufacturers to Columbia of $1,000,000 principal amount of 3¼% instalment promissory notes, such notes to be unsecured and non-negotiable, the principal amount thereof to be payable in equal annual instalments on August 15th in each of the years 1950 to 1974, inclusive, for the purpose of enabling Manufacturers to meet current obligations arising from construction activities during 1946;

The issuance of said notes by Manufacturers having been approved by the Pennsylvania Public Utility Commission by its Securities Certificate dated December 9, 1946;

Said application-declaration having been filed on December 6, 1946 and an amendment thereto having been filed on December 16, 1946, and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interests of investors and consumers that said application be granted and said declaration be permitted to become effective; and

Columbia and Manufacturers having requested that the Commission take appropriate action to accelerate its order herein and that the order become effective forthwith, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-16; Filed, Jan. 2, 1947; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7931]

TATEKI IRIYE

In re: Bank account owned by Tateki Iriye. F-39-3651-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tateki Iriye, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tateki Iriye, by Seattle Trust and Savings Bank, 804 Columbia Street, Seattle, Washington, arising out of a savings account, Account Number 8658, entitled Dr. Tateki Iriye, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 19, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 46-22049; Filed, Dec. 31, 1946; 8:49 a. m.]

[Vesting Order 7930]

MAX MULLER

In re: Estate of Max Muller, deceased. File D-28-9876; E. T. sec. 13947.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Berkop, Willy Berkop, Konrad Berkop, Kathe Berkop, Alfred Berkop and Marie Lohrman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the issue of Ernst Berkop; the issue of Willy Berkop; the issue of Konrad Berkop; the issue of Kathe Berkop; the issue of Alfred Berkop and the issue of Marie Lohrman, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Max Muller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Herman J. Rubenstein, as Administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue of Konrad Berkop, the issue of Kathe Berkop, the issue of Alfred Berkop, the issue of Willy Berkop, the issue of Ernst Berkop and the issue of Marie Lohrman, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 19, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 46-22048; Filed, Dec. 31, 1946; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

ORDER OPENING LANDS TO MINING LOCATION, ENTRY, AND PATENTING

Under authority and pursuant to the provisions of the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. sec. 154) and the regulations thereunder, and subject to (1) valid existing rights, (2) the provisions of the act of August 1, 1946 (Public Law 585—79th Congress) and (3) the terms of the following quoted stipulations: *It is hereby ordered*, That the S½S½NE¼SW¼ and SE¼ SW¼ sec. 5, T. 2 S., R. 12 E., Gila and Salt River Meridian, Arizona, be, and the same are hereby, opened to location, entry and patenting under the general mining laws, the quoted stipulations to be executed and acknowledged in favor of the United States by the locators, for their heirs, successors and assigns, and recorded in the county records and in the United States District Land Office at Phoenix, Arizona, before locations are made:

In carrying on the mining and/or milling operations contemplated hereunder Locators will, by means of substantial dikes or other adequate structures, confine all tailings, debris and harmful chemicals in such a manner that the same shall not be carried beyond the herein described lands by storm waters or otherwise.

There is reserved to the United States, its successors and assigns the prior right to use any of the lands herein described to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, without any payment made by the United States or its successors for such right, with the agreement on the part of the Locator that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands should be made more expensive by reason of the existence of improvements or workings of the Locator thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the Locator for payment of any such sums, the Locator will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands. The Locator further agrees that the United States, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the Locator resulting from the construction, operation, and maintenance of any of the works hereinabove enumerated. Nothing contained in this paragraph shall be construed as in any manner limiting other reservations in favor of the Locator.

Any location or entry made and any patent issued for the above-described land will be subject to a reservation to the United States, pursuant to the act of August 1, 1946, of all uranium, thorium or other materials therein which are or may be determined by the Atomic Energy Commission to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same, and every such location, entry, or patent shall contain a reference to the above quoted stipulations and to the volume and page where they are recorded in the county records.

This order shall not become effective to change the status of the lands until 10:00 a. m. on February 21, 1947, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals and of this order, become subject to disposition under the United States mining laws only, as above provided.

WARNER W. GARDNER, *Assistant Secretary of the Interior.*

DECEMBER 20, 1946.

[F. R. Doc. 47-20; Filed, Jan. 2, 1947; 8:50 a. m.]

CALIFORNIA

AIR-NAVIGATION SITE WITHDRAWAL 83 REDUCED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

The order of the Secretary of the Interior dated April 19, 1933, withdrawing certain lands in California for the use of the Department of Commerce in the maintenance of air-navigation facilities is hereby revoked so far as it affects the lands hereinafter described.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on February 21, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from February 21, 1947 to May 23, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 1, 1947 to February 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on February 21, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on May 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 3, 1947 to May 23, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on May 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Sacramento, California.

The lands affected by this order are described as follows:

SAN BERNARDINO MERIDIAN

T. 14 N., R. 9 E.,
Sec. 19, S½;
Sec. 30, N½.

The area described contains 630.49 acres

These lands are reported to be desert in character with a coarse sand to gravelly soil, entirely unsuitable for cultivation.

WARNER W. GARDNER, *Assistant Secretary of the Interior.*

DECEMBER 20, 1946.

[F. R. Doc. 47-21; Filed, Jan. 2, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 535, et al.]

ALL AMERICAN AVIATION, INC., ET AL.; GREAT LAKES AREA CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of All American Aviation, Inc., and other applicants for certificates, and amend-

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ments of certificates of public convenience and necessity, known as the Great Lakes Area case, under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above proceeding is assigned to be held on January 20, 1947, 10 a. m., eastern standard time, in Room 5042 Commerce Bldg., 14th Street and Constitution Ave. N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., December 27, 1946.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-22; Filed, Jan. 2, 1947; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6019]

NORTHERN STATES POWER CO. AND NESHONOC LIGHT AND POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING MERGER OF FACILITIES

DECEMBER 27, 1946.

Notice is hereby given that, on December 27, 1946, the Federal Power Commission issued its order authorizing and approving merger of facilities, entered December 27, 1946, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-19; Filed, Jan. 2, 1947; 8:50 a. m.]

[Docket No. G-769]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 27, 1946.

Notice is hereby given that, on December 27, 1946, the Federal Power Commission issued its findings and order issuing certificate of public convenience and necessity, entered December 27, 1946, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-28; Filed, Jan. 2, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 79]

RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, December 21, 1946, by Skallerup Company, of car URT 9104, onions, on the Wood Street Terminal, to Skallerup Company, Hannibal, Mo. (C. B. & Q.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of December 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-30; Filed, Jan. 2, 1947; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[List 200, Application 330]

S. S. WHITE DENTAL MFG. CO. ET AL.

APPLICATION RECEIVED FOR INVESTIGATION

DECEMBER 27, 1946.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of applicant
Dental burs	Increase in duty	Dec. 19, 1946	S. S. White Dental Mfg. Co., Philadelphia, Pa The Ransom & Randolph Co., Toledo, Ohio. The Lee S. Smith & Sons Mfg. Co., Pittsburgh Pa.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets, N. W., Washington, D. C., where it may be read and copied by persons interested.

[SEAL] SIDNEY MORGAN,
Secretary.

[F. R. Doc. 47-86; Filed, Jan. 2, 1947; 8:57 a. m.]

OFFICE OF TEMPORARY CONTROLS

Office of Price Administration

[SO 81, Amdt. 1 to Order 5]

CERTAIN IMPORTED BLACKSTRAP MOLASSES

SPECIAL MAXIMUM PRICES

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and in accordance with section 11 of Supplementary Order 81, *It is ordered:* Order No. 5 under Supplementary Order 81 is amended as follows:

1. Section (a) is amended by deleting the second sentence beginning with the words, "The imported blackstrap molasses . . . ".

2. Section (b) is amended by deleting the words "approximately 1,400,000 gallons of".

This amendment shall become effective January 3, 1947.

Issued this 2d day of January 1947.

J. W. FOLLIN,
Acting Temporary Controls Administrator.

Opinion Accompanying the Issuance of Amendment No. 1 to Order No. 5 Under Supplementary Order No. 81

The accompanying amendment to Order No. 5 under Supplementary Order 81 makes no change in the terms of that order other than to broaden its scope from the specific quantity of 1,400,000 gallons to cover the resale of any quantity of imported blackstrap molasses sold by the Commodity Credit Corporation at New Orleans, Louisiana. The reasons set forth in the opinion accompanying the issuance of Order No. 5 under Supplementary Order 81 are applicable to this action and are, accordingly, incorporated herein by reference.

[F. R. Doc. 47-127; Filed, Jan. 2, 1947; 11:34 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 12 NUMBER 3

Washington, Saturday, January 4, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9817

REGULATIONS GOVERNING AWARDS TO FEDERAL EMPLOYEES FOR MERITORIOUS SUGGESTIONS AND FOR EXCEPTIONAL OR MERITORIOUS SERVICE

By virtue of and pursuant to the authority vested in me by section 14 of the act of August 2, 1946 (Public Law 600, 79th Congress), I hereby prescribe the following rules and regulations governing the payment of awards for meritorious suggestions of civilian officers and employees and for the incurring of expenses for honorary recognition of exceptional or meritorious service:

SECTION 1. Any civilian officer or employee of a department (as the word "department" is defined in section 18 of the said act of August 2, 1946) who makes a suggestion, in such form and manner as his department shall require, which is adopted for use in the department on or after August 2, 1946, and, in the judgment of the department head or other duly authorized authority in the department, has resulted or will result in improvement or economy in the operations of the department by way of monetary savings, increased efficiency, conservation of property, improved employee-working conditions, better service to the public, or otherwise, shall be eligible for consideration for a cash award. A former civilian officer or employee (or his estate) shall be similarly eligible for awards for such suggestions made while in the service of the department.

SEC. 2. Whenever a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be based on the amount of the annual estimated saving in the first year of operation in accordance with the following table, unless for special reasons the head of the department shall determine, subject to the limitations prescribed in the said act, that a different amount is justified:

Savings	*Awards*
$1–$1,000	$10 for each $200 of savings with a minimum of $10 for any adopted suggestion.
$1,000–$10,000	$50 for the first $1,000 of savings, and $25 for each additional $1,000 of savings.
$10,000–$100,000	$275 for the first $10,000 of savings, and $50 for each additional $10,000 of savings.
$100,00 or more	$725 for the first $100,000 of savings, and $100 for each additional $100,000 of savings; provided that (with the exception of the War and Navy Departments) the maximum award for any one suggestion shall not exceed $1,000.

SEC. 3. When a suggestion is adopted primarily upon the basis of improvement in the operations or services of the department, the department shall determine the amount of the award commensurate with the benefits anticipated from the suggestion. Whenever the head of a department believes that a suggestion he has adopted would benefit the Government service generally, he may report it to the Director of the Bureau of the Budget for dissemination to all departments.

SEC. 4. At the end of each fiscal year each department shall report to the Director of the Bureau of the Budget the number of employee suggestions submitted, the number of such suggestions adopted, the total amount of cash awards, and the total amount of estimated annual savings.

SEC. 5. A department may provide for the purchase and award of appropriate certificates, medals, or other emblems, in honorary recognition of service which is determined by the head of the department to be exceptional or meritorious.

SEC. 6. No award shall be paid for any suggestion which is not adopted for use within five years from the date the suggestion is received by the department. Any department may, in its discretion,

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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change the designated period of five years to a less period of time.

SEC. 7. No award shall be paid to any officer or employee for any suggestion which represents a part of the normal requirements of the duties of his position.

SEC. 8. The total of cash awards paid during any fiscal year in any department (except the War and Navy Departments) shall not exceed $25,000. Cash awards and expenses for honorary recognition for exceptional or meritorious service may be paid from the appropriation for the activity primarily benefiting or may be distributed among appropriations for activities benefiting as the head of the department determines.

SEC. 9. A cash award shall be in addition to the regular compensation of the recipient, and the acceptance of such cash award shall constitute an agreement that the use by the United States of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

SEC. 10. This order shall be effective as of August 2, 1946, and shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 31, 1946.

[F. R. Doc. 47-131; Filed, Jan. 2, 1947; 2:31 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTIONS

RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

I. Paragraphs (a), (c) and (d) of § 12.309 (10 F. R. 12184) are amended to read as follows:

§ 12.309 *Actions*—(a) *Exceptions; furloughs.* Where the reduction in force is the result of a temporary condition which is not expected to continue for more than one year, employees reached for action may, in lieu of being separated, be furloughed for a period not to exceed the unexpired portion of the period of appointment and in no case shall it exceed one year: *Provided*, That notice of furlough to employees in subgroups A–1 and A–2 with competitive status shall conform to the one-year notice rule under § 12.310. In the event that vacancies are to be filled in positions in the competitive level and competitive area from which such employees have been furloughed, such employees shall be given the opportunity to return to duty before any original appointments are made to such positions: *Provided, however*, That since no position in the agency may be filled by original appointment of a person, or by the promotion, reassignment, or transfer of a retention group B or C employee if the agency has employees in subgroup A–1 or A–2 with competitive status on leave or furlough due to reduction in force who are available and qualified to fill the position without undue interruption to the activity, such status employees in subgroup A–1 or A–2 shall be considered for such positions. Offer of recall to duty in positions of the competitive level and competitive area from which furloughed shall be made in the order of retention preference of furloughed employees.

* * * * * *

(c) *Exceptions; status employees.* No employee in retention group A–2, A–3 or A–4 with competitive status and serving in a position subject to the Civil Service Act may be separated or furloughed in a reduction in force if there is a position subject to the Civil Service Act in the department in any other competitive area or competitive level within the geographic area, which may reasonably be expected to continue for one year or more, not filled by a retention group A employee which he could fill without undue interruption to the activity involved unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay, if necessary, or (2) he has reemployment rights to a position in another department. Subject to the other requirements set forth above, agencies shall consider such group A–2 employee with competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–2 shall be made prior to the expiration of the first sixty days of nonduty status.

(d) *Exceptions; veterans preference employees.* No employee in subgroup A–1 with competitive status and serving in a position subject to the Civil Service Act may be separated or furloughed in a reduction in force if there is a position subject to the Civil Service Act in the department in any other competitive area or competitive level within the geographic area which may reasonably be expected to continue for one year or more not filled by an employee in subgroup A–1 which he could fill without

undue interruption to the activity involved, unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary, or (2) he has reemployment rights in another department. Subject to the other requirements set forth above, agencies shall consider such veteran preference career employee in group A–1 with competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–1 shall be made prior to the expiration of the first sixty days of non-duty status.

2. Section 12.310 (10 F. R. 12185) is amended by the insertion, immediately following the section heading, of the following new paragraph:

§ 12.310 *Notice to employees.* An employee in group A–1 or A–2 with competitive status affected by a reduction in force shall be given an individual notice in writing one year before the action becomes effective. His one-year notice period shall be composed of (a) whenever possible, at least 30 days in an active duty status; (b) a non-duty status with pay for the duration of his leave, if any; and (c) the balance of the year in a furlough or leave without pay status. Exceptions to this rule are authorized (a) when the employee requests separation in lieu of furlough, or (b) when the agency as a whole is liquidating, in which case the notice period shall terminate as of the day the agency is finally liquidated.

3. The first sentence of the present first paragraph of § 12.310 which will follow the preceding new paragraph, is amended to read as follow: "Each employee, except those in subgroups A–1 or A–2 with competitive status, affected by reduction in force shall be given an individual notice in writing at least 30 days before the action becomes effective."

4. The phrase "Such notice shall inform the employee of:" which appears at the end of the present first paragraph of § 12.310 is amended to read: "Notices to employees shall inform them of:"

5. In the first paragraph of § 12.312 (10 F. R. 12185) the period after the word "interchangeable" at the end of the paragraph is changed to a comma and the following clause is added: "and, *Provided further*, That notices to group A–1 and A–2 employees with competitive status shall be made to conform to the notice requirements of § 12.310."

6. In the second sentence of the second paragraph of § 12.312, following the phrase "for at least thirty days", the following clause is inserted: "or if a group A–1 or A–2 employee with competitive status, for the period provided for in § 12.310."

7. These amendments are effective as to notices released to employees on and after January 15, 1947.

NOTE: The Federal Government, at the present time, is going through a period of reductions in force in many agencies. In some of these reductions career employees with many years of service have been reached for separation in particular agencies and locations when in other parts of the same agency or of the Federal service, war-service and temporary appointees continue on the job. It is the policy of the Federal Government that fully satisfactory employees who have achieved competitive status and given loyal service be retained as long as their services are required, or, if they cannot be retained, that they be returned to duty as soon as openings occur or that placements for them in other agencies be made by the displacement of war-service and temporary employees. The above amendments are intended to supply the means whereby this policy may be made effective. Inasmuch as the situation which is to be remedied is a presently existing one, the Commission finds that good cause exists for making these amendments effective prior to the thirty days after publication in the FEDERAL REGISTER requirement of section 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress).

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861)

The United States Civil Service Commission.

[SEAL] ARTHUR S. FLEMING,
Acting President.

[F. R. Doc. 47-88; Filed, Jan. 3, 1947; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[Supp. Announcement 5]

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

SUPPLEMENTAL ANNOUNCEMENT TO TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

The Terms and Conditions of Cotton Sales for Export Program, dated April 22, 1946 (11 F. R. 4515, 4645), is hereby amended in the following respects:

1. Section 295.8 *Eligibility for payments of the Secretary* is amended by deleting paragraph (a) thereof.

2. Paragraph (d) of § 295.10, as amended, is amended to read as follows:

§ 295.10 *Satisfactory evidence of exportation.* * * *

(d) The documents specified above must be filed with the New Orleans Office not later than January 15, 1947, except that they may be filed not later than 45 days after the date of the landing certificate, on board ship bill of lading, certification by the steamship company, or shipmaster's receipt where such date is subsequent to December 1, 1946; and, in those cases in which cotton is sold by the Corporation from its stocks in reliance upon the exporter's bond, the documents specified above must also be filed not later than 45 days after the sailing date or month or months of delivery shown on the certified copy of the sales contract filed with the New Orleans Office. An extension of time for submission of the documents specified above may be granted by the Director of the New Orleans Office if the exporter has been delayed in submitting such documents by causes which are determined by the Director of the New Orleans Office to be beyond the control of the exporter.

These amendments shall be effective as to all export sales heretofore or hereafter registered under this offer.

(Sec. 32, 49 Stat. 774 as amended, sec. 21 (c), 58 Stat. 776; 7 U. S. C. and Sup., 612c et seq., 50 U. S. C. App. Sup. 1630 (c))

Dated this 31st day of December 1946.

[SEAL] JESSE B. GILMER,
Acting President of Commodity Credit Corporation; Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 47-99; Filed, Jan. 3, 1947; 8:55 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of Secretary of Agriculture

PART 7—PRICE DECONTROL AND RECONTROL

CERTIFICATION OF AGRICULTURAL COMMODITIES IN SHORT SUPPLY

§ 7.50 *Certification of agricultural commodities in short supply.* Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and particularly by section 1A (e) (1) of said act as added by the Price Control Extension Act of 1946, I hereby certify to the Temporary Controls Administrator that modifications in the certification of commodities in short supply, made on September 1, 1946, as amended (11 F. R. 9669, 11349, 13135, 14063), should be, and the same hereby are, made as follows: The following commodities are determined to be no longer in short supply:

Grain sorghums including all food and feed products thereof except protein meals, sweeteners and oil.
Red clover, alsike clover, sweet clover and alfalfa seeds.
Millfeeds and other grain by-products except protein meals.
Feed screenings.
Cattle and calves for slaughter.
Sheep and lambs.
Mohair.
Candy and confectionery.
Soft drinks and soft drink powders.
Dessert powder and gelatin.
Distilled spirits.
Malt beverages.
Canned fish flakes.

(Pub. Law 548, 79th Cong.)

Done this 31st day of December 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-94; Filed, Jan. 3, 1947; 8:48 a. m.]

PART 7—PRICE DECONTROL AND RECONTROL

REMOVAL OF MAXIMUM PRICES ON AGRICULTURAL COMMODITIES NOT IMPORTANT IN RELATION TO BUSINESS COSTS OR LIVING COSTS

§ 7.60 *Removal of maximum prices on agricultural commodities not important in relation to business costs or living costs.* Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and particularly by section 1A (e) (2) (B) of said act as added by the Price Control Extension Act of 1946, I hereby determine that no recommendation should be, and none is, made that maximum prices be removed on any agricultural commodity for the reason that it is not important in relation to business costs or living costs pursuant to section 1A (e) (2) (B) of said act.

(Pub. Law 548, 79th Cong.)

Done this 31st day of December 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-93; Filed, Jan. 3, 1947; 8:48 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Tobacco 13, Supp. 1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS; 1947–48

The amendments herein are based on the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1311–1314, inclusive). The purpose of the first amendment is to more clearly define the use of limits and factors applicable in making upward adjustments among farms for which preliminary acreage allotments have been established. The purpose of the second amendment is to provide a rule whereby the State committee may allocate the acreage available in the State for adjustments of farm acreage allotments among the counties and communities within the State. Prior to formulation of these amendments, notice was given (11 F. R. 14250) that the Secretary of Agriculture was considering the amending of the regulations to accomplish the purposes mentioned above, and that any interested person might express his views in writing with respect thereto. No written expressions were received postmarked by December 20, 1946, the closing date therefor mentioned in the notice aforesaid. The amendments herein shall become effective thirty days after their publication in the FEDERAL REGISTER.

The Marketing Quota Regulations, Flue-cured and Burley Tobacco, 1947–48 Marketing Year, Part I, are amended by:

1. Striking out subparagraph (1) of paragraph (b) of § 725.316 (11 F. R. 10254) and inserting in lieu thereof the following:

(1) The preliminary allotment for any farm (including any small farm after adjustment pursuant to paragraph (a) of this section) may be increased within the limits stated in subparagraph (3) of this paragraph if the community committee, with the approval of the county committee, finds it to be smaller in relation to past acreage of tobacco, and the land, labor, and equipment available for the production of tobacco on the farm than the average of the preliminary allotments for all old farms in the community in relation to such factors: *Provided*, That any such adjustment shall be made in relation to the acreage of tobacco harvested on the farm in the 3 years 1944–46 and after giving due consideration to the crops and enterprises on the farm other than tobacco and the soil and other physical factors affecting the production of tobacco on the farm.

2. Striking out the first sentence in subparagraph (4) of § 725.316 (b) and inserting in lieu thereof the following:

(4) The increases for all farms in any community, as determined pursuant to § 725.315 (c) and subparagraphs (1) and (2) of this paragraph (adjusted preliminary allotment minus 1946 allotment), shall not exceed an amount equal to two percent of the acreage allotted to all farms in the community in 1946 unless otherwise recommended by the county committee and approved by the State committee: *Provided*, That the total of such increases for any county shall not exceed an amount equal to two percent of the acreage allotted to all farms in the county in 1946 unless otherwise approved by the State committee: *Provided further*, That the total acreage available hereunder for all farms in each State shall not exceed two percent of the total acreage allotted to all farms in each State in 1946.

(52 Stat. 38, 47, 66; 53 Stat. 1261; 54 Stat. 392; 56 Stat. 51; 57 Stat. 387; 58 Stat. 136; 7 U. S. C. 1301 (b), 1313, 1375; 60 Stat. 21)

Done at Washington, D. C., this 31st day of December 1946.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-95; Filed, Jan. 3, 1947; 8:55 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 203]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.310 *Lemon Regulation 203*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 5, 1947, and ending at 12:01 a. m., P. s. t., January 12, 1947, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Dec. 29, 1946. Regulation Period No. 203. 12:01 a. m. Jan. 5, 1947 to 12:01 a. m. Jan. 19, 1947]

Handler	*Prorate base percent*
Total	100.000
Allen-Young Citrus Packing Co	.004
American Fruit Growers, Fullerton	.145
American Fruit Growers, Lindsay	.030
American Fruit Growers, Upland	.343
Consolidated Citrus Growers	.106
Corona Plantation Co	.295
Hazeltine Packing Co	.833
Leppla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
McKellips Mutual Citrus Growers Inc	0.270
Phoenix Citrus Packing Co	.027
Ventura Coastal Lemon Co	1.196
Ventura Pacific Co	.969
al A. F. G	4.193
Arizona Citrus Growers	.338
Desert Citrus Growers Co., Inc	.051
Mesa Citrus Growers	.790
Elderwood Citrus Association	.152
Klink Citrus Association	7.720
Lemon Cove Association	6.442
Glendora Lemon Growers Association	.835
La Verne Lemon Association	.203
La Habra Citrus Association	.635
Yorba Linda Citrus Association, The	.242
Alta Loma Heights Citrus Association	.545
Etiwanda Citrus Fruit Association	.501
Mountain View Fruit Association	.448
Old Baldy Citrus Association	1.354
Upland Lemon Growers Association	1.777
Central Lemon Association	.452
Irvine Citrus Association	.625
Placentia Mutual Orange Association	.207
Corona Citrus Association	.148
Corona Foothill Lemon Co	.511
Jameson Co	.731
Arlington Heights Fruit Co	.529
College Heights Orange & Lemon Association	2.063
Chula Vista Citrus Association, The	1.280
El Cajon Valley Citrus Association	.500
Escondido Lemon Association	7.424
Fallbrook Citrus Association	2.756
Lemon Grove Citrus Association	.594
San Dimas Lemon Association	.957
Carpinteria Lemon Association	2.659
Carpinteria Mutual Citrus Association	2.784
Goleta Lemon Association	3.035
Johnston Fruit Co	6.046
North Whittier Heights Citrus Association	.944
San Fernando Heights Lemon Association	2.504
San Fernando Lemon Association	.766
Sierra Madre-Lamanda Citrus Association	1.708
Tulare County Lemon and Grapefruit Association	2.763
Briggs Lemon Association	1.238
Culbertson Investment Co	.519
Culbertson Lemon Association	1.123
Fillmore Lemon Association	1.365
Oxnard Citrus Association No. 1	1.603
Oxnard Citrus Association No. 2	2.562
Rancho Sespe	.567
Santa Paula Citrus Fruit Association	2.076
Saticoy Lemon Association	2.742
Seaboard Lemon Association	2.025
Somis Lemon Association	.000
Ventura Citrus Association	1.020
Limoneira Co	1.597
Teague-McKevett Association	.473
East Whittier Citrus Association	.448
Leffingwell Rancho Lemon Association	.137
Murphy Ranch Co	.960
Whittier Citrus Association	.633
Whittier Select Citrus Association	.232
Total C. F. G. E	85.399
Arizona Citrus Products Co	.105
Chula Vista Mutual Lemon Association	1.348
Escondido CoOp. Citrus Association	.693
Glendora CoOp. Citrus Association	.288
Index Mutual Association	.165
La Verne CoOp. Citrus Association	1.238
Libbey Fruit Packing Co	.103

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
Orange CoOp. Citrus Association	0.101
Pioneer Fruit Co	.131
Tempe Citrus Co	.068
Ventura County Orange and Lemon Association	1.557
Whittier Mutual Orange and Lemon Association	.232
Total M. O. D	6.029
Abbate, Chas. Co., The	.092
Atlas Citrus Packing Co	.091
California Citrus Groves, Inc., Ltd	.227
El Modena Citrus, Inc	.027
Evans Bros. Packing Co.—Riverside	.437
Evans Bros. Packing Co.—Sentinel Butte Ranch	.561
Foothill Packing Co	.000
Harding & Leggett	.827
Orange Belt Fruit Distributors	1.459
Potato House, The	.007
Raymond Bros	.000
Rooke, B. G., Packing Co	.120
San Antonio Orchard Co	.049
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.300
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.154
Western States Fruit & Produce Co	.028
Total Independents	4.379

[F. R. Doc. 47-150; Filed, Jan. 3, 1947; 11:34 a. m.]

[Orange Reg. 159]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.305 *Orange Regulation 159*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., January 5, 1947, and ending at 12:01 a. m., p. s. t., January 12, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* Prorate Districts Nos. 1, 2, and 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, 1050 carloads; (b) Prorate District No. 2, 150 carloads; and (c) Prorate District No. 3, 50 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Orange Regulation Period No. 159, 12:01 a. m. Jan. 5, 1947 to 12:01 a. m. Jan. 12, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base percent
Total	100.0000
A. F. G. Lindsay	1.7989
A. F. G. Porterville	2.1609
Cooperative Citrus Association	.6959
Dofflemyer, W. T	.5363
Elderwood Citrus Association	1.2281
Exeter Citrus Association	2.9962
Exeter Orange Growers Association	.6349
Exeter Orchards Association	1.0907
Hillside Packing Corp	1.6060
Ivanhoe Mutual Orange Association	1.1209
Klink Citrus Association	4.5940
Lemon Cove Association	1.4150
Lindsay Citrus Growers Association	2.7275
Lindsay Cooperative Citrus Association	1.4168
Lindsay District Orange Co	1.4191
Lindsay Fruit Association	1.9484
Lindsay Orange Growers Association	.6870
Naranjo Packing House Co	.9099
Orange Cove Citrus Association	3.2611
Orange Packing Co	1.1185
Orosi Foothill Citrus Association	1.3038
Paloma Citrus Fruit Association	1.0982
Pogue Packing House, J. E	.6704
Rocky Hill Citrus Association	2.0874
Sanger Citrus Association	3.0992
Sequoia Citrus Association	.8490
Stark Packing Corp	2.3576
Visalia Citrus Association	.6529

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base percent
Waddell & Son	1.8980
Butte County Citrus Association, Inc	.8188
James Mills Orchard Corp	1.1403
Orland Orange Growers Association, Inc	.6792
Baird-Neece Corp	1.7467
Beattie Association, Agnes M	.6374
Grand View Heights Citrus Association	1.9573
Magnolia Citrus Association	2.1907
Porterville Citrus Association	1.3573
Richgrove-Jasmine Citrus Association	1.4470
Sandilands Fruit Co	1.0530
Strathmore Coop. Association	1.6804
Strathmore District Orange Association	1.6281
Strathmore Fruit Growers Association	1.1917
Strathmore Packing House Co	1.3740
Sunflower Packing Corp	1.9865
Sunland Packing House	2.6369
Terra Bella Citrus Association	1.3163
Tule River Citrus Association	1.1360
Jensen, M. N	2.2347
Kroelis Brothers, Ltd	1.3566
Lindsay Mutual Groves	1.7922
Martin, J. D	1.0372
Stivers Packing Co	.7520
Woodlake Packing House	1.6658
R. M. C. Porterville	1.9331
Abbate Company, The Chas	.8989
Anderson Packing Co., R. M	.7180
Baker Brothers	.1108
California Citrus Grs., Inc., Ltd	1.7858
Chess Company, Meyer W	.2762
Edison Groves Co	.6030
Edison Orange Growers Association	.0000
Evans Brothers Packing Co	1.4422
Furr, N. C	.3350
Ghianda Ranch	.0221
Harding & Leggett	1.3921
Lo Bue Bros	.4402
Marks, W. & M	.4563
Raymond Bros	.1254
Reimers, Don H	.2333
Rooke Packing Co., B. G	3.2379
Snyder & Sons Co., W. A	.8127
Toy, Chin	.0679
Webb Packing Co., Inc	.6970
Western States Fruit & Produce Co	.2371
Wollenman Packing Co	.7718
Woodlake Heights Packing Corp	.8648
Zaninovich Brothers, Inc	.6637

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3272
A. F. G. Fullerton	.0486
A. F. G. Orange	.0346
A. F. G. Redlands	.3613
A. F. G. Riverside	.8887
Corona Plantation Co	.9514
Hazeltine Packing Co	.0902
Signal Fruit Association	.7516
Azusa Citrus Association	.9746
Azusa Orange Co., Inc	.1157
Damerel-Allison Co	1.0381
Glendora Mutual Orange Association	.5414
Irwindale Citrus Association	.4017
Puente Mutual Citrus Association	.0549
Valencia Heights Orchards Association	.2408
Covina Citrus Association	1.4797
Covina Orange Growers Association	.6866
Duarte-Monrovia Fruit Exchange	.4125
Glendora Citrus Association	.7743
Glendora Heights O. & L. Growers Association	.1811

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base percent
Gold Buckle Association	3.0444
La Verne Orange Association, The	4.6651
Anaheim Citrus Fruit Association	.0534
Anaheim Valencia Orange Association	.0145
Eadington Fruit Co., Inc	.2968
Fullerton Mutual Orange Association	.2844
La Habra Citrus Association	.1272
Orange Co. Valencia Association	.0223
Orangethorpe Citrus Association	.0207
Placentia Coop. Orange Association	.0446
Yorba Linda Citrus Association, The	.0230
Alta Loma Heights Citrus Association	.3640
Citrus Fruit Growers	.9809
Cucamonga Citrus Association	.5913
Etiwanda Citrus Fruit Association	.2122
Mountain View Fruit Association	.1373
Old Baldy Citrus Association	.3990
Rialto Heights Orange Growers	.4547
Upland Citrus Association	2.4572
Upland Heights Orange Association	1.1063
Consolidated Orange Growers	.0266
Garden Grove Citrus Association	.0183
Goldenwest Citrus Association, The	.0779
Olive Heights Citrus Association	.0389
Santa Ana-Tustin Mutual Citrus Association	.0244
Santiago Orange Growers Association	.1409
Tustin Hills Citrus Association	.0284
Villa Park Orchards Association, Inc., The	.0331
Bradford Brothers, Inc	.2158
Placentia Mutual Orange Association	.1593
Placentia Orange Growers Association	.2753
Call Ranch	.7164
Corona Citrus Association	.6921
Jameson Co	.3825
Orange Heights Orange Association	.8684
Break & Son, Allen	.2827
Bryn Mawr Fruit Growers Association	1.0997
Crafton Orange Growers Association	1.4518
East Highlands Citrus Association	.4287
Fontana Citrus Association	.4635
Highland Fruit Growers Association	.6837
Krinard Packing Co	1.6592
Mission Citrus Association	.6970
Redlands Coop. Fruit Association	1.7320
Redlands Heights Groves	.7593
Redlands Orangedale Association	.8124
Redlands Orange Growers Association	1.1247
Redlands Select Groves	.5871
Rialto Citrus Association	.5579
Rialto Orange Co	.3144
Southern Citrus Association	.9228
United Citrus Growers	.7597
Zilen Citrus Co	1.0644
Arlington Heights Fruit Co	.4648
Brown Estate, L. V. W	1.7353
Elephant Orchards	.0351
Gavilan Citrus Association	1.6037
Hemet Mutual Groves	.2889
Highgrove Fruit Association	.7833
McDermont Fruit Co	1.6482
Mentone Heights Association	.8426
Monte Vista Citrus Association	1.0776
National Orange Co	.8461
Riverside Heights Orange Grs. Association	1.3308
Sierra Vista Packing Association	.6787
Victoria Ave. Citrus Association	2.3195

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base percent
Claremont Citrus Association	1.1008
College Heights O. & L. Association	.9493
El Camino Citrus Association	.6014
Indian Hill Citrus Association	1.4010
Pomona Fruit Growers Association	1.8681
Walnut Fruit Growers Association	.4219
West Ontario Citrus Association	1.7181
El Cajon Valley Citrus Association	.3208
Escondido Orange Association	.4746
San Dimas Orange Growers Association	1.0543
Ball & Tweedy Association	.1213
Carloga Citrus Association	.0514
N. Whittier Heights Citrus Association	.0981
San Fernando Fruit Growers Association	.2500
San Fernando Heights Orange Association	.2703
Sierra Madra Lamanda Citrus Association	.1962
Camarillo Citrus Association	.0083
Fillmore Citrus Association	1.0713
Ojai Orange Association	.8550
Piru Citrus Association	1.0223
Santa Paula Orange Association	.0967
Tapo Citrus Association	.0094
East Whittier Citrus Association	.0142
El Ranchito Citrus Association	.0368
Rivera Citrus Association	.0499
Whittier Citrus Association	.1801
Whittier Select Citrus Association	.0511
Anaheim Coop. Orange Association	.0479
Bryn Mawr Mutual Orange Association	.4888
Chula Vista Mutual Lemon Association	.1251
Escondido Coop. Citrus Association	.0863
Euclid Avenue Orange Association	2.0486
Foothill Citrus Union, Inc	.1013
Fullerton Coop. Orange Association	.0458
Garden Grove Orange Coop	.0332
Glendora Coop. Citrus Association	.0885
Golden Orange Groves, Inc	.4325
Highland Mutual Groves, Inc	.5773
Index Mutual Association	.0034
La Verne Coop. Citrus Association	2.3048
Olive Hillside Groves, Inc	.0270
Orange Coop. Citrus Association	.0526
Redlands Foothill Groves	2.0281
Redlands Mutual Orange Association	1.0399
Riverside Citrus Association	.4702
Ventura County O. & L. Association	.1834
Whittier Mutual O. & L. Association	.0553
Babijuice Corp. of Calif	.2938
Banks Fruit Co	.2863
California Fruit Distributors	.1218
Cherokee Citrus Co., Inc	1.5003
Chess Co., Meyer W	.2787
El Modena Citrus, Inc	.0847
Evans Brothers Packing Co	.7530
Gold Banner Association	1.8631
Granada Packing House	1.0349
Hill, Fred A	.6594
Inland Fruit Dealers, Inc	.2762
Orange Belt Fruit Distributors	2.1062
Panno Fruit Co., Carlo	.1923
Paramount Citrus Association	.2319
Placentia Pioneer Valley Growers Association	.0650
Riverside Growers, Inc	.6375
San Antonio Orchards Association	1.2917
Snyder & Sons Co., W. A	.8498
Torn Ranch	.0413
Verity & Sons Co., R. H	.1016
Wall, E. T	1.5036
Western Fruit Growers, Inc., Redlands	2.8733
Yorba Orange Growers Association	.0287

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 3

Handler	*Prorate base percent*
Total	100.0000
Allen-Young Citrus Packing Co	1.1240
Consolidated Citrus Growers	5.3292
Leppla-Pratt Produce Distrs., Inc	5.4135
McKellips Mutual Citrus Grs., Inc	14.1969
McKellips Phoenix Citrus Co., C. H	2.8330
Phoenix Citrus Packing Co	2.4146
Arizona Citrus Growers	24.0473
Bumstead, Dale	.0000
Desert Citrus Growers	3.2156
Mesa Citrus Growers	17.8646
Yuma Mesa Fruit Growers Association	.0000
Arizona Citrus Products	2.6228
Libbey Fruit Packing Co	6.4425
Pioneer Fruit Co	5.2008
Tempe Citrus Co	2.3788
Arthur & Son, J. E	.4947
Champion Produce House, L. M	.0966
Commercial Citrus Packing Co	.9720
Dhuyvetter Bros	.1300
Ishikawa, Paul	.1907
Macchiaroli Fruit Co., James	.0000
Morris Brothers Fruit Co	.0000
Orange Belt Fruit Distributors	.1460
Potato House, The	.5890
Sharp, Co., K. K	.2173
Sun Valley Packing Co	1.6287
Valley Citrus Packing Co	2.9314

[F. R. Doc. 47-151; Filed, Jan. 3, 1947; 11:34 a. m.]

Chapter XXI—Organization, Functions and Procedure

Subchapter C—Production and Marketing Administration

PART 2309—SPECIAL COMMODITIES BRANCH

MISCELLANEOUS AMENDMENTS

Effective upon publication hereof, Part 2309 of Title 7 published September 11, 1946 (11 F. R. 177A-277 to 279, inclusive), is hereby amended:

1. By striking § 2309.1 (b) (6) and substituting in lieu thereof the following:

§ 2309.1 *Central Office.* * * *

(b) *The Director.* * * *

(6) Take all action necessary or appropriate in the Administration of the Naval Stores Act (7 U. S. C. 94), subject to limitations contained in said act and in rules and regulations promulgated with respect thereto, and prescribe fees for the inspection under the Agricultural Marketing Act of 1946 (Public Law 733, 79th Congress) of naval stores not within the Naval Stores Act.

2. By adding after § 2309.14 the following new section:

§ 2309.15 *Inspection of naval stores under Agricultural Marketing Act of 1946.* Under the Agricultural Marketing Act of 1946 (Public Law 733, 79th Congress) the Naval Stores Division inspects and certifies the class, quality, quantity and condition of naval stores not within the Naval Stores Act, at the request of interested persons and upon payment of fees prescribed for such service.

(R. S. 161, 5 U. S. C. 22; Pub. L. 404, 79th Congress, 60 Stat. 238)

Issued this 31st day of December 1946.

[SEAL] CLINTON C. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-96; Filed, Jan. 3, 1947; 8:55 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Bureau of Dairy Industry

PART 301—SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER

Correction

In Federal Register Document 46-21920, appearing at page 14674 of the issue for Friday, December 27, 1946, the eighteenth line of paragraph (e) of § 301.5 should read: "Melted by the original farmer producer".

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 602—RESERVE OFFICERS TRAINING CORPS

INSTITUTIONS AND UNITS

In § 602.121 *Institutions and units* (12 F. R. 9011, 9791, 11985, 13297) the following Class MS ROTC schools are converted to and redesignated Class MI ROTC schools as follows:

	Class	Units
Third Army area		
Columbia Military Academy, Columbia, Tenn	MI	J
Fifth Army area		
Morgan Park Military Academy, Chicago, Ill	MI	J
Missouri Military Academy, Mexico, Mo	MI	J

[G. O. 146, 5 Dec. 1946]

(39 Stat. 191, 192; 41 Stat. 776-778; 10 U. S. C. 381, 382, 389, 441)

[SEAL] EDWARD F. WITSELL, *Major General, The Adjutant General.*

[F. R. Doc. 47-53; Filed, Jan. 3, 1947; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 97-0]

PART 97—RULES OF PRACTICE GOVERNING SAFETY CASES ARISING UNDER SECTIONS 602 AND 609 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED, AND PETITIONS FOR WAIVERS OF CIVIL AIR REGULATIONS

Correction

In Federal Register Document 46-21433, appearing at page 14257 of the issue for Thursday, December 12, 1946, the following changes are made:

1. Paragraph (c) of § 97.11 should read:

(c) A statement of the action the Administrator requests of the Board, or which the Board proposes to take on its own initiative.

2. Section 97.20, appearing in the third column on page 14259, should be "§ 97.29".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5225]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WILLIAM A. HERMAN

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Nature, in general.* In connection with the solicitation or obtaining of information in commerce, (1) representing through the use of the trade name "National Estates Research," or any other trade name of similar import or meaning, that persons concerning whom information is sought have, or may have, an interest in some estate, unclaimed asset, or other property, when the information sought is for use in connection with investigations not connected with any interest in an estate, unclaimed asset, or other property; (2) using, or placing in the hands of others for use, form letters or other printed material so worded and designed as to represent or imply that it has been forwarded by some agency engaged in the administration of estates or engaged in locating missing heirs or persons having an interest in some estate, property, or unclaimed asset, or that the information sought to be obtained by such form letters and other printed material is for use in locating such missing heirs or other interested parties, when the information sought is for use in connection with investigations not connected with any interest in an estate, unclaimed asset, or other property; (3) representing in any manner, either directly or by implication, that persons concerning whom information is sought have or may have an interest in some estate, unclaimed asset, or other property, when the information sought is for use in connection with investigation of claims made against casualty or liability insurance companies or other insurers or in connection with investigations of a similar nature; or, (4) representing directly or by implication that respondent is engaged in genealogical research; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order William A. Herman, Docket 5225, December 5, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of December A. D. 1946.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provision of the Federal Trade Commission Act:

It is ordered, That the respondent, William A. Herman, an individual, trading under the name National Estates Research or trading under any other name or names, and his representatives, agents, and employees, directly or through any corporate or other device in connection with the solicitation or obtaining of information in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing through the use of the trade name "National Estates Research," or any other trade name of similar import or meaning, that persons concerning whom information is sought have, or may have, an interest in some estate, unclaimed asset, or other property, when the information sought is for use in connection with investigations not connected with any interest in an estate, unclaimed asset, or other property.

2. Using, or placing in the hands of others for use, form letters or other printed material so worded and designed as to represent or imply that it has been forwarded by some agency engaged in the administration of estates or engaged in locating missing heirs or persons having an interest in some estate, property, or unclaimed asset, or that the information sought to be obtained by such form letters and other printed material is for use in locating such missing heirs or other interested parties, when the information sought is for use in connection with investigations not connected with any interest in an estate, unclaimed asset, or other property.

3. Representing in any manner, either directly or by implication, that persons concerning whom information is sought have or may have an interest in some estate, unclaimed asset, or other property, when the information sought is for use in connection with investigation of claims made against casualty or liability insurance companies or other insurers or in connection with investigations of a similar nature.

4. Representing directly or by implication that respondent is engaged in genealogical research.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-55; Filed, Jan. 3, 1947; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF CERTAIN SECURITIES

The Securities and Exchange Commission deems it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors to amend § 240.11d1-1 (Rule X-11D1-1) under the Securities Exchange Act of 1934 by adding to the rule the new paragraph (d) set forth below. The amendment operates to grant an exemption, and the Commission finds that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act are unnecessary and that the amendment may be declared effective immediately pursuant to section 4 (c) of that act. *Therefore, it is ordered*, Pursuant to the authority conferred upon the Commission by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 11 (d) (1) and 23 (a) thereof, that § 240.11d1-1 [Rule X-11D1-1] be amended by substituting a semi-colon and the word "or" for the period at the end of paragraph (c) and adding the following paragraph (d):

§ 240.11d 1-1 *Exemption of certain securities from section 11 (d) (1).* * * *

(d) The security is acquired by the customer through the exercise of a right evidenced by a warrant or certificate expiring within 90 days after issuance, provided such right was originally issued to the customer as a stockholder of the corporation issuing the security upon which credit is to be extended, or as a stockholder of a company distributing such security in order to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935. The right shall be deemed to be issued to the customer as a stockholder if he actually owned the stock giving rise to the right when such right accrued, even though such stock was not registered in his name; and in determining such fact the broker and dealer may rely upon a signed statement of the customer which the broker and dealer accepts in good faith. (Secs. 3 (a) (12), 11 (d) (1) and 23 (a) 48 Stat. 882, 891, 901; 15 U. S. C. 78c, 78k, 78w)

Effective: December 30, 1946.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 27, 1946.

[F. R. Doc. 47-76; Filed, Jan. 3, 1947; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter A—The Department and the Foreign Service

[Dept. Reg. 108.37]

PART 1—ORGANIZATION

ASSISTANT SECRETARY (FOR ADMINISTRATION)

Corrected Reprint

Under authority contained in R. S. 161 (5 U. S. C. 22) and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 237), Title 22 of the Code of Federal Regulations is hereby amended as follows:

Section 1.2 (g) (6), as amended by Departmental Regulation 108.31 of November 5, 1946 (11 F. R. 13438), is amended to read:

§ 1.2 *Basic organization of the Department in Washington.* * * *

(g) *Offices of the Department.* * * *

(6) *Under the Assistant Secretary (for Administration).*

Office of Departmental Administration, comprising:

Director, Deputy Director, and Executive Officer;
Division of Management Planning;
Division of Departmental Personnel;
Division of Central Services;
Division of Coordination and Review;
Division of Communications and Records;
Division of Cryptography;
Central Translating Division;
Presentation Division;
Division of Protocol;
Division of International Conferences.

Director General of the Foreign Service:

Deputy Director General of the Foreign Service (The Deputy Director General of the Foreign Service is the Director, Office of the Foreign Service).

Office of the Foreign Service, comprising:

Director, Deputy Director, and Executive Officer;
Corps of Foreign Service Inspectors;
Division of Foreign Service Planning;
Division of Foreign Service Administration;
Division of Foreign Service Personnel;
Division of Training Services;
Division of Foreign Reporting Services;
Division of Foreign Buildings Operations.

Office of Budget and Finance, comprising:

Director, Deputy Director, and Executive Officer;
Division of Budget;
Division of Finance;
UNRRA Division.

Office of Controls, comprising:

Director, Deputy Director, and Executive Officer;
Passport Division;
Visa Division;
Special Projects Division;
Division of Foreign Activity Correlation;
Division of Investigations;
Munitions Division.

This regulation will be effective on the date of its publication in the FEDERAL REGISTER.

(R. S. 161; 5 U. S. C. 22)

Approved: December 30, 1946.

[SEAL] JAMES F. BYRNES, *Secretary of State.*

[F. R. Doc. 46 22074; Filed, Dec. 30, 1946; 11:57 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directive 27, Revocation]

PRIORITIES ACTION BY OFFICE OF INTERNATIONAL TRADE OPERATIONS, DEPARTMENT OF COMMERCE

Section 903.139, Directive 27 is revoked.

Issued this 3d day of January 1947.

L. F. FOSTER,
Director, Bureau of Priorities.

[F. R. Doc. 47-156; Filed, Jan. 3, 1947; 11:26 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1051, Revocation]

TOM STILL TRANSFER CO., INC., ET AL.

Suspension Order No. S-1051, effective December 26, 1946, was issued against the Tom Still Transfer Company, Inc., Boone Street, Kingsport, Tennessee, and Garland Cassel and William Cassel, doing business as Cassel Brothers, 206 West Sullivan Street, Kingsport, Tennessee, for violation of Veterans' Housing Program Order No. 1. It appears that this order was issued in error as the respondents had received authorization to complete the construction in question. The Chief Compliance Commissioner has therefore directed that Suspension Order No. S-1051 be revoked. In view of the foregoing,

It is hereby ordered, That: § 1010.1051, Suspension Order No. S-1051, be revoked.

Issued this 2d day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-155; Filed, Jan. 3, 1947; 11:26 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1063]

JAMES CUSANO

James Cusano owns and operates a restaurant and taproom at 8107 Tinnicum Avenue, Philadelphia, Pennsylvania. On or about September 20, 1946, he began construction in altering and erecting an addition to his restaurant and taproom at the above address, at an estimated cost of $8,000, without authorization from the Civilian Production Administration. The beginning and carrying on of this construction, subsequent to March 26, 1946, at an estimated cost in excess of $1,000, constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1063 *Suspension Order No. S-1063.* (a) Neither James Cusano, his successors or assigns, nor any other person shall do any further construction on the premises located at 8107 Tinnicum Avenue, Philadelphia, Pennsylvania, including completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) James Cusano shall refer to this order in any application or appeal which he may file with the Civilian Production Administration, or any other duly authorized Governmental agency, for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve James Cusano, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-157; Filed, Jan. 3, 1947; 11:26 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1065]

LOUIS MILLER AND SANTO NASTASI

Louis Miller, of 1375 E. Lafayette Avenue, Detroit, Michigan, and Santo Nastasi, of 2189 Canton Avenue, Detroit, Michigan, on or about September 11, 1946, began and thereafter carried on, without authorization of the Civilian Production Administration, construction of a structure to be used as a grease rack in connection with a gas station, at 1403 East Congress Street, Detroit, Michigan, the estimated cost of which was in excess of $1,000. The beginning and carrying on of this construction without authorization constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1065 *Suspension Order No. S-1065.* (a) Neither Louis Miller nor Santo Nastasi, their successors or assigns, nor any other person shall do any further construction on the structure at 1403 East Congress Street, Detroit, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Louis Miller and Santo Nastasi shall refer to this order in any application or appeal which they may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Louis Miller and Santo Nastasi, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the provisions hereof.

Issued this 3d day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-158; Filed, Jan. 3, 1947, 11:26 a. m.]

Chapter XIX—Reconstruction Finance Corporation

EXPIRATION OF CERTAIN REGULATIONS

Pursuant to the provisions of § 2.21 (b) of the FEDERAL REGISTER regulations, Reconstruction Finance Corporation hereby gives notice of the expiration of the following regulations:

Part 7001—*Petroleum Compensatory Adjustments:* Expired October 31, 1945.

Part 7002—*Butter Production Payments:* Expired October 31, 1945.

Part 7003—*Livestock Slaughter Payments:* Expired June 30, 1946.

Part 7004—*Flour Production Payments:* Expired February 28, 1946.

Part 7005—*Mid-Continent Crude Compensatory Adjustments:* Expired September 30, 1946.

Part 7009—*Flour Production Payments:* Expired June 30, 1946.

Part 7010—*Livestock Slaughter Payments:* Expired October 14, 1946.

The expiration of the above regulations as of the dates listed are without prejudice to any rights or liabilities in connection with matters covered by said regulations which occurred prior to said expiration dates.

RECONSTRUCTION FINANCE CORPORATION.
STUART K. BARNES,
Executive Director,
Office of Defense Supplies.
GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 47-85; Filed, Jan. 3, 1947; 8:59 a. m.]

[Reg. 7,[1] Amdt. 6]

PART 7007—STRIPPER WELL COMPENSATORY ADJUSTMENTS

MISCELLANEOUS AMENDMENTS

1. Section 7007.1 *Definitions*, as amended, is hereby further amended by changing paragraph (j) to read as follows:

§ 7007.1 *Definitions.* * * *

(j) "Premium rate" means, with respect to crude produced from a designated area, the excess of the amount appearing opposite such designated area listed in Schedule A over the larger of the following:

(1) Thirty-five (35) cents; or

(2) The amount by which the applicant's highest posted purchase price, in effect on or after December 1, 1946, for crude produced from such designated area exceeds the basic maximum price therefor.

2. Section 7007.5 *Amount of claims*, as amended, is hereby further amended by changing paragraphs (a) and (c) to read as follows:

§ 7007.5 *Amount of claims.* (a) A claim with respect to the purchase of crude produced from any designated area shall be in an amount equal to the number of barrels of such crude purchased and paid for multiplied by the excess, if any, by which the amount per barrel paid for such crude exceeds the larger of the following:

(1) The basic maximum price therefor plus thirty-five (35) cents, or

(2) The applicant's highest posted purchase price, in effect on or after December 1, 1946, for such crude;

Provided, however, That such claim shall in no event be greater than an amount equal to the number of barrels of such crude purchased and paid for, multiplied by the applicant's premium rate for such crude. Crude for which an applicant is prohibited from paying the purchase price in whole or in part because of inability on the part of applicant to determine the legal owner or owners, or by reason of other legal prohibitions, shall be deemed to have been paid for when there has been recorded in applicant's books a suspense or other account reflecting a liability on the part of applicant for such purchase price which applicant will ultimately pay to the party or parties legally entitled thereto.

* * * * *

(c) Claims with respect to crude produced in any designated area may include only quantities run from receiving tanks on or after the effective date of the inclusion of such designated area in the attached Schedule A: *Provided, however*, That no claim may be filed with respect to crude run from receiving tanks or purchased on or after December 1, 1946, except Pennsylvania Grade Crude.

This Amendment No. 6 shall be effective as of December 1, 1946.

Issued this 31st day of December 1946.

RECONSTRUCTION FINANCE CORPORATION,
By GEORGE STONER,
Associate Director,
Office of Defense Supplies.

[F. R. Doc. 47-84; Filed, Jan. 3, 1947; 8:47 a. m.]

[1] 10 F. R. 6773, 9718; 11 F. R. 5124, 9079, 9856, 11012.

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

Chapter I—Division of Territories and Island Possessions, Department of the Interior

[Order 2287]

PART 1—ORGANIZATION AND PROCEDURE

Sections 1.1 to 1.5 of Part 1 of Chapter I are revoked, and the following new sections are substituted therefor, to read as follows:

Sec.
1.1 Creation.
1.2 Functions.
1.3 General description.
1.10 Office of the Director and the Assistant Director.
1.11 Legal Branch.
1.12 Alaska Branch.
1.13 Caribbean Branch.
1.14 Pacific Branch.
1.15 Administrative Branch.
1.20 The Alaska Railroad.
1.21 Puerto Rico Reconstruction Administration.
1.22 The Virgin Islands Company.
1.23 Alaska Road Commission.
1.24 Alaska Rural Rehabilitation Corporation.
1.25 Alaska Purchasing and Shipping Office.
1.26 Alaska insane.
1.40 Inquiries and requests in general.
1.50 Location of offices.

AUTHORITY: §§ 1.1 to 1.50, inclusive, issued under Pub. Law 404, 79th Cong.; 60 Stat. 237.

§ 1.1 *Creation.* The Division of Territories and Island Possessions was created by Executive Order No. 6726 of May 29, 1934, which simultaneously transferred to it the functions of the War Department's Bureau of Insular Affairs pertaining to civil government in Puerto Rico. The Department of the Interior already had jurisdiction over Alaska and Hawaii by virtue of the Act of March 1, 1873 (17 Stat. 484, 5 U. S. C. sec. 486) which authorized the Secretary to exercise "all the powers and perform all the duties in relation to the territories of the United States that are now by law or by custom exercised and performed by the Secretary of State," and under which the Department has also been largely responsible for the government of those areas of our western domain which were once territories and have later become States. Administration of the Virgin Islands was transferred from the Navy Department to the Department of Interior by Executive Order No. 5566 of May 27, 1931. In order to concentrate the Department's responsibility for civil government in the territories and possessions in a single division, as well as to formalize in a single document the Division's jurisdiction, the Secretary by Order No. 1640 of February 13, 1936, vested the Division with responsibility for government in Alaska, Hawaii, Puerto Rico and the Virgin Islands, as well as with the administration of a number of activities and enterprises in those areas. The order also provided that all administrative action within the Department pertaining to matters of territorial policy would be subject to approval by the Division.

Subsequently, additional functions over the Virgin Islands were delegated to the Secretary under the Organic Act of the Virgin Islands (49 Stat. 1807, 48 U. S. C. sec. 1405 et seq.). Baker, Howland and Jarvis Islands were placed under the control and jurisdiction of the Secretary by Executive Order No. 7368 of May 13, 1936, and Executive Order No. 7828, of March 3, 1938, placed Canton and Enderbury Islands under the Department's supervision.

§ 1.2 *Functions.* The Division's objective is to encourage each territorial area to develop its resources economically and politically to the end that Federal political guidance and financial assistance may be gradually withdrawn and the territorial areas be enabled increasingly to govern themselves and to provide their own revenues. In carrying out this objective, the Division acts as an intermediary between the territorial areas and the Federal Government and the general public; it scrutinizes the fields of Federal activity within those areas and suggests ways in which overlapping programs may be coordinated; it advises the Secretary on all aspects of territorial problems and policies; it reviews legislation affecting the territorial areas; serves as an information clearinghouse; encourages industrial development; assists the territorial areas in working out plans and policies for a stable economy and a political status satisfactory to its inhabitants; collaborates with the Department of Justice in representing the Government of Puerto Rico in litigation on appeal to Federal courts; and represents the people of the territories and insular possessions in proceedings before various Federal administrative agencies. In addition, the Division supervises a number of enterprises or activities in the territorial areas, including The Alaska Railroad, the Puerto Rico Reconstruction Administration, The Virgin Islands Company, the Alaska Road Commission, the Alaska Rural Rehabilitation Corporation, and the Alaska Purchasing and Shipping Office, and is responsible for the care and maintenance of the Alaska insane.

§ 1.3 *General description.* The organization of the Division of Territories and Island Possessions consists of the Office of the Director and Assistant Director, the Legal Branch, the Alaska Branch, the Caribbean Branch, the Pacific Branch and the Administrative Branch, all located in Washington. In addition, offices of the Division which handle the Puerto Rico Reconstruction Administration and The Virgin Islands Company are located in Washington. Outside of Washington the Division is represented by the Offices

of the Governors of the various territorial areas and of the territorial enterprises or activities under the administration of the Division. The Division is a program staff office of the Office of the Secretary of the Interior. (See 43 CFR 01.21 (b).)

§ 1.10 *Office of the Director and the Assistant Director.* The Office of the Director develops, interprets and implements national policy on territorial affairs. It establishes standards and develops integrated programs designed to accomplish its objectives. The Director has overall responsibility for and control over all functions and activities of the Division. The Assistant Director serves as Acting Director in the absence of the Director, and is responsible for such duties as are assigned to him by the Director.

§ 1.11 *Legal Branch.* The legal work of the Division is handled by the Legal Branch under the direction of a Chief Counsel. The work of the Legal Branch includes the drafting and review of legislation affecting the territorial areas, litigation, conferences and correspondence with general counsels of other Federal bureaus and agencies, preparation of opinions and memoranda, appearances before administrative boards, and performance of miscellaneous legal services for the various Federal agencies or corporations operating in the territorial areas under the administration of the Division. The Chief Counsel collaborates with the Department of Justice in representing the Government of Puerto Rico before the Circuit Court of Appeals for the First Circuit and the Supreme Court of the United States in all matters in which the Government of Puerto Rico has an interest, and also represents the people of the territories and insular possessions before Federal administrative agencies.

§ 1.12 *Alaska Branch.* The Alaska Branch works closely with all Federal agencies functioning in Alaska, with territorial officials and with all Interior agencies in Alaska in making plans to encourage colonization and settlement. It assists in the preparation of the Territory for statehood, as well as in programs for the development of the Territory's fishing, mineral, timber and agricultural resources; for the encouragement of locally-owned business enterprises and the broadening of the Territory's economic base through new sources of income, and for the development of sufficient transportation and communication facilities at rates low enough to appeal to prospective businessmen and settlers. The Branch supervises The Alaska Railroad, the Alaska Rural Rehabilitation Corporation and the Alaska Road Commission, and is responsible for the care of the Alaska insane. It also supplies information about Alaska on such varied subjects as the cost of living, employment opportunities, methods of acquiring land and prospecting opportunities.

§ 1.13 *Caribbean Branch.* Puerto Rico and the Virgin Islands are handled by one branch, the Caribbean Branch, because of their geographical proximity and the similarity of their major economic problems. The Branch assists the local governments in programs designed to give employment and to explore and develop agricultural and industrial resources to the fullest extent; acts as liaison between the islands and other Federal agencies; encourages and assists private enterprise plans; and recommends policy with respect to the working out of permanent political status. The Branch is responsible for the coordination of the functions and policies of Federal civil agencies in Puerto Rico and the Virgin Islands. (See Executive Order No. 9383 of October 5, 1943 (48 CFR, 1944 Supp., p. 44).) The activities of the Puerto Rico Reconstruction Administration are under the supervision of the Branch. The Branch also supervises the operation of The Virgin Islands Company, which operates certain properties of the United States in St. Croix, and the maintenance of Bluebeard's Castle Hotel in St. Thomas, owned by the Federal Government and now leased to a private operator.

§ 1.14 *Pacific Branch.* The Pacific Branch has the responsibility for carrying out national policy with respect to Hawaii and the Pacific islands under Interior's jurisdiction (Howland, Baker and Jarvis Islands, as well as Canton and Enderbury which are both under the joint administration of the United States and Great Britain). The Branch assists in the work of representing Hawaii's interests before the Congress and other government agencies as well as in preparing the Territory for statehood. The Branch also recommends programs and policies for civil administration in the Equatorial Islands already under the administration of the Department; furnishes information concerning all aspects of the culture and resources of Pacific islands under Interior's jurisdiction; and assists the territorial governments and private groups in the formulation and carrying out of programs designed to promote closer cultural, political and economic ties with the mainland United States.

§ 1.15 *Administrative Branch.* The Administrative Branch handles the administrative work of the Division as well as administrative operations in the territories and possessions, including the Government of the Virgin Islands; the Offices of the Governors of Alaska and Hawaii; The Alaska Railroad; the Alaska Road Commission; the Alaska Purchasing and Shipping Office; the Puerto Rico Reconstruction Administration; and The Virgin Islands Company. This involves the review and consolidation of budget estimates for these activities as well as a large volume of personnel work in connection with approximately 3,600 positions. It maintains records on the appropriation for the care and maintenance of Alaskan insane patients at Morningside Hospital, Portland, Oregon, and is accountable for the deposit of funds which relatives or guardians of the patients contribute to the cost of their care under an administrative order of the Secretary of the Interior. It reviews accounts of certifying and disbursing officers handling funds appropriated for "Government in the Territories," and is responsible for the transfer of funds to field disbursing officers.

§ 1.20 *The Alaska Railroad.* The Division supervises the operation of The Alaska Railroad which operates a railroad line, river boats and tourist hotels in Alaska. Under the direction of the Director or the Assistant Director, the Alaska Branch, the Administrative Branch and the Legal Branch of the Division in Washington review the reports and other materials submitted by the Railroad, prepare and review legislation affecting the Railroad, and perform various other administrative and legal services. The General Manager in Anchorage, Alaska, is in direct charge of the operation of the Railroad in the Territory. (See 48 CFR Ch. IV.)

§ 1.21 *Puerto Rico Reconstruction Administration.* The Director of the Divison serves as Administrator of the Puerto Rico Reconstruction Administration, which operates various housing, cooperative and related projects in Puerto Rico for the primary purpose of rehabilitating the agricultural economy of the Islands. The Director is in direct charge of the handling of all affairs of the Administration in Washington. The activities of the Administration in Puerto Rico are administered by the Assistant Administrator at San Juan, Puerto Rico. (See 48 CFR Ch. II.)

§ 1.22 *The Virgin Islands Company.* Under the supervision of the Director, as Managing Director of the Company, the Caribbean Branch, the Administrative Branch and the Legal Branch of the Division perform various services for The Virgin Islands Company, a non-profit corporation which operates Federal properties in the Islands for the purpose of improving economic conditions there. The President of the Company maintains his office in the Virgin Islands and directs the operation of the Federal properties there. The Vice President of the Company divides his time between the Washington office and the Virgin Islands, and together with the branches of the Division concerned is responsible for representing the Company in its fiscal, budgetary, legislative and personnel affairs in Washington. (See 48 CFR Ch. III.)

§ 1.23 *Alaska Bond Commission.* The Division of Territories and Island Possessions has general supervision over the activities and administrative functions of the Alaska Road Commission pertaining to the construction, repair and maintenance of roads, landing fields, tramways, ferries, bridges and trails in Alaska. A Chief Engineer with offices in Juneau, Alaska, is in immediate charge of the activities of the Commission. Rules and regulations governing the use of roads, trails and other works, including the fixing and collecting of tolls are recommended by the Commission for issuance by the Secretary of the Interior with the approval of the President. (Sec. 3, 47 Stat. 447; 48 U. S. C. 321 (b).)

§ 1.24 *Alaska Rural Rehabilitation Corporation.* The Alaska Rural Rehabilitation Corporation was organized in 1935, under the laws of the Territory of Alaska, as a non-profit corporation to undertake a program of agricultural colonization in Alaska. It was sponsored by the Federal Emergency Relief Administration and financed by grants of funds from that agency which were used in the settlement of an agricultural colony in the Matanuska Valley region. Since the expiration of the Federal Emergency Relief Administration in 1938, the Department of the Interior has exercised general supervision of the activities of the Corporation. The general supervision exercised by the Department is maintained by holding in trust the nine shares of stock which are made out to the current directors and assigned in blank. The Department is represented on the nine-man board by several officials and the Director of the Division of Territories and Island Possessions serves as President of the Corporation.

§ 1.25 *Alaska Purchasing and Shipping Office.* The Alaska Purchasing and Shipping Office of the Department of the Interior is located in Seattle, Washington, and is under the general supervision of the Division of Territories and Island Possessions. This office purchases supplies for The Alaska Railroad and other agencies of the Federal Government in Alaska, and ships such supplies from point of origin to destination in Alaska. It also acts as agent for the native cooperative stores, buying their supplies, and selling for their benefit such items as reindeer meat and hides, furs and ivories.

§ 1.26 *Alaska insane.* The Division of Territories and Island Possessions has general responsibility for the care and custody of persons legally adjudged insane in Alaska in accordance with the act of October 14, 1942 (56 Stat. 783; 48 U. S. C., Supp. 46).

In the exercise of its functions with respect to the care and custody of Alaskan insane patients, the Division makes recommendations to the Secretary of the Interior as to the making of contracts with institutions for the care of such insane patients. The Division ascertains the legal residence of Alaskan insane patients and recommends to the Secretary of the Interior the return of those who are not legal residents of Alaska to their legal residence or to their friends. The Division also recommends to the Secretary the manner and proportions in which an insane patient, or his legal representative, or relatives, must contribute to the payment of the charges for the care or treatment of such insane patients and makes investigations to determine the ability of such persons to make such payments.

§ 1.40 *Inquiries and requests in general.* Information concerning the policies, programs and activities of the Division may be secured by addressing the Division of Territories and Island Possessions, Department of the Interior, Washington 25, D. C.

§ 1.50 *Location of offices.*—(a) *Washington, D. C. Offices.* The offices of the Director, Assistant Director and Branch Chiefs of the Division are located in the Department of the Interior, Washington 25, D. C.

(b) *Other offices.* The locations of other offices are as follows:

Governor of Alaska, Juneau, Alaska.
Governor of Hawaii, Honolulu, Hawaii.
Governor of Puerto Rico, San Juan, Puerto Rico.
Governor of the Virgin Islands, Charlotte Amalie, St. Thomas, Virgin Islands.
The Alaska Railroad, Anchorage, Alaska.
Alaska Purchasing and Shipping Office, 510 Virginia Street, Seattle, Washington.
Puerto Rico Reconstruction Administration, San Juan, Puerto Rico.
Alaska Road Commission, Juneau, Alaska.
The Virgin Islands Company, Christiansted, St. Croix, Virgin Islands.

J. A. KRUG,
Secretary of the Interior.

DECEMBER 27, 1946.

[F. R. Doc. 47-54; Filed, Jan. 3, 1947; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR Part 15]

[Docket No. FDC-44]

CORN MEALS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

TENTATIVE ORDER

Definitions and Standards of Identity for white corn meal, yellow corn meal, bolted white corn meal, bolted yellow corn meal, degerminated white corn meal, degermed white corn meal, degerminated yellow corn meal, degermed yellow corn meal, white corn flour, yellow corn flour, grits, corn grits, hominy grits, yellow grits, yellow corn grits, yellow hominy grits, enriched corn meals, and enriched grits.

Tentative order. It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and upon the basis of substantial evidence of record at the public hearing held pursuant to the notice issued on February 11, 1946 (11 F. R. 1600), the following order be made:

Findings of fact.[1] 1. The corn used in making corn meals, grits, and corn flours is either of the white or the yellow variety. The corn kernel of each variety consists of (1) the endosperm which is starchy, (2) the germ which is rich in fatty oil, and (3) the bran coat which contains a high percentage of crude fiber. There is no essential difference in the chemical composition of white and yellow corn except for the presence in yellow corn of yellow coloring matter. The quantity of fat and crude fiber in products made by grinding white or yellow corn is a measure of the germ and bran present. (R. 479, 483, 484, 485, 520, 1224)

2. In preparing corn meals, grits, and corn flours, the corn is first cleansed to remove foreign grains and other extraneous matter. (R. 471, 508, 650)

3. Corn meals, grits, and corn flours are prepared by grinding corn to a desired degree of fineness, and it is the degree of fineness together with the extent of the removal of the bran coat and germ that provide the prime characteristics of identity to these several foods. Grits are the coarsest ground, corn meals are the next in fineness, and corn flours are the most finely ground. (R. 475)

4. When the entire corn kernel is ground to the fineness of meal, a food is produced which long has been known as "corn meal" with the descriptive words "white" or "yellow" according to the variety of corn used. This corn meal sometimes is called "old fashioned", "stone ground", "water ground", but the significance of these modifying designations is not generally understood. (R. 472, 479, 481-482)

5. When a substantial portion of the bran is removed, but only a small portion of the germ is taken away, the resultant corn meal is commonly known as "bolted white corn meal" or "bolted yellow corn meal", according to the variety of corn used. (R. 479, 495, 482, 523, 649)

6. When most of the bran and germ are removed, and the remainder of the corn kernel reduced to meal fineness, the resultant food is commonly known as "degerminated white corn meal" or "degerminated yellow corn meal" according to the variety of corn used, although a more accurate designation is "degermed corn meal". This food sometimes is called "cream meal", "pearl meal" or "granulated meal", but these terms are applicable only to special types of degerminated corn meal. (R. 479, 483, 533, 534, 649)

7. Though the three types of meal, viz, corn meal, bolted corn meal, and degerminated corn meal, are well recognized in the trade, the names "corn meal", "bolted corn meal" and "degerminated corn meal" are often applied interchangeably on retail packages, degerminated products being called "corn meal" or "bolted corn meal", bolted products being called "corn meal", or "degerminated corn meal" and "corn meal" being called "bolted corn meal" and "degerminated corn meal". The three types differ in cooking and eating qualities and in their content of certain nutrients. (R. 466, 472, 473, 479, 481, 532, 1077-1078, 1224)

8. In grinding the corn kernel to produce a corn meal of the whole grain type,

[1] The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings of fact are not based solely on that portion of the record to which reference is made but upon consideration of all the evidence of record.

many mills remove from such meal small amounts of coarse material consisting of large flakes of bran and pieces of corn, particularly the tip of the kernel, which have not been finely ground. Some mills separate and grind separately different parts of the corn kernel and then recombine the ground materials to make this type of meal. Excessive removal of the bran coat or germ will change the food to a different type of corn meal. Mixtures containing abnormally high proportions of bran or germ or both do not have the characteristics of corn meal. Such mixtures are not desired by consumers and their sale is likely to result in consumer deception. (R. 471, 473, 545, 621, 1144)

9. Corn meals made by simply grinding cleaned corn have the same proportions of bran and germ, and so of crude fiber and fat, as has the cleaned corn from which they are made. As bran is removed the percentage of crude fiber decreases. A reasonable dividing line between corn meals and bolted corn meals based on crude fiber content is 1.2 percent of crude fiber on the moisture free basis. The germ content, and so the fat content, of corn meal made by recombining ingredients may differ slightly from that of the cleaned corn from which they are made, but reasonable variations in germ content will not cause a change in fat content of more than 0.3 percent. The removal of particles of corn which escape grinding, together with flattened pieces of bran, cause a slight lowering of the crude fiber content, but have little effect on fat content. Unless there is a deliberate addition of excess bran the crude fiber content of corn meals will not exceed that of the cleaned corn from which the meals are made. (R. 517–518, 521, 536–537, Ex. 20, 24, 61)

10. Bolted corn meals may be prepared either by bolting whole grain corn meals to remove bran particles; or by grinding and separating the corn into portions which are then ground separately and combined so as to include appropriate portions of ground endosperm and germ. As a result of the removal of bran, bolted corn meals contain, on the moisture free basis, less than 1.2 percent crude fiber. Small amounts of germ may be lost when the bran particles are sifted out, and the amount of germ returned in recombining ground portions may differ somewhat from the amount of germ in the cleaned corn from which ground, but the fat content, on the moisture free basis, does not exceed by more than 0.3 percent the fat content of such corn, nor is such fat content less than 2.25 percent. (R. 472, 476, 495, 499, 502, 523–524, 528, 530, 536, 655, 1179, 1182; Ex. 21, 23, 61)

11. Degerminated corn meals are distinguished from corn meals and bolted corn meals by the removal of both bran and germ in the process of manufacture. This results in low fat and low crude fiber content. Properly made, degerminated corn meals contain, on the moisture free basis, less than 1.2 percent crude fiber and less than 2.25 percent fat. (R. 459–463, 473, 474; Ex. 22, 23)

12. Grits are made by coarsely grinding the endosperm of white or yellow corn from which most of the bran and germ have been separated, and screening out meal and flour. Most grits are milled from white corn and the unqualified name "grits" means white grits. The names "hominy grits" and "corn grits" are synonymous with grits. The common name of the corresponding food made from yellow corn is "yellow grits" or "yellow hominy grits" or "yellow corn grits". The removal of bran and germ is such that, on the moisture free basis, the crude fiber content is less than 1.2 percent and the fat content is less than 2.25 percent. The significant difference between grits and degermed corn meals is the particle size. (R. 459, 474, 477, 536, 555, 558, 563; Ex. 27, 28)

13. Corn flours are the foods prepared by grinding and bolting white or yellow corn to a fineness which approximates that of wheat flour. They may be made from the entire corn kernel or proportions of bran and germ may be removed in milling. Corn flours are seldom sold for household use but are used mainly as one of the ingredients of such foods as waffle, pancake and muffin mixes, and some types of breakfast foods. It is not now customary to distinguish between corn flours of varying bran and germ content so long as their bran and germ content, and therefore their fat and crude fiber content, do not exceed the fat and crude fiber content of the cleaned corn from which made. The comparison is made on the moisture-free basis. (R. 475, 477, 548, 549, 550, 553, 1118, 1119; Ex. 26)

14. The moisture content of corn meals, grits, and corn flours, affects the properties and value to consumers of these foods. Excessive moisture renders these foods susceptible to early spoilage, this being particularly true of products containing all the corn germ, and is of no value to consumers. The sale of corn meals, grits, and corn flours of higher than normal moisture content amounts to sale of water at corn product prices and is an economic cheat. (R. 506, 514, 515, 539, 562, 590, 650)

15. In the manufacture of grits and degerminated corn meals, it is customary to soften the corn by tempering with hot water, but to remove the excess moisture by drying at a later stage in the mailing process. The moisture content of these foods after such drying does not exceed 15 percent. When corn meals are made by grinding whole corn, it is customary to use reasonably dry corn. As a result, the moisture content of corn meals, and also of bolted corn meals prepared by bolting to remove the bran, can be kept below 15 percent. (R. 308, 309, 457, 458–461, 472, 476, 506, 507, 514, 525, 500, 650, 1179, 1182, 1191; Ex. 20, 21, 22, 23, 24, 25, 26, 27, 28, 61)

16. Accurate methods of analysis in general use for the determination of moisture, fat, and crude fiber in corn meals, bolted corn meals, degerminated corn meal, grits, and corn flours are those of the Association of Official Agricultural Chemists, published in the sixth edition, Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists. The method for moisture appears on page 259 under sections 20.70 and 20.71, for fat on pages 259 and 260 under sections 20.70 and 20.73, for crude fiber on pages 259 and 260 under sections 20.70 and 20.74. (R. 519, 520, 551, 563, 651, 661)

17. A simple method for determining the relative size of the particles of corn meals, bolted corn meals, degerminated corn meals, and grits is to separate them by means of sieves with openings of appropriate size. (R. 594–595, 598–599, 652, 661)

18. Particles of grits are of such size that not less than 95 percent will pass through a No. 10 standard sieve[1] and most of those passing the No. 10 sieve will be retained on a No. 25 standard sieve. Particles passing through the No. 25 sieve are of the fineness of meal, but their complete exclusion from grits is impracticable. A limit on the amount of particles of meal size is necessary to maintain the identity of grits as differentiated from a corn meal. A reasonable limit on the proportion of particles in grits which will pass through a No. 25 sieve is 20 percent. (R. 459, 474, 554, 1127; Ex. 27, 28, 57, 59)

19. Corn meals, bolted corn meals, and degerminated corn meals are composed of particles most of which are smaller than the particles of grits, that is, they will pass through a No. 25 standard sieve. Because the process of grinding is inexact insofar as the size of particles resulting therefrom is concerned, corn meals of all types may, and usually do, contain some particles of somewhat larger size comparable to grits, and also some quite small particles, comparable to flour. This is particularly true of corn meals ground between stones. Where 45 percent or more by weight of corn meals, bolted corn meals, or degerminated corn meals, passes through a No. 25 standard sieve, the food has a characterizing mealy consistency. An excessive amount of corn flour in any type of corn meal makes it unsatisfactory for meal uses. Particles which pass through a No. 72 XXX grits gauze are of the fineness of corn flour. The openings in a No. 72 grits gauze are of essentially the same size as those of a No. 70 woven wire cloth as defined by the U. S. Bureau of Standards in L. C. 584. Reasonable limits on the amounts of material in corn meals, bolted corn meals, and degerminated corn meals which will pass through a No. 72 XXX grits gauze are 35, 25, and 25 percent, respectively. (R. 300, 306, 475, 489, 513, 649, 1148; Ex. 20, 21, 22, 56, 58, 61)

20. Corn meals of the whole grain type often contain quantities of particles, particularly of bran, somewhat larger than those forming bolted and degerminated meals. Not less than 95 percent by weight of bolted corn meals and degerminated corn meals will pass through a No. 20 standard sieve; but in the case of corn meals of the whole grain type not less than 95 percent by weight will pass through a No. 12 standard sieve. (R. 512, 513, 1147; Ex. 56, 58)

[1] All sieves mentioned in these findings, unless otherwise noted, are 8 inches in diameter with full height frames and comply with specifications for sieve of the number indicated, published by the National Bureau of Standards, U. S. Department of Commerce, in L. C. 584.

21. For the purpose of testing corn meals, bolted corn meals, degerminated corn meals, and grits for particle size, reasonably accurate results are obtained by the following procedure which may be applied easily. Fit the sieves to be used into one another, placing the sieve with largest openings on top, the one with the next largest openings following, and attaching a bottom pan to the last sieve. All sieves should be 8 inches in diameter with full height frames and comply with specifications for sieves of the designated size in "Standard Specifications for Sieves", published March 1, 1940, in L. C. 534, of the Bureau of Standards, U. S. Department of Commerce. Place a sample of 100 grams of corn meal, bolted corn meal, degerminated corn meal, or grits to be tested on the top sieve, attach a cover, hold the assembly of sieves in a slightly inclined position, and shake by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute, turning the assembly of sieves about $\frac{1}{6}$ of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Remove the material remaining on the sieves and in the pan, weigh separately, and make the calculations. Sometimes when meals are tested fine particles clog the sieve openings. If any sieve is clogged by fine material smaller than its openings, empty the contents onto a piece of paper. Remove the entrapped material on the bottom of the sieve by a hair brush and add to the sieve below. In like manner, clean the adhering material from inside the sieve and add to the material on the paper. Return mixture to the sieve, reassemble the sieves, and shake in the same manner as before for 1 minute. Repeat cleaning procedure if necessary until a 5 gram or less weight loss occurs in any sieve during a 1 minute shaking. (R. 652, 673, 1185, 1186, 1187; Ex. 32)

22. The particles of corn flours are of such fineness that at least 50 percent by weight will pass through No. 70 woven wire cloth, having openings of the size prescribed for such cloth by the Bureau of Standards, U. S. Department of Commerce, in L. C. 584. Many corn flours also contain particles of somewhat larger size but at least 98 percent by weight of any properly milled corn flour will pass through a No. 50 sieve. Corn flours give trouble when tested by the method described in finding 21 and a change in procedure is necessary. The following method is easily applied and gives reasonably accurate results. Weigh 5 grams of sample into a tared truncated metal cone (top diameter 5 centimeters, bottom diameter 2 centimeters, height 4 centimeters), fitted at bottom with 70-mesh wire cloth complying with the specifications for No. 70 wire cloth in "Standard Specifications for Sieves", published March 1, 1940 in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach cone to a suction flask. Wash with 150 ml of petroleum ether applied in a small stream without suction, while gently stirring the sample with a small glass rod. Apply suction for 2 minutes after washing is completed, then shake the cone for 2 minutes with a vigorous horizontal motion, striking the side against the hand, and then weigh. The decrease in weight of sample, calculated as percent by weight of sample shall be considered the percent passing through No. 70 wire cloth. Transfer the residue from cone to a No. 50 sieve having a standard 8-inch diameter full height frame, complying with the specifications for wire cloth and sieve frame in said "Standard Specifications for Sieves". Shake for 2 minutes with a vigorous horizontal motion, striking the side against the hand; remove and weigh the residue; calculate the weight of residue as percent by weight of sample, and subtract from 100 percent to obtain the percent of sample passing through the No. 50 sieve. (R. 549, 550–552, 1188; Ex. 25, 25A, 26, 26A)

23. A number of manufacturers of corn meals, grits, and corn flours offered affidavits which were similar and in some instances identical in language and form stating that in order to be sure that their products would comply with the standards suggested in the notice of hearing, it would be necessary for them to take elaborate precautions to test each lot before shipment necessitating considerable additional expenditures. No recommendations for changes in the suggested standards were made. This general apprehension was inspired by representations made by some members of the American Corn Millers Federation at meetings of corn millers called for the purpose of discussing the suggested standards. Witnesses presented by the Federation failed to supply substantial evidence that compliance with the proposed standards would necessitate elaborate precaution or would impose any unreasonable burden. (R. 1028–1030, 1035–1040, Ex. 44, 48–54, 63–113)

24. While it is true that small mills do not maintain chemical laboratories for the determination of moisture, fat and crude fiber, the many analyses reported of products of small mills demonstrate that the limits proposed are almost universally met in present practice. No showing was made that the conditions revealed by such analyses were at all unusual. (Ex. 20–29, 61)

25. The advisory standards and other specifications for various corn meals have contained for many years moisture limits as low as, and in some cases lower than, 15 percent. Other industries have had little trouble complying with limits on food constituents similar in kind to those involved in this proposed order. The requirements proposed for particle size have been tested on many samples and are reasonable. Though given ample opportunity to subject the proposed limits to tests, the interested industry presented no data to indicate that the proposed limits were unreasonable. (R. 458–461, 1064–1077, 1163; Ex. 56–59)

26. In order to improve the general nutritive properties of the diets of their citizens, the States of North Carolina, South Carolina, Georgia, Alabama, and Mississippi have within the last few years adopted laws requiring that corn meals and grits from which a certain part of the germ of the corn has been removed, be enriched with certain vitamins and iron before sale in those States. The requirements of these States as to the minimum and maximum quantities of vitamins and iron required in such corn meals and grits after enrichment are shown in tabular form as follows:

State	Thiamine		Niacin	
	Not less than mg/lb	Not more than mg/lb	Not less than mg/lb	Not more than mg/lb
Alabama	1.5	3.0	16	32
Georgia	2.0	.....	16	.....
Mississippi	2.0	.....	16	.....
North Carolina:				
Law	2.0	2.5	16	20
Regulation	1.5	3.0	16	32
South Carolina	1.5	3.0	16	32

State	Riboflavin		Iron	
	Not less than mg/lb	Not more than mg/lb	Not less than mg/lb	Not more than mg/lb
Alabama	.....	.....	13	26
Georgia	1.2	.....	13	.....
Mississippi	1.2	.....	13	.....
North Carolina:				
Law	1.2	1.5	13	16.5
Regulation	0	0	13	26
South Carolina	.....	.....	13	26

(R. 50, 51, 56, 79, 145, 146, 153, 154, 264, 268, 336, 379; Ex. 2, 7, 9)

27. Pending the promulgation of standards for such enriched foods under the Federal Food, Drug, and Cosmetic Act, the requirements of which will become also the state requirements under provisions of the several laws, Georgia, Mississippi, and North Carolina have tolerated the lower requirements of the standards of South Carolina and Alabama. Following the promulgation of federal standards, all of these states will have uniform requirements. (R. 271, 380–381; Ex. 7)

28. Corn meals of various kinds, supplemented by grits, together with wheat flour constitute the main source of energy foods for large numbers of consumers in those states now having compulsory enrichment laws for corn meals and grits, and in adjacent states in the southeastern part of the United States. The corn meals, grits and wheat flour are used to supply essentially the same nutrients, and to a large extent are used interchangeably. (R. 41, 73, 95, 102, 103, 104, 189, 246, 278, 374, 377, 886, 887, 888; Ex. 5, 9, 42)

29. Recent dietary surveys in states where large amounts of corn meals of various types are consumed have uniformly shown that the diets of persons in the low income brackets are often deficient in thiamine, riboflavin, niacin, and iron. Pellagra, a dietary deficiency disease that can be prevented by a sufficient intake of niacin, was common in many such areas. Clinical evidences of riboflavin deficiencies have also been frequently reported. Dietary deficiencies do not often occur singly, but persons deficient in one of the nutrients are likely to be deficient also in the other three. (R. 39, 42, 49, 74, 75, 89, 96, 101, 105, 238, 239, 276, 277, 280, 281, 292, 373, 374, 376, 886–887, 999, 1091–1092, 1222–1227; Ex. 9, 42)

30. Due to the similarity in the dietary use of flour, corn meals of various types, and grits, and also in view of the understanding consumers have acquired with respect to the term "enriched" by reason of the program of consumer education carried out in connection with enriched flour and enriched bread, enriched corn meals and enriched grits should supply the amounts of thiamine, niacin, riboflavin, and iron now furnished by enriched flour; that is, thiamine not less than 2.0 mg. per pound, riboflavin, not less than 1.2 mg. per pound, niacin, not less than 16.0 mg. per pound, and iron, not less than 13.0 mg. per pound. If some of these nutrients are not included in enriched corn meals and enriched grits, or if they are added in lesser amounts than prescribed by the definition and standard of identity for enriched flour, consumers are likely to be confused and deceived as to the nutritive value of the enriched corn products. Maximum limits are also needed to prevent unreasonably large additions of these nutrients which may give rise to confusion as to the relative value of different "enriched" corn products and may result in merchandizing claims that are not warranted by the facts. Maximum limits 50 percent more than the minimum will accomplish this and are reasonable for this purpose, except in the case of iron. Here the maximum should be twice the minimum. (R. 43, 46, 47, 48, 60, 63, 64, 68, 69, 70, 71, 72, 73, 76, 82, 83, 84, 265, 271, 281, 381; Ex. 4, 5, 9)

31. In enriching corn meals and grits it is customary to add the enriching ingredients to each of the different types of corn meals and grits described in findings 4, 5, 6, and 12. The enriched foods vary from each other in their physical character and in eating quality in the same way as do the basic foods before enrichment. To distinguish properly between the different types each should be designated by its common name to which is added the word "Enriched". R. 65, 70, 232, 567; Ex. 9)

32. Grits are often washed before cooking and the wash water discarded, thus causing a substantial loss of water-soluble substances present. If the water-soluble vitamins and water-soluble salts of iron are added only in amounts necessary to meet the minimum requirement of the standard for enriched grits, without precautions against loss in rinsing, the food will lose a considerable portion of these nutrients before consumption. It is possible to add the required nutrients in ways that will partially protect them from loss by solution in rinsing water. Loss to the consumer can be prevented by the addition of the water-soluble nutrients in excess of the minimum requirements or by use of assimilable water-insoluble forms of the nutrients. For consumer protection it is reasonable to require that enriched grits contain after washing in a prescribed manner which simulates the washing practiced in the home, not less than 85 percent of the minimum amounts of thiamine, riboflavin, niacin and iron prescribed by the standard for enriched grits. The 15 percent loss is the approximate loss of niacin, the vitamin most susceptible to rinsing loss, from unenriched grits upon washing. (R. 72, 77, 129, 159, 188, 417, 418, 419, 421, 422, 920–929, 937–940; Ex. 9, 18, 19, 43)

33. A satisfactory method for testing grits after a preliminary washing, which simulates household washing, is as follows:

Transfer 100 grams of enriched grits to a 2-liter Erlenmeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for ½ minute so that the grits are kept in motion. Allow the grits to settle for ½ minute, then pour off 850 cc of the water along with any floating or suspended matter. Determine thiamine, riboflavin, niacin and iron in the wet grits and water remaining in the flask. Calculate as mg. per pound of the grits before rinsing. (R. 436, 1116; Ex. 18, 19, 46, 55)

34. The bulk of the vitamins and iron added to corn meals, bolted corn meals, degerminated corn meals, and grits, is so small that it is necessary to use a carrier to insure their intimate and uniform distribution. The vitamins are added in pure synthetic form. Iron is added as metallic iron reduced to a fine powder or as assimilable salts of iron. Many harmless substances which will not impair these foods are available for use as carriers. The amount of carrier added should not be more than necessary to insure a uniform distribution of the vitamins and iron. Dried yeast in amounts not exceeding 1.5 percent is suitable for the purpose and it also imparts small amounts of additional nutrients. (R. 119, 121, 122, 331, 332, 334, 348, 368, 369, 371, 386, 387, 388, 389, 390, 567; Ex. 9)

35. Vitamin D and harmless compounds of calcium are optional ingredients of enriched flour. Due to the similarity in dietary use between enriched flour and the various enriched corn meals and enriched grits, it is reasonable to include vitamin D and calcium as optional ingredients in enriched corn meals, enriched bolted corn meals, enriched degerminated corn meals, and enriched grits, under the same conditions prescribed for optional use of these ingredients in the definition and standard of identity for enriched flour. (R. 76, 77; Ex. 5, 9)

36. Foods known as self-rising corn meals are manufactured and sold in limited amounts. They are prepared by adding leavening agents to a corn meal, bolted corn meal, or degerminated corn meal. Self-rising corn meals may be enriched in the same manner as corn meals. There is insufficient evidence on which to formulate definitions and standards of identity for self-rising corn meals or enriched self-rising corn meals. (R. 1012, 1118, 1149, 1150, 1151, 1152, 1153, 1187, 1188)

Conclusion. On the basis of the evidence of record and the foregoing findings of fact, it is concluded that the following regulations fixing and establishing reasonable definitions and standards of identity for white corn meal, yellow corn meal, bolted white corn meal, bolted yellow corn meal, degerminated white corn meal, degermed white corn meal, degerminated yellow corn meal, degermed yellow corn meal, white corn flour, yellow corn flour, grits, corn grits, hominy grits, yellow grits, yellow corn grits, yellow hominy grits, enriched corn meals, and enriched corn grits will promote honesty and fair dealing in the interest of consumers.

It is ordered, That there be established definitions and standards of identity as follows:

§ 15.500 *White corn meal; identity.* (a) White corn meal is the food prepared by so grinding cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 12 sieve, not less than 45 percent through a No. 25 sieve, but not more than 35 percent through a No. 72 grits gauze. Its moisture content is not more than 15 percent. In its preparation coarse particles of the ground corn may be separated and discarded, or reground and recombined with all or part of the material from which they were separated, but in any such case the crude fiber content of the finished corn meal is not less than 1.2 percent and not more than that of the cleaned corn from which it was ground, and its fat content does not differ more than 0.3 percent from that of such corn. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) (1) For the purposes of this section moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 6th edition, page 259, sections 20.70 and 20.71; fat is determined by the method prescribed on pages 259 and 260, sections 20.70 and 20.73; and crude fiber determined by the method prescribed on pages 259 and 360, sections 20.70 and 20.74.

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 12 and No. 25 sieves, having standard 8-inch diameter, full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940 in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. A sieve with frame of the same dimensions as the Nos. 12 and 25 and fitted with 72 XXX grits gauze is used as the third sieve. It is referred to hereafter as the No. 72 sieve. The 72 XXX grits gauze has openings equivalent in size with those of No. 70 woven wire cloth, complying with specifications for such cloth contained in such "Standard Specifications for Sieves". Attach bottom pan to No. 72 sieve. Fit the No. 25 sieve into the No. 72 sieve and the No. 12 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 12 sieve, attach cover and hold the assembly in a slightly inclined position and shake the assembly of sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the assembly of sieves about ⅙ of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on each sieve and in the pan, and calculate each weight as percent of sample. Sometimes when meals are tested, fine particles clog the sieve openings. If any sieve is clogged by fine material smaller than its openings, empty the contents onto a piece of paper. Remove the entrapped material on the bottom of the sieve by a hair brush and add to the sieve below. In like manner, clean the adhering material from inside the sieve and add to the material on the paper. Return mixture to the sieve, reassemble the sieves, and shake in the same manner as before for 1 minute. Repeat cleaning procedure if necessary until a 5 gram or less loss in weight occurs in any sieve during a 1 minute shaking. The percent of sample passing through No. 12 sieve shall be determined by subtracting from 100 percent of material remaining on the No. 12 sieve. The percent passing through a No. 25 sieve shall be determined by adding the percents remaining on the No. 72 sieve and the percent in pan. The percent in the pan shall be considered as the percent passing through a No. 72 XXX grits gauze.

§ 15.501 *Yellow corn meal; identity.* Yellow corn meal conforms to the definition and standard of identity prescribed by § 15.500 for white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.502 *Bolted white corn meal; identity.* (a) Bolted white corn meal is the food prepared by so grinding and sifting cleaned white corn that:

(1) Its crude fiber content is less than 1.2 percent but its fat content is not less than 2.25 percent, and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 20 standard sieve is used instead of the No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 grits gauze. Its moisture content is not more than 15 percent. In its preparation particles of ground corn which contain germ may be separated, reground, and recombined with all or part of the material from which it was separated, but in any such case the fat content of the finished bolted white corn meal does not exceed by more than 0.3 percent the fat content of the cleaned corn from which it was ground. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) For the purposes of this section moisture, fat and crude fiber are determined by the methods therefor referred to in § 15.500 (b) (1).

§ 15.503 *Bolted yellow corn meal; identity.* Bolted yellow corn meal conforms to the definition and standard of identity prescribed by § 15.502 for bolted white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.504 *Degerminated white corn meal, degermed white corn meal; identity.* (a) Degerminated white corn meal, degermed white corn meal, is the food prepared by grinding cleaned white corn and removing bran and germ so that:

(1) On a moisture-free basis, its crude fiber content is less than 1.2 percent and its fat content is less than 2.25 percent; and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze.

Its moisture content is not more than 15 percent.

(b) For the purposes of this section moisture, fat and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

§ 15.505 *Degerminated yellow corn meal, degermed yellow corn meal; identity.* Degerminated yellow corn meal conforms to the definition and standard of identity prescribed by § 15.504 for degerminated white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.506 *White corn flour; identity.* (a) White corn flour is the food prepared by so grinding and bolting cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section not less than 98 percent passes through a No. 50 sieve and not less than 50 percent passes through No. 70 woven wire cloth. Its moisture content is not more than 15 percent. In its preparation part of the ground corn may be removed, but in any such case, the content (on a moisture-free basis) of neither the crude fiber nor fat in the finished white corn flour exceeds the content (on a moisture-free basis) of such substance in the cleaned corn from which it was ground.

(b) (1) For the purpose of this section, moisture, fat and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The methods referred to in paragraph (a) of this section are as follows:

Weigh 5 grams of sample into a tared truncated metal cone (top diameter 5 centimeters, bottom diameter 2 centimeters, height 4 centimeters), fitted at bottom with 70-mesh wire cloth complying with the specifications for No. 70 wire cloth in "Standard Specifications for Sieves", published March 1, 1940 in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach cone to a suction flask. Wash with 150 ml of petroleum ether applied in a small stream without suction, while gently stirring the sample with a small glass rod. Apply suction for 2 minutes after washing is completed, then shake the cone for 2 minutes with a vigorous horizontal motion, striking the side against the hand, and then weigh. The decrease in weight of sample, calculated as percent by weight of sample shall be considered the percent passing through No. 70 wire cloth. Transfer the residue from cone to a No. 50 sieve having a standard 8-inch diameter full height frame, complying with the specifications for wire cloth and sieve frame in said "Standard Specifications for Sieves". Shake for 2 minutes with a vigorous horizontal motion, striking the side against the hand; remove and weigh the residue; calculate the weight of residue as percent by weight of sample, and subtract from 100 percent to obtain the percent of sample passing through the No. 50 sieve.

§ 15.507 *Yellow corn flour; identity.* Yellow corn conforms to the definition and standard of identity prescribed by § 15.506 for white corn flour except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.508 *Grits, corn grits, hominy grits; identity.* (a) Grits, corn grits, hominy grits, is the food prepared by so grinding and sifting cleaned white corn, with removal of corn bran and germ, that:

(1) On a moisture-free basis its crude fiber content is not more than 1.2 percent and its fat content is not more than 2.25 percent; and

(2) When tested by the method prescribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 10 sieve but not more than 20 percent through a No. 25 sieve.

(b) (1) For the purposes of this section moisture, fat and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 10 and No. 25 sieves, having standard 8-inch diameter full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940 in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach bottom pan to No. 25 sieve. Fit the No. 10 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 10 sieve, attach cover and hold assembly in a slightly inclined position, shake the sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about ⅙ of a revolution each time in the same direction after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on the No. 10 sieve and in the pan, and calculate each weight as percent of sample. The percent of sample passing through a No. 10 sieve shall be determined by subtracting from 100 percent, the percent remaining on the No. 10 sieve. The percent of material in the pan shall be considered as the percent passing through a No. 25 sieve.

§ 15.509 *Yellow grits, yellow corn grits, yellow hominy grits; identity.* Yellow grits, yellow corn grits, yellow hominy grits, conforms to the definition and standard of identity prescribed by § 15.508 for grits except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.510 *Enriched corn meals; identity.* (a) Enriched corn meals are the foods, each of which conforms to the definition and standard prescribed for a kind of corn meal by §§ 15.500 to 15.505, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg and not more than 3.0 mg of thiamine, not less than 1.2 mg and not

more than 1.8 mg of riboflavin, not less than 16 mg and not more than 24 mg of niacin or niacin amide, and not less than 13 mg and not more than 26 mg of iron (Fe):

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg and not more than 750 mg of calcium (Ca).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1), (2) and (3) of this paragraph may be added in a harmless carrier which does not impair the enriched corn meal; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn meal used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used.

(b) The name of each kind of enriched corn meal is the word "Enriched" followed by the name of the kind of corn meal used which is prescribed in the definition and standard of identity therefor.

§ 15.511 *Enriched corn grits, identity.* (a) Enriched corn grits are the foods, each of which conforms to the definition and standard of identity prescribed for grits and yellow grits by §§ 15.508 and 15.509, except that:

(1) It contains in each pound not less than 2.0 mg and not more than 3.0 mg of thiamine, not less than 1.2 mg and not more than 1.8 mg of riboflavin, not less than 16 mg and not more than 24 mg of niacin or niacin amide, not less than 13 mg and not more than 26 mg of iron (Fe);

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg and not more than 750 mg of calcium (Ca).

Iron and calcium may be added only in forms which are harmless and assimilable. The vitamins referred to in subparagraph (1) of this paragraph may be combined with harmless substances to render them insoluble in water if the water-insoluble products are assimilable. The substances referred to in subparagrap (1), (2), and (3) of this paragraph may be added in a harmless carrier; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn grits used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used. When the finished food is tested by the method prescribed in paragraph (c) of this section it complies with the requirements set forth therein.

(b) The name of each kind or enriched corn grits is the word "Enriched" followed by the name of the kind of corn grits used which is prescribed in the definition and standard therefor.

(c) The method referred to in paragraph (a) of this section is as follows:

Transfer 100 grams of enriched grits to a 2 liter Erlenmeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for exactly ½ minute so that the grits are kept in motion. Allow the grits to settle for ½ minute, then pour off 850 cc of the water along with any floating or suspended matter. Determine thiamine, riboflavin, niacin and iron in the wet grits and water remaining in the flask. Calculate as mg per pound of the grits before rinsing. The amounts found by this procedure are not less than 85 percent of the minimum amounts of thiamine, riboflavin, niacin and iron prescribed by the standard for enriched grits.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, 3257, Social Security Building, 4th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the tentative order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

[SEAL] WATSON B. MILLER, *Administrator.*

DECEMBER 30, 1946.

[F. R. Doc. 47-87; Filed, Jan. 3, 1947; 8:55 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket 2674]

BRITISH OVERSEAS AIRWAYS CORP.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of application for authority to use MacArthur Field, Islip, Long Island, as a coterminal or alternate terminal with LaGuardia Airport, New York, insofar as transatlantic landplane operations are concerned.

Notice is hereby given that the hearing in the above-mentioned proceeding, now assigned to be heard January 7, 1947, is postponed to January 21, 1947, at 10 a. m. (eastern standard time) in Room 1508 Commerce Building, Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., December 30, 1946.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-50; Filed, Jan. 3, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6862, 8005, 7810, 7809]

RED RIVER VALLEY BROADCASTING CORP., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Red River Valley Broadcasting Corp. (KRRV), Sherman, Texas, Docket No. 6862, File No. B3-P-4105; The Kjan Broadcasting Co., Inc., Opelousas, Louisiana, Docket No. 8005, File No. B3-P-5143; Miami Broadcasting Company, Miami, Oklahoma, Docket No. 7810, File No. B3-P- 4987; Northeast Oklahoma Broadcasting Company, Miami, Oklahoma, Docket No. 7809, File No. B3-P-4930; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the above-entitled application of Red River Valley Broadcasting Corp. (KRRV),[1] requesting a construction permit to increase power of Station KRRV, at Sherman, Texas, to 5 kw, install new transmitter, change transmitter site and install a new directional antenna, and also having under consideration the application of The KJAN Broadcasting Co., Inc., for a construction permit for a new standard broadcast station to operate on 910 kc, 1 kw power, unlimited time, directional antenna nighttime, at Opelousas, Louisiana; and

It appearing, that the Commission, on August 29, 1946, designated for hearing the application of Miami Broadcasting Company (File No. B3-P-4987, Docket No. 7810), requesting a construction permit for a new standard broadcast station to operate on 910 kc, 1 kw power, unlimited time, DA-2, at Miami, Oklahoma, in a consolidated proceeding with the application of Northeast Oklahoma Broadcasting Company (File No. B3-P-4930, Docket No. 7809), requesting a construction permit for a new standard broadcast station to operate on 900 kc, 250 w power, daytime only, at Miami, Oklahoma, for which hearing no date has been set;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Red River Valley Broadcasting Corp. (KRRV) be, and it is hereby, designated for hearing in the above-consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station KRRV as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KRRV as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KRRV as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KRRV as proposed would involve objectionable interference with the services proposed in the pending applications of The KJAN Broadcasting Co., Inc. (File No. B3-P-5143), and Miami Broadcasting Company (File No. B3-P-4987, Docket No. 7810), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KRRV as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the operation of Station KRRV as proposed would involve objectionable interference with Station CMCF, Havana, Cuba, or with any other foreign standard broadcast station, in violation of the terms of the North American Regional Broadcasting Agreement.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated August 29, 1946, designating the said application of Miami Broadcasting Company for hearing in a consolidated proceeding with the said application of Northeast Oklahoma Broadcasting Company, be, and it is hereby, amended to include the said application of Red River Valley Broadcasting Co. (KRRV).

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-71; Filed, Jan. 3, 1947; 8:58 a. m.]

[1] Presently operating on 910 kc, 1 kw, unlimited, directional antenna.

[Docket Nos. 7162, 7991, 7992, 7993, 7994, 7995, 7996]

LOUISIANA BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS AND PETITION, IN PART, FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Roy Hofheinz and W. N. Hooper, d/b as Louisiana Broadcasting Company, New Orleans, Louisiana, Docket No. 7162, File No. B3-P-4260; Bayou Broadcasting Company, Incorporated, Baton Rouge, Louisiana, Docket No. 7991, File No. B3-P-5453; Patroon Broadcasting Company, Inc., Albany, New York, Docket No. 7992, File No. B1-P-4611; Texhoma Broadcasting Company, Durant, Oklahoma, Docket No. 7993, File No. B3-P-5112; East-West Broadcasting Company, a partnership composed of John C. Griffith, James H. Lawson, Jr., James G. Ulmer, James G. Ulmer, Jr., M. Ward Bailey and T. S. Christopher, Fort Worth, Texas; Docket No. 7994, File No. B3-P-4524; Western Waves, Inc., Seattle, Washington, Docket No. 7995, File No. B5-P-5060; for construction permits; and petition of Josh Higgins Broadcasting Company (KXEL), Waterloo, Iowa, for continuation of exclusive nighttime assignment on 1540 kc to Station KXEL, Docket No. 7996.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1946;

The Commission having under consideration the above entitled applications for construction permits for new standard broadcast stations to operate unlimited time on the frequency 1540 kc, as follows: Louisiana Broadcasting Company, with 50 kw power, using directional antenna, at New Orleans, Louisiana; Bayou Broadcasting Company, Inc., with 250 watts at Baton Rouge, Louisiana; Patroon Broadcasting Company, Inc., with 10 kw, using directional antenna, at Albany, New York; Texhoma Broadcasting Company, with 250 watts at Durant, Oklahoma; East-West Broadcasting Company, with 10 kw at Fort Worth, Texas; and Western Waves, Inc., with 50 kw, using directional antenna, at Seattle, Washington; and the Commission also having under consideration the above entitled petition of Josh Higgins Broadcasting Company (KXEL) requesting that:

(1) The frequency 1540 kc be considered as unavailable for assignment for additional nighttime operations in the United States (KXEL now operates on 1540 kc with 50 kw, unlimited time using directional antenna at night, at Waterloo, Iowa) until the Government of the Bahama Islands has irrevocably and definitely determined to use 1540 kc;

(2) The frequency 1540 kc be classified when and to the extent possible in view of its non-use or partial use in the Bahamas, as assignable in the United States with Class I-A privileges; and

(3) The skywave as well as the ground wave service of KXEL, in any case, be accorded protection equivalent to that enjoyed by a Class I-B station or to the extent of its interference free service areas; and

Whereas, on August 27, 1946, the Commission was duly notified that the British Government had accepted the frequency 1540 kc for the operation of a Class I-B station (ZNS) at Nassau, Bahamas, and the Commission, on October 10, 1946, having amended § 3.25 (e) of its rules pursuant thereto; and

It appearing, that the foregoing matters involve common issues concerning the use of the frequency 1540 kc for nighttime operation in the United States, and the manner in which allocation of stations on that frequency would best serve the public interest and contribute to an equitable distribution of facilities in accordance with the provisions of section 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That the said petition of Josh Higgins Broadcasting Company, insofar as the relief requested therein is contingent on the non-use of the 1540 kc channel by a Class I-A station in the Bahamas, be, and it is hereby, denied.

It is further ordered, That the said petition of Josh Higgins Broadcasting Company, insofar as it requests protection for Station KXEL to the extent of its interference free areas, and the said above entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be determined by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants, their partners or their officers, directors and stockholders to construct and operate their proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the various proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the extent of Station KXEL's present interference free service areas, the nature and extent of the primary interference free service that it renders beyond its normally protected contours, the character of its program service to those areas, the populations involved and the character of other broadcast service available thereto and whether, and to what extent, such service should receive protection.

4. To determine the type and character of the program service proposed to be rendered by each of the applicants and whether it would meet the requirements of the populations and areas proposed to be served.

5. To determine whether any of the proposed operations would involve objectionable interference with any existing broadcast station, including the present interference free service area of Station KXEL, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations; or would involve objectionable interference with broadcast service authorized in a foreign country pursuant to the provisions of international agreements to which the United States is a party.

6. To determine whether any one of the proposed operations would involve objectionable interference with the services proposed in any or all of the other applications in this consolidated proceeding or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the various proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine what allocation of stations on the frequency 1540 kc would best serve the public interest and best contribute to an equitable distribution of facilities in accordance with section 307 (b) of the Communications Act of 1934, as amended, and § 3.25 (e) of the Commission's rules.

9. To determine all the facts and circumstances concerning and leading up to the filing of the application of Bayou Broadcasting Company, Incorporated (Docket No. 7991), and more particularly to determine the intent, purpose and good faith of the applicant in filing the said application.

10. To determine which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-59; Filed, Jan. 3, 1947; 8:50 a. m.]

[Docket No. 6900]

TIMES PUBLISHING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Times Publishing Company, Erie, Pennsylvania, for construction permit; Docket No. 6900, File No. B2-P-3773.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w, unlimited time, at Erie, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Thomas Phillips, Jr., William M. Schuster, Conrad Elfenbein, Francis Schuster, and Sylvia Galinsky, a partnership, d/b as Erie Broadcasting Company (File No. B2-P-5469), requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w, unlimited time, at Erie, Pennsylvania, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-66; Filed, Jan. 3, 1947; 8:50 a. m.]

[Docket No. 7484]

EUGENE BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Eugene Broadcasters, Inc., Eugene, Oregon, for construction permit; Docket No. 7484, File No. B5-P-4259.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the above-entitled application, requesting a construction permit for a new standard broadcast station to operate on 1280 kc, 1 kw, unlimited time, using a directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Violet G. Hill Motter and Violet G. Hill Motter, Administratrix of the Estate of Frank L. Hill, deceased, d/b as Eugene Broadcast Station (KORE), requesting a construction permit to change the frequency, power and operating time of Station KORE at Eugene, Oregon, from 1450 kc, 250 w, unlimited time, to 1230 kc, 1 kw, daytime only (File No. B5-P-5470), at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-69; Filed, Jan. 3, 1947; 8:58 a. m.]

[Docket Nos. 7557 and 7692]

EAU CLAIRE-CHIPPEWA BROADCASTING CO. AND WBIZ, INC.

ORDER ENLARGING ISSUES

In re applications of A. W. Langill, B. J. Colbert, and I. E. Rasmus, Co-Partners, d/b as Eau Claire-Chippewa Broadcasting Company, Chippewa Falls, Wisconsin, Docket No. 7557, File No. B4-P-4619; WBIZ, Inc., Eau Claire, Wisconsin, Docket No. 7692, File No. B4-P-4692; for construction permits.

The Commission having under consideration a petition filed December 5, 1946 by WBIZ, Inc., Eau Claire, Wisconsin, requesting that the issues in the consolidated proceeding upon its application for construction permit (File No. B4-P-4692, Docket No. 7692) and the application of Eau Claire-Chippewa Broadcasting Company, Chippewa Falls, Wisconsin (File No. B4-P-4619, Docket No. 7557) be enlarged to include the following issue:

To determine whether the operation of a proposed station in Chippewa Falls, Wisconsin, on 1340 kc, operating with power of 250 watts, unlimited time, would involve objectionable interference with any existing or proposed broadcast services and, if so, the nature and extent thereof, and the availability of other broadcast service to such areas and populations

and that the further hearing upon the engineering aspects of the instant proceeding, which is presently scheduled for December 16, 1946 at Washington, D. C., be continued for 30 days;

It is ordered, This 13th day of December 1946, that the petition be, and it is hereby, granted; the issues in the above-entitled proceeding be, and they are hereby, enlarged to include the following issue:

To determine whether the operation of a proposed station in Chippewa Falls, Wisconsin, on 1340 kc, operating with power of 250 watts, unlimited time, would involve objectionable interference with any existing or proposed broadcast services and, if so, the nature and extent thereof, and the availability of other broadcast service to such areas and populations.

and the further hearing in the above-entitled proceeding be, and it is hereby continued to 10:00 o'clock a. m. Wednesday, January 15, 1947 at Washington, D. C.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-61; Filed, Jan. 3, 1947; 8:49 a. m.]

[Docket Nos. 8003, 8004]

ASHBACKER RADIO CORP. AND MANISTEE RADIO CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ashbacker Radio Corporation, Manistee, Michigan, Docket No. 8003, File No. B2-P-5191; Manistee Radio Corporation, Manistee, Michigan, Docket No. 8004, File No. B2-P-5433; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December, 1946;

The Commission having under consideration the above-entitled applications requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Manistee, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, with respect to the application of Ashbacker Radio Corporation (File No. B2-P-5191), it be heard on the following additional issue:

8. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station WKLA at Ludington, Michigan, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-73; Filed, Jan. 3, 1947; 8:58 a. m.]

[Docket No. 7808]

ONEONTA STAR, INC.

ORDER MODIFYING ISSUES

In re application of Oneonta Star, Inc., Oneonta, N. Y., for construction permit; Docket No. 7808, File No. B1-P-5114.

The Commission having under consideration a petition filed November 18, 1946 by Oneonta Star, Inc., Oneonta, New York, requesting the Commission to modify the issues in the proceeding upon its application for construction permit (File No. B1-P-5114, Docket No. 7808) so as to strike the issues relative to the legal and financial qualifications of the applicant and to the type and character of program service proposed; and to set an early hearing date upon the said application;

It appearing, that since the filing of the instant petition, the Commission has scheduled the above-entitled application for hearing on March 6, 1947; that this date is in accord with the priority of the filing of the application; and that in the circumstances the petition insofar as it requests an early hearing date is moot;

It is ordered, This 13th day of December 1946, that insofar as the petition requests modification of the issues, the petition be, and it is hereby granted; the issues in the above-entitled proceeding be, and they are hereby, modified so as to read as follows:

1. To determine the technical qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station WABY at Albany, New York, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

and, insofar as the petition requests an early hearing date, the petition be, and it is hereby, dismissed, as moot.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-60; Filed, Jan. 3, 1947; 8:50 a. m.]

[Docket No. 7989]

LAKE WORTH BROADCASTING CORP., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Lake Worth Broadcasting Corp., Inc., Lake Worth, Florida, for construction permit; Docket No. 7989, File No. B3-P-5455.

At a session of the Federal Communications Commission, held at its offices in

Washington, D. C., on the 5th day of December 1946;

The Commission having under consideration the above-entitled application requesting construction permit for a new standard broadcast station to operate on 1459 kc, with 250 w power, unlimited time, at Lake Worth, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Everglades Broadcasting Corporation (File No. B3–P–4258; Docket No. 7076) and Paul Brake (File No. B3–P–4282; Docket No. 7077), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–62; Filed, Jan. 3, 1947; 8:49 a. m.]

[Docket Nos. 8005, 6862, 7810, 7809]

KJAN BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of the KJAN Broadcasting Co., Inc., Opelousas, Louisiana, Docket No. 8005, File No. B3–P–5143; Red River Valley Broadcasting Corp. (KRRV), Sherman, Texas, Docket No. 6862, File No. B3–P–4105; Miami Broadcasting Company, Miami, Oklahoma, Docket No. 7810, File No. B3–P–4987; Northeast Oklahoma Broadcasting Company, Miami, Oklahoma, Docket No. 7809, File No. B3–P–4930; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December, 1946;

The Commission having under consideration the above-entitled application of the KJAN Broadcasting Co., Inc., for a construction permit for a new standard broadcast station to operate on 910 kc, 1 kw power, unlimited time, directional antenna nighttime, at Opelousas, Louisiana, and the application of Red River Valley Broadcasting Corp. (KRRV),[1] requesting a construction permit to increase power of Station KRRV, at Sherman, Texas, to 5 kw, install new transmitter, change transmitter site and install a new directional antenna; and

It appearing, that the Commission, on August 29, 1946, designated for hearing the application of Miami Broadcasting Company (File No. B3–P–4987, Docket No. 7810), requesting a construction permit for a new standard broadcast station to operate on 910 kc, 1 kw power, unlimited time, DA–2, at Miami, Oklahoma, in a consolidated proceeding with the application of Northeast Oklahoma Broadcasting Company (File No. B3–P–4930, Docket No. 7809), requesting a construction permit for a new standard broadcast station to operate on 900 kc, 250 w power, daytime only, at Miami, Oklahoma, for which hearing no date has been set;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of the KJAN Broadcasting Co., Inc., be, and it is hereby, designated for hearing in the above-consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Red River Valley Broadcasting Corp. (KRRV) (File No. B3–P–4105, Docket No. 6862) and Miami Broadcasting Company (File No. B3–P–4937), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the operation of the proposed station would involve objectionable interference with Station CMCF, Havana, Cuba, or with any other foreign standard broadcast station, in violation of the terms of the North American Regional Broadcasting Agreement.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated August 29, 1946, designating the said application of Miami Broadcasting Company for hearing in a consolidated proceeding with the said application of Northeast Oklahoma Broadcasting Company, be, and it is hereby, amended to include the said application of the KJAN Broadcasting Co., Inc.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47–72; Filed, Jan. 3, 1947; 8:58 a. m.]

[Docket Nos. 8006, 7823, 7824]

POCAHONTAS BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Pocahontas Broadcasting Corporation, Bluefield, West Virginia, Docket No. 8006, File No. B2–P–5466; G. Lester Hash, N. Joe Rahall, and Fred William Simon, d/b as The Bluefield Broadcasting Company, Bluefield, West Virginia, Docket No. 7823, File No. B2–P–4990; Odes E. Robinson, Bluefield, West Virginia, Docket No. 7824, File No. B2–P–5160; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the above-entitled application of Pocahontas Broadcasting Corporation for a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w, unlimited time, at Bluefield, West Virginia; and

It appearing, that the Commission, on September 5, 1946, designated for hearing in a consolidated proceeding the applications of G. Lester Hash, N. Joe Rahall, and Fred William Simon, d/b as The Bluefield Broadcasting Company (File No. B2–P–4990, Docket No. 7823), and Odes E. Robinson (File No. B2–P–5160, Docket No. 7824), both requesting a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w, unlimited time, at Bluefield, West Virginia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Pocahontas Broadcasting Corporation be, and it is hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated September 5, 1946, designating for hearing in a consolidated proceeding the applications of G. Lester Hash, N. Joe Rahall, and Fred William Simon, d/b as The Bluefield Broadcasting Company, and of Odes E. Robinson, be, and they are hereby, amended to include the above-entitled application of Pocahontas Broadcasting Corporation.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47–70; Filed, Jan. 3, 1947; 8:58 a. m.]

[Docket No. 8008]

EUGENE BROADCASTING STATION (KORE)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Violet G. Hill Motter and Violet G. Hill Motter, Administratrix of the estate of Frank L. Hill, deceased, d/b as Eugene Broadcast Station (KORE), Eugene, Oregon, for construction permit; Docket No. 8008, File No. B5–P–5470.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the above-entitled application for a construction permit to change the frequency, power, and operating time of Station KORE from 1450 kc, 250 w, unlimited time, to 1280 kc, 1 kw, daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Eugene Broadcasters, Inc. (File No. B5–P–4259, Docket No. 7484), requesting a construction permit for a new standard broadcast station to operate on 1280 kc, 1 kw, unlimited time, using a directional antenna, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate Station KORE as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KORE as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KORE as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KORE as proposed would involve objectionable interference with the services proposed in the pending application of Eugene Broadcasters, Inc. (File No. B5–P–4259, Docket No. 7484), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KORE as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine the facts and circumstances surrounding the filing of said application and more particularly the purpose and intent of the applicant with respect to such filing and whether, in fact, applicant had legal capacity to file such application.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47–68; Filed, Jan. 3, 1947; 8:57 a. m.]

[Docket No. 8009]

ERIE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Thomas Phillips, Jr., William M. Schuster, Conrad Elfenbein, Francis Schuster and Sylvia Galinsky, a partnership, d/b as Erie Broadcasting Company, Erie, Pennsylvania, for construction permit; Docket No. 8009, File No. B2–P–5469.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w, unlimited time, at Erie, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Times Publishing Company (File No. B2–P–3773, Docket No. 6900), requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w, unlimited time, at Erie, Pennsylvania, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve ob-

[1] Presently operating on 910 kc, 1 kw power, unlimited time, using a directional antenna.

jectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-67; Filed, Jan. 3, 1947; 8:57 a. m.]

[Docket Nos. 8013, 7938, 7937]

FRANK ANDREWS ET AL

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Frank Andrews, Modesto, California, Docket No. 8013, File No. B5–P–5465; Western Broadcasting Associates, Modesto, California, Docket No. 7938, File No. B5–P–5336; Contra Costa Broadcasting Company, San Pablo Island, California, Docket No. 7937, File No. B5–P–5106; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the above-entitled application of Frank Andrews (File No. B5–P–5465), requesting a construction permit for a new standard broadcast station to operate on 730 kc, 250 w, daytime only, at Modesto, California; and

It appearing, that the Commission, on November 7, 1946, designated for hearing in a consolidated proceeding the applicants of Western Broadcasting Associates (File No. B5–P–5336, Docket No. 7938), requesting a construction permit for a new standard broadcast station to operate on 710 kc, 1 kw, daytime only, at Modesto, California, and Contra Costa Broadcasting Company (File No. B5–P–5106, Docket No. 7937), requesting a construction permit for a new standard broadcast station to operate on 710 kc, 1 kw, daytime only, at San Pablo Island, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Frank Andrews (File No. B5–P–5465) be, and it is hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated November 7, 1946, designating for hearing in a consolidated proceeding the said applications of Western Broadcasting Associates and Contra Costa Broadcasting Company, be, and they are hereby, amended to include the above-entitled application of Frank Andrews.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-65; Filed, Jan. 3, 1947; 8:48 a. m.]

[Docket No. 8014]

ROSCOE L. THOMPSON

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Roscoe L. Thompson, Keokuk, Iowa, for construction permit; Docket No. 8014, File No. B4–P–5365.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1310 kc, 250 w, daytime only, at Keokuk, Iowa;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Keokuk Broadcasting Company (File No. B4–P–5480), requesting a construction permit for a new standard broadcast station to operate on 1310 kc, 250 w, daytime only, at Keokuk, Iowa, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Keokuk Broadcasting Company (File No. B4–P–5480), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-64; Filed, Jan. 3, 1947; 8:48 a. m.]

[Docket No. 8015]

KEOKUK BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Keokuk Broadcasting Company, Keokuk, Iowa, for construction permit; Docket No. 8015, File No. B4–P–5480.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the above-entitled application,

requesting a construction permit for a new standard broadcast station to operate on 1310 kc, 250 w, daytime only, at Keokuk, Iowa;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Roscoe L. Thompson (File No. B4–P–5365), requesting a construction permit for a new standard broadcast station to operate on 1310 kc, 250 w, daytime only, at Keokuk, Iowa, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Roscoe L. Thompson (File No. B4–P–5365), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 47-63; Filed, Jan. 3, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of December A. D. 1946.

In the matter of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, Respondents, File No. 59–17; The United Light and Power Company and its Subsidiary Companies, Respondents, File No. 59–11; and The United Light and Power Company, Applicant, File No. 54–25: Application 29.

The Commission having, by orders dated November 28, 1945 and November 27, 1946 (Holding Company Act Releases Nos. 6249 and 7027), approved applications and declarations filed by The United Light and Railways Company ("Railways") and its subsidiary, Continental Gas & Electric Corporation ("Continental"), both registered holding companies, regarding, among other things, (1) the issue and sale by Railways to banks of $25,000,000 principal amount of promissory notes, all of which are presently outstanding, and (2) the issue and sale by Continental to banks of $50,000,000 principal amount of promissory notes, the principal amount of which has been reduced to $11,196,700 as of September 30, 1946;

Railways having entered into an agreement with Continental dated November 24, 1945 for the purpose of facilitating the payment of Continental's notes whereby Railways agrees that 50% of the excess of the net cash proceeds received by it upon the liquidation of American Light & Traction Company and from the sale of securities acquired by it upon the liquidation of American Light & Traction Company over the amount required to repay Railways' $25,000,000 bank loan in full shall be used by Railways to purchase additional shares of common stock of Continental at the price of $40 per share;

Continental having agreed, pursuant to its Loan Agreement, to apply to the pro rata prepayment of its 2½% notes, (a) within 120 days after the close of each fiscal year, an amount equal to 50% of its net income (corporate) available for common stock dividends in such fiscal year in excess of $3,500,000: *Provided*, That after the aggregate amount payable upon the 2½% notes at the final maturity date thereof shall have been reduced to $750,000 such amount of $3,500,000 shall be increased to $4,000,000 and (b) any amounts received by Continental from Railways pursuant to the provision of Railways' agreement with Continental described in the preceding paragraph;

Continental having agreed to certain terms regarding its loan, pursuant to the provisions of sections 6.1 (f) (A), 6.1 (g) and the last paragraph of section 6.1 (f) of its Loan Agreement, which provisions refer to items designated "(a)" and "(b)" in the preceding paragraph;

Notice is hereby given that Railways and Continental have filed with this Commission an application and declaration designated as "Application No. 29" pursuant to the provisions of the Public Utility Holding Company Act of 1935 with respect to (1) the issue and sale by Railways to banks of additional promissory notes, (2) the redemption by Railways of its outstanding Prior Preferred Stock, (3) the modification of Continental's Loan Agreement with respect to the notes of Continental hereinabove mentioned, and (4) the modification of the agreement between Railways and Continental referred to above. The applicants have designated sections 6, 7 and 12 of the act and the rules thereunder as applicable to the proposed transactions.

All interested parties are referred to said document which is on file at the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

1. Railways proposes to borrow $19,500,000 from banks, the loans to be evidenced by unsecured promissory notes payable in installments aggregating $375,000 on April 1, 1947 and semi-annually thereafter to and including October 1, 1956 and in a final installment of $12,375,000 ten years from the date of issuance. Such notes will bear interest at the rate of 2% per annum on the unpaid portion of the installments due on or before April 1, 1952 and at the rate of 2½% per annum on the unpaid portion of the installments due after April 1, 1952. Railways may prepay such notes ratably in whole or in part at any time without premium unless prepaid as a result or in anticipation of borrowing therefor.

2. Railways proposes to use the proceeds borrowed together with treasury cash to redeem all of its outstanding Prior Preferred Stock consisting of 37,993 shares of 7% First Series, 52 329 shares of 6.36% Series of 1925 and 99,516 shares of 6% Series in 1928 at the redemption price of $105 per share in the case of the 7% and 6.36% Series and at $101 per share in the case of the 6% Series, in each case plus accrued dividends to the date of redemption.

3. Continental proposes, with the consent of each bank which is a party to its Loan Agreement referred to hereinabove, to modify such Loan Agreement by eliminating therefrom the provisions referred to hereinabove.

4. Railways and Continental propose, with the consent of each bank which is a party to Continental's Loan Agreement, to modify the Agreement between Railways and Continental dated as of November 24, 1945 by eliminating therefrom the provisions referred to hereinabove.

The application states that the provisions of Continental's Loan Agreement and of the Agreement between Railways and Continental which are proposed to be eliminated were originally included because, at the time Continental's loan was made, the final installment (due in ten years from the date of the loan) amounted to $15,750,000 and it was deemed necessary to make adequate provision for the payment or reduction of that installment in the event the proceeds received by Continental from the sale of its investment in Columbus and Southern Ohio Electric Company should prove insufficient to pay the $20,000,000

of one year notes issued by Continental under the Loan Agreement and the final installment of $15,750,000 on the ten year 2½% notes. The application further states that upon the sale of Continental's investment in Columbus and Southern Ohio Electric Company for approximately $38,000,000, the $20,000,000 of One Year Notes were paid in full and $18,050,175 was applied on the ten year notes resulting in the payment of the final installment of $15,750,000 in full and in the payment of the last three semi-annual installments of $750,000 each. As a result, it is stated that Continental's loan was reduced from a ten year loan to an eight year loan which is expected to be paid in full in seven years from January 1, 1947, by the fixed semi-annual installments of $750,000 without recourse to other funds. In addition, the application states that Railways and Continental, as well as the banks, are of the opinion that the retention of the provisions referred to is no longer necessary or desirable. Furthermore, the application states that the elimination of the provisions referred to will permit Railways to realize substantial immediate savings by borrowing funds as hereinabove set forth and to apply such savings by borrowing funds as hereinabove set forth and to apply such savings to reduce its senior securities, thus facilitating the simplification and improvement of Railway's capital structure.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect of such matters and that said declaration shall not become effective nor said application be granted except pursuant to further order of the Commission:

It is ordered, That a hearing under the applicable provisions of the act and the rules thereunder be held on the 10th day of January 1947 at 10:00 a. m. e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by Rule XVII of the rules of practice on or before January 8, 1947.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and declaration and that, on the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the notes proposed to be issued and sold by Railways to banks are reasonably adapted to the security structure of Railways and the other companies in its holding company system and to the earning power of Railways, and whether the terms and conditions of the issue and sale thereof are detrimental to the public interest or to the interest of investors or consumers.

2. Whether the proposed modifications of the terms of Continental's Loan Agreement and of the Agreement between Railways and Continental are detrimental to the public interest or the interest of investors or consumers.

3. Whether the proposed issue and sale by Railways of notes and the proposed modifications of the terms of Continental's Loan Agreement and of the Agreement between Railways and Continental are in other respects in conformity with the applicable provisions of sections 6 (a) and 7 of the act.

4. Whether the proposed redemption by Railways of all of its outstanding Prior Preferred Stock is in conformity with the applicable provisions of section 12 (c) of the act and Rule U-42 thereunder and, insofar as applicable, of sections 9 and 10.

5. Whether the elimination of Railways' Prior Preferred Stock by the proposed issue and sale by Railways of promissory notes and the use of the proceeds thereof to redeem such preferred stock is detrimental to the carrying out of the provisions of section 11 of the act.

6. Whether the fees, commissions or other remuneration and the expenses to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

7. Whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules thereunder, and whether any terms and conditions with respect to the transactions should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of said hearing by mailing a copy of this order by registered mail to Railways and Continental; and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the Mailing list for releases under the Act and that further notice be given all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-74; Filed, Jan. 3, 1947; 8:56 a. m.]

[File Nos. 54-42, 54-69, 59-65]

CENTRAL STATES UTILITIES CORP. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of December A. D. 1946.

In the matter of Central States Utilities Corporation, Central States Power & Light Corporation, Ogden Corporation, File No. 54-42; Ogden Corporation and Subsidiary Companies, File No. 54-69; Ogden Corporation and Subsidiary Companies, File No. 59-65.

I. Notice is hereby given that Ogden Corporation ("Ogden"), a registered holding company, has filed Amendment No. 15 in these consolidated proceedings, proposing an amended plan pursuant to section 11 (e) and other applicable sections of the act and the rules promulgated thereunder for the liquidation and dissolution of its subsidiary registered holding company, Central States Utilities Corporation ("Central Utilities"), and of the latter's subsidiary, Central States Power & Light Corporation ("Central States"), a registered holding company:

All interested persons are referred to said amended plan, which is on file in the office of the Commission, for a full statement of the transactions proposed therein, which may be summarized as follows:

Central States and its subsidiaries have disposed of all their operating properties pursuant to separable plans heretofore approved in these proceedings, and the remaining assets of Central States consist almost exclusively of cash and investments in government bonds. After making provision for the discharge of current liabilities the net assets of Central States as of November 30, 1946 amounted to approximately $1,935,000. The only action remaining to consummate the liquidation of Central States is the distribution of the cash and investments now held by it to creditors and security holders entitled thereto.

The following tabulation shows the outstanding securities of Central States at November 30, 1946, and their ownership by its parent companies and by others:

	Principal amount or shares outstanding	Owned by—		
		Ogden	Central Utilities	Others
5% debentures	$5,940,000	$5,108,040		$831,960
$7 cum. pfd. stock no par value [1]	*Shares* 80,000	*Shares* 13,473	*Shares*	*Shares* 66,527
Common stock no par value	40,000		40,000	

[1] Entitled to $100 per share and accrued dividends in involuntary liquidation, dividend arrears on January 1, 1947, will amount to $8,392,000 or approximately $105 per share.

Central States had heretofore outstanding 5½% First Mortgage and First Lien Gold Bonds due 1953. On November 15, 1944, the company deposited with the trustee for the bonds cash to pay in full the remaining unpaid principal amount of such bonds and accrued interest. On November 30, 1946, there remained on deposit with the trustee $1,040,897 for the payment of principal and interest on bonds which have not been sent to the trustee for payment.

All interest on the publicly held debentures of Central States was paid regularly until January 1, 1946; interest on such debentures due on and subsequent to January 1, 1946 has been escrowed pending the determination of the status and rank of such debentures. Payment of interest on the debentures owned by Ogden for the period from June 30, 1942, has been conditionally waived by Ogden. Pursuant to an agreement dated June 20, 1941, Ogden deposited in escrow with Manufacturers Trust Company the payments of interest on the debentures owned by it which became due on July 1, 1941, January 1, 1942, and July 1, 1942, aggregating $383,103, said agreement providing that such funds shall be held intact until all questions of the status and rank of such debentures owned by Ogden shall have been passed upon by this Commission and any court having jurisdiction. No dividends have been paid on the preferred stock of Central States since December 31, 1931.

The only assets of Central Utilities consist of all the shares of common stock of Central States and less than $100 in cash. At November 30, 1946, Central Utilities had outstanding $3,500,000 principal amount of 6% Ten-Year Secured Gold Bonds due January 1, 1938 (secured by the common stock of Central States), 32,000 shares of $7 cumulative preferred stock, no par value, and 30,000 shares of common stock, no par value. Except for $370,900 principal amount of bonds and 9,594 shares of preferred stock, Central Utilities' outstanding securities are owned by Ogden. No interest has been paid on the bonds since December 31, 1933, and no dividends on the preferred stock since December 31, 1931.

The amended plan is stated to be designed to effect a compromise of the subordination issues heretofore raised in the proceedings herein, and makes the following principal provisions for the final liquidation of Central States and Central Utilities:

(1) The interest heretofore received by Ogden on its holdings of Central States' debentures, aggregating $383,103, and escrowed with the Manufacturers Trust Company, shall be paid to and become part of the general assets of Central States.

(2) Central States shall pay, or make provision for the payment of, all of its known current and accrued liabilities, and shall reserve and set aside funds sufficient to pay the expenses and fees of liquidation.

(3) After the payment, or making provision for the payment, of the liabilities and expenses provided in paragraph (2) above, Central States shall cause to be paid (a) through the trustee for the 5% Debentures to the holders, other than Ogden, of the 5% Debentures ($831,950 principal amount of debentures so held) an amount of cash equal to $81 for each $100 principal amount of such debentures ($754,876) together with accrued and unpaid interest thereon to the effective date of the Amended Plan (7½% or $62,397 on such debentures as of January 1, 1947), and (b) through a bank or trust company, as Distributing Agent, to the holders, other than Ogden, of the $7 dividend Preferred Stock of Central States (66,527 shares so held) an amount of cash equal to $9.00 per share ($598,743).

(4) After providing for the payment described in paragraphs (2) and (3) above, Central States shall pay and turn over to Ogden, as payment on the principal of the 5% Debentures of Central States owned by Ogden, all the remaining assets of Central States free of any claim, lien or defense with respect thereto.

(5) Ogden shall cause to be paid through the trustee for the 6% Gold Bonds of Central Utilities to the holders of such bonds, other than Ogden, $370,900 principal amount of bonds so held) an amount in cash equal to $7.50 for each $100 principal amount of such bonds ($27,817).

(6) The holders of the $7 Dividend Preferred Stock and common stock of Central Utilities, and the holder of the common stock of Central States, shall not be entitled to participate in the liquidation of such companies.

(7) If and when the amended plan shall become effective, and provision shall have been made for the payments described in paragraphs 3 (a) and 5 above in respect of Central States' debentures and Central Utilities' bonds, the respective trustees for such debentures and bonds shall execute and deliver to the respective companies proper instruments evidencing the discharge of the respective indentures securing such securities, and the said companies shall thereafter be freed from all liabilities in respect of such securities.

(8) If any holders, other than Ogden, of the 5½% First Mortgage Bonds, 5% Debentures and $7 Dividend Preferred Stock of Central States, and of the 6% bonds of Central Utilities, shall not have done all acts necessary to secure possession of any of the funds on deposit with the trustees for the said bonds and debentures and the Distributing Agent for said preferred stock prior to December 17, 1950, all rights of such persons to any such funds shall cease and said trustees and Distributing Agent, upon demand of Ogden, shall transfer to Ogden all such funds in their possession and Ogden shall be entitled to retain such funds free of any claim or lien with respect thereto; *Provided, however*, That within a period not more than sixty (60) days and not less than thirty (30) days prior to December 17, 1950, Ogden shall at its expense cause said trustees and Distributing Agent to publish once a week for three successive calendar weeks in a newspaper of general circulation in New York, Boston and Chicago a notice of the time when the rights of such persons to such funds expire.

(9) Central Utilities and Central States shall be dissolved. In this connection, The Chase National Bank of the City of New York, as trustee for Central Utilities' bonds, shall vote the shares of common stock of Central States pledged under the Trust Indenture in favor of the dissolution of Central States.

(10) Ogden shall be liable and shall pay all expenses of the dissolution of Central Utilities, and upon such dissolution there shall be transferred to Ogden as payment on the principal of the bonds of Central Utilities owned by Ogden all the remaining assets, if any, of Central Utilities.

(11) It is further proposed by Ogden that upon the entry by the Commission of any order approving the amended plan, the Board of Directors of Central States and Central Utilities shall request the Commission, pursuant to section 11 (e) of the act, to apply to a competent court of jurisdiction to enforce and carry out the terms and provisions of the amended plan. When said amended plan is approved by such court, the Boards of Directors of Central States and Central Utilities may declare the amended plan effective at any time within 90 days after such approval by the court. The Boards of Directors, however, may, in their discretion, delay declaring the amended plan effective until all appeals from said court order shall have been disposed of or until after the time for appeal from such court order shall have elapsed.

II. On May 20, 1943, the Commission entered an order (1) directing, pursuant to section 11 (b) of the act, among other things, that Central States recapitalize so as to distribute voting power fairly and equitable among its security holders, *Provided however*, That such recapitalization need not be effected if said company is liquidated and dissolved, and that Central Utilities be liquidated and dissolved, and (2) approving, pursuant to section 11 (e) of the act, a plan filed by Ogden and certain of its subsidiary companies which provided, among other things, that Central States and Central Utilities would be liquidated and dissolved (File Nos. 54-69 and 69-65).

Ogden has heretofore filed Amendment No. 12 in these consolidated proceedings proposing a plan for the liquidation and dissolution of Central States and Central Utilities (Holding Company Act Release No. 5983); and hearings were held in respect thereto and the record was closed.

It appearing to the Commission that notice should be given and that the hearing herein should be reconvened for the purpose of taking additional testimony in respect to the amended plan filed by Ogden:

It is ordered, That the hearing herein be reconvened under the applicable provisions of the act and the rules of the Commission thereunder on January 20, 1947, at 11:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that date, the hearing room clerk in Room 318 will

advise as to the room in which the hearing will be held. It is requested that any person desiring to be heard in these proceedings shall file with the Secretary of the Commission on or before January 17, 1947, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted by the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of said amended plan, and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination, and to the consideration of those issues cited in the Commission's notice and order of August 11, 1945 (Holding Company Act Release No. 5983) in respect of the plan heretofore filed herein by Ogden as Amendment No. 12, insofar as such issues may also be applicable to said amended plan:

1. Whether the amended plan, as proposed, or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby:

2. More particularly, whether the treatment proposed to be accorded to the public security holders of Central States and Central Utilities and to Ogden in regard to their respective claims is fair and equitable to such persons;

3. Whether the period of time expiring December 17, 1950, within which the holders, other than Ogden, of Central States' 5½% bonds, 5% debentures and $7 preferred stock, and Central Utilities' 6% bonds, are required pursuant to the amended plan to claim the funds on deposit for such security holders or thereafter lose any claim thereto, is adequate;

4. Whether any fees, expenses and other considerations which may be claimed in connection with the proposed amended plan and related proceedings are for necessary services or purposes, reasonable in amount, and properly allocated;

5. Whether, and in what manner, the proposed amended plan should be modified to ensure adequate protection of the public interest and the interest of investors and consumers and compliance with all applicable provisions of the act and rules thereunder;

6. Whether, in the event that the Commission shall approve the amended plan as filed or as modified, the Commission shall approve said plan for purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission of its own motion and irrespective of any request therefor on the part of Central States, Central Utilities or Ogden to apply to a court for the enforcement of the amended plan pursuant to section 11 (d) of the act.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

Notice is hereby given of said hearing to Central States, Central Utilities, Ogden, Continental Illinois National Bank and Trust Company of Chicago, Indenture Trustee of Central States' 5% Debentures, The Chase National Bank of the City of New York, Indenture Trustee of Central Utilities' 6% Ten-Year Secured Gold Bonds, Manufacturers Trust Company, and to all interested persons, said notice to be given to Central States, Central Utilities, Ogden, Continental Illinois National Bank and Trust Company of Chicago, The Chase National Bank of the City of New York, and Manufacturers Trust Company by registered mail, and to all other persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the act and by publication in the FEDERAL REGISTER.

It is further ordered That Central States and Central Utilities shall give additional notice of this hearing to all their security holders (insofar as the identity of such security holders is known or is available to them) by mailing to each of said persons a copy of this notice and order at his last known address at least fifteen days prior to the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-75; Filed, Jan. 3, 1947; 8:56 a. m.]

[File No. 70-1405]

CITIES SERVICE CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December A. D. 1946.

In the matter of Cities Service Company, The Gas Service Company, Kansas City Gas Company, The Wyandotte County Gas Company, File No. 70-1405.

Applications and declarations, and amendments thereto, having been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a), 10, 12 (c) and 12 (f) thereof, by Cities Service Company ("Cities"), a registered holding company, and its public utility subsidiaries, The Gas Service Company ("Gas Service"), Kansas City Gas Company ("Kansas City") and The Wyandotte County Gas Company ("Wyandotte"), with respect to the following transactions:

It is proposed to merge Kansas City and Wyandotte into Gas Service, which will be the surviving company. Gas Service will create a total authorized capitalization of 850,000 shares of $10 par value common stock, all of which will be issued to Cities, the owner of all of the capital stock of the constituent companies (except directors' qualifying shares), as follows: (a) $5,764,457.38 par value thereof will be issued through reclassification and conversion of the presently outstanding capital stock of the constituent corporations, (b) $2,506,850 par value thereof will be issued for cash, and (c) $228,692.62 par value thereof will be issued in capitalization of a like amount of capital surplus of Gas Service.

Gas Service will borrow $16,000,000 from four banks and one insurance company and issue therefor its notes due serially in amounts of $1,100,000 annually beginning April 1, 1948 with a final maturity of $6 100,000 due December 1, 1956. Such notes will bear interest at the rate of 2½% per annum for the first seven maturities, 2¾% per annum for the next two maturities and 3% per annum for the final maturity.

The proceeds from the sale of the common stock to be issued for cash and from the issue of notes, aggregating $18,506,850, will be used to retire or redeem the remaining outstanding securities of the constituent corporations, consisting of bonds and notes, for $16,708,303, the redemption price thereof. Of this amount, Cities, as the owner of $1,548,000 principal amount of First Mortgage Bonds of Wyandotte and $6,831,928 face amount of 6% Demand Notes of Gas Service, will receive $8,379,928. The balance of the debt securities in the principal amount of $8,250,000 are owned by private institutions. The net proceeds remaining after retirement of debt securities and payment of expenses will be added to the general funds of Gas Service for general corporate purposes.

Said applications and declarations having been filed on November 22, 1946, and amendments thereto having been filed from time to time, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said applications and declarations within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission having been advised, by amendment, that the aforesaid transactions have been approved, to the extent necessary, by the Public Service Commission of Missouri and the State Corporation Commission of Kansas; and

Applicants-declarants having requested that the Commission issue its order with respect to the proposed transactions as soon as practicable and that such order become effective forthwith upon issuance; and

Applicants-declarants having stated that the applications and declarations herein do not constitute requests for modification of presently outstanding orders, issued by the Commission under section 11 (b) (1), regarding the retainability by Cities of its interests in the subject companies and that it is not intended that the approval of such applications and declarations will result in any modifications of such orders; and

The Commission finding with respect to such applications and declarations, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications and declarations, as amended, be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said applications and declarations, as amended, be, and hereby are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-77; Filed, Jan. 3, 1947; 8:56 a. m.]

[File Nos. 70-1401 and 70-1399]

PEOPLES LIGHT CO. OF PITTSTON ET AL.

MEMORANDUM FINDINGS, OPINION AND ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of December A. D. 1946

In the Matter of Peoples Light Company of Pittston, York County Gas Company, Pennsylvania Gas & Electric Corporation, File No. 70-1401; John H. Ware, 3d, File No. 70-1399.

Peoples Light Company of Pittston ("Pittston") a gas utility company, its corporate parent York County Gas Company ("York"), a gas utility company and an exempt holding company, and Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company and the parent of York, and John H. Ware, 3d, of Oxford, Pennsylvania, have filed applications and declarations with this Commission pursuant to sections 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-23, U-44, and U-46 promulgated thereunder.

Pittston proposes to sell to John H. Ware, 3d, or his nominee, substantially all its property and assets for a base price of $266,000 in cash, subject to closing adjustments. Upon the consummation of this sale it is proposed that Pittston be dissolved and liquidated and that Pittston pay to York, the owner of all the capital stock of Pittston, its remaining assets as a liquidating dividend. York will use the cash so acquired to pay the balance of its outstanding serial notes in the amount of $262,500 now hold by the Commerical National Bank and Trust Company of New York.

The assets of Pittston will be acquired by the Pittston Gas Company, a newly organized gas utility company, all the securities of which will be owned by Ware.

The Pennsylvania Public Utility Commission has approved the sale of assets by Pittston and the acquisition by the Pittston Gas Company and has also approved the issuance of common stock by the Pittston Gas Company.[1]

Ware, a resident of Oxford, Pennsylvania, is the owner of 100% of the capital stock of eight other gas utility companies and of Penn Fuel Gas, Inc., an exempt holding company which owns the entire capital stock of three gas utility companies. All of these operating companies are located in Pennsylvania within a radius of 150 miles of Oxford, Pennsylvania. Ware also owns slightly less than 50% of the capital stock of Salem Gas Company, located in Salem, New Jersey, and is president and director of Citizens Gas & Fuel Company, all the securities of which are owned by his mother. He has an interest in a number of non-utility businesses including Gas-Oil Products Co. which supplies all the propane gas used by a number of his gas utility companies.

The proposed purchase price of $266,000, subject to certain adjustments for changes in net current assets, represents payment for the assets of Pittston including cash in the amount of $83,281, as of August 31, 1946 and other net current assets.

The gross utility plant to be sold is stated on the books of Pittston at $606,901 as of August 31, 1946 against which there is a depreciation reserve of $278,547, or net plant per books of $328,354. An original cost study of the plant account of Pittston has been completed and submitted to the Pennsylvania Public Utility Commission. The study has not yet been approved nor have the results been recorded on the company's books. The testimony indicates that if the study were adopted there would be no substantial effect on the books of the company at this time.

The difference of $172,286 between the net property account as stated on the books of Pittston and the net cost thereof to the Pittston Gas Company will be credited to Account 100.5, to be disposed of as may be required by the Pennsylvania Public Utility Commission.

York carries its investment in Pittston at $385,702 less a reserve of $235,702 set up in 1945, or at a net book amount of $150,000. The difference of $101,667 between the proceeds to be received from the liquidation of Pittston, estimated by York to be $251,667, and the net book amount of the investment will be credited to capital surplus. The proposed sales price will, however, result in a loss to York for tax purposes which will reduce its estimated taxes for 1946 by approximately $62,000.

The average annual income of Pittston for the period 1941–1945 has been $12,206; the net income for the twelve month period ended August 31, 1946 was $21,466. Ware represents that he expects to make economies in the operations of the acquiring company which will result in net savings of approximately $5,000 annually.

The costs to be incurred by Pittston in the sale of its assets and subsequent dissolution will be legal fees in the approximate amount of $3,200 and $1,000 of expenses. No fees or commissions will be paid by Ware in connection with the proposed transaction except legal fees and expenses estimated not to exceed $5,000.

We have considered the proposed transactions in the light of the standards of sections 10, 12 (c) and 12 (d) of the act and we find that such standards are satisfied.

It is therefore ordered, Pursuant to the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid applications and declarations be, and hereby are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-79; Filed, Jan. 3, 1947; 8:56 a. m.]

[1] The record indicates that the capitalization of Pittston Gas Company, all of which will be initially owned by Ware, will consist of 700 shares of common capital stock ($50 par value per share), a $160,000 4% Note due on or before November 1, 1947, and a 5% Demand Note in the approximate amount of $66,000 or such other amount as with the proceeds from the 700 shares and $160,000 4% Note will be required to consummate the transactions. The record indicates that Ware intends to retain only the common stock of Pittston Gas Company and that the other securities are to be paid or refunded. The issuance of these securities and the acquisition of the Pittston assets are not before us, since Pittston Gas Company is not a subsidiary of a registered holding company. The acquisition by Ware of the securities of Pittston Gas Company comes before us pursuant to the requirements of section 9 (a) (2) of the act.

[File Nos. 7-932—7-954]

ALLIED STORES CORP. ET AL.

NOTICE AND ORDER OF HEARING ON APPLICATIONS FOR UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December A. D. 1946.

In the matter of Applications by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Twenty-Three (23) Securities, File Nos. 7-932 to 7-954 inclusive.

The Cincinnati Stock Exchange, pursuant to section 12 (f) (2) of the Securities Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the following securities, which are listed and registered on other national securities exchanges as indicated below:

Allied Stores Corporation, Common Stock, No Par Value, Listed: New York Stock Exchange.

American Airlines, Incorporated (Delaware), Common Stock, $1.00 Par Value, Listed: New York Stock Exchange.

American Telephone and Telegraph Company, Common Stock, $100.00 Par Value, Listed: Boston Stock Exchange, Chicago Stock Exchange, New York Stock Exchange, Philadelphia Stock Exchange, Washington Stock Exchange.

The Chesapeake & Ohio Railway Company, Common Stock, $25.00 Par Value, Listed: New York Stock Exchange.

Colgate Palmolive Peet Company, Common Stock, No Par Value, Listed: New York Stock Exchange.

The Commonwealth & Southern Corporation, Common Stock, No Par Value, Listed: New York Stock Exchange.

Curtiss Wright Corporation, Common Stock, $1.00 Par Value, Listed: New York Stock Exchange.

Dayton Power and Light Company, Common Stock, $7.00 Par Value, Listed: New York Stock Exchange.

Federated Department Stores, Incorporated, Common Stock, No Par Value, Listed: New York Stock Exchange.

General Electric Company, Common Stock, No Par Value, Listed: Boston Stock Exchange, New York Stock Exchange.

The National Cash Register Company, Common Stock, No Par Value, Listed: New York Stock Exchange.

The New York Central Railroad Company, Common Stock, No Par Value, Listed: New York Stock Exchange.

The North American Company, Common Stock, $10.00 Par Value, Listed: New York Stock Exchange.

The Ohio Oil Company, Common Stock, No Par Value, Listed: New York Stock Exchange.

Packard Motor Car Company, Common Stock, No Par Value, Listed: Detroit Stock Exchange, New York Stock Exchange.

The Pennsylvania Railroad Company, Common Stock, $50.00 Par Value, Listed: Boston Stock Exchange, Chicago Stock Exchange, New York Stock Exchange, Philadelphia Stock Exchange.

Pepsi-Cola Company, Common Stock, 33⅓¢ Par Value, Listed: New York Stock Exchange.

Radio Corporation of America, Common Stock, No Par Value, Listed: New York Stock Exchange.

Socony-Vacuum Oil Company, Inc., Common Stock, $15.00 Par Value, Listed: New York Stock Exchange.

Standard Oil Company (New Jersey), Common Stock, $25.00 Par Value, Listed: New York Stock Exchange.

Standard Oil Company (Ohio), Common Stock, $10.00 Par Value, Listed: Cleveland Stock Exchange, New York Stock Exchange.

United States Steel Corporation, Common Stock, No Par Value, Listed: Chicago Stock Exchange, New York Stock Exchange, San Francisco Stock Exchange.

Westinghouse Electric Corporation, Common Stock, $12.50 Par Value, Listed: Boston Stock Exchange, Chicago Stock Exchange, New York Stock Exchange, Pittsburgh Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to each respective issuer and to every other national securities exchange on which each of the above respective securities are listed or admitted to unlisted trading privileges. The applications are available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

The Commission deems it necessary that a hearing be held in this matter to determine whether there exists in the vicinity of the applicant exchange sufficiently widespread public distribution of each of these securities and sufficient public trading activity in each of these securities to render the extension of unlisted trading privileges on the applicant exchange necessary or appropriate in the public interest or for the protection of investors; and to determine whether the extension of unlisted trading privileges to each of these securities otherwise is necessary or appropriate in the public interest or for the protection of investors.

Therefore it is ordered, That a public hearing be held before Frank D. Emerson as hearing officer at 10:00 a. m. on Wednesday, January 8, 1947, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-78; Filed, Jan. 3, 1947; 8:56 a. m.]

[File No. 70-1350]

NY PA NJ UTILITIES CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of December 1946.

General Public Utilities Corporation ("GPU"), a registered holding company, and its wholly owned subsidiary, NY PA NJ Utilities Company ("NY PA NJ"), also a registered holding company, having filed a joint application-declaration, as amended, pursuant to sections 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act"), with respect to the following transaction:

NY PA NJ proposes to dissolve and, in connection therewith, GPU, as NY PA NJ's sole stockholder, will surrender to NY PA NJ for cancellation all the outstanding stock of NY PA NJ and will acquire, pursuant to said dissolution, all the assets of NY PA NJ, subject to its liabilities, if any.

Such joint application-declaration, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant the request of applicants-declarants that the order become effective at the earliest date possible; and further deeming it appropriate that the request of applicants-declarants that the order conform to the requirements of the Internal Revenue Code, as amended, including sections 373 (a) and 1808 (f) thereof be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and rules thereunder, and subject to the terms and conditions prescribed in Rule U-24, that the application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

It is further ordered, That the following transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

1. The transfer, delivery and distribution by NY PA NJ to GPU of the assets hereafter enumerated, subject to the liabilities of NY PA NJ:

Name of issuer and title of issue	*Shares or principal amount*
Spring Brook Water Company: Common capital stock	[1] 2,250
20-year 6-percent note due June 1, 1951	$20,000.00
Open account advance	$62,221.32
New York State Electric & Gas Corp.: Common capital stock	[1] 46,434
Rochester Gas & Electric Corp.: Common capital stock	[1] 775,914
Canadea Power Corp.: Common capital stock	[1] 40,000
Staten Island Edison Corp.: Comon capital stock	[1] 260,000
Jersey Central Power & Light Corp.: Common capital stock	[1] 1,053,761
Metropolitan Edison Co.: Common capital stock	[1] 360,780
Northern Pennsylvania Power Co.: Common capital stock	[1] 22,130
New Jersey Power & Light Co.: Common capital stock	[1] 87,500
Atlantic Utility Service Corp.: Common capital stock	[1] 300
New England Gas & Electric Association: $5.50 dividend series preferred shares	[1] 17,744

[1] Shares.

2. The surrender and delivery by GPU to NY PA NJ for cancellation of all the outstanding shares of stock of NY PA NJ.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-80; Filed, Jan. 3, 1947; 8:56 a. m.]

[File Nos 59-82, 54-51]

MEMPHIS STREET RAILWAY CO. AND NATIONAL POWER AND LIGHT CO.

NOTICE OF FILING OF AMENDED PLAN AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of December A. D. 1946.

The Commission having on November 13, 1945 instituted proceedings under sections 11 (b) (2), 12 (c), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 with respect to The Memphis Street Railway Company ("Memphis"), a subsidiary of Memphis Generating Company, in turn, a subsidiary of National Power & Light Company ("National"), a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company; and

National having filed a plan and amendments thereto pursuant to section 11 (e) of the act for the rearrangement of the capital structure of Memphis, providing, among other things, that Memphis issue (a) two shares of common stock, par value $50, in exchange for each share of its outstanding 21,710 shares of 4% preferred stock, par value $100, and (b) an aggregate of 54,641 shares of common stock, par value $50, in exchange for its outstanding 27,593 shares of common stock, par value $100; and the Commission having in its notice of filing and order for hearing issued March 27, 1946 (Holding Company Act Release No. 6506) consolidated the proceedings with respect to such plan with the proceedings previously instituted pursuant to section 11 (b) (2) of the act referred to above; and hearings having been held pursuant to said notice, extensive testimony having been taken, numerous exhibits having been presented and said hearings having been continued subject to the call of the Hearing Officer or order of the Commission;

Notice is hereby given that National has filed with the Commission pursuant to section 11 (e) of the act an amended plan for the rearrangement of the capital structure of Memphis in substitution for the plan heretofore filed.

All interested persons are referred to the aforesaid amended plan which is on file in the office of this Commission for a full statement of the transactions therein proposed which may be summarized as follows:

It is proposed that Memphis effect a partial liquidation of its outstanding 21,710 shares of 4% preferred stock, par value $100, by distributing to the holders of such stock a liquidating dividend of $50 per share in cash and that the company amend its charter so as to provide that after January 1, 1947, such preferred stock shall be entitled to (a) regular cumulative dividends in the amount of $2.00 per annum in lieu of the former dividend of $4.00 per annum and (b) a special and additional dividend or dividends aggregating $32 per share payable out of net income available after December 31, 1946, after deduction in each year of allowances for annual bond maturities and regular preferred stock dividends. In consideration for such special $32 dividend provision, the plan provides that all arrearages of dividends on the preferred stock amounting to $32 per share as of December 31, 1946, shall be waived and cancelled.

National proposes, under its dissolution program, to acquire from Memphis Generating Company the outstanding 27,593 shares of common stock of Memphis and thereupon to surrender to Memphis for cancellation 13,952.75 shares of such common stock, the remaining 13,640.25 shares of such common stock to be reclassified as 272,805 shares of common stock having a par value of $5 per share. National then proposes to distribute to its own common stockholders the 272,805 shares of common stock of Memphis thus received.

The charter of Memphis will also be amended to provide that upon consummation of the plan each share of common stock of Memphis will have one vote per share and each share of the preferred stock will have seven votes per share, and such charter will also contain further provisions deemed appropriate for the protection of preferred stockholders.

National has requested that the Commission, in the event that this amended plan is approved, apply to an appropriate District Court of the United States for an order to enforce and carry out the provisions of said amended plan. It is proposed that the effective date of the amended plan shall be the date on which the District Court issues its enforcement order or such other date as may be determined by said Court.

National has further requested that if the Commission approves the amended plan its order shall contain recitals and specifications conforming to the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder, to find after notice and opportunity for hearing that the plan, as submitted, or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that a hearing be held upon the amended plan to afford all interested persons an opportunity to be heard with respect thereto;

It is ordered, That a hearing under the applicable provisions of the act and the rules thereunder be held on January 13, 1947 at 10 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by Rule XVII of the rules of practice on or before January 9, 1947.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the amendment and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

(1) Whether the amended plan, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) (2) of the act, and is fair and equitable to the persons affected thereby, and if not, in what respects said amended plan, including any modifications thereof, should be modified or amended.

(2) Whether the securities of Memphis to be outstanding upon consummation of the plan will be reasonably adapted to the security structure and earning power of the company and will otherwise meet the standards of the act.

(3) Whether the terms and conditions of the amended plan relating to the preferred stock of Memphis, particularly the proposed payment of $50 per share as a liquidating dividend and the proposed special dividend aggregating $32 per share, are detrimental to the public interest or the interest of investors and consumers.

(4) Whether the accounting entries in connection with the proposed plan are appropriate and in conformity with sound accounting principles.

(5) Whether, if the proposed amended plan is authorized in whole or in part by the Commission, it is appropriate in the public interest and in the interest of investors and consumers that any terms and conditions be imposed in connection with such authorization, and, if so, what such terms and conditions should be.

(6) Whether the amended plan, as filed or as modified, makes appropriate provision for the payment of expenses, fees and remuneration in connection with the reorganization, in what amounts such expenses, fees and remuneration should be paid, and the fair and equitable allocation thereof.

(7) Whether the proposed amended plan constitutes a step in compliance with the order of the Commission dated August 23, 1941 issued pursuant to section 11 (b) (2) of the act directing the dissolution of National.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That notice of this hearing be given to Electric Bond and Share Company, National, Memphis Generating Company, Memphis, The Public Utilities Commission of the State of Tennessee, the City of Memphis and Central Hanover Bank and Trust Company, as Trustee for the Memphis 4% serial mortgage bonds, by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That Memphis shall give notice of this hearing to all its preferred stockholders (insofar as the identity of such stockholders is available or known to it), by mailing to each of said persons a copy of this notice of filing and notice of and order for hearing together with a copy of the proposed plan for the rearrangement of the capital structure of Memphis, at his last known address at least ten days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-81; Filed, Jan. 3, 1947; 8:56 a. m.]

[File No. 70-1410]

GENERAL PUBLIC UTILITIES CORP. AND ATLANTIC UTILITY SERVICE CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 23d day of December 1946.

General Public Utilities Corporation ("GPU"), a registered holding company, and its non-utility subsidiary, Atlantic Utility Service Corporation ("Auscorp"), having filed a joint application-declaration pursuant to sections 9 (a) (1) and 10 of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

Auscorp proposes to sell to GPU 10 shares of Class B Common Capital Stock, without nominal or par value, of Employees Welfare Association, Incorporated (Del.) ("EWA") for $1,000 in cash, which stock constitutes the entire outstanding capital stock of EWA, a non-utility subsidiary engaged in the business of administering certain insurance plans for the employees of companies in the GPU system and certain other companies which were formerly in the system.

The application-declaration having been filed December 4, 1946 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice or otherwise, and not having ordered a hearing thereon;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said joint application-declaration be, and the same hereby is granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-82; Filed, Jan. 3, 1947; 8:57 a. m.]

[File No. 59-37]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

ORDER DISMISSING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of December A. D. 1946.

The Commission having heretofore instituted proceedings pursuant to sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935 directed to Central Illinois Public Service Company, a public utility operating company and subsidiary of The Middle West Corporation, a registered holding company; and

Applications and declarations having subsequently been filed by Central Illinois Public Service Company wherein the company proposed a refinancing program and the Commission, after public hearings, having approved such applications and declarations and having found that such program apparently was designed to meet the issues raised in said proceedings under sections 11 (b) (2) and 15 (f) and having stated that said proceedings would be dismissed upon consummation of such refinancing program; and

Central Illinois Public Service Company having filed its Certificate of Notification with respect to the consummation of such refinancing program and having filed a request that the Commission dismiss said proceedings under sections 11 (b) (2) and 15 (f); and

It appearing to the Commission that the conditions which necessitated the institution of said proceedings no longer exist; and

The Commission deeming it appropriate in the public interest and in the interests of investors and consumers to dismiss said proceedings:

It is ordered, That the proceedings heretofore instituted pursuant to sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935 with respect to Central Illinois Public Service Company be, and hereby is, dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-83; Filed, Jan. 3, 1947; 8:57 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7932]

HERMAN FRIDERICH SAHLENDER

In re: Trust under the last will and testament of Herman Friderich Sahlender, also known as H. F. Sahlender, also known as Herm F. Sahlender, also known as Hermann F. Sahlender, also known as Herman F. Sahlender, deceased. File No. D-28-10175; E. T. sec. 14487.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friderich Sahlender, August Sahlender, George Mayer and Johanne Jochims, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the surviving issue of Friderich Sahlender, the surviving issue of August Sahlender, the surviving issue of Gustav Sahlender, the widow, name unknown, of Gustav Sahlender, deceased, the surviving issue of George Mayer and the surviving issue of Johanne Jochims, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust under the last will and testament of Herman Friderich Sahlender, also known as H. F. Sahlender, also known as Herm F. Sahlender, also known as Herman F. Sahlender, also known as Hermann F. Sahlender, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Anglo California National Bank of San Francisco, as trustee, acting under the judicial supervision of the Superior Court of the State of California, County and City of San Francisco;

and it is hereby determined:

5. That to the extent that the above named persons and the surviving issue of Friderich Sahlender, the surviving issue of August Sahlender, the surviving issue of Gustav Sahlender, the widow, name unknown, of Gustav Sahlender, deceased, the surviving issue of George Mayer, and the surviving issue of Johanne Jochims, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 24, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 46-22050; Filed, Dec. 31, 1946; 8:49 a. m.]

[Vesting Order 7920]

TOJURO TAGAMI

In re: Real property owned by Tojuro Tagami.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tojuro Tagami, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Real property situated in the County of Clark, State of Nevada, particularly described as the northwest quarter of the northwest quarter and the north half of the southwest quarter of the northwest quarter of Section 5, Township 21 South, Range 62 East, Mount Diablo Base and Meridian, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. That certain debt, or obligation, owing to Masatsu Taniguchi by Alex Uffelman, Box 84, Florin, California, arising by reason of rentals which are due and unpaid for the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; 60 Stat. 50; Pub. Law 322, 79th Cong.; Pub. Law 671, 50 U. S. C. App. 1, 50 U. S. C. App. Sup. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 18, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-48; Filed, Jan. 2, 1947; 8:53 a. m.]

[Vesting Order 7921]

MASATSU TANIGUCHI

In re: Real property and claim owned by Masatsu Taniguchi.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masatsu Taniguchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property situated in the County of Sacramento, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. That certain debt, or obligation, owing to Masatsu Taniguchi by Alex Uffelman, Box 84, Florin, California, arising by reason of rentals which are due and unpaid for the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries.

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; 60 Stat. 50; Pub. Law 322, 79th Cong.; Pub. Law 671; 50 U. S. C. App. 1, 50 U. S. C. App. Sup. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 18, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

All that certain real property situate in the County of Sacramento, State of California, described as:

All that portion of the Southwest ¼ of Section 36, Township 8 North, Range 5 East, M. D. B. & M., described as follows:

Beginning at a point on the Section line common to Sections 35 and 36, said township and range, distant North 0° 06' West 1056.00 feet from the Southwest corner of said Section 36, said township and range thence from said point of beginning, South 89° 56' East 1650.00 fee to a stake; thence North 0° 06' West 528.00 feet to a stake; thence North 89° 56' West 1650.00 feet to a stake on the West line of said Section 36, which said stake bears South 0° 06' East 1056.00 feet from the quarter corner on the West line of said Section 36; thence South 0° 06' East along the West line of said Section 36, a distance of 528 feet to the point of beginning.

[F. R. Doc. 47-47; Filed, Jan. 2, 1947; 8:53 a. m.]

[Vesting Order 6575, Amdt.]

GERTRUDE SPIEGEL SPENNER

In re: Stock and bonds owned by, and debts owing to, Gertrude Spiegel Spenner, File No. 28-12282.

Vesting Order Number 6575, dated June 14, 1946, is hereby amended as follows and not otherwise:

a. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the certificate number 1165, set forth with respect to common stock of the Bell Mining Co., and substituting therefor the certificate number 316, and

b. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the certificate number 316, set forth with respect to common stock of the Benton Mining Co., and substituting therefor the certificate number 1165;

All other provisions of said Vesting Order Number 6575 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 19, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-57; Filed, Jan. 3, 1947; 8:49 a. m.]

[Vesting Order 7933]

DEUTSCHE BANK

In re: Bank account owned by Deutsche Bank.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bank, the last known address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Deutsche Bank, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a dollar checking account, entitled Deutsche Bank, Berlin, Germany, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Deutsche Bank, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a dollar checking account, entitled Deutsche Bank, Berlin, Germany, Special Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 24, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-58; Filed, Jan. 3, 1947; 8:49 a. m.]

ELIZABETH P. KING

ORDER TO RETURN VESTED PROPERTY

The Office of Alien Property, having considered the claim set forth below and having filed with the Division of the Federal Register findings of fact and conclusions of law with respect to such claim, which findings and conclusions are herein incorporated by reference;

It is ordered, That the property set forth below be returned as follows:

Return order No.	Person to whom property is to be returned	Claim No.	Vesting Order No.	Notice of intention to return published	Property to be returned
2	Elizabeth P. King, Baltimore, Md.	4268	1971 (8 F. R. 11313).	11 F. R. 13446 (Nov. 13, 1946).	$9,058.12 and one-fourth undivided interest as tenant in common in warehouse property, Southwest corner Frederick and Water Streets, Baltimore City, Md.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., December 27, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-90; Filed, Jan. 3, 1947; 8:48 a. m.]

INTER-ALLIED PATENT CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Inter-Allied Patent Corp., New York, N. Y.	A-268	201 (8 F. R. 625)...	U. S. Letters Patent No. 2,063,687.	Washington, D. C.

Executed at Washington, D. C., on December 31, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-89; Filed, Jan. 3, 1947; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5449]

METAL LATH MANUFACTURERS ASSN. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of December A. D. 1946.

In the matter of Metal Lath Manufacturers Association, Alabama Metal Lath Company, Inc., The Bostwick Steel Lath Company, Ceco Steel Products Corporation, Goldsmith Metal Lath Company, Milcor Steel Company, National Gypsum Company, Penn Metal Company, Inc., Truscon Steel Company, United States Gypsum Company, Wheeling Corrugating Company, members of the Metal Lath Manufacturers Association; A. J. Tuscany and Joseph A. Sampson, individuals.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Everett F. Haycraft, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, January 29, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Hearing Room Number 332, Federal Trade Commission Building, Sixth and Pennsylvania Avenue, NW., Washington, D. C.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] A. N. ROSS, *Acting Secretary.*

[F. R. Doc. 47-56; Filed, Jan. 3, 1947; 8:48 a. m.]

FEDERAL SECURITY AGENCY

Social Security Administration

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO SECRETARY OF TREASURY

Pursuant to section 1603 (a) of the Internal Revenue Code as amended, the Social Security Board has heretofore approved the unemployment compensation laws of the following States:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

In accordance with the provisions of section 1603 (c) of the Internal Revenue

Code, the President's Reorganization Plan No. 2 effective July 16, 1946, and the authority delegated to the Commissioner for Social Security by the Federal Security Administrator, I, as Commissioner for Social Security, hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1946.

Dated: December 31, 1946.

[SEAL] ARTHUR J. ALTMEYER, *Commissioner for Social Security.*

Approved:

MAURICE COLLINS, *Acting Administrator.*

[F. R. Doc. 47-91; Filed, Jan. 3, 1947; 8:52 a. m.]

CERTIFICATION OF STATE LAWS TO SECRETARY OF TREASURY

Whereas, as Commissioner for Social Security, I have heretofore certified to the Secretary of the Treasury the unemployment compensation laws of the States hereinafter enumerated with respect to the taxable year 1946, as provided in section 1603 of the Internal Revenue Code, as amended; and

Whereas, I hereby find that reduced rates of contributions were allowable under the laws of each of said States with respect to the taxable year 1946 only in accordance with the provisions of subsection (a) of section 1602 of said Code:

Now therefore, pursuant to section 1602 (b) (1) of said Code, the President's Reorganization Plan No. 2 effective July 16, 1946, and the authority delegated to the Commissioner for Social Security by the Federal Security Administrator, I, as Commissioner for Social Security, hereby certify to the Secretary of the Treasury the Unemployment Compensation Law of each of the following States for the taxable year 1946:

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Dated: December 31, 1946.

[SEAL] ARTHUR J. ALTMEYER, *Commissioner for Social Security.*

Approved:

MAURICE COLLINS, *Acting Administrator.*

[F. R. Doc. 47-92; Filed, Jan. 3, 1947; 8:52 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-468]

CAMP GANEDEN, INC.

CONSENT ORDER

Camp Ganeden, Inc., is a New York Corporation and operates a summer camp known as Camp Ganeden located at Cold Spring, New York. Camp Ganeden is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about October 7, 1946, they began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, in commercial buildings located at Undercliff Park, Cold Spring, New York; (2) on and after October 7, 1946 they carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, in commercial buildings located at Undercliff Park, Cold Spring, New York.

Camp Ganeden, Inc., admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Camp Ganeden, Inc., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Camp Ganeden, Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at Undercliff Park, Cold Spring, New York, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Camp Ganeden, Inc., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Camp Ganeden, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-159; Filed, Jan. 3, 1947; 11:27 a. m.]

Reference

JAN 8 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 4

Washington, Tuesday, January 7, 1947

TITLE 7—AGRICULTURE

Chapter IV—Production and Marketing Administration (Crop Insurance)

[Amdt. 1]

PART 417—TOBACCO CROP INSURANCE

SUBPART—1947

Section 417.109 of the 1947 Tobacco Crop Insurance Regulations (11 F. R. 13570) is hereby amended to read:

§ 417.109 *Causes of loss insured against.* The insurance contract shall cover loss of tobacco due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, pole burn, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. All of the above-mentioned causes of loss will be insured against throughout the insurance period in all counties in which tobacco crop insurance is offered notwithstanding any provision to the contrary with respect to particular counties contained in the "application for Tobacco Crop Insurance for 1947." (Secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73, as amended; 7 U. S. C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on December 18, 1946.

[SEAL] E. D. BERKAW,
Secretary, Federal Crop Insurance Corporation.

Approved: December 31, 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-116; Filed, Jan. 6, 1947; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, hereinafter referred to as the "order," it is hereby found and determined that the following provision of such order does not tend to effectuate the declared policy of the act: the words "the last ten market days of" contained in the first proviso of subparagraph (a) (1) of § 961.4.

It is hereby further found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) in connection with the issuance hereof is impracticable, unnecessary, and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; and (2) the issuance of this suspension order effective January 1, 1947, is necessary to the effectuation of the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

It is therefore ordered, That the following provision of the order be and it hereby is suspended effective 12:01 a. m., e. s. t., January 1, 1947: the words "the last ten market days of" contained in the first proviso of subparagraph (a) (1) of § 961.4.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 31st day of December 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-117; Filed, Jan. 6, 1947; 8:47 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

SAND ISLAND, HAWAII

CROSS REFERENCE: For transfer from the War Department to the Treasury

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

PRESERVATION OF RECORDS

The following interpretation under this part (11 F. R. 13949) relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on December 23, 1946:

§ 222.108 *Preservation of records.* Advice has been requested of the Board of Governors regarding the preservation of records under § 222.8 (a). Specifically, it was asked whether the "Statement of the Borrower" required under § 222.4 (d) need be preserved after a credit has been revised in accordance with the Part.

Briefly, § 222.8 (a) requires a registrant to preserve relevant documents for the "life of the obligation to which they relate". This, of course, includes the "Statement of the Borrower".

The Board's view is that "the obligation", as that term is used in § 222.8 (a), means the original obligation with respect to which the statement was procured, and, therefore, does not require the preservation of the statement executed in connection with any such original obligation after a new obligation has arisen by virtue of a revision of the old credit.

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966; sec. 2, 48 Stat 1; sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a) and Supp.; 50 U. S. C. App. 616, 617; E. O. 8843, Aug. 9, 1941; 3 CFR Cum. Supp.)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 47-109; Filed, Jan. 6, 1947; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

PART 651—PROCEDURE OF THE CIVIL AERONAUTICS ADMINISTRATION

MEDICAL CERTIFICATES

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended (52 Stat. 986–1008; 49 U. S. C. 458, 552), and in accordance with the Administrative Procedure Act (Public Law 404, 79th Congress, 2d session), I hereby amend Part 651 (11 F. R. 177A-322) of the procedure of the Civil Aeronautics Administration as follows:

1. By amending § 651.33 (c) to read as follows:

§ 651.33 *Medical certificates.* • • •

(c) *Third class.* A third class medical certificate includes students and private pilots and free balloon pilots. This examination is conducted by a designated medical examiner or a competent licensed physician. If the examination is performed by a non-designated physician, the report of the examination is made on Form ACA 1345 and forwarded to the regional medical officer of the regional office having jurisdiction over the area in which such physician resides.

(52 Stat. 986–1008; 49 U. S. C. 458, 552)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

DECEMBER 31, 1946.

[F. R. Doc. 47-130; Filed, Jan. 6, 1947; 8:50 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 5—PAYMENTS TO PARTICIPANTS IN THE TRAINING PROGRAM OF THE UNITED STATES COAST AND GEODETIC SURVEY UNDER THE PHILIPPINE REHABILITATION ACT OF 1946

Sec.
5.1 Statement of program.
5.2 Purpose and scope of program.
5.3 Applicability of existing regulations.
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5.5 Compensation.
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5.7 Maintenance allowances to Philippine-trainees.
5.8 Survey vessel and ship employees.
5.9 Additional authorization.
5.10 Insurance or medical services.
Sec.
5.11 Clothing.
5.12 General conditions of employment.

AUTHORITY: §§ 5.1 to 5.12, inclusive, issued under R. S. 161, secs. 301, 310, 311, Pub. Law 370, 79th Cong.; Pub. Law 521, 79th Cong.

§ 5.1 *Statement of program.* The Coast and Geodetic Survey is authorized to continue survey work in the Philippines, and to detail qualified personnel of the Bureau to instruct and train not exceeding twenty citizens of the Republic of the Philippines each year prior to July 1, 1950. These citizens shall be designated by the President of the Republic of the Philippines in accordance with standards established by the Director of the Coast and Geodetic Survey.

§ 5.2 *Purpose and scope of program.* The objectives of the Coast and Geodetic Survey are (a) to provide trained personnel of the Bureau to conduct and supervise surveying, mapping, and charting operations in the Philippine Islands and (b) to train citizens of the Republic of the Philippines in the efficient conduct of Coast and Geodetic Survey activities,

§ 5.3 *Applicability of existing regulations.* The provisions of the Code of Federal Regulations of the United States of America, Title 15, Commerce Subtitle A—Office of the Secretary of Commerce,

Part 4 (15 CFR 1944 Supp. 1691), and Department of State regulations (22 CFR 1944 Supp. 28.1–28.12; as amended, 11 F. R. 6904), are hereby made effective to govern payments to and in behalf of persons employed and receiving instruction or training in accordance with the provisions of the Philippine Rehabilitation Act of 1946, insofar as said regulations may be found applicable.

§ 5.4 *Type of appointment.* Persons selected for employment and training under this program shall be given excepted appointments in the Coast and Geodetic Survey. These appointments shall be limited to July 1, 1950. The title of the position shall be, "Philippine-trainee."

§ 5.5 *Compensation.* The Director of the Coast and Geodetic Survey shall determine the amount of salary or compensation to be paid Philippine-trainees under this program, and such salary or compensation may vary with the location of the assignment or other working conditions.

§ 5.6 *Travel grants to Philippine-trainees.* Each applicant selected for training in the United States will also receive first-class round trip transportation to the United States and return and the following allowances:

(a) A per diem of not more than $3.50 during the boat travel, or not more than $7.00 per diem during land or air travel, to or from the United States.

(b) Transportation in the United States performed in connection with their assignments and training.

§ 5.7 *Maintenance allowances to Philippine-trainees.* Each Philippine-trainee shall receive a maintenance allowance of not more than $6.00 per day for quarters and subsistence during office or field assignments in the United States, not more than $4.00 per day for subsistence during assignments on board Coast and Geodetic Survey vessels operating in United States waters, and $1.00 per day subsistence allowance while on assignment in the Republic of the Philippines.

§ 5.8 *Survey vessel and ship employees.* The U. S. Coast and Geodetic Survey shall assume all financial responsibility for the manning, operating, and repair of one survey vessel. This survey vessel will be provided by the Republic of the Philippines. The rates of pay and allowable rations for members of the crew of Chief Engineer shall be fixed by the Director, subject to the approval of the Secretary of Commerce.

§ 5.9 *Additional authorization.* Any emergency, unusual or additional payment deemed necessary under the program, if allowable under any existing authority may be authorized whether or not specifically provided for by these regulations.

§ 5.10 *Insurance or medical services.* Insurance or medical services (except those provided on U. S. Government vessels) must be at the expense of the individual.

§ 5.11 *Clothing.* All clothing required by the trainee must be obtained at his expense.

§ 5.12 *General conditions of employment.* Philippine-trainees are exempt from the following appointment requirements: Age, citizenship, veterans' preference, physical condition, fingerprinting, civil service examination, and oath of office. Philippine-trainees are likewise not subject to the provisions of the Retirement Act. Philippine-trainees are, however, subject to the usual leave of absence provisions applicable to Department of Commerce temporary employees (see Administrative Order 202–17), the usual rights under the United States Employees' Compensation Act (see Administrative Order 202–19), and to such other policies and procedures applicable generally to the conditions of temporary employment in the Department of Commerce and which are not inconsistent with the basic purposes of the training program.

Dated: December 6, 1946.

[SEAL] L. O. COLBERT,
Director,
U. S. Coast and Geodetic Survey.

Approved: December 9, 1946.

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

Approved: December 30, 1946.

JAMES F. BYRNES,
Secretary of State.

[F. R. Doc. 47-128; Filed, Jan. 6, 1947; 8:58 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTIONS

RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

Correction

In Federal Register Document 47-88, appearing at page 59 of the issue for Saturday, January 4, 1947, the introductory paragraph of § 12.310 (carried under amendatory paragraph 2) should read as follows:

§ 12.310 *Notice to employees.* An employee in group A–1 or A–2 with competitive status affected by a reduction in force shall be given an individual notice in writing one year before the action becomes effective. His one-year notice period shall be composed of, whenever possible, at least 30 days in an active duty status; a non-duty status with pay for the duration of his leave, if any; and the balance of the year in a furlough or leave without pay status. Exceptions to this rule are authorized when the employee requests separation in lieu of furlough, or when the agency as a whole is liquidating, in which case the notice period shall terminate as of the day the agency is finally liquidated.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

IMPORTING AND EXPORTING OF GOODS, WARES AND MERCHANDISE

JANUARY 1, 1947.

Amendment to General License No. 53 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Paragraph (d) (1) of § 131.53 (paragraph (4) (a) of General License No. 53) is hereby amended to read as follows:

§ 131.53 *General License No. 53.* • • •

(d) As used in this general license: (1) The term "generally licensed trade area" shall include all foreign countries except the following:

(i) Germany and Japan;

(ii) Bulgaria, Hungary, Roumania, and Italy;

(iii) Sweden, Switzerland, Spain, Portugal, Liechtenstein, and Tangier;

(iv) France (including Monaco), Belgium, Norway, Finland, the Netherlands, Czechoslovakia, Luxembourg, Denmark, Greece, Poland, Estonia, Latvia, Lithuania, Austria, and Yugoslavia, but not including any colony or other non-European territory subject to the jurisdiction of any such country except French West Africa, Algeria, Tunisia, and French Morocco.

(Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839; 12 U. S. C. 95a; 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941; E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, February 19, 1946, June 28, 1946, and January 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-100; Filed, Jan. 6, 1947; 8:56 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PROPERTY CERTIFIED BY GOVERNMENTS OF SPECIFIED COUNTRIES

DECEMBER 27, 1946.

Amendment to General License No. 95 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Paragraph (d) (1) of § 131.95 (Paragraph (4) (a) of General License No. 95) is hereby amended to read as follows:

§ 131.95 *Property certified by governments of specified countries.* • • •

(d) *Definitions.* • • •

(1) The term "country specified herein" means the following:

(i) France, effective October 5, 1945;

(ii) Belgium, effective November 20, 1945;

(iii) Norway, effective December 29, 1945;

(iv) Finland, effective December 29, 1945;

(v) The Netherlands, effective February 13, 1946;

(vi) Czechoslovakia, effective April 26, 1946;

(vii) Luxembourg, effective April 26, 1946;

(viii) Denmark, effective June 14, 1946;

(ix) Greece, effective October 15, 1946;

(x) Switzerland, effective November 30, 1946;

(xi) Liechtenstein, effective November 30, 1946;

(xii) Poland, effective January 7, 1947; and each country specified herein shall be deemed to include any colony or other territory subject to its jurisdiction.

(Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839; 12 U. S. C. 95a; 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941; E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, February 19, 1946, June 28, 1946, and January 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-101; Filed, Jan. 6, 1947; 8:57 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REVOCATION OF CERTAIN GENERAL LICENSES

JANUARY 1, 1947.

Revocation of General Licenses Nos. 15, 20, 56, 58, 59, 60, 61, 73, 75, and 96, under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Sections 131.15, 131.20, 131.56, 131.58, 131.59, 131.60, 131.61, 131.73, 131.75, and 131.96 (General Licenses Nos. 15, 20, 56, 58, 59, 60, 61, 73, 75, and 96) are hereby revoked.

(Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839; 12 U. S. C. 95a; 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941; E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, February 19, 1946, and June 28, 1946; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-102; Filed, Jan. 6, 1947; 8:58 a. m.]

APPENDIX B TO PART 131—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REVOCATION OF CERTAIN PUBLIC CIRCULARS

JANUARY 1, 1947.

Revocation of Public Circulars Nos. 7, 17 and 27 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Part 131, Appendix B, Public Circular No. 7 issued November 12, 1941, Public Circular No. 17 issued March 13, 1942, and Public Circular No. 27 issued April 10, 1945, are hereby revoked.

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839; 50 U. S. C. App. 3 (a); 12 U. S. C. 95a; 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941; E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, February 19, 1946, and June 28, 1946; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-103; Filed, Jan. 6, 1947; 8:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of Temporary Controls, Office of the Administrator

[OTC Reg. 3]

PART 3—DELEGATION OF AUTHORITY

ADOPTION, RATIFICATION, CONFIRMATION AND VALIDATION OF OWMR AND OES ACTIONS

§ 3.201 *Adoption, ratification, confirmation and validation of OWMR and OES actions.* All rules, regulations, orders directives, directions, certificates, delegations of authority, including the continuing authority to issue orders and to take other action thereunder, organizational documents, procedural documents, and any other actions which were issued or taken by, or under the authority of the Director of War Mobilization and Reconversion and of the Economic Stabilization Director, or by any other authorized official of the Office of War Mobilization and Reconversion and the Office of Economic Stabilization, and which were in effect on December 12, 1946 are, in accordance with Executive Order 9809, hereby adopted, ratified and confirmed, and shall remain in full force and effect until they expire by their terms or are revoked or amended. (E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued this 31st day of December 1946.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-119; Filed, Jan. 6, 1947; 8:48 a. m.]

Chapter VI—Selective Service System

[Amdt. 414]

PART 632—INDUCTION CALLS

REGISTRANTS OUTSIDE OF UNITED STATES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 632.4–2 to read as follows:

§ 632.4–2 *Registrants outside of the United States when ordered to report for induction.* Men ages 19 through 29 and men who have volunteered for induction and who are of an age currently acceptable to the armed forces as volunteers if outside of the United States at the time they are ordered to report for induction, shall, under special procedures prescribed by the Director of Selective Service, be ordered to report at their own expense for induction in the United States, or, in lieu of so reporting for induction, shall be permitted, upon receipt of the order to report for induction, to enlist immediately in the armed forces of the United States outside the United States in any country the government of which does not prohibit such enlistment.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

(54 Stat. 885, 55 Stat. 627, 844, 56 Stat. 1018, 59 Stat. 166; 50 U. S. C. App. Sup. 302 et seq.)

LEWIS B. HERSHEY,
Director.

DECEMBER 30, 1946.

[F. R. Doc. 47-135; Filed, Jan. 6, 1947; 8:49 a. m.]

[Amdt. 415]

PART 633—DELIVERY AND INDUCTION

REGISTRANTS INDUCTED BECAUSE OF REQUEST FOR IMMEDIATE INDUCTION OR ENLISTING OUTSIDE UNITED STATES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 633.24 to read as follows:

§ 633.24 *Registrants inducted because of request for immediate induction or enlisting outside United States to be listed on Delivery List (DSS Form 151).* When the local board receives a Delivery List (DSS Form 151) from the induction station showing that a registrant who has signed a Request for Immediate Induction (DSS Form 219) has been inducted into the armed forces without a call, or when the local board receives a Delivery List (DSS Form 151) or other information showing that a registrant has enlisted in the armed forces outside the United States, it shall (a) list such registrant on the Delivery List (DSS Form 151) for the next group selected to report for induction to fill a call and opposite the name of each such registrant under "Remarks" in column 3 enter the fact that such registrant has been inducted at the induction station or has enlisted outside the United States, the date of such induction or enlistment, and, if the registrant was inducted, the fact that such induction resulted from the registrant's signing a Request for Immediate Induction (DSS Form 219), and (b) count such registrant toward filling such induction call.

The foregoing amendment to the Selective Service Regulations shall be effective within the Continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register. (54 Stat. 885, 55 Stat. 627, 844, 56 Stat. 1018, 59 Stat. 166; 50 U. S. C. App. Sup. 302 et seq.)

LEWIS B. HERSHEY,
Director.

DECEMBER 30, 1946.

[F. R. Doc. 47-136; Filed, Jan. 6, 1947; 8:49 a. m.]

PART 671—LOCAL BOARD MEMORANDUM

CLASSIFICATION, PHYSICAL EXAMINATION, AND INDUCTION OF U. S. CITIZENS WHO ARE OUTSIDE THE UNITED STATES

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 671.189 *Classification, physical examination, and induction of United States citizens who are outside the United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands of the United States*—(a) *General*—(1) *Scope of section.* This section is concerned with the classification, physical examination, and induction of United States citizens who are outside the United States,[1] and with the special procedures relating thereto.

(2) *Place of registration immaterial.* Certain citizens who are outside the United States are registered in the United States and certain others are required to register in foreign countries in accordance with the President's Proclamation of October 26, 1943. For the purposes of this section, it is immaterial where the citizen is registered. If he registered outside the United States, the registration was accomplished by an American diplomatic or consular representative, by a representative of The Panama Canal, or by any other person regularly appointed as a registrar by completing the Registration Card (DSS Form 1-F). The completed DSS Form 1-F is transmitted to the National Headquarters of Selective Service and from there distributed to the appropriate local board. (See § 618.11, Selective Service Regulations.)

(3) *Assignment of serial and order numbers to citizens registered outside the United States.* For citizens registered outside the United States, the local board shall prepare Registration Cards (DSS Form 1) and Registration Certificates (DSS Form 2-F), assign serial and order numbers in the manner prescribed for late registrants (see Part 615, Selective Service Regulations), and file the Registration Cards.

(4) *Duty to obey orders of local board.* A citizen is not relieved of his liability for training and service, or of the duty to obey the orders of his local board by reason of his being outside the United States. Any registrant coming within the purview of this memorandum shall be deemed a delinquent, and so reported in the prescribed manner, in the event of his failure to comply with the orders necessary to his processing. Delinquents shall be processed under Part 642 of this chapter.

(5) *Certain forms not required.* Forms not specifically enumerated in this memorandum shall not be forwarded when processing registrants who are outside the United States for classification, physical examination, or induction.

(b) *Classification*—(1) *Classification procedure.* Except as otherwise provided herein, the procedure for the classification of a citizen who is outside the United States shall be the same as for any other registrant.

(2) *Preparation of DSS Forms 40 and 40-F.* Unless a completed DSS Form 40 has already been filed, the local board shall:

(i) For citizens who registered in the United States, type on page 1 of a DSS Form 40 the registrant's present mailing address outside the United States, complete page 1, and insert the Additional Instructions to Registrants Outside the United States (DSS Form 40-F).

(ii) For citizens who registered outside the United States, type on page 1 of DSS Form 40 the registrant's present mailing address outside the United States and the address of the American embassy, legation, consulate, or office of The Panama Canal at which he registered. Complete page 1 of DSS Form 40 and insert DSS Form 40-F.

(3) *Time for returning DSS Forms 40 and 40-F.* The local board shall extend the usual 10-day limit for returning the DSS Forms 40 and 40-F to not less than 60 days for a registrant who is in Canada, Cuba, Mexico, or The Panama Canal Zone, and to not less than 90 days for a registrant who is in any other place outside the United States.

(4) *Mailing of DSS Forms 2-F, 40, and 40-F.* The DSS Forms 2-F, 40, and 40-F, completed as required herein, shall be transmitted to the registrant in the following manner:

(i) Mail the DSS Forms 2-F, 40, and 40-F directly to a registrant in Canada, Cuba, Mexico, or The Panama Canal Zone.

(ii) Mail the DSS Forms 2-F, 40, and 40-F pertaining to a registrant who is outside the United States in a country other than Canada, Cuba, Mexico, and The Panama Canal Zone to the State Director of Selective Service for review and transmittal to the Director of Selective Service, Washington, D. C., for transmission to the registrant.

(5) *Classification.* Upon receipt of the completed DSS Forms 40 and 40-F the local board shall classify the registrant, prepare a Notice of Classification (DSS Form 57) and transmit the latter form to the registrant in the manner indicated in sub-paragraph (4) of this paragraph. It shall also prepare and mail Classification Advice (DSS Form 59) in the usual manner. A notation of the period of time within which an appeal may be taken shall be made on the DSS Forms 57 and 59.

(6) *Appeal to board of appeal or to the President.* For registrants in Canada, Cuba, Mexico, or The Panama Canal Zone, an appeal may be taken within 30 days after the date the local board mails to the registrant a Notice of Classification (DSS Form 57), and for registrants in other places outside the United States, within 60 days after the date the local board transmits to the registrant in the manner outlined herein in sub-paragraph (4) of this paragraph. A Notice of Classification (DSS Form 57), If an appeal is taken to the board of appeal, the local board shall immediately transmit the file on appeal in the manner provided in § 627.13 of this chapter whether or not the registrant has been ordered to report for or has submitted to a physical examination. Notice of Classification (DSS Form 57), after appeal, shall be mailed or transmitted to the registrant in the manner indicated in sub-paragraph (4) of this paragraph, and Classification Advice (DSS Form 59) shall be mailed to any person, other than the registrant, concerned.

(c) *Physical examination*—(1) *Physical examination of citizens outside the United States.* As soon as the local board classifies into Class I-A, Class I-A-O, or Class IV-E a citizen within an age group acceptable to the armed forces, who is outside the United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands of the United States the local board shall order him to submit to a physical examination as provided in this paragraph unless (i) he has been given a preinduction physical examination under Part 629 of this chapter, or (ii) the local board has received a report of his physical examination, otherwise given, and regardless of the date of such physical examination.

(2) *Procedure for physical examination.* To accomplish such physical examination the local board shall proceed as follows:

(i) Properly prepare Part I of Order to Report—Preinduction Physical Examination—Special (DSS Form 215-F) in triplicate. Part II thereof will be completed by the American diplomatic or consular officer concerned, or by a representative of The Panama Canal. File one copy of DSS Form 215-F in the registrant's cover sheet.

(ii) Prepare the original and copy of Report of Physical Examination and Induction (DSS Form 221) complete as to section 1 and item 20 of section 2.

(iii) Mail original and one copy of DSS Form 215-F and the original and copy of DSS Form 221 to the State Director of Selective Service for review and transmittal to the Director of Selective Service, Washington, D. C., for all registrants concerned outside the United States, including such registrants in Canada, Cuba, Mexico, and The Panama Canal Zone. The Director will arrange for the physical examination of such citizens through appropriate governmental agencies.

(3) *Procedure for physical examination if citizen reports to local board.* If in response to an Order to Report—Preinduction Physical Examination—Special (DSS Form 215-F) a citizen outside the United States reports to his local board he shall be forwarded to the induction station for preinduction physical examination under Part 629 of this chapter.

(4) *Procedure after physical examination.* Following such physical examination the local board will receive the completed original and the copy of DSS Form 221 from the induction station, or, if the physical examination was given outside the United States, the local board will receive the completed original and the copy of DSS Form 221, or such other report of physical examination as is deemed appropriate in lieu of DSS Form 221, with a notation of National Headquarters thereon concerning the result of such physical examination.

(i) If the DSS Form 221 received from the induction station, or the notation on the form received from National Headquarters indicates that the registrant does not meet the current physical and mental requirements of the Army or of the Navy for service therewith his classification shall be reopened and he shall be placed in the first class listed in § 623.21 of this chapter for which he is eligible. The local board shall then prepare a Notice of Classification (DSS Form 57) and transmit it to the registrant in the usual manner indicated in subparagraph (4) of paragraph (b) of this section. The local board shall also prepare and mail Classification Advice (DSS Form 59) and complete and distribute the original and the copy of DSS Form 221 in the usual manner.

(ii) If the DSS Form 221 received from the induction station shows the registrant to be qualified for general military service, or the notation on the form received from National Headquarters indicates that the registrant apparently does meet the current physical and mental requirements of the Army or of the Navy for service therewith the local board shall proceed in the manner prescribed in paragraph (d) of this section.

(5) *Induction regardless of date of physical examination outside United States.* In any case of a registrant who has been physically examined outside the United States through arrangements made by the Director through appropriate government agencies and who thereby apparently meets the current physical and mental requirements of the Army or of the Navy for service therewith, as is indicated by the notation of National Headquarters on the DSS Form 221, or on such other report of physical examination as is deemed appropriate in lieu of DSS Form 221, the local board shall proceed to order him for induction in the manner provided in this memorandum regardless of the date of such physical examination.

(d) *Induction*—(1) *Induction of citizens outside the United States.* (i) A citizen outside the United States finally classified in Class I-A, or Class I-A-O, who has been found qualified for general military service under Part 629 of this chapter or who, as the result of a physical examination arranged for by the Director through appropriate government agencies apparently meets the current physical and mental requirements of the Army or of the Navy for service therewith, as indicated by the notation of National Headquarters on the report of such physical examination, shall be ordered to report at his own expense for induction in the United States or its possessions where inductions are being accomplished in accordance with his sequence of volunteering, if a volunteer, or at such time as his order number is reached in the group of nonvolunteers to which the registrant properly belongs in the process of filling a call for the Army or for the Navy. (If such citizen is a delinquent he shall be ordered to report for induction without a physical examination and without reference to the sequence of his order number.)

(ii) The local board shall prepare the Order to Report for Induction—Special (DSS Form 150-F) pertaining to such citizen in original and two copies, signed by a member or clerk of the local board. The original and first copy of the form shall be mailed to the State Director of Selective Service for review and transmittal to the Director of Selective Service, Washington, D. C. The second copy shall be placed and retained in the registrant's Cover Sheet (DSS Form 53).

(iii) The Director, upon receipt of the above form, will transmit the original to the registrant for compliance with instructions contained therein.

(2) *Induction of citizens who return to the United States.* (i) When a registrant returns to the United States in compliance with an Order to Report for Induction—Special (DSS Form 150-F) he shall proceed directly and without delay to his local board unless he elects to transfer for induction, upon reaching the United States, as provided in § 633.11 of this chapter.

(ii) If a registrant returns to the United States not in compliance with an Order to Report for Induction—Special (DSS Form 150-F), but following a physical examination arranged for by the Director through appropriate government agencies by which he was apparently found to meet the current physical and mental requirements of the Army or of the Navy for service therewith, the local board shall process him for induction in the same manner as any other registrant residing in the United States, except that it shall not be necessary to forward him for a preinduction physical examination, regardless of the date of his physical examination. When such registrant is forwarded for induction the DSS Form 151 shall contain a notation under "Remarks" opposite his name that a physical examination has already been accomplished.

(3) *Failure to report for induction.* If the registrant fails to comply with the Order to Report for Induction—Special (DSS Form 150-F), he is delinquent and should be processed under the provisions of Part 642 of this chapter.

(4) *Citizens outside the United States permitted to enlist.* A citizen outside the United States will be permitted, in lieu of reporting at his own expense to his local board or to a local board of transfer, to enlist immediately in the United States Armed Forces outside the United States in any country the government of which does not prohibit such enlistment.

(e) *Volunteers; registrants outside the United States who volunteer for induction and request immediate induction.* Registrants who are outside the United States and who sign an Application for Voluntary Induction (DSS Form 165) and a Request for Immediate Induction (DSS Form 219) shall be processed in the manner prescribed in this section for other registrants outside the United States.

(f) *Work of national importance; assignment of Class IV-E registrants.* A citizen outside the United States, finally classified in Class IV-E, who as a result of a preinduction physical examination under Part 629 of this chapter has been found qualified for service with the armed forces, or who as a result of a physical examination outside the United States apparently meets the current physical and mental requirements of the Army or of the Navy for service therewith, shall be assigned to work of national importance under Part 652 of this chapter.

(54 Stat. 885, 55 Stat. 627, 844, 56 Stat. 1018, 59 Stat. 166; 50 U. S. C. App. Sup. 302, et seq.)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-134; Filed, Jan. 6, 1947; 8:45 a. m.]

[1] Wherever in this memorandum the phrase "the United States" appears it means the continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands of the United States. Whether a citizen is outside the United States shall be determined by the citizen's mailing address as shown by the latest information in his Cover Sheet.

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1066]

M. J. DONTAS

M. J. Dontas, 551 Highland Avenue, Warren, Ohio, at some time during July or August 1946, without authorization from the Civilian Production Administration resumed and carried on until October 17, 1946 the construction of a warehouse and storage building located at 1809 Elm Road Extension, Warren, Ohio. M. J. Dontas had originally begun this construction by laying footings for the foundation of said structure during October 1945, whereupon construction had been suspended and no further construction had been done until it was resumed as above stated. The estimated cost of said construction is $8,000. The resuming and carrying on of construction as aforesaid constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1066 *Suspension Order No. S–1066.* (a) Neither M. J. Dontas, his successors or assigns, nor any other person shall do any further construction on the premises located at 1809 Elm Road Extension, Warren, Ohio, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) M. J. Dontas shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve M. J. Dontas, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 6th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–186; Filed, Jan. 6, 1947; 11:12 a. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

PART 4003—SUBSIDIES; SUPPORT PRICES

LIVESTOCK SLAUGHTER PAYMENTS

CROSS REFERENCE: For amendments affecting § 4003.51, covering the livestock slaughter program, see Part 4004 of this chapter, *infra.*

[Directive 41,[1] Amdt. 9]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

LIVESTOCK SLAUGHTER PAYMENTS

Section 4004.1 *Livestock slaughter payments* (Directive 41) is amended in the following respects:

1. The last sentence of paragraph (a) of section 7 is amended to read as follows: "No subsidy withheld under this section 7 (a) for refusal or failure to furnish information requested or required by the Office of Price Administration shall be released unless the requested or required information is provided on or before February 28, 1947."

2. The last sentence of subparagraph (5) of section 7 (b) is amended to read as follows: "Applications for release of subsidy made pursuant to this section 7 (b) (5) must be made on or before February 28, 1947."

3. The last sentence of subparagraph (6) of section 7 (c) is amended to read as follows: "Applications for release of subsidy made pursuant to this section 7 (c) (6) must be made on or before February 28, 1947."

4. The last sentence of paragraph (b) of section 12 is amended to read as follows: "Applications for release of subsidy made pursuant to this section 12 (b) must be made on or before February 28, 1947."

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; Pub. Law 548, 79th Cong.; 15 U. S. C. Sup. 713a–8; 713a–8 note, 50 U. S. C. App. Sup. 901–903, 921–925, 961–971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871; E. O. 9328, Apr. 8, 1943, 8 F. R. 4681; E. O. 9599, Aug. 18, 1945, 10 F. R. 10155; E. O. 9651, Oct. 30, 1945, 10 F. R. 13487; E. O. 9697, Feb. 14, 1946, 11 F. R. 1691; E. O. 9699, Feb. 21, 1946, 11 F. R. 1929; E. O. 9762, July 25, 1946, 11 F. R. 8073; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 31st day of December 1946.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47–120; Filed, Jan. 6, 1947; 8:45 a. m.]

[1] 10 F. R. 4494, 10031; 11 F. R. 1215, 3102, 4040, 7042, 12363, 13750.

Chapter XXIII—War Assets Administration

[Reg. 1, Amdt. 3]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

War Assets Administration Regulation 1, July 19, 1946, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located within the Continental United States, Its Territories and Possessions", as amended through November 26, 1946 (11 F. R. 7970, 10221, 13969), is hereby further amended by deleting from § 8301.4 the word "American" in the last clause of the first sentence thereof; also, by deleting the next to the last sentence of said section which reads: "The term 'other American governments' refers to and includes all American governments within the Western Hemisphere except the United States, its territories and possessions."

(Surplus Property Act of 1944, as amended; 58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611; Pub. Law 181, 79th Cong.; 59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b; and E. O. 9689, 11 F. R. 1265)

This amendment shall become effective January 2, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

DECEMBER 31, 1946.

[F. R. Doc. 47–183; Filed, Jan. 6, 1947; 11:06 a. m.]

[Regulation 1,[1] Amdt. 1 to Order 1]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

ASSIGNMENT OF SURPLUS PROPERTY

War Assets Administration Regulation 1, Order 1, July 19, 1946, entitled "Assignment of Surplus Property" (11 F. R. 7973), is amended in the following respects:

1. The assignment of items to War Assets Administration under Major Group 05–7 is amended to read as follows:

05–7 Crude medicinal herbs, roots, barks, and other plant parts, except U. S. P., N. F. and similar grades, and except the following:

05 7143 Coca leaves.
Marihuana leaves classified under 05 7149.
05 7164 Opium bearing plant parts.

2. The assignment of items to War Assets Administration under Major Group 65 is amended to read as follows:

65 Drugs and Medicine except the following:

[1] 11 F. R. 7970, 10221, 13969.

65 2120 through 65 2129 Coca alkaloids, derivatives and preparations, m. g.
65 2150 through 65 2159 Opium alkaloids, derivatives and preparations, m. g.
65 2222 through 65 22229 Opium, opium processed and preparations, m. g.
65 3203 through 65 32039 Cannabis, dried flowering top and preparations, m. g. (Marihuana, dried flowering top, and preparations, m. g.)
65 7000 through 65 7970 Prescription pharmaceuticals and preparations containing two or more therapeutic agents, m. g., when they contain any quantity of opium, coca leaves, Cannabis or their derivatives, including, but not limited to, the following items:
65 7141 1 Powder of ipecac and opium m. g.
65 7161 2 Epinephrine and cocaine, m. g.
65 7250 2 Compound mixture of opium and glycyrrhiza, m. g. (Brown mixture).
65 7271 143 Elixir of terpine hydrate and codeine, m. g.
65 7271 601 Camphorated tincture of opium, m. g.
65 7960 6 Dilaudid hydrochloride suppositories, m. g.
65 8000 through 65 8290 Proprietary remedies, nonprescription pharmaceuticals, containing two or more medicinal agents, for human and animal use, m. g. when they contain any quantity of opium, coca leaves, Cannabis or their derivatives.

Surplus Property Act of 1944, as amended; 58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611; Pub. Law 181, 79th Cong.; 59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b; and E. O. 9689, 11 F. R. 1265)

This amendment shall become effective December 31, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

DECEMBER 31, 1946.

[F. R. Doc. 47–184; Filed, Jan. 6, 1947; 11:06 a. m.]

[Reg. 1,[1] Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES

War Assets Administration Regulation 1, Order 2, July 19, 1946 entitled "Location of Disposal Agency Offices" (11 F. R. 7974), is hereby revised and amended as herein set forth. New matter is indicated by underscoring.

Pursuant to the authority of the Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265), *It is hereby ordered,* That:

§ 8301.52 *Location of disposal agency offices.* (a) Disposal agencies shall notify the Administrator whenever a change is made in the location of any office at which declarations of surplus property are directed to be filed. All such changes will be carried into this order by amendment.

(b) Changes in the procedures for filing declarations of surplus prescribed in this order may be made on application to the Administrator.

(c) Except as provided in paragraph (d), declarations of surplus personal property located in the continental United States shall be filed at the following offices of the appropriate disposal agencies:

WAR ASSETS ADMINISTRATION

CAPITAL AND PRODUCERS GOODS AND CONSUMER GOODS

(Except aircraft and aircraft parts and electronic equipment)

Area and Address

Region 1. Boston, Mass. (Address—600 Washington St., Boston, Mass.) Territory: Connecticut (exclusive of Fairfield County), Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region 2. New York, N. Y. (Address—350 Fifth Avenue, New York, N. Y.) Territory: Connecticut (Fairfield County only); New Jersey (northern part), Counties of: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren; New York.

Region 3. Philadelphia, Pa. (Address—Lafayette Building, Fifth and Chestnut Sts., Philadelphia, Pa.) Territory: Delaware; New Jersey, Counties of: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; Pennsylvania (all except extreme western part), Counties of: Adams, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

Region 4. Cincinnati, Ohio (Address—704 Race Street, Cincinnati, Ohio). Territory: Indiana (central part), Counties of: Bartholomew, Boone, Brown, Dearborn, Decatur, Delaware, Fayette, Franklin, Hamilton, Hancock, Hendricks, Henry, Jennings, Johnson, Madison, Marion, Monroe, Morgan, Ohio, Owen, Putnam, Randolph, Ripley, Rush, Shelby, Tipton, Union, and Wayne; Kentucky (eastern part), Counties of: Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford; Ohio, Counties of: Adams, Athens, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Harrison, Highland, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, and Washington.

Region 5. Chicago, Ill. (Address—1 North LaSalle St., Chicago, Ill.) Territory: Illinois (northern part), Counties of: Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Moultrie, Ogle, Peoria, Piatt, Putnam Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford; Indiana (northern part), Counties of: Adams, Allen, Benton, Blackford, Carroll, Cass, Clay, Clinton, De Kalb, Elkhart, Fountain, Fulton, Grant, Howard, Huntington, Jasper, Jay, Kosciusko, Lagrange, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Noble, Parke, Porter, Pulaski, St. Joseph, Starke, Steuben, Tippecanoe, Vermillion, Vigo, Wabash, Warren, Wells, White, and Whitley; Wisconsin (southern part), Counties of: Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, Lafayette, Langlade, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

Region 6. Atlanta, Ga. (Address—699 Ponce de Leon Ave., N. E., Atlanta, Georgia) Territory: Georgia.

Region 7. Fort Worth, Tex. (Address—Texas and Pacific Office Bldg., P. O. Box 1407, Fort Worth, Tex.) Territory: Texas, Counties of: Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Bosque, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coleman, Collingsworth, Coke, Comanche, Concho, Coryell, Cottle, Crockett, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Erath, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hood, Howard, Hutchinson, Irion, Jack, Johnson, Jones, Kent, King, Knox, Lamb, Lampasas, Lipscomb, Lubbock, Lynn, McCulloch, Martin, Menard, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Potter, Randall, Reagan, Roberts, Run-

[1] 11 F. R. 7970, 10221, 13969.

nels, San Saba, Schleicher, Scurry, Shackleford, Sherman, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton Wheeler, Wichita, Wilbarger, Wise, Yoakum, and Young.

Region 8. Kansas City, Mo. (Address—Troost & Bannister Rd. (95th St., P. O. Box 1037, Kansas City, Mo.) Territory: Kansas; Missouri (extreme western part), Counties of: Andrew, Atchison, Barton, Bates, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth.

Region 9. Denver, Colo. (Address—Commonwealth Bldg., 723 15th St., Denver, Colo.) Territory: Colorado; New Mexico.

Region 10. San Francisco, Calif. (Address—30 Van Ness Ave., San Francisco 2, Calif.) Territory: California (northern part), Counties of: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Salano, Sonomo, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

Region 11. Seattle, Wash. (Address—1409 Second Ave., Seattle 1, Wash.) Territory: Washington (western part), Counties of: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom.

Region 12. Richmond, Va., (Address—East End 4th St., Richmond 24, Va.) Territory: Maryland; Virginia; District of Columbia; West Virginia.

Region 13. Charlotte, N. C. (Address—317 South Tryon St., Charlotte, N. C.) Territory; North Carolina; South Carolina.

Region 14. Jacksonville, Fla. (Address—St. John's Shipyard, Administration Bldg., P. O. Box 4129, Jacksonville, Fla.) Territory: Florida.

Region 15. Cleveland, Ohio (Address—Higbee Building, East 13th St. and Euclid Ave., Cleveland, Ohio). Territory: Ohio, Counties of: Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Henry, Holmes, Huron, Lake, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Morrow, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Williams, Wood, and Wyandot; Pennsylvania (western part), Counties of: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

Region 16. Detroit, Michigan (Address—Buhl Bldg., 535 Griswold St., Detroit 26, Mich.) Territory: Michigan (eastern part), Counties of: Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leclanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford.

Region 17. Louisville, Ky. (Address—412 West Market Street, P. O. Box 1259, Louisville 2, Ky.) Territory: Kentucky (western part) Counties of: Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster; Indiana (southeastern part), Counties of: Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Lawrence, Orange, Perry, Scott, Switzerland, and Washington.

Region 18. Nashville, Tenn. (Address—Consolidated-Vultee Bldg., Nashville, Tenn.) Territory: Tennessee.

Region 19. Birmingham, Ala. (Address—P. O. Box 2090, 1955 Fiftieth St., North, Birmingham, Ala.) Territory: Alabama.

Region 20. New Orleans, La. (Address—7020 Franklin Ave., P. O. Station D, New Orleans, La.) Territory: Louisiana; Mississippi.

Region 21. Minneapolis, Minn. (Address—504 Metropolitan Life Bldg., Minneapolis, Minn.) Territory: Minnesota; North Dakota; South Dakota; Michigan (northern part), Counties of: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft; Wisconsin (northern part), Counties of: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, La Crosse, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, and Washburn.

Region 22. St. Louis, Mo. (Address—505 North 7th St., St. Louis, Missouri). Territory: Missouri (all except extreme western part), Counties of: Adair, Audrain, Barry, Benton, Bollinger, Boone, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clark, Cole, Cooper, Crawford, Dade, Dallas, Daviess, Dent, Douglas, Dunklin, Franklin, Gasconade, Green, Grundy, Harrison, Henry, Hickory, Howard, Howell, Iron, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Ozark, Peniscot, Perry Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Warren, Washington, Wayne, Webster, and Wright; Illinois (southern part), Counties of: Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, Williamson; Indiana (southwestern part), Counties of: Daviess, Dubois, Gibson, Greene, Knox, Martin, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick.

Region 23. Little Rock, Ark. (Address—Wallace Bldg., Little Rock, Ark.) Territory: Arkansas.

Region 24. Omaha, Nebr. (Address—601 WOW Bldg., Omaha 2, Nebr.) Territory: Nebraska; Wyoming; Iowa.

Region 25. Tulsa, Okla. (Address—2000 North Memorial Drive, P. O. Box 1409.) Territory: Oklahoma.

Region 26. Dallas, Texas (Address—War Assets Administration, Post Office Box 6030, Dallas 2, Texas.) Territory: Texas, Counties of: Bell, Bowie, Camp, Cass, Collin, Cooke, Crane, Culberson, Dallas, Delta, Denton, Ector, Ellis, El Paso, Falls, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hill, Hopkins, Hudspeth, Hunt, Jeff Davis, Kaufman, Lamar, Leon, Limestone, Loving, McLennan, Marion, Midland, Milam, Morris, Navarro, Panola, Pecos, Rains, Red River, Reeves, Robertson, Rockwall, Rusk, Smith, Titus, Upshur, Van Zandt, Ward, Williamson, Winkler, and Wood.

Region 27. Houston, Texas (Address—7700 Wallisville Road, Hughes Strut Plant, Houston 1, Texas.) Territory: Texas (southeastern part), Counties of: Anderson, Angelina, Austin, Bastrop, Brazoria, Brazos, Burleson, Calhoun, Chambers, Cherokee, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Refugio, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Victoria, Walker, Waller, Washington, and Wharton.

Region 28. San Antonio, Tex. (Address—3d Floor, Transit Tower Corner, South St. Mary's and Villita Sts., San Antonio 5, Tex.) Territory: Texas (southern part), Counties of: Arkansas, Atascosa, Bandera, Bee, Bexar, Blanco, Brewster, Brooks, Caldwell, Cameron, Comal, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Nueces, Presidio, Real, San Patricio, Starr, Terrell, Travis, Uvalde, Val Verde, Webb, Willacy, Wilson, Zapata, Zavalla.

Region 29. Helena, Mont. (Address—Power Block, P. O. Box 1161, Helena, Mont.) Territory: Montana.

Region 30. Salt Lake City, Utah (Address—Building 440, Fort Douglas, Utah) Territory: Utah; Idaho (southern part), Counties of: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington; Nevada.

Region 31. Spokane, Wash. (Address—500 Welch Bldg., Spokane, Wash.) Territory: Washington (eastern part), Counties of: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima; Idaho (northern part), Counties of: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

Region 32. Portland, Oreg. (Address—War Assets Admn., Swan Island, P. O. Box 4062.) Territory: Oregon; Washington (southwestern part), Counties of: Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

Region 33. Los Angeles, Calif. (Address—Mode O'Day Bldg., 155 West Washington Blvd., Los Angeles 15, Calif.) Territory: California (southern part), Counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura; Arizona.

WAR ASSETS ADMINISTRATION

Aircraft. War Assets Administration, Office of Aircraft Disposal, Washington 25, D. C.

Aircraft parts. War Assets Administration, Higbee Bldg., E. 13th & Euclid Ave., Cleveland, Ohio.

Electronic equipment. War Assets Administration, 425 Second St., S.W., Washington 25, D. C.

Telephone and telegraph equipment. War Assets Administration, 425 Second St., S.W., Washington 25, D. C.

MARITIME COMMISSION

United States Maritime Commission, Washington 25, D. C.

NAVY DEPARTMENT

Navy Department, Office of the Assistant Secretary, Washington 25, D. C.

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration (Attention: Surplus Property), Washington 25, D. C.

NATIONAL HOUSING AGENCY

Federal Public Housing Authority, Attention: Real Estate and Disposition Branch, Washington 25, D. C.

(d) Declarations of surplus real property located in the continental United States, its territories and possessions, shall be filed with the War Assets Administrator, Washington 25, D. C. Declarations of surplus personal property which is to be declared surplus in conjunction with real property shall be prepared and filed as provided in § 8301.12 (a) of this part.

(e) Declarations of surplus personal property located in the territories and possessions of the United States shall be filed at the following offices of the appropriate disposal agencies designated in § 8301.3:

WAR ASSETS ADMINISTRATION

Hawaii. War Assets Administration, P. O. Box 3728, Honolulu, T. H.

Alaska. War Assets Administration, Box 1349, Fairbanks, Alaska.

Puerto Rico and Virgin Islands. War Assets Administration, Box 3352, San Juan, Puerto Rico.

MARITIME COMMISSION

United States Maritime Commission, Washington 25, D. C.

DEPARTMENT OF THE INTERIOR

Hawaii. Department of the Interior, Surplus Property Office, Honolulu, T. H.

Alaska and the Aleutian Islands. Department of the Interior, Surplus Property Office, Anchorage, Alaska.

Puerto Rico and Virgin Islands. Department of the Interior, Surplus Property Office, San Juan, Puerto Rico.

This revised order shall become effective December 31, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

DECEMBER 30, 1946.

[F. R. Doc. 47-181; Filed, Jan. 6, 1947; 11:05 a. m.]

[Regulation 1,[1] Revocation of Order 5]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

APPROVAL OF DELEGATION OF AUTHORITY TO DEPARTMENT OF TREASURY, BUREAU OF NARCOTICS

War Assets Administration Regulation 1, Order 5, July 19, 1946, entitled "Approval of Delegation of Authority to Department of Treasury, Bureau of Narcotics" (11 F. R. 7977), is hereby revoked and rescinded.

This revocation shall become effective December 31, 1946.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

ROBERT M. LITTLEJOHN,
Administrator.

DECEMBER 31, 1946.

[F. R. Doc. 47-182; Filed, Jan. 6, 1947; 11:06 a. m.]

[1] 11 F. R. 7970, 10221, 13969.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

REDUCTION OF AIR-NAVIGATION SITE WITHDRAWAL IN UTAH GRAZING DISTRICT NO. 10

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see F. R. Document 47-103, under Department of the Interior, in the Notices section, *infra*.

Appendix—Public Land Orders

[Public Land Order 335]

HAWAII

TRANSFERRING FROM WAR DEPARTMENT TO TREASURY DEPARTMENT CERTAIN LAND COMPRISING PART OF SAND ISLAND MILITARY RESERVATION, TERRITORY OF HAWAII

By virtue of the authority vested in the President by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, or otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described tract of land on Sand Island within the area reserved for military purposes by Executive Order No. 3358 of November 24, 1920, is hereby transferred to the Treasury Department for the use of the Coast Guard:

Beginning at a pipe in concrete marking an angle point in the boundary of the Sand Island Military reservation, which point is coincident with the southeast corner of Tract "C", which Tract is now under the jurisdiction of the Treasury Department (Executive Order No. 6584, dated February 6, 1934), and from which point the azimuth (measured clockwise from true south) and distance to concrete monument marked "U. S." and designated as "North Base" is 331°09'25", 937.96 feet; and from said "North Base" the azimuth and distance to United States Coast and Geodetic Survey triangulation station "Punchbowl" is 247°34'52.4", 8,261.80 feet;

Thence by true azimuths and distances as follows:

296°31'00", 669.05 feet;
61°06'00", 367.87 feet;
122°30'05", 893.53 feet;
213°37'30", 130.50 feet;
285°30'30", 420.00 feet to the point of beginning.

The tract as described contains 5.52 acres and is shown upon map F-60/27 of Sand Island Military Reservation, Oahu, Territory of Hawaii, approved June, 1943, on file in

United States Engineer Office, Honolulu, Territory of Hawaii.

(Sec. 91, 31 Stat. 159; sec. 7, 36 Stat. 447; 48 U. S. C. 511; E. O. 9337, Apr. 24, 1943; 3 CFR Cum. Supp.)

[SEAL] WARNER W. GARDNER,
Assistant Secretary of the Interior.

DECEMBER 23, 1946.

[F. R. Doc. 47-110; Filed, Jan. 6, 1947; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 93, Amdt. 10]

PART 95—CAR SERVICE

GIANT REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of December A. D. 1946.

Upon further consideration of Service Order No. 93 (7 F. R. 8903) as amended, (8 F. R. 13752, 13925; 9 F .R. 2481, 11208; 10 F. R. 15175; 11 F. R. 561, 2189, 14271, 14469, and good cause appearing therefor; it is ordered, that:

Section 95.301 *Giant type refrigerator cars*, of Service Order No. 93 (7 F. R. 8903) as amended, be, and it is hereby, further amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Cars exempt from order.* The provisions of this section shall not be construed to include the following cars:

Initial:	Numbers, inclusive
BRE	300 to 329
WPE	400 to 499
PGE	600 to 609
URT	89000 to 89049
FOBX	750 to 799

Tariff provisions suspended. The operation of all tariff rules, regulations, or charges insofar as they conflict with this section is hereby suspended.

Announcement of suspension. Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth.

Effective date. This amendment shall become effective at 12:01 a. m. January 10, 1947.

It is further ordered, that this amendment shall vacate and supersede Amendment No. 8 to Service Order No. 93 on the effective date hereof; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 418, 41 Stat. 476, 485; secs. 4, 10, 54 Stat. 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-125; Filed, Jan. 6, 1947; 8:45 a. m.]

[Rev. S. O. 647]

PART 95—CAR SERVICE

PRIORITY FOR WHEAT IN PACIFIC NORTHWEST

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of December A. D. 1946.

It appearing, that the President of the United States has instructed various Government agencies to put into effect a number of emergency measures designed to help meet critically urgent needs for foodstuffs in various foreign countries, and that the President has directed that specific preference will be given to the rail movement of wheat in order promptly to export maximum quantities thereof to the destinations where most needed; that upon representations from the Office of Defense Transportation, and due to the fact that there exists a shortage of box cars for the movement of this wheat, the Commission is of opinion that an emergency exists in the States of Oregon, Washington, Idaho and Western Montana; it is ordered, that:

§ 95.647 *Box cars to be used for loading export wheat*—(a) *Priority for wheat loading.* All common carriers by railroad subject to the Interstate Commerce Act, at any point in the States of Oregon, Washington, or Idaho, or at Paradise or Troy, Montana, or west thereof, shall give preference and priority over all other traffic to supplying or placing box cars daily except Sunday, to the extent of the weekly quotas of box cars shown below:

Union Pacific RR	390
Great Northern Ry	90
Northern Pacific Ry	210
Spokane, Portland and Seattle Ry	30
Chicago, Milwaukee, St. Paul and Pacific RR	30

(1) For loading export wheat consigned to, or for account of Commodity Credit Corporation,

(2) Providing the shipper or consignor certifies in writing to the carrier on the car order that such box car is intended for the foreign relief program and is to be shipped to a point within the switching districts (but not to flour or feed mills located at a point within the switching districts) of the ports of Astoria, Lacoda, Linnton, Portland, or Prescott, Oregon; or Aberdeen, Anacortes, Bellingham, Everett, Kalama, Longview, Mukilteo, Olympia, Seattle, Tacoma, Tulalip, or Vancouver, Washington; or to the following official inspection points, Attalia, Auburn, Black River, Cheney, Interbay, Pasco, Spokane, Wallula, Walla Walla, and Wenatchee, Washington; Lewiston, Idaho; East St. Johns, Pendleton, Portland, Umatilla and Rieth, Oregon, for inspection and diversion to the ports named.

(b) *Effective date.* This order shall become effective at 12:01 a. m., January 6, 1947.

(c) *Expiration date.* This order shall expire at 11:59 p. m., March 10, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order shall vacate and supersede Service Orders Nos. 647 and 647-A on the effective date hereof; that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Oregon, Washington, Idaho and Montana, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register. (40 Stat. 101; secs. 402, 418, 41 Stat. 476, 485; secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-124; Filed, Jan. 6, 1947; 8:45 a. m.]

[S. O. 663]

PART 95—CAR SERVICE

DEMURRAGE ON COAL AT CHARLESTON, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of December A. D. 1946.

It appearing, that as the result of the inability of transshippers at Charleston, South Carolina, to dump coal in normal manner brought about by the miners' strike, excess debits accrued on cars loaded with coal; in the opinion of the Commission an emergency requiring immediate action exists at Charleston, South Carolina; it is ordered, that:

§ 95.663 *Demurrage on coal at Charleston, South Carolina*—(a) *Offsetting excess debits.* Any excess debits which accrued on cars loaded with coal or coke consigned for transshipment to vessels, either cargo or fuel supply, under the provisions of Southern Railway Company Tariff I. C. C. No. A-11065, at Charleston, South Carolina, in the account of any particular consignee during the monthly settlement period ending 7:00 a. m., January 1, 1947, which are not offset by credits accruing to the same consignee during the same period at the same point may be offset by excess credits accruing at the same point to the same consignee in the settlement period ending 7:00 a. m., February 1, 1947.

(b) *Application.* The provisions of this section shall apply to interstate and foreign commerce.

(c) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(d) *Effective date.* This order shall become effective at 12:01 a. m., January 1, 1947.

(e) *Expiration date.* This order shall expire at 7:00 a. m., February 1, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-126; Filed, Jan. 6, 1947; 8:46 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For exceptions to certain provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Special Direction ODT 18A-1, Amdt. 8]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172), Special Direction ODT 18A-1, as amended (8 F. R. 14481; 9 F. R. 117, 7585; 10 F. R. 12456, 12747; 11 F. R. 9084, 10562, 12183), is hereby further amended by changing or adding the items shown below to read as follows:

191. *Clay.* Clay, crushed, ground, or pulverized, in paper sacks, shall be loaded not less than seven tiers high covering the entire floor space of the car.

* * * * *

970 (b). In barrels or drums, weighing 500 pounds or more each, shall be loaded on end, not less than one tier high, covering the entire floor space of the car.

970 (c). In barrels or drums, weighing 250 pounds or more each and less than 500 pounds each, shall be loaded on end two tiers high, covering the entire floor space of the car.

This amendment 8 to Special Direction ODT 18A-1, as amended, shall become effective January 8, 1947.

(54 Stat. 676; 56 Stat. 177; 58 Stat. 827; 59 Stat. 658; Pub. Law 475, 79th Cong.; 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 2d day of January 1947.

A. H. GASS,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 47-133; Filed, Jan. 6, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

AGRICULTURE DEPARTMENT

Production and Marketing Administration

[7 CFR, Part 904]

MILK IN GREATER BOSTON, MASS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED TERMINATION OF EMERGENCY PERIOD

Notice is hereby given that pursuant to authority contained in Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, the market administrator is considering the termination of Emergency Period No. 1 (11 F. R. 12221), which made effective the provisions of Order No. 4 relating to emergency milk.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination of Emergency Period No. 1 shall submit them to Market Administrator, Room 746, 80 Federal Street, Boston, Massachusetts, by mail or otherwise, in time to be received by him not later than 5:15 p. m., January 15, 1947. In addition, all persons who desire to submit oral data, views, or arguments in connection with the proposed termination of Emergency Period No. 1 will be given an opportunity to do so at a public hearing to be held at Room 746, 80 Federal Street, Boston, Massachusetts, beginning at 2:00 p. m., January 13, 1947.

Issued at Boston, Massachusetts, this twentieth day of December 1946.

(Order No. 4, as amended (8 F. R. 3109, 8294; 9 F. R. 4972; 11 F. R. 5897, 10693, 14093)

[SEAL] RICHARD D. APLIN,
Acting Market Administrator.

[F. R. Doc. 47-132; Filed, Jan. 6, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 95]

[No. 29669]

CAR SERVICE; FREIGHT CARS

INVESTIGATION TO DETERMINE REASONABLENESS AND VALIDITY OF REGULATIONS AND PRACTICES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of December A. D. 1946.

The Commission having under consideration certain matters respecting car service furnished by common carriers by railroad subject to the Interstate Commerce Act.

It is ordered, That under the authority of section 1 (14) (a) and section 13 (2) of the Interstate Commerce Act, an investigation be, and it is hereby, instituted by the Commission, upon its own motion, for the purpose of determining whether the rules, regulations, and practices with respect to the use, control, supply, movement, distribution, exchange, interchange, and return of plain, ventilated, and automobile box cars, refrigerator cars, stock cars, ordinary gondola, flat, and hopper cars, including covered hopper cars (but not including the distribution of coal cars at mines or related matters embraced within section 1, paragraph 12 of the Interstate Commerce Act, or issues involved in prior proceedings respecting distribution of coal cars at mines) used in freight service by common carriers by railroad, are unreasonable or otherwise unlawful, whether such cars are being wastefully, uneconomically, or inefficiently used, controlled, supplied, moved, exchanged, interchanged, and returned, and whether such cars are being unfairly or inequitably distributed among shippers; with the view to the making of findings and the entry of an order or orders, under the authority of section 1 (10), (11), (13), and (14), section 2, section 3 (1), and section 15 (1) of the Interstate Commerce Act (49 U. S. Code, secs. 1-27), requiring the establishment of such reasonable rules, regulations, and practices as may be necessary to correct any unreasonableness found to exist, and requiring the removal of any other unlawfulness found to exist, with respect to said matters.

It is further ordered, That all common carriers by railroad subject to the Interstate Commerce Act be, and they are hereby made respondents to this proceeding; that a copy of this order be served upon each of said respondents and upon the Association of American Railroads, Car Service Division, and that notice of this proceeding be given to the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by publishing it in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Claude A. Rice, February 4, 1947, at 9:30 a. m. United States standard time.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-122; Filed, Jan. 6, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

AIR-NAVIGATION SITE WITHDRAWAL NO. 1 REDUCED

The order of the Acting Secretary of the Interior dated July 3, 1928, withdrawing certain lands in Utah for use by the Department of Commerce in the maintenance of air-navigation facilities, is hereby revoked so far as it affects the following-described land:

SALT LAKE MERIDIAN

T. 14 S., R. 5 W.,
Sec. 25, SW¼NW¼.

The area described contains 40 acres.

The land is within Utah Grazing District No. 10. This order shall therefore become effective immediately as to the administration of grazing on the land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on February 21, 1947. At that time the land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from February 21, 1947, to May 22, 1947, inclusive, the public land affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 1, 1947 to 10:00 a. m. on February 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on February 21, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on May 23, 1947 any of the land remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 3, 1947 to 10:00 a. m. May 23, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on May 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for this land, which shall be filed in the District Land Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning this land shall be addressed to the District Land Office at Salt Lake City, Utah.

The land is located in a fairly level desert valley. The soil is a sandy clay loam and supports such natural desert vegetation as sagebrush, rabbitbrush, shadscale, some greasewood and native grasses and weeds.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

DECEMBER 20, 1946.

[F. R. Doc. 47-108; Filed, Jan. 6, 1946; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 308]

MARKET AGENCIES AT UNION STOCK YARDS, SIOUX CITY, IOWA

NOTICE OF PETITION FOR MODIFICATION

The Market Agencies at Union Stock Yards, Sioux City, Iowa, are now operating under an order issued by the Judicial Officer on June 28, 1946 (5 A. D. 453), as modified by an order dated December 13, 1946.

By petition the respondents now request continuance of the existing order as modified and that certain modification of supplements 2 and 5 as well as sections (d), (f), and (g) of the existing schedule (Tariff No. 14) be authorized. The proposed modifications, if authorized, would provide for (1) a charge not to exceed $28.00 for cattle and/or calves arriving in double-deck rail cars, (2) an increase of five cents per head for selling hogs in small drafts and three cents per head for selling hogs in drafts of 25 or more, (3) a charge of ten cents for each weight draft, (4) an increase of $4.50 in the maximum per single-deck rail car, an increase of $5.00 in the maximum per double-deck rail car for buying hogs, and similar increases in the maximums with respect to the trucked-out hogs for slaughter, (5) a new charge of five cents per head for delivery of cattle and/or calves to brand chutes with the maximum charge for any one lot $1.00. Such increases would produce additional revenue to the respondents and therefore notice is hereby given to the public of the filing of the petition.

All interested persons who desire to be heard upon the matter requested in said petition for modifications shall notify the Hearing Clerk, United States Department of Agriculture, Washington, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 27th day of December, 1946.

[SEAL] H. E. REED,
Director, Livestock Branch.

[F. R. Doc. 47-97; Filed; Jan. 3, 1947; 8:48 a. m.]

[P. & S. Docket No. 1532]

MARKET AGENCIES AT MISSISSIPPI VALLEY STOCKYARDS, ST. LOUIS, MISSOURI

NOTICE OF PETITION FOR MODIFICATION

The Market Agencies[1] at the Mississippi Valley Stock Yards, St. Louis, Missouri, are now operating under an order issued on June 24, 1946 (5 A. D. 448), continuing in effect a previous order issued December 26, 1944 (3 A. D. 1069). Under this order and other previous orders the respondents have been authorized to assess charges in accordance with the following Tariff No. 4 which became effective on January 14, 1944:

Definitions. (1) A "consignment," for the purpose of assessing selling charges, is all the livestock of one species delivered in the name of one person to one market agency to be offered for sale during the trading hours of one day.

(2) A "consignment," for the purpose of assessing buying charges, is all the livestock of one species bought at any time but shipped or delivered to one person on one market day.

(3) A "draft" is all those animals in one consignment weighed as a single sale or purchase classification.

(4) A "person" is an individual, a partnership, a corporation, and/or association of any such acting as a unit.

(5) "Calves" are animals of the bovine species, weighed in drafts, the average weight of the animals in which is 400 pounds or under.

(6) "Cattle" are animals of the bovine species, weighed in drafts, the average weight of the animals in which is more than 400 pounds.

NOTE: For the purpose of assessing charges under this tariff, cattle and calves shall be considered as being of different species.

SECTION A—SELLING CHARGES

	Per head
Cattle:	
One head and one head only	$0.75
Consignments of more than one head: 65¢ per head with a maximum of $15 up to and including 25 head or fraction thereof.	
All over 25 head	.60
Calves:	
One head and one head only	.35
Consignments of more than one head	.25
Hogs:	
One head and one head only	.35
Consignments of more than one head	.20
Sheep:	
One head and one head only	.35
Consignments of more than one head:	
First 10 head	.20
Next 40 head	.15
All over 50 head	.05
Maximum charge for first 100 head	10.00
All over 100 head	.05

SECTION B—EXTRA SERVICE CHARGE

The following extra service charges are applicable to each consignment:	
For each addition weight draft over 3 on account of sales classification	$0.10

[1] Formerly styled Leo Hardy, doing business as Leo Hardy Livestock Commission Company.

SECTION C—BUYING CHARGES

	Per head
Cattle	$0.50
Calves	.25
Hogs	.20
Sheep or goats	.15

SECTION D—RESALES

On livestock purchased on this market by registered traders or registered market agencies and without having been removed from this market, resold for the account of such purchaser, the commission shall be 3½¢ per hundred pounds on cattle and hogs; 7¢ per hundred pounds on calves, sheep, or goats: *Provided*, That in no case shall the commission be less than 50¢.

SECTION E—NATIONAL LIVE STOCK AND MEAT BOARD

Cattle—1¢ per head, not to exceed 25¢ to any one owner for a maximum of 30 head.

Calves—½¢ per head, not to exceed 25¢ to any one owner for a maximum of 75 head.

Hogs—½¢ per head, not to exceed 25¢ to any one owner for a maximum of 75 head.

Sheep—½¢ per head, not to exceed 25¢ to any one owner for a maximum of 300 head.

Provided, however, That upon written objection filed with the market agency by the producer or shipper within 60 days, the amount collected by the market agency will be refunded by the National Live Stock and Meat Board, direct to the producer. In no instance shall the market agency be relieved from the obligation of making the deduction except where market agency has on file written objection by shipper or producer.

By petition, the respondents now request modifications of the order of June 24, 1946, so that they may put the following tariff into effect as of January 1, 1947:

SECTION A—DEFINITIONS

(1) A "consignment," for the purpose of assessing selling charges, is all the livestock of one species (cattle and calves to be considered as of a different species) delivered in the name of one person to one market agency to be offered for sale during the trading hours of one day.

(2) A "consignment," for the purpose of assessing buying charges, is all the livestock of one species (cattle and calves to be considered as of a different species) bought at any time but shipped or delivered to one person on one market day.

(3) A "weight draft," for the purpose of assessing extra service charges, is all the animals of one species in one consignment sold in one lot to one purchaser or bought in one lot for one purchaser.

(4) A "person" is an individual, a partnership, a corporation, and/or association of any such acting as a unit.

(5) "Calves" are animals of the bovine species, weighted in drafts, the average weight of the animals under 400 pounds.

(6) "Cattle" are animals of the bovine species, weighted in drafts, the average weight of the animals which is 400 pounds or over.

(7) "Hogs" are all swine, irrespective of weight.

(8) "Sheep" are animals of ovine species.

SECTION B—SELLING COMMISSIONS

Calves:	Cents
Consignments of one head and one head only	50
Consignments of more than one head:	
First 15 head in each consignment	35
Each head over 15 in each consignment	25
Cattle:	
Consignments of one head and one head only	90
Consignments of more than one head:	
First 15 head in each consignment	75
Each head over 15 in each consignment	65
Hogs:	
Consignments of one head and one head only	50
Consignments of more than one head:	
First 25 head in each consignment	25
Each head over 25 in each consignment	20
Sheep and goats:	
Consignments of one head and one head only	50
Consignments of more than one head:	
First 10 head in each consignment	25
Next 50 head in each consignment	20
Next 50 head in each consignment	10
Each head over 110 in each consignment	5

The maximum charge on each separate straight single deck car of single ownership shall not exceed $15.00. The maximum charge on each separate straight double deck car of single ownership shall not exceed $21.00.

SECTION C—RESALES

Cattle:	Cents
One head and one head only	75
More than one head	50
Calves: [1] Per head	35
Hogs: [1] Per head	20
Sheep: [1] Per head	10

[1] A minimum charge of 50¢ for each consignment.

SECTION D—BUYING COMMISSIONS

Calves:	Cents
Consignments of one head and one head only	50
Consignments of more than one head:	
First 15 head in each consignment	35
Each head over 15 in each consignment	25
Maximum:[1] Rail, $15 single deck, $20 double deck; trucked-out or driven-out, $15 for each 17,000 pounds or fraction thereof.	
Cattle:	Cents
Consignments of one head and one head only	90
Consignments of more than one head:	
First 15 head in each consignment	75
Each head over 15 in each consignment	65
Maximum:[1] Rail, $15 per car; trucked-out or driven-out $15 for each 24,000 pounds or fraction thereof.	
Hogs:	Cents
Consignments of one head and one head only	50
Consignments of more than one head:	
First 25 head in each consignment	25
Each head over 25 in each consignment	20
Maximum:[1] Rail, $15 single deck, $20 double deck; trucked-out or driven-out, $15 for each 17,000 pounds or fraction thereof.	
Sheep and goats:	Cents
Consignments of one head and one head only	50
Consignments of more than one head:	
First 10 head in each consignment	25
Next 50 head in each consignment	20
Next 50 head in each consignment	10
Each head over 110 in each consignment	5
Maximum:[1] Rail, $15 single deck, $21 double deck; trucked-out or driven-out, $15 for each 12,000 pounds or fraction thereof.	

[1] NOTE: The maximum charge shall not exceed the per head rate.

All purchases paid for by a commission merchant or by his shipping clearance whether made by or for a speculator, feeder-

farmer, or other person than a resident yard trader, shall be deemed a purchase and charged for at above rates. Purchaser to pay for all exchange rates and wires incident to credit arrangements.

SECTION E—EXTRA SERVICE CHARGES

The following extra service charges are applicable to each consignment (both buying and selling):

Each additional weight draft over 3 on account sales classification	$0.15
Maximum on one consignment	2.00

SECTION F—MEAT BOARD SCHEDULE, NATIONAL LIVESTOCK AND MEAT BOARD

Carlots—Livestock, all species, 25¢ per cars, single or double deck.

Driven or hauled in:

Cattle: 1¢ per head, not to exceed 25¢ to any one owner for a maximum of 30 head.

Calves and hogs: ½¢ per head, not to exceed 25¢ to any one owner for a maximum of 75 head.

Sheep: ½¢ per head, not to exceed 25¢ to any one owner for a maximum of 250 head.

Provided, however, That upon written objection filed with the Live Stock Commission Company, by the producer or shipper within 60 days, the amount collected by any market agency will be refunded by the National Live Stock and Meat Board, direct to the producer. In no instance shall the market agency be relieved from the obligation of making the deduction except where market agency has on file written objection by shipper or producer.

The effect of the modifications, if granted, would result in additional revenue to the respondents and therefore notice of the filing of the petition is hereby given to the public. All interested persons who desire to be heard upon the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 26th day of December 1946.

[SEAL] H. E. REED,
Director, Livestock Branch.

[F. R. Doc. 47-98; Filed, Jan. 3, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-699, G-729, G-757, G-747, G-763, G-765]

MID-CONTINENT GAS TRANSMISSION CO. ET AL.

ORDER POSTPONING DATE OF ORAL ARGUMENT

DECEMBER 31, 1946.

In the matters of Mid-Continent Gas Transmission Company, Docket No. G-699; Cities Service Gas Company, Docket Nos. G-729, G-757; Northern Natural Gas Company, Docket Nos. G-747, G-763 and G-765.

It appearing to the Commission that:

Good cause exists for postponement of the oral argument on motions to dismiss the application of Mid-Continent Gas Transmission Company in Docket No. G-699, which oral argument was heretofore set by direction of the Trial Examiner for January 15, 1947, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

The Commission orders that:

The oral argument heretofore set for January 15, 1947, in Docket No. G-699 be and the same is hereby postponed to January 22, 1947, at the same hour and place as heretofore directed in said matter.

Date of issuance: January 2, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-104; Filed, Jan. 6, 1947; 8:57 a. m.]

[Docket Nos. G-115, G-399, G-400, G-401]

EAST OHIO GAS CO. ET AL.

ORDER POSTPONING HEARING

DECEMBER 31, 1946.

In the matter of The East Ohio Gas Company, Docket No. G-115, City of Euclid, Complainant, v. The East Ohio Gas Company, Defendant, Docket No. G-399, City of Cleveland, Complainant, v. The East Ohio Gas Company, Defendant, Docket No. G-400, City of Lakewood, Complainant, v. The East Ohio Gas Company, Defendant, Docket No. G-401.

Upon consideration of the requests filed on behalf of The Public Utilities Commission of Ohio on December 26, 1946, and by The East Ohio Gas Company on December 27, 1946, for postponement of the rehearing in the above-entitled matters limited to oral argument before the Commission, which has heretofore been set for January 7, 1947; and

It appearing to the Commission that:

Good cause exists for postponing the date of rehearing as hereinafter provided.

The Commission orders that:

The rehearing in these matters now set to commence on January 7, 1947, be and the same is hereby postponed to commence at 10:00 a. m. (e. s. t.) on February 19, 1947, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: January 2, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-105; Filed, Jan. 6, 1947; 8:56 a. m.]

[Docket No. G-825]

GAS TRANSPORT, INC.

NOTICE OF APPLICATION

DECEMBER 30, 1946.

Notice is hereby given that on December 16, 1946, Gas Transport, Inc., (Applicant), a Delaware corporation, having its principal place of business in Lancaster, Ohio, made application pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission described as follows:

Approximately 5.6 miles of 6-inch natural-gas pipeline together with meters, regulators and appurtenances extending from a point near Fulls Run of Reedy Creek in Wirt County, West Virginia, to a point on the present line of Gas Transport, Inc., near the mouth of Lockhart Fork in Jackson County, West Virginia.

Applicant states that it is owner and operator of a 14-inch natural-gas pipeline extending from New Era, West Virginia to Gravel Bank, Ohio, and is a wholly owned subsidiary of Anchor Hocking Glass Corporation. Applicant also states that it is engaged primarily in transporting natural gas purchased by Anchor Hocking from the Columbian Carbon Company and natural gas produced by Columbian in excess of Anchor Hocking requirements for Ohio Fuel Gas Company; and that the proposed facilities will connect the Applicant's line with natural gas wells owned or under contract to United Carbon Company from which Anchor Hocking Glass Corporation has contracted to purchase up to 3,000,000 cubic feet of natural gas per day produced from the wells and any other wells to be drilled in a dedicated territory for a period of 3 years with an option to renew for an additional period of 2 years.

Applicant states that an emergency situation exists by reason of the fact that deliveries of gas to Anchor Hocking Glass Corporation for use at its Lancaster, Ohio, plants from present sources of supply are expected to be less than the requirements for the month of December and thereafter. The deficiency for the month of December is estimated to be 58,932,000 cubic feet. Applicant states that anticipated requirements will as a result of cold weather be in excess of 297,060,000 cubic feet for the month of December; that the depletion of the Columbian Carbon source of supply is such that during the month of December not more than 238,128,000 cubic feet can be expected to be delivered to Applicant for eventual delivery to Anchor Hocking at Lancaster, Ohio; that in view of the acute gas shortage in central and southeastern Ohio, deficiencies can not be supplied by additional purchases from Ohio Fuel Gas Company, especially during the winter months; that to prevent an interruption in Anchor Hocking Glass Corporation's manufacturing operations, the proposed facilities are urgently needed.

It is further stated that the total over-all capital cost of the facilities will be $49,563, which will be paid for by Applicant.

Applicant also states that all natural gas to be transported regularly by it through the proposed extension will be transported for Anchor Hocking Glass Corporation pursuant to a gas transportation agreement similar to a present agreement now on file with the Commission; that it is not at present contemplated that any of this gas will be sold to Ohio Fuel Gas Company.

Any interested State Commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Gas Transport, Inc., should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-106; Filed, Jan. 6, 1947; 8:56 a. m.]

[Docket No. G-833]

PENN-YORK NATURAL GAS CORP.

NOTICE OF APPLICATION

DECEMBER 30, 1946.

Notice is hereby given that on December 18, 1946, Penn-York Natural Gas Corporation (Applicant), a Pensylvania corporation, authorized to do business in the State of New York, having its principal place of business in Buffalo, New York, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain natural gas facilities in the Town of Arcade, Wyoming County, New York, subject to the jurisdiction of the Federal Power Commission, as more particularly described hereinafter:

A compressor station located in the Town of Arcade, Wyoming County, New York, at a point on Applicant's transmission system designated as Arcade Station to consist of one (1) one hundred and fifty (150) horsepower gas driven compressor unit together with appurtenant auxillaries such as cleaners, coolers, valves, piping, building, etc.

Applicant states that demands on Republic Light, Heat & Power Company, Inc., Applicant's only customer, and its own system now greatly exceeds all previous estimates and resulted in a shortage of natural gas on December 2, 1946, and will result in others unless proposed construction is completed at the earliest possible date; that the volume of gas to meet this demand is available but can not be delivered without more pressure which can only be obtained through the construction of this compressor station.

Applicant estimates that construction can be completed and operation begun by January 15, 1947 at an estimated cost of $30,000 which will be financed out of current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Penn-York Natural Gas Corporation should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-107; Filed, Jan. 6, 1947; 8:56 a. m.]

[Docket No. G-669]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF ORDER SUPPLEMENTING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND REOPENING PROCEEDING FOR LIMITED PURPOSE

JANUARY 2, 1947.

Notice is hereby given that, on December 31, 1946, the Federal Power Commission issued its order supplementing order issuing certificate of public convenience and necessity and reopening proceeding for limited purpose, entered December 30, 1946, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-129; Filed, Jan. 6, 1947; 8:58 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 80]

RECONSIGNMENT OF CELERY AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Jersey City, N. J., December 27, 1946, by Tassini & Salisch of cars SFRD 32215, 33128 and 25335, celery, now on the Baltimore and Ohio RR., to Community Produce Co., Boston Terminal Market, Boston, Mass. (N. Y., N. H. & H.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of December, 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-123; Filed, Jan. 6, 1947; 8:47 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-469]

KAMM DEVELOPMENT CORP.

CONSENT ORDER

Kamm Development Corporation, a New York Corporation located at 844 Hopkinson Avenue, Brooklyn, New York, is engaged in the building construction business. Philip Auerbach is President of said corporation and its operating head. Kamm Development Corporation is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about May 3, 1946, it began construction, without authorization, and at a cost in excess of $1,000, of a commercial building (automobile showroom and service garage) located at 19 South Main Street, Spring Valley, New York; (2) on and after May 3, 1946, it carried on construction, without authorization and at a cost in excess of $1,000, of a commercial building (automobile showroom and service garage) located at 19 South Main Street, Spring Valley, New York; (3) on or about June 21, 1946, it began construction of a commercial building (automobile showroom and service garage) located at 19 South Main Street, Spring Valley, New York, which construction exceeded the terms and limitations of authorization 2-1-1868 issued by the Civilian Production Administration on June 21, 1946; (4) on and after June 21, 1946, it carried on construction of a commercial building (automobile showroom and service garage) located at 19 South Main Street, Spring Valley, New York, which construction exceeded the terms and limitations of authorization 2-1-1868 issued by the Civilian Production Administration on June 21, 1946.

Kamm Development Corporation admits the violations charged, denies that the acts charged were committed wilfully, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Kamm Development Corporation, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner; *It is hereby ordered,* That:

(a) Neither Kamm Development Corporation, its successors and assigns, nor any other person shall do any further construction on the premises located at 19 South Main Street, Spring Valley, New York, including the putting up,

completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Kamm Development Corporation shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Kamm Development Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 6th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-185; Filed, Jan. 6, 1947; 11:12 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-1411, 70-1414]

PUBLIC SERVICE CO., INDIANA, INC., ET AL

NOTICE REGARDING FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of December A. D. 1946.

In the matter of Public Service Company of Indiana, Inc., Indiana Gas & Water Company, Inc., File No. 70-1411; the Middle West Corporation, File No. 70-1414.

Notice is hereby given (1) that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Public Service Company of Indiana, Inc. ("Service Company"), a public utility company,[1] and by its public utility subsidiary, Indiana Gas & Water Company, Inc. ("Gas-Water"), and (2) that an application has been filed pursuant to said act by The Middle West Corporation ("Middle West"), a registered holding company and the parent of Service Company. Sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (d) and 12 (f) of the act and Rules U-43 and U-44 thereunder are designated as being applicable to the proposed transactions.

Notice is further given that any person may, not later than January 10, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration and by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after January 10, 1947, said application-declaration and said application, as filed or amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, and to said application, which are on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

1. Gas-Water proposes to amend its articles of incorporation so as to provide for the issuance of scrip certificates representing fractional share interests in its outstanding common stock, all of which is held by Service Company.

2. Gas-Water proposes to issue from time to time bearer scrip certificates representing fractional share interests in its outstanding common stock in exchange for their equivalent in shares of such stock to be surrendered by Service Company.

3. Service Company proposes from time to time to declare dividends on its common stock payable in common stock of Gas-Water, with scrip certificates in lieu of fractional shares. The company has indicated its intention to distribute in this manner quarterly dividends of 1/20 share of common stock of Gas-Water for each share of common stock of Service Company. Such proposal is stated to be for the purpose of effecting a program for disposal by Service Company of its entire holdings of the common stock of Gas-Water consisting of 600,000 shares.

4. Service Company proposes to change the maturity dates of $3,250,000 aggregate principal amount of notes due certain banks and now maturing September 1, 1955, so that said notes will become due as follows: $125,000 on December 1, 1949 and $125,000 quarterly thereafter to and including June 1, 1955, and the balance of $375,000 on September 1, 1955. The present note agreement contains certain restrictions on the disposition of portfolio securities which will be eliminated by the proposed change.

5. Middle West proposes to acquire from time to time shares of common stock of Gas-Water (or scrip certificates representing fractional shares) to which it may be entitled by reason of its ownership of 224,586 shares (approximately 20.27%) of common stock of Service Company.

Applicants-declarants state that application for approval of the several proposals has been filed with the Public Service Commission of Indiana and that when said Commission issues its order with respect thereto, a copy thereof will be filed herein by amendment.

The findings request that the Commission's order granting the applications and permitting the declarations to become effective be issued on or before January 15, 1947 and become effective forthwith so that the proposals may be consummated prior to January 24, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-111; Filed, Jan. 6, 1947; 8:56 a. m.]

[1] Service Company is an exempt holding company (File No. 69-36) pursuant to section 3 (a) of the act and Rule U-2 thereunder.

[File No. 70-1425]

WASHINGTON RAILWAY AND ELECTRIC CO.

NOTICE REGARDING FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of December 1946.

Notice is hereby given that an application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Washington Railway and Electric Company, a registered holding company and a subsidiary of The North American Company, also a registered holding company. Applicant-declarant designates sections 6 (a), 7 and 12 (c) and Rules U-23, U-24, U-42 and U-50 of the rules promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 15, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application or declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration, as filed or as amended, may be granted or may become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application and declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Washington Railway and Electric Company proposes to issue and to sell to certain banks $2,800,000 principal amount of Bank Loan Notes, payable on or before two years from their date, with interest thereon at the rate of 1¾% per annum. Such Bank Loan Notes are proposed to be issued to certain banking institutions now holding declarant's presently outstanding Bank Loan Notes aggregating $3,500,000, and maturing January 31, 1947, and said banks represent that such Notes are proposed to be held for investment and not for resale. It is proposed that the Bank Loan Notes be subject to the provisions of a Bank Loan Agreement dated December 20, 1946 which provides, among other things, for the right of prepayment of such Bank Loan Notes, without premium, upon the terms and conditions set forth therein. Declarant proposes to apply the proceeds of such issue, together with $700,000 of treasury funds, to the payment and retirement of all its presently outstanding Bank Loan Notes maturing January 31, 1947, in the aggregate principal amount of $3,500,000 and issued under a Bank Loan Agreement dated December 6, 1944.

Applicant-declarant has requested that its application be granted and that its declaration be permitted to become effective on or before January 23, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-112; Filed, Jan. 6, 1947; 8:57 a. m.]

[File No. 812-472]

BANKERS SECURITIES CORP. ET AL.

NOTICE OF FILING OF APPLICATION, STATEMENT OF ISSUES, AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of December A. D. 1946.

Notice is hereby given that Bankers Securities Corporation, Bankers Bond and Mortgage Guaranty Company of America and Bankers Bond and Mortgage Company have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the act a proposed agreement between Bankers Bond and Mortgage Company and McCloskey Homes, Inc., pursuant to which Bankers Bond and Mortgage Company agrees to lend McCloskey Homes, Inc., funds upon appropriate security in connection with the construction and mortgaging of 546 individual dwellings, and McCloskey Homes, Inc. may sell to Bankers Bond and Mortgage Company individual and permanent mortgages created in connection with the sale of the individual dwellings.

Bankers Securities Corporation is a closed-end, management, non-diversified investment company and is registered under the Investment Company Act of 1940. Bankers Bond and Mortgage Guaranty Company of America is controlled by Bankers Securities Corporation. Bankers Bond and Mortgage Company is a wholly owned subsidiary of Bankers Bond and Mortgage Guaranty Company of America. Bankers Securities Corporation also owns 20% of the voting securities of McCloskey Homes, Inc.

In the proposed agreement Bankers Bond and Mortgage Company agrees to advance to McCloskey Homes, Inc. funds up to a prescribed maximum approximately equivalent to 90% of the construction completed, at the rate of 4½% per annum, subject to certain limitations and conditions. McCloskey Homes, Inc. agrees that, upon settlement following sale of each dwelling unit and lot, it will pay Bankers Bond and Mortgage Company the proceeds received by it from such sale, after deducting any sales commission payable thereon, to be applied in reduction of the principal of the advance money mortgage, and Bankers Bond and Mortgage Company will thereupon release said unit and lot from the lien of the advance money mortgage. In addition, it is provided that Bankers Bond and Mortgage Company shall have the exclusive right to purchase, accept or place, at face amount, the individual mortgage financing required by any purchase of a dwelling unit, for which it is to receive a fee of 1% on such face amount, payable by McCloskey Homes, Inc. It is proposed that such mortgages will be eligible for insurance by the Federal Housing Administration or eligible for guarantee by the Veterans' Administration.

Section 17 (a) (3) of the act prohibits an affiliated person (McCloskey Homes, Inc.) from borrowing money or other property from a company controlled by a registered investment company (Bankers Bond and Mortgage Company). Section 17 (a) (1) of the act prohibits the sale by an affiliated person (McCloskey Homes, Inc.) of any security or other property to a company controlled by a registered investment company (Bankers Bond and Mortgage Company).

The applicants have therefore filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transaction from the provisions of section 17 (a) of the act, and they assert that the proposed transactions meet the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed agreement is fair and reasonable;

(2) Whether the proposed agreement involves overreaching on the part of any person concerned;

(3) Whether the proposed agreement is consistent with the policy of Bankers Securities Corporation as recited in its registration statement and reports filed under the act;

(4) Whether the proposed agreement is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on January 13, 1947, at 9:30 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Allen MacCullen, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Bankers Securities Corporation, Bankers Bond and Mortgage Guaranty Company of America, Bankers Bond and Mortgage Company, and McCloskey Homes, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before January 10, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-113; Filed, Jan. 6, 1947; 8:57 a. m.]

[File No. 70-736]

ALABAMA WATER SERVICE CO. AND FEDERAL WATER AND GAS CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of December A. D. 1946.

Federal Water and Gas Corporation ("Federal"), a registered holding company, and Alabama Water Service Company ("Alabama"), a wholly owned subsidiary of Federal, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding the following transactions:

Federal as the present owner of all of the common stock of Alabama (the only securities of Alabama outstanding) proposes to surrender to Alabama for cancellation all of this common stock in exchange for all of the assets of Alabama, Federal assuming all of Alabama's remaining liabilities. At the present time the only substantial assets of Alabama, other than physical properties in the form of water works properties located in Monroeville, Alabama, consist of cash. It is represented in the application-

declaration that Alabama is to dispose of these properties to the municipality of Monroeville, Alabama, for cash and that such disposition is to precede the liquidation and dissolution of Alabama.

The joint application-declaration was filed on November 13, 1946. Notice of this filing was duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission has not received a request for a hearing wtih respect thereto within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application be granted and said joint declaration be permitted to become effective, and further deeming it appropriate to grant the request of applicants that this order be effective upon issuance;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that this joint application be, and the same is hereby, granted and that this joint declaration be, and the same is hereby, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-114; Filed, Jan. 6, 1947; 8:57 a. m.]

[File No. 70-816]

AMERICAN LIGHT AND TRACTION CO. ET AL.

ORDER RELEASING JURISDICTION WITH RESPECT TO FEES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of December A. D. 1946.

In the matter of American Light & Traction Company, Michigan Consolidated Gas Company, American Production Company, American-Michigan Pipe Line Company, and Waverly Company, File No. 70-816.

The Commission having by order dated September 5, 1944, released jurisdiction with respect to legal fees incurred in connection with the refunding of the outstanding funded debt and preferred stock of Michigan Consolidated Gas Company, a subsidiary of American Light & Traction Company, approved by orders dated December 20, 1943, and March 20, 1944; and having by said order dated September 5, 1944, reserved jurisdiction with respect to the reasonableness of fees for advisory services rendered by Dillon, Read & Co.; and

A supplemental application having been filed requesting approval of a fee in the amount of $30,000 for advisory services rendered to Michigan Consolidated Gas Company by Dillon, Read & Co.; and

A hearing having been held on said supplemental application after appropriate notice; and

It appearing to the Commission that no adverse findings are necessary in respect of the payment of such fee to Dillon, Read & Co. and that jurisdiction with respect thereto should now be released:

It is ordered, That jurisdiction be and hereby is released with respect to the payment of said fee, in the amount of $30,000, to Dillon, Read & Co. by Michigan Consolidated Gas Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-115; Filed, Jan. 6, 1947; 8:57 a. m.]

Reference

JAN 10 '47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 5

Washington, Wednesday, January 8, 1947

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

[Gen. Regs. 108]

PART 7—GOVERNMENT REQUESTS FOR TRANSPORTATION OF PASSENGERS

JANUARY 2, 1947.

General Regulations No. 46, issued October 16, 1925, and Supplements Nos. 1 and 2 thereto, issued May 6, 1926, and October 6, 1926, respectively, prescribing the standard forms of U. S. Government requests for transportation and U. S. Government transportation identification card and the procedures pertaining thereto, and General Regulations No. 75, issued June 26, 1931, prescribing the standard forms and procedure for the billing of transportation charges for persons, freight, and express, insofar as the latter regulations pertain to the billing of transportation charges for persons, are hereby rescinded and the following new standard forms and procedure are prescribed in lieu thereof, effective April 1, 1947:

Sec.
7.1 Standard Government request for transportation of passengers forms.
7.2 Printing and binding.
7.3 Utilization of the old series of transportation requests.
7.4 Accountability for requests for transportation.
7.5 Issue and use of requests.
7.6 Preparation of requests.
7.7 Exchange of requests for transportation at ticket offices.
7.8 Identification of travelers.
7.9 Transportation differing from that specified in request.
7.10 Refusal of carrier to honor transportation requests.
7.11 Spoiled or canceled requests.
7.12 Memorandum of Government request for transportation.
7.13 Uncompleted journeys.
7.14 Unused tickets.
7.15 Claims against common carriers for the value of unused passenger tickets or portions thereof.
7.16 Elimination of waivers.
7.17 Lost or stolen transportation requests.
7.18 Symbol letters prescribed.

AUTHORITY: §§ 7.1 to 7.18, inclusive, issued under sections 309 and 311 (f), 42 Stat. 25; 31 U. S. C. 49 and 52 (f).

§ 7.1 *Standard Government request for transportation of passengers forms.* The following new standard forms for requesting the transportation of passengers by common carriers are hereby prescribed and published for general use throughout the United States Government service, in lieu of all other forms of like character now being used for this purpose:

Standard Form No. 1138,[1] U. S. Government request for transportation—Type A book cover (front and back—outside and inside).

Standard Form No. 1139,[2] U. S. Government request for transportation—Type A, original.

Standard Form No. 1139a,[2] Memorandum of U. S. Government request for transportation—Type A.

Standard Form No. 1140,[2] U. S. Government request for transportation—Type B book cover (front and back—outside and inside).

Standard Form No. 1141,[1] U. S. Government request for transportation—Type B, original.

Standard Form No. 1141a,[2] Memorandum of U. S. Government request for transportation—Type B.

(Specimen forms of the U. S. Government requests for transportation herein prescribed are attached for placing in the FEDERAL REGISTER as exhibits.)

§ 7.2 *Printing and binding.* (a) The size of the above-prescribed standard forms, with the exception of Standard Form No. 1140, will be 8¼ by 3¼ inches including binding. Standard Form No. 1140 will be 8¼ by 16¼ inches including binding. The original requests for transportation, Standard Form Nos. 1139 and 1141, will be printed on light green paper and the memorandum copies thereof, Standard Form Nos. 1139a and 1141a, will be printed on white paper. U. S. Government Request for Trans-

[1] Filed as part of the original document.
[2] Not filed with the Division of the Federal Register.

(Continued on p. 115)

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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portation—Type A, original, Standard Form No. 1139, together with the memorandum copy thereof, Standard Form No. 1139a, will be bound 25 requests to the book in U. S. Government Request for Transportation—Type A Book Cover, Standard Form No. 1138. U. S. Government Request for Transportation—Type B, original, Standard Form No. 1141, together with the memorandum copy thereof, Standard Form No. 1141a, will be bound 100 requests to the book (5 requests to the page) in U. S. Government Request for Transportation—Type B Book Cover, Standard Form No. 1140.

(b) The new forms of U. S. Government Request for Transportation, Standard Forms Nos. 1139, 1139a, 1141, and 1141a, will be prenumbered when printed (numbers will be printed in black only) and such numerals will be immediately preceded by symbol letters (also in black and capital letters only), approved in advance by the Comptroller General of the United States for the purpose of identifying the Government agency using same. In connection with the use of the new forms of transportation requests, there are hereby prescribed, as set forth in § 7.18, revised symbol letters for the several departments, independent establishments, and agencies of the Government, and such symbol letters should always be included in any reference to the serial number of said new forms of transportation request. Symbol letters required by agencies not listed in § 7.18 or any variation from the prescribed symbol letters, must be requested in writing and authorized by written approval of the Comptroller General of the United States. The serial numbers of transportation requests for each department, independent establishment, or agency of the Government will begin with the number "1" and continue numerically thereafter until the serial number for a department, establishment, or agency reaches the number "999,999", at which time the transportation request numbers will again begin with the number "1". However, separate series of serial numbers for Type A and Type B requests must not be used and the present (single) series of serial numbers may be continued to the new forms of requests prescribed herein. A single series of serial numbers must run consecutively through all requests regardless of the type or types ordered.

(c) No departure from the exact specifications of the standard forms herein prescribed will be permitted, but this will not be construed to prevent a department, independent establishment, or agency from ordering printed on the forms used by it, when more economical and advantageous to do so, the name of the department or establishment, name of bureau or service, place of issue, title of issuing officer, and designation of appropriation or fund chargeable.

(d) The above-prescribed forms will be printed only at the Bureau of Engraving and Printing and requisitions therefor should be addressed to the Treasury Department, Bureau of Federal Supply (Printing Section).

(e) The printing of Government requests for transportation by commercial concerns is strictly prohibited.

§ 7.3 *Utilization of the old series of transportation requests.* The present supply of unused Government request for transportation forms of the old type on hand in the departments, independent establishments and agencies, and at the Bureau of Engraving and Printing will be used until exhausted.

§ 7.4 *Accountability for requests for transportation.* Appropriate accountability records must be maintained by the departments and establishments of the United States Government for the purpose of controlling the stock of printed transportation requests on hand and for fixing the accountability upon the employees responsible for their issuance and use. Each officer and employee of the United States Government having custody of Government transportation requests should be held accountable therefor and chargeable with the amount which is required to be paid by the United States by reason of improper use of such requests resulting from fault or negligence.

§ 7.5 *Issue and use of requests.* (a) United States Government requests for transportation will be furnished by competent administrative authority for presentation by persons traveling on official business, based on proper travel authority, to transportation companies in the United States, including the Pullman Company, interurban electric railway companies, motor bus lines, or air lines, and to steamship lines having ports in the United States, for exchange by them for specified passenger, sleeping-car, parlor-car, steamship stateroom, or other commonly recognized transportation accommodations, and should be used, when practicable, to obtain all official transportation when the amount involved is $1 or more.

(b) Requests for Transportation—Type A (Standard Form No. 1139). In those cases where the traveler is authorized to issue transportation requests for his own use, Type A book(s) of blank transportation request forms will be issued to him, and the traveler will sign such requests once only in the space provided thereon for "Signature of issuing officer-traveler". The official issuing Type A book of blank requests to a traveler will show the transaction in the space provided therefor on the inside front cover of the book, Standard Form No. 1138, over his bona fide signature. The traveler should maintain a record of all requests issued by him and of all unnegotiated requests which are spoiled or canceled for any reason, such record to be kept on the stub to which the memorandum of the request for transportation is attached. When there is no further need for unused requests, when separated from Government service, or when all of the requests contained in a book have been exhausted, the book of unused requests or empty cover thereof, as the case may be, should be returned immediately to the official who issued such book of requests to the traveler. Books returned to the issuing officer containing unused requests may be reissued in blank to other travelers until the requests are exhausted, the return and reissue thereof to be shown in the spaces provided therefor on the inside front and back cover of the transportation request book. When all of the spaces provided for this purpose have been used, the unused transportation requests contained in books returned to the issuing officer should be effectively voided, accounted for, and returned through proper administrative channels to the Treasury Department, Bureau of Federal Supply (Printing Section).

(c) Requests for Transportation—Type B (Standard Form No. 1141). Type B transportation requests when signed and issued by an authorized issuing officer other than the traveler are for use only by the traveler named therein for securing the transportation specified. Type B transportation requests should not be issued in blank to travelers to be signed by them both as issuing officer and traveler.

(d) In order that the lowest possible fares for Government travel may be secured, and that the contract of carriage may at all times be clearly understood by all parties concerned, it is incumbent upon officials issuing requests, and upon travelers authorized to issue requests for their own use, to ascertain the lowest fare of the class that will adequately furnish the desired transportation and to issue transportation requests accordingly. When transportation and/or accommodations exceeding those authorized under current Standardized Government Travel Regulations are used, the excess cost thereof will be collected by the proper Government official from the traveler.

(e) Through tickets, excursion tickets, reduced-rate round-trip or party tickets should be secured whenever practicable and economical.

(f) Separate transportation requests should be issued for parlor, chair, or sleeping accommodations when same are not included in the cost of passage ticket.

§ 7.6 *Preparation of requests.* In preparing Government requests for transportation careful attention should be given to all instructions and details in arrangements, especially to the stub attached to the original requests headed "Carrier's stub", which must not be detached or covered by marks or writing since it is for the sole use of the carrier. Transportation requests should be filled in by typewriter, pen, or indelible pencil, and a legible memorandum thereof must always be secured. The information to be inserted in the spaces provided therefor on the transportation request form is as follows:

Good until _____ (date). To avoid the unauthorized use of lost transportation requests, care should be exercised when setting the limitary date to provide for the

definite invalidation of the request at the earliest practicable date.

Name of the Government office to be billed.

Name of the carrier or company on which drawn.

Name of person to be furnished transportation; if a party, the name of person in charge and the number of other persons in the party.

Point of departure.

Destination.

Complete route showing initial letters of each carrier and names of junction points via which ticket is to be issued, and classes of service between junctions in mixed travel.

Appropriation or fund chargeable.

Authorization or object—Identifying reference to authority for travel (serial number and/or date of travel order) must be entered on the transportation request either by the traveler or by the administrative officer who examines same prior to payment.

The class of transportation, number of persons, seat or sleeping accommodations desired, and number of pounds of baggage authorized to be transported in excess of the weight carried free by transportation companies will be indicated in the block provided for this purpose. A blank space is also provided in this block in which to describe accommodations such as staterooms on river and coastwise steamships or air sleeper service, when same are not included in the cost of passage ticket, and other authorized accommodations for which no specific provision is made on the request form. All unused spaces in this block should be canceled by drawing a line through them.

§ 7.7 *Exchange of requests for transportation at ticket offices.* To obtain transportation and/or accommodations, Government requests for transportation completely filled out and validated by an authorized issuing officer other than the traveler, or by an issuing officer-traveler (before reaching ticket window), as the case may be, should be exchanged at a ticket office. When requests are presented at an office not supplied with the proper ticket forms, at a non-agency station, or at a station at which the ticket office is not open for the sale of tickets before departure of train, conductors will honor requests as follows:

(a) If the destination is a point on conductor's run, the request may be honored to destination without exchange, and traveler's receipt secured in the space provided therefor on the face of the request.

(b) If the destination is a point beyond the conductor's run, conductor will honor the request to the first station en route at which proper form of ticket can be issued in the usual way, endorsing on back of request over his signature the points between which request was honored without ticket. When the request is exchanged at an intermediate ticket office, it should show clearly that transportation was furnished from point of origin of travel and not from the intermediate point at which the ticket is exchanged.

(c) When a request presented on the train calls for transportation beyond the line of the initial carrier or beyond the train conductor's run and it is impossible to exchange it before reaching the station at which the traveler leaves the train, or before reaching the end of the conductor's run, as the case may be, the conductor must obtain a statement signed by the traveler, completely describing the transportation request and certifying to the points between which the traveler has been carried and the reason why the request could not be exchanged, such record to be turned in with the conductor's train collections. After securing such statement, the conductor should endorse on the request over his signature the stations between which honored and return it to the traveler who, immediately after leaving the train, will present the request to the ticket agent of the line on which it is drawn, and on which it was honored by the conductor, for exchange for a ticket to the destination named therein. Such request should not be honored by the ticket agent of the carrier on which the journey will be continued, as payment thereon by the Government in that case would necessitate securing a waiver from the initial carrier on which it is drawn.

§ 7.8 *Identification of travelers.* (a) When a traveler signs a request (Type A) as issuing officer-traveler, the carrier will require him to exhibit the book from which the request was taken, in order to ascertain the name of the person to whom the book of requests was issued, and will then require him to establish his identity as the person to whom such book of requests was issued. When a traveler, upon request, fails to produce the book from which the request was taken, the ticket agent should refuse to honor the transportation request and require the traveler to pay cash for his transportation, the amount thereof to be later included, if proper, in the traveler's voucher as an item for reimbursement.

(b) The above requirement as to means of identification does not apply to Type B transportation requests which are filled out and signed by an authorized issuing officer other than the traveler, ready for use by the traveler named therein for transportation specified. Ticket agents should exercise at least ordinary care in assuring themselves of the identity of a traveler who presents a Type B request.

§ 7.9 *Transportation differing from that specified in request.* (a) Carriers must furnish transportation of the class or character and between the points specified in the request. The United States Government will not be responsible for excess costs occasioned by violation of those instructions. Transportation exceeding that called for on the face of the request must be paid for by the traveler when obtained and not billed against the Government.

(b) Where exceptional conditions require the issuance of transportation and/or accommodations differing from that specified in the request, the traveler should record, in the space provided on the reverse of the form, the actual services furnished, the reason for the difference, and sign the statement. Any additional charges resulting from furnishing services or accommodations in excess of those called for on the face of the request should be collected by the carrier from the traveler and not billed against the Government, the notation by the traveler on the reverse of the request being, in such situation, only for purposes of adjustment between the traveler and the Government where the traveler may claim reimbursement.

(c) Transportation furnished by a carrier other than the one named on the face of the request is transportation differing from that specified in the request, and in such case the carrier should require the traveler to record, in the space provided on the reverse of the form, the name of the carrier actually furnishing the transportation and to sign the statement.

(d) Except as provided in paragraphs (b) and (c), of this section, transportation requests must not be altered and requests showing erasures or alterations should not be honored.

§ 7.10 *Refusal of carrier to honor transportation requests.* Should an agent of any transportation company refuse to accept a request, the facts must be reported immediately to the central office of the Government department or independent establishment through the official who furnished the request to the traveler.

§ 7.11 *Spoiled or canceled requests.* All transportation requests spoiled or canceled for any reason should be marked "Canceled" and forwarded immediately, through the official who furnished the request(s), to the administrative office where the accountability records are kept, there to be accounted for and returned through proper administrative channels to the Treasury Department, Bureau of Federal Supply (Printing Section).

§ 7.12 *Memorandum of Government request for transportation.* (a) When the original Government request for transportation is surrendered to the carrier, a legible memorandum copy thereof, properly filled out and showing the estimated cost (ticket agent's valuation of ticket) of the transportation furnished, will be forwarded in accordance with administrative instructions. Connectively, the attention of administrative officers is invited to the provisions of General Regulations No. 100, issued October 4, 1943, which require that in those offices in which the memorandum of the transportation request is the document to be used in recording the obligation for transportation procured, it is essential that the memorandum copy be sent to the administrative office maintaining the fund accounts immediately upon delivery of the original transportation request to the carrier.

(b) When the service furnished varies from that specified in the request, the traveler should record, in the space provided on the reverse of the memorandum of the transportation request form, the actual transportation furnished and the reason for the difference.

§ 7.13 *Uncompleted journeys.* Travelers leaving trains or other conveyances short of destination specified on ticket, after having surrendered ticket or coupon of ticket, must secure a statement of the service rendered to that point from the train conductor or person in charge of conveyance. When traveler surrenders sleeping or parlor-car accommodations short of destination, statement must also be obtained from the conductor or person in charge of the conveyance. A statement of fact must be furnished for each interrupted air trip in the course of which the plane is grounded or any part of the air trip canceled short of destination, such statement to include a description of the services furnished upon the resumption of travel. These statements in each case must be forwarded immediately to the central office of the Government department or independent establishment through the official who furnished the request, giving serial number of each request involved.

§ 7.14 *Unused tickets.* (a) Under no circumstances shall an employee attempt to secure a refund from a transportation company for an unused ticket or portion thereof obtained on a Government transportation request.

(b) When a traveler discontinues a trip short of destination and further need for unused ticket(s) or portion(s) thereof has ceased, and when the time limit on a round-trip ticket has expired, unused ticket(s) or portion(s) thereof secured on Government transportation requests must be forwarded immediately to the central office of the Government department or independent establishment through the official who furnished the request(s), together with explanatory statement as to why ticket(s) or such portion(s) thereof was (were) not used. When the traveler fails to comply with the foregoing and an accounting period for the traveler occurs while he is still in possession of an unused ticket, or portion(s), thereof, there should be withheld in his expense account a sufficient amount to cover the cost of same pending a proper accounting therefor.

§ 7.15 *Claims against common carriers for the value of unused passenger tickets or portions thereof.* In order that the General Accounting Office may properly audit and settle accounts involving deductions for, or collections received by reason of, unused tickets or portions thereof, the following procedure is prescribed:

(a) Upon deduction of an amount representing the value of an unused ticket or portion thereof from the voucher on which the covering transportation request is billed, a full description of the unused ticket or portion thereof will be noted on the voucher.

(b) Upon deduction of an amount representing the value of an unused ticket or portion thereof from a voucher other than that on which the covering transportation request was billed, a full description of the unused ticket or portion thereof will be noted on the voucher on which the deduction is made, together with a reference to the transportation request on which the ticket was issued and the disbursing officer's voucher covering payment for same.

(c) When a deduction is made in accordance with the provisions of paragraphs (a) and (b) of this section, the unused ticket or portion thereof will be forwarded by the administrative office making the deduction to the carrier and copy of the letter of transmittal will be attached to the voucher involved.

(d) If deductions cannot be made administratively as hereinabove outlined, the department or agency involved should bill the carrier for the amount due and should request that the remittance (drawn to the order of the Treasurer of the United States) be made direct to the indicated office of the billing agency, and upon receipt of such remittance same will be promptly listed on the schedule of collections then current.

(e) In cases where bills are issued to the carrier for refunds of amounts representing the value of unused tickets or portions thereof, in accordance with the provisions of paragraph (d) of this section, the unused tickets or portions thereof will be forwarded to the carrier along with the billing.

(f) In the event the carrier declines to remit the value of unused tickets or portions thereof, the administrative (billing) office should furnish to the Claims Division, General Accounting Office, Washington, D. C., a copy of the billing, containing references to transportation request numbers and disbursing officers' voucher numbers covering payment therefor, and copies of correspondence with the carrier, for appropriate action.

§ 7.16 *Elimination of waivers.* This office will not take exception to the elimination of waivers on requests honored by one class of carriers but naming on the face thereof another of the class of carriers, provided the cost of the service actually furnished is not in excess of that originally authorized and that the traveler is required by the carrier furnishing the transportation to record on the reverse of the request the name of the carrier and the service actually furnished, the reason for the difference, and sign the statement.

§ 7.17 *Lost or stolen transportation requests.* (a) Lost or stolen transportation requests should be reported promptly to the central office of the Government department or independent establishment through the official furnishing the request, and a copy of such report should be sent to the General Accounting Office without delay. Extreme care should be exercised to report the name of the person to whom issued and the correct symbol and serial numbers of the lost or stolen requests and books.

(b) Under no circumstances should transportation requests which have been reported lost or stolen, and subsequently recovered, be used to obtain transportation or accommodations. Blank or completely filled out transportation requests, not in books, which have been reported lost or stolen, if subsequently recovered should be immediately marked canceled by the officer or employee recovering same and promptly forwarded to the issuing officer who should record the cancellation thereof on the proper transportation request accountability record and forward the request through proper administrative channels to the Treasury Department, Bureau of Federal Supply (Printing Section). Transportation requests in books which have been reported lost or stolen, if subsequently recovered should be marked canceled and forwarded by the finder direct to the Treasury Department, Bureau of Federal Supply (Printing Section), which office should promptly advise the administrative office concerned of all transportation requests so received.

§ 7.18 *Symbol letters prescribed.* Symbol letters prescribed for use in identifying the Government departments, independent establishments, and agencies using the new forms of U. S. Government Request for Transportation (Standard Forms Nos. 1139 and 1141), are as follows:

New symbols	Name of department, independent establishment or agency	Old symbols
A	Agriculture Department	A
ABM	American Battle Monuments Commission.	ABM
AAC	American Commission for the Protection and Salvage of Artistic and Historic Monuments in Europe.	AAC
AC	Architect of the Capitol	AC
BG	Botanic Gardens	BG
EB	Bureau of the Budget	Bdg
EC	Bureau of Employees' Compensation	EC
TS	Bureau of Federal Supply (Treasury)	TPS
CP	Civilian Production Administration	CPA
CS	Civil Service Commission	CS
TC	Coast Guard	NCG
C	Commerce Department	C
EA	Council of Economic Advisors	None
CL	Court of Claims	CCC
CA	Court of Customs and Patent Appeals.	CA
DC	District of Columbia, Government of	DC
DM	District of Columbia Militia	DCM
LE	Employment Service, U. S.	SAss
EX	Executive Office of the President	E
IB	Export-Import Bank of Washington	FEAci
CN	Federal Communications Commission.	RC
DE	Federal Deposit Insurance Corporation.	FIC
HB	Federal Home Loan Bank Administration.	LAld
HG	Federal Housing Administration	HAfh
LN	Federal Loan Agency	LA
LM	Federal National Mortgage Association.	LAmn
PR	Federal Power Commission	FP
HP	Federal Public Housing Authority	HAph
RS	Federal Reserve System	FR
HS	Federal Savings and Loan Insurance Corporation.	LAsl
SA	Federal Security Agency	SA
TF	Federal Trade Commission	FT
WA	Federal Works Agency	WA
FA	Fine Arts Commission	FA
SF	Food and Drug Administration	SAfd
GA	General Accounting Office	GA
GP	Government Printing Office	GP
HR	House of Representatives	HR
IN	Interior	I
TR	Internal Revenue	TIR
IC	Interstate Commerce Commission	IC
J	Justice Department	J
L	Labor Department	L
EP	Liaison Office for Personnel Management.	Epm
LC	Library of Congress	LC
NM	Marine Corps	M
ME	Maritime Commission	MC
AE	National Advisory Committee for Aeronautics.	NA
AR	National Archives	NAR
AG	National Gallery of Art	NGA
H	National Housing Agency	HAa
LR	National Labor Relations Board	NLB
MB	National Mediation Board	MB
N	Navy Department	N
NS	Bureau of Supplies and Accounts	Ns
AP	Office of Alien Property Custodian	AP
CT	Office of Contract Settlement	OCS
ES	Office of Economic Stabilization	OES
SE	Office of Education	SAe
PA	Office of Price Administration	OPA
SV	Office of Vocational Rehabilitation	SAv
MR	Office of War Mobilization and Reconversion.	WMR
PC	Panama Canal	PC
PD	Philippine War Damage Commission	PD
P	Post Office Department	D
DB	Price Decontrol Board	None
WB	Public Buildings Administration	WAph
SH	Public Health Service	SAph
WR	Public Roads Administration	WApr
IP	Puerto Rico Reconstruction Administration.	PR
RD	Railroad Retirement Board	RRB
LF	Reconstruction Finance Corporation	RFC
SX	Securities and Exchange Commission	SE
SR	Selective Service System	DSS
SN	Senate	SN
SM	Smithsonian Institution	SI

New symbols	Name of department, independent establishment or agency	Old symbols
SL	Social Security Administration	SAss
S	State Department	S
SU	Supreme Court of the United States	SC
TF	Tariff Commission	TC
TX	Tax Court of the United States	TCUS
TV	Tennessee Valley Authority	TV
T	Treasury Department	T
UC	U. S. Courts, Administrative Office of	USCA
V	Veterans Administration	VA
	War Department:	
WE	Engineer Department	WE
WQ	Quartermaster's Department	WQ
WS	War Assets Administration	WAS
WH	White House	WH

LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 47-137; Filed, Jan. 7, 1947; 8:51 a. m.]

[Gen. Regs. 108]

PART 9—PUBLIC VOUCHER FOR TRANSPORTATION CHARGES

USE BY CARRIERS IN BILLING FREIGHT AND PASSENGER TRANSPORTATION CHARGES

JANUARY 2, 1947.

1. The headnote for § 9.2 (11 F. R. 1386) is amended to read as follows: *"Use by carriers in billing freight transportation charges."*

2. Section 9.3 is added to read as follows:

§ 9.3 *Use by carriers in billing passenger transportation charges.* (a) Public Voucher for Transportation Charges (original), Standard Form No. 1113, and memorandum therefor, Standard Form No. 1113a, which were prescribed by General Regulations No. 97—Revised, issued January 21, 1946 (11 F. R. 1386), for use by carriers as the standard forms on which to bill their charges against all branches of the U. S. Government service for the transportation of freight or express, are hereby prescribed and published for use by carriers in full conformity with all of the provisions of said General Regulations No. 97—Revised, pertaining thereto, as the standard forms on which to bill their charges against all branches of the U. S. Government service for the transportation of passengers.

(b) Carriers may either purchase or print or have printed the said voucher forms as indicated in § 9.1 (b) (11 F. R. 1386), including in addition thereto printing by a commercial printer.

(c) Bills involving charges for transportation and accommodations furnished on Government requests for transportation of the old series (Standard Form No. 1030) may continue to be submitted on Public Voucher for Transportation of Passengers (Standard Form No. 1067) which form will be continued to be furnished to carriers by the Government Printing Office. Bills involving charges for transportation and accommodations furnished on the herein-prescribed Government requests for transportation (Standard Forms Nos. 1139 and 1141—see § 7.1 of this chapter) will be submitted on Public Voucher for Transportation Charges (Standard Form No. 1113). All bills must be rendered direct to the issuing bureau or office shown on the face of the transportation request. Carriers should make a special effort to include as many subvouchers as possible on each voucher form, and furnish one memorandum copy, Standard Form No. 1113a, with each voucher form as outlined in § 9.2 (d) (11 F. R. 1386).

(d) Bills involving charges for the transportation of freight or express must not be included on the same voucher with those involving the transportation of passengers and, in order that the class of charges involved in the voucher can be readily determined, the words "Passenger", "Freight", or "Express", as the case may be, should be printed or otherwise placed by the carrier in a conspicuous manner immediately above the title of the voucher form (Standard Form No. 1113) and memorandum thereof (Standard Form No. 1113a) on which the bill is rendered.

(e) In those instances where the showing of information or facts additional to those shown on the transportation request as surrendered by the traveler to the agent (or conductor) at the time of procuring the ticket (or service) is considered necessary to support or explain charges claimed, a statement of such facts or explanation should be made on a separate paper attached to the request or voucher (Standard Form No. 1113), or on said latter form itself if space permits, but in no event should the request itself be subjected to notations in the auditing process by the carrier, except to show carrier's audited value, since it is essential that the information appearing on the transportation request upon completion of the transaction between the traveler and the ticket agent or conductor in procuring and furnishing the ticket or service be clearly reflected at all times and not impaired by subsequent notations.

(Secs. 309, 311 (f), 42 Stat. 25; 31 U. S. C. 49, 52 (f))

[SEAL] LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 47-138; Filed, Jan. 7, 1947; 8:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL AND PROFESSIONAL POSITIONS

INSTRUCTOR OF ELECTRICAL ENGINEERING AND INSTRUCTOR OF MATHEMATICS

The folowing positions are added to the list of positions in paragraph (a) of § 25.1 (10 F. R. 12839) for which formal educational requirements have been prescribed:

§ 25.1 *Positions for which formal education requirements prescribed.* (a) • • •

INSTRUCTOR OF ELECTRICAL ENGINEERING, P-4

Educational requirement. Applicants must have successfully completed a four-year course of study leading to a bachelor's degree in engineering or physics in a college or university of recognized standing.

Duties. The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in electrical engineering including alternating and direct current machines and circuits and engineering electronics. Under the supervision of the head of the engineering department he will prepare daily assignments, using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom and laboratory instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in education methods so that cadets may receive a knowledge of fundamental concepts and techniques in electrical engineering and develop analytical ability which will enable them to perform the duties of commissioned officers of the Coast Guard.

Justification of educational requirement. Justification for Instructor of Electrical Engineering P-4 is the same as the justification for Teacher, All Grades, 10 F. R. 7081, 12839.

INSTRUCTOR OF MATHEMATICS P-4

Educational requirement. Applicants must have successfully completed a four-year course of study leading to a bachelor's degree with study in mathematics or civil engineering in a college or university of recognized standing.

Duties. The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in mathematics and surveying and related subjects including plane and spherical trigonometry, analytical geometry, plane and hydrographic surveying, differential and integral calculus and analytical mechanics. Under the supervision of the heads of the departments of mathematics and civil engineering he will prepare daily assignments using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in educational methods so that cadets may receive a knowledge of fundamental concepts and techniques and develop analytical ability which will enable them to perform the duties of commissioned officers in the Coast Guard.

Justification of educational requirement. Justification for Instructor of Mathematics, P-4 is the same as the justification for Teacher, All Grades, 10 F. R. 7081, 12839.

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
ARTHUR S. FLEMING,
Acting President.

[F. R. Doc. 47-148; Filed, Jan. 7, 1947; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 175—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

CROSS REFERENCE: For revocation of § 175.59, see Title 22, Chapter I, *infra.*

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 382]

PART 202—ACCOUNTS AND REPORTS

FORMS OF ACCOUNTS OF AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office at Washington, D. C., on the 27th day of December 1946. (Revision of § 202.2 of the Economic Regulations, "Form of Accounts of Air Carriers.")

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a), and for the purpose of implementing section 407 (d), and finding that it is desirable that all reports for the year 1947 be uniform, and that this fact renders notice and public procedure impracticable, and that it requires that this regulation be made effective without delay, hereby amends § 202.2 of the Economic Regulations in its entirety to read as follows, effective January 1, 1947:

§ 202.2 *Form of accounts of air carriers*—(a) *Requirement.* Each air carrier engaged in scheduled air transportation shall keep its accounts, records and memoranda in accordance with the Uniform System of Accounts for Air Carriers issued by the Civil Aeronautics Board, dated January 1, 1947, and such amendments thereto as may hereafter be prescribed by the Board.

(b) *Waiver, modification, and interpretation.* The Director of the Economic Bureau shall have the authority to waive, modify, or interpret any of the provisions of the aforesaid Uniform System and to establish detailed uniform practices within the framework of the general accounting requirements prescribed by this section: *Provided*, That, upon application therefor by any affected air carrier, any such waiver, modification, interpretation, or establishment shall be submitted to the Board for review.

(c) *Reports.* This section has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. (52 Stat. 984, 1000, as amended; 49 U. S. C. 425, 487).

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-147; Filed, Jan. 7, 1947; 8:51 a. m.]

[Regs., Serial No. 383]

PART 202—ACCOUNTS AND REPORTS

FORMS OF REPORTS OF FINANCIAL AND OPERATING STATISTICS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of December 1946. (Revision of § 202.1 of the Economic Regulations "Forms of Reports of Financial and Operating Statistics.")

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a), and for the purpose of implementing section 407 (a), and finding that it is desirable that all reports for the year 1947 be uniform, and that this fact renders notice and public procedure impracticable, and that it requires that this regulation be made effective without delay, hereby amends § 202.1 of the Economic Regulations in its entirety to read as follows, effective January 1, 1947:

§ 202.1 *Forms of reports of financial and operating statistics*—(a) *Requirement.* Each air carrier engaged in scheduled air transportation shall for all periods subsequent to January 1, 1947, make periodic financial and statistical reports to the Board using the appropriate schedules of the Report of Financial and Operating Statistics for Air Carriers, CAB Form 41; Interim Operating Statement and Selected Expenses, CAB Form 41 (a), and such amendments thereto as may hereafter be approved by the Board. Such reports shall be made in accordance with, and shall be filed with the Secretary of the Board at such times as are specified in, the instructions relating to reporting procedure contained in the Uniform System of Accounts for Air Carriers, effective January 1, 1947, and such amendments thereto as may hereafter be approved by the Board.

(b) *Waiver, modification, and interpretation.* The Director of the Economic Bureau shall have the authority to waive, modify, or interpret any of the aforesaid reporting requirements and to establish detailed uniform practices within the framework of the general reporting requirements prescribed by this section, *Provided*, That, upon application therefor by any affected air carrier, any such waiver, modification, interpretation, or establishment shall be submitted to the Board for review.

(c) *Reports.* This section has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. (52 Stat. 984, 1000, as amended; 49 U. S. C. 425, 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-146; Filed, Jan. 7, 1947; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

ALIENS ENTERING; REVOCATION OF CERTAIN REQUIREMENTS FOR ALIEN SEAMEN

Pursuant to the authority contained in Proclamation 2523, November 14, 1941, 6 F. R. 5821, 5869; 40 Stat. 559; 41 Stat. 1217; ch. 210, 55 Stat. 252; 43 Stat. 153, 166, as amended; sec. 30, 54 Stat. 673; 22 U. S. C. and Sup. 223, 225–227; 8 U. S. C. 201–229, 451; E O. 4049, July 14, 1924, E. O. 8766, June 3, 1941, E. O. 9352, June 15, 1943, 6 F. R. 2741, 8 F. R. 8209:

Section 58.59, Chapter I, Title 22 of the Code of Federal Regulations, issued on July 19, 1945 (effective July 1, 1945: Departmental Regulation 9), such section being also designated as § 175.59 of Title 8, is hereby revoked.

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: November 15, 1946.

[SEAL] DEAN ACHESON,
Acting Secretary of State.

Concurred in by:

TOM C. CLARK,
Attorney General.

DECEMBER 18, 1946.

[F. R. Doc. 47-175; Filed, Jan. 7, 1947; 8:45 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

AUTOMOBILE APPRAISAL GUIDES

§ 222.109 *Automobile appraisal guides.* This part as revised effective December 1, 1946 (11 F. R. 13949), provided in § 222.9 (d) that the maximum credit value of a used automobile after January 1, 1947, will be the specified percentage of whichever is the lower of (a) the cash purchase price, or (b) the "appraisal guide value" (as determined from any designated guide).

The Board of Governors of the Federal Reserve System on December 16, 1946, designated the used-car guides that are to be used initially for this purpose. The guides designated and the territories for which they are to be used are listed below.

A dealer is not required to use any particular appraisal guide, but may use any one of those designated for use in the territory in which the sale is made. The requirement as to the use of the "appraisal guide value" does not apply to cars of 1936 and older models, and the maximum credit value in such cases will be the specified percentage of the cash purchase price, regardless of any lower appraisal guide value. The "appraisal guide value" to be used for the purposes of this part does not include any added value for cars equipped with a radio or heater, but it may include added value for cars having an overdrive or automatic transmission as extra equipment.

On December 26, 1946, the Board postponed the effective date of the designation, with the result that the guide books are not required to be used for the purposes of Regulation W until January 15, 1947, and the maximum credit value until that time will be based on the cash purchase price only. This action was taken because printing difficulties prevented delivery of certain of the designated guide books by January 1, 1947.

AUTOMOBILE APPRAISAL GUIDES DESIGNATED BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR PURPOSES OF § 222.9 (d) EFFECTIVE JANUARY 15, 1947

(Designations limited to quotations for used cars of 1937 and later models)

Name of guide and publisher	*Territory for which publication is designated*
"Market Analysis Report", published by Used Car Statistical Bureau, Inc.	Connecticut. Maine. Massachusetts. New Hampshire. New Jersey. New York. Rhode Island. Vermont.
"American Auto Appraisal", published by American Auto Appraisal.	Region A.[1]
"Official Wisconsin Automobile Valuation Guide", published by National Used Car Market Report, Inc., for Wisconsin Automotive Trades Association.	Wisconsin.
"Kelley Blue Book Official Guide" published by Kelley Blue Book.	Region C.[1]
"Northwest Used Car Values", published by Northwest Publishing Company.	Idaho. Oregon. Washington.
"California Used Car Values", published by Thomas Publishing Company (Northwest Publishing Company).	Arizona. California. Nevada. Utah.
"Official Automobile Guide", Price Edition, published by Recording & Statistical Corp.:	
"Average retail prices" stated for Region A.	Region A.[1]
"Average retail prices" stated for Region B.	Region B.[1]
"Average retail prices" stated for Region C.	Region C.[1]
"Red Book National Used Car Market Report", published by National Used Car Market Report, Inc.:	
Region A Edition	Region A.[1]
Region B Edition	Region B.[1]
Region C Edition	Region C.[1]
"Blue Book—Executives' Edition," published by National Used Car Market Report, Inc.:	
"Average retail values" stated for Region A.	Region A.[1]
"Average retail values" stated for Region B.	Region B.[1]
"Average retail values" stated for Region C.	Region C.[1]
"N. A. D. A. Official Used Car Guide", published by National Automobile Dealers Used Car Guide Co.:	
Region A Edition	Region A.[1]
Region B Edition	Region B.[1]
Western Edition	Region C.[1]

[1] The regions for which publication is designated comprise the following States:

Region A. Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois (except Madison, St. Clair and Rock Island Counties), Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin (except Douglas County).

Region B. Arkansas, Colorado, Illinois (Madison, St. Clair and Rocks Island Counties), Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin (Douglas County), and Wyoming.

Region C. Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966; sec. 2, 48 Stat. 1; sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a) and Sup.; 50 U. S. C. App. 616, 617; and Executive Order 8843, Aug. 9, 1941, 6 F. R. 4035)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-144; Filed, Jan. 7, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1068]

JAMES E. KELLY

James E. Kelly, Daggett, California, began on September 3, 1946, and thereafter carried on the construction on Lot 4, Block 10, Daggett, California, of a project consisting of three 4-unit motel buildings, an office and cafe building and a residence, at a total estimated cost of approximately $30,000, without first having secured authorization therefor from the Federal Housing Administration or the Civilian Production Administration. The beginning and carrying on, subsequent to March 26, 1946, of the construction of said buildings without authorization constituted a wilful violation of the Veterans' Housing Program Order No. 1 and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1068 *Suspension Order No. S–1068.* (a) Neither James E. Kelly, his successors or assigns, nor any other person shall do any further construction on the project at Lot 4, Block 10, Daggett, California, including putting up, completing or altering the structure, unless otherwise specifically authorized in writing by the Civilian Production Administration.

(b) James E. Kelly shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve James E. Kelly, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-215; Filed, Jan. 7, 1947 11:15 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 1 (b) (4) (§ 1388.1181)]

EXEMPTION OF UNDERLYING LEASE

Interpretation of section 1 (b) (4) of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 1 (b) (4) of the Rent Regulation for Housing. This interpretation was originally issued on March 1, 1943.

Interpretation 1 (b) (4)—I: Exemption of underlying lease. Assume in each of the following cases that the maximum rent date is March 1, 1942, and the effective date of the Housing and Hotel Regulations is July 1, 1942.

1. On September 1, 1941, L leased a 60-room hotel to T for one year at a rent of $500 a month. When this lease expired on August 31, 1942, all but five of the rooms in the hotel were rented by T to hotel guests. On September 1, 1942, a new one-year lease of the hotel structure was made between L and T, providing for a rent of $700 a month. This rent was less than the aggregate maximum rents of the hotel rooms as established under the Hotel and Rooming House Regulation, (now called the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts). On March 1, 1943, the hotel is being operated by T, and all of the rooms are either rented or offered for rent.

Prior to March 1, 1943, the lease between L and T was subject to the Housing Regulation, and the maximum rent for the structure was established under the first paragraph of section 5 (c) as that paragraph appeared in the regulation prior to that date. Under that paragraph L was permitted to receive the $700 a month rent. On March 1, 1943, section 1 (b) (4) of the Housing Regulation was added by Supplementary Amendment No. 15. That provision exempts the lease between L and T from regulation, since the hotel structure contains more than 25 rooms which are rented or offered for rent by T. This exemption continues so long as the requirements of section 1 (b) (4) are satisfied. However, the renting of the rooms by T remains subject to the Hotel Regulation.

2. Assume the same facts as in paragraph 1, except that the lease of the hotel structure which was in effect on March 1, 1942, expired on May 1, 1942. On the latter date a new two-year lease was made between L and T providing for a rent of $700 a month. This lease is in force on March 1, 1943. It contains no provision giving T the power to cancel or otherwise terminate.

Prior to March 1, 1943, the maximum rent for the hotel structure was established under the first paragraph of section 5 (c) as that paragraph appeared in the regulation prior to that date (Interpretation SL–1). Under that paragraph, L was permitted to receive the $700 a month rent agreed upon in the new lease entered into on May 1, 1942. This underlying lease remains subject to the Housing Regulation, on and after March 1, 1943, until its termination, since the lease was entered into after maximum rent date and prior to the effective date of the Housing Regulation (section 1 (b) (4), as amended by Supplementary Amendment No. 15). The maximum rent for the hotel structure, on and after March 1, 1943, is $700 a month under section 4 (i) of the Housing Regulation, that being the rent in effect on such date. The maximum rent is subject to decrease under section 5 (c) (8) which was added to the Housing Regulation by Supplementary Amendment No. 15. After the lease of the hotel structure expires on April 30, 1944, the structure will no longer be subject to the rent regulations. However, the rooms in the hotel will remain subject to the Hotel Regulation.

3. On May 1, 1942, L completed construction of a new 60-room hotel which he leased on that date to T for a two-year term at a rent of $700 a month. The lease contains no provision giving T the power to cancel or otherwise terminate.

The maximum rent for the hotel structure is $700 a month under section 4 (c) of the Housing Regulation. This rent may be decreased under section 5 (c) (1). Under section 1 (b) (4), the lease between L and T remains subject to the Housing Regulation until its expiration. After the lease expires the hotel structure will no longer be subject to the rent regulations. However, the rooms in the hotel will remain subject to the Hotel Regulation.

4. On September 1, 1941, L leased a 60-room hotel to T for a five-year term at a rent of $500 a month. On May 1, 1942, T sublet the entire structure to S for a two-year term at a rent of $700 a month. Prior to March 1, 1943, both the lease between L and T and the sublease between T and S were subject to the Housing Regulation. On and after March 1, 1943, so long as the conditions necessary to exemption under section 1 (b) (4) are satisfied, the lease between L and T is no longer subject to regulation under section 1 (b) (4). However, the sublease between T and S remains subject to the Housing Regulation since, as provided in section 1 (b) (4), it was entered into after maximum rent date and prior to the effective date of the regulation, and is still in force. The maximum rent which T may receive from S is $500 a month, since that was the rent for the entire structure on March 1, 1942, under the lease between L and T. After March 1, 1943, T may petition for an increase in the maximum rent under section 5 (a) (8), which was added to the Housing Regulation by Supplementary Amendment 15. An adjustment may be ordered if there has been a substantial increase in occupancy of the hotel since March 1, 1942.

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

[F. R. Doc. 47-166; Filed, Jan. 7, 1947; 8:46 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 4 (§ 1388.1181)]

VARIATIONS IN RENT BECAUSE OF VARIATIONS IN LENGTH OF TERM

Interpretation of section 4 of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 4 of the Rent Regulation for Housing. This interpretation was originally issued on August 8, 1942 and revised on July 1, 1945.

Interpretation 4–VII: Variations in rent because of variations in length of term. Assume the maximum rent date is March 1, 1942, and the effective date of the regulation is July 1, 1942.

L, the owner of a large apartment building, has an established practice of renting apartments on a yearly basis and charging a higher rent to tenants who take leases for less than a year. On the maximum rent date, an apartment in the building was under lease to A, under a written lease for one year which provided for a rent of $55 a month. Similar apartments in the same building were rented to other tenants at rents of $60 a month in cases where such tenants had taken leases for three-month terms. On May 1, 1942, L executed a written lease for three months to B of the apartment rented to A on March 1, 1942, the lease to B providing a rent of $65.

The maximum rent of the apartment is $55. The Housing Regulation, unlike the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, does not authorize variations in rents because of variations in terms of occupancy.

Conversely, an apartment rented on the maximum rent date for a rent of $60 a month, to a tenant who had entered into a lease for a shorter term such as three months, would continue to have a maximum rent of $60 a month, even though now leased to a tenant under a year's lease.

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

[F. R. Doc. 47-168, Filed, Jan. 7, 1947; 8:52 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 4 (i) (§ 1388.1181)]

DETERMINATION OF RENT

Interpretation of section 4 (i) of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 4 (i) of the Rent Regulation for Housing. This interpretation was originally issued on March 1, 1943 and revised July 1, 1945.

Interpretation 4 (i)–I: Determination of rent under section 4 (i). Assume in each of the following cases that the maximum rent date is March 1, 1942, and the effective date of the Housing Regulation is July 1, 1942.

1. On September 1, 1941, L leased a house containing 12 rooms to T for one year at a rent of $50 a month. When this lease expired on August 31, 1942 the house was being operated by T as a rooming house, with 10 rooms then rented to subtenants. The maximum rents for the rooms are established under the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts and total $200 a month. On September 1, 1942, L entered into an agreement with T to rent the house on a month-to-month basis at a rent of $75 a month. On March 1, 1943, the house is still rented to T at $75 a month.

Prior to March 1, 1943, the maximum rent for the house was established under the first paragraph of section 5 (e) of the Housing Regulation. This paragraph permitted L, on expiration of the lease on August 31, 1942, to rent the house for a rent not in excess of the aggregate maximum rents of the separate dwelling units in the house. The $75 a month rent was within this limit and was permitted by the first paragraph of section 5 (e).

On March 1, 1943, by Supplementary Amendment No. 15, the first paragraph of section 5 (e) was eliminated from the Housing Regulation. On and after March 1, 1943, the maximum rent for the house is established under section 4 (i) of the Housing Regulation, which was added to the regulation by the above supplementary amendment. Under that paragraph the maximum rent for the house is $75 a month, on and after March 1, 1943. This rent is subject to decrease under section 5 (c) (8) of the Housing Regulation, which was added by Supplementary Amendment No. 15. A decrease may be ordered if the $75 a month rent is higher than the rent generally prevailing in the defense-rental area for comparable accommodations on March 1, 1942, taking into consideration any increase in the number of subtenants since that date.

2. Assume in the above case that, on December 1, 1942, L increased the rent for the house from $75 to $85 a month, and that this rent was in effect on March 1, 1943. The increase in rent was permitted under the first paragraph of section 5 (e), as that paragraph appeared in the Housing Regulation prior to Supplementary Amendment No. 15, since the new amount was not in excess of the

aggregate maximum rents of the separate dwelling units in the house. On and after March 1, 1943 the maximum rent is $85 a month under section 4 (i), subject to decrease under section 5 (c) (8).

3. Assume the same facts as in paragraph 1, except that the lease which was in effect on March 1, 1942, expired on May 1, 1942, whereupon L rented and continued to rent to T on a month-to-month basis for $75 a month. Prior to March 1, 1943, the maximum rent for the house was established under the first paragraph of section 5 (e). That paragraph permitted L to receive $75 a month, since this amount was not in excess of the aggregate maximum rents of the separate dwelling units in the structure. On and after March 1, 1943, the maximum rent for the house is $75 a month under section 4 (i).

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

[F. R. Doc. 47-174; Filed, Jan. 7, 1947; 8:48 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 6 (§1388, 1181)]

WHAT CONSTITUTES EVICTION

Interpretation of section 6 of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 6 of the Rent Regulation for Housing. This interpretation was originally issued on September 16, 1942 and revised on May 15, 1943.

Interpretation 6–V: What constitutes eviction. (1) Assume that L is entitled to possession of housing accommodations under the local law and has a ground to evict T under section 6 (a) (6) of the regulation, although T continues to pay the rent to which L is entitled. In order to recover possession of such accommodations, L threatens to evict T by force, thereby inducing T to vacate the premises. Within six months after T's removal L desires to rent such accommodations.

T was removed or evicted within the meaning of section 6 (a) (6) and if L rents the accommodations within the six months' period he is required by that section to file a written report prior to such renting. Section 6 (a) prohibits removals or evictions of a tenant, whether by court process or otherwise, except in accordance with the requirements of that section.

(2) L, relying upon his right under section 6 (a) (6), institutes legal proceedings to oust T by service of a summons, stating in the written notice filed in accordance with the requirement of section 6 (d) facts showing a ground for eviction section 6 (a) (6). Before L recovers a judgment T, who is aware of L's right under the regulation and desires to avoid further legal proceedings, vacates the premises. There is an eviction or removal within the meaning of section 6 (a) (6), so that prior to renting the premises within 6 months a report of such renting will be required.

(3) L informs T that he intends to bring an action to recover possession under section 6 (a) (6). T, who is aware of L's right under that section vacates the premises in order to avoid legal proceedings. There is an eviction or removal within the meaning of section 6 (a) (6), so that prior to renting the premises within 6 months a report of such renting will be required.

If L, without specific reliance on a ground for eviction provided by the regulation and without indicating an intention to enforce his right to secure possession by legal action, merely requests T to vacate, a voluntary surrender of possession by T would not constitute a removal or eviction within the meaning of the regulation. Although an agreement by T to waive the benefit of the regulation is void (section 1 (d)), T may vacate voluntarily and a request by L that he do so does not in itself constitute a removal or eviction or an "attempt" to remove or evict. For a removal or eviction to occur within the meaning of section 6, it must be found that L's assertion of his intent to compel T to vacate induced the surrender of possession.

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

[F. R. Doc. 47-163; Filed, Jan. 7, 1947; 8:46 a. m.]

PART 1388—DEFENSE RENTAL AREAS

[Housing, Interpretation of Sec. 6 (b) (2) (§ 1388.1181)]

GENERAL CONSIDERATIONS REGARDING ISSUANCE OF CERTIFICATES

Interpretation of section 6 (b) (1) of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 6 (b) (1) of the Rent Regulation for Housing. This interpretation was originally issued on May 15, 1943.

Interpretation 6 (b) (1)–I: General considerations regarding issuance of certificates. Section 6 prohibits evictions except under the circumstances stated therein. Section 6 (a) sets out certain classes of cases in which tenants may be evicted pursuant to local law. Section 6 (a) does not provide that the grounds stated are of themselves grounds for eviction, but it does provide that, if such grounds are present, the right to evict is for the local court to decide under local law. A tenant may be evicted on a ground set out in section 6 (a) in an action filed directly with the local court. It is not necessary, nor is it contemplated, that the Rent Director issue a certificate in such cases.

The authority given to the Rent Director by section 6 (b) (1) of the Housing Regulation to issue a certificate permitting the landlord to pursue his eviction remedies under local law is to be exercised in cases where there is no ground for eviction under section 6 (a). Such a certificate does not indicate that grounds for eviction under local law are present; it merely leaves the landlord free to pursue whatever remedies he may have in the local courts upon the expiration of the waiting period provided in the certificate.

Where the landlord seeks to evict a tenant under the provisions of section 6 (a) he must comply with the notice requirements of section 6 (d) (1) and 6 (d) (2) of the Housing Regulation. Where a certificate is issued under section 6 (b) (1) or 6 (b) (2) the notice provisions of section 6 (d) (1) do not apply, although the landlord must observe the requirements of section 6 (d) (2).

Before a certificate will be issued under section 6 (b) (1) it must appear, not only that the landlord is acting in good faith in the particular case, but also that removals or evictions in that class of cases are not inconsistent with the purposes of the Price Control Act or the Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

[F. R. Doc. 47-164; Filed, Jan. 7, 1947; 8:46 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 6 (b) (2) (§ 1388.1181)]

SERVICE OF EVICTION NOTICE PRIOR TO EXPIRATION OF WAITING PERIOD

Interpretation of section 6 (b) (2) of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 6 (b) (2) of the Rent Regulation for Housing. This interpretation was originally issued on November 30, 1942 and revised July 1, 1945.

Interpretation 6 (b) (2)–V: Service of eviction notice prior to expiration of waiting period. After October 20, 1942,[1] V sells a house to L who pays 20 percent of the purchase price in cash. At the time of sale the house is rented to T on a month-to-month basis. L petitions the Rent Director for a certificate under section 6 (b) (2). The Rent Director, pursuant to that provision, issues a certificate authorizing the purchaser to pursue his remedies for removal or eviction of T in accordance with the requirements of local law at the expiration of the waiting period.

Under local law it is necessary for L to give one month's notice in order to terminate the month-to-month tenancy and give him the right to possession. L inquires whether he may, during the waiting period, give T a notice to vacate at the expiration of such period. The regulation permits the giving of such a notice. This is not considered the "pursuit of L's remedies" under local law within the meaning of section 6 (b) (2). However, the notice must not require a surrender of possession prior to expiration of the waiting period.

[1] In areas brought under control after October 20, 1942, the applicable date is the effective date of the regulation.

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

[F. R. Doc. 47-170; Filed, Jan. 7, 1947; 8:47 a. m.]

PART 1388—DEFENSE RENTAL AREAS

[Housing, Interpretation of Sec. 6 (b) (2) (§ 1388.1181)]

EVICTION FOR PURPOSE OTHER THAN HIS OWN OCCUPANCY BY PURCHASER

Interpretation of section 6 (b) (2) of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 6 (b) (2) of the Rent Regulation for Housing. This interpretation was originally issued on January 9, 1943 and revised July 1, 1945.

Interpretation 6 (b) (2)–VIII: Eviction for purpose other than his own occupancy, by purchaser who buys after October 20, 1942.[1] 1. Eviction prior to execution of sale contract. L is renting a house to T. On or after October 20, 1942,[1] L petitions for a certificate under section 6 (b) (1) of the Housing Regulation on the ground that he wants to evict T in order to sell the house.

The petition will be denied. Eviction of the tenant under these circumstances is inconsistent with the purposes of the act and the regulation and is likely to result in the circumvention or evasion thereof. The conditions under which eviction of a tenant is permitted for occupancy by a purchaser are set out in section 6 (b) (2) of the regulation. The purposes of this provision require the denial of the petition in the above case. Pursuant to those purposes, a certificate will be issued where L desires to sell the house, only after a contract of sale has been made and the requirements of section 6 (b) (2) are satisfied.

2. For purpose of resale. After October 20, 1942,[1] L buys a house which is rented to T, paying 50 percent of the purchase price in cash. L is a real estate broker and buys the house for purposes of resale. He petitions for a certificate under section 6 (b) in order to obtain vacant possession for purposes of sale.

The petition will be denied. As in paragraph 1, the issuance of the certificate is covered by section 6 (b) (1) rather than section 6 (b) (2), since the removal is not sought for occupancy by the purchaser. Even though the payment requirement of section 6 (b) (2) is satisfied, as is true here, eviction of the tenant under these circumstances is inconsistent with the act and the regulation and would be likely to result in the circumvention or evasion thereof. The considerations set out in paragraph 1 apply.

[1] In areas brought under control after October 20, 1942, the applicable date is the effective date of the Regulation.

3. For occupancy by purchaser's family. After October 20, 1942[1] L buys a house which is rented to T for occupancy by L's daughter, who is in urgent need of housing accommodation. L paying 15 percent of the purchase price. L petitions for a certificate under section 6 (b) (2).

The petition will be denied. The issuance of the certificate in this case is covered by section 6 (b) (1) rather than section 6 (b) (2). The latter provision covers only the issuance of certificates where removal of the tenant is sought for "occupancy by a purchaser." However, the policies behind section 6 (b) (2) apply to the present case, and the requirements of that section will be followed in the proceedings under section 6 (b) (1). Since less than 20 percent of the purchase price has been paid, a certificate is not authorized.

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

[F. R. Doc. 47-165; Filed, Jan. 7, 1947; 8:46 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 6 (b) (2) (§ 1388.1181)]

EVICTION BY PURCHASER WHO RENTS TO NEW TENANTS AFTER SALE

Interpretation of section 6 (b) (2) of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 6 (b) (2) of the Rent Regulation for Housing. This interpretation was originally issued on January 9, 1943, revised May 15, 1943, and July 1, 1945.

Interpretation 6 (b) (2)–IX: Eviction by purchaser who rents to new tenants after sale. 1. After October 20, 1942,[1] L buys a house which is then rented to X, paying 10 percent of the purchase price in cash and agreeing to pay the balance in monthly installments. Thereafter X voluntarily vacates and L rents the house to T on a month-to-month basis. After T has occupied the house for several months, L decides, in good faith, to occupy the house himself. He petitions for a certificate under section 6 (b).

This case is not covered by section 6 (b) (2) and the requirements of that provision are inapplicable. The scope of section 6 (b) (2) is limited to the removal or eviction of a tenant of the vendor.

The proceeding is under section 6 (b) (1) and a certificate will be issued provided L is acting in good faith. (L cannot evict under section 6 (a) (6) since he neither owned nor had an enforceable right to buy or the right to possession of the house prior to October 20, 1942.)

2. After October 20, 1942,[1] L buys a house which is then occupied by the vendor, paying 10 percent of the purchase price in cash and agreeing to pay the balance in monthly installments. The sale is closed and title passes to L, but L agrees with the vendor that the latter may continue to occupy the house for three months, paying rent. The vendor refuses to vacate at the end of three months and L petitions for a certificate under section 6 (b) on the ground that he wants to occupy the house himself.

As in paragraph 1 above, this is not a case covered by section 6 (b) (2) and the requirements of that provision are inapplicable. The proceeding is under section 6 (b) (1) and a certificate will be issued provided L is acting in good faith.

Issued this third day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

[F. R. Doc. 47-173; Filed, Jan. 7, 1947; 8:47 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 6 (b) (2) (§ 13388.118)]

ISSUANCE OF CERTIFICATE WHERE THE LANDLORD PROPOSES TO OCCUPY ONLY PART OF ACCOMMODATIONS

Interpretation of section 6 (b) (2) of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 6 (b) (2) of the Rent Regulation for Housing. This interpretation was originally issued on July 3, 1943 and revised on July 1, 1945.

Interpretation 6 (b) (2)–X: Issuance of certificate where the landlord proposes to occupy only part of the accommodations. After October 20, 1942,[1] L buys a ten-room house which is then rented to T, paying more than 20 percent of the purchase price in cash. T occupies seven rooms of the house and rents the remaining three rooms to roomers. L desires to occupy that part of the house now occupied by T and to continue renting the three rooms to the roomers. He petitions for a certificate under section 6 (b) (2).

A certificate will be issued under section 6 (b) (2), since within the meaning of that provision the eviction of T is sought for occupancy by L, the purchaser. Unless the circumstances of the case bring it within one of the exceptions contained in section 6 (b) (2), the certificate will authorize L to pursue his local eviction remedies at the expiration of a full waiting period.

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

[F. R. Doc. 47-172; Filed, January 7, 1947; 8:47 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 6 (b) (2) (§ 1388.1181)]

PURCHASE OF MULTIPLE-DWELLING STRUCTURES

Interpretation of section 6 (b) (2) of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 6 (b) (2) of the Rent Regulation for Housing. This interpretation was originally issued on May 15, 1943 and revised on July 1, 1945.

Interpretation 6 (b) (2)*–VI: Purchase of multiple-dwelling structures.* On or after the effective date of Regulation (or on or after October 20, 1942, where the effective date of Regulation is prior to that date), L purchases a twelve-unit apartment building, paying $10,000 cash and assuming a $65,000 mortgage debt. L then petitions for a certificate under section 6 (b) (2) in order to evict T from one of the apartments which L desires to occupy. L is not at present living in the apartment building.

The purchase price is $75,000, and thus the payment requirements of section 6 (b) (2) are not satisfied. (See Interpretation 6 (b) (2)–III, paragraph 1.) A certificate may be issued in this case on the basis of special hardship, if inability to occupy one of the apartments will interfere with L's management or supervision of the structure. If the certificate is issued it may provide for the full waiting period.

The hardship on the landlord will in general depend on the number of dwelling units in the structure. Where this number is substantial the advantage to the landlord in management or supervision of the operation warrants the issuance of a certificate. Usually, however, in the case of smaller structures these considerations of management and supervision will be of less weight and a certificate will not ordinarily issue because of these factors alone.

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

[F. R. Doc. 47–169; Filed, Jan. 7, 1947; 8:47 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 6 (b) (2) (§ 1388.1181)]

SALE OF HOUSING ACCOMMODATIONS RENTED ON A FURNISHED BASIS; REMOVAL OF THE FURNITURE BY THE SELLER

Interpretation of section 6 (b) (2) of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 6 (b) (2) of Rent Regulation for Housing. This interpretation was originally issued on October 8, 1943 and revised July 1, 1945.

Interpretation 6 (b) (2)*–XIII: Sale of housing accommodations rented on a furnished basis; removal of the furniture by the seller.* Assume that the effective date of the Housing Regulation is July 1, 1942. After October 20, 1942,[1] L, who was renting a furnished house to T, sold the house to P who paid in cash from unborrowed funds a larger percentage of the purchase price than is specified in section 6 (b) (2). L retained title to the furniture contained in the house. On petition of P, a certificate was issued by the Rent Director authorizing P to pursue his local eviction remedies at the expiration of the usual waiting period after the date of filing the petition. Immediately thereafter L filed a petition under section 5 (b) (2), seeking permission to remove the furniture.

Under such circumstances permission to remove the furniture normally will be given, but the Rent Director is authorized to defer such action until expiration of the waiting period specified in the certificate relating to eviction which was issued to P.

The regulation does not control the allocation between L and P of the rent paid by T for the furnished house. Where an owner who is renting furnished housing accommodations sells the accommodations but retains title to the furniture, it will be advisable for him to make an arrangement with the purchaser concerning allocation of the rent paid by the tenant during the time that the furniture remains in the accommodations after the sale.

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

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PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 6 (c) (3) (§ 1388.1181)]

MEANING OF "OCCUPANT" AND "RESIDENCE"

Interpretation of section 6 (c) (3) of the Rent Regulation for Housing.

The following is a revision of an interpretation of section 6 (c) (3) of the Rent Regulation for Housing. This interpretation was originally issued on February 20, 1943 and revised August 1, 1943.

Interpretation 6 (c) (3)*–I: Meaning of "occupant" and "residence".* 1. L is the owner of a single-family dwelling in which he resides. On November 1, 1942, L rented two furnished rooms to T at a rent of $12 a week. T immediately entered into occupancy with his wife and five-year-old son. On December 30, 1942, section 6 (c) (3) was added to section 6 of the Housing Regulation by Supplementary Amendment No. 13. L now seeks to evict T and his family.

The exemption of section 6 (c) (3) does not apply, since the rooms contain three "occupants." Section 6 (c) (3) is limited to cases in which the landlord rents to not more than two "occupants" within the landlord's residence. The term "occupant" includes any person residing in the accommodations as a result of a rental agreement, even though such person may not be a party to the rental agreement or a "tenant" within the meaning of the regulation.

The term "occupant" is to be distinguished from the term "paying tenant" as used in section 13 (a) (12). In the case stated if L rents no furnished rooms other than those rented to T, the rooms are subject to the Housing Regulation, since they are rented to only a single "paying tenant."

If in the above case T and his family move into the furnished rooms on or after August 1, 1943, and L is not renting to any other persons within his residence, the exemption of section 6 (c) (4) will apply. (See Interpretation 6 (c) (4)–I.)

2. L is the owner of a single-family dwelling in which he resides. Prior to August 1, 1943, he rents a furnished room to T and his wife who immediately move into the room. L does not rent to any other persons within his residence. After August 1, 1943, L seeks to evict T and his wife.

While the exemption of section 6 (c) (4) does not apply, since the family consisting of T and his wife moved into the room prior to August 1, 1943, the exemption of section 6 (c) (3) is applicable since L is renting to only two occupants within his residence.

3. L owns an apartment building containing 14 apartments and he resides in one apartment consisting of 6 rooms. On November 15, 1942, L rents furnished, to T, one of the rooms in the apartment occupied by him. L continues to occupy the remaining five rooms in the apartment.

Section 6 (c) (3) applies as between L and T, even though in the remainder of the apartment building there are more than two "occupants" who occupy under rental agreements with L. L's apartment is his "residence" within the meaning of section 6 (c) (3).

Section 6 (c) (3) is not limited to rental agreements made after December 30, 1942, the effective date of Supplementary Amendment No. 13.

Issued this 3d day of January 1947.

EUGENE SWIGART,
Associate General Counsel for Rent.

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Chapter XIV—War Contracts Price Adjustment Board

RENEGOTIATION REGULATIONS

The changes and additions to Parts 1602, 1603, 1604, 1607 and 1608 set forth below are also contained in Revision 27 of the Renegotiation Regulations dated December 13, 1946.

MAURICE HIRSCH,
Brigadier General,
General Staff Corps, Chairman.

PART 1602—PROCEDURE FOR RENEGOTIATIONS

SUBPART A—ASSIGNMENTS FOR RENEGOTIATIONS AND CANCELLATIONS

Section 1602.206–8 is added as follows:

§ 1602.206–8 *Filing Standard Form of Contractor's Report prior to end of fiscal year.* If a "Standard Form of Contractor's Report" is filed prior to the close of the contractor's fiscal year it will be accepted as a tentative filing only. Use of the form letter set forth at § 1607.704–4 of this chapter is authorized for the purpose of advising the contractor of his obligations under the act. After the close of the contractor's fiscal year either the letter from the contractor confirming the tentative figures as contemplated by the letter set forth at § 1607.704–4 of this chapter, or, where necessary, the revised "Standard Form of Contractor's Report," shall be filed in accordance with section 403 (c) (5) (A) of the act. [RR 206.8]

[1] In areas brought under control after October 20, 1942, the applicable date is the effective date of the regulation.

PART 1603—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

SUBPART G—TERMINATION OF RENEGOTIATION

Paragraph (d) of § 1603.374 is amended to read as follows:

§ 1603.374 *Costs paid or incurred.*

* * *

(d) Nothwithstanding the foregoing provisions of this section, no cost which has not been paid or incurred prior to January 1, 1948, will be allocated to performance prior to the close of the termination date. The determination as to whether a cost is paid or incurred prior to such date shall be made by reference to the method of accounting employed by the contractor for purposes of renegotiation. The time limitation specified in the first sentence of this paragraph shall not apply to costs which are accounted for on a completed contract basis or similar method of accounting. If it appears that a cost allocable to performance prior to the close of the termination date will be paid or incurred prior to January 1, 1948, the cost may be allowed conditionally as provided in paragraph (c) of this section. If it appears that the cost will not be paid or incurred prior to January 1, 1948, the risk that the cost will be paid or incurred after such date will, in accordance with § 1604.413–2 (a) of this chapter, be taken into consideration with the other risks assumed by the contractor. In no case will such risk be taken into consideration if the cost is allowed conditionally. [RR 374]

SUBPART H—COSTS ALLOCABLE AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

Section 1603.383–3 is amended to read as follows:

§ 1603.383–3 *Renegotiation rebate*—(a) *General.* A contractor who has eliminated excessive profits determined under the Renegotiation Act will be entitled to a net renegotiation rebate under subsection (a) (4) (D) of the 1943 Act with respect to each fiscal year for which such excessive profits were eliminated if, on a recomputation of the amortization deduction under section 124 (d) of the Internal Revenue Code made in connection with the determination of the contractor's taxes for such fiscal year, there is an additional amortization deduction for such fiscal year all or some part of which is determined, in accordance with the regulations hereinafter prescribed, to be attributable to contracts with the Departments and subcontracts. Such net renegotiation rebate is intended to restore to the contractor the excessive profits determined and eliminated for such fiscal year in an amount equal to that part of such additional amortization deduction for such year attributable to contracts with the Departments and subcontracts, but only to the extent that such additional amortization deduction would have resulted in a reduction in the amount of excessive profits eliminated, less the Federal tax benefit thereon as defined by subsection (a) (4) (D) of the Renegotiation Act. The regulations hereinafter prescribed will be construed in the light of such intention.

(b) *Definitions*—(1) *Additional amortization deduction.* The additional amortization deduction allocable to each fiscal year, for the purpose of determining the gross renegotiation rebate, is the excess of the amortization deduction finally determined under section 124 (d) of the Internal Revenue Code for such fiscal year over the amount of amortization or depreciation upon the basis of which the amortization or depreciation attributable to contracts with the Departments and subcontracts was allowed as a cost in the determination of excessive profits to be eliminated for such fiscal year. The term "depreciation" as used herein and in succeeding subparagraphs has reference to those situations in which, in the determination of excessive profits to be eliminated for the fiscal year, the allowance with respect to the write-off of the cost of emergency facilities, to which all or a part of the amortization deduction finally determined under section 124 (d) of the Internal Revenue Code relates, may have been described as "depreciation" or may have been computed on a basis other than on the 60 month basis provided by section 124 of the Internal Revenue Code.

(2) *Gross renegotiation rebate.* The gross renegotiation rebate for each fiscal year is that portion of the additional amortization deduction for such fiscal year, not in excess of the excessive profits determined and eliminated for such fiscal year, which is determined in accordance with the regulations hereinafter prescribed to be attributable to contracts with the Departments and subcontracts.

(3) *Net renegotiation rebate.* The net renegotiation rebate for each fiscal year is the excess of the gross renegotiation rebate for such fiscal year over the amount by which the taxes of the contractor for such fiscal year under Chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code were decreased by reason of omitting from gross income (or by reason of the application of the provisions of section 3806 (a) of the Internal Revenue Code with respect to) that part of the excessive profits determined and eliminated which is equal to the amount of the gross renegotiation rebate for such fiscal year.

(c) *Procedure for obtaining renegotiation rebate.* (1) After a recomputation of the amortization deduction for any fiscal year pursuant to section 124 (d) of the Internal Revenue Code has been made in connection with the determination of the contractor's taxes for such fiscal year, a contractor may apply for a net renegotiation rebate with respect to excessive profits determined and eliminated for such fiscal year by filing a claim in the form set forth at §§ 1607.736–1 and 1607.736–2 of this chapter, together with the information and documents referred to in such form. Such form, together with such information and documents, must be filed with the War Contracts Board at the address specified in § 1607.791–5 of this chapter. A separate application must be filed with respect to each fiscal year for which the contractor claims a net renegotiation rebate. See also Bureau of Internal Revenue Mimeograph No. 6023, reproduced herein at § 1608.852–9 of this chapter.

(2) [Reserved.]

(3) In those cases in which the contractor is a partnership, the proper claimant is the partnership entity, not the individual members of the partnership. A partnership claim for a net renegotiation rebate must be filed on behalf of the partnership entity as it existed for the fiscal year or period to which the claim relates and in the partnership name under which the entity was renegotiated. The forms set forth at §§ 1607.736–1 and 1607.736–2 of this chapter are to be prepared on the basis of such partnership entity being the claimant. The claim itself must be signed on behalf of the partnership by each of the partners (or their legal representative in the event of the death or incapacity of a partner) constituting the partnership for the renegotiated period to which the claim relates and must be certified to by at least one general partner having knowledge of the facts. In the event of a legal representative signing on behalf of a partner, proof of such representative capacity must accompany the claim. If the printed claim forms do not provide adequate space for the signature of all partners, type-written copies of the form should be prepared with the allowance for necessary space.

(4) The contractor may be required to furnish such additional documents and information as the War Contracts Board (or any duly authorized representative) may require in order to determine the amount of the net renegotiation rebate, if any, to which the contractor may be entitled.

(5) Pursuant to the provisions of the Third Deficiency Appropriation Act, 1946, or to the provisions of such other applicable legislation as may from time to time be in force, the War Contracts Board will certify to the Secretary of the Treasury the net renegotiation rebate to which the contractor is entitled.

(d) *Determination of renegotiation rebate*—(1) *Allocation of excessive profits.* Subsection (a) (4) (D) of the 1943 Act provides that the gross renegotiation rebate shall not exceed the excessive profits determined and eliminated for the fiscal year for which the claim for renegotiation rebate has been made. In the absence of such circumstances as would afford a basis for setting aside the determination of excessive profits, the allocation of excessive profits (i) to a fiscal year or (ii) between contractors if renegotiation was conducted on a consolidated basis, made in the order or agreement determining such excessive profits, will be conclusive in determining the amount of the gross renegotiation rebate. However, the recitation contained in the order or agreement with respect to the fiscal years or periods in which excessive profits were reported in contractor's Federal income and excess profits tax returns, made for the purpose of determining the applicable tax credit under section 3806 of the Internal Revenue Code, does not necessarily constitute such an allocation

of the excessive profits to the fiscal years referred to therein. The question of whether or not, in the absence of a specific allocation elsewhere in the order or agreement, such recitation constitutes a proper allocation of excessive profits to the respective fiscal years must be determined by reference to the entire order or agreement and the supporting data submitted in renegotiation. If the order or agreement determining excessive profits has not allocated such excessive profits to a fiscal year or years, such an allocation will be made by the War Contracts Board (or its duly authorized representative) in connection with the determination of the gross renegotiation rebate.

(2) *Determination of amount of additional amortization.* (i) All claims for net renegotiation rebates must be accompanied by the original statement from the Internal Revenue Agent in Charge reflecting the total amount of amortization deduction allowed upon a recomputation of the amortization deduction under section 124 (d) of the Internal Revenue Code made in connection with the determination of the contractor's taxes for the fiscal year to which the claim relates. Since the amount shown on such statement will be the total recomputed amortization deduction allowable for the fiscal year, it will be necessary for purposes of computing the gross renegotiation rebate to first determine what portion of the total recomputed amortization deduction represents the additional amortization deduction allocable to the fiscal year as defined in § 1603.383-3 (b) (1).

(ii) Generally, as in those cases in which the renegotiation was conducted on an over-all fiscal year basis and the accounting basis upon which the renegotiation was conducted is the same as that upon which contractor's Federal tax returns were filed, the additional amortization deduction will be the excess of the total recomputed amortization deduction over the amount of amortization or depreciation charged to total production, i. e. total cost of doing business (both renegotiable and non-renegotiable) in the renegotiation for the fiscal year. The amount charged to total production is not necessarily the amount of amortization deduction or depreciation ultimately allocated to and allowed as a cost of renegotiable business; neither is it necessarily limited to the amount claimed for the fiscal year for Federal income and excess profits tax purposes. The amount so charged to total production shall not be subject to adjustment because of the inclusion therein at the time of the renegotiation of an amount erroneously or otherwise improperly claimed or considered as an amortization deduction. If for any reason the amount of the amortization deduction or depreciation considered in the renegotiation with respect to a particular emergency facility cannot be accurately ascertained, it will be presumed that amortization on the 60 month basis was claimed and used, and the burden shall be upon the contractor to establish otherwise.

(iii) The foregoing general rule should, to the extent that its application properly reflects the amount of the additional amortization deduction allocable to the fiscal year, be employed in each case. However, in certain of those cases in which the renegotiation was not conducted on an over-all fiscal year basis or in which the accounting basis upon which the renegotiation was conducted differs from the basis upon which contractor's Federal tax returns were filed, the determination of the amount of the additional amortization properly allocable to the fiscal year for the purpose of computing the gross renegotiation rebate will require individual treatment depending upon the particular basis upon which the renegotiation was conducted and the accounting procedures employed. In determining the amount of additional amortization deduction allocable to each fiscal year in such cases, the War Contracts Board (or its duly authorized representative) may employ such methods in modification of the foregoing general rule as, in the opinion of the War Contracts Board, are appropriate to the particular circumstances of each case and will properly reflect the amount of such additional amortization to which contractor is entitled.

(3) *Determination of gross renegotiation rebate.* (i) As defined in subsection (a) (4) (D) of the act and § 1603.383-3 (b) (2), the gross renegotiation rebate for each fiscal year is that portion of the additional amortization deduction for such fiscal year, not in excess of the excessive profits determined and eliminated for such fiscal year, which is determined in accordance with the regulations of this part to be attributable to contracts with the Departments and subcontracts.

(ii) It is the intent of the regulations of this part that the basis upon which the original determination of excessive profits for the fiscal year was concluded shall not be modified or deviated from in the making of the net renegotiation rebate. Accordingly, the extent, if any, to which the additional amortization deduction for any fiscal year is attributable to contracts with the Departments and subcontracts shall, for purposes of determining the gross renegotiation rebate, be determined upon the same basis and in the same manner as was used in fixing the amount of amortization or depreciation allowed as a cost in determining the excessive profits to be eliminated for such fiscal year. It is intended, generally, that the additional amortization deduction determined under these regulations to be attributable to renegotiable business shall be an amount which, when added to the amount of amortization deduction or depreciation allowed as a cost of renegotiable business in the determination of excessive profits attributable to the renegotiated year, shall total the same dollar amount as would have been charged against renegotiable business had the total recomputed amortization deduction been available to the contractor at the time of renegotiation and had such total recomputed amortization deduction been allocated on the same basis and in the same manner as was the amortization deduction or depreciation in the renegotiation proceedings.

(iii) For example, if certain costs, including amortization or depreciation of emergency facilities, were allocated between renegotiable and non-renegotiable business in the ratio of renegotiable and non-renegotiable sales to total sales, then the additional amortization deduction shall be allocated on the same basis. Likewise, if the original allocation of the amortization deduction or depreciation was made on the basis of the use of the facilities in renegotiable business, the same percentage or extent of use as then determined or applied shall be applied in the allocation of the additional amortization. If the amortization deduction or depreciation was allocated on the basis of contractor's cost system then in use at the time of the renegotiation, the same basis shall be used as regards the additional amortization. Generally, the application of the foregoing rule will result in the allocation of additional amortization deduction in the same percentage ratio as resulted in the allocation of the amortization deduction or depreciation in the renegotiation. If the allocation of the additional amortization deduction does not reflect the same percentage ratio as that resulting from the original allocation, the circumstances giving rise to such deviation must be clearly and factually explained, and the burden of proof will be upon the contractor to establish the validity of the basis so employed.

(iv) In certain cases the excessive profits determined to have been realized with respect to the fiscal year to which the claim for the net renegotiation rebate relates have not been wholly eliminated because of the application of the $25,000 and $500,000 "floor" provisions contained in § 1603.348-3. In such cases the amount of excessive profits eliminated was less than the amount of excessive profits determined. Had the additional amortization deduction been available to the contractor at the time of renegotiation, the amount of excessive profits determined would have been less by reason of the allowance for such additional amortization. The amount of excessive profits eliminated, however, would not have been correspondingly reduced, but would have been reduced only to the extent that the portion of the additional amortization deduction allocable to renegotiable business exceeded the uneliminated portion of the excessive profits determined. Therefore, to avoid restoring to the contractor an amount greater than the amount by which the excessive profits eliminated would have been reduced had allowance been made for the additional amortization deduction in the determination of the excessive profits, and to afford equal treatment to both those cases in which renegotiation has been conducted prior to the recomputation of the amortization deduction and those cases in which renegotiation is accomplished after such recomputation, the portion of the additional amortization deduction determined to be allocable to renegotiable business for the purpose of computing the gross renegotiation rebate in such cases shall not exceed the amount by which the excessive profits determined and eliminated for the renegotiated year would have been reduced had an allowance been made for the additional amortization deduction in the determination of such excessive profits. The foregoing limitation shall be given effect by reducing the amount of the additional amortization deduction computed in accordance with the general provisions enumerated in the foregoing paragraphs which would otherwise be allocable to renegotiable business, by the amount of the excessive profits determined with respect to such year which were not eliminated by reason of the application of the floor provision.

(v) For special rule applicable to amortization with respect to incompleted facilities see subparagraph (4) of this paragraph.

(4) *Special rule with respect to incompleted facilities.* In any case in which contractor has elected to terminate the amortization period with respect to an incompleted emergency facility pursuant to section 124 (d) of the Internal Revenue Code, the amount of the amortization applicable to such incompleted facility reflected in the statement of the Internal Revenue Agent in Charge showing the total recomputed amortization shall, in the determination of the portion thereof attributable to renegotiable business, be considered separately in accordance with the principles set forth in this subparagraph. Ordinarily, no part of the cost of such incompleted emergency facility will have been previously considered in the determination of the excessive profits to be eliminated and, accordingly, there will have been no previous determination as to the allocability of any portion of amortization or depreciation of such facility to renegotiable business. In view of the unusual character of the amortization deduction—namely, a cost arising from a facility which has not been employed directly in the production of goods under a contract with a Department or a subcontract, yet which may have been a reasonable or integral part of contractor's war production program, the allocability of such a cost cannot be determined solely upon the general principles set forth in the regulations of this part for determining the allocability of costs of performance of renegotiable business. Accordingly, the portion of the total recomputed amortization deduction applicable to such incompleted facility to be allocated as a cost of renegotiable business in computing the gross renegotiation rebate shall be determined by the War Contracts Board in the light of all of the circumstances surrounding the construction, reconstruction, erection, or installation of the particular facility. For the purposes of completing the claim in such cases, contractor should estimate the amount of such amortization deduction which is deemed to be attributable to renegotiable business, and include such estimated amount in the computation of the gross renegotiation rebate. Contractor's estimate should be supported by separate schedule showing the amount of amortization deduction applicable to each incompleted facility involved, the allocation thereof as a charge against renegotiable and non-renegotiable business, and the basis of such allocation, including sufficient data with respect to each such facility to enable the War Contracts Board to evaluate contractor's estimate of the amount of such amortization deduction chargeable to renegotiable business.

(5) *Basis of determination.* Claims for net renegotiation rebates will be verified by reference to all of the renegotiation files and departmental reports of renegotiation. In those cases in which the amount of additional amortization involved or the basis of allocation thereof are in doubt or cannot be accurately determined, or the financial data submitted by the contractor with respect thereto differ from that contained in the renegotiation records, the War Contracts Board shall determine the matter by making a specific finding, on the basis of all relevant data, of the amount of additional amortization properly allocable to renegotiable business.

(6) *Determination of net renegotiation rebate.* Upon the determination of the amount of the gross renegotiation rebate, the Office of the Commissioner of Internal Revenue (or its designated representative) will be notified of the amount thereof and requested to furnish a computation of the amount of the Federal tax benefit thereon. The War Contracts Board will, upon being advised of the amount of the Federal tax benefit, determine the amount of the net renegotiation rebate in accordance with the provisions of subsection (a) (4) (D) of the Renegotiation Act and certify to the Secretary of the Treasury the amount of the net renegotiation rebate for payment. [RR 383.3]

PART 1604—DETERMINATION AND ELIMINATION OF EXCESSIVE PROFITS

SUBPART B—RECOVERY OF EXCESSIVE PROFITS ALREADY REALIZED

Paragraph (a) of § 1604.422-4 is amended to read as follows:

§ 1604.422-4 *Interest.* (a) No renegotiation agreement when originally made shall require the payment of interest on installments of the refund which are not in default thereunder and which are provided to be payable within a two-year period after the close of the fiscal period to which the renegotiation relates. A renegotiation agreement providing for the payment of a refund or portion thereof beyond two years after the close of the fiscal period to which the renegotiation relates shall require the payment of interest at the rate of 6% per annum from and after the date which is two years after the last day of the fiscal period to which the renegotiation relates or 30 days after execution and delivery of the agreement, whichever is later. If in the judgment of the renegotiating agency the agreement has been delayed by the fault of the contractor, interest may run from any agreed date not earlier than two years after the last day of the fiscal period to which the renegotiation relates.

PART 1607—FORMS FOR RENEGOTIATION

SUBPART A—FORMS RELATING TO IDENTIFICATION, ASSIGNMENT AND CANCELLATION OF CASES

Section 1607.704-4 is added as follows:

§ 1607.704-4 *Notice to contractor filing Standard Form of Contractor's Report prior to end of fiscal year.*

Date----------

Contractor's Name----------

Address ----------

DEAR SIR: This is to acknowledge receipt of the "Standard Form of Contractor's Report" filed by you for the period ending----------.

In view of the fact that your fiscal year does not end until----------, the report is being accepted as a tentative filing only. The Renegotiation Act (sec. 403 (c) (5) (A)) requires the filing of such a report on or before the first day of the fourth month "following the close of the fiscal year." The purpose of requiring the filing to be after the close of the fiscal year is to insure that all renegotiable sales are included.

While the termination date of the Renegotiation Act is December 31, 1945, section 403 (h) of the Act provides that profits which are reasonably allocable to performance prior to that time "shall be considered as having been received or accrued not later than the termination date," regardless of the method of accounting employed by a contractor. Under this, it is possible that profits may be received or accrued after December 31, 1945, according to a contractor's method of accounting and yet under the above section they may be subject to renegotiation. An example of this would be income received or accrued in 1946 from a claim under section 17 of the Contract Settlement Act which related to performance of a contract prior to December 31, 1945.

In view of the above, the report filed at this time by you does not constitute full compliance with section 403 (c) (5) (A) of the Act, and the statute of limitations with respect to the commencement and completion of renegotiation does not commence to run from the date of your tentative filing. However, if at the end of your fiscal year, you will advise this office in writing that no additional profits which under section 403 (h) are attributable to performance prior to January 1, 1946, and, therefore, subject to renegotiation, have been received or accrued by you subsequent to December 31, 1945, no additional report will be required. In the event that additional profits subject to renegotiation have been received or accrued by you subsequent to December 31, 1945, it will be necessary for you to file with this office a revised "Standard Form of Contractor's Report". For your convenience, additional copies of this report are inclosed.

Very truly yours,

(Name of Renegotiating Department or Service.)

[RR 704.4]

SUBPART I—ADDRESSES

1. Section 1607.791-1 is amended to read as follows:

§ 1607.791-1 *Secretary's Office.*

Room 3C 686, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 73636.

[RR 791.1]

2. Section 1607.791-5 is amended to read as follows:

§ 1607.791–5 *Pentagon Office.*

Room 3C 686, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 73636.

[RR 791.5]

3. Section 1607.792 is amended to read as follows:

§ 1607.792 *Departmental Price Adjustment Boards.*

War Department Price Adjustment Board, Attention: Mr. Wm. H. Coulson, Executive Officer, Room 3B 712, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 5672.

Navy Price Adjustment Board, Attention: Mr. Edwin H. Barker, Chairman (Navy Department), Room 3329, Main Navy Building, 18th and Constitution Avenue NW., Washington 25, D. C., Tel. Republic 7400, Ext. 5169.

Treasury Department Price Adjustment Board, Attention: Mr. Raymond Eberly, Chairman, 5304 Procurement Building, 7th and D Streets SW., Washington 25, D. C., Tel. District 5700, Ext. 2105.

Maritime Commission Price Adjustment Board, Attention: Mr. John R. Paull, Chairman, Room 512, Electrical Workers Building, 1200 15th Street NW., Washington 5 D. C., Tel Executive 3340., Ext. 608.

Maritime Commission Price Adjustment Board for Shipping Operations, Attention: Mr. James L. Murphy, Chairman, 39 Broadway, New York 6, N. Y., Tel. Whitehall 3–8000.

Reconstruction Finance Corporation Price Adjustment Board, Attention: Mr. Henry T. Bodman, Chairman, Lafayette Building, 811 Vermont Avenue NW., Washington 25, D. C., Tel. Executive 3111, Ext. 8 or 48.

[RR 792]

4. Section 1607.793–1 is amended to read as follows:

§ 1607.793–1 *Headquarters.*

Army Air Forces, Price Adjustment Branch, Readjustment & Procurement Division, Office of Assistant Chief Air Staff—4, Room 5E 921, The Pentagon, Tel. Republic 6700, Exts. 72209, 4420, 74568.

Price Adjustment Unit, TSBPS9A, Air Technical Service Command, Army Air Forces, Wright Field, Dayton, Ohio, Tel. Kenmore 7111, Exts. 22135–23292–25225.

The Chief of Chemical Corps, Attention: Mr. Carl Moline, Renegotiation Branch, Baltimore Sub-Office, OC CWS, 200 West Baltimore Street, Baltimore 1, Md., Tel. Lexington 0710.

The Chief of Engineers, Attention: Mr. John B. Heroman, Jr., Price Adjustment Section, Room 1713, Building T7, Gravelly Point, Va., Tel. Republic 6700, Ext. 3073.

The Chief of Ordnance, Attention: Mr. Ross Pancoast, Price Adjustment Branch, Room 2D 445, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 6568.

The Quartermaster General, Attention: Mr. Gaze Lukas, Price Adjustment Section, Room 2645, Tempo. A., 2d and Q Streets SW., Washington 25, D. C., Tel. Republic 6700, Ext. 3744.

The Chief Signal Officer, Attention: Maj. Jos. G. Bent, Jr., Price Adjustment Section, Room 3C 285, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 2635.

The Chief of Transportation, Attention: Mr. Halsey Dunwoody, Price Adjustment Section, Room 3B 521, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 73885.

[RR 793.1]

5. Sections 1607.798 through 1607.798–2, inclusive, are revoked as follows:

§ 1607.798 *War Department Power Procurement Officer.* [Revoked.]

§ 1607.798–1 *Headquarters.* [Revoked.]

§ 1607.798–2 *Field offices.* [Revoked.]

6. The headnote of § 1607.799 is amended to read *"Maritime Commission"*.

7. The headnote of § 1607.799–2 is amended to read *"Maritime Commission Price Adjustment Board for Shipping Operations"*.

PART 1608—TEXT OF STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

SUBPART B—DELEGATIONS OF AUTHORITY

Sections 1608.822 through 1608.822–6 are added as follows:

§ 1608.822 *Delegations of authority within the named departments.* [RR 822]

§ 1608.822–1 *Delegations of authority within the War Department.* The delegations of authority within the War Department are published in the FEDERAL REGISTER of Saturday, August 31, 1946 (11 F. R. 9635). [RR 822.1]

§ 1608.822–2 *Delegation of authority within the Navy Department.* The delegation of authority within the Navy Department is published in the FEDERAL REGISTER of Tuesday, September 10, 1946 (11 F. R. 9932). [RR 822.2]

§1608.822–3 *Delegation of authority within the Treasury Department.* The delegation of authority within the Treasury Department is published in the FEDERAL REGISTER of Wednesday, September 11, 1946 (11 F. R. 10035). [RR 822.3]

§ 1608.822–4 *Delegation of authority within the United States Maritime Commission.* The delegation of authority within the Maritime Commission is published in the FEDERAL REGISTER of Friday, September 20, 1946 (11 F. R. 10615). [RR 822.4]

§ 1608.822–6 *Delegations of authority within the Reconstruction Finance Corporation.* The delegations of authority within the Reconstruction Finance Corporation are published in the FEDERAL REGISTER of Thursday, September 5, 1946 (11 F. R. 9757). [RR 822.6]

[F. R. Doc. 47–145; Filed, Jan. 7, 1947; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 653, Amdt. 1]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of January A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), and good cause appearing therefor; it is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars,* of Service Order No. 653, be, and it is hereby, amended by substituting the following paragraph (c) (2) for paragraph (c) (2) thereof:

(c) *Application.* • • •

(2) *Description of cars.* This section shall apply to cars suitable for interchange described under the headings Class G—Gondola Car Type, Class H—Hopper Car Type, also covered hopper cars having a mechanical designation "LO" or gondolas "MWB" in the current Official Railway Equipment Register.

It is further ordered, that this amendment shall become effective at 7:00 a. m., January 6, 1947.

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 5, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–152; Filed, Jan. 7, 1947; 8:51 a. m.]

[S. O. 260, Amdt. 5]

PART 95—CAR SERVICE

SALTING OF ICE ON CARS OF CITRUS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of January A. D. 1947.

Upon further consideration of the provisions of Service Order No. 260 (9 F. R. 14547), as amended (10 F. R. 4818; 11 F. R. 8452, 13639), and good cause appearing therefor; it is ordered, that:

Section 95.260, *Salting of ice on cars of citrus,* of Service Order No. 260, as amended, be, and it is hereby, further amended by adding the following exception to paragraph (a) thereof:

Exception. The provisions of this section, during the effectiveness of this amendment, shall not apply to the salting, at regular icing stations en route, with not to exceed three percent (3%) salt, of ice in the bunkers of refrigerator cars, shipped from any origin in the State of Florida, loaded with straight carloads of tangerines, or loaded with mixed carloads of tangerines and other citrus fruit providing tangerines comprise fifty percent (50%) or more of the lading.

Effective date. This amendment shall become effective at 12:01 a. m., January 3, 1947.

Expiration date. This amendment shall expire at 11:59 p. m., February 1, 1947.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–153; Filed, Jan. 7, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 904, 927, 934, 945, 947, 961]

HANDLING OF MILK IN NEW YORK METROPOLITAN, PHILADELPHIA, PA., WASHINGTON, D. C., GREATER BOSTON, LOWELL-LAWRENCE, AND FALL RIVER, MASS., MILK MARKETING AREAS

CONSIDERATION OF SUSPENSION OF PRICING PROVISIONS

Notice is given that pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), consideration is being given to the suspension of such of the class pricing provisions of Orders Nos. 27, 61, 45, 4, 34, and 47, as amended, regulating the handling of milk in the New York Metropolitan, Philadelphia, Pennsylvania, Washington, D. C., Greater Boston, Lowell-Lawrence, and Fall River, Massachusetts, marketing areas, respectively, as may be necessary to reflect current economic conditions affecting the market supply and demand for milk and its products in the aforesaid marketing areas.

In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), all persons who desire to submit oral or written data, views, or argument with respect to the specific adjustment of prices for all classes of milk in the aforesaid marketing areas as may be necessary to reflect current economic conditions affecting the supply and demand for milk and its products, will be given an opportunity to do so at the Thomas Jefferson Auditorium, South Building, United States Department of Agriculture, Washington, D. C., beginning at 10 a. m. January 9, 1947.

Issued at Washington, D. C., this 3d day of January 1947.

CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47–149; Filed, Jan. 7, 1947; 8:49 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. IT–6009]

SOUTHWESTERN PUBLIC SERVICE CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR WANT OF JURISDICTION

JANUARY 2, 1947.

Notice is hereby given that, on January 2, 1947, the Federal Power Commission issued its order dismissing application for want of jurisdiction, entered December 31, 1946, in the above-designated matter.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–143; Filed, Jan. 7, 1947; 8:50 a. m.]

[Docket No. G–834]

AUSTIN FIELD PIPE LINE CO.

NOTICE OF APPLICATION

JANUARY 2, 1947.

Notice is hereby given that on December 13, 1946, in compliance with the provisions of paragraph (B) (v) of the findings and order issuing certificate of public convenience and necessity entered on November 30, 1946, "in the matter of Michigan-Wisconsin Pipe Line Company," Docket No. G–669, an application was filed with the Federal Power Commission by Austin Field Pipe Line Company ("Applicant"), a Michigan corporation having its principal place of business in the City of Detroit, Michigan, and authorized to do business in the State of Michigan, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction of certain natural-gas pipeline facilities, subject to the jurisdiction of the Federal Power Commission, all of which said facilites are hereinafter more fully described.

Applicant seeks authorization to construct the following facilities:

(a) A 26-inch O. D. steel pipeline, approximately 140 miles in length, from a point at the Austin Storage Field near the common corner of Sections 3, 4, 9, and 10 in Austin Township, Mecosta County, Michigan, to a point near the southwest corner of Section 35, Township 1 North, Range 10 East, Southfield Township, Oakland County, Michigan, connecting the Austin Gas Storage Field with a metering station at or adjacent to the gas distribution system of Michigan Consolidated Gas Company ("Michigan Consolidated") for the Detroit District, which proposed transmission line is hereinafter referred to as the "Austin-Detroit Line";

(b) A 6⅝-inch O. D. steel pipeline, approximately 25 miles in length, from the proposed Austin-Detroit Line at a point located near the intersection of Rowe and Milford Roads, Section 3, Township 2 North, Range 7 East, Milford Township, Oakland County, Michigan, to a metering station at 847 Broadway, Ann Arbor, Washtenaw County, Michigan, connecting the proposed Austin-Detroit Line with a metering station at or adjacent to the gas distributing system of Michigan Consolidated for the Ann Arbor District, which proposed pipeline is hereinafter referred to as the "Ann Arbor Lateral";

(c) A 6⅝-inch O. D. steel pipeline, approximately 10 miles in length, from a point in Richland Township, Montcalm County, Michigan, to a point in Union Township, Isabella County, Michigan, connecting the Austin-Detroit Line with a metering station located near Mt. Pleasant, Isabella County, Michigan, and adjacent to the gas distribution system of Michigan Consolidated in its Mt. Pleasant District, which proposed pipeline is hereinafter referred to as the "Mt. Pleasant Lateral";

(d) A 10¾-inch O. D. steel pipeline, approximately 4½ miles in length, from a point near the northwest corner of Section 5, Walker Township, Kent County, Michigan, to a point near the southeast corner of Section 11, in said Walker Township, connecting the proposed 22-inch pipeline of Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin") with a metering station at or adjacent to the gas distribution system of Michigan Consolidated in the Grand Rapids District, which proposed gas transmission pipeline is hereinafter referred to as the "Grand Rapids Lateral";

(e) A 24-inch O. D. steel pipeline approximately 22 miles in length, from a point in the Austin Storage Field near

the common corner of Sections 3, 4, 9 and 10 in Austin Township, Mecosta County, Michigan, to a point in the Reed City Field near the common corner of Sections 29, 30, 31, and 32 in Lincoln Township, Osceola County, Michigan, connecting the Austin Storage Field with the Reed City Field, which proposed pipeline is hereinafter referred to as the "Austin-Reed City Line";

(f) A gas compressor station (6,000 H. P.) on the Austin-Detroit Line at the Austin Storage Field, which compressor station is hereinafter called the "Austin Compressor Station".

The construction of the facilities described above is to be commenced on or before January 1, 1948, and to be completed according to the following schedule:

Items (a), (b), (c), (d) and 3,000 horsepower of Item (f) will be completed on or before the completion by Michigan-Wisconsin of its proposed pipeline which is designed to bring natural-gas from the Hugoton Field in Oklahoma and Texas to various markets including the several districts of Michigan Consolidated. Thereafter Item (f) is to be completed by the installation of 1,000 horsepower per year during each of the following three years. Item (e) will be completed on or before December 31, 1951.

Applicant proposes only to construct the facilities herein described, and states that it will not operate them. The application recites that the facilities will be leased to Michigan-Wisconsin for operation prior to December 31, 1951, and will be sold to Michigan-Wisconsin on or before December 31, 1951. The application further states that Michigan-Wisconsin will operate the facilities as an integral part of its natural-gas pipeline project which heretofore has been authorized by the Commission subject, among other things, to the authorization of the construction and operation of the facilities herein described.

It is stated in the application that under the provisions of a contract dated December 4, 1945, between Michigan-Wisconsin and Michigan Consolidated, known as the "Gas Contract", Michigan Consolidated obligated itself to construct, or to cause to be constructed through wholly-owned subsidiary, the facilities herein described. It is further stated that Michigan Consolidated elected, pursuant to Article XV of said "Gas Contract" to perform its obligations through Applicant which was organized for that purpose. Subsequently, on December 9, 1946, a contract between Applicant, Michigan-Wisconsin, and Michigan Consolidated was executed, known as the "Tri-Partite Contract", covering the construction, financing, lease, operation and sale of the proposed facilities. The application states that the lease of the facilities by Michigan-Wisconsin and the eventual sale thereto will be in accordance with said "Gas Contract", as amended, and said Tri-Partite Contract. According to the application, no contracts for the actual construction of the proposed facilities have been made.

The total over-all cost of construction of the proposed facilities is estimated by Applicant at $7,188,592, and Applicant proposes to finance the construction through the sale of all its common stock having a total par value of $500,000 to Michigan Consolidated, and through bank loans, the terms of which will not extend beyond December 31, 1951. It is proposed to use the income received from the leased facilities to meet Applicant's obligations and to amortize a portion of the bank loans, and, upon sale of the facilities to Michigan-Wisconsin, to pay off the remaining balance of the bank loans.

Applicant states that no operating revenues will be expected from the proposed facilities due to the manner of proposed operation, and there will be no operating expenses except taxes, interest, depreciation at an annual rate of 3⅓%, and miscellaneous expenses arising from Applicant's corporate existence and its ownership of the proposed facilities.

Any interested state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Austin Field Pipe Line Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-160; Filed, Jan. 7, 1947; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-133]

ACCIDENT OCCURRING NEAR SAN DIEGO, CALIF.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 45395 which occurred near San Diego, California on December 24, 1946.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-mentioned proceeding that hearing is hereby assigned to be held on Wednesday, January 8, 1947, at 9:30 a. m. (local time) in U. S. Customs House and Court House, Room 234, at 325 West F Street, San Diego, California.

Dated: Washington, D. C., January 3, 1947.

[SEAL] W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 47-161; Filed, Jan. 7, 1947; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 29670]

INCREASED PER DIEM CHARGE ON FREIGHT CARS

NOTICE OF INVESTIGATION AND ASSIGNMENT OF HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of December A. D. 1946.

The Commission having under consideration the matter of the basis of rates of compensation for car hire by common carriers by railroad subject to the Interstate Commerce Act,

It is ordered, That under the authority of section 1 (14) (a) of the Interstate Commerce Act an investigation be, and it is hereby, instituted by the Commission, upon its own motion, for the purpose of determining whether the establishment of a rate of $2.00 per day or other increased rate to be paid to the owner for the use of each car during periods of car shortage (except tank and refrigerator) by any common carrier would promote greater efficiency in the use and increase the supply of cars; with the view to the making of findings and the entry of an order or orders, under the authority of the Interstate Commerce Act (49 U. S. Code, secs. 1-27), and particularly section 1 (10), (11), (13) and (14) thereof, requiring the establishment of an increased basis and rate of compensation for car hire during periods of car shortage if it be found that it will promote greater efficiency in the use and increase the supply of cars.

It is further ordered, That all common carriers by railroad subject to the Interstate Commerce Act and all other persons owning or leasing freight cars (except tank and refrigerator cars) to any such carrier be, and they are hereby made respondents to this proceeding; that a copy of this order be served upon each of said respondents and upon the Association of American Railroads, Car Service Division, and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by publishing it in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiners Myron Witters and Paul C. Smith, February 12, 1947, at 9:30 a. m., United States standard time.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-154; Filed, Jan. 7, 1947, 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., AND LEASON & CO., INC.

NOTICE REGARDING FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 1st day of January 1947.

Notice is hereby given that the National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association), has filed with this Commission, on behalf of Leason & Co., Inc., an application for approval of the continuance of the membership of Leason & Co., Inc. in the Association, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

Among other things, the above application states that:

A. Lowell Niebuhr is now employed by Leason & Co., Inc., a member of the Association, with offices at 39 South La Salle Street, Chicago 3, Illinois.

B. In 1942 and prior thereto, Lowell Niebuhr was president of Lowell Niebuhr & Co., which at that time was a member of the Association with offices in Chicago, Illinois.

C. By decision of the Board of Governors, issued on October 26, 1942, the firm of Lowell Niebuhr & Co. was expelled from membership in the Association for certain violations of the Association's Rules of Fair Practice.

D. The District Committee for District No. 8 and the Board of Governors of the Association, having reviewed the record in the proceedings resulting in such order of expulsion and having considered the subsequent activity of Lowell Niebuhr and his general reputation in the business community, believe that he has been sufficiently penalized for the violations of the rules which were the subject of such disciplinary proceedings, that he should be permitted to engage in the securities business as an employee and registered representative of Leason & Co., Inc., and that the continuance of Leason & Co., Inc. in membership in the Association with Lowell Niebuhr as an employee and registered representative thereof would be consonant with the stated purposes and policies of section 15A of the act.

E. The Association now applies for approval of the Commission to continuance of Leason & Co., Inc. in membership in the Association with Lowell Niebuhr as an employee.

Under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934, as amended, and section 2 of article I of the Association's By-Laws, the firm of Leason & Co., Inc. may not be continued in membership in the Association so long as Lowell Niebuhr is controlled by said company except with the approval of the Securities and Exchange Commission based upon a finding that such approval is appropriate in the public interest.

Any interested person may informally present his views or any information relating to this matter by communicating with Thomas B. Hart, Regional Administrator of the Commission's Chicago Regional Office, 105 West Adams Street, Chicago 3, Illinois, on or before January 17, 1947. Within the same time any person desiring that a formal hearing be held may file with the Secretary a written request to that effect, together with a brief statement of the nature of his interest in the proceeding and the position which he proposes to take. In the absence of such a request by any person having a bona fide interest in the proceeding, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate to do so, will grant the application on the basis of the record and without formal hearing.

This notice shall be served on Leason & Co., Inc. and the Association not less than fifteen (15) days prior to January 17, 1947, and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act not later than fifteen (15) days prior to January 17, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-139; Filed, Jan. 7, 1947; 8:49 a. m.]

[File No. 70-984]

CAPITAL TRANSIT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO PAYMENT OF FINANCIAL ADVISER'S FEE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of December 1946.

The Commission having issued its supplemental order in the above-captioned proceedings on June 29, 1945, in which jurisdiction was reserved with respect to the payment of the fee of the financial adviser incurred in connection with the issuance and sale by Capital Transit Company of $12,500,000 principal amount of its First and Refunding Mortgage Bonds, Series A, 4%, due December 1, 1964, and its unsecured bank loan in the principal amount of $2,500,000; and

The Commission having examined the record herein, as amended, and finding that the financial adviser's fee in the amount of $15,000, payable to Dillon, Read & Co., is not unreasonable for the services, as financial adviser, rendered in connection with said financing;

It is ordered, That jurisdiction be and the same is hereby released with respect to payment of the aforesaid financial adviser's fee in the amount designated.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-142; Filed, Jan. 7, 1947; 8:49 a. m.]

[File No. 70-1403]

WASHINGTON RAILWAY AND ELECTRIC CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of December 1946.

In the matter of Washington Railway and Electric Company, the Washington and Rockville Railway Company of Montgomery County, Braddock Light & Power Company, Incorporated, Potomac Electric Power Company, File No. 70-1403.

Washington Railway and Electric Company (Washington Railway), a registered holding company and a subsidiary of The North American Company, also a registered holding company, and The Washington and Rockville Railway Company of Montgomery County (Rockville Railway), Potomac Electric Power Company (Potomac Electric), and Braddock Light & Power Company, Incorporated (Braddock), subsidiaries of Washington Railway, have filed a joint application and declaration and amendments thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 (the Act) regarding the following proposals:

Washington Railway proposes (a) to purchase from Rockville Railway, for a cash consideration of $132,500, 19,250 shares of the outstanding capital stock of Braddock owned by Rockville Railway (the remaining 50,000 shares of the total 69,250 shares of outstanding capital stock of Braddock being owned by Washington Railway), and (b) to sell to Potomac Electric 69, 250 shares (all of the shares outstanding) of the capital stock of Braddock, for a cash consideration of $632,500, representing the cost of such stock to the holding company system of Washington Railway.

Potomac proposes to lend and advance to Braddock, from time to time, funds in the amount (not to exceed in the aggregate $14,000,000) necessary to enable Braddock to finance temporarily the construction of generating facilities which will be used primarily for the purpose of meeting Potomac Electric's anticipated future requirements. In consideration of each loan and advance, and in the amount thereof, Braddock will execute and deliver to Potomac Electric its demand promissory notes, bearing interest at the rate of 3½% per annum, payable on December 31 of each year.

Applicants-declarants request that the Commission in its order with respect to the proposed transfers of the capital stock of Braddock recite appropriate statements conforming to the requirements of section 11 (e) of the act and of supplement R and section 1808 (f) of the Internal Revenue Code, specifying and itemizing the securities to be transferred and reciting that such transfers are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

The application-declaration having been filed on November 20, 1946, and

notice of filing having been duly given in the manner and form prescribed by Rule U–23 under said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The applicants-declarants having requested that the Commission issue its order within thirty days after the date of filing the application-declaration; and

Washington Railway having represented that the proposed acquisition by Potomac Electric of all of the outstanding capital stock of Braddock will be in furtherance of and in accordance with the provisions of the amended plan heretofore filed with this Commission on August 30, 1946 (File No. 54–98) pursuant to the provisions of section 11 (e) of the act and the order of this Commission dated April 14, 1942, issued against The North American Company and its subsidiary companies for compliance with the provisions of section 11 (b) of said act; and

The Public Utilities Commission of the District of Columbia having issued its order dated December 19, 1946 approving the proposed acquisition by Washington Railway of the said shares of capital stock of Braddock, the proposed sale of said shares of capital stock of Braddock to Potomac Electric and the proposed loans and advances by the latter company to Braddock; and the State Corporation Commission of Virginia, the State in which Braddock is organized and doing business, having issued its order dated December 4, 1946 authorizing the issuance by Braddock to Potomac Electric of the proposed 3½% demand promissory notes, and subject in substance to the conditions (1) that the interest rate of the proposed notes shall be subject to review by said Commission after December 31, 1947, and subject to adjustment in the event of material changes in the cost of money to the lender, and (2) that the authority granted by said order, to the extent not exercised on or before June 30, 1949, shall thereby become automatically suspended until further action by said Commission.

The Commission finding that the requirements of sections 6 (b), 10 (c) (1) and (2) and 12 (d) of the act and Rules U-43, U-44, U-45 and U-50 are satisfied; that no adverse findings are necessary thereunder, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the application (as amended, and subject to the terms and conditions prescribed by the order dated December 4, 1946 of the State Corporation Commission of Virginia) be, and the same is hereby, granted and that the declaration (as amended) be, and the same is hereby, permitted to become effective forthwith.

It is further ordered, and the Commission finds, That the transfer of the 19,250 shares of the capital stock of Braddock Light and Power Company, Incorporated, by The Washington and Rockville Railway Company of Montgomery County to Washington Railway and Electric Company and the transfer by Washington Railway and Electric Company of the 69,250 shares of the capital stock of Braddock Light and Power Company, Incorporated, to Potomac Electric Power Company, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are steps in compliance with the order of this Commission dated April 14, 1942, with respect to The North American Company and its subsidiary companies issued pursuant to section 11 (b) (1) of the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-f40; Filed, Jan. 7, 1947; 8:49 a. m.]

[File No. 70-1402]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of December 1946.

The Milwaukee Electric Railway & Transport Company, a wholly-owned subsidiary of Wisconsin Electric Power Company, and said Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company, having filed a joint declaration and application, and amendments thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, relating to the proposal of The Milwaukee Electric Railway & Transport Company (a) to redeem on or about December 31, 1946, at the principal amount thereof plus accrued interest, $950,000 principal amount of its First Mortgage 4% Bonds owned by Wisconsin Electric Power Company, and (b) to purchase for cash at par for retirement 9,500 shares of its capital stock of the aggregate par value of $950,000 from Wisconsin Electric Power Company, and the proposal of Wisconsin Electric Power Company to surrender the bonds and the stock on the basis described; and

The joint declaration and application having been filed on the 15th day of November, 1946, and an amendment to the declaration-application having been filed on December 19, 1946, and notice of said filing having been duly given in the manner and form prescribed by Rule U–23 under said act, and the Commission not having received a request for a hearing with respect to said joint declaration and application, as amended, within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and request having been made for accelerated action upon the declaration and application, as amended; and

The Commission finding that the requirements of sections 12 (c) and 12 (f) of the act and Rules U–42 and U–43 promulgated thereunder, are satisfied, that no adverse findings are necessary thereunder and that the request for acceleration should be granted; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to approve said application and to permit said declaration to become effective;

It is hereby ordered, That, pursuant to said Rule U–23 and the applicable provisions of said act, the joint amended application be, and the same is hereby, approved and the joint amended declaration be, and the same is hereby, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U–24 of the general rules and regulations promulgated under the act, and subject further to continuation of the condition imposed on The Milwaukee Electric Railway & Transport Company by the Commission's order of June 29, 1943 (Release No. 4394) by the terms of which it is provided that if, from time to time, in the future additional common stock is retired by said company, its bonds will be retired to the extent necessary in order that the aggregate par amount of stock outstanding will at least equal two and one-half times the aggregate principal amount of the outstanding bonds.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-141; Filed, Jan. 7, 1947; 8:49 a. m.]

FEDERAL REGISTER

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Washington, Thursday, January 9, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9818

ESTABLISHING THE PHILIPPINE ALIEN PROPERTY ADMINISTRATION AND DEFINING ITS FUNCTIONS

By virtue of the authority vested in me by the Constitution and statutes, including the Trading with the Enemy Act of October 6, 1917, 40 Stat. 411, as amended, the Philippine Property Act of 1946, 60 Stat. 418, the First War Powers Act, 1941, 55 Stat. 838, as amended, section 1753 of the Revised Statutes, and the Civil Service Act, 22 Stat. 403, and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. There is established in the Office for Emergency Management of the Executive Office of the President the Philippine Alien Property Administration, at the head of which shall be a Philippine Alien Property Administrator appointed by the President, without regard to the civil service laws. The Philippine Alien Property Administrator shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, housing, subsistence, and other expenses incidental to the performance of his duties. Within the limitation of such funds as may be made available for that purpose, and without regard to the civil service laws, the Philippine Alien Property Administrator may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this order. Such personnel of the Office of Alien Property, Department of Justice, as are engaged in the exercise of the functions transferred hereunder, may be transferred to the Philippine Alien Property Administration without loss of such civil-service status or eligibility therefor as they may possess. Any employee of a department or agency of the Federal Government who possesses special qualifications or experience of particular use to the Philippine Alien Property Administrator may, upon request by the Philippine Alien Property Administrator, be transferred with his consent and that of the department or agency in which he is employed, without loss of such civil-service status or eligibility therefor as such person may possess, to a position under the Philippine Alien Property Administrator. Upon application for reemployment made to the original employing department or agency within ninety days after termination of the service of the employee in the position to which he is transferred under the provisions of this section, and upon presentation of a statement by the Philippine Alien Property Administrator or his authorized representatives, reciting the date of termination of such service, that the services of such employee have been satisfactory and that such termination was not the result of delinquency or misconduct on the part of the employee, such employee shall, if qualified to perform the duties of his position, be reemployed in his original position or in a position of like seniority, status and pay, so long as the position the employee left, or one of like seniority, status, and pay is occupied by an employee with lower retention preference.

2. The Philippine Alien Property Administrator is hereby designated to exercise and perform, and there are hereby transferred to him, such rights, privileges, powers, authority, duties and functions, with respect to property located within the Philippines and property transferred pursuant to section 3 hereof, as were vested in or transferred or delegated to the Alien Property Custodian by the Trading with the Enemy Act, as amended, the Philippine Property Act of 1946, Executive Order 9095 of March 11, 1942, as amended, Executive Order 9142 of April 21, 1942, and Executive Order 9725 of May 16, 1946.

3. The Attorney General, or such officer or agency of the Department of Justice as he may designate, is authorized and directed to transfer to the Philippine Alien Property Administrator all property or interests vested in or transferred to him which were located in the Philippines at the time of such vesting or transfer, or the proceeds thereof, subject, however, to such expenses as the Attorney General is authorized to charge against such property or proceeds. Such property or proceeds shall be administered and disposed of under the direction and control of the Philippine Alien Property Administrator in accordance with law.

4. The Philippine Alien Property Administrator shall, except as otherwise

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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agreed to by the Secretary of State, consult with the Secretary of State before vesting any property or interest pursuant to this executive order.

5. The Attorney General or such officer or agency of the Department of Justice as he may designate, is authorized and directed to transfer to the Philippine Alien Property Administrator such personnel, records, files, furniture, equipment, and supplies as the Director of the Bureau of the Budget may determine to

be necessary for the performance of the functions hereby transferred, but the Administrator shall reimburse the Attorney General for the furniture, equipment, and supplies so transferred.

6. The Philippine Alien Property Administrator, to the extent permitted by law, is authorized to pay out of any funds or other property or interests vested in him or transferred to him all necessary expenses of the Philippine Alien Property Administration in the performance of the functions hereby transferred: *Provided, however*, that the Philippine Alien Property Administrator shall submit to the Director of the Bureau of the Budget at such time or times and in such form as the Director shall require, an estimate of general administrative expenses for the remainder of the current fiscal year, and no general administrative expenses authorized to be paid pursuant to this order shall be incurred or paid by the Philippine Alien Property Administrator in excess of the amounts approved by the Bureau of the Budget upon submissions as herein required. All expenses for the current fiscal year shall, in addition, be reported to the Congress as early as practicable, with a request for ratification thereof; and no general administrative expenses shall be incurred or paid by the Philippine Alien Property Administrator after the fiscal year ending June 30, 1947, except pursuant to a further annual authorization by the Congress.

7. Paragraph 5 of Executive Order 9142 (7 Fed. Reg. 2985) is amended to the extent that it requires that litigation under the Trading with the Enemy Act of October 6, 1917, as amended, and the Philippine Property Act of 1946, instituted in the courts of the Philippine Islands prior to July 4, 1946, be conducted under the supervision of the Attorney General. In any such litigation the Philippine Alien Property Administrator may appear personally or through attorneys appointed by him.

8. No action taken by or on behalf of the Alien Property Custodian or the Attorney General as his successor under Executive Order 9747 of July 3, 1946, shall be challenged on the ground that it was within the jurisdiction of the Philippine Alien Property Administrator.

9. This order supersedes Executive Order 9789 of October 14, 1946, entitled "Establishing the Philippine Alien Property Administration and defining its functions."

HARRY S. TRUMAN

THE WHITE HOUSE,
January 7, 1947.

[F. R. Doc. 47-245; Filed, Jan. 8, 1947; 11:03 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63-19]

PART 1596—FOOD IMPORTS

PARTIAL REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (10 F. R. 103, 8950, 10419; 11 F. R. 2630, 5103), Appendix A is hereby revised as follows:

1. By deleting the following items therefrom:

Food and Commerce Import Class No.
Cheese: 0045.100 to 0046.990, inc.
Lentils: 1199.000.
Chickpeas and garbanzos, dried: 1200.000.
Milk, condensed, evaporated, skimmed dried and whole dried: 0040.000, 0040.100, 0040.700, 0041.100, 0041.000.

2. By adding the following item thereto:

Food and Commerce Import Class No.
Milk, condensed: 0040.100.

This amendment shall become effective at 12:01 a. m., e. s. t., January 6, 1947.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; WFO 63, 10 F. R. 8950, 11 F. R. 2630)

Issued this 6th day of January 1947.

[SEAL] JESSE B. GILMER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 47-202; Filed, Jan. 8, 1947; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 353-C]

PART 40—AIR CARRIER OPERATING CERTIFICATION

NONCOMPLIANCE WITH REQUIREMENTS WITH RESPECT TO CERTIFICATION OF AIRCRAFT RADIO EQUIPMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of December 1946.

Special Civil Air Regulation Serial Number 353 waived provision of § 40.253 of the Civil Air Regulations with respect to the certification of aircraft radio equipment.

It appearing that: The lack of available supplies having made it impossible for certain operators to convert certain items of their U. S. Army aircraft radio equipment so that they may be type certificated, a further extension of the effectiveness of Special Civil Air Regulation Serial Number 353 with respect to these items is in the public interest, and notice and public procedure provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary with respect to the regulation hereinafter set forth.

Now, therefore, effective January 1, 1947, Special Civil Air Regulation Serial Number 353, limited to the following items, SCR-522 VHF-transceiver; F-21/ARA-9 and FL-8B range filters; HS-33 headphones; T-17 microphones; LP-31A and LP-31AM loops; and C-166/AIC-3 switch box, is amended by striking the words "January 1, 1947", and inserting in lieu thereof "April 1, 1947."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-178; Filed, Jan. 8, 1947; 8:48 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

Acting pursuant to the authority vested in me by section 301 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 985, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 451) and the Federal Airport Act (60 Stat. 170, Pub. Law 377, 79th Cong.) I hereby adopt a new part, Part 550, of the regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.
550.1 Definitions.
550.2 National Airport Plan.
550.3 Project programming.
550.4 Distribution of funds within the states.
550.5 Distribution of funds within the Territory of Alaska, Territory of Hawaii, and Puerto Rico.
550.6 Use of apportioned funds.
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550.12 Eligible sponsors.
550.13 Sponsor requirements.
550.14 Submission of project requests; tentative allocation of funds.
550.15 Sponsor's assurance agreement.
550.16 Submission and approval of project application.
550.17 Grant agreement.
550.18 Performance of construction work.
550.19 Accounting procedure.
550.20 Grant payments.
550.21 Memoranda and hearings.

AUTHORITY: §§ 550.1 to 550.21, inclusive, issued under 52 Stat. 973, 985, 54 Stat. 1233, 1235, 1236, Pub. Law 377, 79th Cong.; 60 Stat. 170, 49 U. S. C. 401, 451.

§ 550.1 *Definitions.* All terms in the regulations of this part which are defined in the Federal Airport Act and are not defined in this section shall have the meaning given to them in the act. As used herein unless the context otherwise requires, the following terms shall have the meaning indicated:

(a) "Act" means the Federal Airport Act of 1946 (Public Law No. 377, 79th Congress, 2d session; 60 Stat. 170) (Appendix A).

(b) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(c) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(d) "Regional Administrator" means the directing head of the CAA for the respective CAA region or his duly authorized representative.

(e) "Superintendent of airports" means the director of the Airports Branch of a CAA regional office or his duly authorized representative.

(f) "District Airport Engineer" means the director of a district office of the Airports Branch of a CAA regional office or his duly authorized representative.

(g) "Project" means a project for the accomplishment of airport development with respect to a particular airport as set forth in a project request or project application submitted in accordance with the regulations of this part.

(h) "Sponsor" means any public agency, acting either individually or jointly with one or more other public agencies, which, either itself or through a duly authorized agent, submits to the Administrator, in accordance with the act, a project request or a project application for a grant of funds for airport development.

(i) "Class 4 or larger airport" means an airport which upon completion of the project proposed would, in the opinion of the Administrator, meet generally the standards of Table 3 of the Civil Aeronautics Administration Bulletin, "Airport Design", dated April 1, 1944, for a Class 4 or larger airport. (Appendix C.)

(j) "National Airport Plan" means the plan for the development of public airports in the United States, the Territory of Alaska, the Territory of Hawaii, and Puerto Rico, prepared and revised annually by the Administrator.

(k) "Program" means a program prepared by the Administrator listing proposed projects to be undertaken within the next fiscal year: *Provided, however,* That projects for the fiscal year ending June 30, 1947, will be included in a program prepared during such year.

(l) "Project request" means a preliminary expression of interest in participating in the Federal-aid Airport Program, in the form, and containing the information, required by § 550.14.

(m) "Project application" means a formal application for a grant of Federal funds for a project, submitted as required by § 550.16.

(n) "Land acquisition" means the acquiring of any land or interest therein, or any easement through or other interest in air space.

(o) "Landing area" is that part of an airport which is used, considered, or intended to be used for the landing and taking off of aircraft or taxiing incidental thereto.

(p) "Building area" is that part of an airport other than its "landing area" which is used, considered, or intended to be used for airport buildings or other airport facilities or rights of way together with all airport buildings and facilities located thereon.

§ 550.2 *National Airport Plan.* The National Airport Plan and each annual revision thereof will specify in terms of general location and type the public airport development then considered by the Administrator as necessary to meet the needs of civil aeronautics during the succeeding three years.

§ 550.3 *Project programming.* The submission of a project request or project application will in all instances be necessary before any proposed project will be considered for inclusion in a program. The submission of such request or application does not necessarily imply that the proposed project will be included in the program, nor will it in any way obligate the sponsor to perform any work or expend any funds in connection therewith.

§ 550.4 *Distribution of funds within the states.* Within thirty days after each appropriation the total amount so appropriated will be distributed into three separate funds:

(a) Administrative fund.

(b) Fund available for apportionment to the States.

(c) Discretionary fund.

§ 550.5 *Distribution of funds within the Territory of Alaska, Territory of Hawaii, and Puerto Rico.* Within thirty days after each appropriation the total amount so appropriated will be distributed into two separate funds:

(a) Administrative fund.

(b) Fund available for apportionment to the Territory of Alaska, Territory of Hawaii, and Puerto Rico.

§ 550.6 *Use of apportioned funds.* All sums of money apportioned to a state will thereupon become available only to pay the United States share of the allowable project costs of approved projects which are sponsored by that state or an eligible public agency thereof and, in addition, are located in that state, an adjoining state, a national park, national recreation area, national monument or national forest which lies wholly within the boundaries of that state or of an adjoining state, or that part of a national park, national recreation area, national monument or national forest which lies wholly within the boundaries of that state or of an adjoining state. Where a project has two or more sponsors all of which are not public agencies of the same state, the United States share of the allowable cost of the project will be charged against the moneys apportioned to the states concerned, in proportion to the amounts contributed by these states and their public agencies as the sponsors' share of the costs of the project.

§ 550.7 *Use of discretionary fund.* (a) No allocation will be made from the discretionary fund until all regularly apportioned funds for approved projects in the specific state have been tentatively allocated, except as provided in paragraph (c) of this section.

(b) That part of the discretionary fund made available by the Administrator for any approved project in a state will be used in the same manner, and subject to the same requirements and conditions, as apportioned funds.

(c) The discretionary fund is the only source from which grants will be made for projects sponsored by the United States or an agency thereof and located in national parks, national recreation areas, national monuments or national forests. The discretionary fund is not available to pay any part of the sponsor's share of the allowable costs of such projects. The sponsor's share of such allowable project costs may be paid only out of appropriations specifically authorized for the purpose of paying such share, or moneys contributed to the sponsor for this purpose. The act expressly authorizes the receipt and use by the sponsor of moneys for such purpose.

§ 550.8 *Eligible projects.* A project shall be eligible for inclusion in a program, and for approval by the Administrator, only if it is determined by the Administrator that such project meets all of the applicable requirements of this section and of § 550.9.

(a) *Types of airport development.* A project shall include only such types of airport development as are eligible for inclusion in a project as provided in this section.

(1) *Land acquisition.* The acquisition of land or of any interest therein or easement through or other interest in air space shall be eligible for inclusion in a project only if such acquisition is necessary:

(i) To permit the accomplishment of other airport development, whether such development is to be accomplished as part of the Federal-aid Airport Program or not; or

(ii) To prevent or limit the establishment of airport hazards; or

(iii) To permit proper use, operation, management, and maintenance of the airport as a public facility.

The term "acquisition of land" as used in this section shall include the acquisition of land already developed as a privately owned airport and of all structures, fixtures, improvements, and equipment thereon of a type the construction, installation, or purchase of which would be eligible for inclusion in a construction project pursuant to the regulations of this part.

(2) *Construction work.* The following types of construction work shall be eligible for inclusion in a project:

(i) Clearing, grubbing, filling, and grading of the airport or airport site or any part thereof.

(ii) Dredging of seaplane anchorages and channels.

(iii) Drainage work either on or off the airport or airport site.

(iv) Construction, alteration, and repair of runways, taxiways, aprons, and automobile parking areas within the limits of the airport or airport site.

(v) Construction, alteration, and repair of seaplane ramps, docks, and other seaplane base facilities other than hangars and living quarters.

(vi) Construction, alteration, and repair of access roads and walks, either on or off the airport or airport site.

(vii) Landscaping, seeding, and sodding of the airport or airport site.

(viii) Fencing of the airport or airport site.

(ix) Installation, alteration, and repair of airport lighting facilities and equipment.

(x) Construction, alteration, and repair of administration, terminal, and service buildings, airport control tower structures, repair shops, and structures necessary for the proper use, operation, management, and maintenance of the airport as a public facility, other than hangars and living quarters.

(xi) Construction, installation, and connection of utilities either on or off the airport or airport site.

(xii) Removal, lowering, relocation, marking, and lighting of airport hazards.

(xiii) Such other construction work as may be permissible under the Act and is specifically approved by the Administrator for inclusion in a particular project.

(b) *Minimum development.* A project shall include sufficient airport development to provide, or make possible, the establishment of a safe, usable, and useful airport facility, or to add materially to the safety or utility of an existing airport.

(c) *Maximum development.* A project shall not include any airport development which cannot be expected to be completed within a reasonable time satisfactory to the Administrator.

(d) *Prior commitments.* No airport development shall be eligible for inclusion in a project which the sponsor or any other similar agency is obligated to accomplish by reason of any previous agreement or commitment with the United States for the development of the airport.

(e) *Conformity to CAA standards.* All airport development included in a project shall be in accordance with standards established or approved by the Administrator for such development.

§ 550.9 *Allowable project costs.* The Administrator will pay to the sponsor the United States share, as defined in § 550.11, of all project costs of an airport development accomplished under an eligible project, as defined in § 550.8, to the extent that such project costs are allowable. In order to be an allowable project cost, for the purpose of computing the amount of the grant, a project cost paid or incurred, in the determination of the Administrator, must be necessary and reasonable and must meet the requirements of this section.

(a) *Classification of project costs.* For purposes of determining which costs are allowable, the term "project costs" shall include the types of costs described and classified in this section.

(1) *Land acquisition costs.* If the approved project covered by the Grant Agreement includes land acquisition, the allowable project costs in connection with such acquisition may include the cost of items such as the following:

(i) *Land, easements, and interests in land.* The purchase price of such land acquisition as may be reasonably required for and in connection with an airport development.

(ii) *Incidental expenses connected with land acquisition.* Incidental costs in accomplishing such acquisition, including fees, expenses, cost of appraisal, surveys, options, negotiations, abstracts, title examinations, title guarantees, title insurance, condemnation proceedings (including the fees and expenses of expert witnesses), suits to clear title, advertising, revenue stamps, recording fees, and necessary travel expenses in connection with the foregoing.

(2) *Construction costs; contract.* If the approved project covered by the Grant Agreement includes construction which is accomplished by contract, the allowable project costs in connection with such construction may include such items as the following:

(i) *Construction contract obligations.* Obligations to a contractor for materials furnished or work performed under a construction contract and in compliance with its terms.

(ii) *Sponsor's incidental construction costs.* The cost of performance by the sponsor of any obligations properly imposed or assumed in the performance of such work, including insurance premiums.

(3) *Construction costs; force account (see also § 550.18 (d)).* If any construction under an approved project is accomplished by force account, the allowable project costs in connection with such construction may include items such as the following:

(i) *Wages.* The wages of laborers, mechanics, and others employed for work on the project.

(ii) *Materials and supplies.* Materials and supplies purchased for and incorporated into the project, or materials and supplies furnished by the sponsor from a source of supply owned by it or on hand: *Provided,* That approval is first obtained from the Administrator for the use of such materials and supplies, including quality, location, and the unit price thereof.

(iii) *Rental charges.* The rental of all machinery, tools, and equipment required and employed in the performance of the work, including machinery, tools and equipment owned, purchased or rented for the project by the sponsor: *Provided, however,* That the rental charge for machinery, tools or equipment owned, purchased or rented for the project by the sponsor shall be reasonable and shall not exceed the prevailing current local rate for the rental of such machinery, tools and equipment: *And provided further,* That the use thereof has been specifically approved by the Administrator.

(iv) *Insurance premiums.* All insurance premiums and other costs necessary for insurance protection of the project.

(4) *Engineering costs.* If the approved project covered by the Grant Agreement requires engineering services, the allowable project costs in connection with such services may include items such as the following:

(i) *Tests, data, applications, plans and specifications.* The expenses of formulating and planning a specific project (as distinguished from expenses of general area, urban, or state planning, which are not allowable as project costs), including all costs involved in the making of field surveys and special studies and tests, such as borings and tensility tests, the collection and assembling of data, and the preparation of plans and specifications, charts, sketches, maps, tables, project requests, and project applications, and including the fees, salaries, and other charges for the services of engineers, surveymen, architects, and others who render necessary personal services to the sponsor in connection with such work.

(ii) *Supervision and inspection.* The costs of supervision and inspection of construction work under a project, including the fees, salaries, and other charges for the services of engineers, surveymen, architects, inspectors, and others who render necessary personal services to the sponsor in connection with such work.

(5) *Administrative and other incidental costs.* Administrative and other incidental costs in the accomplishment of an approved project covered by the Grant Agreement are allowable project costs and may include items such as the following:

(i) *Preparation of documents.* All expenses incurred in connection with the preparation of contract documents, advertising for and acceptance of bids, and the awarding and execution of contracts.

(ii) *Necessary fees and salaries.* The costs of legal proceedings and fees, salaries, and other compensation for the services of accountants, attorneys, auditors, clerks, stenographers, and others who are necessarily employed in connection with the project. The compensation of regular and continuing employees of the sponsor who perform work on the project within the scope of their regular employment is not an allowable project cost. Work on or in connection with the project outside of the scope of such employment and for which the sponsor would normally pay additional compensation is an allowable project cost in an amount not to exceed such additional compensation.

(iii) *Necessary incidental expenses.* Travel expenses, expenses for telegrams and telephone calls, and other necessary incidental expenses of agents and employees of the sponsor in connection with the project, *Provided,* That complete and adequate justification in writing accompanies each claim.

(b) *Time.* The project cost must have been incurred for airport development accomplished within the scope of the project described in, and in accordance with, the provisions of the Grant Agreement, and subsequent to the date of execution of such Grant Agreement, except that planning costs as described in paragraphs (a) (4) (i) of this section and land acquisition costs as described in paragraph (a) (1) of this section, and administrative and incidental costs connected therewith, shall be allowable though incurred prior to the execution of such Grant Agreement: *Provided,* That no project cost shall be allowable if incurred prior to May 13, 1946, the date of approval of the act. For the purpose of this section, a cost shall be deemed to have been incurred if the sponsor paid or legally obligated itself to pay any sum of money for or in connection with the accomplishment of the airport development.

§ 550.10 *Costs not allowable as project costs.* Costs of the types hereinafter enumerated, although incurred by the sponsor in connection with the accomplishment of an approved project, will not be included in the allowable project costs for the purpose of computing the amount of the grant, namely:

(a) Any cost of obtaining title to or the use of any lands or any interests in air space under section 16 of the act.

(b) Any cost of rehabilitation or repair for which funds have been appropriated by the Congress under section 17 of the act.

(c) The cost value of hangars or living quarters for personnel (replacement cost, new, minus depreciation) where the project includes the purchase of an existing airport.

(d) The payment of wages or salaries to persons employed in violation of sections 15 (b) or (c) of the act.

(e) The costs of materials and supplies owned by the sponsor or furnished from a source of supply owned by the sponsor and used by it in construction work on a force account project, where such costs are not supported by documentary evidence of quantity and value.

(f) The purchase price of machinery, tools, or equipment purchased by the sponsor for use in prosecuting a force account project.

(g) The costs of general area, urban, or state-wide planning of airports, as distinguished from the planning of a specific project as approved.

(h) Payments of interest made or obligations for interest incurred by the sponsor.

§ 550.11 *United States share of project costs*—(a) *Project costs other than land acquisition costs*—(1) *Class 3 or smaller airports.* The United States share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 3 or smaller airport, wherever located, shall be 50 percent of the allowable project costs of the project (other than costs of land acquisition), except that this share, in the case of any state containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act (see Appendix D), and except that the United States share shall be 75 percent in the case of the Territory of Alaska.

(2) *Class 4 or larger airports.* The United States share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 4 or larger airport, wherever located, shall be a percentage of the total allowable project costs of the project (other than costs of land acquisition). Such percentage shall be the percentage which would apply if the project were one for the development of a Class 3 or smaller airport, as prescribed in subparagraph (1) of this paragraph insofar as the allowable project costs, when added to the total allowable project costs incurred in connection with other approved projects, if any, for the development of the same airport (other than the costs of land acquisition), are less than $5,000,000. For each additional $1,000,000 or portion thereof, over and above such $5,000,000 figure and up to $11,000,000, the percentage used in determining the United States share of such portion of the allowable project costs of the project (other than costs of land acquisition) shall be 5 per cent less; for that portion of allowable project costs of the project above $11,000,000 the percentage used in determining the United States share of such portion shall be the same as the percentage applicable to allowable project costs between $10,000,000 and $11,000,000. This formula for determining the United States share of allowable project costs (other than the costs of land acquisition) for approved Class 4 or larger airport projects, other than those in public land states, is set out in the following table:

Increments of cumulative allowable project costs	United States share in Territory of Hawaii, Puerto Rico and States other than public land States			United States percentage share in Alaska
	Percentage	Federal share increments	Cumulative Federal share	
First $5,000,000	50	$2,500,000	$2,500,000	75
Next $1,000,000	45	450,000	2,950,000	70
Next $1,000,000	40	400,000	3,350,000	65
Next $1,000,000	35	350,000	3,700,000	60
Next $1,000,000	30	300,000	4,000,000	55
Next $1,000,000	25	250,000	4,250,000	50
Next $1,000,000	20	200,000	4,450,000	45
Portion exceeding $11,000,000	20			45

(b) *Land acquisition costs.* The United States share of the project costs of an approved project which represent the cost of land acquisition shall be 25 per cent of the allowable cost of such acquisition regardless of the size or location of airport to be developed.

§ 550.12 *Eligible sponsors.* A sponsor shall be eligible to file a project request for Federal aid or a project application if, acting individually or jointly, it is:

(a) The United States Government or an agency thereof, if the project is located in the Territory of Alaska, the Territory of Hawaii, Puerto Rico, a national park, or national recreation area, a national monument, or a national forest; or

(b) A state or agency thereof; or

(c) The Territory of Alaska, the Territory of Hawaii or agency thereof; or

(d) Puerto Rico or agency thereof; or

(e) A municipality or other political subdivision; or

(f) A tax-supported organization.

Provided, however, That when the law of any state prohibits a municipality or other public agency from submitting a project application or from receiving grants of Federal funds for airport development or requires approval by the state prior to the submission of a project application, such municipality or other public agency shall not be eligible unless the submission of the project request and the project application is by, through, or with the approval of the state or appropriate agency thereof and is in accordance with applicable state law.

§ 550.13 *Sponsor requirements.* An eligible sponsor shall meet the requirements and conditions of this section. If the sponsor is acting by or through a duly authorized agent, the contract of agency shall be submitted to the Administrator through the District Airport Engineer. Such contract of agency will be examined as to its scope and the relationship of the parties, and the Administrator may require that the agent meet such of the requirements of this section as he may deem reasonable and necessary.

(a) *Powers.* The sponsor, at the time of the submission of the project application, shall satisfy the Administrator that it has the legal power and authority:

(1) To submit a project application and to receive a grant of Federal funds under the act;

(2) To engage in the airport development as contemplated in the project and in the act;

(3) To acquire, own, or control land needed for the project and the operation of the airport;

(4) To establish, maintain and operate an airport;

(5) To raise necessary funds to meet the sponsor's share of project costs and to finance the operation and maintenance of the airport;

(6) To execute all necessary covenants and agreements and to assume the obligations of sponsorship as required by the regulations of this part.

(b) *Funds.* The sponsor, at the time of the submission of the project application, shall have sufficient funds on hand, or shall submit evidence satisfactory to the Administrator that sufficient funds of the sponsor are, or will be, on hand to pay all estimated costs of the project which are not to be borne by the United States. The availability of such funds shall be evidenced by a certificate from an approved depository stating that a specific amount of money is on deposit with such depository to the credit of the sponsor, in the funds specified in § 550.20, sufficient to meet all estimated costs of the project which are not to be borne by the United States; or to the extent such funds have not been deposited, the sponsor shall furnish assurances satisfactory to the Administrator that proceeds from some specific non-Federal, public or private fund or from the sale of bonds or other evidences of indebtedness, guarantee the availability of such funds as needed.

(c) *Outstanding litigation.* At the time of the submission of the project application, there shall be no pending litigation or other legal proceeding and no misrepresentation of any relevant fact which will interfere with the conduct or completion of the project or with public operation, maintenance, or use of the airport.

(d) *Outstanding obligations.* At the time of the submission of the project application, the sponsor shall not be in default on any obligation to the United States relative to the development, operation, and maintenance of an airport.

(e) *Land*—(1) *Property interests required.* The sponsor shall have or be in a position to acquire good title satisfactory to the Administrator to all lands which in the judgment of the Administrator are necessary for the development of the airport to the class proposed in the current revision of the National Airport Plan, and all easements or other property interests which in the judgment of the Administrator are necessary for the project. The sponsor shall acquire such easements or other property interests as in the judgment of the Administrator may be required for the prevention, abatement, or mitigation of airport hazards; or to permit the flight of aircraft over nearby property, or for drainage, utilities, or ingress to or egress from the airport.

(2) *Time of acquisition.* Prior to the commencement of any construction work under the project, the sponsor shall acquire all necessary property interests; except that required property interests not necessary for any construction work included in the project may be acquired within a reasonable time after construction starts. If there are any property interests required which the sponsor does not possess at the time it executes the sponsor's assurance agreement, such agreement shall contain an express covenant to acquire such property interests within a time specified therein, which shall be subject to the approval of the Administrator.

(3) *Surveys.* A qualified surveyor or engineer shall be employed to prepare a property line map showing each parcel of land and each property interest acquired or to be acquired as a part of a project. Leases, easements, rights in air space, and other interests in land are to be included in the said map. The map shall be made to a sufficient scale to show all pertinent information. The location and boundaries of the approach, turning and transition zones and the applicable height limits shall be superimposed on this property map. CAA Office of Airports, Drawing No. 672, Airport Approach Standards, shall be used in preparing such map.

(4) *Appraisers and appraisals.* The Administrator, in his discretion, may require the sponsor to secure two independent appraisals of any property interests acquired or to be acquired as part of the project. Such appraisals shall be made by competent appraisers, having a background of experience satisfactory to the Administrator. In submitting their appraisals such appraisers shall certify that they have no personal interest, present or prospective, in the property and interests appraised.

(5) *Evidence of title.* Satisfactory evidence of title shall be submitted with respect to all property interests mentioned in subparagraph (1) of this paragraph. Such evidence may be in the form of a title certificate, title insurance policy, or opinion from a qualified attorney, and shall be furnished in duplicate to the Administrator through the District Airport Engineer at the time the project application is submitted, where the acquisition was accomplished prior thereto; otherwise such evidence shall be furnished at the time application is made for payment of the United States share of the cost of such acquisition.

(6) *Final land acquisition report.* Upon completion of all land acquisition included in the project, a summary report of such acquisition shall be submitted on Form ACA 1646 (Appendix E) to the Administrator through the District Airport Engineer. The report shall show, for each parcel, the parcel number, interest acquired by the sponsor, names of immediately preceding owner or owners, appraised value, assessed value, the price paid or award made in condemnation, date of closing and exact surveyed area.

(7) *Reimbursement in event of noncompletion.* Whenever a project involving land acquisition is approved, which upon completion will not result in the establishment of a useful and usable airport facility, written assurance satisfactory to the Administrator must be given by the sponsor that it will refund to the United States a sum equal to all grant payments made for land acquisition for that project, in the event that such a useful and usable airport facility is not completed under the act or otherwise within five years from the date of the Grant Agreement.

(f) *Other requirements.* In addition to the requirements of this section, the sponsor of an approved project shall meet the requirements of § 550.15.

§ 550.14 *Submission of project requests; tentative allocation of funds*—(a) *Project requests.* An eligible sponsor desiring to obtain Federal aid for the development of an eligible project, may, as the first step, submit in quadruplicate to the Administrator through the District Airport Engineer of the District wherein the sponsor is located, a project request for Federal aid on Form ACA 1623 (Appendix F). Co-sponsors of an airport not located in the same District will normally submit the project request to the District Airport Engineer wherein the project is to be located. Such project request will be considered as a preliminary notice of intent in order to permit the District Airport Engineer to evaluate the project in the preparation of a tentative annual program and will serve as the basis and justification for the Administrator's consideration for inclusion of the project in the annual program. Upon receipt of a project request the District Airport Engineer will acknowledge its receipt and to the extent necessary will arrange for consultation with the sponsor concerning the project and for inspection of proposed sites.

(b) *Tentative allocation of funds.* If a project is selected by the Administrator for inclusion in a program, the Administrator will make a tentative allocation of funds for the project and will transmit a notice of such allocation to the sponsor, through the District Airport Engineer.

(c) *Withdrawal of tentative allocation.* A tentative allocation will be subject to withdrawal upon failure of the sponsor to submit a project application, as required by § 550.16 or to comply with the act or the regulations of this part, in some material respect.

§ 550.15 *Sponsor's assurance agreement.* As soon as practicable after the Administrator has made a tentative allocation for a project, the sponsor shall execute a sponsor's assurance agreement and submit such agreement in quadruplicate to the Administrator through the District Airport Engineer. Such agreement shall be executed only if and when the sponsor has the legal power and authority and financial ability to assume the obligations and make the warranties set forth therein. The execution of the sponsor's assurance agreement shall be authorized by an appropriate resolution by the governing body of the sponsor. Such agreement shall follow, in form and substance, Form ACA 1642 (Appendix G) except that it may be changed with the approval of the Administrator when a provision of such agreement does not conform or is not applicable to the facts of the particular case or does not conform to the laws applicable to the sponsor.

§ 550.16 *Submission and approval of project application*—(a) *Submission.* At the earliest practicable date after receiving notice of a tentative allocation of funds, the sponsor shall submit a project application in quadruplicate on Form ACA 1624 (Appendix H) to the Administrator through the District Airport Engineer. Such project application shall be accompanied by the final plans and specifications and, where the project involves land acquisition, by a survey map as provided in § 550.13 (e) (3). The plans and specifications shall be prepared in such manner as to provide for the completion of the project in accordance with the provisions of the regulations of this part and with all the applicable local laws, ordinances, and regulations, except to the extent that valid waivers are obtained from the appropriate authorities. All necessary approvals and permits of state, local, planning, zoning, building, and other boards or bodies or the duly authorized officers thereof, shall be obtained before the construction contracts are awarded.

(b) *Approval.* The Administrator will not approve the project application unless he is satisfied that the applicable requirements of these regulations of this part have been met; that the project, when completed, will contribute to the accomplishment of the purposes of the act; and that the sponsor will carry the project through to final completion in accordance with the requirements of the act and the regulations of this part.

§ 550.17 *Grant agreement.* The offer of the Administrator to pay a portion of the allowable project costs and the acceptance thereof by the sponsor shall constitute the Grant Agreement, Form ACA 1632 (Appendix I).

(a) *Offer.* The Administrator will make an offer to pay the United States share of the allowable project costs of the project. Such offer will be transmitted in quadruplicate to the sponsor through the District Airport Engineer and will state a definite amount as the maximum obligation of the United States.

(b) *Terms and conditions.* In addition to such special terms and conditions as may be applicable to a particular project, the offer shall be subject to the following terms and conditions:

(1) The sponsor in undertaking the development of a project will comply with and carry out the provisions of the act, the regulations of this part the sponsor's assurance agreement, the project application, and the grant agreement, and will complete the project in accordance with the plans and specifications.

(2) The sponsor will accept or reject the offer within sixty days of its receipt, except that in the event of unusual and unforeseen circumstances, which in the judgment of the Administrator, will prejudice the successful accomplishment of the purposes of the act, the Administrator may, in his discretion, extend the time for acceptance.

(3) The sponsor will begin work on the project within a reasonable time after the execution of the grant agreement.

(4) If, prior to acceptance of the offer, it appears that the amount offered is in excess of the amount required to pay the United States share of the allowable

project costs, the Administrator may in his discretion revise the offer accordingly.

(5) If at any time prior to the acceptance of an offer the sponsor determines that the amount offered is insufficient to cover the United States share of the allowable project costs and desires to secure a revised offer, the offer should be returned through the District Airport Engineer not later than the date established pursuant to subparagraph (2) of this paragraph, accompanied by a complete justification in support of a request for a revised offer.

(6) If at any time prior to the acceptance of an offer the Administrator determines that the offer is insufficient to meet the United States share of the allowable project costs, he may in his discretion withdraw the offer, or submit a revised offer, and if desirable, request a revision of the plans, specifications, the project application, and the sponsor's assurance agreement. If it appears that the project cannot be completed at a reasonable cost and within the estimates, or within the limits of the revised offer, he may in his discretion, withdraw the tentative allocation of funds for the project.

(c) *Acceptance.* If the amount of the United States share as stated in the offer and all other terms thereof are satisfactory, it shall be accepted and executed in quadruplicate within the time prescribed in paragraph (b) (2) of this section, by an official of the sponsor duly designated to take such action, by a resolution of the sponsor's governing body, which resolution shall set forth at length the terms of the offer. Three copies of the accepted offer, to each of which a certified copy of the above resolution has been attached, shall be transmitted to the Administrator through the District Airport Engineer.

(d) *Obligation of the United States.* Unless and until a Grant Agreement has been executed in accordance with the requirements of the regulations of this part with respect to a project, the United States shall not pay, nor be obligated to pay, any portion of the project costs which have been or may be incurred in carrying out the project.

§ 550.18 *Performance of construction work*—(a) *Responsibility of sponsor.* The sponsor in developing the project shall be primarily responsible for:

(1) Adherence to standards, policies, and procedures as established or approved by the CAA;

(2) Furnishing to the Administrator a list of the various classes of labor to be employed in construction work;

(3) Advertising for bids;

(4) Opening bids;

(5) Awarding contracts;

(6) Supervision of construction;

(7) Payments to the contractor; and

(8) Securing compliance with the act, the regulations of this part, all construction contracts, and the plans and specifications.

(b) *Construction review by the Administrator.* The sponsor shall permit, and will require of the contractor, that the Administrator may inspect and review all work, materials, payrolls, records of personnel, conditions of employment, invoices of materials, books of accounts, and other relevant data and records with respect to the project. The sponsor shall provide and maintain or will make available during the construction of the project, if required by the Administrator, adequate facilities at the project site for the use of the Administrator's representatives or agents who may be assigned to review the project.

(c) *Construction reports*—(1) *Detailed Estimate of Cost of Contract.* Prior to the start of construction, the sponsor shall prepare and submit five copies of the Detailed Estimate of Cost of Contract on Form ACA 1628 (Appendix J) to the District Airport Engineer for approval. This Detailed Estimate shall be based on the items used in bid proposal. If, during the course of the contract, the sponsor determines that the original Detailed Estimate of Cost of Contract is inaccurate, the sponsor shall submit a revised Detailed Estimate of Cost of Contract for approval. In case of lump sum contracts for buildings, the Detailed Estimate shall be broken down for each class of work, such as excavation, foundation, brickwork, framework, plastering, roofing, flooring, plumbing, and electrical work. The Detailed Estimate for force account projects shall be based on labor, material, rental of equipment, and other pertinent items of cost.

(2) *Periodic cost estimate of contract.* Not later than the 5th of each month, the sponsor shall furnish the District Airport Engineer five copies of a Periodic Cost Estimate of Contract, showing the total cost of the construction performed and materials supplied at the project site to date, by items, on Form ACA 1629 (Appendix K).

(3) *Progress report sketch.* The Periodic Cost Estimate of Contract under subparagraph (2) of this paragraph shall be accompanied by a Progress Report Sketch, the legend of which will indicate the items of work under the contract, and will show the percentage of completion of each item of the report. The sketch will show the airport property, the landing area layout, and location of specific work, and will be illustrated in varicolored pencil. No Progress Report Sketch will be required for projects covering buildings only. The percentage of completion shown on the Periodic Cost Estimate of Contract will be sufficient.

(4) *Cost estimate summary.* Where there has been more than one contract awarded on a project, the sponsor shall submit, with each Periodic Cost Estimate, a Cost Estimate Summary on Form ACA 1630 (Appendix L).

(5) *Payroll reports.* The sponsor shall require each contractor and subcontractor engaged in the work at the site of the project to prepare or the sponsor shall, on a force account project, prepare his payrolls on Form ACA 1645 (Appendix M); and not later than the 7th day after payment of wages, the sponsor or each contractor shall submit to the District Airport Engineer a certified legible copy of each such payroll. Each payroll of a contractor and subcontractor shall be sworn to in accordance with the "Regulations Issued Pursuant to the So-called Kick-Back Statute," Public Law 324, 73d Congress, approved June 13, 1934 (48 Stat. 948) (Appendix B).

(d) *Construction by force account*—(1) *When permissible.* Construction work may be accomplished by force account if the regional Superintendent of Airports determines that the project or portion thereof can be more effectively and economically accomplished in such manner. However, with the exception of Federally sponsored projects and projects in the territories and possessions, construction by force account will in no instance be approved if the United States share of the construction and related engineering costs, except costs incurred in preparation of plans and specifications, for any one project in any one year's program exceeds $15,000.

(2) *Documents required.* The sponsor shall submit to the District Airport Engineer the following in support of its application for authority to undertake construction work by force account:

(i) Adequate plans and specifications showing the nature and extent of the construction work to be done by force account;

(ii) A schedule of the construction equipment available to the sponsor;

(iii) A schedule of operation indicating the date on which the construction equipment will be available for use on the project and the estimated completion date of the project; and

(iv) Assurance that adequate supervisory engineering and inspection personnel will be provided.

(e) *Construction by contract.* With the exception of force account work, all construction work in connection with an approved project shall be accomplished by contract (use of Contract Form ACA 1637, Appendix N, is suggested). Contracts for construction work shall be awarded only after open and competitive bidding.

(1) *Approval of District Airport Engineer.* The sponsor shall not enter into any contract relative to the development of a project without the approval of the District Airport Engineer and shall at all times retain, reserve, and enforce all of its rights under all contracts entered into by it related to the development of the project, and shall not amend or modify or consent to any change in any contract, or waive, release, or compromise any right or claim which it may have under any contract, without the approval of the District Airport Engineer.

(2) *Documents required.* The sponsor shall submit to the District Airport Engineer:

(i) Three copies of each executed contract with any person, firm, or corporation, that furnishes or performs any professional or executive work, or service in connection with the project, including architects, engineers, appraisers, title examiners, attorneys, surveyors, and consultants.

(ii) Three copies of each proposed contract document relating to the development of the project.

(iii) An Abstract of Bids and Recommendations for Award for each contract relating to the construction and equipping of the project, on Form ACA 1631 (Appendix O), and a complete set of the executed contract documents relating to the construction or equipping of the project and three sets of conformed copies

thereof, before any work or service is performed or any material or equipment is furnished thereunder.

(iv) Six copies of each proposed change order, Form ACA 1639 (Appendix P) or form approved by the District Airport Engineer, as to any construction relating to the project, before such order is issued;

(v) All insurance policies issued in connection with the development of the project;

and, after having submitted to the District Airport Engineer the documents mentioned above, except contracts for professional or executive work and insurance policies, the sponsor shall not proceed without being advised, in writing, to do so by the District Airport Engineer.

(f) *Letting of contracts*—(1) *Invitation for bids.* The sponsor may advertise for bids for constructing and equipping a project at any time after the Administrator has approved the plans and specifications and advised the sponsor the minimum wage rates which the contractor shall pay to skilled and unskilled labor. The Invitation for Bids shall be published in accordance with applicable local law but in any event not less than once each week for two consecutive weeks in at least one daily newspaper of general circulation in the state in which the sponsor is located. (Form ACA 1633, Appendix Q, is suggested.) The Invitation for Bids as to all contracts for work involving labor shall contain the minimum wage rates as determined by the Secretary of Labor. The Invitation for Bids shall require that the bidder submit either a Bid Bond equal to 5 per cent of the bid on Form ACA 1634 (Appendix R) or a certified check payable to the sponsor in a sum equal to 5 per cent of the bid, as bid guaranty.

(2) *Safekeeping of bids.* The sponsor shall provide a safe and secure place for the bids to be kept until their opening. No bids shall be opened until the time fixed in the Invitation for Bids, and no person other than the one responsible for the safekeeping of such bids shall be permitted to have access to them.

(3) *Opening of bids.* Bids shall be publicly opened and read aloud at the time and place specified in the Invitation for Bids.

(4) *Award of contract.* After the opening of bids, the sponsor shall submit to the District Airport Engineer the Abstract of Bids and Recommendations for Award, on Form ACA 1631 (Appendix S). Under ordinary circumstances approval will not be given for acceptance of other than the lowest bid received. However, if the sponsor considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bid may be recommended for approval by giving full justification for the proposed action. In no case shall any bid be accepted without written approval of the Regional Administrator. After the Abstract of Bids has been reviewed and the Recommendations for Award have been approved by the Regional Administrator, the sponsor may award the contract. (Use of the Award of Bid, Form ACA 1636, Appendix T, is suggested.)

(g) *Contract security.* The sponsor shall require each construction contractor to furnish a Performance Bond on Form ACA 1638A (Appendix U) as security for the faithful performance of his contract and a Payment Bond on Form ACA 1638B (Appendix V) as security for the payment of all persons performing work and furnishing materials in connection therewith. Each of such bonds shall be in an amount not less than the minimum required by applicable local law: *Provided,* That if local law prescribes no minimum requirement as to the amount of the bonds, or if the minimum requirement is less than 50 per cent of the contract price, or if there is no applicable local law with respect to such bonds, they shall be in an amount not less than 50 percent of the contract price for the first million dollars and decreased thereafter by 5 percent for each additional million dollars or portion thereof.

(h) *Contractor's insurance.* The sponsor shall require each construction contractor to maintain, until the work to be performed under his contract has been accepted by the sponsor, insurance with responsible insurance companies as follows:

(1) Adequate insurance, with the sponsor named as co-insured under each policy, covering all work, labor, and materials furnished by such contractor and all his subcontractors against loss by fire, wind storm, lightning, flood, or explosion and against all additional risks in respect to which insurance is commonly carried on buildings and materials during construction, in the locality in which the project is located: *Provided,* That the sponsor may itself purchase the insurance required in this paragraph in lieu of requiring the contractor to provide such insurance: *And provided further,* That no contractor shall be required to carry insurance on any part of the project after the time at which such part is accepted by the sponsor;

(2) Adequate compensation insurance for all the contractor's employees who will be engaged in work at the site of the project (and if any part of such contractor's contract is sublet, the contractor will require his subcontractor to maintain such insurance for all the subcontractor's employees who will be so engaged, unless the latter's employees are protected by the prime contractor's insurance);

(3) Adequate public liability and property damage insurance to protect the contractor and all of his subcontractors from claims for damages for personal injury, accidental death, or injury or damage to property, which may arise from operations under the contract whether such operations be carried on by the contractor or by any subcontractor or by any one directly or indirectly employed by either of them.

(i) *Contractor's assignments.* The sponsor shall require the contractor to obtain its written consent to any proposed assignment of any interest in or part of any contract relating to the construction or equipping of the project, before such assignment thereof is made.

(j) *Payments to contractor.* The sponsor shall make partial payments to each contractor on the basis of an estimate of work performed and materials delivered to the site as often as may be agreed upon by the sponsor and contractor, but shall retain at least 10 per cent of the amount of each such estimate until final completion and acceptance of all work covered by the particular contract: *Provided,* That when 50 per cent of the work has been completed and if the work is otherwise progressing satisfactorily, the sponsor may make the remaining partial payments in full for the work subsequently completed, but shall retain the prior withheld sums until final payment is authorized. Before making final payment to any contractor, the sponsor shall furnish the District Airport Engineer a Certificate of Completion on Form ACA 1640 (Appendix W) accompanied by a Certificate and Release on Form ACA 1643 (Appendix X) executed by the contractor.

(k) *Labor requirements*—(1) *Qualifications for employment.* The sponsor shall require that no convict labor shall be employed in the development of the project, and that in the employment of labor (except executive, administrative, or supervisory) preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States as defined in section 101 (1) of the Soldiers' and Sailors' Civil Relief Act of 1940, and who have been honorably discharged from such service: *Provided,* That such preference shall apply only where such labor is available locally and qualified to perform the work to which the employment relates.

(2) *Minimum wage rates.* The sponsor shall furnish to the District Airport Engineer not less than 60 days prior to the date it proposes to advertise for bids, a list of the various classes of labor to be employed in the construction work of the project, together with a schedule of the minimum wage rates proposed to be paid to skilled and unskilled labor. The minimum wage rates which the contractor shall pay to skilled and unskilled labor will be determined by the Secretary of Labor and will be furnished to the sponsor by the Administrator prior to the issuance of the invitation for bids.

(l) *Accident prevention.* The sponsor shall require of all contractors that precautions shall be exercised at all times for the protection of persons (including employees) and property, that the safety provisions of applicable laws and of applicable building construction codes shall be observed, and that machinery, equipment, and explosives shall be guarded and all hazards shall be eliminated in accordance with the safety provisions of the Manual of Accident Prevention in Construction, published by the Associated General Contractors of America, to the extent that such provisions are not in contravention of applicable law.

§ 550.19 *Accounting procedure.* The sponsor shall establish and maintain an accounting system adequate for an accurate and expeditious determination of the allowable costs of each project. Project costs shall be so segregated and grouped that the sponsor will be able to furnish, whenever required, cost data in the following cost classifications:

(a) *Purchase price of land.* All costs allowable under § 550.9 (a) (1) (i).

(b) *Incidental costs of land acquisition.* All costs allowable under § 550.9 (a) (1) (ii).

(c) *Costs of construction: contract.* All costs allowable under § 550.9 (a) (2).

(d) *Costs of construction: force account.* All costs allowable under § 550.9 (a) (3).

(e) *Engineering costs: plans and design.* All costs allowable under § 550.9 (a) (4) (i).

(f) *Engineering costs: supervision and inspection.* All costs allowable under § 550.9 (a) (4) (ii).

(g) *Other administrative costs.* All costs allowable under § 550.9 (a) (5).

§ 550.20 *Grant payments.* Within ten days after acceptance of the Grant Offer, the sponsor shall designate an official or officials or depository, authorized by law to receive public funds, to receive payments representing the United States share of the project costs. An account shall be established with such official, officials, or depository to handle such payments, together with those funds to be supplied by other than the United States, which shall be separate and distinct from all other accounts, and shall be entitled "Federal Airport Project, (name of airport)". The Administrator will pay the United States share of the project costs to the official or officials or depository so designated and certified by the sponsor. No other funds shall be deposited in said account, except other money for the development of the project. The funds so deposited shall be withdrawn by the sponsor only in payment of the project costs of development of the project. In case any balance or unexpended funds shall remain in the account after completion of the project and the payment of all costs thereof, the sponsor shall refund to the United States, upon demand by the Administrator, any unexpended balance of payments made by the United States into the account.

(a) *Land acquisition.* (1) At any time subsequent to the execution of the Grant Agreement and after completion of any land acquisition included in the project, and after the start of actual construction work on a project if the project includes any such work, the sponsor may apply to the Administrator on Form ACA 1625 (Appendix Y) for payment of the United States share of the allowable project costs of land acquisition. Upon receipt of such application, payment of the United States share as provided in the regulations of this part will be made in full.

(2) The application for payment of the United States share of land acquisition costs may be made separately from the application for payment of the United States share of other project costs.

(b) *Project costs other than land acquisition.* (1) No grant payment will be made to the sponsor except for airport development which has been accomplished as of the date of payment.

(2) *Partial grant payments.* In the absence of an agreement otherwise, application for partial grant payments will be made when the progress of the project has reached the twenty, forty, seventy, and eighty-five percent stages of completion. However, the Administrator and the sponsor may enter into an agreement coincidental with or subsequent to the execution of the Grant Agreement establishing other stages of completion for payment of the United States share: *Provided,* That only one application for partial grant payment may be made by a sponsor in any one calendar month. Form ACA 1625 (Appendix Y) will be used in making applications for partial grant payments. Such partial grant payments, in their aggregate amount, shall not exceed a percentage of the estimated cost of the airport development previously accomplished, as indicated by the latest approved cost estimate. This percentage shall be no more than that percentage of the allowable project costs of such development established by the Grant Agreement as the United States share of such costs and in no event shall exceed the amount stated in the Grant Agreement as the maximum obligation of the United States.

(c) *Progress audits.* Progress audits may be made from time to time at the request of the sponsor or the District Airport Engineer, or at the direction of the Superintendent of Airports, and shall be made at either the seventy or eighty-five percent stage of completion if the United States share of the project is in excess of $250,000.

(d) *Final grant payments.* At such time as the project has been wholly completed and the sponsor has accepted all work on the project by taking the requisite action as required by local laws or regulations and in compliance with the terms of the Grant Agreement, an application for final grant payment may be filed on Form ACA 1625 (Appendix Y). The Administrator shall make the final grant payment only when he has determined that the following conditions have been met:

(1) A final inspection of all work at the project site has been conducted by representatives of the sponsor, the CAA and the contractor;

(2) A final audit of the work done under the project has been completed;

(3) The sponsor has furnished the Administrator five (5) copies each of the final Periodic Cost Estimate, the Final Physical Progress Sketch, the final "as constructed" plans, and Project History;

(4) A certificate has been signed and verified by an officer of the sponsor designated by resolution on Form ACA 1640 (Appendix W) stating that the development of the project has been completed in accordance with the regulations of this part of the construction contract, and the plans and specifications; that all liabilities of the sponsor, actual and contingent, incurred for, or in connection with, the development of the project, except as specifically set forth in this certificate, have been discharged through payment or other means; that those liabilities not yet discharged will be discharged upon receipt by the sponsor of the final grant payment.

(e) *Amount of final grant payment.* Based upon the final inspection, audit, and documents required by paragraph (d) of this section, the Administrator will determine the total amount of the allowable project costs and pay the sponsor the United States share of such amount less the total amount of all prior payments: *Provided, however,* That the aggregate of all payments shall not exceed the amount stated in the Grant Agreement as the maximum obligation of the United States.

§ 550.21 *Memoranda and hearings—*(a) *Memoranda.* Any public agency, person, association, firm, or corporation having a substantial interest in the disposition of any project application, may file a memorandum in support of or in opposition to the project application with the Administrator through the District Airport Engineer of the district in which the proposed project is located. Such party may request a public hearing with respect to the location of the airport, the development of which is proposed. If, in the opinion of the Administrator, the party filing the memorandum has a substantial interest in the matter, a public hearing will be held in accordance with paragraph (b) of this section.

(b) *Hearings.* If a request for a public hearing is made and approved as set forth in paragraph (a) of this section, the time and place of the hearing will be set by the Administrator. The time will be set so as to avoid undue delay in disposing of a project application but so as to afford reasonable time for all parties concerned to prepare for the hearing. The place of hearing will be at a place convenient to the sponsor. The Administrator will give notice of time and place by mail to the party filing the memorandum, to the sponsor, and to such other persons as the Administrator deems necessary.

(c) *Procedure.* A representative of the Administrator will conduct the hearing on behalf of the Administrator in such manner as he deems adequate and decide the time to be consumed, the type of testimony to be heard, and other matters with respect to the conduct of the hearing.

(d) *Record.* A hearing will be recorded in such form and manner as may be determined by the representative of the Administrator and shall become a part of the record of the project application.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

NOTE: Appendices A, B, C, E, F, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, and Y to this part have not been filed with the FEDERAL REGISTER, but copies of these appendices are available, upon request, at the office of the District Airport Engineer in each District office of the Civil Aeronautics Administration.

APPENDIX D

United States Percentage Share of Allowable Project Costs in States Containing Unappropriated and Unreserved Public Lands and Nontaxable Indian Lands:

State:	*Percentage*
Arizona	60.53
California	54.12
Colorado	53.34
Idaho	56.36
Montana	53.57
Nevada	62.50
New Mexico	56.87
Oklahoma	51.67
Oregon	56.02
South Dakota	53.09
Utah	62.16
Washington	51.88
Wyoming	57.47

NOTE: The percentages listed hereon may vary as public lands are withdrawn from the category as indicated, but unless so changed, will be used by the Administrator in determining the United States' share of allowable project costs other than land acquisition.

APPENDIX G

Form ACA 1642 (10–46)

DEPARTMENT OF COMMERCE

CIVIL AERONAUTICS ADMINISTRATION

Washington, D. C.

SPONSOR'S ASSURANCE AGREEMENT

SECTION 1. For and in consideration of the execution by the United States of a Grant Agreement obligating the United States to pay a portion of the allowable project costs of a project for development of the _____ _____ airport under the provisions of the Federal Airport Act, and the Regulations promulgated thereunder, the _____ _____ hereinafter called the "sponsor", for itself, its successors, or assigns does hereby covenant and agree with the United States as follows:

a. All terms used in this Agreement which are defined in the Federal Airport Act, and the Regulations promulgated thereunder, shall have the meaning given to them in such Act and Regulations.

b. Insofar as legally possible, the sponsor will maintain a master plan of the airport, including building areas, approach areas, and landing areas indicating present and future proposed development commensurate with the airport and with current approval of the Administrator; and in establishing additional improvements, the sponsor will conform to such master plan or approved changes thereto.

c. During the term of this agreement, the airport will be operated continuously as such and for no other purpose and will at all times be operated for the use and benefit of the public, on fair and reasonable terms and without unjust discrimination.

d. The sponsor will not hereafter use or permit the use of the airport exclusively for air carrier operations, unless there are other public airport facilities in the area adequate to serve other types of users; it will not grant, exercise, or permit the exercise of any exclusive right for use of the airport by one air carrier operator, or for rental of aircraft to the public, for conducting charter flights, or for operating a flying school, and that, after the date of this agreement, it will not grant or authorize the grant of exclusive right at the airport for selling aircraft, aircraft parts or equipment, or for repairing aircraft and engines, or for carrying on other airport services or fixed base operations of an aeronautical nature. Nothing contained herein shall be construed to waive or abrogate the requirements of section 303 of the Civil Aeronautics Act of 1938. In the interest of safety, the Administrator may waive in writing compliance with any or all the provisions of this sub-section.

e. Except as provided in d. above, the sponsor will permit all qualified operators, on reasonable terms and without unjust discrimination, to use the airport for any aeronautical business or operation up to the capacity of the airport.

f. The sponsor will not hereafter grant to any one an exclusive right to sell aviation gasoline or oil.

g. During the term of this agreement the sponsor will continuously maintain in good and serviceable condition and repair the entire airport and all buildings and other improvements, facilities, and equipment, other than facilities or equipment owned or controlled by the United States; provided, however, in meeting this requirement the airport is not expected to be operated and maintained for aeronautical uses during temporary periods when climatic or flood conditions interfere substantially with operation and maintenance during such periods. Essential facilities, including night lighting systems, when installed, will be operated in such a manner as to assure their availability to all users of the airport.

h. The sponsor will replace and repair all buildings, structures, and facilities developed under the project if such are destroyed or damaged, replacing or restoring them to a condition comparable to that preceding the destruction or damage.

i. If the land or improvements thereon, acquired or developed under the project, are sold, condemned, or otherwise disposed of, wholly or in part, the United States will be reimbursed in proportion to its original investment in the property so disposed of, but not exceeding its original share in the portions so disposed of, except that if the proceeds are used by the sponsor for airport purposes within two years or if a transfer is made pursuant to this agreement to another public agency or agencies for operation as an airport, there shall be no reimbursement to the United States.

j. Insofar as is within its powers and reasonably possible the sponsor will prevent the use of any land either within or outside the boundaries of the airport, including the construction, erection, alteration, or growth of any structure or other object thereon, which would be a hazard to the landing, taking-off, and maneuvering of aircraft at the airport, or otherwise limits its usefulness as an airport. With respect to land outside the boundaries of the airport, the sponsor will remove or cause to be removed any growth, structure, or other object thereon which would be a hazard to the landing, taking-off, or maneuvering of aircraft at the airport, or when such is not feasible, it will mark or light such growth, structure, or other object. The airport approach standards to be followed in this connection shall be those established by the Administrator in Office of Airports Drawing No. 672 dated _____, unless otherwise authorized by the Administrator. Insofar as legally possible, the sponsor will adopt and enforce zoning ordinances and regulations to safeguard aircraft flight operations within the airport hazard areas as defined in the above mentioned drawing, prohibiting the creation, establishment, erection, and construction of hazards to air navigation; or insofar as reasonably possible, will acquire such easements or other interests in lands and air space as may be necessary to perform the covenants of this paragraph.

k. All facilities of the airport developed with Federal aid and all those usable for the landing and taking-off of aircraft will be available to the United States at all times without charge for use by military and naval aircraft in common with other aircraft, except, if the use by military and naval aircraft shall be substantial, a reasonable share, proportional to such use, of the cost of operating and maintaining facilities so used, may be charged.

l. The sponsor will furnish to any civil agency of the United States, without charge (except for light, heat, janitor service, and similar facilities and services at the reasonable cost thereof), such space in airport buildings as may be reasonably adequate for use in connection with any airport air traffic control activities, weather-reporting activities and communications activities related to airport air traffic control, which are necessary to the safe and efficient operation of the airport and which such agency may deem necessary to establish and maintain at the airport.

m. The sponsor will maintain a current system of airport accounts and records, using a system of its own choice, sufficient to provide annual statements of income and expense, balance sheet and affiliated fiscal reporting. It shall, upon reasonable request, furnish the Administrator with annual or special financial and operations reports. Such reports may be submitted to the Administrator on forms furnished by him, or may be submitted in such other manner as the sponsor elects, provided the essential data is furnished. The airport and all airport accounts and records will be available for inspection at any time, upon reasonable request, by the regional Superintendent of Airports or his authorized representatives.

n. The sponsor will not enter into any transaction which would operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency eligible under the Regulations issued pursuant to the Federal Airport Act, to assume such obligations and having the power, authority, and financial resources to carry out all such obligations. If the management and operation of the airport is relinquished wholly or in part, the sponsor agrees that it will reserve sufficient powers and authority to insure that the airport will be operated and maintained in accordance with the Act and the Regulations.

o. The sponsor will furnish to the Administrator through the District Airport Engineer within ten days after their execution or adoption, three copies of all deeds, leases, operation or management agreements, laws, ordinances, rules and regulations, or other instruments affecting the aeronautical use of the airport. All leases, operation or management agreements, or other instruments affecting the aeronautical use of the airport shall contain a provision that such documents shall be subordinate and subject to the provisions of this agreement.

p. The sponsor will acquire prior to the commencement of construction the following property interests as shown on the outline survey attached hereto as Exhibit "A": ____ _____ _____

The sponsor will acquire prior to _____ the following property interests as shown on Exhibit "A": _____ _____ _____

SEC. 2. In order to satisfy the Administrator that the sponsor is qualified to sponsor the project under the requirements established by the Act and the Regulations, and to induce the United States to enter into a Grant Agreement with respect to the project, the sponsor does hereby warrant and represent to the United States as follows:

a. That it holds the following property interests as shown on Exhibit "A": _____ _____ _____

b. That it has sufficient funds available for that portion of the project costs which is not to be paid by the United States;

c. That it has the power and authority, of itself or through an agent, to receive a grant of Federal funds under the Act;

d. That it has the power and authority to make these assurances and to perform all the covenants and agreements contained herein;

e. That it is legally and financially able to operate and maintain the airport and to perform all the covenants contained herein;

f. That there is no pending litigation or other legal proceeding, and no material or relevant fact, which might adversely affect the prosecution of the project, the operation of the airport, or the performance of any of the covenants contained in Sections 1 and 2 hereof, which has not been brought to the attention of the Administrator.

SEC. 3. This Agreement shall become effective immediately except that Section 1 hereof shall not be effective until the execution of the Grant Agreement. This Agreement shall be incorporated in the Grant Agreement and become part thereof. This Agreement shall remain in full force and effect during the useful life of the facilities developed under the project but in any event not to exceed twenty years from the date of the execution of the Grant Agreement.

SEC. 4. If any provision of this agreement or any application thereof shall be held invalid, such invalidity shall not affect any provision or application of this Agreement which can be given effect without the invalid provision or application.

SEC. 5. This document constitutes the (sponsor's) assurances as required under Sections 9 and 11 of the Act and shall be referred to as the "Sponsor's Assurance Agreement."

Sponsor

By ---

Attest:

Secretary

EXTRACT FROM THE MINUTES OF A (SPECIAL) (REGULAR) MEETING OF THE (HERE NAME GOVERNING BODY OF THE PUBLIC AGENCY) OF (NAME THE SPONSOR) HELD ON (INSERT DATE)

The following resolution was introduced by ----------, read in full and considered:

Resolution Adopting and Approving the Execution of the Sponsor's Assurance Agreement To Be Submitted to the Administrator of Civil Aeronautics, U. S. Department of Commerce, to Obtain Federal Aid in the Development of (Here Insert Name of Airport) Airport

Be it resolved by the (members) of (governing body) of ----------:

SECTION 1. That (insert name of sponsor) shall enter into a Sponsor's Assurance Agreement for the purpose of obtaining Federal aid in the development of the ---------- Airport and that such agreement shall be as set forth hereinbelow.

SEC. 2. That the (here insert the name of officer or officers of the sponsor) is hereby authorized and directed to execute said Sponsor's Assurance Agreement in quadruplicate on behalf of the (here insert name of sponsor), and the Secretary is hereby authorized and directed to impress the official seal of this (insert name of sponsor) and to attest said execution.

SEC. 3. That the Sponsor's Assurance Agreement referred to hereinabove shall be as follows: (Insert Sponsor's Assurance Agreement in full)

CERTIFICATE

I, ----------, the duly appointed, qualified and acting ----------, of ----------, do hereby certify that the attached extract from the minutes of the ---------- meeting of the ---------- of said ----------, held on ----------, is a true and correct copy of the original minutes of said meeting on file and of record insofar as said original minutes relate to the matters set forth in said attached extract, and I do further certify that the copy of the Resolution appearing in said attached extract is a true and correct copy of such Resolution adopted at said meeting and on file and of record.

In testimony whereof, I have hereunto set my hand and the seal of said ------ this ---------- day of ----------, 19----.

[SEAL] ---

NOTE: This form of resolution is adaptable to any resolution required in the submission of a Project Request, Project Application, Grant Agreement, or the execution of a contract on behalf of the public agency in connection with a project for airport development and for which Federal aid is sought.

[F. R. Doc. 47-199; Filed, Jan. 8, 1947; 8:46 a. m.]

PART 555—ACQUISITION BY PUBLIC AGENCIES FOR PUBLIC AIRPORT PURPOSES OF LANDS OWNED OR CONTROLLED BY THE UNITED STATES

Acting pursuant to the authority vested in me by section 16 of the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.), I hereby adopt a new part, Part 555, of the regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.
555.1 Definitions.
555.2 Purpose of regulations.
555.3 Requests for conveyance required.
555.4 Public agencies eligible to file requests for conveyance.
555.5 Form and content of requests for conveyance.
555.6 Place of filing requests for conveyance.
555.7 Findings and recommendations of the Regional Administrator.
555.8 Determination by the Administrator.
555.9 Determination by the head of the controlling department or agency.
555.10 Conveyances.
555.11 Covenants, reservation clause, and reverter clause in instruments of conveyance.

AUTHORITY: §§ 555.1 to 555.11, inclusive, issued under sec. 16, 60 Stat. 170, Pub. Law 377, 79th Cong.

§ 555.1 *Definitions.* (a) All terms used in this part which are defined in the Federal Airport Act and are not defined in paragraph (b) of this section shall have the meaning given to them in the act.

(b) As used in this part, unless the context otherwise requires, the following terms shall have the meaning indicated:

(1) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(2) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(3) "Regional Administrator" means the directing head of a regional office of the CAA or his duly authorized representative.

(4) "District Airport Engineer" means the directing head of a district office of the airports branch of a CAA regional office or his duly authorized representative.

(5) "Department or agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(6) "Lands owned by the United States" means any lands in which the United States or any department or agency has title.

(7) "Lands controlled by the United States" means any lands not owned by the United States or a department or agency, the use of which is subject to the approval of the United States or any department or agency.

(8) "Property interest" means the title to or any other interest in land or any easement through or other interest in air space.

§ 555.2 *Purpose of regulations.* The regulations of this part apply to the acquisition by public agencies, under section 16 of the Federal Airport Act, of property interests in lands owned or controlled by the United States, the use of which is necessary either for carrying out a project under the Federal-aid Airport Program authorized by the act, or for the operation of a public airport. Section 16 of the act provides that if the Administrator determines that the use of any such lands is reasonably necessary for carrying out a project under the Federal-aid Airport Program or for operation of a public airport, he shall request the head of the department or agency having control of such lands to convey to the public agency sponsoring the project in question or owning or controlling the airport, such a property interest therein as he may deem necessary. The head of such department or agency is directed to determine whether the requested conveyance is inconsistent with the needs of the department or agency, and upon his determination that the requested conveyance is not so inconsistent is authorized and directed, with the approval of the President and the Attorney General of the United States, and without expense to the United States, to make the conveyance requested.

§ 555.3 *Requests for conveyance required.* Any public agency which desires to acquire, under section 16 of the Federal Airport Act, a property interest in lands owned or controlled by the United States, and which is eligible under § 555.4 shall file with the Administrator through the District Airport Engineer a request for conveyance as provided in §§ 555.5 and 555.6.

§ 555.4 *Public agencies eligible to file requests for conveyance.* (a) A public agency shall be eligible to file with the Administrator a request for conveyance to it of a property interest in any lands owned or controlled by the United States, only if such public agency meets the following requirements:

(1) The public agency must be a state, the Territory of Alaska, the Territory of Hawaii, or Puerto Rico, or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization.

(2) The public agency must be planning to use the lands in question for or in connection with (i) the development of a public airport as a project under the Federal-aid Airport Program, or (ii) the improvement, development, or protection of an existing public airport, whether or not work in connection therewith is to be done as a project under the Federal-aid Airport Program, or (iii) the establishment or construction of a new public airport, whether or not work in connection therewith is to be done as a project under the Federal-aid Airport Program.

(3) The agency must have the legal power and authority to accept the conveyance requested; to engage in any airport development, improvement, or construction necessary to derive full benefit from the conveyance requested; to establish, operate, and maintain the proposed or existing airport; and to raise the funds necessary to accomplish the proposed development, improvement, or construction and to finance the operation and maintenance of the airport.

(4) The public agency must have sufficient funds available or be able to obtain sufficient funds, to defray the costs of any development, improvement, or construction which may be necessary to derive reasonable benefit from the conveyance requested, and to operate and maintain the proposed or existing airport.

(5) The public agency must not be in default on any obligation to the Government relative to the development, operation, or maintenance of an airport.

§ 555.5 *Form and content of requests for conveyance.* (a) No special form is required for a request for conveyance under the regulations of this part. However, sufficient facts must be given in order to enable the Administrator to determine that the public agency making the request is eligible to do so, that the use of the lands requested is reasonably necessary for carrying out a project under the Federal-aid Airport Program or for the operation of a public airport, and what property interest therein will be required to accomplish such purpose.

(b) In any event, each public agency filing a request for conveyance must submit with its request, or furnish as soon thereafter as possible, the following information if applicable and available or procurable, together with any further information that may be requested by the Administrator:

(1) Name and address of the public agency requesting the conveyance.

(2) Name, location, and ownership of the subject airport. If the airport is not in existence, the proposed name, the approved location, and the prospective ownership of the airport should be indicated. If the airport is in existence and is being operated under a lease or agreement from the requesting public agency, a copy of such lease or agreement should be submitted.

(3) Statement of the legal power and authority, and financial ability of the requesting public agency to develop, improve, construct, establish, operate, and maintain the subject airport.

(4) Name of the Federal agency owning or having control of the lands requested.

(5) Legal description and acreage of the lands requested.

(6) Description of the specific property interest (title, a leasehold estate, an easement, a permit or license, or an easement or other interest in air space) necessary to meet the needs of the requesting public agency.

(7) Complete justification of the need for acquisition of the property interest in question, supported by such maps, charts, photographs, or documents as may be necessary to show the necessity for the use of the lands requested. If the use of other lands might be suitable to meet the needs of the requesting agency, the particular advantages of the Federally owned lands over such other suitable lands should be explained.

(8) A statement as to the plans and commitments which have been made concerning the financing or accomplishment of any development, improvement, or construction requiring the use of the lands or the property interest requested. An estimated date at which the use of the subject lands or interest will be required should be stated.

(9) The status of any project for the development of the subject airport under the Federal-aid Airport Program.

(c) Each request for conveyance shall state that the requesting public agency has the legal power and authority to accept a conveyance subject to covenants and conditions such as those contemplated by § 555.11.

(d) Each request shall be signed and verified by an officer of the requesting public agency duly authorized and designated to file such request for and on behalf of the requesting public agency.

§ 555.6 *Place of filing requests for conveyance.* A request for conveyance of a property interest in lands owned or controlled by the United States must be filed in quadruplicate with the District Airport Engineer for the area in which such lands are located.

§ 555.7 *Findings and recommendations of the Regional Administrator.* The Regional Administrator will consider each request for conveyance and forward such request with his findings and recommendations to the Administrator.

§ 555.8 *Determination by the Administrator.* The Administrator will review each request for conveyance together with the findings and recommendations of the Regional Administrator and will determine whether or not the requesting public agency is eligible, and a conveyance is proper, under section 16 of the act and the regulations of this part. In the event such determination is in the affirmative, the Administrator will request the head of the department or agency having control of the lands in question to convey to the requesting public agency such a property interest in the lands as he may deem necessary. In all cases, it will be requested that the conveyance be made without consideration other than the benefits to accrue to the public and the United States by virtue of the use of the lands for public airport purposes. In addition, the Administrator will request that the instrument of conveyance include certain covenants and clauses as provided in § 555.11.

§ 555.9 *Determination by the head of the controlling department or agency.* The act provides that the head of any department or agency having control of lands owned or controlled by the United States, upon receipt of a request from the Administrator that an interest in such lands be conveyed to a public agency for airport purposes, shall determine whether the requested conveyance is inconsistent with the needs of the department or agency and shall notify the Administrator of his determination within a period of four months after receipt of the Administrator's request.

§ 555.10 *Conveyances.* The Act provides that if the head of a department or agency determines that a requested conveyance is not inconsistent with the needs of that department or agency, such department or agency head is authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested.

§ 555.11 *Covenants, reservation clause, and reverter clause in instruments of conveyance.* (a) The Administrator, in a request to the head of a department or agency for the conveyance of a described property interest in lands owned or controlled by the United States, will request that the instrument of conveyance contain certain covenants, a clause reserving fissionable materials to the United States, and a reverter clause, as follows:

(1) *Covenants.* The Administrator will request the inclusion in an instrument of conveyance of such covenants as he may deem necessary in the specific case involved to assure operation as a public airport of the airport benefited by the use of the lands in question, and in addition, a covenant that any subsequent transfer of the property interest conveyed shall be subject to all of the covenants, conditions, and limitations contained in the said instrument of conveyance. In the event that the airport is to be entirely or in substantial part developed or established on the lands in question, the Administrator will request inclusion in the instrument of conveyance of all covenants which the grantee would be obliged to enter into as the sponsor of a project in the Federal-aid Airport Program if the airport were to be developed under that program.

(2) *Clause reserving fissionable materials.* The Administrator, pursuant to Executive order of the President 9701, dated March 4, 1946 (11 F. R. 2369), will request the inclusion in an instrument of conveyance of a clause reserving to the United States all fissionable materials in the lands in question, together with the right, at any and all times, upon reasonable notice, to enter upon the

lands and prospect for, mine, and remove such materials.

(3) *Reverter clause.* The Administrator will request that the instrument of conveyance include a provision that the conveyance is made on the condition that the property interest conveyed shall automatically revert to the United States, if the Administrator determines that the proposed items of airport development, improvement, or construction are not commenced within a reasonable period of time or that such proposed items of development, improvement, or construction are not diligently prosecuted to completion, or that the lands in question have ceased to be used, or have ceased to be necessary for use, in connection with airport purposes.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[P. R. Doc. 47-200; Filed, Jan. 8, 1947; 8:47 a. m.]

PART 560—CLAIMS FOR REIMBURSEMENT FOR REHABILITATION OR REPAIR OF PUBLIC AIRPORTS DAMAGED BY FEDERAL AGENCIES

The purpose of this part of the regulations of the Administrator of Civil Aeronautics is to establish standards and outline procedures which will enable public agencies to file claims for reimbursement of the cost of necessary rehabilitation or repair of public airports, under the control or management of such public agencies, substantially damaged by any Federal agency. The basis for this part is found in section 17 of the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.) pursuant to which the Administrator is instructed to prescribe regulations in accordance with which (regulations) he is authorized, on behalf of the United States, to consider, ascertain, adjust and determine such claims, and to certify to Congress as a claim against the United States such amount as he may find to be due to any claimant.

It appearing that this part in its proposed form was submitted to and discussed with interested parties and organizations at a public hearing held for that purpose, notice of which (hearing) was published in the FEDERAL REGISTER (11 F. R. 12221); interested parties and organizations were given an opportunity to present their views at that hearing and to file briefs and memoranda subsequent thereto; all such views, briefs, and memoranda were considered in the final preparation of this part which, in its present form as compared to its proposed form discussed at public hearing, contains changes of only a minor nature which will not impose any burdens upon interested parties and organizations; the parties and organizations affected by this part will be greatly benefitted by its being made effective without delay; in view of the foregoing, sufficient notice and public procedure have been afforded to interested parties and organizations, and further notice or public procedure would serve no useful purpose; and that any further notice and proceedings would serve only to delay the issuance of this part of the regulations of the Administrator which it is in the public interest and benefit to adopt at this time.

And finding that further notice and public procedure provided for in sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary with respect to this part; and that good cause exists to declare this part effective immediately pursuant to section 4 (c) of that act.

Now therefore, acting pursuant to the authority vested in me by section 17 of the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.) I hereby adopt a new part, Part 560, of the regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.
560.1 Definitions.
560.2 Purpose of regulations.
560.3 Eligible claims.
560.4 Eligible claimants.
560.5 Eligible airports.
560.6 Time limitations.
560.7 Eligible rehabilitation or repair.
560.8 Amount of reimbursement.
560.9 Claims filed with other Federal agencies.
560.10 Form and content of claims.
560.11 Filing of claims.
560.12 Consideration and determination of claims.
560.13 Certification of claims to Congress.
560.14 Penalties.

AUTHORITY: §§ 560.1 to 560.14, inclusive, issued under sec. 17, Pub. Law No. 377, 79th Cong., 60 Stat. 170.

§ 560.1 *Definitions.* (a) All terms used in this part which are defined in the Federal Airport Act and are not defined in paragraph (b) of this section shall have the meaning given to them in the act.

(b) As used in this part, unless the context otherwise requires, the following terms shall have the meaning indicated:

(1) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(2) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(3) "Regional Administrator" means the directing head of a regional office of the CAA or his duly authorized representative.

(4) "District Airport Engineer" means the directing head of a district office of the airports branch of a CAA regional office or his duly authorized representative.

(5) "Federal agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Government of the United States, or any corporation wholly owned (either directly or indirectly through one or more corporations) by the United States.

(6) "Claimant" means a public agency which files with the Administrator a claim for reimbursement for the rehabilitation or repair of a public airport pursuant to section 17 of the Federal Airport Act.

(7) "Damaged area" means any airport area where damage has occurred, for the repair or rehabilitation of which reimbursement is claimed under the regulations of this part.

(8) "Damaged facility" means any airport building or other airport facility which has suffered damage, for the repair or rehabilitation of which reimbursement is claimed under the regulations of this part.

(9) "Rehabilitation or repair" means any repair, restoration, or reconstruction of a damaged area or damaged facility either to its condition prior to damage or to a better condition and any construction or improvement of an airport area or facility replacing or supplementing a damaged area or damaged facility.

(10) "Reimbursement" means the payment of money to a claimant for sums expended by it or on its behalf for rehabilitation or repair.

§ 560.2 *Purpose of regulations.* The regulations of this part apply to claims for reimbursement under section 17 of the Federal Airport Act for the necessary rehabilitation or repair of public airports substantially damaged by Federal agencies. That section authorizes the Administrator to consider, ascertain, adjust, and determine, in accordance with regulations prescribed by him, any claim submitted by any public agency for reimbursement of the cost of necessary rehabilitation or repair of a public airport, under the control or management of such public agency, substantially damaged by any Federal agency, and to certify to Congress as a claim against the United States such amount as he may find to be due to any claimant. Section 17 further authorizes appropriations for the payment of claims so certified to Congress.

§ 560.3 *Eligible claims.* No claim made under the regulations of this part will be certified by the Administrator to Congress for payment in whole or in part unless such claim is eligible as provided herein. In order to be eligible, a claim (a) must be filed by an eligible claimant (see § 560.4); (b) must cover damage to an eligible airport (see § 560.5); (c) must be filed within certain time limitations (see § 560.6); and (d) must cover eligible rehabilitation or repair (see § 560.7).

§ 560.4 *Eligible claimants.* To be eligible to file a claim, a claimant must meet the following requirements:

(a) The claimant must be a state, the Territory of Alaska, the Territory of Hawaii, or Puerto Rico, or an agency of any of them; a municipality or other political subdivision; or a tax-supported organization;

(b) The claimant must have control or management of the airport to which the claim relates at the time of filing the claim.

§ 560.5 *Eligible airports.* (a) To be eligible as the subject of a claim, an airport must meet the following requirements:

(1) The airport must be located in the continental United States, the Territory of Alaska, the Territory of Hawaii, or Puerto Rico;

(2) The landing area of the airport must be owned by a public agency at the time the claim is filed and must have been owned by a public agency at the time the damage occurred;

(3) The airport must be used, or intended to be used, by and for the benefit of the public at the time the claim is filed, must be under the control of a public agency at such time, and must have been used for public purposes, under the control of a public agency, at the time the damage occurred; and

(4) If the airport was damaged while owned by the United States or a Federal agency, the nucleus of such airport must have been owned by a non-Federal public agency, and used for airport purposes, prior to its acquisition by the United States or by a Federal agency.

(b) To meet the requirements of paragraph (a) of this section, it is not necessary that the public agency controlling an airport be the public agency owning its landing area, or that the public agency controlling an airport, or owning its landing area, at the time a claim is filed, be the public agency which controlled the airport, or owned the landing area, at the time the damage occurred.

(c) If an airport is operated by a private person or concern under a lease or contract from a public agency, such airport will be regarded as "used by and for the benefit of the public" and "under the control of a public agency", as required by paragraph (a) (3) of this section, if the airport is being so used and the lease or contract reserves to the public agency sufficient control over the manner in which the airport is operated to permit such public agency to compel its operation for the use and benefit of the public.

§ 560.6 *Time limitations.* (a) A claim may be filed before, during, or after the accomplishment of the rehabilitation or repair for which reimbursement is claimed. However, if the rehabilitation or repair has not been accomplished at the time a claim is filed, and if such claim is certified to the Congress for payment, the Administrator will recommend to the Congress, as provided in § 560.13 (b), that payments be made only after the repair or rehabilitation has been accomplished and paid for.

(b) No claim will be considered by the Administrator unless such claim is filed within six months after the occurrence of the damage upon which the claim is based: *Provided, however,* That in the event the damage was caused by operations of a military nature during time of war, such notice may be filed within sixty days after the date of termination of the war.

(c) The Administrator will consider a claim based upon damage which occurred prior to approval of the act: *Provided,* That the foregoing time limitations are complied with.

§ 560.7 *Eligible rehabilitation and repair.* Reimbursement for proposed or completed rehabilitation or repair included in an eligible claim will be recommended by the Administrator to Congress only if and to the extent that such rehabilitation or repair is eligible for reimbursement as provided herein. In order to be eligible, such rehabilitation or repair must meet all of the following requirements, in the opinion of the Administrator:

(a) The rehabilitation or repair must be, or have been, necessary to remedy substantial damage to an eligible airport caused or permitted by a Federal agency;

(b) The rehabilitation or repair must be, or have been, for the purpose of remedying damage to an area or facility which was owned by the claimant or other non-Federal public agency at the time the damage occurred, unless the area or facility was owned by the United States or a Federal agency at that time, in which case the area or facility must have been owned by the claimant or other non-Federal public agency prior to its acquisition by the United States or a Federal agency;

(c) The rehabilitation or repair must have, or have had, as its principal abject the remedying of damage for which the claimant, the airport owner, or any other person or agency has never been adequately compensated, reimbursed, or recompensed by the United States or any Federal agency; and

(d) The circumstances must be such that reimbursement would be in the public interest.

§ 560.8 *Amount of reimbursement.* In certifying an eligible claim to Congress, the Administrator will recommend that the claimant be reimbursed for eligible rehabilitation or repair in such amount as he determines to be due as reimbursement for sums expended in payment of costs incurred by the claimant in accomplishing such rehabilitation or repair. In determining the amount due with respect to any particular item of eligible rehabilitation or repair, the Administrator will be guided by the following principles:

(a) If the damage occurred while the airport was in the possession or control of the United States or a Federal agency, reimbursement should be made in an amount equal to the reasonable and necessary cost of restoring the damaged area or damaged facility to a condition equivalent to its condition on the date the United States or the Federal agency took possession or assumed control of the airport;

(b) If the damage occurred while the airport was not in the possession or control of the United States or a Federal agency, reimbursement should be made in an amount equal to the reasonable and necessary cost of restoring the damaged area or damaged facility to a condition equivalent to its condition immediately prior to such damage;

(c) The principles stated in paragraphs (a) and (b) of this section should apply whether the damaged area or damaged facility is actually restored to its condition at the time specified or the rehabilitation or repair results in the construction or improvement of a new area or facility or the improvement of the damaged area or damaged facility to a condition better than its condition at the time specified in paragraph (a) or (b) of this section, whichever is applicable, or is accomplished in accordance with higher standards of airport construction than the original construction.

§ 560.9 *Claims filed with other Federal agencies.* A claim may be filed under the regulations of this part notwithstanding that the claimant has filed prior thereto a claim with the Federal agency which is directly responsible for the damage. In such cases, however, the claimant must notify the Administrator as to the basis for, and current status of, the prior claim.

§ 560.10 *Form and content of claims.* (a) No particular form is required for a claim under the regulations of this part. However, each claimant must submit with its claim, or furnish as soon thereafter as possible, as supplementary information, any information necessary to support and prove the claim, including the following, if applicable and available or procurable:

(1) Name and address of claimant.

(2) Name and location of airport.

(3) Ownership of airport at time of filing claim; if claimant or another public agency is operating the airport under a lease, permit, license, or agreement from another public agency, copies of such instrument must be submitted; if a lessee or assignee of the claimant or another public agency is operating the airport, copies of the operating lease or agreement must be submitted.

(4) Extent to which the airport has ever been operated other than for the use and benefit of the public.

(5) Name of Federal agency causing or permitting the damage.

(6) Date or period when damage occurred.

(7) Ownership of airport, damaged areas, and damaged facilities at time damage occurred; if a Federal agency was at that time in possession under a lease or agreement with the claimant or another non-Federal public agency, copies of such documents must be submitted.

(8) Type, extent, and period of operation of the airport by a Federal agency.

(9) Specific cause of the damage.

(10) Extent to which the damage was covered by insurance.

(11) Nature and extent of the damage, illustrated by maps, plans, or photographs.

(12) Nature and current status of any claim filed with a Federal agency, or any litigation arising out of or in connection with the subject damage; copies of any such claim, or the pleading in any such litigation, must be submitted.

(13) Itemized list of all rehabilitation or repair work accomplished, with breakdown of such work by items and cost; vouchers or other evidence of payments made must be submitted, together with maps, photographs, and other pertinent material.

(14) Itemized list of all proposed rehabilitation or repair considered necessary, with an estimate of cost of each item; all available plans or specifications for such work should be submitted.

(b) In addition, each claim must be accompanied by evidence that the public agency controlling the airport has granted authority to the District Airport Engineer or other representatives of the Administrator to inspect the airport and the damaged areas and damaged facilities, to interview representatives of the claimant and the airport owner, and to examine airport records and documents, as may be deemed necessary by such representatives of the Administrator.

(c) Each claim shall be signed and verified by an officer of the claimant duly authorized and designated to file such claim for and on behalf of the claimant.

§ 560.11 *Filing of claims.* All claims shall be submitted to the appropriate District Airport Engineer in quadruplicate. The date of receipt of a claim by the District Airport Engineer will be considered the date on which such claim was filed with the Administrator.

§ 560.12 *Consideration and determination of claims*—(a) *Consideration by Regional Administrator.* Upon receipt of a claim, the Regional Administrator may request claimant to submit within a reasonable time such additional information or evidence as he may deem necessary. After consideration by him, the Regional Administrator will forward the claim with his findings and recommendations to the Administrator.

(b) *Determination by the Administrator.* The Administrator will consider, ascertain, adjust, and determine each claim submitted. The claimant will be notified in writing of the Administrator's determination of its claim.

§ 560.13 *Certification of claims to Congress.* (a) The Administrator will certify to the Congress as a claim against the United States such amount as he determines to be due any claimant. The certification will include a brief statement of the character of the claim, the amount of the claim, and the amount certified.

(b) If the claim is for completed rehabilitation or repair, the Administrator will recommend that the claimant be paid such amount as is found to be due. If the claim is for proposed rehabilitation or repair in whole or in part, the Administrator will recommend to the Congress that the amount certified be appropriated to the Administrator for disbursement to the claimant as provided herein. Payments from any such fund will be made to the claimant only when eligible rehabilitation or repair has been accomplished and paid for. Upon application by the claimant, progress payments may, in the discretion of the Administrator, be made from such fund as the rehabilitation or repair progresses and is paid for. Each such application shall be submitted to the District Airport Engineer in quadruplicate.

§ 560.14 *Penalties.* Section 80 of Title 18 of the United States Code provides that persons presenting false or fraudulent claims to the United States Government or its officials may be fined not more than $10,000 or imprisoned not more than ten years, or both.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-201; Filed, Jan. 8, 1947; 8:47 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War, Department of the Interior

PART 602—GENERAL ORDERS AND DIRECTIVES

STATEMENT OF POLICY RELATING TO DIRECTIONS BY SFAW FOR SHIPMENT OF COAL ON THE GOVERNMENT'S EXPORT PROGRAM COMMENCING JANUARY 1, 1947

UNRRA, through the State Department, and the liberated areas of Europe, through the Reconstruction Finance Corporation, have made arrangements for the purchase of a portion of their coal requirements through the facilities of the Bureau of Federal Supply, United States Treasury Department, at prices not in excess of the maximum prices in effect on November 9, 1946.

The Solid Fuels Administration for War will receive offers, each month, as hereinafter provided, from any person who has or will have surplus coal available, and in filling the allocations under this program, will direct shipments to the extent of the tonnage required only of the best coals offered.

Each direction issued by SFAW will, among other things, specify the period within which the authorized shipments must be made, and will set forth the offered price, which the offerer has represented to be not in excess of the maximum price in effect on November 9, 1946.

No change of or departure from the terms of any direction may be made, except upon written approval of the Washington Office of SFAW.

The furnishing of any false or misleading information in connection with the submission of any offer, or the shipment of coal found not to be in substantial conformity with representations made, may result in the immediate cancellation of any unfilled portions of the direction, the rejection of the shipment before dumping into vessels, the withholding of any future directions, and the imposition of such civil and criminal liabilities as may be provided by law.

Offers which have heretofore been received for shipment during January 1947 will be considered in the light of this Statement of Policy, and directions will be issued in accordance herewith, unless such offers shall be withdrawn. Offers for shipment during February 1947, and thereafter, must be submitted on or before the 20th day of the month preceding the month in which shipments will be made, in duplicate, to the SFAW Area Distribution Manager for the area in which the offered coal will be produced, except that in the case of coal produced in Districts 7, 12, 16, 17, 18, 19, 20, 22 and 23, the filings shall be made with the Solid Fuels Administration for War, Washington 25, D. C.

Any offer submited will be given consideration only if it is accompanied by the following information:

1. Name and address of the person offering the coal for export.
2. The tonnage, by sizes, by mines and by district of origin, of the coal offered.
3. The following information with respect to each mine at which the coal to be supplied will be produced.
   (a) Name and address of producer.
   (b) Name, mine index number and location of mine, the number of the producing district in which it is located, and the name of the railroad, if any, on which it is located.
   (c) Name of seam.
   (d) Is mine a deep or strip mine?
   (e) Is mine a truck-rail or rail mine?
   (f) Is mine equipped with screening facilities?
   (g) What was the effective maximum f. o. b. mine price on November 9, 1946, of the coal offered?
   (h) What is the price at which the offer is made?
   (i) What are the freight rates from mine to loading ports?
   (j) Estimated monthly production of each mine at which the offered coal will be produced.
   (k) A proximate analysis (moisture, volatile matter, fixed carbon, ash, sulphur, B. t. u., coke index number) representative of the coal that will be supplied, as loaded into transportation facilities at the mine.
   (l) The rate at which shipments will be made if the authorization is granted.

This Statement of Policy, effective forthwith, supersedes Statements of Policy issued by SFAW on June 24, 1946, July 12, 1946 and December 11, 1946 (11 F. R. 7128; 11 F. R. 7739; 11 F. R. 14310).

(Sec. 2 (a), 54 Stat. 676, 55 Stat. 236, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 475, 79th Cong.; 41 U. S. C. prec. 1; 50 U. S. C. App. Supp. 1152 (a), 1162, 633, 645; E. O. 9125, Apr. 7, 1942, 7 F. R. 2719; E. O. 9332, Apr. 19, 1943, 8 F. R. 5355)

Issued this 3d day of January 1947.

DAN H. WHEELER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 47-187; Filed, Jan. 8, 1947; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

PART 280—REGULATIONS FOR THE ADMINISTRATION OF FOREIGN CURRENCIES AND CREDITS UNDER DISPOSITIONS OF SURPLUS PROPERTY ABROAD AND LEND-LEASE SETTLEMENTS

Correction

In Federal Register Document 46-21950, appearing on page 14687 of the issue for Friday, December 27, 1946, the following corrections are made:

1. In § 280.1 the reference "section 32 (b) (2) of the Surplus Property Act of 1944" should read "section 32 (b) (1) of the Surplus Property Act of 1944".

2. In § 280.5 (b) the reference "section 32 (b) (1) of the Surplus Property Act of 1944" should read "section 32 (b) (2) of the Surplus Property Act of 1944".

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 416]

PART 602—SELECTIVE SERVICE PERSONNEL

UNCOMPENSATED SERVICES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 602.3 to read as follows:

§ 602.3 *Uncompensated services.* The services of registrars, members of local boards, members of boards of appeal, members of medical advisory boards, government appeal agents and associate government appeal agents, examining physicians, reemployment committeemen, interpreters, and all other persons volunteering their services to assist in the administration of the selective service law shall be uncompensated, and no such person shall accept remuneration from any source for services rendered in connection with selective service matters.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

(54 Stat. 885, 55 Stat. 627, 844, 56 Stat. 1018, 59 Stat. 166; 50 U. S. C. App. Sup. 302 et seq.)

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1947.

[F. R. Doc. 47-204; Filed, Jan. 8, 1947; 8:46 a. m.]

[Amdt. 417]

PART 603—SELECTIVE SERVICE OFFICERS

COMPOSITION AND APPOINTMENT

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 603.22 to read as follows:

§ 603.22 *Composition and appointment.* For each board of appeal area, a board of appeal, normally of five members, shall be appointed by the President, upon recommendation of the Governor. The members shall be male citizens of the United States who are not members of the land or naval forces; they shall be residents of the State in which their board is appointed; and they should be at least 38 years old. The board of appeal should be a composite board, representative of all activities of its district, and as such should include one member from labor, one member from industry, one physician, one lawyer, and, where applicable, one member from agriculture. If the number of appeals sent to one board becomes too great for the board to handle without undue delay, additional groups of five members similarly constituted shall be appointed to the board by the President, upon recommendation of the Governor. Each such group shall have full authority to act for the board on all cases assigned to it by the board. Each group shall act separately. An additional member to supervise and coordinate the work of all the groups of a board of appeal may be appointed by the President, upon recommendation of the Governor.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

(54 Stat. 885, 55 Stat. 627, 844, 56 Stat. 1018, 59 Stat. 166; 50 U. S. C. App. Sup. 302 et seq.)

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1947.

[F. R. Doc. 47-205; Filed, Jan. 8, 1947; 8:46 a. m.]

[Amdt. 418]

PART 603—SELECTIVE SERVICE OFFICERS

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by deleting § 603.41 *Composition, appointment, and duties,* in its entirety.

2. Amend § 603.61 to read as follows:

§ 603.61 *Examining physicians.* The President may appoint, from qualified persons recommended by the Governor, an examining physician, and such additional examining physicians, for each local board as he deems necessary for the examination of the registrants of such local board. Where the Director of Selective Service has designated two or more local boards as a local board group, the State Director of Selective Service may authorize, from the examining physicians appointed for the local boards within such local board group, one examining physician, and, if he deems it necessary, one additional examining physician, to examine the registrants of all the local boards within such local board group. The local board examining physician shall make such examinations in connection with the Veterans' Assistance Program as the local board or local group may request. The State Director of Selective Service may authorize any duly appointed examining physician to examine registrants for any local board within the State.

3. Amend the regulations by deleting § 603.62 *Examining dentists* in its entirety.

4. Amend § 603.63 to read as follows:

§ 603.63 *Disqualification.* No examining physician shall examine for a local board any registrant who is his first cousin or a closer relation, either by blood or marriage, or who is an employee or employer, or stands in relation of superior or subordinate in connection with any employment, or is a partner or close business associate of such examining physician.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

(54 Stat. 885; 55 Stat. 627, 844; 56 Stat. 1018; 59 Stat. 166; 50 U. S. C. App. Sup. 302 et seq.)

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1947.

[F. R. Doc. 47-205; Filed, Jan. 8, 1947; 8:46 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 286]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Com. Sched. B No.	*Commodity*
	Rubber (natural, allied, gums, and synthetic) and manufactures:
	Automobile casings (include retreaded tires and used casings, averaging $2.00 and over each) (report used casings averaging less than $2.00 each in 201200):
206000	Truck and bus casings.
206300	Automobile inner tubes (truck and bus included).
	Other casings and inner tubes:
206400	Earthmover.
206400	Excavator.
206400	Grader.
206400	Off-the-road.
206400	Tractor.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: January 3, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-193; Filed, Jan. 8, 1947; 8:46 a. m.]

[Amdt. No. 287]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Cotton manufactures:
	Cotton cloth (gray), medium and coarse yarn fabrics:
303310	Wider than 40": Drills, twills and warp sateens; tent twill only.
303900	Gray cloth, n. e. s. except broadcloth, canton flannel, cotton and rayon fabric, crepe, dimity, flannel and flannelette, lawn, mitten flannel, napped fabrics, oxford, pique, pocketing twill, poplin, sateen, typewriter ribbon cloth over 12 inches wide, and voile.
	Finished cloth, bleached, dyed, printed, stiffened, or otherwise converted, and other colored yarns fabrics:
	Printcloth yarn fabrics (all widths):
	Printcloth:
305110	Bleached; bunting, treated bunting, and tag cloth only.
305210	Dyed in the piece; bunting and treated bunting only.
305220	Printed; bunting and treated bunting only.
	Napped fabrics:
305590	Other napped fabrics in the piece (report cotton flannels, bleached or colored in 305510).
	Colored yarn fabrics:
306100	Colored yarn fabrics, n. e. s. except La Fuente Chambray, seersucker, mattress ticking, silesia and plisse gingham.
	Fine goods and combed cotton fabrics (bleached, dyed, printed, flockdot or clipped):
307300	Marquisettes, combed.
307400	Combed and carded goods, n. e. s. except broadcloth, diaper cloth, dimity, lawn, oxford and oxford shirtings, pique, poplin, sateen, seersucker, shoe buckram, suiting, and typewriter ribbon cloth bleached, over 12 inches wide.
307600	Cotton and wool mixtures (cotton chief value, not less than 80% cotton by weight).
	Other cotton fabrics:
308200	Table damask in the piece.
308400	Tapestry and other upholstery and drapery materials, plain, Jacquard and dobby-woven.
308700	Plush.
308800	Other pile fabrics except corduroy, terry cloth and terry toweling.
308950	Cotton remnants and fabrics, n. e. s. sold by the pound of 2 yds. and over but less than 10 yds. in length.
	Cotton wearing apparel:
309300	Handkerchiefs.
	Garments of woven fabrics:
311300	Men's and boys' jackets and windbreakers.
311400	Overalls, breeches, pants, aprons, and men's work clothing, n. e. s. (report shirts in 311710).
311500	Nightwear, men's and boys'.
311610	Underwear, men's and boys'.
311720	Shirts, men's and boys', except dress shirts (report work shirts in 311710).
312000	Clothing, men's and boys' of woven fabrics, n. e. s.
312200	Women's dresses and ensembles (include eyelet, velveteen and lace) (one-, two- and three-piece as one unit).
312400	Women's and children's underwear and nightwear, not knit, except diapers.
312700	Children's outerwear, not knit.
312900	Women's apparel of woven fabrics, n. e. s. (include blouses, skirts, bathrobes, uniforms and washable apparel, n. e. s.).

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: January 3, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-194; Filed, Jan. 8, 1947; 8:47 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, as Amended Jan. 8, 1947]

RESTRICTED PRIORITIES ASSISTANCE

§ 944.49 *Priorities Regulation 28*—(a) *Purpose of this regulation.* This regulation describes the very limited scope of priorities assistance which will be granted in the future. It is designed to cover only the brief period of time which is expected to exist before all such priorities assistance will end.

In line with the announced policy of restoring normal buyer-seller relations as soon as possible, the issuance of CC ratings will be limited to cases of non-deferrable need for the military services, cases in connection with the Veterans' Emergency Housing Program, cases of public emergency and a few other exceptional situations mentioned below. CC ratings will no longer be granted for production materials, MRO, capital equipment or construction materials or equipment for the purpose of starting or maintaining any individual plant or business at a minimum economic rate, or to alleviate individual hardship. In addition, general priorities assistance will no longer be given to manufacturers of those products which were formerly listed as critical on Schedule I to this regulation, which has been revoked. CC ratings for export will be granted under this regulation only in rare cases falling under the rules explained in paragraph (d).

In view of the revised terms of the regulation itself drastically curtailing the assignment of CC ratings for all materials, most of the former directions to this regulation which contained similarly restrictive provisions for certain materials, have been revoked as no longer necessary. Provisions in directions which imposed a limit on the quantity of CC rated orders for certain materials which a supplier had to schedule for shipment are in paragraph (e). The directions still in effect are listed at the end of this regulation.

Priorities Regulation 28A, under which special assistance was formerly granted for textile yarn and fabric, has also been revoked. Assistance for these materials from now on will be granted only under the very limited conditions of this regulation.

(b) *Exceptional cases when CC ratings may be assigned.* (1) If all the conditions of paragraph (b) (2) below are met, CC ratings may be granted in the following limited cases:

(i) Where an item is needed to fill a military order which cannot be deferred without serious results to the defense program or to the health and welfare of the enlisted personnel (In this case a certification from the responsible military agencies recommending the issuance of a CC rating is required); or

(ii) Where an item is needed to provide essential utility services or, in an emergency, to eliminate serious hazard to the life, health or safety of a large number of people; or

(iii) Where an item is required in connection with the Veterans' Emergency Housing Program under the following conditions (no ratings will be issued for the purchase of specialized machinery or for an item to be incorporated in construction):

I. To maintain or increase the production of a building material or product which is determined to be in critically short supply; or

II. For capital equipment (except for site preparation equipment) which is a bottleneck in the production or erection of housing accommodations.

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), a CC rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraphs (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *How to apply for a CC rating.* Applications for a CC rating under this regulation for uses in the United States, its territories and possessions should be made on Form CPA-541A addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR-28. Since CC ratings will no longer be given to support a minimum economic rate of production or to give special help to small business or the business needs of veterans, no questions on Form CPA-541A need be answered which were designed for such cases. For example, Questions 7b, 13, and 16 on Form CPA-541A (as revised 4-23-46) may be left unanswered. On the other hand, supporting data required by Item 14 is of major importance and should clearly show how the application qualifies under paragraph (b) above.

(d) *CC ratings for export*—(1) *For Canada.* In the case of materials for export to Canada applications should be filed with the Priorities Officer of Canada, Ottawa, Canada and will be handled on the same basis as United States applications.

(2) *Other exports.* In the case of other exports, upon demonstration that a rating is required CC ratings may be assigned for procurement in this country of minimum quantities of materials necessary to the restoration, development and maintenance of foreign sources of supplies vitally needed in this country; or in other exceptional cases for reasons of public policy. Applications for such ratings should be made to the Office of International Trade, Department of Commerce, Washington 25, D. C., on Form CPA-541A.

(e) *Limit on required acceptance of CC ratings for certain products.* For the products listed below CC ratings which have been assigned in the past might take an undue proportion of a producer's limited supply. To avoid this unfair impact, no manufacturer of any of these items need accept or fill a CC rated order for any such item if it would cause him to deliver on CC rated orders in any calendar month more than 50% of his total deliveries of that item in that month on all orders, both rated and unrated:

(1) The following items of textile machinery:

(i) Women's full fashioned hosiery machinery (30 and 32 section machines only).

(ii) Button sewer machine units.

(iii) Buttonhole machinery.

(iv) 36" high post sewing machines.

(2) The following items of bottling equipment for non-alcoholic beverages:

(i) Filler-Crowners, with rated capacity of 75 cases and under per hour.

(ii) Carbonators, with rated capacity of 300 gallons and under per hour.

(iii) Bottle Washers (Soakers) with rated capacity of 120 cases and under per hour.

(3) The following miscellaneous items:

(i) Cylinders for low-pressure gas (20 lb. and 100 lb. sizes only).

(f) *Existing CC ratings remain valid.* Nothing in this amendment of Priorities Regulation 28 of January 8, 1947 affects the validity of CC ratings granted before then. All orders bearing such CC ratings as well as those with CC ratings assigned under this amended regulation must be accepted and filled in accordance with the Priorities Regulations.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

DIRECTIONS TO PR-28

The following directions to PR-28 are still in effect (January 8, 1947):

Direction 6 (amended January 8, 1947) Use of CC ratings for trucks.

Direction 18 (amended November 4, 1946) CC ratings for iron castings and steel.

Direction 20 (amended January 8, 1947) Restrictions on use of ratings for equipment to establish veterans in business.

[F. R. Doc. 47-246; Filed, Jan. 8, 1947; 11:05 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Revocation of Schedule I]

CRITICAL PRODUCTS

Schedule I to Priorities Regulation 28 is revoked. This revocation does not affect any liabilities incurred for violation of this schedule or of actions taken by the Civilian Production Administration under this schedule.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-251; Filed, Jan. 8, 1947; 11:08 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 6, as Amended Jan. 8, 1947]

USE OF CC RATINGS FOR TRUCKS

The following amended direction is issued pursuant to Priorities Regulation 28:

(a) *Purpose of this direction.* The purpose of this direction is to restrict the use of CC ratings which have been assigned for new trucks. This direction no longer provides special rules for the assignment of CC ratings for trucks and the general rules in Priorities Regulation 28 as amended January 8, 1947 apply.

(b) *Definition of truck.* For the purpose of this direction "truck" means any new light, medium or heavy motor truck, truck-tractor or the chassis therefor, or any chassis on which a bus body is to be mounted and which (1) was designed to be propelled or drawn by mechanical power; (2) was designed for use on or off-the-highway, for transportation of property or persons. This definition includes vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, bus chassis, carry-all suburbans, sedan deliveries and cab pickups, but does not include station wagons, coupes fitted with pickup boxes, ambulances, hearses, taxicabs and integral type busses.

NOTE: Former paragraph (c) deleted and former paragraph (d) redesignated (c) Jan. 8, 1947.

(c) *Limitation on use of CC ratings.* CC ratings may be used only to purchase new trucks from a distributor or dealer. Notwithstanding the provisions of PR-3, a distributor or dealer may not extend a CC rating.

(e) [Deleted Jan. 8, 1947.]

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-248; Filed, Jan. 8, 1947; 11:05 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Revocation of Directions 13-17, 19, 21, 23 and 24]

The following published directions to Priorities Regulation 28 are hereby revoked, since they are superseded by that regulation amended simultaneously with this revocation:

Direction 13.
Direction 14.
Direction 15.
Direction 16.
Direction 17.
Direction 19.
Direction 21.
Direction 23.
Direction 24.

These revocations do not affect any liabilities incurred for violation of these directions, or of actions taken by the Civilian Production Administration under these directions.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-249; Filed, Jan. 8, 1947; 11:06 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 20, as Amended Jan. 8, 1947]

RESTRICTION ON USE OF RATINGS FOR EQUIPMENT TO ESTABLISH VETERANS IN BUSINESS

The following amended direction is issued pursuant to Priorities Regulation 28:

(a) Under this Direction the Civilian Production Administration formerly assigned preference ratings for the assistance of veterans seeking to establish new businesses. It appears that in some cases, veterans are

being used as "fronts" by presently established firms or other persons who are not themselves eligible for rating assistance. Since in many fields available equipment is entirely inadequate to satisfy the demand, it is essential that preferential treatment accorded to veterans not be used illegitimately to obtain equipment by other persons. Consequently, this direction provides for certain special limitations on the use of ratings assigned for equipment, and on the use of equipment obtained with the ratings.

(b) *Policy on issuance of ratings.* CC ratings are no longer issued under this direction, but only under the provisions of Priorities Regulation 28 as amended January 8, 1947. CC ratings were formerly issued to veterans under this direction to obtain equipment to establish new businesses only on a showing of all the following circumstances:

(1) The veteran, or group of veterans, would actively control the business by having at least a 50% interest in the profits and by all being actively engaged in the operation of the business:

(2) The equipment would be installed in premises which the veterans (or the corporation or partnership which they control under the rule in (1) above) own or lease, or have made definite arrangements to buy or lease; and

(3) The premises where the equipment is to be installed are separate from the premises of any established business in the same line.

(c) *Restrictions on use of rating.* For CC ratings assigned under this Direction, the Civilian Production Administration 541A authorization stated that the ratings were "subject to Direction 20 to Priorities Regulation 28". Whenever a person uses such a CC rating he must state in writing on his purchase order, in addition to the certification required by Priorities Regulation 3, that the rating was assigned under Direction 20 to PR-28. In addition, no person may use a CC rating assigned under this direction to get machinery or equipment except under the conditions described in paragraph (b). Where such conditions change after the assignment or use of the CC rating, the person to whom the rating was assigned must immediately cancel any use of the rating and return his authorization to the Civilian Production Administration.

(d) *Restrictions on use of equipment.* (1) During the three months after machinery or equipment is received on a CC rating assigned under this direction, it may be used only if the conditions set forth in paragraph (b) remain valid, unless otherwise specifically authorized by the Civilian Production Administration.

(2) Any item of machinery or equipment obtained with a rating assigned under this direction may not, without specific authorization by the Civilian Production Administration, be sold or otherwise disposed of within three months after the machinery is received.

(e) *Exceptions.* Exceptions from the provisions of this direction may be granted by the Civilian Production Administration. Requests for exceptions must be by letter, in duplicate, to Special Assistance Division, Civilian Production Administration, Washington 25, D. C., describing the special circumstances of the veteran which are the basis for requesting the exception, and indicating the steps which the veteran will take to prevent the diversion of the new equipment to sources not eligible for priorities assistance.

(f) *Applicability.* This direction applies only to ratings assigned to veterans where the authorization Form CPA-541A states "subject to Direction 20 to PR-28". However, in the case of any rating assigned to a veteran before or after October 7, 1946, where a supplier believes that the conditions of paragraph (b) do not apply, he may delay filling the rated order provided that he promptly notifies his customer of his action, and notifies the Civilian Production Administration (Ref: Special Assistance Division) of the facts on which he bases his belief. The Civilian Production Administration will take appropriate action either by cancelling the rating (after contacting the veteran to ascertain the facts) or by notifying the supplier to fill the order.

(g) *Who is a "veteran".* A "veteran" under this Direction means any person who was in the Army, Navy, Marine Corps or Coast Guard on or after September 16, 1940, and was discharged or released under conditions other than dishonorable after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(h) *Communications.* All communications concerning this direction should be addressed to the Civilian Production Administration, Special Assistance Division, Washington 25, D. C., Ref: Direction 20 to PR 28.

NOTE: The application and reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-247; Filed, Jan. 8, 1947; 11:05 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28A, Revocation]

SPECIAL PROVISIONS FOR THE ASSIGNMENT OF CC RATINGS FOR COTTON, SYNTHETIC AND WOOL FABRIC AND YARNS

Section 944.49a *Priorities Regulation 28A* is revoked. It is superseded by Priorities Regulation 28, as amended January 8, 1947. Preference ratings assigned under Priorities Regulation 28A remain in full force and effect and are not affected by this revocation.

This revocation does not affect any liabilities incurred for violation of the regulation or of actions taken by the Civilian Production Administration under the regulation.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-250; Filed, Jan. 8, 1947; 11:07 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2, Amdt. 1]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

War Assets Administration Regulation 2, November 27, 1946, entitled "Disposal of Surplus Personal Property to Priority Claimants" (11 F. R. 14267) is hereby amended in the following respects:

1. Section 8302.4 is amended by deleting paragraph (b) thereunder and substituting the following in lieu thereof:

(b) In disposing of property to veterans under this section, disposal agencies may establish the maximum and minimum quantities which may be acquired by any one veteran at any one time during a given period of time. When the supply of any type of surplus property offered at any time will be insufficient to fill the orders of the eligible veterans, equitable distribution among such veterans may be accomplished (1) on a first-come, first-served basis in fixed price sales or (2) on such other basis as shall be approved by the Administrator; *Provided*, That in any method adopted there shall be equitable distribution among veterans desiring to acquire property for their own personal use and veterans desiring to acquire it for business, professional, or agricultural use. In giving public notice of availability of any property, disposal agencies shall specify the method by which distribution of such property will be made among veterans.

2. Exhibit A of this part, "Property to be set aside for Veterans," is amended by changing the description under "Motors" (Commodity Code Classification 90 3130) to read as follows:

Fractional horsepower motors include all 110 and 220 volt, single phase, alternating current and direct current, standard listed ratings.

This amendment shall become effective January 9, 1947.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. 1614a, 1614b) and Executive Order 9689 (11 F. R. 1265))

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 6, 1947.

[F. R. Doc. 47-281; Filed, Jan. 8, 1947; 11:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

ADJUSTMENTS AND AUTHORIZATIONS OF SUBSISTENCE ALLOWANCE

1. Paragraph (b) (iii) of § 36.203 (9 F. R. 10502) is hereby revoked and superseded as follows:

§ 36.203 *Jurisdiction as to award of subsistence allowance.* * * *

(b) * * *

(iii) The $65 or the $90 rate of subsistence allowance will be authorized according to the assertion of the veteran on his application for education or training, except that the $90 rate will not be authorized based upon the assertion of dependency of a parent, but the veteran will be informed of the necessity to submit competent proof of dependency, and that until such competent proof is received in the Veterans' Administration subsistence allowance on the basis of dependency of a parent will not be authorized. If competent evidence of dependency of a parent is received within one year of date of request therefor, subsistence allowance paid upon the dependency may be authorized as from the effective date of the receipt of the application.

(*a*) Where the $90 rate is authorized on the basis of the assertion in the veteran's application, he will be informed of the necessity to submit formal proof of relationship or dependency, and that in the event it is not submitted within 60 days subsistence allowance will be authorized on the basis of a veteran without a dependent from the effective date of the original authorization.

(*b*) In the event claimant's application is not complete, he will be advised of the evidence necessary to complete the application, and if such evidence is not received within one year from the date of request therefor, increased subsistence allowance on the basis of dependency will not be paid by virtue of that application.

(c) In any case where the application of a veteran contains his assertion of a dependent or dependents of any class, and it is shown that the course of education or training entered by the veteran will be of 90 days or less duration, subsistence allowance will not be authorized in the amounts provided on the basis of dependency in the absence of competent evidence establishing relationship or dependency.

(*d*) Except as provided in § 36.272 (f) (1) (11 F. R. 9805), relating to reductions in rates of subsistence allowance under the circumstances stated, all reductions and discontinuances of subsistence allowance for whatever reason will be in accordance with the facts found in any case, subject to the governing regulations and procedures applicable to waivers and recoveries. (58 Stat. 284; Pub. Law 679, 79th Cong.; 38 U. S. C. 693.)

2. Paragraphs (c) and (d) of § 36.205 *Awards of subsistence allowance and effective date* (9 F. R. 10502, 10 F. R. 12005) are hereby revoked.

(58 Stat. 284; 38 U. S. C., Sup. ch. 11c)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

DECEMBER 18, 1946.

[F. R. Doc. 47-195; Filed, Jan. 8, 1947; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. SA-134]

ACCIDENT NEAR MICHIGAN CITY, IND.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 15577 which occurred near Michigan City, Ind. on December 28, 1946.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-mentioned proceeding that hearing is hereby assigned to be held on Tuesday, January 14, 1947, at 9:30 a. m. (local time) in Room 582 Old Post Office at 225 South Clark Street, Chicago, Illinois.

Dated: Washington, D. C., January 6, 1947.

[SEAL] W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 47-180; Filed, Jan. 8, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-669]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE OF HEARING ON REOPENED PROCEEDINGS FOR LIMITED PURPOSES

JANUARY 3, 1947.

It appearing to the Commission that:

On December 30, 1946, by its order of that date the Commission reopened the record in the above-entitled proceeding limited to "the receipt of further evidence with respect to subdivision (viii) of paragraph (b) of the Commission's order of November 30, 1946, as modified by order of December 14, 1946";

The Commission orders that:

(a) A hearing in this proceeding be held commencing at 10:00 a. m. (e. s. t.) on January 15, 1947, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., limited to the receipt of evidence with respect to the above-mentioned subdivision (viii) of paragraph (b), to the extent indicated in the Commission's order of December 30, 1946.

(b) Interested State commissions and interveners of record may participate in this further proceeding as provided in the provisional rules of practice and regulations under the Natural Gas Act.

Date of issuance: January 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-192; Filed, Jan. 8, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7939]

OAHU JUNK CO., LTD.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found and determined by Vesting Order 1756, dated June 25, 1943, that Oahu Junk Company, Ltd., a Hawaiian corporation, is a business enterprise within the United States and that Oahu Junk Company, Ltd., Yotaro Fujino and Chiyono Fujino are nationals of a designated enemy country (Japan) and having by said order vested 404 shares (44.89%) of the $100 par value capital stock of Oahu Junk Company, Ltd.;

2. It is hereby found:

That of the issued and outstanding capital stock of Oahu Junk Company, Ltd., consisting of 900 shares of $100 par value common capital stock, 496 shares (55.11%) registered in the names of the persons listed below in the number appearing opposite each name are beneficially owned by, or controlled by, Yotaro Fujino and, together with the 404 shares (44.89%) heretofore vested by Vesting Order 1756, are evidence of ownership of Oahu Junk Company, Ltd.:

Names	*Number of shares*
Kaname Fujino	200
	25
	1
Katsue Fujieki	117
	14¾
	1
Shizue Maneki	117
	14¾
	1
Tadashi Fujieki	1
	1/8
Mitsugi Maneki	1
	1/8
Tokuichi Tsuda	1
	1/8
Yasuo Tsutsumi	1
	1/8
Total	496

and it is hereby determined:

3. That Kaname Fujino, Katsue Fujieki, Tadashi Fujieki, Shizue Maneki, Mitsugi Maneki, Tokuichi Tsuda, Yasuo Tsutsumi are controlled by or acting for or on behalf of and as cloaks for a designated enemy country (Japan) or persons within such country and are nationals of a designated enemy country (Japan);

4. That to the extent that the persons named above are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 496 shares of $100 par value common capital stock of Oahu Junk Company, Ltd., more fully described in subparagraph 2 hereof, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 6, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-162; Filed, Jan. 7, 1947; 8:48 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM, EXCEPT BANKS IN DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Tuesday, December 31, 1946, on Form 64 (Short form)[1]—Call No. 26, and a report of earnings and dividends for the calendar year 1946, on Form 73.[1] Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Short form)," issued December 1946; and said report of earnings and dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Earnings and Dividends on Form 73," issued December 1945, and supplement of December 26, 1946.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 47-197; Filed, Jan. 8, 1947; 8:46 a. m.]

[1] Filed as part of the original document.

INSURED BANKS

ORDER FOR FILING OF CERTIFIED STATEMENT

Pursuant to the provisions of paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act, as amended (12 U. S. C., 264 (h) (1)), *It is ordered*, That each insured bank file with the Corporation on or before January 15, 1947, the following described certified statement forms:[1] (1) Certified Statement—Part One, Based on Deposits for the Six Months Ending December 31, 1946, Form 545–W in triplicate; and (2) Recapitulation of the Monthly Totals of Certified Statement—Part Two, for the Six Months Ending December 31, 1946, Form 555–W; and remit the payment of the assessment determined to be due upon such Certified Statement at the time said statement is filed. The bank should retain the quadruplicate copy of Form 545–W and the duplicate copy of Form 555–W for its files.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 47-196; Filed, Jan. 8, 1947; 8:46 a. m.]

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Tuesday, December 31, 1946, on Form 64 (Savings),[1] and a report of earnings and dividends for the calendar year 1946, on Form 73 (Savings).[1] Said report of condition and report of earnings and dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Earnings and Dividends on Form 73 (Savings)," issued December 1945.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 47-198; Filed, Jan. 8, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 422, Special Permit 22]

RAILROADS TO UNLOAD BOX CARS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F. R. 250), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to the holding under load until 11:59 p. m., January 2, 1947, by the Pennsylvania Railroad at its New York and New Jersey terminals in and around greater New York, N. Y., of cars SAL 4138, L&N 15742, Sou. 14084 and 60 other cars all containing carloads of miscellaneous freight; also cars B&O 381578, NYC 290710, IC 37962 and 434 other cars all containing L. C. L. merchandise freight.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of December 1946.

[SEAL] V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-189; Filed, Jan. 8, 1947; 8:47 a. m.]

[S. O. 422, Special Permit 23]

RAILROADS TO UNLOAD BOX CARS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F. R. 250), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to the holding under load until 11:59 p. m., January 4, 1947, by the Pennsylvania Railroad at Baltimore, Maryland, of cars CN 503691, 508033, 502333, and 25 other cars all containing cyanamid consigned for transshipment to the S. S. "Mariners' Splice."

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of December 1946.

[SEAL] V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-190; Filed, Jan. 8, 1947; 8:47 a. m.]

[S. O. 422, Special Permit 24]

RAILROADS TO UNLOAD BOX CARS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F. R. 250), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to the holding under load at Jersey City, New Jersey, cars in CNJ and B&O lighterage account.

This special permit shall become effective 12:01 a. m. January 1, 1947 and shall expire at 11:59 p. m. January 10, 1947.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of December, 1946.

[SEAL] V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-191; Filed, Jan. 8, 1947; 8:47 a. m.]

[S. O. 664]

UNLOADING OF TRACTOR SCRAPER AT SAN FRANCISCO, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of January A. D. 1947.

It appearing, that a car containing a tractor scraper at San Francisco, California, on the Southern Pacific Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Tractor scraper at San Francisco, Calif., be unloaded.* The Southern Pacific Company, its agents or employees, shall unload immediately Milw 650374 loaded with a tractor scraper now on hand at San Francisco, California, for transshipment.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a), and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-188; Filed, Jan. 8, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1416]

COLUMBIA GAS & ELECTRIC CORP. AND ATLANTIC SEABOARD CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of December 1946.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its wholly-owned subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company, having filed a joint declaration pursuant to the provisions of section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, regarding a cash contribution of $500,000 by Columbia to Seaboard and a like contribution by Seaboard to its subsidiary, Virginia Gas Transmission Corporation ("Virginia"), for the purpose of enabling Virginia to meet obligations incurred in connection with its construction program;

The transaction having been approved by the State Corporation Commission of Virginia by its order dated December 16, 1946;

Said declaration having been filed on December 13, 1946, and an amendment thereto having been filed on December 26, 1946, and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective; and

Columbia and Seaboard having requested that the Commission take appropriate action to accelerate its order herein and that the order become effective forthwith, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration, as amended, be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL] For: ORVAL L. DUBOIS,
Secretary.
By: NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-177; Filed, Jan. 8, 1947; 8:48 a. m.]

[File No. 70-1417]

COLUMBIA GAS & ELECTRIC CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of December 1946

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, having filed a declaration pursuant to the provisions of section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder regarding a cash contribution of $1,000,000 to its public utility subsidiary, United Fuel Gas Company ("United"), for the purpose of enabling United to meet obligations incurred in connection with its construction program;

Said declaration having been filed on December 13, 1946 and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the require-

ments of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective; and

Colombia having requested that the Commission take appropriate action to accelerate its order herein and that the order become effective forthwith, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL] For: ORVAL L. DUBOIS, *Secretary.*

By: NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-176; Filed, Jan. 8, 1947; 8:48 a. m.]

JAN 10 '47

Reference

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 12 NUMBER 7

Washington, Friday, January 10, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1946 C. C. C. Soybean Bulletin I (Loan)]

PART 257—SOYBEAN LOANS AND PURCHASES

SUBPART 1946

This bulletin states the requirements with respect to the 1946 Soybean Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC), and the Production and Marketing Administration. Loans will be made available on soybeans produced in 1946 (hereinafter referred to as the "commodity") in accordance with this bulletin.

Sec.

257.85 Administration of program.
257.86 Availability of loans.
257.87 Approved lending agencies.
257.88 Eligible producer.
257.89 Eligible commodity.
257.90 Eligible storage.
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257.105 Removal of the commodity.
257.106 Release of the commodity.
257.107 Storage allowance.
257.108 Purchase of notes.
257.109 Office of Director of Grain Branch.

AUTHORITY: §§ 257.85 to 257.109, inclusive, issued under Article Third, par. (b) of Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4, as amended, sec. 4 (a), 55 Stat. 498, 56 Stat. 768; 15 U. S. C. and Sup. 713 (a), 713a-8 (a).

§ 257.85 *Administration of program.* The program will be administered by the county agricultural conservation committees under the general supervision of the respective State committees. Forms may be obtained from county committees, or from the office of the Director of the Grain Branch, 208 South LaSalle Street, Chicago 4, Illinois. State and county committees will determine or cause to be determined the quantity and grade of the commodity and the amount of the loan. All loan documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however*, That the county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee. The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the Director of the Chicago Office of the Grain Branch to which loan documents may be forwarded for disbursement.

§ 257.86 *Availability of loans*—(a) *Area.* Loans will be made available to eligible producers on soybeans stored on the farm in approved storage facilities in the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and other States as may be approved by CCC except that loans will not be made on soybeans in Alabama, Arkansas, Connecticut, Florida, Georgia, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, Oklahoma, Rhode Island, South Carolina, Texas, and Vermont.

(b) *Time.* Loans will be available from harvest through January 31, 1947.

§ 257.87 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97) or other lending agency agreement prescribed by CCC.

§ 257.88 *Eligible producer.* An eligible producer shall be an individual,

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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partnership, association, corporation, or other legal entity producing the commodity in 1946, as landowner, landlord, tenant, or share cropper.

§ 257.89 *Eligible commodity.* Soybeans eligible for loans shall be of any class grading No. IV or better with respect to factors other than moisture, and having a moisture content not in excess of 14 percent, which were produced in 1946, the beneficial interest in which is in the producer and has always been in him or in him and a former producer whom he succeeded before the soybeans were harvested. Soybeans grading weevily, musty, sour, or which are heating or have any objectionable foreign odor, shall not be eligible for loan.

§ 257.90 *Eligible storage.* Eligible farm storage shall include structures meeting the requirements for safe storage as prescribed by the Field Service Branch.

§ 257.91 *Approved forms.* The approved forms constitute the loan documents which govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or in executing any of the loan documents will render him subject to prosecution under the United States Criminal Code.

(a) Approved forms for farm storage shall consist of producer's notes on C. C. C. Commodity Form A, secured by chattel mortgages on C. C. C. Commodity Form AA.

(b) Notes and chattel mortgages must be dated on or before January 31, 1947, and executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Notes and chattel mortgages executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

§ 257.92 *Determination of quantity.* Loans shall be made at values expressed in cents per bushel. A bushel shall be 60 pounds of soybeans free of dockage and foreign material in excess of 2 percent when determined by weight, or 1.25 cubic feet of soybeans testing 60 pounds per bushel, when determined by measurement. In determining the quantity of soybeans by measurement the following adjustment shall be made, fractional pounds of the test weight being disregarded:

For soybeans testing	*Percent*
60 pounds or over	100
59 pounds or over but less than 60	98
58 pounds or over but less than 59	97
57 pounds or over but less than 58	95
56 pounds or over but less than 57	93
55 pounds or over but less than 56	92
54 pounds or over but less than 55	90
53 pounds or over but less than 54	88
52 pounds or over but less than 53	87
51 pounds or over but less than 52	85
50 pounds or over but less than 51	83
49 pounds or over but less than 50	82

§ 257.93 *Determination of foreign material and dockage.* Dockage and foreign material other than dockage, which, singly or in combination total 2 percent or less shall not be deducted from the gross weight of the soybeans. If the total weight of foreign material and dockage combined is in excess of 2 percent, the excess shall be deducted from the total gross weight of soybeans in the determination of the net number of bushels of soybeans. For the purpose of this determination, dockage shall be computed in whole percents. Less than 1 percent actual dockage shall be disregarded and fractional percentages in excess of 1 percent shall be rounded to the next lower whole percent. Foreign material percentages shall be stated in tenths.

§ 257.94 *Liens.* The commodity must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the commodity, proper waivers must be obtained.

§ 257.95 *Service fees.* Where the commodity is farm-stored the producer shall pay a service fee of 1 cent per bushel.

§ 257.96 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lien-holders. Indebtedness owing to the CCC shall be given first consideration after claims of prior lien-holders.

§ 257.97 *Basic loan rates.* Basic loan rates, and settlement values where applicable, for the designated grades and subclasses are set out in 1946 C. C. C. Soybean Bulletins 1, Supplement 1.

§ 257.98 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 257.99 *Transfer of producer's equity.* The right of the producer to transfer his right to redeem the commodity or his remaining interest may be restricted by CCC.

§ 257.100 *Safeguarding of the commodity.* The producer is obligated to maintain the farm-storage structures in good repair, and to keep the commodity in good condition.

§ 257.101 *Insurance.* CCC will not require the producer to insure the commodity placed under farm-storage loan; however, if the producer does insure such commodity such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 257.102 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality to farm-stored commodity, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 257.103 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the commodity by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 257.104 *Maturity and satisfaction.* Loans mature on demand but not later than April 30, 1947. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity date, or to deliver the mortgaged commodity within 60 days after maturity date. Credit will be given for the total quantity delivered, provided it was stored in the cribs or bins in which the commodity under loan was stored, at the applicable settlement rate, according to grade and/or quality. If the settlement value of the commodity delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the commodity is less than the amount due on the loan, the amount of the deficiency, plus interest shall be paid by the producer to CCC, and may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from Commodity Credit Corporation or any other agency of the United States. In the event the

farm is sold or there is a change of tenancy, the commodity may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 257.105 *Removal of the commodity.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the commodity and sell it, either by separate contract or after pooling it with other lots of the same commodity similarly held. The producer has no right of redemption after the commodity is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. The Commodity Credit Corporation shall have the right to treat a pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 257.106 *Release of the commodity.* A producer may obtain release of the commodity by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, where Commodity Credit Corporation is the holder of the note, the local bank will be instructed to return the note if payment is not affected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial releases of the commodity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released.

§ 257.107 *Storage allowance.* No storage allowance shall be advanced at the time any farm-stored loan is made but a storage payment of 7 cents per bushel shall be made to the producer (a) if the soybeans are delivered to CCC on or after April 30, 1947, or (b) if, pursuant to demand by CCC for the repayment of the loan, the soybeans are delivered to the CCC prior to April 30, 1947, provided such demand for repayment was not due to any fraudulent representation on the part of the producer or to the fact that the soybeans or any part thereof, were converted, damaged, threatened with damage, abandoned, or otherwise impaired: If delivery is made prior to April 30, 1947, at the request of the producer with the consent or approval of CCC, a storage payment will be made on the quantity delivered in accordance with the following schedule, provided, the producer has not made any fraudulent representation, herein, in the chattel mortgage, or in connection with the loan:

6 cents per bushel if delivered during the month of April 1947.
5 cents per bushel if delivered during the month of March 1947.
4 cents per bushel if delivered during the month of February 1947.
3 cents per bushel if delivered during the month of January 1947.
2 cents per bushel if delivered during the month of December 1946.

No storage payment shall be earned if the soybeans are delivered prior to December 1946.

In the case of losses assumed by CCC, CCC will pay the producer the full storage payment of 7 cents per bushel for the soybeans lost, regardless of when the loss occurs.

§ 257.108 *Purchase of notes.* Commodity Credit Corporation will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by Commodity Credit Corporation will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of the purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on 1940 C. C. C. Form F, or such other form as CCC may prescribe, of all payments received on producer's notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the Grain Branch office serving the area.

§ 257.109 *Office of Director of Grain Branch.* The address of the office of the Director of the Grain Branch administering this loan program is, 208 South LaSalle Street, Chicago 4, Illinois.

Date program announced, September 25, 1946.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 47-242; Filed, Jan. 9, 1947; 8:53 a. m.]

[1946 C. C. C. Soybean Bulletin I (Purchases)]

PART 257—SOYBEAN LOANS AND PURCHASES

SUBPART 1946

This bulletin states the requirements with respect to the 1946 Soybean Purchase Program formulated by Commodity Credit Corporation (hereinafter referred to as C. C. C.) and the Production and Marketing Administration (hereinafter referred to as PMA). Purchases will be made on soybeans produced in 1946 (hereinafter referred to as "commodity") in accordance with this bulletin.

Sec.
257.110 Administration of program.
257.111 Availability of purchase.
257.112 Eligible producer.
257.113 Eligible commodity for purchase.
257.114 Basic purchase price.
257.115 Determination of quantity.
257.116 Foreign material and dockage.
257.117 Method of receiving soybeans.
257.118 Soybeans received by country warehouses approved under the Uniform Grain Storage Agreement.
257.119 Soybeans received by county committees.
257.120 Grade analysis.

AUTHORITY: §§ 257.110 to 257.120, inclusive, issued under Article Third, par. (b) of Corporate Charter of Commodity Credit Corporation; sec. 7 (a) 49 Stat. 4, as amended, sec. 4 (a), 55 Stat. 498, 56 Stat. 768; 15 U. S. C. and Sup. 713 (a), 713a-8 (a).

§ 257.110 *Administration of program.* The program will be administered by the county agricultural conservation committees under the general supervision of the respective State committees. Forms may be obtained from county committees, or from the office of the Director of the Grain Branch, 208 South La Salle Street, Chicago 4, Illinois. State and county committees will determine or cause to be determined the quantity and grade of the commodity and the amount of the purchase. All purchase documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however,* That the county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee. The county committee will furnish the seller with the address of the Grain Branch office in Chicago to which purchase documents may be forwarded for disbursement.

§ 257.111 *Availability of purchase—*(a) *Area.* Purchases will be made in all States.

(b) *Time.* Purchases will be made from harvest through June 30, 1947.

§ 257.112 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the commodity in 1946, as landowner, landlord, tenant, or share cropper.

§ 257.113 *Eligible commodity for purchase.* Soybeans eligible for purchase shall be soybeans of all classes and grades, which were produced in 1946, the beneficial interest in which is in the producer and has always been in him, or has been in him and a former producer whom he succeeded before the soybeans were harvested.

§ 257.114 *Basic purchase price.* Basic purchase prices, and settlement values where applicable, for the designated grades and subclasses are set out in 1946 C. C. C. Soybean Bulletins 1, Supplement 1.

(a) *Green damage odor.* Soybeans grading sample because of having an odor due to green damage or being sour due to green damage shall be purchased at rates for such soybeans had such odor(s) not been present.

(b) *Out-of-condition soybeans.* Soybeans grading weevily, sour (other than because of green damage), or musty, or which are heating or have a "commercially objectionable foreign odor" shall be subject to such discounts as may be agreed upon at the time of purchase.

§ 257.115 *Determination of quantity.* Purchases shall be made at values expressed in cents per bushel. A bushel shall be 60 pounds of soybeans free of dockage and foreign material in excess of 2 percent.

§ 257.116 *Foreign material and dockage.* Dockage and foreign material other than dockage, which, singly or in combination total 2 percent or less, shall not be deducted from the gross weight of the soybeans. Therefore, a net bushel shall be considered to be 60 pounds of soybeans containing not in excess of 2 percent dockage and foreign material. If the total weight of foreign material and dockage combined is in excess of 2 percent, the excess shall be deducted from the total gross weight of soybeans in the determination of the net number of bushels of soybeans. For the purpose of this determination, dockage shall be computed in whole percents. Less than 1.0 percent dockage shall be disregarded and fractional percentages shall be disregarded. Foreign material percentages shall be stated in tenths of a percent.

§ 257.117 *Method of receiving soybeans.* (a) Country warehousemen may receive soybeans for immediate shipment to processors, terminal warehousemen having contracts with CCC, or for storage in the elevator or CCC bins. In order to receive soybeans for CCC, a country warehouseman must have executed Uniform Grain Storage Agreement (CCC Form H) and supplements thereto. Approval by the county committee must be obtained before any soybeans are placed in CCC bins.

(b) County agricultural conservation committees may receive soybeans for storage in bins owned by CCC, storage in other facilities, or for shipment. However, soybeans shall not be stored in CCC bins if other facilities are available. No car shall be loaded without prior approval from the Director of the Chicago Office of the Grain Branch.

§ 257.118 *Soybeans received by country warehouses approved under the Uniform Grain Storage Agreement.* The country warehouseman shall receive soybeans and store them in his warehouse, or in CCC bins upon prior approval of, and under supervision of, the county committee; or shall receive and grade the soybeans for sale to processors or to terminal warehousemen who have contracts with CCC. Producers shall file an offer of sale memorandum (C. C. C. Purchase Form B) with the county committee listing all lien holders and containing lien waivers, and shall designate to whom the proceeds of the soybeans sold shall be paid in the case of saybeans sold to CCC.

(a) *Storage in warehouse for CCC.* The warehouseman shall issue separate warehouse receipts for each lot of soybeans stored for CCC showing the weight, moisture, class, and grade, and all other information necessary to determine the premiums and discounts. The warehouseman shall deliver to the producer said warehouse receipt and inspection certificates or upon request of the producer, the warehouseman shall deliver such warehouse receipt and inspection certificates to the county office. The county committee shall issue the producer a non-interest-bearing sight draft for each purchase. The information on the warehouse receipt or inspection certificate shall be transferred to the sight draft. The sight draft shall be prepared in triplicate, the original given to the producer, one copy retained by the county committee, and one copy mailed on the date of issuance to the State PMA office. The State committee will review the drafts and if found to be in order shall immediately forward such drafts to the Chicago Office of the Grain Branch. The sight draft and attachments may be presented to a local bank or direct to CCC for payment. Charges shall accrue against the warehouse receipts in accordance with the Uniform Grain Storage Agreement, except that the charge for handling the soybeans in and out of the warehouse shall be 5 cents per bushel. The warehouseman shall be responsible for weights and grades to CCC.

(b) *Storage in bins owned by CCC.* Eligible soybeans containing not more than 14 percent moisture and eligible soybeans grading sample (due to green damage only) and containing not more than 14 percent moisture and reasonably free from dockage and foreign material may be stored in bins owned by CCC upon prior approval by the county committee. All soybeans stored in CCC bins must be placed in the bins under the direct supervision of the committee. Soybeans to be stored in CCC bins for CCC should be segregated according to color, except that soybeans of Classes I and II which contain a total of less than 5 percent of Classes III and IV may be considered as the same color. If necessary, soybeans of the same color but different grades may be mixed. The warehouseman shall issue scale tickets and inspection certificates showing moisture, class, grade, and percent of damage where applicable, and deliver such tickets and inspection certificates to the producer or upon request from the producer deliver such scale tickets and inspection certificates to the county office. The county committee shall issue the producer a non-interest-bearing sight draft for each purchase in an amount due the producer for the quantity, quality, class, and grade of soybeans delivered. The information on the scale tickets or inspection certificates shall be transferred to the sight draft.

§ 257.119 *Soybeans received by county committees.* In areas where there are no approved warehousemen, country warehousemen, or warehousemen's agents available at usual shipping points or where warehousemen do not cooperate in the purchase program, the county committee or an agent designated by the county committee will receive soybeans and make immediate shipment or if necessary store in CCC bins.

Soybeans containing in excess of 14 percent moisture shall not be stored in CCC bins. However, producers may, by filing C. C. C. Purchase Form B with the county committee, deliver their soybeans for purchase to a point designated by the county committee, without first obtaining a grade determination, provided the soybeans do not have a moisture content in excess of 14 percent in the opinion of the producer and the county committee.

In the event the producer is requested by the county committee to deliver his soybeans to a point more distant than his usual delivery point for the purpose of assembling in carload lots, CCC will allow not more than 5 cents per ton per mile haul for the additional distance necessary to make such delivery. In no event shall the county committee approve payments for an additional haul in excess of 4 cents per bushel without prior approval of the Director of the Chicago Office of the Grain Branch. The approval of payment for additional mileage shall be submitted on C. C. C. Grain Form J (Revised) by the county committee to the State PMA office. The State committee will review the forms and if found to be in order shall immediately forward such forms to the Chicago Office of the Grain Branch for payment. The amount claimed for additional mileage shall not be included in the amount of the sight draft.

County committees will weigh and load soybeans into CCC bins and will obtain a representative sample which shall be forwarded to the State PMA laboratory or to an inspector licensed to grade soybeans. Upon receipt of the grade analysis which shall include an entry for all grade factors needed to determine purchase price, the county committee shall draw a non-interest-bearing sight draft in favor of the producer on CCC for the total purchase price of the beans delivered in the same manner and follow the same instructions as when the soybeans are placed in bins by the warehouseman.

§ 257.120 *Grade analysis.* Where requested by the producer the warehouseman shall furnish the producer a complete grade analysis which shall include class, grade, test weight, moisture, percentage of splits, percentage of total damage, percentage of green damage, percentage of foreign material other than dockage, percentage of brown and/or black soybeans in case green or yellow soybeans are being offered for sale, and percentage of dockage.

If the warehouse is not equipped to furnish all grade factors, a representative sample of the soybeans delivered shall be taken by the warehouseman and producer and sent to the State PMA office laboratory, or to an inspector licensed to grade soybeans, for grade determina-

tion before any payment is made to the producer.

All settlements with the producer by the county agricultural conservation committee shall be based upon an agreement as to grade factors between the warehouseman and producer.

The producer may call for another grade if, in his opinion, any grade factors furnished by the warehouseman are incorrect. In such cases, a representative sample taken by the warehouseman and producer shall be forwarded to a qualified licensed inspector for analysis, and settlement shall then be made on the basis of such analysis. The individual requesting the second grade shall pay the cost of obtaining grade determination.

Date program announced. September 25, 1946.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 47-243; Filed, Jan. 9, 1947; 8:54 a. m.]

[1946 C. C. C. Soybean Bulletins 1, Supp. 1]

PART 257—SOYBEAN LOANS AND PURCHASES

SUBPART—1946

Pursuant to the provisions of Article Third, paragraph (b) of the Corporate Charter of Commodity Credit Corporation; section 7 (a) of the Act of January 31, 1935, as amended (15 U. S. C. Sup. V, 713 (a)); section 4 (a) of the Act of July 1, 1941, as amended (55 Stat. 498, 56 Stat. 768, 15 U. S. C., Sup. V, 713a-8 (a)), Commodity Credit Corporation and the Production and Marketing Administration have authorized the making of loans and purchases of soybeans produced in 1946 in accordance with the regulations in this part (1946 C. C. C. Soybean Bulletin 1 (Purchase), and 1946 C. C. C. Soybean Bulletin 1 (Loans)), §§ 257.85 to 257.120, inclusive. Such regulations are hereby supplemented as follows:

Section 257.97 *Basic loan rate*, is supplemented by adding to the end thereof the following:

(a) *Rates and specifications.* The basic loan rate per net bushel of eligible Class I (Yellow) and Class II (Green) soybeans, containing 14 percent moisture and grading No. 2 or better except for green damage in accordance with U. S. Grain Standards, stored in approved farm storage or sold and delivered to normal delivery points, shall be $2.04 per bushel.

The basic rate of Class III (Brown), Class IV (Black) and Class V (Mixed) soybeans shall be 20 cents per bushel less than the comparable basic rate for Class I and Class II soybeans.

Mixtures of Classes I and II eligible soybeans which contain 5 percent (actual) or less of Classes III and IV soybeans and bi-colored soybeans, either singly or in combination, shall take the applicable rate for Classes I and II soybeans. If more than 5 percent of Classes III and IV and bi-colored soybeans, either singly or in combination, are contained in a mixture of eligible soybeans which otherwise would take the rate for Classes I and II soybeans, the mixture shall take the applicable rate for Classes III, IV, and V soybeans. Mixtures of green soybeans in Class I and yellow soybeans in Class II shall be disregarded for purposes of determining applicable loan rates.

(b) *Premiums and discounts.* Premiums and discounts for soybeans from the basic loan rate shall be in accordance with the attached schedule.

Section 257.114 *Basic purchase price*, is supplemented in that the purchase rates, specifications, premiums, and discounts shall be the loan rates, etc., as set forth in paragraphs (a) and (b) of § 257.97.

(Article Third, par. (b) Corporate Charter of Commodity Credit Corp.; sec. 7a, 49 Stat. 4, as amended; sec. 4a, 55 Stat. 498; 56 Stat. 768; 15 U. S. C. and Sup., 713 (a), 713a-8 (a))

Date program announced, September 25, 1946.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

SCHEDULE OF PREMIUMS AND DISCOUNTS FROM BASIC LOAN AND PURCHASE PRICE FOR 1946 CROP SOYBEANS

Test weight [1]		Moisture [1]		Splits		Damage other than green (total damage minus green damage)				Green damage in excess of 3 percent total damage [2]	
Pounds	Cents	Percent	Cents	Percent	Cents	Percent	Cents	Percent	Cents	Percent	Cents
Discounts		*Premiums*		*Discounts*		*Discounts*		*Discounts*		*Discounts*	
53.0	½	Below 11.3	6	15.1-20.0, both incl.	¼	4.0	½	7.0	2	0.6-1.5, both incl.	0.2
52.0	1	11.3-11.7, both incl.	5	20.1-25.0	½	5.0	1	8.0	2½	1.6-2.5	.4
51.0	1½	11.8-12.2	4	25.1-30.0	¾	6.0	1½			2.6-3.5	.6
50.0	2	12.3-12.7	3							3.6-4.5	.8
49.0	2½	12.8-13.2	2	Above 30 percent—No loan		Above 8.5 percent—No loan				4.6-5.5	1
		13.3-13.7	1							5.6-6.5	1.2
Below 49 pounds—No loan										6.6-7.5	1.4
		Above 14.2 percent—No loan		30.1-35.0, both incl	1	9.0	3	39.0	25	7.6-8.5	1.6
48.0	3			35.1-40.0	1¼	10.0	3½	40.0	26	8.6-9.5	1.8
47.0	3½	*Discounts*		40.1-45.0	1½	11.0	4	41.0	27	9.6-10.5	2
46.0	4	14.3-14.7, both incl.	1½	45.1-50.0	1¾	12.0	4½	42.0	28	10.6-11.5	2.2
45.0	4½	14.8-15.2	3	50.1-55.0	2	13.0	5	43.0	29	11.6-12.5	2.4
44.0	5	15.3-15.7	4½	55.1-60.0	2¼	14.0	5½	44.0	30	12.6-13.5	2.6
43.0	5½	15.8-16.2	6	60.1-65.0	2½	15.0	6	45.0	31	13.6-14.5	2.8
42.0	6	16.3-16.7	7½	65.1-70.0	2¾	16.0	6½	46.0	32	14.6-15.5	3
41.0	6½	16.8-17.2	9	70.1-75.0	3	17.0	7	47.0	33	15.6-16.5	3.2
40.0	7	17.3-17.7	10½	75.1-80.0	3¼	18.0	7½	48.0	34	16.6-17.5	3.4
Continue ½ cent discount for each pound or fraction thereof.		17.8-18.2	12	80.1-85.0	3½	19.0	8	49.0	35	17.6-18.5	3.6
		18.3-18.7	14	85.1-90.0	3¾	20.0	8½	50.0	36	18.6-19.5	3.8
		18.8-19.2	16	90.1-95.0	4	21.0	9	51.0	37	19.6-20.5	4
		19.3-19.7	18	95.1-100.0	4½	22.0	9½	52.0	38		
		19.8-20.2	20			23.0	10	53.0	39		
		20.3-20.7	22			24.0	10½	54.0	40		
		20.8-21.2	24			25.0	11	55.0	41		
		21.3-21.7	26			26.0	12	56.0	42		
		21.8-22.2	28			27.0	13	57.0	43		
		Continue 2 cents discount for each ½ percent.				28.0	14	58.0	44		
						29.0	15	59.0	45		
						30.0	16	60.0	46		
						31.0	17	61.0	47½		
						32.0	18	62.0	49		
						33.0	19	63.0	50½		
						34.0	20	64.0	52		
						35.0	21	65.0	53½		
						36.0	22				
						37.0	23	Continue 1½ cents discount for each 1 percent.		Continue 2 cents discount for each 1 percent.	
						38.0	24				

[1] Round down to nearest pound. (Drop fractions.)
[2] Round to nearest ½ percent.
[3] Round to nearest 1 percent. (Drop fraction of .5)

[F. R. Doc. 47-244; Filed, Jan. 9, 1947; 8:53 a. m.]

[1946 C. C. C. Barley Bulletin 1]

PART 264—BARLEY LOANS

SUBPART—1946

This bulletin states the requirements with respect to the 1946 Barley Loan Program formulated by Commodity Credit Corporation and the Production and Marketing Administration. Loans will be made available on barley produced in 1946 (hereinafter referred to as the "commodity") in accordance with this bulletin.

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AUTHORITY: §§ 264.30 to 264.54, inclusive, issued pursuant to Article Third, par. (b) of Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4, as amended, sec. 302 (a), 52 Stat. 48, as amended, sec. 4 (b) 55 Stat. 498, 56 Stat. 768; 15 U. S. C., and Sup., 713 (a), 713a-8 (b), 7 U. S. C. 1302 (a).

§ 264.30 *Administration of program.* The program will be administered by the county agricultural conservation committees under the general supervision of the respective State committees.

Forms may be obtained from county committees in areas where loans are available, or from the office of the director of the Grain Branch serving the area. State and county committees will determine or cause to be determined the quantity and grade of the commodity and the amount of the loan. All loan documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however,* That the county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the Grain Branch office to which loan documents may be forwarded for disbursement.

§ 264.31 *Availability of loans.* Loans will be available on eligible barley stored in approved public grain warehouses or in acceptable storage structures located on farms.

(a) *Areas in which loans will be made.* Loans will be made on eligible barley stored in approved public grain warehouses wherever located.

Loans are available on eligible barley stored on farms in the following areas:

All counties in the States of Arizona, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and in the following counties of Oklahoma and Texas:

Oklahoma: Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, McClain, Major, Mayes, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie, Roger Mills, Rogers, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

Texas: Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Callahan, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Coleman, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Runnels, Scurry, Shakelford, Sherman, Stonewall, Swisher, Taylor, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, and Young.

(b) *Time.* Loans shall be available from harvest through December 31, 1946.

§ 264.32 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the Commodity Credit Corporation has entered into a Lending Agency Agreement (Form PMA-97) or other lending agency agreement prescribed by Commodity Credit Corporation.

§ 264.33 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the commodity in 1946, as landowner, landlord, tenant, or share cropper.

§ 264.34 *Eligible commodity.* Barley of any class grading No. 5 or better which was produced in 1946, the beneficial interest in which is now in the producer and always has been in him, or has been in him and a former producer whom he succeeded before the barley was harvested, shall be eligible as collateral for such loans. Barley grading tough, stained, blighted, smutty, garlicky, weevily, ergotty, or bleached shall not be eligible for loan.

(a) *When stored on farms.* Barley stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, except as approved by State committees and regional directors of the Field Service Branch of Production and Marketing Administration. Barley containing in excess of 14 percent moisture shall not be eligible for farm-storage loans.

(b) *When stored in warehouses.* Loans will be made only on insured negotiable warehouse receipts covering eligible barley pledged as collateral issued by any public grain warehouse which has executed the Uniform Grain Storage Agreement, as amended, and has been approved by the Grain Branch.

§ 264.35 *Eligible storage.* Loans will be made on eligible barley stored in approved public grain warehouses or in acceptable storage structures located on farms.

(a) *Farm.* Farm-storage structures shall meet the requirements as determined by the Field Service Branch.

(b) *Warehouse.* Eligible warehouse storage shall include public grain warehouses which meet the requirements of Commodity Credit Corporation and which have executed the Uniform Grain Storage Agreement. Warehousemen desiring approval should communicate with the director of the office of the Grain Branch serving the area in which the warehouse is located. A list of approved warehouses will be furnished State and county committees by directors of Grain Branch offices.

§ 264.36 *Approved forms.* The approved forms constitute the loan documents which govern the right and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or in executing any of the loan documents will render him subject to prosecution under the United States Criminal Code.

(a) Approved forms for farm storage shall consist of producer's notes, C. C. C. Commodity Form A, secured by chattel mortgages, C. C. C. Commodity Form AA.

(b) Approved forms for warehouse storage shall consist of note and loan agreements, C. C. C. Commodity Form B, secured by negotiable warehouse receipts representing the commodity stored in approved warehouses.

Warehouse receipts must be issued in the name of the producer, must be dated on or prior to the date of the related note, must be properly assigned by an endorsement in blank so as to vest title in the holder, and must be issued by an approved warehouseman. Unless the warehouse receipts are stamped or printed "insured" there must be attached and included in the certificate of the warehouseman a statement that the barley is insured for not less than the market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for handling and storage charges will be recognized only from May 15, 1946, or the date of the warehouse receipt, whichever is later. Such receipts must set out in their written or printed terms the gross weight, the grade, class, subclass, test weight, and all other factors and statements required to be stated in the written or printed terms of negotiable warehouse receipts under the provisions of section 2 of the Uniform Warehouse Receipts Acts or be accompanied by a certificate of the warehouseman, identified with such warehouse receipt, setting out such information, and shall

be based on the in-bound movement or delivery of the barley to the warehouse.

(c) Notes and note and loan agreements must be dated prior to January 1, 1947, and executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Notes and note and loan agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

§ 264.37 *Determination of quantity of barley.* A bushel shall be 48 pounds of clean barley free of dockage when determined by weight, or 1.25 cubic feet of barley testing 48 pounds per bushel when determined by measurement. In determining the quantity of barley in farm storage by measurement, fractional pounds of the bushel test weight will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 48-pound barley:

For barley testing	*Percent*
48 pounds or over	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75
35 pounds or over, but less than 36 pounds	73

§ 264.38 *Determination of dockage.* Determination of dockage shall be made on the basis of a representative sample analyzed by an approved laboratory in accordance with the Official Grain Standards of the United States.

§ 264.39 *Liens.* The commodity must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the commodity, proper waivers must be obtained.

§ 264.40 *Service fees.* Where the commodity is farm-stored the producer shall pay a service fee of 1 cent per bushel; and where the commodity is warehouse-stored the producer shall pay a service fee of ½ cent per bushel.

§ 264.41 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. Indebtedness owing to the Commodity Credit Corporation shall be given first consideration after claims of prior lien-holders.

§ 264.42 *Loan rates*—(a) *Basic loan rate at terminal markets.* 1946 loan rates per bushel for No. 1 barley stored in approved public grain warehouses at the following terminal markets shall be as follows:

Market	*Loan rate per. bu.*
Kansas City, Mo.; Omaha, Nebr.; and Minneapolis, Minn	$0.93
Chicago, Ill.; and St. Louis, Mo	.97
Memphis, Tenn	1.03
Philadelphia, Pa.; and Baltimore, Md	1.08
Portland, Oreg.; Los Angeles and San Francisco, Calif	1.00

All barley eligible for loan at the foregoing loan rates must have been shipped on a domestic freight rate basis. The loan rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic rate on any barley shipped at other than the domestic rate.

The foregoing schedule of loan rates applies to barley delivered to any of the above designated terminal markets in carload lots which have been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required herein: *Provided*, That, in the event the amount of paid-in freight is insufficient to guarantee minimum proportional rate from the terminal market, there shall be deducted from the applicable terminal loan rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee minimum proportional basis on the outbound movement: *And provided further*, That Commodity Credit Corporation will accept in lieu of such bills, warehouse receipts on which a statement, signed by the warehouseman, has been typed in the form hereinafter set forth or a certificate of the warehouseman containing such a certification or such other form of certification as may be approved by Commodity Credit Corporation. A deduction of 6 cents per bushel shall be made if evidence is not submitted that paid freight bills have been registered for transit privileges.

FREIGHT CERTIFICATE FOR TERMINALS

The barley represented by attached warehouse receipt No. _____ was received by rail freight from _____ (Town) _____ (County) _____ point of origin, as evidenced (State) by freight bill described as follows: Way Bill, Date _____ No. _____ Car No. _____ Int. _____ Freight Bill, Date _____ No. _____ Carrier _____ Transit Weight _____ Freight Rate in _____ Amount Collected _____ Number Unused Transit Stops _____.

The above-described paid freight bills have been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

_____
Date of Signature

_____
Warehouseman's Signature

_____
Address

Barley trucked to a designated terminal market and stored in a warehouse shall have a loan rate equal to the higher of (1) the terminal loan rate minus 6 cents per bushel, or, (2) the county loan rate for the county in which the barley is stored.

(b) *Basic loan rates at country points.* Commodity Credit Corporation will determine county loan rates on barley in storage on the farm or in country warehouses by deducting from the designated terminal market loan value an amount equal to 4 cents more than the applicable county average freight rate, plus freight tax, to such terminal market.

Each approved warehouse will be advised as to the loan rate applicable to barley stored in such warehouse. Producers may obtain from their respective county committees the loan rates applicable to barley stored on farms and in the public warehouses.

The loan rate for eligible barley stored in approved warehouses (other than those situated in the designated terminal markets) which was shipped by rail may be determined by deducting from the appropriate designated terminal market loan value an amount equal to the transit balance of the through freight rate from point of origin for such barley to such terminal market, plus freight tax on such transit balance; *Provided*, That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line or other costs, as determined by Commodity Credit Corporation, incurred in storing loan barley in such position. Arrangements have been made for the railroads to indicate transit balance of the through rate on the in-bound paid freight bills on a basis of 100 pounds. To obtain the loan rate as determined above, the warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges; *Provided*, That Commodity Credit Corporation will accept in lieu of such bills a statement signed by the warehouseman typed on the warehouse receipt, or on a supplemental certificate containing the certification set forth in paragraph (a) of this section, with the following additional information added:

Transit Balance, if any, of through freight rate to _____ of _____ per 100 pounds.

(c) *Variations for grades.* The loan rate for No. 2 shall be 2 cents per bushel less than for No. 1. The loan rate for No. 3 shall be 5 cents per bushel less than for No. 1. The loan rate for No. 4 shall be 8 cents per bushel less than for No. 1. The loan rate for No. 5 shall be 15 cents per bushel less than for No. 1. In addition, there shall be a discount of 2 cents per bushel for "mixed" barley.

(d) *County loan rates.* (1) Seven cents per bushel shall be deducted from the applicable loan rate for barley stored in warehouses unless evidence of prepaid storage is submitted.

(2) Barley trucked to a designated terminal market and stored in a warehouse shall have a loan rate equal to the higher of (i) the terminal loan rate minus 6 cents per bushel, or (ii) the county loan rate for the county in which the barley is stored. (Subparagraph (1) also applies to terminal market storage.)

ARIZONA

County	*No. 1 Barley*	*County*	*No. 1 Barley*
Apache	$0.80	Mohave	$0.80
Cochise	.80	Navajo	.80
Coconino	.80	Pima	.84
Gila	.80	Pinal	.81
Graham	.80	Santa Cruz	.81
Greenlee	.80	Yavapai	.80
Maricopa	.86	Yuma	.87

CALIFORNIA

Alameda	$0.93	San Benito	$0.91
Butte	.89	San Bernardino	.91
Colusa	.90	San Diego	.89
Contra Costa	.94	San Joaquin	.92
El Dorado	.89	San Luis Obispo	.90
Fresno	.90	San Mateo	.94
Glenn	.89	Santa Barbara	.90
Humboldt	.87	Santa Clara	.93
Imperial	.90	Santa Cruz	.92
Kern	.90	Shasta	.87
Kings	.90	Sierra	.83
Lassen	.83	Siskiyou	.83
Los Angeles	.94	Solano	.93
Madera	.91	Sonoma	.92
Marin	.93	Stanislaus	.92
Mendocino	.90	Sutter	.90
Merced	.91	Tehama	.88
Modoc	.81	Tulare	.90
Monterey	.91	Ventura	.93
Napa	.92	Yolo	.91
Orange	.92	Yuba	.90
Placer	.90		
Plumas	.83		
Riverside	.91		
Sacramento	.90		

COLORADO

All counties $0.77 per bushel for No. 1 Barley.

IDAHO

County	*No. 1 Barley*	*County*	*No. 1 Barley*
Ada	$0.80	Gem	$0.80
Adams	.80	Gooding	.80
Bannock	.80	Idaho	.83
Bear Lake	.80	Jefferson	.80
Benewah	.84	Jerome	.80
Bingham	.80	Kootenai	.84
Blaine	.80	Latah	.84
Boise	.80	Lemhi	.80
Bonner	.83	Lewis	.83
Bonneville	.80	Lincoln	.80
Boundary	.82	Madison	.80
Butte	.80	Minidoka	.80
Camas	.80	Nes Perce	.84
Canyon	.80	Oneida	.80
Caribou	.80	Owyhee	.80
Cassia	.80	Payette	.80
Clark	.80	Power	.80
Clearwater	.84	Shoshone	.83
Custer	.80	Teton	.80
Elmore	.80	Twin Falls	.80
Franklin	.80	Valley	.80
Fremont	.80	Washington	.80

ILLINOIS

Adams	$0.87	Coles	$0.87
Alexander	.86	Cook	.90
Bond	.88	Crawford	.87
Boone	.87	Cumberland	.87
Brown	.87	De Kalb	.88
Bureau	.87	De Witt	.87
Calhoun	.87	Douglas	.87
Carroll	.87	Du Page	.89
Cass	.87	Edgar	.87
Champaign	.87	Edwards	.87
Christian	.87	Effingham	.87
Clark	.87	Fayette	.87
Clay	.87	Ford	.87
Clinton	.88	Franklin	.87

ILLINOIS—continued

County	*No. 1 Barley*	*County*	*No. 1 Barley*
Fulton	$0.87	Menard	$0.87
Gallatin	.86	Mercer	.86
Greene	.87	Monroe	.88
Grundy	.88	Montgomery	.87
Hamilton (E)[1]	.87	Morgan	.87
Hamilton (W)[1]	.87	Moultrie	.87
Hancock	.86	Ogle	.87
Hardin	.86	Peoria	.87
Henderson	.86	Perry	.87
Henry	.87	Platt	.87
Iroquois	.88	Pike	.87
Jackson	.87	Pope	.86
Jasper	.87	Pulaski	.86
Jefferson	.87	Putnam	.87
Jersey	.88	Randolph	.87
Jo Daviess	.87	Richland	.87
Johnson	.86	Rock Island	.87
Kane	.89	St. Clair	.89
Kankakee	.88	Saline	.86
Kendall	.88	Sangamon	.87
Knox	.87	Schuyler	.87
Lake	.90	Scott	.87
La Salle	.87	Shelby	.87
Lawrence	.87	Stark	.87
Lee	.87	Stephenson	.87
Livingston	.87	Tazewell	.87
Logan	.87	Union	.86
McDonough	.86	Vermilion	.87
McHenry	.88	Wabash	.87
McLean	.87	Warren	.87
Macon	.87	Washington	.88
Macoupin	.88	Wayne	.87
Madison	.89	White	.87
Marion	.87	Whiteside	.87
Marshall	.87	Will	.89
Mason	.87	Williamson	.87
Massac	.86	Winnebago	.87
		Woodford	.87

INDIANA

Adams	$0.90	Lawrence	$0.88
Allen	.90	Madison	.90
Bartholomew	.89	Marion	.89
Benton	.88	Marshall	.89
Blackford	.90	Martin	.87
Boone	.89	Miami	.89
Brown	.89	Monroe	.89
Carroll	.89	Montgomery	.89
Cass	.89	Morgan	.89
Clark	.89	Newton	.88
Clay	.88	Noble	.90
Clinton	.89	Ohio	.90
Crawford	.88	Orange	.88
Daviess	.87	Owen	.88
Dearborn	.90	Parke	.88
Decatur	.90	Perry	.88
De Kalb	.90	Pike	.87
Delaware	.90	Porter	.89
Dubois	.87	Posey	.87
Elkhart	.89	Pulaski	.89
Fayette	.90	Putnam	.89
Floyd	.89	Randolph	.90
Fountain	.88	Ripley	.90
Franklin	.91	Rush	.90
Fulton	.89	St. Joseph	.89
Gibson	.87	Scott	.89
Grant	.90	Shelby	.90
Greene	.87	Spencer	.88
Hamilton	.90	Starke	.89
Hancock	.90	Stueben	.90
Harrison	.88	Sullivan	.87
Hendricks	.89	Switzerland	.90
Henry	.90	Tippecanoe	.89
Howard	.89	Tipton	.90
Huntington	.90	Union	.90
Jackson	.89	Vandenburgh	.88
Jasper	.88	Vermillion	.88
Jay	.90	Vigo	.88
Jefferson	.89	Wabash	.89
Jennings	.89	Warren	.88
Johnson	.89	Warrick	.88
Knox	.87	Washington	.89
Kosciusko	.89	Wayne	.90
Lagrange	.90	Wells	.90
Lake	.89	White	.89
La Porte	.89	Whitley	.89

[1] County divided.

IOWA

County	*No. 1 Barley*	*County*	*No. 1 Barley*
Adair	$0.83	Johnson	$0.85
Adams	.83	Jones	.86
Allamakee	.84	Keokuk	.84
Appanoose	.84	Kossuth	.83
Audubon	.84	Lee	.86
Benton	.85	Linn	.85
Black Hawk	.84	Louisa	.85
Boone	.83	Lucas	.83
Bremer	.83	Lyon	.82
Buchanan	.84	Madison	.83
Buena Vista	.82	Mahaska	.83
Butler	.83	Marion	.83
Calhoun	.83	Marshall	.83
Carroll	.83	Mills	.85
Cass	.83	Mitchell	.83
Cedar	.86	Monona	.84
Cerro Gordo	.83	Monroe	.84
Cherokee	.83	Montgomery	.84
Chickasaw	.83	Muscatine	.86
Clarke	.83	O'Brien	.83
Clay	.82	Osceola	.82
Clayton	.84	Page	.84
Clinton	.86	Palo Alto	.82
Crawford	.84	Plymouth	.83
Dallas	.83	Pocahontas	.84
Davis	.85	Polk	.83
Decatur	.83	Pottawattamie (E)[1]	.85
Delaware	.85	Pottawattamie (W)[1]	.85
Des Moines	.86	Poweshiek	.84
Dickinson	.82	Ringgold	.83
Dubuque	.85	Sac	.83
Emmet	.82	Scott	.86
Fayette	.84	Shelby	.84
Floyd	.83	Sioux	.83
Franklin	.83	Story	.83
Fremont	.85	Tama	.84
Greene	.83	Taylor	.83
Grundy	.83	Union	.83
Guthrie	.83	Van Buren	.85
Hamilton	.83	Wapello	.84
Hancock	.83	Warren	.83
Hardin	.83	Washington	.85
Harrison	.85	Wayne	.83
Henry	.85	Webster	.83
Howard	.83	Winnebago	.82
Humboldt	.83	Winneshiek	.84
Ida	.83	Woodbury	.83
Iowa	.84	Worth	.83
Jackson	.86	Wright	.83
Jasper	.83		
Jefferson	.84		

KANSAS

Allen	$0.83	Gray	$0.79
Anderson	.83	Greeley	.78
Atchison	.84	Greenwood	.82
Barber	.80	Hamilton	.78
Barton	.80	Harper	.80
Bourbon	.83	Harvey	.81
Brown	.83	Haskell	.78
Butler	.81	Hodgeman	.79
Chase	.82	Jackson	.83
Chautauqua	.82	Jefferson	.84
Cherokee	.82	Jewell	.81
Cheyenne	.78	Johnson	.85
Clark	.78	Kearny	.78
Clay	.81	Kingman	.80
Cloud	.81	Kiowa	.80
Coffey	.83	Labette	.82
Comanche	.79	Lane	.79
Cowley	.81	Leavenworth	.85
Crawford	.83	Lincoln	.80
Decatur	.79	Linn	.83
Dickinson	.81	Logan	.78
Doniphan	.83	Lyon	.82
Douglas	.84	McPherson	.80
Edwards	.80	Marion	.81
Elk	.82	Marshall	.82
Ellis	.80	Meade	.78
Ellsworth	.80	Miami	.84
Finney	.78	Mitchell	.80
Ford	.79	Montgomery	.82
Franklin	.84	Morris	.82
Geary	.82	Morton	.77
Gove	.79	Nemaha	.83
Graham	.80	Neosho	.83
Grant	.78	Ness	.79

KANSAS—continued

County	No. 1 Barley	County	No. 1 Barley
Norton	$0.80	Seward	$0.78
Osage	.83	Shawnee	.83
Osborne	.80	Sheridan	.79
Ottawa	.81	Sherman	.78
Pawnee	.80	Smith	.80
Phillips	.80	Stafford	.80
Pottawatomie	.82	Stanton	.77
Pratt	.80	Stevens	.77
Rawlins	.78	Sumner	.81
Reno	.80	Thomas	.78
Republic	.81	Trego	.79
Rice	.89	Wabaunsee	.82
Riley	.82	Wallace	.78
Rooks	.80	Washington	.82
Rush	.80	Wichita	.78
Russell	.80	Wilson	.82
Saline	.81	Woodson	.83
Scott	.78	Wyandotte	.85
Sedgwick	.81		

MICHIGAN

Alcona	$0.86	Keweenaw	$0.82
Alger	.85	Lake	.88
Allegan	.89	Lapeer	.90
Alpena	.86	Leelanau	.86
Antrim	.86	Lenawee	.91
Arenac	.87	Livingston	.90
Baraga	.85	Luce	.86
Barry	.89	Mackinac	.86
Bay	.89	Macomb	.92
Benzie	.87	Manistee	.87
Berrien	.89	Marquette	.85
Branch	.89	Mason	.89
Calhoun	.89	Mecosta	.89
Cass	.89	Menominee	.85
Charlevoix	.86	Midland	.89
Cheboygan	.86	Missaukee	.87
Chippewa	.86	Monroe	.92
Clare	.89	Montcalm	.89
Clinton	.89	Montmorency	.86
Crawford	.87	Muskegon	.89
Delta	.86	Newaygo	.89
Dickinson	.85	Oakland	.91
Eaton	.89	Oceana	.89
Emmet	.86	Ogemaw	.87
Genesee	.90	Ontonagon	.85
Gladwin	.88	Osceola	.88
Gogebic	.85	Oscoda	.86
Grand Traverse	.86	Otsego	.86
Gratiot	.89	Ottawa	.89
Hillsdale	.90	Presque Isle	.86
Houghton	.85	Roscommon	.87
Huron	.90	Saginaw	.90
Ingham	.90	St. Clair	.92
Ionia	.89	St. Joseph	.89
Iosco	.87	Sanilac	.90
Iron	.85	Schoolcraft	.86
Isabella	.89	Shiawassee	.90
Jackson	.90	Tuscola	.90
Kalamazoo	.89	Van Buren	.89
Kalkaska	.86	Washtenaw	.91
Kent	.89	Wayne	.92
		Wexford	.87

MINNESOTA

Aitkin	$0.83	Fillmore	$0.83
Anoka	.85	Freeborn	.83
Becker	.81	Goodhue	.83
Beltrami	.80	Grant	.82
Benton	.83	Hennepin	.85
Big Stone	.82	Houston	.83
Blue Earth	.83	Hubbard	.81
Brown	.83	Isanti	.84
Carlton	.83	Itasca	.82
Carver	.85	Jackson	.82
Cass	.81	Kanabec	.83
Chippewa	.83	Kandiyohi	.83
Chisago	.84	Kittson	.77
Clay	.81	Koochiching	.80
Clearwater	.80	Lac Qui Parle	.82
Cook	.81	Lake	.81
Cottonwood	.83	Lake of the Woods	.78
Crow Wing	.82	Le Sueur	.84
Dakota	.85	Lincoln	.82
Dodge	.83	Lyon	.82
Douglas	.83	McLeod	.84
Faribault	.83		

MINNESOTA—continued

County	No. 1 Barley	County	No. 1 Barley
Mahnomen	$0.80	Rock	$0.81
Marshall	.78	Roseau	.77
Martin	.83	St. Louis	.82
Meeker	.83	Scott	.85
Mille Lacs	.83	Sherburne	.84
Morrison	.83	Sibley	.83
Mower	.83	Stearns	.83
Murray	.82	Steele	.83
Nicollet	.83	Stevens	.82
Nobles	.81	Swift	.83
Norman	.80	Todd	.83
Olmsted	.83	Traverse	.81
Otter Tail	.82	Wabasha	.83
Pennington	.79	Wadena	.82
Pine	.83	Waseca	.83
Pipestone	.81	Washington	.84
Polk	.79	Watonwan	.83
Pope	.83	Wilkin	.81
Ramsey	.85	Winona	.83
Red Lake	.79	Wright	.84
Redwood	.83	Yellow Medicine	.82
Renville	.83		
Rice	.84		

MISSOURI

Adair	$0.85	Linn	$0.85
Andrew	.84	Livingston	.84
Atchison	.83	McDonald	.82
Audrain	.87	Macon	.85
Barry	.82	Madison	.87
Barton	.83	Maries	.87
Bates	.83	Marion	.87
Benton	.84	Mercer	.83
Bollinger	.86	Miller	.85
Boone	.87	Mississippi	.84
Buchanan	.84	Moniteau	.86
Butler	.86	Monroe	.86
Caldwell	.84	Montgomery	.87
Callaway	.87	Morgan	.85
Camden	.85	New Madrid	.84
Cape Girardeau	.86	Newton	.82
Carroll	.85	Nodaway	.83
Carter	.84	Oregon	.82
Cass	.84	Osage	.87
Cedar	.83	Ozark	.82
Chariton	.85	Pemiscot	.84
Clark	.86	Perry	.87
Clay	.85	Pettis	.85
Clinton	.84	Phelps	.86
Cole	.86	Pike	.87
Cooper	.86	Platte	.85
Crawford	.87	Polk	.83
Dade	.83	Pulaski	.86
Dallas	.83	Putnam	.83
Daviess	.84	Ralls	.87
De Kalb	.84	Randolph	.86
Dent	.86	Ray	.85
Douglas	.82	Reynolds	.84
Dunklin	.84	Ripley	.84
Franklin	.88	St. Charles	.89
Gasconade	.87	St. Claire	.83
Gentry	.83	St. Francois	.87
Greene	.83	St. Louis	.90
Grundy	.84	Ste. Genevieve	.87
Harrison	.83	Saline	.85
Henry	.83	Schuyler	.85
Hickory	.83	Scotland	.86
Holt	.83	Scott	.85
Howard	.86	Shannon	.82
Howell	.82	Shelby	.86
Iron	.86	Stoddard	.85
Jackson	.85	Stone	.82
Jasper	.83	Sullivan	.84
Jefferson	.88	Taney	.82
Johnson	.84	Texas	.82
Knox	.86	Vernon	.83
Laclede	.84	Warren	.88
Lafayette	.86	Washington	.87
Lawrence	.82	Wayne	.86
Lewis	.87	Webster	.83
Lincoln	.88	Worth	.83
		Wright	.83

MONTANA

All counties $0.77 per bushel for No. 1 Barley.

NEBRASKA

County	No. 1 Barley	County	No. 1 Barley
Adams	$0.82	Jefferson	$0.83
Antelope	.82	Johnson	.83
Arthur	.79	Kearney	.81
Banner	.77	Keith	.79
Blaine	.80	Keya Paha	.80
Boone	.83	Kimball	.77
Box Butte	.77	Knox	.82
Boyd	.81	Lancaster	.84
Brown	.79	Lincoln	.79
Buffalo	.82	Logan	.80
Burt	.84	Loup	.80
Butler	.84	McPherson	.79
Cass	.85	Madison	.83
Cedar	.82	Merrick	.83
Chase	.78	Morrill	.77
Cherry	.79	Nance	.83
Cheyenne	.77	Nemaha	.83
Clay	.82	Nuckolls	.82
Colfax	.84	Ottoe	.84
Cuming	.83	Pawnee	.83
Custer	.80	Perkins	.79
Dakota	.83	Phelps	.81
Dawes	.77	Pierce	.83
Dawson	.81	Platte	.83
Deuel	.78	Polk	.83
Dixon	.83	Redwillow	.79
Dodge	.84	Richardson	.83
Douglas	.85	Rock	.80
Dundy	.78	Saline	.83
Fillmore	.83	Sarpy	.85
Franklin	.81	Saunders	.84
Frontier	.79	Scotts Bluff	.77
Furnas	.80	Seward	.84
Gage	.83	Sheridan	.78
Garden	.78	Sherman	.82
Garfield	.81	Sioux	.77
Gosper	.80	Stanton	.83
Grant	.78	Thayer	.83
Greeley	.82	Thomas	.79
Hall	.82	Thurston	.83
Hamilton	.83	Valley	.82
Harlan	.81	Washington	.85
Hayes	.79	Wayne	.83
Hitchcock	.79	Webster	.81
Holt	.81	Wheeler	.82
Hooker	.79	York	.83
Howard	.82		

NEVADA

Churchill	$0.81	Lincoln	$0.80
Clark	.80	Lyon	.80
Douglas	.80	Ormsby	.80
Elko	.80	Pershing	.81
Eureka	.80	Washoe	.83
Humboldt	.80	White Pine	.80
Lander	.80		

NEW MEXICO

Curry	$0.78	Roosevelt	$0.78
Quay	.78		

All other counties $0.77 per bushel for No. 1 Barley.

NORTH DAKOTA

County	No. 1 Barley	County	No. 1 Barley
Adams	$0.77	Hettinger	$0.77
Barnes	.79	Kidder	.78
Benson	.78	La Moure	.79
Billings	.77	Logan	.78
Bottineau	.77	McHenry	.77
Bowman	.77	McIntosh	.78
Burke	.77	McKenzie	.77
Burleigh	.77	McLean	.77
Cass	.80	Mercer	.77
Cavalier	.78	Morton	.77
Dickey	.79	Mountrail	.77
Divide	.77	Nelson	.78
Dunn	.77	Oliver	.77
Eddy	.78	Pembina	.78
Emmons	.77	Pierce	.77
Foster	.79	Ramsey	.78
Golden Valley	.77	Ransom	.79
Grand Forks	.79	Renville	.77
Grant	.77	Richland	.81
Griggs	.79	Rolette	.77

NORTH DAKOTA—continued

County	No. 1 Barley	County	No. 1 Barley
Sargent	$0.80	Towner	$0.77
Sheridan	.77	Traill	.79
Sioux	.77	Walsh	.78
Slope	.77	Ward	.77
Stark	.77	Wells	.78
Steele	.79	Williams	.77
Stutsman	.79		

OHIO

Adams	$0.91	Licking	$0.93
Allen	.92	Logan	.92
Ashland	.93	Lorain	.93
Ashtabula	.94	Lucas	.92
Athens	.92	Madison	.92
Auglaize	.91	Mahoning	.94
Belmont	.94	Marion	.93
Brown	.91	Medina	.93
Butler	.91	Meigs	.91
Carroll	.93	Mercer	.91
Champaign	.91	Miami	.91
Clark	.91	Monroe	.93
Clermont	.91	Montgomery	.91
Clinton	.91	Morgan	.93
Columbiana	.94	Morrow	.93
Coshocton	.93	Muskingum	.93
Crawford	.93	Noble	.93
Cuyahoga	.93	Ottawa	.93
Darke	.91	Paulding	.91
Defiance	.91	Perry	.93
Delaware	.93	Pickaway	.92
Erie	.93	Pike	.92
Fairfield	.93	Portage	.93
Fayette	.91	Preble	.91
Franklin	.93	Putnam	.92
Fulton	.91	Richland	.93
Gallia	.91	Ross	.91
Geauga	.94	Sandusky	.93
Greene	.91	Scioto	.91
Guernsey	.93	Seneca	.93
Hamilton	.91	Shelby	.91
Hancock	.93	Stark	.93
Hardin	.92	Summit	.93
Harrison	.93	Trumbull	.94
Henry	.91	Tuscarawas	.93
Highland	.91	Union	.92
Hocking	.93	Van Wert	.91
Holmes	.93	Vinton	.92
Huron	.93	Warren	.91
Jackson	.92	Washington	.93
Jefferson	.94	Wayne	.93
Knox	.93	Williams	.91
Lake	.94	Wood	.93
Lawrence	.91	Wyandot	.93

OKLAHOMA

Adair	$0.85	Jefferson	$0.83
Alfalfa	.84	Johnston	.83
Atoka	.84	Kay	.83
Beaver	.80	Kingfisher	.83
Beckham	.82	Kiowa	.83
Blaine	.83	Latimer	.85
Bryan	.83	LeFlore	.86
Caddo	.83	Lincoln	.83
Canadian	.83	Logan	.83
Carter	.83	Love	.83
Cherokee	.85	McClain	.83
Choctaw	.84	McCurtain	.84
Cimarron	.78	McIntosh	.85
Cleveland	.83	Major	.83
Coal	.84	Marshall	.83
Comanche	.83	Mayes	.84
Cotton	.83	Murray	.83
Craig	.84	Muskogee	.85
Creek	.84	Noble	.83
Custer	.83	Nowata	.84
Delaware	.85	Okfuskee	.84
Dewey	.83	Oklahoma	.83
Ellis	.81	Okmulgee	.84
Garfield	.83	Osage	.83
Garvin	.83	Ottawa	.84
Grady	.83	Pawnee	.83
Grant	.83	Payne	.83
Greer	.83	Pittsburgh	.85
Harmon	.82	Pontotoc	.84
Harper	.81	Pottawatamie	.83
Haskell	.85	Pushmataha	.84
Hughes	.84	Roger Mills	.81
Jackson	.83	Rogers	.84

OKLAHOMA—continued

County	No. 1 Barley	County	No. 1 Barley
Seminole	$0.83	Wagoner	$0.84
Sequoyah	.85	Washington	.84
Stephens	.83	Washita	.83
Texas	.79	Woods	.82
Tillman	.83	Woodward	.82
Tulsa	.84		

OREGON

Baker	$0.83	Lane	$0.89
Benton	.91	Linne	.91
Clackamas	.92	Malheur	.80
Columbia	.93	Marion	.92
Crook	.87	Morrow	.90
Deschutes	.87	Multnomah	.94
Douglas	.87	Polk	.92
Gilliam	.90	Sherman	.90
Grant	.80	Umatilla	.87
Harney	.80	Union	.83
Jackson	.85	Wallowa	.82
Jefferson	.88	Wasco	.90
Josephine	.85	Washington	.93
Klamath	.84	Yamhill	.92
Lake	.80		

SOUTH DAKOTA

Armstrong	$0.77	Jackson	$0.77
Aurora	.80	Jerauld	.80
Beadle	.80	Jones	.77
Bennett	.78	Kingsbury	.80
Bon Homme	.82	Lake	.81
Brookings	.81	Lawrence	.77
Brown	.79	Lincoln	.82
Brule	.79	Lyman	.79
Buffalo	.79	McCook	.81
Butte	.77	McPherson	.79
Campbell	.78	Marshall	.80
Charles Mix	.80	Meade	.77
Clark	.80	Mellette	.79
Clay	.83	Miner	.80
Codington	.81	Minnehaha	.82
Corson	.77	Moody	.81
Custer	.77	Pennington	.77
Davison	.80	Perkins	.77
Day	.80	Potter	.78
Deuel	.81	Roberts	.81
Dewey	.77	Sanborn	.80
Douglas	.80	Shannon	.78
Edmunds	.79	Spink	.80
Fall River	.77	Stanley	.77
Faulk	.79	Sully	.78
Grant	.81	Todd	.79
Gregory	.80	Tripp	.79
Haakon	.77	Turner	.82
Hamlin	.81	Union	.83
Hand	.79	Walworth	.78
Hanson	.81	Washabaugh	.77
Harding	.77	Washington	.78
Hughes	.78	Yankton	.82
Hutchinson	.81	Ziebach	.77
Hyde	.79		

TEXAS

Andrews	$0.79	Eastland	$0.79
Archer	.79	Ector	.79
Armstrong	.80	Erath	.79
Bailey	.79	Fisher	.79
Baylor	.79	Floyd	.79
Borden	.79	Foard	.79
Briscoe	.79	Gaines	.79
Brown	.79	Garza	.79
Callahan	.79	Glasscock	.79
Carson	.80	Gray	.80
Castro	.79	Hale	.79
Childress	.80	Hall	.80
Clay	.80	Hansford	.79
Cochran	.79	Hardeman	.80
Coke	.79	Hartley	.79
Coleman	.79	Haskell	.79
Collingsworth	.80	Hemphill	.80
Comanche	.79	Hockley	.79
Cottle	.79	Howard	.79
Crosby	.79	Hutchinson	.79
Dallam	.79	Jack	.79
Dawson	.79	Jones	.79
Deaf Smith	.79	Kent	.79
Dickens	.79	King	.79
Donley	.80	Knox	.79
		Lamb	.79

TEXAS—continued

County	No. 1 Barley	County	No. 1 Barley
Lipscomb	$0.80	Scurry	$0.79
Lubbock	.79	Shackelford	.79
Lynn	.79	Sherman	.79
Martin	.79	Stephens	.79
Midland	.79	Sterling	.79
Mitchell	.79	Stonewall	.79
Moore	.79	Swisher	.79
Motley	.79	Taylor	.79
Nolan	.79	Terry	.79
Ochiltree	.79	Throckmorton	.79
Oldham	.79	Wheeler	.80
Palo Pinto	.79	Wichita	.80
Parmer	.79	Wilbarger	.80
Potter	.80	Yoakum	.79
Randall	.79	Young	.79
Roberts	.80		
Runnels	.79		

UTAH

All counties $0.80 per bushel for No. 1 Barley.

WASHINGTON

County	No. 1 Barley	County	No. 1 Barley
Adams	$0.84	Lewis	$0.90
Asotin	.84	Lincoln	.84
Benton	.87	Mason	.88
Chelan	.84	Okanogan	.82
Clark	.92	Pacific	.88
Columbia	.86	Pend Oreille	.82
Cowlitz	.90	Skamania	.90
Douglas	.82	Spokane	.84
Ferry	.82	Stevens	.82
Franklin	.85	Thurston	.88
Garfield	.86	Walla Walla	.86
Grant	.84	Whitman	.84
Kittitas	.87	Yakima	.87
Klickitat	.90		

WISCONSIN

Adams	$0.85	Marathon	$0.84
Ashland	.82	Marinette	.83
Barron	.83	Marquette	.85
Bayfield	.82	Milwaukee	.89
Brown	.85	Monroe	.85
Buffalo	.83	Oconto	.84
Burnett	.83	Oneida	.83
Calumet	.86	Outagamie	.85
Chippewa	.83	Ozaukee	.87
Clark	.83	Pepin	.83
Columbia	.86	Pierce	.84
Crawford	.84	Polk	.84
Dane	.87	Portage	.85
Dodge	.87	Price	.83
Door	.84	Racine	.90
Douglas	.82	Richland	.85
Dunn	.83	Rock	.87
Eau Claire	.83	Rusk	.83
Florence	.83	St. Croix	.84
Fond du Lac	.86	Sauk	.85
Forest	.83	Sawyer	.83
Grant	.85	Shawano	.84
Green	.87	Sheboygan	.86
Green Lake	.86	Taylor	.83
Iowa	.85	Trempealeau	.83
Iron	.82	Vernon	.84
Jackson	.84	Vilas	.83
Jefferson	.87	Walworth	.87
Juneau	.85	Washburn	.83
Kenosha	.90	Washington	.87
Kewaunee	.84	Waukesha	.87
La Crosse	.84	Waupaca	.85
Lafayette	.85	Waushara	.85
Langlade	.83	Winnebago	.86
Lincoln	.83	Wood	.84
Manitowoc	.86		

§ 264.43 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 264.44 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the commodity

or his remaining interest may be restricted by Commodity Credit Corporation.

§ 264.45 *Safeguarding of the commodity.* The producer is obligated to maintain the farm-storage structures in good repair, and to keep the commodity in good condition.

§ 264.46 *Insurance.* Commodity Credit Corporation will not require the producer to insure the commodity placed under farm-storage loan; however, if the producer does insure such commodity such insurance shall inure to the benefit of Commodity Credit Corporation to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 264.47 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality to farm-stored commodity, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer resulting solely from an external cause other than insect infestation or vermin will be assumed by the Corporation, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 264.48 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the commodity by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 264.49 *Maturity and satisfaction.* Loans mature on demand but not later than April 30, 1947. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity date, or to deliver the mortgaged commodity within 60 days after maturity date. Credit will be given for the total quantity delivered, provided it was stored in the cribs or bins in which the commodity under loan was stored, at the applicable settlement rate, according to grade and/or quality. If the settlement value of the commodity delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the commodity is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to the Corporation, and may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from Commodity Credit Corporation or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the commodity may be delivered before the maturity date of the loan upon prior approval of the county committee.

§ 264.50 *Removal of the commodity.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the commodity and sell it, either by separate contract or after pooling it with other lots of the same commodity similarly held. The producer has no right of redemption after the commodity is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. The Commodity Credit Corporation shall have the right to treat a pooled commodity as a reserve supply to be marketed under such sales policies as the Corporation determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 264.51 *Release of the commodity.* A producer may obtain release of the commodity by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, where Commodity Credit Corporation is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial releases of the commodity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released. In case of warehouse-storage loans, each partial release must cover all of the commodity under one warehouse receipt number.

§ 264.52 *Storage allowance.* No farm-storage allowance shall be made. On barley stored in public warehouse, 7 cents per bushel shall be deducted from the applicable loan rate unless evidence of prepaid storage is submitted in substantially the following form:

Storage charges through April 30, 1947, on the barley represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of this warehouse receipt.

Address

Warehouseman

§ 264.53 *Purchase of notes.* Commodity Credit Corporation will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by Commodity Credit Corporation will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to the Corporation and to the county committees on 1940 C. C. C. Form F or such other form as the Corporation may prescribe, of all payments received on producers' notes held by them, and are required to remit promptly to Commodity Credit Corporation an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the Grain Branch office serving the area.

§ 264.54 *Offices of directors of Grain Branch.* The offices of the directors of the Grain Branch and the areas served by them, are shown below:

Address and Area

208 South LaSalle Street, Chicago 4, Ill.: Delaware, Illinois (except East St. Louis), Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Southern Wisconsin, and States not otherwise listed.

212 West 14th Street, Kansas City 8, Mo.: Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri (also East St. Louis), Nebraska, New Mexico, Oklahoma, South Carolina, Texas, and Wyoming.

328 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, and Northern Wisconsin.

Eastern Outfitting Building, 515 Southwest Tenth and Washington Streets, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Date program announced, June 11, 1946.

NOTE: The foregoing document covers 1946 C. C. C. Barley Bulletin 1 issued by Commodity Credit Corporation June 11, 1946, and Supplements 1 and 2 to said Bulletin issued on June 11, 1946.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 47-239; Filed, Jan. 9, 1947; 8:48 a. m.]

[1946 C. C. C. Seed Bulletin I (Purchase) as Amended]

PART 274—SEED LOANS AND PURCHASES

SEED PURCHASE PROGRAM

This bulletin states the requirements with respect to the 1946 Winter Cover Crop Seed Purchase Program formulated by Commodity Credit Corporation and the Production and Marketing Administration under which purchases will be made of seed produced in 1946 (hereinafter referred to as the "commodity") delivered to designated delivery points in accordance with this bulletin.

Sec.
274.01 Administration of program.
274.02 Location and season of purchases.
274.03 Payment.
274.04 Eligible producer.
274.05 Eligible seed.
274.06 Handling of seeds.
274.07 Approved forms.
274.08 Determination of quantity.
274.09 Determination of quality.
274.10 Liens.
274.11 Charges to be paid by producers.
274.12 Set-offs.
274.13 Pricing basis.
274.14 Offices of directors of Grain Branch.

AUTHORITY: §§ 274.01 to 274.14, inclusive, issued under Article Third, par. (b) and (j) of the Corporate Charter of the Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4, as amended, sec. 4 (b), 55 Stat. 498, 56 Stat. 768, 15 U. S. C. and Sup. 713 (a), 713a–8 (b).

§ 274.01 *Administration of programs.* The program will be administered at the county level by the county agricultural conservation committees under the general supervision of the respective State PMA committees.

Forms may be obtained from county committees, or from the office of the director of the Grain Branch serving the area. State and county committees will determine or cause to be determined the quantity and grade of the commodity and the amount of the purchase. All purchase documents will be completed and approved by the county committee, which will retain copies of all documents; *Provided, however,* That the county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee.

The county committee will furnish sellers with the address of the Grain Branch office in the area to which purchase documents are forwarded for disbursement.

§ 274.02 *Location and season of purchases*—(a) *Area.* Purchases will be made from producers in the area where facilities are available for cleaning and packaging the seed.

(b) *Purchase period.* Purchases of seed will be made from the 1946 harvest-time through April 30, 1947.

§ 274.03 *Payment.* Payments will be made direct to producers and others designated by producers (on CCC Purchase Form A) by the regional director of Grain Branch, Production and Marketing Administration, serving the area in which purchases are made.

§ 274.04 *Eligible producer.* An eligible producer is any person, partnership, association, or corporation harvesting the seed in 1946 as landowner, landlord, tenant or custom harvester.

§ 274.05 *Eligible seed.* Hairy vetch, Willamette vetch, crimson clover and annual (common) ryegrass seed (hereinafter called "seed"), shall be eligible when harvested in 1946 by eligible producers (hereinafter called "producer"), as defined herein.

(a) *Specifications.* The seed must, by official test, be equal to or better than the lowest of the specifications for the particular kind of seed as shown in attached Purchase Supplements 1 and 2.

(b) *Packaging.* The seed shall be packaged in bags of approved quality (as described in attached Supplement 3), of 100 pounds net, or either 100 pounds net or 150 pounds net in the case of crimson clover grown east of the Rocky Mountains.

(c) *Fumigation.* The seed shall be fumigated, if necessary, to eradicate or prevent insect infestation.

§ 274.06 *Handling of seeds.* Seed dealers, cooperative associations, or others having adequate facilities for handling the seed who have agreed in Memorandum of Understanding with the county committee to provide certain services in connection with seed purchased under the program will assemble the seed and prepare it for delivery. Instructions for shipment of the purchased seeds will be issued by the regional office of the Grain Branch and transmitted to the dealers through the State PMA and county offices.

§ 274.07 *Approved forms.* The Memorandum of Purchase (CCC Purchase Form A) shall constitute the purchase document which will govern the conditions under which the purchase is made.

The Memorandum of Understanding (Supplement 4 or 5) contains the conditions for handling the seeds being purchased and the procedure to be followed by the dealers and county committees.

§ 274.08 *Determination of quantity.* The net weight of the seed shall constitute the quantity of seed purchased.

§ 274.09 *Determination of quality.* All determinations of germination and purity shall be on the basis of an official test of a representative sample.

NOTE: For purposes of this program, an "official test" is an analysis made by a seed-testing laboratory approved by the State PMA committee.

§ 274.10 *Liens.* The commodity must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the commodity, proper waivers must be obtained.

§ 274.11 *Charges to be paid by producers.* In the case of seed purchased by Commodity Credit Corporation, the producer shall pay all cleaning expenses and other expenses (including bagging and cost of bags), except analysis expense, whether covered herein or not, which are necessary to prepare the seed to meet all eligibility requirements. Producers shall pay all charges (including charges for the issuance of reports) in connection with the sampling and analysis of seed which, by official test, is not of an eligible quality.

§ 274.12 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the sale to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. The Commodity Credit Corporation shall be given first consideration for outstanding indebtedness after claims of prior lienholders.

§ 274.13 *Pricing basis.* The prices to be paid for the seed shall be computed in accordance with the applicable schedule (Supplements 1 and 2 attached hereto) for the area.

§ 274.14 *Offices of directors of Grain Branch.* The offices of the directors of the Grain Branch referred to herein and the areas served by them under these instructions are shown below:

Address of Director and area

208 South La Salle Street, Chicago 4, Ill.: Connecticut, Delaware, Illinois (except East St. Louis), Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia.

212 West 14th Street, Kansas City 8, Mo.: Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri (also East St. Louis), Nebraska, New Mexico, Oklahoma, South Carolina, Texas, and Wyoming.

Eastern Outfitting Building, 515 Southwest Tenth and Washington Streets, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

326 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Dated: June 15, 1946.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

NOTE: The foregoing document covers 1946 C. C. C. Seed Bulletin I (purchase), issued by Commodity Credit Corporation June 15, 1946, and amendment No. 1 to said Bulletin issued on June 15, 1946.

1946 CCC Seed Bulletin 1 (Purchase), Supp. 1.

1946 WINTER COVER CROP SEED PURCHASE PROGRAM, SCHEDULE OF SPECIFICATIONS AND PRICES

[East Central and Southern regions]

	Crimson clover	Hairy vetch	Common ryegrass
Base specifications:			
Germination (live seed including hard seed)	85%	90%	90%
Pure seed	98%	99%	98%
Base price per cwt.	$12.50	$13.00	$8.50
Applicable discounts per cwt. for—			
A. Each 1% below base specifications:			
1. Germination (for crimson clover seed with germination of less than 85%, the following prices will apply: 80% to 84%, $12.00 per cwt.; 75% to 79%, $11.50 per cwt.)	------	$0.16	$0.10
2. Pure seed	$0.20	$0.09	$0.10
B. Wild onion (Kentucky only)[1]	$1.00	------	------
Minimum eligibility specifications:			
Germination	75%	70%	75%
Pure seed	96%	70%	95%
Total Winter legumes	------	98%	------
Noxious weed—maximum	None	------	------
Weed seed—maximum	1.0%	------	2.0%
Other crop seed—maximum	2.0%	------	------

Where no entries appear, no requirements or discounts have been established.

[1] In Kentucky, seed containing not more than 5 wild onion bulblets per ounce will also be purchased at a discount of $1.00 per cwt.

1946 CCC Seed Bulletin 1 (Purchase), Supp. 2.

SCHEDULE OF SPECIFICATIONS AND PRICES APPLICABLE TO 1946 SEED PURCHASE PROGRAM

[Western region]

	Hairy vetch[1]	Willamette vetch[1]	Crimson clover	Ryegrass
1. Basic price per pound	[2] $0.12	[2] $0.06	$0.115	$0.075
2. Basic price requirements:				
Germination [3]	[4] 90	[4] 90	85	90
Purity	95	98	98	98
Total winter legume	98	98	(5)	(5)
Noxious weeds permitted	(5)	(5)	None	(5)
Common weed not to exceed	-------	(5)	1%	2%
Other crop seed permitted	(5)	(5)	2%	(5)
3. Discount per cwt. applicable for each percent below the basic price requirements for:				
Germination [3]	$0.16	$0.09	$0.16	$0.10
Purity	$0.09	$0.025	$0.20	$0.10
4. Minimum eligibility requirements:				
Germination [3]	[4] 70	[4] 70	63	75
Purity	70	70	96	95
Total winter legume	98	98	(5)	(5)
Noxious weeds permitted	(5)	(5)	None	(5)
Common weed not to exceed	-------	(5)	1%	2%
Other crop seed permitted	(5)	(5)	2%	(5)

[1] Price of hairy vetch shall not be discounted due to the presence of woollypod.

[2] Subject to announced bag discounts per cwt.

[3] Live seed including hard seed.

[4] The weighted average germination may be used in determining the germination of mixture of winter legume seed.

[5] No requirements specified for this item. However, the total winter legume requirements where specified and the purity requirement for crimson clover and ryegrass must be met in order for seed to be eligible for purchase.

[6] Minimum requirement for Willamette vetch will be in accordance with the rules and regulations of the authorized certification agency of the State wherein the crop was produced.

[7] Hairy vetch and woollypod vetch will qualify as Willamette vetch provided there is at least 70 percent Willamette vetch present.

1946 CCC Seed Bulletin 1 (Purchase), Supp. 3.

APPROVED BAGS

The following chart indicates the types of new bags approved for use in packaging seed of the 1946 crop and the discounts per cwt. where applicable:

Type	Net capacity	Discount per cwt.
a. For vetches:		
(1) 3-harness twill: (a) 36-inch 8-oz. or heavier	*Lbs.* 100	None
(2) Try-sax:		
(a) 36-inch 7.5-oz. or heavier	100	None
(b) 40-inch 8.25-oz. or heavier	100	None
(3) Osnaburg:		
(a) 36-inch 7-oz. or heavier	100	None
(b) 40-inch 2.05-yard or heavier	100	None
(4) Burlap: (a) 10-oz. or heavier	100	None
b. For crimson clover:		
(1) Try-sax (double seam):		
(a) 36-inch 7.5-oz. or heavier	100	None
(b) 40-inch 8.25-oz. or heavier	100	None
(2) Osnaburg (seamless or double seam): (a) 36-inch 7-oz. or heavier	100	None
(3) Seamless cotton 16-oz.	150	None
c. For common ryegrass:		
(1) Try-sax:		
(a) 36-inch 7.5-oz. or heavier	100	None
(b) 40-inch 8.25-oz. or heavier	100	None
(2) Osnaburg: (a) 30-inch 7-oz. or heavier	100	None
(3) Burlap: (a) 8-oz. or heavier	100	None

[F. R. Doc. 47-241; Filed, Jan. 9, 1947; 8:53 a. m.]

[1946 C. C. C. Seed Bulletin I (Loan) as Amended]

PART 274—SEED LOANS AND PURCHASE

SUBPART—1946

This bulletin states the requirements with respect to the 1946 Seed Loan Program formulated by Commodity Credit Corporation and the Production and Marketing Administration. Loans will be made available on winter cover crop and legume and grass seed (hereinafter referred to as the "commodity") produced in 1946 in accordance with this bulletin.

Sec.

274.15 Administration of program.
274.16 Availability of loans.
274.17 Approved lending agencies.
274.18 Eligible producer.
274.19 Eligible commodity.
274.20 Eligible storage.
274.21 Approved forms.
274.22 Determination of quantity.
274.23 Determination of quality.
274.24 Liens.
274.25 Charges to be paid by producer.
274.26 Set-offs.
274.27 Loan rates.
274.28 Interest rate.
274.29 Transfer of producer's equity.
274.30 Safeguarding of the commodity.
274.31 Insurance.
274.32 Loss or damage to the commodity.
274.33 Personal liability.
274.34 Maturity and satisfaction.
274.35 Removal of the commodity.
274.36 Release of the commodity.
274.37 Storage allowance.
274.38 Purchase of notes.
274.39 Offices of directors of Grain Branch.

AUTHORITY: §§ 274.15 to 274.39, inclusive, issued under Article Third, par. (b) of Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4, as amended, sec. 302 (a) 52 Stat. 43, as amended, sec. 4 (b) 55 Stat. 498, 56 Stat. 768; 15 U. S. C. and Sup. 713 (a), 713a-8 (b), 7 U. S. C. 1302 (a).

§ 274.15 *Administration of program.* The program will be administered at the county level by the county agricultural conservation committees under the general supervision of the respective State committees.

Forms may be obtained from county committees in areas where loans are available, or from the office of the Director of the Grain Branch serving the area. State and county committees will determine or cause to be determined the quantity and grade of the commodity and the amount of the loan. All documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however,* That the county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the Grain Branch office to which loan documents may be forwarded for disbursement.

§ 274.16 *Availability of loans.* (a) Seed loans shall be available in the areas where the seed is produced. Insofar as is practicable, warehouse rather than farm storage shall be required by the county committee in all areas.

(b) Seed loans shall be available after the 1946 harvest season begins. Loan documents must be completed prior to September 1, 1946, for blue lupine and February 15, 1947, for other seeds.

§ 274.17 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the Commodity Credit Corporation has entered into a Lending Agency Agreement (Form PMA-97) or other lending agency agreement prescribed by Commodity Credit Corporation.

§ 274.18 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the commodity in 1946, as landowner, landlord, tenant, share cropper, or custom harvester.

§ 274.19 *Eligible commodity*—(a) *Eligible seed.* Any seed specified in the attached schedule (Supplement 1, to this bulletin) of specifications and loan rates which is harvested in 1946 by an eligible producer, which can be or is cleaned to meet the specifications, and which does not contain noxious weeds or seeds of White Top, Canada Thistle, Dodder, Quackgrass, Johnson Grass, Bindweed, Russian Knapweed, Perennial Sow Thistle, or Leafy Spurge singly or combined in excess of 45 seeds per pound (90 in unhulled lespedeza seed) is eligible for a loan when placed in proper storage, if the beneficial interest is and always has been in the eligible producer tendering the seed for a loan, or in him and a former producer whom he succeeded before, or at the time, the seed was harvested.

(b) *Alfalfa areas.* In determining seed specifications for alfalfa, three regional areas, northern, central, and southern, are recognized based on adaptation. The Northern Region includes all producing areas north of the southern boundaries of Idaho, Nebraska, Oregon, and Wyoming, and eastward in counties which are north of, or intersected by, the 40th degree of latitude. The Central Region includes all the producing areas south of the Northern Region and north of the 37th degree of latitude (excluding California north of the 37th degree of latitude except the counties of Plumas, Tehama, and those counties north of the 40th degree of latitude, but including all counties south of the 37th degree of latitude in Kentucky, Missouri, Nevada, and Virginia). Approved origin alfalfa seed in Oklahoma tagged and sealed with the official tags and seals of the Oklahoma Crop Improvement Association will be at the rates specified for the Central Region. The Southern Region includes all the producing areas south of the Central Region.

(c) *Certified seed.* Varieties or strains of hay and pasture seeds designated by State agricultural experiment stations in cooperation with State seed certifying agencies, and Bureau of Plant Industry, Soils and Agricultural Engineering of the U. S. Department of Agriculture will be eligible for loans as "certified seed." Seed of these varieties or strains are to be certified by the State seed certifying agency of the State where grown. The standards and procedures for certification of each State must be approved by the executive committee of the International Crop Improvement Association or its designated agent.

§ 274.20 *Eligible storage*—(a) *Farm.* Only inspected and approved structures will qualify. Farm storage is applicable only to Sudan grass seed, uncertified orchard grass seed, and to Kobe lespedeza and only in areas designated by the Field Service Branch. Farm storage shall consist of farm buildings which are of such substantial and permanent construction as determined by the county agricultural conservation committee as to afford safe storage of the seed for a period of 2 years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather.

(b) *Warehouse.* Seed shall be stored in a warehouse which has executed a Seed Cleaning and Storage Agreement on CCC Seed Form A and which complies with other provisions of the bulletin. Upon delivery of the seeds to producers on payment of their loans, warehousemen shall label all seed as required by the Federal Seed Act and the applicable State seed law. Upon delivery of the seed to CCC, warehousemen shall label all seed as required by the Federal Seed Act and the seed law of the State or country into which shipment is directed by CCC.

§ 274.21 *Approved forms.* The approved forms constitute the loan documents which govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or in executing any of the loan documents will render him subject to prosecution under the United States Criminal Code.

(a) Approved forms for farm storage shall consist of producer's notes on CCC Commodity Form A, secured by chattel mortgages on CCC Commodity Form AA.

(b) Approved forms for warehouse storage shall consist of note and loan agreements, CCC Commodity Form B, secured by negotiable warehouse receipts representing the commodity stored in approved warehouses.

(c) Notes and note and loan agreements must be executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Notes and note and loan agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

§ 274.22 *Determination of quantity.* The actual weight of the seed shall constitute the quantity of seed to be under loan; except that the quantity of Sudan Grass or Kobe Lespedeza Seed in farm storage may be determined by multiplying the number of net cubic feet in the bin times 30 for Sudan and 22 for Kobe, times the percent of pure seed as determined by the analysis, and the product shall be the pounds of seed to be placed under loan. The quantity of uncertified orchard grass in farm storage may be determined by multiplying the number of net cubic feet in the bin, times 11, times the percent of pure seed as determined by the analysis and the product shall be the pounds of seed to be placed under loan. Measurements and computation shall be according to instructions in AAA Commodity Loan Form 2, Part 1.

§ 274.23 *Determination of quality.* The county agricultural conservation committee shall arrange for the securing of a representative sample for the determination of quality. The sample shall be sent to a laboratory approved by the Field Service Branch for analysis and germination test. The analysis shall show pure seed, other crop seed, weed seed, inert matter, and noxious weed seeds and germination.

§ 274.24 *Liens.* The commodity must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the commodity, proper waivers must be obtained.

§ 274.25 *Charges to be paid by producer*—(a) *Service fees.* Where the commodity is farm-stored the producer shall pay a service fee of 2 cents per hundredweight but not less than $3.00; and where the commodity is warehouse-stored the producer shall pay a service fee of 1 cent per hundredweight but not less than $1.50.

(b) *Other charges.* Costs of cleaning, bags and bagging, testing, tagging, fumigating if necessary, and transportation to approved warehouses are to be borne by the producer. Such costs should not exceed the charges provided in the CCC cleaning and storage agreement for seed processors. In case of warehouse storage in bulk or otherwise where the seed is not ready for merchandising, the cost of the above items not paid for by the producer shall be deducted from the amount of the loan.

§ 274.26 *Set-offs.* A producer who is listed on the county AAA debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deductions of the service fees and amounts due prior lienholders. Indebtedness owing to the Commodity Credit Corporation shall be given first consideration after claims of prior lien-holders.

§ 274.27 *Loan rates.* Loan and settlement rates for the designated qualities of seed are set out in attached 1946 CCC Seed Bulletin 1 (Loan), Supplement 1.

§ 274.28 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 274.29 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the commodity or his remaining interest may be restricted by Commodity Credit Corporation.

§ 274.30 *Safeguarding of the commodity.* The producer is obligated to maintain the farm-storage structures in good repair, and to keep the commodity in good condition.

§ 274.31 *Insurance.* Commodity Credit Corporation will not require the producer to insure the commodity placed under farm-storage loan; however, if the producer does insure such commodity such insurance shall inure to the benefit of Commodity Credit Corporation to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 274.32 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality to farm-stored commodity, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer resulting solely from an external cause other than insect infestation or vermin will be assumed by the Corporation, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 274.33 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the commodity by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 274.34 *Maturity and satisfaction.* Loans mature on demand but not later than September 1, 1946, for blue lupine, March 15, 1947, for all varieties of lespedeza and uncertified orchard grass, and April 30, 1947, for other seeds. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity date, or to deliver the mortgaged commodity within 60 days after maturity date. Credit will be given for the total quantity delivered, provided it was stored in the bins in which the commodity under loan was stored, at the applicable settlement rate, according to quality. If the settlement value of the commodity delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the commodity is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to the Corporation, and may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from Commodity Credit Corporation or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the commodity may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 274.35 *Removal of the commodity.* If the loan is not satisfied upon maturity by payment, or delivery, the holder of the note may remove the commodity and sell it, either by separate contract or after pooling it with other lots of the same

commodity similarly held. The producer has no right of redemption after the commodity is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. The Commodity Credit Corporation shall have the right to treat a pooled commodity as a reserve supply to be marketed under such sales policies as the Corporation determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 274.36 *Release of the commodity.* A producer may obtain release of the commodity by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, where Commodity Credit Corporation is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial releases of the commodity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released. In case of warehouse-storage loans, each partial release must cover all of the commodity under one warehouse receipt number.

§ 274.37 *Storage allowance.* On farm-stored Sudan Grass and Kobe Lespedeza seed a storage allowance of 10 cents per 100 pounds on the quantity of seed shown on the loan document less any amount owing the Corporation will be paid borrowers if the seed is delivered to Commodity Credit Corporation after March 15 for Kobe Lespedeza or after April 30, 1947, for Sudan Grass, provided there has been no fraudulent representation or conversion of any part of the collateral by the producer, and the collateral has not been abandoned or has not become damaged or impaired through the fault or negligence of the producer. The storage allowance will also be paid if, pursuant to demand by the Corporation or agreement for repayment of the loan, the Kobe Lespedeza or Sudan Grass seed is delivered to the Corporation before March 15 for Kobe Lespedeza or April 30, 1947, for Sudan Grass, provided the demand for repayment was not due to any fraudulent representation on the part of the borrower or was not made because the seed was damagd, threatened with damage, abandoned, or otherwise impaired.

For other seeds, the maximum warehousing charges that may be paid by Commodity Credit Corporation if the seed becomes the property of CCC is stated in attached CCC Seed Form A, Supplement 1–1946.

§ 274.38 *Purchase of notes.* Commodity Credit Corporation will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by Commodity Credit Corporation will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to the Corporation and to the county committees on 1940 CCC Form F or such other form as the Corporation may prescribe, of all payments received on producer's notes held by them, and are required to remit promptly to Commodity Credit Corporation an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the Grain Branch office serving the area.

§ 274.39 *Offices of Directors of Grain Branch.* The offices of the area directors of the Grain Branch, and the areas served by them, are shown below:

Address of Director and Area

208 South La Salle Street, Chicago, Ill.: Connecticut, Delaware, Illinois (except East St. Louis), Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia.

212 West 14th Street, Kansas City 8, Mo.: Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri (also East St. Louis), Nebraska, New Mexico, Oklahoma, South Carolina, Texas, and Wyoming.

Eastern Outfitting Building, 515 S. W. Tenth and Washington Street, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

308 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Date of program announcement, May 20, 1946.

[SEAL] C. C. FERRINGTON,
Vice President,
Commodity Credit Corporation.

NOTE: The foregoing document covers 1946 C. C. C. Seed Bulletin I (loan), issued by Commodity Credit Corporation May 20, 1946, and amendment No. 1 to said Bulletin issued on August 29, 1946.

1946 CCC SEED BULLETIN 1 (LOAN), SUPPL. 1.

TABLE I—SCHEDULE OF LOAN RATES WITH BASIC SPECIFICATIONS FOR HAY AND PASTURE SEEDS

[Percentage of seed purity, germination, maximum weed content and maximum mixture of other crops for the various crop seeds]

Kind of seed	Basic specifications		Loan rate [11]		Maximum weed seed	Maximum other crops	Minimum pure seed	Minimum germination [1]	Percentage discount in loan rate for specified percentage below basic specifications			
									Pure seed		Germination	
	Pure seed	Germination [1]	Uncertified	Certified approved varieties					Percent below	Percent discount	Percent below	Percent discount
	Percent	*Percent*	*Cents per pound*	*Cents per pound*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Alfalfa:												
Northern	98	90	33	40	1	[2] 5	95	80	1	3	5	7
Central [4]	98	90	30	37	1	[2] 5	95	80	1	3	5	7
Southern	98	90	26	33	1	5	95	80	1	3	5	7
Alsike clover	97	90	25		1	5	95	80	1	3	5	7
Alyce clover	98	90	18		1	5	95	80	1	3	5	7
Black medic [5]	97	80	20		1	5	95	80	1	3	5	7
Cluster clover or Persian clover	97	90	25		1	5	95	80	1	3	5	7
Yellow hop clover	97	90	35		1	5	95	80	1	3	5	7
Ladino clover	99	80		135	.5	5	95	80	1	3	5	7
Red clover	98	90	28	34	1	[2] 5	95	80	1	3	5	7
Hubam sweetclover	98	[3] 90	8		1	5	95	80	1	3	5	7
Biennial white sweetclover	98	[3] 90	8	15	1	5	95	80	1	3	5	7
Biennial yellow sweetclover	98	[3] 90	8	15	1	5	95	80	1	3	5	7
Biennial mixed sweetclover	98	[3] 90	7		1	5	95	80	1	3	5	7
White Clover [7]	98	90	50		.5	5	95	80	1	3	5	7
Tennessee No. 76 or common lespedeza [6]	98	80	16		1	5	95	80	1	3	5	7
Kobe lespedeza	98	90	[12] 12		1	5	95	80	1	3	5	7
Sericea lespedeza	98	90	15		1	5	95	80	1	3	5	7
Sericea lespedeza, scarified	98	[3] 90	18		1	5	95	80	1	3	5	7
Southern clover mixture [8]		90			1	5	95	80				
Winter peas, Austrian	[3] 90	[3] 90	[13] 3.5		1	5	[14] 70	75	5	1.5	5	7
Rough pea	[3] 98	90	[13] 5		1	5	[3] 91	75	1	3	5	7

Footnotes at end of table.

TABLE I—SCHEDULE OF LOAN RATES WITH BASIC SPECIFICATIONS FOR HAY AND PASTURE SEEDS—Continued

[Percentage of seed purity, germination, maximum weed content and maximum mixture of other crops for the various crop seeds]

Kind of seed	Basic specifications		Loan rate [11]		Maximum weed seed	Maximum other crops	Minimum pure seed	Minimum germination [1]	Percentage discount in loan rate for specified percentage below basic specifications			
									Pure seed		Germination	
	Pure seed	Germination [1]	Uncertified	Certified approved varieties					Percent below	Percent discount	Percent below	Percent discount
	Percent	*Percent*	*Cents per pound*	*Cents per pound*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Blue lupine	99	90	5		1	5	95	75	1	3	5	7
Bahia grass	72	70	20	30	.5	5	62	60	5	15	5	9
Little or big bluestem	40	70	20	25	2	[9] 5	20	30	5	15	10	24
Sand bluestem	40	60	25		2	[9] 5	20	40	5	15	10	20
Smooth bromegrass	92	85		15	1	5	88	75	2	6	5	[15] 5
Buffalo grass	85	70	35	50	2	[9] 5	65	20	5	15	10	24
Dallis grass	30	70	20		1.5	5	50	50	5	20	10	18
Blue grama	70	75	15	20	2	[9] 5	35	55	5	15	10	17
Side-Oats grama	25	75	20	25	2	[9] 5	15	55	5	20	10	17
Orchard grass [16]	85	85		15	2	5	75	75	5	15	5	[15] 5
Sudan grass	98	85	[14]	5	.5	5	96	75	1	3	5	[15] 5
Switchgrass	80	80	20	25	2	[9] 5	70	40	5	15	10	16
Timothy	99	60		6	.5	[9] 5	96	80	1	5	5	7
Weeping lovegrass	90	90	50		2	5	75	70	5	15	10	14
Mixed bluestem [9]					2	[10] 5	30	30				
Mixed grama [12]					2	[12] 5	25	55				

[1] Percentage of germination includes hard seed.
[2] Not more than 2 percent of sweetclover.
[3] Not more than 15 percent hard seed.
[4] Including approved origin alfalfa seed in Oklahoma.
[5] In Alabama, Florida, Georgia, Louisiana and Mississippi only.
[6] Does not include Korean lespedeza.
[7] Not more than 25 percent hard seed.
[8] Not in excess of 30 percent of seed with hulls removed.
[9] Not more than 1 percent sand dropseed.
[10] Southern Clover Mixture (Black Medic, White, Hop and Persian Clover Mixture). Loans will be made at the respective rates on quantities of Black Medic, White Clover, Hop Clover and Persian Clover in the mixture. The pure seed of the mixture and the germination of each component will be used in determining the value. Maximum weed seed 1 percent. Maximum other crop seed 5 percent.
[11] Mixed Bluestem. Loans will be made at the respective rates on quantities of big bluestem, little bluestem and sand bluestem in the mixture; provided the mixture contains at least 30 percent of two or more of these seeds; not more than 1 percent sand dropseed and not more than 5 percent of grass seeds other than switchgrass, side-oats grama and Indian grass. The pure seed of the mixture and the germination of each component will be used in determining the value. Maximum weed seed 2 percent.
[12] Mixed Grama: Loans will be made at the respective rates on quantities of blue grama and side-oats grama in the mixture; provided the mixture contains at least 25 percent of blue grama and side-oats grama; not more than 1 percent sand dropseed and not more than 5 percent of grass seeds other than Buffalo grass, bluestems, switchgrass and Indian grass. The pure seed of the mixture and the germination of each component will be used in determining the value. Maximum weed seed 2 percent.
[13] Loans on farm-stored seed:
Loans will be made on farm-stored Sudan grass seed on the basis of the pure seed content at the following rate per 100 pounds:
Germination—85 to 100% @ $3.03, 80 to 84% @ $2.77, [illegible] 79% @ $2.55.
Loans will be made on farm-stored Kobe Lespedeza seed on the basis of the pure seed content at the following rate per 100 pounds: Germination—90 to 100% @ $9.09, 85 to 89% @ $8.37, 80 to 84% @ $7.74.
Loans will be made on farm-stored Sudan and Kobe Lespedeza seeds only in approved major-producing areas.
Loans will be made on farm-stored uncertified orchard grass seed on the basis of pure seed content at the following rate per 100 pounds: Germination—85 to 100% @ $7.00, 80 to 84% @ $6.48, 75 to 79% @ $5.95.
[14] Total winter legumes 98 percent.
[15] For mixtures of winter legumes seed the weighted average germination may be used.
[16] For seed produced in the Southern and East Central Regions add 1 cent per pound.
[17] Total winter legumes must be not less than 80 percent Rough Pea.
[18] Loan rates are also settlement rates if the commodity is delivered to CCC.
[19] Orchard grass seed shall not contain more than 15 onion bulblets per 50 grams.

TABLE II—SCHEDULE OF SEED LOAN RATES PER 100 POUNDS AND SEED SPECIFICATIONS

Kind of seed	Pure seed (percent)	Germination and hard seed		
		90 to 100 percent	85 to 89 percent	80 to 84 percent
Alfalfa, northern common (maximum—1 percent weed seed; 5 percent other crop seed; 2 percent sweetclover).	98	$33.60	$30.69	$28.38
	97	32.01	29.70	27.39
	96	31.02	28.71	26.40
	95	30.03	27.72	25.41
Alfalfa, northern certified (maximum—1 percent weed seed; 5 percent other crop seed; 2 percent sweetclover).	98	40.09	37.20	34.41
	97	38.80	36.00	33.20
	96	37.60	34.80	32.00
Alfalfa, central common (includes Oklahoma approved origin seed) (Maximum—1 percent weed seed; 5 percent other crop seed; 2 percent sweetclover).	95	36.40	33.60	30.80
	98	34.00	27.90	25.80
	97	29.10	27.60	24.50
	96	28.20	26.10	24.00
	95	27.30	25.20	23.10
Alfalfa, central certified (maximum—1 percent weed seed; 5 percent other crop seed; 2 percent sweetclover).	98	37.00	34.41	31.82
	97	35.89	33.30	30.71
	96	34.78	32.19	29.60
	95	33.67	31.08	28.49
Alfalfa, southern common (maximum—1 percent weed seed; 5 percent other crop seed; 2 percent sweetclover).	98	26.00	24.18	22.36
	97	25.22	23.40	21.58
	96	24.44	22.62	20.80
	95	23.66	21.84	20.02
Alfalfa, southern certified (maximum—1 percent weed seed; 5 percent other crop seed; 2 percent sweetclover).	98	33.00	30.69	28.38
	97	32.01	29.70	27.39
	96	31.02	28.71	26.40
	95	30.03	27.72	25.41
Red clover, common (maximum—1 percent weed seed; 5 percent other crop seed; 2 percent sweetclover).	98	28.00	26.04	24.08
	97	27.16	25.20	23.24
	96	26.32	24.36	22.40
	95	25.48	23.52	21.56
Red clover, certified (maximum—1 percent weed seed; 5 percent other crop seed; 2 percent sweetclover).	98	34.00	31.62	29.24
	97	32.98	30.60	28.22
	96	31.96	29.58	27.20
	95	30.94	28.56	26.18
Alsike clover (maximum—1 percent weed seed; 5 percent other crop seed).	97	25.00	23.25	21.50
	96	24.25	22.50	20.75
	95	23.50	21.75	20.00
Ladino clover, certified (maximum—5 percent weed seed, 5 percent other crop seed).	99	135.00	125.55	116.10
	98	132.30	122.85	113.40
	97	129.60	120.15	110.70
	96	126.90	117.45	108.00
	95	124.20	114.75	105.30
White clover (maximum—0.5 percent weed seed; 5 percent other crop seed).	98	50.00	46.50	43.00
	97	49.00	45.50	42.00
	96	48.00	44.50	41.00
	95	47.00	43.50	40.00

Kind of seed	Pure seed (percent)	Germination and hard seed		
		90 to 100 percent	85 to 89 percent	80 to 84 per cent
Alyce clover (maximum-1 percent weed seed; 5 percent other crop seed).	98	$18.00	$16.74	$15.48
	97	17.46	16.20	14.94
	96	16.92	15.66	14.40
	95	16.38	15.12	13.86
Cluster clover or Persian clover (maximum—1 percent weed seed; 5 percent other crop seed).	97	25.00	23.25	21.50
	96	24.25	22.50	20.75
	95	23.50	21.75	20.00
Yellow hop clover (maximum—1 percent weed seed; 5 percent other crop seed).	97	35.00	32.55	30.10
	96	33.95	31.50	29.05
	95	32.90	30.45	28.00
Black medic (maximum—1 percent weed seed; 5 percent other crop seed).	97	20.00	18.60	17.20
	96	19.40	18.00	16.60
	95	18.80	17.40	16.00
Biennial white or yellow sweetclover, common (maximum—1 percent weed seed; 5 percent other crop seed; 15 percent hard seed).	98	8.00	7.44	6.88
	97	7.76	7.20	6.64
	96	7.52	6.96	6.40
	95	7.28	6.72	6.16
Biennial white or yellow sweetclover, certified (maximum—1 percent weed seed; 5 percent other crop seed; 15 percent hard seed).	98	15.00	13.95	12.90
	97	14.55	13.50	12.45
	96	14.10	13.05	12.00
	95	13.65	12.60	11.55
Biennial mixed sweetclover (maximum—1 percent weed seed; 5 percent other crop seed; 15 percent hard seed).	98	7.00	6.51	6.02
	97	6.79	6.30	5.81
	96	6.58	6.09	5.60
	95	6.37	5.88	5.39
Hubam sweetclover (maximum—1 percent weed seed; 5 percent other crop seed; 15 percent hard seed).	98	8.00	7.44	6.88
	97	7.76	7.20	6.64
	96	7.52	6.96	6.40
	95	7.28	6.72	6.16
Sericea lespedeza (maximum—1 percent weed seed; 5 percent other crop seed).	98	15.00	13.95	12.90
	97	14.55	13.50	12.45
	96	14.10	13.05	12.00
	95	13.65	12.60	11.55
Sericea lespedeza, scarified (maximum—1 percent weed seed; 25 percent hard seed).	98	18.00	16.74	15.48
	97	17.46	16.20	14.94
	96	16.92	15.66	14.40
	95	16.38	15.12	13.86
Tennessee No. 76 or common lespedeza (not Korean) (maximum-1 percent weed seed; 5 percent other crop seed).	98	16.00	14.88	13.76
	97	15.52	14.40	13.28
	96	15.04	13.92	12.80
	95	14.56	13.44	12.32
Kobe lespedeza (maximum—1 percent weed seed; 5 percent other crop seed).	98	12.00	11.16	10.32
	97	11.64	10.80	9.96
	96	11.28	10.44	9.60
	95	10.92	10.08	9.24

TABLE II—SCHEDULE OF SEED LOAN RATES PER 100 POUNDS AND SEED SPECIFICATIONS—Continued

Kind of seed	Pure seed (percent)	Germination and hard seed			
		90 to 100 percent	85 to 89 percent	80 to 84 percent	75 to 79 percent
Kobe lespedeza, farm stored		$9.00	$8.37	$7.74	
Austrian winter peas (minimum total winter legume 98 percent) (maximum-1 percent weed seed; 2 percent other crop seed.)	90	3.50	3.25	3.00	$2.75
	85	3.45	3.20	2.95	2.70
	80	3.40	3.15	2.90	2.65
	75	3.35	3.10	2.85	2.60
	70	3.30	3.05	2.80	2.55

Kind of seed	Pure seed (percent)	Germination and hard seed			
		90 to 100 percent	85 to 89 percent	80 to 84 percent	75 to 79 percent
Blue lupine (maximum—1 percent weed seed, 5 percent other crop seed).	$99	$5.00	$4.65	$4.30	$3.9[illegible]
	98	4.85	4.50	4.15	3.8[illegible]
	97	4.70	4.35	4.00	3.6[illegible]
	96	4.55	4.20	3.85	3.5[illegible]
	95	4.40	4.05	3.70	3.3[illegible]

Kind of seed[1]	Total winter legumes	South	Other	South	Other	South	Other	South	Other
Rough peas (Wild Winter Caley, Singletary, Peavine) (maximum-1 percent weed seed; 5 percent other crop seed).	*Percent*								
	98	$6.00	$5.60	$5.65	$4.65	$5.30	$4.30	$4.95	$3.9[illegible]
	97	5.85	4.85	5.50	4.50	5.15	4.15	4.80	3.8[illegible]
	96	5.70	4.70	5.35	4.35	5.00	4.00	4.65	3.6[illegible]
	95	5.55	4.55	5.20	4.20	4.85	3.85	4.50	3.5[illegible]
	94	5.40	4.40	5.05	4.05	4.70	3.70	4.35	3.3[illegible]

Kind of seed	Pure seed (percent)	Germination		
		70 to 100 percent	65 to 69 percent	60 to 64 percent
Bahia grass, common (maximum—.5 percent weed seed; 5 percent other crop seed).	72	$20.00	$18.20	$16.40
	67	17.00	15.20	13.40
Bahia grass, certified (maximum—.5 percent weed seed; 5 percent other crop seed).	62	14.00	12.20	10.40
	72	30.00	27.30	24.60
	67	25.50	22.80	20.10
	62	21.00	18.30	15.60

Kind of seed	Pure seed (percent)	Germination and hard seed		
		60 to 100 percent	50 to 59 percent	40 to 49 percent
Sand bluestem, common (maximum—2 percent weed seed; 5 percent other crop seed, 1 percent sand dropseed).	40	$25.00	$20.00	$15.00
	35	21.25	16.25	11.25
	30	17.50	12.50	7.50
	25	13.75	8.75	3.75
	20	10.00	5.00	

Kind of seed	Pure seed (percent)	50 to 100 percent	40 to 49 percent	30 to 39 percent
Little or big bluestem, common (maximum—2 percent weed seed; 5 percent other crop seed .1 percent sand dropseed).	40	$20.00	$15.20	$10.40
	35	17.00	12.20	7.40
	30	14.00	9.20	4.40
	25	11.00	6.20	1.40
	20	8.00	3.20	
Little or big bluestem, certified (maximum—2 percent weed seed; 5 percent other crop seed; 1 percent dropseed).	40	25.00	19.00	13.00
	35	21.25	15.25	9.25
	30	17.50	11.50	5.50
	25	13.75	7.75	1.75
	20	10.00	4.00	

Kind of seed	Pure seed (percent)	Germination		
		70 to 100 percent	65 to 69 percent	60 to 64 percent
Buffalo grass, common (maximum—2 percent weed seed; 5 percent other crop seed; 1 percent sand dropseed).	85	$35.00	$26.60	$18.20
	80	29.75	21.35	12.95
	75	24.50	16.10	7.70
	70	19.25	10.85	2.45
	65	14.00	5.60	
Buffalo grass, certified (maximum—2 percent weed seed; 5 percent other crop seed; 1 percent sand dropseed).	85	50.00	38.00	26.00
	80	42.50	30.50	18.50
	75	35.00	23.00	11.00
	70	27.50	15.50	3.50
	65	20.00	8.00	

Kind of seed	Pure seed (percent)	70 to 100 percent	60 to 69 percent	50 to 59 percent
Dallis grass (maximum—1.5 percent weed seed; 5 percent other crop seed).	80	$20.00	$16.40	$12.80
	25	16.00	12.40	8.80
	20	12.00	8.40	4.80

Kind of seed	Pure seed (percent)	Germination		
		65 to 100 percent	60 to 84 percent	75 to 79 percent
Smooth Bromegrass, Certified (Maximum: 1% Weed Seed, 5% Other Crop Seed).	92	$15.00	$13.88	$12.[illegible]
	90	14.10	12.98	11.[illegible]
	88	13.20	12.08	10.[illegible]
Orchard Grass, Certified (Maximum: 2% Weed Seed; 5% Other Crop Seed).	85	15.00	13.88	12.[illegible]
	80	12.75	11.63	10.[illegible]
Orchard Grass, Uncertified (Maximum: 2% Weed Seed; 5% Other Crop Seed, 15% Onion bulblets to 50 grains).	75	10.50	9.38	8.[illegible]
	85	10.00	9.25	8.[illegible]
	80	8.50	7.38	7.[illegible]
Orchard Grass, Uncertified Farm-stored	75	7.00	6.25	5.[illegible]
		7.00	6.38	5.[illegible]
Sudan Grass, Common (Maximum: 2% Weed Seed; 5% Other Crop Seed).	98	4.00	3.70	3.[illegible]
	97	3.88	3.58	3.[illegible]
	96	3.76	3.46	3.[illegible]
Sudan Grass, Common, Farm-stored		3.00	2.77	2.[illegible]
Sudan Grass, Certified (Maximum: 5% Weed Seed; 5% Other Crop Seed).	98	5.00	4.62	4.[illegible]
	97	4.85	4.47	4.[illegible]
	96	4.70	4.32	3.[illegible]

Kind of seed	Pure seed (percent)	80 to 100 percent	70 to 79 per cent	60 to 69 per cent
Switchgrass, Common (Maximum: 2% Weed Seed; 5% Other Crop Seed; 1% Sand Dropseed).	80	$20.00	$16.80	$13.[illegible]
	75	17.00	13.80	10.[illegible]
Switchgrass, Certified (Maximum: 2% Weed Seed; 5% Other Crop Seed; 1% Sand Dropseed).	70	14.00	10.80	7.[illegible]
	80	25.00	21.00	17.[illegible]
	75	21.25	17.25	13.[illegible]
	70	17.50	13.50	9.[illegible]
Timothy, certified (maximum—.5 percent weed seed; 5 percent other crop seed; 30 percent seed with hulls removed).	99	6.00	5.58	5.[illegible]
	98	5.70	5.28	4.[illegible]
	97	5.40	4.98	4.[illegible]
	96	5.10	4.68	4.[illegible]

Kind of seed	Pure seed (percent)	90 to 100 percent	80 to 89 percent	70 to 79 per[illegible]
Weeping lovegrass, common (maximum—2 percent weed seed; 5 percent other crop seed).	90	$50.00	$43.00	$36.[illegible]
	85	42.50	35.50	28.50
	80	35.00	28.00	21.[illegible]
	75	27.50	20.50	13.[illegible]

Kind of seed	Pure seed (percent)	75 to 100 percent	65 to 74 percent	55 to 64 per[illegible]
Blue grama, common (maximum—2 percent weed seed; 5 percent other crop seed; 1 percent sand dropseed).	50	$15.00	$12.45	$9.[illegible]
	45	12.75	10.20	7.[illegible]
Blue grama, certified (maximum—2 percent weed seed; 5 percent other crop seed; 1 percent sand dropseed).	40	10.50	7.95	5.[illegible]
	35	8.25	5.70	3.[illegible]
	50	20.00	16.60	13.[illegible]
	45	17.00	13.60	10.[illegible]
	40	14.00	10.60	7.[illegible]
	35	11.00	7.60	4.[illegible]
Side-oats grama, common (maximum—2 percent weed seed; 5 percent other crop seed; 1 percent sand dropseed).	25	20.00	16.60	13.[illegible]
	20	16.00	12.60	9.[illegible]
	15	12.00	8.60	5.[illegible]
Side-oats grama, certified (maximum—2 percent weed seed; 5 percent other crop seed; 1 percent sand dropseed).	25	25.00	20.75	16.[illegible]
	20	20.00	15.75	11.[illegible]
	15	15.00	10.75	6.[illegible]

[1] Germination and hard seed.

[F. R. Doc. 47-240; Filed, Jan. 9, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 7—PRICE DECONTROL AND RECONTROL

FILING OF PRICE DECONTROL PETITIONS

The regulations governing the filing of petitions for the decontrol of agricultural commodities issued by the Secretary of Agriculture on August 23, 1946, as amended (11 F. R. 9419, 9923) are hereby further amended as follows:

1. Section 7.1 *Applicability of the regulations in this part,* is amended by deleting therefrom all that part of said section beginning with the third sentence thereof.

2. Section 7.2 (f) is revised to read as follows:

§ 7.2 *General form and content of petitions.* * * *

(f) Each petition must contain a statement that in the judgment of the committee either (1) the supply of the agricultural commodity equals or exceeds requirements for such commodity for the current marketing season, or (2) the commodity is not important in relation to business costs or living costs. Such statement must be supported by evidence in accordance with the provisions of § 7.5.

3. Section 7.5 is amended by changing the first sentence thereof to read as follows:

§ 7.5 *Matters to be covered by petitions and evidence in support thereof.* Any petition requesting decontrol on the basis that the commodity is no longer in short supply must contain analyses and written evidence directed to a showing that supply of the commodity equals or exceeds requirements for the current marketing season.

4. Section 7.5 is further amended by adding the following at the end of said § 7.5: "Any petition requesting decontrol on the basis of the nonimportance of the commodity must contain analyses and written evidence directed to a showing that the commodity is not important in relation to either business costs or living costs."

Effective date. This amendment shall become effective January 1, 1947.

Issued this 6th day of January 1947.

[SEAL] N. E. DODD,
Acting Secretary.

[F. R. Doc. 47-214; Filed, Jan. 9, 1947; 8:49 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63-20]

PART 1596—FOOD IMPORTS

PARTIAL REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (10 F. R. 103, 8950, 10419; 11 F. R. 2630, 5105), Appendix A is hereby revised as follows:

1. By deleting the following items therefrom:

Food	Commerce import class No.
Cocoa beans or cacao beans	1501.300
Cocoa butter (cacao butter)	1420.000
Cocoa, unsweetened and sweetened	1502.100, 1502.300, 1502.900

2. By adding the following item thereto:

Food	Commerce import class No.
Cocoa, sweetened	1502.300, 1502.900

This amendment shall become effective at 12:01 a. m., e. s. t., January 7, 1947.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087)

Issued this 7th day of January 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-238; Filed, Jan. 9, 1947; 8:55 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

[Gen. Order 6. Reg. 2]

PART 501—RULES OF PROCEDURE

COPY OF PROCESS REQUIRED TO BE SENT TO OFFICE OF ALIEN PROPERTY IN CERTAIN CASES

Under the authority of the Trading with the Enemy Act, as amended, and Executive orders issued thereunder, and pursuant to law, the undersigned hereby issues the following regulation:

§ 501.6–2 *Copy of process required to be sent to Office of Alien Property in certain cases.* (a) A copy of any process or notice in any court or administrative action or proceeding involving property in the United States in which on December 31, 1946, a person in a designated enemy country had an interest, or income from such property accruing on or after December 31, 1946, which process or notice is to be served upon any such person, must in addition be sent by registered mail to the Office of Alien Property, Department of Justice, Washington 25, D. C. not less than 30 days prior to the date on which action pursuant to such process or notice is to be taken.

(b) Such process or notice shall otherwise conform to the rules, orders, or practice of the court or administrative body issuing such process or notice.

(c) For the purpose of this section:

(1) "Person" shall mean any individual, partnership, association, corporation, or body politic;

(2) "Income" shall include, without limitation, any interest, dividend, increment, proceeds, exchange, conversion, or other derivative, direct or indirect;

(3) "Designated enemy country" shall mean any foreign country against which the United States has declared war (Germany, Italy, Japan, Bulgaria, Hungary, and Rumania);

(4) Heirs-at-law and next-of-kin shall be deemed to have an interest in the estate of their decedent whether or not they are legatees under the will of said decedent.

(d) The provisions of this section shall not be applicable to any service of process or notice upon any person within Italy, Bulgaria, Hungary, or Rumania who is not a citizen or subject of Germany or Japan, in any court or administrative action or proceeding within the United States originally initiated or commenced after April 15, 1946.

(e) The receipt by the Office of Alien Property of a copy of any process or notice sent to it pursuant to this section shall not be considered service of such process or notice upon a person in an enemy country as provided for in § 501.6, unless:

(1) Specific request is made that it be so considered, and

(2) The Attorney General, or his duly authorized representative, files acceptance of such process or notice in the manner provided for in § 501.6.

(40 Stat. 411; 55 Stat. 839; 60 Stat. 50, 925; 50 U. S. C. App. 1, 50 U. S. C. App. Sup. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. this 7th day of January 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-237; Filed, Jan. 9, 1947; 8:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation 26]

PART 1005—ESTABLISHMENT OF MILITARY AREAS

HANFORD MILITARY AREA

NOVEMBER 12, 1946.

To: The people within the States of Washington, Oregon, California, Montana, Idaho, Utah, Arizona and Nevada, and the public generally.

Whereas, the Secretary of War, on 2 May 1946, designated the Commanding General, Sixth Army, as the Military Commander to carry out the duties and responsibilities imposed by Presidential Executive Order No. 9066, dated 19 February 1942 (7 F. R. 1407) for that portion of the United States embraced within the geographical limits of the Sixth Army Command and directed that all orders, proclamations and amendments thereto, presently in effect, issued pursuant to the said Executive order by the Commanding General, Western Defense Command, were to remain in full force and effect unless and until modified or canceled by the Commanding General, Sixth Army or other competent authority; and

Whereas, that portion of the United States lying within the States of Arizona, Utah, Idaho, Montana, Nevada, Wash-

ington, Oregon and California is within the geographical limits of the Sixth Army Command; and

Whereas, despite the cessation of hostilities, a state of war and the emergencies created thereby continue to exist which require the maintenance of military measures for protection against espionage and sabotage in order that the objectives thus far achieved by our arms may be secured and that the said state of war be successfully concluded; and

Whereas, important national defense materials, premises and utilities are located in the vicinity of Hanford, State of Washington, which are endangered by sabotage and espionage conducted in connection therewith, and by Public Proclamation No. 18 (8 F. R. 10289), Headquarters Western Defense Command, the area wherein the said materials, premises and utilities are located was established and designated as "Total Exclusion Area No. 3"; and

Whereas, in order to prevent such sabotage and espionage, military necessity requires that the said area be continued as a Military Area, that two sections of land be added thereto, and that restrictions imposed upon the rights of persons to enter, remain in, or leave the said area be continued.

Now, therefore, I, George P. Hays, Major General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General, Sixth Army, do hereby declare and proclaim that:

§ 1005.26 *Hanford Military Area.* (a) Pursuant to the determination and statement of military necessity and authority above set forth, the following described area, formerly designated as "Total Exclusion Area No. 3," is hereby established as a Military Area and designated "Hanford Military Area":

Beginning at the North East corner of Section 20, T15N, R27E, in Grant County, Washington, thence:

West along the North line of Sections 20, 19, T15N, R27E, 24, 23, 22, T15N, R26E, to the North West corner of Section 22, thence:

South along the West line of said Section 22, to its South West corner, thence:

West along the North line of Section 28, T15N, R26E, to its North West corner, thence:

South along the West line of said Section 28, to its South West corner, thence:

West along the North line of Section 32, in said township, to its North West corner, thence:

South along the West line of said Section 32, to its South West corner, thence:

West along the North line of Section 6, T14N, R26E, to its North West corner, thence:

South along the West line of said Section 6, to its South West corner, thence:

West along the North line of Section 12, T14N, R25E, to its North West corner, thence:

South along the West line of said Section 12, to its South West corner, thence:

West along the North line of Sections 14, 15, 16, 17, 18, T14N, R25E, to the North West corner of said Section 18, thence:

South along the West line of said Section 18, to its South West corner, thence:

West along the North line of Section 24, T14N, R24E, to its North West corner, thence:

South along the West line of said Section 24, to its South West corner, thence:

West along the North line of Section 26, T14N, R24E, to its North West corner, thence:

South along the West line of Sections 26, 35, T14N, R24E, and Section 2, T13N, R24E, to the South West corner of Section 2, thence:

West along the North line of Sections 10, 9, 8, 7, T13N, R24E, to the North West corner of said Section 7, thence:

North along the East line of Section 1, T13N, R23E, to its North East corner, thence:

West along the North line of Sections 1, 2, 3, T13N, R23E, to the North West corner of said Section 3, thence:

South along the West line of said Section 3, to its South West corner, thence:

East along the South line of said Section 3, to the South East corner of said Section 3, thence:

South along the West line of Section 11 to the South West corner of said Section 11, thence:

East along the South line of Sections 11 and 12 to the South East corner of said Section 12, thence:

South along the West line of Section 18, T13N, R24E, to the South West corner of said Section 18, thence:

East along the South line of Sections 18, 17, 16, 15, T13N, R24E, to the East line of the West half of said Section 15, thence:

South along the West line of the East half of Section 22, T13N, R24E, to the North line of Section 27, in said township, thence:

East along the South line of said Section 22 to its South East corner, thence:

South along the West line of Sections 26, 35, T13N, R24E, Sections 2, 11, 14, 23, 26, 35, T12N, R24E, and Sections 2, 11, 14, T11N, R24E, to the South West Corner of Section 14, last mentioned, thence:

East along the South line of said Section 14 to its South East corner, thence:

South along the West line of Section 24, T11N, R24E, to its South West corner, thence:

East along the South line of Section 24, T11N, R24E, and along the South line of Sections 19, 20, 21, 22, 23, T11N, R25E, to the South East corner of said Section 23, thence:

South along the West line of Section 25, T11N, R25E, to its South West corner, thence:

East along the South line of said Section 25 to its South East corner, thence:

South along the West line of Section 31, T11N, R26E, to its South West corner, thence:

East along the South line of said Section 31 to its South East corner, thence:

South along the West line of Section 5, T10N, R26E, to its South West corner, thence:

East along the South line of Sections 5 and 4, T10N, R26E, to the South East corner of said Section 4, thence:

South along the West line of Section 10, T10N, R26E, to its South West corner, thence:

East along the South line of said Section 10 to its South East corner, thence:

South along the West line of Section 14, in said township to its South West corner, thence:

East along the South line of Section 14, 13, T10N, R26E, to the South East corner of said Section 13, thence:

South along the West line of Section 19 to the South West corner of Section 19, T10N, R27E, thence:

East along the South line of said Section 19 to the North or left bank of the Yakima River, thence:

North Easterly and South Easterly, through Sections 19, 20, 17, 16, 9, 4, 3, T10N, R27E along the North or left bank of the Yakima River to the South line of Section 3 in said township and range, thence:

East to the South East corner of said Section 3, thence:

North along the East line of said Section 3 to the center line of the Richland-White Bluffs Highway, thence:

South Easterly through Sections 11, 12, T10N, R27E, Sections 7, 18, 17, T10N, R28E along the center line of said highway to its intersection with the East line of Section 17, T10N, R28E, thence:

South along the West lines of Sections 16, 21, 28, 33, in said township and range and along the West line of Section 4, T9N, R28E, to the North, or left bank of the Yakima River, thence:

Southerly along the North or left bank of the Yakima River, passing through Sections 4, 5, 9, 16, 15, 22, 23, 24, T9N, R28E, to a point on the North or left bank of the Yakima River on the West line of Section 19, T9N, R29E, thence:

Along the South East end of a peninsula formed by the Yakima and Columbia Rivers in said Section 19 and thence in a general northerly direction along the West or right bank of the Columbia River and passing through Sections 19, 18, T9N, R29E, Sections 13, 14, 11, 2, 1, T9N, R28E, Sections 36, 25, 24, 23, 14, 11, 2, T10N, R28E, Sections 35, 26, 23, 14, 11, 2, T11N, R28E, Sections 35, 26, T12N, R28E, to the North line of said Section 26, thence:

East along the North lines of Sections 26 and 25, T12N, R28E, and along the North line of Section 30, T12N, R29E, to the North West corner of said section, thence:

North along the East line of Section 19 T12N, R29E to the North East corner of said Section 19, thence:

West along the North line of said Section 19 to its North West corner, thence:

North along the East line of Sections 13, 12, 1, T12N, R28E, to the North East corner of said Section 1, thence:

West along the township line common to Townships 12 and 13 North, Range 28 East to the South East corner of Section 35, T13N, R28E, thence:

North along the East line of Sections 36, 25, T13N, R28E, to the North East corner of said Section 25, thence:

West along the North line of said Section 25 to its North West corner, thence:

North along the East line of Section 23, T13N, R28E, to its North East corner, thence:

West along the North line of said Section 23 to its North West corner, thence:

North along the East line of Section 15, T13N, R28E, to its North East corner, thence:

West along the North line of said Section 15 to its North West corner, thence:

North along the East line of Section 9, T13N, R28E, to its North East corner, thence:

West along the North line of said Section 9 to its North West corner, thence:

North along the East line of Section 5, T13N, R28E, to its North East corner, thence:

North along the East line of Section 32, T14N, R28E, to its North East corner, thence:

West along the North line of said Section 32 to its North West corner, thence:

North along the East line of Section 30, 19, T14N, R28E, to the North East corner of said Section 19, thence:

West along the North line of said Section 19 to its North West corner, thence:

North along the East line of Sections 13, 12, T14N, R27E, to the North East corner of said Section 12, thence:

West along the North line of said Section 12 to its North West corner, thence:

North along the East line of Section 2, T14N, R27E, to its North East corner, thence:

West along the North line of said Section 2 to its North West corner, thence:

North along the East line of Section 34, T15N, R27E, to its North East corner, thence:

West along the North line of said Section 34 to its North West corner, thence:

North along the East line of Section 28, T15N, R27E, to its North East corner, thence:

West along the North line of said Section 28 to its North West corner, thence:

North along the East line of Section 20, T15N, R27E, to its North East corner to the "point of beginning".

(b) No person shall have the right or shall be permitted to enter, remain in, or leave the above described "Hanford Military Area" except on permission by and in accordance with terms and conditions prescribed by the District Engineer, Manhattan District, Office of the Chief of Engineers, U. S. Army. All orders and restrictions presently in effect, issued pursuant to Public Proclamation No. 18, Headquarters Western Defense Command, by the said District Engineer shall apply to "Hanford Military Area" as hereby established and shall remain in full force and effect unless and until modified or canceled by the said District Engineer.

(c) Any person violating the provisions of this proclamation, or any of the terms or conditions prescribed in accordance with paragraph (b) of this section for entering, remaining in, or leaving the said "Hanford Military Area" will be subject to the criminal penalties provided in Public Law No. 503, 77th Congress, approved March 21, 1942, entitled, "An Act to Provide a Penalty for the Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones." (56 Stat. 173, 18 U. S. C., sec. 97a), as well as to prosecution under applicable Federal and State laws against loitering or trespassing.

(d) Pursuant to the authority granted by Executive Order No. 9066, the undersigned will enforce compliance with all orders and restrictions now in existence or to be issued pursuant to this proclamation by all lawful military means within his command, including the use of troops.

(e) The following public proclamations issued by the Commanding General, Western Defense Command, are hereby rescinded:

(1) Public Proclamation No. 1, dated March 2, 1942, (7 F. R. 2320) which established Military Areas Nos. 1 and 2, as changed by Public Proclamations No. 9 (7 F. R. 5719), 13 (7 F. R. 8565), 14 (8 F. R. 282), 16 (8 F. R. 3256) and 21 (10 F. R. 53);

(2) Public Proclamation No. 2 dated March 16, 1942, (7 F. R. 2405) which established Military Areas Nos. 3, 4, 5 and 6, as changed by Public Proclamations Nos. 13, 16 and 21;

(3) Public Proclamation No. 18, dated July 14, 1943, (8 F. R. 10289) which established Total Exclusion Area No. 3.

(f) This proclamation shall not affect any offense heretofore committed nor any conviction or penalty incurred because of violations of the provisions of the said Public Proclamations Nos. 1 and 2, as changed, or those of the said Public Proclamation No. 18, nor shall it affect the validity of any orders previously issued under the said proclamations.

(g) The effect of the recission of Public Proclamations Nos. 1 and 2 by paragraph (e) of this section is to abolish Military Areas Nos. 1, 2, 3, 4, 5, and 6 which were established in the territory embraced by the States of Washington, Oregon, California, Idaho, Montana, Nevada and Utah and to remove all restrictions and controls applicable to those areas as such. The only restrictions and controls now in force and effect are those which are applicable to "Hanford Military Area" as provided herein.

(h) This proclamation shall become effective at midnight December 2, 1946.

[SEAL] GEORGE P. HAYS,
Major General, U. S. Army.

Confirmed:

EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-226; Filed, Jan. 9, 1947; 8:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51591]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

BAGGAGE

Correction

In Federal Register Document 46-21964, appearing at page 14701 of the issue for Saturday, December 28, 1946, the third line of paragraph (l) of § 10.17 is corrected to read: "returned from or through a contiguous".

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Premium Payments Regs., General Interpretation 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

INVALIDATION OF CLAIMS FOR VIOLATIONS OF OPA PRICE CEILINGS OCCURRING PRIOR TO NOVEMBER 10, 1946

Upon the removal of OPA ceilings, outstanding premium payment regulations were amended to delete all specific references to OPA, including the power of the Expediter to invalidate claims for payment for price violations. The effect of these amendments is prospective only, as they were merely intended to eliminate provisions which could no longer apply to future operations. Accordingly, the Expediter retains the power to invalidate claims for price violations which occurred prior to the effective date of such amendments.

Issued this 8th day of January 1947.

ADOLPH H. ZWERNER,
General Counsel.

[F. R. Doc. 47-289; Filed, Jan. 8, 1947; 4:34 p. m.]

[Premium Payments Reg. 10, as Amended, Incl. Int. 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SAND-LIME BRICK

Purpose and findings. This general regulation is issued to stimulate additional production of sand-lime brick by providing for premium payments with respect to units of additional production above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which such payments may be obtained. This regulation is issued pursuant to the authority of the Veterans' Emergency Housing Act of 1946.

All available means of increasing the supply of sand-lime brick for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration the Expediter finds that premium payments are temporarily necessary to increase the supply of such materials and to stimulate additional production with greater rapidity, economy, and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry, emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.
(a) Definitions.
(b) Computation of production for quotas and claims.
(c) Establishment of quota.
(d) Application for quota.
(e) Rate and computation of premium payment.
(f) Claim for payment.
(g) Payment.
(h) Records.
(i) Reports.
(j) Official interpretations.
(k) Termination.
(l) Effective date.

§ 805.10 *Sand-lime brick*—(a) *Definitions.* As used in this section:

(1) "Brick" and "Sand-lime brick" mean brick of the type described in "Federal Specification for Brick; Sand-lime", approved June 28, 1932 and published in section IV, Part 5 of the Federal Standard Stock Catalog and identified as document SS-B-681. No sand-lime product having a gross volume, computed from actual overall dimensions, in excess of 176 cubic inches shall be deemed to be "sand-lime brick" under this section.

(2) "Sand-lime product" means any product manufactured in a plant in which sand-lime brick is produced and for which the manufacturing process and the production facilities are substantially similar to those employed in the manufacture of sand-lime brick.

(3) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(4) "Producer" means a person who operates a plant for the production of sand-lime brick.

(5) "Plant" means an integrated manufacturing establishment for the production of sand-lime brick (within the United States, its Territories, possessions or the District of Columbia) occupying

a single site and, where consisting of several complete manufacturing units, using common shipping and storing facilities and common operating supervision.

(6) "Standard size brick" means brick having a gross volume, computed from actual overall dimensions, of 75 cubic inches.

(7) "Production" and "Units of Production" mean the number of units of sand-lime brick and other sand-lime products computed pursuant to paragraph (b) of this section and stated in terms of standard size brick equivalents.

(8) "Month" means a calendar month: *Provided, however,* That any producer on whom this provision works a hardship may apply by letter to the Expediter for authorization to submit his application for quota and claims for payments on the basis of a stipulated fiscal month. With respect to a producer who has received such authorization this section shall become effective on the first day of his fiscal month beginning on or after October 1, 1946, and shall terminate on the same date as this section terminates as to other producers.

(9) "Full operating month" means a month during which a plant operated at least twenty working days except for February, during which the plant must have operated at least eighteen working days.

(10) "New producer". A person who did not operate prior to the effective date of this section any plant for the production of sand-lime brick shall be a new producer as to any plant operated by him for the production of sand-lime brick which was not, prior to the effective date of this section, substantially completed as a plant capable of producing sand-lime brick.

(11) "Claim" means a claim for payment filed pursuant to this section.

(12) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946, or his duly authorized representative.

(13) "OHE" means the Office of the Housing Expediter.

(b) *Computation of production for quotas and claims.* For the purpose of determining the quota of a plant and the amount of a claim, production shall be computed by counting the number of units of all sand-lime products completely cured in the month involved stated in terms of standard size brick equivalents. The number of standard size brick equivalents for all sand-lime products shall be computed by using 75 cubic inches as the gross volume equivalent to one standard size brick. For example: A sand-lime brick or other sand-lime product having actual dimensions of 3¾" x 5" x 8" and with a gross volume of 150 cubic inches equals 2 brick equivalent. In computing the gross volume of modular size brick for the purpose of converting to standard size brick equivalents, the nominal dimensions of the modular brick should be used rather than its actual dimensions.

(c) *Establishment of quota.* (1) A separate quota shall be established for each and every plant of the producer as follows:

(i) With respect to a plant where sand-lime products were produced for at least five full operating months during January through September 1946, the quota shall be the lower of the following: (a) The arithmetical monthly average of the production of all sand-lime products for the three months of highest production during January through September 1946 or (b) 90 percent of the production of all sand-lime products for the month of highest production during January through September 1946.

(ii) With respect to a plant where sand-lime products were produced less than five but at least two full operating months during January through September 1946, the quota shall be 90 percent of the production of all sand-lime products for the month of highest production during January through September 1946.

(iii) With respect to a plant where sand-lime products were produced prior to June 1, 1945, but where no sand-lime products of any kind were produced during the period from June 1, 1945 through September 30, 1946, the quota for each month shall be two-thirds of the production of all sand-lime brick during such month and premium payments will be made on the remaining one-third.

(iv) With respect to all other plants, a special quota shall be established by the Expediter: *Provided, however,* That no such quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of the producer's selling price) of the total output of such producer.

(v) Upon application therefor, on form NHA 14-113, a special quota adjusted for any number of consecutive months of the year may be established by the Expediter with respect to a plant where, customarily, because of the effect of weather conditions on plant operations the production of sand-lime brick during said months is substantially less than production in the other months of the year.

(2) In the case of a producer with two or more plants, if the production in any plant falls below the quota for that plant in any month, the Expediter may establish a combined quota for any or all plants of such producer if the Expediter determines that production has been shifted among such plants so as to increase the producer's total claims without a corresponding increase in total output.

(3) If the production of sand-lime brick in a plant in any claim period is below the sand-lime brick component of such plant's quota, then the plant's quota for the next succeeding claim period shall consist of its established quota plus the amount of the deficit in the production of sand-lime brick in the preceding claim period: *Provided, however,* That if on the producer's application the Expediter determines that the deficit was due to unusual circumstances beyond the control of the producer, such deficit shall not be added to the established quota. Such application for waiver of the deficit carry-over shall consist of form NHA 14-112 filled out as an information return and filed with the Reconstruction Finance Corporation Loan Agency with which the claims for that plant are filed within 15 days after the end of the month in which the deficit occurred, except that applications with respect to deficits incurred during the months of October, November and December, 1946, may be filed up to and including January 31, 1947.

[Above subparagraph (3) as amended shall become effective as of October 1, 1946]

(d) *Application for quota.* (1) Every producer who wishes to receive premium payments under this section shall file promptly with the Expediter an application for the establishment of quotas for each of his plants on form NHA 14-111 which may be obtained from any Reconstruction Finance Corporation Loan Agency. A producer may find out in which RFC Loan Agency district he is located by consulting his bank.

(2) Each application for an adjustment of quota pursuant to subdivision (c) (1) (v) of this section must be filed not later than January 31, 1947: *Provided, however,* that with respect to any plant which has not operated for the production of sand-lime brick between October 1, 1946, and December 31, 1946, such application may be filed not later than 30 days following the end of the month in which production first occurs subsequent to December 31, 1946.

[Above subparagraph (2) as amended shall become effective as of October 1, 1946]

(e) *Rate and computation of premium payment.* (1) A premium payment of $5.00 for each thousand units of production in excess of established quotas will be made. The amount payable for each month will be computed by subtracting from the total number of units of production of all sand-lime products during the month the amount of the established quota (including any deficit carried over from the previous month as set forth in subparagraph (c) (3) of this section) and multiplying the remainder by $5.00 per thousand units.

(2) In the case of a plant whose quota includes sand-lime products other than sand-lime brick, the production for the month covered by the claim may include such other sand-lime products up to but not exceeding the amount of other sand-lime products in its quota. The other sand-lime products in the quota shall be determined as follows:

(i) With respect to a plant whose quota is the arithmetic average of production in the three months of highest production, take the arithmetic average of the production of other sand-lime products in these three months.

(ii) With respect to a plant whose quota is 90% of production in the month of highest production, take 90% of production of other sand-lime products in that month.

Example: A plant has a quota of 1,000 standard size brick equivalent, made up of 800 in sand-lime brick and 200 in other sand-lime products. In October it produces 1,500 standard size brick equivalent of all sand-lime products made up of 1,200 sand-lime brick and 300 other sand-lime products. The claim for October should be for 400 standard size brick equivalents of production in excess of quota, computed as follows:

Sand-lime brick produced	1,200
Other sand-lime products produced (but not in excess of amount in quota)	200
Total production in claim	1,400
Quota	1,000
Production in excess of quota	400

(f) *Claim for payment.* (1) Each claim shall be filed on form NHA 14-112. These forms may be obtained from any RFC Loan Agency.

(2) Each claim shall be filed on or before the last day of the month following the end of the month in which the production occurred: *Provided, however,* That a producer obtaining a special quota for any plant shall file all previously accrued claims on account of production in that plant not later than the last day of the month following the end of the month in which the special quota was established by the Expediter. Notwithstanding any provision contained in this subparagraph (f) (2), claims based upon production occurring during the months of October, November and December, 1946, may be filed not later than January 31, 1947.

[Above subparagraph (2) as amended shall become effective as of October 1, 1946]

(3) With respect to any plant, no claim shall accrue on account of production occurring prior to the first day of the month in which the application for quota for such plant is filed with the Expediter: *Provided, however,* That this provision shall not become effective until February 1, 1947.

[Above subparagraph (3) as amended shall become effective as of October 1, 1946]

(4) Each claim for payment shall include all of the production of the month for which claim is made and no other. Any producer whose production in any month is insufficient to permit the payment of a premium shall nevertheless file form NHA 14-112 on or before the end of the month following the month in which the deficit occurred as an information return to indicate the amount of the deficit.

(5) Each claim or information return on form NHA 14-112 shall be filed with RFC at the Loan Agency for the District in which the main office of the plant is located, except that a producer operating more than one plant shall simultaneously file the claims or information returns for all of his plants at the Loan Agency for the District in which his main office is located.

(6) No claim under this section shall be assignable except as a part of the bona fide transfer of the plant to a legal successor.

(g) *Payment*—(1) *Review by RFC.* In reviewing claims, the RFC will determine whether such claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted: *Provided, however,* That with respect to claims for the last two months during which this section is in effect RFC may require that bond be furnished in form and amount satisfactory to it before making payment.

Preliminary acceptance and payment of a claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may:

(i) Require that bond be furnished in form and amount satisfactory to it before making further payments, or,

(ii) Suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims, RFC will forward copies to the Expediter for verification and such investigation or audit as may be deemed appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall upon demand by RFC refund the overage to RFC together with interest thereon at the rate of 4% per annum calculated from the date of such overpayment to the date repayment is made to the RFC or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(iii) In the event that the Expediter establishes a combined quota under paragraph (c) (2) of this section, payment shall be made on the basis of the amount by which total production of those plants whose quotas have been combined exceeds the total quotas of those plants.

(4) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a producer, and such producer shall upon demand refund to RFC any payment on such claim, if the Expediter finds that the producer has failed:

(i) To comply with any of the requirements of this section, or,

(ii) To comply with directives, certifications, allocations, orders or regulations of the Civilian Production Administration or OHE on sand-lime brick.

[Subdivision (ii) as amended shall become effective as of November 10, 1946]

(h) *Records.* Every producer shall prepare and preserve for inspection for a period of not less than two years after the date of termination of this section, all books, records and other documents which furnish information in support of its applications for quota and claims for payment. The Expediter or his designated agents shall have the right at any time to make such examinations and audits of these books, records and other documents as may be necessary to verify the representations in the producer's applications for quota and claims for payment or as may be required by the Expediter.

(i) *Reports.* Producers must furnish such reports as may be required by the Expediter from time to time, subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of the Office of the Expediter, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(k) *Termination.* This section shall terminate on May 31, 1947. In the event that the Expediter finds that any substantive amendments become necessary, including but not limited to an amendment of the termination date, no such amendments will be issued until after adequate notice to and discussion with representatives of the producers covered by this section.

Termination shall not preclude the filing of claims for payment during the month following such termination on account of production during the immediately preceding month. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

[Above paragraph as amended shall become effective as of November 10, 1946]

(l) *Effective date.* This section shall become effective as of October 1, 1946.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(60 Stat. 207)

Issued this 8th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

MEANING OF "SAND-LIME BRICK"

In order to meet the requirements for sand-lime brick set forth in paragraph (a) (1) of EPRR 10, a sand-lime brick must include the ingredients set forth in the Federal Specification for sand-lime brick and may also include cement but only when, and to the extent that, this is necessary to overcome strength deficiencies. In all cases, sand-lime brick must be cured under high steam pressure to develop the chemical reaction characteristic of sand-lime brick (Industry practice requires the use of a chamber or auto-clave within which an average of not less than 110 pounds per sq. in. steam pressure is developed and maintained for at least eight hours). (Issued December 11, 1946.)

[F. R. Doc. 47-290; Filed, Jan. 8, 1947; 4:34 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1020]

JOSEPH W. LUEPNITZ

Joseph W. Luepnitz, St. Ignace, Michigan, in June, 1946, without authorization from the Civilian Production Administration began the construction in St. Ignace, Michigan, of a combination business building and apartment estimated to cost not less than $3,000. He filed an application with the Civilian Production Administration on September 26, 1946, for authorization to construct the building which was denied on October 17, 1946, but continued construction thereafter. This was in violation of Veterans' Housing Program Order No. 1, and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1020 *Suspension Order No. S–1020.* (a) Neither Joseph W. Luepnitz, his successors or assigns, nor any other person shall do any further construction on the building in St. Ignace, Michigan, including putting up, completing or altering the structure, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Joseph W. Luepnitz shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph W. Luepnitz, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–288; Filed, Jan. 8, 1947; 4:31 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order No. S–1062]

BEN C. RICHARDS

Ben C. Richards, the owner of about 10 acres of land on Hillsborough Avenue at Dale Mabry Highway, Tampa, Florida, about July 15, 1946 commenced construction of a project known as a trailer park, consisting of nine separate buildings; namely, a combination residence and office, a grocery store, six utility buildings containing toilets and shower baths, and a laundry, at an estimated cost in excess of $10,000. An application for authority from the Civilian Production Administration to do this construction was denied on September 12, 1946, nevertheless, he continued construction thereafter of the combination residence and office at an estimated cost of between $8,000 and $10,000 without authorization and in wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1062 *Suspension Order No. S–1062.* (a) Neither Ben C. Richards, nor any other person shall do any construction on the said trailer park property or any part thereof located at Hillsborough Avenue at Dale Mabry Highway, Tampa, Florida, including completing, putting up, or the altering of said proposed structures on said premises, and including the combination office-residence now under construction, unless hereafter specifically authorized in writing by the Civilian Production Administration or the Federal Housing Administration.

(b) Ben C. Richards shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Ben C. Richards, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to Ben C. Richards, doing business as Vic's Trailer Park or under any other name, his successors and assigns, or persons acting in his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–286; Filed, Jan. 8, 1947; 4:31 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1069]

THOMPSON AND SMITH, AND JOHN S. COOK

Emory J. Thompson and E. Brook Smith, d/b/a Thompson and Smith, reside in Cumberland, Maryland, and own the premises on the south side of U. S. Highway Route No. 40, approximately 1 mile west of Cumberland, Maryland. John S. Cook, 1 North Liberty Street, Cumberland, Maryland, is a Builder and Contractor. Subsequent to March 26, 1946, Emory J. Thompson and E. Brook Smith, owners, and John S. Cook, builder, began the construction of a commercial building on this property at an estimated cost of $12,000, without authorization from the Civilian Production Administration. The beginning and carrying on of this construction, subsequent to March 26, 1946, without authorization of the Civilian Production Administration constituted a wilful violation on the part of Emory J. Thompson and John S. Cook, and, at least, a grossly negligent violation on the part of E. Brook Smith, of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1069 *Suspension Order No. S–1069.* (a) Neither Emory J. Thompson, E. Brook Smith, or John S. Cook, their successors or assigns, nor any other person shall do any further construction on the premises of Thompson & Smith, located on the south side of U. S. Highway Route No. 40, approximately 1 mile west of Cumberland, Maryland, including completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Emory J. Thompson, E. Brook Smith, and John S. Cook shall refer to this order in any application or appeal which they may file with Civilian Production Administration for priorities assistance, or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Emory J Thompson, E. Brook Smith, or John S Cook, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–235; Filed, Jan. 8, 1947, 4:31 p. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[SR 14F, Amdt. 27]

MODIFICATION OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN CHEMICALS, DRUGS, AND PAINTS

A statement of the considerations accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 10 (f) (1) is amended to read as follows:

(1) *Manufacturers:* $0.247 per gallon.

This amendment shall become effective as of October 29, 1946.

Issued this 9th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement of the Considerations Involved in the Issuance of Amendment No. 27 to SR 14F

Order 55 under section 19a of the General Maximum Price Regulation, effective October 10, 1946, permitted manufacturers of linseed replacement oil to sell this commodity under adjustable pricing until such time as the Office of Price Administration took final action with respect to applications filed by them for an increase in the maximum prices for this commodity.

On the basis of the data before this Office, it appears that an adjustment of $0.084 per gallon in the manufacturers' maximum prices for linseed replacement oil would have been appropriate under the Price Administrator's standards prior to October 29, 1946, the date when maximum prices for this commodity were decontrolled.

Accordingly, this amendment effectuates the increase indicated above which applies to all sales by manufacturers of this commodity prior to October 29, 1946, in accordance with Adjustable Pricing Order 55 under section 19a of the General Maximum Price Regulation. The increase permitted by this amendment results in a total increase of $0.247 per gallon over the maximum prices for this commodity originally established under SR 14F.

[F. R. Doc. 47–304; Filed, Jan. 9, 1947; 11:18 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 336]

MONTANA

EXCLUSION OF CERTAIN LANDS FROM THE BOWDOIN NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 7295 of February 14, 1936, establishing the Lake Bowdoin Migratory Waterfowl Refuge, in Montana, the designation of which was changed to the Bowdoin National Wildlife Refuge by Executive Order No. 8592, of November 12, 1940, is hereby revoked so far as it affects the following described lands:

PRINCIPAL MERIDIAN

T. 30 N., R. 31 E.,
sec. 10, NE¼SE¼SW¼SE¼SE¼, S½SE¼SW¼SE¼SE¼, NE¼SE¼SE¼SE¼, SE¼NW¼SE¼SE¼SE¼, S½SE¼SE¼SE¼;
sec. 11, SE¼NE¼NE¼NE¼SW¼, NE¼SW¼NE¼NE¼SW¼, S½SW¼NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, NE¼SW¼NE¼SW¼, SE¼NW¼SW¼NE¼SW¼, S½SW¼NE¼SW¼, SE¼NE¼SW¼, NE¼SE¼SE¼NW¼SW¼, S½SE¼SE¼NW¼SW¼, NE¼SW¼SW¼, SE¼NE¼NW¼SW¼SW¼, NE¼SW¼NW¼SW¼SW¼, S½SW¼NW¼SW¼SW¼, SE¼NW¼SW¼SW¼, S½SW¼SW¼, SE¼SW¼.

The area described contains 110 acres.

(36 Stat. 847; 43 U. S. C. 141; E. O. 9377, Apr. 24, 1943, 3 CFR Cum. Supp.)

WARNER W. GARDNER,
Assistant Secretary of the Interior.

DECEMBER 30, 1946.

[F. R. Doc. 47–206; Filed, Jan. 9, 1947; 8:50 a. m.]

[Public Land Order 337]

ALASKA

REVOKING EXECUTIVE ORDER NO. 4625 OF APRIL 1, 1927, RESERVING CERTAIN LOTS IN FEDERAL ADDITION TO THE TOWN SITE OF SEWARD

By virtue of the authority vested in the President by the act of March 12, 1914, 38 Stat. 305, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 4625 of April 1, 1927, reserving lots 11 and 12, block 8, in the Federal Addition to the town site of Seward, Alaska, for the use of the Forest Service of the United States Department of Agriculture, is hereby revoked.

(Sec. 1, 38 Stat. 305; 48 U. S. C. 303; E. O. 9337, Apr. 24, 1943, 3 CFR Cum. Supp.)

WARNER W. GARDNER,
Assistant Secretary of the Interior.

DECEMBER 31, 1946.

[F. R. Doc. 47–207; Filed, Jan. 9, 1947; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES RELATING TO ORGANIZATION AND PRACTICE AND PROCEDURE

SAFETY AND SPECIAL SERVICES DIVISION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of December 1946;

It appearing, that it is necessary and desirable to amend section 1.76 of the Commission's rules and regulations so as to reflect the present assignment of duties in the Safety and Special Services Division; and

It further appearing, that general notice of proposed rules making is not required with respect hereto pursuant to the provisions of section 4 (a) of the Administrative Procedure Act;

It is ordered, That § 1.76 (11 F. R. 177A–404) of the Commission's rules and regulations be, and it is hereby, amended to read as follows:

§ 1.76 *Safety and Special Services Division.* The Safety and Special Services Division is divided into the following sections:

(a) Aviation and General Mobile section, which reviews and prepares legal opinions, reports and recommendations (other than those involving common carrier operations) with respect to applications for radio station authorizations in the aviation service, both in the established and experimental stages and in the experimental general mobile service; reviews and makes recommendations with respect to formal and informal petitions and complaints; conducts investigations and hearings with respect to these services; drafts proposed legislative amendments and prepares Commission reports, orders, rules and regulations affecting these services.

(b) Marine, Operator and Amateur Section, which is responsible for all legal matters (other than those involving common carrier operations) relating to radio installations and operations aboard ships, whether voluntary or required by Title III, Part II, of the Communications Act of 1934, as amended, and the International Convention for the Safety of Life at Sea, and to land radio installations communicating with or sending signals to radio stations aboard ship, both in the experimental and established stages; to radio installations and operations in the Amateur Radio Service; and to all licensed radio operators, both amateur and non-amateur, whether performing service aboard ships, aircraft, or on land; participates in the enforcement of the requirements of the International Convention for the Safety of Life at Sea; reviews and makes recommendations to the Commission with respect to formal and informal petitions and complaints in marine, amateur, and operator matters; conducts investigations and hearings relating to marine, amateur, and operator matters; and as affecting such matters prepares Commission reports, orders, rules and regulations.

(c) Emergency, Experimental and Miscellaneous Section, which reviews and prepares legal opinions, reports and recommendations with respect to applications for radio station authorizations (other than those involving or looking toward common carrier operations) in the Emergency Services (police, fire, forestry and special emergency stations), the Experimental Service; conducts investigations and hearings affecting these services; reviews and makes recommendations with respect to formal and informal complaints; and prepares Commission reports, orders, rules and regulations affecting these services. (Sec. 4 (i), 48 Stat. 1068, sec. 5 (e), 48 Stat. 1068; 47 U. S. C. 154 (i), 155 (e))

It is further ordered, That the foregoing amendment to § 1.76 of the Commission's rules and regulations be, and it is hereby effective immediately.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–219; Filed, Jan. 9, 1946; 8:49 a. m.]

PART 3—RULES GOVERNING RADIO BROADCAST SERVICES

ORDER EXTENDING EXEMPTION FROM EXISTING RULES

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on December 26, 1946,

The Commission having before it the request of the Television Broadcasters Association, Inc. for an extension to June 30, 1947 of the action of the Commission of October 17, 1946 waiving the requirements of § 3.661 (a) of the rules and regulations of the Federal Com-

munications Commission until December 31, 1946; and

Whereas, it appears that because of construction and operating difficulties the deferment of the effect of § 3.661 (a), which requires television licenses to broadcast a minimum of 2 hours of broadcast service in any given broadcast day and not less than 28 hours broadcast service per week, should be continued until March 31, 1947.

It is hereby ordered, That § 3.661 (a) be amended so that the footnote at the end of § 3.661 (a) will read as follows:

[1] The requirements of § 3.661 (a) are waived until March 31, 1947.

This order is an exemption from existing Commission rules and it is necessary that it become effective immediately upon the expiration on December 31, 1946, of a similar exemption. Hence the public notice and procedure required by section 4 of the Administrative Procedure Act are hereby found to be unnecessary and this order is hereby made effective December 31, 1946.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-210; Filed, Jan. 9, 1947; 8:50 a. m.]

[Order 110-E]

PART 3—RULES GOVERNING RADIO BROADCAST SERVICES

TERMINATION OF LICENSES FOR INTERNATIONAL BROADCAST STATIONS

DECEMBER 26, 1946.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of December 1946.

The Commission having under consideration Order No. 110-D (11 F. R. 12573) adopted September 30, 1946, providing for the extension of the licenses of international broadcast stations:

It is hereby ordered, That the license term for every international broadcast station presently licensed shall end at the earlier of the following dates: (a) April 1, 1947, or (b) the first day on which its operations are not controlled, by agreement or otherwise, by the State Department, Office of International Information and Cultural Affairs, or other governmental agency supervising the operation of international broadcasting; *Provided*, That this shall be without prejudice to the consideration of any application filed for operation otherwise, in the light of provisions of the "Departments of State, Justice, Commerce and the Judiciary Appropriation Act, 1947" (Pub. L. 490, 79th Cong.) appropriating funds for use by the Department of State in connection with the operation of an information program outside the continental United States.[1]

[1] The provisions referred to provide in part that "funds herein appropriated shall not be used to purchase more than 75 per centum of the effective daily broadcasting time from any person or corporation holding an international shortwave broadcasting license from the Federal Communications Commission without the consent of such licensee. . ."

It is further ordered, That the portion of § 3.718 (11 F. R. 10300, 12573) of the Commission's rules and regulations which establishes for international broadcast stations a normal license term of one year is hereby suspended until further order of the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-211; Filed, Jan. 9, 1947; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM A[2]

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 2d day of January A. D. 1947.

The matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers being under consideration:

It is ordered, That the order of October 11, 1945, in the matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers be, and it is hereby modified with respect to annual reports for the year ended December 31, 1946, and subsequent years, as follows:

§ 205.1 *Form prescribed for annual reports.* Each Class I Common and Contract Motor Carrier of Property and each Class I Common and Contract Motor Carrier of Passengers shall file under oath an annual report for the year ended December 31, 1946, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form A (Class I Motor Carriers of Property and Passengers) which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Motor Carriers, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates. (49 Stat. 563, sec. 24, 54 Stat. 926; 49 U. S. C. 320.)

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-217; Filed, Jan. 9, 1947; 8:49 a. m.]

[2] Filed as part of the original document.

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

REFRIGERATOR CARS CONTAINING PORTABLE HEATERS

CROSS REFERENCE: For an exception to the provisions of § 500.3, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 1, Rev. 9, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS AND PERMITS

REFRIGERATOR CARS CONTAINING PORTABLE HEATERS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, General Permit ODT 1, Revised-9 (11 F. R. 12364), is hereby amended to read as follows:

§ 520.11 *Refrigerator cars containing portable heaters.* Notwithstanding the restrictions contained in § 500.3 of General Order ODT 1, Revised, as amended (11 F. R. 8228, 8740, 9040, 10616), any common carrier by railroad may accept from a shipper, or load and forward from or within any city or town to any point within the United States any refrigerator car containing merchandise consisting exclusively of portable heaters used or to be used in the protection of shipments by rail if such car would otherwise move empty to such point.

This Amendment 1 to General Permit ODT 1, Revised-9, shall become effective January 10, 1947, and shall expire at 11:59 p. m., March 31, 1947.

(54 Stat. 676, 56 Stat. 177; 58 Stat. 827; 59 Stat. 658; 60 Stat. 345; Pub. Law 475, 79th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 7th day of January 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-236; Filed, Jan. 9, 1947; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

BOWDOIN NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For order affecting the tabulation contained in § 11.1, see Public Land Order 336 under Title 43, *supra*, relating to the exclusion of certain lands from the Bowdoin National Wildlife Refuge, Montana.

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

DECEMBER 27, 1946.

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on December 20, 1946:

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Standards of Good Engineering Practice Concerning Standard Broadcast Stations is proposed to be revised to the following extent:

a. The method for computing RSS interference appearing in paragraph 2 on page 7 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations is to be amended to read as follows:

With respect to the root-sum-square values of interfering field intensities referred to herein, calculation is accomplished by considering the signals in order of decreasing magnitude, adding the squares of the values and extracting the square root of the sum, excluding those signals which are less than 50% of the RSS value of the higher signals already included.

The RSS value will not be considered to be increased when a new interfering signal is added which is less than 50% of the RSS value of interference from existing stations, and which at the same time is not greater than the smallest signal included in the RSS value of interference from existing stations. However, for the purpose of studying the gains and losses in service in cases where it is proposed to add a new interfering signal in excess of the value permitted above, the RSS limitation after the addition of the new signal shall be calculated without excluding any signal previously included. Similarly, for the purpose of studying the gains or losses where it is proposed to increase the value of one of the existing interfering signals in the RSS value the RSS limitation after the increase shall be calculated without excluding the interference from any source previously included.

Examples

1. Existing interferences:
Station No. 1—1.0 mv/m.
Station No. 2—0.59 mv/m.
Station No. 3—0.58 mv/m.
Station No. 4—0.57 mv/m.

The RSS value from Nos. 1, 2 & 3 is 1.29 mv/m; therefore interference from No. 4 is excluded for it is less than 50% of 1.29 mv/m.

2. Station A receives interference from:
Station No. 1—1.0 mv/m.
Station No. 2—0.59 mv/m.
Station No. 3—0.58 mv/m.

It is proposed to add a new limitation = 0.67 mv/m. This is more than 50% of 1.29 mv/m, the RSS value of Nos. 1, 2 & 3. The RSS of Station No. 1 and of the proposed station would be 1.20 mv/m which is more than twice as large as the limitation from Station No. 2 or No. 3. However, under the above provision the new signal and the three existing interferences are nevertheless calculated for purposes of comparative studies, resulting in an RSS value of 1.46 mv/m. However, if the proposed station is ultimately authorized, only No. 1 and the new signal are included in all subsequent calculations for the reason that Nos. 2 and 3 are less than 50% of 1.20 mv/m, the RSS value of the new signal and No. 1.

3. Station A receives interference from:
Station No. 1—1.0 mv/m.
Station No. 2—0.59 mv/m.
Station No. 3—0.58 mv/m.

No. 1 proposes to increase the limitation it imposes on Station A to 1.20 mv/m. Although Stations Nos. 2 and 3 are less than 50% of the 1.20 limitation, under the above provision they are nevertheless included for comparative studies. However, if the increase proposed by Station No. 1 is authorized, the RSS value then calculated is 1.20 mv/m because Stations Nos. 2 and 3 are excluded in view of the fact that the limitations they impose are less than 50% of 1.20 mv/m.

b. That portion set forth in lines 7 to 13 inclusive on page 3 of Standards of Good Engineering Practice Concerning Standard Broadcast Stations covering the method for computing the nighttime limitation on local channels is amended to read as follows:

Class IV stations operate on local channels normally rendering primary service only to a city or town and the suburban and rural areas contiguous thereto with powers not less than 0.1 kw or more than 0.25 kw. These stations are normally protected to 500 uv/m groundwave contour daytime. On local channels the separation required for the daytime protection shall also determine the nighttime separation. The actual nighttime limitation will be calculated.[3a]

[3a] The following approximate method may be used. It is based on the assumption of constant skywave reflection coefficient with distance less than 250 miles, of 0.25λ antenna height, and 88 mv/m at one mile effective field for 250 watts power. Zones defined by circles of various radii specified below are drawn about the desired station and the interfering 10% skywave signal from each station in a given zone is considered to be the value tabulated below. The effective interfering 10% skywave signal is taken to be the RSS of all signals originating within these zones. (Stations beyond 500 miles are neglected.)

Zone	Inner radius	Outer radius miles	10 percent skywave signal
			Mv/m
A		50	0.13
B	50	60	.15
C	60	70	.17
D	70	90	.19
E	90	250	.21
F	250	300	.19
G	300	350	.17
H	350	400	.15
I	400	450	.13
J	450	500	.12

Where the power of the interfering station is not 250 watts the 10% skywave signal should be adjusted by the square root of the ratio of the power to 250 watts.

c. Page 1, footnote 3 of present standards (to be substituted for present footnote 3):

[3] The secondary service area of a Class I station is not protected from adjacent channel interference. However, if it is desired to make a determination of the area in which adjacent channel groundwave interference (10 kc removed) to skywave service exists, it may be considered as the area where the ratio of the desired 50% skywave of the Class I station to the undesired groundwave of a station 10 kc removed is 1 to 4.

d. Page 11, of present standards (to be substituted for page 10, beginning "The night separation tables," through Table VII–H on page 16).

The following table is to be used for determining the minimum ratio of field intensity of a desired to an undesired signal for interference-free service. In the case of a desired groundwave signal interfered with by two or more skywave signals on the same frequency, the RSS value of the latter is used.

TABLE V—INTERFERENCE RATIOS

Frequency separation of desired to undesired signals	Desired groundwave to		Desired 50 percent skywave to undesired 10 percent skywave
	Undesired ground wave	Undesired 10 percent skywave	
0 kc	20:1	20:1	20:1
10 kc	1:1	1:5	(1)
20 kc	1:30		

[1] See footnote 3, p. 1.

Stations with the same general groundwave service area may be licensed for operation on channels as close as 40 kc separation. Although no interference ratio is specified in Table V for 30 kc separation since most receivers are sufficiently selective to tolerate a high level of interfering signal at this separation, other effects, such as cross-modulation of signals may result depending upon the relative location of two stations with such frequency separation. Accordingly, no station will be licensed for operation with a 30 kc separation from another station, if the area enclosed by the 25 mv/m groundwave contours of the two stations overlap. Moreover, at 20 kc and 10 kc separation the minimum ratio for interference free service permits the interfering signal to be stronger than the desired signal which results in a decrease in the area of interference for closer spacing of the transmitters. This frequency separation is nevertheless considered inappropriate for stations with the same general urban coverage and therefore no station will be licensed for operation with less than 30 kc frequency separation if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave contour of the other.

Two stations, one with a frequency twice that of the other, should not be assigned in the same groundwave service area unless special precautions are taken to avoid interference from the second harmonic of the lower frequency. In selecting a frequency, consideration should be given to the fact that occasionally the

frequency assignment of two stations in the same area may bear such a relation to the intermediate frequency of some broadcast receivers as to cause so-called "image" interference. However, since this can usually be rectified by readjustment of the intermediate frequency of such receivers, the Commission in general will not take this kind of interference into consideration in allocation problems.

Two stations operating with synchronized carriers[2] and carrying the identical program will have their groundwave service subject to some distortion in areas where the signals from the two stations are of comparable intensity. For the purpose of estimating coverage of such stations areas in which the signal ratio is between 1 to 2 and 2 to 1 will not be considered as having satisfactory service.

3. The proposed amendments had been widely discussed with interested persons, specifically with Engineering Committees appointed to advise the Commission in the matter of Clear Channel Broadcasting in the Standard Broadcast Band (Docket No. 6741), with Industry Committees meeting to advise the Commission concerning proposals to be made to the North American Regional Radio-Engineering Meeting concerning the extension of the North American Regional Broadcasting Agreement and testimony concerning those amendments was taken in the hearing being held in Docket No. 6741.

4. The proposed amendments are issued under the authority of sections 303 (b), 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted in the form set forth may file with th Commission by January 23, 1947, a written statement or brief setting forth his comments. The Commission will consider these written statements before adopting the proposed amendments and if comments are submitted which appear to warrant the Commission to hold an oral argument notice of time and place of such oral argument will be given.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-218; Filed, Jan. 9, 1947; 8:49 a. m.]

[2] Two stations are considered to be operated synchronously when the carriers are maintained within one-fifth of a cycle per second of each other and they transmit identical programs.

[47 CFR, Parts 16 and 17]

FREQUENCY TOLERANCE FOR CERTAIN LOW POWER RADIO TRANSMITTERS

NOTICE OF PROPOSED RULE MAKING

DECEMBER 20, 1946.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The rules and regulations as proposed for revision are set forth in an appendix attached to this notice.

3. The proposed rules are issued under the authority of sections 303 (e) and 303 (f) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that these proposed revisions of the rules should not be adopted, or should not be adopted in the form set forth, may file with the Commission, on or before Jan. 13, 1947 a written statement or brief setting forth his comments. The Commission will consider these written comments before adopting the proposed rules, and, if comments are submitted which request or appear to warrant the Commission holding an oral argument, notice of the time and place of such oral argument will be given.

§ 16.63 *Channel width and modulation.* (a) In the frequency band 30–100 Mc, the width of each channel assigned is 40 kc; in the 100–216 Mc band, the channel width is 60 kc. Each frequency which appears on a station license or other instrument of station authorization is the center or mid-point of a frequency channel. All emissions outside of an assigned channel shall be attenuated at least sixty (60) decibels below the maximum level of emissions within the assigned frequency channel.

(b) When the radio frequency carrier is amplitude modulated, modulation shall be sufficient to provide effective communication, but shall not exceed one hundred percent on peaks.

(c) When the radio frequency carrier is frequency modulated, the positive or the negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed one-half the assigned channel width.

§ 16.64 *Frequency stability.* (a) A Railroad Radio Service permittee or licensee shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency, except as provided in paragraph (b) of this section:

	Percent
(1) Below 50 Mc	0.01
(2) Above 50 Mc	0.005

(b) The requirements of paragraph (a) of this section shall not apply to any mobile or portable station or transmitter unit thereof when operated with less than three watts plate power input to the final radio stage. For such equipment, compliance with the requirements of § 16.63 regarding channel width and modulation is sufficient.

§ 17.142 *Frequency stability.* (a) A Utility Radio Service permittee or licensee shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency; except as provided in paragraph (b) of this section.

	Percent
(1) Below 50 Mc	0.01
(2) Above 50 Mc	0.005

(b) The requirements of paragraph (a) of this section shall not apply to any mobile or portable station or transmitter unit thereof when operated with less than three watts plate power input to the final radio stage. For such equipment, compliance with the requirements of § 17.146 regarding channel width and modulation is sufficient.

§ 17.146 *Channel width and modulation.* (a) In the frequency band 30–100 Mc, the width of each channel assigned is 40 kc; in the 100–216 Mc band the channel width is 60 kc. Each frequency which appears on a station license or other instrument of station authorization is the center or mid-point of a frequency channel. All emissions outside of an assigned channel shall be attenuated at least sixty (60) decibels below the maximum level of emissions within the assigned frequency channel.

(b) When the radio frequency carrier is amplitude modulated, modulation shall be sufficient to provide effective communication, but shall not exceed one hundred percent on peaks.

(c) When the radio frequency carrier is frequency modulated, the positive or the negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed one-half the assigned channel width.

NOTE: Footnote 3 to § 17.146 has been deleted.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-209; Filed, Jan. 9, 1947; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

DECEMBER 18, 1946.

1. Pursuant to the authority delegated to me by the Secretary of the Interior (43 CFR 4.275 (a) (39), 11 F. R. 9080), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a) for leasing, as hereinafter indicated, the following described public lands in the Los Angeles, California, land district, embracing 481.49 acres:

SMALL TRACT CLASSIFICATION NO. 110

CALIFORNIA NO. 45

For all of the purposes mentioned in the act except business and camp sites.

SAN BERNARDINO MERIDIAN

T. 5 S., R. 6 E.,
Sec. 4, SW¼;
Sec. 6, lots 1 and 2 of NE¼;
Sec. 8, S½N½.

2. These lands are located in Riverside County, California, on the west side of Coachella Valley about 125 miles southeast of Los Angeles and about 66 miles southeast of Riverside. The area is located in the northern part of the township, at an elevation of about 200 feet, where the surface is nearly level. The township is approximately 5½ miles from Indio and 14 miles from Palm Springs. Both of these towns serve as trade and social centers for large desert areas, and both are readily accessible over State Highway No. 111. Stores, schools and other community services are available. The Southern Pacific railroad tracks cross the northeast corner of the township.

3. This is an arid section of California where the precipitation averages about 5 inches a year. The average winter temperatures vary from 50 degrees to 60 degrees and those of the summer from 80 degrees to 90 degrees. The climate is reported to be especially favorable for the alleviation of bronchial, pulmonary and other disorders. Surface water supplies are limited. Water can be secured from underground sources in the valley portions of the township at depths of from 150 to 250 feet.

4. Pursuant to § 257.8 of the Code of Federal Regulations (43 CFR, Part 257, Cum. Supp., as amended by Circ. 1613, February 27, 1946), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 11:55 a. m. on April 26, 1946, and (b) are for the type of site for which the land subject thereto has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

5. As to the land not covered by the applications referred to in paragraph 4, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on February 19, 1947. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on February 19, 1947, to close of business on May 20, 1947, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at or after 11:55 a. m. on April 26, 1946, together with those presented at 10:00 a. m. on January 30, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on May 21, 1947, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous nonpreference-right* filings. Applications under the small tract act by the general public filed at or after 11:55 a. m. on April 26, 1946, together with those presented at 10:00 a. m. on May 1, 1947, shall be treated as simultaneously filed.

6. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

7. All applications for the lands referred to in paragraphs 4 and 5 which shall be filed in the District Land Office at Los Angeles 12, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

8. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Director, Bureau of Land Management, improvements which, under the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of five years, at an annual rental of $5, payable yearly in advance.

9. The land will be leased in tracts of approximately five acres, or aliquot parts thereof, each being approximately 330 x 660 feet, or aliquot dimensions thereof. The tracts should conform in description with the rectangular system of surveys as one compact unit.

10. Preference right leases referred to in paragraph 4 will be issued for the land described in the application, provided the tract is made to conform to the areas and dimensions specified above.

11. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, however, the Acting Manager is authorized to accept applications for the remaining five-acre tract or aliquot parts thereof extending in the same direction so as to fill out the subdivision.

12. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 47-208; Filed, Jan. 9, 1947; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket 6651]

REVISED FREQUENCY SERVICE ALLOCATIONS BETWEEN 1,000 AND 13,000 MEGACYCLES TO NON-GOVERNMENT FIXED AND MOBILE SERVICES

ORDER POSTPONING ORAL ARGUMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of December 1946;

It is ordered, That the oral argument in the above-entitled matter heretofore scheduled to be held on January 28, 1947, be, and it is hereby, postponed until February 4, 1947.

By the Commission.

[SEAL] T. J. SLOWIE.
Secretary.

[F. R. Doc. 47-234; Filed, Jan. 9, 1947, 8:46 a. m.]

CESSATION OF FM BROADCAST OPERATIONS IN THE BAND OF 42–44 MEGACYCLES

TEMPORARY ASSIGNMENTS

DECEMBER 20, 1946.

In order to clear the band of 42–44 megacycles for use by the non-government fixed and mobile services to which that band has been allocated, the Commission today announced the following temporary assignments for FM broadcast

stations now operating in the 42–44 megacycle region:

Call letters	Licensee	Present temporary assignment	New temporary assignment	Regular assignment
		Mc	Mc	Mc
W2XMN	Edwin H. Armstrong, Alpine, N. J.	42.8	44.1	68.9
WINX–FM	WINX B'cg Co., Washington, D. C.	43.2	44.7	92.9
WMNE	The Yankee Network, Inc., Boston, Mass., T—Mt. Washington, N. H.	43.9	45.1	98.1
WBEZ	Board of Education, Chicago, Ill.	42.5	44.3	91.7
WBKY	University of Kentucky, Lexington, Ky.	42.9	44.3	91.3
WBCE	Board of Education, Cleveland, Ohio.	42.5	44.3	90.1
KALW	Board of Education, San Francisco, Calif.	42.1	44.3	91.7
WNYE[1]	Board of Education, city of New York, Brooklyn, N. Y.	42.1	44.9	91.7
WIUC[1]	University of Illinois, Urbana, Ill.	42.9	44.7	91.5

[1] Stations WNYE and WIUC have indicated that they propose to cease operation until their equipment is ready for operation on their regular assignment.

The above changes are effective January 1, 1947, or as soon thereafter as equipment may be modified, and in no event later than February 1, 1947.

The Commission has not yet fixed the date when all FM operation in the 44–50 Mc band must cease and all FM operation be confined to the 88–106 Mc band. As previously announced, the Commission will endeavor to continue the temporary operation of stations in the lower band until FM receivers for the higher band are generally available.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–231; Filed, Jan. 9, 1947; 8:46 a. m.]

[Designation Order No. 5]

DESIGNATION OF MOTIONS COMMISSIONER FOR JANUARY 1947

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 26th day of December 1946;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Paul A. Walker, Commissioner be, and he is hereby designated as Motions Commissioner, for the month of January 1947.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–228; Filed, Jan. 9, 1947; 8:47 a. m.]

NEW CITIZENS' RADIOCOMMUNICATION SERVICE

DEVELOPMENT AND CONSTRUCTION OF EQUIPMENT

DECEMBER 20, 1946.

On November 13, 1946 the Commission released Public Notice Number 99764 (11 F. R. 13704) which contained the proposed technical requirements for equipment to be used in the frequency band 460–470 Mc. for the Citizens Radiocommunication Service. It was stated that any comments or suggestions relating to the development or operation of such equipment should be submitted to the Commission at Washington, D. C., not later than December 31, 1946. It now appears that additional time would be desirable. Accordingly, this date has been extended to January 15, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–229; Filed, Jan. 9, 1947; 8:47 a. m.]

[Docket No. 6651]

REVISED FREQUENCY SERVICE-ALLOCATIONS TO NON-GOVERNMENT FIXED AND MOBILE SERVICES IN THE BAND 152–162 MEGACYCLES

ORDER POSTPONING ORAL ARGUMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of December 1946;

It is ordered, That oral argument on the above-entitled matter heretofore scheduled to be held on January 27, 1947, be, and it is hereby postponed until 2 p. m. on February 3, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–233; Filed, Jan. 9, 1947; 8:46 a. m.]

[Docket No. 7896]

COLUMBIA BROADCASTING SYSTEM, INC.

PETITION FOR CHANGES IN RULES AND STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING TELEVISION BROADCAST STATIONS

DECEMBER 23, 1946.

The Commission today announced that it has ordered a resumption of its color television hearing for the week beginning Monday, January 27, 1947. The hearing will reopen in New York City in a federal court room to be subsequently specified and at that time the petitioner, Columbia Broadcasting System, is requested to be prepared to repeat for the record actual demonstrations of its color television system, similar to those which have been made to the Commission and other interested persons.

All parties are requested to be present at the New York hearing and demonstration, if possible, so that they may have the opportunity to cross-examine petitioner concerning all phases of the demonstration and to offer any evidence they may have concerning the demonstration.

Any other party to the proceeding desiring to have a demonstration made at the public hearing may do so during the week of January 27. Parties desiring to avail themselves of this opportunity should communicate with the Commission counsel no later than January 6, 1947.

Following those demonstrations the hearing will resume in Washington.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–227; Filed, Jan. 9, 1947; 8:47 a. m.]

[Docket No. 6651]

REVISED FREQUENCY SERVICE-ALLOCATIONS TO NON-GOVERNMENT FIXED AND MOBILE SERVICES IN THE BAND 30–40 MEGACYCLES

ORDER POSTPONING ORAL ARGUMENT

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 23d day of December 1946;

It is ordered, That oral argument in the above-entitled matter heretofore scheduled to be held on January 27, 1947, be, and it is hereby postponed until 10 a. m. on February 3, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–232; Filed, Jan. 9, 1947; 8:46 a. m.]

[Docket 7922, 7923]

NORTHWESTERN THEOLOGICAL SEMINARY AND BIBLE TRAINING SCHOOL

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Northwestern Theological Seminary and Bible Training School, Minneapolis, Minnesota, for construction permits; Docket No. 7922, File No. B4–P–5273; Docket No. 7923, File No. B4–PH–970.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the above-entitled application requesting construction permits for a new standard broadcast and FM station to operate at Minneapolis, Minn.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for consolidated hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and members to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to receive service from the proposed stations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing or proposed broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47–235; Filed, Jan. 9 1947; 8:46 a. m.]

[Docket No. 7858]

MEDICAL DIATHERMY EQUIPMENT AND INDUSTRIAL HEATING EQUIPMENT

CONDITIONAL ASSIGNMENT OF FREQUENCY

By public notice of September 20, 1946, the Commission announced proposed rules and regulations governing the operation of medical diathermy equipment and industrial heating equipment and specified November 6, 1946, for oral argument and hearing on such proposed rules and regulations. In its public notice of September 20, 1946, the Commission also stated that in the oral argument and hearing referred to above consideration would be given to the question whether an additional frequency band should be assigned for the operation of medical diathermy equipment and industrial heating equipment in the 3000 megacycle region of the spectrum. By subsequent notice dated October 9, 1946, the said oral argument and hearing was postponed to December 18, 1946, and in a further notice of November 14, 1946, particular attention was called to the fact that consideration would be given to allocation of a frequency in the 3000 megacycle region of the spectrum for industrial, medical and scientific purposes and all interested parties were invited to submit comments and participate in the scheduled oral argument and hearing.

The oral argument and hearing referred to above was held on December 18 and 19, 1946, and upon the basis of the evidence received at that time the Commission has determined that the public interest would be served by a grant of the request for allocation of space in the 3000 megacycle region of the spectrum which would be available for industrial, medical, and scientific purposes. Accordingly, the Commission has adopted the order set out below providing for allocation of the frequency 2450 megacycles for such purposes and requiring that emissions radiated in the course of operation on that frequency be confined within the range 2400–2500 megacycles.

The regulations under consideration in Docket 7858 with respect to operation of industrial heating and medical diathermy equipment in the 13, 27 and 40 megacycle regions of the spectrum are inapplicable to this operation on 2450 megacycles and detailed regulations with respect to operation on that frequency have not yet been promulgated. However, rather than postpone the availability of the frequency in question for general use until such standards have been determined, the Commission is making the frequency 2450 megacycles available for immediate non-exclusive use without a license for industrial, medical, and scientific purposes in compliance with certain conditions set forth in the order. It should be noted particularly that operation at this time rather than at a later date after the promulgation of engineering standards is expressly made subject to such regulations as the Commission may in the future decide to be appropriate with respect to operation upon the frequency in question. Persons who make use of that frequency now are accordingly placed on notice that such regulations may be adopted and be applicable to their operation.

At a meeting of the Federal Communications Commission in its offices in Washington, D. C. on December 26, 1946,

The Commission having under consideration a request for assignment of a frequency in the 3000 megacycle region of the radio spectrum for industrial, medical, and scientific purposes without a license; and

The Commission on December 18 and 19, 1946, having held a public hearing, after due notice to all interested parties, to receive evidence upon the question whether such a band should be assigned for such purposes; and

The Commission having considered the evidence presented during such hearing and having determined upon such consideration that the public interest, convenience, and necessity would be served by such an allocation;

Now, therefore, *It is hereby ordered*, That the frequency 2450 megacycles be, and the same is hereby, assigned, for industrial, medical, and scientific purposes upon a non-exclusive basis. Operation for such purposes upon the frequency 2450 megacycles may be conducted without a license only upon the following conditions:

(1) The emissions of radiofrequency energy resulting from such operation shall be confined to that portion of the spectrum between 2400–2500 megacycles.

(2) The energy radiated and the band width of emissions of all industrial, medical and scientific equipment operated as provided for herein shall be reduced to the greatest extent practicable. No interference shall be caused to authorized communication services from spurious or harmonic radiations. In the event of such interference from spurious or harmonic radiations, operation of the equipment causing such interference shall cease and shall not be resumed until steps necessary to eliminate such interference have been taken.

(3) Operation upon the assigned frequency as specified above shall be subject to such future regulations as may be found by the Commission to be appropriate.

By direction of the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–230; Filed, Jan. 9, 1947; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–9, 59–12]

AMERICAN GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of January A. D. 1947

In the matter of American Gas and Electric Company, Atlantic City Electric Company, Deepwater Operating Company, South Pennsgrove Realty Company, File Nos. 54–9 and 59–12.

The Commission having heretofore on December 26, 1945 entered its order pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directing American Gas and Electric Company ("American"), a registered holding company, to limit the operations of its holding company system by severing its relationships with Atlantic City Electric Company ("Atlantic City"), Deep Water Operating Company ("Deep Water"), South Pennsgrove Realty Company ("Pennsgrove"), The Scranton Electric Company ("Scranton") and West Pittston-Exeter Railroad Company ("Pittston"):

Notice is hereby given that on December 20, 1946, American filed with this Commission an application requesting a one-year extension of time pursuant to section 11 (c) of the act within which to comply with the Commission's order of December 26, 1945 with respect to divestment of Atlantic City, Deep Water, and Pennsgrove.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application shall not be granted except pursuant to the further order of the Commission:

It is hereby ordered, That a hearing be held upon said application on January 21, 1947 at 11:00 a. m., e. s. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the applicant herein, and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of the issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether sufficient reason can be shown why the Commission's order of December 26, 1945 with respect to the divestment of Atlantic City, Deep Water and Pennsgrove has not been complied with.

(2) Whether and to what extent a further extension of time for compliance with said order of December 26, 1945 is necessary or appropriate in the public interest or for the protection of investors and consumers.

(3) Whether in the event the application shall be granted in whole or in part, it is necessary to impose terms and conditions to assure compliance with the order of December 26, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-212; Filed, Jan. 9, 1947; 8:50 a. m.]

[File Nos. 59-88, 59-9]

PHILADELPHIA CO. ET AL.

ORDER POSTPONING HEARING AND EXTENDING TIME TO ANSWER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of January 1947.

In the matter of Philadelphia Company and certain of its subsidiary companies and Standard Power and Light Corporation and Standard Gas and Electric Company, Respondents, File No. 59-88; Standard Power and Light Corporation, Standard Gas and Electric Company and subsidiary companies thereof, Respondents, File No. 59-9.

The Commission having on the 5th day of December 1946, pursuant to sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935, issued a notice of and order for hearing in the above-captioned consolidated proceedings and having ordered that such hearing be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, on the 21st day of January, 1947 and having further ordered that answers herein be filed on or before fifteen days prior to the date set for hearing; and

Philadelphia Company and certain of its subsidiary companies and Standard Gas and Electric Company, respondents herein, having on January 2, 1947 filed petitions requesting that the Commission extend for a period of at least sixty days the time for filling answers herein, and postpone the date for hearing for a period of at least thirty days subsequent to the date to be fixed for filing answers, and Standard Power and Light Corporation, another respondent herein, having also requested an extension of time for the filing of its answer herein; and

It appearing to the Commission that the various petitions do not show sufficient cause for the granting of the continuance for the periods requested, but that it is appropriate in the public interest that some extension of time be granted for the filing of answers and that the said hearing be postponed to extent hereinafter ordered;

It is ordered, That the time for filing answers in this proceeding be and is hereby extended until February 10, 1947, and the date for hearing in this matter be and is hereby postponed to February 25, 1947, at the same time and place heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-213; Filed, Jan. 9, 1947; 8:50 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-470]

ALBERT MARIANO

CONSENT ORDER

Albert Mariano, North Miles Road, Moreland Hills Village, Ohio, is charged by the Civilian Production Administration with violating Veterans' Housing Program Order 1 in that in August, 1946, he began construction and thereafter carried on and participated in the construction of a one and a half story garage and warehouse building located on North Miles Road, Moreland Hills Village, Ohio, at a cost in excess of $1,000 without authorization of the Civilian Production Administration.

Albert Mariano admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Albert Mariano, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That

(a) Neither Albert Mariano, his successors and assigns, nor any other person shall do any further construction on the commercial structure located on North Miles Road, Moreland Hills Village, Ohio, including the putting up, completing or altering the garage and warehouse structure located on said premises unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Albert Mariano shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authority to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Albert Mariano, his successors and assigns, from any provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-287; Filed, Jan. 8, 1947; 4:31 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-687]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 7, 1947.

Notice is hereby given that, on January 6, 1947, the Federal Power Commission issued its findings and order issuing certificates of public convenience and necessity, entered January 3, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-221; Filed, Jan. 9, 1947; 8:48 a. m.]

[Docket No. G-774]

PHEBUS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 7, 1947.

Notice is hereby given that, on January 7, 1947, the Federal Power Commission issued its findings and order issuing certificate of public convenience and necessity, entered January 3, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-220; Filed, Jan. 9, 1947; 8:48 a. m.]

[Docket No. G-788]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 7, 1947.

Notice is hereby given that, on January 6, 1947, the Federal Power Commission issued its findings and order issuing certificate of public convenience and necessity, entered January 3, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-223; Filed, Jan. 9, 1947; 8:48 a. m.]

References

FEDERAL REGISTER

VOLUME 12 NUMBER 8

Washington, Saturday, January 11, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 107]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.320 *Orange Regulation 107*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp. 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 13, 1947, and ending at 12:01 a. m., e. s. t., January 20, 1947, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits (11 F. R. 13239); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used herein, "handler," "variety," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-315; Filed, Jan. 10, 1947; 8:46 a. m.]

[Orange Reg. 160]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.306 *Orange Regulation 160*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 12, 1947, and ending at 12:01 a. m., P. s. t., January 19, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, 1,150 carloads; (*b*) Prorate District No. 2, 150 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Orange Reg. Period No. 160. 12:01 a. m. Jan. 12, 1947, to 12:01 a. m. Jan. 19, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base percent
Total	100.0000
A. F. G. Lindsay	1.6951
A. F. G. Porterville	2.2276
Cooperative Citrus Association	.6949
Dofflemyer, W. T.	.5355
Elderwood Citrus Association	1.2263
Exeter Citrus Association	2.9916
Exeter Orange Growers Association	.6339
Exeter Orchards Association	1.0691
Hillside Packing Corp	1.6637
Ivanhoe Mutual Orange Association	1.1191
Klink Citrus Association	4.5871
Lemon Cove Association	1.4600
Lindsay Citrus Growers Association	2.7233
Lindsay Coop. Citrus Association	1.4147
Lindsay District Orange Co	1.4169
Lindsay Fruit Association	1.9456
Lindsay Orange Growers Association	1.3028
Naranjo Packing House Co	.9085
Orange Cove Citrus Association	2.6318
Orange Packing Company	1.1168
Orosi Foothill Citrus Association	1.3018
Paloma Citrus Fruit Association	1.1431
Pogue Packing House, J. E.	0.7029
Rocky Hill Citrus Association	2.0841
Sanger Citrus Association	3.0946
Sequoia Citrus Association	.8478
Stark Packing Corp	2.3500
Visalia Citrus Association	.6519
Waddell & Son	1.8952
Butte County Citrus Association, Inc	.8290
James Mills Orchard Corp	1.1385
Orland Orange Growers Association, Inc	.6782
Baird-Neece Corp	1.7441
Beattie Association, Agnes M.	.5909
Grand View Heights Citrus Association	2.0021
Magnolia Citrus Association	2.1873
Porterville Citrus Association	1.3553
Richgrove-Jasmine Citrus Association	1.4448
Sandilands Fruit Co	1.0515
Strathmore Cooperative Association	1.6778
Strathmore District Orange Association	1.6257
Strathmore Fruit Growers Association	1.1899
Strathmore Packing House Co	1.3719
Sunflower Packing Corporation	1.9835
Sunland Packing House	2.6330
Terra Bella Citrus Association	1.3143
Tule River Citrus Association	1.1343
Jensen, M. N.	2.2998
Kroelis Brothers, Ltd	1.9546
Lindsay Mutual Groves	1.7895
Martin, J. D.	1.0955
Stivers Packing Co	.7509
Woodlake Packing House	1.6663
R. M. C. Porterville	1.9302
Abbate Company, The Chas.	.8975
Anderson Packing Co., R. M.	.7170
Baker Brothers	.1005
California Citrus Grs., Inc., Ltd.	1.7832
Chess Company, Meyer W.	.2757
Edison Groves Company	.0000
Edison Orange Growers Association	.0000
Evans Brothers Packing Co	1.4401
Furr, N. C.	.3345
Ghlanda Ranch	.0221
Harding & Leggett	1.3899
Lo Bue Brothers	.4396
Marks, W. & M.	.4556
Raymond Brothers	.1353
Reimers, Don H.	.2328
Rooke Packing Co., B. G.	3.2331
Snyder & Sons Co., W. A.	.8115
Toy, Chin	.0678
Webb Packing Company, Inc.	.8956
Western States Fruit and Produce Co	.2367
Wollenman Packing Co	.7707
Woodlake Heights Packing Corp.	.8635
Zaninovich Brothers, Inc.	.6627

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3265
A. F. G. Fullerton	.0486
A. F. G. Orange	.0345
A. F. G. Redlands	.3605
A. F. G. Riverside	.8870
Corona Plantation Co	.9496
Hazeltine Packing Co	.0901
Signal Fruit Association	.7501
Azusa Citrus Association	.9726
Azusa Orange Co., Inc.	.1155
Damerel-Allison Co	1.0853
Glendora Mutual Orange Association	.5403
Irwindale Citrus Association	.4099
Puente Mutual Citrus Association	.0548
Valencia Heights Orchards Association	.2403
Glendora Citrus Association	.7728
Glendora Heights O. & L. Growers Association	0.1807
Gold Buckle Association	3.0385
La Verne Orange Association, The	4.6560
Anaheim Citrus Fruit Association	.0533
Anaheim Valencia Orange Association	.0144
Eadington Fruit Co., Inc.	.2962
Fullerton Mutual Orange Association	.2839
La Habra Citrus Association	.1270
Orange Co. Valencia Association	.0222
Orangethorpe Citrus Association	.0207
Placentia Coop. Orange Association	.0445
Yorba Linda Citrus Association, The	.0229
Alta Loma Heights Citrus Association	.3634
Citrus Fruit Growers	.9590
Cucamonga Citrus Association	.5901
Etiwanda Citrus Fruit Association	.2118
Mountain View Fruit Association	.1370
Old Baldy Citrus Association	.3982
Rialto Heights Orange Growers	.4539
Upland Citrus Association	2.4524
Upland Heights Orange Association	1.1061
Consolidated Orange Growers	.0265
Garden Grove Citrus Association	.0183
Goldenwest Citrus Association, The	.0778
Olive Heights Citrus Association	.0388
Santa Ana-Tustin Mutual Citrus Association	.0243
Santiago Orange Growers Association	.1407
Tustin Hills Citrus Association	.0283
Villa Park Orchards Association, Inc., The	.0331
Bradford Brothers, Inc.	.2153
Placentia Mutual Orange Association	.1590
Placentia Orange Growers Association	.2747
Call Ranch	.7151
Corona Citrus Association	.6908
Jameson Co.	.3817
Orange Heights Orange Association	.8667
Break & Son, Allen	.2822
Bryn Mawr Fruit Growers Association	1.0975
Crafton Orange Growers Association	1.4489
E. Highlands Citrus Association	.4279
Fontana Citrus Association	.4626
Highland Fruit Growers Association	.6824
Krinard Packing Co.	1.6559
Mission Citrus Association	.6957
Redlands Coop. Fruit Association	1.7286
Redlands Heights Groves	.8093
Redlands Orangedale Association	.8635
Redlands Orange Growers Association	1.1225
Redlands Select Groves	.5859
Rialto Citrus Association	.5426
Rialto Orange Co.	.3138
Southern Citrus Association	.9210
United Citrus Growers	.7583
Zilen Citrus Co.	1.0623
Arlington Heights Fruit Co.	.4638
Brown Estate, L. V. W. 8	1.7320
Elephant Orchards	.0350
Gavilan Citrus Association	1.6006
Hemet Mutual Groves	.2883
Highgrove Fruit Association	.7817
McDermont Fruit Co.	1.6451
Mentone Heights Association	.8556
Monte Vista Citrus Association	1.0756
National Orange Co.	.8443
Riverside Heights Orange Grs. Association	1.3283
Sierra Vista Packing Association	.6773
Victoria Ave. Citrus Association	2.3151
Claremont Citrus Association	1.0986
College Heights O. & L. Association	.9475
El Camino Citrus Association	0.6001
Indian Hill Citrus Association	1.3983
Pomona Fruit Growers Association	1.8645
Walnut Fruit Growers Association	.4210
West Ontario Citrus Association	1.7148
El Cajon Valley Citrus Association	.3202
Escondido Orange Association	.4737
San Dimas Orange Growers Association	1.0522
Covina Citrus Association	1.4769
Covina Orange Growers Association	.6872
Duarte-Monrovia Fruit Exchange	.4739
Ball & Tweedy Association	.1211
Canoga Citrus Association	.0513
N. Whittier Heights Citrus Association	.0979
San Fernando Fruit Growers Association	.2495
San Fernando Heights Orange Association	.2697
Sierra Madra Lamanda Citrus Association	.1959
Camarillo Citrus Association	.0083
Fillmore Citrus Association	1.0691
Ojai Orange Association	.8535
Piru Citrus Association	1.0202
Santa Paula Orange Association	.0966
Tapo Citrus Association	.0093
East Whittier Citrus Association	.0142
El Ranchito Citrus Association	.0367
Rivera Citrus Association	.0498
Whittier Citrus Association	.1797
Whittier Select Citrus Association	.0511
Anaheim Coop. Orange Association	.0478
Bryn Mawr Mutual Orange Association	.4965
Chula Vista Mutual Lemon Association	.1248
Escondido Coop. Citrus Association	.0861
Euclid Avenue Orange Association	2.0446
Foothill Citrus Union, Inc.	1.1011
Fullerton Coop. Orange Association	.0457
Garden Grove Orange Coop.	.0331
Glendora Coop. Citrus Association	.0893
Golden Orange Groves, Inc.	.4317
Higland Mutual Groves, Inc.	.5982
Index Mutual Association	.0034
La Verne Coop. Citrus Association	2.3004
Olive Hillside Groves, Inc.	.0269
Orange CoOp. Citrus Association	.0525
Redlands Foothill Groves	2.0242
Redlands Mutual Orange Association	1.0220
Riverside Citrus Association	.4693
Ventura County O. & L. Association	.1800
Whittier Mutual O. & L. Association	.0557
Babijuice Corp., of California	.2932
Banks Fruit Co.	.2858
California Fruit Distributors	.1216
Cherokee Citrus Co., Inc.	1.4865
Chess Co., Meyer W.	.2781
El Modena Citrus, Inc.	.0845
Evans Brothers Packing Co.	.7516
Gold Banner Association	1.8595
Granada Packing House	.9891
Hill, Fred A.	.6531
Inland Fruit Dealers, Inc.	.2757
Orange Belt Fruit Distributors	2.1034
Panno Fruit Co., Carlo	.1920
Paramount Citrus Association	.2315
Placentia Pioneer Valencia Growers Association	.0648
Riverside Growers, Inc.	.6363
San Antonio Orchards Association	1.2892
Snyder & Sons Co., W. A.	.8660
Torn Ranch	.0413
Verity & Sons Co., R. H.	.1014
Wall, E. T.	1.5026
Western Fruit Growers, Inc., Redlands	2.8677
Yorba Orange Growers Association	.0287

[F. R. Doc. 47-313; Filed, Jan. 10 1947; 8:47 a. m.]

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

[Grapefruit Reg. 79]

PART 933 — ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.321 *Grapefruit Regulation 79*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq., 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 13, 1947, and ending at 12:01 a. m., e. s. t., January 20, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits (11 F. R. 13239));

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as defined in the aforesaid United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used herein, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-317; Filed, Jan. 10, 1947; 8:46 a. m.]

[Lemon Reg. 204]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.311 *Lemon Regulation 204*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 12, 1947, and ending at 12:01 a. m., P. s. t., January 19, 1947, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 203 (12 F. R. 61) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-314; Filed, Jan. 10, 1947; 8:46 a. m.]

[Tangerine Reg. 60]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.322 *Tangerine Regulation 60*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 13, 1947, and ending at 12:01 a. m., e. s. t., January 20, 1947, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Tangerines, issued by the United States Department of Agriculture, effective September 29, 1941, as amended);

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines, grown in the State of Florida, which are of a size larger than the size that will pack 120 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-316; Filed, Jan. 10, 1947; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration

Subchapter G—Farm Ownership

PART 364—REGULATIONS

FARM OWNERSHIP LOAN LIMITS

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and loan limits for the counties in the States of Nevada and Texas named herein are determined to be as herein set forth; and § 364.11 (b), Part 364 of Title 6 of the Code of Federal Regulations, as amended November 14, 1946 (11 F. R. 13611), is amended by adding said counties, average values, and loan limits to the tabulations appearing in said section under the States of Nevada and Texas:

County	Average value	Loan limit
NEVADA		
Elko	$14,000	$12,000
Lyon	14,000	12,000
Pershing	14,000	12,000
TEXAS		
Dallam	19,200	12,000
El Paso	25,000	12,000
Hudspeth	25,000	12,000
Taylor	13,000	12,000

(Secs. 3 (a), 41 (i), 50 Stat. 522; secs. 3, 5, Pub. Law 731, 79th Cong.; 60 Stat. 1062; 7 U. S. C. 1003 (a))

Issued this 7th day of January 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-278; Filed, Jan. 10, 1947; 8:49 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 505—MOTION PICTURE SERVICE

UNITED STATES ARMY MOTION PICTURE SERVICE

The regulations contained in Part 505 are amended as set forth below:

1. Rescind § 505.2 and substitute the following:

§ 505.2 *Definitions.* (a) An Army theater as an adjunct of the Army, exhibits commercial entertainment motion pictures at an admission charge to specified persons and is financed by nonappropriated funds.

(b) Army theaters are operated by the installation commanders under the supervision of the appropriate army and air force commanders and the Army Motion Picture Service, Special Services Division, as set forth in §§ 505.3 and 505.5.

(c) Where the term "installation" is used in these regulations it will be construed to mean posts, camps, stations, air bases, depots, airfields, or any similar Army establishment.

(d) Regional and branch offices of the Army Motion Picture Service, Special Services Division, are class II installations reporting direct to the Chief, Special Services Division, War Department, on all matters. The commanders listed in § 505.5 have no responsibilities in connection with the operation of these regional offices.

2. Amend § 505.3 by revising paragraphs (b), (c) and (d) as follows:

§ 505.3 *Army Motion Picture Service.* • • •

(b) The Army Motion Picture Service is an adjunct of the Army operated by the War Department as a nonappropriated fund activity under the Chief, Special Services Division, War Department. This service provides supervision as hereinafter defined in the operation of Army theaters.

(c) Such regional and branch offices as may be necessary for efficient operation, and the engineering depot will be maintained, reporting direct to the Chief, Special Services Division.

(d) The Army Motion Picture Service will carry adequate insurance of the kinds and on such plans and forms as may be prescribed from time to time by the Chief, Special Services Division, in conformity with policies established by the Chief of Finance. Theater officers, assistant theater officers, and theater employees will be bonded under a blanket position bond and theater funds insured as described in TM 28-405, Operation of the Army Theater: Army Motion Picture Service.

3. Rescind §§ 505.4 and 505.5 and substitute the following in lieu thereof:

§ 505.4 *Regional offices of the Army Motion Picture Service.* The regional offices will perform functions pertaining to the booking and circuiting of entertainment films, the procuring and distributing of advertising material, and such additional functions as may be delegated by the Chief, Special Services Division, from time to time.

§ 505.5 *Command responsibility.* The following will exercise command responsibilities in the supervision of the entertainment motion picture service at Army theaters, and all policy matters will be channeled through them for such action or recommendation as may be appropriate:

(a) Army commanders (ZI).

(b) Commanding generals of the major air force commands in the United States.

(c) Commanding general, Military District of Washington.

4. In § 505.6 paragraph (a) (1) is revised and paragraph (a) (3) is rescinded as follows:

§ 505.6 *Films*—(a) *Supply.* (1) All entertainment motion pictures for exhibition at installations in the area prescribed in § 505.1 will be secured from the Army Motion Picture Service with the following exceptions:

(i) American Red Cross service for patients in hospitals.

(ii) 16-mm entertainment motion pictures will not ordinarily be shown at installations where Army theaters are operated. Any unusual conditions that would appear to justify a departure from this policy will be communicated through the appropriate command channels the Chief, Special Services Division, for approval.

(2) • • •

(3) [Rescinded]

5. Rescind §§ 505.9 and 505.10 and substitute the following in lieu thereof:

§ 505.9 *Patronage eligibility.* Admission to motion picture shows will be restricted as follows:

(a) Military personnel on active duty may attend any Army theater. Such military personnel when not in uniform will present appropriate identification.

(b) Members of the households of military personnel on active duty may attend showing at Army theaters located at the installations to which the military personnel are assigned although not in the company of such military personnel, provided proper identification is presented.

(c) Members of the households of military personnel on active duty may attend showings at Army theaters located at installations other than that to which the military personnel are assigned, but only when in the company of such military personnel and provided proper identification is presented.

(d) Civilians residing within the limits of Army installations may attend showings at Army theaters at the installation where they reside provided proper identification is presented.

§ 505.10 *Employment of theater personnel.* (a) The number and names of the positions and the maximum rates of pay that may be paid employees of Army theaters will be as designated by the Army Motion Picture Service, Special Services Division.

(b) All authorized Army theater positions will be part time, and compensation therefor in the case of assistant managers, chief projectionists, assistant projectionists, assistant manager-cashiers, cashiers, ticket takers, and ushers will be on a performance basis. In the case of janitors, supervising assistant managers, and projection supervisors, compensation will be at a flat rate per show day.

(c) Military personnel will occupy theater positions only as a part time employment during their off-duty time, which will not interfere with the performance of their normal military duties.

[AR 210–390, 6 Dec. 1946] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47–256; Filed, Jan. 10, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1064]

HERMAN BAUM

Herman Baum, 204 E. Third Street, Fort Worth, Texas, on or about September 12, 1946, began construction of a one story building at 1015 Henderson Street, Fort Worth, Texas. The building was designed for use as an automobile agency and the estimated cost of the project was approximately $89,000. The Civilian Production Administration had authorized the construction of a retaining wall 20′ x 180′ x 20′ in length to prevent caving and resulting damage from excavation of the property. Without further authorization or making further application, Herman Baum, through his duly authorized agents, ordered additional construction. The beginning and carrying on of this additional construction constituted a wilful violation of Veterans' Housing Program Order No. 1 and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1064 *Suspension Order No. S–1064.* (a) Neither Herman Baum, his successors or assigns, nor any other person shall do any construction on the premises located at 1015 Henderson Street, Fort Worth, Texas, (except the completion of the retaining wall as authorized) unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Herman Baum shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Herman Baum, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 9th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–318; Filed, Jan. 9, 1947; 4:31 p. m.]

PART 1010—SUSPENSION ORDERS

REVOCATIONS

In view of the revocation of General Preference Order M–38, the Chief Compliance Commissioner has directed that the suspension orders hereinafter listed be revoked forthwith.

It is therefore hereby ordered that the following suspension orders be revoked, effective January 9, 1947: *Provided, however,* That this revocation does not affect any liabilities incurred for violations of the suspension order prior to revocation.

§ 1010.983	S–983	Apex Battery Manufacturing Company
§ 1010.931	S–931	Associated Battery Manufacturing Company
§ 1010.974	S–974	Blasco Wilson Company
§ 1010.958	S–958	Bowers Battery and Spark Plug Company
§ 1010.943	S–943	DuBois Electric Storage Battery Company
§ 1010.953	S–953	Electro Battery Manufacturing Company
§ 1010.1043	S–1043	Keystone Storage Battery Company
§ 1010.940	S–940	William S. Knoblock
§ 1010.992	S–992	Mule Battery Manufacturing Company
§ 1010.1012	S–1012	Universal Battery Company
§ 1010.994	S–994	Volta Battery Company
§ 1010.981	S–981	Wonch Battery Company

Issued this 9th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–316; Filed, Jan. 10, 1947; 11:25 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

SUPPLEMENT TO MOTOR CARRIER ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of January A. D. 1947.

It appearing, that by order of March 1, 1946, certain Class I common carriers by motor vehicle were required to keep their accounts and compile statistics which would permit them to report certain information as a Supplement to Motor Carrier Annual Report Form A for 1946, it is ordered, that:

§ 205.2 *Supplement to Motor Carrier Annual Report Form A—1946.* Each Class I common carrier by motor vehicle engaged predominantly in intercity service as a carrier of general commodities which had gross operating revenues for the year 1945 of $400,000 or more shall file a supplement to its annual report for the year 1946 in accordance with Supplement to Annual Report Form A for the year 1946 which is hereby approved and made a part of this order. Such Supplement shall contain information for the nine months ended December 31, 1946, and shall be filed, in duplicate, in the Bureau of Motor Carriers, Interstate Commerce Commission, Washington, D. C., on or before March 31, 1947. (49 Stat. 563, sec. 24, 54 Stat. 926; 49 U. S. C. 320)

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1946

INCOME STATEMENT FOR THE NINE MONTHS ENDED DECEMBER 31, 1946, COMMON CARRIERS WITH GROSS REVENUES OF $400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT

Schedule 3000–S—Operating Revenues

	Detail	Total
3100—Freight revenue—intercity—common carrier		
3101—Credits		
3102—Debits—collection and delivery:		
1. Payments to other carriers		
2. Allowance to shippers and consignees		
3103—Debits—intercity service:		
1. Interline amounts		
2. Purchased transportation		
3104—All other debits		
3110—Freight revenue—intercity		
3111—Credits		
3112—Debits		
3120—Freight revenue—local service		
3900—Other operating revenue		
Total operating revenue		

Schedule 4000–S—Operating and Maintenance Expenses

4100—Equipment maintenance and garage expenses:		
4110—Supervision of shop and garage		
4121—Repairs to shop and garage equipment		
4122—Operating and maintenance of service equipment		
4128—Repairs to shop and garage buildings and grounds		
4131—Light, heat, power, and water for shops and garages		
4132—Other shop and garage expenses		
4140—Repairs to revenue equipment		
4150—Servicing of revenue equipment		
4160—Tires and tubes—revenue equipment		
4191—Joint garage expense—debit		
4196—Joint garage expense—credit		
Total equipment maintenance and garage expenses		

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1946—Continued

INCOME STATEMENT FOR THE NINE MONTHS ENDED DECEMBER 31, 1946, COMMON CARRIERS WITH GROSS REVENUES OF $400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT—con.

Schedule 4000–S—Operating and Maintenance Expenses—Continued

	Detail	Total
4200—Transportation expenses		
4210—Supervision of transportation		
4220—Drivers' and helpers' wages and bonuses		
1. Drivers and helpers—carriers employees		
2. Drivers and helpers—other		
4230—Fuel for revenue equipment		
4240—Oil for revenue equipment		
4261—Road expense		
4262—Bridge, tunnel and ferry tolls		
4264—Other transportation expenses		
Total transportation expenses		
4300—Terminal expense		
4311—Terminal employees		
1. Salaries—supervisory employees		
2. Salaries—cashiers, rating, billing and manifesting		
3. Salaries—other clerical employees		
4. Salaries and wages—platform employees		
5. Salaries and wages—other terminal employees		
6. Expenses of terminal employees		
4314—Supplies and expenses		
4319—Repairs to terminals and equipment		
4330—Commission agents and connecting lines		
4340—Collection and delivery		
1. Salaries—Supervisory employees		
2. General repairs		
3. Repairs due to accident		
4. Servicing of equipment		
5. Tires and tubes		
6. Drivers and helpers—wages and bonuses		
7. Fuel		
8. Oil		
9. Other expenses		
Total terminal expense		
4400—Sales, tariff and advertising expense		
4410—Salaries and expenses		
4430—Tariffs and schedules		
4450—Other sales expenses		
4470—Advertising		
Total sales, tariff and advertising		
4500—Insurance and safety expenses		
4510—Salaries and expenses—insurance and safety		
4520—Public liability and property damage insurance		
1. Intercity service		
2. Collection and delivery service		
3. Operation of service cars		
4530—Injuries and damages		
1. Intercity service		
2. Collection and delivery service		
3. Operation of service cars		
4541—Workmen's compensation—insurance		
1. Shop and garage employees		
2. Drivers and helpers—intercity		
3. Terminal platform employees		
4. Drivers and helpers—collection and delivery		
5. All other employees		
4546—Workmens' compensation—self-insurer		
1. Shop and garage employees		
2. Drivers and helpers—intercity		
3. Terminal platform employees		
4. Drivers and helpers—collection and delivery		
5. All other employees		

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1946—Continued

INCOME STATEMENT FOR THE NINE MONTHS ENDED DECEMBER 31, 1946, COMMON CARRIERS WITH GROSS REVENUES OF $400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT—con.

Schedule 4000–S—Operating and Maintenance Expenses—Continued

	Detail	Total
4500—Insurance and safety expenses—Continued		
4550—Cargo insurance		
4560—Cargo loss and damage		
4570—Fire and theft insurance		
1. Intercity revenue equipment		
2. Collection and delivery equipment		
3. Service equipment		
4. All other		
4580—Other insurance		
Total insurance and safety expense		
4600—Administrative and general expenses		
4611—Salaries of general officers		
4612—Expenses of general officers		
4613—Salaries of general office employees		
1. Revenue accounting		
2. Credits, collections and interline accounting		
3. All other employees		
4616—Expenses of general office employees		
4620—Law expenses		
4630—General office supplies and expenses		
1. Stationery and printing—general office		
2. Stationery and printing—terminal		
3. Stationery and printing—all other		
4. Rentals for office machines		
5. Other supplies and expenses		
4640—Communication service		
4651—Outside auditing expenses		
4652—Employees' welfare expenses		
4665—Purchasing and store expenses		
4656—Other general expenses		
4660—Management and supervision fees and expenses		
4671—Franchise requirements—debit		
4672—Franchise requirements—credit		
4673—Other regulatory commission expenses		
4680—Uncollectible revenues		
4691—Joint operating expense—debit		
4696—Joint operating expense—credit		
Total administrative and general expenses		

Schedule 5000–S—Depreciation Expense

5000—Depreciation expense		
5011—Depreciation of structures		
1. Shop and garage		
2. Terminal		
3. General office and other		
5021—Depreciation of revenue equipment		
1. Trucks and tractors—intercity		
2. Trailers—intercity		
3. Collection and delivery equipment		
5031—Depreciation of service cars and equipment		
5041—Depreciation of shop and garage equipment		
5051—Depreciation of furniture and office equipment		
5061—Depreciation of miscellaneous equipment		
5071—Depreciation of improvements to leasehold property		
1. Shop and garage		
2. Terminal property		
3. General office and other		
5081—Depreciation of undistributed property		
5091—Depreciation adjustment		
Total depreciation expense		

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1946—Continued

INCOME STATEMENT FOR THE NINE MONTHS ENDED DECEMBER 31, 1946, COMMON CARRIERS WITH GROSS REVENUES OF $400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT—con.

Schedule 5100–S—Amortization Chargeable to Operations

	Detail	Total
5100—Amortization chargeable to operations		
5110—Amortization of carrier operating property		
5120—Property loss chargeable to operations		
Total amortization expense		

Schedule 5200–S—Operating Taxes

5200—Operating taxes and licenses		
5210—Gasoline, other fuel and oil taxes		
1. Intercity service		
2. Collection and delivery service		
3. Service cars		
5220—Vehicle license and registration fees		
1. Intercity service		
2. Collection and delivery service		
3. Service cars		
5230—Real estate and personal property taxes		
1. Shop and garage property		
2. Intercity vehicles		
3. Collection and delivery vehicles		
4. Service cars		
5. Terminal property		
6. General office and other property		
5240—Social security taxes		
5250—Other taxes		
Total operating taxes and licenses		

Schedule 5300–S—Operating Rents

5300—Operating rents—net		
5310—Equipment rents—debit		
1. Intercity vehicles		
2. Collection and delivery vehicles		
5320—Other operating rents—debit		
1. Rent for shop and garage		
2. Rent for terminal property		
3. Rent for property—general office and other		
5340—Joint facility rents—debit		
1. Shop and garage		
2. Terminals		
3. General office and other		
5350—Equipment rents—credit		
1. Intercity vehicles		
2. Collection and delivery vehicles		
5360—Rent from owned land and structures		
1. Rent from owned shop and garage		
2. Rent from terminal property		
3. Rent from other property		
5370—Sublease rental income		
5390—Joint facility rents—credit		
1. Shop and garage		
2. Terminals		
3. General office and other		
Total operating rents		

Schedule 9000–S—Operating Statistics—Property Carriers

Vehicle-Miles Operated in Intercity Revenue Service (Including Loaded and Empty)

	Common	Contract
1. Intercity:		
2. Owned truck miles		
3. Owned tractor miles		
4. Owned combination bus-truck miles		
5. Total Intercity—owned vehicles		

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1946—Continued

INCOME STATEMENT FOR THE NINE MONTHS ENDED DECEMBER 31, 1946, COMMON CARRIERS WITH GROSS REVENUES OF $100,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT—CON.

Schedule 2003–S—Operating Statistics—Property Carriers—Continued

Vehicle-Miles Operated in Intercity Revenue Service (Including Loaded and Empty)—Continued

	Common	Contract
1. Intercity—Continued		
6. Leased truck miles		
7. Leased tractor miles		
8. Leased combination bus-truck miles		
9. Total intercity—leased vehicles		
10. Grand total intercity vehicle-miles		
11. Driveway miles operated		
12. Collection and delivery:		
13. Truck miles		
14. Tractor miles		
15. Total collection and delivery		

Vehicle-Hours Operated in Intercity Revenue Service (Including Loaded and Empty)

16. Intercity:		
17. Owned truck hours		
18. Owned tractor hours		
19. Owned combination bus-truck hours		
20. Total intercity—owned vehicles		
21. Leased truck hours		
22. Leased tractor hours		
23. Leased combination bus-truck hours		
24. Total intercity-leased vehicles		
25. Grand total intercity vehicle-hours		
26. Driveway hours operated		
27. Collection and delivery:		
28. Truck-hours		
29. Tractor-hours		
30. Total collection and delivery		

Other Statistics

1. Freight revenue from intercity service—truck load	
2. Freight revenue from intercity service—less truck load	
3. Tons of intercity revenue freight billed—truck load	
4. Tons of intercity revenue freight billed—less truck load	
5. Number of shipments billed—Truck load	
6. Number of shipments billed—less truck load	
7. Tons platform handled	
8. Ton-miles intercity revenue freight (actual basis)	

COMMON CARRIERS OF PROPERTY

Schedule 5000–S—Distribution of Intercity Traffic

	Freight revenues	Tons	Number of shipments
1. Originated and terminated by reporting carriers			
2. Originated by reporting carrier and delivered to connecting carrier			
3. Received from connecting carrier and terminated by reporting carrier			
4. Received from connecting carrier and delivered to connecting carrier			

[F. R. Doc. 47-255; Filed, Jan. 10, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1170]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 4, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kansas 22D Doniphan	$80,000
Kansas 24H Clay	420,000
Kansas 42A Lane	391,000
Missouri 40M Pettis	305,000
Pennsylvania 13N Tioga	75,000
Texas 124C Schleicher	260,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-257; Filed, Jan. 10, 1947; 8:46 a. m.]

[Administrative Order 1171]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 4, 1946

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Mississippi 41P Pike	$825,000
South Dakota 29A Hand	500,000
Virginia 50A Appomattox	302,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-258; Filed, Jan. 10, 1947; 8:46 a. m.]

[Administrative Order 1172]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 13, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Michigan 44K Grand Traverse	$40,000
Nebraska 71E Madison District Public	712,000
North Carolina 40M Brunswick	198,000
North Carolina 48E Mecklenburg	34,000
Ohio 88N Gallia	270,000
Oklahoma 2P Kay	372,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-259; Filed, Jan. 10, 1947; 8:46 a. m.]

[Administrative Order 1173]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 13, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Illinois 46G Madison	$225,000
Iowa 53H Linn	150,000
Minnesota 62N Wright	330,000
North Carolina 52G Cumberland	367,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-260; Filed, Jan. 10, 1947; 8:46 a. m.]

[Administrative Order 1174]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 13, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Iowa 31L Grundy	$150,000
Missouri 51H Nodaway	322,000
Nebraska 77AC Norris District Public	310,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-262; Filed, Jan. 10, 1947; 8:46 a. m.]

[Administrative Order 1175]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 13, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Minnesota 99E Lake of the Woods	$655,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-261; Filed, Jan. 10, 1947; 8:46 a. m.]

[Administrative Order 1176]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 18, 1946.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Texas 129B Cost	$22,000
Texas 139B Mart	20,000
Texas 140B Groesbeck	17,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-263; Filed, Jan. 10, 1947; 8:46 a. m.]

[Administrative Order 1177]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 18, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Michigan 37K Huron	$50,000
Mississippi 31K Washington	650,000
Missouri 67B Wright	271,000
Ohio 32N Belmont	50,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-264; Filed, Jan. 10, 1947; 8:46 a. m.]

[Administrative Order 1178]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 22, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 69H Washington	$475,000
Illinois 39M Fulton	138,000
Indiana 24H Carroll	25,000
Iowa 43M Greene	305,000
Louisiana 20G Concordia	140,000
Ohio 42K Darke	50,000

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-265; Filed, Jan. 10, 1947; 8:47 a. m.]

[Administrative Order 1179]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 26, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Missouri 53K Polk	$490,000
Missouri 55K Cedar	228,000
Missouri 66B Webster	315,000
Montana 9N Yellowstone	325,000

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-266; Filed, Jan. 10, 1947; 8:47 a. m.]

[Administrative Order 1180]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 26, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 9N Clarke-Washington	$565,000
Arkansas 15L Woodruff	335,000
Florida 26H Hardee	50,000
Indiana 60G Morgan	115,000
Iowa 51K Winnebago	78,000
Nebraska 76X Southern Nebraska District Public	674,000
North Dakota 20G Grand Forks	166,000

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-267; Filed, Jan. 10, 1947; 8:47 a. m.]

[Administrative Order 1181]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 26, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 23G Pike	$760,000
Georgia 31H Upson	50,000
Georgia 92E Brantley	68,000
Illinois 28K Champaign	136,000
Indiana 14E Shelby	150,000
Kentucky 37L Owen	575,000
Nebraska 62F Seward District Public	182,000
North Carolina 10K Haywood	218,000
Utah 8R Duchesne	365,000
West Virginia 10N Harrison	50,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-268; Filed, Jan. 10, 1947; 8:47 a. m.]

[Administrative Order 1182]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 27, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Minnesota 70K Hennepin	$50,000
South Carolina 40F Hampton	219,000
Tennessee 1T Meigs	525,000
Tennessee 51F Johnson*	405,000
Virginia 36G Prince George	72,000
Washington 39C Nespelem	245,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-269; Filed, Jan. 10, 1947; 8:47 a. m.]

[Administrative Order 1183]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 3, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 55H Tippecanoe	$70,000
Kentucky 40K Jessamine	270,000
Oklahoma 34B Texas	300,000
Texas 89G Houston	273,000
Texas 107N Martin	290,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-270; Filed, Jan. 10, 1947; 8:47 a. m.]

[Administrative Order 1184]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 4, 1946.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 95F Clinch	$15,000
South Carolina 14V Aiken	50,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-271; Filed, Jan. 10, 1947; 8:47 a. m.]

[Administrative Order 1185]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 4, 1946.

Stonewall Electric Company, on November 8, 1946, transferred all of its properties and assets in the State of Colorado to Monument Electric Company in consideration of the assumption by Monument Electric Company of all the contractual and other obligations of Stonewall Electric Company pertaining to such properties and assets, including, without limitation, all such contractual and other obligations of Stonewall Electric Company to United States of America arising from loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended. Therefore, I hereby amend:

(a) Administrative Order No. 328, dated March 22, 1939, by changing the project designation appearing therein as "Colorado R9021A1 T. E. T. R. & G.", in the amount of $39,000, (amended to read "Colorado R9021A1 S. E." by Administrative Order No. 347, dated May 19, 1939) to read "Colorado 43A M. E.";

(b) Administrative Order No. 936, dated July 23, 1945, by changing the project designation appearing therein as

"Colorado 46021-B1 S. E.", in the amount of $64,741, to read "Colorado 43B M. E."

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47-272; Filed, Jan. 10, 1947; 8:47 a. m.]

[Administrative Order 1186]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 5, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 89L Harrison	$365,000
Indiana 99H Spencer	50,000
Iowa 56G Poweshiek	260,000
North Carolina 16K Edgecombe	200,000
North Carolina 34K Anson	231,000
North Carolina 49K Surry	160,000
Virginia 29T Nelson	92,000
Washington 14F King	15,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47-273; Filed, Jan. 10, 1947; 8:47 a. m.]

[Administrative Order 1187]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 10, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Louisiana 10R Washington	$183,000
New Mexico 11D Taos	710,000
Tennessee 23E Dickson Public	425,000
Washington 28E Kittitas District Public	35,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47-274; Filed, Jan. 10, 1947; 8:47 a. m.]

[Administrative Order 1188]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 10, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Maryland 7S Caroline	$50,000
New Mexico 9N Curry	490,000
North Carolina 36L Randolph	40,000
North Dakota 17K McHenry	250,000
Texas 68G Cooke	240,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47-275; Filed, Jan. 10, 1947; 8:48 a. m.]

[Administrative Order 1189]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 17, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 13M Johnson	$250,000
Arkansas 31G Ashley*	174,000
Georgia 96F Pickens	312,000
Iowa 21H Guthrie	170,000
Iowa 79L Clarke	250,000
Nebraska 64F York District Public	637,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-276; Filed, Jan. 10, 1947; 8:48 a. m.]

[Administrative Order 1190]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 17, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized in said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alaska 2G Matanuska	$40,000
Georgia 84K Cobb	65,000
Montana 16G Park	185,000
Texas 53K McLennan	160,000
Texas 56L Lubbock	405,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-277; Filed, Jan. 10, 1947; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, 29 CFR, Part 522 (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F. R. 7125).

The special learner certificate issued to the following company under the above regulations provides for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See 29 CFR, 522.083.

Citizens Telephone Company, Higginsville, Missouri; effective December 4, 1946, expiring December 3, 1947.

Regulations, Part 522—Regulations Applicable to the Employment of Learners (*supra*).

General Farm Equipment Company, Avenida Rossy, Santurce, Puerto Rico; Metal, Plastics, Machinery, Instrument, Transportation Equipment and Allied Industries; three (3) learners as mechanic, at not less than 20 cents an hour for the first 520 hours, not less than 25 cents an hour for the second 520 hours, not less than 30 cents an hour for the third 520 hours, not less than 33 cents an hour for the fourth 520 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period; effective October 25, 1946, expiring October 24, 1947.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR, Part 522.

Signed at New York, New York, this 2d day of December 1946.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 47-179; Filed, Jan. 9, 1947; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GASTON DESAGNAT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Gaston Desagnat, New York, N. Y.	A-411	666 (8 F. R. 5047)	U. S. Letters Patent Nos. 1,930,740, Re. 21,313, 1,976,986, Re. 21,285, 2,019,398, 2,066,964.	Washington, D. C.

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-298; Filed, Jan. 10, 1947; 8:45 a. m.]

[Vesting Order 7935]

KARL M. AUCH

In re: Estate of Karl M. Auch, deceased. File D-28-11112; E. T. sec. 15523.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest (Earnest) Auch, Elsie (Elise) Kayser, Ernest (Earnest) Auch, Marta Strobel, Ella Strobel, and Lina Auch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Karl M. Auch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk, Orphans' Court of Northampton County, acting under the judicial supervision of the Orphans' Court of Northampton County, Easton, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-292; Filed, Jan. 10, 1947; 8:47 a. m.]

[Vesting Order 7936]

ANNA GEIER

In re: Estate of Anna Geier, deceased. File D-28-9724; E. T. sec. 13629.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Arle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the children, names unknown, of Maria Arle, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Anna Geier, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Paul J. Hettwer, as Executor, acting under the judicial supervision of the County Court of Washington County, Wisconsin;

and it is hereby determined:

5. That to the extent that the above-named person and children, names unknown, of Maria Arle, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-293; Filed, Jan. 10, 1947; 8:47 a. m.]

[Vesting Order 7949]

EDWARD STOFFREGEN

In re: Debt owing to and bonds, stock and other personal property owned by Edward Stoffregen. F-28-12344-A-1, F-28-12344-B-1, F-28-12344-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edward Stoffregen, whose last known address is An der Bonnesse 16, Emden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Mississippi Valley Trust Company, St. Louis 1, Missouri, arising out of a blocked account, entitled "Detjen & Detjen, Attorneys-in-Fact for Edward Stoffregen, a National of Germany, Blocked Account", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, issued in the name of bearer, presently in the custody of Mississippi Valley Trust Company, St. Louis 1, Missouri, in an account entitled "Detjen & Detjen, Attorneys-in-Fact for Edward Stoffregen, a National of Germany, Blocked Account", together with all rights in, to and under, including particularly the right to possession of, the aforesaid bonds,

c. Twenty (20) shares of $10 par value capital stock of Automatic Register Company, evidenced by certificates numbered 286 and 334 for ten shares each, registered in the name of Henrietta A. L. Borck, presently in the custody of Mississippi Valley Trust Company, St. Louis 1, Missouri, in an account entitled "Detjen & Detjen, Attorneys-in-Fact for Edward Stoffregen, a National of Germany, Blocked Account", together with all declared and unpaid dividends thereon, and

d. Those certain pieces of personal property listed in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Mississippi Valley Trust Company, St. Louis 1, Missouri, in an account entitled "Detjen & Detjen, Attorneys-in-Fact for Edward Stoffregen, a National of Germany, Blocked Account",

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name of issuer and type of bond	Face value	Certificate No.
United States of America 2⅜% Treasury Bonds, due March 15, 1960.	$1,000 1,000 1,000 1,000 1,000 1,000 1,000	110631A. 282075E. 268007H. 268008J. 268009K. 268010L. 78502B.
United States of America 2½% Treasury Bond of 1965-70, due March 15, 1970.		
United States of America Treasury Certificates of Indebtedness of Series H-1947, due September 1, 1947.	1,000	Unknown
Columbia, Mo., School District Bond, due May 1, 1952.	1,000	125.
St. Louis, Mo., Public Buildings and Improvement Bond, due May 1, 1949.	1,000	58806.
St. Louis, Mo., Public Buildings and Improvement Bond, due May 1, 1950.	1,000	59746.

EXHIBIT B

1 Ladies hunting case Waltham yellow metal watch with one white stone, case #167244, works #14503654, with yellow metal chain and pin attached.

1 Ladies open face Hamilton yellow metal watch, case #6532762, works #2000790, with yellow metal chain and pin attached.

1 Ladies open face Meret white metal watch with yellow metal chain attached.

1 yellow metal crucifix with yellow metal chain attached.

1 yellow metal band ring.

1 yellow metal brooch with one white stone and several small stones and yellow metal chain and anchor pin attached.

1 small yellow metal cross with yellow metal chain attached.

1 yellow metal bracelet with white stone and yellow metal chain.

1 pair cuff links of German yellow metal coins.

1 pair earrings of $1 United States gold coins.

1 yellow metal locket.

1 yellow metal pin.

1 white metal German Masonic emblem.

3 German yellow metal coins.

1 Loyal Legion Medal.

18 pieces of silverware, consisting of 13 spoons, 4 forks and 1 butter knife.

1 yellow metal Masonic emblem with yellow metal chain and anchor pin attached.

[F. R. Doc. 47-295; Filed, Jan. 10, 1947; 8:47 a. m.]

[Vesting Order 7937]

AUGUST LACHER

In re: Estate of August Lacher, also known as August Lasher, deceased. File No. D-28-9769; E. T. sec. No. 13728.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paulina Lacher, also known as Pauline Lacher and as Paula Lacher, Anna Lacher, Auguste Lacher, also known as August Lacher, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of August Lacher, also known as August Lasher, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Wilhelm Mueller and Philip L. Wiener, as Executors, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-294; Filed, Jan. 10, 1947; 8:47 a. m.]

[Vesting Order 7968]

PAUL HUMMEL

In re estate of Paul Hummel, deceased. File No. D-28-10188; E. T. sec. No. 14521.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind of character whatsoever of Friedrick Hummel, Lina Hummel, Willie Hummel and Louise H. Tauber, and each of them, in and to the estate of Paul Hummel, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Friedrick Hummel, Germany.
Lina Hummel, Germany.
Willie Hummel, Germany.
Louise H. Tauber, Germany.

That such property is in the process of administration by Martha Aharonian, as Administratrix of the estate of Paul Hummel, deceased, acting under the judicial supervision of the Passaic County Orphans' Court, Paterson, New Jersey;

And determined—that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-297; Filed, Jan. 10, 1947; 8:46 p. m.]

[Vesting Order 7962]

JOHN BAKO

In re: Estate of John Bako, deceased. File D-34-869; E. T. sec. 14414.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Bako, Joseph Bako and Rosa Magashazi, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That the surviving issue of Joseph Bako and the surviving issue of Rosa Magashazi, names unknown, who there is reasonable cause to believe are residents of Hungary, are nationals of a designated enemy country (Hungary);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John Bako, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

4. That such property is in the process of administration by Mary Papp, as Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

5. That to the extent that the above named persons and the surviving issue of Joseph Bako and the surviving issue of Rosa Magashazi, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt within the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washinton, D. C., on January 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-296; Filed, Jan. 10, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-115, G-399, G-400, G-401]

EAST OHIO GAS CO. ET AL.

ORDER POSTPONING REHEARING

JANUARY 7, 1947.

In the matter of the East Ohio Gas Company; Docket No. G-115. City of Euclid, complainant v. The East Ohio Gas Company, defendant; Docket No. G-399. City of Cleveland, complainant v. The East Ohio Gas Company, defendant; Docket No. G-400. City of Lakewood, complainant v. The East Ohio Gas Company, defendant; Docket No. G-401.

Upon consideration of the request filed on January 3, 1947, on behalf of The Public Utilities Commission of Ohio, intervener, for a further postponement of the rehearing in the above-entitled matters, which rehearing is limited to oral argument before the Commission and is now set for February 19, 1947; and

It appearing to the Commission that: Good cause exists for further postponing the date of rehearing as hereinafter provided;

The Commission orders that: The rehearing in these matters now set to commence on February 19, 1947, be and the same is hereby postponed to commence at 10:00 a. m. (e. s. t.) on March 19, 1947, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: January 7, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-284; Filed, Jan. 10, 1947; 8:49 a. m.]

[Docket G-353]

MICHIGAN CONSOLIDATED GAS CO.

ORDER POSTPONING HEARING

JANUARY 7, 1947.

It apearing to the Commission that:

(a) On November 18, 1946, the public hearing in this matter, set for said date, was recessed to be reconvened on January 15, 1947;

(b) Good cause exists for postponing the date of hearing as hereinafter provided;

The Commission orders that:

The public hearing in this matter now set for January 15, 1947, be and the same is hereby postponed to February 24, 1947, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: January 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-280; Filed, Jan. 10, 1947; 8:49 a. m.]

[Docket Nos. G-210, G-661, G-688, G-693]

MICHIGAN CONSOLIDATED GAS CO. ET AL.

ORDER POSTPONING HEARING

JANUARY 7, 1947.

Michigan Consolidated Gas Company v. Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation; Docket No. G-210. City of Detroit, a Municipal Corporation, and County of Wayne, a Municipal Corporation, both of the State of Michigan, v. Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company; Docket No. G-661. In the matter of Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company; Docket No. G-688. In the matter of Panhandle Eastern Pipe Line Company; Docket No. G-693.

It appearing to the Commission that:

(a) On November 22, 1946, the Commission ordered that the public hearing in the above-entitled matters theretofore set for November 25, 1946, be postponed to January 16, 1947;

(b Good cause exists for further postponing the date of hearing as hereinafter provided;

The Commission orders that: The public hearing in the above-entitled matters now set to commence on January 16, 1947, be and the same is hereby postponed to February 25, 1947, commencing at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue N. W., Washington, D. C.

Date of issuance: January 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-279; Filed, Jan. 10, 1947; 8:49 a. m.]

[Docket No. G-793]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

JANUARY 7, 1947.

Upon consideration of the application filed September 30, 1946, in Docket No. G-793 by Kansas-Nebraska Natural Gas Company, Inc., (Applicant) a Kansas corporation with its principal place of business at Phillipsburg, Kansas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

A 4½-inch O. D. natural gas pipeline, approximately three miles in length, in Adams County, Nebraska, from Applicant's town border meter and regulator station north of the City of Hastings, Nebraska, running in a southeasterly direction approximately three miles to the Hastings, Nebraska, Naval Ammunition Depot, and a meter and regulator station at the latter point.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid des-

cribed facilities for the purpose of transporting natural gas for the use of the Naval Ammunition Depot at Hastings, Nebraska; and

(b) This proceeding is a proper one for disposition under the provisions of rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 11, 1946 (11 F. R. 11835);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 24th day of January, 1947, at 9:30 a. m. (EST) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceedings: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (b) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: January 7, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-283; Filed, Jan. 10, 1947; 8:49 a. m.]

[Docket No. G-604]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JANUARY 3, 1947.

Notice is hereby given that on December 16, 1946, Cities Service Gas Company, a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, for authority to construct and operate a positive meter setting at a point on Applicant's 4-inch pipe line in the Southwest Quarter (SW¼) of Section 3, Township 26 North, Range 13 East, Washington County, Oklahoma, for the sale of emergency gas to D. M. Tyler; and for authority to construct and operate a positive meter setting at a mutually convenient point to Applicant and Suburban Gas Company on Applicant's 4-inch pipe line in the Northwest Quarter (NW¼) of Section 33, Township 27 North, Range 13 East, Washington County, Oklahoma, for the sale of emergency gas to Suburban Gas Company.

Applicant has been recently advised that the pipe line system of D. M. Tyler and of Suburban Gas Company, both located east of Bartlesville in Washington County, Oklahoma, are one and the same system and that the affairs and business of said system are now being conducted under the name of Suburban Gas Company, a partnership, with its principal office at Dewey, Oklahoma. The present contract under which natural gas is now being delivered by Applicant to D. M. Tyler under temporary authority issued by the Commission on December 14, 1944 will be assigned to the Suburban Gas Company.

Applicant has been advised by D. M. Tyler and Suburban Gas Company that available local supplies of gas have become depleted to such an extent that emergency service is required in order to insure an adequate supply of gas to D. M. Tyler and Suburban Gas Company when near-freezing or sub-freezing temperatures prevail and to augment such local supply Applicant proposes to deliver additional quantities of gas as can be safely spared over and above Applicant's requirements for its other customers being supplied from Applicant's transportation system. D. M. Tyler and Suburban Gas Company have both stated that such purchases will have no effect on the rates charged their customers.

The above facilities for deliveries to D. M. Tyler were installed at a cost of $673 and the facilities for deliveries to Suburban Gas Company are estimated to cost $579, to be paid from funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and further to specify whether it desires a conference, the creation of a board, or a joint or concurrent hearing as defined in said rule and the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Cities Service Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure. The time and place of hearing herein will subsequently be duly given.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-225; Filed, Jan. 9, 1947; 8:46 a. m.]

[Docket No. G-792]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 7, 1947.

Notice is hereby given that, on January 7, 1947, the Federal Power Commission issued its findings and order issuing certificate of public convenience and necessity, entered January 3, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-224; Filed, Jan. 9, 1947; 8:48 a. m.]

[Docket No. G-802]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER AUTHORIZING AND APPROVING ABANDONMENT OF FACILITIES

JANUARY 7, 1947.

Notice is hereby given that, on January 6, 1947, the Federal Power Commission issued its findings and order authorizing and approving abandonment of facilities, entered January 3, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-222; Filed, Jan. 9, 1947; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5433]

INDEPENDENT GROCERS ALLIANCE DISTRIBUTING CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of January A. D. 1947.

In the matter of Independent Grocers Alliance Distributing Company, a corporation, and its Directors: J. Frank Grimes, L. G. Groebe, William W. Thompson, James D. Godfrey, Ned N. Fleming, and Robert H. Perlitz; Grocers Company, a corporation, and its Directors: James D. Godfrey, Ned N. Fleming, Robert H. Perlitz, T. G. Harrison, Robert McLain, E. F. Brewster, Joseph Parker,

Normal Younglove, and Harry K. Grainger; Jersey Cereal Company, a corporation; Stokely Brothers & Company, Inc., a corporation; Dean Milk Company, a corporation; Cupples Company, a corporation; Franklin MacVeagh & Company, a corporation; E. R. Godfrey & Sons Company, a corporation; Winston & Newell Company, a corporation; and Wetterau Grocer Company, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Everett F. Haycraft, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, February 4, 1947, at two o'clock in the afternoon of that day (Central Standard Time), in Room Number 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-291; Filed, Jan. 10, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 422, Special Permit 25]

CARS HELD AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F. R. 250), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to the holding under load at Jersey City, New Jersey, cars in Lehigh Valley lighterage account.

This special permit shall become effective 12:01 a. m., January 4, 1947 and shall expire at 11:59 p. m., January 14, 1947.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of January 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-254; Filed, Jan. 10, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 82]

RECONSIGNMENT OF APPLES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minnesota, January 6, 1947, by J. D. Hamilton Fruit Company, or Rogers Fruit Distributors, of car FGE 34974, apples, now on the Great Northern Railway, to Kansas City, Mo.-Kan. (C. St. P. M. & O. to Omaha—C. B. & Q.) account extreme cold weather prevented inspection.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of January 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-253; Filed, Jan. 10, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 81]

RECONSIGNMENT OF POTATOES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., January 6, 1947, of car SFRD 24749, potatoes, now on the Northern Pacific Railway, to Mankato, Minn., with stop-off at Minneapolis, Minn., for partial unloading, account extreme cold weather prevented inspection.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of January, 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-252; Filed, Jan. 10, 1947; 8:48 a. m.]

COMMITEE FOR RECIPROCITY INFORMATION

[Public Notice 291]

TRADE-AGREEMENT NEGOTIATIONS WITH AUSTRALIA, BELGIUM, BRAZIL, CANADA, CHILE, CHINA, CUBA, CZECHOSLOVAKIA, FRANCE, INDIA, LEBANON (SYRO-LEBANESE CUSTOMS UNION), LUXEMBOURG, NETHERLANDS, NEW ZEALAND, NORWAY, UNION OF SOUTH AFRICA, UNION OF SOVIET SOCIALIST REPUBLICS, UNITED KINGDOM

NOTICE REGARDING CHANGE IN PLACE OF HOLDING PUBLIC HEARINGS

Notice is hereby given that the public hearings which will be held before the Committee for Reciprocity Information incident to trade-agreement negotiations with the countries listed above, will begin at 10 o'clock a. m. on January 13, 1947, in the Hearing Room of the United States Tariff Commission, Tariff Commission Building, 8th and E Streets, Northwest, Washington, D. C., instead of the Department of Commerce Auditorium, as indicated in the previous announcement of the Committee dated November 9, 1946 (11 F. R. 13447).

By direction of the Committee for Reciprocity Information, this 8th day of January 1947.

[SEAL] EDWARD YARDLEY, *Secretary.*

JANUARY 8, 1947.

[F. R. Doc. 47-282; Filed, Jan. 10, 1947; 8:50 a. m.]

[Public Notice DA-290]

TRADE AGREEMENT WITH CANADA

PROPOSED TERMINATION OF CONCESSION ON LINEN FIRE HOSE

The Committee for Reciprocity Information hereby gives notice that all information and views in writing with regard to the proposed termination of the concession on hose, suitable for conducting liquids or gases, wholly or in chief value of vegetable fiber (linen fire hose), included in item 1007 of Schedule II of the trade agreement with Canada, announcement concerning which has been made by the Department of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, January 30, 1947.

Ten copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. They should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington 25, D. C." Oral presentation of views, if desired, may be arranged by application to the Secretary of the Committee.

By direction of the Committee for Reciprocity Information this 10th day of January 1947.

EDWARD YARDLEY,
Secretary.

JANUARY 10, 1947.

[F. R. Doc. 47-322; Filed, Jan. 10, 1947; 9:33 a. m.]

Reference

JAN 14 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 NUMBER 9

Washington, Tuesday, January 14, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9819

APPOINTMENT OF THE MEMBERS AND THE ALTERNATE MEMBER OF A MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF MAJOR WAR CRIMINALS IN GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. I hereby designate Fitzroy Donald Phillips, Judge of a Superior Court in the State of North Carolina, Robert Morrell Toms, Judge of the Third Judicial Circuit Court, Detroit, Michigan, and Captain Michael A. Musmanno, (S), USNR, O86622, as the members, and John Joshua Speight as the alternate member, of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which Tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis. Such members and alternate member may, at the direction of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned.

2. The functions of these Tribunals being essentially military, Captain Musmanno will, during the tenure of this assignment, be subject to War Department orders, through the Commanding General of the European Theater, and will retain his status as an officer on the active list of the United States Naval Reserve.

3. The members and the alternate member herein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that Captain Musmanno shall receive such compensation and allowances for expenses to which he may be entitled by reason of his military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

4. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the members and the alternate member herein designated in the performance of their duties and may assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as may be requested for the purpose. Personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses to which they may be entitled by reason of their military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 10, 1947.

[F. R. Doc. 47-353; Filed, Jan. 13, 1947; 10:06 a. m.]

EXECUTIVE ORDER 9820

SEGREGATION OF THE FUNCTIONS OF THE HOUSING EXPEDITER FROM THE FUNCTIONS OF THE NATIONAL HOUSING ADMINISTRATOR

WHEREAS an existing official of the Government, namely, the National Housing Administrator, was appointed initially to serve as Housing Expediter within the National Housing Agency; and

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THE PRESIDENT

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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WHEREAS the powers, functions, and duties of the Housing Expediter under the Veterans' Emergency Housing Act of 1946 (approved May 22, 1946) were merged with the powers, functions, and duties vested in the National Housing Administrator by Executive Order No. 9070 of February 24, 1942, the Lanham Act of October 14, 1940, and other statutes, and have been exercised and performed through the Office of the Administrator, National Housing Agency; and

WHEREAS the Housing Expediter was recently appointed as an independent officer of the Government, and it is necessary that his powers, functions, and duties be segregated so that they may be properly exercised and performed by him:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the said Veterans' Emergency Housing Act of 1946, and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. All of the powers, functions, and duties of the Housing Expediter under the Veterans' Emergency Housing Act of 1946 which were merged with the powers, functions, and duties of the National Housing Administrator and exercised and performed through the Office of the Administrator, National Housing Agency, are hereby segregated and shall be exercised and performed by the Housing Expediter as an independent officer of the Government.

2. All personnel (as determined by joint certification by the Housing Expediter and the National Housing Administrator) appointed or transferred to positions which were required for the exercise and performance of the powers, functions, and duties of the Housing Expediter, as segregated by paragraph 1 of this order, are hereby transferred to the Office of the Housing Expediter for the exercise and performance of such powers, functions, and duties by the Housing Expediter as an independent officer of the Government: *Provided*, That with respect to the heads of offices and branches and special assistants in positions allocated to grade P–8 or grade CAF–15 who are engaged in the administration of functions of both the Housing Expediter and the National Housing Administrator, the transfer of any such personnel to the Office of the Housing Expediter or their retention in the Office of the National Housing Administrator shall be determined by joint certification by such Expediter and such Administrator. The joint certifications required by this section shall be made within 30 days from the date of this order.

3. All assets, contracts, and property, including office equipment and records, used or held in the administration, exercise, or performance of the powers, functions, and duties of the Housing Expediter, as segregated by paragraph 1 of this order, are hereby transferred to the Office of the Housing Expediter.

4. So much of the unexpended balances of appropriations, authorizations, allocations, or other funds available to the Office of the Administrator, National Housing Agency, for use in connection with the administration, exercise, or performance of the powers, functions, and duties of the Housing Expediter (as segregated by section 1 of this order) as the Director of the Bureau of the Budget shall determine shall be transferred to the Office of the Housing Expediter for use in connection with the said powers, functions, and duties. In determining the amount of funds to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, authorizations, allocations, or other funds prior to transfer.

5. All unexpended balances of appropriations, authorizations, allocations, or other funds transferred under this order shall be used only for the respective purposes and in the administration of the respective functions for which such funds were made available.

6. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the purposes and provisions of this order shall be carried out in such manner as the Director of the Bureau of the Budget may direct and by such agencies as he may designate.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 11, 1947.

[F. R. Doc. 47-352; Filed, Jan. 13, 1947; 10:06 a. m.]

EXECUTIVE ORDER 9821

AMENDING EXECUTIVE ORDER NO. 9070 OF FEBRUARY 24, 1942, CONSOLIDATING THE HOUSING AGENCIES AND FUNCTIONS OF THE GOVERNMENT INTO THE NATIONAL HOUSING AGENCY

By virtue of the authority vested in me as President of the United States, and in the interest of the internal management of the Government, it is hereby ordered as follows:

1. Executive Order No. 9070 of February 24, 1942, consolidating the housing agencies and functions of the Government into the National Housing Agency, is hereby amended by deleting from the first sentence of paragraph 2 the comma and the words "and shall receive a salary of $12,000 a year unless the Congress shall otherwise provide," so that the sentence shall read "The National Housing Administrator shall be appointed by the President, by and with the advice and consent of the Senate."

2. This order shall be effective as of December 15, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 11, 1947.

[F. R. Doc. 47-353; Filed, Jan. 13, 1947; 10:06 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—REGULATIONS GOVERNING APPEALS OF REFERENCE ELIGIBLES UNDER THE VETERANS PREFERENCE ACT OF 1944

MISCELLANEOUS AMENDMENTS

1. Paragraphs (b) and (c) of § 22.8 are amended to read as follows:

§ 22.8 *Investigations.* * * *

(b) *Manner of taking testimony.* Testimony of witnesses will be by affidavit, without any pledge of confidence, but where it is impracticable to obtain testimony under oath from a witness such statement will be obtained, without any pledge of confidence, from the witness as the circumstances will permit, and such weight will be given to the unsworn testimony as the record will warrant: *Provided, however*, That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, testimony and evidence will be obtained under a pledge of confidence and the source of the information secured will not be divulged.

(c) *Information obtained discussed with agency and with employee.* The evidence submitted by the employee in connection with his appeal will be discussed by the investigator of the Commission with the administrative officer who made the decision and other proper officials of the employing agency concerned, and such officials shall be requested to state their side of the case. Similarly, the employee should be informed of the information furnished by the officials of the agency and given the opportunity to insert his side of the case into the record of investigation: *Provided, however*, That in cases where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, only such information should be furnished either party as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

2. Paragraph (c) of § 22.9 is amended to read as follows:

§ 22.9 *Hearings.* * * *

(c) *How conducted.* Hearings will be conducted by a representative of the Commission in an informal manner with an opportunity afforded for the introduction of evidence, including testimony and statements by the appellant and his designated representative and witnesses and representatives of the employing agency and witnesses, and for the cross-examination of witnesses: *Provided, however*, That where the adverse action of the administrative officers with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the appellant will be accorded such hearing as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

3. Paragraphs (a) and (c) of § 22.10 are amended to read as follows:

§ 22.10 *Decision in the Commission—*(a) *By whom made; contents.* The decision on the appeal shall be made by the Chief Law Officer or the regional office, as appropriate, in a formal finding, consisting of an analysis of the evidence, the reasons for the conclusions reached and a recommendation for action to be taken by the employing agency concerned; *Provided, however*, That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the case will, after investigation and hearing, be referred to the Loyalty Rating Board of the Commission in Washington, D. C., for consideration and recommendation to the Commissioners for their decision. The contents of the formal finding on such loyalty aspects in cases under section 14 will not contain information which will be inconsistent with the pledge of confidence attached to testimony and evidence in such cases.

* * * * *

(c) *Report by agencies to Commission of action taken or proposed to be taken on finding favorable to employee.* When the finding and recommendation is that the employee be restored to his position, or is otherwise favorable to the employee, the employing agency will, at the time the finding and recommendation is transmitted to it, be requested to report to the Chief Law Officer, the regional office or the Loyalty Rating Board, as the case may be, within seven (7) days of the receipt of such finding and recommendation, regarding the action taken or proposed to be taken by the employing agency.

4. Paragraph (a) of § 22.11 is amended to read as follows:

§ 22.11 *Further appeals to the Commission—*(a) *Time limit for filing.* An appeal may be made by the employee from a decision of the Chief Law Officer or Regional Office (and of the Commissioners in loyalty cases) to the Commissioners, the United States Civil Service Commission, within thirty (30) days of

the date of receipt of notification of the decision. An appeal may be made to the Commissioners by the employing agency within seven (7) days of the date of receipt of such notification.

5. These amendments shall be effective upon publication in the FEDERAL REGISTER.

NOTE: These amendments are intended to facilitate the processing of appeals under this part in which there is involved the question of the appellant's loyalty to the Government of the United States. Because of the importance of the availability of these procedures to appeals that may be currently pending the Commission finds that good cause exists for making them effective as of the date of publication in the FEDERAL REGISTER.

(Sec. 14, 58 Stat. 390; 5 U. S. C. Sup. 863)

[SEAL] THE UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-309; Filed, Jan. 13, 1947; 8:50 a. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 58 [1]]

PART 30—FOREIGN TRADE STATISTICS

ARTICLES PLACED ABOARD VESSELS FOR CARE AND FEEDING OF LIVESTOCK EN ROUTE TO DESTINATION

§ 30.49 *Export declarations; articles placed aboard vessels for the care and feeding of livestock en route to destination.* (a) Foreign Commerce Statistical Decision 43,[2] issued August 13, 1943, provides that the Shipper's Export Declaration (Commerce Form 7525-V)[2] and the Defense Aid (Lend-Lease) Shipper's Export Declaration (Commerce Form 7525-DA-V)[2] will not be required for shipments of sea stores, ships' stores, vessel supplies and vessel equipment of the departing vessel.

(b) Hay, straw, feed and other appurtenances necessary to the care and feeding of livestock while en route on the ocean shall be considered part of the sea stores of the carrying vessel and the Shipper's Export Declaration will not be required for the portion consumed during the voyage.

(c) The Shipper's Export Declaration is, however, required for that portion which will remain after the voyage and will be delivered to the consignee. Estimated quantities, values, and shipping weights may be shown on export declarations covering the residual cargo. (32 Stat. 826; 5 U. S. C. 601)

Dated: January 8, 1947.

[SEAL] J. C. CAPT.
Director,
Bureau of the Census.

[F. R. Doc. 47-312; Filed, Jan. 13, 1947; 8:50 a. m.]

[1] 11 F. R. 13987.
[2] Not filed with the Division of the Federal Register.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, as amended by 59 Stat. 463; 21 U. S. C., Sup. V, 357) the regulations for tests and methods of assay of antibiotic drugs (11 F. R. 12128), as amended, are hereby further amended as indicated below:

1. Paragraph (e) *Preparation of plates* of § 141.1 *Sodium penicillin, calcium penicillin and potassium penicillin; potency* is amended by inserting "and stored for 24 hours at room temperature" between "37° C." and "with" in the 14th sentence and is further amended by changing the 16th sentence to read: "Incubate 24 hours at 37° C. and store for 24 hours at room temperature".

2. Part 141 is amended by adding the following new section:

§ 141.19 *Buffered crystalline penicillin.* Proceed as directed in §§ 141.1, 141.2, 141.3, 141.4, 141.5, and 141.6.

This order, which provides for the marketing of a new penicillin product, shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of a new penicillin product.

(Sec. 507, 52 Stat. 1040, as amended, 59 Stat. 463; 21 U. S. C., Sup. 357)

Dated: January 8, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-310; Filed, Jan. 13, 1947; 8:48 a. m.]

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, as amended by 59 Stat. 463; 21 U. S. C., Sup. V, 357), the regulations for the certification of batches of penicillin-containing drugs (11 F. R. 12136), as amended, are hereby amended as indicated below:

1. Section 146.25 *Penicillin in oil and wax* is amended by deleting the words "potassium penicillin" wherever they appear and substituting therefor the words "crystalline penicillin".

2. Part 146 is amended by adding the following new section:

§ 146.37 *Buffered crystalline penicillin.* Buffered crystalline penicillin conforms to all requirements prescribed by § 146.24 for crystalline penicillin, and is subject to all procedures prescribed by such section for crystalline penicillin, except that:

(a) It contains the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids; such sodium citrate conforms to the standards prescribed therefor by the U. S. P.;

(b) The circular or other labeling within or attached to the package, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed for crystalline penicillin by § 146.24 (c) (3) (iii), the statement "Sterile solution may be kept in refrigerator for one week without significant loss of potency";

(c) A person who requests certification of a batch shall submit with his request a statement showing the quantity of sodium citrate used in making the batch, that such sodium citrate conforms to the requirements prescribed therefor by this section, and in case of an initial request for certification he shall submit an accurately representative sample of such sodium citrate consisting of approximately 5 grams; and

(d) The fee for the services rendered with respect to the sample of sodium citrate submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

This order, which provides for the marketing of a new penicillin product, shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of a new penicillin product.

(Sec. 507, 52 Stat. 1040, as amended, 59 Stat. 463; 21 U. S. C., Sup. 357)

Dated: January 8, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-311; Filed, Jan. 13, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 611—LOW-RENT HOUSING AND SLUM CLEARANCE: POLICY

DEFINITION OF TERMS

Section 611.1 (11 F. R. 177A-910) is amended, effective January 17, 1947, to read as follows:

§ 611.1 *Definition of terms.* Definitions as used in this statement of policy and in contracts of the FPHA are as follows:

(a) *Contract rent.* The term "contract rent" means the rent charged a tenant for use of the dwelling accommodation, equipment, services and utilities provided by the project. "Contract rent" does not include charges for a utility or fuel which may be purchased by the project and sold to tenants as a transaction separate from the payment of rent, charges for any excess utility consumption, or charges for dwelling furniture.

(b) *Gross rent.* The term "gross rent" means "contract rent" plus the estimated average monthly (or weekly, if rent is on a weekly basis) cost to the tenant of utilities not provided by the project.

(c) *Shelter rent.* The term "shelter rent," unless otherwise qualified, means the portion of "contract rent" exclusive of the charges or estimated charges for utilities furnished by the project. When properly qualified, however, the term may have other meanings; for example, "economic shelter rent" refers to that portion of economic rent exclusive of the cost to the project of utilities furnished by the project. (50 Stat. 888; 42 U. S. C. 1401-30)

[SEAL] D. S. MYER,
Commissioner.

Approved: January 6, 1947.

[F. R. Doc. 47-302; Filed, Jan. 13, 1947; 8:46 a. m.]

Chapter VII—National Housing Agency

SEGREGATION OF HOUSING EXPEDITER OFFICE; APPOINTMENT OF ADMINISTRATOR

CROSS REFERENCE: For segregation of the functions of the Housing Expediter from the functions of the National Housing Administrator, see Executive Order 9820, *supra;* and for an amendment of Executive Order 9070, relating to appointment of the National Housing Administrator, see Executive Order 9821, *supra.*

Chapter VIII—Office of the Housing Expediter

SEGREGATION OF FUNCTIONS FROM NATIONAL HOUSING ADMINISTRATOR

CROSS REFERENCE: For segregation of the functions of the Housing Expediter from the functions of the National Housing Administrator, see Executive Order 9820, *supra.*

[Priorities Reg. 6, as Amended]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

PREFABRICATED HOUSING

PURPOSE

Par.
(a) What this section provides.

DEFINITIONS

(b) Definitions.

PREFABRICATORS' APPLICATIONS FOR PRIORITIES ASSISTANCE

(c) Filing of applications.
(d) [Deleted January 10, 1947]

NHA CONSIDERATION OF APPLICATIONS

(e) VEHP use.
(f) Technical standards.
(g) Prefabricated panels.
(h) Prefabricated packages.
(i) Prefabricated sections.
(j) Production standards.

GRANTING OF AUTHORIZATION

(k) Nature of authorizations.
(l) Quantities authorized.

PREFABRICATORS' USE OF PRIORITIES ASSISTANCE

(m) Extending customers' ratings.
(n) Placing orders.
(o) Delivery date restrictions.
(p) Effect of orders placed by prefabricator.
(q) Use of materials.
(r) Disposal of materials.

SALES AND PURCHASE RESTRICTIONS

(s) Prefabricators' and dealers' sales.
(t) Dealers' purchases.
(u) Application by builder under HEPR 5.
(v) Application by builder under Housing Permit Regulation.

OTHER PROVISIONS

(w) Communications and appeals.
(x) Record-keeping requirements.
(y) Reporting requirements.
(z) Violations.

§ 803.6 *Prefabricated housing under the Veterans' Emergency Housing Program.*—(a) *What this section provides.* Under this section, Housing Expediter Priorities Regulation 6, and previously under Direction 8 to CPA Priorities Regulation 33, priorities assistance was issued to prefabricators for certain materials to be used in the factory production of prefabricated sections, panels, and packages, under the Veterans' Emergency Housing Program. Since December 24, 1946 priorities assistance has no longer been granted under this section.

However, unless expressly provided otherwise by the Housing Expediter or the Civilian Production Administration, all the conditions and restrictions imposed on prefabricators and dealers by this section and other applicable NHA and CPA regulations are still in effect. This section explains which regulations and orders of the Civilian Production Administration control (1) the prefabricator's use of an HH rating under authorizations previously granted, (2) the materials which may be obtained with their use, (3) the use of materials so obtained, and (4) prefabricators' and dealers' sales of prefabricated houses, sections, panels, and packages.

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, panels, or packages.

(2) "Prefabricated house" means a house of which at least the exterior walls are formed by the assembly of prefabricated panels or sections as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which encloses living, storage or utility space on at least two sides, is manufactured in a factory, is transported to the building site without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof or truss panel which is manufactured in a factory, is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce a prefabricated house, and meets whichever of the following standards of minimum prefabrication is applicable:

(i) *Wood panels.* A prefabricated exterior wall panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core, with surfacing material or wall sheathing attached to at least one side.

A prefabricated partition, ceiling or truss panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core.

A prefabricated floor or roof panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core with surfacing material, subfloor or roof sheathing attached to at least one side.

(ii) *Metal panels.* A prefabricated exterior wall panel constructed principally of metal shall consist of at least (*a*) a completely assembled panel frame or core with surfacing material or wall sheathing attached to at least one side, (*b*) a specially fabricated sheet of metal designed to serve both sheathing and structural purposes, or (*c*) a combination of specially fabricated metal sheets and structural frame (or core) members, either assembled or unassembled, designed and fabricated for incorporation in a prefabricated house of a specific design.

A prefabricated floor, partition, ceiling, roof or truss panel constructed principally of metal shall consist of at least (*a*) a completely assembled panel frame

or core, (*b*) a specially fabricated metal sheet designed and fabricated for incorporation in a prefabricated house of a specific design, (c) specially fabricated structural frame (or core) members designed and fabricated for incorporation in a prefabricated house of a specific design, or (*d*) a combination of (*b*) and (*c*), either assembled or unassembled.

(iii) *Concrete panels.* A prefabricated exterior wall panel constructed principally of concrete shall consist of at least (*a*) a precast concrete slab having an area of 15 square feet or more on one surface or (*b*) a combination of such a precast concrete slab and structural framing members, either assembled or unassembled, designed and manufactured for incorporation in a prefabricated house of a specific design.

A prefabricated floor, partition, ceiling, roof or truss panel constructed principally of concrete shall consist of at least (*a*) a precast concrete slab having an area of 15 square feet or more on one surface, or (*b*) precast concrete structural panel frame (or core) members designed and manufactured for incorporation in a prefabricated house of a specific design, or (c) a combination of (*a*) and (*b*), either assembled or unassembled, designed and manufactured for incorporation in a prefabricated house of a specific design.

A prefabricated panel may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) The terms "prefabricated section" and "prefabricated panel" do not include: (i) fabricated structural steel such as standard columns and standard beams or stock metal siding or roofing, etc., primarily designed for use in conventional construction, (ii) concrete blocks, precast joists, precast concrete panels and similar concrete items primarily designed for use in conventional construction, (iii) millwork, including kitchen cabinets, as defined in Order L–359 of the Civilian Production Administration, (iv) items of furniture and equipment not designed to be permanently attached to and made a part of a house, or (v) building materials cut to size and shape for assembly at the building site, if not specifically covered by the definitions in subparagraphs (3) and (4) of this paragraph.

(6) "Prefabricated package" means the aggregation of prefabricated sections and panels, building materials, and equipment which is shipped in a lot by a prefabricator, to be incorporated in a prefabricated house. (See paragraph (h) of this section on authorizations for loose materials and equipment to be included in a prefabricated package.)

(7) "Loose materials and equipment" included in a prefabricated package means the materials and equipment in the package which are not permanently attached to or incorporated in the prefabricated sections and panels comprising the rest of the package. "Loose materials and equipment" shipped with a prefabricated section means those which are not permanently attached to or incorporated in the prefabricated section at the time it is shipped.

(8) "Schedule A materials" means the items listed in Schedule A to Priorities Regulation 33 (§ 944.54) of the Civilian Production Administration. These are the items for which priorities assistance was given to prefabricators on or before December 24, 1946.

(9) A prefabricator's "approved production" for a particular quarter means the number of units which he can produce with the amount of the materials listed in paragraph (l) (1) of this section for which priorities assistance was authorized by the National Housing Agency for that quarter.

(10) "NHA" means the National Housing Agency.

(11) "CPA" means the Civilian Production Administration.

(12) "This section" means this regulation, Housing Expediter Priorities Regulation 6.

PREFABRICATORS' APPLICATIONS FOR PRIORITIES ASSISTANCE

(c) *Filing of applications.* Priorities assistance for "Schedule A materials" was issued under this section to prefabricators who made quarterly applications on Form NHA 14–53. The applications were filed with the National Housing Agency, Washington, D. C., which considered the applications for approval as explained in paragraphs (e) through (j) of this section. Applications for priorities assistance may no longer be filed under this section.

(d) [Deleted January 10, 1947.]

NHA CONSIDERATION OF APPLICATIONS

(e) *VEHP use.* Priorities assistance was given under this section only for quantities of Schedule A materials to be used fully in prefabricated housing under the Veterans' Emergency Housing Program.

(f) *Technical standards.* Priorities assistance was given under this section for Schedule A materials to be used for the following purposes only:

(1) The manufacture of prefabricated panels designed to be incorporated in prefabricated houses found by the National Housing Agency to meet standards of space, arrangement, and construction known as "HH Minimum Property Requirements."

(2) The making up of prefabricated packages designed to be incorporated in prefabricated houses found by the National Housing Agency to meet the HH Minimum Property Requirements.

(3) The manufacture and installation of prefabricated sections designed to be incorporated in houses (whether prefabricated or not) found by the National Housing Agency to meet the HH Minimum Property Requirements.

The findings by the National Housing Agency referred to in this paragraph were based upon information submitted by the prefabricator on Form NHA 14–54 or in such other manner as required by the National Housing Agency. Information regarding the HH Minimum Property Requirements is available at the National Housing Agency, Washington 25, D. C., and at all State and District Offices of the Federal Housing Administration.

(g) *Prefabricated panels.* Priorities assistance for Schedule A materials to be incorporated in prefabricated panels was given under this section only to those prefabricators who met one of the following tests:

(1) The prefabricator ships, to each purchaser, all the prefabricated exterior wall panels (as defined in paragraph (b) (4) of this section) of a prefabricated house.

(2) The prefabricator (i) submitted evidence of an agreement he had entered into with one or more prefabricators dividing among them the production responsibility for the manufacture of prefabricated elements designed to be incorporated in a prefabricated house, and (ii) together, these prefabricators ship, to each purchaser, all the prefabricated exterior wall panels of a prefabricated house.

(h) *Prefabricated packages.* The following are special rules on priorities assistance for Schedule A materials to be incorporated in prefabricated packages:

(1) In addition to prefabricated sections and panels, a prefabricated package produced under this section may contain, in the amount provided for in subparagraph (2) of this paragraph, the following "loose materials and equipment":

(i) Mechanical, plumbing, heating, and electrical material and equipment; cooking, refrigeration, and laundry equipment; kitchen cabinets; and

(ii) Other loose materials and equipment.

(2) Priorities assistance was given under this section for Schedule A materials to be included in a prefabricated package as loose materials and equipment only if the dollar value of all loose materials and equipment not listed in subparagraph (1) (i) of this paragraph which are contained in the package is less than one half of the following amount: the dollar value of the entire prefabricated package minus the dollar value of all materials and equipment in the package—whether "loose" or not—listed in subparagraph (1) (i) of this paragraph.

(i) *Prefabricated sections.* Priorities assistance was given under this section for Schedule A materials to be shipped with a prefabricated section to be incorporated in a house whether or not the house is prefabricated. However, such assistance was given only for Schedule A materials listed in paragraph (h) (1) (i) of this section required for installation in or attachment to the prefabricated section, and for the minimum quantities of other loose materials and equipment required for the installation of the prefabricated section.

(j) *Production standards.* Priorities assistance was given under this section only after the National Housing Agency took into consideration the following factors:

(1) The prefabricator's use of scarce materials,

(2) The suitability of his product for low and moderate cost housing under the Veterans' Emergency Housing Program, and

(3) The prefabricator's apparent ability to produce, based upon plant facilities and methods, general experience, distribution facilities and methods, and other relevant considerations.

GRANTING OF AUTHORIZATIONS

(k) *Nature of authorizations.* Priorities assistance granted on Form NHA 14–53 was in the form of authority to place HH rated orders or certified orders for approved quantities of "Schedule A materials" (see paragraph (b) (8) of this section). The authorization covers quantities to be so ordered for delivery in a particular quarter. It may also include an advance authorization enabling the prefabricator (subject to the delivery date restrictions referred to in paragraph (o) of this section) to place such orders for a part of his requirements to be delivered in the next quarter, pending receipt of his regular authorization for that quarter.

(l) *Quantities authorized.* Form NHA 14–53 authorizations are for the following quantities of Schedule A materials:

(1) For the following materials, the permitted quantities are the quantities numerically expressed in the authorization: housing construction lumber, millwork (other than built-in kitchen cabinets), residential hardwood flooring, gypsum board and lath, building board, and construction plywood (softwood).

(2) For the other Schedule A materials (excluding those listed in subparagraph (1) of this paragraph, but including built-in kitchen cabinets), the permitted quantities are the minimum quantities needed to meet the prefabricator's "approved production" requirements (see paragraph (b) (9) of this section).

PREFABRICATORS' USE OF PRIORITIES ASSISTANCE

(m) *Extending customers' ratings.* In accordance with applicable CPA regulations (Priorities Regulation 3 (32 CFR, 944.22) and Direction 8 to Priorities Regulation 33 (32 CFR, 944.54)), a prefabricator must not extend (pass on to his supplier) an HH rating which he receives from a customer.

(n) *Placing orders.* A prefabricator who has been granted priorities assistance on Form NHA 14–53 may place orders for the approved quantities of Schedule A materials (for delivery during the quarter covered by the authorization), as follows:

(1) *Certified orders for construction plywood (softwood).* For construction plywood (softwood), he may place certified orders as explained in CPA Order L–358.

(2) *HH rated orders for other Schedule A materials.* For the other Schedule A materials, he may use an HH rating on his purchase orders. The HH rating may be applied to a purchase order by placing on the order a written certificate as explained in Schedule A to CPA Priorities Regulation 33. This certificate is as set out below:

VETERANS' EMERGENCY HOUSING PROGRAM
APPLICATION SERIAL NUMBER —

I certify to the U. S. Government that an HH rating has been assigned for the materials covered by this order. The materials will be used only for housing accommodations as authorized.

Purchaser

(3) *Former rule for some Schedule A materials.* Before January 1, 1947, CPA Order L–359 provided that prefabricators could place "certified orders," rather than HH rated orders, for housing construction lumber, residential hardwood flooring, and millwork. To place a certified order, a prefabricator used the certificate previously shown in Order L–359, rather than the Schedule A certificate now shown in subparagraph (2) of this paragraph. Purchase orders which have already been placed with the former L–359 certificate need not be re-certified. However, after January 1, 1947, they will be treated as rated orders rather than certified orders.

(o) *Delivery date restrictions.* In accordance with Direction 8 to CPA Priorities Regulation 33 (32 CFR, 944.54), a prefabricator placing certified or HH rated orders under this section must not specify a delivery date which is (1) more than 30 days before the time the materials are to be used by him or (2) later than the end of the third calendar month after the month in which the order is placed. "Delivery date" means the date of delivery at the prefabricator's plant or warehouse.

(p) *Effect of orders placed by prefabricator.* The effect of HH rated and certified orders is controlled by CPA Priorities Regulation 1 (32 CFR, 944.1–20) and certain other CPA regulations and orders. For construction plywood (softwood), the other applicable CPA order is Order L–358. For lumber, residential hardwood flooring, and millwork, it is CPA Order L–359. For all other Schedule A materials, the other applicable CPA regulation is Schedule B to PR 33.

(q) *Use of materials.* In accordance with applicable CPA regulations (PR 1 and Direction 8 to PR 33), materials obtained with priorities assistance may be used only for the purposes for which that assistance was granted. This rule applies to materials obtained under this section or under Direction 8 to CPA Priorities Regulation 33. The rule will continue to apply after December 24, 1946 even though no additional priorities assistance will be granted after that date.

(r) *Disposal of materials.* If a prefabricator is unable to use materials obtained with priorities assistance under this section, or under Direction 8 to CPA Priorities Regulation 33, for the purposes for which the assistance was granted, he may use or dispose of them only as follows:

(1) By "special sale," in accordance with Priorities Regulation 13 (32 CFR, 944.34) of the Civilian Production Administration.

(2) By such other use as may be authorized in writing by the National Housing Agency, upon written application from the prefabricator.

SALES AND PURCHASE RESTRICTIONS

(s) *Prefabricators' and dealers' sales.* In accordance with Direction 8 to CPA Priorities Regulation 33, a prefabricator or a dealer (wholesale or retail) must observe the following rules:

(1) *Unerected sales.* In selling unerected prefabricated sections, panels, or packages produced under this section or Direction 8, a prefabricator or dealer must accept and fill rated orders in preference to unrated orders in accordance with the rules of CPA Priorities Regulation 1.

(2) *Erected sales.* In selling erected prefabricated houses, sections, panels, or packages produced under this section or Direction 8, a prefabricator or dealer must comply with the rules of CPA Priorities Regulation 33, Housing Expediter Priorities Regulation 5, or the Housing Permit Regulation, whichever is applicable. (See paragraphs (u) and (v) of this section.)

(t) *Dealers' purchases.* In accordance with Direction 8 to CPA Priorities Regulation 33, a dealer who receives an HH or HHH rated order from a customer for a prefabricated section, panel, or package produced under this section or Direction 8 may extend the rating to get the item for sale to that customer, or to replace an item sold out of inventory to that customer. A dealer may also place unrated orders.

(u) *Application by builder under HEPR 5.* On or before December 24, 1946 a person eligible under the Veterans' Emergency Housing Program to erect a prefabricated house or section could apply under Housing Expediter Priorities Regulation 5 (§ 802.5) for an authorization to construct and an HH rating. (Before September 10, 1946, such applications were made under CPA Priorities Regulation 33.)

If his application was approved and he begins construction under the authorization issued to him, the builder is subject to all the requirements of the priorities regulation under which his application was approved, including restrictions on sales price and rents, and requirements for preference to veterans, where applicable. When the application was approved, the builder was assigned an HH rating, which he may use to get a prefabricated section, panel, or package and the necessary quantities of the other Schedule A materials. This rating may be applied in accordance with, and sub-

ject to, the limitations of Schedule A to PR 33 and other applicable CPA regulations. (If the builder has not begun construction under an authorization issued under HEPR 5 or PR 33, see paragraph (v) of this section.)

A prefabricator or a dealer could apply in the same way as any other builder, on or before December 24, 1946, if he wished to erect a prefabricated house or section. A prefabricator acting as an erector is subject to the same requirements of HEPR 5 (or PR 33) as a builder.

(v) *Application by builder under Housing Permit Regulation.* On or after December 24, 1946, a person eligible under the Veterans' Emergency Housing Program to erect a prefabricated house or section may apply under the Housing Permit Regulation for an authorization to erect, called a "construction permit." No priorities assistance will be given, however, with a construction permit. Therefore, such a builder may not place rated orders for prefabricated sections, panels, or packages produced under Direction 8 to CPA Priorities Regulation 33 or under this section.

If a builder's application under Housing Expediter Priorities Regulation 5 or Priorities Regulation 33 was approved, but he has not begun construction under the authorization issued to him, he may elect to surrender his authorization and his HH rating and re-apply for a construction permit under the Housing Permit Regulation. In this case he is subject to the requirements of the latter regulation and not HEPR 5 or PR 33, and also may not place HH rated orders.

OTHER PROVISIONS

(w) *Communications and appeals.* Communications regarding the provisions of this section should be addressed to the National Housing Agency, Washington 25, D. C. Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the National Housing Agency, Washington 25, D. C., clearly stating the specific provision appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(x) *Record-keeping requirements.* Each person subject to this section must keep and preserve for at least two years records showing quantities of all Schedule A materials (including prefabricated sections and panels) received and dates of receipt. In addition, each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration applies must keep and preserve for at least two years the records described in CPA Priorities Regulation 1. The record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(y) *Reporting requirements.* Information and reports relating to matters covered by this section, or by Direction 8 to CPA Priorities Regulation 33, may be required from time to time by the National Housing Agency (or person or agency authorized by NHA to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(z) *Violations.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who wilfully conceals a material fact in any certificate required to be filed under this section, or who wilfully falsifies any records required to be kept under this section shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Second War Powers Act of 1942, Veterans' Emergency Housing Act of 1946, and other applicable Federal Statutes. Any person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

Issued this 10th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-349; Filed, Jan. 10, 1947; 4:56 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War, Department of the Interior

[SFAW Order 43]

PART 602—GENERAL ORDERS AND DIRECTIVES

INTERIM DIRECTION TO SHIPPERS OF BITUMINOUS COAL

Notice of Interim Direction No. 10 (11 F. R. 14183), as amended by Amendment No. 1 thereto (11 F. R. 14310), was issued to assure that retail dealers and consumers having the lowest number of days' supply would have an opportunity to acquire at least minimum operating stocks of bituminous coal upon resumption of mining, and to effect an orderly restoration of distribution to the end that the uses most essential to the health and safety of the Nation, and other industrial and commercial activities, would be maintained. Although approximately 25,000,000 tons of coal were lost from production because of the strike, the rate of production is now such as to permit shipments in accordance with the provisions of Revised Regulation No. 32, as amended (11 F. R. 8575, 10282, 11560).

Therefore, *It is ordered*, That:

Notice of Interim Direction No. 10, issued December 8, 1946 (11 F. R. 14183), as amended by Amendment No. 1 thereto (11 F. R. 14310), be and it hereby is revoked.

Distribution of bituminous coal be continued in conformity with the provisions of Revised Regulation No. 32, as amended (11 F. R. 8575; 11 F. R. 10282; 11 F. R. 11560), which remains in full force and effect.

This order does not affect civil or criminal liabilities resulting from violations of Notice of Interim Direction No. 10, as amended (11 F. R. 14183, 14310).

This order shall become effective immediately.

(Sec. 2 (a), 54 Stat. 676; 55 Stat. 236; 56 Stat. 176; 58 Stat. 827; 59 Stat. 658; 60 Stat. 345; Pub. Law 475, 79th Cong.; 41 U. S. C. Prec. 1; 50 U. S. C. App. Sup. 1152 (a), 1162, 633, 645; E. O. 9125, Apr. 7, 1942, 7 F. R. 2719; E. O. 9332, Apr. 19, 1943, 8 F. R. 5355)

Issued this 8th day of January 1947.

J. A. KRUG,
Solid Fuels Administrator for War.

[F. R. Doc. 47-303; Filed, Jan. 13, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

WARRANT OFFICERS OF THE NATIONAL GUARD

Sections 201.7 to 201.13, inclusive, are hereby rescinded and the following §§ 201.7 to 201.13a are submitted in lieu thereof.

Sec.
201.7 Procurement.
201.8 Eligibility.
201.9 Appointing authorities.
201.10 Federal recognition.
201.11 Warrants.
201.12 Certificate of eligibility.
201.13 Appointments and status in the National Guard of the United States.
201.13a Warrant officers band leaders.

AUTHORITY: §§ 201.7 to 201.13a, inclusive, issued under 48 Stat. 155; 32 U. S. C. 4.

§ 201.7 *Procurement*—(a) *Initial procurement.* In the initial reorganization of the National Guard, Federal recognition and the appointment in the National Guard of the United States in the grade of warrant officer, junior grade, and chief warrant officer will be limited to those individuals with honorable and creditable service as officers or warrant officers and enlisted men of the first three grades in the armed forces of the United States: *Provided*, That in cases where applicants have satisfactorily demonstrated their ability by actual performance of duties commensurate with the appointment for which they are making application for a period of not less than 6 months during the period September 16, 1940, to December 31, 1946, while on duty with the Army of the United States or the National Guard of the United States, the written examination may be waived at the discretion of the president of the board.

(b) *Continuing procurement.* After initial reorganization, warrant officers will be obtained from the following sources:

(1) Individuals with honorable and creditable service as officers or warrant officers in the armed forces of the United States.

(2) Qualified noncommissioned officers with appropriate length of service.

(3) Graduate aviation cadets.

§ 201.8 *Eligibility*—(a) *Leadership.* An applicant must have demonstrated positive qualities of leadership.

(b) *Character.* No applicant who has been sentenced to confinement in a penitentiary, or who has been convicted in any civil or military court for an offense denounced as a felony, will be eligble for appointment. Evidence of the applicant's character while in the military service will be considered in forwarding application.

(c) *Age.* An applicant must have attained his twenty-first birthday and must not have reached his sixtieth birthday on the date of appointment.

(d) *Citizenship.* An applicant must be a citizen of the United States.

(e) *Physical.* The standard of final physical examination will be that required for commission in the Army of the United States.

(f) *Education and experience.* An applicant must have such education or practical experience as will insure his satisfactory performance of the duties in the classification for which application is made.

§ 201.9 *Appointing authorities.* Appointment will be made by the Governor of the State or Territory concerned and for the District of Columbia by the President of the United States.

§ 201.10 *Federal recognition*—(a) *Application.* Application for recognition of a warrant officer will be made by the State adjutant general to the Chief, National Guard Bureau, on the form provided for application for recognition of officers and will be accompanied by the following:

(1) Oath of office made out on WD NGB Form 337.[1]

(2) Report of physical examination on WD NGB Form 63.[1]

(3) Copy of order announcing appointment.[1]

(4) Results of the examination entered on WD NGB Form 89.[1]

(b) *Requirements for Federal recognition.* Federal recognition will not be granted to a warrant officer unless requirements have been met.

(c) *Termination of recognition.* The recognitions of National Guard warrant officers terminate under the same provisions as those of officers.

(d) *Withdrawal of recognition.* The recognitions of National Guard warrant officers will be withdrawn under the same provisions as those of officers.

[1] Forms not filed with Division of the Federal Register.

§ 201.11 *Warrants.* Warrants will be issued by order of the appointing power and will correspond in form to those issued to warrant officers of the Regular Army.

§ 201.12 *Certificate of Eligibility.* WD NGB Form 89a[1] (Certificate of Eligibility) is a written statement by the Chief, National Guard Bureau, that the individual named therein has satisfactorily completed the test and has met the qualifications prescribed for warrant officers in a particular classification and is therefore qualified for appointment as such. If appointment for which an applicant is certified as eligible is made within 2 years from the date shown on this certificate, Federal recognition will be extended without further examination other than physical.

§ 201.13 *Appointments and status in the National Guard of the United States.* (a) Warrant officers of the National Guard may be appointed in the National Guard of the United States, and hold warrants in the Army of the United States, under the same regulations as apply to officers of the National Guard.

(b) Warrant officers of the National Guard may qualify for appointment as officers in the National Guard of the United States under the provisions of Army Regulations.

§ 201.13a *Warrant officers band leaders*—(a) *General.* The provisions of §§ 201.7 to 201.13, inclusive, apply to warrant officer band leaders.

(b) *Examining boards.* The examining board will consist of two commissioned officers and one band leader not below the grade of warrant officer, junior grade.

(c) *Examinations*—(1) *Preliminary examination.* The preliminary examination will be as prescribed by the examining board.

(2) *Final examination.* A candidate to be eligible for warrant officer band leader will first demonstrate aptitude for conducting. Failure to demonstrate this qualification to a satisfactory degree will disqualify the candidate. The subject matter to be included in the entire examination is:

(i) Conducting a military band.
(ii) Dictation.
(iii) Sight singing.
(iv) Pitch discrimination.
(v) Instructor test (personal selection of one instrument, band or orchestra, including piano or organ).
(vi) Questionnaire (general musical topics).
(vii) Arranging (for military band from piano and organ scores).
(viii) Harmony.

[National Guard Regulations No. 22, 12 Nov. 1946]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-305; Filed, Jan. 13, 1947; 8:46 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. Order 76]

HEARING ADMINISTRATOR AND HEARING COMMISSIONERS; DELEGATION OF AUTHORITY

Pursuant to the authority conferred upon the Administrator by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and by Executive Order No. 9250 of October 3, 1942, Executive Order No. 9328 of April 8, 1943, and Executive Order No. 9809 of December 12, 1946 and in furtherance of section 7 (b) (2) of Directive No. 41, issued by the Economic Stabilization Director on April 23, 1945, the following order is prescribed:

(a) The Hearing Administrator, the Deputy Hearing Administrator, the Assistant Hearing Administrators, and the several Hearing Commissioners are authorized:

(1) To determine whether any subsidy applicant has violated any substantive provision of a meat or livestock regulation or order heretofore or hereafter issued by the Office of Price Administration pursuant to the Emergency Price Control Act of 1942, as amended, and to issue a determination setting forth findings of fact and conclusions of law with respect to the violations alleged, including the period of time during which any violation is found to have occurred;

(2) To administer oaths and affirmations, to hold and preside over hearings in such determination proceedings and to exercise any discretion necessary or appropriate to the conduct of such hearings;

(3) To sign and issue subpoenas requiring any person to appear and testify or to appear and produce books or records or any other documentary or physical evidence, or both, at such hearings.

(b) The Hearing Administrator is authorized to consider and determine all appeals from such determinations and to issue such orders and take such action thereon as may be appropriate in the premises. Whenever the Hearing Administrator shall declare himself personally disqualified or shall for any other reason be unable or consider it impracticable personally to exercise the authority delegated in this paragraph, then the Deputy Hearing Administrator or, upon designation by the Hearing Administrator, any Assistant Hearing Administrator is authorized to perform the functions set forth in this paragraph.

(c) Any decision made, order issued or action taken by the Hearing Administrator, the Deputy Hearing Administrator, the Assistant Hearing Administrators, or by any Hearing Commissioner pursuant to this General Order 76, shall have the same force and effect, as if made, issued or taken by the Administrator.

(d) This General Order 76 shall become effective on the 13th day of January 1947.

Issued this 13th day of January 1947.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 47-368; Filed, Jan. 13, 1947; 11:40 a. m.]

Chapter XVII—Office of Scientific Research and Development

[Administrative Order 6]

PART 1900—ORGANIZATION

MISCELLANEOUS AMENDMENTS

DECEMBER 20, 1946.

Pursuant to the authority contained in Executive Order No. 8807, dated June 28, 1941, Executive Order No. 9389, dated October 18, 1943, and other provisions of law, and in order to effect the orderly and economical liquidation of the affairs of the Office of Scientific Research and Development; *It is hereby ordered*, That:

Effective December 31, 1946, this administrative order supersedes Administrative Order No. 4, dated November 8, 1943, as amended, which is hereby rescinded, together with Administrative Orders No. 1, 2, and 3, without prejudice, however, to any lawful and proper act performed prior to December 31, 1946 pursuant to authority contained in said Administrative Orders No. 1, 2, 3, and 4.

1. Section 1900.3 (11 F. R. 177A–711) is revised to read as follows:

§ 1900.3 *Principal subdivisions.* The principal subdivisions of the Office of Scientific Research and Development shall be:

(a) The National Defense Research Committee, created by section 7 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 7.

(b) The Committee on Medical Research, created by section 8 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 8.

(c) The Administrative Office, at the head of which shall be an Executive Secretary appointed by the Director. Under the general supervision and direction of the Director and subject to the provisions of section 10 of Executive Order No. 8807, the Administrative Office shall have charge of (1) the administrative affairs of the Office of Scientific Research and Development, (2) such scientific and technical affairs of the Office of Scientific Research and Development, necessary for or incidental to the liquidation thereof, as may be transferred or assigned to the Administrative Office by the Director, the Chairman of the National Defense Research Committee, or the Chairman of the Committee on Medical Research (3) the records of the Office of Scientific Research and Development.

2. Section 1900.4 (11 F. R. 177A–711) is revised to read as follows:

§ 1900.4 *Delegations of authority.* (a) Subject to all the limitations and restrictions applicable to the acts of the Director, the Chairman of the National Defense Research Committee is authorized (1) to discharge all duties and to exercise all powers of the Director during the absence or disability of the Director, (2) to discharge such duties and to exercise such powers of the Director in the field of the National Defense Research Committee designated by section 7 of Executive Order 8807, as amended, as may be delegated to him from time to time by the Director, and (3) to delegate any power or duty of the Chairman except the powers and duties set forth in subparagraph (1) of this paragraph to such assistant as he may designate with the approval of the Director.

(b) Subject to all limitations and restrictions applicable to acts of the Director, the Chairman of the Committee on Medical Research is authorized: (1) to discharge such duties and exercise such powers of the Director in the field of the Committee on Medical Research designated by section 8 of Executive Order No. 8807, as may be delegated to him from time to time by the Director, and (2) to delegate any power or duty of the Chairman to such assistant as he may designate with the approval of the Director.

(c) Subject to all the limitations and restrictions applicable to the acts of the Director and under the general supervision and direction of the Director, the Executive Secretary is authorized (1) to negotiate and enter into contracts and supplements, amendments, modifications or extensions of contracts, heretofore or hereafter made in connection with the functions of the Office of Scientific Research and Development and its officers, (2) to approve or disapprove the form, terms, and/or conditions of subcontracts under prime contracts of the Office of Scientific Research and Development, (3) to incur and release such obligations and to settle such contract claims as may be necessary to accomplish such functions, *Provided*, That settlement of all contract or subcontract termination claims in excess of $25,000 shall be subject to the approval of the Office of Scientific Research and Development Contract Settlement Review Board, (4) to authorize Office of Scientific Research and Development contractors to settle with subcontractors termination claims not exceeding $10,000, without further review by the Government whenever the reliability of the contractor, the amount or nature of the claim, or other reasons appear to justify such action, (5) to issue such regulations as the Executive Secretary deems necessary to carry out the policies, principles, methods, procedures, and standards prescribed by the Contract Settlement Act of 1944 and the regulations issued thereunder by the Director of the Office of Contract Settlement, (6) to review and approve or disapprove in accordance with the requirements of the General Accounting Office vouchers submitted under contracts and all other types of vouchers, (7) to authorize or approve travel, use of extra-fare trains, superior Pullman accommodations, and seats in sleeping or parlor cars for trips of two hours duration or less, and certify long distance telephone calls in connection with such functions, (8) acting as Contracting Officer of the Office of Scientific Research and Development to designate as his "authorized representatives" under contracts the appropriate officials, employees, or appointees of the Office of Scientific Research and Development or officials, employees, or appointees of other Government agencies who have been detailed to the Office of Scientific Research and Development, (9) to exercise the powers and duties vested in the Director and/or the Office of Scientific Research and Development by Appropriation Acts applicable to the Office of Scientific Research and Development, the Surplus Property Act of 1944, the Contract Settlement Act of 1944, Executive Order No. 9218, and all other applicable laws concerning acquisition, use and disposition of property, (10) to effect transfers and retransfers of funds, (11) to exercise such powers and duties as may be delegated to him by the Director, the Chairman of NDRC, and the Chairman of CMR, or any of them, and (12) to delegate any power or duty of the Executive Secretary hereof to such official of the OSRD as he may designate with the approval of the Director.

(E. O. 8807, June 28, 1941, 3 CFR, Cum Supp., E. O. 9389, Oct. 18, 1943, 3 CFR, 1943 Supp.)

VANNEVAR BUSH,
Director, Office of Scientific Research and Development.

[F. R. Doc. 47-321; Filed, Jan. 13, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S. O. 662-A]

RESTRICTION OF CORN FOR EXPORT THROUGH GULF PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of January A. D. 1947.

Upon further consideration of Service Order No. 662 (11 F. R. 14730), and good cause appearing therefor: it is ordered, that:

Service Order No. 662 (codified as 49 CFR § 95.662), *Corn for export through Gulf ports restricted*, be, and it is hereby, suspended.

It is further ordered, that this order shall become effective at 12:01 a. m., January 8, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-308; Filed, Jan. 13, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

TRANSFER OF VESTED PROPERTY TO THE PHILIPPINE ALIEN PROPERTY ADMINISTRATOR

Under the authority of the Trading with the Enemy Act, as amended, the Philippine Property Act of 1946, Executive Order 9788, Executive Order 9818, and pursuant to law, it is hereby found:

1. That all property vested by the Vesting Orders enumerated and described in Exhibit A, attached hereto and by reference made a part hereof, which Vesting Orders are by reference made a part hereof, was located in the Philippines at the time of such vesting.

2. That all of the property described in Exhibit B, attached hereto and by reference made a part hereof, and any and all claims for rents refunds, benefits and other payments arising from the ownership of said property, vested by the Vesting Orders therein designated, was located in the Philippines at the time of such vesting.

3. That the property described in Exhibit C, attached hereto and by reference made a part hereof, vested by the Vesting Orders therein designated was located in the Philippines at the time of such vesting, and, by an instrument dated August 22, 1946, executed by and between James E. Markham, as Alien Property Custodian of the United States of America, and Manuel Roxas, as President of the Philippines, was transferred to the Philippine Government, upon agreement for indemnification of the United States by the Philippine Government for certain claims, and reimbursement for certain costs and expenses of administration,

4. That the property vested by Vesting Order No. P–5, dated January 25, 1946, effective January 31, 1946, and published in the FEDERAL REGISTER on February 2, 1946 (11 Fed. Reg. 1320) consisting of 1200 rolls or bobbins of white cigarette paper manufactured by the Nippon Fujikawa Paper Manufacturing Co., Ltd., of Japan, which, at the effective date of such Vesting Order No. P–5, was stored in the warehouse of La Serpiente Cigar and Cigarette Factory, 141 Gral. Geronimo Street, District of Sampaloc, City of Manila, Commonwealth of the Philippines, being part of those described in EPC–F2 (Receipt No. 77) signed by Lt. K. M. Thompson, Purchasing and Contracting Division, Hq. Base X, U. S. Army, was located in the Philippines at the time of such vesting, has been sold by the Alien Property Custodian and that the proceeds of such property are presently in the possession of the Attorney General of the United States.

There is hereby transferred to the Philippine Alien Property Administrator, pursuant to the direction of the President of the United States by, and in compliance, with, said Executive Order

(a) All right, title and interest of the Attorney General in and to the property described in the Vesting Orders enumerated and described in Exhibit A, attached hereto and by reference made a part hereof, together with all income therefrom held by the Attorney General of the United States, which income constitutes proceeds of such property.

(b) All right, title and interest of the Attorney General in and to the property described in Exhibit B, attached hereto and by reference made a part hereof, and any and all claims for rents, refunds, benefits and other payments arising from the ownership of such property, together with all income therefrom, which income constitutes proceeds of such property.

(c) All right to indemnification by the Philippine Government for claims payable by the United States under the Trading with the Enemy Act, as amended, with respect to the property described in Exhibit C, attached hereto and by reference made a part hereof, which property was transferred by the agreement described in sub-paragraph 3 hereof, which right arises out of the obligation for indemnification assumed by the Philippine Government by said agreement and all right of reimbursement from the Philippine Government pursuant to said agreement for such costs and expenses of administration with respect to the property transferred thereunder, arising after the date hereof, as may by law be charged and

(d) All right, title and interest of the Attorney General in and to the proceeds received from the sale of the property described in sub-paragraph 4 hereof;

subject, however, to such costs and expenses of the Alien Property Custodian, the Office of Alien Property Custodian, and the Office of Alien Property, Department of Justice, as are chargeable against such property by or on behalf of the Attorney General, pursuant to arrangements for the collection of such expenses heretofore made between the Director, Office of Alien Property, and the Philippine Alien Property Administrator.

(40 Stat. 411; 55 Stat. 839; 60 Stat. 50; Pub. Law 322, 79th Cong., 60 Stat. 418; Pub. Law 485, 79th Cong.; Pub. Law 671, 79th Cong.; 50 U. S. C. App. 1; 50 U. S. C. App. Sup. 616; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981; E. O. 9818, Jan. 7, 1947, 12 F. R. 133)

Executed at Washington, D. C., on January 9, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

Approved:

TOM C. CLARK,
Attorney General.

EXHIBIT A

Vesting order No.	Date signed	Date effective	Federal Register citation 11 F. R.
1. P–6	Jan. 29, 1946	Feb. 18, 1946	1828
2. P–7	Jan. 31, 1946	Feb. 13, 1946	1674
3. P–8	Feb. 12, 1946	Mar. 15, 1946	2857
4. P–9	do	do	2857
5. P–10	do	do	2858
6. P–11	do	Apr. 4, 1946	3711
7. P–12	Feb. 18, 1946	Mar. 15, 1946	2858
8. P–15	Mar. 11, 1946	Mar. 29, 1946	3426
9. P–16	do	do	3427
10. P–17	Mar. 14, 1946	Apr. 11, 1946	4099
11. P–18	Mar. 29, 1946	Apr. 19, 1946	4479
12. P–20	do	do	4480
13. P–21	do	do	4480
14. P–23	Apr. 1, 1946	do	4482
15. P–24	do	do	4483
16. P–25	Apr. 8, 1946	Apr. 26, 1946	4707
17. P–26	do	Apr. 29, 1946	4746
18. P–27	Apr. 22, 1946	May 13, 1946	5320
19. P–28	do	do	5322
20. P–29	Apr. 23, 1946	do	5322
21. P–30	do	do	5319
22. P–31	Apr. 25, 1946	June 7, 1946	6358
23. P–32	May 7, 1946	June 7, 1946	6215
24. P–33	May 10, 1946	do	6216
25. P–34	do	do	6216
26. P–36	do	do	6217
27. P–37	do	do	6218
28. P–39	do	do	6219
29. P–40	do	do	6220
30. P–41	May 13, 1946	do	6221
31. P–44	May 20, 1946	do	6223
32. P–46	May 29, 1946	June 13, 1946	6659
33. P–47	do	do	6659
34. P–48	do	do	6736
35. P–50	May 31, 1946	June 18, 1946	6899
36. P–51	do	do	6899

EXHIBIT B

1. All property of any nature whatsoever located within the Philippines, which was vested by Vesting Order No. P–1, dated January 7, 1946, effective January 21, 1946, and published in the FEDERAL REGISTER on January 23, 1946 (11 F. R. 850), and which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to the Manila, P. I. branch of The Yokohama Specie Bank, Ltd., including but not limited to the cash which was on deposit with the Manila Clearing House Association on December 29, 1941, in the amount of 2,886,570.68 Philippine pesos.

2. All property of any nature whatsoever located within the Philippines, which was vested by Vesting Order No. P–4, dated January 7, 1946 effective January 21, 1946, and published in the FEDERAL REGISTER on January 23, 1946 (11 F. R. 850), and which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, the branches in the Philippines of the Bank of Taiwan, Ltd., including but not limited to the cash which was on deposit with

the Manila Clearing House Association on December 29, 1941, in the amount of 233,410.26 Philippine pesos.

3. Real property vested by Vesting Order No. P-13, dated March 11, 1946, effective March 29, 1946, and published in the FEDERAL REGISTER on April 2, 1946 (11 F. R. 3424), which property is particularly described in Exhibit A of said Vesting Order and all other property of any nature whatsoever located within the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to Baguio Japanese Association, including all right, title and interest of whatsoever kind or nature of any and all of the members of Baguio Japanese Association and of each and all other nationals, whomsoever they may be, of Germany and Japan, in and to said property on such effective date, all of which property was vested by said Vesting Order No. P-13.

4. Real property vested by Vesting Order No. P-14, dated March 11, 1946, effective March 29, 1946, and published in the FEDERAL REGISTER on April 2, 1946 (11 F. R. 3425), which property is particularly described in Exhibit A of said Vesting Order; and 20 shares of stock of The Shoko Shimpo Sha, Inc., a corporation organized under Philippine law, which shares of stock are described in said Vesting Order No. P-14, together with all declared and unpaid dividends thereon; and all other property of any nature whatsoever located within the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to Japanese Association of Manila, Inc., including all right, title and interest of whatsoever kind or nature of each and all members of Japanese Association of Manila, Inc., and each and all other nationals, whomsoever they may be, of Germany and Japan, in and to said property on such effective date, all of which property was vested by said Vesting Order No. P-14.

5. Real property, vested by Vesting Order No. P-19, dated March 29, 1946, effective April 19, 1946, and published in the FEDERAL REGISTER on April 23, 1946 (11 F. R. 4479), which property is more particularly described in Exhibits A and B attached to said Vesting Order No. P-19, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, the Nippon Club, Manila, Philippine Islands, all of which property was vested by said Vesting Order No. P-19.

6. Real property vested by Vesting Order No. P-35, dated May 10, 1946, effective June 5, 1946, and published in the FEDERAL REGISTER on June 7, 1946 (11 F. R. 6217), which property is described as

Real property (excepting timber concessions), situated in the Sitio of Pata, Municipality of Glaveria, Province of Cagayan, Republic of the Philippines, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rent, refunds, benefits or other payments arising from the ownership of such property transferred by a certain Deed of Sale dated November 3, 1943, executed by and between Philippine Red Lumber Co., Inc., through its president, Dee Hong Lue, as vendor, and Nippon Mokuzai Kabushiki Kaisha, as vendee; and

all other property of any nature whatsoever located in the Philippines, which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, Nippon Mokuzai Kabushiki Kaisha, all of which property was vested by said Vesting Order No. P-35.

7. Real property vested by Vesting Order No. P-38, dated May 10, 1946, effective June 5, 1946, and published in the FEDERAL REGISTER on June 7, 1946 (11 F. R. 6218), including that real property which is particularly described in Exhibit A attached to said Vesting Order No. P-38, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, Onoda Cement Company, including but not limited to that certain Membership Fee Certificate in Wack Wack Golf and Country Club, Inc., a corporation organized under Philippine law, which Membership Fee Certificate was on such effective date registered in the name of Onoda Cement Company, and all rights evidenced by said Certificate, all of which property was vested by said Vesting Order No. P-38.

8. Real property vested by Vesting Order No. P-42, dated May 20, 1946, effective June 5, 1946, and published in the FEDERAL REGISTER on June 7, 1946 (11 F. R. 6221), which property is particularly described in Exhibit A attached to said Vesting Order No. P-42, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to the Davao Commercial Co., Inc., including but not limited to personal property located in the improvements to the real property described above, which personal property is particularly described in Exhibit B attached to said Vesting Order No. P-42, all of which property was vested by said Vesting Order No. P-42.

9. Real property vested by Vesting Order No. P-43, dated May 20, 1946, effective June 5, 1946, and published in the FEDERAL REGISTER on June 7, 1946 (11 F. R. 6222), which property is particularly described in Exhibits A, B and C attached to said Vesting Order No. P-43, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, Hito Kopura Toosei Komiai, also known as the Philippine Copra Control Association, all of which property was vested by said Vesting Order No. P-43.

10. Real property vested by Vesting Order No. P-45, dated May 20, 1946, effective June 5, 1946, and published in the FEDERAL REGISTER on June 7, 1946 (11 F. R. 6223) including that real property which is particularly described in Exhibit A attached to said Vesting Order No. P-45, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, Tokyo Seiko Kabushiki Kaisha, including but not limited to two Membership Fee Certificates in Wack Wack Golf and Country Club, Inc., a corporation organized under Philippine law, which membership Fee Certificates were on such effective date registered in the name of Tokyo Seiko Kabushiki Kaisha or Tokyo Seiko Kaisha, Ltd., and all rights evidenced by said Certificates, all of which property was vested by said Vesting Order No. P-45.

11. Real property vested by Vesting Order No. P-49, dated May 29, 1946, effective June 13, 1946, and published in the FEDERAL REGISTER on June 18, 1946 (11 F. R. 6741), which property is particularly described in Exhibit A attached to said Vesting Order No. P-49, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, The Hito Unkobu, also known as the Philippine Marine Transportation Bureau, all of which property was vested by said Vesting Order No. P-49.

EXHIBIT C

(a) That property vested by Vesting Order No. P-2, dated January 7, 1946, effective January 8, 1946, and published in the FEDERAL REGISTER on January 10, 1946 (11 F. R. 495) consisting of 9,975 shares of the ₱100 par value capital stock of Furukawa Plantation Company, a corporation organized and doing business under the laws of the Philippines and any and all additional shares of stock of Furukawa Plantation Company or the right to subscribe to and receive such additional shares which accrued or may accrue to the shares herein described, or the holders thereof, by virtue of any action taken to increase the capital stock of Furukawa Plantation Company;

(b) That property vested by Vesting Order No. P-3, dated January 7, 1946 effective January 8, 1946, and published in the FEDERAL REGISTER on January 10, 1946 (11 F. R. 497), consisting of 2,430 shares of ₱100 par value capital stock of Ohta Development Company, Inc., a corporation organized and doing business under the laws of the Philippines, and any and all additional shares of stock of Ohta Development Company, Inc., or the right to subscribe to and receive such additional shares which accrued or may accrue to the shares described herein, or the holders thereof, by virtue of any action taken to increase the capital stock of Ohta Development Company, Inc., and

(c) That property vested by Vesting Order No. P-22, dated April 1, 1946 effective April 19, 1946, and published in the FEDERAL REGISTER on April 23, 1946 (11 F. R. 4481), being all of the capital stock of Gui Hing Plantation Company, a corporation organized under the laws of the Philippines, together with all declared and unpaid dividends thereon.

[F. R. Doc. 47-320; Filed, Jan. 13, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, General Permit 4]

RECONSIGNMENT OF PERISHABLES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, prior to 11:59 p. m., January 8, 1947, of any carload shipment of perishables which arrived at Philadelphia prior to 12:00 noon, January 7, 1947.

The waybill shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of January 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-307; Filed, Jan. 13, 1947; 8:47 a. m.]

Reference

JAN 17 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

1934

VOLUME 12 NUMBER 10

Washington, Wednesday, January 15, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9822

DISPOSAL OF CERTAIN FINNISH MERCHANT VESSELS TO THE FORMER OWNERS THEREOF

WHEREAS the United States Maritime Commission, by virtue of the authority vested in it by Executive Order No. 8771 of June 6, 1941, took over title to and possession of the M. S. SAIMAA, S. S. AAGOT, S. S. OLIVIA, S. S. ADVANCE, S. S. KUURTANES, and S. S. KOURA, foreign merchant vessels then owned by nationals of Finland and lying idle in waters within the jurisdiction of the United States; and

WHEREAS the Finnish Government has requested that the said vessels be immediately returned to their former owners when the United States shall no longer have need thereof; and

WHEREAS the United States no longer has need of the said vessels:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the act of June 6, 1941, 55 Stat. 242, it is hereby ordered that the United States Maritime Commission, upon execution on behalf of the former owners of the said vessels, or their successors, of an agreement or agreements satisfactory to the Commission providing for offset of the fair and reasonable value of the said vessels at the time of their return from the compensation payable for their taking, is authorized and directed to convey and redeliver the said vessels immediately to the former owners thereof or their successors and to leave to later determination, pursuant to the said agreement or agreements and to the applicable provisions of law, all questions as to the compensation payable to the former owners or their successors by virtue of the said takings for title and as to the amount to be offset against such compensation on account of the fair and reasonable value of said vessels at the time of their return hereunder.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 13, 1947.

[F. R. Doc. 47-344; Filed, Jan. 14, 1947; 10:06 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 160—REGULATIONS FOR THE ENFORCEMENT OF THE NAVAL STORES ACT

FEES PAYABLE TO UNITED STATES FOR SAMPLING, INSPECTION AND GRADING OF NAVAL STORES AND RELATED COMMODITIES

Pursuant to the authority delegated to the Director of the Special Commodities Branch, Production and Marketing Administration, United States Department of Agriculture, under the Naval Stores Act (42 Stat. 1435; 7 U. S. C. 91–99) and the regulations promulgated thereunder (11 F. R. 14665) and under the Agricultural Marketing Act of 1946 (Title II, Public Law 733, 79th Congress), as provided in the statement of organization and functions of the United States Department of Agriculture (11 F. R. 177A–278, 279; 12 F. R. 64), and in order to implement said regulations, the following fees payable to the United States for inspection of naval stores and related commodities are hereby established.

§ 160.201 *Fees payable to United States for sampling, inspection and grading of naval stores and related commodities in the field*—(a) *Spirits of turpentine.*

(1) By inspectors employed by U. S. Department of Agriculture:	
Barrels or drums, each	$0.06
Minimum charge per lot	2.00
Tanks or tank cars, each	4.00
(2) By licensed inspectors at eligible processing plants:	
Barrels or drums, each	.02
Tank cars, each	2.00

(b) *Rosin.*

(1) By inspectors employed by U. S. Department of Agriculture:	
(i) At warehouse and storage yards located at inspector's official station headquarters:	
Grading and weighing, per drum	$0.07
Weighing only, for rosin previously certified under official certificate as to grade only, per drum	.03

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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(1) By inspectors employed by U. S. Department of Agriculture—Con.
(ii) At stills and other points away from inspector's official station:
Grading only, up to 400 drums, per drum $0.08
Next 200 drums, per drum .04
All over 600 drums, per drum .02
Up to 500 bags, per bag .02
All over 500 bags, per bag .01
Extra charge for weighing, per drum .03
(iii) At processing plants, on call, grading by approved batch sampling procedure:
Per drum .05
Per bag .01
(2) By licensed inspector at eligible processing plant, grading by approved batch sampling procedure:
Per drum .02
Per bag .004
Per tank car 2.00
(3) For issuance of a loan and sale certificate for United States graded rosin:
Per drum .01
Minimum charge per lot 1.00

(c) *Other naval stores and related commodities (by inspectors employed by U. S. Department of Agriculture).*

(1) Pinene, dipentene, pine oil, other terpene oils: Per drum $0.06
(2) Pine tar, pine pitch, tarene, tall oil, B wood resin, other miscellaneous resins and naval stores: Per drum .05

§ 160.202 *Fees payable to United States for laboratory analysis and testing*—(a) *Spirits of turpentine.*

(1) Comprehensive analysis and tests for purity, chemical and physical properties, specification compliance, etc.:
Single sample $12.00
Each additional sample 8.00
(2) Limited laboratory tests for kind, grade, or physical condition related to quality: Each sample 2.00

(b) *Rosin.* Since the scope and cost of rosin analysis varies widely with the purposes of the tests, the approximate charge must first be determined and the interested person advised thereof. The work will be undertaken only after his authority to proceed has been obtained.

(c) *Other naval stores and related commodities.*

Single sample $10.00–$15.00
Two or more samples, one kind, each $8.00–$10.00

(The cost of such analysis will depend on the amount of work involved in the tests indicated or required. The reduced charge will apply when multiple samples of one kind from the same source can be handled and tested simultaneously.)

§ 160.203 *Permit fees for eligible processing plants.*

Annual permit fee for each eligible processing plant at which licensed inspection of naval stores is authorized $10.00

§ 160.204 *Limitation upon applicability of fees prescribed.* The fees specified in §§ 160.201 and 160.202 apply to the usual inspection and laboratory services. However, should unusual services be required or should services be requested by persons not regularly using the Department of Agriculture naval stores inspection service, and the fee basis charge not be sufficient to defray the cost to the Government of rendering the service, the charge may be computed on a time basis, plus any travel costs incurred by the Government, as provided in the regulations. Advance notice will be given, so far as it is practical to do so, when it appears that the time basis charge will apply.

Effective date. The fees specified herein for the inspection of naval stores under the Naval Stores Act shall become effective on and after January 26, 1947, and the fees specified herein for the inspection of other commodities shall become effective 30 days after publication of this notice.

NOTE: Inasmuch as determination of the cost of inspection service for naval stores and related commodities depends entirely upon facts within the knowledge of the Department of Agriculture, notice and public procedure on the establishment of fees equal to the cost of the service are deemed unnecessary under the Administrative Procedure Act, and inasmuch as the fees presently provided by regulations for inspections under the Naval Stores Act will cease to be in force on January 26, 1947, under an amendment to such regulations, good cause under the Administrative Procedure Act appears for the establishment of the foregoing fees relating to naval stores effective less than 30 days after publication.

(42 Stat. 1435; 7 U. S. C. 91–99)

Issued this 10th day of January 1947.

H. C. ALBIN,
Director, Special Commodities Branch, Production and Marketing Administration.

[F. R. Doc. 47-350; Filed, Jan. 14, 1947; 8:46 a. m.]

Chapter XXI—Organization, Functions and Procedure

Subchapter A—Office of the Secretary

PART 2205—LIBRARY

FIELD ORGANIZATION

Section 2205.2 *Field organization* (11 F. R. 177A-299) is amended by deleting the city of Little Rock, Arkansas, therein, and substituting in lieu thereof, New Orleans, Louisiana.

(R. S. 161; 5 U. S. C. 22)

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

JANUARY 8, 1947.

[F. R. Doc. 47-336; Filed, Jan. 14, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions and Procedures

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

TRANSPORTATION CORPS

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of 11 June 1946, paragraph (b) of § 2.151, appearing at 11 FR 177A-792, is amended as follows:

1. Revise paragraphs (b) (2) and (b) (3) and change the headnotes of paragraphs (b) (4) and (b) (6) as follows:

§ 2.151 *The Transportation Corps.*
• • •
(b) *Organization.* • • •
(2) *Assistant Chief of Transportation.* Assists the Chief of Transportation in formulating plans and policies, and directing their execution, with principal duties of general supervision of movements control; commercial traffic; water, highway, and railway transportation activities.
(3) *Executive.* Acts on matters which in his judgment do not require the personal attention of the Chief of Transportation; coordinates matters involving two or more groups; relieves the Chief of Transportation of administrative burdens.
(4) *Control Group.* • • •
• • • • • •
(6) *Military Training Group.* • • •

2. Delete the headnotes of paragraphs (b) (7) and (b) (8) and combine entire text of paragraph (b) (8) under paragraph (b) (7), headnote now designated *"Personnel Group"*.

3. Insert new paragraph (b) (8) to read as follows:

(b) *Organization.* • • •
(8) *Movements Control Group.* Exercises staff supervision and control over movements of troops and other War Department passengers and all War Department owned and controlled freight and cargo, requiring coordination between various modes of transportation, to and from overseas theaters and within the Zone of the Interior.

4. Change the headnote of paragraph (b) (9) to read: *"Research and Development Group."*

5. Change the headnote of paragraph (b) (10) to read: *"Supply Group."*

6. Change the headnote of paragraph (b) (11) to read: *"Legal Group."*

7. Change the headnote of paragraph (b) (12) to read: *"Fiscal Group."*

8. Change the headnote of paragraph (b) (13) to read: *"Field Services Group."*

9. Revise paragraph (b) (14) to read as follows:

(b) *Organization.* * * *

(14) *Planning and Intelligence Group.* Initiates, coordinates, and prepares long-range transportation plans; prepares estimates and forecasts of transportation resources and requirements, and evaluates operational plans in the light of such resources and requirements; compiles, evaluates, and disseminates positive intelligence on foreign and domestic surface transportation systems; provides representation for the Chief of Transportation and coordinates the work of other divisions of the Office of the Chief of Transportation on committees and subcommittees of agencies of the Combined and Joint Chiefs of Staff; maintains liaison with transportation planners of the Navy and with other Government transportation planners as required; acts as Top Secret Control Officer for the Office of the Chief of Transportation; and exercises staff supervision over CIC activities at ports of embarkation.

10. Change the headnote of paragraph (b) (15) to read: *"Commercial Traffic Service Group".*

11. Change the headnote of paragraph (b) (16) to read: *"Water Transport Service Group".*

12. Change the headnote of paragraph (b) (17) to read: *"Highway Transport Service Group".*

13. Change the headnote of paragraph (b) (18) to read: *"Military Railway Service Group".*

14. Change the headnote of paragraph (b) (19) to read: *"Industrial Mobilization Planning Group".*

(R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-329; Filed, Jan. 14, 1947; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 96]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF CIVIL AIRWAYS

It appearing that (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points;

(2) The immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and

(3) The establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee; and finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Civil Airways: Green Civil Airways Nos. 2 and 5; Amber Civil Airway No. 2; Red Civil Airways Nos. 23, 33, 38, 45, 49, and 54; Blue Civil Airways Nos. 14, 18, and 20

1. By amending § 600.10001 to read as follows:

§ 600.10001 *Green civil airway No. 2 (Seattle, Washington, to Boston, Massachusetts).* From the King County Airport, Seattle, Washington, via the Seattle, Washington, radio range station; Ellensburg, Washington, radio range station; Ephrata, Washington, radio range station; Spokane, Washington, radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Montana, radio range station; Missoula, Montana, radio range station; Drummond, Montana, radio range station; Helena, Montana, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Helena, Montana, radio range and the northwest leg of the Bozeman, Montana, radio range; Bozeman, Montana, radio range station; the intersection of the center line of the on course signals of the southeast range and the west leg of the Livingston, Montana, radio range; Livingston, Montana, radio marker station; Billings, Montana, radio range station; Custer Montana, radio range station; Miles City, Montana, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Miles City, Montana, radio range and the west leg of the Dickinson, North Dakota, radio range; Dickinson, North Dakota, radio range station; Bismarck, North Dakota, radio range station; Fargo, North Dakota, radio range station; Alexandria, Minnesota, radio range station; Minneapolis, Minnesota, radio range station; La Crosse, Wisconsin, radio range station; Lone Rock, Wisconsin, radio range station; Madison, Wisconsin, radio range station; Milwaukee, Wisconsin, radio range station; Muskegon, Michigan, radio range station; Grand Rapids, Michigan, radio range station; Lansing, Michigan, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Lansing, Michigan, radio range and the northwest leg of the Romulus, Michigan, radio range; and the Romulus, Michigan, radio range station to the intersection of the center line of the on course signal of the east leg of the Romulus, Michigan, radio range and the U. S.-Canadian Border. From the intersection of the center line of the on course signal of the east leg of the Clear Creek, Ontario, Canada, radio range and the U. S.-Canadian Border via the intersection of the center lines of the on course signals of the east leg of the Clear Creek, Ontario, Canada, radio range and the southwest leg of the Buffalo, New York, radio range; Buffalo, New York, radio range station; the intersection of the center lines of the on course signals of the east leg of the Buffalo, New York, radio range and the southwest leg of the Rochester, New York, radio range; Rochester, New York, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Rochester, New York, radio range and the west leg of the Syracuse, New York, radio range; Syracuse, New York, radio range station; Utica, New York, radio range station; Albany, New York, radio range station; Westfield, Massachusetts, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Westfield, Massachusetts, radio range and the southwest leg of the Boston, Massachusetts, radio range to the Boston, Massachusetts, radio range station.

2. By amending § 600.10004 *Green civil airway No. 5 (Los Angeles, California, to Washington, D. C.)* to read as follows:

§ 600.10004 *Green civil airway No. 5 (Los Angeles, California, to Boston, Massachusetts).* From the Los Angeles, California, radio range station via the Riverside, California, radio range station; the intersection of the center lines of the on course signals of the east leg of the Riverside, California, radio range and the west leg of the Blythe, California, radio range; Blythe, California, radio range station; Phoenix, Arizona, radio range station; the intersection of the center lines of the on course signals of the south leg of the Phoenix, Arizona, radio range and the northwest leg of the Tucson, Arizona, radio range; Tucson, Arizona, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Tucson, Arizona, radio range and the west leg of the Cochise, New Mexico, radio range; Cochise, New Mexico, radio range station; Rodeo, New Mexico, radio range station; Columbus, New Mexico, radio range station; El Paso, Texas, radio range station; Salt Flat, Texas, radio range station; Wink, Texas, radio range station; Big Spring, Texas, radio range station; Abilene, Texas, radio range station; Fort Worth, Texas, radio range station; Texarkana, Arkansas, radio range station; Memphis, Tennessee, radio range station; Jacks Creek, Tennessee, radio range station; Nashville, Tennessee, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Nashville, Tennessee, radio range and the northwest leg of the Smithville, Tennessee, radio range; Smithville, Tennessee, radio range station; the intersection of the center lines of the on course signals of the east leg of the Smithville, Tennessee, radio range and the west leg of the Knoxville, Tennessee, radio range, excluding that portion which lies more than two miles north of the center line of the on course signal of the west leg of the Knoxville, Tennessee, radio range between the intersection of the center lines of the on course signals of the east leg of the Smithville, Tennessee, radio range and the west leg of the Knoxville, Tennessee, radio range and a point thirteen miles west of the Knoxville, Tennessee, radio range station; Knoxville, Tennessee, radio range station; Tri-City, Tennessee, radio range station; Pulaski, Virginia, radio range station; Roanoke, Virginia, radio range station; Gordonsville, Virginia, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Virginia, radio range and the south leg of the Washington, D. C., radio range; a point at latitude 38°41'50", longtitude 76°51'47"; the Millville, New Jersey, radio range station, the intersection of the center lines of the on course signals of the northeast leg of the Millville, New Jersey, radio range and the southwest leg of the Mitchel Field, New York (Army), radio range; the Mitchel Field, New York (Army), radio range station, the intersection of the center lines of the on course signals of the northeast leg of the Mitchel Field, New York (Army), radio range and the southwest leg of the Boston, Massachusetts, radio range to the Boston, Massachusetts (Logan) Airport.

3. By amending § 600.10101 to read as follows:

§ 600.10101 *Amber civil airway No. 2 (Long Beach, California, to Fairbanks, Alaska).* From the Long Beach, California, radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Long Beach, California, radio range and the east leg of the Los Angeles, California, radio range. From the Daggett, California, radio range station via the Silver Lake, California, radio range station; Las Vegas, Nevada, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Las Vegas, Nevada, radio range and the southwest leg of the Enterprise, Utah, radio range; Enterprise, Utah, radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Fairfield, Utah, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Fairfield, Utah, radio range and the south leg of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; the Idaho Falls, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Montana, radio range station; Whitehall, Montana, radio range station; Helena, Montana, radio range station; the intersection of the center lines of the on course signals of the

north leg of the Helena, Montana, radio range and the southwest leg of the Great Falls, Montana, radio range; Great Falls, Montana, radio range station and the Cut Bank, Montana, radio range station to the intersection of the center line of the on course signal of the northwest leg of the Cut Bank, Montana, radio range and the U. S.-Canadian Border. From the intersection of the center line of the on course signal of the northwest leg of the Snag, Yukon Territory, radio range and the U. S.-Canadian Border via the Northway, Alaska, radio range station; the Tanacross, Alaska, radio range station; Big Delta, Alaska, radio range station and the intersection of the center lines of the on course signals of the northwest leg of the Big Delta, Alaska, radio range and the south leg of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

4. By amending § 600.10222 to read as follows:

§ 600.10222 *Red civil airway No. 23 (U. S.-Canadian border to New York, New York).* From the intersection of the center line of the on course signal of the southeast leg of the Toronto, Ontario, radio range and the U. S.-Canadian Border, via the intersection of the center lines of the on course signals of the southeast leg of the Toronto, Ontario, radio range and the northeast leg of the Buffalo, New York, radio range; the intersection of the center lines of the on course signals of the east leg of the Buffalo, New York, radio range and the northwest leg of the Elmira, New York, radio range, the Elmira, New York, radio range station; the New York, New York (LaGuardia Field), radio range station to the intersection of the center lines of the on course signals of the east leg of the New York, New York (LaGuardia), radio range and the northeast leg of the Mitchel Field, New York (Army), radio range.

5. By amending § 600.10232 *Red civil airway No. 33 (Baltimore, Maryland, to Boston, Massachusetts)* to read as follows:

§ 600.10232 *Red civil airway No. 33 (Gordonsville, Virginia, to Boston, Massachusetts).* From the Gordonsville, Virginia, radio range station via the Arcola, Virginia, radio range station; the intersection of the center line of the on course signals of the northeast leg of the Arcola, Virginia, radio range and the southwest leg of the Allentown, Pennsylvania, radio range; the Allentown Pennsylvania, radio range station to the Stewart Field, New York, radio range station. From the intersection of the center lines of the on course signals of the west leg of the Providence, Rhode Island, radio range and the southwest leg of the Boston, Massachusetts, radio range to the intersection of the center lines of the on course signals of the southeast leg of the Westfield, Massachusetts, radio range and the southwest leg of the Boston, Massachusetts, radio range.

6. By amending § 600.10237 *(Red civil airway No. 38 (Big Spring, Texas, to San Antonio, Texas)* to read as follows:

§ 600.10237 *Red civil airway No. 38 (Big Spring, Texas, to San Antonio, Texas).* From the intersection of the center lines of the on course signal of the southeast leg of the Big Spring, Texas, radio range and the southwest leg of the San Angelo, Texas, radio range via the San Angelo, Texas, radio range station to the intersection of the center lines of the on course signal of the southeast leg of the San Angelo, Texas, radio range and the southeast leg of the Big Spring, Texas, radio range.

7. By amending § 600.10244 *Red civil airway No. 45 (Washington, D. C., to Baltimore, Maryland)* to read as follows:

§ 600.10244 *Red civil airway No. 45 (Washington, D. C., to Allentown, Pennsylvania).* From the Washington, D. C., radio range station via a point located at 39°01' north latitude and 76°33'30" west longitude; the Baltimore, Maryland, radio range station to the intersection of the center line of the on course signals of the north leg of the Baltimore, Maryland, radio range and southwest leg of the Allentown, Pennsylvania, radio range.

8. By amending § 600.10248 *Red civil airway No. 49 (Burley, Idaho, to Fort Bridger, Wyoming)* to read as follows:

§ 600.10248 *Red civil airway No. 49 (Elko, Nevada, to Fort Bridger, Wyoming).* From the Elko, Nevada, radio range station via the Wendover, Utah, radio range station; the intersection of the center lines of the on course signals of the east leg of the Wendover, Utah, radio range and the west leg of the Salt Lake City, Utah, radio range; the Salt Lake City, Utah, radio range station; to the Fort Bridger, Wyoming, radio range station.

9. By amending § 600.10253 *Red civil airway No. 54 (Elko, Nevada, to Salt City, Utah)* to read as follows:

§ 600.10253 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* From the Burley, Idaho, radio range station to a point located at 40°56' north latitude and 112°16" west longitude.

10. By amending § 600.10313 *Blue civil airway No. 14 (Riverside, California, to Bakersfield, California)* to read as follows:

§ 600.10313 *Blue civil airway No. 14 (El Centro, California, to Bakersfield, California).* From the Mt. Laguna, California, non-directional radio marker beacon to the Oceanside, California, non-directional radio marker beacon. From the Riverside, California, radio range station via the intersection of the center lines of the on course signals of the northwest leg of the Riverside, California, radio range and the southeast leg of the Palmdale, California, radio range and the Palmdale, California, radio range station to the intersection of the center lines of the on course signals of the northwest leg of the Palmdale, California, radio range and the south leg of the Bakersfield, California, radio range.

11. By amending § 600.10317 *Blue civil airway No. 18 (Newark, New Jersey,*

to Burlington, Vermont) to read as follows:

§ 600.10317 *Blue civil airway No. 18 (Philadelphia, Pennsylvania, to Burlington, Vermont).* From the intersection of the center line of the on course signals of the northeast leg of the Philadelphia, Pennsylvania, radio range and the southwest leg of the Idlewild, New York, radio range via the Idlewild, New York, radio range station to the intersection of the center line of the on course signals of the northeast leg of the Idlewild, New York, radio range and the east leg of the New York, New York (LaGuardia), radio range. From the intersection of the center line of the on course signals of the northwest leg of the New York, New York (LaGuardia), radio range and the southwest leg of the New Hackensack, New York, radio range via the New Hackensack, New York, radio range station, excluding that portion which lies more than two miles west of the center line of the on course signals of the southwest leg of the New Hackensack, New York, radio range between a point 30 miles northeast from the intersection of the center line of the on course signals of the northwest leg of the New York, New York (LaGuardia), radio range and the southwest leg of the New Hackensack, New York, radio range and a point 10 miles south of the New Hackensack, New York, radio range; the Albany, New York, radio range station to the Burlington, Vermont, radio range station.

12. By amending § 600.10319 *Blue civil airway No. 20 (Philadelphia, Pennsylvania, to Allentown, Pennsylvania)* to read as follows:

§ 600.10319 *Blue civil airway No. 20 (Millville, New Jersey, to Allentown, Pennsylvania).* From the Millville, New Jersey, radio range station via the intersection of the center line of the on course signals of the northwest leg of the Millville, New Jersey, radio range and the southwest leg of the Philadelphia, Pennsylvania, radio range, the Philadelphia, Pennsylvania, radio range station to the Allentown, Pennsylvania, radio range station.

(Sec. 302, 52 Stat. 985; 54 Stat. 1233, 1235, 1236; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., January 15, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-342; Filed, Jan. 14, 1947; 8:47 a. m.]

[Amdt. 150]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS AND RADIO FIXES

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including airport traffic zones and radio fixes, at such points;

(2) The immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and

(3) The establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee; and finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 (6 F. R. 6348) of the Civil Aeronautics Board, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Airway Traffic Control Areas: Green Civil Airway No. 5; Red Civil Airways Nos. 33, 45, 49, and 54; Blue Civil Airways Nos. 14, 18, and 20, Redesignation of Radio Fixes: Green Civil Airway No. 5; Amber Civil Airway No. 7; Red Civil Airways Nos. 33, 45, 49, and 54; Blue Civil Airways Nos. 14, 18, and 20

1. By amending § 601.1005 *Green civil airway No. 5, airway traffic control areas (Los Angeles, California, to Washington, D. C.)* to read as follows:

§ 601.1005 *Green civil airway No. 5 airway traffic control areas (Los Angeles, California, to Boston, Massachusetts).* All of Green civil airway No. 5.

2. By amending § 601.10233 *Red civil airway No. 33 airway traffic control areas (Baltimore, Maryland, to Boston, Massachusetts)* to read as follows:

§ 601.10233 *Red civil airway No. 33 airway traffic control areas (Gordonsville, Virginia, to Boston, Massachusetts).* All of Red civil airway No. 33.

3. By amending § 601.10245 *Red civil airway No. 45 airway traffic control areas (Washington, D. C., to Baltimore, Maryland)* to read as follows:

§ 601.10245 *Red civil airway No. 45 airway traffic control areas (Washington, D. C., to Allentown, Pennsylvania).* All of Red civil airway No. 45.

4. By amending § 601.10249 *Red civil airway No. 49 airway traffic control areas (Burley, Idaho, to Fort Bridger, Wyoming)* to read as follows:

§ 601.10249 *Red civil airway No. 49 airway traffic control areas (Elko, Nevada, to Fort Bridger, Wyoming).* All of Red civil airway No. 49.

5. By amending § 601.10254 *Red civil airway No. 54 airway traffic control areas (Timpic, Utah, to Salt Lake City, Utah)* to read as follows:

§ 601.10254 *Red civil airway No. 54 airway traffic control areas (Burley, Idaho, to Salt Lake City, Utah).* All of Red civil airway No. 54.

6. By amending § 601.10314 *Blue civil airway No. 14 airway traffic control areas (Riverside, California, to Bakersfield, California)* to read as follows:

§ 601.10314 *Blue civil airway No. 14 airway traffic control areas (El Centro, California, to Bakersfield, California).* All of Blue civil airway No. 14.

7. By amending § 601.10318 *Blue civil airway No. 18 airway traffic control areas (Newark, New Jersey, to Burlington, Vermont)* to read as follows:

§ 601.10318 *Blue civil airway No. 18 airway traffic control areas (Philadelphia, Pennsylvania, to Burlington, Vermont).* All of Blue civil airway No. 18.

8. By amending § 601.10320 *Blue civil airway No. 20 airway traffic control areas (Philadelphia, Pennsylvania, to Allentown, Pennsylvania)* to read as follows:

§ 601.10320 *Blue civil airway No. 20 airway traffic control areas (Millville, New Jersey, to Allentown, Pennsylvania).* All of Blue civil airway No. 20.

9. By amending § 601.4005 *Green civil airway No. 5 (Los Angeles, California, to Washington, D. C.)* to read as follows:

§ 601.4005 *Green civil airway No. 5 (Los Angeles, California, to Boston, Massachusetts).* Los Angeles, California, radio range station; Riverside, California, radio range station; Blythe, California, radio range station; Phoenix, Arizona, radio range station; Tucson, Arizona, radio range station; Rodeo, New Mexico, radio range station; Columbus, New Mexico, radio range station; the Harrington Ranch fan type radio marker station or the intersection of the center lines of the on course signals of the west leg of the El Paso, Texas, radio range and the south leg of the Engle, New Mexico, radio range; El Paso, Texas, radio range station; Salt Flat, Texas, radio range station; Wink, Texas, radio range station; Big Spring, Texas, radio range station; Abilene, Texas, radio range station; Fort Worth, Texas, radio range station; Texarkana, Arkansas, radio range station; Memphis, Tennessee, radio range station; Jacks Creek, Tennessee, radio range station; Nashville, Tennessee, radio range station; Smithville, Tennessee, radio range station; Knoxville, Tennessee, radio range station; Tri-City, Tennessee, radio range station; Pulaski, Virginia, radio range station; Roanoke, Virginia, radio range station; Gordonsville, Virginia, radio range station; Doncaster, Maryland, fan type radio marker station or the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Virginia, radio range and the south leg of the Washington, D. C., radio range; Millville, New Jersey, radio range station.

10. By amending § 601.4017 *Amber civil airway No. 7 (Key West, Florida, to Caribou, Maine)*, to read as follows:

§ 601.4017 *Amber civil airway No. 7 (Key West, Florida, to Caribou, Maine).* Key West, Florida, radio range station; Miami, Florida, radio range station; Morrison Field, West Palm Beach, Florida, radio range station; Melbourne, Florida, radio range station; Daytona Beach, Florida, radio range station; Savannah, Georgia, radio range station; Charleston, South Carolina, radio range station; Florence, South Carolina, radio range station; Raleigh, North Carolina, radio range station; Washington, D. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Washington, D. C., radio range and the west leg of the Baltimore, Maryland, radio range; Newark, New Jersey, radio range station.

11. By amending § 601.40233 *Red civil airway No. 33 (Baltimore, Maryland, to Boston, Massachusetts)* to read as follows:

§ 601.40233 *Red civil airway No. 33 (Gordonsville, Virginia, to Boston, Massachusetts).* Arcola, Virginia, radio range station.

12. By amending § 601.40245 *Red civil airway No. 45 (Washington, D. C., to Baltimore, Maryland)* to read as follows:

§ 601.40245 *Red civil airway No. 45 (Washington, D. C., to Allentown, Pennsylvania).* No radio fix designation.

13. By amending § 601.40249 *Red civil airway No. 49 (Burley, Idaho, to Fort Bridger, Wyoming)* to read as follows:

§ 601.40249 *Red civil airway No. 49 (Elko, Nevada, to Fort Bridger, Wyoming).* Wendover, Utah, radio range station.

14. By amending § 601.40254 *Red civil airway No. 54 (Timpic, Utah, to Salt Lake City, Utah)* to read as follows:

§ 601.40254 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* No radio fix designation.

15. By amending § 601.40314 *Blue civil airway No. 14 (Riverside, California, to Bakersfield, California)* to read as follows:

§ 601.40314 *Blue civil airway No. 14 (El Centro, California, to Bakersfield, California).* No radio fix designation.

16. By amending § 601.40318 *Blue civil airway No. 18 (Newark, New Jersey, to Burlington, Vermont)* to read as follows:

§ 601.40318 *Blue civil airway No. 18 (Philadelphia, Pennsylvania, to Burlington, Vermont).* No radio fix designation.

17. By amending § 601.40320 *Blue civil airway No. 20 (Philadelphia, Pennsylvania, to Allentown, Pennsylvania)*, to read as follows:

§ 601.40320 *Blue civil airway No. 20 (Millville, New Jersey, to Allentown, Pennsylvania).* No radio fix designation.

(Sec. 308, 52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458)

This amendment shall become effective 0001 e. s. t., January 15, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-343; Filed, Jan. 14, 1947; 8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

PART 110—PRIMARY INSPECTION AND DETENTION

TRANSFER OF JURISDICTION OVER ISLE ROYALE, MICH., FROM DETROIT DISTRICT TO CHICAGO DISTRICT

DECEMBER 18, 1946.

1. Section 60.1 *Field Districts,*[1] Chapter I, Title 8, Code of Federal Regulations, is hereby amended as follows:

a. The definition of District No. 8, with headquarters at Detroit, Michigan, is amended by changing the language preceding the first semicolon to read as follows: "Includes the State of Michigan, except Isle Royale, and the States of Indiana and Kentucky".

b. The definition of District No. 9, with headquarters at Chicago, Illinois, is amended by inserting after the first semicolon, the following: "Isle Royale, Michigan;".

2. Section 110.1, *Ports of entry for aliens,*[2] Chapter I, Title 8, Code of Federal Regulations, is amended by deleting "Isle Royale, Mich." from the list of Class A ports of entry in District No. 8 and by inserting "Isle Royale, Mich." between "Chicago, Ill." and "Baudette, Minn." in the list of Class A ports of entry in District No. 9.

The foregoing amendments are made in the interest of the internal management of the Government.

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 23, 39 Stat. 892; sec. 24, 43 Stat. 166; sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV; 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: January 7, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-332; Filed, Jan. 14, 1947; 8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PROSPECTUSES FOR EMPLOYEES' SAVINGS, PROFIT-SHARING OR PENSION PLANS

The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 7, 10, and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act hereby adopts § 230.882 (Rule 882). The Commission finds that § 230.882 (Rule 882) primarily embodies provisions presently contained in the Instruction Book for Form A–2 (17 CFR 239.2), that the adoption of such rule does not alter the substantive rights of any person and that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act are unnecessary. § 230.882 (Rule 882) shall read as herein below set forth and shall become effective April 1, 1947:

§ 230.882 *Prospectuses for employees' savings, profit-sharing or pension plans.* (a) Any prospectus for shares of stock of an issuer in which funds of a savings, profit-sharing or pension plan for employees of the issuer are to be invested need contain only the information specified below if the prospectus is sent or given only to employees of the issuer who have previously received a prospectus for registered interests or participations in the plan and for registered shares of stock of the issuer and who have become members of the plan prior to receipt of the prospectus prepared in accordance with this rule:

(1) Such information (other than financial statements) in regard to the plan and the administration thereof and in regard to the issuer of the underlying stock and its subsidiaries as may be necessary to bring up to date the corresponding information furnished to members of the plan in previous prospectuses.

(2) Financial statements of the plan corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the plan were furnished to members of the plan in previous prospectuses.

(3) Financial statements of the issuer of the underlying stock and its subsidiaries corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the issuer and its subsidiaries were furnished to members of the plan in previous prospectuses.

(b) The financial statements specified in paragraph (a) of this section may be omitted from any prospectus used in the manner specified in that paragraph if:

(1) The fiscal year of the issuer of the underlying stock has ended within ninety days prior to the date when it is desired to distribute the prospectus to members of the plan.

(2) The prospectus contains, or is accompanied by, financial statements (which need not be certified) substantially meeting the requirements of paragraph (a) of this section.

(3) Within 120 days after the close of the fiscal year the financial statements omitted from the prospectus pursuant to this paragraph are made conveniently available to all members of the plan at their respective places of employment.

(4) There is set forth in conspicuous print on the first page of the prospectus a statement as to the manner in which and the approximate date on which the

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[1] 9 F. R. 5367.
[2] 8 CFR, Cum. Supp., 110.1.

financial statements will be made available to members of the plan pursuant to subparagraph (3) of this paragraph. (Secs. 7, 10 and 19 (a), 48 Stat. 78, 81, 85; 15 U. S. C. 77f, 77j, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 8, 1947.

[F. R. Doc. 47-325; Filed, Jan. 14, 1947; 8:49 a. m.]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

MISCELLANEOUS AMENDMENTS

Amendment to Form S-1 (17 CFR 239.11) for registration of securities under the Securities Act of 1933; Rescission of Form A-1 (17 CFR 239.1) and Form A-2 (17 CFR 239.2).

1. The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby amends Form S-1 (17 CFR 239.11) to read as set forth in copies thereof dated January 15, 1947. Form S-1 (17 CFR 239.11) as so amended shall be effective April 1, 1947. However, as it appears that certain registrants may wish to use the amended form prior to that date, the Commission, acting pursuant to section 4 (c) of the Administrative Procedure Act, hereby declares that such form may, at the option of the registrant, be used for statements filed with the Commission on or after January 15, 1947.

2. The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 7, 10, and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby rescinds Form A-1 (17 CFR 239.1) and Form A-2 (17 CFR 239.2) and the Instruction Book for Form A-2 (17 CFR 239.2). The foregoing action shall be effective April 1, 1947. (Secs. 7, 10 and 19 (a), 48 Stat. 78, 81, 85; 15 U. S. C. 77g, 77j, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 8, 1947.

[F. R. Doc. 47-324; Filed, Jan. 14, 1947; 8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

METHOD OF REGISTRATION

Pursuant to the authority contained in section 12 of the act of June 25, 1938 (sec. 12, 52 Stat. 1107; 45 U. S. C. 362 (1)), § 325.12 (a) of the regulations of the Railroad Retirement Board under such act (5 F. R. 2111, 4815; 9 F. R. 3192) is amended, effective December 19, 1946, by Board Order 46-517 dated December 19, 1946, so that subparagraph (2) of the first proviso thereof shall read as follows:

§ 325.12 *Registration*—(a) *Method of registration.* * * *

(2) Benefits have already been payable to him for 130 days of unemployment: * * *

(Sec. 12, 52 Stat. 1107; 45 U. S. C. 362 (1))

Dated: January 7, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS, *Secretary of the Board.*

[F. R. Doc. 47-331; Filed, Jan. 14, 1947; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

APPLICATIONS ON OFFICIAL FORMS

Pursuant to the authority vested in the Administrator by section 14 of the Fair Labor Standards Act of 1938, the second sentence of § 522.121 (29 C. F. R., Cum. Supp., 522.121) is amended to read as follows:

§ 522.121 *Applications on official forms.* * * * Such forms require to be set forth, among other things, a list of occupations in which learners are requested, the number of learners requested, the number of learners hired during the preceding 12 months, a list of occupations in which experienced workers are employed, the number employed, their average straight time hourly earning in cents per hour, and information concerning the type of machine to be used by learners.

Dated at Washington, D. C. this 8th day of January 1947.

(Sec. 14, 52 Stat. 1068, 29 U. S. C. 214)

L. METCALFE WALLING, *Administrator.*

[F. R. Doc. 47-334; Filed, Jan. 14, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Section 201.50 is hereby rescinded.

2. Amend § 201.20 by designating the text immediately following the headnote as paragraph (a), and by adding paragraph (b) as follows:

§ 201.20 *Age.* (a) The enlistment * * *

(b) Enlistments in the National Guard of persons over 35 years of age will be limited to those who have had active Federal service in the National Guard of the United States, Army, Navy, or Marine Corps, terminated by honorable discharge, *Provided*, Their total active Federal service equals or exceeds that shown in the following table:

Age:	*Minimum active Army service*
35 under 36	3 months.
36 under 37	1 year.
37 under 38	2 years.
38 under 39	3 years.
39 under 40	4 years.
40 and over	5 years.

[Sec. I, W. D. Cir. 367, 12 Dec. 1946] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL, *Major General, The Adjutant General.*

[F. R. Doc. 47-328; Filed, Jan. 14, 1947; 8:49 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Revocation of Direction 15]

SALE OF SOLDER, ANTIMONIAL LEAD DIE METAL, AND BATTERY LEAD SCRAP BY WAR ASSETS CORPORATION

Direction 15 to Priorities Regulation 13 is revoked. This revocation does not affect any liabilities incurred for violation of the Direction or of actions taken by the Civilian Production Administration under the Direction.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-439; Filed, Jan. 14, 1947; 11:23 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Supplementary Order M-317A, Revocation]

COTTON FABRIC DISTRIBUTION

Section 3290.116 *Supplementary Order M-317A* is revoked. This revocation does not affect any liabilities incurred for violation of the order or for violation of actions taken by the War Production Board or Civilian Production Administration under the order.

Any person who has obtained any cotton fabrics with a certificate provided for the former set-asides for cotton components for apparel, and for cotton components for men's suits, must still use or dispose of the fabrics, if possible, in accordance with the certificate which he has given. The set-asides for this purpose were contained in paragraph (f), and in column 8 of the Distribution Tables of the order.

Some of the rules formerly in this order are superseded by those now in Order M-328, as amended simultaneously with this revocation.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-438; Filed, Jan. 14, 1947; 11:23 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[General Conservation Order M-317, Revocation]

COTTON TEXTILE DISTRIBUTION

Section 3290.115 *General Conservation Order M-317* is revoked. This revocation does not affect any liabilities incurred for violation of the order or for violation of actions taken by the War Production Board or Civilian Production Administration under the order.

Some of the rules formerly in this order are superseded by those now in Order M-328, as amended simultaneously with this revocation.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-443; Filed, Jan. 14, 1947; 11:24 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1072]

HARVEY NELSON

Harvey Nelson, of Shelby, Michigan, on April 15, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction of a structure on the west side of Highway US-31, one-quarter of a mile south of Shelby, Michigan, for use as a recreational establishment and barber shop. The beginning and carrying on of this construction at an estimated cost in excess of $1,000 constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1072 *Suspension Order S-1072.* (a) Neither Harvey Nelson, his successors nor assigns, nor any other person shall do any further construction on the structure referred to above, located on the west side of Highway US-31, one-quarter of a mile south of Shelby, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Harvey Nelson shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Harvey Nelson, his successors or assigns, or any other person from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-446; Filed, Jan. 14, 1947; 11:25 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-317, Revocation of Direction 23]

DUCK FOR COTTON PICK SACKS

Direction 23 to Conservation Order M-317 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under the direction.

Any person who has obtained any flat duck with a certificate provided under this direction may now use and dispose of the fabric without regard to the provisions of the certificate or of the direction. Any duck obtained with a preference rating, however, must still be used or disposed of, if possible, for the purpose for which the rating was granted.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-442; Filed, Jan. 14, 1947; 11:24 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, as Amended Jan. 14, 1947]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M-328*—(a) *Definitions.* As used in this order: (1) The term "textile, clothing and related products" includes the following items:

(i) Animal bristles and hair.
(ii) Clothing, footwear (including safety shoes, hats, gloves, and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber, or fabrics). However, this does not include rubber footwear, professional rubber gloves, or the following items when such items are specifically designed and used to furnish protection against occupational hazards (other than weather):
Asbestos clothing.
Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
Metal mesh gloves, aprons and sleeves.
Other safety leather gloves or mittens, but only if steel-stitched or steel-reinforced.
Plastic and fiber safety helmets.
Safety belts and harnesses.
Safety clothing impregnated or coated for the purposes of making the same resistant against fire, acids or other chemicals or abrasives.
Safety industrial leather clothing other than gloves or mittens.
Safety industrial rubber gloves and hoods, and linemen's rubber gloves and sleeves.
(iii) Cotton, wool and synthetic yarns and blends of the foregoing.
(iv) Woven, felted, knitted and braided fabrics of cotton, wool or synthetic yarns and blends of the foregoing, including but not limited to:
Bedsheets.
Pillow cases.
Blankets.
Towels.
Diapers.
Face cloths.
Table "linens."
(v) Dyestuffs, which means organic coloring matter even though the matter itself appears colorless. The term does not include inorganic pigments extended or otherwise processed with resinates, with dispersing agents, or with other substantially colorless organic material.
(vi) The following metal shoe findings:
Arch supports.
Box toes and caps.
Heel rims and plates.
Heel washers.
Shoe shanks.
Toe rims and plates.
Steel wire shoe nails.
(vii) Hides, skins, furs and leather and products made primarily therefrom.
(viii) Manila, agave, istle, hemp (cannabis sativa), jute, coir yarn and other fibers, suitable for cordage (rope and twine), and cordage products made primarily therefrom.
(ix) Mops.
(x) Slide fasteners.
(xi) Sponges, marine and loofa.
(xii) Textile fibers (animal, vegetable, or synthetic, including curled istle) and products made primarily from textile fibers or textiles. This does not include fabrics after they have been coated or impregnated, fire hose, fire hose jackets, sisal processors' mill waste or sisal bagasse.
(xiii) Steel tacks (except thumb tacks).
(xiv) Synthetic rubber thread and products made therefrom.

(2) "Cotton fabric" means any fabric 12" or more in width woven or braided from cotton yarn which contains 50% or more by weight of cotton or cotton waste

or any combination of the two. The term includes not only fabrics in the grey and yarn dyed fabrics, original mill or regular finish, but also fabrics which have been bleached, Sanforized, dyed or printed; and includes shorts, seconds, remnants or mill ends. The term does not include blankets or blanketing containing 25% or more by weight of wool; or fabrics (other than blankets or blanketing) containing wool produced on the woolen or worsted system.

(3) "Producer," with respect to cotton fabrics, means any person who weaves for his own account, or has woven for his account, any cotton fabric in the forty-eight States or the District of Columbia. A person who weaves cotton fabric for the account of another is not a producer of that fabric for the purpose of this order.

(4) "Rayon fabrics" means any woven or knitted (both circular and warp) fabric, containing less than 25% wool by weight, but of which the remaining fibers are more than 50% of synthetic fiber (filament or spun yarn, or their blends) by weight. For example, a fabric containing 20% wool, 41% rayon, and 39% cotton is a rayon fabric. Except where otherwise indicated, it includes such fabrics, whether grey, original mill, or regular finish, bleached, dyed, printed, or otherwise processed as fabric.

(5) With respect to rayon fabrics, "producer" means any person who weaves or knits rayon fabrics from yarn owned by him, or who has rayon fabrics woven or knitted for his account from yarn owned by him, whether he delivers them in the grey, finished, or partially finished state. If a person supplies yarn to a weaver or knitter for processing on a basis under which a part of the fabric produced from that yarn is to be owned by the yarn supplier, and part by the weaver or knitter, the yarn supplier is the producer of that part of the fabric which he will get, and the weaver or knitter is the producer of the remainder. Where a person supplies yarn to a weaver or knitter in exchange for fabric not made from the yarn supplied, the weaver or knitter is the producer of all of the fabric made from the yarn which he gets in this way, as well as of any other fabric produced by him.

(6) "Finished goods supplier" means any person who finishes, or has finished for his account, rayon fabrics which he owns, whether he produces them in the grey, finished, or partially finished state.

(7) "Cotton textile" means any of the following:

(i) Cotton yarn containing 50% or more by weight of cotton or cotton waste or any combination of the two, spun on roving, ring, tube twister or converted twister spindles, or produced on the woolen system. The term includes grey, bleached, mercerized, colored, glazed or polished yarn, whether single, ply, twisted or braided and including thread, sash cord, rope, twine and cordage (for example, tying, sail or seine twine, and cotton tire cords, including cotton tire cord held together loosely or by one or more picks) or

(ii) Cotton fabric; or

(iii) The following cotton fabric products: Bedsheets, pillow cases, blankets, towels, diapers, face cloths, table "linens", and fish netting.

(b) *CPA may issue directions.* The Civilian Production Administration may issue published directions, or specific directions to individual producers or processors of textile, clothing and related products, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no person shall produce, fabricate, process, deliver or accept delivery contrary to these directions.

The general policy of CPA, however, will be not to issue further directions, published or unpublished, for the manufacture or distribution of textile, clothing, and related products.

These materials are no longer subject to price controls, and most of the former CPA controls over production and distribution have been eliminated. Military requirements were greatly reduced many months ago, and now represent a small part of total consumption. Supplies for industrial, commercial, agricultural and other civilian uses should now be obtainable by persons making adequate and timely efforts to fill their needs, from among the many sources of supply. Even when the most desirable materials may not be readily available, usable substitutes should be obtainable. Some further readjustments between sources of supply and purchasers may occur, but this readjustment might well be delayed, rather than avoided, by additional directions.

In general, therefore, directions will not be issued, unless an unforeseeable emergency should arise, such as that caused by fire, flood, or other disaster, and would clearly cause severe community or other hardship to a large number of people if such action by CPA is not taken.

(c) *Rating ceilings*—(1) *Producers.* No producer need accept or fill MM or CC rated orders which would cause him to deliver during any calendar quarter on such rated orders more of any cotton or rayon fabric than a quantity equal to the percentage, specified in the attached table, applied to a figure equal to his total production of that fabric during the previous calendar quarter (the term "any cotton or rayon fabric" refers to any group of fabrics having the same Item Number in the CPA–658 form indicated).

(2) *Rayon finished goods suppliers.* No finished goods supplier need accept or fill MM or CC rated orders which would cause him to deliver during any calendar quarter on such rated orders more of any rayon fabric than a quantity equal to the percentage, specified in the attached table, applied to a figure equal to his total deliveries of that fabric during the previous calendar quarter (the term "any rayon fabric" refers to any group of fabrics having the same Item Number in the CPA–658 form indicated).

(3) *General rating ceiling provisions.* The rating ceilings established in this order are separate for each fabric or group of fabrics having the same Item Number, and deliveries on rated orders in excess of one of these ceilings may not be charged against any of the other ceilings. Within the ceiling for the fabrics covered by any Item Number, MM rated orders must be accepted and filled in preference to undelivered orders with CC ratings, in accordance with Priorities Regulation 1, and all other rules of that regulation also apply.

(4) *Kinds of ratings affected.* Paragraphs (c) (1) and (c) (2) above refer to MM and CC rated orders. Orders rated AAA must be accepted and filled regardless of the rating ceiling.

(d) *Information required on rated orders for cotton textiles.* (1) Each person applying or extending a preference rating for any cotton textile shall add to his rating certificate a statement as to the source of the rating substantially as follows:

This rating has been assigned on Form CPA ------, Serial Number ---- (insert the CPA Form Number and Serial Number; or if the rating was not assigned on a CPA Form, state the source of the rating by specifying the military contract number).

(2) The above requirement does not apply to the United States Army, Navy, or Maritime Commission on their direct purchase orders.

(e) *Restriction on serving ratings on another producer*—(1) *Cotton yarn.* No producer of cotton yarn shall use any preference rating to obtain cotton yarn from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing in writing that his own production is insufficient or unsuitable.

(2) *Cotton fabric.* No producer of cotton fabric shall use any preference rating to obtain cotton fabric from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing in writing that his own production is insufficient or unsuitable.

(f) *Integrated operations.* Requisitions for intra-company deliveries of fabrics from the producing mill shall be treated as if they were purchase orders, for the purposes of this order.

(g) *Applicability of regulations.* Except as otherwise provided in this order or any direction under it, this order and such direction and all transactions affected thereby are subject to all applicable regulations of the Civilian Production Administration.

(h) *Appeals.* (1) Any appeal from the provisions of this order or of any direction to it shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(2) No direction or order relating to textile, clothing or related products (whether or not it refers to Order M–328) shall be deemed to require the furnishing of materials or facilities to the Civilian Production Administration. If a direction or order requires the furnishing of materials or facilities to a contracting agency or to its contractors, or the production of a specified amount of a material or product, or restricts all or part of a person's production or inventory to specified purposes, and if the person affected cannot get firm orders to cover the materials, facilities, production or inventory involved, he may appeal, and the Civilian Production Administration will grant appropriate relief.

(i) *Reports.* Producers of cotton textiles and rayon fabrics shall file reports on Forms CPA–658A, 658B, 658C, and 658E, in accordance with the instructions on those forms. Producers of woven fabrics made on woolen and worsted looms, felt and hat bodies, shall file reports on Form CPA–1420, in accordance with the instructions on that form. These reporting requirements have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(j) *Records.* Each person participating in any transaction to which this order applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and his inventories of the material involved, in accordance with § 944.15 of Priorities Regulation 1.

(k) *Violations and false statements.* Any person who wilfully violates any provision of this order, or any direction under it, or who in connection with this order, or any such direction, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Communications.* All reports to be filed hereunder and communications concerning this order or any direction under it shall, unless otherwise directed, be addressed to the Civilian Production Administration, Textile Division, Washington 25, D. C., Ref. M–328.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

RATING CEILING TABLE

Item numbers—Cotton fabrics	*Ceiling percentage for MM and CC ratings*
Fine cotton goods:	
1, 2, 7, 11–29, 32, 35, 37–39, 42, 47–51 on Form CPA–658C; and 43, 45, 157–159 on Form CPA–658B	5
3–6 on Form CPA–658C	20
33–34 on Form CPA–658C	100
36 on Form CPA–658C	93
All other combed, part combed and fine carded fabrics not elsewhere specified above under the heading "Fine Cotton Goods"	10
Carded grey goods:	
5–12 on Form CPA–658A	5
1–8, 14–17, 19, 21–23, 25, 26, 28, 30–33, 34, 35, 37–39, 40, 42, 55, 63, 64, 66, 73, 75, 102, 110, 122, 123, 128, 131, on Form CPA–658B	2
12, 13, 18, 20, 24, 28, 29, 41, 43, 44–47, 49, 50–54, 56, 59–62, 65, 67, 68, 69, 72, 74, 77, 78, 79, 81, 82, 88–92, 97–101, 103–109, 111–121, 129–130, 133–139, 142, 143, 151–156, 162, on Form CPA–658B	5
71, on Form CPA–658B	8
76, on Form CPA–658B	6
80, on Form CPA–658B	50
83, 84, 124–126, 161, on CPA–658B	10
146–148, on Form CPA–658B	7
All other carded cotton woven fabrics reported on Form CPA–658A or B not elsewhere specified above under the heading "Carded Grey Goods"	10
Rayon fabrics: Form CPA–658C (12–19–46) Item number and fabric.	
Pile, upholstery, and tie fabrics (50 percent or more rayon):	
52—Velvets, plushes, and other pile fabrics	½
53—Upholstery, drapery and tapestry fabrics	½
54—Tie fabrics (shaft and jacquard), yarn dyed	½
55—Tie fabrics (shaft and jacquard), non yarn dyed	
100% filament rayon fabrics—flat fabrics (producers' twist in warp and filling):	
56—Bright Viscose taffetas (including semidull)	2½
57—Pigment viscose taffetas	2½
58—Acetate taffetas	2½
59—Cross-dyed taffetas	5
60—Jersey weaves	5
61—Sharkskins	5
62—Twills and serges, 88 to 140 sley	[1] 5
63—All other twills and serges	5
64—Viscose satins	2½
65—Acetate satins	2½
66—All other flat fabrics	5

RATING CEILING TABLE—Continued

Item numbers—Cotton fabrics—Continued	*Ceiling percentage for MM and CC ratings*
100% filament rayon fabrics twisted yarn fabrics (more than producers' twist in warp and or filling):	
67—Crepe satins (including voile filled)	2½
68—Flat, faille and canton crepes	2½
69—French crepes (voile twist filling)	2½
70—Plied yarn fabrics—plain weaves	5
71—Plied yarn fabrics—fancy weaves	5
72—Marquisettes (leno weave)	1
73—Ninons and voiles (voile twist warp and filling)	1
74—Other sheers (georgettes, triple sheers, etc.)	5
75—All other twisted yarn fabrics	5
100% spun rayon fabrics:	
76—Twills (including serges, gabardines, etc.)	5
77—Ribbed and corded fabrics (poplin, Bedford cord, etc.)	5
78—Challis	5
79—Linen type and flakes	5
80—Plied yarn fabrics (suitings, shirting, etc.)	2½
81—Other 100% spun rayon fabrics	5
Filament and spun rayon fabrics:	
82—Ribbed and corded fabrics (poplins, failles, beng, etc.)	5
83—Shantungs (nub and slub)	5
84—Fujis	5
85—Other filament and spun rayon fabrics	5
Rayon mixtures and blends with fibers—rayon and wool:	
86—Less than 25% wool (51% or more rayon).	
87–92—25% or more wool (other than blankets).	
93A—Filament rayon and cotton other than twills and serges, 88 to 140 sley	5
93B—Twills and serges, 88 to 140 sley, incl	[1] 5
51% or more rayon with fibers other than wool:	
94—Spun rayon and cotton	5
95—Rayon and other fibers	5

[1] Rayon twills and serges, 88 to 140 sley, inclusive, are listed above as Item No. 62 if made entirely of rayon, and as Item No. 93B if made with rayon warp and cotton filling.

LIST OF DIRECTIONS TO ORDER M–328 AS OF JANUARY 14, 1947

All published directions to Order M–328, issued before January 14, 1947, have been revoked, except those listed below.

Direction 31. Cotton and rayon fabrics for processing in Puerto Rico, first and second calendar quarters, 1946.

Direction 32. Cotton and rayon fabrics for processing in Puerto Rico.

[F. R. Doc. 47–441; Filed, Jan. 14, 1947; 11:24 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-328, Revocation of Direction 27]

SEQUENCE OF FILLING RATED EXPORT ORDERS

Direction 27 to Order M-328 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board or Civilian Production Administration under the direction.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-440; Filed, Jan. 14, 1947; 11:23 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-391, Revocation]

RAYON FABRICS

Section 3290.366 *Conservation Order M-391* is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the Civilian Production Administration under the order.

Some of the rules formerly in this order are superseded by those now in Order M-328, as amended simultaneously with this revocation.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-445; Filed, Jan. 14, 1947; 11:25 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-391, Revocation of Direction 2]

RAYON LINING FABRICS FOR MEN'S WEAR

Direction 2 to Order M-391 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under the direction.

Any person who has obtained any rayon lining fabrics with a certificate provided for under this direction, however, must still use or dispose of it, if possible, in accordance with the certificate which he has given.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-444; Filed, Jan. 14, 1947; 11:24 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1300—PROCEDURE

[2d Rev. Procedural Reg. 4,[1] Amdt. 1]

PROCEDURE FOR ISSUANCE OF RATIONING AND PRIORITIES SUSPENSION ORDERS AND DETERMINATIONS OF VIOLATIONS

Second Revised Procedural Regulation 4 is amended in the following respects:

1. The statement of authority is amended by substituting a semicolon for the period at the end thereof and adding the following: "56 Stat. 23, as amended; 56 Stat. 767, as amended; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; E. O. 9809, 11 F. R. 14281; O. E. S. Dir. No. 41, as amended, 10 F. R. 10031."

2. The text of § 1200.151 (a) is amended to read as follows:

§ 1300.151 *Scope of regulation.* (a) This regulation governs suspension proceedings and determination proceedings of the Office of Price Administration. A suspension proceeding is a proceeding instituted to determine whether a rationing suspension order or a priorities suspension order should be issued. A determination proceeding is a proceeding instituted to ascertain whether there has been a violation of a rationing regulation or order, or of a meat or livestock price regulation or order.

3. The text of § 1300.153 (c) is amended to read as follows:

(c) A copy of Second Revised Procedural Regulation 4 and any amendments thereof shall be attached to the notice of hearing served upon any respondent.

4. The text of § 1300.166 (a) is amended to read as follows:

§ 1300.166 *Suspension order or determination of Hearing Commissioner.* (a) If the Hearing Commissioner finds in a rationing suspension proceeding that a respondent has violated a rationing regulation or order, he may issue a rationing suspension order. If the Hearing Commissioner finds in a priorities suspension proceeding that a respondent has violated any regulation, order or directive implementing or in furtherance of the Veterans' Emergency Housing program, the enforcement of which has been delegated to the Office of Price Administration, he may issue a priorities suspension order. If the Hearing Commissioner finds in a determination proceeding that a respondent has violated a rationing regulation or order, or a meat or livestock price regulation or order, he may issue a determination of violation.

5. Section 1300.184 is amended by adding the following paragraph (h):

(h) "Meat or livestock price regulation or order" means any regulation or order of the Office of Price Administration issued pursuant to the Emergency Price Control Act of 1942, as amended, pertaining to the purchase and/or slaughter of livestock.

[1] 11 F. R. 14014.

This amendment shall become effective January 14, 1947.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-453; Filed, Jan. 14, 1947; 11:38 a. m.]

PART 1300—PROCEDURE

[Procedural Reg. 17,[1] Amdt. 1]

PROCEDURES FOR STATUTORY DECONTROL

Procedural Regulation 17 is amended in the following respects:

1. Section 1300.751 (a) is amended by deleting therefrom all that part of said section beginning with the second sentence thereof.

2. Section 1300.751 (d) is amended to read as follows:

(d) Communications with respect to decontrol may be addressed to the Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C.

3. The first sentence of the second undesignated paragraph of Article II is amended to read as follows: "This article has general and special provisions relating to all petitions filed under subsection (d) of section 1A of the Emergency Price Control Act of 1942, as amended."

4. The third undesignated paragraph of Article II is deleted.

5. Section 1300.752 (h) is amended by changing the first sentence thereof to read as follows: "Each petition must contain a statement that in the judgment of the committee either (1) the supply of the commodity exceeds or is in approximate balance with the demand therefor (including appropriate inventory requirements), or (2) the commodity is not important in relation to business costs or living costs."

6. Section 1300.754 is amended to read as follows:

§ 1300.754 *Filing petitions.* Each petition must be filed in an original and 4 copies with the Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C.

7. Section 1300.755 is amended to read as follows:

§ 1300.755 *Form and contents of petitions based on non-importance of commodity.* Any petition requesting decontrol on the basis of the non-importance of the commodity must contain analyses and written evidence directed to a showing that the commodity is not important in relation to either business costs or living costs.

8. Section 1300.756 is amended by changing the first sentence thereof to read as follows: "Any petition requesting decontrol of a commodity on the basis that the supply thereof exceeds or is in approximate balance with the demand therefor (including appropriate inventory requirements) must contain analyses and written evidence directed to a showing that supply of the commodity equals or exceeds requirements for the current marketing season."

[1] 11 F. R. 9345.

9. In the first sentence of § 1300.757 the word "Price" is deleted.

10. Section 1300.760 (d) is amended to read as follows:

(d) The request must be filed in an original and 4 copies with the Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C.

11. Section 1300.762 is amended to read as follows:

§ 1300.762 *Evidence on behalf of the Consumers Advisory Committee and the Labor Advisory Committee.* The Consumers Advisory Committee and the Labor Advisory Committee may present written evidence relating to the petition. Such written evidence must be in original and 4 copies in the form provided in § 1300.752 of this regulation (for written evidence accompanying the petition) and must be filed with the Secretary, Office of Price Administration, Office of Temporary Controls, not less than 5 days prior to the date of the hearing.

12. Section 1300.763 is amended by changing the last paragraph thereof to read as follows: "Briefs or written arguments may be filed at the time of the hearing in substitution for or in addition to oral arguments, filed in original and 4 copies with the Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C."

13. In the last sentence of § 1300.766 the words "Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C." are substituted for the words "Decontrol Division."

14. In the second sentence of § 1300.767, the words "Office of the Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C." are substituted for the words "Decontrol Division."

15. Section 1300.769 is deleted.

16. In the first sentence of § 1300.770 the words "Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C." are substituted for the words "Decontrol Division."

17. In the 5th sentence of § 1300.772 the words "Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C." are substituted for the words "Decontrol Division."

This amendment shall become effective January 14, 1947.

NOTE: All reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-454; Filed, Jan. 14, 1947; 11:39 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 109 (§ 1388.1181)]

HOUSING

The rent regulation for housing is amended in the following respects:

1. Section 1 (b) (3) is amended to read as follows:

(3) *Rooms in hotels, rooming houses and motor courts.* All accommodations in transient hotels, and all rooms in residential hotels, rooming houses and motor courts, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts pursuant to the provisions of that regulation.

2. Section 1 (b) (7) is amended to read as follows:

(7) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual housing accommodations rented or offered for rent are exempt under section 1 (b) (6) of this regulation or section 1 (b) (7) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts.

3. The third unnumbered paragraph of section 5 is amended by adding (a) (15) after (a) (14).

4. The unnumbered paragraphs of section 5 are amended by adding the following paragraph.

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

5. Section 5 (a) is amended by adding paragraph (15).

(15) The maximum rent was established under section 4 (f) and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

6. Section 13 (a) (11) is amended to read as follows:

(11) "Transient hotels" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by transient hotels, and (d) had less than 50% of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (under the rent regulation for transient hotels, residential hotels, rooming houses and motor courts) or, if the establishment was not in operation during the quota month, during the month of June 1946.

[1] 11 F. R. 12055, 13028, 13309, 14013.

7. Section 13 (a) (12) is amended to read as follows:

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers, residence clubs and all other establishments of a similar nature.

8. Section 13 (a) shall be amended by adding the following two paragraphs:

(13) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by residential hotels, and (d) had 50% or more of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (as defined in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts), or if the establishment was not in operation during the quota month, during the month of June 1946.

(14) "Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

This amendment shall become effective January 15, 1947.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement to Accompany Amendment 109 to the Rent Regulation for Housing; Amendment 33 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 25 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 29 to the Rent Regulation for Housing in the Miami Defense-Rental Area

The amendment to section 1 (b) (3) is purely formal and was necessitated by amendment 97 to the hotel regulations which changed the title of that regulation to the Rent Regulation for Transient Hotels, Residental Hotels, Rooming Houses and Motor Courts and provided for the classification of establishments which are subject to the regulation.

Section 1 (b) (7) was amended to correct an error in the wording of amendment 108. This section as amended refers to "individual housing accommodations" rather than "individual rooms."

Section 5 (a) (15) is added to the Housing Regulation to provide that a landlord may obtain increases in maximum rents established under section 4 (f) (housing built with priority assistance) when prior to final completion of

all units included in a single priority application, but subsequent to the first renting of some of the accommodations, the landlord made a written request to the appropriate agency to approve higher rents because of increased costs of construction, and such agency approved higher rents.

The rent regulations provide generally that, in establishing maximum rents for newly constructed housing accommodations, due consideration shall be given to increased costs of construction since the maximum rent date or, in the case of construction initiated after November 23, 1945, since 1939. Where accommodations are constructed with priority rating the rent regulations establish the maximum rent in general at the amount approved prior to initial renting by the agency which grants priority rating. Under the regulations of that agency, now the National Housing Agency, a builder incurring increased construction costs may, prior to completion of all the units covered by a single priority application, apply for approval of a rent higher than the rent initially approved because of such increased construction costs. Section 4 (f) of the housing regulation provides that where the landlord prior to the initial renting of priority housing makes a written request of the appropriate agency for a higher rent than initially approved by such agency, the maximum rent is the higher rent approved.

It has come to the attention of the Administrator that, in some instances, a builder of priority housing has made a written request of the National Housing Agency for approval of a higher rent because of increased construction costs, after renting some of the units included in a single priority application but prior to the completion of all of such units. Prior to this amendment the builder in the circumstances outlined above, could not obtain a higher maximum rent for the unit which had been rented even though the National Housing Agency approved a higher rent.

The Administrator has concluded that it is appropriate to give relief in such cases where the builder has a higher rent approved because of increased construction costs, but the maximum rent had been fixed on some units at the amount for which they were first rented and which did not take such increased costs into consideration. It is to the public interest to have such units rented upon completion without the necessity of the builder waiting until construction of the project as a whole is virtually complete and he is able to ascertain his total costs with sufficient accuracy to determine whether an application for a higher rent schedule to the agency granting the priority is justified.

The unnumbered paragraphs of section 5 are amended by an additional paragraph providing that in cases under paragraph (a) (15) of section 5 the rent adjustment shall be the amount of the rent increase granted by the appropriate agency.

Section 13 (a) (11), 13 (a) (12) are amended to provide uniformity in the definitions of "transient hotel" and "rooming house" respectively, as contained in the housing and hotel regulations.

Section 13 (a) is further amended by adding paragraphs defining "residential hotel" and "motor court" respectively, as shown above in the text of the amendment.

Corresponding changes are made in the rent regulation for housing in the New York City Defense-Rental Area, the rent regulation for housing in the Atlantic County Defense-Rental Area, the rent regulation for housing in the Miami Defense-Rental Area.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-449; Filed, Jan. 14, 1947; 11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City Area,[1] Amdt. 33 (§ 1388.1281)]

HOUSING IN NEW YORK CITY AREA

The rent regulation for housing in the New York City Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (3) is amended to read as follows:

(3) *Rooms in hotels, rooming houses and motor courts.* All accommodations in transient hotels, and all rooms in residential hotels, rooming houses and motor courts, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City Defense-Rental Area pursuant to the provisions of that regulation.

2. Section 1 (b) (7) is amended to read as follows:

(7) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual housing accommodations rented or offered for rent are exempt under section 1 (b) (6) of this regulation or section 1 (b) (7) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City Defense-Rental Area.

3. The third unnumbered paragraph of section 5 is amended by adding (a) (15) after (a) (14).

4. The unnumbered paragraphs of section 5 are amended by adding the following paragraph:

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

5. Section 5 (a) is amended by adding paragraph (15).

(15) The maximum rent was established under section 4 (f) and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of the increased costs of construction, and a higher rent was approved by such agency.

6. Section 13 (a) (11) is amended to read as follows:

(11) "Transient hotels" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by transient hotels, and (d) had less than 50% of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (under the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City Defense-Rental Area) or, if the establishment was not in operation during the quota month, during the month of June 1946.

7. Section 13 (a) (12) is amended to read as follows:

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers, residence clubs and all other establishments of a similar nature.

8. Section 13 (a) shall be amended by adding the following two paragraphs:

(13) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by residential hotels, and (d) had 50% or more of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (as defined in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City Defense-Rental Area), or if the establishment was not in operation during the quota month, during the month of June 1946.

(14) "Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

This amendment shall become effective January 15, 1947.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement Accompanying Amendment 109 to the Rent Regulation for Housing, Amendment 33 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 25 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 29 to the Rent Regulation for Housing in the Miami Defense-Rental Area

The amendment to section 1 (b) (3) is purely formal and was necessitated by amendment 97 to the hotel regulations which changed the title of that regulation to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts and provided for the classification of establishments which are subject to the regulation.

Section 1 (b) (7) was amended to correct an error in the wording of amendment 108. This section as amended refers to "individual housing accommodations" rather than "individual rooms".

Section 5 (a) (15) is added to the housing regulation to provide that a landlord may obtain increases in maximum rents established under section 4 (f) (housing built with priority assistance) when prior to final completion of all units included in a single priority application, but subsequent to the first renting of some of the accommodations, the landlord made a written request to the appropriate agency to approve higher rents because of increased costs of construction, and such agency approved higher rents.

The rent regulations provide generally that, in establishing maximum rents for newly constructed housing accommodations, due consideration shall be given to increased costs of construction since the maximum rent date or, in the case of construction initiated after November 23, 1945, since 1939. Where accommodations are constructed with priority rating the rent regulations establish the maximum rent in general at the amount approved prior to initial renting by the agency which grants priority rating. Under the regulations of that agency, now the National Housing Agency, a builder incurring increased construction costs may, prior to completion of all the units covered by a single priority application, apply for approval of a rent higher than the rent initially approved because of such increased construction costs. Section 4 (f) of the housing regulation provides that where the landlord prior to the initial renting of priority housing makes a written request of the appropriate agency for a higher rent than initially approved by such agency, the maximum rent is the higher rent approved.

[F. R. Doc. 47-450; Filed, Jan. 14, 1947; 11:38 a. m.]

It has come to the attention of the Administrator that, in some instances, a builder of priority housing has made a written request of the National Housing Agency for approval of a higher rent because of increased construction costs, after renting some of the units included in a single priority application but prior to the completion of all of such units. Prior to this amendment the builder in the circumstances outlined above, could not obtain a higher maximum rent for the unit which had been rented even though the National Housing Agency approved a higher rent.

The Administrator has concluded that it is appropriate to give relief in such cases where the builder has a higher rent approved because of increased construction costs, but the maximum rent had been fixed on some units at the amount for which they were first rented and which did not take such increased costs into consideration. It is to the public interest to have such units rented upon completion without the necessity of the builder waiting until construction of the project as a whole is virtually complete and he is able to ascertain his total costs with sufficient accuracy to determine whether an application for a higher rent schedule to the agency granting the priority is justified.

The unnumbered paragraphs of section 5 are amended by an additional paragraph providing that in cases under paragraph (a) (15) of section 5 the rent adjustment shall be the amount of the rent increase granted by the appropriate agency.

Section 13 (a) (11), 13 (a) (12) are amended to provide uniformity in the definitions of "transient hotel" and "rooming house" respectively, as contained in the housing and hotel regulations.

Section 13 (a) is further amended by adding paragraphs defining "residential hotel" and "motor court" respectively, as shown above in the text of the amendment.

Corresponding changes are made in the rent regulation for housing in the New York City Defense-Rental Area, the rent regulation for housing in the Atlantic County Defense-Rental Area, the rent regulation for housing in the Miami Defense-Rental Area.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-450; Filed, Jan. 14, 1947; 11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,[1] Amdt. 25 (§ 1388.1411)]

HOUSING IN ATLANTIC COUNTY

The rent regulation for housing in the Atlantic County Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (3) is amended to read as follows:

(3) *Rooms in hotels, rooming houses and motor courts.* All accommodations in transient hotels, and all rooms in residential hotels, rooming houses and motor courts, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts pursuant to the provisions of that regulation.

2. Section 1 (b) (8) is amended to read as follows:

(8) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual housing accommodations rented or offered for rent are exempt under section 1 (b) (6) of this regulation or section 1 (b) (7) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts.

3. The third unnumbered paragraph of section 5 is amended by adding (a) (15) after (a) (14).

4. The unnumbered paragraphs of section 5 are amended by adding the following paragraph.

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

5. Section 5 (a) is amended by adding paragraph (15).

(15) The maximum rent was established under section 4 (f) and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

6. Section 13 (a) (11) is amended to read as follows:

(11) "Transient hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by transient hotels, and (d) had less than 50% of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (under the rent regulation for transient hotels, residential hotels, rooming houses and motor courts) or, if the establishment was not in operation during the quota month, during the month of June 1946.

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[1] 11 F. R. 4016, 5824, 8149, 8163, 10659, 12094.

[1] 11 F. R. 12084.

7. Section 13 (a) (12) is amended to read as follows:

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers, residence clubs and all other establishments of a similar nature.

8. Section 13 (a) shall be amended by adding the following two paragraphs:

(13) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by residential hotels, and (d) had 50% or more of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (as defined in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts), or if the establishment was not in operation during the quota month, during the month of June 1946.

(14) "Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

This amendment shall become effective January 15, 1947.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement Accompanying Amendment 109 to the Rent Regulation for Housing, Amendment 33 to the Rent Regulations for Housing in the New York City Defense-Rental Area, Amendment 25 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 29 to the Rent Regulation for Housing in the Miami Defense-Rental Area

The amendment to section 1 (b) (3) is purely formal and was necessitated by amendment 97 to the hotel regulations which changed the title of that regulation to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts and provided for the classification of establishments which are subject to the regulation.

Section 1 (b) (7) was amended to correct an error in the wording of amendment 108. This section as amended refers to "individual housing accommodations" rather than "individual rooms".

Section 5 (a) (15) is added to the housing regulation to provide that landlord may obtain increases in maximum rents established under section 4 (f) (housing built with priority assistance (when prior to final completion of all units included in a single priority application, but subsequent to the first renting of some of the accommodations, the landlord made a written request to the appropriate agency to approve higher rents because of increased costs of construction, and such agency approved higher rents.

The rent regulations provide generally that, in establishing maximum rents for newly constructed housing accommodations, due consideration shall be given to increased costs of construction since the maximum rent date or, in the case of construction initiated after November 23, 1945, since 1939. Where accommodations are constructed with priority rating the rent regulations establish the maximum rent in general at the amount approved prior to initial renting by the agency which grants priority rating. Under the regulations of that agency, now the National Housing Agency, a builder incurring increased construction costs may, prior to completion of all the units covered by a single priority application, apply for approval of a rent higher than the rent initially approved because of such increased construction costs. Section 4 (f) of the housing regulation provides that where the landlord prior to the initial renting of priority housing makes a written request of the appropriate agency for a higher rent than initially approved by such agency, the maximum rent is the higher rent approved.

It has come to the attention of the Administrator that, in some instances, a builder of priority housing has made a written request of the National Housing Agency for approval of a higher rent because of increased construction costs, after renting some of the units included in a single priority application but prior to the completion of all of such units. Prior to this amendment the builder in the circumstances outlined above, could not obtain a higher maximum rent for the unit which had been rented even though the National Housing Agency approved a higher rent.

The Administrator has concluded that it is appropriate to give relief in such cases where the builder has a higher rent approved because of increased construction costs, but the maximum rent had been fixed on some units at the amount for which they were first rented and which did not take such increased costs into consideration. It is to the public interest to have such units rented upon completion without the necessity of the builder waiting until construction of the project as a whole is virtually complete and he is able to ascertain his total costs with sufficient accuracy to determine whether an application for a higher rent schedule to the agency granting the priority is justified.

The unnumbered paragraphs of section 5 are amended by an additional paragraph providing that in cases under paragraph (a) (15) of section 5 the rent adjustment shall be the amount of the rent increase granted by the appropriate agency.

Section 13 (a) (11), 13 (a) (12) are amended to provide uniformity in the definitions of "transient hotel" and "rooming house" respectively, as contained in the housing and hotel regulations.

Section 13 (a) is further amended by adding paragraphs defining "residential hotel" and "motor court" respectively, as shown above in the text of the amendment.

Corresponding changes are made in the rent regulation for housing in the New York City Defense-Rental Area, the rent regulation for housing in the Atlantic County Defense-Rental Area, the rent regulation for housing in the Miami Defense-Rental Area.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-451; Filed, Jan. 14, 1947; 11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Miami Area,[1] Amdt. 29 (§ 1388.1341)]

HOUSING IN MIAMI AREA

The rent regulation for housing in the Miami Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (3) is amended to read as follows:

(3) *Rooms in hotels, rooming houses and motor courts.* All accommodations in transient hotels, and all rooms in residential hotels, rooming houses and motor courts.

2. Section 1 (b) (7) is amended to read as follows:

(7) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual housing accommodations rented or offered for rent are exempt under section 1 (b) (6) of this regulation or section 1 (b) (7) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the Miami Defense-Rental Area.

3. The unnumbered paragraphs of section 5 are amended by adding the following:

In cases under paragraph (a) (14) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

4. Section 5 (a) is amended by adding paragraph (14).

[1] 11 F. R. 12984.

(14) The maximum rent was established under section 4 (c) and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

5. Section 13 (a) (11) is amended to read as follows:

(11) "Transient hotels" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by transient hotels, and (d) had less than 50% of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (under the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the Miami Defense-Rental Area) or, if the establishment was not in operation during the quota month, during the month of June 1946.

6. Section 13 (a) (12) is amended to read as follows:

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers, residence clubs and all other establishments of a similar nature.

7. Section 13 (a) shall be amended by adding the following two paragraphs:

(13) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by residential hotels, and (d) had 50% or more of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (as defined in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the Miami Defense-Rental Area), or if the establishment was not in operation during the quota month, during the month of June 1946.

(14) "Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

This amendment shall become effective January 15, 1947.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement Accompanying Amendment 109 to the Rent Regulation for Housing, Amendment 33 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 25 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 29 to the Rent Regulation for Housing in the Miami Defense-Rental Area

The amendment to section 1 (b) (3) is purely formal and was necessitated by amendment 97 to the hotel regulations which changed the title of that regulation to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts and provided for the classification of establishments which are subject to the regulation.

Section 1 (b) (7) was amended to correct an error in the wording of amendment 108. This section as amended refers to "individual housing accommodations" rather than "individual rooms".

Section 5 (a) (15) is added to the housing regulation to provide that a landlord may obtain increases in maximum rents established under section 4 (f) (housing built with priority assistance) when prior to final completion of all units included in a single priority application, but subsequent to the first renting of some of the accommodations, the landlord made a written request to the appropriate agency to approve higher rents because of increased costs of construction, and such agency approved higher rents.

The rent regulations provide generally that, in establishing maximum rents for newly constructed housing accommodations, due consideration shall be given to increased costs of construction since the maximum rent date or, in the case of construction initiated after November 23, 1945, since 1939. Where accommodations are constructed with priority rating the rent regulations establish the maximum rent in general at the amount approved prior to initial renting by the agency which grants priority rating. Under the regulations of that agency, now the National Housing Agency, a builder incurring increased construction costs may, prior to completion of all the units covered by a single priority application, apply for approval of a rent higher than the rent initially approved because of such increased construction costs. Section 4 (f) of the housing regulation provides that where the landlord prior to the initial renting of a priority housing makes a written request of the appropriate agency for a higher rent than initially approved by such agency, the maximum rent is the higher rent approved.

It has come to the attention of the Administrator that, in some instances, a builder of priority housing has made a written request of the National Housing Agency for approval of a higher rent because of increased construction costs, after renting some of the units included in a single priority application but prior to the completion of all of such units. Prior to this amendment the builder in the circumstances outlined above, could not obtain a higher maximum rent for the unit which had been rented even though the National Housing Agency approved a higher rent.

The Administrator has concluded that it is appropriate to give relief in such cases where the builder has a higher rent approved because of increased construction costs, but the maximum rent had been fixed on some units at the amount for which they were first rented and which did not take such increased costs into consideration. It is to the public interest to have such units rented upon completion without the necessity of the builder waiting until construction of the project as a whole is virtually complete and he is able to ascertain his total costs with sufficient accuracy to determine whether an application for a higher rent schedule to the agency granting the priority is justified.

The unnumbered paragraphs of section 5 are amended by an additional paragraph providing that in cases under paragraph (a) (15) of section 5 the rent adjustment shall be the amount of the rent increase granted by the appropriate agency.

Section 13 (a) (11), 13 (a) (12) are amended to provide uniformity in the definitions of "transient hotel" and "rooming house" respectively, as contained in the housing and hotel regulations.

Section 13 (a) is further amended by adding paragraphs defining "residential hotel" and "motor court" respectively, as shown above in the text of the amendment.

Corresponding changes are made in the rent regulation for housing in the New York City Defense-Rental Area, the rent regulation for housing in the Atlantic County Defense-Rental Area, the rent regulation for housing in the Miami Defense-Rental Area.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-452; Filed, Jan. 14, 1947; 11:38 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

[Instruction 2, Title II, Section 201, Pub Law 719, 79th Cong.]

PART 5—ADJUDICATION: DEPENDENTS CLAIMS (APPENDIX)

AWARDS OF DEATH COMPENSATION OR PENSION INVOLVING PAYMENT OF SURVIVORS' INSURANCE BY FEDERAL SECURITY AGENCY

1. *Initial awards of death compensation or pension.* Veterans' Administra-

tion Instruction No. 1, Title II, section 201, Public Law 719, 79th Congress (section 210, Social Security Act as amended) (11 F. R. 11506), provides among other things that where an award of death compensation or pension is made in favor of the same person to whom an award of benefits has been made by the Federal Security Agency pursuant to the provisions of section 210, as shown by a Form OA–C651, the award of death compensation or pension will be made to commence as of the date of approval of the award. In such cases it will be necessary that the award account card bear a notation indicating that the award is subject to the provisions of this law. Accordingly, on the reverse side of the award account card, the citation of laws under which the award is made will be followed by the notation "(P. L. 719)."

(a) The instruction further provides that in any case in which Form OA–C651 is received and an award of death compensation or pension is subsequently approved either in favor of the same person named on the Form OA–C651 or in favor of some other person, a VA Form 8–640 will be executed in triplicate. One copy will be retained in the case file. The original and one copy will be forwarded to the appropriate Social Security Area Office as notice of the approval of the award and to ascertain the amount of survivors' insurance which has been paid under section 210. Upon receipt of the VA Form 8–640, the Social Security Area Office will discontinue all payments being made under section 210, whether such payments are being made to the same person to whom an award of death compensation or pension has been made or to any other person. The form will then be endorsed to show the names of all persons to whom awards of survivors' insurance have been certified under section 210, the period covered by the award, and the total amount of survivors' insurance which has been paid to each payee. The duplicate of the form will be returned to the Veterans' Administration.

(b) Upon receipt of the completed VA Form 8–640 in the Veterans' Administration, if it is shown that no award of benefits under section 210 has been made to the person to whom death compensation or pension has been awarded, the form will be filed without further action. If it is shown that benefits under section 210 have been paid to the same person to whom death compensation or pension has been awarded, or if an award of compensation or pension is subsequently made to a person who has received benefits under section 210, the procedure outlined in the following paragraphs will be observed in adjusting the award or in determining the amount of death compensation or pension which is payable.

2. *Definitions.* (a) The term "accrued" compensation or pension appearing in this instruction means the amount of death compensation or pension covering the period beginning with the appropriate commencing date of the award (e. g., the day following the date of the veteran's death or the date of filing claim) and ending with the day prior to the date of approval of the initial award.

(b) The term "offset" appearing in this instruction will consist of payments made by the Federal Security Agency under section 210 either in a lump sum or in monthly installments covering any period on or after the first of any month for which death compensation or pension would be payable under the applicable law, but in no event will the "offset" exceed the "accrued" compensation or pension as defined in subparagraph (a) of this paragraph.

3. *Computation of offset on award.* A determination of the amount to be offset against the payment of death compensation or pension accrued to the date of approval of the initial award will be made by the adjudicating agency. This determination will be made as set forth in the following examples:

(a) *Award commencing day after veteran's death.* If the amount of $600 death compensation or pension has accrued for periods prior to the date of approval of the initial award and the certification on the VA Form 8–640 shows that a total of $500 has been paid under section 210, the offset will be $500. This amount will constitute the offset even though the certification shows that the award under section 210 covers a period subsequent to the date of approval of the initial award of death compensation or pension: e. g., through the end of the month in which such award was approved. If the certification shows that the payments made under section 210 total $625, the offset will be $600, which is the amount of compensation or pension accrued prior to date of approval of the initial award. (In the latter instance, the provisions of paragraph 5 will apply, and amended award action will not be in order if the award of death compensation or pension has been made to commence effective the date of approval of the award.)

(b) *Award commencing later than day after veteran's death.* If the initial award of death compensation or pension was approved on November 17 and the award is effective June 3, only those payments which have been made under section 210 for periods on and after June 1 will be offset. If $300 is payable as death compensation or pension accrued for the period between June 3 and November 16, inclusive, and $450 has been paid under section 210 at the monthly rate of $25, ending with the November check, the offset will be $150.

4. *Amendment of awards.* If it is determined that there is any additional amount of death compensation or pension payable (see paragraph 3), the award will be made to commence effective the date provided by the applicable law. The following statement will be entered under "Remarks" on the award brief face:

Subject to prior payment of $____ survivors' insurance under Title II, Public No. 719, 79th Congress.

Notice of the action taken will be forwarded to the payee and other persons in interest. The letter to the payee will include a statement that adjustment of the award is subject to payments in the amount of $____ which the payee has received from Federal Security Agency under the provisions of section 210 of the Social Security Act as amended.

5. *Offset equals Veterans' Administration adjustment.* If it is determined that the survivors' insurance paid under section 210 equals or exceeds the amount of death compensation or pension accrued prior to the date of approval of the initial award, and the offset therefor equals the accrued, VA Form 8–640 will be filed without action, and notice will be forwarded to the claimant and other persons in interest that information has been received from Federal Security Agency indicating that the claimant has received survivors' insurance pursuant to the provisions of section 210 of the Social Security Act as amended in an amount which equals (or exceeds) the amount of death compensation or pension payable by the Veterans' Administration for periods prior to _____, the commencing date of the initial award, and that under these circumstances, compension or pension is not payable for any period prior to that date.

6. *Survivors' insurance paid to widow for use of children.* Where survivors' insurance is payable to a widow and minor children of a deceased person, these amounts are paid separately. The award on behalf of a minor child is customarily made to the widow "for the use of" the child. When a VA Form 8–640 is dispatched notifying Federal Security Agency that an award of death compensation or pension has been made in favor of a widow, the certification by the Social Security Area Office on the lower half of the form will include a report of amounts paid to the widow "for the use of" a minor child or children of the veteran.

(a) *Award of death compensation or pension to widow.* Where the VA Form 8–640 shows that benefits have been paid under section 210 "for the use of" a child or children who are in the custody of the widow such amounts will be included in computing the total amount to be offset against the award of death compensation or pension to the widow.

(b) *Award of death compensation or pension to or for a child.* Where the award of death compensation or pension is made to or for a child, only those amounts paid under section 210 to any person "for the use of" that child will be included in the amount to be offset against the death compensation or pension award.

7. *Award made by Veterans Administration prior to receipt of Form OA–C651.* Under certain circumstances an award of death compensation or pension may have been approved prior to receipt of notice that an award of benefits has been certified by Federal Security Agency under section 210 to the same person. In such cases, when the Form OA–C651 is received showing that benefits have been certified for payment to the same person to whom death compensation or pension is being paid, action will be taken to authorize suspension of payments of death compensation or pension. This action will be taken without regard to the fact that the initial award may have been approved prior to the enactment of this act. The claimant will be notified of the suspension and the reason. VA Form 8–640 will be executed and dispatched as provided in paragraph 8, Veterans Administration Instruction No. 1 (11 F. R. 11506), and paragraph 1 of this instruction under this law. Upon receipt of the necessary information from the Social Security Area Office certifying the amount of benefits paid under section 210, an amended award of death compensation or pension will be made. The amended award will be governed by the procedure set forth in paragraph 4 of this instruction. In computing the amount to be offset, as outlined in paragraph 3 of this instruction, the date of approval of the initial award will determine the maximum amount which may be offset against the payment of death compensation or pension.

(Public Law 719, 79th Cong.)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans Affairs.

DECEMBER 24, 1946.

[F. R. Doc. 47–345; Filed, Jan. 14, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 725, 726]

BURLEY, FLUE-CURED, FIRE-CURED, AND DARK AIR-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO MARKETING OF TOBACCO, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS, 1947–48

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1311–1314; 1372–1375), the Secretary of Agriculture is preparing to formulate marketing quota regulations governing the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the reports and records incident thereto, on the marketing of Burley, flue-cured, fire-cured and dark air-cured tobacco for the 1947–48 marketing year. Prior to the final adoption and issuance of such regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C. this 10th day of January 1947.

[SEAL] JESSE B. GILMER,
Acting Administrator.

[F. R. Doc. 47–351; Filed, Jan. 14, 1947; 8:46 a. m.]

[7 CFR, Part 930]

MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER AND TO PROPOSED MARKETING AGREEMENT

Pursuant to the rules of practice and procedure, as amended, covering proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737), notice is hereby given of the filing with the Hearing Clerk of this report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and a proposed marketing agreement, regulating the handling of milk in the Toledo, Ohio, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

Interested parties may file exceptions to this report with the Hearing Clerk, Office of the Solicitor, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Northwestern Cooperative Sales Association, Inc., Toledo, Ohio.

The principal issues developed at the hearing were concerned with the following: (1) The revision of the definitions of "producer" and "handler" and the addition of definitions for "cooperative association," "fluid milk plant," "other source milk," and "proration milk"; (2) the classification and pricing of skim milk and butterfat separately; (3) the reclassification of buttermilk; (4) the reduction of plant shrinkage allowance in Class III milk; (5) the revision of interhandler and nonhandler transfer provisions; (6) the revision of the method of allocating milk classified to the various sources of receipts; (7) the revision of the level of class prices and the revision of alternate basic formula prices upon which class prices are determined; (8) the revision of the producer butterfat differential; and (9) the revision of the application of the assessment for administrative expenses.

The conclusions reached with respect to these issues, together with some of the supporting reasons for such conclusions, are set forth below:

(1) The term "producer" should be revised to include a specification that producer milk shall be reproduced in conformity with the applicable health regulations in that portion of the marketing area for which such milk is produced, and to include as a producer any person who produces milk, under the above conditions, which is diverted by a handler or a cooperative association to a plant from which no Class I milk is disposed of in the marketing area.

The term "handler" should be revised also for purposes of clarification.

The terms "cooperative association," "other source milk," "Department of Agriculture," "producer-handler," "producer milk," "fluid milk plant," and "nonhandler" should be included for the sake of clarity and a better correlation of provisions of the order;

(2) The classification of milk should be revised to provide for the accounting and pricing of skim milk and butterfat separately in order to establish a basis for more specific accounting and pricing of producer milk;

(3) Plain buttermilk and creamed buttermilk should be classified as Class I milk;

(4) Actual plant shrinkage of producer milk up to two percent of the skim milk and butterfat therein should be classified as Class III milk and any excess of shrinkage should be Class I milk. Actual plant shrinkage of other source milk should be classified as Class III milk;

(5) The interhandler and nonhandler transfer provision should be revised to include more specific language relating to certain types of transactions and to make it unnecessary for the market administrator to follow milk, skim milk, or cream more than 100 miles from Toledo to audit its utilization if moved in fluid form;

(6) The amount of other source milk allowed to be prorated should be limited to the amount by which 120 percent of a handler's gross sales of Class I milk exceeds the receipts of producer milk by such handler, and any receipts of other source milk in excess of the above amount should be allocated to the lowest-priced uses available;

(7) The Class I and Class II price formulas should be revised to provide differentials over the manufacturing price level on a seasonal basis establishing relatively higher prices in the fall months and relatively lower prices in the spring months as an encouragement to a shift to fall milk production.

The basic formula price provision should be revised to broaden the basis

for establishing the Class I and Class II prices by including a formula based on the average price paid for milk by 18 specified manufacturing milk plants located in Michigan and Wisconsin, by including a formula based on the market prices of butter and cheese, and by revising the formula in the current order which is based on the market prices of butter and nonfat dry milk solids.

A butterfat differential applicable to each class for variations in butterfat content from 3.5 percent should be included in order to give identity to the value of butterfat in each class to conform with the proposed method for classifying skim milk and butterfat separately;

(8) The "ceiling" on the producer butterfat differential as currently provided should be removed by determining such differential in direct ratio to the market price of butter; and

(9) The administrative assessment provision should be made applicable to other source milk classified as Class I milk and Class II milk as well as to receipts of producer milk.

(10) Numerous changes in language in other provisions should be made for the purpose of further clarification and brevity.

The following provisions are recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because its substantive provisions would be the same as those set forth below with respect to the order, as amended.

Provisions

§ 930.1 *Definitions.* The following terms as used herein shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 930.5 and § 930.7

(d) "Person" means an individual, partnership, corporation, association, or any other business unit.

(e) "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Toledo, and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View, and Trilby in Lucas County, also the townships of Monclova, Springfield, Adams, Sylvania, Washington, Jerusalem, and Oregon in Lucas County, and the village of Rossford and the townships of Perrysburg, Ross, and Lake in Wood County, all in the State of Ohio; the village of Lakeside, and the territory within the townships of Whiteford, Bedford, and Erie in Monroe County, in the State of Michigan.

(f) "Delivery period" means the calendar month, or the portion thereof, during which the provisions hereof are effective.

(g) "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk for sale or disposition, in the marketing area, as Class I milk on the premises or to a wholesale or retail stop(s) other than a plant of a handler or nonhandler.

(h) "Producer" means any person who produces milk received (1) at a fluid milk plant, or (2) at any other plant by diversion from a fluid milk plant on the account of a handler or a cooperative association: *Provided*, That the person producing milk holds a dairy farm inspection permit issued by the appropriate health authority of the community for which the milk is produced, if such community requires such permit for milk for disposition as Class I milk therein.

(i) "Handler" means (1) any person who operates a fluid milk plant, or (2) any association of producers with respect to producer milk diverted by it from a fluid milk plant to any plant of a nonhandler for the account of such association.

(j) "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers.

(k) "Producer milk" means milk produced by one or more producers under the conditions set forth in paragraph (h) of this section.

(l) "Other source milk" means all skim milk and butterfat in any form (1) other than that contained in producer milk or in any product received and disposed of in the same form, or (2) transferred from a producer-handler to a handler. "Other source milk" shall include, but shall not be limited to, milk, skim milk, cream, or any milk product received at a fluid milk plant under an emergency permit issued by the appropriate health authority in the marketing area.

(m) "Nonhandler" means any person who is not a handler, but who operates a milk manufacturing or processing plant.

(n) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (2) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (3) to have all of its activities under the control of its members.

§ 930.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order;

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, is an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 930.8:

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation; and

(iii) All other expenses, except those incurred under § 930.9, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 930.3, or (ii) payments pursuant to §§ 930.7, 930.8, 930.9, or 930.10;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Audit records of all handlers to verify the reports and payments required pursuant to the provisions hereof; and

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to § 930.5, and

(ii) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to § 930.6 (b) and the butterfat differential computed pursuant to § 930.7 (c).

§ 930.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the delivery period at his fluid milk plant(s), and milk diverted pursuant to § 930.1 (h) (2), in the detail and on forms prescribed by the market administrator: (1) the quantities of butterfat and skim milk contained in such receipts, and their sources; (2) the utilization of such receipts; and (3) such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(1) On or before the 20th day after the end of each delivery period his producer pay roll for the preceding delivery period, which shall show (i) the pounds of milk and the percentages of butterfat contained therein received from each producer; (ii) the amounts and dates of payments to each producer or cooperative association; and (iii) the nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(2) On or before the 5th day after request by the market administrator, a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's fluid milk plant. Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 5 days of such change.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information, with respect to (1) the receipts and utilization of all skim milk and butterfat received, including milk products received and disposed of in the same form; (2) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (3) payments to producers and cooperative associations.

§ 930.4 *Classification*—(a) *Basis of classification.* All (1) producer milk received by a handler, and (2) other source milk received by a handler at a fluid milk plant, shall be classified in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), (e), (f), (g), and (h) of this section, the classes of utilization shall be:

(1) Class I milk shall be all skim milk and butterfat disposed of in fluid form as (i) milk; skim milk or buttermilk, except for livestock feed; or flavored milk or flavored milk drink; and (ii) all skim milk and butterfat not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as sweet or sour cream; any cream product in fluid form which contains less than the minimum butterfat required for fluid cream; eggnog; or creamed cottage cheese.

(3) Class III milk shall be all skim milk and butterfat accounted for (i) as used to produce a product other than those specified in subparagraphs (1) and (2) of this paragraph, (ii) as actual plant shrinkage of skim milk and butterfat received in producer milk, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (iii) as actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to producer milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat respectively, received from such sources to their total.

(c) *Interhandler and nonhandler transfers.* (1) Skim milk and butterfat disposed of by a handler to another handler in the form of milk or skim milk shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided*, That in no event shall the amount so reported be greater than the amount used in such class by the receiving handler.

(2) Skim milk and butterfat disposed of by a handler to a producer-handler in the form of milk or skim milk shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk.

(3) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located less than 100 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless (i) utilization is mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 5th day after the end of the delivery period within which such transfer was made, and (ii) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(4) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located 100 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I and skim milk and butterfat so disposed of in the form of cream shall be Class II milk.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butter fat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(f) *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(1) Subtract from the total pounds of butterfat in Class III milk the total pounds of butterfat shrinkage pursuant to subdivisions (ii) and (iii) of paragraph (b) (3) of this section;

(2) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class;

(3) Determine the pounds of butterfat in other source milk to be prorated pursuant to subparagraph (5) of this paragraph as the smallest of the following amounts:

(i) The pounds of butterfat in other source milk received in the form of milk or skim milk;

(ii) The difference by which the pounds of butterfat received in producer milk are less than 1.2 times the pounds of butterfat in the handler's Class I milk, not including that disposed of to other fluid milk plants; and

(iii) The total pounds of butterfat in other source milk less the amount of the butterfat shrinkage on other source milk substracted pursuant to subparagraph (1) of this paragraph;

(4) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk other than (i) butterfat shrinkage on other source milk subtracted pursuant to subparagraph (1) of this paragraph, and (ii) butterfat in other source milk determined pursuant to subparagraph (3) of this paragraph;

(5) Subtract pro rata from the pounds of butterfat remaining in each class, the pounds of butterfat in other source milk determined pursuant to subparagraph (3) of this paragraph; and

(6) Add to the pounds of butterfat remaining in Class III milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of butterfat in all classes ex-

ceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

(g) *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to producer milk in a manner similar to that prescribed for butterfat in paragraph (f) of this section.

(h) *Determination of producer milk in each class.* Add the pounds of butterfat and pounds of skim milk allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (f) and (g) of this section, and determine the percentage of butterfat in each class.

§ 930.5 *Minimum prices*—(a) *Class prices.* Subject to the provisions of paragraphs (c) and (d) of this section, each handler shall pay not less than the following prices per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received.

(1) *Class I milk price.* To the basic formula price add the following amounts for the delivery periods indicated:

Delivery period:	*Amount*
May and June	$0.75
September, October, November and December	1.05
All others	.95

(2) *Class II milk price.* To the basic formula price add the following amounts for the delivery periods indicated:

Delivery period:	*Amount*
May and June	$0.15
September, October, November and December	.45
All others	.35

(3) *Class III milk price.* The Class III milk price shall be the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following locations for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the delivery period by the companies indicated below:

Company and Location

Van Camp Milk Co., Wauseon, Ohio.
Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Mich.

(b) *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the class prices pursuant to paragraph (a) of this section shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraph (a) (3) of this section, or to subparagraphs (1), (2), and (3) of this paragraph.

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the delivery period by the companies indicated below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, and add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, substract three cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

(c) *Butterfat differentials to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 930.4 (h), is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated for each class of utilization as follows:

(1) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10;

(2) *Class II milk.* Multiply by 1.25 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10; and

(3) *Class III milk.* Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10;

(d) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum price established by regulations of any Federal agency plus the amount of such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is not applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 930.6 *Handler's obligation and uniform price*—(a) *Value of milk.* The value of producer milk of each handler for each delivery period shall be a sum of money computed by the market administrator by multiplying by the respective class prices pursuant to § 930.5, the amounts in each class computed pursuant to § 930.4 (h), and adding together such amounts: *Provided*, That if a handler, after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his report for the delivery period pursuant to § 930.3 (a) has been credited to his producers as having been received by them, there shall be added an amount equal to the value of such skim milk or butterfat at the applicable price for the use from which such skim milk or butterfat was subtracted pursuant to paragraphs (f) (6) and (g) of § 930.4.

(b) *Uniform price.* For each delivery period the market administrator shall compute for each handler a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received by such handler as follows:

(1) From the value of milk computed for such handler pursuant to paragraph (a) of this section, deduct, if the weighted average butterfat test of all producer milk received by him is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 930.7 (c) multiplied by 10;

(2) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator;

(3) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to subparagraph (5) of this paragraph, for the previous delivery period to the nearest cent;

(4) Divide the result by the total hundredweight of producer milk represented by the value computed pursuant to paragraph (a) of this section; and

(5) Adjust the resulting figure to the nearest cent.

(c) *Notification.* On or before the 12th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The amount and value of his producer milk in each class;

(2) The uniform price for such handler pursuant to paragraph (b) of this section and the butterfat differential computed pursuant to § 930.7 (c); and

(3) The totals of the amounts to be paid by such handler pursuant to §§ 930.8 and 930.9.

§ 930.7 *Payment for milk*—(a) *Time and method of final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer for milk received from such producer during such delivery period at not less than the uniform price for such handler adjusted by the butterfat differential pursuant to paragraph (c) of this section, less the amount of the payment made pursuant to paragraph (b) of this section.

(b) *Partial payments.* On or before the last day of each delivery period, each handler shall make payment to each producer at not less than the uniform price for such handler for the preceding delivery period, for milk received from such producer by such handler during the first 15 days of such delivery period: *Provided*, That in the event such producer discontinues shipping to such handler during the delivery period, such partial payments shall not be made and full payment for all milk received from such producer during the delivery period shall be made on the 15th day after the end of the delivery period pursuant to paragraph (a) of this section.

(c) *Producer butterfat differential.* In making payments pursuant to paragraph (a) of this section the uniform price for each handler shall be adjusted, for each one-tenth of one percent of such butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) calculated as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

§ 930.8 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 930.2 (c) (4), each handler shall pay the market administrator, on or before the 15th day after the end of such delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 12th day after the end of such delivery period, with respect to receipts, during the delivery period, of (a) milk from producers (including such handler's own production), and (b) other source milk received at a fluid milk plant and classified as Class I milk or Class II milk.

§ 930.9 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 930.7 (a), with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 12th day after the end of such delivery period; and on or before the 15th day after the end of such delivery period, shall pay such deductions to the market administrator. Such monies shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 930.7 (a) as may be authorized by such producers, and pay such deductions on or before the 15th day after the end of such delivery period to the cooperative association rendering such services of which such producers are members.

§ 930.10 *Adjustments of accounts*—(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in monies due (1) the market administrator from such handler, or such handler from the market administrator pursuant to §§ 930.8 or 930.9, or (2) any producer or cooperative association from such handler pursuant to § 930.7, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 930.11 *Application of provisions*—(a) *Exempt milk.* Milk received at a plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

(c) *Diverted milk.* (1) Producer milk diverted by an operator of a fluid milk plant from such plant to a nonhandler's plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(2) Producer milk diverted by a cooperative association from a fluid milk plant to a nonhandler's plant shall be deemed to have been received by such association.

(d) *Producer-handlers.* Sections 930.4, 930.5, 930.6, 930.7, 930.8, 930.9, and 930.10 shall not apply to the milk of a producer-handler.

§ 930.12 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 930.13 *Suspension or termination*—(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and exe-

cute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 930.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 930.15 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

This report filed at Washington, D. C., this 9th day of January 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-335; Filed, Jan 14, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 6213, Amdt.]

KARL AUGUST HEINRICH MULLER ET AL.

In re: Interests in bond and second mortgage, property insurance policy and claim owned by Karl August Heinrich Muller, Max Friedrich Edward Muller, Leo Karl Muller, Herman Wilhelm August Muller and Alvire Ottilie Herms.

Vesting Order 6213, dated April 23, 1946, is hereby amended as follows and not otherwise:

By deleting subparagraph 2–a and substituting therefor the following:

a. An undivided five-ninths interest in and to a certain mortgage executed on April 1, 1925, by Louis A. Lehman and Marie Lehman, his wife, as mortgagors, in favor of Auguste Miller, also known as Auguste Muller, as mortgagee, and recorded on April 14, 1925, in the Office of the Clerk of Queens County, New York, in Liber 2574 of Mortgages, Page 433, which mortgage was assigned by James W. Brown, Public Administrator of Bronx County, New York, by assignment, dated March 24, 1937, and recorded April 15, 1937, in the Office of the Clerk of Queens County, New York, in Liber 4336 of Mortgages, Page 275, to the persons named in subparagraph 1, among others, and any and all obligations secured by said interests in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

All other provisions of said Vesting Order 6213 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47-346; Filed, Jan. 14, 1947; 8:46 a. m.]

[Vesting Order 7950]

HAROLD SHOTARO TODA

In re: Stock owned by and debts owing to Harold Shotaro Toda, also known as Harold S. Toda, H. S. Toda, Shotaro Harold Toda and S. H. Toda.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9789, and pursuant to law, after investigation, it is hereby found:

1. That Harold Shotaro Toda, also known as Harold S. Toda, H. S. Toda, Shotaro Harold Toda and S. H. Toda, whose last known address is 7 Aobacho, Shibuya-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Ten (10) shares of no par value $7 cumulative first preferred capital stock of Hawley Pulp and Paper Company, Oregon City, Oregon, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered PPO 1613 and PPO 1692 for five (5) shares each and represented by voting trust certificate number 950 registered in the names of Harold S. Toda and Kiku Toda, as joint tenants with right of survivorship but not as tenants in common, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value prior preference capital stock of Puget Sound Power & Light Company, 860 Stuart Building, Seattle 1, Washington, a corporation organized under the laws of the State of Massachusetts, evidenced by certificates numbered DC 149 and DC 168 for five (5) shares each, registered in the names of Harold S. Toda and Kiku Toda, as joint tenants with right of survivorship and not as tenants in common, presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with all declared and unpaid dividends thereon,

c. Two (2) shares of no par value prior preference capital stock of Puget Sound Power & Light Company, 860 Stuart Building, Seattle 1, Washington, a corporation organized under the laws of the State of Massachusetts, evidenced by certificate number BPO 2415, registered in the names of Harold S. Toda and Kiku Toda, as joint tenants with right of survivorship and not as tenants in common, presently in the custody of Stone & Webster Service Corporation, 49 Federal Street, Boston 7, Massachusetts, together with all declared and unpaid dividends thereon,

d. Sixteen (16) shares of $0.10 par value common capital stock of The Equity Corporation, 420 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number JCO 35307, registered in the names of Harold S. Toda and Kiku Toda, as joint tenants with right of survivorship and not as tenants in common, presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with all declared and unpaid dividends thereon,

e. That certain debt or other obligation owing to Harold Shotaro Toda, also known as Harold S. Toda, H. S. Toda, Shotaro Harold Toda and S. H. Toda, by the Bank of California National Association, Portland 8, Oregon, in the amount of $420, as of October 23, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

f. Those certain debts or other obligations owing to Harold Shotaro Toda, also known as Harold S. Toda, H. S. Toda, Shotaro Harold Toda and S. H. Toda, by Puget Sound Power & Light Company, 860 Stuart Building, Seattle 1, Washington, evidenced by certain dividend checks issued by said Puget Sound Power & Light Company in the names of Harold S. Toda and Kiku Toda, Joint Tenants, and presently in the custody of Stone & Webster Service Corporation, 49 Federal Street, Boston, Massachusetts, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; 60 Stat. 50; Pub. Law 322, 79th Cong.; Pub. Law 671, 79th Cong.; 50 U. S. C. App. 1, 50 U. S. C. App. Sup. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-319; Filed, Jan. 13, 1947; 8:50 a. m.]

HARRIET DALY SIGRAY

RETURN ORDER

The Office of Alien Property, having considered the claims set forth below and having filed with the Division of the Federal Register findings of fact and conclusions of law with respect to such claims, which findings and conclusions are herein incorporated by reference:

It is ordered, That the property set forth below be returned as follows:

Return order No.	Person to whom property is to be returned	Claim No.	Vesting Order No.	Notice of intention to return published	Property to be returned
3	Harriet Daly Sigray, New York, New York.	5318	1851 (8 F. R. 10641)	11 F. R. 13793 (Nov. 23, 1946).	Cash $40,827.36.
3	....do	5319	1195 (8 F. R. 4665)	....do	Interest as life beneficiary in a trust between Margaret P. Daly, Settlor, and Corn Exchange Bank & Trust Co., Trustee, dated May 9, 1929.
3	....do	5320	2909 (9 F. R. 742)	....do	Cash $4,985.02.
3	....do	5321	1793 (8 F. R. 10041)	....do	Certain contingent remainder interests created by will of Marcus Daly; Bankers Trust Co. and James W. Gerard, executors & trustees.
					Interest in a bequest of certain jewelry and household effects and one-fourth interest in residue under will of Margaret P. Daly; Executors James W. Gerard and H. Carroll Brown.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., January 9, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47-347; Filed, Jan. 14, 1947; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F. R. 7125).

The special learner certificates issued to the following companies under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See Regulations, Part 522, § 522.083.

Central Iowa Telephone Company, Hartley, Iowa; effective January 5, 1947, expiring January 4, 1948.

Central Iowa Telephone Company, Rolfe, Iowa; effective January 12, 1947, expiring January 11, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 8th day of January 1947.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 47-333; Filed, Jan. 14, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 548 et al.]

NATIONAL AIRLINES, INC., ET AL.; MISSISSIPPI VALLEY CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications by National Airlines, Inc., et al., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding is assigned to be held on February 24, 1947, 10:00 a. m., eastern standard time in Room 5042 Commerce Building, 14th Street and and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-339; Filed, Jan. 14, 1947; 8:46 a. m.]

[Docket No. 1051 et al.]

MID-CONTINENT AIRLINES, INC., ET AL.; KANSAS CITY-MEMPHIS-FLORIDA CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications by Mid-Continent Airlines, Inc., et al., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding is assigned to be held on February 18, 1947, 10:00 a. m., eastern standard time in Room 5042 Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated at Washington, D. C. January 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-337; Filed, Jan. 14, 1947; 8:46 a. m.]

[Docket No. 1602 et al.]

DULUTH AIRLINES, INC., ET AL.; CHICAGO-SEATTLE CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications by Duluth Airlines, Inc., et al., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding is assigned to be held on February 14, 1947, 10:00 a. m., eastern standard time in Room 5042 Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-338; Filed, Jan. 14, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-835]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

JANUARY 9, 1947.

Notice is hereby given that on December 30, 1946, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Texas, Oklahoma and Kansas, filed an application (an application for a temporary certificate having been filed on December 9, 1946) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following facilities and to transport natural gas for Cities Service Gas Company (Cities Service) from a point near Wichita, Kansas, to Hutchinson and Lyons, Kansas:

(1) A measuring station and facilities to be installed at a connection between the pipe line of Applicant and the pipe line of Cities Service Gas Company in the North Half of Section 31, Township 23 South, Range 5 West, Reno County, Kansas;

(2) A meter installation to be installed at a connection between the pipe line of Applicant and the pipe line of Cities Service Gas Company in the Northeast Quarter of Section 10, Township 20 South, Range 8 West, Rice County, Kansas.

Applicant recites that Cities Service will deliver gas to Applicant at the intersection of the 10-inch lines of the two companies at a point north of Wichita, Kansas, through Cities Service meter No. 5288. Applicant will transport such gas through its 10-inch line and redeliver such gas to Cities Service at the points hereinbefore described as (1) and (2) (Hutchinson and Lyons, Kansas). Applicant states that the quantity of gas so to be transported is such quantity as Cities Service Gas Company may desire up to the capacity of Applicant's facilities after supplying the natural gas requirements of all of Applicant's own present and future customers. Applicant estimates that the maximum amount of gas which will be delivered through said facilities on the peak day of any year will be 10,000 Mcf of gas and that no deliveries of gas will be made through said facilities during the summer months.

Applicant states that it will receive 1½¢ per Mcf for gas transported to Lyons, Kansas, and 1¢ per Mcf for gas transported to Hutchinson, Kansas, in acordance with a proposed rate schedule on file with the Commission.

Applicant further seeks authority to construct and operate a measuring station and facilities to be installed at a connection between the 14-inch pipeline of Applicant and the 20-inch pipeline of the Cities Service Gas Company in the center of the Northwest Quarter of Section 24, Township 28 South, Range 1 West, Sedgwick County, Kansas.

Applicant proposes to redeliver to Cities Service through this measuring station natural gas transported by it for Cities Service by virtue of the certificate issued in Docket No. G-687. Applicant states that by making delivery to Cities Service at this second point of delivery, the gas will be delivered into Cities Service pipeline ahead of Cities Service Wichita compressor station, enabling Cities Service to compress such gas for further transportation. Applicant estimates the maximum amount of gas which will be delivered through said facilities on the peak day of any year will be 6,500 Mcf of gas and that no deliveries of gas will be made through said facilities during the summer months.

Applicant estimates that the overall capital cost of construction of all the facilities above enumerated will total $5,720 to be financed from its funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Consolidated Gas Utilities Corporation should file with the Federal Power Commission, Washington, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and proccdure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-330; Filed, Jan. 14, 1947; 8:50 a. m.]

[Docket No. G-606]

TENNESSEE GAS AND TRANSMISSION CO. AND THE CHICAGO CORP.

ORDER POSTPONING HEARING

JANUARY 10, 1947.

It appearing to the Commission that:

(a) On November 5, 1946, the Commission ordered that a public hearing in the above-docketed matter be held commencing on January 20, 1947, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(b) Good cause exists for postponing the date of hearing as hereinafter provided.

The Commission orders that:

The public hearing in the above-docketed matter is hereby postponed to February 3, 1947, commencing at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: January 10, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-341; Filed, Jan. 14, 1947; 8:48 a. m.]

[Docket No. G-837]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

NOTICE OF APPLICATION

JANUARY 7, 1947.

Notice is hereby given that on December 20, 1946, Colorado Interstate Gas Company (Applicant), a Delaware corporation having its principal place of business at Colorado Springs, Colorado, and Canadian River Gas Company (Applicant), a Delaware corporation having its principal place of business in the State of Texas, filed joint applications with the Federal Power Commission for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicants to construct and operate certain natural gas facilities subject to the jurisdiction of the Federal Power Commission, described in the application as follows:

PLAN I

Construction by Colorado Interstate Gas Company. (a) Approximately 207 miles of 20-inch natural gas pipe line from a metering station site to be located near the city limits and northeast of Denver, Colorado, extending to a point near Holly, Prowers County, Colorado, designated as Holly Junction.

(b) A 16-inch natural gas pipe line extending from Holly Junction, Colorado, to a field compressor station site to be selected in either Finney County or Kearney County, in the Hugoton Gas Field, in Kansas.

(c) A 16-inch natural gas pipe line commencing at Holly Junction, Colorado, and extending through Prowers and Baca Counties, Colorado, and Cimarron County, Oklahoma, to the Oklahoma-Texas boundary line.

Construction by Canadian River Gas Company. (d) Approximately 69 miles of 16-inch natural gas pipe line extending from the Oklahoma-Texas boundary line to the present Bivins Compressor Station in Moore County, Texas or a field station just north of Bivins Station.

PLAN II

Construction by Colorado Interstate Gas Company. (a) Approximately 268 miles of 20-inch natural gas pipe line extending in a southeasterly direction from the city of Denver, Colorado, to the Texas-Oklahoma boundary.

(b) Three natural gas compressor stations spaced from 69 to 73 miles apart.

Construction by Canadian River Gas Company. (c) Approximately 68 miles of natural gas pipe line extending from a point on the Texas-Oklahoma boundary and being the end point of construction described in (a) above, extending in a southeasterly direction to Bivins Compressor Station located in Moore County, Texas.

The application states the principal market of Colorado is the city and county of Denver and its environs, where natural gas has been sold by Colorado Interstate Gas Company to Public Service Company of Colorado under a contract expiring on June 23, 1948, on file with the Commission as Colorado's Rate Schedule FPC No. 1; that the franchise under which Public Service Company distributes natural gas in Denver will expire in February 1947; that prior to the making of an application for a renewal of its franchise rights for 20 years Public Service Company and Colorado Interstate negotiated for an extension of the present agreement, and that they worked on studies to develop the future requirements of Public Service Company; and that these studies indicate large increases in the requirements of the consumers of Public Service Company, both on a peak day and an annual basis, which will require additional pipe line capacity to enable Colorado Interstate to supply the requirements of Public Service during the proposed extended franchise period.

Applicant, Colorado Interstate, avers that it cannot commence the construction of the facilities immediately required unless such agreement becomes effective as a rate schedule under the Natural Gas Act for, without the protection afforded Colorado Interstate by the obligations assumed by Public Service Company under said agreement, Colorado Interstate would not be justified in making an expenditure of almost $12,000,000 and a future estimated additional expenditure, by Colorado Interstate and Canadian River Gas Company, of another $12,000,000; and that, therefore, this application is conditioned upon Public Service Company obtaining a requisite extension of franchise rights from the city of Denver and the filing of the said agreement by the Applicants hereto as a rate schedule, and the same becoming effective as a rate schedule under the provisions of the Natural Gas Act.

The application states that, subject to the conditions stated, the facilities described are proposed to be constructed in accordance with two plans; and that under Plan I and contingent upon Applicant, Colorado Interstate, being able to obtain satisfactory gas supply contracts for that portion of the load which will be supplied from the Hugoton Gas Field, Applicant proposes the construction described in paragraphs (a) and (b), facilities under paragraph (c) to be constructed if and when the market requirements necessitate additional capacity. Applicant, Canadian River Gas Company, states that it proposes to construct the facilities described in paragraph (d) of Plan I if and when the future market requirements necessitate the construction of the facilities described in paragraph (c) by Applicant, Colorado Interstate.

Applicant indicates that the facilities described under paragraphs (a) and (b) of Plan I will provide a capacity of 84 million cubic feet per day and that by constructing the extensions contemplated under paragraphs (c) and (d) together with additional horsepower at the Hugoton Field, a delivery capacity of 125 million cubic feet per day can be furnished.

Applicants assert that, by the addition of horsepower in the Texas field station and the construction of a line compressor station at Holly Junction, the facilities proposed to be constructed under Plan I may be adapted to provide 152 million cubic feet of delivery capacity; and that an ultimate maximum capacity of 179 million cubic feet for the proposed facilities could be reached by the future addition of horsepower in the Texas field station, an additional horsepower at Holly Junction, and the construction of two line stations on Colorado Interstate section of the line.

The application states, in the event Colorado Interstate is unable to obtain a satisfactory gas supply in the Hugoton Field, facilities under Plan II, paragraph (a), are proposed which would provide an increased capacity of 84 million cubic feet of gas per day; and that, by the subsequent installation of additional horsepower at the field station, and the addition of the three line compressor stations described, in paragraph (b), the ultimate delivery capacity can be made approximately that of Plan I.

Applicant, Colorado Interstate, states that because of the increased demands of consumers served by its customers, the growth of population, increase in housing construction, and other factors, the public convenience and necessity require the construction and operation of the proposed facilities.

The application further states that no definite financial arrangements have been made for the proposed facilities and construction; but that funds will be available in the form of bank or institutional loans at reasonable rates.

The application further states that the rates to be charged by Applicants will be those rates effective now or later to be filed with the Commission; and that it is not anticipated any immediate increase in rates will be required.

The application states that the cost to Colorado of the facilities proposed immediately to be constructed to increase the daily capacity by 84 million cubic feet will be $11,630,400 under Plan I and $10,307,800 under Plan II.

There will be no expenditures required by Canadian under Plan I until additional capacity is required. Under Plan II, however, Canadian will be required to make an immediate expenditure of $4,916,206.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Colorado Interstate Gas Company and Canadian River Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LION M. FUQUAY, *Secretary.*

[F. R. Doc. 47-299; Filed, Jan. 13, 1947; 8:46 a. m.]

[Docket No. G-684]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 8, 1947.

Notice is hereby given that, on January 8, 1947, the Federal Power Commission issued its findings and order issuing certificate of public convenience and

necessity, entered January 7, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-300; Filed, Jan. 13, 1947; 8:47 a. m.]

[Docket No. G-755]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 8, 1947.

Notice is hereby given that, on January 8, 1947, the Federal Power Commission issued its findings and order issuing certificate of public convenience and necessity, entered January 7, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-301; Filed, Jan. 13, 1947; 8:47 a. m.]

[Docket No. IT-5992]

GULF STATES UTILITIES CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR APPROVAL OF MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE

JANUARY 9, 1947.

Notice is hereby given that, on January 8, 1947, the Federal Power Commission issued its order dismissing application for approval of maintenance of permanent connection for emergency use, entered January 7, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-306; Filed, Jan. 13, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-132, 70-1149, 70-1150, and 70-1419]

ENGINEERS PUBLIC SERVICE CO. ET AL.

ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of January A. D. 1947.

In the matter of Engineers Public Service Company, File No. 54-132; El Paso Electric Company, File No. 70-1149; Gulf States Utilities Company, File No. 70-1150; Virginia Electric and Power Company, File No. 70-1419.

Engineers Public Service Company ("Engineers"), a registered holding company, having filed on September 10, 1945, an application pursuant to the provisions of section 11 (e) and other applicable sections of the Public Utility Holding Company Act of 1935 and the rules and regulations of the Commission promulgated thereunder, for approval of a plan of reorganization for the purpose of complying with the provisions of section 11 (b) (1) of the act and with orders of this Commission dated September 16, 1942, and October 6, 1942; and El Paso Electric Company ("El Paso"), Gulf States Utilities Company ("Gulf States") and Virginia Electric and Power Company ("Virginia"), having filed declarations pursuant to section 7 of said act for the purpose of facilitating the effectuation of such plan;

Public hearings having been held on the plan of reorganization and declarations filed pursuant to section 7 in consolidated proceedings after appropriate notice in which all interested persons were given opportunity to be heard, briefs having been filed and oral argument having been heard; and the Commission having on December 4, 1946, issued its findings and opinion stating that if within a period of 30 days from the date of said findings and opinion the plan were amended in accordance with the views expressed therein, an appropriate order approving said plan as so amended would be entered; and the applicants having filed on December 17, 1946 an amendment to the plan and amendments to the declarations filed pursuant to section 7 of the act; and the applicants having filed certain other amendments to said amended plan of reorganization and said declarations on December 31, 1946, January 2, 1947 and January 3, 1947;

Public hearings having been held on said amended plan and said amended declarations after appropriate notice in which all interested persons were given opportunity to be heard and oral argument having been heard;

The applicants having requested that the Commission enter an order finding that the proposed transactions are necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, fair and equitable to the persons affected thereby, and that such order contain recitals in accordance with the requirements of sections 371 and 1808 (f) and Supplement R of the Internal Revenue Code, as amended; and having further requested the Commission to enter an order permitting said declarations, as amended, to become effective forthwith; and having also requested the Commission pursuant to section 11 (e) of the act, to apply to the appropriate United States District Court to enforce and carry out the terms of the amended plan of reorganization;

The Commission having considered the record and oral argument herein, and having on January 8, 1947 made and filed its supplemental findings and opinion herein; and

The Commission having found that the amended plan of reorganization is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby and the Commission having further found that said declarations, as amended, should be permitted to become effective;

It is ordered, Pursuant to the applicable provisions of the act that the amended plan of reorganization be, and hereby is, approved, and that said declarations filed pursuant to section 7 be permitted to become effective, respectively, subject, however, to the conditions specified in Rule U-24 and subject to the following terms and conditions:

1. That jurisdiction be and it hereby is reserved to the Commission to approve, disapprove, modify, allocate or award from the estate of Engineers by further order or orders, all fees or other compensation and all remuneration or expenses claimed or hereafter claimed by any persons in connection with the amended plan, the transactions incident thereto and the consummation thereof;

2. That jurisdiction be and it hereby is reserved to the Commission to take such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11 (b) of the act; and

3. That jurisdiction be and it hereby is reserved to the Commission to entertain such further proceedings, to make such supplemental findings and to take such further action as the Commission may deem appropriate in connection with the amended plan, the transactions incident thereto and the consummation thereof, and in the event such amended plan be not consummated, to enter such further orders as the Commission may deem appropriate under sections 11 (b), 11 (f) and 20 (a) of the act.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court pursuant to the provisions of section 11 (e) and subsection (f) of section 18 of the act, to enforce and carry out the terms and provisions of the amended plan.

It is further ordered, That this order shall not be operative to authorize the consummation of any of the transactions proposed in the amended plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing such amended plan.

It is further ordered and recited, That all steps and transactions involved in the consummation of the amended plan, including particularly the issuances, transfers, exchanges, conveyances, expenditures, acquisitions, receipts, distributions and sales, hereinafter described and recited in subparagraphs I through VIII below, are necessary or appropriate to the integration and simplification of the Engineers Public Service Company holding company system and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, are hereby authorized, approved and directed; the stock and securities and other property which are ordered to be issued, exchanged, received, acquired, transferred, conveyed, distributed or sold upon such transactions, and the expenditures which are ordered to be made, being specified and itemized as follows:

I. (a) Engineers, except as recited below, will issue and distribute by mail to the holders of its common stock of record on a date to be specified by its Board of Directors, without the surrender by such stockholders of their certificates for Engineers common stock, warrants described in the amended plan evidencing the right to acquire from Engineers 1,909,968 shares of common stock (reclassified) of Gulf States, on a share for share basis and on the terms hereinafter more particularly set forth.

(b) In cases where the addresses of the record holders of Engineers common stock are unknown or are outside the continental United States and Canada, such warrants will not be mailed, but will be held in the name of a Transfer Agent and will be issued and distributed upon instructions of said record owners, or their duly authorized agents, until the opening of business on the second business day before the expiration date of the warrant period, at which time all warrants so held with respect to which no such instructions have been received will be sold by Engineers, subject to the provisions of paragraph 9 of Division C of the amended plan and the pro rata shares of the aggregate net proceeds, if any, will be remitted to each holder of common stock of Engineers on whose behalf warrants are so sold, or, in cases where such remittance is not lawful or the addresses are unknown, held for the account of each such stockholder subject to payment upon receipt of lawful instructions. In cases where the Engineers common stockholder cannot be located and where no valid claim is made for such proceeds within a period of ten years from the effective date of the amended plan, such net proceeds will be paid to Gulf States.

II. Pursuant to the provisions of the above-mentioned warrants, Engineers will transfer and deliver Gulf States common stock to those persons who exercise said warrants before the expiration date thereof, and upon such exercise the holders of said warrants will either (1) pay Engineers $11.50 for each share of Gulf States common stock so acquired, or (2) deliver to Engineers in exchange for said Gulf States common stock whole shares of Engineers preferred stock on the basis of equivalent values, assigning $11.50 per share for each share of Gulf States common stock, and $105 plus accrued dividends to the expiration date of the warrant for each share of Engineers $5 preferred stock and $110 plus accrued dividends to the expiration date of the warrant for each share of Engineers $5.50 preferred stock and $6 preferred stock: *Provided*, That, on the basis of the relative values above stated, the value of the whole shares of Engineers preferred stock to be exchanged under the warrants will not exceed the value of the shares of Gulf States common stock which the warrant holder is entitled to and intends to acquire, and to the extent that the value of such shares of Engineers preferred stock exchanged for Gulf States common stock under said warrants is less than the value of such shares of Gulf States common stock to which the warrant holder is entitled and intends to acquire, the difference will be paid by the warrant holder to Engineers in cash.

III. Any of the 1,909,968 shares of Gulf States common stock not sold or exchanged upon exercise of the above-mentioned warrants will be sold by Engineers, subject to the provisions of paragraph 9 of Division C of the amended plan.

IV. Engineers will thereafter deposit in trust with a solvent bank or trust company for the benefit of its preferred stockholders an amount equal to $105 per share plus accrued dividends to the date of such deposit for each share of its $5 preferred stock, and $110 per share plus accrued dividends to the date of such deposit for each share of its $5.50 preferred stock and $6 preferred stock, not surrendered in exchange upon exercise of the above-mentioned warrants, in cancellation of all its preferred stock.

V. (a) Engineers will dissolve and, promptly thereafter, distribute pro rata to the holders of its common stock, without surrender by said holders of their certificates for common stock of Engineers:

(1) The entire 381,994 shares of El Paso common stock (reclassified) which will then be held by Engineers, on the basis of one-fifth of a share of El Paso common stock for each share of Engineers common stock held, and

(2) Approximately 94.4% (2,769,453 shares) of the common stock of Virginia, on the basis of 1.45 shares of Virginia common stock for each share of Engineers common stock held.

(b) In any case where the above proportions would result in a fraction of a share of common stock of either El Paso or Virginia, instead of fractional shares Engineers, through a Transfer Agent, will issue and distribute scrip, as described in the amended plan, exchangeable, when combined in lots aggregating one or more full shares of stock, for certificates for said shares, together with any dividends which shall have been paid in respect of such shares to stockholders of record on any date subsequent to the effective date of the amended plan and prior to the date of exchange.

(c) Upon surrender for exchange of such scrip aggregating one or more full shares of common stock of El Paso or Virginia, prior to the date of sale of such stock hereinafter referred to, said Transfer Agent will, in exchange for said scrip, deliver to the holder thereof a share or shares of such stock, together with any dividends which shall have been paid in respect of such shares to stockholders of record on any date subsequent to the effective date of the amended plan and prior to the date of exchange, and new scrip for any fraction in excess of a full share or shares.

(d) All shares of common stock of El Paso or Virginia reserved for delivery upon exchange of such scrip which shall not have been delivered in connection with such exchange within two years of the effective date of the amended plan will be sold by the Transfer Agent, subject to the provisions of paragraph 9 of Division C of the amended plan, and the Transfer Agent will distribute to the holders of scrip certificates not theretofore surrendered their proportionate part of the net proceeds of sale, plus their proportionate part of any dividends which shall have been declared to holders of record as of a date after the effective date of the amended plan and prior to the date of sale; except that in cases where the Engineers common stockholders cannot be located and where no valid claim is made for the net proceeds from the sale of said stock and the proportionate part of dividends referred to above within 10 years from the effective date of the amended plan, such net proceeds and proportionate part of dividends will be paid, with respect to net proceeds of El Paso stock and dividends, to El Paso, and with respect to net proceeds of Virginia stock and dividends, to Virginia.

(e) In cases where an Engineers common stockholder cannot be located and where no valid claim is made within 10 years from the effective date of the amended plan for the whole shares of El Paso or Virginia common stock distributable to such stockholder, such shares of stock will be returned to the issuing company for cancellation and the claims to dividends payable to holders of record of said shares after the effective date of the amended plan will be cancelled.

VI. Engineers will thereafter collect its assets and settle its debts and liabilities, and in connection therewith will, to the extent determined by its Board of Directors and subject to the provisions of paragraph 9 of Division C of the amended plan, sell and dispose of any or all of the assets not distributed as aforesaid, including all or any part of the Virginia common stock not theretofore distributed as above provided.

VII. After the final settlement of the affairs of Engineers and the payment of or provision for its debts and liabilities, it will distribute to its common stockholders its remaining assets, either in kind or in cash, in exchange for the certificates of Engineers common stock, and the Engineers common stockholders will surrender said certificates in exchange for such final distribution.

VIII. The foregoing transactions or any of them may be effected through and deliveries may be made to or through trustees, attorneys, transfer, exchange or other agents, or otherwise, and/or the stock and securities and other property may be delivered directly to those ultimately entitled thereto, all in any manner consistent with the Court order enforcing the amended plan and within the time limits, if any, specified in the amended plan or in said Court order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-323; Filed, Jan. 14, 1947; 8:49 a. m.]

LAWRENCE R. LEEBY AND CO.

ORDER DIRECTING ADMISSION TO MEMBERSHIP IN NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of January A. D. 1947.

In the matter of the application of Lawrence R. Leeby, doing business as Lawrence R. Lebby & Co., for membership in the National Association of Securities Dealers, Inc.

The National Association of Securities Dealers, Inc., a national securities association registered pursuant to section 15A of the Securities Exchange Act of 1934, having disapproved an application for membership made to it by Lawrence R. Leeby, doing business as Lawrence R. Leeby & Co.;

Lawrence R. Leeby having filed an application pursuant to section 15A (b) (4) of that act for an order approving or directing his admission to membership in said Association;

A hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

It is ordered, On the basis of said findings and opinion, that the National Association of Securities Dealers, Inc. be and it hereby is directed to admit Lawrence R. Leeby to membership in said Association.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-326; Filed, Jan. 14, 1947; 8:49 a. m.]

[File Nos. 54-129 and 59-80]

KINGS COUNTY LIGHTING CO. AND LONG ISLAND LIGHTING CO.

ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of January 1947.

In the matters of Kings County Lighting Company, File No. 54-129; Kings County Lighting Company, Long Island Lighting Company, File No. 59-80.

Kings County Lighting Company ("Kings"), a subsidiary company of Long Island Lighting Company ("Long Island"), a registered holding company, having filed an amended plan of recapitalization pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), such plan providing, in general, for the reduction of its capitalization so as to have outstanding $2,200,000 aggregate par value of a new 4% cumulative preferred stock and a new no par value common stock having an aggregate stated value of $2,200,000 and the distribution of such new stocks, plus cash, to the holders of its presently outstanding preferred and common stocks; and

The Commission having instituted proceedings under section 11 (b) (2) of the act with respect to Kings, and the two proceedings having been consolidated for purposes of hearing and disposition; and

The Commission having issued its notice of filing and order for hearing on said amended plan and on said proceeding instituted pursuant to section 11 (b) (2) of the act; and

Copies of said notice of filing and order for hearing and copies of said amended plan having been mailed to each of the holders of preferred and common stocks of Kings (insofar as the identity of such security holders was known and available), notice having been given to all interested persons, public hearings having been held, at which hearings security holders of Kings and other interested persons were afforded an opportunity to be heard and requests for specific findings, briefs and oral argument having been waived; and

The Commission having considered the record and on December 13, 1946 having issued its findings and opinion finding said amended plan to be necessary to effectuate the provisions of section 11 (b) of the act but finding, among other things, that the allocation proposed in the amended plan with respect to the new securities and cash was not fair and equitable as between the holders of the preferred stock as a class and the holders of the common stock as a class, nor as among the holders of the three series of preferred stock, and stating that such allocations were required to be modified in the manner indicated in said findings and opinion before the amended plan could be found to be fair and equitable; and

Kings having filed on January 8, 1947, an amendment to the amended plan containing the modifications suggested by the Commission in its findings and opinion of December 13, 1946, and requesting the Commission, pursuant to section 11 (e) of the act, to apply to a court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the amended plan, as modified; and

Kings having requested that the Commission enter an order finding that the transactions proposed in the amended plan, as modified, are necessary and appropriate to effectuate the provisions of section 11 (b) of the act and necessary and appropriate to effectuate the simplification of the Long Island Lighting Company holding company system in which Kings is a majority owned subsidiary and fair and equitable to the persons affected thereby, and that the order conform to the pertinent requirements of section 1808 (f) of the Internal Revenue Code and of Supplement R of the Internal Revenue Code, including section 371 and section 373 (a) thereof, and contain the recitals, specifications and itemizations therein required;

It is found, in accordance with said findings and opinion dated December 13, 1946, that the amended plan, as modified, is fair and equitable to the persons affected thereby, and that the suggested recitals, specifications and itemizations are appropriate.

It is ordered, Pursuant to section 11 (e) and the other applicable provisions of the act, that the amended plan, as modified, be, and hereby is, approved, subject to the conditions specified in Rule U-24 and subject to the reservation of jurisdiction over the reasonableness and appropriate allocation of all fees and expenses incurred and to be incurred in connection with the amended plan, as modified.

It is further ordered, That jurisdiction be, and hereby is, reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the amended plan, as modified, the transactions incident thereto and the consummation thereof, and, in the event that the amended plan, as modified, is not consummated with reasonable promptness, to enter such further orders as it may deem appropriate under section 11 (b) (2) of the act without further proceedings.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court pursuant to the provisions of section 11 (e) and in accordance with subsection (f) of section 18 of the act, to enforce and carry out the terms and provisions of the amended plan, as modified.

It is further ordered, That this order shall not be operative to authorize the consummation of the transactions proposed in the amended plan, as modified, until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said amended plan, as modified.

It is further ordered, That Long Island shall divest itself of all its interest in the new common stock of Kings to be acquired by it within one year following acquisition thereof, or within such longer period (not to exceed one additional year) as may be permitted for good cause pursuant to section 11 (c) of the act.

It is further ordered, And recited pursuant to and in exercise of the power and authority vested in the Commission by section 11 (b) of the Public Utility Holding Company Act of 1935, that the steps and transactions involved in the consummation of the amended plan, as modified, and recited in paragraphs 1 through 8 set forth below, are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are necessary and appropriate to effectuate the simplification of the Long Island Lighting Company holding company system in which Kings County Lighting Company is a majority owned subsidiary and fair and equitable to the persons affected thereby, and are hereby authorized, approved and directed; the steps and transactions which are hereby ordered, being specified and itemized as follows:

1. The issuance by Kings County Lighting Company of 44,000 shares of new 4% Preferred Capital Stock with a par value of $50 per share and with other rights and terms as set forth in the amended plan, as modified.

2. The issuance by Kings County Lighting Company of 440,000 shares of new Common Capital Stock without par value but with a value for capital purposes of $5 per share and in accordance with the terms set forth in the amended plan, as modified.

3. The distribution by Kings County Lighting Company of $194,871 in cash.

4. The transfer to Kings County Lighting Company, and the exchange by the present holders of the old Series B 7% Preferred Capital Stock of their stock for cash and securities upon the following basis: One share of old Series B 7% Preferred Capital Stock for one share of new 4% Preferred Capital Stock with a par value of $50 and 11 shares of new Common Capital Stock without par value and $9 in cash.

5. The transfer to Kings County Lighting Company and the exchange by the present holders of the old Series C 6% Preferred Capital Stock of their stock for cash and securities upon the following basis: One share of old Series C 6% Preferred Capital Stock for one share of new 4% Preferred Capital Stock with a par value of $50 and 9.2285+ shares of the new Common Capital Stock without par value and $8 in cash.

6. The transfer to Kings County Lighting Company and the exchange by the present holders of the old Series D 5% Preferred Capital Stock of their stock for cash and securities upon the following basis: One share of old Series D 5% Preferred Capital Stock for one share of new 4% Preferred Capital Stock with a par value of $50 and 8 shares of new Common Capital Stock without par value and $1 in cash.

7. The transfer to Kings County Lighting Company and the exchange by the present holders of the old Common Stock of their stock for securities upon the following basis: One share of old Common Stock for $^{6}/_{100}$ shares of the new Common Stock without par value but with a value for capital purposes of $5 per share.

8. The cancellation by Kings County Lighting Company of all of the old Series B 7% Preferred Capital Stock, old Series C 6% Preferred Capital Stock, old Series D 5% Preferred Capital Stock and old Common Stock received by Kings County Lighting Company from its stockholders pursuant to the transfers and exchanges listed in paragraphs 4 to 7 set forth above.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-327; Filed, Jan. 14, 1947; 8:48 a. m.]

Reference

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THE NATIONAL ARCHIVES

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Washington, Thursday, January 16, 1947

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PRODUCTION, CULTIVATION, OR HARVESTING OF SUGARCANE IN VIRGIN ISLANDS DURING CALENDAR YEAR 1947

Pursuant to the provisions of section 301 (b) of the Sugar Act of 1937, as amended, and after investigation and due consideration of the evidence obtained at the hearing held in Christiansted, Virgin Islands, on October 18, 1946, the following determination is hereby issued:

§ 802.51e *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1947.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1947, if all persons employed on the farm during that period in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid in cash therefor at rates not less than the following:

(a) *Basic time rates.* Per day of 8 hours $2.00. For a working day longer or shorter than 8 hours the rate shall be in proportion. For an individual whose productive capacity is impaired by age or physical or mental deficiency the wage rate shall be as agreed upon between the producer and the laborer, provided such rate is approved by the local supervisor of the Field Service Branch of the Production and Marketing Administration.

(b) *Wage bonus payment.* For each 25 cents that the New York price of raw sugar (duty paid, delivered basis), which is used as the basis for sale of the 1947 sugar crop, averages more than $5.94 per hundredweight, a bonus of 6 cents shall be paid for each day of work during the period covered by this determination.

(c) *Piece rates.* If work is performed on a piece rate basis, the average earnings for the time involved on each separate unit of work for which a piece rate is agreed upon shall be not less than the applicable daily or hourly rate provided under paragraphs (a) and (b) of this section.

(d) *General provisions.* (1) If the producer and laborer agree upon a wage rate for any class of work higher than that prescribed herein, payment in full of the agreed upon rate must be made to qualify the producer for payment.

(2) The producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him such as a dwelling, garden plot, pasture lot, and medical services.

(3) The producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

(Sec. 301, 50 Stat. 909; 7 U. S. C. 1131)

Issued this 10th day of January 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-365; Filed, Jan. 15, 1947; 8:55 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

EXEMPTION OF CERTAIN CURRENCY AND SECURITIES IMPORTED INTO UNITED STATES

JANUARY 16, 1947.

Revocation of General License No. 84, (7 F. R. 9862, 9 F. R. 940, 10 F. R. 9916) under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.84 (General License No. 84) is hereby revoked.

(Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839;

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-411; Filed, Jan. 15, 1947; 8:46 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

EXEMPTION OF TRANSACTIONS WITH RESPECT TO CERTAIN CURRENCIES AND SECURITIES

JANUARY 16, 1947.

Amendment to General License No. 87 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.87 (General License No. 87) is hereby amended to read as follows:

§ 131.87 *Exemptions from section 2A (2) of the order and from General Ruling No. 5*—(a) *Transactions exempted from section 2A (2) of the order.* A general license is hereby granted exempting all transactions from the provisions of section 2A (2) of the order, except transactions with respect to any securities or evidences thereof which, whether in registered or bearer form, are transferable or assignable and which either

(1) Were issued or guaranteed prior to December 7, 1941, by the United States or any State, territory, district, possession, or other political subdivision, agency or instrumentality of or in the United States or by any partnership, association, corporation or other organization organized or having its principal place of business in the United States; or

(2) Were issued prior to December 7, 1941, and are payable in the United States exclusively or alternatively in United States dollars, regardless of the nature or location of the issuer;

Provided, That this exception shall not be deemed to preclude transactions with respect to securities or evidences thereof which are physically situated in Great Britain, Canada, Newfoundland, or Bermuda, or to which Form TFEL–2 has been attached, or with respect to which a certification under paragraph (1) of General License No. 95 has been issued.

(b) *Exemption of certain currencies and securities from General Ruling No. 5.* The following currencies and securities are hereby exempted from the provisions of General Ruling No. 5:

(1) United States currency in denominations of $20 or less and all foreign currencies; and

(2) All securities other than those to which the exception of paragraph (a) of this section applies.

(Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839; 12 U. S. C. 95a; 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941; E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-413; Filed, Jan. 15, 1947; 8:46 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PROPERTY CERTIFIED BY GOVERNMENTS OF SPECIFIED COUNTRIES

JANUARY 16, 1947.

Amendment to General License No. 95 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Paragraph (d) (1) of § 131.95 (paragraph (4) (a) of General License No. 95) is hereby amended to read as follows:

§ 131.95 *Property certified by governments of specified countries.* • • •

(d) *Definitions.* • • •

(1) The term "country specified herein" means the following:

(i) France, effective October 5, 1945;

(ii) Belgium, effective November 20, 1945;

(iii) Norway, effective December 29, 1945;

(iv) Finland, effective December 29, 1945;

(v) The Netherlands, effective February 13, 1946;

(vi) Czechoslovakia, effective April 26, 1946;

(vii) Luxembourg, effective April 26, 1946;

(viii) Denmark, effective June 14, 1946;

(ix) Greece, effective October 15, 1946;

(x) Switzerland, effective November 30, 1946;

(xi) Liechtenstein, effective November 30, 1946;

(xii) Poland, effective January 7, 1947;

(xiii) Austria, effective January 16, 1947;

and each country specified herein shall be deemed to include any colony or other territory subject to its jurisdiction.

(Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839; 12 U. S. C. 95a; 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and O. E. 8998, Dec. 26, 1941; E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1-7, 11 F. R. 1769, 7184)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-412; Filed, Jan. 15, 1947; 8:46 a. m.]

APPENDIX A TO PART 131—GENERAL RULINGS UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

EXEMPTION OF CERTAIN CURRENCIES AND SECURITIES FROM GENERAL RULING NO. 5

CROSS REFFERENCE: For exemption of certain currencies and securities from General Ruling No. 5, see F. R. Doc. 47-413 under Part 131, *supra*.

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 207—SETTLEMENTS BY THE TREASURER OF THE UNITED STATES, IN ADVANCE OF RECLAMATION, WITH PAYEES OR SPECIAL ENDORSEES OF LOST OR STOLEN CHECKS, WHICH HAVE BEEN PAID ON FORGED ENDORSEMENTS

CROSS REFERENCE: For the renumbering of Part 207 as Part 359, see F. R. Doc. 47-363, Title 31, Chapter II, Subchapter C, *infra*.

Subchapter C—Office of the Treasurer of the United States

PART 351—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE OFFICE OF THE TREASURER OF THE UNITED STATES

FUNCTIONS AND PROCEDURES

JANUARY 9, 1947.

1. Section 351.5 *Lost, stolen and destroyed checks* (11 F. R. 177A-95) of Part 351, Subchapter C, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America is hereby amended by deleting the reference "31 CFR 207" and substituting in lieu thereof the reference "31 CFR Part 359".

(Sec. 12, 60 Stat. 244, Pub. Law 404, 79th Cong.)

PART 359—SETTLEMENTS BY THE TREASURER OF THE UNITED STATES, IN ADVANCE OF RECLAMATION, WITH PAYEES OR SPECIAL ENDORSEES OF LOST OR STOLEN CHECKS, WHICH HAVE BEEN PAID ON FORGED ENDORSEMENTS

1. Part 207, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 678, dated January 23, 1942, 31 CFR, Cum. Supp., Part 207) is hereby renumbered Part 359, Subchapter C, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America and the sections thereof will be renumbered accordingly.

2. Section 359.2 of Part 359 is hereby amended by deleting paragraph (d).

(55 Stat. 777; 31 U. S. C. Sup. 562)

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-363; Filed, Jan. 15, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Local Board Memorandum No. 204, Issued: 1/15/47]

PART 671—LOCAL BOARD MEMORANDA

NOTIFICATION TO EIGHTEEN YEAR OLD REGISTRANTS

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 671.204 *Notification to eighteen year old registrants*—(a) *Purpose.* As a result of the decision of the War Department suspending inductions through the Selective Service System, it is believed that registrants who are presently 18 years of age have little knowledge of, or have overlooked, their potential liability for military training and service and their responsibilities under the Selective Training and Service Act of 1940, as amended. Under the circumstances, therefore, it has been determined that each such person, upon approaching the age of 19 years, should be given formal notification that his case will soon come before his local board for the determination of his Selective Service classification.

(b) *Action by local boards.* Local boards should forward such formal notification to each 18 year old registrant approximately 30 days before his nineteenth birthday. He should be advised that his classification will be considered by his local board when he reaches the age of 19 years and that, in order that his classification may be fairly determined upon the basis of all pertinent information, he should submit in writing to his local board for its consideration any and all evidence he believes will have a bearing upon his classification.

(c) *Form of notification.* Each State Director should prepare a form letter to be used by the local boards within his State in forwarding such notification to 18 year old registrants. (54 Stat. 885 as amended, 50 U. S. C. and Sup. App. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-430; Filed, Jan. 15, 1947; 8:47 a. m.]

[State Director Advice No. 258, Issued: 1/18/44, as Amended: 1/15/47]

PART 672—STATE DIRECTOR ADVICES

DISPOSAL OF RECORDS

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 672.258 *Disposal of records*—(a) *Statutory requirements and procedures*—(1) *Authorization required.* Records of the Selective Service System will be finally disposed of only as authorized by the Director of Selective Service. The term "records" as used herein includes all forms, regulations, memoranda, papers, maps, films, directives, books, pamphlets, and documentary material of any kind, created or received by or designed for official use by the Selective Service System, and all correspondence or copies of correspondence, as well as Cover Sheets, Classification Records, Minute Books and Registration Cards.

(2) *Requests by State Directors for disposal authorization.* Requests for authority to dispose of forms or other records in State Headquarters or local boards may be initiated by the State Director having jurisdiction. The request for disposal authorization will include the following information: identification, source of data, use, period of use, distribution, approximate number and location, and will be accompanied by two working copies withdrawn from the files. Upon receipt of a State Director's recommendation, the Director will, if in agreement, issue instructions in the manner outlined in subparagraph (3) of this paragraph.

(3) *Issuance of disposal authorization.* Authorization for the final disposal of records at State Headquarters, local boards, and boards of appeal, will be issued in the following manner:

(i) Local Board Memoranda will be issued by the Director for the disposal of local board records not readily adaptable to Form Disposal Instructions, and for general instruction purposes.

(ii) Form Disposal Instructions will be issued by the Director, authorizing the disposal of designated copies of completed DSS Forms and Standard Forms.

(iii) Authorization to dispose of State Headquarters records which are more or less common to all States will be included in this State Director Advice. Additional authorizations will be added from time to time as the necessity occurs.

(iv) Authorization to dispose of records created by the State Director for use within, and peculiar to, an individual State will be issued by the Director in individual letters of authorization.

(4) *State Director instructions to local boards.* F. F. A. Bulletin, Supplies and Equipment, 8-2, provides for the issuance by State Directors of instructions to local boards covering the sale, salvage, or other disposal of waste paper.

(5) *Microfilming.* State Directors will not authorize or engage in the microfilming of any records whatsoever without first obtaining the approval of the Director of Selective Service.

(6) *Definitions.* In the preparation of Form Disposal Instructions, certain terminology is used. The definitions of these terms are set forth below:

(i) *Mutilation.* (*a*) Blank forms: Destruction sufficient to prohibit their reuse.

(*b*) Completed forms or documents: Destruction sufficient to separate the registrant's name from the record content.

(ii) *Maceration.* Destruction by chemical equipment (available only in certain areas).

(iii) *Shredding.* Destruction by mechanical shredder (available only in certain areas).

(iv) *Burning.* Destruction by fire.

(v) *Identification of copy.* A copy will be referred to in the nomenclature outlined herewith:

(*a*) Original—The ribbon copy.

(*b*) First Copy—Will designate the duplicate.

(*c*) Second Copy—Will designate the triplicate.

(*d*) Third Copy—Will designate the quadruplicate.

(*e*) All Copies—Will designate the ribbon copy and all existing copies.

(vi) *Permanent record or permanent record copy.* The file group or copy designated for preservation.

(vii) *Salvage.* The delivery of material by sale, gift, or donation to a third party for conversion into paper products.

(viii) *Identical copies.* Copies will be considered identical when there is complete duplication of content, including signature and marginal notes.

(ix) *Confidential records.* Any record that has been classified in accordance with Local Board Memorandum No. 58, or falls within the provisions of § 605.31 of this chapter.

(x) *Disposal.* The term "disposal" will include destruction, transfer, permanent filing, or storage.

(7) *Transfers of records to State agencies.* (i) In a letter dated August 10, 1945 (0-18-247), each State Director was requested to express the interest of his State, or of an agency within his State, with respect to the acquisition of Selective Service records authorized for disposal. At a recent State Directors' Conference at this Headquarters, the possibility that all Selective Service records pertaining to an individual State would be made a permanent record of that State was discussed, and received considerable favorable comment. The following instructions relative to the transfer of records which have been authorized for destruction, are not to be construed as part of any contemplated action looking toward the centralization of current records at State Headquarters, or plans for the permanent filing of Cover Sheets, Registration Cards, and Classification Records within the States. These instructions are prepared to cover only records authorized for destruction and their transfer to State agencies which are beyond the administrative control of the Selective Service System. The procedure to be followed is outlined in subdivisions (iv) and (v) of this subparagraph.

(ii) Regulations of the National Archives Council adopted July 30, 1945, provide, in part, that records authorized for disposal may be transferred, with the approval of the Archivist of the United States and without cost to the Federal Government, to any governmen, organization, institution, corporaion, or person that has made application for them.

(iii) While the regulations of the National Archives Council provide that records may be transferred to institutions, corporations and persons, it has been administratively determined that the transfer of Selective Service Records will be restricted to State governmental, and quasi-governmental agencies, supported wholly, or in part, by State funds and for the public benefit. It has been further administratively determined that confidential records will not normally be transferred to non-Federal agencies.

(iv) State Directors should advise interested agencies within their respective States of the policy in this connection. A request for the transfer or acquisition of records should be initiated in writing by the agency concerned, including (*a*) name and address, (*b*) location of depository, (*c*) identity of record, including form number and title when applicable, (*d*) purpose for which desired, and (*e*) a statement that the requesting agency is governmental or quasi-governmental in character.

(v) Upon receipt of a request for the transfer or acquisition of records, the State Director will transmit such request to the Director of Selective Service, who will forward it to the Archivist of the United States for approval. The State Director, upon receipt of and in accordance with the decision of the Archivist of the United States, transmitted through the Director of Selective Service, shall transfer the physical custody of such records, or destroy them in accordance with the previously issued Disposal Instructions. It is emphasized that only those non-confidential records which have been authorized for destruction will be available for transfer to a State agency, and that the approval of the Archivist of the United States is required. All such transfers must be made without cost to the Federal Government.

(*b*) *Record groups authorized for disposal*—(1) *State publications and reports.* (i) State Directors have from time to time prescribed (*a*) Instructional Bulletins and Circulars, and (*b*) letters, lists, and schedules of transmittal. A letter to all State Directors dated April 5, 1945 (0-18-203), requested that a complete set of all instructional bulletins and circulars, including transmittal media, be furnished National Headquarters for archival purposes. State Directors are responsible for the assembling and transmittal of copies of these media to this Headquarters.

(ii) Selective Service Regulations covering the registration of the several age groups required that local boards report to the Governor or the State Director their state of readiness, the number of completed registration cards filed, and the total registration for each local board area. In addition, certain State Directors required that local boards prepare and submit lists and reports in connection with each registration.

(iii) State Directors have required local boards to submit special reports peculiar to their jurisdictions concerning classification, deferment, occupation, appeals, delinquency, induction, and the veterans' assistance program. These reports have been, in large part, supplemental to reports prescribed by this Headquarters.

(iv) State Directors are authorized to dispose of, after retention for three months, or after administrative need has been fulfilled, whichever is the greater period, all material described in subdivisions (i), (ii), and (iii) of this subparagraph. This authorization will not be construed to include reports pertaining to personnel or fiscal matters, or material filed in Cover Sheets.

(2) *Personnel records.* (i) This Headquarters has returned to State Directors the temporary personnel folders of employees separated from service, which had been maintained hereat for administrative purposes during such employees' tenure of office. State Directors have previously been instructed to incorporate in the permanent personnel folder all such material not duplicated therein, and to place such duplicated material in a separate transfer case or file pending the issuance of disposal instructions.

(ii) Extra copies of the following personnel records may be disposed of, by mutilation and salvage, after the lapse of the period of time shown, or after administrative needs have been fulfilled, whichever is the greater period, provided that when such material is confidential to an employee, it shall be macerated, shredded, or burned:

(*a*) Copies of personnel forms and correspondence received from National Headquarters in accordance with subdivision (i) of this subparagraph, which are duplicates of material already on file in the permanent personnel file maintained at State Headquarters, after three months' retention.

(b) Copies of Standard Form 50, Notification of Personnel Action, which are duplicates of other copies in the permanent personnel folder maintained at State Headquarters, after three months' retention.

(iii) All copies of the following personnel records and correspondence, not specified for filing in the personnel folder of individual employees, may be disposed of by mutilation and salvage after the lapse of the period of time shown, or after administrative needs have been fulfilled, whichever is the greater period:

(a) Notice of efficiency ratings, except Standard Form 51 or equivalent, after six months' retention.

(b) Letters and telegrams offering appointments, after six months' retention.

(c) Welcoming Letters, after six months' retention.

(d) Letters of Introduction, after six months' retention.

(e) Papers submitted in examinations to determine the suitability of employees for promotion or reassignment, after one year's retention.

(f) Statistical work reports on interviews, separations, and other personnel actions, after eighteen months' retention.

(g) Lists of names for, and papers relating to, changes in employee and telephone directories, after six months' retention.

(h) Reports of tardiness, after eighteen months' retention.

(i) Daily, weekly, semi-monthly and monthly reports of absence and time, excluding Standard Forms 72 and 72a, Time and Attendance Report. All record copies, except record copies in agency fiscal offices, after eighteen months' retention.

(iv) All copies of the following uncompensated personnel records, relating only to registrars and transitory volunteer workers, will be disposed of by mutilation and salvage after the administrative needs of the State Director have been fulfilled:

(a) Oaths taken by registrars in accordance with section XII, Volume Two, Registration, Selective Service Regulations, First Edition.

(b) Oaths of office and waivers of pay executed by registrars and transitory volunteer workers only.

(c) Lists of registrars and transitory volunteer workers.

(d) Control, index, and administrative records pertaining to registrars and volunteer workers.

(3) *Fiscal, accounting, and property records.* (i) The disposal of fiscal records involves problems of personal and legal responsibility on the part of State Procurement Officers which can be resolved, in a large part, by the individual officers concerned. The Comptroller General of the United States, as the officer responsible for the audit of disbursements of Selective Service Funds, has agreed that certain second copies of fiscal documents in possession of the Selective Service System are non-record in character, preserved solely for convenience of reference, and therefore disposable after settlement and adjustment. The Chief of Finance, U. S. Army, as the accountable officer charged with disbursement of Selective Service Funds, has stated that that office has no objection to the destruction of second copies of such fiscal documents. The original, or record documents, with supporting papers, are on file in the General Accounting Office, while first copies thereof, with some supporting papers, are retained in the office of the Chief of Finance, U. S. Army.

(ii) No fiscal records shall be destroyed against which obligations are outstanding. Where an exception has been taken or a discrepancy exists, such documents shall be retained until final clearance and settlement. Fiscal records released for destruction which the State Procurement Officer wishes to retain for personal reasons, may be delivered into his custody with the consent of the State Director, and the approval of this Headquarters.

(iii) State Directors are hereby authorized to dispose of second copies of the documents listed below, after administrative needs have been fulfilled. It will be noted that the date of the document is the controlling factor in determining its disposability. When several dates appear in the document and supporting papers, the latest date will control:

(a) Copies of Vouchers, Per Diem and/or Reimbursement of Expenses (Standard Form 1012-a) including copies of Continuation Sheet (Standard Form 1012-c) with all attachments, dated prior to July 1, 1943.

(b) Copies of Statement of Travel by Motor Vehicle (Standard Form 1012-e, Revised), with all attachments, dated prior to July 1, 1943.

(c) Copies of Vouchers for Purchases and Services other than personal (memorandum), (Standard Form 1034-c) (Revised), including Continuation Sheet of Memorandum (Standard Form 1035-A, Revised), with all attachments, dated prior to July 1, 1943.

(d) Copies of Schedules of Disbursements (Standard Form 1064), with all attachments, dated prior to July 1, 1943.

(e) Copies of Mileage Vouchers (Memorandum), (Standard Form 1071-a, Revised), with attachments, dated prior to July 1, 1943.

(f) Copies of Vouchers for Transfer Between Appropriation and/or Final Accounts (Standard Form 1080-a, Revised), (Memorandum Disbursement Voucher—Yellow), and (Standard Form 1080-c, Revised), (Memorandum of Collection Voucher—Green), with all attachments, dated prior to July 1, 1943, if not current or in force.

(g) Copies of Standard Forms of Government Lease (Real Estate), (Standard Form 2), Request for Approval of Lease, (Public Buildings Administration Form P-S-C-6), Notice of Renewal of Lease (DSS Form 19), Supplement to Lease (DSS Form 244), and Statement of Fair Market Value (DSS Form 270), with all attachments, dated prior to July 1, 1943, if not current or in force.

(h) Copies of Standard Forms of Government Bid (Supply), (Standard Form 31), Contract (Supplies), Standard Form of Contract, (Standard Form 33), including Standard Government Form of Continuation Sheet (Standard Form 36), with all attachments, dated prior to July 1, 1943, if not current or in force.

(i) Copies of Contracts for Telephone Service (Standard Form 48), and Standard Government Form of Contract (Coal), with all attachment, dated prior to July 1, 1943, if not current or in force.

(iv) Form Disposal Instructions covering prescribed DSS Forms relating to fiscal matters, referred to in subdivision (iii) (g) of this subparagraph, will also be found in Part Two of the Form Manual.

(v) State Directors who have created fiscal records peculiar to their own jurisdiction should advise this Headquarters, requesting authority to dispose of such records, attaching copies and a brief description of their function.

(4) *Miscellaneous record groups.* (i) Correspondence between State Directors and the various administrative agencies of the Selective Service System pertaining to individual registrants, as well as with other persons not connected with the System, has resulted in a large accumulation of material at many State Headquarters. It would appear that this State Headquarters correspondence is, in a great majority of instances, a duplication of the information in the Cover Sheet (DSS Form 53) of the registrant concerned. Requests have been received from some State Directors for authority to dispose of this correspondence.

(ii) Correspondence which, in the discretion of the State Director, belongs in the Cover Sheet (DSS Form 53) should be forwarded to the appropriate local board for filing.

(iii) State Directors are hereby authorized to dispose of, by macerating or shredding, and salvage, after administrative needs have been fulfilled, or after three months' retention, whichever is the greater period, all copies of the material described in subdivision (i) of this subparagraph, when in their opinion it is a duplication of the information contained in the Cover Sheet of the registrant concerned. When macerating or shredding equipment is not available, this material shall be burned.

(iv) State Directors have created and maintained certain records at State Headquarters and local boards for the purpose of controlling incoming communications. These records are of a varied character, consisting, in the greater part, of mailing lists; records of the receipt and routing of incoming mail; production reports of types of communications handled and work performed; records of remittances such as checks, cash, money orders, and other enclosures received in incoming mail; records of incoming and outgoing registered, insured, and special delivery mail, parcel post, express, telegrams, and radiograms; return receipts of registered, insured, and special delivery mail; reports of postage used on outgoing mail; statements of the mailing of canceled or metered matter; reports of loss, rifling, delay, wrong delivery, or other improper treatment of mail matters; records of official penalty mail sent, and requisitions for postage stamps. These mailroom functions have involved the use of U. S. Post Office Department Forms, or their equivalent, and forms or control records devised by State Headquarters. State Directors are hereby authorized to dispose of after retention for one year, all records referred to in this subparagraph and similar records created by the State Director and used in the normal functions of a mailroom. This authority does not apply to the record of official penalty mail sent, which must be retained two years, nor to copies of requisitions for postage stamps, rubber stamps, and other mailroom items involving the expenditure of funds when such copies are used as supporting documents to payment vouchers.

(v) State Directors have in their files certain material which may best be described as "Informational Services and Relations with the Public." These records consist of mailing lists; correspondence and other records relating to changes in mailing lists; requests for publications and acknowledgments and replies to such acknowledgments of inquiries and requests which have been referred to other government agencies; requests for information and replies thereto involving no administrative action, no policy decisions, and no special compilations or research for reply, including requests for information and inquiries to which replies are made by printed or duplicated material; and anonymous letters and letters of commendation, complaint, criticism and suggestion, and replies to such. State Directors are authorized to dispose of, after retention for six months, all such records as are referred to in this subparagraph, excluding those letters of complaint on the basis of which investigations were made, or administrative action was taken, or those incorporated in individual personnel records.

(c) *Record of disposals*—(1) *Records disposal action and report.* (i) Each State Headquarters will maintain a record of all records disposed of at State Headquarters, in addition to the Certificate of Disposal of Confidential Records (DSS Form 380) received from local boards. These records should contain the following data:

(a) Identity of disposal authorization.

(b) Quantity (In cubic feet or pounds).

(c) Manner of disposal.

(d) Certificate of disposal of confidential records (When applicable).

(ii) From time to time National Headquarters will ask for a report on the volume of all records disposed of at State Headquarters, and the volume of confidential records disposed of at local boards. The above records are considered adequate to meet any anticipated requirements for data of this nature.

(d) *Rescission of certain state director advices; purpose of this section.* This State Director Advice is issued for the purpose of combining and condensing herein the provisions of all State Director Advices pertaining to the disposal of records. State Director Advice No. 258-A, Issued: 10/2/44, Subject: Records, State Director Advice No. 258-C, Issued: 6/26/45, Subject: Disposal of Certain State Publications, State Director Advice No. 258-F, Issued: 10/12/45, Subject: Disposal of Records—State Reports, State Director Advice No. 258-G (11 F. R. 12045); Issued 1/5/46, As Amended: 10/11/46, Subject: Disposal of Personnel Records, State Director Advice No. 258-I, Issued: 5/28/46, Subject: Disposal of Records—Correspondence Files at State Headquarters, State Director Advice No. 258-J (11 F. R. 12046); Issued: 10/11/46, Subject: Disposal of Records—Transfers to State Agencies, and State Director Advice No. 258-K (11 F. R. 12046); Issued: 10/11/46, Subject: Disposal of Records: (a) Mail and Postal Records, (b) Records of Informational Services and Relations with the Public, have been incorporated herein and are therefore hereby rescinded. State Director Advice No. 258-D, Issued: 6/29/45, Subject: Disposal of Records of Fourth Registration, State Director Advice No. 258-E, Subject: Disposal of Records—Replacement Schedules—Manning Tables, and State Director Advice No. 258-H, Issued: 3/4/46, Subject: Disposal of Records—Veterans Assistance Record, have served their purpose and are therefore hereby rescinded. (54 Stat. 885 as amended, 50 U. S. C. and Sup. App. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-429; Filed, Jan. 15, 1947; 8:46 a. m.]

[State Director Advice No. 344, Issued: 1/14/47]

PART 672—STATE DIRECTOR ADVICES

OCCUPATIONAL CLASSIFICATION OF MEN IN MERCHANT MARINE

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 672.344 *Local Board Memorandum No. 115;*[1] *certification plan; occupational classification of men in the Merchant Marine.* (a) Pursuant to a request from the Office of Temporary Controls, the certification of certain registrants specified in Part IV of Local Board Memorandum No. 115 as previously authorized is continued. The Office of Temporary Controls has requested the Civilian Production Administration of the Office of Temporary Controls, the United States Office of Education, and the National Housing Agency to assist the Selective Service System in the program. The functions previously performed by the Office of Scientific Research and Development have been assumed by the Civilian Production Administration of the Office of Temporary Controls, Washington 25, D. C., with the exception of the certification of advanced students in the physical sciences or engineering and of registrants engaged in university research in the physical sciences or engineering (Part IV, paragraphs 1 and 2), which functions have been assumed by the United States Office of Education.

(b) As of January 1, 1947, the United States Maritime Commission discontinued the submission of deferment requests for registrants employed as merchant seamen in the Merchant Marine. Employers have been notified by the United States Maritime Commission that they will be required to file requests for occupational deferment under policies and procedures described in Part II, paragraphs 1 and 3, of Local Board Memorandum No. 115.

(54 Stat. 885 as amended; 50 U. S. C. and Sup. App. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-348; Filed, Jan. 14, 1947; 8:57 a. m.]

[1] Not filed with the Division of the Federal Register.

Chapter VIII—Office of International Trade, Department of Commerce

[Amdt. 289]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodities are hereby added to the list of commodities:

Dept. of Com. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
630301	Aluminum sheets, plates, and strips.	Lb...	100	25

2. The following commodities are hereby deleted from the list of commodities:

Dept. of Comm. Sched. B No.	Commodity
	Naval stores, gums and resins:
211000	Gum rosin.
211100	Wood rosin.
218909	Colophony.
218909	Rosin oil.
218909	Sulfate wood rosin.
	Construction and conveying machinery:
723100	Concrete block machines, except multiple-mold.
	Other industrial machinery:
775098	Brick making machinery and parts.
	Chemical specialties:
825100	Ester gums in powder, flake or liquid form (include scrap).
825300	Rosin-modified maleic and fumaric resins.
825500	Pentaerythritol esters of rosin, glycol esters of rosin, and methyl esters of rosin.
829990	Rosin size.
	Industrial chemicals:
837900	Sodium resinate.

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this

amendment may be exported under the previous general license provisions. This amendment shall become effective immediately except that, with respect to the commodities added to the list of commodities, it shall become effective on January 22, 1947.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: January 8, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-410; Filed, Jan. 15, 1947; 8:49 a. m.]

[Amdt. 288]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodities are hereby added to the list of commodities:

Dept. of Com. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
806000	Benzol	Gal...	100	25
892300	Phenol	Lb...	100	25
825500	Synthetic gums and resins: In powder, flake or liquid form (scrap included): Tar-acid resins; phenol-formaldehyde resins only.	Lb...	100	25
826000	Sheets, plates, rods, tubes, and other unfinished forms: Laminated; phenol-formaldehyde resins only.	Lb...	100	25
826100	Not laminated; phenol-formaldehyde resins only.	Lb...	100	25

2. The following commodities are hereby deleted from the list of commodities:

Dept. of Comm. Sched. B No.	Commodity
	Iron and steel manufactures:
615698	Crosscut and hand saws and parts.
618000	Door locks and lock sets of iron, steel, brass, and bronze; panic bolts, prison locks, and rim deadlocks only.
618200	Hinges and butts, iron and steel; cabinet and furniture hinges only.
618300	Other builders' hardware, except barrel bolts, casement handles, catches, door bolts, door knobs, door pulls, door springs, (coil), hasps, hinge parts, latches, lock parts, sash adjusters, sash balances, sash fasteners, storm window operators, window catches, window fasteners, and window latches.
	Iron and steel manufactures—Con.
	Iron and steel manufactures, n. e. s.:
620998	Robertson protected metal roofing sheets; roofing, steel, asbestos-coated; roofing, steel, asphalt-coated; and roofing, tile, vitrified steel.
620998	Metal sheet culverts.
	Brass and bronze manufactures:
645600	Plumbers' brass goods; thermostatic water mixing valves only.
646500	Hinges and butts of brass or bronze; cabinet and furniture hinges only.
647998	Brass and bronze window strips, windows, and parts.

3. A qualifying footnote reference meaning "Requires individual license for export to all areas except the Philippine Islands and all countries in North America and South America as listed in Schedule C of the Bureau of the Census, U. S. Department of Commerce" is hereby added with respect to the following commodities:

Dept. of Comm. Sched. B No.	Commodity
	Grains and Preparations:
103500	Grain sorghums (bu. 56 lbs.) except seed (report grain sorghum for seed in 241990).

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transmit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions. This amendment shall become effective immediately except that, with respect to the commodities added to the list of commodities it shall become effective on January 22, 1947.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: January 8, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-367; Filed, Jan. 15, 1947; 8:49 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1067]

W. C. MOSS AND HARRY S. KRAMER, JR.

W. C. Moss and Harry S. Kramer, Jr., are partners doing business as Broadview Investment Company and as such own and operate the Broadview Hotel building at 4th and Broadway in East St. Louis, Illinois. On June 18, 1946, they filed application on Form CPA-4423 for authorization to make alterations upon the hotel to improve dining room service, at a cost of $9,500, which was authorized July 8, 1946. Thereafter they began and carried on construction of a new cocktail lounge in a room at the opposite end of the hotel and across the hotel lobby from the dining room at a cost greatly in excess of the amount authorized for alterations to improve dining room service. This construction was not in accordance with the terms of the authorization and was in violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1067 *Suspension Order No. S-1067.* (a) Neither W. C. Moss and Harry S. Kramer, Jr., doing business as Broadview Investment Company, nor any other person shall do any further construction or alteration in the room approximately 40 feet by 60 feet intended to be a cocktail lounge located in the southwest corner of the Broadview Hotel building at 4th and Broadway Streets, East St. Louis, Illinois, including completing or altering such room, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) W. C. Moss and Harry S. Kramer, Jr., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve W. C. Moss or Harry S. Kramer, Jr., doing business as Broadview Investment Company, or otherwise, their or its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 15th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-498; Filed, Jan. 15, 1947; 11:19 a. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 144]

PART 4003—SUBSIDIES: SUPPORT PRICES

SUGAR BEETS, 1947 CROP

§ 4003.4c *Sugar beets, 1947 crop.* The Secretary of Agriculture has recommended to me changes in the 1947 Sugar Beet Price Support Program, as authorized and directed in Directive 138 (11 F. R. 13422) of the Director of the Office of War Mobilization and Reconversion, issued November 6, 1946. The Secretary recommends that the proposed contract between Commodity Credit Corporation and the processors of sugar beets in the United States should properly include an agreement by Commodity Credit Corporation to reimburse such processors to the extent that a weighted average seaboard basis price for refined cane sugar for the 1947-crop marketing year for beet sugar is less than $8.20 per 100 pounds, rather than $8.10 per 100 pounds as originally contemplated, in order for such processors to guarantee to growers a payment for 1947-crop sugar beets equivalent to a national average of $14.50 per ton.

The Secretary also recommends that the contract, as originally proposed, should include an agreement by Commodity Credit Corporation to make a payment to such processors in the event that it should undertake subsidies with respect to 1947-crop or 1948-crop Cuban sugar to the extent that these subsidies prevent the price of fine granulated sugar in the United States from reaching a level as far above $8.20 per 100 pounds as would otherwise be required to permit Commodity Credit Corporation to sell such sugar without loss. The amount of this payment, if the subsidy is undertaken with respect to 1947-crop Cuban sugar, would be made on all beet sugar sold during 1947; if the subsidy is undertaken with respect to 1948-crop Cuban sugar, the payment would be restricted to 1947-crop beet sugar sold in 1948.

After careful consideration, I hereby find that the proposed amendment to the program authorized and directed in Directive 138 of the Director of the Office of War Mobilization and Reconversion is necessary to insure the maximum necessary production and distribution of domestic beet sugar from the 1947 crop of sugar beets.

The Department of Agriculture is authorized and directed to carry out, through the Commodity Credit Corporation, the price support program for the 1947 crop of domestic sugar beets as authorized and directed in Directive 138 of the Director of the Office of War Mobilization and Reconversion, with the amendments described herein (and as described in further detail in the letter of December 26, 1946, from the Secretary of Agriculture and the supplementing documents), to the extent that such program involves the payment of subsidies within the meaning of that term as used in the Emergency Price Control Act, as amended, and the Price Control Extension Act of 1946. (56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; Pub. Law 548, 79th Cong.; 15 U. S. C. 713a-8, 713a-8 note, 50 U. S. C. App. Sup. 901-903, 921-925, 961-971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871; E. O. 9328, Apr. 8, 1943, 8 F. R. 4681, E. O. 9599, Aug. 18, 1945, 10 F. R. 10155, E. O. 9651, Oct. 30, 1945, 10 F. R. 13487, E. O. 9697, Feb. 14, 1946, 11 F. R. 1691, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929, E. O. 9762, July 25, 1946, 11 F. R. 8073, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 9th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-483; Filed, Jan. 15, 1947; 8:46 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 14, Amdt. 1]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

War Assets Administration Regulation 14, October 1, 1946, entitled "Disposal to Nonprofit Institutions and Discounts for Educational or Public-Health Institutions or Instrumentalities" (11 F. R. 11505) is hereby amended in the following respects:

1. Section 8314.1 (b) is amended by adding a new subparagraph (5) at the end thereof to read as follows:

(5) "Commercially unsalable property" as used herein is distinguished from property of no commercial value as used in Part 8319[1] and means property (i) which by reason of its condition resulting from damage, wear, obsolescence, or otherwise has no reasonable prospect of sale except as scrap or salvage, or (ii) with respect to which the estimated cost of care and handling and disposition will exceed the estimated proceeds unless it is promptly sold as scrap or salvage.

2. Section 8314.2 is amended by deleting the second sentence therefrom and substituting the following in lieu thereof: "It shall not apply to any disposals of real property; nor to personal property appurtenant to or assigned for disposal in connection with real property and disposed of under Parts 8305,[2] 8310,[3] 8316,[4] or 8320[5]; nor to aeronautical property disposed of pursuant to Order 4[6] under Part 8304.[7]"

3. Section 8314.5 is amended by inserting the following new material:

§ 8314.5 *Disposal of commercially unsalable property.* Upon a determination by the disposal agency that surplus property in its possession is commercially unsalable, such property may be disposed of as salvage or scrap at prices which will reflect the benefit which has accrued or may accrue to the United States from the use of such property by nonprofit educational or public-health institutions or instrumentalities: *Provided*, That such nonprofit institutions are exempt from taxation under section 101 (6) of the Internal Revenue Code.

4. Section 8314.8 (b) is amended to read as follows:

§ 8314.8 (b) *Acquisition at competitive sales.* (1) Any nonprofit institution shall be entitled to compete on the same terms and conditions as other classes of purchasers whenever surplus property which has been previously offered for sale at fixed prices to priority claimants is offered at competitive bid sales.

(2) Institutions eligible for discounts pursuant to the provisions of § 8314.9 (b) of this part shall be accorded such discounts when acquiring surplus property at competitive bid sales in those cases where the property has not previously been offered to priority claimants and when the fair value for priority claimants is fixed after examining the competitive bids.

Surplus Property Act of 1944 as amended; 58 Stat. 765 as amended; 50 U. S. C. App. Sup. 1611; Pub. Law 181, 79th Cong.; 59 Stat. 533; 50 U. S. C. 1614a, 1614b; and E. O. 9689 (11 F. R. 1265)

This amendment shall become effective January 13, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 13, 1947.

[F. R. Doc. 47-501; Filed, Jan. 15, 1947; 11:32 a. m.]

[Reg. 17,[1] Order 6]

PART 8317—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

DIRECT SALES OF COPPER AND LEAD SCRAP BY OWNING AGENCIES OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Pursuant to the provisions of § 8317.8 of this part, the Civilian Production Administration has determined that a deficiency in the supply of certain strategic and critical materials presently exists for the current requirements of industry. Among the materials determined to be in short supply are copper and lead in scrap form. The War Department has advised that varying quantities of such materials are located in the several theatres of operation outside the continental limits of the United States.

On December 10, 1946, the Director, Office of War Mobilization and Reconversion, requested that the Secretary of State permit the reimportation of all ferrous and non-ferrous scrap metal from all sources into the United States in order to alleviate the industrial deficiency in such materials. Acting pursuant thereto, the Secretary of State issued Supplement 3[2] to Order 6, FLC Regulation 8, dated December 24, 1946, to allow the reimportation of all ferrous and non-ferrous scrap metal.

In accordance with the provisions of § 8317.9 of this part, it is hereby ordered, that:

§ 8317.56 *Direct sales of copper and lead scrap by owning agencies outside the continental limits of the United States.* Notwithstanding the provisions of § 8317.5 of this part, owning agencies are

[1] SPA Reg. 19 (10 F. R. 14966; 11 F. R. 3691).
[2] Reg. 5 (11 F. R. 12717).
[3] Reg. 10 (11 F. R. 7583, 12017).
[4] Reg. 16 (11 F. R. 7427, 8361).
[5] SPA Reg. 20 (11 F. R. 182, 561, 3302, 7431).
[6] Reg. 4, Order 4 (11 F. R. 1471, 14104).
[7] Reg. 4 (11 F. R. 5868).

[1] 11 F. R. 9573, 12306.
[2] 11 F. R. 14634.

authorized, without the need for reporting to, or utilizing the services of, Reconstruction Finance Corporation, to make sales of copper and lead in scrap form, located outside the Continental limits of the United States, to purchasers who will undertake to ship such materials to the United States for use in the domestic economy.

Reports of such sales by owning agencies shall be made to Reconstruction Finance Corporation, Strategic Materials Unit, Washington 25, D. C., indicating the amount, description, and payment received.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); E. O. 9689 (11 F. R. 1265); and Pub. Law 520, 79th Cong., 2d Sess.)

NOTE: All reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This section shall become effective January 16, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 8, 1947.

[F. R. Doc. 47-502; Filed, Jan. 15, 1947; 11:32 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71-85—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

In the matter of regulations for transportation of explosives and other dangerous articles.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of December A. D. 1946.

It appearing that, pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Commission Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles:

It further appearing that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

Part 3—Regulations Applying to Shippers (CFR 75)

Superseding and amending paragraph (n) (2), section 303 (*Liquefied petroleum gas*), order December 18, 1941, and January 25, 1945, to read as follows:

(n) (2) *Spec. 3, 3A, 3B, 3E, 4, 4A, 4B, 4B240X, 4B240FLW, 25, 26, or 38.* Cylinders authorized under 303 (p) (2) to 303 (p) (6) may be used.

Because of the present emergency and until further order of the Commission, non-ICC specification containers used for liquefied gases prior to June 15, 1943, under laws and rules, or regulations of the States in which they are located, and so long as they are maintained in safe transportation condition, are authorized for use in the transportation of those gases by common, contract, or private carrier by motor vehicle, in intrastate commerce only, within those states. All other requirements of the Commission for such transportation must be complied with. This authority does not apply to cargo tanks of tank motor vehicles.

Appendix to Part 3—Shipping Container Specifications (CFR 72)

Amending Spec. 4B, order Aug. 16, 1940, as follows (add):

23. Special type with fusion-welded longitudinal seam authorized because of the present emergency and until further order of the Commission. Cylinders to have 240 pounds nominal water capacity, a service pressure of 240 pounds per square inch, and be made in compliance with all the requirements of this specification, except those applicable to longitudinal seams, and with all of the following additional requirements, which apply to cylinders with fusion-welded longitudinal seams:

(a) Cylinders shall be inspected by competent and disinterested inspectors acceptable to the Bureau of Explosives.

(b) Steel shall be plain carbon steel of American Society for Testing Materials firebox quality with carbon content not in excess of 0.25 percent.

(c) Calculated wall stress at two times the service pressure shall not exceed 18,000 pounds per square inch.

(d) Each cylinder shall be thermally stress-relieved after all initial welding and seam repair welding operations have been completed and prior to the hydrostatic test.

(e) Each cylinder shall be subjected to the hydrostatic test as specified in paragraphs 13 (a), (b), and (c) of Specification 3A. Test pressure shall be at least two and two-thirds times the service pressure. Following this test, each cylinder shall be subjected to a dry air-pressure test of two times the service pressure. The cylinder shall be thoroughly dry before air test is applied, and during test welded seams shall be examined for leaks, either by submerging the cylinders in liquid, or by painting all welded seams with a solution suitable for the detection of leaks.

(f) (1) Longitudinal fusion-welded seam shall be of the double-welded butt type. Filler metal may be added from one side when and if means are provided for accomplishing complete penetration and reinforcement on both sides of the joint. Welding procedure and welding operators shall be qualified for the manufacture of pressure vessels in accordance with paragraph U-69 of the Rules for Construction of Unfired Pressure Vessels, Section VIII of the American Society of Mechanical Engineers Boiler Construction Code, 1943 Edition including Addenda to 1946 Edition.

(2) One finished cylinder out of each lot, which appears to the inspector to be the least likely to meet the test, shall be selected by the inspector from each lot of 200 or less successively produced and shall be hydrostatically tested to destruction and shall not burst at a pressure less than six times the service pressure.

(3) *Guided bend test.* A bend test specimen shall be cut from the cylinder used for the physical tests specified in paragraph 15 (a). Specimen shall be taken across the seam, shall be 1½ inches wide, edges shall be parallel and rounded with a file, and back-up strip, if used, shall be removed by machining. The specimen shall be bent to refusal in the guided bend test jig illustrated in Appendix to paragraph 22 of Specification 4B effective December 18, 1941 (except that the radius of the male member shall be two times the nominal thickness of the specimen and the radius of the female member shall be three times the nominal thickness of the specimen plus 1/32 inch). The root of the weld (inside surface of the cylinder) shall be located away from the ram of the jig. No specimen shall show a crack exceeding ⅛ inch in any direction upon completion of the test. Should this specimen fail to meet the requirements, two additional specimens from the same cylinder shall be tested, and if either of these fails to meet the requirements, the entire lot represented shall be rejected.

(4) In addition to the guided bend test, a reduced section tension test shall be made transverse to the weld and meet the requirements of paragraph Q-109 of Section IX of the American Society of Mechanical Engineers Boiler Construction Code, 1943 Edition including Addenda to 1946 Edition. Should this specimen fail to meet the requirements, two additional specimens from the same cylinder shall be tested, and if either of these fails to meet the requirements, the entire lot represented shall be rejected.

(g) One finished longitudinal seam shall be selected at random from each lot of 100 or less successively produced and be radiographically examined throughout its length in accordance with subparagraph (h) of paragraph U-68 of the American Society of Mechanical Engineers Unfired Pressure Vessel Code. Should the radiographs fail to meet the requirements two additional seams of the same lot shall be examined, and if either of these fails to meet the requirements the entire lot shall be rejected.

(h) Marking required on each cylinder. By stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) ICC-4B240-FLW.

(2) A serial number and an identifying symbol (letters); location of number to be just below the ICC mark; location of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

(3) Inspector's official mark near serial number, date of test (such as 12-46 for December 1946), so placed that dates of subsequent test can be easily added.

It is further ordered, That this order shall become effective on December 31, 1946, and shall remain in full force and effect until further order of the Commission;

And it is further ordered, That a copy of this order shall be served upon all parties of record herein; and notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176; 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-406; Filed, Jan. 15, 1947; 8:49 a. m.]

[S. O. 87, Amdt. 6]

PART 95—CAR SERVICE

SUSPENSION OF DEMURRAGE RULES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of January A. D. 1947.

Upon further consideration of Service Order No. 87 (7 F. R. 8066), as amended (7 F. R. 8434; 11 F. R. 4737, 8451; 11 F. R. 12726, 14650), and good cause appearing therefor:

It is ordered, that Service Order No. 87, as amended (codified as § 95.500 CFR), be, and it is hereby, further amended by substituting the following paragraphs (a) and (c) for paragraphs (a) and (c) thereof:

§ 95.500 *Suspension of demurrage rules; Trunk Line Tariff Bureau Tariff No. 139-C I. C. C. No. A-751 coal.* (a) The operation of demurrage rule contained in Trunk Line Tariff Bureau Tariff No. 139-C I. C. C. No. A-751, and supplements thereto or reissues thereof, is hereby suspended, to the extent that the free time allowed on cars loaded with bituminous and cannel coal and the coal products described in said tariff exceeds six days; that the average free time on cars delivered to storage plants for subsequent delivery to vessels exceeds three days; subject to the exception shown below, that the settlement period for the average account exceeds two months; and that the operation of all of the provisions of said tariff inconsistent with this order is hereby suspended.

Exception. Any excess debits accruing at any point specified in the above named tariff in the account of any particular consignor or consignee during the settlement period ending at 7:00 a. m., November 1, 1946, which are not offset by credits accruing to the same party during that same period at the same point because sufficient such credits have not accrued to the particular consignor or consignee due to the recently terminated coal miners' strike may be offset by excess credits accruing at the same point to the same consignor or consignee in the settlement period ending at 7:00 a. m., February 1, 1947.

* * * * *

(c) This order, as amended, shall expire at 7:00 a. m., May 1, 1947, unless otherwise modified, changed, suspended or anulled by order of this Commission.

It is further ordered, This amendment shall become effective at 7:00 a. m., January 11, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-403; Filed, Jan. 15, 1947; 8:48 a. m.]

[S. O. 234, Amdt. 3]

PART 95—CAR SERVICE

FREE TIME ON LESS-THAN-CARLOAD FREIGHT AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of January A. D. 1947.

Upon further consideration of the provisions of Service Order No. 234 (9 F. R. 11653), as amended (11 F. R. 8452, 10710), and good cause appearing therefor:

It is ordered, that Service Order No. 234, as amended (codified as § 95.234 CFR), be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 95.234 *Reduction of free time on less-than-carload freight at Mexican border points.* * * *

(d) This order, as amended, shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., January 20, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-404; Filed, Jan. 15, 1947; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

CROSS REFERENCE: For public notice of temporary expediting procedure for standard broadcast applications (§ 1.373, 11 F. R. 177A-415, 13973), see F. R. Doc. 47-370 under Federal Communications Commission in the Notices section, *infra*.

[Order 115-C]

PART 12—RULES GOVERNING AMATEUR RADIO SERVICE

EXTENSION OF AMATEUR RADIO OPERATOR LICENSES

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of January 1947;

Whereas the Commission has, by Orders 115 (8 F. R. 7356), 115-A (9 F. R. 14211), 115-B (10 F. R. 14824), 130-F (11 F. R. 4611), adopted between May 25, 1943 and April 7, 1946, reinstated and extended certain amateur operator licenses issued on or between December 7, 1938 and December 7, 1943 so that the expiration dates of those amateur operator licenses fell within the period December 7, 1946 and December 7, 1947, and validated certain amateur station licenses for the term, as extended, of the amateur operator license held by the licensee of the station; and

Whereas it is now desirable to establish a clear and uniform understanding of the status of all amateur operator and station licenses and to eliminate the effects of certain misunderstandings that have occurred in connection with the application of the above-mentioned orders and to provide for the orderly processing of applications for new, renewed, or modified amateur licenses;

It is ordered, That all amateur operator licenses issued on or between December 7, 1938 and December 31, 1944, except amateur operator licenses heretofore at any time or hereafter suspended or voluntarily surrendered, are hereby extended, and if expired on or since December 7, 1946 are hereby reinstated and extended, until 1948, at 3 A. M., Eastern Standard Time, the same day and month as the date of issuance.

It is further ordered, That all amateur station licenses held by operators whose operator licenses are extended, or reinstated and extended, by this order, except amateur station licenses heretofore at any time or hereafter revoked or voluntarily surrendered, are hereby validated, and if expired on or since December 7, 1946 are hereby reinstated and validated, for the term, as extended, of the operator license held by the licensee of the station;

It is further found and ordered, That, whereas, authority for this order is contained in sections 303 (l) and (r) of the

Communications Act of 1934, as amended, and the effect of the order is to extend for an additional period after December 7, 1946 the relief from certain restrictions as has been or now is afforded by Commission Orders 115, 115–A, 115–B and 130–F, and is noncontroversial, and it is in the public interest that this order be made effective immediately, notice and public procedure required by section 4 of the Administrative Procedure Act are, hereby, found unnecessary, and this order should be, and is hereby, made effective immediately.

(Secs. 4 (i), 303 (c), 48 Stat. 1068, 1082; 47 U. S. C. 154 (i), 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-371; Filed, Jan. 15, 1947; 8:47 a. m.]

[Order 130–L]

PART 12—RULES GOVERNING AMATEUR RADIO SERVICE

FREQUENCIES AND FREQUENCY BANDS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of January 1947;

Whereas, by Order No. 130–A,[1] dated November 14, 1945, as amended from time to time, the Commission has made available for use by amateur radio stations certain frequencies and frequency bands and types of emission; and

Whereas, §§ 12.111, 12.114 and 12.116 of the Commission's rules and Commission Order No. 130–A, as amended by Commission Order No. 130–H, allocate the frequency bands of 3500 to 4000 kc with type A1 emission and 3850 to 4000 kc with type A3 emission for use by amateur radio stations, but Footnote 3 to § 12.111 restricts the use of such bands except pursuant and subject to the limitations and restrictions prescribed by Commission orders; and

Whereas, the frequency band 3500 to 3625 kc with type A1 emission is now available for use by amateur radio stations within the Territory of Hawaii, and the frequency bands 3500 to 4000 kc with type A1 emission and 3850 to 4000 with type A3 emission are now available for use by amateur stations within all United States possessions lying west of the Territory of Hawaii to 170° west longitude; and

Whereas, because of possible interference to radio communications transmitted to and from United States military installations in the Western Pacific and Japan, the military authorities of the United States have requested that the use by amateurs, at any amateur station located within the Territory of Hawaii or within any United States possession lying west of the Territory of Hawaii to 170° west longitude, of any frequency in the band between 3500 and 4000 kc be subject to a 500 watt power limitation;

Now, therefore, it is ordered, That the second ordering clause of Order No. 130–A, as amended, be, and it is hereby further amended to read as follows:

2. (a) The following frequencies and frequency bands are available for use for amateur station operation, subject to the limitations and restrictions set forth herein:

(1) 3500 to 4000 kc. Use of this band is restricted to amateur radio stations as follows:

(i) 3500 to 4000 kc, using type A1 emission, to those stations located within the continental limits of the United States, the Territory of Alaska, Puerto Rico, and the Virgin Islands; 3850 to 4000 kc, using type A3 emission, to those stations located within the continental limits of the United States, the Territory of Alaska, Puerto Rico, and the Virgin Islands, subject to the further restriction that type A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges;

(ii) 3500 to 4000 kc, using type A–1 emission, to those stations located within the Territory of Hawaii and within all United States possessions lying west of the Territory of Hawaii to 170° west longitude, subject to the further restriction that the power input to the radio stage supplying energy to the antenna shall not exceed 500 watts; 3850 to 4000 kc using type A–3 emission to those stations within the Territory of Hawaii and within all United States possessions lying west of the Territory of Hawaii to 170° west longitude, subject to the further restriction that A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges, and to the further restriction that the power input to the radio stage supplying energy to the antenna shall not exceed 500 watts.

(2) 7,000 to 7,300 kc, using type A1 emission.

(3) 14,000 to 14,400 kc, using type A1 emission, and, on frequencies 14,200 to 14,300 kc, type A3 emission, subject to the restriction that type A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges.

(4) 27.185 to 27.455 Mc, using types A0, A1, A2, A3 and A4 emissions, and also special emissions for frequency modulation (radio-telephone transmissions and radio-telegraph transmissions employing carrier shift or other frequency modulation techniques). This band is subject to use also for operation of scientific, industrial and medical apparatus.

(5) 28.0 to 29.7 Mc, using type A1 emission.

(6) 28.5 to 29.7 Mc, using type A3 emission.

(7) 29.0 to 29.7 Mc, using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(8) 50.0 to 54.0 Mc, using types A1, A2, A3 and A4 emissions and, on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(9) 144 to 148 Mc, using types A0, A1, A2, A3, and A4 emissions and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). The portion of this band between 146.5 and 148 Mc shall not be used, however, by any amateur station located within 50 miles of Washington, D. C., Seattle, Washington, or Honolulu, T. H.

(10) 235 to 240 Mc, using types A0, A1, A2, A3 and A4 emissions and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(11) 420 to 430 Mc, using types A0, A1, A2, A3, A4 and A5 emissions, and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts.

(12) 1215 to 1295 Mc, 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5850 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types A0, A1, A2, A3, A4 and A5 emissions, special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emissions.

(b) No frequencies or types of emission other than those assigned in this order shall be used for amateur operation.

It is further found and ordered, That, whereas, authority for the release of frequencies as specified in subparagraph 2 (a) (1) (ii) of Order 130–A, as hereby amended, is contained in sections 303 (b), (c) and (r) of the Communications Act of 1934, as amended, and such release relieves an existing restriction, is non-controversial and in the public interest, and whereas, authority to impose a 500 watt power limitation on amateur stations located within the Territory of Hawaii and within United States possessions lying west of the Territory of Hawaii to 170° west longitude is contained in sections 303 (b), (c) and (r) of the Communications Act of 1934, as amended, and such power limitation is imposed at the request of United States military authorities to prevent possible interference to radio communications transmitted to and from United States military installations in the Western Pacific and Japan, notice and public procedure required by section 4 of the Administrative Procedure Act, are, hereby found unnecessary and this order should be, and is hereby, made effective at 3 a. m., e. s. t., January 3, 1947.

[1] 10 F. R. 14343, 11 F. R. 1218, 2257, 3158, 3692, 4611, 5545, 7685, 11207, 13527, 13976.

(Secs. 4 (i), 303 (c), 48 Stat. 1068, 1082; 47 U. S. C. 154 (i), 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-372; Filed, Jan. 15, 1947; 8:47 a. m.]

PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS[1]

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 17th day of December 1946;

It appearing, that it is necessary and desirable to amend Part 35 of the Commission's rules and regulations so as to simplify the accounting prescribed in said Part 35 by providing a list of retirement units for outside plant of wire-telegraph and ocean-cable carriers (see § 35.1–6–1);

It further appearing, that all persons subject to Part 35 of the Commission's rules and regulations have been given notice of the proposed amendment thereof and have been afforded an opportunity to comment thereon, and that no adverse comments have been received with respect thereto;

It further appearing, that, for the foregoing reasons, general notice of proposed rule making and public procedure thereon as provided in section 4 (a) of the Administrative Procedure Act is unnecessary with respect to the foregoing proposed amendment;

It is ordered, That, pursuant to section 220 (a) and (g) of the Communications Act of 1934, as amended, Part 35 of the Commission's rules and regulations be, and it is hereby, amended effective as of July 1, 1947: *Provided, however,* That any carrier affected thereby may effect the adoption of said list of retirement units in its accounting procedures at any earlier date.

Part 35, as amended by the addition of a list of retirement units (§ 35.1–6–1), reads as follows:

APPLICABILITY

Sec.	
35.01–1	Carriers subject to this system of accounts.
35.01–2	Classification of carriers.
35.01–3	Determination of class.
35.01–4	Effective date.

DEFINITIONS

35.02–1	Restrictive use of certain terms.

INSTRUCTIONS; GENERAL

35.03–1	Classes of records.
35.03–2	Basis of entries in books of account.
35.03–3	Records supporting accounting entries.
35.03–4	Transactions with affiliates.
35.03–5	Summary accounts, subaccounts, aditional clearing accounts, and temporary or experimental accounts.
35.03–6	Transferring balances from accounts previously maintained.
35.03–7	Charges to be just and reasonable.
35.03–8	Entries involving telephone or radiotelegraph service.
35.03–9	Sequence of accounts.
35.03–10	Preliminary investigations and research.
35.03–11	Interpretation of the prescribed accounting.
35.03–12	Interpretation of item lists.
35.03–13	Delayed items.
35.03–14	Unaudited items.
35.03–15	Unusual items.
35.03–16	Transactions involving foreign currency.
35.03–17	Apportioning amounts among accounts.
35.03–18	Transactions involving joint operations.
35.03–19	Transactions involving interchange of traffic.
35.03–20	Commissions.
35.03–21	Transactions involving leased property.

INSTRUCTIONS; DEPRECIATION ACCOUNTING

35.04–1	Classes of depreciable operated plant.
35.04–2	Computation of depreciation rates.
35.04–3	Depreciation charges.
35.04–4	Extraordinary retirements.

INSTRUCTIONS FOR CLASS B CARRIERS

35.05–1	Primary operating-revenue accounts for class B carriers.
35.05–2	Primary operating-expense accounts for class B carriers.

REPORTING REQUIREMENTS

35.06–1	Provisions that require the specific approval of the Commission before the accounting is performed.
35.06–2	Provisions that require certain special reports to be filed.

BALANCE-SHEET ACCOUNTS

INSTRUCTIONS

35.10–1	Purpose of balance-sheet accounts.
35.10–2	Current assets.
35.10–3	Prepayments.
35.10–4	Deferred charges.
35.10–5	Current liabilities.
35.10–6	Long-term debt.
35.10–7	Book cost of securities owned.
35.10–8	Exchange of securities.
35.10–9	Capital stock.
35.10–10	Surplus.
35.10–11	Provisions for future settlements.
35.10–12	Deferred credits.
35.10–13	Discount, expense, and premium capital stock.
35.10–14	Discount, expense, and premium on long-term debt.
35.10–15	Irrevocable trusts.
35.10–16	Contingent assets and liabilities.
35.10–17	Nominally issued securities.
35.10–99	Contemplated form of balance sheet.

PRESCRIBED ACCOUNTS

Communication Plant

35.1000	Operated plant in carrier's service.
35.1100	Operated plant leased to others.
35.1200	Improvements and replacements of operated plant leased from others.
35.1300	Plant under construction.
35.1400	Plant held for future communication use.
35.1510	Plant-acquisition adjustment.
35.1515	Allowance for depreciation, wire-telegraph and ocean-cable plant.
35.1520	Allowance for amortization; wire-telegraph and ocean-cable plant.
35.1530	Telephone and radiotelegraph plant.
35.1535	Allowance for depreciation and amortization; telephone and radiotelegraph plant.
35.1540	Plant in process of reclassification.
35.1545	Plant adjustments.
35.1599	Foreign investment in communication plant.

Investments and Funds

35.1610	Miscellaneous physical property.
35.1615	Allowance for depreciation; Miscellaneous physical property.
35.1620	Investments in affiliates.
35.1629	Other investments.
35.1630	Debt-redemption funds.
35.1635	Employees' provident funds
35.1640	Insurance funds.
35.1645	Miscellaneous funds held by trustees.
35.1659	Other miscellaneous funds.
35.1698	Amortized discount and premium on investment securities.
35.1699	Allowance for doubtful investments.

Current Assets

35.1710	Cash.
35.1715	Special cash deposits.
35.1720	Working cash advances.
35.1725	Temporary investments.
35.1730	Receivable from customers.
35.1742	Traffic settlements receivable from affiliates.
35.1749	Other receivables from affiliates.

Receivables From Nonaffiliates

35.1751	Notes receivable.
35.1752	Traffic settlements receivable.
35.1753	Matured interest receivable.
35.1754	Declared dividends receivable.
35.1755	Matured rents receivable.
35.1759	Other accounts receivable.
35.1765	Allowance for uncollectible receivables.
35.1770	Unmatured accrued receivables.
35.1775	Subscriptions to capital stock.
35.1780	Deposits on subscriptions to capital stock.
35.1785	Subscriptions to bonds.
35.1790	Deposits on subscriptions to bonds.
35.1795	Material and supplies.
35.1799	Other current assets.

Prepayments

35.1810	Prepaid insurance.
35.1815	Prepaid rents.
35.1820	Prepaid taxes.
35.1899	Other prepayments.

Deferred Charges

35.1910	Extraordinary maintenance, depreciation, and retirements.
35.1915	Capital-stock expense.
35.1920	Long-term debt expense.
35.1925	Discount on capital stock.
35.1930	Unamortized discount on debt.
35.1935	Preliminary survey and investigation charges.
35.1940	Debit balances in clearing accounts.
35.1999	Other deferred charges.

Long-Term Debt

35.2010	Bonds actually issued.
35.2015	Bonds reacquired.
35.2020	Bonds subscribed—Unissued.
35.2025	Receivers' and trustees' securities.
35.2030	Advances from affiliates.
35.2099	Other long-term debt.

Current Liabilities

35.2101	Unpaid wages.
35.2111	Liability for tax collections.
35.2113	Unpaid money-orders.
35.2115	Customers' deposits.
35.2120	Matured long-term debt.
35.2122	Traffic settlements payable to affiliates.
35.2129	Other payables to affiliates.

Payable to Nonaffiliates

35.2131	Notes payable.
35.2132	Traffic settlements payable.
35.2133	Matured interest payable.
35.2134	Dividends payable.
35.2135	Matured rents payable.
35.2139	Other accounts payable.

[1] The numerical sequence of sections in this part follows the established sequence of accounts prescribed thereby.

Sec.
35.2155 Advance billings.
35.2160 Liability on installment-plan sales of capital stock.

Liability Accruals

35.2164 Dividends declared.
35.2165 Interest accruals.
35.2170 Rent accruals.
35.2175 Tax accruals.
35.2180 Other liability accruals.
35.2199 Other current liabilities.

Provisions for Future Settlements

35.2210 Provisions for employees' pensions and welfare.
35.2215 Provisions for self-carried insurance.
35.2220 Provisions for equalization of maintenance expenses.
35.2225 Provisions for depreciation and replacement of operated plant leased from others.
35.2230 Leased operated plant retired.
35.2299 Other provisions for future settlements.

Deferred Credits

35.2310 Unamortized premium on debt.
35.2315 Advances for construction.
35.2320 Credit balances in clearing accounts.
35.2399 Other deferred credits.

Capital Stock

35.2410 Capital stock issued.
35.2415 Capital stock reacquired.
35.2420 Capital stock subscribed; unissued.
35.2425 Obligations for stock conversion.

Capital Surplus

35.2510 Premiums and assessments on capital stock.
35.2515 Contributions of plant.
35.2599 Other capital surplus.

Earned Surplus

35.2610 Contractual reserves.
35.2615 Reserve against impairment of stated capital.
35.2620 Miscellaneous reserves.
35.2699 Unappropriated earned surplus.

OPERATED PLANT ACCOUNTS

INSTRUCTIONS

35.1-1 Purpose and content of operated plant accounts.
35.1-2 Accounting for plant acquisitions.
35.1-3 Components of construction costs.
35.1-4 Overhead construction costs.
35.1-5 Expenditures on operated plant leased from others.
35.1-6 Additions, retirements, and replacements of operated plant.
35.1-7 Transfers of plant.
35.1-8 Continuous property-record required.
35.1-99 Contemplated form of plant statement.

PRESCRIBED ACCOUNTS

Real Estate

35.11 Land used for right of way.
35.12 Land used for building sites.
35.13 Land used for other operations.
35.14 Land improvements.
35.15 Buildings.

Outside Communication Lines

35.21 Poles.
35.22 Aerial wire.
35.23 Aerial cable.
35.24 Underground cable.
35.25 Buried cable.
35.26 Submarine cable.
35.27 House cable.
35.28 Underground conduit.
35.29 Pneumatic tubes.
35.31 Ocean cable.

Sec.
35.41 Message transmitting and receiving equipment.
35.42 Repeater and terminal equipment.
35.43 Switchboards and distributing frames.
35.44 Pneumatic-tube and conveyer equipment.
35.45 Power equipment.
35.46 Messenger call-circuit equipment.
35.47 Time-service equipment.
35.48 Ticker and commercial news service equipment.
35.49 Office cable and conduit.
35.51 Equipment furnished customers.
35.59 Other inside communication plant.

Office and Messenger Equipment

35.61 Furniture and office appliances.
35.65 Messenger uniforms.
35.69 Other office and messenger equipment.

Work Equipment

35.71 Vehicles.
35.72 Shop equipment.
35.73 Store and warehouse equipment.
35.74 Tools and implements.
35.75 Floating equipment.
35.76 Railway equipment.
35.77 Emergency facilities.
35.78 Laboratory equipment.

Intangibles

35.81 Organization.
35.82 Franchises.
35.83 Patent rights.
35.84 Leaseholds.
35.85 Research and development.
35.89 Other intangibles.

Other Plant Accounts

35.91 Plant acquired; undistributed charges.
35.92 Plant sold; undistributed credits.

INCOME AND EARNED-SURPLUS ACCOUNTS

INSTRUCTIONS

35.30-1 Purpose of income accounts.
35.30-2 Income from debt-redemption and other funds.
35.30-3 Rents includible in income accounts.
35.30-4 Disposition of balances in income accounts.
35.30-5 Purpose of earned-surplus accounts.
35.30-6 Disposition of balances in earned-surplus accounts.
35.30-99 Contemplated form of income and earned-surplus statement.

INCOME ACCOUNTS

Ordinary Income; Communication

35.3000 Operating revenues.
35.3710 Foreign exchange; revenue differential.

Operating-Revenue Deductions

35.4000 Operating expenses.
35.4910 Depreciation.
35.4915 Amortization; intangible operated plant.
35.4920 Amortization of plant-acquisition adjustments.
35.4925 Extraordinary plant losses.
35.4931 Social security taxes; operating.
35.4932 Other taxes; operating.
35.4935 Uncollectible revenues.
35.4945 Telephone and radiotelegraph operating-revenue deductions.
35.4950 Revenue-contract payments.
35.4998 Foreign exchange; expense differential.
35.4999 Other operating-revenue deductions.

Other Communication Income

35.5010 Income from operated plant leased to others.
35.5015 Income from telephone and radiotelegraph plant leased to others.
35.5020 Profit from general services, licenses, and royalties.
35.5089 Income from foreign operations.
35.5099 Other communication income.

Ordinary Income; Noncommunication

35.5110 Income from miscellaneous physical property.
35.5115 Income from merchandising, jobbing, and contracting.
35.5120 Dividend income.
35.5125 Interest income.
35.5135 Income from debt-redemption and other funds.
35.5140 Gain or loss on foreign currency exchange.
35.5199 Other noncommunication income.

Deductions from Ordinary Income

35.5205 Rent for lease of operated plant.
35.5210 Interest on long-term debt.
35.5215 Interest on indebtedness to affiliates.
35.5220 Amortization of debt discount.
35.5225 Interest charged to construction—Cr.
35.5230 Amortization of debt premium—Cr.
35.5233 Interest on past-due tax assessments.
35.5235 Other interest charges.
35.5240 Taxes assumed on interest.
35.5245 Amortization of debt expense.
35.5250 Miscellaneous taxes.
35.5255 Amortization of plant-acquisition adjustments.
35.5260 Revenue-contract payments.
35.5298 Foreign exchange—Income differential.
35.5299 Other deductions from ordinary income.

Extraordinary Income

35.6110 Extraordinary current income credits.
35.6120 Extraordinary current income charges.
35.6210 Delayed income credits.
35.6220 Delayed income charges.

Deductions From Net Income

35.7010 Income taxes.
35.7099 Other deductions from net income.

EARNED-SURPLUS ACCOUNTS

Earned Surplus; Credits

35.8110 Balance transferred from income accounts.
35.8199 Miscellaneous credits to earned surplus.

Earned Surplus; Charges

35.8299 Miscellaneous charges to earned surplus.
35.8310 Contractual appropriations of earned surplus.
35.8315 Earned surplus employed in reacquisition of capital stock.
35.8320 Miscellaneous appropriations of earned surplus.
35.8399 Divided appropriations of earned surplus.

OPERATING-REVENUE ACCOUNTS

INSTRUCTIONS

35.31-1 Purpose of operating-revenue accounts.
35.31-2 Basis of credits to the operating-revenue accounts.
35.31-3 Divisions of operating revenues.
35.31-4 Services furnished without direct charge.
35.31-5 Preparation for allocation of wire-telegraph revenues to continental communication and to foreign communication (under domestic-service classification).
35.31-6 Preparation for allocation of ocean-cable revenues to foreign communication and to insular communication.
35.31-99 Contemplated form of operating-revenue statement.

PRESCRIBED ACCOUNTS

Wire-Telegraph Transmission Revenues

35.3110 Public message revenue.
35.3115 United States government message revenue.
35.3125 Press message revenue.
35.3130 Money-order message revenue.
35.3135 News (CND) service revenue.
35.3140 Contract (CAK) message revenue.
35.3145 Facsimile or photogram service revenue.
35.3155 Telephone service revenue.
35.3160 Wire-telegraph revenue on cable and radio messages.
35.3199 Other wire-telegraph transmission revenues.

Ocean-Cable Transmission Revenues

35.3210 Public message revenue.
35.3215 United States government message revenue.
35.3220 Other governments message revenue.
35.3225 Press message revenue.
35.3230 Money-order message revenue.
35.3235 News (CND) service revenue.
35.3245 Facsimile or photogram service revenue.
35.3255 Telephone service revenue.
35.3299 Other ocean-cable transmission revenues.

Terminal Commission Revenues

35.3350 Terminal commissions.

Wire-Telegraph Nontransmission Revenues

35.3410 Leased-circuit revenue.
35.3415 Measured-service revenue.
35.3420 Other leased-plant revenue.
35.3425 Code-registration revenue.
35.3430 Errand-service revenue.
35.3435 Money-order charges.
35.3440 Time-service revenue.
35.3499 Other wire-telegraph nontransmission revenues.

Ocean-Cable Nontransmission Revenues

35.3510 Leased-circuit revenue.
35.3515 Measured-service revenue.
35.3520 Other leased-plant revenue.
35.3525 Code-registration revenue.
35.3530 Errand-service revenue.
35.3535 Money-order charges.
35.3540 Time-service revenue.
35.3599 Other ocean-cable nontransmission revenues.

Other Telecommunication Revenues

35.3610 Telephone revenue; telephone systems.
35.3625 Radiotelegraph revenue; radiotelegraph systems.

OPERATING-EXPENSE ACCOUNTS

INSTRUCTIONS

35.41-1 Purpose of operating-expense accounts.
35.41-2 Basis of charges to the operating-expense accounts.
35.41-3 Operating expenses applicable to leased plant.
35.41-4 Subdivisions of operating-expense accounts.
35.41-5 Supervision and engineering.
35.41-6 Expenses of holding or servicing departments.
35.41-7 Maintenance expenses.
35.41-99 Contemplated form of operating-expense statement.

PRESCRIBED ACCOUNTS

Maintenance Expenses

35.4110 Testing and regulating.
35.4120 Maintenance of inside plant.
35.4130 Maintenance of aerial plant.
35.4140 Maintenance of underground plant.
35.4150 Maintenance of real estate.
35.4160 Maintenance of ocean cable.
35.4180 Maintenance-expense equalization.
35.4199 Other maintenance expenses.

Conducting-Operations Expenses

35.4211 Supervision of operations.
35.4212 Wages of operators.
35.4213 Wages of operating-office clerks.
35.4214 Wages of solicitors.
35.4215 Wages of messengers.
35.4219 Wages of other operating-office employees.
35.4221 Field-supervision expense.
35.4223 Advertising and soliciting expense.
35.4231 Messenger-uniform expense.
35.4239 Other messenger expense.
35.4240 Operating power.
35.4251 House service; operating offices.
35.4255 Postage and stationery; operating offices.
35.4259 Other supplies; operating offices.
35.4261 Rents for operating offices.
35.4269 Rents for other facilities.
35.4271 Telephone company service.
35.4273 Terminal commission charges.
35.4275 Terminal commissions; expense credit.
35.4279 Obtaining news (CND) services.
35.4281 Traffic-damage awards.
35.4285 Traffic-damage expense.
35.4291 Rest and lunch rooms.
35.4295 Employment and training.
35.4299 Other conducting-operations expenses.

General Expenses

35.4311 Legal services.
35.4315 General services, licenses, and royalties—Dr.
35.4317 General services, licenses, and royalties—Cr.
35.4321 Insurance.
35.4323 Workmen's compensation.
35.4325 Injuries and damages.
35.4327 Relief and pensions.
35.4341 Franchise requirements.
35.4399 Other general expenses.

Administrative Expenses

35.4410 Salaries of general officers and executives.
35.4420 Salaries of general office employees.
35.4430 Expenses of general officers and general office employees.
35.4499 Other administrative expenses.

CLEARING ACCOUNTS

INSTRUCTIONS

35.90-1 Purpose of clearing accounts.
35.90-2 Disposition of balances in clearing accounts.
35.90-3 Subdivisions of clearing accounts.

PRESCRIBED ACCOUNTS

35.9011 Research and development clearing account.
35.9012 Vehicle clearing account.
35.9013 Shop clearing account.
35.9014 Tool and implement clearing account.
35.9015 Plant-supervision clearing account.
35.9016 Supply clearing account.
35.9017 House-service clearing account.
35.9018 Floating-equipment clearing account.
35.9019 Railway-equipment clearing account.

RETIREMENT UNITS

Sec.
35.1-6-1 List of units to be used in connection with the accounting provided in § 35.1-6.

NOTE: In preparing this compilation, the Commission has had in mind the necessity for an arrangement which would make the rules conveniently accessible and one which would also make provision for future amendments. To this end all the existing rules have been logically arranged under 32 parts, which have been suitably subdivided, employing nonconsecutive part numbers from 1 to 65, making provision for substitution and additions.

This system of accounts (Part 35 of the Commission's rules and regulations) supersedes §§ 35.01-0 to 35.709, inclusive, previously published under this part number in the Code of Federal Regulations. Neither the superseded sections nor this system of accounts purports to provide for a complete comparative evaluation of the benefits extended and received under reciprocal agreements with railroad companies and others.

The several section numbers indicate the relationship among the instructions and accounts of Part 35, as follows:

Examples:
(1) § 35.01-1.
(2) § 35.10-1.
(3) § 35.1-2.
(4) § 35.1000.
(5) § 35.11.
(6) § 35.1515.

Explanation:

The number "35" (appearing to the left of the decimal point) indicates the part number.

The dash (—) indicates an instruction that is applicable to several accounts. (See examples (1), (2), and (3).)

With the exception of the instructions that are applicable to more than one group of accounts (which are indicated by a zero following the decimal point), the number between the decimal point and the dash indicates the group of accounts to which the instruction is applicable by the use of a mnemonic method of indication consisting of the first two digits of the first account in a group composed of four-digit account numbers, and the first digit of the first account in a group composed of two-digit account numbers (applicable only to the plant accounts in this system of accounts). Thus, in the foregoing examples:

Section 35.01-1 refers to several groups of accounts;

Section 35.10-1 refers to the balance-sheet accounts (beginning with account 1000);

Section 35.1-2 refers to the plant accounts (beginning with account 11).

When no dash appears in the section number, the number to the right of the decimal point is an account number. (See examples (4), (5), and (6).) A colon (:) indicates the subdivision of an account, the number to the right of the colon being the subaccount number. Where references throughout the regulations are to an account, as such, only the account number is used.

APPLICABILITY

§ 35.01-1 *Carriers subject to this system of accounts.* This system of accounts applies to carriers engaged primarily in furnishing wire-telegraph or ocean-cable service. (See also § 35.03-8.)

§ 35.01-2 *Classification of carriers.* (a) For the purpose of applying this system of accounts wire-telegraph and ocean-cable carriers are divided into two classes, as follows:

Class A. Carriers having average annual operating revenues exceeding $100,000. Such carriers shall keep all the accounts that are applicable to their affairs.

Class B. Carriers having average annual operating revenues exceeding $50,000, but not exceeding $100,000. Such carriers shall keep all the accounts that are applicable to their affairs, except that their accounts for operating revenues and operating expenses may be kept under the condensed primary classifications provided in §§ 35.05–1 and 35.05–2.

(b) Carriers having average annual operating revenues not exceeding $50,000 may (but are not required to) keep the accounts prescribed in this system of accounts.

§ 35.01–3 *Determination of class.* (a) The class to which any carrier belongs shall be determined by the average of its annual operating revenues for the 3 years immediately preceding the effective date of this system of accounts. If at the close of any subsequent calendar year the average of its annual operating revenues for the latest 3 years is greater than the amount applicable to the class in which the carrier has been previously includible, the accounts applicable to the higher class shall be adopted.

(b) Carriers not engaged in furnishing wire-telegraph or ocean-cable service over the 3-year period immediately preceding the effective date of this system of accounts shall estimate the amount of their annual operating revenues and shall keep the accounts applicable to carriers having actual revenues in the amount estimated.

§ 35.01–4 *Effective date.* The effective date of this system of accounts shall be extended to January 1, 1943: *Provided, however,* That the carriers to which this system of accounts is applicable shall continue to pursue with all possible diligence the major studies essential to providing accounting consistent with this system of accounts, particularly with respect to (1) the determination of original cost, (2) leased property, and (3) depreciation; and each such carrier shall advise the Commission promptly of any definite determination resulting from such studies to the end that appropriate adjustment may be made irrespective of the effective date of this system of accounts.

DEFINITIONS

§ 35.02–1 *Restrictive use of certain terms.* When used in this system of accounts, unless otherwise indicated, the term or expression:

"Accounts" or "these accounts" means the accounts prescribed in "this system of accounts."

"Acquisition cost" means the amount of money actually paid (or the then current money value of any consideration other than money given) by the "carrier" for property, including the preliminary expenses incurred in connection with the acquisition.

"Act" or "the act" means the Communications Act of 1934 as amended.

"Actually issued," as applied to securities issued or assumed by the "carrier," means (1) those securities that have been sold to bona-fide purchasers for a valuable consideration (including those issued in exchange for other securities or other property), (2) those that have been issued in accordance with contractual requirements directly to trustees of debt-redemption and other funds, and (3) those that have been issued in payment of dividends on stock.

"Actually outstanding," as applied to securities issued or assumed by the "carrier," means those securities that have been "actually issued" and are neither retired nor held by or for the "carrier": *Provided, however,* That securities held by trustees of debt-redemption and other funds shall be regarded and treated as actually outstanding.

"Affiliate" means (and "affiliated" relates to) a "person" that, directly, or indirectly through one or more intermediaries, "controls," is "controlled by," or is "under common control with," the "carrier."

"Amortization" means the gradual extinguishment of an amount in an account by prorating such amount over a fixed period.

"Book amount," as applied to securities issued or assumed by the "carrier," means (1) the amount duly authorized for inclusion in account 2410, "Capital stock issued," for stock having no par value, and (2) the "face amount" of all other securities.

"Book cost" means the amount at which property is recorded in an account without the deduction of amounts in related or other accounts.

"Carrier" means the accounting carrier.

"Class," as applied to depreciable plant (see § 35.04–1), means that portion of the total plant that is represented by a single primary plant account.

"Commission" means the Federal Communications Commission.

"Communication" or "communication service" means the "transmission" of writing, signs, signals, pictures, and sounds of all kinds, by aid of wire, cable, or radio, between the point of origin and the point of reception of such "transmission," including all instrumentalities, facilities, apparatus, and services (among other things, the receiving, forwarding, and delivery of communications) incidental to such "transmission."

"Compensation," as applied to officers and employees, means salaries, wages, commissions, bonuses, and other remuneration (such as subsistence furnished in lieu of wages) for services.

"Continental communication" means "communication" when both the point of origin and the point of destination are located within the "continental United States."

"Continental United States" means the several States of the United States, the District of Columbia, and the Territory of Alaska.

"Contingent asset" means an item representing a possible source of value to the "carrier" dependent upon the fulfillment of conditions regarded as uncertain.

"Contingent liability" means an item representing a possible source of obligation of the "carrier" dependent upon the fulfillment of conditions regarded as uncertain.

"Control" means (and the terms "controlling," "controlled by," and "under common control with" relate to) the direct or indirect possession of the power (including the veto power) to direct or to cause the direction of the management, important acts, and policies of a "person," whether such power is exercised through one or more intermediary "persons," or alone, or in conjunction with, or pursuant to an agreement with, one or more other "persons," and whether such power is established through a majority or a minority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trusts, affiliates, contracts, or any other direct or indirect means. "Control" shall not be viewed as altered by a new status of any "person" that may be occasioned by pending proceedings in bankruptcy or by any situation of receivership, trusteeship, or fiduciary relationship resulting from proceedings of a like nature.

"Cost," as applied to plant, means the "original cost" of plant acquired from predecessors as substantially complete operating systems or operating units and the "acquisition cost" of all other plant. Except as applied to plant, "cost" means the amount of money actually paid (or the then current money value of any consideration other than money given) by the "carrier" for property or services.

"Cost of removal" means the cost of demolishing, dismantling, tearing down, or otherwise removing plant, including the cost of transportation and handling incidental thereto.

"Date of installation," as applied to plant acquired from predecessors as substantially complete operating systems or operating units, means the date at which such plant was first dedicated to public use. As applied to all other plant, the term means the date at which such plant was placed in "communication service" by the "carrier."

"Date of retirement" means the date at which plant is retired from "communication service."

"Debt expense" means all expenses incurred by or for the "carrier" in connection with the issuance and sale of evidences of debt (exclusive of the sale of reacquired securities), such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other commercial paper; specific costs of obtaining governmental authority for issuance and filing notices thereunder; fees for legal services; fees and commissions paid underwriters, brokers and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

"Delayed items" means items relating to transactions that occured during a prior calendar year and require further accounting treatment for a true statement. It includes adjustments of errors in the operating-revenue, operating-expense, and other income accounts for prior years.

"Depreciation," as applied to depreciable "operated plant," means the loss in "service value" not restored by current maintenance, incurred in connection with the consumption or prospective "retirement" of such plant in the course of

service from causes known to be in current operation against which the "carrier" is not protected by insurance and the effect of which can be forecast with a reasonable approach to accuracy. Among the causes to be given consideration are wear and tear, decay, action of the elements, obsolescence, inadequacy, changes in the art, changes in demand, and requirements of public authorities.

"Discount," as applied to securities issued or assumed by the "carrier," means the excess of (1) the "book amount" of the securities over (2) the then current money value of the consideration received from their sale less the amount included therein for interest accrued or for dividends.

"Face amount," as applied to securities issued or assumed by the "carrier," means the amount of principal of indebtedness, or par value of stock, as set forth in the documents themselves.

"Foreign communication" means "communication" when either the point of origin or the point of destination is located without the "United States."

"Includible" means properly includible under the provisions of "this system of accounts."

"Insular communication" means "communication" between the insular territories or possessions of the United States (excluding the Philippine Islands and the Canal Zone) and the "continental United States," or among the insular territories or possessions of the United States (excluding the Philippine Islands and the Canal Zone).

"Investment advances" means advances, represented by notes or by book accounts only, which it is mutually agreed or intended between the creditor and the debtor shall be settled by the issuance of capital stock or evidences of long-term debt, or shall not be subject to current settlement. Advances with respect to which amounts have been, or will be, included in the current accounts for more than one year will be considered not subject to current settlement.

"Matured" means due and payable (or receivable) as at a date not later than the first day following the date of the balance sheet.

"Minor items," as applied to plant, means those quantities of depreciable "operated plant" not designated as "retirement units" in § 35.1–6–1.

"Mobile communication" means "communication" when either the point of origin or the point of destination is located on aircraft, on a ship, or on a land vehicle regularly used in "communication service."

"Net book cost," as applied to all, or to a specific portion of plant, means the "book cost" minus the recorded depreciation (or amortization) allowance that is assignable thereto.

"Net salvage value" means the "salvage value" of "plant retired" after deducting the "cost of removal" incidental to its "retirement."

"Nominally issued," as applied to securities issued or assumed by the "carrier," means those securities that have been signed, certified, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged or otherwise placed in some special fund of the "carrier," but have not been sold or issued directly to trustees of debt-redemption or other funds in accordance with contractual requirements.

"Nominally outstanding," as applied to securities issued or assumed by the "carrier," means those "actually issued" securities that have been reacquired by or for the "carrier" under circumstances that prohibit considering them retired: *Provided, however,* That securities held by trustees of debt-redemption or other funds shall be regarded and treated as "actually outstanding."

"Ocean-cable plant" means plant used or useful in furnishing "ocean-cable service."

"Ocean-cable service" means record "communication service" furnished prevailingly by means of transoceanic-type cable and associated facilities located at ocean-cable termini, as well as incidental services so intimately related to such "communication service" as to make impracticable the determination of the extent to which the use of plant or the operating income, revenues, or expenses are applicable to such incidental services.

"Operated plant" means the physical plant used in "wire-telegraph service" and "ocean-cable service" together with the associated intangible items.

"Original cost," as applied to plant, means the actual money cost of (or the then current money value of any consideration other than money given for) property at the time it was first dedicated to the public use, whether by the "carrier" or by any other "person."

"Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or any other organized group, or any receiver or trustee.

"Plant retired" means plant that has been removed, sold, abandoned, destroyed, or for any cause withdrawn from "communication service."

"Premium," as applied to securities or assumed by the "carrier," means the excess of (1) the then current money value of the consideration received from their sale, less the amount included therein for interest accrued or for dividends, over (2) their "book amount."

"Primary account" means (1) any account the name or title of which appears in the table of contents of "this system of accounts" or (2) any additional clearing account or experimental account optionally maintained pursuant to the provisions of § 35.03–5.

"Replacement" means the construction or installation of plant in place of "plant retired."

"Retirement." (See "plant retired.")

"Retirement units" means the quantities of depreciable "operated plant" listed in § 35.1–6–1.

"Salvage value" means the amount received for "plant retired," if sold, less any expenses incurred in connection with such sale or in preparing the property for sale; or, if retained, the amount at which the material recovered is chargeable to account 1795, "Material and supplies," or other appropriate account.

"Service life" means the period between the "date of installation" of plant and the "date of retirement" thereof.

"Service value" means the difference between the "cost" of plant and its "net salvage value."

"Stock expense" means all expenses incurred by or for the "carrier" in connection with the issuance and sale of capital stock (exclusive of the sale of reacquired capital stock), such as fees and commissions paid to promoters, underwriters, brokers, and salesmen; fees for legal services; cost of soliciting subscriptions for capital stock, including fees, commissions, and advertising; specific costs of obtaining governmental authority for issuance and filing notices thereunder; fees and taxes for issuance of capital stock and listing on exchanges; and the cost of preparing, engraving, printing, issuing, and distributing prospectuses and stock certificates.

"Straight-line method," as applied to "depreciation" accounting, means the plan under which the "service value" of depreciable "operated plant" is charged to depreciation, clearing, and other accounts and credited to the depreciation-allowance account through equal annual charges (as nearly as may be) during its "service life."

"Subclass," as applied to depreciable plant (§ 35.04–1), means that portion of a "class" of plant, preferably corresponding to one or more "subprimary" plant accounts, to the cost of which a specific percentage rate of depreciation is applied in accounting for "depreciation," which percentage rate differs from those that are applied with respect to other "subclasses" of the same "class" of such plant.

"Subprimary account" or "subaccount" means any account, required or permitted by "this system of accounts," the balance in which, if combined with the balances in all the other accounts subprimary to the same account, will produce the balance in that "primary account."

"System of accounts" or "this system of accounts" means the rules embodied in this part.

"Transmission" means the movement of "communication." It includes the receiving, forwarding, and delivery of communications.

"United States" means the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Philippine Islands or the Canal Zone.

"Wire-telegraph plant" means plant used or useful in furnishing "wire-telegraph service."

"Wire-telegraph service" means record "communication service" furnished prevailingly by means of metallic conductors and associated terminal facilities (excluding "ocean-cable plant"), as well as incidental services so intimately related to such "communication service" as to make impracticable the determination of the extent to which the use of plant or the operating income, revenues, or expenses are applicable to such incidental services.

INSTRUCTIONS; GENERAL

§ 35.03–1 *Classes of records.* (a) The records to be maintained in accordance with the provisions of this system of accounts are divided into two classes: viz, (1) books of account, containing the primary and subprimary accounts defined in § 35.02–1, and (2) supporting records. (See also §§ 35.03–2 and 35.03–3.)

(b) All records are to be retained permanently except as otherwise provided in Part 42 (Destruction of Records) of this chapter.

§ 35.03–2 *Basis of entries in books of account.* (a) Amounts entered in the books of account shall be in denominations of United States currency. When subsidiary records are kept in which entries are made in terms of foreign currencies, the translation to terms of United States currency for entry in the books of account shall be effected as prescribed in § 35.03–16.

(b) The books of account shall be so maintained that when the full information is not recorded therein the entries shall contain sufficient reference to the supporting records to permit ready identification.

(c) Each carrier shall keep its books of account on a calendar-month basis so that for each month all transactions applicable thereto, as nearly as may be ascertained, will be entered in the books. The final entries for any month shall be made not later than 60 days after the last day of the month for which the accounts are stated, except that the period within which the final entries for the month of December shall be made may be extended to such date as will not interfere with the preparation and filing of annual reports as required by section 219 of the act.

(d) The books of account shall be maintained independently for each carrier and shall not be combined with those of any other person.

§ 35.03–3 *Records supporting accounting entries.* Supporting records shall be maintained in which shall be shown the full details concerning any entry in the books of account for which the details are not shown in the accounts themselves. The supporting records referred to herein include, in addition to the accounting records in a limited technical sense, all records such as minute-books, stock-books, reports, correspondence, memoranda, maps, plans, specifications, quantity surveys, inventories, and any and all other records that would be useful in developing the history of or the facts regarding any transaction. These supporting records shall be so filed as to be readily accessible for examination by representatives of the Commission.

§ 35.03–4 *Transactions with affiliates.* Each carrier shall so maintain its accounts and records as to be able to furnish accurately and expeditiously a statement of all transactions with affiliates. This statement shall show the general nature of the transactions, the amounts involved therein, and the amounts included in each account prescribed herein with respect to such transactions.

§ 35.03–5 *Summary accounts, subaccounts, additional clearing accounts, and temporary or experimental accounts.* (a) Accounts that are clearly summaries of other accounts or of subaccounts provided for herein are not required to be kept in the carrier's books of accounts. However, such accounts may be opened in the general books for control purposes.

(b) All accounts kept shall conform in number and title to those prescribed herein, except that:

(1) Carriers may subdivide any of the prescribed accounts or subaccounts, provided that such subdivisions do not impair the integrity of the prescribed accounts. The titles of all such subdivisions shall refer by number or title to the account or accounts of which they are subdivisions.

(2) Clearing accounts in addition to those prescribed and temporary or experimental accounts may be kept, provided that such additional accounts do not impair the integrity of the prescribed accounts.

(3) Within 90 days from the effective date of this system of accounts, the carrier shall notify the Commission of the nature and purpose of (i) the subdivisions of the prescribed accounts, (ii) the temporary accounts, (iii) the experimental accounts, and (iv) the additional clearing accounts opened under authority of this section. The carrier shall continue to keep the Commission informed of all additional accounts (or subaccounts) of these types that are opened after such effective date.

NOTE: Only one item need be reported for a group of subaccounts that differ from each other only with respect to geographical location or type of material.

(c) When so required by a State commission or other authority exercising jurisdiction, the carriers' records may be so maintained that the amounts of plant, operating revenues, operating expenses, and other operating-revenue deductions applicable to operations within such jurisdiction may be stated separately, provided that such separate statement does not impair the integrity of any primary account or subaccount required to be maintained under this system of accounts.

§ 35.03–6 *Transferring balances from accounts previously maintained.* As at the effective date of this system of accounts, the several accounts prescribed herein shall be opened by transferring thereto the balances carried in the accounts previously maintained by the carrier. The carrier is authorized to make such subdivisions, reclassifications, or consolidations of these balances as are necessary to meet the requirements of this system of accounts. Entries that require the determination of cost by estimates shall be supported by records showing in complete detail the methods used in arriving at or computing the amounts thereof. Copies of journal entries recorded to effect the transfers, and a detailed statement of the methods used in arriving at or computing estimated costs, shall be filed with the Commission within 90 days from the dates of the entries. (See also paragraph (g) of § 35.1–1.)

§ 35.03–7 *Charges to be just and reasonable.* All charges to the accounts prescribed in this system of accounts for plant, for operating revenues, and for operating expenses and other operating-revenue deductions shall be just and reasonable, and any payments by the carrier in excess of such just and reasonable charges shall be included in account 5299, "Other deductions from ordinary income."

§ 35.03–8 *Entries involving telephone or radiotelegraph service.* (a) When wire-telegraph or ocean-cable carriers are engaged also in furnishing telephone or radiotelegraph service through the utilization of distinctive portions of their facilities devoted exclusively or primarily to such service, they shall maintain accounts for the plant, operating revenues, operating expenses, and other items applicable to each such service in conformity with the respective effective accounts prescribed for carriers engaged primarily in furnishing such service. In the reports to the Commission the amounts in these accounts shall be indicated as provided in paragraph (b) of this section.

(b) The cost of distinctive telephone or radiotelegraph plant (whether operated by the carrier or others) shall be included in account 1530, "Telephone and radiotelegraph plant." The amounts of the allowances for depreciation and amortization of such plant shall be included in account 1535, "Allowance for depreciation and amortization; telephone and radiotelegraph plant." The amounts of revenue derived from the operation of such plant by the carrier shall be credited to account 3610, "Telephone revenue; telephone systems," or account 3625, "Radiotelegraph revenue; radiotelegraph systems," as appropriate. The amounts of operating-revenue deductions (including operating expenses) applicable to the operation of such plant shall be charged to account 4945, "Telephone and radiotelegraph operating-revenue deductions." The rentals received from telephone or radiotelegraph plant leased to others as substantially complete operating systems or operating units shall be credited to account 5015, "Income from telephone and radiotelegraph plant leased to others," and the amounts of operating-revenue deductions applicable to the operation of such plant shall be charged to account 4945. Rentals from telephone or radiotelegraph facilities not constituting substantially complete operating systems or operating units shall be credited to the appropriate operating-revenue accounts.

(c) When the major use of a particular portion of the carrier's plant is in wire-telegraph or ocean-cable service, but the same facilities are used also in other types of communication service in a manner preventing the distinction of the physical elements associable with such services, the distribution of the operating revenues, operating expenses, and other deductions from operating revenues among the several classes of communication service where directly applicable shall be accomplished by subdivisions of the prescribed accounts, except that revenues derived from telephone service rendered through the use of such plant shall be included in account 3155, "Telephone service revenue" (wire-telegraph), or account 3255, "Telephone service revenue" (ocean-cable), as appropriate. (See also § 35.03–17.)

§ 35.03–9 *Sequence of accounts.* The order in which the accounts are presented in this system of accounts is not to be considered as necessarily indicative of the order in which they will be scheduled at all times in reports to the Commission. The sequence contemplated (until further notice) will be as indicated in the respective forms which immediately precede the texts for the several groups of accounts.

§ 35.03–10 *Preliminary investigations and research.* (a) The cost of preliminary surveys, plans, and investigations made for the purpose of determining the feasibility of contemplated major projects shall be charged to account 1935, "Preliminary survey and investigation charges," and subsequently cleared therefrom in accordance with the text of that account.

(b) The cost of research and development work such as laboratory expenses and other research items that cannot be assigned to specific construction projects shall be charged to account 9011, "Research and development clearing account," and subsequently cleared therefrom in accordance with the text of that account.

§ 35.03–11 *Interpretation of the prescribed accounting.* (a) The parenthetical cross-references and the notes following the texts of various instructions and accounts are for the purpose of indicating the particularly applicable provisions of other sections. Such references are not to be construed as compromising a complete list of the instructions relating to a particular subject, since the definitions, the general instructions, and the instructions at the beginning of each group of accounts must be given consideration in determining the prescribed accounting.

(b) All questions of doubtful interpretation of the prescribed accounting shall be submitted, by responsible accounting officials of the carrier, to the Commission for consideration and decision.

§ 35.03–12 *Interpretation of item lists.* The lists of items following the texts of the several accounts are for the purpose of indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all the items to be reflected in the several accounts, but merely representative of them. Although the same item may appear in more than one list, its appearance in a list warrants the reflection of such item in the account concerned only when the text of the account also so indicates. The proper entry in each instance must be determined by the text of the account.

§ 35.03–13 *Delayed items.* Delayed items shall be charged or credited to the same accounts that would have been charged or credited if the items had not been delayed; *Provided*, That, when the amount of a delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort the accounts for that year, the carrier shall charge or credit the amount to account 6220, "Delayed income charges," or account 6210, "Delayed income credits," as appropriate. Not later than the date of filing its next annual report to the Commission the carrier shall file with the Commission a statement showing the full particulars concerning each such item, including the accounts and years that would have been affected had the item not been delayed.

§ 35.03–14 *Unaudited items.* (a) When, at the end of a calendar year or at such other time as a financial statement may be required by the Commission, it is known that a transaction has occurred which affects these accounts but the amount involved in the transaction and its effect upon the accounts cannot be accurately determined, an estimate thereof shall be included in the appropriate accounts. The carrier is not required to anticipate minor items that would not appreciably affect these accounts.

(b) If, during the interval between the date of initial estimate of the item and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustment to cover such difference shall be made in the accounts for the month in which the difference is determined.

(c) When the item is audited, the necessary adjustment shall be made in the appropriate account for the month in which the item is audited.

(d) Any substantial difference determined in accordance with paragraph (b) or (c) shall be accounted for as provided in § 35.03–13 or § 35.03–15, as appropriate.

§ 35.03–15 *Unusual items.* When the amount of any item includible in an operating-revenue, operating-expense, or other income account for a single month is relatively so large that its inclusion in the accounts for that month would seriously distort that account, it may be included in account 1999, "Other deferred charges," or account 2399, "Other deferred credits," as appropriate, and distributed in equal amounts to the accounts for the current and remaining months of the calendar year.

§ 35.03–16 *Transactions involving foreign currency.* (a) Revenues when collected, billed, or for other reasons given initial treatment in the accounts in terms of foreign currency, shall be stated in the operating-revenue accounts (3100 to 3699, inclusive) in terms of United States currency on the basis of a fixed uniform rate of foreign exchange. Concurrently adjustments from such fixed uniform rate to the then current rate of exchange shall be recorded in account 3710, "Foreign exchange; revenue differential."

(b) Under uniform practices, adopted by the carriers and reported to the Commission, operating-revenue deductions (including operating expenses) when paid, vouchered, or for other reason given initial treatment in the accounts in terms of foreign currency shall be stated in accounts 4000 to 4999, inclusive (other than account 4998), in terms of United States currency on the basis of a fixed uniform rate of foreign exchange. Concurrently, adjustments from such fixed uniform rate of exchange to the then current rate of exchange shall be recorded in account 4998, "Foreign exchange; expense differential."

(c) Under uniform practices, adopted by the carriers and reported to the Commission, ordinary income items (other than those provided for in paragraphs (a) and (b) of this section and the operating-revenue deductions) given initial treatment in the accounts in terms of foreign currency shall be stated in income accounts 5000 to 5299, inclusive (other than accounts 5140 and 5298), in terms of United States currency on the basis of the fixed uniform rate of foreign exchange. Concurrently, adjustments from such fixed uniform rate of exchange to the then current rate of exchange shall be recorded in account 5298, "Foreign exchange; Income differential."

(d) Current assets and liabilities or net current assets, recorded in the first instance in terms of foreign currency, shall be recorded in terms of United States currency at the end of each month at the then current rate of exchange. The net difference arising out of such translation at the beginning and at the end of the monthly accounting period shall be recorded as a charge or a credit to account 5140, "Gain or loss on foreign currency exchange."

(e) Differences in terms of United States currency between (1) amounts initially recorded (or resulting from the most recent translation) in the asset or liability accounts and (2) amounts required for settlement or derived from conversion, by reason of such transactions as the effecting of traffic settlements, the payment of rents or the receipt of rentals, or the settlement of loans, shall be recorded in account 5140, "Gain or loss on foreign currency exchange."

§ 35.03–17 *Apportioning amounts among accounts.* (a) When it is necessary to apportion amounts among accounts or subaccounts, the carrier shall be prepared to describe the basis of such apportionment.

(b) The pay and expenses of officers or employees regularly assigned to specific duties who perform incidental services of a different nature involving small expense shall be included in the expense accounts appropriate for the duties to which such officers or employees are regularly assigned.

(c) The pay and expenses of officers or employees engaged in activities of a varying nature, such as an engineer who may be assigned to supervise construction, maintenance, or operations work, shall be included in the appropriate ac-

counts upon the basis of the actual time devoted to the respective classes of work, except that the pay and expenses of an officer or employee who performs substantially the same variety of duties from day to day may be distributed upon the basis of a study of the time actually devoted by him to these duties during a representative period.

§ 35.03–18 *Transactions involving joint operations.* (a) In accounting for operating expenses incurred under arrangements for apportionment between the persons concerned, the creditor shall show the distribution of the charges in its bills and such distribution shall be adhered to in the accounts of any debtor to which this system of accounts is applicable.

(b) Any amounts included in the settlement representing return on investment in the plant used under joint-operation arrangements shall be charged or credited, as the case may be, to the appropriate rent-expense account or to the appropriate rent-revenue account.

§ 35.03–19 *Transactions involving interchange of traffic.* (a) A traffic-settlement account shall be maintained with each communication carrier with which traffic is interchanged (separately from the accounts maintained for other transactions with such carriers), and there shall be included in each such account both (1) amounts representing the accounting carrier's portion of revenues receivable from interchange of traffic with the respective carrier and (2) amounts representing the accounting carrier's obligation to such other carrier for traffic interchanged with it. (See also § 35.31–3.)

(b) In stating the balance sheet, the total of the debit balances remaining in these traffic-settlement accounts that have net debit balances shall be reported in account 1742, "Traffic settlements receivable from affiliates," and account 1752, "Traffic settlements receivable," as appropriate, and the total of the credit balances remaining in these traffic-settlement accounts that have net credit balances shall be reported in account 2122, "Traffic settlements payable to affiliates," and account 2132, "Traffic settlements payable," as appropriate.

§ 35.03–20 *Commissions.* (a) Commissions are amounts payable to a person acting as agent for the accounting carrier for services rendered, or amounts receivable by the accounting carrier for services rendered as agent of another person, whether such amounts are computed on a percentage basis or on a fixed unit rate.

(b) Commissions for terminal services in originating and terminating messages or similar communication services rendered to the carrier by other communication carriers, transportation companies, hotels, service stations, or other persons not employees of the carrier shall be included in account 4273, "Terminal commission charges."

(c) Commissions for services rendered by employees shall be included in the operating-expense account appropriate for the compensation of such employees.

(d) Commissions for terminal services rendered by the carrier to other carriers shall be included in account 3350, "Terminal commissions," particularly when such amounts are the result of operating agreements that provide a substantial source of revenue.

NOTE. Inconsequential amounts receivable for terminal services rendered to other carriers, particularly when there is no element of profit involved, may be included in account 4275, "Terminal commissions; expense credit."

§ 35.03–21 *Transactions involving leased property.* (a) When, under the terms of a lease, the carrier obtains exclusive possession of a substantially complete operating system or operating unit, the following information applicable to such plant shall be obtained from the lessor:

Date of installation.
Original cost.
Estimated service life.
Estimated cost of removal.
Estimated salvage value.
Depreciation accrued by the lessor to effective date of leasing agreement.

Such information shall be made the basis of the memorandum records required under the provisions of paragraph (h) of § 35.1–5.

(b) When, under the terms of a lease, the carrier as lessor surrenders exclusive possession of a substantially complete operating system or operating unit, the information enumerated in paragraph (a) of this section shall be furnished to the lessee. The cost of such property shall be recorded in the accounts of the lessor as provided in §§ 35.1100 and 35.1–1.

(c) When, under the terms of a lease, improvements made by the lessee revert to the lessor and constitute a part of the consideration paid for the use of the plant, the cost of such improvements shall be included in the appropriate plant accounts of the lessor and in account 1815, "Prepaid rents," in the accounts of the lessee, and shall be otherwise accounted for as provided in paragraph (b) of § 35.1–5.

(d) Depreciation of the leased property shall be accounted for as provided in paragraphs (d) and (e) of § 35.1–5 and in paragraphs (b), (c), and (d) of § 35.30–3. (See also §§ 35.1515, 35.1520, 35.2225, 35.2230, 35.4910, and 35.4915.)

INSTRUCTIONS; DEPRECIATION ACCOUNTING

§ 35.04–1 *Classes of depreciable operated plant.* The classes of depreciable operated plant and the plant accounts in which the cost of such plant is includible are as folows:

Land used for right of way (account 11).
Land improvements (account 14).
Buildings (account 15).
Outside communication lines (accounts 21 to 39, inclusive).
Inside communication plant (accounts 41 to 59, inclusive).
Office and messenger equipment (accounts 61 to 69, inclusive).
Work equipment (accounts 71 to 79, inclusive).

NOTE A: Special instructions are provided for the accounting for the depreciation on messenger uniforms. (See particularly note B in § 35.65.)

NOTE B: Depreciation charges on work equipment are includible in the appropriate clearing accounts.

§ 35.04–2 *Computation of depreciation rates.* (a) Annual depreciation rates applicable to the cost of each class or subclass of depreciable plant shall be established on the basis of the estimated service values and service lives developed by a study of the carrier's history and experience and such engineering and other information as may be available with respect to prospective future conditions, but shall not include any allowance for loss in service value of property expected to be acquired in the future. These percentage rates shall be such that the loss in service value of plant, except losses excluded under the definition of depreciation, shall be accounted for under the straight-line method of depreciation accounting.

(b) The carrier shall keep such records of plant and plant retirements as will reflect the service life of plant that has been retired or will permit the determination of service-life indications by mortality, turnover, or other appropriate methods and also such records as will reflect the percentage of net salvage value for plant retired from each class of depreciable plant.

(c) When with respect to any class or subclass of plant the factors causing depreciation (and consequently occasioning the amount of the current net book cost and the rate of depreciation previously applied in the accounts) commence at any time (including the accounting period—year or month—immediately preceding retirement) to operate at a new rate, that fact shall be recognized in the accounts by applying (actually or in effect) such a new percentage rate to the cost of that plant or portion thereof as will dispose of the difference between its current net book cost and its estimated net salvage value during the period (known or estimated) of its remaining life.

§ 35.04–3 *Depreciation charges.* (a) The current depreciation charges applicable to operated plant the cost of which is includible in account 1000, "Operated plant in carrier's service," and account 1200, "Improvements and replacements of operated plant leased from others," shall be determined by applying monthly to the amounts in each account or subaccount one-twelfth of the annual percentage rate, determined in accordance with § 35.04–2 as applicable thereto. Such amounts shall be recorded monthly in account 4910, "Depreciation," or in the clearing accounts, as appropriate, and corresponding credits shall be recorded in account 1515, "Allowance for depreciation; Wire - telegraph and ocean-cable plant." The amount remaining in account 1515, with respect to any class or subclass of operated plant for which a separate specific percentage rate is computed, shall at no time, be in excess of the depreciation-allowance requirement computed on the basis of the then applicable depreciation rate (see § 35.04–2) and the remaining life expectancy of such class or subclass of operated plant. (See also § 35.03–21.)

(b) When, under the terms of a lease, the carrier, as lessor, is required to replace or to restore the condition of operated plant the cost of which is includible in account 1100, "Operated plant leased to others," the current depreciation charges shall be recorded monthly in account 5010, "Income from operated plant leased to others," and corresponding credits shall be recorded in account 1515, "Allowance for depreciation; Wire-telegraph and ocean-cable plant." (See also § 35.30–3.)

(c) When, under the terms of a lease, the carrier, as lessee, is required to replace or to restore the condition of operated plant leased from others, depreciation charges with respect to such original leased plant shall be computed and applied as provided in § 35.1–5.

(d) Depreciation charges initially accounted for by the lessor shall be reported to and accounted for by the lessee as provided in paragraph (c) of § 35.30–3.

§ 35.04–4 *Extraordinary retirements.* The initial accounting for the retirement of operated plant for causes not contemplated in prior allowances for depreciation shall be as provided in §35.1–6. If retirement losses are covered by commercial insurance, the amounts recovered therefrom shall be credited to account 1515, "Allowance for depreciation Wire-telegraph and ocean-cable plant." If retirements occasion losses for which provision has been made in account 2215, "Provisions for self-carried insurance," the amounts of such losses shall be charged to that account and credited to account 1515 to the extent of the amounts so provided. To the extent that the loss is not covered by insurance the carrier may, upon approval by the Commission, credit account 1515 and charge account 1910, "Extraordinary maintenance, depreciation, and retirements," with the unprovided-for loss in service value, and distribute it from the latter account to account 4925, "Extraordinary plant losses," over such period as the Commission may approve or direct. The carrier's application to the Commission for permission to charge account 1910 shall give particulars concerning the plant retired, the unprovided-for service loss, and the period over which, in the carrier's judgment, such charges should be distributed.

INSTRUCTIONS FOR CLASS B CARRIERS

§ 35.05–1 *Primary operating-revenue accounts for class B carriers.* Class B carriers shall keep all the operating-revenue accounts prescribed for class A carriers that are applicable to their affairs, except that they may keep the following accounts in lieu of the nontransmission revenue accounts:

3400 *Wire-telegraph nontransmission revenues.* This account shall include the carrier's portion of revenues from wire-telegraph operations other than transmission. It shall include all the operating revenues includible by class A carriers in accounts 3410 to 3499, inclusive.

3500 *Ocean-cable nontransmission revenues.* This account shall include the carrier's portion of revenues from ocean-cable operations other than transmission. It shall include all the operating revenues includible by class A carriers in accounts 3510 to 3599, inclusive.

§ 35.05–2 *Primary operating-expense accounts for class B carriers.* Class B carriers shall keep all the operating-expense accounts prescribed for class A carriers that are applicable to their affairs, except that certain accounts may be combined as follows:

4210 *Compensation of conducting-operations employees.* This account shall include the amounts of compensation of employees engaged in conducting operations. It shall include all the amounts includible by class A carriers in accounts 4211 to 4219, inclusive.

4260 *Operating rents.* This account shall include the amounts of expenses incurred as rents for the use of operating property. It shall include all the amounts includible by class A carriers in accounts 4261 to 4269, inclusive.

4290 *Other conducting-operations expenses.* This account shall include the amounts of expenses incurred in conducting operations not provided for elsewhere. It shall include all the amounts includible by class A carriers in accounts 4221 to 4259, inclusive, and accounts 4271 to 4299, inclusive.

4300 *General expenses.* This account shall include the general expenses of the carrier. It shall include all the expenses includible by class A carriers in accounts 4311 to 4399, inclusive.

4400 *Administrative expenses.* This account shall include the administrative expenses of the carrier. It shall include all the expenses includible by class A carriers in accounts 4410 to 4499, inclusive.

REPORTING REQUIREMENTS

§ 35.06–1 *Provisions that require the specific approval of the Commission before the accounting is performed.* (a) Specific authority shall be obtained from the Commission before charges representing unprovided-for losses in service value are entered in account 1910, "Extraordinary maintenance, depreciation, and retirements." (See § 35.04–4.)

(b) The plan of accounting proposed to record the exchange of securities issued or assumed by the carrier shall be submitted to the Commission for consideration and approval prior to the recording of the journal entries applicable thereto. (See § 35.10–8.)

(c) The plan of accounting proposed to record (1) the issuance of no-par capital stock, (2) the appropriation of surplus for transfer to the no-par capital-stock account, (3) the reduction of capital surplus through the use of the no-par capital-stock account, or (4) the reduction of the amount in account 2410, "Capital stock issued," through the creation of surplus or the reduction of the book value of assets, shall be submitted to the Commission for consideration and approval prior to the recording of the journal entries applicable thereto. (See paragraph (c) of § 35.10–9.)

(d) Specific authority shall be obtained from the Commission if, in connection with the refinancing of an issue or series of bonds or other long-term debt, the carrier desires to amortize any of the discount, expense, or premium associated with the issuance or redemption of the prior issue over a period subsequent to the date of its redemption. (See paragraph (f) of § 35.10–14.)

(e) Specific authority shall be obtained from the Commission before the carrier disposes of amounts entered in account 1510, "Plant-acquisition adjustments." (See paragraph (d) of § 35.1510, paragraph (b) of § 35.1520, and §§ 35.4920 and 35.5255.)

(f) Specific authority shall be obtained from the Commission before charges are made to any account other than account 6120, "Extraordinary current income charges," to create a credit balance, as at the effective date of this system of accounts, in account 1520, "Allowance for amortization Wire-telegraph and ocean-cable plant," equal to the expired service value of certain intangibles. (See paragraph (c) of § 35.1520.)

(g) Amounts included in account 1545, "Plant adjustments," shall not be disposed of except upon the specific approval or direction of the Commission. (See paragraph (b) of § 35.1545.)

(h) Carriers desiring to change the optional procedure adopted for recording foreign investments and foreign income shall submit notice thereof to the Commission for its consideration and approval at least 90 days before the proposed effective date of such change. (See paragraphs (d) of § 35.1599 and (d) of § 35.5089.)

(i) Specific authority shall be obtained from the Commission before charging any account other than account 6120, "Extraordinary current income charges," with amounts included in account 1935, "Preliminary survey and investigation charges," applicable to projects that have been abandoned when such costs are borne by the carrier. (See paragraph (a) of § 35.1935.)

(j) Specific authority shall be obtained from the Commission before using account 2220, "Provisions for equalization of maintenance expenses," and account 4180, "Maintenance-expense equalization." (See paragraph (a) of § 35.2220 and § 35.4180.)

(k) Specific authority shall be obtained from the Commission before transferring any amounts credited to account 2515, "Contributions of plant," to another account. (See paragraph (b) of § 35.2515.)

(l) The accounting with respect to the acquisition of duplicate and other plant from predecessors, which is intended to be retired by the carrier in the reconstruction of the acquired plant or in its consolidation with the previously owned property, shall be submitted to the Commission for consideration and approval. (See paragraph (e) of § 35.1–2.)

(m) Specific authority shall be obtained from the Commission before there is included in construction cost any interest covering a period of more than 6 months from the date of suspension of construction work. (See paragraph (c) (8) of § 35.1–3.)

(n) Balances transferred to account 1999, "Other deferred charges," and account 2399, "Other deferred credits," after settlements with lessees upon the termination of leases shall not be disposed of except upon the specific approval of the Commission. (See paragraph (g) of § 35.1–5.)

(o) Amounts included in account 2225, "Provisions for depreciation and replacement of operated plant leased from

others," and account 2230, "Leased operated plant retired," with respect to expired leases shall not be disposed of except upon the specific approval or direction of the Commission. (See paragraph (k) of § 35.1–6.)

(p) Each carrier that has adopted the accrual plan of accounting for pensions shall make no change in the accounting therefor or in the method of computing the amounts of the accruals without first submitting full particulars of the proposed changes and a detailed statement of the reasons therefor to the Commission for its consideration and approval. (See paragraph (d) of § 35.4327.)

(q) Accruals charged to account 4327, "Relief and pensions," to provide for the payment of termination allowances or similar benefits shall be made only after the approval by the Commission of the carrier's plan for administering such payments and of the amounts of the accruals therefor. (See paragraph (f) of § 35.4327.)

(r) Specific authority shall be obtained from the Commission before the carrier transfers any amounts charged to account 9011, "Research and development clearing account," that are applicable to projects that have been abandoned to any account other than account 6120, "Extraordinary current income charges," when such costs are borne by the carrier. (See paragraph (b) of § 35.9011.)

(s) Specific authority shall be obtained from the Commission before the elimination of or substitution for retirement units. (See paragraph (b) of § 35.1–6–1.)

§ 35.06–2 *Provisions that require certain special reports to be filed.* (a) A statement indicating the nature and purpose of subdivisions of the prescribed accounts, of experimental accounts, of temporary accounts, and of additional clearing accounts that have been opened in the books of account shall be filed with the Commission within 90 days of the effective date of this system of accounts. The carrier shall continue to keep the Commission informed of all the additional accounts or subaccounts of these types that are subsequently opened. (See paragraph (b) (3) of § 35.03–5.)

(b) Copies of the journal entries recorded to effect the transfers of balances carried in the accounts previously maintained by the carrier, and a detailed statement of the method used in computing estimated cost, shall be submitted to the Commission within 90 days from the dates of the actual entries. (See § 35.03–6.)

(c) A statement showing the full particulars concerning any relatively large delayed item included in account 6210, "Delayed income credits," or account 6220, "Delayed income charges," shall be filed with the Commission not later than the date of filing its next annual report to the Commission. (See § 35.03–13.)

(d) A transcript of the capital-surplus accounts, together with a summary statement of the charges and credits, maintained prior to the effective date of this system of accounts shall be filed with the Commission within 90 days of the effective date of this system of accounts. (See paragraph (c) of § 35.10–10.)

(e) Carriers electing to use account 1599, "Foreign investment in communication plant," and account 5089, "Income from foreign operations," shall advise the Commission of that fact at least 60 days before the effective date of this system of accounts. (See paragraphs (d) of § 35.1599 and (d) of §35.5089.)

(f) Not later than January 1, 1946 each carrier shall have submitted to the Commission the entries it proposes to make to carry out the reclassification of its plant in accordance with the accounts prescribed in this system of accounts. (See paragraph (f) of § 35.1–1.)

(g) Not later than January 1, 1946 each carrier shall have submitted to the Commission a comparative balance sheet showing, as at January 1, 1943, the amounts includible in the respective accounts prescribed in this system of accounts (1) before and (2) after effect has been given to the proposed entries relating to the classification of the plant. (See paragraph (f) of § 35.1–1.)

(h) Copies of the journal entries recording the acquisition of certain major properties shall be submitted to the Commission within 90 days from the dates of the actual entries. (See paragraph (h) of § 35.1–2.)

(i) Copies of the journal entries recording the completion of the prescribed accounting for plant acquisitions shall be submitted to the Commission within 90 days from the date that the clearing entries relating to each acquisition are made. Within 90 days from the date of any entry recording an acquisition, the carrier shall submit to the Commission a statement indicating the approximate date contemplated for the completion of the clearing entries relating thereto. (See particularly paragraph (h) of § 35.1–2 and paragraph (b) of § 35.91.)

(j) Not later than June 30, 1943, each carrier shall submit to the Commission for consideration and approval a complete plan for the establishment and maintenance of a continuous property-record. (See paragraph (b) of § 35.1–8.)

(k) Before adopting the accrual plan of accounting for pensions the carrier shall inform the Commission of the details of its pension plan and related matters. (See paragraph (d) of § 35.4327.)

(l) A report shall be submitted to the Commission annually with respect to retirement units in accordance with the provisions of paragraph (d) of § 35.1–6–1.

Balance-Sheet Accounts

Instructions

§ 35.10–1 *Purpose of balance-sheet accounts.* The balance-sheet accounts are designed to show the financial position of the carriers as at a given date.

§ 35.10–2 *Current assets.* (a) Current assets are cash, those assets that are readily convertible into cash or are held for current use in operations or construction, current claims against others the settlement of which is reasonably assured, and amounts accruing to the carrier that are subject to current settlement, except that bonds and other obligations of others classified by the carrier in investment and fund accounts at the time of acquisition shall remain so classified until the date of payment, sale, or other disposition thereof.

(b) There shall not be included in the group of accounts designated as current assets any item the collectibility of which is not reasonably assured unless adequate allowance has been made therefor in account 1765, "Allowance for uncollectible receivables." Items of current character but of doubtful value may be reduced in amount and, for record purposes, carried in these accounts at nominal value. The amounts of such reductions, or the amounts provided by credits to account 1765, shall be charged to account 4935, "Uncollectible revenues," account 5299, "Other deductions from ordinary income," or account 6120, "Extraordinary current income charges," as appropriate.

§ 35.10–3 *Prepayments.* (a) Prepayments are amounts paid by the carrier for services to be rendered by others during a subsequent accounting period.

(b) When an advance payment is made, the appropriate prepayment account shall be charged with the amount of such payment. As the term expires for which the advance payment was made the prepayment account shall be credited (at monthly intervals) and the appropriate expense account or other account shall be charged with the proportionate amount applicable thereto.

§ 35.10–4 *Deferred charges.* Deferred charges are amounts representing (1) debit items held in suspense pending determination of their actual status, (2) costs of services that have been rendered to the carrier but are chargeable to future operations, and (3) items which for other reasons are allocable to other appropriate accounts for a future period or a succession of future periods.

§ 35.10–5 *Current liabilities.* (a) Current liabilities are those obligations that have become matured at the date of the balance sheet or that will become due within 1 year from the date thereof (except bonds, receivers' and trustees' securities, and similar obligations, which shall be classified as long-term debt until the date of maturity); accrued taxes, such as income taxes, which shall be classified (in the balance sheet) as current liabilities even though payable more than 1 year from the balance-sheet date; and minor amounts payable in installments, which may be classified as current liabilities.

(b) The liability-accrual accounts shall include the amounts of interest, taxes, rents, and other items (other than unpaid wages) with respect to which amounts eventually payable have been recorded as deductions from revenue or income but which have not matured. (See also § 35.03–14.)

(c) Excepting amounts includible in account 2115, "Customers' deposits," or in account 2155, "Advance billings," (for which provision is made in section 4935, "Uncollectible revenues"); amounts that have been included in the several primary accounts for current liabilities (accounts 2101 to 2160, inclusive) or have been represented by outstanding checks or similar instruments for a period of 2 years or more because of inability to identify or locate the payee may (in the absence of statutory provision to the contrary) be written down, or reinstated in account 1710, "Cash," and credited to account 6110, "Extraordinary current income credits": *Provided*, That nominal amounts (one item representing each class of liability) shall thereafter be included in an appropriate subaccount of account 2199, "Other current liabilities." The entry recording the nominal amount, representative of a particular class of liability, as a credit to account 2199 shall contain a description of the records in which are entered the pertinent facts concerning all the items of that particular class that have been written off. Subsequent journal entries accomplishing further write-offs of, or cash reinstatements relating to, the same class of liability shall make reference to such original entry or to the records referred to therein.

§ 35.10–6 *Long-term debt.* (a) When evidences of debt that, according to their terms, do not mature until more than 1 year from date of issuance are issued or assumed by the carrier or by a receiver or an operating trustee of the carrier, the face amount of such evidences of debt shall be recorded in the appropriate account listed under the group caption "Long-term debt." (See also § 35.10–14.)

(b) If a liability, other than minor amounts payable in installments, is due more than 1 year from date of issuance or assumption by the carrier, it shall be credited to a long-term debt account appropriate for the transaction, but, for the purpose of classification in the balance sheet, a debt (except bonds, receivers' and trustees' securities, and similar obligations) shall be classified as a current liability is due within 1 year from the balance-sheet date.

§ 35.10–7 *Book cost of securities owned.* (a) Securities of others acquired by the carrier shall be recorded in these accounts at cost. Such cost shall not include any amount paid for dividends or for interest accrued.

(b) The carrier's records shall be so maintained as to show separately the cost of (1) common stock, (2) preferred stock, and (3) long-term debt.

(c) The carrier's records shall be so maintained that in the reports to the Commission the securities, classified as in paragraph (b) of this section, that are pledged as collateral security for any of the carrier's or other persons' long-term debt or short-term loans or to secure the performance of contracts may be shown separately from the securities, similarly classified, that are unpledged.

(d) There shall not be included in the accounts designated as investment and fund accounts any amount the ultimate realization of which is not reasonably assured unless adequate allowance has been made therefor in account 1699, "Allowance for doubtful investments." The book cost of securities includible in such accounts shall be reduced to a nominal amount if there is no reasonable prospect of substantial value, but fluctuations in market value shall not be recorded in the accounts. Amounts by which these securities are thus reduced, or amounts provided by credits to account 1699, shall be charged to account 6120, "Extraordinary current income charges."

(e) When securities authorized by State laws for inclusion in legal-reserve funds required by such laws, and in other similar fiduciary funds requiring a qualification for the investment thereof, and with a fixed maturity date (other than securities issued or assumed by affiliates), are purchased at a discount (i. e., when the total cost including brokerage fees, taxes, commissions, and similar costs is less than the face amount of the securities), such discount shall be amortized over the remaining life of the securities through periodic charges to account 1698, "Amortized discount and premium on investment securities," and credits to the account in which is recorded the interest from such securities.

(f) When any securities with a fixed maturity date are purchased at a premium (i. e., when the total cost including brokerage fees, taxes, commissions, and similar costs is in excess of the face amount of the securities), such premium shall be amortized over the remaining life of the securities through credits to account 1698 and charges to the account in which is recorded the interest from such securities.

(g) No amount shall be entered for amortization of discount or premium on securities with respect to which a reduction in book cost or a provision for doubtful value has been made. Any amounts in account 1698 representing the amortization of discount or premium on securities with respect to which a reduction in book cost or a provision for doubtful value is made shall be cleared by charges or credits, as appropriate, to the account in which is recorded the interest from such securities. (See particularly paragraphs (d), (e), and (f) of this section; also §§ 35.03–13 and 35.03–15.)

(h) If securities actually issued or assumed by the carrier and reacquired by it are not retired, they shall be entered at book amount in account 2015, "Bonds reacquired," or account 2415, "Capital stock reacquired," as appropriate, unless it is required by contractual provision or by the decision of a trustee not subject to control by the carrier that they be retained in debt-redemption or other funds. When so retained they shall be regarded and treated as actually outstanding, but not otherwise.

(i) When entries are made in account 2415, "Capital stock reacquired," recording the reacquisition of capital stock, entries shall concurrently be made charging account 8315, "Earned surplus employed in reacquisition of capital stock," and crediting account 2615, "Reserve against impairment of stated capital," with amounts equal to the amount charged to account 2415. Upon the resale or retirement of such stock these latter entries shall be reversed.

§ 35.10–8 *Exchange of securities.* Before recording the journal entries that it is proposed to enter in the carrier's books to record the reacquisition of capital stock or other securities issued or assumed by the carrier under a plan for the issuance in exchange therefor of other securities of the carrier, a statement indicating the plan of accounting proposed by the carrier shall be submitted to the Commission for consideration and approval. Such statement shall give complete information concerning the plan of exchange, the basis upon which the amounts have been determined, and a copy of the authorization issued by the regulatory body approving the plan.

§ 35.10–9 *Capital stock.* (a) All transactions relating to the capital stock of the accounting carrier shall be recorded by class of stock. Stocks are of the same class only when they are issued under identical terms as to all of the following: par value, stated value, preferences in the distribution of dividends and assets, voting rights, and conditions under which the stock may be retired. If the capital stock of the carrier is of two or more classes, the carrier's records shall be so maintained as to distinguish the amount applicable to each class in each of the following accounts:

1775 Subscriptions to capital stock.
1780 Deposits on subscriptions to capital stock.
1915 Capital-stock expense.
1925 Discount on capital stock.
2160 Liability on installment-plan sales of capital stock.
2410 Capital stock issued.
2415 Capital stock reacquired.
2420 Capital stock subscribed; unissued.
2425 Obligations for stock conversion.
2510 Premium and assessments on capital stock.

(b) When, by compliance with the laws of the State under which it is incorporated, a carrier is authorized to issue shares of capital stock, a memorandum entry in account 2410, "Capital stock issued," shall be made showing the number of shares, the par or the stated value of each share, and the total authorized capitalization.

(c) Before recording the journal entries that it is proposed to enter in the carrier's books to record (1) the issuance of no-par capital stock, (2) the appropriation of surplus for transfer to the no-par capital-stock account, (3) the reduction of capital surplus through the use of the no-par capital-stock account, or (4) the reduction of the amount in account 2410, "Capital stock issued," through the creation of surplus or the reduction of the book value of assets, the plan of accounting shall be submitted to the Commission for consideration and approval. Such plan shall be accompanied by a statement giving complete information with respect to the basis upon which the amounts to be recorded have been determined and a copy of the authorization issued by the regulatory body approving the issuance of no-par stock or the change in the capital-stock and surplus accounts.

(d) When capital stock which has been actually issued by the carrier is reacquired, the difference between (1) the amount paid therefor upon reacquisition and (2) the book amount plus the premium or less the discount and expense originally entered in respect thereto and not charged off shall be charged or credited, as appropriate, to account 2599,

"Other capital surplus": *Provided, however,* That such charges shall be made to account 8299, "Miscellaneous charges to earned surplus," to the extent that the amounts thereof exceed the balance in account 2599 applicable to capital stock of the same class.

(e) The carrier's records shall be so maintained that in reports to the Commission there may be shown the extent to which the surplus accounts have been charged or credited in instances in which there is a possibility of further entry in those accounts in the event of the resale of reacquired capital stock.

(f) When capital stock that has been reacquired by the carrier is resold, the difference between (1) the amount derived from the resale, less the costs incidental thereto, and (2) the book amount of such stock shall be charged or credited, as appropriate, to account 2599, "Other capital surplus": *Provided, however,* That such charges shall be made to account 8299, "Miscellaneous charges to earned surplus," to the extent that the amounts thereof exceed the balance in account 2599 applicable to capital stock of the same class: *And provided further,* That if account 8299 has been charged with amounts arising from the reacquisition of such stock, there shall be included in account 8199, "Miscellaneous credits to earned surplus," the credit balance (not in excess of the amount previously charged to account 8299 with respect to reacquisition of stock of the same class) arising from the resale of such stock.

§ 35.10–10 *Surplus.* (a) The accounts designated as capital-surplus accounts are designed to show (1) paid-in surplus (i. e., proprietary contributions in excess of the stated capital included in the capital-stock accounts), (2) donated surplus (including (i) surplus created by donations of stock or assets by proprietary interests and (ii) contributions of assets or forgiveness of debt by others), (3) surplus arising from reacquisition or resale of, or otherwise trading in, the carrier's own capital stock, and (4) surplus arising from the reduction of the stated value of capital stock due to such occasions as retirement, reorganization, or recapitalization.

(b) The balance-sheet accounts designated as earned-surplus accounts are designed to show the accumulated undistributed surplus derived from the normal operations of the carrier and from all sources (including sales of fixed assets) other than those sources referred to in paragraph (a) of this section.

(c) Within 90 days from the effective date of this system of accounts the carrier shall submit to the Commission a transcript of its capital-surplus account or accounts covering the entire period to the effective date of this system of accounts showing in detail the nature and amounts of charges and credits, respectively, and the balance that was or, if it had always been maintained, would have been in the account at the close of each year. The transcript shall be accompanied by a summary statement in which the charges and credits for the entire period covered by the transcript have been classified according to their nature and summarized to show the aggregate amount of each such classification as well as the aggregate amount of charges and credits, respectively, for the period and the resulting balance in the account or accounts at the effective date of this system of accounts.

§ 35.10–11 *Provisions for future settlements.* When in anticipation of settlements or similar transactions it is required that certain amounts shall be charged to operating expenses or other accounts without a corresponding reduction in the assets of the carrier, such amounts shall be credited to the appropriate account listed under the group caption "Provisions for future settlements." The credit balances in these accounts should indicate the estimated amounts of future settlements or other extinguishments subsequent to the date of the balance sheet with respect to amounts allocable to periods prior to that date.

§ 35.10–12 *Deferred credits.* Deferred credits are amounts representing (1) credit items held in suspense pending determination of their actual status and (2) obligations (e. g., unamortized premium on debt) that have been incurred but are applicable to future operations or income.

§ 35.10–13 *Discount, expense, and premium on capital stock.* (a) An account shall be maintained for each class of capital stock issued by the carrier (separately from the capital-stock accounts) and there shall be included in each such account both the discount and the premium associated with the issuance and sale of (exclusive of the sale of reacquired stock), or the subscription to, each such class of stock.

(b) Stock expense shall not be added to discount, or deducted from premium, on capital stock, but shall be included in account 1915, "Capital-stock expense." Such expense may be charged off to account 6120, "Extraordinary current income charges," in total or in installments, or the amount thereof may be retained in account 1915 until the stock to which the expense applies is reacquired.

(c) Only in stating the balance sheet, the total of the debit balances remaining in the discount and premium accounts shall be reported under account 1925, "Discount on capital stock," and the total of the credit balances shall be reported under account 2510, "Premiums and assessments on capital stock." Accounts with debit balances shall not be offset by accounts with credit balances.

(d) General levies or assessments against stockholders shall be credited to the discount and premium account for the particular class of stock assessed.

(e) Discount or premium on capital stock issued shall be retained in the discount and premium account until the stock is reacquired unless other disposition of such discount or premium is required by statutes to which the carrier is subject, except that inconsequential amounts of discount that would not appreciably affect the accounts may be charged off to account 8299, "Miscellaneous charges to earned surplus."

§ 35.10–14 *Discount, expense, and premium on long-term debt.* (a) An account shall be maintained for each issue or series of long-term debt issued or assumed by the carrier (separately from the long-term debt accounts) and there shall be included in each such account both the discount and the premium associated with the issuance and sale of (exclusive of the sale of reacquired long-term debt), or the subscription to, each such issue or series of debt.

(b) Debt expense shall not be added to discount, or deducted from premium, on long-term debt, but shall be included in account 1920, "Long-term debt expense."

(c) Only in stating the balance sheet, the total of the debit balances remaining in the discount and premium accounts shall be reported under account 1930, "Unamortized discount on debt," and the total of the credit balances remaining in those accounts shall be reported under account 2310, "Unamortized premium on debt." Accounts with debit balances shall not be offset by accounts with credit balances.

(d) Discount, expense, and premium with respect to each issue or series of long-term debt shall be amortized under such a plan as will equitably distribute the amounts over the life of the securities. The amortization shall be on a monthly basis and the amounts thereof shall be charged to account 5220, "Amortization of debt discount," or account 5245, "Amortization of debt expense," or credited to account 5230, "Amortization of debt premium—Cr.," as appropriate. The carrier may, however, accelerate the writing off of debt expense and extinguish inconsequential amounts of discount (that it would be burdensome to amortize and that would not appreciably affect the accounts) by charges to account 6120, "Extraordinary current income charges." Where there is a definite plan to retire an issue without refunding prior to its maturity date, amortization may be accelerated to extinguish the balance in the discount and premium account at the date of contemplated retirement.

(e) When any long-term debt is reacquired without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation, the difference between the amount paid upon reacquirement and the book amount plus the unamortized premium or less the unamortized discount, as the case may be, applicable to the debt reacquired, shall be charged to account 6120, "Extraordinary current income charges," or credited to account 6110, "Extraordinary current income credits," as appropriate.

(f) When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the date of maturity of the prior issue, any unamortized discount, expense, or premium on the prior issue and any premium paid or discount enjoyed upon reacquirement shall be debited or credited, as appropriate, to account 6120, "Extraordinary current income charges," or account 6110, "Extraordinary current income credits": *Provided, however,* That if the carrier desires to amortize any of the discount, expense, or premium associated with the issuance or redemption of the prior issue over a period subsequent to the date of redemption, the permission of the Commission must be obtained.

(g) Discount, expense, or premium on long-term debt shall not be included in the cost of constructing or acquiring plant, except as provided in paragraph (c) (8) of § 35.1–3.

(h) The carrier's records shall be so maintained that in the reports to the Commission there may be shown the extent to which the income accounts have been charged or credited in instances in which there is a possibility of further entry in those accounts in the event of the resale of reacquired long-term debt.

§ 35.10–15 *Irrevocable trusts.* Funds relinquished from the control of the carrier that are irrevocably devoted to the establishment or continuation of any trust or fiduciary fund (such as pension or similar funds) shall not be included as items in the balance sheet, but their existence shall be indicated by an appropriate notation thereon showing the amount of such funds.

§ 35.10–16 *Contingent assets and liabilities.* In the carrier's reports to the Commission amounts representing contingent assets and contingent liabilities shall not be included as items in the balance sheet, but their existence shall be indicated by an appropriate notation thereon and the particulars shall be shown in detail in a supplementary statement.

§ 35.10–17 *Nominally issued securities.* (a) Each carrier shall maintain, in addition to the capital-stock and long-term debt accounts prescribed herein, memorandum accounts for securities that have been nominally but not actually issued.

(b) When no-par stock is nominally issued, the number of shares issued shall be shown in the memorandum accounts.

(c) A separate memorandum account, with appropriate title, shall be maintained for each class and issue or series of such securities.

§ 35.10–99 *Contemplated form of balance sheet.* (See § 35.03–9.)

BALANCE SHEET

ASSET SIDE

Communication Plant

Account No.	Particulars	
1540	Plan in process of reclassification	$
1545	Plant adjustments	
1000	Operated plant in carrier's service	$
1100	Operated plant leased to others	
1200	Improvements and replacements of operated plant leased from others	
1300	Plant under construction	
1400	Plant held for future communication use	
1510	Plant-acquisition adjustments	$
	Less:	
1515	Allowance for depreciation—Wire-telegraph and ocean-cable plant	$
1520	Allowance for amortization—Wire-telegraph and ocean-cable plant	
1530	Telephone and radiotelegraph plant	$
	Less:	
1535	Allowance for depreciation and amortization—Telephone and radiotelegraph plant	
1599	Foreign investment in communication plant	
	Total	$

BALANCE SHEET—Continued

ASSET SIDE—Continued

Investments and Funds

Account No.	Particulars	
1610	Miscellaneous physical property	$
	Less:	
1615	Allowance for depreciation—Miscellaneous physical property	
1620	Investments in affiliates	$
1629	Other investments	
1630	Debt-redemption funds	
1635	Employees' provident funds	
1640	Insurance funds	
1645	Miscellaneous funds held by trustees	
1650	Other miscellaneous funds	
1698	Amortized discount and premium on investment securities	$
	Less:	
1699	Allowance for doubtful investments	
	Total	$

Current Assets

1710	Cash	$
1715	Special cash deposits	
1720	Working cash advances	
1725	Temporary investments	
1730	Receivables from customers	$
1742	Traffic settlements receivable from affiliates	
1749	Other receivables from affiliates	
	(Receivables from nonaffiliates)	
1751	Notes receivable	
1752	Traffic settlements receivable	
1753	Matured interest receivable	
1754	Declared dividends receivable	
1755	Matured rents receivable	
1759	Other accounts receivable	
	Less:	
1765	Allowance for uncollectible receivables	
1770	Unmatured accrued receivables	
1175	Subscriptions to capital stock	$
	Less:	
1780	Deposits on subscriptions to capital stock	
1785	Subscriptions to bonds	$
	Less:	
1790	Deposits on subscriptions to bonds	$
1795	Material and supplies	
1799	Other current assets	
	Total	$

BALANCE SHEET—Continued
LIABILITY SIDE—continued
Current Liabilities—Continued
(Liability accruals)—Continued

Account No.	Particulars	$	¢
2175	Tax accruals		
2180	Other liability accruals		
2199	Other current liabilities		
	Total	$	
	Provisions For Future Settlements		
2210	Provisions for employees' pensions and welfare	$	
2215	Provisions for self-carried insurance		
2220	Provisions for equalization of maintenance expenses		
2225	Provisions for depreciation and replacement of operated plant leased from others		
2230	Leased operated plant retired		
2299	Other provisions for future settlements		
	Total	$	
	Deferred Credits		
2310	Unamortized premium on debt	$	
2315	Advances for construction		
2320	Credit balances in clearing accounts		
2399	Other deferred credits		
	Total	$	
	Capital Stock		
2410	Capital stock issued	$	
2415	Less: Capital stock reacquired		
2420	Capital stock subscribed—Unissued		
2425	Obligations for stock conversion		
	Total	$	
	Capital Surplus		
2510	Premiums and assessments on capital stock	$	
2515	Contributions of plant		
2599	Other capital surplus		
	Total	$	
	Earned Surplus		
	Appropriated:	$	
2610	Contractual reserves		
2615	Reserve against impairment of stated capital		
2620	Miscellaneous reserves		
	Unappropriated:		
2699	Unappropriated earned surplus		
	Total	$	
	Total—Liability side	$	

BALANCE SHEET—Continued
ASSET SIDE—continued
Prepayments

Account No.	Particulars	$	¢
1810	Prepaid insurance	$	
1815	Prepaid rents		
1820	Prepaid taxes		
1899	Other prepayments		
	Total	$	
	Deferred Charges		
1910	Extraordinary maintenance, depreciation, and retirements	$	
1915	Capital-stock expense		
1920	Long-term debt expense		
1925	Discount on capital stock		
1930	Unamortized discount on debt		
1935	Preliminary survey and investigation charges		
1940	Debit balances in clearing accounts		
1999	Other deferred charges		
	Total	$	
	Total—Asset side	$	
	LIABILITY SIDE		
	Long-Term Debt		
2010	Bonds actually issued	$	
	Less:		
2015	Bonds reacquired		
2020	Bonds subscribed—Unissued		
2025	Receivers' and trustees' securities		
2030	Advances from affiliates		
2099	Other long-term debt		
	Total	$	
	Current Liabilities		
2101	Unpaid wages	$	
2111	Liability for tax collections		
2113	Unpaid money-orders		
2115	Customers' deposits		
2120	Matured long-term debt		
2122	Traffic settlements payable to affiliates		
2129	Other payables to affiliates		
	(Payables to nonaffiliates)		
2131	Notes payable		
2132	Traffic settlements payable		
2133	Matured interest payable		
2134	Dividends payable		
2135	Matured rents payable		
2139	Other accounts payable		
2155	Advance billings		
2160	Liability on installment-plan sales of capital stock		
	(Liability accruals)	$	
2164	Dividends declared		
2165	Interest accruals		
2170	Rent accruals		

BALANCE SHEET ACCOUNTS

PRESCRIBED ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

Communication Plant

§ 35.1000 *Operated plant in carrier's service.* This account shall include the total of the balances in the operated plant accounts applicable to plant owned and used by the carrier in its wire-telegraph and ocean-cable operations, except such plant the cost of which is includible in account 1200, "Improvements and replacements of operated plant leased from others."

§ 35.1100 *Operated plant leased to others.* This account shall include the total of the balances in the operated plant accounts applicable to plant owned by the carrier and leased to others as substantially complete operating systems or operating units where the lessee has exclusive possession.

NOTE: When the lessor is given or retains the exclusive privileges to maintain, inspect, and service equipment, to handle and adjust traffic accounts, to perform other similar services, or to designate who may perform such services for the lessee, the lessee will be deemed not to have exclusive possession of the plant, and its cost shall be included in account 1000, "Operated plant in carrier's service."

§ 35.1200 *Improvements and replacements of operated plant leased from others.* This account shall include the total of the balances in the operated plant accounts applicable to improvements and replacements of operated plant leased from others.

§ 35.1300 *Plant under construction.* (a) This account shall include the cost of construction of plant not completed ready for service. (See also §§ 35.1–2 and 35.1–3.)

(b) When any plant the cost of which is included in this account is completed ready for service, the cost thereof shall be credited to this account and charged to the operated plant accounts, account 1400, "Plant held for future communication use," or other accounts, as appropriate.

§ 35.1400 *Plant held for future communication use.* (a) This account shall include the cost of completed plant owned by the carrier and held for future use in communication service under a definite plan.

(b) The amounts included in this account shall be classified in accordance with the titles and texts of the appropriate plant accounts and the account shall be maintained in the same manner and detail as though the plant were in communication service.

§ 35.1510 *Plant-acquisition adjustment.* (a) This account shall include the difference between (1) the acquisition cost of plant acquired from predecessors as substantially complete operating systems or operating units and (2) the original cost of such plant less the required allowances for depreciation and amortization of the plant at the date of acquisition. (See particularly paragraphs (c), (d), (e), and (f) of § 35.1–2.)

(b) This account shall be subdivided according to the character of the amounts included herein for each plant acquisition; and further subdivided to show the amounts applicable to operated plant in carrier's service, operated plant leased to others, and plant held for future communication use.

(c) If the actual original cost is not known, the entries in this account shall be based upon an estimate of such cost.

(d) The amounts recorded in this account shall be disposed of in such manner as the Commission may approve or direct.

NOTE. The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of plant.

§ 35.1515 *Allowance for depreciation; Wire-telegraph and ocean-cable plant.* (a) This account shall be credited with amounts charged to account 4910, "Depreciation," to account 5010, "Income from operated plant leased to others," to account 5299, "Other deductions from ordinary income," and to clearing accounts for currently accruing depreciation of wire-telegraph and ocean-cable plant owned by the carrier; also with amounts of depreciation applicable to plant contributed to the carrier and to plant acquired from predecessors, as provided in § 35.1–2 and in paragraph (g) of § 35.1–5. (See also §§ 35.04–1, 35.04–2, 35.04–3, 35.04–4, and 35.30–3.)

(b) As at the effective date of this system of accounts, this account shall be credited with such amount as is necessary to create a credit balance herein equal to the estimated sustained depreciation of all depreciable operated plant owned by the carrier at that date. The difference between such amount and the amount previously provided as a depreciation allowance (or reserve) shall, unless otherwise authorized by the Commission, be charged to account 6120, "Extraordinary current income charges."

(c) This account shall be charged with the cost of depreciable plant retired and with the cost of removal of such plant and shall be credited with the net amounts of recoveries, such as from salvage and from insurance. (See § 35.1–6 and paragraphs (c) and (d) of § 35.41–7.)

(d) Each carrier shall maintain records in which the balance in the account shall be segregated into component parts corresponding to the operated plant accounts and subdivisions thereof which include the cost of depreciable operated plant. (See particularly paragraph (e) of § 35.1–1.)

(e) This account shall be subdivided as follows:

1515:01	Allowance for depreciation of operated plant owned and used in carrier's service.
1515:02	Allowance for depreciation of improvements and replacements of operated plant leased from others.
1515:03	Allowance for depreciation of operated plant leased to others.
1515:04	Allowance for depreciation of plant held for future communication use.
1515:05	Allowance for depreciation of messenger uniforms.

(f) The records supporting the entries in each subaccount in this account shall be so maintained that there may be shown separately (1) the amounts of depreciation credited hereto in accordance with the provisions of paragraphs (a) and (b) hereof, (2) the cost of plant retired, (3) the cost of removal of plant retired, and (4) the credits from salvage and insurance recovered.

NOTE: When plant is transferred from one class of communication service to another or from communication service to noncarrier operations, the accounting for the depreciation applicable thereto shall be as provided in § 35.1–7.

§ 35.1520 *Allowance for amortization; wire-telegraph and ocean-cable plant.* (a) This account shall be credited with amounts charged to account 4915, "Amortization; intangible operated plant," to account 5010, "Income from operated plant leased to others," and to account 5299, "Other deductions from ordinary income," to provide for the extinguishment of amounts included in accounts 82, "Franchises," 83, "Patent rights," 84, "Leaseholds," 85, "Research and development," and 89, "Other intangibles"; also with amounts of amortization applicable to plant contributed to the carrier and to plant acquired from predecessors, as provided in § 35.1–2 and in paragraph (g) of § 35.1–5. (See also § 35.30–3.) It shall be credited with amounts charged to account 6120, "Extraordinary current income charges," to provide for the extinguishment of amounts included in account 81, "Organization."

(b) This account shall be credited or charged, as appropriate, with amounts authorized or directed by the Commission to be charged or credited to accounts 4920, "Amortization of plant-acquisition adjustments," and 5255, "Amortization of plant-acquisition adjustments," to provide for the extinguishments of amounts included in account 1510, "Plant-acquisition adjustments."

(c) As at the effective date of this system of accounts, this account shall be credited with such amount as is necessary to create a credit balance herein equal to the expired service value of intangibles (having a terminable life) the costs of which are includible in accounts 82, "Franchises," 83, "Patent rights," 84, "Leaseholds," 85, "Research and development," and 89, "Other intangibles." The difference between such amount and the amounts previously provided as an amortization allowance (or reserve) shall, unless otherwise authorized by the Commission, be charged to account 6120, "Extraordinary current income charges."

(d) When any franchise, patent right, leasehold, or other intangible item (except one the cost of which is includible in account 85, "Research and development") expires or is sold, relinquished, or otherwise retired from service, the cost thereof shall be credited to the appropriate plant account and this account shall be charged with the amount previously credited hereto with respect to such intangible item. The difference between the foregoing amounts less the proceeds realized at retirement shall be charged to account 6120, "Extraordinary current income charges," or credited to account 6110, "Extraordinary current in-

come credits," as appropriate. The accounting for amounts included herein with respect to plant costs included in account 85 shall be as provided in the text of that account.

(c) The records supporting the entries in this account shall be so maintained as to show the amounts applicable to each intangible item under the following subdivisions:

1520:01 Allowance for amortization of intangibles in carrier's service.
1520:02 Allowance for amortization of intangibles leased to others.
1520:03 Allowance for amortization of plant-acquisition adjustments.
1520:04 Allowance for amortization of intangibles held for future communication use.

§ 35.1530 *Telephone and radiotelegraph plant.* This account shall include the amounts of the balances in the plant accounts maintained for telephone and radiotelegraph plant in conformity with the provisions of paragraphs (a) and (b) of § 35.03–8.

§ 35.1535 *Allowance for depreciation and amortization; telephone and radiotelegraph plant.* This account shall include the amounts of the balances in the allowance accounts maintained for telephone and radiotelegraph plant in conformity with the provisions of paragraphs (a) and (b) of § 35.03–8.

§ 35.1540 *Plant in process of reclassification.* (a) This account shall be charged temporarily with the book cost of plant (formerly called "Plant and equipment") as at December 31, 1942. The detail or primary accounts prescribed in the Uniform System of Accounts for Telegraph and Cable Companies effective on January 1, 1914, with respect to "Plant and equipment," shall be continued in support of this account pending the reclassification prescribed in this system of accounts, but shall not be used for acquisitions (including additions, replacements, and other new construction) subsequent to December 31, 1942.

(b) Retirements of property included herein as at the effective date of this system of accounts shall be credited to this account and to the supporting primary accounts mentioned above until the reclassification has been accomplished.

(c) When the cost (as defined in this system of accounts) of plant included in this account has been determined, this account shall be credited with the book cost thereof. (See particularly accounts 1000 to 1520, inclusive; also §§ 35.1–1 and 35.11 to 35.92, inclusive.)

§ 35.1545 *Plant adjustments.* (a) This account shall include the difference between the original cost, estimated if not known, and the book cost of "Plant and equipment" as at the effective date of this system of accounts to the extent that such difference is not properly includible in account 1510, "Plant-acquisition adjustments." Write-ups of property prior to the effective date of this system of accounts shall be recorded herein.

(b) The amounts included in this account shall be so classified as to show the nature of each amount (included herein) and shall be disposed of as the Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of plant.

§ 35.1599 *Foreign investment in communication plant.* (a) This account may include the net amount of the acquisition cost of the carrier's communication plant that is located in foreign countries and the related allowances for depreciation and amortization when the detailed amounts are required to be stated in terms of foreign currency or in a manner at variance with the requirements of this system of accounts.

(b) A separate subaccount with appropriate title shall be maintained for the plant located in each foreign country.

(c) The records supporting the entries in this account shall be so maintained that, in reports to the Commission, there may be shown the rates of exchange used in translating the amounts into terms of United States currency.

(d) Each carrier that elects to use this account shall advise the Commission of that fact at least 60 days before the effective date of this system of accounts. Changes from this elective procedure to the alternative procedure prescribed for domestic plant, or vice versa, shall not be made thereafter without submitting to the Commission for its consideration and approval notice of the proposed change at least 90 days before the proposed effective date of such change.

Investments and Funds

§ 35.1610 *Miscellaneous physical property.* This account shall include the carrier's investment in physical property other than that used in communication service, except property the cost of which is includible in account 1400, "Plant held for future communication use." It shall include the amount of all assessments for the construction of public improvements levied against miscellaneous physical property. (See also § 35.1–7.)

§ 35.1615 *Allowance for depreciation; miscellaneous physical property.* (a) This account shall be credited with amounts charged to account 5110, "Income from miscellaneous physical property," for the depreciation of depreciable property the cost of which is includible in account 1610, "Miscellaneous physical property."

(b) When miscellaneous physical property is disposed of, this account shall be charged with the amount previously credited hereto with respect to such property. The difference between the book cost of the property retired and the sum of the amount chargeable to this account and the amount of the salvage recovered (or the proceeds from the sale of the property) shall be charged to account 6120, "Extraordinary current income charges," or credited to account 6110, "Extraordinary current income credits," as appropriate. (See also § 35.1–7.)

§ 35.1620 *Investments in affiliates.* (a) This account shall include the book cost of the carrier's investment in securities issued or assumed by affiliates, other than securities of affiliates held in special funds or as temporary investments. It shall include the amount of investment advances to affiliates.

(b) The records supporting the entries in this account shall be so maintained as to show each class of investment in each affiliate under the following subdivisions:

1620:01 Investments in securities of affiliates.
1620:02 Investment advances to affiliates.

NOTE A: The book cost of securities of affiliates owned by the carrier and held in special funds or as temporary investments shall be included in account 1630, "Debt-redemption funds," account 1635, "Employees' provident funds," account 1640, "Insurance funds," account 1645, "Miscellaneous funds held by trustees," account 1650, "Other miscellaneous funds," or account 1725, "Temporary investments," as appropriate.

NOTE B: Advances to affiliates that are subject to current settlement shall be included in account 1749, "Other receivables from affiliates."

§ 35.1629 *Other investments.* (a) This account shall include the book cost of the carrier's investment in securities issued or assumed by nonaffiliates, other than such securities held in special funds or as temporary investments. It shall include the amount of investment advances to nonaffiliates and other investments not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained as to show each class of investment includible herein under the following subdivisions:

1629:01 Securities.
1629:02 Investment advances.
1629:99 Other.

NOTE A: The book cost of securities of nonaffiliates owned by the carrier and held in special funds or as temporary investments shall be included in account 1630, "Debt-redemption funds," account 1635, "Employees' provident funds," account 1640, "Insurance funds," account 1645, "Miscellaneous funds held by trustees," account 1650, "Other miscellaneous funds," or account 1725, "Temporary investments," as appropriate.

NOTE B: Advances to nonaffiliates that are subject to current settlement shall be included in account 1759, "Other accounts receivable."

§ 35.1630 *Debt-redemption funds.* (a) This account shall include the book cost of assets that have been segregated in special funds for the purpose of redeeming outstanding long-term debt of the carrier.

(b) A separate subaccount, with appropriate title, shall be maintained for each issue or series of long-term debt for the redemption of which a special fund is maintained.

NOTE: Nothing contained herein shall be construed as preventing the carrier from transferring applicable debt-redemption funds to account 1715, "Special cash deposits," for the purpose of paying matured long-term debt, or obligations called for redemption but not presented, or the interest thereon.

§ 35.1635 *Employees' provident funds.* This account shall include the amount of cash, the book cost of securities of others, and the book amount of nominally issued and nominally outstanding securities issued or assumed by the carrier and other assets held by trustees or managers of employees' pension funds, savings funds, and relief, hospital, and other association funds (whether contributed by the carrier, by employees, or by others), when such trustees or managers are acting for the carrier in the administration of such funds. (See also §§ 35.10–15 and 35.30–2.)

§ 35.1640 *Insurance funds.* (a) This account shall include the book cost of assets that have been segregated in special funds in connection with those losses contemplated under the carrier's plan for self-carried insurance.

(b) A separate subaccount, with appropriate title, shall be maintained for each class of funds.

§ 35.1645 *Miscellaneous funds held by trustees.* This account shall include the amount of cash and the cost of other assets deposited with trustees to be held until mortgaged property sold, destroyed, or otherwise disposed of is replaced; also the amount of cash realized from the sale of the carrier's securities and deposited with trustees to be held until invested in property for the carrier. When the purposes of such deposits are satisfied and the deposits are released, this account shall be credited with the amounts released.

§ 35.1659 *Other miscellaneous funds.* (a) This account shall include the book cost of assets that have been segregated in special funds for specific purposes not provided for elsewhere.

(b) A separate subaccount, with appropriate title, shall be maintained for each class of funds.

§ 35.1698 *Amortized discount and premium on investment securities.* (a) This account shall include the amount of amortized discount and premium charged or credited as interest from securities held as long-term investments, as provided in § 35.10–7.

(b) A separate subaccount, with appropriate title, shall be maintained for each issue or series of securities with respect to which amounts are entered herein, with an appropriate reference to the account in which the cost of the securities is recorded.

§ 35.1699 *Allowance for doubtful investments.* (a) This account shall be credited with amounts charged to account 6120, "Extraordinary current income charges," to provide for the doubtful value of investments.

(b) When securities are sold or otherwise disposed of, or their book cost is reduced to a nominal value, this account shall be charged with any amounts covered by credits hereto with respect to such securities.

Current Assets

§ 35.1710 *Cash.* This account shall include the amount of current funds available for use on demand or otherwise subject to disbursement on behalf of the carrier by its officers, agents, or employees, including those funds in the hands of financial officers and agents, deposited in banks or with trust companies, and in transit.

§ 35.1715 *Special cash deposits.* (a) This account shall include the amount of cash in special deposits, other than in debt-redemption and other funds, for the payment of interest, dividends, and other debts when such payments are due 1 year or less from the date of deposit; also the amount of cash deposited to insure the performance of contracts to be performed within 1 year from the date of deposit, and other cash deposits for specific purposes not provided for elsewhere. When the purposes of such deposits are satisfied and the deposits are released, this account shall be credited with the amounts released.

(b) This account shall be subdivided as follows:

1715:01 Special deposits—Interest.
1715:02 Special deposits—Dividends.
1715:99 Special deposits—Other.

§ 35.1720 *Working cash advances.* This account shall include the amounts of cash advanced to officers, agents, and employees, particularly cash or working funds from which certain expenditures are to be made and accounted for.

§ 35.1725 *Temporary investments.* (a) This account shall include the book cost of securities acquired for the purpose of temporarily investing cash, such as demand and time loans, bankers' acceptances, United States Treasury certificates, and other similar investments.

(b) This account shall be subdivided as follows:

1725:01 Temporary investments—Affiliates.
1725:99 Temporary investments—Other.

§ 35.1730 *Receivables from customers.* (a) This account shall include amounts receivable from customers for services.

(b) The records supporting the entries in this account shall be so maintained as to show separately (1) amounts charged for services rendered, and (2) amounts charged for services to be rendered. (See also § 35.2155.)

NOTE A: Amounts representing revenues accrued but not due shall be included in account 1770, "Unmatured accrued receivables."

NOTE B: Amounts receivable from other carriers for participation in transmission shall be included in the accounts maintained in accordance with § 35.03–19.

NOTE C: Amounts due on notes accepted in settlement of customers' accounts shall be included in account 1751, "Notes receivable."

§ 35.1742 *Traffic settlements receivable from affiliates.* This account shall include the total of the amounts receivable from affiliated carriers against each of which there is a net debit balance in the accounts maintained for traffic settlements. (See § 35.03–19.)

§ 35.1749 *Other receivables from affiliates.* (a) This account shall include amounts receivable from affiliates not provided for elsewhere. (See particularly §§ 35.1725, 35.1730, 35.1742, 35.1770, 35.1775, and 35.1785.)

(b) This account shall be subdivided as follows:

1749:01 Matured interest receivable.
1749:02 Declared dividends receivable.
1749:03 Matured rents receivable.
1749:04 Current notes receivable. (See also § 35.1620.)
1749:99 Other accounts receivable.

(c) In stating the balance sheet there may be included in this account the net amounts receivable from affiliates against each of which there is a net debit balance between amounts in this account and amounts in account 2129, "Other payables to affiliates."

Receivables From Nonaffiliates

§ 35.1751 *Notes receivable.* (a) This account shall include amounts receivable from persons other than affiliates on notes, drafts, acceptances, and other evidences of indebtedness, payable on demand or not more than 1 year from the date of issuance. (See also § 35.1629.)

(b) The book amount of items includible herein that are discounted or sold without releasing the carrier from liability thereon, shall be credited to this account and reported as a contingent liability. (See particularly § 35.10–16.)

(c) This account shall be subdivided as follows:

1751:01 Receivable from officers and employees.
1751:99 Receivable from others.

§ 35.1752 *Traffic settlements receivable.* This account shall include the total of the amounts receivable from persons other than affiliates against each of whom there is a net debit balance in the accounts maintained for traffic settlements. (See § 35.03–19.)

§ 35.1753 *Matured interest receivable.* This account shall include amounts representing earned interest receivable from persons other than affiliates that is matured and subject to current settlement.

NOTE A: Earned interest receivable that is accrued but unmatured shall be included in account 1770, "Unmatured accrued receivables."

NOTE B: Matured interest receivable that is not subject to current settlment shall be included in the account in which the principal amount is carried.

§ 35.1754 *Declared dividends receivable.* This account shall include amounts representing declared dividends on stocks owned (other than stocks of affiliates) that become matured not later than the first day following the date of the balance sheet.

NOTE A: Declared dividends receivable from affiliates shall be included in account 1749, "Other receivables from affiliates."

NOTE B: Declared dividends receivable that do not mature until after the first day following the date of the balance sheet shall be included in account 1770, "Unmatured accrued receivables."

§ 35.1755 *Matured rents receivable.* This account shall include amounts representing rentals receivable from persons other than affiliates that are matured and subject to current settlement.

NOTE A: Rentals receivable that are accrued but unmatured shall be included in account 1770, "Unmatured accrued receivables."

NOTE B: Amounts receivable for minor rentals shall be included in account 1730, "Receivables from customers."

§ 35.1759 *Other accounts receivable.* (a) This account shall include the amounts of receivables from persons other than affiliates not provided for elsewhere. (See §§ 35.1725 and 35.1730;

also §§ 35.1751 to 35.1758, inclusive, and §§ 35.1770, 35.1775, and 35.1785.)

(b) This account shall be subdivided as follows:

1759:01 Officers and employees.
1759:99 Others.

(c) In stating the balance sheet there may be included in this account the total of the net amounts receivable from persons other than affiliates against each of whom there is a net debit balance between amounts in this account and amounts in account 2139, "Other accounts payable."

§ 35.1765 *Allowance for uncollectible receivables.* (a) This account shall be credited with amounts charged to account 4935, "Uncollectible revenues," account 5299, "Other deductions from ordinary income," and account 6120, "Extraordinary current income charges," to provide for uncollectible receivables, under a plan consistently followed and adjusted for errors in estimates.

(b) This account shall be charged with any amounts covered herein that are determined to be impracticable of collection and shall be credited with amounts collected that previously were charged hereto.

(c) The records supporting the entries in this account shall be so maintained as to show the amount applicable to each class of receivables for which allowances are established, and also the account that was charged with each credit in this account.

§ 35.1770 *Unmatured accrued receivables.* (a) This account shall include the amounts of revenue estimated to have accrued for services not billed but subsequently billable and not due under contract and the amounts of interest, rent, and other items accrued, and dividends declared prior to the date for which the balance sheet is made, but not receivable until after the first day following that date.

(b) This account shall be subdivided as follows:

1770:01 Accrued communication revenue.
1770:02 Accrued interest.
1770:03 Declared dividends.
1770:04 Accrued rents.
1770:99 Other accrued receivables.

§ 35.1775 *Subscriptions to capital stock.* (a) The amount of each subscription to capital stock of the carrier shall be charged to this account at the time the subscription is accepted. The book amount of the stock subscribed shall be credited to account 2420, "Capital stock subscribed; unissued." The difference between the foregoing amounts shall be charged or credited, as appropriate, to the discount and premium account maintained under the provisions of paragraph (a) of § 35.10–13. (See also §§ 35.10–9 and 35.1780.)

(b) This account shall be subdivided as follows:

1775:01 Amounts subscribed by affiliates.
1775:02 Amounts subscribed by officers and employees.
1775:03 Amounts subscribed by underwriters.
1775:99 Amounts subscribed by others.

§ 35.1780 *Deposits on subscriptions to capital stock.* (a) This account shall be credited with amounts received as payments on subscriptions to capital stock.

(b) When payment for the total amount of a subscription has been received, this account shall be charged and account 1775, "Subscriptions to capital stock," shall be credited with such total amount.

(c) Any amounts in this account which become the property of the carrier by forfeiture shall be charged hereto and credited to account 2599, "Other capital surplus."

(d) This account shall be subdivided as follows:

1780:01 Deposits received from affiliates.
1780:02 Deposits received from officers and employees.
1780:03 Deposits received from underwriters.
1780:99 Deposits received from others.

§ 35.1785 *Subscriptions to bonds.* (a) The amount of each subscription to bonds of the carrier shall be charged to this account at the time the subscription is accepted. The face amount of the bonds subscribed shall be credited to account 2020, "Bonds subscribed; unissued." The difference between the foregoing amounts shall be charged or credited, as appropriate, to the discount and premium account maintained under the provisions of paragraph (a) of § 35.10–14. (See also § 35.1790.)

(b) This account shall be subdivided as follows:

1785:01 Amounts subscribed by affiliates.
1785:02 Amounts subscribed by officers and employees.
1785:03 Amounts subscribed by underwriters.
1785:99 Amounts subscribed by others.

§ 35.1790 *Deposits on subscriptions to bonds.* (a) This account shall be credited with amounts received as payments on subscriptions to bonds of the carrier.

(b) When payment for the total amount of a subscription has been received, this account shall be charged and account 1785, "Subscriptions to bonds," shall be credited with such total amount.

(c) Any amounts in this account which become the property of the carrier by forfeiture shall be charged hereto and credited to account 6110, "Extraordinary current income credits."

(d) This account shall be subdivided as follows:

1790:01 Deposits received from affiliates.
1790:02 Deposits received from officers and employees.
1790:03 Deposits received from underwriters.
1790:99 Deposits received from others.

§ 35.1795 *Material and supplies.* (a) This account shall include the cost (consideration being given to the adjustments outlined in paragraphs (b), (c), (d), and (e) of this section) of unapplied material and supplies held for use in communication service (including plant supplies, unissued small tools, fuel, stationery, other supplies, and supply expense), and of material and articles of the carrier in process of conversion and manufacture for supply stock.

(b) Cost shall include the purchase price at the point of free delivery, plus customs duties, excise taxes, and other taxes on purchases, insurance, cost of inspection, special tests prior to acceptance, loading and unloading, transportation, and other directly assignable charges. (Transportation and other charges impracticable of inclusion in the cost of the particular material to which they relate shall be charged to account 9016, "Supply clearing account.")

(c) Cash and other discounts on material shall be deducted from the cost of the particular material to which they relate or credited to the account to which the material is charged. (When impracticable of such treatment they shall be credited to account 9016, "Supply clearing account.")

(d) Material recovered in connection with construction, maintenance, or retirement of plant shall be included in this account as follows:

(1) Reusable material shall be included in the appropriate subdivision of this account at original cost, estimated if not known.

(2) The cost of repairing reusable material shall be charged to the appropriate operating-expense account.

(3) Scrap and nonusable material shall be included in this account at the estimated net amount realizable therefrom. The differences between the amounts realized for scrap and nonusable material sold and the amount at which the material was included in this account shall be adjusted to the accounts credited when the material was charged to this account. (When impracticable of such treatment, the differences shall be adjusted to account 9016, "Supply clearing account.")

(e) Inventories of material and supplies shall be taken during each calendar year and the necessary adjustments shall be made to bring the balance in this account into agreement with the actual inventories. In effecting the adjustments, differences that can be assigned to important classes of material shall be equitably adjusted among the accounts to which such classes of material were charged subsequent to the previous inventory. Other differences shall be equitably apportioned among the accounts to which material has been charged since the last inventory or included in account 9016, "Supply clearing account."

(f) This account shall be subdivided as follows:

1795:01 Material held for use in the carrier's communication operations.
1795:02 Material in process.
1795:03 Merchandise known to be held predominantly for sale or resale, or for use in jobbing or contracting operations.
1795:04 Material and supplies held for other than communication operations.
1795:05 Undistributed supply items. (See § 35.90–2.)

NOTE A: This account shall not include amounts representing cost of material or articles the title to which is not vested in the carrier.

NOTE B: Interest on material bills the payment of which has been delayed shall be charged to account 5235, "Other interest charges."

§ 35.1799 *Other current assets.* (a) This account shall include the amounts of current assets not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained as to show full details concerning each item included herein.

Prepayments

§ 35.1810 *Prepaid insurance.* This account shall be charged with the amounts of insurance premiums paid in advance. As the term expires for which the insurance premiums were paid, this account shall be credited at monthly intervals and the appropriate accounts charged.

§ 35.1815 *Prepaid rents.* This account shall be charged with the amounts of rents paid in advance. As the term expires for which the rents were paid, this account shall be credited at monthly intervals and the appropriate accounts charged.

§ 35.1820 *Prepaid taxes.* This account shall be charged with the amounts of taxes paid in advance. As the term expires for which the taxes were paid, this account shall be credited at monthly intervals and the appropriate accounts charged.

§ 35.1899 *Other prepayments.* This account shall be charged with the amounts of prepayments not provided for elsewhere. As the term expires for which the payments were made, this account shall be credited at monthly intervals and the appropriate accounts charged.

Deferred Charges

§ 35.1910 *Extraordinary maintenance, depreciation, and retirements.* This account shall include such amounts of the unprovided-for loss in service value of plant retired for causes not contemplated in prior allowances for depreciation as are authorized or directed by the Commission to be included herein. (See also § 35.04–4.) It shall also include such other amounts as may be authorized or directed by the Commission to be included herein.

§ 35.1915 *Capital-stock expense.* (a) This account shall include the amounts of stock expenses that have not been charged to account 6120, "Extraordinary current income charges." (See particularly § 35.10–13.)

(b) A separate subaccount, with appropriate title, shall be maintained for stock expenses applicable to each class of capital stock.

NOTE: Expenses incurred in connection with the reacquisition and resale of capital stock shall be accounted for as provided in § 35.10–9.

§ 35.1920 *Long-term debt expense.* (a) This account shall include the amounts of debt expenses that have not been charged to account 5245, "Amortization of debt expense," or to account 6120, "Extraordinary current income charges." (See particularly § 35.10–14.)

(b) A separate subaccount, with appropriate title, shall be maintained for debt expenses applicable to each issue or series of long-term debt.

NOTE: Expenses incurred in connection with the reacquisition and resale of long-term debt shall be accounted for as provided in § 35.10–14.

§ 35.1925 *Discount on capital stock.* This account shall include the total of the debit balances in the accounts for discount and premium on capital stock. (See particularly § 35.10–13.)

§ 35.1930 *Unamortized discount on debt.* This account shall include the total of the debit balances in the accounts for discount and premium on long-term debt. (See particularly § 35.10–14.)

§ 35.1935 *Preliminary survey and investigation charges.* (a) This account shall be charged with all preliminary expenditures for surveys, plans, investigations, etc., made for the purpose of determining the feasibility of major projects under contemplation such as the construction, retirement, purchase, or sale of plant. If a project is authorized, the amounts applicable thereto shall be credited to this account and charged to the appropriate accounts. (See also note at the end of this section.) If a project is abandoned, the amounts applicable thereto shall be credited to this account and, when borne by the carrier, shall be charged to account 6120, "Extraordinary current income charges," unless otherwise authorized or directed by the Commission.

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to the nature and purpose of the surveys, plans, or investigations, and the nature and respective amounts of the charges.

NOTE: The amount of preliminary survey and investigation charges transferred to the plant accounts shall not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to the plant. (See also § 35.03–7.)

§ 35.1940 *Debit balances in clearing accounts.* This account shall include the total of the debit balances (i. e., the amounts that affect the accounting for future periods) remaining in all clearing accounts except account 9016, "Supply clearing account." (See particularly § 35.90–2.)

§ 35.1999 *Other deferred charges.* (a) This account shall include the amounts of deferred charges not provided for elsewhere. (See also § 35.03–15.)

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to each item included herein.

Long-Term Debt

§ 35.2010 *Bonds actually issued.* (a) This account shall include the face amount of actually issued and unmatured bonds that have not been retired or canceled; and also the face amount of such bonds issued by others the payment of which has been assumed by the carrier. (See particularly §§ 35.10–7, 35.10–8, and 35.10–17.)

(b) A separate ledger account, with appropriate title, shall be maintained for each issue or series of bonds.

NOTE A: Discount, expense, and premium on bonds shall be accounted for as provided in § 35.10–14.

NOTE B: Matured bonds shall be included in account 2120, "Matured long-term debt."

§ 35.2015 *Bonds reacquired.* (a) This account shall include the face amount of bonds actually issued or assumed by the carrier and reacquired by it and held under conditions that do not permit the carrier to treat such bonds as retired or canceled but do permit their resale. It shall not include securities that are held by trustees of debt-redemption or other funds.

(b) When any issue of bonds, or portion thereof, is reacquired, the acquisition cost of the bonds and the amount of unamortized discount, expense, or premium applicable thereto shall be accounted for as provided in § 35.10–14.

(c) When reacquired bonds are sold, the book amount of the bonds shall be credited to this account and the difference between such amount and the amount received from the sale less commissions and expenses incurred in the sale shall be charged to account 6120, "Extraordinary current income charges," or credited to account 6110, "Extraordinary current income credits," as appropriate.

(d) A separate subaccount, with appropriate title, shall be maintained for each issue or series of bonds reacquired.

§ 35.2020 *Bonds subscribed; unissued.* (a) This account shall include the face amount of bonds for which legally enforceable subscriptions have been received but for which evidences of indebtedness have not been issued.

(b) When the amount of each subscription is received and the evidences of indebtedness are issued, this account shall be charged and account 2010, "Bonds actually issued," shall be credited with the face amount of such bonds.

(c) Interest that has accrued on the evidences of indebtedness issued to subscribers shall be accounted for through the appropriate interest account.

(d) A separate subaccount, with appropriate title, shall be maintained for subscriptions to each issue or series of bonds.

§ 35.2025 *Receivers' and trustees' securities.* This account shall include the book amount of the evidences of indebtedness issued by receivers or trustees in possession of the property of the carrier and acting under the orders of a court.

§ 35.2030 *Advances from affiliates.* (a) This account shall include the amounts owed to affiliates on notes maturing more than 1 year from date of issuance or origin and the amounts of open accounts representing investment advances from affiliates.

(b) This account shall be subdivided as follows:

2030:01 Notes.
2030:02 Open accounts.

NOTE: Notes and open accounts representing indebtedness to affiliates that are subject to current settlement shall be included in account 2129, "Other payables to affiliates."

§ 35.2099 *Other long-term debt.* (a) This account shall include the amounts

of all long-term debt not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to each item included herein.

Current Liabilities

§ 35.2101 *Unpaid wages.* This account shall include the amounts of accrued wages as at the date of the balance sheet, and the amounts of unclaimed wages not represented by outstanding checks and not yet subject to the provisions of paragraph (c) of § 35.10–5.

§ 35.2111 *Liability for tax collections.* (a) This account shall include amounts collectible or collected (directly or through the pay roll deduction or other method) by the carrier from customers, employees, or other third persons and payable to the United States or to State, local, or foreign governments.

(b) This account shall be subdivided, as indicated below, so as to show separately (1) the amounts due the United States under the provisions of the Social Security Act, (2) amounts due State or local governments under the provisions of statutes related to or similar to the Social Security Act, (3) amounts due the United States for taxes on the transmission of messages and the leasing of facilities, and (4) other amounts due governments:

2111:01 Federal social security.
2111:02 State or local social security.
2111:03 Federal message (and leased-facility).
2111:99 Other.

§ 35.2113 *Unpaid money-orders.* This account shall include the amounts of money-orders, travelers' cheques, C. O. D. checks, letters of credit, and similar forms of sight or demand checks and drafts drawn by agents on the carrier and outstanding in the hands of payees or drawn on express or other companies and not paid to the drawees. It shall also include the amounts appearing on receipts or on similar evidences of the acceptance of funds for transmittal issued by agents of the company and not yet represented by any of the above-mentioned types of sight or demand instruments.

§ 35.2115 *Customers' deposits.* This account shall include amounts deposited with the carrier by customers as security for the payment of bills. (See also § 35.2315.)

§ 35.2120 *Matured long-term debt.* This account shall include the amount of long-term debt and receivers' and trustees' securities, including any obligations for premiums, matured and unpaid without specific agreement for extension of maturity. It shall include the amounts of bonds drawn or called for redemption but not presented.

§ 35.2122 *Traffic settlements payable to affiliates.* This account shall include the total of the amounts payable to affiliated carriers in favor of each of which there is a net credit balance in the accounts maintained for traffic settlements. (See particularly § 35.03–19.)

§ 35.2129 *Other payables to affiliates.* (a) This account shall include amounts payable to affiliates not provided for elsewhere. (See particularly §§ 35.2122, 35.2165, 35.2170, and 35.2180.)

(b) This account shall be subdivided as follows:

2129:01 Matured interest payable.
2129:02 Matured rents payable.
2129:03 Current notes payable. (See also § 35.2030.)
2129:99 Other accounts payable.

(c) In stating the balance sheet there may be included in this account the net amounts payable to affiliates in favor of each of which there is a net credit balance between amounts in this account and amounts in account 1749, "Other receivables from affiliates."

Payables to Nonaffiliates

§ 35.2131 *Notes payable.* This account shall include amounts payable to persons other than affiliates on notes, drafts, acceptances, and other evidences of indebtedness payable on demand or not more than 1 year from the date of issuance. (See also paragraph (b) of § 35.1751.)

NOTE: Notes payable to nonaffiliates more than 1 year from the date of issuance shall be included in account 2099, "Other long-term debt."

§ 35.2132 *Traffic settlements payable.* This account shall include the total of the amounts payable to persons other than affiliates in favor of each of whom there is a net credit balance in the accounts maintained for traffic settlements. (See particularly § 35.03–19.)

§ 35.2133 *Matured interest payable.* (a) This account shall include the amount of matured interest that is subject to current settlement and payable to persons other than affiliates on long-term debt or other obligations of the carrier. (See also § 35.2165.)

(b) The records supporting the entries in this account shall be so maintained as to show separately the rate and amount of interest included herein by reference to the obligation to which the interest relates.

NOTE: Matured interest payable that is not subject to current settlement shall be included in the account in which the principal amount is recorded.

§ 35.2134 *Dividends payable.* (a) This account shall include the amount of declared dividends that are payable not later than the first day following the date of the balance sheet and that for any reason have not been paid. (See particularly § 35.2164.)

(b) The records supporting the entries in this account shall be so maintained as to show the amount of dividends includible herein by the classes of capital stock to which they relate.

§ 35.2135 *Matured rents payable.* This account shall be credited with the amounts charged to the income accounts and the amounts of the clearances from account 2170, "Rent accruals," representing matured rents payable to persons other than affiliates.

§ 35.2139 *Other accounts payable.* (a) This account shall include the amounts of payables to persons other than affiliates not provided for elsewhere, including the amounts of vouchers that have been approved for payment but remain unpaid as at the date of the balance sheet. (See §§ 35.2099, 35.2101, 35.2111, 35.2113, and 35.2115; also §§ 35.2131 to 35.2138, inclusive, and §§ 35.2160 to 35.2180, inclusive.)

(b) In stating the balance sheet there may be included in this account the total of the net amounts payable to persons other than affiliates in favor of each of whom there is a net credit balance between amounts in this account and amounts in account 1759, "Other accounts receivable."

§ 35.2155 *Advance billings.* (a) This account shall be credited with the amounts of bills rendered for services to be furnished in future accounting periods.

(b) This account shall be charged and the appropriate operating-revenue accounts, income accounts, or asset accounts shall be credited as the services are rendered or as adjustments are approved.

NOTE: This account shall not include amounts representing advances for construction. (See particularly § 35.2315.)

§ 35.2160 *Liability on installment-plan sales of capital stock.* (a) This account shall include the amounts of receipts (obtained either directly or through pay-roll deductions) from employees and others, other than on subscriptions, as partial payments on capital stock of the carrier.

(b) When amounts so received equal the agreed purchase price for capital stock, this account shall be charged and account 2410, "Capital stock issued," or account 2415, "Capital stock reacquired," as appropriate, shall be credited with the book amount of such stock. Any discount or premium on original issues shall be included in the appropriate discount and premium account.

(c) When amounts included herein are forfeited, by purchasers, this account shall be charged and account 2599, "Other capital surplus," shall be credited with the amounts so forfeited.

(d) When, for any reason, receipts under this plan are refunded to purchasers, this account shall be charged with the amount of such refunds, to the extent that the refunds represent amounts of principal installment receipts.

(e) Any amounts credited to purchasers as interest on installment receipts shall be charged to account 5235, "Other interest charges." Any amount by which refunds on uncompleted purchases fail to equal the amounts received from purchasers shall be charged to this account and credited to account 2599, "Other capital surplus."

(f) This account shall be subdivided as follows:

2160:02 Receipts from officers and employees.
2160:99 Receipts from others.

Liability Accruals

§ 35.2164 *Dividends declared.* (a) This account shall include the amount of declared dividends payable at a date

subsequent to the first day following the date of the balance sheet. (See particularly § 35.2134.)

(b) The records supporting the entries in this account shall be so maintained as to show the amount of dividends declared on each class of capital stock.

§ 35.2165 *Interest accruals.* (a) This account shall be credited monthly with amounts charged to account 5210, "Interest on long-term debt," account 5215, "Interest on indebtedness to affiliates," account 5235, "Other interest charges," and other appropriate accounts representing proportionate amounts, applicable to the period, of interest liabilities that have not matured.

(b) When any item of interest included herein has matured, the amount thereof shall be cleared by a charge to this account and a credit to account 2133, "Matured interest payable," or other appropriate account.

§ 35.2170 *Rent accruals.* (a) This account shall be credited monthly with amounts charged to account 5205, "Rent for lease of operated plant," account 4261, "Rents for operating offices," account 4269, "Rents for other facilities," and other appropriate accounts representing proportionate amounts, applicable to the period, of rent liabilities that have not matured.

(b) When the obligation with respect to which any item included herein has matured, the amount of such item shall be cleared by a charge to this account and a credit to account 2135, "Matured rents payable," or other appropriate account.

§ 35.2175 *Tax accruals.* (a) This account shall be credited monthly with the amount of taxes applicable to the period, and corresponding charges shall be made to the appropriate accounts. Such credits may be based upon estimates, but from time to time, as the facts become known, the amounts of the periodic credits shall be adjusted so as to include, as nearly as can be determined in each year, the taxes applicable to that year.

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish information as to the amounts by classes of taxes and taxing authorities, the basis for each tax determination, and the accounts to which charged.

NOTE A: Interest on tax assessments the payment of which has been delayed shall be charged to account 5233, "Interest on past-due tax assessments."

NOTE B: Taxes such as social security taxes collected from employees and message taxes collected from customers shall be included in account 2111, "Liability for tax collections."

NOTE C: Any amount representing a prepayment of taxes applicable to a subsequent period shall be included in account 1820, "Prepaid taxes."

§ 35.2180 *Other liability accruals.* (a) This account shall be credited with the amounts of liability accruals not provided for elsewhere.

(b) When the obligation with respect to which any item included herein has matured, the amount of such item shall be cleared by a charge to this account and a credit to the appropriate account according to the nature of the matured item.

§ 35.2199 *Other current liabilities.* (a) This account shall include the amounts of current liabilities not provided for elsewhere. (See particularly paragraph (c) of § 35.10–5.)

(b) The records supporting the entries in this account shall be so maintained as to show full details concerning each item included herein.

Provisions for Future Settlements

NOTE: See particularly § 35.10–11.

§ 35.2210 *Provisions for employees' pensions and welfare.* (a) This account shall include specific appropriations of income and the amounts contributed by employees or others (whether carried in special trust funds or in the general funds of the carrier) for pensions, accident and death benefits, savings, relief, hospital, and other provident purposes, when administered by trustees or managers acting for the carrier.

(b) This account shall include also the amount accrued for pensions through charges to account 4327, "Relief and pensions." Amounts so credited shall, when actually paid to retired employees or paid into a trust fund irrevocably devoted to the payment of pensions, be charged hereto.

§ 35.2215 *Provisions for self-carried insurance.* (a) This account shall include provisions to cover self-carried risks for losses through accident, fire, flood, or other causes, other than provisions made in the allowance for depreciation.

(b) This account shall also be credited with the amounts that are charged to account 4323, "Workmen's compensation," in accordance with paragraph (b) of that account.

(c) Amounts included in this account shall be computed upon a basis of rates which fairly cover the risks incurred. These rates shall be determined according to the carrier's experience and best estimate as to the hazard covered. A schedule of risks covered by this account shall be maintained giving a description of the property or the character of the risks covered.

(d) If the carrier reinsures with insurance companies risks initially covered in this account, the premiums for such reinsurance shall be charged hereto.

(e) To the extent that losses and damages sustained or awards made are covered by this account, an amount equal thereto shall be charged to this account and credited to the accounts appropriate for the losses and damages sustained or awards made.

(f) This account shall be subdivided as follows:

2215:01 Workmen's compensation insurance.
2215:99 Other insurance.

NOTE A: Accretions to this account shall not be made in excess of a reasonable provision against losses of the character provided for.

NOTE B: All losses and damages sustained or awards made, including those covered by commercial insurance or by this account, shall be charged in the first instance to the allowance - for - depreciation, construction, maintenance, injuries-and-damages, workmen's-compensation, or other appropriate account, according to the character of the loss. Insurance recovered or amounts chargeable to this account on account of losses and damages sustained shall be credited to the account in which the losses and damages stand charged.

§ 35.2220 *Provisions for equalization of maintenance expenses.* (a) This account shall be credited with such amounts as the Commission may authorize or direct to be charged to account 4180, "Maintenance-expense equalization," under a plan to equalize maintenance expenses.

(b) When maintenance work is performed for which provision has been made in this account, the cost of such work shall be charged to the appropriate maintenance accounts. Concurrently this account shall be charged and account 4180 shall be credited with an amount equal to the provision for the cost of such maintenance work.

(c) The carrier's application to the Commission for permission to institute an equalization program shall show full details as to the plan of administration of the program, the character of the work to which amounts accrued may subsequently be applied, and the amount of the monthly or annual accruals for equalization purposes.

(d) A separate subaccount, with appropriate title, shall be maintained for each project or program for which provision is made in this account.

§ 35.2225 *Provisions for depreciation and replacement of operated plant leased from others.* (a) This account shall be credited with amounts charged to account 4910, "Depreciation," for currently accruing depreciation of operated plant leased from others when the carrier, as lessee, is required to replace or to restore the condition of such plant and when such amounts are not subject to current reimbursement to the lessor.

(b) This account shall be charged with the cost of leased plant retired and the cost of removal when, under the terms of the lease, the carrier, as lessee, is required to replace or to restore the condition of plant leased from others. It shall be credited with the salvage value and any other amounts recovered from such retired plant. (See also § 35.1–5.)

(c) As at the effective date of this system of accounts, this account shall be credited with such amounts as are necessary to record herein the service value of operated plant leased from others that has expired during the periods of effective leasing agreements under which the carrier, as lessee, is required to replace or to restore the condition of such plant, and when such amounts are not subject to current settlement with the lessor. This includes amounts with respect to depreciable operated plant that has been retired during the periods of such agreements and the expired service value of such plant still in the service of the carrier. The amounts thus credited shall, unless otherwise authorized by the Commission, be charged to account 6120, "Extraordinary current income charges."

(d) The amount in this account with respect to each leasing agreement shall be

cleared at the expiration of the lease as provided in paragraph (k) of § 35.1–6.

(e) The records supporting the entries in this account shall be so maintained as to show the amount included herein with respect to each leasing agreement.

§ 35.2230 *Leased operated plant retired.* (a) This account shall be credited with the cost of leased operated plant retired when the carrier, as lessee, is required to replace or to restore the condition of plant leased from others. (See also § 35.1–5.)

(b) As at the effective date of this system of accounts, this account shall be credited, and account 2225, "Provisions for depreciation and replacement of operated plant leased from others," shall be charged with the original cost of operated plant leased from others that has been retired since the date of each effective leasing agreement under which the carrier, as lessee, is required to replace or to restore the condition of such plant, and when the cost of such replacement or restoration is not subject to current settlement with the lessor.

(c) The amount in this account with respect to each leasing agreement shall be cleared at the expiration of the lease as provided in paragraph (k) of § 35.1–6.

(d) The records supporting the entries in this account shall be so maintained as to show the amount included herein with respect to each leasing agreement.

§ 35.2299 *Other provisions for future settlements.* (a) This account shall include the amounts of provisions for future settlements not provided for elsewhere, including reasonable provisions for uninsured casualty liabilities charged to account 4325, "Injuries and damages."

(b) The records supporting the entries in this account shall be so maintained as to show complete details concerning each item included herein.

Deferred Credits

§ 35.2310 *Unamortized premium on debt.* This account shall include the total of the credit balances in the accounts for discount and premium on long-term debt. (See particularly paragraph (c) of § 35.10–14.)

§ 35.2315 *Advances for construction.* (a) This account shall include the entire amount of advances for construction that are to be repaid in full or in part.

(b) When full repayment is made of the amount to which the person making the advance is entitled, according to the agreement or rule under which the advance is made, the balance, if any, remaining in this account shall be transferred to account 2515, "Contributions of plant."

§ 35.2320 *Credit balances in clearing accounts.* This account shall include the total of the credit balances (i. e., the amounts that affect the accounting for future periods) remaining in all clearing accounts except 9016, "Supply clearing account." (See particularly § 35.90–2.)

§ 35.2399 *Other deferred credits.* (a) This account shall include the amount of deferred credits not provided for elsewhere. (See also § 35.03–15.)

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to each item included herein.

Capital Stock

§ 35.2410 *Capital stock issued.* (a) This account shall include the book amount of actually issued capital stock. (See particularly § 35.10–9; also §§ 35.10–13 and 35.10–17.)

(b) When any class of capital stock or portion thereof is retired or canceled, this account shall be charged with the amount at which such stock is carried herein.

(c) Separate subaccounts shall be maintained to show the book amount of each class of stock as provided in § 35.10–9.

NOTE A: When a levy or assement (not including a call for payment on subscriptions) is made against holders of capital stock, the amount collected upon such levy or assessment shall be accounted for in accordance with paragraph (d) of § 35.10–13.

NOTE B: Discount, expense, and premium on capital stock shall be accounted for in accordance with § 35.10–13.

§ 35.2415 *Capital stock reacquired.* (a) This account shall include the book amount of capital stock actually issued by the carrier and reacquired by it, except stock which is held by trustees of debt-redemption and other funds. No par stock shall be included in this account at the proportionate part of the total amount at which the particular class of stock is included in account 2410, "Capital stock issued."

(b) When any class of capital stock or portion thereof is reacquired or retired, the acquisition cost of the stock and the amount of unamortized discount, expense, or premium applicable thereto shall be accounted for in accordance with paragraph (d) of § 35.10–9.

(c) When reacquired capital stock is sold, the book amount of the stock shall be credited to this account and the difference between such amount and the amount received from the sale shall be accounted for in accordance with paragraph (f) of § 35.10–9.

(d) A separate subaccount, with appropriate title, shall be maintained for each class of capital stock reacquired.

§ 35.2420 *Capital stock subscribed; unissued.* (a) This account shall include the book amount of capital stock for which legally enforceable subscriptions have been received but for which stock certificates have not been issued. (See also § 35.2160.)

(b) When the amount of each subscription is received and stock certificates are issued, this account shall be charged and account 2410, "Capital stock issued," shall be credited with the book amount of such stock.

(c) A separate subaccount, with appropriate title, shall be maintained for each class of capital stock.

§ 35.2425 *Obligations for stock conversion.* (a) This account shall include the book amount of capital stock that the carrier has agreed to exchange for the outstanding securities of other companies which have not been surrendered for exchange. (See particularly § 35.10–8.)

(b) When the securities of the other companies have been surrendered, this account shall be charged and account 2410, "Capital stock issued," shall be credited with the book amount of the stock given in exchange.

(c) A separate subaccount, with appropriate title, shall be maintained for each class of capital stock.

Capital Surplus

§ 35.2510 *Premiums and assessments on capital stock.* This account shall include the total of the credit balances in the capital-stock discount and premium accounts. (See particularly § 35.10–13.)

§ 35.2515 *Contributions of plant.* (a) This account shall include the amounts of money or its equivalent contributed directly or indirectly to the carrier for the construction or acquisition of plant. See particularly paragraphs (a) and (b) of § 35.1–2.)

(b) The amounts credited to this account shall not be transferred to any other account without the approval of the Commission.

(c) The records supporting the entries in this account shall be so maintained as to show complete information with respect to each contribution, including the amount and purpose, the conditions upon which it was made, and the name of the donor. (See also § 35.1–2 (g).)

§ 35.2599 *Other capital surplus.* (a) This account shall include all capital surplus not provided for elsewhere.

(b) Among the amounts includible in this account are credits arising from the reacquisition and resale, from the retirement and cancelation, from a reduction of the stated value, and from the donation by stockholders, of the carrier's capital stock; surplus arising from the forgiveness of debt of the carrier; surplus recorded upon the reorganization or recapitalization of the carrier; and amounts that become the property of the carrier as a result of the forfeiture by others of deposits on subscriptions to capital stock and installment-plan payments on purchases of capital stock. (See particularly § 35.10–9.)

Earned Surplus

§ 35.2610 *Contractual reserves.* (a) This account shall include the amount of earned surplus reserved or otherwise set aside in accordance with the terms of mortgages, deeds of trust, orders of courts, contracts, or other agreements. (See also § 35.30–2.)

(b) Separate subaccounts shall be maintained under such titles as will designate the obligation in support of which each reserve recorded hereunder was created.

§ 35.2615 *Reserve against impairment of stated capital.* (a) This account shall be credited with amounts charged to account 8315, "Earned surplus employed in reacquisition of capital stock," as provided in paragraph (i) of §35.10–7.

(b) Upon the resale or retirement of reacquired stock, this account shall be charged and account 8315, "Earned surplus employed in reacquisition of capital stock," shall be credited with the amounts included herein applicable to such stock.

§ 35.2620 *Miscellaneous reserves.* (a) This account shall include the amount of reservations of earned surplus not provided for elsewhere.

(b) Separate subaccounts shall be maintained under such titles as will designate the purpose for which each reserve recorded hereunder was created.

§ 35.2699 *Unappropriated earned surplus.* This account shall include the amount of net earned surplus after providing for reservations and appropriations. (See particularly § 35.10–10.)

OPERATED PLANT ACCOUNTS

INSTRUCTIONS

§ 35.1–1 *Purpose and content of operated plant accounts.* (a) The operated plant accounts are designed to show in detail the cost of the several classifications of the carrier's wire-telegraph and ocean-cable plant that has a service life of more than 1 year, whether used by the carrier or by others.

(b) The balances in the several operated plant accounts are includible in the following balance-sheet accounts under the caption "Commmunication plant," and the chart under § 35.1–99 shows the method of combining a balance-sheet account number and a plant account number when it is desired to indicate both the use and the class of the plant:

1000 Operated plant in carrier's service.
1100 Operated plant leased to others.
1200 Improvements and replacements of operated plant leased from others.

(Account 1400, "Plant held for future communication use," shall also be classified according to the titles and texts provided for the several operated plant accounts.)

NOTE: Plant used in furnishing telephone or radiotelegraph service shall be accounted for as provided in § 35.03–8.

(c) When operated plant ordinarily having a service life of more than 1 year is installed for temporary use in wire-telegraph and ocean-cable service, it shall be accounted for in the same manner as other plant having a service life of more than 1 year.

(d) The cost of individual items of work equipment, such as hand tools and other portable tools that are likely to be lost or stolen, and other items of work equipment that have relatively small value (e. g., costing $10.00 or less) or short life, shall be included in the operated plant accounts only when the investment in such property is relatively large and the correctness of the accounting therefor is verified by the current inventory. When not so verified the cost of such items shall be charged to the operating-expense (or other) account appropriate for the use of such items.

(e) Carriers furnishing both wire-telegraph and ocean-cable services shall maintain separate accounts for the cost of operated plant applicable to each such service. (See § 35.1–99.)

(f) Not later than January 1, 1946, each carrier shall have completed the studies necessary for reclassifying its plant as at January 1, 1943, in accordance with this system of accounts, and shall have submitted to the Commission the entries it proposes to make to carry out the provisions of this section. It shall submit also (not later than January 1, 1946) a comparative balance sheet showing, as at January 1, 1943, the amounts includible in the respective accounts prescribed in this system of accounts (1) before and (2) after effect has been given to the proposed entries mentioned above relating to the reclassification of the plant.

(g) Pending the reclassification of plant, as at the effective date of this system of accounts, in accordance with the accounts prescribed herein, each carrier shall maintain its present accounts with respect to such plant (and its records of retirements therefrom) as subaccounts of account 1540, "Plant in process of reclassification."

§ 35.1–2 *Accounting for plant acquisitions.* (a) Plant previously in public use contributed to the carrier, or plant constructed by the carrier through expenditures of contributed money or its equivalent, shall be charged to the plant accounts on basis of original cost, and there shall be credited to the allowance-for-depreciation and allowance-for-amortization accounts the estimated amounts of depreciation and amortization requirements applicable to such plant at the date of its acquisition by the carrier. Plant not previously in public use contributed to the carrier shall be charged to the plant accounts at its estimated cost new at date of contribution, and there shall be credited to the appropriate allowance-for-depreciation and allowance-for-amortization accounts the estimated amounts of depreciation and amortization requirements applicable to such plant at that date. The difference between the amounts so includible in the plant and in the allowance accounts shall be credited to account 2515, "Contributions of plant."

(b) Amounts received for construction which are ultimately to be repaid, wholly or in part, shall be credited to account 2315, "Advances for construction," and, when final determination has been made as to the amount to be repaid, any amounts not subject to refund shall be transferred to account 2515, "Contributions of plant."

(c) When property that comprises a substantially complete operating system or operating unit is acquired from predecessors by purchase, merger, consolidation, liquidation, or otherwise, that portion of the acquisition cost applicable to operated plant, plant under construction, and plant held for future communication use shall be charged to account 91, "Plant acquired; undistributed charges."

(d) The accounting with respect to the acquisition of such plant shall then be completed as follows:

(1) The original cost of such plant shall be charged to the several plant accounts and account 1300, "Plant under construction," as appropriate, and credited to account 91, "Plant acquired; undistributed charges." When the actual original cost cannot be determined and estimates are used, the carrier shall maintain records to show the particulars of such estimates.

(2) The requisite amounts of the allowances for depreciation and amortization applicable to such plant at the date of acquisition shall be credited to account 1515, "Allowance for depreciation; wire-telegraph and ocean-cable plant," and account 1520, "Allowance for amortization; wire-telegraph and ocean-cable plant," respectively, and charged to account 91, "Plant acquired; undistributed charges."

(3) The amount remaining in account 91, "Plant acquired; undistributed charges," applicable to such plant, upon the completion of the entries provided in the foregoing subparagraphs (1) and (2), shall be transferred to account 1510, "Plant-acquisition adjustments."

(e) When a substantially complete operating system or operating unit acquired comprises duplicate or other plant which is intended to be retired by the carrier in the reconstruction of the acquired plant or in its consolidation with the previously owned property, the accounting with respect to such duplicate or other plant shall be submitted for the consideration and approval of the Commission.

(f) The accounting for wire-telegraph and ocean-cable plant acquired from predecessors not provided for in paragraphs (c) and (d) hereof shall be upon basis of the acquisition cost to the carrier.

(g) A memorandum record shall be kept of the amount of contributions applicable to the plant acquired, as shown by the accounts of the previous owner.

(h) Copies of journal entries recording the acquisition of (1) substantially complete operating systems, (2) substantially complete operating units, or (3) other plant (when the consideration paid for such other plant is $25,000 or more), and of the entries clearing the amounts originally charged to account 91, "Plant acquired; undistributed charges," shall be submitted within 90 days from the respective dates of such original and clearing entries for consideration and approval by the Commission. The text of such entries shall give a complete description of the plant acquired and the bases upon which the amounts of the entries have been determined.

(i) In connection with the acquisition of substantially complete operating systems or operating units, the carrier shall endeavor to procure from the grantor (and the grantor, if subject to the accounting regulations of the Commission, shall deliver) all existing records relating to the property acquired, or certified copies thereof.

(j) The cost of initial improvements (including repairs, rearrangements, and additions) to operated plant acquired from others, made in the course of preparing the plant for service, and the cost of any subsequent additions to and replacements of such plant, shall be included in the appropriate operated plant accounts.

(k) If the acquisition of any plant is by means of construction, the provisions of §§ 35.1–3 and 35.1–4 shall be observed.

NOTE: The cost of valuations, inventories, and appraisals taken in connection with the contemplated acquisition of plant shall be charged to account 1935, "Preliminary survey and investigation charges." If the plant is acquired, the preliminary costs shall be accounted for as a part of the cost of acquisition.

§ 35.1–3 *Components of construction costs.* (a) The costs of construction properly includible in the plant accounts shall include the applicable direct and overhead costs, listed and described in paragraph (c) of this section and in § 35.1–4, and other analogous items in connection with such work.

(b) When a part only of a project is placed in operation or is completed ready for service and the construction work as a whole is incomplete, that part of the plant placed in operation or ready for service shall be treated as completed and no further interest charges shall be made with respect to such completed part.

(c) The following is a description of the principal components of construction costs:

(1) The compensation and the expenses of employees engaged in construction work, including the compensation and expenses of foremen and inspectors in charge thereof.

(2) The purchase price at the point of free delivery of material and supplies plus customs duties and excise taxes; the cost of inspection and handling; transportation to first point of delivery to the carrier; an equitable portion of supply expense; the total cost of fabricated material from the carrier's shops; the book cost of reusable material; and the cost of the tools consumed on a project. (In determining the cost of material used, proper allowance shall be made for unused material and supplies, material recovered from temporary arrangements used in performing the work, salvage value of tools released from the project, and discounts realized in the purchase of material and supplies.)

(3) The cost of transporting employees, material and supplies, tools, and work equipment not under its own power. (Transportation of material and supplies includes transportation from point of first delivery to point of use. It includes amounts paid to others as well as the cost of operating the carrier's own transportation equipment.)

(4) The cost of protecting the carrier's property from fire or other casualties and the cost of preventing injuries to persons and damages to the property of others.

(5) Expenditures or losses on account of injuries to persons and damages to the property of others.

(6) Payments for, and expenses incurred in securing, temporary privileges, permits, or rights in connection with construction work, such as for the use of private or public property, streets, or highways.

(7) Taxes on physical property during construction and before the facilities are completed ready for service, assessed separately from taxes on operating property or under conditions which permit separate identification or allocation of the amount chargeable to construction; also the portion, applicable to construction costs, of taxes imposed under the Social Security Act and similar State statutes.

(8) The net cost of borrowed funds used for construction purposes and (there may be included) a reasonable rate upon the carrier's own funds when so used. Such amounts shall be charged to the individual project upon which the funds are expended and shall be credited to account 5225, "Interest charged to construction—Cr." The period for which interest may be included in the cost of construction shall be limited to the duration of the construction work. (In case construction work is suspended, interest covering a period of more than 6 months from the date of such suspension shall not be included in the cost of construction except when authorized by the Commission. No interest costs for projects that have been abandoned shall be included in these accounts.)

(9) Premiums paid or amounts provided as self-carried insurance for protection against loss and damage by fire and other casualties, injury to or death of employees or others, damage to property of others, defalcation of employees and agents, nonperformance of contractual obligations of others, and the cost of workmen's-compensation or similar insurance.

(10) The cost of telephone, water, electricity, power, office space, equipment, and analogous items allocable to the construction project; also similar items furnished by the carrier through its regular operating facilities.

(11) The pay and expenses of operators and helpers required for machine operation, material and supplies consumed, depreciation, and other expenses incurred in the maintenance, operation, and use of special machines such as steam-shovels, pile-drivers, and other labor-saving machines; also expenditures for rental, maintenance, and operation of such machines owned by others; also, when a particular construction project requires the purchase of special machines, the cost of these machines, less their appraised or salvage value at the time of their release from the project.

(12) The applicable portion of the pay and of the office and other expenses of the carrier's engineers and their staffs responsible primarily for the technical features of construction work.

(13) Amounts paid to other companies, firms, or individuals engaged by the carrier to plan, design, prepare estimates, supervise, inspect, or give general advice and assistance in connection with construction work. (A copy of the agreement or arrangement under which said services are rendered shall be preserved by the carrier.)

(14) An equitable portion of the pay and of the office and other expenses of the general officers and their staffs. (Such amounts shall be determined in accordance with § 35.03–17.)

(15) Amounts paid for work performed under contract by other persons. (Costs incident to the award of such contracts, to the inspection of such work, and to any other work of any character performed by the carrier in connection with a contract-work project have been noted under the components of construction costs appropriate for the character of the service performed or the expense incurred.)

(d) As a reduction of construction costs, any amounts earned, during the construction period incidental to the construction, less correlated expenses, shall be credited to the cost of construction.

§ 35.1–4 *Overhead construction costs.* (a) All overhead construction costs, such as engineering, supervision, general office salaries and expenses, construction engineering and supervision by others than the carrier, law expenses, insurance, injuries and damages, relief and pensions, taxes, and interest, shall be charged to particular projects or units on basis of the amounts of such overhead costs reasonably applicable thereto, to the end that each project or unit shall bear its equitable portion of such costs and that the entire cost of the unit, both direct and overhead, shall be deducted from the plant accounts at the time the unit of plant is retired.

(b) The records supporting the entries for overhead construction costs shall be so maintained as to show the nature of the expenditures, the individual projects and accounts charged, and the bases of the distribution of such costs.

(c) The instructions contained herein shall not be interpreted as permitting the inclusion in the operated plant accounts of arbitrary amounts to cover assumed overhead costs, but as requiring the assignment to particular projects and accounts of actual and reasonable overhead costs.

§ 35.1–5 *Expenditures on operated plant leased from others.* (a) Except as provided in paragraphs (b) and (c) of this section, the cost of initial improvements (including repairs, rearrangements, and additions) to operated plant leased from others, made in the course of preparing the plant for service, and the cost of any subsequent additions to and replacements of the leased plant shall be charged to the operated plant accounts appropriate for the class of plant leased. (See also §§ 35.1200 and 35.1–2.)

(b) When, under the terms of a leasing agreement, the carrier, as lessee, is required to make specific improvements to leased plant and such improvements revert to the lessor and constitute a part of the consideration paid for the use of th plant, the cost of such improvements shall be charged by the lessee to account 1815, "Prepaid rents," and amortized over the remaining period of the lease by charges to the appropriate rent account. Such portion of the cost of improvements as represents additions to the leased plant shall be charged by the lessor (if a wire-telegraph or ocean-cable carrier) to the appropriate plant accounts and credited to an appropriate subaccount under account 2399, "Other deferred credits." Amounts thus credited to account 2399 shall be amortized over the remaining period of the lease by credits to the appropriate rental account.

(c) When improvements to leased plant otherwise chargeable to the plant accounts are of relatively minor cost or short life, or when the period of the lease is not more than 1 year, the cost thereof shall be included in account 4261, "Rents for operating offices," or in the account appropriate for the maintenance of such plant, as appropriate.

(d) When, under the terms of a lease, the carrier, as lessee, is required to replace or to restore the condition of plant leased from others, depreciation charges on the plant originally leased shall be computed on the same basis as for owned depreciable plant. Such amounts shall be charged to account 4910, "Depreciation," and (if not subject to current settlement with the lessor) credited to account 2225, "Provisions for depreciation and replacement of operated plant leased from others." (See particularly § 35.04–3 and paragraph (h) of this section.)

(e) When, under the terms of a lease, the carrier, as lessee, is required to replace or to restore the condition of plant leased from others, the cost of leased plant retired by the lessee shall be credited to account 2230, "Leased operated plant retired." Such amount together with the cost of removal shall be charged, and the salvage value and any other amounts received shall be credited, to account 2225, "Provisions for depreciation and replacement of operated plant leased from others."

(f) The accounting for the retirement of improvements and replacements of leased plant made by the lessee shall be as provided in § 35.1–6.

(g) Upon termination of a lease and transfer of the plant to the lessor, the accounting by the lessor (if a wire-telegraph or an ocean-cable carrier) for improvements and replacements of the leased plant which were made by the lessee shall be as follows:

The plant accounts shall be so adjusted as to include the original cost of the plant returned at the termination of the lease, including the original cost of improvements and replacements made by the lessee, and (as so adjusted) shall be appropriately classified in conformity with § 35.1–1. Accounts 1515, "Allowance for depreciation; wire-telegraph and ocean-cable plant," and account 1520, "Allowance for amortization; wire-telegraph and ocean-cable plant," shall be so adjusted as to include the required allowances for depreciation and amortization of such plant. The difference between (1) the net amount of the foregoing adjustments and (2) the amount of any settlement with the lessee with respect to such plant, shall be charged to account 1999, "Other deferred charges," or credited to account 2399, "Other deferred credits," as appropriate. Full particulars relating to the difference so recorded with respect to each leasing agreement, together with a plan for the disposition thereof, shall be immediately submitted to the Commission for consideration and approval.

(h) Each carrier, as lessee, shall maintain memorandum accounts entirely independent of these accounts, in which are recorded the cost of, and related allowances with respect to, plant placed under its exclusive control by a leasing agreement and the subsequent retirements of such plant while under the control of the carrier. Separate memorandum accounts shall be maintained for each leasing agreement. The records supporting the memorandum accounts shall be maintained in the same manner and detail as those relating to owned operated plant.

§ 35.1–6 *Additions, retirements, and replacements of operated plant.* (a) To the end that the operated plant accounts shall at all times disclose the cost of plant in service, the cost of all additions to, and replacements of, operated plant, whether acquired by construction, purchase, or otherwise, shall be charged (except as provided in paragraphs (e) and (g) of this section) to the appropriate plant accounts. The cost of plant retired, whether replaced or not, shall be credited (except as provided in paragraphs (f) and (g) of this section) to the account or accounts in which such cost stands charged.

(b) When any item of operated plant is retired from service for any reason, the amounts in the plant accounts applicable to that item shall be credited thereto, and the retirement entry shall cite the original entry in which was recorded the cost of the item retired, by name and page of, or other definite identification of, book or other record in which the entry was made; except that when such entry cannot be identified or is not available, or if it is impracticable to determine the cost of any item due to the relatively large number of items or the small cost thereof, the amount shall be estimated with due allowance for any differences in size and character, and that fact shall be stated in the retirement entry. The records supporting retirement entries shall show also the aggregate quantity, in units of measure ordinarily used by the carrier, of each type of retirement unit retired, and the basis used in determining the cost when estimates are used.

(c) For the purpose of avoiding undue refinement, in accounting for retirements and replacements of depreciable operated plant such property shall be considered as consisting of (1) retirement units and (2) minor items. (See particularly § 35.1–6–1.)

(d) The cost of any retirement unit retired (whether replaced or not) shall be credited to the appropriate plant account. Except as provided in paragraphs (j) and (k) of this section, the entire amount of such cost shall be charged to account 1515, "Allowance for depreciation; wire-telegraph and ocean-cable plant."

(e) When minor items that did not previously exist are added to operated plant, the cost thereof shall be treated as a plant acquisition if a substantial addition results. Otherwise, the cost of such items shall be included in the appropriate maintenance-expense account.

(f) When a minor item is retired and not replaced, it shall be accounted for as if it were a retirement unit, except that if the cost of such retired item will be accounted for by its inclusion in the retirement unit of which it is a part when such unit is retired, no separate credit to the plant account is required at the date of retirement.

(g) When a minor item of operated plant is replaced independently of the retirement unit of which it forms a part or with which it is associated, the cost of replacement shall be charged to the account appropriate for the cost of maintenance of the plant with which it is associated, except that, if the replacement effects a substantial betterment (the primary aim of which is to make the plant affected more useful, more efficient, of greater durability, or of greater capacity), that part of the in-place cost of the item installed that is in excess of the cost of the item retired shall be charged to the appropriate operated plant account.

(h) The cost of land retired shall be credited to the appropriate land account. If the cost of the land is includible in account 11, "Land used for right-of-way," its retirement shall be accounted for as provided in paragraphs (c), (d), and (e) of this section. If the cost of the land is includible in account 12, "Land used for building sites," or account 13, "Land used for other operations," its retirement shall be accounted for as provided in paragraph (j) of this section or as provided for in § 35.1–7, as appropriate.

(i) The accounting for franchises, patent rights, leaseholds, and other intangibles retired shall be as provided in paragraph (d) of account 1520, "Allowance for amortization; wire-telegraph and ocean-cable plant." The accounting for the retirement of amounts included in account 85, "Research and development," shall be as provided in the text of that account.

(j) When operated plant is sold, conveyed, or transferred to another person by sale, merger, consolidation, or otherwise, the amount of the consideration received therefor shall be credited to account 92, "Plant sold; undistributed credits," and further accounted for as follows:

(1) The applicable amounts included in account 1935, "Preliminary survey and investigation charges," shall be transferred to account 92, "Plant sold; undistributed credits," and the amounts of commissions and other expenses of making the sale shall be charged to that account.

(2) The cost of the property sold or transferred, including amounts in account 1510, "Plant-acquisition adjustments," that are applicable to such plant, shall be credited to the appropriate plant accounts and charged to account 92, "Plant sold; undistributed credits."

(3) The amounts (estimated if not known) carried with respect to such operated plant in account 1515, "Allowance for depreciation; wire-telegraph and ocean-cable plant," account 1520, "Allowance for amortization; wire-telegraph and ocean-cable plant," account 2315, "Advances for construction," and, if approved by the Commission, account 2515, "Contributions of plant," shall be charged to the respective accounts and credited

to account 92, "Plant sold; undistributed credits."

(4) The amount remaining in account 92 applicable to such plant upon the completion of the foregoing entries shall be transferred to account 6110, "Extraordinary current income credits," or account 6120, "Extraordinary current income charges," as appropriate.

(k) Upon termination of a lease and transfer of the plant to the lessor, the cost of improvements and replacements made by the lessee to plant leased from others shall be credited to the plant accounts of the lessee in which they stand charged. The amounts applicable to such plant in account 1515, "Allowance for depreciation; wire-telegraph and ocean-cable plant," and account 1520, "Allowance for amortization; wire-telegraph and ocean-cable plant," shall be cleared from those accounts. The difference between the amounts of the foregoing charges and credits shall be charged or credited, as appropriate, to account 2225, "Provisions for depreciation and replacement of operated plant leased from others." The amount of any settlement with the lessor with respect to such plant shall be charged or credited, as appropriate, to account 2225. The balances then remaining in account 2225 and in account 2230, "Leased operated plant retired," with respect to each such expired lease shall be disposed of in such manner as the Commission may approve or direct.

(l) If, after performing the accounting provided in the foregoing paragraphs of this section and in § 35.04–3, a credit balance remains, because of underestimating net salvage value or for any other reason, in the portion of any depreciation-allowance or amortization-allowance account assignable to the plant retired, the portion of such balance applicable to the calendar year in which the plant is retired shall be charged to that allowance account and credited to the operating-revenue deduction or other account originally charged with the estimated amount of current depreciation or amortization. The remainder of such balance shall be cleared from the allowance account as provided in § 35.03–13.

NOTE: The cost of valuations, inventories, and appraisals in connection with a contemplated sale of plant shall be charged to account 1935, "Preliminary survey and investigation charges."

§ 35.1–7 *Transfers of plant.* (a) When plant is transferred from one class of communication service to another, the transfer shall be accounted for by transferring the book cost thereof to the appropriate accounts, and likewise any related amounts in the allowance-for-depreciation and allowance-for-amortization accounts shall be transferred to the appropriate allowance accounts.

(b) When depreciable operated plant is transferred to noncarrier operations, the transfer shall be accounted for by crediting the appropriate plant accounts and charging account 1515, "Allowance for depreciation; wire-telegraph and ocean-cable plant," with the cost of the plant transferred. Account 1515 shall then be credited and account 1610, "Miscellaneous physical property," shall be charged with the estimated fair value, not in excess of cost, of the plant transferred. Any balance in the depreciation-allowance account relating to such transferred property shall be disposed of as provided in paragraph (l) of § 35.1–6, § 35.03–13, or paragraph (c) of § 35.04–2, as appropriate.

§ 35.1–8 *Continuous property-record required.* (a) Not later than January 1, 1943, each carrier shall begin the preparation of a continuous property record relating to property of the classes represented in the balance-sheet accounts under the caption "Communication plant," and in account 1610, "Miscellaneous physical property." The record shall be completed not later than June 30, 1946, with respect to property as at December 31, 1942, and with respect to the changes effected therein between the dates of January 1, 1943, and December 31, 1945: *Provided, however,* That such data shall not be used by the carrier in its permanent records until the approval by the Commission of a plan (and a list of property units) and other details of a continuous property-record procedure to be submitted in compliance with the provisions of paragraph (b) of this section.

(b) Not later than June 30, 1943, each carrier shall submit to the Commission, for consideration and approval, a complete plan of methods to be used in the compilation of the continuous property-record, the installation and maintenance of which are prescribed in paragraph (a) of this section. The plan shall include a list of the property units proposed for use, classified to conform with the operated plant accounts prescribed in this system of accounts, and shall include material lists for assemblies, together with the quantity-unit designation applicable to each property unit and to the integral or associated parts thereof. A narrative statement shall accompany the lists of proposed units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuous property-record, to the end that a ready analysis with respect to the sufficiency thereof may be made.

(c) The record shall be arranged in conformity with the operated plant accounts prescribed in this system of accounts. It shall be compiled on the basis of original cost and shall contain such detailed description and classification of the property units as will permit ready verification.

§ 35.1–99 *Contemplated form of plant statement.* (See § 35.03–9.)

WIRE-TELEGRAPH AND OCEAN-CABLE PLANT

Account No.	Particulars	Wire-telegraph plant					Ocean-cable plant					Total wire-telegraph and ocean-cable plant
		Operated plant			Plant held for future communication use (1400)	Total	Operated plant			Plant held for future communication use (1400)	Total	
		In carrier's service (1000)	Leased to others (1100)	Leased from others—Improvements and replacements (1200)			In carrier's service (1000)	Leased to others (1100)	Leased from others—Improvements and replacements (1200)			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	Real estate											
11	Land used for right of way	(1)	$	$	$	$	$	$	$	$	$	$
12	Land used for building sites	$	(2)									
13	Land used for other operations			(1)	(2)							
14	Land improvements											
15	Buildings											
	Total											
	Outside communication lines											
21	Poles											
22	Aerial wire											
23	Aerial cable						(3)	(3)	(3)			
24	Underground cable											
25	Buried cable											
26	Submarine cable											
27	House cable											
28	Underground conduit									(3)		
29	Pneumatic tubes											
31	Ocean cable											
	Total											

[1] to [3], inclusive: The accounts represented, if appropriate, at the 3 respective points bearing these symbols shall be numbered, for example, T-1011, T-1112, T-1213, T-1414, C-1024, C-1125, C-1226, and C-1431, respectively.

WIRE-TELEGRAPH AND OCEAN-CABLE PLANT—Continued

Account No.	Particulars	Wire-telegraph plant					Ocean-cable plant					Total wire-telegraph and ocean-cable plant
		Operated plant			Plant held for future communication use (1400)	Total	Operated plant			Plant held for future communication use (1400)	Total	
		In carrier's service (1000)	Leased to others (1100)	Leased from others—Improvements and replacements (1200)			In carrier's service (1000)	Leased to others (1100)	Leased from others—Improvements and replacements (1200)			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	Inside communication plant											
41	Message transmitting and receiving equipment	$	$	$	$	$	$	$	$	$	$	$
42	Repeater and terminal equipment											
43	Switchboards and distributing frames											
44	Pneumatic-tube and conveyer equipment											
45	Power equipment											
46	Messenger call-circuit equipment											
47	Time-service equipment											
48	Ticker and commercial news service equipment											
49	Office cable and conduit											
51	Equipment furnished customers											
59	Other inside communication plant											
	Total											
	Office and messenger equipment											
61	Furniture and office appliances											
65	Messenger uniforms											
69	Other office and messenger equipment											
	Total											
	Work equipment											
71	Vehicles											
72	Shop equipment											
73	Store and warehouse equipment											
74	Tools and implements											
75	Floating equipment											
76	Railway equipment											
77	Emergency facilities											
78	Laboratory equipment											
	Total											
	Intangibles											
81	Organization											
82	Franchises											
83	Patent rights											
84	Leaseholds											
85	Research and development											
89	Other intangibles											
	Total											
	Total classified plant											
	Add:											
91	Plant acquired—Undistributed charges											
	Deduct:											
92	Plant sold—Undistributed credits											
	Grand total											

PRESCRIBED ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

Real Estate

§ 35.11 *Land used for right of way.* This account shall include the cost of land used in wire-telegraph and ocean-cable services for the location of poles, towers, wires, cables, conduits, cable huts, cable houses, and similar operated plant where title to the land is vested in the accounting carrier. (See also §§ 35.84 and 35.4150.)

NOTE: When land is acquired in excess of that required for wire-telegraph and ocean-cable services or is acquired without a definite plan for its use in such services, its cost shall be included in account 1610, "Miscellaneous physical property," except that the cost of land acquired for use in telephone or radiotelegraph services shall be included in account 1530, "Telephone and radiotelegraph plant."

ITEMS

(See § 35.03–12)

Assessments for the construction of public improvements.
Clearing or defending title against claims relating to a period prior to the date of purchase.
Commissions and fees to brokers, agents, and others.
Condemnation proceedings, including court costs and special counsel fees.
Conveyancer and notarial fees.
Examination and registration of titles.
Payments to vendors.
Relocating property of others in the acquisition of land.
Taxes assumed on land, applicable to a period prior to the date of acquisition.
Voiding leases to secure possession of land acquired.

§ 35.12 *Land used for building sites.* (a) This account shall include the cost of land occupied by buildings used in wire-telegraph and ocean-cable services where title to the land is vested in the accounting carrier. (See particularly §§ 35.84 and 35.4150; also the note and the list of items in § 35.11.)

(b) When improved land is acquired the cost shall be fairly apportioned among the accounts appropriate for the land, the land improvements, and the buildings. If the plan of acquisition contemplates the removal of any improvements (including buildings), the total cost of the land and the property to be removed shall be accounted for as the cost of the land, and the net salvage value of the property removed shall be deducted from the cost of the land.

§ 35.13 *Land used for other operations.* (a) This account shall include the cost of land used in wire-telegraph and ocean-cable services for material, equipment, and other storage yards and for other purposes (except right-of-way and building sites) where title to the land is vested in the accounting carrier. (See particularly §§ 35.84 and 35.4150; also the note and the list of items in § 35.11.)

(b) When improved land is acquired the cost shall be fairly apportioned among the accounts appropriate for the land, the land improvements, and the buildings. If the plan of acquisition contemplates the removal of any improvements (including buildings), the total cost of the land and the property to be removed shall be accounted for as the cost of the land and the net salvage value of the property removed shall be deducted from the cost of the land.

§ 35.14 *Land improvements.* This account shall include the cost of improvements (except buildings) made or acquired by the carrier on land used in wire-telegraph and ocean-cable services where title to such improvements is vested in the accounting carrier. (See particularly § 35.1–5; also §§ 35.11, 35.12, 35.13, and 35.15.)

ITEMS

(See § 35.03–12)

Fences.
Hedges.
Lawns.
Outdoor sprinkling systems.
Retaining walls. (See also § 35.15.)
Roads.
Shrubs.
Sidewalks.
Swimming pools, outdoor.
Tennis courts.
Trees.
Yard-lighting equipment.

§ 35.15 *Buildings.* (a) This account shall include the cost of buildings used in wire-telegraph and ocean-cable services (except cable huts or cable houses), including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings.

(b) Amounts includible in this account shall include the cost of the building foundations and structures, costs incident to the construction or purchase of buildings and to securing possession and title, and the cost of fixtures, machinery, appurtenances, and appliances installed as parts of buildings or used exclusively or predominantly in the operation of the buildings and not specifically includible in other operated plant accounts.

NOTE A: This account shall not include the cost of any equipment, apparatus, or wiring used predominantly for generating or controlling electricity for the operation of the communication system.

NOTE B: The cost of cable huts or cable houses and the equipment contained therein shall be included in account 23, "Aerial cable," account 24, "Underground cable," account 25, "Buried cable," account 26, "Submarine cable," or account 31, "Ocean cable," as appropriate.

ITEMS

(See § 35.03–12)

Awnings.
Boilers, furnaces, fixtures, and machinery for heating, lighting, and ventilating.
Cable vaults and conduits constructed as part of the building.
Commissions and fees to brokers, agents, architects, and others.
Door checks and door stops.
Drainage and sewerage, inside piping and equipment.
Electric wiring.
Elevators.
Fire-extinguisher systems.
Garages, shops, and stables.
General and other office buildings.
Grading, excavating, and preparing grounds for buildings, including the laying out of grounds after construction.
Linoleum and similar floor covering, excluding carpets and rugs.
Motors and generators.
Partitions, excluding movable.
Piers and foundations for machinery constructed as a permanent part of a building.
Platforms, storage or loading.
Power board (where predominantly used for building power).
Refrigeration systems.
Retaining walls (erected in connection with buildings).
Screens, door and window.
Sheds.
Signs: permanent, attached to buildings.
Sprinkling systems.
Storm doors and windows.
Taxes assumed on buildings, applicable to the period prior to the date of acquisition.
Voiding leases to secure possession of buildings acquired.
Water, steam, and gas pipes.
Water-supply systems.
Window shades and ventilators.

Outside Communication Lines

§ 35.21 *Poles.* This account shall include the cost in place of poles and special fixtures, crossarms, and appurtenances used in the construction of supporting structures for aerial plant, used in wire-telegraph and ocean-cable services.

ITEMS

(See § 35.03–12)

Anchors.
A and H fixtures.
Bolts.
Braces.
Bridge fixtures.
Cable arms.
Clearing routes and trimming trees, except maintenance of previous clearings. (See also paragraph (a) (3) of § 35.41–7.)
Crossarms.
Extension arms.
Guard arms.
Guy clamps.
Guy wire or strand.
Masts.
Painting, treating, gaining, roofing, shaving, and stenciling poles.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 35.1–3; also § 35.82.)
Pins, wood.
Poles.
Pole steps.
River-crossing and long-span fixtures.
Strain insulators.
Towers.

§ 35.22 *Aerial wire.* (a) This account shall include the cost in place of aerial wire, insulators, loading coils, and appurtenances used in the construction of such plant for wire-telegraph and ocean-cable services.

(b) Where connection is made to aerial cable, underground cable, buried cable, submarine cable, or ocean cable, this account shall include the cost of aerial wire to the point where the aerial wire connects to the terminal or to the bridle wires leading into the terminal.

(c) Where connection is made to inside wiring, this account shall include the cost of aerial wire to the point where the aerial wire connects to the office protector or to the inside wire.

(d) This account shall include also the entire cost of underground dips, irrespective of the type of construction, employing less than 350 trench feet of conduit or less than 350 feet (including the vertical runs on the poles) of buried cable.

NOTE A: The cost of terminals (including bridle wires) between aerial wire and cable shall be included in the account appropriate for the cost of the cable.

NOTE B: The cost of office protectors shall be included in the account appropriate for the inside plant with which they are associated.

NOTE C: The cost of underground dips 350 feet or more in length shall be included in the account appropriate for the type of plant employed.

ITEMS

(See § 35.03–12)

Building brackets and rings.
Distributing wire.
Ground wire, clamps, and rods.
Insulators and thimbles.
Loading coils and cases therefor.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 35.1–3; also § 35.82.)
Pins, steel.
Pole brackets.
Protectors (except office protectors) and arresters.
Repeating coils.
Sleeves.
Tire wires.
Transposition brackets.
Transposition of the circuits in initial construction work and any additions resulting from transposing or retransposing existing circuits.
Wire.

§ 35.23 *Aerial cable.* (a) This account shall include the cost in place of aerial cable (including cable attached to the outside walls of buildings), suspension therefor, cable terminals, pressure contractor-terminals, terminal huts or houses, loading coils, and appurtenances used in the construction of such plant for wire-telegraph and ocean-cable services.

(b) Where connection is made to aerial wire, this account shall include the cost of the aerial cable and the cost of the terminal in place, including bridle wires (if any), to the point where the aerial wires connect to the aerial-wire side of the terminal or to the bridle wires leading from the terminal.

(c) Where connection is made to underground cable, buried cable, submarine cable, house cable, or ocean cable through a terminal, this account shall include the cost of aerial cable to the first pothead splice on the aerial side of the terminal. Where such connection is made directly to the terminal without a stub or a pothead, this account shall include the cost of the aerial cable to the point of connection to the terminal. Where such connection is made directly, by means of a splice, this account shall include the cost of aerial cable to the splice.

(d) Where connection is made to inside equipment in an office, this account shall include the cost of aerial cable to the point of conection to the main frame, or to the switchboard or terminal in an office where no main frame is used.

(e) This account shall include also the entire cost of underground dips, irrespective of the type of construction, employing less than 350 trench feet of conduit or less than 350 feet (including the vertical runs on the poles) of buried cable.

NOTE A: The cost of terminals (including stubs and potheads) and splices between aerial cable and underground cable, buried cable, submarine cable, house cable, or ocean cable shall be included in the account appropriate for the cost of the cable with which the aerial cable connects.

NOTE B: The cost of underground dips 350 feet or more in length shall be included in the account appropriate for the type of plant employed.

ITEMS

(See § 35.03–12)

Bonds and grounds.
Cable; block, feeder, main, subsidiary.
Cable clamps.
Cable huts or houses (including contained equipment).
Cable rings.
Cable terminals or boxes.
Cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes.
Fuse boxes.
Loading coils, building-out condensers, carrier-line filters, and cases therefor.
Main-frame-terminating cable extending to outside aerial cable.
Negative returns.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 35.1–3; also § 35.82.)
Pole seats and balconies.
Pressure contactor-terminals.
Protectors (except office protectors) and arresters.
Safety straps.
Sleeves.
Strand, suspension.
Tree guards.
Trolley and other guards.

§ 35.24 *Underground cable.* (a) This account shall include the cost in place of underground cable, installed in conduit that is reusable in place for other underground cable, together with associated cable terminals, pressure contactor-terminals, terminal huts or houses, loading coils, and appurtenances used in the construction of such plant for wire-telegraph and ocean-cable services.

(b) Where connection is made to aerial wire, this account shall include the cost of the underground cable and the cost of the terminal in place, including bridle wires (if any) to the point where the aerial wires connect to the aerial-wire side of the terminal or to the bridle wires leading from the terminal.

(c) Where connection is made to aerial cable or buried cable through a terminal, this account shall include the cost of underground cable, the cost of the terminal (including stubs and potheads) in place, and the cost of the first pothead splice on the aerial-cable or buried-cable side of the terminal; where such connection is made directly, by means of a splice, this account shall include the cost of the splice.

(d) Where connection is made to submarine cable, house cable, or ocean cable through a terminal, this account shall include the cost of underground cable to the first pothead splice on the underground side of the terminal. Where such connection is made directly to the terminal without a stub or a pothead, this account shall include the cost of the underground cable to the point of connection to the terminal. Where such connection is made directly, by means of a splice, this account shall include the cost of underground cable to the splice.

(e) Where connection is made to inside equipment in an office, this account shall include the cost of underground cable to the point of connection to the main frame (or to the switchboard or terminal, in an office where no main frame is used), including the cost of any cross-connecting frame between the main frame and the cable entrance.

(f) This account shall include also the cost of underground cable used in underground dips in connection with aerial wire or aerial cable when the total length of the conduit employed is 350 trench feet or more.

NOTE A: The cost of terminals (including stubs and potheads) and splices between underground cable and submarine cable, ocean cable, or house cable shall be included in the account appropriate for the cost of the cable with which the underground cable connects.

NOTE B: The cost of underground cable used in underground dips employing less than 350 trench feet of conduit shall be included to account 22, "Aerial wire," or account 23, "Aerial cable," as appropriate.

ITEMS

(See § 35.03–12)

Bonds and grounds.
Cable; feeder, main, subsidiary.
Cable huts or houses (including contained equipment).
Cable terminals or boxes.
Cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes.
Electrolysis surveys made in the course of installing cable.
Fuse boxes.
Loading coils, building-out condensers, carrier-line filters, and cases therefor.
Main-frame-terminating cable extending to outside underground cable.
Negative returns.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 35.1–3; also § 35.82.)
Pressure contactor-terminals.
Protectors (except office protectors) and arresters.
Sleeves.
Splicing boxes.
Strand, suspension.

§ 35.25 *Buried cable.* (a) This account shall include the cost in place of buried cable, including the protective covering therefor, manholes, splicing boxes, cable terminals, terminal houses or huts, pressure contractor-terminals, loading coils, and appurtenances used in the construction of such plant for wire-telegraph and ocean-cable services.

(b) Where connection is made to aerial wire, this account shall include the cost of the buried cable and the cost of the terminal in place, including bridle wires (if any), to the point where the aerial wires connection to the aerial-wire side of the terminal or to the bridle wires leading from the terminal.

(c) Where connection is made to aerial cable through a terminal, this account shall include the cost of the terminal (including stubs and potheads) in place and the cost of the first pothead splice on the aerial-cable side of the terminal; where such connection is made directly, by means of a splice, this account shall include the cost of the splice.

(d) Where connection is made to underground cable, submarine cable, house cable, or ocean cable through a terminal, this account shall include the cost of buried cable to the first pothead splice on the buried-cable side of the terminal. Where such connection is made directly to the terminal without a stub or a pothead, this account shall include the cost of the buried cable to the point of connection to the terminal. Where such connection is made directly, by means of a splice, this account shall include the cost of buried cable to the splice.

(e) Where connection is made to inside equipment in an office, this account shall include the cost of buried cable to the point of connection to the main frame (or to the switchboard or terminal in an office where no main frame is used), including the cost of any cross-connecting frame between the main frame and the cable entrance.

(f) This account shall include also the cost of buried cable used in underground dips in connection with aerial wire or aerial cable when the total length of the dip (including the vertical runs on the poles) is 350 feet or more.

NOTE A: The cost of terminals (including stubs and potheads) and splices between buried cable and underground cable, submarine sable, house cable, or ocean cable shall be included in the account appropriate for the cost of the cable to which the buried cable connects.

NOTE B: The cost of buried cable used in underground dips employing less than 350 feet of cable (including the vertical runs on the poles, shall be included in account 22, "Aerial wire," or account 23, "Aerial cable," as appropriate.

ITEMS

(See § 35.03–12)

Cable; feeder, main, subsidiary.
Cable huts or houses (including contained equipment).
Cable terminals or boxes.
Cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes.
Loading coils, building-out condensers, carrier-line filters, and cases therefor.
Main-frame-terminating cable extending to buried cable.
Negative returns.
Pedestals.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 35.1–3; also § 35.82.)
Pressure contractor-terminals.
Protective covering for buried cable, not reusable in place for other cable, and the cost of manholes and similar items designed specifically for use in such construction.
Protectors (except office protectors) and arresters.
Sleeves.
Splicing boxes.
Trenches—opening and closing in initial buried-cable construction work.

§ 35.26 *Submarine cable.* (a) This account shall include the cost in place of submarine cable (other than transoceanic-type cable), together with associated cable terminals, pressure contac-

tor-terminals, terminal huts or houses, loading coils, and appurtenances used in the construction of such plant for wire-telegraph and ocean-cable services.

(b) Where connection is made to aerial wire, this account shall include the cost of the submarine cable and the cost of the terminal in place, including bridle wires (if any), to the point where the aerial wires connect to the aerial-wire side of the terminal or to the bridle wires leading from the terminal.

(c) Where connection is made to aerial cable, underground cable, or buried cable through a terminal, this account shall include the cost of the terminal (including stubs and potheads) in place and the cost of the first pothead splice on the aerial, underground, or buried-cable side of the terminal. Where such connection is made directly by means of a splice, this account shall include the cost of the splice.

ITEMS

(See § 35.03–12)

Anchoring chains.
Cable; feeder, main.
Cable huts or houses (including contained equipment).
Cable terminals or boxes.
Loading coils, building-out condensers, carrier-line filters, and cases therefor.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 35.1–3; also § 35.82.)
Pressure contactor-terminals.
Protectors and arresters.
Sleeves.

§ 35.27 *House cable.* (a) This account shall include the cost in place of house cable (i. e., inside cable between the termini of outside cable and the terminals provided as a part of communication-equipment assemblies) together with associated cable terminals, conduit or other protective covering, and appurtenances used in the construction and installation of such plant for the origination and distribution of wire-telegraph and ocean-cable services to customers.

(b) Where connection is made to other outside cable through a terminal, this account shall include the cost of the terminal (including stubs and potheads) in place, and the cost of the first pothead splice on the aerial, underground, or buried-cable side of the terminal. Where such connection is made directly, by means of a splice, this account shall include the cost of the splice.

(c) This account shall include also the cost of the terminals connected to house cables for distribution service to customers.

ITEMS

(See § 35.03–12)

Cable.
Cable stubs.
Cable terminals or boxes.
Conduit or other mechanical protection.
Cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes.
Fuse boxes.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 35.1–3; also § 35.82.)
Protectors and arresters.
Sleeves.
Strand, suspension.
Straps and clamps.

§ 35.28 *Underground conduit.* (a) This account shall include the cost in place of tile, pipe, and other conduit, whether underground, in tunnels, or on bridges, and the cost of manholes, handholes, service boxes, and appurtenances used in the construction of such plant for wire-telegraph and ocean-cable services, whether the line of conduit is used for cables, or pneumatic tubes, or for both cables and tubes.

(b) This account shall include also the cost of conduit used in underground dips in connection with aerial wire or aerial cable when the length of the conduit so used is 350 trench feet or more.

NOTE A: The cost of protective covering for buried cable, not reusable in place for other cable, and the cost of trenching, manholes, and similar items provided specifically for use in such construction, shall be included in account 25, "Buried cable."

NOTE B: The cost of protective covering for pneumatic tubes other than conduit, where such covering is not reusable in place for other tubes or for cables, and the cost of trenching, manholes, and similar items provided specifically for use in such construction, shall be included in account 29, "Pneumatic tubes." Wood boxing for tube protection shall not be considered as conduit.

ITEMS

(See § 35.03–12)

Cable guards.
Cable racks.
Conduit.
Manholes, handholes, and service boxes.
Opening trench and repaving.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 35.1–3; also § 35.82.)
Pumping out and cleaning manholes, handholes, and ducts in initial underground conduit construction work.
Riser pipe.

§ 35.29 *Pneumatic tubes.* (a) This account shall include the cost in place of outside pneumatic tubes, including joints, sleeves, flanges, and other items used in the construction of such plant for wire-telegraph and ocean-cable services, to a point immediately inside the building wall.

(b) This account shall also include the cost of protective covering for pneumatic tubes, other than conduit, where such covering is not reusable in place for other tubes or for cables, and the cost of trenching, manholes, and similar items provided specifically for use in such construction. (See particularly § 35.28.)

NOTE: Wood boxing for tube protection shall not be considered as conduit.

ITEMS

(See § 35.03–12)

Bends.
Drainage bonds.
Expansion joints.
Flange couplings.
Handholes (only when used exclusively for pneumatic tubes in connection with protective covering other than conduit).
Insulating joints.
Manholes (only when used exclusively for pneumatic tubes in connection with protective covering other than conduit).
Opening trench and repaving.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 35.1–3; also § 35.82.)
Protective covering other than conduit.
Sleeves.
Tubes.

§ 35.31 *Ocean cable.* This account shall include the cost in place of trans-oceanic-type cable, together with associated cable terminals, sea earths, terminal huts or houses and their contained equipment, and appurtenances used in the construction of such plant for ocean-cable service, including the cost of splicing ocean cables to other outside communication plant.

ITEMS

(See § 35.03–12)

Cable.
Cable houses or huts, including equipment therein.
Cable terminals or boxes.
Loading coils, building-out condensers, carrier-line filters, and cases therefor.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 35.1–3; also § 35.82.)
Pressure contactor-terminals.
Protectors and arresters.
Sea earths.
Sleeves.
Trenching.

Inside Communication Plant

§ 35.41 *Message transmitting and receiving equipment.* (a) This account shall include the cost in place of operating equipment installed in offices of carriers for use in the transmission and reception of message traffic in wire-telegraph and ocean-cable services.

(b) Equipment the cost of which is includible in this account includes Morse equipment, telephone equipment, automatic telegraph equipment, and associated intercommunicating and testing and adjusting equipment; also the items of circuit terminating and repeatering equipment which are installed as integral parts of operating assemblies, and appurtenances used in the construction and installation thereof.

(c) The cost of associated interior wiring, cable, conduit, and power wiring shall be included in this account only to the points of connection with the terminals of the office cable and the power-distribution cable. (See particularly §§ 35.45 and 35.49.)

NOTE: The cost of operating equipment installed on customers' premises shall be included in account 51, "Equipment furnished customers."

ITEMS

(See § 35.03–12)

Booths.
Channel extension units or panels.
Channel repeater units.
Distributors.
Duplex printer sets, including duplex or induction-neutralizing equipment, when inherently part of sets.
Equipment tables, racks, or frames.
Facsimile sets.
Installation of way-circuit selectored equipment.
Instruments and panels in above assemblies.
Morse sets.
Multiplex sets, including duplex or induction-neutralizing equipment, when inherently part of the set.
Number stamps (when part of an assembly).
Operating positions of any type.
Original installations of tools and gages.
Perforators.

Printers.
Reperforator-switching office equipment.
Reperforators.
Syphon recorders.
Telephone stations.
Testing equipment.
Translator units.
Transmitters.
Transmitter distributors.
Work tables.

§ 35.42 *Repeater and terminal equipment.* (a) This account shall include the cost in place of repeater and terminal equipment installed in offices of carriers for use in wire-telegraph and ocean-cable services, including equipment for repeatering and terminating line wire ground return circuits, metallic circuits, and carrier circuits, together with the appurtenances used in the construction and installation of the assemblies.

(b) The cost of associated interior wiring, cable, conduit, and power wiring shall be included in this account only to the points of connection with the terminals of the office cable and the power-distribution cable. (See particularly §§ 35.45 and 35.49.)

ITEMS

(See § 35.03–12)

Amplifiers.
Carrier bays or terminals.
Carrier or telephone repeaters.
Duplex repeaters.
Duplex terminal sets, including induction-neutralizing equipment when inherently part of the set.
Equipment tables, racks, or frames.
Frequency generators.
Instruments and panels in such assemblies.
Magnifiers.
Regenerative repeaters.
Single line repeaters.
Single line terminals.
Testing equipment.
Voice-frequency ringer, sending or receiving.

§ 35.43 *Switchboards and distributing frames.* (a) This account shall include the cost in place of switchboards and distributing frames located in offices of carriers for use in wire-telegraph and ocean-cable services, including main-line and local-loop switchboards, and distributing frames used for terminating lines and local loops and for interconnecting such lines, local loops, and repeater and terminal equipment.

(b) This account shall include also the cost of office switchboards and distributing frames in which the circuit terminals for telegraph-message service are combined with various combinations of terminal equipment for other services such as ticker service, time service, and messenger-call service, including in each case protection equipment, anti-induction equipment, internal wiring, associated testing and adjusting equipment, and the appurtenances used in the construction and installation of such assemblies.

(c) The cost of associated interior wiring, cable, conduit, and power wiring shall be included in this account only to the points of connection with the terminals of office cable, power-distribution cable, or outside communication lines. (See §§ 35.21 to 35.31, inclusive; also §§ 35.15, 35.45, and 35.49.)

ITEMS

(See § 35.03–12)

Channel switchboard panels.
Concentration boards.
Distributing frames or racks.
Induction-neutralizing equipment.
Intermediate switchboard frames.
Line-testing equipment.
Panels or units of relay racks, complete with equipment.
Protector groups.
Sections of switchboard.
Sets or simplex or composite coils, or accessories.
Telephone sets (used on switchboards).
Turrets.

§ 35.44 *Pneumatic-tube and conveyer equipment.* (a) This account shall include the cost in place of interior pneumatic tubes, tube senders, outlets, blowers, compressors, air connections, and associated equipment, and appurtenances used in the construction and installation of such plant in offices of carriers for use in wire-telegraph and ocean-cable services, including such plant from a point immediately inside the building wall. (See also § 35.29.)

(b) This account shall include also the cost in place of belt conveyers, belt-supporting structures, driving motors, and other message-conveyer equipment, together with the appurtenances used in the construction and installation of such plant in offices of carriers.

(c) The cost of associated interior wiring, cable, conduit, and power wiring shall be included in this account only to the points of connection with the terminals of the office cable and the power-distribution cable. (See particularly §§ 35.45 and 35.49.)

ITEMS

(See § 35.03–12)

Belt frameworks.
Belts.
Blowers.
Compressors.
Conveyor systems.
Inside tubing.
Motors.
Rollers.
Sending or receiving terminals.
Timers.
Tube ends—complete with manifolds, sending inlets, receiving terminals, driving equipment, and blowers or compressors.
Tube pairs—complete with manifolds, reversing valves, sending inlets, and receiving terminals.

§ 35.45 *Power equipment.* (a) This account shall include the cost in place of power generating, converting, storage, and distribution equipment in or adjacent to the carrier's offices, serving as, or associated with, the prime source of power and used exclusively or predominately in the operation of the communication system in wire-telegraph and ocean-cable services.

(b) Equipment the cost of which is includible in this account includes assemblies of power equipment such as storage batteries, motor-generator and engine-generator sets, rectifiers, distribution boards, zone cabinets, transformers, interior power wiring, cable, and conduit, and appurtenances used in the construction and installation of the assemblies.

NOTE A: The cost of inexpensive items of power equipment such as small motor generators, rectifiers, and batteries included as integral parts of assemblies of communication equipment shall be included in the operated plant account appropriate for the cost of the assemblies of which such inexpensive items form a part.

NOTE B: The cost of the initial installation of dry-cell batteries shall be included in the accounts appropriate for the operated plant with which they are associated, and the cost of replacement shall be included in the account appropriate for the maintenance of such plant.

NOTE C: The cost of power equipment installed and used exclusively or predominantly for building service, such as for lighting and for elevator operation shall be included in account 15, "Buildings."

ITEMS

(See § 35.03–12)

Battery racks or cabinets.
Chargers.
Circuit breakers.
Compensators.
Engine-generator sets.
Engines.
Feeders or entrance wiring.
Fuse panels.
Generators.
Interior wiring, cable, and conduit.
Meters.
Motors.
Motor-generator sets.
Power factor correction equipment.
Power plants.
Power zone cabinets.
Rectifiers.
Starters.
Storage batteries.
Switchboards.
Transformers.

§ 35.46 *Messenger call-circuit equipment.* (a) This account shall include the cost in place of call-circuit cabinets, switchboards, annunciators, registers, call boxes, associated testing and adjusting equipment, and appurtenances used in the construction and installation of assemblies of messenger call-circuit equipment located in offices of carriers for use in wire-telegraph and ocean-cable services.

(b) The cost of associated interior wiring, cable, conduit, and power wiring shall be included in this account only to the points of connection with the terminals of the office cable and the power-distribution cable. (See particularly §§ 35.45 and 35.49.)

NOTE: The cost of switchboards composed of combination panels for time and messenger call-circuits shall be included in account 47, "Time-service equipment."

ITEMS

(See § 35.03–12)

Annunciator units.
Buzzer systems.
Call boxes, with or without associated wiring and accessories.
Call-circuit cabinets.
Line or test units.
Registers.
Sections of call-circuit switchboards.

§ 35.47 *Time-service equipment.* (a) This account shall include the cost in place of master clocks, control clocks, synchronizing-circuit equipment, time-service control cabinets and switchboards, time repeaters, switchboards

composed of combination panels for time and messenger call-circuits, and other central office time-service equipment, together with associated testing and adjusting equipment, and appurtenances used in the construction and installation of the assemblies, located in offices of carriers for use in furnishing synchronizing and other signals on circuits to carriers' and customers' clocks, and to furnish other similar services.

(b) The cost of associated interior wiring, cable, conduit, and power wiring shall be included in this account only to the points of connection with the terminals of the office cable and the power-distribution cable. (See particularly §§ 35.45 and 35.49.)

NOTE A: Time stamps and office clocks (other than master and control clocks) installed in offices of carriers shall be included in account 61, "Furniture and office appliances."

NOTE B: The cost of clocks installed on customers' premises shall be included in account 51, "Equipment furnished customers."

ITEMS

(See § 35.03–12)

Cabinets.
Control clocks.
Control panels.
Control relays and resistance units.
Master clocks.
Master or secondary relays.
Resistance panels.
Sections of switchboard.
Time repeaters.

§ 35.48 *Ticker and commercial news service equipment.* (a) This account shall include the cost in place of equipment installed in offices of carriers for use exclusively in the dissemination of commercial news services to carriers' and customers' offices.

(b) Equipment the cost of which is includible in this account includes assemblies of transmitting, receiving, repeatering, and terminal equipment for operation of ticker and other circuits, associated testing and adjusting equipment, and appurtenances used in the construction and installation thereof.

(c) The cost of associated interior wiring, cable, conduit, and power wiring shall be included in this account only to the points of connection with the terminals of the office cable and the power-distribution cable. (See particularly §§ 35.45 and 35.49.)

NOTE: The cost of tickers and other commercial news service equipment installed on customers' premises shall be included in account 51, "Equipment furnished customers."

ITEMS

(See § 35.03–12)

Auxiliary switchboards.
CND repeaters.
Sound-proof covers.
Stands.
Tables of equipment, such as perforators and transmitter distributors, relays, repeater relays, and tickers.
Tickers.
Transmitters.

§ 35.49 *Office cable and conduit.* This account shall include the cost in place of cable, conduit, cable racks and hangers, terminal cabinets, and associated appurtenances used in the construction and installation of the signal wiring in carriers' offices (1) from the distributing frame or other point of connection with outside wire or cable to the terminals provided for making connections with the wiring of assemblies of communication equipment and (2) between assemblies of communication equipment.

NOTE: The cost of power cabling and associated appurtenances used for power distribution shall be included in account 45, "Power equipment," or account 15, "Buildings," as appropriate.

NOTE: The cost of house cable leading to equipment in branch offices in office buildings shall be included in account 27 "House cable."

ITEMS

(See § 35.03–12)

Cable.
Cable racks.
Conduit.
Hangers.
Terminal cabinets.
Wire.

§ 35.51 *Equipment furnished customers.* (a) This account shall include the cost in place of message transmitting and receiving, ticker, stock and commercial news, time-service, pneumatic-tube, messenger call-circuit, telephone, and other inside communication equipment located in offices of customers, together with the appurtenances used in the construction and installation thereof.

(b) The cost of associated interior wiring, cable, conduit, and power wiring shall be included in this account only to the points of connection with the terminals of the house cable, or other outside plant if no house cable is used, and the power-distribution outlets.

(c) Separate subaccounts shall be maintained to show the respective costs of each of the several classes of equipment furnished customers. These classes shall correspond to those represented in §§ 35.41 to 35.48, inclusive, and § 35.59, respectively, or correspond to the classes most nearly comparable therewith that are furnished customers under the carrier's operating practices.

ITEMS

(See § 35.03–12)

Buzzer systems.
Call boxes.
Facsimile sets.
Morse sets.
Motor-generator sets.
Pneumatic-tube terminals.
Printer sets.
Rectifiers.
Switchboards.
Telephone sets.
Tickers.
Time-service equipment.

§ 35.59 *Other inside communication plant.* (a) This account shall include the cost in place of inside communication equipment installed in offices of carriers for use in wire-telegraph and ocean-cable services and not includible in other operated plant accounts.

(b) The cost of associated interior wiring, cable, conduit, and power wiring shall be included in this account only to the points of connection with terminals of the office cable and the power-distribution cable. (See particularly §§ 35.45 and 35.49.)

Office and Messenger Equipment

§ 35.61 *Furniture and office appliances.* This account shall include the cost in place of furniture and office appliances located in operating offices, general offices, storerooms, shops, laboratories, and similar premises of the carrier, for use in wire-telegraph and ocean-cable services.

NOTE A: The cost of furniture and office equipment located on, and constituting a part of, vehicles, floating equipment, or railway equipment shall be included in account 71, "Vehicles," account 75, "Floating equipment," or account 76, "Railway equipment," as appropriate.

NOTE B: The cost of furniture and office equipment constituting component parts of assemblies of operating equipment shall be included in the account appropriate for the cost of the equipment with which it is associated.

NOTE C: The cost of fixtures permanently attached to and made a part of buildings shall be included in account 15, "Buildings."

ITEMS

(See § 35.03–12)

Accounting machines.
Adding and listing machines.
Addressing machines and equipment.
Air-conditioning units (not part of a building).
Beds, cots, or couches.
Benches, messenger.
Bicycle racks.
Bookcases.
Card-punching, card-sorting, or card-tabulating machines.
Carpets, rugs, or other floor coverings.
Cash registers.
Chairs.
Clocks.
Computing machines.
Counters.
Date stamps.
Davenports.
Desks.
Dictionaries or code books.
Dictographs or other interoffice communication equipment.
Dishes.
Drafting-room equipment.
Duplicating machines.
Electric fans.
Filing cabinets.
Floor-scrubbing and polishing machines.
Lockers (single or multiple).
Messenger dressing booths.
Multigraphs.
Partitions, movable.
Pianos.
Refrigerators.
Safes.
Signs (illuminated or non-illuminated).
Sorting racks.
Stationery cabinets.
Steel shelves.
Storage cabinets, shelves, or racks (except those in shops or storerooms).
Tables.
Time stamps.
Typewriters.
Uniform repairing and cleaning equipment.
Water coolers.

§ 35.65 *Messenger uniforms.* (a) This account shall include the cost (if in excess of $1,000) of messenger uniforms owned by the carrier as at the effective date of this system of accounts.

(b) If at any time a change in operation involves a substantial increase in the number of uniforms required for service, this account shall be charged with amounts representing the cost, at weighted average prices, of such additional uniforms.

(c) If at any time a change in operation involves a substantial decrease in the number of uniforms required for service, this account shall be credited with amounts representing the cost, at weighted average prices, of the uniforms retired and the amount of such retirements shall be equitably apportioned between account 4231, "Messenger-uniform expense," and the subdivision of account 1515, "Allowance for depreciation; wire-telegraph and ocean-cable plant," in which the estimated accrued depreciation on uniforms in service at the effective date of this system of accounts was recorded.

NOTE A: Except as provided in paragraph (b) of this section, the cost of uniforms purchased subsequent to the effective date of this system of accounts shall be included in account 4231, "Messenger-uniform expense."

NOTE B: The allowance for depreciation applicable to the messenger uniforms the cost of which is includible in this account as at the effective date of this system of accounts, shall be segregated in a separate subaccount of account 1515, and shall be held (except as provided in paragraph (c) of this section) as a permanent offset against the amounts in this account.

ITEMS

(See § 35.03–12)

Belts.
Blouses.
Breeches.
Caps and hats.
Coats.
Neckties.
Overcoats.
Puttees.
Raincoats and raincapes.
Shirts.
Skirts.
Trousers.

§ 35.69 *Other office and messenger equipment.* This account shall include the cost in place of office and messenger equipment used in wire-telegraph and ocean-cable services and not includible in other accounts.

Work Equipment

§ 35.71 *Vehicles.* This account shall include the cost of transportation equipment not includible in other operated plant accounts, together with work equipment, tools, and appurtenances constituting parts of, or permanently attached to, such equipment, used in wire-telegraph and ocean-cable services.

NOTE: The cost of material, supplies, tools, implements, and work equipment not specifically associated with or used in the operation of vehicles but merely transported thereon to the point of use shall be included in the appropriate material, plant, maintenance, clearing, or other account. Equipment for communication service, even if permanently attached to vehicles, shall be included in the account appropriate for such communication equipment.

ITEMS

(See § 35.03–12)

Automobiles.
Cable-splicers' carts.
Camp wagons.
Draft and pack animals.
Hand trucks and carts.
Harness.
Mobile telegraph offices.
Motorcycles.
Saddles.
Trailers.
Trucks and tractors (including attached work equipment, such as earth-boring machines, pumps, winches, and similar items).
Wagons.

§ 35.72 *Shop equipment.* (a) This account shall include the cost in place of equipment located in general repair shops, pole-treating plants, car shops, garages, and similar shops used for constructing, assembling, and repairing plant used in wire-telegraph and ocean-cable services.

(b) Equipment the cost of which is includible in this account includes electric generators, motors, and other power equipment, together with foundations, settings, belting, drives, and other appurtenances constituting parts of shop-equipment assemblies; also the tools and other implements especially provided for and used in conjunction with such equipment, and the items of furniture ordinarily constituting parts of such assemblies.

NOTE A: The cost of shop equipment located on floating equipment, railway equipment, or vehicles shall be included in the account appropriate for the cost of the equipment on which it is located.

NOTE B: The cost of foundations and of fixtures which cannot be removed from buildings without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, shall be included in account 15, "Buildings."

ITEMS

(See § 35.03–12)

Air compressors.
Blowers.
Boring mills.
Compressed-air tools.
Cranes.
Derricks.
Engines.
Forges.
Gasoline pumps and tanks.
Generators, electric and gas.
Hand trucks.
Lathes.
Milling machines.
Motors.
Oil pumps and tanks.
Planers.
Pole-treating equipment.
Power drills.
Power hammers.
Power loaders.
Presses.
Pumps.
Racks or shelving, movable.
Storage cabinets.
Tools and implements provided for shops.
Winches.
Work benches.

§ 35.73 *Store and warehouse equipment.* This account shall include the cost of equipment and appurtenances located in storerooms, warehouses, and material yards for the receiving, storing, handling, packing, and loading for shipment of materials and supplies, used in wire-telegraph and ocean-cable services.

NOTE A: The cost of store and warehouse equipment located on floating equipment, railway equipment, or vehicles shall be included in the account appropriate for the cost of the equipment on which it is located.

NOTE B: The cost of fixtures or shelving permanently attached to and constituting a part of buildings shall be included in account 15, "Buildings."

ITEMS

(See § 35.03–12)

Barrows.
Bins, portable.
Cabinets, movable.
Conveyors.
Counters, movable.
Cranes.
Gasoline pumps.
Gasoline tanks.
Hand trucks and carts.
Hoists.
Ladders.
Oil pumps.
Oil tanks.
Scales.
Shelving, movable.
Skids.
Tools provided for warehouses.
Trucks.
Wire-measuring machines.

§ 35.74 *Tools and implements.* This account shall include the cost of general tools, implements, and appurtenances used in the construction and maintenance of plant for use in wire-telegraph and ocean-cable services and not specifically includible in other operated plant accounts.

NOTE A: The cost of tools carried as supplies unissued shall be included in account 1795, "Material and supplies."

NOTE B: The cost of hand and other portable tools that have relatively small value or short-life shall be accounted for as provided in paragraph (d) of § 35.1–1.

NOTE C: Tools and implements used primarily in conjunction with inside communication equipment, floating equipment, railway equipment, vehicles, shops, stores and warehouses, or laboratories shall be included in the account appropriate for the cost of the equipment with which they are associated.

ITEMS

(See § 35.03–12)

Air compressors, mobile.
Back-filling machines.
Blowers, power.
Compressed-air tools.
Concrete mixers and breakers.
Cranes, mobile.
Derricks, mobile.
Drills and hammers, power.
Earth-boring machines (not permanently attached to vehicles).
Forges, portable.
Hand tools.
Hand trucks, carts, and barrows.
Loaders, power.
Testing equipment, portable.
Torches.
Trenching machines.

§ 35.75 *Floating equipment.* (a) This account shall include the cost of ships, launches, barges, and other vessels used for the transportation of employees, materials, and supplies, and for the construction and maintenance of plant, used in wire-telegraph and ocean-cable services.

(b) Equipment the cost of which is includible in this account includes the furnishings, tools, implements, and other appurtenances constituting a part of, specifically associated with, or used in the operation of, such floating equipment.

NOTE: The cost of material, supplies, tools, implements, and work equipment not specifically associated with or used in the operation of floating equipment but merely transported thereon to the point of use shall be included in the appropriate material,

plant, maintenance, clearing, or other account. Equipment for communication service, even if permanently attached to floating equipment, shall be included in the account appropriate for such communication equipment.

ITEMS

(See § 35.03–12)

Barges.
Boats.
Boilers.
Cranes.
Engines.
Furniture.
Hoists.
Launches.
Office equipment.
Radio equipment.
Rigging.
Ships.
Shop equipment.
Store and warehouse equipment.
Testing and adjusting equipment.
Tools and implements.
Winches.

§ 35.76 *Railway equipment.* (a) This account shall include the cost of officers' cars, camp cars, hand cars, motor cars, pole cars, push cars, velocipedes, and other railway equipment used for the transportation of employees, materials, and supplies, and for the construction and maintenance of plant, used in wire-telegraph and ocean-cable services.

(b) Equipment the cost of which is includible in this account includes assemblies complete with all component parts, including furniture and other furnishings, office appliances, tools, implements, and other work equipment, and appurtenances attached to, permanently associated with, or especially provided for use in conjunction with, railway equipment.

NOTE: The cost of material, supplies, tools, implements, and work equipment not specifically associated with or used in the operation of railway equipment but merely transported thereon to the point of use shall be included in the appropriate material, plant, maintenance, clearing, or other account. Equipment for communication service, even if permanently attached to railway equipment, shall be included in the account appropriate for such communication equipment.

Items

(See § 35.03–12)

Cars.
Car bodies or tanks.
Car underframes.
Cranes.
Derricks.
Furniture.
Hand cars.
Push cars.
Railway cars.
Shop equipment.
Store and warehouse equipment.
Testing equipment.
Tools necessary for the maintenance and operation of the railway equipment.
Velocipedes.

§ 35.77 *Emergency facilities.* (a) This account shall include the cost of emergency cable, portable transmission equipment, portable engine-generator sets, and other portable equipment used for furnishing temporary or emergency wire-telegraph and ocean-cable services while plant is under construction or repair or is out of service awaiting replacement or repair. The cost of such equipment shall be charged to this account when first provided for emergency service and shall be credited hereto when the equipment is ultimately retired or is permanently placed in regular communication service.

(b) Statistical records supporting the entries in this account shall be so maintained as to show for each emergency facility (1) the cost, (2) the type and quantity of plant, and (3) the duration of each period of use between the date of original entry in this account and the date of retirement by way of withdrawal from emergency service.

NOTE: When emergency facilities are permanently placed in regular service the cost of such plant shall be credited to this account and charged to the account appropriate for the cost of other plant involving similar use.

ITEMS

(See § 35.03–12)

Cable, emergency.
Engine generator sets, portable.
Transmission equipment, portable.

§ 35.78 *Laboratory equipment.* (a) This account shall include the cost in place of laboratory and other equipment used for research, development, testing, and other general laboratory purposes for wire-telegraph and ocean-cable services.

(b) Equipment the cost of which is includible in this account comprises assemblies of power equipment and other inside communication equipment complete with driving mechanisms, shop and storeroom equipment, tools, implements, and portable testing equipment regularly assigned to laboratory use.

ITEMS

(See § 35.03–12)

Amplifiers.
Balances and scales.
Barometers.
Blowers.
Bridges, electrical measuring.
Cabinets, laboratory.
Cable, artificial.
Condensers.
Dynamometers.
Filters, electric.
Furnaces, electric.
Gages.
Galvanometers.
Glassware—beakers, burettes, etc.
Grinders and polishers.
Hoods, laboratory.
Indicators, frequency.
Inductances.
Insulation testing sets.
Machine tools.
Magnifiers, selenium.
Meters, electric—various.
Microscopes.
Networks.
Oscillators.
Oscillographs (including cathode rays).
Photographic equipment.
Piping (including conduit).
Potential unit assemblies.
Potentiometers. (Checking and calibrating sets.)
Power equipment.
Rheostats.
Stills.
Tables, laboratory.
Testing equipment.
Testing machines.
Thermocouples.
Tools.
Vibrators.

Intangibles

§ 35.81 *Organization.* This account shall include the cost of organizing and incorporating the accounting carrier until it is ready to function as a going concern; also similar elements of cost in connection with the extension of the term of incorporation when the initial organization costs have been written off.

NOTE A: Discounts upon securities issued or assumed, debt expense, and stock expense shall be excluded from this account and account for as provided in §§ 35.10–13 and 35.10–14.

NOTE B: This account shall not include the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off.

NOTE C: This account shall not include any organization costs of companies retiring as a result of mergers, consolidations, or reorganizations.

ITEMS

(See § 35.03–12)

Cost of obtaining certificates authorizing the carrier to engage in the public communication business.
Fees and expenses of incorporation.
Fees and expenses of mergers or consolidations.
Office and other expenses incident to organizing the carrier.

§ 35.82 *Franchises.* (a) This account shall include the cost of franchises, consents, and certificates running in perpetuity or for a specified term of more than 1 year, issued to the carrier by governmental agencies, States, or other political entities as authorization for conducting a communications business.

(b) Among the items that are includible in this account are the cost of franchises acquired by assignment, the cost of cable-landing rights, and the cost of plant, material, supplies, and equipment given as the initial consideration for franchises.

NOTE A: Amortization of amounts included in this account shall be accounted for as provided in § 35.1520.

NOTE B: The cost of franchises running for 1 year or less after acquisition shall be included in account 4341, "Franchise requirements," or, if such franchises extend beyond the current calendar year, the proper proportion of their respective costs shall be included in account 1899, "Other prepayments."

NOTE C: Franchises acquired at small cost may be included in account 4341, irrespective of their term of life.

NOTE D: Franchise taxes payable annually or more frequently shall be included in account 4932, "Other taxes: Operating."

ITEMS

(See § 35.03–12)

Amounts, other than those includible in account 81, "Organization," paid to a national government, a State, or any political entity as a condition precedent to engaging in communication business.
Cost of franchises acquired by assignment.
Cost of plant, material, supplies, and equipment given as the initial consideration for franchises.
Election costs assumed by the carrier for government consent.

§ 35.83 *Patent rights.* (a) This account shall include the cost of patent rights, having a life of more than 1 year from the date of acquisition, acquired for use in connection with the carrier's wire-telegraph and ocean-cable operations.

(b) Among the items that are includible in this account are the costs incident to defending title, fees of patent attorneys, filing and registration fees, research and development expenses directly assignable, and other expenses for legal and other services incident to the acquiring of patent rights or to the registration of a patent.

NOTE A: Amortization of amounts included in this account shall be accounted for as provided in § 35.1520.

NOTE B: The cost of developing items that are intended to be patented or of improving items that have been patented shall be initially included in account 9011, "Research and development clearing account," or other appropriate account. (See particularly § 35.03–10.)

NOTE C: The cost of patent rights having an estimated service life of 1 year or less or such rights acquired at a relatively small cost shall be included in account 4399, "Other general expenses."

§ 35.84 *Leaseholds.* (a) This account shall include the cost of leaseholds, easements, and similar rights, having a life term of more than 1 year from the date of acquisition, in land and other property acquired for use in wire-telegraph and ocean-cable services.

(b) Costs includible in this account include conveyancer and notary fees, costs of relocating property of others, special counsel and other fees, taxes assumed on leased property applicable to a period prior to the date of the lease, and other costs incurred in connection with the acquisition of leaseholds.

NOTE A: Amortization of amounts included in this account shall be accounted for as provided in § 35.1520.

NOTE B: The cost of permits for the construction of operated plant when the expected period of occupancy under such permits does not exceed the estimated life of the initial plant installed, shall be included in the account appropriate for the cost of the plant constructed.

NOTE C: Annual or more frequent payments of rent shall be included in account 5205, "Rent for lease of operated plant," account 4261, "Rents for operating offices," account 4269, "Rents for other facilities," or account 4499, "Other administrative expenses," as appropriate.

§ 35.85 *Research and development.* (a) This account shall include the cost of research and development work performed in connection with the construction and operation of plant, and in connection with the systems and methods used and available for use by the carrier in wire-telegraph and ocean-cable services where the cost of such work is not directly assignable to definite operated plant or assemblies of equipment, is not includible in other operated plant accounts, and is not includible in current operating-expense or other accounts.

(b) Amounts includible in this account comprise the pay and expenses of engineers engaged in research and development, the cost of models, the allocable portion of expenses for supervision, clerical forces, materials, supplies, rents, and other expenses incurred in maintaining general laboratories, and amounts cleared from account 9011, "Research and development clearing account," that are includible under the provisions of paragraph (a) of this section.

(c) Allowances for amortization of amounts includible in this account shall be established in conformity with the provisions of § 35.1520, in amounts sufficient to extinguish any item includible in this account not later than 20 years following the calendar year in which that item was first introduced into this account.

(d) The amount of the appropriate amortization charges for any year may be equally distributed over the 12 months of that year as charges to account 4915, "Amortization; intangible operated plant," and credits to account 1520, "Allowance for amortization; wire-telegraph and ocean-cable plant."

(e) As at the end of the calendar year in which the final credits to account 1520 have been made with respect to any item included herein, account 1520 shall be charged and this account shall be credited with the amount of the item (e. g., an amortization period of 15 years with respect to an amount charged to this account during 1941 would require retiring such amount by charging it to account 1520 at the end of the year 1956, at which time the accumulated amortization credits in that account applicable to the item should be equal to the amount of the item).

NOTE A: The cost of preliminary surveys, plans, and investigations shall be accounted for as provided in § 35.03–10.

NOTE B: The cost of research and development work performed in connection with specific construction projects shall be included in account 1300, "Plant under construction," as provided in paragraph (c) (12) of § 35.1–3.

NOTE C: Amounts included in account 9011, "Research and development clearing account," representing incomplete projects shall be retained therein pending completion, and amounts therein relating to projects abandoned or found unsuccessful shall be charged to account 6120, "Extraordinary current income charges," unless otherwise authorized or directed by the Commission.

NOTE D: That part of the balance in this account which pertains to research and development work performed in connection with systems and methods available for use, but not used, by the carrier, shall be classified in balance-sheet account 1400, "Plant held for future communication use." (See particularly columns 6 and 11 of the form of plant statement shown in § 35.1–99.)

§ 35.89 *Other intangibles.* (a) This account shall include the cost of intangibles associated with wire-telegraph and ocean-cable operations that are not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained that in the reports to the Commission complete information can be furnished with respect to each of the several amounts included herein.

Other Plant Accounts

§ 35.91 *Plant acquired; undistributed charges.* (a) This account shall be charged temporarily with the acquisition cost of plant acquired by the carrier, under any of the circumstances provided for in § 35.1–2, pending distribution thereof to the appropriate accounts.

(b) Within 90 days from the date of entry herein recording an acquisition, the carrier shall submit to the Commission a statement indicating the approximate date that clearance is contemplated.

§ 35.92 *Plant sold; undistributed credits.* This account shall be credited temporarily with the selling price of plant, pending distribution thereof to the appropriate accounts. (See particularly paragraph (j) of § 35.1–6.)

INCOME AND EARNED-SURPLUS ACCOUNTS

INSTRUCTIONS

§ 35.30–1 *Purpose of income accounts.* The income accounts are designed to show for each month and each calendar year the amounts of (1) ordinary income, comprising operating revenues, operating-revenue deductions (including operating expenses), other communication income, income from noncommunication sources and deductions from such income, (2) extraordinary income charges and credits, comprising extraordinary gains, losses, and adjustments affecting current income resulting from factors other than operations and substantial adjustments applicable to but not recognized in prior years, and (3) deductions from net income, such as income taxes.

§ 35.30–2 *Income from debt-redemption and other funds.* (a) Interest, dividends, and other income derived from funds classified in accounts 1630 to 1659, inclusive, shall be credited to account 5135, "Income from debt-redemption and other funds."

(b) When the income is required by contractual or other provisions to be held in the fund from which the income arises, an amount equal to the income shall be included in the fund to which it is applicable.

(c) When income derived from these funds is required to be retained in the fund and the fund is represented by a reserve, amounts equal to such income shall be charged to account 8310, "Contractual appropriations of earned surplus," or account 8320, "Miscellaneous appropriations of earned surplus," as appropriate, and credited to the appropriate reserve accounts. (See also §§ 35.2610 and 35.2620.)

§ 35.30–3 *Rents includible in income accounts.* (a) Rentals which the carrier receives from others for operated plant the cost of which is includible in account 1100, "Operated plant leased to others," shall be credited to account 5010, "Income from operated plant leased to others."

NOTE: Rentals from operated plant the cost of which is includible in accounts 1000, "Operated plant in carrier's service," and 1200, "Improvements and replacements of operated plant leased from others," shall be credited to the appropriate nontransmission-revenue account. (See §§ 35.3410 to 35.3590, inclusive.)

(b) Taxes, depreciation, amortization, uncollectible rentals, and maintenance and other expenses applicable to plant the income from which is includible in account 5010, "Income from operated plant leased to others," shall be charged to that account by the lessor.

(c) Rents paid by the carrier for the exclusive use of substantially complete

INCOME AND EARNED-SURPLUS STATEMENT—Continued

INCOME—continued

Ordinary Income—Noncommunication

Account No.	Particulars	
5110	Income from miscellaneous physical property	$---------
5115	Income from merchandising, jobbing, and contracting	---------
5120	Dividend income	---------
5125	Interest income	---------
5135	Income from debt-redemption and other funds	---------
5140	Gain or loss on foreign currency exchange (if loss, in red)	---------
5199	Other noncommunication income	---------
	Gross ordinary income	$---------
	Deductions From Ordinary Income	
5205	Rent for lease of operated plant	$---------
5210	Interest on long-term debt	---------
5215	Interest on indebtedness to affiliates	---------
5220	Amortization of debt discount	---------
5225	Interest charged to construction—Cr. (red)	---------
5230	Amortization of debt premium—Cr. (red)	---------
5233	Interest on past-due tax assessments	---------
5235	Other interest charges	---------
5240	Taxes assumed on interest	---------
5245	Amortization of debt expense	---------
5250	Miscellaneous taxes	---------
5255	Amortization of plant-acquisition adjustments	---------
5260	Revenue-contract payments	---------
5208	Foreign exchange—Income differential (if gain, in red)	---------
5299	Other deductions from ordinary income	---------
	Net ordinary income	$---------
	Extraordinary Income	
6110	Extraordinary current income credits	$---------
6120	Extraordinary current income charges (red)	---------
6210	Delayed income credits	$---------
6220	Delayed income charges (red)	---------
	Net income accounted for during current period	$---------
	Deductions From Net Income	
7010	Income taxes	$---------
7099	Other deductions from net income	---------
	Balance of net income accounted for during current period transferred to account 8110, "Balance transferred from income accounts"	$---------
2699	Unappropriated earned surplus (at beginning of period)	---------
	Earned Surplus—Credits	
	Add:	
8110	Balance transferred from income accounts	$---------
8199	Miscellaneous credits to earned surplus	---------
	Total	---------
	Earned Surplus—Charges	
	Deduct:	
8299	Miscellaneous charges to earned surplus	---------
	Earned surplus available for reservation or appropriation	$---------

operating systems or operating units shall be charged to account 5205, "Rent for lease of operated plant." When taxes, depreciation, amortization, or operating expenses applicable to the leased plant are initially accounted for by the lessor, such amounts shall be charged to the appropriate tax, depreciation, amortization, or operating-expense account by the lessee and credited to account 5205. The lessor shall inform the lessee of the appropriate distribution of such charges.

(d) Taxes, depreciation, amortization, and maintenance and other expenses applicable to leased plant initially accounted for by the lessee shall be charged by the lessee to the appropriate tax, depreciation, amortization, maintenance, or other account.

§ 35.30–4 *Disposition of balances in income accounts.* The net balance of the income accounts (after the deductions provided for in accounts 7000 to 7099, inclusive) shall be transferred to account 8110, "Balance transferred from income accounts," at the end of each calendar year.

§ 35.30–5 *Purpose of earned-surplus accounts.* The earned-surplus accounts are designed to show the changes relating to earned surplus, during each calendar year, resulting from (1) the net amount of profit or loss during the period as reflected in the income accounts, (2) accounting adjustments (usually confined to changes in the stated capital of the corporation or to transactions in its own capital stock) not attributable to income under the provisions of this system of accounts, (3) appropriations of earned surplus for specific purposes, and (4) appropriations for dividends.

§ 35.30–6 *Disposition of balances in earned-surplus accounts.* The net balance of the earned-surplus accounts shall be transferred to account 2699, "Unappropriated earned surplus," at the end of each calendar year.

§ 35.30–99 *Contemplated form of income and earned-surplus statement.* (See § 35.03–9.)

INCOME AND EARNED-SURPLUS STATEMENT

INCOME

Ordinary Income—Communication

Account No.	Particulars	
9000	Operating revenues	$---------
3710	Foreign exchange—Revenue differential (if loss, in red)	---------
		$---------
	(Operating-revenue deductions)	
4000	Operating expenses	$---------
4910	Depreciation	---------
4915	Amortization—Intangible operated plant	---------
4920	Amortization of plant-acquisition adjustments	---------
4925	Extraordinary plant losses	---------
4931	Social security taxes—Operating	---------
4932	Other taxes—Operating	---------
4935	Uncollectible revenues	---------
4945	Telephone and radiotelegraph operating-revenue deductions	---------
4950	Revenue-contract payments	---------
4908	Foreign exchange—Expense differential (if gain, in red)	---------
4999	Other operating-revenue deductions	---------
		$---------
	(Other communication income)	
5010	Income from operated plant leased to others	---------
5015	Income from telephone and radiotelegraph plant leased to others	---------
5020	Profit from general services, licenses, and royalties	---------
5089	Income from foreign operations	---------
5099	Other communication income	---------
	Operating income	$---------

INCOME AND EARNED-SURPLUS STATEMENT—Continued

INCOME—continued

Earned Surplus—Charges—Continued

Account No.	Particulars		
	Deduct:		
8310	Contractual appropriations of earned surplus	$---------	
8315	Earned surplus employed in reacquisition of capital stock	---------	
8320	Miscellaneous appropriations of earned surplus	---------	$---------
			$---------
	Deduct:		
8399	Dividend appropriations of earned surplus		---------
2699	Unappropriated earned surplus (at end of period)		$---------

INCOME ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

Ordinary Income; Communication

NOTE: See particularly § 35.03–8.

§ 35.3000 *Operating revenues.* This account shall include the total operating revenues shown in the operating-revenue accounts, derived by the carrier during the accounting period from the furnishing of communication service and services incidental thereto.

§ 35.3710 *Foreign exchange; revenue differential.* (a) This account shall include amounts representing the revenue differential determined in accordance with the provisions of paragraph (a) of § 35.03–16.

(b) The carrier's records shall be so maintained that in reports to the Commission there may be shown, at least on basis of statistical determination, the portions of the amounts in this account applicable to the revenue derived respectively from (1) foreign communication under domestic-service classification (separately with respect to each of the amounts required to be shown under the provisions of § 35.31–5), (2) other foreign-message revenue (separately with respect to each of the amounts required to be shown under the provisions of § 35.31–6), and (3) other revenue (separately with respect to the amounts applicable to each such other revenue account).

Operating-Revenue Deductions

§ 35.4000 *Operating expenses.* This account shall include the total operating expenses, shown in the operating-expense accounts, incurred by the carrier during the accounting period for the maintenance of its wire-telegraph and ocean-cable plant, and for the conducting-operations, general, and administrative expenses incurred in furnishing wire-telegraph and ocean-cable services and services incidental thereto.

§ 35.4910 *Depreciation.* (a) This account shall include the amount of depreciation charges applicable to the accounting period for all classes of operated plant owned by the carrier except such depreciation as is chargeable to clearing accounts, to account 1300, "Plant under construction," and to account 5010, "Income from operated plant leased to others." It shall include also the amount of depreciation charges applicable to the accounting period for all classes of operated plant used but not owned by the carrier, as provided in § 35.30–3. (See also §§ 35.04–1 to 35.04–3, inclusive, and § 35.1–5.)

(b) This account shall be subdivided as follows:

4910:01 Depreciation—Operated plant owned and used.
4910:02 Depreciation—Operated plant leased from others.

(c) The records supporting the entries in this account shall be so maintained as to show separately the amounts applicable to (1) wire-telegraph service and (2) ocean-cable service.

§ 35.4915 *Amortization; intangible operated plant.* (a) This account shall be charged with the amounts of amortization charges applicable to the accounting period for intangibles (having a terminable life) the cost of which is includible in accounts 82, "Franchises," 83, "Patent rights," 84, "Leaseholds," 85, "Research and development," and 89, "Other intangibles," except such amortization charges as are includible in account 5010, "Income from operated plant leased to others." It shall include also the amounts of amortization charges applicable to the accounting period for such intangibles used but not owned by the carrier. (See § 35.30–3.)

(b) The charges to this account shall be such that the cost of each intangible will be amortized, as evenly as may be, over the period of its benefit to the carrier.

(c) This account shall be subdivided as follows:

4915:01 Amortization; intangibles owned and used.
4915:02 Amortization; intangibles leased from others.

§ 35.4920 *Amortization of plant-acquisition adjustments.* (a) This account shall be charged or credited, as the case may be, with such amounts as the Commission may authorize or direct to be included in operating-revenue deductions under a plan to amortize amounts in account 1510, "Plant-acquisition adjustments."

(b) Amounts recorded in this account shall be credited or charged, as the case may be, to account 1520, "Allowance for amortization; wire-telegraph and ocean-cable plant."

§ 35.4925 *Extraordinary plant losses.* (a) This account shall be charged with amounts representing the unprovided-for loss in service value of plant retired for causes not contemplated in prior allowances for depreciation approved for inclusion herein as provided in § 35.04–4.

(b) The records supporting the entries in this account shall be so maintained as to show separately the amounts applicable to (1) wire-telegraph plant and (2) ocean-cable plant.

§ 35.4931 *Social security taxes; operating.* This account shall be charged (and amount 2175, "Tax accruals," credited) with the amounts for which the carrier becomes liable on its own behalf for taxes, imposed under the Social Security Act and similar State and foreign statutes, that are properly chargeable to wire-telegraph and ocean-cable operations for the accounting period.

NOTE A: The amounts of social security taxes not applicable to wire-telegraph and ocean-cable operations shall be equitably apportioned among the operated plant accounts and account 5250, "Miscellaneous taxes."

NOTE B: Amounts payable on behalf of employees for social security taxes shall be included in account 2111, "Liability for tax collections."

§ 35.4932 *Other taxes; operating.* (a) This account shall include the amounts of national, State, county, municipal, and other taxes, other than taxes on net income and taxes imposed under the Social Security Act and similar State and foreign statutes, that are properly chargeable to wire-telegraph and ocean-cable operations; including franchise taxes payable annually or more frequently. (See also §§ 35.4931 and 35.7010.)

(b) This account shall be charged and account 2175, "Tax accruals," shall be credited each month with the amount of taxes that are applicable to the month. When it is not possible to determine the exact amount of taxes for the month, the amount shall be estimated and adjustments shall be made as the actual tax levies become known.

(c) When it is necessary to apportion taxes to wire-telegraph and ocean-cable operations, full details as to the methods of, and facts considered in, the apportionment shall be recorded.

(d) Taxes on plant leased from others, the rent for which is includible in account 5205, "Rent for lease of operated plant," shall be charged to this account by the lessee.

(e) The records supporting the entries in this account shall be so maintained as to show the amount of each kind of tax paid to each taxing authority and the basis upon which each charge is made.

NOTE A: Taxes assumed by the carrier on interest shall be charged to account 5240, "Taxes assumed on interest."

NOTE B: Taxes on nonoperating property the income from which is includible in account 5110, "Income from miscellaneous physical property," shall be charged to account 5250, "Miscellaneous taxes." Taxes on property the income from which is includible in account 5115, "Income from merchandising, jobbing, and contracting," shall also be charged to account 5250.

NOTE C: Special assessments for the construction of street and other improvements shall be included in the appropriate plant accounts. Special assessments for the maintenance thereof and special benefit taxes,

such as water taxes, shall be included in the appropriate operating-expense accounts.

NOTE D: Discounts allowed for payment of taxes before they are due shall be treated as reduction of taxes assessed.

NOTE E: The accounting for taxes on plant under construction shall be as provided in paragraph (c) (7) of § 35.1–3.

NOTE F: Taxes on plant leased to others, the rental from which is includible in account 5010, "Income from operated plant leased to others" when assumed by the lessor, shall be charged to that account by the lessor. (See particularly § 35.30–3.)

§ 35.4935 *Uncollectible revenues.* (a) This account shall be charged with amounts, due from customers and agents for wire-telegraph and ocean-cable services rendered, which are considered to be uncollectible.

(b) This account may include, in lieu of the amounts of charges prescribed in paragraph (a) of this section, monthly charges based upon estimates to make provision for uncollectible revenues due from customers and agents. Such amounts shall be credited to account 1765, "Allowance for uncollectible receivables." There shall be recorded full details as to the methods used and the facts considered in estimating the amounts so credited.

(c) This account shall include, in a separate subdivision thereof, credits arising from charges to accounts 2115, "Customers' deposits," and 2155, "Advance billings," that may lawfully be written off as unrefundable because of failure to locate the rightful owner or for some similar reason.

NOTE: Uncollectible receivables (or provisions therefor), other than from customers and agents, shall be charged to account 5299, "Other deductions from ordinary income," account 6120, "Extraordinary current income charges," or other appropriate account.

§ 35.4945 *Telephone and radiotelegraph operating-revenue deductions.* This account shall include the amounts of depreciation, amortization, taxes, uncollectible revenues, rents, and maintenance and other expenses incidental to the carrier's telephone and radio-telegraph operations. (See also §35.03–8.)

§ 35.4950 *Revenue-contract payments.* This account shall include amounts, includible in operating-revenue deductions, that represent payments to common carriers or other persons under the terms of contracts or agreements which provide that such common carriers or other persons shall receive amounts measured by the revenue or traffic of the accounting carrier, although such persons do not participate in the revenue service or transmission of such traffic. (See also §35.31–3.)

§ 35.4998 *Foreign exchange; expense differential.* (a) This account shall be charged or credited, as appropriate, with amounts representing the differential applicable to operating-revenue deductions as provided in paragraph (b) of § 35.03–16.

(b) A separate subaccount with appropriate title shall be maintained for amounts applicable to each of the several classes of operating-revenue deductions as follows:

Maintenance expenses.
Conducting-operations expenses.
General expenses.
Administrative expenses.
Depreciation.
Amortization—Intangible operated plant.
Amortization of plant-acquisition adjustments.
Extraordinary plant losses.
Social security taxes—Operating.
Other taxes—Operating.
Uncollectible revenues.
Telephone and radiotelegraph operating-revenue deductions.
Revenue-contract payments.
Other operating-revenue deductions.

§ 35.4999 *Other operating-revenue deductions.* This account shall include amounts representing operating-revenue deductions that are not includible elsewhere.

Other Communication Income

§ 35.5010 *Income from operated plant leased to others.* (a) This account shall be credited with the amounts of rentals that have accrued from operated plant comprising substantially complete operating systems or operating units where the lessee has exclusive possession of the plant, whether such amounts are received in cash or are disbursed by the lessee for the account of the lessor as interest on long-term debt, guaranteed dividends on stock, or otherwise.

(b) This account shall be charged with the amounts of taxes, depreciation, amortization, and maintenance and other expenses initially accounted for by the lessor on plant the rental for which is includible in this account. (See particularly § 35.30–3.)

(c) The records supporting the entries in this account shall be so maintained as to show separately the following items applicable to the plant included in each leasing agreement:

Credits:
Rentals.
Charges (see paragraph (b) of this section):
Items initially accounted for by the lessor:
Taxes.
Depreciation.
Amortization.
Maintenance.
Other expenses.
Uncollectible rentals.

NOTE: Rentals from facilities not constituting substantially complete operating systems or operating units shall be included in the appropriate operating-revenue account.

§ 35.5015 *Income from telephone and radiotelegraph plant leased to others.* This account shall be credited with the amounts of rentals that have accrued from telephone and radiotelegraph plant comprising substantially complete operating systems or operating units where the lessee has exclusive possession thereof. (See particularly paragraph (b) of § 35.03–8.)

§ 35.5020 *Profit from general services, licenses, and royalties.* This account shall include the amounts of profits realized from services rendered others under license agreements, general service contracts, or other arrangements providing for the furnishing of general accounting, engineering, financial, legal, patent, or other general services. (See also § 35.41–6.)

NOTE: Minor amounts of profits from such arrangements may be included in account 4317, "General services, licenses, and royalties—Cr."

§ 35.5089 *Income from foreign operations.* (a) This account may include the net amount of income of the carrier when the detailed amounts are required to be stated in terms of foreign currency or in a manner at variance with the requirements of this system of accounts.

(b) A separate subaccount with appropriate title shall be maintained for the amount of such income from each foreign country.

(c) The records supporting the entries in this account shall be so maintained that, in the reports to the Commission, a complete analysis of the transactions in each foreign country may be shown.

(d) Each carrier that elects to use this account shall advise the Commission of that fact at least 60 days before the effective date of this system of accounts. Changes from this elective procedure to the alternative procedure prescribed for domestic income, or vice versa, shall not be made thereafter without submitting to the Commission for its consideration and approval notice of the proposed change at least 90 days before the proposed effective date of such change.

§ 35.5099 *Other communication income.* This account shall include the amounts of communication income not provided for elsewhere.

Ordinary Income; Noncommunication

§ 35.5110 *Income from miscellaneous physical property.* (a) This account shall include the amounts received and the expenses incurred in connection with the operation of (1) property the investment in which is includible in account 1610, "Miscellaneous physical property," and (2) property of others leased by the carrier for purposes other than communication operations.

(b) The expenses shall include every element of cost (except taxes) incurred in such operations, including depreciation, amortization, insurance, assessments against such property for maintenance of public improvements, an equitable portion of administration expenses, uncollectible rentals, and any other costs incident to the operation of miscellaneous physical property.

NOTE: Taxes applicable to miscellaneous physical property and its operation shall be charged to account 5250, "Miscellaneous taxes."

§ 35.5115 *Income from merchandising, jobbing, and contracting.* (a) This account shall include the amounts received and the expenses (except taxes) incurred in connection with the sale of merchandise, including any amounts accruing to the carrier on jobbing and contracting work performed by its employees.

(b) This account shall be subdivided as follows:

5115:01 Income from merchandising, jobbing, and contracting.
5115:02 Costs and expenses of merchandising, jobbing and contracting.

NOTE A: Periodic charges for the use of plant includible in account 1000, "Operated plant in carrier's service." (See particularly the note following account 1100, "Operated plant leased to others.") and for installing, maintaining, inspecting, and servicing such

plant, shall be included in the appropriate operating-revenue account. (See § 35.31–2.)

NOTE B: Taxes applicable to merchandising, jobbing, and contracting shall be charged to account 5250, "Miscellaneous taxes."

§ 35.5120 *Dividend income.* This account shall include the amounts of income from dividends declared on stocks owned other than dividends on stocks includible in accounts 1630 to 1659, inclusive. (See particularly § 35.5135.)

NOTE: No amounts shall be entered in these accounts representing the value assigned to stock dividends received by the carrier on stocks of other persons. The proceeds realized from the subsequent sale or disposal of the stock received as a dividend, or of the stock with respect to which the dividend was paid, shall be appropriately accounted for, proper credit being given to the investment account for the portion of the book cost assignable to the shares sold or disposed of. Any profit or loss resulting from the transaction shall be credited to account 6110, "Extraordinary current income credits," or charged to account 6120, "Extraordinary current income charges," as appropriate.

§ 35.5125 *Interest income.* (a) This account shall include the amounts of interest income on investments in securities owned (other than securities includible in accounts 1630 to 1659, inclusive), including interest income on investment advances and on other loans, notes, special deposits, and other interest-bearing assets. (See also § 35.5135.)

(b) This account shall be subdivided as follows:

5125:01 Interest income on securities.
5125:02 Interest income on investment advances.
5125:99 Other interest income.

NOTE A: Interest on nominally issued and nominally outstanding long-term debt shall not be included in these accounts.

NOTE B: Interest that has accrued shall not be credited to this account unless its payment is reasonably assured.

§ 35.5135 *Income from debt-redemption and other funds.* (a) This account shall include the amounts of income (whether interest or dividends) accrued on cash, securities issued by other persons, or other assets held in accounts 1630 to 1659, inclusive, and also the amounts of income from securities issued or assumed by the carrier when regarded and treated as actually outstanding under the provisions of paragraph (h) of § 35.10–7. (See also § 35.30–2.)

(b) Unless otherwise required by contractual or other agreement, the expenses, losses, and fees incurred in connection with the operation of each fund shall be charged to this account.

(c) The records supporting the entries in this account shall be so maintained as to show separately the amounts of charges and the amounts of credits applicable to each fund.

§ 35.5140 *Gain or loss on foreign currency exchange.* (a) This account shall be credited or charged, as appropriate, with amounts representing the gain or loss resulting from the translation or the actual conversion of United States currency into foreign currency or vice versa. (See particularly § 35.03–16.)

(b) The records supporting the entries in this account shall be so maintained as to permit ready analysis of the amounts applicable to any transaction.

§ 35.5199 *Other noncommunication income.* This account shall include the amounts of noncommunication income not provided for elsewhere.

Deductions From Ordinary Income

§ 35.5205 *Rent for lease of operated plant.* (a) This account shall be charged with the amounts of rents that have accrued for the exclusive possession by the carrier of operated plant comprising substantially complete operating systems or operating units whether paid to the lessor in cash or disbursed by the lessee for the account of the lessor as interest on long-term debt, guaranteed dividends on stock, or otherwise.

(b) When the lease requires or available data permit such action, this account shall be credited with the amounts of taxes, depreciation, amortization, and maintenance and other expenses initially accounted for by the lessor on plant the rent for which is includible in this account. (See particularly § 35.30–3.)

(c) This account shall be subdivided as follows:

5205:01 Rent for identifiable plant.
5205:02 Rent for unidentifiable plant.

(d) The records supporting the entries in this account shall be so maintained as to show separately the following items applicable to the plant included in each leasing agreement:

Charges:
Rents.
Credits (see paragraph (b) of this section):
Items initially accounted for by the lessor:
Taxes.
Depreciation.
Amortization.
Maintenance.
Other expenses.

NOTE: Rent for lease of facilities not constituting substantially complete operating systems or operating units shall be included in the appropriate operating-expense account.

§ 35.5210 *Interest on long-term debt.* (a) This account shall include the amounts of interest accrued on outstanding long-term debt issued or assumed by the carrier, the liability for which is included in accounts 2010, "Bonds actually issued," 2025, "Receivers' and trustees' securities," and 2099, "Other long-term debt," including such securities as are regarded and treated as actually outstanding under the provisions of paragraph (h) of § 35.10–7.

(b) The records supporting the entries in this account shall be so maintained as to show the interest accruals on each issue or series of long-term debt.

NOTE: Interest on nominally issued and nominally outstanding long-term debt shall not be included in these accounts.

§ 35.5215 *Interest on indebtedness to affiliates.* (a) This account shall include the amounts of interest accrued on indebtedness to affiliates the liability for which is included in accounts such as account 2030, "Advances from affiliates," and account 2129, "Other payable to affiliates."

(b) The records supporting the entries in this account shall be so maintained as to show to whom the interest is payable, the nature and amount of the principal obligation, and the rate of interest, under the following subdivisions:

5215:01 Interest on advances.
5215:02 Interest on other payables.

§ 35.5220 *Amortization of debt discount.* This account shall include amount representing the portion of unamortized discount on outstanding long-term debt that is applicable to the acounting period, determined in accordance with the provisions of paragraph (d) of § 35.10–14.

§ 35.5225 *Interest charged to construction—Cr.* This account shall be credited with the amounts charged to account 1300, "Plant under construction," as provided in paragraph (c) (8) of § 35.1–3.

§ 35.5230 *Amortization of debt premium—Cr.* This account shall include amounts representing the portion of unamortized premium on outstanding long-term debt that is applicable to the accounting period, determined in accordance with the provisions of paragraph (d) of § 35.10–14.

§ 35.5233 *Interest on past-due tax assessments.* This account shall include the amounts of interest charges applicable to the accounting period on tax assessments that are due and unpaid.

§ 35.5235 *Other interest charges.* (a) This account shall include the amounts of interest charges not provided for elsewhere. Among the items of indebtedness the interest on which is chargeable to this account are (1) past-due assessments for public improvements, (2) claims and judgments, (3) customers' deposits, (4) notes payable on demand or maturing less than 1 year from date of issuance, except notes payable to affiliates, and (5) open accounts, except with affiliates.

(b) The records supporting the entries in this account shall be so maintained as to show the nature and amount of each principal obligation, the rate and amount of interest applicable thereto, and the name of the person to whom payable.

§ 35.5240 *Taxes assumed on interest.* This account shall include the amounts paid to holders of bonds (or other evidences of indebtedness of the carrier), and the amounts paid to governmental agencies in their behalf, with respect to income and other taxes levied against the income from such debt or levied as a tax on ownership of the debt, when such taxes are assumed by the carrier.

§ 35.5245 *Amortization of debt expense.* This account shall include the amounts representing the portion of unamortized debt expense on outstanding long-term debt that is applicable to the accounting period, determined in accordance with the provisions of paragraph (d) of § 35.10–14.

§ 35.5250 *Miscellaneous taxes.* (a) This account shall include the amounts of taxes not provided for elsewhere. Among the items that shall be charged hereto are taxes applicable to miscellaneous physical property and the operation thereof, and taxes applicable to merchandising, jobbing, and contracting.

(b) Amounts charged to this account prior to payment shall be credited to account 2175, "Tax accruals."

§ 35.5255 *Amortization of plant-acquisition adjustments.* (a) This account shall be charged or credited, as the case may be, with such amounts as the Commission may authorize or direct to be included in deductions from ordinary income under a plan to amortize amounts in account 1510, "Plant-acquisition adjustments."

(b) Amounts recorded in this account shall be credited or charged, as the case may be, to account 1520, "Allowance for amortization; wire-telegraph and ocean-cable plant."

§ 35.5260 *Revenue-contract payments.* This account shall include amounts includible in deductions from ordinary income that represent payments to common carriers or other persons under the terms of contracts or agreements which provide that such common carriers or other persons shall receive amounts measured by the revenue or traffic of the accounting carrier, although such persons do not participate in the revenue services or transmission of such traffic. (See also § 35.31–3.)

§ 35.5298 *Foreign exchange; income differential.* (a) This account shall be charged or credited, as appropriate, with amounts representing the exchange differential applicable to income accounts 5000 to 5299, inclusive, except account 5140, "Gain or loss on foreign currency exchange," as provided in paragraph (c) of § 35.03–16.

(b) A separate subaccount with appropriate title shall be maintained for amounts applicable to each of the several primary income accounts affected.

§ 35.5299 *Other deductions from ordinary income.* This account shall include deductions from ordinary income not provided for elsewhere. Among the items that shall be charged to this account are contributions for charitable, social, or community-welfare purposes and membership fees and dues in associations other than those of the carrier itself in associations of communication carriers and those of employees in professional organizations, the amounts of depreciation and amortization on wire-telegraph and ocean-cable plant other than operated plant, and the amounts of uncollectible receivables, or provisions therefor, which are not includible in account 4935, "Uncollectible revenues," or account 6120, "Extraordinary current income charges." (See also § 35.03–7.)

Extraordinary Income

§ 35.6110 *Extraordinary current income credits.* This account shall include the amounts of income applicable to the current period from activities other than those usual and ordinary activities of the carrier recognized under the provisions of § 35.3000 and §§ 35.5000 to 35.5199, inclusive.

ITEMS

(See § 35.03–12)

Current liabilities written off in accordance with the provisions of paragraph (c) of § 35.10–5.
Forfeitures of amounts deposited with the carrier under options for the sale or lease of property.
Profits derived from the sale of property the cost of which is includible in account 1610, "Miscellaneous physical property."
Profits derived from the reacquisition and resale of securities other than capital stock.
Profits derived from the sale of securities of other persons.
Profits derived from the sale of plant. (See also paragraph (j) of § 35.1–6.)

§ 35.6120 *Extraordinary current income charges.* This account shall include the amounts properly chargeable against income during the current period, occasioned otherwise than by those usual and ordinary activities of the carrier recognized under the provisions of §§ 35.400 to 35.5099, inclusive, and §§ 35.5200 to 35.5299, inclusive.

ITEMS

(See § 35.03–12)

Amounts charged to income to provide for the extinguishment of amounts includible in account 81, "Organization."
Amounts charged to income in recognition of the decline in value of current assets and securities owned. (See also §§ 35.10–2 and 35.10–7.)
Capital-stock expense written off. (See also paragraph (b) of § 35.10–13.)
Forfeitures of amounts deposited by the carrier under options for the purchase or lease of property.
Inventory, appraisal, and other costs incident to the contemplated acquisition, sale, or lease of property when the projects are abandoned.
Long-term debt expense written off. (See also paragraphs (d), (e), and (f) of § 35.10–14.)
Losses of funds due to bank failures.
Losses on the sale of plant. (See also paragraph (j) of § 35.1–6.)
Losses resulting from the sale, destruction, or retirement of property the cost of which is includible in account 1610, "Miscellaneous physical property."
Losses resulting from the reacquisition and resale of securities other than capital stock.
Losses resulting from the sale of securities of other persons.
Penalties and fines paid on account of violations of statutes pertaining to regulation.
Uncollectible receivables written off.

§ 35.6210 *Delayed income credits.* This account shall include the amounts of extraordinary and nonrecurring delayed items, as provided in § 35.03–13.

§ 35.6220 *Delayed income charges.* This account shall include the amounts of extraordinary and nonrecurring delayed items as provided in § 35.03–13.

Deductions From Net Income

§ 35.7010 *Income taxes.* (a) This account shall include the amounts of foreign, Federal, State, and local government taxes on the income of the carrier, including additional assessments of such taxes.

(b) The record supporting the entries in this account shall be so maintained as to show the amounts included herein with respect to each taxing authority.

§ 35.7099 *Other deductions from net income.* This account shall include the amounts of deductions from net income not provided for elsewhere.

EARNED-SURPLUS ACCOUNTS

Earned Surplus; Credits

§ 35.8110 *Balance transferred from income accounts.* This account shall include the net balance transferred from the income accounts for the current year. (See particularly § 35.30–4.)

§ 35.8199 *Miscellaneous credits to earned surplus.* (a) This account shall include the amounts of credits affecting earned surplus not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained that an analysis thereof may be shown in the reports to the Commission.

Earned Surplus; Charges

§ 35.8299 *Miscellaneous charges to earned surplus.* (a) This account shall include the amounts of charges affecting earned surplus not provided for elsewhere. Among the items that shall be charged hereto are discount on capital stock written off and such charges resulting from the reacquisition and resale of the carrier's capital stock as are provided in § 35.10–9.

(b) The records supporting the entries in this account shall be so maintained that an analysis thereof may be shown in the reports of the Commission.

§ 35.8310 *Contractual appropriations of earned surplus.* (a) This account shall include the amount of earned surplus reserved in accordance with the terms of mortgages, deeds of trust, orders of courts, contracts, or other agreements.

(b) Amounts charged to this account shall be credited to account 2610, "Contractual reserves."

(c) Amounts in account 2610 that are restored to surplus shall be credited to this account.

§ 35.8315 *Earned surplus employed in reacquisition of capital stock.* (a) This account shall be charged and account 2615, "Reserve against impairment of stated capital," shall be credited with the book amount of capital stock reacquired by the carrier and not retired.

(b) Upon resale or retirement of capital stock, this account shall be credited and account 2615, "Reserve against impairment of stated capital," shall be charged with the amounts included herein applicable to such stock.

§ 35.8320 *Miscellaneous appropriations of earned surplus.* (a) This account shall include the amount of reservations of earned surplus not provided for elsewhere.

(b) Amounts charged to this account shall be credited to account 2620, "Miscellaneous reserves."

(c) Amounts in account 2620 that are restored to surplus shall be credited to this account.

§ 35.8399 *Dividend appropriations of earned surplus.* (a) This account shall include the amount of earned surplus appropriated for dividends declared on the

actually outstanding capital stock of the carrier.

(b) The records supporting the entries in this account shall be so maintained as to show the amount of dividends declared on each class of capital stock. If dividends are not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.

OPERATING-REVENUE ACCOUNTS

INSTRUCTIONS

§ 35.31–1 *Purpose of operating-revenue accounts.* The operating-revenue accounts are designed to show the carrier's portion of amounts received or receivable for the furnishing of communication service and services incidental thereto. (See also §§ 35.03–8 and 35.03–17.)

§ 35.31–2 *Basis of credits to the operating-revenue accounts.* (a) Credits to the operating-revenue accounts shall be based upon the actual amount chargeable for services rendered by the carrier.

NOTE A: Corrections of overcharges and of overcollections and payments of collections on behalf of others previously credited to the operating-revenue accounts shall be charged to the account or accounts privously credited.

NOTE B: Authorized refunds and adjustments on account of failures in service shall be charged to account 4281, "Traffic-damage awards."

(b) The appropriate operating-revenue accounts shall be credited with:

(1) Amounts charged for installations, for termination and restoration of service, for inside and outside moves, for instrument changes, and for similar service requirements.

(2) Amounts of initial nonrecurring charges for special or auxiliary equipment furnished in rendering service to a customer, except that charges for the cost of such equipment the ownership of which rests with or will revert to the customer shall be credited to the accounts charged with the cost of such equipment.

(3) Amounts of initial nonrecurring charges for installation of special or auxiliary equipment furnished by a customer.

(4) Amounts of service charges for supplemental or auxiliary equipment furnished in rendering service to a customer.

(5) Amounts collected from users as costs of delivery beyond the free-delivery zones adjacent to terminals of the carrier. (See also note C in § 35.31–3.)

§ 35.31–3 *Divisions of operating revenues.* (a) Amounts representing the carrier's portion of revenues receivable from other communication carriers for participation in the revenue service shall be credited to the appropriate operating-revenue accounts and charged to the account maintained for traffic settlements with the respective carriers, as provided in § 35.03–19.

(b) Amounts payable for participation by others in the revenue service shall be excluded from (or, if previously credited thereto, charged to the appropriate) operating-revenue accounts and credited to the account maintained for traffic settlements with the respective carriers, as provided in § 35.03–19.

NOTE A: The term "participation in the revenue service," as used in this section, does not include terminal services rendered by a carrier acting as agent for another carrier, e. g., it does not include (1) the receipt or delivery of messages wherein a carrier does not participate, with respect to this particular traffic, in other than such terminal services, or, sometimes further in connection therewith, (2) the use of a carrier's employees and facilities in originating and terminating messages at rates or under classifications that are not available to the general public.

NOTE B: Amounts (other than those representing commissions or participation in the revenue service) payable to common carriers or other persons under the terms of contracts or agreements which provide that such common carriers or other persons shall receive amounts measured by revenues or traffic of the accounting carrier, shall be include in account 4950, "Revenue-contract payments," or account 5260, "Revenue-contract payments," as appropriate.

NOTE C: Amounts payable for services performed for the carrier, such as tolls or rental charges, including those collected from users as costs of delivery beyond the free-delivery zones adjacent to the terminals of the carrier, shall be charged to the appropriate operating-expense accounts.

§ 35.31–4 *Services furnished without direct charge.* (a) Amounts representing wire-telegraph and ocean-cable services furnished to a national government, a State, or a political subdivision thereof without direct compensation, in accordance with franchise requirements, shall be charged and credited to the appropriate subdivisions of account 4341, "Franchise requirements."

(b) Records shall be maintained to show amounts representing any other wire-telegraph and ocean-cable services which are carried on especially for the needs of a specific service of general interest and are not open to public correspondence and for which no direct compensation is received.

§ 35.31–5 *Preparation for allocation of wire-telegraph revenues to continental communication and to foreign communication (under domestic-service classification).* The carrier's records shall be so maintained that in reports to the Commission there may be shown (separately (1) with respect to each of the four classifications of service appearing under account 3110, "Public message revenue," and (2) as to accounts 3115 to 3155, inclusive, in their respective aggregates) the amounts of revenue respectively derived from continental communication and from foreign communication under domestic-service classification.

§ 35.31–6 *Preparation for allocation of ocean-cable revenues to foreign communication and to insular communication.* The carrier's records shall be so maintained that in reports to the Commission there may be shown (separately (1) with respect to each of the two classifications of service appearing under account 3210, "Public message revenue," and (2) as to accounts 3215 to 3255, inclusive, in their respective aggregates) the amounts of revenue respectively derived from foreign communication and from insular communication.

§ 35.31–99 *Contemplated form of operating-revenue statement.* (See § 35.03–9.)

Account No.	Particulars	Amount of revenue for the year
	Wire-telegraph transmission revenues	
3110	Public message revenue	$
3115	United States government message revenue	
3125	Press message revenue	
3130	Money-order message revenue	
3135	News (CND) service revenue	
3140	Contract (CAK) message revenue	
3145	Facsimile or photogram service revenue	
3155	Telephone service revenue	
3160	Wire-telegraph revenue on cable and radio messages	
3199	Other wire-telegraph transmission revenues	
	Total wire-telegraph transmission revenues	$
	Ocean-cable transmission revenues	
3210	Public message revenue	$
3215	United States government message revenue	
3220	Other governments message revenue	
3225	Press message revenue	
3230	Money-order message revenue	
3235	News (CND) service revenue	
3245	Facsimile or photogram service revenue	
3255	Telephone service revenue	
3299	Other ocean-cable transmission revenues	
	Total ocean-cable transmission revenues	$
	Total transmission revenues	$
	Terminal commission revenues	
3350	Terminal commissions	$
	Wire-telegraph nontransmission revenues	
3410	Leased-circuit revenue	$
3415	Measured-service revenue	
3420	Other leased-plant revenue	
3425	Code-registration revenue	
3430	Errand-service revenue	
3435	Money-order charges	
3440	Time-service revenue	
3499	Other wire-telegraph nontransmission revenues	
	Total wire-telegraph nontransmission revenues	$
	Ocean-cable nontransmission revenues	
3510	Leased-circuit revenue	$
3515	Measured-service revenue	
3520	Other leased-plant revenue	
3525	Code-registration revenue	
3530	Errand-service revenue	
3535	Money-order charges	
3540	Time-service revenue	
3599	Other ocean-cable nontransmission revenues	
	Total ocean-cable nontransmission revenues	$
	Other telecommunication revenues	
3610	Telephone revenue—Telephone systems	$
3625	Radiotelegraph revenue—Radiotelegraph systems	
	Total other telecommunication revenues	$
	Total operating revenues	[1] $

[1] Amount transferred to account 3000, "Operating revenues."

PRESCRIBED ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

Wire-Telegraph Transmission Revenues

§ 35.3110 *Public message revenue.* (a) This account shall include the carrier's portion of revenue from the wire-telegraph transmission of messages for the general public.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a calendar-month basis from statistical records of revenue which will show the allocation of amounts in this account among the following classifications of revenue:

(1) *General message revenue.* This classification shall include the carrier's portion of revenue from the wire-telegraph transmission, at the effective rates available to the general public, of the following and similar classes of public messages:

Full rate messages,
Day letters, and
Night letters,

including multiple-address or book messages, and similar services related to the above classes.

(2) *Serial message revenue.* This classification shall include the carrier's portion of revenue from the wire-telegraph transmission of public messages, at the effective rates available to the general public, applicable when more than one message or section of a message is sent to the same addressee at the same destination within a specified period of relatively short duration.

(3) *Timed-wire service revenue.* This classification shall include the carrier's portion of revenue from the wire-telegraph transmission of public messages when the basis of the effective rates is the time employed, required, or allowed for such transmission, whether such time is computed on basis of the number of words transmitted converted into equivalent minutes, or on basis of the actual time required for transmission.

(4) *Greetings and other flat-rate message revenue.* (i) This classification shall include the carrier's portion of revenue from the wire-telegraph transmission, at the effective flat or fixed rates (applicable regardless of distance), of classes of fixed-text public messages and messages of sender's composition, such as holiday-greeting messages, including multiple-address or book messages and similar services related to these classes.

(ii) Allocations to this classification shall reflect due consideration of the effect of the abnormal traffic existing upon special occasions, such as holidays.

§ 35.3115 *United States government message revenue.* (a) This account shall include the carrier's portion of revenue from the wire-telegraph transmission, at the effective rates available to the United States government or any department or agency thereof, of classes of official messages such as the following:

Government full rate messages.
Government day letters.
Government night letters.
Government serial messages.
Government timed-wire service messages.

(b) This account shall also include under a separate subdivision the carrier's portion of revenue from the wire-telegraph transmission of government weather-bureau messages.

§ 35.3125 *Press message revenue.* This account shall include the carrier's portion of revenue from the wire-telegraph transmission of classes of messages restricted as to text, at the effective rates for press services that are less than rates for comparable services to the general public.

§ 35.3130 *Money-order message revenue.* This account shall include the carrier's portion of revenue from the wire-telegraph transmission, at the effective rates available to the general public, of messages incidental to, and of messages accompanying, telegraphic money-orders.

§ 35.3135 *News (CND) service revenue.* This account shall include the carrier's portion of revenue from the wire-telegraph transmission of the following and similar classes of messages and reports disseminated by the carrier to its subscribers:

Baseball, football, or other sporting-event reports.
Market quotations.
News ticker.
Sports ticker.
Stock ticker.

§ 35.3140 *Contract (CAK) message revenue.* This account shall include the carrier's portion of revenue from the wire-telegraph transmission of messages of transportation carriers and others at rates established for collection under contractual agreements that provide for certain free or concession services.

§ 35.3145 *Facsimile or photogram service revenue.* This account shall include the carrier's portion of revenue from the wire-telegraph transmission of any matter (other than matter being transmitted at the effective rates applicable to messages) involving the use of facsimile or other reproducing equipment.

§ 35.3155 *Telephone service revenue.* This account shall include the carrier's portion of revenue from telephone operations which involve plant primarily used in wire-telegraph service. (See also §§ 35.03–8 and 35.3610.)

§ 35.3160 *Wire-telegraph revenue on cable and radio messages.* (a) This account shall include the carrier's portion of revenue from the wire-telegraph transmission of insular, mobile, and foreign communication.

(b) The carrier's records shall be so maintained that in reports to the Commission there may be shown, at least on basis of statistical determinations, the revenue derived from each of the following classes of service:

Foreign messages.
Insular messages.
Marine messages.
Mobile (other than marine) messages.

§ 35.3199 *Other wire-telegraph transmission revenues.* (a) This account shall include the carrier's portion of revenue from wire-telegraph transmission services not provided for elsewhere.

(b) The carrier's records shall be so maintained that in reports to the Commission there may be shown separately the carrier's portion of the revenue from broadcast-program transmission that is includible in this account. (See particularly the note in § 35.3410.)

Ocean-Cable Transmission Revenues

§ 35.3210 *Public message revenue.* (a) This account shall include the carrier's portion of revenue from the ocean-cable transmission of messages for the general public.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a calendar-month basis from statistical records of revenue which will show the allocation of amounts in this account among the following classifications of revenue:

(1) *General message revenue.* This classification shall include the carrier's portion of revenue from the ocean-cable transmission, at the effective rates available to the general public, of the following and similar classes of public messages:

Urgent messages.
Urgent CDE messages,
Ordinary messages,
Ordinary CDE messages,
Letter (DLT and NLT) messages, and
Deferred (LO) messages,

including multiple-address or book messages and similar services related to the above classes.

(2) *Greetings and other flat-rate message revenue.* (i) This classification shall include the carrier's portion of revenue from the transmission, at the effective flat or fixed rates (applicable regardless of distance), of classes of fixed-text public messages and messages of sender's composition, such as holiday-greeting messages, including multiple-address or book messages and similar services related to these classes.

(ii) Allocations to this classification shall reflect due consideration of the effect of the abnormal traffic existing upon special occasions, such as holidays.

§ 35.3215 *United States government message revenue.* (a) This account shall include the carrier's portion of revenue from the ocean-cable transmission, at the effective rates available to the United States government or any department or agency thereof, of classes of official messages such as the following:

Government ordinary messages.
Government CDE messages.
Government full rate messages.
Government day letters.
Government night letters.

(b) This account shall also include under a separate subdivision the carrier's portion of revenue from the ocean-cable transmission of government weather-bureau messages.

§ 35.3220 *Other governments message revenue.* This account shall include the carrier's portion of revenue from the ocean-cable transmission, at the effective rates (available to governments other than the United States) that are less than the rates for comparable service to the general public, of classes of messages such as the following:

Government ordinary messages.
Government CDE messages.
Government full rate messages.
Government day letters.
Government night letters.

§ 35.3225 *Press message revenue.* This account shall include the carrier's portion of revenue from the ocean-cable transmission of classes of messages restricted as to text, at the effective rates

for press services that are less than rates for comparable services to the general public.

§ 35.3230 *Money-order message revenue.* This account shall include the carrier's portion of revenue from the ocean-cable transmission, at the effective rates available to the general public, of messages incidental to, and of messages accompanying, telegraphic money-orders.

§ 35.3235 *News (CND) service revenue.* This account shall include the carrier's portion of revenue from the ocean-cable transmission of the following and similar classes of messages and reports disseminated by the carrier to its subscribers:

Baseball, football, or other sporting-event reports.
Market quotations.
News ticker.
Sports ticker.
Stock ticker.

§ 35.3245 *Facsimile or photogram service revenue.* This account shall include the carrier's portion of revenue from the ocean-cable transmission of any matter (other than matter being transmitted at the effective rates applicable to messages) involving the use of facsimile or other reproducing equipment.

§ 35.3255 *Telephone service revenue.* This account shall include the carrier's portion of revenue from telephone operations which involve plant primarily used in ocean-cable service. (See also §§ 35.03–8 and 35.3610.)

§ 35.3299 *Other ocean-cable transmission revenues.* This account shall include the carrier's portion of revenue from ocean-cable transmission services not provided for elsewhere.

Terminal Commission Revenues

§ 35.3350 *Terminal commissions.* This account shall include the amounts of commissions receivable by the carrier for services rendered to other carriers in originating or terminating messages or for similar communication services. (See particularly §§ 35.03–20, 35.31–3, and 35.4275.)

Wire-Telegraph Nontransmission Revenues

§ 35.3410 *Leased-circuit revenue.* (a) This account shall include the carrier's portion of revenue from the use by others of wires, cables, channels, circuits, and similar wire-telegraph facilities not part of substantially complete operating systems or operating units leased to others, when the charge therefor is based on contractual rent agreements providing for definite periodic terms without regard to the extent of the service obtained by the users of such facilities. (See also §§ 35.30–3, 35.3415, and 35.3420.)

(b) The carrier's records shall be so maintained that in reports to the Commission there may be shown separately the carrier's portion of the revenue derived from the leasing of circuits for the purpose of transmission of broadcast programs by the lessee.

NOTE: The carrier's portion of revenue derived in instances in which its employees participate in (1) energizing or monitoring circuits, (2) maintaining fidelity of sound output, or (3) otherwise contributing technically to the transmission of broadcast programs (excepting the ordinary maintenance, testing, and regulating performed for all leased-wire customers) shall not be included in this account but in account 3199, "Other wire-telegraph transmission revenues."

§ 35.3415 *Measured-service revenue.* This account shall include the carrier's portion of revenue from the use, at rates available to the general public as facilities are available, of wire-telegraph facilities furnished by the carrier to provide for direct communication by customers when the charge therefor is on the basis of the measured number of impulses or words transmitted, such as telemeter service.

§ 35.3420 *Other leased-plant revenue.* This account shall include the carrier's portion of revenue from the use by others of wire-telegraph plant not provided for elsewhere. (See also §§ 35.30–3, 35.3410, and 35.3415.)

§ 35.3425 *Code-registration revenue.* This account shall include the carrier's portion of revenue from the registration of code names, titles, symbols, and addresses, and other similar code-registration services incidental to wire-telegraph operations.

§ 35.3430 *Errand-service revenue.* This account shall include the carrier's portion of revenue from the utilization of messengers in wire-telegraph services not connected with the transmission of messages.

§ 35.3435 *Money-order charges.* This account shall include the carrier's portion of revenue from charges for wire-telegraph money-order service as distinguished from revenue messages incidental to such service. (See also §§ 35.3130, 35.3230, and 35.3535.)

§ 35.3440 *Time-service revenue.* This account shall include the carrier's portion of revenue from services in connection with self-winding clocks and other synchronizing devices when such services are incidental to wire-telegraph operations.

§ 35.3499 *Other wire-telegraph nontransmission revenues.* This account shall include the carrier's portion of revenue from non-transmission services incidental to wire-telegraph operations not provided for elsewhere.

Ocean-Cable Nontransmission Revenues

§ 35.3510 *Leased-circuit revenue.* This account shall include the carrier's portion of revenue from the use by others of wires, cables, channels, circuits, and similar ocean-cable facilities not part of substantially complete operating systems or operating units leased to others when the charge therefor is based on contractual rent agreements providing for definite periodic terms without regard to the extent of service obtained by the users of such facilities. (See also §§ 35.30–3, 35.3515, and 35.3520.)

§ 35.3515 *Measured-service revenue.* This account shall include the carrier's portion of revenue from the use, at rates available to the general public as facilities are available, of ocean-cable facilities furnished by the carrier to provide for direct communication by customers when the charge therefor is on the basis of the measured number of impulses or words transmitted, such as telemeter service.

§ 35.3520 *Other leased-plant revenue.* This account shall include the carrier's portion of revenue from the use by others of ocean-cable plant not provided for elsewhere. (See also §§ 35.30–3, 35.3510, and 35.3515.)

§ 35.3525 *Code-registration revenue.* This account shall include the carrier's portion of revenue from registration of code names, titles, symbols, and addresses, and other similar code-registration services incidental to ocean-cable operations.

§ 35.3530 *Errand-service revenue.* This account shall include the carrier's portion of revenue from the utilization of messengers in ocean-cable services not connected with the transmission of messages.

§ 35.3535 *Money-order charges.* This account shall include the carrier's portion of revenue from charges for ocean-cable money-order service as distinguished from revenue messages incidental to such service. (See also §§ 35.3130, 35.3230, and 35.3435.)

§ 35.3540 *Time-service revenue.* This account shall include the carrier's portion of revenue from services in connection with self-winding clocks and other synchronizing devices when such services are incidental to ocean-cable operations.

§ 35.3599 *Other ocean-cable nontransmission revenues.* This account shall include the carrier's portion of revenue from nontransmission services incidental to ocean-cable operations not provided for elsewhere.

Other Telecommunication Revenues

§ 35.3610 *Telephone revenue; telephone systems.* (a) This account shall include the carrier's revenue from the operation of telephone systems as provided in § 35.03–8.

(b) The records supporting the entries in this account shall be so maintained as to indicate the amount applicable to each primary operating-revenue account provided in the uniform system of accounts prescribed by the Commission for telephone companies having average annual operating revenues equivalent to the estimated annual telephone revenues of the carrier. (See also §§ 35.3155 and 35.3255.)

§ 35.3625 *Radiotelegraph revenue; radiotelegraph systems.* (a) This account shall include the carrier's portion of revenue from the operation of radiotelegraph systems as provided in § 35.03–8.

(b) The records supporting the entries in this account shall be so maintained as to indicate the amount applicable to each primary operating-revenue account provided in the uniform system of accounts prescribed by the Commission for class A and class B radiotelegraph carriers (unless radiotelegraph revenues have been included properly in account 5089, "Income from foreign operations").

OPERATING-EXPENSE ACCOUNTS

INSTRUCTIONS

§ 35.41–1 *Purpose of operating-expense accounts.* The operating-expense accounts (accounts 4100 to 4499, inclusive) and the other operating-revenue deduction accounts (accounts 4900 to 4999, inclusive, except account 4945) are designed to show the cost of furnishing wire-telegraph and ocean-cable services. Of these accounts, the operating-expense accounts are designed to indicate in detail the carrier's portion of the amounts of the maintenance, conducting-operations, general, and administrative expenses. (See also §§ 35.03–8, 35.03–13, 35.03–14, 35.03–15, and 35.03–17.)

§ 35.41–2 *Basis of charges to the operating-expense accounts.* Charges to the operating-expense accounts shall be based upon the actual expenses incurred by or on behalf of the carrier. (See particularly § 35.03–18 and paragraph (b) of § 35.03–16.)

NOTE: When, for convenience in accounting, the operating-expense accounts are charged in the first instance with amounts representing items that are not properly chargeable to the accounting carrier's wire-telegraph and ocean-cable operations, such as those applicable to joint operations as referred to in § 35.03–18 or those directly applicable to telephone or radiotelegraph operations as referred to in § 35.03–8, the appropriate clearing credits shall be made in the primary accounts to which such items were originally charged. This procedure should not be followed in connection with transactions includible in account 4275, "Terminal commissions; expense credit," or account 4317, "General services, licenses, and royalties—Cr." (See also § 35.03–14.)

§ 35.41–3 *Operating expenses applicable to leased plant.* Operating expenses applicable to leased plant shall be charged by the lessee to the appropriate operating-expense accounts as provided in paragraphs (c) and (d) of § 35.30–3. (See also § 35.03–21.)

§ 35.41–4 *Subdivisions of operating-expense accounts.* (a) Carriers furnishing both wire-telegraph and ocean-cable services shall maintain separate accounts for the operating expenses applicable to each such service.

(b) Appropriate subdivisions shall be maintained for operating expenses that are directly applicable to telephone or radiotelegraph operations as provided in paragraph (c) of § 35.03–8.

(c) Each operating-expense account (except the accounts for maintenance expenses) that includes more than one of the following elements (e. g., accounts 4291 and 4295) shall be subdivided as follows:

:1 Compensation of officers and employees. (See particularly § 35.41–5.)
:2 Overheads (not includible elsewhere).
:3 Material and supplies (including supply expense).
:9 Other charges.

NOTE: Subdivisions of the accounts for maintenance expenses are prescribed in paragraph (b) of § 35.41–7.

§ 35.41–5 *Supervision and engineering.* The supervision and engineering expenses includible in the operating-expense accounts shall consist of the pay and expenses (company and railroad transportation, lodging, meals, taxicab fares and carfares, and other traveling and incidental expenses) of officers and employees of the carrier, and of consultants engaged in supervising and directing the operation and maintenance of wire-telegraph and ocean-cable plant; also office supplies for their use and other office expenses, including the maintenance of office furniture and equipment. (See also § 35.03–17.)

NOTE: The cost of direct supervision, such as by foremen or superintendents of repair gangs, and by supervisors in charge of particular operating functions, shall be included in the account or subaccount appropriate for the compensation of the employees whose work they are directing or supervising.

§ 35.41–6 *Expenses of holding or servicing departments.* The records supporting such portions of the charges to each operating-expense or other account as are incurred or recorded by departments performing holding-company activities or furnishing services (other than telegraph services performed at published tariff rates) to other carriers or affiliates under license agreements, general service contracts, or other arrangements providing for the furnishing of general accounting, engineering, financial, legal, patent, or other general services, shall be so maintained that the carrier can report separately the amount of charges included in such operating-expense accounts applicable to each such other carrier or affiliate.

§ 35.41–7 *Maintenance expenses.* (a) The cost of maintenance chargeable to the various operating-expense accounts and to the clearing accounts includes labor, materials, and overhead and other expenses incurred in maintenance work, such as:

(1) Inspecting, testing, and reporting on the condition of plant to determine the need for repairs, minor replacements, and rearrangements.

(2) Testing for, locating, and clearing trouble.

(3) Routine work (see also note A in this section) to prevent trouble such as pulling up slack, tightening guys, raking guy poles, trimming trees, straightening poles and crossarms, and cleaning and adjusting equipment.

(4) Replacing minor items of operated plant except when such items are replaced through the replacement of retirement units. (See also § 35.1–6.)

(5) Rearranging and changing the location of plant not retired.

(6) Minor repairs of materials for reuse. (See, however, §§ 35.1795 and 35.9016.)

(7) Restoring the condition of plant damaged by storm, flood, fire, accident, or other casualty. (See also § 35.2215 and note A in this section.)

(8) Restoring the condition of plant damaged by wear and tear, decay, or normal action of the elements. (See also note A in this section.)

(9) Cutting and replacing pavement, pavement base, and sidewalks in connection with repairs.

(10) Permits and privileges for maintenance work.

(11) Inspecting and testing after repairs have been made.

(12) Portion of local plant supervision attributable to maintenance.

(13) Cost of transportation, shop and store expenses, and use of tools and implements.

(14) Cost of installation, equipment changes, and similar services, for which the carrier is reimbursed in whole or in part, or for which a charge is made by the carrier.

(b) Each maintenance-expense account shall be subdivided to indicate separately the amounts of (1) "direct labor," including the compensation of employees directly engaged in maintenance work and the compensation for direct supervision by such employees as foremen or superintendents of repair gangs, (2) "supervision and other overheads," including engineering and other expenses as provided in § 35.41–5, (3) "direct material," including the cost of supplies and the amounts of supply expense applicable to the material issued, and (4) those direct charges that cannot be assigned to either labor or material. Thus the subdivisions of these accounts are as follows:

:1 Direct labor.
:2 Supervision and other overheads.
:3 Direct material (including supply expense).
:9 Other charges.

(c) Materials recovered in connection with the maintenance of plant shall be credited to the same account to which the maintenance cost was charged.

(d) Salvage and insurance recovered in connection with maintenance shall be credited to the appropriate maintenance account.

(e) If any amount of insurance recovered is relatively large and is received before the repairs have been completed, a disproportionate credit to the expense accounts may be avoided by crediting the amount of the insurance recovered to an appropriate subaccount of account 2399, "Other deferred credits," to which the cost of repairs shall then be charged to the extent covered by the insurance.

(f) Any incidental revenues received or earned, through the use of the carrier's employees or work equipment primarily engaged in maintenance work, shall be credited to the same account to which the maintenance cost was charged. Such revenues include those from the transportation of passengers or freight in or on the carrier's own transportation equipment, those from repairs made to the communication lines of other carriers, and those from other analogous operations involving the services of maintenance employees and equipment.

NOTE A: The cost of maintenance does not include the cost of replacing quantities of plant designated as retirement units in § 35.1–6–1.

NOTE B: Expenses incurred on account of property of others damaged in connection with maintenance work (except for the cost of incidentally repairing the property of others in the course of such work) shall be included in account 4325, "Injuries and damages."

NOTE C: Income from the use of work equipment of the carrier under leases that provide for exclusive possession by the lessee shall be included in account 5010, "Income from operating plant leased to others." (See particularly the note in § 35.1100.)

§ 35.41–99 *Contemplated form of operating-expense statement.* (See § 35.03–9.)

Account No. (1)	Particulars (2)	Wire-telegraph (3)	Ocean-cable (4)	Total (5)
	Maintenance expenses			
4110	Testing and regulating	$	$	$
4120	Maintenance of inside plant			
4130	Maintenance of aerial plant			
4140	Maintenance of underground plant			
4150	Maintenance of real estate			
4160	Maintenance of ocean cable			
4180	Maintenance-expense equalization			
4199	Other maintenance expenses			
	Total maintenance expenses	$	$	$
	Conducting-operations expenses			
4211	Supervision of operations	$	$	$
4212	Wages of operators			
4213	Wages of operating-office clerks			
4214	Wages of solicitors			
4215	Wages of messengers			
4219	Wages of other operating-office employees			
4221	Field-supervision expense			
4224	Advertising and soliciting expense			
4251	Messenger-uniform expense			
4259	Other messenger expense			
4260	Operating power			
4291	House service—Operating offices			
4295	Postage and stationery—Operating offices			
4299	Other supplies—Operating offices			
4311	Rents for operating offices			
4319	Rents for other facilities			
4321	Telephone company service			
4328	Terminal commission charges			
4357	Terminal commissions—Expense credit	(Red)	(Red)	(Red)
4379	Of training news (CNI) service			
4381	Traffic-damage awards			
4387	Traffic-damage expense			
4391	Rest-and-lunch rooms			
4395	Employment and training			
4399	Other conducting-operations expenses			
	Total conducting-operations expenses	$	$	$
	General expenses			
4411	Legal services	$	$	$
4415	General services, licenses, and royalties—Dr			
4417	General services, licenses, and royalties—Cr	(Red)	(Red)	(Red)
4421	Insurance			
4425	Workmen's compensation			
4427	Injuries and damages			
4437	Relief and pensions			
4441	Franchise requirements			
4499	Other general expenses			
	Total general expenses	$	$	$
	Administrative expenses			
4511	Salaries of general officers and executives	$	$	$
4520	Salaries of general office employees			
4530	Expenses of general officers and general office employees			
4599	Other administrative expenses			
	Total administrative expenses	$	$	$
	Total operating expenses	$	$	$

Amount transferred to account 4000, "Operating expenses."

PRESCRIBED ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

Maintenance Expenses

§ 35.4110 *Testing and regulating.* This account shall include the amounts of expenses incurred in patching wires, and in testing, watching, and regulating the operations of inside communication equipment; also in testing from test desks with repairmen engaged in maintenance of outside plant during the course of their work or upon its completion; and in making other tests to determine the condition of plant or to locate trouble. (See particularly § 35.41–7.)

NOTE: The expenses incurred in testing outside plant (other than the incidental inside testing indicated in the text of this account) shall be included in account 4130, "Maintenance of aerial plant," account 4140, "Maintenance of underground plant," account 4150, "Maintenance of real estate," or account 4160, "Maintenance of ocean cable," as appropriate.

§ 35.4120 *Maintenance of inside plant.* This account shall include the amounts of expenses incurred in maintaining operated plant the cost of which is includible in the accounts provided for inside communication plant and accounts 61 and 69, and similar operated plant leased from others. (See particularly § 35.41–7.)

§ 25.4130 *Maintenance of aerial plant.* This account shall include the amounts of expenses incurred in maintaining (1) operated plant the cost of which is includible in accounts 21, 22, 23, and 27, (2) similar operated plant leased from others, and (3) the right of way therefor. (See particularly § 35.41–7.)

§ 35.4140 *Maintenance of underground plant.* This account shall include the amounts of expenses incurred in maintaining (1) operated plant the cost of which is includible in accounts 24, 25, 26, 28 and 29, (2) similar operated plant leased from others, and (3) the right of way therefor. (See particularly § 35.41–7.)

§ 35.4150 *Maintenance of real estate.* This account shall include the amounts of expenses incurred in maintaining operated plant the cost of which is includible in the accounts provided for real estate (other than land used for right of way) and similar operated plant leased from others. (See particularly § 35.41–7.)

NOTE A: The cost of initial improvements in the preparation for service of either leased or purchased land, land improvements, and buildings shall be charged to the appropriate operated plant accounts, except when such improvements are of relatively minor cost or short life or the period of the lease is not more than 1 year. (See also §§ 35.1–1, 35.1–2, and 35.1–5.)

NOTE B: The cost of maintenance of land, land improvements, and buildings, the investment in which is includible in account 1610, "Miscellaneous physical property," shall be charged to account 5110, "Income from miscellaneous physical property."

NOTE C: The cost of maintenance of land used for right of way shall be charged to account 4130, "Maintenance of aerial plant," or account 4140, "Maintenance of underground plant," as appropriate.

NOTE D: Any substantial increase or decrease in partitions resulting from changes therein shall be accounted for as additions or retirements, as appropriate.

NOTE E: When partitions of a movable type are replaced by partitions of a permanent type or vice versa, the costs involved shall be accounted for through the plant and depreciation-allowance accounts.

NOTE F: The cost of minor building alterations, such as opening and closing holes in ceilings, partitions, walls, and floors, incident to the installation of equipment, shall be included in the installation cost of the equipment.

§ 35.4160 *Maintenance of ocean cable.* This account shall include the amounts of expenses incurred in maintaining transoceanic-type cable (including terminal huts or houses and the equipment contained therein) and similar operated plant leased from others. (See particularly § 35.41–7.)

§ 35.4180 *Maintenance-expense equalization.* This account shall include such amounts as the Commission may authorize or direct under an approved plan to equalize maintenance expenses as provided in § 35.2220.

§ 35.4199 *Other maintenance expenses.* This account shall include the amounts of maintenance expenses not provided for elsewhere.

Conducting-Operations Expenses

§ 35.4211 *Supervision of operations.* (a) This account shall include the compensation of officers and employees engaged in supervising or directing the operations of wire-telegraph and ocean-cable services. (See particularly paragraphs (b) and (c) of § 35.03–17; also § 35.41–5.)

(b) This account shall be subdivided between "General" (for the inclusion of the compensation of employees engaged in supervisory work at the headquarters or within geographical areas) and "Local" (for the inclusion of the compensation of employees engaged primarily in supervising or directing the operations of others in operating offices). Thus the subdivisions of this account shall be as follows:

4211:21 General supervision.
4211:22 Local supervision.

NOTE: The amounts of travel and other expenses of officers and employees whose compensation is includible in this account shall be included in account 4221, "Field-supervision expense."

§ 35.4212 *Wages of operators.* This account shall include the amounts of compensation of employees engaged primarily in the transmission of messages. (See particularly paragraphs (b) and (c) of § 35.03–17.)

§ 35.4213 *Wages of operating-office clerks.* This account shall include the amounts of compensation of employees engaged primarily in the receiving and delivering of messages at counters or by telephone and in quoting rates, collecting charges, keeping accounts, and performing other clerical duties in operating offices. (See particularly paragraphs (b) and (c) of § 35.03–17.)

§ 35.4214 *Wages of solicitors.* This account shall include the amounts of compensation of employees engaged pri-

marily in canvassing for business and interviewing customers for the purpose of promoting the further use of wire-telegraph and ocean-cable services. (See particularly paragraphs (b) and (c) of § 35.03–17; also § 35.4223.)

§ 35.4215 *Wages of messengers.* This account shall include the amounts of compensation of employees engaged primarily in the pick-up and delivery of messages and in performing errand services. (See particularly paragraphs (b) and (c) of § 35.03–17; also § 35.4239.)

§ 35.4219 *Wages of other operating-office employees.* This account shall include the compensation of employees engaged in any phase of conducting operations not provided for elsewhere. (See particularly paragraphs (b) and (c) of § 35.03–17; also §§ 35.4240, 35.4279, and 35.4285.)

§ 35.4221 *Field-supervision expense.* This account shall include the amounts of travel expenses and expenses not provided for elsewhere of officers and employees the compensation of whom is includible in account 4211, "Supervision of operations."

§ 35.4223 *Advertising and soliciting expense.* This account shall include the amounts of expenses incurred by employees whose compensation is includible in account 4214, "Wages of solicitors," and also expenses incurred in connection with commercial advertising for the purpose of promoting the further use of wire-telegraph and ocean-cable services, such as expenditures for newspaper advertising, literature, and similar items.

NOTE A: The costs of newspaper advertisements, literature, and similar expenses other than for commercial advertising purposes, such as advertisements of stock and bond issues, advertising for employees, and notices of dividends declared, shall be charged to the account appropriate for such costs.

NOTE B: The cost of flags, bunting, and similar expenses of decorating buildings shall be charged to account 9017, "House-service clearing account."

ITEMS

(See § 35.03–12)

Announcements of rate changes.
Commercial advertisements in newspapers and magazines.
Commercial advertising matter, such as posters, bulletins, booklets, and related items.
Electric current consumed in illuminating signs.
Exhibits in connection with industrial expositions, expenses of.
Expenses of canvassers, solicitors, and managers in charge of advertising and soliciting, and expenses of their office forces.
Lecture and demonstration tours for traffic-promotion purposes.
Public distribution of tariffs and notices of changes, expenses of.
Radio advertising programs.
Window displays.

§ 35.4231 *Messenger-uniform expense.* (a) This account shall include the amounts of expenses incurred in altering, repairing, cleaning, and pressing uniforms.

(b) This account shall include also the cost of uniforms purchased.

(c) Physical inventories of the uniforms in service (including surplus uniforms available for service) shall be taken each calendar year, and, if any such inventory exceeds $1,000, any adjustments to bring this account and account 65, "Messenger uniforms," into harmony with the results of such physical inventory, shall be made in accordance with the provisions of paragraphs (b) and (c) of § 35.65.

§ 35.4239 *Other messenger expense.* (a) This account shall include the amounts of expenses incurred in furnishing messenger service not provided for elsewhere.

(b) Expenses includible in this account include messenger carfare, and licenses and registration fees for bicycles and other vehicles used in messenger service.

§ 35.4240. *Operating power.* This account shall include the amounts of expenses incurred in supplying power for the operation of the wire-telegraph and ocean-cable plant. This includes the cost of power purchased, the cost of fuel and other supplies consumed, and other expenses incurred in the generation, conversion, and storage of current.

NOTE A: The cost of installation of permanent power circuits for emergency use shall be included in the appropriate plant account.

NOTE B: The expense of producing power for house-service purposes shall be included in account 9017, "House-service clearing account," or other appropriate account.

NOTE C: The compensation of employees engaged primarily in supplying operating power shall be included in account 4219, "Wages of other operating-office employees." (See paragraphs (b) and (c) of § 35.03–17.)

§ 35.4251 *House service; operating offices.* This account shall include the amounts of expenses incurred for house service of operating offices. (See the item list in § 35.9017.)

§ 35.4255 *Postage and stationery; operating offices.* This account shall include the amounts of expenses incurred for postage, message blanks, and other stationery for use in operating offices.

§ 35.4259 *Other supplies; operating offices.* This account shall include the amounts of expenses incurred for supplies used in operating offices not provided for elsewhere. (See particularly § 35.4255.)

§ 35.4261 *Rents for operating offices.* This account shall include the amounts of expenses incurred as rent for space used for operating offices.

NOTE: Repairs and taxes borne by the lessee under the terms of the lease should be charged to the appropriate maintenance and tax accounts. (See, e. g., accounts 4150, "Maintenance of real estate," and 4932, "Other taxes: operating.")

ITEMS

(See § 35.03–12)

Periodic rents (paid in cash).
Repairs (paid for lessor and deducted from cash payments of rent).
Taxes and fees (paid for lessor and deducted from cash payments of rent).

§ 35.4269 *Rents for other facilities.* This account shall include the amounts of expenses incurred as rents for the use of facilities other than space or leased plant comprising substantially complete operating systems or operating units held in exclusive possession by the carrier. It shall include rents for such facilities as ducts, conduits, material yards, poles, circuits, conductors, and transmitting and receiving equipment. (See also §§ 35.4261 and 35.5205.)

§ 35.4271 *Telephone company service.* (a) This account shall include the amounts of expenses incurred for services furnished by telephone companies.

(b) Charges to this account shall be subdivided as follows:

4271:91 Local service.
4271:92 Toll service.
4271:93 Billing and collection.
4271:99 Other telephone company service. (See notes A and B.)

NOTE A: Rents for such facilities as ducts, conduits, material yards, poles, circuits, conductors, and transmitting and receiving equipment shall be included in account 4269, "Rents for other facilities."

NOTE B: Commissions for services rendered by telephone companies or others in originating and terminating messages shall be included in account 4273, "Terminal commission charges." (See particularly §§ 35.03–20 and 35.31–3.)

§ 35.4273 *Terminal commission charges.* (a) This account shall include the amounts of commissions paid to other communication carriers, transportation companies, hotels, service stations, or other persons not employees of the carrier, for services rendered in originating and terminating messages or for similar communication services rendered to the carrier. (See particularly § 35.03–20; also §§ 35.3350 and 35.4275.)

(b) The records supporting the entries in this account shall be so maintained that in reports to the Commission there may be shown the amounts paid to (1) telephone companies, (2) other communication companies, and (3) others.

§ 35.4275 *Terminal commissions; expense credit.* This account shall include the amounts of commissions received from other carriers for services rendered in originating or terminating messages, or for similar communication services involving the incidental use of the accounting carrier's employees and facilities. (See particularly §§ 35.03–20 and 35.3350.)

§ 35.4279 *Obtaining news (CND) services.* This account shall include the amounts of expenses incurred in gathering information relative to stock and other market quotations, transactions in securities, sporting news, election returns, marine reports, and similar items subsequently disseminated to subscribers as news services.

NOTE: The compensation of employees engaged primarily in obtaining news services shall be included in account 4219, "Wages of other operating-office employees." (See paragraphs (b) and (c) of § 35.03–17.)

§ 35.4281 *Traffic-damage awards.* (a) This account shall include the amounts of obligations incurred in the settlement of damages arising out of claims of delays and errors in service, including the amounts of revenues refunded in partial or complete settlement of such claims.

(b) The records supporting the entries in this account shall be so maintained as to show the amounts of settlements made during the accounting period with respect to delayed-delivery, nondelivery, error, and other causes, separately with respect to messages and to money orders.

(c) There shall be classed as delayed-delivery claims, those arising from delays in transmission or delivery; as nondelivery claims, those arising from failure to deliver; as error claims, those arising from error in transmission or delivery, except such as may be classified as delayed-delivery or nondelivery claims; and as other types of claims, those arising from causes not shown above, such as libel, fraud, and similar bases.

NOTE A: Expenses incident to traffic-damage claims shall be included in account 4285, "Traffic-damage expense."

NOTE B: The costs incurred on account of injuries to persons and damages to the property of others shall be included in account 4325, "Injuries and damages," or other appropriate account. (See particularly paragraph (c) (5) of § 35.1–3.)

§ 35.4285 *Traffic-damage expense.* This account shall include the amounts of expenses incurred in connection with closing claims for traffic damages, including court costs, the pay and expenses of witnesses other than employees, and the legal and other expenses incurred in connection with investigating, defending, or settling traffic-damage claims.

NOTE: The pay and expenses of officers and employees of the carrier shall be excluded from this account and included in account 4211, "Supervision of operations," account 4219, "Wages of other operating-office employees," account 4221, "Field-supervision expense," or other appropriate account.

§ 35.4291 *Rest and lunch rooms.* (a) This account shall include the amounts of net costs incurred in operating rest and lunch rooms for employees, including the costs of meals provided and the costs of operating such facilities as rest rooms, quiet rooms, reading rooms, medical rooms, locker rooms, check rooms, and sleeping rooms.

(b) At cable-relay points and other places where subsistence is furnished to employees, a separate subdivision of this account shall be maintained in which shall be included the compensation of farm laborers, mess attendants, and other persons engaged in furnishing subsistence to the carrier's employees.

(c) Amounts received by the carrier for meals and other services the expense of which is included in this account, shall be credited under a separate subdivision.

§ 35.4295 *Employment and training.* (a) This account shall include the cost of training new operators and other employees, either in school or otherwise, including the wages paid them for which no service is rendered, the salaries and expenses of instructors, and the cost of supplies furnished.

(b) This account shall include also the cost of advertising for employees and the office and other expenses of personnel officers and employees engaged in interviewing and hiring applicants.

§ 35.4299 *Other conducting-operations expenses.* This account shall include the amounts of expenses incurred in conducting operations not provided for elsewhere.

General Expenses

§ 35.4311 *Legal services.* This account shall include amounts payable to persons other than officers and employees of the carrier for legal services and related expenses not includible in other operating-expense accounts or in the plant accounts. (See particularly §§ 35.4285, 35.4315, 35.4323, and 35.4325; also paragraph (c) (13) of § 35.1–3.)

NOTE: The compensation and expenses of the legal staff of the carrier shall be included in account 4410, "Salaries of general officers and executives," accounts 4420 "Salaries of general office employees," account 4430, "Expenses of general officers and general office employees," or other appropriate account. (See also § 35.03–17.)

§ 35.4315 *General services, licenses, and royalties—Dr.* (a) This account shall include the amounts of expenses incurred for services received under a license agreement, a general service contract, or other arrangement providing for the furnishing of general management, supervision, purchasing, accounting, engineering, financial, legal, patent, or other general services.

(b) The records supporting the entries in this account shall be so maintained as to show the respective amounts paid to each furnisher of the service with respect to each class of service so furnished. If the costs incurred in the first instance by the person furnishing the service are apportioned to the several recipients thereof, the records of the carrier served shall indicate the aggregate cost to the furnishing person and the method of apportionment to the recipient carrier.

§ 35.4317 *General services, licenses, and royalties—Cr.* (a) This account shall be credited with amounts accruing (other than profits realized) from services rendered others under a license agreement, a general service contract, or other arrangement providing for the furnishing of general management, supervision, purchasing, accounting, engineering, financial, legal, patent, or other general services.

(b) Minor amounts of profits from such arrangements may be included in this account. (See also § 35.5020.)

§ 35.4321 *Insurance.* (a) This account shall include the net cost (i. e., the amounts of premiums less the amounts of dividends or refunds), not provided for elsewhere, of commercial insurance including insurance to protect the carrier against losses on account of injuries to or deaths of persons other than employees and damages to owned or leased property used in wire-telegraph and ocean-cable services.

(b) This account shall also include amounts representing the current charges for self-carried insurance that are credited to account 2215, "Provisions for self-carried insurance." (See particularly the text of that account.)

(c) There shall be included in this account special costs incurred in procuring insurance, such as brokerage fees, notarial fees, and insurance inspection service, and the compensation and the travel, office, and other expenses of officers and employees engaged primarily in insurance work.

(d) In addition to the subdivisions prescribed in paragraph (c) of § 35.41–4, this account shall be further subdivided as follows (using the indicated numerals as the second digit in combination with the appropriate first digit):

1 Property-insurance premiums.
2 Other insurance premiums.
3 Self-carried insurance.
9 Other insurance expense.

(e) Among the insurable risks, the amounts of insurance premiums for protection against which are chargeable to this account, when incurred in connection with the carrier's wire-telegraph and ocean-cable operations, are the following:

INSURABLE RISKS

(See § 35.03–12)

Boiler explosion.
Burglaries, holdups, check alterations, and forgeries.
Business interruption (i. e., use and occupancy insurance).
Damages to the property of others.
Defalcation of employees and agents.
Fire, flood, storm, and other casualties to operated plant.
Injuries to or deaths of persons other than employees.
Nonperformance of contractual obligations of others.

NOTE A: All losses sustained including those covered by commercial insurance or provisions for self-carried insurance shall be charged to the allowance-for-depreciation, construction, injuries-and-damages, or other appropriate account, according to the character of the loss. Recoveries from insurance companies or others shall be credited to the particular account or accounts in which the loss covered by the insurance is includible. (See also note B in § 35.2215.)

NOTE B: Premiums on life insurance and annuities of officers and employees shall be included in account 4327, "Relief and pensions," except that when the carrier is the beneficiary the cost of such insurance shall be charged to account 5299, "Other deductions from ordinary income," or, if the carrier so elects, the cash surrender value may be included in account 1799, "Other current assets," in which event the excess of cost of the insurance over such cash surrender value shall be charged to account 5299.

NOTE C: Premiums for reinsurance of self-carried insurance shall be charged to account 2215, "Provisions for self-carried insurance."

NOTE D: Employer's liability insurance shall be included in account 4323, "Workmen's compensation."

NOTE E: Insurance applicable to construction shall be included in account 1300, "Plant under construction."

§ 35.4323 *Workmen's compensation.* (a) This account shall include the net cost (i. e., the amounts of premiums less the amounts of dividends or refunds), not provided for elsewhere, of insurance required to provide for workmen's compensation or similar employee protection in connection with wire-telegraph and ocean-cable operations, whether such insurance is provided by means of pre-

miums payable to governmental agencies or commercial insurance companies.

(b) This account shall also include amounts, based upon reasonable estimates as to the requirements thereof, that are credited to an appropriate subaccount of account 2215, "Provisions for self-carried insurance," when, under statutes to which the carrier is subject, self-insurance of risks for workmen's compensation or for employees' liability is required or permitted.

(c) This account shall include also the amounts (not provided for elsewhere) of awards, not covered by insurance, made either voluntarily or by order of a court or other authority such as a workmen's-compensation board.

(d) There shall be included in this account (1) special costs incurred in procuring insurance for workmen's compensation, such as brokerage fees, notarial fees, and insurance inspection service, (2) fees of attorneys, investigators, and adjusters in connection with workmen's compensation, (3) court costs and similar items in connection with the settlement of claims for workmen's compensation, (4) costs of furnishing medical aid to injured employees, and (5) the compensation and the travel, office, and other expenses of officers and employees primarily engaged in or specifically assigned to work in connection with procuring insurance and settling claims for workmen's compensation.

(e) In addition to the subdivisions prescribed in paragraph (c) of § 35.41–4, this account shall be further subdivided as follows (using the indicated numerals as the second digit in combination with the appropriate first digit):

1 Payments to governmental authorities.
2 Premiums to commercial insurance companies.
3 Charges for self-carried insurance.
4 Awards where bond is posted or deposit is required by statutes.
5 Awards by court or other governmental authority where no bond or deposit is posted.
6 Awards voluntarily granted by the carrier.
9 Other workmen's-compensation expense.

NOTE A: All awards made including those covered by commercial insurance or provisions for self-carried insurance shall be charged to this account or to the allowance-for-depreciation, construction, or other appropriate account, according to the character of the loss. Recoveries, if any, from insurance companies or others made by the carrier rather than directly by the employee shall be credited to the particular account or accounts in which the amount of the award was included. (See also note B in § 35.2215.)

NOTE B: Workmen's-compensation insurance and awards shall be included in account 1300, "Plant under construction," when applicable to construction, and in account 1515, "Allowance for depreciation—Wire-telegraph and ocean-cable plant," when applicable to removal costs.

NOTE C: If under the terms of the carrier's benefit plan the amount of compensation in some instances exceeds the statutory requirements, and if the continuous current segregation of such excess into account 4327, "Relief and pensions," is impracticable, the entire amount paid may be charged to this account, provided that the carrier's records are so maintained as to permit the determination of the aggregate of such excess amounts.

§ 35.4325 *Injuries and damages.* (a) This account shall include the amounts of losses (not provided for elsewhere) which occur in connection with the carrier's wire-telegraph and ocean-cable operations, including injuries to or deaths of persons other than employees, damages to the property of others (whether occasioned by fire, flood, storm, or other cause), and penalties incurred for nonperformance of contractual obligations.

(b) When an admitted liability arises on account of injuries or damages, the excess of the loss (estimated if not known) over the amount insured (whether by commercial insurance or self-carried insurance) shall be charged to this account and credited to an appropriate subaccount of account 2299, "Other provisions for future settlements." When an estimated liability has been so charged to this account, subsequent adjustments between this account and account 2299 shall be made in accordance with the provisions of § 35.03–14.

(c) This account shall include also (1) the compensation and the travel, office, and other expenses of officers and employees primarily engaged in or specifically assigned to work in connection with the settlement of claims for injuries to persons other than employees and damages to the property of others, (2) fees of attorneys, investigators, and adjusters, and (3) court costs and similar items in connection with the settlement of claims.

(d) The amounts of injury and damage payments provided for by commercial insurance or by provisions for self-carried insurance shall be credited to this account and charged to the insurer or to account 2215, "Provisions for self-carried insurance," as appropriate.

NOTE A: There shall not be included in this account the amounts of premiums for insurance. (See § 35.4321.)

NOTE B: Costs applicable to workmen's compensation shall be included in account 4323, "Workmen's compensation."

NOTE C: Losses incurred on account of traffic damages shall be included in account 4281, "Traffic-damage awards," or account 4285, "Traffic-damage expense," as appropriate.

NOTE D: The cost of incidentally repairing property of others damaged in connection with maintenance or construction work shall be included in the cost of such work.

§ 35.4327 *Relief and pensions.* (a) This account shall include pensions or other benefits paid to active and retired employees, their representatives or beneficiaries, and salaries and expenses incurred in conducting relief, benefit, and general medical departments. It shall include payments to or on behalf of employees on account of injuries or accidental death when such payments come within the scope of a carrier's general provision for employees' benefits.

(b) If the carrier has definitely undertaken by contract to pay pensions to employees when regularly retired for superannuation or disability and has established a fund to be held in trust for such pension purposes, the carrier shall charge to this account monthly amounts determined through the application of equitable actuarial factors to the current pay rolls, which, together with interest accruals on the trust funds, will as nearly as may be, provide for the payment of such pensions, or for the purchase of annuities corresponding thereto. The amounts so charged shall be concurrently credited to a separate subaccount under account 2210, "Provisions for employees' pensions and welfare." The amounts accrued in each year shall correspond to the aggregate of the amounts expended directly by the carrier for pensions or annuities during the year and amounts paid into the trust fund. The carrier shall maintain a complete record of the actuarial computations through which the accrual each month of its pension liabilities is established.

(c) Upon the adoption of the accrual plan of accounting, pension payments to employees retired before the adoption of such plan shall be charged to an existing pension reserve or to account 6120, "Extraordinary current income charges." If a carrier pays into its pension trust fund the amount of its existing pension reserve, any such amounts in excess of provision for pensions granted prior to the adoption of the accrual plan may be applied in whole or in part to the adjustment of future accrual charges.

(d) Before adopting the accrual plan of accounting for pensions the carrier shall inform the Commission of the details of its pension plan giving full statement of the facts which in its judgment establish a contractual obligation for pension payments together with the actuarial formula under which it proposes to create its pension trust fund, and also a copy of the declaration of trust under which the fund is established. Each carrier that has adopted the accrual plan of accounting for pensions shall make no change in the accounting therefor or in the method of computing the amounts of the accruals recorded in the accounts under the plan without first submitting full particulars of the proposed changes and a detailed statement of the reasons therefor to the Commission for its consideration and approval.

(e) No charges to this account shall be made in anticipation of discretionary pension payments in the future.

(f) This account shall include also, under a separate subaccount, amounts accrued to provide for the payment of termination allowances or similar benefits to employees of the carrier when such employees are laid off because of lack of work, and to provide necessary and warranted relief to former employees. Charges to this subaccount shall be made only after approval by the Commission of the carrier's plan for administering payments for these purposes and of the amount of the accruals. Amounts charged to this subaccount shall be concurrently credited to account 2210, "Provisions for employees' pensions and welfare."

(g) There shall be credited to this account that portion of each class of relief and pensions assigned to construction and custom-work labor.

ITEMS

(See § 35.03–12)

Accident, sickness, death, and other disability benefits to employees, their representatives or beneficiaries.
Employees of relief, benefit, and general medical departments, pay and expenses of.
Expenses in connection with employees' disability cases, such as hospital, nursing, and medical attendance.
Fees and retainers for medical and similar services incurred by relief, benefit, and general medical departments.
House service.
Medical supplies.
Office supplies.
Postage, printing, and stationery.
Premiums paid for group insurance for the benefit of employees or their beneficiaries.
Repairs of furniture and equipment, and cost and repairs of individual items of small value or short life.
Travel expenses.

§ 35.4341 *Franchise requirements.* (a) This account shall include the amounts of payments to governmental authorities and the cost of materials, supplies, and services furnished such authorities without reimbursement in compliance with franchise, ordinance, or similar requirements, except that communication services so furnished may be included in this account at effective rates instead of cost.

(b) This account shall include the amounts of payments for franchises running for 1 year or less after acquisition, and may include direct charges for franchises acquired at small cost.

(c) This account shall have the following subdivisions: "Cash outlays" (for the inclusion of amounts subject to cash settlement), "Communication services—Dr." and "Communication services—Cr." (for the inclusion of charges and credits, respectively, representing the amounts of revenues that would be derived at the effective rates from wire-telegraph and ocean-cable services that are furnished without direct compensation), and "Other" (for the inclusion of items not otherwise provided for). Thus, in addition to the subdivisions prescribed in paragraph (c) of § 35.41–4, this account shall be further subdivided as follows (using the indicated numerals as the second digit in combination with the appropriate first digit):

1 Cash outlays.
2 Communication services—Dr.
3 Communication services—Cr.
9 Other.

NOTE A: The cost of plant, supplies, and similar items given as an initial consideration for a franchise running for more than 1 year shall be included in the plant accounts.

NOTE B: Franchise taxes paid annually or more frequently shall be included in account 4932, "Other taxes: operating."

NOTE C: The cost of operated plant furnished to a governmental agency without charge or used by the carrier in rendering services to a governmental agency without charge shall be included in the appropriate plant accounts, and the maintenance expenses incurred in connection with such operated plant shall be charged to the appropriate maintenance accounts.

NOTE D: The cost of reconstructing, or of changing the location of, operated plant to conform with governmental requirements, including such work required under the provisions of a franchise or ordinance, shall be charged to the maintenance-expense, operated plant, and allowance-for-depreciation accounts appropriate for the work performed.

§ 35.4399 *Other general expenses.* This account shall include the amounts of operating expenses not includible in other accounts.

ITEMS

(§ 35.03–12)

Commissions paid agents for leasing space to others in buildings partly occupied by the carrier in connection with its communication operations.
Conventions and meetings of the industry, contributions for.
Fees and expenses of directors.
Patents having an estimated service life of 1 year or less and patents acquired at small cost, amounts paid for.
Research and development work, not includible in other accounts, cost of. (See also § 35.03–10.)

Administrative Expenses

§ 35.4410 *Salaries of general officers and executives.* This account shall include the amounts of compensation of officers and executives of the carrier that are properly chargeable to wire-telegraph and ocean-cable operations and are not directly applicable to a particular function. (See also §§ 35.03–17 and 35.41–5.)

§ 35.4420 *Salaries of general office employees.* This account shall include the amounts of compensation of employees engaged in the general offices of the carrier that are properly chargeable to wire-telegraph and ocean-cable operations and are not directly applicable to a particular function. (See also §§ 35.03–17 and 35.41–5.)

§ 35.4430 *Expenses of general officers and general office employees.* This account shall include the amounts of expenses incurred for the benefit of the carrier in its wire-telegraph and ocean-cable operations by general officers and executives and general office employees whose compensation is includible in account 4410, "Salaries of general officers and executives," or account 4420, "Salaries of general office employees."

§ 35.4499 *Other administrative expenses.* (a) This account shall include the amounts of expenses incurred in carrying out administrative functions that are not provided for elsewhere.

(b) Among the items includible in this account are the costs of postage, stationery, and printing for use in general offices, repairs of office furniture, rents, and other analogous expenses of general offices.

CLEARING ACCOUNTS

INSTRUCTIONS

§ 35.90–1 *Purpose of clearing accounts.* The clearing accounts are provided primarily as a medium for the distribution of certain amounts that affect more than one account.

§ 35.90–2 *Disposition of balances in clearing accounts.* (a) The balances in the clearing accounts shall be distributed to the appropriate accounts not later than the end of the calendar year unless amounts included therein appropriately affect the accounting for future periods. Such distribution shall be made by (1) transferring to the appropriate accounts all items that are known to be applicable to each such account and (2) apportioning the remaining amounts among the several accounts on an equitable basis. The carrier shall be prepared to explain at any time, particularly in its annual reports to the Commission, the practices occasioning the carrying forward of balances in these accounts as at the end of any accounting period.

(b) The undistributed balances that appropriately affect the accounting for future periods shall be stated on the balance sheet under account 1940, "Debit balances in clearing accounts," or account 2320, "Credit balances in clearing accounts," as appropriate, except that any undistributed balance in account 9016, "Supply clearing account," shall be reported on the balance sheet under account 1795, "Material and supplies." (See particularly paragraph (f) of § 35.–1795.)

§ 35.90–3 *Subdivisions of clearing accounts.* Each clearing account that includes more than one of the following elements shall be subdivided as follows:

:1 Direct labor.
:2 Supervision and other overheads.
:3 Direct material (including supply expense).
:9 Other charges.

PRESCRIBED ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

§ 35.9011 *Research and development clearing account.* (a) This account shall include the costs incurred in the operation of laboratories and experimental stations for the development of equipment, systems, and methods for use by the carrier in wire-telegraph and ocean-cable services; including the pay and expenses of employees engaged in research and development, the cost of models, the allocable portion of expenses for supervision, clerical forces, materials, supplies, rents, and other expenses incurred in maintaining general laboratories for research and experimental work. (See also § 35.03–10.)

(b) Amounts included in this account applicable to projects that have been abandoned shall be cleared by credits hereto and, when borne by the carrier shall be charged to account 6120, "Extraordinary current income charges," unless otherwise authorized or directed by the Commission.

ITEMS

(See § 35.03–12)

Compensation and expenses of employees.
Depreciation.
Heat, light, and power.
Maintenance.
Material and supplies.
Rent.
Repairs.
Royalties.
Small tools.

§ 35.9012 *Vehicle clearing account.* This account shall include the net costs incurred in the operation of (1) vehicles and other transportation equipment the cost of which is includible in account 71,

"Vehicles," and (2) similar operated plant leased from others, including depreciation and maintenance and other expenses applicable to such equipment.

NOTE: Amounts received for the use of the carrier's vehicles while in the exclusive possession of others shall be credited to account 5010, "Income from operated plant leased to others," either directly or through this account.

§ 35.9013 *Shop clearing account.* This account shall include the costs incurred in the operation of the carrier's repair shops, and shops engaged in manufacturing or in reprocessing of material, including depreciation and maintenance and other expenses applicable to such shops.

ITEMS

(See § 35.03–12)

Compensation and expenses of shop employees.
Depreciation.
Heat, light, and power.
Maintenance.
Material and supplies.
Repairs, including the cost of repairing reusable material.
Rent.
Small tools.

§ 35.9014 *Tool and implement clearing account.* (a) This account shall include the costs incurred in the operation of (1) general tools and implements the cost of which is includible in account 74, "Tools and implements," and (2) similar operated plant leased from others, including depreciation and maintenance and other expenses applicable to such equipment.

(b) This account shall include also the cost of hand and other portable tools that have relatively small value or short life when properly includible in this account under the provisions of paragraph (d) of § 35.1–1.

ITEMS

(See § 35.03–12)

Depreciation.
Maintenance.
Material and supplies.
Rent.
Small tools.

§ 35.9015 *Plant - supervision clearing account.* This account shall be used when supervisory officers or employees of the carrier are regularly assigned to duties that involve construction, maintenance, and operation work or any combination of these types of work. When so used, this account shall be charged initially with the compensation and the office and other expenses of such officers and employees. (See particularly §§ 35.03–17 and 35.41–5.)

ITEMS

(See § 35.03–12)

Books and periodicals.
Compensation and expenses of plant-supervising officers and their staffs—including engineers, office and field forces charged with planning for and superintending maintenance, construction, and plant removal work.
Heat, light, and power for offices.
Postage, printing, and stationery.
Rent and repairs of offices.
Supplies.
Tools and instruments of small value or short life.

§ 35.9016 *Supply clearing account.* (a) This account shall include the costs incurred in connection with the purchase, storage, handling, and distribution of material and supplies.

(b) Amounts includible in this account include depreciation and maintenance on equipment the cost of which is includible in account 73, "Store and warehouse equipment," transportation charges on material purchased that are impracticable of association with the particular material to which they are related, and the cost of repairing reusable material when such cost cannot be associated with the particular material to which it is related. (See also paragraph (a) (6) of § 35.41–7.)

(c) This account shall be credited with the amounts of cash or other discounts on purchases when it is impracticable to associate such discounts with the particular material to which they relate.

(d) This account shall be cleared by adding to the cost of material and supplies a suitable loading charge that will equitably distribute the amounts contained herein.

NOTE: Transportation charges on material recovered from plant shall be charged to the account to which the cost of removal is charged.

ITEMS

(See § 35.03–12)

Books and periodicals.
Compensation and expenses of purchasing agents, superintendents and supervisors of supplies, managers of stores, storekeepers, clerks, and laborers.
Customs duties and excise taxes.
Depreciation and maintenance of storeroom equipment.
Insurance against losses and damages to material and supply stock. (See also §§ 35.1795 and 35.4321 and paragraph (c) (9) of § 35.1–3.)
Inventory differences in material and supplies that cannot be assigned to specific accounts. (See also paragraph (e) of § 35.1795.)
Losses due to breakage, leakage, evaporation, and fire and other casualties to supply stock not assigned to specific accounts or distributed through the pricing of material and supplies disbursed.
Postage, printing, and stationery.
Rent and repairs of storehouses, storerooms, storage yards, and other quarters.
Supplies used.
Transportation charges, undistributed.

§ 35.9017 *House-service clearing account.* This account shall include the costs incurred in the operation of buildings and space (whether owned or rented) occupied by offices.

ITEMS

(See § 35.03–12)

Cleaning supplies.
Compensation and expenses of building superintendents and others engaged in supervising house-service operations.
Elevator service.
Heat.
Janitor service.
Light.
Postage, printing, and stationery.
Power. (See also § 35.4240.)
Refrigeration.
Rent and repairs of quarters used in the supervision of general house-service operations other than space used by janitors and similar employees in furnishing house service for a particular building.
Supplies.

§ 35.9018 *Floating-equipment clearing account.* This account shall include the net costs incurred in the operation of (1) floating equipment the cost of which is includible in account 75, "Floating equipment," and (2) similar operated plant leased from others, including depreciation and maintenance and other expenses applicable to such equipment.

NOTE: Amounts received for the use of the carrier's floating equipment while in the exclusive possession of others shall be credited to account 5010, "Income from operated plant leased to others," either directly or through this account.

§ 35.9019 *Railway-equipment clearing account.* This account shall include the net costs incurred in the operation of (1) railway equipment the cost of which is includible in account 76, "Railway equipment," and (2) similar operated plant leased from others, including depreciation and maintenance and other expenses applicable to such equipment.

NOTE: Amounts received for the use of the carrier's railway equipment while in the exclusive possession of others shall be credited to account 5010, "Income from operated plant leased to others," either directly or through this account.

RETIREMENT UNITS

§ 35.1–6–1 *List of units to be used in connection with the accounting provided in § 35.1–6.* (a) The following list of retirement units shall not be considered as determining the classification of plant (see § 35.03–12) or as property units for use in continuous property records (see § 35.1–8), but shall be used in connection with the accounting for operated plant retired (see § 35.1–6).

(b) Elimination of or substitution for retirement units listed herein may not be performed without specific authority by the Commission except that retirement units which are not combinations of the listed retirement units may be added without such authority and carriers may account for listed units as maintenance when of small cost and not complete units of operated plant.

(c) This list shall be expanded by the carrier to include complete units of operated plant not shown herein.

(d) The carrier shall report to the Commission, within 90 days after June 30 of each year, and as at that date, all additions which have been made to the list under this authority, all units included in the list which have become obsolete, either as to technical titles or as to use in communication service, and the units which the experience of the carrier has shown to involve a small cost only. These reports should include such other information concerning the list as the carrier may desire to place before the Commission with requests for appropriate action by the Commission in the matters described.

(e) The article "a," "an," or "the," as appropriate, should be read in connection with each retirement unit listed herein.

OUTSIDE PLANT

Land Used for Right of Way (Account 11)

Parcel—any size.

Land Improvements (Account 14)

Barrier or fence, snow—complete length of or section of.
Bench (park, tennis court, etc.).
Billboard or sign (isolated outdoor signs not associated with buildings or other structures).
Bridge or trestle, foot or road.
Court, tennis—complete.
Curbing—continuous length of 50 feet or more.
Fence or wall—continuous length of 50 feet or more.
Gate, ornamental.
Hedge—continuous length of 50 feet or more.
Lane or cleared area (forest fire protection)—parcel of any size.
Lawn—complete.
Lighting system, yard—complete; or
  Cable, buried—continuous length of 300 feet or more.
  Fixtures, light—all in one yard.
  Pole, post, or standard (with or without appurtenances).
Platform, loading (associated with a railroad spur or siding—not part of a building)—complete.
Pole, flag.
Pool, swimming (outdoor—not part of a building)—complete.
Roadway—continuous length of 50 feet or more.
Sidewalk—continuous length of 50 feet or more.
Spur or siding, railroad—complete.
Stand or pit (outdoor), car-washing or greasing.
Track, railroad—continuous length of 50 feet or more.
Trees, shrubbery, etc.—entire group in a specific area.

Buildings (Account 15)

Building—complete; or
  Boiler.
  Conveying system, coal or ash.
  Elevator—complete with operating mechanism.
  Equipment (items, such as the following, with or without associated wiring, control equipment, etc.):
    Compressor.
    Drum, elevator.
    Engine.
    Fan, ventilating.
    Generator.
    Motor.
    Pump.
    Turbine.
    Washer, air.
  Fire escape—complete.
  Floor covering for one room.
  Furnace.
  Gas burner system.
  Heater, hot-water.
  House lighting or power board.
  Oil burner system.
  Roof (with or without supporting members)—entire.

NOTE A: A building of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of buildings to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.

Stoker, autotmatic.
Tank, oil.
Window, metal—complete (i. e., box, frame, and sash).

NOTE B: In addition to the above units of property, material (i. e., portions of buildings, equipment, fixtures, etc.) installed and retired, and the labor and incidental costs involved in connection with work of the following character, shall be handled through the plant and depreciation allowance accounts:

(1) Changes in the type of operation of elevator systems, e. g., a change from manual to automatic control of cars, from manual to power operation of doors, from low speed to high speed, from direct to alternating current, from hydraulic to electric operation, from one type of signaling or dispatching system to another.

(2) Relocation of toilet rooms, battery rooms, kitchens, terminal rooms, machine rooms, transformer vaults, etc.

(3) Structural changes such as: (a) Reinforcements of floors, roofs, bearing walls, footings, and foundations; (b) additions or relocations of elevator shafts, stairways, fire exits, and vaults, but excluding switchboard cable holes and slots; and (c) building alterations required for fire protection and other safety measures.

(4) Changes in the type of electric current supply, or of ventilating, air conditioning, or similar systems.

(5) Building enlargements.

(6) Replacements of the following character—

(a) Replacements of plumbing or heating pipes (with or without associated valves) except when necessitated by minor repairs or minor relocations of fixtures.

(b) Replacements of all or substantially all the lighting fixtures (with or without associated wiring and conduit) in one operating or equipment room or, in the case of office space, on one floor of a building.

(c) General replacements (throughout a building or throughout an entire portion erected at one time) of items such as supply, return, or air valves in heating systems; hot or cold water valves or faucets; and plumbing, heating, or drainage traps.

Poles (Account 21)[1]

Cross arm (i. e. wooden cross arm, guard arm or cable cross arm, including extension arms), with or without associated braces and other hardware.
Fixture, special (i. e., a bridge fixture, a tower or other special river crossing or long-span fixture), with or without associated anchors, guys, etc.
Pole (i. e., line pole, brace pole, guy pole, or pole forming part of an A or H fixture), with or without associated anchors, guys, steps, etc.

Aerial Wire (Account 22)[1]

Antenna, with or without supports—complete.
Equipment such as loading coils, building-out condensers, carrier-line filters, or auto-transformers—case.
Underground dip cable, between poles and/or buildings—section of.
Wire (with or without associated steel pins, insulators, transposition brackets, etc.)—one mile or more of one bare wire, or one thousand (1,000) feet or more of one insulated wire.

[1] Ocean-cable carriers may, with respect to pole lines and cables located outside the continental United States, consider as retirement units (1) one entire land section of cable or one continuous mile thereof, whichever is less, and (2) one continuous mile of pole line with or without associated cable, wire, cross-arms, and fixtures.

RETIREMENT UNITS

Aerial Cable (Account 23)[1]
Underground Cable (Account 24)[1]
Buried Cable (Account 25)[1]
Submarine Cable (Account 26)[1]
House Cable (Account 27)[1]
Ocean Cable (Account 31)[1]

Span of cable, with or without associated suspension strand, clamps, rings, etc. (The term "a span" shall include a length of cable from a "Y" splice not located at a pole to a pole or building).
Section or run of cable, with or without associated elements and parts, as follows:

(1) Between a manhole, handhole, or service box and a pole, building, fence, wall, or the junction with house cable.

(2) Between manholes, handholes, or service boxes; or between an office cable vault and an office manhole.

(3) Between a cable vault or an office manhole and the junction with the main frame terminating cables.

(4) A section of buried cable 300 feet or more in length, or a section of buried cable between manholes, splicing boxes, or pedestals.

(5) All of a continuous run of one size of house cable. ("All of a continuous run of one size" means a section between splices other than straight splices).

(6) All of a continuous run of one size of block cable, i. e., cable attached to buildings, walls, or fences. ("All of a continuous run of one size" means a section between splices other than straight splices).

(7) All of a submarine cable for one crossing; or a section of submarine cable 300 feet or more in length.

(8) A section of underground dip cable between poles and/or buildings, or the appropriate units listed above.

(9) A section of ocean cable between two terminal points, or a section involved in rerouting such cable.

Any length of cable which is a continuation of a unit of cable and is replaced with such unit.
Any length of cable connected with but not a part of a terminal, or a case of equipment such as loading coils when replaced with the terminal or case of equipment.
Main frame terminating cables (generally silk and cotton insulated)—All the cables including forms used for terminating one outside cable. Anchorage, submarine cable.
Cross connecting frame, underground or buried cable.
Equipment such as loading coils, building-out condensers, carrier-line filters, or auto-transformers—case.
Frame, submarine or house cable terminating.
Fuse pot.
Hut or house, submarine cable.
Terminal (cable), protected or unprotected, with or without associated balcony, pole seat, pedestal, etc.—complete.
Terminal (pressure contactor), with or without contactor.

Underground Conduit (Account 28)

Conduit, section of—

(1) Between two manholes, handholes, or service boxes.

(2) Between a manhole, handhole, or service box and a pole or building.

(3) Between an office cable vault and an office manhole.

(4) Underground dips—between two poles; between a pole and a building; between two buildings; or units (1) and (2) above.

Manhole, handhole, or service box.

NOTE: When a manhole is reconstructed, i. e., enlarged or changed in design, the in-

vestment representing the portions of the manhole removed, whether or not replaced, shall be written off to the depreciation allowance account.

Pneumatic Tubes (Account 29)

Manhole or handhole.
Tubing, with or without protective covering, section of—

(1) Between two manholes or handholes.
(2) Between a manhole or handhole and a building or the junction with a house tube line.
(3) A section of buried tubing 300 feet or more in length.
(4) Any length of tubing that is a continuation of a unit of tubing and is replaced with such unit.

Vehicles (Account 71)

Each complete item of equipment (the original cost of which was charged to the plant account), such as—

Automobile, passenger.
Derrick, pole.
Earth boring machine.
Tractor.
Trailer.
Truck, with or without body.
Winch, power.

Shop Equipment (Account 72)

Each principal item of shop equipment, such as—

Air compressor.
Anvil.
Bench, work.
Blower.
Boiler, with or without piping or equipment.
Boring mill.
Box, bin, or rack.
Buffer.
Cabinet, storage.
Compressed air tool.
Convertor.
Crane.
Derrick.
Drill, power.
Engine.
Fire extinguisher.
Forge.
Generator.
Gas producer.
Grinder, power.
Hammer, power.
Hoist.
Ladder.
Lathe.
Loader, power.
Locker, storage.
Milling machine.
Motor (not part of another unit).
Planer.
Power board.
Pneumatic tool.
Press.
Pump.
Pump, gasoline.
Pump, oil.
Riveter.
Saw, power.
Scale.
Shelving, movable—section of.
Spray gun.
Stocks and dies—set of.
Table, repair or paint.
Testing set, non-portable.
Time clock.
Torch.
Transmission shaft, power, with or without pulleys.
Truck, hand.
Vise.
Winch.
Wire measuring machine.

Store and Warehouse Equipment (Account 73)

Each principal item of store and warehouse equipment, such as—

Barrow.
Bench, work.
Box, bin, or rack.
Cabinet, storage.
Cart.
Conveyor.
Counter.
Crane.
Hoist.
Ladder.
Pump.
Scale.
Shelving—section of.
Tank.
Tools and implements used in a storeroom (as listed under account 74)—unit of.
Truck, hand.
Wire measuring machine.

Tools and Implements (Account 74)

Each principal item of tools and implements, such as—

Air compressor, mobile.
Back filling machine.
Blower, power.
Concrete mixer.
Crane, mobile.
Derrick, mobile.
Drill or hammer, power.
Earth boring machine (not part of a truck or tractor).
Forge, portable.
Loader, power.
Vacuum cleaner, industrial type.
Wire measuring machine.

Floating Equipment (Account 75)

Each principal item of floating equipment, such as —

Anchor chain or cable.
Barge.
Boat, life.
Boiler.
Crane or winch (loading and lifting).
Engine.
Furnishings of one cabin or room.
Generator.
Hull.
Inside communication equipment installed on floating equipment—unit of.
Mast, with or without rigging.
Motor.
Rotor.
Ship, boat, launch, or other vessel, with or without associated equipment and appurtenances.
Shop equipment installed on floating equipment—unit of.
Store and warehouse equipment installed on floating equipment—unit of.
Superstructure—all constructed at one time.

Railway Equipment (Account 76)

Each principal item of railway equipment, such as—

Body or tank, car.
Car, hand.
Car, motor driven.
Car, push.
Car, railway, with or without associated equipment and appurtenances.
Inside communication equipment installed on a railway car—unit of.
Interior furnishings of an office, bunk, sleeping, kitchen, or dining car.
Shop equipment installed on a railway car—unit of.
Store and warehouse equipment installed on a railway car—unit of.
Trucks, car—set of.
Underframe, car.
Velocipede.

Emergency Facilities (Account 77)

Each principal item of emergency facilities, such as—

Cable, emergency—continuous length of 50 feet or more.
Engine generator set—complete; or
Engine.
Generator.
Transmission equipment, portable—all the equipment in one truck or trailer.

Laboratory Equipment (Account 78)

Each principal item or an important component unit of an assembly or installation.

By the Commission.

[SEAL] W. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-3; Filed, Jan. 15, 1947; 8:46 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

JEFFERSON NATIONAL FOREST; TRANSFER OF JURISDICTION OF SURPLUS FOREST LANDS

CROSS REFERENCE: For transfer of lands from Federal Farm Mortgage Corporation to Forest Service see Surplus Property Transfer Order No. 2 of Federal Farm Mortgage Corporation in Notices section, *infra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1632]

PART 196—PHOSPHATE LEASES

LEASES OR USE PERMITS FOR MINING OF PHOSPHATE

Departmental Order No. 1294 of July 2, 1938, carried in the 1943 Cumulative Supplement as a footnote to Part 196, is hereby revoked.

(Secs. 9-12, 41 Stat. 440, 441; 30 U. S. C 211-214)

FRED W. JOHNSON,
Acting Director.

Approved: December 31, 1946.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 47-362; Filed, Jan. 15, 1947; 8:55 a. m.]

[Circular No. 1631]

PART 148—EXCHANGES FOR THE CONSOLIDATION OR EXTENSION OF NATIONAL FORESTS

APPROVAL OF INFORMAL APPLICATIONS

Section 148.4 is amended to read as follows:

§ 148.4 *Notice to county of informal application; procedure leading to approval.* As soon as a tentative agreement has been reached between the applicant and the local national forest officer in proposed exchanges involving values in excess of $5,000 the Forest Service will cause a notice to be served either personally or by ordinary mail on the appropriate county officials of the county or counties in which the offered land and the selected land or timber are situated. The notice will give the location and area of the land offered in exchange as well as the amount of stumpage, if any, to be cut on the offered land by the applicant and the period allowed for the removal thereof. The notice will also give the location and either the acreage of the land selected or the total volume or value of timber to be cut in exchange for the offered land, together with the period in which such cutting rights are to be exercised. The county officials will be allowed 15 days from receipt of notice in which to file, in writing, with the regional forester any protests or objections to the proposed exchange. The case will then be submitted by the local national forest officer to the Regional Forester. Where the values are $5,000, or less, the foregoing notice will not be given, but the case will be submitted to the Regional Forester as soon as a tentative agreement has been reached. In either event, when approved by the Regional Forester, the case will be submitted to the Chief, Forest Service, Washington, D. C. If the Chief, Forest Service, finds the exchange to be in the public interests and that the selected land or timber does not exceed the offered land in value, he will so advise the Secretary of Agriculture, who, after consideration of the record, will advise the Secretary of the Interior whether the offered lands are chiefly valuable for national forest purposes, whether the appraised value of the land or timber selected does not exceed that of the land offered in exchange, whether any protests or objections have been filed by the county officials, and whether the proposed exchange meets with the approval of the Department of Agriculture. If a notice to the county is required under this section, the letter from the Secretary of Agriculture must be accompanied by a copy of the notice which was sent to the county officials, and by any showing made as a result of such notice. Upon receipt of the letter and accompanying papers, the Secretary of the Interior will consider both the recommendations and the protests or objections to the exchange, if any, and, unless he has reason to do otherwise, will approve the exchange, subject to the submission of acceptable title to the offered lands and to full compliance by the applicant with the regulations in §§ 148.1–148.19 (43 CFR, Cum. Supp.), and subject to any valid objections which may appear, and will notify protestants, if any, of such action. Such approval shall not preclude the consideration of additional showings made by the protesting county, or the filing of protests by others, in accordance with § 148.9. (R. S. 453, 2478; 42 Stat. 465, 43 Stat. 1090; 43 U. S. C. 2, 1201, 16 U. S. C. 485, 486)

FRED W. JOHNSON,
Acting Director.

Approved: August 19, 1946.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

Approved: September 4, 1946.

CHARLES F. BRANNEN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-358; Filed, Jan. 15, 1947; 8:55 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Ch. I]

FREQUENCY SERVICE-ALLOCATIONS TO NON-GOVERNMENT SERVICES IN 30–40 Mc BAND

REVISED PROPOSAL WITH PROVISIONS FOR ORAL ARGUMENT

JANUARY 7, 1947.

This proposal when adopted in the form set forth herein or as modified as the result of oral argument which will be held on February 3, 1947, may affect some of the rules governing the following services or proposed services and will be effective only within the continental limits of the United States:

Fixed.	Power, petroleum, etc.
Provisional.	Urban transit.
Experimental.	Fire.
General highway mobile.	Police.
Maritime mobile.	Relay press.
Geophysical.	Motion picture.
Forestry and conservation.	Aviation.

Special emergency (including highway maintenance).
Highway maintenance (shared with special emergency).
Remote pickup (relay broadcast).
Special.

In its "Report of Allocations between 25,000 kilocycles and 30,000,000 kilocycles" dated May 25, 1945 (Docket 6651), the Commission indicated that:

On the basis of an average channel width initially of 40 kc provisions will be made for the following services in the band 30 to 40 Mc:[1]

Class of station	Number of channels
Provisional and experimental	2
General highway mobile[2]	20
Maritime mobile and geophysical	4
Forestry and conservation (6 shared with maritime mobile and 6 shared with urban transit)	29
Special emergency (shared with highway maintenance)	6
Power, petroleum, etc.[3]	7
Urban transit, provisional and experimental	5
Fire	15
Police	36
Low power provisional and experimental[4]	2

[1] In addition, 11 government channels are to be designated in this band.

[2] May provide radio communication service to all types of mobile units such as marine, land vehicles, aircraft, etc. Pending final determination of the best method of operation of this service these channels will be assigned on an experimental basis—12 for development on a common carrier basis, 4 for trucks and 4 for buses, except in those cases where it is shown that a different distribution is more desirable.

[3] Other industries requiring similar radio service.

[4] Antenna input power limited to 5 watts peak.

There is at the present time an acute shortage of channels in the 30–40 Mc band. It is the Commission's belief that the use of narrower channel widths offers the only means of obtaining additional channels in this band. As a result of an Engineering Conference held in Washington, D. C., on December 2 and 3, 1946, a committee is to be set up by Panel 13 of the RTPB to study the feasibility of manufacturing on a commercial basis 20 kc channel width equipment which will meet the operational requirements of the various services as demonstrated by actual field tests. This committee will make a preliminary report to the Commission on or before August 1, 1947 and a final report on or before February 1, 1948. The Commission is deferring further consideration of this problem pending the receipt of data from this committee. If the Commission should find a change to a 20 kc channeling system necessary or desirable, that change will be announced by the Commission with ample opportunity for conversion by the services and with due allowances for equipment obsolescense problems. It is anticipated that at least one year will be required to complete a study of the 20 kc channeling problem. In the meantime frequencies will continue to be assigned on the 40 kc channeling basis.

Data furnished the Commission by industry representatives indicate in general that during the first three years of operation of mobile radio equipment, the major replacements consist of tubes; beginning with the fifth year of operation, components other than tubes require replacement; and beginning with the seventh year, the cost of maintenance of equipment is greater than the depreciation on new equipment; and further, that beginning with the fifth year, the service rendered from an operational standpoint begins to be unsatisfactory. This is an especially important consideration in the case of the safety and emergency services.

The present frequency assignments are interspersed; that is, in general, no one service is assigned two or more consecutive channels. A block system of service-allocations whereby each service is allocated its channels in one or two blocks of consecutive channels has been discussed by the Radio Technical Planning

Board but has heretofore been impracticable, according to that group, because certain government frequencies were interspersed in the non-government blocks. This situation has now been alleviated by a recent action of the Interdepartment Radio Advisory Committee. Ten additional channels now are available for allocation to the non-government services in the 30–40 Mc band, and there are no longer any single government channels in the non-government blocks of frequencies above 30.540 Mc. This now permits, for the first time, a technically sound service-allocation plan based on the block system.

There is shown below the total spectrum space between 30–40 Mc available to the non-government fixed and mobile service at the time of the Commission's "Report of Allocations between 25,000 Kilocycles and 30,000,000 Kilocycles," in May, 1945, and that now available as the result of these negotiations:

May 25, 1945	*October 18, 1946*
5,040 kc	5,440 kc

To permit maximum utilization of the readjusted spectrum space, the Commission in this proposal has provided the various services with blocks of frequencies. Those services for which duplex operation may prove to be justifiable have been provided two blocks of frequencies with appropriate frequency separation. All other services have in general been provided with but one block of frequencies, except in those cases where the over-all limits of the non-government blocks make this impracticable.

This proposal, as it is presented herein or as it may be modified as the result of the oral argument which will be held on February 3, 1947, will become effective on April 1, 1947. Representatives of the services operating in this band have expressed a desire to shift frequency as soon as possible and have indicated that three years should be sufficient to allow all users to change to a new allocations plan. Accordingly, all services for which channels have been provided in this band will be required to shift no later than July 1, 1950 to frequencies which are in accord with the final plan adopted by the Commission. A committee is to be set up by Panel 13, RTPB to study the problem of conversion from the present interspersed service-allocation plan to any block plan which may be adopted following the oral argument and advise the Commission of its findings on or before Aug. 1, 1947. The purpose of this study is to present recommendations for the transition in order that the conversion can be completed by no later than July 1, 1950 in an orderly and equitable manner. When all recommendations have been received and studied the Commission will implement a plan for transition to the new block service-allocations.

Licenses of stations operated in services for which no provisions have been made in this band will not be renewed after July 1, 1947, and it is expected that these stations will operate in accordance with current allocations for their services after that date. Remote pick-up broadcast stations currently licensed will be allowed to continue operations in this band for a reasonable period after allocations in the 25–30 Mc band have been made final in order to allow for conversion of equipment.

Oral argument on this proposal has been scheduled for February 3, 1947, at the Commission's offices, Washington, D. C. All interested parties desiring to appear at the oral argument should file with the Secretary on or before January 17, 1947, a brief outlining the statement to be presented. Fifteen copies of all such briefs should be filed in accordance with § 1.850 of the Commission's rules and regulations.

LIST OF ASSIGNMENTS BY FREQUENCY

Frequency assignments (Mc)	*Service*
30.56 Mc—Unassigned.	
30.58, 30.62	Provisional, experimental.
30.66, 30.70, 30.74, 30.78, 30.82	Provisional, experimental, urban transit.
30.86, 30.90, 30.94, 30.98, 31.02, 31.06	Urban transit, forestry-conservation.
31.10, 31.14, 31.18, 31.22, 31.26, 31.30	Maritime mobile, forestry-conservation.
31.34, 31.38, 31.42, 31.46, 31.50, 31.54, 31.58, 31.62, 31.66, 31.70, 31.74, 31.78, 31.82, 31.86, 31.90, 31.94, 31.98.	Forestry-conservation.
32.0–33.0 Mc—Government.	
33.02, 33.06, 33.10	Special emergency.
33.14	Low power provisional,[1] experimental.
33.18, 33.22, 33.26, 33.30, 33.34, 33.38	Power—petroleum, etc.[2]
33.42, 33.46, 33.50, 33.54, 33.58, 33.62, 33.66, 33.70, 33.74, 33.78, 33.82, 33.86, 33.90, 33.94, 33.98.	Fire.
34.0–35.0 Mc—Government.	
35.02	Low power provisional,[1] experimental.
35.06, 35.10, 35.14, 35.18	General highway mobile.[3]
35.22, 35.26, 35.30, 35.34	Maritime mobile—geophysical.
35.38, 35.42, 35.46, 35.50, 35.54, 35.58, 35.62, 35.66, 35.70, 35.74, 35.78, 35.82, 35.86, 35.90, 35.94, 35.98.	General highway mobile.[3]
36.0–37.0 Mc—Government.	
37.02, 37.06, 37.10, 37.14, 37.18, 37.22, 37.26, 37.30, 37.34, 37.38, 37.42.	Police.
37.46, 37.50, 37.54, 37.58, 37.62, 37.66, 37.70, 37.74, 37.78, 37.82, 37.86.	Power—petroleum, etc.[2]
37.90, 37.94, 37.98	Special emergency.
38.0–39.0 Mc—Government.	
39.02, 39.06, 39.10, 39.14, 39.18, 39.22, 39.26, 39.30, 39.34, 39.38, 39.42, 39.46, 39.50, 39.54, 39.58, 39.62, 39.66, 39.70, 39.74, 39.78, 39.82, 39.86, 39.90, 39.94, 39.98.	Police.

[1] Antenna input power limited to 5 watts peak.

[2] May provide radio communication service to all types of mobile units such as marine, land vehicles, aircraft, etc. Pending final determination of the best method of operation of this service these channels will be assigned on an experimental basis—12 for development on a common carrier basis, 4 for trucks and 4 for buses, except in those cases where it is shown that a different distribution is more desirable.

[3] Other industries requiring similar radio service.

ASSIGNABLE FREQUENCIES BY SERVICES

Low Power Provisional, Experimental—2 Channels

33.14 Mc	35.02 Mc

Provisional, Experimental—2 Channels

30.58 Mc	30.62 Mc

Provisional, Experimental, Urban Transit—5 Channels

Mc	*Mc*	*Mc*	*Mc*	*Mc*
30.66	30.70	30.74	30.78	30.82

Urban Transit, Forestry—Conservation—6 Channels

Mc	*Mc*	*Mc*	*Mc*	*Mc*	*Mc*
30.86	30.90	30.94	30.98	31.02	31.06

Forestry—Conservation—17 Channels

Mc	*Mc*	*Mc*	*Mc*	*Mc*	*Mc*
31.34	31.38	31.42	31.46	31.50	31.54
31.58	31.62	31.66	31.70	31.74	31.78
31.82	31.86	31.90	31.94	31.98	

Forestry—Conservation, Maritime Mobile—6 Channels

Mc	*Mc*	*Mc*	*Mc*	*Mc*	*Mc*
31.10	31.14	31.18	31.22	31.26	31.30

Special Emergency—6 Channels

Mc	*Mc*	*Mc*	*Mc*	*Mc*	*Mc*
33.02	33.06	33.10	37.90	37.94	37.98

Power—Petroleum, Etc.—17 Channels

Mc	*Mc*	*Mc*	*Mc*	*Mc*	*Mc*
33.18	33.22	33.26	33.30	33.34	33.38
37.46	37.50	37.54	37.58	37.62	37.66
37.70	37.74	37.78	37.82	37.86	

Fire—15 Channels

Mc	*Mc*	*Mc*	*Mc*	*Mc*
33.42	33.46	33.50	33.54	33.58
33.62	33.66	33.70	33.74	33.78
33.82	33.86	33.90	33.94	33.98

General Highway Mobile—20 Channels

Mc	*Mc*	*Mc*	*Mc*	*Mc*
35.06	35.10	35.14	35.18	35.38
35.42	35.46	35.50	35.54	35.58
35.62	35.66	35.70	35.74	35.78
35.82	35.86	35.90	35.94	35.98

Maritime Mobile, Geophysical—4 Channels

Mc	*Mc*	*Mc*	*Mc*
35.22	35.26	35.30	35.34

Police—36 Channels

Mc	*Mc*	*Mc*	*Mc*	*Mc*
37.02	37.06	37.10	37.14	37.18
37.22	37.26	37.30	37.34	37.38
37.42	39.02	39.06	39.10	39.14
39.18	39.22	39.26	39.30	39.34
39.38	39.42	39.46	39.50	39.54
39.58	39.62	39.66	39.70	39.74
39.78	39.82	39.86	39.90	39.94
39.98				

Adopted: January 7, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-361; Filed, Jan. 15, 1947; 8:55 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket Nos. 2216 and 2277]

UNITED AIR LINES, INC.; DETROIT-NEW YORK, DETROIT-ALLENTOWN NONSTOPS

NOTICE OF ORAL ARGUMENT

In the matter of the applications of United Air Lines, Inc., for authority to inaugurate nonstop services between Detroit, Mich., and New York, N. Y., and between Detroit, Mich., and Allentown, Pa., under § 238.3 of the Economic Regulations of the Board.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding is assigned to be held on January 27, 1947, 10 a. m., eastern standard time, in Room 5042 Commerce Bldg., 14th Street and Constitution Ave. NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 13, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-366; Filed, Jan. 15, 1947; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6356]

HUGH FRANCIS MCKEE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Hugh Francis McKee, Portland, Oregon, for construction permit; Docket No. 6356, File No. B5–P–3225.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1450 kc with 250 w power, at Portland, Oregon, sharing time with Station KBPS at Portland, Oregon;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine what division of operating hours between the instant applicant and Benson Polytechnic School, licensee of Station KBPS, would best serve the public interest, convenience and necessity.

It is further ordered, That Benson Polytechnic School, licensee of Station KBPS, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-373; Filed, Jan. 15, 1947; 8:50 a. m.]

[Docket Nos. 6962–6964, 7154, 7155]

ELGIN BROADCASTING CO., ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of George A. Ralston and Jerry C. Miller, d/b as The Elgin Broadcasting Company, Elgin, Illinois, Docket No. 6962, File No. B4–P–3833; Joseph Triner, et al d/b as Village Broadcasting Company, Oak Park, Illinois, Docket No. 6963, File No. B4–P–4075; Sidney H. Bliss tr/as Beloit Broadcasting Company, Beloit, Wisconsin, Docket No. 6964, File No. B4–P–4161; Vincent G. Cofey, Elgin, Illinois, Docket No. 7154, File No. B4–P–4381; Community Broadcasting Company, Oak Park, Illinois, Docket No. 7155, File No. B4–P–4382. For construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of January 1947;

The Commission having under consideration its proposed decision in the above-entitled matter; and

It appearing, that exceptions thereto and requests for oral argument have been filed;

It is ordered, That oral argument be held before the Commission en banc at 10:00 a. m., January 15, 1947, in the offices of the Commission at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-374; Filed, Jan. 15, 1947; 8:50 a. m.]

[Docket Nos. 6940, 7599]

RADIO WISCONSIN, INC., AND EDWIN MEAD

ORDER SCHEDULING ORAL ARGUMENT

In re applications Radio Wisconsin, Inc., Madison, Wisconsin, Docket No. 6940, File No. B4–P–3809; Edwin Mead, Rockford, Illinois, Docket No. 7599, File No. B4–P–4729; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of January 1947;

The Commission having under consideration its proposed decision in the above-entitled matter; and

It appearing, that exceptions thereto and requests for oral argument have been filed;

It is ordered, That oral argument be held before the Commission en banc at 10:00 a. m., January 15, 1947, in the offices of the Commission at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-375; Filed, Jan. 15, 1947; 8:50 a. m.]

[Docket Nos. 6940, 7599]

RADIO WISCONSIN, INC., AND EDWIN MEAD

ORDER DESIGNATING PETITON FOR ORAL ARGUMENT

In re applications of Radio Wisconsin, Inc., Madison, Wisconsin, Docket No. 6940, File No. B4–P–3809; Edwin Mead, Rockford, Illinois, Docket No. 7599, File No. B4–P–4729; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of January 1947;

The Commission having under consideration a petition filed December 5, 1946, by Radio Wisconsin, Inc., Madison, Wisconsin, for leave to amend its above-entitled application for construction permit (File No. B4–P–3809; Docket No. 6940), so as to specify 5 kw daytime power instead of 1 kw daytime power as presently requested in said application; and the opposition thereto filed December 11, 1946, by Edwin Mead, Rockford, Illinois; and

It appearing, that the above-entitled conflicting applications of Radio Wisconsin, Inc., Madison, Wisconsin, and Edwin Mead, Rockford, Illinois, each requests a construction permit for a new standard broadcast station at their respective cities, to be operated on 1480 kc, 1 kw power, unlimited time, with directional antenna; that said applications were designated for consolidated hearing on April 26, 1946; that, thereafter, pursuant to the Commission's public notice dated June 21, 1946 (now § 1.391 of the Commission's rules), the parties filed a waiver of right of hearing, and for determination of the applications upon the basis of the information submitted in the applications; that on October 30, 1946, the Commission adopted a proposed decision and order proposing to grant the above-entitled application of Edwin Mead, Rockford, Illinois, and to deny the above-entitled application of Radio Wisconsin, Inc., Madison, Wisconsin;

It is ordered, That said petition be and the same is hereby designated for oral argument to be held before the Commission en banc at 10:00 a. m. on January 15, 1947, in the offices of the Commission at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-376; Filed, Jan. 15, 1947; 8:50 a. m.]

[Docket Nos. 6940, 7599, 6962-6964, 7154, 7155]

RADIO WISCONSIN, INC., ET AL.

ORDER DESIGNATING PETITION FOR ORAL AGRUMENT

In re application of Radio Wisconsin, Inc., Madison, Wisconsin, Docket No. 6940, File No. B4-P-3809; Edwin Mead, Rockford, Illinois, Docket No. 7599, File No. B4-P-4729; George A. Ralson & Jerry C. Miller, d/b as The Elgin Broadcasting Company, Elgin, Illinois, Docket No. 6962, File No. B4-P-3833; Joseph Triner et al. d/b as Village Broadcasting Company, Oak Park, Illinois, Docket No. 6963, File No. B4-P-4075; Sidney H. Bliss tr/as Beloit Broadcasting Company, Beloit, Wisconsin, Docket No. 6964, File No. B4-P-4161; Vincent G. Cofey, Elgin, Illinois, Docket No. 7154, File No. B4-P-4381; Community Broadcasting Company, Oak Park, Illinois, Docket No. 7155, File No. B4-P-4382; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of January 1947;

The Commission having under consideration a petition (filed November 20, 1946) by Radio Wisconsin, Inc., requesting the Commission to consolidate for oral argument and final decision the applications of Radio Wisconsin, Inc., Madison, Wisconsin, and Edwin Mead, Rockford, Illinois (Docket Nos. 6940 and 7599), and the applications of the Elgin Broadcasting Company, Elgin, Illinois, Village Broadcasting Company, Oak Park, Illinois, Beloit Broadcasting Company, Beloit, Wisconsin, Vincent G. Cofey, Elgin, Illinois, and Community Broadcasting Company, Oak Park, Illinois (Docket Nos. 6962, 6963, 6964, 7154, and 7155);

It is ordered, That said petition be, and the same is hereby designated for oral argument to be held before the Commission en banc at 10:00 a. m., January 15, 1947, in the offices of the Commission at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-377; Filed, Jan. 15, 1947; 8:50 a. m.]

[Docket Nos. 6940, 7599]

RADIO WISCONSIN, INC., AND EDWIN MEAD

ORDER DESIGNATING PETITION FOR ORAL ARGUMENT

In re applications of Radio Wisconsin, Inc., Madison, Wisconsin, Docket No. 6940, File No. B4-P-3809; Edwin Mead, Rockford, Illinois, Docket No. 7599, File No. B4-P-4729, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of January 1947;

The Commission having under consideration a petition (filed November 18, 1946) filed by Sidney H. Bliss, d/b as Beloit Broadcasting Company, Beloit, Wisconsin, for reconsideration of the Commission's Proposed Decision of October 30, 1946, in which the Commission proposed to grant the application of Edwin Mead, Rockford, Illinois (Docket No. 7599) and to deny the application of Radio Wisconsin, Inc. (Docket No. 6940);

It is ordered, That said petition be, and the same is hereby designated for oral argument to be held before the Commission en banc at 10:00 a. m., January 15, 1947, in the offices of the Commission at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-378; Filed, Jan. 15, 1947; 8:50 a. m.]

[Docket No. 7609]

RADIO PEORIA, INC.

ORDER AMENDING ISSUES

In re application of Radio Peoria, Inc., Peoria, Illinois, Docket No. 7609, File No. B4-P-4177, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration a petition filed by the applicant, Radio Peoria, Inc., on September 20, 1946, requesting that its above entitled application for a construction permit for a new standard broadcast station at Peoria, Illinois, to operate on the frequency 970 kc, with 1 kw power, using a directional antenna unlimited time, be reconsidered and granted without hearing, and also having under consideration answers to the said petition filed by the State of Wisconsin, University of Wisconsin, licensee of Station WHA, Madison, Wisconsin, an intervenor in the above entitled proceeding, and by WAVE, Inc., licensee of Station WAVE, Louisville, Kentucky, both protesting a grant of the said petition; and

It appearing, that both the said petition of Radio Peoria, Inc., and the answer of the intervenor, University of Wisconsin (WHA), allege that interference would result from the proposed operation of the petitioner within the 0.5 mv/m contour of Station WHA;

It is ordered, That the said petition be, and it is hereby, denied.

It is further ordered, On the Commission's own motion, that the order of the Commission dated May 24, 1946, designating the above-entitled application for hearing, be, and it is hereby, amended by deleting therefrom issues numbered 1 and 2.

It is further ordered, On the Commission's own motion, that WAVE, Inc., licensee of Station WAVE, Louisville, Kentucky, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-379; Filed, Jan. 15, 1947; 8:50 a. m.]

PETITION OF CLEAR CHANNEL GROUP FOR RECONSIDERATION OF THE COMMISSION'S POLICY WITH RESPECT TO LICENSING OF STATIONS ON CLEAR CHANNELS AND CHANNELS ADJACENT TO CLEAR CHANNELS

MEMORANDUM OPINION DENYING PETITION

This matter comes before the Commission on a petition filed by the Clear Channel Group on October 8, 1946, requesting the Commission to reconsider its policy with respect to the licensing of stations to operate on clear channels and on channels adjacent to clear channels.[1] Pursuant to this policy the Commission has dismissed all applications requesting permission to operate full time on any I-A channel or to operate on such channels with power in excess of 50 kilowatts. The Commission has also, pursuant to this policy, placed in the pending files all applications for daytime operation on a I-A channel where the proposed station is more than 750 miles from the dominant station using a non-directional antenna or is beyond the 0.5 millivolt per meter 50% skywave contour of the dominant Class I-A station using a directional antenna on the frequency requested. Application for daytime operation on I-A stations within a lesser distance and all other applications are considered by the Commission on their merits.

The petition points out that under the foregoing policy the Commission has granted numerous applications for daytime operation on I-A channels and for stations on channels adjacent to I-A and I-B frequencies and that there are many such applications still pending before the Commission. The petition further points out that the order in the clear channel hearing (Docket No. 6741) places in issue the possibility of a revision of the Commission's present rules limiting maximum power to 50 kilowatts. According to the petition the licensing of daytime stations on I-A channels or the licensing of stations on channels adjacent to clear channels may have the effect "of making more difficult the grant of increased power to clear channel stations."

The Commission is of the opinion that a grant of the instant petition would not be in the public interest. If the petition were granted, it would mean that no action could be taken on any application for operation on the frequencies 610 kc to 1590 kc since all of these frequencies are either I-A channels or are adjacent (within 30 kc) to I-A channels. The net result would be to preclude the Commission to a very large extent from exercising its licensing functions.

Nor is there any valid reason for withholding action on those applications requesting authority to operate on clear channels in accordance with the Commission's policy. These applications are consistent with the Commission's rules and regulations and fulfill a definite public need. Thus, a review of the Commission's records discloses that since October 8, 1945—the date on which the Commission resumed its normal licensing following the lifting of the wartime freeze—48 construction permits for new stations have been issued for daytime operation on I-A channels and 55 construction permits for new stations have been issued for operation on I-B channels, almost all of the latter being for daytime operation. Of these 103 construction permits which have been granted, more than half (53) have been in cities having no other standard broadcast station. With the difficulty of finding room in the standard broadcast band for additional stations, it is apparent that cities without any service or with inadequate service must rely to a very large extent on daytime stations which are licensed to operate on clear channels.

Moreover, a review of the applications for daytime operation on clear channels shows that many of these applicants are also desirous of entering FM broadcasting and are utilizing their daytime operation in helping them finance their operation during the transition period until FM becomes firmly established. In the Commission's opinion this assistance to the establishment of FM broadcasting is in the public interest and is an additional reason for denying the relief requested.

The denial of the petition of the Clear Channel Group will not, in the Commission's opinion, adversely affect the outcome of the clear channel hearing. The Commission has already announced that no applications will be accepted for nighttime operation on a I-A channel until after the conclusion of the clear channel hearing; hence there is no possibility of any I-A channel being duplicated nighttime before the clear channel hearing is concluded.

So far as the possibilities of higher power are concerned, the Commission's present policy will not operate as a bar if the Commission determines to amend its rules and allow higher power. Applications for stations on I-A channels more than 750 miles from the dominant stations are placed in the pending files in accordance with the Commission's policy. Applications for stations within 750 miles of the dominant I-A station must be designated for hearing if they involve interference to the normally protected contour of the I-A station. Hence, there is only a very limited area where daytime stations can be placed so far as I-A channels are concerned.

It is of course recognized that any increase in power of existing I-A stations or the relocation of such stations may result in interference to the normally protected contour of such stations from the new daytime stations, where none exists today. However, the same situation may arise with respect to existing stations. Problems of relocation are bound to be very difficult in any event. The addition of new stations may make it somewhat more difficult. However, when it is remembered that it will always be easier to find room for daytime stations than for fulltime stations, it should not by any means prove to be insuperable to find assignments for those daytime stations in existence at the conclusion of the clear channel hearing, if a reallocation proves to be necessary.

There remains the problem involved in possible skywave interference during the daytime. Under the present rules and regulations and Standards of Good Engineering Practice, no station is protected against skywave interference during the daytime. If the power of existing I-A stations is raised substantially, it may very well be that daytime skywave interference will become a problem that should be dealt with in the rules and regulations or Standards of Good Engineering Practice. However, it should be pointed out that this will be true for existing daytime stations as well as for new stations; the problem therefore is not created by the licensing of the new stations. Moreover, the clear channel hearing includes an issue concerning possible revision of the rules and regulations governing the hours of operation of daytime stations on clear channels. Under this issue all relevant evidence can be introduced by petitioner as well as other interested persons concerning daytime skywave interference and the desirability of revising Commission rules for operation of daytime stations. Any grants that are made to daytime stations are subject to whatever changes in the rules may be made as a result of the clear channel hearing.

For the foregoing reasons the petition of the Clear Channel Group is denied.

Adopted: January 2, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-380; Filed, Jan. 15, 1947; 8:51 a. m.]

[1] On November 13, 1946, the Commission announced that it had denied the instant petition and that an opinion setting forth the Commission's reasons would be issued at a future date.

[Docket No. 8026]

LAMAR A. NEWCOMB

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Lamar A. Newcomb, Falls Church, Virginia, Docket No. 8026, File No. B2-P-5436, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 840 kc, with 250 w, power, daytime only, at Falls Church, Virginia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Rock Creek Broadcasting Corporation (File No. B2-P-5482), requesting a construction permit for a new standard broadcast station to operate on 840 kc, with 10 kw power, daytime only, employing directional antenna, at Washington, D. C., at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Rock Creek Broadcasting Corporation (File No. B2-P-5482) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-381; Filed, Jan. 15, 1947; 8:51 a. m.]

[Docket No. 8028]

ROBERT E. LIVERANCE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Robert E. Liverance, Gaffney, South Carolina, Docket No. 8028, File No. B3-P-5264, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1170 kc, with 250 w power, daytime only, at Gaffney, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Mid-Carolina Broad-

casting Company (File No. B3–P–5322), requesting a construction permit for a new standard broadcast station to operate on 1170 kc, with 1 kw power, daytime only, at Salisbury, North Carolina, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Mid-Carolina Broadcasting Company (File No. B3–P–5322) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-382; Filed, Jan. 15, 1947; 8:51 a. m.]

[Docket No. 8027]

ROCK CREEK BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Rock Creek Broadcasting Corporation, Washington, D. C., Docket No. 8027, File No. B2–P–5482, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 840 kc, with 10 kw power, daytime only, employing directional antenna, at Washington, D. C.;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Lamar A. Newcomb (File No. B2–P–5436) requesting a construction permit for a new standard station to operate on 840 kc, with 250 w power, daytime only, at Falls Church, Va., at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Lamar A. Newcomb (File No. B2–P–5436) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-383; Filed, Jan. 15, 1947; 8:51 a. m.]

[Docket No. 8033]

ORAL J. WILKINSON

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Oral J. Wilkinson, Murray, Utah, Docket No. 8033, File No. B5–P–5392, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Murray, Utah;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of G. Stanley Brewer d/b as Weber County Service Company (File No. B5–P–5462), requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Ogden, Utah, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations KOVO, Provo, Utah, and KVNU, Logan, Utah, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of G. Stanley Brewer d/b as Weber County Service Company (File No. B5–P–5462) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That KOVO Broadcasting Company, licensee of Station KOVO, Provo, Utah, and Cache Valley Broadcasting Company, licensee of Station KVNU, Logan, Utah, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-384; Filed, Jan. 15 1947; 8:51 a. m.]

[Docket No. 8024]

RADIO BROADCASTING CORP. (KTFI)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Radio Broadcasting Corporation (KTFI), Twin Falls, Idaho, Docket No. 8024, File No. B5–P–5458; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit to change the broadcast facilities of station KTFI at Twin Falls, Idaho, from 1270 kc, with 1 kw, 5 kw-LS power, unlimited time, to 1270 kc, with 5 kw power, unlimited time, employing directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Radio Television Corporation (File No. B5–P–4716; Docket No. 7753) requesting a construction permit for a new standard broadcast station to operate on 1270 kc, with 5 kw power, unlimited time, employing directional antenna at night, at Medford, Oregon at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KTFI as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KTFI as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KTFI as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KTFI as proposed would involve objectionable interference with the services proposed in the pending application of Radio Television Corporation (File No. B5–P–4716; Docket No. 7753) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KTFI as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-389; Filed, Jan. 15, 1947; 8:52 a. m.]

[Docket No. 8029]

MID-CAROLINA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Mid-Carolina Broadcasting Company, Salisbury, North Carolina, Docket No. 8029, File No. B3–P–5322, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1170 kc, with 1 kw power, daytime only, at Salisbury, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Robert E. Liverance (File No. B3–P–5264), requesting a construction permit for a new standard broadcast station to operate on 1170 kc, with 250 w power, daytime only, at Gaffney, South Carolina, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Robert E. Liverance (File No. B3–P–5264), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-385; Filed, Jan. 15, 1947; 8:51 a. m.]

[Docket No. 8034]

WEBER COUNTY SERVICE CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of G. Stanley Brewer d/b as Weber County Service Company, Ogden, Utah, Docket No. 8034, File No. B5–P–5462, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Ogden, Utah;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Oral J. Wilkinson (File No. B5–P–5392), requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Murray, Utah, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KOVO, Provo, Utah, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services

proposed in the pending application of Oral J. Wilkinson (File No. B5–P–5392) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, KOVO Broadcasting Company, licensee of Station KOVO, Provo, Utah, be, and it is hereby, made a party to the proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-386; Filed, Jan. 15, 1947; 8:52 a. m.]

[Docket No. 8025]

SEMINOLE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Louis F. Leurig and F. F. McNaughton, a partnership, d/b as Seminole Broadcasting Co., Wewoka, Oklahoma, Docket No. 8025, File No. B3–P–5270, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Wewoka, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KBIX, Muskogee, Oklahoma, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That the Oklahoma Press Publishing Co., licensee of Station KBIX, Muskogee, Oklahoma, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-387; Filed, Jan. 15, 1947; 8:52 a. m.]

[Docket No. 7709]

MAHONING VALLEY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Mahoning Valley Broadcasting Corporation, Youngstown, Ohio, Docket No. 7709, File No. B5–P–5057; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Youngstown, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WHIZ, Zanesville, Ohio, WCAE, Pittsburgh, Pennsylvania, WGAR, Cleveland, Ohio, WJTN, Jamestown, New York, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Frank R. Smith, Jr., (File No. B2–P–5428, Docket No. 7981), The WGAR Broadcasting Company (File No. B2–P–3942, Docket No. 7320), Eagle Printing Company, Inc., (File No. B2–P–4800, Docket No. 7672), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-388; Filed, Jan. 15, 1947; 8:52 a. m.]

[Docket No. 7753]

RADIO TELEVISION CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Radio Television Corporation, Medford, Oregon, Docket No. 7753, File No. B5–P–4716; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1270 kc, with 5 kw power, unlimited time, employing directional antenna at night, at Medford, Oregon:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Radio Broadcasting Corporation (KTFI) (File No. B5–P–5458), requesting a construction permit to change the broadcast facilities of Station KTFI at Twin Falls, Idaho, from 1270 kc, with 1 kw/5 kw–LS power, unlimited time, to 1270 kc, with 5 kw power, unlimited time, employing directional antenna at night, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Radio Broadcasting Corporation (KTFI) (File No. B5–P–5458) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

F. R. Doc. 47-391; Filed, Jan. 15, 1947; 8:52 a. m.]

[Docket Nos. 6222, 7185, 7292, 7456, 7533, 8000–8002, 8016]

INTERSTATE BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Interstate Broadcasting Company, Inc. (WQXR), New York, N. Y., Docket No. 8002, File No. B1–P–4506; Washita Valley Broadcasting Corporation (KWCO), Chickasha, Oklahoma, Docket No. 8000, File Nos. B3–P–4373, B3–MP–1919, B3–L–2129; El Paso Broadcasting Company (New), El Paso, Texas, Docket No. 7533, File No. B3–P–4634; Lake Broadcasting Company, Inc. (New), Gary, Indiana, Docket No. 7185, File No. B4–P–4341; New Laurel Radio Station, Inc. (WAML), Laurel, Mississippi, Docket No. 7292, File No. B3–P–4369; Kaw Broadcasting, Inc. (New), Topeka, Kansas, Docket No. 7456, File No. B4–P–3989; Unity Corporation, Inc. (WTOD), Toledo, Ohio, Docket No. 8001, File No. B4–P–5071; Pioneer Mercantile Company (KPMC), Bakersfield, California, Docket No. 6222, File Nos. B5–P–3118, B5–P–4868; Nonpareil Broadcasting Company, Council Bluffs, Iowa, Docket No. 8016, File No. B4–P–5153; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application of Nonpareil Broadcasting Company for a construction permit for a new standard broadcast station to operate on the frequency 1560 kc with 1 kw power, daytime only, at Council Bluffs, Iowa; and

It appearing, that the Commission on December 5, 1946, designated for hearing in a consolidated proceeding the other above entitled applications, all requesting unlimited time operation on the frequency 1560 kc; and

It further appearing, that the said application of Nonpareil Broadcasting Company involves daytime interference with at least one of the other said applications; namely, that of KAW Broadcasting, Inc., requesting 1 kw power, unlimited time, at Topeka, Kansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Nonpareil Broadcasting Company be, and it is hereby, designated for hearing in the above mentioned consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the above entitled application of KAW Broadcasting, Inc., or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KMMJ at Grand Island, Nebraska, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the aforesaid order of the Commission, dated December 5, 1946, designating the said unlimited time applications for hearing, be, and it is hereby, amended to include the said application of Nonpareil Broadcasting Company and that so much of paragraph 3 of the said order of December 5, 1946, as reads "section 397 (d) of the Communications Act, as amended" be, and it is hereby, amended to read "section 307 (b) of the Communications Act of 1934, as amended".

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-393; Filed, Jan. 15, 1947; 8:53 a. m.]

[Docket No. 7157]

ARKANSAS VALLEY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Arkansas Valley Broadcasting Company, Fort Smith, Arkansas, Docket No. 7157, File No. B3–P–4200; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1270 kc, with 1 kw power, using directional antenna, unlimited time, at Fort Smith, Arkansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations KTFI, Twin Falls, Idaho, and KGCU, Mandan, North Dakota, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas

and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Big Sioux Broadcasting Company (File No. B4–P–4734), requesting 1270 kc, with 1 kw power, unlimited time, using directional antenna at night, at Sioux Falls, South Dakota, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Radio Broadcasting Corporation, licensee of Station KTFI, Twin Falls, Idaho, and Mandan Radio Association, licensee of Station KGCU, Mandan, North Dakota, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–394; Filed, Jan. 15, 1947; 8:53 a. m.]

[Docket Nos. 7770, 8010]

SNOWY RANGE BROADCASTING CO., AND VOICE OF WYOMING, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED CASES

In re applications of Carroll S. Mohr, Fred O. Rice, Douglas D. Kahle, and George D. Humphrey, d/b as Snowy Range Broadcasting Company, Laramie, Wyoming, Docket No. 7770, File No. B5–P–5001; Voice of Wyoming, Inc., Laramie, Wyoming, Docket No. 8010, File No. B5–P–5532; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled applications for construction permits for new standard broadcast stations to operate on 1340 kc, with 250 w power, unlimited time, at Laramie, Wyoming;

It appearing, that on December 16, 1946 the Voice of Wyoming, Inc., submitted to the Commission its above-entitled application; and

It further appearing, that on December 17, 1946 the Commission granted without hearing the above-entitled application of Carroll S. Mohr, Fred O. Rice, Douglas D. Kahle and George D. Humphrey, d/b as Snowy Range Broadcasting Company;

It is ordered, That the action of the Commission on December 17, 1946; granting without hearing the said application of Carroll S. Mohr, Fred O. Rice, Douglas D. Kahle and George D. Humphrey, d/b as Snowy Range Broadcasting Company, be, and it is hereby, set aside; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues;

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners, and of the applicant corporation, its officers, directors and stockholders, to construct and operate the respective proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of the program service proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the stations proposed in the applications in this consolidated proceeding would involve objectionable interference with the proposed services of each other or with the service proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–392; Filed, Jan. 15, 1947; 8:53 a. m.]

[Docket Nos. 7979, 7980]

CENTRAL MICHIGAN RADIO CORP. AND FARMERS' CHEMICAL CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Central Michigan Radio Corporation, Lansing, Michigan, Docket No. 7979, File No. B2–P–4920; Farmers' Chemical Company, Kalamazoo, Michigan, Docket No. 7980, File No. B2–P–5111; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled applications requesting construction permits for new standard broadcast stations to operate on 1320 kc, with 1 kw power, unlimited time, employing directional antenna at night, at the respective locations indicated above;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WOOD, Grand Rapids, Michigan, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this consolidated proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

and, in the application of Central Michigan Radio Corporation (File No. B2–P–4920) upon the following additional issue:

8. To determine the overlap, if any, that will exist between the service areas of the proposed station at Lansing, Michigan, and of Station WELL at Battle Creek, Michigan, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That Liberty Broadcasting, Inc., licensee of Station WOOD, Grand Rapids, Michigan, be, and it is hereby, made a party to the proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–396; Filed, Jan. 15, 1947; 8:53 a. m.]

[Docket No. 7371]

CAPITAL BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of The Capital Broadcasting Company, Annapolis, Maryland, Docket No. 7371, File No. B1–P–4318; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 500 w power, Unlimited time, using directional antenna at night, at Annapolis, Maryland;

It is ordered, That, pursuant to section 309(a) of the Communications Act of 1934, as amended, the said application of The Capital Broadcasting Company (File No. B1–P–4318) be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and of station WBOC at Salisbury, Maryland and station WCAO at Baltimore, Maryland, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–395; Filed, Jan. 15, 1947; 8:53 a. m.]

[Docket No. 8039]

COASTAL BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of The Coastal Broadcasting Company, Lakeland, Florida, Docket No. 8039, File No. B3–P–5256; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 watts power, unlimited time, at Lakeland, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WIRE, Indianapolis, Indiana, WBYN, Brooklyn, New York, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station WBOC at Salisbury, Maryland and station WCAO at Baltimore, Maryland, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–397; Filed, Jan. 15, 1947; 8:53 a. m.]

[Docket No. 8019]

KITSAP G. I. BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Kitsap G. I. Broadcasters, Inc., Bremerton, Washington, Docket No. 8019, File No. B5–P–5327; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration above-entitled application requesting a construction permit for a new standard broadcast station to operate on 850 kc, with 1 kw power, daytime only, at Bremerton, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of F. L. Thornhill d/b as East Side Broadcasting Company (File No. B5–P–5363), requesting a construction permit for a new standard broadcast station to operate on 860 kc, with 250 w power, daytime only, at Kirkland, Washington, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve ob-

jectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of F. L. Thornhill d/b as East Side Broadcasting Company (File No. B5–P–5363) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-398; Filed, Jan. 15, 1947; 8:53 a. m.]

[Docket Nos. 8021, 8022]

MOUNT VERNON BROADCASTING CO. AND MOUND BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Mount Vernon Broadcasting Company, Mt. Vernon, Ohio, Docket No. 8021, File No. B2–P–5329; Mound Broadcasting Corporation, Newark, Ohio, Docket No. 8022, File No. B2–P–5486; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled applications for construction permits for new standard broadcast stations to operate on 1340 kc, with 250 w power, unlimited time, at the respective locations indicated above;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this consolidated proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-399; Filed, Jan. 15, 1947; 8:54 a. m.]

[Docket Nos. 8017, 8018]

MCKINNEY AIR ENTERPRISES, INC., AND GAINESVILLE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of McKinney Air Enterprises, Inc., McKinney, Texas, Docket No. 8017, File No. B3–P–5210; Gainesville Broadcasting Company, Inc., Gainesville, Texas, Docket No. 8018, File No. B3–P–5416; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new standard broadcast station to operate on 1580 kc, with 250 w power, daytime only, at the locations respectively indicated above;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-400; Filed, Jan. 15, 1947; 8:54 a. m.]

[Docket No. 8020]

EAST SIDE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of F. L. Thornhill d/b as East Side Broadcasting Company, Kirkland, Washington, Docket No. 8020, File No. B5–P–5363; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 860 kc, with 250 w power, daytime only, at Kirkland, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Kitsap G. I. Broadcasters, Inc. (File No. B5–P–5327), requesting a construction permit for a new standard broadcast station to operate on 850 kc, with 1 kw power, daytime only, at Bremerton, Washington, at a time and

place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Kitsap G. I. Broadcasters, Inc. (File No. B5–P–5327) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-401; Filed, Jan. 15, 1947; 8:54 a. m.]

[Docket Nos. 8031, 8032]

ROSE CAPITAL BROADCASTING CO. AND BLACKSTONE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Rose Capital Broadcasting Company, Tyler, Texas, Docket No. 8031, File No. B3–P–4975. Blackstone Broadcasting Co., Inc., Tyler, Texas, Docket No. 8032, File No. B3–P–5316; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new standard broadcast station to operate on 940 kc, with 250 w power, daytime only, at Tyler, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Kitsap G. I. Broadcasters, Inc. (File No. B5–P–5327) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-402; Filed, Jan. 15, 1947; 8:54 a. m.]

[Docket Nos. 8011, 8012]

AMERICAN BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of applications of American Broadcasting Company, Inc. (KGO), San Francisco, California, for modification of construction permit, Docket No. 8011, File No. B5–MP–2157; Denver Broadcasting Company, Denver, Colorado, for construction permit, Docket No. 8012, File No. B5–P–5141; and Modification of Broadcast License of General Electric Company (WGY), Schenectady, New York, File No. B1–S–264.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the following matters:

(1) Application of American Broadcasting Company, Inc. (File No. B5–MP–2157) requesting a modification of construction permit to authorize changes in the directional antenna of Station KGO, San Francisco, California;

(2) Application of Denver Broadcasting Company (File No. B5–P–5141) for a construction permit for a new standard broadcast station to operate on the frequency 810 kc with power of 25 kw, 50 kw-LS, using directional antenna day and night at Denver, Colorado; and

(3) Request of American Broadcasting Company (KGO) that Station WGY, Schenectady, New York, be required to install a directional antenna which would afford nighttime protection to Station KGO operating as proposed in the aforesaid application; and

It appearing, that Station WGY now operates unlimited time at Schenectady, New York, on the frequency 810 kc with 50 kw power; that Station KGO is authorized to operate unlimited time, with directional antenna, on the same frequency at San Francisco, California, with 50 kw power; and that the said request of American Broadcasting Company, Inc. pertaining to the installation of a directional antenna by Station WGY, would, if granted, be a modification of the broadcast license of Station WGY;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above entitled applications of American Broadcasting Company (KGO) and Denver Broadcasting Company be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, and that as a part of the said proceeding, and in consolidation therewith, the licensee of Station WGY, General Electric Company, be, and it is hereby, afforded the opportunity to show cause why the broadcast license issued to the said General Electric Company, for the operation of Station WGY, should not be modified so as to specify a directional antenna which would afford nighttime protection to the said proposed operation of Station KGO.

It is further ordered, That the said applications of American Broadcasting Company, Inc. (KGO) and Denver Broadcasting Company be heard upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, Denver Broadcasting Company, its officers, directors and stockholders, to construct and operate its proposed station, and the technical, financial and other qualifications of the applicant American Broadcasting Company, Inc., its officers, directors and stockholders, to construct and operate Station KGO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other

broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether ft would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations, or either of them, would involve objectionable interference with any existing broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether Station WGY, Schenectady, New York, would involve objectionable interference with the proposed operations, particularly with the operation of Station KGO as proposed, whether such interference, if any, could be eliminated by the installation of a directional antenna by Station WGY, and whether it would be in the public interest to modify Station WGY's broadcast license to specify such a directional antenna.

7. To determine whether the installations and operations proposed by the applicants would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis, which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-390; Filed, Jan. 15, 1947; 8:52 a. m.]

EXTENSION, OR REINSTATEMENT AND EXTENSION, OF CERTAIN AMATEUR LICENSES [1]

JANUARY 3, 1947.

The Federal Communications Commission has announced that on January 3, 1947, it adopted and made effective immediately its Order 115-C pertaining to amateur radio operator and station licenses. This order is comprehensive in its provisions. Except for amateur licenses which have been or subsequently are suspended, revoked, or voluntarily surrendered and to which the order does not apply, the order applies to every amateur operator and station license which was issued on or between December 7, 1938, and December 31, 1944. With regard to these licenses to which the order applies, the effect of the order is to reinstate any licenses that may have expired on or since December 7, 1946, and to extend the terms of these licenses and of unexpired licenses so that all such licenses will expire in 1948, at 3 a. m., eastern standard time, the same day and month as the date of issuance shown on the operator license. Station and operator licenses held by the same licensee will expire concurrently. Under this order, it will not be necessary for any amateur to refer to the earlier Commission Orders 115, 115-A, 115-B and 136-F. If the license was issued on or between the indicated dates, and has not been or is not subsequently suspended, revoked, or voluntarily surrendered, the application of Order 115-C is automatic and no action by the licensee is required.

The Commission also pointed out that, as a result of the fact that all amateur licenses originally issued for a three-year term were issued on or before December 31, 1945, and only five-year term licenses have been issued on and since January 1, 1946, all amateur licenses originally issued for a three-year term, whether covered by this Order 115-C or not, will expire during the year 1948.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-369; Filed, Jan. 15, 1947; 8:47 a. m.]

STANDARD BROADCAST APPLICATIONS [1]

ADOPTION OF TEMPORARY EXPEDITING PROCEDURE

JANUARY 8, 1947.

On August 16, 1946, the Commission announced the adoption of a new procedure for processing applications for standard broadcast stations. Under this procedure applications which present relatively simple engineering problems are placed in Processing Line No. 1 and those involving complicated engineering problems are placed in Processing Line No. 2. Within each processing line priority in starting the processing of applications is determined by the file number of the application.

Since that time satisfactory progress has been made with respect to Line 1. As a result, as things stand today, the time between the filing of an application which is placed in Line 1 and when it is acted upon by the Commission by granting it or designating it for hearing is between one and three months.

The progress on Line 2 has not been nearly so satisfactory. As of January 6, 1947 there were still 188 applications in this line. While this does represent an improvement over the situation which has existed in the past, it is still far from satisfactory and applications which are destined for Line 2 have no reasonable prospect even today of being acted on short of 9 to 12 months.

The main reason for the slowness in moving Line 2 cases results from the fact that these applications generally raise complex engineering questions requiring in almost all cases a complete channel survey. Channel surveys in general are difficult to make and are time-consuming. What has complicated the problem even more is that channel surveys are practically out of date before they are completed because in the meantime additional applications have been filed for operation on the frequency in question. With no immediate prospect in sight of any substantial lessening in the number of applications to be filed, it is obvious that no improvement in the movement of Line 2 applications can be expected as long as applications are continued to be accepted for filing.

In order to meet this situation, the Commission has determined to institute a temporary expediting procedure for the handling of standard broadcast applications for construction permits or modifications of permits. Any such standard broadcast application which is filed after February 7, 1947 and before May 1, 1947 will be placed in temporary pending files and will not be acted upon by the Commission nor considered by the Commission in acting upon applications filed on or before February 7, 1947. This procedure will apply not only to applications that would be placed in Line 2 but also to those would be placed in Line 1. It is necessary to include Line 1 applications as well as those in Line 2 because of the adjacent channel interference problems that are presented. In addition, except as set forth below, during the period that the temporary expediting procedure is in effect, amendments to applications that affect the engineering aspects of the application, other than equipment, will result in the application being placed in the temporary pending files. This will apply to cases in hearing as well as those not designated for hearing. The only exception to the procedure for placing in the temporary pending files applications that are filed after February 7, 1947 are applications for modification of permit the filing of which is ordered by the Commission as a condition to a grant of a construction permit and those applications for modification of permit which do not request a change of frequency, power or hours of operation and which in addition do not involve any interference to any existing station or to any proposed station.

It is the Commission's intention to act upon all applications filed on or before February 7, 1947 by May 1, 1947; all such applications will either be granted or designated for hearing. In addition, the Commission will endeavor to dispose of as many hearing cases as possible. So far as nonhearing cases are concerned, applications in Line 1 will continue to be processed as at the present time; the applications will be taken up in the order of their file number. So far as Line 2 applications are concerned, a different procedure will oe followed. Since experience has shown that in practically all such cases a channel survey is required, the Line 2 applications will be taken up channel by channel. The formula to be followed by the Commission in determining the order in which the various channels will be considered will be announced shortly after February 7.

When the Commission is ready to act on a channel survey, it will give notice to the engineers and attorneys for the applicants on that channel that an informal engineering conference will be held at a designated time and place. Representatives of applicants on adjacent channels may also be invited if this appears to be desirable. The engineers should be prepared to bring to this conference such engineering studies as are requested by the Commission.[2] All technical phases of the applications will be considered at the conference. In many cases the discussions at the conference will disclose methods by which interference can be eliminated or reduced. After the conference is concluded, the parties will be given a reasonable time (15 days if possible) to make appropriate amendments to their applications to eliminate or reduce interference. In this connection no amendments will be accepted which would change the frequency requested or which would increase power or hours of operation unless the applicant desires to have his application placed in the temporary pending files. Following such amendments a second conference will be held to consider such amendments. At this conference a committee of consulting engineers under the chairmanship of a Commission engineer will be appointed for the purpose of preparing a channel survey within a specified period. It is hoped that as a result of these conferences a channel survey can be prepared which the parties will accept as accurate. Of course, parties will not be expected to agree to the exact amount of interference that would be acceptable or that specified directional antennas will prove to be feasible in operation. Upon the completion of the survey, the applications will be presented to the Commission for action.

It should be pointed out that during the period the temporary expediting procedure is in effect, the Commission will continue to act periodically on all standard broadcast applications filed on or before February 7, 1947 and to decide as many hearing cases as possible.

Beginning with May 1, 1947, applications will once again be processed in the usual manner. Applications designated for hearing during the period the temporary expediting procedure is in effect as to which the hearing begins after such period will be subject to the rules on consolidation, intervention, petitions for reconsideration in the same manner as other applications.

The substance of the procedure which is provided for by this public notice was discussed at an informal conference held with the consulting radio engineers on January 6, 1947 in order to determine whether their cooperation and assistance could be enlisted. It is obvious from a consideration of the plan that its success depends on the Commission being able to secure the assistance of additional outside engineers, since it is not possible to provide for additional engineers within the Commission's budget. The feasibility and desirability of this procedure was endorsed by these consulting engineers and they have promised their fullest support and cooperation.

The Commission is of the opinion that the temporary expediting procedure will not result in any prejudice to the rights of applicants. All interested persons will have until February 7, 1947 to file any applications they intend to file. As a result of the procedure the Commission will be enabled to move all applications now on file, or which may be filed on or before February 7, 1947. In addition, it should be possible to expedite decisions on cases in hearing. Finally, as a result of the removal of the backlog, applications which are placed in the temporary pending files as well as those filed after May 1, 1947 should receive much more expeditious consideration than is now possible and indeed Line 2 cases placed in the temporary pending files will in all probability receive earlier action as a result of the new procedure than they could have received were they required to wait the 9 or 12 months necessary for action on Line 2 cases under present procedure.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-370; Filed, Jan. 15, 1947; 8:47 a. m.]

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[1] Part 12—Rules Governing Amateur Radio Service.

[1] Part 1—Rules Relating to Organization and Practice and Procedure, § 1.373.

[2] In this connection, if no substantial changes are suggested in the proposed amendments to the Standards of Good Engineering Practice as adopted on December 20, 1946, the Commission will make such amendments effective by February 10, 1947 so that the engineering data at the conference may be submitted on the basis of the new standards.

FEDERAL FARM MORTGAGE CORPORATION

[Surplus Property Transfer Order 2]

JEFFERSON NATIONAL FOREST

TRANSFER OF JURISDICTION OF SURPLUS FOREST LANDS

Transferring jurisdiction of surplus forest lands in the Jefferson National Forest, Virginia, to the Forest Service pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765).

Whereas, the following described lands, title to which was acquired by the United States of America in the condemnation suit entitled United States of America vs. 1830.62 acres of land, more or less, in Botetourt County, Virginia, Triton Chemical Company, Inc., et al., Civil No. 60, situate within the exterior boundaries of the Jefferson National Forest have been declared surplus and classified as forest lands pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765):

All that certain piece or parcel of land lying in the County of Botetourt near Glen Wilton, Virginia, bounded and described in plat and survey made by S. S. Lynn, State Certified Surveyor, December, 1940. Beginning at a point 1, said point being and old iron rail set just North of some large rocks and a little southeast of a larger rock; thence South 48 degrees East 2472 feet to point 2, an iron rod; thence South 59 degress 45 minutes East 2821 feet to point 3, a dead locust; thence North 26 degrees 05 minutes East 1049 feet to point 4, a black oak; thence South 23 degrees 34 minutes East 614 feet to point 5, a larger black oak; thence North 78 degrees 51 minutes East 137 feet to point 6, a corner locust post; thence South 31 degrees 57 minutes East 353.5 feet to point 7, an iron pipe; thence South 38 degrees 35 minutes East 209 feet to point 8; thence North 31 degrees 18 minutes East 172 feet to a point; thence North 82 degrees East 40 feet to point 9 in the westerly right-of-way line of the C & O Railroad; thence 8 courses with the said right-of-way line North 19 degrees 05 minutes East 1054 feet to point 10; thence on a curve to the right, the radius of which is 3869.8 feet a distance of 518 feet to point 11; thence North 26 degrees 45½ minutes East 3876 feet to point 12; thence along a curve to the left, the radius of which is 1860.5 feet for a distance of 386.6 feet to point 13; thence North 14 degrees 50½ minutes East 300 feet to point 14; thence on a curve to the right, the radius of which is 1482.7 feet for a distance of 240 feet to point 15; thence North 24 degrees 7 minutes East 300 feet to point 16; thence North 27 degrees 07 minutes East 149 feet to point 17; thence leaving the C & O right-of-way line North 35 degrees West 1931.5 feet to point 18, a stake; thence North 88 degrees 20 minutes West 304 feet to point 19, a fat pine stake; thence North 78 degrees West 1918 feet to point 20, a stake on a flat ridge; thence North 25 degrees 45 minutes East 297 feet to point 21, a concrete post; thence by the land of the United States National Forest North 78 degrees 30 minutes West 7140 feet to point 22, a United States Forest corner on top of mountain; thence South 2 degrees West 1820 feet to point 23, a pine stake and rock pile; thence South 13 degrees West 323 feet to point 24, a rock pile near South end of a ridge; thence South 23 degrees West 883 feet to point 25, a rock pile at turn of ridge; thence South 10 degrees 12 minutes West 1952 feet to point 26, a rock 3 feet square; thence South 27 degrees 45 minutes West 1799 feet to point 27, a 30 inch rock on a larger sloping rock; thence South 14 degrees 15 minutes East 1257 feet to point 28, a red sand stone rock; thence South 51 degrees 21 minutes East 561 feet to point 29, a pine knot on steep South slope; thence South 38 degrees 15 minutes East 792 feet to point 30, a stone with a pile of rocks; thence South 78 degrees 24 minutes East 2082 feet to point 31, a stake; thence North 13 degrees 30 minutes East 1584 feet to point 1, the place of beginning.

Excepting and excluding from the above-described lands the following tracts or parcels:

1. All that certain tract or parcel of land being in the County of Botetourt, State of Virginia, near the Village of Glen Wilton and formerly known as the Superintendent's House of the Longdale Iron Company, being described as metes and bounds as follows:

Beginning at the North corner of said lot, an iron pipe; thence South 60 degrees 22 minutes East 234 feet to an iron pipe; thence South 29 degrees 38 minutes West 166.5 feet to an iron pipe in northeast edge of road; thence along the northeast edge of road North 56 degrees 1 minute West 91.5 feet to an iron pipe, North 48 degrees 12 minutes West 80 feet to a short railroad iron, North 24 degrees 26 minutes West 50 feet to a short railroad iron; thence North 6 degrees 28 minutes West 40 feet to an iron rod; thence North 26 degrees 30 minutes East 81.4 feet to the Beginning, containing 0.78 acres, more or less. Excepted in condemnation suit.

2. That portion of the above-described lands upon which a spur track of the Chesapeake and Ohio Railway is located, which land was conveyed by deed dated March 8, 1941, and recorded in Deed Book 91, Page 384 in the office of the Clerk of the Circuit Court of Botetourt County, and is more particularly described as follows:

Beginning at a point in the existing right-of-way line 50 feet northwesterly at right angles from center line of main track of the James River Sub-Division of The Chesapeake and Ohio Railway at station 5468 plus 36.3, also being 25 feet northwesterly at right angles from center line of spur track serving Triton Chemical Company, Inc., at station 2 plus 73; thence northwesterly parallel with and 25 feet from center line of spur track which is on a 10 degree 00 minute curve to the left to station 8 plus 25, continuing on a tangent North 36 degrees 04 minutes 30 seconds West to station 12 plus 37.4, continuing on a 6 degree 00 minute curve to the right to station 15 plus 39 and continuing parallel with and 25 feet from main spur track a total distance of 1379 feet, more or less, to a point opposite station 16 plus 66; thence northeasterly and radially toward center line of main spur track 13 feet; thence northwesterly parallel with and 12 feet from center line of main spur track and spur track produced which is on a curve to the right and tangent North 6 degrees 32 minutes 30 seconds West a total distance of 360 feet, more or less; thence northeasterly at right angles to center line of main spur track produced at station 20 plus 25, 21 feet; thence parallel with and 9 feet from center line of main spur track produced and main spur track on a tangent South 6 degrees 32 minutes 30 seconds East and curve to the left a total distance of 359 feet, more or less, to a point opposite station 16 plus 66; thence northeasterly and radially from center line of main spur track 31 feet; thence southeasterly parallel with and 25 feet from center line of siding and main spur track which is on a 6 degree 00 minute curve to the left to station 12 plus 37.4, continuing on a tangent South 36 degrees 04 minutes 30 seconds East to station 8 plus 25 and continuing on a 10 degree 00 minute curve to the right a total distance of 1168 feet, more or less, to a point in right-of-way line; thence South 19 degrees 07 minutes 30 seconds West on right-of-way line parallel with and 50 feet from center line of main track 228 feet, more or less, to point of Beginning and containing 1.66 acres, more or less. Excepted in condemnation suit.

3. 3.45 acres, more or less, conveyed by United States to County School Board of Botetourt County, Virginia, by deed dated October 30, 1946. Described by metes and bounds as follows:

Beginning at a point on the edge of the Virginia Highway No. 718 and the boundary line between the property of the Glen Wilton Corporation and the United States of America, also known as the Virginia Ordnance Works, Glen Wilton, Virginia, thence from said point of beginning parallel to and along said highway No. 718, North 59 degrees 45 minutes West 250 feet to a point; thence North 26 degrees 5 minutes East 600 feet to a point, thence South 59 degrees 45 minutes East 250 feet to a point on the property line between the said Glen Wilton Corporation and the said Virginia Ordnance Works Reservation; thence to and along said property line South 26 degrees 5 minutes West 600 feet to the point of beginning, containing 3.45 acres, more or less.

4. Lot No. 811 containing .70 of an acre, exclusive of the area in the road which is to be used in common with others, conveyed by the United States to Aubrey W. Keyser of Eagle Rock, Virginia by deed dated September 5, 1946. Described by metes and bounds as follows:

Beginning at a stake on the southern boundary of the 1830.62 acre tract owned by the United States of America corner to Lot No. 808 sold to Jake E. Fairburn and wife, running thence with the western boundary of Lot No. 808 North 34½ degrees East, crossing road, 270 feet to a stake corner to Lots No. 812, No. 809 and No. 808; thence with the southern boundary of Lot No. 812, North 54½ degrees West 150 feet to the line of Second Street; thence partly with the line of Second Street and partly with the eastern boundary of Lot No. 814, South 28 degrees West, crossing road, 280 feet to a stake in the aforesaid southern boundary of the 1830.62 acre tract; thence with said southern boundary, South 59 degrees 45 minutes East 116 feet to the beginning.

5. Lot No. 813 containing .60 of an acre, conveyed by the United States to Houston L. Thurston of Glen Wilton, Virginia, by deed dated September 5, 1946. Described by metes and bounds as follows:

Beginning at a stake corner to Lots No. 812, No. 809 and No. 810 and running thence with Lot No. 810, sold to Parker L. Dudley, North 34½ degrees East 162 feet; thence North 61½ degrees West 157 feet to Second Street; thence with the east side of Second Street South 28 degrees West 143 feet to a stake corner to Lot No. 812; thence with the northern boundary of Lot No. 812 South 50½ degrees East 153 feet to the beginning.

6. Lot No. 808 containing .90 of an acre, exclusive of the area in the road which is to be used in common with others, conveyed by the United States to Jake E. Fairburn and Margaret G. Fairburn, his wife, of Glen Wilton, Virginia, by deed dated September 5, 1946. Described by metes and bounds as follows:

Beginning at a stake on the southern boundary of the 1830.62 acre tract owned by the United States of America, said stake being on the west side of the road entering the property; thence with the west line of said road in a northwesterly direction 150 feet to the west side of First Street; thence with the west side of First Street North 36 degrees East 118 feet to a stake at the southeast corner of Lot No. 809; thence with same North 54½ degrees West 152 feet to a stake corner to Lots No. 809, No. 812 and No. 811; thence with Lot No. 811 sold to Aubrey W. Keyser South 34½ degrees West crossing the road 270 feet to a stake on the southern boundary of said 1830.62 acre tract; thence with said southern boundary South 54 degrees 45 minutes East 280 feet to the beginning.

7. Lot No. 807 containing .78 of an acre, conveyed by the United States to J. S. Thurston of Glen Wilton, Virginia by deed dated September 5, 1946. Described by metes and bounds as follows:

Beginning at a stake on the east side of First Street corner to the lot containing 0.78 of an acre, on which was located what was formerly known as the Superintendent's House of the Longdale Iron Company; thence with the northern boundary of said lot South 58½ degrees East 195 feet; thence North 13 degrees East 223 feet; thence North 61½ degrees West 151 feet to the east side of First Street; thence along east side of said First Street South 36 degrees West 213 feet to the place of beginning.

8. Lot No. 810 containing .66 of an acre, conveyed by the United States to Parker L. Dudley of Botetourt County, Virginia by deed dated September 5, 1946. Described by metes and bounds as follows:

Beginning at a stake on the west side of First Street corner to Lot No. 809 and running thence with the west side of First Street North 36 degrees East 172 feet to a stake; thence North 61½ degrees West 180 feet to a stake corner to Lot No. 813 sold to Houston L. Thurston; thence with the eastern boundary of said Lot No. 813, South 34½ degrees West 162 feet to a stake corner to Lots No. 813, No. 812 and No. 809; thence with the northern boundary of Lot No. 809; South 50½ degrees East 152 feet to the place of beginning.

9. Five parcels containing 75.06 acres, conveyed by the United States to Arnold M. Frazier and Lorene Frazier of Botetourt County, Virginia, by deed dated October 29, 1946. Described by metes and bounds as follows:

Tract No. 1 containing 70.98 acres. Beginning at a stake at the west corner of the school lot and thence with the outside line North 59 degrees 45 minutes West 1830 feet to the corner of lot formerly known as the Superintendent's House of the Longdale Iron Company; thence North 33 degrees East 190 feet; North 58½ degrees West 20 feet to the corner of Lot No. 807; and with the same North 19 degrees East 223 feet; North 61½ degrees West 151 feet to First Street; and with the same North 36 degrees East 152 feet; thence North 61½ degrees West 470 feet passing Lots No. 810, No. 813 and No. 815, to a stake corner to Lot No. 815, near the water tank; thence North 36 degrees East 60 feet to a stake in the center of the Dinkey R. R. and with the center of same South 78½ degrees East 100 feet; South 85½ degrees East 800 feet; North 88½ degrees East 100 feet; North 82 degrees East 239 feet to center of Plant Road; North 75¾ degrees East 100 feet; North 71 degrees East 100 feet; North 68 degrees East 100 feet; North 66 degrees East 200 feet; North 69½ degrees East 100 feet; North 83¾ degrees East 100 feet, South 87¾ degrees East 100 feet; South 77 degrees East 100 feet; South 64½ degrees East 100 feet; South 53½ degrees East 100 feet; South 42¼ degrees East 100 feet; South 31 degrees East 100 feet; South 28½ degrees East 1025 feet; to a stake in said Dinkey line; thence leave the Dinkey line South 46 degrees West 52 feet to corner; thence South 73 degrees 51 minutes West 137 feet to a Black oak; North 23 degrees 34 minutes West 61.4 feet to a black oak; thence South 26 degrees 05 minutes West 449 feet to a stake corner to the School lot; thence with the same North 59 degrees 45 minutes West 250 feet; South 26 degrees 05 minutes West 600 feet to the beginning, containing 70.98 acres according to a survey made March 26 1946.

Lot No. 809 containing .47 of an acre. Beginning at a stake on the west side of First Street corner to Lot No. 808 sold to Jake Fairburn; thence with the west side of said street North 36 degrees East 116 feet to a stake corner to Lot No. 810 sold to Parker L. Dudley; thence with the southern boundary of same North 50½ degrees West 152 feet to a stake corner to Lot No. 813 sold to Houston L. Thurston and Lot No. 812 hereinafter described; thence with the eastern boundary of Lot No. 812 South 34½ degrees West 123 feet to a stake corner to Lot No. 811 sold to Aubrey W. Keyser and Lot No. 808 sold to Jake Fairburn; thence with the northern boundary of Lot No. 808 South 54½ degrees East 150 feet to the beginning.

Lot No. 812 containing .44 of an acre. Beginning at a stake corner to Lot No. 809 described above, and corner to Lot No. 809 sold to Jake Fairburn and Lot No. 811 sold to Aubrey W. Keyser; thence with the western boundary of Lot No. 809 North 34½ degrees East 123 feet to a stake corner to Lot No. 810 sold to Parker L. Dudley and Lot No. 813 sold to Houston L. Thurston; thence with Lot No. 813 North 50½ degrees West 153 feet to a stake on the east side of Second Street; thence with the east side of Second Street South 28 degrees West 133 feet to a stake corner to Lot No. 811 sold to Aubrey W. Keyser; thence with the northern boundary of said Lot No. 811 South 54½ degrees East 150 feet to the beginning.

Lot No. 814 and a strip of land 75 feet by 380 feet adjoining said lot on the west, containing 2.17 acres, exclusive of the area in Second Street, which street is to be used in common with others. Beginning at a stake on the southern boundary of the 1830.62 acre tract owned by the United States, corner to Lot No. 811 sold to Aubrey W. Keyser; thence with the western boundary of said Lot No. 811 and partly with the western boundary of Lot No. 812 described above North 28 degrees East 360 feet to a stake on the east side of Second Street; thence North 53 degrees West to a stake on the west side of Second Street corner to Lot No. 815 hereinafter described; thence with the southern boundary of said Lot No. 815 North 53 degrees West 190 feet to the western boundary of Lot No. 814; thence North 53 degrees West 75 feet; thence South 36 degrees West, by a line parallel to the western boundary of Lot No. 814, 380 feet to the aforesaid southern boundary of the 1830.62 acre tract; thence with the same South 48 degrees East 75 feet to the western boundary of Lot No. 814; thence continuing with said southern boundary South 48 degrees East 32 feet to an iron pin and South 59¾ degrees East 225 feet to the beginning.

Lot No. 815 and a strip of land 75 feet by 194 feet adjoining said lot on the west, containing 1 acre. Beginning at a stake on the west side of Second Street corner to Lot No. 814 described above; thence with the west side of Second Street North 28 degrees East 205 feet to the southern boundary of Tract No. 1 described above; thence with said southern boundary North 61½ degrees West 173 feet to the westernmost corner of said Tract No. 1; and the northwestern corner of Lot No. 815; thence North 61½ degrees West 75 feet; thence South 36 degrees West by a line parallel to the western boundary of Lot No. 815 194 feet; thence South 53 degrees East 75 feet to the southwestern corner of Lot No. 815 corner to Lot No. 814 described above; thence with the northern boundary of Lot No. 814 South 53 degrees East 190 feet to the place of beginning. Lands being transferred by this Order to the jurisdiction of the Forest Service contain 1748.48 acres, more or less.

Subject to: 1. Existing easements for public roads, railroads, and public utilities therein; and

2. The interest conveyed by quitclaim deed dated October 29, 1946 from the United States to Arnold M. Frazier and Lorene Frazier, their heirs and assigns, both at law and in equity, in and to the log and wood dam and concrete dam located in the southern part of the 1830.62 acre tract known as the Virginia Ordnance Works near the Village of Glen Wilton, said dams being located about midway between the east and west boundaries of said tract. Also, all sources of water supplying said dams, four wells, water tank, and all pipe lines, mains, pumps, connections, pipes, valves, tanks, drains and facilities in connection with the operation of the water system on the aforesaid 1830.62 acre tract of land and with full right of ingress and egress at all times for the purpose of inspecting, constructing, maintaining, repairing, replacing, renovating and relocating any of the foregoing.

Whereas the Forest Service is desirous of acquiring administrative control and jurisdiction over the above described lands for administration as a part of the Jefferson National Forest and the acquisition has been approved by the National Forest Reservation Commission; and

Whereas, the Forest Service has caused the sum of $8200.37, which is the fair value of the lands, to be covered into the Treasury of the United States as miscellaneous receipts from funds appropriated by the Congress for the acquisition of lands under the provisions of the act of March 1, 1911 (36 Stat. 961), as amended:

Now therefore, the Federal Farm Mortgage Corporation, pursuant to the authority vested in it in the disposal of surplus agricultural or forest property, by virtue of delegations of authority issued pursuant to the provisions of the aforementioned act of 1944, does hereby transfer the aforesaid lands to the Forest Service as of this date.

In witness whereof, the Federal Farm Mortgage Corporation has, on this 13th day of December, 1946, caused these presents to be duly executed for and in its name and behalf and the seal of the said corporation to be hereunto affixed.

[SEAL] FEDERAL FARM MORTGAGE CORPORATION,
HOMER M. RESPESS,
Vice President.

Attest:

H. B. WILLIAMS,
Assistant Secretary.

[F. R. Doc. 47-364; Filed, Jan. 15, 1947; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-134, G-440, G-591]

UNITED FUEL GAS CO. ET AL.

NOTICE OF OPINION AND ORDER MAKING EFFECTIVE REDUCTION IN RATES

JANUARY 13, 1947.

City of Columbus, Ohio, complainant, v. United Fuel Gas Company, defendant, Docket No. G-134; in the matters of United Fuel Gas Company, Warfield Natural Gas Company, Cincinnati Gas Transportation Company, and Huntington Development and Gas Company, Docket No. G-440; and United Fuel Gas Company, Warfield Natural Gas Company, and Cincinnati Gas Transportation Company, Docket No. G-591.

Notice is hereby given that, on January 10, 1947, the Federal Power Commission issued its Opinion No. 145 and order making effective reduction in rates, entered December 14, 1946, in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-407; Filed, Jan. 15, 1947; 8:49 a. m.]

[Docket No. G-839]

MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF APPLICATION

JANUARY 10, 1947.

Notice is hereby given that on December 26, 1946, an application was filed with the Federal Power Commission by Michigan Consolidated Gas Company (Applicant), a Michigan corporation with its principal place of business in Detroit, Michigan, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to install additional wells, field lines and appurtenant facilities in Austin and Reed City fields, located near Big Rapids, Michigan, which fields, upon the completion of a proposed interstate natural-gas transmission pipeline project to be constructed and operated by Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin), are to be leased to and operated by and subsequently sold to Michigan-Wisconsin as gas storage fields as integral parts of said proposed pipeline project, all as hereinafter more particularly described. This application was filed pursuant to the Commission's order of November 30, 1946, in Docket No. G-669, "In the matter of Michigan-Wisconsin Pipe Line Company."

(a) Applicant seeks authorization to install the following described additional facilities in Austin Field:

(1) Twenty-seven gas wells, eight dry holes, forty wellhead-piping-and-structures units, forty well heaters, and appurtenant facilities;

(2) Field lines consisting of approximately 3,286 feet of 3-inch pipe, 17,393 feet of 4-inch pipe, 8,523 feet of 6-inch pipe, 6,295 feet of 8-inch pipe, 6,411 feet of 12-inch pipe, 1,244 feet of 16-inch pipe, and 200 feet of 24-inch pipe.

(b) Applicant seeks authorization to install the following described additional facilities, first group facilities, in Reed City Field:

(1) Twenty-five gas wells, twenty-five wellhead - piping - and - structures units, and appurtenant facilities;

(2) Field lines consisting of approximately 5,280 feet of 3-inch pipe, 8,580 feet of 4-inch pipe, 3,960 feet of 6-inch pipe, 6,600 feet of 8-inch pipe, 1,980 feet of 10-inch pipe, 1,320 feet of 12-inch pipe, and 22,012 feet of 24-inch pipe.

(c) Applicant seeks authorization to install the following described additional facilities, second group facilities, in Reed City Field:

(1) Thirty-four gas wells, fifty-nine wellhead - piping - and - structures units, eighty-three well heaters, and appurtenant facilities.

(2) Field lines consisting of approximately 15,780 feet of 3-inch pipe, 19,800 feet of 4-inch pipe, 13,320 feet of 6-inch pipe and 6,600 feet of 8-inch pipe.

Applicant states that prior to the aforementioned Commission's order of November 30, 1946, it had substantially completed the installation of the additional facilities in Austin Field, described in paragraphs (a) (1) and (a) (2) above and had completed the installation of a portion of the first group of additional facilities in Reed City Field described in paragraphs (b) (1) and (b) (2) above. It is further stated that the remainder of the facilities to be installed in Austin Field and of the first group of facilities to be installed in Reed City Field will be completed prior to January 1, 1948, and that the second group of facilities in the Reed City Field will be installed prior to January 1, 1952.

Applicant owns and operates Austin and Reed City fields and proposes to continue to operate these fields pending completion of the aforementioned proposed pipeline project to be constructed and operated by Michigan-Wisconsin, whereby natural gas is to be transported from the Hugoton Field in Texas and Oklahoma to various markets, including several districts of Applicant. Upon completion of this proposed pipeline project Michigan-Wisconsin will lease Austin and Reed City fields from Applicant and operate them as gas storage fields as integral parts of the proposed pipeline project, and will thereafter, on or before December 31, 1951, purchase such fields from Applicant. The lease, operation, and subsequent purchase of these fields by Michigan-Wisconsin are covered by a gas contract dated December 4, 1945, and a lease dated December 9, 1946, entered into between Michigan-Wisconsin and Applicant.

Applicant estimates the total over-all capital cost of all of the proposed facilities described herein to be $1,572,450, which it proposes to finance with funds from its own treasury. Of this amount, $502,250 has been expended by Applicant for that portion of the facilities described herein and already installed, leaving $1,070,200 as the total over-all capital cost of the facilities described herein which remain to be installed.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Michigan Consolidated Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-408; Filed, Jan. 15, 1947; 8:49 a. m.]

[Docket No. G-704]

TRANS-CONTINENTAL GAS PIPE LINE CO., INC.

NOTICE OF AMENDED APPLICATION

JANUARY 10, 1947.

Notice is hereby given that on December 11, 1946, Trans-Continental Gas Pipe Line Company, Inc. (Applicant), a corporation organized and existing under the laws of the State of Texas and having its principal place of business at Longview, Texas, filed with the Federal Power Commission "its First Amended Application in lieu of its Original Application filed herein on March 1, 1946" [1] and applies for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

(1) A 26-inch transmission line beginning at a point in the Old Ocean Gas Field, near Houston in Brazoria County, Texas, and proceeding northeasterly a distance of 200 miles to Applicant's proposed Compressor Station No. 1, located near the town of Hemphill in Sabine County, Texas. This 26-inch pipe line will have a capacity of 200,000,000 cu. ft. of gas per day.

(2) A 20-inch transmission line beginning from a point near the town of Carthage in the Carthage Gas Field, Panola County, Texas, and proceeding thence in a southeasterly direction a distance of approximately 65 miles to Applicant's proposed Compressor Station No. 1, near the town of Hemphill in Sabine County, Texas. This 20-inch transmission line will have a capacity of 225,000,000 cu. ft. of gas per day.

(3) A 26-inch transmission line beginning at Applicant's proposed Compressor Station No. 1, which is located near the town of Hemphill, in Sabine County, Texas, thence in a northeasterly direction a distance of approximately 1380 miles to various points of delivery located in the Eastern Seaboard area of the states of New York, New Jersey, Pennsylvania, Delaware and Maryland. This 26-inch transmission line will have a delivery capacity at its eastern end of 325,000,000 cu. ft. of gas per day.

(4) A 12-inch transmission line beginning at a point near the town of Pledger, in the Pledger Gas Field, Brazoria County, Texas, thence in a southeasterly direction a distance of approximately seven miles terminating at the intersection with the 26-inch transmission line described in paragraph (1). This 12-inch transmission line will have a capacity of 50,000,000 cu. ft. of gas per day.

(5) A 16-inch transmission line beginning at a point near the town of Alvin, in the Chocolate Bayou Gas Field, Brazoria County, Texas, thence in a northwesterly direction a distance of approximately 24 miles terminating at the intersection with the 26-inch transmission line described in paragraph (1). This 16-inch transmission line will have a capacity of 50,000,000 cu. ft. of gas per day.

(6) A 14-inch transmission line beginning at Applicant's proposed 26-inch transmission line described in paragraph (3), near the town of Baltimore, Maryland, in Baltimore County, Maryland, thence in a southeasterly direction a distance of approximately five miles to a point near the city limits of Baltimore, Maryland. This 14-inch transmission line will have a capacity of approximately 50,000,000 cu. ft. of gas per day.

(7) A 10-inch transmission line beginning at Applicant's proposed 26-inch transmission line described in paragraph (3) near the town of Kennett Square, Pennsylvania, in Chester County, Pennsylvania, thence in a southeasterly direction a distance of approximately 12 miles to a point near the city limits of Wilmington, Delaware. This 10-inch transmission line will have a capacity of approximately 20,000,000 cu. ft. of gas per day.

(8) A 12-inch transmission line beginning at Applicant's proposed 26-inch transmission line described in paragraph (3) near the town of Newton Square, Pennsylvania, in Chester County, Pennsylvania, thence in a southeasterly direction a distance of approximately 10 miles to a point near the south city limit of the city of Philadelphia, Pennsylvania. This 12-inch transmission line will have a capacity of approximately 40,000,000 cu. ft. of gas per day.

(9) A 12-inch transmission line beginning at Applicant's proposed 26-inch transmission line described in paragraph (3), near the town of Horsham, Pennsylvania, in Montgomery County, Pennsylvania, thence in a southeasterly direction a distance of approximately 10 miles to a point near the north city limits of Philadelphia, Pennsylvania. This 12-inch transmission line will have a capacity of approximately 40,000,000 cu. ft. of gas per day.

(10) An 8-inch transmission line beginning at Applicant's proposed 26-inch transmission line described in paragraph (3), near the town of Titusville, New Jersey, in Mercer County, New Jersey, thence in a southeasterly direction a distance of approximately eight miles to a point near the city limits of Trenton New Jersey. This 8-inch transmission line will have a capacity of approximately 10,000,000 cu. ft. of gas per day.

(11) A Compressor Station with eleven 1,000 horsepower units, together with the necessary equipment for the operation of same, which is to be located near the town of Hemphill, in Sabine County, Texas, with a capacity of 362,223,000 cu. ft. of gas per day.

(12) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately 13 miles in a southeasterly direction from the town of Winfield, Louisiana, near U. S. Highway 167, in Grant Parish, Louisiana, with a capacity of 359,206,080 cu. ft. of gas per day.

(13) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately 16 miles in a southerly direction from Tallulah, Louisiana, near U. S. Highway 65, in Madison Parish, Louisiana, with a capacity of 356,315,000 cu. ft. of gas per day.

(14) A Compressor Station with ten 1000 horsepower units together with the necessary equipment for the operation of same, which is to be located approximately seven miles in a southeasterly direction from the town of Canton, Mississippi, near State Highway 18, in Madison County, Mississippi, with a capacity of 353,349,000 cu. ft. of gas per day.

(15) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately 13 miles in a southeasterly direction from the town of Macon, Mississippi, near U. S. Highway 45, in Noxubee County, Mississippi, with a capacity of 350,407,000 cu. ft. of gas per day.

[1] On March 1, 1946, Trans-Continental Gas Pipe Line Company, Inc., filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, for authority to acquire, construct and operate facilities for the transportation and sale of natural gas in interstate commerce, subject to the jurisdiction of the Commission.

Applicant then proposed to purchase from the War Assets Corporation the Big Inch, Little Big Inch and Southwest Emergency Pipe Lines, and to construct all necessary facilities including extensions necessary to convert such pipe lines to gas transmission.

In the application, it was stated that in the event Applicant is not successful in purchasing the Big Inch, Little Big Inch and Southwest Emergency Pipe Lines, it proposes to construct a 26-inch pipe line from Corpus Christi, Texas, to the States of Pennsylvania, New Jersey and New York with an initial full load capacity of 300 million cubic feet per day. It is also proposed that such line will be looped by a 26-inch line as the market develops and facilities permit in order to insure continuous service.

(16) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately seven miles in a southerly direction from Bessemer, Alabama, near U. S. Highway 11, in Jefferson County, Alabama, with a capacity of 347,490,000 cu. ft. of gas per day.

(17) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately three miles in a northeasterly direction from the town of Edwardsville, Alabama, near U. S. Highway 78, in Cleburne County, Alabama, with a capacity of 344,597,000 cu. ft. of gas per day.

(18) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately five miles in an easterly direction from the town of Buford, Georgia, near U. S. Highway 23, in Gwinnett County, Georgia, with a capacity of 341,728,000 cu. ft. of gas per day.

(19) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately two miles in an easterly direction from the town of Piedmont, South Carolina, near State Highway 86, Anderson County, South Carolina, with a capacity of 338,872,000 cu. ft. of gas per day.

(20) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately 10 miles in an easterly direction from the town of Lincolnton, North Carolina, near State Highway 16, in Lincoln County, North Carolina, with a capacity of 336,052,000 cu. ft. of gas per day.

(21) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately four miles in a northwesterly direction from the town of Reidsville, North Carolina, near State Highway 87, in Rockingham County, North Carolina, with a capacity of 333,254,000 cu. ft. of gas per day.

(22) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of the same, which is to be located approximately five miles in a westerly direction from the town of Buckingham, Virginia, near U. S. Highway 60, in Buckingham County, Virginia, with a capacity of 330,480,000 cu. ft. of gas per day.

(23) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately five miles in a southerly direction from Manassas, Virginia, near State Highway 234, in Prince William County, Virginia, with a capacity of 327,729,000 cu. ft. of gas per day.

(24) A Compressor Station with ten 1000 horsepower units, together with the necessary equipment for the operation of same, which is to be located approximately four miles in a westerly direction from the town of Dublin, Maryland, near State Highway 440, in Hartford County, Maryland, with a capacity of 325,000,000 cu. ft. of gas per day.

(25) A Gas Dehydration Plant, which is to be located in the Carthage Gas Field, Panola County, Texas, with a capacity of 115,000,000 cu. ft. of gas per day.

(26) A second Gas Dehydration Plant, which is to be located in the Carthage Gas Field, Panola County, Texas, with a capacity of 115,000,000 cu. ft. of gas per day.

(27) A Gas Dehydration Plant, which is to be located in the Old Ocean Gas Field, Brazoria County, Texas, with a capacity of 100,000,000 cu. ft. of gas per day.

(28) A Gas Dehydration Plant, which is to be located in the Chocolate Bayou Gas Field, Brazoria County, Texas, with a capacity of 50,000,000 cu. ft. of gas per day.

(29) A Gas Dehydration Plant, which is to be located in the Pledger Gas Field, Brazoria County, Texas, with a capacity of 50,000,000 cu. ft. of gas per day.

(30) A Sales Gas Meter Station, which is to be located near the junction of 122d Street and the Hudson River, New York City, New York, with a capacity of 150,000,000 cu. ft. of gas per day.

(31) Four Sales Gas Meter Stations, which are to be located at various points near Newark, New Jersey, each to have a capacity of 30,000,000 cu. ft. of gas per day, or a combined capacity of 120,000,000 cu. ft. of gas per day.

(32) A Sales Meter Station, which is to be located near Trenton, New Jersey, with a capacity of 10,000,000 cu. ft. of gas per day.

(33) A Sales Gas Meter Station, which is to be located near Elizabeth, New Jersey, with a capacity of 10,000,000 cu. ft. of gas per day.

(34) Eight Sales Gas Meter Stations, which are to be located near Philadelphia, Pennsylvania, four of which will have a capacity of 20,000,000 cu. ft. of gas per day each. The other four will have a capacity of 10,000,000 cu. ft. of gas per day each. The total capacity of the eight Sales Gas Meter Stations will be 120,000,000 cu. ft. of gas per day.

(35) A Sales Gas Meter Station, which is to be located near Wilmington, Delaware, with a capacity of 10,000,000 cu. ft. of gas per day.

(36) A Sales Gas Meter Station, which is to be located near Baltimore, Maryland, with a capacity of 20,000,000 cu. ft. of gas per day.

(37) Five Gathering System Meter Stations, which are to be located at various points in the Carthage Gas Field, Panola County, Texas, with a capacity of 50,000,000 cu. ft. of gas per day each, or a total capacity of 250,000,000 cu. ft. of gas per day.

(38) A Gathering System Meter Station, which is to be located in the Old Ocean Gas Field, Brazoria County, Texas, with a capacity of 100,000,000 cu. ft. of gas per day.

(39) A Gathering System Meter Station, which is to be located in the Pledger Gas Field, Brazoria County, Texas, with a capacity of 50,000,000 cu. ft. of gas per day.

(40) A Gathering System Meter Station, which is to be located in the Chocolate Bayou Field, Brazoria County, Texas, with a capacity of 50,000,000 cu. ft. of gas per day.

(41) A Check Meter Station, which is to be located at Applicant's proposed Compressor Station No. 1, near the town of Hemphill in Sabine County, Texas, with a capacity of 365,264,000 cu. ft. of gas per day.

(42) A Check Meter Station, which is to be located at Applicant's proposed Compressor Station No. 14, near the town of Dublin, in Hartford County, Maryland, with a capacity of approximately 325,000,000 cu. ft. of gas per day.

The following statements, among others, are made in the application concerning the proposed project:

Applicant is a new corporation, recently organized for the sole purpose of buying, constructing and operating the pipe lines hereinbefore described for the transportation of sweet natural gas. Applicant owns no gas producing, manufacturing or distributing properties and has no other interest except that which is connected with this proposed project.

Applicant will, at the proper time, make application to do business in States of Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey and New York.

The proposed facilities are designed to deliver at the eastern terminal approximately 325,000,000 cu. ft. of gas per day, using all the facilities described herein. The pressure at the delivery end of the line will be maintained at approximately 400 psig, by the use of Compressor Stations installed at regular intervals, compressing the gas to 800 psig. The line will be installed with the ultimate compressor capacity and will begin operation delivering the maximum flow. The line capacity can be increased by looping and adding compressor horsepower. These facilities can be installed as the need for gas is developed in the market area. It is contemplated that Applicant will operate its proposed facilities at a load factor of at least 92% during all of the months of the year.

Applicant proposes to supply the requirements of the proposed line from residue gas produced in connection with oil now being vented to the air for lack of a market, and from high pressure gas distillate wells located in Panola and Brazoria Counties, Texas. Applicant will require the various producers to furnish gas reserves of 1,500,000 cu. ft. for each 1,000,000 cu. ft. of gas which they will be obligated to furnish applicant under their gas contracts.

Applicant is negotiating for reserves from operators and owners in Panola County, Texas for 1,459,606,000,000 cu. ft. of gas. Applicant is negotiating for reserves from owners and operators in Brazoria County, Texas of 3,915,000,000,000 cu. ft. of gas. Under the proposed rated withdrawal Applicant will have reserves to supply gas at the rate of 365,264,000 cu. ft. of gas per day for approximately 40 years. In addition to gas reserves from Panola and Brazoria Counties, Applicant is negotiating for reserves of 830,000,000,000 cu. ft. of gas from Harrison and Marion Counties, Texas.

Applicant will reserve 25% of the capacity of the proposed line for flare and residue gas.

It is proposed by Applicant to supply natural gas to major gas companies now supplying the consumers market in the eastern seaboard area of the States of New York, Pennsylvania, New Jersey, Delaware and Maryland. Applicant has negotiated for contracts for the sale of natural gas to the following companies in this area:

Consolidated Edison Co., New York, N. Y.
Brooklyn Union Gas Co., Brooklyn, N. Y.
Public Service Corp., Newark, N. J.
Philadelphia Gas Works Co., Philadelphia, Pa.
Philadelphia Electric Co., Philadelphia, Pa.
Consolidated Gas Electric & Power Co., Baltimore, Md.
Delaware Power & Light Co., Wilmington, Del.
Elizabeth Consolidated Gas Co., Elizabeth, N. J.

In addition to these companies various other companies and industries in the area will be served wherever the economics justify the construction of facilities to serve them.

The natural gas supplied to these companies will be used mainly for enrichment and reforming in connection with their manufactured gas product. The area is presently being served with various combinations of carbonated water gas, coke oven gas and refinery gas.

Applicant has agreed with the utilities serving the territory to expand the market for domestic and superior use of natural gas. In negotiations with utility companies Applicant and the utility companies have tentatively agreed upon a contract whereby the only gas not used for enriching or reforming purposes in connection with their manufacturing and distributing business will be used by them during off heating season in their electric generating stations.

The proposed rate at which this gas is to be sold to all distributing companies in the eastern seaboard area is or will be on a rate schedule basis equivalent to 2.25¢ per therm when the total contract volume of each company is taken for the month.

The total estimated overall capital cost of Applicant's project including working capital is $130,000,000. Applicant proposes to issue $12,000,000 of Common Stock, all of which will be subscribed to by Applicant's present stockholders; $15,000,000 of 4½% Preferred Stock which will be privately sold by one of the investment houses Applicant is negotiating with; $78,000,000 of First Mortgage Bonds which will be sold to a number of Insurance Companies with whom Applicant is now negotiating; and bank loans of $25,000,000 from banks in Texas and New York with whom Applicant is now negotiating. Applicant does not contemplate a public offering of its stock or securities. A small brokerage fee, not exceeding 3%, will be paid the investment house that sells privately Applicant's Preferred Stock. No fee will be paid for the sale of Bonds to the Insurance Companies or for the bank loans.

Applicant proposes to begin surveying, preparing rights-of-way maps, buying rights-of-way, compressor station sites, ordering materials, etc. immediately after the granting of the Certificate of Public Convenience and Necessity. Applicant proposes to begin construction of said facilities within 90 days after the granting of Certificate of Public Convenience and Necessity, and to complete construction of said facilities within 18 months thereafter.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Trans-Continental Gas Pipe Line Company, Inc. should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-409; Filed, Jan. 15, 1947; 8:49 a. m.]

[Docket No. G-234]

BORDER PIPE LINE CO.

ORDER FIXING DATE OF HEARING

JANUARY 10, 1947.

It appears to the Commission that:

(a) On February 11, 1942, Border Pipe Line Company ("Applicant"), a Delaware corporation with its principal legal office at Wilmington, Delaware, and its operating office at Houston, Texas, filed an application (Docket No. G-234) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate certain facilities in the State of Texas, particularly described as follows:

(i) A 1,100 H. P. compressor station at a point in the northwesterly portion of Jim Hogg County, Texas.

(ii) An 8⅝-inch pipe line, approximately 38 miles in length, extending from such compressor station in a northwesterly direction to a point at or near the easterly bank of the Rio Grande River approximately seven miles south of Laredo, Texas, and attendant metering and regulating equipment.

(b) Prior to the filing of such application, Applicant, on February 2, 1942, filed an application pursuant to section 3 of the Natural Gas Act (Docket No. G-228) for an order authorizing it to export natural gas from the United States to Mexico by means of the above-described facilities. Applicant proposed that the gas to be exported would be produced in San Salvador Field, Hidalgo County, Texas, and would be transported by means of facilities of Rio Grande Valley Gas Company to the aforementioned compressor station in Jim Hogg County, whence Applicant would transport the gas to the aforementioned point south of Laredo, Texas, at or near the easterly bank of the Rio Grande River. There, Applicant would sell the same to American Smelting and Refining Company ("American Company") for transportation to, and consumption at, a zinc smelter of American Company in La Rosita, Mexico.

(c) On February 26, 1942, and June 17, 1942, respectively, Applicant and American Company filed applications for Presidential Permits, pursuant to Executive Order No. 8202, for the construction, operation, maintenance and connection, at the international boundary of the United States, and at the aforementioned location approximately seven miles south of Laredo, Texas, of facilities for the exportation of natural gas to Mexico (Docket No. G-228). On September 14, 1942, American Company filed an application (Docket No. G-228) in which it joined in the application of Border Pipe Line Company for an order authorizing the exportation of natural gas.

(d) On October 10, 1942, the Commission issued an order in Docket No. G-228 which, as modified by a supplemental order on November 4, 1942, authorized Applicant and American Company to export natural gas from the United States to Mexico for a period of 10 years from October 10, 1942, upon certain conditions therein specified. Presidential Permits, approved by the President on September 29, 1942, were in due course issued to Applicant and American Company, authorizing the construction, operation, maintenance and connection, at the border of the United States, of the proposed facilities to be there located.

(e) Thereafter, Applicant proceeded to construct its proposed facilities above-described, which included the facilities authorized under the Presidential Permit issued to it. In June 1943, Applicant commenced, and has since continued, to operate the same in the manner and for the purposes proposed by it, as above referred to.

(f) On November 8, 1945, the Secretary of the Commission addressed a letter to Applicant, notifying said company that on December 12, 1945, oral argument would be had before the Commission at Washington, D. C., "In the Matter of Reynosa Pipe Line Company," Docket Nos. G-594, G-595 and G-596, respecting the question whether a company which is engaged in the transportation of natural gas from the United States to a foreign country is a "natural-gas company" within the meaning of the Natural Gas Act, and subject to the provisions of section 7 thereof, as amended; and inviting Border Pipe Line Company to participate in such oral argument. Argument before the Commission upon the stated question was had at the time and place fixed, Applicant not participating therein. On June 6, 1946, in Docket No. G-595, the Commission rendered Opinion No. 135, in which it held that a company is required to obtain a certificate of public convenience and necessity pursuant to section 7 of the act, as amended, authorizing the construction and operation, within the boundaries of a single State, of facilities for the transportation of natural gas for public consumption in a foreign country. On December 17, 1946, in accordance with such opinion, the Commission entered an order whereby it found that Reynosa Pipe Line Company would be a "natural-gas company" within the meaning of that term as used in the Natural Gas Act upon engaging in the transportation and sale of natural gas for public consumption in Mexico by means of facilities which that company proposed to construct from a point within Texas to the international boundary between the United States and Mexico, and whereby the Commission issued a certificate of public convenience and necessity to Reynosa Pipe Line Company authorizing the construction and operation of such facilities (Docket No. G-748).

(g) Good cause exists for setting a hearing date respecting the issues presented by the application in Docket No. G-234.

(h) Said proceeding is a proper one for disposition by abridged hearing procedure.

The Commission, therefore, orders that:

(A) A public hearing be held commencing on January 27, 1947, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in Docket No. G-234: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a noncontested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate in this hearing as provided in the Commission's rules of practice and procedure.

Date of issuance: January 13, 1947.

By the Commission. Commissioner Draper dissented, stating that it is his view that Border Pipe Line Company is not now and will not be a "natural-gas company" under the provisions of the Natural Gas Act by reason of the operation of the facilities necessary to export natural gas as long as those facilities are used exclusively for performing the service authorized and the company does not engage in the sale of gas for resale or the transportation of gas for others within the United States by means of such facilities.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-359; Filed, Jan. 15, 1947; 8:56 a. m.]

[Docket No. IT-6024]

FLORIDA POWER CORP.

ORDER SUSPENDING RATE SCHEDULE AND FIXING DATE OF HEARING

JANUARY 10, 1947.

It appears to the Commission that:

(a) Florida Power Corporation has on file an agreement and rate schedule designated in the files of the Commission as Florida Power Corporation Rate Schedule FPC No. 16, providing for the sale and delivery of electric energy by Florida Power Corporation to the City of Quincy, Florida, for resale.

(b) By letter dated November 6, 1946, Florida Power Corporation submitted to the Commission for filing a superseding agreement and rate schedule dated October 14, 1946, between Florida Power Corporation and the City of Quincy, Florida, designated as Florida Power Corporation Rate Schedule FPC No. 21, providing for changes in the rates and charges for the sale and delivery of electric energy by Florida Power Corporation to the City of Quincy, Florida.

(c) Since Rate Schedule FPC No. 21, dated October 14, 1946, was not accompanied by the information required by the Commission's rules of practice and regulations under the Federal Power Act to be filed with proposed changes in rates, Florida Power Corporation was advised of this omission by letter dated November 25, 1946, and requested to submit the required information. On December 13, 1946, Florida Power Corporation's response was received. Without waiving full compliance with the rules of practice and regulations this rate schedule was accepted for filing on December 13, 1946.

(d) By letters dated November 8, 1946 and November 30, 1946, the City of Quincy, Florida, advised the Commission of its objections to certain changes embraced in Rate Schedule FPC No. 21.

(e) Unless suspended by order of the Commission, Florida Power Corporation Rate Schedule FPC No. 21 will become effective as of January 13, 1947, pursuant to the provisions of the Federal Power Act and the rules of practice and regulations thereunder.

(f) The change in rates or charges provided for by Florida Power Corporation Rate Schedule FPC No. 21 may result in excessive rates or charges to the City of Quincy, Florida; may place an undue burden upon ultimate consumers of electric energy; may be discriminatory; and may result in increased rates or charges which have not been shown to be justified.

The Commission finds that: It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed rates or charges be suspended pending such hearing and the decision thereon.

The Commission, upon its own motion, orders that:

(A) A public hearing be held on March 3, 1947, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges provided for in Florida Power Corporation Rate Schedule FPC No. 21 for the sale and delivery of electric energy to the City of Quincy, Florida, for resale.

(B) Pending such hearing and decision thereon, the operation of the schedule of increased rates or charges for the sale of electric energy for resale provided for in said Florida Power Corporation Rate Schedule FPC No. 21 be and the same is hereby suspended and the use of such rates or charges deferred for a period of five months beyond January 13, 1947, unless the Commission shall otherwise order.

(C) During the said period of suspension the rates or charges now being collected and received by Florida Power Corporation from the City of Quincy, Florida, as provided in Florida Power Corporation Rate Schedule FPC No. 16, shall remain and continue in effect, insofar as they apply to the sale of electric energy for resale.

(D) At such hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Florida Power Corporation.

Date of issuance: January 13, 1947.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-360; Filed, Jan. 15, 1947; 8:56 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7954]

GISABURO YAMANE ET AL.

In re: Guardianship Estate of Gisaburo, Haruto, Shinichi and Mitsuo Yamane, Minors, file D-39-18479; E. T. sec. 14606; H-385.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsuo Yamane, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Guardianship Estate of Gisaburo, Haruto, Shinichi and Mitsuo Yamane, Minors, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan);

3. That such property is in the process of administration by S. Ushiroda, as Guardian, acting under the judicial supervision of the Circuit Court, Third Judicial Circuit, Territory of Hawaii;

and it is hereby determined;

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-417; Filed, Jan. 15, 1947; 8:47 a. m.]

[Vesting Order 7956]

I. G. FARBENINDUSTRIE, A. G.

In re: Bank account owned by I. G. Farbenindustrie, A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie, A. G., the last known address of which is Unter den Linden 78, Berlin NW7, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to I. G. Farbenindustrie, A. G., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an attachment ledger account, entitled I. G. Farbenindustrie, A. G., Berlin, Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-427; Filed, Jan. 15, 1947; 8:48 a. m.]

[Vesting Order 7957]

ARMIN GEYER ET AL.

In re: Bank account, stock and bonds owned by Armin Geyer and others. F-28-9840-A-1, F-28-9148-A-1, F-28-9844-A-1, F-28-10023-A-1, F-28-10024-A-1, F-28-13317-A-1, and F-28-12458-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, with Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the following persons, whose names and last known addresses are set forth below:

Names and Addresses

Armin Geyer, Dresden-Blasewitz, Hindenburgufer 87, Germany.

Irma Arnold, Neusalza - Spremberg, Pfarrhaus, Germany.

Ralph Geyer, Antoniehuttenweg, Coswig-Anhalt, Germany.

Erika Haupt, 35 Mattigstrasse, Bautzen, Germany.

Harold Haupt, 35 Mattigstrasse, Bautzen, Germany.

Edith Reinhardt, Rittergut, Hainewalde (Oberlausitz), Germany.

Gerda Ungemach, Ludolfinger Weg 28, Berlin, Frohnau, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to each individual whose name is set forth below, by Mississippi Valley Trust Company, 225 North Broadway, St. Louis 2, Missouri, arising out of a Financial Department account, entitled Mississippi Valley Trust Company, Trustee, in the amounts set forth opposite their names as follows:

Names:	*Amounts*
Armin Geyer	$3,268.04
Irma Arnold	2,836.05
Ralph Geyer	2,836.01
Erika Haupt	2,836.05
Harold Haupt	2,969.05
Edith Reinhardt	2,836.05
Gerda Ungemach	2,836.06

as of November 27, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. Those certain shares of stock described in Exhibit A, attached and by reference made a part hereof, registered in the name of Milton G. Kahle and Mississippi Valley Trust Company, Trustees under Indenture of Adele Kahle, dated March 6, 1926, owned by the persons listed in Exhibit A, and presently in the custody of Mississippi Valley Trust Company, 225 North Broadway, St. Louis 2, Missouri, together with all declared and unpaid dividends thereon, and

c. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, registered in the name of bearer, owned by the persons listed in Exhibit B, and presently in the custody of Mississippi Valley Trust Company, 225 North Broadway, St. Louis 2, Missouri, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate No.	Owned by
Ely & Walker Dry Goods Co., 1320 Washington Ave., St. Louis, Mo.	Missouri	$20.00	First preferred	40	FF338	Armin Geyer.
St. Louis Union Trust Co., 324 North Broadway, St. Louis 2, Mo.	do	20.00	Capital	4	7883	Do.
Do	do	20.00	do	4	7884	Harold Haupt.

EXHIBIT B

Number of Bonds and description of issue	Face value	No.	Owned by
One (1) 4½% New York State Railways First Consolidated Mortgage Series A Gold Bond.	$1,000.00	A10884	Armin Geyer.
Do	1,000.00	A10879	Irma Arnold.
Do	1,000.00	A10882	Ralph Geyer.
Do	1,000.00	A10880	Erika Haupt.
Do	1,000.00	A10881	Harold Haupt.
Do	1,000.00	A10877	Edith Reinhardt.
One (1) 4½% City of Sanford, Florida, Series A Refunding Bond	1,000.00	966	Harold Haupt.

[F. R. Doc. 47-428; Filed, Jan. 15, 1947; 8:48 a. m.]

[Vesting Order 7941]

DEUTSCHE BANK

In re: Bank account owned by Deutsche Bank.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bank, the last known address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to Deutsche Bank, by Central Hanover Bank & Trust Company, 70 Broadway, New York, New York, arising out of a checking account, entitled Deutsche Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-418; Filed, Jan. 15, 1947; 8:47 a. m.]

[Vesting Order 7942]

DEUTSCHE BANK & DISCONTO GESELLSCHAFT

In re: Bank account owned by Deutsche Bank & Disconto Gesellschaft, F-28-1279-E-5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bank & Disconto Gesellschaft, the last known address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to Deutsche Bank & Disconto Gesellschaft, by The Continental Bank & Trust Company of New York, 30 Broad Street, New York, New York, arising out of a checking account, entitled Deutsche Bank & Disconto Gesellschaft, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-419; Filed, Jan. 15, 1947; 8:47 a. m.]

[Vesting Order 7943]

I. G. FARBENINDUSTRIE, A. G.

In re: Bank account owned by I. G. Farbenindustrie, A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie, A. G., the last known address of which is Unter den Linden 82, Berlin N. W. 7, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to I. G. Farbenindustrie, A. G., by Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, arising out of a checking account,

entitled I. G. Farbenindustrie, A. G., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-420; Filed, Jan. 15, 1947; 8:47 a. m.]

[Vesting Order 7944]

I. G. FARBENINDUSTRIE, A. G.

In re: Bank account owned by I. G. Farbenindustrie, A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie, A. G., the last known address of which is Unter den Linden 78, Berlin NW 7, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to I. G. Farbenindustrie, A. G., by The National City Bank, of New York, 55 Wall Street, New York, New York, arising out of an attachment ledger account, entitled I. G. Farbenindustrie, A. G., Berlin, Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-421; Filed, Jan. 15, 1947; 8:47 a. m.]

[Vesting Order 7945]

I. G. FARBENINDUSTRIE, A. G.

In re: Bank account owned by I. G. Farbenindustrie, A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie, A. G., the last known address of which is Unter den Linden 78, Berlin NW 7, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to I. G. Farbenindustrie, A. G., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an attachment ledger account, entitled I. G. Farbenindustrie, Akt., Berlin, Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-422; Filed, Jan. 15, 1947; 8:47 a. m.]

[Vesting Order 7946]

I. G. FARBENINDUSTRIE, A. G.

In re: Bank account owned by I. G. Farbenindustrie, A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie, A. G., the last known address of which is Unter den Linden 78, Berlin NW 7, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to I. G. Farbenindustrie, A. G., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an attachment ledger account, entitled I. G. Farbenindustrie, Aktiengesellschaft, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-423; Filed, Jan. 15, 1947; 8:47 a. m.]

[Vesting Order 7947]

I. G. FARBENINDUSTRIE, A. G.

In re: Bank account owned by I. G. Farbenindustrie, A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie, A. G., the last known address of which is Unter den Linden 78, Berlin NW7, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to I. G. Farbenindustrie, A. G., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an attachment ledger account, entitled I. G. Farbenindustrie, A. G., Berlin, Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-424; Filed, Jan. 15, 1947; 8:47 a. m.]

[Vesting Order 7948]

SHOWA MENKA K. KAISHA

In re: Debt owing to Showa Menka K. Kaisha. F-39-1631-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Showa Menka K. Kaisha, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

That certain debt or other obligation owing to Showa Menka K. Kaisha, by Anderson, Clayton & Co., P. O. Box 2538, Houston 1, Texas, in the amount of $1,069.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-425; Filed, Jan. 15, 1947; 8:47 a. m.]

[Vesting Order 7951]

YASUDA BANK, LTD.

In re: Bank accounts owned by Yasuda Bank, Ltd. F-39-754-E-3, F-39-754-E-4, F-39-754-E-5, F-39-754-E-7, F-39-754-E-9, and F-39-754-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yasuda Bank, Ltd. the last known address of which is 1 Chome, Otemachi, Kojomachi-ku, Tokyo, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Yasuda Bank, Ltd., by The Philadelphia National Bank, 1416

Chestnut Street, Philadelphia, Pennsylvania, arising out of a checking account entitled The Yasuda Bank, Ltd., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Yasuda Bank, Ltd., by Bank of America, National Trust & Savings Association, 660 South Spring Street, Los Angeles, California, arising out of a commercial account entitled Yasuda Bank, Ltd., and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Yasuda Bank, Ltd., by Seattle First National Bank, Second Avenue and Cherry Street, Seattle, Washington, arising out of a checking account entitled Yasuda Bank, Ltd., and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Yasuda Bank, Ltd., by The Bank of California, National Association, 400 California Street, San Francisco, California, arising out of a checking account entitled The Yasuda Bank, Ltd., maintained at the branch office of the aforesaid bank located at 815 Second Avenue, Seattle Washington, and any and all rights to demand, enforce and collect the same, and

e. Those certain debts or other obligations evidenced by a check drawn by Den Nordenfjeldske Kreditbank, Trondheim, Norway, on Irving Trust Company, New York, New York, in the face amount of $936.31, dated April 6, 1940, presently held by Guaranty Trust Company of New York, 140 Broadway, New York, New York, for collection and credit to the account of the aforesaid Yasuda Bank, Ltd., Tokyo, Japan, together with all rights in, to and under, including particularly, but not limited to the rights to possession and presentation for collection and payment of, the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-426; Filed, Jan. 15, 1947; 8:48 a. m.]

[Vesting Order 7953]

ADOLPH TWESTEN

In re: Estate of Adolph Twesten, also known as Adolph N. M. Twesten. File D-28-10441; E. T. sec. 14848.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Otto Twesten, in and to the Estate of Adolph Twesten, also known as Adolph N. M. Twesten, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Otto Twesten, Germany.

That such property is in the process of administration by Jack M. McPherson, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Butte,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. June 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-416; Filed, Jan. 15 1947 8:47 a. m.]

[Vesting Order 7952]

SOPHIE KLENKE

In re: Estate of Sophie Klenke, deceased. File D-28-10479; E. T. sec. 14899

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found

1. That Trinchen Schwanewede, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Sophie Klenke, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by C. F. Klenke and August Hopke, as executors, acting under the judicial supervision of the Probate Court for Charleston County, South Carolina;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-415; Filed, Jan. 15, 1947; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5360]

MATCH CORPORATION OF AMERICA

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of January A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, January 21, 1947, at eleven o'clock in the forenoon of that day (central standard time), in Room 1121, New Post Office Building, Chicago, Illinois.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-414; Filed, Jan. 15, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 498, Amdt. 2]

REROUTING TRAFFIC ON SOUTHERN PACIFIC CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of January A. D. 1947.

Upon further consideration of Service Order No. 498 (11 F. R. 5078), as amended (11 F. R. 9707), and good cause appearing therefor; *It is ordered*, That:

Service Order No. 498 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 6:00 p. m., January 10, 1947; that copies of this order and direction be served upon the Southern Pacific Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-405; Filed, Jan. 15, 1947; 8:48 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-440]

A. J. ORSI

CONSENT ORDER

A. J. Orsi of 40 East Mariposa Street, Stockton, California, was charged with having begun construction on a structure at 1700 Pacific Avenue, Stockton, California, consisting of the erection of a new building at an estimated cost of $75,000, without authorization from the Civilian Production Administration, and has expended in carrying on the construction the sum of $9,980.17, in violation of Veterans' Housing Program Order No. 1.

A. J. Orsi admits the violation as charged, does not desire to contest the same, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of A. J. Orsi, the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither A. J. Orsi, his successors or assigns, nor any other person under his direction shall do any further construction on the structure at 1700 Pacific Avenue, Stockton, California, including the putting up, completing or altering the structure, unless hereafter specifically authorized by the Civilian Production Administration.

(b) A. J. Orsi shall refer to this order in any application or appeal, which he may file with the Civilian Production Administration to carry on construction.

(c) Nothing contained in this order shall be deemed to prevent the processing on its merits of any application for authorization which may be filed by A. J. Orsi with the Construction Division of the Civilian Production Administration.

(d) Nothing contained in this order shall be deemed to relieve A. J. Orsi, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

This order shall take effect on January 15, 1947, and shall continue during the existence of the present controls on commercial building or unless sooner authorized by the Civilian Production Administration.

Issued this 15th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-499; Filed, Jan. 15, 1947; 11:19 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-10, 54-82, 59-39, 54-50, 54-147]

NORTH AMERICAN CO. ET AL.

NOTICE OF FILING OF AMENDED PLANS, WITHDRAWAL OF PLAN, AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of January 1947.

In the matter of The North American Company and its subsidiary companies, File No. 59-10; The North American Company, File No. 54-82; North American Light & Power Company Holding-Company System and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; Illinois Power Company, File No. 54-147.

Notice is hereby given that The North American Company ("North American"), a registered holding company, has filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the act) certain "Amended Plans", dated January 6, 1947, designated as Plans I, II and III, and an application requesting the Commission to find Plan I, as submitted or as modified with the consent of North American, necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected, and to enter an order approving Plan I and authorizing the transactions described therein. It is stated in the application that Plans I, II and III are filed as amendments to and in substitution for Plans A, B and C, dated April 18, 1946, heretofore filed pursuant to section 11 (e) and presently pending before the Commission.

All interested persons are referred to said Amended Plans which are on file at the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

PLAN I

After effecting a settlement between North American Light & Power Company (Light & Power), a registered holding company, and its subsidiary, Illinois Power Company (Illinois Power), a registered holding company, and North American of all claims and counterclaims

affecting Illinois Power on the basis hereinafter summarized, it is proposed that Light & Power be dissolved, the claims between Light & Power and North American be settled and the affairs of Light & Power be wound up.

Settlement of claims and counterclaims affecting Illinois Power. It is stated that Illinois Power, Light & Power and North American have agreed, subject to requisite approvals, to the settlement of all claims and counter claims affecting Illinois Power on the following basis (All interested persons are referred to Holding Company Act Releases Nos. 3940, 4378 and 6144, among others, for a summarization of the various claims and counterclaims):

1. There will be rescinded the transaction in 1932 whereby Illinois Power acquired from Light & Power certain securities of Central Terminal Company. Illinois Power will return to Light & Power all securities of Central Terminal Company now held and Light & Power will pay $6,800,000 in cash to Illinois Power.

2. Light & Power will exercise one-half of the 300,000 warrants which it holds entitling it to purchase Illinois Power common stock at $30 per share and purchase 150,000 shares of Illinois Power common stock for $4,500,000, and will surrender to Illinois Power for cancellation, unexercised, its remaining holdings of 150,000 warrants.

3. The power contract between Union Electric Power Company, an indirect subsidiary of North American, and Illinois Power will be revised in accordance with an agreement between these two Companies.

4. Plan C of North American will be amended to eliminate the provisions for integration of Illinois Power with Union Electric Company of Missouri, a subsidiary of North American, and the provisions for acquisition by North American of the publicly-held stock of Illinois Power. Light & Power and North American will divest themselves of all holdings of securities of Illinois Power.

5. The transactions outlined in paragraphs 1, 2 and 3 above are to be consummated on or before February 28, 1947 unless further extended by mutual consent.

6. Until completion of the transactions outlined in paragraphs 1 to 4 above, the agreement of settlement will not be ground for change or modification of the outstanding order of the Commission restraining Light & Power and North American from voting Illinois Power stock held by them for the election of directors of Illinois Power.

Settlement of claims between Light & Power and North American. It is stated that Light & Power and North American have agreed to the settlement of all claims between them, subject to requisite approvals, on the basis of the provisions of Plan I outlined below. (All interested persons are referred to Holding Company Act Releases Nos. 5687, 5791 and 6144 among others, for a summarization of such claims.)

Steps proposed to be taken under Plan I. To carry out the Plan, the following steps are proposed:

1. That Illinois Power return to Light & Power all securities of Central Terminal Company now held by Illinois Power.

2. That Light & Power pay Illinois Power $6,800,000 in cash.

3. That Light & Power acquire from Illinois Power, on original issue, 150,000 additional shares of Illinois Power common stock upon payment of $4,500,000 cash at the warrant price of $30 per share in exercise of one-half of the warrants for the purchase of Illinois Power common stock held by Light & Power; and that Light & Power surrender to Illinois Power for concellation, unexercised, the remaining warrants covering 150,000 shares of Illinois Power Company stock.

4. That Light & Power be dissolved.

5. That the outstanding publicly-held 109,255 shares of preferred stock of Light & Power be liquidated and retired by payment in cash of the liquidation price therefor provided in the charter of Light & Power in the case of dissolution, viz., $100 per share, together with all unpaid cumulative dividends in arrears (amounting to $87 as of December 31, 1946) thereon accrued to the date fixed for payment thereof.

6. That the outstanding publicly-held 960,992 shares of common stock of Light & Power be liquidated and retired by payment in cash of $7.50 per share.

7. That North American advance to Light & Power funds needed by Light & Power after application of its treasury cash to make the payments to Illinois Power and to liquidate and retire its publicly-held preferred and common stocks as above provided.

8. That after providing for the payments to Illinois Power and the public holders of Light & Power securities and the liabilities of Light & Power other than to North American, the remaining net assets of Light & Power be distributed to North American as the sole remaining creditor and stockholder of Light & Power and the obligation of Light & Power to North American for funds advanced for purposes of the Plan be discharged and all securities of Light & Power held by North American be surrendered for retirement.

Mode of consummation. At such time as the Commission may approve the Plan, North American will request the Commission, pursuant to section 11 (e) of the act, to apply to a Federal court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the Plan. The consummation of the Plan is made subject to certain conditions and reservations including such rulings and closing agreements as to taxes as North American may require.

PLAN II

North American states that the purpose of Plan II is to obtain the funds needed to pay off its outstanding bank loans ($45,125,000 as of December 31, 1946) and needed to advance to Light & Power to enable it to complete its liquidation as outline in Plan I.

To accomplish such purpose it is proposed that North American divest itself from time to time of securities held by it which will be sold through pro-rata offerings to its stockholders, through public offerings or through negotiated sales to private purchasers, or that temporary bank loans may be made.

Concurrently with the filing of its Amended Plans, North American filed an application-declaration with the Commission relating to the proposed issuance to its stockholders of transferable Purchase Warrants to purchase Common Stock of The Cleveland Electric Illuminating Company presently held by North American. This application-declaration has been more fully summarized in a separate notice and order for hearing dated January 10, 1947, Holding Company Act Release No. 7123, setting the matter for hearing on January 23, 1947.

PLAN III

North American states that the purpose of Plan III is to effect the divestment by North American of its public-utility holding company system. The plan contemplates that North American with the approval of the Commission and of its stockholders will continue with reduced assets as a corporate enterprise not engaged in the public utility field.

To accomplish such purpose it is proposed that within one year North American will divest itself of its investment in all its public-utility subsidiaries including Union Electric Company of Missouri and in any other public-utility companies or holding companies now held or which it may receive through dissolution of Light & Power.

It is stated that the Company reserves the right to sell any or all of its holdings through pro-rata offerings to stockholders, public offerings or negotiated sales, and it is expected that part of the securities held by North American will be distributed to the stockholders of North American without payment by them. It is further stated that at an appropriate time a plan will be prepared by North American for its continuance with reduced assets as a corporate enterprise not engaged in the public utility field and that such plan will contain provision for the withdrawal of any dissenting stockholder upon the surrender of his stock and for the payment to him of his pro-rata share in the remaining net assets.

Notice is further given that Light & Power has filed an application requesting that the Commission permit Light & Power to substitute Plan I of North American for the following matters filed by Light & Power and presently pending before the Commission:

1. An application to exercise 300,000 warrants for the purchase of 300,000 shares of Common Stock of Illinois Power (File No. 70-1333).

2. An application for the approval of an amendment to its section 11 (e) plan (designated as First Amendment to Application No. 11) providing for the retirement of all its preferred stock by distributing to each share of said preferred stock 3 shares of Common Stock of The Kansas Power and Light Company and 1½ shares of Common Stock of Northern Natural Gas Company (File No. 54-50).

3. An application for the approval of an amendment to its section 11 (e) plan (designated as Second Amendment to Application No. 11) providing for the distribution of its assets to its common stockholders after the retirement of its preferred stocks and the payment of its outstanding debentures, with accrued interest thereon (File No. 54-50).

Light & Power requests that the substitution of Plan I for the foregoing filings be to the extent that such filings are in conflict with said Plan I.

Notice is further given that Illinois Power has filed an application requesting that the Commission:

1. Approve the settlement of all claims and counterclaims affecting Illinois Power upon the basis hereinbefore set forth (see paragraph captioned "Settlement of Claims and Counterclaims Affecting Illinois Power").

2. Approve Plan I of North American in so far as such plan relates to the said settlement.

3. Authorize Illinois Power to take all action necessary or proper to consummate the said settlement.

4. Upon the approval of the said settlement, to apply to a Federal court in accordance with the provisions of section 18 (f) of the act to enforce and carry out the terms and provisions of Plan I in so far as said plan relates to the said settlement.

5. Defer action with respect to plan for liquidation of Light & Power, filed November 20, 1944, by Illinois Power, and the plan of recapitalization filed July 2, 1946, by Illinois Power pursuant to section 11 (e) of the act, pending disposition of the foregoing matters, and to dismiss the two plans herein referred to at such time as the said settlement becomes effective.

The hearings in these consolidated proceedings with respect to plans for the liquidation and dissolution of Light & Power being presently in adjournment and scheduled to reconvene on January 21, 1947; and

It appearing to the Commission that Plan I may appropriately be heard at the aforementioned hearing but that the date heretofore fixed for reconvening should be postponed to afford a sufficient opportunity to all interested persons who may wish to participate;

It is ordered, That the date for reconvening the hearing in these consolidated proceedings on all plans relating to the liquidation and retirement of North American Light & Power Company which have been filed with the Commission, heretofore set for January 21, 1947, be and it hereby is postponed to January 28, 1947 at 10:00 a. m., e. s. t., in the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and that the aforementioned application for approved of Plan I filed by The North American Company shall be heard at such reconvened hearing. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented, particular attention will be directed at such reconvened hearing to the following matters and questions:

1. Whether Plan I as filed, or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and, more specifically, whether the proposed settlements of the various claims and counterclaims heretofore referred to affecting Illinois Power Company, and the claims heretofore referred to between North American Light & Power Company and The North American Company, are fair and reasonable, and the transactions proposed with respect thereto meet the requirements of applicable provisions of the act and rules thereunder.

2. Whether, and, if so, in what manner, Plan I should be required to be modified to insure adequate protection of the public interest and the interest of investors and consumers and compliance with all applicable provisions of the act and rules thereunder.

3. Whether Plan I makes appropriate provision for North American Light & Power Company's contingent liability with respect to its guarantee of principal and interest on $1,233,000 principal amount of St. Clair County Gas and Electric Company 5% First Consolidated Mortgage Gold Bonds, non-callable, due 1959, being underlying bonds of Illinois Power Company.

4. What accounting treatment is proposed to be given with respect to the transactions proposed in Plan I, and whether such accounting treatment is proper and in conformity with sound accounting principles.

5. Whether the proposed acquisition by The North American Company of the assets of North American Light & Power Company in liquidation meets the requirements of applicable provisions of the act and rules thereunder.

6. Whether Plan I as filed, or as it may be modified, makes appropriate provision for the amounts, allocation and payment of fees, expenses or other remuneration in connection with Plan I and the proceedings involving North American Light & Power Company generally, and whether such fees, expenses or other remuneration are for necessary services.

7. Whether, generally, Plan I is in all respects in the public interest and the interest of investors and consumers and consistent with applicable provisions of the act and rules thereunder and, if not, what modification should be required to be made therein, and what terms and conditions should be imposed to satisfy the statutory standards.

It is further ordered, That any interested person desiring to be heard or otherwise wishing to participate at said hearing shall file with the Secretary of the Commission on or before January 27, 1947 his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to The North American Company, North American Light & Power Company, Illinois Power Company, the Illinois Commerce Commission, the City of St. Louis, Missouri, City National Bank & Trust Company, Chicago, Illinois, and to all other participants in these consolidated proceedings, and that notice shall be given to all other persons by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That the North American Company, North American Light & Power Company and Illinois Power Company give notice of this hearing to all of their stockholders (in so far as the identity of such stockholders is known or is available), by mailing to each such stockholder, at his last known address, a copy of this notice and order at least ten days prior to the date of hearing set herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-355; Filed, Jan. 15, 1947; 8:56 a. m.]

[File No. 70-1432]

NORTH AMERICAN CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of January 1947.

Notice is hereby given that The North American Company (North American), a registered holding company, has filed an application and a declaration pursuant to the Public Utility Holding Company Act of 1935, regarding the issuance to its stockholders of transferable Purchase Warrants, entitling such stockholders to purchase shares of Common Stock of The Cleveland Electric Illuminating Company (Cleveland), a public utility subsidiary of North American. Applicant-declarant designates sections 6 (a), 7, 12 (c) and 12 (d) of the act and Rules U-23, U-42, U-43, U-44 and U-50 of the general rules and regulations promulgated thereunder as being applicable to the proposed transactions.

North American owns 1,847,908 shares of the Common Stock of Cleveland, representing 71.64% of that company's issued and outstanding voting stock. North American represents that as a result of the proposed transactions its ownership of voting securities of Cleveland would be reduced to 5.17%.

All interested persons are referred to the application-declaration which is on file in the office of this Commission for a statement of the provisions therein

proposed which may be summarized as follows:

North American proposes to issue to its stockholders, in March 1947, transferable Purchase Warrants, in registered form, entitling such stockholders to purchase an aggregate of 1,714,525 shares of Common Stock of Cleveland at the rate of one-fifth of a share of Cleveland Common Stock for each share of Common Stock of North American at the price of $15.00 per share for the Cleveland Common Stock. No fractional scrip will be issued for uncombined fractional Purchase Warrants. The right to purchase the Cleveland Common Stock will expire 60 days after date of issuance of the Purchase Warrants. The Commission is requested to exempt the proposed issuance of Purchase Warrants from the competitive bidding requirements of Rule U-50.

North American states that it does not anticipate that there will be any record date set for determining holders of Common Stock of Cleveland entitled to receive any dividend or distribution on such stock during the period within which the Purchase Warrants may be exercised, but states that in the event such a date should be set the holders of Purchase Warrants who have exercised their Warrants and have become stockholders of Cleveland at such time will be entitled to such dividend or distribution, and that North American will retain any dividend or distribution payable on all shares represented by unexercised Purchase Warrants.

North American proposes to provide for the sale of shares of the Cleveland Common Stock represented by the unexercised Purchase Warrants and for the payment of the proceeds from such sale to the record holders of such Purchase Warrants, less the subscription price of $15.00 per share. Details with respect to such sale will be furnished by amendment at a later date.

North American proposes to apply the net proceeds (estimated at $25,717,875, less expenses) to be derived from the proposed transactions, together with other treasury funds, toward the payment, without premium, of the company's outstanding Bank Loan Notes in the principal amount of $45,125,000 and toward other purposes as set forth in its Amended Plans (File No. 54–82), filed pursuant to section 11 (e) of the act contemporaneously with said application-declaration. The proposed payment on its Bank Loan Notes is regarded by North American as being exempt from the requirements of Rule U-42 (a) by virtue of Rule U-42 (b) (2).

Applicant-declarant represents that the proposed transactions are steps in compliance with the aforesaid Amended Plans and will be in compliance with the Commission's order of April 14, 1942, directing, among other things, that North American divest itself of its interest in Cleveland. North American requests that any order of the Commission approving the sale of the Cleveland Common Stock by North American conform to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended. Upon consummation of the proposed transactions North American proposes to charge to Capital Surplus the excess ($9,926,485) of the carrying value of the shares of Cleveland Common Stock to be sold over the amount of the proceeds of such sale, together with the expenses incurred in connection therewith, and to transfer to Capital Surplus from Reserve for Contingencies an amount equal to the aggregate of such charges. In this connection, North American has given notice to the Commission of the making of said charge as provided for by the order of the Commission dated January 30, 1939, directing, among other things, that no charge shall be made upon the books of North American against "Reserve for Contingencies provided from Capital Surplus" unless in accordance with the Commission's Classification of Accounts for Public Utility Holding Companies and good accounting practice, and after thirty days' notice to the Commission.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said application-declaration, and that said application should not be granted nor said declaration permitted to become effective except pursuant to further order of this Commission;

It is hereby ordered, That a hearing on said application-declaration under the applicable provisions of the Act and the Rules and Regulations of the Commission promulgated thereunder be held on the 23rd day of January, 1947, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that day the hearing room clerk will advise as to the room where the hearing will be held. At such hearing cause shall be shown why said application should be granted and said declaration be permitted to become effective.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of said application-declaration, and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed issuance of the Purchase Warrants by North American to its stockholders meets the standards of section 7 of the act.

(2) Whether the proposed sale by North American of shares of Common Stock of Cleveland to the stockholders of North American meets the requirements of section 12 (d) of the act.

(3) Whether the proposed 60-day period for exercise of the Purchase Warrants is detrimental to the interests of North American stockholders or is otherwise inappropriate under applicable provisions of the act or rules thereunder.

(4) Whether the proposed retention by North American of any dividends received on the Common Stock of Cleveland subject to sale upon the exercise of the outstanding Purchase Warrants is detrimental to the holders of the Purchase Warrants or is otherwise inappropriate under applicable provisions of the act or rules thereunder.

(5) Whether the price at which North American proposes to sell its holdings of Common Stock of Cleveland is appropriate; and specifically whether such aggregate price should be required to be increased to such extent as may be necessary to provide for the complete retirement of all of North American's outstanding Bank Loan Notes.

(6) Whether the request of North American that the proposed sale of securities be exempt from the provisions of Rule U-50 should be granted.

(7) Whether the accounting treatment proposed to be made by North American upon its books to reflect the proposed transactions is proper and in conformity with the Commission's Classification of Accounts for Public Utility Holding Companies and good accounting practice and in accordance with the aforesaid order of the Commission dated January 30, 1939.

(8) Whether the proposed sale of the Common Stock of Cleveland is an appropriate step in compliance by North American with the Commission's order of April 14, 1942 pursuant to section 11 (b) (1) of the act.

(9) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in these proceedings shall file with the Secretary of the Commission on or before January 22, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing so ordered. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules and practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to The North American Company and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-356; Filed, Jan. 15, 1947; 8:56 a. m.]

[File Nos. 7-955 to 7-961; 7-963 to 7-969]

ALLEGHANY CORP. ET AL.

NOTICE AND ORDER OF HEARING ON APPLICATIONS FOR UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of January A. D. 1947.

In the matter of applications by the Detroit Stock Exchange for unlisted trading privileges in fourteen (14) securities: File Nos. 7-955 to 7-961, inclusive; 7-963 to 7-969, inclusive.

The Detroit Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the following securities, which are listed and registered on other national securities exchanges as indicated below:

Alleghany Corporation, Common Stock, $1.00 Par Value. Listed: New York Stock Exchange.

American Airlines, Incorporated, Common Stock $1.00 Par Value. Listed: New York Stock Exchange.

Baldwin Locomotive Works, Common Stock, $13.00 Par Value. Listed: New York Stock Exchange, Philadelphia Stock Exchange.

The Baltimore and Ohio Railroad Company, Common Stock, $100.00 Par Value. Listed: New York Stock Exchange.

Canadian Pacific Railway Company, Common Stock, $25.00 Par Value. Listed: New York Stock Exchange.

The Chesapeake & Ohio Railway Company, Common Stock, $25.00 Par Value. Listed: New York Stock Exchange.

Columbia Gas & Electric Corporation, Common Stock, No Par Value. Listed: New York Stock Exchange, Pittsburgh Stock Exchange.

National Biscuit Company, Common Stock, $10.00 Par Value. Listed: New York Stock Exchange.

Niagara Hudson Power Corporation, Common Stock, $1.00 Par Value. Listed: New York Curb Exchange.

Pan American Airways Corporation, Common Stock, $2.50 Par Value. Listed: New York Stock Exchange.

Sterling Drug, Inc., Common Stock, $5.00 Par Value. Listed: New York Stock Exchange.

Sunray Oil Corporation, Common Stock, $1.00 Par Value. Listed: Los Angeles Stock Exchange, New York Stock Exchange.

The United Corporation; Common Stock, $1.00 Par Value. Listed: New York Stock Exchange, Philadelphia Stock Exchange.

Warner Bros. Pictures, Inc., Common Stock, $5.00 Par Value. Listed: New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to each respective issuer and to every other national securities exchange on which each of the above respective securities are listed or admitted to unlisted trading privileges. The applications are available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

The Commission deems it necessary that a hearing be held in this matter to determine whether there exist in the vicinity of the applicant exchange sufficiently widespread public distribution of each of these securities and sufficient public trading activity in each of these securities to render the extension of unlisted trading privileges on the applicant exchange necessary or appropriate in the public interest or for the protection of investors; and to determine whether the extension of unlisted trading privileges to each of these securities otherwise is necessary or appropriate in the public interest or for the protection of investors.

Therefore it is ordered, That a public hearing be held before Frank D. Emerson as hearing officer at 10:00 a. m. on Monday, January 27, 1947, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-357; Filed, Jan. 15, 1947; 8:56 a. m.]

Reference

JAN 20 '47

THE NATIONAL ARCHIVES

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Washington, Friday, January 17, 1947

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 61-3]

PART 61—SCHEDULED AIR CARRIER RULES

SCHEDULED AIR CARRIER APPROACH AND LANDING LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of January 1947.

Recent airline accident experience indicates that § 61.752 is inadequate to prevent low approaches under marginal weather conditions because this section is effective only when the Weather Bureau reports a "measured ceiling." When weather conditions are critical, ceilings reported as "measured" are only a small percentage of the total. The problem of instrument approach procedures and weather minimums as correlated with existing air navigation facilities is now being given joint study by the air carriers, the Administrator, and the Board; and it is anticipated that within the next few months such procedures and minimums may be modified to the extent that further change of § 61.752 may be desirable. In the meantime, immediate changes are required in order to provide for safer operations.

The Board finds that the public interest requires a revision of § 61.752 of the Civil Air Regulations, that such revision should be made effective immediately, and that compliance with paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is impracticable.

Now, therefore, effective January 8, 1947, § 61.752 of the Civil Air Regulations is amended to read as follows:

§ 61.752 *Approach and landing limitations.* No instrument approach procedure shall be executed or landing made at an airport when the latest U. S. Weather Bureau weather report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-455; Filed, Jan. 16, 1947; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[ACP-1947-2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

1947 ALLOCATION OF FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1947 Agricultural Conservation Program is amended to read as follows:

Section 701.801 is amended by adding at the end of paragraph (a) thereof the following:

Subject to action by the Congress as stated in § 701.812 (b), the allocation of funds among the States is as follows:

State and region	*1947 allocation*
Maine	$998,000
New Hampshire	418,000
Vermont	867,000
Massachusetts	748,000
Rhode Island	86,000
Connecticut	486,000
New York	5,258,000
New Jersey	973,000
Pennsylvania	4,773,000
Northeast region	14,607,000
Illinois	9,249,000
Indiana	6,044,000
Iowa	9,628,000
Michigan	6,044,000
Minnesota	7,656,000
Missouri	9,339,000
Nebraska	7,845,000
Ohio	7,399,000
South Dakota	6,351,000
Wisconsin	6,857,000
North Central region	76,412,000
Delaware	447,000
Maryland	1,746,000
Virginia	4,476,000
West Virginia	2,240,000
North Carolina	6,416,000
Kentucky	7,451,000
Tennessee	6,359,000
East Central region	29,135,000
Alabama	5,699,000
Arkansas	5,411,000
Florida	2,497,000
Georgia	6,158,000

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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State and region	*1947 allocation*
Louisiana	$3,742,000
Mississippi	6,462,000
Oklahoma	7,459,000
South Carolina	3,822,000
Texas	19,788,000
Southern region	61,038,000
Arizona	1,717,000
California	6,284,000
Colorado	3,927,000
Idaho	2,115,000
Kansas	8,987,000
Montana	4,813,000
Nevada	306,000
New Mexico	2,621,000
North Dakota	6,669,000
Oregon	2,895,000
Utah	1,221,000
Washington	3,386,000
Wyoming	1,967,000
Western region	46,808,000

The apportionment shown above does not include the amounts set aside for

administrative expenses, the amounts required for size of payment adjustments in §§ 701.804 and 701.805, and the amounts set aside for the Insular Agricultural Conservation Program (§§ 702.801–702.810; 11 F. R. 9327) and the Naval Stores Conservation Program (§§ 706.801–706.811; 11 F. R. 13246). The Director of the Field Service Branch may make adjustments in the allocations above by transferring any funds that will not be used in a State to other States where additional funds can be used to effectuate the purposes of the program and shall allocate among the States the amount of $4,686,372 withheld as a reserve for contingencies and adjustments.

(49 Stat. 1148, 16 U. S. C. and Sup., 590g–590q)

Done at Washington, D. C. this 14th day of January 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-480; Filed, Jan. 16, 1947; 8:45 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 10, Amdt. 21]

PART 1432—RICE

SET-ASIDE REQUIREMENTS AND RESTRICTIONS ON DISTRIBUTION AND MILLING OF RICE

War Food Order No. 10, as amended (11 F. R. 10649, 13144, and 14646), is hereby further amended by striking the period at the end of § 1432.1 (c) (1), and substituting a semicolon in lieu of said period, and by adding to said paragraph, after the second proviso therein, the following:

And provided further, That deliveries in January, 1947 by any miller to persons other than governmental agencies of brown and milled rice for shipment to Puerto Rico, the Virgin Islands, and Hawaii, may be credited against the set-aside requirements of (b) (1) for January, 1947 up to 40 percent of the total quantity of brown and milled rice milled by such miller during such month.

This amendment shall be effective as of 12:01 a. m., e. s. t., January 1, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken under the provisions of War Food Order No. 10, as amended, prior to said date all such provisions shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 2 (a), 54 Stat. 676, as amended, 50 U. S. C. App. Sup. 1152 (a); E. O. 9280, Dec. 5, 1942, 7 F. R. 10179; E. O 9577, June 29, 1945, 10 F R. 8087)

Issued this 14th day of January 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-479; Filed, Jan. 16, 1947; 8:45 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 5—PAYMENTS TO PARTICIPANTS IN THE TRAINING PROGRAM OF THE UNITED STATES COAST AND GEODETIC SURVEY UNDER THE PHILIPPINE REHABILITATION ACT OF 1946

Correction

In § 5.8 of Federal Register Document 47-128 appearing at page 95 of the issue of Tuesday, January 7, 1947, the last sentence should read "The rates of pay and allowable rations for members of the crew and Chief Engineer shall be fixed by the Director, subject to the approval of the Secretary of Commerce".

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Priorities Order 3, as Amended Jan. 16, 1947]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DELEGATION OF AUTHORITY

§ 801.3 *Delegation of authority*—(a) *What this section provides.* Housing Expediter Priorities Regulations 1, 2 and 4 relate to the disposal by War Assets Administration of materials and equipment needed in the Veterans' Emergency Housing Program. This section delegates to certain officials in the Office of the Housing Expediter the authority (1) to make certain determinations described in Housing Expediter Priorities Regulations 1 and 2, and (2) to issue Housing Expediter certificates in accordance with Housing Expediter Priorities Regulation 4, and to make findings in support of such certificates.

(b) *Sequence of filling orders under HEPR 1 and 2.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Deputy Expediter for Surplus Property and Re-use (and, in his absence, the Assistant Deputy Expediter for Surplus Property and Re-use), Office of the Housing Expediter, are hereby authorized to make the determinations described in paragraph (f) (2) of Housing Expediter Priorities Regulation 1 and in paragraph (f) (2) of Housing Expediter Priorities Regulation 2. These determinations relate to the sequence in which purchase orders received by War Assets Administration under HEPR 1 and 2 shall be accepted and filled by WAA.

(c) *Finding of short supply.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Deputy Expediter for Surplus Property and Re-use (and, in his absence, the Assistant Deputy Expediter for Surplus Property and Re-use), Office of the Housing Expediter, are hereby authorized to determine whether there is a shortage in the supply of any materials or equipment for which an application for a Housing Expediter certificate is filed under Housing Expediter Priorities Regulation 4.

(d) *Housing Expediter certificates.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Deputy Expediter for Surplus Property and Re-use (and, in his absence, the Assistant Deputy Expediter for Surplus Property and Re-use), Office of the Housing Expediter, are hereby authorized to issue Housing Expediter certificates, in accordance with Housing Expediter Priorities Regulation 4, covering materials or equipment found by the Regional Housing Expediter or said Deputy Expediter or Assistant Deputy Expediter, respectively, in accordance with paragraph (c) of this section, to be in short supply. However, this does not authorize the Regional Housing Expediters to issue Housing Expediter certificates upon applications filed under paragraphs (m) or (n), or to grant exceptions under paragraph (v) of HEPR 4.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 16th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-547; Filed, Jan. 16, 1947; 11:36 a. m.]

[HED-120-CPA-11, Amdt. 1]

PART 802—DELEGATIONS OF FINAL AUTHORITY

DIRECTIVE TO CIVILIAN PRODUCTION ADMINISTRATION WITH RESPECT TO MERCHANT PIG IRON

Section 802.9[1] *Directive to the Civilian Production Administration on Premium Payments Regulation 9 (§805.9[2] of this chapter) with respect to merchant pig iron*, is amended as follows:

1. Delete subdivision (iii) of paragraph (a) (4) and substitute the following:

(4) With respect to applications by producers for quota adjustments: • • •

(iii) Upon receipt of each application filed in accordance with § 805.9 (b) (5) of this chapter (Housing Expediter Premium Payments Regulation 9) indicating that a producer has shut down one or more of his furnaces for necessary repairs, the CPA shall recommend to the OHE on the basis of the facts submitted and any additional information available whether or not the producer shall be allowed a quota adjustment and shall attach to its recommendations a statement of considerations. Upon receipt of a decision from the OHE, the CPA shall notify the applicant, and the RFC (in triplicate).

2. Delete subparagraph (5) of paragraph (a) and substitute the following:

(5) Where the CPA finds that production and/or shipments in or from any plant of a producer with two or more plants has fallen below the quota for that plant in any month, the CPA shall in-

[1] 11 F. R. 13419.
[2] 11 F. R. 10578, 11986, 14461.

vestigate to ascertain whether or not in its opinion production and/or shipments have been shifted among plants of that producer so as to increase his total claim without a corresponding increase in output. In all cases, the CPA shall report its findings to the OHE, and, where in its opinion production and/or shipments have been shifted among plants of the producer so as to increase his total claim without a corresponding increase in output, shall recommend whether or not a combined quota should be established for all the plants of said producer; the CPA shall attach to its recommendations a statement of the facts from which its conclusions were drawn. Upon receipt of a combined quota from the OHE, the CPA shall notify the applicant, and the RFC (in triplicate).

(60 Stat. 207)

Issued this 13th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-481; Filed, Jan. 16, 1947; 8:45 a. m.]

[Priorities Regulation 3, Revocation]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DIRECTIVES AND CERTIFICATES FOR SURPLUS EQUIPMENT

§ 803.3 *Housing Expediter directives and certificates for surplus equipment for the Veterans' Emergency Housing Program.* This section, Housing Expediter Priorities Regulation 3, is hereby revoked. The six items of construction equipment covered by this section as amended November 14, 1946 are still covered by Housing Expediter Priorities Regulation 4. Holders of Housing Expediter directives and certificates are given a preference in obtaining such equipment as explained in HEPR 4.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 16th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-548; Filed, Jan. 16, 1947; 11:36 a. m.]

[Priorities Regulation 4, as Amended, Jan. 16, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS EMERGENCY HOUSING ACT OF 1946

CERTIFICATES AND DIRECTIVES FOR SURPLUS MATERIALS AND EQUIPMENT

PURPOSE

Par.
(a) What this section provides.

DEFINITIONS

(b) Definitions.

MATERIALS AND EQUIPMENT COVERED

(c) Types of materials and equipment.
(d) WAA stocks covered.

APPLICATIONS FOR HOUSING EXPEDITER CERTIFICATES

(e) Filing of applications.
(f) Consideration of applications.
(g) Issuance of certificates.

GENERAL CONDITIONS FOR APPROVAL

(h) General conditions for approval of applications.

SPECIAL CONDITIONS FOR APPROVAL

(i) Continuous use of construction equipment for VEHP.
(j) To avoid serious delays in VEHP.
(k) Industrially made houses, sections or panels.
(l) Critical products.
(m) New type building materials.
(n) Basic materials.

EFFECT ON HOUSING EXPEDITER CERTIFICATES

(o) Effect of Housing Expediter certificates.

USE OF HOUSING EXPEDITER CERTIFICATES

(p) How to use a Housing Expediter certificate.

HOUSING EXPEDITER DIRECTIVES

(q) Issuance of Housing Expediter directives.
(r) Effect of Housing Expediter and CPA directives.

RESTRICTIONS ON BUYERS

(s) Use of materials or equipment obtained with Housing Expediter certificate or directive.
(t) Sale of materials or equipment obtained with Housing Expediter certificate or directive.

OTHER PROVISIONS

(u) Appeals.
(v) Exceptions.
(w) Violations.
(x) Reporting and record-keeping requirements.

§ 803.4 *Housing Expediter certificates and directives for surplus materials and equipment*—(a) *What this section provides.* This section, Housing Expediter Priorities Regulation 4, explains how special assistance, in the form of Housing Expediter certificates, will be extended to qualified persons in obtaining from War Assets Administration surplus materials or equipment which are needed for construction or production under the Veterans' Emergency Housing Program.

The Housing Expediter certificates issued under this section provide the holders with a preference in acquiring from WAA the materials and equipment listed in the certificate. They are good only for government property declared surplus to WAA. Prior to January 16, 1947, Housing Expediter certificates could be used only to obtain surplus property which had not yet been publicly advertised for sale by WAA. These certificates may now be used, as provided in this section, to obtain either unadvertised or advertised surplus.

This section explains: (1) How applications for such certificates should be filed. (2) The standards for approval of applications. (3) How certificates are issued. (4) Effect of certificates.

It also tells how, in unusual cases, Housing Expediter directives may be issued for materials or equipment for use in the Veterans' Emergency Housing Program.

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) An "industrially-made house, section or panel" is one which is made in a factory or, in the case of concrete, precast either in a factory or on the building site. The term does not include house trailers.

(2) A "critical product" is one which the Housing Expediter has determined to be in such tight supply that the shortage of the product presents a serious threat to the Veterans' Emergency Housing Program. All such products are listed in the table at the end of this section.

(3) "New type building material" means any building material which possesses some characteristics (such as composition, application, or design) different from existing conventional types of building materials.

(4) "Person" means any individual, partnership, association, business trust, corporation, or any other organized group of persons (whether incorporated or not), or any federal, state or local government, or agency, instrumentality or subdivision thereof.

(5) "VEHP" means the Veterans' Emergency Housing Program.

(6) "MRO" means maintenance, repair, or operating supplies (including spare and replacement parts).

(7) "CPA urgency certificate" means a certificate issued under Direction 16 to Civilian Production Administration Priorities Regulation 13.

(8) "WAA" means the War Assets Administration.

(9) "OHE" means the Office of the Housing Expediter.

(10) "This section" or "HEPR 4" means Housing Expediter Priorities Regulation 4.

MATERIALS AND EQUIPMENT COVERED

(c) *Types of materials and equipment.* The types of materials and equipment for which a Housing Expediter certificate may be issued are:

(1) Production materials which are to be incorporated directly into a product.

(2) Construction materials (building materials, supplies and equipment).

(3) Capital equipment to be used for construction, production, or services.

(4) MRO.

NOTE: The table of "critical products" at the end of this section is not a list of the materials and equipment for which certificates will be issued under this section. It is to be used only in determining who is eligible under paragraph (1) of this section.

(d) *WAA stocks covered.* This section covers all materials and equipment of the types described in paragraph (c) of this section which are held by WAA as government-owned surplus.

APPLICATIONS FOR HOUSING EXPEDITER CERTIFICATES

(e) *Filing of applications.* Applications under this section should be filed as follows:

(1) *Certificates.* Applications for Housing Expediter certificates should be made in duplicate on Form OHE 14-82. Copies of this form may be obtained from the offices of the Regional Housing Expediters and Locality Housing Expediters. All applications should be addressed to the Regional Housing Expediter of the Region in which the applicant's place of business is located. Applications filed under paragraph (m) or (n) of this section will be forwarded by the Regional Expediter, with his recommendations, to the Housing Expediter, Washington, D. C.

(2) *Renewals.* If the holder of a Housing Expediter certificate is unable to obtain the materials or equipment covered by the certificate 15 days before it expires, he may apply for a renewal to the office which issued the certificate. He should apply by letter, and include a certification in substantially the following form:

> The undersigned hereby certifies, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the information and statements contained in his application dated ---------- for a Housing Expediter certificate are true, to the best of his knowledge and belief, as of the date of this letter. He also certifies that the items covered by certificate No. ------ issued upon that application are still needed and will be used in the Veterans' Emergency Housing Program, in accordance with that application and Housing Expediter Priorities Regulation 4.

(f) *Consideration of applications.* Applications for Housing Expediter certificates will be considered for approval in the following way:

(1) *Qualified applications.* An application will be considered qualified if it is properly completed and meets the standards for approval described in paragraphs (h) through (n) of this section.

(2) *Veterans' set-aside list.* A Housing Expediter certificate covering an item on the WAA veterans' set-aside list will be issued only if the applicant is a veteran who holds a WAA veterans' certificate (Form 63, 73, or 1127) for the same item.

(3) *Inventory restriction.* An application will not be approved which calls for more production materials or operating supplies than the applicant requires to meet his scheduled operations during the 60 days immediately following the date of his application, less the amount he has on hand and expects to receive from other sources during that period.

(g) *Issuance of certificates.* Housing Expediter certificates will be issued in the following way on approved applications:

(1) *Applications under paragraphs (i) through (l).* If the application is approved, the Regional Housing Expediter will issue a Housing Expediter certificate covering the required materials or equipment. The original will be forwarded to the applicant. A duplicate and triplicate will be forwarded to the appropriate WAA Zone Office.

(2) *Applications under paragraph (m) and (n).* When an application is forwarded to the Housing Expediter (see paragraph (e) of this section), he will consider it for approval and issue a Housing Expediter certificate upon a qualified application in the same manner as described in subparagraph (1) of this paragraph.

GENERAL CONDITIONS FOR APPROVAL

(h) *General conditions for approval of applications.* It is not the general policy of the Housing Expediter to channel government surplus materials and equipment to the Veterans' Emergency Housing Program through Housing Expediter certificates. Housing Expediter Priorities Regulations 1 and 2 are designed to channel into the VEHP, on a self-certifying basis, certain materials and equipment listed in those regulations. Except for the equipment listed in paragraph (o) (5) of this section, all materials and equipment not specifically listed in either HEPR 1 or 2 are normally disposed of in accordance with the Surplus Property Act and applicable regulations issued under that Act.

There are circumstances, however, which this regulation is designed to cover, under which Housing Expediter certificates will be issued. These circumstances include certain general conditions which must be met by the applicant. They are as follows:

(1) It must be determined by the Housing Expediter that the applicant's proposed use of the surplus materials or equipment requested will make a substantial contribution to the VEHP.

(2) The applicant must show that he has been unable to get the materials or equipment as soon as he needs them from sources other than government-owned surplus.

(3) In the case of construction equipment, the applicant must show that he has been unable to procure contractual services as soon as he needs them to carry out the work for which the construction equipment is required.

(4) The applicant must purchase the materials or equipment for use and not for resale, except in the case of established service and maintenance organizations who supply both parts and services to producers of any of the critical products listed at the end of this section.

In addition to the general conditions of this paragraph, an applicant must also meet one of the six special conditions described in one of the paragraphs (i) through (n) of this section.

SPECIAL CONDITIONS FOR APPROVAL

(i) *Continuous use of construction equipment for VEHP.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of construction equipment which is in short supply if:

(1) The applicant is a builder; building contractor; building subcontractor; erector of industrially-made houses, sections or panels; or a publicly or privately owned utility (water, power, gas, sewerage); and

(2) The Housing Expediter finds that the applicant is likely to make substantially continuous use of the equipment in support of the VEHP.

(j) *To avoid serious delays in VEHP.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a Federal, state or local government agency, or a producer of industrially made houses, sections, or panels as defined in paragraph (b) (1) of this section.

(k) *Industrially made houses, sections or panels.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a producer of industrially made houses, sections, or panels as defined in paragraph (b) (1) of this section.

(l) *Critical products.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by:

(1) A producer of a "critical product" that is listed in the table at the end of this section. (For the definition of "critical product" see paragraph (b) (2) of this section.) It should be emphasized that it is the materials or equipment needed to produce the critical product, rather than the critical product itself, for which a Housing Expediter certificate may be issued under this paragraph.

(2) A person who will use the item to provide a necessary service to a producer of a "critical product," such as a road building contractor providing access roads for a producer of logs.

(3) A producer of production materials or MRO which are required by a producer of a "critical product," if (i) the item will be used by the first producer in production of such materials or MRO, and (ii) a very high proportion of the first producer's output of these materials or MRO will be sold to such producers of "critical products." An example of a person eligible under this subparagraph is a producer of molding sand to be sold to producers of cast iron soil pipe.

(m) *New type building materials.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a producer of a "new type building material" which has been approved by the Housing Expediter for use in the VEHP.

(n) *Basic materials.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a Federal,

State, or local governmental agency or instrumentality or persons under contract with such agency or instrumentality for use in a specific program established by the Expediter (in cooperation with the applicant agency or instrumentality) to increase the production of a basic material, such as logs, for the VEHP.

EFFECT OF HOUSING EXPEDITER CERTIFICATES

(o) *Effect of Housing Expediter certificates.* WAA shall give the following effect to Housing Expediter certificates:

(1) *Valid for 60 days.* A Housing Expediter certificate shall be valid for 60 days after its date of issuance, and for an additional 60 days if it is renewed.

(2) *Search by WAA.* Each WAA Zone Office, upon receiving a copy of a Housing Expediter certificate, shall determine promptly whether the materials or equipment described in the certificate are in WAA stocks located within the WAA Zone. However, no such search need be made for items covered by HEPR 1 or 2.

(3) *Methods of disposal.* If the WAA Zone Office locates the materials or equipment covered by the Housing Expediter certificate, the items shall be disposed of by one of the following methods, as determined by the WAA Zone Administrator:

(i) Through sale by notification to holders of Housing Expediter certificates and CPA urgency certificates.

(ii) By transfer to the Federal Public Housing Authority for use under Title V of the Lanham Act, as amended; or to the Veterans Administration for use in the Veterans Administration Construction Program.

(iii) By publicly advertised sale to Housing Expediter certificate holders and others.

Unless otherwise directed by CPA or the Housing Expediter, disposal must be by one of these three methods.

(4) *Order of preference before advertising.* In disposing of any of the materials or equipment covered by this section before they have been publicly advertised, each WAA Regional Office shall honor whichever of the following two is received first:

(i) An order from a certificate holder.

(ii) A request for transfer from the Federal Public Housing Authority or the Veterans Administration.

(5) *Public advertisement.* Before any of the following equipment is disposed of by WAA (other than as described in subparagraph (3) (i) and (ii) of this paragraph, or upon a Housing Expediter or CPA directive), they shall be publicly advertised by the WAA Regional Office as provided in this subparagraph:

Attachments disposed of separately from cranes: boom, crane, dragline, clamshell, shovel, piledriver, backhoe, or trenchhoe attachments.
Attachments disposed of separately from tractors: bulldozer, angledozer, power control unit, hydraulic pumps, towing winch, loader, or hoists.
Batching plants.
Cranes: Truck mounted and crawler-type of ⅜, ½, ¾, 1¼ to 1½, 1¾ to 2, and 2½ cubic yard capacity. Equipped with shovel, dragline, backhoe, and other types of front ends.
Ditching machines.
Motor graders.
Portable air compressors from 105 c. f. m. to 500 c. f. m. inclusive.
Rock crushers, 35 tons per hour or under.
Straddle-lift trucks.
Tractors (track laying) and front-end loaders.
Tractor type scrapers.
Wheel tractors 100 h. p. or over.

In such advertisements, WAA shall indicate that preference will be given, as provided in subparagraph (6) of this paragraph, to holders of Housing Expediter certificates.

(6) *Order of preference after advertising.* Unless otherwise directed by CPA or the Housing Expediter, in disposing of any materials or equipment covered by this section in a publicly advertised sale, each WAA Regional Office shall give preference the following priority groups, in the order indicated, over all other persons:

(i) Holders of both an unexpired Housing Expediter certificate and a WAA veteran's certificate (Form 63, 73, or 1127) for the same materials or equipment. Within this priority group, certificates shall be honored in the order in which they are presented during the preference period established for them by the advertisement.

(ii) Holders of an unexpired Housing Expediter certificate. Within this priority group, certificates shall be honored in the same order as in priority group (i).

After a particular lot of materials or equipment covered by this section has been publicly advertised to certificate holders by WAA, and the preference period for such holders has expired, certificate holders shall have no further preference in any later offerings of the same lot on competitive bids.

(7) *Terms of sale.* WAA may make disposals under this section upon such terms and conditions as are not in conflict with this section or the Housing Expediter certificate upon which the disposal is made.

USE OF HOUSING EXPEDITER CERTIFICATES

(p) *How to use a Housing Expediter certificate.* The following are the rules governing the use of Housing Expediter certificates:

(1) *Sales by notification prior to public advertisement.* If WAA notifies a certificate holder that the materials or equipment described in his certificate are available for disposal, the holder shall, within the time specified in the notification, present his copy of the certificate and his written order as required by WAA, together with adequate identification, to the WAA office designated in the notification. (See paragraph (o) (3) (i) of this section on sales by notification.)

(2) *Publicly advertised sales.* The holder of a Housing Expediter certificate should watch for public advertisements of WAA sales, wherever located, of any materials and equipment covered by his certificate. The certificate holder should submit his order or bid in accordance with the terms of the advertised sale, noting on his order or bid that he holds a Housing Expediter certificate for the items covered by his order. Since preference among certificate holders in paragraph (o) (6) (i) or (o) (6) (ii) of this section will be on a first-come, first-served basis, promptness in placing orders or bids is important. If some of the items covered by a Housing Expediter certificate are sold to the holder, his certificate will be marked to indicate this by striking out these items, and he may retain the certificate. If all items are sold to the holder, he must surrender his copy of the certificate to WAA.

(3) *Not transferable.* A Housing Expediter certificate may be used only by the person named in it, and any rights conferred by it on that person may not be transferred.

(4) *No copies to be made.* No person shall make, or have made, a photostatic copy or other facsimile of a Housing Expediter certificate.

HOUSING EXPEDITER DIRECTIVES

(q) *Issuance of Housing Expediter directives.* In addition to Housing Expediter certificates, Housing Expediter directives may be issued covering government-owned surplus needed in the VEHP. The following rules govern the issuance of such directives:

(1) Housing Expediter directives may be issued if (i) the location of the items involved is known, and (ii) because of special circumstance, disposal under HEPR 1 or 2 or issuance of a certificate would not adequately meet the needs of the VEHP.

(2) Housing Expediter directives covering materials or equipment already publicly advertised or publicly offered for sale will, in general, be issued only if very extreme and unusual circumstances present such a serious threat to the VEHP that in the judgment of the Housing Expediter the action is mandatory.

(3) Application for a Housing Expediter directive should be made by letter to the Housing Expediter, Washington 25, D. C.

(r) *Effect of Housing Expediter and CPA directives.* Housing Expediter directives and CPA directives shall take precedence over Housing Expediter certificates. CPA directives shall take precedence over Housing Expediter directives.

RESTRICTIONS ON BUYERS

(s) *Use of materials or equipment obtained with Housing Expediter certificate or directive.* Any material or equipment obtained from WAA by the use of a Housing Expediter certificate or directive may be used only for the purpose for which the certificate or directive was issued.

(t) *Sale of materials or equipment obtained with Housing Expediter certificate or directive.* If it becomes impossible for a person who obtained materials or equipment under this section to use them for the purposes for which the Housing Expediter certificate or directive was issued, the unused materials or equipment may be disposed of only on authorization in writing by the Housing Expediter upon the basis of a letter from the person explaining the situation, and plans for disposal, if any. In general, disposal will be authorized only for purposes which would qualify for a Housing Expediter certificate under this section.

OTHER PROVISIONS

(u) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. In addition, any person affected by action taken under this section which was based on an interpretation of the section which he considers to be incorrect may file an appeal. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C. The letter must state clearly the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship, or the specific action appealed from, as the case may be.

(v) *Exceptions.* In a very limited number of cases, an exception to the provisions of this section may be granted by the Housing Expediter so that a certificate may be issued for materials or equipment to be used in the VEHP, even though the applicant does not meet all the conditions of eligibility of the section. Any person who considers that the facts of his case are unusual enough to warrant the granting of such an exception should file his application with the Regional Housing Expediter of the region where his place of business is located. The application will be forwarded by the Regional Expediter, with his recommendation, to the Housing Expediter, Washington 25, D. C.

(w) *Violations.* Any person who wilfully violates any provision of this section or who knowingly makes any statement to the Housing Expediter or the WAA, as to any matter within their respective jurisdictions, which is false in any respect, or who wilfully conceals a material fact in any certification required to be executed under this section, or who wilfully falsifies any records to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both, under the Veterans' Emergency Housing Act of 1946 and other applicable Federal Statutes. Any such person or any other person who violates any provisions of this section may be prohibited from making or obtaining any further deliveries of, or from using any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(x) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after the date of the transaction, accurate and complete records of the details of each such transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or any person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 16th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

TABLE OF CRITICAL PRODUCTS COVERED BY PARAGRAPH (1) OF THIS SECTION

NOTE: As explained in paragraphs (c) and (l) of this section, this table is not a list of the materials and equipment for which Housing Expediter certificates may be issued under this section. It is a list of the kinds of products an applicant must produce in order to be eligible for a Housing Expediter certificate under paragraph (1) (1) of this section.

Asbestos-cement siding shingles and flat sheets (products made from asbestos fibers and cement).
Asbestos-cement siding shingle and flat sheet specialized machinery.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, saturated felts, dry roofing felts, and saturated or coated sheathing papers).
Asphalt and tarred roofing products specialized machinery.
Bituminized fiber pipe.
Bituminized fiber pipe specialized machinery.
Boilers, low pressure, heating, steam and hot water.
Builders' hardware of the following types only:
(1) butts, hinges, hasps; (2) door locks, lock trim; (3) sash screen, and shelf hardware; (4) night latches, dead locks; (5) spring hinges; (6) sash balances, sash pulleys.
Building and sheathing papers.
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).
Cast iron soil pipe and fittings.
Cast iron pressure pipe.
Cast iron radiation.
Cement.
Cement mill specialized machinery.
Clay building products (common and face brick, clay structural tile, and clay sewer pipe).
Clay building products specialized machinery (such as dealring machines, extrusion heads, clay grinders and pulverizers, and brick presses).
Convector radiation (extended surface).
Flooring hardwood.
Furnaces (warm air, floor, wall).
Gypsum board and gypsum lath.
Gypsum board and gypsum lath specialized machinery.
Gypsum liner.
Lime, finishing.
Logs.
Lumber.
Metal doors and frames.
Metal windows, sash and frames.
Metal plaster base (metal lath).
Millwork, suitable for housing construction.
Nails.
Pig iron (foundry grade).
Plaster, hardwall.
Plumbing fixture fittings and trim, including brass tubular goods.
Plumbing fixtures (of the following types, in residential-design models only: bathtubs, lavatories, sinks, sink-and-tray combinations, shower stalls, receptors, stall-and-receptor combinations, water closet bowls, tanks. Trim is not included).
Plywood, softwood, suitable for housing construction.
Sawmill and other woodworking specialized machinery.
Screen cloth, insect.
Steel, galvanized sheet.
Wiring devices (electrical) of the following kinds only:

(1) Sockets, lampholders, and lamp receptacles—medium screw base types (lighting fixtures and portable lamps not included);
(2) Convenience receptacles (outlets) suitable for residential use;
(3) Toggle switches (types designed specifically for tools and appliances not included);
(4) Wall and face plates;
(5) Outlet, switch, and receptacle boxes suitable for residential use (covers, hangers, supports, and clamps included);
(6) Box connectors for residential-type metal or nonmetallic sheathed cable.

[F. R. Doc. 47-549; Filed, Jan. 16, 1947; 11:36 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter B—Helium and Coal

PART 1—PRODUCTION AND SALE OF HELIUM FOR MEDICAL, SCIENTIFIC, AND COMMERCIAL USE

Sec.
1.1 Definitions.
1.2 Purchase price of helium.
1.3 Service charges.
1.4 Settlements under existing contracts.
1.5 Applications.
1.6 Advances, deposits and bonds.
1.7 Initial advance for purchase of helium.
1.8 Initial advance and guarantee for containers.
1.9 Adjustment of accounts.
1.10 Shipping containers.
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1.13 Determinations of purity and quantity.
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1.20 Federal agencies not affected.
1.21 Forms.

AUTHORITY: §§ 1.1 to 1.21, inclusive, issued under 50 Stat. 886; 50 U. S. C. 164 (b).

Effective 30 days after publication in the FEDERAL REGISTER, Part 1 is hereby amended to read as follows:

§ 1.1 *Definitions*—(a) "Act" means the act authorizing the conservation, production, exploitation, and sale of helium gas, approved September 1, 1937. (50 Stat. 885; 50 U. S. C. 161–166)

(b) "Special helium-production fund" means the fund referred to in subsection (c) of section 3 of the act.

(c) "Bureau" means the Bureau of Mines of the Department of the Interior.

(d) "Purchaser" means a person, firm, corporation, association or political authority, other than an agency of the United States Government, purchasing helium from the Bureau for medical, scientific or commercial use, or using helium containers supplied by the Bureau.

(e) "Purity of helium" means the percentage by volume of the gaseous element, helium, in a mixture of that element and other gases.

(f) "Contained helium" means the actual quantity, by volume, of helium in a mixture of that element and other gases. The volume of the contained helium bears the same proportion to the volume of the mixture that the purity of the helium bears to 100 percent.

(g) "Unit of helium" means 1,000 cubic feet of contained helium measured at, or reduced to, a pressure of 14.7 pounds per square inch absolute and a temperature of 70° Fahrenheit.

(h) "Standard-type cylinder" means a cylinder of approximately 1.5 cubic feet internal volume, designed for a filling pressure of 1,800 pounds per square inch gage or more, which will stand vertically without external support with the center of the valve outlet not less than 50½ inches nor more than 58½ inches above the floor, equipped with a standard-type cylinder valve, or a similar cylinder acceptable to the Bureau as a standard type.

(i) "Standard-type cylinder valve" means a valve acceptable to the Bureau in all respects, having an outlet conforming to following specifications: U. S. standard form left-hand threads, 14 threads per inch, threaded portion ⅝ inch in length; major diameter not more than 0.830 nor less than 0.824 inch; pitch diameter not more than 0.784 nor less than 0.780 inch; outlet opening drilled to have a diameter of not more than 0.504 nor less than 0.500 inch and a depth of not less than ⅜ nor more than ½ inch; inside edge of opening rounded out to a radius of 1/16 inch to permit insertion of a male connection tapered at an angle of 30 degrees: *Provided*, That at the Bureau's option valves with outlets conforming to other specifications may be accepted as alternative standards.

(j) "Helium tank car" means a railroad car of the type used by the Army and Navy for transporting helium, on which cylinders designed to hold helium under high pressure are mounted permanently.

(k) "Helium semi-trailer" means a vehicle without motive power of a type used by the Army or Navy for transportation of helium by road, on which cylinders designed to hold helium under high pressure are mounted permanently.

(l) "Multiple-cylinder unit" means a group of high-pressure cylinders assembled into one unit for shipment by rail or highway, of a type used by the Army or Navy for transportation of helium.

§ 1.2 *Purchase price of helium.* The purchase price per unit of helium, f. o. b. at a helium plant to be selected by the Bureau, for helium of normal plant purity of 98 percent or more, delivered into containers at pressures not exceeding the normal plant pressure of approximately 2,500 pounds per square inch gage, shall be:

(a) *When delivered into a helium tank car, helium semi-trailer, or multiple cylinder unit.* (1) $11.00 when used or to be used for medical purposes only.

(2) $13.00 when used or to be used for scientific or commercial purposes.

(b) *When delivered into standard-type cylinders.* (1) $13.00 when used or to be used for medical purposes only.

(2) $15.00 when used or to be used for scientific or commercial purposes.

(c) *When delivered into other types of containers.* If helium is delivered into containers of types other than those referred to in paragraphs (a) and (b) of this section, the purchase price shall be the same as set forth in paragraph (a) of this section, and the Bureau may make, in addition, service charges to cover the cost of handling and filling such containers as provided in § 1.3 (b).

(d) *Minimum charge.* Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section, the minimum charge for the helium delivered under any one contract shall be $11.00.

§ 1.3 *Service charges.* The following charges for services and for use of equipment supplied by the Bureau shall be paid by the purchaser, in addition to the purchase price:

(a) *For work performed on standard-type cylinders supplied by the purchaser.* (1) Hydrostatic testing: $0.75 per cylinder.

(2) Sealing cylinder valves: $0.025 per cylinder.

(3) Stenciling serial numbers: $0.10 per cylinder.

(4) Installing valves supplied by purchaser in cylinders received without valves: $0.20 per cylinder.

(5) Resetting valves, or removing valves and replacing with valves supplied by purchaser: $0.35 per cylinder.

(6) Painting cylinders: $0.50 per color, per cylinder.

(b) *For extraordinary expenses.* Such expenses incurred in connection with any contract or delivery, including costs of repairing, cleaning, or drying purchasers' containers, filling containers of types other than those referred to in § 1.2 (a) and (b), compressing or purifying helium beyond normal plant pressure or purity, delivering helium at a point other than a helium plant selected by the Bureau, and unusual handling, transportation and communications, may be determined by the Bureau, on the basis of the cost of rendering the services, making due allowance for contingencies, overhead expense, commercial common-carrier rates, and intangible factors, and charged to the purchasers as they arise.

(c) *For use of helium containers supplied by the Bureau.* (1) For each standard-type cylinder: $0.45 for each month or part thereof.

(2) For each helium tank car: $100 for the first five days or part thereof, and $20 for each day or part thereof in excess of five days.

(3) For each helium semi-trailer: $10 for the first two days or part thereof, and $5 for each day or part thereof in excess of two days.

(4) For each multiple-cylinder unit: $9 for the first three days or part thereof, and $3 for each day or part thereof in excess of three days.

(d) *For use of tractor.* For a tractor with driver and fuel supplied by the Bureau for transportation of a helium semi-trailer: $30 for each day or part thereof plus $0.10 for each mile traveled pulling the semi-trailer and $0.06 for each mile traveled by the tractor without the semi-trailer.

(e) *Computation of time periods.* The time periods (one month, five days, two days, three days, and one day) referred to in paragraphs (c) and (d) of this section, shall begin the day following that in which the container or tractor is placed in service for the purchaser and end the day it is returned to the Bureau's service. Any fractional period, including the period of use of a container or tractor placed in a purchaser's service and returned to the Bureau's service later in the same day, shall count as a whole period. A container or tractor shall not be considered to be returned to the Bureau's service until it is returned to the Bureau's point of origin or some other point designated by the Bureau, and, if the container is a standard-type cylinder used in making repeated shipments to the same purchaser, until it is released from that service and made available for shipments to other purchasers or to agencies of the Federal Government. Twelve o'clock, midnight, standard time, is the dividing line between days. The charge for the use of a container or tractor shall abate during any period when it is out of service because of unserviceable condition through no fault of the purchaser.

§ 1.4 *Settlements under existing contracts.* Existing contracts for the purchase of helium and for use of containers may be settled by the Bureau in whole or in part on the basis of the amended regulations in this part, and suitable amendments of such contracts may be entered into for this purpose.

§ 1.5 *Applications*—(a) *Applications to purchase helium.* Sales of helium will be made only upon a written application, signed by the applicant, setting forth all of the information and conditions required by the Bureau's form entitled "Application to Purchase Helium," a copy of which is published in § 1.21 (a). Such forms will be furnished by the Bureau upon request. If the application is deemed sufficient by the Bureau for that purpose, and the requirements for cash advance and bond (if required) are complied with, it shall become the contract of sale upon the written acceptance thereof by the Bureau.

(b) *Applications to use helium containers.* If a purchaser desires that containers be supplied by the Bureau, he may make application therefor on the Bureau's form entitled "Application to Use Helium Containers," a copy of which is published in § 1.21 (b). Such forms will be furnished by the Bureau upon request. If the desired containers are available, and if said application is deemed sufficient by the Bureau for that purpose, and the requirements for cash advance and deposit or bond are complied with, it shall become the contract for use of containers upon the written acceptance thereof by the Bureau.

§ 1.6 *Advances, deposits and bonds*—(a) *Advances and bonds for purchase of helium.* No helium will be delivered or services performed under the regulations in this part except against cash paid in advance on account of the purchase price and services, and, when applicable, a bond or bonds as provided in §§ 1.14 and 1.18.

(b) *Advances, deposits and bonds for use of containers.* No containers or tractors will be furnished by the Bureau under the regulations in this part except against cash paid in advance on account of their use and, unless waived by the Bureau, a cash deposit or bond to guarantee the return of all Government owned containers in satisfactory condition, or the repair or replacement of, or payment for, any containers lost or damaged, and payment of any other charges that may become due.

(c) *Purchaser to maintain adequate credits and bonds.* The purchaser shall at all times maintain with the Bureau a cash credit sufficient to cover all or as much as the Bureau may require of the purchase price of the helium together with such charges for services and use of containers or tractors as may accrue, and, unless waived by the Bureau, a cash deposit or bond adequate to save the Bureau harmless from loss of or damage to containers and to guarantee payment of all charges.

(d) *Initial and supplemental advances, deposits and bonds.* Applicants for helium and for use of containers or tractors may estimate the amounts of the initial and total cash advances and deposits or bonds from the Bureau's established purchase prices, service charges, and container values, and make the necessary payments with their application, or may await a determination and statement of these items by the Bureau after the filing of the application. If the Bureau at any time deems any advance, deposit, or bond insufficient, it may require that it be made sufficient as a condition to further deliveries of helium or use of containers or tractors.

(e) *Computation of cash advance when use of helium is uncertain.* When an applicant is unable to specify with certainty that the helium applied for is for medical use, the cash advance on account of the purchase price thereof shall be computed at the rate fixed for scientific or commercial purposes, and the account shall be adjusted thereafter, pursuant to § 1.9, to the extent that the applicant is able to certify that the helium has been or will be used for medical purposes.

(f) *Computation of cash advance when method of shipment is uncertain.* When there is uncertainty, at the time helium is applied for, as to the type of container in which it will be shipped, the cash advance shall be computed at the rate fixed for helium delivered into standard-type cylinders, but in adjusting accounts pursuant to § 1.9 the prices charged shall conform to those for helium delivered into containers of the type actually used.

(g) *Form of checks for advances and deposits.* All cash advances, deposits, and additions thereto shall be made in the form of certified checks payable to the Treasurer of the United States, unless this requirement is waived by the Bureau.

(h) *Advances and deposits to be credited to special helium-production fund.* All cash advances, deposits, and other moneys received under the regulations in this part shall be credited to and deposited in the special helium-production fund.

§ 1.7 *Initial advance for purchase of helium.* Unless upon receipt of an application to purchase helium the Bureau indicates some other or different requirements, the initial cash advance may be computed as follows:

(a) *On account of purchase price.* (1) With applications for 500 units of helium or less: The full purchase price (not less than $11.00).

(2) With applications for more than 500 units of helium: The full purchase price for 500 units plus one-half of the purchase price for each unit in excess of 500.

(b) *On account of services.* The full amount of the estimated charges for the services to be rendered, not including charges for use of containers or tractors furnished by the Bureau.

§ 1.8 *Initial advance and guarantee for containers.* Unless upon receipt of an application to use containers the Bureau indicates some other or different requirements, the initial cash advance and the deposit or bond may be computed as follows:

(a) *Cash advance for use of containers.* (1) $0.90 for each standard-type cylinder.

(2) $300 for each helium tank car.

(3) $50 for each helium semi-trailer.

(4) $30 for each multiple-cylinder unit.

(5) $150 for each tractor, if supplied by the Bureau to haul a helium semi-trailer.

(b) *Cash deposit or bond as guarantee for containers and charges.* (1) $20.00 for each of the first 500 cylinders and $10.00 for each cylinder in excess of 500.

(2) $50,000 for each helium tank car.

(3) $10,000 for each helium semi-trailer.

(4) $4,000 for each multiple-cylinder unit.

§ 1.9 *Adjustment of accounts*—(a) *Delivery which fulfills contract.* The delivery of a quantity of helium within plus or minus five percent of that contracted for shall constitute performance on the part of the Bureau, but payments for the helium shall be on the basis of the number of units delivered.

(b) *Refunds to purchasers.* As contracts of sale are performed by the Bureau by the delivery of helium, and as contracts for use of containers are performed by the purchasers by the return of containers and other equipment furnished by the Bureau, the Bureau may make refunds from time to time to the purchaser, from any credits to the purchaser's account in the special helium-production fund, to the extent that the Bureau deems such credit or credits to be in excess of the amounts that may be required to secure the performance of any outstanding contract or contracts of that purchaser; and, in any event, upon full performance by both the Bureau and the purchaser of any contract of sale or contract for use of containers the Bureau shall refund to the purchaser any balance left to the purchaser's credit on account of such contract: *Provided*, That the Bureau, at its option, may transfer any such credit remaining on account of any particular contract to the account of any uncompleted contract with the same purchaser.

§ 1.10 *Shipping containers*—(a) *Containers may be provided by the purchaser or the Bureau.* The applicant may provide containers, as indicated by the Application to Purchase Helium (§ 1.21 (a)), or may request the Bureau to provide them, as indicated by the Application to Use Helium Containers (§ 1.21 (b)). Containers provided by the applicant must be satisfactory to the Bureau in all respects, and shall comply with the requirements for shipment in Interstate Commerce. The Bureau will not use or fill any container which in its opinion is unsafe or unsuitable.

(b) *Provisions applicable to all types of containers supplied by the Bureau.* (1) Agencies of the Federal Government requisitioning helium from the Bureau will have preference in the use of all such containers.

(2) The purchaser shall make every effort to prevent loss of or damage to containers supplied by the Bureau; shall not use such containers for any purpose other than transportation or storage of helium purchased from the Bureau; and shall not permit any substance to be compressed or injected into such containers without the Bureau's written consent.

(3) The purchaser shall keep account of all containers supplied by the Bureau (by serial number if a container is so numbered) and shall return such containers (including attached valves and other parts) to the helium plant or other point from which they were shipped to the purchaser, or to such other point as may be specified in writing by the Bureau, at no greater cost to the purchaser. Notwithstanding any other provisions of the regulations in this part, the purchaser shall return standard-type cylinders within 80 days and shall return helium tank cars, helium semi-trailers, and multiple-cylinder units within 30 days after receipt of notice that their return is required.

(4) The purchaser shall not remove, obliterate or obscure any of the Government's stamped or painted markings on such containers, nor stamp, paint or otherwise apply permanent markings on the metal of such containers, except records of hydrostatic tests stamped into the metal thereof in the manner prescribed by the Interstate Commerce Commission if the making of such tests by the purchaser is authorized by the Bureau: *Provided*, That the purchaser may place temporary markings on said containers if such markings are applied in a manner that will in no way affect the metal of or paint on said containers or attached fittings, but any such temporary markings not authorized by the Bureau in writing shall be removed before return of the containers to the Bureau.

(5) Title to all containers supplied to purchasers under the regulations in this part shall remain in the United States. Payment by the purchaser for a container not returned or rendered unserviceable shall not vest title to such container in the purchaser.

(6) The purchaser shall pay to the carrier all transportation charges and demurrage fees resulting from shipment

of the containers and their contents to the purchaser and return of the containers to the Bureau, unless the Bureau has agreed in writing to pay such transportation charges and fees.

(7) In the event that the Bureau pays any transportation costs (other than haulage of a helium semi-trailer by a tractor furnished by the Bureau) on containers in the service of a purchaser, the purchaser shall reimburse the Bureau for such transportation at commercial common-carrier rates for the kind of transportation used, whether or not the transportation was by common carrier, or the cost incurred by the Bureau, whichever shall be the higher.

(8) The purchaser shall not remove containers furnished by the Bureau from the continental limits of the United States without specific permission of the Bureau, except for continuous passage through Canada en route between locations in the United States, which passage shall be in accordance with all laws and regulations applying to such passage through Canada.

(9) Any use or operation by the purchaser of containers furnished by the Bureau shall be in full compliance with all applicable Federal and State laws.

(10) The purchaser shall completely indemnify the Government and hold it harmless from any loss or expense arising from claims of third persons in connection with personal injuries or damage to property or otherwise arising from any Government owned container while in the service or custody of the purchaser.

(c) *Provisions applicable to standard-type cylinders supplied by the Bureau.* (1) If any standard-type cylinder supplied by the Bureau is not returned within 80 days after receipt of notice that its return is required, or is rendered unserviceable by defects or failure to pass a quinquennial hydrostatic test as a result of mistreatment or damage beyond the effects of ordinary wear, tear, and age, occurring during the period commencing with the delivery or shipment of such cylinder to the purchaser and ending with the return of such cylinder to the Bureau, the purchaser shall be charged and shall pay to the Bureau, or cause to be paid to the Bureau, the value thereof as determined by the Bureau, which value, however, shall not be more than $25.00 nor less than $10.00. The entry of such charge on account of any cylinder not returned shall terminate the charge for the use thereof as of the end of the current month for which charge is made pursuant to § 1.3, but if said cylinder subsequently is returned, the Bureau shall credit or refund to the purchaser, from the special helium-production fund, the amount charged for the cylinder less $0.45 for each month or part thereof during the period from the date when the use charge was terminated to the date of the return of the cylinder.

(2) The purchaser shall be charged with and shall pay to the Bureau, or cause to be paid to the Bureau, the cost of repairing the damage (as estimated by the Bureau if immediate repair is not made) to any returned cylinder which, although serviceable, has suffered damage beyond that attributable to ordinary wear, tear, and age, during the period while it was in the service of the purchaser.

(d) *Provisions applicable to helium tank cars supplied by the Bureau.* (1) All movements of helium tank cars, full and empty, shall be under such Shipment Orders and in accordance with such Route Orders as the Bureau may direct.

(2) The purchaser shall be charged with any excess empty mileage of helium tank cars for which the purchaser is responsible and which has been paid by or charged to the Federal Government.

(3) At the discretion of the Bureau, the purchaser may be charged the amount of any bill received by the Bureau or other Government agency from a railroad for repair of damage incurred by a helium tank car at a discharge terminal while in the custody of the purchaser.

(e) *Provisions applicable to helium tank cars, helium semi-trailers and multiple-cylinder units supplied by the Bureau.* Bills of lading issued by the purchaser for shipment of helium tank cars, helium semi-trailers, and multiple-cylinder units shall be in such form and shall bear such notations as the Bureau may direct.

(2) The purchaser shall not remove the cylinders of helium tank cars, helium semi-trailers, or multiple-cylinder units from their mountings without specific authority of the Bureau in each case.

(3) The purchaser shall make good or cause to be made good, to the Government, by replacement of materials or by financial reimbursement, as may be appropriate and satisfactory to the Bureau, all losses and damages, not caused by any fault or negligence of the Government, to any helium tank car, helium semi-trailer, or multiple-cylinder unit during any period when such car, semi-trailer or unit is in the service or custody of the purchaser. Financial reimbursement shall be satisfactory to the Bureau and to any other Governmental agency having jurisdiction over the equipment lost or damaged, but shall not exceed the purchase price for which the Government purchased the equipment and its parts, including costs of assembly.

§ 1.11 *Repurchase rights of Government.* The Government shall have the right to repurchase helium that has been sold by the Bureau and that has not been lost or dissipated, when needed for Government use, upon the following terms and conditions:

(a) *Price for repurchase.* The price to be paid by the Government per unit of helium, for delivery at the place of use or storage, for helium of 98 percent purity or better, shall be the higher of either of the following:

(1) The price at which said helium was purchased from the Bureau, less one half of one percent of said price for each month or fraction thereof since the said helium was purchased from the Bureau, or

(2) The highest price per unit for helium purchased from the Bureau for commercial use during the fiscal year immediately preceding the repurchase.

(b) *Adjustment for purity.* For repurchased helium of less than 98 percent purity the unit price to be paid by the Government shall be the price as above determined less one percent thereof for each one percent that the purity is below 98 percent.

§ 1.12 *Reservations with respect to sales and deliveries.* The Bureau reserves the absolute right and discretion to limit or defer sales and deliveries under contracts to conform to the needs and requirements of the Government, and to give such preferences as between sales for medical, scientific, and commercial use, and requisitions by Government agencies, as it deems proper: *Provided,* That in all cases requirements for Government use shall have first preference. All furnishing of services and supplying of containers and tractors under the regulations in this part shall be at the Bureau's option.

§ 1.13 *Determination of purity and quantity.* Determinations of purity and quantity of helium shall be by methods prescribed by or acceptable to the Bureau.

§ 1.14 *Special restrictions*—(a) *Sales for the inflation of airships.* Helium produced by the Bureau shall not be sold or used for the inflation of airships except such airships as operate in or between the United States and its territories and possessions, or between the United States or its territories and possessions and foreign countries. Helium produced by the Bureau shall not be sold or used for the inflation of any airship operating between two foreign countries notwithstanding such airship may also touch at some point in the United States. Any application for the purchase of helium for the purpose of inflating any airship shall show that fact on the face of the application.

(b) *Exportation of helium.* The act places certain restrictions and conditions upon the exportation of helium, and neither the regulations in this part nor any sale or contract of sale pursuant to the regulations in this part is intended to authorize or shall be construed as authorizing the exportation of helium. Any application for the purchase of helium for exportation shall show that fact on the face of the application.

(c) *Liquidated damages.* The Bureau may require in any contract for the purchase of helium a provision for the payment by the purchaser of liquidated damages, in an amount to be fixed by the Secretary of the Interior, in the event of failure by the purchaser faithfully to comply with the act and the regulations in this part and with the terms of the contract; if such a provision is required, the contract shall be accompanied by a domestic corporate surety bond, satisfactory to the Secretary of the Interior, in like amount conditioned upon faithful compliance by the purchaser with the act and the regulations in this part and with the terms of the contract. Such bond shall continue in force as long as any of the helium delivered under such contract shall remain in captivity, or for a period of three years, whichever shall be the longer.

§ 1.15 *Power of inspection.* Authorized representatives of the United States may enter and inspect at all reasonable times the place (including places in foreign countries) where any helium produced by the Bureau is stored or used, to the extent reasonably necessary to ascertain whether it is being used or is likely to be used in violation of restrictions in the act or the regulations in this part on the exportation of helium or its use for the inflation of airships.

§ 1.16 *Implied agreements.* Every purchaser and every re-purchaser, possessor, or user of helium produced by the Bureau, shall be deemed to have expressly consented and agreed to comply with and be bound by the act and the regulations in this part, including the power of inspection provided for in § 1.15, all restrictions on the exportation of helium and its use for the inflation of airships, and the Government's right of repurchase set out in § 1.11.

§ 1.17 *Violations and penalties.* For violation of any of the provisions of the act or of the regulations in this part, the Bureau, in addition to any other penalties provided by law, may cancel all future deliveries and forfeit all deposits under existing contracts of purchasers responsible for or in any manner aiding or participating in such violations and may deny all pending or future applications from applicants who are or have been responsible for or who have participated in or in any way aided such violations. Likewise, any liquidated damages provided for on account of such violations shall become due and payable.

§ 1.18 *Purchaser's bonds.* As a condition to the acceptance of any application for the purchase of helium, the Bureau may require the applicant to give a domestic corporate surety bond upon the condition that none of the helium applied for shall be used in violation of the regulations in this part or the act, in such amount and upon such further terms and conditions as the Bureau may deem suitable.

§ 1.19 *Cancellation and assignment of contracts.* Contracts for the purchase of helium or for the use of containers may not be canceled, assigned or otherwise transferred without the written consent of the Bureau.

§ 1.20 *Federal agencies not affected.* The regulations in this part have no application to requisitions of helium by agencies of the Federal Government, nor to the use of helium by such agencies.

§ 1.21 *Forms.* Forms of applications and contracts for purchase of helium and for use of helium containers are published in paragraphs (a) and (b) of this section. The Bureau may make alterations in or additions to said forms, and may require the execution of a contract in a different form. For a reasonable time after the effective date of the amended regulations in this part, the Bureau may accept applications for the purchase of helium on the forms theretofore authorized.

(a) *Form of application and contract for purchase of helium.*

Budget Bureau No. 42–R844
Approval Expires November 30, 1951

APPLICATION TO PURCHASE HELIUM FROM UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF MINES

This space is for recording by the Bureau of Mines and is not a part of the application.
Helium application No. _____ Date _____, 19____
Application received by Bureau _____, 19____
Helium purchase contract No. _____ Date _____, 19____
Name of Applicant: _____
Address: _____
_____
Date: _____

Give full information as indicated below, attaching additional sheets if necessary for completing answers.

(1) Quantity of helium desired: _____ units. (A unit is 1000 cu. ft. of contained helium at 14.7 lbs. per sq. in. absolute and 70° F.)

(2) Desired delivery date or schedule _____
_____
(The Bureau will endeavor to make deliveries at times desired by the purchaser, but does not undertake or guarantee to do so.)

(3) (a) Use for which the helium is desired: _____
_____
(b) Place of use: _____
(4) Who will use the helium? _____
(5) Is the helium for resale? _____
(6) (a) Is the helium to be exported? _____
(b) If the helium is to be exported, give the number and date of the export license issued by the Secretary of State or, if a license has not been issued, give full information concerning the applicant's plan for obtaining an export license: _____
(7) Name, description and proposed use of aircraft for which helium is intended: _____
_____
(8) Proposed schedule of any flights to be made outside the United States with such aircraft: _____
(9) Is the helium to be used for the inflation of any airship that does not operate in or between the United States and its territories and possessions or between the United States or its territories and possessions and foreign countries? _____
(10) Is the helium to be used for the inflation of any airship operating between two foreign countries? (For the purposes of this question an airship will be considered as operating between two foreign countries notwithstanding it may also touch at some point in the United States.): _____

SHIPPING CONTAINERS

(11) Does the applicant wish the Bureau to supply containers? _____
(If the applicant wishes the Bureau to supply containers and a contract for use of containers is not in effect, an Application to Use Helium Containers, as shown in 30 CFR 1.21 (b), as amended, should be submitted with this application.)
(12) Containers to be supplied by the applicant:
(a) Number: _____
(b) Type: _____
(c) Age: _____
(d) Owner: _____
(13) (a) Do the containers meet the specifications of the Interstate Commerce Commission? _____
(b) Do the containers comply with the definition of a "standard-type cylinder" given in 30 CFR 1.1 (h), as amended? _____
(14) (a) When were the containers last tested? _____
(b) To what pressure? _____
(15) To what pressure does the applicant want containers filled? _____
(Regardless of the applicant's answer to this question, the Bureau will fill containers only to pressures it considers to be safe and to be permissible under the regulations of the Interstate Commerce Commission.)
(16) (a) When were the containers last used? _____
(b) For what gas? _____
(c) Are the containers dry inside? _____
(d) Are the containers free from oil inside? _____
(17) What do the containers now contain? _____
(18) Valves on containers: (a) Type: _____
(b) Manufacturer: _____
(c) Does the valve outlet conform with the specifications given in 30 CFR 1.1 (i), as amended? _____
(19) How are the valves protected? _____
(20) What is the condition of: (a) Containers? _____
(b) Valves? _____
(21) How can the applicant's containers be identified? _____
(22) What is the actual internal volume of the containers? _____

POINT OF DELIVERY

(23) Deliveries will be made by the Bureau at a point convenient to it, which ordinarily will be one of its helium plants. Unless and until the Bureau notifies the purchaser otherwise, deliveries under a contract arising out of this application will be made at the point specified in the Bureau's acceptance of this application, and empty containers may be shipped to that point.
(24) (a) How and from where are the applicant's containers to be transported to the point of delivery? _____
(b) How and to what point are the applicant's containers to be transported from the point of delivery? _____

SPECIAL SERVICES

(25) Special services applicant wishes Bureau to perform: _____

ESTIMATE OF TOTAL CHARGES

(See 30 CFR 1.2 and 1.3 (a) and (b), as amended)

Applicant's Estimate	(Applicant is not to write in this space) *Bureau's Estimate*
____ units of helium at $ ____ per unit ____ $	$____ per unit ____ $
Service charges, except for containers supplied by the Bureau [1] ____ $	____ $
Estimated total ____ $	____ $

[1] Itemize service charges on a separate sheet.

COMPUTATION OF MINIMUM INITIAL CASH ADVANCE [2]

(See 30 CFR 1.5 (a), 1.6 (a), (d), (e), (f), and (g), and 1.7, as amended)

Applicant's Computation	(Applicant is not to write in this space) *Bureau's Computation*
____ units of helium at $____ per unit ____ $	$ ____ per unit ____ $
____ units of helium at ½ of $ ____ per unit ____ $	$____ per unit ____ $
Service charges, except for containers supplied by the Bureau ____ $	____ $
Total ____ $	____ $

[2] When an application is for 500 units of helium or less, the minimum initial cash advance usually will be the same as the estimate of total charges. In that event only the total need be entered in this table. Neither the total charge nor the initial advance can be less than $11.00 (see 30 CFR 1.2 (d), as amended). When an application is for more than 500 units of helium, the advance for the first 500 units at the full purchase price may be entered as the first item of this table, and the initial advance for the units in excess of 500, at one-half the purchase price, may be entered as the second item (see 30 CFR 1.7 (a), as amended).

The undersigned hereby:

1. Makes application to purchase helium in the quantity and subject to the terms and conditions above set forth.

2. Certifies that he has read the act approved September 1, 1937, (50 Stat. 885; 50 U. S. C. 161–166) and regulations issued pursuant thereto (30 CFR 1, as amended); that the use to be made of the helium applied for is not in violation of said act and regulations; and that all statements and answers hereinabove set forth are true.

3. Agrees that if this application is accepted by the Bureau it shall thereupon become a contract for the purchase and sale of helium upon the terms and conditions herein set forth; that the applicant will accept deliveries and make payments according to said terms and conditions and fully comply therewith, and will abide and be bound by the terms of said act and regulations.

4. Agrees that if this application becomes a contract, no Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of such contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit.

(Applicant)

(The certificate below is to be executed if the applicant is a corporation.)

I, ----------, certify that I am the ---------- secretary of the corporation named as the applicant herein; that ---------- who signed this application on behalf of the applicant, was then ---------- of said corporation; that said application was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

[SEAL] ----------

(The following portions of the form are to be filled in by the Bureau.)

CHECK AND BOND RECEIVED

Check in the amount of----------$
Purchaser's bond----------$

The foregoing application is hereby accepted. The specified point of delivery, as referred to in item "(23)" of the application, is ----------

THE UNITED STATES OF AMERICA,
By ----------
Director, Bureau of Mines.

(b) *Form of application and contract for use of helium containers.*

Budget Bureau No. 42-R845
Approval Expires November 30, 1951

APPLICATION TO USE HELIUM CONTAINERS SUPPLIED BY UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF MINES

This space is for recording by the Bureau of Mines and is not a part of the application.

Container application No. ------ Date ------, 19----.
Applicatiin received by Bureau ----------, 19----.
Container contract No. ------ Date ------, 19----.
Name of applicant: ----------
Address: ----------
Date: ----------

Give full information as indicated below, attaching additional sheets if necessary for completing answers.

(1) Serial numbers and dates of the applicant's contracts to purchase helium from the Bureau now in effect: ----------

(2) Dates of applications the applicant has submitted to purchase helium, notice of the acceptance of which has not been received: ----------

(3) Type and number of containers and number of tractors the applicant wishes the Bureau to supply, and the applicant's estimate of the period the containers and tractors will be in service for the applicant:

(a) ------ standard-type cylinders for an average of -------- months each.

(b) ------ helium tank cars for an average of -------- days each.

(c) ------ helium semi-trailers for an average of ------ days each.

(d) ------ multiple-cylinder units for an average of ------ days each.

(e) ------ tractors to haul helium semi-trailers for an average of ------ days each, traveling a total of ------ miles hauling a semi-trailer and ------ miles without semi-trailer.

(4) Point to which filled containers are to be shipped: ----------

ESTIMATE OF TOTAL CHARGES FOR USE OF CONTAINERS [1]

(See 30 CFR 1.3 (c) to (e), as amended)

Applicant's Estimate	(Applicant is not to write in this space.) *Bureau's Estimate*
---- standard-type cylinders at $0.45 each per month, for ---- months	$ ---------- $
---- helium tank cars at $100 each, for first 5 days	$ ---------- $
---- helium tank cars at $20 each per day, for ---- additional days	$ ---------- $
---- helium semi-trailers at $10 each, for first 2 days	$ ---------- $
---- helium semi-trailers at $5 each per day, for ---- additional days	$ ---------- $
---- multiple-cylinder units at $9 each, for first 3 days	$ ---------- $
---- multiple-cylinder units at $3 each per day, for ---- additional days	$ ---------- $
---- tractors: At $30 each per day, for ---- days	$ ---------- $
At $0.10 per mile for ---- miles pulling semi-trailer	$ ---------- $
At $0.06 per mile for ---- miles without semi-trailer	$ ---------- $
Total	$ ---------- $

[1] In filling out this table, a fraction of a time period (1 month, 5 days, 2 days, 3 days, and 1 day) is to be counted as a whole period. (See 30 CFR 1.3 (e), as amended.)

COMPUTATION OF MINIMUM INITIAL CASH ADVANCE FOR USE OF CONTAINERS [2]

(See 30 CFR 1.8 (a), as amended)

Applicant's Computation	(Applicant is not to write in this space.) *Bureau's Computation*
---- standard-type cylinders at $0.60 each	$ ---------- $
---- helium tank cars at $300 each	$ ---------- $
---- helium semi-trailers at $50 each	$ ---------- $
---- multiple-cylinder units at $30 each	$ ---------- $
---- tractors at $150 each	$ ---------- $
Total	$ ---------- $

[2] The Bureau may require an advance larger than the total shown in this table, especially if it is materially less than the estimate of total charges for use of containers.

COMPUTATION OF CASH DEPOSIT OR BOND AS GUARANTEE FOR CONTAINERS AND CHARGES

(See 30 CFR 1.8 (b), as amended)

Applicant's Computation	(Applicant is not to write in this space.) *Bureau's Computation*
---- standard-type cylinders at $20 each	$ ---------- $
---- standard-type cylinders at $10 each [1]	$ ---------- $
---- helium tank cars at $50,000 each	$ ---------- $
---- helium semi-trailers at $10,000 each	$ ---------- $
---- multiple-cylinder units at $4,000 each	$ ---------- $
Total	$ ---------- $

[1] Only the number of cylinders in excess of 500 may be entered at $10 each.

The undersigned hereby:

1. Makes application to use containers supplied by the Bureau in numbers and under conditions as above described.

2. Certifies that he has read the act approved September 1, 1937 (50 Stat. 885; 50 U. S. C. 161–166), and regulations issued pursuant thereto (30 CFR 1, as amended); that the use to be made of the helium containers applied for is not in violation of said act and regulations; and that all statements and answers hereinabove set forth are true.

3. Agrees that if this application is accepted by the Bureau it shall thereupon become a contract for the furnishing by the Bureau and use by the applicant of helium containers of the number and type and upon the terms and conditions herein set forth; that the applicant will use, care for and return said containers and make payments according to said terms and conditions and fully comply therewith, and will abide and be bound by the terms of said act and regulations.

4. Agrees that if this application becomes a contract, no Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of such contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit.

(Applicant)

(The certificate below is to be executed if the applicant is a corporation.)

I, ----------, certify that I am the ---------- secretary of the corporation named as the applicant herein; that ---------- who signed this application on behalf of the applicant, was then ---------- of said corporation; that said application was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

[SEAL] ----------

(The following portions of the form are to be filled in by the Bureau.)

CHECK AND BOND RECEIVED

Certified check in the amount of------ $
Bond as guarantee for containers and charges ---------- $

The foregoing application is hereby accepted.

THE UNITED STATES OF AMERICA,
By ----------
Director, Bureau of Mines.

Recommended for approval.

R. R. SAYERS,
Director, Bureau of Mines.

Recommended for approval: December 31, 1946.

J. A. KRUG,
Secretary of the Interior.

Approved: January 2, 1947.

HARRY TRUMAN,
The White House.

[F. R. Doc. 47-437; Filed, Jan. 16, 1947; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-84, as Amended Jan. 16, 1947]

MANILA (ABACA) AND AGAVE FIBER AND CORDAGE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of manila and agave and products made from them for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.221 *Conservation Order M-84*—(a) *Restrictions on sales, deliveries, receipts, and use of certain cordage products*—(1) *Rope and twine (except binder and baler twine).* No processor or dealer may sell, deliver, or accept delivery of new rope or new twine produced in the United States in whole or in part from Manila or agave, or from yarn made from such fibers, for end uses for which the rope or twine may not be manufactured under this order. However, this rule shall not prohibit the sale, delivery, or acceptance of rope made from agave fiber put into process before January 16, 1947 for any end use.

(2) *Binder and baler twine.* No person may sell or deliver new binder or new baler twine (wherever produced) if he knows or has reason to believe that:

(i) The binder twine will not be used with mechanical harvesting equipment or in the growing, harvesting, or delivering of agricultural crops, or that the binder twine will be converted into rope or any other product; or

(ii) The baler twine will not be used in a self-tying machine for baling hay, straw, or other fodder crops.

(3) No person may use new binder or new baler twine (wherever produced) to manufacture rope for sale.

(b) *Purposes for which Manila or agave fiber or yarn may not be used*—(1) *Manila.* No processor may put into process any spinnable Manila fiber, or yarn made from such fiber (wherever produced), except to make rope for any end use. Non-spinnable Manila fiber may be used for any purpose unless obtained by allocations for particular uses under paragraph (f) (3) below.

(2) *Agave.* No processor may put into process any agave fiber, or yarn made from such fiber (wherever produced), except to make rope in the sizes described in Schedule A of this order, twines permitted in Schedule B of this order, and binder and baler twine.

Except as specifically authorized or directed in writing by the Civilian Production Administration, no processor may manufacture any binder or baler twine from agave fiber, unless made in accordance with the following specifications: The binder twine must measure 500 feet to the pound with a plus or minus tolerance of five per cent; and must contain a lubricant of at least ten per cent of the total weight of the twine, and an insect repellent. The baler twine must measure 200 to 225 feet to the pound with a plus or minus tolerance of five per cent; must contain a lubricant of at least ten per cent of the total weight of the twine, and an insect and rodent repellent.

(c) *Quantities of manila and agave fibers which may be used.* (1) Processing quotas will be issued in writing by the Civilian Production Administration to processors making any of the products permitted under paragraphs (b) (1) and (b) (2) above. No person shall put into process any spinnable Manila fiber or any agave fiber, until he has received such a quota, or in amounts in excess of his quota, regardless of whether the fiber is taken from inventory, or obtained by allocation under this order or in any other way. These quotas may not be transferred except as specifically authorized in writing by the Civilian Production Administration, or in accordance with Priorities Regulation 7A.

(2) In general, processing quotas for spinnable Manila fiber or agave fiber, for rope and products permitted in Schedule B, will be issued upon the following basis: The aggregate processing quota for Manila and agave fibers for each processor will be in proportion to his average monthly sales of both types of rope during the period January 1, 1939 through December 31, 1941; his processing quota for Manila fiber for rope will be in proportion to his average monthly sales of Manila rope during the period January 1 through December 31, 1939; and his processing quota for agave fiber will be in proportion to his processing quota for both fibers, less that for Manila. A manufacturer who was not in the hard fiber cordage business during 1939–40–41 may apply to the Civilian Production Administration, Textile Division, Washington 25, D. C. for a processing quota. The application should be filed by letter stating the quantity of fiber desired to be processed for each permitted product, and should include a statement of the facilities available for the manufacture of cordage products, as permitted under Order M-84, the maximum poundage of fiber which can be processed with his facilities on the basis of a 40-hour week, and the minimum poundage of fiber needed for economical operation during a three-month period. Applications from new manufacturers will be considered on an equitable basis, in view of the quotas issued to other manufacturers.

(3) Processing quotas for agave fiber for binder twine and baler twine will be prorated among processors on the basis of information previously filed with the War Production Board and Civilian Production Administration as to productive capacity, method, and rate of operation.

(4) Processing quotas for Manila fiber other than spinnable, are not required under this order.

(5) The Civilian Production Administration may also issue specific directions to processors as to the extension of more critical fibers by mixture with less critical ones (i. e., use of "extenders") in the manufacture of any product permitted under this order. No processor shall put any Manila or agave fibers into process contrary to the terms of any such direction, regardless of whether the fiber is taken from inventory, or obtained by allocation under this order or in any other way.

(d) *Inventory restrictions on Manila*—(1) *Processors' inventories.* No processor may accept delivery of any spinnable Manila fiber, or yarn made from such fiber, if his inventory of spinnable Manila fiber will be more than the amount he needs during the next 90 days, on the basis of his current or scheduled method and rate of operation, and for making only those products permitted under this order. No processor may accept delivery of any such fiber or yarn for making any product not permitted by this order.

(2) *Importers' and dealers' inventories.* No person, other than a processor or the Reconstruction Finance Corporation, may accept delivery of any spinnable Manila fiber if his inventory of such fiber held for resale will be more than the amount he would normally stock up in the ordinary course of his business to meet reasonably anticipated requirements, while continuing to dispose of such inventory as promptly as practicable in view of the orders received by him from persons permitted to accept deliveries under this order. If a person imports or buys fiber both for resale and for processing on his own facilities, and keeps separate inventory records of the fiber held for each purpose, his inventory held for resale shall be governed by this rule instead of that in paragraph (d) (1); but if he does not keep separate inventory records, his in-

ventory shall be governed by the rule in (d) (1).

(3) *Other inventory rules.* The limitations in paragraphs (d) (1) and (d) (2) above apply to deliveries and inventories within the continental United States only. Material which is being imported, but has not been released from United States Customs, is not to be considered as in inventory. The rules in Priorities Regulation 32 remain applicable, except to the extent inconsistent with this order.

(e) [Deleted Mar. 22, 1946.]

(f) *Allocation of fiber.* (1) No processor shall make or accept delivery of any Manila or agave fiber contrary to directions which from time to time the Civilian Production Administration may issue. The Civilian Production Administration may from time to time allocate to processors the available supplies of Manila and agave fiber held by the Reconstruction Finance Corporation, and specifically direct the time, manner, and quantities in which deliveries to processors shall be made or withheld.

(2) In general, allocations of spinnable Manila fiber and agave fiber held by the Reconstruction Finance Corporation, for rope and products permitted in Schedule B, and of agave fiber for binder twine and baler twine, will be prorated upon the same bases as are the processing quotas issued under paragraph (c) above. Applications need not be made by processors who have processing quotas. An application for a processing quota under paragraph (c) from a manufacturer who was not in the hard fiber cordage business during 1939–40–41 will also be considered as an application for an allocation, unless the applicant specifically indicates that he does not want to get any fiber from the Reconstruction Finance Corporation.

Since the only Manila fiber to be allocated will be that held by RFC, the amounts allocated will usually be less than those which may be accepted and used under the inventory limitations and processing quotas; and such additional amounts as may be accepted or used under this order within those limitations and quotas may be obtained from other sources without allocations.

(3) Allocations of Manila, other than spinnable, held by the Reconstruction Finance Corporation will in general be made to processors of specialty paper on an equitable basis taking into consideration prior use, facilities and other relevant factors. "Specialty paper" includes but is not limited to stencil base tissue, sausage casings paper, electrolytic condenser paper, gasket paper, and artificial leather. Applications should be made by letter to the Civilian Production Administration, Attention: Textile Division, and state the quantity of fiber desired, the products to be made from it, and the quantity used during 1945 and the first half of 1946. A processor who did not use this material during the whole period should, in addition, state his facilities available for processing Manila other than spinnable.

(g) *End use information.* No person may sell or deliver any product controlled by this order to any person who he knows or has reason to believe will use the product in a manner which this order does not permit. He should satisfy himself as to this in some reasonable manner before delivering. He may, but need not, require a statement in writing showing the specific purpose or use for which the item is ordered.

(h) *Restrictions on the use of damaged material.* Any processor or dealer who has in his possession damaged or defective manila or agave fiber or cordage, may report by letter the extent of the damage and state to the Civilian Production Administration the percentage not suitable for the manufacture of products or for use permitted by this order. He may then upon receipt of acknowledgment, without objection from the Civilian Production Administration, use or dispose of any portion unsuitable for the manufacture of products permitted by this order, free from its restrictions.

(i) *Reports.* (1) Processors of manila and agave fiber shall report monthly on CPA–2901, sections 1 and 2.

(2) Every person, except the Reconstruction Finance Corporation, who imports or purchases for import any spinnable Manila fiber, or yarn made from Manila fiber, shall report in writing (by letter or other written communication) to the Civilian Production Administration, Washington 25, D. C., Attn: Textile Division, Ref: M–84, stating the information required by the following instructions:

(i) Send this report to the above address not later than the 10th of each month to cover the preceding month. Keep one copy for your files. Date the report, state calendar month for which filed, name of your company, and its address (street, city, zone, and state).

(ii) As Item No. 1, list Manila (Abaca) Fiber (in bales); and as Item No. 2, list Manila Yarn (in thousands of pounds

(iii) For each item, show separately the monthly shipments to you from any foreign countries during the calendar month covered by the report, and your inventory of each item as of the end of the month, for United States consumption. List separately that which is afloat to the United States, and that which is in the United States. For the purpose of this report (although not under paragraph (d) above), inventory includes fiber and yarn afloat, and on hand in the continental United States, where title has not been transferred to some other person (or in the case of an importer who is also a processor, all fiber and yarn afloat, and all within the continental U. S. except that held in this country for his own use). Report in units of bales on fiber, and in thousands of pounds on yarn.

(3) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Imports.* The importation of material or products covered by this order shall be made in conformity with the provisions of General Imports Order M–63, as amended from time to time.

(k) *Definitions.* In this order:

(1) "Manila" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp wherever grown (either stripped or decorticated), but does not mean processor's mill waste or bagasse. "Spinnable Manila" means Manila which is spinnable over machinery but does not mean the fiber grades of O, T, Y, and W or equivalent as established by the Insular Government of the Philippine Islands.

(2) "Agave" means fiber, spinnable over machinery of the species agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow and fiber under 20" in length, commonly known in the trade as sisal, henequen, cantala, and maguey, and sometimes preceded by an adjective designating the country or district of origin, but does not include processor's mill waste or bagasse.

(3) "Rope" means any rope or cable, treated or untreated, composed of three or more strands each strand composed of two or more yarns, and not less than 10 percent cordage lubricant (excluding tent and awning rope), but does not include strings and twines of whatever construction which are commonly used for tying, sewing, baling or other commercial packaging use.

(4) "Twine" means any single or plied yarn or roving, including marlin, for use as a tying material, for sewing or for any similar purpose, but does not include any product falling within the definition of "rope", "binder twine" or "baler twine."

(5) "Binder twine" means a single yarn twine usually containing agave, but sometimes containing manila, istle, jute, coir, hemp, cotton or paper, suitable for use in a harvesting machine and of the type customarily heretofore manufactured. It is also known as binding twine.

(6) "Baler twine" means a single yarn usually made of agave fiber and used in a self-tying machine for baling hay, straw or other fodder crops.

(7) "Processor" means any person (other than a United States Government agency) who spins, twists or otherwise uses any fiber or yarn in the manufacture of rope or twine, or who uses manila or agave fiber in the manufacture of any other product.

(l) *Appeals.* Any appeal from the provisions of this order should be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(m) *Applicability of regulations.* Except as specifically otherwise provided this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the Civilian Production Administration as amended from time to time.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Civilian Production Administration.

(o) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Textile Division, Civilian Production Administration, Washington 25, D. C., Ref.: M–84.

(p) [Deleted July 15, 1946.]

Issued this 16th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—AGAVE CORDAGE END USE

NOTE: Schedule A revised Jan. 16, 1947.

"This list specifies the permitted end uses for which rope may be manufactured from agave. It does not, however, restrict manufacture for and delivery to the Army, Navy and Maritime Commission.

"Fibers other than agave may be used in the manufacture of rope for any end use subject to applicable provisions of any Civilian Production Administration order dealing specifically with such fibers.

End use

Agave rope 7/8" diam. (2¾" cir.) and smaller, for any use."

[F. R. Doc. 47–546; Filed, Jan. 16, 1947; 11:34 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

[Instruction 1, Sections 1, 2, 4, 5, 6, 8 and 9, Pub. Law 589, 79th Cong.]

PART 5—ADJUDICATION: DEPENDENTS CLAIMS SERVICE (APPENDIX)

PART 10—INSURANCE (APPENDIX)

ADJUDICATION OF CLAIMS FOR DEATH BENEFITS, NATIONAL SERVICE LIFE INSURANCE

1. *Sec. 1 (a).* Section 1 (a) amends section 601 (f) of the National Service Life Insurance Act of 1940 to provide that a stepparent may be the designated beneficiary for National Service Life Insurance. Accordingly, in those cases in which a stepparent was named beneficiary and claim has been or will be made it will no longer be necessary for claimant to establish that he or she stood in loco parentis to the insured. The establishment of the step relationship alone will suffice.

2. (a) *Sec 1 (b).* This section reads as follows:

The amendment made by subsection (a) of this section to section 601 (f) of the National Service Life Insurance Act of 1940, as amended, shall not be construed (1) to require the discontinuance, for any period prior to the first day of the third calendar month following receipt of claim by or on behalf of a person brought within the permitted class of beneficiaries by such amendment, of any insurance award made prior to the date of enactment of this Act, or (2) to require duplicate payments of benefits in any case.

(b) If claim is received after August 1, 1946, from person designated as stepparent and found in order the award to person presently receiving benefits will be discontinued effective the monthly payment date in the third calendar month following receipt of claim, e. g., if claim is received September 19, 1946, and monthly payment date is the twelfth, discontinuance date will be November 12, 1946. Award to stepparent will be based upon his or her age under option elected and will be effective date of death of insured and the brief face (VA Form 359) and the award card (VA Form 316 series) will bear the legend, "Sec. 602 (f); Subject to Prior Payments to Previous Payee(s) ----------" (Name of payee(s))

3. (a) *Sec. 2 (c) (2).* This section amends section 602 (c) of the National Service Life Insurance Act of 1940 as follows:

(2) Subject to the provisions of the first proviso under the caption "Transfer of Appropriations" contained in title II of the First Supplemental Surplus Appropriation Rescission Act, 1946 (Public Law 301, Seventy-ninth Congress), any individual who has had active service between October 8, 1940, and September 2, 1945, both dates inclusive, shall be granted such insurance upon application therefor in writing and upon payment or authorization for deduction of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application. In any case in which application for life or disability insurance or for reinstatement of such insurance is made prior to January 1, 1950, the Administrator shall not deny, for the purposes of this or any other section of this part, that the applicant is in good health because of any disabilities, less than total in degree, resulting from or aggravated by such active service. In any case in which insurance is granted by reason of the immediately preceding sentence, the premiums paid on such insurance shall be credited directly to the national service life insurance appropriation and any payments of benefits on such insurance shall be made directly from such appropriation. The maximum amount of insurance for which an individual is otherwise eligible to apply under this paragraph shall be decreased by the amount of any insurance which he may have surrendered for its cash surrender value.

(b) Brief Faces (VA Form 8–359) and award cards (VA Form 316 series) covering settlements under this subsection will bear the legend, "Sec. 602 (c) (2) N. S. L. I. Appro." and the award cards should show the amount of premiums to be deducted from initial settlement checks. In cases involving converted National Service Life Insurance on the VA Form 8–362 (Public Voucher for Payment of Death Benefits, National Service Life Insurance Act of 1940) there should be substituted for the printed legend, "Appropriation: 36X6132, National Service Life Insurance Fund, V. A." the following legend, "Appropriation: 36X0126, National Service Life Insurance Appropriation, V. A. Sec. 602 (c) (2)." Awards of this type will not require action by the Committee on Extra Hazards of Service.

4. (a) Sec. 2 (c) (3). This section amends section 602 (c) of the National Service Life Insurance Act as follows:

(3) Any person in the active service between October 8, 1940, and September 2, 1945, both dates inclusive, who, while in such service, made application in writing for insurance while performing full military or naval duty, which application was denied solely on account of his condition of health, and the applicant thereafter shall have incurred a total and permanent disability in line of duty or died in line of duty, shall be deemed to have applied for and to have been granted such insurance as of the date of such application and such insurance shall be deemed to be or to have been continued in force to the date of death of such person. In any case in which insurance deemed to have been granted under this paragraph matures or has matured, there shall be deducted from the proceeds of such insurance the premiums payable thereon from the date of application to the date of incurrence of total and permanent disability in line of duty or to the date of death, if permanent and total disability was not incurred. Any payments on such insurance shall be made directly from the national service life insurance appropriation. The amount of insurance deemed to have been granted under this paragraph when added to any other insurance in force under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, or this part, shall not in the aggregate exceed $10,000.

(b) Payment of death benefits under this subsection will be authorized only if death occurred in service in line of duty between October 8, 1940, and September 2, 1945, both dates inclusive, or, if death occurred after discharge, only if permanent and total disability is determined to have been incurred in line of duty during such period of service and to have existed continuously from date of incurrence to date of death. Determinations of permanent and total disability under this subsection will be made by the Insurance Service. Disability Insurance Claims Division, and cases will be so referred for that purpose.

(c) Brief Faces (VA Form 8–359) and award cards (VA Form 316 series) covering settlements under this subsection will bear the legend, "Sec. 602 (c) (3) N. S. L. I. Appro." and the award cards should show the amount of premiums to be deducted from initial settlement checks. Awards of this type will not require action by the Committee on Extra Hazards of Service.

5. (a) *Sec. 4.* This section provides:

Section 602 (g) of the National Service Life Insurance Act of 1940, as amended, is hereby amended by substituting a colon for the period at the end thereof and adding the following: "*Provided*, That the provisions of this subsection as to the restricted permitted class of beneficiaries shall not apply to any national service life insurance policy maturing on or after the date of enactment of the Insurance Act of 1946."

(b) Accordingly, as to claims involving insurance maturing on or after August 1, 1946, it will no longer be necessary to request proof of relationship.

6. (a) *Sec. 5 (a).* This section amends section 602 (h) of the National Service Life Insurance Act of 1940 to provide that in those cases where payment of National Service Life Insurance benefits began prior to September 30, 1944, regardless of method of payment to beneficiary to whom payment was first made, the present beneficiary, whether or not the first beneficiary, shall have the right to elect to receive a Refund Life Income based on age of first beneficiary on the date of insured's death. All such beneficiaries must be advised of this right of election within one year after August 1, 1946, by registered letter sent to last known address. The right of election terminates two years after August 1,

1946. Form letters and procedure covering notice of right of election are in course of preparation and will be available shortly.

(b) Two types of cases will not be disturbed by the review required by this subsection. (1) Those cases in which election of Refund Life Income would result in payment of installments over a period of less than 120 months certain, i. e., those cases in which beneficiary first entitled to payment was 69 or more on the date of the insured's death; (2) those cases in which the beneficiary first entitled to payment was under 30 on the date of the insured's death and who has since died or, if widow receiving gratuitous National Service Life Insurance, has remarried. The election of the Refund Life Income by the present beneficiary would result in a certain loss in all such cases and it is not believed that section 5 of the Insurance Act of 1946 was enacted to permit beneficiaries to make elections which could only be to their detriment.

(c) All awards under this subsection whether present beneficiary is beneficiary first entitled to payment or not will be effective from date of maturity (date of insured's death) and will be subject to prior payments. If award is to beneficiary first entitled to payment the brief face (VA Form 8–359) and the award card (VA Form 316 series) will bear the legend: "Sec. 602 (h) (1) or Sec. 602 (h) (2) (whichever is applicable). Subject to prior payment." If award is to beneficiary other than beneficiary first entitled to payment the brief face and the award card will bear the legend: "Sec. 602 (h) (1) or Sec. 602 (h) (2) (whichever is applicable). Subject to prior payments to previous payee(s) _____ (Name of Payee(s))."

Award to these beneficiaries will show also the amount of the final reduced installment and the end of the period certain. Tables of Values for final reduced installments all ages will be furnished.

7. (a) *Sec. 6.* Section 6 amends section 602 (m) of the National Service Life Insurance Act of 1940 by adding the following:

(2) In any case in which the insured provided for the payment of premiums on his insurance by authorizing in writing the deduction of premium from his service pay, such insurance shall be deemed not to have lapsed so long as he remained in active service prior to the date of enactment of the Insurance Act of 1946, notwithstanding the fact that deduction of premiums was discontinued because:

(A) The insured was discharged to accept a commission, or

(B) The insured was absent without leave, if restored to active duty; or

(C) The insured was sentenced by court martial, if he was restored to active duty, required to engage in combat, or killed in combat.

In any case in which the insured under any insurance continued in force by the provisions of this paragraph died while such insurance was so continued in force, any premiums due on such insurance shall be deducted from the proceeds of the insurance. Any premiums deducted or collected on any such insurance shall be credited to the national service life insurance appropriation and any payments of benefits on any such insurance shall be made directly from such appropriation.

(b) All claims heretofore disallowed for reasons enumerated in provisions of law quoted above will be reviewed and, if found otherwise in order, will be allowed. Brief Faces (VA Form 8–359) and award cards (VA Form 316 series) covering settlements under this subsection will bear the legend, "Sec. 602 (m) (2) N. S. L. I. Appro.", and the award cards should show the amount of premiums to be deducted from initial settlement checks. In cases involving converted National Service Life Insurance on the VA Form 8–362 (Public Voucher for Payment of Death Benefits, National Service Life Insurance Act of 1940) there should be substituted for the printed legend, "Appropriation: 36X8132, National Service Life Insurance Fund, V. A." the following legend, "Appropriation: 36X0126, National Service Life Insurance Appropriation, V. A., Sec. 602 (n) (2)." Awards of this type will not require action by the Committee on Extra Hazards of Service.

8. (a) *Sec. 8.* This section amends section 602 (p) of the National Service Life Insurance Act of 1940 by adding:

Notwithstanding the foregoing provisions of this subsection, any case in which prior to the date of enactment of the Insurance Act of 1946 application was made for insurance to become effective subsequent to the date of application and the applicant died in line of duty prior to the date such insurance was to become effective the United States shall be liable to the same extent as it would have been if such insurance had been in force on the date of death of the applicant. Any payments of benefits made as a result of the enactment of the preceding sentence shall be made directly from the national service life insurance appropriation.

(b) The claims heretofore disallowed under section 602 (p) because the insured died prior to the effective date of the insurance requested in his application and in which death was in line of duty should be reviewed and if found otherwise in order should be allowed.

(c) If not paid by allotment of service pay or otherwise, one premium should be deducted from initial settlement check and if more than one premium was paid and not heretofore refunded the unearned premiums should be refunded. If premiums were deducted from service pay or otherwise paid and have already been refunded one premium should be rededucted. Such refunds or deductions should be shown on the award card.

(d) Brief Faces (VA Form 8–359) and award cards (VA Form 316 series) covering settlements under this subsection will bear the legend, "Sec. 602 (p) N. S. L. I. Appro." Awards of this type will not require action by the Committee on Extra Hazards of Service.

9. (a) *Sec. 9.* This section amends section 602 of the National Service Life Insurance Act of 1940 by adding a new subsection (t) as follows:

(t) Insurance maturing on or subsequent to the date of enactment of the Insurance Act of 1946 shall be payable in accordance with the following optional modes of settlement:

(1) In one sum.

(2) In equal monthly installments of from thirty-six to two hundred and forty in number, in multiples of twelve.

(3) In equal monthly installments for one hundred and twenty months certain with such payments continuing during the remaining lifetime of the first beneficiary.

(4) As a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the first beneficiary: *Provided*, That such optional settlement shall not be available in any case in which such settlement would result in payments of installments over a shorter period than one hundred and twenty months.

Unless the insured elects some other mode of settlement, the insurance shall be payable to the designated beneficiary or beneficiaries in thirty-six equal monthly installments. The first beneficiary may elect to receive payment under any option which provides for payment over a longer period of time than the option elected by the insured, or if no option be designated by the insured in excess of thirty-six months. If the option selected requires payment to any one beneficiary of monthly installments of less than $10, the amount payable to such beneficiary shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than $10. If the present value of the amount payable at the time any person initially becomes entitled to payment thereof is not sufficient to pay at least twelve monthly installments of not less than $10 each, such amount shall be payable in one sum. Options (3) and (4) shall not be available if any firm, corporation, legal entity (including the estate of the insured), or trustee is beneficiary, or in any case in which an endowment contract matures by reason of the completion of the endowment period.

(b) A new form letter (FL 8–72) and a new optional settlement form (VA Form 8–1501a) have been devised and will be used to cover claims in which insurance matures on or after August 1, 1946. This form letter and this new form are now available on usual requisition. Instructions appearing on VA Form 8–1501a explain all modes of settlement (options) fully and complete tables of values appear on the reverse side of the form. VA Form 8–1501 will continue to be used for insurance maturing prior to August 1, 1946 and FL 8–64 and FL 8–62 will continue to be used in sending out claims where the insurance matured prior to August 1, 1946.

(c) Section 9 also adds a new subsection (u) as follows:

(u) With respect to insurance maturing on or subsequent to the date of enactment of the Insurance Act of 1946, in any case in which the beneficiary is entitled to a lump-sum settlement but elects some other mode of settlement and dies before receiving all the benefits due and payable under such mode of settlement, the present value of the remaining unpaid amount shall be payable to the estate of the beneficiary; and in any case in which no beneficiary is designated by the insured, or the designated beneficiary does not survive the insured, or a designated beneficiary not entitled to choose a lump-sum settlement survives the insured, and dies before receiving all the benefits due and payable, the commuted value of the insurance remaining unpaid shall be paid in one sum to the estate of the insured: *Provided*, That in no event shall there be any payment to the estate of the insured or of the beneficiary of any sums unless it is shown that any sums paid will not escheat.

(d) Under this subsection the designated beneficiary who is entitled to payment in one sum and who survives the insured has a vested right to the insurance; therefore, the rights of a contingent beneficiary, if any, are extinguished. Where the designated beneficiary in any such case has elected settlement in monthly installments, in lieu of a one sum payment, and dies before receiving all of the installments certain, the present value of the remaining unpaid installments certain will be paid to such beneficiary's estate (see § 10.3490).

(e) Settlements under this subsection will be authorized to the personal representative (administrator or executor) of the estate of the insured or the beneficiary depending upon the circumstances of the particular case. The personal representative, in addition to filing claim, will be called upon to furnish: (i) Certified copy of letters of administration, or letters testamentary, bearing the signature and seal of the appointing court, (ii) certified copy of any bond which may have been required bearing the signature and seal of the appointing court, (iii) statement bearing signature and seal of the appointing court to the effect that the court has been advised of the amount of insurance payable to the estate of the insured (or of the beneficiary) or copy of petition for letters of administration or letters testamentary showing this amount. Before settlement is authorized to any estate it must be determined that there will be no escheat. Tables of commuted values are in course of preparation. Pending their completion the commuted value of remaining installments in any particular case will be furnished on request. Pending the devising of a new form for the exclusive use of executors and administrators VA Form 8–355 will be adapted for claims under this subsection.

(f) Section 9 also adds to section 602 a new subsection (w) as follows:

(w) Subject to the provisions of section 612 of the National Service Life Insurance Act of 1940, as amended, all contracts or policies of insurance heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issue, reinstatement, or conversion except for fraud, non-payment of premium, or on the ground that the applicant was not a member of the military or naval forces of the United States.

(g) Claims for death benefits under contracts of National Service Life Insurance heretofore and hereafter issued, reinstated or converted may not be disallowed, if otherwise in order, except for the reasons set forth in the subsection above and for the reasons contained in section 612 of the National Service Life Insurance Act of 1940.

(h) Section 9 also adds to section 602 a new subsection (x) as follows:

(x) When an optional mode of settlement of insurance heretofore or hereafter matured is available to a beneficiary who is a minor or incompetent, such option may be exercised by his fiduciary, person qualified under Public Law 373, Seventy-second Congress, February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), or person recognized by the Administrator as having custody of the person or the estate of such beneficiary, and the obligation of the United States under the insurance contract shall be fully satisfied by payment of benefits in accordance with the mode of settlement so selected.

(i) Under this subsection elections made by guardians and other fiduciaries on VA Form 8–1501 and VA Form 8–1501a will no longer require approval by the appointing court.

(j) Supplementary instructions will be furnished covering section 13.
(60 Stat. 781)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

DECEMBER 18, 1946.

[F. R. Doc. 47–464; Filed, Jan. 16, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 7A, Revocation]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY; RAILWAY TRANSPORT DEPARTMENT

Pursuant to Executive Order 8989, as amended, *It is hereby ordered*, That Administrative Order ODT 7A (§ 503.210 *Appointment of special representative*, 10 F. R. 8912) be, and it is hereby, revoked effective January 15, 1947.

(E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183)

Issued at Washington, D. C., this 13th day of January 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47–460; Filed, Jan. 16, 1947; 8:47 a. m.]

[Administrative Order ODT 1, as Amended, Partial Revocation]

PART 503—ADMINISTRATION

DELEGATIONS OF AUTHORITY

Pursuant to Executive Order 8989, as amended, *It is hereby ordered*, That §§ 503.7, 503.8, 503.9, and 503.12 of Administrative Order ODT 1, as amended (8 F. R. 6001, 9887, 10 F. R. 1830), and Supplementary Administrative Order ODT 1–1 (8 F. R. 6973) be, and they are hereby, revoked effective January 15, 1947.

(E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183)

Issued at Washington, D. C., this 13th day of January 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47–459; Filed, Jan. 16, 1947; 8:48 a. m.]

[Gen. Order ODT 67, as Amended, Revocation]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

OPERATION OF VESSELS ON GREAT LAKES

Pursuant to Executive Orders 8989, as amended, and 9729, *It is hereby ordered*, That General Order ODT 67, as amended, §§ 502.330 to 502.334, inclusive (11 F. R. 12096, 12364, 13065), be, and it is hereby, revoked effective January 15, 1947.

(E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 13th day of January 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47–456; Filed, Jan. 16, 1947; 8:48 a. m.]

[Administrative Order ODT 12, Revocation]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY; NECESSITY CERTIFICATES, DIVISION OF RAILWAY TRANSPORT

Pursuant to Executive Order 8989, as amended, *It is hereby ordered*, That Administrative Order ODT 12 (§ 503.300 *Recommendations in respect to the issuance of necessity certificates*, 9 F. R. 404) be, and it is hereby, revoked effective January 15, 1947.

(E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183)

Issued at Washington, D. C., this 13th day of January 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47–461; Filed, Jan. 16, 1947; 8:47 a. m.]

[Administrative Order ODT 29, Partial Revocation]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY TO DIRECTORS OF HIGHWAY, RAILWAY, WATERWAY, AND LIQUID TRANSPORT DEPARTMENTS

Pursuant to Executive Order 8989, as amended, *It is hereby ordered*, That § 503.497 of Administrative Order ODT 29 (9 F. R. 14073) be, and it is hereby, revoked effective January 15, 1947.

(E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183)

Issued at Washington, D. C., this 13th day of January 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47–462; Filed, Jan. 16, 1947; 8:48 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR-47-1]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4481, 4488, and 4491, as amended, 49 Stat. 1384, 1544, 54 Stat. 163–167, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 369, 375, 391a, 392, 404, 474, 481, 489, 526–526t, 50 U. S. C. 1275), and section 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals and terminations of approvals are prescribed:

BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. B-358, double cushion No. 1, 14" x 14" x 2", seat, 20 ounces kapok, 14" x 14" x 2", back, 20 ounces kapok, double kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Jurgensen Manufacturing Co., 162 Gates Ave., Brooklyn 16, N. Y.

Approval No. B-359, double cushion No. 2, 14" x 14" x 2", seat, 20 ounces kapok, 14" x 18" x 2", back, 25 ounces kapok, double kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Jurgensen Manufacturing Co., 162 Gates Ave., Brooklyn 16, N. Y.

CLEANING PROCESS FOR LIFE PRESERVERS

Opera House cleaning process for cork life preservers, submitted by Opera House Laundry, 217 N. W. Everett, Portland, Oreg.

DAVITS

Welin type CA crescent aluminum davit; general arrangement Dwg. No. 3071–2 dated February 8, 1946, altered March 8, 1946; arm and frame detail Dwg. No. 3071–1 dated January 30, 1946, altered October 16, 1946; working load 5850 pounds per arm; submitted by the Welin Davit and Boat Division of The Robinson Foundation, Inc., Perth Amboy, N. J. This approval supersedes the approval published in the FEDERAL REGISTER of August 15, 1946 (11 F. R. 8836), which is hereby terminated.

Welin type CAB crescent aluminum davit, general arrangement Dwg. No. 3086, dated April 12, 1946; arm and frame detail Dwg. No. 3086–2, dated April 10, 1946, altered October 16, 1946; maximum load of 6500 pounds per arm; submitted by the Welin Davit and Boat Division of The Robinson Foundation, Inc., Perth Amboy, N. J.

FIRE RETARDANT MATERIAL FOR VESSEL CONSTRUCTION

Hollow aluminum Class B-15 bulkhead panel, Aetna aluminum ship bulkhead, overall thickness 2", filled with two 1" blankets of 4-pound density BX-4M Rock Wool, Dwg. No. A-1010, dated May 22, 1946, submitted by the Aetna Marine Corp., 61 Broadway, New York 6, N. Y.

LIFEBOAT

26' x 7.75' x 3.25' metal oar-propelled lifeboat, 40-person capacity, general arrangement Dwg. No. G-389 dated September 6, 1946, and revised October 15, 1946, submitted by C. C. Galbraith and Son, Inc., New York, N. Y.

RELIEF VALVES FOR LIQUEFIED INFLAMMABLE GASES

Relief valves for liquefied inflammable gases for maximum pressure of 250 per square inch; size 1.3136 square inch, type MS-6, Dwg. No. 31-11867B; size 1.5767 square inch, type MS-7, Dwg. No. 31-11868B; size 3.44 square inch, type MS-8, Dwg. No. 31-11869B; manufactured by the American Car and Foundry Co., 30 Church St., New York, N. Y. These approvals supersede the approvals by the former Bureau of Marine Inspection and Navigation of July 10, 1941 for relief valves for liquefied inflammable gases; size 1.5764 square inch, type MS-2, Dwg. No. 31-647; size 1.5764 square inch, type MS-3, Dwg. No. 31-648; size 3.4222 square inch, type MS-1, Dwg. No. 31-649; size 3.4222 square inch, type MS-4, Dwg. No. 31-650; size 0.6401 square inch, type MS-5, Dwg. No. 31-651; which are hereby terminated.

TELEPHONE SYSTEMS

Sound-powered telephone equipment, selective ringing, common talking, 17 stations maximum, splash-proof, Type Nos. 3, 6, and 8, Dwg. No. 70-523-1, Alt. 0, submitted by Henschel Corporation, Amesbury, Mass.

WINCH

Welin type BWB horizontal lifeboat winch, general arrangement Dwg. No. 2477N, dated December 13, 1944, altered December 9, 1946, working load 8,600 pounds per drum, 17,200 pounds per winch, submitted by the Welin Davit and Boat Division of The Robinson Foundation, Inc., Perth Amboy, N. J. This approval excludes use of above winch with nested type lifeboats.

CONDITIONS OF APPROVAL AND TERMINATION OF APPROVAL

The above approvals shall be effective upon the date of publication of this order in the FEDERAL REGISTER.

The termination of approval made by this order shall be made effective on the thirty-first day after the date of publication of this order in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment made before the effective date of termination of approval may be used so long as it is in good and serviceable condition.

Dated: JANUARY 10, 1947.

J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 47-447; Filed, Jan. 16, 1947; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-843]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF APPLICATION

JANUARY 13, 1947.

Notice is hereby given that on January 7, 1947, Interstate Natural Gas Company, Incorporated (Applicant), a corporation organized under the laws of the State of Delaware, with its principal place of business in Monroe, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended to authorize Applicant to construct and to operate facilities as follows:

An 8-inch gas pipe-line approximately twenty-six (26) miles in length, from a point in Section 31, Township 15 North, Range 3 East, Caldwell Parish, Louisiana, in the Vixen Gas Field extending through the southeast corner of Ouachita Parish into Richland Parish to a point of connection with Interstate's main transmission line in Section 10, Township 16 North, Range 6 East, together with a metering station.

Applicant states, the facilities above described will enable it to obtain natural gas from the Shell Oil Company Inc., under terms of a contract attached to and made a part of the application.

This contract provides for the delivery and sale of natural gas to the Applicant at the point of connection in Caldwell Parish in quantities to average ten million (10,000,000) cubic feet per day for ten years unless the wells in Vixen Field fail to meet production requirements as are specifically stated in the agreement. It further provides that the price per 1000 cubic feet of gas shall be five cents (5¢) for the first five years and for the last five years the price shall be determined by agreement or otherwise.

Applicant states that the total cost of the proposed facilities is estimated at $325,000.00, to be financed from cash on hand.

Applicant further states the purpose of the proposed facilities is to secure more natural gas for its present service to its main line customers under existing contracts and for normal additional business taken on by reason of the installation of the proposed facilities.

Any interested state or state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and further to specify whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Interstate Natural Gas Company incorporated should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-448; Filed, Jan. 16, 1947; 8:52 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Order ODT R-2, Revocation]

PASSENGER SERVICE BETWEEN NEW ALBANY AND PRINCETON, IND.

DISCONTINUANCE OF PASSENGER SERVICE

Pursuant to Executive Order 8989, as amended, Special Order ODT R-2 (7 F. R. 10120) is hereby revoked effective at 11:59 o'clock p. m., January 31, 1947.

(E. O. 8989, December 18, 1941, 6 F. R. 6725; E. O. 9389, October 18, 1943, 8 F. R. 14183)

Issued at Washington, D. C., this 13th day of January 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-457; Filed, Jan. 16, 1947; 8:47 a. m.]

[Special Order ODT R-4, Revocation]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTING MODIFICATION OF RAIL FACILITIES AT HYATTSVILLE, MD.

Pursuant to Executive Order 8989, as amended, Special Order ODT R-4 (7 F. R. 10413) is hereby revoked effective at 11: 59 o'clock p. m., January 31, 1947.

(E. O. 8989, December 18, 1941, 6 F. R. 6725; E. O. 9389, October 18, 1943, 8 F. R. 14183)

Issued at Washington, D. C., this 13th day of January 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-458; Filed, Jan. 16, 1947; 8:48 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

REVOCATION OF CONSENT ORDERS

LIST 5

In view of the revocation of General Preference Order M-38, the Director of the Compliance Division and the General Counsel have directed that the consent orders hereinafter listed be revoked forthwith.

In view of the foregoing, *It is hereby ordered*, That the following consent orders be revoked, effective January 16, 1947: *Provided, however*, That this revocation does not affect any liabilities incurred for violation of the consent order prior to revocation.

C-450 Excel Battery & Equipment Co.
C-456 Great Northern Battery Co.
C-433 Price Battery Corporation.
C-431 Staab Battery Mfg. Co.

Issued this 16th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-545; Filed, Jan. 16, 1947; 11:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-1422, 70-1423]

STANDARD GAS AND ELECTRIC CO. AND OKLAHOMA GAS AND ELECTRIC CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of January 1947.

Notice is hereby given that Standard Gas and Electric Company ("Standard"), a registered holding company and its subsidiary Oklahoma Gas and Electric Company ("Oklahoma Gas"), a public utility company, have filed separate applications or declarations pursuant to the Public Utility Holding Company Act of 1935 ("Act"). Standard has designated sections 11 (b) and 12 (d) of the act and Rules U-24, U-44 and U-50 promulgated thereunder as applicable to its proposed transactions; Oklahoma Gas has designated sections 6 and 7 of the act and Rules U-24 and U-50 promulgated thereunder as applicable to its proposed transactions.

Notice is further given that any interested person may not later than January 20, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, or either of them, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said filings proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter (unless the Commission should prior thereto, at the request of any interested person or on its own motion, order a hearing thereon) such applications or declarations, as filed or as amended, may be granted or may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or as otherwise provided under said act and rules and regulations, or the Commission may exempt such transactions, or either of them, as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said applications or declarations, which are on file in the office of the Commission, for a statement of the transactions therein proposed which are summarized below:

Standard proposes to sell all of the 750,000 shares (being all the presently issued and outstanding shares of common stock, of the par value of $20 per share) of Oklahoma Gas. The sale of such stock is to be made at competitive bidding pursuant to Rule U-50. Simultaneously with such sale, Oklahoma Gas proposes to issue and sell an additional issue of 140,000 shares of its common stock, also at competitive bidding pursuant to Rule U-50.

Standard will apply the proceeds of the aforesaid sale of 750,000 shares of common stock of Oklahoma Gas towards the payment of interest and principal on its promissory notes dated April 10, 1946 issued to various banks under the Bank Loan Agreement of Standard dated December 21, 1945, as supplemented by supplemental agreements dated February 15, 1946 and April 5, 1946 (copies of which are on file with this Commission in File No. 70-1211). It is represented that the proposed transactions are for the purpose of enabling Standard to comply with the provisions of subsection (b) of section 11 of the act and with the order of this Commission dated August 8, 1941 issued pursuant thereto, File No. 59-9.

Oklahoma Gas proposes to apply $1,470,000 of the net proceeds of the sale of the additional issue of 140,000 shares of its common stock to the prepayment, without premium, of an equal principal amount of its outstanding Serial Notes bearing interest at the rate of 1⅞ percent per annum and maturing in fourteen equal semi-annual installments; such prepayments are to be applied ratably to all the outstanding Serial Notes, thereby reducing each semi-annual installment from $605,000 to $500,000. Oklahoma Gas proposes to use the balance of the proceeds of the sale of said 140,000 shares together with additional funds generated from operations to provide funds for the acquisition and construction during 1947 of additions and betterments to its physical properties. This program represents a change from that originally proposed at the time of the issuance of the notes. The Serial Notes were issued in May of 1946, in a total amount of $9,075,000, of which $4,875,000 was issued to refund an equal amount of then outstanding notes and $4,200,000 of new notes was issued to provide funds for the redemption price of 33,978 shares of Seven Per Cent Cumulative Preferred Stock of Oklahoma Gas. At the time of the issuance of the notes it was contemplated that the new Serial Notes in the amount of $4,200,000 would be refunded by the sale of Common Stock at the first opportune time. However, Oklahoma Gas states that its business has increased so substantially since that time as to require acceleration during 1947 of its construction program in order to enable the Company better to meet the increasing demand for service. Oklahoma Gas, therefore, proposes to use only $1,470,000 of the net proceeds from the sale of common stock for the prepayment of its serial notes and to use the balance of the net proceeds to provide funds for the accelerated construction program for 1947. Oklahoma Gas states that it believes that the pro-

posed program is the best means of financing these expenditures for additional property, which it estimates will total $6,100,000, and further states that to the extent these expenditures exceed the amount of net proceeds from the sale of common stock applied to this purpose, it estimates that the additional funds can be provided from the cash accrued during 1947 as a result of non-cash charges to income or surplus for depreciation or amortization.

Both Standard and Oklahoma Gas have requested that the ten-day notice period for inviting bids as provided for by subsection (b) of Rule U–50 be shortened to six days so as to minimize the possibility of the postponement of the opening of bids due to a change of market conditions between the time the day of opening of bids is designated and such day. In this connection, the applicants have not designated a day certain on which bids are to be opened, but they propose to advise this Commission by telegram on the day preceding the publication of a public invitation for bids to purchase the common stock of Oklahoma Gas of their intention so to do and the proposed date of opening of such bids.

Standard further requests that this Commission find that the sale of the 750,000 shares of common stock of Oklahoma Gas by Standard is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and make the specifications and itemizations necessary in order that the provisions of sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code shall be applicable.

A declaration of Oklahoma Gas, dated October 1, 1943, as subsequently amended, which became effective by order of this Commission dated October 28, 1943, included the following undertaking of Oklahoma Gas:

During the 10-year period beginning September 1, 1943, the Company will not declare or pay any dividend on its capital stock of any class now outstanding or which hereafter may be issued (other than a dividend payable solely in shares of common stock), or make any other distribution on or acquire any shares of its common stock, which would reduce its earned surplus accumulated after August 31, 1943, below an amount equal to $450,000 for each year of such period then elapsed, less any amounts by which the Utility Plant account of the Company (excepting Franchises and Consents) shall have been amortized subsequent to September 1, 1943, in accordance with a program filed with regulatory authorities having jurisdiction or with an order issued by any such authority, whether such amortization shall have been effected through charges to income or charges to earned surplus accumulated after August 31, 1943: *Provided, however*, That to the extent that the capital of the Company shall have been increased to an amount in excess of $15,000,000 through the issuance and sale of common stock, there shall be a corresponding reduction in the amount of earned surplus restricted as a result of the foregoing provision, except that if the Company shall issue or sell common stock while any of the Serial Notes to be presently issued are outstanding, such reduction shall be limited to the amount by which such Notes are retired by use of the proceeds from the issuance or sale of such common stock. Earned surplus restricted in accordance with the provisions of this paragraph shall not be available for the declaration of dividends at any time.

Oklahoma Gas proposes to rescind and nullify the above-recited undertaking and requests an order permitting it to do so.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–431; Filed, Jan. 16, 1947; 8:52 a. m.]

[File No. 70–1424]

UNITED CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of January 1947.

The United Corporation ("United"), a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-46 of the rules and regulations promulgated thereunder regarding the following proposed transactions:

United proposes to declare and pay the quarterly dividend of 75 cents per share which will accrue on its $3 Cumulative Preference Stock on January 1, 1947.

As of December 18, 1946, United had outstanding 1,136,199 shares of $3 Preference Stock. However, the number of shares of such stock which may be outstanding on the record date of the proposed dividend cannot be determined at this time, since the company is proceeding with the purchase of a limited number of the shares of such stock as authorized by the Commission's Order of August 9, 1946 (Holding Company Act Release No. 6936). Based on the number of shares outstanding as of December 18, 1946, the proposed dividend would amount to $852,149. United's entire balance in Earned Surplus, estimated at $766,000 as of January 1, 1947, will be utilized for the payment of such dividends, and the remaining part of the aggregate amount of such dividend will be charged to unrestricted capital surplus which as of November 30, 1946 amounted to $29,557,236.

The proposed transaction is described as a facilitating step in a program contemplated by United to effectuate further partial compliance with the Commission's Order of August 14, 1943, directing United to change its capitalization to one class of stock, namely, common stock, and to take such action as will cause it to cease to be a holding company. As part of such program, United, pursuant to authorization contained in the Commission's orders of July 17, 1946 and September 27, 1946 (Holding Company Act Release Nos. 6787 and 6921), has paid in full all dividends on its $3 Preference Stock accumulated up to and including October 1, 1946 and contemplates the filing of plans, which are not before us for approval at this time, providing for further compliance with the Commission's Order of August 14, 1943.

The declaration having been filed on December 23, 1946 and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect thereto within the period specified in such notice or otherwise and the Commission not having ordered a hearing thereon; and

The Commission finding that the requirements of section 12 (c) of the act and Rule U-46 thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and the interests of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Effective forthwith, pursuant to Rule U–23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24, that the said declaration be, and the same hereby is, permitted to become effective: *Provided, however*, That the Commission's action in permitting the declaration to become effective shall not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–432; Filed, Jan. 16, 1947; 8:52 a. m.]

[File No. 70–1390]

FRONTIER POWER CO. AND J. G. WHITE CO., INC.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of January A. D. 1947.

A joint application-declaration, and amendments thereto, having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a), 10, 12 (b), 12 (c) and 12 (f) thereof, by J. G. White & Company, Inc. ("White"), an exempt holding company,[1] and its public utility subsidiary, Frontier Power Company ("Frontier"), regarding the following proposed transactions:

Frontier, a Colorado corporation, proposes to change its present authorized capital stock, consisting of 20,000 shares of common stock of the par value of $100 per share, all of which is issued and outstanding, to 140,000 shares of common stock of the par value of $5 per share, and to issue such new stock to its present common stockholders, on a pro rata basis, in exchange for the 20,000 shares of $100 par value common stock presently outstanding. White, as the owner of 13,333 shares of Frontier's common stock, $100 par value per share, will receive 93,331 shares of Frontier's new common stock. The difference between the aggregate par amount of the present common stock of Frontier ($2,000,000) and the proposed aggregate par amount of the new common stock ($700,000), amounting to $1,300,000, will be credited to capital surplus. Frontier also proposes to issue to White its note in the amount of $207,000, to be dated September 30, 1946 and bearing interest at the rate of 2½% per annum, in exchange for its presently outstanding note of like amount held by White which matured on September 30, 1946. The new note is to be payable at the rate of $20,000 per annum with a final installment of $127,000 due at the end of five years from the date thereof. The New Mexico Public Service Commission, the only State commission represented to have jurisdiction in respect of the proposed transactions, has authorized the issuance of such new common stock and note.

Said application-declaration having been filed on November 13, 1946 and notice of said filing having been duly given in the form and manner prescribed by Rule U–23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective; and

Applicants-declarants having requested that the Commission's order in respect of this matter become effective immediately upon issuance thereof and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U–23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U–24, that the aforesaid application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–433; Filed, Jan. 16, 1947; 8:52 a. m.]

[1] In connection with the acquisition of its interests in Frontier, White (which is primarily engaged in the investment banking business) was granted a temporary exemption from the act, pursuant to section 3 (a) (4), except that White and its subsidiaries as such were not exempt from the provisions of sections 6, 7, 9, 10, 12 (b), 12 (c) and 12 (f) of the act insofar as these sections concern Frontier. White, in addition to its interests in Frontier, has interests in certain foreign public utility companies in respect of which it has been granted exemption as a holding company pursuant to section 3 (a) (5) of the act. See Holding Company Act Release No. 6332.

[File No. 812–474]

BANKERS SECURITIES CORP. ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January A. D. 1947.

In the matter of Bankers Securities Corporation, City Stores Company, and R. H. White Realty Company, File No. 812–474.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), City Stores Company ("City") and R. H. White Realty Company ("Realty") have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed sale by Realty to City of 3,000 shares of the former's preferred stock at par or a total consideration of $300,000.

Bankers is a closed-end, management, nondiversified investment company and is registered under the Investment Company Act of 1940.

Bankers owns 78.7% of the voting securities of City. City owns all of the issued and outstanding shares of R. H. White Corporation. R. H. White Corporation owns all of the issued and outstanding stock of Realty.

The sale of such shares by an affiliated person of a registered investment company (Realty) to a company controlled by such registered investment company (City) is prohibited by section 17 (a) of the act.

The applicants have therefore filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transaction from the provisions of section 17 (a) of the act, and they assert that the proposed transaction meets the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed transaction is fair and reasonable;

(2) Whether the proposed transaction involves overreaching on the part of any person concerned;

(3) Whether the proposed transaction is consistent with the policy of Bankers Securities Corporation as recited in its registration statement and reports filed under the act;

(4) Whether the proposed transaction is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on January 27, 1947, at 10 a. m., Eastern Standard Time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Bankers Securities Corporation, City Stores Company and R. H. White Realty Company, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before January 24, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–434; Filed, Jan. 16, 1947; 8:52 a. m.]

SYLVAN PERRY CO.

ORDER PERMITTING WITHDRAWAL OF REGISTRATION AND DISCONTINUING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of January A. D. 1947.

In the matter of Sylvan Perry Spies, doing business as Sylvan Perry Co., 32 Broadway, New York, New York.

The Commission having instituted proceedings under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Sylvan Perry Spies, doing business as Sylvan Perry Co., as a broker and dealer should be revoked;

A hearing having been held after due notice, and said respondent having requested permission to withdraw his registration;

The Commission having been duly advised and having this day issued its findings and opinion;

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that withdrawal of said registration be and it hereby is permitted to become effective forthwith, and that the

proceeding under section 15 (b) of the act be and it hereby is discontinued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-435; Filed, Jan. 16, 1947; 8:53 a. m.]

CHARLES F. BAXTER AND ASSOCIATES

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of January A. D. 1947.

In the matter of Charles Fletcher Baxter, doing business as Charles F. Baxter & Associates, 30 North LaSalle Street, Chicago, Illinois.

The Commission having instituted proceedings under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Charles Fletcher Baxter, doing business as Charles F. Baxter & Associates, as a broker and dealer should be revoked; a hearing having been held after appropriate notice, a trial examiner's report filed, and the Commission having this day issued is findings and opinion;

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of the said Charles Fletcher Baxter as an over-the-counter broker-dealer be, and the same hereby is, revoked, effective January 20th, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-436; Filed, Jan. 16, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order CE 342]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Mykolas Gaidys	Lithuania	Estate of Edward Gaidis, deceased, Surrogate's Court, Kings County, N. Y.; Index No. 5859/1943.	
		Item 2	
Vladas Gaidys	do	Same	
		Item 3	
Stasys Gaidys	do	Same	
		Item 4	
Paulina Gaidys	do	Same	
		Item 5	
Beila Baumwald	Poland	Estate of Abraham Baumwald, deceased, Surrogate's Court, Kings County, N. Y.; Index No. 6854/1944.	
		Item 6	
Rebecca Greenberg	do	Same	
		Item 7	
Scheindel Buckhaus	do	Same	
		Item 8	
Moses Fink	do	Estate of Max Horowitz, deceased, Surrogate's Court, New York County, N. Y.; Index No. P-2043-1942.	
		Item 9	
Frimet Ebert	do	Same	
		Item 10	
Marjorie L. Rupplinger	France	Estate of John F. Lane, deceased, Surrogate's Court, Queens County, N. Y.; File No. 1390/1943.	
		Item 11	
Heirs, names unknown of Angelo Castellano, deceased, in Italy.	Italy	Estate of Angelo Castellano, also known as Angelo M. Castellano, also known as Angelo Maria Castellano, deceased, Surrogate's Court, New York County, N. Y.; Docket No. 14459.	
		Item 12	
Anna Marciano	do	Estate of Annunziata Mustacciolli, deceased, Surrogate's Court, Kings County, N. Y.; Docket No. 7697/1944.	
		Item 13	
Giovanno Pinto	do	Same	
		Item 14	
Maria Ferrigno	do	Same	

[F. R. Doc. 47-475; Filed, Jan. 16, 1947; 8:50 a. m.]

[Vesting Order 7959]

FLORA AND OLGA GLASER

In re: Bank accounts owned by Flora Glaser and Olga Glaser. F-28-25643-C-1, F-28-25643-E-1, F-28-25651-C-1, F-28-25651-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Flora Glaser and Olga Glaser, whose last known address is 53 Schueterstrasse, Charlottenberg, Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation of Mechanics Savings Bank, 80 Pearl Street, Hartford, Connecticut, arising out of a savings account, Account Number 143325, entitled Phoenix State Bank & Trust Company, Attorney for Flora Glaser, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Flora Glaser, a national of a designated enemy country (Germany);

3. That the property described as follows:

That certain debt or other obligation of Mechanics Savings Bank, 80 Pearl Street, Hartford, Connecticut, arising out of a savings account, Account Number 143326, entitled Phoenix State Bank & Trust Company, Attorney for Olga Glaser, maintained at the aforesaid bank, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Olga Glaser, a national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47 467; Filed, Jan. 16, 1947; 8:49 a. m.]

[Vesting Order 7938]

CENTRAL AMERICAN PLANTATIONS CORP.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found and determined by Vesting Order 104, dated August 17, 1942, that Central American Plantations Corporation, a Delaware corporation, is a business enterprise within the United States and is a national of a designated enemy country (Germany);

2. It is hereby found:

That of the issued and outstanding capital stock of Central American Plantations Corporation, consisting of 29,027 shares $100 par value common stock, 20 shares are registered in the name of and are owned by W. Schilimann and are evidence of an interest in Central American Plantations Corporation;

3. It is hereby found:

That W. Schilimann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that W. Schilimann is not within a designated enemy country, the national interest of the United States requires that he be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 20 shares of $100 par value common stock of Central American Plantations Corporation, more fully described in subparagraph 2 hereof, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-465; Filed, Jan. 16, 1947; 8:48 a. m.]

[Vesting Order 7958]

CARLOS GIESELER

In re: Bank account owned by Carlos Gieseler, F-28-27934-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carlos Gieseler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to Carlos Gieseler by Grace National Bank of New York, 7 Hanover Square, New York 5, New York, arising out of a checking account, entitled Carlos Gieseler, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-466, Filed, Jan. 16, 1947; 8:49 a. m.]

[Vesting Order CE 341]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN MONTANA, ARIZONA, COLORADO AND WYOMING COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Olaf Helnasen	Norway	Estate of Gustava Cockell, deceased, District Court of the First Judicial District of the State of Montana, in and for the County of Lewis and Clark No. 5113.	$35.70
		Item 2	
Mary Helnasen	do	Same	35.70
		Item 3	
Anna Olson	do	Same	10.00
		Item 4	
Helga Olson	do	Same	10.00
		Item 5	
Laura Olson	do	Same	10.00
		Item 6	
Olaf Olson	do	Same	10.00
		Item 7	
Ole Bertness	do	Same	23.00
		Item 8	
Carl Bertness	do	Same	23.00
		Item 9	
Oskar Bertness	do	Same	23.00
		Item 10	
Gust G. Lambro and Fulo C. Lambro or Mrs. Maria Geo. Karlis, Mrs. Katherine A. Velissarakou, Sophia S. Tsaroumi, Fulo J. Karatjas, Evangelina J. Karatjas and Angelo J. Karatjas.	Greece	Estate of George G. Lambro, deceased, in the Superior Court of the State of Arizona, in and for the County of Mohave, Probate Cause No. 647.	40.00
		Item 11	
Costes Katsargeres	do	Estate of Christos Katsargeres, also known as Christ Koukas, deceased, County Court of Chaffee County, State of Colorado, Probate No. 1489.	9.00
		Item 12	
Michael Katsargeres	do	Same	9.00
		Item 13	
Stratis Katsargeres	do	Same	9.00
		Item 14	
Marego Katsargeres	do	Same	9.00
		Item 15	
Maria Madison Artel	Estonia	Estate of John Madison, also known as John Martinson, deceased, District Court of Wyoming, in and for the County of Lincoln.	1.00
		Item 16	
Elisa Madison	do	Same	1.00
		Item 17	
Alide Madison Thompson	do	Same	70.00
		Item 18	
Anna Zagar	Jugoslavia	Estate of Phillip Zagar, deceased, Second Judicial District Court, within and for Sweet Water County, State of Wyoming; No. 3165.	19.00
		Item 19	
Mary Iskra	do	Same	5.00
		Item 20	
Josipa Crnic	do	Same	5.00
		Item 21	
Julia Svetic	do	Same	5.00

[F. R. Doc. 47-474; Filed, Jan. 16, 1947; 8:50 a. m.]

[Vesting Order 7960]

MARIA GUERTLER

In re: Stock owned by Maria Guertler, F-28-8143-D-1, F-28-8143-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Guertler, whose last known address is Berlin-Dahlem, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty-eight (38) shares of $100 par value, common Capital stock of Minot Trust, evidenced by a certificate numbered 127, registered in the name of Maria Guertler, presently in the custody of Edwin D. Brooks, acting as Trustee of the said Minot Trust, 50 Federal Street, Boston, Massachusetts, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation owning to Maria Guertler by Edwin D. Brooks, 50 Federal Street, Boston, Massachusetts, as Trustee of Minot Trust, arising out of dividends declared on the stock described in subparagraph 2-a above, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Maria Guertler by Edwin D. Brooks, 50 Federal Street, Boston, Massachusetts, as Trustee of Minot Trust, arising out of liquidating dividends declared on the stock described in subparagraph 2-a above, together with any and all accruals thereto, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-468; Filed, Jan. 16, 1947; 8:49 a. m.]

[Vesting Order 7963]

HANNA BRAMS

In re: Bank account owned by Hanna Brams, F-28-25093-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hanna Brams, whose last known address is Wellingdorf, Keel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to Hanna Brams by Citizens National Trust and Savings Bank of Los Angeles, 457 South Spring Street, Los Angeles, California, arising out of a savings account, Account Number 30282, entitled Hanna Brams, maintained at Branch Office 2, of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consulation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-469; Filed, Jan. 16, 1947; 8:49 a. m.]

[Vesting Order CE 345]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Bette Thums	Czechoslovakia	Estate of Peter Wurdack, deceased, Superior Court, State of California, in and for the County of Alameda, No. 71255.	$15,000
		Item 2	
Andrew Wurdack	do	Same	15,000
		Item 3	
Marie Maier	do	Same	15,000
		Item 4	
Chana Bulmach	Poland	Estate of Edel Eisen, deceased, Superior Court, State of California, in and for the County of Los Angeles; No. 239216.	15,000
		Item 5	
Chaucle Eisen	do	Same	15,000
		Item 6	
Motel Eisen	do	Same	15,000
		Item 7	
Juozas Taucius	Lithuania	Estate of Benjamin Tauchus, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 61662.	6,000
		Item 8	
Pillibertas Tauchus	do	Same	6,000
		Item 9	
Eugenia Steponavicius	do	Same	6,000
		Item 10	
Vladas Kleinauskas	do	Same	6,000
		Item 11	
Tadas Petrutis	do	Same	5,000
		Item 12	
Kazys Petrutis	do	Same	5,000
		Item 13	
Stanislava Pragulbrickiene-Prage	do	Estate of Stanislava Pragulbrickiene-Prage, an incompetent person, Superior Court, State of California, in and for the County of Los Angeles; No. 117-999.	32,000
		Item 14	
Steve Rajkovich	Yugoslavia	Estate of George Krznarich, deceased, Superior Court, State of California, in and for the County of Sacramento; No. 21536.	40,000
		Item 15	
Klare Deilja	do	Estate of Andrew Jurian, deceased, Superior Court, State of California, in and for the County of Santa Clara; No. 26722.	51,000
		Item 16	
Borbala (Barbara) Grosz	Hungary	Estate of Edward A. Gross, deceased, Superior Court, State of California, in and for the County of Santa Barbara, No. 30436.	20,000
		Item 17	
Kato (Kate) Grosz	do	Same	20,000

[F. R. Doc. 47-478; Filed, Jan. 16, 1947; 8:51 a. m.]

[Vesting Order 7964]

MARGARET BUBA

In re: Bank account owned by Margaret Buba, F-28-25079-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Buba, whose last known address is Besterhagen 10, Post Schotmar in Lippe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Margaret Buba by National Bank of Detroit, 660 Woodward Avenue, Detroit 32, Michigan, arising out of a savings account, Account Number 1424, entitled Margaret Buba, maintained at the branch office of the aforesaid bank, located at 9300 Kercheval Avenue, Detroit, Michigan, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 8, 1947:

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-470; Filed, Jan. 16, 1947; 8:49 a. m.]

[Vesting Order 7967]

EMIL KUMMICH AND ALBERT KIMMICH

In re: Bank accounts owned by Emil Kummich and Albert Kimmich, F-28-23205-E-1, F-28-23106-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Kummich and Albert Kimmich, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Ridgewood Savings Bank, Myrtle & Forest Avenues, Ridgewood, New York, arising out of a savings account, Account Number 103,000, entitled Emil Kummich by Erich Wilkens, Attorney-in-fact, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Kummich, a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Ridgewood Savings Bank, Myrtle & Forest Avenues, Ridgewood, New York, arising out of a savings account, Account Number 102,998, entitled Albert Kimmich by Erich Wilkens, Attorney-in-fact, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Albert Kimmich, a national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the properety described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-473; Filed, Jan. 16, 1947; 8:50 a. m.]

[Vesting Order 7965]

JULIUS HANSCHILD

In re: Bank account owned by Julius Hanschild, F-28-23011-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Hanschild, whose last known address is Weimar, Silberblick 21, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to Julius Hanschild by Mellon National Bank, Smithfield Street, Fifth and Oliver Avenues, Pittsburgh 30, Pennsylvania, arising out of a savings account, Account Number 1-533, maintained at the aforesaid bank, entitled Julius Hanschild, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-471; Filed, Jan. 16, 1947; 8:49 a. m.]

[Vesting Order 7966]

T. KAWATA

In re: Bank account owned by T. Kawata, F-39-2208-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Kawata, whose last known address is P. O. Box No. 5, Kanda, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to T. Kawata by the Wells Fargo Bank & Union Trust Company, 4 Montgomery Street, San Francisco, arising out of a checking account, entitled T. Kawata, maintained at the aforesaid bank and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable, or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 8, 1947:

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-472; Filed, Jan. 16, 1947, 8:49 a. m.]

[Vesting Order CE 344]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or procedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding:

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. 1. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Arcangela Andrisani	Italy	Estate of Francesco Andrisani, deceased, Surrogate's Court, Bronx County, N. Y., Docket No. 17-22-A-1944.	$1,279.68	James W. Brown, Public Administrator, Bronx County, 851 Grand Concourse, Bronx, N. Y., Administrator.	$19.67
		Item 2			
Marietta Andrisani Venezia	do	Same	1,279.67	do	19.67
		Item 3			
Nunzio Andrisani	do	Same	255.94	do	3.94
		Item 4			
Luigi Andrisani	do	Same	255.93	do	3.93
		Item 5			
Mario Andrisani	do	Same	255.93	do	3.93
		Item 6			
Anna Andrisani	do	Same	255.93	do	3.93
		Item 7			
Giovanni Andrisani	do	Same	255.93	do	3.93
		Item 8			
Agnes F. Boldt Celli	do	Estate of Hermann J. Boldt, deceased, Surrogate's Court, Westchester County, N. Y., File No. 213/1943.	17,211.17	Central Hanover Bank & Trust Co., Fifth Ave. at 60th St., New York, N. Y., and Harry T. McMahon, 181 Grand St., White Plains, N. Y., Trustees.	441.03
		Item 9			
Jayta Humphreys Schlemmer	do	In the matter of the Judicial Settlement of the Account of Proceedings of Central Hanover Bank & Trust Co., as Trustee under Indenture of Trust, dated June 26, 1912, made by Jayta Humphreys von Wolf (now Jayta Humphreys Schlemmer) and Fannie Humphreys Gaffney, Supreme Court, New York, in and for New York County; Index No. 9691-1946.	16,525.27	Central Hanover Bank & Trust Co., Trustee, 70 Broadway, New York, N. Y.	166.60
		Item 10			
Victoria Paganas	Greece	Estate of Harry Payones, also known as Harry Paganas, also known as Aristotaluis Paganas, deceased, Surrogate's Court, Westchester County, N. Y.	362.46	Commissioner of Finance, Westchester County, White Plains, N. Y., as Depositary.	2[illegible]
		Item 11			
Marigo Paganas	do	Same	362.46	do	23.00
		Item 12			
Michael Paganas	do	Same	362.46	do	23.00

[F. R. Doc. 47-477; Filed, Jan. 16, 1947; 8:50 a. m.]

JAN 29 '47

Reference

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 12 NUMBER 13

Washington, Saturday, January 18, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 80]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.324 *Grapefruit Regulation 80*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 20, 1947, and ending at 12:01 a. m., e. s. t., February 3, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits (11 F. R. 13239));

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used herein, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of January 1947.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 47-575; Filed, Jan. 17, 1947; 8:46 a. m.]

[Tangerine Reg. 61]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.325 *Tangerine Regulation 61*—(a) *Findings.* (1) Pursuant to the

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 20, 1947, and ending at 12:01 a. m., e. s. t., February 3, 1947, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Tangerines, issued by the United States Department of Agriculture, effective September 29, 1941, as amended);

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines, grown in the State of Florida, which are of a size larger than the size that will pack 120 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-576; Filed, Jan. 17, 1947; 8:46 a. m.]

[Orange Reg. 108]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.323 *Orange Regulation 108*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* Except as otherwise provided in paragraph (b) (2) of this section:

(1) During the period beginning at 12:01 a. m., e. s. t., January 20, 1947, and ending at 12:01 a. m., e. s. t., February 3, 1947, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits (11 F. R. 13239); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a

standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) During the period specified in paragraph (b) (1) of this section, no handler shall ship any oranges which are included in the variety comprising Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type:

(i) Which grade U. S. No. 1 Russet, U .S. No. 2. U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits (11 F. R. 13239); or

(ii) Which are of a size larger than a size that will pack 176 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(3) As used herein, "handler," "variety," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-577; Filed, Jan. 17, 1947; 8:46 a. m.]

[Grapefruit Reg. 42]

PART 955—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.303 *Grapefruit Regulation 42*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., January 19, 1947, and ending at 12:01 a. m., P. s. t., March 2, 1947, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade, as such grades are defined in the U. S. Standards for California and Arizona Grapefruit, issued by the United States Department of Agriculture, effective March 15, 1941; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any such grapefruit which are of a size smaller than $3\frac{11}{16}$ inches in diameter, or (*b*) to any point outside thereof in Canada, any such grapefruit which are of a size smaller than $3\frac{9}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum sizes shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said U. S. Standards for California and Arizona Grapefruit: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{9}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of the size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-578; Filed, Jan. 17, 1947; 8:46 a. m.]

[Lemon Reg. 205]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.312 *Lemon Regulation 205*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 19, 1947, and ending at 12:01 a. m., P. s. t., January 26, 1947, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601)

Done at Washington, D. C., this 16th of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: January 12, 1947. Regulation Period No. 205. 12:01 a. m. Jan. 19, 1947, to 12:01 a. m. Feb. 2, 1947]

Handler	Prorate base percent
Total	100.000
Allen-Young Citrus Packing Co	0.000
American Fruit Growers, Fullerton	.482
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.429
Consolidated Citrus Growers	.034
Corona Plantation Co	.445
Hazeltine Packing Co	.984
Leppla-Pratt, Produce Distributors Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers Inc	.009
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.271
Ventura Pacific Co	1.187
Total A. F. G	4.841
Arizona Citrus Growers	.139
Desert Citrus Growers Co. Inc	.099
Mesa Citrus Growers	.109
Elderwood Citrus Association	.107
Klink Citrus Association	4.503
Lemon Cove Association	1.358
Glendora Lemon Growers Association	1.010
La Verne Lemon Association	.380
La Habra Citrus Association	.885
Yorba Linda Citrus Association	.274
Alto Loma Hts. Citrus Association	.462
Etiwanda Citrus Fruit Association	.254
Mountain View Fruit Association	.438
Old Baldy Citrus Association	1.202
Upland Lemon Growers Association	3.478
Central Lemon Association	.460
Irvine Citrus Association	1.197
Placentia Mutual Orange Association	.853
Corona Citrus Association	.287
Corona Foothill Lemon Co	1.406
Jameson Co	.738
Arlington Heights Fruit Co	.479
College Heights Orange & Lemon Association	1.697
Chula Vista Citrus Association	1.118
El Cajon Valley Citrus Association	.600
Escondido Lemon Association	6.525
Fallbrook Citrus Association	2.545
Lemon Grove Citrus Association	.577
San Dimas Lemon Association	1.436
Carpinteria Lemon Association	1.628
Carpinteria Mutual Citrus Association	2.441
Goleta Lemon Association	2.974
Johnston Fruit Company	6.162
North Whittier Heights Citrus Association	1.612
San Fernando Heights Lemon Association	2.698
San Fernando Lemon Association	1.564
Sierra Madre-Lamanda Citrus Association	1.675
Tulare County Lemon & Grapefruit Association	7.477
Briggs Lemon Association	1.058
Culbertson Investment Co	.467
Culbertson Lemon Association	.966
Fillmore Lemon Association	1.429
Oxnard Citrus Association No. 1	.619
Oxnard Citrus Association No. 2	3.917
Rancho Sespe	.427
Santa Paula Citrus Fruit Association	2.512
Saticoy Lemon Association	2.761
Seaboard Lemon Association	2.280
Somis Lemon Association	.465
Ventura Citrus Association	1.098
Limoneira Co	.739
Teague-McKevett Association	.426
East Whittier Citrus Association	.714
Leffingwell Rancho Lemon Association	.328
Murphy Ranch Co	1.225

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
Whittier Citrus Association	0.742
Whittier Select Citrus Association	.436
Total C. F. G. E	85.566
Arizona Citrus Products Co	.005
Chula Vista Mutual Lemon Association	1.347
Escondido Co-Op. Citrus Association	.729
Glendora Co-Op. Citrus Association	.226
Index Mutual Association	.278
La Verne Co-Op. Citrus Association	1.554
Libbey Fruit Packing Co	.092
Orange Co-Op. Citrus Association	.198
Pioneer Fruit Co	.032
Tempe Citrus Co	.102
Ventura Co. Orange & Lemon Association	1.972
Whittier Mutual Orange & Lemon Association	.136
Total M. O. D	6.671
Abbate, Chas. Co., The	.054
Atlas Citrus Packing Co	.023
California Citrus Groves, Inc., Ltd	.008
El Modena Citrus, Inc	.132
Evans Bros. Pkg. Co.—Riverside	.187
Evans Bros. Pkg. Co.—Sentinel Butte Ranch	.203
Foothill Packing Co	.000
Harding & Leggett	.478
Orange Belt Fruit Distributors	1.351
Potato House, The	.000
Raymond Bros	.000
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.073
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.202
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.193
Western States Fruit & Produce Co	.018
Total Independents	2.922

[F. R. Doc. 47-580; Filed, Jan. 17, 1947; 8:45 a. m.]

[Orange Reg. 161]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.307 *Orange Regulation 161*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 19, 1947, and ending at 12:01 a. m., P. s. t., January 26, 1947, is hereby fixed as follows:

(i) *Valencia organes.* (*a*) Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, 600 carloads; (*b*) Prorate District No. 2, 600 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Orange Regulation Period No. 161. 12:01 a. m. Jan. 19, 1947, to 12:01 a. m. Jan. 26, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base percent
Total	100.0000
A. F. G. Lindsay	1.6729
A. F. G. Porterville	2.2890
Cooperative Citrus Association	.7141
Dofflemyer, W. T.	.5592
Elderwood Citrus Association	1.2601
Exeter Citrus Association	3.0741
Exeter Orange Growers Association	.6513
Exeter Orchards Association	1.1191
Hillside Packing Corp	1.6479
Ivanhoe Mutual Orange Association	1.1500
Klink Citrus Association	4.7135
Lemon Cove Association	1.5001
Lindsay Citrus Growers Association	2.7984
Lindsay Coop. Citrus Association	1.4537
Lindsay District Orange Co	1.4560
Lindsay Fruit Association	1.9991
Lindsay Orange Growers Association	1.3388
Naranjo Packing House Co	.9835
Orange Cove Citrus Association	2.7044
Orange Packing Co	1.1475
Orosi Foothill Citrus Association	1.3377

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base percent
Paloma Citrus Fruit Association	1.1746
Pogue Packing House, J. E.	.7222
Rocky Hill Citrus Association	2.1416
Sanger Citrus Association	3.1799
Sequoia Citrus Association	.8711
Stark Packing Corp	2.4148
Visalia Citrus Association	.6698
Waddell & Son	1.9474
Butte County Citrus Association, Inc	.8519
James Mills Orchard Corp	1.1698
Orland Orange Growers Association, Inc	.6969
Baird-Neece Corp	1.7922
Beattie Association, Agnes M.	.6072
Grand View Heights Citrus Association	2.0572
Magnolia Citrus Association	2.2477
Porterville Citrus Association	1.3926
Richgrove-Jasmine Citrus Association	1.4846
Sandilands Fruit Co	.0000
Strathmore Coop. Association	1.7240
Strathmore District Orange Association	1.6705
Strathmore Fruit Growers Association	1.2227
Strathmore Packing House Co	1.4097
Sunflower Packing Corp	2.0382
Sunland Packing House	2.7055
Terra Bella Citrus Association	1.3505
Tule River Citrus Association	1.1656
Jensen, M. N.	2.3632
Kroells Brothers, Ltd	1.5414
Lindsay Mutual Groves	1.8388
Martin, J. D.	1.1258
Stivers Packing Co	.7715
Woodlake Packing House	1.7122
R. M. C. Porterville	1.9834
Abbate Co., The Chas	.9223
Anderson Packing Co., R. M.	.7367
Baker Brothers	.1033
California Citrus Growers, Inc., Ltd	1.8323
Chess Company, Meyer W.	.0000
Edison Groves Co	.0000
Edison Orange Growers Association	.0000
Evans Brothers Packing Co	1.4798
Furn, N. C	.3437
Ghlanda Ranch	.0227
Harding & Leggett	1.4283
Lo Bue Bros	.4516
Marks, W. & M.	.4682
Raymond Bros.	.1390
Reimers, Don H.	.0000
Rooke Packing Co., B. G.	3.3221
Snyder & Sons Co., W. A.	.8339
Toy, Chin	.0000
Webb Packing Co., Inc	.0000
Western States Fruit & Produce Co.	.0000
Wollenman Packing Co	.7920
Woodlake Heights Packing Corp	.8873
Zaninovich Bros., Inc	.6809

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3432
A. F. G. Fullerton	.0554
A. F. G. Orange	.0393
A. F. G. Redlands	.3415
A. F. G. Riverside	.8233
Corona Plantation Co	.9654
Hazeltine Packing Co	.1027
Signal Fruit Association	.7055
Azusa Citrus Association	.9479
Azusa Orange Co., Inc	.1317
Damerel-Allison Co	1.1757
Glendora Mutual Orange Association	.4796
Irwindale Citrus Association	.3448
Puente Mutual Citrus Association	.0471
Valencia Heights Orchards Association	.1984
Glendora Citrus Association	0.7792
Glendora Heights O. & L. Growers Association	.1475
Gold Buckle Association	3.3282
La Verne Orange Association, The	5.3106
Anaheim Citrus Fruit Association	.0608
Anaheim Valencia Orange Association	.0165
Eadington Fruit Co., Inc	.3379
Fullerton Mutual Orange Association	.2589
La Habra Citrus Association	.1449
Orange Co. Valencia Association	.0251
Orangethorpe Citrus Association	.0236
Placentia Coop. Orange Association	.0508
Yorba Linda Citrus Association, The	.0260
Alta Loma Heights Citrus Association	.3803
Citrus Fruit Growers	.7174
Cucamonga Citrus Association	.5934
Etiwanda Citrus Fruit Association	.2174
Mountain View Fruit Association	.1562
Old Baldy Citrus Association	.4262
Rialto Heights Orange Growers	.4401
Upland Citrus Association	2.1993
Upland Heights Orange Association	.9586
Consolidated Orange Growers	.0303
Garden Grove Citrus Association	.0208
Goldenwest Citrus Association, The	.0887
Olive Heights Citrus Association	.0443
Santa Ana-Tustin Mutual Citrus Association	.0277
Santiago Orange Growers Association	.1604
Tustin Hills Citrus Association	.0324
Villa Park Orchards Association, Inc., The	.0377
Bradford Bros., Inc	.2260
Placentia Mutual Orange Association	.1813
Placentia Orange Growers Association	.2507
Call Ranch	.6824
Corona Citrus Association	.7134
Jameson Co	.3681
Orange Heights Orange Association	.8402
Break & Son, Allen	.2717
Bryn Mawr Fruit Growers Association	1.0405
Crafton Orange Growers Association	1.3208
E. Highlands Citrus Association	.4088
Fontana Citrus Association	.4348
Highland Fruit Growers Association	.6527
Krinard Packing Co	1.5559
Mission Citrus Association	.7167
Redlands Coop. Fruit Association	1.6740
Redlands Heights Groves	.9068
Redlands Orangedale Association	.9443
Redlands Orange Growers Association	1.1505
Redlands Select Groves	.5350
Rialto Citrus Association	.5494
Rialto Orange Co	.3595
Southern Citrus Association	.9780
United Citrus Growers	.6944
Zilen Citrus Co	1.0671
Arlington Heights Fruit Co	.4192
Brown Estate, L. V. W.	1.7638
Elephant Orchards	.0000
Gavilan Citrus Association	1.6183
Hemet Mutual Groves	.3095
Highgrove Fruit Association	.6872
McDermont Fruit Co	1.7232
Mentone Heights Association	.7579
Monte Vista Citrus Association	1.1042
National Orange Co	.8313
Riverside Heights Orange Growers Association	1.3015
Sierra Vista Packing Association	.6765
Victoria Ave. Citrus Association	2.2922
Claremont Citrus Association	.9656
College Heights O. & L. Association	1.0043
El Camino Citrus Association	0.5015
Indian Hill Citrus Association	1.1322
Pomona Fruit Growers Association	1.9140
Walnut Fruit Growers Association	.3756
West Ontario Citrus Association	1.5181
El Cajon Valley Citrus Association	.3651
Escondido Orange Association	.5403
San Dimas Orange Growers Association	1.1515
Covina Citrus Association	1.5571
Covina Orange Growers Association	.4877
Duarte-Monrovia Fruit Exchange	.5232
Ball & Tweedy Association	.1582
Canega Citrus Association	.0625
N. Whittier Heights Citrus Association	.1117
San Fernando Fruit Growers Association	.2974
San Fernando Heights Orange Association	.3221
Sierra Madra Lamanda Citrus Association	.2320
Camarillo Citrus Association	.0094
Fillmore Citrus Association	1.2195
Ojai Orange Association	.9734
Piru Citrus Association	1.1637
Santa Paula Orange Association	.1101
Tapo Citrus Association	.0107
East Whittier Citrus Association	.0162
El Ranchito Citrus Association	.0000
Rivera Citrus Association	.0000
Whittier Citrus Association	.3036
Whittier Select Citrus Association	.0583
Anaheim Coop. Orange Association	.0545
Bryn Mawr Mutual Orange Association	.4955
Chula Vista Mutual Lemon Association	.1424
Escondido Coop. Citrus Association	.0082
Euclid Avenue Orange Association	2.3321
Foothill Citrus Union, Inc	.0822
Fullerton Coop. Orange Association	.0321
Garden Grove Orange Coop	.0378
Glendora Coop. Citrus Association	.0764
Golden Orange Groves, Inc	.3870
Highland Mutual Groves, Inc	.4978
Index Mutual Association	.0039
La Verne Coop. Citrus Association	2.6238
Olive Hillside Groves, Inc	.0307
Orange Coop. Citrus Association	.0599
Redlands Foothill Groves	2.1036
Redlands Mutual Orange Association	.9995
Riverside Citrus Association	.4565
Ventura County O. & L. Association	.1482
Whittier Mutual O. & L. Association	.0635
Babijuice Corp. of California	.3345
Banks Fruit Co	.2413
California Fruit Distributors	.0892
Cherokee Citrus Co., Inc	1.1117
Chess Co., Meyer W	.3172
El Modena Citrus, Inc	.0801
Evans Bros. Packing Co	.7805
Gold Banner Association	1.8720
Granada Packing House	1.1416
Hill, Fred A.	.6949
Inland Fruit Dealers, Inc	.2080
Orange Belt Fruit Distributors	2.3992
Panno Fruit Co., Carlo	.1314
Paramount Citrus Association	.2639
Placentia Pioneer Valencia Grs. Association	.0740
Riverside Growers, Inc	.5134
San Antonio Orchards Association	1.1364
Snyder & Sons Co., W. A.	.9879
Torn Ranch	.0470
Verity & Sons Co., R. H.	.0996
Wall, E. T.	1.4222
Western Fruit Grs., Inc., Redlands	2.5549
Yorba Orange Growers Association	.0327

[F. R. Doc. 47-579; Filed, Jan. 17, 1947; 8:45 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

REVOCATION OF LAND WITHDRAWAL, LEWISTON BOMBING RANGE, MONTANA

CROSS REFERENCE: For order affecting the tabulation contained in § 501.1, see Public Land Order 339 under Title 43, *infra*, which revokes Public Land Order 134, withdrawing certain lands for use by the War Department for aviation purposes.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. Serial No. 384]

PART 280—FORMS AND APPLICATIONS

REPORTS OF OWNERSHIP OF STOCK AND OTHER INTERESTS BY OFFICERS AND DIRECTORS OF AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of January 1947.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a), and for the purpose of implementing section 407 (c) thereof; having afforded interested persons an opportunity to participate in the making of this revision, having given full consideration to all relevant matters presented; and finding that it is desirable that all reports covering the past year be uniform, and that this fact constitutes good cause for making this regulation effective without delay; hereby amends § 280.1 of the Economic Regulations in its entirety, to read as follows, effective January 3, 1947:

§ 280.1 *Reports of ownership of stock and other interests by officers and directors of air carriers*—(a) *Report required.* At the times and in the manner hereinafter provided, each officer and each director of each air carrier shall transmit to the Board a report describing the shares of stock or other interests held by him in any air carrier, any person engaged in any phase of aeronautics, or any common carrier, and in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, air carriers, other persons engaged in any phase of aeronautics, or common carriers.

(b) *Time for reporting.* Not more than thirty days after such officer or director is first elected or appointed, a report shall be filed covering the period from January 1st of the preceding year to the date of election or appointment; subsequently, a report shall be filed, on or before March 1st of each year, covering such portion of the preceding calendar year as has not been previously reported, or the full year if he so desires.

(c) *Schedule of data.* Such report shall be prepared in accordance with the following schedule:

SCHEDULE

I. *Data as to individual reporting.*

1. Name;
2. Address;
3. Principal occupation;
4. All air carrier positions held (indicate title of position and name of air carrier); and
5. Positions held as officer, director or member of (1) common carriers (other than air); (2) enterprises engaged in any other phases of aeronautics; (3) enterprises whose principal business is that of holding securities and/or control of air carriers, common carriers, and enterprises which are engaged in any other phases of aeronautics (giving title of position and name of company or enterprise).
6. Append the following declaration to the report: "I hereby declare that this report, including documents attached hereto has been examined by me, and to the best of my knowledge and belief is a true, correct, and complete report, made in good faith, for the period stated." Execute the declaration, affixing date and signature.

II. *Data as to stock or other interests.* The categories for which data shall be set forth are as follows: (1) Interests held in air carriers, (2) Interests held in other common carriers, (3) Interests held in any enterprise engaged in any phase of aeronautics other than air carriers, (4) Interests held in enterprises whose principal business is that of holding securities and/or control of air carriers, other common carriers, or enterprises which are engaged in any phase of aeronautics other than air carrier. For each of the foregoing categories, the following data shall be set forth:

A. Name of enterprise (corporate or otherwise) in which interest is or was held at any time during the period covered by report.

B. Class of interest, such as common stock, preferred stock, rights, options, etc.; and description of bonds, notes, or other instruments evidencing interest or ownership. (Give names and addresses of all persons: (1) by whom any part of the foregoing items were held for reporting individual, (2) for whom any part of the foregoing items were held by reporting individual; (3) who held joint interest with reporting individual in any part of the foregoing items, and state nature of the relationship and the principal business of such persons.)

C. Number of shares or amount of each item reported under "B" held as of the last day of the period covered by report.

D. On all items reported under "C" which equal 5% or more of the total outstanding amount of the same class, show such percentages.

E. Indicate by "Yes" or "No" whether reporting individual controlled and/or exercised ALL voting rights of the items reported under "B". If the answer is "No", state amount of voting rights not controlled or exercised by reporting individual and give the names, addresses, and principal business of persons controlling and/or exercising such voting rights.

F. Maximum amount held during period covered by report.

G. On all items reported under "F" which equal 5% or more of the total then outstanding amount of the same class, show such percentages.

H. Minimum amount held during period covered by report.

(d) *General.* The reporting requirements contained in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942; and C. A. B. Form 2786 (prepared in conformity with the Schedule) is available on request for the convenience of individuals reporting.

(52 Stat. 984, 1000, as amended; 49 U. S. C. 425, 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-463; Filed, Jan. 17, 1947; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3403]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JACOB SIEGEL CO.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with the offering for sale, sale and distribution in commerce, of respondent's coats designated "Alpacuna" coats, or any other coats of substantially similar composition, under whatever name sold, (1) representing that respondent's coats contain guanaco hair; (2) representing that the Angora goat hair or mohair used in respondent's coats is imported from Turkestan or any other foreign country; (3) representing through the use of drawings or pictorial representations, or in any other manner, that respondent's coats contain fibers or materials which they do not in fact contain; (4) representing that coats made of fabrics which have a cotton backing are composed entirely of wool or of wool and hair; (5) using any advertising matter or causing, aiding, encouraging, or promoting the use by dealers of any advertising matter which purports to disclose the constituent fibers or materials of coats composed in part of cotton, unless such advertising matter clearly discloses such cotton content along with such other fibers or materials; or, (6) using the word "Alpacuna", or any other word which in whole or in part is indicative of the word "vicuna", to designate or describe respondent's coats, or otherwise representing, directly or by implication, that respondent's coats contain vicuna fiber; prohibited, subject to the provision, however, that nothing herein shall prohibit use of the word Alpacuna to refer to respondent's garments if in immediate connection and conjunction therewith, wherever used, there appear words clearly and conspicuously designating all the constituent materials or fibers therein contained. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45) [Modified cease and desist order, Jacob Siegel Company, Docket 3403, December 5, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of December A. D. 1946.

This proceeding having heretobefore been heard by the Federal Trade Commission and an order to cease and desist having heretobefore been entered by it, which order was reversed pursuant to a

mandate of the Supreme Court of the United States by the United States Circuit Court of Appeals for the Third Circuit on May 23, 1946, and remanded to the Commission for further proceedings in conformity with the opinion of the Supreme Court, particularly for the Commission to consider and determine whether qualifying language or some change of name short of excision would eliminate the deception which the Commission found lurking in respondent's trade name "Alpacuna," and in the judgment of the Commission adequately satisfy the ends of the Federal Trade Commission Act and at the same time save said trade name;

And the Commission having further considered said matter, and being of the opinion that the deception resulting from the use of said trade name can be eliminated by the use, in connection with said name, of qualifying or explanatory language as hereinafter set forth, the Commission now issues this its modified order to cease and desist:

It is ordered, That the respondent, Jacob Siegel Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's coats designated "Alpacuna" coats, or any other coats of substantially similar composition, under whatever name sold, do forthwith cease and desist from:

1. Representing that respondent's coats contain guanaco hair.

2. Representing that the Angora goat hair or mohair used in respondent's coats is imported from Turkestan or any other foreign country.

3. Representing through the use of drawings or pictorial representations, or in any other manner, that respondent's coats contain fibers or materials which they do not in fact contain.

4. Representing that coats made of fabrics which have a cotton backing are composed entirely of wool or of wool and hair.

5. Using any advertising matter or causing, aiding, encouraging, or promoting the use by dealers of any advertising matter which purports to disclose the constituent fibers or materials of coats composed in part of cotton, unless such advertising matter clearly discloses such cotton content along with such other fibers or materials.

6. Using the word "Alpacuna", or any other word which in whole or in part is indicative of the word "vicuna", to designate or describe respondent's coats, or otherwise representing, directly or by implication, that respondent's coats contain vicuna fiber; provided, however, that nothing herein shall prohibit use of the word Alpacuna to refer to respondent's garments if in immediate connection and conjunction therewith, wherever used, there appear words clearly and conspicuously designating all the constituent materials or fibers therein contained.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this modified order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That no provision in this order shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-511; Filed, Jan. 17, 1947; 8:50 a. m.]

[Docket No. 5179]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WILLIAMS S. L. K. LABORATORIES

§ 3.6 (a 10) *Advertising falsely or misleadingly — Comparative data or merits:* § 3.6 (c) *Advertising falsely or misleadingly — Composition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with the offering for sale, sale, and distribution of respondent's medicinal preparations "Rux Compound" and "Williams Formula", or any other medicinal preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondent's said preparations, which advertisements represent, directly or by implication, A. with respect to said medicinal preparation "Rux Compound", (1) that said preparation will salicylate the system; (2) that said preparation constitutes a proved method for relieving rheumatic pains; (3) that the ingredients of said preparation will be absorbed in the blood stream within any specific period of time; (4) that said preparation will reduce congestion of the joints in rheumatism; (5) that said preparation affords complete or permanent relief from the pain of rheumatism; (6) that irritating acids accumulate in the kidneys, or that said preparation will flush out the kidneys; (7) that said preparation will keep the blood alkaline; (8) that the ingredients of said preparation, or any of them, act directly upon the source or cause of pain; (9) that said preparation is unexcelled as an antipyretic and analgesic for common pains and agony; (10) that neuralgia spasms are caused by a toxic condition, or that said preparation will relieve the pain of neuralgia spasms; or, (11) that said preparation has any therapeutic value in the relief of pain in excess of providing temporary relief of minor pain; or, B, which represent, directly or by implication, with respect to said medicinal preparation "Williams Formula", (1) that said preparation will stimulate digestion; (2) that its use (a) eliminates waste material from the kidneys, or (b) builds up the quality of the blood; (3) that said preparation is an iron tonic which will significantly increase the hemoglobin content of the blood; (4) that said preparation contains natural herbs; (5) that said preparation is the equivalent of several good medicines; (6) that said preparation will act on the whole digestive system; (7) that said preparation is effective in the treatment of constipation in excess of affording temporary relief by reason of its laxative qualities; or, (8) that said preparation will relieve irritated kidneys; or which advertisements fail to reveal that the medicinal preparation "Williams Formula" should not be used by one suffering from abdominal pains, nausea, vomiting, or any other symptom of appendicitis; prohibited, subject to the provision, however, that any such advertisements need contain only the statement, "Caution: Use Only As Directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain a warning to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Williams S. L. K. Laboratories, Docket 5179, December 6, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of December A. D. 1946.

In the Matter of H. L. Williams, an Individual Trading as Williams S. L. K. Laboratories

This proceeding having been heard by the Federal Trade Commission upon the complaint (respondent having filed no answer herein) and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which stipulation provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, H. L. Williams, trading as Williams S. L. K. Laboratories, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's medicinal preparations "Rux Compound" and "Williams Formula," or any other medicinal preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

A. With respect to said medicinal preparation "Rux Compound":

(1) That said preparation will salicylate the system.

(2) That said preparation constitutes a proved method for relieving rheumatic pains.

(3) That the ingredients of said preparation will be absorbed in the blood stream within any specific period of time.

(4) That said preparation will reduce congestion of the joints in rheumatism.

(5) That said preparation affords complete or permanent relief from the pain of rheumatism.

(6) That irritating acids accumulate in the kidneys, or that said preparation will flush out the kidneys.

(7) That said preparation will keep the blood alkaline.

(8) That the ingredients of said preparation, or any of them, act directly upon the source or cause of pain.

(9) That said preparation is unexcelled as an antipyretic and analgesic for common pains and agony.

(10) That neuralgia spasms are caused by a toxic condition, or that said preparation will relieve the pain of neuralgia spasms.

(11) That said preparation has any therapeutic value in the relief of pain in excess of providing temporary relief of minor pain.

B. With respect to said medicinal preparation "Williams Formula":

(1) That said preparation will stimulate digestion.

(2) That its use

(a) Eliminates waste material from the kidneys.

(b) Builds up the quality of the blood.

(3) That said preparation is an iron tonic which will significantly increase the hemoglobin content of the blood.

(4) That said preparation contains natural herbs.

(5) That said preparation is the equivalent of several good medicines.

(6) That said preparation will act on the whole digestive system.

(7) That said preparation is effective in the treatment of constipation in excess of affording temporary relief by reason of its laxative qualities.

(8) That said preparation will relieve irritated kidneys.

2. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which fails to reveal that the medicinal preparation "Williams Formula" should not be used by one suffering from abdominal pains, nausea, vomiting, or any other symptom of appendicitis; provided, however, that any such advertisement need contain only the statement, "Caution: Use Only as Directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain a warning to the above effect.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's said preparations, any advertisement which contains any representation prohibited in paragraph 1 hereof or which fails to comply with the provisions of paragraph 2 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-510; Filed, Jan. 17, 1947; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51601]

PART 6—AIR COMMERCE REGULATIONS

REDESIGNATION OF BAUDETTE MUNICIPAL AIRPORT, BAUDETTE, MINN., AS AN AIRPORT OF ENTRY

JANUARY 13, 1947.

The Baudette Municipal Airport, Baudette, Minnesota, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. title 49, sec. 179 (b)), for a period of 1 year from January 1, 1947.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), is hereby amended by inserting therein the location and name of this airport, date designated, and the period "1 year."

Notice of the proposed designation of the Baudette Municipal Airport was published in the FEDERAL REGISTER on November 30, 1946 (11 F. R. 13976), pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). The designation shall be effective on January 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reason that the public convenience will be served by making the customs facilities available at once. The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b), 44 Stat. 572; sec. 611, 58 Stat. 714; 49 U. S. C., Sup., 177 (b)).

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-507; Filed, Jan. 17, 1947; 8:47 a. m.]

TITLE 29—LABOR

Chapter I—United States Employment Service, Department of Labor

PART 25—INSTRUCTIONS TO STATE AGENCIES RELATIVE TO FISCAL AFFAIRS IN CONNECTION WITH GRANTS MADE FOR EXPENSES OF EMPLOYMENT SERVICE ADMINISTRATION

Pursuant to the authority vested in me by the act approved June 6, 1933, as amended (48 Stat. 113), Title IV of the Servicemen's Readjustment Act of 1944, as amended (58 Stat. 284), the Labor-Federal Security Appropriation Act, 1947 (Pub. L. 549, 79th Cong., 2nd Sess.), R. S. 161, and Executive Order No. 9617, (10 F. R. 11929), and for the purpose of maintaining an effective national system of public employment offices, the following instructions are hereby promulgated.

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25.56 Implementing instructions.

AUTHORITY: §§ 25.1 to 25.56 inclusive issued under R. S. 161, 48 Stat. 113, 53 Stat. 1424, 58 Stat. 293, Pub. Law 549, 79th Cong.; 5 U. S. C. 22, 29 U. S. C. 49–49*l*, 38 U. S. C. 695–695*l*; E. O. 9247, Sept. 17, 1942, 3 CFR Cum. Supp., E. O. 9617, Sept. 19, 1945, 3 CFR 1945 Supp.; secs. 201, 203, Reorg. Plan. No. 1, effective July 1, 1939, 3 CFR Cum. Supp.

SUBPART A—GENERAL STANDARDS

§ 25.1 *Statutory requirements.* The Wagner-Peyser Act, as amended (48 Stat. 113), and Public Law 549, 79th Congress, under which a State is granted Federal funds for the administration of its State-wide system of public employment offices, require that such funds be expended solely for the purposes and in the amounts found necessary by the Secretary of Labor, United States Department of Labor, for proper and efficient administration of the State-wide system of public employment offices.

§ 25.2 *State fiscal practice.* In determining whether an expenditure, or proposed expenditure, is necessary for proper and efficient administration of a State-wide system of public employment offices, the Department of Labor will give important weight to the existence of an established State practice. In all circumstances an established State practice is only one of the factors which will be used in determining the necessity of the expenditure by the State agency.

§ 25.3 *Evidence of State practice.* State laws and regulations covering the State's fiscal administration which are specific as to the amounts to be paid or the conditions under which administrative acts are to be performed are clear evidence of State practice. In the absence of such specific laws and State regulations, the Department of Labor will consider as evidence of State practice a custom or usage which meets the following definition and which conclusively established:

State practice is an established custom or usage accepted and generally applied as an expenditure control in the fiscal administration of the State government.

§ 25.4 *Funds accruing from custody or expenditure of granted funds.* All amounts accruing from the custody or expenditure of funds granted pursuant to the Wagner-Peyser Act and Public Law 549, 79th Cong., including interest on deposits thereof, are a part of the granted funds and all of the Department of Labor fiscal policies applicable to granted funds are applicable to amounts so accruing.

§ 25.5 *Funds available from sources other than grants.* Funds, facilities, and services which are made available to a State agency constitute factors relevant to the determination of amounts to be granted as necessary for the proper and efficient administration of a State Employment Service.

§ 25.6 *Advisory councils.* Granted funds may be used for payment of expenses incurred by a State agency in connection with the functioning of advisory councils established in accordance with State law and applicable Federal requirements for the purpose of administering the State Employment Service program.

§ 25.7 *Litigation, court costs.* Granted funds may be used for the payment of court costs in connection with litigation incident to the administration of the State-wide system of public employment offices.

§ 25.8 *Legal defense of employees including defense for Hatch Act violations.* Granted funds may not be used for:

(a) Expenses incurred in connection with the defense or representation, in civil or criminal proceedings, of officials or employees of a State agency who are involved in proceedings for acts, in the course of their official duties, which are alleged to be either unlawful or a dereliction of duty, except to the extent that the State agency has an interest in defending the legality of the act which forms the basis of the proceedings.

(b) Salary payments for periods of time devoted to services performed in connection with the representation of the State or of the State agency personnel, in civil or criminal proceedings under the provisions of the act of Congress entitled, "An Act to Prevent Pernicious Political Activities," approved August 2, 1939 (53 Stat. 1147), as amended, commonly referred to as the Hatch Act.

(c) Employment of special or private counsel to represent the State, the agency, or its officials, or employees, in proceedings involving the State Employment Service program, except upon a prior showing of necessity therefor and specific approval thereof by the head of the State agency or his authorized representative for that purpose.

§ 25.9 *Insurance; fire, flood, tornado or other elements.* Granted funds may not be used to secure insurance coverage against loss by fire, flood, tornado, or other elements except upon a showing of special circumstances involving an unusual degree of risk. In adopting this policy, however, the Department of Labor stands ready to authorize the use of granted funds for replacements in the event of such loss—it being preferred to authorize such use of granted funds in particular cases when necessary rather than to approve the payment of annual premiums to purchase such insurance protection for all of the property involved. If in any State there is in effect a State law creating a State fund for the payment of losses sustained by State properties through fire, flood, tornado, or other elements, to which fund payments are made on a pro rata basis for all State departments whose properties are protected thereby, and from which fund moneys will be available for the replacement of property loss sustained by the State agency through fire, flood, etc., granted funds may be used to pay for the pro rata share of the State agency of the cost of such self-insurance by a State, and will, in connection with future grants, consider the availability of such funds for replacements of such property losses of the State agency.

§ 25.10 *Motor vehicle liability or property damage insurance.* Granted funds may be used to pay the cost of protecting members of the public against injury to person or property occasioned by the operation by State employees of motor vehicles in the discharge of the State's business, or the payment of awards, judgments, or settlements, if:

(a) State law permits any one, or a combination, of the following methods of protection:

(1) Liability or property damage insurance; and

(2) Waiver of sovereign immunity and suit against the State itself; settlement, subject only to the availability of funds for their payment.

(b) The payment of the cost of insurance, judgments, awards or settlements with respect to all agencies which are supported principally by funds from sources other than the general fund of the State, is made out of such special funds.

(c) Where public liability or property damage insurance is authorized and utilized by other agencies of the State, the premium charged is fair and reasonable and is calculated on the same basis for all covered agencies or on a basis which is fair and reasonable as between all covered agencies.

(d) The payment of premiums, or the payment of judgments, awards, or settlements, may properly be made from the administration fund.

§ 25.11 *Bonding for the protection of the administration fund.* Bonds for the protection of the State Employment Service administration fund are not required.

§ 25.12 *Retirement and workmen's compensation.* Granted funds may be used for payment of the State agency's proper share of the cost of protecting its employees under State retirement and workmen's compensation laws, *Provided*, That:

(a) The State law is compulsory in its application to the employees of the agency, or, in the case of a law which is elective, an effective election has been made and the State or agency is by law required to pay a part or all of the cost of the protection furnished to the employees of the agency.

(b) Where such payment takes the form of premiums for insurance or of contributions to a State fund, the proceeds of such insurance or the State fund are used solely for the payment of benefits or compensation to employees entitled thereto under the State law, and, in those cases where the law establishing such a State fund so provides, the necessary cost of administration.

(c) The rate of contribution is calculated on the same basis for all State agencies, or, if more than one basis is authorized under the laws of the State, the basis of calculation for the agency is fair and reasonable as compared with that for other State agencies.

(d) Any separate charge made for administrative costs of the retirement or workmen's compensation system is in accordance with the Department of Labor policy covering payments for services performed for the State agency by other agencies of the State.

(e) The payments from the State Employment Service administration fund are legal under State law.

§ 25.13 *Unemployment compensation coverage of State agency employees.* Granted funds may be used for payment of either the full or partial contributions necessary to cover the employees of a State Employment Service under the unemployment compensation law of that State, if:

(a) The State law is compulsory in its application to the employees of the State agency or, in the case of a law which is elective, an effective election has been made and the State or agency is by law required to pay a part of all of the contributions.

(b) The payment is legal under the State law, i. e., properly chargeable to the State Employment Service administration fund.

§ 25.14 *Payments to State agencies other than the agency charged with administration of the State Employment Service.* Funds granted under the Wagner-Peyser Act may not be used to meet the cost incurred by States in furnishing goods, facilities, or services to a State agency by or through some other agency of State government unless:

(a) Such cost under State law can properly be charged to funds so granted.

(b) Such cost constitutes an extra identifiable expense of the State which would have been unnecessary except for the administrative needs of the State Employment Service.

(c) Such cost is readily ascertainable either by (1) segregation or (2) as a pro rata share of the cost to the State agency (or agencies) furnishing such goods or facilities or services.

(d) As to services, in addition to the condition set out above, the services are not of a kind usually and generally made available to all or similar agencies of the State as a part of general State administration, without charge against such agencies.

§ 25.15 *Federal taxes.* Specific exemptions in the excise tax provisions of the Federal Revenue Code, as amended, render such taxes inapplicable to many commodities and facilities sold or furnished to State agencies, i. e., telephone, telegraph, cable and radio messages; automobiles, automobile parts, tires, inner tubes, lubricating oil and gasoline; electric, gas and oil appliances (such as fans, air circulators and heaters); electric light bulbs and tubes; leather and imitation leather brief cases; wire and equipment in connection with burglar and fire alarm services; electrical energy; and transportation. Accordingly, funds granted by the Department of Labor under the Wagner-Peyser Act are not available for the payment of such taxes.

§ 25.16 *State sales taxes.* In accordance with the decision of the Comptroller General of the United States of June 19, 1942 (21 Comp. Gen. 1119), granted funds may be used for the payment of State sales taxes which State agencies are legally required to pay to vendors in connection with purchases of supplies or services necessary for the proper and efficient administration of a State Employment Service, without regard to whether the legal incidence of the tax is upon the vendor or the vendee.

§ 25.17 *Payments for services performed by agency employees.* Granted funds may not be used for salary payments to officials or employees of a State agency for which the agency has not received:

(a) With respect to each official and employee whose total salary is paid from granted funds, full-time attention to duties necessary for the proper and efficient administration of the State Employment Service program, unless otherwise expressly provided in the agency's approved compensation plan; or

(b) With respect to each official and employee whose salary is paid in part from granted funds, that proportion of time devoted to such "necessary" duties as is substantially equivalent to the proportion of the individual's total salary which is paid from granted funds, unless otherwise expressly provided in the agency's approved compensation plan.

SUBPART B—STANDARDS RELATIVE TO PERSONNEL MANAGEMENT

§ 25.18 *Salary adjustments and advancements.* Granted funds may be used for the payment of salary adjustments or salary advancements which are legal under State law or applicable approved Merit System Rule. Such salary advancements may include those made in recognition of efficiency and length of service in accordance with State law or applicable approved Merit System Rule. Appointments shall be made at the minimum of salary rate for the class, except where otherwise provided for by State law or applicable approved Merit System Rule.

§ 25.19 *Basis for agency salaries.* The Department of Labor, in determining personal service costs which are necessary for proper and efficient administration of a State Employment Service, will give consideration to prevailing rates for comparable positions in other departments of the State and to other relevant factors. In applying the principles of comparability where a State Employment Service is operating under a State-wide classification and compensation plan, the provisions of which are mandatory upon substantially all State departments including the State agency, salary comparability is considered to be established without further evidence. In the case of an agency operating under its own classification and compensation plan, evidence is needed concerning the comparability of the salaries under the agency's classification plan and prevailing salary levels for comparable positions, or classes of positions, in other departments of the State.

§ 25.20 *Leave.* Granted funds may be used for expenditures incident to granting leaves in accordance with the State agency's approved attendance and leave regulations.

§ 25.21 *Compensatory overtime leave.* Granted funds may be used for expenditures for salary during periods of compensatory leave granted for overtime services performed by State agency employees. Such compensatory leave should be granted at times which least interfere with the efficient operation of the agency and should be granted in accordance with established administrative controls. Such controls should require that authorization for overtime services be given in advance and in writing by the employees' immediate supervisor and that such authorization be filed along with the records of overtime services performed for compensatory leave granted.

§ 25.22 *Payment for overtime.* Granted funds may be used for expenditures for payment of salary for overtime services performed by State agency employees under conditions authorized by State regulations.

Where under State regulations there is an option given for the payment of salary for overtime services in lieu of compensatory time off, such payment should be made within 60 days from the time the overtime services are performed. The costs for the payment of overtime must be absorbed within the funds granted.

SUBPART C—STANDARDS RELATIVE TO PENALTY MAIL

§ 25.23 *Statutory basis for transmittal of official State Employment Service postal matter without prepayment of postage.* The Wagner-Peyser Act authorizes and directs the Postmaster General to extend to all State employment systems, which receive funds appropriated under the authority of that act, the privilege of free transmittal of official mail matter. The act of June 28, 1944

(58 Stat. 394, 39 U. S. C. 321c) provides that:

(a) All envelopes, labels, wrappers, cards, and other articles bearing the indicia prescribed by law for material mailed free of postage under the penalty privilege by executive departments and agencies, and all other organizations authorized by law to use the penalty franking privilege, shall be procured or accounted for through the Postmaster General under such regulations as he shall prescribe.

(b) Based upon the estimated cost of handling penalty mail by the Post Office Department, each agency using the frank shall bear the cost thereof by depositing in the U. S. Treasury through the United States Employment Service an amount equivalent to such costs.

(c) No article or package of official matter exceeding four pounds in weight shall be admitted to the mails under the penalty privilege.

(d) All executive departments and all other organizations authorized by law to use the penalty privilege are directed to supply all necessary information requested by the Post Office Department to carry out the provision of that act.

§ 25.24 *Limitation of use of penalty privilege.* Under these basic statutes the penalty privilege is limited to mail pertaining solely to employment service activities. In carrying out the provisions outlined in § 25.23, operating agencies will be expected to exercise a high degree of control to limit the use of penalty mail material to employment service activities.

§ 25.25 *Limitation of expenditure of postage.* Amounts expended for postage will be limited to the cost of air mail stamps, registry, special delivery fees, insurance charges on fourth-class mail, postage due, and mailing matter weighing four pounds or more.

SUBPART D—FISCAL MANAGEMENT STANDARDS

§ 25.26 *Audits conducted by agencies other than the United States Employment Service, U. S. Department of Labor.* Granted funds may be used for expenditures incident to the establishment and maintenance of day-to-day internal checks and controls necessary to insure proper handling of accounts. But it is assumed that a relationship between the State agency and the State auditing department is established which satisfies the State auditor that the internal controls of the State agency insure proper handling of the funds. Therefore, granted funds may not be used to finance an independent or separate audit of the State agency's handling of State Employment Service funds, and grants will not include amounts to defray the costs of conducting such audits of the administration fund accounts of a State agency. The United States Employment Service will conduct periodic audits of the State Employment Service administration fund accounts.

§ 25.27 *Workload analysis study.* Granted funds may be used for expenditures for studies of workloads to provide a method for measuring the staff time directed to employment service activities. State agencies shall make such studies and shall submit reports thereof as required by the Director of the United States Employment Service.

§ 25.28 *Financial reports.* The making of financial reports will be required in such form and containing such information as may be necessary in determining that funds have been expended according to law and in determining the status of unexpended granted funds. In compliance with this requirement, and to assure the correctness and verification of such reports, appropriate accounting records and procedures shall be established and maintained by each State agency. The State agency shall have authority to transfer between categories any funds made available for the administration of the State Employment Service except as may be otherwise specifically provided in the letter approving the grant of funds.

§ 25.29 *Certificates.* The submittal by each State agency of certificates of authorization will be required which certify the extent of authority delegated by the State agency to any person (a) to request a grant of funds, (b) otherwise to represent the State agency in connection with such grant, (c) to designate the payee to whom payment of granted funds is to be made, and (d) to furnish fiscal information and reports.

SUBPART E—TRAVEL STANDARDS

§ 25.30 *General.* Expenditures for official travel will be considered necessary for proper and efficient administration of a State Employment Service if they are proper under State law and are incurred in accordance with the following standards.

§ 25.31 *Allowable expenses.* Reimbursable travel expenses are confined to those which are essential to transacting the agency's official business in the administration of the State Employment Service. Such expenses are reimbursable only if incurred while in a travel status. Reimbursable travel expenses do not include:

(a) Those incurred for the convenience of the traveler, such as expenses for travel by an indirect route or stop-overs for personal reasons.

(b) Those of a strictly personal nature, such as telegrams to the headquarters office concerning leave or salary matters.

(c) Those for travel between home and office or for other non-official purposes.

(d) Per diem or subsistence at an employee's official station.

§ 25.32 *Persons eligible for reimbursement of travel expenses.* Eligibility for reimbursement of travel expenses is confined to employees of the agency and to expenses necessary to the discharge of their official duties in the administration of the State Employment Service; in addition, individuals in specified classes or groups, such as Advisory Council members, are eligible for reimbursement. In such additional cases, travel expenses will be allowed only in accordance with the rules and regulations applicable to employees of the State agency.

§ 25.33 *Travel status.* Employees may be considered in travel status when they are absent from their official station and engaged in official business which has been appropriately authorized. In order to establish travel status, it is necessary that the circumstances governing the travel be prescribed, so that expenses incurred by the traveler in performing the duties properly can be reimbursed. The circumstances to be prescribed should include the nature of the duties to be performed, the area in which they are to be performed and the period of time during which they are to be performed.

§ 25.34 *Official station.* The designated post of duty and official station mean one and the same, the extent of which should be the corporate limits of the city or town in which the employee is stationed. Normally an employee will be stationed at that point or approximate location where his official duties require him to spend the major part of his official working time.

§ 25.35 *Authorization of travel expenditures.* (a) All travel, whether intrastate or interstate, will be authorized by the head of the State agency (or by an agency official to whom such authority has been properly delegated) in such manner as to insure proper control.

(b) Expenditures from granted funds for any interstate travel by any State agency official or employee are, in addition, subject to prior authorization by the regional office of the United States Employment Service, except interstate travel performed by the administrative head of the agency for official purposes.

§ 25.36 *Mode and route of travel.* Reimbursable travel expenses are confined to those occasioned by use of the most economical standard mode of transportation and most usually traveled route, unless the head of the State agency or his designated representative determines that, due to unusual circumstances, other means of regular transportation are justified.

§ 25.37 *Maximum subsistence and mileage rates.* Establishment of reasonable maximum limitations for travel allowances is required, whether reimbursement is to be on the basis of actual expenses or a per diem allowance in lieu of subsistence. Also, where the traveler is authorized to use a privately-owned vehicle, a maximum mileage rate in lieu of actual transportation is required.

The following are the alternative bases for determining reasonable maximum subsistence and mileage rates:

(a) Specific mandatory rates prescribed by statutes or regulations applicable generally to all agencies of the State; or

(b) Rates representing reasonable maximum limitations (to be established by agreement between the State agency and the United States Employment Service)[1] where applicable State statutes or regulations do not prescribe specific limitations.

[1] In arriving at agreements with State agencies as to reasonable maximum limitations for substance, or mileage rates, established State practice, as well as rates established by the Federal Government for its employees, will be factors which the United States Employment Service will use in determining whether the proposed expenditures are reasonable. (See §§ 25.2 and 25.3 for an explanation of the significance of State practice.)

§ 25.38 *Reimbursable expenses to be specified.* (a) The items included in subsistence or per diem allowance will be specified.

(b) The State agency will set forth the minimum number of hours of absence from official station, distance from official station, or other conditions to be uniformly observed by all employees which will entitle the traveler to claim reimbursement of per diem or subsistence.

§ 25.39 *Vouchers and receipts.* Employees are required to submit travel vouchers in such form as to insure complete and necessary audits. Receipts are required for all unusual items of expenditures in such form as to establish official necessity. The State agency's regulations will specify those items which are considered unusual.

§ 25.40 *Leave of absence during travel.* Provision must be made for proper determination of allowable expenses when an employee is granted leave of absence while on official travel.

SUBPART F—STANDARDS RELATIVE TO AUTOMOBILES

§ 25.41 *Expenditures for agency-owned automobiles.* Granted funds may be used for purchase of agency-owned automobiles, but approval of such purchase and use will be dependent upon considerations of need, resulting economy, and efficiency of that method of transportation.

SUBPART G—STANDARDS RELATIVE TO TRANSPORTATION OF HOUSEHOLD GOODS AND EFFECTS

§ 25.42 *Transportation of household goods and effects.* When employees of State agencies are transferred from one official station to another for permanent duty, the Department of Labor will consider as necessary expenditures from granted funds the payment of reasonable costs of transportation of household effects and other personal property as determined in accordance with State law. Granted funds may not be used for payment of such costs where the transfer is made at the request and primarily for the benefit or convenience of the employee, or for disciplinary reasons.

SUBPART H—STANDARDS RELATIVE TO RENTAL OF PREMISES

§ 25.43 *Rental of premises.* Granted funds may be used for payments for rental of premises. Such rental may include reasonable amounts for the maintenance of proper facilities for the administration of the State Employment Service. Approval of expenditures for rental of premises does not constitute a commitment on the part of the Department of Labor to make grants under the Wagner-Peyser Act for future periods.

§ 25.44 *Rent applied toward cost of purchase or construction of buildings.* The Department of Labor will make specific determinations with respect to requests for funds to be supplied in the form of rental to offset cost of purchase or construction of State-owned buildings to provide quarters for the State Employment Service on the merits of each case.

SUBPART I—STANDARDS RELATIVE TO REPAIRS AND ALTERATIONS

§ 25.45 *Repairs and alterations.* Granted funds may be used for reasonable costs of repairs and alterations necessary for the maintenance of proper facilities for the administration of the State Employment Service.

SUBPART J—PROCUREMENT STANDARDS

§ 25.46 *General.* The following standards constitute the fundamentals of a proper procurement procedure, to be observed in the expenditure by State agencies of granted funds for the procurement of furniture, fixtures, equipment, supplies, printing and binding and contractual services.

§ 25.47 *Authorization for purchases.* Purchases of material and contracts for services are to be made by a designated procurement officer on the basis of requisitions issued by authorized individuals within the Agency. All requisitions will bear the written approval of the head of the State Agency (or his authorized deputy for such purpose) as well as the certification of the fiscal officer of the agency, showing that funds for the purpose are available.

§ 25.48 *Competition.* All purchases and contracts are required to be made on a competitive basis by:

(a) Advertising at least once a year in a newspaper or newspapers of State-wide circulation and by posting notices in appropriate places that materials and supplies are to be purchased during the year, and inviting prospective vendors to file data from which lists of prospective vendors shall be established.

(b) Submitting invitations to bid on materials and supplies required to vendors listed in accordance with paragraph (a).

(c) In addition to paragraph (b) of this section, soliciting bids at least once in a newspaper or newspapers of State-wide circulation in each case of a purchase or contract amounting to $1,000 or more.

(d) Compliance with paragraphs (b) and (c) of this section is not required where:

(1) Purchases amounting to less than $100, and approval of the head of the State agency is obtained, provided that before making such purchases effort should be made to obtain oral bids (reduced to writing, if possible) from at least three vendors.

(2) Purchases are limited by State statute.

§ 25.49 *Invitation to bid.* In submitting invitations to bid, the procurement officer will give due allowance to:

(a) Time necessary for submitting bids, in recognition of vendor's ability to submit bids promptly and make delivery within specified time.

(b) Savings, if any, to be effected by calling for bids on a lump-sum or aggregate basis.

(c) The necessity of obtaining bids and making awards on a basis which will be exclusive of Federal taxes.

§ 25.50 *Opening of bids.* Bids will be opened in public at a time and place to be specified in the invitation to bid, and abstracts of all bids (or their equivalent) inserted in a register, or the necessary information maintained in some other form, and be readily available to the public during office hours. All bids which fail to meet time and other specifications of the invitation to bid will be considered invalid.

§ 25.51 *Awards.* If a bid is accepted, award will be made:

(a) Promptly and in writing.

(b) To the responsible bidder whose proposal meets the specifications or performance test which have been set forth in the invitation to bid, and whose price is the lowest net price offered.

(c) Subject to inspection where contract calls for furniture, fixtures, supplies, and equipment, and subject to furnishing proofs where printing is involved.

(d) Subject to guarantees by bidder where the procurement officer considers it necessary to protect the interests of the State agency.

SUBPART K—EQUIPMENT STANDARDS

§ 25.52 *Equipment and furniture.* Granted funds may be used for the purchase of equipment by the State agency. Such equipment shall be used only by the State agency, except when loaned for use in the administration of a joint merit system which is financed through grants made by Federal agencies. Title to equipment purchased by a State agency from granted funds may not be transferred, unless the State Employment Service administration fund is reimbursed in an amount equal to the fair market value of the equipment.

§ 25.53 *Equipment control records.* Each State agency is required to maintain equipment control records showing for each item of equipment on hand, regardless of the manner of acquisition, unit cost, description, identification number, date received, source of acquisition, and location at all times.

In the event of disposition of any item of equipment, whether it be sold, traded in, scrapped, lost, stolen, or otherwise disposed of the equipment control records are to be properly adjusted. Such adjustments will be supported by the necessary explanatory data or documents relating to the action. When requested, the regional office will assist State agencies in arranging for sales of usable surplus equipment between State agencies within regional boundaries or in nearby States of other regions, if practicable.

§ 25.54 *Proceeds from sale of equipment.* Proceeds from the sale or disposition of any item of equipment are subject to the same conditions which are applicable to granted funds. Accordingly, such proceeds will be deposited in the State Employment Service administration fund and the amounts thereof will be included in the financial reports of the State agency.

SUBPART L—GENERAL PROVISIONS

§ 25.55 *Administrative responsibility of the State agency.* The State agency

shall establish and maintain such system of accounts (showing receipts and expenditures of the State agency with substantiating records and vouchers) as will adequately supply the information required (a) in the financial reports rendered to the United States Employment Service and (b) for post audit of expenditures by auditors of the United States Employment Service. Each voucher for expenditure of funds for State Employment Service Administration, from whatever source such funds may be derived, shall be approved by the head of the State agency or his duly authorized agent or agents. All such vouchers or certified duplicates or copies thereof shall be filed in the administrative office of the State agency.

§ 25.56 *Implementing instructions.* The Director of the United States Employment Service is hereby directed to issue such forms, procedures and instructions as are necessary to implement these standards.

L. B. SCHWELLENBACH,
Secretary of Labor.

NOVEMBER 9, 1946.

[F. R. Doc. 47-496; Filed, Jan. 17, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Direction 11 as Amended Jan. 17, 1947]

VETERANS' EMERGENCY HOUSING PROGRAM; FPHA TEMPORARY RE-USE HOUSING PROJECTS

The following direction is issued pursuant to Priorities Regulation 33:

(a) *What this direction does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act of 1946, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending completion of permanent housing units under the Veterans' Emergency Housing Program. Many of these temporary units are being erected for municipalities, to meet existing housing emergencies, and must be completed as soon as possible. Others are being erected at universities and colleges and must be ready for use during the coming scholastic year. Some of the building materials required for these units are in extremely short supply, and unless special assistance is given, local suppliers will not be able to meet those needs. This direction provides for special assistance to FPHA contractors in some instances. The special assistance includes several types of "super-priority" procedures which may be authorized for many of the building materials on Schedule A to Priorities Regulation 33, if efforts to get them on time through the use of HH ratings are unsuccessful. In addition, as explained in this direction, special assistance for other materials may be available under other CPA orders.

Special Assistance Available

(b) *When contractors may apply for special assistance.* It is expected that a contractor will ordinarily get most of his building materials for an FPHA temporary re-use housing project without any priorities assistance except the HH ratings assigned for the particular materials listed on Schedule A to PR 33. However, a contractor may apply to the FPHA (see paragraph (v) below for special assistance under certain circumstances. Unless otherwise specified below, he may apply only in cases where he has served purchase orders (with an HH rating, if authorized) for any building material on three or more sources of supply and received notice of their inability to deliver by the date required. The type of special assistance available and the method of applying depend on the particular material involved, as explained below.

(c) *Types of special assistance.* The various types of special assistance available are tabulated as follows and explained below:

NOTE: Table amended Jan. 17, 1947.

Material for which special assistance is required	Type of special assistance available for particular material
1. Any material listed in paragraph (d) below (certain types of building board, cast iron soil pipe). 2. Any material listed in paragraph (j) below (hardwood flooring, lumber, millwork, softwood plywood)	"Certified-HH" rating—superior to uncertified HH and CC ratings and extendible to producers. "Individual directive" or other action—requiring preferential treatment by a producer or supplier for a specific contractor's order.
3. Any material covered by paragraph (m) below (any material on Schedule A to PR 33 except those covered by #1 and #2 above). 4. Any material listed in paragraph (p) below (certain types of heating and plumbing fixtures made for FPHA projects). 5. Limited types of items, under very limited conditions (see paragraph (s) below)	HHH rating—superior to HH and CC ratings but otherwise identical with HH rating. "Authorized order"—directed at "earmarked products" made specifically for FPHA projects. CC rating under Priorities Regulation 28.

"Certified-HH" Rating Procedure

(d) *Material for which certified-HH ratings may be authorized.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given in the form of authority to use a "certified HH" rated order:

Material
Cast iron soil pipe (including fittings).
Gypsum board.
Building board.

A "certified-HH" rated order is an HH rated order to which the endorsement described in paragraph (f) below has been added by an authorized FPHA representative. A certified-HH rating has a higher priority than an uncertified HH rating or a CC rating and is extendible by suppliers (but not by producers) to get the material to be delivered on the "certified-HH" order involved. Its priority, however, is lower than ratings of AAA or MM.

(e) *Authorization for certified-HH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply for certified-HH rating assistance by presenting his proposed purchase order to the FPHA. If the FPHA decides that special assistance is needed, the authorized FPHA representative may endorse the following certificate on the contractor's purchase order:

Certified-HH rated order authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

Signature and title of authorized FPHA representative.

This certificate makes the purchase order a "certified-HH" rated order, entitled to the preferential treatment explained in paragraphs (f) and (g) below. The order will then be returned to the contractor, to be placed by him with his source of supply.

(f) *Suppliers' handling of certified-HH rated orders.* A distributor, jobber, dealer, or other supplier must not fill certified-HH rated orders out of inventory on hand or with material previously ordered. Instead, he must get the material by extending the certified-HH rating to his source of supply. Upon receiving material so ordered, he must deliver it on the order bearing the rating which was extended. Ratings are to be extended as explained in Priorities Regulation 3 except that the following statement is to be added to the certificate required by PR 3:

The items ordered herewith are for certified-HH rated orders authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

(g) *Producers' handling of certified-HH and other rated orders.* Producers must accept and fill certified-HH rated orders in accordance with the rules of Priorities Regulation 1, for rated orders, subject to the following special rules:

(1) *Priority for certified-HH rating.* A certified-HH rating is of higher priority than an uncertified HH or a CC rating but of lower priority than an AAA or MM rating. Subject to the "ceiling" provision of paragraph (g) (2) below, a producer receiving a certified-HH order for any material listed in paragraph (d) above must fill it in preference to any uncertified HH or CC rated orders.

(2) *"Ceiling" on accepting certified-HH and AAA rated orders.* The maximum amount of certified-HH rated orders which a producer need accept for delivery of any material listed in paragraph (d) above in any month is 20% of his production of that material during that month. (AAA rated orders accepted by a producer before October 15, 1946, for any such material may be charged to the 20% ceiling for the month of delivery.) A producer may accept more than this amount of certified-HH orders but is not required to do so. The FPHA requirements for the materials listed in paragraph (d) above are so large that it is essential that they be spread evenly among all producers. If any single producer devoted a major part of his production to FPHA requirements, the resulting dislocation in his normal distribution might seriously interfere with the other phases of the Veterans' Emergency Housing Program.

(h) *Producer's equitable distribution of remainder of production.* After providing, each month, for certified-HH and AAA rated orders for a particular material listed in paragraph (d) above, a producer should distribute the remainder of the month's production of that material among his customers in each area in a fair and equitable manner, without regard to the certified-HH and AAA rated orders which any such customer may have served on him. In determining the amount of material to be shipped into each area, a producer should give due regard to the requirements of the Veterans' Emergency Housing Program.

(i) *Applicability of Schedule B to PR 33.* Quantities received by a distributor for delivery on certified-HH orders shall be excluded by him in all his ceiling and set aside calculations under Schedule B to PR 33. Quantities received by a distributor for delivery on any AAA rated order for an FPHA project shall also be so excluded, if the producer involved accepted the order, as placed with him, before October 15, 1946.

"Individual Directive" or Other Assistance Procedure for Certain Lumber Products

(j) *Materials for which special assistance may be issued.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given by the Civilian Production Administration, in the form of an individual directive or other arrangement under which a producer or supplier will provide preferential treatment for a particular purchase order:

Material
Flooring, hardwood, residential.
Lumber, housing construction.
Millwork.
Plywood, construction (softwood).

(k) *Procedure for getting special assistance.* Under the conditions stated in paragraph (b) above, a contractor may apply for this special assistance by filing a Form CPA-4473 application with the FPHA. If the FPHA believes that special assistance is needed, it will forward the application to the appropriate Civilian Production Administration office (Portland, Oregon, or Washington, D. C.). The Civilian Production Administration office will review the request and, if approved, will take appropriate assistance action, notifying the contractor and other interested persons.

(l) *Applicability of other regulations.* An order for which special assistance is given will be handled in accordance with applicable regulations (Orders L-358 and L-359), unless otherwise specified in the CPA action.

HHH-Rating Procedure

(m) *Materials for which HHH ratings may be authorized.* For any material listed on Schedule A to PR 33 except those listed in paragraphs (d) and (j) above ("certified-HH" and "individual directive" procedures), special assistance may be given in the form of authority to use an HHH rating. An HHH rating has a higher priority than a rating of HH or CC but a lower priority than a rating of AAA or MM.

(n) *Authorization for HHH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply to the FPHA for authorization to use an HHH rating. Application is to be made in the manner required by the FPHA. If the FPHA decides that the special assistance is needed, it may authorize the contractor to use an HHH rating. The method for using the HHH rating is the same as for the HH rating.

(o) *Suppliers' and producers' handling of HHH ratings.* A supplier or producer must accept and fill an HHH rated order in accordance with the rules of Priorities Regulation 1, subject to the special rules mentioned in this paragraph. He must fill an HHH rated order in preference to an HH or CC rated order. As explained in Schedule B, HHH ratings for any material are extendible under the same conditions as HH ratings for that material and are subject to any rules for HH rated orders in Schedules A and B to PR 33 and in any other applicable regulations.

"Authorized Order" Procedure for "Earmarked Products"

(p) *Materials made specially for FPHA projects ("earmarked products").* The CPA has been giving certain types of special assistance for steel and iron castings to certain producers for the manufacture of specific quantities of the following kinds of plumbing and heating equipment:

Material
Cooking ranges (21" gas, up to 36" oil).
Ice refrigerators.
Shower stalls.
Space heaters (gas, oil).
Water heaters (20-gal. gas, 30-gal. oil).

Under Order L-357, the quantities so manufactured are called "earmarked products" and may be sold only as permitted by that order. Usually, sale is permitted only on "authorized orders" for FPHA temporary re-use housing projects.

(q) *Authorization for "authorized orders".* In general, where a contractor needs materials of the kinds listed in paragraph (p) above, he will ordinarily be supplied, on "authorized orders", from the production earmarked for FPHA projects. To get any such earmarked products, a contractor should present one or more proposed purchase orders to the FPHA. The authorized FPHA representative may then place the following endorsement on each purchase order:

Authorized order, under Direction 11 to PR 33 and Order L-357, for earmarked products to be used in FPHA temporary re-use housing projects.

Signature and title of authorized FPHA representative

This endorsement makes an order an "authorized order". An "authorized order" is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which "earmarked products" under Order L-357 may usually be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPHA arrangements with the producers may provide for direct sale of this item by producers to FPHA contractors, on authorized orders.

(r) *Handling of authorized orders.* Order L-357 explains how suppliers and producers are to handle authorized orders.

CC Rating Procedure

(s) *Items for which CC rating may be authorized (PR 28).* Under Priorities Regulation 28, as recently amended, the conditions under which CC rating assistance will be given have been drastically curtailed. PR 28 explains the conditions under which such assistance will be given. In general, CC ratings will no longer be given for construction materials.

(t) *Procedure for getting CC rating authorization.* Under the conditions specified in Priorities Regulation 28, a contractor may present, to the FPHA, a Form CPA-541A application for a CC rating. If the FPHA believes that such assistance is needed, it will forward the application to the Civilian Production Administration, Washington 25, D. C., Ref: PR 28. The application will be reviewed by the CPA in accordance with PR 28. If approved, the contractor may use the CC rating as authorized.

(u) *Handling of CC rated orders.* Suppliers and producers must accept and fill CC rated orders in accordance with the rules of Priorities Regulation 1 and Schedule B to Priorities Regulation 33, where applicable.

Communications and Applications

(v) *Addressing communications and applications*—(1) *By contractors.* Contractors should address all communications concerning this direction, and make all applications under this direction, to the FPHA project engineer or to such other FPHA official as may be designated by that agency.

(2) *By other persons.* Communications by producers and suppliers concerning the operation of the various priorities provisions of this direction and obligations under them should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Dir. 11 to PR 33. All other communications should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A).

Definitions

(w) *Definitions.* For the purposes of this direction:

(1) "Contractor" means a contractor or subcontractor engaged to do construction work on an FPHA temporary re-use housing project.

(2) "Producer" means a person owning or operating facilities in which a building material affected by this direction is produced.

(3) "Supplier" means a person who is in the business of buying a building material, from a producer or from any other person, for resale as such. This includes distributors, jobbers, office wholesalers, brokers, and dealers of all types.

Cut-Off Dates

(x) *Cut-off dates.* No order bearing a certified-HH or HHH rating assigned under this direction may be placed by an FPHA contractor after January 31, 1947. No order bearing such a rating may specify a delivery date later than March 31, 1947. A certified-HH or HHH rated order which conforms with the specifications of this paragraph remains valid until filled.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPHA regional or field office concerning this direction should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address
Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.
Region II—Delaware, Maryland,[1] New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.

[1] The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee. Virginia [1]—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.

Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.

Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.

Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Street, Seattle, Wash.

Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.

Metropolitan District of Columbia, etc.—District of Columbia, Virginia,[1] Maryland,[1] Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

[F. R. Doc. 47-598: Filed, Jan. 17, 1947; 11:16 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 34, as Amended Jan. 17, 1947]

§ 944.55 *Priorities Regulation 34*—(a) *What this regulation does.* There is a shortage in the supply of certain materials, held by the Reconstruction Finance Corporation and various government agencies for defense, for private account and for export. This regulation states the rules applicable to purchases of these materials from the RFC either directly from its own stock or from the stocks of other government owning agencies. The regulation indicates in respect to which materials a purchase from the RFC must first be authorized by the Civilian Production Administration and explains who may apply for such authorization and in what manner. The regulation applies only to the materials listed on Table A below. This Table includes, but is not limited to, certain so-called strategic and critical materials covered by War Assets Administration Regulation 17 (11 F. R. 9573, 12306).

(b) *Materials for the purchase of which from RFC an authorization is required from CPA.* Before a person may purchase from RFC certain of the materials on Table A, he must obtain an authorization from CPA. Whether or not an authorization is required, is indicated in Column 2. In Column 3 appears a reference to the Branch or Division of the CPA responsible for the materials. In Column 4 is specified the class of persons who may apply for an authorization to purchase from the RFC, and in respect to those materials in which the distribution is covered by CPA orders, a reference to the appropriate order is made. In some instances, Column 4 indicates that a certification will be required from the applicant.

Where Column 4 indicates applications are to be made by letter, the applicant should state: (1) the purpose for which the material is required; (2) his present inventory of the material requested; (3) the number of days supply represented by the present inventory, plus the amount requested, based on his current or scheduled rate of operation; (4) the efforts he has made to obtain the material from private sources of supply, foreign or domestic; (5) the efforts he has made to obtain and use a suitable substitute and (6) any other information pertinent to the application. In general, CPA will authorize the purchase of the material from RFC only if the material is not available from private sources of supply, foreign or domestic; no suitable substitute material is available; and the proposed purchase conforms with applicable CPA inventory restrictions on the material in question. Authorization for the purchase will be made by the CPA on Form CPAI-3669 to RFC. CPA will notify the applicant of the action taken.

(c) *Materials for the purchase of which no authorization is required from CPA.* If Column 2 in Table A indicates that no CPA authorization is required, the material may be purchased directly from RFC upon filing with the purchase order the certificate required in Column 4.

(d) *Restrictions on purchasers.* A purchaser from the RFC of any of the materials listed on Table A below, must not violate any CPA order or regulation controlling the amount of any such material he may receive or the use or disposition he may make of it. Persons buying for resale are subject to all applicable inventory restrictions, and any materials obtained under this regulation by such persons must be offered for sale promptly in accordance with applicable CPA orders and regulations.

NOTE: The application and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

NOTE: Items lead, nickel, tin and zinc revised Jan. 17, 1947.

Material (1)	CPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
METALS AND MINERALS			METALS AND MINERALS—continued
Aluminum: primary pig	Yes	Aluminum and magnesium branch.	Primary producers may apply by letter.
Antimony: metal, ore and concentrates; liquated (needle) antimony.	Yes	Tin, lead and zinc branch	Applications may be filed in accordance with General Preference Order M-112.
Asbestos: Rhodesian Chrysotile fiber (grade C and G1, C&G 2 and C&G3; African Amosite fiber (grades M1 and 3 DM1); and Cape Blue.	Yes	Cork, asbestos and fibrous glass branch.	Manufacturers of building materials may apply by letter.
Beryl: Ores or concentrates	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Bismuth: Metal	Yes	Tin, lead and zinc branch	Processors and users may apply by letter. However, in view of the extremely limited supply, sales will be authorized only for the urgent needs of the Armed Forces or where bismuth metal is required for emergency use for public health and safety and it cannot be supplanted by drugs ordinarily furnished to hospitals and similar institutions.
Alloys, or scrap, containing 50 percent or more by weight of metallic bismuth.	No	do	May be sold only to smelters and reprocessors who give the seller in writing a certificate in substantially the form shown in Note 1 to this table.
Cadmium: Metal	Yes	do	Users may apply by letter. However, in view of the extremely limited supply, sales will be authorized only in cases of emergency.
Finished alloys containing metallic cadmium (including but not limited to low melting point alloys).	No	do	May be sold only to smelters, reprocessors or users who give the seller, in writing, a certificate in substantially the following form: "The undersigned certifies to the seller and CPA, subject to the penalties of Section 35A of the United States Criminal Code that (i) he is a smelter, reprocessor or user of finished alloys containing metallic cadmium; (ii) he is unable to get the material obtained with this certificate from private sources of supply, foreign or domestic; (iii) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding 30 days' requirements; (iv) material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations."
Scrap containing metallic cadmium but not containing 50 per cent or more by weight of any other one metal.	No	do	May be sold only to smelters and reprocessors who give the smelter, in writing, a certificate in substantially the form shown in Note 1 below this table.
Chromite: metallurgical and chemical ores and concentrates.	Yes	Steel branch	Processors and users may apply by letter.

[1] See footnote 1, p. 387.

TABLE A—Continued

Material (1)	CPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
METALS AND MINERALS—continued			OTHER MATERIALS—continued
Copper: Electrolytic or fire refined copper; cathodes, wire bars, cakes, slabs, ingots, ingot bars, billet, or bars.	Yes	Copper branch	Brass mills, wire mills and ingot makers may apply on Form CPA-4542.
Cartridge brass ingots, slabs, discs, bars, partly or completely manufactured ammunition cases, fired cases or remelt ingot; gilding metal mill forms or remelt ingot	Yes	do	Brass mills, wire mills, smelters and refiners may apply on Form CPA-4513.
Leaded brass mill forms or remelt ingot; and copper or copper base alloy scrap.	No	do	
Corundum: crystal or boulder ores or concentrates; primary grains and black cleavable.	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Cryolite: ore, natural	Yes	Aluminum and magnesium branch	Processors or refiners may apply by letter.
Graphite: Madagascar flake and fines and Ceylon lump.	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Kyanite: ore	Yes	do	Do
Lead: Pig	Yes	Tin, lead and zinc branch	Users and processors may apply by letter. However, in view of the extremely limited supply, sales will be authorized only in cases of emergency.
Alloys, or scrap containing 50 percent or more by weight of metallic lead; residues.	No	do	(Delete remarks.)
Manganese: metallurgical ores	Yes	Steel branch	Processors and users may apply by letter.
Mica, Muscovite block, film and splittings; Phlogopite block and splittings.	Yes	Miscellaneous minerals and mining branch.	Fabricators may apply by letter.
Nickel: metal and nickel in oxide	No	Steel branch	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
Platinum, refined	Yes	Miscellaneous minerals and mining branch.	Apply by letter.
Quartz crystals: raw quartz, radio grade, and scrap	Yes	do	Processors may apply by letter.
Tin: Pig	Yes	Tin, lead and zinc branch	Applications may be filed in accordance with Conservation Order M-43.
Alloys or scrap: containing 50 percent or more by weight of metallic tins; residues	No	do	See M-43 restrictions governing tin and all tin-bearing alloys.
Zinc: Slab, zinc oxide, ores and concentrates and die cast alloys.	Yes	Tin, lead and zinc branch	Processors and users may apply by letter. However, in view of the extremely limited supply, sales of metal (slab) and zinc oxide will be authorized only in cases of emergency.
Other alloys, or scrap containing 50 percent or more by weight of metallic zinc; residues.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing a certificate in substantially the form shown in Note 1 to this table.
OTHER MATERIALS			
Ethyl alcohol	Yes	Chemicals division	Industrial alcohol producers may apply on CPA Form 2947.
Manila fiber	Yes	Textile division	Applications may be filed in accordance with Conservation Order M-84.
Molasses	Yes	Chemicals division	Applications may be filed in accordance with Conservation Order M-54.
Quinidine and salts	Yes	do	Applications may be filed in accordance with Conservation Order M-131.
Quinine and salts	Yes	do	Do.
Rubber: natural rubber, natural rubber latex, butyl, GR-S synthetic.	Yes	Rubber division	Applications may be filed in accordance with Rubber Order R-1.
Sisal fiber	Yes	Textile division	Applications may be filed in accordance with Conservation Order M-84.

NOTE 1: Where required by a note in Column 4, a certificate in substantially the following form should be used by smelters and reprocessors:

The undersigned certifies to the seller and CPA, subject to the penalties of section 35A of the United States Criminal Code, that (i) he is a smelter or reprocessor and will use the material obtained with this certificate in his smelting or reprocessing operations; (ii) he is unable to get these materials from private sources of supply, foreign or domestic; (iii) his inventory of the type of materials covered by this purchase order (include this lot) will not be in excess of applicable CPA inventory restrictions; and (iv) the material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations.

[F. R. Doc. 47-599; Filed, Jan. 17, 1947; 11:17 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 3, as Amended Jan. 17, 1947]

SURPLUS PROPERTY DIRECTIVES

Direction 3 to Priorities Regulation 13 is amended to read as follows:

No. 13——3

(a) *Purpose of this direction.* This direction describes the very limited scope of the assistance which may be granted in the future to obtain Government-owned surplus property if available. Although under paragraph (d) (2) of Priorities Regulation 13 CPA preference ratings do not have any effect on disposals of surplus property, disposals under WAA Regulation 2 are still subject to any individual directives which the CPA may issue with respect to delivery of specified surplus property to a named buyer or class of buyers.

(b) *When the Civilian Production Administration may issue directives on a Government disposal agency.* (1) In general, if all the conditions of paragraph (b) (2) below are met, CPA directives may be issued in the following exceptional cases of public emergency or other extreme need:

(i) Where an item is needed to fill a military order which cannot be deferred without serious results to the defense program or to the health and welfare of the service personnel. (In this case a certification from the responsible military agencies recommending the issuance of a directive is required);

(ii) Where an item is needed in an emergency to eliminate serious hazard to the life, health or safety of a large number of people; or

(iii) In view of the critical shortage of domestic freight cars consideration will also be given to cases involving items of steel or iron, in the forms listed in M-21, required for the production or repair of domestic freight cars.

(2) Actions of the above kinds may be taken only on a determination in each instance that both the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable; and

(ii) The required item cannot be obtained in time with priorities assistance from new production.

(c) *Other applicable actions of the CPA.* Disposal-agencies must also comply with the restrictions on special sales of the materials and products on Lists A and B of Priorities Regulation 13, and with any applicable directions to that regulation.

(d) *Communications.* All communications concerning this direction should be addressed to Civilian Production Administration, Washington 25, D. C. Reference PR-13, Direction 3.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47—596; Filed, Jan. 17, 1947; 11:16 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1015, Revocation]

DR. SHELBY ATKINSON

Suspension Order No. S–1015 was issued November 5, 1946, against Dr. Shelby Atkinson, North Little Rock, Arkansas. An appeal was filed with the Chief Compliance Commissioner. The case was reviewed by the Chief Compliance Commissioner, who directed that the suspension order be revoked forthwith. In view of the foregoing:

It is hereby ordered, That § 1010.1015, Suspension Order No. S–1015 be revoked.

Issued this 16th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–595; Filed, Jan. 17, 1947; 11:16 a. m.]

PART 3293—CHEMICALS

[Conservation Order M–54, Revocation of Direction 1]

RELEASE OF MOLASSES FOR MANUFACTURE OF MIXED FEED

Direction 1 to Conservation Order M–54 is hereby revoked. This revocation does not affect any liabilities incurred for violation of this direction or of any actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–597; Filed, Jan. 17, 1947; 11:16 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Revocation of Direction 16]

URGENCY CERTIFICATES FOR SURPLUS MATERIALS AND EQUIPMENT

Direction 16 to Priorities Regulation 13 is hereby revoked. This action does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under the direction. The CPA will no longer issue new certificates or extend the expiration date of outstanding certificates. However, every outstanding urgency certificate issued under this direction before January 17, 1947 remains valid until filled or until its expiration date, whichever is earlier.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–597; Filed, Jan. 17, 1947; 11:16 a. m.]

PART 3293—CHEMICALS

[Conservation Order M–54, Revocation of Direction 2]

RELEASE OF MOLASSES FOR AGRICULTURAL USES

Direction 2 to Conservation Order M–54 is hereby revoked. This revocation does not affect any liabilities incurred for violation of this direction or of any actions taken by the Civilian Production Administration under it.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–602; Filed, Jan. 17, 1947; 11:17 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M–300, Revocation of Direction 3]

RELEASE OF CHEMICALS NOT NEEDED FOR ALLOCATED USES

Direction 3 to General Allocation Order M–300 is hereby revoked. This revocation does not affect any liabilities incurred for violation of this direction or of any actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–600; Filed, Jan. 17, 1947; 11:17 a. m.]

PART 3293—CHEMICALS

[Conservation Order M–300, Revocation of Direction 6]

METHANOL

Direction 6 to Conservation Order M–300 is hereby revoked. This revocation does not affect any liabilities incurred for violation of this direction or of any actions taken by the Civilian Production Administration under it.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–603; Filed, Jan. 17, 1947; 11:17 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1300—PROCEDURE

[Amdt. 2]

PROCEDURAL REGULATIONS

The description of administrative procedures required by section 3 (a) (1) of the Administrative Procedures Act (appearing on pages 177A–634 through 177A–640 of the FEDERAL REGISTER of September 11, 1946) is amended in the following respects:

Section 1300.1101 *Procedural regulations*, is amended as follows:

1. Paragraph (c) is redesignated: *2d Revised Procedural Regulation 4 (11 F. R. 14014); procedure for issuance of rationing and priorities suspension orders and determination of violations.*

2. In paragraph (c), subparagraphs (1), (2), (3), and (4) are renumbered respectively: (2), (3), (4), and (5).

3. A new subparagraph (1) is inserted as follows:

(1) *Scope of regulation.* A rationing suspension proceeding and a determination proceeding may be joined and one hearing held for both.

PHILIP B. FLEMING,
Temporary Controls Administrator.

JANUARY 17, 1947.

[F. R. Doc. 47–509; Filed, Jan. 17, 1947; 8:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373, Amdt. 119 (§ 1418.151)]

MAXIMUM PRICES OF CERTAIN COMMODITIES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 373 is amended in the following respects:

1. Table A in section 39 is deleted.

2. A new item is added to Table B in section 39, to read as follows:

Commodity classification No.	Grocery item	Division factors	
		Column 1	Column 2
32	Rice	84	87

3. Section 58 is redesignated section 58 (a) and a new section 58 (b) is added to read as follows:

(b) *Automatic adjustment of maximum price.* If the maximum price in effect on January 6, 1947, applicable to sales of Hawaiian molasses in the continental United States, as established by section 35 (b) of Supplementary Regulation 14 F to the General Maximum Price Regulation, is thereafter increased by the Office of Temporary Controls, Office of Price Administration, the maximum price set forth in paragraph (a) above may be increased by an amount equal to such increase.

This amendment shall become effective January 22, 1947.

Issued this 17th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement of the Considerations Involved in the Issuance of Amendment 119 to Revised Maximum Price Regulation 373

Sugar, syrup and rice, the commodities remaining under control in the Territory of Hawaii, are currently priced at the retail level under section 39 of Revised Maximum Price Regulation 373. Specific dollars-and-cents prices are provided for these items in Table A of that section. If the item being priced is not listed in Table A, the retailer computes his maximum price by using the applicable division (markup) factor provided in Table B. Dollars-and-cents retail prices for specific items must be revised from time to time to reflect changes in wholesale costs and landing costs. As the Territorial Office is no longer equipped to collect the necessary data, make the computations and draft appropriate amendments, the continuation of dollars-and-cents prices is not feasible. Therefore, the accompanying amendment deletes Table A from section 39, thereby bringing all sales of sugar, syrup and rice at retail within the automatic pricing provisions of Table B. A necessary concomitant of this action is the establishment of division factors for rice. The factors for rice provided by this amendment are the same as those used prior to their deletion from Table B by amendment 82 to RMPR 373 and represent the average percentage markups as were in effect on March 31, 1946.

This amendment also adds an automatic adjustment provision to section 58 under which the dollar-and-cent price fixed for molasses may be increased by the same amount of any increases granted to mainland sellers of Hawaiian molasses sold for use by feeders or feed manufacturers. The bulk of the molasses produced and sold in the Territory is used for feed, and since the Territorial price has always been geared to the price established for mainland sales and considered together, the automatic adjustment provision will remove the necessity of amending Revised Maximum Price Regulation 373 should increased prices be authorized for mainland sales of Hawaiian molasses.

For the foregoing reasons, the Administrator finds that the actions taken by this amendment are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the applicable Executive orders.

[F. R. Doc. 47–503; Filed, Jan. 17, 1947; 8:46 a. m.]

PART 1334—SUGAR

[MPR 60,[1] Amdt. 8]

DIRECT CONSUMPTION SUGAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation 60 is amended in the following respects:

1. Section 2 (a) (1) is amended to read as follows:

(1) The maximum basis prices for the following direct-consumption sugars per one hundred pounds, f. o. b. United States seaboard cane sugar refinery nearest freightwise to the point of delivery, shall be as follows:

(i) For sales of fine granulated cane sugar refined in Continental United States, $6.20.

(ii) For sales of fine granulated beet sugar processed in Continental United States, $8.10.

(iii) For sales of fine granulated cane sugar from off-shore areas, domestic or foreign, duty paid, $6.15.

(iv) For sales of turbinado, washed-white or similar sugar from off-shore areas, domestic or foreign, duty paid, for direct consumption, $5.85.

(v) For sales of plantation granulated sugar processed from United States mainland sugar cane, $6.10.

(vi) For sales of direct-consumption sugars other than those provided for above, in this section, processed from United States mainland sugar cane including but not limited to turbinado, plantation white and high-washed sugars, $6.00.

2. In section 2 (b) (1) the figure "$5.15" is substituted for the figure "4.965."

This amendment shall become effective 12:01 a. m. January 18, 1947.

Issued this 17th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Approved: January 15, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 5 to Maximum Price Regulation 16 and Amendment No. 8 to Maximum Price Regulation 60

The accompanying amendments to Maximum Price Regulations Nos. 16 and 60 increase the maximum prices of raw cane sugar and direct-consumption raw sugar 18½ cents per hundredweight and of all direct-consumption sugars, except direct-consumption raw sugar, 20 cents per hundredweight.

On September 18 and November 20, 1946, it was found necessary to increase maximum prices of raw cane sugar and direct-consumption sugars by Amendments 3 and 4 to MPR 16 and Amendments 4 and 7 to MPR 60 in order to permit the Commodity Credit Corporation to continue the importation of Cuban sugar into the United States under the terms of its contract with the Cuban government. This contract contains an adjustment clause which, as explained in the statements of considerations accompanying the foregoing amendments, provides for increases in the basis price which Commodity Credit Corporation must pay for the sugar when certain increases occur in either the Consumer Price Index or the Index of Retail Food Prices as published by the Bureau of Labor Statistics.

Under the terms of section 6 (c) of the "Price Control Extension Act of 1946" Commodity Credit Corporation may not "absorb any increase in the price paid for Cuban sugar over 3.675 cents per pound, f. o. b. Cuba, (the minimum basis price established by the Cuban contract) as being paid for such sugar on June 30, 1946." Accordingly, whenever the operation of the adjustment clause in the Cuban contract results in an increase in the basis price paid by Commodity Credit Corporation, its selling price must be increased by a corresponding amount to permit it to continue to import sugar and function within its legal limits. The earlier advances in maximum prices for sugar mentioned above were based upon such increases.

However, the Secretary of Agriculture has notified the Administrator that advances in the Index of Food Prices have exceeded his previous estimates, upon which the last sugar maximum price increase was predicated, and therefore recommends that at this time it is necessary to provide the increases affected by the accompanying amendments.

These increases are made applicable to all sugars covered by the regulations as has been the case with earlier increases, for the same reasons outlined in the statements of considerations accompanying the issuance of Amendments 2 and 3 to Maximum Price Regulation 16.

[F. R. Doc. 47–610; Filed, Jan. 17, 1947; 11:29 a. m.]

PART 1334—SUGAR

[MPR 16,[1] Amdt. 5]

RAW CANE SUGAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 16 is amended in the following respects:

In sections 8 (a) (1) (i) and 8 (b) (1) the figure "4.755" is substituted for the figure "4.57."

This amendment shall become effective 12:01 a. m. January 18, 1947.

Issued this 17th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Approved: January 15, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 5 to Maximum Price Regulation 16 and Amendment No. 8 to Maximum Price Regulation 60

The accompanying amendments to Maximum Price Regulations Nos. 16 and 60 increase the maximum prices of raw cane sugar and direct-consumption raw sugar 18½ cents per hundredweight and of all direct-consumption sugars, except direct-consumption raw sugar, 20 cents per hundredweight.

On September 18 and November 20, 1946, it was found necessary to increase maximum prices of raw cane sugar and direct-consumption sugars by Amendments 3 and 4 to MPR 16 and Amendments 4 and 7 to MPR 60 in order to permit the Commodity Credit Corporation to continue the importation of Cuban sugar into the United States under the terms of its contract with the Cuban government. This contract contains an

[1] 10 F. R. 14816; 11 F. R. 1434, 3299, 7036, 13254, 13524, 13695.

[1] 10 F. R. 10978; 11 F. R. 1434, 3201, 13694.

adjustment clause which, as explained in the statements of considerations accompanying the foregoing amendments, provides for increases in the basis price which Commodity Credit Corporation must pay for the sugar when certain increases occur in either the Consumer Price Index or the Index of Retail Food Prices as published by the Bureau of Labor Statistics.

Under the terms of section 6 (c) of the "Price Control Extension Act of 1946" Commodity Credit Corporation may not "absorb any increase in the price paid for Cuban sugar over 3.675 cents per pound, f. o. b. Cuba, (the minimum basis price established by the Cuban contract), as being paid for such sugar on June 30, 1946." Accordingly, whenever the operation of the adjustment clause in the Cuban contract results in an increase in the basis price paid by Commodity Credit Corporation, its selling price must be increased by a corresponding amount to permit it to continue to import sugar and function within its legal limits. The earlier advances in maximum prices for sugar mentioned above were based upon such increases.

However, the Secretary of Agriculture has notified the Administrator that advances in the Index of Food Prices have exceeded his previous estimates, upon which the last sugar maximum price increase was predicated, and therefore recommends that at this time it is necessary to provide the increases affected by the accompanying amendments.

These increases are made applicable to all sugars covered by the regulations as has been the case with earlier increases, for the same reasons outlined in the statements of considerations accompanying the issuance of Amendments 2 and 3 to Maximum Price Regulation 16.

[F. R. Doc. 47-609; Filed, Jan. 17, 1947; 11:29 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, Miami Area,[1] Amdt. 24 (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN MIAMI

The rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the Miami Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 2 (b) (5) is amended to read as follows:

(5) *Weekly and monthly terms of occupancy 50% or less.* A landlord who is required to rent for weekly or monthly terms of occupancy 50% or less of the rooms in the establishment, under subparagraph (2) of this paragraph, may petition the Administrator to be relieved of such requirement, provided such petition is filed and an order entered prior to January 20, 1947. Upon issuance of an order granting such petition, the provisions of subparagraphs (2) and (3) of this paragraph no longer shall apply to the rooms in the establishment; but, unless otherwise provided in the order, the maximum rent for a weekly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for a continuous period of more than ten days, and the maximum rent for a monthly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for continuous period of more than thirty days, regardless of whether the tenant occupies the same room in the establishment during the specified period. The maximum rent on a weekly or monthly basis, as the case may be, shall apply from the date of issuance of the order or the date on which occupancy commenced, whichever is the later.

2. Section 4 is amended by adding paragraph (h) to read as follows:

(h) *Optional decontrol of daily rates.* (1) On and after February 1, 1947, any landlord who is the proprietor or operator of an establisment classified as a transient hotel, residential hotel, or motor court, may apply to the area rent director for the decontrol of maximum daily rates on selected rooms in such establishment on OPA Form DH–DC. On such form the landlord shall list by number or location specific rooms in the building or establishment equal in number to the maximum number he is required to rent for weekly or monthly terms pursuant to the provisions of section 2 hereof and any order entered thereunder, or, if the rooms in the building or establishment were first rented subsequent to the applicable monthly period specified in section 2 (b) (2), then equal in number to the highest number actually rented for weekly or monthly terms at any one time during the month of December 1946, or to the number that the landlord is required to offer for rent for weekly or monthly terms under any order entered by the area rent director, whichever is the higher. Such rooms shall be known as permanent rooms for the purposes of this regulation and shall, after February 15, 1947, or the date of filing, whichever is later, be rented or offered for rent only on a weekly or monthly basis: *Provided, however,* That individual permanent rooms may be rented for periods less than one week at a daily rate of not to exceed one-seventh of the weekly rate or one-thirtieth of the monthly rate, whichever may be applicable to the particular room and number of occupants. Included in the permanent rooms listed by the landlord shall be those occupied by weekly or monthly tenants at the time of application up to the number the landlord is required to rent for weekly or monthly terms.

If such application is filed on OPA Form DH–DC, maximum daily rents established by this regulation for all rooms in the building or establishment other than permanent rooms shall, on and after February 15, 1947, or the date of the filing of such application, whichever is later, no longer be applicable. Such rooms may thereafter be rented for daily terms of occupancy free of the limitations imposed by this regulation: *Provided, however,* That any application which is not in proper form or omits information required from the landlord shall be void.

(2) At any time subsequent to the application of the landlord on Form DH–DC, the area rent director may require the submission of such books and records as, in his opinion, are necessary to substantiate the statements made by the landlord thereon. In default of submission of adequate records, or if the application contains material misrepresentations of fact, the area rent director may, by order, void the landlord's application and rooms in the building or establishment shall thereupon become subject to maximum rents provided by this regulation for all terms of occupancy and number of occupants and to the other provisions thereof to the same extent as if no application had been filed under this paragraph 4 (h).

(3) In the event an order has been entered on an application by the landlord under section 2 (b) (5) hereof, relieving the establishment of its obligation to offer rooms for weekly or monthly terms of occupancy to the extent provided therein, the number of permanent rooms the landlord shall be required to offer only for weekly or monthly terms, in the event application is made under subparagraph (1) of this section 4 (h), shall be the highest number rented at any one time for weekly or monthly terms during the month of December 1946.

(4) The provisions of this section 4 (h) shall not apply to rooms in hotels or motor courts which are first rented after February 1, 1947, and result from the conversion of housing accommodations subject to the rent regulation for housing.

(5) In the event the original records pertaining to the duty of a landlord to offer rooms for weekly or monthly occupancy have been destroyed or are otherwise unavailable for reasons beyond his control, the area rent director may, on petition by the landlord, and on due proof of loss and a finding that the loss or destruction of the records was without fault on the part of the petitioner, enter an order fixing the number of permanent rooms on the basis of the best available evidence or, in the default of substantial evidence, on the basis of the number of weekly or monthly guests in comparable buildings or establishments in the area during the applicable quota month. If the building or establishment is classified by the area rent director as a transient hotel, residential hotel or motor court, the landlord may thereafter apply on OPA Form DH–DC for decontrol of daily rates as provided by subparagraph (1) of this section 4 (h) and the number of permanent rooms he will be required to offer only for weekly or monthly terms shall be the number specified in the order of the area rent director, and shall be identified by him by number or location, as provided in said subparagraph (1).

(6) At intervals of not less than three months from the date of the original application, a landlord may file a supplemental application to substitute other permanent rooms for those listed in the original application: *Provided, however,* That no application for the substitution of one permanent room for another shall be made unless the permanent room for which the landlord desires to substitute another is vacant or occupied by a tenant who desires to move into the substitute room. If no maximum weekly or monthly rents are established for the substitute room, the rents charged therefor shall be no higher than the weekly or monthly rents generally prevailing in the building or establishment for comparable rooms.

3. Section 6 (d) (2) is amended to read as follows:

(2) *Daily or weekly tenants.* A tenant occupying a room within a transient hotel on a daily or weekly basis or a tenant occupying on a daily basis a room in a residential hotel, rooming house or motor court which has heretofore usually been rented on a daily basis: *Provided,* That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to section 2 (b) (3) or (7): *And provided further,* That the provisions of this section shall apply to a tenant occupying a permanent room on a weekly basis in a building or establishment, the landlord of which has applied for decontrol of daily rates under the provisions of section 4 (h).

4. Section 13 (a) is amended by adding paragraph (19) to read as follows:

(19) "Permanent room" means a room specified by a landlord in an application for decontrol of daily rates under section 4 (h), which may be rented only for weekly or monthly occupancy under the provisions of that section.

Issued: January 17, 1947.
Effective: January 20, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement to Accompany Amendment 102 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts; Amendment 31 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area; Amendment 24 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

By Amendment 102 section 4 (k) is added to existing regulations and provides a method whereby a landlord who is the proprietor or operator of an establishment classified by the area rent director as a transient hotel, residential hotel or motor court, may apply for the decontrol of daily rates on transient rooms. At the same time weekly or monthly guests in such establishments are protected both from unwarranted eviction and the payment of a weekly or monthly rent in excess of the present maximums.

During the war period travel by military personnel and those engaged in essential war business as well as by families of members of the services visiting them in camps and hospitals made the maintenance of rent ceilings on hotel rooms occupied by transient guests vital. With the virtual cessation of this type of travel and consistent with the desire of the Administrator to remove controls wherever feasible, this amendment now makes it possible for a landlord to obtain the decontrol of daily rates on rooms occupied by transient guests.

At the same time the Administrator feels it vital that permanent guests in hotels and motor courts should be fully protected. The vast majority of such accommodations are occupied by working people, students, many of them ex-servicemen and women, and others living on fixed incomes who would find it difficult if not impossible to find alternate accommodations in the face of the current housing shortage. Such rooms are as much a part of the general housing supply as homes and apartments. The Industry Advisory Committees both for the hotel and motor court industries are in full agreement with the Administrator in the protection of permanent tenants and have cooperated with the Administrator in drafting the text of this amendment.

Under the amendment, application can be made any time after February 1, 1947, for a decontrol of daily rates on transient rooms on a form supplied by the Administrator. On this form the landlord will report the number of rooms he is required to rent for weekly or monthly terms under present regulations and will then select specific rooms equal to this number which he will thereafter only be permitted to rent for such terms. These rooms will be known as permanent rooms. If the form is properly filled out he may, after February 15, 1947, rent the remaining rooms for daily occupancy free of the present maximum rents for such occupancy.

Since the necessity for provisions of section 2 (b) (6) is virtually done away with by the addition of section 4 (k), the amendment provides that after January 20, 1947, no further applications may be made under section 2 (b) (6).

The protection of the eviction sections of the regulation are also extended to weekly occupants of permanent rooms in transient hotels by an appropriate change in section 6 (d) (2).

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-608; Filed, Jan. 17, 1947; 11:28 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, New York City Area,[1] Amdt. 31 (§ 1388.1291)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN NEW YORK CITY AREA

The rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 2 (b) (5) is amended to read as follows:

(5) *Weekly and monthly terms of occupancy 50% or less.* A landlord who is required to rent for weekly or monthly terms of occupancy 50% or less of the rooms in the establishment, under subparagraph (2) of this paragraph, may petition the Administrator to be relieved of such requirement, provided such petition is filed and an order entered prior to January 20, 1947. Upon issuance of an order granting such petition, the provisions of subparagraphs (2) and (3) of this paragraph no longer shall apply to the rooms in the establishment; but, unless otherwise provided in the order, the maximum rent for a weekly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for a continuous period of more than 10 days, and the maximum rent for a monthly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for a continuous period of more than thirty days, regardless of whether the tenant occupies the same room in the establishment during the specified period. The maximum rent on a weekly or monthly basis, as the case may be, shall apply from the date of issuance of the order or the date on which occupancy commenced, whichever is the later.

2. Section 4 is amended by adding paragraph (h) to read as follows:

(h) *Optional decontrol of daily rates.* (1) On or after February 1, 1947, any landlord who is the proprietor or operator of an establishment classified as a transient hotel, residential hotel, or motor court, may apply to the area rent director for the decontrol of maximum daily rates on selected rooms in such establishment on OPA Form DH–DC. On such form the landlord shall list by number or location specific rooms in the building or establishment equal in number to the maximum number he is required to rent for weekly or monthly terms pursuant to the provisions of section 2 hereof and any order entered thereunder, or, if the rooms in the building or establishment were first rented subsequent to the applicable monthly period specified in section 2 (b) (2), then equal in number to the highest number actually rented for weekly or monthly terms at any one time during the month of December 1946, or to the number that the landlord is required to offer for rent for weekly or monthly terms under any order entered by the area rent director,

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[1] 10 F. R. 318, 2405, 5090, 9445, 11071, 15212; 11 F. R. 4015, 5951, 6136, 8164, 10510, 12946.

[1] 11 F. R. 4025, 5951, 5823, 8164, 10529, 12948.

whichever is the higher. Such rooms shall be known as permanent rooms for the purposes of tnis regulation and shall, after February 15, 1947, or the date of filing, whichever is later, be rented or offered for rent only on a weekly or monthly basis: *Provided, however,* That individual permanent rooms may be rented for periods less than one week at a daily rate of not to exceed one-seventh of the weekly rate or one-thirtieth of the monthly rate, whichever may be applicable to the particular room and number of occupants. Included in the permanent rooms listed by the landlord shall be those occupied by weekly or monthly tenants at the time of application up to the number the landlord is required to rent for weekly or monthly terms.

If such application is filed on OPA Form DH–DC, maximum daily rents established by this regulation for all rooms in the building or establishment other than permanent rooms shall, on and after February 15, 1947, or the date of the filing of such application, whichever is later, no longer be applicable. Such rooms may be rented thereafter for daily terms of occupancy free of the limitations imposed by this regulation: *Provided, however,* That any application which is not in proper form or omits information required from the landlord shall be void.

(2) At any time subsequent to the application of the landlord on Form DH–DC, the area rent director may require the submission of such books and records as, in his opinion, are necessary to substantiate the statements made by the landlord thereon. In default of submission of adequate records, or if the application contains material misrepresentations of fact, the area rent director may, by order, void the landlord's application and rooms in the building or establishment shall thereupon become subject to maximum rents provided by this regulation for all terms of occupancy and number of occupants and to the other provisions thereof to the same extent as if no application had been filed under this paragraph 4 (h).

(3) In the event an order has been entered on an application by the landlord under section 2 (b) (5) hereof, relieving the establishment of its obligation to offer rooms for weekly or monthly terms of occupancy to the extent provided therein, the number of permanent rooms the landlord shall be required to offer only for weekly or monthly terms, in the event application is made under subparagraph (1) of this section 4 (h), shall be the highest number rented at any one time for weekly or monthly terms during the month of December 1946.

(4) The provisions of this section 4 (h) shall not apply to rooms in hotels or motor courts which are first rented after February 1, 1947, and result from the conversion of housing accommodations subject to the Rent Regulation for Housing.

(5) In the event the original records pertaining to the duty of a landlord to offer rooms for weekly or monthly occupancy have been destroyed or are otherwise unavailable for reasons beyond his control, the area rent director may, on petition by the landlord, and on due proof of loss and a finding that the loss or destruction of the records was without fault on the part of the petitioner, enter an order fixing the number of permanent rooms on the basis of the best available evidence or, in the default of substantial evidence, on the basis of the number of weekly or monthly guests in comparable buildings or establishments in the area during the applicable quota month. If the building or establishment is classified by the area rent director as a transient hotel, residential hotel or motor court, the landlord may thereafter apply on OPA Form DH–DC for decontrol of daily rates as provided by subparagraph (1) of this section 4 (h) and the number of permanent rooms he will be required to offer only for weekly or monthly terms shall be the number specified in the order of the area rent director, and shall be identified by him by number or location, as provided in said subparagraph (1).

(6) At intervals of not less than three months from the date of the original application, a landlord may file a supplemental application to substitute other permanent rooms for those listed in the original application provided, however, that no application for the substitution of one permanent room for another shall be made unless the permanent room for which the landlord desires to substitute another is vacant or occupied by a tenant who desires to move into the substitute room. If no maximum weekly or monthly rents are established for the substitute room, the rents charged therefor shall be no higher than the weekly or monthly rents generally prevailing in the building or establishment for comparable rooms.

3. Section 6 (d) (2) is amended to read as follows:

(2) *Daily or weekly tenants.* A tenant occupying a room within a transient hotel on a daily or weekly basis or a tenant occupying on a daily basis a room in a residential hotel, rooming house or motor court which has heretofore usually been rented on a daily basis: *Provided,* That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to section 2 (b) (3) or (7): *And provided, further,* that the provisions of this section shall apply to a tenant occupying a permanent room on a weekly basis in a building or establishment, the landlord of which has applied for decontrol of daily rates under the provisions of section 4 (h).

4. Section 13 (a) is amended by adding paragraph (19) to read as follows:

(19) "Permanent room" means a room specified by a landlord in an application for decontrol of daily rates under section 4 (h), which may be rented only for weekly or monthly occupancy under the provisions of that section.

Issued: January 17, 1947.
Effective: January 20, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement to Accompany Amendment 102 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts; Amendment 31 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area; Amendment 24 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

By Amendment 102 section 4 (k) is added to existing regulations and provides a method whereby a landlord who is the proprietor or operator of an establishment classified by the area rent director as a transient hotel, residential hotel or motor court, may apply for the decontrol of daily rates on transient rooms. At the same time weekly or monthly guests in such establishments are protected both from unwarranted eviction and the payment of a weekly or monthly rent in excess of the present maximums.

During the war period travel by military personnel and those engaged in essential war business as well as by families of members of the services visiting them in camps and hospitals made the maintenance of rent ceilings on hotel rooms occupied by transient guests vital. With the virtual cessation of this type of travel and consistent with the desire of the Administrator to remove controls wherever feasible, this amendment now makes it possible for a landlord to obtain the decontrol of daily rates on rooms occupied by transient guests.

At the same time the Administrator feels it vital that permanent guests in hotels and motor courts should be fully protected. The vast majority of such accommodations are occupied by working people, students, many of them ex-service men and women, and others living on fixed incomes who would find it difficult if not impossible to find alternate accommodations in the face of the current housing shortage. Such rooms are as much a part of the general housing supply as homes and apartments. The Industry Advisory Committees both for the hotel and motor court industries are in full agreement with the Administrator in the protection of permanent tenants and have cooperated with the Administrator in drafting the text of this amendment.

Under the amendment, application can be made any time after February 1, 1947, for a decontrol of daily rates on transient rooms on a form supplied by the Administrator. On this form the landlord will report the number of rooms he is required to rent for weekly or monthly terms under present regulations and will then select specific rooms equal to this number which he will thereafter only be permitted to rent for such terms. These rooms will be known as permanent rooms. If the form is properly filled out he may, after February 15, 1947, rent the remaining rooms for daily occupancy free of the present maximum rents for such occupancy.

Since the necessity for provisions of section 2 (b) (6) is virtually done away with by the addition of section 4 (k), the amendment provides that after January 20, 1947, no further applications may be made under section 2 (b) (6).

The protection of the eviction sections of the regulation are also extended to weekly occupants of permanent rooms in transient hotels by an appropriate change in section 6 (d) (2).

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47–607; Filed, Jan. 17, 1947; 11:28 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Court,[1] Amdt. 102 (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS

The rent regulation for transient hotels, residential hotels, rooming houses and motor courts is amended in the following respects:

1. The first paragraph of section 2 (b) (6) is amended to read as follows:

(6) *Weekly and monthly terms of occupancy 50% or less.* A landlord who is required to rent for weekly or monthly terms of occupancy 50% or less of the rooms in the establishment, under subparagraph (2) of this paragraph, may petition the Administrator to be relieved of such requirement, provided such petition is filed and an order entered prior to January 20, 1947. Upon issuance of an order granting such petition, the provisions of subparagraphs (2) and (3) of this paragraph no longer shall apply to the rooms in the establishment; but, unless otherwise provided in the order, the maximum rent for a weekly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for a continuous period of more than ten days, and the maximum rent for a monthly term of occupancy shall apply where, after the date of issuance of the order, a tenant remains in occupancy for a continuous period of more than thirty days, regardless of whether the tenant occupies the same room in the establishment during the specified period. The maximum rent on a weekly or monthly basis, as the case may be, shall apply from the date of issuance of the order or the date on which occupancy commenced, whichever is the later.

2. Section 4 is amended by adding paragraph (k) to read as follows:

(k) *Optional decontrol of daily rates.* (1) On or after February 1, 1947, any landlord who is the proprietor or operator of an establishment classified as a transient hotel, residential hotel, or motor court, may apply to the area rent director for the decontrol of maximum daily rates on selected rooms in such establishment on OPA Form DH–DC. On such form the landlord shall list by number or location specific rooms in the building or establishment equal in number to the maximum number he is required to rent for weekly or monthly terms pursuant to the provisions of Section 2 hereof and any order entered thereunder, or, if the rooms in the building or establishment were first rented subsequent to the applicable monthly period specified in section 2 (b) (2) or 2 (b) (5), then equal in number to the highest number actually rented for weekly or monthly terms at any one time during the month of December 1946, or to the number that the landlord is required to offer for rent for weekly or monthly terms under any order entered by the area rent director, whichever is the higher. Such rooms shall be known as permanent rooms for the purposes of this regulation and shall, after February 15, 1947, or the date of filing, whichever is later, be rented or offered for rent only on a weekly or monthly basis: *Provided, however,* That individual permanent rooms may be rented for periods less than one week at a daily rate of not to exceed one-seventh of the weekly rate or one-thirtieth of the monthly rate, whichever may be applicable to the particular room and number of occupants. Included in the permanent rooms listed by the landlord shall be those occupied by weekly or monthly tenants at the time of application up to the number the landlord is required to rent for weekly or monthly terms.

If such application is filed on OPA Form DH–DC, maximum daily rents established by this regulation for all rooms in the building or establishment other than permanent rooms shall, on and after February 15, 1947, or the date of the filing of such application, whichever is later, no longer be applicable. Such rooms may be rented thereafter for daily terms of occupancy free of the limitations imposed by this regulation: *Provided, however,* That any application which is not in proper form or omits information required from the landlord shall be void.

(2) At any time subsequent to the application of the landlord on Form DH–DC, the area rent director may require the submission of such books and records as, in his opinion, are necessary to substantiate the statements made by the landlord thereon. In default of submission of adequate records, or if the application contains material misrepresentations of fact, the area rent director may, by order, void the landlord's application and rooms in the building or establishment shall thereupon become subject to maximum rents provided by this regulation for all terms of occupancy and number of occupants and to the other provisions thereof to the same extent as if no application had been filed under this paragraph 4 (k).

(3) In the event an order has been entered on an application by the landlord under section 2 (b) (6) hereof, relieving the establishment of its obligation to offer rooms for weekly or monthly terms of occupancy to the extent provided therein, the number of permanent rooms the landlord shall be required to offer only for weekly or monthly terms, in the event application is made under subparagraph (1) of this Section 4 (k), shall be the highest number rented at any one time for weekly or monthly terms during the month of December 1946.

(4) The provisions of this section 4 (k) shall not apply to rooms in hotels or motor courts which are first rented after February 1, 1947, and result from the conversion of housing accommodations subject to the rent regulation for housing.

(5) In the event the original records pertaining to the duty of a landlord to offer rooms for weekly or monthly occupancy have been destroyed or are otherwise unavailable for reasons beyond his control, the area rent director may, on petition by the landlord, and on due proof of loss and a finding that the loss or destruction of the records was without fault on the part of the petitioner, enter an order fixing the number of permanent rooms on the basis of the best available evidence or, in the default of substantial evidence, on the basis of the number of weekly or monthly guests in comparable buildings or establishments in the area during the applicable quota month. If the building or establishment is classified by the area rent director as a transient hotel, residential hotel or motor court, the landlord may thereafter apply on OPA Form DH–DC for decontrol of daily rates as provided by subparagraph (1) of this section 4 (k) and the number of permanent rooms he will be required to offer only for weekly or monthly terms shall be the number specified in the order of the area rent director, and shall be identified by him by number or location, as provided in said subparagraph (1).

(6) At intervals of not less than three months from the date of the original application, a landlord may file a supplemental application to substitute other permanent rooms for those listed in the original application provided, however, that no application for the substitution of one permanent room for another shall be made unless the permanent room for which the landlord desires to substitute another is vacant or occupied by a tenant who desires to move into the substitute room. If no maximum weekly or monthly rents are established for the substitute room, the rents charged therefor shall be no higher than the weekly or monthly rents generally prevailing in the building or establishment for comparable rooms.

3. Section 6 (d) (2) is amended to read as follows:

(2) *Daily or weekly tenants.* A tenant occupying a room within a transient

[1] 11 F. R. 13032, 13056, 13305, 14013.

hotel on a daily or weekly basis or a tenant occupying on a daily basis a room in a residential hotel, rooming house or motor court which has heretofore usually been rented on a daily basis: *Provided*, That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to section 2 (b) (3) or (8): *And provided, further*, That the provisions of this section shall apply to a tenant occupying a permanent room on a weekly basis in a building or establishment, the landlord of which has applied for decontrol of daily rates under the provisions of section 4 (k).

4. Section 13 (a) is amended by adding Paragraph (19) to read as follows:

(19) "Permanent room" means a room specified by a landlord in an application for decontrol of daily rates under section 4 (k) which may be rented only for weekly or monthly occupancy under the provisions of that section.

Issued: January 17, 1947.
Effective: January 20, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 102 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts; Amendment 31 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area; Amendment 24 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

By Amendment 102 section 4 (k) is added to existing regulations and provides a method whereby a landlord who is the proprietor or operator of an establishment classified by the area rent director as a transient hotel, residential hotel or motor court, may apply for the decontrol of daily rates on transient rooms. At the same time weekly or monthly guests in such establishments are protected both from unwarranted eviction and the payment of a weekly or monthly rent in excess of the present maximums.

During the war period travel by military personnel and those engaged in essential war business as well as by families of members of the services visiting them in camps and hospitals made the maintenance of rent ceilings on hotel rooms occupied by transient guests vital. With the virtual cessation of this type of travel and consistent with the desire of the Administrator to remove controls wherever feasible, this amendment now makes it possible for a landlord to obtain the decontrol of daily rates on rooms occupied by transient guests.

At the same time the Administrator feels it vital that permanent guests in hotels and motor courts should be fully protected. The vast majority of such accommodations are occupied by working people, students, many of them ex-service men and women, and others living on fixed incomes who would find it difficult if not impossible to find alternate accommodations in the face of the current housing shortage. Such rooms are as much a part of the general housing supply as homes and apartments. The Industry Advisory Committees both for the hotel and motor court industries are in full agreement with the Administrator in the protection of permanent tenants and have cooperated with the Administrator in drafting the text of this amendment.

Under the amendment, application can be made any time after February 1, 1947, for a decontrol of daily rates on transient rooms on a form supplied by the Administrator. On this form the landlord will report the number of rooms he is required to rent for weekly or monthly terms under present regulations and will then select specific rooms equal to this number which he will thereafter only be permitted to rent for such terms. These rooms will be known as permanent rooms. If the form is properly filled out he may, after February 15, 1947, rent the remaining rooms for daily occupancy free of the present maximum rents for such occupancy.

Since the necessity for provisions of section 2 (b) (6) is virtually done away with by the addition of section 4 (k), the amendment provides that after January 20, 1947, no further applications may be made under section 2 (b) (6).

The protection of the eviction sections of the regulation are also extended to weekly occupants of permanent rooms in transient hotels by an appropriate change in section 6 (d) (2).

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-606; Filed, Jan. 17, 1947; 11:28 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 14,[1] Order 7]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF PERSONAL PROPERTY TO EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

The War Assets Administrator has determined that there is an urgent need by educational and public-health institutions for various types of equipment, which need in the case of educational institutions has become acute because of an abnormal increase in enrollment in the face of an accelerated obsolescence of existing equipment; that in the case of elementary and secondary educational institutions present facilities are wholly inadequate to provide proper instruction, and existing budgets are insufficient to enable said institutions to purchase the needed equipment; that with respect to public-health institutions a similar situation exists because of increased demands for health services, and the need for suitable equipment is acute.

The War Assets Administrator has further determined that the property which is listed in Exhibit A herein is critically needed by such educational and public-health institutions, that such property is suitable for educational and public-health use, and that it would be of great public benefit to make such property available to said institutions at a nominal price.

In view of the foregoing considerations, the War Assets Administrator finds that the benefit which will accrue to the United States from the use of such property by educational and public-health institutions justifies disposal to them of such property at a nominal price, approximately sufficient to cover the cost of disposition, and that such nominal price should be five (5) percent of the fair value of the property as established by the disposal agency.

Pursuant to the foregoing, it is hereby ordered that:

§ 8314.57 *Disposal of personal property to educational and public-health institutions and instrumentalities.* (a) Notwithstanding the provisions of § 8314.9 of this part, disposal agencies, after making such provisions as may be necessary for offerings to priority claimants in accordance with the provisions of Part 8302,[2] are hereby authorized to sell property listed in Exhibit A herein to educational and public-health institutions and instrumentalities, as defined in § 8314.1, whose orders have been approved by the War Assets Administration, at a price equivalent to five (5) per cent of the fair value thereof, f. o. b. location.

(b) In considering applications or orders of individual educational institutions or instrumentalities for property listed in Exhibit A, special consideration shall be given to the needs of elementary and secondary educational institutions.

(c) Applications or orders for instructional equipment which have been or shall be approved by the Federal Works Agency, in accordance with § 8314.56[3] of this part, shall not be affected by the provisions of this section.

(d) When any of the property listed in Exhibit A herein is or shall be in conflict with any list of property set aside for veterans under Part 8302[2] as now or hereafter in effect, the provisions of Part 8302 shall be controlling.

[1] 11 F. R. 11505.

[2] Reg. 2 (11 F. R. 14267; 12 F. R. 152).
[3] Reg. 14, Order 6 (11 F. R. 11704, 14106).

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265).)

This section shall become effective January 13, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 13, 1947.

EXHIBIT A—CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE

Commodity Code Classification	
41 4400	Object detection apparatus (Radar and Loran).
58 4990	Field hospital food carts.
58 5810	Field hospital laboratory incubators.
58 8210	Tracing paper, transparentized.
59 2100	Mobile and water purification units.
59 2900	Thermo-compression distillation units.
79 7903	Carbon paper.
79 7911	Typewriter ribbons (ink ribbons)
96 5442	Child care equipment units.
96 5450	Clinical and infirmary equipment units.

[F. R. Doc. 47-605; Filed, Jan. 17, 1947; 11:28 a. m.]

Chapter XXIV—Department of State, Disposal of Surplus Property

[FLC Reg. 8, Order 6]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

The functions of the Director of War Mobilization and Reconversion authorized by subsections (c) (1), (c) (2), (c) (3), and (c) (4) of section 101 of the War Mobilization and Reconversion Act of 1944 (58 Stat. 785) having been transferred to the President by paragraph 4 of Executive Order 9809, December 12, 1946 (11 F. R. 14281), Foreign Liquidation Commissioner Regulation 8, Order 6 of September 18, 1946 (11 F. R. 10709, Departmental Regulation 108.22) is hereby revised and amended as herein set forth. Supplements 1, 2, and 3 to Order 6, dated November 6, 1946, November 14, 1946, and December 17, 1946 (11 F. R. 13443, 13637, 14634; Departmental Regulations 108.32, 108.33 108.35) are hereby superseded.

The President has informed the Secretary of State that certain materials which have been or may be declared to the Foreign Liquidation Commissioner as surplus property located in foreign areas are in critically short supply and urgently needed for reconversion in the United States, and has requested the Secretary of State to take such action as may be necessary and appropriate to permit the importation of such materials into the United States for use by American industry.

It is hereby ordered, That § 8508.15 *Importations into the United States* (11 F. R. 13424) shall not apply to prevent the importation of surplus property specified in Schedule A attached hereto as the same now stands or may hereafter be amended or supplemented to include additional materials designated by the President as necessary for reconversion in the United States.

This order shall become effective immediately upon publication in the FEDERAL REGISTER.

(58 Stat. 765; 59 Stat. 533; Pub. Law 375, 79th Cong., 60 Stat. 168; Pub. Law 584, 79th Cong., 60 Stat. 754; 50 U. S. C. App. Sup. 1611)

Issued this 14th day of January 1947.

JAMES F. BYRNES,
Secretary of State.

SCHEDULE A

Automotive and transportation equipment:
- Automobiles: passenger.
- Automotive maintenance shop equipment: such as auto jacks and lifts, brake servicing machines, motor testing equipment, valve grinders, etc.
- Automotive parts.
- Batteries: storage, automotive.
- Tire chains: passenger and truck.
- Trucks: all sizes, new and used (including jeeps).

Building materials and equipment:
- Boards, dimension and timber.
- Boilers: cast iron or steel: coal, oil or gas fired: domestic type.
- Builders' hardware.
- Buildings: prefabricated.
- Building units: prefabricated.
- Cloth: wire and insect screening, 12 to 24 mesh.
- Conduit: electrical; all types; 1½" and under.
- Conduit fittings: 1½" and under.
- Fittings for copper water tube.
- Glass: window: double and single strength.
- Pipe: asbestos-cement.
- Pipe covering: molded: for low pressure steam and water piping: 4" and under.
- Pipe fittings and unions: screwed: 150 lb. SWP, malleable iron and 125 lb. SWP, gray cast iron: sizes 4" and under.
- Pipe: sewer, clay; all sizes.
- Plumbers' cast iron specialties.
- Plumbing fixtures, fixture fittings and trim.
- Pumps: condensation and vacuum heating: up to 1,000 lbs. per hour.
- Wiring devices: electrical (toggle switches, face plates, lampholders [sockets and receptacles], BX and Romex type connectors, outlet switch and receptacle boxes, convenience receptacles), except special military and appliance types.

Construction machinery and equipment:
- Cranes: power: crawler-, tractor-, wheel- or truck-mounted: all classes and sizes: with or without shovel, dragline or other earthmoving attachments.
- Crane attachments for earthmoving: shovel fronts, draglines, clamshell buckets, etc.
- Ditchers and trenchers.
- Graders: road: motorized and drawn.
- Scrapers: carry type: motorized and drawn, 6 cu. yd. and larger.
- Tractors: crawler types: all classes and sizes, with or without buildozer, angledozer, front end loader and other attachments.

Drugs and chemicals: Glycerine, other than medical grade.

Electrical equipment and supplies:
- Bushings, porcelain: transformer and switchgear.
- Circuit breakers: all capacities and voltages.
- Electrical equipment and supplies—Con.
- Generator sets: portable and stationary, diesel driven, 50 kw and up.
- Motors: fractional hp, AC, standard specifications.
- Motors: standard specifications, AC and universal types, 110, 220 and 440 V, 60 cycles.
- Pole line hardware: all types.
- Switchgear: all capacities and voltages.
- Wire and cable: aluminum: solid, stranded or steel reinforced; bare, waterproofed, insulated, lead covered or armored.

Machinery and allied equipment:
- Belting: conveyor.
- Belting: farm machinery types.
- Boring mills: horizontal and vertical.
- Diesel power units: 70 to 250 hp.
- Engines and hoists: logging, 100 to 300 hp (donkey engines).
- Lathes: standard engine types.
- Milling machines, horizontal: plain and universal.
- Milling machines: small die cutting types.
- Presses: all types and sizes.
- Pumps: deep well.
- Refrigeration equipment: heavy industrial and commercial.
- Refrigeration equipment: repair and replacement parts.
- Sawmills: portable.
- Tractors: wheel types, 10–35 DBHP.
- Water purification equipment: including tanks, softening, chlorinating and filtering equipment.

Metals and metal products:
- Aluminum: sheet, coils, bars, and rods.
- Copper sheet.
- Copper pipe and tube, 2" and under.
- Scrap: metal: ferrous and non-ferrous.
- Steel mill products: carbon steel.

Miscellaneous:
- Containers: steel.
- Cylinders: acetylene gas.
- Hypochlorination units.
- Radio tubes.
- Telephone and telegraph equipment.

Paper and paper products:
- Paper: bond.
- Paper: mimeograph.
- Paper: printing.
- Tissue: toilet.

Professional and scientific apparatus, equipment and supplies:
- Dental supplies.
- Dental units: including handpieces and accessories.
- Drafting instruments (sets), machines and accessories.
- Medical diagnostic instruments and equipment.
- X-ray apparatus, equipment and accessories: including dental.

Textiles, textile products:
- Bags: burlap: new and used.
- Clothing, work (new only).
- Gloves, work: all kinds (new only).
- Pillow cases.
- Rope, finished: manila and sisal.
- Sheets, cotton: bed.

All C–47, C–54 and C–45 aircraft, together with their component parts, which have not been the subject of disposition as surplus to a foreign government or to private interests domiciled outside the United States, its territories and possessions.

The approximate quantities of materials listed below, located in Canada on September 18, 1946 (11 F. R. 10709):

100 tons of high grade alloy steel sheet bar and tubing.
20 tons of phosphor bronze and manganese bronze bar and tubing and copper and monel sheets.

[F. R. Doc. 47-512; Filed, Jan. 17, 1947; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

TRANSPORTATION CHARGES FOR CONVEYANCE OF FOREIGN MAIL BY UNITED STATES AIR CARRIERS

Amend paragraph (e), § 21.117, *Transportation charges due from foreign countries for the conveyance of their mails by United States air carriers* (11 F. R. 14517) by adding the following:

Between	Rate postal gold francs per gross kilogram
United States and Shanghai, China	94.50

(Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-489; Filed, Jan. 17, 1947; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 338[1]]

NEVADA

WITHDRAWING PUBLIC LAND FOR USE OF BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Nevada is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral-leasing laws, and reserved for the use of the Bureau of Land Management, Department of the Interior, as an administrative site:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 61 E.,
sec. 1, SE¼SW¼.

The area described contains 40 acres.

This order shall take precedence over, but shall not modify, the order of the Acting Secretary of the Interior of November 3, 1936, establishing Nevada Grazing District No. 5, so far as it affects the above-described land.

(36 Stat. 847; 43 U. S. C. 141; E. O. 9377, April 24, 1943, 3 C. F. R. Cum. Supp.)

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 7, 1947.

[F. R. Doc. 47-492; Filed, Jan. 17, 1947; 8:48 a. m.]

[1] See Notice for Filing Objections to Public Land Order 338, F. R. Doc. 47-493, under Department of the Interior, Office of the Secretary, in Notices section, *infra*.

[Public Land Order 339]

MONTANA

REVOKING PUBLIC LAND ORDER NO. 134 OF JUNE 7, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR AVIATION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943; *It is ordered as follows:*

Public Land Order No. 134 of June 7, 1943, withdrawing the hereinafter-described public lands for the use of the War Department for aviation purposes, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 134 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on March 12, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 12, 1947, to June 10, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 20, 1947, to March 12, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 12, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 11, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 22, 1947, to June 11, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 11, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Billings, Montana.

The lands affected by this order are described as follows:

PRINCIPAL MERIDIAN

T. 16 N., R. 23 E.,
sec. 31, SE¼SE¼.[1]

The area described contains 40 acres.

This land is in an area which comprises low table land with some good soil. (36 Stat. 847; 43 U. S. C. 141; E. O. 9377, April 24, 1943, 3 CFR Cum. Supp.)

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 8, 1947.

[F. R. Doc. 47-494; Filed, Jan. 17, 1947; 8:48 a. m.]

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

NEVADA GRAZING DISTRICT NO. 5

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see Public Land Order 338 under the Appendix to this Title, which takes precedence over, but does not modify, the order of the Acting Secretary of the Interior of November 3, 1936, establishing Nevada Grazing District No. 5.

[1] The NE¼SE¼ sec. 18 was erroneously described as public land in Public Land Order No. 134. It was patented October 9, 1920.

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—National Archives

Subchapter B—National Archives Council

PART 11—REGULATIONS RELATING TO THE DISPOSAL OF RECORDS

Sec.
11.1 Compilation and submission of lists and schedules of records proposed for disposal.
11.2 Procedures for the disposal of records authorized for disposal.
11.3 Standards for the photographic reproduction of records with a view to the disposal of the original records.

AUTHORITY: §§ 11.1 to 11.3, inclusive, issued under sec. 2, 57 Stat. 381; 44 U. S. C., Sup. 367.

§ 11.1 *Compilation and submission of lists and schedules of records proposed for disposal.* All lists or schedules of records submitted to the Archivist of the United State in compliance with the provisions of section 3 of the act of July 7, 1943 (57 Stat. 381; 44 U. S. C., Sup. 368) shall be submitted on forms supplied or approved by the Archivist in the number of copies required by him and shall contain such information as may be called for by the said forms and by instructions issued by the Archivist. The said lists or schedules shall be accompanied by samples of the several items proposed therein for disposal unless the Archivist shall have waived this requirement.

§ 11.2 *Procedures for the disposal of records authorized for disposal.* Whenever any records shall have been authorized for disposal in accordance with the provisions of sections 6, 7, or 8 of the act of July 7, 1943, as amended July 6, 1945 (57 Stat. 381, 382, 59 Stat. 434; 44 U. S. C., Sup., 371–373) and whenever any records of types that have been proposed for disposal in schedules approved in accordance with the provisions of section 6 of the said act have been in existence for the periods specified in such schedules, the agency or agencies having the custody of such records shall, subject to the proviso in section 6 and the provisions of section 9 of the act of July 7, 1943 (57 Stat. 382; 44 U. S. C., Sup., 374), (a) cause the said records to be sold as waste paper: *Provided*, That, unless the said records shall have been treated in such a manner as to destroy their record content, any contract for sale of them shall prohibit their resale as records or documents; (b) cause them to be destroyed, if they cannot advantageously be sold or if, in the opinion of the head of the agency having custody of said records, destruction is necessary to avoid the disclosure of information that might be prejudicial to the interests of the Government or of individuals; or (c) cause them to be transferred, with the approval of the Archivist of the United States and without cost to the United States Government, to any government, organization, institution, corporation, or person that has made application for them.

§ 11.3 *Standards for the photograpic reproduction of records with a view to the disposal of the original records.* The standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records shall be as follows:

(a) The records shall be photographed in such order that the integrity of the files will be preserved.

(b) All photographic film or paper used and the processing thereof shall comply with the minimum standards approved by the National Bureau of Standards for permanent photographic reproduction of records or for temporary photographic reproduction of records authorized for disposal after the lapse of a specified time.

(c) The reproductions shall be placed in conveniently accessible files and adequate provisions shall be made for preserving, examining, and using them.

I hereby certify that §§ 11.1 to 11.3, inclusive, were unanimously adopted by the National Archives Council on July 30, 1945, were approved by the President of the United States on August 8, 1945, and were promulgated on August 15, 1945, by transmittal of copies thereof to the heads of all agencies of the United States Government.

SOLON J. BUCK,
Chairman of the National Archives Council.

JANUARY 15, 1947.

[F. R. Doc. 47-482; Filed, Jan. 17, 1947; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[File Nos. T-D-666 and 670]

PART 1—RULES RELATING TO ORGANIZATION AND PRACTICE AND PROCEDURE

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

MISCELLANEOUS AMENDMENTS

In the matter of Rules Relating to section 214 of the Communications Act of 1934, as amended: Discontinuance, Reduction and Impairment of service; and applications of The Western Union Telegraph Company for authority to reduce hours of service at main and branch offices under specified standards and conditions.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of December 1946;

The Commission, having under consideration applications filed under section 214 of the Communications Act of 1934, as amended, by The Western Union Telegraph Company, File Nos. T-D-666 and 670, for authority to reduce the hours of service at main and branch offices under specified standards and conditions; also having under consideration protests from The Commercial Telegraphers' Union, Telegraph Employees' Union, Telegraph Workers' Union, The Communication Workers International Union, and the American Communications Association, C. I. O.;

It appearing that public convenience and necessity might be adversely affected in some cases by a grant of authority to make reductions in hours at main and branch offices under the standards and conditions proposed in the applications and that further conditions are necessary, therefore, to protect the interests of the public; and

It further appearing that, with proper conditions, as herein set forth, the authority sought by The Western Union Telegraph Company should be granted; and

It further appearing that the Commission's rules and regulations should be amended to incorporate the procedure to be followed and the standards and conditions to be met;

It is ordered, That the rules, designated as §§ 63.67 and 63.68 and Appendices G and H of Part 63 of the Commission's rules and regulations, be, and they are hereby, adopted as rules of the Commission; and

It is further ordered, That Part 63 of the Commission's rules and regulations, entitled "Extension of Lines and Discontinuance of Service by Carriers", be, and it is hereby, amended, in the following respects:

1. Section 63.62 (c) (11 F. R. 11214) is amended to read as follows:

§ 63.62 *Type of discontinuance, reduction or impairment of telephone or telegraph service requiring formal application.* * * *

(c) The closure of, or reduction of hours of service at, a public telegraph office, except that this paragraph shall not apply to the classes of cases specified in §§ 63.64, 63.66, 63.67 and 63.68 hereof where the carrier elects to follow the procedure prescribed in those sections: (For contents of application see Appendices C and D).

2. Section 63.90 *Publication and posting of notices* (11 F. R. 11215) is amended by inserting the words "(except a request under §§ 63.67 or 63.68)" after the words "informal request" in the first lines of paragraphs (a), (b), and (c); and

It is further ordered, That Part 1 of the Commission's rules and regulations, entitled "Rules Relating to Organization and Practice and Procedure", be, and it is hereby, amended in the following respects:

1. Paragraph (e) of § 1.145[1] *Authority delegated to secretary upon securing the approval of the Law, Engineering and Accounting departments* is amended by changing "63.66" in the next to the last line to "63.68".

2. Section 1.526[2] *Application for discontinuance, reduction, or impairment of service* is amended by changing "63.66" in the seventh line to "63.68"; by changing "F" in the seventh line to "H"; and by changing "§ 63.90" in the ninth line to §§ 63.67, 63.68 or 63.90".

§ 63.67 *Alternative procedure in certain specified cases where authority to reduce hours at main telegraph offices is desired.* (a) In lieu of filing formal

[1] 11 F. R. 177A-407, 13973.
[2] 11 F. R. 177A-420.

application, a carrier may file in quintuplicate an informal request, duly verified or affirmed according to law, for authority to reduce hours at main offices under the following specified standards and conditions:

(1) Weekday hours (Monday through Friday) will not be reduced below a minimum of eight hours per day at the main [1] office;

(2) Applicant will provide substitute service, at no additional tariff charge, during the hours to be deleted, through another office of the applicant located in the same community as the main office at which the reduction is made;

(3) Hours will not be reduced unless the average number of outgoing messages filed at the main office during the latest month for which traffic statistics are available, if a normal month with respect to conditions generally affecting traffic volume, has been at a rate not greater than 2 messages per hour during the total hours to be deleted and not greater than 4 messages per hour during the maximum traffic hour to be deleted;

(4) Applicant will file with the Federal Communications Commission, not more than once each month, forms in quintuplicate for main offices at which reduction in hours is proposed, giving on one form for each such office the information called for on the sample form appearing in Appendix G, and at the same time will forward a copy of such form to the State Commission, as defined in section 3 (t) of the Communications Act of 1934, as amended, or to the Governor if there is no such Commission, of the State in which the main office is located. Applicant will make no such reductions until fifteen days after such forms are filed with the Federal Communications Commission and will not reduce hours at any particular main office if advised by the Federal Communications Commission within such fifteen day period not to make such reduction;

(5) Upon written request from the Commission at any time within 6 months from the effective date of a reduction in hours at any main office as authorized under this section, the applicant will forthwith reestablish the hours observed before the reduction and will retain such hours unless and until authorized to change them upon individual and specific application to the Commission;

(6) Applicant will post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place at the office affected for a period of fourteen consecutive days, seven days of which shall be prior to the effective date of such reduction and seven days following such reduction. Such notice shall be in the following form:

Notice is hereby given that The Western Union Telegraph Company proposes to reduce the hours of service at this office from the present hours of _____ m. to _____ m. to the hours _____ m. to _____ m., effective, _____. Substituted service will be available from _____ m. to _____ m. at the _____ office located at _____ _____ (or give other appropriate general description of substituted service). Any member of the public objecting to the above reduction in hours of service may communicate in writing with the Federal Communications Commission, Washington 25, D. C.

(b) Authority for the reductions proposed under this section shall be deemed to have been granted by the Commission effective as of the fifteenth day following the date of filing of such request with the Commission unless on or before the fifteenth day the Commission shall notify the carrier to the contrary.

§ 63.68 *Alternative procedure in certain specified cases where authority to reduce hours at branch telegraph offices is desired.* (a) In lieu of filing formal application, a carrier may file in quintuplicate an informal request, duly verified or affirmed according to law, for authority to reduce hours at branch offices under the following specified standards and conditions:

(1) Weekday hours (Monday through Friday) will not be reduced below a minimum of eight hours per day at the office at which hours are to be reduced;

(2) Alternate service, at no additional tariff charge, will be available at a company-operated main or branch office located in the community, which will be open during the hours to be deleted and will have equal or better pickup and delivery facilities during those hours which will be available to the area served by the office at which hours will be reduced;

(3) Hours will not be reduced unless the average number of outgoing messages filed at the branch office during the latest month for which traffic statistics are available, if a normal month with respect to conditions generally affecting traffic volume, has been at a rate not greater than:

(i) 2 messages per hour during the total hours to be deleted and not greater than 4 messages per hour during the maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph is located more than one mile from the office at which hours are to be reduced; or

(ii) 4 messages per hour during the total hours to be deleted and not greater than 6 messages per hour during the maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph, is located more than one quarter of a mile but not more than one mile from the office at which hours are to be reduced; or

(iii) 6 messages per hour during the total hours to be deleted and not greater than 8 messages per hour during the maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph above, is located not more than one quarter of a mile from the office at which hours are to be reduced;

(4) Applicant will file with the Federal Communications Commission, not more than once each month, forms in quintuplicate for branch offices at which reduction in hours is proposed, giving on one form for each such office the information called for on the sample form appearing in Appendix H, and at the same time will forward a copy of such form to the State Commission, as defined in section 3 (t) of the Communications Act of 1934, as amended, or to the Governor if there is no such Commission, of the State in which the office is located. Applicant will make no such reductions until fifteen days after such forms are filed with the Federal Communications Commission and will not reduce hours at any particular branch office if advised by the Federal Communications Commission within such fifteen day period not to make such reduction;

(5) Upon written request from the Commission at any time within 6 months from the effective date of a reduction in hours at any branch office as authorized under this section, the applicant will forthwith re-establish the hours observed before the reduction and will retain such hours unless and until authorized to change them upon individual and specific application to the Commission;

(6) Applicant will post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place at the office affected for a period of fourteen consecutive days, seven days of which shall be prior to the effective date of such reduction and seven days following such reduction. Such notice shall be in the following form:

Notice is hereby given that The Western Union Telegraph Company proposes to reduce the hours of service at this office from the present hours of _____ m. to _____ m. to the hours _____ m. to _____ m., effective _____. Substituted service will be available from _____ m. to _____ m. at the _____ office located at _____ (or give other appropriate general description of substituted service). Any member of the public objecting to the above reduction in hours of service may communicate in writing with the Federal Communications Commission, Washington 25, D. C.

(b) Authority for the reductions proposed under this section shall be deemed to have been granted by the Commission effective as of the fifteenth day following the date of filing of such request with the Commission unless on or before the fifteenth day the Commission shall notify the carrier to the contrary.

[1] The term "main office" as used in this section includes Class 1 and Class 3 offices. A Class 1 office is the principal office or the only office of the telegraph company in the municipality. A Class 3 office is also the only or principal office in the municipality but for administrative purposes it is supervised by a Class 1 office in another municipality.

APPENDIX G

F. C. C. File No. T–D– ____

Name of applicant _____
Address _____
In the matter of proposed reduction in main office hours pursuant to § 63.67 of the Commission's rules.
Month _____ Year ____

Data Regarding Main Office

Address of office _____
Class of office and method of operation _____
_____
Present hours:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed hours:
Monday through Friday _____
Saturday _____
Sunday _____
Average hourly number of messages filed for month of _____, 194__, during total hours to be deleted _____
Average hourly number of messages filed for month of _____, 194__, during maximum traffic hour to be deleted _____
Present tariff listing.

Data Regarding Substitute Office

Address of substitute office _____
Class of office and method of operation of substitute office _____
Distance in feet from main office _____
Present hours of substitute office:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed tariff listing.

APPENDIX H

F. C. C. File No. T–D– ____

Name of applicant _____
Address _____
In the matter of proposed reduction in branch office hours pursuant to § 63.68 of the Commission's rules.
Month _____ Year ____

Data Regarding Branch Office

Address of Office _____
Class of Office and method of operation _____
_____
Present hours:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed hours:
Monday through Friday _____
Saturday _____
Sunday _____
Average hourly number of messages filed for the month of _____, 19____, during total hours to be deleted _____
Average hourly number of messages filed for the month of _____, 19____, during maximum traffic hours to be deleted _____

Data Regarding Substitute Office

Address of substitute office _____
Distance in feet from office at which reduction is proposed _____
Class and method of operation of substitute office _____
Will substitute office provide equal or better pick-up and delivery facilities during hours to be deleted? _____
Present hours of substitute office:
Monday through Friday _____
Saturday _____
Sunday _____

It appearing, that the effect of this order is to relieve telegraph carriers of certain restrictions; that notices of the filing of the applications herein were served on interested parties who have had an opportunity to file their comments and objections; and that after considering carefully these comments and objections the Commission has concluded that the public notice and procedure provided for by section 4 of the Administrative Procedure Act are unnecessary;

It is ordered, That this order is hereby made effective immediately.

(Sec. 4 (i), sec. 214. 48 Stat. 1066, 1075; 47 U. S. C. 154 (i), 214)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-497; Filed, Jan. 17, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this Chapter, F. R. Docs. 47–531 and 47–532, *infra*.

[Gen. Permit ODT 18A, Rev. 29]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF NEW IMMATURE IRISH POTATOES OF VARIETY KNOWN AS BLISS TRIUMPH

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby authorized, that:

§ 520.529 *Shipments of new immature Irish potatoes of the variety known as Bliss Triumph.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172), and Items 465, 470, 475, 480 (c) and 600 of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008, 10 F. R. 2523, 3470, 14906, 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new immature Irish potatoes of the variety known as Bliss Triumph when the quantity thereof loaded in each car is not less than 30,000 pounds when packed in sacks, paper, cloth or burlap, or not less than 31,500 pounds when packed in boxes, crates, barrels, baskets or tubs.

This General Permit ODT 18A, Revised–29, shall become effective January 17, 1947, and shall expire at 11:59 p. m., March 31, 1947, unless otherwise ordered.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 177; 58 Stat. 827; 59 Stat. 658; Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 14th day of January 1947.

HOMER C. KING,
Deputy Director of the Office of Defense Transportation.

[F. R. Doc. 47-532; Filed, Jan. 17, 1947; 8:51 a. m.]

[Gen. Permit ODT 18A–1A, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, General Permit ODT 18A–1A (9 F. R. 117) is hereby amended by striking from § 520.493 thereof item numbered 20, reading as follows:

20. Cement. In packages, when consigned to dealers for stock, may be loaded to a weight not less than 60,000 pounds.

This Amendment 1 to General Permit ODT 18A–1A shall become effective January 17, 1947.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 177; 58 Stat. 827; 59 Stat. 658; Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 14th day of January 1947.

HOMER C. KING,
Deputy Director of the Office of Defense Transportation.

[F. R. Doc. 47-531; Filed, Jan. 17, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 721]

CORN

CORN ACREAGE ALLOTMENTS AND CORN MARKETING QUOTAS

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup., 1301–1393), the Secretary of Agriculture is required by sections 327 and 328 thereof to proclaim, not later than February 1, the commercial corn-producing area and the acreage allotment of corn for the calendar year 1947. In preparing to issue such proclamations the Secretary has under consideration sections 304 and 371 (b) of the act, which provide that the marketing quota provisions thereof shall not be invoked or continued in effect with respect to any one of the several basic commodities in case the Secretary finds a suspension or termination of the provisions necessary to protect consumers or to meet a national emergency.

Any interested persons may submit their views in writing with respect to the proclamations to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than January 23, 1947.

Issued at Washington, D. C., this 14th day of January 1947.

[SEAL] JESSE B. GILMER,
Acting Administrator.

[F. R. Doc. 47-500; Filed, Jan. 17, 1947; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket Nos. 250, et al., 2142, et al.]

WEST COAST CASE; CONSOLIDATION OF ROUTES

NOTICE OF ORAL ARGUMENT

In the matter of a further argument and reconsideration of that portion of the Board's decision in the so-called West Coast case which denied the application of American Airlines, Inc., to engage in air transportation service between San Francisco and points on route 4 other than Los Angeles and in the matter of argument of applications by Transcontinental & Western Air, Inc., United Air Lines, Inc., and American Airlines, Inc., for consolidation of certain routes.

Notice is hereby given that oral argument in the above matters is assigned to be held on February 3, 1947, 10 a. m., eastern standard time, in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 15, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-503; Filed, Jan. 17, 1947; 8:47 a. m.]

DEPARTMENT OF STATE

CONTROL OF CERTAIN DOCUMENTS AND OTHER ITEMS REMOVED FROM PERSONAL PROPERTY OF STAFFS OF FORMER GERMAN DIPLOMATIC OR CONSULAR ESTABLISHMENTS IN UNITED STATES

By virtue of the authority vested in me by Executive Order 9760 dated July 23, 1946 (11 F. R. 7099), and pursuant to law, the undersigned, after appropriate investigation and consultation, finding:

(1) That members of the staffs of former German diplomatic and consular establishments in the United States had included within the baggage, personal effects and household goods stored in various warehouses in the United States, to which the Secretary of State had made reference in a General Supervisory Order (Public Notice 170, issued July [illegible], 1946), books, documents, papers, photographs, maps, films, ledgers, files, and various other items believed to contain information concerning German activities in the United States, together with radios and other equipment believed to have been used to facilitate communications concerning German activities in the United States;

(2) That under the provisions of law and for the security and safety of the United States in wartime it was deemed advisable to remove all such books, documents, papers, photographs, maps, films, radios, and other pertinent materials for investigation and study by appropriate agencies of this Government;

(3) That it is necessary in the interest of national security,

hereby undertakes the direction, management, supervision, maintenance, and control, to the extent deemed necessary and advisable from time to time by the undersigned, of the property referred to above.

The action taken herein shall not be construed to limit the power of the Secretary of State to vary the extent of such direction, management, supervision, maintenance, or control, or to terminate the same.

Issued this 14th day of January 1947.

JAMES F. BYRNES,
Secretary of State.

[F. R. Doc. 47-513; Filed, Jan. 17, 1947; 8:51 a. m.]

POST OFFICE DEPARTMENT

EMBOSSED STAMPED ENVELOPES

DISCONTINUED VARIETIES AGAIN AVAILABLE

In view of the increased production of the Stamped Envelope Factory, the Department is again in a position to furnish the varieties of stamped envelopes listed below:

1. Sizes No. 7 and 9—3¢, both standard and extra, printed and unprinted, white only.
2. Sizes No. 5, 8 and 13—1¢ precanceled, standard and window, printed and unprinted, white only.
3. Size No. 8—5¢ air mail, printed and unprinted, white only.

Postmasters, before accepting orders from patrons for printed air mail envelopes, should advise them that the return card will be printed in blue ink.

Orders for any of these envelopes may be submitted by postmasters at first-class offices directly to the Third Assistant Postmaster General, Division of Stamps, Post Office Department, while district postmasters should requisition them from their Central Accounting postmaster with the exception of the special request and unprinted precanceled envelopes, which are to be ordered direct from the Third Assistant Postmaster General, Division of Stamps.

(R. S. 3915, as amended; 39 U. S. C. 354)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-490; Filed, Jan. 17, 1947; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13, REDUCED

The order of the First Assistant Secretary of the Interior, dated December 26, 1922, modifying certain stock driveway withdrawals in Wyoming under section 10 of the act of December 29, 1916, 39 Stat. 865, 43 U. S. C., sec. 300, is hereby revoked so far as it affects the following-described lands which are within Stock Driveway Withdrawal No. 128, Wyoming No. 13.

These lands are mountainous and rocky in character with vegetation consisting of bluestem, blackroot, and buckbrush, with a scattered growth of scrub pine timber having no commercial value. They are primarily suitable for grazing.

This order shall become effective immediately as to the leasing of the lands for grazing but shall not otherwise become effective to change the status of such lands until 10:00 a. m. on February 28, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from February 28, 1947, to May 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 8, 1947 to February 28, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on February 28, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from May 12, 1947 to June 2, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Buffalo, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Buffalo, Wyoming.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 85 W.,
sec. 30, lot 5, NE¼, and E½NW¼.
T. 41 N., R. 86 W.,
sec. 25, NE¼NE¼.

The areas described aggregate 322.17 acres.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

DECEMBER 27, 1946.

[F. R. Doc. 47-491; Filed, Jan. 17, 1947; 8:48 a. m.]

Office of the Secretary

NEVADA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 338,[1] WITHDRAWING PUBLIC LAND FOR USE OF BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order No. 338, of January 7, 1947, withdrawing the SE¼SW¼ sec. 1, T. 21 S., R. 61 E., M. D. M., Nevada, for the use of the Bureau of Land Management as an administrative site, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 7, 1947.

[F. R. Doc. 47-493; Filed, Jan. 17, 1947; 8:48 a. m.]

[1] See Title 43, Chapter I, Appendix, *supra*.

[Order No. 2288]

FIREWOOD ON PUBLIC LANDS

EMERGENCY USE BY PUBLIC

Order No. 2282 dated December 6, 1946, (11 F R. 14329) authorizing free use of dead and down timber from vacant, unappropriated and unreserved public lands, under the conditions therein specified, is hereby revoked.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 8, 1947.

[F. R. Doc. 47-495; Filed, Jan. 17, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-239 and G-358]

TEXAS GAS UTILITIES CO.

NOTICE OF ORDER DETERMINING STATUS UNDER NATURAL GAS ACT, AND ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 15, 1947.

Notice is hereby given that, on January 14, 1947, the Federal Power Commission issued its order determining status under Natural Gas Act, and issuing certificate of public convenience and necessity, entered January 14, 1947, in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-504; Filed, Jan. 17, 1947; 8:46 a. m.]

[Project No. 1955]

SAVANNAH RIVER ELECTRIC CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR LICENSE (MAJOR)

JANUARY 15, 1947.

Notice is hereby given that, on January 14, 1947, the Federal Power Commission issued its order dismissing application for license (major), entered January 14, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-506; Filed, Jan. 17, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-365]

PACIFIC COAST MORTGAGE CO.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of January A. D. 1947.

Notice is hereby given that Pacific Coast Mortgage Company has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order modifying the Commission's

order of May 21, 1946, which declared the Applicant to be no longer an investment company and terminated its registration under the Investment Company Act subject to the continued applicability of sections 17, 30, 36 and 37 of the act pending the distribution of all of the Applicant's assets. The application requests the Commission to issue an order providing that section 30 (a) of the act shall no longer be applicable to the Applicant and that section 30 (d) shall be applicable only to require the transmission to the stockholders at the close of the Applicant's fiscal year of an annual report in the form required by section 30 (d).

All interested parties are referred to said application on file in the offices of the Commission for a more detailed statement of the request and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that, upon a preliminary examination of the application, it deems the following issues to be raised thereby:

(1) Whether compliance with section 30 (a) by the Applicant is still necessary for the protection of its investors; and

(2) Whether compliance with section 30 (d) by the Applicant is still necessary for the protection of its investors beyond a requirement that the Applicant furnish to stockholders at the close of its fiscal year an annual report in the form required by section 30 (d).

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on January 29, 1947 at 9:45 a. m., Eastern Standard Time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Penna.

It is further ordered, That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named Applicant, Pacific Coast Mortgage Company, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before January 27, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-485; Filed, Jan. 17, 1947; 8:49 a. m.]

[File No. 70-1318]

CONSUMERS POWER CO. AND MICHIGAN GAS STORAGE CO.

ORDER PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of January A. D. 1947.

Consumers Power Company ("Consumers"), a subsidiary of The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and Michigan Gas Storage Company ("Storage Company"), a corporation newly organized by Consumers, having filed an application-declaration and amendments thereto pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 regarding, among other things, the issuance and sale by Storage Company of 199,990 additional shares of its common stock and the acquisition by Consumers of 10 incorporators' shares and up to 179,990 additional shares of such stock; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective subject to the terms and conditions provided in Rule U-24.

It is further ordered, That an exemption from the competitive bidding requirements of subsection (b) and (c) of Rule U-50 be granted with respect to the issuance and sale of common stock of Storage Company to Panhandle Eastern Pipe Line Company, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-487; Filed, Jan. 17, 1947; 8:49 a. m.]

[File No. 70-1412]

INDIANA GAS & WATER CO., INC.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January A. D. 1947.

Indiana Gas & Water Company, Inc. ("Gas-Water"), a public utility subsidiary of Public Service Company of Indiana, Inc. and an indirect subsidiary of The Middle West Corporation, a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof with respect to transactions of which the following is a summary:

Gas-Water proposes to issue $990,000 aggregate principal amount of its first mortgage bonds, 3%, series due 1972, one half of said principal amount to be issued to each of two life insurance companies, viz., Aetna Life Insurance Company and New England Mutual Life Insurance Company. Said bonds are to be issued under and secured by a supplemental indenture under the indenture securing the company's outstanding 3⅛% first mortgage bonds. Gas-Water proposes to sell the said bonds for an aggregate principal amount of $998,712 plus accrued interest. The net proceeds, after deducting fees and expenses estimated at $19,414, which amount includes a finder's fee of $7,500, are proposed to be used to refund the note indebtedness of Gas-Water presently outstanding in the principal amount of $500,000, and for additions to the company's gas and water utility facilities.

Said application having been filed on December 4, 1946, and an amendment thereto having been filed on December 26, 1946, and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicant having requested that the Commission's order granting the application be issued at any early date and became effective forthwith in order to permit the consummation of the proposed transactions not later than January 24, 1947, and the Commission deeming it appropriate to grant such request; and

The Commission finding that the Public Service Commission of Indiana has expressly authorized the transactions hereinabove set forth and the Commission being satisfied on the basis of the record that the applicable requirements of the act, particularly section 6 (b) thereof, are met, and that it is appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted;

It is hereby ordered, Effective forthwith, pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-486; Filed, Jan. 17, 1947; 8:49 a. m.]

FEDERAL REGISTER

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Washington, Tuesday, January 21, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—REGULATIONS GOVERNING APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

HEARINGS

1. Section 22.9 (a) (5 CFR 1944 Supp., 10 F. R. 2170, 13769, 12 F. R. 207) is amended to read as follows:

§ 22.9 *Hearings*—(a) *Right to appear personally or by representative.* The appellant shall have the right to appear personally or through or accompanied by a designated representative in connection with his appeal and if an appellant has expressed the desire for such a personal appearance arrangements will be made for a hearing at a stage of the proceedings agreed upon between the appellant and the regional office or the office of the Chief Law Officer, as the case may be.

2. This amendment shall be effective upon publication in the FEDERAL REGISTER.

NOTE: This amendment is intended to facilitate the processing of appeals under this part. Because of the importance of the availability of these procedures to appeals that may be currently pending, the Commission finds that good cause exists for making this amendment effective as of the date of publication in the FEDERAL REGISTER.

(Sec. 14, 58 Stat. 390; 5 U. S. C. Sup. 863)

The United States Civil Service Commission.

[SEAL] H. B. MITCHELL, *President.*

[F. R. Doc. 47-574; Filed, Jan. 20, 1947; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 277—TOBACCO LOANS

SUBPART 1946

Section 277.7 *1946 Crop—fire-cured, types 22, 23 and 24, Tobacco Advance Schedule* published in 11 F. R. 13365 is supplemented as follows:

Grades marked with the special factor "OS" in addition to the regular grade symbols shall have an advance rate 10 percent below the advance rate for the regular grades without such special factor.

[SEAL] JESSE B. GILMER, *Acting President, Commodity Credit Corporation.*

[F. R. Doc. 47-544; Filed, Jan. 20, 1947; 8:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions and Procedure

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

SIGNAL CORPS

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, § 2.132 (h) (1), appearing at 11 F. R. 177A-787, is amended by deleting the first portion of subparagraph (1) and substituting the following:

§ 2.132 *The Signal Corps.* * * *

(h) *The Alaska Communication System.* * * *

(1) The Alaska Communication System provides point to point telephone and telegraph service between the United States and * * *

(31 Stat. 206; 48 U. S. C. 310)

[SEAL] EDWARD F. WITSELL, *Major General, The Adjutant General.*

[F. R. Doc. 47-567; Filed, Jan. 20, 1947; 8:51 a. m.]

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

REVOCATION OF CERTAIN LAND WITHDRAWALS FOR WAR DEPARTMENT USE

CROSS REFERENCE: For orders affecting the tabulation contained in § 501.1, see

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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[1] P. L. O. 342, 343.

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[2] P. L. O. 342.
[3] P. L. O. 341.
[4] P. L. O. 340.

Public Land Orders 340, 341, and 342, under Title 43, *infra*, which revoke certain withdrawals of public lands for use by the War Department.

Chapter IX—Transport

PART 903—TRANSPORTATION OF INDIVIDUALS

CHECKABLE PERSONAL BAGGAGE

Paragraph (d) of § 903.7 is rescinded and the following substituted in lieu thereof:

§ 903.7 *Checkable personal baggage.*

* * *

(d) *On transoceanic voyages*—(1) *Allowance by the carriers.* Under the terms and conditions set forth in the Joint Military Passenger Agreement (WD), Commercial Traffic Bulletin 6 (1946), the rail carriers and certain steamship lines in the continental United States, exclusive of Alaska, parties to that agreement, will, for the classes of persons indicated in subdivisions (i), (ii), (iii), and (iv) of this subparagraph, transport a free allowance of 350 pounds of personal baggage on an adult ticket and 175 pounds on a child's half-fare ticket (of all classes, except special coach tickets), which are purchased for cash or issued on War Department transportation requests, when such persons are traveling in the United States on such tickets to or from a port en route to or from the applicable oversea points indicated in subdivisions (i), (ii), (iii), (iv) of this subparagraph, as the case may be.

(i) *En route to or from trans-Pacific destinations via Atlantic, or Gulf ports (see subdivision (v) of this subparagraph), or via Pacific ports.* All military personnel; authorized dependents of military and civilian personnel for whom transportation is authorized by the War Department; civilian employees (including laborers) of the War Department; and employees of the American Red Cross when transported at the expense of the War Department.

(ii) *Ordered to or detached from duty at stations in Alaska when traveling to or from a Pacific port.* Commissioned officers and warrant officers.

(iii) *Ordered to or detached from duty at trans-Atlantic stations when traveling to or from an Atlantic port.* Commissioned officers and warrant officers.

(iv) *En route to or from all points outside the continental limits of the United States not included in subdivision (i) of this subparagraph, via Atlantic or Gulf ports (see subdivision (v) of this subparagraph), or to or from points in Alaska.* Authorized dependents of military and civilian personnel for whom transportation is authorized by the War Department.

(v) Under the terms of the abovementioned Joint Military Passenger Agreement the provisions of subdivisions (i) and (iv) of this subparagraph concerning the free allowance via Atlantic or Gulf ports will expire 6 months after the termination of the present war as officially proclaimed by the President or the Congress.

(2) *Method of obtaining the free allowance.* In order to obtain the weight allowance of baggage authorized in subparagraph (1) of this paragraph, outbound passengers will present to the baggage agent, at the time the baggage is offered for checking, a through ticket to the port of embarkation and a copy of travel orders issued by competent United States Government authority, under the authority of which the person is traveling, showing that the traveler is en route to the applicable points designated in subparagraphs (1) (i), (ii), (iii), or (iv) of this paragraph, as the case may be, by Government or commercial facilities beyond such port. Similarly, inbound passengers will present to the baggage agent, at the time the baggage is offered for checking, a through ticket from the port of entry to destination and a copy of travel orders issued by competent United States Government authority, under the authority of which the person is traveling, showing that the traveler has arrived by Government or commercial facilities en route from the applicable points designated in subparagraphs (1) (i), (ii), (iii), or (iv) of this paragraph, as the case may be.

(3) *Restrictions.* The foregoing provisions are subject to any restrictions of the War Department which may be currently applicable regarding personal property or equipment which may be taken to or from oversea points or Alaska.

[AR 55-120, 26 Apr. 1943 as amended by WD Cir. 375, 20 Dec. 1946] (R. S. 161, 41 Stat. 604; 5 U. S. C. 22, 10 U. S. C. 756, 756b)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-566; Filed, Jan. 20, 1947; 8:50 a. m.]

TITLE 13—BUSINESS CREDIT

Chapter I—Reconstruction Finance Corporation

APPENDIX—CHARTERS OF EMERGENCY COMPANIES

CHARTER OF WAR DAMAGE CORPORATION

Reconstruction Finance Corporation hereby certifies that pursuant to Paragraph "Tenth" of the Charter of War Damage Corporation (7 F. R. 2531), the Charter of War Damage Corporation was on January 15, 1947, further amended by changing Paragraph "Seventh" to read as follows:

SEVENTH: The Corporation shall not have succession beyond January 22, 1947, except for purposes of liquidation (including the adjustment and payment, not later than June 30, 1947, of claims duly presented under subsection (b) of section 5g of the Reconstruction Finance Corporation Act, as amended).

(48 Stat. 1108, 49 Stat. 4, 52 Stat. 212, 54 Stat. 573, 574, 961, 55 Stat. 249, 56 Stat. 174, 355; 15 U. S. C. and Sup. 606b)

RECONSTRUCTION FINANCE CORPORATION,
HENRY T. BODMAN,
Vice Chairman.

Attest: January 15, 1947.

A. T. HOBSON,
Secretary.

[F. R. Doc. 47-533; Filed, Jan. 20, 1947; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 385]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

FIRE PREVENTION IN AIR CARRIER AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 10th day of January 1947.

It appearing that: Amendments to §§ 41.20, 42.10 and 61.30 (11 F. R. 11353) of the Civil Air Regulations effective November 1, 1946, require extensive modification of the aircraft involved; the starting and completion dates specified in these amendments were established on the best information available when said amendments were promulgated; the time required to make the design changes and tests and the inability of the manufacturers to furnish the necessary parts and materials make it impossible for the carriers to accomplish the modifications required in compliance with the dates now specified; additional time should be granted to make such modifications, compliance with the procedures required by section 4 (a) of the Administrative Procedure Act is unnecessary.

Now, therefore: Effective January 10, 1947, §§ 41.20 (f) (2), 42.10 (b) and 61.30 (b) are amended by substituting "May 1, 1947," for "January 1, 1947," and substituting "May 1, 1948," for "January 1, 1948;" §§ 41.20 (f) (3), 42.10 (c) and 61.30 (c) are amended by substituting the date "May 1, 1947," for "January 1, 1947," and by substituting the date "May 1, 1948," for the date "September 1, 1947."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-565; Filed, Jan. 20, 1947; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 2—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NEW DRUGS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 701 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 ff, 21 U. S. C. 301 et seq.); the Reorganization Act of 1939 (53 Stat. 561, ff, 5 U. S. C. 133-133v); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); the regulation heretofore promulgated as § 2.109 (21 CFR, Cum. Supp., 2.109) under section 505 (a) of the act is amended to read as follows:

§ 2.109 *New drugs; exemption from section 505 of the act.* A new drug shall not be deemed to be subject to section 505 of the act if it is a drug which is licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682; 42 U. S. C. (Supp. V) 201 et seq.), or under the animal virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U. S. C. 151 et seq.). (Sec. 701 (a), 52 Stat. 1055, Sec. 12, Reorganization Plan No. IV, 54 Stat. 1237; 21 U. S. C. 371)

The foregoing amendment shall become effective upon its publication in the FEDERAL REGISTER.

Dated: January 16, 1947.

MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-581; Filed, Jan. 20, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 904—PROCUREMENT

[Directive 6, Revocation]

CONTRACT PROVISIONS FOR WEIGHT DETERMINATION

Section 904.5 *Directive 6* is revoked.

Issued this 20th day of January 1947.

W. J. KERLIN,
Director of Bureau of Priorities.

[F. R. Doc. 47-649; Filed, Jan. 20, 1947; 11:15 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 43, Revocation]

AUTHORIZATIONS UNDER VETERANS' HOUSING PROGRAM ORDER 1

Section 903.156 *Directive 43* is hereby revoked. This revocation does not affect any liabilities incurred for violation of rules, orders, regulations or other actions issued pursuant to the directive.

Issued this 20th day of January 1947.

W. J. KERLIN,
Director of Bureau of Priorities.

[F. R. Doc. 47-651; Filed, Jan. 20, 1947; 11:15 a. m.]

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directive 1, and Supplementary Directives 1-I, 1-J, 1-L, 1-Q, 1-U, and 1-V, Revocations]

DELEGATION OF AUTHORITY TO THE OFFICE OF PRICE ADMINISTRATION WITH RESPECT TO RATIONING

The following directives are revoked:

§ 903.1 *Directive 1.*
§ 903.10 *Supplementary Directive 1-I.*
§ 903.11 *Supplementary Directive 1-J.*
§ 903.14 *Supplementary Directive 1-L.*
§ 903.22 *Supplementary Directive 1-Q.*
§ 903.26 *Supplementary Directive 1-U.*
§ 903.41 *Supplementary Directive 1-V.*

However, the delegations of powers under such directives shall be treated as still remaining in force for the purpose of continuing in effect any requirements in orders or regulations of the Temporary Controls Administrator which relate to the preservation of records required to be made or kept before such revocations. In addition, such revocations shall not affect control over the disposition of ration evidences issued pursuant to such powers, and shall not have the effect of releasing or extinguishing any penalty or liability incurred for violation of any order, rule, or regulation issued as a result of the exercise of the rationing powers formerly conferred in such directives, and the delegations of powers under them shall be treated as still remaining in force for the purpose of allowing or sustaining any proper proceeding, action, or prosecution with respect to such penalty or liability.

Issued this 20th day of January 1947.

W. J. KERLIN,
Director of Bureau of Priorities.

[F. R. Doc. 47-648; Filed, Jan. 20, 1947; 11:15 a. m.]

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directive 7, Revocation]

DELEGATION OF ALLOCATION AUTHORITY OVER VEGETABLE OIL SEEDS TO COMMODITY CREDIT CORPORATION

Section 903.12 *Directive 7* is revoked. This revocation shall not have the effect of releasing or extinguishing any penalty or liability incurred for violation of any order, rule, or regulation issued as a result of the exercise of powers delegated under such directive, and the delegation of such powers shall be treated as still remaining in force for the purpose of allowing or sustaining any proper proceeding, action, or prosecution with respect to such penalty or liability.

Issued this 20th day of January 1947.

W. J. KERLIN,
Director of Bureau of Priorities.

[F. R. Doc. 47-650; Filed, Jan. 20, 1947; 11:15 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 33]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 2.3 (d) is amended to read as follows:

(d) *How application is made.* An industrial user's application for the increase allowed by this section must be made, in person or by mail, to the Sugar Branch Office with which he is registered. The first application for such increase must be made on OPA Form R-357 (Revised). No further application for such increase need be filed unless one or more areas to which an industrial user delivered products in 1941 are added to the areas listed in the supplement to this order. Each time one or more listed areas are added by an amendment, he must apply on OPA Form R-357 (Revised) for the increase in allotment to which he may be entitled because of the addition of such areas for the first period to which the amendment applies.

2. Section 2.3 (g) is amended by adding a parenthetical phrase to read as follows: (If during any period an industrial user ceases to make to any listed area for which he obtained an increase the deliveries required by this paragraph, he must report such fact to the Sugar Branch Office on his next application for an allotment and the amount of the increase he was granted for such delivery shall be considered excess inventory as provided in section 2.8 of this order.)

This amendment shall become effective January 25, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[1] 11 F. R. 116.

Rationale Accompanying Amendment No. 33 to Third Revised Ration Order 3

Present regulations. Present regulations require industrial users to file Form R-357 (Industrial User Application for Increased Allotment Based on Population Increases) for each allotment period in which the factor for that county has changed from the preceding allotment period, or when additional counties are added to the list of counties receiving increase factors.

Proposed amendment. This amendment eliminates the requirement of filing an R-357 Form when a change in factors takes place but continues the requirement of filing R-357 when a county or counties are added to the list as shown in section 4 of Supplement 1 to Third Revised Ration Order 3.

This amendment also specifically provides that if during any period an industrial user ceases to make deliveries to any county for which he was granted an increase he must report such fact to the Sugar Branch Office when he files his next application for an allotment.

Reason for change. Since the Office of Temporary Controls, Office of Price Administration, already has all necessary data with respect to the counties in which an increased factor was granted in the preceding period, the filing of this data when the factor is changed merely represents an unnecessary duplication of effort by the user and the Office of Temporary Controls. However, a report is needed when a county is added to the list, because the previous report from the user did not cover this county. Since an industrial user may use an increase granted under the provisions of section 2.3 only in products to be delivered by him to the area for which he received the increase, a user who ceases to make such deliveries must report such fact to the Sugar Branch Office.

[F. R. Doc. 47-658; Filed, Jan. 20, 1947; 11:40 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 34]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended to read as follows:

1. Section 24.2 (a) (2) is amended to read as follows:

(2) The sum of his sugar use in each corresponding calendar month in 1944 and 1945 is divided by two and the result is multiplied by 90 percent;

2. Section 24.2 (b) (3) is amended to read as follows:

(3) The base for each calendar month, if such month is after August, is computed by multiplying the sugar use for the corresponding calendar month in 1945 by 80 percent;

3. Section 24.2 (c) (1) is amended to read as follows:

(1) The base for each calendar month from September through December will be computed by multiplying the sugar use for the corresponding calendar month in 1945 by 80 percent;

This amendment shall become effective as of January 1, 1947.

Issued this 20th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 34 to Third Revised Ration Order 3

The purpose of using percentage factors in establishing maximum allowances under the provisions of Amendment 24 was in order to relate allowances of sugar for the manufacture of bulk sweetened condensed milk to a representative rationing period. That is, by the use of percentage factors in establishing maximum allowances, the annual use of sugar for the manufacture of bulk sweetened condensed milk will approximate the average use of sugar for such purpose during the years 1943, 1944 and 1945. However, at the time Amendment 24 was issued, estimated data were used in establishing the percentage factors. Reexamination of these percentage factors on the basis of actual rather than estimated figures indicate that the percentage factors for the year 1945 and for the years 1944 and 1945 must be revised. The revised percentage factors for the year 1945 and for the years 1944 and 1945 are incorporated in this amendment.

[F. R. Doc. 47-657; Filed, Jan. 20, 1947; 11:40 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts,[1] Corr. to Amdt. 98 (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS

Section 4 (k) in Amendment 98 to Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts is corrected to read "4 (r)".

Issued this 17th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-656; Filed, Jan. 20, 1947; 11:39 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 29—CLAIMS FOR RELIEF BY CONTRACTORS

FILING AND SETTLEMENT OF CLAIMS

Pursuant to the authority vested in the Secretary of the Navy by the act of

[1] 11 F. R. 177, 14281.

[1] 11 F. R. 13056.

August 7, 1946, Public Law 657, 79th Congress (hereinafter referred to as the "act"), and Executive Order No. 9786 dated October 5, 1946 (hereinafter referred to as the "Executive order"), the following regulations are prescribed to govern the filing, consideration, adjustment and settlement of claims for relief by contractors against the Department of the Navy under the provisions of the act and the Executive order.

§ 29.1 *Filing of claims.* (a) Where a claim shall be filed with the Navy Department under the provisions of the Executive order, it shall be filed with the bureau or activity under whose contracts and subcontracts the loss is claimed. When the claim is made with respect to contracts and subcontracts of more than one bureau or activity, the claim shall be filed with the bureau or activity under whose contracts and subcontracts the largest claim for loss is made.

(b) Since no claim shall be received or considered by any war agency unless properly filed in accordance with the provisions of the act and the Executive order on or before February 7, 1947, the date on which a claim or an amendment to a claim is filed with a bureau or office shall be immediately noted or stamped on the four copies of the claim.

(c) The bureau or activity receiving a claim filed under the provisions of the act and the Executive order shall immediately forward it to the Office of the General Counsel.

(d) Persons requesting information with respect to the requirements for the filing of claims under the provisions of the act shall be referred to the Executive order, and advised that claims will not be considered unless filed in strict accordance with the provisions of the Executive order. All questions of interpretation in respect to either the act or the Executive order shall be referred to the Office of the General Counsel.

§ 29.2 *Settlement of claims.* (a) Because of the importance of achieving uniformity in settlements under the provisions of the act and the Executive order, the claims shall be considered and settled by a central agency to be created within the Office of the Secretary. The organization, composition and procedures to be followed by such agency will be covered in a subsequent regulation.

(b) No investigation of a claim shall be made except in accordance with the instructions of the central agency referred to in paragraph (a) of this section.

(c) No settlements will be made under the provisions of the act and the Executive order prior to February 7, 1947, the last day for filing of claims and amendments thereto.

(Pub. Law 657, 79th Cong.; 60 Stat 902; E. O. 9786, Oct. 5, 1946, 11 F. R. 11553)

W. JOHN KENNEY,
Acting Secretary of the Navy.

[F. R. Doc. 47-535; Filed, Jan. 20, 1947; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

GUARANTY OR INSURANCE OF LOANS TO VETERANS

The following changes are made in the Regulations governing the guaranty and insurance of loans under Title III of the Servicemen's Readjustment Act of 1944, (Pub. Law 346, 78th Cong., as amended by Pub. Law 268, 79th Cong.) as amended:

1. Section 36.4325 (b) is amended to read as follows:

§ 36.4325 *Partial or total loss of guaranty or insurance.* • • •

(b) In taking security required by the act and the regulations in this part, a holder shall obtain the required lien on property the title to which is such as to be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally in the community in which the property is situated, and if any holder fails in this respect or fails to comply with the act and the regulations to this part with respect to:

(1) Obtaining and retaining a lien of the dignity required on all property reported as being encumbered to secure a loan,

(2) Inclusion of power to substitute trustees (§ 36.4327),

(3) The procurement and maintenance of insurance coverage (§ 36.4326),

(4) Advice to Administrator as to default (§ 36.4315),

(5) Notice of intention to begin action (§ 36.4317),

(6) Notice to the Administrator in any suit or action, or notice of sale (§ 36.4319),

(7) The release, conveyance, substitution or exchange of security, except as provided in the regulations in this part,

(8) Lack of legal capacity of a party to the transaction incident to which the guaranty or the insurance is granted (§ 36.4328),

(9) Failure of the lender to see that any escrowed or earmarked account is expended in accordance with the agreement,

no claim on the guaranty or insurance shall be paid on account of the loan with respect to which such failure occurred until the loss, if any, resulting from such failure is determined. The burden shall be upon the holder to establish that such loss or any part thereof is not attributable to such failure. If so established, the amount payable, if any, shall be calculated as though the amount of the loss attributable to such failure had been paid on the indebtedness. If after the payment of a guaranty or an insurance loss, or after a loan is transferred pursuant to § 36.4318 (a), the failure to comply with the regulations as provided in this paragraph is discovered and the Administrator claims that a loss resulted the transferor or person to whom such payment was made shall reimburse the Administrator except as to so much of the loss as such person or transferor establishes was not attributable to such failure.

2. Paragraph (b) of § 36.4339 *Qualification for designated appraisers* is revoked January 21, 1947.

3. Section 36.4350 (a) is amended to read as follows:

REAL ESTATE LOANS

§ 36.4350 *Eligibility for guaranty or insurance.* (a) No loan for the purchase of an interest in residential, farm, or business realty, or for the cost of any construction, repairs, alterations, or improvements thereon shall be eligible for a guaranty or insurance unless the veteran has or will become vested with an estate in the subject property not less than:

(1) A fee simple estate therein, legal or equitable; or

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien, or

(3) A life estate, *Provided*, That the remainder and reversionary interests are subjected to the lien.

(Sec. 504, 58 Stat. 293, Sec. 8, 59 Stat. 629; 38 U. S. C. Sup. 694d)

OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JANUARY 21, 1947.

[F. R. Doc. 47-514; Filed, Jan. 20, 1947; 8:51 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 03—PROCEDURES AND FORMS

NATIONAL INSTITUTE OF HEALTH

Pursuant to sections 3 and 12 of the Administrative Procedure Act (60 Stat. 237), the following statement is issued as an addition to the procedural statements heretofore issued under the above heading:

§ 03.309 *Relation to Food and Drug Administration; licensed products and products for investigational use only.* The Public Health Service is generally responsible to the Federal Security Administrator for the administration of the provisions of both the Public Health Service Act and of the Federal Food, Drug, and Cosmetic Act which are applicable to biological products. This responsibility extends to products licensed under the Public Health Service Act, which are deemed not subject to section 505 of the Federal Food, Drug, and Cosmetic Act, and to products intended solely for investigational use which are subject to the provisions of subsection (i) of section 505 of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder. By administrative arrangement, reports are made to the Service by the Food and Drug Administration whenever, in the course of the field operations of the Food and Drug Administration, conditions or products are encountered which there is reason to suspect may be substandard. In any emergency involving protection to the public against products which may be dangerous to life or health, proceedings may be invoked under the provisions of either act as may be agreed between the Public Health Service and the Food and Drug Administration or as the Administrator may direct. (Sec. 701 (a), 52 Stat. 1055, Sec. 12, Reorganization Plan No. IV, 54 Stat. 1237, Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 21 U. S. C. 371)

JAMES A. CRABTREE,
Acting Surgeon General.

Approved: January 16, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-582; Filed, Jan. 20, 1947; 8:48 a. m.]

PART 21—ARSPHENAMINE AND DERIVATIVES

CROSS REFERENCE: For supersedure of Part 21 by Part 22, see Part 22 of this title, *infra.*

PART 22—BIOLOGIC PRODUCTS

VIRUS, THERAPEUTIC SERUM, TOXIN, ANTITOXIN, OR ANALOGOUS PRODUCTS OR ARSPHENAMINE OR ITS DERIVATIVES (OR ANY OTHER TRIVALENT ORGANIC ARSENIC COMPOUND)

General statement. Notice of proposed rule making having been published (11 F. R. 8378) and consideration having been given to all relevant matter presented, the following regulations are prescribed (1) to establish standards designed to insure the continued safety, purity, and potency of biological products, applicable to the prevention, treatment, or cure of diseases or injuries of man, which are to be sold, bartered, or exchanged in the District of Columbia or in Interstate or foreign commerce, and (2) to prescribe procedures for the issuance, suspension, revocation, and reinstatement of licenses to establishments for the manufacture and preparation of such products for the uses indicated. The regulations are prescribed under section 351 of the Public Health Service Act of 1944 and supersede those prescribed under the Act of July 1, 1902 (32 Stat. 728) which had been continued in effect by section 602 of the Act of July 1, 1944 (58 Stat. 682) pending the issuance of regulations under the Public Health Service Act.

Part 21, Arsphenamine and Derivatives and Part 22 Viruses, Serums, Toxins and Analogous Products are hereby superseded and a new Part 22 is hereby issued.

DEFINITIONS

Sec.
22.1 Definitions.

LICENSES; PROCEDURE

22.2 Application.
22.3 Inspection of establishments and examination of products prior to licensing.
22.4 Form of license: domestic establishments.
22.5 Product licenses.
22.6 Changes to be reported.
22.7 Products under development.
22.8 Issuance, revocation or suspension.
22.9 Licenses heretofore issued.
22.10 Summary suspension.
22.11 Review Board.
22.12 Opportunity for hearing.
22.13 Suspension and revocation: publication.
22.14 Reissuance.

FOREIGN ESTABLISHMENTS AND PRODUCTS

22.20 Licenses required.
22.21 Procedure.
22.22 Form of license.
22.23 Smallpox vaccine; importation prohibited.
22.24 Samples to accompany each importation.

ESTABLISHMENT INSPECTION

22.30 Inspectors.
22.31 Time of inspection.
22.32 Duties of inspector.

ESTABLISHMENT STANDARDS

22.35 Responsible head.
22.36 Records, samples, cultures.
22.37 Physical establishment; construction, equipment and care.
22.38 Animals used in production.
22.39 Human blood donors.

STANDARDS FOR PRODUCTS: LABELS

22.50 Container labels.
22.51 Proper name on outside label.
22.52 Outside label; additional items.
22.53 Divided manufacturing responsibility to be shown.
22.54 Name of selling agent or distributor.
22.55 Products for export.

STANDARDS FOR PRODUCTS: GENERAL

22.70 Tests prior to release.
22.71 Tests: by whom made.
22.72 Ingredients, preservatives, diluents.
22.73 Total solids in serums.
22.74 Permissible combinations.
22.75 Container and closure.
22.76 Standard units or samples.
22.77 Standards of potency; particular products.
22.78 Dating period; date of manufacture.
22.79 Dating period; products in cold storage.

ADDITIONAL STANDARDS: TRIVALENT ORGANIC ARSENICALS

22.90 Tests prior to release.
22.91 Pre-testing by Institute; sample of each lot.
22.92 Expiration date.
22.93 Composition of product.
22.94 Container.
22.95 Final container label.
22.96 Outside label.

AUTHORITY: §§ 22.1 to 22.96, inclusive, issued under sec. 351, 58 Stat. 702; 42 U. S. C., Sup. 262. Statutes giving special authority are cited in parentheses, at the end of affected sections.

CROSS REFERENCE: Federal Security Agency regulations relating to drugs as defined in the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.). See Food and Drug Administration, Federal Security Agency, 21 CFR, Chap. I, Parts 2, 135, 141, 144, 145, 146. Exemption from section 505 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355) of new drugs licensed under the Public Health Service Act; see 21 CFR, Chap. I, 2.109. Drugs intended solely for investigational use, see 21 CFR, Chap. I, 2.114.

CROSS REFERENCE: Bureau of Customs regulations relating to viruses, serums and toxins: See Customs Duties, 19 CFR, Cum. Supp., 12.21–12.23.

CROSS REFERENCE: Post Office regulations relating to importation and transportation of viruses, serums, and antitoxins by mail: See Postal Service, 39 CFR 6.14, 21.54.

DEFINITIONS

§ 22.1 *Definitions.* As used in this part:

(a) "Act" means the Public Health Service Act (58 Stat. 682), approved July 1, 1944.

(b) "Administrator" means the Federal Security Administrator.

(c) "Surgeon General" means the Surgeon General of the United States Public Health Service.

(d) "Institute" means the National Institute of Health in the Public Health Service.

(e) "State" means a State or the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(f) "Possession" includes, among other possessions, Puerto Rico and the Virgin Islands.

(g) "Biologic product" means any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention, treatment or cure of diseases or injuries of man:

(1) A virus is a product containing the minute living cause of an infectious disease.

(2) A therapeutic serum is the product obtained from the blood of an animal by removing the clot or clot components and the blood cells and intended for administration by a route other than ingestion.

(3) A toxin is a product containing a soluble substance poisonous to laboratory animals or to man in doses of 1 milliliter or less (or equivalent in weight) of the product, and having the property, following the injection of non-fatal doses into an animal, of causing to be produced therein another soluble substance which specifically neutralizes the poisonous substance and which is demonstrable in the serum of the animal thus immunized.

(4) An antitoxin is a product containing the soluble substance in serum or other body fluid of an immunized animal which specifically neutralizes the toxin against which the animal is immune.

(5) A product is analogous:

(i) To a virus if prepared from or with a virus or agent actually or potentially infectious, without regard to the degree of virulence or toxicogenicity of the specific strain used.

(ii) To a therapeutic serum, if composed of whole blood or plasma or containing some organic constituent or product other than a hormone or an amino acid, derived from whole blood, plasma, or serum and intended for administration by a route other than ingestion.

(iii) To a toxin or antitoxin, if intended, irrespective of its source of origin, for the prevention, treatment, or cure of diseases or injuries of man through specific immunization.

(h) "Trivalent organic arsenicals" means arsphenamine and its derivatives (or any other trivalent organic arsenic compound) applicable to the prevention, treatment, or cure of diseases or injuries of man.

(i) "Products" includes biologic products and trivalent organic arsenicals. A product is deemed "applicable to the prevention, treatment or cure of diseases or injuries of man" irrespective of the mode of administration or application recommended, including use when intended, through administration or application to a person, as an aid in diagnosis or in evaluatng the degree of susceptibility or immunity possessed by a person; and including also any other use for purposes of diagnosis if the diagnostic substance so used is prepared from or with the aid of a biologic product.

(j) "Proper name", as applied to a product, means the name designated in the license for use upon each container of the product.

(k) "Dating period" means the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results.

(l) "Expiration date" means the date of termination of the dating period.

(m) The word "standards" means specifications and procedures applicable to an establishment or to the production, content, testing, labeling, or release of products prepared therein, which are prescribed in this part and which are designed to insure the continued safety, purity and potency of such products.

(n) The word "continued" as applied to the safety, purity and potency of products is interpreted to apply to the dating period

(o) The word "safety" is interpreted to apply to the relative freedom from harmful effect to the recipient when a product is prudently administered taking into consideration the character of the product in relation to the condition of the patient at the time.

(p) The word "purity" is interpreted to mean the degree of freedom from extraneous matter, whether harmful to the recipient, deleterious to the product or otherwise, in the finished product.

(q) The word "potency" is interpreted to mean the specific ability or capacity of the product, as indicated by appropriate laboratory tests or by adequately controlled clinical data obtained through the administration of the product in the manner intended, to effect a given result.

(r) "Manufacturer" includes any individual, trust or estate, association, partnership or corporation engaged in the manufacture of a product subject to license under the act.

(s) "Establishment" means that portion of the properties of any manufacturer which is given over to the manufacture of a product subject to license, including equipment and animals used, and the personnel engaged in such manufacture.

(t) "Selling agent" or "distributor" means any person engaged in the unrestricted distribution, other than by sale at retail, of products subject to license.

LICENSES; PROCEDURE

§ 22.2 *Applications.* To obtain a license for any establishment, biologic product or trivalent organic arsenical, the manufacturer shall make application to the Surgeon General on forms prescribed for such purpose, and in the case of an application for a product license shall submit samples of the product and specimens of the labels, enclosures, and containers proposed to be used for such product.

§ 22.3 *Inspection of establishments and examination of products prior to licensing.* Licenses shall be issued only after inspection of the establishment and examination of the product for which a product license is desired and upon a determination that the establishment and the product meet the standards prescribed in the regulations in this part. Additional product licenses shall be issued only upon examination of the product and a determination that the product meets the standards prescribed in the regulations in this part.

§ 22.4 *Form of license: domestic establishments.* The following form of license is prescribed for establishments located in any State or possession of the United States:

Establishment License No. --------

This is to certify that ----------
of ----------, through the establishment identified as ---------- located at ---------- is hereby licensed, pursuant to section 351 of the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), and regulations thereunder, to propagate or manufacture, and to prepare for sale in the District of Columbia, or for sending, bringing or carrying from any State or possession into any other State or possession or into any foreign country any virus, serum, toxin, antitoxin, or analogous product, or arsphenamine or its derivatives (or any other trivalent organic arsenic compound) for the propagation and manufacture of which the establishment holds an unsuspended and unrevoked license issued by the Federal Security Administrator pursuant to said act and regulations.

Federal Security Administrator.

Date ----------

§ 22.5 *Product licenses.* Each product license shall designate:

(a) The manufacturer.

(b) The establishment.

(c) The license number of the establishment.

(d) The proper name of the product, with additional specifications, if any, which may be approved or required for additional labeling purposes.

§ 22.6 *Changes to be reported.* Important changes in location, equipment, management and responsible personnel, or in production methods and labeling of any licensed product or of any product for which an application for a license is pending shall be immediately reported to the Institute by any establishment holding a license, and, unless in case of an emergency, not less than 30 days in advance of the time such changes are made; failure to make such report shall constitute a ground for summary suspension of a license pending reinspection of the establishment or re-examination of the product.

§ 22.7 *Products under development.* A biologic product or trivalent organic arsenical undergoing development, but not yet ready for a product license, may be shipped or otherwise delivered from one State or possession into another State or possession, for purposes of controlled investigation, only in accordance with regulations under section 505 (i) of the Federal Food, Drug, and Cosmetic Act, as amended.

§ 22.8 *Issuance, revocation or suspension.* A license shall be issued by the Administrator upon the recommendation of the Surgeon General and upon the finding by the Surgeon General that the establishment or the product, as the case may be, meets the standards established by the regulations in this part as herein prescribed or hereafter amended. Licenses shall be valid until suspended or revoked. An establishment or product license shall be revoked upon application of the manufacturer giving notice of intention to discontinue the manufacture of all products or of intention to discontinue the manufacture of a particular product for which a license is held. The Surgeon General shall recommend to the Administrator that a license be suspended or revoked whenever he finds, after notice and opportunity for hearing, that the establishment or the product for which the license has been issued fails to conform to the standards in the regulations in this part as herein prescribed or hereafter amended to insure the continued safety, purity and potency of the manufactured product. In case of suspension, if the faulty condition is not corrected within 60 days or within such other period as may be specified in the notice of suspension, he shall recommend that the license be revoked. Except as provided in § 22.10, prior to the institution of proceedings looking to the suspension or revocation of a license the licensee shall be advised in writing of the facts or conduct which may warrant such action and shall be accorded opportunity within a reasonable period prescribed by the Surgeon General to demonstrate or achieve compliance with the regulations in this part.

§ 22.9 *Licenses heretofore issued.* Any license heretofore issued and in effect upon the effective date of the regulations in this part shall remain in effect unless and until superseded by a new license, or suspended or revoked, pursuant to the regulations in this part.

§ 22.10 *Summary suspension.* Whenever the Surgeon General has reasonable ground to believe that an establishment or product for which a license has been issued fails to conform to the standards prescribed in the regulations in this part, and that by reason of such failure and of failure of the manufacturer to take prompt corrective measures on notice thereof, the distribution or sale of a licensed product would constitute a danger to health, or that the establishment and production methods have been so changed as to require in order to protect the public health a new showing that the establishment or product meets the standards prescribed in the regulations in this part, he may recommend to the Administrator that the license for the establishment or the product be summarily suspended and the manufacturer be required (a) to notify the selling agents and distributors to whom such product or products have been delivered of such suspension, (b) to furnish complete records of such deliveries and notice of suspension, and (c) to show cause within 60 days or such other period as may be specified in the order why the license should not be revoked.

§ 22.11 *Review Board.* When deemed advisable by the Surgeon General, in matters involving the safety, purity and potency of licensed products or products for which an application for license is pending, the reports of inspection and laboratory examinations, together with any pertinent data the establishment may submit, shall be passed upon by a special board of three officers appointed by the Surgeon General for that purpose. The board shall report its findings to the Surgeon General who will forward its report, together with his findings and recommendations, to the Administrator.

§ 22.12 *Opportunity for hearing.* Any manufacturer whose application for a license has been denied, or whose establishment or product license has been summarily suspended, without prior opportunity for hearing, may appeal from such denial or suspension and shall be entitled to a hearing thereon before a review body constituted as provided in § 22.11. The Surgeon General, upon review of the record, may affirm, reverse, or modify the findings of the review board, or may direct the taking of further testimony, and shall forward his determinations and recommendations to the Administrator.

§ 22.13 *Suspension and revocation: publication.* Notice of suspension or revocation of license, with statement of cause therefor, may be published by the Administrator.

§ 22.14 *Reissuance.* An establishment license, previously revoked or suspended may be reissued or reinstated upon inspection of the establishment, or upon examination of the product showing that the reasons for revocation or suspension have been corrected, except that in case of a product license revoked upon application or because of failure to meet changes in standards prescribed by amendment to the regulations in this part after the issuance of such license, only such inspection and examination as may be considered advisable by the Institute shall be required.

FOREIGN ESTABLISHMENTS AND PRODUCTS

§ 22.20 *Licenses required; products for controlled investigation only.* Any biologic or trivalent organic arsenical propagated or manufactured and prepared in any foreign country and intended for sale, barter or exchange shall be refused entry by collectors of customs unless produced in an establishment holding an unsuspended and unrevoked establishment license and license for the product. Unlicensed products intended solely for purposes of controlled investigation are admissible only if in accord with applicable regulations under section 505 (i) of the Federal Food, Drug, and Cosmetic Act, as amended.

§ 22.21 *Procedure.* Except as otherwise provided in this part, licenses for foreign establishments and products shall be issued, suspended or revoked in the same manner as licenses for domestic establishments and products. Each foreign establishment holding a license and consigning any licensed biologic product or trivalent organic arsenical into any State or possession shall be required to file with the Surgeon General the name and address of any representative or representatives authorized by the establishment to distribute the product, and such representative or representatives shall keep such records of such distribution as are required of domestic licensed establishments, and failure to maintain such records shall constitute ground for revocation of license.

§ 22.22 *Form of license.* Licenses for establishments located in foreign countries shall be in form similar to that for domestic establishments except that they shall authorize preparation for sending, carrying, or bringing for sale, barter or exchange from the foreign country designated in the license into any State or possession of the United States and shall specify that it is issued upon the condition that the licensee will permit the inspection during all reasonable hours of the establishment by any officer, agent, or employee of the Federal Security Agency authorized by the Federal Security Administrator for such purpose.

§ 22.23 *Smallpox vaccine; importation prohibited.* The importation of smallpox vaccine into any State or possession from any foreign country is prohibited except that smallpox vaccine may be sent from any foreign country, in containers indicating plainly the limited purpose intended, to the Institute for test or research purposes or for vaccine production. (Sec. 361, 58 Stat. 702; 42 U. S. C., Sup. 262)

§ 22.24 *Samples to accompany each importation.* Each foreign importation of a biologic product or trivalent organic arsenical from a licensed establishment, whether or not intended for investigational use only, shall be accompanied by at least two final containers of each lot of any biologic product and by at least 15 final containers of each lot of any trivalent organic arsenical contained in the shipment. Such samples shall be forwarded by the collector of customs at the port of entry to the Institute for examination. If separate samples are not found accompanying the shipment, samples shall be obtained from the shipment by the collector of customs and forwarded to the Institute. (Sec. 801, 52 Stat. 1058; 21 U. S. C. 381)

ESTABLISHMENT INSPECTION

§ 22.30 *Inspectors.* Inspections shall be made by an officer of the Public Health Service having special knowledge of the methods used in the production and control of biologic products and designated for such purpose by the Surgeon General or by any officer, agent, or employee of the Federal Security Agency specifically designated for such purpose by the Administrator.

§ 22.31 *Time of inspection.* The inspection of an establishment for which a license is pending need not be made until the establishment is in operation and is manufacturing the complete product for which a product license is desired. In case the license is denied following inspection for the original license, no reinspection need be made until assurance has been received that the faulty conditions which were the basis of the denial have been corrected. An inspection of each licensed establishment shall be made at least once each year. Inspections may be made with or without notice, and shall be made during regular business hours unless otherwise directed.

22.32 *Duties of inspector.* The inspector shall:

(a) Call upon the active head of the establishment, stating the object of his visit,

(b) Interrogate the proprietor or other personnel of the establishment as he may deem necessary,

(c) Examine the details of location, construction, equipment and maintenance, including stables, barns, warehouses, production laboratories, bleeding clinics maintained for the collection of human blood, shipping rooms, record rooms, and any other structure or appliance used in any part of the propagation, manufacture, and preparation of a product,

(d) Investigate as fully as he deems necessary the methods of propagation, processing, testing, storing, dispensing, recording, or other details of manufacture and distribution of each licensed product, or product for which a license has been requested, including observation of these processes in actual operation,

(e) Obtain and cause to be sent to the Institute adequate samples for the examination of any product or ingredient used in its preparation,

(f) Bring to the attention of the manufacturer any fault observed in the course of inspection in location, construction, production methods, or administration of a licensed establishment which might lead to impairment of a product,

(g) Inspect and copy, as circumstances may require, any records required to be kept pursuant to § 23.36.

(h) Certify as to the condition of the establishment and of the production methods followed and make recommendations as to action deemed appropriate with respect to any application for license or any license previously issued.

ESTABLISHMENT STANDARDS

§ 22.35 *Responsible head.* A responsible person shall be in permanent and full control of the establishment in all matters relating to the manufacture of products. A responsible person is one who has been trained in the manufacturing techniques employed and the fundamental scientific facts upon which the manufacture of products rests, who is capable of enforcing discipline among

the employees under his supervision, and to whom sufficient authority has been delegated for such purpose.

§ 22.36 *Records, samples, cultures*—(a) *Production and distribution records.* Records shall be kept, with dates, of the various steps in the manufacture, testing, disposition, and distribution of each lot, so that at any time these steps as regards any lot number may be traced by an inspector. The records shall be retained, for such interval beyond the expiration date as is considered necessary for the individual product to permit the return of any clinical report of unfavorable reactions. This interval will vary with the type of product and its geographic distribution. A minimum of 6 months after the expiration date with 5 years as the extreme interval under all circumstances is considered adequate. Records of distribution of each lot shall in any event be kept as long as the lot remains the property of the licensed manufacturer.

(b) *Records of recall.* Complete records shall be maintained pertaining to the recall from distribution of any product upon notification from the Institute of failure to conform with the standards prescribed in the regulations in this part, deterioration of the product or any other factor by reason of which the distribution of the product would constitute a danger to health.

(c) *Sterilization records.* Records including the date, duration, and temperature of each sterilization shall be made by means of automatic registering devices or under a system of recording which gives reasonable assurance of the accuracy and reliability of the record.

(d) *Animal necropsy records.* A necropsy record shall be kept on each animal from which a biologic product has been obtained and which dies or is killed because of disease while employed in production of a product.

(e) *Retention of reference samples.* Reference samples from each lot shall be retained by the manufacturer until the entire lot has become outdated and for 6 months thereafter. Exceptions may be authorized by the Institute when the lot yields relatively few final containers and when such lots are prepared by the same method in large numbers and in close succession.

(f) *Cultures.* Cultures and other materials while used in the production of licensed products shall be labeled and preserved in a safe and orderly manner.

(g) *Records in case of divided manufacturing responsibility.* If two or more establishments participate in the manufacture of a product, the records of both establishments must show plainly the degree of responsibility of each in the manufacturing process.

§ 22.37 *Physical establishment; construction, equipment and care*—(a) *Work with spore-bearing organisms.* All work with spore-bearing micro-organisms shall be carried out in (1) an entirely separate building with its own entrance, or (2) a portion of a building used for the manufacture of other products constructed in such a manner as to be completely walled-off so that admission to the special unit may be gained only through an entrance independent of the remainder of the building. All containers used shall be permanently marked so as to avoid the possibility of contamination of products.

(b) *Work of a diagnostic nature.* Laboratory procedures of a clinical diagnostic nature involving possibly contaminated materials shall be in space set apart from that used for the production of licensed products, except that production space which is used only occasionally may be used for diagnostic work provided spore-bearing pathogenic micro-organisms are not involved and provided the space is thoroughly cleaned before production is resumed.

(c) *Laboratory and bleeding rooms.* Laboratory rooms for the production of licensed products, including the bleeding rooms and other places where cleanliness is essential, shall be efficiently screened and kept free of flies and other insects or vermin. Building construction shall be such as to insure freedom from dust, smoke and deleterious or obnoxious odors in the laboratory and bleeding rooms and such as to permit thorough cleaning and, when necessary, chemical disinfection of bleeding rooms and rooms for smallpox vaccine animals.

(d) *Stables.* Stables shall be well lighted and well ventilated, and the floors shall be so constructed and cared for as to insure cleanliness.

(e) *Sterilization.* Sterilization equipment and methods used shall be such as to insure the complete destruction of contaminating, living organisms, including living spores. The containers, filling apparatus, and other pieces of apparatus or materials which may come in contact with biologic products during manufacture shall be scrupulously clean. Such equipment shall be absolutely sterile unless the product is protected by subsequent sterilizing treatment.

(f) *Containers used in production.* All containers used in preparation of biologic products shall be of such construction as will readily permit inspection for cleanliness.

(g) *Hot water available.* Hot water shall be provided in bleeding rooms and stables for smallpox vaccine animals.

(h) *Disposal of manure.* No manure shall be so stored as to permit the breeding of flies on the premises nor shall the establishment be located in close proximity to off-property manure storage capable of engendering fly breeding.

(i) *Isolation of hog cholera production.* All personnel, animals and equipment used in the production of hog cholera serum shall be kept entirely separate from personnel, animals, and materials used in the production of biologic products for human use.

§ 22.38 *Animals used in production*—(a) *Quarantine and care.* Animals used in production of biologic products shall be kept under competent daily inspection and preliminary quarantine for a period of at least 7 days before use. Only healthy animals free from communicable disease shall be used for production purposes and at all times shall be adequately housed, fed, and humanely treated. Particular care shall be taken during the quarantine period to eliminate those animals of the equine genus which may be infected with glanders, and those of the bovine genus which may be infected with tuberculosis.

(b) *Immunization against tetanus.* All horses used in the production of biologic products, except those which are under active immunization for the production of tetanus antitoxin, shall receive injections of tetanus toxoid in such amounts and at such intervals as experience has shown adequate to insure immunity to tetanus.

(c) *Disposal of used animals.* No animal used for production or testing of products shall be removed from the premises while it is capable of transmitting disease. An animal which is unsuitable because of its physical condition for the production or testing of a product shall not be removed from the premises alive except for the purpose of being utilized for animal by-products. No animal shall be allowed to continue to live unnecessarily when to do so would be an inhumane act.

(d) *Reporting of certain diseases required.* In case of actual or suspected infection with foot and mouth disease, glanders, tetanus, anthrax, gas gangrene, equine infectious anemia, or equine encephalomyelitis among animals intended for use or used for the production of biologic products, the manufacturer shall immediately notify the Institute.

(e) *Smallpox vaccine production animals.* Animals used for propagation of smallpox vaccine shall be thoroughly cleaned with soap and water at the beginning of the quarantine and at its conclusion. No area of the animal shall be vaccinated which is liable to be contaminated by feces.

(f) *Treatment of vaccinated animals.* Preliminary to taking smallpox vaccine material from vaccinated animals, such animals shall be killed or rendered insensible to pain.

(g) *Restriction on attendants.* Personnel while caring for smallpox vaccine animals shall be excluded from horse stables and paddocks and from contact with horses.

§ 22.39 *Human blood donors.* Only those persons may serve as a source of the whole blood for use in preparing a licensed product whose physical condition is such that the withdrawal of the desired amount of blood will not endanger their health and who are certified by a qualified doctor of medicine as being free of disease transmissible by blood transfusion as far as can be determined from the donor's personal history, from physical examination and such clinical tests as appear necessary for each donor on the day upon which the blood is withdrawn from the donor, except that this requirement may be modified by the Institute if the licensed product is processed by a method which insures the destruction or complete removal of the causative agent of such disease.

STANDARDS FOR PRODUCTS: LABELS

§ 22.50 *Container labels.* The following items shall appear on the label affixed to each container of a product capable of bearing a full label:

(a) The proper name of the product;

(b) Name, address, and license number of manufacturer;

(c) Lot number;

(d) The expiration date.

If the final container is capable of bearing only a partial label, the final container shall show as a minimum the name (expressed either as the proper or common name), the lot number, and the name of the manufacturer and, if the final container is incapable of bearing any label, the items shall appear only on the outside label.

If the final container is a multiple dose container, the container label must indicate the recommended dose. When the label has been affixed to the container a sufficient area of the container must remain uncovered for its full length or circumference to permit inspection of the contents.

§ 22.51 *Proper name on outside label.* The proper name in the form designated in the product license for such purpose must appear upon the outside label in legible type and shall be given precedence in position and prominence over any trade-mark or trade name used:

(a) The "outside label" is the label of the carton enclosing one or more final containers, except that if no such carton is used the label of the individual final container is regarded as the outside label.

(b) "Legible type" includes only type of a size and character which can be read with ease when held in a good light and with normal vision.

(c) "Precedence in position" of the proper name will have been observed if it is placed above any trade-mark or trade name and provided it is symmetrically arranged with respect to other printing on the label.

(d) "Precedence in prominence" of the proper name will have been observed if the style of type is of the same or greater point size and of equal face, or heavier, than that used in printing the trade-mark or trade name, and if the contrast in color value between the proper name and the background is not less than that between the trade-mark or trade name and the background.

§ 22.52 *Outside label; additional items.* The label affixed to the outside carton shall include, in addition to the proper name and the items required on the label of the final container, the following:

(a) The preservative used and its concentration,

(b) The volume of the contents, if a liquid, or the weight, if a solid, and the potency or dosage if more than one strength is dispensed,

(c) The recommended storage temperature,

(d) The words "Shake Well," or equivalent, when indicated by the character of the product,

(e) The dose and route of administration recommended or reference to such directions in an enclosed circular,

(f) The source of the product when a factor in safe administration,

(g) Minimum potency of product expressed in terms of official standard of potency or, if potency is a factor and no standard of potency has been prescribed, the words "No U. S. standard of potency."

§ 22.53 *Divided manufacturing responsibility to be shown.* If two or more establishments participate in the manufacturing process, the name, address, and license number of each must appear on the label of the final container, if capable of bearing a full label, and on the outside label.

§ 22.54 *Name of selling agent or distributor.* The name and address of the selling agent or distributor of a product may appear on the label under the designation of "selling agent" or "distributor" provided that the name and address of the manufacturer is given precedence in prominence.

§ 22.55 *Products for export.* Labels on packages or containers of products for export may be adapted to meet specific requirements of the regulations of the country to which the product is to be exported provided that in all such cases the minimum label requirements prescribed in § 22.50 are observed.

STANDARDS FOR PRODUCTS: GENERAL

§ 22.70 *Tests prior to release.*—(a) *Required for each lot.* No lot of any licensed product shall be released by the manufacturer prior to the completion of tests for conformity with the standards applicable to such product.

(b) *Potency.* Tests for potency shall be made on each lot only after completion of those processes of manufacture which may affect the potency of the final product.

(c) *Identity and safety.* The contents of a final container of each filling of each lot shall be tested for identity, if such a test is available, and for safety either after the labels have been affixed to the final container or affixed, both outside and inside, to the multiple container storage receptacle just prior to its sealing for storage purposes, except that exceptions to this procedure may be authorized by the Institute to apply when the volume of the final container is very large and when more than one lot is processed each day.

(d) *Sterility.* Samples from final containers selected at random after each filling from each lot of products shall be tested for sterility.

§ 22.71 *Tests: by whom made.* Tests for safety, purity and potency applicable to the product shall be completed for each lot of any licensed product prior to its release by the manufacturer, and samples of any lot of any licensed product may at any time be required to be sent to the Institute for examination.

§ 22.72 *Ingredients, preservatives, diluents.* All ingredients used in a licensed product, and any diluent provided as an aid in the administration of the product shall meet generally accepted standards of purity and quality. Any preservative used shall be sufficiently non-toxic so that the amount present in the recommended dose of the product will not be toxic to the recipient, and in the combination used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 22.73 *Total solids in serums.* Except as otherwise provided by regulation, no liquid serum or antitoxin shall contain more than 20 percent total solids.

§ 22.74 *Permissible combinations.* Licensed products may not be combined with other licensed products, either therapeutic, prophylactic or diagnostic, except as a license is obtained for the combined product. Licensed products may not be combined with nonlicensable therapeutic, prophylactic, or diagnostic substances except as a license is obtained for such combination.

§ 22.75 *Container and closure.* Glass used in the container of a licensed product intended for administration by injection shall be colorless and fully transparent. The quality of the glass and of the closure used shall be such as will not hasten the deterioration of the licensed product or render it less suitable for the use intended within the dating period.

§ 22.76 *Standard units or samples.* Standard units or samples for comparison made available by the Institute shall be applied in testing for potency all forms of diphtheria antitoxin, tetanus antitoxin, botulism antitoxin Type A, botulism antitoxin Type B, perfringens antitoxin, scarlet fever streptococcus antitoxin, vibrion septique antitoxin, antipneumococcic serum (Types I, II, V, VII, and VIII), dysentery antitoxin (Shiga), staphylococcus antitoxin, histolyticus antitoxin, oedematiens antitoxin, and sordelli antitoxin and other products for which such units are available.

§ 22.77 *Standards of potency; particular products.* Diphtheria antitoxin shall have a potency of not less than 500 units per milliliter. Tetanus antitoxin shall have a potency of not less than 400 units per milliliter. Scarlet fever streptococcus antitoxin shall have a potency of not less than 400 units per milliliter. Antitoxins dispensed in the dried state shall represent liquid antitoxins of not less than these potencies.

§ 22.78 *Dating period; date of manufacture.* The dating period shall be determined with reference to the date of manufacture which shall be:

(a) For products for which an official standard of potency exists or which are subject to official potency tests, the last date of satisfactorily passing a potency test;

(b) For products for which no official standard of potency exists or which are not subject to official potency tests,

(1) The date of removal from the animal in case of animal products;

(2) The date of extraction in the case of products used for specific desensitization;

(3) The date of solution in case of venoms, and

(4) The date of cessation of growth in case of other products;

(c) For products which are submitted to the Institute for approval prior to release, the date of official release notice.

§ 22.79 *Dating period; products in cold storage.* The dating period may be determined with reference to the period of issue from cold storage, *Provided*, That, except as may be otherwise pre-

scribed for individual products, the date of such issue is not more than six months after the date of manufacture and the product is kept constantly at a temperature not exceeding 10° C., or not more than 1 year after the date of manufacture if the product is kept constantly at a temperature not exceeding 5° C., or not more than 2 years if the product is kept constantly at a temperature not exceeding 0° C.

ADDITIONAL STANDARDS: TRIVALENT ORGANIC ARSENICALS

§ 22.90 *Tests prior to release.* Tests required to be made, prior to the release of each lot of a licensed product, shall be supplemented in the case of the trivalent organic arsenicals by tests for:

(a) Stability,
(b) Solubility,
(c) Arsenic content,
(d) Moisture,
(e) Relative non-toxicity.

§ 22.91 *Pre-testing by Institute; samples of each lot.* Prior to the release of any lot of the product, the manufacturer shall forward to the Institute no less than 15 ampoules of the largest single-dose size in such lot, together with protocols showing the results of each test required prior to release.

§ 22.92 *Expiration date.* Notification from the Institute that lot samples forwarded in accordance with § 22.91 have satisfactorily passed prescribed tests shall indicate a date which may be taken as the date of manufacture for the purpose of fixing the expiration date. The date of issue shall be the same as the date of manufacture.

§ 22.93 *Composition of product.* Solutions or solutions of mixtures in the concentrations recommended for clinical administration shall be of such hydrogen ion value and tonicity as to be physiologically compatible with human blood.

§ 22.94 *Container.* The product shall be hermetically sealed under vacuum or under a dry non-oxidizing gas in ampoules prepared from glass of the quality prescribed in § 22.75.

§ 22.95 *Final container label.* In addition to the labeling requirements stated in § 22.50 the final container label of the trivalent organic arsenicals shall bear the statements required in § 22.96 (b) and (c) and an additional statement giving the amount of the drug contained in the ampoule.

§ 22.96 *Outside label.* The outside label, in addition to the complete proper name and all other items required for products generally shall show conspicuously: (a) If the product is dispensed as a mixture or solution, the name of all admixed substances,

(b) If the ampoule is a multiple dose container, the fact that it is a multiple dose container,

(c) Specific method of preparation, if any, required prior to administration, as, for example, alkalinization.

Effective date; prior regulations superseded. The regulations in this part shall be effective with respect to all products, as herein defined, thirty days after their publication in the FEDERAL REGISTER, and as of such date shall supersede all regulations, not heretofore revoked, issued under the authority of the act of July 1, 1902 (32 Stat. 728); the regulations contained in §§ 21.1 to 21.9, inclusive, and §§ 22.1 to 22.114, inclusive, Title 42, Code of Federal Regulations, Cum. Supp., are hereby repealed as of such date.

Issuing authority. Regulations contained in §§ 22.35–22.39, 22.50–22.55, 22.70–22.79, and 22.90–22.96, prescribing standards designed to insure the continued safety, purity, and potency of products, issued jointly by the Surgeon General of the Public Health Service, the Surgeon General of the Army, and the Surgeon General of the Navy, with the approval of the Federal Security Administrator; regulations contained in §§ 22.1–22.14, 22.20–22.24, 22.30–22.32, issued by the Surgeon General of the Public Health Service, with the approval of the Federal Security Administrator.

[SEAL] N. T. KIRK,
Surgeon General of the Army.
C. A. SWANSON,
Surgeon General of the Navy.
JAMES A. CRABTREE,
Surgeon General of the Public Health Service.

Approved: January 16, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47–573; Filed, Jan. 20, 1947; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

MONTANA, ARIZONA, NEVADA AND WYOMING

CROSS REFERENCE: For orders affecting the tabulation contained in § 162.1, see Public Land Order 341 under this title revoking the withdrawal of certain lands in Montana Grazing District No. 1 for War Department use, and F. R. Doc. 47–537 under Department of the Interior, Bureau of Land Management, in the Notices section, providing for the opening of public lands in Arizona Grazing District No. 3; and F. R. Docs. 47–552 and 47–553 under Department of the Interior, Bureau of Reclamation, in the Notices section, withdrawing certain lands in Nevada Grazing Districts Nos. 2 and 3 and Wyoming Grazing District No. 1.

[Circular 1633]

PART 193—COAL PERMITS, LEASES AND LICENSES

COAL PROSPECTING PERMITS

1. Section 193.26 is revoked and §§ 193.22, 193.23 and 193.25 are amended to read as follows:

§ 193.22 *Form of permit.* Coal permits will be issued on form 4–694.

Form 4–694

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

District Land Office_____
Serial No._____

COAL PROSPECTING PERMIT

Know all men by these presents, That the Director, Bureau of Land Management, under and by virtue of the act of Congress entitled, "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437, 30 U. S. C. sec. 181), has granted and does hereby grant a permit to_____
_____
of the exclusive right for a period of two years from the date hereof to prospect for coal on the following described lands_____
_____
_____
_____
but for no other purpose, under the provisions of said act and upon the following express conditions, to-wit _____
_____

1. To begin prospecting work within 90 days from date hereof and to diligently prosecute the same during the period of such permit in accordance with the following plan:

2. To remove from said premises only such coal or other material as may be necessary to prospecting work, and to keep a record of all coal mined and disposed of, payment of royalty thereon of 25 cents per ton of 2,000 pounds to be made to the Manager of the district land office not later than during the calendar month succeeding that during which such coal was disposed of.

3. To afford all facilities for inspection of the prospecting work on behalf of the Secretary of the Interior, and to make a report on demand of all matters pertaining to the character, progress, and results of such work.

4. To observe such conditions as to the use and occupancy of the surface of the lands as provided by law, in case any of said lands shall have been or may be entered or patented with a reservation of the coal deposits to the United States.

5. To abide by and conform to any and all reasonable regulations of the Secretary of the Interior now or hereafter in force, all of which regulations are made a part and condition of this permit: *Provided,* That such regulations are not inconsistent with any express and specific provisions hereof.

6. That the permittee shall not assign this permit or any interest therein, whether by direct assignment, operating agreement, working or royalty interest, or otherwise, except with the consent in writing of the Director, Bureau of Land Management. All such assignments must be submitted, in triplicate, within 90 days from date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the true consideration is not stated in the instrument, an accompanying affidavit must be submitted stating the consideration in full.

7. To conduct operations under this permit in such a way as not to interfere with the administration and use of the lands to a greater extent than may be determined by the Secretary of the Interior to be necessary for the most beneficial use of the lands in case any of the lands described herein are embraced in a forest, reclamation, power, or other withdrawal or is segregated for any particular purpose.

8. That the permittee shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and shall require an identical provision to be included in all subcontracts.

9. That there is reserved to the United States (1) pursuant to the provisions of the Act of August 1, 1946 (60 Stat. 755), all uranium, thorium, or any other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the lands and prospect for, mine, and remove the same; (2) the right to permit for joint or several use such easements or rights of way upon, through, or in the lands embraced herein as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in the act of February 25, 1920, *supra,* and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes; (3) the right to lease, sell, or otherwise dispose of the surface of said lands under existing law or laws hereafter enacted in so far as said surface is not necessary for the use of the permittee in prospecting hereunder, and (4) the right and authority to cancel this instrument for failure of the permittee to comply with any of the conditions hereof, after 30 days' notice of the reasons for such cancellation.

The granting of this permit will not preclude the issuance of other permits or leases of the same lands for the mining of other minerals with suitable stipulations as to joint operation, in order that the full development of the mineral resources may be obtained.

Valid existing rights acquired prior hereto on the lands described herein will not be adversely affected hereby.

An application for extension of this permit should be filed only within the period beginning 90 days prior to the date to which the permit is limited and ending 30 days after that date. An application for a preference right lease should be filed promptly after discovery of coal within the permit area in commercial quantities, but in no event later than 30 days after the period for which the permit is limited; a showing as to such discovery, however, must be made prior to the expiration of the period to which the permit is limited.

Dated:_____

_____
Director, Bureau of Land Management.

§ 193.23 *Reward for discovery.* A permittee who shows that the land included in his permit contains coal in commercial quantities, is entitled to a lease for all or part of the permit lands, the area to be taken in compact form, upon due application and publication of notice thereof. Such showing shall be made within the period of his permit; and the application for lease should be filed in the district land office having jurisdiction over the lands involved promptly after discovery, but in no event later than 30 days after the period for which the permit is limited. If the lands are in a State in which there is no district land office, the application should be filed in the Bureau of Land Management. It should describe the lands desired and set forth fully and in detail the extent and mode of occurrence of the coal deposits as disclosed by the prospecting work performed under the permit. Such leases will be granted without competitive bidding, at such rental and royalty rates as may be fixed by the Secretary of the Interior.

§ 193.25 *Extension of permits.* By the act approved March 9, 1925 (45 Stat. 251, 30 U. S. C. 201a, 201b), the Secretary of the Interior may extend any coal prospecting permit issued under section 2 of the act of February 25, 1920 (41 Stat. 438, 30 U. S. C. 201) for a period of 2 years.

A permit may be extended if the permittee has been unable with the exercise of reasonable diligence to determine the existence or workability of the coal deposits, or for other reasons which may warrant an extension. An application for extension may be filed only within the period beginning 90 days prior to the date to which the permit is limited and ending 30 days after that date. The application should be filed in the district land office having jurisdiction over the lands involved. If the lands are in a State in which there is no district land office, the application should be filed in the Bureau of Land Management. It should show what efforts, if any, the permittee has made to comply with the terms of his permit and the reasons for failure fully to comply therewith, such showing to be corroborated, if possible, by an affidavit of at least one disinterested person having actual knowledge of the facts. The application should also show how much additional time is considered necessary to complete prospecting work. Extension will be limited to such period, not exceeding the 2 years authorized, as may be determined to be allowable under the circumstances in each particular case. Upon failure to file application within the specified period, the permit will be canceled.

As the permit bond is limited to the period for which the permit was granted, the permittee must file with an application for extension a properly executed assent by the surety or sureties on the bond to the extension of the bond to cover the life of the permit, if extended, or file a new bond.

Until the cancellation or termination of a coal permit is noted on the records of the district land office or on the records of the Bureau of Land Management if the lands involved are in a State in which there is no district land office, no other person will be permitted to gain any right to the same class of deposits by the filing of an application therefor.

2. Section 193.26 *Expiration of coal prospecting permits* is revoked.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

FRED W. JOHNSON,
Acting Director.

APPROVED: JANUARY 14, 1947.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47–542; Filed, Jan. 20, 1947; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 340]

NEW MEXICO

REVOKING IN PART PUBLIC LAND ORDER 186 OF OCTOBER 11, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS AN AUXILIARY LANDING FIELD AND AS PRACTICE BOMBING RANGES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 186 of October 11, 1943, withdrawing public lands for the use of the War Department as an auxiliary landing field and as practice bombing ranges, is hereby revoked so far as it affects the hereinafter-described public lands.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 186 shall cease upon the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on March 17, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 17, 1947 to June 16, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 25, 1947 to March 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 17, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 17, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 28, 1947 to June 17, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval

their publication in the FEDERAL REGISTER, as herein defined, to the extent that they are applicable.

permits will be issued on form 4-694.

States (1) pursuant to the provisions of the

service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 24 E., sec. 4.
T. 24 S., R. 27 E., sec. 24, NE¼.
T. 20 S., R. 29 E., sec. 21.
T. 25 S., R. 30 E., sec. 18.

The areas described aggregate 2,081.82 acres.

These public lands are located in the central and southerly part of Eddy County, New Mexico, in a typical desert area, level to rolling in topography, at an elevation of approximately 3,000 feet.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 13, 1947.

[F. R. Doc. 47-538; Filed, Jan. 20, 1947; 8:47 a. m.]

[Public Land Order 341]

MONTANA

REVOKING PUBLIC LAND ORDER 90 OF FEBRUARY 10, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR AVIATION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 90 of February 10, 1943, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands for the use of the War Department for aviation purposes, which was revoked in part by Public Land Order No. 214 of March 13, 1944, is hereby revoked as to the remaining lands described hereinafter.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 90 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other department or agency of the Federal Government, according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on March 17, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 17, 1947 to June 17, 1947 inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 25, 1947 to March 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 17, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 17, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 28, 1947 to June 17, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Great Falls, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Great Falls, Montana.

The lands affected by this order are described as follows:

PRINCIPAL MERIDIAN

T. 25 N., R. 38 E.,
Sec. 1, S½;
Sec. 2, S½;
Secs. 11 and 12;
Sec. 13, N½;
Sec. 14, N½.

The area described aggregates 2,560 acres.

The lands are in Montana Grazing District No. 1, and are located in Valley County, Montana, near Willow Creek, within one mile of the county road to Fort Peck, about 17 miles to the east. Available information indicates that they are nontillable grazing lands.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 13, 1947.

[F. R. Doc. 47-539; Filed, Jan. 20, 1947; 8:47 a. m.]

[Public Land Order 342]

CALIFORNIA

REVOKING PUBLIC LAND ORDER 1 OF JUNE 20, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR CAMP SITES AND MANEUVER PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 1 of June 20, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing the public lands in the areas hereinafter described, for the use of the War Department for camp sites and maneuver purposes, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 1 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on March 17, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 17, 1947, to June 16, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June

1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 25, 1947 to March 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 17, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 17, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 28, 1947 to June 17, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Los Angeles, California.

The lands affected by this order are described as follows:

The public lands in the following-described areas:

SAN BERNARDINO MERIDIAN

T. 6 S., R. 10 E.,
Sec. 8, 14, 18, 20, 22, and 24.
T. 6 S., R. 11 E.,
Sec. 14;
Sec. 18, lots 1 to 12, inclusive, and SE¼;
Secs. 20, 22, and 24.
T. 6 S., R. 12 E.,
Secs. 18, 20, 22, 28, and 30.
T. 5 S., R. 15 E.,
Sec. 2, lots 1 and 2 of NW¼ and SW¼;
Secs. 3 to 10, inclusive;
Sec. 11, N½ and SW¼;
Sec. 15, N½;
Secs. 17 and 18;
Sec. 19, lots 1 and 2 of NW¼ and E½;
Secs. 20, 21, 28, 29, 30, 32, 34, and 35, partly unsurveyed.
T. 1 S., R. 17 E.,
Secs. 6, 7, 13, 14, 18, 19, and 20, partly unsurveyed;
Sec. 29, N½SW¼;
Secs. 30 and 31;
Sec. 32, W½NW¼.
T. 2 S., R. 18 E.,
Secs. 1 to 12, inclusive, partly unsurveyed.
T. 1 N., R. 18 E.,
Secs. 1 to 18, secs. 21 to 28, and secs. 33 to 36, inclusive, unsurveyed.
T. 7 N., R. 22 E.,
T. 8 N., R. 22 E.,
Secs. 3, 4, secs. 7 to 10, and secs. 13 to 36, inclusive.
T. 7 N., R. 23 E.,
Secs. 5 to 8, secs. 17 to 20, inclusive, and secs. 30 and 31.
T. 9 N., R. 23 E.,
Sec. 31;
Sec. 32, S½.

The areas described, including both public and non-public lands, aggregate 105,901.27 acres.

Available information indicates that the lands are desert in character, generally rolling to mountainous, and embrace some fairly level areas such as the dry bed of Danby Lake in T. 1 N., R. 18 E. The lands are located in Riverside and San Bernardino Counties, and are accessible to U. S. Highway No. 60 and to several county roads.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 13, 1947.

[F. R. Doc. 47-540; Filed, Jan. 20, 1947; 8:47 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 402—ANNUAL WATER CHARGES

CROSS REFERENCE: For an addition to the tabulation contained in § 402.2, see F. R. Doc. 47-551, under Department of the Interior, Bureau of Reclamation, in Notices section, *infra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 95—CAR SERVICE

[S. O. 647-B]

PRIORITY FOR WHEAT IN PACIFIC NORTHWEST

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of January A. D. 1947.

Upon further consideration of Revised Service Order No. 647 (12 F. R. 104), and good cause appearing therefor, *It is ordered*, That:

Revised Service Order No. 647 (codified as 49 CFR § 95.647), *Box cars to be used for loading export wheat*, be, and it is hereby, suspended.

It is further ordered, That this order shall become effective at 11:59 p. m., January 15, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Oregon, Washington, Idaho and Montana, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-543; Filed, Jan. 20, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2131613]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 9, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on March 13, 1947 the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 14, 1947 to June 11, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 628a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 21, 1947 to March 14, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 14, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 12, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 23, 1947 to June 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 12, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 11 W., sec. 3, S½, S½NW¼, NE¼NW¼, and NE¼; sec. 4;
T. 6 N., R. 12 W., sec. 10, W½NE¼; sec. 23; sec. 24, N½;
T. 7 N., R. 11 W., sec. 12;
T. 6 N., R. 13 W., sec. 19; sec. 20;
T. 6 N., R. 16 W., sec. 16.

The areas described aggregate 4,842.60 acres.

These lands which are in Grazing District No. 3 are nonirrigable, have a level to gently rolling surface, and a sandy to gravelly soil. Vegetation consists primarily of southern desert shrubs, chiefly creosote bush, mesquite, cacti and palo verde. Elevations range from 800 to 1,200 feet above sea level. The arid climate precludes any production of crops in this area without the aid of irrigation.

FRED W. JOHNSON,
Acting Director.

JANUARY 15, 1947.

[F. R. Doc. 47–537; Filed, Jan. 20, 1947; 8:47 a. m.]

NEVADA AND CALIFORNIA

REVOKING DEPARTMENTAL ORDER OF AUGUST 23, 1932, AS MODIFIED, WITHDRAWING PUBLIC LANDS IN AID OF LEGISLATION

The order of this Department of August 23, 1932, as modified July 19, 1934, and September 9, 1936, withdrawing the public lands in the hereinafter-described areas in aid of contemplated legislation reserving them for addition to the Fort Mohave Indian Reservation, is hereby revoked.

This order shall take effect immediately as to the administration of grazing on such lands.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on March 17, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 17, 1947 to June 16, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 25, 1947 to March 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 17, 1947 shall be treated as simultaneously filed.

(d) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 17, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 28, 1947 to June 17, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Offices at Los Angeles or Sacramento, California, or Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the above-named district land offices.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 32 S., R. 64 E.,
Secs. 25 and 36.
T. 32 S., R. 65 E.,
Secs. 25 to 36, inclusive.
T. 33 S., R. 65 E.,
T. 32 S., R. 66 E.,
Secs. 25 to 36, inclusive.
T. 33 S., R. 66 E.,
All lands outside of Fort Mohave Indian Reservation unsurveyed.
T. 34 S., R. 66 E.
All lands outside of Fort Mohave Indian Reservation, unsurveyed.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 12 N., R. 20 E.,
Sec. 10, lot 7;
Sec. 11, lot 1;
Sec. 13, lot 1;
Sec. 14, lots 2 to 8, inclusive, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 15, lots 7 and 8 and NE¼NE¼;
Sec. 23, lots 4 to 8, inclusive, and NE¼NE¼;
Sec. 24, lots 2 to 8, inclusive, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 25, lots 4 to 8, inclusive, and NE¼NE¼.
T. 11 N., R. 21 E., fractional, except lots 6 and 7, NW¼SE¼, and S½SE¼ sec. 24, and lots 10 and 11, and NE¼NE¼ sec. 25.
T. 12 N., R. 21 E., fractional.
T. 11 N., R 22 E., fractional.
Sec. 30, lots 1, 2, and 3;
Sec. 31, lots 1 to 9, inclusive, SE¼NW¼, and S½SW¼.

The area aggregates 30,769.62 acres of public and nonpublic lands.

Part of the lands are patented or are withdrawn for reclamation purposes. The remaining lands, which lie near the Colorado River and are rough and mountainous desert lands, are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 32 S., R. 64 E.,
Secs. 25 and 36.
T. 32 S., R. 65 E.,
Secs. 25 to 36, inclusive.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 13, 1947.

[F. R. Doc. 47–541; Filed, Jan. 20, 1947; 8:48 a. m.]

ALASKA

SHORE SPACE RESTORATION 388

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. sec. 372), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. sec. 371), is hereby revoked as to the following described land:

GRAVINA ISLAND

Commencing at Corner No. One of U. S. Survey No. 1934, the homestead of Adolph C. Prasil, at mean high tide on Tongass Narrows; thence approximately 935 feet in a southeasterly direction along the line of mean high tide of Tongass Narrows to the corner of the Erickson homestead, unpatented; thence following the line of said Erickson homestead in a southerly direction approximately 1000 feet; thence at right angles to said Erickson line in a northwesterly direction approximately 900 feet to an extension of the easterly line of said U. S. Survey No. 1994; thence northerly along the line of said Survey No. 1994 to the place of beginning, Ketchikan Precinct, First Division, Territory of Alaska. (Homestead application of Alfred E. Z. Anderson, Anchorage 09739).

The area described contains approximately 20 acres.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

JANUARY 3, 1947.

[F. R. Doc. 47–536; Filed, Jan. 20, 1947; 8:47 a. m.]

Bureau of Reclamation

[No. 3]

TUCUMCARI IRRIGATION PROJECT, NEW MEXICO

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

DECEMBER 31, 1946.

1. I have determined that it is factually impossible, in view of the provision for construction of distribution works by the United States under the contract with the Arch Hurley Conservancy District dated December 27, 1938, to make water available for irrigation use during the season of 1947 as contemplated in article 8 of the contract.

2. *Water rental.* Pursuant to article 10 of the contract of December 27, 1938, irrigation water will be furnished, when available, upon a rental basis during the irrigation season of 1947 where the progress of construction will permit, to the irrigable lands in the Arch Hurley Conservancy District described below:

Unit No. 1. *Water to be furnished beginning about April 1, 1947.* Generally described as lying north of the Chicago, Rock Island and Pacific Railroad and west of the Southern Pacific Railroad (Dawson Branch), comprising such lands as are irrigable within the tracts of land described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 N., R. 29 E.,
Sec. 13, all;
Sec. 24, NE¼.
T. 11 N., R. 30 E.,
Sec. 1, W½;
Sec. 2, 3, 4, 5, 7, 8, 9, and 10;
Sec. 11, N½; W½SW¼;
Sec. 12, NW¼;
Sec. 15, 16, 17, 18, 19, 20, and 21;
Sec. 22, NW¼;
Sec. 28, N½; SW¼;
Sec. 29, All;
Sec. 30, E½.
T. 12 N., R. 30 E.,
Sec. 26, 27, and 28;
Sec. 29, E½;
Sec. 32, E½;
Sec. 33, 34, and 35;
Sec. 36, SW¼.

Unit No. 2. *Water to be furnished beginning about August 1, 1947.* Generally described as lying east of the Southern Pacific Railroad (Dawson Branch), east of the city limits of Tucumcari, New Mexico, and north of Hittson Creek, comprising such lands as are irrigable within the tracts of land described as follows:

T. 11 N., R. 30 E.,
Sec. 1, E½;
Sec. 12, E½;
Sec. 13, E½;
Sec. 24, and 25.
T. 12 N., R. 30 E.,
Sec. 36, SE¼.
T. 11 N., R. 31 E.,
Sec. 6, W½;
Sec. 7, and 8;
Sec. 9, W½;
Sec. 16, S½;
Sec. 17, 18, 19, 20, and 21;
Sec. 22, W½;
Sec. 27, All lying north of Hittson Creek;
Sec. 28, All lying north of Hittson Creek;
Sec. 30, N½.
T. 12 N., R. 31 E.,
Sec. 31, SW¼.

Unit No. 3. *Water to be furnished beginning about November 1, 1947.* Generally described as lying north of Tucumcari Creek and south of Hittson Creek, comprising such lands as are irrigable within the tracts of land described as follows:

T. 10 N., R. 31 E.,
Sec. 1, Part lying north of Tucumcari Creek;
Sec. 2, Part lying north of Tucumcari Creek;
Sec. 3, Part lying north of Tucumcari Creek;
Sec. 4, Part lying north of Tucumcari Creek;
Sec. 5, Part of E½ lying north of Tucumcari Creek.
T. 11 N., R. 31 E.,
Sec. 25, Part lying south of Hittson Creek;
Sec. 26, Part lying south of Hittson Creek;
Sec. 27, Part lying south of Hittson Creek;
Sec. 28, Part lying south of Hittson Creek;
Sec. 29, all;
Sec. 32, E½;
Sec. 33, 34 and 35;
Sec. 36, Part lying north of Tucumcari Creek.
T. 11 N., R. 32 E.,
Sec. 30, Part lying south of Hittson Creek;
Sec. 31, Part lying between Hittson Creek and Tucumcari Creek.

Unit No. 4. *Water to be furnished beginning about November 1, 1947.* Generally described as lying north of Hittson Creek and west of Tucumcari Creek, comprising such lands as are irrigable within the tracts of land described as follows:

T. 11 N., R. 31 E.,
Sec. 9, SE¼;
Sec. 10, S½;
Sec. 11, W½SW¼;
Sec. 13, S½S½;
Sec. 14, W½W½; S½SE¼; SE¼SW¼;
Sec. 15, all;
Sec. 16, N½;
Sec. 22, E½;
Sec. 23 and 24;
Sec. 25, Part lying north of Hittson Creek;
Sec. 26, Part lying north of Hittson Creek;
Sec. 27, Part lying north of Hittson Creek in NE¼.
T. 11 N., R. 32 E.,
Sec. 17, SW¼SW¼;
Sec. 18, S½S½;
Sec. 19, all;
Sec. 20, W½W½; S½S½;
Sec. 28, Part lying between Plaza Largo Creek and C. R. I. & P. Railroad;
Sec. 29, Part lying north of Plaza Largo Creek;

Sec. 30, Part lying north of Hittson Creek;
Sec. 31, Part lying north of Plaza Largo Creek.

Unit No. 5. *Water to be furnished beginning about July 1, 1947.* Generally described as lying north of Plaza Largo Creek and bounded on the east and west by the project boundary lines and on the north by the proposed Hudson Extension, comprising such lands as are irrigable within the tracts of land described as follows:

T. 12 N., R. 33 E.,
Sec. 19, S½;
Sec. 29, W½;
Sec. 30, all.
T. 12 N., E. 32 E.,
Sec. 25, all;
Sec. 27, S½;
Sec. 31, SE¼;
Sec. 32, 33, 34, 35, and 36.
T. 11 N., R. 33 E.,
Sec. 18, all;
Sec. 19, Part of W½ north of Plaza Largo Creek.
T. 11 N., R. 32 E.,
Sec. 1, SW¼;
Sec. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12;
Sec. 13, 14, 15, and 16;
Sec. 17, N½; SE¼; N½SW¼; SE¼SW¼;
Sec. 18, N½; N½S½;
Sec. 20, NE¼; E½NW¼; NE¼SW¼; N½SE¼;
Sec. 21, all;
Sec. 22, Part lying north of Plaza Largo Creek;
Sec. 23, Part lying north of Plaza Largo Creek;
Sec. 24, Part lying north of Plaza Largo Creek;
Sec. 26, Part lying north of Plaza Largo Creek.
T. 11 N., R. 32 E.,
Sec. 27, Part lying north of Plaza Largo Creek;
Sec. 28, N½N½.
T. 11 N., R. 31 E.,
Sec. 1, E½;
Sec. 11, SE¼; E½SW¼;
Sec. 12, S½; NE¼;
Sec. 13, N½; N½S½;
Sec. 14, NE¼, N½SE¼; E½NW¼; NE¼SW¼.

3. *Charges and terms of payment.* The minimum water rental charge shall be $1.00 per irrigable acre for each irrigable acre of land for which water service is requested, payment of which will entitle the water user to one acre-foot of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the following rates:

First additional 1½ acre feet per acre: $1.00 per acre-foot.
All additional acre feet per acre: $1.50 per acre-foot.

All charges shall be payable by the District to the United States in advance of the delivery of water.

4. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

5. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388), and acts of Congress supplementary thereto or amendatory thereof, and who have duly complied with the requirements of the contract of December 27, 1938, between the United States and the District, including:

(a) The execution and delivery of the recordable contract as provided for in article 30 (b) of said contract;

(b) The execution and delivery of the valid recordable contract, in the case of ownership of excess land, as provided for in articles 30 (a) and 32 of said contracts.

6. Individual applications for water on forms approved by the United States and the payments required by this announcement will be received at the office of the Secretary of the Arch Hurley Conservancy District, Tucumcari, New Mexico. Requests by the District for water for such lands as are entitled to receive water and payments by the District to the United States will be received at the office of the Bureau of Reclamation, Tucumcari, New Mexico.

7. This announcement shall not be construed as constituting the designation of irrigable lands provided for by article 30 of the contract of December 27, 1938, between the United States and the Arch Hurley Conservancy District.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented.)

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 47-551; Filed, Jan. 20, 1947; 8:46 a. m.]

[No. 36]

BOISE IRRIGATION PROJECT, ARROWROCK DIVISION, IDAHO-OREGON

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES

DECEMBER 30, 1946.

1. *Operation and maintenance.* The operation and maintenance charges for the irrigation season of 1947, and thereafter until further notice, against all lands of the Arrowrock Division within the Settlers Irrigation District, and other lands of the Arrowrock Division not included in the Boise-Kuna, Wilder, Nampa and Meridian, New York, and Big Bend Irrigation districts, shall be $2.00 for the first 3 acre-feet of water and 30 cents for each additional acre-foot; but a minimum charge of $2.00 will be made against each irrigable acre and must be paid as toll before any water is delivered. The minimum operation and maintenance charge will be due and payable to the Board of Control, Boise, Idaho, on April 1 preceding the irrigation season. Charges for additional water will be payable to the Board of Control upon demand.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 47-550; Filed, Jan. 20, 1947; 8:46 a. m.]

NEWLANDS PROJECT, NEVADA

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 2, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388). In accordance with the authority contained in the act of June 28, 1934 (48 Stat. 1269), as amended, Departmental Orders of October 18, 1935, and November 3, 1936, establishing Nevada Grazing Districts Nos. 2 and 3, respectively, are hereby amended to permit the withdrawal effected by this order.

NEWLANDS PROJECT, NEVADA
MOUNT DIABLO MERIDIAN

T. 20 N., R. 24 E.,
Sec. 24, SW¼, NW¼.
T. 20 N., R. 25 E.,
Sec. 22, S½ SW¼.
T. 21 N., R. 25 E.,
Secs. 12, 14, 24, 26, 28, 34 and 36, all.
T. 21 N., R. 26 E.,
Sec. 4, all;
Sec. 5, Lots 1, 2, S½NE¼, S½;
Secs. 6, 8, 18, 20, 28, 30 and 32, all.
T. 22 N., R. 26 E.,
Secs. 2, 4 and 10, all;
Sec. 12, NE¼, NW¼NW¼, W½SW¼, SE¼SW¼, SE¼;
Secs. 14, 22, 24 to 28, inclusive, 30 and 32 to 36, inclusive, all.
T. 23 N., R. 26 E.,
Secs. 26, 34 and 36, all.
T. 20 N., R. 32 E., unsurveyed
Secs. 3 to 10, inclusive, 16 to 21, inclusive, 29 and 30, all.

The above areas aggregate approximately 33,077 acres.

MICHAEL W. STRAUS,
Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Acting Director.
Bureau of Land Management.

JANUARY 3, 1947.

[F. R. Doc. 47-552; Filed, Jan. 20, 1947; 8:46 a. m.]

SHOSHONE PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 10, 1946.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388). Departmental Order of March 23, 1935 establishing Wyoming Grazing District No. 1 is hereby amended to permit the withdrawal effected by this order.

SHOSHONE PROJECT, WYOMING
SIXTH PRINCIPAL MERIDIAN

T. 51 N., R. 97 W.,
Sec. 5, Lots 7, 9, 10, 12, 19, SW¼NW¼;
Sec. 6, Lots 35, 36, 37.
T. 52 N., R. 97 W.,
Sec. 13, all;
Sec. 14, NE¼, SE¼NW¼, S½;
Sec. 15, E½SW¼, SE¼;
Sec. 19, Lots 18 to 22, incl., S½NE¼ SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 20, Lots 14, 18, 25, 30, 31, S½N½, E½SE¼;
Sec. 21, Lots 10, 11, 12, 26, 27, S½N½;
Sec. 22, NW¼, SE¼;
Sec. 23, all;
Sec. 24, Lots 31, 32, 34, NW¼NW¼, NW¼SW¼;
Sec. 26, all;
Sec. 27, Lots 13, 14, 26 to 29, incl., NE¼, E½NW¼;
Sec. 28, Lots 22, 32, 33;
Sec. 29, Lots 4, 33;
Sec. 31, Lot 31;
Sec. 32, all;
Sec. 33, Lots 1, 4, 10, 11, 12, 28, S½N½;
Tracts 103 and 106.

The above areas aggregate 5,681.82 acres.

MICHAEL W. STRAUS,
Commissioner.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Acting Director,
Bureau of Land Management.

DECEMBER 20, 1946.

[F. R. Doc. 47-553; Filed, Jan. 20, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6883, 6884, 7115, 7851, 7852, 7883]

CRESCENT BROADCAST CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Crescent Broadcast Corporation, Shenandoah, Pennsylvania, Docket No. 6883, File No. B2-P-4092; The Patriot Company, Harrisburg, Pennsylvania, Docket No. 6884, File No. B2-P-4091; WHP, Inc., Harrisburg, Pennsylvania, Docket No. 7115, File No. B2-P-4324; Union Broadcasting Company (WARM), Scranton, Pennsylvania, Docket No. 7851, File No. B1-P-5186; John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, Docket No. 7852, File No. B1-P-5212; Hudson Valley Broadcasting Company, Inc., Albany New York, Docket No. 7883, File No. B1-P-5148; for construction permits.

At a session of the Federal Communications Commission held at its offices at Washington, D. C. on the 30th day of December 1946;

The Commission having under consideration the above-entitled applications of Crescent Broadcast Corporation, The Patriot Company and WHP, Inc., each requesting the use of the frequency 580 kilocycles, and the above-entitled applications of Union Broadcasting Company, John H. Stenger, Jr. and Hudson Valley Broadcasting Company, Inc., each requesting the use of the frequency 590 kilocycles; and the Commission also having under consideration petitions filed by Union Broadcasting Company and John H. Stenger, Jr. on December 4 and 9, 1946, respectively, each requesting leave to intervene in the further hearing concerning the said applications of Crescent Broadcast Corporation, The Patriot Company and WHP, Inc.; and

It appearing, that the said applications of Crescent Broadcast Corporation, The Patriot Company and WHP, Inc. were heard in a consolidated proceeding in January 1946; that the record in the said proceeding was closed on March 19, 1946; that thereafter on November 21, 1946, the Commission granted the petition of Crescent Broadcast Corporation for leave to amend its above-entitled application so as to show a new transmitter site and revised engineering information incidental thereto, reopened the record, and designated said application of Crescent Broadcast Corporation, as amended, for further hearing, and said further hearing is now scheduled for January 22, 1947, in Washington, D. C., upon the following issues:

1. Type of terrain over which measurements are to be taken in order to submit an adequate proof of performance.

2. Accessibility over the terrain over which field measurements can be taken for proof of performance.

3. The areas and populations to be served from the new site and character and type of other radio services to such areas and populations; particularly, the areas and populations which would receive their first primary service from the proposed operation.

4. Stability of proposed antenna system in operation, especially in consideration of antenna base resistance and soil conditions at the site proposed.

5. Whether and to what extent operation from the proposed site will cause interference with existing stations or pending applications, particularly with respect to Stations CKEY, Toronto, Canada, and WFIL, Philadelphia, Pennsylvania; and

It appearing further, that said amendment to the above-entitled application of Crescent Broadcast Corporation specifying a new transmitter site raises questions of interference to broadcast service of applicants whose applications were on file at the time said amendment was accepted; and

It further appearing, that the said above-entitled Crescent Broadcast Company application, as amended, may result in increased interference to and with the above-entitled pending applications of John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania (File No. B1-P-5212; Docket No. 7852) and Union Broadcasting Company (WARM), Scranton, Pennsylvania (File No. B1-P-5186; Docket No. 7851); and

It further appearing, that the said applications of the petitioners, Union Broadcasting Company and John H. Stenger, Jr., were, by separate orders of the Commission dated September 19, 1946, designated for hearing in a consolidated proceeding, and that the said application of Hudson Valley Broadcasting Company, Inc., was designated for hearing therewith by order of the Commission dated September 30, 1946;

It is ordered, That the said applications of Union Broadcasting Company (File No. B1-P-5186; Docket No. 7851), John H. Stenger, Jr. (File No. B1-P-5212; Docket No. 7852) and Hudson Valley Broadcasting Company, Inc. (File No. B1-P-5148; Docket No. 7883) be, and they are hereby, consolidated for hearing in the proceeding involving the further hearing on the said application of Crescent Broadway Company (Docket No. 6883) upon the issues heretofore defined in the orders of the Commission designating them for hearing as aforesaid.

It is further ordered, That the said order of the Commission, dated November 21, 1946, designating the said application of Crescent Broadcast Company for further hearing, as aforesaid, be, and it is hereby, amended, to include the said applications of Union Broadcasting Company, John H. Stenger, Jr. and Hudson Valley Broadcasting Company, Inc.:

It is further ordered, That the said petitions of Union Broadcasting Company and John H. Stenger, Jr., requesting leave to intervene, be, and they are hereby, dismissed.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-557; Filed, Jan. 20, 1947; 8:49 a. m.]

[Docket No. 7474]

PATRICK JOSEPH STANTON

DECISION AND ORDER ON PETITION FOR RECONSIDERATION

In re application of Patrick Joseph Stanton, Philadelphia, Pennsylvania, for construction permit; Docket No. 7474, File No. B2-P-4495.

The Commission has before it a petition for reconsideration filed May 29, 1946, by L. B. Wilson, Inc., licensee of radio station WCKY, Cincinnati, Ohio, directed against the action of the Commission on May 10, 1946, granting without hearing the above-entitled application of Patrick Joseph Stanton, for a construction permit to erect a new standard broadcast station to operate on the frequency 1530 kilocycles, with 10 kilowatts power, daytime only (Class II), Station WCKY operates on the frequency 1530 kilocycles, with 50 kilowatts power, unlimited time, at Cincinnati, Ohio, and is classified as a Class I-B clear channel station.

The petitioner alleges, as the basis of its petition, that station WCKY, a Class I-B clear channel station, is entitled to protection from objectionable interference of its primary service area up to the 0.5 mv/m daytime contour; that the proposed station will emit a skywave which will interfere with station WCKY's primary service area for approximately two hours after sunrise and approximately one hour before sunset at Philadelphia; and that station WCKY will receive limitations to its service ranging from approximately 0.7 mv/m to 5 mv/m at the time of sunset in Philadelphia. An answer to the petition, filed by Stanton, maintains that the interference alleged by the petitioner is not "objectionable interference" within the meaning of the term as used in the Commission's rules and standards.

Under the Commission's rules and regulations and the Standards of Good En-

gineering Practice Concerning Standard Broadcast Stations, the primary service area of a Class I–B clear channel station daytime is entitled to protection from objectionable interference up to its 0.1 mv/m contour (See Standards, page 2). The Commission has also recognized that conditions of radio wave propagation permit operation on such clear channels by stations denominated as Class II, under conditions which do not allow objectionable interference (i. e. within the protected contours established for day and night primary service) with the so-called "dominant" clear channel station. The grant to Joseph Patrick Stanton, of which petitioner complains, is of a construction permit to operate daytime only as a Class II station. By definition under the Commission's rules (See §§ 3.6 and 3.23 (c)) the term "daytime" means that period of time between the hours of average monthly local sunrise and average monthly local sunset.

Petitioner's complaint is that the operation of the proposed Stanton station at Philadelphia will result in skywave interference[1] to Station WCKY, Cincinnati, Ohio, during a period following sunrise and preceding sunset. The Commission's rules relating to protection of daytime contours of Class I–B stations do not take cognizance of nor afford protection against skywave interference for the reason that such waves are not reflected effectively back to earth during the day. The skywave curves which are a part of the Commission's standards are based upon extensive measurements of skywave signals produced by broadcasting stations under varying conditions and at various seasons of the year. In 1935, at the time these measurements were taken and other scientific studies made, they indicated that such skywave signals as there were, were of very low order, and hence were considered of so little importance that the standards of the Commission took no cognizance of daytime skywave propagation at broadcast frequencies. The periods of diurnal change are, however, very uncertain and erratic in their effect on radio wave propagation. On some days in the periods immediately before and after sunrise and sunset, skywaves may be reflected into areas which on other days, in the same periods of time, receive no such signal. In this state of the radio art, therefore, it is virtually impossible and the Commission believes it would be unreasonable to define "daytime" operation in terms as unstable, erratic and uncertain as the conditions of radio wave propagation at sunrise and sunset.

Accordingly, the Commission is of the opinion that the grant to Patrick Joseph Stanton, Philadelphia, Pennsylvania, does not result in interference to petitioner's station WCKY, Cincinnati, Ohio, as defined by the Commission's rules and standards, and hence *It is ordered*, This 14th day of November 1946, that the said petition of L. B. Wilson, Inc. (WCKY), Cincinnati, Ohio, for reconsideration be, and it is hereby, denied.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–564; Filed, Jan. 20, 1947; 8:50 a. m.]

[1] The distance between Cincinnati, Ohio, and Philadelphia, Pennsylvania, is about 500 miles. This distance is generally considered adequate to preclude any possibility of ground wave interference to Station WCKY from the operation of the proposed Stanton station, and petitioner does not allege ground wave interference.

[Docket Nos. 7680, 7687]

DON LEE BROADCASTING SYSTEM AND KROW, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING

In re applications of Don Lee Broadcasting System, San Francisco, California, Docket No. 7680, File No. B5–PH–38; KROW, INC., Oakland California, Docket No. 7687, File No. B5–PH–990; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 2d day of January 1947;

The Commission having under consideration the above-entitled applications for construction permits for new Class B FM broadcast stations in San Francisco, and Oakland, California respectively, which have been designated for hearing in a consolidated proceeding scheduled to commence April 14, 1947; and

It appearing, that comparative consideration of the said applications is no longer necessary; and

It further appearing, that the applications of Don Lee Broadcasting System for renewal of licenses of Station KGB, San Diego (File No. B5–R–38; Docket No. 7398), KDB, Santa Barbara (File No. B5–R–48; Docket No. 7399), KFRC, San Francisco (File No. B5–R–43; Docket No. 7615) and KHJ and KHJ–FM, Los Angeles (Files No. B5–R–22, B5–RH–25; Docket No. 7616) and the application of Don Lee Broadcasting System for a construction permit to increase power of Station KGB, San Diego, from 1 kw to 5 kw on the frequency 1360 kc, install new transmitter and antenna, and change transmitter location (File No. B5–P–4330; Docket No. 7497) have been designated for hearing in a consolidated proceeding scheduled to commence January 14, 1947 at Los Angeles, California.

It is ordered, That the application of Don Lee Broadcasting System (File No. B5–PH–38; Docket No. 7680) be, and it is hereby, severed from the above-entitled proceeding; and

It is further ordered, That the said application of Don Lee Broadcasting System (File No. B5–PH–38; Docket No. 7680), heretofore designated for hearing, be, and it is hereby consolidated for hearing commencing January 14, 1947, at Los Angeles, California with the aforesaid Don Lee Broadcasting System renewal and construction permit applications (Dockets 7398, 7399, 7497, 7615, 7616) on the issues specified in the Commission's order of December 5, 1946, with respect to the said renewal and construction permit applications.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–560; Filed, Jan. 20, 1947; 8:50 a. m.]

[Docket Nos. 7875, 8038]

LEE-SMITH BROADCASTING CO. AND ASSOCIATED BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John E. Hyde, Jr., Palmer Dragsten, and Herbert H. Lee, d/b as Lee-Smith Broadcasting Co., Faribault, Minnesota, Docket No. 7875, File No. B4–P–4581; Associated Broadcasters, Inc., Wadena, Minnesota, Docket No. 8038, File No. B4–P–5351; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 2d day of January 1947;

The Commission having under consideration the above-entitled applications for construction permits for new standard broadcast stations to operate on the frequency 920 kc, with 1 kw power, unlimited time (using directional antennas) at Faribault and Wadena, Minnesota, respectively;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations, or either of them, would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–563; Filed, Jan. 20, 1947; 8:50 a. m.]

[Docket No. 7982]

WESTERN UNION TELEGRAPH CO.

ORDER INSTITUTING INVESTIGATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of December 1946;

The Commission, having under consideration a letter, dated November 18, 1946; from The Western Union Telegraph Company, advising of a change in policy with respect to making application to reduce hours of service at main and branch offices; letters from The Commercial Telegraphers' Union dated October 28, 1946, November 15, 1946, and December 19, 1946, charging that the Company's program of closing offices and reducing hours of service is detrimental to the future stability of the telegraph industry; and letters from various members of the public making complaint against specific curtailments of service;

It is ordered, That an investigation, on the Commission's own motion, be, and it is hereby, instituted into the matter of the over-all plans of The Western Union Telegraph Company with respect to the discontinuance, reduction and impairment of service, the standards to be applied in determining whether applications shall be made to the Commission for authority to close company-operated offices, to reduce hours of service at company-operated offices, or to convert from operation of offices by Western Union's own employees to agency operation of offices; the extent to which the public convenience and necessity may be impaired if such program is carried out; and the effects upon the telegraph industry which may reasonably be expected to result from such program;

It is further ordered, That a copy of this order shall be served upon The Western Union Telegraph Company and that said Company be, and it is hereby, made a party respondent herein; and that it shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m. on the 17th day of February, 1947, and give full information with respect to the matters referred to above; and

It is further ordered, That a copy of this order shall be served upon the following: the agency of each state which under the laws of such state has regulatory jurisdiction with respect to intrastate operations of The Western Union Telegraph Company; the Governors of Delaware, Iowa, and Texas; the Secretary of War, the Secretary of the Navy, the National Association of Railroad and Utilities Commissioners; the American Communications Association, The Commercial Telegraphers Union, the Telegraph Workers' Union, the Telegraph Employees' Union, the American Federation of Labor, the Congress of Industrial Organizations, and The Communications Workers' International Union; and each such person, organization or agency be, and it is hereby, given leave to intervene and participate fully in the proceedings herein.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–559; Filed, Jan. 20, 1947; 8:49 a. m.]

[Docket Nos. 8035, 8036]

HAROLD THOMAS AND PYNCHON BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harold Thomas, Springfield, Massachusetts, Docket No. 8035, File No. B1–PH–1117; and Pynchon Broadcasting Corporation, Springfield, Massachusetts, Docket No. 8036, File No. B1–PH–1127; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of December 1946;

The Commission having under consideration the above-entitled applications for construction permits for new Class B FM broadcast stations in Springfield, Massachusetts, and

It appearing, that a possible maximum of two Class B FM channels might be available for immediate assignment in the vicinity of Springfield and Holyoke, Massachusetts;

It is ordered, Pursuant to section 309 (a) of the Communications Act, as amended, that the above entitled applications be, and they are hereby, designated for hearing to be held in consolidation with the hearings on the applications of WSPR, Incorporated et al. (Docket Nos. 7925–7927 inclusive) for construction permits for new FM Class B broadcast stations in the Springfield, Massachusetts, area, commencing February 5, 1947 at 10:00 a. m. in Springfield, Massachusetts, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order heretofore issued in the consolidated proceedings for Docket Nos. 7925–7927 inclusive, be, and it is hereby, amended to include the applications of Harold Thomas (File No. B1–PH–1117) and Pynchon Broadcasting Corp. (File No. B1–PH–1127).

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–556; Filed, Jan. 20, 1947; 8:48 a. m.]

[Docket Nos. 8040, 8032, 8031]

TYTEX BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Jr., Tomas G. Pollard, Jr., and Francis Lee Lawrence, a copartnership, d/b as Tytex Broadcasting Company, Tyler, Texas, Docket No. 8040, File No. B3–P–5540; Blackstone Broadcasting Company, Inc., Tyler, Texas, Docket No. 8032, File No. B3–P–5316; Rose Capitol Broadcasting Company, Tyler, Texas, Docket No. 8031, File No. B3–P–4975; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of December 1946;

The Commission having under consideration the above-entitled application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas;

It appearing, that the Commission on December 19, 1946, designated for hearing in a consolidated proceeding the applications of Blackstone Broadcasting Company, Inc., (File No. B3–P–5316, Docket No. 8032) and Rose Capitol Broadcasting Company (File No. B3–P–4975, Docket No. 8031) each requesting a construction permit for a new standard broadcast station to operate on 940 kc, 250 w, daytime only, at Tyler, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas, be and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the order of the Commission dated December 19, 1946, designating the applications of Blackstone Broadcasting Company, Inc., and Rose Capitol Broadcasting Company for hearing in a consolidated proceeding be, and it is hereby, amended to include the application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-562; Filed, Jan. 20, 1947; 8:50 a. m.]

[Docket Nos. 8041, 7075]

SOUTHLAND BROADCASTING CORP. AND PENINSULAR BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southland Broadcasting Corporation, North Miami Beach, Florida, Docket No. 8041, File No. B3-P-5510; Peninsular Broadcasting Corporation, Coral Gables, Florida, Docket No. 7075, File No. B3-P-4187; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of December 1946;

The Commission having under consideration the above-entitled applications of Southland Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1070 kc, 250 w, daytime only, at North Miami Beach, Florida, and of Peninsular Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1070 kc, 1 kw, daytime only, at Coral Gables, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-561; Filed, Jan. 20, 1947; 8:50 a. m.]

[Docket Nos. 8042, 7983, 7866]

LESTER LEE MAY ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lester Lee May, San Antonio, Texas, Docket No. 8042, File No. B3-P-5542; The Walmac Company (KMAC), San Antonio, Texas, Docket No. 7983, File No. B3-P-4360; for construction permits. The Walmac Company (KMAC), San Antonio, Texas, Docket No. 7866, File No. B3-R-411; for renewal of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of December 1946;

The Commission having under consideration the above-entitled application of Lester Lee May requesting a construction permit for a new standard broadcast station to operate on 630 kc. 5 kw, day and night, unlimited time, in San Antonio, Texas, together with the petition of said Lester Lee May requesting that said application be set for hearing with the application for construction permit of Howard W. Davis, tr/as The Walmac Company, hereinafter described;

It appearing, that the Commission on November 29, 1946, designated for hearing in a consolidated proceeding the applications of Howard W. Davis, trading as The Walmac Company (KMAC) (File No. B3-P-4360, Docket No. 7983) requesting a construction permit to change the frequency of Station KMAC, San Antonio, Texas, from 1240 kc to 630 kc, increase its operating power from 250 w to 5 kw and to make certain changes in equipment and Howard W. Davis, tr/as The Walmac Company (KMAC) (File No. B3-R-411, Docket No. 7866) requesting a renewal of license of Station KMAC, San Antonio, Texas;

It is ordered, That the said petition of Lester Lee May be, and it is hereby, granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Lester Lee May be, and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications

in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated November 29, 1946, designating for hearing in a consolidated proceeding the application of Howard W. Davis, tr/as The Walmac Company (KMAC) with that of Howard W. Davis, tr/as The Walmac Company (KMAC) for renewal of license, be, and it is hereby amended to include the application of Lester Lee May.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-558; Filed, Jan. 20, 1947; 8:49 a. m.]

[Docket Nos. 8043, 7609]

MID-STATE BROADCASTING CO. AND RADIO PEORIA, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mid-State Broadcasting Company (WMMJ), Peoria, Illinois, Docket No. 8043, File No. B4-P-5551; Radio Peoria Inc., Peoria, Illinois, Docket No. 7609, File No. B4-P-4177; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of December 1946;

The Commission having under consideration the above-entitled application of Mid-State Broadcasting Company, licensee of Station WMMJ, Peoria, Illinois, for a construction permit to change frequency and power from 1020 kc, 1 kw day, to 970 kc, 1 kw day and night, to change hours of operation from daytime to unlimited, to install a directional antenna for day and nighttime and to make other changes;

It appearing, that the Commission on May 24, 1946, designated for hearing the application of Radio Peoria, Inc. (File No. B4-P-4177, Docket No. 7609), requesting a construction permit for a new standard broadcast station to operate on 970 kc, 1 kw, using a directional antenna, unlimited time and on September 20, 1946, granted leave to the University of Wisconsin (WHA) to intervene in said hearing;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Mid-State Broadcasting Company be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Radio Peoria, Inc. (File No. B4-P-4177, Docket No. 7609) said proceeding to commence at 10:00 o'clock a. m. Friday, January 10, 1947, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WMMJ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WMMJ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WMMJ as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WMMJ as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WMMJ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of May 24, 1946, designating the application of Radio Peoria, Inc., for hearing be amended to include the application of Mid-State Broadcasting Company (WMMJ);

It is further ordered, That issue number 1 of the Commission's order of May 24, 1946, above, deleted by the Commission's order of December 19, 1946, be reinstated in said order of May 24, 1946.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-555; Filed, Jan. 20, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

THE PHILIPPINE MANUFACTURING CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
The Philippine Manufacturing Co., Manila, P. I.	4216-4221 Inc.	295 (7 F. R. 9841)	U. S. Design Patent Applications Nos. D-95,880, D-95,881, D-95,882, D-95,883, D-95,884, and D-95,297.	Washington, D. C.

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-569; Filed, Jan. 20, 1947; 8:46 a. m.]

[Vesting Order CE 356]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN HAWAII COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Lum Kam Wing	China	Estate of Lum Ching Wa, deceased, in the Circuit Court of the First Judicial Circuit, T. H., Honolulu, T. H.; P... No. 8553.	$16.00
		Item 2	
Children of Mrs. Kwock Kwai Fong, also known as Kwock Lum Shee.	do	Same	16.00

[F. R. Doc. 47-530; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order CE 346]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Elizabeth Amory de Blois Fatta-Rampolla.	Italy	Estate of Estelle Anderson, deceased, in the Surrogate's Court, New York County, N. Y.; Index No. P-920-1932.	(1)	Lewis De Blois, Trustee, c/o Elmer Lee Fingar, Esq., Bar Building, 109 Main St., White Plains, N. Y.	$60.00
		Item 2			
Rosa Martinese	do	Estate of Frank P. Guarino, deceased, in the Surrogate's Court, Kings County, New York; Docket No. 7577-43.	$6,800.00	Antonio Guarino, 2700 Marion Ave., Bronx, N. Y., and Carolyn G. Iannuzziello, 105 72d St., Brooklyn, N. Y.; Trustees.	34.00
		Item 3			
Biagio Guarino	do	Same	3,400.00	Same	17.00
		Item 4			
Michael Guarino	do	Same	3,400.00	Same	17.00
		Item 5			
Senora Angela M. Lenta	do	Estate of Florence Halsey, deceased, in the Surrogate's Court, Dutchess County, N. Y.	5,000.00	Benjamin S. Halsey, Sr., Harriman Road, Irvington, N. Y., and Elizabeth Miele, Hiddenhurst, Coleman Station, N. Y., Executors.	32.00
		Item 6			
Pepa Acelin also known as Yesipa Acalin, also known as Zlarla.	Yugoslavia	Estate of Michael Acalin, also known as Mike Acelin, also known as Mike Acalin, deceased, in the Surrogate's Court, New York County, N. Y.; Index No. A-2384-1943.	1,699.65	Public Administrator, New York County, 31 Chambers St., New York, N. Y.	33.95
		Item 7			
Julia Acalin also known as "Mary" Acalin.	do	Same	2,799.31	Same	59.06
		Item 8			
Thyre Petersen	Denmark	Estate of Walter Nielsen, deceased, Surrogate's Court, New York, N. Y.; Index No. A-2976-1943.	710.49	Public Administrator, New York County, 31 Chambers St., New York, N. Y.	86.00

[1] Income from trust under will of Estelle Anderson, deceased.

[F. R. Doc. 47-520; Filed, Jan. 17, 1947; 8:49 a. m.]

[Vesting Order CE 354]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Sophien Kirchhof	Germany	Estate of Louise Sutor, deceased, Surrogate's Court, Bronx County, N. Y.; Index No. 197-P-1942.	$645.61	Treasurer of the City of New York, Municipal Bldg., New York, N. Y.	$106.00
		Item 2			
Maria Libera Barone, Cristina Barone, Carmela Barone and Guiseppe Barone.	Italy	Estate of Antonio Barone, deceased, Surrogate's Court, Bronx County, N. Y.	137.20	do	28.00
		Item 3			
Pasqualine De Simone	do	Estate of Michele De Simone, deceased, Surrogate's Court, Bronx County, N. Y.; Docket No. 56A-1942.	131.73	do	25.00
		Item 4			
Jacob Sam Lazarowitz	Poland	Estate of Samuel Lazarowitz, deceased, Surrogate's Court, Bronx County N. Y.; File No. 491A-1943.	760.36	do	57.00
		Item 5			
Czeslaw Maliuowski	do	Estate of Edward Szumski, deceased, Surrogate's Court, Bronx County, N. Y.; Index No. 549-P-1937.	95.09	do	9.00
		Item 6			
Boleslaw Malinowski	do	Same	95.09	do	9.00
		Item 7			
Bronislaw Malinowski	do	Same	95.09	do	9.00
		Item 8			
Alexander Szumoski	do	Same	665.56	do	37.00

[F. R. Doc. 47-528; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order 7969]

FRANZ M. BRAMBACH

In re: Estate of Franz M. Brambach, deceased. File D-28-9508; E. T. Sec. 12877.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Berger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Augusta Berger, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Franz M. Brambach, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Anna B. Russell, as Executrix of the Estate of Franz M. Brambach, deceased, acting under the judicial supervision of the Surrogate's Court, Westchester County, State of New York;

and it is hereby determined:

5. That to the extent that the above named person and the issue, names unknown of Augusta Berger, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-515; Filed, Jan. 17, 1947; 8:48 a. m.]

ARNE BRASCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Arno Brasch, New York City, N. Y.	A-304, A-271	201 (8 F. R. 625)	Half interest in U. S. letters Patent Nos. 1,931,475, 1,957,008, 2,005,021, 2,043,733, 2,099,327.	Washington, D. C.

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-568; Filed, Jan. 20, 1947; 8:46 a. m.]

[Vesting Order 7970]

AUGUST HOEING

In re: Estate of August Hoeing, deceased. File D-28-10882; E. T. Sec. 15341.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christine Hoeing, Anna Hoeing, and Franz Hoeing, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in, to and against the estate of August Hoeing, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Rev. Frank Hartleb, as executor, acting under the judicial supervision of the Orphans' Court of Mercer County, Erie, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-516; Filed, Jan. 17, 1947; 8:48 a. m.]

[Supplemental Vesting Order 7971]

J. H. QUEKEMEYER

In re: Estate of J. H. Quekemeyer, deceased, File D-28-10072; E. T. sec. 14318.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the children of Anna Boenker, also known as Anna Lonskur, deceased, and the children of Elise von Drehle, deceased, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of J. H. Quekemeyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Delta National Bank of Yazoo City, as executor, acting under the judicial supervision of The Chancery Court of Yazoo County, Mississippi;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-517; Filed, Jan. 17, 1947; 8:49 a. m.]

[Vesting Order CE 350]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Hans Nordhaug	Norway	Estate of Armund Haughen, also known as Amund Haugen, also known as Amound Haugen, deceased, Superior Court, State of California, in and for the County of San Diego; No. 31226.	$8.00
		Item 2	
Thea Nordhaug	do	Same	8.00
		Item 3	
Olav Nordhaug	do	Same	8.00
		Item 4	
Martha Nordhaug	do	Same	8.00
		Item 5	
Jorgine Nordhaug	do	Same	8.00
		Item 6	
Mrs. Syverine Nordsven	do	Same	8.00
		Item 7	
Children of Mrs. Anita Olson, deceased	do	Same	8.00
		Item 8	
Kathryn M. Dorrer	China	Estate of John Plover, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 68207.	37.00
		Item 9	
Sue Lee	do	Estate of Lee Bow, deceased, Superior Court, State of California, in and for the County of Solano, No. 8840.	39.00
		Item 10	
Fannie Fegelbom	do	Estate of Jacob Fegelbom, deceased, Superior Court, State of California, in and for the County of Los Angeles; No. 211471.	63.00
		Item 11	
Winifred Risden	France	Estate of Fawcett Robinson, deceased, Superior Court, State of California, In and for the County of Los Angeles; No. 66586.	35.0
		Item 12	
Mrs. Chain Gitelman or her heirs	Lithuania	Estate of Louis Caster, deceased, Superior Court, State of California, in and for the County of Los Angeles; No. 219134.	57.00
		Item 13	
Mrs. Nison Fridman or her heirs	do	Same	29.00
		Item 14	
Mrs. Samuel Rabinovicious or her heirs	do	Same	29.00
		Item 15	
Mrs. P. Karlik or her heirs	do	Same	29.00
		Item 16	
Ester Mortensen	Denmark	Estate of Andrew Mattson, also known as A. Mattson, deceased, Superior Court, State of California, in and for the County of Alameda; No. 86989.	20.00
		Item 17	
Emma Mortensen	do	Same	20.00
		Item 18	
Margareta Cicumiack	Luxembourg	Estate of Peter Lorang, deceased, Superior Court, State of California, in and for the County of Los Angeles; No. 227556.	41.00
		Item 19	
Board of Directors, Chebra Bikur Cholim, City of Mitau, Kurland, Russia (now Jelgawa, Latvia).	Latvia	Estate of Julius Friedman, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 29 N. S.	16.00
		Item 20	
Burgomaster of City of Mitau, Kurland, Russia, (now Jelgawa, Latvia).	do	Same	16.00
		Item 21	
Leokadie Gutgisser	Poland	Estate of Saul Adam Ciechanow, also known as S. A. Ciechanow, also known as Stan A. Ciechanow, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 93084.	39.00

[F. R. Doc. 47-524; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order CE 347]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Paula Prager	Holland	Estate of Philip Berolzheimer, deceased, in Surrogate's Court, New York County, N. Y.; Index No. P-1203/1942.	$17[illegible]
		Item 2	
Marie Linck	France	Estate of Edmond Linck, deceased, in Surrogate's Court, St. Lawrence County, N. Y.	[illegible]
		Item 3	
Jeanne Linck	do	Same	[illegible]
		Item 4	
Wilhelm Schulz	Denmark	Estate of Ernst Schulz, deceased, in Surrogate's Court, Nassau County, N. Y.; Docket No. 40432-1943.	[illegible]
		Item 5	
Manla Milikofsky	Poland	Estate of Charles Melikow, also known as Charles Milikow, deceased, in Surrogate's Court, New York County, N. Y.; Index No. P-562-1944.	[illegible]
		Item 6	
Bozena Bisicka, also known as Bozena Bischitzky or Mrs. Mila Gelobter, or Hyman Gelobter, Anna Friedlander, Dr. Bozena Matousek and Trude Roth.	Czechoslovakia	Estate of Vlasta Bishop, deceased, in Surrogate's Court, New York County, N. Y.; Index No. P-773-1945.	[illegible]
		Item 7	
Marie De Blauwe	Belgium	Bond & Mortgage Guarantee Co., Supreme Court, Kings County, N. Y.; Series No. 181384; Certificate No. 119310.	[illegible]

[F. R. Doc. 47-521; Filed, Jan. 17, 1947; 8:49 a. m.]

[Vesting Order CE 355]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN HAWAII COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name:

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Mecaela Torralba Villa, also known as Francisca T. Calayeay.	Philippines	Estate of Jose Torralba Villa, deceased, in the Circuit Court of the Third Judicial Circuit, Hilo, Hawaii; Probate No. 1596.	$6,622.78	Bank of Hawaii, Hilo, Hawaii, in Savings Account.	$69.00
		Item 2			
Valentina Oballes Molses	do	Same	1,123.87	Hawaiian Trust Co., Ltd., 120 South King St., Honolulu, T. H.	9.00
		Item 3			
Norma Molses	do	Same	2,247.73	do	19.00
		Item 4			
Teodoro Amodo	do	Estate of Donato Rafauan Amodo, deceased, in the Circuit Court of the First Judicial Circuit, T. H., Honolulu, T. H.	384.43	Wilder Wright, Administrator, 313 McCandless Bldg., Honolulu, T. H.	6.00
		Item 5			
Severo Amodo	do	Same	384.43	do	6.00
		Item 6			
Pastor Amodo	do	Same	384.43	do	6.00
		Item 7			
Fufino Amodo	do	Same	384.44	do	6.00
		Item 8			
Marina Amodo Estaban	do	Same	384.44	do	6.00
		Item 9			
Heirs and next of kin of Clara Amodo Quitog, deceased.	do	Same	384.44	do	6.00
		Item 10			
Fong Goo Shee	China	Estate of Goo Kon, et al., deceased, in the Circuit Court of the First Judicial Circuit, Honolulu, T. H.; P. No. 13258.	377.97	Bishop National Bank of Hawaii, Honolulu, T. H.	30.00
		Item 11			
Lau Leong Shee	do	Estate of Lau Bow, also known as Lau Po, deceased, in the Circuit Court of the First Judicial Circuit, Honolulu, T. H., P. No. 13596.	1,088.60	Wilder Wright, 266 Hawaiian Trust Building, Honolulu, T. H.	15.00
		Item 12			
Lau Kin Hing	do	Same	2,177.20	Same	31.00
		Item 13			
Lai Har Wong	do	Estate of Wong On, deceased, in the First Circuit Court, Honolulu, T. H.; Probate No. 12672.	400.35	The Liberty Bank of Honolulu, 99 N. King Street, Honolulu, T. H. Blocked Account No. 16671.	10.00
		Item 14			
Loo Ngit Wah	do	Same	1,000.90	The Liberty Bank of Honolulu, 99 N. King Street, Honolulu, T. H. Blocked Account No. 16672.	24.00
		Item 15			
You Wai Wong	do	Same	400.35	The Liberty Bank of Honolulu, 99 N. King Street, Honolulu, T. H. Blocked Account No. 16673.	10.00
		Item 16			
You Han Wong	do	Same	400.35	The Liberty Bank of Honolulu, 99 N. King Street, Honolulu, T. H. Blocked Account No. 16674.	10.00
		Item 17			
Georgette Andresen	France	Guardianship of Georgette Andresen, a Minor, in the Circuit Court of the First Judicial Circuit, Honolulu, T. H.; P. No. 9274.	[1] 400.00 [2] 322.53	Hawaiian Trust Company, Ltd., 120 S. King St., Honolulu, T. H.	35.00
		Item 18			
Adele de Rubeis	Italy	Estate of Nella Amadei, deceased, in the First Circuit Court, Honolulu, T. H.; P. No. 12515.	2,646.74	Hawaiian Trust Co., Ltd., 120 South King St., Honolulu, T. H.	7.00
		Item 19			
Francesca Giammaria	do	Same	2,646.74	do	7.00
		Item 20			
Angela Brusehini	do	Same	2,646.74	do	7.00
		Item 21			
Marietta Loreti	do	Same	2,646.74	do	7.00
		Item 22			
Guglielmo Rossi	do	Same	2,646.74	do	7.00

[1] Stocks.
[2] Cash.

[F. R. Doc. 47-529; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order CE 343]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative

action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding of each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947:

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Joseph Handler	Austria	Estate of Peter Handler, deceased, Surrogate's Court, Kings County, N. Y.; Docket No. 7135-1941.	$1,000.00	Otto P. Burkard, Executor, 109-07 85th Ave., Richmond Hill, Long Island, N. Y.	$1,000.00
		Item 2			
Children of George Handler	do	Same	1,000.00	do	1,000.00
		Item 3			
Marie Frank (daughter of Paul Handler, deceased.)	do	Same	500.00	do	500.00
		Item 4			
Magdalena Rossi	do	Same	800.00	do	800.00
		Item 5			
Marie Maurin	France	Same	400.00	do	400.00
		Item 6			
John Rossi	Austria	Same	400.00	do	400.00
		Item 7			
Joseph Rossi	do	Same	400.00	do	400.00
		Item 8			
Anton Rossi	do	Same	400.00	do	400.00
		Item 9			
Frank Handler	Yugoslavia	Same	1,000.00	do	1,000.00
		Item 10			
Mary Putre	do	Same	500.00	do	500.00
		Item 11			
Margaretha Arko	do	Same	1,000.00	do	1,000.00
		Item 12			
John Lackner	do	Same	700.00	do	700.00
		Item 13			
Flori Lackner	do	Same	800.00	do	800.00
		Item 14			
Anna Lackner	do	Same	400.00	do	400.00
		Item 15			
Alexander Berenson	Italy	Estate of Vladimir Berenson, deceased, Surrogate's Court, New York County, N. Y., Index No. P-1358-1943.	3,000.00	Antonie Berenson, 11 West 69th St., New York, N. Y., and Herman J. Tarr, 240 Central Park So., New York, N. Y., Executors.	4,000.00
		Item 16			
Miron Berenson	Yugoslavia	Estate of Vladimir Berenson, deceased, Surrogate's Court, New York County, N. Y.; Index No. P-1358-1943.	$3,000.00	do	3,000.00
		Item 17			
Marion C. Bourbon Del Monte.	Italy	Estate of Katharine M. Walsh, deceased, Surrogate's Court, New York County, N. Y.	(1)	Grenville B. Winthrop, Jr., 34 Valley Rd., Scarsdale, N. Y.	(1)
		Item 18			
Catharine A. M. Bosio	do	Same	(1)	do	(1)
		Item 19			
Mary Naprava	Czechoslovakia	Estate of Anna Buresch, deceased, Surrogate's Court, Westchester County, N. Y.; Docket No. 1189-1943.	(2)	Henrietta Case, Star Route, City of Hudson, Columbia County, N. Y., and John J. McQuade, 85 Bronx River Rd., Yonkers, N. Y., Executors.	(2)
		Item 20			
Bozena Naprava	do	Same	(2)	do	(2)
		Item 21			
Frank Naprava	do	Same	(2)	do	(2)

[1] Income from Trust under will of Katharine M. Walsh, deceased.
[2] Income from $2,500.
[3] Income from $3,000.

[F. R. Doc. 47-476; Filed, Jan. 16, 1947; 8:50 a. m.]

[Vesting Order CE 351]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CONNECTICUT AND MASSACHUSETTS COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Concetta P. LaPorta	Italy	Estate of Alessandro LaPorta, deceased, Probate Court, District of New Haven, Conn.	[1] $300.00	Rocco A. Civitello, Administrator, 80 Shepard St., New Haven, Conn.	$28.00
		Item 2			
Ralph LaPorta	do	Same	[1] 200.00	do	19.00
		Item 3			
Maria LaPorta	do	Same	[1] 200.00	do	19.00
		Item 4			
Carmela LaPorta	do	Same	[1] 200.00	do	19.00
		Item 5			
Gigia Raschella	do	Estate of Joseph Raschella, deceased, Probate Court, District of New Haven, Conn.	2,331.86	Humbert R. Quadrino, Executor, 7 Westerleigh Road, New Haven, Conn.	87.00
		Item 6			
Aldo Raschella	do	Same	2,331.86	do	87.00
		Item 7			
Nazarena Panucci	do	Estate of Antonino Panucci, deceased, Probate Court, District of Groton, Conn.	357.01	Filomena Cardellicchio, Administratrix, 26 Denison Ave., Groton, Conn.	51.20
		Item 8			
Julio Panucci	do	Same	278.51	do	25.6
		Item 9			
Bruno Panucci	do	Same	278.51	do	25.60
		Item 10			
Elizabeth Campisi	do	Same	278.51	do	25.60
		Item 11			
Dora Pavelene Hamaranik	Poland	Estate of Jacob Lukaszyk, deceased, Probate Court, District of Naugatuck, Conn.	190.46	Naugatuck Savings Bank, Naugatuck, Conn., Account No. 48962, Dora Pavelene Hamaranik.	35.00
		Item 12			
Dominick Maccariello	Italy	Estate of Prisco Maccariello, deceased, Probate Court, District of New Haven, Conn.	801.34	Peter A. Leonardi, Jr., Administrator, 8 West Rock Ave., New Haven, Conn.	43.25
		Item 13			
Pasquale Maccariello	do	Same	801.34	do	43.25
		Item 14			
Anthony Maccariello	do	Same	801.34	do	43.25
		Item 15			
Maria Maccariello	do	Same	801.35	do	43.25
		Item 16			
Harold Winthrop	France	Trust under the Will of Annie Neilson Curtis, deceased, f/b/o Harold Winthrop, et al, Probate Court, Suffolk County, Mass.; No. 297068.	(2)	City Bank Farmers Trust Co., Trustee, 22 William St., New York, N. Y.	124.00

[1] Approximately.
[2] Income from Trust under Will of Annie Neilson Curtis, deceased.

[F. R. Doc. 47-525; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order CE 348]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Jean Lions Claverie	France	Estate of Jean B. Claverie, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 235808.	
		Item 2	
Mrs. Marie Pedezert	do	Same	
		Item 3	
Ros Bobion-Bonnine	do	Same	
		Item 4	
Julie Bobion	do	Same	
		Item 5	
Luka Cupach	Yugoslavia	Estate of Ilya Cupach, also known as Ely Cupaschi, also known as Ile Cupach, also known as E. Cupasch, also known as Ely Cupasch, also known as Elna Cupas, also known as Elya Cupach, also known Ely Cuspsach, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 92533.	
		Item 6	
Puca Cupach	do	Same	
		Item 7	
Sophie Baculoff (Bakalis)	Greece	Estate of George Baculoff, deceased, in the Superior Court of the State of California, in and for the County of Santa Clara.	
		Item 8	
Louis Baculoff (Bakalis)	do	Same	
		Item 9	
Vena Baculoff	do	Same	
		Item 10	
Czechoslovakia Gymnasium	Czechoslovakia	Estate of Jan Nalepa, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 221-171.	
		Item 11	
Josef Muzik	do	Estate of Bohumil Muzik, also known as B. Muzik, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 162939.	
		Item 12	
Friestel Pohl	do	Estate of Anton Knittel, deceased, in the Superior Court of the State of California, in and for the County of San Diego; No. 31703.	
		Item 13	
Edgar Pohl	do	Same	
		Item 14	
Herbert Pohl	do	Same	

[F. R. Doc. 47-522; Filed, Jan. 17, 1947; 8:49 a. m.]

[Vesting Order CE 353]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Aaron Zamornick	Russia	Estate of Dora Rosenberg, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 203489.	$1,000.00	Union Bank & Trust Co. of Los Angeles, 760 South Hill Street, Los Angeles, Calif., Account in the name of Aaron Zamornick.	$115.00
		Item 2			
Jachiel Dinlicht	Poland	Estate of Morris Dinlicht, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 217736.	1,434.58	Bank of America National Trust & Savings Association, Main Office, Los Angeles, Calif., Account No. 110895, in the name of Jached Dinlicht.	26.00
		Item 3			
Fayga Dinlicht	do	Same	1,434.58	Bank of America National Trust & Savings Association, Main Office, Los Angeles, Calif., Account No. 110891, in the name of Fayga Dinlicht.	26.00
		Item 4			
Shandel Dinlicht Rosenswelg	do	Same	1,434.58	Bank of America National Trust & Savings Association, Main Office, Los Angeles, Calif., Account No. 110885, in the name of Shandel Dinlicht Rosenswelg.	26.00
		Item 5			
Luisa Gangale Iaconis	Italy	Estate of Rosario Iaconis, deceased, in the Superior Court of the State of California, in and for the County of Siskiyou; No. 4338.	2,640.27	C. A. Turner, Public Administrator, 209 West Miner St., Yreka, Siskiyou County, Calif.	28.00
		Item 6			
Carmela Lancione	do	Estate of Antonio Lancione, deceased, in the Superior Court of the State of California, in and for the County of Siskiyou; Probate Probate No. 4447.	4,572.13	C. A. Turner, Public Administrator, 209 West Miner St., Yreka, Siskiyou County, Calif.	40.00
		Item 7			
Charlotte Andree Whitcomb Lepic	France	Estate of A. C. Whitcomb, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 50794.	(1)	J. B. Johnson, Trustee, 310 Sansome St., San Francisco, Calif.	41.00
		Item 8			
Arthur P. Lord	do	Estate of Mary H. Lord, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 64332.	(2)	Security-First National Bank of Los Angeles, Trustee, 230 East Colorado St., Pasadena, Calif.	73.00

[1] Income from Trust under Will of A. C. Whitcomb, deceased.
[2] Income from Trust under Will of Mary H. Lord, deceased.

[F. R. Doc. 47-527; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order CE 349]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A

in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Tony Greco	Italy	Estate of Tony Greco, Supreme Court, New York County, N. Y.; Index No. 32162-1921.		Max Herbst, Substituted Committee of the Estate of Tony Greco, an incompetent, 240 West 98th St., New York, N. Y.	[illegible]
		Item 2			
Anthony Talarico	do	Estate of Gesuna Barberio, deceased, Surrogate's Court, Putnam County, N. Y.	$81.50	Josephine Merar[illegible]e, Administratrix, Kemble Ave., Cold Spring, N. Y.	[illegible]
		Item 3			
Mary Talarico	do	Same	[illegible].50	do	[illegible]
		Item 4			
Katherine Talarico	do	Same	$1.50	do	[illegible]
		Item 5			
Alfredo Quintiliani	do	Estate of Loreto Quintiliani, also known as Loreto Quintiliano, deceased, Surrogate's Court, Bronx County, N. Y.	[illegible]77.96	James W. Brown, Public Administrator, Bronx County, 851 Grand Concourse, New York, N. Y.	[illegible]
		Item 6			
Ezio Quintiliani	do	Same	1 077.96	do	[illegible]
		Item 7			
Giuseppe Quintiliani	do	Same	1 077.96	do	[illegible]
		Item 8			
Carmella Quintiliani	do	Same	1 077.96	do	6.00
		Item 9			
Angelina Quintiliani	do	Same	2 155.93	do	12.00
		Item 10			
Mosche Ratner	Poland	Estate of Jacob M. Eisenberg, deceased, Surrogate's Court, New York County, N. Y.; Docket No. P-2041/1940.	(2)	Thomas W. Baylek, 79 East 54th St., New York, N. Y., Joseph Eisenberg, 160 Central Park So., New York, N. Y., and Samuel Ratner, 1695 Grand Ave., Bronx, N. Y., Executors and Trustees	[illegible]
		Item 11			
Esther Silverman	do	Same	(2)	do	[illegible]

[1] Approximately $15,354.
[2] Income from a Trust, under will of Jacob M. Eisenberg, deceased.

[F. R. Doc. 47-523; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order 7972]

EMMA J. VOGEL

In re: Trust under the will of Emma J. Vogel deceased. File D-28-2407; E. T. sec. 3731.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Gebhart, Adolph Gebhart, Mary Grass, Barbetta Henny, Louise Braun, Otto Vetter and Albert Vetter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown of John Gebhart, the children, names unknown of Adolph Gebhart, the children, names unknown of Mary Grass, the children, names unknown of Barbetta Henny and the children, names unknown of Louise Braun, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Emma J. Vogel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Guarantee Trust Company of Atlantic City, N. J., as executor and trustee, acting under the judicial supervision of the Atlantic County Orphans' Court, Mays Landing, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown of John Gebhart, the children, names unknown of Adolph Gebhart, the children, names unknown of Mary Grass, the children, names unknown of Barbetta Henny and the children, names unknown of Louise Braun, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322; 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981).

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-518; Filed, Jan. 17, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1430]

EAST COAST PUBLIC SERVICE CO. AND VIRGINIA EAST COAST UTILITIES, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of January A. D. 1947.

Notice is hereby given that a joint declaration has been filed with this Commission, pursuant to sections 7 and 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, by East Coast Public Service Company, a registered holding company and its public utility subsidiary company Virginia East Coast Utilities, Incorporated.

Notice is further given that any interested person may, not later than January 22, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt the transactions therein proposed as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Virginia East Coast Utilities, Incorporated, proposes to issue and sell to Baltimore National Bank of Baltimore, Maryland, its promissory note in the principal amount of $200,000, bearing interest at the rate of 2½% per annum, maturing six months after date of issue. The proceeds of such sale are to be used in part to retire its present loan of $150,000 from the Baltimore National Bank, and in part for the construction of property additions. East Coast Public Service Company proposes to guarantee to Baltimore National Bank the repayment of the loan of $200,000 with interest.

Declarants request that the Commission's order permitting the declaration to become effective be issued on or before January 23, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-534; Filed, Jan. 20, 1947; 8:47 a. m.]

[File No. 30-221]

EASTERN NEW YORK POWER CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of January A. D. 1947.

Eastern New York Power Corporation, a registered holding company and a subsidiary of International Hydro-Electric System, also a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935, reciting, inter alia, that it had filed a Notification of Registration under section 5 (a) of the act proposing to become a holding company until certain transactions then pending before the Commission were completed; that these transactions were approved by the Commission by order dated December 4, 1946 (Holding Company Act Release No. 7042), and have since been consummated; and

The Commission having issued a notice of filing on December 20, 1946, with respect to said application and said notice having stated that any interested person may not later than January 3, 1947, request the Commission in writing that a hearing be held on such matter and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

Eastern New York Power Corporation and others having now filed a Certificate of Notification, pursuant to Rule U-24, wherein it is stated that the transactions so authorized by the Commission on December 4, 1946 have been consummated; and

The Commission finding that Eastern New York Power Corporation does not directly or indirectly own, control or hold with power to vote, or otherwise, any of the outstanding securities of a public utility company, or of a holding company, as defined in the act, and that Eastern New York Power Corporation has ceased to be a holding company, and that its registration as a holding company should cease to be in effect and that it is not necessary to impose any terms or conditions for the protection of investors in connection with the termination of such registration:

It is ordered and declared, That Eastern New York Power Corporation has ceased to be a holding company, and that the registration of Eastern New York Power Corporation as a holding company shall from the date of the entry of this order cease to be effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-484; Filed, Jan. 17, 1947; 8:48 a. m.]

[File Nos. 54-124, 59-79, 70-1197]

SEATTLE GAS CO.

ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January A. D. 1947.

Seattle Gas Company ("Seattle"), a gas utility subsidiary of Portland Electric Power Company and Portland General Electric Company, registered holding companies, having filed on April 17, 1946 an application pursuant to the provisions of section 11 (e) and other applicable sections of the Public Utility Holding Company Act of 1935 and the rules and regulations of the Commission promulgated thereunder, for approval of an amended plan of reorganization for the purpose of complying with the provisions of section 11 (b) of the act;

The applicant having requested that the Commission enter an order finding that the proposed transactions set forth in said amended plan are necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, are fair and equitable to the persons affected thereby, and that such order contain recitals in accordance with the requirements of section 371 and subsection (f) of section 1808 of the Internal Revenue Code, as amended; and having further requested the Commission, pursuant to section 11 (e) of the act to apply to an appropriate United States District Court to enforce and carry out the terms of the amended plan;

Public hearings having been held after appropriate notice and the Commission having considered the record herein and having made and filed its findings and opinion herein; and

The Commission having found that the amended plan is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby;

It is ordered, That such application be, and it hereby is, granted and that the amended plan be, and it hereby is, approved, subject, however, to the conditions specified in Rule U-24 and to the further condition that the Department of Public Utilities of the State of Washington shall have approved the issuance of the new common stock of Seattle;

It is further ordered, That jurisdiction be and hereby is reserved:

1. To approve, disapprove, modify, allocate or award by further order or orders, all fees or other compensation and all remuneration or expenses claimed or hereafter claimed by any persons in connection with the amended plan, the transactions incident thereto and the consummation thereof;

2. To take such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11 (b) of the act; and

3. To entertain such further proceedings, to make such supplemental findings and to take such further action as the Commission may deem appropriate in connection with the amended plan, the transactions incident thereto and the consummation thereof, and, in the event such amended plan be not consummated, to enter such further orders as the Commission may deem appropriate under sections 11 (b), 11 (f) and 20 (a) of the act.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court, pursuant to the provisions of sections 11 (e) and 18 (f) of the act, to enforce and carry out the terms and provisions of the amended plan.

It is further ordered, That this order shall not be operative to authorize the consummation of any of the transactions proposed in the amended plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing such amended plan.

It is further ordered and recited, That all steps and transactions involved in the consummation of the amended plan, including particularly the issuances, exchanges, acquisitions, transfers, distributions, deliveries of sales, hereinafter described and recited in subparagraphs numbered I through VI set forth below are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are hereby authorized, approved and directed; the stock and securities and other property which are ordered to be issued, exchanged, acquired, transferred, received and sold upon such transactions being specified and itemized as follows:

I. The applicant will issue 259,078 shares of new Common Stock with a par value of $10 per share to the holders of its existing 47,105 shares of $5 First Preferred Stock in the proportion of 5½ shares of new Common Stock for each share of $5 First Preferred Stock upon surrender of and in exchange for the certificates representing such $5 First Preferred Stock.

II. The applicant will issue 2,734 shares of new Common Stock with a par value of $10 per share to the holders of its existing 27,338 shares of Second Preferred Stock in the proportion of 1/10 of a share of new Common Stock for each such share of Second Preferred Stock upon surrender of and in exchange for the certificates representing such Second Preferred Stock.

III. No fractional shares of new Common Stock will be issued by the applicant under subparagraphs I and II next above, but in lieu thereof the applicant will issue Scrip Certificates, exchangeable for full shares within two years from the first day of the month in which the amendment to the Articles of Incorporation of the applicant creating such new Common Stock shall become effective. After the expiration of such two year period, the applicant will sell the shares of new Common Stock reserved for issue in exchange for Scrip Certificates, and for a period of three additional years holders of Scrip Certificates will be entitled to receive their pro rata share of the proceeds of sale, at the end of which time the Scrip Certificates shall be void for all purposes.

IV. Holders of existing $5 First Preferred Stock and Second Preferred Stock who do not surrender their stock certificates in exchange for shares of the new Common Stock and/or Scrip Certificates (or cash proceeds after the initial two year period referred to in subparagraph III next above) within five years from the first day of the month in which the amendment to the Articles of Incorporation of the applicant creating such new Common Stock shall become effective, shall not thereafter be entitled or permitted to make such exchange, and the shares of the existing stock then held by them shall be void for all purposes.

V. All existing Common Stock of the applicant will be cancelled and no new shares will be issued therefor.

VI. The foregoing transactions or any of them may be effectuated through and deliveries may be made directly by the applicant or to or through exchange agents or otherwise, the certificates for such shares of new Common Stock and such Scrip Certificates shall be in such form and the sale of such shares of new Common Stock reserved for issue in exchange for Scrip Certificates shall be made in such manner and upon such terms and conditions, all as may be determined by the Board of Directors of the applicant consistent with the Court order enforcing the amended plan and within the time limits, specified in the amended plan or in said Court order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-488; Filed, Jan. 17, 1947; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-669]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF ORDER DENYING APPLICATIONS FOR RECONSIDERATION AND VACATION, OR, IN THE ALTERNATIVE, FOR A REHEARING OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 15, 1947.

Notice is hereby given that, on January 15, 1947, the Federal Power Commission issued its order denying applications for reconsideration and vacation, or, in the alternative, for a rehearing of order issuing certificate of public convenience and necessity, entered January 14, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-554; Filed, Jan. 20, 1947; 8:50 a. m.]

[Docket No. IT-6016]

COORDINATION OF ELECTRIC FACILITIES IN THE CONSERVATION OF COAL

ORDER TERMINATING EMERGENCY AND REVOKING EXEMPTIONS

JANUARY 10, 1947.

It appears to the Commission that:

(a) Because of the virtual cessation of coal mining, this Commission on November 22, 1946, entered a finding and determination of the existence of an emergency within the meaning of section 202 of the Federal Power Act in the production of electric energy in the United States.

(b) As an aid in alleviating the critical coal situation, the Commission authorized electrical utility systems to coordinate operations through use of interconnections without such use affecting the jurisdictional status of electric utilities under the Federal Power Act.

The Commission finds and determines that: The emergency for which the finding and determination of November 22, 1946, was issued no longer exists; and wherefore

The Commission orders that: The authority and exemption provided for in the said action of November 22, 1946, be and it hereby is revoked, effective thirty (30) days from the date of issuance of this order.

Date of issuance: January 10, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-505; Filed, Jan. 17, 1947; 8:46 a. m.]

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Subtitle A—Office of the Secretary of Agriculture

PART 01—DEBT SETTLEMENT

SETTLEMENT OF CERTAIN DEBTS OF FARMERS

The regulations issued on the 20th day of January 1945 (6 CFR Supp. 1945, Part 01), as amended, pursuant to the authority contained in Public Law 518, 78th Congress, 58 Stat. 836 (12 U. S. C. Sup., 1150–1150c) are hereby further amended by inserting the following after the word "debtor," in paragraph (a) of § 01.3 *Settlement of indebtness* thereof: "except in those cases where it is found that it is legally impossible for the debtor to make application,".

(Sec. 1, 58 Stat. 836; 12 U. S. C. Sup., 1150)

Issued this 17th day of January 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary.*

[F. R. Doc. 47-594; Filed, Jan. 21, 1947; 8:47 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

PART 391—WATER FACILITIES LOANS

MISCELLANEOUS AMENDMENTS

Section 391.1 (11 F. R. 177A-252) of Title 6, Chapter III of the Code of Federal Regulations, paragraphs (b) and (d) are amended and paragraph (e) is added to read as follows:

§ 391.1 *General.* • • •

(b) No loan may be made in excess of $50,000 in connection with a single project or facility. Regional Directors are authorized to approve Water Facilities loans to individuals in amounts not to exceed $5,000 and to associations in amounts not to exceed $7,500. State Directors are authorized to close Water Facilities loans, which were approved, or conditionally approved, prior to the transfer of functions from the Regional FSA Directors to the State FHA Directors. State FHA Directors are authorized to approve Water Facilities loans to individuals, subject to the following limitations: (1) No Water Facilities loan, initial or subsequent, shall be approved by State FHA Directors or their subordinates which will result in a total outstanding Water Facilities indebtedness to that individual in excess of $5,000; (2) The aggregate of loans made to all individuals in connection with any one water facilities group service shall not exceed $5,000. State FHA Directors are authorized to redelegate to District FHA Supervisors all or any part of their authority to approve Water Facilities loans to individuals, except the approval of loans for irrigation purposes. State FHA Directors are authorized to redelegate to FHA Supervisors, in charge of County Offices, all or any part of their authority to approve Water Facilities loans to individuals, except FHA Supervisors shall not be authorized to approve: (i) Loans for irrigation purposes; (ii) any loan, initial or subsequent, which will result in a total outstanding Water Facilities indebtedness to one individual in excess of $1,000; and (iii) loans to establish Water Facilities group services. Loans may be made for the expected life of the facility or for twenty years, whichever is less, and will bear interest at the rate of three percent per annum. Generally a first mortgage on the facility, and additional security, when available, and when needed to protect the Government's interests, are required.

• • • • • •

(d) Applications of individuals for loans will be filed on Form FHA–197, "Application for FHA Services," with the local FHA office. Applications of associations will be by informal letter filed with the local FHA office. Associations will also be required to execute a loan agreement on Form WF–3b, "Agreement for Loan and Supplementary Grant." Assistance in planning and constructing the facility is furnished. The individual or association assumes the responsibility for the completion of the installation.

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedu e Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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Representatives of the FHA give technical assistance and engineering service as needed.

(e) Generally the benefits of the program will be extended to owners or operators of not larger than family-type farms. These farms should be capable of producing a substantial part of the total family income and utilize a substantial portion of the family labor in carrying on farming and stock-raising operations. Loans are limited to those individuals who cannot obtain credit for the purposes of the loan on reasonable terms and conditions and in sufficient amount from any other responsible source available in or near the community in which they reside. Cooperative water associations, mutual water companies, or irrigation districts having general corporate powers are eligible to receive Water Facilities loans for approved purposes: *Provided*, (1) The organization does not have sufficient funds to carry out the objectives for which the loan is sought, and cannot obtain such funds by levying special assessments or charges on its members, or obtain such funds from any other responsible source on reasonable terms and conditions; (2) a majority of the farm units to be benefited are family-type farms; and (3) at least two-thirds of the membership or voting stock in the association is held by the owners or operators of not larger than family-type farms. Each applicant for an individual Water Facilities loan must certify on Form FHA-121, "Certification—Water Facilities Loans," before a loan is approved, that he is unable to obtain credit on reasonable terms and conditions, and in sufficient amount, from any responsible source available in or near the community in which he resides, to carry out the objectives for which the loan is sought. Each incorporated association applying for a loan must certify on a separate sheet, before the loan is approved, that it is unable to obtain the necessary funds by levying special assessments or charges on its members or stockholders, or from any other responsible source, on reasonable terms and conditions to carry out the objectives for which the loan is sought. The County FHA Committee must certify on Form FHA-121, "Certifications—Water Facilities Loans," before loans to individuals are approved, that the applicant is eligible to receive a loan under the requirements of the Water Facilities Program and that the applicant in its opinion will honestly endeavor to carry out the undertakings and obligations required of him. The County FHA Committee must also certify as to the eligibility of all incorporated associations. The committee certification will be made on the association's certification sheet.

(50 Stat. 869, 54 Stat. 1124)

Issued this 14th day of January 1947.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: January 17, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-630; Filed, Jan. 21, 1947; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4589]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

C. H. ROBINSON COMPANY ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* I. In connection with the purchase of fruits, vegetables, and other commodities in commerce, and on the part of respondent C. H. Robinson Company (engaged in the produce brokerage business), and on the part of its officers, etc., (1) receiving or accepting from any seller, directly or indirectly, anything of value as a commission or brokerage, or any compensation, allowance, or discount in lieu thereof, on or in connection with purchases made by respondent Nash-Finch Company (engaged as wholesale grocer, and owner of substantially all the outstanding stock of said C. H. Robinson Company) while acting under the control of and in fact for and on behalf of said respondent Nash-Finch Company; (2) receiving or accepting from any seller, directly or indirectly, anything of value as a commission or brokerage, or any compensation, allowance, or discount in lieu thereof, on or in connection with purchases made for respondent's own account or while acting for or in behalf of a purchaser as an intermediary or agent or subject to the direct or indirect control of such purchaser; or, (3) paying, transmitting, or delivering to or for the benefit of any purchaser, either directly in the form of money or credits or indirectly in the form of dividends, or otherwise, any commission or brokerage, or any compensation, allowance, or discount in lieu thereof, received from any seller while acting as an intermediary or agent for such purchaser or while subject to the direct or indirect control of such purchaser; and II, in connection with the purchase of fruits, vegetables, and other commodities in commerce, and on the part of said respondent Nash-Finch Company (engaged as aforesaid as wholesale grocer, and owner of substantially all the outstanding stock of said respondent C. H. Robinson Company), and on the part of its officers, etc. (1) receiving or accepting from any seller, directly or indirectly, anything of value as a commission or brokerage, or any compensation, allowance, or discount in lieu thereof, on or in connection with purchases made for respondent's own account, either directly or by or through respondent C. H. Robinson Company; or, (2) receiving or accepting from respondent C. H. Robinson Company, either directly in the form of money or credits or indirectly in the form of dividends, or otherwise, any commission or brokerage, or any compensation, allowance, or discount in lieu thereof, received by said C. H. Robinson Company from any seller while acting for or in behalf of said respondent Nash-Finch Company as an intermediary or agent for said respondent or while subject to the direct or indirect control of said respondent; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U. S. C., sec. 13 (c)) [Cease and desist order, C. H. Robinson Company et al., Docket 4589, January 6, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January A. D. 1947.

In the Matter of C. H. Robinson Company, a Corporation, and Nash-Finch Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and substitute answer of the respondents, which substitute answer admits all the material allegations of fact set forth in said complaint and waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of subsection (c) of section 2 of the act of Congress entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (Robinson-Patman Act):

I. *It is ordered*, That the respondent C. H. Robinson Company and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase of fruits, vegetables, and other commodities in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Receiving or accepting from any seller, directly or indirectly, anything of value as a commission or brokerage, or any compensation, allowance, or discount in lieu thereof, on or in connection with purchases made by respondent Nash-Finch Company while acting under the control of and in fact for and on behalf of said respondent Nash-Finch Company.

2. Receiving or accepting from any seller, directly or indirectly, anything of value as a commission or brokerage, or any compensation, allowance, or discount in lieu thereof, on or in connection with purchases made for respondent's own account, either directly or by or through respondent C. H. Robinson Company, or while acting for or in behalf of a purchaser as an intermediary or agent or subject to the direct or indirect control of such purchaser.

3. Paying, transmitting, or delivering to or for the benefit of any purchaser, either directly in the form of money or credits or indirectly in the form of dividends, or otherwise, any commission or brokerage, or any compensation, allowance, or discount in lieu thereof, received from any seller while acting as an intermediary or agent for such purchaser or while subject to the direct or indirect control of such purchaser.

II. *It is further ordered*, That the respondent Nash-Finch Company and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the purchase of fruits, vegetables, and other commodities in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Receiving or accepting from any seller, directly or indirectly, anything of value as a commission or brokerage, or any compensation, allowance, or discount in lieu thereof, on or in connection with purchases made for respondent's own account, either directly or by or through respondent C. H. Robinson Company.

2. Receiving or accepting from respondent C. H. Robinson Company, either directly in the form of money or credits or indirectly in the form of dividends, or otherwise, any commission or brokerage, or any compensation, allowance, or discount in lieu thereof, received by said C. H. Robinson Company from any seller while acting for or in behalf of said respondent Nash-Finch Company as an intermediary or agent for such purchaser or while subject to the direct or indirect control of such purchaser.

3. Paying, transmitting, or delivering to or for the benefit of any purchaser, either directly in the form of money or credits or indirectly in the form of dividends, or otherwise, any commission or brokerage, or any compensation, allowance, or discount in lieu thereof, received from any seller while acting as an intermediary or agent for such purchaser or while subject to the direct or indirect control of such purchaser.

III. *It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-620; Filed, Jan. 21, 1947; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51602]

PART 6—AIR COMMERCE REGULATIONS

AIRPORTS OF ENTRY

JANUARY 15, 1947.

The following-named airports are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. Title 49, sec. 179 (b)), for a period of 1 year from the dates shown opposite their names:

Grand Forks Municipal Airport, Grand Forks, N. Dak.	Jan. 1, 1947
Bellingham Airport, Bellingham, Wash.	Jan. 10, 1947
Sault Ste. Marie Airport, Sault Ste. Marie, Mich.	Jan. 15, 1947

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, is hereby further amended by changing the dates opposite the names of the airports in question to show such redesignations.

Notice of the proposed redesignations of these airports as airports of entry was published in the FEDERAL REGISTER on December 17, 1946 (11 F. R. 11470), pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). The redesignations shall be effective on the dates above stated, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress) being dispensed with for the reason that the previous designations expire prior to the expiration of 30 days after the publication of these redesignations. The redesignations of these airports are based on a determination that a sufficient need exists to justify such redesignations and the redesignations are made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b), 44 Stat. 572; sec. 611, 58 Stat. 714; 49 U. S. C., Sup., 177 (b))

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-619; Filed, Jan. 21, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Revocation of Directions 1, 5, 6, 8, 10–14, and 17]

The following published directions to Priorities Regulation 13 are hereby revoked, since they have already expired:

Direction 1.
Direction 5.
Direction 6.
Direction 8.
Direction 10.
Direction 11.
Direction 12.
Direction 13.
Direction 14.
Direction 17.

These revocations do not affect any liabilities incurred for violation of these directions or of actions taken by the Civilian Production Administration under these directions.

Issued this 21st day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-727; Filed, Jan. 21, 1947; 11:11 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1060]

HARRY ROSEN

Harry Rosen of West Warren, Massachusetts, under authorization from the Federal Housing Administration began construction of a residence on Tecumseh Drive, Long Meadow, Massachusetts. The authorization was granted as a result of an application filed by Harry Rosen under National Housing Agency Regulation 80-2, paragraph (3) (a). Harry Rosen represented in this application among other things that he owned or had acquired all or substantially all of the materials needed for the construction prior to March 26, 1946, which was a misrepresentation. The authorization was made in reliance upon this misrepresentation. The result of this misrepresentation was that critical materials were diverted to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1060 *Suspension order No. S-1060.* (a) The authorization to Harry Rosen granted by the Federal Housing Administration on May 21, 1946, Project Serial No. 6-025-923 is revoked.

(b) Neither Harry Rosen, his successors or assigns, nor any other person shall do any further construction on the premises located on Tecumseh Drive, Long Meadow, Massachusetts, unless hereafter authorized in writing by the Civilian Production Administration.

(c) Harry Rosen shall refer to this order in any application or appeal which he may file with the Federal Housing Administration for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Harry Rosen, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-671; Filed, Jan. 20, 1947; 4:30 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1071]

WILSHIRE REALTY CO. AND HAYES CONSTRUCTION CO.

Wilshire Realty Company, a Michigan corporation with principal place of business at 12603 Dexter Avenue, Detroit, Michigan, and Hayes Construction Company, a Michigan corporation with principal place of business at 13061 East Eight-mile Road, Detroit, Michigan, without authorization of the Civilian Production Administration, on August 9, 1946, began and thereafter carried on construction of a structure at 12603 Dexter Avenue, Detroit, Michigan, for use as an automobile bumping shop, the estimated cost of which was in excess of $1,000. The beginning and carrying on of this construction constituted violations of Veterans' Housing Program Order No. 1, and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1071 *Suspension Order No. S-1071.* (a) Neither Wilshire Realty Company nor Hayes Construction Company, their successors or assigns, nor any other person, shall do any further construction on the premises located at 12603 Dexter Avenue, Detroit, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Wilshire Realty Company and Hayes Construction Company shall refer to this order in any application or appeal which they may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Wilshire Realty Company or Hayes Construction Company, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-670; Filed, Jan. 20, 1947; 4:30 p. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-328, Revocation of Direction 31]

COTTON AND RAYON FABRICS FOR PROCESSING IN PUERTO RICO, FIRST AND SECOND CALENDAR QUARTERS, 1946

Direction 31 to Order M-328 is revoked. This revocation does not affect any liabilities incurred under the direction or under any actions taken by the Civilian Production Administration under the direction.

All materials obtained with a rating assigned under this direction, or obtained with a certificate given under Direction 13 to Priorities Regulation 13, must still be used or disposed of, if possible for the purpose for which the rating was granted, or in accordance with the certificate which was given.

Issued this 21st day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-726; Filed, Jan. 21, 1947; 11:11 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1073]

MALKOV LUMBER CO. AND JAMES BURTON CO.

Malkov Lumber Company, a corporation, 1201 South Campbell Avenue, Chicago, Illinois, as owner, and James Burton Company, a Corporation, 179 West Washington Street, Chicago, Illinois, as contractor, began on or about August 15, 1946, construction of an addition to an existing structure on the premises at 1235 South Campbell Avenue, Chicago, Illinois, to be used as a warehouse at an estimated cost in excess of $1,000 in violation of Veterans' Housing Program No. 1. The officers of Malkov Lumber Company had knowledge of the provisions of Veterans' Housing Program Order 1 and the beginning of such construction was a wilful violation of the provisions of said order. The officers of James Burton Company had knowledge of the restrictions of Veterans' Housing Program Order 1 and the beginning of construction constituted gross negligence amounting to a wilful violation of said order. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1073 *Suspension Order No. S-1073.* (a) Neither the Malkov Lumber Company, a corporation, or James Burton Company, a corporation, their successors or assigns, nor any other person shall do any further construction on the premises located at 1235 South Campbell Avenue, Chicago, Illinois, including completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) The Malkov Lumber Company, a corporation, and James Burton Company, a corporation, shall refer to this order in any application or appeal which they may file with the Civilian Production Administration, for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve the Malkov Lumber Company, or James Burton Company, their successors or assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-672; Filed, Jan. 20, 1947; 4:30 p. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS

[3d RMPR 183, Amdt. 9 (§ 1418.1)]

RICE AND RAW CANE SUGAR IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Third Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 4.3 is amended to read as follows:

SEC. 4.3 *Rice*—(a) *Maximum prices.*

Item	Case of—	At wholesale	At retail
			Per unit
All grades of imported packaged milled rice containing from 4% to 15% broken kernels.	30/2-lb. pkg.	$7.30	$0.27
	20/3-lb. pkg.	7.20	.40
	12/5-lb. pkg.	6.80	.63
All grades of imported packaged milled rice containing from 16% to 25% broken kernels.	20/3-lb. pkg.	6.90	.38
Imported milled rice (bulk or loose):		*Cwt.*	*Per lb.*
Short grain rice		$10.60	$0.12
Rice with 5% or more broken kernels.		9.40	.11
Long grain rice			
Fortuna, Prelude, Edith		11.50	.13
Long grain rice:			
Nira, Rexoro, Texas, Patna, Bluebonnet		12.40	.14
Parboiled rice		12.45	.14

(b) *Rice sold loose from a broken package.* The maximum prices for all grades of imported milled rice sold loose from a broken package shall be the same as those established for bulk or loose rice in paragraph (a) above.

2. A new section 4.23 (a) (3) is added to read as follows:

(3) *Sales of raw cane sugar on and after November 20, 1946.* On and after November 20, 1946, the maximum price for sales of raw cane sugar determined under subparagraphs (1) and (2) above may be increased by 36.5 cents per hundredweight.

3. The schedule in section 4.23 (b) (1) is amended to read as follows:

All brands packaged in—	At refiners level [1] (per 100 lbs.)	At wholesale (per 100 lbs.)	At retail (per unit)
100-lb. container	[2] $7.70	[2] $7.90	$0.09
25-lb. container	7.80	8.00	2.15
10-lb. container	7.85	8.05	.92
5-lb. container	7.95	8.15	.46
2-lb. container	7.95	8.15	.19
1-lb. container	8.15	[3] 8.35	[4] .10

[1] Prices include transportation to buyer's place of business.
[2] Deduct 5 cents if packaged in paper bags.
[3] 2 for $0.19.

NOTE: The maximum prices specified above shall be reduced by any discounts customarily allowed for cash or prompt payment.

This amendment shall become effective as of November 20, 1946.

Issued this 21st day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement of Considerations Involved in Issuance of Amendment 9 to Third Revised Maximum Price Regulation 183

The accompanying amendment increases the maximum wholesale prices of rice to reflect the increased prices which wholesalers in Puerto Rico must pay to their suppliers. Corresponding increases are granted at the retail level. At the same time the coverage of the regulation is broadened to include specific prices for additional container sizes of packaged rice and additional varieties of bulk rice.

This amendment also increases the maximum prices of raw cane and refined granulated sugars. On November 20, 1946, maximum prices of raw cane sugar were increased on the mainland 36.5 cents per hundredweight and of refined sugar 40 cents per hundredweight through amendment 4 to MPR 16 and amendment 7 to MPR 60, respectively. Reference to the statement of considerations accompanying those amendments is hereby made. The same increases are made effective in Puerto Rico under this amendment for the same reasons the previous increases granted on the mainland were made applicable to Puerto Rico, as explained in the earlier statements of considerations.

The maximum prices established by this amendment were heretofore set by interim orders of the Director and have been in effect since November 20, 1946. The new prices are calculated to return to distributors no less than the average percentage markups as were in effect on March 31, 1946, and are in accord with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 47-611; Filed, Jan. 21, 1947; 8:49 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 288, Revocation (§ 1418.351)]

SPECIFIC MAXIMUM PRICES IN ALASKA

Revised Maximum Price Regulation 288 is hereby revoked, except that any violations which occurred or rights or liabilities which arose before the effective date of this order of revocation shall be governed by the order in effect at the time the violations occurred or the rights or liabilities arose.

This order shall become effective 12:01 a. m. January 22, 1947.

Issued this 21st day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-613; Filed, Jan. 21, 1947; 8:48 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 203—RULES OF PRACTICE

EXCEPTIONS AND EXEMPTIONS OF PUBLIC CONTRACTS ACT

Pursuant to the authority vested in the Secretary of Labor by section 4 of the Public Contracts Act (49 Stat. 2036, 41 U. S. C. 35–45), §§ 203.13 and 203.14 are hereby revised to read as follows:

§ 203.13 *Requests for exceptions and exemptions.* (a) Request for the exception or exemption of a contract or class of contracts from the inclusion or application of one or more of those stipulations required by § 201.1 of this chapter must be made by the head of a contracting agency or department and shall be accompanied with a finding by him setting forth reasons why such inclusion or application will seriously impair the conduct of Government business.

(b) Request for the exception or exemption of a stipulation respecting minimum rates of pay and maximum hours of labor contained in an existing contract must be made jointly by the head of a contracting agency and the contractor and shall be accompanied with a joint finding by them setting forth reasons why such exception or exemption is desired.

(c) All requests for exceptions and exemptions shall be transmitted to the Public Contracts Division of the Department of Labor.

§ 203.14 *Decisions concerning exceptions and exemptions.* Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transferred to the department or agency originating the request, to the Comptroller General, and to the Procurement Division of the Treasury. All such decisions shall be promulgated to all contracting agencies by the Public Contracts Division of the Department of Labor.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Dated at Washington, D. C., this 8th day of January 1947.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 47-618; Filed, Jan. 21, 1947; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

NATIONAL SERVICE LIFE INSURANCE

Paragraph (a) of § 10.3423 is amended to read as follows:

§ 10.3423 *Health requirements.* National Service Life Insurance may be reinstated if application and tender of premiums are made:

(a) If it be term insurance, on or prior to February 1, 1947, or within six months after lapse, whichever is later, provided the applicant be in as good health on the date of application and tender of premiums as he was on the due date of the premium in default and furnishes evidence thereof satisfactory to the Administrator. Insurance on any other plan may be reinstated on the basis of comparative health provided application is made and premiums are tendered on or prior to February 1, 1947, or within three months after the due date of the premium in default, whichever is later.

(Secs. 601–618, 54 Stat. 1008–1014; 38 U. S. C. 801–818)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JANUARY 24, 1947.

[F. R. Doc. 47-624; Filed, Jan. 21, 1947; 8:47 a. m.]

PART 10—INSURANCE

NATIONAL SERVICE LIFE INSURANCE

The eleventh paragraph of § 10.3498 is amended to read as follows:

§ 10.3498 *Total disability income provision for National Service Life Insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946.* * * *

This provision, if attached to term insurance, may be reinstated upon evidence satisfactory to the Administrator showing the applicant to be in as good health as he was on the due date of the premium in default provided application and two monthly premiums are submitted within six months after the due date of the premium in default; if it be attached to insurance on any other plan reinstatement may be effected on the basis of comparative health provided application and all premiums in arrears with interest are submitted within three months after the due date of the premium in default, or on or prior to February 1, 1947, whichever is later.

(Secs. 601–618; 54 Stat. 1008–1014; Public Law 589, 79th Cong.; 38 U. S. C. 801–818)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

[F. R. Doc. 47-623; Filed, Jan. 21, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 26]

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR OATS

NOTICE OF HEARINGS ON PROPOSED AMENDMENT

Notice is hereby given that a proposed amendment to the official grain standards of the United States for oats (7 (CFR and Cum. Supp. 26.251) promulgated under the authority and provisions of the United States Grain Standards Act, 1916, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.), is being considered. The proposed amendment if promulgated shall be effective not later than July 1, 1947.

The amendment is proposed to provide a better description on certificates for oats of all classes and of all grades except Grade No. 1 which have a test weight per bushel of 32 pounds or more but less than 35 pounds.

If promulgated, the amendment will be in the form of a special grade of Medium Heavy oats substantially as follows:

Definition. Medium Heavy oats shall be oats of any grade other than Grade No. 1 which have a test weight per bushel of 32 pounds or more but less than 35 pounds.

Grades. Medium Heavy oats shall be graded and designated according to the grade requirements of the standards applicable to such oats if they were not medium heavy, and, except in the case of Grade No. 1, there shall be added to, and made a part of, the grade designation, preceding the name of the class, the words "Medium Heavy."

Informal hearings will be held at Minneapolis, Omaha, and Chicago, at which interested persons may present their views and opinions orally with respect to the desirability of promulgating the proposed amendment. The time and

place of each such hearing will be as follows:

February 11, 2:30 p. m., Room 150 Grain Exchange Building, Minneapolis, Minn.

February 13, 2:30 p. m., Room A26 Grain Exchange Building, Omaha, Nebr.

February 14, 2:30 p. m., Room 660 Board of Trade Building, Chicago, Ill.

Interested persons may submit written data, views, or arguments to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than February 20, 1947.

Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received not later than February 20, 1947, and to all other information available in the United States Department of Agriculture before a decision is made as to whether or not an amendment to the official grain standards of the United States for oats in substantially the form proposed shall be promulgated.

Robert H. Black, Assistant to the Director, Grain Branch, Production and Marketing Administration, is hereby designated to conduct the hearings held pursuant to this notice.

Issued this 17th day of January 1947.

[SEAL] JESSE B. GILMER,
Acting Administrator.

[F. R. Doc. 47-629; Filed, Jan. 21, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Ch. I]

NON-GOVERNMENT FIXED AND MOBILE SERVICES IN THE BAND 152–162 Mc

REVISION OF PROPOSED FREQUENCY SERVICE-ALLOCATIONS

JANUARY 10, 1947.

On October 1, 1946, the Commission released Public Notice 98709 which constituted a revision of Public Notice 95408 of July 12, 1946. These public notices were proposals for frequency service-allocations to the non-government fixed and mobile services in the band 152–162 Mc and provided for oral argument.

In view of the many statements and briefs received from representatives of the various services affected outlining statements to be presented at the oral argument on the Commission's most recent proposal, and discussions at the informal engineering conference held in Washington, D. C. on December 2 and 3, 1946, the Commission issues the following revision of the last paragraph on page 2 of Public Notice 98709:

Since equipment in this band is immediately available, all applicants for new municipal police and municipal fire radio systems will be required to operate on frequencies in the 152–162 Mc band except in those instances where the applicant furnishes a satisfactory factual showing of need for some other frequency in order to provide adequate radio communication facilities. An applicant requesting replacement of an entire or major part of an existing municipal police or municipal fire system will also be required to adhere to the frequency utilization policy set forth herein.

Oral argument on the Commission's proposal outlined in Public Notice 98709, revised as indicated herein, will be held in the Commission's offices in Washington, D. C., on February 3, 1947 at 2:00 p. m. Those desiring to appear should file a brief outlining the statement to be presented with the Secretary, Federal Communications Commission, Washington 25, D. C., by January 27, 1947. Each statement will be limited to thirty minutes and data or material which normally would require more time should be presented in written form for the record.

Approved: January 9, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-590; Filed, Jan. 21, 1947; 8:46 a. m.]

[47 CFR, Part 3]

[Docket No. 8050]

MULTIPLE OWNERSHIP

ORDER SETTING FORTH DATE OF ORAL ARGUMENT

In the matter of the rules and regulations concerning multiple ownership of broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 9th day of January 1947;

Whereas, Part 3 of the Commission's rules and regulations contains provisions concerning the multiple ownership of broadcast stations, viz.:

(1) Subpart A, § 3.35, relating to standard broadcast stations, which provides as follows:

§ 3.35 *Multiple ownership.* No license shall be granted for a standard broadcast station, directly or indirectly owned, operated or controlled[eb] by any person[ec] where such station renders or will render primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated or controlled by such person, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation.

(2) Subpart B, § 3.240 (a), relating to FM broadcast stations, which provides as follows:

§ 3.240 *Multiple ownership.* (a) No person (including all persons under common control)[1] shall, directly or indirectly, own, operate, or control more than one FM broadcast station that would serve substantially the same service area as another FM broadcast station owned, operated, or controlled by such person.

(3) Subpart D, § 3.640 (a), relating to television broadcast stations which provides as follows:

§ 3.640 *Multiple ownership.* (a) No person (including all persons under common control)[1] shall, directly or indirectly, own, operate, or control more than one television broadcast station that would serve substantially the same service area as another television broadcast station owned, operated, or controlled by such person.

Whereas, the Commission has received many applications for broadcast facilities which involve the application or interpretation of the said provisions concerning multiple ownership of broadcast stations; and

Whereas, certain of these applications, particularly those requesting FM and television facilities, raise questions (in some instances questions of first impression) which can more appropriately be considered in a general hearing than in hearings limited to particular applications; and

Whereas, the Commission deems it desirable to obtain the views and opinions of interested persons upon the foregoing matters;

Now, therefore, *It is ordered*, That oral argument be held before the Commission en banc on the 7th day of February 1947, upon the following issue:

1. To determine what application or interpretation of the Commission's rules and regulations concerning multiple ownership of broadcast stations, particularly FM and television broadcast stations, would best serve the public interest.

It is further ordered, That the following person or parties be, and they are hereby, made parties to this proceeding for the purpose of participating in the oral argument on the said issue:

The Yankee Network, Inc., applicant for Class B FM stations at Boston, Massachusetts, Bridgeport, Connecticut and Providence, Rhode Island (File Nos. B1–PH–590, B1–PH–591, B1–PH–592; Docket Nos. 6993, 7462, 7027);

John J. Laux et al d/b as Liberty Broadcasting Company, applicant for a Class B FM station at Pittsburgh, Penn. (File No. B2–PH–582, Docket No. 7205);

Washington Broadcasting Company, applicant for a Class B FM station at Washington, Pennsylvania (File No. B2–PH–633);

WDEL, Inc., applicant for a Class B FM station at Wilmington, Delaware (File No. B1–PH–177, Docket No. 7834);

York Broadcasting Company, applicant for a Class B FM station at York, Pennsylvania (File No. B2–PH–184);

Reading Broadcasting Company, applicant for a Class B FM station at Reading, Pennsylvania (File No. B2–PH–184);

Keystone Broadcasting Corporation, applicant for a Class B FM station at Harrisburg, Pennsylvania (File No. B2–PH–183);

Valley Evening Monitor, Inc., applicant for a Class A FM station at McAllen, Texas (File No. B3–PH–426);

[eb] The word "control" as used herein, is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

[ec] The word "person" as used herein, includes all persons under common control.

[1] The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

The Valley Publishing Company, applicant for a Class A FM station at Harlingen, Texas (File No. B3-PH-424);

Central States Broadcasting Corporation, applicant for a Class B FM station at Omaha, Nebraska (File No. B4-PH-403);

Commodore Broadcasting Company, Inc., applicant for a Class B FM station at Springfield, Illinois (File No. B4-PH-161);

International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO), applicant for a Class B FM station at Flint, Michigan (File No. B2-PH-443);

Gannett Publishing Company, applicant for a Class B FM station at Augusta, Maine (File No. B1-PH-269);

KCKN Broadcasting Company, applicant for a Class B FM station at Kansas City, Missouri (File No. B4-PH-659);

Fountain of Youth Broadcasting Company, applicant for a Class B FM station at St. Augustine, Florida (File No. B1-PH-794);

Out West Broadcasting Company, applicant for a Class B FM station at Colorado Springs, Colorado (File No. B4-PH-382);

Trent Broadcasting Corporation, applicant for a Class B FM station at Trenton, New Jersey, (File No. B1-PH-794);

The Copley Press, Inc., applicant for a Class A FM station at Joliet, Illinois (File No. B4-PH-548);

Southern California Associated Newspapers, applicant for Class A FM stations at Alhambra and Glendale, California (File Nos. B5-PH-489, B5-PH-490);

San Pedro Printing and Publishing Company, applicant for a Class A FM station at San Pedro, California (File No. B5-PH-488);

McClatchy Broadcasting Company, applicant for Class B FM stations at Stockton and Modesto, California (File Nos. B5-PH-569, B5-PH-671); and

Crosley Broadcasting Corporation, applicant for a television station at Dayton, Ohio (File No. B2-PCT-118).

It is further ordered, That any of the foregoing parties to this proceeding desiring to participate in the oral argument on the said issue shall file a notice of appearance in duplicate on or before the 27th day of January 1947;

It is further ordered, That any other persons desiring to participate in the oral argument on the said issue shall file a petition in duplicate, requesting leave to participate and showing their interest in the proceeding, on or before the 27th day of January 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-591; Filed, Jan. 21, 1947; 8:46 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR-47-4]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167, sec. 5, 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 526–526t, 50 U. S. C. 1275), and section 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals of equipment are prescribed, effective upon the date of publication of this order in the FEDERAL REGISTER:

BUOYANT CUSHIONS

Approval No. B-360, 14" x 18" x 2", Style No. 300, kapok buoyant cushion, 22 ounces kapok, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, Dwg. No. 3000, dated 27 December 1946, manufactured by American Textile Equipment Corp., 3 State Street, New York 4, N. Y.

Approval No. B-361, 12" x 48" x 2", Style No. 400, kapok buoyant cushion, 51 ounces kapok, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, Dwg. No. 3001, dated 27 December 1946, manufactured by American Textile Equipment Corp., 3 State Street, New York 4, N. Y.

LIFEBOAT

28' x 9.79' x 4.13' Aluminum handpropelled lifeboat with built-in air tanks, 75-person capacity, General Arrangement and Construction Dwg. No. 3112, dated 7 June 1946, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Dated: January 15, 1947.

J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-604; Filed, Jan. 21, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7961]

VERMOEGENSVERWALTUNG UND ABWICKLUNGSSTELLE G. M. B. H.

In re: Debt, bank accounts, certificates of deposit, stocks and bonds owned by Vermoegensverwaltung and Abwicklungsstelle G. m. b. H., F-28-1663-E-1, F-28-1663-A-1, F-28-1663-A-2, F-28-1663-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788 and pursuant to law, after investigation, it is hereby found:

1. That Vermoegensverwaltung und Abwicklungsstelle G. m. b. H., the last known address of which is Theatinerstrasse 16/11, Munich 2-C, Germany, is a limited liability company, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Vermoegensverwaltung und Abwicklungsstelle G. m. b. H., by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Vermoegensverwaltung und Abwicklungsstelle G. m. b. H., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Vermoegensverwaltung und Abwicklungsstelle G. m. b. H., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account, entitled Vermoegensverwaltung und Abwicklungsstelle G. m. b. H., Separate Account, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Vermoegensverwaltung und Abwicklungsstelle G. m. b. H., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account, entitled Vermoegensverwaltung und Abwicklungsstelle G. m. b. H., and any and all rights to demand, enforce and collect the same,

d. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

e. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, owned by Vermoegensverwaltung und Abwicklungsstelle G. m. b. H., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

f. All these debts or other obligations owing to Vermoegensverwaltung und Abwicklungsstelle, G. m. b. H., by New York Hanseatic Corporation, 120 Broadway, New York 5, New York, including particularly but not limited to a portion of the sum of money on deposit with The National City Bank of New York, 55 Wall Street, New York 15, New York, in a bank account, entitled New York Hanseatic Corporation, Account "C", and any and all rights to demand, enforce and collect the same,

g. Ten (10) shares of the capital stock of The Chicago, Rock Island and Pacific Railway Company, a corporation organized under the laws of the States of Illinois and Iowa, evidenced by certificate numbered 84436, registered in the name of Bernhard Voges, and presently in the custody of New York Hanseatic Corporation, 120 Broadway, New York 5, New York, together with all declared and unpaid dividends thereon,

h. One hundred (100) shares of common (old stock) capital stock of The Davidson Chemical Company, a corporation organized under the laws of the State of Maryland, evidenced by certificate numbered NY9564, registered in the name of Bernhard Voges, and presently in the custody of New York Hanseatic Corporation, 120 Broadway, New York 5, New York, together with all declared and unpaid dividends thereon,

i. Certificates of Deposit for three (3) St. Louis-San Francisco Railway Company Prior Lien Gold 4% Bearer Bonds, Series A, of $1,000.00 face value, bearing the numbers AY690, AY692, at $250.00 each and AD2272 at $500.00, and presently in the custody of New York Hanseatic Corporation, 120 Broadway, New York 5, New York, together with any and all rights thereunder and thereto, and

j. Certificates of Deposit for three (3) St. Louis-San Francisco Railway Company Prior Lien Gold 4% Bearer Bonds, Series A, of $2,250.00 face value, bearing the numbers AM 30648 and AM 30649 at $1,000.00 each and AY 1089 at $250.00,

and presently in the custody of The Chase National Bank of the City of New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate No.	Number of shares	Par value	Type of stock	Name of registered owner
American Commonwealths Power		GAO 9341	10		Common A	Justus Christian.
		GAO 53967	1		do	Do.
		GAO 96552	1		do	Do.
		SD 88881	.1		Common A (scrip)	Bearer.
Allegheny Coal Co		131	30	$100.00	Capital	Cudd & Co.
Baltimore & Ohio R. R., Baltimore & Ohio Bldg., Baltimore & Charles St., Baltimore 1, Md.	Maryland and Virginia.	A 493786	5	100.00	Common	Egger & Co.
Botany Worsted Mills, Passaic, N. J	New Jersey	A 01739	32	5.00	Class A	Lotte Stoehr.
		A 8332	.15		Class A (scrip)	Bearer.
International Nickel Co. of Canada, Ltd., Copper Cliff, Ontario.	Dominion of Canada	N B235245	50	No	Common	Lotte Stoehr.
National Family Stores, Inc. (Manufacturers Trust Co., New York, successor trustee).		N1113	100	No	do	Harriman Brothers & Co.
Radio Corp. of America, R. C. A. Bldg., 30 Rockefeller Plaza, New York, N. Y.	Delaware	FRC 37943	30		Common (foreign shares)	Egger & Co.
		FRC 38291	15		do	Do.
		FRC 31679	15		do	Do.

EXHIBIT B

Name of issuer	Type of bond	Certificate No.	Face value
Republic of Chile	Republic of Chile external railway refunding sinking fund 6% bond of Jan. 1, 1928, due Jan. 1, 1961.	D 2565	$500.00
Missouri-Kansas-Texas R. R. Co	Missouri-Kansas-Texas R. R. Co., Adjustment mortgage gold 5%, series "A" due 1967.	C 8221	100.00
		C 8222	100.00
		C 7308	100.00
Free State of Bavaria	Free State of Bavaria external sinking fund, 6½% bond of Aug. 1, 1925, due Aug. 1, 1945.	D 639	500.00
		D 640	500.00
		D 754	500.00
		D 755	500.00
		D 756	500.00
		D 757	500.00
National Railways of Mexico	National Railways Mexico extended 6% secured gold notes series A, due Jan. 1, 1953.	N 28583	45.00
		N 28886 to N 28899, inclusive (each)	45.00
		N 27113 to N 27123, inclusive (each)	45.00
		N 27134 to N 27147, inclusive (each)	45.00
		N 27085 to N 27094, inclusive (each)	45.00
		N 3060 to N 3070, inclusive (each)	45.00
		N 2072	45.00
		N 27152 to N 27163, inclusive (each)	45.00
		N 27095 to N 27102, inclusive (each)	45.00
		N 27109 to N 27112, inclusive (each)	45.00
		N 27128 to N 27133, inclusive (each)	45.00
		N 27164 to N 27177, inclusive (each)	45.00
	National Railways secured notes, fractional 3 year 6% bearer scrip		22.50
United Steel Works Corp. (Vereinigte Stahlwerke, A. G.).	United Steel Works Corp., sinking fund gold 6½%, series A, bearer bond, due 1951.	M 6066	1,000.00
		10978	1,000.00

[F. R. Doc. 47-570; Filed, Jan. 20, 1947; 8:46 a. m.]

[Vesting Order 7984]

MARGARETA PABSTMANN

In re: Estate of Margareta Pabstmann, deceased, File No. D-28-10729—E. T. sec. 14997.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Margaret Schmidt, Johann Sebastian Pabstmann, Luther Haertel, and Luther Pabstmann, and each of them in and to the Estate of Margareta Pabstmann, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Margaret Schmidt, Germany.
Johann Sebastian Pabstmann, Germany.
Luther Haertel, Germany.
Luther Pabstmann, Germany.

That such property is in the process of administration by Kenneth C. Cole as Administration of the Estate of Margareta Pabstmann, acting under the judicial supervision of the Surrogate's Court, Westchester County, New York:

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany):

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-519; Filed, Jan. 17, 1947; 8:49 a. m.]

[Vesting Order 7974]

AKSEL LUNDGAARD BECK

In re: T/D of Aksel Lundgaard Beck. File F-66-346; E. T. sec. 2528.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ingeborg Adele Helene Strauss, Helga Nanna Amalie Strauss, and Ewald v. Schroeder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of Ingeborg Adele Helene Strauss, Helga Nanna Amalie Strauss, and Ewald v. Schroeder, and each of them, in and to and arising out of or under that certain trust agreement dated September 13, 1933, by and between Aksel Lundgaard Beck and Savannah Bank and Trust Company, a corporation organized and existing under the laws of Georgia, and in and to all property held thereunder by Savanah Bank and Trust Company as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-625; Filed, Jan. 21, 1947; 8:49 a. m.]

[Vesting Order 7975]

JEANNE BERNSTORFF

In re: Trust under the will of Jeanne Bernstorff, deceased. File D-28-7498; E. T. sec. 7837.)

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Manfred Count Pourtales, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown of Manfred Count Pourtales, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Jeanne Bernstorff, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by President and Directors of the Manhattan Company, as trustees, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York:

and it is hereby determined:

5. That to the extent that the above-named person and the issue, names unknown of Manfred Count Pourtales, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-626; Filed, Jan. 21, 1947; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-135]

ACCIDENT OCCURRING NEAR GALAX, VA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 88872 which occurred near Galax, Virginia, on January 11, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, January 21, 1947, at 9:00 a. m. (local time) in the Post Office Building, Court Room #337, 10th and Main Street, Richmond, Virginia.

Dated at Washington, D. C. January 15, 1947.

[SEAL] W. K. ANDREWS, *Presiding Officer.*

[F. R. Doc. 47-622; Filed, Jan. 21, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

MULTIPLE OWNERSHIP

ORAL ARGUMENT

JANUARY 9, 1947.

The Commission today adopted an order[1] scheduling for February 7, 1947, oral argument before the Commission en banc on the following issue:

1. To determine what application or interpretation of the Commission's rules and regulations concerning multiple ownership of broadcast stations, particularly FM and television broadcast stations, would best serve the public interest.

Named as parties to the proceeding were various applicants for FM and Television facilities who have applications pending before the Commission which involve questions of multiple ownership and overlap of service areas.

The order recites that "the Commission deems it desirable to obtain the views and opinions of interested persons" upon the foregoing issue.

The order provides that any named parties desiring to participate in the oral argument must file a notice of appearance in duplicate on or before January 27, 1947. It further provides that any other persons desiring to participate in the oral argument should file a petition in duplicate requesting leave to participate and stating their interest in the proceeding on or before January 27, 1947.

The purpose of the oral argument is to assist the Commission in determining the policy best calculated to serve the public interest in connection with the following provisions of Part 3 of the Commission's rules and regulations which contain the multiple ownership rules: Subpart A, § 3.35, relating to Standard broadcast stations; Subpart B, § 3.240 (a), relating to FM broadcast stations; Subpart D, § 3.640 (a), relating to Television broadcast stations.

It is contemplated that the Commission's staff will prepare as exhibits to be introduced in evidence at the oral argument lists of precedents involving the previous application of the multiple ownership rules by the Commission including a statement showing the extent of multiple ownership and contour maps showing the overlap in service areas involved in particular cases. Similar exhibits will be prepared as to all applicants named as parties to the proceeding. Copies of all proposed exhibits will be provided in advance of the oral argument to all parties named in the order, and also to all other persons permitted by the Commission to participate in the oral argument. This procedure should render it unnecessary for any person or party to present testimony or exhibits at the oral argument and should make it possible for them to limit themselves to the oral presentation of their views on the policies and matters involved.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-592; Filed, Jan. 21, 1947; 8:46 a. m.]

[1] See Federal Communications Commission in Proposed Rule Making section, *supra.*

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1397]

BIRMINGHAM ELECTRIC CO.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of January A. D. 1947.

On November 29, 1946, the Commission issued its order granting and permitting to become effective the application-declaration of Birmingham Electric Company ("Birmingham"), an electric utility subsidiary of Electric Bond and Share Company, a registered holding company, relating to the following transactions: the issuance of 64,000 shares of 4.20% Cumulative Preferred stock of the par value of $100 per share ("New Preferred"); an offer to exchange for each share of the 40,000 shares of outstanding $7 and $6 Preferred Stocks ("Old Preferred"), one share of New Preferred plus an amount equal to the difference between the public offering price of the New Preferred and the call price of the Old Preferred; the redemption of the unexchanged Old Preferred; the sale at competitive bidding of the unexchanged shares of New Preferred; and the issuance and private sale of $2,500,000 of 10 Year 2% Serial Notes.[1]

In the findings and opinion approving the transactions described above, the Commission stated: [2]

> While our usual practice is to have the dividend rate determined by competitive bidding so that the price paid to the company will not exceed $102.75 per share, we are not imposing any conditions with respect to the company's proposal to invite bids on a dividend rate of 4.20%, in view of the company's position with respect to Alabama law concerning charter amendments. In the opinion of counsel for the company, the Alabama statutes require that the dividend rate and call price of the New Preferred must be stated in the charter amendment as proposed by the Board of Directors and as finally approved by the stockholder, and the stockholders must be given thirty days' notice of the proposed charter amendment.

On December 27, 1946, in accordance with the authorization granted by our order of November 29, 1946, Birmingham publicly invited competitive bids to be submitted on January 7, 1947 for the purchase of 45,478 shares of New Preferred,[3] which represented the unexchanged portion of such stock at a dividend rate of 4.20 percent and a minimum price of $100 net to the Company. Three underwriting syndicates, represented respectively by First Boston Corporation, Kidder, Peabody and Company, and Smith, Barney and Company, qualified with the Company in accordance with the invitation for bids.

Shortly before the time fixed for opening of bids, Birmingham learned that none of the qualified syndicates would submit a bid on the basis of the fixed dividend rate of 4.20 percent and the minimum price of $100 to the Company. Thereupon, on January 7, 1947 the Company arranged for an extension of time for the consummation of its $2,500,000 bank loan and advised the representatives of the three groups of prospective bidders by telegraph that the time for receipt of bids had been extended to January 17, 1947.

On January 8, 1947, after consultation with the staff of the Commission, Birmingham filed an application requesting that the Commission exempt the proposed sale of the 45,478 shares of New Preferred from the competitive bidding requirements of Rule U-50. The Company states that the transactions could be consummated at this time only through a negotiated sale because of the restrictive provisions of Alabama law with respect to the necessity for a fixed dividend rate and the requirements of further notice to stockholders with respect to any change in the 4.20% dividend rate. It is further stated that failure to consummate the transaction at this time would result in the abandonment of the present financing program including the proposed bank loan, the return of the shares of Old Preferred heretofore deposited for exchange, and substantial losses to the Company in connection with the transactions. In addition, the abandonment of the present program would seriously jeopardize the completion of the Company's plan for modernization of its transportation system and the improvement of its electric system, in connection with which the Company has already made firm commitments of a substantial nature.

Birmingham has now filed an amendment setting forth the results of the negotiations with respect to the private sale of New Preferred. The transactions proposed in said amendment have been expressly authorized by the Alabama Public Service Commission. A further public hearing having been held before this Commission we now make the following findings:

The amendment states that as a result of the negotiations, an agreement was entered into between the Company and the First Boston Corporation, as the representative of an underwriting syndicate, with respect to the sale of 45,478 shares of New Preferred, wherein it was agreed that the price to be paid to the Company would be $100 per share, and that the Company would pay a fee to the underwriters of $2.75 per share, resulting in an annual cost of money to the Company of 4.32%. It is proposed that the stock will be offered for sale to the public at $100.00 per share.[4]

The record made at the adjourned hearing, in addition to including the terms of the underwriting agreement set out above, covers the negotiations between Birmingham and the representatives of the underwriting syndicate for the purchase and sale of the 45,478 shares of New Preferred. The record also indicates that during the course of negotiations with First Boston Corporation, the Company received an informal offer from another syndicate at a slightly higher annual cost of money to the Company. The Company indicated that although the price agreed upon was not as favor-

[1] Birmingham Electric Company, — S. E. C. — (1946) Holding Company Act Release No. 7033.

[2] Ibid. Holding Company Act Release No. 7033 at Page 8.

[3] During the exchange period, 18,522 shares of the Old Preferred were deposited for exchange pursuant to the exchange offer.

[4] The holders of Old Preferred who deposited their shares for exchange will receive $10 per share instead of some lesser amount which would have been received had the original proposals been consummated.

able as had been originally anticipated, such price was satisfactory in view of all of the circumstances.

Opinions have been submitted by counsel for the company and counsel for the underwriters that the validity of the exchange offer as originally proposed is not affected by the present amended proposals, and that upon completion of all steps necessary to the consummation of the transactions proposed, all provisions of Alabama law will have been complied with.

Although the compensation to be paid to the underwriters appears high, we conclude under the circumstances of this case that no adverse findings are necessary with respect thereto; we also conclude on the basis of the record that no adverse findings are necessary with respect to the amount to be paid to the company for the New Preferred. We also deem it appropriate to grant the Company's request for exemption from the competitive bidding requirements of our Rule U-50.

At the adjourned hearing, data was also submitted and testimony given with respect to the legal fees proposed to be paid in connection with the transaction. After examination of such data and the full record herein, we find that the fees proposed to be paid by the Company are not unreasonable, such fees being as follows: $5,000 to Reid and Preist, New York counsel for the Company, and $10,000 to White, Bradley, Arent and All, local counsel for the Company, and $6,500 to Sullivan and Cromwell, counsel for the underwriters.

On the basis of the entire record herein we conclude that the application-declaration as amended should be granted and permitted to become effective forthwith, without the imposition of terms and conditions.

Wherefore it is ordered, That jurisdiction heretofore reserved over the price to be paid for the New Preferred, the underwriters' compensation and its allocation, and the legal fees proposed to be paid, be, and the same hereby is, released, and said application-declaration as amended is granted and permitted to become effective forthwith subject, however, to the terms and conditions prescribed in Rule U-24, and

It is further ordered, That an exemption from the competitive bidding requirements of Rule U-50 be, and the same hereby is, granted with respect to the sale of the 45,478 shares of New Preferred.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-583; Filed, Jan. 21, 1947; 8:49 a. m.]

[File No. 70-1420]

NORTH AMERICAN CO.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of January 1947.

The Commission having given notice on December 20, 1946 of the filing of an application-declaration pursuant to the Public Utility Holding Company Act of 1935 by The North American Company with respect to the sale by The North American Company of its holdings of all the Capital Stock of the St. Louis County Gas Company to The Laclede Gas Light Company for a cash consideration of $11,250,000, and having ordered a hearing to be held on January 16, 1947; and

Counsel for St. Louis County, Missouri having requested that the Commission stay proceedings in this matter due to the pendency of a hearing on January 14, 1947 before the Public Service Commission of Missouri with respect to the acquisition by The Laclede Gas Light Company of the Capital Stock of The St. Louis County Gas Company; and

The Commission having considered such request and it appearing that a postponement of the date heretofore fixed for hearing may appropriately be granted;

It is ordered, That the date for hearing in this matter heretofore fixed for January 16, 1947 be, and it hereby is, postponed until February 5, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-584; Filed, Jan. 21, 1947; 8:49 a. m.]

[File No. 70-1377]

NEW YORK STATE ELECTRIC AND GAS CORP. AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January 1947.

General Public Utilities Corporation (GPU), a registered holding company, and its subsidiary, New York State Electric & Gas Corporation (New York State), having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a), 6 (b), 7, 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-45 and U-50 promulgated thereunder, regarding the following transactions:

1. GPU will make a capital contribution of $7,500,000 in cash to New York State prior to the proposed issue by New York State of its new bonds.

2. New York State proposes:

(a) to issue and sell $13,000,000 principal amount of First Mortgage Bonds ----% Series, due 1977, the interest rate to be determined by competitive bidding. Concurrently with the delivery of and payment for the new bonds, New York State will call for redemption all of its issued and outstanding First Mortgage Bonds, 3¾% Series, due 1964, and will deposit, in trust, cash in amounts sufficient to effect the redemption of the 3¾% bonds in accordance with the terms thereof.

(b) Subsequent to the issuance and sale of the new bonds, New York State intends to issue and sell 150,000 shares of ----% Cumulative Preferred Stock, the dividend rate to be determined by competitive bidding. Concurrently with the delivery of and payment for the new preferred stock, New York State will call for redemption all of its issued and outstanding 5.10% Cumulative Preferred Stock and will deposit, in trust, cash in an amount sufficient to effect the redemption of such 5.10% stock in accordance with the terms thereof.

Part of the cash to be realized as the result of the above mentioned transactions will be applied to the redemption of the securities described below at the indicated redemption prices thereof.

Security	Principal amount or shares	Redemption price	Aggregate redemption price
First mortgage gold bonds, 3¾% series due 1964	$13,000,000	*Percent* 105¾	$13,747,500
Serial preferred stock, 5.10% cumulative preferred	*Shares* 120,000	105	12,600,000

$8,800,875 of the cash realized will be placed in escrow for new construction, and the balance of such proceeds will be applied to the payment of interest and dividends on securities to be redeemed, amounting to $91,625, and to the payment of certain costs and expenses of the financing, estimated at $260,000.

New York State further proposes to make certain adjustments to its accounts including an increase in the capital applicable to its common stock from $21,294,455.12 to $22,000,000 by a transfer of $705,544.88 from unappropriated earned surplus.

In connection with the issuance of the new bonds, New York State proposes to execute a supplemental indenture to be dated January 1, 1947, and to obtain the written consent of the holders of all outstanding $35,393,000 principal amount of First Mortgage Bonds, 3¼% Series, due 1971 (created under a supplemental indenture dated April 1, 1941) to the execution of the proposed supplemental indenture, such bonds to be endorsed with a legend signifying such consent.

New York State having been authorized by the Public Service Commission of the State of New York to invite proposals for the purchase of its new bonds and subsequent thereto to invite proposals for the preferred stock; and

Applicants-declarants having requested that the Commission enter an order finding that the proposed capital contribution by GPU to New York State is, to the extent of $2,209,435.03, necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and the simplification of the GPU holding company system, and that such order conform to the pertinent requirements of the Internal Revenue Code, as amended, including sections 371 and 373 (a) thereof, and contain the recitals, specifications, and itemizations therein required; and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter, and having made and filed its findings and opinion herein:

It is hereby ordered, That pursuant to the applicable provisions of said act, including sections 6 (a), 6 (b), 7 and 12 therof, and the rules and regulations promulgated thereunder the aforesaid application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act and subject to the following additional conditions:

1. That New York State obtain from the Public Service Commission of the State of New York a final order expressly authorizing the issue and sale of said bonds and preferred stock.

2. That the proposed issue and sale of said bonds and preferred stock shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved with respect to the imposition thereof in connection with the proposed transactions.

It is further ordered, That the ten-day period for inviting bids on the new bonds as provided by Rule U-50, be, and the same hereby is, shortened to a period of not less than seven days, so as to permit the opening of bids on the new bonds on January 21, 1947.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses of all counsel in connection with the proposed transactions.

It is further ordered, That the capital contribution by GPU to New York State, to the extent of $2,209,435.03, representing a portion of the funds derived from the sale of certain shares of the common stock of Florida Power Corporation, as approved by our orders dated October 11, 1945 and October 23, 1945 (File No. 70-1161), is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and the simplification of the GPU holding company system.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-586; Filed, Jan. 21, 1947; 8:49 a. m.]

[File Nos. 70-1411 and 70-1414]

PUBLIC SERVICE COMPANY OF INDIANA, INC., ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of January A. D. 1947.

In the matter of Public Service Company of Indiana, Inc., Indiana Gas & Water Company, Inc., File No. 70-1411; The Middle West Corporation, File No. 70-1414.

Public Service Company of Indiana, Inc. ("Service Company"), a public utility company and an exempt holding company, and its public utility subsidiary, Indiana Gas & Water Company, Inc. ("Gas-Water"), having filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, and The Middle West Corporation ("Middle West"), a registered holding company and the parent of Service Company, having filed an application and an amendment thereto pursuant to said act, regarding the following proposals:

1. Service Company proposes to dispose of substantially all of its holdings of common stock of Gas-Water by declaring dividends from time to time on its common stock payable in common stock of Gas-Water, with scrip certificates in lieu of fractional shares.

2. Gas-Water proposes to amend its articles of incorporation so as to provide for the issuance of scrip certificates representing fractional share interests in its outstanding common stock, all of which is held by Service Company.

3. Gas-Water proposes to issue from time to time bearer scrip certificates representing fractional share interests in its outstanding common stock in exchange for their equivalent in shares of such stock to be surrendered by Service Company.

4. Service Company proposes to change the maturity dates of $3,250,000 aggregate principal amount of notes due certain banks and now maturing September 1, 1955, so that said notes will become due as follows: $125,000 on December 1, 1949 and $125,000 quarterly thereafter to and including June 1, 1955, and the balance of $375,000 on September 1, 1955.

5. Middle West proposes to acquire from time to time shares of common stock of Gas-Water (or scrip certificates representing fractional shares) to which it may be entitled by reason of its ownership of 224,586 shares (approximately 20.27%) of outstanding common stock of Service Company; and

Said application-declaration having been filed on December 4, 1946, and an amendment thereto having been filed on December 26, 1946, and said application having been filed on December 9, 1946, and an amendment thereto having been filed on December 24, 1946, and notice of such filings having been duly given in the manner and form prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to any of said matters within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the Public Service Commission of Indiana has, by appropriate orders, authorized and permitted the aforesaid transactions by and between Service Company and Gas-Water; and

The Commission finding that the requirements of sections 6 (b), 7, 10, 12 (d) and 12 (f) of the act and Rules U-43 and U-44 thereunder are satisfied and that no adverse findings are necessary thereunder, and the Commission finding that the proposed acquisition by Middle West satisfies the requirements of section 10 of the act and that no adverse findings are necessary thereunder, subject, however, to a reservation of jurisdiction with respect to the ownership or disposition by Middle West of shares of common stock of Gas-Water acquired pursuant to said proposals:

It is hereby ordered, Effective forthwith, pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, and the application as amended, be, and the same are hereby, granted and permitted to become effective respectively, subject, however, to the terms and conditions prescribed in Rule U-24 and to the further condition that jurisdiction is reserved with respect to the ownership or disposition by The Middle West Corporation of shares of common stock of Indiana Gas & Water Company, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-585; Filed, Jan. 21, 1947; 8:49 a. m.]

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of January A. D. 1947.

In the matter of the Middle West Corporation, Central and South West Utilities Company, and American Public Service Company, File No. 54-81.

Pursuant to orders of the Commission heretofore entered on April 30, 1946 (Holding Company Act Release No. 6606) and December 18, 1946 (Holding Company Act Release No. 7078), a hearing is to be held on January 27, 1947 at 2:30 p. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, with respect to the following transaction:

By orders entered April 30, 1946 and June 19, 1946, the Commission and the United States District Court for the District of Delaware, respectively, approved a plan filed by the parties pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 providing, among other things, for the merger of American Public Service Company (American) into Central and South West Utilities Company (Central) and for the reorganization of the surviving company on a common stock basis with a capitalization of 6,600,000 shares of common stock of the par value of $5 per share. In general, the plan provides that the publicly held prior lien and preferred shares (preference shares) of Central and American may be exchanged for such number of shares of the new common stock as, taken at the initial

public offering price of the shares of common stock to be sold at competitive bidding, shall equal the respective redemption prices of such preference shares, or, at the option of the holders thereof, may be surrendered for cash in an amount equivalent to the respective redemption prices of such shares, including dividends accrued thereon to the effective date of the merger. Cash required for the retirement of the unexchanged preference stocks is to be raised by the sale at competitive bidding pursuant to the provisions of Rule U-50 of the minimum number of shares of the new common stock necessary for the purpose. The balance of the shares of common stock of the New Company remaining after the sale or exchange to provide for the preference stocks will be issued in exchange for the common stock of Central and American in accordance with the terms of the plan. In the order of April 30, 1946, the Commission reserved jurisdiction, among other things, with respect to the reasonableness of the price to be paid for the New Company's common stock, the underwriter's spread and the fees and expenses in connection therewith.

In order to effectuate the exchanges mentioned above, the companies filed a supplemental declaration for authority to employ security dealers to solicit exchanges of the various preference stocks. In said declaration a time schedule was established for the consummation of the various remaining steps of the plan. Under this schedule, bids for the new common stock are to be opened at 10:30 a. m., e. s. t., on January 27, 1947; the Commission has been requested to enter its order with respect to price and spread on or before January 28, 1947, and the stock is to be publicly offered by underwriters on January 30, 1947. The terms of the bid accepted by the company will become a matter of public information on the day bids are opened, will be released to the press on that day, and any interested person can ascertain this information by inquiry to the Secretary of the Commission at its offices in Philadelphia.

Notice is therefore given and *It is hereby ordered*, That a hearing on such matters, under the applicable provisions of the act and rules of the Commission, be held on January 27, 1947 at 2:30 p. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by Rule XVII of the rules of practice on or before January 24, 1947.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The issues to be considered at said hearing are:

1. Whether the price to be paid for the New Company's common stock, the underwriter's spread or compensation and the fees and expenses in connection therewith are reasonable, and, generally, whether the provisions of Rule U-50 have been complied with.

2. Whether, in the light of the Commission's findings and opinion and order of April 30, 1946, approving the plan, issuance and sale of the stock at the initial public offering price set forth in the bid should be approved.

3. What conditions, if any, should be imposed in the public interest or for the protection of investors or consumers.

It is further ordered, That notice of said hearing be given to Central, American, The Middle West Corporation, to all persons who have heretofore applied for or who have been granted participation in the proceedings and to all other persons. Said notice to be given be registered mail to Central, American, The Middle West Corporation and to all other persons who have heretofore applied for or who have been granted participation in the proceedings, and to all other persons by publication of this notice and order in the FEDERAL REGISTER, by release to the press of this notice and order and by mailing a copy of this notice and order to all persons on the Commission's mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-587; Filed, Jan. 21, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. IT-6015, IT-6022]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF DETERMINATION OF EMERGENCY AND GRANTING OF EXEMPTION FOR USE OF INTERCONNECTIONS

JANUARY 17, 1947.

Notice is hereby given that, on January 16, 1947, the Federal Power Commission issued its determination of emergency and granting of exemption for use of interconnections, entered January 14, 1947, in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-588; Filed, Jan. 21, 1947; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5324]

NATIONAL RETAIL FURNITURE ASSN., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of January A. D. 1947.

In the matter of National Retail Furniture Association, a corporation; its officers, directors, as such and individually, and members; The American Retail Federation, a corporation, its officers, trustees, as such and individually, and members; Illinois Federation of Retail Associations, a corporation, its officers, directors, as such and individually, and members; Cleveland Retail Furniture (Dealers) Association, a voluntary association, its officers, Executive Committee, as such and individually, and members; Trade Relations Council of Western Pennsylvania, a corporation, its officers, directors, trustees, as such and individually, and members; Retail Furniture Association of Baltimore, Inc., a corporation, its officers, directors, as such and individually, and members; The Retail Trade Board of the Boston Chamber of Commerce, a voluntary association, its officers, directors, as such and individually, and members; New York Council on Retail Trade Diversion, Inc., a corporation, its officers, Executive Committee, as such and individually, and members; Associated Furniture Dealers of New York, Inc., a corporation, its officers, directors, as such and individually, and members; Philadelphia Trade Relations Council, a corporation, its officers, directors, as such and individually, and members; Retail Merchants Association of Pittsburgh, a corporation, its officers, directors, as such and individually, and members; Retail Merchants Association of Detroit, a voluntary association, its officers, directors, as such and individually, and members; Retail Trade Board of Providence Chamber of Commerce, a voluntary organization, its officers, directors, as such and individually, and members.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That James A. Purcell, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, January 23, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Hearing Room Number 332, Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D. C.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-621; Filed, Jan. 21, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 83]

RECONSIGNMENT OF CARROTS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, January 10, 1947, by S. & D. Wolf, of car PFE 34094, carrots, now on the Baltimore & Ohio Railroad, to Irving J. Okun, New York, New York (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of January 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-589; Filed, Jan. 21, 1947; 8:46 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-453]

D. L. BOOZER

CONSENT ORDER

D. L. Boozer of Anniston, Alabama, is charged by the Civilian Production Administration with violation of Veterans' Housing Program Order No. 1 in that subsequent to March 26, 1946, and on or about July 30, 1946, he began construction of an L-shaped concrete block commercial building of the approximate size of 80 ft. by 84 ft., less 44 ft. by 48 ft. on the southeast corner which forms the L, located on U. S. Highway 78, about 2½ miles west of Anniston, Alabama, at an estimated cost of $5,500.00. Construction of said building was begun without obtaining authorization from the Civilian Production Administration and was carried on until a stop violation telegram was dispatched to D. L. Boozer on August 21, 1946, up to which time labor and materials amounting to approximately $1,200.00 had been incorporated into said structure. Subsequent to August 21, 1946, D. L. Boozer made application to the Civilian Production Administration, Birmingham, Alabama, for authorization to continue construction on said building which application was denied.

D. L. Boozer admits the violation as charged and does not desire to contest the same and has consented to the issuance of this order. D. L. Boozer asserts, however, that the violation, which he admits, was not wilful or intentional.

Wherefore, upon the agreement and consent of D. L. Boozer, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither D. L. Boozer, his successors or assigns, nor any other person shall do any further construction on the premises herein described or any part thereof located on U. S. Highway 78, about 2½ miles west of Anniston, Alabama, including the putting up, completing or altering of any structure located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) D. L. Boozer shall refer to this order in any application or appeal which he may file with the Civilan Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve D. L. Boozer, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION, By J. JOSEPH WHELAN, *Recording Secretary.*

[F. R. Doc. 47-673; Filed, Jan. 20, 1947; 4:30 p. m.]

Office of Price Administration

[RMPR 194, Order A-5]

RETAILER'S MAXIMUM PRICES FOR RICE AND SUGAR

Pursuant to the provisions of section 18 (a) of RMPR 194, and regardless of any provision or provisions of RMPR 288, it is ordered:

SECTION 1. *Scope of this order.* (a) This order applies to all sales of rice and sugar in the localities specified in Tables I and II below, sold at retail in the Territory of Alaska.

(b) *Relationship of this order to Revised Maximum Price Regulation 194.* This order replaces the pricing provisions of sections 5 and 6 and modifies other provisions of RMPR 194. All other provisions of RMPR 194 not inconsistent with the provisions of this order remain in effect. All letters, letter orders and general orders previously issued under MPR 194 or RMPR 194, approving or establishing your maximum price for rice or sugar in these localities are hereby superseded.

SEC. 2. *How to figure your ceiling prices under this order.* (a) Your ceiling price for rice and sugar, provided you sell these commodities in the localities specified in Tables I or II, shall be your landed costs plus the lawful percentage margins expressed as division factors for these commodities as hereinafter set out in Tables I and II.

TABLE I—RICE

Bulk	Packaged	Brown
[1] $0.70	$0.75	$0.67

[1] One cent per lb. If packaged and sold by the retailer in cellophane bag may be added to the price otherwise established by this order. The cost to him, however, of the bags may not be included in "landed costs".

Ketchikan, Wrangell, Petersburg, Juneau, Douglas, Sitka, Skagway, Haines, Cordova, Valdez, Seward, Kodiak, Anchorage, Palmer and railroad points north of Anchorage and south of Fairbanks, Fairbanks, Nome and other west coast towns accessible by seagoing vessels and lighters.

TABLE II—SUGAR

	S. E. Alaska [1]	Gulf [2]	Kodiak	Nome [3]	Anchorage	Palmer [4]	Fairbanks [5]
1-lb. bulk	$0.75	$0.75	$0.78	$0.67	$0.75	$0.73	$0.88
1-lb. carton	.78	.74	.79	.67	.72	.73	.80
2-lb. carton or bag	.77	.76	.80	.68	.76	.74	.86
5-lb. bulk or bag	.82	.77	.81	.67	.81	.75	.88
10-lb. bulk or bag	.86	.79	.83	.71	.81	.77	.88
25-lb. bulk or bag	.86	.79	.83	.74	.81	.81	.89
100-lb	.87	.79	.83	.77	.85	.83	.89

[1] Applicable only to Ketchikan, Wrangell, Petersburg, Juneau, Douglas, Sitka, Skagway and Haines.
[2] Applicable only to Cordova, Valdez and Seward.
[3] Applicable to Nome and all other west coast towns accessible by seagoing vessels and lighters.
[4] Applicable to Palmer and all railroad points north of Anchorage and south of Fairbanks.
[5] Applicable to landed cost only as if incurred for carlot amounts.

SEC. 3. *Definitions.* "Landed costs" means cost at wholesale but no more than the applicable maximum wholesale price, plus shipping costs incurred by the retailer which shall include only wharfage and handling costs, ocean freight costs and sureharge thereon, the transportation tax of 3%, and war risk and marine insurance. It shall not include local drayage.

SEC. 4. *How a retailer should calculate his maximum prices under this order.* (a) Determine the lawful landed costs of purchase from a wholesaler.

(b) Divide the lawful landed costs by the appropriate division factor.

(c) The quotient is the maximum price.

EXAMPLE: If the landed costs in Haines for a 10 lb. bag of cane sugar refined are $0.96, and the appropriate division factor is 0.82, divide 0.82 into $0.96; the quotient is $1.17. The ceiling price is, then, $1.17.

SEC. 5. All prior regulations or orders fixing the price of rice and sugar shall remain in full force and effect for the purpose of enforcing the provisions thereof for any violations which occurred, or rights or liabilities which arose, before the effective date of this order.

In the opinion of the Administrator, this order will assure more effective price control, greater ease in pricing and permit the proper margins under section 2 (t) of the act.

This order shall become effective January 22, 1947.

Issued this 21st day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-612; Filed, Jan. 21, 1947; 8:49 a. m.]

[Amdt. 1]

LIQUIDATION OF DISTRICT OFFICES IN REGION IV

REDELEGATION OF AUTHORITY

Pursuant to paragraph (b) of General Order 75, issued on November 25, 1946, by the Administrator of the Office of Price Administration, authority is hereby redelegated to the District Director of each district in Region IV, together with such other personnel as may be required, including the District Enforcement Attorney, the District Price Executive, and the District Slaughter Control Officer, to process and issue certifications to the Reconstruction Finance Corporation for subsidy payments and subsidy withholding under Control Order 2, Maximum Price Regulation 574, Revised Maximum Price Regulation 169 and Revised Maximum Price Regulation 239, and to do all acts necessary and proper in connection therewith. This authority is redelegated until such time as all certifications on Form 6036-2959 are completed in each respective district office.

This redelegation shall be effective as of November 30, 1946.

Issued this 6th day of December 1946.

JAMES P. DAVIS,
Acting Regional Administrator.

Confirmed:

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 47-615; Filed, Jan. 21, 1947; 8:46 a. m.]

LIQUIDATION OF ALL DISTRICT OFFICES IN REGION IV

General Order No. 75 orders the discontinuance of all OPA District Offices as of the close of business November 30, 1946, under authority therein delegated to Regional Administrators and in Ch. 1-104, OPA Manual, I therefore, order:

1. That all District Offices in the jurisdiction of Region IV be discontinued as of the close of business November 30, 1946, except for the accomplishment of certain internal administrative actions necessary in the liquidation process and prescribed by official reorganization instructions.

2. That all functions, powers, and duties of these District Offices, including those of Price Control Boards previously transferred to District Offices be transferred to the Regional Office (and reassigned to the Sugar Branch Offices, and the Enforcement Branch Offices, where appropriate) in accordance with reorganization instructions (beginning with Reorganization Instruction No. 1, issued November 12, 1946), as Vol. 2 Supplement, OPA Manual.

3. That from the close of business November 30, 1946, any action theretofore taken by any discontinued District Office, including those taken by Price Control Boards and previously transferred to the District Office, authorizing or requiring any person to do or to perform any act, shall continue in full force and effect and shall be taken as the action of the Regional Office, to be administered by the Regional Office, the Sugar Branch Office, or the Enforcement Branch Office, as prescribed in Reorganization Instructions (issued as Vol. 2 Supplement, OPA Manual), or as delegated by the Regional Administrator to the extent that he is authorized to delegate.

Effective November 30, 1946.

Issued this 25th day of November 1946.

JAMES P. DAVIS,
Acting Regional Administrator.

Confirmed:

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 47-614; Filed, Jan. 21, 1947; 8:46 a. m.]

[Region VIII, Order G-2 Under MPR 586, Amdt. 1]

STORAGE AND TERMINAL SERVICES; COLD STORAGE WAREHOUSING IN EASTERN WASHINGTON

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 8 (a) of Maximum Price Regulation No. 586 is amended as follows:

(1) Appendix B is amended to read as follows: "Yakima Area: Yakima, Benton, Klickitat and Skamania Counties, Washington." Maximum prices of cold storage warehousing services:

Item	*Maximum price*
Packed winter apples and pears:	*(per box)*
First month or fraction thereof	$0.16
Second month or fraction thereof	.06
Each succeeding month or fraction thereof up to May 1	.03
Each month or fraction of month thereafter	.05
	(Per ton)
Other cannery fruits and vegetables:	
Season through Sept. 30	$7.50
Each succeeding 15 days or fraction thereof (or at seller's option)	1.00
First 30 days	6.65
Each succeeding 15 days or fraction thereof	1.00

This amendment shall become effective as of November 8, 1946, except that it shall apply to sales made theretofore under Maximum Price Regulation No. 586.

Issued: January 10, 1947.

BEN C. DUNIWAY,
Regional Administrator.

Opinion Accompanying Amendment 1 to Order G-2 Under Maximum Price Regulation 586

The accompanying amendment clarifies and makes more certain the intention of Order No. G-2 as it was originally issued. The order as amended more clearly defines the scope of the order as covering the enumerated cold storage services in Yakima, Benton, Klickitat and Skamania Counties in the State of Washington. In Order No. G-2 the last two named counties were inadvertently omitted.

The second one concerns the optional rates for "other cannery fruits and vegetables." It was intended to continue the practice of permitting the buyer to charge an alternative rate at his option in those classes where the charges were formerly made on such a basis and not to authorize buyers to insist upon these rates in storage plants in other localities.

The order therefore accomplishes the original purpose intended by Order No. G-2 under Maximum Price Regulation No. 586.

[F. R. Doc. 47-617; Filed, Jan. 21, 1947; 8:46 a. m.]

[Region IV Sugar Rationing Delegation Order 1 Under Gen. Order 75]

DELEGATION OF AUTHORITY TO DIRECTORS OF SUGAR BRANCH OFFICES

Pursuant to the authority conferred under the Regional Administrator by General Order No. 75, issued by the Price Administrator November 25, 1946, and effective November 30, 1946, there is hereby delegated to the Directors of the Sugar Branch Offices in this Region IV, of the Office of Price Administration, all authority heretofore delegated by the Regional Administrator to District Offices, District Directors, District Sugar Rationing Representatives, or other District Office personnel concerning the receipt and processing of applications relating to sugar rationing and exercised pursuant to Third Revised Ration Order 3, Sugar; Revised General Ration Order 5, Food Rationing for Institutional Users, or Revised General Ration Order 18, Distribution of Bases to Certain Former Members of the Armed Forces, except as follows:

R-146—Application for Sugar Ration Book.

R-194—Consumer Replacement Application.

R-353—Application for a Temporary Sugar Ration, and except as modified by Ration Issuance Notifications Instructions, Sugar Branch Office, Revised November 25, 1946, or by instructions or delegations of authority hereafter issued by the Regional Sugar Executive.

This order shall be effective as of November 30, 1946.

Issued this 31st day of December 1946.

JAMES P. DAVIS,
Acting Regional Administrator.

[F. R. Doc. 47-616; Filed, Jan. 21, 1947; 8:46 a. m.]

Reference

JAN 24 '47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 16

Washington, Thursday, January 23, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of § 927.4 (b) of Order No. 27, as amended (7 CFR, 1945 Supp., 927.1 et seq.; 11 F. R. 11115), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (60 Stat. 237), a public meeting was held at New York, N. Y., on December 11, 1946, to consider certain proposed amendments to the rules and regulations which were issued under said order, as amended, effective November 1, 1945 (7 CFR, 1945 Supp., 927—Appendix A). Following such meeting and on December 19, 1946, the market administrator of said order, as amended, issued the tentative amendment, set forth in Appendix A attached hereto and made a part hereof, to the aforesaid rules and regulations. Due consideration having been given to the data, views, and arguments presented at said public meeting, the aforesaid tentative amendment to the said rules and regulations is hereby approved and shall be effective on and after the 1st day of February 1947.

It is hereby found and determined that the effectuation of the terms and provisions of said order, as amended, requires that the tentative amendment become effective February 1, 1947, and that the publication of this approval and the tentative amendment in the FEDERAL REGISTER thirty days prior to said effective date, as provided in the Administrative Procedure Act, is impracticable, unnecessary, and contrary to the public interest.

The aforesaid tentative amendment will replace the temporary amendment to the said rules and regulations which was issued effective October 1, 1946 (11 F. R. 11266). Copies of the tentative amendment to the rules and regulations may be procured from the Market Administrator, 205 East 42d Street, New York, N. Y.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; 7 CFR, 1945 Supp., 927.1 et seq.)

Done at Washington, D. C., this 17th day of January 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Appendix A—Rules and Regulations Issued by Market Administrator

Amending rules and regulations which became effective on November 1, 1945 (7 CFR, 1945 Supp., 927—Appendix A.)

1. Delete paragraphs (q) and (r) of section 1 and insert, in lieu thereof, the following:

(q) "Other concentrated milk products" mean the products named and described as follows:

(1) Malted milk products, products which are made by combining milk or other products containing butterfat with liquid separated from mash of ground barley malt and wheat flour, with or without the addition of other products, and by removing water. They shall contain not more than 40 percent moisture and not more than 15 percent butterfat.

(2) Ice cream powder, the product containing milk solids, sugar (or other sweetening agent), and other ingredients, prepared for use in making frozen desserts. It shall contain not less than 26 percent butterfat and not more than 5 percent moisture.

(3) Sweetened, part skim, condensed milk, the product resulting from the evaporation of water from milk or plain condensed milk and the addition of sugar or other sweetening agent. It shall contain not less than 5 percent but less than 8 percent butterfat, not less than 28 percent total milk solids and not less than 38 percent sugar or equivalent sweetening agent. Other milk products may be added during the process of manufacture.

2. Delete the first sentence of section 3 and insert, in lieu thereof, the following: "As used in this section, the terms Class I-A, Class II-A, Class II-B, and Class V-A are deemed to exclude any such classification based on some product leaving or on hand at the plant in some form other than milk, cream, plain condensed milk, frozen desserts or homogenized mixtures, skim milk, or other than cultured or flavored milk drinks shipped to or distributed in the marketing area."

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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3. Delete subparagraph (2) of section 3 (b) and insert, in lieu thereof, the following:

(2) Butterfat received in the form of nonpooled plain condensed milk shall be assigned pro rata, as far as possible, to the classes, except Class II–B, which have been tabulated pursuant to (1) of this paragraph. Any remaining nonpooled butterfat shall be assigned to Class II–B.

4. Delete subparagraph (2) of section 3 (c) and insert, in lieu thereof, the following:

(2) Butterfat received in the form of nonpooled cream shall be assigned pro rata, as far as possible, to the classes, except Class I–A, Class II–A, and Class II–B, which have been tabulated pursuant to (1) of this paragraph. Any remaining nonpooled butterfat shall be assigned to Class II–B, as far as possible, then to Class II–A, and finally to Class I–A.

5. Delete subparagraph (2) of section 3 (d) and insert, in lieu thereof, the following:

(2) Butterfat received in the form of nonpooled milk, including nonpooled milk from dairy farmers, shall be assigned pro rata, as far as possible, to the classes, except Class I–A, Class II–A, and Class II–B, which have been tabulated pursuant to (1) of this paragraph. Any remaining nonpooled butterfat shall be assigned to Class II–B, as far as possible, then to Class II–A, and finally to Class I–A.

[F. R. Doc. 47–646; Filed, Jan. 22, 1947; 8:48 a. m.]

PART 975—MILK IN THE CLEVELAND, OHIO, MARKETING AREA [1]

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order regulating the handling of milk in the Cleveland, Ohio, marketing area, hereinafter referred to as the "order," it is hereby found and determined that § 975.6 (d) (3) of such order does not tend to effectuate the declared policy of the act.

It is hereby further found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) in connection with the issuance hereof is impracticable, unnecessary, and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; and (2) the issuance of this suspension order effective as specified below is necessary to the effectuation of the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

It is therefore ordered, That paragraph (d) (3) of § 975.6 *Minimum prices* of the order be and it hereby is suspended effective at 12:01 a. m., e. s. t., January 20, 1947.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of January 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47–647; Filed, Jan. 22, 1947; 8:45 a. m.]

[1] 11 F. R. 8207, 8828.

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63, Amdt. 6]

PART 1596—FOOD IMPORTS

RESTRICTIONS ON IMPORTS OF CERTAIN FOODS

War Food Order No. 63, as amended (10 F. R. 8950; 11 F. R. 2630, 8828), is further amended to read as follows:

§ 1596.1 *Food imports*—(a) *Definitions.* (1) "Consignee" means the person to whom a food is consigned at the time of importation.

(2) "Administrator" means the Administrator of Production and Marketing Administration, United States Department of Agriculture.

(3) "Food" means an item or commodity listed from time to time in Appendix A as being subject to this section.

(4) "Governing date" with respect to any food means the date when such food first became subject to War Food Order No. 63 as shown in Appendix A.

(5) "Import" means to transport in any manner into the continental United States, Puerto Rico, the Virgin Islands, or any territory or insular possession of the United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, Puerto Rico, or the Virgin Islands and shipments in bond into the continental United States, Puerto Rico, or the Virgin Islands for transshipment into Canada, Mexico, or any other foreign country.

(6) "In transit" means that food (i) is afloat, (ii) has had an on-board ocean bill of lading actually issued with respect to it, or (iii) has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States, Puerto Rico, or the Virgin Islands.

(7) "Owner" of any food means any person who has any property interest in such food except a person whose interest is held solely as a security for the payment of money.

(8) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(b) *Restrictions on imports*—(1) *General restriction.* No person, except as authorized in writing by the Administrator, shall import, purchase for import, receive or offer to receive on consignment for import, or make any contract or other arrangement for the importing of any food listed in Appendix A to this section after the governing date. The foregoing restrictions shall apply to the importation of any food listed in Appendix A regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such food.

In the issuance of authorizations, the Administrator shall act in accordance with the standards and guides set forth in paragraph (e) of this section.

(2) *Application for authorization.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the food to be imported, or agent of any of them, shall make application therefor on Form WFO–63–2 or such other form as may be issued for this purpose by the Administrator, addressed to the Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Ref: WFO 63. Unless otherwise expressly permitted, such authorization shall apply only to the particular food and shipment mentioned therein and to the persons and their agents concerned with such shipment. Such authorizations shall not be assignable or transferable either in whole or in part, except as authorized in writing by the Administrator.

(3) *Restrictions on financing.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any food subject to this section, unless such

bank or person either has received a copy of the authorization by the Administrator under the provisions of paragraph (b) (2) of this section or is satisfied from known facts that the proposed transaction comes wtihin the exceptions set forth in paragraphs (b) (4) and (b) (5) of this section.

(4) *Exceptions.* Unless otherwise directed by the Administrator the restrictions set forth in this paragraph shall not apply:

(i) To any United States Governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation; or

(ii) To food of which any United States Governmental department, agency, or corporation is the owner at the time of importation, or to any food which any United States Governmental department, agency, or corporation sells or otherwise transfers to a person at the time of importation; or

(iii) To food which on the governing date was in transit; or

(iv) To food consigned or imported as a sample where the value of each consignment or shipment is less than $25.00; or

(v) To food consigned as a gift or imported for personal use where the value of each consignment or shipment is less than $100.00; or

(vi) To food consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) To food grown, produced, or manufactured in the continental United States, or food imported into the United States, which, after being shipped outside the continental United States for storage only, is returned to the United States; or

(viii) To food shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada; or

(ix) To food which is located in, and which has been grown, produced, or manufactured in Canada, Mexico, Guatemala, or El Salvador and transported therefrom into the continental United States overland, by air, or by inland waterway. This exception shall not, however, extend to food which is marked with the designation (1) in Appendix A.

(x) To food produced in the territories of Alaska and Hawaii or insular possessions of the United States, provided each shipment is accompanied by a certificate issued by a duly designated officer of the Department of Agriculture specifically excepting such shipment.

(5) *Imports into Puerto Rico and the Virgin Islands.* (i) The restrictions of this section:

(*a*) Shall not apply to inter-island shipments of food between Puerto Rico and the Virgin Islands;

(*b*) Shall not apply to imports of food into Puerto Rico or the Virgin Islands from the continental United States;

(*c*) Shall apply to any shipment of food listed in Appendix A which originates in a foreign country and simply passes through the continental United States en route to Puerto Rico or the Virgin Islands; and

(*d*) Except as provided in subdivision (c) of this subdivision, shall apply to imports into Puerto Rico or the Virgin Islands only with respect to food which is marked with the designation (2) in Appendix A.

(ii) This section shall not affect any regulations now or hereafter issued by any governmental authority covering shipments of food from the continental United States to Puerto Rico and the Virgin Islands.

(c) *Restrictions after importation.* Unless otherwise provided by the terms of the authorization (or amendments thereof) issued pursuant to paragraph (b) (2) of this section, any food which is imported in accordance with the provisions of this section after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this section; but all such transactions shall be subject to all applicable provisions of the regulations, orders, and directions of the United States Department of Agriculture which now or hereafter may be in effect with respect to such food.

(d) *Change of commodities listed in Appendix A.* The Administrator may from time to time add or remove commodities from Appendix A; *Provided,* That, in so doing he shall follow the standards and guides set forth in paragraph (e) of this section.

(e) *Standards and guides.* In the issuance of authorizations, and in the addition or removal of commodities from Appendix A to this section, the Administrator shall follow these standards and guides;

(1) He shall be satisfied that in the absence of such action the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of materials or facilities for defense or for private account or for export;

(2) He shall take into consideration the following factors: the allocation, if any, of such food by the International Emergency Food Council; the effect of the importation of such food on the procurement of strategic materials; the availability of shipping facilities for the importation of such food; and

(3) In the issuance of authorizations, the Administrator shall allocate the authorizations granted by him on a fair and equitable basis among different groups of applicants and among applicants within the same group.

(f) *Records and reports*—(1) *Reports on customs entry.* No food which is imported after the governing date, including food imported by or for the account of any United States Governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry Form WFO 63-1. The filing of such form a second time shall not be required upon any subsequent entry of such food through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any food from bonded custody of the United States Bureau of Customs, regardless of the date when such food was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Administrator, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: WFO 63.

(2) *Records and other reports.* The Administrator shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Administrator's discretion, in the enforcement or administration of the provisions of this section.

(g) *Audits and inspections.* The Administrator shall be entitled to make such audits or inspection of the books, records, and other writings, premises, or stocks of imported foods of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this section shall, unless instructions to the contrary are issued by the Administrator, be addressed to the Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Ref.: WFO 63.

(i) *Revocation.* Any import authorization issued hereunder may be revoked at any time by the Administrator. Such revocation shall not affect food in transit at the time of revocation.

(j) *Petition for relief from hardship.* Any person affected by this section who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

(k) *Violations.* Any person who violates any provision of this section may, in accordance with the applicable procedure, be prohibited from receiving, making deliveries of, or using any food covered by this section which is subject to allocations or priority control by the Secretary of Agriculture. In addition, any person who wilfully violates any provision of this section is guilty of a crime, and may be prosecuted under any or all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this section. The Administrator may direct the disposition and use of any food which is imported without authorization as required by paragraph (b) of this section.

(l) *Delegation of authority.* The administration of this section and the powers vested in the Secretary of Agriculture insofar as such powers relate to the administration of this section are hereby delegated to the Administrator. The Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this section.

(m) *Effect on liability of removal of food from order.* The removal of any food from this section shall not be construed to affect in any way any liability for violations of this section which accrued or were incurred prior to the date of removal.

(n) *Effective date.* This amendment shall become effective at 12:01 a. m., e. s. t., January 21, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken prior to said date, under War Food Order No. 63, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action or other proceeding with respect to any such violation, right, liability or appeal.

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(E. O. 9280, December 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 17th day of January, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

APPENDIX A—ITEMS SUBJECT TO WFO 63

The numbers listed after the following foods are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (Issue of January 1, 1943). Foods are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Food	Commerce import class number	Governing date
Babassu nuts and kernels	2239.130, 2239.150	Nov. 13, 1944
Babassu nut oil	2257.100	Do.
Beans, dried, except fava and mung beans.[2]	N. S. C.	Do.
Beef and veal, pickled or cured [1] [3]	002.9000	Do.
Beef, canned, including corned beef [1] [3]	0028.000	Do.
Beef, fresh, chilled or frozen [3]	0018.000	Do.
Beet sugar [1]	1580.750–1580.000 inclusive.	Nov. 13, 1946
Butter	044.000	Nov. 13, 1944
Cane sugar [1]	1610.750–1610.000 inclusive.	Do.
Castor beans	2231.000	July 20, 1945
Castor oil	2260.020	Do.
Cocoa, sweetened	1502.300, 1502.900	Do.
Coconut oil	2242.500	Do.
Combinations and mixtures of animal vegetable, or mineral oils, or any of them, with or without other substances, not specially provided for.	2260.120	Do
Copra	2232.000	Nov. 13, 1944
Corned beef hash [1] [3]	1250.230	Do.
Cottonseed oil, crude, refined	1423.100, 1423.200	Do.
Fatty acids, not specially provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified:		
Cottonseed oil	2260.220	Do.
Linseed oil	2260.210	Do.
Soybean oil	2260.230	Do.
Other, not elsewhere specified	2260.240	Do.
Fish, other canned: [1] [3]		
In oil or in oil and other substances	0066.600–0066.700, inclusive	Feb. 15, 1945
Not in oil, or in oil and other substances	0067.900	Do.
Flaxseed (linseed) [1]	2233.000	Do.
Herring, canned, smoked or kippered or in tomato sauce [1] [3]	0067.600	Do.
Lamb, fresh, chilled or frozen [1] [3]	0022.000	Do.
Lard, (including rendered pork fat)[3]	0036.000	Do.
Lard compounds and lard substitutes made from animal or vegetable oils and fats [3]	0036.100	Do.
Linseed oil, and combinations and mixtures, in chief value of such oil	2254.000	Do.
Meats, canned, n. e. s., and prepared or preserved meats, n. s. p. f. (including liver paste). [1] [3]	0032.900	Nov. 13, 1944
Milk, condensed	0040.100	Do.
Molasses and sugar sirup [1]	1630.480–1630.990 inclusive.	Do.
Mutton, fresh, chilled or frozen [1]	0021.000	Do.
Oil cake and oil cake meal:		
Coconut or copra [1]	1111.000	Do.
Soybean [1] [3]	1112.000	Do.
Cottonseed [1]	1114.000	Do.
Linseed [1]	1115.000	Do.
Peanut [1] [3]	1119.600	Do.
Oil cake and oil cake meal—Continued		
Hempseed [1]	1119.700	Nov. 13, 1944
Other n. s. p. f. [1]	1119.900	Do.
Oleo oil [3]	0036.200	Do.
Oleo stearin [3]	0036.300	Do.
Palm kernel oil	2248.000	Do.
Palm nut kernels	2236.500	Do.
Palm oil	2243.000	Do.
Peanut (ground nut) oil	1427.000	Do.
Peanuts, shelled or not shelled [1]	1367.000, 1368.000	Do.
Peas, dried, ripe and split, excluding maple peas [1] [3]	1197.000, 1198.000	Do.
Pork, fresh, chilled or frozen [1] [3]	0020.100, 0020.500	Do.
Pork, hams, shoulders, bacon, sausage, prepared, cooked, boned, canned, etc. [1] [3]	0030.900, 0031.900	Do.
Rapeseed oil, denatured and not denatured [1]	2246.000, 2253.000	Do.
Rice: [1]		
Paddy [1]	1051.000	Do.
Uncleaned or brown rice [1]	1051.100	Do.
Cleaned or milled rice [1]	1053.000	Do.
Patna rice, cleaned, for use in canned soups [1]	1054.000	Do.
Rice meal, flour, polish and bran [1]	1059.100	Do.
Broken [1]	1059.200	Do.
Salmon, canned, not in oil, or in oil and other substances [1] [3]	0067.100	Feb. 15, 1945
Sardines, in oil or in oil and other substances [1] [3]	0063.200, 0063.300	Nov. 13, 1944
Sardines, and other herring, canned (including snacks, tidbits, roll-mops and sprats). [1] [3]	0067.700	Feb. 15, 1945
Soap and soap powder [1]	8711.000–8719.900 inclusive.	Do.
Sugar, beet [1]	1580.750–1580.000 inclusive.	Nov. 14, 1946
Sugar, cane [1]	1610.750–1610.000 inclusive.	Feb. 15, 1945
Sugar-containing products containing cane or beet sugar in any quantity or containing in any quantity any ingredient in which cane or beet sugar was used in the manufacture of the ingredient.[1]	N. S. C.	Nov. 15, 1945
Sunflower oil, edible and denatured [1]	1421.000, 2247.000	Nov. 13, 1944
Sunflower seed [1]	2240.000	Do.
Syrups, molasses, sugar-containing solutions, and sugar mixtures, edible, derived in whole or in part from sugar or sugar cane, irrespective of sugar, invert sugar, or non-sugar content, whether added to or derived from the product, n. e. s.[1]	N. S. C.	Nov. 14, 1946
Tallow, beef and mutton, including oleo stock [3]	0036.600	Nov. 13, 1944
Tallow, beef and mutton (inedible), including oleo stock.	0815.600	Do.
Tea, not specially provided for	1521.060	Do.
Tuna fish, in oil or oil and other substances [1] [3]	0065.200	July 20, 1945
Tung oil (China wood oil)	2241.000	Nov. 13, 1944
Veal, fresh, chilled or frozen [1] [3]	0019.000	Do.

[1] See paragraph (b) (5) (ix).
[2] See paragraph (b) (6) (i).
[3] Governing date Nov. 18, 1944, except as covered by (b) (5) (ix) for which governing dates are as follows:
Beans, dried, except fava and mung beans, July 23, 1946.
Beef and veal, pickled or cured, Nov. 15, 1946.
Beef, canned, including corned beef, Nov. 15, 1945.
Beef, fresh, chilled or frozen, Nov. 15, 1945.
Chickpeas and garbanzos, dried, July 23, 1946.
Corned beef hash, Nov. 15, 1945.
Lamb, fresh, chilled or frozen, Nov. 15, 1945.
Meats, canned, n. e. s. and prepared or preserved meats, n. s. p. f. (including liver paste), Nov. 15, 1945.
Mutton, fresh, chilled or frozen, Nov. 15, 1945.
Peas, dried, ripe, and split, excluding maple peas, July 23, 1946.
Pork, fresh, chilled or frozen, Nov. 15, 1945.
Pork, hams, shoulders, bacon, sausage, prepared, cooked, boned, canned, etc., Nov. 15, 1945.
Veal, fresh, chilled or frozen, Nov. 15, 1945.
[4] Except if produced in Norway.

[F. R. Doc. 47-645; Filed, Jan. 22, 1947; 8:48 a. m.]

[WFO 16, as amended, Termination]

PART 1407—DRIED FRUIT

RAISINS AND ZANTE CURRANTS

War Food Order No. 16, as amended (11 F. R. 9065), is hereby terminated effective as of 12:01 a. m., p. s. t., January 18, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 16, as amended, prior to the effective time of this termination action, all provisions of the said War Food Order No. 16, as amended, in effect prior to the effective time of this termination action shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding in regard to any such violation, right, liability, or appeal.

(E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp.; E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 17th day of January 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-644; Filed, Jan. 22, 1947; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 510—GENERAL REGULATIONS OF WASHINGTON NATIONAL AIRPORT

This part of the regulations of the Administrator of Civil Aeronautics was originally made effective on September 26, 1941. Since that date the Washington National Airport has undergone some physical alterations and has experienced an increased volume of air traffic and of other aviation activity. Because of these reasons and due to experiences gained in operating this airport since September 26, 1941, it has become necessary to revise this part by alteration, rewording and rearrangement of certain sections, and by making a few minor changes in substance. This part, as now revised, including such alterations, rewording, rearrangement, and changes, was submitted to and discussed with interested persons at an informal public hearing held for that purpose, notice of which (hearing) was published in the FEDERAL REGISTER. All data, views and arguments, oral and written, submitted by interested persons pursuant to such notice or at such public hearing were considered in this revision of Part 510.

Now, therefore, acting pursuant to the authority vested in me by act to provide for the administration of the Washington National Airport (54 Stat. 686–688), I hereby revised Part 510 of the regulations of the Administrator of Civil Aeronautics to read as follows:

The purpose of Part 510 of the regulations of the Administrator of Civil Aeronautics is to establish and adopt general rules and regulations for the care, operation, maintenance, and protection of the Washington National Airport.

Sec.

510.1 Definitions.
510.2 General rules and regulations.
510.20 Airport administrator.
510.21 Restricted areas.
510.210 Particular areas.
510.22 Observation terrace and balcony.
510.23 Conduct of business or commercial activity.
510.230 Soliciting.
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510.24 Commercial photography.
510.25 Use of roads and walks.
510.26 Dogs.
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510.30 General.
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510.40 Disorderly conduct.
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510.50 Cleaning of aircraft.
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510.52 Storage.
510.520 Storage of inflammable material
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510.53 Smoking.
510.54 Cleaning fluids.
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510.56 Doping.
510.57 Fueling operations.
510.58 Radio operation.
510.7 Motor vehicle operation in hangar.
510.8 Obligations of tenants.
510.80 Signs and bulletin boards.
510.81 Workmen's compensation.
510.82 First aid equipment.
510.83 Storage of equipment.
510.84 Fire apparatus.
510.9 Penalties.

AUTHORITY: §§ 510.1 to 510.9, inclusive, issued under sec. 2, 54 Stat. 688.

§ 510.1 *Definitions.* (a) "Airport" means the Washington National Airport. (b) "Administrator" means the Administrator of Civil Aeronautics.

(c) "Airport Administrator" means the Airport Administrator appointed by the Administrator of Civil Aeronautics to govern, superintend, control, and protect the Washington National Airport.

(d) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body political; and includes any trustee, receiver, assignee, or other similar representative thereof.

(e) "Board" means Civil Aeronautics Board.

§ 510.2 *General rules and regulations.*

§ 510.20 *Airport administrator.* All persons on any part of the property comprising the airport shall be governed by the regulations prescribed in this part and by orders and instructions of the Airport Administrator relative to the use or occupation of any part of the property comprising the airport.

§ 510.21 *Restricted areas.* No person shall enter any restricted areas posted as being closed to the public except upon written permission of the Airport Administrator.

§ 510.210 *Particular areas.* No person shall enter upon the levy road, landing field, runways, taxi-strips, ground floor of the Terminal Building, nor enter the Control Tower, mirador room, third floor offices of the Terminal Building, any hangar, or the apron of the airport except:

(a) Persons assigned to duty therein;

(b) Authorized representatives of the Administrator, or the Board;

(c) Persons authorized by the Airport Administrator;

(d) Passengers under appropriate supervision, entering the apron for the purpose of embarkation and debarkation.

§ 510.22 *Observation terrace and balcony.* No person shall throw paper, cigars, cigarettes, bottles, or any other material from the Observation Terrace, Observation Balcony, or any other balcony in the Terminal Building.

§ 510.23 *Conduct of business or commercial activity.* No person shall engage in any business or commercial activity of any nature whatsoever on the airport except with the approval of the Administrator or Airport Administrator, and under such terms and conditions as may be prescribed.

§ 510.230 *Soliciting.* No person shall solicit funds for any purpose on the airport without the permission of the Airport Administrator.

§ 510.231 *Taxicabs.* No person shall operate any taxicab carrying passengers for hire from the airport unless such operation is with the approval of the Administrator and under such terms and conditions as he may prescribe.

§ 510.232 *Advertisements.* No person shall post, distribute, or display signs, advertisements, circulars, printed or written matter at the airport except with the approval of the Administrator and in such manner as he may prescribe.

§ 510.24 *Commercial photography.* No person shall take still, motion, or sound pictures for commercial purposes on the airport without permission of the Administrator except that the following persons may take pictures for commercial purposes with permission of the Airport Administrator only:

(a) Professional photographers and motion picture cameramen taking scenes of events in the airport as representatives of news concerns and bona fide news publications.

(b) Professional photographers and motion picture cameramen taking scenes of events in the airport, for nonprofit exhibits, for the purpose of stimulating general interest in air commerce or travel.

(c) Professional photographers and motion picture cameramen taking scenes of events in the airport for nonprofit educational purposes.

(d) Professional photographers taking scenes in the airport for general artistic purposes.

§ 510.25 *Use of roads and walks.* (a) No person shall travel on the airport other than on the roads, walks or places provided for the particular class of traffic.

(b) No person shall occupy the roads or walks in such manner as to hinder or obstruct their proper use.

(c) No person shall operate any type of vehicle for the disposal of garbage, ashes or other waste material on the airport without the approval of the Airport Administrator.

§ 510.26 *Dogs.* No person shall enter the Terminal Building or landing area of the airport with a dog or other animal except that seeing-eye dogs may be permitted in the Terminal Building for appropriate purposes, and where dogs are to be transported by air and are restrained by leash or properly confined. Dogs and other animals may be permitted in other areas of the airport if restrained by leash or confined in such manner as to be under control.

§ 510.27 *Lost articles.* Any person finding lost articles shall deposit them at the office of the Airport Administrator. Articles unclaimed within 60 days may be turned over to the finders thereof.

§ 510.3 *Motor vehicle regulations.*

§ 510.30 *General.* No person shall operate any motor vehicle on the airport otherwise than in accordance with the general rules prescribed by the Airport Administrator for the control of such vehicles, except when given special instructions by authorized employees of the airport, or in cases of emergency involving danger to life or property.

§ 510.31 *Motorized equipment.* No person shall operate any motorized equipment on the apron of the Terminal Building or anywhere on the aircraft landing area or levy road or in the inner-baggage tractor concourse of the Terminal Building except:

(a) Persons assigned to duty thereon and who have been issued an operator's certificate by the Airport Administrator;

(b) Persons specifically authorized by the Airport Administrator.

§ 510.32 *Operator's certificate.* No person shall operate motorized equipment of any kind on the roadways of the airport unless possessed of a valid operator's license issued by some legal political jurisdiction or by the Airport Administrator. No person shall operate motorized equipment of the CAA other than aircraft on the airport unless possessed of a valid CAA Operator's Certificate.

§ 510.33 *Speed.* (a) No person shall operate a motor vehicle of any kind on the roadways of the airport in excess of the speed limits prescribed by the Airport Administrator and indicated by posted traffic signs. Motor vehicles shall be so operated as to be under safe control at all times, weather and traffic conditions considered. No person shall operate a motor vehicle of any kind on the apron of the airport in excess of 25 miles per hour. No person shall operate a motor vehicle of any kind in the inner-baggage concourse at a speed greater than 6 miles per hour.

§ 510.34 *Operation rules.* (a) Any person operating a vehicle travelling slowly on any road in the airport, when overtaken by a faster moving vehicle, and upon suitable signal from such overtaking vehicle, shall move to the right to allow safe passage.

(b) Pedestrians within pedestrian lane markings shall have the right-of-way over vehicular traffic.

(c) No person shall operate a vehicle following another vehicle on the airport closer than 15 feet to the preceding vehicle.

(d) No person shall sound a motor vehicle horn except as a warning signal.

(e) No person shall cause or permit a motor vehicle under his control to obstruct traffic by making right or left turns from the wrong traffic lane or by weaving in and out of traffic or in any other improper manner.

(f) No person operating a motor vehicle on the airport shall fail to give proper hand signals. The following signals shall be given by extending the hand and arm from the left side in the following manner:

(1) *Left turn.* The hand and arm shall be extended horizontally.

(2) *Right turn.* The hand and arm shall be extended upward.

(3) *Stop or decrease speed.* The hand and arm shall be extended downward: *Provided, however,* That in lieu of such hand signals, signals may be given by a signal lamp or a signal device which conveys an intelligible warning to another driver approaching from the front or rear.

(g) No person shall operate a motor vehicle on the airport contrary to the directions of posted traffic signs.

(h) No person under the influence of liquor or narcotic drugs shall operate a motor vehicle or aircraft of any kind on the airport.

(i) No person shall operate any motor vehicle on the airport overloaded or carrying more passengers than that for which the vehicles were designed. Riding on the running board, standing up in the body of moving vehicles, riding on the outside of the body of a vehicle, or with arms or legs protruding from the body of motor vehicles are prohibited.

§ 510.35 *Accident reports.* All persons involved in any accidents on the airport and all witnesses thereto shall make a full report thereof to the Airport Administrator or to the nearest airport guard or police officer as soon after the accident as possible, together with their names and addresses.

§ 510.36 *Parking.* No person shall park a motor vehicle on the airport other than in areas specifically established for parking and in the manner prescribed by the Airport Administrator. No person shall abandon or park as dead storage any motor vehicle on the airport. No person shall park any motor vehicle in excess of the time limit prescribed by the Airport Administrator, nor in restricted or reserved areas unless authorized to do so.

§ 510.37 *Motor vehicle lights.* All motor vehicles, except motorcycles, shall be equipped with two headlights and one or more red tail lights, the headlights to be of sufficient brilliance to assure safety in driving at night, and all lights shall be kept lighted after sunset when the vehicle is on any roadway of the airport, and at all times when passing through unlighted tunnels. Headlights shall be dimmed when meeting other vehicles or pedestrians.

§ 510.38 *Repair of motor vehicles.* No person shall clean or make any repairs to motor vehicles on the roadways or in the parking areas of the airport except those minor repairs necessary to remove such motor vehicle from the airport unless authorized by the Airport Administrator, nor shall any person move, interfere, or tamper with any motor vehicle, or put in motion the engine, or take, or use any motor vehicle part, instrument, or tool thereof, without the permission of the owner or satisfactory evidence of the right to do so duly presented to the Airport Administrator.

§ 510.39 *Buses.* No carrier by motor bus for hire shall load or unload passengers at the airport at any place other than that designated by the Airport Administrator.

§ 510.4 *General rules of conduct.*

§ 510.40 *Disorderly conduct.* No person shall commit any disorderly, obscene or indecent act or commit any act of nuisance on the airport.

§ 510.41 *Gambling.* No person shall engage in or conduct gambling in any form or operate gambling devices anywhere on the airport.

§ 510.42 *Sanitation.* (a) No person shall dispose of garbage, papers, or refuse or other material on the airport except in the receptacles provided for that purpose.

(b) No person shall use a comfort station other than in a clean an sanitary manner.

§ 510.43 *Preservation of property.* No person shall: (a) Destroy, injure, deface or disturb in any way any building, sign, equipment, marker, or other structure, tree, flower, lawn or other public property on the airport.

(b) Trespass on lawns and seeded areas on the airport.

(c) Abandon any personal property on the airport.

§ 510.44 *Airport and equipment.* No person shall interfere with, tamper with or injure any part of the airport or any of the equipment thereof.

§ 510.45 *Weapons, explosives and inflammable material.* (a) No persons except peace officers, duly authorized post office, airport, and air carrier employees or members of the armed forces of the United States on official duty shall carry any weapons, explosives, or inflammable material on the airport without the written permission of the Airport Administrator.

(b) All persons other than the excepted classes shall surrender all such

objects in their possession to the first officer or guard on the airport.

(c) The Government and the Airport Administrator assume no responsibility for the loss or damage to any such objects so surrendered to the airport guard or officer.

§ 510.5 *Fire hazards.*

§ 510.50 *Cleaning of aircraft.* No person shall use inflammable volatile liquids in the cleaning of aircraft, aircraft engines, propellers, and appliances unless such cleaning operations are conducted in open air, or in a room specifically set aside for that purpose, which room must be properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus.

§ 510.51 *Open flame operations.* No person shall conduct any open flame operation in any hangar, or on the airport grounds, or part thereof unless specifically authorized by the Airport Administrator.

§ 510.52 *Storage.* No person shall store or stock material or equipment on the airport in such manner as to constitute a fire hazard.

§ 510.520 *Storage of inflammable material.* No person shall keep or store any inflammable liquids, gases, signal flares or other similar material in the hangars or in any building on the airport: *Provided*, That such materials may be kept in an aircraft in the proper receptacles installed in the aircraft for such purpose, or in rooms or areas specifically approved for such storage by the Airport Administrator.

§ 510.521 *Lubricating oils.* No person shall keep or store lubricating oils in or about the hangars: *Provided*, That such material may be kept in aircraft in the proper receptacles installed in the aircraft for such purpose or in containers provided with suitable draw-off devices.

§ 510.522 *Waste.* Lessees of hangars shall provide suitable metal receptacles with self-closing covers for the storage of oily wastes, rags, and other rubbish. All such waste shall be removed by the lessees daily.

§ 510.53 *Smoking.* No person shall smoke in any hangar or shop or in any building, room, or place on the airport where it is specifically prohibited by the Airport Administrator.

§ 510.54 *Cleaning fluid.* No person shall use volatile inflammable substances for cleaning floors in the hangars or in other buildings of the airport.

§ 510.55 *Floor care.* All lessees on the airport shall keep the floors of the hangars and hangar and terminal apron pits and areas adjacent thereto, leased by them respectively, free and clear of oil, grease and other inflammable material.

§ 510.56 *Doping.* "Doping" processes shall be conducted only in properly designed, fireproofed and ventilated rooms or buildings in which:

(a) All illumination, wiring, heating, ventilation equipment, switches, outlets, and fixtures shall be sparkproof and vaporproof and;

(b) All windows and doors shall open easily;

(c) No person shall enter or work in a "dope" room while "doping" processes are being conducted unless such person wears sparkproof shoes.

§ 510.57 *Fueling operations.* The following rules govern the draining and fueling of aircraft:

(a) No aircraft shall be fueled or drained while the engine is running, or being warmed by applications of exterior heat, or while such aircraft is in a hangar or enclosed space.

(b) No smoking shall be permitted within 100 feet of an aircraft being fueled or drained.

(c) No person shall operate any radio transmitter or receiver, or switch electrical appliances off or on in an aircraft during fueling or draining.

(d) During refueling the aircraft and the fueling dispensing apparatus shall both be grounded to a point or points of zero electrical potential.

(e) Persons engaged in the fueling and draining of aircraft shall exercise care to prevent overflow of fuel.

(f) No passenger shall be permitted in any aircraft during fueling unless a cabin attendant is present at or near the cabin door.

(g) Only personnel engaged in the fueling, maintenance, and operation of an aircraft shall be permitted within 100 feet of such aircraft during any such operation.

(h) No person shall use any material during fueling or draining of aircraft which is likely to cause a static spark.

(i) Adequate fire extinguishers shall be within ready reach of all fueling and draining operations.

(j) No person shall start the engine of any aircraft when there is any gasoline on the ground under such aircraft.

(k) Fueling hoses and draining equipment shall be maintained in a safe, sound, and non-leaking condition.

(l) All hoses, funnels, and appurtenances used in fueling and draining operations shall be equipped with a grounding device to prevent ignition of volatile liquids.

(m) The fueling and draining of aircraft shall be conducted at least 50 feet from any hangar or other building.

§ 510.58 *Radio operation.* No person shall operate any radio equipment in any aircraft when such aircraft is in a hangar.

§ 510.7 *Motor vehicle operation in hangar.* No person shall operate a tractor in any hangar unless the tractor exhaust is protected by screens or baffles to prevent the escape of sparks or the propagation of flame. Motor scooters, trucks, and other motor vehicles shall not be operated in any hangar proper at any time.

§ 510.8 *Obligations of tenants.*

§ 510.80 *Signs and bulletin boards.* The lessees of hangars shall maintain a bulletin board in a conspicuous place for the purpose of posting any and all notices issued by the Administrator and his representatives.

§ 510.81 *Workmen's compensation.* The lessees of hangars shall post on the bulletin board workmen's compensation notices, lists of competent physicians, and names of liability insurance carriers.

§ 510.82 *First aid equipment.* All tenants or lessees of hangars or shop facilities on the airport shall provide in such hangars or shops conveniently accessible first aid kits approved by the Airport Administrator.

§ 510.83 *Storage of equipment.* No tenant or lessee of any hangar or shop facility on the airport shall store or stack material or equipment in such a manner as to constitute a hazard to personnel or property.

§ 510.84 *Fire apparatus.* All tenants or lessees of hangars or shop facilities shall supply and maintain such adequate and readily accessible fire extinguishers and fire equipment and provide for such periodic fire drills as the Airport Administrator may prescribe.

§ 510.9 *Penalties.* Any person who violates any rule or regulation prescribed herein, or any order or instruction issued by the Airport Administrator authorized herein, may be removed or ejected from the airport by the Airport Administrator and his representatives and may be deprived of the further use of the airport and its facilities for such time as may be necessary to insure the safety of the airport and the public.

This part as revised herein shall become effective February 25, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-663; Filed, Jan. 22, 1947; 8:50 a. m.]

PART 511—AERONAUTICAL RULES FOR THE WASHINGTON NATIONAL AIRPORT

This part of the regulations of the Administrator of Civil Aeronautics was originally made effective on September 26, 1941. Since that time the Washington National Airport has experienced an increased volume of air traffic. Because of the increased air traffic and due to experience gained in operating this airport since September 26, 1941, it has become necessary to revise this part by the alteration, rewording and rearrangement of certain sections, and by making a few minor changes in substance. This part, as now revised, including such alterations, rewording, rearrangement, and changes, was submitted to and discussed with interested persons at an informal public hearing held for that purpose, notice of which (hearing) was published in the FEDERAL REGISTER. All data, views and arguments, oral and written, submitted by interested persons pursuant to such notice or at such public hearing were considered in this revision of Part 511.

Now, therefore, acting pursuant to the authority vested in me by act to provide

for the administration of the Washington National Airport (54 Stat. 686–688), I hereby revise Part 511 of the regulations of the Administrator of Civil Aeronautics to read as follows:

The purpose of Part 511 of the regulations of the Administrator of Civil Aeronautics is to establish and adopt aeronautical rules for the care, operation, maintenance and protection of the Washington National Airport and for the safety of all persons who make use thereof.

Sec.
511.1 General aeronautical rules.
511.10 Definitions.
511.2 Radio contact.
511.20 Report of arrival.
511.3 Aircraft operation rules.
511.4 Aircraft equipment rules.
511.5 Landing area.
511.6 Taxying rules.
511.7 Landing and take-off rules.
511.8 Visual signal procedures.
511.9 Penalties.

AUTHORITY: §§ 511.1 to 511.9 inclusive, issued under sec. 2, 54 Stat. 688.

§ 511.1 *General aeronautical rules.* All aeronautical activities at the Washington National Airport, and all flying of aircraft departing from or arriving at the Washington National Airport, in the airspace which constitutes the control zone of the Washington National Airport, shall be conducted in conformity with the current pertinent provisions of the Civil Air Regulations and orders issued by the Airport Administrator or air-traffic control-tower operator, not in conflict with the said regulations.

§ 511.10 *Definitions.* The term "person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

§ 511.2 *Radio contact.* (a) Radio contacts between pilots of aircraft and airtraffic control-tower operators shall be conducted in accordance with the procedures and by means of the phraseologies prescribed by the Administrator of Civil Aeronautics whenever practicable.

(b) Pilots of outbound aircraft equipped with functioning two-way radio shall not taxi or take off without a control tower clearance.

(c) Pilots of aircraft not equipped with functioning two-way radio shall not land, taxi, or take off without a clearance by radio or light signal: *Provided, however*, That this shall not prohibit sufficient movement of an outbound aircraft not equipped with a functioning transmitter to attract the attention of the control-tower operator.

§ 511.20 *Report of arrival.* Unless impracticable because of weather conditions or unless Airway Traffic Control instructions preclude such action, pilots of inbound aircraft equipped with functioning two-way radio shall report at or near a contact reporting point and as they enter the airport zone.

§ 511.3 *Aircraft operation rules.* (a) Aircraft operations shall be confined to hard surfaced areas. Taxi strips shall not be used for take-offs or landings.

(b) *Parking of aircraft.* No person shall park aircraft in any area on the Airport other than that prescribed by the Airport Administrator or his authorized representative.

(c) *Payment.* Payment for use of Airport facilities, storage, repairs, supplies, or other service rendered by the Airport shall be made before flight clearance will be granted unless satisfactory credit arrangements have been made with the Airport Administrator.

(d) *Disabled aircraft.* Aircraft owners, their pilot, or agent, shall be responsible for the prompt disposal of disabled aircraft and parts thereof unless required or directed to delay such action pending an investigation of an accident.

(e) *Accident reports.* Witnesses of and participants in accidents on or within the environs of the Airport shall make a full report thereof to the Airport Administrator as soon after an accident as possible, together with their names and addresses.

(f) *Refusal of clearance.* The Airport Administrator may delay or restrict any flight or other operations at the Airport and may refuse take-off clearance to any aircraft for any reason he believes justifiable.

§ 511.4 *Aircraft equipment rules.* (a) No aircraft shall be operated on the Washington National Airport unless it is equipped with two-way radio, tail or nose wheel, and wheel brakes.

(b) *Interfering and tampering with aircraft.* No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools without permission of the owner, or satisfactory evidence of the right to do so presented to the Airport Administrator.

(c) *Repairing of aircraft.* No aircraft, aircraft engines, propellers, and apparatus shall be repaired in any area of the Airport other than that specifically designated by the Airport Administrator.

§ 511.5 *Landing area.* The Anacostia Naval Air Station, Bolling Field, and the Washington National Airport shall be regarded as one landing area in observing the circling requirements of the Civil Air Regulations.

§ 511.6 *Taxying rules.* (a) No person shall taxi an aircraft to or from the hangar line or to or from an approved parking space until he has ascertained that there will be no danger of collision with any person or object in the immediate area by visual inspection of the area and, when available, through information furnished by airport attendants.

(b) No aircraft shall be taxied except at a safe and reasonable speed.

(c) Pilots shall not taxi onto or across runway in use until specifically cleared to do so by radio or visual signal.

(d) No aircraft not equipped with adequate brakes shall be taxied near buildings or parked aircraft unless an attendant is at the wing of the aircraft to assist the pilot.

(e) Aircraft shall be taxied in accordance with the taxying patterns prescribed when any particular runway is in use.

(f) No person shall start or run any engine in aircraft, unless a competent person is in the aircraft attending the engine controls. Blocks shall always be placed in front of the wheels before starting the engine or engines, unless the aircraft is provided with adequate parking brakes.

§ 511.7 *Landing and take-off rules.* (a) Landings and take-offs shall be made on the runway according to the direction given by the Control Tower.

(b) No landing or take-off shall be made except at a safe distance from buildings and aircraft.

(c) Aircraft landing or taking off shall conform to the air traffic pattern published jointly by the Anacostia Naval Air Station, Bolling Field and the Washington National Airport.

§ 511.8 *Visual signal procedures.* (a) Visual signal procedures prescribed by the Administrator of Civil Aeronautics shall be observed.

(b) To an aircraft approaching for a landing, (1) An illuminated red cross at the end of a runway shall mean: "Runway Not Clear For Landing."

(2) An illuminated green arrow shall mean: "Runway To Be Used In Direction Of Arrow."

(c) To an aircraft on the ground (1) A red light at the take-off end of the runway in use shall mean: "Do Not Taxi Onto Runway."

(2) A red light at far end of runway in use shall mean: "Hold, Do Not Take Off."

(3) A green light at take-off end of a runway in use shall mean: "Cleared To Take Off."

(4) A green flush light at junction of taxi lane and runway shall mean: "Cleared To Taxi."

(5) A red flush light at any junction shall mean: "Do Not Taxi Beyond This Point."

§ 511.9 *Penalties.* In addition to penalties otherwise provided, any person operating or handling any aircraft in violation of the regulations in this part, or refusing to comply therewith, may promptly be removed or ejected from the airport by or under the authority of the Airport Administrator and upon the order of the Airport Administrator, may be deprived of the further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interest therein.

This part as revised herein shall become effective February 25, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-638; Filed, Jan. 22, 1947; 8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j), Part 265 of the Regulations of the Railroad Retirement Board under such act (4 F. R. 1477) is repealed; and Part 220, §§ 220.2, 220.3 (a), (b), (d), and (h), Part 222, §§ 222.1, 222.2, 222.3, and 222.4, Part 225, §§ 225.3 (a) and (b), 225.5, 225.6, 225.7, 225.8, 225.9 and 225.10, Part 230, § 230.1, Part 235, §§ 235.1, 235.2, 235.3, and 235.4, Part 236 and Part 250, § 250.3 (4 F. R. 1477, 6 F. R. 298, 7 F. R. 2211) are revised, and Part 230, § 230.15, Part 234, and Part 235, § 235.9, are adopted, by Board Order–47–1 dated January 7, 1947, to read as follows:

PART 220—DEFINITION AND CREDITABILITY OF SERVICE

§ 220.2 *What constitutes a month and a year of service.* Any calendar month in which an individual renders service for compensation or for which he receives remuneration for time lost as an employee constitutes a month of service, irrespective of the amount of such service or of the amount of time for which such remuneration is received. Twelve such months, consecutive or otherwise, shall be a year of service: *Provided, however,* That in totaling the service of an employee who has performed fifty-four months or more of creditable service, an ultimate fraction of six months or more shall constitute a year of service. In all other cases, ultimate fractions shall be taken at their actual value. (Secs. 1, 10, 50 Stat. 309, 314; sec. 202, 60 Stat. 726; 45 U. S. C. and Sup. 228a, 228j)

§ 220.3 *Creditability of service*—(a) *When a company is not an employer.* Service rendered to any person or company other than an employer shall not be creditable except as follows: (1) Service rendered prior to August 29, 1935 for a person or company which was an employer on August 29, 1935 shall be creditable even though such person or company was not an employer at the time the service was rendered; (2) service rendered to any person or company which was at some time during its existence an express company, sleeping-car company or carrier by railroad and which was a predecessor of an express company, sleeping-car company or carrier by railroad subject to the Act on August 29, 1935 shall be creditable even though such person or company was not an employer at the time such service was rendered and (3) service rendered prior to August 29, 1935 to any person or company in the performance of operations involving the use of standard railroad equipment provided such operations were performed by an employer on August 29, 1935.

(b) *Place of performance of service.* Service performed for an employer shall be creditable whether rendered within or without the United States, if such employer conducts the principal part of its business within the United States; but if an employer other than a local lodge or division or a general committee of a railway-labor-organization, does not conduct the principal part of its business within the United States, service to such an employer shall be creditable only when performed by the employee within the United States. Service performed for a local lodge or division or for a general committee of a railway-labor-organization shall be creditable in accordance with § 203.5 (b) and (c) of this chapter. Service rendered outside the United States by an individual not a citizen or resident of the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof is not creditable.

* * * * * * *

(d) *Service after age sixty-five.* Service rendered as an employee in any month after the end of the calendar year in which the age sixty-five is attained shall not be creditable toward an annuity under Part 208 of this chapter unless rendered prior to July 1, 1937. This paragraph shall not affect the provisions of Part 237 of this chapter. (Secs. 3, 10, 50 Stat. 311, 314; sec. 207, Pub. Law 572, 79th Cong.; 45 U. S. C. and Sup. 228c, 228j)

* * * * * * *

(h) *Service performed subsequent to the beginning date of an annuity.* Service rendered as an employee after the beginning date of an annuity shall not be creditable toward any annuity under Part 208 of this chapter, nor shall such annuity be recomputed because of such service except, if such annuity be granted upon the basis of disability and the disability annuity ceases, service performed after such cessation of the annuity and before the end of the calendar year in which age sixty-five is attained may be credited toward any other annuity to which such individual may become entitled. Nothing contained in this paragraph shall affect the provisions of Part 237 of this chapter. (Secs. 3, 10, 50 Stat. 311, 314; sec. 205, Pub. Law 572, 79th Cong.; 45 U. S. C. and Sup. 228c, 228j)

PART 222—DEFINITION AND CREDITABILITY OF COMPENSATION

§ 222.1 *Statutory provisions.*

The term "compensation" means any form of money remuneration paid to an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of any tax now or hereafter imposed with respect to the compensation of such employee. For the purposes of determining monthly compensation and years of service and for the purposes of subsections (a), (c), and (d) of section 2 and subsection (a) of section 5 of this act, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and (1) such compensation is earned between December 31, 1936, and April 1, 1940, and taxes thereon pursuant to section 2 (a) and 3 (a) of the Carriers Taxing Act of 1937 or sections 1500 and 1520 of the Internal Revenue Code are not paid prior to July 1, 1940; or (2) such compensation is earned after March 31, 1940. A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8, the period during which such compensation will have been earned. In determining the monthly compensation, the average monthly remuneration, and quarters of coverage of any employee, there shall be attributable as compensation paid to him in each calendar month in which he is in military service creditable under section 4 the amount of $160 in addition to the compensation, if any, paid to him with respect to such month.

* * * In computing the monthly compensation, no part of any month's compensation in excess of $300 shall be recognized.

§ 222.2 *Definition of compensation*—(a) *Compensation paid for services performed.* Compensation shall mean the amount an individual is paid for service performed as an employee and shall include amounts paid in the form of a commodity, service, or privilege, only if the employer and employee, before the performance of the service for which it is payment have agreed (1) upon the value of such commodity, service, or privilege, and (2) that such part of the amount agreed upon to be paid may be paid in the form of such commodity, service, or privilege.

(b) *Remuneration paid for time lost.* Compensation shall also include amounts paid by an employer to an individual for time lost during which time the individual was absent from the active service of the employer. An employee shall be deemed to be paid "for time lost" whenever any such amount is paid to him by an employer (1) with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, or (2) for loss of earnings with respect to an identifiable period, resulting from his displacement to a less remunerative position or occupation. The entire amount of a payment made with respect to a personal injury shall be deemed to be remuneration paid for time lost provided such an amount includes pay for time lost and is not, at the time of payment, specifically apportioned to factors other than time lost. In any case where an amount paid with respect to personal injury is, at the time of payment, apportioned to factors other than time lost, only that part of the amount not so apportioned shall be deemed to be remuneration paid for time lost.

(c) *Waiver or refund of organization dues.* A waiver or refund of organization dues, in all cases in which the amount waived or refunded does ont include elements in addition to the consideration for membership in the organization (such as, for example, insurance payments), even though motivated by the rendition of valuable services on the part of the individual to the organization, does not constitute compensation unless it appears by affirmative evidence that such waiver or refund was intended to be and was accepted as a discharge of an obligation of the organization to compensate the individual for service rendered.

§ 222.3 *Creditability of compensation*—(a) *Compensation for one month in excess of $300.00.* In no case shall compensation in excess of three hundred dollars be credited for any one month of service. (Secs. 3, 10, 50 Stat. 311, 314; sec. 209, Pub. Law 572, 79th Cong.; 45 U. S. C. and Sup. 228c, 228j)

(b) *Compensation earned after age sixty-five.* Compensation for service after the end of the calendar year in which the individual becomes sixty-five years of age shall not be creditable toward an annuity under Part 208 of this chapter unless the service was rendered prior to July 1, 1937. This paragraph shall not affect the provisions of Part 237 of this chapter. (Secs. 3, 10, 50 Stat. 311, 314; sec. 207, Pub. Law 572 (79th Cong.), 45 U. S. C. and Sup. 228c, 228j)

(c) *Compensation dependent upon creditability of service.* No amount shall be credited as compensation unless it is paid for service creditable in accordance with § 220.3 of this chapter. (Secs. 3, 10, 50 Stat. 311, 314; 45 U. S. C. 228c, 228j)

(d) *Remuneration received by an annuitant.* Remuneration paid to an individual for service performed while he is in receipt of an annuity shall not be creditable, as compensation, toward an annuity under Part 208 of this chapter. This paragraph shall not affect the provisions of Part 237 of this chapter.

(e) *Employee representative compensation.* (1) If an individual occupies the position or office of employee representative as defined in section 1 (b) of the 1937 Act and is paid remuneration in that position or office, all such remuneration is paid for services rendered as an employee representative within the meaning of section 1 (h) of the act, even though the individual performs either in connection with or outside of that position or office some services which are not related to the representation of employees in negotiations with employers regarding wages, hours, working conditions, etc. However, any other remuneration which the individual receives is not paid for service rendered as an employee representative within the meaning of section 1 (h).

(2) If an individual does not occupy the position or office of employee representative and is paid remuneration in another position or office, none of such remuneration is paid for services rendered as an employee representative within the meaning of section 1 (h) of the 1937 Act, even though the individual performs either in connection with or outside of the non-employee representative position some services which are related to the representation of employees in negotiations with employers regarding wages, hours, working conditions, etc. Likewise, if the individual does occupy the position or office of employee representative in addition to his other position or office, but is paid remuneration only in the non-employee representative position or office or for services not related to the representation of employees in negotiations with employers, none of such remuneration is paid for service rendered as an employee representative within the meaning of section 1 (h).

(f) *Compensation earned after December 31, 1936, for service rendered to a local lodge or division.* Compensation earned in any month after December 31, 1936, for service rendered to a local lodge or division of a railway-labor-organization employer shall be disregarded unless (1) it is $3.00 or more, or (2) if less than $3.00 it was earned prior to April 1, 1940, and with respect thereto the income and excise taxes prescribed in the Carriers Taxing Act of 1937 were paid prior to July 1, 1940.

(g) *When compensation earned will be deemed compensation paid.* Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8 of the act, the period during which such compensation will have been earned.

(h) *Compensation; payment.* Compensation is deemed to be paid:

(1) When it is actually paid; or

(2) When it is constructively paid, that is, credited to the account of or set apart for an employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and made available to him so that it may be drawn upon at any time and its payment brought within his own control and disposition.

§ 222.4 *Amount of compensation attributable to each calendar month of military service creditable.* In determining the "monthly compensation" of any employee who performed military service which is creditable under Part 209 of this chapter and section 4 of the act, there shall be attributable as compensation for each such month of creditable military service the amount of $160 in addition to the compensation, if any, paid him with respect to such month. (Secs. 1, 10, 50 Stat. 309, 314, sec. 25, 54 Stat. 1100, sec. 2, Pub. Law 572, 79th Cong.; 45 U. S. C. and Sup. 228a, 228j)

PART 225—COMPUTATION OF ANNUITY

§ 225.3 *Determination of "monthly compensation".* (a) Except as otherwise provided in this part the "monthly compensation" of an individual shall be:

(1) If his "years of service" include only service subsequent to December 31, 1936, and, in the case of station employees described in paragraph (b) (2) of this section, only service subsequent to August 31, 1941, the result obtained by totalling the compensation received for his "years of service" and dividing that sum by the number of months of his "years of service";

(2) If his "years of service" include only service prior to January 1, 1937, and, in the case of station employees described in paragraph (b) (2) of this section, only service prior to September 1941, his monthly compensation for service prior to January 1, 1937, or prior to September 1941, respectively, determined as hereinafter provided;

(3) If his "years of service" include service subsequent to December 31, 1936, and service prior to January 1, 1937, the result obtained by (i) multiplying his monthly compensation for service prior to January 1, 1937, determined as hereinafter provided by the number of months in such portion of his "years of service" as is prior to January 1, 1937, (ii) adding to the product the total compensation earned by him in such portion of his "years of service" as is subsequent to December 31, 1936, and (iii) dividing the sum by the total number of months in his "years of service": *Provided, however,* That in the case of station employees described in paragraph (b) (2) of this section, if his "years of service" include service subsequent to August 31, 1941, and service prior to September 1941, the result obtained by (i) multiplying his monthly compensation for service prior to September 1941 determined as hereinafter provided by the number of months in such portion of his "years of service" as is prior to September 1941, (ii) adding to the product the total compensation earned by him in such portion of his "years of service" as is subsequent to August 31, 1941, and (iii) dividing the sum by the total number of months in his "years of service". (Secs. 3, 10, 50 Stat. 311, 314; secs. 208, 209, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j)

(b) Except as otherwise provided in this part:

(1) An individual's "monthly compensation for service prior to January 1, 1937," shall be the result obtained by dividing (i) the total compensation earned by him in such portion of his "years of service" as is within the period 1924–1931 by (ii) the number of months in such portion of his "years of service"; and

(2) The amount of compensation paid or attributable as paid to an individual with respect to each month of service before September 1941 as a station em-

ployee whose duties consisted of or included the carrying of passengers' hand baggage and otherwise assisting passengers at passenger stations and whose remuneration for service to the employer was, in whole or in substantial part, in the form of tips, shall be the result obtained by dividing (i) the total compensation earned by him as a station employee in the period September 1940–August 1941 by (ii) the number of months he rendered service as a station employee during that period.

In any case within the purview of paragraphs (j), (k), (l), or (m) of this section, service in the period 1924–1931 is, in the judgment of the Board, insufficient to constitute a fair and equitable basis for determining the "monthly compensation for service prior to January 1, 1937," and it is, in the judgment of the Board, just and equitable that such monthly compensation be determined in the manner provided in the applicable provisions of such paragraphs. In any case in which service of a station employee described in subparagraph (2) of this paragraph in the period September 1940–August 1941 is, in the judgment of the Board, insufficient to constitute a fair and equitable basis for determining the amount of compensation paid or attributable as paid to him in each month of service before September 1941, the Board shall determine the amount of such compensation for each such month in such manner as in its judgment shall be fair and equitable. The following paragraphs of this section shall not be applicable to such station employees. (Secs. 3, 10, 50 Stat. 311, 314; sec. 208, 209, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j)

• • • • •

§ 225.5 *Annuities subject to reduction where individual is under age sixty-five.* Where eligibility for an annuity is based on age sixty to sixty-five and service the amount of the annuity, as computed under §§ 225.1 to 225.4 inclusive, shall in the case of male applicants be reduced by one one-hundred-and-eightieth for each calendar month during all of which the individual is less than sixty-five years of age when the annuity begins to accrue. (Secs. 2, 10, 50 Stat. 309; sec. 205, Pub. Law 572, 79th Cong.; 45 U. S. C. and Sup. 228b, 228j)

Section 225.6 is repealed. Sections 225.7, 225.8, 225.9 and 225.10 are renumbered §§ 225.6, 225.7, 225.8 and 225.9, respectively.

§ 225.8 *Minimum amount of annuity.* In the case of an individual having a current connection with the railroad industry as defined in § 208.2 of this chapter and subsection (o) of section 1 of the act and at least fifty-four months of creditable service, the minimum annuity payable shall, prior to any reduction pursuant to section 2 (a) 3 of the act, be whichever of the following is the least:

(a) $3 multiplied by the number of the individual's "years of service", or

(b) $50, or

(c) The individual's "monthly compensation" as determined by § 225.3.

(Secs. 3, 10, 50 Stat. 311, 314; sec. 210, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j)

PART 230—ELECTIONS OF JOINT AND SURVIVOR ANNUITIES

NOTE: Part 230 is repealed except with respect to elections of joint and survivor annuities made before July 31, 1946, by:

(a) Individuals to whom annuities have accrued before January 1, 1947, but have not been awarded prior to July 31, 1946, and who do not, prior to July 31, 1947, revoke their election in such manner and form prescribed by the Board; and

(b) Individuals to whom annuities have not accrued before January 1, 1947 and who, prior to January 1, 1948, reaffirm their election in such manner and form prescribed by the Board.

§ 230.1 *Statutory provisions.*

An individual whose annuity shall not have begun to accrue may elect prior to January 1, 1938, or at least five years before the date on which his annuity begins to accrue, or upon furnishing proof of health satisfactory to the Board, to have the value of his annuity apply to the payment of a reduced annuity to him during life and an annuity after his death to his spouse during life equal to, or 75 per centum of, or 50 per centum of such reduced annuity. The amounts of the two annuities shall be such that their combined actuarial value as determined by the Board shall be the same as the actuarial value of the single-life annuity to which the individual would otherwise be entitled. Such election shall be irrevocable, except that it shall become inoperative if the individual or the spouse dies before the annuity begins to accrue or if the individual's marriage is dissolved or if the individual shall be granted an annuity under subdivision 3 of section 2 (a): *Provided, however,* That the individual may, if his marriage is dissolved before the date his annuity begins to accrue, or if his annuity under subdivision 3 of section 2 (a) ceases because of failure to make the required proof of disability, make a new election under the conditions stated in the first sentence of this subsection. The annuity of a spouse under this subsection shall begin to accrue on the first day of the calendar month in which the death of the individual occurs.

Section 4 is repealed.

The election of a joint and survivor annuity made before the date of approval of this act by an individual to whom an annuity accrues before January 1, 1947, shall be given effect as though the provisions of law under which the election was made had continued to be operative unless no annuity was awarded to such individual prior to the date of approval of this act and, within one year after the approval of this act, he revokes the election in such form and manner as the Board may prescribe. Such election by an individual to whom no annuity accrues before January 1, 1947, shall also be given such effect if the individual, before January 1, 1948, reaffirms the election in such form and manner as the Board may prescribe.

(Sec. 4, 10, 50 Stat., 311, 314, secs. 212, 405, Pub. Law 570, 79th Cong., 45 U. S. C. and Sup. 228d, 228j)

PART 234—ANNUITIES DUE BUT UNPAID AT DEATH

Sec.
234.1 Statutory provisions.
234.2 Annuities due but unpaid at death; to whom payable.

AUTHORITY: §§ 234.1 and 234.2 issued under secs. 3, 10, 50 Stat. 311, 314; sec. 211, Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228c, 228j.

§ 234.1 *Statutory provisions.*

Annuity payments which will have become due an individual but will not yet have been paid at death shall be paid to the same individual or individuals who, in the event that a lump sum will have become payable pursuant to section 5 hereof upon such death, would be entitled to receive such lump sum, in the same manner as, and subject to the same limitations under which, such lump sum would be paid, except that, as determined by the Board, first, brothers and sisters of the deceased, and if there are none such, then grandchildren of the deceased, if living on the date of the determination, shall be entitled to receive payment prior to any payment being made for reimbursement of burial expenses. If there be no individual to whom payment can thus be made, such annuity payments shall escheat to the credit of the Railroad Retirement Account.

§ 234.2 *Annuities due but unpaid at death; to whom payable.* Annuity payments, including survivor annuity payments under the Railroad Retirement Acts of 1935 or 1937, which will have become due an individual but will not yet have been paid at death, if such death shall have occurred on or after January 1, 1947, shall be paid to the following person (or if more than one there shall be distributed among them) whose relationship to the deceased employee will have been determined by the Board, and who will have been living on the date of such determination: to the widow or widower of the deceased; or, if no such widow or widower be then living, to any child or children of the deceased and to any other person or persons who, under the intestacy law of the State where the deceased will have been domiciled, will have been entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law; or, if no widow or widower and no such child and no such other person be then living, to the parent or parents of the deceased, in equal shares. If none of the persons described above be living on the date of such determination, such amount shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of the deceased employee: *Provided, however,* That, as determined by the Board, first, brothers and sisters of the deceased employee, and if there are none such, then grandchildren of the deceased employee, if living on the date of the determination, shall be entitled to receive payment prior to any payment being made for reimbursement of burial expenses. If there be no individual to whom payment can thus be made, such annuity payments shall escheat to the credit of the Railroad Retirement Account.

PART 235—PAYMENTS UPON DEATH OCCURING BEFORE JANUARY 1, 1947

§ 235.1 *Statutory provisions.*

Payments upon death as provided in sections 5 of the Railroad Retirement Acts of 1935 and 1937, other than survivor annuities pursuant to an election, shall be made only with respect to deaths occurring before January 1, 1947.

[Sec. 5, 1937 Act, prior to July 31, 1946] • • • (a) The death benefit shall be an amount equal to 4 per centum of the aggregate compensation (determined in accordance with section 1 (h) of this act but exclusive of the excess over $300 in any month's earnings) earned by an individual as an employee after December 31, 1936, less any annuity payments paid him, and less any annuity payments due him but not yet paid at his death, and, if he is survived by a spouse entitled to a joint and survivor annuity, less any annuity payments paid such spouse under sections 3 (f) and 4 of this act, and less any annuity payments due such spouse under said sections but not yet paid at death.

(b) The amount of the death benefit computed under subsection (a) of this section shall be due upon the death of an individual who was an employee after December 31, 1936, or, if he is survived by a spouse entitled to a joint and survivor annuity, upon death of such spouse and, upon application therefor, as provided in subsection (c) of this section, shall be paid in a lump sum to the person or persons designated by such individual in a writing filed, on or before the date of his death, with the Board, in such manner and form as provided by the Board: *Provided, however,* That if such designation has not been filed, or was improperly executed or improperly filed, or no designee is alive on the day the death benefit becomes due, the amount of the death benefit shall be paid to the person determined by the Board to have been such individual's spouse on the day of his death; if no such spouse is alive on the day the death benefit becomes due, such amount shall be paid to the person determined by the Board to be his child, by blood or by legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such child they shall share equally; if there be no such child, such amount shall be paid to the person determined by the Board to be his parent and alive on the day the death benefit becomes due, and if both parents are so determined they shall share equally; if there be no such parent, such amount shall be paid to the person determined by the Board to be his brother or sister, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such brother or sister they shall share equally; and if there be no such brother or sister such amount shall be paid to the person determined by the Board to be his grandchild, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such grandchild they shall share equally. If there be no such persons enumerated above in this subsection the Board may compensate other persons to the extent and in the proportions that they have borne the expenses of the last illness or funeral or both of such individual in an amount or amounts, and upon such conditions, as the Board may fix as equitable, but the total of such amounts shall not exceed the amount of the death benefit.

(c) No payment shall be made to any person under this section unless application therefor, in such manner and form as provided by the Board, shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of two years after the date the death benefit becomes due as provided in subsection (b) of this section. For the purpose of this subsection, if the death benefit became due as provided in subsection (b) of this section before the enactment of this amendment, such death benefit shall be considered to have become due on the date of the enactment hereof.

[Sec. 5, 1935 Act] • • • If a person receiving or entitled to receive an annuity [under the provisions of the Railroad Retirement Act of 1935] shall die, the Board, for one year after the first day of the month in which the death may have occurred, shall pay, as herein provided, an annuity equal to one-half of the annuity which such person so dying may have received or may have been entitled to receive, to the widow or widower of the deceased, or if there be no widow or widower, to the dependent next of kin of the deceased. • • •

§ 235.2 *Death benefit; amount of, when payable, to whom payable.* (a) If an individual to whom no annuities have become payable shall die prior to January 1, 1947, there shall become due a death benefit equal to 4 per centum of the aggregate compensation, if any, earned by that individual as an employee after December 31, 1936, excluding compensation in excess of three hundred dollars in any one month and compensation that is required to be disregarded under the provisions of § 222.3 (f) of this chapter.

(b) If an individual to whom annuities have become payable and who is not survived by a spouse entitled to a survivor annuity shall die prior to January 1, 1947, there shall become due a death benefit equal to an amount computed as in paragraph (a) of this section, less all annuities paid or payable to the individual.

(c) In any case wherein an individual dies prior to January 1, 1947 and is survived by a spouse entitled to a survivor annuity, there shall, upon the death of such surviving spouse, prior to January 1, 1947, become due a death benefit equal to an amount computed as in paragraph (b) of this section, less all survivor annuities paid or payable to such surviving spouse.

(d) Any death benefit due under section 5 of the Railroad Retirement Act of 1937, as it existed prior to July 31, 1946, and still in effect with respect to deaths occurring prior to January 1, 1947, upon the death of an individual prior to January 1, 1947 shall, upon proper application therefor, as provided in § 233.3, be paid in a lump sum to the person or persons designated by such individual on the designation form provided by the Board and filed with it on or before the date of his death: *Provided, however,* That if such designation has not been filed, or was improperly executed or improperly filed, or no designee is alive on the day the death benefit becomes due, the amount of the death benefit shall be paid to the person determined by the Board to have been such individual's spouse on the day of his death; if no such spouse is alive on the day the death benefit becomes due, such amount shall be paid to the person determined by the Board to be his child, by blood or by legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such child they shall share equally; if there be no such child, such amount shall be paid to the person determined by the Board to be his parent and alive on the day the death benefit becomes due, and if both parents are so determined they shall share equally; if there be no such parent, such amount shall be paid to the person determined by the Board to be his brother or sister, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such brother or sister they shall share equally; and if there be no such brother or sister such amount shall be paid to the person determined by the Board to be his grandchild, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such grandchild they shall share equally. If there be no such persons enumerated above the Board may compensate other persons to the extent and in the proportions that they have borne the expenses of the last illness or funeral or both of such individual in an amount or amounts and upon such conditions, as the Board may fix as equitable, but the total of such amounts shall not exceed the amount of the death benefit.

§ 235.3 *Application for death benefits under section 5 of the 1937 act as it existed prior to July 31, 1946; time limit for filing.* No payment of a death benefit under section 5 of the Railroad Retirement Act of 1937 as it existed prior to July 31, 1946 and still in effect with respect to deaths occurring prior to January 1, 1947 shall be made to any person unless application therefor, in such manner and form as provided by the Board, shall have been filed, by or on behalf of any such person (whether or not legally incompetent), prior to the expiration of two years after the date the death benefit becomes due as provided in § 235.1. For the purpose of this section, if the death benefit became due prior to April 8, 1942, such death benefit shall be considered to have become due on April 8, 1942.

§ 235.4 *Death benefit annuity payable under section 5 of the Railroad Retirement Act of 1935.* Payment of death benefit annuities under section 5 of the 1935 act by reason of the death of individuals receiving or entitled to receive annuities under the 1935 act shall be made only with respect to those deaths which occurred prior to January 1, 1947.

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§ 235.9 *Individual deterred from filing.* Where an individual has notified the Board in writing of his intention or desire to file an application for death benefits payable upon the death of an employee or the spouse of an employee, but has been deterred to his detriment from filing an application upon the form prescribed by the Board, such writing of the individual, if subsequently supplemented by an application duly executed upon the prescribed form, shall be considered by the Board as a proper and sufficient application within the meaning of section 5 (f) of the Railroad Retirement Act of 1937 as still in effect with respect to deaths occurring prior to January 1, 1947, subject to the provisos contained in § 210.2 (a) (1) and (2) of this chapter. (Secs. 5, 10, 202, 50 Stat. 312, 314, 318; sec. 12, 56 Stat. 208, secs. 213, 406, Pub. Law, 572, 79th Cong.; 45 U. S. C. and Sup. 228e, 228j, 202 of note following 228)

PART 236—PAYMENT OF BENEFITS OF $500 OR LESS

Section 236.1 is repealed. Sections 236.2, 236.3, 236.4 and 236.5 are renumbered as §§ 236.1, 236.2, 236.3 and 236.4, respectively.

PART 250—REPORTS, INFORMATION, HEARINGS AND WITNESSES

§ 250.3 *Employers' reports of compensation of employees.* (a) Each employer shall, in accordance with instructions issued by the director of wage and service records, file with the Board (1) on or before the last day of each month, a report of the compensation adjustments appearing on pay rolls or other disbursement documents for the month immediately preceding such month, (2) on or before the last day of the month immediately following the end of each calendar quarter, a summary of compensation adjustments reported for the quarter, and (3) on or before the last day of the month immediately following the end of each calendar quarter or, for employers authorized to report annually, on or before the last day of the month immediately following the end of each calendar year:

(i) A report of the compensation paid to each employee for the calendar quarter or calendar year, respectively, showing with respect to each employee his name, his account number, and, except in the case of an employee of a railway-labor-organization employer, his occupational class under the appropriate Interstate Commerce Commission occupational classification as supplemented or varied for this purpose by instructions issued by the director of wage and service records and approved in this respect by the director of research.

(ii) A summary report of the compensation of the employees for the period covered by the report.

If such last day of the month is a Sunday or legal holiday, the report may be filed on the next following business day. If placed in the mails, the report shall be posted in ample time to reach the office of the Board at Chicago, Illinois, under ordinary handling of the mails, on or before the date on which the report is required to be filed. Authorization to file reports on dates later than hereinabove prescribed may be granted by the director of the bureau of wage and service records.

Authorization to report annually the compensation paid to each employee shall be granted upon application by the employer to the director of wage and service records and the approval of such application by the Board.

(b) An employer having intermittent or seasonal pay rolls shall file a summary report of compensation for each quarter or year in which no pay roll was maintained and shall show "Nil" in the space provided for reporting the compensation.

(c) Upon termination of employer status as determined under §§ 202.11 and 202.12 of this chapter, a final report of compensation of employees shall be submitted. The summary report of compensation shall be marked "Final Compensation Report," and the period covered by the report shall be indicated. Such report shall be filed with the Board on or before the last day of the month following the final month for which there was compensated service. (Secs. 8, 10, 50 Stat. 313, 314, sec. 214 Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 228h, 228j)

PART 265—APPLICABILITY OF 1935 OR 1937 ACT

Part 265 is repealed.

Dated: January 15, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-632; Filed, Jan. 22, 1947; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of Temporary Controls

PART 3—ESTABLISHMENT AND ORGANIZATION OF THE OFFICE OF PREMIUM PRICE PLAN FOR COPPER, LEAD, AND ZINC

Sec.
3.301 Establishment of the Office of Premium Price Plan.
3.302 Organization of the Office of Premium Price Plan.
3.303 Appointment and functions of Director.
3.304 Appointment and functions of the Premium Review Board.
3.305 Basic Regulations of the Premium Price Plan.
3.306 Responsibilities of the Office of Metals Reserve, Reconstruction Finance Corporation.
3.307 Transfer of personnel, records, and funds.
3.308 Effective date.

AUTHORITY: §§ 3.301 to 3.308 inclusive issued under E. O. 9809, Dec. 12, 1946, 11 F. R. 14281.

§ 3.301 *Establishment of the Office of Premium Price Plan.* Pursuant to authority of Executive Order No. 9809, dated December 12, 1946, there is hereby established in the Office of War Mobilization and Reconversion, the Office of Premium Price Plan for Copper, Lead, and Zinc, hereinafter referred to as the Office of Premium Price Plan.

§ 3.302 *Organization of the Office of Premium Price Plan.* The Office of Premium Price Plan shall be composed of a Director, a Premium Review Board, and other necessary staff as determined by the Commissioner of War Mobilization and Reconversion.

§ 3.303 *Appointment and functions of Director.* (a) The Director shall be appointed by the Commissioner of War Mobilization and Reconversion. Under the policies of the Premium Review Board as approved by the Commissioner in the manner outlined in paragraph (b) of this section and § 3.304, he shall operate the Premium Price Plan pursuant to section 6 (a) of the Price Control Extension Act of 1946, Public Law 548, 79th Congress, approved July 25, 1946, and to directives and rules heretofore issued for the operation of the Premium Price Plan and such directives and regulations as may hereafter be issued by the Commissioner of War Mobilization and Reconversion, including regulations and amendments issued in accordance with § 3.305.

(b) *Assignment and revision of quotas.* The Director shall be responsible for the analytical work in connection with applications for and revisions of quotas and shall make recommendations to the Premium Review Board with respect to each quota and revision, subject to the exception provided in § 3.304.

§ 3.304 *Appointment and functions of the Premium Review Board.* The Premium Review Board shall be composed of three members, one appointed by the Commissioner of Civilian Production and who shall act as chairman; one appointed by the Commissioner of Price Administration and one appointed by the Board of Directors of the Reconstruction Finance Corporation. The Director shall not be appointed to the Premium Review Board. The Premium Review Board shall consider the recommendations of the Director as to the assignment and revision of quotas and shall determine, in each case, the assignment of the quota or the revision of the quota: *Provided*, That the Premium Review Board may establish standards and classifications which when certified to the Director in writing by the Board, will permit the assignment of quotas or quota revisions in accordance therewith without further reference to the Premium Review Board. Upon such determination the Director shall then issue, over his signature, the assignment or revision as so determined. The Premium Review Board shall also consider and determine questions of policy, subject to the approval of the Commissioner of War Mobilization and Reconversion. The Premium Review Board shall pass on appeals arising in the operation of the Plan. Appeals from a final decision of the Board may be taken to the Commissioner of War Mobilization and Reconversion, whose decision shall be final.

§ 3.305 *Basic regulations of the Premium Price Plan.* The Director shall cause to be prepared and upon approval by the Premium Review Board, shall submit to the Commissioner of War Mobilization and Reconversion for publication in the FEDERAL REGISTER, basic regulations under which the Premium Price Plan is operated, and shall cause them to be amended subject to the same approval, from time to time, as may be required.

§ 3.306 *Responsibilities of the Office of Metals Reserve, Reconstruction Finance Corporation.* The Office of Metals Reserve, Reconstruction Finance Corporation, shall be responsible for the fiscal operations of the Premium Price Plan and shall make the payments required by the quota assignments.

§ 3.307 *Transfer of personnel records and funds.* Prior to organization of the Office of Premium Price Plan, the Commissioner of War Mobilization and Reconversion, the Commissioner of Civilian Production and the Commissioner of Price Administration shall present for the approval of the Temporary Controls Administrator a budget for the operation of the Office of Premium Price Plan for the remainder of the current fiscal year supported by a listing of the positions and personnel to be transferred, and a schedule showing details of the estimated cost for each object of expenditure and the amount which it is proposed to transfer from each appropriation currently

available for the purpose. Upon approval of the said budget the positions, personnel and funds listed therein shall be transferred to the Office of War Mobilization and Reconversion together with the necessary records and equipment as agreed upon by the respective commissioners and approved by the Administrator. Any unpaid obligations not listed specifically in the approved budget shall be liquidated by the office in which such obligations are now recorded.

§ 3.308 *Effective date.* The provisions of this order shall become effective on January 27, 1947.

Issued this 16th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-633; Filed, Jan. 22, 1947; 8:45 a. m.]

Chapter VI—Selective Service System

[Local Board Memorandum 115, Reissued: 7/22/46, As Amended: 1/22/47]

PART 671—LOCAL BOARD MEMORANDA

OCCUPATIONAL CLASSIFICATION

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 671.115 *Occupational classification*—(a) *General policies*—(1) *General.* (i) This section describes the policies and procedures which govern the occupational classification of registrants ages 19 through 29. The classification of registrants engaged in agriculture is governed by §§ 622.25–1 and 622.25–2 of this chapter.

(ii) The policies stated in this section shall not be construed to interfere with the classification into Class I–A, Class I–A–O, or Class IV–E, of a registrant age 19 through 29 who is a delinquent, or a registrant who volunteers for induction and is placed in a class available for service under § 624.4 of this chapter.

(2) *Objectives in classification.* It is the objective of the Selective Service System to select and forward for induction the number and type of men required by the armed forces in accordance with the provisions of the Selective Training and Service Act of 1940, as amended.

(3) *Responsibility of local boards.* It is the continuing responsibility of the local boards to determine, subject to the prescribed appeal procedure, whether registrants within their jurisdiction are entitled to occupational deferment in accordance with existing regulations and occupational classification policies.

(b) *Classification policies and procedures*—(1) *General.* A registrant age 19 through 29 may be retained or placed in Class II–A if the local board finds that he is irreplaceable in and indispensable to an activity essential to the national existence. An activity essential to the national existence is one of such importance that any disruption thereof would adversely affect the physical well-being, the public safety, or economic life of the community or the nation.

(2) *Deferment consideration for certain professional students.* Local boards will give consideration to the deferment of registrants for whom there is on file or is hereafter filed a DSS Form 42A (Special-Revised) if they come within the group described as follows:

(i) *Students in medicine, dentistry, veterinary medicine, or osteopathy.* Registrants for whom a DSS Form 42A (Special-Revised) is filed and in whose case the local board determines that they are pursuing a full-time course of study in medicine, dentistry, veterinary medicine, or osteopathy in a recognized school of medicine, dentistry, or veterinary medicine, or osteopathy, until their graduation, and that they have completed a satisfactory preprofessional course prior to their entrance, will be given special consideration provided that a student of veterinary medicine should not be considered for occupational deferment if he commenced the study of veterinary medicine in a school of veterinary medicine on or after March 15, 1945. A "satisfactory preprofessional course" shall mean such work as is ordinarily required for entrance by medical, dental, veterinary medicine, and osteopathy schools of good reputation.

(3) *Applicable forms.* DSS Form 42A (Special-Revised) will be used for the making of all requests for the occupational deferment, including agriculture, of registrants ages 19 through 29.

(4) *Local board report.* In order to provide the Director of Selective Service with accurate information concerning the classification of registrants 19 through 29 under the provisions of this section, the local board will report as follows:

(i) When a DSS Form 42A (Special-Revised) has been filed requesting deferment other than in agriculture, the local board, immediately after taking action with respect to the registrant, will make sure that the registrant's order number on the front of the DSS Form 42A (Special-Revised) is correct, and complete the Report of Local Board on the back of the duplicate copy of such form, and will transmit the duplicate copy to its State Director. The State Director will then forward DSS Form 42A (Special-Revised) to the Director of Selective Service, Tenth Floor, Gimbel Building 35 South Ninth Street, Philadelphia, Pennsylvania.

(ii) When a DSS Form 42A (Special-Revised) has been filed requesting deferment for a registrant engaged in agriculture, the local board may transmit the duplicate copy to the State Director if so instructed by him, but in no event shall any copy of DSS Form 42A (Special-Revised) for registrants in agriculture be forwarded to the Director of Selective Service.

(c) *Certification plan*—(1) *General.* Pursuant to a request from the Office of Temporary Control, the certification of certain registrants specified in paragraph (d) of this section is authorized. The Office of Temporary Control has requested the Civilian Production Administration of the Office of Temporary Control, the United States Office of Education, and the National Housing Agency to assist the Selective Service System in this program.

(2) *Operation of plan.* Employers or individual registrants who are self-employed will submit DSS Form 42A (Special-Revised) in triplicate, or other specified information which will assist in determining the essentiality of the registrant, to the appropriate Federal Government agency listed in subparagraph (1) of this paragraph. Requests for deferment approved by the Federal Government agencies will be transmitted to the Director of Selective Service. The Director of Selective Service will transmit recommendations for deferment to local boards through the appropriate State Director.

(3) *Classification policies.* Pursuant to the provision of paragraph (b) (1) of this section, local boards will give the most serious consideration to the occupational deferment of registrants engaged in the specialized, technical and scientific fields set forth in paragraph (d) of this section.

(d) *Standards and procedures*—(1) *Advanced studies in the physical sciences and engineering.* Registrants accepted by an accredited college or university for a Master's or Doctor's degree in the physical sciences or engineering will be certified by the United States Office of Education to the Director of Selective Service.

(2) *University research in the physical sciences or engineering.* Registrants employed by or attached to the staff of an accredited college or university for research in the physical sciences or engineering will be certified by the United States Office of Education to the Director of Selective Service.

(3) *Submission of information in certain cases.* Any registrant who wishes to be certified under the provisions of subparagraphs (1) and (2) of this paragraph, must present to the United States Office of Education, Temporary Building M, 26th and Water Streets NW., Washington 25, D. C., the following documents in triplicate:

(i) A notarized statement of his intention:

(*a*) To undertake graduate studies leading to a Master's or Doctor's degree in the physical sciences or engineering; or

(*b*) To undertake advanced research in the physical sciences or engineering.

(ii) A statement from an accredited college or university signed by a responsible official of the college or university, indicating that the registrant:

(*a*) Has been accepted as a candidate for a Master's or Doctor's degree in the physical sciences or engineering; or

(*b*) Is to be employed by or attached to the staff of the college or university for research in the physical sciences or engineering.

(iii) A statement showing the registrant's name, address, age, Selective Service local board number and address, classification, and educational qualifications.

(4) *Industrial and foundational research in the physical sciences or engineering.* Scientific personnel necessary to and engaged in basic research in the

physical sciences or engineering in the employ of laboratories not connected with colleges or universities, and scientific personnel in industry who are not engaged directly in production, will be certified by the Civilian Production Administration of the Office of Temporary Control to the Director of Selective Service. Employers will submit DSS Form 42A (Special-Revised) in triplicate in each individual case to the Civilian Production Administration of the Office of Temporary Control, Washington 25, D. C., for certification.

(5) *Teachers.* Teachers employed by an accredited college or university will be certified by the United States Office of Education to the Director of Selective Service. Employers will submit DSS Form 42A (Special-Revised) in triplicate in each individual case to the United States Office of Education, Temporary Building M, 26th and Water Streets, N. W., Washington 25, D. C.

(6) *Production and transportation.* The Civilian Production Administration of the Office of Temporary Control will certify to the Director of Selective Service registrants engaged in production and transportation as follows:

(i) Supervisory, technical, or scientific personnel whose removal would significantly retard production in industries essential to reconversion or otherwise essential to the national existence;

(ii) Qualified and irreplaceable production workers in industries designated as critical by the Civilian Production Administration of the Office of Temporary Control. (This agency has established a list of critical industries essential to reconversion or otherwise essential to the national existence. Employers have been notified by the United States Maritime Commission that they will be required to file requests for the occupational deferment of all seamen under policies and procedures described in paragraphs (b) (1) and (b) (3) of this section.

(2) *Deferment consideration.* In considering the deferment of a registrant employed in the Merchant Marine, the local board shall give consideration to the number of months of substantially continuous service which the registrant has completed and which service constitutes a credit towards completion of service in the Merchant Marine and prospective classification in Class I–G.

(3) *Completion of service in the Merchant Marine.* (i) Certain registrants who have completed a period of substantially continuous service in the Merchant Marine should be relieved from consideration for military service.

(ii) The United States Maritime Commission will issue to a registrant who has completed a period of substantially continuous service in the Merchant Marine a certificate of service to that effect, but such a certificate will not furnish a basis for a finding that such a registrant may be relieved from consideration for military service unless, in addition to the issuance of a certificate, the United States Maritime Commission notifies the local board in writing or places a stamp or notation upon the certificate stating that the registrant is "eligible to be relieved from any future consideration for classification into a class available for service.

(iii) Under policies effective October

AUTHORIZED

GOVERNMENT REQUEST

(Agency of the Federal Government)
Committee.
(Address of Committee)
(Chairman or Secretary)
(Date)

(g) *Miscellaneous information*—(1) *Employer's responsibility.* Employers are under a continuing responsibility to notify local boards of the termination of employment of a registrant age 19 through 29 for whom they have requested deferment and also of any change of the basis on which the deferment was requested.

(54 Stat. 885, as amended; 50 U. S. C. and Sup. App. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-660; Filed, Jan. 22, 1947; 9:36 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 290]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended in the following particulars:

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: January 17, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-639; Filed, Jan. 22, 1947; 8:49 a. m.]

[Amdt. 291]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Motor trucks, busses and chassis (new) (include automotive fire engines in class according to capacity):
	Under 1 ton:
790101	¼ ton and under (include Jeeps for commercial use).
790102	Over ¼ ton, not over ½.
790103	Over ½ ton and under 1 ton.
	1 and not over 1½ tons:
790201	1 ton.
790202	Over 1, not over 1½ tons.
	Over 1½ tons, not over 2½ tons:
790301	Over 1½ tons, not over 2½ tons, n. e. s.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630 Sept. 27, 1945, 10 F. R. 12245)

Dated: January 17, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-643; Filed, Jan. 22, 1947; 8:49 a. m.]

[Amdt. 292]

PART 802—GENERAL LICENSES

GENERAL IN TRANSIT LICENSE

Section 802.9 *General in transit license "GIT"* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Commodity	Schedule B No.	Schedule L No.
Motor trucks, busses and chassis (new)	790101–790500	780
Passenger cars and chassis (new)	790700–791000	783
Passenger cars and chassis (second-hand)	791100	783

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630 Sept. 27, 1945, 10 F. R. 12245)

Dated: January 17, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-642; Filed, Jan. 22, 1947; 8:49 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[Amdt. 2]

THE ADMINISTRATOR, SUGAR DEPARTMENT; CONSOLIDATION AND LIQUIDATION OF FIELD OFFICES

The description of organization as required by section 3 (a) (1) of the Administrative Procedure Act (11 F. R. 177A–640 through 177A–710 of the FEDERAL REGISTER of Sept. 11, 1946) is amended in the following respects:

1. In Subpart A (text) § 1305.510, paragraph (f) is deleted and the following paragraphs are added:

lished procedures for the formal determination of critical products, in programs such as veterans' housing, public health, and food and famine relief, requiring special government action.) Employers will submit DSS Form 42A (Special-Revised) in triplicate in each individual case to the Civilian Production Administration of the Office of Temporary Control, Washington 25, D. C.

(7) *Construction workers.* The National Housing Agency will certify to the Director of Selective Service registrants engaged in the home building trade as follows:

(i) Skilled workmen in the home building trade where shortages of such men have been established. Such persons must have had at least three years of training and experience in key building crafts such as bricklaying, plastering, plumbing, and carpentering, and it must be established that the loss of such person is delaying or immediately threatens to delay the Veterans Emergency Housing Program.

(ii) Managerial or supervisory personnel possessing a minimum of three years' experience in home construction. Employers will submit DSS Form 42A (Special-Revised) in triplicate in each individual case to the National Housing Agency, Washington 25, D. C.

(e) *Occupational classification of men in the Merchant Marine*—(1) *General.* As of January 1, 1947, the United States Maritime Commission discontinued the submission of deferment requests for registrants employed as merchant seamen in the Merchant Marine. Effective October 1, 1946, the United States Maritime Commission will indicate to a local board that it deems a registrant who has been released from service in the Merchant Marine "eligible to be relieved from any future consideration for classification into a class available for service" only if the registrant has served at least eighteen (18) months in the Merchant Marine, and provided his service in the Merchant Marine has been substantially continuous.

(iv) Under the provisions of § 622.17 (d) of this chapter, a registrant who has completed a period of substantially continuous service in the Merchant Marine of the United States, and who has a certificate to that effect issued by the United States Maritime Commission, may be placed in Class I-G.

(f) *Occupational classification of Federal Government employees*—(1) *General.* Registrants employed in or under the Federal Government may be considered for occupational classification in Class II-A on the same basis as other registrants under the policies and procedures described in paragraph (b) of this section: *Provided*, That an authorized Government request for deferment is filed with the local board.

(2) *Filing of requests.* Every request (DSS Form 42A (Special-Revised)) for the occupational deferment of an employee in or under any branch of the Federal Government must be filed in accordance with 57 Stat. 57, and Executive Order 9309 (3 CFR Cum. Supp.), and must bear the stamp or notation reproduced below:

1. In the list of commodities set forth in paragraph (b) the following Schedule B Nos. 790700, 790800, 790900 and 791000, together with the description of commodities thereunder, are hereby deleted and there is substituted in lieu thereof the following:

Dept. of Com. Sched. B No.	Commodity	Unit	GLV dollar value limits, country group	
			K	E
790750	Passenger cars and chassis, new.	Unit..	None	None
790750	Station wagons, new (mounted on passenger car chassis).	Unit..	None	None

2. The description of commodities classified under Schedule B No. 791100 is hereby amended to read as follows:

Dept. of Com. Sched. B No.	Commodity	Unit	GLV dollar value limits, country group	
			K	E
791100	Passenger cars and chassis (second-hand).	Unit..	100	25
791100	Station wagons (second-hand) mounted on passenger car chassis.	Unit..	100	25

This amendment shall become effective immediately.

Dated: January 17, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-641; Filed, Jan. 22, 1947; 8:49 a. m.]

[Amdt. 293]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE AND PERSONAL EFFECTS

Section 802.11 *Personal baggage and personal effects* is hereby amended in the following particulars:

Subparagraph (3) of paragraph (b) is amended to read as follows:

(3) *Motor vehicles.* (i) A citizen of the United States may export a motor vehicle under this general license if the vehicle to be exported was acquired by such person not less than 60 days prior to the date of such person's departure and is intended solely for the use of such person or his family.

(ii) Non-citizens who have resided in the United States continuously for at least 6 months preceding departure may export a motor vehicle under the general license if the vehicle to be exported was acquired by such person not less than 60 days prior to the date of export and is intended solely for the use of such person or his family.

(iii) In emergency cases of demonstrated hardship involving persons departing temporarily from the United

	Over 2½ tons:
	Diesel and semi-Diesel (injection type):
790431	Over 2½, not over 4 tons.
790433	Over 4, not over 5 tons.
790435	Over 5 tons.
	Gasoline (carburetor type):
790461	Over 2½, not over 4 tons.
790463	Over 4, not over 5 tons.
790465	Over 5 tons.
790500	Bus chassis.
790600	Motor trucks, busses and chassis (second-hand) 1945 and 1946 production.
	Passenger cars and chassis (new):
790750	Station wagons (new), mounted on truck chassis only.
	Passenger cars and chassis (second-hand):
791100	Station wagons (second-hand), mounted on truck chassis only.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630 Sept. 27, 1945, 10 F. R. 12245)

Dated January 17, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-640; Filed, Jan. 22, 1947; 8:49 a. m.]

[Amdt. 294]

PART 812—LIMITED PRODUCTION LICENSES FOR PASSENGER AUTOMOBILES AND TRUCKS

PERIOD OF VALIDITY

Section 812.3 *Period of validity* is amended by striking out the date "Janu-

Administrator by Executive Order 9809. Delegation or redelegation of administrative authority by the Commissioner of Price Administration shall be made by publication in the OPA Manual in accordance with the provisions of Administrative Order No. 90, revised.

(j) *Appointment of Acting Administrator.* The office of the Temporary Controls Administrator will notify the office of the Secretary, Office of Price Administration, Office of Temporary Controls, when appointment of an Acting Administrator is made, stating the time during which the appointment is to be effective.

(k) *Federal Register.* Delegations of regulatory authority shall be published in the FEDERAL REGISTER.

2. In Subpart I (text) the following sections are inserted after § 1305.1306:

SUBPART I—SUGAR DEPARTMENT

§ 1305.1310 *Organization outline.* The sugar department shall comprise the following organization units:

Office of the Deputy Commissioner for Sugar:
  Office of Field Relations.
  Administrative Office.
Sugar Legal Division.
Currency Control Division:
  Ration Banking Branch.
  Accountability and Verification Branch.
  Distribution and Issuance Branch.
Price and Supply Division:
  Supply Equalization Branch.
  Supply Analysis Branch.
  Price Branch.
Allotment Division:
  Institutional Branch.
  Trade and Industry Branch.
  Industrial Petitions Branch.

§ 1305.1311 *Authority and responsibility.* The Temporary Controls Administrator delegates to the sugar department authority and responsibility to discharge, under his general supervision, functions, powers, and duties, (except those related to common carrier and public utility rate increases and those involved in subsidy operations pertaining to price and rationing controls of specifically designated commodities.

(a) *Price.* Authority of OPA for its price activities derives from the Emergency Price Control Act of 1942 as amended by the Price Control Extension Act of 1946 and the Stabilization Act of October 2, 1942, supplemented by executive orders 9250, 9328, and 9697. Supplementary Order 193, issued November 12, 1946, exempts from price control all services and all commodities except rice, sugar, and certain sugar products. Executive Order 9809, effective December 12, 1946, vests in the Temporary Controls Administrator the functions of the Price Administrator.

(1) Under these acts the Administrator has, among others, the following responsibilities and powers:

(i) To establish, by regulation or order, generally fair and equitable maximum prices whenever prices have risen or threaten to rise contrary to the purposes of the Emergency Price Control Act, and to adjust maximum prices to correct gross inequities and remove impediments to the effective transition to a peacetime economy.

(ii) To issue temporary regulations and orders effective up to 60 days.

(iii) To issue regulations containing such classifications and differentials, and providing for such adjustments and reasonable exceptions as the Administrator deems necessary to carry out the purposes of the act.

(iv) To enter into voluntary arrangements or agreements with sellers relating to the fixing of maximum prices.

(v) To issue rules and regulations necessary to execute the purposes of the Emergency Price Control Act, to control speculative and manipulative practices, and to prevent circumvention and evasion.

(vi) To utilize the services of federal, state, and local agencies.

(vii) To make such studies and investigations and obtain such information as the Administrator deems necessary and proper to assist him in prescribing any regulation or order under the act. To require the furnishing of information by those engaged in dealing with commodities; the keeping of prescribed records; the making of prescribed reports; and the submission of books, records, and inventories for inspection.

(2) In discharging these responsibilities the Administrator must conform to the requirements of the cited price control acts and executive orders including among others that the Administrator shall:

(i) Issue with each regulation or order (except a temporary 60-day regulation or order) a statement of the considerations involved in the issuance of the regulation or order.

(ii) Advise and consult so far as practicable, with representative members of the industry which will be affected, before issuance of any regulation or order (except a temporary 60-day regulation or order).

(iii) Withdraw maximum prices in conformity with decontrol provisions of the Emergency Price Control Act.

(iv) Obtain the prior approval of the Secretary of Agriculture or Price Decontrol Board in cases specified by the Stabilization laws.

(3) Under the general direction of the Administrator, the price department is responsible for discharging the responsibilities and exercising the functions, powers, and duties of OPA for price control.

(b) *Rationing.* Authority of OPA for its rationing activities derives from the Second War Powers Act and from directives of the Secretary of Agriculture.

(1) Under the act and the directives, the Administrator has the responsibility of providing equitable rationing of designated commodities allocated to meet civilian requirements.

(2) Under the general direction of the Administrator, the price department is responsible for discharging the responsibilities and exercising the functions, powers, and duties of OPA for rationing commodities.

§ 1305.1312 *Office of the Deputy Commissioner for Sugar*—(a) *Organization.* The office of the deputy commissioner for sugar shall comprise the associate deputy commissioner, the office of field relations, and the administrative office.

(b) *Deputy Administrator.* In the discharge of the designated responsibilities of the department, the deputy commissioner for sugar, subject to the general supervision of the Administrator, shall:

(1) Be responsible for the administration of price programs, exclusive of policy, collect information on price, and provide technical supervision for the price program in the field.

(2) Determine commodity rationing policies, collect information on supply, flow, and distribution of commodities which are or may be subject to rationing controls, prepare commodity rationing orders and amendments, and provide technical supervision for the rationing program in the field.

(3) Direct and supervise the sugar department in the national office.

(c) *Associate deputy commissioner.* The associate deputy commissioner shall be responsible to the deputy commissioner for:

(1) Coordination of activities of the several divisions of the sugar department.

(2) Technical direction of price and rationing programs in field offices.

(3) Direction and supervision of the office of field relations and of the administrative office.

§ 1305.1313 *Office of field relations*—(a) *Organization.* The office of field relations, under the chief liaison officer, shall comprise the field liaison section and the procedures and field information section.

(b) *Chief liaison officer.* The chief liaison officer shall be responsible to the deputy commissioner for sugar for:

(1) Review and appraisal of regional office and sugar branch office rationing operations based on field office surveys.

(2) Consultation with division directors and branch chiefs to recommend changes in policy, regulations, and procedures.

(3) Preparation of administrative procedures and informational material for field offices.

(4) Direction and supervision of the office of field relations.

(5) Recommendations regarding personnel or operational changes deemed necessary in field offices.

(c) *Field liaison section.* Field liaison officers comprising this section shall be responsible to the chief liaison officer for:

(1) Continual travel within and inspection of regional offices, sugar branch offices, and regional issuance, verification, and distribution centers to determine the effectiveness of all sugar rationing and the degree of compliance with existing procedures of each field office.

(2) Review of operating procedures in field offices to determine that they are practical and conducive to efficiency and to recommend needed amendments.

(3) Review of issuances by field offices to determine that the several types of users receive appropriate allotments promptly pursuant to the sugar rationing regulations.

(4) Survey of field offices to determine the competency of organization and personnel and to recommend changes deemed necessary.

(d) *Procedural and field information section.* The procedures and field information section, under the section head, shall be responsible to the chief liaison officer for:

(1) Preparation of new procedures and revision of existing procedures to implement changes in regulations and improvements recommended by the field liaison section or the regional sugar executives.

(2) Periodic issuance of informational materials to field offices, including background information, statistics, suggestions for improving operation, and answer to field questions.

(3) Advance notice, whenever possible, of changes of policy, procedures, or regulations.

§ 1305.1314 *Administrative office* The administrative office, under the principal administrative officer, shall be responsible to the office of the deputy commissioner for sugar for:

(a) *Administrative management.* The administrative office shall provide management services in the sugar department, develop and install basic systems of work control and program reporting, and supervise the preparation of budget estimates and the control of budget allotments.

(b) *Management liaison.* The administrative office shall maintain liaison with the offices of administrative service, budget and planning, and personnel, to secure central management services for the sugar department.

(c) *Advice.* The administrative office shall advise the deputy commissioner for sugar and the executive heads of organization units in the sugar department concerning administrative management.

§ 1305.1315 *Divisions and branches.* Divisions and branches of the sugar department shall have the functions and responsibilities specifically assigned to them in the OPA Manual.

SUGAR LEGAL DIVISION

§ 1305.1320 *General responsibilities.* The sugar legal division, under the associate general counsel, shall be responsible for advising the sugar department staff as to the application of legal requirements and standards to administrative actions of the department and as to the development of policies and procedures to implement such requirements and standards.

§ 1305.1321 *Specific functions.* The specific functions assigned to the sugar legal division are:

(a) *Price legal.* (1) Advising the director of the price and supply division on legal requirements, standards, and procedures of price operations.

(2) Appraising for legal propriety, and approving, or objecting to, proposed formal price actions.

(3) Drafting all formal actions for the price branch, price and supply division.

(4) Preparing interpretations of the application to specific questions of legal requirements of price regulations, except those arising in connection with commodities and services decontrolled January 1, 1947.

(b) *Rationing legal.* (1) Preparing interpretations of the application of legal requirements of rationing regulations, including the application to specific questions of legal requirements of the veterans' regulations.

(2) Advising the director of the allotment division on legal requirements, standards, and procedures of ration adjustment operations and on legal requirements respecting veterans' applications for industrial user bases.

(3) Appraising for legal propriety and approving, or objecting to, proposed rationing actions and adjustment policies.

(4) Drafting all formal rationing actions of the sugar department.

§ 1305.1322 *Associate General Counsel.* The associate general counsel shall be responsible to the deputy commissioner for sugar for:

(a) Advising the deputy commissioner on all legal matters affecting the work of the department and provide counsel to the departmental staff as needed.

(b) Establishing legal policies and standards of legal workmanship for the department and securing conformity with legal policies and standards established by OPA.

(c) Maintaining liaison with other federal agencies and, in consultation with the deputy commissioner for sugar, representing the department and, when directed by the general counsel, representing OPA in legal matters concerning the sugar department.

(d) Directing and supervising the operations and personnel of the sugar legal division.

CURRENCY CONTROL DIVISION

§ 1305.1320 *Organization outline.* The currency control division shall comprise the following organization units:

Office of the Director.
Ration Banking Branch.
Accountability and Verification Branch.
Distribution and Issuance Branch.

§ 1305.1331 *Functions and responsibilities.* (a) The currency control division, under the director, shall be responsible to the deputy commissioner for sugar for the development and execution of policies and programs to provide, distribute, safeguard, verify, control, and account for currency for use in rationing commodities under the jurisdiction of the sugar department.

(b) The division shall consult with the enforcement department in the establishment of standards for the fabrication and physical safeguards of ration currency to provide protection against counterfeiting and theft. In establishing procedures for accounting for the receipt and issuance of ration currency, the division shall consult with the accounting department as to methods of internal control and the maintenance of accountability records which will be susceptible of satisfactory audit.

§ 1305.1332 *Office of the director.* The director of the currency control division shall be responsible to the deputy commissioner for sugar for administering the ration currency control system, directing and supervising the currency control division in the national office, and supervising the ration currency control operations of field offices.

§ 1305.1333 *Ration banking branch.* The ration banking branch shall:

(a) Establish operating procedures for participating banks.

(b) Develop and establish operating policies and procedures for field offices.

(c) Maintain liaison with banking associations and committees and with governmental agencies exercising functions of bank examination.

§ 1305.1334 *Accountability and verification branch.* The accountability and verification branch shall:

(a) Develop and establish procedures to insure complete accountability of all ration currency and verification of all flowback ration currency.

(b) Conduct periodic surveys of field offices issuing, holding or receiving ration currency to insure conformity to accountability, safeguarding and verification procedures.

(c) Direct and supervise the operations of verification centers.

§ 1305.1335 *Distribution and issuance branch.* The distribution and issuance branch shall:

(a) Develop plans for printing and distributing books of ration stamps.

(b) Design and plan distribution of rationing currency, price and rationing forms.

(c) Maintain controls of the location and stock of ration currency, rationing forms, and informative materials, and develop and establish procedures for distributing them.

(d) Provide technical supervision of issuance and distribution in field offices.

PRICE AND SUPPLY DIVISION

§ 1305.1340 *Organization outline.* The price and supply division shall comprise the following organization units:

Office of the Director:
  Supply Equalization Branch.
  Supply Analysis Branch.
  Price Branch.

§ 1305.1341 *Functions and responsibilities.* The price and supply division, under the director, shall be responsible to the deputy commissioner for sugar for definition of commodities under the jurisdiction of the department, equitable distribution of them by areas and zones, assembling and analyzing data concerning estimated and actual resources and supplies of sugar, alleviation of emergency shortages of the commodities in specific areas, and development of civilian rationing levels within allocations made by the Department of Agriculture.

§ 1305.1342 *Office of the Director.* The director of the price and supply division shall be responsible to the Temporary Controls Administrator for the formulation of price policy and to the deputy commissioner for sugar for the administration of price programs, and maintenance of liaison with primary suppliers to promote voluntary compliance with zoning and other requirements for equitable distribution, and with the De-

partment of Agriculture for alleviation of emergency shortages.

§ 1305.1343 *Supply equalization branch.* The supply equalization branch shall:

(a) Devise methods for: (1) Directing equitable distribution of sugar by geographic areas and zones.

(2) Certifying unusual shipping costs of offshore refined sugar to the Commodity Credit Corporation.

(3) Constant contact with primary suppliers to promote voluntary compliance with policies, programs, and regulations.

(b) Take appropriate action to alleviate emergency sugar shortages in specific areas of the United States, and maintain liaison with the Department of Agriculture and with primary suppliers and importers to determine ways and means of securing the most economical transportation of sugar from one area to another.

§ 1305.1344 *Supply analysis branch.* The supply analysis branch shall be responsible to the director for all statistical studies concerning allocations, supplies, estimated ration demand, population shifts necessitating changes in allotments, reconciliation of ration banking statements of primary distributors, and records of imports of products containing sugar. Specifically, the branch shall perform the following functions:

(a) *Supply.* (1) Develop the highest possible civilian rationing levels within the allocations of the Department of Agriculture, projecting civilian and military demands by states and zones, calculating supplies available for distribution from possible sources, and planning means to bring demand and supply into balance.

(2) Maintain weekly reports of the sugar situation in all states and zones and anticipated offshore receipts and domestic production.

(3) Prepare monthly tables of estimated demands from consumers, including institutional and industrial users, and forecasts of future developments to anticipate possible shortages.

(4) Maintain current lists of industrial user bases by state and season, obtaining reports of actual production of canned fruits and vegetables, and ascertaining the amount of sugar consumed in production.

(5) Prepare maps, graphs, and special analyses as required.

(b *Reports.* (1) Estimate population by counties to determine allotments to be made to industrial users serving them.

(2) Maintain records and reconcile ration bank statements of primary distributors.

(3) Obtain data on imports of products containing sugar and prepare reports as a basis for determining the disposal of imports.

(4) Analyze and summarize monthly questionnaires directed to field offices.

(5) Advise the director in the technical definition of sugar and sugar-containing products.

§ 1305.1345 *Price branch.* The price branch except for commodities and services which were decontrolled before January 1, 1947, shall:

(a) Develop price regulations, amendments to regulations, and orders.

(b) Administer price regulations, amendments, and orders in conformity to policies established by the Temporary Controls Administrator and the division directors.

(c) Furnish information and advice to field offices in accordance with procedures established by the sugar department.

(d) Aid the director in developing and interpreting price policies.

ALLOTMENT DIVISION

§ 1305.1350 *Organization outline.* The allotment division shall comprise the following organization units:

Office of the Director
Institutional Branch
Trade and Industry Branch
Industrial Petitions Branch

§ 1305.1351 *Functions and responsibilities.* The allotment division is responsible to the office of the deputy commissioner for sugar for:

(a) Establishing policies and administering programs for rationing sugar to industrial and institutional users, wholesalers, retailers, and individual consumers.

(b) Formulating policies for allotment adjustments and processing adjustment petitions.

(c) Formulating criteria and determining levels of allotment on the basis of supplies available for distribution.

(d) Determining allotments which may be available for new classes of users.

§ 1305.1352 *Office of the Director.* The director of the allotment division shall be responsible to the deputy commissioner for sugar for:

(a) Advice in the formulation of rationing plans, policies, and programs.

(b) Development of regulations, amendments to regulations, and orders for rationing sugar.

(c) Equitable administration of rationing regulations and adjustments of allotments under the regulations.

(d) Direction and supervision of the allotment division.

§ 1305.1353 *Institutional branch.* The institutional branch shall determine policies and administer sugar rationing programs governing all types of institutional users of sugar, including hospitals, hotels, and restaurants. Specifically, it shall:

(a) Formulate and establish institutional user policies.

(b) Determine and recommend methods for administering sugar rationing with respect to institutional users.

(c) Analyze, process, and pass upon special appeals of institutional users forwarded to the national office including petitions for adjustments and veterans' petitions for institutional refreshment bases.

§ 1305.1354 *Trade and industry branch.* The trade and industry branch shall formulate and establish policies for rationing sugar to industrial users, and certain condensed milk manufacturers, formulate and determine policies for the distribution of sugar at wholesale and retail levels, and administer sugar rationing programs for individual consumers and all levels of trade. Specifically, it shall:

(a) Formulate and administer the sugar rationing program with respect to industrial users and provisional allowance users.

(b) Formulate policies and administer the sugar rationing program with respect to wholesalers, retailers, and consumers, including inventories allowed and ration evidences used.

(c) Formulate policies and administer the sugar rationing program with respect to certain manufacturers of condensed milk, computing and authorizing allotments to be transmitted.

§ 1305.1355 *Industrial petitions branch.* The industrial petitions branch shall participate in the establishment of adjustment policies respecting industrial users and decide petitions of industrial users including candy manufacturers, bakeries, and beverage manufacturers. Specifically, it shall:

(a) Formulate policies affecting applications of veterans for industrial user bases; review, analyze, and prepare decisions on veterans' petitions; and post audit field office actions on veterans' petitions.

(b) Review, analyze, and prepare decisions on petitions for adjustment and relief of manufacturers of beverage products, and manufacturers of bakery products.

(c) Review, analyze, and prepare decisions on petitions for adjustment, new bases, or relief of industrial users who require sugar for manufacture of pharmaceuticals or chemicals, or for other industrial uses not specifically covered by the other sections of the industrial petions branch.

3. In Subpart L (text) the following item is inserted after § 1305.2304:

CONSOLIDATION AND LIQUIDATION OF FIELD OFFICES

§ 1305.2325 *Purpose of chapter.* This chapter establishes the authority and procedure for consolidation and liquidation of district and branch offices, and delegates requisite administrative authority to the regional administrators to effectuate consolidation and liquidation orders.

§ 1305.2326 *Authority and responsibility.* The Temporary Controls Administrator delegates to the regional administrator of each OPA region authority to issue such administrative orders as may be necessary to effectuate consolidation and liquidation of district and branch offices under his jurisdiction, upon issuance of a consolidation or liquidation order by the Administrator. Each regional administrator is responsible for seeing that the consolidation and liquidation of district and branch offices are accomplished in accordance with reorganization instructions issued by the Assistant to the Commissioner.

§ 1305.2327 *Actions of district and branch offices.* Actions taken by any liquidated or consolidated district or branch office authorizing or requiring any person to perform any act authorized or required under OPA orders, regulations, or directives, shall be taken as the action of the regional office and remain in full force and effect until the authorization or requirement expires or is terminated or modified by appropriate authority.

§ 1305.2328 *Residual functions.* (a) All functions, powers, and duties delegated or assigned to any district office under any OPA order, regulation, or directive are transferred to the regional office which has jurisdiction of the office at the time of its closing.

(b) All functions, powers, and duties delegated or assigned to any branch office under any OPA order, regulation, or directive are transferred to the branch office with which it is consolidated or to the regional office which has jurisdiction at the time of closing, as directed in the reorganization instruction ordering the action.

(Sec. 12, 60 Stat. 244)

PHILIP B. FLEMING,
Temporary Controls Administrator.

JANUARY 22, 1947.

[F. R. Doc. 47-659; Filed, Jan. 22, 1947; 8:52 a. m.]

Chapter XVI—Price Decontrol Board

PART 1851—ORGANIZATION

PART 1852—RULES OF PROCEDURE

NOTICE OF CHANGE OF OFFICE ADDRESS

Commencing January 22, 1947, the office of the Price Decontrol Board will be located in Room 200, 709–12th Street, NW., Washington 25, D. C.

1. Section 1851.3 is amended, effective as of January 22, 1947, to read:

§ 1851.3 *Location of offices.* The office of the Board is located in Room 300, 709–12th Street NW., Washington 25, D. C. The office shall be open for business from 9:00 a. m. to 5:00 p. m. e. s. t., Monday through Friday, except holidays.

2. Section 1852.11 is amended, effective as of January 22, 1947, to read:

§ 1852.11 *Place of filing and recording.* Petitions, papers, and other documents shall be filed, and appearances recorded, at the office of the Board, Room 200, 709 12th Street NW., Washington 25, D. C.

(Pub. Law 548, 79th Cong.)

Issued this 8th day of January 1947.

R. L. THOMPSON,
Chairman.

[F. R. Doc. 47-631; Filed, Jan. 22, 1947; 8:51 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

EXCHANGE OF PRIVATELY OWNED PROPERTY WITHIN GLACIER NATIONAL PARK, MONTANA

CROSS REFERENCE: For order relating to exchanges of privately owned property within the Glacier National Park, Montana, see Title 43, Part 15.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1634]

PART 150—EXCHANGES TO ELIMINATE PRIVATE HOLDINGS FROM NATIONAL PARKS AND NATIONAL MONUMENTS

EXCHANGES OF PRIVATELY OWNED PROPERTY WITHIN GLACIER NATIONAL PARK, MONTANA

Sec.
150.6a Statutory authority.
150.6b Informal application.
150.6c Formal application.
150.6d Fees.
150.6e Action by District Land Office.
150.6f Action by Bureau of Land Management.
150.6g Publication and posting of notice.
150.6h Protests; additional papers to be filed; action by manager.
150.6i Deed or instrument of conveyance.
150.6j Abstract of title; title insurance; certificate of title.
150.6k Taxes.
150.6l Further action by Bureau of Land Management.
150.6m Conveyed property a part of the Glacier National Park.
150.6n Appeals.

AUTHORITY: §§ 150.6a to 150.6n, inclusive, issued under sec. 2, Pub. Law 695, 79th Cong., 60 Stat. 949.

§ 150.6a *Statutory authority.* The act of August 8, 1946 (60 Stat. 949), authorizes the Secretary of the Interior, when he deems such action to be in the best interests of the United States, to accept title to any non-Federal lands, interest in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, as then or thereafter established, and in exchange therefor, to convey to the grantors of such property, or to their nominees, any Federally owned lands, interests in lands, buildings, or other property, real or personal, within the boundaries of the Glacier National Park, located in the State of Montana, and administered by the National Park Service, which the Secretary determines are of approximately equal value to the property being acquired. In order to facilitate the making of such exchanges, the Secretary is authorized to enter into agreements for the reservation in conveyances to the United States or for the grant in conveyances from the United States, of such estates for years, life estates, or other interests, as may be consistent with the purposes of the act, but all such limitations must be considered in determining the equality of the interests to be exchanged.

Sections 150.6a to 150.6n, inclusive, do not apply to exchanges which involve no interest in real property.

§ 150.6b *Informal application.* All preliminary negotiations relating to an exchange under the above act are to be conducted with the National Park Service. Any owner of property within the boundaries of the Glacier National Park who desires to take advantage of the privileges conferred by said act, must file with the Director, National Park Service, an informal application describing the privately owned property, which is offered to the United States and the property which is selected in exchange therefor. If the Director, National Park Service is of the opinion that the value of the property offered is equal to or more than the value of the selected property, and that the exchange should be consummated, he will so advise the applicant by letter, stating, among other things, his determination as to values, and will instruct the applicant to file in the District Land Office at Great Falls, Montana, the letter, together with a formal application to exchange.

§ 150.6c *Formal application.* The formal application, which must be filed in duplicate, should contain the full name and post office address of the applicant, a description of the property offered to the Government and the property selected in exchange therefor; a statement as to what, if any, reservations, easements, or rights-of-way are being made in the offered land; a statement that the applicant is the owner of the property offered in exchange, that he is legally capable of consummating the exchange, and that such property is not the basis of another selection or exchange; a statement by the applicant or some credible person possessed of the requisite knowledge, that the land selected is nonmineral in character, contains no salt springs or deposits of salt in any form to render it chiefly valuable therefor, and is not in any manner occupied or claimed adversely to the applicant; and a statement corroborated by two credible witnesses as to springs and water holes in accordance with 43 CFR 292.1–292.9. The application should be accompanied by the letter received from the National Park Service signifying its approval of the consummation of the proposed exchange. Any application not accompanied by such a letter will be rejected. The offered and selected property in the formal application must be identical with the property referred to in the letter of the National Park Service and all lands should be described by legal subdivisions of the public land surveys, except where unsurveyed land is selected and in which case, the description thereof must conform to 43 CFR 101.6. Where application is made to select unsurveyed land, such land must be surveyed, and the application and valuation must be adjusted to survey before patent can issue for such selected land.

Where the application is filed by an individual he will be required to show he

is 21 years of age, and otherwise capable of carrying through the transaction.

Where the application is made by or in behalf of a corporation, a certified copy of the articles of incorporation must be furnished. If the corporation is organized under a State other than Montana the articles of incorporation must be accompanied by a certificate showing that the corporation is authorized to do business in the State of Montana.

§ 150.6d *Fees.* Fees must be paid by the applicant at the rate of $2 for each 160 acres, or fraction thereof, of the base lands offered and conveyed to the Government.

§ 150.6e *Action by District Land Office.* If the application appears regular and in conformity with the law and §§ 150.6a to 150.6n, inclusive, the District Land Office will assign a serial number thereto and after appropriate notations have been made upon the records of that office, the application and accompanying papers should be forwarded to the Bureau of Land Management together with a report as to the status of any of the lands involved in the application.

§ 150.6f *Action by Bureau of Land Management.* Upon receipt of all the evidence required in the Bureau of Land Management, examination will be made at as early a date as practicable and if the evidence is found defective an opportunity will be given the parties in interest to cure the defects, if possible. If the application appears regular and in conformity with the law and §§ 150.a to 150.n, inclusive, it will, in the absence of objection, be transmitted to the Secretary of the Interior by the Director, Bureau of Land Management with appropriate recommendation.

If the Secretary determines that the value of the offered property is equal to or more than the value of the selected property and that the application should be allowed, the exchange will be approved, subject to the submission of acceptable title to the offered property and to full compliance by the applicant with §§ 150.a to 150.n, inclusive, and subject to any protests or other valid objections which may appear.

§ 150.6g *Publication and posting of notice.* Upon approval of the application by the Secretary, instructions will issue to the District Land Office regarding publication of notice thereof. The applicant will begin publication of notice thereof, at his own expense, in some newspaper, designated by the Bureau of Land Management and having general circulation in the county, or counties, in which the property offered and the property selected are situated. Such notice must be published once each week for four successive weeks during which time a similar notice of the application must be posted in the District Land Office. The notice should describe the property applied for as well as the property offered in exchange and give the date of filing of the application, and state that the purpose thereof is to allow all persons claiming the property selected, or having bona fide objections to such application, an opportunity to file their protests with the District Land Office at Great Falls, Montana. Proof of publication shall consist of an affidavit of the publisher or of the foreman or other proper employee of the newspaper in which the notice was published, with a copy of the published notice attached. The Manager shall certify to the posting in his office. The date of such publication and posting must be given in all cases.

§ 150.6h *Protests; additional papers to be filed; action by Manager.* If a protest is filed, all the papers should be transmitted to the Bureau of Land Management for consideration; but should no protest be filed against the allowance of the selection within 30 days from the date of the first publication of notice, and no objections appear on the records of the District Land Office, the Manager will notify the applicant that he is allowed 60 days from receipt of notice within which to file the deed or other instrument conveying the offered property to the Government, together with such title evidence as may be required by §§ 150.a to 150.n, inclusive. After the filing of the required evidence, the Manager will promptly transmit all papers to the Bureau of Land Management.

§ 150.6i *Deed or instrument of conveyance.* The deed of conveyance or other instrument transferring title to the offered property to the United States must be executed, acknowledged and duly recorded in accordance with the laws of the State of Montana. Such revenue stamps as are required by law must be affixed to the instrument and canceled. The instrument should recite that it is made "for and in consideration of the exchange of certain property as authorized by the Act of August 8, 1946 (60 Stat. 949)."

Where such instrument is executed by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person as the case may be, must join in the execution and acknowledgement of the instrument in such manner as to bar effectually any right of curtesy or dower, or any claim whatsoever to the property conveyed, or it must be fully and satisfactorily shown that under the laws of the State of Montana in which the property conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the instrument necessary. Where the instrument is executed by a corporation, it should recite that it was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument and both should bear the impression of the corporate seal.

§ 150.6j *Abstract of title; title insurance; certificate of title.* Where land or an interest in land is conveyed, applicant must file an abstract of title, a policy of title insurance or a certificate of title, as hereinafter provided.

The abstract of title must show that the title memoranda contained therein are a full, true and complete abstract of all matters of record or on file in the offices of the recorder of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, pending suits, judgments, liens, lis pendens, or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the office of the clerks of courts of record affecting in any manner whatsoever the title to the land or property to be conveyed to the United States. The abstract of title may be prepared and certified by the recorder of deeds or other proper officer under his official seal, or it may be prepared and authenticated by an abstractor or by an abstract company, which is satisfactory to the Department of the Interior.

A policy of title insurance, or a certificate of title, may be accepted in lieu of an abstract, in proper cases, when issued by a title company. A policy of title insurance when furnished must be free from conditions and stipulations not acceptable to the Department of the Interior. A certificate of title will be accepted only where the certificate is made to the Government, or expressly for its benefit, and where the interests of the Government will be sufficiently protected thereby.

§ 150.6k *Taxes.* The applicant must furnish a certificate by the proper official of the county in which the property conveyed to the United States is situated, showing that all taxes levied or assessed against the property, or that could operate thereon as a lien, have been fully paid, or whether there is a tax due on such property that could operate as a lien thereon but which tax is not yet payable, and that there are no unredeemed tax sales and no tax deeds outstanding against such property. In case taxes have been assessed or levied on such property, and such taxes are not due and payable until some future date, the applicant, in addition to the certificate above required relative to taxes and tax assessments, may furnish a bond with a qualified corporate surety for the sum of twice the amount of taxes paid on the property for the previous year in order to indemnify the United States against loss for the tax as assessed or levied but not yet due and payable. In lieu of the bond the applicant may submit a sum similar to that required in the case of a bond, and if and when proper evidence is furnished showing the taxes on the property conveyed have been paid in full, the said sum will be returned to the applicant.

§ 150.6l *Further action by Bureau of Land Management.* The publication of notice, deed or other instrument of conveyance, abstract of title and other evidence required of the applicant will, upon receipt in the Bureau of Land Management, be examined, and if found regular and in conformity with law, and there are no objections, title will be accepted to the property conveyed to the United States and patent or other instrument of transfer will issue for the property selected in exchange. Notice of additional requirements, rejection or other adverse action will be given the applicant.

§ 150.6m *Conveyed property a part of the Glacier National Park.* All property conveyed to the United States pursuant to §§ 150.6a to 150.6n, inclusive, shall, upon acceptance of title, become a part of the Glacier National Park, and shall be subject to all laws applicable to such area.

§ 150.6n *Appeals.* Any party aggrieved by any action of the Manager may appeal to the Director of the Bureau of Land Management and any party aggrieved by any action of the Director, Bureau of Land Management or the Director, National Park Service, may appeal to the Secretary, pursuant to rules of practice (43 CFR, Part 221).

FRED W. JOHNSON,
Acting Director.

Approved: January 15, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-634; Filed, Jan. 22, 1947; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Federal Security Agency, General Administration

PART 1—ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

MISCELLANEOUS AMENDMENTS

1. Section 1.1 (11 F. R. 177A–518–519) is hereby amended to read as follows:

§ 1.1 *In general.* The Federal Security Agency is under the general supervision, direction and control of the Federal Security Administrator. In the absence or disability of the Administrator or in case of a vacancy in the Office of the Federal Security Administrator, the Assistant Federal Security Administrator acts as Administrator. The Agency is composed of six staff offices, to wit: Office of Administration, Office of the General Counsel, Office of Federal-State Relations, Office of Inter-Agency and International Relations, Office of Research, and Office of Information, and four operating branches, to wit: Public Health Service, Social Security Administration, Office of Education, and Office of Special Services. The Office of the Federal Security Administrator consists of the Administrator, Assistant Administrator, Assistants to the Administrator Staff Offices, heads of Operating Branches, and such staff committees and boards as the Administrator from time to time may establish. The Assistant Administrator is authorized to make contracts for personnel services, supplies, and equipment.

2. Section 1.3 (11 F. R. 177A–519) is hereby amended to read as follows:

§ 1.3 *Office of the General Counsel.* The Office of the General Counsel is under the supervision and direction of the General Counsel. It furnishes legal services and advice to the Administrator, Assistant Administrator, and all offices, branches and units of the Federal Security Agency, and generally supervises all legal activities of the Agency and its constituent units. The Office represents the Agency in litigation when direct representation is authorized by law and performs all liaison functions in connection with legal matters involving the Agency. The Office of the General Counsel is composed of a departmental staff located in Washington, D. C. and Baltimore, Maryland, a division in New York, New York, to service the Bureau of Employees' Compensation, and a regional staff under the direction of the regional attorneys, whose offices are located as follows:

No. 1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut; Boston, Mass.

Nos. 2 and 3. New York, New Jersey, Pennsylvania, Delaware; New York, N. Y.

No. 4. Maryland, Virginia, North Carolina, West Virginia, District of Columbia; Washington, D. C.

No. 5. Kentucky, Michigan, Ohio; Cleveland, Ohio.

No. 6. Illinois, Indiana, Wisconsin; Chicago, Ill.

No. 7. South Carolina, Georgia, Tennessee, Mississippi, Alabama, Florida; Atlanta, Ga.

No. 8. North Dakota, South Dakota, Nebraska, Iowa, Minnesota; Minneapolis, Minn.

No. 9. Missouri, Kansas, Arkansas, Oklahoma; Kansas Cty, Mo.

No. 10. Louisiana, Texas, New Mexico, San Antonio, Tex.

No. 11. Montana, Idaho, Wyoming, Utah, Colorado; Denver, Colo.

No. 12. California, Oregon, Washington, Nevada, Arizona; San Francisco, Calif.

3. Section 1.4 (11 F. R. 177A–519) is hereby amended to read as follows:

§ 1.4 *Office of Federal-State Relations.* The Office of Federal-State Relations is under the supervision and direction of the Director of Federal-State Relations. It studies and investigates the operation of the various grant-in-aid programs conducted by the Agency and consults with representatives of Federal and State agencies administering such programs to secure their advice on standards and procedures for the better coordination of the administration of such programs. The Office develops and recommends to the Administrator policies, methods, and procedures whereby the Administrator can establish, insofar as possible, uniform standards and procedures relating to fiscal, personnel and other matters common to two such programs and standards and procedures under which a State agency participating in more than one grant-in-aid program may submit a single plan of operation and be subject to a single Federal fiscal and administrative review of its operations.

4. Section 1.7 (11 F. R. 177A–519) is hereby amended to read as follows:

§ 1.7 *Office of Information.* The Office of Information is under the supervision and direction of the Director of Information. It is responsible for the general direction and coordination of all information activities within the Agency and for the establishment of unified informational policies and procedures within the Agency. The Office prescribes procedures for clearance of publications and other informational materials prepared by and for the use of the various organizations within the Federal Security Agency and in matters relating to informational activities, serves as clearance and liaison office in contacts with other agencies.

5. The first paragraph of § 1.21 (11 F. R. 177A–519–520) is hereby amended to read as follows:

§ 1.21 *Social Security Administration.* The Social Security Administration is under the supervision and direction of the Commissioner for Social Security. The Deputy Commissioner assists the Commissioner in the performance of all his duties and acts for him in his absence; the Deputy Commissioner is responsible for the effectuation, through the several bureaus and offices of the Administration, of the policies and decisions of the Commissioner, and for the coordination of all operations and activities of the Administration, and for the general direction of staff services. The Administration includes four operating bureaus, namely, Bureau of Old-Age and Survivors Insurance, Bureau of Employment Security, Bureau of Public Assistance, and the Children's Bureau; three staff bureaus, namely, Bureau of Accounts and Audits, Bureau of Research and Statistics, and Informational Service; the Office of the Actuary; the Office of the Appeals Council; the State Technical Advisory Service; Personnel and Business Management Service; and divisions or offices aiding the Deputy Commissioner directly in his responsibilities for coordination and budget preparation and control, direction of field operations, publications preparation and reviews, and staff training. In addition, the Commissioner has and performs, under the general supervision, direction and control of the Administrator, all duties, powers and functions relating to Civilian War Assistance vested in the Administrator by the Federal Security Agency Appropriation Act, 1947. The Administration maintains thirteen regional offices, each under the supervision of a Regional Director as representative of the Commissioner.

6. Part 1 is hereby amended by adding §§ 1.30 and 1.31.

§ 1.30 *Federal Security Agency Claims Board.* The Federal Security Agency Claims Board in the Office of the Federal Security Administrator, is composed of three members appointed by the Administrator, two of whom shall have been nominated by the General Counsel. The Administrator designates the Chairman. The Board is authorized, as the designee of the Administrator for the purpose, to perform the duties and exercise the authority vested in the Administrator by the Federal Tort Claims Act and to formulate and prescribe rules, regulations, procedures or instructions for investigating and otherwise handling throughout the Agency claims and situations out of which claims or suits may arise under the Federal Tort Claims Act and situations of the character contemplated by the Federal Tort Claims Act out of which claims or suits by the Government for damage to Government property may arise. All decisions of the Board are by majority vote. Any notice or writing required by sections 403 and 410 of the Federal Tort Claims Act to be served on the Agency or on a constituent organization or office thereof may be served on the Board.

§ 1.31 *Committee on Subversive Activities.* The Committee on Subversive Activities in the Office of the Federal Security Administrator, is composed of a Chairman, two other members, and an Executive Secretary, all of whom are appointed by the Administrator. The Committee investigates complaints of subversive activity on the part of employees of the Agency and makes reports to the Administrator together with recommendations as to appropriate action to be taken in each case. If the Committee finds that an employee may have engaged in activities of a subversive nature, the employee is furnished with a statement indicating the nature of the charge against him and he is provided with an opportunity to be heard. The Committee also cooperates with the Department of Justice and other Federal agencies or committees concerned with the investigation of subversive activities on the part of Federal employees.

The foregoing statement is ordered to be published in the FEDERAL REGISTER in compliance with section 3 of the Administrative Procedure Act.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Dated: January 15, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-668; Filed, Jan. 22, 1947; 8:53 a. m.]

PART 10—PUBLIC INFORMATION AND INSPECTION OF FINAL OPINIONS, ORDERS AND OFFICIAL RECORDS

MISCELLANEOUS AMENDMENTS

1. Section 10.1 (11 F. R. 177A-520) is hereby amended to read as follows:

§ 10.1 *Public information.* Information concerning the Federal Security Agency generally or the functions of the Federal Security Administrator, Assistant Administrator, Staff Offices and Operating Branches of the Agency may be obtained, and submittals or requests made in person or by letter at the Office of Administration, Federal Security Agency Federal Security Building, Washington 25, D. C. For places at which information may be obtained or submittals or requests made with respect to particular programs administered within the Federal Security Agency, see 20 CFR Chapter I, Part 01, Bureau of Employees' Compensation; 20 CFR 421.1 (b), 421.6 (b), Social Security Administration (Old-Age and Survivors Insurance); 21 CFR 1.3, Food and Drug Administration; 42 CFR 02.107, Public Health Service; 42 CFR 205.5, Children's Bureau; 42 CFR 300.1, Saint Elizabeths Hospital; 42 CFR 400.1, Freedmen's Hospital; 45 CFR 100.3, Office of Education; 45 CFR 200.7, Public Assistance; 45 CFR 300.7, Employment Security; 45 CFR 605.3, Office of Vocational Rehabilitation.

2. Section 10.5 (11 F. R. 177A-520) is hereby amended to read as follows:

§ 10.5 *Inspection of final opinions, orders and official records.* All final opinions and orders of the Federal Security Administrator in the adjudication of cases, all rules and official records relating to particular programs administered within the Federal Security Agency are available for inspection in accordance with rules set forth at 20 CFR 01.5, 01.6, Bureau of Employees' Compensation; 20 CFR 422.2, 422.7, Social Security Administration (Old-Age and Survivors Insurance); 21 CFR 1.5, 1.6, Food and Drug Administration; 42 CFR 02.111, 02.112, Public Health Service; 42 CFR 205.6, 205.7, Children's Bureau; 42 CFR 300.5, Saint Elizabeths Hospital; 42 CFR 400.6, Freedmen's Hospital; 45 CFR 100.4, 100.5, Office of Education; 45 CFR 200.8, 200.9, Public Assistance; 45 CFR 300.8, 300.9, Employment Security; 45 CFR 605.4, 605.5, Office of Vocational Rehabilitation. Except as relates solely to internal management of the Agency, all other final opinions and orders in the adjudication of cases, all other rules and, as to persons properly and directly concerned, all other official records are available for inspection at the Office of Administration, Federal Security Agency, Federal Security Building, Washington 25, D. C., except that the Administrator, for good cause, may hold any official records, final opinion or order or any part thereof confidential, in which event such opinion, or order or part thereof will not be cited as a precedent.

The foregoing statement is ordered to be published in the FEDERAL REGISTER in compliance with section 3 of the Administrative Procedure Act.

(Sec. 12, 60 Stat. 244)

Dated: January 15, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-667; Filed, Jan. 22, 1947; 8:53 a. m.]

PART 30—ADMINISTRATIVE PROCEDURES AND FORMS

MISCELLANEOUS AMENDMENTS

1. Section 30.1 (11 F. R. 177A-520-521) is hereby amended to read as follows:

§ 30.1 *In general.* (a) The procedures and forms relating to the particular programs administered within the Federal Security Agency are set forth in 20 CFR Chapter III, Social Security Administration (Old-Age and Survivors Insurance); 21 CFR Chapter I, Food and Drug Administration; 42 CFR Chapter I, Public Health Service; 42 CFR Chapter II, Children's Bureau; 42 CFR Chapter III, Saint Elizabeths Hospital; 42 CFR Chapter IV, Freedmen's Hospital; 45 CFR Chapter I, Office of Education; 45 CFR Chapter II, Public Assistance; 45 CFR Chapter III, Employment Security; 45 CFR Chapter VI, Office of Vocational Rehabilitation.

(b) The procedures and forms, other than those relating to internal management, employed in connection with recruitment and employment of personnel are those prescribed by the United States Civil Service Commission. See Code of Federal Regulations, Title 5. The procedures and forms used in connection with the procurement of supplies and the making of contracts are those prescribed by the Procurement Division, Department of the Treasury, and other Federal agencies having jurisdiction. See Code of Federal Regulations, Title 41 (Public Contracts).

2. Section 30.2 (11 F. R. 177A-521) is hereby amended to read as follows:

§ 30.2 *Claims for damages.* (a) The Federal Security Agency Claims Board has been authorized, as the designee of the Federal Security Administrator for the purpose, to perform the duties and exercise the authority vested in the Administrator by the Federal Tort Claims Act. No formal procedures have been established for the consideration of claims for damage to or loss of property or injury to person alleged to have been caused by commissioned or civilian officers or employees of the Federal Security Agency while acting within the scope of their employment. Claims should be filed in writing within the time limit prescribed by law at the field office of the constituent organization of the Agency by which the officer or employees allegedly causing the damage is employed, at the departmental office of the constituent organization, or with the Federal Security Agency Claims Board, Federal Security Building, Washington 25, D. C.

(b) Upon receipt of a written claim, a form is mailed to the claimant at the address indicated in his claim. The form should be completed and returned together with a repair bill if the damage has been repaired, or if not repaired, with estimates of the cost of making the repairs. Separate estimates by three reputable individuals or concerns who are in the business of making the repairs required to remedy the damage allegedly caused by the officer or employee of the Agency should be submitted. If the property is destroyed or damaged beyond repair competent proof of the value of the property at the time of loss in addition to evidence of its original cost should be submitted. If personal injuries are involved, a complete medical statement and bills for such medical expenses as have been incurred should be submitted together with an itemized statement of all elements of the claim.

(c) In case of damages occasioned by collisions or incident to the operation of vessels of the Public Health Service, a board of investigation may be convened to investigate the accident. Notice of the creation of the investigatory board, if convened, is given to the claimant and he may submit pertinent and relevant evidence for its consideration. Upon receipt of the report of the field office, or in cases where an investigatory board has been convened, by the investigatory board, and the forms properly completed together with the other requisite information, the head of the constituent organization considers the claim and makes appropriate recommendations to the Federal Security Agency Claims Board indicating whether the claim should be allowed or disallowed, and if allowed, the amount that should be awarded. The Office of the General Counsel reviews the contents of the file for legal sufficiency, after which they are considered by the Federal Security Agency Claims Board which may accept, reject, or modify the recommendations. The Federal Security Agency Claims Board may fix the attorney's fees to be paid to the claimant's attorney out of but not in addition to amount awarded. The claimant is promptly notified of the action of the Federal Security Agency Claims Board.

The foregoing statement is ordered to be published in the FEDERAL REGISTER in compliance with section 3 of the Administrative Procedure Act.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Dated: January 15, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-669; Filed, Jan. 22, 1947; 8:53 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7976]

EDWARD HUTH

In re: Estate of Edward Huth, deceased. File No. D-28-9369; E. T. sec. No. 12417.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Rosine Grün, Albert Grün, Herman Grün, Ernst Grün, Hertha Grün, Erna Ahl, Martha Koenig, Josephine Baltin, Wilhelm Breidenbach, Mina Wiederspahn, and Josephine Schneider, and each of them, in and to the estate of Edward Huth, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Rosine Grün, Germany.
Albert Grün, Germany.
Herman Grün, Germany.
Ernst Grün, Germany.
Hertha Grün, Germany.
Erna Ahl, Germany.
Martha Koenig, Germany.
Josephine Baltin, Germany.
Wilhelm Breidenbach, Germany.
Mina Wiederspahn, Germany.
Josephine Schneider, Germany.

That such property is in the process of administration by Henry W. Riessick, as Executor of the estate of Edward Huth, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

And determined, that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub Law 322, 79th Cong., 60 Stat. 50; Pub Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-571; Filed, Jan. 20, 1947; 8:46 a. m.]

[Vesting Order 7977]

ALICE M. DEVANE KING

In re: Estate of Alice M. DeVane King, deceased. File D-28-8622; E. T. sec. 10315.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schmitter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Alice M. DeVane King, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by M. Alston Keith, as Special Administrator, acting under the judicial supervision of the Circuit Court of Dallas County, Selma, Alabama, and the Probate Court of Dallas County, Selma, Alabama;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E.O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-627; Filed, Jan. 21, 1947; 8:50 a. m.]

[Vesting Order 7978]

JOHN D. LENORT

In re: Estate of John D. (J. D.) Lenort, deceased, File D-28-10221; E. T. sec. 14573.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Marie Lenort, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John D. (J. D.) Lenort, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Helen J. Harmon, as executrix, acting under the judicial supervision of the County Court of Comanche County, Lawton, Oklahoma;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp.; E. O. 9567, June 8, 1945; 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-572; Filed, Jan. 20, 1947; 8:46 a. m.]

[Vesting Order 7919]

ANDREWS & GEORGE CO., INC.

In re: Debt owing to and personal property owned by Andrews & George Company, Inc. F-39-2362-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Andrews & George Company, Inc., the last known address of which is 5 Shiba Park, Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Andrews & George Company, Inc., by Gardner-Denver Company, Quincy, Illinois, in the amount of $1071.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Three—Model 34 Rock Drills complete with DM-35B Guide Shell Mountings, and three—DM-35B Guide Shell Mountings for Model 34 Drill, presently in the custody of B. C. Essig, 1727 East 39th Avenue, Denver, Colorado,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 18, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-674; Filed, Jan. 22, 1947; 8:46 a. m.]

[Vesting Order 7900, Amdt.]

ANNA E. T. TAGGESELL

In re: Stocks and bank deposit owned by Anna E. T. Taggesell, also known as Anna Taggesell. F-28-648-D-1, F-28-648-D-2, F-28-648-D-3, F-28-648-E-1.

Vesting Order 7900, dated October 14, 1946, is hereby amended as follows and not otherwise:

By deleting clause b. from subparagraph 2 of said Vesting Order and substituting therefor the following:

b. Ten shares of $100 par value capital stock of Boston Edison Company, 182 Tremont Street, Boston, Massachusetts, a corporation organized under the laws of the State of Massachusetts, evidenced by Certificate Number 202315, registered in the name of Miss Anna Taggesell, together with all declared and unpaid dividends thereon, and all rights thereunder and thereto.

All other provisions of said Vesting Order 7900 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-685; Filed, Jan. 22, 1947; 8:47 a. m.]

[Vesting Order CE 352]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN PENNSYLVANIA, DISTRICT OF COLUMBIA AND TEXAS COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Maria Lucci	Italy	Estate of Nicola Vincenzo Lucci, deceased, in the Orphans' Court of Allegheny County, Pittsburgh, Pa.; No. 7145 of 1944.	$1,518.11	Potter Title & Trust Co., Administrator, 411 Grant St., Pittsburgh, Pa.	$13.00
		Item 2			
Ida Lucci	do	Same	1,518.11	do	13.00
		Item 3			
Carlo Cocci	do	Estate of Filippo Cocci, deceased, in the Orphans' Court of Philadelphia County, Pa.; No. 1440 of 1945.	1,687.01	The Real Estate Trust Co. of Philadelphia, Broad and Chestnut Sts., and Saveria Scalera, 1020 South 10th St., Philadelphia, Pa., Executors.	6.00
		Item 4			
Guiseppe Cocci	do	Same	843.50	do	5.00
		Item 5			
Letizia Cocci	do	Same	843.50	do	5.00
		Item 6			
Anna Cocci	do	Same	843.50	do	5.00
		Item 7			
Maria Cocci Gregori	do	Same	843.50	do	5.00
		Item 8			
Filomena Sacco	do	Estate of Leonardo Mario Sacco, deceased, in the Orphans' Court of Philadelphia County, Pa.; No. 1585 of 1946.	1,035.44	Ralph Zagrabbe, Administrator, 704-06 Fox Bldg., Philadelphia, Pa.	23.00
		Item 9			
Giorgio Sacco	do	Same	535.44	do	12.00
		Item 10			
Immacolata Cirocco	do	Same	535.44	do	12.00
		Item 11			
Alvira Di Filippo	do	Estate of Francesco Di Filippo, also known as Philip Rossi, deceased, in the District Court of the United States for the District of Columbia; Admin. No. 6878.	654.85	Abramo Di Filippo, Administrator, c/o Carl A. Marshall, 1420 New York Ave. N.W., Washington, D. C.	10.00
		Item 12			
Santina Di Filippo	do	Same	654.84	do	10.00
		Item 13			
Maria Enna Di Filippo	do	Same	654.84	do	10.00
		Item 14			
Clementina Gianotti	do	Estate of Victor Gianotti, deceased, in the County Court for Probate, Bexar County, Tex.; No. 26135.	[1] 766.04	Flavio J. Gianotti, Attorney-in-Fact, 1606 Kentucky St., San Antonio, Tex.	20.00
		Item 15			
Pietro Gianotti	do	Same	766.04	do	20.00
		Item 16			
Nello Gianotti	do	Same	766.04	do	20.00
		Item 17			
Antonio Nicola Tristino	do	Estate of Bernard Tristino, deceased, in the Orphans' Court of Dauphin County, Pa.	480.52	Maurice R. Metzger, Administrator, 22 South 3d St., Harrisburg, Pa.	29.00
		Item 18			
Filamena Tristino	do	Same	480.52	do	29.00

[1] Life interest.

[F. R. Doc. 47-526; Filed, Jan. 17, 1947; 8:50 a. m.]

[Vesting Order 7987]

ERTEL BIEBER & CO.

In re: Bank account owned by Ertel Bieber & Co. F-28-25139-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ertel Bieber & Co., the last known address of which is 10 Hamburg, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ertel Bieber & Co., by Citizens National Trust and Savings Bank of Los Angeles, 457 South Spring Street, Los Angeles, California, arising out of a checking account, entitled Ertel Bieber & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-676; Filed, Jan. 22, 1947; 8:46 a. m.]

[Vesting Order 7988]

GERTRUD FREY

In re: Stock and bank account owned by Gertrud Frey. F-28-2187-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Frey, whose last known address is c/o Dr. H. W. Renkl, Hauptstrasse 78, Hafenlohr a. M., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-five (25) shares of $20 par value 7% cumulative preferred capital stock of Cincinnati Car Corporation, evidenced by certificate number 2693 registered in the name of Gertrud Frey, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value Class B capital stock of Cincinnati Car Corporation, evidenced by certificate number 2900 registered in the name of Gertrud Frey, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation owing to Gertrud Frey, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account entitled Gertrud Frey, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-677; Filed, Jan. 22, 1947; 8:46 a. m.]

[Vesting Order 7979]

WILLIAM BEIER

In re: Estate of William Beier, deceased. File D-28-10023; E. T. sec. 14215.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Klasse, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of William Beier, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert Cooke, as Administrator, acting under judicial supervision of the Circuit Court of the State of Oregon for Multnomah County;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-628; Filed, Jan. 21, 1947; 8:49 a. m.]

[Vesting Order 7980]

THERESA KLEMENT CRANE

In re: Estate of Theresa Klement Crane, deceased. File D-28-10556; E. T. sec. 14946.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herrman Wiesler and Adolf Wiesler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Theresa Klement Crane, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Alma M. Clement, as executrix, acting under the judicial supervision of the County Court of Polk County, Bartow, Florida;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-675; Filed, Jan. 22, 1947; 8:46 a. m.]

[Vesting Order 7994]

ANNA LUISE NEUHOFER ET AL.

In re: Bank accounts owned by Anna Luise Neuhofer, Jakob Neuhofer, Konrad Neuhofer, Michael Georg Neuhofer, and Margarete Schorr.

Under the authority of the Trading with the Enemy act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Luise Neuhofer, Jakob Neuhofer, Konrad Neuhofer, Michael Georg Neuhofer, and Margarete Schorr, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of Bank of American National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of savings accounts, the account numbers of which are set forth in Exhibit A, attached hereto and by reference made a part hereof, entitled in the manner set forth in the aforementioned Exhibit A, which accounts are beneficially owned by the persons whose names appear opposite the aforesaid account numbers, maintained at the branch office of the aforesaid bank located at Market and New Montgomery Streets, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Title of account	Account No.	Beneficial owner	APC file number
I. F., or Tom F. Chapman, Trustees for Anna Luise Neuhofer.	5278	Anna Luise Neuhofer	F-28-3779-C-1 F-28-3779-E-1
I. F. and/or Tom Chapman, Trustees for Jakob Neuhofer	5273	Jakob Neuhofer	F-28-3780-C-1 F-28-3780-E-1
I. F. and/or Tom Chapman, Trustees for Konrad Neuhofer.	5267	Konrad Neuhofer	F-28-3781-C-1 F-28-3781-E-1
I. F. and/or Tom Chapman, Trustees for Michael Georg Neuhofer.	5280	Michael Georg Neuhofer	F-28-3782-C-1 F-28-3782-E-1
I. F. and/or Tom Chapman, Trustees for Margarete Schorr.	5297	Margarete Schorr	F-28-17501-C-1 F-28-17501-E-1

[F. R. Doc. 47-680; Filed, Jan. 22, 1947; 8:46 a. m.]

[Vesting Order 8000]

TSUGI UYEKI

In re: Debt owing to Tsugi Uyeki. D-39-14814-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsugi Uyeki, whose last known address is Tochigi-Ken, Haga-Gun, Mogi-Machi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation, owing to Tsugi Uyeki, by Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, in the amount of $821.77, as of December 31, 1945, evidenced by Dividend Check Number 1704, dated November 15, 1945, which check is presently in the custody of Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-683; Filed, Jan. 22, 1947; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-137]

ACCIDENT AT JONES BEACH, LONG ISLAND, N. Y.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 21746 which occurred at Jones Beach, Long Island, New York, on January 5, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Friday, January 24, 1947, at 9:00 a. m. (local time) in Parlor A, 3d Floor of Hotel New Yorker, New York.

Dated at Washington, D. C., January 17, 1947.

[SEAL] ROBERT W. CHRISP, *Presiding Officer.*

[F. R. Doc. 47-661; Filed, Jan. 22, 1947; 8:51 a. m.]

[Docket No. SA-136]

ACCIDENT AT CARMEL, N. J.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 50046 which occurred at Carmel, New Jersey, on January 5, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, January 23, 1947, at 9:00 a. m. (local time) in the East Room, 4th Floor of Hotel New Yorker, New York.

Dated at Washington, D. C., January 17, 1947.

[SEAL] ROBERT W. CHRISP, *Presiding Officer.*

[F. R. Doc. 47-662; Filed, Jan. 22, 1947; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5337]

H. WALLACE JOHNSTON

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of January A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, February 4, 1947, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 236, Federal Building, Miami, Florida.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-664; Filed, Jan. 22, 1947; 8:51 a. m.]

[Docket No. 5469]

ADVANCE REALTY CORP. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of January A. D. 1947.

In the matter of Advance Realty Corporation, formerly California Sea Food Co., Inc., a corporation, and its officers and directors; California Sea Food Corporation, a corporation, and its officers and directos; Hunt Foods, Inc., formerly Hunt Brothers Packing Company, a corporation, and its officers and directors; and Norton Simon, Lucille Ellis Simon, Myer Simon, Lucille Evelyn Simon, Frederick R. Weisman, Marcia Simon Weisman, Harold C. Brooks, Evelyn Simon Brooks, Norton Simon, as guardian of the estate of Robert Ellis Simon, minor, Norton Simon, as guardian of the estate of Donald Ellis Simon, minor, Harold C. Brooks, as guardian of the estate of Donald Ellis Simon, minor, Frederick R. Weisman and Marcia Simon Weisman, as guardians of the estate of Richard Lee Weisman, minor, Harold C. Brooks and Evelyn Simon Brooks, as guardians of the estate of Linda Joyce Brooks, minor, individually and as their interests appear, as partners trading and doing business under the fictitious firm name Val Vita Food Products, as former officers, directors and controlling stockholders of Val Vita Food Products, Inc., a corporation now dissolved, as partners formerly trading and doing business under the fictitious firm name California Sea Food Company, and as controlling stockholders of Advance Realty Corporation, formerly California Sea Food Co., Inc., California Sea Food Corporation and Hunt Foods, Inc., formerly Hunt Brothers Packing Company,

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, March 11, 1947, at two o'clock in the afternoon of that day (Central Standard Time), in Hearing Room, United States Post Office Building, Jackson, Mississippi.

Upon completon of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-666; Filed, Jan. 22, 1947; 8:51 a. m.]

[Docket No. 5067]

CELCURE WOOD PRESERVING CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of January A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, January 29, 1947, at ten o'clock in the forenoon of the day (Eastern Standard Time), in Room 401, Post Office Building, Jacksonville, Florida.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-665; Filed, Jan. 22, 1947; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 84]

RECONSIGNMENT OF AVOCADOS AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo.-Kan., January 16, 1947, of car SFRD 8069, avocados, now on the A. T. & S. F. Ry., to Chicago, Ill.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of January, 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-653; Filed, Jan. 22, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 85]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo.-Kans., January 16, 1947, by Ziegler Produce Co., of car URTX 81561, lettuce, now on the C., R. I. & P. RR., to Al Keiser & Co., New York, N. Y.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of January, 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-655; Filed, Jan. 22, 1947; 8:48 a. m.]

[S. O. 396, Special Permit No. 86]

RECONSIGNMENT OF BEANS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., January 16, 1947, by National Marketing Service, Inc., of car FGE 35039, beans, now on the Pennsylvania R. R. (Pennsylvania Produce Terminal), to Irving J. Okun, Pier 29, New York, N. Y. (P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of January 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-654; Filed, Jan. 22, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-68 and 59-55]

COMMUNITY GAS AND POWER CO., ET AL.

ORDER APPROVING AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of January A. D. 1947.

In the matter of Community Gas and Power Company, American Gas and Power Company, File No. 54-68; Community Gas and Power Company, American Gas and Power Company, and the subsidiary companies thereof, respondents, File No. 59-55.

The Commission on February 27, 1946, and on April 10, 1946, having issued its findings and opinion and its supplemental findings and order approving a modified plan of reorganization filed, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, by Community Gas and Power Company ("Community") and American Gas and Power Company ("American"), registered holding companies;

The Commission on April 11, 1946, at the request of Community and American, having instituted proceedings, pursuant to the provisions of sections 11 (e) and 18 (f) of the act, in the District Court of the United States for the District of Delaware to enforce and carry out the terms and provisions of said plan, the hearing in said proceedings having been adjourned by order of said Court to a date to be fixed by further order of said Court;

Community and American thereafter having filed an amendment to said plan, designated as Amendment No. 14; and

The Commission having this day issued its supplemental findings and opinion, in accordance with said findings and opinion;

It is ordered, Pursuant to section 11 (e) of the act, that said Amendment No. 14 be and it is hereby approved and said plan as modified and amended be and it is hereby approved, subject, however, to the terms and conditions specified in our order of April 10, 1946.

It is further ordered and recited, That the issues, exchanges, conveyances and dissolutions specified and itemized in the plan, as amended and modified, are necessary or appropriate to the integration or simplification of the holding company system of which Community, American and Minneapolis are members, and are necessary or appropriate to the effectuation of the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-635; Filed, Jan. 22, 1947; 8:53 a. m.]

[File No. 70-1429]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND DEDHAM AND HYDE PARK GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of January 1947.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("New England"), a registered holding company, and by its wholly-owned subsidiary, Dedham and Hyde Park Gas Company. Sections 6 (b) and 10 of the act and Rule U-20 thereunder are designated as being applicable to the proposed transaction.

Notice is further given that any person may, not later than January 24, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Street, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application, which is on file in the

office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

1. Dedham proposes to issue and sell to its parent, New England, 6,000 additional shares of common capital stock at the par value of $25 per share (total proceeds $150,000) and to use the proceeds thus realized for the purpose of paying the $150,000 principal amount of open account indebtedness owing to New England.

2. Dedham proposes to issue and sell privately to Massachusetts Mutual Life Insurance Company $125,000 principal amount of 3½% Serial Notes, Series A due 1961, at 102¼. Said notes are to be issued under an Indenture of Trust naming the Old Colony Trust Company as Trustee. The net proceeds to be realized from the sale of the note issue, together with $87,140 to be drawn from the company's Plant Replacement Fund Asset's Account, will be used to pay a short-term note in the amount of $25,000 payable to The First National Bank of Boston and to finance extensions, additions and improvements to Dedham's plant and properties during the three year period ended December 31, 1948.

Applicants state that the proposed transactions were expressly authorized by the Massachusetts Department of Public Utilities by order dated December 10, 1946.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-636; Filed, Jan. 22, 1947; 8:52 a. m.]

[File No. 70-1437]

ELECTRIC BOND AND SHARE CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of January A. D. 1947.

Notice is hereby given that an application and declaration have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Bond and Share Company (Bond and Share), a registered holding company. Applicant-declarant has designated sections 9 (a), 10 and 12 (d) of the act and Rule U-44 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 27, 1947, at 11:00 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after 11:00 a. m., e. s. t., January 27, 1947, such application and declaration, as filed or as amended, may be granted and may become effective, respectively, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application and declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Bond and Share's Plan II-A, as amended, approved by the Commission on September 6, 1946, provided, among other things, that the company offer to its common stockholders warrants evidencing the right to purchase for each share of the common stock of Bond and Share held, .16 of a share of the common stock of American Gas and Electric Company (American), and .20 of a share of the common stock of Pennsylvania Power & Light Company (Pennsylvania). The company set January 17, 1947 as the record date for determining the common stockholders of the company who shall be entitled to receive such warrants and it is anticipated that the offering period will be in the early part of February 1947, although exact dates have not yet been determined. The offering period will commence on the day following the date on which notice thereof together with the warrants are mailed to the company's stockholders and will remain open for a period of 18 days.

The price at which the American and Pennsylvania common stocks will be offered will be a price (reduced by any amount necessary to equal the nearest one-quarter dollar) equal to $7 and $3.50 less, respectively, than the closing sale price of such stocks on the New York Exchanges on the day (to be selected by the company) which shall not be more than 16 days immediately preceding the first day of the offering period.

In the present application and declaration, Bond and Share requests permission to purchase at any time during the offering period common stock of American and Pennsylvania and warrants to be issued by Bond and Share in connection therewith, for the purpose of stabilizing the market prices of these securities. Any purchases by Bond and Share for the purpose of such stabilization will commence as to the common stock of American at a price (exclusive of commissions) not in excess of $7 per share above the offering price of said stock to the common stockholders of Bond and Share or the last preceding sale price on the New York Curb Exchange, whichever is lower; and as to the common stock of Pennsylvania, at a price not in excess of $3.50 per share above the offering price of said stock to the common stockholders of Bond and Share or the last preceding sale price of said stock on the New York Stock Exchange, whichever is lower. Any purchase of warrants of these securities will commence at a price not in excess of the price at which the last preceding sale of such rights was made on the New York Curb Exchange, or in the event no preceding sale has occurred, such initial purchase will be made at a price not in excess of the computed value of the rights based on differential between the offering price of the security and the last preceding sale price of such security on the respective New York Exchanges on which they are traded.

Bond and Share also requests permission to sell, during the offering period, the shares of stocks or warrants so acquired, by sales on or off the Exchanges. Any sales of stock effected off the Exchanges are to be at a price substantially equivalent to the last sales price during the day on the respective New York Exchanges where such stocks are traded. Any sale of warrants will be effected at prices not exceeding the current prices thereof quoted on the New York Curb Exchange.

The purchase by the company of warrants which are not thereafter resold will constitute a withdrawal by the company of certain shares of American and Pennsylvania from the proposed offering to its common stockholders. The company, therefore, also requests permission to sell during the offering period the number of shares of common stock of American or Pennsylvania which the rights purchased by the company (and not thereafter resold) entitle the holder thereof to purchase.

In connection with the stabilization transactions relating to the common stock of American and Pennsylvania, Bond and Share represents that it will at no time acquire a net long position (exclusive of shares presently owned by the company and not being offered to common stockholders) of shares of common stock of either American or Pennsylvania in excess of 10% of the aggregate number of shares of common stock of each of said companies being offered to its common stockholders. If the company retains any of the shares so acquired after the termination of the offering period, it will sell such shares in accordance with the provisions of Plan II-A, as amended, relating to any shares of such stock not offered to, or not purchased by, Bond and Share common stockholders.

Bond and Share requests that the order of the Commission approving the proposed transactions contain findings and recitations conforming to the provisions and requirements of section 1808 (f) of the Internal Revenue Code, as amended.

Bond and Share also requests that the Commission's order granting the application and permitting the declaration to become effective be issued as soon as possible and become effective forthwith so that the company may be in a position to expedite the consummation of its Plan II-A, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-637; Filed, Jan. 22, 1947; 8:52 a. m.]

JAN 27 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 17

Washington, Friday, January 24, 1947

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 4—OIL AND GAS LEASES

OIL AND GAS RIGHTS; POLICY

By virtue of the authority vested in the Secretary of Agriculture by the act of August 14, 1946 (60 Stat. 1062), and 40 Ops. Att'y Gen. No. 7, I, Clinton P. Anderson, Secretary of Agriculture, do hereby amend §§ 4.1 and 4.2 of Part 4, Subtitle A, Title 7, Code of Federal Regulations, as follows:

1. Section 4.1 is amended to read as follows:

§ 4.1 *Oil and gas rights to which the regulations in this part apply.* The regulations promulgated are applicable to oil and gas rights owned by the United States and under the jurisdiction of the Department of Agriculture or any agency thereof. They are not applicable to oil and gas rights in (a) lands with respect to which the mineral functions were transferred to the Secretary of the Interior for administration pursuant to Reorganization Plan No. 3 of 1946 (11 F. R. 7875); (b) lands reserved from the public domain or acquired by exchange pursuant to the act of March 20, 1922 (42 Stat. 465, 16 U. S. C. 485, 486), as such lands are subject to the laws applicable to the public domain and the authority to execute such laws is vested in the Secretary of the Interior; or (c) lands acquired by any agency under the supervision of the Farm Credit Administration.

Information as to the lands and mineral rights as to which the regulations in this part apply can be obtained from the local forest supervisor or from the State Director of the Farmers Home Administration.

2. Paragraph (a) of § 4.2 is amended to read as follows:

§ 4.2 *Policy as to development.* (a) In lands subject to the provisions of the Farmers Home Administration Act of 1946 (60 Stat. 1062), the Secretary will issue leases for general development of oil and gas resources upon his determination that such leases are for the best interests of the United States.

(39 Stat. 1150; 16 U. S. C. 520)

Issued this 20th day of January 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-725; Filed, Jan. 23, 1947; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 904—MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

TERMINATION OF EMERGENCY PERIOD NO. 1

On January 7, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 105) regarding the termination of § 904.201 *Emergency Period No. 1* (11 F. R. 12221), which became effective by declaration of the market administrator pursuant to the applicable provisions of Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, that an emergency existed in said marketing area in that the milk supply available to the marketing area from producers and from plants designated as pool plants under Order No. 27 was insufficient to meet the demand for Class I milk in the marketing area. After consideration of all relevant matters presented pursuant to the aforesaid notice, it is hereby found and determined that: (1) milk supply available to the marketing area from producers and from plants designated as pool plants under Order No. 27 is now sufficient to meet the demand for Class I milk in the Greater Boston, Massachusetts, marketing area and that the aforesaid emergency no longer exists; and (2) any delay in the effective date of the termination of the aforesaid emergency period beyond that herein specified would tend to obstruct the

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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effectuation of the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and therefore publication of this termination not less than 30 days prior to its effective date (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest.

It is therefore ordered, That on and after the effective date hereof the aforesaid § 904.201 *Emergency Period No. 1*, shall be and is hereby terminated.

(Order No. 4, as amended (8 F. R. 3109, 8294; 9 F. R. 4972; 11 F. R. 5897, 10693, 14093)

Issued at Boston, Massachusetts, this 16th day of January 1947, to be effective on and after the 20th day of January 1947.

[SEAL] RICHARD D. APLIN,
Acting Market Administrator.

[F. R. Doc. 47-754; Filed, Jan. 23, 1947; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51604]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES FOR LUMBER

The application of T. D. 50498,[1] as modified by T. D. 50555,[1] and T. D. 50833,[1] requiring additional information on customs invoices for lumber (including sawed timber), planed or dressed on one or more sides, and Western white spruce lumber, is hereby suspended with respect to such lumber admitted free of duty and import tax pursuant to Presidential Proclamation 2708, dated October 25, 1946 (11 F. R. 12695), and T. D. 51565 (11 F. R. 13460).

(Sec. 481 (a) (10), 46 Stat. 719; 19 U. S. C. 1481 (a) (10))

Paragraph (l) of § 8.13 *Contents of invoices; incomplete invoices; general requirements supplemented*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (l)), as redesignated by T. D. 51059 (9 F. R. 9398), is hereby further amended, by changing to a semicolon the period at the end of the date opposite the item "Lumber (including sawed lumber) planed or dressed on one or more sides." and adding "T. D. 50833, March 18, 1943;" and the number and date of this decision, and by changing to a semicolon the period at the end of the date opposite the item "Western white spruce lumber for which exemption is claimed from the import tax prescribed by the first sentence of Internal Revenue Code, sec. 3424 (a)." and adding the number and date of this decision.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: January 17, 1947.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-735; Filed, Jan. 23, 1947; 8:48 a. m.]

[T. D. 51603]

PART 22—DRAWBACK

CERTIFICATES OF IMPORTATION; VESSEL'S SUPPLIES

The first sentence of paragraph (d) of § 22.17 *Certificates of importation and extracts*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 22.17 (d)), is hereby amended to read as follows: "No certificate of importation shall be issued until the import entry covering the merchandise to be certified shall have been liquidated, the liquidated duties have been paid, and such liquidation shall have been made final by operation of law or by acceptance in writing by the importer."

(Sec. 313, 46 Stat. 693; secs. 402, 403, 49 Stat. 1960; sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

The last sentence of paragraph (g) of § 22.22 *Supplies for certain vessels and aircraft*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 22.22 (g)), as redesignated and amended by T. D. 51567 (11 F. R. 13512), is hereby further amended by inserting the words "less than" before "$50."

(Sec. 5 (a), 52 Stat. 1080, sec. 3, 55 Stat. 602; 19 U. S. C. and Sup. 1309)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: January 17, 1947.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-736; Filed, Jan. 23, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of Temporary Controls

Subchapter D—Rules Affecting the Office of War Mobilization and Reconversion

PART 31—ESTABLISHMENT AND ORGANIZATION OF THE OFFICE OF PREMIUM PRICE PLAN FOR COPPER, LEAD, AND ZINC

Corrected Reprint

The following Part 31 which appeared as Part 3 in the issue of Thursday, January 23, 1947, page 470, is recodified and reissued as follows:

Sec.
31.1 Establishment of the Office of Premium Price Plan.
31.2 Organization of the Office of Premium Price Plan.
31.3 Appointment and functions of Director.
31.4 Appointments and functions of the Premium Review Board.
31.5 Basic regulations of the Premium Price Plan.
31.6 Responsibilities of the Office of Metals Reserve, Reconstruction Finance Corporation.
31.7 Transfer of personnel, records, and funds.
31.8 Effective date.

AUTHORITY: §§ 31.1 to 31.8, inclusive, issued under E. O. 9809, Dec. 12, 1946, 11 F. R. 14281.

§ 31.1 *Establishment of the Office of Premium Price Plan.* Pursuant to authority of Executive Order No. 9809, dated December 12, 1946, there is hereby established in the Office of War Mobilization and Reconversion, the Office of Premium Price Plan for Copper, Lead, and Zinc, hereinafter referred to as the Office of Premium Price Plan.

§ 31.2 *Organization of the Office of Premium Price Plan.* The Office of Premium Price Plan shall be composed of a Director, a Premium Review Board, and other necessary staff as determined by the Commissioner of War Mobilization and Reconversion.

§ 31.3 *Appointment and functions of Director.* (a) The Director shall be appointed by the Commissioner of War Mobilization and Reconversion. Under the policies of the Premium Review Board as approved by the Commissioner in the manner outlined in paragraph (b) of this section and § 31.4, he shall operate the Premium Price Plan pursuant to section 6 (a) of the Price Control Extension Act of 1946, Public Law 548, 79th Congress, approved July 25, 1946, and to directives and rules heretofore issued for the operation of the Premium Price Plan and such directives and regulations as may hereafter be issued by the Commissioner of War Mobilization and Reconversion, including regulations and amendments issued in accordance with § 31.5.

(b) *Assignment and revision of quotas.* The Director shall be responsible for the analytical work in connection with applications for and revisions of quotas and shall make recommendations to the Premium Review Board with respect to each quota and revision, subject to the exception provided in § 31.4.

§ 31.4 *Appointment and functions of the Premium Review Board.* The Premium Review Board shall be composed of three members, one appointed by the Commissioner of Civilian Production and who shall act as chairman; one appointed by the Commissioner of Price Administration and one appointed by the Board of Directors of the Reconstruction Finance Corporation. The Director shall not be appointed to the Premium Review Board. The Premium Review Board shall consider the recommendations of the Director as to the assignment and revision of quotas and shall determine, in each case, the assignment of the quota or the revision of the quota: *Provided*, That the Premium Review Board may establish standards and classifications which when certified to the Director in writing by the Board, will permit the assignment of quotas or quota revisions in accordance therewith without further reference to the Premium Review Board. Upon such determination the Director shall then issue, over his signature, the assignment or revision as so determined. The Premium Review Board shall also consider and determine questions of policy, subject to the approval of the Commissioner of War Mobilization and Reconversion. The Premium Review Board shall pass on appeals arising in the operation of the Plan. Appeals from a final decision of the Board may be taken to the Commissioner of War Mobilization and Reconversion, whose decision shall be final.

§ 31.5 *Basic regulations of the Premium Price Plan.* The Director shall cause to be prepared and upon approval by the Premium Review Board, shall submit to the Commissioner of War Mobilization and Reconversion for publication in the FEDERAL REGISTER, basic regulations under which the Premium Price Plan is operated, and shall cause them to be amended subject to the same approval, from time to time, as may be required,

[1] 19 CFR, Cum. Supp.

§ 31.6 *Responsibilities of the Office of Metals Reserve, Reconstruction Finance Corporation.* The Office of Metals Reserve, Reconstruction Finance Corporation, shall be responsible for the fiscal operations of the Premium Price Plan and shall make the payments required by the quota assignments.

§ 31.7 *Transfer of personnel records and funds.* Prior to organization of the Office of Premium Price Plan, the Commissioner of War Mobilization and Reconversion, the Commissioner of Civilian Production and the Commissioner of Price Administration shall present for the approval of the Temporary Controls Administrator a budget for the operation of the Office of Premium Price Plan for the remainder of the current fiscal year supported by a listing of the positions and personnel to be transferred, and a schedule showing details of the estimated cost for each object of expenditure and the amount which it is proposed to transfer from each appropriation currently available for the purpose. Upon approval of the said budget the positions, personnel and funds listed therein shall be transferred to the Office of War Mobilization and Reconversion together with the necessary records and equipment as agreed upon by the respective commissioners and approved by the Administrator. Any unpaid obligations not listed specifically in the approved budget shall be liquidated by the office in which such obligations are now recorded.

§ 31.8 *Effective date.* The provisions of this order shall become effective on January 27, 1947.

Issued this 16th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-633; Filed, Jan. 22, 1947; 8:45 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 297]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
281100	Miscellaneous vegetable products; inedible: Cornstarch and corn flour (include edible).

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: January 20, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-744; Filed, Jan. 23, 1947; 8:46 a. m.]

[Amdt. 298]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting the qualifying footnote with reference to the following commodities and substituting therefor a qualifying footnote reference meaning "Requires individual license for export to all areas except the Philippine Islands, and all countries in North and South America as listed in Schedule C of the Bureau of the Census, U. S. Department of Commerce":

Dept. of Comm. Sched. B No.	*Commodity*
	Other edible animal products:
009400	Meat extracts.
	Table beverage materials:
150500	Tea.
	Fertilizers and fertilizer materials:
	Phosphatic fertilizer materials:
	Phosphate rock, Florida:
851510	High-grade hard rock.
851520	Land pebble.
851580	Phosphate rock, Tennessee, Idaho and Montana.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: January 20, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-745; Filed, Jan. 23, 1947; 8:46 a. m.]

[Amdt. 295]

PART 806—TECHNICAL DATA

Part 806 *Technical data* is hereby amended to read as follows:

Sec.
806.1 Definition.
806.2 General licenses:
806.3 General provisions.

AUTHORITY: §§ 806.1 to 806.3, inclusive, issued under sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245.

§ 806.1 *Definition.* Technical data is hereby defined as "any professional, scientific or technical information, including any model, design, photograph, photographic negative, document, or commodity, containing a plan, specification, or descriptive or technical information of any kind which can be used or adapted for use in connection with any process, synthesis or operation in the production, manufacture, reconstruction, servicing, repair, or use of any commodity."

§ 806.2 *General licenses*—(a) *Definition.* A general license is a license issued by the Department of Commerce for which no application is required, available for use by all persons, permitting exportation of specified classes of technical data to specified countries or consignees in accordance with the regulations herein prescribed and those which may be prescribed at the time of issuance of such general license.

(b) *United States Government or agency thereof.* A general license is hereby issued permitting exportation of all technical data when consigned to any agency or instrumentality of the United States Government, *Provided*, That any technical data exported under this general license shall be for the official use of the United States Government or one of its agencies or instrumentalities. Included within the provisions of this general license are exportations of technical data for use by a government contractor engaged in construction of military installations when exported by a branch of the United States armed forces or consigned to a supervising military officer. Any person exporting under this general license shall mark conspicuously on the envelope or outside wrapper "General License No. TD–U. S."

(c) *General technical data.* A general license is hereby issued permitting exportation of technical data to any destination: *Provided*, (1) That no officer or agency of the United States Government has placed any condition or restriction on the dissemination or exportation of such technical data; or (2) That if such a condition or restriction exists, the exporter has obtained permission in writing to export the technical data to the country of ultimate destination from the agency or officer of the United States Government who has placed such condition or restriction thereon. Any person exporting under this general license shall mark conspicuously on the envelope or wrapper "General License TD–GEN".

§ 806.3 *General provisions.* (a) No exportation may be made under general license TB–GEN of technical data against which a restriction or condition has been placed with the knowledge or intention that the technical data so exported are to be re-exported from the country of destination to which the permission was granted.

(b) Technical data not exportable under the provisions of the general licenses described in § 806.2 may not be exported.

(c) *Patent applications.* Technical data contained in papers relating to patent applications based on inventions made in a foreign country which are to be exported for informational purposes and not for the purpose of filing in a foreign country may, if otherwise qualified, be exported under general license.

Patent applications based on inventions made in the United States, amendments thereto, or other papers relating thereto, which are to be exported for the purpose of filing in a foreign country or which may become the basis of an application or an amendment to an application already filed in a foreign country, are subject to regulations of the Commissioner of Patents, and, after licensing for filing by the Commissioner of Patents, are exportable under general license.

Dated: January 17, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-742; Filed, Jan. 23, 1947; 8:48 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Direction 13, as Amended Jan. 23, 1947]

PRODUCTION AND SALE OF HOUSE TRAILERS UNDER THE VETERANS' EMERGENCY HOUSING PROGRAM

The following amended direction is issued pursuant to Priorities Regulation 33:

(a) *What this direction does.* Under this direction, trailer manufacturers have been given priorities assistance for use in getting certain materials to be used in the manufacture and sale of certain kinds of house trailers. The assistance was given on Form NHA 14-44, for the latter part of 1946 only. No further assistance is being given under this direction. Therefore, trailer manufacturers may not use the authorizations (Form NHA 14-44) to place orders after December 31, 1946. Unfilled HH-rated or certified orders placed before that date and calling for delivery by that date remain valid for delivery after that date.

The restrictions of this direction continue to apply to the manufacturers' use of materials obtained with priorities assistance and to the manufacturers' and dealers' sales of house trailers manufactured with such materials. However, the use and filing of Form NHA 14-45 (Report of Sale) are no longer required.

In general, the restrictions on the manufacture of house trailers are directed at channeling materials into moderate cost house trailers suitable for full-time housing use, and the sales restrictions are directed at channeling house trailers to purchasers needing them for full-time house use and at giving preference to veterans of World War II in buying house trailers for that purpose.

Definitions

(b) *Definitions.* For the purpose of this direction:

(1) "House trailer" means a mobile shelter made in a factory and designed as follows: (i) to be used as housing accommodations, (ii) to be towed on the public highway on an undercarriage attached to the shelter as a permanent integral part of it, and (iii) to be used or towed without dismantling or substantial change in external dimensions. Except where otherwise specified in this direction, this term includes a house trailer designed as above but sold in "demounted" condition (i. e., without an undercarriage).

(2) "VEHP house trailer" means a house trailer manufactured with the use of priorities assistance under the Veterans' Emergency Housing Program.

(3) "Trailer manufacturer" means any person engaged in the business of manufacturing house trailers for sale.

(4) "Institutional purchaser" means an educational institution or public organization buying one or more house trailers to provide housing accommodations for veterans or for local emergency housing situations.

(5) [Deleted Dec. 31, 1946.]

Priorities Assistance for Manufacturers

(c)–(f) [Revoked Dec. 31, 1946.]

Restrictions on Manufacturers

(g) *Use of materials.* A trailer manufacturer may use materials obtained under this direction only for the manufacture of house trailers in moderate-cost models of the types for which priorities assistance was granted. A "moderate-cost model" is one which, under the maximum price regulations of the Office of Price Administration applicable on November 9, 1946, had a maximum retail price of not more than (1) $2500 with at least minimum standard equipment included or (2) $2500 minus the maximum retail list prices or other appropriate amounts for any minimum standard equipment not included.

"Retail price" means retail price f. o. b. plant, exclusive of the manufacturer's federal excise tax and exclusive of any state and local sales taxes customarily separately stated by the seller as being in addition to the selling price. "Minimum standard equipment" means the equipment and furnishings necessary to provide livable housing accommodations, including at least the following: (1) sleeping facilities for at least four persons, (2) heating unit, (3) interior-lighting equipment, (4) cooking unit, (5) refrigerator, (6) sink, (7) work table, and (8) storage facilities.

(h) *Identifying marking.* Any house trailer in which materials obtained under this direction have been used must be marked by the trailer manufacturer to identify it as a VEHP house trailer. This is to be done by adding the letters "VEHP" to the serial number stamped, stencilled, or otherwise placed on the house trailer.

(i) *Prohibited sales.* A trailer manufacturer must not sell a VEHP house trailer to any purchaser except to one of those specified in paragraph (j) below. He must make reasonable efforts to verify the eligibility of such purchasers under this direction. He may rely on statements made by purchasers unless he knows, or has reason to believe, that they are not true.

(j) *Permitted sales.* A trailer manufacturer may sell VEHP house trailers to the following purchasers, under the conditions specified

(1) He may sell a mounted or demounted house trailer to a dealer from whom he has received a copy of a dealer's statement as described in paragraph (1) below.

(2) He may sell a mounted or demounted house trailer to an institutional purchaser eligible under paragraph (p) below.

(3) He may sell a mounted house trailer to an individual purchaser who is eligible under paragraph (p) below, and who, in addition, establishes veterans' preference under paragraph (q) below.

(k) [Deleted Jan. 23, 1947.]

Restrictions on Dealers

(l) *Filing of "dealer's statement".* A dealer may not accept delivery of a VEHP house trailer from the trailer manufacturer unless he has filed a "Dealer's Statement" with the National Housing Agency, Washington 25, D. C., and, in addition, has sent a copy of that statement to the trailer manufacturer. A dealer who has filed a "Dealer's Statement" with the appropriate State or District Office of the Federal Housing Administration need not file again with the National Housing Agency. The "Dealer's Statement" shall be in writing and in substantially the following form:

DEALER'S STATEMENT

I certify to the Civilian Production Administration and to the National Housing Agency that I am a dealer in house trailers; that I wish to become eligible to receive house trailers manufactured under the Veterans' Emergency Housing Program; that I am familiar with the dealers' restrictions in Direction 13 to Priorities Regulation 33 (issued by the Civilian Production Administration), including the 60-day veterans' preference; and that I will comply with the terms of that direction in making sales of VEHP house trailers.

Name of Dealer's Firm

Address
By

Title of Authorized Official

Date

(m) *Prohibited disposition.* A dealer may not dispose of a new VEHP house trailer except by sale to any purchaser specified in paragraph (n) below. He must make reasonable efforts to verify the eligibility of such purchasers under this direction. He may rely on statements made by purchasers unless he knows, or has reason to believe, that they are not true.

(n) *Permitted sales.* A dealer may sell a VEHP house trailer to any of the following purchasers under the conditions specified:

(1) *Demounted VEHP house trailers.* A dealer may sell a new demounted VEHP house trailer only to an institutional purchaser eligible under paragraph (p) below. Such a sale may be made at any time.

(2) *Mounted VEHP house trailers.* A dealer may sell a new mounted VEHP house trailer to an institutional purchaser eligible under paragraph (p) below. Such a sale may be made at any time. A dealer may also sell a new mounted VEHP house trailer to an individual purchaser who is eligible under paragraph (p) below. He may make such a sale at any time, if the eligible purchaser establishes veterans' preference under paragraph (q) below. However, he may sell it to any other eligible individual purchaser only after publicly offering it, for 60 days, for sale to purchasers with veterans' preference. In making a public offering, the dealer must keep the trailer on display and must conspicuously post, at his place of business, a sign stating that he has VEHP house trailers for sale to purchasers with veterans' preference. The sign shall be at least 9" x 12" in size.

(o) [Deleted Jan. 23, 1947.]

Eligible purchasers and veterans' preference

(p) *Eligible purchasers.* A purchaser who is not a dealer is eligible to buy a new VEHP house trailer under the following circumstances only:

(1) *Individual purchasers.* An individual may buy a mounted VEHP house trailer only if (i) he is buying it for his own full-time housing use and (ii) he certifies to that purpose in writing. An individual may buy a mounted VEHP house trailer only if he is buying it for his own full-time housing use.

(2) *Institutional purchasers.* An institutional purchaser may buy one or more mounted or demounted VEHP house trailers only if (i) it is buying them to provide housing facilities for veterans or for local emergency housing situations, and (ii) it shows, to the seller, a written statement from the Federal Public Housing Authority, signed by an authorized official, stating that it considers the specified number of house trailers necessary and desirable for the purpose.

(See paragraph (r) below about the applicability of VHP–1 to installation of demounted house trailers.)

(q) *Eligible purchasers with veterans' preference.* An individual purchaser is entitled to veterans' preference in buying a new VEHP house trailer under the following circumstances only: (1) He must be eligible under paragraph (p) above, (2) he must be in one of the classes on List 1 to this direction, and (3) he must show satisfactory documentary evidence of that status to the seller of the house trailer.

Other Provisions

(r) *Applicability of VHP–1.* The installation of a demounted house trailer on a foundation would be "construction" under Veterans' Housing Program Order 1, and, in general, requires authorization under that order. Application, by an institutional purchaser, for such authorization should be made to the appropriate regional office of the Federal Public Housing Authority.

(s) *Communications and appeals.* Communications regarding the provisions of this direction, and appeals from those provisions, should be sent to the National Housing Agency, Washington 25, D. C. Ref: Dir 13 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

(t) *Violations.* Any person who wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(u) *Reporting and record requirements approved.* The reporting and record requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 23d day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: List 1 added Jan. 23, 1947.

LIST 1

PURCHASERS ELIGIBLE FOR VETERANS PREFERENCE

A purchaser is eligible, under paragraph (q) of Direction 13 to PR 33, for veterans' preference in buying a new mounted VEHP house trailer if he is in one of the following classes and if, in addition, he meets the other requirements stated in paragraph (q):

(a) A person who (1) has served in the active military or naval forces of the United States on or after September 16, 1940, (2) has been discharged or released therefrom under conditions other than dishonorable, and (3) wishes to buy the house trailer for his own full-time housing use or for the full-time housing use of his dependent family.

(b) A person who (1) is serving in the active military or naval forces of the United States, (2) requires dwelling accommodations for his dependent family, and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

(c) The spouse of a veteran (as described in paragraph (a) of this list) who died after being discharged or released from service, or the spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse wishes to buy the house trailer for full-time housing use by her (him) and a child or children of the deceased.

(d) A citizen of the United States who (1) served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable), (2) requires dwelling accommodations for his dependent family, and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

(e) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine and who (1) requires dwelling accommodations for his dependent family, and (2) wishes to buy the house trailer for the full-time housing use of his dependent family.

(f) A citizen of the United States who (1) as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, (2) requires dwelling accommodations for his dependent family and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

[F. R. Doc. 47–791; Filed, Jan. 23, 1947; 11:18 a. m.]

PART 944—REGULATION APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Regulation 33, Revocation of List 1 to Direction 13]

PURCHASERS ELIGIBLE FOR VETERANS' PREFERENCE IN BUYING VEHP HOUSE TRAILERS

List 1 to Direction 13 to Priorities Regulation 33 is revoked, since it is being combined with Direction 13 to Priorities Regulation 33, as amended simultaneously with this revocation.

This revocation does not affect any liabilities for violation of the list or of actions taken by the Civilian Production Administration, the Housing Expediter, or the National Housing Administration under the list.

Issued this 23d day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–792; Filed, Jan. 23, 1947; 11:18 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 6, as Amended Jan. 23, 1947]

USE OF CC RATINGS FOR TRUCKS

The following amended direction is issued pursuant to Priorities Regulation 28:

(a) *Purpose of this direction.* The purpose of this direction is to restrict the assignment of CC ratings for new trucks and the use of CC ratings which have been assigned.

(b) *Definition of truck.* For the purpose of this direction "truck" means any new light, medium or heavy motor truck, truck-tractor or the chassis therefor, or any chassis on which a bus body is to be mounted and which (1) was designed to be propelled or drawn by mechanical power; (2) was designed for use on or off-the-highway, for transportation of property or persons. This definition includes vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, bus chassis, carry-all suburbans, sedan deliveries and cab pickups, but does not include station wagons, coupes fitted with pickup boxes, ambulances, hearses, taxicabs and integral type busses.

(c) *Limitation on use of CC ratings.* CC ratings may be used only to purchase new trucks from a distributor or dealer. Notwithstanding the provisions of PR–3, a distributor or dealer may not extend a CC rating.

(d) *When CC ratings will be assigned for new trucks.* CC ratings will be assigned for new trucks under the general rules of Priorities Regulation 28 as amended January 8, 1947, except that they will not be assigned under paragraph (b) (1) to provide essential utility services, and will not be assigned under paragraph (b) (1) (iii) II for capital equipment which is a bottleneck in the production or erection of housing accommodations.

(e) [Deleted Jan. 8, 1947.]

Issued this 23d day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–793; Filed, Jan. 23, 1947; 11:18 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of Interior

Appendix—Public Land Orders

[Public Land Order 19]

ALASKA

ENLARGING AIR-NAVIGATION SITE WITHDRAWAL NO. 149

By virtue of the authority contained in the act of March 12, 1914, 38 Stat. 305, 307 (U. S. C., title 48, sec. 303), and section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. title 49, sec. 214), and under and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

SECTION 1. Executive Order No. 3825 of April 14, 1923, withdrawing and reserving certain lands in Alaska for townsite purposes, is hereby modified to the extent, and only to the extent, necessary to permit the Department of Commerce, subject to valid existing rights, including the rights, if any, of the public to areas heretofore platted as streets, to use the following-described townsite lots and street areas in connection with Air-Navigation Site Withdrawal No. 149, established by order of the Assistant Secretary of the Interior dated December 13, 1940:

FAIRBANKS MERIDIAN

T. 4 S., R. 8 W.,
Blocks 86, 87, 88, 89, 90, 95, 96, 97, 98, 99, 103, 104, 105, 106, and the intervening street areas; also the street areas between blocks 90 and 91, 91 and 94, 94 and 95, 106 and 107, 94 and 107 in U. S. Survey No. 1503, Acreage Addition to Nenana Townsite.

The areas described aggregate 241.20 acres.

SEC. 2. The following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws and reserved, subject to valid existing rights, for the use of the Department of Commerce as an addition to the said Air-Navigation Site Withdrawal No. 149:

FAIRBANKS MERIDIAN

T. 4 S., R. 7 W.,
sec. 31, W½,, unsurveyed;
T. 5 S., R. 7 W.,
sec. 6, W½, unsurveyed;
T. 4 S., R. 8 W.,
sec. 25, E½NW¼ and S½,
sec. 26, E½SE¼;
T. 5 S., R. 8 W.,
sec. 1,
sec. 12, N½.

The areas described aggregate 2,080 acres.

SEC. 3. Executive Order No. 8596 of November 18, 1940, setting apart certain of the above-described lands for aviation-field purposes, is hereby revoked.

SEC. 4. This order contains information affecting the National Defense of the United States and shall not be published in the FEDERAL REGISTER, or otherwise made public, except on prior authorization by the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

AUGUST 4, 1942.

[F. R. Doc. 47–686; Filed, Jan. 23, 1947; 8:53 a. m.]

[Public Land Order 17]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 179

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U. S. C., title 43, secs. 141–143), and under and pursuant to Executive Order No. 9146 of April 24, 1942, and the provisions of section 4 of the act of May 24, 1928, c. 728, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is hereby ordered as follows:

SECTION 1. Executive Order No. 8344 of February 10, 1940, temporarily withdrawing public lands on Kodiak Island and certain other islands, Alaska, for classification and in aid of legislation, is hereby revoked so far as it affects the tracts of public land on Woody Island lying within the following-described boundaries:

TRACT 1

Beginning at corner No. 15 of U. S. Survey No. 626 on Woody Island in the Kodiak Group, located in approximate latitude 57°46'50" N., longitude 152°20'30" W., thence by metes and bounds,

N. 48°45' E., 723.0 feet;
N. 43°15' E., 822.0 feet;
N. 28°00' E., 800.0 feet;
East, 860.0 feet, to a point on the shore line on the east side of Woody Island;

Southerly, 13,200.0 feet, along shore of Chiniak Bay at mean high tide to corner No. 4 of U. S. Survey No. 1674;
North, 1,585.32 feet, along east boundary of U. S. Survey No. 1674 to corner No. 5 thereof;
West, 242.22 feet, along north boundary of U. S. Survey No. 1674 to corner No. 6 thereof;
N. 37°45' E., 1,267.0 feet, along southeast boundary of U. S. Survey No. 626;
N. 52°15' W., 3,007.6 feet;
N. 37°45' E., 3,285.0 feet, to point of beginning, containing 728 acres.

TRACT 2

A right-of-way 100 feet wide for an access roadway the center line of which is described as follows:

Beginning at a point on the west boundary of the tract above described, from which corner No. 15 of U. S. Survey No. 626 bears N. 37°45' E., 3,065.0 feet, thence by metes and bounds,

N. 47°52' W., 285.0 feet;
S. 60°15' W., 213.8 feet;
S. 89°59' W., 158.8 feet;
S. 89°25' W., 201.8 feet;
S. 76°13' W., 459.8 feet;
S. 74°33' W., 493.8 feet;
N. 48°47' W., 144.8 feet;
N. 31°09' W., 166.8 feet;
N. 66°14' W., 84.8 feet;
N. 10°12' E., 201.8 feet;
N. 01°30' E., 368.8 feet;
N. 66°58' W., 663.8 feet;
N. 35°07' W., 215.8 feet;
N. 27°33' E., 275.0 feet, to a point near the east end of the board walk to the dock on the shore of St. Paul Harbor, containing 9 acres.

SEC. 2. The lands described in section 1 of this order are hereby withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, such reservation to be known as Air-Navigation Site Withdrawal No. 179.

SEC. 3. The reservation made by this order supersedes the withdrawals made by Executive Orders No. 8540 of September 14, 1940, and No. 8655 of January 30, 1941, withdrawing portions of the above-described lands for air-navigation site purposes.

SEC. 4. This order contains information affecting the National Defense of the United States and shall not be published in the FEDERAL REGISTER, or otherwise made public, except on prior authorization by the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 21, 1942.

[F. R. Doc. 47–691; Filed, Jan. 23, 1947; 8:54 a. m.]

[Public Land Order 151]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 205

By virtue of the authority contained in section 4 of the act of May 24, 1928, c. 728, 45 Stat. 729 (U. S. C., title 49, sec. 214), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the tract of public land near Barrow, Alaska, the boundaries of which are as hereinafter described, is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 205;

Beginning at a point on top of the escarpment, from which corner No. 3, U. S. Survey No. 2244, Tract A, in the village of Barrow, bears approximately N. 69° E., 1260 feet, latitude 71°18' N., longitude 156°30' W.

From the initial point by metes and bounds,

Northeast, 495 feet, along the top of the escarpment above the beach of the Arctic Ocean;
S. 5° W., 297 feet;
S. 40° W., 272 feet, to a point on the edge of the escarpment, above a ravine;
Northwest, 195 feet, along the top of the escarpment to the place of beginning.

The area as described contains 1.7 acres.

Permission is also granted the Civil Aeronautics Administration to construct, operate, and maintain a telephone line extending from the tract hereinabove described to the United States Army Signal Corps station at or near Barrow, over and across the public lands, the Indian School Reserve U. S. Survey No. 2244 Tracts A and B, and the Indian village lands on the location shown on the map designated DR. 8D–207–2, on file in the General Land Office. Adequate compensation shall be made for any damage to any native interests which may be caused by the construction, operation, or maintenance of the telephone line.

The reservation made and the permission granted by this order shall be subject to the withdrawals made by Executive Order No. 3797–A of February 27, 1923, for a Naval Petroleum Reserve, and Public Land Order No. 82 of January 22, 1943, withdrawing public lands in Alaska for use in connection with the prosecution of the war, so far as such withdrawals affect the above-described tract.

Jurisdiction over the lands hereby reserved shall revert to the Department of the Interior, and to any other Department or agency of the Federal Government which had any jurisdiction over such lands immediately preceding the issuance of this order, according to their respective interests, upon the expiration of the six-months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered, pending classification and a determination as to whether the lands or portions thereof are needed for public purposes.

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives, or be published in the FEDERAL REGISTER, or be given other publicity, until publication

thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 19, 1943.

[F. R. Doc. 47-706; Filed, Jan. 23, 1947; 8:56 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES RELATING TO ORGANIZATION AND PRACTICE AND PROCEDURE

ANNUAL REPORT TO BE FILED BY LICENSEES OF BROADCAST STATIONS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of January 1947:

Whereas, Form Number 324 is a report which is required to be filed annually by licensees of broadcast stations pursuant to § 1.341 of the Commission's rules and regulations issued under the authority of sections 303 (r) and 308 (b) of the Communications Act of 1934, as amended, and

Whereas, the Commission has under consideration a revision of said Schedule 13 of Form Number 324, providing for the substitution in its place of Schedules 13 (A)[1] and 13 (B)[1] and

Whereas, Schedule 13 (A) is designed for recording thereon by all broadcast stations and networks of certain data concerning the number and compensation of non-supervisory program employees, and

Whereas, Schedule 13 (B) is designed for recording thereon by all broadcast stations and networks of certain data concerning the number and compensation of non-supervisory program employees, and

Whereas, the proposed Schedules 13 (A) and 13 (B) have been discussed with interested parties and were the subject of a special conference held in the offices of the Commission on September 20, 1946 between representatives of the Commission and representatives of the Department of Labor, the Bureau of the Budget, the networks, the radio station licensees and the radio industry, and

Whereas, general notice of proposed rule making in respect thereto has been published in accordance with section 4 (a) of the Administrative Procedure Act under date of November 29, 1946, and

Whereas, suggestions and comments pertaining to the proposed revisions have been filed with the Commission, and

Whereas, the Commission has considered carefully all such suggestions and comments and has adopted a number of suggested changes and

Whereas, the public interest, convenience, and necessity will be served by the adoption of the proposed Schedules 13 (A) and 13 (B) of Form Number 324,

Now, therefore, *It is ordered*, That Schedules 13 (A) and 13 (B) of Form Number 324, required to be filed pursuant to § 1.341 *Financial report, broadcast licenses* (11 F. R. 177A-413) of the Commission's rules and regulations, be, and they are hereby adopted in the place and stead of Schedule 13 of Form Number 324, and in the form and content hereto attached,[1] and

It is further ordered, That Schedule 13 of Form Number 324, be, and it is hereby, withdrawn, and

It is further ordered, That this order be effective February 22, 1947.

(Sec. 4 (2), 48 Stat. 1066; sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 154 (i), 310 (b))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-719; Filed, Jan. 23, 1947; 8:51 a. m.]

[1] Filed as part of the original document.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 620, Amdt. 3]

PART 95—CAR SERVICE

LIGHT-WEIGHING OF BOX CARS AT BOSTON PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of January A. D. 1947.

Upon further consideration of Service Order No. 620 (11 F. R. 11708), as amended (11 F. R. 13465, 13639), and good cause appearing therefor: it is ordered, that:

Section 95.620, *Light-weighing of box cars at Boston prohibited*, of Service Order No. 620, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 6:00 p. m., January 18, 1947; that a copy of this order and direction be served upon The New York, New Haven and Hartford Railroad Company (Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees), Boston and Maine Railroad, The New York Central Railroad Company, Union Freight Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-721; Filed, Jan. 23, 1947; 8:51 a. m.]

[S. O. 422-A]

PART 95—CAR SERVICE

RAILROADS TO UNLOAD BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of January, A. D. 1947.

Upon further consideration of Service Order No. 422 (11 F. R. 250), as amended (11 F. R. 2384, 12018), and good cause appearing therefor: It is ordered, that:

Service Order No. 422 (codified as 49 C. F. R. § 95.422), *Railroads to unload box cars*, be, and it is hereby, suspended until 11:59 p. m., April 10, 1947.

It is further ordered, that this order shall become effective at 12:01 a. m., January 18, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service, Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec 4; 54 Stat. 901; 49 U. S. C. 1 (10-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-720; Filed, Jan. 23, 1947; 8:51 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENT OF TEMPLE ORANGES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 30]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF TEMPLE ORANGES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.530 *Shipments of Temple oranges.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended, (11 F. R. 8229, 8829, 10616, 13320, 14172), or the restrictions contained in Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Temple oranges packed in 1⅗ bushel wirebound Bruce boxes when the car containing such carload freight is loaded not less than four tiers high, each tier covering the full length and width of the floor space of the car.

This General Permit ODT 18A, Revised-30, shall become effective January 22, 1947, and shall expire at 11:59 p. m. June 30, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C. this 21st day of January 1947.

J. M. JOHNSON,
Director of the Office of Defense Transportation.

[F. R. Doc. 47-756; Filed, Jan. 23, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-358]

WATCH CASE INDUSTRY

NOTICE OF FURTHER HEARING[1] AND OF EXTENSION OF TIME WITHIN WHICH TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 21st day of January 1947.

Further opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, or other parties or groups (including consumers) affected by or having an interest in the proposed trade practice rules for the Watch Case Industry to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose, and upon request to the Commission, they may obtain copies of the proposed rules under consideration in the proceeding. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, which is to be filed with the Commission not later than Wednesday, February 5, 1947. The further opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., February 5, 1947, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, N. W., Washington, D. C., to any such persons, parties, groups, or organizations who desire to appear and be heard. All matters presented orally or in writing will be given due consideration by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-755; Filed, Jan. 23, 1947; 8:46 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of the Public Debt

[Department Circular No. 800]

⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B-1948

OFFERING OF CERTIFICATES

JANUARY 20, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subsciptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated ⅞ percent Treasury Certificates of Indebtedness of Series B-1948, in exchange for Treasury Certificates of Indebtedness of Series B-1947, maturing February 1, 1947. Approximately $1,000,000,000 of the maturing certificates will be retired on cash redemption.

II. *Description of certificates.* 1. The certificates will be dated February 1, 1947, and will bear interest from that date at the rate of ⅞ percent per annum, payable with the principal at maturity on February 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including $25,000 will be allotted in full, and subscriptions for amounts over $25,000 will be allotted to all holders on an equal percentage basis, but not less than $25,000 on any one subscription. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before February 1, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series B-1947, maturing February 1, 1947, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts

[1] Notice of hearing appeared 12 F. R. 49.

indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-734; Filed, Jan. 23, 1947; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management [1]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 156 ENLARGED

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U. S. C. 214, that the following-described public lands at Kenai, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Civil Aeronautics Administration, Department of Commerce, as an addition to Air-Navigation Site Withdrawal No. 156 made by the order of the Secretary of the Interior of March 17, 1941:

SEWARD MERIDIAN

T. 5 N., R. 11 W.,
sec. 5, lots 1, 2, and 5, SW¼NW¼.
T. 6 N., R. 11 W.,
sec. 28, W½;
sec. 32, N½N½;
sec. 33, W½.

The areas described aggregate 1,002.41 acres.

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

OCTOBER 10, 1942.

[F. R. Doc. 47-687; Filed, Jan. 23, 1947; 8:53 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 157 AMENDED

It appearing that the boundaries of Air-Navigation Site Withdrawal No. 157 at Iliamna, Alaska, as defined and enlarged by the departmental orders of April 19 and October 28, 1941, and January 5, 1942, should be amended by adding approximately 2,007 acres and eliminating approximately 415 acres, it is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U. S. C. 214, as follows:

SECTION 1. The additional area is hereby withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Department of Commerce as an addition to the site: *Provided*, That the withdrawal as hereby amended shall be subject to the right of the natives to cross the reserve, except the actual landing area, in traveling to their hunting grounds.

SEC. 2. The above-mentioned departmental orders are hereby revoked so far as they affect the tracts, aggregating approximately 415 acres, which are no longer needed for air-navigation site purposes.

SEC. 3. The site as amended is described as follows:

Beginning at a wooden post 4 in. square on the north shore of Iliamna Lake, from which a wooden post 4 in. square marked corner No. 1 bears N. 18°12' W., 764.3 feet and N. 86°52' W., 500 feet, in approximate latitude 59°44'30" N., longitude 154°51' W.

Thence by metes and bounds,

S. 15°48' W., 425.0 feet;
N. 0°46' W., 560.0 feet;
S. 70°00' W., 2,640.0 feet;
South, 3,550.0 feet;
West, 1,320.0 feet;
N. 60°00' W., 3,765.4 feet;
S. 70°00' W., 15,840.0 feet;
North, 11,880.0 feet;
East, 25,080.0 feet;
South, 2,800.0 feet;
Southwesterly, 3,550.0 feet, along the north shore of Lake Iliamna to point of beginning.

The area described contains approximately 4,412 acres.

SEC. 4. This order contains information affecting the National Defense of the United States and shall not be published in the FEDERAL REGISTER, or otherwise made public, except upon prior authorization by the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 24, 1942.

[F. R. Doc. 47-688; Filed, Jan. 23, 1947; 8:54 a. m.]

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 161 ENLARGED; TRANSFERS OF LANDS AND BUILDINGS TO BUREAU OF EDUCATION RESCINDED

It appearing that the boundaries of Air Navigation Site Withdrawal No. 161, near Tanana, Alaska, as defined by the departmental order of July 2, 1941, should be extended to include 1,219 acres, it is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U. S. C. 214, that this area be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Department of Commerce as an addition to such site, the boundaries as so enlarged being described as follows:

Beginning at corner No. 1, Air Navigation Site Withdrawal No. 161 of July 2, 1941, on the north side of the Yukon River about ¼ mile west of the town of Tanana in latitude 65°11' N., longitude 152°50' W., from which a U. S. Coast and Geodetic Bench Mark and Magnetic Station, being a brass plug in a concrete block, bears N. 22°11' E., 443.4 feet.

From the point of beginning by metes and bounds;

S. 0°41' E., 80.0 feet to the right bank of the Yukon River;
Thence downstream along the right bank of the Yukon River northwesterly and southwesterly approximately 21,960 feet;
North 4,400.0 feet;
East 19,566.0 feet;
N. 47°32' E., 2,276.7 feet;
N. 89°19' E., 900.0 feet;
S. 0°41' E., 4,200.0 feet;
N. 89°19' E., 200.0 feet;
S. 0°41' E., 600.0 feet;
S. 89°19' W., 1,300.0 feet;
S. 0°41' E., 750.0 feet to the place of beginning.

Containing approximately 1,650 acres.

And the transfers of certain lands and buildings within the Fort Gibbon Abandoned Military Reservation made by the letters approved by this Department on June 24 and August 19, 1926, are hereby rescinded so far as they affect any of the above-described lands and any buildings on such lands.

This order is confidential and shall not be published in the FEDERAL REGISTER or otherwise made public, except upon prior authorization by the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 22, 1942.

[F. R. Doc. 47-689; Filed, Jan. 23, 1947; 8:54 a. m.]

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 169 ENLARGED

It appearing that the boundaries of Air Navigation Site Withdrawal No. 169 near Naknek, as defined by the departmental order of October 15, 1941, should be extended to include an area of 321 acres, it is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U. S. C. 214, that such area be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Department of Commerce as an addition to the site, the boundaries of the site as so enlarged being described as follows:

Beginning at corner No. 1, on the north side of the Naknek River approximately 500 feet above the mouth of Eskimo Creek, in latitude 58°40' N. longitude 156°46' W.

[1] Formerly General Land Office.

Thence by metes and bounds,

N. 31°00' E., 876.00 feet to corner No. 2;
North 700.00 feet to corner No. 3;
West 2,738.36 feet to corner No. 4;
S. 77°05' W., 2,500.00 feet to corner No. 5;
N. 49°34' W., 3,200.00 feet to corner No. 6;
N. 40°26' E., 5,200.00 feet to corner No. 7;
S. 49°34' E., 5,780.00 feet to corner No. 8;
East 6,142.40 feet corner No. 9;
South 8,680.00 feet more or less, to the north bank of the Naknek River;

Thence downstream along the north bank of the Naknek River approximately two miles to the place of beginning,

Containing approximately 1,661 acres.

This order is confidential and shall not be published in the FEDERAL REGISTER, or otherwise made public, except upon prior authorization by the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 13, 1942.

[F. R. Doc. 47-690; Filed, Jan. 23, 1947; 8:54 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 182

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U. S. C. 214, that the public land within the following-described boundaries, near Sand Point, Alaska, be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities:

Beginning at corner No. 1 on north boundary of Amended U. S. Survey No. 55 on Popof Island in latitude 55°20' N., longitude 160°30' W., from which corner No. 3 of Amended U. S. Survey No. 55 bears N. 74° W., 113 feet.

From corner No. 1, by metes and bounds,

N. 31° E., 4,055 feet to corner No. 2;
N. 56° W., 686 feet to corner No. 3;
N. 34° E., 1,870 feet to corner No. 4;
S. 56° E., 1,582 feet to corner No. 5;
S. 15°41' W., 2,674 feet to corner No. 6;
S. 46° W., 3,169 feet to corner No. 7, on north boundary of Amended U. S. Survey No. 55;
N. 74° W., 910 feet along north boundary of Amended U. S. Survey No. 55 to corner No. 1, the place of beginning.

The tract as described contains approximately 200 acres.

This order contains information affecting the National Defense of the United States and shall not be published in the FEDERAL REGISTER, or otherwise made public, except upon prior authorization by the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 21, 1942.

[F. R. Doc. 47-692; Filed, Jan. 23, 1947; 8:54 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 183 ESTABLISHED AIR-NAVIGATION SITE WITHDRAWAL NO. 146 REDUCED LICENSE ISSUED JANUARY 24, 1941, TO THE CIVIL AERONAUTICS ADMINISTRATION REVOKED

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U. S. C. 214, that the public lands within the following-described boundaries, in the vicinity of Aniak, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities: *Provided*, That the withdrawal of the lands shall be subject to the right of the natives to cross the reserve, except the actual landing area, in traveling between their villages and to their hunting and fishing sites, and subject also to their right to occupy their fishing sites, if any, along the shore of the Kuskokwim River within the boundaries of the reserve.

Beginning at corner No. 2 of U. S. Survey No. 2236.

Thence by metes and bounds,

S. 57°14' E., 701.8 feet;
S. 16°36' W., 254.4 feet;
S. 27°49' W., 474.4 feet;
S. 32°30' W., 1,170.0 feet;
S. 53°30' W., 4,900.0 feet;
N. 59°30' W., 9,870.0 feet;
North, 4,844.2 feet;
East, 804.2 feet, to the left bank of the Kuskokwim River;
S. 59°00' E., 850.0 feet, along the left bank of the Kuskokwim River;
S. 64°43' E., 503.5 feet, along the left bank of the Kuskokwim River;
South, 1,170.0 feet;
East, 2,835.0 feet;
North, 435.0 feet, to the left bank of the Kuskokwim River;
Easterly, 5,920.0 feet, upstream along the left bank of the Kuskokwim River;
S. 31°30' W., 480.0 feet;
S. 59°26' E., 800.0 feet;
N. 31°30' E., 400.0 feet, to the left bank of the Kuskokwim River;
S. 49°40' E., 354.2 feet, along the left bank of the Kuskokwim River;
S. 53°30' E., 351.3 feet, along the left bank of the Kuskokwim River;
S. 31°30' W., 540.7 feet;
S. 56°49' E., 1,650.7 feet, to the point of beginning.

The area described aggregates approximately 1,704 acres.

The departmental order of November 26, 1940, creating Air-Navigation Site Withdrawal No. 146, is hereby revoked so far as it affects any of the above-described lands, and as to the following-described tract near Bethel, Alaska:

Beginning at a point from which the northwest corner of the U. S. Hospital Reserve bears S. 29°07' E., 194.2 feet. (The northwest corner of the U. S. Hospital Reserve bears S. 65°26' W., 2,320.0 feet from corner No. 3 of U. S. Survey No. 870.)

Thence from the point of beginning, by metes and bounds,

S. 22°30' W., 680.8 feet;
N. 67°30' W., 860.0 feet;
N. 22°30' E., 860.0 feet;
S. 67°30' E., 860.0 feet;
S. 22°30' W., 179.2 feet, to the place of beginning.

The area described aggregates approximately 17 acres.

The license issued January 24, 1941, to the Civil Aeronautics Administration to enter upon and use lands within the U. S. Hospital Reserve at Bethel, Alaska, in connection with the construction and operation of facilities for aerial navigation, is hereby revoked.

This order contains information affecting the National Defense of the United States and shall not be published in the FEDERAL REGISTER, or otherwise made public, except upon prior authorization by the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 21, 1942.

[F. R. Doc. 47-693; Filed, Jan. 23, 1947; 8:54 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 185 ESTABLISHED; AIR-NAVIGATION SITE WITHDRAWAL NO. 105 REDUCED

Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U. S. C. 214, it is ordered as follows:

SECTION 1. The public lands at Unalakleet, Alaska, lying within the following-described boundaries are hereby withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, and reserved for the use of the Department of Commerce in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 185:

Beginning at corner No. 1 M. C. identical with the northwest corner of the Unalakleet Indian Reservation created by order of the Secretary of the Interior December 10, 1941, in approximate latitude 63°53' N., longitude 160°48' W., from which U. S. L. M. No. 4 bears S. 18°27' E., 5,875.59 feet.

Thence from the initial point, by metes and bounds,

Northwesterly, 6,830 feet, along the meanders of Norton Sound to corner No. 2 M. C.;
N. 73°15' E., 3,000 feet, to corner No. 3;
S. 67°00' E., 14,930 feet, to corner No. 4;
South 9,000 feet, to corner No. 5;
S. 74°48' W., 442 feet, to corner No. 6;
N. 61°58' W., 515 feet, to corner No. 7;
N. 47°39' W., 890 feet, to corner No. 8;
N. 24°12' W., 1,130 feet, to corner No. 9;
N. 54°28' W., 960 feet, to corner No. 10;
N. 42°41' W., 1,310 feet, to corner No. 11;
N. 70°41' W., 980 feet, to corner No. 12;
N. 67°13' W., 1,620 feet, to corner No. 13;
S. 89°25' W., 1,470 feet, to corner No. 14;
N. 78°09' W., 2,428 feet, to corner No. 15 on the east boundary of the Indian Reservation;
North 2,572 feet, along the east boundary of the Indian Reservation to the northeast corner of the reservation;
West 5,280 feet, along the north boundary of the Indian Reservation to the place of beginning.

The area described contains 3,027 acres.

SEC. 2. The order of the Acting Secretary of the Interior of April 20, 1936, withdrawing certain lands in Alaska for the use of the Alaska Road Commission

in Air-Navigation Site Withdrawal No. 105, is hereby revoked so far as it affects any of the above-described lands.

SEC. 3. This order contains information affecting the National Defense of the United States, and shall not be published in the FEDERAL REGISTER, or otherwise made public, except on prior authorization by the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 14, 1942.

[F. R. Doc. 47-694; Filed, Jan. 23, 1947; 8:55 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 186

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U. S. C. 214, that the following-described public land near Fairbanks, Alaska, be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 186:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
sec. 13, lot 8, S½SW¼, NE¼SE¼, and S½SE¼;
sec. 24, W½.

The tract as decribed contains 575.11 acres.

This order contains information affecting the National Defense of the United States and shall not be published in the FEDERAL REGISTER, or otherwise made public, except upon prior authorization by the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 15, 1942.

[F. R. Doc. 47-695; Filed, Jan. 23, 1947; 8:55 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 186 ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, as an addition to Air-Navigation Site Withdrawal No. 186:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
sec. 18, lot 4, NW¼NE¼, S½NE¼, E½SW¼, and SE¼.

The areas described aggregate 388.77 acres.

The lands described shall remain withdrawn from all forms of appropriation under the public-land laws, until otherwise ordered. Jurisdiction over the lands, however, shall be returned to the Department of the Interior, without further order, effective six months after the termination of the unlimited national emergency declared by the President's Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647).

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives or be published in the FEDERAL REGISTER, or be given other publicity, until publication hereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

DECEMBER 23, 1942.

[F. R. Doc. 47-696; Filed, Jan. 23, 1947; 8:55 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 189

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U. S. C. 214, that the public land within the following-described boundaries, at Farewell, Alaska, be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 189:

Beginning at a point, from which the intersection of the center lines of the E-W and N-S runways of the Civil Aeronautics Administration Farewell Air Field, approximate latitude 62°32' N., longitude 154°08' W., on the left bank of Sheep Creek, about 17 miles west and north of Farewell Lake, Alaska, bears S. 14°41' W., 4,000 feet.

Thence from the initial point, by metes and bounds,

S. 75°19' E., 4,880 feet;
S. 14°41' W., 10,560 feet;
N. 75°19' W., 18,480 feet;
N. 14°41' E., 10,560 feet;
S. 75°19' E., 13,600 feet, to the point of beginning.

The tract described contains 4,480 acres.

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

SEPTEMBER 24, 1942.

[F. R. Doc. 47-697; Filed, Jan. 23, 1947; 8:55 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 190 ESTABLISHED AIR-NAVIGATION SITE WITHDRAWAL NO. 172 REDUCED

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U. S. C. 214, that the public lands within the following-described boundaries, near Lake Minchumina, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 190:

Beginning at a point on the west shore of Lake Minchumina at the line of ordinary high-water in approximate latitude 63°53'51" N., and longitude 152°12'45" W., from which the southwest corner of the Northeast-Southwest landing strip of the Civil Aeronautics Administration landing field, bears N. 44°47' E., 582.1 feet.

From the initial point, by metes and bounds,

Northwesterly, 900 feet, along the line of ordinary high-water of Lake Minchumina;
North, 5,800 feet;
East, 4,940 feet;
South, 1,835 feet, to the line of ordinary high-water on the shore of Lake Minchumina;
Southwesterly, 7,560 feet, along the line of ordinary high-water, to a point at the beginning of a sand spit extending into the lake;
West, 240 feet, across the sand spit to the shore of the lake;
Northwesterly, 3,200 feet, along the line of ordinary high-water of Lake Minchumina, to the point of beginning.

The tract described contains 735 acres.

The order of the Secretary of the Interior of December 31, 1941, creating Air-Navigation Site Withdrawal No. 172, is hereby revoked so far as it affects any of the above-described lands.

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

SEPTEMBER 24, 1942.

[F. R. Doc. 47-698; Filed, Jan. 23, 1947; 8:55 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 191

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U. S. C. 214, that the public land within the following-described boundaries, on Middleton Island, Alaska, be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 191:

Beginning at a point on the northernmost point of Middleton Island at the line of mean high tide in approximate latitude 59°28' N., longitude 146°19' W.

Thence from the initial point, by metes and bounds,

S. 40°40' E., 2,350 feet, on line of mean high tide, Gulf of Alaska;
S. 28°25' E., 580 feet;
S. 20°05' E., 915 feet;
S. 13°50' E., 935 feet;
S. 8°20' E., 480 feet;
S. 0°40' W., 535 feet;
S. 9°25' W., 735 feet, to a point on line of mean high tide;
N. 84°20' W., 2,960 feet, across Middleton Island, to a point on line of mean high tide;
N. 4°50' E., 2,150 feet, on line of mean high tide, Gulf of Alaska;
N. 7°25' E., 2,725 feet;
N. 10°42' E., 669.8 feet, to the point of beginning.

The tract described contains 272.8 acres.

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

SEPTEMBER 22, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 47-699; Filed, Jan. 23, 1947; 8:55 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 194

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land on Bruin Bay, Alaska, the boundaries of which are as hereinafter described, is hereby withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Civil Aeronautics Administration as a site for a weather-reporting station, the reservation to be known as Air-Navigation Site Withdrawal No. 194:

Beginning at the most northerly point of Contact Point, on the south side of the entrance to Bruin Bay, latitude 59°22'30" north, longitude 153°59'30" west.

Thence by metes and bounds,

Southeasterly, 1,280 feet, along the line of mean high tide, Kamishak Bay, to a point;
N. 68°00' W., 660 feet, across the Peninsula of Contact Point, to the line of mean high tide, Bruin Bay;
Northerly, 950 feet, along the line of mean high tide, Bruin Bay, to the point of beginning.

The tract described contains 11.7 acres.

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 3, 1942.

[F. R. Doc. 47-700; Filed, Jan. 23, 1947; 8:55 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 195

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land near Shungnak, Alaska, the boundaries of which are as hereinafter described, is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, as a site for a weather-reporting station and a landing strip for aircraft, the reservation to be known as Air-Navigation Site Withdrawal No. 195:

Beginning at a point on the left bank of Kobuk River, at the line of mean high water at the confluence with the Kuikcherk River, approximate latitude 66°53'05" N., longitude 157°06'30" W., thence by metes and bounds,

Northeasterly, 5,400 feet, upstream along the left bank of Kobuk River, along the line of mean high water;
S. 47°40' E., 10,560 feet;
S. 42°20' W., 5,280 feet;
N. 47°40' W., 5,175 feet, to the line of mean high water on the right bank of Kuikcherk River;
Northwesterly, 3,600 feet, downstream, along the right bank of Kuikcherk River, at mean high water, to the point of beginning.

The tract described contains 1,173 acres.

The lands described shall remain withdrawn from all forms of appropriation under the public land laws, until otherwise ordered. Jurisdiction over the lands, however, shall be returned to the Department of the Interior, without further order, effective six months after the termination of the unlimited national emergency declared by the President's Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647).

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 30, 1942.

[F. R. Doc. 47-701; Filed, Jan. 23, 1947; 8:55 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 196

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land near Sheep Mountain, Alaska, the boundaries of which are as hereinafter described, is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, as a site for a weather-reporting station, the reservation to be known as Air-Navigation Site Withdrawal No. 196; excepting, however, from the force and effect of this withdrawal the 200-foot right of way reserved by Executive Order No. 9145 of April 23, 1942, for the use of the Alaska Road Commission in connection with the construction, operation, and maintenance of the Glenn Highway (the road from Palmer to the Richardson Highway):

Beginning at a point, approximate latitude 61°47'16" N., longitude 147°40'05" W., from which the southeast tower of the Civil Aeronautics Administration radio communication station bears N., 34°00' W., 2,330 feet.

From the initial point by metes and bounds,

West, 5,500 feet;
North 4,000 feet;
East, 5,500 feet;
South, 4,000 feet, to the point of beginning.

The tract described contains 502 acres.

The lands described shall remain withdrawn from all forms of appropriation under the public land laws, until otherwise ordered. Jurisdiction over the lands, however, shall be returned to the Department of the Interior, without further order, effective six months after the termination of the unlimited national emergency declared by the President's Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647).

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 30, 1942.

[F. R. Doc. 47-702; Filed, Jan. 23, 1947; 8:56 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 197

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land near Kotzebue, Alaska, the boundaries of which are as hereinafter described, is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the construction and maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 197:

Beginning at Corner No. 1, U. S. Survey No. 2082, identical with Corner No. 1, U. S. Survey No. 2083, from which U. S. L. M. 2082 bears N. 45°55' W., 8.94 chains, latitude 66°53' N., longitude 162°38'30" W.

From the initial point by metes and bounds,

N. 59°59' E., 1,587.30 feet, to corner No. 10, U. S. Survey No. 2083;
N. 45°55' W., 697.15 feet, to a point on line 9–10, U. S. Survey No. 2083;
N. 44°05' E., 1,150 feet to the line of mean high tide, Kotzebue Sound;
Easterly, 3,800 feet, along line of mean high tide, Kotzebue Sound:
S. 26°30' W., 14,075 feet;
West, 4,320 feet, to a point on line of mean high tide, Kotzebue Sound;
Northeasterly, 8,350 feet, along line of mean high tide, Kotzebue Sound;
N. 67°48' E., 4,360.4 feet, to corner No. 4, M. C., U. S. Survey No. 2082;
N. 67°48' E., 699.6 feet, along the meanders of a lagoon, to corner No. 3, M. C., U. S. Survey No. 2082;
N. 45°55' W., 1,970.76 feet, along line 3–2, U. S. Survey No. 2082;
N. 44°05' E., 284 feet, along line 2–1, U. S. Survey No. 2082, to the point of beginning.

The tract described contains 1,531 acres.

The lands described shall remain withdrawn from all forms of appropriation under the public land laws, until otherwise ordered. Jurisdiction over the lands, however, shall be returned to the Department of the Interior, without further order, effective six months after the termination of the unlimited national emergency declared by the President's Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647).

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives, or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 30, 1942.

[F. R. Doc. 47-703; Filed, Jan. 23, 1947; 8:56 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 201

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land at Fort Yukon, Alaska, the boundaries of which are as hereinafter described, is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, for use in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 201: *Provided*, That the reservation made by this order shall not operate to discontinue the use by the public and the Alaska natives of the existing roads crossing the lands:

Beginning at a point on the south boundary of U. S. Survey No. 2122, Alaska, from which corner No. 1, Survey No. 2122, bears N. 87°31' W., 487 feet, approximate latitude 66°34' N., longitude 145°18' W.

From the point of beginning, by metes and bounds,

S. 87°31' E., 500 feet, along the south boundary of Survey No. 2122;
S. 2°29' W., 450 feet;
N. 87°31' W., 258 feet;
N. 32°35' W., 50 feet;
S. 56°10' W., 94 feet;
N. 66°35' W., 158 feet;
S. 23°50' W., 60 feet;
N. 66°30' W., 183 feet;
S. 47°20' W., 520 feet; to the line of ordinary high water, Yukon River;
Northwesterly, 26 feet, along line of ordinary high water, right bank of Yukon River;
N. 47°20' E., 836 feet;
N. 2°29' E., 160 feet, to the point of beginning.

The area described aggregates 6.2 acres.

The lands described shall remain withdrawn from all forms of appropriation under the public-land laws, until otherwise ordered. Jurisdiction over the lands, however, shall be returned to the Department of the Interior, without further order, effective six months after the termination of the unlimited national emergency declared by the President's Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647).

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

APRIL 8, 1943.

[F. R. Doc. 47-704; Filed, Jan. 23, 1947; 8:56 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 202

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land near Bettles, Alaska, the boundaries of which are as hereinafter described, is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, for use in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 202:

Beginning at a point on the right bank of Koyukuk River, at the line of ordinary high water, near Bettles, Alaska, approximate latitude 66°54' N., longitude 151°50' W.

From the point of beginning by metes and bounds,

West, 678 feet;
South, 455 feet;
West, 923 feet;
North, 3478 feet;
East, 1725 feet, to the line of ordinary high water, right bank Koyukuk River;
Southerly, 3080 feet, along the line of ordinarily high water, right bank Koyukuk River, to the place of beginning.

The tract described aggregates approximately 130 acres.

The lands described shall remain withdrawn from all forms of appropriation under the public-land laws, until otherwise ordered. Jurisdiction over the lands, however, shall be returned to the Department of the Interior, without further order, effective six months after the termination of the unlimited national emergency declared by the President's Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647).

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives, or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

APRIL 27, 1943.

[F. R. Doc. 47-705; Filed, Jan. 23, 1947; 8:56 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 209

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land at Skwentna, Alaska, described below by metes and bounds, is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 209:

Beginning at a wooden post on the left bank of the Skwentna River, from which corner No. 1, U. S. Survey No. 2155, Alaska, bears S. 6°55' E., 852 feet, approximate latitude 61°57' N., longitude 151°10' W.

From the initial point by metes and bounds,

Westerly, 11,760 feet, upstream, along the left bank of Skwentna River, to the mouth of a small slough;
West, 4,630 feet;
North, 7,711 feet;
S. 79°11' E., 16,197 feet, to a point on the left bank of Skwentna River;
Southerly, 8,280 feet, upstream, along the left bank of Skwentna River, to the point of beginning.

The tract as described contains 2,500 acres.

The jurisdiction granted by this order shall cease at the expiration of the six-months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941, 55 Stat. 1647. Thereupon, jurisdiction over the land hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The land, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives, or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

OCTOBER 5, 1943.

[F. R. Doc. 47-707; Filed, Jan. 23, 1947; 8:56 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 210

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land at Eagle, Alaska, described below by metes and bounds, is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 210:

Beginning at corner No. 3, U. S. Survey No. 350, Alaska, approximate latitude 64°48' N., longitude 141°12' W.

From the initial point,

N. 21°26' W., 220 feet, along line 3–2, Survey No. 350;
S. 68°03' W., 500 feet;
S. 21°57' E., 50 feet, to point on line 4–5, area No. 2 described in Department of the Interior Circular No. 1327, July 11, 1934;
N. 68°03' E., 280 feet, to corner No. 4, of said reserve;
S. 21°57' E., 325 feet, along line 4–3, of said reserve, and line 2–3 of Signal Corps Reserve, Executive Order No. 4131, January 22, 1925, to the north boundary of Alaska Road Commission Reserve;
N. 68°03' E., 1008 feet, along north boundary Alaska Road Commission Reserve to left bank Yukon River;
N. 10°00' E., 202 feet, along left bank Yukon River to corner No. 4, U. S. Survey No. 350;
S. 67°02' W., 898 feet, to corner No. 3, U. S. Survey No. 350, the place of beginning.

The tract as described contains 5.35 acres.

The jurisdiction granted by this order shall cease at the expiration of the six-months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941, 55 Stat. 1647. Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

This order is confidential and shall not be filed in the Division of the Federal Register of the National Archives, or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of Commerce.

NOTE: Secret status released by letter of the Secretary of Commerce dated October 31, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

OCTOBER 30, 1943.

[F. R. Doc. 47-708; Filed, Jan. 23, 1947; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-138]

ACCIDENT OCCURRING IN SHANNON, EIRE

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 86505 which occurred in Shannon, Eire, on December 28, 1946.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-mentioned proceeding that hearing is hereby assigned to be held on Thursday, January 30, 1947, at 9:00 a. m. (local time) in East Room, Fourth Floor, New Yorker Hotel, New York, New York.

Dated: Washington, D. C., January 20, 1947.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 47-746; Filed, Jan. 23, 1947; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Telegraph Division Order 25, Revocation]

ANNUAL REPORTS OF WIRE TELEGRAPH CARRIERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of January 1947;

The Commission, having under consideration its Telegraph Division Order No. 25, dated July 14, 1938, requiring every wire telegraph carrier subject to the Communications Act of 1934, to file with the Commission, on or before March 31st of each year, a verified report showing the purchases of new material and net prices paid for such purchases, the rates of compensation paid its construction employees, and other general information as prescribed on F. C. C. Forms Nos. 788 and 789; and

It appearing, that said order was designed to enable the Commission to maintain on a current basis, certain reproduction cost estimates of wire telegraph carrier plant made by the Interstate Commerce Commission prior to the effective date of the Communications Act of 1934;

It further appearing, that The Western Union Telegraph Company is presently the only respondent to the above order, and that this Commission has made no tentative or final valuation of Western Union properties based upon the original estimates of the Interstate Commerce Commission;

It further appearing, that the data underlying the returns to said order will under § 42.91 of the Commission's rules, be maintained permanently by Western Union and will therefore continue to be available to the Commission at the Western Union offices in New York City, N. Y.;

It is ordered, That the aforementioned Telegraph Division Order No. 25 be, and it is hereby, revoked, effective the 1st day of January 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-711; Filed, Jan. 23, 1947; 8:52 a. m.]

REQUEST FOR SPECIFIC FM CHANNELS BY APPLICANTS

JANUARY 9, 1947.

In announcing the tentative allocation plan for FM broadcast stations on December 19, 1945, the Commission stated:

This plan is published as a guide regarding the manner in which the Commission expects to allocate FM channels throughout the country. The Commission wishes to emphasize that this allocation pattern is tentative only, that the channels listed for particular cities (and their areas) will not be followed in a hard and fast manner and that departures will be made from the plan wherever it is found desirable or necessary to do so.

The Commission stated further:

In several instances there appears a lack of sufficient channels to meet the probable need for assignments. When the demand grows in these areas, it is usually possible to re-allocate channels from adjacent areas where the demand is less and where service may already be sufficient. As a result, a lack of channel listing for a particular locality does not necessarily mean that a channel cannot be made available there, should the need develop.

In accordance with the foregoing, persons interested in filing applications for FM stations for cities or areas to which no channel has been allocated or where previous grants have exhausted all allocated channels will be permitted to file an application specifying a particular channel. Similarly, persons with applications now on file for cities or areas where previous grants have exhausted all allocated channels may amend their application to specify a particular channel. In all such cases where a grant of the application for the channel specified would require a re-arrangement of the tentative allocation plan, the applicant will be required to submit with his application or amendment an exhibit explaining in detail the proposed re-arrangement and setting forth the facts which it is claimed justify the proposed re-arrangement. In instances where any question exists concerning the relative need for the specific channel in the cities or areas involved, the application will be set for hearing.

An applicant or prospective applicant who so desires may write the Commission to inquire whether a specific channel could possibly be utilized in a specific city or area.

In applying the procedure outlined above, the Commission does not contemplate a general re-arrangement of the tentative allocation plan. Use of the procedure will be confined to cases where experience has demonstrated that the tentative allocation plan does not conform to the demands for FM service in the cities or areas involved. In addition, the procedure will not be followed in instances where its application would result in shifting a channel from a smaller community or rural area to a larger city or metropolitan area without providing an equivalent channel for the community or area thus deprived. Furthermore, the procedure will not be applied to result in shifting a channel to New York City, or other similar large cities, from surrounding smaller cities.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-717; Filed, Jan. 23, 1947; 8:53 a. m.]

[Docket No. 7126]

TEXOMA BROADCASTING CO.

ORDER AMENDING ISSUES

In re application of Texoma Broadcasting Company, Wichita Falls, Texas, for construction permit; Docket No. 7126, File No. B3-P-3823.

The Commission having under consideration a petition filed December 30, 1946 by Texoma Broadcasting Company, Wichita Falls, Texas requesting leave to amend its application for construction permit (File No. B3-P-3823, Docket No. 7126) to change Paragraphs 8 and 12 of the application to delete the name of Gene L. Cagle as an officer, director and stockholder of the petitioner corporation and to show that A. Boyd Kelley, Paris, Texas as a stockholder of the corporation, and to show current stockholders of the corporation; as more particularly appears from the amendment filed simultaneously herewith; and to strike Issue No. 7 of the Commission's order of December 6, 1946, which reads as follows:

To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KFJZ at Fort Worth, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is ordered, This 3d day of January 1947, that the petition for leave to amend be, and it is hereby, granted; the said amendment filed simultaneously with the petition covering matters hereinabove described be, and it is hereby, accepted; and the above-mentioned Issue No. 7 of the Commission's order, be, and it is hereby, deleted from the Issues in hearing.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-710; Filed, Jan. 23, 1947; 8:52 a. m.]

[Docket Nos. 7554, 8037]

TRI-STATE BROADCASTING CO. AND RICHARD AUBREY RAESE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Tri-State Broadcasting Company, Cumberland, Maryland, Docket No. 7554, File No. B1-P-4625; Richard Aubrey Raese, Cumberland, Maryland, Docket No. 8037, File No. B1-P-5534; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of January 1947;

The Commission having under consideration the above-entitled applications requesting construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Cumberland, Maryland;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, and of the officers, directors and stockholders of the corporate applicant, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-716; Filed, Jan. 23, 1947; 8:53 a. m.]

[Docket No. 7896]

COLUMBIA BROADCASTING SYSTEM, INC.

PETITION FOR CHANGES IN RULES AND STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING TELEVISION BROADCAST STATIONS

JANUARY 9, 1947.

The Commission today announced the following schedule with respect to further sessions in the color television hearing (Docket No. 7896):

(1) January 27 and 28 in Room 1703, United States Court House, Foley Square, New York City. The hearing will commence each day at 10:00 a. m.

(2) January 29 at Princeton, N. J. The place of hearing will be announced at a later date. The hearing will commence at 10:30 a. m. It should be pointed out that even if the hearing in New York is concluded on January 27, the hearing in Princeton will be held on January 29.

(3) Following the above sessions, the hearing will resume in Washington, D. C. at 10:00 a. m., February 10, 1947 and will continue until concluded. This session is intended for the purpose of having cross-examination of those witnesses whose cross-examination has been deferred.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-718; Filed, Jan. 23, 1947; 8:53 a. m.]

[Docket No. 8046]

HAROLD L. SUDBURY (KLCN)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Harold L. Sudbury (KLCN), Blytheville, Arkansas, for construction permit; Docket No. 8046, File No. B3-P-4537.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the operating facilities of Station KLCN from 900 kc with 1 kw power, daytime only to 570 kc with 1 kw power day, 500 w night, unlimited time, employing a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Harding College (File No. B1-P-5405) licensee of Station WHBQ, Memphis, Tennessee, requesting a construction permit to change operating facilities from 1400 kc, with 250 w power, unlimited time, to 560 kc, with 5 kw power day and 1 kw night, unlimited time, employing a directional antenna day and night, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant to construct and operate station KLCN as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KLCN as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KLCN as proposed would involve objectionable interference with station WKBN, Youngstown, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KLCN as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KLCN as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That WKBN Broadcasting Corporation, licensee of Station WKBN, Youngstown, Ohio be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-712; Filed, Jan. 23, 1947; 8:52 a. m.]

[Docket No. 8030]

ENID BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Enid Broadcasting Company, Enid, Oklahoma, for construction permit; Docket No. 8030, File No. B3-P-5489.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of December 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Enid, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Wichita Broadcasting Company, Inc. (File No. B4-P-3747; Docket No. 6976); Air Capital Broadcasting Company, Inc. (File No. B4-P-3769; Docket No. 6977); Louis Levand, et al d/b as the Wichita Beacon Broadcasting Company (File No. B4-P-3963; Docket No. 6978); KAKE Broadcasting Company, Inc. (File No. B4-P-4157; Docket No. 6979); The KCLC Broadcasting Company, Inc. (File No. B4-P-4156; Docket No. 6982), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-715; Filed, Jan. 23, 1947; 8:53 a. m.]

[Docket No. 8048]

BOISE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Boise Broadcasting Company, Boise, Idaho, for construction permit; Docket No. 8048, File No. B5-P-4482.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 630 kc, with 5 kw power, employing a direction antenna day and night, unlimited time, at Boise, Idaho.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of KOOS, Inc., (File No. B5-P-5177) requesting a construction permit to change the operating assignment of existing station KOOS, Coos Bay, Oregon from 1230 kc, with 250 w power, unlimited time to 630 kc, with 1 kw power, to change transmitter site, install new transmitter and install directional antenna for day and night use, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing United States broadcast stations and, if so, the nature and extent

thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with Canadian Stations CKOV, Kelowna, B. C. ad CKRC, Winnipeg, Manitoba, or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of any such interference.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-713; Filed, Jan. 23, 1947; 8:52 a. m.]

[Docket No. 8049]

KOOS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Koos, Inc., Coos Bay, Oregon, for construction permit; Docket No. 8049, File No. B5-P-5177.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the operating assignment of existing station KOOS, Coos Bay, Oregon, from 1230 kc, with 250 w power, unlimited time to 630 kc, with 1 kw power, to change transmitter site, install new transmitter and install directional antenna for day and night use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Boise Broadcasting Company (File No. B5-P-4482) requesting a construction permit for a new standard broadcast station to operate on 630 kc, with 5 kw power, employing a directional antenna day and night, unlimited time, at Boise, Idaho, at a time and place to be designated by subsequent order of the Commissioner, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KOOS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KOOS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KOOS as proposed would involve objectionable interference with any existing United States broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KOOS as proposed would involve objectionable interference with Canadian Station CKOV, Kelowna, B. C., or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of any such interference.

6. To determine whether the operation of station KOOS as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of station KOOS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-713; Filed, Jan. 23, 1947; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-831]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

JANUARY 17, 1947.

Notice is hereby given that on December 23, 1946, an application was filed with the Federal Power Commission by The Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal place of business in Columbus, Ohio, and authorized to do business in the States of Ohio and Indiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the Applicant to construct and operate a regulator and measuring station on Applicant's 4-inch transmission pipeline H-101 in the southern part of York Township, Morgan County, Ohio, for the purpose of delivering and selling natural gas to Deavertown Oil and Gas Company for resale in Deavertown, Ohio.

Applicant states that the town of Deavertown has approximately 65 customers and its natural-gas requirements are estimated to be not over 25 Mcf per day or 4,000 Mcf per year. The rate to be paid for such gas is to be Applicant's standard rate for firm gas, designated as F-1 by Applicant, now on file with the Commission.

Applicant estimates the total over-all cost of construction of the facilities described herein to be $600.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of The Ohio Fuel Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 47-731; Filed, Jan. 23, 1947; 8:48 a. m.]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER ALLOWING SUPPLEMENTAL RATE SCHEDULE PROVIDING EMERGENCY RULES AND REGULATIONS APPLICABLE TO THE 1946-47 HEATING SEASON TO TAKE EFFECT

JANUARY 20, 1947.

Notice is hereby given that, on January 17, 1947, the Federal Power Commission issued its order allowing supplemental rate schedule providing emergency rules and regulations applicable to the 1946-47 heating season to take effect, entered January 17, 1947, in the above-designated matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 47-720; Filed, Jan. 23, 1947; 8:49 a. m.]

[Project No. 1176]

BRADLEY MINING CO.

NOTICE OF APPLICATION FOR SURRENDER OF LICENSE

JANUARY 20, 1947.

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) that Bradley Mining Co., licensee for Project No. 1176, has filed application to surrender the license for the project on Sugar Creek and on East Fork of South Fork of Salmon River, in Valley County, Idaho, affecting lands of the United States in Payette and Boise National Forests. The project has been used to develop power for the licensee's mining operations. Any protests against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before March 3, 1947, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 47-728; Filed, Jan. 23, 1947; 8:49 a. m.]

[Docket Nos. G-844, G-845 and G-846]

PENN-YORK NATURAL GAS CORP.

NOTICE OF APPLICATION

JANUARY 20, 1947.

Notice is hereby given that on January 8, 1947, Penn-York Natural Gas Corporation (Applicant), a Pennsylvania corporation with its principal place of business in Buffalo, New York, and authorized to do business in the States of Pennsylvania, New York and Kentucky, filed with the Federal Power Commission the following applications:

(1) An application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate a natural-gas transmission pipeline approximately 65 miles in length extending westerly and northerly from a point of interconnection with the pipeline of New York State Natural Gas Corporation (New York State) located in the Town of York, Livingston County, New York, to the Canadian International Boundary at a point on the Niagara River at or near Lewiston, New York, together with a 1200-horsepower compressor station to be located on the proposed pipeline within one mile of said interconnection. The proposed pipeline is to consist of 14-inch pipe from the interconnection to the compressor station and of 10.75-inch pipe thereafter (Docket No. G-844);

(2) An application pursuant to section 3 of the Natural Gas Act, as amended, for authorization to export natural gas from the United States to the Province of Ontario, Canada (Docket No. G-845);

(3) An application for a Presidential Permit pursuant to Executive Order No. 8202, for the construction, operation, maintenance and connection at the point on the International Boundary of the United States described in paragraph (1) above, of facilities for the exportation of natural gas to the Province of Ontario, Canada (Docket No. G-846).

Applicant proposes by means of the facilities described hereinbefore to purchase natural gas from New York State and to sell and deliver such gas to Dominion Natural Gas Company, Ltd. (Dominion), a corporation organized under the laws of the Province of Ontario and an affiliate of Applicant, at said International Boundary for distribution in the area served by Dominion in the Province of Ontario, Canada. It is estimated in the contracts covering such purchase and sale of natural gas that the total requirements for the first year of operation will be 1,500,000 Mcf and the maximum daily demand will be 15,000 Mcf. These contracts are for a period ending November 1, 1964, and thereafter until terminated upon twelve months prior written notice.

Applicant states that there is a critical shortage in the supply of natural gas available to Dominion for residential consumer purposes in the Province of Ontario which is of grave concern to the Ontario and Dominion Governments; that in 1941 supplies of natural gas available to Dominion began a rapid decline and since that time have been inadequate to meet consumer demand; that for the past five years Dominion has conducted extensive drilling programs and geological and geophysical surveys but has been unable to meet the full demand of its consumers; and that in the meantime Dominion has utilized large volumes of propane which use has been carried far beyond economic feasibility.

The applications recite that the natural gas to be exported is to be purchased from New York State which produces natural gas and purchases natural gas from Hope Natural Gas Company, which company produces natural gas in the Appalachian area and purchases natural gas from Tennessee Gas and Transmission Company, which latter company transports gas produced in Texas to West Virginia. Applicant believes that these sources of supply are adequate to meet all the needs of the customers in the United States who now procure or will procure their gas therefrom for as long a period in the future as a forecast can reasonably be made.

Applicant states that its customers are now being adequately served and that the proposed facilities described hereinbefore will constitute a separate pipeline operation that will not impair or affect in any degree whatsoever Applicant's ability to render natural-gas service at reasonable rates to its customers in the United States.

Applicant estimates the total overall capital cost of all the facilities described herein will be $1,235,610, all of which amount Applicant proposes to borrow from a commercial bank.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Penn-York Natural Gas Corporation should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 47-732; Filed, Jan. 23, 1947; 8:48 a. m.]

[Docket No. G-848]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JANUARY 20, 1947.

Notice is hereby given that on January 9, 1947, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, and authorized to do business in the States of Oklahoma, Texas, Kansas, Nebraska and Missouri, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain natural gas facilities subject to the jurisdiction of the Federal Power Commission, and all more particularly described hereafter. Applicant further seeks permission, under section 7 of the Natural Gas Act, to abandon certain natural gas facilities subject to the jurisdiction of the Federal Power Commission, as more particularly described hereafter.

The description of the facilities for which a certificate is sought is as follows:

Approximately one mile of 6-inch pipe line in Section 6, Township 32 South, Range 1 East, Sumner County, Kansas.

Applicant states the facilities will be used to serve the City of Wellington, Kansas, from Applicant's 20-inch pipeline. Applicant states it is necessary to serve the City of Wellington main line gas because local gas from the Wellington field has depleted to the point where no local gas is available.

Applicant estimates the total overall cost of construction of the proposed facilities is $10,620, which amount Applicant states it proposes to disburse from its own treasury.

The description of the facilities for which permission to abandon is sought is as follows:

(a) Approximately three and one-half miles of 8-inch pipe line formerly used to transmit gas from Wellington Compressor Station to the main line system and to the point of mixing of field and main line gas for the City of Wellington, Kansas.

(b) Approximately one mile of 8-inch pipe line formerly used to transmit a mixture of Wellington field gas and main line gas to the City of Wellington, Kansas.

(c) Approximately one mile of 6-inch pipe line formerly used to transmit gas from the main line to the point of mixture of field and main line gas for the City of Wellington, Kansas.

(d) Wellington Compressor Station including engines, compressors, build-

ings and other equipment used to pump gas from the Wellington, Kansas field.

Applicant states the facilities sought to be abandoned are no longer used or useful in view of the depletion of local gas from the Wellington field; and that the requirements of the City of Wellington, Kansas, will be met by main line gas. Applicant further states that the facilities sought to be abandoned by this application will, because of shortage of materials, become useful to Applicant elsewhere in connection with operation of its transmission system.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Cities Service Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-730; Filed, Jan. 23, 1947; 8:48 a. m.]

[Docket No. G-849]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION

JANUARY 17, 1947.

Notice is hereby given that on January 10, 1947, United Fuel Gas Company, a West Virginia corporation with its principal place of business at Charleston, West Virginia, a subsidiary of Columbia Gas & Electric Corporation, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to the Natural Gas Act, as amended, for authority to construct and operate the following facilities, to-wit:

Approximately 70 miles of 20-inch O. D. gas transmission lines in West Virginia, in the Counties of Roane, Calhoun, Gilmer, Doddridge and Wetzel. Such lines to connect those portions of Applicant's 16-inch transmission lines, the construction of which was authorized in Docket No. G-736. The proposed and authorized transmission lines will form a single high-pressure transmission line of approximately 115.7 miles extending from Applicant's Cobb Compressor Station in Roane County to a point in Monongalia County, West Virginia, where it will connect with the line of The Manufacturers Light and Heat Company.

A measuring station with four 10-inch orifice meter runs and appurtenant equipment on the aforesaid transmission line near Hundred, West Virginia, and the installation of six high-pressure compressor cylinders on three existing 1000 HP units at the Cobb Compressor Station.

Applicant states that the above facilities are necessary for the adequacy and continuity of service to present markets, including the increased requirement of the Pittsburgh Group of the Columbia System. Such facilities are estimated to increase by 41,000 Mcf per day the maximum authorized capacity of the existing facilities for delivery of natural gas to the Pittsburgh Group and they will be operated as an integral part of Applicant's system.

The total over-all capital cost of the proposed facilities is estimated to be $2,970,000, which amount Columbia Gas & Electric Corporation will provide or cause to be provided if called upon to do so.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and further to specify whether it desires a conference, the creation of a board, or a concurrent hearing as defined in said rule and the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of United Fuel Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure. The time and place of hearing herein will subsequently be duly given.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-733; Filed, Jan. 23, 1947; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7990]

CLARA BOHL HEMESOTH

In re: Bank account owned by Clara Bohl Hemesoth. F-28-3632-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Bohl Hemesoth, whose last known address is Elberfelder Strasse 82, Hagen, Westfalen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Provident Savings Bank & Trust Company, 7th and Vine Streets, Cincinnati, Ohio, arising out of a blocked account, Account Number 18206, entitled Paul V. Connolly, Attorney in fact for Clara Bohl Hemesoth, maintained at the branch office of the aforesaid bank located at 4th and Main Streets, Cincinnati, Ohio, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Clara Bohl Hemesoth, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-678; Filed, Jan. 22, 1947; 8:46 a. m.]

[Vesting Order 7992]

SOPHIE MASSOTH

In re: Bank account owned by Sophie Massoth. F-28-23280-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Massoth, whose last known address is Kleist Strasse, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Sophie Massoth, by Wells Fargo Bank & Union Trust Co., 4 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 74577, entitled Sophie Massoth, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-679; Filed, Jan. 22, 1947; 8:46 a. m.]

[Vesting Order 7995]

PAULA SALLER

In re: Bank account owned by Paula Saller, also known as Mrs. Paula Burrichter. F-28-25759-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Saller, also known as Mrs. Paula Burrichter, whose last known address is Vechta, Oldensburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Central Trust Company, 4th and Vine Streets, Cincinnati, Ohio, arising out of a savings account, Account Number 4597, entitled Paula Saller, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-681; Filed, Jan. 22, 1947; 8:47 a. m.]

[Vesting Order 7996]

FRED SCHUSTER

In re: Bank account owned by Fred Schuster. F-28-5248-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Schuster, whose last known address is Bautzeverstrasse 2, Gorlitz 1/Schlesia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Fred Schuster by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago (90), Illinois, arising out of a savings account, Account Number 262,665, entitled Fred Schuster, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-682; Filed, Jan. 22, 1947; 8:47 a. m.]

[Vesting Order 8001]

CHRISTINE MOSER VON FILSECK

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Christine Moser von Filseck, deceased. F-28-885-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Christine Moser von Filseck, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Christine Moser von Filseck, deceased, by Dominick & Dominick, 14 Wall Street, New York 5, New York, in the amount of $1,308.62, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Christine Moser von Filseck, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-683; Filed, Jan. 22, 1947; 8:47 a. m.]

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-684; Filed, Jan. 22, 1947; 8:47 a. m.]

[Vesting Order 7981]

ELIDA FRANZ GRINKE VS. KIRCH MOHR ET AL.

In re: Elida Franz Grinke vs. Kirch Mohr et al. File D-28-9482; E. T. sec. 12801.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive, Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kirch Mohr, Kirch in Vogelsberg, Elizabeth Schreck, Anna Donauer, Elizabeth Schwegel, Lena Schwegel, Charles Schwegel and Katherine Schwegel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,012.69 was paid to the Alien Property Custodian by Chilton Atkinson, Special Commissioner in the matter of Elida Franz Grinke -vs- Kirch Mohr et al.;

3. That the said sum of $2,012.69 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 8, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-747; Filed, Jan. 23, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 665]

UNLOADING OF COKE BREEZE AT BALTIMORE, MD.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of January A. D. 1947.

It appearing, that 62 cars containing coke breeze at Baltimore, Md., on The Pennsylvania Railroad Company, shipped by Keystone Acceptance Company from Sparrows Point, Md., have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Cars at Baltimore, Md., be unloaded.* The Pennsylvania Railroad Company, its agents or employees, shall unload immediately cars B&O 636801, B&O 324601 and 60 other cars, all containing coke breeze, now on hand at Canton Tidewater Coal Piers, Baltimore, Maryland, consigned to C. W. Hendley and Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 20, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-722; Filed, Jan. 23, 1947; 8:51 a. m.]

[S. O. 666]

UNLOADING OF PLYWOOD AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of January A. D. 1947.

It appearing, that a car containing plywood at Los Angeles, California, on the Southern Pacific Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Plywood at Los Angeles, Calif., be unloaded.* The Southern Pacific Company, its agents or employees, shall unload immediately car PRR 596050, loaded with plywood, now on hand at Los Angeles, California.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice to this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-723; Filed, Jan. 23, 1947; 8:51 a. m.]

[S. O. 667]

UNLOADING OF WOOL AT PHILADELPHIA, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of January A. D. 1947.

It appearing, that 20 cars containing wool in grease at Philadelphia, Pennsylvania, on The Pennsylvania Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Wool at Philadelphia, Pa. be unloaded.* The Pennsylvania Railroad Company, its agents or employees, shall unload immediately the following cars, loaded with wool in grease; now on hand at Fairhill Station, Philadelphia, Pennsylvania, consigned to Philadelphia Wool Scouring and Carbonizing Company, Glenwood and Caster Avenues, Philadelphia, Pa.:

SFE 141164	B&O 268443
WP 20389	C&O 2136
B&A 56941	SPS 11449
L&N 96662	STLBM 18358
GTW 595043	NKP 20081
MP 79157	DRGW 67591
CNW 73678	CBQ 34168
NYC 130775	RI 157734
GMO 8377	CBQ 10218
MILW 6472	PRR 538578

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-724; Filed, Jan. 23, 1947; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-973]

CINCINNATI GAS AND ELECTRIC CO.

NOTICE AND ORDER OF HEARING ON APPLICATION FOR UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of January A. D. 1947.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the $8.50 Par Value Common Stock of Cincinnati Gas & Electric Company, a security listed and registered on the Cincinnati Stock Exchange and the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

The Commission deems it necessary that a hearing be held in this matter to determine whether there exist in the vicinity of the applicant exchange sufficiently widespread public distribution of this security and sufficient public trading activity in this security to render the extension of unlisted trading privileges on the applicant exchange necessary or appropriate in the public interest or for the protection of investors, and to determine whether the extension of unlisted trading privileges otherwise is necessary or appropriate in the public interest or for the protection of investors.

Therefore it is ordered, That a public hearing be held before William W. Swift as hearing officer at 10:00 a. m. on Wednesday, February 5, 1947, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-738; Filed, Jan. 23, 1947; 8:46 a. m.]

[File No. 70-1242]

ILLINOIS POWER CO.

ORDER RELEASING JURISDICTION OVER LEGAL AND AUDITING EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of January 1947.

A declaration in the above-captioned matter regarding the issue and sale by Illinois Power Company of $45,000,000 principal amount of first mortgage bonds and $9,000,000 principal amount of sinking fund debentures having been permitted to become effective by the Commission by order dated April 18, 1946, subject to certain terms and conditions, among which was a reservation of jurisdiction over legal and auditing fees and expenses proposed to be paid in connection with the aforementioned security issues; and

The Commission having released jurisdiction over certain legal and auditing fees by order dated December 16, 1946; and

Illinois Power Company having requested the Commission to release jurisdiction over certain legal and auditing expenses and having furnished a statement of the nature and amounts of such expenses, which are as follows:

Pam, Hurd & Reichmann, $1,239.16; Anderson, Gilbert, Wolfort, Allen & Bierman, $5.12; Price, Waterhouse & Co., $341.60; Donovan, Leisure, Newton, Lumbard & Irvine (counsel for underwriters), $999.79; and

It appearing to the Commission that the foregoing expenses under the circumstances of this proceeding are not unreasonable;

It is hereby ordered, That jurisdiction over the payment of the above-described legal and auditing expenses be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-737; Filed, Jan. 23, 1947; 8:47 a. m.]

[File Nos. 54-33, 59-25]

UNITED CORP.

NOTICE OF THE FILING OF APPLICATION FOR MODIFICATION OF COMMISSION'S FINDINGS AND OPINION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of January 1947.

The Commission having, on August 14, 1943, entered its order in the above entitled proceeding directing that The United Corporation ("United") change its present capitalization to one class of stock, namely, common stock, and to take such further action to cause it to cease to be a holding company, and its accompanying findings and opinion concluding, among other things, that:

Abandonment of United's present business as a public utility holding company and embarking upon a new type of business, whether that of investment company or any other type of business, involves a drastic change in the activities of the company. Such a change will devote the funds which security holders have invested to a purpose different from that for which they were contributed. It would seem necessary that United should consult its security holders before embarking on such a program. In the light of the existing maldistribution of voting power and for other reasons, we believe no such program would be fair which does not require majority approval either of the present preferred and common stock voting by classes, or of the new common stock, should United choose to recapitalize on a one-stock basis before seeking stockholder approval of the proposed new venture. The literature soliciting such approval would, of course, be subject to our scrutiny.;

and United having filed an application for modfication of said findings and opinion so as to require only that United's plan for future operations be approved by the holders of the majority of the present common stock voting as a class, and having stated in its application that:

(a) Since entry of the Commission's Order of August 14, 1943, it has disposed of securities in its portfolio to the extent that it has ceased to be a holding company with respect to Philadelphia Electric Company, Delaware Power and Light Company and The United Gas Improvement Company, has reduced its holdings of the voting securities of Columbia Gas & Electric Corporation and retired 1,352,313 shares, or approximately 54% of its issue of $3 Cumulative Preference Stock;

(b) It anticipates within the next 12 months that it will have retired the remaining shares of its $3 Cumulative Preference Stock and asserts that it does not intend to eliminate the preference stock through a recapitalization of such stock into common stock; and

(c) It anticipates that it will have disposed of a substantial part of its holdings of voting securities of Columbia Gas & Electric Corporation, The Cincinnati Gas & Electric Company and Niagara Hudson Power Corporation, and may also dispose of its holdings of Public Service Corporation of New Jersey within the same period if pending reorganization proceedings with respect to that company are meanwhile completed; and

United having further stated that it has formulated a plan for future operations as an investment company which it proposes to submit for approval of stockholders at the annual meeting to be held on April 9, 1947, but that it will not proceed with its program as an investment company until such time as all of the outstanding shares of Preference Stock shall have been retired or adequate provision for retirement of such shares shall have been made; and

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors that notice of the filing of said application for modification and opportunity for requesting a hearing thereon be given to all interested persons;

It is therefore ordered, That notice of the filing of United's request for modification of the Commission's findings and opinion dated August 13, 1943 be given to The United Corporation and to all persons previously granted intervention or participation in the above-captioned proceeding be registered mail and to all other persons by publication in the FEDERAL REGISTER. Any interested persons may, not later than January 27, 1947, at 12 noon, e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after 12 noon, January 27, 1947, the Commission may take such action as may be deemed appropriate with respect to the requested modification.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-740; Filed, Jan. 23, 1947; 8:46 a. m.]

[File No. 70-1428]

CAROLINA COACH CO. AND ROWAN-CABARRUS BUS LINE, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of January A. D. 1947.

Notice is hereby given that Carolina Coach Company ("Carolina Coach"), a direct subsidiary of Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and Rowan-Cabarrus Bus Line, Incorporated ("Rowan"), a wholly-owned direct subsidiary of Carolina Coach, have filed a joint declaration, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder. The declaration designates sections 12 (b), 12 (c), 12 (f) and Rules U-43, U-45, U-46 and certain exemption provisions of Rules U-43, U-45, and U-49, as being applicable to the transactions embraced therein.

Notice is further given that any interested persons may, not later than February 3, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by such declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 3, 1947, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Carolina Coach is proposing to cause Rowan to be liquidated and dissolved. As at October 31, 1946, the total outstanding securities of Rowan, all owned by Carolina Coach, consisted of 150 shares of capital stock, par value $100 per share. In addition Carolina Coach owns all of the open account indebtedness of Rowan, amounting, at the same date, to $29,929.

Preliminary to the proposed liquidation and dissolution of Rowan, all of its open account indebtedness will be cancelled by Carolina Coach and treated as a capital contribution by Rowan. Thereafter Rowan proposes to undertake a program for its complete liquidation to be accomplished by the declaration and payment to Carolina Coach of a liquidating dividend, consisting of all of Rowan's property and assets at the date of the final distribution in liquidation.

The filing states that it is contemplated that all known liabilities of Rowan will have been satisfied prior to the payment of the liquidating dividend and that any liabilities existing at the date of the liquidation of Rowan and not theretofore known will be assumed by Carolina Coach. Upon the making of its final distribution in liquidation, Rowan will be dissolved in accordance with the laws of the State of North Carolina, and Carolina Coach will surrender the capital stock of Rowan to Rowan for retirement and cancellation. It is indicated in the declaration that the contribution of the open account indebtedness by Carolina Coach to Rowan and the subsequent liquidation and dissolution of Rowan are subject to the jurisdiction of the North Carolina Public Utilities Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-739; Filed, Jan. 23, 1947; 8:46 a. m.]

Reference

JAN 27

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 18

Washington, Saturday, January 25, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 162]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMTATION OF SHIPMENTS

§ 966.308 *Orange Regulation 162*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., January 26, 1947, and ending at 12:01 a. m., p. s. t., February 2, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, 450 carloads; (*b*) Prorate District No. 2, 750 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23d day of January 1947.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[Orange Regulation Period No. 162. 12:01 a. m. Jan. 26, 1947 to 12:01 a. m. Feb. 2, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	*Prorate base percent*
Total	100.0000
A. F. G. Lindsay	.0000
A. F. G. Porterville	2.3592
Cooperative Citrus Association	.7360
Doffiemyer, W. T.	.5671
Elderwood Citrus Association	1.2988
Exeter Citrus Association	3.1685
Exeter Orange Growers Association	.6714
Exeter Orchards Association	1.1534
Hillside Packing Corp.	1.6985
Ivanhoe Mutual Orange Association	1.1854
Klink Citrus Association	4.8582
Lemon Cove Association	1.5463
Lindsay Citrus Growers Association	2.8843
Lindsay Cooperative Citrus Association	1.4983

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base percent
Lindsay District Orange Co	1.5007
Lindsay Fruit Association	2.0606
Lindsay Orange Growers Association	1.3798
Naranjo Packing House Co	.9622
Orange Cove Citrus Association	2.7874
Orange Packing Co	1.1828
Orosi Foothill Citrus Association	1.3788
Palema Citrus Fruit Association	1.2107
Pogue Packing House, J. E	.7443
Rocky Hill Citrus Association	2.2074
Sanger Citrus Association	3.2776
Sequoia Citrus Association	.8978
Stark Packing Corp	2.4890
Visalia Citrus Association	.0000
Waddell & Son	2.0072
Butte County Citrus Association, Inc	.8501
James Mills Orchard Corp	1.2058
Orland Orange Growers Association, Inc	.7183
Baird-Neece Corp	1.8472
Beattie Association, Agnes M	.0000
Grand View Heights Citrus Association	2.1205
Magnolia Citrus Association	2.3166
Porterville Citrus Association	1.4355
Richgrove-Jasmine Citrus Association	1.5301
Sandilands Fruit Co	.0000
Strathmore Coop. Association	1.7770
Strathmore District Orange Association	1.7218
Strathmore Fruit Growers Association	1.2602
Strathmore Packing House Co	1.4531
Sunflower Packing Corp	2.1007
Sunland Packing House	2.7887
Terra Bella Citrus Association	1.3919
Tule River Citrus Association	1.2014
Jensen, M. N	2.5394
Kroelis Bros., Ltd	1.5888
Lindsay Mutual Groves	1.8953
Martin, J. D	1.1603
Stivers Packing Co	.7952
Woodlake Packing House	1.7649
R. M. C. Porterville	2.0443
Abbate Co., The Chas	.9506
Anderson Packing Co., R. M	.7593
Baker Bros	.0000
California Citrus Growers, Inc., Ltd	1.8886
Chess Company, Meyer W	.0000
Edison Groves Co	.0000
Edison Orange Growers Association	.0000
Evans Brothers Packing Co	1.5252
Furr, N. C	.3543
Ghianda Ranch	.0234
Harding & Leggett	1.4721
Lo Bue Brothers	.4656
Marks, W. & M	.4825
Raymond Brothers	.1432
Reimers, Don H	.0000
Rooke Packing Co., B. G	3.4242
Snyder & Sons Co., W. A	.8595
Toy, Chin	.0000
Webb Packing Co., Inc	.0000
Western States Fruit & Produce Co	.0000
Wollenman Packing Co	.8163
Woodlake Heights Packing Corp	.9145
Zaninovich Bros., Inc	.7019

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3500
A. F. G. Fullerton	.0469
A. F. G. Orange	.0620
A. F. G. Redlands	.3467
A. F. G. Riverside	.8478
Corona Plantation Co	.9802
Hazeltine Packing Co	.1043
Signal Fruit Association	.7162
Azusa Citrus Association	.9624
Azusa Orange Co., Inc	.1337
Damerel-Allison Co	1.1937
Glendora Mutual Orange Association	.4869
Irwindale Citrus Association	.3501
Puente Mutual Citrus Association	.0478
Valencia Heights Orchards Association	.2015
Glendora Citrus Association	.7911
Glendora Heights O. & L. Growers Association	.1497
Gold Buckle Association	8.3791
La Verne Orange Association, The	8.9201
Anaheim Citrus Fruit Association	0.0617
Anaheim Valencia Orange Association	.0168
Eadington Fruit Co., Inc	.3430
Fullerton Mutual Orange Association	.2629
La Habra Citrus Association	.1471
Orange Co. Valencia Association	.0253
Orangethorpe Citrus Association	.0240
Placentia Coop. Orange Association	.0515
Yorba Linda Citrus Association, The	.0255
Alta Loma Heights Citrus Association	.3860
Citrus Fruit Growers	.7284
Cucamonga Citrus Association	.6326
Etiwanda Citrus Fruit Association	.2206
Mountain View Fruit Association	.1587
Old Baldy Citrus Association	.4327
Rialto Heights Orange Growers	.4497
Upland Citrus Association	2.2329
Upland Heights Orange Association	.9713
Consolidated Orange Growers	.0307
Garden Grove Citrus Association	.0211
Goldenwest Citrus Association, The	.0901
Olive Heights Citrus Association	.0450
Santa Ana-Tustin Mutual Citrus Association	.0281
Santiago Orange Growers Association	.1629
Tustin Hills Citrus Association	.0328
Villa Park Orchards Association, Inc., The	.0383
Bradford Brothers, Inc	.2294
Placentia Mutual Orange Association	.1841
Placentia Orange Growers Association	.2546
Call Ranch	.6928
Corona Citrus Association	.7270
Jameson Company	.3738
Orange Heights Orange Association	.8530
Break & Son, Allen	.2758
Bryn Mawr Fruit Growers Association	1.0564
Crafton Orange Growers Association	1.3411
E. Highlands Citrus Association	.4150
Fontana Citrus Association	.4290
Highland Fruit Growers Association	.6627
Krinard Packing Co	1.5796
Mission Citrus Association	.7277
Redlands Coop. Fruit Association	1.7281
Redlands Heights Groves	.9206
Redlands Orange Growers Association	.9588
Redlands Orangedale Association	1.1680
Redlands Select Groves	.5432
Rialto Citrus Association	.5578
Rialto Orange Co	.3650
Southern Citrus Association	.9738
United Citrus Growers	.7278
Zilen Citrus Co	1.0299
Arlington Heights Fruit Co	.4256
Brown Estate, L. V. W	1.7908
Gavilan Citrus Association	1.6430
Hemet Mutual Groves	.3143
Highgrove Fruit Association	.6076
McDermont Fruit Co	1.7496
Mentone Heights Association	.7694
Monte Vista Citrus Association	1.1212
National Orange Co	.8440
Riverside Heights Orange Growers Association	1.3214
Sierra Vista Packing Association	.6863
Victoria Ave. Citrus Association	2.3272
Claremont Citrus Association	.9804
College Heights O. & L. Association	1.0197
El Camino Citrus Association	.5122
Indian Hill Citrus Association	1.1495

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base percent
Pomona Fruit Growers Association	1.9432
Walnut Fruit Growers Association	.3813
West Ontario Citrus Association	1.5413
El Cajon Valley Citrus Association	.3708
Escondido Orange Association	.5485
San Dimas Orange Growers Association	1.1691
Covina Citrus Association	1.5809
Covina Orange Growers Association	.4951
Duarte-Monrovia Fruit Exchange	.5441
Ball & Tweedy Association	.1402
Canoga Citrus Association	.0636
N. Whittier Heights Citrus Association	.1133
San Fernando Fruit Growers Association	.3019
San Fernando Heights Orange Association	.3271
Sierra Madra Lamanda Citrus Association	.2355
Camarillo Citrus Association	.0096
Fillmore Citrus Association	1.2381
Ojai Orange Association	.9883
Piru Citrus Association	1.1323
Santa Paula Orange Association	.1118
Tapo Citrus Association	.0108
East Whittier Citrus Association	.0185
Whittier Citrus Association	.3083
Whittier Select Citrus Association	.0591
Anaheim Coop. Orange Association	.0553
Bryn Mawr Mutual Orange Association	.4851
Chula Vista Mutual Lemon Association	.1446
Escondido Coop. Citrus Association	.0997
Euclid Avenue Orange Association	2.4168
Foothill Citrus Union, Inc	.0834
Fullerton Coop. Orange Association	.0530
Garden Grove Orange Coop	.0383
Glendora Coop. Citrus Association	.0776
Golden Orange Groves, Inc	.3930
Highland Mutual Groves, Inc	.4139
Index Mutual Association	.0040
La Verne Coop. Citrus Association	2.6639
Olive Hillside Groves, Inc	.0312
Orange Coop. Citrus Association	.0489
Redlands Foothill Groves	2.1358
Redlands Mutual Orange Association	1.0147
Riverside Citrus Association	.3998
Ventura County O. & L. Association	.2114
Whittier Mutual O. & L. Association	.0644
Babijuice Corp. of Calif	.3396
Banks Fruit Co	.2450
California Fruit Distributors	.0845
Cherokee Citrus Co., Inc	1.1287
Chess Co., Meyer W	.3221
El Modena Citrus, Inc	.0812
Evans Brothers Packing Co	.7925
Gold Banner Association	1.9006
Granada Packing House	1.0819
Hill, Fred A	.7055
Inland Fruit Dealers, Inc	.2065
Orange Belt Fruit Distributors	2.4802
Panno Fruit Co., Carlo	.1334
Paramount Citrus Association	.2680
Placentia Pioneer Valencia Growers Association	.0751
Riverside Growers, Inc	.5213
San Antonio Orchards Association	1.1538
Snyder & Sons Co., W. A	1.0148
Torn, Ranch	.0477
Verity & Sons Co., R. H	.1012
Wall, E. T	1.4346
Western Fruit Growers, Inc., Redlands	2.5940
Yorba Orange Growers Association	.0332

[F. R. Doc. 47-814; Filed, Jan. 24, 1947; 8:48 a. m.]

[Lemon Reg. 206]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.313 *Lemon Regulation 206*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administration Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., January 26, 1947, and ending at 12:01 a. m., p. s. t., February 2, 1947, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 205 (12 F. R. 376) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23 day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: January 12, 1947. Regulation Period No. 206 12:01 a. m. Jan. 19, 1947 to 12:01 a. m. Feb. 2, 1947]

Handler	Prorate base percent
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.482
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.429
Consolidated Citrus Growers	.034
Corona Plantation Company	.445
Hazeltine Packing Company	.984
Leppla-Pratt, Produce Distrs. Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers Inc	.009
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.271
Ventura Pacific Co	1.187
Total A. F. G	4.841
Arizona Citrus Growers	.139
Desert Citrus Growers Co. Inc	.009
Mesa Citrus Growers	.103
Elderwood Citrus Association	.107
Klink Citrus Association	4.503
Lemon Cove Association	1.358
Glendora Lemon Growers Association	1.010
La Verne Lemon Association	.389
La Habra Citrus Association	.885
Yorba Linda Citrus Association	.271
Alta Loma Heights Citrus Association	.462
Etiwanda Citrus Fruit Association	.254
Mountain View Fruit Association	.438
Old Baldy Citrus Association	1.202
Upland Lemon Growers Association	3.473
Central Lemon Association	.460
Irvine Citrus Association	1.197
Placentia Mutual Orange Association	.853
Corona Citrus Association	.287
Corona Foothill Lemon Co	1.406
Jameson Company	.738
Arlington Heights Fruit Co	.479
College Heights Orange & Lemon Association	1.697
Chula Vista Citrus Association	1.118
El Cajon Valley Citrus Association	.600
Escondido Lemon Association	6.525
Fallbrook Citrus Association	2.545
Lemon Grove Citrus Association	.577
San Dimas Lemon Association	1.436
Carpinteria Lemon Association	1.828
Carpinteria Mutual Citrus Association	2.441
Goleta Lemon Association	2.974
Johnston Fruit Co	6.162
North Whittier Heights Citrus Association	1.612
San Fernando Heights Lemon Association	2.693
San Fernando Lemon Association	1.564
Sierra Madre-Lamanda Citrus Association	1.675
Tulare County Lemon & Grapefruit Association	7.477
Briggs Lemon Association	1.058
Culbertson Investment Co	.467
Culbertson Lemon Association	.966
Fillmore Lemon Association	1.429
Oxnard Citrus Association No. 1	.619
Oxnard Citrus Association No. 2	3.917
Rancho Sespe	.427
Santa Paula Citrus Fruit Association	2.512
Saticoy Lemon Association	2.761
Seaboard Lemon Association	2.280
Somis Lemon Association	.465
Ventura Citrus Association	1.098
Limoneira Co	.739
Teague-McKevett Association	.426
East Whittier Citrus Association	.714
Leffingwell Rancho Lemon Association	.328

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
Murphy Ranch Co	1.225
Whittier Citrus Association	.742
Whittier Select Citrus Association	.436
Total C. F. G. E	85.566
Arizona Citrus Products Co	.005
Chula Vista Mutual Lemon Association	1.347
Escondido Coop. Citrus Association	.729
Glendora Coop. Citrus Association	.226
Index Mutual Association	.278
La Verne Coop. Citrus Association	1.554
Libbey Fruit Packing Co	.092
Orange Coop. Citrus Association	.198
Pioneer Fruit Co	.032
Tempe Citrus Co	.102
Ventura Co. Orange & Lemon Association	1.972
Whittier Mutual Orange & Lemon Association	.136
Total M. O. D	6.671
Abbate, Chas. Co., The	.054
Atlas Citrus Packing Co	.023
California Citrus Groves, Inc. Ltd	.008
El Modena Citrus, Inc	.132
Evans Bros. Pkg. Co.—Riverside	.187
Evans Bros. Pkg. Co. — Sentinel Butte Ranch	.203
Foothill Packing Co	.000
Harding & Leggett	.478
Orange Belt Fruit Distributors	1.351
Potato House, The	.000
Raymond Bros	.000
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.073
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.202
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.193
Western States Fruit & Produce Co	.018
Total independents	2.922

[F. R. Doc. 47-813; Filed, Jan. 24, 1947; 8:48 a. m.]

TITLE 13—BUSINESS CREDIT

Chapter I—Reconstruction Finance Corporation

PART 01—ORGANIZATION

CENTRAL ORGANIZATION

1. Paragraph (c) of § 01.5 (11 F. R. 177A-454) is deleted in its entirety and the following substituted therefor:

§ 01.5 *Offices* • • •

(c) *Office of Defense Plants.* The Office of Defense Plants performs functions which were originally performed by the Defense Plant Corporation, a former subsidiary of the Reconstruction Finance Corporation which was created on August 2, 1940 under authority of section 5d of the Reconstruction Finance Corporation Act. The Office of Defense Plants is engaged in the establishment of facilities for the production and transportation of materials and supplies, the acquisition of critical items and the operation of facilities constructed by the Office of Defense Plants. The Office of Defense Plants is now engaged in the continuance in accordance with section 5d of the Reconstruction Finance Corporation Act and the War Mobilization Act of such operations and activities as are deemed essential by Agencies of the Government which had recommended the established programs or by the Director of the Office of War Mobilization and Reconversion as well as new programs designated by the proper Agencies of the Government including Office of War Mobilization and Reconversion. In addition to such continuing projects, Office of Defense Plants is engaged in the liquidation and disposition of RFC properties, particularly in relation to clearance of Government property from privately owned and Government owned plants; placing of plants in shut-down or stand-by condition and the protection and maintenance thereof; settlement of termination claims in accordance with the Contract Settlement Act; disposition of property in accordance with contractual obligations and in accordance with the provisions of the Surplus Property Act; settlement of the accountability of contractors to whom facilities have been made available; activities necessary for the protection of the Government's investment in Reconstruction Finance Corporation owned properties and declaration of excess property as surplus in accordance with the Surplus Property Act.

2. Paragraph (d) of § 01.5 (11 F. R. 177A-455) is amended by deleting the last clause of the last sentence thereof and substituting therefor the following:

(d) *Office of Rubber Reserve.* • • • and in the warehousing and distribution of all natural rubber which it imports and of all synthetic rubber which it produces.

3. Paragraph (c) of § 01.6 (11 F. R. 177A-455) is deleted in its entirety and the following substituted therefor:

§ 01.6 *Affiliated organizations.* • • •

(c) *Federal National Mortgage Association.* The Federal National Mortgage Association (formerly the National Mortgage Association of Washington) was organized pursuant to the provisions of Title III of the National Housing Act, as amended. The capital stock of the Association is owned by the Reconstruction Finance Corporation. The Association is staffed by Reconstruction Finance Corporation employees and functions through a principal office in Washington with agents stationed in the various Loan Agencies of the RFC. The principal objectives of the Association are (1) to establish a market for first mortgages, insured under Title II of the National Housing Act, as amended, covering properties upon which are located newly constructed houses or housing projects; (2) to facilitate the construction and financing of economically sound rental housing projects, apartment buildings which may be operated at a moderate scale of rentals, and groups of houses or multi-family dwellings for rent or sale, by making loans secured by first mortgages, insured under section 207 of the National Housing Act, as amended, covering such projects, apartment buildings, or groups of houses or multi-family dwellings; (3) to make available to individual and institutional investors, notes, bonds, or other such obligations issued by the Association pursuant to the provisions of section 302 of Title III of the National Housing Act, as amended, and the regulations of the Federal Housing Administration. The Association is managed by a Board of Directors.

4. Paragraph (d) of § 01.6 (11 F. R. 177A-455) is deleted in its entirety and the following substituted therefor:

(d) *The RFC Mortgage Company.* The RFC Mortgage Company was incorporated under the laws of Maryland on March 14, 1935. The Company functions through its principal office in Washington, D. C., and Agents located in the 31 Reconstruction Finance Corporation Loan Agencies in various cities throughout the United States. The Company (1) makes real estate mortgage loans on urban income-producing properties when the needed financing can not be obtained elsewhere at reasonable rates and terms, and considers applications for loans to finance new construction of the same type if there is a demonstrated economic need for such construction; (2) maintains a market for mortgages insured under Title I, Class 3, and Title VI of the National Housing Act by purchasing such mortgages from mortgagees approved by Federal Housing Administration; and (3) assists in establishing a market for Veterans' Administration guaranteed or insured home loans by purchasing such loans from original lenders. Applications for loans and offerings of mortgages are processed through the Agent of the Company serving the territory in which the underlying properties are located.

PART 02—PROCEDURE[1]

1. Section 02.1 (11 F. R. 177A-456) is deleted in its entirety and the following substituted therefor:

§ 02.1 *Loans to business enterprises.*—(a) *Statutory authority.* The authority of Reconstruction Finance Corporation to make, and cooperate with banks or other lending institutions (hereinafter collectively called "banks") in the making of, loans to business enterprises is contained in section 5d of the RFC Act, as amended, and pursuant to the transfer effected by Executive Order 9665, dated December 27, 1945, (3 CFR, 1945 Supp.) of the authority contained in section 4 (f) of the SWPC Act of June 11, 1942 (56 Stat. 354). Other statutory provisions bearing on such lending authority are found in section 16 (a), (b), and (e) of the RFC Act, as amended, and section 4 of the act approved June 10, 1933. Pursuant to, and in compliance with such statutory provisions, the Reconstruction Finance Corporation will:

(b) *Direct loans.* Make a direct loan.

(c) *Participation loans made and administered by RFC.* Authorize the execution of an agreement (RFC Form L-299) to sell to a bank a specified participation in a loan to be made by Reconstruction Finance Corporation.

(d) *Participation loans made and administered by banks.* Authorize the purchase of a specified participation

[1] Forms referred to in this amendment not filed with the Division of the Federal Register.

(RFC Form L–298), or the execution of an agreement (RFC Form L–300) to purchase a specified participation in a loan to be made by a bank.

(c) *Blanket participations.* Enter into a Blanket Participation Agreement (under which Reconstruction Finance Corporation agrees to purchase a participation of 75%, or such lesser percentage as may be requested by bank, of each loan approved by bank thereunder) with a bank approved by the Reconstruction Finance Corporation Directors, which bank, after the execution of such Agreement, can make loans to business enterprises of not in excess of $100,000 to any one business enterprise, upon such terms and conditions and for such purposes as the bank may prescribe, provided that all applicable statutory conditions and the provisions of such Agreement are complied with.

(f) *Terms and conditions.* All loans, participations or agreements to participate, except those referred to in paragraph (e) of this section, are made on such terms and conditions and for such purposes as are satisfactory to Reconstruction Finance Corporation.

(g) *Applications.* Applications for the loans and participations referred to in paragraphs (b), (c) and (d) of this section should be made on RFC Form L–236 to the appropriate Reconstruction Finance Corporation Loan Agency.

(h) *Additional information.* Specific information may be found in Reconstruction Finance Corporation Circular No. 15 (Revised), dated January 1942; Reconstruction Finance Corporation Circular No. 25, dated March 1945; and Reconstruction Finance Corporation Circular No. 13 (Revised), dated May 1946, copies of which circulars may be obtained from the Reconstruction Finance Corporation Loan Agencies. Further information, if desired, may be procured by direct consultation with members of the Reconstruction Finance Corporation Loan Agencies.

2. Section 02.3 (11 F. R. 177A–456) is deleted in its entirety and the following substituted therefor:

§ 02.3 *Loans to railroads and railroad receivers*—(a) *Introductory.* The Reconstruction Finance Corporation may, to aid in the financing, reorganization, consolidation, maintenance or construction thereof, purchase for itself or for account of a railroad obligated thereon, the obligations of a railroad or receivers or trustees thereof, including equipment trust certificates or guarantee the payment of the principal of, and/or interest on, such obligations, including equipment trust certificates, or make loans to such railroads or to receivers or trustees thereof for the purposes aforesaid; subject to the limitations prescribed in paragraph (b) of this section.

(b) *Limitations.* (1) The Board of Directors of the Reconstruction Finance Corporation must be of the opinion that such railroads or railways are unable to obtain funds upon reasonable terms through private channels, and that the Corporation will be fully and adequately secured.

(2) Loans, purchases and guarantees must have the approval of the Interstate Commerce Commission, including, in the case of purchases, approval of the price to be paid, and the form of obligation and terms and security therefor must comply with the requirements of the Interstate Commerce Commission and of the Corporation.

(3) Loans to any one corporation and its subsidiary or affiliated organizations may not exceed at any one time $100,000,000.

(4) No fee or commission shall be paid by any applicant for a loan under the provisions of the act in connection with any application or any loan made or to be made under the act, and the agreement to pay or payment of any such fee or commission is unlawful.

(5) The applicant must consent to such examinations as the Corporation may require and that reports of examinations by the Interstate Commerce Commission, or other constituted authorities, may be furnished to the Corporation upon request therefor.

(6) Statements and valuations of securities offered by or in behalf of an applicant are subject to all of the governing provisions of the act, and all such provisions should be read and studied by the individual or individuals making such statements or valuations.

(c) *Form of application.* No special form of application is required. Ten copies of each application should be filed, four copies, including two signed originals, to be delivered to the Reconstruction Finance Corporation at its office at 811 Vermont Ave., N. W., Washington, D. C., and the remaining six copies to be delivered to the Interstate Commerce Commission, Washington, D. C. Representations and material in support of applications should be arranged in the following order, as uniformity in presentation will expedite consideration:

(1) Designation of applicant:

(i) If a receiver, or receivers, trustee, or trustees, full title, with date of appointment, qualification, and court having jurisdiction.

(ii) Full corporate name of railroad, with states of incorporation and dates of incorporation.

(iii) Whether applicant is engaged in interstate commerce, with essential facts.

(iv) Whether applicant is a railroad in process of construction.

(2) The name, title, and address of the person with whom conferences or correspondence should be had with respect to the application.

(3) State whether applicant can secure the necessary funds in whole or in part from any other source and, if so, upon what terms. If not, the efforts which have been made and the reasons for this situation should be stated, giving full details of all negotiations undertaken. Copies of letters from three or more financial organizations should accompany application.

(4) Consent of applicant to such examinations as the Corporation may require for the purposes of the act and/or that reports of examinations by constituted authorities may be furnished by such authorities to the Corporation upon request therefor.

(5) Statement that no agreement has been or will be made by the applicant to pay any person, association, firm, or corporation, either directly or indirectly, any commission or fee for the loan or purchase applied for and that no such payments have been or will be made by the applicant.

(6) The purpose of the loan or purchase, the maturity thereof, and uses to which it will be applied and the date or dates on which the funds must be available to the applicant.

(7) The present status of the applicant's existing financial relations with the United States as to;

(i) Loans made to the applicant and the security therefor: (*a*) under Federal control; (*b*) under section 210, Transportation Act, 1920; (*c*) under section 203 (a) Federal Emergency Act of Public Works; and (*d*) under section 5 of the Reconstruction Finance Corporation Act of January 22, 1932, as amended.

(ii) Claims under section 209, Transportation Act, 1920, and the security pledged therefor.

(iii) Claims on account of deficits under section 204, Transportation Act, 1920.

(iv) Any other debits or credits existing between the applicant and the United States other than mail pay, transportation of troops, or income-tax matters.

(8) State whether applicant desires the entire amount of the loan for the full term applied for. If so, full particulars should be given.

(9) The latest valuation placed by the Interstate Commerce Commission upon applicant's property, separately stated for owned carrier and noncarrier property, and date as of which valuation was determined, together with the aggregate net property changes to the latest date to which such changes have been reported to the Bureau of Valuation.

(10) State whether any subsidiary or affiliated organization of the applicant, or any organization of which the applicant is a subsidiary, has applied for or received loans from the Reconstruction Finance Corporation. If so, full particulars should be given.

(11) State whether the applicant was a party to the marshaling and distributing plan, 1931, of the Railroad Credit Corporation. If not, the reasons therefor should be given.

(12) State whether the applicant has received loans from the Railroad Credit Corporation. If so, full particulars should be given.

(13) Statement of principal commodities carried, and statement of ten most important industries served.

(14) Statement in detail as to the particular facts upon which applicant relies as to its present and prospective ability to repay the loan and to discharge its obligations in regard thereto.

(15) Detailed description of the security to be offered for the loan. The applicant must furnish full information, together with copies of documents, and data appropriate to the security offered. The applicant should state its opinion of the value of any collateral offered and the basis for that opinion.

(16) Schedules A to R, below:

SCHEDULE A

Miles of line owned; miles operated, subdivided as to first track, other main tracks, yard track, and sidings, and total all tracks operated; also, the principal termini of the road operated. State number of units of locomotives, freight cars, and passenger cars, owned and leased.

SCHEDULE B

(i) Comparative income account for the years ended December 31, 1931, to the latest complete year, inclusive, and for each month of the current year, so far as available, in the form prescribed by the Interstate Commerce Commission in Schedule 300–I of annual report Form A for large roads and Schedule 1801 of annual report Form C for small roads, together with an estimated income account, showing the basis therefor, for each remaining month of the current year and for each month of the year subsequent thereto.

State whether the amounts reported include revenues from actual or anticipated increases in freight rates permitted by the Interstate Commerce Commission in Ex Parte No. 148 or from any actual or anticipated increases under decisions issued subsequently by the Interstate Commerce Commission (including Ex Parte 162), and, if so, show such amounts separately. If such amounts are not included, give estimates, by months, on separate schedule for current year and year subsequent thereto. Also, in this connection, if the Interstate Commerce Commission should cancel or modify downward its decision in Ex Parte 148, or other later decisions, show how this would affect revenues after the modifications became effective.

If applicant prepares a report to stockholders containing a consolidated system income account, covering two or more steam railway companies, which differs from returns in Schedule 300–I, copies of such report should also be furnished.

(ii) Actual and estimated effect of wage increases, by months, for current year and for year subsequent thereto.

(iii) The total dividends declared and the total dividends paid for each of the years indicated under (i) preceding, and to date in the current year.

(iv) Comparative statement of expenditures for maintenance of (1) way and structures and (2) equipment for the years ended December 31, 1931, to the latest complete year, inclusive, and for each month of the current year, together with estimates for the remaining months of the current year, and the basis of such estimates.

(v) For the years indicated in (i) above, details of dividend income (account 513), income from funded securities (account 514), income from unfunded securities and accounts (account 515), income from sinking and other reserve funds (account 516), and miscellaneous income (account 519).

NOTE: The data required by paragraphs (i), (iii), (iv), and (v) above must give effect to any restatement of the accounts which has been made by the Interstate Commerce Commission.

SCHEDULE C

(i) State whether any corporation or corporations, transportation or other, hold control over the applicant. If control is so held, (1) the form of control, whether sole or joint; (2) the name of the controlling corporation or corporations; (3) the manner in which control was established; (4) the extent of control; (5) whether control is direct or indirect; and (6) the name of the intermediary through which control, if indirect, was established.

(ii) State whether any individual, association, or corporation holds control, as trustee or otherwise, over the applicant. If control is so held, (1) the name of the individual or trustee; (2) the name of the beneficiary or beneficiaries for whom the trust is maintained; and (3) the purpose of the trust.

SCHEDULE D

Statement of comparative general balance sheets as of December 31, for the past 10 years, and as of the close of the latest month for which figures are available. Use the Interstate Commerce Commission's annual report Form A, Schedules 200–A and 200–L for large roads and annual report Form C, Schedules 400–A and 400–L for small roads. If applicant prepares a report to stockholders containing a consolidated system balance sheet, covering two or more operating steam railway companies, which differs from returns in Schedules 200–A and 200–L, a copy of the information thus reported to the Interstate Commerce Commission should also be furnished.

SCHEDULE E

Details of capital stock. Large roads should use the Interstate Commerce Commission's annual report Form A, Schedule 251. Small roads should use Form C, Schedule 690.

SCHEDULE F

Details of long-term debt and contingent assets and liabilities. Large roads should use the Interstate Commerce Commission's annual report Form A, Schedules 261–M, 261–E, 110–A, 261–P, and 263. Small roads should use Form C, Schedules 670, 695, 901, and 1702. A list of the mortgages, pledges, or other liens should be given, together with a brief statement concerning each, indicating the property or securities encumbered; the mortgage limit per mile, if any; and particulars as to priority and as to whether "open," "closed," or "open-end." If practicable, copies of all mortgages, deeds of trust, or other similar instruments pertinent to the loan requested should be furnished; it will be necessary to furnish only one copy to the Interstate Commerce Commission and two copies to the Corporation.

SCHEDULE G

Details of loans and bills payable. Large roads should use the Interstate Commerce Commission's annual report Form A, Schedule 271. Small roads should use Form C, Schedule 1701. Class II and III roads should report in detail items in excess of $10,000 and $5,000, respectively. Information on bank loans must include name of lending banks, amounts, date of notes, date loans initially made, maturities, interest rate of obligations, and security therefor.

SCHEDULE H

Details of special deposits and of loans and bills receivable. The Interstate Commerce Commission's annual report Form A, Schedules 224 and 225, should be used. Class II and III roads should report in detail items in excess of $10,000 and $5,000, respectively.

SCHEDULE I

State whether or not the applicant is under obligation as guarantor or surety for the performance by any other corporation, association, firm, or individual of any agreement or obligation. If so, particulars should be given.

SCHEDULE J

Details of other unadjusted debits. The Interstate Commerce Commission's annual report Form A for large roads, Schedule 227, should be used.

SCHEDULE K

Details of other unadjusted credits. The Interstate Commerce Commission's annual report Form A for large roads, Schedule 281, should be used.

SCHEDULE L

The par value of securities of other companies, owned, pledged, and unpledged, listing each class of securities separately, showing purposes for which such securities are pledged. Large roads should use Schedules 217 and 218 of the Interstate Commerce Commission's annual report Form A and small roads should use Schedules 1001 and 1002 of annual report Form C.

SCHEDULE M

Comparative statement for the past 5 years ended December 31 of the amount charged to operating expenses under depreciation accounts, separately for way and structures and equipment, and the estimated amount of such charges for the current year, and subsequently by years during the period for which the loan is desired. State whether applicant has received or applied for authority to charge amortization depreciation and, if so, the basis and reason for such accounting, also the annual rates used in each account.

SCHEDULE N

An estimate of (a) other income, and (b) miscellaneous deductions for income, as defined and classified under Schedule 300–I of the Interstate Commerce Commission's annual report Form A for large roads (Schedule 1801 of annual report Form C for small roads), for the term of the loan applied for, stating under each account the basis of the estimate.

SCHEDULE O

Statement in detail of applicant's probable fixed charges and appropriations of income and surplus for the current year ended December 31, and subsequently by years during the period for which the loan is desired.

SCHEDULE P

If a loan is requested for any construction purpose other than ordinary additions and betterments, copy of complete engineering estimates of costs and time required for completion, contracts, maps, etc., should be furnished. Show such costs separately as between amounts chargeable to operating expenses and to the capital account.

SCHEDULE Q

If an advance is requested for financing an ordinary program of additions and betterments, give description and estimated cost for all items involving gross expenditures in excess of $10,000, with supporting detail regarding any very large special items, the sum total involved, discussion of benefits of the program as a whole, and the extent to which the program is under way. Separate costs between amounts chargeable to operating expenses and to the capital account.

SCHEDULE R

A statement for the current year of the actual cash balance at the beginning of each month and the actual cash receipts and disbursements during each month to date, together with a carefully prepared monthly forecast for the balance of the current year and the year subsequent thereto, stating controlling factors used in making estimates.

NOTE: In connection with all comparative statements supporting the application, substantial fluctuations should be explained. Omit cents from all financial and statistical statements. One complete set of applicant's annual reports to stockholders since December 31, 1931, should be furnished to the Interstate Commerce Commission and one set to the Reconstruction Finance Corporation with application.

(d) *Legal requirements.* (1) Applicants other than receivers or trustees are

required to furnish with the application the following papers:

(i) Documents evidencing the legal power and authority of the applicant to enter into the obligations and give the security contemplated by the application and showing what corporate action by stockholders, directors, or otherwise will be required to validly exercise such powers. These data will generally include special statutes, charters, by-laws, or certified extracts of the same, showing the corporate powers, etc., of the applicant.

(ii) Preliminary opinion of counsel that he is familiar with the corporate powers of the applicant, that the applicant is authorized to make the application; and that when proper corporate action has been taken and the obligations executed, and security delivered as contemplated by the application, such obligations will constitute the valid and subsisting obligations of the applicant duly secured by a first and paramount lien on the same, or by a lien of the rank and priority stated in the application. Such opinion should also cover the validity and lien of each item of the collateral offered.

(iii) Certified copy of resolutions of applicant's board of directors or executive committee will be required showing the authority of the officers to execute and deliver the application.

(2) When and if the application is approved, the following papers will be required for deposit with the security:

(i) Resolutions of the board of directors or executive committee of the applicant, and where necessary, of meetings of the stockholders, authorizing the execution and delivery of the obligations of the applicant delivered to the Corporation, and pledge of the security described therein, pursuant to and under the terms of the application, and authorizing the designated officers to receive and receipt for the proceeds of the loan or purchase.

(ii) Certificate of election and present incumbency in office of officers designated in the foregoing resolutions, such certificate to contain specimen signatures of such officers and to be duly acknowledged before a notary public.

(iii) Final opinion by counsel for the applicant to the effect that he is familiar with the corporate powers of the applicant; that the applicant is authorized to execute and deliver the notes or other obligations evidencing the same, and to pledge and hypothecate the securities described in the application; that the notes or other obligations so executed and so delivered constitute the valid and binding obligations of the applicant, secured by the collateral described in the application and indicating that the Corporation will obtain a lien on such security of the rank and priority stated in the application. Such opinion should also cover the priority and lien of each item of the collateral offered.

(3) In the case of applications by receivers, or trustees, the application should be accompanied by the following:

(i) Certified copy of the order of court authorizing the receiver to make the application.

(ii) Opinion of counsel for the receiver, or trustee, that such receiver, or trustee, is properly qualified and acting, and that he is authorized to make the application; that the court appointing such receiver, or trustee, has jurisdiction and may legally authorize execution of the obligations and pledge of the security as contemplated by the application; that if and when proper decree or order of the court is entered, the receiver, or trustee, will be authorized to execute such obligations or give the security contemplated in the application. Such opinion should also cover the priority and lien of each item of the collateral offered.

(iii) If and when the application of the receiver, or trustee, is approved by the Corporation, the receiver, or trustee, will be required to deposit with the Corporation certified copies of the court orders and decrees authorizing him to execute and deliver the obligations, and to give the security under and according to the terms of the application, together with final opinion of counsel as to the validity of the obligation and the lien of the corporation upon the security so pledged. Such opinion should also cover the priority and lien of each item of the collateral offered.

(4) Under special circumstances, additional legal documents and information may be required.

(e) *Acknowledgment and verification.* The application should be executed in the name of the applicant by the authorized officers and its corporate seal affixed and attested. It should be acknowledged in the usual form and verified substantially as follows with appropriate changes and omissions in the case of receivers or trustees:

STATE OF ----------
County of ----------, *ss:*

---------- makes oath and says that he is the ---------- of the ------
(Title)

---------- ----------
that he has carefully examined each and all of the statements contained in the foregoing application; that they are true and correct to the best of his knowledge and belief; that the foregoing application is made with the approval and at the direction of the board of directors of said applicant, as appears by resolution adopted at a meeting of said board, a certified copy of which is attached to the said application, said meeting having been held at ----------
on the --------- day of ----------, 19----, and that he is the person who has been authorized by said board to execute the foregoing papers and any others which may be required in connection with the loan.

(Signature of Affiant)

Subscribed and sworn to before me, a ---------- in and for the State and County above-named, this ------- day of ----------, 19----.

[SEAL]
My commission expires ----------

[Circular 2, RFC, Revised Oct. 1946]
(Secs. 5, 8, 47 Stat. 6 as amended; 15 U. S. C. 605, 608)

3. Section 02.19 (11 F. R. 177A–459) is deleted in its entirety and the following substituted therefor:

§ 02.19 *Office of Defense Supplies—*(a) *In general.* Inquiries regarding the activities of the Office of Defense Supplies should be addressed to Reconstruction Finance Corporation, Office of Defense Supplies, 811 Vermont Avenue NW., Washington 25, D. C. or to the appropriate Reconstruction Finance Corporation Loan Agency.

(b) *Petroleum compensatory adjustments.* Procedures relating to petroleum compensatory adjustments are set forth in 32 CFR, Cum. Supp., 7001.1 et seq; 32 CFR, 1944 Supp., 7001.5; 32 CFR 1945 Supp., 7001.1 et seq; 11 F. R. 5124, 9079, 9856.

(c) *Livestock slaughter payments.* Procedures relative to livestock slaughter payments are set forth in 32 CFR 1944 Supp., 7003.1 et seq; 32 CFR, 1945 Supp., 7003.1 et seq.

(d) *Flour production payments.* Procedures relative to flour production payments are set forth in 32 CFR, 1944 Supp., 7004.1 et seq; 32 CFR, 1945 Supp., 7004.14.

(e) *Mid-continent crude compensatory adjustments.* Procedures relative to mid-continent crude compensatory adjustments are set forth in 32 CFR, 1944 Supp., 7005.1 et seq; 32 CFR, 1945 Supp., 7005.2 and 7005.5.

(f) *Butter production payments.* Procedures relative to butter production payments are set forth in 32 CFR, 1943 Supp., 7002.1 et seq.

(g) *Stripper well compensatory adjustments.* Procedures relative to stripper well compensatory adjustments are set forth in 32 CFR, 1945 Supp., 7007.1 et seq.

4. Section 02.22 (11 F. R. 177A–459) is deleted in its entirety and the following substituted therefor:

§ 02.22 *Federal National Mortgage Association.* Information regarding the activities of the Federal National Mortgage Association may be found in Circular No. 1 of that Association, dated April 15, 1938, copies of which circular may be obtained from the Reconstruction Finance Corporation Loan Agency serving the territory in which the inquirer is located. Further information, if desired, may be procured from Agents of the Association located in the various Reconstruction Finance Corporation Loan Agencies.

5. Section 02.23 (11 F. R. 177A–459) is deleted in its entirety and the following substituted therefor:

§ 02.23 *The RFC Mortgage Company.* Information regarding the activities of The RFC Mortgage Company may be found in Circulars Nos. 1, 3 and 4 of that Company, copies of which Circulars may be obtained from the Reconstruction Finance Corporation Loan Agency serving the territory in which the inquirer is located. Further information if desired, may be secured from Agents of The RFC Mortgage Company located in the various Reconstruction Finance Corporation Loan Agencies.

(Sec. 1, 47 Stat. 5 as amended, 5 U. S. C. and Supp. 601)

[SEAL] A. T. HOBSON,
Secretary.

[F. R. Doc. 47–709; Filed, Jan. 23, 1947; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42–4]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

REQUIRED INSTRUMENTS AND EQUIPMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 15th day of January 1947.

A review of recent aircraft accidents indicates the need for additional operating requirements for nonscheduled air carriers to be made effective without unnecessary delay, and the Board finds good cause to make the following amendments effective February 15, 1947:

Now, therefore: Effective February 15, 1947, Part 42 of the Civil Air Regulations is amended as follows:

1. By amending § 42.13 (b) (14) (11 F. R. 5213) to read as follows:

§ 42.13 *Required instruments and equipment.* * * *

(b) *CFR-VFR (night) and IFR.* * * *

(14) Power failure warning light or vacuum gauge on instrument panel connecting to lines leading to gyroscopic instruments.

2. By adding a new § 42.130 to read as follows:

§ 42.130 *Required instruments and equipment for aircraft of 10,000 lbs. or more maximum take-off weight*—(a) *CFR-VFR (night) and IFR.* (1) Instruments and equipment specified in § 42.13 (a) and (b),

(2) Additional air-speed indicator,

(3) Electrically heated pitot tube for each air-speed indicator,

(4) Rate-of-climb indicator,

(5) Artificial horizon indicator,

(6) Additional sensitive altimeter,

(7) Approved carburetor de-icing equipment for each engine,

(8) Additional source of energy to supply gyroscopic instruments which shall be capable of carrying the required load. Engine-driven pumps, when used, shall be on separate engines and, in lieu of one such pump, an auxiliary power unit may be used. The installation shall be such that the failure of one source of energy will not interfere with the proper functioning of the instruments by means of the other source.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47–778; Filed, Jan. 24, 1947; 8:49 a. m.]

[Civil Air Regs., Amdt. 42–3]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS AMENDMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 15th day of January 1947.

A review of recent aircraft accidents indicates the need for additional operating requirements for nonscheduled air carriers to be made effective without delay, and the Board finds good cause to make the following amendment effective immediately.

Now, therefore: Effective January 15, 1947, Part 42 (11 F. R. 5213, 8345, 11355) of the Civil Air Regulations is amended as follows:

1. By amending § 42.15, *Maintenance,* to read as follows:

§ 42.15 *Maintenance.* The operator of the aircraft shall be responsible for maintaining the aircraft in airworthy condition and for performing all repairs, alterations, and overhauls in accordance with Part 18 of this chapter.

No engine shall be operated longer than 1,000 hours between major overhauls, except where otherwise specifically authorized by the Administrator. This will not authorize use of an engine for such full period of 1,000 hours when inspection or operation indicates that a major overhaul should be accomplished prior to that time or where specifically limited by the Administrator in the air carrier operating certificate.

2. By amending § 42.21, *Flight time limitations,* to read as follows:

§ 42.21 *Flight time limitations for pilots on aircraft of 10,000 lbs. or more maximum take-off weight.*

§ 42.210 *General.* (a) A pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period during such 8 hours.

(b) A pilot shall receive 24 hours of rest before being assigned further duty when he has flown in excess of 8 hours during any 24 consecutive hours. Time spent in dead-head transportation to or from duty assignment shall not be considered part of such rest period.

(c) A pilot shall be relieved from all duty for not less than 24 consecutive hours at least once during any 7 consecutive days.

(d) A pilot shall not fly as a crew member in air carrier service more than 100 hours during any 30 consecutive days.

(e) A pilot shall not fly as a crew member in air carrier service more than 1,000 hours in any one calendar year.

(f) A pilot shall not do other commercial flying if his total flying time for any specified period will exceed the limits of that period.

§ 42.211 *For aircraft having a crew of two pilots.* (a) A pilot shall not be scheduled to fly in excess of 8 hours during any 24-hour period unless he is given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period shall equal at least twice the number of hours flown since the last preceding rest period and in no case shall such rest period be less than 8 hours. During such rest period the pilot shall be relieved of all duty with the air carrier.

(b) A pilot shall not be on duty for more than 16 hours during any 24 consecutive hours.

§ 42.212 *For aircraft having a crew of three pilots.* (a) A pilot shall not be scheduled for duty on the flight deck in excess of 8 hours in any 24-hour period.

(b) A pilot shall not be scheduled to be aloft for more than 12 hours in any 24-hour period.

(c) A pilot shall not be on duty for more than 18 hours in any 24-hour period.

§ 42.213 *For aircraft having a crew of four pilots.* (a) A pilot shall not be scheduled for duty on the flight deck in excess of 8 hours during any 24-hour period.

(b) A pilot shall not be scheduled to be aloft for more than 16 hours in any 24-hour period.

(c) A pilot shall not be on duty for more than 20 hours during any 24-hour period.

3. By amending § 42.22, *Certification and experience,* to read as follows:

§ 42.22 *Certification and experience.*

§ 42.220 *Aircraft of less than 10,000 lbs. maximum take-off weight*—(a) *First pilot.* Any pilot serving as first pilot must hold a valid commercial pilot rating with an aircraft type and class rating for the aircraft in which he is to serve, and for:

(1) Day flight CFR–VFR he must have had at least 50 hours of cross-country flight time as pilot or copilot;

(2) Day flight IFR he must possess a currently effective instrument rating and have had a total of at least 500 hours of flight time as pilot or copilot including 100 hours of cross-country flight;

(3) Night flight CFR–VFR or IFR he must possess a currently effective instrument rating and have had a total of at least 500 hours of flight time as pilot or copilot, including 100 hours of cross-country flight of which 25 hours shall have been during the hours of darkness.

(b) *Second pilot.* Any pilot serving as second pilot in an aircraft requiring more than one pilot must hold for:

(1) CFR–VFR flights a valid commercial pilot rating with the appropriate type and class ratings,

(2) IFR flights, in addition to (1), a currently effective instrument rating.

§ 42.221 *Aircraft of 10,000 lbs. or more maximum take-off weight.* (a) *First pilot.* Any pilot serving as first pilot must:

(1) Possess a valid commercial pilot rating with an aircraft type and class rating for the aircraft in which he is to serve,

(2) Possess a currently effective instrument rating,

(3) Have logged at least 1,200 hours of flight time of which 500 hours shall have been cross country,

(4) Have logged at least 100 hours of night flying of which 50 hours shall have been cross country.

(b) *Second pilot.* Any pilot serving as second pilot must:

(1) Possess a valid commercial pilot rating with an aircraft type and class rating for the aircraft in which he is to serve.

4. By amending § 42.32, *Instrument and equipment serviceability*, to read as follows:

§ 42.32 *Serviceability of equipment.* Prior to starting any flight, the aircraft, aircraft engine(s), propeller(s), and appliances, including all instruments, must be in proper operating condition. If during the flight any of the above equipment malfunctions or becomes inoperative, it shall be the pilot's responsibility to determine whether the flight can be continued with safety. The pilot shall be responsible for holding or cancelling a flight until satisfactory repairs or replacements can be made.

5. By amending § 42.33 (a), *Flight under contact flight rules (CFR)*, to read as follows:

(a) *Flight under contact (visual) flight rules (CFR–VFR)*—(1) *Aircraft of less than 10,000 lbs. maximum take-off weight.* A flight shall not be started unless the aircraft carries sufficient fuel and oil, considering the wind and other weather conditions forecast, to fly to the point of intended landing and thereafter for a period of at least 30 minutes at normal cruising consumption.

(2) *Aircraft of 10,000 lbs. or more maximum take-off weight.* A flight shall not be started unless the aircraft carries sufficient fuel and oil, considering the wind and other weather conditions forecast, to fly to the point of intended landing and thereafter for a period of at least 45 minutes at normal cruising consumption.

6. By amending § 42.34, *Weather minimums*, to read as follows:

§ 42.34 *Weather minimums.*

§ 42.340 *Dispatch.* No flight shall be dispatched unless the current weather reports and forecasts show a trend indicating that the ceiling and visibility at the place of intended landing will be at or above the following minimums at the time of arrival.

(a) *Contact (visual) flight operations (CFR–VFR)*—(1) *Day.* Ceiling 1,000 feet, visibility 1 mile,

(2) *Night.* Ceiling 1,000 feet, visibility 2 miles.

(b) *Instrument flight operations (IFR)*—(1) *Destination.* The minimums specified in the CAA Flight Information Manual, or as otherwise specified or authorized by the Administrator.

(2) *Alternate.* If the airport is served by a radio directional facility, ceiling 1,000 feet, visibility 3 miles; otherwise a ceiling of 1,500 feet with broken clouds or better, visibility 3 miles.

§ 42.341 *Take-off.* No flight shall be started when the ceiling or visibility at the point of departure is less than:

(a) *Contact (visual) flight operations (CFR–VFR)*—(1) *Day.* Ceiling 1,000 feet, visibility 1 mile,

(2) *Night.* Ceiling 1,000 feet, visibility 2 miles.

(b) *Instrument flight operations (IFR).* The minimums specified in the CAA Flight Information Manual, or as otherwise specified or authorized by the Administrator. In no case shall the ceiling be less than 300 feet or the visibility less than one mile.

§ 42.342 *Landing.* No landing shall be made when the ceiling or visibility is less than:

(a) *Contact (visual) flight operations (CFR–VFR)*—(1) *Day.* Ceiling 1,000 feet, visibility 1 mile,

(2) *Night.* Ceiling 1,000 feet, visibility 2 miles.

(b) *Instrument flight operations (IFR).* The minimums as specified in the CAA Flight Information Manual, or as otherwise specified or authorized by the Administrator.

7. By amending § 42.37, *Instrument approach and landing rules*, to read as follows:

§ 42.37 *Instrument approach and landing rules*—(a) *Letting-down-through procedure.* The pilot shall use a standard instrument approach procedure for the airport as prescribed in the CAA Flight Information Manual, or as otherwise authorized by the Administrator.

(b) *Limitations.* No instrument approach procedure shall be executed or landing made when the latest United States Weather Bureau weather report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-776; Filed, Jan. 24, 1947; 10:34 a. m.]

[Civil Air Regs., Amdt. 43-5]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

PILOT QUALIFICATIONS

At a session of the Civil Aeronautics Board held at this office in Washington, D. C., on the 15th day of January 1947.

Effective July 15, 1947, Part 42 (11 F. R. 5213, 8345, 11355) of the Civil Air Regulations is amended as follows:

1. By adding to § 42.221 (b) a subparagraph (2) to read as follows:

§ 42.221 *Aircraft of 10,000 lbs, or more maximum take-off weight.* * * *

(b) *Second pilot.* * * *

(2) Possess a currently effective instrument rating.

2. By amending § 42.23 (b), Instrument flight, to read as follows:

(b) *Instrument competency.* A pilot shall not pilot an aircraft under instrument flight rules unless within the preceding 6 calendar months he has demonstrated to the Administrator, or his representative, his ability to competently pilot an aircraft in instrument flight under actual or simulated conditions.

(52 Stat. 984, 1007, 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-777; Filed, Jan. 24, 1947; 10:34 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Premium Payments Reg. 1 as Amended Jan. 23, 1947, Incl. Int. 1-7]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

STRUCTURAL CLAY PRODUCTS

Purpose and findings. This general regulation is issued to stimulate additional production of structural clay products by providing for premium payments with respect to units of additional production above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which such payments may be obtained. This regulation is issued pursuant to the authority of the Veterans' Emergency Housing Act of 1946.

All available means of increasing the supply of structural clay products for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration the Expediter finds that premium payments are temporarily necessary to increase the supply of such materials, and to stimulate additional production with greater rapidity, economy, and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry, emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.

(a) Definitions.
(b) Computation of production for quotas and claims.
(c) Establishment of quota.
(d) Application for quota.
(e) Rate and computation of premium payment.
(f) Claim for payment.
(g) Payment.
(h) Records.
(i) Official interpretations.
(j) Termination.
(k) Effective date.

§ 805.1 *Structural clay products*—(a) *Definitions.* As used in this section:

(1) "Producer" means a person who operates a plant in which clay products are produced.

(2) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(3) "Structural clay products" means what is commonly known to the industry as burned common and face clay brick—glazed and unglazed; structural clay tile—unglazed; and structural facing tile—glazed and unglazed. It does not include drain tile, roofing tile, flue lining, floor and wall tile, paving brick, fire-clay brick, sewer pipe, quarry tile or any other clay products.

(4) "Plant" means an integrated manufacturing establishment for the production of clay products (within the United States, its Territories, possessions or the District of Columbia) occupying a single site and, where consisting of several complete manufacturing units, using common shipping and storing facilities and common operating supervision.

(5) "Month" means calendar month: *Provided, however,* Any producer on whom this provision works a hardship may apply by letter to the Expediter, Washington, D. C., for authorization to submit his application for quota and claims for payments beginning with the claim for June 1946 on the basis of a stipulated fiscal month. With respect to a producer who has received such authorization, this section shall become effective on the first day of his fiscal month, beginning on or after June 1, 1946, and shall terminate on the same date on which this section terminates as to other producers.

(6) "Full operating month" means a month in which a plant operated at least twenty days except for February during which the plant must have operated at least eighteen days.

(7) "Claim" means a claim for payment filed pursuant to this regulation.

(8) "New producer" means, with respect to a plant which prior to the effective date of this section was not operated for the production of clay products a person who operates such a plant after the effective date of this section and who did not operate prior to the effective date of this section any plant for the production of clay products.

(9) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946 or his duly authorized representative.

(10) "OHE" means the Office of the Housing Expediter.

(b) *Computation of production for quotas and claims.*

(1) For the purpose of determining the quota of a plant and for the purpose of determining the amount of a claim, production of a plant shall be computed according to the following instructions. Find the number of units of completely burned clay products produced in the month involved, computed on the basis of standard size brick equivalents. Except as hereinafter provided, all clay products must be counted immediately subsequent to their burning whether or not they have been removed from the kiln. Producers who have customarily computed their production on the basis of the number of units of completely burned clay products drawn from the kiln, regardless of when such products were burned, may continue to do so for the purpose of computing production under this section, provided that such method is employed to compute production for both quota and claim purposes; and provided further, however, that all clay products must be counted (whether or not removed from the kiln) within 30 days after they have been completely burned. For quantities of clay products counted after being drawn from the kiln, count only those products which are of a grade and character suitable for sale. For quantities of clay products counted before being drawn from the kiln, make a reasonable deduction for breakage and wastage. Do not count quantities of clay products which are in the process of being burned.

[Subparagraph (1) as amended shall become effective as of June 1, 1946]

(2) The following computations shall be used in converting to standard size brick equivalents:

(i) For structural clay tile and drain tile a factor of 1.5 tons per thousand bricks shall be used in making the conversion.

(ii) For glazed and unglazed hollow facing tile, oversize brick and any other clay products not included in subdivision (i) above, the producer shall convert to standard size brick equivalents using the conversion factor, if any, previously utilized by him in preparing reports to other Federal Government agencies, or, if no such conversion factor has ever been so used, using the conversion factor, if any, he has customarily used in his business, or, if no such conversion factor has ever been so used, using such reasonable conversion factor (subject to redetermination by the Expediter) as is applicable in each case. The same conversion factor shall be used for a clay product both for the purpose of computing the quota of the plant in which it was produced and for the purpose of computing all claims for production of that clay product in that plant.

(c) *Establishment of quota.* (1) A separate quota shall be established for each and every plant of the producer as follows:

(i) With respect to a plant where clay products were produced for at least three full operating months during January through May 1946, the quota shall be the lower of the following: (*a*) The arithmetical average of the production of all clay products stated in terms of standard size brick equivalents for the two months of highest production during January through May 1946, or (*b*) 90 percent of the production of all clay products stated in terms of standard size brick equivalents for the month of highest production during January through May 1946.

(ii) With respect to a plant where clay products were produced less than three but at least two full operating months during January through May 1946, the quota shall be 90 percent of the production of all clay products stated in terms of standard size brick equivalents for the month of highest production during those two months.

(iii) With respect to a plant where clay products were produced prior to June 1, 1945, but where no clay products of any kind were produced during the year June 1, 1945, through May 31, 1946, the quota for each month shall be two-thirds of the production of "structural clay products" stated in terms of standard size brick equivalents during that month and premium payments will be made on the remaining one-third. In determining quotas under this paragraph clay products other than "structural clay products" shall not be included.

(iv) With respect to all other plants, a special quota shall be established by the Expediter: *Provided, however,* That no such quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of the producer's selling price) of the total output of such producer.

(v) Upon application therefor, a special quota adjusted for any number of consecutive months of the year may be established by the Expediter with respect to a plant where, customarily, because of the effect of weather conditions on plant operations, the production of clay products during said months is substantially less than production in the other months of the year.

(2) In the case of a producer with two or more plants, if the production in any plant falls below the quota for that plant in any month, the Expediter may establish a combined quota for any or all plants if he determines that production has been shifted among such plants so as to increase the producers total claims without a corresponding increase in total output.

(d) *Application for quota.* (1) Every person who wishes to receive premium payments under this section shall file an application for quota on prescribed forms in accordance with instructions on the forms. A separate application shall be filed for each and every plant of the applicant.

(2) With respect to those plants whose quotas are established under paragraph (c) (1) (i), (ii) or (iii) of this section, the application forms may be obtained from any Reconstruction Finance Corporation Loan Agency and shall be filed with the first claim for payment.

(3) All applications for quotas under paragraph (c) (1) (i), (ii) or (iii) of this section shall be filed with the RFC at the Loan Agency for the district in which the plant is located except that a producer operating more than one plant shall simultaneously file the applications covering all his plants at the Loan Agency for the district in which his main office is located. A producer may find out in which RFC Loan Agency district he is located by consulting his bank.

(4) All applications for special quotas under paragraph (c) (1) (iv) or (v) of this section shall be filed with the Civilian Production Administration, Washington, D. C. The application forms may be obtained from any RFC Loan Agency.

(5) Each application for an adjustment of quota pursuant to subdivision (c) (1) (v) of this secion must be filed not later than December 31, 1946: *Provided, however,* That with respect to any plant which has not operated for the

less than one mile.

10:34 a. m.]

include drain tile, footing tile, tile lined

for both quota and claim purposes:

of any kind were produced during the

plant which has not operated for the

production of clay products between June 1, 1946 and November 30, 1946, inclusive, such application may be filed not later than 30 days following the end of the month in which production first occurs in such plant subsequent to November 30, 1946.

(e) *Rate and computation of premium payment.* (1) A premium payment of $5 for each thousand units of production stated in terms of standard size brick equivalents in excess of established quotas will be made. The amount payable for each month will be computed by subtracting from the total number of units of production stated in terms of standard size brick equivalents during the month the amount of the established quota and multiplying the remainder by $5 per thousand units.

(2) In the case of a plant whose quota includes clay products other than structural clay products, the production for the month covered by the claim may include such other clay products up to but not exceeding the amount of other clay products in its quota. The other clay products in the quota may be found as follows:

(i) With respect to a plant whose quota is the arithmetic average of production in the two months of highest production, take the arithmetic average of the production of other clay products in these two months.

(ii) With respect to a plant whose quota is 90% of production in the month of highest production, take 90% of production of other clay products in that month.

EXAMPLE: A plant has a quota of 1,000 standard size brick equivalent, made up of 800 in structural clay products and 200 in other clay products. In August it produces 1,500 standard size brick equivalent of all clay products made up of 1,200 structural clay products and 300 other clay products. The claim for August should be for 400 standard size brick equivalents of production in excess of quota, computed as follows:

Structural clay products produced	1,200
Other clay products produced (but not in excess of amount in quota)	200
Total production in claim	1,400
Quota	1,000
Production in excess of quota	400

(f) *Claim for payment.* (1) Each claim for payment shall be filed on prescribed forms in accordance with instructions on the forms. These forms may be obtained from any RFC Loan Agency.

(2) Each claim for payment shall be filed on or before the last day of the month following the end of the month in which the production occurred: *Provided, however,* That claims for payment on account of production during the month of June, 1946, may be filed not later than August 31, 1946: *And provided further,* That a producer obtaining a special quota for any plant shall file all previously accrued claims on account of production in that plant not later than the last day of the month following the end of the month in which the special quota was established by the Expediter. With respect to any plant, no claim shall accrue on account of production occurring prior to the first day of the month in which the application for quota for such plant is filed with the Expediter: *Provided, however,* That this provision shall not become effective until November 1, 1946.

(3) Each claim for payment shall include all of the production of the month for which claim is made and no other. Any producer whose production in any month is insufficient to permit the payment of a premium shall nevertheless file a claim form on or before the end of the month following the month in which the deficit occurred as an information return to indicate the amount of such deficit.

(4) Each claim for payment or information return shall be filed with the RFC at the Loan Agency for the District in which the main office of the plant is located, except that a producer operating more than one plant shall simultaneously file the claims or information returns for all of his plants at the Loan Agency for the District in which his main office is located.

(5) No claim under this section shall be assignable except as a part of a bona fide transfer of the plant to a legal successor.

(g) *Payment*—(1) *Review by RFC.* In reviewing applications for quota and claims for payment, the RFC will determine whether such applications and claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the applicant that part of the claim so accepted: *Provided, however,* That with respect to claims for the months of April and May, 1947, RFC may require that bond be furnished in form and amount satisfactory to it before making payment thereon. Preliminary acceptance and payment of a claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may (i) Require that bond be furnished in form and amount satisfactory to it before making further payments, or, (ii) Suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of applications for quota and claims for payment, RFC will forward copies to the Expediter for verification and such investigation or audit as may be deemed appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall upon demand by RFC refund the overage to RFC together with interest thereon at the rate of 4 percent per annum calculated from the date of such overpayment to the date repayment is made to the RFC or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(iii) In the event that the Expediter establishes a combined quota under paragraph (c) (2) of this section, payment shall be made on the basis of the amount by which total production of those plants whose quotas have been combined exceeds the total quotas of these plants.

(4) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a producer, and such producer shall upon demand refund to RFC any payment on such claim, if the Expediter finds that the producer has failed: (i) To comply with any of the requirements of this section, or (ii) To accept a rated order for structural clay products as required by the applicable priorities regulations of CPA or OHE.

[Subparagraph (4) as amended shall become effective as of November 10, 1946]

(h) *Records.* Every producer shall prepare and preserve for inspection for a period of not less than two years after the date of termination of this section, all books, records and other documents which furnish information in support of his applications for quota and claims for payment. The Expediter or his designated agents shall have the right at any time to make such examinations and audits of these books, records and other documents as may be necessary to verify the representations in producer's applications for quota and claims for payment or as may be required by the Expediter.

(i) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of the Office of the Expediter, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(j) *Termination.* This section shall terminate on May 31, 1947. In the event the Expediter finds that any substantive amendments, including but not limited to an amendment of the termination date, have become necessary, no such amendments will be issued until after adequate notice to and discussion with representatives of the producers covered by this section.

Termination of this section shall not preclude the filing of claims for payment during the month following such termination on account of production during the immediately preceding month. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

[Paragraph (j) as amended shall become effective as of November 10, 1946]

(k) *Effective date.* This section as amended shall become effective as of November 10, 1946.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 388, 79th Cong.)

Issued this 23d day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

ESTABLISHMENT OF QUOTA BY PRODUCER WHO HAS NO PRODUCTION RECORDS (PARAGRAPH (c))

If a producer has no monthly production records, but has monthly sales records and monthly inventory records, he may determine monthly production for purposes of quota by deducting his inventory at the beginning of the month from the total of his sales during the month and his inventory at the end of the month.

If a producer has neither monthly production records nor monthly inventory records, he should apply for a special quota under paragraph (c) (1) (iv) and (d) (4) of the regulation. (Issued July 11, 1946.)

INTERPRETATION 2

CONVERSION FACTOR FOR MODULAR SIZE BRICK

The conversion factor for modular size brick used under MPR 592, Order No. 17, issued by OPA may be used as the conversion factor for modular size brick under this premium payments regulation. The conversion factor under this OPA order is used in computing OPA maximum prices which are then filed by the producer with OPA. It is, therefore a conversion factor previously utilized in preparing reports to a Federal Government agency as required by this premium payments regulation. (Issued July 11, 1946.)

INTERPRETATION 3

APPLICATION OF TERM "STRUCTURAL CLAY PRODUCTS" TO CONCRETE BUILDING BRICK

Concrete and cement building bricks are not "structural clay products", as defined in paragraph (a) (3) of Premium Payments Regulation 1. (Issued July 19, 1946.)

INTERPRETATION 4

APPLICATION OF TERM "STRUCTURAL CLAY PRODUCTS" TO FLOOR BRICK

Floor bricks are not commonly known to the industry as burned common or face clay brick and consequently are not "structural clay products", as defined in paragraph (a) (3) of Premium Payments Regulation 1. (Issued August 9, 1946.)

INTERPRETATION 5

MEANING OF TERM "VALUE OF PRODUCTION" AS USED IN FORM NHA 14-43

The term "Value of production" in Form NHA 14-43 means the producer's selling price, f. o. b. plant. (Issued August 28, 1946.)

INTERPRETATION 6

STRUCTURAL CLAY PRODUCTS; COMPUTATION OF PRODUCTION

Paragraph (b) (1) of Premium Payments Regulation 1 requires that for the purpose of determining the quota of a plant and the amount of a claim, production be computed by determining the number of units of "completely burned clay products produced in the month involved." The term "produced" includes, in its usual sense, the entire process of manufacture. The process of manufacture of a structural clay unit consists of (1) the forming of the unit, (2) the drying of the unit, and (3) the burning of the unit.

When the entire process of manufacture of a structural clay unit in any plant has taken one month or less, then it is proper to determine production in any such month by counting the number of structural clay units completely burned during that month. The same method of determining production may also be used even where the process of manufacture exceeds one month if there are no radical fluctuations (other than normal seasonal fluctuations) in the number of units completely burned from month to month.

Where, however, the process of manufacture of a structural clay unit exceeds one month, and there are radical fluctuations (other than normal seasonal fluctuations) in the number of units completely burned from month to month, it is obvious that the number of units burned in any one month does not even approximate the number of units in fact produced during that month. In such cases, it is necessary to make a reasonable allocation of the number of units completely burned during one or more months to each of the months involved in the production of those units. This should be done by dividing the total number of units completely burned during a selected group of consecutive months by the number of months in such group. It is recognized that as a practical matter in most cases, it will not be possible to select a group of months during which all of the units burned were completely manufactured. However, the aim should be to select a group of months during which the predominant number of the units that were completely burned were also completely manufactured during those same months. The monthly average of the number of completely burned units arrived at in this fashion may be regarded as the production during each of the months in the group selected for this computation.

The principles stated in this official interpretation apply for purposes of determining production both during the quota period and during a claim period. (Issued September 26, 1946.)

INTERPRETATION 7

APPLICATION OF "STRUCTURAL CLAY PRODUCTS" TO IRRIGATION DITCH LINERS AND RADIAL CHIMNEY BRICK

Irrigation ditch liners and radial chimney brick are not "structural clay products" as defined in paragraph (a) (3) of Premium Payments Regulation 1, as amended. (Issued October 24, 1946.)

[F. R. Doc. 47-803: Filed, Jan. 23, 1947; 4:40 p. m.]

[Housing Expediter Premium Payments Reg. 10, as Amended Jan. 23, 1947, Incl. Int. 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SAND-LIME BRICK

Purpose and findings. This general regulation is issued to stimulate additional production of sand-lime brick by providing for premium payments with respect to units of additional production above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which such payments may be obtained. This regulation is issued pursuant to the authority of the Veterans' Emergency Housing Act of 1946.

All available means of increasing the supply of sand-lime brick for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration the Expediter finds that premium payments are temporarily necessary to increase the supply of such materials and to stimulate additional production with greater rapidity, economy, and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry, emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.

(a) Definitions.
(b) Computation of production for quotas and claims.
(c) Establishment of quota.
(d) Application for quota.
(e) Rate and computation of premium payment.
(f) Claim for payment.
(g) Payment.
(h) Records.
(i) Reports.
(j) Official interpretations.
(k) Termination.
(l) Effective date.

§ 805.10 *Sand-lime brick*—(a) *Definitions.* As used in this section:

(1) "Brick" and "Sand-lime brick" mean brick of the type described in "Federal Specification for Brick; Sand-lime", approved June 28, 1932 and published in section IV, Part 5 of the Federal Standard Stock Catalog and identified as document SS-B-681. No sand-lime product having a gross volume, computed from actual overall dimensions, in excess of 176 cubic inches shall be deemed to be "sand-lime brick" under this section.

(2) "Sand-lime product" means any product manufactured in a plant in which sand-lime brick is produced and for which the manufacturing process and the production facilities are substantially similar to those employed in the manufacture of sand-lime brick.

(3) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(4) "Producer" means a person who operates a plant for the production of sand-lime brick.

(5) "Plant" means an integrated manufacturing establishment for the production of sand-lime brick (within the United States, its Territories, possessions or the District of Columbia) occupying a single site and, where consisting of several complete manufacturing units, using common shipping and storing facilities and common operating supervision.

(6) "Standard size brick" means brick having a gross volume, computed from actual overall dimensions, of 67.5 cubic inches.

[Subparagraph (6) as amended shall become effective as of October 1, 1946]

(7) "Production" and "Units of Production" mean the number of units of sand-lime brick and other sand-lime products computed pursuant to paragraph (b) of this section and stated in terms of standard size brick equivalents.

(8) "Month" means a calendar month: *Provided, however,* That any producer on whom this provision works a hardship may apply by letter to the

Expediter for authorization to submit his application for quota and claims for payments on the basis of a stipulated fiscal month. With respect to a producer who has received such authorization this section shall become effective on the first day of his fiscal month beginning on or after October 1, 1946, and shall terminate on the same date as this section terminates as to other producers.

(9) "Full operating month" means a month during which a plant operated at least twenty working days except for February, during which the plant must have operated at least eighteen working days.

(10) "New producer". A person who did not operate prior to the effective date of this section any plant for the production of sand-lime brick shall be a new producer as to any plant operated by him for the production of sand-lime brick which was not, prior to the effective date of this section, substantially completed as a plant capable of producing sand-lime brick.

(11) "Claim" means a claim for payment filed pursuant to this section.

(12) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946, or his duly authorized representative.

(13) "OHE" means the Office of the Housing Expediter.

(b) *Computation of production for quotas and claims.* For the purpose of determining the quota of a plant and the amount of a claim, production shall be computed by counting the number of units of all sand-lime products completely cured in the month involved stated in terms of standard size brick equivalents. The number of standard size brick equivalents for all sand-lime products shall be computed by using 67.5 cubic inches as the gross volume equivalent to one standard size brick. For example: A sand-lime brick or other sand-lime product having actual dimensions of 3¾" x 5" x 8" and with a gross volume of 150 cubic inches equals 2.22 brick equivalent. In computing the gross volume of modular size brick for the purpose of converting to standard size brick equivalents, the nominal dimensions of the modular brick should be used rather than its actual dimensions.

[Paragraph (b) as amended shall become effective as of October 1, 1946]

(c) *Establishment of quota.* (1) A separate quota shall be established for each and every plant of the producer as follows:

(i) With respect to a plant where sand-lime products were produced for at least five full operating months during January through September 1946, the quota shall be the lower of the following: (a) The arithmetical monthly average of the production of all sand-lime products for the three months of highest production during January through September 1946 or (b) 90 percent of the production of all sand-lime products for the month of highest production during January through September 1946.

(ii) With respect to a plant where sand-lime products were produced less than five but at least two full operating months during January through September 1946, the quota shall be 90 percent of the production of all sand-lime products for the month of highest production during January through September 1946.

(iii) With respect to a plant where sand-lime products were produced prior to June 1, 1945, but where no sand-lime products of any kind were produced during the period from June 1, 1945 through September 30, 1946, the quota for each month shall be two-thirds of the production of all sand-lime brick during such month and premium payments will be made on the remaining one-third.

(iv) With respect to all other plants, a special quota shall be established by the Expediter: *Provided, however,* That no such quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of the producer's selling price) of the total output of such producer.

(v) Upon application therefor, on form NHA 14-113, a special quota adjusted for any number of consecutive months of the year may be established by the Expediter with respect to a plant where, customarily, because of the effect of weather conditions on plant operations the production of sand-lime brick during said months is substantially less than production in the other months of the year.

(2) In the case of a producer with two or more plants, if the production in any plant falls below the quota for that plant in any month, the Expediter may establish a combined quota for any or all plants of such producer if the Expediter determines that production has been shifted among such plants so as to increase the producer's total claims without a corresponding increase in total output.

(3) If the production of sand-lime brick in a plant in any claim period is below the sand-lime brick component of such plant's quota, then the plant's quota for the next succeeding claim period shall consist of its established quota plus the amount of the deficit in the production of sand-lime brick in the preceding claim period; *Provided, however,* That if on the producer's application the Expediter determines that the deficit was due to unusual circumstances beyond the control of the producer, such deficit shall not be added to the established quota. Such application for waiver of the deficit carry-over shall consist of form NHA 14-112 filled out as an information return and filed with the Reconstruction Finance Corporation Loan Agency with which the claims for that plant are filed within 15 days after the end of the month in which the deficit occurred, except that applications with respect to deficits incurred during the months of October, November and December, 1946, may be filed up to and including January 31, 1947.

[Above subparagraph (3) as amended shall become effective as of October 1, 1946]

(d) *Application for quota.* (1) Every producer who wishes to receive premium payments under this section shall file promptly with the Expediter an application for the establishment of quotas for each of his plants on form NHA 14-111 which may be obtained from any Reconstruction Finance Corporation Loan Agency. A producer may find out in which RFC Loan Agency district he is located by consulting his bank.

(2) Each application for an adjustment of quota pursuant to subdivision (c) (1) (v) of this section must be filed not later than January 31, 1947: *Provided, however,* that with respect to any plant which has not operated for the production of sand-lime brick between October 1, 1946, and December 31, 1946, such application may be filed not later than 30 days following the end of the month in which production first occurs subsequent to December 31, 1946.

[Above subparagraph (2) as amended shall become effective as of October 1, 1946]

(e) *Rate and computation of premium payment.* (1) A premium payment of $5.00 for each thousand units of production in excess of established quotas will be made. The amount payable for each month will be computed by subtracting from the total number of units of production of all sand-lime products during the month the amount of the established quota (including any deficit carried over from the previous month as set forth in subparagraph (c) (3) of this section) and multiplying the remainder by $5.00 per thousand units.

(2) In the case of a plant whose quota includes sand-lime products other than sand-lime brick, the production for the month covered by the claim may include such other sand-lime products up to but not exceeding the amount of other sand-lime products in its quota. The other sand-lime products in the quota shall be determined as follows:

(i) With respect to a plant whose quota is the arithmetic average of production in the three months of highest production, take the arithmetic average of the production of other sand-lime products in these three months.

(ii) With respect to a plant whose quota is 90% of production in the month of highest production, take 90% of production of other sand-lime products in that month.

Example: A plant has a quota of 1,000 standard size brick equivalent, made up of 800 in sand-lime brick and 200 in other sand-lime products. In October it produces 1,500 standard size brick equivalent of all sand-lime products made up of 1,200 sand-lime brick and 300 other sand-lime products. The claim for October should be for 400 standard size brick equivalents of production in excess of quota, computed as follows:

Sand-lime brick produced	1,200
Other sand-lime products produced (but not in excess of amount in quota)	200
Total production in claim	1,400
Quota	1,000
Production in excess of quota	400

(f) *Claim for payment.* (1) Each claim shall be filed on form NHA 14-112. These forms may be obtained from any RFC Loan Agency.

(2) Each claim shall be filed on or before the last day of the month following the end of the month in which the production occurred: *Provided, however,* That a producer obtaining a special quota for any plant shall file all previously accrued claims on account of production in that plant not later than the last day of the month following the end of the month in which the special quota was established by the Expediter. Notwithstanding any provision contained in this subparagraph (f) (2), claims based upon production occurring during the months of October, November and December, 1946, may be filed not later than January 31, 1947.

[Above subparagraph (2) as amended shall become effective as of October 1, 1946]

(3) With respect to any plant, no claim shall accrue on account of production occurring prior to the first day of the month in which the application for quota for such plant is filed with the Expediter: *Provided, however,* That this provision shall not become effective until February 1, 1947.

[Above subparagraph (3) as amended shall become effective as of October 1, 1946]

(4) Each claim for payment shall include all of the production of the month for which claim is made and no other. Any producer whose production in any month is insufficient to permit the payment of a premium shall nevertheless file form NHA 14-112 on or before the end of the month following the month in which the deficit occurred as an information return to indicate the amount of the deficit.

(5) Each claim or information return on form NHA 14-112 shall be filed with RFC at the Loan Agency for the District in which the main office of the plant is located, except that a producer operating more than one plant shall simultaneously file the claims or information returns for all of his plants at the Loan Agency for the District in which his main office is located.

(6) No claim under this section shall be assignable except as a part of the bona fide transfer of the plant to a legal successor.

(g) *Payment*—(1) *Review by RFC.* In reviewing claims, the RFC will determine whether such claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted: *Provided, however,* That with respect to claims for the last two months during which this section is in effect RFC may require that bond be furnished in form and amount satisfactory to it before making payment.

Preliminary acceptance and payment of a claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may:

(i) Require that bond be furnished in form and amount satisfactory to it before making further payments, or,

(ii) Suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims, RFC will forward copies to the Expediter for verification and such investigation or audit as may be deemed appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall upon demand by RFC refund the overage to RFC together with interest thereon at the rate of 4% per annum calculated from the date of such overpayment to the date repayment is made to the RFC or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(iii) In the event that the Expediter establishes a combined quota under paragraph (c) (2) of this section, payment shall be made on the basis of the amount by which total production of those plants whose quotas have been combined exceeds the total quotas of those plants.

(4) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a producer, and such producer shall upon demand refund to RFC any payment on such claim, if the Expediter finds that the producer has failed:

(i) To comply with any of the requirements of this section, or,

(ii) To comply with directives, certifications, allocations, orders or regulations of the Civilian Production Administration or OHE on sand-lime brick.

[Subdivision (ii) as amended shall become effective as of November 10, 1946]

(h) *Records.* Every producer shall prepare and preserve for inspection for a period of not less than two years after the date of termination of this section, all books, records and other documents which furnish information in support of its applications for quota and claims for payment. The Expediter or his designated agents shall have the right at any time to make such examinations and audits of these books, records and other documents as may be necessary to verify the representations in the producer's applications for quota and claims for payment or as may be required by the Expediter.

(i) *Reports.* Producers must furnish such reports as may be required by the Expediter from time to time, subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of the Office of the Expediter, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(k) *Termination.* This section shall terminate on May 31, 1947. In the event that the Expediter finds that any substantive amendments become necessary, including but not limited to an amendment of the termination date, no such amendments will be issued until after adequate notice to and discussion with representatives of the producers covered by this section.

Termination shall not preclude the filing of claims for payment during the month following such termination on account of production during the immediately preceding month. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

[Above paragraph as amended shall become effective as of November 10, 1946]

(l) *Effective date.* This section shall become effective as of October 1, 1946.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(60 Stat. 207)

Issued this 23d day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

MEANING OF "SAND-LIME BRICK"

In order to meet the requirements for sand-lime brick set forth in paragraph (a) (1) of EPPR 10, a sand-lime brick must include the ingredients set forth in the Federal Specification for sand-lime brick and may also include cement but only when, and to the extent that, this is necessary to overcome strength deficiencies. In all cases, sand-lime brick must be cured under high steam pressure to develop the chemical reaction characteristic of sand-lime brick (industry practice requires the use of a chamber or auto-clave within which an average of not less than 110 pounds per sq. in. steam pressure is developed and maintained for at least eight hours)." (Issued December 11, 1946.)

[F. R. Doc. 47-802; Filed, Jan. 23, 1947; 4:40 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter I—Grazing

PART 73—GRAZING, PINE RIDGE AERIAL GUNNERY RANGE

Sec.
73.1 Objectives.
73.2 Administration.
73.3 Grazing permits.
73.4 Preference in awarding permits.
73.5 Permit requirements.
73.6 Grazing fees.
73.7 Delinquent fees, their collection.

AUTHORITY: §§ 73.1 to 73.7, inclusive, issued under R. S. 161; 5 U. S. C. 22.

§ 73.1 *Objectives.* It is the purpose of the regulations in this part to achieve the preservation and rehabilitation through proper grazing practices of the forage, forest, land, and water resources of the area known as the Pine Ridge Aerial Gunnery Range, hereinafter referred to as the Gunnery Range, and to provide for the use of the area under proper permits.

§ 73.2 *Administration.* So far as applicable §§ 71.5, 71.6, 71.7, 71.8, 71.22, 71.23 (a), and 71.26 of the general grazing regulations governing the use of Indian range lands, which are contained in Title 25, Code of Federal Regulations, together with any subsequent amend-

ments, shall govern the administration of the Gunnery Range. All forms necessary to carry out the purpose of the regulations in this part shall be approved by the Commissioner of Indian Affairs.

§ 73.3 *Grazing permits.* Grazing privileges shall be granted through the medium of permits by the Superintendent of the Pine Ridge Indian Agency, Pine Ridge, South Dakota. The Superintendent shall post at public places for a period of fifteen days notices of the availability of the Gunnery Range for the grazing of livestock. Applications for grazing privileges must be submitted within the 15-day period during which the notice is posted. Permits for the cutting of hay may be issued by the Superintendent at rates comparable to the existing rates in the Pine Ridge Reservation. No permits shall be issued for farming purposes.

§ 73.4 *Preference in awarding permits.* In awarding grazing privileges preferences shall be given in the following order to:

(a) Former fee title owners, former Indian trust owners, and livestock operators owning established ranch headquarters within or adjacent to the Gunnery Range and who were using a portion of the area for grazing purposes at the time of acquisition by the War Department.

(b) Indian allottees whose former allotments were within the Gunnery Range but whose ranch headquarters were not within the area.

(c) Other livestock operators having established ranch headquarters adjacent to the Gunnery Range.

§ 73.5 *Permit requirements.* Permits shall be limited to 1-year periods on an annual renewal basis subject to the following provisions:

(a) The Secretary of War may terminate any or all permits when the use of the area for grazing interferes with the purpose of the Gunnery Range.

(b) Permittees shall be responsible for the reasonable protection of all improvements within the permitted areas. Permittees shall be allowed to use for improvement purposes within the Gunnery Range such salvage materials as may be located on any lands within their permitted areas. Title to such materials shall, however, remain in the United States.

(c) Permittees shall maintain at their own expense all existing water facilities. They may, however, also develop and maintain such additional water facilities as they may elect, and shall have the privilege of removing, at the termination of their permits, such personal property as they may have installed on the premises.

(d) Permittees assume all risks of personal damage or of injury or loss to personal property incident to the use of the Gunnery Range, and agree to waive all claims which they may now have for damages or compensation for loss of personal property incident to the acquisition by the United States of any or all lands within the Gunnery Range.

(e) Permittees are prohibited from cutting timber.

(f) Permits do not establish any permanent rights of possession or use by permittees to the areas covered by their permits and the privileges granted are temporary only.

§ 73.6 *Grazing fees.* Permittees shall be required by the terms of their permits to pay grazing fees on a level with existing rates within the Pine Ridge Indian Reservation, less 20 percent to offset the risk assumed in occupying the Gunnery Range subject to use by the War Department for military purposes. All grazing fees shall be paid to the Superintendent of the Pine Ridge Agency for appropriate disposition.

§ 73.7 *Delinquent fees, their collection.* Requests for court action to collect delinquent payments of grazing fees, trespass penalties, and damages shall be made by the Superintendent to the Commissioner of Indian Affairs. The requests shall be accompanied by all necessary information and evidence. Documents shall be submitted by the Superintendent to the Commissioner of Indian Affairs in quadruplicate.

ROBERT P. PATTERSON,
Secretary of War.
WARNER W. GARDNER,
Assistant Secretary of the Interior.

DECEMBER 23, 1946.

[F. R. Doc. 47-759; Filed, Jan. 24, 1947; 8:58 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 226—UNIT OR COOPERATIVE AGREEMENTS

Sec.
226.1 Introduction.
226.2 Definitions.
226.3 Designation of unit area; depth of test well.
226.4 Preliminary consideration of certain unit or cooperative agreements.
226.5 Parties to unit or cooperative agreement.
226.6 Qualifications of unit operator.
226.7 State land.
226.8 Approval of unit or cooperative agreement.
226.9 Filing of papers and number of counterparts.
226.10 Bonds.
226.11 Appeals.
226.12 Form of unit agreement for unproven areas.
226.13 Form of collective bond.
226.14 Form of designation of successor unit operator by working interest owners.
226.15 Form of change in unit operator by assignment.

AUTHORITY: §§ 226.1 to 226.15, inclusive, issued under sec. 32, 41 Stat. 450, Pub. Law 696, 79th Cong., 30 U. S. C. 189.

§ 226.1 *Introduction.* The regulations in this part prescribe the procedure to be followed and the requirements to be met by holders of Federal oil and gas leases (see § 226.2 (d)) and their representatives who wish to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan for the development of any oil or gas pool, field, or like area, or any part thereof (see 43 CFR, 192.20, 192.21).

§ 226.2 *Definitions.* The following terms, as used in this part or in any agreement approved under the regulations in this part, shall have the meanings here indicated unless otherwise defined in such agreement:

(a) *Unit agreement.* An agreement or plan of development and operation for the recovery of oil, gas, natural gasoline, and associated fluid hydrocarbons made subject thereto as a single consolidated unit without regard to separate ownerships and for the allocation of costs and benefits on a basis as defined in the agreement or plan.

(b) *Cooperative agreement.* An agreement or plan of development and operation for the recovery of oil, gas, natural gasoline, and associated fluid hydrocarbons made subject thereto in which separate ownership units are independently operated without allocation of production.

(c) *Agreement.* For convenience, the term "agreement" as used in the regulations in this part refers to both a unit or a cooperative agreement as defined in paragraphs (a) and (b) of this section unless otherwise indicated.

(d) *Federal lease.* A lease issued under the act of February 25, 1920, as amended (41 Stat. 437, as amended; 30 U. S. C. and Sup. 181, et seq.)

(e) *Unit area.* The area described in an agreement as constituting the land logically subject to development under such agreement.

(f) *Unitized land.* The part of a unit area committed to an agreement.

(g) *Unitized substances.* Deposits of oil, gas, natural gasoline, and associated fluid hydrocarbons recoverable by operation under and pursuant to an agreement.

(h) *Unit operator.* The person, association, partnership, corporation, or other business entity designated under a unit agreement to conduct operations on unitized land as specified in such agreement.

(i) *Participating area.* That part of a unit area to which production is allocated in the manner described in a unit agreement.

(j) *Working interest.* The interest held in unitized substances or in lands containing the same by virtue of a lease, operating agreement, fee title, or otherwise, under which, except as otherwise provided in a unit or cooperative agreement, the owner of such interest is vested with the right to explore for, develop, and produce such substances. The right vested in the unit operator as such by the unit agreement is not to be regarded as a working interest.

(k) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(l) *Director.* The Director of the Geological Survey.

(m) *Supervisor.* The oil and gas supervisor of the Geological Survey for the region in which a unit area is situated.

§ 226.3 *Designation of unit area; depth of test well.* An application for designation of an area as logically subject to development under a unit or cooperative agreement and for determination of the depth of a test well may be filed by any proponent of such an agreement. Such application shall be accompanied by a map or diagram on a scale of not less than 1 inch to 1 mile, outlining the area sought to be designated under this section. The Federal, State and privately owned land should be indicated by distinctive symbols or colors. Federal oil and gas leases and lease applications should be identified by lease serial numbers. Geologic information, including the results of any geophysical surveys, and any other available information showing that unitization is necessary and advisable in the public interest should be furnished. If requested, geologic information so furnished will be treated as confidential. These data will be considered by the Director and the applicant informed of the decision reached. The designation of an area, pursuant to an application filed under this section, shall not create an exclusive right to submit an agreement for such area, nor preclude the inclusion of such area or any part thereof in another unit area.

§ 226.4 *Preliminary consideration of certain unit or cooperative agreements.* The form of unit agreement set forth in § 226.12, is acceptable for use in unproven areas. The use of this form is not mandatory, but any substantial departure therefrom should be submitted for preliminary consideration and such revision as may be deemed necessary prior to the execution of the agreement by the interested parties. In areas proposed for unitization in which a discovery of oil or gas has been made, or where a cooperative agreement is contemplated, modification of the form of unit agreement set forth in § 226.12 will be necessary. Any such proposed agreement should likewise be submitted for preliminary consideration and such revision as may be deemed necessary in advance of execution by the interested parties.

§ 226.5 *Parties to unit or cooperative agreement.* The owners of any right, title, or interest in the oil and gas deposits to be unitized are regarded as proper parties to a proposed agreement. All such parties must be invited to join the agreement. If any party fails or refuses to join the agreement, the proponent of the agreement, at the time it is filed for approval, must submit evidence of reasonable effort made to obtain joinder of such party and the reasons for nonjoinder. The address of each signatory party to the agreement should be inserted below the signature. Each signature should be attested by at least one witness, if not notarized. Corporate or other signatures made in a representative capacity must be accompanied by evidence of the authority of the signatories to act unless such evidence is already a matter of record in the Department. The parties may execute any number of counterparts of the agreement with the same force and effect as if all parties signed the same document, or may execute a ratification or consent in a separate instrument with like force and effect.

§ 226.6 *Qualifications of unit operator.* A unit operator must qualify as to citizenship in the same manner as those holding interests in oil and gas leases under the Mineral Leasing Act (see 43 CFR 192.42 (b)). The unit operator may be an owner of a working interest in the unit area or such other party as may be selected by the owners of working interests. The unit operator shall execute an acceptance of the duties and obligations imposed by the agreement. No designation of or change in a unit operator will become effective unless and until approved by the Secretary or the Director and no such approval will be granted unless the unit operator is deemed qualified to fulfill the duties and obligations prescribed in the agreement.

§ 226.7 *State land.* Where State-owned land is to be unitized approval of the agreement by appropriate State officials must be obtained prior to its submission to the Department for final approval. When authorized by the laws of the State in which the unitized land is situated, appropriate provision may be made in the agreement accepting such laws to the extent that they are applicable to non-Federal unitized land.

§ 226.8 *Approval of unit or cooperative agreement.* A unit or cooperative agreement will be approved by the Secretary upon a determination that such agreement is necessary and advisable in the public interest and is for the purpose of more properly conserving natural resources. Such approval will be incorporated in a certificate appended to the agreement. No such agreement will be approved unless one or more of the parties are holders of a Federal lease or leases in the unit area and unless the parties signatory to the agreement hold sufficient interests in the unit area to give reasonably effective control of operations. Any modification of an approved agreement will require like approval by the Secretary.

§ 226.9 *Filing of papers and number of counterparts.* All papers, instruments, documents, and proposals submitted under these regulations should be filed in the office of the oil and gas supervisor for the region in which the unit area is situated unless otherwise provided in these regulations or otherwise instructed by the Director.

An application for designation of a proposed unit area and determination of the required depth of test well should be filed in triplicate. A like number of counterparts should be filed of any geologic data and any other information submitted in support of such application.

Where substantial modification of the form of unit agreement set forth in § 226.12, is proposed, triplicate copies of the proposed agreement as modified should be submitted for preliminary consideration.

Where a duly executed agreement is submitted for final Departmental approval a minimum of six signed counterparts should be filed. If State lands are involved an additional counterpart should be provided for delivery to the appropriate State authority. The same number of counterparts must be filed for documents supplementing, modifying, or amending an agreement, including change of operator, designation of new operator, designation of a participating area, and notice of surrender, relinquishment, or termination.

Four counterparts of a substantiating geologic report, including structure-contour map, cross sections, and pertinent data, shall accompany each application for approval of a participating area or amendment thereof under an approved agreement.

Four counterparts are required of a plan of further development and operation submitted for approval under an approved agreement.

One approved counterpart of each instrument or document submitted for approval will be returned to the operator by the approving official or his representative, together with such additional counterparts as may have been furnished for that purpose.

§ 226.10 *Bonds.* In lieu of separate bonds required for each Federal lease committed to a unit agreement, the unit operator may furnish and maintain a collective corporate surety bond or a personal bond conditioned upon faithful performance of the duties and obligations of the agreement and the terms of the leases subject thereto. Personal bonds shall be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond, and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the obligations assumed. The liability under the bond shall be for such amount as the Director shall determine to be adequate to protect the interests of the United States, and additional bond may be required whenever deemed necessary. The bond may be filed with the manager of the district land office or the supervisor, and shall be transmitted by such officer to the Director of the Bureau of Land Management. Evidence must be furnished the supervisor that such bond has been accepted by the Director of the Bureau of Land Management before operations will be authorized. A form of corporate surety bond is set forth in § 226.13. In case of change of unit operator a new bond must be filed or consent of surety to such change must be furnished.

§ 226.11 *Appeals.* An appeal may be taken to the Secretary, pursuant to 30 CFR, Cum. Supp. § 221.66, from any decision, order, or ruling of the Director under the regulations in this part.

§ 226.12 *Form of unit agreement for unproven areas.*

Unit agreement for the development and operation of the ---------- Unit Area, County of ----------, State of ----------, I-Sec. No. ----.

This agreement, entered into as of the --- day of ----------, 19---, by and between the parties subscribing, ratifying, or consenting hereto, and herein referred to as the "parties hereto,"

Witnesseth:

Whereas the parties hereto are the owners of working, royalty, or other oil or gas interests in the unit area subject to this agreement; and

Whereas the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et. seq., as amended by the act of August 8, 1946, 60 Stat. 950, authorizes Federal lessees and their representatives to unite with each other, or jointly or severally with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of any oil or gas pool, field, or like area, or any part thereof, for the purpose of more properly conserving the natural resources thereof whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest; and

Whereas the parties hereto hold sufficient interests in the ---------- Unit Area to give reasonably effective control of operations therein; and

Whereas it is the purpose of the parties hereto to conserve natural resources, prevent waste, and secure other benefits obtainable through development and operation of the area subject to this agreement under the terms, conditions, and limitations herein set forth;

Now, therefore, in consideration of the premises and the promises herein contained, the parties hereto commit to this agreement their respective interests in the unit area and agree severally among themselves as follows:

ENABLING ACT AND REGULATIONS

1. The act of February 25, 1920, as amended, supra, and all valid pertinent regulations, including operating and unit plan regulations, heretofore issued thereunder or valid pertinent and reasonable regulations hereafter issued thereunder are accepted and made a part of this agreement.[1]

UNIT AREA

2. The following-described land is hereby designated and recognized as constituting the unit area:

(Insert land description of unit area by legal subdivisions of public survey in accordance with the following example:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 100 W.,
Sec. 2, lot 1, SW¼SE¼;
Sec. 3, NE¼;
Etc.

Total unit area ---- acres more or less.)

Exhibit A attached hereto is a map showing the unit area and the known ownership of all land and leases in said area. Exhibit B attached hereto is a schedule showing the percentage and kind of ownership of oil and gas interests in all land in the unit area. Exhibits A and B shall be revised by the Unit Operator whenever changes in the unit area or other changes render such revision necessary, and not less than six copies of the revised exhibits shall be filed with the Oil and Gas Supervisor.

The above-described unit area shall be expanded or contracted, whenever such action is necessary or desirable to conform with the purposes of this agreement, in the following manner: (a) Unit Operator, on his/its own motion or on demand of the Director of the Geological Survey, hereinafter referred to as Director, shall prepare a notice of proposed expansion or contraction describing the contemplated changes in the boundaries of the unit area, the reasons therefor, and the proposed effective date thereof.

(b) Said notice shall be delivered to the Oil and Gas Supervisor, hereinafter referred to as Supervisor, and copies thereof mailed to the last known address of each working interest owner, lessee, and lessor whose interests are affected, advising that 30 days will be allowed for submission to the Unit Operator of any objections.

(c) Upon expiration of the 30-day period provided in the preceding item (b) hereof, Unit Operator shall file with the Supervisor evidence of mailing of the notice of expansion or contraction and a copy of any objections thereto which have been filed with the Unit Operator.

(d) After due consideration of all pertinent information, the expansion or contraction shall, upon approval by the Director become effective as of the date prescribed in the notice thereof.

All land committed to this agreement shall constitute land referred to herein as "unitized land" or "land subject to this agreement."

UNITIZED SUBSTANCES

3. All oil, gas, natural gasoline, and associated fluid hydrocarbons in any and all formations of the unitized land are unitized under the terms of this agreement and herein are called "unitized substances."

UNIT OPERATOR

4. -------- is hereby designated as Unit Operator and by signature hereto commits to this agreement all interests in unitized substances vested in him/it as set forth in Exhibit B, and agrees and consents to accept the duties and obligations of Unit Operator for the discovery, development, and production of unitized substances as herein provided. Whenever reference is made herein to the Unit Operator, such reference means the Unit Operator acting in that capacity and not as an owner of interests in unitized substances.

The Unit Operator may resign as Unit Operator whenever not in default under this agreement, but no Unit Operator shall be relieved from the duties and obligations of Unit Operator for a period of 6 months after he/it has served notice of intention to resign on all owners of working interests subject hereto and the Director unless a new Unit Operator shall have been selected and approved and shall have assumed the duties and obligations of Unit Operator prior to the expiration of said 6-month period. Upon default or failure in the performance of his/its duties or obligations under this agreement the Unit Operator may be removed by a majority vote of owners of working interests determined in like manner as herein provided for the selection of a successor Unit Operator. Prior to the effective date of relinquishment by or within 6 months after removal of Unit Operator, the duly qualified successor Unit Operator shall have an option to purchase on reasonable terms all or any part of the equipment, material, and appurtenances in or upon the land subject to this agreement, owned by the retiring Unit Operator and used in his/its capacity as such operator, or if no qualified successor operator has been designated, the working interest owners may purchase such equipment, material, and appurtenances. At any time within the next ensuing 3 months any equipment, material, and appurtenances not purchased and not necessary for the preservation of wells may be removed by the retiring Unit Operator, but if not removed shall become the joint property of the owners of unitized working interests in the participating area or, if no participating area has been established, in the entire unit area. The termination of the rights as Unit Operator under this agreement shall not terminate the right, title, or interest of such Unit Operator in his/its separate capacity as owner of interests in unitized substances.

SUCCESSOR UNIT OPERATOR

5. Whenever the Unit Operator shall relinquish the right as Unit Operator or shall be removed, the owners of the unitized working interests in the participating area on an acreage basis, or in the unit area on an acreage basis until a participating area shall have been established, shall select a new Unit Operator. A majority vote of the working interests qualified to vote shall be required to select a new Unit Operator: *Provided*, That, if a majority but less than 75 percent of the working interests qualified to vote are owned by one party to this agreement, a concurring vote of at least one additional working interest owner shall be required to select a new operator. Such selection shall not become effective until (a) a Unit Operator so selected shall accept in writing the duties and responsibilities of Unit Operator, and (b) the selection shall have been approved by the Director. If no successor Unit Operator is selected and qualified as herein provided, the Director at his election may declare this unit agreement terminated.

UNIT ACCOUNTING AGREEMENT

6. If the Unit Operator is not the sole owner of working interests, all costs and expenses incurred in conducting unit operations hereunder and the working interest benefits accruing hereunder shall be apportioned among the owners of unitized working interests in accordance with a unit accounting agreement by and between the Unit Operator and the other owners of such interests, whether one or more, separately or collectively. Any agreement or agreements entered into between the working interest owners and the Unit Operator as provided in this section, whether one or more, are herein referred to as the "unit accounting agreement." No such agreement shall be deemed either to modify any of the terms and conditions of this unit agreement or to relieve the Unit Operator of any right or obligation established under this unit agreement, and in case of any inconsistently or conflict between this unit agreement and the unit accounting agreement this unit agreement shall prevail. Three true copies of any unit accounting agreement executed pursuant to this section shall be filed with the Supervisor.

RIGHTS AND OBLIGATIONS OF UNIT OPERATOR

7. Except as otherwise specifically provided herein, the exclusive right, privilege, and duty of exercising any and all rights of the parties hereto which are necessary or convenient for prospecting for, producing, storing, and disposing of the unitized substances are hereby vested in and shall be exercised by the Unit Operator as herein provided. Acceptable evidence of title to said rights shall be deposited with said Unit Operator and, together with this agreement, shall constitute and define the rights, privileges, and obligations of Unit Operator. Nothing herein, however, shall be construed to transfer title to any land or to any lease or operating agreement, it being understood that under this agreement the Unit Operator, in his/its capacity as Unit Operator, shall exercise the rights of possession and use vested in the parties hereto only for the purposes herein specified.

The Unit Operator shall pay all costs and expenses of operation with respect to the unitized land. If and when the Unit Operator is not the sole owner of all working interests, such costs shall be charged to the account of the owner or owners of working interests, and the Unit Operator shall be reimbursed therefor by such owners and shall account to the working interest owners for their respective shares of the revenue and benefits derived from operations hereunder, all in the manner and to the extent provided in the unit accounting agreement. The Unit Operator shall render each month to the owners of unitized interests entitled thereto an accounting of the operations on unitized land during the previous calendar month, and shall pay in value or deliver in kind to each party entitled thereto a proportionate and allocated share of the benefits accruing hereunder in conformity with operating agreements, leases, or other independent contracts between the Unit Operator and the parties hereto either collectively or individually.

The development and operation of land subject to this agreement under the terms hereof shall be deemed full performance by the Unit Operator of all obligations for such development and operation with respect to each and every part or separately owned tract of land subject to this agreement, regardless of whether there is any development of any particular part or tract of the unit area, notwithstanding anything to the contrary in any lease, operating agreement, or other contract by and between the parties hereto or any of them.

DRILLING TO DISCOVERY

8. Within 6 months after the effective date hereof, the Unit Operator shall begin to drill an adequate test well at a location to be approved by the Supervisor, and thereafter continue such drilling diligently until a well not less than ---- feet in depth has been drilled, unless at a lesser depth unitized substances shall be discovered which can be produced in paying quantities or the Unit Operator shall at any time establish to the satisfaction of the Supervisor that further drilling of said well would not be warranted. If the first or any subsequent test well fails to result in the discovery of a deposit of unitized substances capable of being produced in paying quantities, the Unit Operator shall continue drilling diligently one well at a time, allowing not more than 6 months between the completion of one well and the beginning of the next well, until a well capable of producing unitized substances in paying quantities is completed to the satisfaction of said Supervisor, or until it is reasonably proved that the unitized land is incapable of producing unitized substances in paying quantities. Nothing in this section shall be deemed to limit the right of the Unit Operator to resign, as provided in section 4 hereof, after any well drilled under this section is placed in a satisfactory condition for suspension or is plugged and abandoned pursuant to applicable regulations. The Director may modify the drilling requirements of this section by granting reasonable extensions of time when, in his opinion, such action is warranted. Upon failure to comply with the drilling provisions of this section, the Director may, after reasonable notice to the Unit Operator, and each working interest owner, lessee, and lessor at their last known addresses, declare this unit agreement terminated.

PLAN OF FURTHER DEVELOPMENT AND OPERATION

9. Within 6 months after completion of a well capable of producing unitized substances in paying quantities, the Unit Operator shall submit for the approval of the Supervisor an acceptable plan of development and operation for the unitized land which, when approved by the Supervisor, shall constitute the further drilling and operating obligations of the Unit Operator under this agreement for the period specified therein. Thereafter, from time to time before the expiration of any existing plan, the Unit Operator shall submit for the approval of the Supervisor a plan for an additional specified period for the development and operation of the unitized land. Any plan submitted pursuant to this section shall provide for exploration of the unitized area and for the determination of the commercially productive area thereof in each and every productive formation and shall be as complete and adequate as the Supervisor may determine to be necessary for timely development and proper conservation of the oil and gas resources of the unitized area and shall (a) specify the number and locations of any wells to be drilled and the proposed order and time for such drilling; and (b) to the extent practicable specify the operating practices regarded as necessary and advisable for proper conservation of natural resources. Separate plans may be submitted for separate productive zones, subject to the approval of the Supervisor. Said plan or plans shall be modified or supplemented when necessary to meet changed conditions or to protect the interests of all parties to this agreement. Reasonable diligence shall be exercised in complying with the obligations of the approved plan of development. The Supervisor is authorized to grant a reasonable extension of the 6-month period herein prescribed for submission of an initial plan of development where such action is justified because of unusual conditions or circumstances. All parties hereto agree that after completion of one commercially productive well no further wells, except such as may be necessary to afford protection against operations not under this agreement, shall be drilled except in accordance with a plan of development approved as herein provided.

PARTICIPATION AFTER DISCOVERY

10. Upon completion of a well capable of producing unitized substances in paying quantities or as soon thereafter as required by the Supervisor, the Unit Operator shall submit for approval by the Director a schedule, based on subdivisions of the public-land survey or aliquot parts thereof, of all unitized land then regarded as reasonably proved to be productive of unitized substances in paying quantities; all land in said schedule on approval of the Director to constitute a participating area, effective as of the date of first production. Said schedule also shall set forth the percentage of unitized substances to be allocated as herein provided to each unitized tract in the participating area so established, and shall govern the allocation of production from and after the date the participating area becomes effective. A separate participating area shall be established in like manner for each separate pool or deposit of unitized substances or for any group thereof produced as a single pool or zone. The participating area or areas so established shall be revised from time to time, subject to like approval, whenever such action appears proper as a result of further drilling operations or otherwise, to include additional land then regarded as reasonably proved to be productive in paying quantities (or to exclude land then regarded as reasonably proved not to be productive),[2] and the percentage of allocation shall also be revised accordingly. The effective date of any revision shall be the first of the month following the date of first authentic knowledge or information on which such revision is predicated, unless a more appropriate effective date is specified in the schedule. No land shall be excluded from a participating area on account of depletion of the unitized substances.

It is the intent of this section that a participating area shall represent the area known or reasonably estimated to be productive in paying quantities; but, regardless of any revision of the participating area, nothing herein contained shall be construed as requiring any retroactive apportionment of any sums accrued or paid for production obtained prior to the effective date of revision of the participating area.

In the absence of agreement at any time between the Unit Operator and the Director as to the proper definition or redefinition of a participating area, or until a participating area has, or areas have, been established as provided herein, the portion of all payments affected thereby may be impounded in a manner mutually acceptable to the owners of working interests, except royalties due the United States, which shall be determined by the Supervisor and the amount thereof deposited with the district land office of the Bureau of Land Management to be held as unearned money until a participating area is finally approved and then applied as earned or returned in accordance with a determination of the sum due as Federal royalty on the basis of such approved participating area.

Whenever it is determined, subject to the approval of the Supervisor, that a well drilled under this agreement is not capable of production in paying quantities and inclusion of the land on which it is situated in a participating area is unwarranted, production from such well shall be allocated to the land on which the well is located so long as that well is not within a participating area established for the pool or deposit from which such production is obtained.[3]

ALLOCATION OF PRODUCTION

11. All unitized substances produced from each participating area established under this agreement, except any part thereof used for production or development purposes hereunder, or unavoidably lost, shall be deemed to be produced equally on an acreage basis from the several tracts of unitized land of the participating area established for such production and, for the purpose of determining any benefits that accrue on an acreage basis, each such tract shall have allocated to it such percentage of said production as its area bears to the said participating area. It is hereby agreed that production of unitized substances from a participating area shall be allocated as provided herein regardless of whether any wells are drilled on any particular part or tract of said participating area.

DEVELOPMENT OR OPERATION ON NON-PARTICIPATING LAND

12. Any party hereto, other than the Unit Operator, owning or controlling a majority of the working interests in any unitized land not included in a participating area and having thereon a regular well location in accordance with a well-spacing pattern established under an approved plan of development and operation may drill a well at such location at his own expense, unless within 90 days of receipt of notice from said party of his intention to drill the well the Unit Operator elects and commences to drill such well in like manner as other wells are drilled by the Unit Operator under this agreement.

If such well is not drilled by the Unit Operator and results in production such that the land upon which it is situated may properly be included in a participating area, the party paying the cost of drilling such well shall be reimbursed as provided in the unit accounting agreement for the cost of drilling similar wells in the unit area, and the well shall be operated pursuant to the terms of this agreement as though the well had been drilled by the Unit Operator.

If any well drilled by the Unit Operator or by an owner of working interests, as provided in this section, obtains production insufficient to justify inclusion of the land on which said well is situated in a participating area, said owner of working interests at his

[1] Where State or privately owned lands are involved add: "and as to non-Federal land applicable State laws are accepted and made part of this agreement."

[2] Words in parenthesis may be deleted at option of proponent of a unit agreement.

[3] If the entire unit area constitutes a single participating area section 10 should be revised to read as follows, with appropriate revision in section 11 and deletion of section 12:

10. Oil unitized land shall constitute a participating area for the purpose of determining any right of participation under the terms of this agreement. The percentage interest of each owner of rights in the total participating area shall govern the ratio of participation under this agreement.

election, within 30 days after determination of such insufficiency, shall be wholly responsible for and may operate and produce the well at his sole expense and for his sole benefit. If such well was drilled by the Unit Operator and said owner of working interests elects to operate said well, he shall pay the Unit Operator a fair salvage value for the casing and other necessary equipment left in the well.

Wells drilled or produced at the sole expense and for the sole benefit of an owner of working interest other than the Unit Operator shall be operated pursuant to the terms and provisions of this agreement. Royalties in amount or value of production from any such well shall be paid as specified in the lease affected.

ROYALTIES AND RENTALS

13. The Unit Operator, on behalf of the parties hereto, shall pay in value or deliver in kind, according to the rights of the parties established by underlying leases or agreements, all royalties due upon production allocated to unitized land and shall pay all rentals or minimum royalties due on unitized land. All such payments or deliveries in kind shall be charged by the Unit Operator to the appropriate working interest owners as provided in the unit accounting agreement. Nothing herein contained shall operate to relieve the lessees of Federal land from their obligations under the terms of their respective leases to pay rentals and royalties.

Royalty due the United States shall be computed as provided in the operating regulations and paid in value or delivered in kind as to all unitized substances on the basis of the amounts thereof allocated to unitized Federal land as provided herein at the rates specified in the respective Federal leases, or at such lower rate or rates as may be authorized by law or regulation: *Provided*, That for leases on which the royalty rate depends on the daily average production per well, said average production shall be determined in accordance with the operating regulations as though each participating area were a single consolidated lease.

Rental or minimum royalty for land of the United States subject to this agreement shall be paid at the rates specified in the respective Federal leases, or such rental or minimum royalty may be waived, suspended, or reduced to the extent authorized by law and applicable regulations.

CONSERVATION

14. Operations hereunder and production of unitized substances shall be conducted to provide for the most economical and efficient recovery of said substances, to the end that the maximum efficient yield may be obtained without waste, as defined by or pursuant to State or Federal law or regulation; and production of unitized substances shall be limited to such production as can be put to beneficial use with adequate realization of fuel and other values.

DRAINAGE

15. The Unit Operator shall take appropriate and adequate measures to prevent drainage of unitized substances from unitized land by wells on land not subject to this agreement, or pursuant to applicable regulations pay a fair and reasonable compensatory royalty as determined by the Supervisor.

LEASES AND CONTRACTS CONFORMED TO AGREEMENT

16. The parties hereto holding interests in leases embracing unitized land of the United States consent that the Secretary of the Interior, hereinafter called Secretary, may, and the Secretary by his approval of this agreement does, establish, alter, change, or revoke the drilling, producing, rental, minimum royalty, and royalty requirements of such leases and the regulations in respect thereto, to conform said requirements to the provisions of this agreement, but otherwise the terms and conditions of said leases shall remain in full force and effect.

Said parties further consent and agree, and the Secretary by his approval hereof determines, that during the effective life of this agreement, drilling and producing operations performed by the Unit Operator upon any unitized land will be accepted and deemed to be operations under and for the benefit of all unitized leases embracing land of the United States; and that no such lease shall be deemed to expire by reason of failure to produce wells situated on land therein embraced. Any Federal lease for a term of 20 years or any renewal thereof or any part of such lease which is made subject to this agreement shall continue in force until the termination hereof. Any other Federal lease committed hereto shall continue in force as to the committed land so long as the lease remains committed hereto, provided a valuable deposit of unitized substances is discovered prior to the expiration date of the primary term of such lease. Authorized suspension of all operations and production on the unitized land shall be deemed to constitute authorized suspension with respect to each unitized lease.

The parties hereto holding interests in land within the unit area other than Federal land consent and agree, to the extent of their respective interests, that all leases or other contracts concerning such land shall be modified to conform to the provisions of this agreement and shall be continued in force and effect during the life of this agreement.

COVENANTS RUN WITH LAND

17. The covenants herein shall be construed to be covenants running with the land with respect to the interests of the parties hereto and their successors in interest until this agreement terminates, and any grant, transfer, or conveyance of interest in land or leases subject hereto shall be and hereby is conditioned upon the assumption of all privileges and obligations hereunder by the grantee, transferee, or other successor in interest, and as to Federal land shall be subject to approval by the Secretary.

EFFECTIVE DATE AND TERM

18. This agreement shall become effective upon approval by the Secretary and shall terminate on ---------- unless (a) such date of expiration is extended by the Director, or (b) it is reasonably determined prior to the expiration of the fixed term or any extension thereof that the unitized land is incapable of production of unitized substances in paying quantities and after notice of intention to terminate the agreement on such ground is given by the Unit Operator to all parties in interest at their last known addresses, the agreement is terminated with the approval of the Director, or (c) a valuable discovery of unitized substances has been made on unitized land during said initial term or any extension thereof, in which case the agreement shall remain in effect so long as unitized substances can be produced from the unitized land in paying quantities; or (d) it is terminated as provided in section 5 or section 8 hereof. This agreement may be terminated at any time by not less than 75 percentum, on an acreage basis, of the owners of working interests signatory hereto with the approval of the Director.

RATE OF PROSPECTING, DEVELOPMENT, AND PRODUCTION

19. All production and the disposal thereof shall be in conformity with allocations, allotments, and quotas made or fixed by any duly authorized person or regulatory body under any Federal or State statute. The Director is hereby vested with authority to alter or modify from time to time, in his discretion, the rate of prospecting and development and the quantity and rate of production under this agreement, such authority being hereby limited to alteration or modification in the public interest, the purpose thereof and the public interest to be served thereby to be stated in the order of alteration or modification.

DETERMINATIONS BY OPERATOR AND REVIEW THEREOF

20. The Unit Operator shall determine the date of first authentic knowledge or information on which revision of any participating area shall be predicated and shall determine whether any well is productive of unitized substances in paying quantities. The Unit Operator shall make all other determinations required under this agreement for which a different method of determination is not otherwise established and shall give timely notice of all determinations not herein specifically authorized to all interested parties at their last known addresses. Notice of all determinations by the Unit Operator under this section shall be furnished to the Director through the Supervisor and may be reviewed by the Director on his own initiative or on written request of any interested party, notice of any such review to be given to all interested parties, including the Unit Operator, within 60 days after receipt of notice of a determination by the Unit Operator. Any matter so reviewed may on request of the Unit Operator or at the option of the Director, be submitted to a committee of three competent persons appointed by the Director, one on nomination of the Unit Operator, one on nomination of the other interested parties, and the third on nomination of the first two. The cost of such committee shall be a cost of operation. The report of the committee, which shall be binding on the committee when concurred in by any two of its members, shall be submitted to the Director for his consideration, and the Director shall submit copies thereof to Unit Operator and other interested parties. After consideration of all credible evidence the Director shall render a reasonable decision based thereon and in conformity therewith, which decision, except for the right of appeal to the Secretary, shall be final and binding on all parties hereto.

UNAVOIDABLE DELAY

21. All obligations under this agreement requiring the Unit Operator to commence or continue drilling or to operate on or produce unitized substances from any of the lands covered by this agreement shall be suspended while, but only so long as, the Unit Operator despite the exercise of due care and diligence is prevented from complying with such obligations, in whole or in part, by strikes, lockouts, acts of God, Federal, State, or municipal laws or agencies, unavoidable accidents, uncontrollable delays in transportation, inability to obtain necessary materials in open market, or other matters beyond the reasonable control of the Unit Operator whether similar to matters herein enumerated or not.

COUNTERPARTS

22. This agreement may be executed in any number of counterparts with the same force and effect as if all parties had signed the same document, or this agreement may be ratified with like force and effect by a separate instrument in writing specifically referring hereto. Any separate counterpart, consent, or ratification duly executed after approval hereof by the Secretary shall be effective on the first day of the month next following the filing thereof with the Supervisor, unless objection thereto is made by the Director and notice of such objection is served upon the appropriate parties within 60 days after such filing.

FAIR EMPLOYMENT

23. The Unit Operator shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and an identical provision shall be incorporated in all subcontracts.

LOSS OF TITLE

24. In the event title to any tract of unitized land or substantial interest therein shall fail and the true owner cannot be induced to join this unit agreement, so that such tract is not committed to this unit agreement, there shall be such readjustment of participation as may be required on account of such failure of title. In the event of a dispute as to title or as to any interest in unitized land, the Unit Operator may withhold payment or delivery on account thereof without liability for interest until the dispute is finally settled: *Provided*, That, as to Federal land or leases, no payments of funds due the United States shall be withheld, but such funds shall be deposited with the district land office of the Bureau of Land Management to be held as unearned money pending final settlement of the title dispute, and then applied as earned or returned in accordance with such final settlement.

In witness whereof, the parties hereto have caused this agreement to be executed and have set opposite their respective names the date of execution.

---------- 19-- ----------
---------- 19-- ----------
---------- 19-- ----------

CERTIFICATION—DETERMINATION

Pursuant to the authority vested in the Secretary of the Interior, under the act approved February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, I do hereby:

A. Approve the attached agreement for the development and operation of the ---------- Unit Area, State of ---------.

B. Certify and determine that the unit plan of development and operation set forth in the attached agreement is necessary and advisable in the public interest and is for the purpose of more properly conserving the natural resources of the unit area.

C. Certify and determine that the drilling, producing, rental, minimum royalty, and royalty requirements of all Federal leases committed to said agreement are hereby established, altered, changed, or revoked to conform with the terms and conditions of this agreement.

Dated ---------

———— ————,
Secretary of the Interior.

§ 226.13 *Form of collective bond.*

COLLECTIVE CORPORATE SURETY BOND

Know all men by these presents, That we, ----------, signing as Principal (Name of Unit Operator) for and on behalf of the record owners of unitized substances now or hereafter covered by the unit agreement for the ----------, approved ---------, and (Name of Unit) (Date) ----------, as Surety, are (Name and address of Surety) jointly and severally held and firmly bound unto the United States of America in the sum of ---------- Dollars, lawful (Amount of bond) money of the United States, for the use and benefit of and to be paid to the United States and any entryman or patentee of any portion of the unitized land, heretofore entered or patented with the reservation of the oil or gas deposits to the United States, for which payment, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators, successors, and assigns by these presents.

The condition of the foregoing obligation is such, that, whereas the Secretary of the Interior on ---------- approved under the (Date) provisions of the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, a unit agreement for the development and operation of the ---------- (Name of Unit ----------; and and State)

Whereas said Principal and record owners of unitized substances, pursuant to said unit agreement, have entered into certain covenants and agreements as set forth therein, under which operations are to be conducted; and

Whereas said Principal as Unit Operator has assumed the duties and obligations of the respective owners of unitized substances as defined in said unit agreement; and

Whereas said Principal and Surety agree to remain bound in the full amount of the bond for failure to comply with the terms of the unit agreement, and the payment of rentals, minimum royalties, and royalties due under the Federal leases committed to said unit agreement; and

Whereas the Surety hereby waives any right of notice of and agrees that this bond may remain in force and effect notwithstanding:

(a) Any additions to or change in the ownership of the unitized substances herein described;

(b) Any suspension of the drilling or producing requirements or waiver, suspension, or reduction of rental or minimum royalty payments or reduction of royalties pursuant to applicable laws or regulations thereunder; and

Whereas said Principal and Surety agree to the payment of compensatory royalty under the regulations of the Interior Department in lieu of drilling necessary offset wells in the event of drainage; and

Whereas nothing herein contained shall preclude the United States from requiring an additional bond at any time when deemed necessary:

Now, therefore, if the said Principal shall faithfully comply with all of the provisions of the above-identified unit agreement and with the terms of the leases committed thereto, then the above obligation is to be of no effect; otherwise to remain in full force and virtue.

Signed, sealed, and delivered this ---- day of ----------, 19---, in the presence of:

Witnesses:

---------- ----------
---------- (Principal)
---------- ----------
---------- (Surety)

§ 226.14 *Form of designation of successor unit operator by working interest owners.*

Designation of successor Unit Operator ---------- Unit Area, County of ---------, State of ---------. I-Sec. No. ----.

This indenture, dated as of the --- day of -------, 19--, by and between ----------, hereinafter designated as "First Party," and the owners of unitized working interests, hereinafter designated as "Second Parties,"

WITNESSETH

Whereas under the provisions of the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, the Secretary of the Interior, on the --- day of --------, 19 , approved a unit agreement for the ---------- Unit Area, wherein ----------[1] is designated as Unit Operator: and

Whereas said ---------- has resigned as such Operator,[1] and the designation of a successor Unit Operator is now required pursuant to the terms thereof; and

Whereas the First Party has been and hereby is designated by Second Parties as Unit Operator, and said First Party desires to assume all the rights, duties, and obligations of Unit Operator under the said unit agreement:

Now, therefore, in consideration of the premises hereinbefore set forth and the promises hereinafter stated, the First Party hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of the ---------- unit agreement, and the Second Parties covenant and agree that, effective upon approval of this indenture by the Director of the Geological Survey, First Party shall be granted the exclusive right and privilege of exercising any and all rights and privileges as Unit Operator, pursuant to the terms and conditions of said unit agreement; said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

---------- ----------
(Witnesses) (First Party)
---------- ----------
---------- ----------
(Witnesses) (Second Parties)

I hereby approve the foregoing indenture designating ---------- as Unit Operator under the unit agreement for the --------- Unit Area, this --- day of --------, 19--.

———— ————,
Director of the Geological Survey.

§ 226.15 *Form of change in Unit Operator by assignment.*

Change in Unit Operator ---------- Unit Area, County of ---------, State of ---------. I-Sec. No. ----.

This indenture, dated as of the --- day of --------, 19--, by and between ----------, hereinafter designated as "First Party," and ----------, hereinafter designated as "Second Party."

Witnesseth. Whereas under the provisions of the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, the Secretary of the Interior, on the --- day of ---------, 19---, approved a unit agreement for the ---------- Unit Area, wherein the First Party is designated as Unit Operator; and

Whereas the First Party desires to transfer, assign, release, and quitclaim, and the Second Party desires to assume all the rights, duties, and obligations of Unit Operator under the unit agreement; and

Whereas for sufficient and valuable consideration, the receipt whereof is hereby acknowledged, the First Party has transferred, conveyed, and assigned all his/its rights under certain operating agreements involving lands within the area set forth in said unit agreement unto the Second Party:

Now, therefore, in consideration of the premises hereinbefore set forth, the First Party does hereby transfer, assign, release, and quitclaim unto Second Party all of First Party's rights, duties, and obligations as Unit Operator under said unit agreement; and

Second Party hereby accepts this assignment and hereby covenants and agrees to

[1] Where the designation of a successor Unit Operator is required for any reason other than resignation, such reason shall be substituted for the one stated.

fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of said unit agreement to the full extent set forth in this assignment, effective upon approval of this indenture by the Director of the Geological Survey; said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

(Witnesses) (First Party)

(Witnesses) (Second Party)

I hereby approve the foregoing indenture designating ---------- as Unit Operator under the unit agreement for the ---------- Unit Area, this --- day of --------, 19----.

Director of the Geological Survey.

Recommended for approval: December 6, 1946.

THOMAS B. NOLAN,
Acting Director of the Geological Survey.

Approved: January 17, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-757; Filed, Jan. 24, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 296]

PART 802—GENERAL LICENSES

GIFT PARCELS

Section 802.29 is hereby amended to read as follows:

§ 802.29 *General license for gift parcels*—(a) *General license.* There is hereby granted a general license authorizing the exportation of gift parcels, as defined in paragraph (b) of this section, to all destinations to which parcel post service is available: *Provided*, That such exportation is in accordance with the following provisions of this section.

(b) *Definition.* For the purpose of this general license, a gift parcel is defined as a parcel containing commodities having a total value not in excess of $25.00 donated to an individual in a foreign country free of cost to such individual, mailed by parcel post to such individual and conforming to Post Office Department regulations as to size and weight: *Provided*, That in no event shall the weight exceed 11 pounds.

(c) *General license designation.* The legend "gift parcel" shall be plainly written on the address side of the parcel and on any customs declaration required by the Bureau of Customs. The inscription of the legend "gift parcel" on the parcel shall constitute a certification by the donor that the shipment complies with the provisions of this general license.

(d) *Destinations*—(1) *Shipments to destinations other than Germany and Japan.* Gift parcels may be sent to individuals in all destinations to which parcel post service is available except Germany and Japan, in accordance with the following provisions:

(i) No gift parcel shall contain commodities other than those of a personal nature, such as: Clothing; piece goods; toilet preparations, including soaps and shaving creams; writing materials; medicinals, including vitamins; and nonperishable foodstuffs; sent free of cost to an individual in a foreign country.

(ii) Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(2) *Shipments to Germany and Japan.* Gift parcels may be sent to persons in all of the occupied zones of Germany including Berlin and to persons located in the islands of Honshu, Kyushu, Shikoku, or Hokkaido in occupied Japan in accordance with the following provisions:

(i) A gift parcel shall contain no commodity other than clothing, non-perishable foodstuffs, medicinals and vitamins, soaps and shaving creams.

(ii) Not more than one gift parcel may be sent from the same donor to the same donee in any one calendar week.

This amendment shall become effective January 15, 1947.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: January 17, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control. Commodities Branch.

[F. R. Doc. 47-763; Filed, Jan. 24, 1947; 8:55 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1076]

CHARLES W. ALTHEN

Charles W. Althen, 1350 West Broad Street, Columbus, Ohio, on or about November 22, 1946, without authorization of the Civilian Production Administration, began construction and thereafter carried on construction of a one-story commercial building to be used for storage purposes located at 21 Highland Avenue, Columbus, Ohio, the estimated cost of which construction was in excess of $1,000. The beginning of construction and the carrying on of construction as aforesaid constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation had diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1076 *Suspension Order No. S-1076.* (a) Neither Charles W. Althen, his successors or assigns, nor any other person shall do any further construction on the one-story storage building located at 21 Highland Avenue, Columbus, Ohio, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Charles W. Althen shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Charles W. Althen, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-839; Filed, Jan. 24, 1947; 11:33 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

BUREAU OF YARDS AND DOCKS

Amend § 26.12 (c), relating to the organization and functions of the naval establishment (11 F. R. 177A-172) to read as follows:

§ 26.12 *Bureau of Yards and Docks.* • • •

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau:
- Deputy and Assistant Chief of the Bureau.
- Chief Planning Officer.
- Chief Inspector.
- Administration and Personnel Department:
  - Personnel Division (Civil).
  - Administrative Services Division.
  - Public Information Division.
  - Personnel Division (Military).
  - Civil Engineer Corps Reserve Activities Division.
  - Central Division and Security Office.
- Finance and Operating Department:
  - Real Estate Division.
  - Contract Division.
  - Legislative Division.
  - Maintenance Budget Division.
  - Financial Division.
  - Accounting and Audit Division.
  - General Maintenance and Operations Division.

Chief of the Bureau—Continued
- Finance and Operating Department—Con.
  - Automotive Transportation Division.
  - Housing Community Facilities and Access Roads.
  - Investigations and Special Studies.
  - Civil Works Division.
  - Surplus Personal Property Division.
- Planning and Design Department:
  - Administrative Division.
  - Research and Standards Division.
  - Design Manager.
  - Planning Division.
  - Technical Services Division.
  - Historical Division.
- Construction Department:
  - Fleet and Industrial Facilities Division.
  - Aviation Division.
  - Power and Utility Division.
  - Radio, Marine Corps Storage Division.
  - Statistical Reports and Priorities Division.
  - Ordnance Division.
  - Hospital and Personnel Structures Division.
  - Overseas Base Division.

(Sec. 12, 60 Stat. 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-761; Filed, Jan. 24 1947; 8:55 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Bureau of Federal Supply, Department of the Treasury

PART 5—ORGANIZATION AND PROCEDURES

DELEGATION OF AUTHORITY AS TO SETTLEMENT OF CERTAIN EQUITABLE CLAIMS; FILING SUCH CLAIMS

1. Section 5.3 (11 F. R. 177A-99) is hereby amended by the addition of paragraph (i), reading as follows:

§ 5.3 *Delegations of final authority.* • • •

(i) *Settlement of certain equitable claims.* Making and approving settlement of claims, as the central authority of the Treasury Department, under Public Law 657, 79th Congress (60 Stat. 902), and the performance of all functions, powers and duties of the Treasury Department incident to the administration of said Law: Director, Bureau of Federal Supply.

2. Subpart B (11 F. R. 177A-100) is hereby amended by the addition of § 5.104, reading as follows:

§ 5.104 *Certain equitable claims.* Contractors desiring to file claims for relief in accordance with Public Law 657, 79th Congress (60 Stat. 902) must, in filing, comply in all respects with the regulations prescribed by the President October 5, 1946 (E. O. 9786; 11 F. R. 11553). All claims to be presented to the Treasury Department must be filed with the Director, Bureau of Federal Supply, Treasury Department, Washington 25, D. C.

(Sec. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; Sec. 1, Pub. Law 657, 79th Cong., 60 Stat. 902)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-741; Filed, Jan. 24, 1947; 10:34 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 14—ELECTRIC RAILWAYS: UNIFORM SYSTEM OF ACCOUNTS

REVOCATION OF ACCOUNTING BULLETIN

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 17th day of January A. D. 1947.

The matter of a uniform system of accounts for electric railways being under consideration by the division pursuant to the provisions of section 20 of the Interstate Commerce Act; and,

It appearing that, by order dated April 2, 1917, Accounting Bulletin No. 14, consisting of official interpretations of the accounting regulations then in effect, was approved as mentioned in a footnote following 49 CFR Part 14; and

It further appearing that, by order dated March 29, 1946, the "Uniform System of Accounts for Electric Railways, Issue of 1947," superseded previously effective accounting regulations which had been officially interpreted in Accounting Bulletin No. 14 and rendered those interpretations inapplicable after the effective date of said system of accounts;

It is ordered, That Accounting Bulletin No. 14 be, and it is hereby, canceled and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(54 Stat. 917, 49 U. S. C. 20 (3))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-764; Filed, Jan. 24, 1947; 8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 201—ALASKA FISHERIES GENERAL REGULATIONS

1. Section 201.9 *Traps must be made inoperative within 12 hours after close of season* (8 F. R. 6854, 10 F. R. 3291, 4042, 11 F. R. 3103) is hereby amended to delete the last sentence of the regulation and substitute therefor the following: "For the Alaska Peninsula, Kodiak, and Prince William Sound areas the close of the season is defined as the end of the fishing period specified under paragraph (c) (2) of the sections pertaining to open seasons in those areas, and for districts in the Southeastern Alaska area the close of the season is defined as the end of the fishing period specified under paragraph (c) (4) of the sections pertaining to open seasons in those districts."

2. Section 201.13 is hereby amended to read as follows:

§ 201.13 *Release of small king salmon taken by trolling.* In commercial trolling operations no king salmon shall be taken which measures less than 26 inches from tip of snout to fork of tail. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive. Possession of any king salmon of less than this length will be regarded as prima facie evidence of unlawful taking.

3. Section 201.23 *Filing of trap site locations* (11 F. R. 3103) is hereby amended to substitute "February 15, 1947" for "April 15, 1946".

4. Section 201.25 is hereby amended to substitute "1947" for "1946".

5. A new regulation, to be known as § 201.25a, is hereby inserted following § 201.25, to read as follows:

§ 201.25a *Operation of trap site by permit holder.* No person who in the fishing season 1946 held a permit for a trap site and did not himself occupy such site but instead leased or assigned such site to another person under arrangements by which the permit holder did not bear all or a substantial part of the expenses and financial risk involved in the installation, care, service, and use of the trap shall be allowed to occupy, lease, or assign such site. The Secretary or his authorized representative may, however, in exceptional cases authorize occupation of such site for good cause shown. Any trap site occupied, leased, or assigned in violation of this section will be closed.

6. Section 201.26 *Definitions* (11 F. R. 3103) is hereby amended to substitute "201.25a" for "201.25".

PART 204—BRISTOL BAY AREA SALMON FISHERIES

1. A new regulation to be known as § 204.6a is hereby inserted following § 204.6, to read as follows:

§ 204.6a *Certification of citizenship and residence by stake and set net operators.* Every operator of a stake or set net for commercial purposes shall furnish to the local representative of the Fish and Wildlife Service in advance of the fishing season a sworn statement that he is a citizen of the United States and has resided continuously in the area embracing Bristol Bay and the arms and tributaries thereof for a period of at least two years immediately preceding the opening date for fishing.

2. Section 204.11 *Size of mesh and depth of salmon gill nets* (10 F. R. 3291, 11 F. R. 3104, 11307) is hereby amended to substitute a period for the colon in the first sentence, and delete the remainder of the sentence.

3. Section 204.12 is hereby amended to read as follows:

§ 204.12 *Opening date for red-salmon fishing; exception.* Commercial fishing for salmon with nets of mesh less than 8½ inches stretched measure between knots is prohibited each year prior to 6 o'clock antemeridian June 23, except in the Ugashik district where such fishing

is prohibited each year prior to 6 o'clock antemeridian June 30.

4. Section 204.13 is hereby amended to read as follows:

§ 204.13 *Closed seasons, salmon fishing; exception.* Commercial fishing for salmon is prohibited in the period from 6 o'clock antemeridian July 23 to 6 o'clock antemeridian August 3, except in the Ugashik district where such fishing is prohibited from 6 o'clock antemeridian July 30 to 6 o'clock antemeridian August 10.

5. Section 204.19 is hereby amended to read as follows:

§ 204.19 *Weekly closed periods, salmon fishing.* The 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thusday of each week, making a weekly closed period of 60 hours.

PART 205—ALASKA PENINSULA AREA FISHERIES

1. A new regulation, to be known as § 205.1a is hereby inserted following § 205.1, to read as follows:

§ 205.1a *Definitions, fishing districts, Alaska Peninsula area.* Fishing districts in the Alaska Peninsula area are defined as follows:

(a) *Eastern district.* All waters of the Alaska Peninsula area on the south side of the Peninsula between the longitude of Castle Cape and the longitude of Seal Cape, including the Shumagin and other islands.

(b) *Central district.* All waters of the Alaska Peninsula area on the south side of the Peninsula between the longitude of Seal Cape and the longitude of Kenmore Head, including the Sanak and other islands.

(c) *Western district.* All waters of the Alaska Peninsula area on the south side of the Peninsula west of the longitude of Kenmore Head.

(d) *Port Moller district.* All waters of the Alaska Peninsula area on the north side of the Peninsula between Lagoon Point and Cape Seniavin.

(e) *General district.* All waters of the Alaska Peninsula area not defined above.

2. Section 205.8 is hereby amended to read as follows:

§ 205.8 *Size of beach seines.* The use of any beach seine less than 60 fathoms in length and 120 meshes in depth or more than 75 fathoms in length and 175 meshes in depth is prohibited. For the purpose of determinging depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots.

3. Section 205.14 *Catch limitation, Entrance Point to Cape Seniavin* (11 F. R. 3105) is hereby amended to substitute "700,000" for "500,000".

4. Section 205.15 is amended to read as follows:

§ 205.15 *Open seasons, salmon fishing, except Port Moller district.* With the exception of the Port Moller district, commercial fishing for salmon is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian August 8.

(b) From 6 o'clock antemeridian August 11 to 6 o'clock antemeridian August 13.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 14 to 6 o'clock postmeridian August 15; and (2) from 6 o'clock antemeridian August 18 to 6 o'clock postmeridian August 19.

(d) By beach seines and gill nets from August 26 to September 30, both dates inclusive.

5. A new regulation, to be known as § 205.15a is hereby inserted following § 205.15, to read as follows:

§ 205.15a *Open season, salmon fishing, Port Moller district.* Commercial fishing for salmon is prohibited in the Port Moller district except in the period from 6 o'clock antemeridian June 20 to 6 o'clock postmeridian July 31: *Provided*, That beach seines and gill nets may be used from August 26 to September 30, both dates inclusive.

PART 208—KODIAK AREA FISHERIES

1. Section 208.7a (11 F. R. 3105) is hereby revoked and deleted as follows:

§ 208.7a *Size of mesh, red-salmon gill nets.* [Revoked]

2. Section 208.11 is hereby amended to read as follows:

§ 208.11 *Open seasons, salmon fishing, Karluk and General districts.* Commercial fishing for salmon is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian June 1 to 6 o'clock antemeridian August 13.

(b) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 14 to 6 o'clock postmeridian August 15; and (2) from 6 o'clock antemeridian August 18 to 6 o'clock postmeridian August 19.

(d) By beach seines and gill nets from August 26 to September 30, both dates inclusive.

5. A new regulation, to be known as § 205.15a is hereby inserted following § 205.15, to read as follows:

§ 205.15a *Open season, salmon fishing, Port Moller district.* Commercial fishing for salmon is prohibited in the Port Moller district except in the period from 6 o'clock antemeridian June 20 to 6 o'clock postmeridian July 31: *Provided*, That beach seines and gill nets may be used from August 26 to September 30, both dates inclusive.

PART 208—KODIAK AREA FISHERIES

1. Section 208.7a (11 F. R. 3105) is hereby revoked and deleted as follows:

§ 208.7a *Size of mesh, red-salmon gill nets.* [Revoked]

2. Section 208.11 is hereby amended to read as follows:

§ 208.11 *Open seasons, salmon fishing, Karluk and General districts.* Commercial fishing for salmon is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian June 1 to 6 o'clock antemeridian August 13.

(b) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 14 to 6 o'clock postmeridian August 15; and (2) from 6 o'clock antemeridian August 18 to 6 o'clock postmeridian August 19.

(d) By beach seines and gill nets from August 26 to September 30, both dates inclusive.

5. A new regulation, to be known as § 205.15a is hereby inserted following § 205.15, to read as follows:

§ 205.15a *Open season, salmon fishing, Port Moller district.* Commercial fishing for salmon is prohibited in the Port Moller district except in the period from 6 o'clock antemeridian June 20 to 6 o'clock postmeridian July 31: *Provided*, That beach seines and gill nets may be used from August 26 to September 30, both dates inclusive.

PART 208—KODIAK AREA FISHERIES

1. Section 208.7a (11 F. R. 3105) is hereby revoked and deleted as follows:

§ 208.7a *Size of mesh, red-salmon gill nets.* [Revoked]

2. Section 208.11 is hereby amended to read as follows:

§ 208.11 *Open seasons, salmon fishing, Karluk and General districts.* Commercial fishing for salmon is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian June 1 to 6 o'clock antemeridian August 13.

(b) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20; and (2) from 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(d) From 6 o'clock postmeridian August 14 to 6 o'clock antemeridian September 30 by set or anchored gill nets.

(e) Fall season: From 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

4. Section 208.12 is hereby amended to read as follows:

§ 208.12 *Open seasons, salmon fishing, Alitak district.* Commercial fishing for salmon is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 5 to 6 o'clock antemeridian August 13.

(b) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20; and (2) from 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(d) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 20 by set or anchored gill nets, in Olga and Moser Bays.

5. Section 208.18 is hereby amended to read as follows:

§ 208.18 *Fishing gear, Cape Karluk to Cape Uyak.* Commercial fishing for salmon between Cape Karluk and Cape Uyak except by beach seines and purse seines is prohibited.

PART 209—COOK INLET AREA FISHERIES

1. Section 209.2 *Open seasons, salmon fishing* (9 F. R. 3161) is hereby amended to substitute "May 20" for "May 25" and "August 4" for "August 8" in paragraph (a); "August 8" for "August 12", and "August 22" for "August 24" in paragraph (b); and "August 4" for "August 8" and "May 20" for "May 25" in paragraph (c).

2. Section 209.7 *Total aggregate length of gill nets* (6 F. R. 1243) is hereby amended to substitute "200" for "100".

3. Section 209.16 (a) (5), (i), (l) (2) and (o) are hereby amended to read as follows:

§ 209.16 *Areas open to salmon traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) • • •

(5) Within 1,000 feet of a point at 60 degrees 46 minutes 2 seconds north latitude, 151 degrees 44 minutes 32 seconds west longitude;

• • • • •

(l) Along the mainland coast on the east side of Cook Inlet from a point south of Kenai River at 60 degrees 28 minutes 58 seconds north latitude, 151 degrees 17 minutes 11 seconds west longitude, southerly to a point at 60 degrees 26 minutes 3 seconds north latitude, 151 degrees 17 minutes 30 seconds west longitude.

• • • • • •

(l) • • •

(2) From a point at 60 degrees 11 minutes 13 seconds north latitude, southerly to a point at 60 degrees 11 minutes 5 seconds north latitude;

• • • • •

(o) Along the mainland coast on the east side of Cook Inlet south of Cape Starichkof within 1,000 feet of a point at 59 degrees 51 minutes 4 seconds north latitude.

4. New regulations, to be known as §§ 209.34, 209.35, and 209.36 are hereby inserted following § 209.33 and under the subpart heading "Crab Fishery", to read as follows:

§ 209.34 *Protection of female and small male crabs; Dungeness crab (Cancer magister).* No female of this species shall be taken at any time, and no male of this species measuring less than 7 inches in greatest width shall be taken for commercial purposes.

§ 209.35 *Closed season on Dungeness crabs.* Commercial fishing for the Dungeness crab is prohibited from June 1 to August 14, both dates inclusive.

§ 209.36 *Taking of soft-shell crabs prohibited.* It is prohibited to take for commercial purposes any soft-shell crab. Possession of any such crab will be regarded as prima facie evidence of unlawful taking.

PART 210—RESURRECTION BAY AREA FISHERIES

1. Section 210.13 *Closed seasons, herring fishing* (10 F. R. 3292) is hereby amended to substitute "June 14" for "May 31."

2. A new regulation to be known as § 210.16 is hereby inserted following § 210.15 to read as follows:

§ 210.16 *Herring catch limitations, June 15 to August 20.* In the period from June 15 to August 20, both dates inclusive, there shall not be taken for commercial purposes, except for bait and except by gill nets, in the Resurrection Bay area as defined in § 210.1 and in the Prince William Sound area as defined in § 211.1 of this chapter, a combined total of more than 150,000 barrels on the basis of 250 pounds per barrel. It is the intent of this section to establish a single quota area embracing the waters of the Prince William Sound and Resurrection Bay areas as defined in §§ 211.1 and 210.1 of this chapter.

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

1. Section 211.3 *Operation of purse seines and leads* (10 F. R. 3292) is hereby amended to substitute "9½ fathoms" for "7¼ fathoms" and "75 fathoms" for "25 fathoms."

2. Section 211.9 is hereby amended to read as follows:

§ 211.9 *Open seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 5 in each odd-numbered year, and 6 o'clock antemeridian July 10 in each even-numbered year, to 6 o'clock postmeridian August 5.

(b) From 6 o'clock postmeridian August 5 to 6 o'clock postmeridian August 7.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian August 7 to 6 o'clock antemeridian August 9, and (2) from 6 o'clock antemeridian August 11 to 6 o'clock postmeridian August 12.

(d) From 6 o'clock postmeridian August 5 to 6 o'clock postmeridian August 22 by gill nets in the waters along the western coast from the outer point on the north shore of Granite Bay (known as Granite Bay Point) to the light on the south shore of the entrance to Port Nellie Juan.

3. Section 211.10 (11 F. R. 3105) is hereby revoked and deleted as follows:

§ 211.10 *Closing dates for salmon fishing.* [Revoked.]

4. Section 211.14 is hereby amended to read as follows:

§ 211.14 *Herring catch limitations, June 15 to August 20.* In the period from June 15 to August 20, both dates inclusive, there shall not be taken for commercial purposes, except for bait and except by gill nets, in the Prince William Sound area as defined in § 211.1 and in the Resurrection Bay area as defined in § 210.1 of this chapter, a combined total of more than 150,000 barrels, on the basis of 250 pounds per barrel. It is the intent of this section to establish a single quota area embracing the waters of the Prince William Sound and Resurrection Bay areas as defined in §§ 211.1 and 210.1 of this chapter.

5. Section 211.26 *Maximum take of razor clams, January 1 to June 30* (9 F. R. 3161) is hereby amended to substitute "1,400,000 pounds" for "1,600,000 pounds", and "40,000 cases" for "46,000 cases".

6. Section 211.28 (9 F. R. 3161) is hereby revoked and deleted as follows:

§ 211.28 *Maximum take of razor clams from certain central bars.* [Revoked.]

PART 212—COPPER RIVER AREA FISHERIES

1. Section 212.16 *Maximum take of razor clams, January 1 to June 30* (9 F. R. 3161) is hereby amended to substitute "1,400,000 pounds" for "1,600,000 pounds" and "40,000 cases" for "46,000 cases".

2. Section 212.18 (9 F. R. 3161) is hereby revoked and deleted as follows:

§ 212.18 *Maximum take of razor clams from certain central bars.* [Revoked.]

PART 213—BERING RIVER, ICY BAY AREA FISHERIES

1. Section 213.11 is hereby amended to read as follows:

§ 213.11 *Waters closed to salmon fishing.* All commercial fishing for salmon is prohibited east of a line extending from a point on the shore at 60 degrees 11 minutes 10 seconds north latitude, 144 degrees 18 minutes 3 seconds west longitude, southeasterly to a point on the shore at 60 degrees 9 minutes 33 seconds north latitude, 144 degrees 15 minutes 30 seconds west longitude.

PART 219—SOUTHEASTERN ALASKA AREA SALMON FISHERIES; GENERAL REGULATIONS

Section 219.3 *Traps prohibited October 20 to November 30* (10 F. R. 3292, 11 F. R. 3105) is hereby amended to substitute "November 15" for "November 30" in both the text and the headnote of this section.

PART 220—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

1. Section 220.3 *Herring catch limitation; exceptions* (11 F. R. 10397) is hereby amended to substitute "November 1" for "October 16", "May 1" for "June 9", and to add a new last sentence to read as follows: "All commercial fishing, except for bait and except by gill nets is prohibited from May 1 to June 9 and from October 16 to October 31, all dates inclusive."

2. Section 220.15a is amended to read as follows:

§ 220.15a *Closed season, butter clam fishery.* The taking of butter clams for commercial purposes is prohibited in the period from April 15 to September 15, both dates inclusive, in each calendar year.

3. Section 220.16 is hereby amended to read as follows:

§ 220.16 *Closed season, shrimp fishing.* Commercial fishing for shrimp is prohibited in the period from February 1 to September 30, both dates inclusive, in the waters of the Stikine district, the Eastern district east of the longitude of Cape Fanshaw, and in the Sumner Strait district north of the latitude and east of the longitude of Point Baker. All waters of Duncan Canal are closed to shrimp fishing throughout the year.

PART 221—SOUTHEASTERN ALASKA AREA, YAKUTAT DISTRICT, SALMON FISHERIES

1. Section 221.7 is hereby amended to read as follows:

§ 221.7 *Length of stake and set nets, Situk-Ahrnklin Inlet.* In Situk-Ahrnklin Inlet no stake gill net or set or anchored gill net shall exceed 30 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake or set or anchored nets used by any individual shall not exceed 30 fathoms measured on the cork line.

2. Section 221.8 is hereby amended to read as follows:

§ 221.8 *Length of stake and set nets, Dangerous Inlet.* In Dangerous Inlet no

stake gill net or set or anchored gill net shall exceed 30 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake or set or anchored gill nets used by any individual shall not exceed 60 fathoms measured on the cork line.

PART 222—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

1. Section 222.2 is hereby amended to read as follows:

§ 222.2 *Definition, Icy Strait district.* All territorial waters within a line extending from a point at 58 degrees 7 minutes 20 seconds north latitude, 136 degrees 51 minutes west longitude to Column Point, thence southerly following the watershed along the east side of Lisianski Inlet to 58 degrees north latitude, thence to a point at 58 degrees north latitude, 134 degrees 58 minutes west longitude, thence north to the light at Point Augusta, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Fairweather, thence to Cape Fairweather at 58 degrees 49 minutes north latitude, 138 degrees west longitude, thence to the point of beginning at 58 degrees 7 minutes 20 seconds north latitude, 136 degrees 51 minutes west longitude.

2. Section 222.8 is hereby amended to read as follows:

§ 222.8 *Open seasons, west of Point Carolus.* Commercial fishing for salmon, other than trolling, west of the longitude of Point Carolus is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 14 to 6 o'clock postmeridian August 9.

(b) From 6 o'clock antemeridian August 11 to 6 o'clock antemeridian August 13.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16; (2) from 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20; (3) from 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23; and (4) from 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 222.9 is hereby amended to read as follows:

§ 222.9 *Open seasons, east of Point Carolus.* Commercial fishing for salmon, other than trolling, east of the longitude of Point Carolus is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 21 to 6 o'clock antemeridian August 13.

(b) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20; (2) from 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23; (3) from 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; and (4) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

4. Section 222.10 (11 F. R. 3105, 4806) is hereby revoked and deleted as follows:

§ 222.10 *Weekly closed period; salmon fishing.* [Revoked.]

5. A new regulation to be known as § 222.15a is hereby inserted following § 222.15 to read as follows:

§ 222.15a *Closed season for trolling, Cape Spencer to Lituya Bay.* Commercial fishing for salmon by trolling is prohibited prior to July 15 in each calendar year in the coastal waters of Alaska extending from Cape Spencer to and including Lituya Bay.

PART 223—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

1. Section 223.2 is hereby amended to read as follows:

§ 232.2 *Definition, Western district.* All territorial waters within a line extending from a point off Cape Ommaney at 56 degrees 6 minutes north latitude, 134 degrees 51 minutes west longitude, to a point off Cape Edgecumbe at 57 degrees north latitude, 136 degrees 4 minutes west longitude, thence to a point at 58 degrees 7 minutes 20 seconds north latitude, 136 degrees 51 minutes west longitude, thence east to Column Point, thence southerly following the watershed along the east side of Lisianski Inlet to 58 degrees north latitude, thence east to 134 degrees 58 minutes west longitude, thence north to the light at Point Augusta, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to the southern extremity of Cape Ommaney, thence to the point of beginning at 56 degrees 6 minutes north latitude, 134 degrees 51 minutes west longitude.

2. Section 223.8a is hereby amended to read as follows:

§ 223.8a *Open seasons, northern section, south of Sullivan Island.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 21 to 6 o'clock postmeridian August 16.

(b) From 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23; (2) from 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (3) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; and (4) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3.

(d) Fall fishing: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 223.9 is hereby amended to read as follows:

§ 223.9 *Open seasons, central, southern, and western sections.* Commercial fishing for salmon, other than trolling, in the central, southern, and western sections, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 28 to 6 o'clock antemeridian August 20.

(b) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (2) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (3) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; and (4) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

4. Section 223.10 (11 F. R. 3106, 4806) is hereby revoked and deleted as follows:

§ 223.10 *Weekly closed period, salmon fishing.* [Revoked.]

PART 224—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

1. Section 224.8 is hereby amended to read as follows:

§ 224.8 *Open seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 28 to 6 o'clock antemeridian August 20.

(b) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (2) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (3) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; and (4) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

2. Section 224.8a (11 F. R. 3106, 4806) is hereby revoked and deleted as follows:

§ 224.8a *Weekly closed period, salmon fishing.* [Revoked.]

PART 226—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

1. Section 226.2 is hereby amended to read as follows:

§ 226.2 *Definition, Sumner Strait district.* All territorial waters within a line extending from a point near the Hazy Islands at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude, to the southern end of Cape Decision, thence following the watershed on Kuiu Island to a point on the east side of Kuiu Island at 56 degrees 40 minutes north latitude, 133 degrees 44 minutes 15 seconds west longitude, thence east across Keku Strait, thence across Kupreanof Island, passing north of Duncan Canal, to a point on the east coast of Kupreanof Island at 56 degrees 54 minutes north latitude, thence across Frederick Sound to Horn Cliffs on the mainland, thence to Frederick Point on Mitkof Island, thence to Point Howe, thence to South Craig Point on Zarembo Island, thence to Drag Island in Chichagof Pass, thence to Chichagof Peak on Wrangell Island, thence to Babbler Point on the mainland, thence to Mount Cote, thence following the international boundary to Mount Lewis Pass, thence southerly and westerly along the watershed to a point at 55 degrees 45 minutes 30 seconds north latitude, 132 degrees west longitude, thence in a northwesterly direction through Union Point to the southern extremity of Ernest Point, thence northerly to a point on Etolin Island at 55 degrees 54 minutes 45 seconds north latitude, 132 degrees 21 minutes west longitude, thence in a northerly and westerly direction along the watershed of Etolin Island to a point northwest of the head of Mosman Inlet at 56 degrees 9 minutes 45 seconds north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence southerly to a point at 56 degrees 6 minutes north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence in a northwesterly direction along the watershed to the northern extremity of Point Harrington, thence in a westerly direction to the northern extremity of East Island, thence in a southwesterly direction to the southern extremity of West Island, thence in a westerly direction to a point on the east shore of Prince of Wales Island at 56 degrees 9 minutes 15 seconds north latitude, 133 degrees 2 minutes 45 seconds west longitude, thence to a point on the west coast of Prince of Wales Island at 56 degrees 7 minutes 36 seconds north latitude, thence due west to the east coast of Kosciusko Island, thence southerly along the watershed of Kosciusko Island to the southern extremity of the island at 133 degrees 43 minutes west longitude, thence due south to 55 degrees 40 minutes north latitude, thence due west to 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude, thence to the point of beginning at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude.

2. Section 226.8 is hereby amended to read as follows:

§ 226.8 *Open seasons, Ernest Sound, Zimovia Strait, and Anan.* Commercial fishing for salmon, other than trolling, in Ernest Sound, Zimovia Stralt and in the open area in the vicinity of Anan Creek is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 11 to 6 o'clock antemeridian August 20.

(b) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (2) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (3) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; and (4) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 226.9 is hereby amended to read as follows:

§ 226.9 *Open seasons, exceptions.* With the exception of Ernest Sound, Zimovia Strait, and the vicinity of Anan Creek, commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 11 to 6 o'clock postmeridian August 23.

(b) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (2) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; (3) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6; and (4) from 6 o'clock antemeridian September 8 to 6 o'clock antemeridian September 10.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

4. Section 226.10 (11 F. R. 3107, 4806) is hereby revoked and deleted as follows:

§ 226.10 *Weekly closed period, salmon fishing.* [Revoked.]

5. Section 226.16 *Areas open to salmon traps* (6 F. R. 1256) is hereby amended by the deletion of paragraphs (a), (b), and (c) which are transferred to Part 228 of this chapter, and renumbered § 228.12 (t), (u), and (v), respectively.

6. Paragraph (p) of section 226.17. *Waters closed to salmon fishing* (6 F. R. 1256) is hereby amended to substitute a period for the comma following "longitude," and delete the remainder of the sentence. Paragraphs (r) and (s) of this section are deleted and transferred to Part 228 of this chapter and renumbered § 228.13 (m) and (n), respectively; and a new paragraph to be known as (t) is inserted following paragraph (p) to read as follows:

(t) Hole in the Wall, northwest coast of Prince of Wales Island: All waters within the outermost points of the entrance to the bay.

PART 227—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

1. Section 227.2 is hereby amended to read as follows:

§ 227.2 *Definition, Clarence Strait district.* All territorial waters within a line extending from a point on the southwest coast of Prince of Wales Island at 54 degrees 44 minutes 21 seconds north latitude, 132 degrees 18 minutes 36 seconds west longitude, near Point Marsh, thence south to the international boundary at a point 132 degrees 20 minutes west longitude, thence east along the international boundary to a point at 131 degrees 40 minutes west longitude, thence north to a point west of Point Davison at 55 degrees north latitude, 131 degrees 40 minutes west longitude, thence to the southern extremity to Point Davison, thence northerly along the watershed of Annette Island to the northern extremity of Walden Point, thence to the southern extremity of Gravina Point, thence northwesterly to the northern extremity of Vallenar Point, thence to Point Higgins, thence along the watershed of Revillagigedo Island to Claude Point, thence to Point Lees, thence to Mount Lewis Cass, thence southerly and westerly along the watershed to a point at 55 degrees 45 minutes 30 seconds north latitude, 132 degrees west longitude, thence in a northwesterly direction through Union Point to the southern extremity of Ernest Point, thence northerly to a point on Etolin Island at 55 degrees 54 minutes 45 seconds north latitude, 132 degrees 21 minutes west longitude, thence in a northerly and westerly direction along the watershed of Etolin Island to a point northwest of the head of Mosman Inlet at 56 degrees 9 minutes 45 seconds north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence southerly to a point at 56 degrees 6 minutes north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence in a northwesterly direction along the watershed to the northern extremity of Point Harrington, thence in a westerly direction to the northern extremity of East Island, thence in a southwesterly direction to the southern extremity of West Island, thence in a westerly direction to a point on the east shore of Prince of Wales Island at 56 degrees 9 minutes 15 seconds north latitude, 133 degrees 2 minutes 45 seconds west longitude, thence to a point on the west coast of Prince of Wales Island at 56 degrees 7 minutes 36 seconds north latitude, thence due west to the east coast of Kosciusko Island, thence southerly along the watershed of Kosciusko Island to the southern extremity of the island at 133 degrees 43 minutes west longitude, thence due south to 55 degrees 40 minutes north latitude, thence due west to 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude, thence to the point of beginning at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude, thence following the watershed on Kuiu Island to a point on the east side of Kuiu Island at 56 degrees 40 minutes north latitude, 133 degrees 44 minutes 15 seconds west longitude, thence east across Keku Strait, thence across Kupreanof Island, passing north of Duncan Canal, to a point on the east coast of Kupreanof Island at 56 degrees 54 minutes north latitude, thence across Frederick Sound to Horn Cliffs on the mainland, thence to Frederick Point on Mitkof Island, thence to Point Howe, thence to South Craig Point on Zarembo Island, thence to Drag Island in Chichagof Pass, thence to Chichagof Peak on Wrangell Island, thence to Babbler Point on the mainland, thence to Mount Cote, thence following the international boundary to Mount Lewis Pass, thence southerly and westerly along the watershed to a point at 55 degrees 45 minutes 30 seconds north latitude, 132 degrees west longitude, thence in a northwesterly direction through Union Point to the southern extremity of Ernest Point, thence northerly to a point on Etolin Island at 55 degrees 54 minutes 45 seconds north latitude, 132 degrees 21 minutes west longitude, thence in a northerly and westerly direction along the watershed of Etolin Island to a point northwest of the head of Mosman Inlet at 56 degrees 9 minutes 45 seconds north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence southerly to a point at 56 degrees 6 minutes north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence in a northwesterly direction along the watershed to the northern extremity of Point Harrington, thence in a westerly direction to the northern extremity of East Island, thence in a southwesterly direction to the southern extremity of West Island, thence in a westerly direction to a point on the east shore of Prince of Wales Island at 56 degrees 9 minutes 15 seconds north latitude, 133 degrees 2 minutes 45 seconds west longitude, thence to a point on the west coast of Prince of Wales Island at 56 degrees 7 minutes 36 seconds north latitude, thence due west to the east coast of Kosciusko Island, thence southerly along the watershed of Kosciusko Island to the southern extremity of the island at 133 degrees 43 minutes west longitude, thence due south to 55 degrees 40 minutes north latitude, thence due west to 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude, thence to the point of beginning at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude.

2. Section 226.8 is hereby amended to read as follows:

§ 226.8 *Open seasons, Ernest Sound, Zimovia Strait, and Anan.* Commercial fishing for salmon, other than trolling, in Ernest Sound, Zimovia Stralt and in the open area in the vicinity of Anan Creek is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 11 to 6 o'clock antemeridian August 20.

(b) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (2) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (3) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; and (4) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 226.9 is hereby amended to read as follows:

§ 226.9 *Open seasons, exceptions.* With the exception of Ernest Sound, Zimovia Strait, and the vicinity of Anan Creek, commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 11 to 6 o'clock postmeridian August 23.

(b) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (2) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; (3) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6; and (4) from 6 o'clock antemeridian September 8 to 6 o'clock antemeridian September 10.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

4. Section 226.10 (11 F. R. 3107, 4806) is hereby revoked and deleted as follows:

§ 226.10 *Weekly closed period, salmon fishing.* [Revoked.]

5. Section 226.16 *Areas open to salmon traps* (6 F. R. 1256) is hereby amended by the deletion of paragraphs (a), (b), and (c) which are transferred to Part 228 of this chapter, and renumbered § 228.12 (t), (u), and (v), respectively.

6. Paragraph (p) of section 226.17. *Waters closed to salmon fishing* (6 F. R. 1256) is hereby amended to substitute a period for the comma following "longitude," and delete the remainder of the sentence. Paragraphs (r) and (s) of this section are deleted and transferred to Part 228 of this chapter and renumbered § 228.13 (m) and (n), respectively; and a new paragraph to be known as (t) is inserted following paragraph (p) to read as follows:

(t) Hole in the Wall, northwest coast of Prince of Wales Island: All waters within the outermost points of the entrance to the bay.

PART 227—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

1. Section 227.2 is hereby amended to read as follows:

§ 227.2 *Definition, Clarence Strait district.* All territorial waters within a line extending from a point on the southwest coast of Prince of Wales Island at 54 degrees 44 minutes 21 seconds north latitude, 132 degrees 18 minutes 36 seconds west longitude, near Point Marsh, thence south to the international boundary at a point 132 degrees 20 minutes west longitude, thence east along the international boundary to a point at 131 degrees 40 minutes west longitude, thence north to a point west of Point Davison at 55 degrees north latitude, 131 degrees 40 minutes west longitude, thence to the southern extremity to Point Davison, thence northerly along the watershed of Annette Island to the northern extremity of Walden Point, thence to the southern extremity of Gravina Point, thence northwesterly to the northern extremity of Vallenar Point, thence to Point Higgins, thence along the watershed of Revillagigedo Island to Claude Point, thence to Point Lees, thence to Mount Lewis Cass, thence southerly and westerly along the watershed to a point at 55 degrees 45 minutes 30 seconds north latitude, 132 degrees west longitude, thence in a northwesterly direction through Union Point to the southern extremity of Ernest Point, thence northerly to a point on Etolin Island at 55 degrees 54 minutes 45 seconds north latitude, 132 degrees 21 minutes west longitude, thence in a northerly and westerly direction along the watershed of Etolin Island to a point northwest of the head of Mosman Inlet at 56 degrees 9 minutes 45 seconds north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence southerly to a point at 56 degrees 6 minutes north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence in a northwesterly direction along the watershed to the northern extremity of Point Harrington, thence in a westerly direction to the northern extremity of East Island, thence in a southwesterly direction to the southern extremity of West Island, thence in a westerly direction to a point on the east shore of Prince of Wales Island at 56 degrees 9 minutes 15 seconds north latitude, 133 degrees 2 minutes 45 seconds west longitude, thence southerly along the watershed of Prince of Wales Island to the point of beginning at 54 degrees 44 minutes 21 seconds north latitude, 132 degrees 18 minutes 36 seconds west longitude.

2. Paragraph (c) of section 227.2a *Definitions, fishing sections, Clarence Strait District* (11 F. R. 3107) is hereby amended to substitute a comma for the period following the word "Strait" and to add "including the North Arm of Behm Canal".

3. Section 227.8 is hereby amended to read as follows:

§ 227.8 *Open seasons, northern section.* Commercial fishing for salmon, other than trolling, in the northern section is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 11 to 6 o'clock postmeridian August 30.

(b) From 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6; (2) from 6 o'clock antemeridian September 8 to 6 o'clock antemeridian September 10; (3) from 6 o'clock postmeridian September 11 to 6 o'clock postmeridian September 13; and (4) from 6 o'clock antemeridian September 15 to 6 o'clock antemeridian September 17.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

4. Section 227.9 is hereby amended to read as follows:

§ 227.9 *Open seasons, central, southeast and southwest sections.* Commercial fishing for salmon, other than trolling, in the central, southeastern, and southwestern sections is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 4 to 6 o'clock antemeridian August 27.

(b) From 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; (2) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6; (3) from 6 o'clock antemeridian September 8 to 6 o'clock antemeridian September 10; and (4) from 6 o'clock postmeridian September 11 to 6 o'clock postmeridian September 13.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

5. Section 227.9a (11 F. R. 3107) is hereby revoked and deleted as follows:

§ 227.9a *Weekly closed period, salmon fishing.* [Revoked.]

6. A new regulation to be known as § 227.10 is hereby inserted following § 227.9, to read as follows:

§ 227.10 *Closed season for trolling, Behm Canal.* Commercial fishing for salmon by trolling is prohibited in Behm Canal and its tributaries within a line from Point Sykes to Point Alava, across the eastern entrance of the canal, and a line from Escape Point to Point Francis, across the western entrance, from 6 o'clock postmeridian April 30 to 6 o'clock postmeridian July 15. A part of these waters is in the Southern district.

6. Section 227.15 *Areas open to salmon traps* (6 F. R. 1257, 7 F. R. 2483, 8 F. R. 7404, 9233, 9 F. R. 5176) is hereby amended by insertion of paragraphs (bb), (ii), (jj), (kk), (ll), and (mm) which were formerly § 229.15 (a), (b), (f), (g), (h), and (i) of this chapter, respectively.

7. Section 227.16 *Waters closed to salmon fishing* (6 F. R. 1257, 1261) is hereby amended by insertion of paragraphs (n), (o), (p), (q) and (r) which were formerly § 229.16 (l), (m), (n), (o) and (p) of this chapter, respectively.

PART 228—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

1. Section 228.2 is hereby amended to read as follows:

§ 228.2 *Definition, South Prince of Wales Island district.* All territorial waters within a line extending from a point west of the Maurelle Islands at 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude, thence to a point west of Cape Addington at 55 degrees 25 minutes 30 seconds north latitude, 134 degrees west longitude, thence to a point southwest of Forrester Island at 54 degrees 40 minutes north latitude, 133 degrees 35 minutes west longitude, thence to the southern extremity of Cape Muzon, thence along the international boundary to a point at 132 degrees 20 minutes west longitude, thence north to a point on the southwest coast of Prince of Wales Island at 54 degrees 44 minutes 21 seconds north latitude, 132 degrees 18 minutes 36 seconds west longitude, near Point Marsh, thence northerly along the watershed of Prince of Wales Island to a point at 56 degrees 7 minutes 36 seconds north latitude, thence due west to the east coast of Kosciusko Island, thence southerly along the watershed of Kosciusko Island to the southern extremity of the island at 133 degrees 43 minutes west longitude, thence due south to 55 degrees 40 minutes north latitude, thence to the point of beginning 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude.

2. Section 228.8 is hereby amended to read as follows:

§ 228.8 *Open seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 18 to 6 o'clock postmeridian August 30.

(b) From 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6; (2) from 6 o'clock antemeridian September 8 to 6 o'clock antemeridian September 10; (3) from 6 o'clock postmeridian September 11 to 6 o'clock postmeridian September 13; and (4) from 6 o'clock antemeridian September 15 to 6 o'clock antemeridian September 17.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 228.9 (11 F. R. 3107, 4806) is hereby revoked and deleted as follows:

§ 228.9 *Weekly closed period, salmon fishing.* [Revoked.]

4. Section 228.12 *Areas open to salmon traps* (6 F. R. 1259) is hereby amended by insertion of paragraphs (t), (u), and (v) which were formerly § 226.16 (a), (b), and (c) of this chapter, respectively.

5. Three regulations, transferred from Part 226 of this chapter, are hereby inserted in § 228.13 (6 F. R. 1259) following § 228.13 (k) to read as follows:

§ 228.13 *Waters closed to salmon fishing.* All commercial fishing for salmon is prohibited as follows: • • •

(l) Devilfish Bay, east coast of Kosciusko Island: All waters within the bay.

(m) Sarkar Cove, west coast of Prince of Wales Island, tributary to El Capitan Passage: All waters inside of a line across the entrance.

(n) Tuxekan Passage and contiguous waters east of 133 degrees 17 minutes west longitude.

PART 229—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

1. Section 229.2 is hereby amended to read as follows:

§ 229.2 *Definition, Southern district.* All territorial waters within a line beginning at a point on the international boundary at 131 degrees 40 minutes west longitude and following that boundary to Mount Lewis Cass, thence southerly to Point Lees, thence to Claude Point, thence southerly along the watershed of Revillagigedo Island to Point Higgins, thence to Vallenar Point on Gravina Island, thence southerly and easterly along the watershed of Gravina Island to Gravina Point, thence to Walden Point on Annette Island, thence southerly along the watershed of Annette Island to Davison Point, thence west to a point at 55 degrees north latitude, 131 degrees 40 minutes west longitude, thence due south to the point of beginning on the international boundary at 131 degrees 40 minutes west longitude.

2. Section 229.8 is hereby amended to read as follows:

§ 229.8 *Open seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 28 to 6 o'clock antemeridian August 20: *Provided*, That in the waters along the mainland shore, including adjacent islands, south of 54 degrees 56 minutes north latitude commercial fishing is permitted from 6 o'clock antemeridian July 21 to 6 o'clock antemeridian August 20.

(b) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods. (1) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (2) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (3) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; and (4) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 229.9 (11 F. R. 3107, 4806) is hereby revoked and deleted as follows:

§ 229.9 *Weekly closed period, salmon fishing.* [Revoked.]

4. Section 229.12 *Closed season for trolling, Behm Canal* (11 F. R. 3107) is hereby amended to add a new last sentence as follows: "A part of these waters is in the Clarence Strait district."

5. Section 229.15 *Areas open to salmon traps* (6 F. R. 1261, 8 F. R. 7404) is hereby amended by deletion of paragraphs (a), (b), (f), (g), (h), and (i) which are transferred to Part 227 of this chapter and renumbered § 227.15 (hh), (ii), (jj), (kk), (ll), and (mm), respectively.

6. Section 229.16 *Waters closed to salmon fishing* (6 F. R. 1261) is hereby amended by deletion of paragraphs (l), (m), (n), (o) and (p) which are transferred to Part 227 of this chapter and renumbered § 227.16 (n), (o), (p), (q) and (r), respectively.

(Sec. 1, 44 Stat. 752; 42 U. S. C. 221)

J. A. KRUG,
Secretary of the Interior.

JANUARY 20, 1947.

[F. R. Doc. 47-762; Filed, Jan. 24, 1947; 8:58 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

FURTHER NOTICE OF PROPOSED RULE MAKING

JANUARY 17, 1947.

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on January 16, 1947:

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. Initial notice was given by Notice of the Commission, dated December 20, 1946 (Mimeo. No. 1786 (12 F. R. 183)).

3. The Standards of Good Engineering Practice Concerning Standard Broadcast Stations is proposed to be further revised to the following extent:

(a) It is proposed to amend the Standards of Good Engineering Practice concerning Standard Broadcast Stations by adding Figure 1–A (10% Skywave Signal Range Chart) and Figure 6–A (Angles of Departure vs. Transmission Range) to the standards, which figures are attached hereto. Figures 1–A and 6–A will not affect clear channel frequencies.

(b) The following text revisions of the standards are proposed:

1. Page 8, next to last paragraph, labeled (b): insert ", or Figure 1–A," after the words "Figure 1".

2. Page 9, second paragraph; change to read: "In computing the 50 percent skywave field intensity values of a Class I station of a given power and also in computing the 10% sky-wave field intensity of an alleged interfering Class I or Class II station on a clear channel, use shall be made of the appropriate graph set forth in Figure 1 entitled "Average Skywave Field Intensity" (corresponding to the second hour after sunset at the recording station). These graphs are drawn for a radiated field of 100 millivolts per meter at 1 mile on the horizontal plane from a 0.311 λ antenna. In computing the 10 percent skywave field intensity of an alleged interfering station, other than Class I or Class II, at a specified distance, use shall be made of the appropriate curve in Figure 1–A entitled "10%* Skywave Signal Range." This graph is drawn for a radiated field of 100 millivolts per meter at 1 mile at the vertical angle pertinent to transmission by one reflection. This curve supersedes the 10% skywave of Figure 1, only for regional and local channels at the present time.[3a] Adoption of revised skywave curves for use on clear channels will await the outcome of the Clear Channel Hearing (Docket No. 6741) and the negotiations for a new North American Regional Broadcasting Agreement.

3. Page 18, line 17: Following the words "Figure 1" insert "or Figure 1–A".

4. Page 18, Annex II, second paragraph, insert at beginning the following phrase: "For signals from stations operating on clear channels,".

5. Page 19, before last paragraph 7, Annex II, insert the following paragraphs: "For signals from stations on regional and local channels, in computing the 10% skywave (interference) field intensity values of Class III and Class IV stations,[3a] Figure 1–A is to be used in place of Figure 1. Since Figure 1–A is predicated upon a radiated field of 100 mv/m at one mile in the pertinent direction, no comparison with the vertical pattern of a 0.311 wavelength antenna is to be made. Instead the appropriate radiated field in the vertical plane corresponding to the distance to the receiving station divided by 100 is multiplied into the value of 10% skywave field intensity determined from Figure 1–A. There are two new factors to be considered, however, namely the variation of received field with latitude of the path and the variation of pertinent vertical angle due to variations of ionosphere height and ionosphere scattering.

Figure 1–A, "10% Skywave Signal Range Chart", shows the 10% skywave signal as a function of the latitude of the transmission path and the distance from a transmitting antenna with a radiated field of 100 mv/m at the pertinent angle for the distance. The latitude of the transmission path is defined as the geographic latitude of the midpoint between the transmitter and the receiver. Latitude 35° should be used in case the midpoint of the path lies below 35° North and latitude 50° should be used in case the midpoint of the path lies above 50° North.

Figure 6–A, entitled "Angles of Departure vs. Transmission Range", is to be used in determining the angles in the vertical pattern of the antenna of an interfering station to be considered as pertinent to transmission by one reflection. Corresponding to any given distance, the curves 4 and 5 indicate the upper and lower angles within which the radiated field is to be considered. The maximum value of field intensity occurring between these angles will be used to determine the multiplying factor for the 10% skywave field intensity determined from Figure 1–A. (Curves 2 and 3 are considered to represent the variation due to the variation of the effective height of the E-layer while Curves 4 and 5 extend the range of pertinent angles to include a factor which allows for scattering. The dotted lines are included for information only.)

In the case of non-directional vertical antennas, the vertical distribution of relative fields for several heights, assuming sinusoidal distribution of current along the antenna, is shown in Figure 5. In the case of directional antennas the vertical pattern in the great circle direction toward the point of reception in question must first be calculated. Then for the distance to the point, the upper

[3] The Commission will not authorize a directional antenna for a Class IV station assigned to a local channel.

[3a] Certain simplifying assumptions may be made in the case of Class IV stations on local channels: See footnote 3a.

and lower pertinent angles are determined from Figure 6–A. The ratio of the largest value of radiated field occurring between these angles, to 100 mv/m (for which Figure 1–A is drawn) is then used as the multiplying factor for the value of the field read from the curves of Figure 1–A. Note that while the accuracy of the curves is not as well established by measurements for distances less than 250 miles as for distances in excess of 250 miles, the curves represent the most accurate data available today. Pending accumulation of additional data to establish firm standards for skywave calculations in this range, the curves may be used.

For example, suppose it is desired to determine the amount of interference to a Class III station at Portland, Oregon, caused by another Class III station at Los Angeles, California, which is radiating a signal of 560 mv/m unattenuated at one mile in the great circle direction of Portland, using a 0.5 wavelength antenna. The distance is 825 miles. From Figure 6–A the upper and lower pertinent angles are 7° and 3.5° and, from Figure 5 the maximum radiation within these angles is 99% of the horizontal radiation or 554 mv/m at 1 mile. The latitude of the path is 39.8° N and from Figure 1A, the 10% skywave field at 825 miles is 0.050 mv/m for 100 mv/m radiated. Multiplying by 554/100 to adjust the value to the actual radiation gives 0.277 mv/m. At 20 to 1 ratio the limitation to the Portland station is to the 5.5 mv/m contour.

6. Footnote 3a, appearing on page 3 of Public Notice No. 1786, Notice of Proposed Rule Making, published on December 27, 1946, is amended to read:

"[3a] The following approximate method may be used. It is based on the assumption of 0.25 λ antenna height and 88 mv/m at one mile effective field for 250 watts power, using the 10% skywave field intensity curve of Figure 1–A. Zones defined by circles of various radii specified below are drawn about the desired station and the interfering 10% skywave signal from each station in a given zone is considered to be the value tabulated below. The effective interfering 10% skywave signal is taken to be the RSS value of all signals originating within these zones. (Stations beyond 500 miles are not considered.)

Zone	Inner radius (miles)	Outer radius (miles)	10 percent skywave signal (mv/m)
A		60	0.10
B	60	80	.12
C	80	100	.14
D	100	250	.16
E	250	350	.14
F	350	450	.12
G	450	500	.10

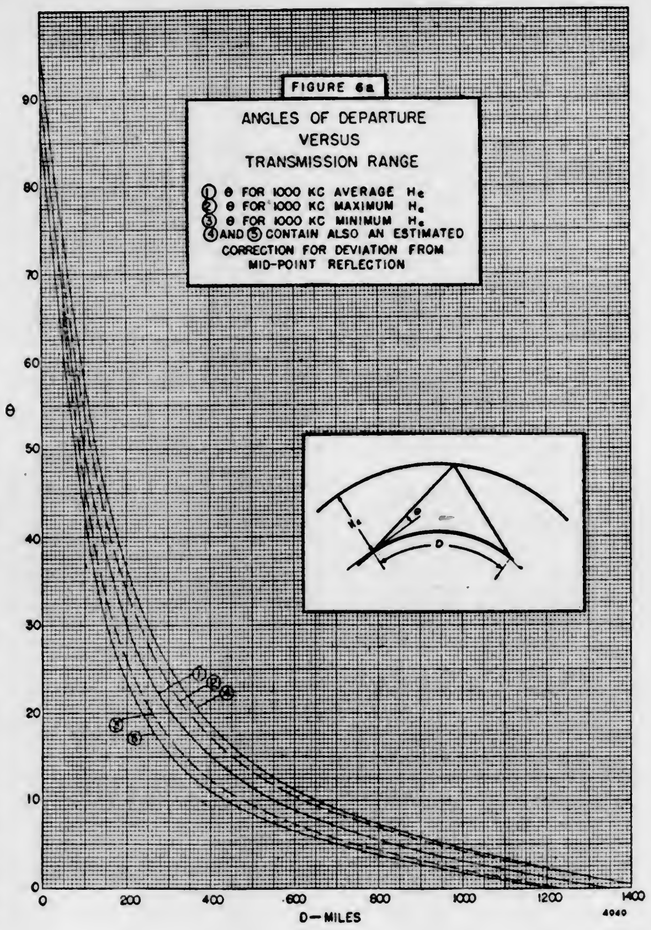
Where the power of the interfering station is not 250 watts, the 10 percent skywave signal should be adjusted by the square root of the ratio of the power to 250 watts.

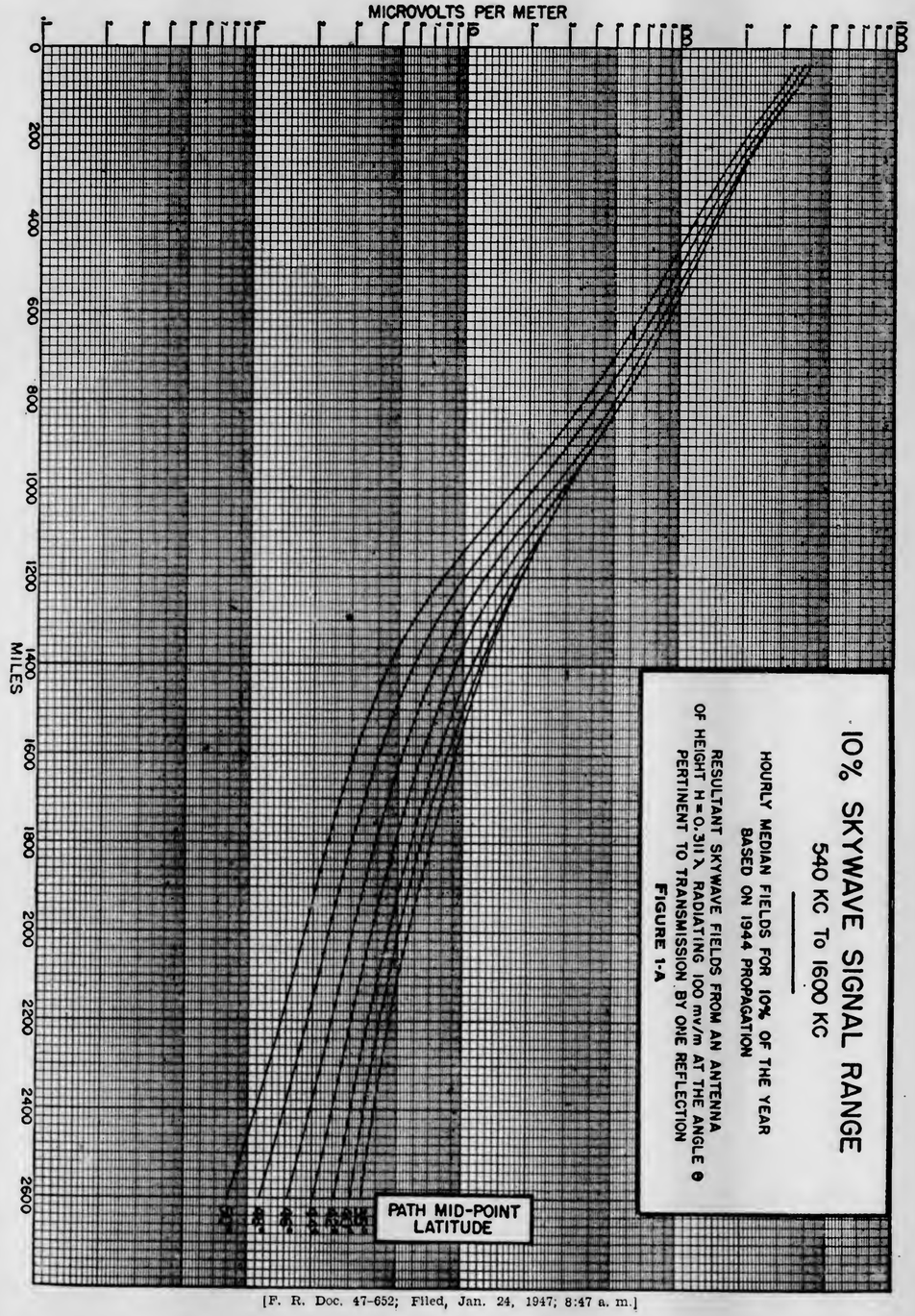
4. The proposed amendments had been widely discussed with interested persons, specifically with Engineering Committees appointed to advise the Commission in the matter of Clear Channel Broadcasting in the Standard Broadcast Band (Docket No. 6741), with Industry Committees meeting to advise the Commission concerning proposals to be made to the North American Regional Radio-Engineering Meeting concerning the extension of the North American Regional Broadcasting Agreement and testimony concerning those amendments was taken in the hearing being held in Docket No. 6741. Further discussion was had with an industry engineering committee meeting held on January 6 and 13, 1947.

5. The proposed amendments are issued under the authority of sections 303 (b), 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted in the form set forth may file with the Commission by January 27, 1947, a written statement or brief setting forth his comments. The Commission will consider these written statements before adopting the proposed amendments and if comments are submitted which appear to warrant the Commission to hold an oral argument notice of time and place of such oral argument will be given.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.





[F. R. Doc. 47-652; Filed, Jan. 24, 1947; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

JANUARY 20, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404—79th Congress; the Acts of Congress approved August 1, 1914 (38 Stat. 583, 25 U. S. C. 385), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F. R. 10297), notice is hereby given of intention to amend paragraphs (b) and (c) of § 130.38, *Charges* Title 25, Code of Federal Regulations, (1) by increasing the operation and maintenance assessment rate on that part of the Big Porcupine Unit of the Fort Peck Indian irrigation project, Montana, that is not under the service area of the Big Porcupine or Wiota pumping plant, and by increasing the maximum quantity of water that may be delivered without additional charge from one acre foot per acre per annum to one and one-half acre feet per acre per annum; and (2) and by providing for the furnishing of surplus water when available at the rate of $1.85 per acre foot for the irrigation of lands adjacent to and outside of that part of the Big Porcupine Unit that is under service area of the Big Porcupine or Wiota pumping plant. The proposed changes are to be effective for the calendar year of 1947 and until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Paul L. Fickinger, Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

WILLIAM ZIMMERMAN, Jr.
Assistant Commissioner.

[F. R. Doc. 47-758; Filed Jan. 24, 1947; 8:58 a. m.]

DEPARTMENT OF COMMERCE

Administrator of Civil Aeronautics

[14 CFR, Part 525]

CONSTRUCTION OR ALTERATION OF STRUCTURES ON OR NEAR CIVIL AIRWAYS

In accordance with the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) notice is hereby given of a proposed amendment to Part 525, Notice of Construction or Alteration of Structures on or Near Civil Airways, of the Regulations of the Administrator of Civil Aeronautics (14 CFR, Cum. Supp., Part 525).

All interested persons who desire to submit comments and suggestions for consideration in connection with the proposed amendments, shall forward the same to the General Counsel, Civil Aeronautics Administration, Washington 25, D. C., not later than the 15th day after publication of this notice in the FEDERAL REGISTER.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 1101 of said act (52 Stat. 986, 1026, 54 Stat. 1233; 49 U. S. C. 458, 671), I hereby amend Part 525 of the regulations of the Administrator of Civil Aeronautics by adding the following new § 525.10 to read as follows:

§ 525.1 *Notice required.* • • •

§ 525.10 *Construction of landing areas.* Any person who engages in the construction of a landing area, as defined in § 525.3, any boundary of which will be within 5 miles of the nearest boundary of an existing landing area shall give notice thereof to the Administrator of Civil Aeronautics.

(52 Stat. 986, 1026, 54 Stat. 1233; 49 U. S. C. 458, 671)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-743; Filed, Jan. 24, 1947; 8:55 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7983]

CONRAD LOEHR

In re: Estate of Conrad Loehr, deceased. File No. D-28-10526; E. T. sec. 14939.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Loehr and Albert Loehr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $1,500.00 was paid to the Alien Property Custodian by Julius D. Cronin, Executor of the estate of Conrad Loehr, deceased;

3. That the said sum of $1,500.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 2, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-748; Filed, Jan. 23, 1947; 8:49 a. m.]

[Vesting Order 7746, Amdt.]

BERNHARDINE SCHAFER

In re: Stock owned by and debt owing to Bernhardine Schafer.

Vesting Order 7746, dated September 25, 1946, is hereby amended as follows and not otherwise:

By deleting the number "TA 14477" in subparagraph 2-a of said Vesting Order 7746, and substituting therefor the number "TA 144477".

All other provisions of said Vesting Order 7746 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-753; Filed, Jan. 23, 1947; 8:50 a. m.]

[Vesting Order 7991]

ANTONIE HUEMMELER

In re: Stock owned by Antonie Huemmeler. F-28-23910-D-1, F-28-23910-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Antonie Huemmeler, whose last known address is 14 Brauer Strasse, Essen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twelve hundred (1200) shares of $2.50 par value common capital stock of Kent Storage Company, 69 Front Avenue, N. W., Grand Rapids 4, Michigan, evidenced by certificate number 88, registered in the names of Maria Huemmeler and Antonie Huemmeler, together with all declared and unpaid dividends thereon,

b. Two hundred (200) shares of $1.00 par value preferred capital stock of Guarantee Bond & Mortgage Co. of Grand Rapids, 225 Ottawa Avenue, N. W., Grand Rapids 2, Michigan, a corporation organized under the laws of the State of Delaware, evidenced by preferred certificate number 3126, dated April 7, 1938, registered in the names of Maria Huemmeler and Antonie Huemmeler, together with all declared and unpaid dividends thereon, and

c. One hundred and forty (140) shares of $1.00 par value common capital stock of Guarantee Bond & Mortgage Co. of Grand Rapids, 225 Ottawa Avenue NW., Grand Rapids 2, Michigan, a corporation organized under the laws of the State of Delaware, evidenced by common certificate number 3303, dated April 7, 1938, registered in the names of Maria Huemmeler and Antonie Huemmeler, together with all declared and unpaid dividends,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-749; Filed, Jan. 23, 1947; 8:49 a. m.]

[Vesting Order 8008]

FREDERICK WILHELM MEYER

In re: Estate of Frederick Wilhelm Meyer, also known as William Meyer, Frederick W. Meyer and Friedrich W. Meyer, deceased. File D-28-10030; E. T. Sec. 14228.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Hadeler, Hinrich Hadeler, Wilma Meyer, August Meyer and Metta Thien, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Frederick Wilhelm Meyer, also known as William Meyer, Frederick W. Meyer and Friedrich W. Meyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William Meyer, also known as Wilhelm Meyer, and Frederica Flor, as Executors, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-751; Filed, Jan. 23, 1947; 8:50 a. m.]

[Supp. Vesting Order 8009]

WILLIAM NEUMANN

In re: Estate of William Neumann, deceased. File D-28-10233; E. T. sec. 14583.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Erschfeld Brueck, Maria Erschfeld Brueck, Katharina Erschfeld and Jakob Erschfeld, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of William Neumann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ann L. Swanson, as Executrix, acting under the judicial supervision of the Superior Court of the State of Washington, in and for Kittitas County;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-752; Filed, Jan. 23, 1947; 8:50 a. m.]

[Vesting Order 7993]

ICHIRO MATSUDAIRA

In re: Debts owing to Ichiro Matsudaira, also known as Ichiri Matsudaira, as Ichiro Matsudairo and as I. Matsudaira. D-39-7285-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichiro Matsudaira, also known as Ichiri Matsudaira, as Ichiro Matsudairo and as I. Matsudaira, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ichiro Matsudaira, also known as Ichiri Matsudaira, as Ichiro Matsudairo and as I. Matsudaira, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $6,463.53, as of December 31, 1945, arising out of a commercial checking account, entitled I. Matsudaira, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation evidenced by a check numbered 2107, dated October 30, 1942, drawn by American National Red Cross, Camp Livingston, Louisiana, on Rapides Bank & Trust Company in Alexandria, Alexandria, Louisiana, to the order of Ichiro Matsudairo, in the amount of $13.50, presently held by the Federal Reserve Bank of New York, New York, New York, together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of, the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and

c. That certain debt or other obligation owing to Ichiro Matsudaira, also known as Ichiri Matsudaira, as Ichiro Matsudairo and as I. Matsudaira, by the Federal Reserve Bank of New York, New York, New York, arising out of an account maintained for the Secretary of the Treasury under General Ruling Number 5, entitled Ichiri Matsudaira, evidenced by Window Ticket Number 1331, dated June 15, 1942, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-750; Filed, Jan. 23, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2769]

LA SOCIETE ANONYME BELGE D'EXPLOITATION DE LA NAVIGATION AERIENNE (SABENA)

NOTICE OF HEARING ON APPLICATION FOR FOREIGN AIR CARRIER PERMIT

In re application of La Societe Anonyme Belge D'Exploitation De La Navigation Aerienne (SABENA) of 13 rue Brederde, Brussels, Belgium, pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing foreign air transportation of persons, property, and mail between Brussels, Belgium and New York, N. Y., via England, Greenland and other North Atlantic points. For further details of the operation proposed and approval requested, interested parties are referred to the application on file in the office of the Civil Aeronautics Board.

Notice is hereby given that pursuant to section 402 (e) of the Civil Aeronautics Act of 1938, as amended, the said application be and it is hereby designated for public hearing on January 30, 1947, 10 a. m., in Room 2091, Commerce Bldg., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed operation is in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Is the applicant fit, willing, and able to conduct the proposed operation.

3. Is approval of the proposed operation by the applicant consistent with any obligations assumed by the United States in any treaty, convention, or agreement in force between the United States and Belgium.

Notice is further given that any person desiring to be heard in this proceeding file with the Board, on or before January 30, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

Dated at Washington, D. C., January 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-771; Filed, Jan. 24, 1947; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-757]

CITIES SERVICE GAS CO.

ORDER SUSPENDING RATE SCHEDULE

JANUARY 21, 1947.

It appearing to the Commission that:

(a) Cities Service Gas Company has heretofore filed agreements providing for gas service to its affiliates, The Gas Service Company, Kansas City Gas Company, and The Wyandotte County Gas Company, which agreements have been designated as its Rate Schedule FPC No. 87 and Supplements 1 and 2 thereto. This rate schedule and the supplements propose to supersede and cancel effective rate schedules as supplemented of Cities Service Gas Company, designated by the Commission as Rate Schedule FPC Nos. 7, 8, and 9, relating to the same aforesaid companies.

(b) The Commission by its order dated July 19, 1946, suspended said Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2 thereto pending a public hearing respecting the matters involved and the issues presented concerning the lawfulness of the proposed conditions of service set forth in said Rate Schedules.

(c) On December 23, 1946, Cities Service Gas Company filed with the Commission a supplementary agreement dated December 5, 1946, designated by the Commission as Supplement No. 3 to Rate Schedule FPC No. 87. This agreement proposes to modify in certain particulars some provisions of the Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2 thereto which are under suspension.

(d) The supplementary agreement which has been so filed and designated as Supplement No. 3 to Rate Schedule FPC No. 87 provides that The Gas Service Company, Kansas City Gas Company and The Wyandotte County Gas Company as distributing companies may continue to take all or a portion of their requirements for gas from local sources in seven specified communities in Kansas and Oklahoma, and that in respect to new or additional discoveries of such local gas which may be without market outlet, the Cities Service Gas Company and the aforesaid distributing companies will make every reasonable effort to agree to a satisfactory method and basis upon which the said distributing companies may purchase such local gas and be relieved of their obligations under Rate Schedule FPC No. 87 which requires the said distributing companies to purchase their entire requirements of gas from Cities Service Gas Company.

(e) The proposed conditions of service prescribed or affected by the aforesaid Supplement No. 3 to Rate Schedule FPC No. 87 may be unjust, unreasonable, unlawful and preferential and place an undue burden upon the ultimate consumers of natural gas.

The Commission finds that:

(1) A hearing regarding Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2 is presently in progress in the consolidated proceedings of Dockets Nos. G-699, G-729, G-757, G-747, G-763, and G-765; and that Supplement No. 3 to Rate Schedule FPC No. 87 has been made a part of said proceedings by an Exhibit No. 92.

(2) It is necessary, desirable and in the public interest that a public hearing be held concerning the lawfulness of the charges, classifications, and proposed conditions of service set forth in the Supplement No. 3 to Rate Schedule FPC No. 87 and that said Supplement No. 3 be suspended pending hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held respecting the matters involved and the issues presented thereby concerning the lawfulness of the proposed conditions of service set forth in Supplement No. 3 to Rate Schedule FPC No. 87 and that such public hearing on Supplement No. 3 to Rate Schedule FPC No. 87 be made a part of and included within the hearing and consideration of Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2 thereto in consolidated proceedings of Dockets Nos. G-699, G-729, G-757, G-747, G-763, and G-765.

(B) Pending such hearing and decision thereon, Supplement No. 3 to Rate Schedule FPC No. 87, filed by Cities Service Gas Company referred to above insofar as such Supplement provides for the sale of natural gas other than for resale for industrial use only, be and it hereby is suspended until June 23, 1947, or until such time as said Rate Schedule and Supplements shall be made effective in the manner prescribed by the Natural Gas Act.

(C) During the period of suspension Cities Service Gas Company Rate Schedules FPC Nos. 7, 8, and 9, as supplemented, shall remain in force and effect, except as such may be modified by Commission order.

(D) Interested State commissions may participate in said hearings as provided in Rule 8 (18 CFR 1.8) and Rule 37 (18 CFR 1.37) of general rules including rules of practice and procedure effective September 11, 1946.

Date of issuance: January 21, 1947.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-760; Filed, Jan. 24, 1947; 8:57 a. m.]

[Docket No. G-805]

TENNESSEE GAS AND TRANSMISSSION CO.

ORDER FIXING DATE OF HEARING

JANUARY 21, 1947.

Upon consideration of the application filed on November 1, 1946, in Docket No. G-805 by Tennessee Gas and Transmission Company, a Tennessee corporation, having its principal place of business at Houston, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described natural-gas pipe-line facilities, subject to the jurisdiction of the Federal Power Commission:

330 feet of 2-inch pipe line extending from a point of connection on Applicant's main transmission pipe-line system to the town of Lobelville, Tennessee.

It appearing to the Commission that:

(a) The above-described facilities are to be used for the purpose of selling natural gas to the Lobelville Gas Company for resale for ultimate public consumption for domestic, commercial and other uses in the town of Lobelville, Tennessee, and environs thereof; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 14, 1946 (11 FR 14332).

The Commission, therefore, orders that:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on February 6, 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings; *Provided, however*, That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: January 22, 1947.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-770; Filed, Jan. 24, 1947; 8:57 a. m.]

[Docket No. G-823]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER FIXING DATE OF HEARING

JANUARY 21, 1947.

Upon consideration of the application filed on November 29, 1946, in Docket No. G-823 by The Manufacturers Light and Heat Company, a Pennsylvania corporation, having its principal place of business at Pittsburgh, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to acquire and operate the following described natural-gas pipe line facilities, subject to the jurisdiction of the Federal Power Commission:

Approximately 5 miles of 16-inch natural gas transmission pipe line located in Monongalia County, West Virginia, being the northern-most portion of the 49 miles of 16-inch transmission line to be constructed by United Fuel Gas Company pursuant to the authority of a certificate issued by this Commission at Docket No. G-736, and commencing at the point of connection between Applicant's 20-inch line of the Pennsylvania-West Virginia State line, and extending southwesterly to a proposed point of connection with the proposed 12¾-inch trans-

mission line of Applicant extending east from the Hundred Compressor Station in Church District, Wetzel County, West Virginia, being constructed pursuant to the authority of a certificate issued by this Commission at Docket No. G-773.

It appearing to the Commission that:

(a) Applicant proposes the acquisition and operation of the above-described facilities for the purpose of making its transmission pipe line system more efficient, obviating the necessity for a transportation agreement under which Applicant would be using facilities of another company for the transportation of gas to which it has sole title, and eliminating a transportation charge for the use of United Fuel Gas Company's facilities; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 18, 1946 (11 F. R. 14502).

The Commission, therefore, orders that:

(a) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on February 10, 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(b) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: January 22, 1947.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-769; Filed, Jan. 24, 1947; 8:57 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5473]

WASHINGTON INSTITUTE, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of January A. D. 1947.

In the matter of Hiram Johnson, trading as Washington Institute, Inc.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Henry P. Alden, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, February 10, 1947, at ten o'clock in the forenoon of that day (central standard time), in Court Room No. 1, Post Office Building, Louisville, Kentucky.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-773; Filed, Jan. 24, 1947; 8:49 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-471]

BURTON HOMES, INC. AND HARRY S. SCHACHT

CONSENT ORDER

Burton Homes, Inc., a New York corporation with its principal office and place of business at 224 41st Street, New York, New York, is engaged in building residences. It is charged by the Civilian Production Administration with violation of Veterans' Housing Program Order 1 and Priorities Regulations 1 and 3 and 33 and Direction 1 to Priorities Regulation 33 during the period February 1 to June 30, 1946, (1) in having after March 26, 1946, begun and carried on construction without authorization and at a cost in excess of $400 each of 4 houses on residential property designed for occupancy by 5 families or less each located at 75-01, 75-02, 75-45 and 75-46 168th Street, Flushing, Queens, New York; and (2) in having placed rated orders and used preference rating HH assigned for the projects numbered 66-012-00198 and 66-012-00527 to get materials of the kind listed on Schedule A of Priorities Regulation 33 in more than the minimum quantities of such materials which were needed for the projects and in having used such materials for other purposes than the construction of such projects; and (3) in having caused materials to be delivered which it had reason to believe would be used in work prohibited by Veterans' Housing Program Order 1; and (4) in having purported to give other persons the right to use the rating HH before its application for the projects numbered 66-012-00198 and 66-012-00527 was approved; and (5) in having given another person the right to use the rating HH to obtain materials for a project which was not its own and having obtained deliveries of materials pursuant thereto for its own work; and (6) in having specified and caused to be specified delivery dates on purchase orders for HH rated materials more than 30 days before the time they were to be incorporated in the project; and (7) in having failed to set up and keep in place a placard in front of each separate residential building which was to be rented or sold preferably to veterans of World War II on the project site within 5 days after construction had started; and (8) in having failed to keep and preserve accurate and complete records of each transaction to which the rules, regulations and orders of the Civilian Production Administration applied and its inventories of the material involved and of all documents. Harry A. Schacht, secretary of the corporation, was aware of Civilian Production Administration rules, regulations and orders and his and its actions constituted the violations above specified. Burton Homes, Inc., and Harry A. Schacht admit the violations as charged except charges (1) and (3), do not desire to contest the same, and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Burton Homes, Inc., Harry A. Schacht, the Regional Compliance Director, and the Regional Attorney, and the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Burton Homes, Inc., its successors and assigns, and Harry A. Schacht, shall be deprived of all priorities assistance and shall obtain no authorization for any construction, until April 1, 1947, except as to the 44 houses approved under FHA project authorization numbers 66-012-00527 and 66-012-00198 and 66-012-010057.

(b) Burton Homes, Inc., its successors and assigns, may proceed with construction of the 44 houses mentioned in paragraph (a) of this order and may use priorities assistance in their completion, said houses being those located at and known by the following designations: 75-01, 75-03 to 75-45, inclusive, 168th Street, Flushing, Queens, New York; and shall be bound to complete the 2 houses known as 75-01 and 75-45 168th Street, Flushing, Queens, New York, if it shall complete the 2 houses mentioned in paragraph (d) of this order, unless it shall be prevented by unavoidable conditions beyond its control.

(c) The sales price of the two houses known as 75-01 and 75-45 168th Street, Flushing, Queens, New York, shall be no more than $10,000 each, as allowed by the FHA authorizations granted for project number 66-012-010057, unless Burton Homes, Inc., its successors or assigns, shall apply to the FHA for an increase in the sales price and such application shall be approved or granted on appeal as provided in paragraph (g) (7) or (g) (8) of Priorities Regulation 33 (as amended June 14, 1946) or paragraph (i) (6) or (i) (7) of Housing Expediter Priorities Regulation 5 (as amended August 27, 1946) or similar corresponding portions of regulations adopted thereafter.

(d) The houses known as 75-02 and 75-46 168th Street, Flushing, Queens, New York, need not be placed under the Veterans' Housing Program, and, if not, may be completed and sold by Burton Homes, Inc., its successors or assigns, without restriction in price and without veterans' preference, but shall be completed without priorities assistance and without use of materials acquired by priorities assistance.

(e) The provisions of this order shall not apply to a purchaser from Burton Homes, Inc., of unimproved real property which Burton Homes, Inc., may now or at any time in the future own, provided that such purchaser is not a successor or assignee of the business of Burton Homes, Inc., and does not include in its management or control any of the officers of Burton Homes, Inc.

(f) Nothing contained in this order shall be deemed to relieve Burton Homes, Inc., Harry A. Schacht, their successors or assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-840; Filed, Jan. 24, 1947; 11:33 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-1347, 70-1360]

NEW JERSEY POWER & LIGHT CO. ET AL.

GRANTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of January 1947.

In the matters of New Jersey Power & Light Co., File No. 70-1347. Rena R. Carver, Calvin R. Carver, Doris C. Fearon, File No. 70-1360.

New Jersey Power & Light Company (New Jersey), a subsidiary of NY PA NJ Utilities Company (NY PA NJ), a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder, wherein New Jersey proposes to sell all of its gas utility assets for a consideration of $361,000, plus certain adjustments to the date of closing; and

Rena R. Carver, Calvin R. Carver and Doris C. Fearon, having contracted with New Jersey for the purchase of its gas system and properties and having formed three New Jersey corporations to take title to such gas properties and having filed a joint application pursuant to section 9 (a) (2) and 10 of the act in respect to the acquisition of the common stocks of the three corporations; and

Said joint application and declaration having been consolidated, and, after appropriate notice, a hearing having been held on such consolidated matters, the Commission having considered the record and having made and filed its findings and opinion herein:

It is hereby ordered, That, pursuant to the applicable provisions of said act, said joint application and declaration be, and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-767; Filed, Jan. 24, 1947; 8:56 a. m]

[File No. 59-77]

KOPPERS CO., INC.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of January A. D. 1947.

The Commission having, by its order dated June 26, 1945 entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed that Koppers Company, Inc., a registered holding company, sever its relationship with Eastern Gas and Fuel Associates and its subsidiaries by disposing of its direct and indirect ownership, control, and holding of securities issued by Eastern Gas and Fuel Associates and its subsidiaries; and

Koppers Company, Inc., having filed an application pursuant to section 11 (c) of the act for an extension of an additional year within which to comply with the Commission's order of June 26, 1945, above described, said application for extension reciting that Koppers Company, Inc., has been unable in the exercise of due diligence to comply with said order within one year from the date thereof for the reason, among others, that proceedings are pending before the Commission under sections 11 (b) (2) and 11 (e) of the act with respect to the recapitalization of Eastern Gas and Fuel Associates; and

The Commission having, by its order dated June 26, 1946, granted to Koppers Company, Inc. an additional period of six months from June 26, 1946 within which to comply with the provisions of said order of June 26, 1945:

Koppers Company, Inc., having filed a further application pursuant to section 11 (c) of the act for an additional six months' extension of time within which to comply with the Commission's order of June 26, 1945, as extended by the order of June 26, 1946, said application reciting that Koppers Company, Inc. has ben unable in the exercise of due diligence to comply with said orders within the extended time prescribed thereby for the reason, among others, that proceedings remain pending before the Commission under section 11 (b) (2) and 11 (e) of the act with respect to the recapitalization of Eastern Gas and Fuel Associates; and

It appearing to the Commission, in the light of the particular circumstances, that it is appropriate to extend the time for compliance with the order of June 26, 1945 as extended by the order of June 26, 1946, for an additional period of six months after December 26, 1946:

It is ordered, That Koppers Company, Inc. be, and hereby is, granted an additional period of six months from December 26, 1946, within which to comply with the provisions of the order of June 26, 1945, directing Koppers Company, Inc., to sever its relationship with Eastern Gas and Fuel Associates and its subsidiaries.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-765; Filed, Jan. 24, 1947; 8:55 a. m.]

[File No. 70-1427]

GAS AND ELECTRIC ASSOCIATES AND GENERAL PUBLIC UTILITIES CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of January 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Gas and Electric Associates ("Associates"). Applicants-declarants have designated sections 9 (a) (1), 10 and 12 of the act and Rules U-43 and U-44 (c) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January

29, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

The transaction herein proposed is the complete liquidation of Associates and the elimination of all GPU's interest in the certificates of beneficial interest in, and notes payable of Associates. GPU is the only creditor of, and holder of certificates of beneficial interest in, Associates.

Associates holds $18,612,700 principal amount of 8% Income Notes Due March 1, 1967 of Utilities Investing Trust (formerly known as Manson Securities Trust and hereinafter called "UIT") and is the plaintiff in certain litigation pending in the Superior Court in the Commonwealth of Massachusetts in Middlesex County, instituted on October 16, 1942, by Associates against New England Gas and Electric Association (hereinafter called "Negas") and UIT, which litigation is entitled Smith et al. *v.* Goodale et al, (hereinafter called the "Negas litigation"). Certain plans for reorganization of Negas have been proposed by Negas (see Docket File Nos. 59-34, 59-64 and 54-120) which by their terms would dispose of the Negas litigation (said plans being hereinafter called the "Negas Plan.").

Associates will assign, transfer and distribute to GPU all its assets, including said $18,612,700 principal amount of 8% Income Notes Due March 1, 1967 of UIT and all causes of action, both legal and equitable, including the causes of action asserted in the Negas litigation. GPU will transfer and deliver to Associates all the certificates of beneficial interest in, and all the notes payable of, Associates. Such notes payable will be cancelled by Associates but the certificates of beneficial interest will not be cancelled and Associates will not terminate its existence, until such time as the Negas litigation has been concluded or settled by consummation of the Negas Plan or otherwise disposed of.

Associates has agreed to continue the prosecution of the Negas litigation and the causes of action therein asserted but in the event of Associates' failure to prosecute said causes of action, it has agreed to return to GPU all the certificates of beneficial interest in Associates transferred and delivered to it by GPU.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-766; Filed, Jan. 24, 1947; 8:56 a. m.]

[File No. 70-1381]

NORTH PENN GAS CO. AND PENNSYLVANIA GAS & ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of January A. D. 1947.

Notice is hereby given that a declaration, as amended, has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by North Penn Gas Company ("North Penn"), and Pennsylvania Gas & Electric Corporation ("Penn Corp"). Penn Corp is a registered holding company of which North Penn, itself a registered holding company, is a subsidiary. Declarants designate sections 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43 and U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 29, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after January 29, 1947, said declaration, as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

All of the common stock and $7 Cumulative (Second) Preferred Stock of North Penn is owned by Penn Corp. Penn Corp. proposes to donate to North Penn all of such preferred stock consisting of 13,160 shares without par value, having a stated value of $1,316,000. North Penn, upon receipt of said shares, will cancel and retire the same and credit the amount of their stated value to capital surplus. The filing states that the reason for said proposed action is to improve and strengthen the capital structure of North Penn.

It is stated in the declaration, as amended, that said donation by Penn Corp of $7 Cumulative (Second) Preferred Stock to North Penn is an interim step in connection with a more comprehensive plan for the simplification of the capital structure and business of North Penn and Allegany Gas Company, a subsidiary, and is necessary in order to effect a more equitable distribution of voting power in conformity with requirements of section 11 (b) (2) of the act.

The Commission is also requested, pursuant to the provisions of section 1808 (f) of the Internal Revenue Code of the United States, for an order to the effect that the subject transaction is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-768; Filed, Jan. 24, 1947; 8:57 a. m]

Reference

FEDERAL REGISTER

VOLUME 12 NUMBER 19

Washington, Tuesday, January 28, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9823

DESIGNATING PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the following-named international organizations pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation therefor, I hereby designate them as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the said Act:

Intergovernmental Committee on Refugees.
International Wheat Advisory Committee (International Wheat Council).

The designation of the above organizations as public international organizations within the meaning of the said International Organizations Immunities Act is not intended to abridge in any respect privileges and immunities which such organizations may have acquired or may acquire by treaty or Congressional action.

This order supplements Executive Orders No. 9698 of February 19, 1946, and No. 9751 of July 11, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 24, 1947.

[F. R. Doc. 47-842; Filed, Jan. 24, 1947; 2:57 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 26—REGULATIONS UNDER THE FEDERAL EMPLOYEES PAY ACT OF 1945 AS AMENDED BY THE FEDERAL EMPLOYEES PAY ACT OF 1946

SERVICES TO BE CREDITED

Paragraph (h) of § 26.231 *Service to be credited* (11 F. R. 14093) is amended by the addition of the following second paragraph:

In the case of an employee exercising reemployment rights under the terms of Executive Order No. 9711, April 11, 1946 (11 F. R. 4081), not to exceed a total period of 120 calendar days of time elapsing between release from military service and acceptance of civilian employment in occupied territories under the Military Government authorities of the United States, and time elapsing between termination of such employment and the exercise of his reemployment rights in accordance with Executive Order No. 9711.

(Sec. 605, 59 Stat. 304, Pub. Law 390, 79th Cong., 60 Stat. 215; 5 U. S. C. Sup. 945)

[SEAL] THE UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-790; Filed, Jan. 27, 1947; 9:31 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IX—Transport

PART 903—TRANSPORTATION OF INDIVIDUALS

SLEEPING CAR ACCOMMODATIONS

Section 903.15 is superseded by the following:

§ 903.15 *When and to whom furnished; allowances*—(a) *General.* (1) When sleeping-car accommodations are authorized in this section, the transportation requests will be issued for the accommodations authorized, from starting point to destination unless only coach service is operated at the beginning or end of the journey.

(2) The Pullman Company will furnish tourist sleeping cars or other sleeping cars at tourist rates for parties of 15 or more persons, except that when air-conditioned tourist sleeping cars are requested for such parties under §§ 903.16 and 903.17 but are not available and air-conditioned standard sleep-

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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ing cars are furnished and used in lieu thereof, standard sleeping-car rates will be required.

(b) *Standard accommodations.* (1) Subject to the provisions of §§ 903.16 and 903.17, regarding patients and their attendants, the following named persons, when traveling under orders, are entitled at public expense to a lower berth in a standard sleeping car, or a seat in a sleeping car or parlor car:

(i) Officers not traveling in a mileage status, provided that they are entitled to a separate compartment for night railway travel in foreign countries, where the type of accommodations otherwise available is not similar to that used in the United States.

(ii) Cadets, United States Military Academy, aviation cadets, and noncommissioned officers of first, second, and third grades when traveling individually, or included in parties of nine persons or less. (In counting the party there will be included cadets, United States Military Academy, aviation cadets, noncommissioned officers of all grades, other enlisted persons, applicants, and rejected applicants for enlistment or enrollment, but not officers.) See also paragraph (c) (2) of this section regarding parties of 10 persons or more.)

(iii) Members of the Reserve Officers' Training Corps while traveling, except by organizations, to and from camps of instruction, when not paid travel allowances.

(iv) Relative acting as attendant to remains, and return of attendant when required, under the provisions of AR 55–120 and TM 55–520 (when published).

(v) Civilian candidates, Citizens' Military Training Camps, when transportation is furnished by the United States.

(vi) Cadets discharged from the United States Military Academy when traveling from the academy to their homes.

(vii) Relative or friend not in the military service when acting as attendant to a military patient, when proceeding alone to the point from which the attendant service is to be performed, and when returning alone after having completed such attendant service, under the authority contained in War Department Memorandum 40–45, March 23, 1945.

(2) Wives, dependent children, and dependent fathers and mothers whose transportation is authorized by AR 55–120 and TM 55–520 (when published) are entitled to berths in a standard sleeping car or seats in a sleeping car or parlor car on the following basis, regardless of the accommodations to which the individual changing station may be entitled under the provisions of this manual (dependents, other than wives, children, fathers or mothers, whose transportation may be authorized under the "Missing Persons Act" by AR 55–120, are entitled to the same accommodations as those prescribed below for a dependent father or dependent mother:

(i) One lower berth for:
Wife alone.
Dependent father.
Dependent mother.
Child alone.
Wife and child under 6 years of age.
Wife and female child over 6 years of age.
Two children, same sex.
Two children, opposite sex, both under 6 years of age.

(ii) One section, or separated lower and upper berths for:
Wife and one child, male, over 6 years of age.
Wife and two children.
Two children, opposite sex, one or both over 6 years of age.

(iii) When the number of children exceeds two, accommodations for the additional children will be provided on the basis prescribed above for the first two children.

(iv) If a lower berth is not available, one upper berth may be furnished to each individual.

(v) The foregoing allowance is based on all the dependents of one individual traveling together at the same time. If the dependents travel separately and the total allowance becomes exhausted through being furnished the accommodations and/or by claiming monetary allowance in lieu thereof (AR 55–120 and TM 55–520 (when published)) no further accommodations may be furnished.

(3) In certain other cases, as prescribed in this manual, standard accommodations may be furnished when tourist accommodations are not available.

(c) *Tourist accommodations.* Subject to the provisions of §§ 903.16 and 903.17 regarding patients and their attendants, tourist accommodations will be furnished on the following basis when journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train:

(1) *Nine persons, or less.* (i) In counting the party to determine accommodations under subdivisions (ii) and (iii) of this subparagraph, there will be included aviation cadets, noncommissioned officers of all grades, other enlisted persons, applicants and rejected applicants for enlistment or enrollment, but not officers.

(ii) Noncommissioned officers below the third grade are entitled to a separate berth each in a tourist sleeping car, except as provided in subparagraph (3) of this paragraph, an upper if available, otherwise a lower. (See subparagraph (4) of this paragraph.)

(iii) Enlisted persons (other than aviation cadets and noncommissioned officers) and applicants or rejected applicants for enlistment or enrollment are entitled to accommodations in a tourist sleeping car, except as provided in subparagraph (3) of this paragraph, on the following basis:

(*a*) One person traveling individually will be furnished an upper berth, if available; otherwise a lower. (See subparagraph (4) of this paragraph.)

(*b*) Parties of two to nine persons, both inclusive, will be furnished accommodations on the basis of two persons in a lower berth; the "odd-number" person, if any, to be furnished an upper. If an upper is not available for the "odd-number" person, he will be furnished a lower. (See subparagraph (4) of this paragraph.)

(2) *Ten persons, or more (not counting officers in party).* Cadets, United States Military Academy, enlisted persons (including aviation cadets and all noncommissioned officers) and applicants or rejected applicants for enlistment or enrollment are entitled to accommodations in a tourist sleeping car, except as provided in subparagraph (3) of this paragraph, on the basis of two persons in a lower berth. The "odd-number" person, if any, is entitled to an upper berth. If there are more than a sufficient number of persons to occupy all the lower berths of an entire car on the basis of two persons in a berth, then the remaining persons will be furnished an upper berth each in the same car until its capacity is reached. Each additional car will be filled in the same manner. In special train movements one upper berth will be left unassigned for the use of the pullman conductor. (See subparagraph (4) of this paragraph, and § 903.19). When tourist sleeping cars containing drawing rooms are furnished by the carriers, the drawing room will be used as a section; that is, one lower berth and one upper berth. For example: When a party of 49 enlisted persons is traveling in tourist sleeping cars of the twelve-section, one-drawing-room type, they will be furnished a transportation request for 18 lower and 13 upper tourist berths.

First car: 13 lower berths for 26 persons; 13 upper berths for 13 persons.
Second car: 5 lower berths for 10 persons.
Total: 18 lower berths and 13 upper berths for 49 persons.

(3) *Standard accommodations in lieu of tourist.* Whenever tourist-car berths are not available, standard-car berths will be furnished under the same conditions and on the same basis as set forth in subparagraphs (1) and (2) of this paragraph. (See also subparagraph (4) of this paragraph.)

(4) *Alternative allowances.* The alternative allowances (upper or lower berths; tourist or standard accommodations) provided for in subparagraphs (1), (2), and (3) of this paragraph, contemplate furnishing the most economical accommodations available on the train (and connecting trains en route) and authorized. The higher cost berths and accommodations will be utilized only to the extent that those of lower cost are not available.

(d) *Transportation of aliens (as distinguished from enemy aliens) and other persons evacuated from military areas.* The lowest class of transportation by the facility used will be furnished aliens (as distinguished from enemy aliens) or other persons evacuated from military areas pursuant to the provisions of Executive Order No. 9066, February 19, 1942 (3 CFR, Cum. Supp.) (sec. II, WD Bull. 10, 1942), except that where transportation is by rail carriers and the journey involves spending two nights or more on the train, sleeping-car accommodations, tourist whenever available, otherwise standard, will be furnished for the entire distance from point or origin to destination only for all children under 14 years of age and females who may be included in a movement. In such cases the accommodations will be furnished on the following basis: A mother with her child or children under 14 years of age or a woman in charge of a child or children under 14 years of age, as prescribed for a wife and child or children in paragraph (b) (2) of this section. Other women 50 years of age and over, a separate lower berth for each. Other females 14 years of age and over, and under 50 years, two persons to a lower berth until all available lower berths in the car are used and the remainder of such females in an upper berth each in the same car until the capacity of the car is reached. Where lower berths or a sufficient number thereof are not available, one upper berth will be furnished each individual to the extent that lower berths are not available on the foregoing basis. [TM 55–525, C2, Dec. 30, 1946] (R. S. 161, 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47–784; Filed, Jan. 27, 1947; 9:33 a. m.]

TITLE 15—COMMERCE

Chapter II—National Bureau of Standards, Department of Commerce

PART 200—TEST FEE SCHEDULES

STANDARD VISCOSITY SAMPLES AND DETERMINATIONS

In accordance with the provisions of sections 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on this schedule of fees are unnecessary for the reason that such procedure would, because of the nature of these rules, serve no useful purpose.

These rules shall be effective upon the date of publication in the FEDERAL REGISTER.

Section 200.387 *Viscosity determinations* (15 CFR § 200.387) is hereby amended by changing the title to "Standard viscosity samples and determinations," and to read as follows:

§ 200.387 *Standard viscosity samples and determinations.*

Item	Description	Fee (f. o. b. Washington, D. C.)[1]
387a	One-pint sample of Standard Viscosity Oil D, H, I, J, K, L, M, or N with report on its absolute viscosity, kinematic viscosity, and density at 20° C., 25°C., and 100° F., per one-pint sample	$10.00
387b	Determination of absolute or kinematic viscosity of Standard Viscosity Oil D, H, I, J, K, L, M, or N at temperatures other than covered by Item 387a, additional fee, per sample per temperature	10.00
387c	One-pint sample of Standard Viscosity Oil OB with report on absolute viscosity, kinematic viscosity, and density at 20°, 25°, and 40°C., per one-pint sample	20.00
387d	One-pint sample of Standard Viscosity Oil F with report on absolute viscosity, kinematic viscosity, and density at 30°, 40°, and 50° C., per one-pint sample	20.00
387e	Determination of absolute or kinematic viscosity of Oil OB or Oil F at temperatures other than those covered by Item 387c and Item 387d, respectively, additional fee, per sample per temperature	15.00
387f	One-pint sample of Oil SB with report on Saybolt Universal viscosity at 100° F., per one-pint sample	5.00
387g	One-pint sample of Oil SC with report on Saybolt Universal viscosity at 130° F., per one-pint sample	5.00
387h	One-pint sample of Oil SF with report on Saybolt Furol viscosity at 122° F., per one-pint sample	5.00
387x	Replacement of Bureau reports and certificates	1.00
387z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test	

[1] Shipments weighing not more than 4-lb. gross to points within the United States, its territorial possessions, Canada, Cuba, and Mexico, are sent under government frank. Shipments weighing more than 4-lb. gross to points within the United States are sent via express, transportation charges collect. Special arrangements must be made for shipments not coming under these two classifications.

(Sec. 312, 47 Stat. 410; 15 U. S. C. 276)

[SEAL] E. U. CONDON,
Director.

Approved:

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-794; Filed, Jan. 27, 1947; 9:42 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51608]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

ARTISTIC ANTIQUITIES

Section 10.53 (f), Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.53), is hereby amended to read as follows:

§ 10.53 *Artistic antiquities.* • • •

(f) A claim for the free entry of an article under paragraph 1811 on the basis of antiquity may be made on the entry at any time prior to liquidation of the entry: *Provided*, That the article has not been released from customs custody or it has been found upon examination before such release that the article is classifiable under paragraph 1811 upon compliance with the provisions of this section.

(Par. 1811: sec. 201, 46 Stat. 685, sec. 624, 46 Stat. 759; 19 U. S. C. 1201, 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

APPROVED: January 21, 1947.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-798; Filed, Jan. 27, 1947; 9:32 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of Temporary Controls

Subchapter A—Organization, Procedure and Delegations of Authority

PART 3—DELEGATION OF AUTHORITY

NOTICES OF GENERAL RATE INCREASES

By virtue of the authority vested in me by Executive Order No. 9250 of October 3, 1942; Executive Order No. 9699 of February 21, 1946; Executive Order No. 9762 of July 25, 1946; and Executive Order No. 9809 of December 12, 1946, and in accordance with the provisions of paragraph 4 of Title VI of Executive Order No. 9250 and of Section 1 of the Stabilization Act of 1942, as amended (56 Stat. 765; 50 U. S. C. App. Secs. 961-971). *It is hereby ordered:*

§ 3.202 *Notices of general rate increases.* (a) The Commissioner for War Mobilization and Reconversion in the Office of Temporary Controls is hereby designated as the agency to receive notices of proposed general increases in common carrier or other public utility rates and charges.

(b) Because it is considered unnecessary, under present circumstances to intervene before the Authorities having jurisdiction to consider such proposed increases, the Commissioner will not so intervene.

(c) Directive No. 1 (7 F. R. 8758) of the Director of Economic Stabilization, issued October 14, 1942, is hereby revoked.

This order shall become effective upon issuance.

Done at Washington, D. C., this 21st day of January 1947.

(Sec. 1, 56 Stat. 765; 50 U. S. C.; App., Sup., 961-971, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929; E. O. 9762, July 25, 1946, 11 F. R. 8073; E. O. 9809, Dec. 12, 1946, 11 F. R. 4281)

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-799; Filed, Jan. 27, 1947; 8:56 a. m.]

Subchapter B—Rules Affecting Civilian Production Administration

PART 11—LIQUIDATION OF CIVILIAN PRODUCTION ADMINISTRATION

§ 11.1 *Liquidation.* Pursuant to the authority of Executive Order No. 9809, dated December 12, 1946 and Executive Order 9638, dated October 4, 1945, it is hereby directed that the Civilian Production Administration as such be liquidated and that the liquidation shall be completed not later than December 31, 1947. All residual operating and administrative functions, such as those relating to accounts, personnel, history and records shall be assumed by the Office of Temporary Controls Administrator immediately after December 31, 1947.

§ 11.2 *Responsibility for liquidation.* The Commissioner of Civilian Production shall be responsible for the orderly liquidation of the Civilian Production Administration. As rapidly as possible determination shall be made by the Commissioner as to the effective dates for the termination of individual Civilian Production Administration functions. Following such determinations appropriate steps shall be taken to effect the liquidation of these functions by the dates so determined.

Effective date. This order is effective January 21, 1947.

(E. O. 9638, Oct. 4, 1945, 10 F. R. 12591; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-779; Filed, Jan. 27, 1947; 8:55 a. m.]

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 201 are hereby prescribed:

1. Paragraph (c) of § 201.1 is amended by substituting the word "headquarters" in lieu of "staff" wherever it appears and by amending subparagraph (3). The section is further amended by the addition of paragraph (f) to read as follows:

§ 201.1 *Appointment* • • •

(c) *Appointments to State headquarters* • • •

(3) *Other State headquarters.* See § 201.2 (d) (2) (iv) (c).

• • • • • •

(f) *Appointments of Regular Army personnel*—(1) *Regular Army officers.* In accordance with an approved policy of the War Department, authority may be granted to officers on the active list of the Regular Army to accept commissions in the active National Guard. The following conditions govern all such appointments:

(i) The officer must be detailed as an instructor with the National Guard unless he is appointed Chief of Staff of a division under the provisions of sections 65 and 100, National Defense Act.

(ii) There must be a vacancy and appropriate assignment with the active National Guard in the grade in which the commission is tendered.

(iii) The vacancy so filled will be limited to that of the commander of a regiment or larger organization, or that of a staff officer of a brigade or higher organization.

(iv) The State authorities must make the request for the appointment to the Chief, National Guard Bureau, giving the rank proposed for the appointee and the arm or service in which he is to be commissioned.

(v) The commission in the National Guard will be in the same grade as that held by the officer in the Regular Army and not below that of major or above that of major general.

(vi) Before an officer can accept such a commission he must first receive authority from the Secretary of War.

(vii) The authority to hold the commission terminates when a qualified National Guard officer becomes available or when the Regular Army officer holding the commission is relieved from duty with the National Guard of the State in which he is commissioned.

(viii) Should the unit to which the officer is assigned be called or ordered into Federal Service, the officer will resign his commission in the National Guard effective the date of the call or order.

(ix) Assignment to be limited to 2 years, subject to extension upon further request by the Governor of the State concerned.

(2) *Regular Army enlisted men.* An enlisted man on the active list of the Regular Army may not legally accept a commission in the National Guard even though he is detailed on duty with the National Guard.

2. Section 201.2 is superseded by the following:

§ 201.2 *Federal recognition*—(a) *Definition.* Federal recognition is the action of the War Department in acknowledging and recording that officers of the National Guard have met the qualifications and requirements prescribed by the National Defense Act, and regulations, and are thereby entitled to receive Federal pay and allowances.

(b) *Effective date of recognition.* Recognition is not complete until granted by the War Department. It is effective from the date on which the requirements for recognition were met.

(c) *Persons eligible.* Persons commissioned as officers of the National Guard will not be recognized as such under any of the provisions of these regulations unless they will have been selected from the following classes, and will have taken and subscribed to the oath of office prescribed in section 73 of the National Defense Act.

(1) *Initial procurement*—(i) *From wartime officers.* In the initial reorganization of the National Guard, Federal recognition and appointment in the National Guard of the United States above the grade of second lieutenant will be limited to those officers who have served honorably in active Federal service in the armed forces of the United States for a period of at least 6 months since December 7, 1941, and who, while in that service, have demonstrated their qualifications by actual service in the grade and position contemplated, or by the satisfactory discharge of duties of corresponding and equal responsibility.

(ii) *From warrant officers and enlisted men.* Warrant officers and enlisted men of the first three grades who have served honorably in active Federal service in the armed forces of the United States for a period of at least 6 months since December 7, 1941, and who may be nominated for appointment as second lieutenants, may be exempted from attendance at an officer candidate school by examining boards when their wartime experience clearly satisfies the required standards: *Provided*, That second lieutenants may be procured from among recent graduates of the Reserve Officers' Training Corps or officer candidate schools.

(iii) *Specialists from other sources.* (*a*) Wartime service or previous military training are not required for appointment and Federal recognition in the National Guard of clergymen as chaplains, doctors as medical officers, and dentists as dental officers.

(*b*) If a candidate for appointment has had such wartime service or previous military training, the record of that service and training will be considered in determining general suitability for the position to which appointed.

(*c*) Maximum age-in-grade requirements established in paragraph (d) (3) of this section, apply to these officers.

(*d*) Grades to which appointed and in which recognized are those specified in the table of organization and equipment of the unit to which assigned.

(*e*) Requirements for professional accreditation and professional experience will be those specified in Army Regulations for the appropriate grades.

(2) *Continuing procurement.* After initial reorganization, commissioned officers will be obtained from the following sources:

(i) Individuals with honorable and creditable service as commissioned officers in any of the armed services of the United States.

(ii) Graduates of accredited senior Reserve Officer Training Corps units.

(iii) Graduates of officer candidate schools and graduate aviation cadets.

(iv) Flight officers who have served honorably and creditably in time of war.

(v) Specialists as provided in subdivision (iii) (*a*) of this subparagraph.

(vi) Officers of the Organized Reserve Corps.

NOTE: A civilian officer or employee of the United States or the District of Columbia, who is appointed an officer of the National Guard, will not be federally recognized without the consent of the head of the department or service in which he is employed.

(d) *Requirements for recognition.* The Chief, National Guard Bureau, will not grant Federal recognition to an officer until he has evidence that the following requirements have been met:

(1) *Residence.* The candidate must live in the vicinity of the unit to which he is to be assigned.

(2) *Assignment*—(i) *To a unit.* The unit must be recognized.

(ii) *To a headquarters.* The headquarters must be recognized.

(iii) *To split units.* The provisions of this paragraph apply to all split units.

(iv) *To State Headquarters*—(*a*) *Adjutant general or assistant adjutant general.* A person appointed adjutant general, or assistant adjutant general, of a State may be recognized in any arm or service. Authorized grades for recognition will conform to the allotment prescribed by the Chief, National Guard Bureau for State Headquarters. If the grade authorized is that of a general officer, the candidate must qualify for Federal recognition under the requirements prescribed for general officers of appropriate grades in the National Guard. All qualifications prescribed by Federal law and this part must be met before recognition will be granted. When recognized, a State adjutant general, or assistant adjutant general, comes under the same regulations as apply to other recognized officers.

(*b*) *Branch immaterial assignments.* A person appointed as an officer of the National Guard and assigned to a State Headquarters for selective service duty, or as United States property and disbursing officer, inspector general, or maintenance officer may be recognized in any arm or service. Authorized grades for recognition will conform to the allotment prescribed by the Secretary of War for State Headquarters.

(*c*) *Other State Headquarters officers.* A person appointed as an officer of the National Guard and assigned to the State Headquarters, except as provided in subdivisions (iv) (*a*) and (*b*) of this subparagraph, may be recognized, provided he is commissioned and qualified in the staff corps or department appropriate to the staff position to which he is assigned. If commissioned and recognized in an arm or service other than that appropriate to the existing vacancy, he may be assigned to the State Headquarters and continue to be recognized in his present arm or service until promoted. Authorized grades for recognition will conform to the allotment prescribed by the Secretary of War.

(*d*) *Total number and grade.* The total number and grades of officers recognized for the State Headquarters in any State will not exceed the total authorized in the approved allotment of grades and vacancies for the State Headquarters.

(3) *Age (effective until January 1, 1951)*—(i) *For initial recognition.* No candidate will be examined for recognition who is less than 21 or more than 62 years old, nor unless his age is such that he can serve at least 1 year before recognition will be terminated under age limitations as set forth in subdivision (ii) of this subparagraph, except that for air units no candidate for original commission as second lieutenant will be more than 27; as first lieutenant, more than 32; as captain, more than 37; as major, more than 40; as lieutenant colonel, more than 43; as colonel, more than 45.

(ii) *For continued recognition.* The following maximum age-in-grade limitations are established for officers of the National Guard. An officer will be considered over the maximum age for his grade upon reaching the birthday of the year prescribed.

Assignment	2d Lt.	1st Lt.	Capt.	Maj.	Lt. Col.	Col.
State headquarters	40	43	46	51	55	60
Air units	31	36	41	44	47	49
Other than air units	30	35	42	47	52	55

NOTE: Rated officers in air units will be subject to the age limitations above for air units. Non-rated officers in air units (including flight surgeons) will be subject to the age limitations given above for "Other than air units." (WDGPA 321 (July 29, 1946))

(4) *Examination.* The candidate must pass such physical, moral, and professional tests as the President may prescribe.

(e) *Termination of recognition.* Recognition of a National Guard officer terminates when:

(1) If a general officer, he has reached the age of 64. (i) If below the grade of general officer, he has passed the maximum age prescribed for his grade in paragraph (d) (3) (ii) of this section.

(2) When his commission is vacated.

(3) When he is convicted of a felony.

(4) When he is transferred from a position in which he is recognized to a position for which there is no provision for recognition.

(5) When recognition is withdrawn from the organization to which the officer belongs, unless he is transferred to an existing vacancy in a recognized unit.

(6) When he accepts a commission in the Regular Army (5 Bull. JAG; SPJGA 1946/4410, May 28, 1946), the Navy, or the Marine Corps.

(f) *Withdrawal of recognition.* Recognition of a National Guard officer will be withdrawn:

(1) When he has been absent without leave for 3 months.

(2) When the annual physical examination or the findings of a medical board appointed under the provisions of § 201.5 (b) (3) show that he is physically incapacitated for further service.

(3) When he is a member of the headquarters of a battalion or larger unit and that unit becomes so depleted that it no longer conforms to the prescribed recognition requirements. In such cases recognition of the commanding officer and his staff will be withdrawn 6 months after the date on which the unit became incomplete, unless the condition is corrected prior to the expiration of that period. (See NGR 15.)

(4) When the time limit of a waiver granted under § 201.4 (b) and (d) expires and the officer has not taken the prescribed examination or has failed to pass it.

(5) When an inspection conducted under the provisions of section 93, National Defense Act, as amended, shows that the individual is lacking in the required qualifications. In such cases the War Department may summarily withdraw Federal recognition.

(6) When an efficiency board, appointed under the provisions of section 76, National Defense Act, as amended, finds against him and those findings are approved by the Chief, National Guard Bureau.

(7) When he exceeds the maximum age prescribed for an officer of his grade and assignment.

(8) In the case of an officer of the Chaplains Corps, when ecclesiastical indorsement is withdrawn by the church of his faith.

(9) In the case of an officer of the medical department, when his license to practice has been terminated by proper authority.

3. Section 201.3 is amended by changing the headnote of paragraph (a) (2), and rescinding paragraphs (e) and (g) and substituting the following:

§ 201.3 *Examination.* • • •

(a) *General.* • • •

(2) *Findings of board.* • • •

(e) *Professional examination*—(1) *General.* The professional examination will consist of two parts: a written examination to determine the candidate's military knowledge qualifications; and a practical test, conducted either with or without troops, to determine his ability qualifications. The examination will be sufficiently comprehensive to determine the candidate's professional qualifications but it will not involve feats of memory requiring the reproduction of statistics, data, or kindred matter ordinarily found in reference works.

(2) *Scope*—(i) *Subjects.* In determining the subjects under professional qualifications in which a candidate (except a general officer) is to be examined and scope of the examination in each subject, the board will be governed by the following Army Regulations which set forth the minimum qualifications for appointment and promotion:

AR 140–22, Adjutant General's Department.
AR 140–23, Air Corps.
AR 140–24, Cavalry.
AR 140–25, Chaplains.
AR 140–26, Chemical Corps.
AR 140–27, Coast Artillery Corps.
AR 140–28, Corps of Engineers (to include Armored Engineers).
AR 140–29, Field Artillery (to include Armored Field Artillery).
AR 140–30, Finance Department.
AR 140–31, Infantry (to include Armored Infantry and Tank Corps).
AR 140–32, Judge Advocate General's Department.
AR 140–33, Medical Department.
AR 140–34, Military Intelligence.
AR 140–36, Ordnance Department.
AR 140–37, Quartermaster Corps (to include Transportation Corps).
AR 140–38, Signal Corps.

(3) *Evidence of prior service.* If the candidate produces evidence that he has satisfactorily discharged the duties of the grade and assignment for which examined, or has satisfactorily discharged duties of corresponding and equal responsibility, in active Federal service in the armed forces since December 7, 1941, the board may accept this service as evidence of professional qualification for the grade and arm or service for which examined and may dispense with the professional examination. The evidence accepted by the board in lieu of examination will be shown.

(4) *Evidence of commission.* If the candidate produces evidence that he is federally recognized as an officer of the National Guard in the appropriate grade and arm or service, or that he has held a commission in the Regular Army, the Marine Corps, or the Officers' Reserve Corps in the same grade and arm or service, and has served satisfactorily in that assignment, the board may accept this service as evidence of professional qualification and may dispense with the professional examination. The evidence accepted by the board in lieu of examination will be shown.

(5) *For candidates for the grade of second lieutenant*—(i) *Evidence of graduation from OCS or ROTC.* The examining board may accept evidence of satisfactory completion of Officers' Candidate School or graduation from an accredited senior Reserve Officers' Training Corps unit in lieu of any or all of the tests prescribed under proficiency qualifications for candidates for the grade of second lieutenant. In accepting such evidence, the board must give due consideration to the type of training given the candidate at the Officers' Candidate School or senior Reserve Officers' Training Corps Unit.

(ii) *Evidence of prior service as warrant officer.* If the candidate produces evidence that he has performed 6 months' active service in the armed forces of the United States since December 7, 1941, and that he has attained the grade of warrant officer while in that service, and that this wartime service clearly satisfied the required standards, the examining board may accept this service in lieu of any or all tests prescribed under proficiency qualifications for candidates for the grade of second lieutenant.

(iii) *Evidence of prior service as an enlisted man of the first three grades.* While the appointment of second lieutenants from this source is contemplated, until such time as an adequate system of evaluation of enlisted service is instituted, regulations governing the necessary procedures will not be published.

(iv) *Presentation of certificate of proficiency.* If a candidate for commission as second lieutenant has obtained, by completion of a special course for noncommissioned officers at an appropriate service school, a certificate of proficiency in any subject prescribed under professional qualifications, the board may accept this certificate in lieu of examination in the subject covered.

(6) *Evidence of graduation from general and special service schools.* If a candidate produces a certificate showing satisfactory completion of appropriate courses of instruction for officers at general and special service schools, the board may accept this evidence in lieu of any or all tests prescribed under professional qualifications.

(7) *Evidence of graduation from high school or higher educational institution.* When a candidate produces satisfactory evidence of graduation from a standard high school or from an equivalent or higher institution of learning, the board may accept this in lieu of any tests designed to determine the candidate's general education.

(8) *Transfer to another arm or service.* The examination of an officer who has been transferred to another arm or service will be the same as for original appointment.

• • • • • •

(g) *Professional examination for general officers*—(1) *General.* The professional examination for candidates for the grade of general officer will be conducted as prescribed by the president of the board and will include such military knowledge and ability tests as the board may deem necessary.

(2) *Military educational requirements.* The successful completion of an appropriate course of the Command and Staff College, or a local branch thereof, will be a prerequisite for promotion to general officer grade, except when the officer has, in time of war, performed satisfactorily in the grade for which examined or higher grade, or has clearly demonstrated his qualifications by actual performance of the duties of the higher grade, as provided in paragraph (e) (3) of this section.

4. Section 201.4 is superseded by the following:

§ 201.4 *Waivers*—(a) *Waiver of professional requirements.* Except as provided in paragraph (d) of this section, no waiver of any requirement for professional qualification of National Guard officers will be granted, except under direct authorization by the Secretary of War.

(b) *Waiver of physical requirements.* Waivers for physical defects will be authorized only to the extent prescribed for officers of the Regular Army. An officer who is found physically disqualified because of a correctible defect will be allowed a maximum of 1 year to correct the defect. At the end of the year provided, the officer will be ordered before an examining board to determine his physical qualifications for continued recognition.

(c) *Waiver of age limitations.* Age-in-grade requirements prescribed in § 201.2 (d) (3) will not be waived.

(d) *Waiver of technical requirements upon transfer.* When an officer is commissioned in a different arm or service from that in which he performed his wartime service or when, by reason of conversion of his unit, an officer is transferred to a different arm or service than that in which recognized, the examination in those technical subjects not common to the two arms or services may be waived for not more than 1 year. On or before the end of the year for which the waiver is granted, the officer will appear before an examining board for determination of his qualifications in those technical subjects in which he has not previously qualified.

5. Amend paragraph (b) of § 201.6 to read as follows:

§ 201.6 *Officers of the National Guard of the United States* • • •

(b) *Application for appointment.* Applications for appointment (WD NGB Form 62) will be forwarded in triplicate through channels to The Adjutant General of the Army. These channels will include the appropriate National Guard commanders; the State adjutant general; the Air Force, Army, or Territorial commander; and the Chief, National Guard Bureau.

[National Guard Regs. No. 20, 1946] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47–783; Filed, Jan. 27, 1947; 9:32 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 25]

EFFECT OF UNEXPIRED URGENCY CEGTIFICATES ON WAA

The following direction is issued pursuant to Priorities Regulation 13:

(a) *What this direction does.* On January 17, 1947, the Civilian Production Administration revoked Direction 16 to Priorities Regulation 13 under which CPA urgency certificates were issued. The revocation provided that CPA will no longer issue new certificates or extend the expiration date of outstanding certificates. However, as stated in the revocation outstanding certificates issued under the direction before January 17, remain valid until filled or until they expire, whichever is earlier. This direction deals only with these unexpired certificates and explains how they are now to be handled by WAA. The major difference between this procedure and that formerly established by Direction 16 is that urgency certificates are now valid against lots of material or equipment which are advertised or publicly offered for sale by WAA if the advertisement or public offering specifically so states. This new procedure for these unexpired urgency certificates has been issued to conform with the new procedures jointly adopted by WAA and the Office of the Housing Expediter and incorporated in the recent amendments to Housing Expediter Priorities Regulations 1, 2 and 4.

(b) *Effect of urgency certificates on WAA.* (1) Unless CPA specifically directs otherwise, the regional office of WAA must give precedence to holders of CPA urgency certificates over any other class of buyers (except holders of Housing Expediter certificates) in selling any surplus materials or equipment of the type covered by unexpired urgency certificates which have been filed with it, or of which it has been notified by another regional office. The relative precedence among holders of CPA urgency certificates and Housing Expediter certificates will be determined by WAA in the manner described in Housing Expediter Priorities Regulations 1, 2 and 4. CPA urgency certificates are not valid against any particular lot of materials or equipment which WAA has advertised or publicly offered for sale unless the advertisement or public offering specifically states that the material or equipment is offered to holders of urgency certificates. Also they are not valid against any particular lot of materials or equipment which is covered by a directive issued by the Housing Expediter, or which WAA has set aside for veterans. The price and terms of sale of specific materials or equipment to a holder of an urgency certificate will be determined by WAA. If the sale is made through a dealer, WAA will designate the certificate holder who is to receive the material or equipment, and the dealer must give WAA a certification in substantially the following form:

The undersigned certifies to the seller and to the Civilian Production Administration, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code that he will resell promptly the material or equipment obtained with this certificate to ---------- (insert name of urgency certificate holder designated by WAA).

(2) If a holder of an urgency certificate is unwilling or unable to meet the price and terms of sale determined by WAA, it is not required to make the sale.

(c) *Expiration date.* This direction expires March 17, 1947, unless it is revoked or modified before that date.

Issued this 27th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–876; Filed, Jan. 27, 1947; 11:19 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1412—SOLVENTS

[MPR 28, Amdt. 16]

SALES OF ETHYL ALCOHOL (EXCLUDING WEST COAST ETHYL ALCOHOL)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 28 is amended in the following respects:

1. The table of maximum prices of fermentation ethyl alcohol in § 1412.263 Appendix A (a) (1) is amended to read as follows:

CD 12	$0.576
CD 13	.576
CD 14	.573

SD 1	$0.572
SD 2 B	.565
SD 3 A	.561
SD 12 A	.557
SD 23 A	.566
SD 23 G	.612
SD 23 H	.67
Proprietary name solvent	.59

2. In § 1412.263 Appendix A (b) (1) (i), the price "$0.565" is substituted for the price "$0.535".

3. In § 1412.264 Appendix B, the following sentence is added: *"Provided, however,* That for sales made on or after June 20, 1946, the jobber's maximum price for industrial ethyl alcohol shall be the sum of his cost of acquisition and the percentage mark-up he had in effect on March 31, 1946, to the same class of purchaser on sales of such alcohol."

This amendment shall become effective January 27, 1947.

Issued this 27th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement of Considerations Involved in the Issuance of Amendment 16 to Maximum Price Regulation 28

On June 20, 1946, Order No. 69 under Maximum Price Regulation 28 was issued permitting manufacturers and jobbers to sell industrial ethyl alcohol at prices subject to upward adjustment in accordance with action, if any, that might be taken by the Office of Price Administration changing the existing maximum prices for sales of this commodity. Such action was found necessary to insure the continued production and distribution of alcohol during a period of rising costs while studies were being made of the extent of any price changes that would be necessary. No price relief was involved in sales of synthetic alcohol which by operation of the Price Control Extension Act of 1946 was freed from all price controls, nor in sales of fermentation grain alcohol (other than that purchased from the Office of Defense Supplies or other government agency for resale) since such alcohol was suspended from price controls under Amendment 13 to this regulation. Accordingly, the problem was confined to sales of molasses alcohol and resales of alcohol purchased from the Reconstruction Finance Corporation.

When Order 69 was issued, molasses was being allocated to distillers for use in their alcohol production only to the extent of 50% of sales (including internal consumption). The following month, July 1946, no molasses was allowed. Subsequently the following percentages for new molasses alcohol production were allowed: August, September, and October 1946—35%; November 1946—20%; December 1946—35%. Cost figures from all but one producer were submitted for the months of June and August 1946, such two months being deemed fairly representative of operations during the period June-November 1946. Costs and revenues derived from the sale of antifreeze (subject to Maximum Price Regulation 170) were excluded from this study which included only all industrial ethyl alcohol sales subject to this regulation. Pure alcohol of 190° and over, completely and specially denatured alcohols, and proprietary solvents were accordingly included. The figures submitted were those of producers accounting for about 70% of fermentation ethyl alcohol production. Reference was made to the recent overall earnings position of this multi-line industry which was found to be considerably in excess of its base period return. In conformity with the established policy of this Office in cases involving products of multi-line industries having favorable current overall earnings, consideration of a price adjustment to cover average total costs of the alcohol in question was appropriate under the Price Administrator's standards prior to November 10, 1946, the date when price control was removed from this commodity. On the basis of the data now before this Office it appears that an adjustment of 2.97 cents per finished gallon or 3.11 cents per 190 proof equivalent gallon in the manufacturers' maximum prices for alcohol would have been in order. Accordingly, this action effectuates an increase in the producer's maximum price per gallon for heavy tonnage formulae and undenatured fermentation ethyl alcohol by 3 cents, said increase having been determined to be the amount necessary to cover average total costs of the industry's fermentation alcohol operations during June to November 1946.

By operation of Order No. 69, this action will enable producers to recover the 3¢ increase on all sales of fermentation ethyl alcohol sold under such open billing authorization from June 20, 1946, until November 10, 1946, when, pursuant to Executive Order of the President and Supplementary Order 193 of this Office, sales of this commodity were removed from price controls.

Similarly, resellers of fermentation ethyl alcohol who have been selling the commodity on open billing pursuant to authorization of Order No. 69 are permitted to recover their increased cost of acquisition of the commodity plus the same percentage margin over costs enjoyed on such sales on March 31, 1946.

In the opinion of the Administrator, the maximum prices established by this amendment are generally fair and equitable, consistent with, and effectuating the purpose of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 47-877; Filed, Jan. 27, 1947; 11:27 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter III—Corps of Engineers, War Department

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 4 of the act of December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by the Flood Control Act of 1946 (Public Law 526, 79th Congress), Part 311, Chapter III, Title 36 of the Code of Federal Regulations is amended as follows:

1. Paragraphs (e) and (f) are added to § 311.1 as set forth below:

§ 311.1 *Areas covered.* • • •

(e) Fern Ridge Reservoir Area, Long Tom River, Oregon.

(f) Cottage Grove Reservoir Area, Coast Fork of Willamette River, Oregon.

2. Paragraph (a) of § 311.4 is superseded by the following:

§ 311.4 *Houseboats.* (a) A permit shall be obtained from the District Engineer for placing any houseboats on the water of any reservoir area listed in § 311.1, except for the following reservoir areas on which houseboats are prohibited:

(1) Fern Ridge Reservoir Area, Long Tom River, Oregon.

(2) Cottage Grove Reservoir Area, Coast Fork of Willamette River, Oregon.

[Regs. 10 Jan. 1947, ENGWF] (58 Stat. 889, Pub. Law 526, 79th Cong., 16 U. S. C. 460d)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-785; Filed, Jan. 27, 1947; 9:31 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

PART 8—RULES GOVERNING SHIP SERVICE

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 13th day of January 1947;

The Commission having under consideration the matter of providing distress frequencies for the maritime and aeronautical services and having received notification from the United States Department of State that the United States Government has adopted an interim policy establishing 8280 kilocycles as the interim United States aeronautical and maritime high frequency distress frequency until the whole subject matter of such a frequency for such a purpose shall have been discussed and disposed of at the forthcoming International Telecommunications Conference, and that this interim policy includes the establishment of the following restrictions upon the use of 8280 kilocycles by United States radio stations in the mobile service, to wit:

(a) In requesting help from the maritime and aeronautical services, the frequency 8280 kilocycles shall be used for distress purposes in addition to 500 kilocycles by ship stations and aircraft stations so fitted, and in lieu thereof where 500 kilocycles is not available. It may be used only for calls and replies, as well as for distress traffic, urgent and safety messages, and signals.

(b) Transmission on this frequency with the exception of urgent and safety messages, and signals, must cease twice each hour, for 3 minutes, beginning at x:15 and x:45 o'clock, Greenwich Civil Time (GCT); and,

It appearing, that public interest, convenience, and necessity will be served and the United States interim policy implemented in regard to radio stations licensed by this Commission, by amending certain portions of the Commission's rules and regulations; and

It further appearing, that authority for the amendments hereinafter set forth is contained in sections 303 (c) and (r) of the Communications Act of 1934, as amended; that it is the purpose and effect of those amendments to promote the safety of life and property at sea and in the air in accordance with section 1 of the Communications Act of 1934, as amended; that it is necessary in the public interest that those amendments be made effective without undue delay; and that notice and public procedure for rule making as required by sections 4 (a) and (b) of the Administrative Procedure Act and the requirement of publication of this rule 30 days prior to the effective date thereof in accordance with section 4 (c) of the Administrative Procedure Act are impracticable, unnecessary, and contrary to the public interest;

Now, therefore, *It is ordered:*

1. That Parts 7 and 8 of the Commission's rules and regulations entitled, respectively, "Rules Governing Coastal and Marine Relay Services" and "Rules Governing Ship Service" be, and they are hereby, amended in the following respects:

(1) Section 7.25 *Transmission of call lists* (47 CFR, Cum. Supp.) is amended by adding after the word "500" in the second sentence the words "and 8280".

(2) Section 7.28 *Repetition of distress call* (47 CFR Cum. Supp.) is amended by adding after the word "500" in the first sentence the words "and 8280".

(3) Section 7.51 *International calling and distress frequency* (47 CFR Cum. Supp.) is amended by changing the title thereof to read "Calling and distress frequencies"; by redesignating the existing section as paragraph "(a)"; and by adding the following new paragraph:

(b) The interim United States high frequency calling and distress frequency is 8280 kilocycles. The provisions governing the use of 8280 kilocycles shall apply to all areas.

(4) Section 7.52 *Use of other frequencies for distress* (47 CFR Cum. Supp.) is amended by substituting the words "distress frequencies" for the words "international distress frequency".

(5) Section 7.53 *Use of distress frequency* (47 CFR Cum. Supp.) is amended to read as follows:

§ 7.53 *Use of distress frequencies.* (a) The calling and distress frequencies shall be used only for calls and replies, for distress traffic, for urgent and safety messages as may be necessary, and for operating signals, including announcements as authorized by § 7.25.

(b) Transmission on these frequencies with the exception of urgent and safety messages and signals, must cease twice each hour, for 3 minutes, beginning at x:15 and x:45 o'clock, Greenwich Civil Time (GCT).

(6) Section 7.54 *Use of 143 kilocycles and other calling frequencies* (47 CFR Cum. Supp.) is amended by substituting for the words "143 and 500" in the first sentence the words "143, 500, and 8280".

(7) Section 7.58, *Coastal service* (47 CFR Cum. Supp.), paragraph (a), is amended by adding the word "only" after the words "8280 Calling".

(8) Section 8.45 *Repetition of distress call* (47 CFR Cum. Supp.) is amended by adding after the word "500" in the first sentence the words "and 8280".

(9) Section 8.81, *Allocation for ship stations* (47 CFR Cum. Supp.), paragraph (a), is amended by adding the word "only" after the words "8280 Calling".

(10) Section 8.82 *International calling and distress frequencies* (47 CFR Cum. Supp.) is amended by changing the title thereof to read "Calling and distress frequencies"; by redesignating the existing paragraph as paragraph "(a)"; and by adding the following new paragraph:

(b) The interim United States high frequency calling and distress frequency is 8280 kilocycles. The provisions governing the use of 8280 kilocycles shall apply to all areas.

(11) Section 8.83 is amended to read as follows:

§ 8.83 *Use of distress frequencies.* (a) The international calling and distress frequency 500 kilocycles shall be used by ship stations and aircraft stations in requesting help from the maritime services. Ship stations and aircraft stations which are either unable to use this frequency effectively or wish to obtain further assistance, shall use the interim United States distress frequency 8280 kilocycles. These frequencies may be used only for calls and replies, for distress traffic, urgent and safety messages, and for operating signals.

(b) Transmission on these frequencies with the exception of urgent and safety messages and signals, must cease twice each hour, for 3 minutes, beginning at x:15 and x:45 o'clock, Greenwich Civil Time (GCT).

(12) Section 8.84 *Use of other frequencies for distress* (47 CFR Cum. Supp.) is amended by substituting the words "distress frequencies" for the words "international distress frequency".

(13) Section 8.85 *Use of 143 kilocycles and other calling frequencies* (47 CFR Cum. Supp.) is amended by substituting for the words "143 and 500" in the first sentence the words "143, 500, and 8280".

2. That, for the reasons set out above, this order should be, and is hereby, made effective January 15, 1947.

(Sec. 303 (c), 48 Stat. 1082, Sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (c), 303 (r))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-781; Filed, Jan. 27, 1947; 9:31 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 620]

PART 95—CAR SERVICE

LIGHT-WEIGHING OF CARS AT ALL PORTS PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of January A. D. 1947.

It appearing, that the practice of weighing empty railroad cars and again weighing them after being loaded with imported commodities at points in all United States ports is aggravating the railroad car shortage and impeding the use, control, supply, movement and distribution of such cars; in the opinion of the Commission an emergency exists requiring immediate action at all ports on the Atlantic, Pacific and Gulf ports; it is ordered, that:

§ 95.620 *Light-weighing of cars at all ports prohibited*—(a) *Railroad cars not to be light-weighed.* No common carrier by railroad subject to the Interstate Commerce Act, shall light-weigh a railroad car or cars intended for loading with imported commodities at any point in the port areas of any port on the Atlantic, Pacific or Gulf ports; nor transport or move such railroad car light-weighed and loaded with imported commodities in violation of this order from any point in the areas of such ports.

(b) *Tariffs suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(c) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) to each of its tariffs affected hereby, announcing the suspension as required by paragraph (b) herein.

(d) *Effective date.* This order shall become effective at 12:01 a. m., January 31, 1947.

(e) *Expiration date.* This order shall expire at 11:59 p. m., May 10, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order shall vacate and supersede Service Order No. 620 on the effective date hereof; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-787; Filed, Jan. 27, 1947; 9:31 a. m.]

[S. O. 668]

PART 97—ROUTING OF TRAFFIC

REROUTING OF LOADED CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of January A. D. 1947.

It appearing, that there is a congestion of railroad traffic and loaded cars are not being transported with maximum efficiency to best promote the service in the interest of the public; the Commission is of opinion that an emergency requiring immediate action exists in the area named in paragraph (c) hereof: it is ordered, that:

§ 97.668 *Rerouting of loaded cars; appointment of agent*—(a) *Definitions.* (1) The term "common carrier" as used herein means a common carrier by railroad subject to the Interstate Commerce Act.

(2) The term "car" or "cars" as used herein means any loaded railroad freight car or cars.

(b) (1) *Designation.* E. W. Coughlin, 59 East Van Buren Street, Chicago, Illinois, is hereby designated and appointed as agent of the Interstate Commerce Commission and vested with authority to reroute cars to, from or between common carriers in the area named in paragraph (c) of this section.

(2) *Outline of duties.* As agent, acting on instructions of the Director, Bureau of Service, he is hereby authorized and directed to order any common carrier to divert or reroute, over the line or lines of any common carrier, cars from the line of any common carrier operating in the area listed in paragraph (c) of this section which in his opinion cannot currently accept and move such traffic. Such rerouting or diversion shall be made regardless of the routing shown on the bill of lading designated by either shipper or carrier. Such diversion or rerouting shall be made either at point of origin or as soon as possible thereafter. A copy of each order issued by the agent shall be furnished to the Director, Bureau of Service, on the date of issuance.

(c) *Area affected.* Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan (lower peninsula), New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.

(d) *Execution of agent's orders.* Each common carrier, as it may be affected by Agent Coughlin's orders, shall perform the service required therein without delay.

(e) *Application.* The provisions of this order shall apply to cars moving in intrastate and foreign commerce as well as interstate commerce.

(f) *Rates to be applied.* Inasmuch as such disregard of routing is deemed to be due to carrier's disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers shall be the rates which were applicable at date of shipment over the routes so designated.

(g) *Division of rates.* In executing the orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized they shall not be changed or affected by this order.

(h) *Effective date.* This order shall become effective at 12:01 a. m., January 31, 1947.

(i) *Expiration date.* This order shall expire at 12:01 a. m., March 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that copies of this order and direction shall be served upon the State railroad regulatory bodies of each State named herein, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912, 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-786; Filed, Jan. 27, 1947; 9:31 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 29]

TAXABILITY OF INCOME OF CERTAIN TRUSTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 62 of the Internal Revenue Code (53 Stat. 32, 26 U. S. C., 62).

Regulations 111 (26 CFR, Part 29) are amended as follows:

PARAGRAPH 1. Section 29.22 (a)–21, added by Treasury Decision 5438, approved December 29, 1945 (26 CFR 29.22 (a)–21), is amended as follows:

(A) By striking out the last sentence of paragraph (a) of such section and inserting in lieu thereof the following: "Such factors are set forth in general in paragraph (b) and in detail in paragraphs (c), (d) and (e), below."

(B) By striking out the words "subsection (a)", "subsection (c)", "subsection (d)" and "subsection (e)" wherever they appear in paragraph (b) of such section and inserting in lieu thereof "paragraph (a)", "paragraph (c)", "paragraph (d)" and "paragraph (e)".

(C) By striking out of subparagraph (2) of paragraph (c) of such section the words: "or spouse living with the grantor," and inserting in lieu thereof the following: "or spouse (living with the grantor, and not having a substantial adverse interest in the corpus or income of the trust)."

(D) By striking out the second undesignated paragraph of paragraph (c) of such section beginning: "Where the grantor's reversionary interest is to take effect in possession or enjoyment" to and including subdivision (ii) and inserting in lieu thereof the following:

Where the grantor's reversionary interest is to take effect in possession or enjoyment by reason of some event other than the expiration of a specific term of years, the trust income is nevertheless attributable to him if such event is the practical equivalent of the expiration of a period less than 10 to 15 years, as the case may be. For example, a grantor is taxable on the income of a trust if the corpus is to return to him or his estate on the graduation from college or prior death of his son, who is 18 years of age at the date of the transfer in trust. Trust income is, however, not attributable to the grantor where such reversionary interest is to take effect in possession or enjoyment at the death of the person or persons to whom the income is payable.

(E) By striking out the second sentence of the first undesignated paragraph of paragraph (d) of such section and inserting in lieu thereof the following: "The grantor is not taxable, however, if the power, whether exercisable with respect to corpus or income, may only affect the beneficial enjoyment of the income for a period commencing 10 years from the date of the transfer (or 15 years where any power of administration specified in paragraph (c) of this section is exercisable solely by the grantor, or spouse living with the grantor and not having a substantial adverse interest, or both, whether or not as trustee)."

(F) By striking out the last sentence of the first undesignated paragraph of paragraph (d) of such section and inserting in lieu thereof the following: "Where the income affected by the power is for a period beginning by reason of some event other than the expiration of a specific term of years, the grantor will be taxable if such event is the practical equivalent of the expiration of a period less than 10 or 15 years, as the case may be, in accordance with the criteria stated in paragraph (c) of this section."

(G) By striking out exception (3) of paragraph (d) of such section and inserting in lieu thereof the following:

(3) A power which merely enables the grantor or another person:

(i) To distribute or apply income to or for a current income beneficiary or to accumulate such income for him, provided that any accumulated income must ultimately be payable to the beneficiary from whom distribution or application is withheld or to his estate, or, if payable upon the complete termination of the trust or in conjunction with a distribution of corpus which distribution is augmented by such accumulated income, is ultimately payable to the current income beneficiaries in shares which have been irrevocably specified in the trust instrument. Accumulated income shall be considered so payable although it is provided that if any beneficiary does not survive the date of distribution, the share of such deceased beneficiary is to be paid to one or more designated alternate takers, other than the grantor or the grantor's estate, if such date may reasonably be expected to occur within the beneficiary's lifetime and if the share of such alternate taker or the shares of such alternate takers have been irrevocably specified in the trust instrument; or

(ii) Only during the minority of a current income beneficiary to distribute or apply income to or for such beneficiary or to accumulate and add such income to corpus;

(H) By striking out of exception (4) of paragraph (d) of such section the phrase: "For the requirements of such standard, see exception (5);" and inserting in lieu thereof the following: "Such standard must be set forth in the trust instrument, and must consist of the needs and circumstances of the beneficiaries;"

(I) By striking out exception (5) of paragraph (d) of such section (to and including example (2)) and inserting in lieu thereof the following:

(5) A power to apportion income (whether by distribution or accumulation) to or within a class of beneficiaries, or a power to pay out corpus to or for a current income beneficiary, if such power is exercisable by a trustee or trustees, none of whom is the grantor or spouse living with the grantor, and its exercise is not subject to the approval or consent of any person other than such trustee or trustees. However, if any of such trustees is the father, mother, issue, brother, sister, or employee of the grantor (or is an employee of a corporation in which the grantor is an executive or the stockholdings of the grantor and the trust are significant from the viewpoint of voting control), and if the class of beneficiaries designated to receive the income includes the wife or any child of the grantor, this exception shall apply only if the power is limited by some reasonably definite external standard. For the requirements of a reasonably definite external standard, see exception (4). A power to appoint within a class of beneficiaries does not fall within this exception if the trustee is enabled to add to or eliminate from the class of beneficiaries designated to receive the income except insofar as provision may be made for after-born children.

(J) By striking out paragraph (e) of such section in its entirety and inserting in lieu thereof the following:

(e) *Administrative control.* Income of a trust, whatever its duration, is taxable to the grantor where, under the terms of the trust or the circumstances attendant on its operation, administrative control is exercisable primarily for the benefit of the grantor rather than the beneficiaries of the trust. Administrative control is exercisable primarily for the benefit of the grantor where:

(1) A power exercisable by the grantor, or any person not having a substantial adverse interest in its exercise, or both, whether or not in the capacity of trustee, enables the grantor or any person to purchase, exchange or otherwise deal with or dispose of the corpus or the income therefrom for less than an adequate and full consideration in money or money's worth; or

(2) A power exercisable by the grantor, or any person not having a substantial adverse interest in its exercise, or both, whether or not in the capacity of trustee, enables the grantor to borrow the corpus or income, directly or indirectly, without adequate security or interest; or

(3) The grantor has directly or indirectly borrowed the corpus or income and has not completely repaid the loan, including any interest, before the beginning of the taxable year; or

(4) Any one of the following powers of administration over the trust corpus or income is exercisable by any person in a nonfiduciary capacity: A power to vote or direct the voting of stock or other securities, a power to control the investment of the trust funds either by directing investments or reinvestments or by vetoing proposed investments or reinvestments, a power to reacquire the trust corpus by substituting other property of an equivalent value, and a power which enables the grantor to borrow the corpus or income with adequate security and interest.

If a power is exercisable by a person as trustee, it is presumed that the power is exercisable in a fiduciary capacity primarily in the interests of the beneficiaries. Such presumption may be rebutted only by clear and convincing proof that the power is not exercisable primarily in the interests of the beneficiaries. If a power is not exercisable by a person as trustee, the determination of whether such power is exercisable in a fiduciary or a nonfiduciary capacity depends on all the terms of the trust and the circumstances surrounding its creation and administration. For example, where the trust corpus consists of diversified stocks or securities of corporations the stock of which is not closely held and in which the holdings of the trust, either by themselves or in conjunction with the holdings of the grantor, are of no significance from the viewpoint of voting control, a power with respect to such stocks or securities held by a person who is not a trustee will be regarded as exercisable in a fiduciary capacity primarily in the interests of the beneficiaries.

The mere fact that a power exercisable by the trustee is described in broad language does not indicate that the trustee is authorized to purchase, exchange, or otherwise deal with or dispose of the trust property or income for less than an adequate and full consideration in money or money's worth. On the other hand, such authority may be indicated by the actual administration of the trust.

PAR. 2. Section 29.22 (a)–21 (26 CFR 29.22 (a)–21) as amended shall be applicable to taxable years beginning after December 31, 1945.

[SEAL] WM. T. SHERWOOD, *Acting Commissioner of Internal Revenue.*

[F. R. Doc. 47-795; Filed, Jan. 27, 1947; 9:32 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7986]

BERGISCHE STAHL INDUSTRIE ET AL.

In re: Participation certificates owned by Bergische Stahl-Industrie, Bruder Boye, Fries & Hoepflinger Aktiengesellschaft, Gelsenkirchener Bergwerke Aktien-Gesellschaft, A. Kinkel, Loos & Kimbel and Krefelder Stahlwerk; D-28-9589-D-1, F-28-23679-D-1, F-28-23618-D-1, F-28-23677-D-1, F-28-23675-D-1, F-28-23674-D-1, D-28-10717-D-1, F-28-7645-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bergische Stahl Industrie, Fries & Hoepflinger, Gelsenkirchener Bergwerke Aktien-Gesellschaft, Loos & Kimbel and Krefelder Stahlwerk, the last known addresses of which are Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That Bruder Boye and A. Kinkel, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the property described as follows: Seven (7) participation certificates, Series B, issued by City Bank Farmers Trust Company, 22 William Street, New York 15, New York, Trustees under Agreement dated January 15, 1915, between Hermann D. Boker, Hans R. Boker, H. Boker & Co., Inc., Carl F. Boker, Valley Forge Cutlery Company and The Farmers Loan & Trust Company, registered in the names of the persons listed below, in the unpaid face amounts as of February 18, 1946 and bearing the numbers appearing opposite each name as follows:

Registered owner	Certificate No.	Unpaid face amount
Bergische Stahl Industrie	B-118	$29.74
Bruder Boye	B-10	31.19
Fries & Hoepflinger Aktiengesellschaft	B-12	1,485.07
Gelsenkirchener Bergwerke Aktien-Gesellschaft	B-6	94.13
A. Kinkel	B-145	70.10
Loos & Kimbel	B-137	123.03
Krefelder Stahlwerk	B-18	7.82

together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp. E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-775; Filed, Jan. 24, 1947; 8:49 a. m.]

[Vesting Order 7985]

LUDWIG RADER

In re: Estate of Ludwig Rader, deceased, File No. D-28-9689; E. T. sec. 13500.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Rader, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $3,015.32 was paid to the Alien Property Custodian by William Hahn, Administrator of the estate of Ludwig Rader, deceased;

3. That the said sum of $3,015.32 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 2, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-804; Filed, Jan. 27, 1947; 8:56 a. m.]

[Vesting Order 7989]

ALEX HAGEDORN

In re: Stock and bank account owned by Alex Hagedorn, F-28-2293-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alex Hagedorn, whose last known address is % Dr. H. W. Renkl, Hauptstrasse 78, Hafenlohr a. M., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-five (25) shares of $20 par value 7% cumulative preferred capital stock of Cincinnati Car Corporation, evidenced by certificate number 2692, registered in the name of Alex Hagedorn, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value Class B capital stock of Cincinnati Car Corporation, evidenced by certificate number 2899 registered in the name of Alex Hagedorn, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation owing to Alex Hagedorn, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account entitled Alex Hagedorn, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C., and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-805; Filed, Jan. 27, 1947; 8:56 a. m.]

HANS LEWIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Hans Lewin, New York, N. Y.	A-457 and 458...	201 (8 F. R. 625).....	U. S. Letters Patent Nos. 2,152,353 and 2,168,225.	Washington, D.C.

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-811; Filed, Jan. 27, 1947; 8:56 a. m.]

[Vesting Order 8061]

AUGUSTA VALBRACHT

In re: Estate of Augusta Valbracht, deceased, File D-28-11217; E. T. Sec. 15581.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lizzie Kruger, Kate Gorlski (Kate Kruger Goretzki), Elizabeth Kruger, Henrich Kruger, Marichen Kruger, Lisa Kruger, and Marie Kruger Martens, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Augusta Valbracht, deceased, is property payable or deliverable

to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by L. C. Val Bracht, as executor, acting under the judicial supervision of the County Court of Oklahoma County, Oklahoma City, Oklahoma;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C., and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-810; Filed, Jan. 27, 1947; 8:56 a. m.]

WALTER H. LOWSTON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Walter H. Lowston, formerly known as Walter Hermann Lowenstein, New York, N. Y.	A-441	201 (8 F. R. 625).....	U. S. Letters Patent No. 1,900,601.	Washington, D. C.

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-812; Filed, Jan. 27, 1947; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Project 1417]

CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

ORDER GRANTING APPLICATION FOR REHEARING AND STAY OF ORDERS

JANUARY 21, 1947.

Upon consideration of the application filed December 23, 1946, by The Central Nebraska Public Power and Irrigation District, licensee for Project No. 1417, for rehearing on and stay of the Commission's order dated November 22, 1946, fixing December 31, 1947, as the time for completion of construction of certain additions to the outlet works at the Kingsley Dam in accordance with Plan B submitted by licensee and approved by the Commission's order of April 17, 1945; and

It appearing that: In addition to the stay of the order of November 22, 1946, as requested by licensee, the order of April 17, 1945, directing licensee to proceed with the additions to the project in accordance with Plan B should also be stayed;

The Commission orders that:

(a) The aforesaid application for rehearing is hereby granted, said rehearing to be held at a time and place to be hereafter fixed by the Commission;

(b) The Commission's aforesaid orders of April 17, 1945, and November 22, 1946,

are hereby stayed until further order of the Commission.

Date of issuance: January 22, 1947.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-780; Filed, Jan. 27, 1947; 8:55 a. m.]

UNITED STATES MARITIME COMMISSION

"TROPICUS"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by United States Maritime Commission, pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17, 78th Congress).

Whereas the title to the vessel "S/S Tropicus" of Argentine registry was requisitioned pursuant to the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress; 55 Stat. 242), as amended, on or about July 31, 1942; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17, 78th Congress; 57 Stat. 45), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner * * *;

and

Whereas neither the full amount nor 75 per centum of just compensation for such vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the former owner of the said vessel has consented to a determination that the use of the vessel is no longer required by the United States and to the return of the vessel and the conversion of the requisition of title thereto to a requisition of the use thereof in accordance with the act approved March 24, 1943 (Public Law 17, 78th Congress); and

Whereas section 202 of the act of July 8, 1946 (Public Law 492, 79th Congress), provides that effective September 1, 1946, and continuing only during the period ending December 31, 1946, "all functions, powers, and duties of the War Shipping Administration, including all of the foregoing provisions in this act relating to said Administration are hereby transferred to and shall be exercised by the United States Maritime Commission under the same legal authorities and subject to the same conditions and limitations not otherwise altered by the foregoing provisions in this act relating to said Administration, as will be applicable to the War Shipping Adminsitration on August 30, 1946, and the War Shipping Administration shall cease to exist as of September 1, 1946";

Now, therefore, I, A. J. Williams, Secretary, United States Maritime Commission, do hereby certify that on December 19, 1946, the United States Maritime Commission, acting pursuant to the act approved March 24, 1943 (Public Law 17, 78th Congress), determined that the ownership of said vessel is not required by the United States and that from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: January 21, 1947.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 47-800; Filed, Jan. 27, 1947; 8:55 a. m.]

"TROPICUS"

DEPOSIT OF JUST COMPENSATION

Notice is hereby given that on January 17, 1947, the United States Maritime Commission, acting pursuant to the act of June 6, 1941, Public Law 101, 77th Congress (55 Stat. 242), as amended, particularly by section 3 (a) of the act of March 24, 1943, Public Law 17, 78th Congress (57 Stat. 45), deposited with the Treasurer of the United States the sum of $250,000.00 as just compensation for the use of the vessel "Tropicus," of Argentine registry, which was requisitioned at Los Angeles, California, pursuant to the said act of June 6, 1941, as amended, on July 31, 1942. In accordance with the said section 3 (a) of the act of March 24, 1943, the holder of any valid claim by way of mortgage or maritime lien or attachment lien upon the said vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition may commence within six months after publication of this notice in the FEDERAL REGISTER and maintain in the United States district court from whose custody such vessel was taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning, a suit in admiralty according to the principles of libels in rem against the fund so deposited, which suit shall proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. Such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. Any decree in any such suit shall be paid out of this and any subsequent deposit of just compensation.

By order of the United States Maritime Commission.

Dated: January 21, 1947.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 47-801; Filed, Jan. 27, 1947; 8:55 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R 1]

TANK CARS FOR TRANSPORTATION OF SULPHURIC ACID AND AMMONIUM NITRATE SOLUTION

ALLOCATION FOR USE

It appearing, that there is a critical shortage in the supply of tank cars of a type suitable for the transportation of sulphuric acid and ammonium nitrate solution; that the War Department now has under lease to the various commercial companies named in Appendix A hereof 318 Class ICC 103A or ARA 3 tank cars which are suitable for such transportation of which 190 are urgently needed by the War Department for the transportation of ammonium nitrate solution in connection with the Army Fertilizer Program; that the Assistant to the President of the United States has directed that said 318 cars remain in commercial service: *Provided,* That 190 tank cars of an average capacity of 7,500 gallons and of a type suitable for the transportation of ammonium nitrate solution are made available to the War Department; that because of the critical shortage in the supply of tank cars of a type suitable for the transportation of ammonium nitrate solution it will be necessary to convert certain Class ICC 103 or ARA 3 tank cars for such service; that the tank car owners named in Appendix B hereof each owns 1,000 or more tank cars; that the commercial companies named in Appendix A hereof have advised the Office of Defense Transportation that if they are permitted to retain in their service, without rental charge, the Class ICC 103A or ARA 3 tank cars under lease from the War Department, they are willing to lease from owners of Class ICC 103 or ARA 3 tank cars and make available to the War Department, without rental charge, as many such cars as will be required to equal approximately 60 per cent of the gallonage capacity of the Class ICC 103A or ARA 3 tank cars they have under lease from the War Department; that except for the expense to be borne by the War Department of painting the interiors of the tanks of the Class ICC 103 or ARA 3 tank cars to be made available to the War Department, said commercial companies will bear the expense of converting such tank cars to a type suitable for the transportation of ammonium nitrate solution, and that upon the return of such cars by the War Department they will likewise bear the expense necessary to reconvert such cars:

Now, therefore, pursuant to Title III of the Second War Powers Act, as amended, Executive Order 8989, as amended, and Executive Order 9729, and it being deemed necessary in the public interest and to promote the national defense, by reason of the short supply of tank cars of a type suitable, or capable of being made suitable, for the transportation of sulphuric acid and ammonium nitrate solution, to allocate the use of certain of such cars; *It is hereby ordered,* That:

1. Each commercial company named in Appendix A hereof shall retain in its present service each Class ICC 103A or ARA 3 tank car now leased by such company from the War Department: *Provided,* That each such commercial company shall forthwith furnish the War Department tank cars of a type suitable for the transportation of ammonium nitrate solution of an aggregate gallonage capacity shown in Appendix A hereof opposite the name of each such commercial company.

2. Notwithstanding any contract, lease, or other commitment, express or implied, each tank car owner named in Appendix B hereof shall forthwith make available, by lease, to any company or companies named in Appendix A hereof, for conversion by or for the account of such company or companies and delivery to the War Department, Class ICC 103 or ARA 3 tank cars in the number and of the aggregate gallonage capacity shown opposite the name of each such tank car owner in said Appendix B: *Provided,* That a greater or less number of tank cars may be made available by any tank car owner named in said Appendix B if the aggregate gallonage capacity of the tank cars made available equals or exceeds the aggregate gallonage capacity shown in Appendix B opposite the name of such car owner: *Provided, further,* That no tank car of a capacity of less than 6,400 gallons shall be made available by any such car owner.

3. In the event the interested parties are unable to agree upon the amount of compensation payable for the use of the Class ICC 103 or ARA 3 tank cars directed to be leased pursuant to the provisions of this order, the amount of such compensation shall be determined by the Office of Defense Transportation.

4. The provisions of this order shall be subject to special permits issued by the Director, Railway Transport Department, Office of Defense Transportation. The Director, Railway Transport Department, Office of Defense Transportation is hereby authorized to issue such special permits on behalf of the Office of Defense Transportation in exceptional cases where the issuance of any such permit is consistent with the purposes of this order. Application for the issuance of such special permits shall be made in accordance with the provisions of Administrative Order ODT 32 (11 F. R. 177A-633).

5. Communications concerning this order should refer to "Special Allocation Order ODT R-1" and should be addressed to the Railway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This Special Allocation Order ODT R-1 shall become effective on January 23, 1947, and shall remain in full force and effect until further order of the Office of Defense Transportation.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345, 50 U. S. C. App. Sup. 633, 645, 1152, E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 23d of January 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX A

Commercial companies having class ICC 103A or ARA 3 tank cars under lease from War Department	Number of cars under lease	Minimum aggregate gallonage capacity of cars to be furnished War Dept.
Argo Phosphate Co., Norwalk, Calif.	4	15,000
American Agricultural Chemical Co., 50 Church St., New York, 7 N. Y.	3	15,000
American Zinc Lead & Smelting Co., 1600 Paul Brown Bldg., St. Louis, Mo.	10	45,000
Blockson Chemical Co., Joliet, Ill.	5	22,500
Cotton Producers Co., P. O. Box 163, Atlanta, Ga.	6	30,000
Davison Chemical Co., 20 Hopkins Pl., Baltimore, Md.	15	67,500
E. I. DuPont de Nemours Co., Wilmington, Del.	82	367,500
General Chemical Co., 61 Broadway, New York, N. Y.	25	112,500
Harshaw Chemical Co., 1945 East 97th St., Cleveland, Ohio	1	7,500
Hercules Powder Co., Wilmington, Del.	2	7,500
Monsanto Chemical Co., St. Louis, Mo.	4	15,000
Mutual Fertilizer Co., Savannah, Ga.	2	7,500
Ozark Chemical Co., Tulsa 1, Okla.	7	30,000
Pittsburgh Coal & Chemical Co., Grant Bldg., Pittsburgh, Pa.	6	30,000
Royster Guano Co., Royster Bldg., Norfolk, Va.	4	15,000
Shell Chemical Co., Shell Bldg., San Francisco, Calif.	13	60,000
Solvay Process Co., 61 Broadway, New York, N. Y.	56	255,000
Southern Acid & Sulphur Co., Rialto Bldg., St. Louis, Mo.	30	135,000
Standard Wholesale & Phosphate Co., Baltimore, Md.	24	105,000
Swift & Co. (Plant Food Co.) 219 Wainwright Bldg., Norfolk, Va.	3	15,000
Tennessee Corp., 61 Broadway, New York, N. Y.	12	52,500
Virginia Carolina Chemical Co., Richmond 8, Va.	2	7,500
U. S. Rubber Co., 1230 Sixth Ave., New York, N. Y.	2	7,500
Total	318	1,425,000

APPENDIX B

Companies owning 1000 or more tank cars	Number of tank cars owned	Number of, and minimum aggregate gallonage capacity of, cars to be made available (subject to provisos contained in par. numbered 2)	
		Number	Aggregate gallonage capacity
Union Tank Car Co., 228 North LaSalle St., Chicago, Ill.	38,532	68	510,000
General American Transportation Co., 135 S. LaSalle St., Chicago, Ill.	37,761	67	502,500
Shippers Car Line, 30 Church St., New York, N. Y.	9,676	17	127,500
Sinclair Refining Co., 630 5th Ave., New York, N. Y.	6,106	11	82,500
North American Car Corp., 327 S. LaSalle St., Chicago, Ill.	4,596	8	60,000
Shell Oil Co., Inc., 50 West 50th St., New York, N. Y.	2,081	4	30,000
Mid-Continent Petroleum Co., Box 881, Tulsa, Okla	2,141	4	30,000
Mexican Petroleum Co., 122 East 42d St., New York 17, N. Y.	1,752	3	22,500
Gulf Oil Corp., P. O. Box 1166, Pittsburgh, Pa.	1,529	3	22,500
Tidewater Associated Oil Co., 17 Battery Pl., New York, N. Y.	1,409	3	22,500
Cities-Service Oil Co., 70 Pine St., New York 5, N. Y.	1,400	2	15,000
Total	106,983	190	1,425,000

[F. R. Doc. 47-815; Filed, Jan. 27, 1947; 8:57 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5424]

PERMA-PLASTIC SEAL CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of January A. D. 1947.

In the matter of Elmer L. Boyd, Herma Lou Boyd and Elizabeth Epps, individually and trading as Perma-Plastic Seal Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, February 3, 1947, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Court Room 859, Federal Building Detroit, Michigan.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint,

the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-797; Filed, Jan. 27, 1947; 8:57 a. m.]

[Docket No. 5474]

CONCRETE MATERIALS CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Henry P. Alden, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, February 6, 1947, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law and discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-796; Filed, Jan. 27, 1947; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 87]

RECONSIGNMENT OF CITRUS FRUIT AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., January 20, 1947, by Florida Citrus Exchange, of car FGE 37355 and WFE 60249, citrus, now on The Pennsylvania RR., and FGE 33990 and WFE 62061, citrus, now on the Baltimore and Ohio RR., to Florida Citrus Exchange, New York, N. Y., and WFE 67827, citrus, now on the Baltimore and Ohio RR., to Florida Citrus Exchange, Boston, Mass.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of January 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-789; Filed, Jan. 27, 1947; 8:55 a. m.]

[S. O. 669]

UNLOADING OF PLASTER AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of January A. D. 1947.

It appearing, that car NYC 151793, containing plaster in sacks, at Los Angeles, California, on the Pacific Electric Railway Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Plaster at Los Angeles, California, be unloaded.* The Pacific Electric Railway Company or its agents or employees shall unload immediately car NYC 151793, containing plaster in sacks, now on hand at Los Angeles, Calif.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 23, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-788; Filed, Jan. 27, 1947; 8:55 a. m.]

Reference

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

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FEDERAL REGISTER

VOLUME 12 NUMBER 20

Washington, Wednesday, January 29, 1947

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

LOAN VALUES FOR AND SHORT SALES IN ACCOUNTS

This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values and margin requirements in order to carry out the purposes of the act in the light of present economic conditions.

1. Effective February 1, 1947, § 220.8 (11 F. R. 790) of this part (the Supplement) is hereby amended to read as follows:

§ 220.8 *Supplement*—(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3, shall be 25 percent of its current market value.

(b) *Maximum loan value for specialists' accounts.* The maximum loan value of a registered security (other than an exempted security) in a specialists' account, subject to § 220.4 (g), shall be 50 percent of its current market value.

(c) *Margin required for short sales in general accounts.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3 (c) (3), as margin required for short sales of securities (other than exempted securities) shall be 75 percent of the current market value of each such security.

(d) *Margin required for short sales in specialists' accounts.* The amount to be included in the adjusted debit balance of a specialist's account, subject to § 220.4 (g), as margin required for short sales of securities (other than exempted securities) shall be 50 per cent of the current market value of each such security.

The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) (11 F. R. 177 A-513) of this chapter of the Board's Rules of Procedure (Part 262).

(Sec. 3 (a) and (b), sec. 7 (a), (b), (c) and (d), sec. 8 (a), sec. 17 (b) and sec. 23 (a), 48 Stat. 881, 886, 888, 897, and 901, sec. 8, 49 Stat. 1379; 15 U. S. C. 78c-(a) and (b), 78g-(a), (b), (c) and (d), 78h-(a), 78q-(b), 78W-(a))

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, S. R. CARPENTER, *Secretary.*

[F. R. Doc. 47-831; Filed, Jan. 28, 1947; 8:49 a. m.]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

LOAN VALUE OF STOCK

This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values in order to carry out the purposes of the act in the light of present economic conditions.

1. Effective February 1, 1947, § 221.4 (the Supplement) is hereby amended to read as follows:

§ 221.4 *Supplement*—(a) *Loan value of stock.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 25 per cent of its current market value, as determined by any reasonable method.

(b) *Loans to specialists.* Notwithstanding the foregoing, a stock, if registered on a national securities exchange, shall have a maximum loan value of 50 per cent of its current market value, as determined by any reasonable method, in the case of a loan to a member of a national securities exchange who is registered and acts as a specialist in securities on the exchange for the purpose of financing such member's transactions as a specialist in securities.

The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) (11 F. R. 177A–513) of this chapter of the Board's Rules of Procedure (Part 262).

(Secs. 3 (a) and (b), 7, 17 (b), 48 Stat. 882, 886, 897, sec. 23 (a) as amended by sec. 8, 49 Stat. 1379; 15 U. S. C. 78c, 78g, 78q (b), 78u (a), 15 U. S. C., Sup. 78w (a))

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 47–832; Filed, Jan. 28, 1947; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers' Home Administration, Department of Agriculture

Subchapter G—Farm Ownership

PART 364—REGULATIONS

FARM OWNERSHIP LOAN LIMITS

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and loan limits for the counties identified below are determined to be as herein set forth; and the average values and loan limits listed for said counties in § 364.11 (b), Part 364 of Title 6 of the Code of Federal Regulations, as amended November 16, 1946 (11 F. R. 13611), are revised as follows:

§ 364.11 *General regulations.* • • •

(b) *Average values of farms and loan limits.* • • •

State	County	Average value	Loan limit
Georgia	Irwin	$7,500	$7,500
Kansas	Meade	20,000	12,000
Kansas	Miami	12,000	12,000
Minnesota	Crow Wing	5,000	5,000
Minnesota	Dakota	13,000	12,000
Nebraska	Knox	12,500	12,000
New York	Tompkins	8,000	8,000
North Carolina	Forsyth	8,500	8,500
Ohio	Warren	14,000	12,000

(Secs. 3 (a), 41 (i), 50 Stat. 522, as amended by secs. 3, 5, Pub. Law 731, 79th Cong.; 7 U. S. C. 1003 (a), 1015 (i))

Issued this 23d day of January 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47–835; Filed, Jan. 28, 1947; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

SUSPENSION OF CERTAIN PROVISIONS

Pursuant to notice published in the FEDERAL REGISTER (12 F. R. 129) and actual notice given to interested parties prior thereto, a public rule making proceeding was held on January 9 and 10, 1947, to consider the suspension of such of the class pricing provisions of Orders Nos. 27, 61, 45, 4, 34, and 47, as amended, regulating the handling of milk in the New York Metropolitan, Philadelphia, Pennsylvania, Washington, D. C., Greater Boston, Lowell-Lawrence, and Fall River, Massachusetts, marketing areas, respectively, as may be necessary to reflect current economic conditions affecting the market supply and demand for milk and its products in the aforesaid marketing areas.

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, hereinafter referred to as the "order," and after having considered all relevant matters presented at the aforesaid public rule making proceeding, it is hereby found and determined that:

1. The entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "5.02," does not tend to effectuate the declared policy of the act with respect to milk received from producers or cooperative associations of producers during the month of February 1947; and

2. Any delay in the effective date of this suspension beyond February 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the New York metropolitan milk marketing area, and therefore publication of this suspension not less than 30 days prior to its effective date (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest.

It is therefore ordered, That the entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "5.02," be and it hereby is suspended with respect to milk received from producers or cooperative associations of producers during the month of February 1947.

(48 Stat. 51, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23d day of January 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47–834; Filed, Jan. 28, 1947; 8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Reg. 3, as Amended as of July 16, 1946]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

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AUTHORITY: §§ 403.1 to 403.902, inclusive, issued under sec. 1102, 49 Stat. 647, sec. 205 (a), 53 Stat. 1400; 42 U. S. C. Sup. 1302.

INTRODUCTORY

§ 403.1 *Chronological description of pertinent statutes and regulations.* This section describes, chronologically, the statutes forming the basis for the old-age and survivors insurance system under Title II of the Social Security Act, as amended, and the regulations which have been issued thereunder.

(a) *Title II of the Social Security Act, and amendments effective prior to January 1, 1940, and regulations of the Social Security Administration thereunder*—(1) *Statutes.* Title II of the Social Security Act, approved August 14, 1935, (49 Stat. 622; 42 U. S. C., Sup. IV (1934 Ed.), 401–410a inclusive), provided in sections 202 to 210 for old-age benefits payable in lump sums beginning January 1, 1937, and for old-age benefits payable monthly, beginning January 1, 1942.

Section 15 of the Railroad Retirement Act of 1935, approved August 29, 1935 (49 Stat. 974), excludes service performed in the employ of a carrier, as defined in such act, from employment on the basis of which benefits were payable under such Title II of the Social Security Act. Similarly, section 17 of the Railroad Retirement Act of 1937, approved June 24, 1937 (50 Stat. 317; 45 U. S. C., Sup. IV (1934 Ed.), 228q) excludes service performed by an individual as an employee, as defined in such act, from employment under such Title II. The coverage provisions of section 1 of the Railroad Retirement Acts of 1935 and 1937, which affect the exclusion from employment under such Title II of the Social Security Act, were retroactively amended by Joint Resolution of June 11, 1940 (54 Stat. 264), and act of August 13, 1940 (54 Stat. 785) (which relates to coal-mining operations). Such coverage provisions of the Railroad Retirement Act of 1937 were also retroactively amended by section 13 of the act of April 8, 1942 (56 Stat. 209).

Section 902 (f) of the Social Security Act Amendments of 1939, approved August 10, 1939 (53 Stat. 1400), provides, in part, that no payment shall be made under such Title II with respect to services performed prior to January 1, 1940, in the employ of foreign governments and certain of their instrumentalities.

Section 902 (g) of the Social Security Act Amendments of 1939 (53 Stat. 1400) provides that no lump-sum payment shall be made under the provisions of section 204 of such Title II after August 10, 1939, except to the estate of an individual who dies prior to January 1, 1940.

Section 2 of the act of August 11, 1939 (53 Stat. 1420), provides, in part, that no payment shall be made under such Title II with respect to certain services rendered prior to January 1, 1940 in salvaging timber or clearing debris left by a hurricane.

(2) *Regulations.* Regulations relating to the benefits provided for under Title II of the Social Security Act, as approved August 14, 1935, and as amended or affected by the statutes set forth in subparagraph (1) of this paragraph, are set forth in Regulations No. 2 as amended from time to time and codified in Part 402, Title 20, Code of Federal Regulations, and supplements thereto.

(b) *Title II of the Social Security Act, as amended effective January 1, 1940, and regulations of the Social Security Administration thereunder*—(1) *Statutes.* The Social Security Act Amendments of 1939 (53 Stat. 1360), approved August 10, 1939, amend Title II of the Social Security Act, effective January 1, 1940, by making new provisions for monthly benefits and lump-sum death payments in substitution for the original provisions of sections 202 to 210, inclusive, of such title.

Section 907 of such amendments, as originally enacted added a provision requiring deductions to be made from benefits and lump sums under Title II in case of nonpayment of, and failure to deduct, certain taxes with respect to an individual's employment in 1939 and subsequent to attainment of age 65. This section has been amended by section 1 (b) (3) of the act approved March 24, 1943 (57 Stat. 47), more fully referred to below.

(Section 902 (f) of the Social Security Act Amendments of 1939 and section 2 of the act of August 11, 1939 (53 Stat. 1420) (see paragraph (a) (1) of this section), prohibit any payment with respect to services described therein, under the substituted provisions of Title II as well as under the provisions in effect prior to January 1, 1940. For exclusions from employment corresponding to the provisions of sections 15 and 17 of the Railroad Retirement Acts of 1935 and 1937, respectively, see § 403.816.)

The act approved March 24, 1943 (57 Stat. 45), as amended by the act approved April 4, 1944 (58 Stat. 188), provides for certain rights and benefits to officers and members of crews of vessels as employees of the United States performing wartime service; adds to such Title II of the Social Security Act, as amended, a new section, 209 (o), relating to the coverage of such wartime service; and amends section 907 of the Social Security Act Amendments of 1939 (53 Stat. 1402) by requiring deductions to be made from benefits and lump sums under Title II in case of nonpayment of, and failure to deduct, certain taxes with respect to such wartime services.

The act approved December 29, 1945 (59 Stat. 669) adds paragraph (16), excepting from employment service performed in the employ of an international organization, to section 209 (b); and also prohibits any payment under Title II of the act with respect to any such service rendered prior to January 1, 1946.

(2) *Regulations.* The regulations in this part, as from time to time amended, are applicable to such Title II, as amended effective January 1, 1940, and as subsequently amended or affected by the statutes referred to under subparagraph (1) of this paragraph. (For the extent to which the regulations in this part supersede Part 402 of this chapter (Regulations No. 2), as amended, as indicated under paragraph (a) (2) of this section, see § 403.102.)

SUBPART A—SCOPE OF REGULATIONS

§ 403.101 *Scope of the regulations in this part.* The regulations in this part relate to old-age and survivors insurance benefits and to lump-sum death payments under Title II of the act (as defined in section 801 (d)).

The act provides the following types of payments for the wage earner and for persons having a designated relation to him: primary insurance benefits (to the wage earner), wife's insurance benefits, child's insurance benefits, widow's insurance benefits, widow's current insurance benefits, parent's insurance benefits, and lump-sum death payments. The lump-sum death payments to which these regulations relate (hereinafter referred to as lump sums) are to be distinguished from lump-sum payments to estates of individuals who died prior to January 1, 1940 (see § 403.102). The subject matter of the regulations in this part is divided into eight subparts in addition to this subpart, as follows:

Subpart B: "Insured status," which is a basic condition of entitlement to each kind of benefit enumerated above and to lump sums.

Subpart C: Basic computation of benefits and lump sums: "primary insurance benefit" and "average monthly wage."

Subpart D: Conditions of entitlement to the several types of benefits and to lump sums and the method of computing the amount thereof.

Subpart E: Reduction and increase of insurance benefits in cases where such benefits would otherwise exceed a stated maximum or would total less than a stated maximum or would total less than a stated minimum and deductions required from benefits and from lump sums.

Subpart F: Adjustment of overpayments and underpayments.

Subpart G: Evidence, procedure, and payment including the administrative procedures for the determination and certification of payment of benefits, the maintenance and revision of wage records, the hearing and review of matters affecting payments and the revision of wage records, and the representation of parties.

Subpart H: Definitions:
General definitions (§ 403.801).
Employment (§§ 403.802–403.826a).
Wages (§§ 403.827–403.828).
Family relationships (§§ 403.829–403.834).

Subpart I: Miscellaneous provisions:
Penalties.
Disclosure of information, penalty.
Promulgation of regulations.

§ 403.102 *Extent to which Part 402 of this chapter (Regulations No. 2) remains operative.* The provisions of Part 402 of this chapter (Regulations No. 2) applicable to lump-sum payments to estates of individuals who died prior to January 1, 1940, continue in effect. The determination of whether services performed prior to January 1, 1940, constitute employment within the meaning of the regulations in this part is made in accordance with the applicable provisions of Part 402 of this chapter (Regulations No. 2), except as provided in § 403.802, and whether remuneration paid after December 31, 1936, and prior to January 1, 1940, constitutes wages within the meaning of the regulations in this part is determined in accordance with Part 402 of this chapter (Regulations No. 2), except as provided in § 403.827.

Sections 402.201 to 402.203, inclusive, (Chapter II of Regulations No. 2) relating to old-age benefits payable monthly, are superseded by the regulations in this part. (By virtue of the Social Security Act Amendments of 1939, effective January 1, 1940, Title II of the act no longer contains the provisions referred to in §§ 402.201 to 402.203, inclusive.

SUBPART B—INSURED STATUS

SECTION 209 (g) OF THE ACT

The term "fully insured individual" means any individual with respect to whom it appears to the satisfaction of the Board that—

(1) He had not less than one quarter of coverage for each two of the quarters elapsing after 1936, or after the quarter in which he attained the age of twenty-one, whichever quarter is later, and up to but excluding the quarter in which he attained the age of sixty-five, or died, whichever first occurred, and in no case less than six quarters of coverage; or

(2) He had at least forty quarters of coverage.

As used in this subsection, and in subsection (h) of this section, the term "quarter" and the term "calendar quarter" means a period of three calendar months ending on March 31, June 30, September 30, or December 31; and the term "quarter of coverage" means a calendar quarter in which the individual has been paid not less than $50 in wages. When the number of quarters specified in paragraph (1) of this subsection is an odd number, for purposes of such paragraph such number shall be reduced by one. In any case where an individual has been paid in a calendar year $3,000 or more in wages, each quarter of such year following his first quarter of coverage shall be deemed a quarter of coverage, excepting any quarter in such year in which such individual dies or becomes entitled to a primary insurance benefit and any quarter succeeding such quarter in which he died or because so entitled.

§ 403.201 *Fully insured status*—(a) *Benefits based upon fully insured status.* All old-age and survivors insurance benefits and lump sums are conditioned upon a wage earner's insured status. This status is determined by his wage history. Unless a wage earner is a fully insured individual, he cannot become entitled to primary insurance benefits, his wife cannot become entitled to wife's insurance benefits, nor can his child during the wage earner's lifetime become entitled to child's insurance benefits, on the basis of his wages. Unless a deceased wage earner was a fully insured individual at death, neither his widow nor his surviving parent can become entitled to widow's or parent's insurance benefits, and unless the deceased wage earner was either a fully insured individual or currently insured individual (see § 403.202) at death, neither his widow nor surviving child can become entitled to widow's current insurance benefits or child's insurance benefits, nor can any person become entitled to a lump sum, on the basis of his wages. (See Subpart D as to conditions of entitlement.)

(b) *Quarter of coverage.* An individual has a fully insured status if he has acquired the requisite number of quarters of coverage. An individual acquires a quarter of coverage in any calendar quarter (as defined in section 209 (g) of the act) if:

(1) He is paid not less than $50 in wages in such calendar quarter, or

(2) He is paid $3,000 in wages in the calendar year in which such calendar quarter occurs, and

(i) Such calendar quarter occurs after a quarter of coverage which has been acquired in such year under subparagraph (1) of this paragraph, and

(ii) Such calendar quarter occurs prior to the quarter in which the individual dies or becomes entitled to a primary insurance benefit.

The instant an individual has been paid wages of $50 in a calendar quarter,

he acquires a quarter of coverage. The fact that an individual was under the age of 21 or over the age of 65 when he was paid wages or when he rendered services for such wages does not affect his acquiring a quarter of coverage by reason of the payment of such wages. (See, however, §§ 403.802 and 403.827 as to remuneration for services performed after attainment of age 65 and before January 1, 1939.)

Example 1: A is paid $25 in wages on June 15, for services performed from June 1 to June 15. A is paid no other wages in June. He is then paid $25 in wages on July 1 (in the subsequent calendar quarter) which was payable on that date for the pay period ending on June 30.

A does not have a quarter of coverage by virtue of the payment to him of $50 in wages for services performed in June, since $25 of that amount was paid to him in July, which is the first month in the subsequent calendar quarter. If the second $25 had been paid to him on June 30, A would have had a quarter of coverage under paragraph (b) (1) of this section.

Example 2: A attains age 65 on January 1, 1942. He is paid wages of $30 in each month beginning with January 1, 1940, and ending with February 1943. He dies in March 1943.

Under paragraph (b) (1) of this section A has 4 quarters of coverage in 1940, 4 in 1941, 4 in 1942, and 1 in 1943, giving a total of 13 quarters of coverage. (He has a quarter of coverage in 1943, even though he died before the quarter had elapsed.)

Example 3: (a) A is paid wages at the rate of $1,000 in each month beginning with January 1940. On March 31, 1940, his employment is terminated and his wages cease. He dies August 1.

A has 2 quarters of coverage in 1940. The first calendar quarter in that year is a quarter of coverage under paragraph (b) (1) of this section because A was paid more than $50 in wages therein. The second calendar quarter is a quarter of coverage under paragraph (b) (2) of this section because A was paid $3,000 in wages in that year. The third calendar quarter is not a quarter of coverage under paragraph (b) (1) of this section because A was paid no wages in that quarter, and is not a quarter of coverage under paragraph (b) (2) of this section because of A's death therein.

(b) A is paid wages of $400 per month in April, May, and June of 1940, and is paid wages of $600 per month in October, November, and December of that year, making a total of $3,000 paid him during the year. He was paid no wages in January, February, or March, or in July, August, or September.

A has 3 quarters of coverage in 1940. The first calendar quarter is not a quarter of coverage under paragraph (b) (1) of this section because A was not paid $50 in wages therein, and is not a quarter of coverage under paragraph (b) (2) of this section since it is not preceded by a quarter of coverage, even though A was paid $3,000 in the calendar year. The second calendar quarter is a quarter of coverage under paragraph (b) (1) of this section because A was paid more than $50 in wages therein. The third calendar quarter is a quarter of coverage under paragraph (b) (2) of this section because A was paid wages of $3,000 during the year, and the fourth calendar quarter is a quarter of coverage under both paragraphs (b) (1) and (b) (2) of this section because A was paid more than $50 in wages therein and was paid wages of $3,000 during the year.

Example 4: A is paid wages of $750 in each month beginning with January 1940 and ending with April of that year. On April 30, 1940, he dies.

A was paid $2,250 in the first quarter of 1940, and $750 in the second, or a total of $3,000. He therefore has 2 quarters of coverage in 1940. The first quarter is a quarter of coverage under paragraph (b) (1) of this section since A was paid $50 in wages in that quarter. The second quarter is a quarter of coverage under paragraph (b) (1) of this section for the same reason, even though, since A died therein, it is not a quarter of coverage under paragraph (b) (2) of this section.

(c) *Determination of fully insured status.* An individual who has 40 quarters of coverage is a fully insured individual. An individual who has less termination of whether he has a fully insured individual. If an individual has less than 40 quarters of coverage the determination of whether he has a fully insured status is made as follows:

(1) *Elapsed quarters.* Take the number of calendar quarters which have elapsed after 1936, or after the quarter in which the individual attained the age of 21 if he attained such age after 1936, and up to but excluding the quarter in which the individual attained the age of 65 or died, whichever first occurred. If the number of such elapsed quarters is an odd number, subtract one. Take one-half of the elapsed quarters thus obtained, and the resulting number, if 6 or more, is the number of quarters of coverage required. If the resulting number is less than 6, the minimum of 6 quarters of coverage is required.

(2) *Quarters of coverage determined.* Determine the number of quarters of coverage the individual has acquired. If this number equals or exceeds the number required, the individual is fully insured.

A quarter of coverage may be acquired at any time subsequent to December 31, 1936, regardless of whether there are any elapsed quarters under subparagraph (1) of this paragraph, and regardless of the age of the individual (except as indicated in §§ 403.802 and 403.827 with respect to services performed prior to 1939 by an individual after attainment of age 65).

Quarters of coverage need not be consecutive and no particular order of their acquisition is required.

Example 1: A attained age 65 on January 1, 1935. Beginning with January 1937 he was paid $30 in each month through December 1938. He was paid wages of $30 in each month from January 1, 1939, through December 1940, except that he was paid no wages in January and February 1940.

A has no quarters of coverage before 1939 (remuneration earned prior to 1939 is not wages because A was over the age of 65 (see §§ 403.802 and 403.827)). He has 4 quarters of coverage in 1939, and 3 in 1940, giving a total of 7 quarters of coverage.

No calendar quarters elapsed after 1936 and before attainment of age 65, since A attained age 65 before January 1, 1937. The minimum requirement of 6 quarters of coverage therefore applies and A meets this minimum. A is a fully insured individual.

Example 2: A applies for primary insurance benefits on January 1, 1940. He was paid wages of $30 in each month, beginning with July 1938 and ending with December 1939. He attained age 65 in July 1939.

A has 2 quarters of coverage in 1938 and 3 in 1939, making a total of 6 quarters of coverage. The quarters elapsing after 1936 and prior to the quarter in which he attained age 65 are 10. Since one-half of the elapsed quarters is less than 6, the minimum requirement of 6 quarters of coverage is operative. A, who has 6 quarters of coverage, is therefore fully insured.

If A had attained age 65 in June 1940, 13 quarters would have elapsed. Since 13 is an odd number, one is subtracted, leaving the figure 12 as a basis for computing the number of quarters of coverage required. One-half of 12 is 6, which is the number of quarters of coverage required and is the number A has acquired. A would therefore be fully insured.

SECTION 209 (h) OF THE ACT

The term "currently insured individual" means any individual with respect to whom it appears to the satisfaction of the Board that he has been paid wages of not less than $50 for each of not less than six of the twelve calendar quarters, immediately preceding the quarter in which he died.

§ 403.202 *Currently insured status*—(a) *Benefits based upon currently insured status.* A wage earner who does not become fully insured (see § 403.201) may nevertheless have a wage history which, upon his death, will give him the status of a currently insured individual. Unless he dies either fully or currently insured, his widow or surviving child cannot become entitled to widow's current insurance benefits or child's insurance benefits, nor can any person become entitled to a lump sum, on the basis of his wages. (See subpart D as to conditions of entitlement.)

(b) *Determination of currently insured status.* An individual who has been paid wages of not less than $50 for each of not less than 6 of the 12 calendar quarters immediately preceding the quarter in which he died, is a currently insured individual. Such wages need not have been paid for consecutive quarters within such 12-quarter period. The age of the individual at death is immaterial.

(c) *"Wages" paid "for" a quarter.* (1) For the purpose of this section, in determining whether the individual has been paid "wages" of $50 for a quarter, the provisions of sections 209 (a) (1), 209 (a) (2), and 209 (g) of the act with respect to an individual who has been paid remuneration of $3,000 or more in a calendar year (see §§ 403.828 (a) and 403.201) do not apply.

(2) Moreover, the basis for determining currently insured status differs from the provisions with respect to fully insured status in that the basis for determining currently insured status is wages paid "for" a calendar quarter, while a quarter of coverage under section 209 (g) of the act is basically defined in terms of wages paid "in" a calendar quarter. In the absence of evidence showing the contrary, it will be presumed, for the purposes of determining currently insured status, that wages paid in a calendar quarter have been paid for that quarter.

Example 1: A is paid wages of $30 in each month for services performed in that month, beginning with July 1939. He dies in January 1941, at the age of 30.

A died a currently insured individual, since he was paid wages of more than $50 for each of 6 of the 12 calendar quarters immediately preceding the quarter in which he died.

If A had been paid wages semiannually, on June 30 and December 31, instead of monthly, he would likewise be currently insured, since it could be shown that he was paid more than $50 in wages for each of 6 out of the 12 calendar quarters immediately preceding the quarter in which he died.

Example 2: A is paid wages of $30 for each month during the entire year 1938, and from July 1, 1940, to December 31, 1940, a total of 6 calendar quarters. He dies in January 1941.

A died a currently insured individual, since he was paid wages of more than $50 for each of 6 out of the 12 calendar quarters immediately preceding the quarter in which he died. His status is not affected by the fact that such wages were not paid for consecutive quarters.

Example 3: In the second quarter of 1941, A is paid wages of $3,000, for the first two quarters of that year, by one or more employers, and thereafter he is paid remuneration for services rendered in "employment" at the rate of $50 or more for each subsequent quarter of the year. The wage earner has acquired four quarters toward a currently insured status during that year. The same result would apply if this remuneration had been paid in the same manner for services in employment rendered for a single employer in the year 1937, 1938, or 1939.

SUBPART C—BASIC COMPUTATION OF BENEFITS AND LUMP SUMS

SECTION 209 (e) OF THE ACT

The term "primary insurance benefit" means an amount equal to the sum of the following—

(1) (A) 40 per centum of the amount of an individual's average monthly wage if such average monthly wages does not exceed $50, or (B) if such average monthly wage exceeds $50, 40 per centum of $50, plus 10 per centum of the amount by which such average monthly wage exceeds $50 and does not exceed $250, and

(2) an amount equal to 1 per centum of the amount computed under paragraph (1) multiplied by the number of years in which $200 or more of wages were paid to such individual. Where the primary insurance benefit thus computed is less than $10, such benefits shall be $10.

SECTION 5 (b) OF THE ACT APPROVED DECEMBER 29, 1945 (59 STAT. 669)

• • • No payment shall be made under title II of the Social Security Act with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of section 209 (b) of such act, as amended.

§ 403.301 *Primary insurance benefit defined.* The amount of an individual's primary insurance benefit is computed on the basis of his average monthly wage (see § 403.302). The primary insurance benefit is computed as follows:

(a) If the individual's average monthly wage does not exceed $50, take $40 per centum of such average monthly wage. If the average monthly wage exceeds $50, take 40 per centum of $50 and add thereto 10 per centum of the amount by which the average monthly wage exceeds $50 and does not exceed $250.

(b) Determine the number of calendar years in which $200 or more of wages were paid to the individual and multiply 1 per centum of the amount computed under paragraph (a) of this section by the number of such years.

(c) Add the figure computed under paragraph (a) of this section and the figure computed under paragraph (b) of this section. The sum so obtained is the primary insurance benefit. If such sum is less than $10, it is increased to $10.

The primary insurance benefit is the monthly amount payable to an individual (subject to deductions and adjustments under subparts E and F) who has fulfilled all the conditions of entitlement to primary insurance benefits under section 202 (a) of the act (see § 403.402). It also constitutes a measure of the amount of all other benefits under section 202 of the act, and the maximum lump sum payable under section 202 (g) of the act is 6 times the primary insurance benefit. The primary insurance benefit of a wage earner who is a fully insured or currently insured individual must, therefore, always be computed for the purpose of measuring the amount of such other benefits and of the lump sum, even though the wage earner dies without having become entitled to receive any payment under section 202 (a) of the act.

The primary insurance benefit as computed under section 209 (e) of the act cannot be increased or decreased because of wages paid after the death of the wage earner. Wages paid after the wage earner has become entitled to receive primary insurance benefits under section 202 (a) of the act may be included to increase the primary insurance benefit if an application for recomputation is filed. (See § 403.704 (c).)

In the computation of benefits there will not be included any sums paid as wages for services performed prior to January 1, 1946, in the employ of an international organization as defined by section 209 (b) (16) of the act as amended (see § 403.826a).

Example 1: During the years 1937, 1938, and 1939 A was paid wages of $15 in each month. Thereafter he is paid wages of $100 in each month. He dies fully insured on January 1, 1950, at the age of 43.

A's average monthly wage determined pursuant to § 403.302 is $60.38. Forty per centum of $50 is $20, and 10 per centum of the amount by which the average monthly wage exceeds $50 is $3.04, making a total of $23.04. The number of years in which $200 or more of wages was paid is ten. Ten times 1 per centum of $23.04 is $2.30, giving a primary insurance benefit of $25.34. (If the amount so computed were less than $10, the primary insurance benefit would be $10.)

If A had been survived by a widow entitled to a widow's current insurance benefit, and by a child entitled to a child's insurance benefit, the benefits of the widow and the child would be basically computed at three-fourths and one-half, respectively, of A's primary insurance benefit, although A died without becoming entitled to receive primary insurance benefits.

SECTION 209 (f) OF THE ACT

The term "average monthly wage" means the quotient obtained by dividing the total wages paid an individual before the quarter in which he died or became entitled to receive primary insurance benefits, whichever first occurred, by three times the number of quarters, elapsing after 1936, and before such quarter in which he died or became so entitled, excluding any quarter prior to the quarter in which he attained the age of twenty-two during which he was paid less than $50 of wages and any quarter, after the quarter in which he attained age sixty-five, occurring prior to 1939.

§ 403.302 *Average monthly wage.* An individual's "average monthly wage" is computed by dividing his total wages by three times the number of his expired quarters.

"Expired quarters" means the number of calendar quarters elapsing after 1936 and before the quarter in which the individual died or became entitled (on his last application for benefits or recomputation of benefits—see § 403.704 (c)) to receive primary insurance benefits, whichever first occurred, excluding (a) any quarter prior to the quarter in which such individual attained the age of 22, during which he was paid less than $50 in wages, and (b) any quarter after the quarter in which he attained the age of 65 occurring prior to 1939.

"Total wages" means all the wages paid to the individual before the quarter in which he died or became entitled (on his last application for benefits or recomputation for benefits—see § 403.704 (c)) to primary insurance benefits, whichever occurred first, except wages for services performed in the employ of an international organization as defined by section 209 (b) (16) of the act prior to January 1, 1946 (see § 403.826a). (All wages paid for services performed before such individual attained the age of 22 are included in his total, but remuneration for services performed by such individual after he attained the age of 65, and prior to January 1, 1939, is excluded, since such remuneration is not wages under section 209 (a) of the act (see §§ 403.824 and 403.827)).

Example 1: A is paid wages of $15 per month from January 1, 1940, through December 31, 1940, and is paid wages of $90 per month from January 1, 1941, through December 31, 1945. He attains age 22 in January 1942 and dies in January 1946.

A's total wages are $180 for 1940 and $1,080 for each of the years 1941 to 1945, inclusive, making $5,580.

Quarters in the year 1940 are not counted as "expired quarters" since they occurred prior to the quarter in which A attained the age of 22 and since A was paid less than $50 in each of them. The expired quarters are, therefore, 4 for each of the years 1941 to 1945, inclusive, making a total of 20, which, multiplied by 3, gives 60.

A's average monthly wage is $5,580 divided by 60, or $93.

Example 2: A is paid wages of $100 per month during the years 1937 and 1939 and $75 per month during 1940. He is paid wages of $60 in January 1938. A attains age 65 February 1, 1938, and dies in January 1941.

A's "total wages" are $1,200 for the year 1937, $60 for the year 1938, $1,200 for the year 1939, and $900 for the year 1940, making $3,360.

Quarters in the year 1938 after the first quarter are not counted as "expired quarters" since they occurred after A attained age 65 and prior to January 1, 1939. The expired quarters are, therefore, 4 for 1937, 1 for 1938, and 4 for each of the years 1939 and 1940, making a total of 13, which, multiplied by 3, gives 39.

A's average monthly wage is $3,360 divided by 39, or $86.15.

SUBPART D—OLD-AGE AND SURVIVORS INSURANCE BENEFIT PAYMENTS

§ 403.401 *General effect of section 202 of the act*—(a) *Conditions of entitlement.* This section states the conditions of entitlement to insurance benefits under subsections (a), (b), (c), (d), (e), and (f) of section 202 of the act and to a lump-sum death payment under section 202 (g) of the act (see §§ 403.402 to 403.408 inclusive). All of the several conditions of entitlement to benefits may be met in a single month, or part may be met in one month and part in another month or months, but all of such conditions must ultimately exist in one month.

(b) *Period for which payment is made.* A benefit is payable for each month dur-

ing the period of entitlement, but a benefit for a particular month is not necessarily paid within that month. Payments of lump sums are nonrecurring and are made as soon as it is determined that a person is entitled thereto.

(c) *Determination of amount to be paid.* (1) The amount of a benefit or lump sum, as calculated under section 202 of the act, is normally the same as the amount paid to the beneficiary. In the case of benefits (other than primary insurance benefits) the amount calculated under section 202 of the act may, however, under certain circumstances, be reduced or increased for any particular month (see § 403.502); and in the case both of benefits (including primary insurance benefits) and lump sums, deductions and adjustments may be required. (See §§ 403.503 to 403.505, and § 403.601.) Under the conditions set forth in the sections of the regulations mentioned, therefore, the amount actually paid to the beneficiary for a month may be more or less than the amount calculated under section 202 of the act.

(2) The amount of a benefit for a month as calculated under section 202 of the act, as well as any such amount as reduced or increased under section 203 (a) or (b) of the act (where required, see § 403.502), is referred to in the regulations in this part as the benefit to which an individual is "entitled" or as the benefit "payable." Likewise, the amount of a lump sum as calculated under section 202 of the act is referred to as the lump sum to which an individual is "entitled" or as the lump sum "payable." It is this amount (as reduced or increased if required, in the case of benefits) which is the basis for making deductions and adjustments.

SECTION 202 (a) OF THE ACT

Every individual, who (1) is a fully insured individual (as defined in section 209 (g)) after December 31, 1939, (2) has attained the age of sixty-five, and (3) has filed application for primary insurance benefits, shall be entitled to receive a primary insurance benefit (as defined in section 209 (e)) for each month, beginning with the month in which such individual becomes so entitled to such insurance benefits and ending with the month preceding the month in which he dies.

§ 403.402 *Primary insurance benefits*—(a) *Conditions of entitlement.* An individual is entitled to primary insurance benefits if he:

(1) Is a fully insured individual (see § 403.201) after December 31, 1939; and

(2) Has attained the age of 65 (see § 403.801); and

(3) Has filed an application (see § 403.701) for primary insurance benefits.

(b) *Duration and rate of benefits.* An individual is entitled to a primary insurance benefit for each month beginning with the first month after December 1939 in which all of the conditions of entitlement are satisfied. The last month for which such individual is entitled to such benefit is the month immediately preceding the month in which he dies.

The amount of the primary insurance benefit to which an individual is entitled is computed according to § 403.301.

Example: A attains the age of 65 in March 1940, becomes fully insured in April 1940, and files application for primary insurance benefits in that month. April will be the first month for which he may be entitled. If he dies in July 1940, June is the last month for which he will have been entitled to benefits.

SECTION 202 (b) OF THE ACT

(1) Every wife (as defined in section 209 (i)) of an individual entitled to primary insurance benefits, if such wife (A) has attained the age of sixty-five, (B) has filed application for wife's insurance benefits, (C) was living with such individual at the time such application was filed, and (D) is not entitled to receive primary insurance benefits, or is entitled to receive primary insurance benefits each of which is less than one-half of a primary insurance benefit of her husband, shall be entitled to receive a wife's insurance benefit for each month, beginning with the month in which she becomes so entitled to such insurance benefits, and ending with the month immediately preceding the first month in which any of the following occurs: she dies, her husband dies, they are divorced a vinculo matrimonii, or she becomes entitled to receive a primary insurance benefit equal to or exceeding one-half of a primary insurance benefit of her husband.

(2) Such wife's insurance benefit for each month shall be equal to one-half of a primary insurance benefit of her husband, except that, if she is entitled to receive a primary insurance benefit for any month, such wife's insurance benefit for such month shall be reduced by an amount equal to a primary insurance benefit of such wife.

§ 403.403 *Wife's insurance benefits*—(a) *Conditions of entitlement.* A wife is entitled to wife's insurance benefits if she:

(1) Is the wife (see § 403.830) of an individual who is entitled to receive primary insurance benefits (see § 403.402); and

(2) Has attained the age of 65 (see § 403.801); and

(3) Has filed an application (see § 403.701) for wife's insurance benefit, and

(4) Was living with (see § 403.834) such individual at the time her application was filed (see § 403.701 (f)); and

(5) Is not entitled to a primary insurance benefit which is equal to or in excess of one-half of the primary insurance benefit of her husband.

(b) *Duration of benefits.* A wife is entitled to a wife's insurance benefit for each month beginning with the first month after December 1939 in which all of the conditions of entitlement are satisfied. The last month for which she is entitled to such benefit is the month immediately preceding the first month in which any of the following events occurs:

(1) She dies; or

(2) Her husband dies; or

(3) The bonds of matrimony between the wife and her husband are absolutely and finally terminated; or

(4) She becomes entitled to a primary insurance benefit which is equal to or in excess of one-half of a primary insurance benefit of her husband.

(c) *Rate of benefit.* The wife's insurance benefit for a month is an amount equal to one-half of the primary insurance benefit of her husband; but if the wife is, or becomes, entitled to a primary insurance benefit which is less than one-half of such benefit of her husband, then for each month, beginning with the month in which she becomes entitled to such primary insurance benefit, the wife's insurance benefit is reduced by an amount equal to her primary insurance benefit.

Example: H, husband, is entitled to a primary insurance benefit of $30. W, his wife, if otherwise qualified, will be entitled to a wife's insurance benefit of $15. If, however, for any month or months, she is entitled to a primary insurance benefit of $10, her wife's insurance benefit must be reduced to $5 for each such month, under paragraph (c) of this section.

SECTION 202 (c) OF THE ACT

(1) Every child (as defined in section 209 (k)) of an individual entitled to primary insurance benefits, or of an individual who died a fully or currently insured individual (as defined in section 209 (g) and (h)) after December 31, 1939, if such child (A) has filed application for child's insurance benefits, (B) at the time such application was filed was unmarried and had not attained the age of 18, and (C) was dependent upon such individual at the time such application was filed, or, if such individual has died, was dependent upon such individual at the time of such individual's death, shall be entitled to receive a child's insurance benefit for each month, beginning with the month in which such child becomes so entitled to such insurance benefits, and ending with the month immediately preceding the first month in which any of the following occurs: such child dies, marries, is adopted, or attains the age of eighteen.

(2) Such child's insurance benefit for each month shall be equal to one-half of a primary insurance benefit of the individual with respect to whos wages the child is entitled to receive such benefit, except that, when there is more than one such individual such benefit shall be equal to one-half of whichever primary insurance benefit is greatest.

(3) A child shall be deemed dependent upon a father or adopting father, or to have been dependent upon such individual at the time of the death of such individual, unless, at the time of such death, or, if such individual was living, at the time such child's application for child's insurance benefits was filed, such individual was not living with or contributing to the support of such child and—

(A) such child is neither the legitimate nor adopted child of such individual, or

(B) such child had been adopted by some other individual, or

(C) such child, at the time of such individual's death, was living with and supported by such child's stepfather.

(4) A child shall be deemed dependent upon a mother, adopting mother, or stepparent, or to have been dependent upon such individual at the time of the death of such individual, only if, at the time of such death, or, if such individual was living, at the time such child's application for child's insurance benefits was filed, no parent other than such individual was contributing to the support of such child and such child was not living with its father or adopting father.

§ 403.404 *Child's insurance benefits*—(a) *Conditions of entitlement.* A child is entitled to child's insurance benefits if he:

(1) Is the child (see § 403.832) of an individual who either:

(i) Is entitled to primary insurance benefits (see § 403.402); or

(ii) Died after December 31, 1939, and was fully insured or currently insured (see §§ 403.201 and 403.202) at the time of death; and

(2) Has filed an application for child's insurance benefits, and at the time of filing such application (see § 403.701)

(i) Was unmarried; and

(ii) Had not attained the age of 18 (see § 403.801); and

(iii) Was dependent upon (see paragraphs (d) and (e) of this section) the individual with respect to whose wages benefits are claimed or, if such individual had died, was dependent upon such individual at the time of the individual's death.

(b) *Duration of benefits.* A child is entitled to a child's insurance benefit for each month beginning with the first month after December 1939 in which all of the conditions of entitlement are satisfied. If the child is born after the death of the individual with respect to whose wages benefits are claimed, the first month for which the child may be entitled to such a benefit is the month in which such child is born. The last month for which a child is entitled to such benefit is the month immediately preceding the first month in which any of the following events occurs:

(1) The child dies; or

(2) The child marries; or

(3) The child is adopted by an individual other than the individual with respect to whose wages such child is entitled to benefits; or

(4) The child attains the age of 18.

(c) *Rate of benefit.* The child's insurance benefit for a month is an amount equal to one-half of the primary insurance benefit of the individual with respect to whose wages the child is entitled to benefits. If there is more than one individual (living or deceased), with respect to whose wages the child is entitled to benefits, the child's benefit is equal to one-half of the primary insurance benefit of whichever individual's primary insurance benefit is greatest.

(d) *Dependency upon a father or adopting father*—(1) *Applications based on wages of living individual.* A child who has filed application for child's insurance benefits, based on the wages of a father or adopting father then living, is deemed to have been dependent upon such individual at the time the child's application was filed if, at such time, such individual was either living with or contributing to the support of the child.

Even though the father or adopting father was not living with or contributing to the support of the child at the time the child's application was filed, the child is deemed to have been dependent upon such individual at such time if such child:

(i) Was either the legitimate or adopted child of such individual; and

(ii) Was not then the adopted child of some other individual.

(2) *Applications based on wages of deceased individual.* A child who has filed application for child's insurance benefits based on the wages of a deceased father or adopting father is deemed to have been dependent upon such individual at the time of such individual's death if, at such time, such individual was either living with or contributing to the support of the child.

Even though the father or adopting father was not living with or contributing to the support of the child at the time of such individual's death, the child is deemed to have been dependent upon such individual at such time if the child:

(i) Was either the legitimate or adopted child of such individual; and

(ii) Was not then the adopted child of some other individual; and

(iii) Was not living with and being supported by its stepfather.

(e) *Dependency upon mother, adopting mother, or stepparent.* A child who has filed application for child's insurance benefits based upon the wages of its mother, adopting mother, or stepparent is deemed to have been dependent upon such individual at the time such application was filed (if such individual was then living), or to have been dependent upon such individual at the time of the individual's death, as the case may be, if at such time both the following conditions exist:

(1) Neither its father nor adopting father was contributing to the support of the child, and

(2) The child was not living with its father or adopting father.

Example: C, the child of F and M, the father and mother, is living with an uncle. F and M each pay the uncle $5.00 per week for the support of C. C is dependent upon F. C is not dependent upon M since, under item (1) of paragraph (e) of this section, the child is not dependent upon the mother if the father contributes to its support.

SECTION 202 (d) OF THE ACT

(1) Every widow (as defined in section 209 (j) of an individual who died a fully insured individual after December 31, 1939, if such widow (A) has not remarried. (B) has attained the age of sixty-five, (C) has filed application for widow's insurance benefits, (D) was living with such individual at the time of his death, and (E) is not entitled to receive primary insurance benefits, or is entitled to receive primary insurance benefits each of which is less than three-fourths of a primary insurance benefit of her husband, shall be entitled to receive a widow's insurance benefit for each month, beginning with the month in which she becomes so entitled to such insurance benefits and ending with the month immediately preceding the first month in which any of the following occurs: she remarries, dies, or becomes entitled to receive a primary insurance benefit equal to or exceeding three-fourths of a primary insurance benefit of her husband.

(2) Such widow's insurance benefit for each month shall be equal to three-fourths of a primary insurance benefit of her deceased husband, except that, if she is entitled to receive a primary insurance benefit for any month, such widow's insurance benefit for such month shall be reduced by an amount equal to a primary insurance benefit of such widow.

§ 403.405 *Widow's insurance benefits*—(a) *Conditions of entitlement.* A widow is entitled to widow's insurance benefits if she:

(1) Is the widow (see § 403.831) of an individual who died after December 31, 1939, and who, at the time of death, was fully insured (see § 403.201); and

(2) Has not remarried; and

(3) Has attained the age of 65 (see § 403.801); and

(4) Has filed an application (see § 403.701) for widow's insurance benefits; and

(5) Was living with (see § 403.834) her husband at the time of his death; and

(6) Is not entitled to a primary insurance benefit (see § 403.402) which is equal to or in excess of three-fourths of the primary insurance benefit of her deceased husband.

(b) *Duration of benefits.* A widow is entitled to a widow's insurance benefit for each month beginning with the first month after December 1939 in which all of the conditions of entitlement are satisfied. The last month for which she is entitled to such benefit is the month immediately preceding the first month in which any of the following events occurs:

(1) She remarries; or

(2) She dies; or

(3) She becomes entitled to a primary insurance benefit which is equal to or in excess of three-fourths of the primary insurance benefit of her deceased husband.

(c) *Rate of benefit.* The widow's insurance benefit for a month is an amount equal to three-fourths of the primary insurance benefit of her deceased husband; but if the widow is, or becomes, entitled to a primary insurance benefit which is less than three-fourths of such benefit of her deceased husband, then for each month, beginning with the month in which she becomes entitled to such primary insurance benefit, the widow's insurance benefit is reduced by an amount equal to her primary insurance benefit.

SECTION 202 (e) OF THE ACT

(1) Every widow (as defined in section 209 (j) of an individual who died a fully or currently insured individual after December 31, 1939, if such widow (A) has not remarried, (B) is not entitled to receive a widow's insurance benefit, and is not entitled to receive primary insurance benefits, or is entitled to receive primary insurance benefits each of which is less than three-fourths of a primary insurance benefit of her husband, (C) was living with such individual at the time of his death, (D) has filed application for widow's current insurance benefits, and (E) at the time of filing such application has in her care a child of such deceased individual entitled to receive a child's insurance benefit, shall be entitled to receive a widow's current insurance benefit for each month, beginning with the month in which she becomes so entitled to such current insurance benefits and ending with the month immediately preceding the first month in which any of the following occurs: no child of such deceased individual is entitled to receive a child's insurance benefit, she becomes entitled to receive a primary insurance benefit equal to or exceeding three-fourths of a primary insurance benefit of her deceased husband, she becomes entitled to receive a widow's insurance benefit, she remarries, she dies.

(2) Such widow's curent insurance benefit for each month shall be equal to three-fourths of a primary insurance benefit of her deceased husband, except that, if she is entitled to receive a primary insurance benefit for any month, such widow's current insurance benefit for such month shall be reduced by an amount equal to a primary insurance benefit of such widow.

§ 403.406 *Widow's current insurance benefits*—(a) *Conditions of entitlement.* A widow is entitled to widow's current insurance benefits if she:

(1) Is the widow (see § 403.831) of an individual who died after December 31,

1939, and who, at the time of death, was fully insured or currently insured (see §§ 403.201 and 403.202); and

(2) Has not remarried; and

(3) Is not entitled to a widow's insurance benefit (see § 403.405); and

(4) Is not entitled to a primary insurance benefit (see § 403.402) which is equal to or in excess of three-fourths of the primary insurance benefit of her deceased husband; and

(5) Was living with (see § 403.834) her husband at the time of his death; and

(6) Has filed an application (see § 403.701) for widow's current insurance benefits; and

(7) Had in her care (see paragraph (d) of this section, at the time of filing her application (see § 403.701 (f)), a child of her deceased husband entitled to receive a child's insurance benefit (see § 403.404).

(b) *Duration of benefits.* A widow is entitled to a widow's current insurance benefit for each month beginning with the first month after December 1939 in which all of the conditions of entitlement are satisfied. The last month for which she is entitled to such benefit is the month immediately preceding the first month in which any of the following events occurs:

(1) No child of the widow's deceased husband is entitled to a child's insurance benefit; or

(2) She becomes entitled to a primary insurance benefit which is equal to or in excess of three-fourths of the primary insurance benefit of her deceased husband; or

(3) She becomes entitled to a widow's insurance benefit (see § 403.405); or

(4) She remarries; or

(5) She dies.

(c) *Rate of benefit.* The widow's current insurance benefit for a month is an amount equal to three-fourths of the primary insurance benefit of her deceased husband; but if the widow is, or becomes, entitled to a primary insurance benefit which is less than three-fourths of such benefit of her deceased husband, then for each month, beginning with the month in which she becomes entitled to such primary insurance benefit, the widow's current insurance benefit is reduced by an amount equal to her primary insurance benefit.

(d) *Meaning of "in her care."* A widow has a child "in her care" within the meaning of paragraph (a) (7) of this section if she takes parental responsibility for the welfare and care of such child even though she does not live in the same home with the child.

Example: W, the widow of H, places C, H's child, in the home of an aunt. W pays the aunt for the support of C although the amount is insufficient to fully support the child. W regularly advises with the aunt as to the care and training of C and has never agreed not to take C away from the aunt. W has C in her care.

SECTION 202 (f) OF THE ACT

(1) Every parent (as defined in this subsection) of an individual who died a fully insured individual after December 31, 1939, leaving no widow and no unmarried surviving child under the age of eighteen, if such parent (A) has attained the age of sixty-five, (B) was wholly dependent upon and supported by such individual at the time of such individual's death and file proof of such dependency and support within two years of such date of death, (C) has not married since such individual's death, (D) is not entitled to receive any other insurance benefits under this section, or is entitled to receive one or more of such benefits for a month, but the total for such month is less than one-half of a primary insurance benefit of such deceased individual, and (E) has filed application for parent's insurance benefits, shall be entitled to receive a parent's insurance benefit for each month, beginning with the month in which such parent becomes so entitled to such parent's insurance benefits and ending with the month immediately preceding the first month in which any of the following occurs: such parent dies, marries, or becomes entitled to receive for any month an insurance benefit or benefits (other than a benefit under this subsection) in a total amount equal to or exceeding one-half of a primary insurance benefit of such deceased individual.

(2) Such parent's insurance benefit for each month shall be equal to one-half of a primary insurance benefit of such deceased individual, except that, if such parent is entitled to receive an insurance benefit or benefits for any month (other than a benefit under this subsection), such parent's insurance benefit for such month shall be reduced by an amount equal to the total of such other benefit or benefits for such month. When there is more than one such individual with respect to whose wages the parent is entitled to receive a parent's insurance benefit for a month, such benefit shall be equal to one-half of whichever primary insurance benefit is greatest.

(3) As used in this subsection, the term "parent" means the mother or father of an individual, a stepparent of an individual by a marriage contracted before such individual attained the age of sixteen, or an adopting parent by whom an individual was adopted before he attained the age of sixteen.

§ 403.407 *Parent's insurance benefits*—(a) *Conditions of entitlement.* A parent is entitled to parent's insurance benefits if he:

(1) Is the parent (see § 403.833) of an individual who:

(i) Died after December 31, 1939; and

(ii) Was fully insured (see § 403.201) at the time of death; and

(iii) Was survived neither by a widow (see § 403.831) nor an unmarried child under the age of 18 (see paragraph (d) of this section); and

(2) Has attained the age of 65 (see § 403.801); and

(3) Was wholly dependent upon and supported by (see paragraph (e) of this section) such individual at the time of such individual's death and, except as otherwise provided in § 403.701 (j), has filed proof of such dependency and support within 2 years after the date of such death; and

(4) Has not married since the death of such individual; and

(5) Is not entitled to any other benefit or benefits under section 202 of the act (see §§ 403.402, 403.403, 403.405, and 403.406) in a total amount for any month which is equal to or in excess of one-half of the primary insurance benefit of such deceased individual; and

(6) Has filed an application (see § 403.701) for parent's insurance benefits.

One or more parents of a fully insured individual may become entitled to benefits hereunder.

(b) *Duration of benefits.* A parent is entitled to a parent's insurance benefit for each month beginning with the first month after December 1939 in which all of the conditions of entitlement are satisfied. The last month for which such parent is entitled to such benefits is the month immediately preceding the first month in which any of the following events occur:

(1) The parent dies; or

(2) The parent marries; or

(3) The parent becomes entitled to an insurance benefit or benefits (other than a parent's insurance benefit) under section 202 of the act, in a total amount for any month which is equal to or in excess of one-half of the primary insurance benefit of the deceased individual with respect to whose wages the parent is entitled to parent's insurance benefits.

(c) *Rate of benefit.* The parent's insurance benefit for a month is an amount equal to one-half of the primary insurance benefit of the deceased individual with respect to whose wages the parent is entitled to benefits; but if such parent is, or becomes, entitled to an insurance benefit or benefits (other than a parent's insurance benefit) under section 202 of the act, in a total amount for any month which is less than one-half of such primary insurance benefit of such deceased individual, then for each month, beginning with the month in which the parent becomes entitled to such other benefit or benefits, the parent's insurance benefit is reduced by an amount equal to the total of such other benefits for such month.

If there is more than one deceased individual with respect to whose wages a parent is entitled to receive a parent's insurance benefit for a month, such benefit shall be an amount equal to one-half of whichever deceased individual's primary insurance benefit is greatest.

Example: P, aged 60, is the parent of A and B. P is wholly dependent upon and supported by A during 1940; A dies in December of that year. P is thereafter wholly dependent upon and supported by B until B's death in 1942. Both A and B were fully insured at the time of their deaths and neither was survived by a widow or unmarried child under the age of 18. P, upon attaining age 65 and meeting the other conditions of entitlement, will be entitled to parent's insurance benefits based upon the primary insurance benefit of A or B, whichever is the largest, since he was wholly dependent upon and supported by A at A's death and wholly dependent upon and supported by B at B's death.

If at the time of A's death, P was dependent upon and supported by both A and B, and thereafter was wholly dependent upon and supported by B alone, P would be entitled to parent's insurance benefits based upon B's wages, but not upon A's wages, since he would not have been wholly dependent upon and supported by A at the time of A's death.

(d) *Surviving child.* The deceased insured individual shall be deemed to have left a surviving child (see § 403.832) who was unmarried and under age of 18, within the meaning of section 202 (f) (1) of the act (see paragraph (a) above), if any such child was living after the individual's death, even though born thereafter.

(e) *"Wholly dependent upon and supported by."* A parent is "wholly dependent upon and supported by" an individual if such parent is supported by such individual and:

(1) Has no income or means of support other than the income or support received from such individual; or

(2) Has only inconsequential income or means of support other than that received from such individual.

SECTION 202 (g) OF THE ACT

Upon the death, after December 31, 1939, of an individual who died a fully or currently insured individual leaving no surviving widow, child, or parent who would, on filing application in the month in which such individual died, be entitled to a benefit for such month under subsection (c), (d), (e), or (f) of this section, an amount equal to six times a primary insurance benefit of such individual shall be paid in a lump-sum to the following person (or if more than one, shall be distributed among them) whose relationship to the deceased is determined by the Board, and who is living on the date of such determination: To the widow or widower of the deceased; or, if no such widow or widower be then living, to any child or children of the deceased and to any other person or persons who are, under the intestacy law of the State where the deceased was domiciled, entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law; or, if no widow or widower and no such child and no such other person be then living, to the parent or to the parents of the deceased, in equal shares. A person who is entitled to share as distributee with an above-named relative of the deceased shall not be precluded from receiving a payment under this subsection by reason of the fact that no such named relative survived the deceased or of the fact that no such named relative of the deceased was living on the date of such determination. If none of the persons described in this subsection be living on the date of such determination, such amount shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of the deceased. No payment shall be made to any person under this subsection, unless application therefor shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of two years after the date of death of such individual.

§ 403.408 *Lump-sum death payments*—(a) *Conditions of payment.* A lump sum is payable to one or more of the persons described in paragraph (b) of this section if:

(1) An individual has died, after December 31, 1939, who was a fully insured individual or currently insured individual (see §§ 403.201 and 403.202) at the time of his death; and

(2) Such deceased individual was not survived by a widow, child, or parent (see paragraph (d) (1) of this section) who, upon filing application therefor in the month in which such individual died, would be entitled to receive a child's insurance benefit, widow's insurance benefit, widow's current insurance benefit, or parent's insurance benefit (see §§ 403.404, 403.405, 403.406, and 403.407) for such month with respect to the wages of such deceased individual; and

(3) An application (see § 403.701) for such lump sum has, except as otherwise provided in § 403.701 (j), been filed within 2 years following the death of such individual.

A lump sum is payable under the above stated conditions even though the deceased individual was entitled to primary insurance benefits and even though, for any month prior to the month in which such individual died, his wife or child was entitled to wife's insurance benefits or child's insurance benefits with respect to his wages. The lump sum is not in lieu of, and does not affect, later entitlement of survivors to monthly insurance benefits.

Example: H was entitled to primary insurance benefits at the time of his death in June. H was survived only by W, his wife, and C, his child. C had been entitled to child's insurance benefits with respect to H's wages until he attained the age of 18 prior to H's death. W, at the time of H's death, is under 65. W will be entitled to a lump sum with respect to H's wages. If W thereafter attains the age of 65, and is otherwise qualified, she will be entitled to widow's insurance benefits.

(b) *Persons entitled to receive payments*—(1) *Survivors of deceased.* The following person or persons whose relationship to the deceased insured individual is determined by the Administration, and who are living at the time of such determination, are, in the order named, entitled to a lump sum under the conditions stated in paragraph (a) of this section:

(i) The widow or widower (see paragraph (d) (2) of this section) of such individual. If there is no such widow or widower, the lump sum is payable to

(ii) The child or children (see paragraph (d) (2) of this section) of the deceased and any other person or persons who are, under the intestacy law of the State where the deceased was domiciled, entitled to share with such child or children in the distribution of intestate personal property of such deceased individual. Persons entitled to share with such child or children are not precluded from receiving the lump sum by reason of the fact that no child survived such deceased individual or was living at the time of the Administration's determination of relationship. If there is no such child or other person, then the lump sum is payable to

(iii) The parent or parents (see paragraph (d) (2) of this section) of the deceased.

(2) *Persons equitably entitled.* If none of the persons described under subparagraph (1) of this paragraph is living on the date of the Administration's determination of relationship, the lump sum will be payable to any person or persons equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the burial expenses of the deceased insured individual.

Where an estate is a person equitably entitled, payment will be made only to the legal representative of such estate.

The term "person or persons equitably entitled" does not include, among others, any of the following:

(i) The United States Government or any wholly owned instrumentality thereof.

(ii) Any person under contractual obligation to pay the burial expenses of the deceased, to the extent of such obligation.

(iii) Any person paying the expenses of the burial of a member or employee of such person, to the extent of any payment under a plan, system, or general practice.

(iv) Any person furnishing goods or services in connection with the burial of the deceased, to the extent that goods or services are furnished.

(v) Any person who has been or will be, wholly or partially reimbursed, to the extent of such reimbursement.

(c) *Amount of payment.* The lump sum to which a widow, widower, child (or distributee with the child), or parent, is entitled under paragraph (b) of this section is an amount equal to six times the primary insurance benefit (see § 403.301) of the deceased insured individual. Where there is more than one child or person entitled to share as distributee with a child, the lump sum shall be divided among them in the proportions provided by the intestacy laws of the State where the deceased was domiciled. Where there is more than one parent the lump sum shall be divided equally between such parents.

Where an applicant (other than a person named in paragraph (b) (1) of this section is equitably entitled to a lump sum under paragraph (b) (2), of this section, the amount payable to him will be determined as follows:

(1) If no person other than such applicant is, or becomes, equitably entitled under paragraph (b) (2) of this section, the amount payable will be an amount equal to the amount of burial expenses paid by the applicant, or six times the primary insurance benefit of the deceased, whichever is less.

(2) If two or more persons are, or become, equitably entitled under paragraph (b) (2) of this section, the amount payable to any such applicant is an amount equal to that proportion of six times the amount of the primary insurance benefit of the deceased which the amount of burial expenses paid by such applicant bears to the total amount of burial expenses paid by all persons equitably entitled, but in no event shall the amount paid to such applicant exceed the amount of burial expenses paid by him.

Example 1: X, who paid all of D's burial expenses of $220, is equitably entitled to a lump sum. D's primary insurance benefit is $20, so that the lump sum payable is $120 (6 times $20). X is entitled to the entire amount of the lump sum.

If X had paid $120 and a person or persons not equitably entitled had paid the remaining $100, X would nevertheless be entitled to the entire lump sum. If, under the same circumstances, he had paid $100, the amount payable to him as a lump sum would be only $100.

Example 2: X paid $165 and Y paid $55 toward D's burial expenses of $220. Both X and Y are equitably entitled to a portion of a lump sum. D's primary insurance benefit is $20, so that the lump sum payable is $120. X is entitled to 165/220 (¾) of the lump sum or $90, and Y is entitled to 55/220 (¼) of the lump sum, or $30.

If X had paid $90 and Y $30 and a person or persons not equitably entitled had paid the remaining $100, X and Y would nevertheless be entitled to $90 and $30 respectively. If, under the same circumstances, X had paid $60 and Y $15, the amount payable to X and Y as a lump sum would be only the amounts they actually paid.

Example 3: X paid $100 toward D's burial expenses of $200. The remaining $100 was unpaid. D's primary insurance benefit is

$20, and a lump sum of $120 is payable on the basis of his wages. X is equitably entitled to ½ of the lump sum of $120, or $60. If no other individual becomes equitably entitled hereunder by reason of a payment toward D's burial expenses, X will be equitably entitled to an additional $40.

(d) *Meaning of terms.* (1) The terms "widow," "child," and "parent" as they first appear in section 202 (g) of the act (see paragraph (a) of this section), are used as defined in section 209 (j) of the act (see § 403.831), section 209 (k) of the act (see § 403.832), and section 202 (f) of the act (see § 403.833), respectively.

(2) The meaning of the terms "widow," "child" (or "children"), and "parent" (or "parents"), except as they first appear in section 202 (g) of the act, and of the term "widower" as used in such section 202 (g), is determined by reference to applicable State law (see § 403.829). An individual is such a "widow," "widower," "child," or "parent" of a deceased wage earner if he is the widow, widower, child, or parent of the wage earner or has the same status as such, under applicable State law, without regard to the definitions referred to in paragraph (d) (1) of this section.

Subpart E—Reduction and Increase of Insurance Benefits and Deductions From Benefits and Lump-Sum Death Payments

§ 403.501 *Modification in amount of benefits and lump-sum death payments.* Under certain conditions the amount of benefits and lump sums, as calculated under section 202 of the act, must be modified upward or downward in determining the amount actually to be paid to the beneficiary. The modifications in the amount calculated under section 202 of the act occur where (a) reductions or increases of benefits (other than primary insurance benefits) are required under section 203 (a) or (b) of the act, or (b) deductions from benefits or lump sums are required under section 203 (d), (e), (g), or (h) of the act or under section 907 of the Social Security Act Amendments of 1939, or (c) adjustment is required under section 204 (a) of the act. Reductions and increases under section 203 (a) or (b) are always made before any deductions or adjustments are made under sections 203 (d), (e), (g), or (h) of the act, section 907 of the Social Security Act Amendments of 1939, or section 204 (a) of the act.

Regulations concerning these modifications are set forth in the following sections of this subpart and in subpart F. As to the use of the terms "entitled" and "payable" in the regulations in this part, see § 403.401 (c) (2).

Section 203 (a) of the Act

Whenever the total of benefits under section 202, payable for a month with respect to an individual's wages, is more than $20 and exceeds (1) $85, or (2) an amount equal to twice a primary insurance benefit of such individual, or (3) an amount equal to 80 per centum of his average monthly wage (as defined in section 209 (f)), whichever of such three amounts is least, such total of benefits shall, prior to any deductions under subsections (d), (e), or (h), be reduced to such least amount or to $20, whichever is greater.

Section 203 (b) of the Act

Whenever the benefit or total of benefits under section 202, payable for a month with respect to an individual's wages, is less than $10, such benefit or total of benefits shall, prior to any deductions under subsections (d), (e), or (h), be increased to $10.

Section 203 (c) of the Act

Whenever a decrease or increase of the total of benefits for a month is made under subsection (a) or (b) of this section, each benefit, except the primary benefit, shall be proportionately decreased or increased, as the case may be.

§ 403.502 *Reductions and increases of benefits.* The subsections quoted above apply only to monthly benefits. Lump sums under section 202 (g) of the act are not subject to reductions or increases hereunder.

(a) *Basis for computing reductions and increases.* Whether there is to be a reduction or increase in any benefit or benefits and the extent of such reduction or increase depends upon the total amount of benefits for a month as calculated under section 202 of the act with respect to the wages of one individual. If there is a primary insurance benefit included in such total, the primary insurance benefit is not reduced and in such a case no increase is possible (see paragraph (c)). If a beneficiary entitled to benefits based upon the wages of such individual is also entitled to benefits based on other wages, such other benefits are excluded from such total.

Example 1: H has an average monthly wage of $250, and a primary insurance benefit of $42 for each month, under section 202 (a) of the Act. H's wife, W, is entitled to a wife's insurance benefit calculated as $21 under section 202 (b) of the Act, and each of his two children, who are under 18, is entitled to a child's insurance benefit calculated as $21 under section 202 (c) of the Act. The amount of benefits for a month to which W and the two children are entitled, as calculated under section 202 of the Act, is therefore $63. This amount, when added to H's primary insurance benefit of $42, makes a total of $105 calculated under such section 202 on the basis of H's wages.

Reductions required under this section of the regulations would be made against this total of $105 (see example 1 under paragraph (b)).

Example 2: If, in the above example, W were entitled to a primary insurance benefit calculated as $15 under section 202 (a) of the Act, the amount of her wife's insurance benefit would, as calculated under section 202 (b) of the Act, be reduced to $6 ($21 less $15), and the total of benefits for the month as calculated under section 202 of the Act on the basis of H's wages would therefore be $90.

Reductions required under this section of the regulations would be made against this total of $90 (see example 2 under paragraph (b)).

(b) *Conditions requiring reduction and amount of reduction.* Reductions are made only when there are two or more benefits for a month based upon the wages of one individual, and when the total amount of such benefits for such month, as calculated under section 202 of the act, is more than $20 and also exceeds one of the following amounts:

(1) $85, or

(2) Twice the primary insurance benefit of such individual, or

(3) 80 per centum of such individual's average monthly wage.

If these conditions exist each of such benefits (except a primary insurance benefit) must be proportionately reduced so that the total of the benefits will be the amount stated in subparagraphs (1), (2), or (3) of this paragraph, whichever is least. If, however, such least amount is under $20, the total is reduced only to $20.

Example 1: In example 1 under paragraph (a) of this section, the total amount ($105) is less than 80 per centum of H's average monthly wage, but is more than $85 and more than two times H's primary insurance benefit of $42. Therefore, a reduction is required to the least of the three amounts stated under paragraph (b) of this section, which is $84 (twice the amount of H's primary insurance benefit).

This reduction is made only against the benefits of the wife and children, since a primary insurance benefit is not subject to reduction or increase under section 203 (a) or (b) of the act. The required reduction is $21 ($105 minus $84). It is divided proportionately among the wife and children, whose benefits totaling $63 are each reduced by $^{21}/_{63}$ ($^{1}/_{3}$) of $21, or $7, giving the wife and child a benefit of $14.

Example 2: In example 2 under paragraph (a) of this section, the total amount calculated under section 202 of the act ($90) is less than 80 per centum of H's average monthly wage, but is more than $85 and more than two times H's primary insurance benefit of $42. Therefore, a reduction is required under paragraph (b) of this section, to $84. The required reduction is $6 ($90 less $84) and is to be made against the benefits of the wife and children, which total $48. The benefit of the wife would be reduced by $^{6}/_{48}$ ($^{1}/_{8}$) of $6 or 75c, giving her a benefit of $5.25, and the benefit of each child would be reduced by $^{21}/_{48}$ of $6, or $2.63, giving each child a benefit of $18.37.

Example 3: H has an average monthly wage of $50, and a primary insurance benefit of $21. His wife, W, is entitled to a wife's insurance benefit calculated under section 202 (b) of the act as $10.50, and a child, C, under age 18, is entitled to a child's insurance benefit calculated under section 202 (c) of the act as $10.50, making a total of $42 calculated under section 202 of the act on the basis of H's wages.

This total is less than $85, and is equal to two times H's primary insurance benefit, but is more than 80 per centum of H's average monthly wage of $50. The total must, therefore, under this section of the regulations, be reduced $2, to $40, which is 80 per centum of H's average monthly wage. The reduction is made proportionately against the benefits of W and C, by reducing each by one-half of $2, or $1. W's and C's benefits would accordingly be $9.50 each.

Example 4: H died, and left surviving a widow, W, and 3 children. H had an average monthly wage of $20. H is primary insurance benefit is $10. W is entitled to a widow's current insurance benefit calculated under section 202 (e) as $7.50, and each child is entitled to a child's insurance benefit calculated under section 202 (c) as $5, making a total of $22.50 calculated under section 202 of the act on the basis of H's wages.

This total is less than $85, but is more than twice H's primary insurance benefit ($20) and more than 80 per centum of his average monthly wage ($16). Such total would, therefore, be reduced to $16 (the least of the three amounts under paragraph (b) of this section) except that, since such least amount is less than $20, the total is reduced only to $20. The reduction is made proportionately by reducing W's benefit by $^{7.50}/_{22.50}$ ($^{1}/_{3}$) of $2.50, or 83c, and each child's benefit by $^{5}/_{22.50}$ ($^{2}/_{9}$) of $2.50, or 56c. W's benefit would therefore be $6.67, and each child's benefit would be $4.44.

(c) *Conditions requiring increase and amount of increase.* An increase is made when the benefit or total of benefits for a month calculated under section 202 of the act with respect to the wages of one individual is less than $10, by increasing such benefit or total of benefits to $10.

If there is a primary insurance benefit for such month based on the wages of such individual, no increase is possible, since a primary insurance benefit is always at least $10 (see § 403.301).

(d) *Monthly application of provisions.* The total amount of benefits with respect to a single individual's wages, as calculated under section 202 of the act, may vary from month to month. Accordingly, a reduction or increase may be required in one month and not in another, or the amount of the reduction or increase may be greater or less in one month than in another.

Example: H dies fully insured leaving surviving him a widow, W, and three children, A, B, and C, under the age of 18. H's average monthly wage is $100, and his primary insurance benefit is $28. W is entitled to a widow's insurance benefit calculated as $21 under section 202 (e) of the act, and A, B, and C are each entitled to a child's insurance benefit calculated as $14 under section 202 (c) of the act. The total amount as calculated under section 202 of the act with respect to H's wages is therefore $63.

A reduction of this total to $56 (twice H's primary insurance benefit) is required under paragraph (b) of this section, giving W a benefit of $18.67, and each child a benefit of $12.44.

If C becomes 18 years of age, his benefit ends. The benefit for W and A and B is recalculated for the month in which C became 18, as though C had never been entitled. As recalculated, W's benefit would then be $21 for each month, and A's and B's would each be $14, making a total of $49. Since this amount is less than twice H's primary insurance benefit of $28, no reduction of the benefits as calculated under section 202 of the act is required.

(e) *Relation to provisions for deductions and adjustments.* Reductions and increases under this section of the regulations are made prior to making any deductions which may be required under subsection (d), (e), (g), or (h) of section 203 of the act or under section 907 of the Social Security Act Amendments of 1939, and prior to making any adjustments under section 204 of the act. (See following sections of this subpart and Subpart F.)

Example: H has an average monthly wage of $100 and is entitled to a primary insurance benefit of $26 for each month. W, his wife, is entitled to a wife's insurance benefit of $13 for each month, and his two children are each entitled to a child's insurance benefit of $13 for each month. The total calculated under section 202 of the act would, therefore, be $65, which exceeds twice the primary insurance benefit by $13. A reduction to $52 (twice H's primary insurance benefit) is required under paragraph (b) of this section, giving W and each child a benefit of $8.66 for each month.

If W renders services in a month for wages of $15 or more, her benefit, as reduced, would be withheld for 1 month (see § 403.503 (a)). The fact that the wife's benefit is withheld, thereby reducing the total of benefits on the basis of H's wages, does not affect the amount of the children's benefits, each of which remains $8.66 for each month.

Section 203 (d) of the Act

Deductions, in such amounts and at such time or times as the Board shall determine, shall be made from any payment or payments under this title to which an individual is entitled, until the total of such deductions equals such individual's benefit or benefits for any month in which such individual:

(1) Rendered services for wages of not less than $15; or

(2) If a child under eighteen and over sixteen years of age, failed to attend school regularly and the Board finds that attendance was feasible; or

(3) If a widow entitled to a widow's current insurance benefit, did not have in her care a child of her deceased husband entitled to receive a child's insurance benefit.

Section 203 (e) of the Act

Deductions shall be made from any wife's or child's insurance benefit to which a wife or child is entitled, until the total of such deductions equals such wife's or child's insurance benefit or benefits for any month in which the individual, with respect to whose wages such benefit was payable, rendered services for wages of not less than $15.

Section 203 (f) of the Act

If more than one event occurs in any one month which would occasion deductions equal to a benefit for such month, only an amount equal to such benefit shall be deducted.

§ 403.503 *Deductions because of employment, etc.* The subsections of the act quoted above provide for deductions from benefits upon the occurrence of certain events which are enumerated in paragraphs (a), (b), and (c) of this section.

(a) *Employment.* If an individual, in any month for which he is entitled to a benefit, renders services for wages of not less than $15, deductions are made:

(1) From any benefit or benefits to which he is or becomes entitled. The amount to be deducted is equal to the benefit or total of benefits to which he was entitled for the month in which he rendered the services.

(2) From any wife's or child's insurance benefits to which his wife or child is or becomes entitled with respect to such individual's wages. The amount to be deducted is equal to such wife's or child's insurance benefit for the month in which such individual rendered the services.

Since the amount to be deducted is measured by the benefit or total of benefits for the month in which the services were rendered, it is not material in what month the wages of $15 or more were paid.

In determining, for the purpose of this section, whether an individual has rendered services for "wages" of not less than $15, the provisions of section 209 (a) (2) of this act (see § 403.828 (a) (2) of the regulations) in this part do not apply.

Example 1: A is entitled to a primary insurance benefit of $25 for each month. He renders services for wages of $15 in both January and February but does not report this fact to the Administration until March, after the benefits for January and February have been paid.

The total amount to be deducted is $50, since the event occasioning the deduction occurred in each of 2 months. Therefore, $25 will be withheld each month for 2 months, and A will receive no further payment until the total of $50 has been withheld.

Example 2: H is entitled to a primary insurance benefit of $25, and his wife, W, is entitled to a wife's insurance benefit of $12.50 on the basis of his wages. H renders services for wages of $15 in a month. A deduction is required from W's benefits, as well as from H's benefits, because of H's work. If W instead of H rendered the services, deductions would be made from W's benefits but not from H's benefits.

Example 3: A is entitled to a primary insurance benefit of $25. In the months of April, May, and June he renders services for the total wages of $3,000. In July he renders services in employment for remuneration of $500. The total amount to be deducted is $100, notwithstanding the fact that for other purposes any amount paid in excess of $3,000 in a calendar year is not considered "wages" because of the provisions of section 209 (a) (2) of the act.

(b) *Failure of child to attend school.* If a child under 18 and over 16 years of age fails, in any month for which he is entitled to a benefit, to attend school regularly, and the Administration finds that attendance was feasible, deductions are made from any benefit or benefits to which such child is or becomes entitled. The amount to be deducted is equal to the benefit to which such child was entitled for the month in which he failed to attend school regularly.

(c) *Failure of widow to have a child in her care.* If a widow entitled to a widow's current insurance benefit does not, in any month for which she is entitled to such benefit, have in her care a child of her deceased husband entitled to a child's insurance benefit for such month, deductions are made from any benefit or benefits to which such widow is or becomes entitled. The amount to be deducted is equal to the widow's current insurance benefit to which such widow was entitled for the month in which she did not have such a child in her care.

The fact that a child's insurance benefit for a particular month is withheld to effect a deduction under section 203 (d), (e), (g), or (h) of the act or section 907 of the Social Security Act Amendments of 1939, or an adjustment under section 204 of the Act, does not affect the right of a widow who has the child in her care, to a widow's current insurance benefit since the child is nevertheless "entitled" to the benefit. See § 403.401 (c) (2).)

Example: C, the child of H, who is deceased, is entitled to child's insurance benefits based on H's wages. W, the widow of H, is entitled to widow's current insurance benefits. C renders services for wages of $15 in a month.

Although deductions must be made from C's benefits, and he will therefore receive no benefits for 1 month, on account of having rendered such services, C is still "entitled" to child's insurance benefits. Therefore, the fact that C rendered services for wages of $15 does not occasion a deduction from the widow's benefits.

(As to the meaning of the term "in her care" see § 403.406 (d).)

(d) *Manner of making deductions.* Deductions are made by withholding benefits in whole or in part, depending upon the amount to be deducted. If the

amount to be deducted is not withheld from the benefit or benefits for the month in which the event occurred which occasioned the deduction (if, for example, the occurrence has not been brought to the attention of the Administration), such amount will be withheld from benefits for one or more subsequent months. The total amount to be deducted may, therefore, at the time of withholding, be greater or less than any benefit or benefits for a month, from which such amount is to be withheld.

When it is determined that a deduction is required under paragraph (a), (b), or (c) of this section, no benefit for any month will be paid, which is designated in such paragraph as a benefit from which the deduction is to be made, until a total amount equal to the amount to be deducted has been withheld. If the amount of the required deduction is less than any such benefit or the total of any such benefits for a month, the amount to be deducted will be withheld from such benefit or total of benefits.

Example: H is entitled to a primary insurance benefit of $50, and his wife, W, is entitled to a wife's insurance benefit of $25. W works in the month of January for wages of $15, and her benefits thereby become subject to a deduction of $25. W reports to the Administration after her benefit for January has been paid. C, H's child, becomes entitled to a child's insurance benefit of $25 for the month of February. Beginning with that month, W's and C's benefits would each be reduced to $17.50 for each month under section 203 (a) of the act, to bring the total based on H's wages to $85. (See § 403.502.)

To effect the deduction of $25 from W's benefits, her benefit for February would be withheld, and $7.50 would be withheld from her benefit for March.

If C had become entitled to a child's insurance benefit for January, instead of February, W's benefit would have been reduced under section 203 (a) of the act to $17.50 for January. Consequently, the amount deducted on account of her work in January would have been $17.50, instead of $25, and the deduction would be effected by withholding 1 month's benefit.

(e) *Accumulation of deductions.* Section 203 (f) of the act prevents duplication of deductions under paragraphs (a), (b), and (c) above, by reason of the occurrence in 1 month of more than one of the events enumerated in those paragraphs. If more than one such event occurs in a month, the total amount of the deduction is the same as if only one such event had occurred. Section 203 (f) of the act has no application to any other deductions or adjustments under the law. (See paragraph (g) of this section.)

If, however, any of the events occasioning a deduction under paragraph (a), (b), or (c) of this section occurs in more than 1 month, the total amount to be deducted is equal to the sum of the deductions for all months in which any such event occurred.

(See example 1 under paragraph (a) of this section.)

(f) *Relation to provisions for reductions and increases.* In effecting a deduction, no amount can be considered as having been withheld from a benefit for a particular month, which is in excess of the amount of such benefit as reduced or increased (if required) under section 203 (a) or (b) of the act (see § 403.502). Likewise, the amount of a benefit by which a deduction is measured (i. e., a benefit for the month in which the event occasioning the deduction occurred) is the amount of such benefit as so reduced or increased. (See example under paragraph (d) of this section.)

(g) *Relations to other provisions for deductions and adjustments.* A deduction required under section 203 (d) or (e) of the act is made prior to and in addition to any deductions under section 203 (h) of the act or section 907 of the Social Security Act Amendments of 1939 (see § 403.505), and prior to and in addition to any adjustments under section 204 (a) of the act (see § 403.601).

Example: A is entitled to a primary insurance benefit of $25 for each month. He renders services for wages of $15 in each of 2 months. A deduction of $50 is therefore required under section 203 (d) of the act. In order to effect the deduction, his primary insurance benefit is withheld for 2 months. If A had received a payment of $100 under section 204 of the Social Security Act in force prior to August 10, 1939, a deduction of $100 would have to be made from his benefit (see § 403.505 (a)), and his benefits would therefore have to be withheld for an additional 4 months, making a total of 6 months. The first deductions charged against A's benefits are deductions required under section 203 (d) of the act.

(See also example under paragraph (d) of § 403.601.)

SECTION 203 (g) OF THE ACT

Any individual in receipt of benefits subject to deduction under subsection (d) or (e) (or who is in receipt of such benefits on behalf of another individual), because of the occurrence of an event enumerated therein, shall report such occurrence to the Board prior to the receipt and acceptance of an insurance benefit for the second month following the month in which such event occurred. Any such individual having knowledge thereof, who fails to report any such occurrence, shall suffer an additional deduction equal to that imposed under subsection (d) or (e).

§ 403.504 *Reports to Administration of events occasioning deductions.* This subsection of section 203 of the act imposes upon an individual the obligation to report to the Administration the occurrence of any of the events enumerated in subsection (d) or (e) of section 203 of the act (see § 403.503), if such individual is in receipt of benefits (on his own behalf or on behalf of another) from which a deduction is to be made under such subsections.

If such individual has knowledge of the occurrence of any such event and fails to report to the Administration prior to the receipt and acceptance of a benefit for the second month following the month in which such event occurred, a deduction is made (except as noted below) in addition to that required under section 203 (d) or (e) of the act. If, however, either a wage earner, or another individual in receipt of benefits based on his wages, reports to the Administration within the time prescribed, that such wage earner rendered services in a month for wages of $15 or more (see paragraph (a) of § 403.503), no such additional deduction will be made on account of the rendition of such services by the wage earner.

The amount of an additional deduction required hereunder and the manner in which it is effected are the same as provided for deductions under section 203 (d) or (e) of the act on account of the event which such individual failed to report.

Example: H is entitled to receive a primary insurance benefit of $25 for each month, and W, his wife, is entitled to a wife's insurance benefit of $12.50. H renders services for wages of not less than $15 in each of 2 months. If either H or W reported this fact to the Administration, within the time stated in this section, the deduction from H's benefits would be $50, and the deduction from W's benefits would be $25. If neither H nor W reported to the Administration as required, the deduction would be $100 from his benefit and $50 from W's benefits. If, however, A were receiving the benefits on behalf of either H or W and reported to the Administration, neither H nor W would suffer the additional deduction for failure to report.

SECTION 203 (h) OF THE ACT

Deductions shall also be made from any primary insurance benefit to which an individual is entitled, or from any other insurance benefit payable with respect to such individual's wages, until such deductions total the amount of any lump sum paid to such individual under section 204 of the Social Security Act in force prior to the date of enactment of the Social Security Act Amendments of 1939.

SECTION 4 (c) OF THE ACT OF AUGUST 13, 1940 (54 STAT. 786)

Nothing contained in this act shall operate (1) to affect any annuity, pension, or death benefit granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, prior to the date of enactment of this act, or (2) to include any of the services on the basis of which any such annuity or pension was granted, as employment within the meaning of section 210 (b) of the Social Security Act or section 209 (b) of such act, as amended. In any case in which a death benefit alone has been granted, the amount of such death benefit attributable to services, coverage of which is affected by this act, shall be deemed to have been paid to the deceased under section 204 of the Social Security Act in effect prior to January 1, 1940, and deductions shall be made from any insurance benefit or benefits payable under the Social Security Act as amended, with respect to wages paid to an individual for such services until such deductions total the amount of such death benefit attributable to such services.

SECTION 907 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

In addition to any other deductions made under section 203 of the Social Security Act, as amended, deductions shall be made from any primary insurance benefit or benefits to which an individual is entitled or from any other insurance benefit payable with respect to such individual's wages, until such deductions total 1 per centum of any wages paid him for services performed in 1939, and subsequent to his attaining age sixty-five, and 1 per centum of any wages paid him for services which constitute employment by virtue of subsection (o) of section 209 of the Social Security Act, as amended, with respect to which the taxes imposed by section 1400 of the Internal Revenue Code have not been deducted by his employer from his wages or paid by such employer. (As retroactively amended by section 1 (b) (3) of the act of March 24, 1943, 57 Stat. 47.)

§ 403.505 *Deductions because of lump-sum payments under original act and failure to pay taxes*—(a) *Basis for, and amount of, deduction under section 203 (h) of the act.* Section 203 (h) of the act provides for deductions from benefits, and from lump-sum death payments under section 202 (g) of the act, where a wage earner has been paid a lump sum (hereinafter referred to as a section 204 payment) under section 204 of the Social Security Act in force prior to August 10, 1939 (the date of enactment of the Social Security Act Amendments of 1939). The total to be deducted is an amount equal to the amount of the section 204 payment.

In any case in which a death benefit alone has been granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, upon the basis of services in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard rail locomotives) of coal not beyond the tipple, or the loading of coal at the tipple, the amount of such benefit attributable to such services shall be deemed to have been paid to the deceased as a section 204 payment, and deductions shall be made in accordance with § 403.505 (c) from any insurance benefit or benefits payable under title II of the Act with respect to wages paid to an individual for such services until such deductions total the amount of such death benefit attributable to such services.

(b) *Basis for, and amount of, deduction under section 907 of the Social Security Act Amendments of 1939.* Section 907 of the Social Security Act Amendments of 1939 provides for deductions from benefits and lump-sum death payments in cases where the taxes imposed by section 1400 of the Internal Revenue Code with respect to a wage earner's employment in 1939 and subsequent to his attaining age 65, or with respect to services which constitute employment by virtue of section 209 (o) of the act, as amended (see § 403.803 (d)), have neither been deducted by his employer from the wages paid him for services in such employment nor paid by such employer. The total amount to be deducted is an amount equal to 1 per centum of such wages with respect to which taxes have neither been deducted nor paid by the employer.

Example: H, aged 66, was paid wages of $3,000 in the first 3 months of 1939. His employer did not deduct from his wages the taxes imposed by section 1400 of the Internal Revenue Code and did not pay the amount of such taxes to the Bureau of Internal Revenue. A deduction equal to 1 per centum of $3,000, or $30, is required under paragraph (b) of this section. (The same amount would have to be thus deducted if H had been paid such wages in 1942 with respect to services which constituted employment by virtue of section 209 (o) as later added to the act.) Therefore, in either case, if H later becomes entitled to a primary insurance benefit of $42 for each month, $20 will be withheld from his benefit for 1 month, so that he will receive $12 for such month. No deduction would have been made from benefits if H's employer had paid the tax himself (even though he did not deduct it from H's wages), or if the employer had deducted the tax (even though he did not pay it to the Bureau of Internal Revenue). If H had been paid a section 204 payment, the amount of such payment would also have to be withheld from his benefits, under paragraph (a) of this section.

(c) *Manner of making deductions.* A deduction under paragraph (a) or (b) of this section, as the case may be, is made by withholding the amount designated in such paragraph from (1) any primary insurance benefits to which the wage earner who is described under such paragraph is or becomes entitled and (2) any benefits or lump sum to which any other person is or becomes entitled with respect to the wages of such wage earner. Upon determination that a deduction is required, no such benefit for any month and no such lump sum will be paid until a total amount equal to the amount to be deducted has been withheld. If the amount of the required deduction is less than the total of (1) any such benefit or benefits for a month and (2) any such lump sum then payable, the amount to be deducted will be withheld from such total.

If more than one person is entitled to any such benefits, or to any such lump sum, the deduction is made from the benefits, or from the share of the lump sum, to which each such person is entitled, in the proportion that his benefit or benefits for a month, or his share of the lump sum, bears to the total of such benefits for a month, or the total of such lump sum.

Example 1: H received a section 204 payment of $150. Thereafter he became entitled to a primary insurance benefit of $30 for each month. His wife, W, at the same time, became entitled to a wife's insurance benefit of $15, but since she was also entitled to a primary insurance benefit of $10 on the basis of her own wages, her wife's insurance benefit was reduced to $5 for each month, under section 202 (b) of the act. (See § 403.403 (c).)

A deduction of $150, the amount of the section 204 payment, is required under paragraph (a) of this section. In order to effect the deduction, the primary insurance benefit of $30 and the wife's insurance benefit of $5 are withheld in their entirety for 4 months. In the fifth month, there being a balance of $10 to be deducted, the wife's benefit is reduced by 5/35 of $10, leaving $3.57, and the husband's primary insurance benefit is reduced by 30/35 of $10, leaving $21.43. If before the required deductions had been completed, either H or W had become entitled to a lump sum on the basis of another individual's wages, such lump sum would not be affected by the deduction.

Example 2: H, who had attained the age of 65 prior to 1939, worked during the first 3 months of 1939 for an employer who did not deduct from H's wages and did not pay over to the Bureau of Internal Revenue the taxes imposed by section 1400 of the Internal Revenue Code. Thereafter H became entitled to receive a primary insurance benefit of $25.50, and W, his wife, became entitled to receive a wife's insurance benefit of $12.75. The amount of H's wages from which no tax was deducted was $300. Therefore, a deduction of $3 (1 per centum of $300) is required under section 907 of the Social Security Act Amendments of 1939.

In order to effect the deduction of $3, H's primary insurance benefit for the first month is reduced by 2/3 of $3, giving him a benefit of $23.50, and W's benefit is reduced by 1/3 of $3, giving her a benefit of $11.75. No payment to which H or W might become entitled based upon another individual's wages (including any primary insurance benefit to which W might become entitled) would be subject to any deduction under this section.

(d) *Relation to other provisions.* Amounts to be deducted hereunder are measured by and are withheld from amounts of benefits as reduced or increased under section 203 (a) or (b) of the act, as set forth in § 403.503 (f).

Example: H received a section 204 payment of $160. Thereafter he became entitled to a primary insurance benefit of $40. His wife, W, became entitled to a wife's insurance benefit of $20, and each of his two children became entitled to a child's insurance benefit of $20. Under section 203 (a) of the act the wife's insurance benefit and each of the child's insurance benefits would be reduced to $13.33, making a total of $80 of benefits based on H's wages.

In order to effect the deduction of $160, the benefits as reduced are withheld from the individual, his wife, and his children for 2 months, since the amount withheld for each month is the amount to which their benefits were reduced, i. e., $80 per month, not $100 per month.

A deduction required under section 203 (h) of the act is made in addition to any deductions required under section 907 of the Social Security Act Amendments of 1939 and section 203 (d) or (e) of the act (see § 403.503), and in addition to any adjustment under section 204 (a) of the act (see § 403.601). (See example under paragraph (g) of § 403.503.)

SUBPART F—OVERPAYMENTS AND UNDERPAYMENTS

SECTION 204 (a) OF THE ACT

Whenever an error has been made with respect to payments to an individual under this title (including payments made prior to January 1, 1940), proper adjustment shall be made, under regulations prescribed by the Board, by increasing or decreasing subsequent payments to which such individual is entitled. If such individual dies before such adjustment has been completed, adjustment shall be made by increasing or decreasing subsequent benefits payable with respect to the wages which were the basis of benefits of such deceased individual.

§ 403.601 *Overpayments and underpayments.* Subsection (a) of section 204 of the act provides for adjustments, as set forth in paragraphs (a) and (b), of this section, in cases where an error has been made which results in an overpayment or underpayment to an individual under Title II of the act, including overpayments and underpayments prior to January 1, 1940. The provisions for adjustments also apply in cases where, through error, a reduction or increase required under section 203 (a) or (b) of the act, or a deduction under section 203 (d), (e), or (h) of the act or under section 907 of the Social Security Act Amendments of 1939, is not made, and where such a reduction, increase, or deduction is made which is either larger or smaller than required (see §§ 403.502 to 403.505). The term "overpayment", as used herein, includes a payment where nothing was payable under Title II of the act. The term "underpayment", as used herein, includes nonpayment where some amount was payable under that title.

(a) *Overpayments.* Upon determination that an overpayment has been made, adjustments will be made against benefits and lump sums as follows:

(1) If the person to whom an overpayment was made is, at the time of the discovery of such overpayment, entitled to benefits or to a lump sum, or at any time thereafter becomes so entitled, no benefit for any month and no lump sum will be paid to such person until a total amount equal to the amount of the overpayment has been withheld. If the amount of any overpayment with respect to which adjustment has not been made is less than the total of (i) any such benefit or benefits for a month and (ii) any such lump sum then payable, the amount of such unadjusted overpayment will be withheld from such total.

Example 1: A is entitled to a primary insurance benefit of $30 a month. He has received checks of $40 a month for 5 months, making a total overpayment of $50. No benefits will be payable to A for 1 month following the discovery of the overpayment, and the benefit for the next month will be decreased to $10. If before such overpayment has been completely adjusted, A should become entitled to a lump sum on the basis of the wages of B, such lump sum would also be withheld in whole or in part, depending upon the amount remaining to be adjusted.

Such adjustments will be made against any benefits or lump sum to which such person is or may become entitled regardless of whether such benefits or lump sum are based on his wages or the wages of another individual.

Example 2: C is entitled to a child's insurance benefit of $10 based on the wages of X. C has received checks of $20 per month for 4 months, making a total overpayment of $40. No benefits will be payable to C for 4 months following the discovery of the overpayment. If, however, after benefits have been withheld for 2 months, C becomes entitled to a child's insurance benefit of $20 based on the wages of Y, the child's insurance benefit based on the wages of Y would be withheld for 1 month, and the required adjustment of $40 would thereby be completed.

(2) If an individual to whom an overpayment was made dies before adjustment is completed under subparagraph (1) of this paragraph, adjustment will be made, in the manner provided under subparagraph (1) of this paragraph, against any benefits or any lump sum payable with respect to the wages which were the basis of payments to such deceased individual prior to his death. Where more than one person is entitled to benefits or to a lump sum with respect to such wages, adjustment will be made against the amount payable to each of such persons in the proportion that his benefit or benefits for a month or his share of the lump sum, based on such wages, bears to the total of such benefits payable for a month or the total of such lump sum.

Example: H was entitled to a primary insurance benefit of $20. He received checks of $30 per month until his death, when the total amount of overpayment to him was $90. H left surviving a widow, W, entitled to a widow's insurance benefit of $15 a month, and a child, C, entitled to a child's insurance benefit of $10 a month. Both the widow's insurance benefit and the child's insurance benefit will be withheld in their entirety for 3 months, thereby effecting an adjustment of $75. For the remaining $15 of the adjustment, an amount equal to $\frac{15}{20}$ of $15, or $9, will be withheld from W's benefit of $15, and an amount equal to $\frac{10}{20}$ of $15, or $6, will be withheld from C's benefit of $10. Thus the amount of W's benefit paid for the fourth month will be $6, and the amount of C's benefit paid for such month will be $4. Thereafter they will receive their regular insurance benefits for each month without the decrease.

If, before the adjustment had been completed, W became entitled to receive a primary insurance benefit on the basis of her own wages, such primary insurance benefit would not be withheld, since benefits based on W's wages are not subject to adjustment on account of the overpayment to H.

(b) *Underpayments.* Underpayments will be adjusted as follows:

(1) If a person to whom an underpayment was made is living, the amount of such underpayment will be paid to such person either in a single payment (if he is not entitled to a benefit or lump sum) or by increasing one or more benefits or lump sum to which such person is or becomes entitled.

(2) If an individual to whom an underpayment was made dies before adjustment is completed under subparagraph (1) of this paragraph, the amount of such underpayment will be paid to any persons entitled to benefits or to a lump sum with respect to the wages which were the basis of payments to such deceased individual prior to his death, except as provided in subparagraph (3) of this paragraph. Where more than one person is entitled to benefits or a lump sum with respect to such wages and adjustment is required hereunder, the amount of the underpayment will be divided among such persons in the proportion that their respective benefits for a month or their share of the lump sum, based on such wages, bear to the total of such benefits payable for a month or the total of such lump sum.

Example: H, who had been entitled to a primary insurance benefit of $40 a month, died after receiving checks of $20 a month for 5 months. At the time of his death the underpayment amounted to $100. He left surviving W, a widow, entitled to a widow's insurance benefit of $30, and C, a child's insurance benefit of $20. The underpayment of $100 will be adjusted by a proportionate increase of the widow's insurance benefit and the child's insurance benefit. Ordinarily, the total amount would be adjusted in 1 month, so that W's benefit for 1 month will be increased by $\frac{30}{50}$ of $100 ($60) and C's benefit for 1 month will be increased by $\frac{20}{50}$ of $100 ($40).

(3) No amount will be paid under the provisions of subparagraph (2) of this paragraph to a person to whom a lump sum is payable as one equitably entitled within the meaning of § 403.408 (b) (2), in excess of the amount of burial expenses of the deceased individual paid by such person.

(c) *Relation to provisions for reductions and increases.* The amount of an overpayment or underpayment of a benefit is the difference between the amount paid to the beneficiary and the amount of such benefit as reduced or increased (if required) under section 203 (a) or (b) of the act (see § 403.502). Likewise, in effecting an adjustment with respect to an overpayment, no amount can be considered as having been withheld from a particular benefit, which is in excess of the amount of such benefit as so decreased.

Example: H was entitled to a primary insurance benefit of $20. He had been receiving checks of $30, and at the time of his death the total amount of the overpayment to him was $80. H left surviving a widow, entitled to a widow's current insurance benefit of $15, and three children each entitled to a child's insurance benefit of $10. The total of these benefits ($45) must be reduced pursuant to section 203 (a) of the act to $40 (twice the primary insurance benefit). Thus the widow would be entitled to receive $13.33, and each of the children would be entitled to receive $8.89.

In order to effect the required adjustment against the benefits of the widow and the children, such benefits are withheld in their entirety for 2 months, thus completing the required adjustment of $80. The amount withheld each month is the amount of such benefits as reduced pursuant to section 203 (a) of the act, i. e., $40, not $45.

If an overpayment were made to the widow (or to a child), the amount of the overpayment would be the difference between the amount actually paid and the amount of the benefit of the widow (for the child) as reduced under section 203 (a) of the act.

(d) *Relation to other provisions.* Adjustments under this section are made in addition to any deductions which may be required under section 203 of the act or under section 907 of the Social Security Act Amendments of 1939. (See §§ 403.503 to 403.505.)

Example: A is entitled to receive a primary insurance benefit of $10 but had been receiving checks of $15. At the time of the discovery of the error the total overpayment amounts to $10. Thereafter adjustment of the overpayment is begun by withholding benefits. If A should earn wages of $15 or more for 2 months, the number of months for which benefits will be withheld is 3; i. e., 1 month for the overpayment and 2 months because of the deduction pursuant to section 203 (d) of the act.

SECTION 204 (b) OF THE ACT

There shall be no adjustment or recovery by the United States in any case where incorrect payment has been made to an individual who is without fault (including payments made prior to January 1, 1940), and where adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

§ 403.602 *Waiver of adjustment or recovery.* Section 204 (b) of the act provides that there shall be no adjustment or recovery (by legal action or otherwise) by the United States in the case of an incorrect payment to an individual (including payments made prior to January 1, 1940), if the following conditions exist:

(a) Such individual is without fault, and

(b) Adjustment or recovery would either:

(1) Defeat the purpose of Title II of the act, or

(2) Be against equity and good conscience.

SECTION 204 (c) OF THE ACT

No certifying or disbursing officer shall be held liable for any amount certified or paid by him to any person where the adjustment or recovery of such amount is waived under subsection (b), or where adjustment under subsection (a) is not completed prior to the death of all persons against whose benefits deductions are authorized.

§ 403.603 *Liability of certifying officer.* Section 204 (c) of the act provides that no certifying or disbursing officer shall be held liable for any amount certified or paid by him to any person:

(a) Where the adjustment or recovery of such amount is waived under section 204 (b) of the act (see § 403.602); or

(b) Where adjustment under section 204 (a) of the act (see § 403.601) is not completed prior to the death of all persons against whose benefits or lump sums deductions are authorized.

SUBPART G—PROCEDURES

SECTION 205 (a) OF THE ACT

The Board shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this title, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.

SECTION 205 (m) OF THE ACT

No application for any benefit under this title filed prior to three months before the first month for which the applicant becomes entitled to receive such benefit shall be accepted as an application for the purposes of this title.

SECTION 202 (h) OF THE ACT

An individual who would have been entitled to a benefit under subsection (b), (c), (d), (e), or (f) for any month had he filed application therefor prior to the end of such month, shall be entitled to such benefit for such month if he files application therefor prior to the end of the third month immediately succeeding such month.

SECTION 202 (g) OF THE ACT

• • • No payment [of any lump sum] shall be made to any person under this subsection, unless application therefor shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of two years after the date of death of such [fully or currently insured] individual.

SECTION 5 OF THE ACT APPROVED AUGUST 13, 1940 (54 STAT. 785)

Any application for payment filed with the Railroad Retirement Board prior to, or within sixty days after, the enactment of this act shall, under such regulations as the Social Security Board may prescribe, be deemed to be an application filed with the Social Security Board by such individual or by any person claiming any payment with respect to the wages of such individual, under any provision of section 202 of the Social Security Act, as amended.

SECTIONS 101, 104, 205, 601 AND 604 OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940 (54 STAT. 1178)

SEC. 101. *Definitions.* (1) The term "persons in military service" and the term "persons in the military service of the United States," as used in this act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. • • •

(2) The term "period of military service," as used in this act, shall include the time between the following dates: For persons in active service at the date of the approval of this act it shall begin with the date of approval of this act; for persons entering active service after the date of this act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this act ceases to be in force.

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SEC. 104. *Extension of benefits to citizens serving with forces of war allies.* Persons who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this act remains in force and who immediately prior to such service were citizens of the United States shall, except in those cases provided for in section 512, be entitled to the relief and benefits afforded by this act if such service is similar to military service as defined in this act, unless they are dishonorably discharged therefrom, or it appears that they do not intend to resume United States citizenship.

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SEC. 205. *Statutes of limitations as affected by period of service.*—The period of military service shall not be included in computing any period now or hereafter to be limited by any law, regulation, or order for the bringing of any action or proceeding in any court, board, bureau, commission, department or other agency of government by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action or the right or privilege to institute such action or proceeding shall have accrued prior to or during the period of such service. • • •

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SEC. 601. *Certificates of service; persons reported missing.* • • •

(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Act ceases to be in force.

• • • • • •

SEC. 604. *Termination of Act.* This Act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, this Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter: *Provided further*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

§ 403.701 *Filing of applications and other forms*—(a) *Prescribed application forms.* Applications for benefits and lump sums shall be made as provided in these regulations. Application shall be made on such forms and in accordance with such instructions (printed thereon or attached thereto) as are prescribed by the Commissioner. The prescribed forms may be obtained from any office of the Bureau.

(b) *Execution of applications.* Applications for benefits and lump sums shall be signed by the person described in paragraph (c) of this section.

(c) *Persons who may execute applications.* Applications for benefits and lump sums shall be executed by the person designated under subparagraphs (1), (2), (3), or (4) of this paragraph according to the conditions stated:

(1) If the applicant has attained the age of 18 and is mentally competent, the application shall be executed by him.

(2) If, however, the applicant (regardless of his age) has a legally appointed guardian, committee, or other legal representative, the application shall be executed by such guardian, committee, or representative.

(3) If the applicant has attained the age of 16, is mentally competent, has no guardian, committee, or other legal representative, and is not in the care of any person, such applicant may execute the application upon filing a statement on the prescribed form, indicating capacity to act on his own behalf.

(4) If the applicant has no guardian, committee, or other legal representative, the application shall be executed by the person who has such applicant in his care if:

(i) He is mentally incompetent (regardless of his age), or

(ii) He is mentally competent but has not attained the age of 18.

If the person having the care of the applicant is an institution, the application may be executed by the manager or principal officer of such institution. For good cause shown the Administration may accept applications executed by persons other than those described above.

(d) *Evidence of authority to execute an application on behalf of another.* Where the application for benefits or a lump sum is executed by a person other than the applicant, such person shall, at the time of filing the application or within a reasonable time thereafter, file evidence of his authority to execute the application on behalf of such applicant. If the person executing the application is the legally appointed guardian, committee, or other legal representative of such applicant, the evidence should be a certificate executed by the proper official of the court of appointment. If the person executing the application is not such a legal representative, the evidence shall be a statement describing his relationship to the applicant and, except where the application is executed by a parent on behalf of a child with whom he is living, the extent to which he has the care of such applicant, or his position as an officer of the institution of which such individual is an inmate. The Administration may, at any time, require additional evidence to establish the authority of any such person.

(e) *Place of filing applications.* Applications for benefits and lump sum shall be filed (in person, by mail, or otherwise) at an office of the Bureau, or with an employee of the Administration who has been duly authorized to receive such applications at a place other than such an office.

(f) *Time of filing applications for benefits.* An application for benefits will

be accepted as an application for the purpose of this title if it is filed not more than three months prior to the first month for which the applicant could become entitled to such benefits. An application filed at any time after the first month for which the applicant could have been entitled to benefits will be accepted as an application for benefits for the purposes of this title, beginning with any of the three months immediately preceding the month in which it is filed, except that an application for primary insurance benefits will not be accepted as an application, for the purposes of this title, for any month preceding the month in which it is filed.

Except as otherwise provided herein, an application is considered to have been filed as of the date the application is received at an office of the Bureau or by an employee of the Administration authorized to receive it. An application shall be considered to have been received:

(1) Effective April 1, 1943, if the application is deposited in and transmitted by United States mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of benefit rights, as of the date of mailing. The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing.

(2) If an applicant expressed to a representative of the Bureau an intention to file a claim and his failure to file a formal application at that time is detrimental to his benefit rights, and resulted from the failure of such Bureau representative properly to advise or inform him concerning the requirements of the act or Administration's regulations thereunder as applied to the facts furnished by the applicant, or resulted from the action of such Bureau representative in informing him that an existing ruling precluded entitlement and subsequently such ruling was reversed, as of the date the applicant first expressed his intention to file, provided a formal application is filed and the applicant consents to such date as the date of receipt.

If the application is for primary insurance benefits or for recomputation of such benefits and if it is received not more than three months before the first month for which the applicant becomes entitled, the application shall be deemed to have been filed as of whichever date within three months after the month of receipt will result in entitlement to the greatest primary insurance benefits. An application for benefits beginning with a month other than the month in which the application is filed shall for the purpose of determining whether the conditions of eligibility have been satisfied, be deemed to have been filed in such other month.

Example 1: H is entitled to primary insurance benefits. W, his wife, will be 65 in May 1940, which is the first month for which she could, upon filing application, become entitled to wife's insurance benefits. If she files her application prior to February, it will be of no force and effect because filed more than three months prior to the first month for which she could become entitled.

If W is living with H in February and files her application in that month, but is not living with H in May, she will not become entitled to benefits in May. Her application will be deemed to have been filed in May for the purpose of determining whether she has met the conditions of entitlement. If W was not living with H in May she has failed to meet a condition of entitlement. See § 403.403.)

Example 2: H is entitled to primary insurance benefits. W, his wife, will be 65 in May 1940. If she files her application in June, July, or August, she may become entitled to wife's insurance benefits beginning with May, but if she files in September, June is the first month for which she could become entitled.

If W is living with H in May, she will be entitled to benefits beginning with that month if she files application in June, July, or August, even though she is not living with H in the month in which she files. Her application will be deemed to have been filed in May for the purpose of determining whether she has met the conditions of entitlement. Likewise, if she is living with H in June she will be entitled to benefits beginning with that month if she files application in July, August, or September, even though she is not living with him in the month in which she files.

Example 3: A mails an application for primary insurance benefits which is postmarked June 29, and is received at an office of the Bureau on July 1. If July 1 were fixed as the filing date the amount of A's benefit would be decreased from $28.55 to $27.80. The filing date is, therefore, considered to be June 29. Whether or not A worked for wages of more than $14.99 in June and whether his benefit would thus be subject to a deduction (see § 403.503 (a)) is immaterial, since in either event he would lose a month's benefit if July 1 were considered as the filing date.

Example 4: A's application for primary insurance benefits is received by the Bureau on March 3, 1945. He states he has worked for wages of more than $14.99 in March 1945. His primary insurance benefit computed as of March 1945 is $32.72. If April 1, 1945, is considered the filing date, the primary insurance benefit will amount to $33.48. Since the wage earner cannot become eligible for a March benefit (see § 403.503 (a)), his application will be considered to have been filed as of April 1, 1945. If the wage earner had not worked for wages of $14.99 in March, his application would have been considered filed as of March 3, 1945, so that he might obtain a benefit for March. If the wage earner also files an application for recomputation of benefits before April 1, 1945, this application will be considered to have been filed as of April 1, 1945, so that he may obtain the larger benefit for April and all succeeding months.

(g) *Time of filing applications for lump sums.* An application for a lump sum must, except as otherwise provided in paragraph (j) of this section, be filed within 2 years after date of the death of the individual upon the basis of whose wages such lump sum is claimed (see § 403.408 (a) (3)).

(h) *Execution and filing of requests and notices.* Except as otherwise provided in the regulations in this part, any request for a determination or decision relating to a person's right to benefits or a lump sum, or relating to the revision of wage records, or any notice, provided for by the regulations, shall be in writing and shall be signed by the person authorized to execute an application under paragraph (c) of this section. Such requests and notices shall be filed at an office of the Bureau or with an employee of the Administration who is authorized to receive them.

(i) *Applications filed with the Railroad Retirement Board on or before October 12, 1940.* Notwithstanding any other provision of these regulations or of the Act restricting the acceptability of an application filed prior to three months before the first month for which an individual could become entitled to a benefit, or any provision of these regulations restricting the place for filing an application, any application which was filed with the Railroad Retirement Board on or before October 12, 1940, for any annuity, pension, or benefit under the Railroad Retirement Act of 1935 or under the Railroad Retirement Act of 1937, which application is based in whole or in part on wages received for services in employment under the act, shall as of the date on which such application was filed with the Railroad Retirement Board, be deemed to be an acceptable application filed with the Social Security Administration for any benefits payable to any individual who could have become entitled to a benefit with respect to such wages prior to the month of February 1941.

(j) *Extensions of filing periods by Soldiers' and Sailors' Civil Relief Act of 1940.* Pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940, in computing the periods allowed for the filing of an application for lump-sum death payment under section 202 (g) (see § 403.408), filing of proof of parent's dependency and support under section 202 (f) (see § 403.407), filing of a request for revision of wage record under section 205 (c) (see § 403.706), filing of a request for reconsideration (see § 403.708), filing of a request for a hearing (see § 403.709), and filing of a request for a review (see § 403.710), by a person in military service or by a surviving civilian relative of such person in military service meeting the test of wife, widow, child, or parent under section 209 (m) (or, in the case of lump-sum death payments, the test of relatives designated by section 202 (g)) of the Social Security Act, there shall not be included that portion of the period of his military service (as defined in the Soldiers' and Sailors' Civil Relief Act of 1940) falling within the period so to be computed. The period of military service commences with the effective date of the act (October 17, 1940) or the date of his entrance into active military service (whichever is later) and ends upon (1) the date the act ceases to be in force or the date of his death or discharge from service (whichever is earlier) or (2) if he was reported missing and is subsequently found (actually or presumptively) to have died, then (i) the date such death is reported to or found by the proper service department, or (ii) the date such finding is made by a court of competent jurisdiction, or (iii) six months after the act ceases to be in force (whichever date is earliest). For the purposes of this section, the Soldiers' and Sailors' Civil Relief Act will cease to be in force six months after the termination of World War II by a treaty of peace proclaimed by the President.

The term, person in military service, as used in these regulations shall include, in addition to members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy, persons serving in the armed forces of nations allied with the United States who immediately preceding such service were citizens of the United States, unless they are dishonorably discharged or it appears that they do not intend to resume United States citizenship.

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.* An applicant for benefits or a lump sum shall submit such evidence of eligibility as is specified in this section. The Administration may, at any time, require additional evidence with regard to an individual's entitlement or with regard to the amount to be paid.

The Administration may at any time require any individual, receiving, or claiming that he is entitled to receive, a benefit under Title II of the act, either for himself or on behalf of another, to submit a written statement in the prescribed manner, certifying that no event has occurred which would cause such benefit to be terminated, or which would subject such benefit to deductions under the provisions of such title. The failure on the part of such individual to submit such statement properly executed, to the Administration shall cause the suspension of such benefit.

Evidence in support of an application shall be filed at an office of the Bureau or with an employee of the Administration authorized to receive such evidence. Such evidence may be submitted as part of the application form, if the form provides for its inclusion, or it may be submitted in addition to such form and in the manner indicated by these regulations.

(a) *Evidence as to wages.* The amounts of wages paid an individual, and the time of payment, will be evidenced by the wage records of the Administration and such other evidence as is of probative value. After the fourth year following the year in which wages were paid or are alleged to have been paid, however, the wage records maintained by the Administration shall be final and conclusive as to the amounts of wages paid to an individual and as to the time of such payment, except as provided in § 403.703. An applicant for benefits or a lump sum need not submit evidence as to wages unless requested to do so by the Administration.

Amounts or remuneration paid an individual for wartime maritime services constituting employment in the employ of the United States (see § 403.827 (c), and the periods in which and for which such remuneration was paid, will be conclusively evidenced by the determinations of the Administrator, War Shipping Administration, or his designated agents, or entries in the wage records of the Social Security Administration based upon such determinations. Whether any portion of such remuneration will be excluded from wages will be determined by application of § 403.828.

(b) *Evidence as to age.* Except when the Administration, on the basis of information in its records, is satisfied that the date of birth stated in the application is substantially correct, an applicant for benefits shall file supporting evidence showing the date of his birth, if his age is a condition of entitlement. Such evidence may also be required by the Administration as to the age of any other individual when such other individual's age is relevant to the determination of the applicant's entitlement. In determining the weight to be given to evidence offered to prove age, except as provided in paragraph (j) of this section, consideration will be given to its general probative value and to its position in the following enumeration:

(1) Public records of birth;
(2) Church records of birth or baptism;
(3) Census Bureau notification of registration of birth;
(4) Hospital birth record or certificate;
(5) Flyttningsbetyg and similar foreign records;
(6) Physician's or midwife's birth record;
(7) Certification, on approved form, of Bible or other family record;
(8) Naturalization records;
(9) Immigration papers;
(10) Military records;
(11) Passports;
(12) School records;
(13) Vaccination records;
(14) Insurance policy;
(15) Labor union or fraternal records;
(16) Marriage records; or
(17) Other evidence of probative value.

Proof of any record, except a Bible or other family record, may consist of a copy of such record or a statement as to the date of birth shown by such record, duly certified by the custodian of such record or by an individual designated by the Administration. If the evidence submitted is not convincing, additional evidence will be requested, preferably of a type higher on the foregoing list.

(c) *Evidence as to death.* An applicant for benefits or a lump sum based upon the wages of a deceased individual shall file supporting evidence as to the death of such individual and as to the time and place of such death. Such evidence may also be required by the Administration as to the death of any other individual when such other individual's death is relevant to the determination of the applicant's entitlement. Such evidence shall be of the following character:

(1) A certified copy of the public record of death, coroner's report of death, or verdict of the coroner's jury of the State or community where death occurred, or a certificate by the custodian of the public record of death or a statement of the contents of the record of death certified by an individual designated by the Administration, or

(2) A statement of the funeral director, attending physician, or of the superintendent, physician, or interne of the institution where the death occurred; or

(3) A certified copy of an official report or finding of death, made by any agency or department of the United States which is authorized or requested to make such report or finding in the administration of any law of the United States, or a statement of the contents of such report or finding certified by an individual designated by the Administration: *Provided, however,* That a finding of presumptive death made pursuant to section 5 of Public Law 490, 77th Congress, as amended, (50 U. S. C. A. App. § 1005) shall be accepted only as evidence of the fact of death and not of the date of death.

If none of the evidence described in subparagraphs (1), (2), and (3) of this paragraph is obtainable, the reason therefor should be stated and the applicant may submit:

(4) The signed statements of two or more persons, having personal knowledge of the death, setting forth the facts and circumstances as to the place, date and cause of death; or

(5) Other evidence of probative value.

If death occurs outside the United States there must be furnished a report of the death by a United States consul, or other agent of the State Department, bearing the signature and official seal of such consul or agent, or a certified copy of the public record of death authenticated by the United States consul or other agent of the State Department, or other evidence of probative value.

Whenever it is necessary to determine the death of an individual other than the wage earner, in order to determine the right of another to a benefit under section 202 (f) or a lump sum under section 202 (g) of the act, and such individual has been unexplainedly absent from his residence and unheard of for a period of 7 years, the Administration, upon satisfactory establishment of such facts, will presume that such individual has died, in the absence of any substantial evidence to the contrary.

(d) *Evidence as to marriage.* Except as provided in paragraph (j) of this section, a wife or widow who applies for benefits (see paragraph (k) of this section as to applications for lump sums) upon the basis of the wages of her husband or deceased husband shall file supporting evidence as specified below as to her marriage to such individual, and as to the time and place of marriage. Evidence of marriage may also be required by the Administration as to the marriage of any other individual when such a marriage is relevant to the determination of an applicant's entitlement.

(1) *Ceremonial marriage.* Except as may be otherwise expressly required by the Administration in connection with an application, no supporting evidence as to marriage need be filed when the application is for wife's insurance benefits (see § 403.403) and states that the applicant was ceremonially married to the individual who has applied for primary insurance benefits on the basis of the same wages and such individual signs her statement. When a marriage has thus been established upon an application for wife's insurance benefits, such evidence, except as may be otherwise expressly required by the Administration, will be accepted as proof of such marriage upon a subsequent application by the same person for a widow's insurance benefits (see § 403.405).

In all other cases, evidence as to a ceremonial marriage shall be of the following character:

(i) A copy of the public record of marriage or a statement as to the marriage, duly certified by the custodian of such record or by an individual designated by the Administration; or

(ii) A copy of the church record of marriage or a statement as to such marriage, duly certified by the custodian of such record or an individual designated by the Administration; or

(iii) The original certificate of marriage.

If none of the evidence described in subdivisions (i), (ii), and (iii) of this subparagraph is obtainable, the reason therefor should be stated and the applicant may submit:

(iv) The signed statement of the clergyman or official who performed the marriage ceremony; or

(v) Other evidence of probative value.

(2) *Common-law marriage.* Evidence as to a common-law marriage shall be such as to disclose the facts upon which the informant bases his belief as to the existence of such marriage, such as the maintenance of a common place of abode in which the alleged spouses lived together, a present agreement of marriage, and any representations made by the parties as to their marital status. Such evidence shall be as follows:

(i) If the husband and wife are living, such evidence shall be in the form of signed statements of the husband and wife and two of their blood relatives. The signed statement of another individual may be substituted for the statement of each such relative which is not obtainable.

(ii) If either the husband or wife is deceased, such evidence shall be in the form of signed statements of the surviving spouse and of two blood relatives of the deceased spouse. The signed statement of another individual may be substituted for the statement of any such relative, upon written showing that such relative's statement is not reasonably obtainable.

(iii) If both the husband and wife are deceased, such evidence shall be in the form of signed statements of one blood relative of each deceased spouse. The signed statement of another individual may be substituted for the statement of any such relative, upon written showing that such relative's statement is not reasonably obtainable.

The corroborative statements by relatives or other individuals described in subdivisions (i) and (ii) of this subparagraph may in the discretion of the Administration be omitted where the parties entered into a formal marriage ceremony which was void because of a legal impediment then existing to the marriage, and where the impediment was removed and thereafter they continued to live together as man and wife until the application was filed or until the death of one of them, if under applicable State law a valid common-law marriage could come into existence as a result of continued cohabitation as man and wife or a subsequent agreement of marriage, or both.

(3) *Termination of prior marriage.* Where the validity of an alleged marriage depends upon the termination of a former marriage the applicant shall, when so requested by the Administration submit:

(i) A certified copy of the decree dissolving such former marriage; or

(ii) Evidence of the death of a party to such marriage, as described in paragraph (c) of this section (and in the order of priority therein described); or

(iii) Other evidence of probative value.

(e) *Evidence as to relationship of parent and child—*(1) *Child's application.* Except as provided in paragraph (j) of this section, an applicant for child's insurance benefits shall file the following supporting evidence of his relationship to the parent upon the basis of whose wages benefits are claimed (see paragraph (k) of this section as to applications for lump sums):

(i) If the relationship is by blood, the evidence described in paragraph (b) of this section should be submitted (in the order of priority therein provided), showing the relationship between the parent and child in question: *Provided,* That a birth record which shows the name of the child but does not give the names of the parents and their relationship to the child may be accepted as supporting evidence of relationship if the surname of the child shown thereon is the same as that of the wage earner at the time of the birth of the child and if none of the information available or furnished to the Administration is inconsistent with the existence of the relationship.

(ii) If the relationship is by adoption, a certified copy of the decree or order of adoption should be submitted.

(iii) If the relationship is that of stepparent and stepchild and the child is the blood child of the parent to whom such stepparent is married, the evidence described in paragraph (b) of this section should be submitted (in the order of priority therein provided), showing the relationship between the child and such blood parent: *Provided,* That a birth record which shows the name of the child but does not give the names of the parents and their relationship to the child may be accepted as supporting evidence of relationship between the child and the child's blood parent to whom the stepparent is married if the surname of the child thereon is the same as that of the blood parent at the time of the birth of the child, and if none of the information available or furnished to the Administration is inconsistent with the existence of the relationship. If the child is the adopted child of the parent to whom such stepparent is married, a certified copy of the decree or order of adoption should be submitted. Evidence should be submitted as described in paragraph (d) of this section (in the order of priority therein provided), as to the marriage of the child's blood parent (or adopting parent) and such stepparent.

(2) *Parent's application.* An applicant for parent's insurance benefits shall file evidence of his relationship to the child upon the basis of whose wages the benefits are claimed. (See paragraph (k) of this section as to applications for lump sums.) Such evidence should be of the following character:

(i) If the relationship is by blood, the signed statement of the applicant as to the existence of the relationship should be submitted.

(ii) If the relationship is by adoption, a certified copy and decree of the order of adoption should be submitted.

(iii) If the relationship is that of stepparent and stepchild, evidence of the marriage of such stepparent with a blood parent or adopting parent of the child should be submitted, as described in paragraph (d) of this section (in the order of priority therein provided), and there shall also be submitted evidence of the relationship of the child and such blood parent (or adopting parent) as provided under subdivision (i) (or (ii)) of this subparagraph.

If the evidence described in subparagraphs (1) or (2) of this paragraph, as the case may be, is not obtainable, the reason therefor should be stated and the applicant may submit other evidence of probative value.

(f) *Evidence that wife or widow was "living with" wage earner.* A wife who applies for benefits based upon the wages of her husband, and a widow who applies for benefits based upon the wages of her deceased husband, shall file evidence that she was living with her husband at the time of filing her application or at the time of the husband's death (see §§ 403.403, 403.405, and 403.406), as the case may be. Such evidence should be one of the following:

(1) A signed statement by the wife and the husband, or by the widow, that the husband and wife, at the time above stated, were living together at the same place of abode, and customarily so lived together, and giving the address of such place. If the wife or widow and her husband were temporarily living apart, the signed statement by the husband and wife, or by the widow, should state the places of residence of the husband and wife, the reason for their separation, the length of time they had been separated, and the expected duration of and the reasons for the separation; or

(2) A certified copy of an order or decree of a court of competent jurisdiction directing the husband to contribute to the support of the wife or widow and a certification by the proper official of the court that such order had not been revoked or modified prior to the time in question; or

(3) A signed statement by the wife and the husband, or by the widow, that the husband was making regular contributions toward the wife's support, and describing the amount, time or times, and manner of making such contributions. If the husband is living and his statement is not obtainable, the reason therefor shall be stated and the signed statements of two other persons may be substituted for that of the husband.

If the evidence above described is not obtainable, the reason therefor shall be stated and the applicant may submit other evidence of probative value.

(g) *Evidence as to dependency of a child.* A child who applies for benefits based upon the wages of an individual shall submit evidence as to his dependence upon such individual. Such evidence should be of the following character:

(1) *Father or adopting father.* If the individual upon the basis of whose wages the benefits are claimed is the father or adopting father of the child, there should be submitted a signed statement by a person having knowledge thereof, that, at the time the child's application was filed or at the time of such individual's death, as the case may be:

(i) Such individual and such child were living together, at a common place of abode, and giving the address of such place; or

(ii) Such individual was contributing to the support of the child, and describing the amount, time or times, and manner of making such contributions; or

(iii) The child at the time in question:

(*a*) Was the legitimate or adopted child of such individual; and

(*b*) Had not been adopted by another individual; and

(*c*) Either was not living with, or was not supported by, a stepfather at the time of the death of the father or adopting father. (This part of the statement is necessary only in the event that the child's application is based upon the wages of a deceased father or deceased adopting father.)

(2) *Mother, adopting mother, or stepparent.* If the individual upon the basis of whose wages the benefits are claimed is the mother, adopting mother, or stepparent of the child, there should be submitted a signed statement by a person having knowledge thereof, that at the time of filing the application or at the time of the individual's death, as the case may be, the child was not living with its father or adopting father and that no contributions in any medium were being made for the support of the child by such child's father or adopting father. If any contributions were being made by the father or adopting father, the time, amount, and manner of making such contributions should be stated.

If the evidence designated in subparagraphs (1) or (2) of this paragraph, as the case may be, is not obtainable, the reason therefor shall be stated and the applicant may submit other evidence of probative value.

(h) *Evidence as to having the care of a child.* An applicant for widow's current insurance benefits shall file a signed statement as to whether she has in her care a child of her deceased husband upon the basis of whose wages she claims benefits. If the child is not living with the widow, her statement shall disclose the reason for the separation, the present length and expected duration thereof, and how and to what extent she cares for the child. If the child is not living with the widow, she shall also submit, upon request of the Administration, a signed statement by the individual with whom the child is living (or official of the institution where the child is living), which states the source of the child's support, and how and to what extent the widow has cared for the child.

(i) *Evidence as to the dependency of a parent.* A parent who claims to have been wholly dependent upon and supported by an individual shall, in filing proof of such dependency, submit a signed statement setting forth, as of the time of such individual's death, and for a period of not less than one year prior to such time, the amount and kind of contributions made to the parent by such individual. The statement shall also describe the tangible and intangible property owned by the parent, and, for a period of one year prior to such death, the income from such property and any other income (including contributions from other children and relatives) received by the parent, and the amount and source of such income. Proof that a parent was wholly dependent upon and supported by an individual, at the time of such individual's death, must, except as otherwise provided in § 403.701 (j), be filed within two years after the death of such individual (see § 403.407 (a) (3)).

(j) *Evidence in application for widow's current and child's insurance benefits not aggregating more than $150 or the lump sum.* When an application or applications have been filed for widow's current and/or child's insurance benefits, and it is apparent, from reference to the alleged age of the child or children for whom application is made, that the total benefits payable will not exceed (1) $150 or (2) the amount of a lump-sum death payment under section 202 (g) of the act computed on the basis of the wage record of the deceased wage earner, whichever is greater, then in lieu of the supporting evidence required in paragraphs (b), (d), and (e) of this section, as to the age, relationship (other than by adoption), and marriage (other than common-law marriage), of the applicants, a signed statement setting forth the facts submitted by (or on behalf of) the applicants as to such age, relationship, or marriage, may be accepted. For required evidence of a common-law marriage or adoption, see paragraphs (d) (2) and (e) (1) (ii) of this section.

(k) *Proof of relationship by applicants for lump sums.* If an applicant applies for a lump sum as the widow, widower, child, distributee with a child, or parent of a deceased individual, the applicant shall submit a signed statement as to the existence of such relationship to the deceased. If the applicant alleges that he or she is the widow or widower of the deceased individual by reason of a common-law marriage, evidence of such marriage shall be submitted as described in paragraph (d) (2) of this section (in the order therein provided). If the applicant alleges that he is the parent or child of the deceased individual by reason of adoption, evidence of such adoption shall be submitted in accordance with the applicable provisions of paragraph (e) of this section.

(l) *Evidence as to payment of burial expenses.* If a condition of entitlement to a lump sum is that the applicant shall have paid part or all of the burial expenses of the deceased individual upon the basis of whose wages the lump sum is claimed, the applicant shall file an itemized and receipted statement or statements of the person or persons who supplied goods or services for the burial of the deceased. Such statement or statements shall show the total cost of all goods or services furnished, the amount remaining unpaid, if any, the name of each person who paid any portion of such costs, and the amount and date of each payment. The applicant shall also submit his own signed statement as to his relationship or other connection with the deceased individual, the total amount of the burial expenses, the amount of the burial expenses paid from his own funds, the amount of burial expenses unpaid, and the amount in cash or property which he has received as reimbursement for his payment of burial expenses.

If the evidence above described is not obtainable, the reason therefor shall be stated and the applicant may submit other evidence of probative value.

SECTION 205 (c) OF THE ACT

(1) On the basis of information obtained by or submitted to the Board, and after such verification thereof as it deems necessary, the Board shall establish and maintain records of the amounts of wages paid to each individual and of the periods in which such wages were paid and, upon request, shall inform any individual, or after his death shall inform the wife, child, or parent of such individual, of the amounts of wages of such individual and the periods of payments shown by such records at the time of such request. Such records shall be evidence, for the purpose of proceedings before the Board or any court, of the amounts of such wages and the periods in which they were paid, and the absence of an entry as to an individual's wages in such records for any period shall be evidence that no wages were paid such individual in such period.

(2) After the expiration of the fourth calendar year following any year in which wages were paid or are alleged to have been paid an individual, the records of the Board as to the wages of such individual for such year and the periods of payment shall be conclusive for the purposes of this title, except as hereafter provided.

(3) If, prior to the expiration of such fourth year, it is brought to the attention of the Board that any entry of such wages in such records is erroneous, or that any item of such wages has been omitted from the records, the Board may correct such entry or include such omitted item in its records, as the case may be. Written notice of any revision of any such entry, which is adverse to the interests of any individual, shall be given to such individual, in any case where such individual has previously been notified by the Board of the amount of wages and of the period of payments shown by such entry. Upon request in writing made prior to the expiration of such fourth year, or within sixty days thereafter, the Board shall afford any individual, or after his death shall afford the wife, child, or parent of such individual, reasonable notice and opportunity for hearing with respect to any entry or alleged omission of wages of such individual in such records, or any revision of any such entry. If a hearing is held, the Board shall make findings of fact and a decision based upon the evidence adduced at such hearing and shall revise its records as may be required by such findings and decision.

(4) After the expiration of such fourth year, the Board may revise any entry or include in its records any omitted item of wages to conform its records with tax returns or portions of tax returns (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or the Federal Insurance Contributions Act or under regulations made under authority thereof. Notice shall be given of such revision under such conditions and to such individuals as is provided for revisions under paragraph (3) of this subsection. Upon request, notice and opportunity for hearing with respect to any

such entry, omission, or revision, shall be afforded under such conditions and to such individuals as is provided in paragraph (3) hereof, but no evidence shall be introduced at any such hearing except with respect to conformity of such records with such tax returns and such other data submitted under such title VIII or the Federal Insurance Contributions Act or under such regulations.

SECTION 209 (o) (2), (3), AND (4) OF THE ACT

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of paragraph 1 of this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determination with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (i) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this title.

(4) This subsection shall be effective as of September 30, 1941. (As retroactively added by section 1 (b) (2) of the Act of March 24, 1943, 57 Stat. 47, as amended by the Act approved April 4, 1944, 58 Stat. 188.)

§ 403.703 *Wage records*—(a) *Requests for information and for revision.* Any individual, or after his death his widow, child, or parent, upon making a written request, may obtain a statement of the amounts of wages paid such individual and the periods of payment as shown by the wage records of the Administration at the time the request for information is received. Such individual, or after his death his widow, child, or parent, may file request for the revision of such wage records as to the amounts of wages paid such individual and the periods of such payment. The request shall be in writing and shall, for the calendar quarter or quarters as to which the records are believed to be in error, set forth the amount, and time of payment of all wages alleged to have been paid, the name and address of the employer or employers who paid such wages, the nature of the services rendered, and the place or places where such services were rendered.

(b) *Evidence in support of wage-record revision.* When a request for the revision of an individual's wage record, as provided in paragraph (a) of this section, is filed prior to the expiration of the fourth year after the year in which the wages in question were paid or are alleged to have been paid, the individual requesting the revision shall submit supporting evidence of probative value as to the time of payment of such alleged wages, the amount thereof, the nature of the services for which the wages are alleged to have been paid, and the name and address of the employer or employers who paid such wages.

If the request for the revision of the Administration's wage records is filed after the expiration of such fourth year, there shall, except as provided in § 403.701 (j), be no revision of such records with respect to such wages except to conform such records to a tax return, or portion of a return (including information returns and other written statements), filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act or the Federal Insurance Contributions Act or regulations made under authority thereof.

(c) *Revision of wage records for wartime maritime services in the employ of the United States.* There shall be no revision of wage records based upon wartime maritime services constituting employment in the employ of the United States (see § 403.803 (d)) except as such revision is necessitated by a determination of the Administrator, War Shipping Administration, or his designated agents (see §§ 403.702 (a), 403.706 (a) (6), and 403.711a), or by application of § 403.823.

§ 403.704 *Abandonment and withdrawal of applications, requests for wage-record revisions, and recomputation of benefits*—(a) *Withdrawal.* An individual may withdraw his application for benefits or for a lump sum, or his request for revision of wage records of the Administration, by filing written notice of such withdrawal prior to the Bureau's determination upon such application or request. Thereafter, further action will be taken only upon the filing of a new application or request.

(b) *Abandonment.* Whenever, after the filing of an application for benefits or a lump sum or a request for wage-record revision, additional evidence or information is asked for by the Administration, by written notice mailed to the applicant at his last known address, the applicant's disregard thereof for a period of 1 year from the date of mailing shall be considered as an abandonment of such application or request. Thereafter the Administration will take further action only upon the filing of a new application or request unless it is shown that such disregard by the applicant was due to a cause or causes not reasonably within his control.

(c) *Recomputation of benefits.* After favorable determination a wage earner, upon filing application with the Administration, may have his primary insurance benefit recomputed at any subsequent time for the purpose of including wages paid to him in and after the quarter in which he became entitled. Benefits computed on the basis of the prior application shall terminate with the month before the month in which the application for recomputation is filed, and benefits as recomputed shall be payable beginning with the month in which such application or request is filed. The primary insurance benefit shall be recomputed in the same manner that such benefit would have been computed had the wage earner filed his original application on the date the application for recomputation was filed.

Example: A became entitled to primary benefits in March 1940. He returned to work in January 1941 at a substantially higher average wage than he formerly received. In January 1945 he quit work and filed a request for recomputation. Based on the additional wages he received after December 31, 1940, and prior to January 1, 1945, A's primary benefit is increased. A's entitlement on the application filed in March 1940 terminates with the month of December 1944. His entitlement on the application filed in January 1945 becomes effective in the month of filing.

Auxiliary benefits, if any, will be increased beginning January 1945 on the basis of the larger primary insurance benefit.

SECTION 205 (j) OF THE ACT

When it appears to the Board that the interest of an applicant entitled to a payment would be served thereby, certification of payment may be made, regardless of the legal competency or incompetency of the individual entitled thereto, either for direct payment to such applicant, or for his use and benefit to a relative or some other person.

SECTION 205 (k) OF THE ACT

Any payment made after December 31, 1939, under conditions set forth in subsection (j), * * * and any payment made after December 31, 1939, to a legally incompetent individual without knowledge by the Board of incompetency prior to certification of payment, if otherwise valid under this title, shall be a complete settlement and satisfaction of any claim, right, or interest in and to such payment.

SECTION 205 (n) OF THE ACT

The Board may, in its discretion, certify to the Managing Trustee any two or more individuals of the same family for joint payment of the total benefits payable to such individuals.

§ 403.705 *Persons to whom payments are made*—(a) *Payments on behalf of an individual.* When it appears to the Administration that the interest of an individual would be served thereby, the Administration may certify any amount to be paid to such individual under Title II of the act, either for direct payment to him or to another person for and on his behalf, regardless of such individual's competency or incompetency. The Administration may at any time, withhold certification of payment until a guardian, committee, or other legal representative has been appointed who is duly authorized to receive payments for and on behalf of such individual.

Before any amount will be certified for payment to any person for and on behalf of another individual, such person shall submit evidence to the Administration of his authority to receive such payment or of his relationship to, or connection with, the individual on whose behalf payment is made. The Administration may, at any time thereafter, require evidence of the continued existence of such authority, relationship, or connection. Where the person to whom payment is made is not the legally appointed guardian, conservator, or other legal representative, he shall, upon request of the Administration, account for the funds he has so received and upon failure to so account the payments to him shall be discontinued.

(b) *Joint payments to a family.* Where amounts are to be paid under Title II of the act to two or more individuals of the same family, the Administration may, in its discretion, certify the total of such amounts for joint payment to such individuals.

SECTION 205 (b) OF THE ACT

The Board is directed to make findings of fact, and decisions as to the rights of any

individual applying for a payment under this title. Whenever requested by any such individual or whenever requested by a wife, widow, child, or parent who makes a showing in writing that his or her rights may be prejudiced by any decision the Board has rendered, it shall give such applicant and such other individual reasonable notice and opportunity for a hearing with respect to such decision, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing, affirm, modify, or reverse its findings of fact and such decision. The Board is further authorized, on its own motion, to hold such hearings and to conduct such investigations and other proceedings as it may deem necessary or proper for the administration of this title. In the course of any hearing, investigation, or other proceeding, it may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Board even though inadmissible under rules of evidence applicable to court procedure.

SECTION 205 (c) OF THE ACT

(1) On the basis of information obtained by or submitted to the Board, and after such verification thereof as it deems necessary, the Board shall establish and maintain records of the amounts of wages paid to each individual and of the periods in which such wages were paid and, upon request, shall inform any individual, or after his death shall inform the wife, child, or parent of such individual, of the amount of wages of such individual and the periods of payment shown by such records at the time of such request. Such records shall be evidence, for the purpose of proceedings before the Board or any court, of the amounts of such wages and the periods in which they were paid, and the absence of an entry as to an individual's wages in such records for any period shall be evidence that no wages were paid such individual in such period.

(2) After the expiration of the fourth calendar year following any year in which wages were paid or are alleged to have been paid an individual, the records of the Board as to the wages of such individual for such year and the periods of payment shall be conclusive for the purposes of this title, except as hereafter provided.

(3) If, prior to the expiration of such fourth year, it is brought to the attention of the Board that any entry of such wages in such records is erroneous, or that any item of such wages has been omitted from the records, the Board may correct such entry or include such omitted item in its records, as the case may be. Written notice of any revision of any such entry, which is adverse to the interests of any individual, shall be given to such individual, in any case where such individual has previously been notified by the Board of the amount of wages and of the period of payments shown by such entry. Upon request in writing made prior to the expiration of such fourth year, or within sixty days thereafter, the Board shall afford any individual, or after his death shall afford the wife, child, or parent of such individual, reasonable notice and opportunity for hearing with respect to any entry or alleged omission of wages of such individual in such records, or any revision of any such entry. If a hearing is held, the Board shall make findings of fact and a decision based upon the evidence adduced at such hearing and shall revise its records as may be required by such findings and decision.

(4) After the expiration of such fourth year, the Board may revise any entry or include in its records any omitted item of wages to conform its records with tax returns or portions of tax returns (including information returns and other written statements) filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act or the Federal Insurance Contributions Act or under regulations made under authority thereof. Notice shall be given of such revision under such conditions and to such individuals as is provided for revisions under paragraph (3) of this subsection. Upon request, notice and opportunity for hearing with respect to any such entry, omission, or revision, shall be afforded under such conditions and to such individuals as is provided in paragraph (3) hereof, but no evidence shall be introduced at any such hearing except with respect to conformity of such records with such tax returns and such other data submitted under such Title VIII or the Federal Insurance Contributions Act or under such regulations.

(5) Decisions of the Board under this subsection shall be reviewable by commencing a civil action in the district court of the United States as provided in subsection (g) hereof.

SECTION 209 (o) (2), (3), AND (4) OF THE ACT

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of paragraph 1 of this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determination with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (i) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this title.

(4) This subsection shall be effective as of September 30, 1941. (As retroactively added by section 1 (b) (2) of the Act of March 24, 1943, 57 Stat. 47, as amended by the Act approved April 4, 1944, 58 Stat. 188.)

§ 403.706 *Initial determination*—(a) *Determinations affecting benefits, lump sums, and wage records*—(1) *Benefits and lump sums.* The Bureau shall make findings, setting forth the pertinent facts and conclusions, and an initial determination with respect to the entitlement to benefits or a lump sum (see §§ 403.402–403.408) of any person (hereafter referred to as the party to the determination) who has filed an application for benefits or a lump sum. The determination shall include the amount, if any, to which the party is entitled and any reduction or increase in the benefits to be made under section 203 (a), (b), or (c) of the act (see § 403.502).

(2) *Modification in the amount of benefits or a lump sum.* The Bureau shall, under the circumstances hereafter stated, make findings, setting forth the pertinent facts and conclusions, and an initial determination:

(i) As to whether the benefits to which an individual is entitled should be reduced under sections 202 (b) (2), 202 (d) (2) or 202 (e) (2) of the act or reduced or increased under section 202 (f) (2) of the act (see paragraph (c) of §§ 403.403, 403.405, 403.406, and 403.407), and, if so, the amount thereof, because such individual, after the determination of his entitlement, becomes or ceases to be entitled to other or additional benefits as provided in the above sections; or

(ii) As to whether a reduction or increase, under section 203 (a), (b), or (c) of the act (see § 403.502) should be made in the benefits to which an individual is entitled, because of circumstances arising after the determination of such individual's entitlement to such benefits, and, if a reduction or increase is to be made, the amount thereof; or

(iii) As to whether a reduction or increase, under section 203 (a), (b), or (c) of the act (see § 403.502), which has been made in the benefits to which an individual is entitled, is no longer required because of circumstances arising after the determination that such reduction or increase should be made, and, if such reduction or increase is no longer required, the extent to which it should be modified; or

(iv) As to whether a deduction or deductions under section 203 (d), (e), (g), or (h) of the act or under section 907 of the Social Security Act Amendments of 1939 (see §§ 403.503–403.505) should be made from the benefits or lump sum to which a person is entitled, and, if so, the amount thereof; or

(v) As to whether an overpayment or an underpayment has been made, and, if so, the amount thereof, and the adjustment, under section 204 (a) of the act (see § 403.601), which is to be made by increasing or decreasing the benefits or lump sum to which a person is entitled; or

(vi) As to whether an adjustment or the recovery of an overpayment is to be waived, with respect to a person, under section 204 (b) of the act (see § 403.602).

(The individual or person designated above is hereafter referred to as the party to the determination.) Such findings of fact and determination shall be made whenever it appears to the Bureau, or whenever a party requests in writing, that, as above provided, a reduction or increase should be made or terminated, that a deduction should be made, or that an adjustment or recovery should be made or waived.

(3) *Termination of benefits.* The Bureau shall, with respect to an individual who has been determined to be entitled to benefits (hereafter referred to as the party to the determination), make findings, setting forth the pertinent facts and conclusions, and an initial determination as to whether, under the applicable provisions of section 202 of the act (see paragraph (b) of each of §§ 403.402–403.407), such party's entitlement to benefits has ended and, if so, the last month for which such party is entitled to benefits. Such findings of fact and determination shall be made whenever it appears to the Bureau that such party's entitlement to benefits has ended.

(4) *Parent's dependency.* The Bureau shall make findings, setting forth the pertinent facts and conclusions, and an initial determination as to whether a parent (hereafter referred to as the party to the determination) was wholly dependent upon and supported by a fully insured individual at the time of such individual's death. Such findings of fact and determination shall be made when evidence of such dependency and support is submitted by the party at a time prior to the filing of an application by

him for parent's insurance benefits, but, except as otherwise provided in § 403.701 (j), within 2 years after the death of the insured individual. (See §§ 403.407 (a) (3) and 403.702 (i).)

(5) *Revision of wage records.* When requested by an individual, or, after his death, by his widow, child, or parent (see § 403.703), the Bureau shall make findings, setting forth the pertinent facts and conclusions, and an initial determination as to whether the Administration's record of such individual's wages should be revised, either by changing the records as to the amount or time of payment of wages or by entering new items of wages in such records. (The person filing the request for revision is hereafter referred to as the party to the determination.) The determination as to revision, if it is determined that the records shall be revised, shall specify the amount of any increase or decrease to be made, the amount of any omitted item to be included, and the period or periods of payment to be shown by the records.

(6) *Claims or proceedings involving wartime maritime services in the employ of the United States.* The determination of the Administrator, War Shipping Administration, or his designated agents, as to whether an individual has performed services which constitute employment as defined by section 209 (o) of the act as amended (see § 403.803 (d)), as to the periods of such services, as to the amounts of remuneration for such services, and as to the periods in which or for which such remuneration was paid (see § 403.827 (c)), shall be final and conclusive upon the Bureau as to the matters so determined. The Bureau shall make no independent determinations concerning any matter determinable by the Administrator, War Shipping Administration, but shall accept the determinations of the Administrator or his designated agents with respect thereto as evidenced either by tax returns filed pursuant to section 1426 (i) of the Internal Revenue Code or by certifications. In any case in which information necessary to the disposition of a claim or proceeding shall be lacking as to any matter determinable by the Administrator, War Shipping Administration, or in which information set forth in such tax returns appears to be incomplete or questionable, the Bureau shall request the Administrator, War Shipping Administration, or his appropriate designated agent to make certification to it in writing of such missing, incomplete, or questionable information.

(b) *Notice of initial determination.* Written notice of an initial determination shall be mailed to the party to the determination at his last known address, except that no such notice is necessary where there is a determination that a party's entitlement to benefits has ended because of such party's death (see paragraph (a) (3) of this section).

If the initial determination disallows, in whole or in part, the application or request of a party, or if the initial determination is to the effect that a parent was not wholly dependent upon and supported by a fully insured individual, or that a party's entitlement to benefits has ended, or that a reduction, deduction, or adjustment is to be made in benefits or a lump sum, or an increase in benefits is to be terminated, the notice of the determination sent to the party shall state the basis for the determination; the notice of such a determination shall also inform the party of the right to reconsideration and hearing (see §§ 403.707–403.709) unless such determination is to the effect that a deduction or termination is to be made and such determination is based upon facts reported to the Bureau by the party to the determination.

(c) *Effect of initial determination.* The initial determination shall be final and binding upon the party to such determination unless (1) it is reconsidered in accordance with § 403.708, or (2) a hearing is held in accordance with § 403.709, or (3) it is revised in accordance with § 403.711 (b).

§ 403.707 *Reconsideration or hearing.* A party who is dissatisfied with an initial determination may, at his option, request that the Bureau reconsider such determination, as provided in § 403.708, or request a hearing before a referee, as provided in § 403.709. If a request for reconsideration is filed, such action shall not constitute a waiver of the right to a hearing, and a request for a hearing may be thereafter filed, as is provided in § 403.709.

§ 403.708 *Reconsideration*—(a) *Right to reconsideration.* The Bureau shall reconsider an initial determination if, prior to the filing of a request for a hearing (see § 403.709 (a), (b), and (c)), a written request for reconsideration is filed, as provided in paragraph (b) of this section, by the party to the initial determination (see § 403.706 (a)).

The Bureau shall also reconsider an initial determination (see § 403.706 (a) (1) to (4), inclusive), unless the determination is with respect to the revision of the Administration's wage records, if, prior to the filing of a request for a hearing, a written request for reconsideration is filed, as provided in paragraph (b) of this section, by any individual who makes a showing in writing that his rights with respect to benefits or a lump sum may be prejudiced by such determination.

The Bureau shall also reconsider an initial determination relating to the revision of the Administration's record of an individual's wages (see § 403.706 (a) (5)), if, prior to the filing of a request for a hearing, a written request for reconsideration is filed, as provided in paragraph (b) of this section, by the widow, child, or parent of such individual after his death.

(b) *Time and place of filing request for reconsideration.* The request for reconsideration shall be made in writing and filed at an office of the Bureau.

The request for reconsideration, unless the determination to be reconsidered is with respect to the revision of the Administration's wage records (see § 403.706 (a) (5)), must be filed within six months from the date of mailing notice of the initial determination, except as is provided in §§ 403.701 (j) and 403.711 (a).

The request for the reconsideration of an initial determination as to the revision of the Administration's wage records may be filed at any time after the mailing of notice of such determination, but, if the request is filed more than 60 days after the fourth calendar year following the year in which the wages in question were paid or are alleged to have been paid, except as provided in § 403.701 (j), such determination will not be reconsidered except for the purpose of revising the wage records in accordance with section 205 (c) (4) of the act (see § 403.703).

(c) *Parties to the reconsideration.* The parties to the reconsideration shall be the person who was the party to the initial determination (see § 403.706 (a)) and any other individual (see paragraph (a) of this section), if there be such, upon whose request the initial determination is reconsidered.

(d) *Notice of reconsideration.* If the request for reconsideration is filed by an individual other than the party to the initial determination, the Bureau shall, before revising the initial determination adversely to the interests of such party, mail a written notice to such party, at his last known address, informing him that the initial determination is being reconsidered, and the Bureau shall give such party a reasonable opportunity to present such evidence or contentions, as he may desire, relative to the determination.

(e) *Reconsidered determination.* The Bureau shall, when a request for reconsideration has been filed, as provided in paragraphs (a) and (b) of this section, reconsider the initial determination in question and the findings upon which it was based, and, upon the basis of the evidence considered in connection with the initial determination and such other evidence as is submitted by the parties or otherwise obtained, the Bureau shall make a reconsidered determination affirming or revising, in whole or in part, the findings and determination in question.

Where reconsideration involves any matters determinable by the Administrator, War Shipping Administration (see §§ 403.803 (d), 403.827 (c)), the Bureau shall comply with the procedure established by § 403.706 (a) (6) as to such matters.

(f) *Notice of reconsidered determination.* Written notice of the reconsidered determination shall be mailed to the parties at their last known addresses. The notice of the reconsidered determination shall state the basis for such determination and inform the parties of their right to a hearing (see § 403.709).

(g) *Effect of reconsidered determination.* The reconsidered determination shall be final and binding upon all parties to the reconsideration unless a hearing is requested in accordance with § 403.709 or unless such determination is revised in accordance with § 403.711 (b).

§ 403.709 *Hearing*—(a) *Right to hearing.* Any party designated in paragraph (c) of this section shall be entitled to a hearing with respect to any matter designated in § 403.706 (a), after an initial or reconsidered determination has been made by the Bureau (see §§ 403.706 to 403.708, inclusive), if such party files, as provided in paragraph (b) of this section, a written request for a hearing. (Special provisions concerning hearings with respect to matters determinable by the Administrator, War Shipping Administration (see § 403.706 (a) (6)) are contained in § 403.711a.)

(b) *Time and place of filing request for hearing.* The request for hearing shall be made in writing and filed at an office of the Bureau, with a referee, or with the Office of Appeals Council in the Social Security Administration.

If no request for reconsideration has been filed, as provided in § 403.708 (a) and (b), and the matter to be heard is not with respect to the revision of the Administration's wage records, the request for hearing must be filed within six months from the date of mailing notice of the initial determination, except as is provided in §§ 403.701 (j) and 403.711 (a). If a request for reconsideration has been filed and the matter to be heard is not with respect to the revision of the Administration's wage records, (1) the request for hearing may be filed at any time prior to the mailing of notice of the reconsidered determination if such notice has not been mailed within 45 days after the filing of the request for reconsideration, or (2) the request for hearing must be filed within 3 months after the date of mailing notice of the reconsidered determination, except as is provided in §§ 403.701 (j) and 403.711 (a).

If the matter to be heard is with respect to the revision of the Administration's wage records, the request for hearing may be filed at any time after the mailing of notice of the initial or reconsidered determination, but if a request for reconsideration has been filed the request for hearing may not be filed until after the mailing of notice of the reconsidered determination unless such notice has not been mailed within 45 days after the filing of the request for reconsideration. However, if the request for hearing is filed more than 60 days after the expiration of the fourth calendar year following the year in which the wages in question were paid or are alleged to have been paid, except as provided in § 403.701 (j), no hearing will be held with respect to the revision of the wage records except as is provided in section 205 (c) of the act (see § 403.703).

(c) *Parties to a hearing.* The parties to a hearing shall be the person or persons who were parties to the initial determination in question and the reconsideration, if there has been reconsideration. Any other individual shall be a party, if such individual's rights with respect to benefits or a lump sum may be prejudiced and if notice is given to him by the referee to appear at the hearing and answer as to his interests.

The following individuals, in addition to those named above, may also be parties to the hearing: Unless the hearing is with respect to the revision of the Administration's wage records, any individual may be a party to the hearing who makes a showing in writing that his right to benefits or a lump sum may be prejudiced. Where the hearing is with respect to the revision of the Administration's record of an individual's wages, the widow, child, or parent of such individual may be, after his death, a party to the hearing upon filing a written notice of desire to be a party.

(d) *Referee.* The hearing provided for in this section shall be, except as herein provided, conducted by a referee designated by the Chairman of the Appeals Council. The Chairman may designate a member of the Appeals Council to conduct a hearing. The Regional Director of the Social Security Administration may conduct hearings in the Territories of Alaska and Hawaii. The provisions of this section governing the referee shall be applicable to a member of the Appeals Council or a Regional Director in conducting a hearing.

No referee shall conduct a hearing in which he is personally prejudiced or partial with respect to any party. Notice of any objections which a party may have to the referee shall be made by such party at his earliest opportunity. The referee shall consider such objections and shall, according to his determination, either proceed with the hearing or withdraw. If the referee withdraws, another referee shall be designated by the Chairman of the Appeals Council to conduct the hearing. If the referee does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council, as provided in § 403.710, as a reason why the referee's decision should be revised or a new hearing held before another referee.

(e) *Time and place of hearing, and hearings on new issues.* The referee shall fix a time and place for the hearing. Written notice of the time and place of hearing, unless waived by a party, shall be mailed not less than 10 days prior to such time, to the parties at their last known addresses or given to them by personal service. Written notice of the objections of any party to the time and place fixed for a hearing shall be filed with the referee at the earliest opportunity of the objecting party. The notice shall state the reasons for the party's objections and his desires as to the time and place for hearing.

At any time after a request for a hearing has been made as provided in this section, but prior to the mailing of notice of the decision, the referee may in his discretion, either on the application of a party or on his own motion, in addition to the matters brought before him by the request for hearing, raise an issue on any other matter (whether similar or different in nature) designated in § 403.706 (a) which may affect the rights of any party to the matter pending before him, even though the Bureau has not made an initial or reconsidered determination with respect to such new issue: *Provided, however,* That notice of the time and place of the hearing on such new issue shall, unless waived, be given to the parties within the time and in the manner specified in this paragraph. Upon the giving of such notice, the matter shall, except as otherwise provided, proceed to hearing and be treated in the same manner as a matter on which an initial or reconsidered determination has been made by the Bureau and a hearing requested with respect thereto by a party entitled to such hearing.

The referee may change the time and place for the hearing, either upon his own motion or for good cause shown by a party. The referee may adjourn or postpone the hearing, or reopen the hearing for the receipt of additional evidence at any time prior to the mailing of notice of the decision in the case. Reasonable notice shall be given to the parties of any change in the time or place of hearing or of an adjournment or a reopening of the hearing.

(f) *Subpenas.* When reasonably necessary for the full presentation of a case, the referee, a member of the Appeals Council, or other duly authorized employee of the Administration, may, either upon his own motion or upon the request of a party, issue subpenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, or other documents which are material and relevant to any matter in issue at the hearing. Parties who desire the issuance of a subpena shall, within 5 days prior to the time fixed for the hearing, file with the referee or a field office of the Bureau a written request therefor designating the witness or document to be produced, and the address or location thereof, with sufficient particularity to permit such witness or document to be found. The request for a subpena shall state the pertinent facts which the party expects to establish by such witness or document and as to whether such facts may reasonably be established by other evidence without the use of a subpena.

Subpenas, as provided in this paragraph, shall be issued in the name of the Federal Security Administrator or the Commissioner for Social Security, and the Administration shall pay the cost of issuance and the fees and mileage of the witnesses so subpenaed as provided in section 205 (d) of the act.

(g) *Conduct of hearing and evidence.* Hearings shall be open to the parties and to such other persons as the referee deems necessary and proper.

The referee shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to the issues. If the referee believes that there is relevant and material evidence available which has not been presented at the hearing, the referee may adjourn the hearing, or at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence.

Evidence may be received at the hearing even though inadmissible under rules of evidence applicable to court procedure. However, if the request for the hearing was filed more than 60 days after the fourth calendar year following any year in which wages were paid or are alleged to have been paid an individual, the records of the Administration as to the wages of such individual for any such year shall be conclusive and no evidence other than the Administration's wage records shall be introduced with respect to the wages for any such year except evidence with respect to the conformity of the Administration's wage records with tax returns or portions of tax returns (including information returns and other written statements) filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act or the Federal Insurance Contributions Act

or under regulations made under authority thereof.

Witnesses at the hearing shall testify under oath or affirmation, unless they are excused by the referee for cause. The referee may examine the witnesses or allow the parties or their representatives to do so. If the referee conducts the examination of a witness, he shall allow the parties to suggest matters as to which they desire the witness to be questioned, and the referee shall question the witness with respect to such matters if they are relevant and material to the issues.

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral arguments or for the filing of briefs or other written statements of contentions. Where there is more than one party to the hearing, copies of any brief or other written statement shall be filed in a sufficient number that they may be made available to any party requesting a copy and to such other parties as the referee may designate.

The order in which evidence and contentions shall be presented and the procedure at the hearing generally, except as is expressly provided by these regulations, shall be in the discretion of the referee and shall be of such nature as to afford the parties a reasonable opportunity for a fair hearing.

A complete stenographic record of the proceedings at the hearing shall be made. When directed by the Appeals Council or the referee, the record shall be transcribed where the case is certified to or reviewed by the Appeals Council (see paragraph (k) of this section and § 403.710 (a) and (b)).

(h) *Joint hearings and consolidated issues.* When two or more hearings are to be held, and the same or substantially similar evidence is relevant and material to the matters in issue at each such hearing, the referee may fix the same time and place for each hearing and conduct all such hearings jointly. Where joint hearings are held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others, but a separate decision shall be made in each case.

When one or more new issues are raised by the referee pursuant to paragraph (e) of this section, such new issues may, in the discretion of the referee, be consolidated for hearing and decision with other issues pending before him upon the same application, whether or not the same or substantially similar evidence is relevant and material to the matters in issue, and a single decision may be made upon all such issues.

(i) *Waiver of right to appear and present evidence.* If all parties waive their right to appear and present evidence and contentions at a hearing, it shall not be necessary for the referee to give notice of and conduct a hearing, as provided in this section. The waiver of the right to appear and present evidence and contentions shall be made in writing and filed with the referee. Such waiver may be withdrawn by a party at any time prior to the mailing of notice of the decision in such case.

Where all of the parties have filed a waiver of the right to appear and present evidence at a hearing before the referee, the referee may, nevertheless, give notice of a time and place and conduct a hearing as provided in this section if he believes that such action is reasonably necessary in order to ascertain the facts in issue. Where such waiver has been filed by all parties, and a hearing is not held, the referee shall make a record of the relevant certificates, affidavits, reports, and other documents which were considered in connection with the initial determination and reconsideration if there has been reconsideration. Such documents shall be considered as all of the evidence in the case and the decision, as provided for in paragraph (k) of this section, shall be based upon them.

(j) *Dismissal of request for hearing.* The referee may, at any time prior to the mailing of the notice of the decision, dismiss a request for hearing if all parties have consented to or requested the dismissal or have abandoned the hearing. Notice of the referee's action of dismissal shall be given to the parties or mailed to them at their last known addresses.

A party may consent to or request the dismissal by filing a written notice of such request or consent with the referee or orally stating such request or consent at the hearing.

A party shall be deemed to have abandoned a hearing if neither the party nor his representative appears at the time and place fixed for the hearing and, either (1) prior to the time for hearing such party does not show good cause as to why neither he nor his representative can appear or (2) within 15 days after the mailing of a notice to him by the referee to show cause, such party does not show good cause for such failure to appear and failure to notify the referee prior to the time fixed for hearing.

(k) *Referee's decision, remanding to Bureau, or certification to Appeals Council.* As soon as practicable after the close of a hearing, the referee, except as herein provided, shall make a decision in the case or certify the case to the Appeals Council for decision (see § 403.710 (a)). However, if new and material evidence has been presented at the hearing which was not before the Bureau when the initial or reconsidered determination was made, the referee may, in his discretion, remand the case to the Bureau in the event that he believes such procedure to be advisable.

If a case is remanded to the Bureau, the Bureau may, upon the basis of the evidence adduced at the hearing, revise its previous determination. If the Bureau does so revise its previous determination, written notice of such revision, containing findings of fact and a statement of reasons, shall be mailed to the parties to the hearing at their last known addresses. If the Bureau does not revise its determination, when a case is remanded, the Bureau shall return the case to the referee for his decision or for certification by him to the Appeals Council.

If the referee makes a decision in the case, such decision shall, except as is provided in paragraph (i) of this section, be based upon the evidence adduced at the hearing. The decision shall be made in writing and contain findings of fact and a statement of reasons. A copy of the decision shall be mailed to the parties at their last known address.

(l) *Effect of referee's decision or revision by the Bureau.* The referee's decision or the revised determination of the Bureau, provided for in paragraph (k) of this section, shall be final and binding upon all parties to the hearing unless it is reviewed by the Appeals Council (see § 403.710 (b)) or unless it is revised in accordance with § 403.711 (b). If a party's request for review of the referee's decision or the revised determination of the Bureau is denied (see § 403.711 (b)), such decision or revised determination shall be final and binding upon all parties to the hearing unless a civil action is filed in a district court of the United States, as is provided in section 205 (g) of the act, or unless the decision is revised in accordance with § 403.711 (b).

§ 403.710 *Appeals Council proceedings on certification and review*—(a) *Procedure before Appeals Council on certification by the referee.* The Office of the Appeals Council in the Social Security Administration shall, when a case has been certified to it by a referee without decision (see § 403.709 (k)), mail notice of such action to the parties at their last known addresses. A copy of the transcript of evidence adduced at the hearing or a condensed statement thereof or, where the hearing before the referee has been waived (see § 403.709 (i)), copies or a statement of the contents of the documents which are evidence in the case, shall be made available to any party upon request.

When a case has been certified to the Appeals Council for decision, the parties shall be given, upon their request, a reasonable opportunity to appear before the Appeals Council for the purpose of presenting oral argument. The parties shall also be given, upon their request, a reasonable opportunity to file briefs or other written statements of contentions. Where there is more than one party, copies of such a brief or written statement shall be filed in a sufficient number that they may be made available to any party requesting a copy or any other party designated by the Appeals Council.

Evidence in addition to the evidence introduced at the hearing before the referee, or the documents before the referee where the hearing is waived, may not be presented except where it appears to the Appeals Council that additional material evidence is available which may affect its decision. If it appears that such additional evidence is available, the Appeals Council shall receive such evidence or designate a referee or member of the Council before whom the evidence shall be introduced. Before additional evidence may be presented, as above provided, notice shall be mailed to the parties, unless such notice is waived, at their last known addresses, that evidence will be received with respect to certain matters, and the parties shall be given a reasonable opportunity to present evidence which is relevant and material to such matters. When the additional evidence is introduced before a referee or a member of the Appeals Council, a

transcript or a condensed statement of such evidence shall be made available to any party upon request.

The decision of the Appeals Council, when a case has been certified to it by a referee, shall be made in accordance with the provisions of paragraph (d) of this section.

(b) *Review of referee's decision or Bureau's revised determination.* If a referee has made a decision or the Bureau has revised its determination, as provided in § 403.709 (k), any party thereto may request the Appeals Council to review such decision or revised determination. The request for review shall be made in writing and filed with an office of the Bureau, a referee, or the Appeals Council. The request for review shall be filed within 30 days from the date of mailing notice of the referee's decision or the Bureau's revised determination except as is provided in §§ 403.701 (j) and 403.711 (a).

The Appeals Council may, in its discretion, decline a party's request for the review of a referee's decision or the Bureau's revised determination, or the Council may, within 90 days from the date of mailing notice of such decision or revised determination, review such decision or revised determination on its own motion. Notice of the action by the Appeals Council in determining to review on its own motion or granting or declining a party's request for review shall be mailed to the parties at their last known addresses.

(c) *Procedure before Appeals Council on review of referee's decision or Bureau's revised determination.* Whenever the Appeals Council determines to review a referee's decision or the revised determination of the Bureau, the council shall make available to any party upon request a copy of the transcript of evidence adduced at the hearing or a condensed statement thereof or, where the hearing before the referee was waived (see § 403.709 (i)), copies or a statement of the contents of the documents upon which the referee's decision was based. The parties shall be given, upon their request, a reasonable opportunity to file briefs or other written statements of contentions. Copies of such brief or other written statement, where there is more than one party, shall be filed in a sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

Evidence in addition to the evidence introduced at the hearing before the referee, or the documents before the referee where the hearing is waived, may not be presented except where it appears to the Appeals Council that additional material evidence is available which may affect its decision. If it appears that such additional evidence is available, the Appeals Council shall receive such evidence or designate a referee or member of the Council before whom the evidence shall be introduced. Before additional evidence may be presented, as provided in this paragraph, notice shall be mailed to the parties, unless such notice is waived, at their last known addresses, that evidence will be received with respect to certain matters, and the parties shall be given a reasonable opportunity to present evidence which is relevant and material to such matters. When the additional evidence is introduced before a referee or a member of the Appeals Council, a transcript or a condensed statement of such evidence shall be made available to any party upon request.

(d) *Decision by Appeals Council or remanding of case.* If a case is certified to the Appeals Council by a referee or if the Council reviews a referee's decision or the Bureau's revised determination, as provided in this section, the Appeals Council shall, except as hereafter stated, make a decision. If, in the proceedings before the referee, there has been a substantial failure to comply with the provisions of § 403.709 governing the hearing, the Appeals Council may, where such action is reasonably necessary for the correction of the error, remand the case to a referee for further hearing and decision in accordance with such section.

The decision of the Appeals Council, where the case is not remanded to the referee, shall be based upon the evidence adduced at the hearing or, where the hearing before the referee was waived (see § 403.709 (i)), the documents upon which the referee's decision was based, and such further evidence as the Appeals Council may receive, as provided in paragraphs (a) and (c) of this section. The decision shall be made in writing and contain findings of fact and a statement of reasons. A copy of the decision shall be mailed to the parties at their last known addresses.

(e) *Effect of Appeals Council's decision or refusal to review.* The decision of the Appeals Council, or the decision of the referee, or revised determination of the Bureau where the request for review of such decision or revised determination is denied (see paragraph (b) of this section), shall be final and binding upon all the parties to the hearing unless a civil action is filed in a district court of the United States, as provided in section 205 (g) of the act, or unless the decision is revised in accordance with § 403.711 (b).

(f) *Procedure in cases involving wartime maritime services in the employ of the United States.* Special provisions concerning reviews of decisions with respect to matters determinable by the Administrator, War Shipping Administration (see § 403.706 (a) (6)), are contained in § 403.711a.

§ 403.711 *Extension of time and revision*—(a) *Extension of time.* If a party to an initial determination desires to file a request for reconsideration, after the time for filing such request has passed (see § 403.708 (b)), such party may file a petition with the Bureau for an extension of time for the filing of such request. Such petition shall be in writing and shall state the reasons why the request for reconsideration was not filed within the required time. For good cause shown the Bureau may extend the time for filing the request for reconsideration.

Any party to an initial determination, a reconsidered determination, a revised determination of the Bureau in a remanded case (see § 403.709 (k)), a decision of a referee, or a decision of the Appeals Council may petition for an extension of time for filing a request for hearing or review or commencing a civil action in a district court, as the case may be, although the time for filing such request or commencing such action (see §§ 403.709 (b) and 403.710 (b) and section 205 (g) of the act) has passed. Such petition may be filed with a referee or the Appeals Council if an extension of the time fixed by § 403.709 (b) for requesting a hearing before such referee is sought, and shall be filed with the Appeals Council in any other case. The petition shall be in writing and shall state the reasons why the request or action was not filed within the required time. For good cause shown a referee or the Appeals Council, as the case may be, may extend the time for filing such request or action.

(b) *Revision for error.* An initial determination or reconsidered determination of the Bureau, provided for in §§ 403.706 (a) and 403.708 (e), or a determination of the Bureau which has been revised by it when the case has been remanded, as provided for in § 403.709 (k), may be revised by the Bureau, either upon the Bureau's own motion or upon the petition of any party when it clearly appears that there was an error of fact or law in such determination or that such determination was procured by misrepresentation or fraud. However, except as provided in § 403.701 (j), no determination as to the wages of an individual will be revised, except for the purposes provided in section 205 (c) (4) of the act, after the fourth calendar year following the year in which the wages were paid or are alleged to have been paid, unless a party's petition for such revision was filed prior to the expiration of such fourth year and 60 days thereafter.

Either upon the referee's or the Appeals Council's own motion, as the case may be, or upon the petition of any party to a hearing, any decision of a referee provided for in § 403.709 (k), may be revised by such referee or the Appeals Council, and any decision of the Appeals Council provided for in § 403.710 (d) may be revised by the Appeals Council, when it clearly appears that there was an error of fact or law in such decision or that such decision was procured by fraud or misrepresentation. However, except as provided in § 403.701 (j), no decision as to the wages of an individual will be revised, except for the purposes provided in section 205 (c) (4) of the act, after the fourth calendar year following the year in which wages were paid or are alleged to have been paid, unless a party's petition for such revision was filed prior to the expiration of such fourth year and 60 days thereafter.

When any determination or decision is revised, as provided in this paragraph, notice of such revision shall be mailed to the parties to such determination or decision at their last known addresses. The notice of revision, which is mailed to the parties, shall state the basis for the revision and inform the parties of their right to a hearing, as provided herein. Except as provided in § 403.701 (j), the revision of the determination or decision shall be final and binding upon all such parties unless such a party,

within 60 days after the date of mailing notice of the revision, files a written request for a hearing. Upon the filing of such a request, a hearing with respect to such revision shall be held and decision made in accordance with the provisions of § 403.709.

§ 403.711 *Hearing and review in cases involving wartime maritime services in the employ of the United States.* The provisions of this section shall govern hearings and reviews in all cases in which issues appear or are presented involving wartime maritime services constituting employment in the employ of the United States (see § 403.803 (d)).

The Appeals Council, its members and referees, and the Regional Directors of the Administration for the Territories of Alaska and Hawaii, in matters determinable by the Administrator, War Shipping Administration, pursuant to section 209 (o) of the Social Security Act (see §§ 403.803 (d) and 403.827 (c)) and involved in or presented at hearings conducted pursuant to section 205 (b) of the Social Security Act, as amended, will make determinations of such matters under their designation as agents of the Administrator, War Shipping Administration. Such designation is set out in General Order No. 50 of that Administrator. When hearing or reviewing a case involving such wartime maritime service, the Appeals Council, its members and referees and the Regional Directors of the Social Security Administration for the Territories of Alaska and Hawaii will function in a dual capacity, on the one hand as designated agents of the Administrator, War Shipping Administration, and on the other as referee or Appeals Council, as the case may be, of the Social Security Administration. All issues involved in such a case may be disposed of at a single hearing or review and by a single decision.

(a) *Right to hearing.* Any party designated in § 403.709 (c) shall be entitled to a hearing with respect to any matter designated in § 403.706 (a) after an initial determination has been made by the Bureau, if such party files, as provided in § 403.709 (b), a written request for such hearing.

(b) *Parties to hearing.* The parties to a hearing shall be those specified in § 403.709 (c) together with the General Agent of the War Shipping Administration who shall have filed the tax return or made the certification referred to in § 403.706 (a) (6), or, in the event that there is no such General Agent, the Administrator, War Shipping Administration.

(c) *Conduct of hearing.* The hearing shall be conducted in accordance with § 403.709 (d) (e) (f) (g) (h) (i) and (j), except as hereinafter set forth. Evidence shall be received from any party as to the performance of services claimed to be wartime maritime services constituting employment in the employ of the United States (see § 403.803 (d)), the period of performance of such services, the remuneration therefor, and the periods in which and for which such remuneration was paid (see § 403.827 (c)).

(d) *Referee's decision or certification to Appeals Council.* As soon as practicable after the close of a hearing, the referee shall make a decision in the case or certify the case to the Appeals Council for decision. The referee shall not remand to the Bureau for revision any case heard pursuant to the provisions of this section.

The referee's decision shall be based upon the evidence adduced at the hearing. The decision shall be made in writing and be divided into two parts. The first part shall consist of a determination relative to the question of wartime maritime service constituting employment in the employ of the United States as defined by section 209 (o) (1) of the act, specifically whether the performance of the services in question constitute such employment, the period of such employment, the remuneration therefor, and the periods in which and for which such remuneration was paid. The determination shall contain findings of fact and a statement of reason. Such determination shall be made by the referee as agent for the Administrator, War Shipping Administration, and shall be so subscribed by him. In reaching and making such determinations as designated agent, the referee shall follow the provisions of section 209 (o) of the act as amended (see §§ 403.803 (d) and 403.827 (c)) and the regulations or orders issued pursuant thereto from time to time by the Administrator, War Shipping Administration. The second part of the decision shall consist of the referee's findings and statements of reasons upon all matters not determinable by the Administrator, War Shipping Administration, together with his decision in the entire case, based upon both his determination as designated agent of that Administrator and his findings as referee of the Social Security Administration. In reaching the conclusions required by the second part of the decision he shall be governed by all rules and regulations of the Social Security Administration.

A copy of the decision shall be mailed to the parties at their last known addresses.

(e) *Procedure before Appeals Council on certified case.* The procedure before the Appeals Council when a case has been certified to it by a referee without decision shall be as set forth in § 403.710 (a), except that the decision of the Appeals Council shall be in the form prescribed in paragraph (d) of this section.

(f) *Procedure before Appeals Council on review of referee's decision.* The decision of a referee made as provided in paragraph (d) of this section, shall be subject to review by the Appeals Council in the manner provided by § 403.710 (b). The procedure before the Appeals Council on such review shall be as provided in § 403.710 (c), and a case may be remanded to a referee as provided in § 403.710 (d). The decision of the Appeals Council, where the case is not remanded, shall be in the form and mailed as prescribed by § 403.710 (d) except that it shall be divided into two parts in the form prescribed in paragraph (d) of this section.

(g) *Extension of time and revision.* The provisions for extensions of time, revision, and extensions of time for commencing a civil action in a district court of the United States, set forth in § 403.711, shall be applicable to proceedings under this section.

(h) *Effect of decisions.* Decisions of the Appeals Council and decisions of referees not reviewed by the Appeals Council, rendered under this section, shall be final and binding upon all parties to the hearing, subject only to review by a civil action filed in a district court of the United States as provided by section 205 (g) of the act as amended, or as provided in paragraph (g) of this section. That portion of the final decision which represents the determination of the Administrator, War Shipping Administration, by his designated agent, shall supersede all previous determinations and certifications of such Administrator or his designated agents as to the matters involved in such factor of the final decision.

SECTION 205 (l) OF THE ACT

Upon final decision of the Board, or upon final judgment of any court of competent jurisdiction, that any person is entitled to any payment or payments under this title, the Board shall certify to the Managing Trustee the name and address of the person so entitled to receive such payment or payments, the amount of such payment or payments, and the time at which such payment or payments should be made, and the Managing Trustee, through the Division of Disbursement of the Treasury Department, and prior to any action thereon by the General Accounting Office, shall make payment in accordance with the certification of the Board: *Provided*, That where a review of the Board's decision is or may be sought under subsection (g) the Board may withhold certification of payment pending such review. The Managing Trustee shall not be held personally liable for any payment or payments made in accordance with a certification by the Board.

SECTION 207 OF THE ACT

The right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

§ 403.712 *Certification of payments—*(a) *Determination or decision providing for payment.* When a determination or decision has been made under any of §§ 403.706 to 403.711, inclusive, to the effect that a payment or payments under Title II of the act should be made to any person, the Administration shall, except as hereafter provided, certify to the Managing Trustee of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund the name and address of the person to be paid (see § 403.705), the amount of the payment or payments, and the time at which such payment or payments should be made.

When a determination or decision, as above-described, has been made, the Administration may withhold certification to the Managing Trustee, or if certification has been made, may notify the Managing Trustee to withhold payments, to the extent and during such time that the payment or payments, to be made pursuant to such determination or decision, are in question by reason of the fact that:

(1) A reconsideration, hearing, or review, is being conducted, or a civil action has been filed in a distict court of the United States, with respect to such determination or decision; or

(2) An application or request is pending with respect to the payment of benefits or a lump sum to another person and such application or request is inconsistent, in whole or in part, with the payment or payments under such determination or decision:

Provided, however, That certification or payment shall not be withheld, under the above circumstances, unless, in connection with the request or application described in subparagraphs (1) and (2) of this paragraph, evidence is submitted which is sufficient to raise a substantial question with respect to the correctness of the payment or payments under the determination or decision. The Administration shall, however, certify for payment, as above provided, the amount of the payment or payments which is not in question. The acceptance of any payment or payments by a person entitled thereto shall be without prejudice to his rights to reconsideration, hearing, or review, as to any additional payment or payments claimed by such person.

(b) *Transfer or assignment.* The Administration shall not certify, as provided in paragraph (a) of this section, any amount for payment to the assignee or transferee of the person entitled to such payment under the act, nor shall the Administration certify such amount for payment to any person claiming such payment by virtue of an execution, levy, attachment, garnishment, or other legal process or by virtue of bankruptcy or insolvency proceeding against or affecting the person entitled to the payment under the act.

SECTION 206 OF THE ACT

The Board may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys as hereinafter provided, representing claimants before the Board, and may require of such agents or other persons, before being recognized as representatives of claimants that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the highest court of the State, Territory, District, or insular possession of his residence or before the Supreme Court of the United States or the inferior Federal courts, shall be entitled to represent claimants before the Board upon filing with the Board a certificate of his right to so practice from the presiding judge or clerk of any such court. The Board may, after due notice and opportunity for hearing, suspend or prohibit from further practice before it any such person, agent, or attorney who refuses to comply with the Board's rules and regulations or who violates any provision of this section for which a penalty is prescribed. The Board may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Board under this title, and any agreement in violation of such rules and regulations shall be void. Any person who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this title by word, circular, letter or advertisement, or who shall knowingly charge or collect directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Board shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both.

§ 403.713 *Representation of parties—*(a) *Appointment of representatives.* A party to an initial determination, reconsideration, hearing, or review, as provided for in §§ 403.706 to 403.711a, inclusive, may appoint as his representative in such proceeding any individual who is qualified under paragraph (b) of this section to act as a representative. Notice of the appointment of a representative shall be made in writing, signed by the party appointing the representative, and shall be acknowledged by the representative appointed. The notice of appointment shall be filed at an office of the Bureau or with a referee or with the Office of the Appeals Council in the Social Security Administration.

(b) *Qualifications of representatives.* Any individual, appointed in accordance with paragraph (a) of this section, unless otherwise prohibited by law, may act as a representative, except that no individual may act as a representative who is disbarred or under suspension from acting as a representative in proceedings before the Social Security Administration (see paragraph (f) of this section).

(c) *Authority of representatives.* A representative, appointed and qualified as provided in paragraphs (a) and (b) of this section, may make or give, on behalf of the party he represents, any request or notice relative to the proceedings except that such representative may not execute an application for benefits or a lump sum, a request for reconsideration, hearing, or review, unless he is a person designated in § 403.701 (c) as authorized to execute the application for benefits or a lump sum. A representative shall be entitled to present evidence and contentions in any proceedings affecting the party he represents and to obtain information with respect to the claim of such party to the same extent as such party. Notice to any party of any action, determination, or decision, or request to any party for the production of evidence, may be sent to the representative of such party, and such notice or request shall be of the same force and effect as if sent to the party represented.

(d) *Fees for services.* Fees for the services of a representative, appointed and qualified in accordance with paragraphs (a) and (b) of this section, may be charged and received from the party represented only as is provided in this paragraph.

A fee in an amount not greater than $10.00 may be charged and received by an attorney who is admitted to practice before the highest court, or an inferior court of a State, Territory, District, or insular possession, or before the Supreme Court of the United States or an inferior Federal court, and who is not otherwise prohibited by law from charging or receiving such a fee. Upon the petition of such an attorney the Bureau, a referee, or the Appeals Council may, for good cause shown, authorize the attorney to charge and receive a maximum fee in excess of $10.00.

No individual other than an attorney, as provided in this paragraph, may charge or receive a fee unless he is authorized to do so by the Bureau, a referee, or the Appeals Council as herein stated. An individual other than an attorney who desires authorization to charge or receive a fee shall file a written petition therefor and make a showing that he is not otherwise prohibited from charging or receiving a fee, that he has special qualifications which enable him to render valuable services to a party, and that he has rendered such services to the party he represents. Upon the filing of such petition and the making of such showing the amount of the fee, if any, which may be charged or received, shall be determined in each case by the Bureau, a referee, or the Appeals Council, and no fee shall be charged or received in excess thereof.

(e) *Rules governing the representation and advising of claimants and parties.* No attorney or other person shall:

(1) With intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten (by word, circular, letter, or advertisement) any claimant or prospective claimant or beneficiary with respect to benefits, lump sums, or wage records; or

(2) Knowingly charge or collect, directly or indirectly, or make any agreement, directly or indirectly, to charge or collect, any fee in connection with any claim except under the circumstances stated in paragraph (d) of this section and not in excess of the amount provided for in paragraph (d) of this section; or

(3) Knowingly make or participate in the making or presentation of any false statement, representation, or claim as to the amount of wages paid an individual, or the time of payment, or as to any material fact affecting the right of any person to benefits or a lump sum, or the amount thereof; or

(4) Divulge, except as may be authorized by regulations now or hereafter prescribed by the Commissioner, any information furnished or disclosed to him by the Administration relating to the claim or prospective claim of another person.

(f) *Proceedings for suspension or disbarment.* Whenever the Commissioner has knowledge or information that an attorney or other individual has violated any of the provisions of paragraph (e) of this section, a written statement of the Commissioner's charges shall be mailed to such attorney or other individual at his last known address, together with a notice to file an answer, within 30 days from the date of mailing, as to why such attorney or other individual should not be prohibited from acting as a representative and from charging and receiving fees for services, as is provided in paragraphs (a) to (e), inclusive, of this section. The Commissioner may, for good cause shown, extend the time within which

the answer may be filed. No answer will be accepted unless it is made in writing under oath and is filed within the 30-day period or such extended time as the Commissioner may allow.

At the expiration of the time within which an answer may be filed, a time and place shall be fixed for a hearing with respect to such charges, and notice thereof shall be mailed, not less than 15 days prior to the time fixed for the hearing, to the attorney or other individual at his last known address.

The hearing shall be conducted by the Commissioner or his authorized representative. Witnesses shall be sworn and evidence recorded. If the attorney or other individual has filed an answer as above provided, he may present evidence in support of his statements in such answer. If he has filed no answer, he shall have no right to present evidence, but he may appear at the hearing for the purpose of presenting to the Commissioner or his authorized representative his contentions with regard to the sufficiency of the evidence or proceedings as the basis for his disbarment or suspension. Upon the basis of the evidence adduced at the hearing, the Commissioner, or his authorized representative, shall determine whether or not the charges have been sustained, such attorney or other individual shall not be qualified to act as a representative and shall not be qualified to charge or receive any fee for services, as provided in this section. Such disqualification, however, to act as a representative and to charge and receive fees may be limited to a specified period of time.

Such determination shall be made in writing and a copy shall be mailed to the attorney or individual affected.

§ 403.714 *Definitions*—(a) *Bureau.* The term Bureau as used in §§ 403.706 to 403.713, inclusive, of these regulations means those officers and employees of the Bureau of Old-Age and Survivors Insurance who have been authorized by the Commissioner for Social Security to perform the functions referred to in said sections.

Subpart H—Definitions

Section 209 of the Act

When used in this title:

(a) The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include:

(1) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year prior to 1940, is paid to such individual by such employer with respect to employment during such calendar year;

(2) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual with respect to employment during any calendar year after 1939, is paid to such individual with respect to employment during such calendar year;

(3) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the employee (i) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either under his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(4) The payment by an employer (without deduction from the remuneration of the employee) (A) of the tax imposed upon an employee under section 1400 of the Internal Revenue Code or (B) of any payment required from an employee under a State unemployment compensation law;

(5) Dismissal payments which the employer is not legally required to make; or

(6) Any remuneration paid to an individual prior to January 1, 1937.

(b) The term "employment" means any service performed after December 31, 1936, and prior to January 1, 1940, which was employment as defined in section 210 (b) of the Social Security Act prior to January 1, 1940 (except service performed by an individual after he attained the age of sixty-five if performed prior to January 1, 1939), and any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except:

(1) Agricultural labor (as defined in subsection (l) of this section);

(2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(3) Casual labor not in the course of the employer's trade or business;

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Service performed [on] or in connection with a vessel not an American vessel by an employee, if the employee is employed on and in connection with such vessel when outside the United States;

(6) Service performed in the employ of the United States Government, or of an instrumentality of the United States which is (A) wholly owned by the United States, or (B) exempt from the tax imposed by section 1410 of the Internal Revenue Code by virtue of any other provision of law;

(7) Service performed in the employ of a State, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more States or political subdivisions; and any service performed in the employ of any instrumentality of one or more States or political subdivisions to the extent that the instrumentality is, with respect to such service, immune under the Constitution of the United States from the tax imposed by section 1410 of the Internal Revenue Code;

(8) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(9) Service performed by an individual as an employee or employee representative as defined in section 1532 of the Internal Revenue Code;

(10) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 101 of the Internal Revenue Code, if:

(i) The remuneration for such service does not exceed $45, or

(ii) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order, or association, and is performed away from the home office, or is ritualistic service in connection with any such society, order, or association, or

(iii) Such service is performed by a student who is enrolled and is regularly attending classes at a school, college, or university;

(B) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under section 101 (1) of the Internal Revenue Code;

(C) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (i) no part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (ii) 85 per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses;

(D) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if (i) admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and (ii) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual;

(E) Service performed in any calendar quarter in the employ of a school, college, or university, not exempt from income tax under section 101 of the Internal Revenue Code, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed $45 (exclusive of room, board, and tuition);

(11) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

(12) Service performed in the employ of an instrumentality wholly owned by a foreign government:

(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(B) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(13) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to State law;

(14) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming, of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States);

(15) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(16) Service performed in the employ of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act, (As amended by section 5 (a) of the Act approved December 29, 1945, 59 Stat. 669, adding paragraph (16) effective January 1, 1946.)

(c) If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by paragraph (9) of subsection (b).

(d) The term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State.

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(l) The term "agricultural labor" includes all service performed:

(1) On a farm, in the employ of any person in connection, with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

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(o) (1) *Officers and members of crews employed by War Shipping Administration.* The term "employment" shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941, on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration or, in respect of such service performed before February 11, 1942, the United States Maritime Commission, but shall not include any such service performed (1) under a contract entered into without the United States and during the performance of which the vessel does not touch at a port in the United States, or (2) on a vessel documented under the laws of any foreign country and bare-boat chartered to the War Shipping Administration.

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determinations with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (i) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this title.

(4) This subsection shall be effective as of September 30, 1941. (As retroactively added by section 1 (b) (2) of the Act of March 24, 1943, 57 Stat. 47, as amended by the act approved April 4, 1944, 58 Stat. 188.)

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Section 1101 (a) and (b) of the Act

(a) When used in this Act:

(1) The term "State" (except when used in section 531) includes Alaska, Hawaii, and the District of Columbia, and when used in Titles V and VI of such act (including section 531) includes Puerto Rico.

(2) The term "United States" when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

(3) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

(4) The term "corporation" includes associations, joint-stock companies, and insurance companies.

(5) The term "shareholder" includes a member of an association, joint-stock company, or insurance company.

(6) The term "employee" includes an officer of a corporation.

(b) The terms "includes" and "including" when used in a definition contained in this act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

§ 403.801 *General definitions and use of terms.* As used in the regulations in this part except § 403.1:

(a) The terms defined in the above quoted provisions of law shall have the meanings therein assigned to them.

(b) "Social Security Act" means the act approved August 14, 1935 (49 Stat. 620).

(c) "Social Security Act Amendments of 1939" means the act approved August 10, 1939 (53 Stat. 1360).

(d) "Act" means the Social Security Act, as amended, effective January 1, 1940, and as subsequently amended. (See § 403.1 for a chronological description of the pertinent statutes.)

(e) "Section" means a section of the regulations in this part unless the context clearly indicates otherwise.

(f) "Internal Revenue Code" means the act approved February 10, 1939 (53 Stat., Part 1), entitled "An act to consolidate and codify the internal revenue laws of the United States," as amended.

(g) "Board" means the Social Security Board established pursuant to title VII of the act.

(h) "Bureau" means the Bureau of Old-Age and Survivors Insurance of the Social Security Administration.

(i) "Benefit" means a primary insurance benefit, wife's insurance benefit, child's insurance benefit, widow's insurance benefit, widow's current insurance benefit, or parent's insurance benefit under Title II of the act. (Lump sums, which are benefits under Title II of the act, except as the context of such title may indicate otherwise, are excluded from the term "benefit" as herein defined, to permit greater clarity in the regulations.)

(j) "Lump sum" means a lump-sum death payment under Title II of the act or any person's share of such a lump-sum death payment.

(k) "Wage earner" means an individual who has been paid wages.

(l) "Attainment of age." An individual attains a given age on the first moment of the day preceding the anniversary of his birth corresponding to such age.

(m) "Wages paid" means wages actually or constructively paid. Wages are constructively paid when they are credited to the account of or set apart for the employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case the

wages must be credited or set apart to the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn at any time, and their receipt brought within his own control and disposition.

(n) "Certify," when used in connection with the duty imposed on the Administration by section 205 (i) of the act, means that action taken by the Administration in the form of a written statement addressed to the Managing Trustee, setting forth the name and address of the person to whom payment of a benefit or lump sum, or any part thereof, is to be made, the amount to be paid, and the time at which payment should be made.

(o) "Regulations No. 2" means the regulations approved July 20, 1937, as amended from time to time, relating to Federal old-age benefits under Title II of the Social Security Act and amendments to such title effective prior to January 1, 1940. See § 403.1 (a) (2).)

(p) "Masculine gender" includes the feminine, unless otherwise clearly indicated.

(q) The cross references in the regulations in this part to other portions of the regulations, when the word "see" is used, are made only for convenience and shall be given no legal effect.

(r) "Commissioner" means the Commissioner for Social Security as provided by Federal Security Agency Order 57, dated July 16, 1946 (11 F. R. 7943).

(s) "Administration," except where the context clearly indicates otherwise, means the Social Security Administration created by Federal Security Agency Order 3, dated July 16, 1946 (11 F. R. 7942).

(t) "Appeals Council" means the Office of Appeals Council in the Social Security Administration as provided by Federal Security Agency Order 57, dated July 16, 1946 (11 F. R. 7943).

EMPLOYMENT

SECTION 209 (b) OF THE ACT

The term "employment" means any service performed after December 31, 1936, and prior to January 1, 1940, which was employment as defined in section 210 (b) of the Social Security Act prior to January 1, 1940 (except service performed by an individual after he attained the age of sixty-five if performed prior to January 1, 1939) • • •

• • • • • •

SECTION 210 (b) OF THE SOCIAL SECURITY ACT IN EFFECT PRIOR TO JANUARY 1, 1940

The term "employment" means any service, of whatever nature, performed within the United States by an employee for his employer, except—

(1) Agricultural labor;

(2) Domestic service in a private home;

(3) Casual labor not in the course of the employer's trade or business;

(4) Service performed as an officer or member of the crew of a vessel documented under the laws of the United States or of any foreign country;

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States;

(6) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions;

(7) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

SECTION 15 OF THE RAILROAD RETIREMENT ACT OF 1935 (49 STAT. 974)

The term "employment," as defined in subsection (b) of section 210 of Title II of the Social Security Act, shall not include service performed in the employ of a carrier as defined in subdivision (a) of section 1 of the Railroad Retirement Act of 1935.

SECTION 17 OF THE RAILROAD RETIREMENT ACT OF 1937 (50 STAT. 317)

The term "employment," as defined in subsection (b) of section 210 of Title II of the Social Security Act, shall not include service performed by an individual as an employee as defined in section 1 (b).

SECTION 902 (f) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

• • • No payment shall be made under Title II of the Social Security Act with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of section 209 (b) of such act, as amended.

SECTION 2 OF THE ACT OF AUGUST 11, 1939 (53 STAT. 1420)

No tax shall be collected under Title VIII • • • of the Social Security Act or under the Federal Insurance Contributions Act • • • with respect to services rendered prior to January 1, 1940, in the employ of the owner or tenant of land, in salvaging timber on such land or clearing such land of brush and other debris left by a hurricane • • • No payment shall be made under Title II of the Social Security Act with respect to such services rendered prior to January 1, 1940.

§ 403.802 *Employment prior to January 1, 1940.* Under the provisions of section 209 (b) of the act (as amended, effective January 1, 1940, by section 201 of the Social Security Act Amendments of 1939), services performed prior to January 1, 1940, with an exception as noted below, constitute employment if they were employment under section 210 (b) of the Social Security Act prior to such date as modified by section 15 of the Railroad Retirement Act of 1935 and section 17 of the Railroad Retirement Act of 1937. Under the exception of section 209 (b) (as so amended) services performed prior to January 1, 1939, by an individual after attainment of age 65 are excepted from employment. Such an exception was not contained in section 210 (b) of the act prior to such amendment, a similar result being accomplished under other provisions of Title II of the act by counting as wages in determining the amount of any benefit only wages received for employment before the individual attained the age of 65. The exception of services performed by an individual after attainment of age 65 is not applicable with respect to services performed on or after January 1, 1939.

Payments with respect to certain services are prohibited notwithstanding such services are not excepted from employment as defined by section 210 (b) of the Social Security Act in effect prior to January 1, 1940. Payments so prohibited are as follows:

(a) Section 902 (f) of the Social Security Act Amendments of 1939 provides that no payment shall be made under Title II of the act with respect to services rendered prior to January 1, 1940, which are described in subparagraph (11) (relating to services performed in the employ of foreign governments) and in subparagraph (12) (relating to services performed in the employ of certain instrumentalities of foreign governments) of section 209 (b) of the act in force on and after January 1, 1940.

(b) Section 2 of the act of August 11, 1939 (53 Stat. 1420) provides that no payment shall be made under Title II of the act with respect to services rendered prior to January 1, 1940, in the employ of the owner or tenant of land, in salvaging timber on such land or clearing such land of brush or other debris left by a hurricane.

Notwithstanding the provisions of § 403.801 (a), the term "employment," as used in the regulations in this part, shall not be deemed to include services with respect to which payments of benefits is prohibited under such section 902 (f) of the Social Security Act Amendments of 1939 or such section 2 of the act of August 11, 1939.

Whether services performed prior to January 1, 1940, constitute employment within the meaning of the regulations in this part shall be determined in accordance with this section and the applicable provisions of Part 402 of this chapter (Regulations No. 2).

SECTION 209 (b) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except—

• • • • • •

SECTION 209 (d) OF THE ACT

The term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States, or corporations organized under the laws of the United States or of any State.

SECTION 209 (o) OF THE ACT

(1) *Officers and members of crews employed by War Shipping Administration.* The term "employment" shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941, on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration or, in respect of such service performed before February 11, 1942, The United States Maritime Commission, but shall not include any such service performed (1) under a contract entered into without the United States and during the performance of which the vessel does not touch at a port in the United States, or (2) on a vessel documented under the laws of any foreign country and bareboat chartered to the War Shipping Administration.

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determinations with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (1) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this title.

(4) This subsection shall be effective as of September 30, 1941. (As retroactively added by section 1 (b) (2) of the Act of March 24, 1943, 57 Stat. 47, as amended by the Act approved April 4, 1944, 58 Stat. 188.)

SECTION 1 (a) OF THE ACT OF MARCH 24, 1943 (57 STAT. 45)

• • • officers and members of crews (hereinafter referred to as "seamen") employed on United States or foreign flag vessels as employees of the United States through the War Shipping Administration shall, with respect to (1) laws administered by the Public Health Service and the Social Security Act, as amended by subsection (b) (2) and (3) of this section; • • • have all of the rights, benefits, exemptions, privileges, and liabilities, under law applicable to citizens of the United States employed as seamen on privately owned and operated American vessels. • • • Claims arising under clause (1) hereof shall be enforced in the same manner as such claims would be enforced if the seaman were employed on a privately owned and operated American vessel. • • • Rights of any seaman under the Social Security Act, as amended by subsection (b) (2) and (3), and claims therefor shall be governed solely by the provisions of such act, so amended.

§ 403.803 *Employment after December 31, 1939*—(a) *In general.* Whether services performed on or after January 1, 1940, constitute employment is determined under section 209 (b) of the act, that is, section 209 (b), as amended, effective January 1, 1940, by section 201 of the Social Security Act Amendments of 1939, and under section 209 (o) of the act, as amended, effective on and after October 1, 1941. This section of the regulations in this part, §§ 403.804 and 403.805 (relating to who are employees and employers), § 403.806 (relating to excepted services in general), § 403.807 (relating to included and excluded services), and §§ 403.808 to 403.826a, inclusive (relating to the several classes of excepted services), apply with respect only to services performed on or after January 1, 1940. (For provisions relating to the circumstances under which services which do not constitute employment are nevertheless deemed to be employment, and relating to the circumstances under which services which constitute employment are nevertheless deemed not to be employment, see § 403.807. For provisions relating to services performed prior to January 1, 1940, see § 403.802.

(b) *Services performed within the United States.* Services performed on or after January 1, 1940, within the United States, that is, within any of the several States, the District of Columbia, or the Territory of Alaska or Hawaii, by an employee for the person employing him, unless specifically excepted by section 209 (b) or (o) of the act, constitute employment within the meaning of the act. Services performed outside the United States, that is, outside the several States, the District of Columbia, and the Territories of Alaska and Hawaii (except certain services performed on or in connection with an American vessel, and except certain services performed as an employee of the United States on or in connection with a vessel by an officer or member of the crew—see paragraphs (c) and (d) of this section), do not constitute employment.

With respect to services performed within the United States, the place where the contract of service is entered into and the citizenship or residence of the employee or of the person employing him are immaterial. Thus, the employee and the person employing him may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract actually performs services within the United States, there may be to that extent employment within the meaning of the act.

(c) *Services performed outside the United States, other than as an employee of the United States.* Services performed on or after January 1, 1940, by an employee for the person employing him "on or in connection with" an American vessel outside the United States constitute employment provided:

(1) The employee is also employed "on and in connection with" such vessel when outside the United States; and

(2) The services are performed under a contract of service, between the employee and the person employing him, which is entered into within the United States, or during the performance of which the vessel touches at a port within the United States; and

(3) The services are not excepted under section 209 (b) of the act. (See particularly § 403.825, relating to fishing.)

An employee performs services on and in connection with the vessel if he performs services on the vessel which are also in connection with the vessel. Services performed on the vessel as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Services may be performed on the vessel, however, which have no connection with it, as in the case of services performed by an employee while on the vessel merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on the vessel are not in connection with the vessel.

If services are performed by an employee "on and in connection with" an American vessel when outside the United States and conditions provided in subparagraphs (2) and (3) of this paragraph are met, then the services of that employee performed on or in connection with the vessel constitute employment. The expression "on or in connection with" refers not only to services performed on the vessel but also to services connected with the vessel which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

Services performed by a member of the crew or other employee whose contract of service is not entered into within the United States, and during the performance of which the vessel does not touch at a port within the United States, do not constitute employment, notwithstanding similar services performed by others on or in connection with the vessel constitute employment.

The word "vessel" includes every description of watercraft, or other contrivance, used as a means of transportation on water. It does not include any type of aircraft.

The term "American vessel" means any vessel which is documented (that is, registered, enrolled, or licensed) or numbered in conformity with the laws of the United States. It also includes any vessel which is neither documented nor numbered under the laws of the United States, nor documented under the laws of any foreign country, if the crew of such vessel is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State (including the District of Columbia or the Territories of Alaska or Hawaii).

With respect to services performed outside the United States, the citizenship or residence of the employee is immaterial, and the citizenship or residence of the person employing him is material only in case it has a bearing in determining whether a vessel is an American vessel.

This paragraph does not apply with respect to services which constitute employment by reason of section 209 (o) of the act (see paragraph (d) of this section).

(d) *Wartime maritime services in the employ of the United States.* Services performed, either within or outside the United States, by an officer or member of the crew of any vessel, as an employee of the United States, constitute employment if performed on or after October 1, 1941, and prior to the termination of title I of the First War Powers Act, 1941 (i. e., six months after termination of World War II, or such earlier time as the Congress by concurrent resolution, or the President, may designate): *Provided,*

(1) The employee is so employed through the War Shipping Administration or, as respects services performed before February 11, 1942, through the United States Maritime Commission; and

(2) The services are performed "on or in connection with" such vessel; and

(3) Such vessel, if documented under the laws of a foreign country, is not bareboat chartered to the War Shipping Administration; and

(4) The services are performed under a contract of service which is entered into

within the United States or during the performance of which the vessel touches at a port within the United States.

The expression "on or in connection with" refers not only to services performed on the vessel but also to services connected with the vessel which are not actually performed on it (for example, shore services performed as officers or members of the crew).

Services performed by an officer or member of the crew whose contract of service is not entered into within the United States, and during the performance of which the vessel does not touch at a port within the United States, do not constitute employment, notwithstanding similar services performed by others on or in connection with the vessel may constitute employment.

The word "vessel" shall have the meaning assigned to it in paragraph (c) of this section.

The citizenship or residence of the employee is immaterial.

In making decisions (see §§ 403.706 to 403.711a, inclusive), the Administration will accept as conclusive upon it final determinations of the Administrator, War Shipping Administration, and his designated agents, under section 209 (o) of the act, as to whether an individual has performed services, described herein, which are employment by reason of such section, or as to the periods of such services.

§ 403.804 *Who are employees.* Every individual is an employee if the relationship between him and the person for whom he performs services is the legal relationship of employer and employee.

Generally such relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not as to such services an employee.

Generally, physicians, lawyers, dentists, veterinarians, contractors, subcontractors, public stenographers, auctioneers, and others who follow an independent trade, business or profession, in which they offer their services to the public, are independent contractors and not employees.

Whether the relationship of employer and employee exists will in doubtful cases be determined upon an examination of the particular facts of each case.

If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, agent, or independent contractor.

The measurement, method, or designation of compensation is also immaterial, if the relationship of employer and employee in fact exists.

No distinction is made between classes or grades of employees. Thus, superintendents, managers, and other superior employees are employees. An officer of a corporation is an employee of the corporation, but a director as such is not. A director may be an employee of the corporation, however, if he performs services for the corporation other than those required by attendance at and participation in meetings of the board of directors.

Although an individual may be an employee under this section, his services may be of such a nature, or performed under such circumstances, as not to constitute employment within the meaning of the act. (See § 403.803.)

§ 403.805 *Who are employers.* Every person is an employer if he employs one or more employees. Neither the number of employees employed, nor the period during which any such employee is employed is material.

An employer may be an individual, a corporation, a partnership, a trust, an estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization, group, or entity. A trust or estate, rather than the fiduciary acting for or on behalf of the trust or estate, is generally the employer.

Although a person may be an employer under this section, services performed in his employ may be of such a nature, or performed under such circumstances, as not to constitute employment within the meaning of the act (see § 403.803).

SECTION 209 (b) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

• • • • •

§ 403.806 *Excepted services in general.* Except as provided by section 209 (o) of the act (see paragraph (d) of § 403.803), services performed on or after January 1, 1940, by an employee for the person employing him do not constitute employment under title II of the act if they are specifically excepted by any of the numbered paragraphs of section 209 (b) of the act; that is, section 209 (b), as amended, effective January 1, 1940, by section 201 of the Social Security Act Amendments of 1939. Such services do not constitute employment under Title II of the act even though they are performed within the United States or are performed outside the United States on or in connection with an American vessel.

The exception attaches to the services performed by the employee and not to the employee as an individual; that is, the exception applies only to the services rendered by the employee in an excepted class.

EXAMPLE: A is an individual who is employed part time by B to perform services which constitute "agricultural labor" (see § 403.808). A is also employed by C part time to perform services as a grocery clerk in a store owned by him. While the services performed in the employ of B are excepted, the exception does not embrace the services performed by A in the employ of C and such services constitute employment.

This section, and the sections which follow it relating to included and excluded services and the several classes of excepted services, apply with respect only to services performed on or after January 1, 1940 (see § 403.803 (a)). (For provisions relating to the circumstances under which services which are excepted are nevertheless deemed to be employment, and relating to the circumstances under which services which are not excepted are nevertheless deemed not to be employment (see § 403.807. For provisions relating to services performed prior to January 1, 1940 see § 403.802.)

SECTION 209 (c) OF THE ACT

If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by paragraph (9) of subsection (b).

§ 403.807 *Included and excluded services.* If a portion of the services performed by an employee for the person employing him during a pay period constitutes employment, and the remainder does not constitute employment, all the services of the employee during the period shall be treated alike, that is, all as included or as excluded. The time during which the employee performs services which under section 209 (b) or (o) of the act constitute employment, and the time during which he performs services which under such section do not constitute employment, within the pay period, determine whether all the services during the pay period shall be deemed to be included or excluded.

If one-half or more of the employee's time in the employ of a particular person in a pay period is spent in performing services which constitute employment, then all the services of that employee for that person in that pay period shall be deemed to be employment.

If less than one-half of the employee's time in the employ of a particular person in a pay period is spent in performing services which constitute employment, then none of the services of that employee for that person in that pay period shall be deemed to be employment.

Example 1: Employee A is employed by B who operates a farm and a store. A's services on the farm are such that they are excepted as agricultural labor and do not constitute employment, and his services in the store constitute employment. He is paid at the end of each month. During a particular month A works 120 hours on the farm and 80 hours in the store. None of A's services during the month are deemed to be employment, since less than one-half of his services during the month constitutes employment.

During another month A works 75 hours on the farm and 120 hours in the store. All of A's services during the month are deemed to be employment, since one-half or more of his services during the month constitutes employment.

Example 2: Employee C is employed as a maid by D, a medical doctor, whose home and office are located in the same building. C's services in the home are excepted as domestic service and do not constitute employment, and her services in the office constitute employment. She is paid each week. During a particular week C works 20 hours in the home and 20 hours in the office. All of C's services during that week are deemed to be employment, since one-half or more of her services during the week constitutes employment.

During another week C works 22 hours in the home and 15 hours in the office. None of C's services during that week are deemed to be employment, since less than one-half of her services during the week constitutes employment.

For purposes of this section, a "pay period" is the period (of not more than 31 consecutive calendar days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. Thus, if the periods for which payments of remuneration are made to the employee by such person are of uniform duration, each such period constitutes a "pay period." If, however, the periods occasionally vary in duration, the "pay period" is the period for which a payment of remuneration is ordinarily made to the employee by such person, even though that period does not coincide with the actual period for which a particular payment of remuneration is made. For example, if a person ordinarily pays a particular employee for each calendar week at the end of the week, but the employee receives a payment in the middle of the week for the portion of the week already elapsed and receives the remainder at the end of the week, the "pay period" is still the calendar week; or if, instead, that employee is sent on a trip by such person and receives at the end of the third week a single remuneration payment for 3 weeks' services, the "pay period" is still the calendar week.

If there is only one period (and such period does not exceed 31 consecutive calendar days) for which a payment of remuneration is made to the employee by the person employing him, such period is deemed to be a "pay period" for purposes of this section.

The rules set forth in this section do not apply (a) with respect to any services performed by the employee for the person employing him if the periods for which such person makes payments of remuneration to the employee vary to the extent that there is no period "for which a payment of remuneration is ordinarily made to the employee," or (b) with respect to any services performed by the employee for the person employing him if the period for which a payment of remuneration is ordinarily made to the employee by such person exceeds 31 consecutive calendar days, or (c) with respect to any service performed by the employee for the person employing him during a pay period if any of such service is excepted by section 209 (b) (9) of the act (see § 403.816 of the regulations in this part).

If during any period for which a person makes a payment of remuneration to an employee only a portion of the employee's services constitutes employment under section 209 (b) of the act, but the rules prescribed herein are not applicable, such portion of the services is employment.

SECTION (b) (1) OF THE ACT

The term "employment" means • • • any service of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(1) Agricultural labor (as defined in subsection (l) of this section);

SECTION 209 (l) OF THE ACT

The term "agricultural labor" includes all service performed—

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing, animal and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

SECTION 15 (g) OF THE AGRICULTURAL MARKETING ACT, AS AMENDED

(46 STAT. 1550; 12 U. S. C. 1141 J (g))

As used in this Act, the term "agricultural commodity" includes, in addition to other agricultural commodities, crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine and gum rosin, as defined in the Naval Stores Act, approved March 3, 1923.

SECTION 2 (c) AND (h) OF THE NAVAL STORES ACT

(42 STAT. 1345; 7 U. S. C. 92 (c), (h))

• • • • • •

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

• • • • • •

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

§ 403.808. *Agricultural labor*—(a) *In general.* Services performed by an employee for the person employing him which constitute "agricultural labor" as defined in section 209 (l) of the act are excepted. The term as so defined includes services of the character described in paragraphs (b), (c), (d), and (e) of this section.

In general, however, the term does not include services performed in connection with forestry, lumbering, or landscaping.

(b) *Services described in section 209 (l) (1) of the act.* Services performed on a farm by an employee of any person in connection with any of the following activities are excepted as agricultural labor:

(1) The cultivation of the soil;

(2) The raising, shearing, feeding, caring for, training, or management of livestock, bees, poultry, fur-bearing animals, or wildlife; or

(3) The raising or harvesting of any other agricultural or horticultural commodity.

The term "farm" as used in this and succeeding paragraphs of this section includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, orchards, and such greenhouses and other similar structures as are used primarily for the raising of agricultural or horticultural commodities. Greenhouses and other similar structures used primarily for other purposes (for example, display, storage, and fabrication of wreaths, corsages, and bouquets), do not constitute "farms."

(c) *Services described in section 209 (l) (2) of the act.* The following services performed by an employee in the employ of the owner or tenant or other operator of one or more farms are excepted as agricultural labor, provided the major part of such services is performed on a farm:

(1) Services performed in connection with the operation, management, conservation, improvement, or maintenance of any of such farms or its tools or equipment; or

(2) Services performed in salvaging timber, or clearing land of brush and other debris, left by a hurricane.

The services described in subparagraph (1) of this paragraph may in-

clude, for example, services performed by carpenters, painters, mechanics, farm supervisors, irrigation engineers, bookkeepers, and other skilled or semiskilled workers, which contribute in any way to the conduct of the farm or farms, as such, operated by the person employing them, as distinguished from any other enterprise in which such person may be engaged.

Since the services described in this paragraph must be performed in the employ of the owner or tenant or other operator of the farm, the exception does not extend to services performed by employees of a commercial painting concern, for example, which contracts with a farmer to renovate his farm properties.

(d) *Services described in section 209 (l) (3) of the act.* Services performed by an employee in the employ of any person in connection with any of the following operations are excepted as agricultural labor without regard to the place where such services are performed:

(1) The ginning of cotton;

(2) The hatching of poultry;

(3) The raising or harvesting of mushrooms;

(4) The operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying or storing water for farming purposes;

(5) The production or harvesting of maple sap or the processing of maple sap into maple sirup or maple sugar (but not the subsequent blending or other processing of such sirup or sugar with other products); or

(6) The production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum rosin, provided such processing is carried on by the original producer of such crude gum.

(e) *Services described in section 209 (l) (4) of the act.* (1) Services performed by an employee in the employ of a farmer or a farmers' cooperative organization or group in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of any agricultural or horticultural commodity, other than fruits and vegetables (see subparagraph (2) of this paragraph) produced by such farmer or farmer-members of such organization or group of farmers are excepted, provided such services are performed as an incident to ordinary farming operations.

Generally services are performed "as an incident to ordinary farming operations" within the meaning of this paragraph if they are services of the character ordinarily performed by the employees of a farmer or of a farmers' cooperative organization or group as a prerequisite to the marketing, in its unmanufactured state, of any agricultural or horticultural commodity produced by such farmer or by the members of such farmers' organization or group. Services performed by employees of such farmer or farmers' organization or group in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of commodities produced by persons other than such farmer or members of such farmers' organization or group are not performed "as an incident to ordinary farming operations."

(2) Services performed by an employee in the employ of any person in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of fruits and vegetables, whether or not of a perishable nature, are excepted as agricultural labor, provided such services are performed as an incident to the preparation of such fruits and vegetables for market. For example, if services in the sorting, grading, or storing of fruits, or in the cleaning of beans, are performed as an incident to their preparation for market, such services may be excepted whether performed in the employ of a farmer, a farmers' cooperative, or a commercial handler of such commodities.

(3) The services described in subparagraphs (1) and (2) of this paragraph, do not include services performed in connection with commercial canning or commercial freezing or in connection with any commodity after its delivery to a terminal market for distribution for consumption. Moreover, since the excepted service described in such subparagraphs must be rendered in the actual handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of the commodity, such services do not, for example, include services performed as stenographers, bookkeepers, clerks, and other office employees, even though such services may be in connection with such activity. However, to the extent that the services of such individuals are performed in the employ of the owner or tenant or other operator of a farm and are rendered in major part on a farm, they may be within the provisions of paragraph (c) of this section.

SECTION 209 (b) (2) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

§ 403.809 *Domestic service.* Services of a household nature performed by an employee in or about the private home of the person by whom he is employed, or performed in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority by which he is employed, are included within the above exception.

A private home is the fixed place of abode of an individual or family.

A local college club or local chapter of a college fraternity or sorority does not include an alumni club or chapter.

If the home is utilized primarily for the purpose of supplying board or lodging to the public as a business enterprise, it ceases to be a private home and the services performed therein are not excepted. Likewise, if the club rooms or house of a local college club or local chapter of a college fraternity or sorority is used primarily for such purpose, the services performed therein are not within the exception.

In general, services of a household nature in or about a private home include services rendered by cooks, maids, butlers, valets, laundresses, furnacemen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. In general, services of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority include services rendered by cooks, maids, butlers, laundresses, furnacemen, waiters and housemothers.

The services above enumerated are not within the exception if performed in or about rooming or lodging houses, boarding houses, clubs (except local college clubs), hotels, or commercial offices or establishments.

Services performed as a private secretary, even though performed in the employer's home, are not within the exception.

SECTION 209 (b) (3) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(3) Casual labor not in the course of the employer's trade or business;

§ 403.810 *Casual labor not in the course of employer's trade or business.* The term "casual labor" includes labor which is occasional, incidental, or irregular.

The expression "not in the course of the employer's trade or business" includes labor that does not promote or advance the trade or business of the employer.

Thus, labor which is occasional, incidental, or irregular, and does not promote or advance the employer's trade or business is excepted.

Example 1: A's business is that of operating a sawmill. He employs B, a carpenter, at an hourly wage to repair his home. B works irregularly and spends the greater part of 2 days in completing the work. Since B's labor is casual and is not in the course of A's trade or business, such services are excepted.

Casual labor, that is, labor which is occasional, incidental, or irregular, but which is in the course of the employer's trade or business, does not come within the above exception.

Example 2: C's business is that of operating a sawmill. He employs D for two hours, at an hourly wage, to remove sawdust from his mill. D's labor is casual since it is occasional, incidental, or irregular, but it is in the course of C's trade or business and is not excepted.

Example 3: E is engaged in the business of operating a department store. He employs additional clerks for short periods. While the services of the clerks may be casual, they are in the course of the employer's trade or business and, therefore, not excepted.

Casual labor performed for a corporation does not come within this exception.

SECTION 209 (b) (4) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

§ 403.811 *Family employment.* Certain services are excepted because of the existence of a family relationship between the employee and the individual employing him. The exceptions are as follows:

(a) Services performed by an individual in the employ of his or her spouse;

(b) Services performed by a father or mother in the employ of his or her son or daughter; and

(c) Services performed by a son or daughter under the age of 21 in the employ of his or her father or mother.

Under paragraphs (a) and (b) of this section, the exception is conditioned solely upon the family relationship between the employee and the individual employing him. Under paragraph (c) of this section, in addition to the family relationship, there is a further requirement that the son or daughter shall be under the age of 21, and the exception continues only during the time that such son or daughter is under the age of 21.

Services performed in the employ of a corporation are not within the exception. Services performed in the employ of a partnership are not within the exception unless the requisite family relationship exists between the employee and each of the individual partners comprising the partnership.

SECTION 209 (b) (5) OF THE ACT

The term "employment" means • • • any service of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(5) Service performed [on] or in connection with a vessel not an American vessel by an employee, if the employee is employed on and in connection with such vessel when outside the United States;

§ 403.812 *Vessel not an American vessel.* Certain services performed within the United States "on or in connection with" a vessel not an American vessel are excepted. In order to be excepted, the services must be performed by an employee who is also employed "on and in connection with" the vessel when outside the United States.

An employee performs services on and in connection with the vessel if he performs services on the vessel when outside the United States which are also in connection with the vessel. Services performed on the vessel outside the United States as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Services may be performed on the vessel, however, which have no connection with it, as in the case of services performed by an employee while on the vessel merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

The expression "on or in connection with" refers not only to services performed on the vessel but also to services connected with the vessel which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel.)

The citizenship or residence of the employee and the place where the contract of service is entered into are immaterial for purposes of this exception, and the citizenship or residence of the person employing him is material only in case it has a bearing in determining whether the vessel is an American vessel. (For definitions of "vessel" and "American vessel," see § 403.803 (c).)

Since the only services performed outside the United States which constitute employment are those described in § 403.803 (c) (relating to services performed outside the United States on or in connection with an American vessel) and § 403.803 (d) (relating to wartime maritime services in the employ of the United States), services performed outside the United States on or in connection with a vessel not an American vessel in any event do not constitute employment unless they are employment by reason of section 209 (o) of the act (see § 403.803 (d).

SECTION 209 (b) (6) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(6) Service performed in the employ of the United States Government, or of an instrumentality of the United States which is (A) wholly owned by the United States, or (B) exempt from the tax imposed by section 1410 of the Internal Revenue Code by virtue of any other provision of law;

§ 403.813 *United States and instrumentalities thereof.* Services performed in the employ of the United States Government (except as provided in section 209 (o) of the act, as to which (see § 403.803 (d)), are excepted. Services performed in the employ of an instrumentality of the United States are also excepted if the instrumentality is either wholly owned by the United States, or exempt from the tax imposed on employers by section 1410 of the Federal Insurance Contributions Act (subchapter A of Chapter 9 of the Internal Revenue Code) by virtue of any other provision of law.

Services performed in the employ of an instrumentality of the United States which is neither wholly owned by the United States nor exempt from the tax imposed on employers by such section 1410 of the Federal Insurance Contributions Act by virtue of any other provision of law are not within the exception.

Services performed in the employ of a national bank or a State member bank of the Federal Reserve System, for example, are not within the exception.

SECTION 209 (b) (7) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(7) Service performed in the employ of a State, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more States or political subdivisions; and

any service performed in the employ of any instrumentality of one or more States or political subdivisions to the extent that the instrumentality is, with respect to such service, immune under the Constitution of the United States from the tax imposed by section 1410 of the Internal Revenue Code;

§ 403.814 *States and their political subdivisions and instrumentalities.* Services performed in the employ of any State, or of any political subdivision thereof, are excepted. Services performed in the employ of an instrumentality of 1 or more States or political subdivisions thereof are excepted if the instrumentality is wholly owned by 1 or more of the foregoing. Services performed in the employ of an instrumentality of 1 or more of the several States or political subdivisions thereof which is not wholly owned by 1 or more of the foregoing are excepted only to the extent that the instrumentality is with respect to such services immune under the Constitution of the United States from the tax imposed on employers by section 1410 of the Federal Insurance Contributions Act (subchapter A of chapter 9 of the Internal Revenue Code).

The term "State" includes the District of Columbia and the Territories of Alaska and Hawaii.

SECTION 209 (b) (8) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(8) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

§ 403.815 *Religious, charitable, scientific, literary, and educational organizations and community chests.* Services performed by an employee in the employ of an organization of the class specified in section 209 (b) (8) of the act are excepted.

For purpose of this exception the nature of the service is immaterial; the statutory test is the character of the organization for which the services are performed.

In all cases, in order for an organization to be within the statutory classification, the organization must meet three tests:

(1) It must be organized and operated exclusively for one or more of the specified purposes;

(2) Its net income must not inure in whole or in part to the benefit of private shareholders or individuals; and

(3) It must not by any substantial part of its activities attempt to influence legislation by propaganda or otherwise.

Corporations or other institutions organized and operated exclusively for charitable purposes comprise, in general, organizations for the relief of the poor. The fact that an organization established for the relief of indigent persons may receive voluntary contributions from the

persons intended to be relieved will not necessarily affect its status under the law.

An educational organization within the meaning of section 209 (b) (8) of the act is one designed primarily for the improvement or development of the capabilities of the individual but, under exceptional circumstances, may include an association whose sole purpose is the instruction of the public, or an association whose primary purpose is to give lectures on subjects useful to the individual and beneficial to the community, even though an association of either class has incidental amusement features. An organization formed, or availed of, to disseminate controversial or partisan propaganda is not an educational organization. However, the publication of books or the giving of lectures advocating a cause of a controversial nature, shall not of itself be sufficient to take an organization out of the exemption, if carrying on propaganda, or otherwise attempting, to influence legislation form no substantial part of its activities, its principal purpose and substantially all of its activities being clearly of a nonpartisan, noncontroversial, and educational nature.

Since a corporation or other institution to be within the prescribed class must be organized and operated exclusively for one or more of the specified purposes, an organization which has certain religious purposes and which also manufactures and sells articles to the public for profit is not within the statutory class even though its property is held in common and its profits do not inure to the benefit of individual members of the organization.

An organization otherwise within the statutory class does not lose its status as such by receiving income such as rent, dividends, and interest from investments, provided such income is devoted exclusively to one or more of the specified purposes.

SECTION 209 (b) (9) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(9) Service performed by an individual as an employee or employee representative as defined in section 1532 of the Internal Revenue Code;

SECTION 1532 OF THE INTERNAL REVENUE CODE DEFINITIONS

As used in this subchapter [subchapter B, chapter 9, Internal Revenue Code]—

(a) *Employer.* The term "employer" means any carrier (as defined in subsection (h) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations. The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (As retroactively amended by section 1 of the Act approved August 13, 1940, 54 Stat. 785.)

(b) *Employee.* The term "employee" means any person in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual is in the employment relation to a carrier if he is on furlough, subject to call for service within or outside the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability; all in accordance with the established rules and practices in effect on the carrier: *Provided, however,* That an individual shall not be deemed to be in the employment relation to a carrier unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (d) of this section.

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple. (As retroactively amended by section 3 of the Joint Resolution approved June 11, 1940, 54 Stat. 264, and section 3 of the Act approved August 13, 1940, 54 Stat. 786.)

(c) *Employee representative.* The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in subsection (a), who before or after June 29, 1937, was in the service of an employer as defined in subsection (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, 44 Stat. 577 (U. S. C., Title 45, c. 18), as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

(d) *Service.* An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date. (As retroactively amended by section 3 of the Joint Resolution approved June 11, 1940, 54 Stat. 264, and by section 14 of the Act approved April 8, 1942, 56 Stat. 209.)

(e) *Compensation.* The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 1500. Compensation which is earned during the period for which the Commissioner shall require a return of taxes under this subchapter to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only. • • •

(f) *United States.* The term "United States" when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

(g) *Company.* The term "company" includes corporations, associations, and joint-stock companies.

(h) *Carrier.* The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to Part I of the Interstate Commerce Act.

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SECTION 3 OF JOINT RESOLUTION APPROVED JUNE 11, 1940 (54 STAT. 264)

• • • • • •

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Internal Revenue Code when that code was enacted on February 10, 1939, • • •

SECTIONS 4 (a) AND (c) AND 6 OF THE ACT APPROVED AUGUST 13, 1940 (54 STAT. 786, 787)

SEC. 4. (a) The laws hereby expressly amended, the Social Security Act, approved August 14, 1935, and all amendments thereto, shall operate as if each amendment herein contained had been enacted as a part of the law it amends, at the time of the original enactment of such law.

(c) Nothing contained in this act shall operate (1) to affect any annuity, pension, or death benefit granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, prior to the date of enactment of this act, or (2) to include any of the services on the basis of which any such annuity or pension was granted, as employment within the meaning of section 210 (b) of the Social Security Act or section 209 (b) of such act, as amended. • • •

SEC. 6. Nothing contained in this act, nor the action of Congress in adopting it, shall be taken or considered as affecting the question of what carriers, companies, or individuals, other than those in this act specifically provided for, are included in or excluded from the provisions of the various laws to which this act is an amendment.

SECTION 14 OF THE ACT APPROVED APRIL 8, 1942 (56 STAT. 209)

• • • • • •

The amendment in this section shall operate in the same manner and have the same effect as if they had been part of the Internal Revenue Code when that code was enacted February 10, 1939, • • •

§ 403.816 *Railroad industry; employees and employee representatives under section 1532 of the Internal Revenue Code, as amended.* Services performed by an individual as an "employee" or as an "employee representative," as those terms are defined in section 1532 of subchapter B of chapter 9 of the Internal Revenue Code (which subchapter corresponds to and, effective April 1, 1939, superseded the Carriers Taxing Act of 1937) are excepted. Services by an individual in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple, upon the basis of which any annuity or pension was granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937 prior to August 13, 1940, are also excepted.

SECTION 209 (b) (10 (A) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(10) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 101 of the Internal Revenue Code, if—

(i) The remuneration for such service does not exceed $45, or

(ii) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order, or association, and is performed away from the home office, or is ritualistic service in connection with any such society, order, or association, or

(iii) Such service is performed by a student who is enrolled and is regularly attending classes at a school, college, or university;

SECTION 101 OF THE INTERNAL REVENUE CODE

EXEMPTIONS FROM TAX ON CORPORATIONS

The following organizations shall be exempt from taxation under this chapter—

(1) Labor • • • organizations;

(2) Mutual savings banks not having a capital stock represented by shares;

(3) Fraternal beneficiary societies, orders, or associations, (A) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and (B) providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;

(4) Domestic building and loan associations substantially all the business of which is confined to making loans to members; and cooperative banks without capital stock organized and operated for mutual purposes and without profit;

(5) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

• • • • • •

(7) Business leagues, chambers of commerce, real-estate boards, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(8) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes;

(9) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder;

(10) Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations; but only if 85 per centum or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses;

(11) Farmers' or other mutual hail, cyclone, casualty, or fire insurance companies or associations (including inter-insurers and reciprocal underwriters) the income of which is used or held for the purpose of paying losses or expenses [for amendment to section 101 (11) by Revenue Act of 1942, see below];

(12) Farmers', fruit growers', or like associations organized and operating on a cooperative basis (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemption shall not be denied any such association because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose. Such an association may market the products of nonmembers in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for nonmembers in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, provided the value of the purchases made for persons who are neither members nor producers does not exceed 15 per centum of the value of all its purchases. Business done for the United States or any of its agencies shall be disregarded in determining the right to exemption under this paragraph;

(13) Corporations organized by an association exempt under the provisions of paragraph (12), or members thereof, for the purpose of financing the ordinary crop operations of such members or other producers, and operated in conjunction with such association. Exemption shall not be denied any such corporation because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the corporation, upon dissolution or otherwise, beyond the fixed dividends) is owned by such association, or members thereof; nor shall exemption be denied any such corporation because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose;

(14) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this chapter;

(15) Corporations organized under Act of Congress, if such corporations are instrumentalities of the United States and if, under such act, as amended and supplemented, such corporations are exempt from Federal income taxes;

• • • • • •

(17) Teachers' retirement fund associations of a purely local character, if (A) no part of their net earnings inures (other than through payment of retirement benefits) to the benefit of any private shareholder or individual, and (B) the income consists solely of amounts received from public taxation, amounts received from assessments upon the teaching salaries of members, and income in respect of investments;

(18) Religious or apostolic associations or corporations, if such associations or corpora-

tions have a common treasury or community treasury, even if such associations or corporations engage in business for the common benefit of the members, but only if the members thereof include (at the time of filing their returns) in their gross income their entire pro-rata shares, whether distributed or not, of the net income of the association or corporation for such year. Any amount so included in the gross income of a member shall be treated as a dividend received.

• • • • • •

SECTION 165 (a) OF THE REVENUE ACT OF 1942, APPROVED OCTOBER 21, 1942 (56 STAT. 872)

Exempt companies. Section 101 (11) is amended to read as follows:

(11) Mutual insurance companies or associations other than life or marine (including interinsurers and reciprocal underwriters) if the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) does not exceed $75,000;

SECTION 101 OF THE REVENUE ACT OF 1942, APPROVED OCTOBER 21, 1942 (56 STAT. 802)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

§ 403.817 *Organizations exempt from income tax*—(a) *In general.* This section deals with the exception of services performed in the employ of certain organizations exempt from income tax under section 101 of the Internal Revenue Code. If the services meet the tests set forth in paragraph (b), (c), or (d) of this section, such services are excepted.

(See also § 403.815 for provisions relating to the exception of services performed in the employ of religious, charitable, scientific, literary, and educational organizations and community chests of the type described in section 101 (6) of the Internal Revenue Code; § 403.818 for provisions relating to the exception of services performed in the employ of agricultural and horticultural organizations exempt from income tax under section 101 (1) of the Internal Revenue Code; § 403.819 for provisions relating to the exception of services performed in the employ of voluntary employees' beneficiary associations of the type described in section 101 (16) of the Internal Revenue Code; and § 403.820 for provisions relating to the exception of services in the employ of Federal employees' beneficiary associations of the type described in section 101 (19) of the Internal Revenue Code. Since services performed in the employ of such organizations are excepted from employment regardless of whether they meet the tests set forth in this section, provisions of section 101 of the Internal Revenue Code relating to them have been omitted from the quotation of section 101 preceding this section. An amendment to section 101 (16) of the Internal Revenue Code, effectuated by section 137 of the Revenue Act of 1942 and broadening the exemption from income tax, has likewise been omitted from such quotation because inapplicable to the reference to section 101 of the Internal Revenue Code in section 209 (b) (10) (A) of the act.)

(b) *Remuneration not in excess of $45 for calendar quarter.* Services performed by an employee in a calendar quarter in the employ of an organization exempt from income tax under section 101 of the Internal Revenue Code are excepted, if the remuneration for the services does not exceed $45. The exception applies separately with respect to each organization for which the employee renders services in a calendar quarter. A calendar quarter is a period of three calendar months ending on March 31, June 30, September 30, or December 31. The type of services performed by the employee and the place where the services are performed are immaterial; the statutory tests are the character of the organization in whose employ the services are performed and the amount of the remuneration for services performed by the employee in the calendar quarter.

Example 1: X is a local lodge of a fraternal organization and is exempt from income tax under section 101 (3) of the Internal Revenue Code. X has two paid employees, A, who serves exclusively as recording secretary for the lodge, and B, who performs services for the lodge as janitor of its club house. For services performed during the first calendar quarter of 1940 (that is, January 1, 1940, through March 31, 1940, both dates inclusive) A earns a total of $30. For services performed during the same calendar quarter B earns $180. Since the remuneration for the services performed by A during such quarter does not exceed $45, all of such services are excepted. Since the remuneration for the services performed by B during such quarter, however, does exceed $45, none of such services are excepted.

Example 2: The facts are the same as in example 1, above, except that on April 1, 1940, A's salary is increased and, for services performed during the calendar quarter beginning on that date (that is, April 1, 1940, through June 30, 1940, both dates inclusive), A earns a total of $60. Although all of the services performed by A during the first quarter were excepted, none of A's services performed during the second quarter are excepted since the remuneration for such services exceeds $45.

Example 3: The facts are the same as in example 1, above, except that A earns $120 for services performed during the year 1940, and such amount is paid to him in a lump sum at the end of the year. The services performed by A in any calendar quarter during the year are excepted if the portion of the $120 attributable to services performed in that quarter does not exceed $45. If, however, the portion of the $120 attributable to services performed in any calendar quarter during the year does exceed $45, the services during that quarter are not excepted.

(c) *Collection of dues or premiums for fraternal beneficiary societies, and ritualistic services in connection with such societies.* The following services performed by an employee in the employ of a fraternal beneficiary society, order, or association exempt from income tax under section 101 of the Internal Revenue Code are excepted:

(1) Services performed away from the home office of such a society, order, or association in connection with the collection of dues or premiums for such society, order, or association; and

(2) Ritualistic services (wherever performed) in connection with such a society, order, or association.

For purposes of this paragraph the amount of the remuneration for services performed by the employee in the calendar quarter is immaterial; the statutory tests are the character of the organization in whose employ the services are performed, the type of services, and, in the case of collection of dues or premiums, the place where the services are performed.

(d) *Students employed by organizations exempt from income tax.* Services performed in the employ of an organization exempt from income tax under section 101 of the Internal Revenue Code by a student who is enrolled and is regularly attending classes at a school, college, or university are excepted. For purposes of this paragraph, the amount of remuneration for services performed by the employee in the calendar quarter, the type of services, and the place where such services are performed are immaterial; the statutory tests are the character of the organization in whose employ the services are performed and the status of the employee as a student enrolled and regularly attending classes at a school, college, or university.

The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense.

(For provisions relating to services performed by a student enrolled and regularly attending classes at a school, college, or university not exempt from income tax in the employ of such school, college, or university, see § 403.821.)

SECTION 209 (b) (10) (B) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(10) (B) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under section 101 (1) of the Internal Revenue Code;

SECTION 101 (1) OF THE INTERNAL REVENUE CODE

EXEMPTIONS FROM TAX ON CORPORATIONS

The following organizations shall be exempt from taxation under this chapter—

(1) • • • agricultural, or horticultural organizations;

§ 403.818 *Agricultural and horticultural organizations exempt from income tax.* Services performed by an employee in the employ of an agricultural or horticultural organization exempt from income tax under section 101 (1) of the Internal Revenue Code are excepted.

For purposes of this exception, the type of services performed by the employee, the amount of remuneration for such services, and the place where such services are performed are immaterial; the statutory test is the character of the organization in whose employ the services are performed.

SECTION 209 (b) (10) (C) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(10) (C) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (I) no part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (II) 85 per centum or more of the income consists of amounts collected from members

for the sole purpose of making such payments and meeting expenses;

§ 403.819 *Voluntary employees' beneficiary associations.* Services performed by an employee in the employ of an organization of the character described in section 209 (b) (10) (C) of the act are excepted.

For purposes of this exception, the type of services performed by the employee, the amount of remuneration for such services, and the place where such services are performed are immaterial; the statutory test is the character of the organization in whose employ the services are performed.

SECTION 209 (b) (10) (D) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(10) (D) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if (I) admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and (II) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual;

§ 403.820 *Federal employees' beneficiary associations.* Services performed by an employee in the employ of an organization of the character described in section 209 (b) (10) (D) of the act are excepted.

For purposes of this exception, the type of services performed by the employee, the amount of remuneration for such services, and the place where such services are performed are immaterial; the statutory test is the character of the organization in whose employ the services are performed.

SECTION 209 (b) (10) (E) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(10) (E) Service performed in any calendar quarter in the employ of a school, college, or university, not exempt from income tax under section 101, of the Internal Revenue Code, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed $45 (exclusive of room, board, and tuition);

§ 403.821 *Students employed by schools, colleges, or universities not exempt from income tax.* Services performed in a calendar quarter by a student in the employ of a school, college, or university not exempt from income tax under section 101 of the Internal Revenue Code are excepted, provided:

(a) The services are performed by a student who is enrolled and is regularly attending classes at such school, college, or university; and

(b) The remuneration for such services performed in such calendar quarter does not exceed $45, exclusive of room, board, and tuition furnished by the school, college, or university.

A calendar quarter is a period of three calendar months ending on March 31, June 30, September 30, or December 31.

For purposes of this exception, the type of services performed by the employee and the place where the services are performed are immaterial; the statutory tests are the character of the organization in whose employ the services are performed, the amount of remuneration for services performed by the employee in the calendar quarter and the status of the employee as a student enrolled and regularly attending classes at the school, college, or university in whose employ he performs the services.

The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense.

(For provisions relating to services performed by a student in the employ of an organization exempt from income tax, see § 403.817 (d).)

SECTION 209 (b) (11) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(11) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

§ 403.822 *Foreign governments.* Services performed by an employee in the employ of a foreign government are excepted. The exception includes not only services performed by ambassadors, ministers, and other diplomatic officers and employees but also services performed as a consular or other officer or employee of a foreign government, or as a nondiplomatic representative thereof.

For purposes of this exception, the citizenship or residence of the employee is immaterial. It is also immaterial whether the foreign government grants an equivalent exemption with respect to similar services performed in the foreign country by citizens of the United States.

SECTION 209 (b) (12) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(12) Service performed in the employ of an instrumentality wholly owned by a foreign government—

(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(B) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

§ 403.823 *Wholly owned instrumentalities of a foreign government.* Services performed by an employee in the employ of certain instrumentalities of a foreign government are excepted. The exception includes all services performed in the employ of an instrumentality of the government of a foreign country, *Provided:*

(1) The instrumentality is wholly owned by the foreign government;

(2) The services are of a character similar to those performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to services performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

For purposes of this exception, the citizenship or residence of the employee is immaterial.

SECTION 209 (b) (13) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(13) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to State law;

§ 403.824 *Student nurses and hospital internes.* Services performed as a student nurse in the employ of a hospital or a nurses' training school are excepted provided the student nurse is enrolled and regularly attending classes in a nurses' training school, and such nurses' training school is chartered or approved pursuant to State law.

Services performed as an interne (as distinguished from a resident doctor) in the employ of a hospital are excepted, provided the interne has completed a 4 years' course in a medical school chartered or approved pursuant to State law.

SECTION 209 (b) (14) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(14) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States); or

§ 403.825 *Fishing*—(a) *In general.* Subject to the limitations prescribed in paragraphs (b) and (c) of this section, the services described in this paragraph are excepted. Services performed by an individual in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish (for example, oysters, clams, and mussels), crustacea (for example, lobsters, crabs, and shrimps),

sponges, seaweeds, or other aquatic forms of animal and vegetable life are excepted. The exception extends to services performed as an officer or member of the crew of a vessel while the vessel is engaged in any such activity whether or not the officer or member of the crew is himself so engaged. In the case of an individual who is engaged in any such activity in the employ of any person, the services performed, by such individual in the employ of such person, as an ordinary incident to any such activity are also excepted. Similarly, for example, the shore services of an officer or member of the crew of a vessel engaged in any such activity are excepted if such services are an ordinary incident to any such activity. Services performed as an ordinary incident to any such activity may include, for example, services performed in such cleaning, icing, and packing of fish as are necessary for the immediate preservation of the catch.

(b) *Salmon and halibut fishing.* Services performed in connection with the catching or taking of salmon or halibut, for commercial purposes, are not within the exception. Thus, neither the services of an officer or member of the crew of a vessel (irrespective of its tonnage) which is engaged in the catching or taking of salmon or halibut, for commercial purposes, nor the services of any other individual in connection with such activity, are within the exception.

(c) *Vessels of more than 10 net tons.* Services described in paragraph (a) performed on or in connection with a vessel of more than 10 net tons are not within the exception. For purposes of the exception, the tonnage of the vessel shall be determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States.

SECTION 209 (b) (15) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except—

(15) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

§ 403.826 *Delivery and distribution of newspapers and shopping news.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, are excepted. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery of newspapers or shopping news, including handbills and other similar types of advertising material, are excepted.

The exception continues only during the time that the employee is under the age of 18.

SECTION 209 (b) (16) OF THE ACT

The term "employment" means • • • any service, of whatever nature, • • • by an employee for the person employing him • • • except:

(16) Service performed in the employ of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act. (As amended effective January 1, 1946, by section 5 (a) of the Act approved December 29, 1945, 59 Stat. 669.)

SECTION 1 OF THE ACT APPROVED DECEMBER 29, 1945 (59 STAT. 669)

For the purposes of this title, the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

§ 403.826a *International organization.* Services performed after December 31, 1945, by an employee in the employ of an organization of the class specified in section 209 (b) (16) of the act are excepted. For an organization to be within the statutory classification the following conditions must be met:

(a) It must be a public international organization in which the United States participates pursuant to treaty or authority of an act of Congress authorizing, or making an appropriation for, such participation:

(b) It must have been designated by executive order to be entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act;

(c) The designation must be in effect, and all conditions and limitations thereof must be met.

Such services will not be excepted if any of the foregoing conditions are not met. Nor will they be excepted after such designation is withheld or withdrawn by Executive order from the employing organization.

WAGES

SECTION 209 (a) OF THE ACT

The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year prior to 1940, is paid to such individual by such employer with respect to employment during such calendar year;

(2) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual with respect to employment during any calendar year after 1939, is paid to such individual with respect to employment during such calendar year;

(3) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the employee (i) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(4) The payment by an employer (without deduction from the remuneration of the employee) (A) of the tax imposed upon an employee under section 1400 of the Internal Revenue Code or (B) of any payment required from an employee under a State unemployment compensation law;

(5) Dismissal payments which the employer is not legally required to make; or

(6) Any remuneration paid to an individual prior to January 1, 1937.

SECTION 209 (o) (2), (3), AND (4) OF THE ACT

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of [paragraph 1 of] this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determination with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (1) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this title.

(4) This subsection shall be effective as of September 30, 1941. (As retroactively added by section 1 (b) (2) of the act of March 24, 1943, 57 Stat. 47, as amended by the act approved April 4, 1944, 58 Stat. 188.)

§ 403.827 *Wages* — (a) *In general.* Whether remuneration for employment constitutes wages shall be determined in accordance with this section of these regulations and § 403.828 (relating to exclusions from wages); except that any such determination with respect to remuneration for employment, paid after December 31, 1936, and prior to January 1, 1940, shall be made in accordance with the provisions of Regulations No. 2, unless such regulations are inapplicable (as for example, to the extent that such determination involves the $3,000 limitation with respect to remuneration paid prior to January 1, 1940, for employment to be performed on or after such date; see § 403.828 (a) (2)):

The term "wages" means all remuneration for employment unless specifically excepted under section 209 (a) of the act (see § 403.828).

The name by which the remuneration for employment is designated is immaterial. Thus, salaries, fees, bonuses, and commissions on sales or on insurance premiums, are wages within the meaning of the act if paid as compensation for employment.

The basis upon which the remuneration is paid is immaterial in determining whether the remuneration constitutes wages. Thus, it may be paid on the basis of piecework, or a percentage of profits; and it may be paid hourly, daily, weekly, monthly, or annually.

The medium in which the remuneration is paid is also immaterial. It may be paid in cash or in something other than cash, as for example goods, lodging, food, or clothing. Remuneration paid in items other than cash shall be computed on the basis of the fair value of such items at the time of payment.

Ordinarily, facilities or privileges (such as entertainment, medical services, or so-called "courtesy" discounts on purchases) furnished or offered by an employer to his employees generally are not considered as remuneration for employment if such facilities or privileges are of relatively small value and are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of his employees. The term "facilities or privileges," however, does not ordinarily include the value of meals or lodging furnished, for example, to restaurant or hotel employees, or to seamen or other employees aboard vessels, since generally these items constitute an appreciable part of the total remuneration of such employees.

Remuneration for employment, unless such remuneration is specifically excepted under section 209 (a) of the act, constitutes wages even though at the time paid the relationship of employer and employee no longer exists between the person in whose employ the services were performed and the individual who performed them.

Example: A is employed by B during the month of January 1940 in employment and is entitled to receive remuneration of $100 for the services performed for B, the employer, during the month. A leaves the employ of B at the close of business on January 31, 1940. On February 15, 1940 (when A is no longer an employee of B) B pays A the remuneration of $100 which was earned for the services performed in January. The $100 is wages within the meaning of the act.

(b) *Certain items included as wages*— (1) *Vacation allowances.* Amounts of so-called "vacation allowances" paid to an employee constitute wages. Thus, the salary of an employee on vacation, paid notwithstanding his absence from work, constitutes wages.

(2) *Deductions by an employer from wages of an employee.* The amount of any tax which is required by section 1401 (a) of the Federal Insurance Contributions Act (subchapter A of chapter 9 of the Internal Revenue Code) to be deducted by the employer from the wages of an employee is considered to be a part of the employee's wages, and is deemed to be paid to the employee as wages at the time that the deduction is made. Other amounts deducted from the wages of an employee by an employer also constitute wages paid to the employee at the time of deduction. It is immaterial that the act, or any act of Congress, or the law of any State, requires or permits such deduction and the payment of the amount thereof to the United States, a State, or any political subdivision thereof.

(c) *Determination of remuneration for certain wartime services by employees of the United States.* In making decisions (see §§ 403.706 to 403.711a, inclusive), the Social Security Administration will accept as conclusive upon it final determination of the Administrator, War Shipping Administration, and his designated agents, under section 209 (o) of the act, as to the amounts of remuneration for certain wartime services by employees of the United States which are employment by reason of such section (see § 403.803 (d)), or as to the periods in which or for which such remuneration was paid.

§ 403.828 *Exclusions from wages*—(a) (1) *$3,000 limitation with respect to remuneration paid in 1940 or thereafter for employment during a calendar year prior to 1940.* Under section 209 (a) (1) of the act, any remuneration paid by an employer to an employee in 1940 or thereafter for employment performed during any one calendar year after 1936 and prior to 1940, which is in excess of the first $3,000 of remuneration paid (whether before or after January 1, 1940) for employment performed during such year, is excluded. Thus, section 209 (a) (1) of the act excludes from wages such remuneration paid in 1940 or thereafter for employment performed during the calendar year 1937, 1938, or 1939, as is in excess of the first $3,000 of remuneration paid for employment performed during any single one of such years.

Example 1: Employee A, in 1939, was paid remuneration of $2,500 by employer B on account of $4,000 due him for employment during 1939. In 1940 A receives from employer B the balance of $1,500 due him for the employment during 1939. Only $500 of this $1,500 constitutes wages, the balance of $1,000 being an amount in excess of $3,000 with respect to employment during a single year (1939) prior to 1940 and thus excluded.

The limitation relates to the remuneration for employment performed by an employee for the same employer during any single one of the calendar years after 1936 and prior to 1940 and not to the amount of remuneration (irrespective of the year of employment) which is paid in any one year.

Example 2: Employee C, in 1939, was paid remuneration of $2,500 by employer D on account of $3,000 due him for employment during 1939. In 1940, C is paid by employer D the balance of $500 due him for employment during 1939 and also $3,000 for employment during 1940. None of such amount paid in 1940 is excluded, since the $500 paid in 1940 with respect to the employment during 1939 when added to the $2,500 already paid for employment during that year does not exceed $3,000.

The limitation applies separately with respect to each employer for whom the employee performed services during any one of the calendar years after 1936 and prior to 1940.

Example 3: Employee E, in 1939, was paid by employer F $3,000 on account of $4,000 due him for employment in the employ of F during that year, and also $2,000 by employer G on account of $3,000 due him for employment in the employ of G during the same year (1939). In 1940, E is paid the balance of $1,000 due him from each of such employers for the employment during 1939. The $1,000 paid in 1940 by employer F is excluded from wages, since $3,000 has already been paid to E by employer F for employment during 1939. The $1,000 paid to E in 1940 by employer G, however, is not excluded, since that amount when added to the $2,000 theretofore paid by employer G with respect to employment during 1939 does not exceed $3,000.

(2) *$3,000 limitation with respect to remuneration for employment during 1940 or thereafter.* Under section 209 (a) (2) of the act, remuneration paid to an employee (whether or not by one or more employers) for employment during any one calendar year after 1939 in excess of the first $3,000 paid to the employee, is excluded from "wages."

Example 1: Employee A in the calendar year 1940 is employed in employment by three separate employers, B, C, and D. In the year 1940 A is paid $2,000 by B for employment during such year in his employ, $3,000 by C for employment during such year in his employ, and $4,000 by D for employment during such year in his employ. Of the total remuneration of $9,000 with respect to employment during the calendar year 1940, only $3,000 constitutes wages. The remuneration paid to A in excess of $3,000 for employment during this year, that is, $6,000, is excluded and does not constitute wages.

Example 2: Employee E, in 1940, is paid $2,500 by employer F on account of $3,500 due him for employment during that year. In 1941 E is paid by employer F the balance of $1,000 due him for employment during the prior year (1940) and also $3,500 for employment during 1941. Of the total remuneration of $4,500 paid to E in 1941, only $3,500 is included in wages, that is, $3,000 (the maximum) with respect to employment during 1941 and $500 with respect to employment during 1940 (this $500 plus the $2,500 paid in 1940 with respect to employment during that year totals $3,000, the maximum wages which could be received by E with respect to employment during the calendar year 1940).

Example 3: Employee G, in 1939, is paid remuneration of $1,500 by employer H for services in employment to be performed in 1940. G performs the services for H in 1940 for which he was paid in 1939, and also performs services in employment in 1940 for employer I for which he is paid $2,500. Of the total remuneration of $4,000 paid to G with respect to employment during 1940, only $3,000 is included in wages. The remuneration received by G in excess of $3,000 for employment during 1940, that is, $1,000, is excluded and does not constitute wages.

(b) *Employers' plans providing for payments on account of retirement, sick-*

ness or accident disability, medical and hospitalization expenses, or death. Under section 209 (a) (3) of the act, the term "wages" does not include the amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of:

(1) Retirement;

(2) Sickness or accident disability;

(3) Medical and hospitalization expenses in connection with sickness or accident disability; or

(4) Death, provided the employee (i) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer.

The plan or system established by an employer need not provide for payments on account of all of the specified items, but such plan or system may provide for any one or more of such items.

It is immaterial for purposes of this exclusion whether the amount or possibility of such benefit payments is taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required, expressly or impliedly, by the contract of service.

(c) *Payment by an employer of employees' tax, or employees' contributions under a State law.* The term "wages" does not include the amount of any payment by an employer (without deduction from the remuneration of, or other reimbursement from, the employee) of either (1) the employees' tax imposed by section 1400 of the Federal Insurance Contributions Act (subchapter A of chapter 9 of the Internal Revenue Code), or (2) any payment required from an employee under a State unemployment compensation law.

(d) *Dismissal payments.* Any payments made by an employer to an employee on account of dismissal, that is, involuntary separation from the service of the employer, are excluded from "wages", provided the employer is not legally bound by contract, statute, or otherwise, to make such payments.

(e) *Miscellaneous.* In addition to the exclusions specified in paragraphs (a), (b), (c), and (d) of this section, the following types of payments are excluded from wages:

(1) Remuneration for services which do not constitute employment under section 209 (b) of the act.

(2) Remuneration for services which are not deemed to be employment under section 209 (c) of the act.

(3) Tips or gratuities paid directly to an employee by a customer of an employer, and not accounted for by the employee to the employer.

(4) Ordinarily, amounts paid to traveling salesmen or other employees, as allowance or reimbursement for traveling or other expenses incurred in the business of the employer are excluded from wages only to the extent actually incurred and accounted for by the employee to the employer.

(5) Remuneration paid prior to January 1, 1937.

FAMILY RELATIONSHIPS

SECTION 209 (m) OF THE ACT

In determining whether an applicant is the wife, widow, child, or parent of a fully insured or currently insured individual for purposes of this title, the Board shall apply such law as would be applied in determining the devolution of intestate personal property by the courts of the State in which such insured individual is domiciled at the time such applicant files application, or, if such insured individual is dead, by the courts of the State in which he was domiciled at the time of his death, or if such insured individual is or was not so domiciled in any State, by the courts of the District of Columbia. Applicants who according to such law would have the same status relative to taking intestate personal property as a wife, widow, child, or parent shall be deemed such.

§ 403.829 *Applicable State law and status*—(a) *Applicable State law defined.* "Applicable State law" is the law which the courts of the domicile of the wage earner, with respect to whose wages an applicant claims benefits or a lump sum, would apply in deciding who is a wife, widow or widower, child, or parent, when determining the devolution of intestate personal property. A living wage earner's domicile is determined as of the time the applicant filed his claim for benefits or a lump sum. A deceased wage earner's domicile is determined as of the time of such wage earner's death. If the wage earner was not domiciled in any State, applicable State law is the law which the courts of the District of Columbia would apply when determining the devolution of such property.

Example 1: W, who was the wife of H, is determined after his death to be his widow under the law relating to the devolution of intestate personal property but held not entitled to share in the distribution of H's intestate personal property, solely on the ground that by a valid antenuptial contract she waived her right to share in such property.

W is a widow under applicable State law within the meaning of section 209 (m) of the act. It is immaterial for the purposes of that subsection whether she is actually entitled to inherit.

Example 2: H and W, husband and wife, are domiciled in State X. W secures a divorce decree in another State under circumstances which would render the decree invalid in State X. W returns to State X and marries F. F is domiciled in State X at the time W's application for wife's insurance benefits is filed as the alleged wife of F.

W is not the wife of F under the law which would be applied by the courts of State X when determining the devolution of intestate personal property. She is therefore not F's wife under applicable State law, within the meaning of section 209 (m) of the act.

(b) *Status under applicable State law.* An individual who is not a wife, widow or widower, child, or parent under applicable State law, but who is treated as such under such law for the purpose of determining the devolution of intestate personal property, has the same "status" as a wife, widow or widower, child, or parent. Thus, under the law of some States, an individual who is not a wife because her supposed marriage was void, may nevertheless be treated as a wife under such law, under certain strictly limited conditions. Such an individual has the "status" of a wife.

SECTION 209 (i) OF THE ACT

The term "wife" means the wife of an individual who either (1) is the mother of such individual's son or daughter, or (2) was married to him prior to January 1, 1939, or if later, prior to the date upon which he attained the age of sixty.

§ 403.830 *Definition of "wife".* An individual is the "wife" of a wage earner as that term is used in Title II of the act, if she meets the following requirements:

(a) She is the wife of such wage earner, or has the same status as a wife, under applicable State law (see § 403.829); and

(b) She either:

(1) Is the mother of the wage earner's son or daughter; or

(2) Was married to such wage earner (became his wife or acquired the status as such, under applicable State law)

(i) Prior to January 1, 1939, or, if later

(ii) Prior to the date upon which he attained the age of sixty.

An individual is the mother of a wage earner's son or daughter within the meaning of subparagraph (1) of this paragraph, if a son or daughter was born to her and such wage earner, even though such son or daughter died before a claim for benefits was filed which involved the determination of whether such individual is a "wife."

Example 1: H at the age of 70 married W in December 1938. W is a wife under applicable State law.

Since H married W prior to January 1, 1939, and since W is a wife under applicable State law, she is the "wife" of H within the meaning of this section.

Example 2: H at the age of 61 married W on January 2, 1939. On January 3, 1940, a son was born to W by H. The son died January 5, 1940. W, who is a wife under applicable State law, applies for wife's insurance benefits after the death of her son.

Although W did not marry H prior to January 1, 1939, and married him after the date on which he attained age 60, she is the "wife" of H within the meaning of this section, since she is his wife under applicable State law and is the mother of his son.

SECTION 209 (j) OF THE ACT

The term "widow" (except when used in section 202 (g)) means the surviving wife of an individual who either (1) is the mother of such individual's son or daughter, or (2) was married to him prior to the beginning of the twelfth month before the month in which he died.

§ 403.831 *Definition of "widow."* An individual is the "widow" of a wage earner, as that term is used in Title II of the act (except as stated in § 403.408 (d) (2) under section 202 (g) of the act), if she meets the following requirements:

(a) She is the widow of the wage earner, or has the same status as a widow, under applicable State law (see § 403.829); and

(b) She either (1) is the mother of the wage earner's son or daughter, or (2) was married to the wage earner (became his wife, or acquired the status as such, under applicable State law) prior to the beginning of the twelfth month before the month in which he died.

An individual is the mother of a wage earner's son or daughter within the meaning of subparagraph (1) of this paragraph, if a son or daughter was born to her and such wage earner, even though such son or daughter died before a claim for benefits was filed which involved the determination of whether such individual is a "widow", and even though such son or daughter was born after the death of such wage earner.

Example: W married H in March 1939, when he was 61. H died in April 1940. W is his widow under applicable State law. There were no children born to them. Although there were no children born to W and H, W is the "widow" within the meaning of this section since she was married to him prior to the beginning of the twelfth month before the month in which he died. Had H died in March 1940, instead of in April, W would not meet the requirement of this section.

SECTION 209 (k) OF THE ACT

The term "child" (except when used in section 202 (g)) means the child of an individual, and the stepchild of an individual by a marriage contracted prior to the date upon which he attained the age of sixty and prior to the beginning of the twelfth month before the month in which he died, and a child legally adopted by an individual prior to the date upon which he attained the age of sixty and prior to the beginning of the twelfth month before the month in which he died.

§ 403.832 *Definition of "child."* An individual is a "child" as that term is used in Title II of the act (except as stated in § 403.408 (d) (2), under section 202 (g) of the act), if he meets the requirements under paragraphs (a), (b), or (c) of this section:

(a) *Children.* A son or daughter (by blood) of a wage earner, who is the child of such wage earner or has the same status as a child, under applicable State law (see § 403.829), is the "child" of such wage earner.

Example: A child C was born out of wedlock to M. Under the law of the State where M was domiciled (applicable State law), C is the child of M. C is the "child" of M within the meaning of this section.

(b) *Stepchildren.* An individual who is the stepchild of a wage earner by virtue of a marriage valid under applicable State law, which was contracted prior to the date upon which the wage earner attained the age of 60 and prior to the beginning of the twelfth month before the month in which the wage earner died, is a "child" of such wage earner.

Example: H and W, husband and wife, had a child, C. H died. W then contracted a marriage with F, which was valid under the law of the State where she and F were domiciled (applicable State law). F was 35 at the time. Two years later F died. Under applicable State law a stepchild is not a child. C is nevertheless a "child" of F, since he was a stepchild of F by virtue of a marriage contracted prior to the date on which F attained the age of 60, and prior to the twelfth month before the month in which F died.

(c) *Adopted children.* An individual who was legally adopted by a wage earner in accordance with applicable State law, prior to the date upon which the wage earner attained the age of 60 and prior to the beginning of the twelfth month before the month in which the wage earner died, is a "child" of such wage earner.

Example: F, at the age of 55, legally adopted C, in accordance with applicable State law. Two years later F died. C is the "child" of F, since he was adopted in accordance with applicable State law prior to the date upon which F attained age 60, and prior to the twelfth month before the month in which F died. It is immaterial whether C is considered a child under applicable State law.

SECTION 202 (f) (3) OF THE ACT

As used in this subsection, the term "parent" means the mother or father of an individual, a stepparent of an individual by a marriage contracted before such individual attained the age of sixteen, or an adopting parent by whom an individual was adopted before he attained the age of sixteen.

§ 403.833 *Definition of "parent."* An individual is a "parent" of a wage earner, as that term is used in section 202 (f) of the act (see § 403.407) if he meets the requirements under paragraphs (a), (b), or (c) of this section:

(a) *Parents.* A mother or father (by blood) of a wage earner, who is the parent of such wage earner or has the same status as a parent, under applicable State law (see § 403.829), is the "parent" of such wage earner.

Example: A child, C, was born to W, the wife of H. The child was adopted by F and M. Under the law of the domicile of C (applicable State law), an adoption severs the relationship between a child and its natural parents and they no longer are considered parents in the determination of the devolution of intestate personal property of C. Therefore, H and W are not "parents" of C within the meaning of this section.

(b) *Stepparents.* An individual who is a stepparent of a wage earner by reason of a marriage valid under applicable State law, which was contracted before such wage earner attained the age of 16, is a "parent" of such wage earner.

Example: H and W were married and had a son C. H died. W later contracted a marriage with F when C was 6 years of age, which was valid under applicable State law. F is a "parent" of C regardless of his status under applicable State law, since F married W before C attained age 16.

(c) *Adopting parents.* An individual who legally adopted a wage earner in accordance with applicable State law, before the wage earner attained the age of 16, is a "parent" of such wage earner.

Example: H and W adopted C when the latter was 10. The adoption was recognized as legal under applicable State law. Under that law H and W would not be considered as parents. H and W are nevertheless "parents" of C, since they adopted C before he attained age 16.

SECTION 209 (n) OF THE ACT

A wife shall be deemed to be living with her husband if they are both members of the same household, or she is receiving regular contributions from him toward her support, or he has been ordered by any court to contribute to her support; and a widow shall be deemed to have been living with her husband at the time of his death if they were both members of the same household on the date of his death, or she was receiving regular contributions from him toward her support on such date, or he had been ordered by any court to contribute to her support.

§ 403.834 *Definition of "living with."* A wife shall be deemed to be "living with" her husband at the time of her application for a benefit is filed, and a widow shall be deemed to have been living with her husband at the time of his death, if, at such time, either of the three following conditions exist:

(a) The husband and wife were at such time members of the same household.

A husband and wife were members of the same household if they were living together, and customarily lived together, in the same place of abode.

A husband and wife who customarily lived together in the same place of abode but who were not actually doing so at such time, may nevertheless be members of the same household, if they were apart only temporarily and intended to resume living together in the same place of abode.

Example: H and W, husband and wife, regularly occupied a room in a boarding house. Due to ill health, H went south intending to return in 6 months. After H's departure, W obtained another room pending H's return. H died 5 months later in the south. W and H were members of the same household and therefore W was "living with" H, at the time of his death, since they customarily lived together in the same place of abode, were absent therefrom only temporarily, and intended to resume living together.

(b) If the wife was at such time receiving regular contributions from her husband toward her support.

Contributions must be substantial, and may be made in cash or other medium. In determining the sufficiency of contributions under this subsection, the surrounding circumstances with respect to both the time when contributions are made and the amount thereof shall be taken into consideration.

Example: H left his wife W, telling her she might occupy the house which he owned but that he would never return to her. She lived in the house (without paying rent) until his death, and he made no other provision for her support.

W was "living with" H at the time of his death since her use and occupancy of the house constituted regular contributions from H toward her support.

(c) If the husband had, at such time been ordered by any court to contribute to his wife's support.

This condition is met if the husband is legally obligated to contribute to the support of his wife at such time by virtue of any order, judgment, or decree of a court of competent jurisdiction, regardless of whether he actually made any such contribution. In determining the existence of such a legal obligation, any such order, judgment, or decree shall be considered as in full force and effect unless it has expired or has been vacated.

Example 1: H abandoned his wife W and never thereafter contributed to her support. W secured a valid court decree for separate maintenance which directed that H pay $5 a week to the support of W. H left the juris-

diction of the court and never complied with the terms of the decree. He filed application for primary insurance benefits at the age of 65 while living in another State. W thereupon filed application for wife's insurance benefits.

W was "living with" H at the time of filing application since H was legally obligated to contribute to the support of W at such time, by virtue of a decree of a court of competent jurisdiction.

Example 2: After H abandoned his wife W, W secured a valid court decree requiring H to pay $5 a week to the support of W. Later, because of H's illness the order was suspended. H died while this suspension was in effect. W filed a claim for widow's insurance benefits.

W was "living with" H at the time of his death since H was legally obligated to contribute to the support of W at such time, by virtue of a decree of a court of competent jurisdiction. Although the decree was suspended at the time of H's death, it had not expired nor had it been vacated.

SUBPART I—MISCELLANEOUS PROVISIONS

PENALTIES

SECTION 208 OF THE ACT

Whoever, for the purpose of causing an increase in any payment authorized to be made under this title, or for the purpose of causing any payment to be made where no payment is authorized under this title, shall make or cause to be made any false statement or representation (including any false statement or representation in connection with any matter arising under the Federal Insurance Contributions Act) as to the amount of any wages paid or received or the period during which earned or paid, or whoever makes or causes to be made any false statement of a material fact in any application for any payment under this title, or whoever makes or causes to be made any false statement, representation, affidavit, or document in connection with such an application, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

SECTION 1107 OF THE ACT

(a) Whoever, with the intent to defraud any person, shall make or cause to be made any false representation concerning the requirements of this Act, the Federal Insurance Contributions Act, or the Federal Unemployment Tax Act, or of any rules or regulations issued thereunder, knowing such representations to be false, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

(b) Whoever, with the intent to elicit information as to the date of birth, employment, wages, or benefits of any individual (1) falsely represents to the Board that he is such individual, or the wife, parent, or child of such individual, or the duly authorized agent, of such individual, or of the wife, parent, or child of such individual, or (2) falsely represents to any person that he is an employee or agent of the United States, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

SECTION 35 (a) OF THE CRIMINAL CODE OF THE UNITED STATES, AS AMENDED

Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; • • • or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; • • • shall be fined not more than $10,000 or imprisoned not more than ten years, or both. • • •

DISCLOSURE OF INFORMATION, PENALTY

SECTION 1106 OF THE ACT

No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act or the Federal Insurance Contributions Act or under regulations made under authority thereof, which has been transmitted to the Board by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Board or by any officer or employee of the Board in the course of discharging the duties of the Board, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Board or from any officer or employee of the Board, shall be made except as the Board may by regulations prescribe. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

§ 403.901 *Disclosure of information.* (a) No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act or the Federal Insurance Contributions Act or under regulations made under authority thereof, which has been transmitted to the Administration by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Administration or by any officer or employee of the Administration in the course of discharging the duties of the Administration, shall be made except as now provided or as may hereafter be provided by duly prescribed regulations of the Commissioner. Provisions regarding such disclosures are now contained in Regulation No. 1 (approved December 3, 1940) as amended, and in applicable provisions of the regulations in this part.

(b) No disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Administration or from any officer or employee of the Administration shall be made except to such extent as may be specifically authorized under duly prescribed regulations of the Commissioner.

RULES AND REGULATIONS

SECTION 205 (a) OF THE ACT

The Board shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this title, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.

SECTION 1102 OF THE ACT

The Secretary of the Treasury, the Secretary of Labor, and the Social Security Board, respectively, shall make and publish such rules and regulations, not inconsistent with this Act, as may be necessary to the efficient administration of the functions with which each is charged under this Act.

§ 403.902 *Promulgation of regulations.* In pursuance of sections 205 (a) and 1102 of the act, the foregoing regulations are hereby prescribed, as of July 16, 1946.

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: January 20, 1947.

WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 47-772; Filed, Jan. 28, 1947; 8:49 a. m.]

[Reg. No. 3,[1] Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

MISCELLANEOUS AMENDMENTS

Regulations No. 3, as amended (20 CFR, Cum. Sup., 403.1 et seq.), are further amended as follows:

1. Section 403.1 is amended by adding at the end of paragraph (b) (1) the following undesignated paragraph:

§ 403.1 *Chronological description of pertinent statutes and regulations.* • • •

(b) *Title II of the Social Security Act, as amended, effective January 1, 1940, and regulations of the Social Security Administration thereunder*—(1) *Statutes.* • • •

The act approved August 10, 1946 (Public Law 719, 79th Congress; 60 Stat. 978), adds to Title II of the Social Security Act, as amended, a new section 210 designated "Benefits in case of deceased World War II Veterans," and amends sections 202, 203, and 209 of said Title II of the Social Security Act, as amended. Details of these amendments appear in appropriate sections of this chapter.

2. The statutory provisions immediately preceding § 403.202 are amended by inserting at the end thereof the following:

SECTION 407 OF THE ACT OF AUGUST 10, 1946 (60 STAT. 988)

(a) Section 209 (h) of such act is amended to read as follows:

[1] 5 F. R. 1849.

(h) The term "currently insured individual" means any individual with respect to whom it appears to the satisfaction of the Administrator that he had not less than six quarters of coverage during the period consisting of the quarter in which he died and the twelve quarters immediately preceding such quarter.

(b) The amendment made by subsection (a) of this section shall be applicable only in cases of applications for benefits under this title filed after December 31, 1946.

3. Section 403.202, paragraph (b), is amended to read as follows:

§ 403.202 *Currently insured status.* • • •

(b) *Determination of currently insured status*—(1) *Effect of 1946 amendment.* Under section 209 (h) of the act prior to the 1946 amendments, currently insured status is based on wages paid for at least 6 of the 12 quarters immediately preceding the quarter of death. Under the 1946 amendment, a "currently insured individual" is one having at least 6 quarters of coverage during the period consisting of the quarter in which he died and the 12 quarters immediately preceding such quarter. Since the act defines quarters of coverage in terms of wages paid in a quarter (see § 403.201 (b)), the amendment eliminates, in the cases to which it applies, the necessity to inquire whether wages were paid for any quarter.

(2) *Currently insured status under 1946 law.* An individual who had not less than 6 quarters of coverage (see § 403.201 (b)) during the period consisting of the quarter in which he died and the 12 quarters immediately preceding such quarter, is a currently insured individual. Quarters of coverage need not have been consecutive within such 13-quarter period. The age of the individual at death is immaterial.

(3) *Currently insured status under 1939 law.* An individual who has been paid wages of not less than $50 for each of not less than 6 of the 12 calendar quarters immediately preceding the quarter in which he died, is a currently insured individual. Such wages need not have been paid for consecutive quarters within such 12-quarter period. The age of the individual at death is immaterial.

4. The heading of § 403.202 (c) is amended to read: "(c) *"Wages" paid "for" a quarter under 1939 law."*

5. Section 403.202 is further amended by adding at the end of Example 3 thereof a new example designated Example 4 as follows:

Example 4. A is paid wages of $30 in each month during the entire year 1945 and from January through May 1947. He dies in June 1947.

A died a currently insured individual since under the 1946 law the quarter in which he died is included to give him 6 quarters of coverage during the period consisting of the quarter of death and the 12 quarters immediately preceding such quarter. His status is not affected by the fact that such quarters of coverage were not consecutive.

6. Section 403.202 is further amended by adding a new paragraph (d) and example as follows:

(d) *Applicable law.* The 1946 law for establishing currently insured status applies to applications filed after December 31, 1946, except that where the requirements of the 1946 law cannot be met, and all elements of entitlement under the 1939 law other than the filing of an application existed prior to January 1, 1947, the 1939 law for establishing currently insured status shall apply.

Example: A is paid wages of $50 or more in each quarter during the year 1945. In the second quarter of 1946 he is paid wages of $1500 for the first two quarters of that year. A dies in November 1946. Applications for widow's current and child's benefits are filed in May 1947.

A died currently insured under section 209 (h) of the 1939 law since he was paid wages of more than $50 for each of 6 out of 12 calendar quarters immediately preceding the quarter in which he died. A currently insured status under the 1946 law cannot be found since A had only 5 quarters of coverage on a wages paid in a quarter basis. However, entitlement may be established under the 1939 law, even though application is filed after December 31, 1946, because A died prior to January 1, 1947.

7. The following statutory material and new § 403.203 is inserted after § 403.202:

SECTION 209 (r)

[Section 411 of the Act of August 10, 1946 (60 Stat. 989)]

With respect to wages paid to an individual in the six-month periods commencing either January 1, 1937, or July 1, 1937; (A) if wages of not less than $100 were paid in any such period, one-half of the total amount thereof shall be deemed to have been paid in each of the calendar quarters in such periods; and (B) if wages of less than $100 were paid in any such period, the total amount thereof shall be deemed to have been paid in the latter quarter of such period, except that if in any such period, the individual attained age sixty-five, all of the wages paid in such period shall be deemed to have been paid before such age was attained.

§ 403.203 *Allocation of 1937 wages.* Under articles 401 and 402 of U. S. Treasury Regulations 91, as amended by T. D. 4778, employers are required to make information returns on Forms SS–2 and SS–2a for the periods January 1, 1937, to June 30, 1937, both dates inclusive, and July 1, 1937, to December 31, 1937, both dates inclusive. Thereafter information returns are required to be made by employers quarterly for periods of 3 calendar months ending March 31, June 30, September 30, and December 31 of each year subsequent to 1937. With regard to benefits payable for and after August 1946, section 209 (r) of the Social Security Act, as amended, authorizes and directs that wages reported in the semi-annual returns for 1937 be allocated on a quarterly return basis for the purpose of computing "quarters of coverage" and "expired quarters" for 1937.

Where wages (see §§ 403.827 and 403.828) of $100 or more were paid to an individual in a 6-month period in 1937 commencing either January 1, 1937, or July 1, 1937, one-half of the wages are credited to each of the calendar quarters in such 6-month period.

Example 1: Employee A was paid wages of $137 in the 6-month period commencing January 1, 1937, and was paid wages of $230 in the 6-month period commencing July 1, 1937. A has 4 quarters of coverage for 1937, being deemed to have been paid $68.50 (one-half of $137) for the first quarter, $68.50 for the second quarter, $115 (one-half of $230) for the third quarter, and $115 for the fourth quarter.

Example 2: Employee C attained age 22 in December 1937 and died in January 1945. He was paid wages of $147 for the 6-month period commencing January 1, 1937, and was paid wages of $210 in the 6-month period commencing July 1, 1937. C has 4 quarters of coverage for 1937 and is charged with 4 expired quarters for 1937, being deemed to have been paid $73.50 (one-half of $147) for the first quarter, $73.50 for the second quarter, $105 (one-half of $210) for the third quarter, and $105 for the fourth quarter.

Where wages of $100 or more were paid to an individual during a 6-month period in which he attained age 65, he is to receive 2 quarters of coverage for such period even if the attainment date was in the first quarter of the period.

Where wages of less than $100 were paid to an individual in a 6-month period in 1937 commencing either January 1, 1937, or July 1, 1937, all of the wages are credited to the latter quarter in such period. There is an exception to this provision, however. Where the individual attained age 65 in any such period, then the wages are deemed to have been paid before such age was attained and are credited to the quarter in which the individual attained age 65.

Example 1: Employee A attained age 65 on February 5, 1937. He was paid wages of $86 for the 6-month period commencing January 1, 1937. A has 1 quarter of coverage in 1937. Since the payment of $86 is deemed to have been paid prior to attainment of age 65, A is credited with $86 wages for the calendar quarter January 1, 1937, to March 31, 1937.

Example 2: Employee C attained age 65 on December 19, 1937. He was paid wages of $59 in the 6-month period commencing January 1, 1937, and wages of $63 in the 6-month period commencing July 1, 1937. C has 2 quarters of coverage in 1937. $59 is deemed to have been paid in the latter quarter of the 6-month period commencing January 1, 1937. $63 is deemed to have been paid in the quarter in which C attained age 65.

Example 3: Employee E attained age 65 on July 14, 1937. He was paid wages of $98 in the 6-month period commencing January 1, 1937, and wages of $119 in the 6-month period commencing July 1, 1937. E has 3 quarters of coverage in 1937. E is credited with 1 quarter of coverage for the 6-month period commencing January 1, 1937. Since E received wages of $100 or more in a 6-month period in 1937, he is credited with 2 quarters of coverage for that period without regard for the date of attainment of age 65.

8. The words "see § 403.704 (c)" appearing in the second undesignated subparagraph of paragraph (c) of § 403.301 and in the second and third undesignated paragraphs of § 403.302 are deleted.

9. The statutory provisions immediately preceding § 403.301 are amended by adding at the end thereof the following:

SECTION 209 (q)

[Section 410 of the act of August 10, 1946 (60 Stat. 989)]

Subject to such limitation as may be prescribed by regulation, the Administrator shall determine (or upon application shall recompute) the amount of any monthly benefit as though application for such benefit (or

for recomputation) had been filed in the calendar quarter in which, all other conditions of entitlement being met, an application for such benefit would have yielded the highest monthly rate of benefit. This subsection shall not authorize the payment of a benefit for any month for which no benefit would, apart from this subsection, be payable, or, in the case of recomputation of a benefit, of the recomputed benefit for any month prior to the month for which application for recomputation is filed.

10. Two new sections numbered 403.303 and 403.304, respectively, are added immediately following § 403.302 as follows:

§ 403.303 *Computation of primary insurance benefit*—(a) *For living wage earner.* The primary insurance benefit of a living wage earner is computed in accordance with the provisions of §§ 403.301 and 403.302 of this chapter:

(1) As of the date he becomes entitled to primary insurance benefits on filing application therefor, and

(2) As though he became entitled to primary insurance benefits on the last day of the quarter in which he could first have become entitled to primary insurance benefits, and

(3) As though he became entitled to primary insurance benefits on each intervening March 31 between the dates specified in subparagraphs (1) and (2) of this paragraph.

The highest rate obtained from the foregoing computations is the wage earner's primary insurance benefit.

(b) *When wage earner is dead.* The primary insurance benefit of a deceased wage earner who is over 65 and fully insured at the time of his death is computed in accordance with the provisions of §§ 403.301 and 403.302:

(1) As of the date of the wage earner's death, and

(2) As though the wage earner became entitled to primary insurance benefits on the last day of the quarter in which he could first have become entitled to primary insurance benefits on filing application therefore, and

(3) As though the wage earner became entitled to primary insurance benefits on each intervening March 31 between the dates specified in subparagraphs (1) and (2) of this paragraph.

The highest rate obtained from the foregoing computations is the deceased wage earner's primary insurance benefit.

The primary insurance benefit of a deceased wage earner who either was not 65 or was not fully insured at the time of his death is computed in accordance with the provisions of §§ 403.301 and 403.302 as of the date of the wage earner's death only.

§ 403.304 *Recomputation of benefits*—(a) *When permitted*—(1) *For wage earner.* In order for a wage earner to secure a recomputation of his primary insurance benefit:

(i) He must file application therefor, and

(ii) At the time of filing application for recomputation he must not be working in employment covered by the Social Security Act for wages of more than $14.99 per month, and

(iii) He must not have had a recomputation of his benefit rate in the 12-month period preceding his application for recomputation, except that the first recomputation may be had at any time subsequent to the initial computation.

(2) *For survivors.* Survivors may secure recomputation of the primary insurance benefit by filing application therefore at any time.

(b) *Method of first recomputation*—(1) *For wage earner.* The primary insurance benefit of a wage earner who applies for recomputation shall be recomputed in the manner provided for the computation of benefits in §§ 403.301 and 403.302 of this chapter:

(i) As though the wage earner became entitled to primary insurance benefits on the last day of the quarter in which he could first have become entitled to primary insurance benefits on filing application therefor, and

(ii) As though he became entitled to primary insurance benefits as of the first day after the last quarter for which wages have been posted to his account at the time he files application (provided however that if wages have not been posted for more than 6 months prior to the quarter of filing application, such wages will be developed for the period exceeding 6 months), and

(iii) As though he became entitled to primary insurance benefits on each March 31 intervening between the dates specified in subdivisions (i) and (ii) of this subparagraph.

The highest rate obtained from the foregoing computations if in excess of the individual's existing primary insurance benefit is the individual's recomputed primary insurance benefit.

(2) *For survivors.* The primary insurance benefit of a deceased wage earner shall be recomputed in the manner provided for the computation of benefits in §§ 403.301 and 403.302 of this chapter:

(i) As though the wage earner became entitled to primary insurance benefits on the last day of the quarter in which he could first have become entitled to primary insurance benefits on filing application therefor, and

(ii) As though he became entitled to primary insurance benefits on each intervening March 31 between the date mentioned in subdivision (i) of this subparagraph and the date of the wage earner's death.

The highest rate obtained from the foregoing computations if in excess of the individual's existing primary insurance benefit is the individual's recomputed primary insurance benefit.

(c) *Second and subsequent recomputations.* Second and subsequent recomputations will be made in the manner described in paragraph (b) of this section except that the primary insurance benefit will also be recomputed as though the wage earner became entitled to primary insurance benefits as of the date he filed his previous application for recomputation.

(d) *Effect of recomputation.* Benefits computed on the basis of a prior application or application for recomputation terminate with the month before the month in which the application for recomputation is filed if the recomputed benefit is higher, and benefits as recomputed are payable beginning with the month in which such application is filed. If, upon a second or subsequent recomputation (see paragraph (c) of this section), it is determined that the primary insurance benefit computed as of the date of the filing of application for the previous recomputation was higher than the amount of the benefit rate as previously computed or recomputed, the difference in the rate will be payable retroactively for the months elapsing since the date of application for the previous recomputation.

11. The statutory provision immediately preceding § 403.404 is amended to read as follows:

SECTION 202 (c) OF THE ACT

(1) Every child (as defined in section 209 (k)) of an individual entitled to primary insurance benefits, or of an individual who died a fully or currently insured individual (as defined in section 209 (g) and (h)) after December 31, 1939, if such child (A) has filed application for child's insurance benefits, (B) at the time such application was filed was unmarried and had not attained the age of 18, and (C) was dependent upon such individual at the time such application was filed, or, if such individual has died, was dependent upon such individual at the time of such individual's death, shall be entitled to receive a child's insurance benefit for each month, beginning with the month in which such child becomes so entitled to such insurance benefits, and ending with the month immediately preceding the first month in which any of the following occurs: such child dies, marries, is [adopted] *adopted (except for adoption by a stepparent, grandparent, aunt, or uncle subsequent to the death of such fully or currently insured individual)*, or attains the age of 18.

(2) Such child's insurance benefit for each month shall be equal to one-half of a primary insurance benefit of the individual with respect to whose wages the child is entitled to receive such benefit, except that, when there is more than one such individual such benefit shall be equal to one-half of whichever primary insurance benefit is greatest.

(3) A child shall be deemed dependent upon a father or adopting father, or to have been dependent upon such individual at the time of the death of such individual, unless, at the time of such death, or, if such individual was living, at the time such child's application for child's insurance benefits was filed, such individual was not living with or contributing to the support of such child and—

(A) such child is neither the legitimate nor adopted child of such individual, or

(B) such child had been adopted by some other individual, or

(C) such child [, at the time of such individual's death,] was living with and *was chiefly* supported by such child's stepfather.

(4) A child shall be deemed dependent upon a mother, adopting mother, or stepparent, or to have been dependent upon such individual at the time of the death of such individual, only if, at the time of such death, or, if such individual was living, at the time such child's application for child's insurance benefits was filed, no parent other than such individual was contributing to the support of such child and such child was not living with its father or adopting father. [As amended by section 402 of the Act of August 10, 1946 (60 Stat. 986). The words in italics were added and the words in brackets were deleted by the amendment.]

12. Section 403.404, paragraph (b), subparagraph (3), is amended to read as follows:

§ 403.404 *Child's insurance benefits.* • • •

(b) *Duration of benefits.* • • •

(3) The child is adopted by an individual other than the wage earner with respect to whose wages such child is entitled to benefits; except where the benefits are for or after August 1946, and the child is adopted by a stepparent, grandparent, aunt or uncle of the child subsequent to the death of such wage earner; or

13. Section 403.404, paragraph (d), is amended to read as follows:

(d) *Dependency upon a father or adopting father*—(1) *Effect of 1946 amendment.* The conditions under which a child who lives with and is supported by his stepfather is deemed dependent upon his natural or adopting father who does not contribute to the child's support, have been made the same whether such natural or adopting father is living or deceased. Under the 1939 Act, such a child generally was deemed dependent on the natural or adopting father if such father was a primary beneficiary. However, if such father died, the child was not deemed to be his dependent. Under the amendment, such a child is not deemed dependent in either case.

(2) *When child is deemed dependent.* A child who has filed application for child's insurance benefits based on the wages of a father or adopting father is deemed to have been dependent upon such individual at the time such application was filed, if such indivdual is then living, or if such individual has died, at the time of such individual's death, if, at such time, such individual was either living with or contributing to the support of the child.

Even though the father or adopting father was not living with or contributing to the support of the child at the time the child's application was filed, if such individual was then living, or at the time of such individual's death, the child is deemed to have been dependent upon such individual at such time if the child:

(i) Was either the legitimate or adopted child of such individual; and

(ii) Was not then the adopted child of some other individual; and

(iii) Was not living with and being chiefly supported by its stepfather.

Example: F and M, the parents of C, are divorced. M marries S. C is living with M and his stepfather S. K, an uncle, contributes $10 each month for the support of C. S provides C with a home, food and clothing valued at $20 each month. Since S is furnishing the major portion of C's support, C is being chiefly supported by S.

If F becomes entitled to primary insurance benefits or dies, and an application for child's insurance benefits is filed on behalf of C, C cannot become entitled to child's insurance benefits based on F's wage record, since F was not living with or contributing to the support of C and C was living with and being chiefly supported by S.

14. The statutory provision immediately preceding § 403.407 is amended to read as follows:

SECTION 202 (f) OF THE ACT

(1) Every parent (as defined in this subsection) of an individual who died a fully insured individual after December 31, 1939, [leaving no widow and no unmarried surviving child under the age of eighteen,] *if such individual did not leave a widow who meets the conditions in subsection (d) (1) (D) and (E) or an unmarried child under the age of eighteen deemed dependent on such individual under subsection* (c) (3) or (4), *and* if such parent (A) has attained the age of sixty-five, (B) was [wholly] *chiefly* dependent upon and supported by such individual at the time of such individual's death and filed proof of such dependency and support within two years of such date of death, (C) has not married since such individual's death, (D) is not entitled to receive any other insurance benefits under this section, or is entitled to receive one or more of such benefits for a month, but the total for such month is less than one-half of a primary insurance benefit of such deceased individual, and (E) has filed application for parent's insurance benefits, shall be entitled to receive a parent's insurance benefit for each month, beginning with the month in which such parent becomes so entitled to such parent's insurance benefits and ending with the month immediately preceding the first month in which any of the following occurs: such parent dies, marries, or becomes entitled to receive for any month an insurance benefit or benefits (other than a benefit under this subsection) in a total amount equal to or exceeding one-half of a primary insurance benefit of such deceased individual.

(2) Such parent's insurance benefit for each month shall be equal to one-half of a primary insurance benefit of such deceased individual, except that, if such parent is entitled to receive an insurance benefit or benefits for any month (other than a benefit under this subsection), such parent's insurance benefit for such month shall be reduced by an amount equal to the total of such other benefit or benefits for such month. When there is more than one such individual with respect to whose wages the parent is entitled to receive a parent's insurance benefit for a month, such benefit shall be equal to one-half of whichever primary insurance benefit is greatest.

(3) As used in this subsection, the term "parent" means the mother or father of an individual, a stepparent of an individual by a marriage contracted before such individual attained the age of sixteen, or an adopting parent by whom an individual was adopted before he attained the age of sixteen. [As amended by section 403 of the Act of August 10, 1946 (60 Stat. 987). Applicable only to applications for benefits filed after December 31, 1946. The words in italics were added and the words in brackets were deleted by the amendment.]

15. Section 403.407, paragraph (a), is amended to read as follows:

§ 403.407 *Parent's insurance benefits*—(a) *Conditions of entitlement: Effect of 1946 amendments.* Section 403 of the 1946 amendments to the act, which is applicable in cases of applications filed after December 31, 1946, provides that entitlement of a dependent parent will be prevented if there is a widow or child who could become entitled to monthly benefits by filing an application in the month in which the wage earner died or in any subsequent month. Under the act prior to the amendment, the mere survival of a widow or unmarried child under 18 prevents entitlement to parent's benefits even though such widow or child might fail to meet the qualifications for entitlement. The amendment also changes the dependency requirement from wholly dependent to chiefly dependent.

A parent is entitled to parent's insurance benefits if he:

(1) Is the parent (see § 403.833) of an individual who:

(i) Died after December 31, 1939; and

(ii) Was fully insured (see § 403.201) at the time of death; and

(iii) In cases of applications filed before January 1, 1947, was survived neither by a widow (see § 403.831) nor an unmarried child under the age of 18 (see paragraph (d) of this section) or

(iv) In cases of applications filed after December 31, 1946, was survived neither by a widow (see § 403.831) nor an unmarried child under the age of 18 (see paragraph (d) of this section) who could on filing application therefor in the month the wage earner died or in any month thereafter become entitled to monthly benefits; and

(2) Has attained the age of 65 (see § 403.801); and

(3) In cases of applications filed before January 1, 1947, was wholly dependent upon and supported by, or in cases of applications filed after December 31, 1946, was chiefly dependent upon and supported by (see paragraph (e) of this section) such individual at the time of such individual's death and except as otherwise provided in § 403.701 (j) has filed proof of such dependency and support within 2 years after the date of such death; and

(4) Has not married since the death of such individual; and

(5) Is not entitled to any other benefit or benefits under section 202 of the act (see §§ 403.402, 403.403, 403.405, and 403.406) in a total amount for any month which is equal to or in excess of one-half of the primary insurance benefit of such deceased individual; and

(6) Has filed an application (see § 403.701) for parent's insurance benefits.

One or more parents of a fully insured individual may become entitled to benefits hereunder.

Example: P, aged 66, is the parent of A. P has been chiefly dependent upon and supported by A for many years until A's death in December 1946. A was fully insured at the time of his death and was survived by a widow who was not living with him at the time of his death.

P, upon filing application after December 31, 1946, and meeting the other conditions of entitlement will be entitled to parent's insurance benefits based upon the wages of A.

16. The example in § 403.407, paragraph (c), is amended to read as follows:

(c) *Rate of benefit.* • • •

Example: P, aged 60, is the parent of A and B. P is chiefly dependent upon and supported by A during 1945; A dies in December of that year. P, is thereafter chiefly dependent upon and supported by B until B's death in 1947. Both A and B were fully insured at the time of their deaths and neither was survived by a widow or unmarried child under the age of 18. P, upon attaining age 65 in 1947 and meeting the other conditions of entitlement, will be entitled to parent's insurance benefits based upon the primary insurance benefit of A or B, whichever is the larger, since he was chiefly dependent upon and supported by A at A's death and chiefly dependent upon and supported by B at B's death.

17. Section 403.407, paragraph (e), is amended to read as follows:

(e) *Wholly or chiefly dependent upon and supported by—*(1) *Effect of 1946 amendment.* Section 403 of the 1946 amendments to the act, which is applicable to cases of applications filed after December 31, 1946, changes the former requirement that the parent must have been "wholly" dependent upon and supported by the wage earner to "chiefly" dependent upon and supported by the wage earner.

(2) *Wholly dependent.* A parent is "wholly dependent upon and supported by" an individual if such parent is supported by such individual and

(i) Has no income or means of support other than the income or support received from such individual; or

(ii) Has only inconsequential income or means of support other than that received from such individual.

(3) *Chiefly dependent.* A parent is "chiefly dependent upon and supported by" an individual if such parent is dependent upon the individual and receives more than 50% of his maintenance from such individual.

18. The statutory provisions immediately preceding § 403.408 are amended by inserting at the end thereof the following:

SECTION 404 OF THE ACT OF AUGUST 10, 1946 (60 STAT. 987)

(a) Section 202 (g) of such Act is amended to read as follows:

(g) Upon the death, after December 31, 1939, of an individual who died a fully or currently insured individual leaving no surviving widow, child, or parent who would, on filing application in the month in which such individual died, be entitled to a benefit for such month under subsection (c), (d), (e), or (f) of this section, an amount equal to six times a primary insurance benefit of such individual shall be paid in a lump sum to the person, if any, determined by the Administrator to be the widow or widower of the deceased and to have been living with the deceased at the time of death. If there is no such person, or if such person dies before receiving payment, then such amount shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of such insured individual. No payment shall be made to any person under this subsection, unless application therefor shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of two years after the date of death of such insured individual.

(b) The amendment made by subsection (a) of this section shall be applicable only in cases where the death of the insured individual occurs after December 31, 1946.

(c) In the case of any individual who, after December 6, 1941, and before the date of the enactment of this Act, died outside the United States (as defined in section 1101 (a) (2) of the Social Security Act, as amended), the two-year period prescribed by section 202 (g) of such Act for the filing of application for a lump-sum death payment shall not be deemed to have commenced until the date of enactment of this Act.

19. Section 403.408, paragraph (a), subparagraph (3), is amended to read as follows:

§ 403.408 *Lump-sum death payments—*(a) *Conditions of entitlement.* • • •

(3) An application (see § 403.701) for such lump sum has, except as otherwise provided in §§ 403.701 (g) and 403.701 (j), been filed within 2 years following the death of such individual.

20. Section 403.408, paragraph (b) (1) is amended to read as follows:

(b) *Persons entitled to receive payments—*(1) *Survivors of deceased—*(i) *Effect of 1946 amendments.* Section 404 (a) of the 1946 amendments, which is applicable in cases where the wage earner dies after December 31, 1946, adds an additional requirement for the entitlement of a spouse to a lump sum by providing that such individual will be paid the lump sum only if he or she was living with (see §§ 403.834 and 403.835) the wage earner at the time of the wage earner's death. It also eliminates children (and individuals entitled to share with them as distributees of intestate property) and parents as beneficiaries of lump-sum death payments except where such persons may be equitably entitled (see § 403.408 (b) (2)) because of having paid the burial expenses. Thus, if no spouse is living with the wage earner at the time of his death, the lump sum will be paid to the person or persons equitably entitled thereto.

(ii) *Survivors of individual who died prior to January 1, 1947.* The following person or persons whose relationship to the deceased insured individual is determined by the Administration, and who are living at the time of such determination, are, in the order named, entitled to a lump sum under the conditions stated in paragraph (a) of this section:

(*a*) The widow or widower (see paragraph (d) (2) of this section) of such individual. If there is no such widow or widower, the lump sum is payable to

(*b*) The child or children (see paragraph (d) (2) of this section) of the deceased and any other person or persons who are, under the intestacy law of the State where the deceased was domiciled, entitled to share with such child or children in the distribution of intestate personal property of such deceased invidual. Persons entitled to share with such child or children are not precluded from receiving the lump sum by reason of the fact that no child survived such deceased individual or was living at the time of the Administration's determination of relationship. If there is no such child or other person, then the lump sum is payable to

(*c*) The parent or parents (see paragraph (d) (2) of this section) of the deceased.

(iii) *Survivors of individual who died after December 31, 1946.* The person who is determined by the Administration to be the widow or widower (see paragraph (d) (2) of this section) of the deceased insured individual and to have been living with (see §§ 403.834 and 403.835) such individual at the time of death is entitled to the lump sum under the conditions stated in paragraph (a) of this section.

21. Section 403.408, paragraph (b), subparagraph (2), is amended to read:

(2) *Persons equitably entitled.* If there is no such person as is described in the applicable subdivisions under subparagraph (1) of this paragraph, or if such person dies before receiving payment, the lump sum will be payable to any person or persons equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the burial expenses of the deceased insured individual.

Where an estate is a person equitably entitled, payment will be made to the legal representative of such estate. On and after June 18, 1946, when it appears reasonably certain that a legal representative has not been and will not be appointed, application may be filed and payment made on behalf of such estate in accordance with the following rules:

Where an individual paid part of the burial expenses and the balance was paid from funds belonging to the wage earner, the proportionate share of the lump sum due to the estate may be paid to reimburse such individual to the extent of his contribution, provided there are no outstanding debts for last illness expenses which under state law would be entitled to equal preference with or priority to claims for burial expenses.

Where burial expenses were paid in whole or in part from funds belonging to the wage earner, the entire lump sum or such part thereof as remains after fully reimbursing individuals who have paid part of the burial expenses, may be paid to a blood relative or brother or sister by adoption of the wage earner, provided, the wage earner left no unpaid debts, all of the readily available heirs consent to such payment, and the applicant promises to distribute the payment to the person or persons entitled thereto and to account therefor to a legal representative if any should be appointed.

Where an individual who has paid the wage earner's burial expenses dies before collecting the lump sum, payment may be made as in the case where the burial expenses were paid from funds belonging to the wage earner, except that the deceased individual's spouse may be preferred as payee on behalf of the estate in which event consent of the other heirs may be waived.

The term "person or persons equitably entitled" does not include, among others, any of the following:

(i) The United States Government or any wholly owned instrumentality thereof

(ii) Any person under contractual obligation to pay the burial expenses of the deceased, to the extent of such obligation.

(iii) Any person paying the expenses of the burial of a member or employee of such person, to the extent of any payment under a plan, system, or general practice.

(iv) Any person furnishing goods or services in connection with the burial of the deceased, to the extent that goods or services are furnished.

(v) Any person who has been, or will be, wholly or partially reimbursed, to the extent of such reimbursement.

22. The first paragraph of § 403.501 is amended to read:

§ 403.501 *Moaification in amount of benefits and lump-sum death payments.* Under certain conditions the amount of benefits and lump sums, as calculated under section 202 of the act, must be modified upward or downward in determining the amount actually to be paid to the beneficiary. The modifications in the amount calculated under section 202 of the act occur where (1) reductions or increases of benefits (other than primary insurance benefits) are required under section 203 (a) or (b) of the act, or (2) deductions from benefits or lump sums are required under section 203 (d), (e), (g), or (h) of the act or under section 907 of the Social Security Act Amendments of 1939, or (3) adjustment is required under section 204 (a) of the act. Reductions under section 202 (h) of the act, as amended, and reductions and increases under section 203 (a) or (b) are always made before any deductions or adjustments are made under sections 203 (d), (e), (g), or (h) of the act, section 907 of the Social Security Act Amendments of 1939, or section 204 (a) of the act.

23. The statutory provisions immediately preceding § 403.502 are amended by adding at the end thereof the following:

SECTION 405 OF THE ACT OF AUGUST 10, 1946 (60 STAT. 987)

(a) Section 202 (h) of such act is amended to read as follows:

(h) • • • Any benefit for a month prior to the month in which application is filed shall be reduced, to any extent that may be necessary, so that it will not render erroneous any benefit which, before the filing of such application, the Administrator has certified for payment for such prior month.

(b) The amendment made by subsection (a) of this section shall be applicable only in cases of applications for benefits under this title filed after December 31, 1946.

24. Section 403.502, paragraph (b), is amended to read as follows:

§ 403.502 *Reductions and increases of benefits.* • • •

(b) *Conditions requiring reduction and amount of reduction.* Reductions are made when there are two or more benefits for a month based upon the wages of one individual, and when the total amount of such benefits for such month, as calculated under section 202 of the Act, is more than $20 and also exceeds one of the following amounts:

(1) $85, or

(2) Twice the primary insurance benefit of such individual, or

(3) 80 per centum of such individual's average monthly wage.

If these conditions exist each of such benefits (except a primary insurance benefit) must be proportionately reduced so that the total of the benefits will be the amount stated in subparagraphs (1), (2), or (3) of this paragraph, whichever is least. If, however, such least amount is under $20, the total is reduced only to $20.

Reductions are also made where application is filed after December 31, 1946, for any benefit (other than a primary insurance benefit) for any month prior to the month in which such application is filed (see § 403.701 (f)), where payment of benefits for any such prior month would result in an overpayment (see § 403.601). In such case the applicant's benefit for any month prior to the month in which such application is filed shall be reduced to the extent that may be necessary so that payment thereof will not render erroneous any benefit for such prior month which has been certified for payment before the filing of such application.

25. Section 403.502, paragraph (b), is further amended by adding thereto a new example 5 as follows:

Example 5: A widow, W, and two children, A and B, are entitled effective March 1947 to benefits totaling $47.25 based on a primary insurance benefit of $27. They are receiving benefits currently when an application on behalf of another child, C, is filed on August 28, 1947. C's benefits for May, June, and July will be reduced to $6.75 per month so that the maximum of $54 will not be exceeded. If C's benefits are not so reduced, appropriate adjustment must be made against benefits subsequently payable to him. Beginning with August, the benefit rates will be $18 for W and $12 for each child. If benefits for August or thereafter are paid W, A, and B at the former higher rate, appropriate adjustment must be made against their subequent benefits.

If, on August 28, 1947, no benefits for any of the 3 months prior to August had yet been certified for payment to W, A, and B, the benefits of C for any such month would not be subject to this reduction. In such case, if any payments should be made to W, A, and B at the higher rate, the overpayments would be adjusted against their subsequent benefits.

26. The statutory provisions immediately preceding § 403.503 are amended by inserting between section 203 (d) and section 203 (e) of the act the following:

SECTION 406 (a) OF THE ACT OF AUGUST 10, 1946 (60 STAT. 988)

Section 203 (d) (2) of such Act (relating to deductions for failure to attend school) is repealed.

27. Section 403.503, paragraph (b), is amended to read:

§ 403.503 *Deductions because of employment, etc.* • • •

(b) *Failure of child to attend school.* With respect only to any month before August 1946, if a child under 18 and over 16 years of age fails, in any month for which he is entitled to a benefit, to attend school regularly, and the Administration finds that attendance was feasible, deductions are made from any benefit or benefits to which such child is or becomes entitled. The amount to be deducted is equal to the benefit to which such child was entitled for the month in which he failed to attend school regularly.

28. Section 403.503, paragraph (f), is amended to read:

(f) *Relation to provisions for reductions and increases.* In effecting a deduction, no amount can be considered as having been withheld from a benefit for a particular month, which is in excess of the amount of such benefit as reduced or increased (if required) under section 203 (a) or (b) of the Act or reduced under section 202 (h) of the act, as amended (see § 403.502). Likewise, the amount of a benefit by which a deduction is measured (i. e., a benefit for the month in which the event occasioning the deduction occurred) is the amount of such benefit as so reduced or increased. See example under paragraph (d) of this section.)

29. The statutory provision immediately preceding § 403.504 is amended to read as follows:

SECTION 203 (g) OF THE ACT

Any individual in receipt of benefits subject to deduction under subsection (d) or (e) (or who is in receipt of such benefits on behalf of another individual), because of the occurrence of an event enumerated therein, shall report such occurrence to the Board prior to the receipt and acceptance of an insurance benefit for the second month following the month in which such event occurred. Any such individual having knowledge thereof, who fails to report any such occurrence, shall suffer an additional deduction equal to that imposed under subsection (d) or (e), *except that the first additional deduction imposed by this subsection in the case of any individual shall not exceed an amount equal to one month's benefit even though the failure to report is with respect to more than one month.* [As amended by section 406 (b) of the Act of August 10, 1946 (60 Stat. 988). The words in italics were added.]

30. The third paragraph of §403.504 is amended to read:

§ 403.504 *Reports to the Administration of events occasioning deductions.* • • •

The amount of an additional deduction required hereunder and the manner in which it is effected are the same as provided for deductions under section 203 (d) or (e) of the act on account of the event which such individual failed to report, except that the amount of the first additional deduction imposed against any individual shall not exceed an amount equal to one month's benefit even though the failure to report is with respect to more than one month.

31. Section 403.504 is further amended by amending the example thereunder to read as follows:

Example: H is entitled to receive a primary insurance benefit of $25 for each month and W, his wife, is entitled to a wife's insurance benefit of $12.50. H renders services for wages of not less than $15 in each of 2 months. If either H or W or any person in receipt of benefits on their behalf reported this fact to the Administration, within the time stated in this section, the deduction from H's benefits would be $50, and the deduction from W's benefits would be $25. No additional deduction would be imposed against either.

If neither H nor W nor any person in receipt of benefits on their behalf reported to the Administration as required, and an additional deduction had previously been imposed against them for a prior failure to report, the deduction would be $100 from his benefits and $50 from W's benefits.

If no additional deduction had previously been imposed against H or W, the deduction as to H would be $75 and as to W would be $37.50.

If an additional deduction had previously been imposed against H but not against W, the deduction as to H would be $100 and as to W would be $37.50.

32. The first paragraph of § 403.505 (d) is amended to read:

§ 403.505 *Deductions because of lump-sum payments under original act and failure to pay taxes.* • • •

(d) *Relation to other provisions.* Amounts to be deducted hereunder are measured by and are withheld from amounts of benefits as reduced or increased under section 203 (a) or (b) of the act, or as reduced under section 202 (h) of the act, as amended, as set forth in § 403.503 (f).

33. The first paragraph in § 403.601 is amended so as to read:

§ 403.601 *Overpayments and underpayments.* Subsection (a) of section 204 of the act provides for adjustments, as set forth in paragraphs (a) and (b) of this section, in cases where an error has been made which results in an overpayment or underpayment to an individual under Title II of the act, including overpayments and underpayments prior to January 1, 1940. The provisions for adjustments also apply in cases where, through error, a reduction or increase required under section 203 (a) or (b) of the act, or a reduction under section 202 (h) of the act, as amended, or a deduction under section 203 (d), (e), or (h) of the act or under section 907 of the Social Security Act Amendments of 1939, is not made, and where such a reduction, increase, or deduction is made which is either larger or smaller than required (see §§ 403.502 to 403.505, inclusive). The term "overpayment," as used herein, includes a payment where nothing was payable under Title II of the act. The term "underpayment," as used herein, includes n o n p a y m e n t where some amount was payable under that title.

34. Section 403.601, paragraph (c), is amended to read:

(c) *Relation to provisions for reductions and increases.* The amount of an overpayment or underpayment of a benefit is the difference between the amount paid to the beneficiary and the amount of such benefit as reduced or increased (if required) under section 203 (a) or (b) of the act or as reduced under section 202 (h) of the act, as amended (see § 403.502). Likewise, in effecting an adjustment with respect to an overpayment, no amount can be considered as having been withheld from a particular benefit, which is in excess of the amount of such benefit as so decreased.

35. The statutory provision from section 202 (h) of the act preceding § 403.701 is amended to read as follows:

SECTION 202 (h) OF THE ACT

An individual who would have been entitled to a benefit under subsection (a), (b), (c), (d), (e), or (f) for any month had he filed application therefor prior to the end of such month, shall be entitled to such benefit for such month if he files application therefor prior to the end of the third month immediately succeeding such month. • • • [As amended by section 405 of the Act of August 10, 1946 (60 Stat. 987). The letter italicized was added. Applicable only to application for benefits filed after December 31, 1946.]

36. The statutory provisions preceding § 403.701 are further amended by inserting after section 202 (g) of the act and immediately preceding section 5 of the act approved August 13, 1940 (54 Stat. 785), the following:

SECTION 404 (c) OF THE ACT OF AUGUST 10, 1946 (60 STAT. 987)

In the case of any individual who, after December 6, 1941, and before the date of the enactment of this act, died outside the United States (as defined in section 1101 (a) (2) of the Social Security Act, as amended), the two-year period prescribed by section 202 (g) of such act for the filing of application for a lump-sum death payment shall not be deemed to have commenced until the date of enactment of this act.

37. The first paragraph in § 403.701 (f) is amended to read as follows:

§ 403.701 *Filing of applications and other forms.* • • •

(f) *Time of filing applications for benefits.* An application for benefits will be accepted as an application for the purposes of this title if it is filed not more than three months prior to the first month for which the applicant could become entitled to such benefits. An application filed at any time after the first month for which the applicant could have been entitled to benefits will be accepted as an application for benefits for the purposes of this title, beginning with any of the three months immediately preceding the month in which it is filed, except that an application for primary insurance benefits filed prior to January 1, 1947, will not be accepted as an application, for the purposes of this title, for any month preceding the month in which it is filed.

38. Section 403.701, paragraph (f), is further amended by deleting the last paragraph of subparagraph (2) and Example 4.

39. Section 403.701, paragraph (g), is amended to read as follows:

(g) *Time of filing applications for lump sums.* An application for a lump sum must be filed within 2 years after the date of the death of the individual upon the basis of whose wages such lump sum is claimed (see § 403.408 (a) (3)) with the following exceptions:

(1) As provided in paragraph (j) of this section; and

(2) Where the death of such individual occurred outside the United States after December 6, 1941, and before August 10, 1946, such applications may be filed up to and including August 9, 1948.

40. The heading of § 403.704 is amended to read as follows:

§ 403.704 *Abandonment and withdrawal of applications and requests for wage-record revisions.*

41. Section 403.704 is further amended by deleting therefrom paragraph (c) and the example following.

42. The statutory provisions preceding § 403.827 are amended by inserting at the end thereof the following:

SECTION 414 OF THE ACT OF AUGUST 10, 1946 (60 STAT. 990)

(a) So much of section 209 (a) of the Social Security Act, as amended, as precedes paragraph (3) thereof is amended to read as follows:

(a) The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year prior to 1940, is paid, prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year;

(2) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual with respect to employment during any calendar year after 1939, is paid to such individual, prior to January 1, 1947, with respect to employment during such calendar year;

(3) That part of the remuneration which, after remuneration equal to $3,000 with respect to employment has been paid to an individual during any calendar year after 1946, is paid to such individual during such calendar year;

(b) The paragraphs of section 209 (a) of such act heretofore designated "(3)", "(4)", "(5)", and "(6)" are redesignated "(4)", "(5)", "(6)", and "(7)", respectively.

43. Section 403.828, paragraph (a), subparagraph (1), is amended to read as follows:

§ 403.828 *Exclusions from wages*—(a) (1) *$3,000 limitation with respect to remuneration paid in 1940 or thereafter for employment during a calendar year prior to 1940.* Under section 209 (a) (1) of the act, any remuneration paid by an employer to an employee prior to January 1, 1947, for employment performed during any one calendar year after 1936 and prior to 1940, which is in excess of the first $3,000 of remuneration paid (whether before or after January 1, 1940) for employment performed during such year, is excluded. Thus, section 209 (a) (1) of the act excludes from wages such remuneration paid in 1940 or thereafter for employment performed during the calendar year 1937, 1938, or 1939, as is in excess of the first $3,000 of remuneration paid for employment performed during any single one of such years.

44. Section 403.828, paragraph (a), subparagraph (2), is amended to read as follows:

(2) *$3,000 limitation with respect to remuneration for employment during 1940 or thereafter.* Under section 209 (a) (2) of the act, remuneration paid to an employee prior to January 1, 1947 (whether or not by one or more employers), for employment during any one calendar year after 1939 in excess of the first $3,000 paid to the employee, is excluded from "wages."

45. Section 403.828, paragraph (a), is amended by adding thereto a new subparagraph (3) with example as follows:

(3) *$3,000 limitation with respect to remuneration paid in 1947 or thereafter for employment.* Under section 209 (a) (3) of the act, remuneration paid to an employee after December 31, 1946 (whether or not by one or more employers), for employment in excess of the first $3,000 paid to the employee during any such calendar year is excluded from wages. Thus section 209 (a) (3) of the act excludes from wages such remuneration paid in any calendar year after 1946 which is in excess of the first $3,000 paid in such calendar year whether the remuneration is attributable to employment in such calendar year or to employment in prior calendar years subsequent to 1936.

Example: Employee A, in 1946, is paid $2,500 by employer B on account of $3,500 due him for employment during that year. In 1947 A is paid by B the balance of $1,000 due him for employment during the prior year (1946) and also $3,000 for employment during 1947. Of the total remuneration of $4,000 paid to A in 1947 only $3,000 (the maximum creditable) is included in wages.

46. The statutory reference in the first line of § 403.828 (b) is amended to read "section 209 (a) (4) of the act."

47. The statutory provisions immediately preceding § 403.830 are amended to read as follows:

SECTION 209 (i) OF THE ACT

The term "wife" means the wife of an individual who either (1) is the mother of such individual's son or daughter, or (2) was married to him [prior to January 1, 1939, or if later, prior to the date upon which he attained the age of sixty] *for a period of not less than thirty-six months immediately preceding the month in which her application is filed.* [As amended by section 408 of the Act of August 10, 1946 (60 Stat. 988). Applicable only to applications for benefits filed after December 31, 1946. The words in italics were added and the words in brackets were deleted by the amendment.]

48. Section 403.830 and examples 1 and 2 are amended to read as follows:

§ 403.830 *Definition of "wife."* Section 408 of the 1946 amendments to the act, which is applicable in cases of applications filed after December 31, 1946, eliminates the provision that a wife who is not the mother of the wage earner's son or daughter cannot qualify for wife's benefits unless she had been married to the wage earner before he attained age 60 or before January 1, 1939. The amendment permits a wife otherwise eligible for a wife's benefit to qualify after having been married to the wage earner for not less than 36 months immediately preceding the month in which her application is filed even though she is not the mother of the wage earner's son or daughter.

An individual is the "wife" of the wage earner as that term is used in Title II of the Act if she meets the following requirements:

(a) She is the wife of such wage earner, or has the same status as a wife, under applicable State law (see § 403.829); and

(b) She either

(1) Is the mother of the wage earner's son or daughter; or

(2) *Only in cases of applications filed prior to January 1, 1947.* Was married to such wage earner (became his wife or acquired the status as such, under applicable State law) (i) prior to January 1, 1939, or, if later (ii) prior to the date upon which he attained the age of sixty; or

(3) *In cases of applications filed after December 31, 1946.* Was married to such wage earner (was his wife or held the status as such under applicable State law) for a period of not less than 36 calendar months immediately preceding the month in which her application is filed.

An individual is the mother of a wage earner's son or daughter within the meaning of paragraph (b) (1) of this section if a son or daughter was born to her and such wage earner, even though such son or daughter died before a claim for benefits was filed which involved the determination of whether such individual is a "wife."

Example 1: H, at the age of 66, married W on November 5, 1943. W is a wife under applicable State law.

In February 1946 H became entitled to a primary insurance benefit. In February 1947 W attained age 65 and applied for wife's insurance benefits.

Because H was married to W for a period of 36 calendar months immediately preceding the month in which she filed her application and because W is a wife under applicable State law, she is the "wife" of H within the meaning of this section.

Example 2: H and W who had been married for many years and were the parents of an adult son were divorced in 1939.

They remarried in October 1945. W is the wife of H under applicable State law.

In January 1946 H became entitled to a primary insurance benefit. In March 1947 W attained age 65 and applied for wife's insurance benefits.

Although W had not been married to H for a period of 36 calendar months immediately preceding the month in which she filed her application, she is the "wife" of H within the meaning of this section because she is his wife under applicable State law and is the mother of his son.

49. The statutory provisions immediately preceding § 403.832 are amended by inserting at the end thereof the following:

SECTION 409 OF THE ACT OF AUGUST 10, 1946 (60 STAT. 988)

(a) Section 209 (k) of such Act is amended to read as follows:

(k) The term "child" means (1) the child of an individual, and (2) in the case of a living individual, a stepchild or adopted child who has been such stepchild or adopted child for thirty-six months immediately preceding the month in which application for child's benefits is filed, and (3) in the case of a deceased individual, a stepchild or adopted child who was such stepchild or adopted child for twelve months immediately preceding the month in which such individual died.

(b) The amendment made by subsection (a) of this section shall be applicable only in cases of applications for benefits under this title filed after December 31, 1946.

50. Section 403.832 is amended to read as follows:

§ 403.832 *Definition of "child".* Section 409 of the 1946 amendments to the act, which is applicable in cases of applications filed after December 31, 1946, changes the definition of stepchild and adopted child contained in the 1939 Act. This section eliminates the requirement that in order for a stepchild or adopted child to qualify for a child's benefits, the relationship between the child and the wage earner must have been created by a marriage or an adoption which took place before the wage earner attained age 60 and prior to the beginning of the twelfth month before the month in which the wage earner died. The amendment permits a stepchild and an adopted child otherwise eligible for a child's benefit to qualify after the step-relationship or adoptive relationship has existed, where the wage earner is alive, for not less than 36 months immediately preceding the month in which application for child's benefits is filed; or where the wage earner is dead, for not less than 12 months immediately preceding the month in which the wage earner died.

An individual is a "child" as that term is used in Title II of the act (except as stated in § 403.408 (d) (2), under section 202 (g) of the act), if he meets the requirements under paragraphs (a), (b), or (c) of this section:

(a) *Children.* A son or daughter (by blood) of a wage earner, who is the child of such wage earner or has the same status as a child, under applicable State law (see § 403.829), is the "child" of such wage earner.

Example: A child C was born out of wedlock to M. Under the law of the State where M was domiciled (applicable State law), C is the child of M. C is the "child" of M within the meaning of this section.

(b) *Stepchildren*—(1) *Only in cases of applications filed prior to January 1, 1947.* An individual who is the stepchild of a wage earner by virtue of a marriage valid under applicable State law, which was contracted prior to the date upon which the wage earner attained the age of 60 and prior to the beginning of the twelfth month before the month in which the wage earner died, is a "child" of such wage earner.

Example: H and W, husband and wife, had a child C. H died. W then contracted a marriage with F, which was valid under the law of the State where she and F were domiciled (applicable State law). F was 35 at the time. Two years later F died. Under applicable State law a stepchild is not a child. C is nevertheless a "child" of F, since he was a stepchild of F by virtue of a marriage contracted prior to the date on which F attained the age of 60, and prior to the twelfth month before the month in which F died.

(2) *In cases of applications filed after December 31, 1946.* A stepchild of a wage earner is a "child" of such wage earner if the relationship was created by virtue of a marriage, valid under applicable State law, which was contracted:

(i) In the case of a living wage earner, at least 36 calendar months immediately preceding the month in which application for child's benefits is filed; or

(ii) In the case of a deceased wage earner, at least 12 calendar months immediately preceding the month in which such wage earner died.

Example: H and W, husband and wife, had a child C. H died. W then contracted a marriage with F on March 19, 1946, which was valid under the law of the State where she and F were domiciled (applicable State law). In April 1947, F dies. Under applicable State law a stepchild is not a child. C, is nevertheless, a "child" of F, since he was a stepchild of F by virtue of a marriage contracted at least 12 calendar months immediately preceding the month in which F died.

(c) *Adopted children*—(1) *Only in cases of applications filed prior to January 1, 1947.* An individual who was legally adopted by a wage earner in accordance with applicable State law, prior to the date upon which the wage earner attained the age of 60 and prior to the beginning of the twelfth month before

the month in which the wage earner died, is a "child" of such wage earner.

Example: F, at the age of 55, legally adopted C, in accordance with applicable State law. Two years later F died. C is the "child" of F, since he was adopted in accordance with applicable State law prior to the date upon which F attained age 60, and prior to the twelfth month before the month in which F died. It is immaterial whether C is considered a child under applicable State law.

(2) *In cases of applications filed after December 31, 1946.* A child who was legally adopted by a wage earner in accordance with applicable State law is a "child" of such wage earner if the adoption which created the relationship occurred:

(i) In the case of a living wage earner, at least 36 calendar months immediately preceding the month in which application for child's benefits is filed; or

(ii) In the case of a deceased wage earner, at least 12 calendar months immediately preceding the month in which such wage earner died.

Example: F, at age 62, legally adopted C, age 6, on November 5, 1943, in accordance with applicable State law. In February 1947, F becomes entitled to primary insurance benefits and applies for child's benefits on behalf of C. C is the "child" of F, since he was adopted in accordance with applicable State law at least 36 calendar months immediately preceding the month in which application for child's benefits is filed.

51. The heading of § 403.834 is amended to read:

§ 403.834 *Definition of "living with.": Wife or widow.*

52. A new § 403.835 is added immediately following § 403.834 as follows:

§ 403.835 *Definition of "living with.": Widower.* A widower shall be deemed to have been living with his wife at the time of her death if at such time they were members of the same household (see § 403.834 (a)).

(49 Stat. 674, secs. 205 (a), and 1102, 53 Stat. 1368; 42 U. S. C. 405 (a), 1302; sec. 4 of Reorg. Plan No. 2 of 1946, 11 F. R. 7873; sec. 1 F. S. A. order 57, July 16, 1946, 11 F. R. 7943)

Dated: January 13, 1947.

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: January 24, 1947.

WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 47-847; Filed, Jan. 28, 1947; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Priorities Order 3, as Amended Jan. 23, 1947]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DELEGATION OF AUTHORITY

Housing Expediter Priorities Order 3 is amended to read as follows:

§ 801.3 *Delegation of authority.*—(a) *What this section provides.* Housing Expediter Priorities Regulations 1, 2, and 4 relate to the disposal by War Assets Administration of materials and equipment needed in the Veterans' Emergency Housing Program. This section delegates to certain officials in the Office of the Housing Expediter the authority (1) to make certain determinations described in Housing Expediter Priorities Regulations 1 and 2, and (2) to issue Housing Expediter certificates in accordance with Housing Expediter Priorities Regulation 4, and to make findings in support of such certificates.

(b) *Sequence of filling orders under HEPR 1 and 2.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Deputy Expediter for Surplus Property and Re-use (and, in his absence, the Assistant Deputy Expediter for Surplus Property and Re-use), Office of the Housing Expediter, are hereby authorized to make the determinations described in paragraph (f) (2) of Housing Expediter Priorities Regulation 1 and in paragraph (f) (2) of Housing Expediter Priorities Regulation 2. These determinations relate to the sequence in which purchase orders received by War Assets Administration under HEPR 1 and 2 shall be accepted and filled by WAA.

(c) *Finding of short supply.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Deputy Expediter for Surplus Property and Re-use (and, in his absence, the Assistant Deputy Expediter for Surplus Property and Re-use), Office of the Housing Expediter, are hereby authorized to determine whether there is a shortage in the supply of any materials or equipment for which an application for a Housing Expediter certificate is filed under Housing Expediter Priorities Regulation A.

(d) *Housing Expediter certificates.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter and the Deputy Expediter for Surplus Property and Re-use (and, in his absence, the Assistant Deputy Expediter for Surplus Property and Re-use), Office of the Housing Expediter, are hereby authorized to issue Housing Expediter certificates, in accordance with Housing Expediter Priorities Regulation 4, covering materials or equipment found by the Regional Housing Expediter or said Deputy Expediter or Assistant Deputy Expediter, respectively, in accordance with paragraph (c) of this section, to be in short supply. The said Deputy Expediter (and, in his absence, the said Assistant Deputy Expediter) is also hereby authorized to grant exceptions under paragraph (v) of HEPR 4. However, this section does not authorize the Regional Housing Expediters to issue Housing Expediter certificates upon applications filed under paragraphs (m) or (n), or to grant exceptions under paragraph (v) of HEPR 4.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 23d day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-886; Filed, Jan. 27, 1947; 3:41 p. m.]

[Priorities Reg. 1 as Amended Jan. 27, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SURPLUS BUILDING MATERIALS AND EQUIPMENT

Par.

PURPOSE

(a) What this section provides.

RESTRICTIONS ON DISPOSALS BY WAA

(b) Building materials and equipment covered by this section.
(c) Agencies eligible during period prior to sale.
(d) Public advertisement.
(e) Offering period.
(f) Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).
(g) Surplus Property Act priority groups.
(h) Minimum and maximum quantities.
(i) Other terms of disposal.

RESTRICTIONS ON BUYERS

(j) Authorized quantities.
(k) Use by persons described in paragraphs (e) (1) through (e) (4).
(l) Sales by persons described in paragraphs (e) (1) through (e) (4).
(m) Sales by dealers.

OTHER PROVISIONS

(n) Effect of Housing Expediter and CPA directives.
(o) Appeals.
(p) Violations.
(q) Reporting and record-keeping requirements.

§ 803.1 *Surplus building materials and equipment for the Veterans' Emergency Housing Program and the Veterans Administration Construction Program.*—(a) *What this section provides.* This section, Housing Expediter Priorities Regulation 1, provides for channeling certain surplus building materials and equipment held by the War Assets Administration into the Veterans' Emergency Housing Program and the Veterans Administration Construction Program. The materials and equipment will be used in the first program for the construction of low and moderate cost housing accommodations, in the second for the construction of veterans' hospitals and other facilities. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed at the end of this section are suitable for the construction of housing accommodations and are in short supply. These materials, referred to in this section as "building materials and equipment," are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal of any of the building materials and equipment covered by this section which are held as surplus by WAA must be made subject to this section.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Building materials and equipment covered by this section.* This section applies only to the building materials and equipment listed at the end of this section. It applies whether the listed building materials and equipment are new or used, and includes building materials and equipment recovered or salvaged from dismantled surplus property, if the dismantling is done under WAA direction and not by the purchaser. (Sales of surplus structures for dismantlement or other removal by the purchaser are governed by Housing Expediter Priorities Regulation 7.) As used in this section, the term "materials" includes items customarily referred to as "supplies."

(c) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of building material or equipment and the method of sale and prior to the time any building materials or equipment covered by this section are first advertised or publicly offered for sale, such building materials or equipment may be transferred only to:

(1) The Veterans Administration for use in the Veterans Administration Construction Program.

(2) The Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(3) Holders of unexpired Housing Expediter certificates (issued under Housing Expediter Priorities Regulation 4), or unexpired CPA urgency certificates (issued under Direction 16 to CPA Priorities Regulation 13).

As between a request for transfer received during this period from FPHA or VA, and an order from a certificate holder, WAA shall give preference to that which is first received.

Some WAA disposals under this section are of building materials and equipment resulting from the dismantlement of surplus government installations, and are conducted at the location of the dismantling operation. At any such site, during the period described in this paragraph, total transfers to FPHA and VA of building materials and equipment covered by this section shall not exceed 50% of the dollar value of all such materials and equipment available for disposal at the site.

(d) *Public advertisement.* During a period of time determined by WAA, the building materials or equipment remaining at the end of the period described in paragraph (c) of this section shall be publicly advertised by WAA for disposal to:

(1) Priority groups described in paragraphs (e) (1) through (e) (4) of this section.

(2) Priority groups established by the Surplus Property Act of 1944, as amended.

(3) Other buyers.

Such advertisement shall be addressed to as many of these priority groups, and other buyers, as WAA deems appropriate in view of the probable demand. The advertisement shall indicate that during a specified offering period orders will be filled in the order of preference provided for in paragraphs (e), (f), and (g) of this section.

In the case of building materials or equipment which are available in such small quantities that public advertisement would be impracticable, WAA may employ other forms of public offering.

During the advertising period (or other public offering) described in this paragraph, the Veterans Administration and Federal Public Housing Authority may not acquire any of the building materials or equipment covered by this section which are being offered for disposal.

(e) *Offering period.* During the offering period specified in the public advertisement (or other public offering) provided for in paragraph (d) of this section, WAA shall follow the order of preference set out below in disposing of any building materials or equipment covered by this section:

(1) *HEPR 4 certificates.* Holders of unexpired Housing Expediter certificates, or unexpired CPA urgency certificates.

(2) *HH and MM ratings.* Persons who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that (1) he has been authorized to use an HH rating for the construction of housing accommodations, or for production of prefabricated housing, under the Veterans' Emergency Housing Program (or an MM rating for construction under the Veterans Administration Construction Program), (2) the following project or serial number(s) has (have) been assigned in connection with such construction or production: ----------, and (3) all the materials and equipment covered by this purchase order are required for and will be used in such construction or production.

(Signature)

(3) *Construction permits for veterans' housing.* Persons who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that (1) he has been issued a construction permit under the Veterans' Emergency Housing Program for the construction of housing accommodations by a veteran for his own occupancy or to be sold or rented with preference to veterans (or he is employed as a contractor or subcontractor on such construction for which a VEHP construction permit has been issued), (2) the following VEHP project number(s) has (have) been assigned to such construction: ----------, and (3) all the materials and equipment covered by this purchase order are required for and will be used in such construction.

(Signature)

(4) *Other construction permits.* Persons who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of Section 35 (A) of the U. S. Criminal Code, that (1) he has been issued a construction permit for the construction of housing accommodations under the Veterans' Emergency Housing Program (or he is employed as a contractor or subcontractor on construction for which such a permit has been issued), (2) the following VEHP project number(s) has (have) been assigned to such construction: ----------, and (3) all the materials and equipment covered by this purchase order are required for and will be used in such construction.

(Signature)

(5) *Surplus Property Act priority groups.* Priority groups established by the Surplus Property Act of 1944, as amended.

(6) Other buyers.

At dismantlement sales of the kind described in paragraph (c) of this section, the above order of preference shall be modified by combining groups (1) through (4) above into one priority group, and giving equal preference to members of all four groups.

During the offering period covered by this paragraph, the Federal Public Housing Authority and Veterans Administration may not acquire any of the building materials or equipment covered by this section which are being offered for disposal, until after the preferences of groups (1) through (4) of this paragraph have been satisfied.

(f) *Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).* Within each priority group (1), (2), (3), or (4) of paragraph (e) of this section, WAA shall follow the order of preference set out below in filling orders for building materials or equipment covered by this section:

(1) *In order of receipt.* Unless the Housing Expediter or WAA makes the determinations described in subparagraph (2) of this paragraph, WAA shall accept and fill orders in the sequence in which they are received by WAA.

(2) *By drawing of lots.* If the Housing Expediter or WAA determines, before the offering period described in paragraph (e) of this section begins, that:

(i) The amount of any building material or equipment covered by this section to be offered for disposal by WAA at a particular place will be inadequate to fill the expected orders from persons described in paragraph (e) (2) of this section (or from persons described in paragraph (e) (3) or (4) after the preceding preferences have been satisfied), and

(ii) The geographical distribution of such persons would work an unusual and inequitable hardship upon some of them if the "order of receipt" rule were applied as provided in subparagraph (1) of this paragraph,

WAA shall then fill orders from such persons in a sequence determined by the drawing of lots.

(g) *Surplus Property Act priority groups.* During the period described in paragraph (c) of this section, any disposal by WAA of building materials or equipment covered by this section shall be made without regard to the priority groups established by the Surplus Property Act of 1944, as amended. In addition, during the offering period described in paragraph (e) of this section, any disposal by WAA of building materials or equipment covered by this section to persons described in paragraphs (e) (1) through (4) shall be made without regard to the priority groups established by the Surplus Property Act. However, after the preferences of the persons described in paragraphs (e) (1) through (4) have been satisfied, WAA may dispose of the remainder of any lot of building materials or equipment in accordance with the Surplus Property Act and applicable regulations issued under that Act.

(h) *Minimum and maximum quantities.* During the offering period described in paragraph (e) of this section, WAA may dispose of any materials or equipment covered by this section:

(1) In such minimum quantities as WAA may determine.

(2) In such maximum quantities as WAA determines will be most equitable in view of the estimated demand for the particular building materials or equipment offered for disposal. However, if one or more purchase orders from persons described in paragraphs (e) (1) through (4) of this section remain partially unfilled at the end of the offering period, and if some of the particular building material or equipment covered by such orders remains undisposed of at the end of the offering period, WAA shall apply such material or equipment to the unfilled orders (in the order of preference provided for in paragraphs (e), (f), and (g) of this section).

(i) *Other terms of disposal.* During the periods described in paragraphs (c) and (e) of this section, WAA may dispose of any building materials or equipment covered by this section upon such terms and conditions as are not in conflict with this section.

RESTRICTIONS ON BUYERS

(j) *Authorized quantities.* The quantities of building materials or equipment obtained by use of the certificate described in paragraph (e) (2) of this section, together with the quantities obtained from other sources by use of the HH rating itself (or MM rating), must not exceed the quantities for which the use of the HH rating (or MM rating) was authorized.

(k) *Use by persons described in paragraphs (e) (1) through (c) (4).* As provided in HEPR 4, any person obtaining building materials or equipment by use of a Housing Expediter certificate may use the items only for the purpose for which the certificate was issued. Any person obtaining building materials or equipment by use of the certificate described in paragraph (e) (2), (3), or (4) of this section may use the items so obtained only in accordance with the terms of that certificate.

(l) *Sales by persons described in paragraphs (e) (1) through (e) (4).* If it becomes impossible for a person who acquired building materials or equipment by use of a Housing Expediter certificate to use them for the purpose for which the certificate was issued, they may be disposed of only as provided in HEPR 4. If it becomes impossible for a person who acquired building materials or equipment by use of the certificate described in paragraph (e) (2) (3), or (4) of this section to use all of them in accordance with the terms of that certificate, he must publicly offer for sale the unused building materials or equipment and must dispose of them only to persons who give a certificate as described in paragraphs (e) (2) through (4) of this section. In addition, he must not dispose of them even to such persons if he knows or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

(m) *Sales by dealers.* Any person who obtained building materials or equipment by use of the certificate formerly described in paragraph (e) (2) of this section (for regularly established sellers of building materials or equipment) must dispose of the building materials or equipment so obtained only in accordance with the terms of that certificate. In addition, he must not dispose of them even to persons eligible under the terms of the certificate if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(n) *Effect of Housing Expediter and CPA directives.* Directives issued by the Housing Expediter or the Civilian Production Administration shall take precedence over the disposal procedure outlined in this section. CPA directives shall take precedence over Housing Expediter directives.

(o) *Appeals.* Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision in the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(p) *Violations.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who willfully conceals a material fact in any certificate required to be filed under this section, or who willfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable Federal Statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(q) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after each such transaction, accurate and complete records of the details of the transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with that Act.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 27th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

TABLE OF BUILDING MATERIALS AND EQUIPMENT COVERED BY THIS SECTION

NOTE: Table revised Jan. 27, 1947.

Aluminum, plate, sheet and strip and shapes.
Asbestos cement pipe and fittings.
Asbestos flat sheets.
Bends, lead.
Boilers, low pressure residential heating.
Brick, common and face.
Brick, sand-lime.
Building sections, knocked down, portable, metal.
Burners, oil, domestic, apartment-type and hot water heating.
Burner units, boiler.
Casements, metal.
Caulking, lead.
Cement, Portland.
Conduit, electrical, ¾" to 2" incl.
Controls, oil burners.
Door frames, metal.
Fabricated structural shapes and forms, iron and steel, suitable for housing construction only.
Felt, roofing, dry.
Fittings, conduit, metal.
Fittings, threaded, malleable, and cost iron, brass and bronze.
Floor coverings, hard-surface.
Flooring, hardwood, including stair treads.
Fractional h. p. motors, ⅛ to ½ h. p. inclusive.
Furnaces, warm air (gravity circulation, wall, floor, and forced air circulation).
Furnaces, gas fixtures.
Furnace pipe, fittings and duct work.
Glass, window, common, sheet.
Gutters and downspouts, metal.
Gypsum board.
Gypsum lath.
Gypsum plank, metal bound.
Hardboard, (tempered, untempered).
Hardware, builders'.
Hot water circulation, condensation, and vacuum heating pumps.
Insect screen cloth, metal.
Insulation board.
Insulation, flexible.
Insulators, electric.
Lath, metal, and accessories.
Lath, insulated.
Lime, finish and masonry.
Linoleum.
Linseed oil, raw and boiled.
Lumber.
Millwork, including frames, moulding, sash, doors, and built-in kitchen cabinets.
Nails, 20d and under, all types.
Paint, pigments, all types, thinners, dryers and varnishes.
Panels, sections, prefabricated, all types.
Paper, building and sheathing.
Pipe, lead, and fittings up to 1½".
Pipe, wrought iron and steel and fittings, black and galvanized.
Plaster, hardwall.
Plumbing fixtures:
  Bathtubs.
  Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
  Lavatories.
  Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
Plumbing fixtures fittings and trim, brass, bronze and steel.
Prefabricated structures suitable for housing (except fixed structures in place).
Putty.
Radiation, cast iron, tubular, cast iron convector, extended surface convector.
Range boilers, water; domestic, without coils or burner.
Refrigerators, domestic.
Registers and grilles, warm air; steel, other than ornamental.
Roofing; asphalt, asbestos, wood and metal.
Sash weights.
Screens, metal.
Septic tanks, all metal, reinforced concrete.
Sewer drain pipe, bituminized fiber.
Sewer pipe, clay, and fittings.
Sheathing, insulation.
Sheet, copper.
Sheet steel, form panels for foundation walls.
Siding, shingles, asbestos cement.
Softwood plywood.
Soil pipe, cast iron.
Steel, bars, rods, mesh reinforcing.
Steel sheets, galvanized and black.
Tanks, storage, up to 550 gals., for oil, water, and liquefied gas.
Termite shields, metal.
Terneplate and roofing.
Tile, gypsum, except partition.
Tile, asphalt.
Tile, structural clay, hollow.
Traps, lead.
Tubing, copper, ½" to 1¼" inclusive.
Valves, iron and brass, stop and waste up to 2".
Veneer, softwood.
Wallboard, fiber, laminated.
Water heaters, electric, side-arm, indirect, and direct-fire storage type.
Weather stripping, rubber, wood and metal.
Windows, window frames, metal.
Wire, copper, insulated (including Romex & B-X cable).
Wire, domestic use.
Wire, stucco mesh.
Wiring devices, electrical, residential type; such as switches, receptacles, wall plates.

[F. R. Doc. 47-884; Filed, Jan. 27, 1947; 3:41 p. m.]

[Priorities Reg. 2 as Amended Jan. 27, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SURPLUS MATERIALS AND EQUIPMENT

PURPOSE

Par.
(a) What this section provides.

RESTRICTIONS ON DISPOSALS BY WAA

(b) Materials and equipment covered by this section.
(c) Agencies eligible during period prior to sale.
(d) Public advertisement.
(e) Offering period.
(f) Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).
(g) Surplus Property Act priority groups.
(h) Minimum and maximum quantities.
(i) Other terms of disposal.

RESTRICTIONS ON BUYERS

(j) Use by persons, agencies, or instrumentalities described in paragraphs (e) (1) through (e) (4).
(k) Sales by persons, agencies or instrumentalities described in paragraph (e) (1) through (e) (4).

OTHER PROVISIONS

(l) Effect of Housing Expediter and CPA directives.
(m) Appeals.
(n) Violations.
(o) Reporting and record-making requirements.

PURPOSE

§ 803.2 *Surplus materials and equipment for utilities servicing the Veterans' Emergency Housing Program and the Veterans Administration Construction Program*—(a) *What this section provides.* This section, Housing Expediter Priorities Regulation 2, provides for the channeling of certain surplus materials and equipment held by the War Assets Administration into the construction and maintenance of utilities (water, power, gas, or sewerage) which are necessary for housing accommodations constructed under the Veterans' Emergency Housing Program, and for hospitals and other facilities constructed under the Veterans Administration Construction Program. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed in the table at the end of this section are suitable for the construction of housing accommodations and are in short supply. These materials, referred to in this section as "materials and equipment," are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal by War Assets Administration of any of these materials or equipment held as surplus by WAA must be made subject to this section. Under this section, first opportunity for acquiring such materials and equipment held as surplus property by WAA is given to persons and governmental agencies and instrumentalities acquiring for use in utilities for the Veterans' Emergency Housing Program and the Veterans Administration Construction Program. Special provision is made for a utility or governmental agency or instrumentality to use materials or equipment purchased under this section, to meet a public emergency arising within six months after such purchase and endangering the health or safety of a community.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Materials and equipment covered by this section.* This section applies only to the materials and equipment listed at the end of this section. It applies whether the listed materials and equipment are new or used, and includes materials and equipment recovered or salvaged from dismantled surplus property, if the dismantling is done under WAA direction and not by the purchaser. (Sales of surplus utilities for removal by the purchaser are governed by Housing Expediter Priorities Regulation 7.) As used in this section, the term "materials" includes items customarily referred to as "supplies."

(c) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of material or equipment and the method of sale, and prior to the time any materials or equipment covered by this section are first advertised or publicly offered for sale, such materials or equipment may be transferred only to:

(1) The Veterans Administration for use in the Veterans Administration Construction Program.

(2) The Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the Act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(3) Holders of unexpired Housing Expediter certificates (issued under Housing Expediter Priorities Regulation 4), or unexpired CPA urgency certificates (issued under Direction 16 to CPA Priorities Regulation 13).

As between a request for transfer received during this period from FPHA or VA, and an order from a certificate holder, WAA shall give preference to that which is first received.

Some WAA disposals under this section are of materials and equipment resulting from the dismantlement of surplus government installations, and are conducted at the location of the dismantling operation. At any such site, during the period described in this paragraph, total transfers to FPHA and VA of materials and equipment covered by this section shall not exceed 50% of the dollar value of all such materials and equipment available for disposal at the site.

(d) *Public advertisement.* During a period of time determined by WAA, the materials or equipment remaining at the end of the period described in paragraph (c) of this section shall be publicly advertised by WAA for disposal to:

(1) Priority groups described in paragraphs (e) (1) through (e) (4) of this section.

(2) Priority groups established by the Surplus Property Act of 1944, as amended.

(3) Other buyers.

Such advertisement shall be addressed to as many of these priority groups, and other buyers, as WAA deems appropriate in view of the probable demand. The advertisement shall indicate that during a specified offering period orders will be filled in the order of preference provided for in paragraphs (e), (f), and (g) of this section.

In the case of materials or equipment which are available in such small quantities that public advertisement would be impracticable, WAA may employ other forms of public offering.

During the advertising period (or other public offering) described in this paragraph, the Veterans Administration and Federal Public Housing Authority may not acquire any of the materials or equipment covered by this section which are being offered for disposal.

(e) *Offering period.* During the offering period specified in the public advertisement (or other public offering) provided for in paragraph (d) of this section, WAA shall follow the order of preference set out below in disposing of any materials or equipment covered by this section:

(1) Holders of unexpired Housing Expediter certificates, or unexpired CPA urgency certificates.

(2) State or local governmental agencies or instrumentalities that give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the usable materials and equipment covered by this purchase order (1) are required for construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations the construction of which has been authorized, prior to the date of this certificate, under the Veterans' Emergency Housing Program (or construction for which priorities assistance has been assigned under the Veterans Administration Construction Program), and (2) will be used within six months from the date of this order (i) in the construction or maintenance of such utilities, (ii) in replacing equivalent materials which will be used in the construction or maintenance of such utilities, or (iii) for the repair of an essential utility servicing other housing accommodations, if necessary to meet a public emergency in connection with such utility which endangers the health or safety of a community, but not for normal maintenance, repair, or operation of such utility.

Signature

(3) Publicly or privately owned utilities that give with their purchase orders a certificate in writing in substantially the form set out in subparagraph (2) of this paragraph.

(4) Contractors, subcontractors, or builders who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the usable materials and equipment covered by this purchase order are required for and within six months of the date of this purchase order will be used in construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations the construction of which has been authorized, prior to the date of this certificate, under the Veterans' Emergency Housing Program, or construction for which priorities assistance has been assigned under the Veterans Administration Construction Program.

Signature

(5) Priority groups established by the Surplus Property Act of 1944, as amended.

(6) Other buyers.

At dismantlement sales of the kind described in paragraph (c) of this section, the above order of preference shall be modified by combining groups (1) through (4) above into one priority group, and giving equal preference to members of all four groups.

During the offering period covered by this paragraph, the Federal Public Housing Authority and Veterans Administration may not acquire any of the materials or equipment covered by this section which are being offered for disposal, until after the preferences of groups (1) through (4) of this paragraph have been satisfied.

(f) *Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).* Within each priority group (1), (2), (3), or (4) of paragraph (e) of this section, WAA shall follow the order of preference set out below in filling orders for materials or equipment covered by this section:

(1) *In order of receipt.* Unless the Housing Expediter or WAA makes the determinations described in subparagraph (2) of this paragraph, WAA shall accept and fill orders in the sequence in which they are received by WAA.

(2) *By drawing of lots.* If the Housing Expediter or WAA determines, before the offering period described in paragraph (e) of this section begins, that:

(i) The amount of any material or equipment covered by this section to be offered for disposal by WAA at a particular place will be inadequate to fill the expected orders from persons, agencies and instrumentalities described in paragraph (e) (2) of this section (or from persons, agencies, and instrumentalities described in paragraph (e) (3) or (4) after the preceding preferences have been satisfied), and

(ii) The geographical distribution of such persons, agencies and instrumentalities would work an unusual and inequitable hardship upon some of them if the "order of receipt" rule were applied as provided in subparagraph (1) of this paragraph,

WAA shall then fill orders from such persons in a sequence determined by the drawing of lots.

(g) *Surplus Property Act priority groups.* During the period described in paragraph (c) of this section, any disposal by WAA of materials or equipment covered by this section shall be made without regard to the priority groups established by the Surplus Property Act of 1944, as amended. In addition, during the offering period described in paragraph (e) of this section, any disposal by WAA of materials or equipment covered by this section to persons, agencies or instrumentalities described in paragraphs (e) (1) through (e) (4) of this section shall be made without regard to the priority groups established in the Surplus Property Act. However, after the preferences of such persons, agencies and instrumentalities have been satisfied, WAA may dispose of the remainder of any lot of materials or equipment in accordance with the Surplus Property Act and applicable regulations issued under that Act.

(h) *Minimum and maximum quantities.* During the offering period described in paragraph (e) of this section, WAA may dispose of any materials or equipment covered by this section:

(1) In such minimum quantities as WAA may determine.

(2) In such maximum quantities as WAA determines will be most equitable in view of the estimated demand for the particular materials or equipment offered for disposal. However, if one or more purchase orders from persons described in paragraphs (e) (1) through (e) (4) of this section remain partially unfilled at the end of the offering period, and if some of the particular material or equipment covered by such orders remains undisposed of at the end of the offering period, WAA shall apply such material or equipment to the unfilled orders (in the order of preference provided for in paragraphs (e), (f), and (g) of this section).

(i) *Other terms of disposal.* During the offering periods described in paragraphs (c) and (e) of this section, WAA may dispose of any materials or equipment covered by this section upon such other terms and conditions as are not in conflict with this section.

RESTRICTIONS ON BUYERS

(j) *Use by persons, agencies, or instrumentalities described in paragraphs (e) (1) through (e) (4).* As provided in HEPR 4, any person or governmental agency or instrumentality obtaining materials or equipment by use of a Housing Expediter certificate may use the items only for the purpose for which the certificate was issued. Any person, agency, or instrumentality obtaining materials or equipment by use of the certificate described in paragraph (e) (2), (e) (3), or (e) (4) of this section may use the materials or equipment so obtained only in accordance with the terms of that certificate.

(k) *Sales by persons, agencies or instrumentalities described in paragraphs (e) (1) through (e) (4).* If it becomes impossible for a person, agency or instrumentality who acquired materials or equipment by use of a Housing Expediter certificate to use them for the purpose for which the certificate was issued, the items may be disposed of only as provided in HEPR 4. If it becomes impossible for a person, agency, or instrumentality who acquired usable materials or equipment by use of the certificate described in paragraph (e) (2), (3), or (4) of this section to use all of them in accordance with terms of that certificate, he must publicly offer for sale such unused materials or equipment and must dispose of them only to a person or governmental agency or instrumentality as described in paragraphs (e) (2) through (e) (4) of this section. In addition, he must not dispose of them even to such persons, agencies, or instrumentalities if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(l) *Effect of Housing Expediter and CPA directives.* Directives issued by the Housing Expediter or the Civilian Production Administration shall take precedence over the disposal procedure outlined in this section. CPA directives shall take precedence over Housing Expediter directives.

(m) *Appeals.* Any person who considers that compliance with any provisions of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(n) *Violations.* Any person who wilfully violates any provision of this section or who knowingly makes any statement to the Housing Expediter or the War Assets Administration, as to any matter within their respective jurisdictions, which is false in any respect, or who willfully conceals a material fact in any certificate required to be executed under this section, or who wilfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable federal statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(o) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after each such transaction, accurate and complete records of the details of the transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or any person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with that Act.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 27th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

TABLE OF MATERIALS AND EQUIPMENT COVERED BY THIS SECTION

NOTE: Table amended Jan. 27, 1947.

Braided hemp and yarn, for water, gas and sewer pipes.
Cable, electrical, lead covered.
Corporation cocks, brass, up to and including 2" for water.
Goosenecks, lead, with and without brass fittings, up to and including 2", water.
Hydrants, fire, all types, for water.
Insulators, for power.
Lead, caulking.
Lightning arresters, for power.
Manhole frames and covers, cast iron, all types.
Meters:
(a) Electrical domestic.
(b) Gas, tinned steel and cast iron, for gas.
(c) Water, ⅝" to 2".
Meter boxes:
(a) Frames and covers (all types) for water.
(b) Steel, for power.
Meter stops, up to and including 1½" for gas.
Pipe:
(a) Asbestos-cement, up to and including 24".
(b) Black, wrought, galvanized iron (services) up to and including 2" for gas and water.
(c) Cast iron pressure, up to and including 24".
(d) Steel (mains) up to and including 12" for gas and water.
(e) Vitrified tile up to and including 24" sewers.
Pipe fittings:
(a) Cast iron and asbestos-cement (mains) up to and including 24" and stops.
(b) Black and galvanized iron (services) up to and including 2".
(c) Vitrified clay fittings.
(d) Couplings and fittings for steel pipe.
Poles and cross arms, wood distribution type, power.
Pole-line hardware, for power.
Regulators, gas.
Transformers, up to and including 50 Kva.
Tile, open joint, up to and including 6" for drainage and septic tank fields.
Tubing, copper and copper alloy, up to and including 2" for water and gas.
Service boxes, cast iron, for gas and water.
Valves, up to and including 24" for gas and water (mains and pipes).
Valve boxes and covers, cast iron, water and gas.
Wire, copper, electrical, insulated, weather-proofed, and bare.

[F. R. Doc. 47-883; Filed, Jan. 27, 1947; 3:40 p. m.]

[Priorities Reg. 4, as Amended, Jan. 27, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS EMERGENCY HOUSING ACT OF 1946

CERTIFICATES AND DIRECTIVES FOR SURPLUS MATERIALS AND EQUIPMENT

PURPOSE

Par.
(a) What this section provides.

DEFINITIONS

(b) Definitions.

MATERIALS AND EQUIPMENT COVERED

(c) Types of materials and equipment.
(d) WAA stocks covered.

APPLICATIONS FOR HOUSING EXPEDITER CERTIFICATES

(e) Filing of applications.
(f) Consideration of applications.
(g) Issuance of certificates.

GENERAL CONDITIONS FOR APPROVAL

(h) General conditions for approval of applications.

SPECIAL CONDITIONS FOR APPROVAL

(i) Continuous use of construction equipment for VEHP.
(j) To avoid serious delays in VEHP.
(k) Industrially made houses, sections or panels.
(l) Critical products.
(m) New type building materials.
(n) Basic materials.

EFFECT OF HOUSING EXPEDITER CERTIFICATES

(o) Effect of Housing Expediter certificates.

USE OF HOUSING EXPEDITER CERTIFICATES

(p) How to use a Housing Expediter certificate.

HOUSING EXPEDITER DIRECTIVES

(q) Issuance of Housing Expediter directives.
(r) Effect of Housing Expediter and CPA directives.

RESTRICTIONS ON BUYERS

(s) Use of materials or equipment obtained with Housing Expediter certificate or directive.
(t) Sale of materials or equipment obtained with Housing Expediter certificate or directive.

OTHER PROVISIONS

(u) Appeals.
(v) Exceptions.
(w) Violations.
(x) Reporting and record-keeping requirements.

PURPOSE

§ 803.4 *Housing Expediter certificates and directives for surplus materials and equipment*—(a) *What this section provides.* This section, Housing Expediter Priorities Regulation 4, explains how special assistance, in the form of Housing Expediter certificates, will be extended to qualified persons in obtaining from War Assets Administration surplus materials or equipment which are needed for construction or production under the Veterans' Emergency Housing Program.

The Housing Expediter certificates issued under this section provide the holders with a preference in acquiring from WAA the materials and equipment listed in the certificate. They are good only for government property declared surplus to WAA. Prior to January 16, 1947, Housing Expediter certificates could be used only to obtain surplus property

which had not yet been publicly advertised for sale by WAA. These certificates may now be used, as provided in this section, to obtain either unadvertised or advertised surplus.

This section explains: (1) How applications for such certificates should be filed. (2) The standards for approval of applications. (3) How certificates are issued. (4) Effect of certificates.

It also tells how, in unusual cases, Housing Expediter directives may be issued for materials or equipment for use in the Veterans' Emergency Housing Program.

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) An "industrially-made house, section or panel" is one which is made in a factory or, in the case of concrete, precast either in a factory or on the building site. The term does not include house trailers.

(2) A "critical product" is one which the Housing Expediter has determined to be in such tight supply that the shortage of the product presents a serious threat to the Veterans' Emergency Housing Program. All such products are listed in the table at the end of this section.

(3) "New type building material" means any building material which possesses some characteristics (such as composition, application, or design) different from existing conventional types of building materials.

(4) "Person" means any individual, partnership, association, business trust, corporation, or any other organized group of persons (whether incorporated or not), or any federal, state or local government, or agency, instrumentality or subdivision thereof.

(5) "VEHP" means the Veterans' Emergency Housing Program.

(6) "MRO" means maintenance, repair, or operating supplies (including spare and replacement parts).

(7) "CPA urgency certificate" means a certificate issued under Direction 16 to Civilian Production Administration Priorities Regulation 13.

(8) "WAA" means the War Assets Administration.

(9) "OHE" means the Office of the Housing Expediter.

(10) "This section" or "HEPR 4" means Housing Expediter Priorities Regulation 4.

MATERIALS AND EQUIPMENT COVERED

(c) *Types of materials and equipment.* A Housing Expediter certificate may be issued for the following types of materials and equipment, if they are in short supply:

(1) Production materials which are to be incorporated directly into a product.

(2) Construction materials (building materials, supplies and equipment), including the items listed in HEPR 1 and 2 and other items in short supply.

(3) Capital equipment to be used for construction, production, or services.

(4) MRO.

NOTE: The table of "critical products" at the end of this section is *not* a list of the materials and equipment for which certificates will be issued under this section. It is to be used only in determining who is eligible under paragraph (l) of this section.

(d) *WAA stocks covered.* This section covers all materials and equipment of the types described in paragraph (c) of this section which are held by WAA as government-owned surplus.

APPLICATIONS FOR HOUSING EXPEDITER CERTIFICATES

(e) *Filing of applications.* Applications under this section should be filed as follows:

(1) *Certificates.* Applications for Housing Expediter certificates should be made in duplicate on Form OHE 14-82. Copies of this form may be obtained from the offices of the Regional Housing Expediters and Locality Housing Expediters. All applications should be addressed to the Regional Housing Expediter of the Region in which the applicant's place of business is located. Applications filed under paragraph (m) or (n) of this section will be forwarded by the Regional Expediter, with his recommendations, to the Housing Expediter, Washington, D. C.

(2) *Renewals.* If the holder of a Housing Expediter certificate is unable to obtain the materials or equipment covered by the certificate within 15 days before it expires, he may apply for a renewal to the office which issued the certificate. He should apply by letter, and include a certification in substantially the following form:

> The undersigned hereby certifies, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the information and statements contained in his application dated ---------- for a Housing Expediter certificate are true, to the best of his knowledge and belief, as of the date of this letter. He also certifies that the items covered by certificate No. ------ issued upon that application are still needed and will be used in the Veterans' Emergency Housing Program, in accordance with that application and Housing Expediter Priorities Regulation 4.

(f) *Consideration of applications.* Applications for Housing Expediter certificates, and for renewals of such certificates, will be considered for approval in the following way:

(1) *Qualified applications.* An application will be considered qualified if it is properly completed and meets the standards for approval described in paragraphs (h) through (n) of this section.

(2) *Veterans' set-aside list.* A Housing Expediter certificate covering an item on the WAA veterans' set-aside list will be issued only if the applicant is a veteran who holds a WAA veterans' certificate (Form 63, 73, or 1127) for the same item.

(3) *Inventory restriction.* An application will not be approved which calls for more production materials or operating supplies than the applicant requires to meet his scheduled operations during the 60 days immediately following the date of his application, less the amount he has on hand and expects to receive from other sources during that period.

(g) *Issuance of certificates.* Housing Expediter certificates, and renewals of such certificates, will be issued in the following way on approved applications:

(1) *Applications under paragraphs (i) through (l).* If the application is approved, the Regional Housing Expediter will issue a Housing Expediter certificate covering the required materials or equipment. The original will be forwarded to the applicant. A duplicate and triplicate will be forwarded to the appropriate WAA Zone Office.

(2) *Applications under paragraphs (m) and (n).* When an application is forwarded to the Housing Expediter (see paragraph (e) of this section), he will consider it for approval and issue a Housing Expediter certificate upon a qualified application in the same manner as described in subparagraph (1) of this paragraph.

(3) *Renewals.* Applications for renewals will be handled in the same way as original applications. If a renewal application is approved, the certificate holder's copy will be marked to indicate this, and a "renewal notice" will be sent to the appropriate WAA Office.

GENERAL CONDITIONS FOR APPROVAL

(h) *General conditions for approval of applications.* It is not the general policy of the Housing Expediter to channel government surplus materials and equipment to the Veterans' Emergency Housing Program through Housing Expediter certificates. Housing Expediter Priorities Regulations 1 and 2 are designed to channel into the VEHP, on a self-certifying basis, certain materials and equipment listed in those regulations. Except for the equipment listed in paragraph (o) (5) of this section, all materials and equipment not specifically listed in either HEPR 1 or 2 are normally disposed of in accordance with the Surplus Property Act and applicable regulations issued under that Act.

There are circumstances, however, which this regulation is designed to cover, under which Housing Expediter certificates will be issued. These circumstances include certain general conditions which must be met by the applicant. They are as follows:

(1) It must be determined by the Housing Expediter that the applicant's proposed use of the surplus materials or equipment requested will make a substantial contribution to the VEHP.

(2) The applicant must show that he has been unable to get the materials or equipment as soon as he needs them from sources other than government-owned surplus.

(3) In the case of construction equipment, the applicant must show that he has been unable to procure contractual services as soon as he needs them to carry out the work for which the construction equipment is required.

(4) The applicant must purchase the materials or equipment for use and not for resale, except in the case of established service and maintenance organizations who supply both parts and services to producers of any of the critical products listed at the end of this section.

In addition to the general conditions of this paragraph, an applicant must also meet one of the six special conditions described in one of the paragraphs (i) through (n) of this section.

SPECIAL CONDITIONS FOR APPROVAL

(i) *Continuous use of construction equipment for VEHP.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of construction equipment which is in short supply if:

(1) The applicant is a builder; building contractor; building subcontractor; erector of industrially-made houses, sections or panels; or a publicly or privately owned utility (water, power, gas, sewerage); and

(2) The Housing Expediter finds that the applicant is likely to make substantially continuous use of the equipment in support of the VEHP.

(j) *To avoid serious delays in VEHP.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO, if:

(1) The applicant is a builder; building contractor; building subcontractor; erector of industrially made houses, sections or panels; or a publicly or privately owned utility (water, power, gas, sewerage); and

(2) The Housing Expediter finds the item to be in such short supply that if it is not made available from surplus it will delay for a substantial period of time the construction of a large number of housing accommodations which have been partially completed under the VEHP. (If an applicant under this paragraph is a utility, it is not necessary that the housing accommodations be partially completed.)

(k) *Industrially made houses, sections or panels.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a producer of industrially-made houses, sections, or panels as defined in paragraph (b) (1) of this section.

(l) *Critical products.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by:

(1) A producer of a "critical product" that is listed in the table at the end of this section. (For the definition of "critical product" see paragraph (b) (2) of this section.) It should be emphasized that it is the materials or equipment needed to produce the critical product, rather than the critical product itself, for which a Housing Expediter certificate may be issued under this paragraph.

(2) A person who will use the item to provide a necessary service to a producer of a "critical product," such as a road building contractor providing access roads for a producer of logs.

(3) A person who will use the item to produce production materials or MRO needed by a producer of a "critical product." In order for an applicant to be eligible under this subparagraph, a very high proportion of his output of such production materials or MRO must be sold to producers of "critical products." An example of a person eligible under this subparagraph is a producer of molding sand to be sold to producers of cast iron soil pipe.

(m) *New type building materials.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a producer of a "new type building material" which has been approved by the Housing Expediter for use in the VEHP.

(n) *Basic materials.* If the general conditions in paragraph (h) of this section are met, a Housing Expediter certificate may be issued for an item of production material, construction material, capital equipment, or MRO which is in short supply and is needed by a Federal, State, or local governmental agency or instrumentality or persons under contract with such agency or instrumentality for use in a specific program established by the Expediter (in cooperation with the applicant agency or instrumentality) to increase the production of a basic material, such as logs, for the VEHP.

EFFECT OF HOUSING EXPEDITER CERTIFICATES

(o) *Effect of Housing Expediter certificates.* WAA shall give the following effect to Housing Expediter certificates:

(1) *Valid for 60 days.* A Housing Expediter certificate shall be valid for 60 days after its date of issuance, and for an additional 60 days if it is renewed.

(2) *Search by WAA.* Each WAA Zone Office, upon receiving a copy of a Housing Expediter certificate, shall determine promptly whether the materials or equipment described in the certificate are in WAA stocks located within the WAA Zone. However, no such search need be made for items covered by HEPR 1 or 2.

(3) *Methods of disposal.* If the WAA Zone Office locates the materials or equipment covered by the Housing Expediter certificate, the items shall be disposed of by one of the following methods, as determined by the WAA Zone Administrator:

(i) Through sale by notification (prior to public advertisement) to holders of Housing Expediter certificates and CPA urgency certificates.

(ii) By transfer (prior to public advertisement) to the Federal Public Housing Authority for use under Title V of the Lanham Act, as amended; or to the Veterans Administration for use in the Veterans Administration Construction Program.

(iii) By publicly advertised sale to Housing Expediter certificate holders, CPA urgency certificate holders, and others.

Unless otherwise directed by CPA or the Housing Expediter, disposal must be by one of these three methods.

(4) *Order of preference before advertising.* In disposing of any of the materials or equipment covered by this section before they have been publicly advertised, each WAA Regional Office shall honor whichever of the following two is received first:

(i) An order from a certificate holder.

(ii) A request for transfer from the Federal Public Housing Authority or the Veterans Administration.

(5) *Public advertisement.* Before any of the following equipment is disposed of by WAA (other than as described in subparagraphs (3) (i) and (ii) of this paragraph, or upon a Housing Expediter or CPA directive), they shall be publicly advertised by the WAA Regional Office as provided in this subparagraph:

Attachments disposed of separately from cranes: boom, crane, dragline, clamshell, shovel, piledriver, backhoe, or trenchhoe attachments.
Attachments disposed of separately from tractors: bulldozer, angledozer, power control unit, hydraulic pumps, towing winch, loader, or hoists.
Batching plants.
Cranes: Truck mounted and crawler-type of $\frac{3}{8}$, $\frac{1}{2}$, $\frac{3}{4}$, $1\frac{1}{4}$ to $1\frac{1}{2}$, $1\frac{3}{4}$ to 2, and $2\frac{1}{2}$ cubic yard capacity. Equipped with shovel, dragline, backhoe, and other types of front ends.
Ditching machines.
Motor graders.
Portable air compressors from 105 c. f. m. to 500 c. f. m. inclusive.
Rock crushers, 35 tons per hour or under.
Straddle-lift trucks.
Tractors (track laying) and front-end loaders.
Tractor type scrapers.
Wheel tractors 100 h. p. or over.

In such advertisements, WAA shall indicate that preference will be given, as provided in subparagraph (6) of this paragraph, to holders of Housing Expediter certificates and CPA urgency certificate holders.

(6) *Order of preference after advertising for construction equipment and trucks.* This subparagraph applies to the equipment listed in subparagraph (5) of this paragraph, and to all trucks listed on the WAA veterans' set-aside list. Unless otherwise directed by CPA or the Housing Expediter, in disposing of any such items in a publicly advertised sale, each WAA Regional Office shall give preference to the following priority groups, in the order indicated, over all other persons:

(i) Holders of both an unexpired Housing Expediter certificate or CPA urgency certificate, and a WAA veterans' certificate (Form 63, 73, or 1127), for the same item. Within this priority group, certificates shall be honored in the order in which they are presented during the preference period established for them by the public advertisement.

(ii) Holders of an unexpired Housing Expediter certificate or CPA urgency certificate. Within this priority group, certificates shall be honored in the same order as in priority group (i).

[Former paragraph (o) (7) redesignated as (o) (9), and new paragraphs (o) (7) and (o) (8) added January 27, 1947]

(7) *Order of preference after advertising for other items.* This subparagraph applies to all other materials and equipment covered by this section. Unless otherwise directed by CPA or the Housing Expediter, in disposing of any such items in a publicly advertised sale, each WAA Regional Office shall give preference, over all other persons, to holders of an unexpired Housing Expediter certificate or CPA urgency certificate. Within this priority group, certificates shall be honored in the order in which they are presented during the preference period established for them by the public advertisement.

(The only exception to this rule is disposals under HEPR 1 or 2 of materials or equipment resulting from dismantlement (under WAA direction) of surplus government installations, if the sale is conducted at the location of the dismantling operation. Such a sale is excepted from this subparagraph, and is subject instead to a special rule explained in HEPR 1 and 2.)

(8) *Preference period.* WAA public advertisements establish a preference period of a certain number of days during which certificate holders must present their orders or bids. After a particular lot of materials or equipment covered by this section has been publicly advertised by WAA to certificate holders, and their preference period established by the advertisement has expired, the certificate holders shall have no further preference under this section in any later offerings of the same lot of materials or equipment.

(9) *Terms of sale.* WAA may make disposals under this section upon such terms and conditions as are not in conflict with this section or the Housing Expediter certificate upon which the disposal is made.

USE OF HOUSING EXPEDITER CERTIFICATES

(p) *How to use a Housing Expediter certificate.* The following are the rules governing the use of Housing Expediter certificates:

(1) *Sales by notification prior to public advertisement.* If WAA notifies a certificate holder that the materials or equipment described in his certificate are available for disposal, the holder shall, within the time specified in the notification, present his copy of the certificate and his written order as required by WAA, together with adequate identification, to the WAA office designated in the notification. (See paragraph (o) (3) (i) of this section on sales by notification.)

(2) *Publicly advertised sales.* The holder of a Housing Expediter certificate should watch for public advertisements of WAA sales, wherever located, of any materials and equipment covered by his certificate. The certificate holder should submit his order or bid in accordance with the terms of the advertised sale, noting on his order or bid that he holds a Housing Expediter certificate for the items covered by his order. Since preference among certificate holders in paragraphs (o) (6) (i) or (ii) and (o) (7) of this section will be on a first-come, first-served basis, promptness in placing orders of bids is important.

[Former paragraphs (p) (3) and (p) (4) redesignated as (p) (4) and (p) (5), and new paragraph (p) (3) added January 27, 1947]

(3) *Sales marked on certificate.* If some of the items covered by a Housing Expediter certificate are sold to the holder, his certificate will be marked to indicate this by striking out these items, and he may retain the certificate. If all items are sold to the holder, he must surrender his copy of the certificate to WAA.

(4) *Not transferable.* A Housing Expediter certificate may be used only by the person named in it, and any rights conferred by it on that person may not be transferred.

(5) *No copies to be made.* No person shall make, or have made, a photostatic copy or other facsimile of a Housing Expediter certificate.

HOUSING EXPEDITER DIRECTIVES

(q) *Issuance of Housing Expediter directives.* In addition to Housing Expediter certificates, Housing Expediter directives may be issued covering government-owned surplus needed in the VEHP. The following rules govern the issuance of such directives:

(1) Housing Expediter directives may be issued if (i) the location of the items involved is known, and (ii) because of special circumstances, disposal under HEPR 1 or 2 or issuance of a certificate would not adequately meet the needs of the VEHP.

(2) Housing Expediter directives covering materials or equipment already publicly advertised or publicly offered for sale will, in general, be issued only if very extreme and unusual circumstances present such a serious threat to the VEHP that in the judgment of the Housing Expediter the action is mandatory.

(3) Application for a Housing Expediter directive should be made by letter to the Housing Expediter, Washington 25, D. C.

(r) *Effect of Housing Expediter and CPA directives.* Housing Expediter directives and CPA directives shall take precedence over Housing Expediter certificates. CPA directives shall take precedence over Housing Expediter directives.

RESTRICTIONS ON BUYERS

(s) *Use of materials or equipment obtained with Housing Expediter certificate or directive.* Any material or equipment obtained from WAA by the use of a Housing Expediter certificate or directive may be used only for the purpose for which the certificate or directive was issued.

(t) *Sale of materials or equipment obtained with Housing Expediter certificate or directive.* If it becomes impossible for a person who obtained materials or equipment under this section to use them for the purposes for which the Housing Expediter certificate or directive was issued, the unused materials or equipment may be disposed of only on authorization in writing by the Housing Expediter upon the basis of a letter from the person explaining the situation, and plans for disposal, if any. In general, disposal will be authorized only for purposes which would qualify for a Housing Expediter certificate under this section.

OTHER PROVISIONS

(u) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. In addition, any person affected by action taken under this section which was based on an interpretation of the section which he considers to be incorrect may file an appeal. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C. The letter must state clearly the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship, or the specific action appealed from, as the case may be.

(v) *Exceptions.* In a very limited number of cases, an exception to the provisions of this section may be granted by the Housing Expediter so that a certificate may be issued for materials or equipment to be used in the VEHP, even though the applicant does not meet all the conditions of eligibility of the section. Any person who considers that the facts of his case are unusual enough to warrant the granting of such an exception should file his application with the Regional Housing Expediter of the Region where his place of business is located. The application will be forwarded by the Regional Expediter, with his recommendations, to the Housing Expediter, Washington 25, D. C.

(w) *Violations.* Any person who wilfully violates any provision of this section or who knowingly makes any statement to the Housing Expediter or the WAA, as to any matter within their respective jurisdictions, which is false in any respect, or who wilfully conceals a material fact in any certification required to be executed under this section, or who wilfully falsifies any records to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both, under the Veterans' Emergency Housing Act of 1946 and other applicable Federal Statutes. Any such person or any other person who violates any provisions of this section may be prohibited from making or obtaining any further deliveries of, or from using any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(x) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after the date of the transaction, accurate and complete records of the details of each such transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or any person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting and record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 27th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

TABLE OF CRITICAL PRODUCTS COVERED BY PARAGRAPH (l) OF THIS SECTION

NOTE: Table amended January 27, 1947.

NOTE: As explained in paragraphs (c) and (l) of this section, this table is not a list of the materials and equipment for which Housing Expediter certificates may be issued under this section. It is a list to be used in determining whether an applicant is eligible for a Housing Expediter certificate under paragraph (l) of this section.

Aluminum sheet.
Aluminum extrusions for window sections.
Asbestos-cement siding shingles and flat sheets (products made from asbestos fibers and cement).
Asbestos-cement siding shingle and flat sheet specialized machinery.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, saturated felts, dry roofing felts, and saturated or coated sheathing papers).
Asphalt and tarred roofing products specialized machinery.
Bituminized fiber pipe.
Bituminized fiber pipe specialized machinery.
Boilers, low pressure, heating, steam and hot water.
Builders' hardware of the following types only:
(1) butts, hinges, hasps; (2) door locks, lock trim; (3) sash screen, and shelf hardware; (4) night latches, dead locks; (5) spring hinges; (6) sash balances, sash pulleys.
Building and sheathing papers.
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).
Cast iron soil pipe and fittings.
Cast iron pressure pipe.
Cast iron radiation.
Cement.
Cement mill specialized machinery.
Clay building products (common and face brick, clay structural tile, and clay sewer pipe).
Clay building products specialized machinery (such as dealring machines, extrusion heads, clay grinders and pulverizers, and brick presses).
Convector radiation (extended surface).
Copper water tubing, types K, L, M, sizes ⅜" to 3" inclusive.
Flooring, hardwood.
Furnaces (warm air, floor, wall).
Gypsum board and gypsum lath.
Gypsum board and gypsum lath specialized machinery.
Gypsum liner.
Lime, finishing.
Logs.
Lumber.
Metal door frames, residential types only.
Metal windows, sash and frames, residential types only.
Metal plaster base (metal lath).
Millwork, suitable for housing construction.
Nails.
Pig iron (foundry grade).
Plaster, hardwall.
Plumbing fixture fittings and trim, including brass tubular goods.
Plumbing fixtures (of the following types, in residential-design models only: bathtubs, lavatories, sinks, sink-and-tray combinations, shower stalls, receptors, stall-and-receptor combinations, water closet bowls, tanks. Trim is not included).
Plywood, softwood, suitable for housing construction.
Sawmill and other woodworking specialized machinery.
Screen cloth, insect.
Steel, galvanized sheet.
Wiring devices (electrical) of the following kinds only:
(1) Sockets, lampholders, and lamp receptacles—medium screw base types (lighting fixtures and portable lamps not included);
(2) Convenience receptacles (outlets) suitable for residential use;
(3) Toggle switches (types designed specifically for tools and appliances not included);
(4) Wall and face plates;
(5) Outlet, switch, and receptacle boxes suitable for residential use (covers, hangers, supports, and clamps included);
(6) Box connectors for residential-type metal or nonmetallic sheathed cable.

[F. R. Doc. 47-882; Filed, Jan. 27, 1947; 3:40 p. m.]

[Priorities Reg. 7, Jan. 27, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SALE AND REMOVAL OF SURPLUS GOVERNMENT INSTALLATIONS

PURPOSE

Par.
(a) What this section provides.

DEFINITIONS

(b) Definitions.

SALES COVERED BY THIS SECTION

(c) Property covered.
(d) Disposals covered.
(e) Exceptions to this section.

DISPOSAL PROCEDURE

(f) Transfer of property on leased land.
(g) Public advertisement.
(h) Size of offerings.
(i) Lowest acceptable bid.
(j) Other terms of disposal.

BUYERS ELIGIBLE FOR PRIORITY

(k) Sales by disposal agencies.
(l) VEHP self-certifiers.
(m) Sales by owning agencies.

RESTRICTIONS ON BUYERS

(n) Use by VEHP self-certifiers.
(o) Sales by dismantlers and dealers.
(p) Sales by other VEHP self-certifiers.
(q) Prohibited disposals.
(r) Sales by RFC.

OTHER PROVISIONS

(s) Appeals.
(t) Violations.
(u) Reporting and record-keeping requirements.
(v) Regulations by agencies to be reported to the Housing Expediter.
(w) Effective date.

PURPOSE

§ 803.7 *Sale and removal of surplus government installations—(a) What this section provides.* This section, Housing Expediter Priorities Regulation 7, provides for the sale of certain surplus government installations for dismantlement or other removal by the purchaser, and channeling of the resulting structures, materials, and equipment into the Veterans' Emergency Housing Program. This section does not apply to the disposal of any surplus government installations with the land.

This section does not affect the priority rights established for various groups by the Surplus Property Act of 1944, as amended, and by applicable regulations of the War Assets Administration issued under that Act. It merely establishes a priority group (called "VEHP self-certifiers") after the Surplus Property Act priority groups and just ahead of the general public, so that the materials resulting from the dismantlement of the surplus installations sold under this section can be channeled into the VEHP.

These materials are suitable for the construction of housing accommodations, and are in short supply. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) "Owning agency," "disposal agency," and "Government agency" have the meanings given the terms by section 3 of the Surplus Property Act of 1944, as amended.

(2) "State or local government" and "nonprofit institution" have the meanings given the terms by § 8305.2 of WAA Regulation 5.

(3) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or instrumentality, or any organized group of persons whether incorporated or not.

(4) "Materials obtained under this section" means (i) materials (including whole structures) resulting from dismantlement or other removal of structures or utilities obtained on a bid filed under this section with an owning agency, a disposal agency, or the Reconstruction Finance Corporation, and (ii) materials otherwise obtained by self-certification under this section.

(5) "VEHP" means the Veterans' Emergency Housing Program.

(6) "WAA" means the War Assets Administration.

(7) "Surplus Property Act" means the Surplus Property Act of 1944, as amended.

(8) "This section" or "HEPR 7" means Housing Expediter Priorities Regulation 7.

SALES COVERED BY THIS SECTION

(c) *Property covered.* This section covers the following types of property if they are surplus and on land owned by or leased to the U. S. Government:

(1) Temporary structures (except sacred structures).

(2) Utilities, above ground and subsurface.

(d) *Disposals covered.* Property covered by this section will be in the possession of either:

(1) An "owning agency" such as the War Department or Navy Department, or

(2) A "disposal agency" such as War Assets Administration, Department of the Interior, or Department of Agriculture.

Whenever any of these agencies disposes of property covered by this section separate from the land, for dismantlement or other removal, the disposal must be made subject to this section.

(e) *Exceptions to this section.* The only disposals which fall within the rule stated in paragraph (d) of this section but are nevertheless excepted from this section are the following:

(1) *To FPHA, FWA, or VA.* Disposals to the Federal Public Housing Authority or Federal Works Agency under Title V of the Lanham Act, as amended, and disposals to the Veterans Administration.

(2) *Disposal agency exception.* Disposals by a disposal agency of a total of less than 10 structures at one site, if the agency elects not to follow this section.

(3) *Owning agency exception.* Disposals by an owning agency, if in exceptional cases the agency determines that it would be impracticable to follow this section.

DISPOSAL PROCEDURE

(f) *Transfer of property on leased land.* In accordance with the Surplus Property Act and applicable WAA regulations, if property covered by this section is on land leased to the U. S. Government, the initial procedure for the disposal of such property shall be as follows:

(1) If the lease is assignable under its terms, the owning or disposal agency may notify other Government agencies of the availability of the property with the land, and may assign the lease to one of the other Government agencies and transfer the structures and utilities to that agency for its use or for removal.

(2) If such assignment is not made or the lease is not assignable, the property may be transferred to the lessor (i) in settlement of a lease (as, for example, in satisfaction of restoration costs), or (ii) to satisfy other contractual obligations.

(g) *Public advertisement.* If neither of the steps outlined in paragraph (f) of this section is taken, or if property remains to be disposed of after one of the steps has been taken, the property shall be advertised as provided in this paragraph. In addition, all property covered by this section which is on land owned by the U. S. Government shall be publicly advertised in the same manner. All such property shall be publicly advertised, in accordance with the Surplus Property Act and WAA regulations and this section, for disposal to:

(1) The priority groups established by paragraph (k) of this section (for a disposal agency), or

(2) The priority groups established by paragraph (m) of this section (for an owning agency).

The advertising period shall be long enough to give all these priority groups, as well as the general public, adequate notice of the availability of the property and opportunity to file bids.

(h) *Size of offerings.* Property to be disposed of under this section by an owning or disposal agency may be made available in such minimum and maximum size lots as are determined to be most practicable and equitable by the agency disposing of the property. The maximum lot may include all the property covered by this section which is located at a single site.

(i) *Lowest acceptable bid.* In accordance with the Surplus Property Act and applicable WAA regulations, each owning or disposal agency disposing of property covered by this section may determine the lowest acceptable bid for each lot of such property offered. However, in every case the lowest acceptable bid must be at least as high as the estimated salvage value of the property, unless a lower figure is approved for a disposal agency by the War Assets Administrator.

(j) *Other terms of disposal.* Property may be disposed of under this section upon such terms and conditions as are not in conflict with this section.

BUYERS ELIGIBLE FOR PRIORITY

(k) *Sales by disposal agencies.* In disposing of any property covered by this section, disposal agencies shall give preference to bids from the following four Surplus Property Act priority groups and VEHP self-certifiers, in the order indicated, over all bids from the general public:

(1) Government agencies.

(2) Reconstruction Finance Corporation for sale to small business in accordance with paragraph (r) of this section.

(3) State and local governments.

(4) Nonprofit institutions.

(5) VEHP self-certifiers who file acceptable bids. A "VEHP self-certifier" is any person described in paragraph (l) of this section who gives with his bid or order a certificate in writing in substantially the following form:

The undersigned certifies to the U. S. Government, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that (1) he is eligible under Housing Expediter Priorities Regulation 7 to purchase the structures and utilities (or materials) covered by this bid (or order), and (2) he will use or sell the materials derived from the structures and utilities (or covered by this order) in accordance with that Regulation.

Signature

After the priority of the four Surplus Property Act priority groups above has been satisfied, awards shall be made to any VEHP self-certifier filing an acceptable bid, in preference to a member of the general public, even though the bid filed by the latter is a higher figure.

(l) *VEHP self-certifiers.* The following are eligible as "VEHP self-certifiers" under this section, if they sign the certification set out in paragraph (k) (5) of this section:

(1) *HH ratings.* A person who (i) has been authorized to use an HH priority in the construction of housing accommodations, or in the production of prefabricated housing, under the Veterans' Emergency Housing Program, and (ii) will use all the suitable and usable materials obtained under this section in such construction or production, or will sell them in accordance with paragraph (p) of this section. This includes builders, contractors, subcontractors and prefabricators.

(2) *Construction permits.* A person who will (i) use all the suitable and usable materials obtained under this section in the construction of housing accommodations as authorized by a construction permit under the Veterans' Emergency Housing Program, or (ii) sell them in accordance with paragraph (p) of this section. This includes builders, contractors, and subcontractors.

(3) *Utilities.* A person who will (i) use all the suitable and usable materials obtained under this section in the construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations the construction of which has been authorized under the Veterans' Emergency Housing Program, or in replacing equivalent materials which will be used for such purposes, or (ii) sell them in accordance with paragraph (p) of this section. This includes utilities (publicly or privately owned), builders, contractors, and subcontractors.

(4) *Dismantlers.* A person who will (i) dismantle or otherwise remove the structures or utilities covered by his bid, and (ii) resell, in accordance with paragraph (o) of this section, all the suitable and usable materials resulting from such dismantlement or removal.

(5) *Dealers.* A person who will resell, in accordance with paragraph (o) of this section, all the suitable and usable materials obtained by self-certification under this section.

(m) *Sales by owning agencies.* In disposing of any property covered by this section, owning agencies shall give preference, over bids from the general public, to bids from VEHP self-certifiers, as defined in paragraph (k) (5) of this section. Awards shall be made to any VEHP self-certifier filing an acceptable bid, in preference to a member of the general public, even though the bid filed by the latter is a higher figure.

RESTRICTIONS ON BUYERS

(n) *Use by VEHP self-certifiers.* A VEHP self-certifier who obtains materials under this section must (1) use the suitable and usable materials only for the purposes described in paragraph (l) of this section, or (2) offer and dispose of them in accordance with paragraphs (o) or (p) of this section.

(o) *Sales by dismantlers and dealers.* A VEHP self-certifier who obtains materials under paragraph (l) (4) or (5) of this section must (1) without delay publicly offer for sale all the suitable and usable materials obtained under this section, and (2) dispose of them to VEHP self-certifiers only. (See paragraph (k) (5) of this section.)

(p) *Sales by other VEHP self-certifiers.* If a VEHP self-certifier does not use all the suitable and usable materials he obtained under paragraph (l) (1), (2), or (3) of this section for the purpose to which he certified, he must (1) without delay publicly offer for sale all such unused materials, and (2) dispose of them to VEHP self-certifiers only.

(q) *Prohibited disposals.* A reseller as described in paragraph (o) or (p) of this section must not make disposals even to VEHP self-certifiers if he knows, or has reason to believe, that the materials will be acquired, used, or disposed of in violation of this section.

(r) *Sales by RFC.* All property obtained under paragraph (k) (2) of this section shall be disposed of by Reconstruction Finance Corporation to VEHP self-certifiers only. (See paragraph (k) (5) of this section.)

OTHER PROVISIONS

(s) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. In addition, any person affected by action taken under this section which was based on an interpretation of the section which he considers to be incorrect may file an appeal. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C. The letter must state clearly the specific provision in the section appealed from and the grounds for claiming an exceptional and unreasonable hardship, or the specific action appealed from, as the case may be.

(t) *Violations.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who wilfully conceals a material fact in any certificate required to be filed under this section, or who wilfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable federal statutes. Any person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(u) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after each such transaction, records sufficient to show that the requirements of this section have been complied with in using or disposing of materials obtained under this section. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting and record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with that Act.

(v) *Regulations by agencies to be reported to the Housing Expediter.* Each owning or disposal agency subject to this section shall file with the Housing Expediter copies of all regulations, orders, and instructions which it may issue in furtherance of this section.

(w) *Effective date.* This section shall become effective February 17, 1947.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 27th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-885; Filed, Jan. 27, 1947; 3:41 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51610]

PART 3—DOCUMENTATION OF VESSELS

1. Section 3.17 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.17), as amended by T. D. 51231, is amended to read as follows:

§ 3.17 *Home port; definition; change of.* (a) A vessel's home port* is that port where documents may be issued to vessels which has been fixed and determined by the owner with the approval of the Commissioner of Customs or of an officer or employee of the Bureau designated for the purpose by the Commissioner of Customs pursuant to section 103 of Reorganization Plan No. 3 of 1946 (11 F. R. 7876). It is the port at which a vessel's permanent documents are issued, but it shall appear in all documents whether they are permanent or temporary.

(b) The owner of a vessel shall submit to the collector the designation of a home port for the vessel on customs Form 1319, signed as provided for in § 3.13 (a). When the designation is filed with the collector at the port designated as the home port of the vessel, the designation shall be in duplicate. When the designation is filed with the collector at any port other than the port designated as the home port of the vessel, the designation shall be in triplicate. If the home port so designated is different from the last previous home port of the vessel, the owner shall also request the collector at the previous home port to forward to the collector at the designated home port an abstract of title on customs Form 1331.

(c) If the home port designated is the port at or nearest the place in the same customs collection district where the vessel business of the owner is conducted, if the vessel has previously been documented as a vessel of the United States, and if the designation is presented to the collector at the port where a temporary document is to be issued to the vessel, or at the home port designated, together with recordable bills of sale establishing the complete chain of title to the vessel from the last owner of record, the collector, after examining the bills of sale of the vessel and the abstract of title on customs Form 1331, shall forward to the Bureau the duplicate copy of the designation, when approved by him or an employee in his office properly designated to grant such approvals. If the designation is presented to the collector at a port other than the home port, he shall forward to the collector at the home port the triplicate copy of the designation.

(d) In all other cases, the collector, after examining the bills of sale of the vessel and the abstract of title on customs Form 1331, shall transmit the original of the application, together with all required copies, to the Bureau. When approved, the original will be returned to the collector transmitting the designation. If the designation is submitted to the Bureau by the collector at a port other than the home port, the Bureau will also forward a copy of the designation to the collector at the home port.

(e) When it is impracticable to establish the complete chain of title by recordable bills of sale, the collector shall inform the Bureau of the facts and circumstances, and shall state whether or not he is of the opinion that the applicant has legal title to the vessel.

(f) If an owner desires that the home port be elsewhere than the port at or nearest the place in the same customs collection district where the vessel business of the owner is conducted, he shall forward to the Bureau through a collector of customs a designation of home port on customs Form 1319 accompanied by a detailed statement setting forth the reasons.

(g) No officer or employee of the Bureau designated to grant approvals of designations of home ports shall approve, nor shall any collector forward to the Bureau for approval, any such designation unless it appears that the vessel will be documented as a vessel of the United States substantially simultaneously with the receipt by him of the approval of the designation. When a designation has been approved and the vessel is not so documented, the approval granted shall be cancelled. The collector in subsequently transmitting a new designation by the same owner shall indicate in his remarks the date of the previous approval and that it was cancelled because of failure to document the vessel. (R. S. 161, 4141, secs. 2, 3, 23 Stat. 118, 119, sec. 1, 43 Stat. 947; 5 U. S. C. 22,

*For the purposes of the navigation laws of the United States * * *, every vessel of the United States shall have a "home port" in the United States, including Alaska, Hawaii, and Puerto Rico, which port the owner of such vessel, subject to the approval of the Director of the Bureau of Marine Inspection and Navigation of the Department of Commerce (Commissioner of Customs), shall specifically fix and determine, and subject to such approval may from time to time change. Such home port shall be shown in the register, enrollment, and license, or license of such vessel, which documents, respectively, are referred to as the vessel's document. The home port shown in the document of any vessel of the United States in force on February 16, 1925, shall be deemed to have been fixed and determined in accordance with the provisions hereof. * * * (46 U. S. C. 18, sec. 102, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

46 U. S. C. 2, 3, 17, 18; sec. 102, Reorg. Plan No. 3 of 1946; 11 F. R. 7875)

2. Section 3.24 (c) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.24 (c)), is amended to read as follows:

§ 3.24 *Change of master.* • • •

(c) Every application for the endorsement of the names of one or two alternate masters on the license of a vessel in addition to the name of the master already endorsed on the license shall be filed with the collector of customs at the home port of the vessel and shall contain a statement of the condition of employment of the vessel. The endorsement of the names of one or two alternate masters upon the license shall be authorized by the collector or an employee in his office properly designated to grant such authorization whenever that officer or employee, after examining the application, deems the condition of employment of the vessel warrants such action. Under no circumstances shall the endorsement of the names of more than two alternate masters upon the license be authorized. The same oaths shall be required of such alternate masters as are required in the case of other masters.

R. S. 161, 4171, 4335, sec. 2, 23 Stat. 118, 53 Stat. 794, 5 U. S. C. 22, 46 U. S. C. 2, 40, 276, sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The first sentence of § 4.33 (c) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.33 (c)), is amended to read as follows:

§ 4.33 *Diversion of cargo.* • • •

(c) The destination in the United States of foreign cargo appearing on the inward foreign manifest may be changed at any domestic port to permit the landing of such cargo at any other domestic port if the vessel's owner or agent files with the collector a written application therefor accompanied by a bond, in an appropriate amount, conditioned that the collector shall be held blameless for any consequence of the act. • • •

(Secs. 449, 624, 46 Stat. 715, 759; 19 U. S. C. 1449, 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Section 23.25 (a) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 23.25 (a)), as amended by T. D. 51480 is hereby amended to read as follows:

§ 23.25 *Remission or mitigation by collectors.* (a) Fines or other pecuniary penalties for violation of the customs laws, or of the navigation laws administered by the Bureau, aggregating less than $100 in respect of any one offense may be remitted or mitigated by the collector of customs concerned on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate.

(R. S. 251, sec. 3, 44 Stat. 1382, secs. 624, 643, 43 Stat. 759, 761; 5 U. S. C. 281b, 19 U. S. C. 66, 1624, 1643; secs. 102, 103, Reorg. Plan No. 3 of 1946; 11 F. R. 7875, 7876)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: January 22, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-843; Filed, Jan. 28, 1947; 8:51 a. m.]

[T. D. 51609]

PART 100—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE BUREAU OF CUSTOMS

DELEGATION OF AUTHORITY

Section 100.3 (11 F. R. 177A-20) is amended by the addition of new paragraphs (d), (e), (f), and (g) as follows:

§ 100.3 *Delegation of authority.* • • •

(d) The Assistant Deputy Commissioner of Customs in charge of Marine Administration is hereby designated, pursuant to section 103 of Reorganization Plan No. 3 of 1946 (11 F. R. 7876), as the officer of the Bureau of Customs who may, except as otherwise provided for in this section, perform the functions transferred to the Commissioner of Customs by section 102 of said Reorganization Plan, subject to the following exceptions and conditions:

(1) Whenever in the opinion of the Assistant Deputy Commissioner of Customs in charge of Marine Administration any question pending for decision is of exceptional importance, he shall submit the question to the Commissioner of Customs, and the decision shall be made by the Commissioner of Customs.

(2) No regulations shall be prescribed or requirements of regulations waived by the Assistant Deputy Commissioner of Customs in charge of Marine Administration.

(3) No fine, penalty, or forfeiture shall be remitted or mitigated by the Assistant Deputy Commissioner of Customs in charge of Marine Administration.

(e) The Deputy Commissioner of Customs in charge of Tariff and Marine Administration is hereby designated, pursuant to section 103 of Reorganization Plan No. 3 of 1946 (11 F. R. 7876), as the officer of the Bureau of Customs who may perform the function, transferred to the Commissioner of Customs by section 102 of said Reorganization Plan, of remitting or mitigating fines, penalties, and forfeitures, not exceeding $1,500 in the aggregate in any one case.

(f) The collector of customs concerned is hereby designated, pursuant to section 103 of Reorganization Plan No. 3 of 1946 (11 F. R. 7876), as the officer of the Bureau of Customs who may perform the function, transferred to the Commissioner of Customs by section 102 of said Reorganization Plan, of remitting or mitigating fines or other pecuniary penalties, aggregating less than $100 in respect of any one offense, on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate.

(g) The collector, assistant collector, and deputy collector in charge of marine work for the port where a temporary document is to be issued to a vessel or for the home port of a vessel fixed and determined by its owner are hereby designated, pursuant to section 103 of Reorganization Plan No. 3 of 1946 (11 F. R. 7876), as the officers of the Bureau of Customs who may perform the function, transferred to the Commissioner of Customs by section 102 of said Reorganization Plan, of approving owners' designations of home ports for vessels pursuant to section 1 of the Act of February 16, 1925 (46 U. S. C. 18), subject to the following exceptions and conditions:

(1) Whenever the home port of a vessel designated by its owner is a port other than the one at or nearest the place in the same customs collection district where the vessel business of the owner is conducted, the collector, assistant collector, or deputy collector shall submit the designation to the Commissioner of Customs and the decision shall be made by the Assistant Deputy Commissioner of Customs in charge of Marine Administration under the authority contained in paragraph (d) of this section.

(2) Whenever a vessel for which a home port is designated by its owner has not been documented previously as a vessel of the United States the collector, assistant collector, or deputy collector shall submit the designation to the Commissioner of Customs and the decision shall be made by the Assistant Deputy Commissioner of Customs in charge of Marine Administration under the authority contained in paragraph (d) of this section.

(3) Whenever the complete chain of title, from the last owner of record, to a vessel for which a home port is designated by the owner is not established by recordable bills of sale the collector, assistant collector, or deputy collector shall submit the designation to the Commissioner of Customs and the decision shall be made by the Assistant Deputy Commissioner of Customs in charge of Marine Administration under the authority contained in paragraph (d) of this section.

(h) The collector of customs, assistant collector, and deputy collector in charge of marine work for the home port of a vessel are hereby designated, pursuant to section 103 of Reorganization Plan No. 3 of 1946 (11 F. R. 7876), as the officers of the Bureau of Customs who may perform the function, transferred to the Commissioner of Customs by section 102 of said Reorganization Plan, of authorizing the endorsement of the names of alternate masters on documents of vessels pursuant to section 4335 of the Revised Statutes of 1873 as amended by the act of May 31, 1939 (46 U. S. C. 276).

(Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

This amendment shall take effect on the date of its publication in the FEDERAL REGISTER.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved January 22, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-844; Filed, Jan. 28, 1947; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Local Board Memorandum 112-a, Issued: 3-16-45; As Amended: 1-28-47]

PART 671—LOCAL BOARD MEMORANDA

STATUS OF NONDECLARANT ALIEN STUDENTS AND TRAINEES

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 671.112-a *Aliens; status of nondeclarant alien students and trainees*—(a) *General*—(1) *General policy.* The Department of State has represented as a matter of foreign policy that it is in the national interest to foster closer and more effective relations with foreign countries through study, practical training and research in the United States by aliens in agriculture, industry, commerce, public health, education, or in related fields, and has requested that nondeclarant aliens entering the United States for such specific temporary purposes be not required to register or be called for training and service. In cooperation with such policy the Director of Selective Service desires to comply with the request of the Department of State and will undertake to do so under requirements mutually agreeable to the Secretary of State, the Commissioner of Immigration and Naturalization and the Director of Selective Service, as set forth in this section. It is understood that aliens engaged in such study, training or research shall be limited to remuneration, where receivable, that shall not exceed a fair subsistence allowance except where the nondeclarant alien is a regular permanent employee of a government or of a private business, in which cases he shall be permitted to receive the full amount customarily paid him by his employer for services rendered. Nothing in this section contained shall be construed as abridging the authority of the Director of Selective Service to grant, cancel, amend, or extend the exemption from training and service of any alien coming within the purview of this section. Exemption under this section, among other requirements, shall at all times be conditional upon the seriousness of purpose of such alien, his close application to and satisfactory progress in such practical training, study and/or research undertaken.

(2) *Information concerning programs.* An interested local board should apply to the Director, through the State Director, when it desires information concerning any approved training program or any approved combined study and training program included under this section.

(3) *Certain nondeclarant aliens may be considered nonresidents.* It is the purpose of this section to prescribe the circumstances and conditions under which certain nondeclarant aliens who enter the United States for such specific temporary purposes as students or trainees may be considered as male persons "not residing in the United States" within the meaning of the selective service law, and to prescribe the conditions under which they may be issued an Alien's Certificate of Nonresidence (DSS Form 303).

(4) *DSS Form 303 limited as to time.* An Alien's Certificate of Non-residence (DSS Form 303) should not be issued for a period of more than six months unless the Director specifically authorizes a longer period, except in the case of bona fide foreign students and other aliens approved under training or combined study and training programs outlined in this section for whom the period shall be one year, but DSS Form 303 may be renewed for successive periods in accordance with § 611.26 of this chapter.

(5) *Certain cases to be reexamined.* The local board should reexamine the case of any alien student or trainee who has already been in the United States for a period longer than is herein contemplated, or who appears to have failed otherwise to meet the requirements of this section.

(6) *Transfer of student or trainee.* A nondeclarant alien student may transfer from one institution of learning to another, or if a trainee, from one place of training to another: *Provided*, That such transfer is in the normal course of the planned education or of the training and does not interfere therewith.

(7) *Completion of period of study or training.* A nondeclarant alien student or trainee who completes a period of training, study and/or research in accordance with the provisions of this section should be allowed a reasonable time, not to exceed 45 days, to leave the country, during which time his DSS Form 303 should not be recalled.

(8) *Loss of student or trainee status.* If a nondeclarant alien holding a DSS Form 303 fails to maintain his status as a bona fide student, or as a trainee, he shall no longer be entitled to such certificate, and it shall be recalled by the local board. He shall thereupon be considered to be a male person "residing in the United States," be obligated to register immediately, and be liable for training and service under the selective service law, except that any such alien whose failure to maintain his status is due solely to either an unsatisfactory scholastic record during his regular attendance at an institution of learning, or to an inability to meet the requirements of the training contemplated herein, should be allowed a reasonable time, not to exceed 45 days, to leave the country, during which period his DSS Form 303 should not be recalled.

(9) *Special notation on DSS Form 304.* Under section III, item 20, DSS Form 304 a notation shall be made by the local board in the space available of the section (section 4 (e), section 3 (2), section 3 (1), or other applicable section) of the Immigration Act of 1924 (8 U. S. C., 203, 204), under which the alien was admitted to the United States, and should a subsequent change in the status of the alien have been accomplished by the Immigration and Naturalization Service a similar notation shall be made of the section of such law applicable at the time of filing the DSS Form 304.

(b) *Students*—(1) *Requirements for a nondeclarant alien student.* A nondeclarant alien student to be considered as a bona fide full-time student and as a male person "not residing in the United States" must comply with the provisions of §§ 611.21 and 611.26 of this chapter, and, in addition, must meet the following requirements:

(i) He must enter the United States for the purpose of study and/or research, follow the regular full-time course of instruction and/or research and maintain satisfactory progress in such studies and/or research in, and as certified by, an institution of learning approved for "Section 4 (e)" visa purposes by the Attorney General of the United States, except that part-time study and/or research may be permitted if, in the judgment of such institution upon recommendation to the Selective Service Local Board it is necessary by reason of poor health, not chronic, English language difficulties, or engaging in activities as indicated in subdivision (iii) of this subparagraph.

(ii) He must not be gainfully employed, except (*a*) that a student who meets all other requirements may undertake part-time employment if such employment in no way interferes with the maintenance of a regular full-time course of instruction and/or research or until such time as such part-time employment might be disapproved by the Commissioner of Immigration and Naturalization, (*b*) that he may undertake on-the-job training for which he receives subsistence allowance if such training is in connection with part-time study and/or research as specified in subdivision (i) of this subparagraph or if such training is in the nature of practical training immediately following the completion of study and/or research as specified in subdivision (iii) of this subparagraph: *Provided*, That nothing herein shall be construed as preventing or limiting the remuneration paid to an alien who is a regular permanent employee of a government or of a private business as provided in paragraph (a) (1) of this section: *And provided further*, That permission for such on-the-job training or practical training has been previously obtained from the Commissioner of Immigration and Naturalization.

(iii) He may also be considered as maintaining the status of a student if immediately upon the completion of his studies and/or research he enters upon a course of practical training in the field for which his studies and/or research have prepared him and for which he receives no remuneration or subsistence allowance from the organization providing the training, except that subsistence allowance may be received for such training if the organization providing the training so requires and permission to receive it is granted by the institution supervising the trainee: *Provided*, The educational institution he is attending or from which he was graduated, prescribes such course of training, certifies that it is as advantageous to the student as graduate study, and supervises the course of training during its

continuance: *And, provided further,* That permission to undertake such course of training is previously obtained from the Immigration and Naturalization Service. Such course of practical training shall be limited to one calendar year, or to such shorter period as the student may be permitted to remain in the United States by the Immigration and Naturalization Service, of the Department of Justice.

(2) *Visas are evidence of purpose of entry.* (i) In determining whether or not the alien entered the United States for the purpose of study, the local board should consider the type of visa under which he entered.

(ii) If he entered prior to June 1, 1944, the type of visa is not conclusive but the local board should determine, from the visa and all other available facts and circumstances, whether or not he entered for the purpose of study.

(iii) If he entered after June 1, 1944, the type of visa is conclusive and the local board should not determine that he came for the purpose of study unless he attends an institution of learning approved for "Section 4 (e)" visa purposes by the Attorney General, or pursues a course of instruction prescribed, and/or conducted, by the United States Government, and unless his visa indicates that he entered under the provisions of one of the following sections of the Immigration Act of 1924 (8, U. S. C., 203 and 204):

(*a*) Section 4 (e) (student).

(*b*) Section 3 (2) (visitor).

(*c*) Section 3 (1) (government official).

(3) *Periods allowed for study and/or research.* The maximum periods for study and/or research during which a student may remain in the United States are set out below.

(i) An undergraduate student shall be permitted to remain for the time normally required to obtain a degree but such time may be extended upon certification by the institution in which he is enrolled that additional time is necessary due to language or health handicaps: *Provided,* That the total of such additional time shall not exceed the equivalent of one school year.

(ii) A student who enrolls for a graduate degree immediately upon the completion of his undergraduate work in the United States or who comes to this country for the purpose of graduate study leading to a degree or degrees and/or for research shall be permitted to remain for the time normally required to obtain that degree or degrees and/or complete the research, and for such additional time as is deemed necessary by the institution attended because of language difficulties or temporary illnesses: *Provided,* That the total of such additional time shall not exceed the equivalent of one school year. Some graduate degrees cannot be obtained without first obtaining a qualifying graduate degree. In such cases obtaining the qualifying graduate degree shall not preclude the student remaining for the time necessary to obtain the ultimate graduate degree: *Provided,* That the total time for obtaining such ultimate graduate degree and/or for completing the related research shall not exceed the time normally required, plus such additional time as is deemed necessary by the institution attended because of language difficulties or because of temporary illnesses: *Provided further,* That the total of such additional time shall not exceed the equivalent of one school year, unless for any reason the educational institution the student is attending determines in any individual case involving such ultimate degree that a longer period is advisable and so certifies to the Director of Selective Service.

(iii) A student who has completed his undergraduate work in another country and comes to the United States for the purpose of graduate study or for supervised research not leading to a degree shall be permitted to remain in the United States for not more than two years plus such an additional period or periods of study or of supervised research in the field covered by his studies as may be determined advisable by the educational institution the student is attending and so certified by such institution to the Director of Selective Service.

(c) *Trainees*—(1) *Requirements for a nondeclarant alien trainee.* A nondeclarant alien trainee to be considered as a male person "not residing in the United States" must be approved by the Department of State as a trainee under one of its approved training programs, must at all times comply with the provisions of such training program and with the provisions of §§ 611.21 and 611.26 of this chapter, and in addition, must meet one of the following requirements:

(i) Have entered the United States for the purpose of training.

(ii) Have satisfactory completed undergraduate or graduate study and any such practical training immediately following such study that may have been deemed as advantageous to the student as further study by the educational institution he attended.

(2) *Visas applicable.* To qualify under this paragraph a trainee must have been admitted to the United States under the provisions of section 3 (1) (government official), section 3 (2) (visitor) or section 4 (e) (student) of the Immigration Act of 1924 (8 U. S. C., 203 and 204). A trainee who was admitted under the provisions of section 4 (e) (student) must possess the additional qualification of having successfully completed the undergraduate or graduate studies and/or the practical training described in subparagraph (1) (ii) of this paragraph for the accomplishment of which he was admitted to the United States under the provisions of said section 4 (e) (student).

(3) *Period allowed for training.* Training of an alien under this paragraph shall be limited to a maximum period of two years: *Provided,* That under circumstances considered exceptional by the Director of Selective Service, in individual cases, a reasonable additional period may be granted.

(4) *Issuance of Certificate of Nonresidence, DSS Form 303.* DSS Form 303 shall be issued by local boards to trainees under this paragraph only after approval of the specific program and of the individual trainee thereunder by the Director of Selective Service and after, as otherwise provided in this section, the trainee has been found qualified for exemption.

(d) *Combined study and training*—(1) *Requirements for a combined student and trainee.* A nondeclarant alien who enters the United States for the combined purpose of study and training must, in order to be considered as a male person "not residing in the United States," be approved by the Department of State as a trainee under one of its approved combined study and training programs, must at all times comply with the provisions of such combined study and training program and with the provisions of §§ 611.21 and 611.26, of this chapter, and in addition, must meet the following requirements:

(i) Have entered in pursuance of, or be included in, and at all times comply with, the provisions of a program of combined study and training approved by the State Department.

(ii) While engaged in study, meet the requirements of a student under paragraph (b) of this section.

(iii) While engaged in training, meet the requirements of a trainee under paragraph (c) of this section.

(2) *Visas applicable.* To qualify under this paragraph a trainee must have been admitted to the United States under the provisions of section 3 (1) (government official), section 3 (2) (visitor) or section 4 (e) (student) of the Immigration Act of 1924 (8 U. S. C., 203 and 204).

(3) *Issuance of Certificate of Nonresidence, DSS Form 303.* DSS Form 303 shall be issued by local boards to trainees under this paragraph only after approval of the specific program and of the individual trainee thereunder by the Director of Selective Service and after, as otherwise provided in this section, the trainee has been found qualified for exemption.

(54 Stat. 885, as amended; 50 U. S. C. and Sup. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-841; Filed, Jan. 28, 1947; 8:50 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 3283—LUMBER AND LUMBER PRODUCTS

[Limitation Order L-358, as Amended Jan. 28, 1947]

SOFTWOOD PLYWOOD

There is a shortage in the supply of softwood plywood for defense for private account and for export. Softwood plywood is suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings, and priorities for deliveries of softwood plywood are established in Schedule A to Priorities Regulation 33. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 3283.149 *Limitation Order L-358*—(a) *What this order does.* This order provides that manufacturers of softwood plywood must produce and reserve a percentage of their production in construction and door panel grades. A part of the reserve must be delivered to distributors on unrated and uncertified orders, and the balance on rated orders and on certified orders from distributors and manufacturers of certain housing products and certain other essential items.

All measurements and computations of softwood plywood shall be in square footage measured on a 3/8" rough basis.

(b) *Definitions for the purpose of this order.* (1) "Softwood plywood" means laminated veneers of any species of softwood united with a bonding agent to produce board.

(2) "Construction plywood" means plywood of one or more softwood panels, 12 feet and shorter of the following grades: Interior (Moisture resistant) type as follows: 1/4" sanded or 1/16" unsanded wallboard; 3/8" sanded or 1/16" unsanded wallboard; 1/4" sanded or 1/16" unsanded sound one side plypanel; 3/8" sanded or 1/16" unsanded sound one side plypanel; 1/16" sheathing; 3/8" sheathing; 1/2" sheathing and 5/8" sheathing; and Exterior type 1/4" sanded or 1/16" unsanded sound one side plypanel 3/8" sanded or 1/16" unsanded sound one side plypanel.

(3) "Door plywood" means softwood plywood Interior (Moisture resistant) and Exterior type of 1/4" sound two sides door plypanel.

(4) "Certified order" means any order for the delivery of softwood plywood bearing the certificate prescribed in paragraph (i).

Softwood Plywood Manufacturers

(c) *Softwood plywood manufacturers' reserve production.* The following conditions govern the amount of construction plywood and door plywood softwood plywood manufacturers shall produce and reserve for distributors and certified or rated orders:

(1) Each softwood plywood manufacturer shall manufacture (i) at least 46% of his monthly production of softwood plywood in the form of construction plywood, and (ii) at least 4% of his monthly production of softwood plywood in the form of door plywood.

(2) Every softwood plywood manufacturer must hold 50% of his total production of construction plywood in square footage in each month for delivery only on AAA, MM or certified orders. When a plywood manufacturer has accepted such orders for construction plywood for this amount, he must not accept additional rated or certified orders for construction plywood produced in that month. In addition he may deliver only on AAA or on uncertified and unrated orders from distributors that portion of his reserve which is not required to fill AAA, MM or certified orders received in the month it was produced.

(3) A softwood plywood manufacturer must reserve 50% of his total production of construction plywood in each month for delivery only on uncertified and unrated orders from distributors.

(4) A softwood plywood manufacturer must hold his total production of door plywood in each month for delivery on AAA or on certified orders from door manufacturers or distributors. In addition he may deliver only on AAA or on uncertified and unrated orders from distributors any portion of his reserve of door plywood which is not required to fill certified orders received in the month in which it was produced.

(5) Any softwood plywood produced or delivered on MM rated or on certified orders from persons authorized under paragraph (h) below may be credited by the manufacturer to his reserve production of construction plywood on a 3/8" basis even though the softwood plywood delivered was not of construction plywood grades.

(6) AAA and MM ratings are the only ratings which are valid against a softwood plywood manufacturer for construction plywood and AAA ratings are the only ratings valid against him for door plywood. Orders for such plywood bearing other ratings must be treated by him as unrated.

Distributors

(d) The following provision tells how distributors who buy and stock softwood plywood for resale as plywood at wholesale or retail may place orders for construction or door plywood, and how they may sell it:

(1) A distributor may place uncertified and unrated orders for construction or door plywood with a plywood manufacturer. Every distributor must reserve 75% of each shipment of construction or door plywood received after February 1, 1947 for delivery only on rated and certified orders for 15 days after receipt. When a distributor has accepted such orders to the extent of his reserve for any shipment he need not accept any more certified or rated orders (except AAA) to be filled from the construction or door plywood received in that shipment. In addition, he may deliver on uncertified and unrated (except AAA) orders any construction or door plywood from his reserve which at the end of the 15 days after receipt is not required to fillI rated or certified orders received before that time. Plywood received by a distributor before February 1, 1947 which he had to reserve under this order as amended November 19, 1946 need not be reserved for rated and certified orders after February 15, 1947.

(2) A distributor who has received a certified order for construction or door plywood may place a certified order with a plywood manufacturer to get the construction or door plywood which will be delivered to his customer subject to applicable inventory regulations. A distributor may not place a certified order with a producer for replacement of inventory.

Prefabricators

(e) *Prefabricators.* A prefabricator may place certified orders calling for delivery in the first calendar quarter of 1947 with a plywood manufacturer or a distributor for construction plywood in the amount for which he has received priorities assistance on Form NHA-14-53. A prefabricator must order, accept delivery of and use construction plywood in accordance with the provisions of Direction 8 to Priorities Regulation 33 and Housing Expeditor Priorities Regulation 6.

Builders

(f) *Housing contractors.* The following provisions tell how a builder (applicant) or a general contractor directly authorized by such builder to use the HH rating for the whole job, but not a subcontractor authorized to use the HH rating for part of the job, may place certified orders or HH rated orders with a plywood manufacturer or distributor for construction plywood:

(1) A builder or his general contractor may place with a distributor but not with a softwood plywood manufacturer HH rated orders for construction plywood under the provisions of Schedule A to PR-33. A builder or his general contractor purchasing in not less than carload lots, may place certified orders for mill shipment delivery each month with a softwood plywood manufacturer or a distributor in an amount not in excess of the total amount of construction plywood needed for the housing accommodations for which he has received priorities assistance.

NOTE: Former paragraphs (g) and (h) deleted, new paragraph (g) added, and former paragraphs (i) and (j) redesignated (h) and (i), Jan. 28, 1947.

Cabinet and Door Manufacturers

(g) *Cabinet and door manufacturers.* Authorizations issued to cabinet and door manufacturers for the first quarter of 1947 remain valid, and cabinet and door manufacturers may place certified orders with a plywood manufacturer or

a distributor for delivery in the first calendar quarter of 1947 for the quantities for which authorizations have been granted. Construction or door plywood received on certified orders must be used in the manufacture of built-in kitchen cabinets suitable for housing or standard doors which must be sold on rated orders in accordance with Priorities Regulation 1.

Other Users of Softwood Plywood

(h) *Other users of softwood plywood.* The following provisions tell how persons requiring softwood plywood for use in the manufacture of farm equipment, tobacco hogsheads, insulated trucks and trailers, busses and railroad box-cars may apply for authority to place certified orders for softwood plywood. Any person requiring softwood plywood for such uses may apply for authority to place certified orders for softwood plywood. CPA may grant authority to place certified orders for softwood plywood within the amounts available where it is established that no substitute material is obtainable. Application may be made on Form CPA–4494 in accordance with its instructions.

Certification

(i) *Certification.* (1) An order for construction or door plywood may be certified only by endorsing or attaching the following form of certificate on the purchase order, sales ticket or other order calling for the delivery of softwood plywood:

> The undersigned certifies to the supplier and to the CPA that he is a ---------- (distributor or qualified manufacturer) and that the quantities of softwood plywood covered by this order (together with all other certified orders placed with this or other suppliers for softwood plywood for delivery in the months specified in this order) do not exceed the amounts he has been allowed under Order L–358 with the provisions of which he is familiar.
>
> Date----------
> ----------
> Signature
> ----------
> Serial number

(2) Certificate must be signed manually or as explained in PR 7. However, the standard form described in that regulation cannot be used in place of the certificate described above. The certificate required in this order cannot be waived under paragraph (f) of PR 7. All persons except distributors must insert a serial number in the place provided in the certificate. An order bearing a certificate without a serial number where required must be treated as an uncertified and unrated order.

NOTE: Former paragraph (k) deleted and former paragraph (l) redesignated (j) Jan. 28, 1947.

Miscellaneous

(j) *Miscellaneous.* The following provisions generally affecting all persons ordering softwood plywood should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this order are subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 as if they were rated orders. The order of precedence where orders are received by a plywood manufacturer is: (i) AAA; (ii) MM; (iii) certified. The order of precedence where orders are received by distributors, cabinet manufacturers and door manufacturer is as follows: (i) AAA; (ii) MM; (iii) CC, HH and certified orders which are all three of equal value.

(2) *Extension of rated orders.* Any person who has received a rated order for the delivery of construction or door plywood may extend the rating to his suppliers (except to a plywood manufacturer) to get plywood which he will deliver on that order subject to applicable inventory regulations. If a person has made delivery of construction or door plywood on a rated order, he may extend the rating to his suppliers (except to a plywood manufacturer) to replace the amount in his inventory subject to applicable inventory regulations. A door or cabinet manufacturer who has received a rated order for doors or cabinets or who has delivered them on a rating, may extend the rating to his suppliers (except to a plywood manufacturer) for the amount of construction or door plywood used or to be used in the manufacture of the doors or cabinets. These rules supersede paragraphs (d) and (d–1) of Priorities Regulation 3 on the extension of ratings.

(3) *Applicability of regulations.* Except as otherwise required by this order Priorities Regulations 1 and 3 and Schedule A to PR 33 govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed.

(4) *Violations.* Any person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency designated by CPA, such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Appeals.* Any appeal from the provisions of this order shall be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: L–358, stating the particular provisions appealed from and stating fully the grounds for the appeal.

(7) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(8) *Directives.* The Civilian Production Administration may issue directives to plywood manufacturers, cabinet manufacturers, door manufacturers or distributors to set aside specific quantities or percentages of production or shipments for persons placing certified or rated orders. CPA may also allocate the production or shipments to specified persons for specified uses and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any person of particular items of softwood plywood, cabinets, or doors. Directives according to their terms may take precedence over rated or certified orders. They may be issued for the satisfaction of Veterans' Emergency Housing Program and other essential civilian requirements, including Temporary Re-Use Housing under Direction 11 to PR 33, and in order to carry out more fully the purposes of this order.

(k) *Effective date.* Order L–358 as amended January 28, 1947 shall become effective February 1, 1947. Order L–358 as amended November 19, 1946 shall remain in effect until February 1, 1947.

Issued this 28th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-924; Filed, Jan. 28, 1947; 11:20 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Limitation Order L–359, as Amended Jan. 28, 1947]

LUMBER, HARDWOOD FLOORING AND MILLWORK

There is a shortage in the supply of lumber, hardwood flooring and millwork for defense, for private account and for export. Lumber, millwork and hardwood flooring are necessary for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings, and special priorities for the deliveries of lumber, millwork, and hardwood flooring for these purposes are established in Schedule A to Priorities Regulation 33. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 3233.153 *Limitation Order L–359*—(a) *What this order does.* This order provides that sawmills shall produce a percentage of their total production of softwood lumber in housing construction lumber. It applies to all sawmills and to lumber suppliers, manufacturers of millwork, hardwood flooring and house trailers, prefabricators and builders and other consumers who have been assigned priorities assistance. Rated orders must

be accepted and filled as provided in Priorities Regulation 1. However, a ceiling is provided for rated orders and the filling of unrated orders is permitted where the filling of such orders will not interfere with the filling of rated orders.

Definitions

(b) *Definitions for the purpose of this order.*

(1) "Lumber" means any sawed lumber of any species, size, or grade, including rough, surfaced on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except (i) shingles, slabs and round edge lumber; (ii) mine and railway cross ties nine feet or less in length; (iii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Housing construction lumber" means softwood lumber in the form of flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, shop and lath.

(3) "Hardwood flooring lumber" means Grades 2 and 3a common, of rough Oak, Hard Maple, Beech and Birch in 5/8, 4/4 and 5/4 thicknesses; and Grades 2 and 3 common, of rough Pecan in 5/8, 4/4 and 5/4 thicknesses.

(4) "Millwork" means only sash, windows, doors, interior and exterior frames for the foregoing, combination doors and garage doors; storm sash and storm doors; window, sash and door screens; porch columns, louvres and newels; standing interior trim for doors and windows and cased openings; crown, bed, cove, brick, screen, panel, band and cornice mouldings; quarter, half and full rounds; window and door steps; nosing; screen, sash, sill and frame stock; hook strip, corner and glass bead; chair, porch and hand rails; shelf cleat; panel strips; stools and aprons; lattice; drip cap and water table; back bank, cap trim, floor and base moulding; astragals, and baluster stock; mantels; built-in kitchen cabinets, medicine cases, china cabinets, ironing boards and linen closets.

(5) "Sawmill" means: (i) a person operating any mill or plant, stationary or portable, that produces lumber. The term includes a person who has logs manufactured into lumber by a sawmill, except a person who has less than 5,000 feet a quarter of his own logs sawed into lumber for his own use; (ii) a person operating any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of logs and lumber which it receives, into an item which is defined as lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard, even though owned by a sawmill, engaged in either retail or wholesale business and even though it may process, for the servicing of special orders from consumers, more than 25 percent of the lumber it receives.

(6) "Distributor" means any person who buys and stocks millwork or hardwood flooring for resale and lumber for resale as lumber either at wholesale or retail. The term "distributor" also includes any establishment owned or operated by a sawmill where lumber is sold at either wholesale or retail. A distributor who has two or more distinct and separate yards must for the purpose of this order, consider each yard a "distributor".

(7) "Cut-stock manufacturer" means a person who supplies from his production plant stock surfaced 2-sides, cut to approximate net sizes for the manufacture of doors, sash, check rail and plane rail windows, exterior frames and inside jambs. Cut-stock for doors, windows and sash consists of stock cut to approximate net sizes S2S and not further machined for stiles, rails, bars, muntins, meeting rails and facings for door stiles. Cut-stock for frame parts consists of stock cut to approximate net sizes S2S and not further machined for pulley stiles, blind and parting stops, outside casings, sills, drip cap and brick mould.

Sawmills

(c) *Sawmills*—(1) *Softwood lumber.* Each sawmill shall manufacture at least 50% of its total monthly production of softwood lumber in the form of housing construction lumber. 85% of all 8/4 and thinner Douglas Fir shop and Western Pine shop including No. 3 clears must be sold only to millwork and cut-stock manufacturers or to persons who certify in writing they will sell to millwork or cut-stock manufacturers. A sawmill need not accept or fill rated orders for more than 50% of its total production of softwood lumber in any month. It may not fill MM rated orders for more than 5% of its total production of softwood lumber in any month.

(2) *Hardwood lumber.* Each sawmill shall sell only to hardwood flooring manufacturers, or to persons who certify in writing they will sell to hardwood flooring manufacturers, all the hardwood flooring lumber it produces.

(3) *Seasoning.* Where it is the customary practice of a sawmill to season lumber by air drying, and the lumber is properly piled for seasoning and carried in inventory for this purpose, such lumber will not be considered as produced until seasoned for the customary period.

(4) *Orders must be accepted or rejected promptly.* A sawmill must accept or reject rated orders in writing within 5 days of receipt. Reasons for rejection of a rated order must be stated.

Distributors

(d) *Distributors.* (1) A distributor is authorized to apply an HH rating on orders for delivery each quarter for housing construction lumber for the greater of the following amounts:

(i) an amount of housing construction lumber not exceeding 15% of the amount of footage in inventory of all softwood lumber as of January 1, 1942, or

(ii) two carloads of housing construction lumber at the rate of not more than one carload in any month of the quarter.

Distributors who apply a rating under (i) or (ii) above must use the certificate provided in paragraph (i) below.

(2) Instead of applying an HH rating as provided in paragraph (d) (1) above, a distributor may in any quarter extend HH ratings for the amount of housing construction lumber which he will deliver or has delivered on HH rated orders accepted by him for delivery in that quarter. Rated orders placed with a distributor before October 1, 1946, may not be extended.

(3) A distributor must sell only to millwork or cut-stock manufacturers, or persons who certify that they will sell only to millwork or cut-stock manufacturers, 85% of all 8/4 and thinner Douglas Fir shop and Western Pine shop including No. 3 clears received in any quarter on unrated orders.

(4) A distributor need not use more than 50 percent of the softwood lumber received in any quarter on HH rated orders placed under paragraph (d) (1) (i) or (ii) to fill rated orders.

(5) A distributor need not use more than 50 percent of the lumber he receives in any quarter on unrated orders to fill rated orders.

(6) A distributor may not fill MM rated orders for more than 10 percent of his total receipts in any quarter of softwood lumber.

(7) A distributor may extend HH ratings for the amount of millwork or hardwood flooring which he will deliver or has delivered on HH rated orders.

Millwork and Cut-Stock Manufacturers

(e) *Millwork and cut-stock manufacturers*—(1) *Extension of HH ratings.*

(i) A millwork or cut-stock manufacturer who receives HH rated orders may extend the HH rating to his supplier for the housing construction lumber or cut-stock to be incorporated or used in the millwork or cut-stock to be delivered on HH rated orders.

(ii) Where a millwork or cut-stock manufacturer has already delivered millwork or cut stock on an HH rated order, he may extend the rating for the amount of housing construction lumber or cut-stock he used in the manufacture of the millwork or cut-stock delivered on the HH rated order.

(2) A millwork manufacturer need not accept or fill rated orders for millwork manufactured from lumber received on unrated orders.

Hardwood Flooring Manufacturers

(f) *Hardwood flooring manufacturers*—(1) *Extension of ratings.* (i) A hardwood flooring manufacturer who receives HH rated orders may extend the HH rating to his supplier for the hardwood flooring lumber to be incorporated or used in the hardwood flooring to be delivered on HH rated orders.

(ii) Where a hardwood flooring manufacturer has already delivered hardwood flooring on HH rated orders, he may extend the HH rating for the amount of hardwood flooring lumber he used in the manufacture of the hardwood flooring delivered on HH rated orders.

(2) A hardwood flooring manufacturer need not accept or fill rated orders for hardwood flooring manufactured from hardwood flooring lumber received on unrated orders.

Builders and Prefabricators

(g) *Builders and prefabricators.* A builder or prefabricator may place HH rated orders for a quantity of housing construction lumber, millwork or hardwood flooring for which he has received priorities assistance. While Schedule A to Priorities Regulation 33 lists residential hardwood flooring only, HH ratings may be used by the above persons to obtain any suitable hardwood flooring. A builder or prefabricator placing an HH rated order should use the certificate provided in paragraph (i) of Schedule A to Priorities Regulation 33.

Integrated Operations

(h) *Integrated operations.* A person having integrated operations which are subject to this order must treat each operation as a separate unit. Each unit must conform to all the applicable provisions of this order.

Certificate for Application of Rating by Distributors

(i) *Certificate for application of rating by distributors.* (1) A distributor applying an HH rating to an order for housing construction lumber under paragraph (d) (1) (i) or (ii) must endorse on or attach to the purchase order, sales ticket or other delivery orders, the following certificate:

VETERANS' EMERGENCY HOUSING PROGRAM

I certify to the U. S. Government that HH rating has been assigned for the materials covered by this order. The quantities covered by this order (together with the quantities called for by all other rated HH or certified orders placed with this or other suppliers for softwood lumber for delivery in the quarter specified in this order) do not exceed the amount permitted under Limitation Order L-359 with the provisions of which I am familiar.

Date ---------- ----------
(Signature)
(Distributor).

(2) The certificate must be signed manually or as explained in Priorities Regulation 7. However, the standard form described in that regulation may not be used in place of certificate described in this order. The certification required by this order may not be waived under paragraph (f) of Priorities Regulation 7.

NOTE: Present paragraph (j) added and former paragraph (j) redesignated (k) Jan. 28, 1947.

Office Wholesaler

(j) *Office wholesaler.* An office wholesaler who buys housing construction lumber, hardwood flooring lumber, millwork or hardwood flooring for resale without stocking it, may extend an HH rating to his supplier, for direct mill shipment of such orders in not less than carload lots, in an amount not in excess of the amount called for by the rated orders which he has received.

Miscellaneous

(k) The following provisions generally affect all persons operating under this order and should be carefully read:

(1) *Extension of ratings.* Rules for extendibility of HH ratings are set out in paragraph (d), (e), (f) and (j). The extendibility of all other ratings is governed by the rules of Priorities Regulation 3.

(2) *Treatment of certified orders.* Any person who before January 1, 1947, has received an order certified under Order L-359, dated October 18, 1946, must treat such order as an HH rated order. Any person authorized to place HH ratings under this order must reduce the quantity of lumber for which he places HH ratings by the quantity of his unfilled certified orders for lumber on January 1, 1947.

(3) *Applicability of regulations.* Except as otherwise required by this order, Priorities Regulations 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this order.

(4) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency designated by the Civilian Production Administration such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Directives.* The Civilian Production Administration may issue directives requiring sawmills, millwork manufacturers, cut-stock manufacturers or hardwood flooring manufacturers or distributors to set aside specific quantities or percentages of production or shipment for persons placing rated orders. CPA may also allocate production or shipment to specified persons for specified uses, and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any persons of particular items of lumber, millwork, cut-stock or hardwood flooring. Directives according to their terms may take precedence over rated orders. They may be issued for the satisfaction of Veterans' Emergency Housing Program and other essential requirements, and in order to carry out more fully the purposes of this order.

(7) *Appeals.* An appeal from the provisions of this order should be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington 25, D. C., Ref.: L-359, or to the Civilian Production Administration, Portland, Oregon, Ref.: L-359, when made by persons in the states of Washington, Oregon, California, Idaho, Wyoming, Montana, Nevada, Utah, Colorado, Arizona, New Mexico, or South Dakota, stating the particular provision appealed from and stating fully the grounds for the appeal.

(8) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(9) [Deleted Jan. 28, 1947.]

Issued this 28th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-923; Filed, Jan. 28, 1947; 11:19 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-352, as Amended Jan. 28, 1947]

EXPORT OF AUTOMOBILES AND TRUCKS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of automobiles and trucks for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3292.136 *General Limitation Order L-352—(a) Definitions.* For the purposes of this order:

(1) "Automobile" means any self-propelled vehicle designed for the purpose of carrying passengers, or the chassis therefor, with a seating capacity of not more than ten persons, including station wagons, taxicabs and coupes with or without pickup boxes, but not including ambulances, hearses or sedan deliveries.

(2) "Truck" means any light, medium or heavy motor truck, truck-tractor or the chassis therefor, or any chassis on which a bus body is to be mounted and which (i) was designed to be propelled or drawn by mechanical power; (ii) was designed for use on or off-the-highway, for transportation of property or persons. This definition includes vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, bus chassis, carry-all suburbans, sedan deliveries and cab pickups, but does not include station wagons, coupes, fitted with pickup boxes, ambulances, hearses, taxicabs and integral type busses.

(b) *Limitations on production for export, and on export.* No producer of automobiles shall produce for export, or shall export, to any foreign country, including Canada, any automobiles in excess of the quantities authorized by the Civilian Production Administration under this order. This does not apply to automobiles purchased by the Army Exchange Service for shipment and resale outside the United States. Exports to any country other than Canada are subject to the export license requirements of the Office of International Trade, Department of Commerce.

This order no longer limits the production for export or the export, of trucks, but producers of trucks must continue to file reports under paragraph (d) below.

(c) *Export quotas for new exporters and adjustments of quotas.* Producers of automobiles who have not previously exported such vehicles, and producers who desire adjustments in their export quotas may apply to the Automotive Branch, Equipment Division, Civilian Production Administration, Washington 25, D. C.

(d) *Reports.* Producers of automobiles and trucks shall report monthly to the Civilian Production Administration, the production of automobiles on Form CPA-4300 and the production of trucks on Form CPA-4341, in accordance with the instructions accompanying the forms.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment.

(f) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: Automotive Branch, Equipment Division, Civilian Production Administration, Washington 25, D. C., Ref.: Order L-352.

Issued this 28th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-922; Filed, Jan. 28, 1947; 11:19 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Revocation of Directions 12, 14-17]

The following published directions to General Preference Order M-21 are hereby revoked:

Direction 12.
Direction 14.
Direction 15.
Direction 16.
Direction 17.

These revocations do not affect any liabilities incurred for violation of these directions, or of actions taken by the Civilian Production Administration under these directions.

Issued this 28th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-919; Filed, Jan. 28, 1947; 11:19 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Direction 10, as Amended Jan. 28, 1947]

USE AND EFFECT OF SYMBOL CXS ON CERTAIN ORDERS FOR SELECTED STEEL PRODUCTS

The following amended direction is issued pursuant to General Preference Order M-21:

(a) *What this direction does.* This direction explains how certain exporters who have been authorized by the Office of International Trade, Department of Commerce, to use the symbol CXS (Certified Export Steel) on purchase orders for limited quantities of selected steel products should furnish that information to steel producers. Such orders are to be treated as rated orders. The Civilian Production Administration may also establish space reservations on steel producers' schedules for the benefit of these export orders.

(b) *Identification of certified export orders.* Any person who has been authorized in writing by the Office of International Trade, Department of Commerce, to use the symbol CXS on purchase orders for limited quantities of selected steel products should, in addition to marking his purchase order with the symbol, specify the period in which shipment has been designated, and furnish the steel producer with a certificate, signed manually or as described in Priorities Regulation 7 in substantially the following form:

I certify, subject to the penalties of section 35A of the United States Criminal Code, that the steel products covered by this purchase order are within the quantity which I have been authorized by the Office of International Trade, Department of Commerce, to purchase the orders identified with the symbol CXS.

The standard certificate described in Priorities Regulation 7 may not be used in place of this certificate.

(c) *Requests for authorization to use the symbol CXS.* All requests for authorization to use the symbol CXS should be addressed to the Steel Section, Office of International Trade, Department of Commerce, Washington 25, D. C.

(d) *Certified orders must be treated as rated orders.* Unless the CPA directs otherwise, any purchase order certified under this Direction must be treated as a CC rated order under Priorities Regulation 1, and be accepted, scheduled, and delivered accordingly. Where a conflict exists between certifications, preference is to be given to the certification first received (irrespective of when the purchase order was placed). The rules of Priorities Regulation 1 will apply, except to the extent that this direction is inconsistent with them. Steel obtained on certified orders must be used in accordance with § 944.11 of that regulation.

(e) *Refusal of certified orders.* (1) CXS orders may only be placed with steel producers for mill shipments. They may not be placed with distributors for shipment from warehouses.

(2) Steel producers need not accept a CXS certification on a previously accepted purchase order, or a new purchase order, which was received after the first day of the month preceding the month in which delivery is requested.

(3) [Deleted Jan. 28, 1947.]

(f) *Other distribution of steel for export.* The provisions of this direction do not restrict acceptance, scheduling or shipment of noncertified orders for export, if it does not interfere with shipments of certified orders.

Issued this 28th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-920; Filed, Jan. 28, 1947; 11:19 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-352. Revocation of Interpretation 1]

EXPORT OF AUTOMOBILES AND TRUCKS

Interpretation 1 to Order L-352 is revoked as it is superseded by paragraph (b) of the order as amended January 28, 1947.

Issued this 28th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-921; Filed, Jan. 28, 1947; 11:19 a. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 146]

PART 4003—SUPPORT PRICES: SUBSIDIES

LIMITATIONS ON ROYALTY PAYMENTS FOR COPPER, LEAD AND ZINC

The Premium Price Plan for Copper, Lead and Zinc provides by its general administrative rules that premiums shall not include allowances for excessive royalties. This was more specifically provided for by Maximum Price Regulation 356, issued April 1, 1943, by the Office of Price Administration. Under that regulation payment of royalties in excess of certain limits was prohibited. Maximum Price Regulation 356 was revoked, however, on November 10, 1946, along with other price regulations dealing with services and commodities. This directive is therefore issued to prevent allowances for excessive royalties in making premium payments by restoring in substance the practices in effect on November 10, 1946.

Accordingly, it is hereby ordered that:

§ 4003.67c *Limitations on royalty payments under the Premium Price Plan for Copper, Lead and Zinc.* (a) (1) For all mines, except those in the Tri-State

area, any royalty shall be accepted as a reasonable cost for purposes of premium payments: *Provided*, That the royalty rate stipulated is no greater than that which prevailed on November 10, 1946, and the royalty is calculated (i) on the sum of the market price plus assigned premiums, but not to exceed a total for both of 11¢ per pound of zinc; 9¼¢ per pound for lead; and 17¢ per pound for copper, or (ii) on the market price for each of these metals, whichever is higher;

(2) For all mines in the Tri-State area, any royalty shall be accepted as a reasonable cost for purposes of premium payments: *Provided*, That the royalty rate stipulated is no greater than that which prevailed on November 10, 1946, and the royalty is calculated, in the case of zinc, on (i) no more than the Joplin price of 60% standard zinc concentrates plus premium payments, but not to exceed a total for both of $79.70 per ton, and in the case of lead no more than the Joplin price of 80% standard lead concentrates plus premium payments, but not to exceed a total for both of $118.00 per ton, or on (ii) the Joplin market price for standard zinc and lead concentrates, whichever is higher;

(3) Where no royalty rate was established on November 10, 1946, for a particular operation, the general level of royalty rates in effect on that date for comparable operations in the same mining area shall determine the maximum rate acceptable as reasonable for purposes of premium payments.

(b) The Reconstruction Finance Corporation is hereby authorized and directed to put into effect the foregoing provisions in carrying out the Premium Price Plan. The Commissioners of Price Administration and Civilian Production Administration have been instructed to give effect to the foregoing provisions.

This directive shall become effective immediately.

(56 Stat. 765, 58 Stat. 632, 642, 784, 59 Stat. 306, Pub. Law 548, 79th Cong., 15 U. S. C. Sup. 713a–8, 713a–8 note, 50 U. S. C. App. Sup. 901–903, 921–925, 961–971, E. O. 9250, Oct. 3, 1942, 7 F. R. 7871; E. O. 9328, April 8, 1943, 8 F. R. 4681, E. O. 9599, Aug. 18, 1945, 10 F. R. 10155, E. O. 9651, Oct. 30, 1945, 10 F. R. 13487, E. O. 9697, Feb. 14, 1946, 11 F. R. 1691, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929, E. O. 9762, July 25, 1946, 11 F. R. 8073, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued this 23d day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-836; Filed, Jan. 28, 1947; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR 47-2]

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me, I find that an emergency exists and the following amendments to the regulations are prescribed and shall become effective upon the date of publication of this order in the FEDERAL REGISTER.

It is found that the critical shortage of certain materials during the war caused the manufacturing of certain items to be discontinued or greatly curtailed and it became necessary in the successful prosecution of the war to issue orders under the authority of section 501 of the Second War Powers Act waiving certain requirements of the regulations in this chapter for certain equipment and installations. As the authority for the issuance of waivers under the terms of the statute, as extended, will expire on March 31, 1947, it will be necessary in all instances to comply with the requirements of the regulations is this chapter after that date.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) or R. S. 4417a as amended (46 U. S. C. 391a), is impracticable and contrary to the public interest in that the time intervening between the date when information upon which these regulations are based became available and when these regulations must become effective is insufficient for such compliance, and since postponement in issuing the regulations will work an unique hardship in converting merchant vessels to peacetime operation.

The purpose of these regulations will be to permit certain equipment or installations, if found to be satisfactory by the Commandant for the purpose intended, to be continued in service so long as in good and serviceable condition.

Subchapter D—Tank Vessels

PART 31—INSPECTION AND CERTIFICATION

GENERAL

Part 31 is amended by adding a new § 31.1–7 reading as follows:

§ 31.1–7 *Equipment installations on vessels during World War II—TB/ALL.* Boilers, pressure vessels, machinery, piping, electrical and other installations, including lifesaving, fire-fighting, and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the termination of Title V of the Second War Powers Act, as extended (Sec. 501, 56 Stat. 180; 50 U. S. C., App. Sup., 635), which do not fully meet the detailed requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended. In each instance prior to final action by the Commandant, the Officer in Charge, Marine Inspection, shall notify Headquarters of the facts in the case, together with recommendations relative to suitability for retention. (R. S. 4405 and 4417a, as amended; 46 U. S. C. 375, 391a; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 63—INSPECTION OF VESSELS

Section 63.16 is amended by designating the present material therein as paragraph (a) and by adding a new paragraph (b) reading as follows:

§ 63.16 *Use of approved equipment.* • • •

(b) Boilers, pressure vessels, machinery, piping, electrical and other installations, including lifesaving, fire-fighting, and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the termination of Title V of the Second War Powers Act, as extended (sec. 501, 56 Stat. 180, 50 App. Sup., 635), which do not fully meet the detailed requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended. In each instance prior to final action by the Commandant, the Officer in Charge, Marine Inspection, shall notify Headquarters of the facts in the case, together with recommendations relative to suitability for retention. (R. S. 4405, 4417, 4417a, 4418, 4426, 4429, 4433, 4453, 4470, 4471, 4479, 4481, 4482, 4488, and 4491, as amended; 35 Stat. 428, sec. 1, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 8, 55 Stat. 244; 46 U. S. C. 367, 375, 391, 391a, 392, 396, 404, 407, 411, 435, 463, 463a, 464, 472, 474, 475, 481, 489, 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875)

Subchapter H—Great Lakes: General Rules and Regulations

PART 79—INSPECTION OF VESSELS

Section 79.18 is amended by designating the present material therein as paragraph (a) and by adding a new paragraph (b) reading as follows:

§ 79.18 *Use of approved equipment.* (See § 63.16 of this chapter as amended, which is identical with this section.)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 97—INSPECTION OF VESSELS

Section 97.17 is amended by designating the present material therein as paragraph (a) and by adding a new paragraph (b) reading as follows:

§ 97.17 *Use of approved equipment.* (See § 63.16 of this chapter, as amended, which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 116—INSPECTION OF VESSELS

Section 116.17 is amended by designating the present material therein as paragraph (a) and by adding a new paragraph (b) reading as follows:

§ 116.17 *Use of approved equipment.* (See § 63.16 of this chapter, as amended, which is identical with this section.)

Dated: January 23, 1947.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 47-845; Filed, Jan. 28, 1947; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

AUTHORITY DELEGATED TO SECRETARY UPON SECURING APPROVAL OF LAW DEPARTMENT

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 16th day of January 1947:

Whereas it appears that public interest, convenience and necessity will be served by delegating authority to the Secretary of the Commission, or in his absence, the Acting Secretary, upon securing the approval of the General Counsel or his nominee, to extend the time within which transfers of control or assignments of licenses, as ordered by the Commission, be effectuated; and

It appearing, that general notice of proposed rule making is not required herein under the provisions of section 4 of the Administrative Procedure Act;

It is ordered, That § 1.143 (11 F. R. 177A–393, 13973) of the Commission's rules and regulations, be, and it is hereby, amended by adding paragraph (g) to read as follows:

§ 1.143 *Authority delegated to secretary upon securing approval of Law Department.* • • •

(g) The extension of the time previously ordered by the Commission within which transfers of control or assignments of licenses be effectuated.

It is further ordered, That the foregoing amendment to § 1.143 of the Commission's rules and regulations be, and it is effective immediately.

(Sec. 4 (i), 48 Stat. 1066, sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 154 (i), 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-817; Filed, Jan. 28, 1947; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71–85—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES[1]

RETEST OF CYLINDERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of January 1947.

It appearing that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

Part 3—Regulations Applying to Shippers

Superseding and amending par. (p) (14) sec. 303 (*Retest of cylinders*), order June 6, 1946, to read as follows:

(m) Until further order of the Commission, liquefied petroleum gas cylinders constructed in accordance with ICC specification 4B which became due for quinquennial retest between December 7, 1941, and December 31, 1945, must be removed from service on or before June 15, 1947, unless retested as required by section 303 (p) (13) (a), (b) and other pertinent sections of these regulations.

It is further ordered, That this order amending the aforesaid regulations shall be effective forthwith; and shall continue in effect until June 15, 1947, or the further order of the Commission;

And it is further ordered, That a copy of this order be served upon all parties of record herein; and that notice of this order shall be given the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 59 Stat. 658, 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-836; Filed, Jan. 28, 1947; 8:46 a. m.]

PART 95—CAR SERVICE

[Rev. S. O. 620, Corr.]

LIGHT-WEIGHING OF CARS AT ALL PORTS PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of January, A. D. 1947.

It appearing, that the practice of weighing empty railroad cars and again weighing them after being loaded with imported commodities at points in all United States ports is aggravating the railroad car shortage and impeding the use, control, supply, movement and distribution of such cars; in the opinion of the commission an emergency exists requiring immediate action at all ports on the Atlantic, Pacific and Gulf coasts. It is ordered, that:

§ 95.620 *Light-weighing of cars at all ports prohibited*—(a) *Railroad cars not to be light-weighed.* No common carrier by railroad subject to the Interstate Commerce Act, shall light-weigh a railroad car or cars intended for loading with imported commodities at any point in the port areas of any port on the Atlantic, Pacific or Gulf coasts; nor transport or move such railroad car light-weighed and loaded with imported commodities in violation of this section from any point in the areas of such ports.

(b) *Tariffs suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this section is hereby suspended.

(c) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 § 141.9 (k) of this chapter) to each of its tariffs affected hereby, announcing the suspension as required by paragraph (b) of this section.

(d) *Effective date.* This section shall become effective at 12:01 a. m., January 31, 1947.

(e) *Expiration date.* This section shall expire at 11:59 p. m., May 10, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order shall vacate and supersede Service Order No. 620 on the effective date hereof; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-837; Filed, Jan. 28, 1947; 8:47 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF CERTIFIED SEED POTATOES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev. 22, Amdt. 2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF CERTIFIED SEED POTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, General Permit

[1] Part 3 in this order appears in CFR as Part 75.

ODT 18A, Revised-22, as amended, is hereby amended to read as follows:

§ 520.520 *Shipments of certified seed potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13328, 14172), and Items 465, 470, 475 and 600 of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 10 F. R. 14906, 11 F. R. 14114), any person may offer for transportation and any carrier may accept for transportation:

(a) At point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of certified seed potatoes properly tagged and certified by the official state seed certifying agency when the quantity thereof in each car is not less than 45,000 pounds;

(b) At any point of origin in the States of California, Oregon or Washington, forward from any such point of origin, or load and forward from any such point of origin, any carload freight consisting of certified seed potatoes of the variety known as "White Rose", properly certified and tagged by the official state seed certifying agency, when the quantity thereof in each car is not less than 36,000 pounds, and the destination of the car so loaded is any point in the State of California.

This Amendment 2 to General Permit ODT 18A, Revised–22, shall become effective January 25, 1947, and shall expire at 11:59 p. m., March 31, 1947, unless otherwise ordered.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152, E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 22d day of January 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47–849; Filed, Jan. 28, 1947; 8:30 a. m.]

PROPOSED RULE MAKING

FEDERAL TRADE COMMISSION

[16 CFR, Chapter I]

[File No. 21–402]

HOUSEHOLD DYE INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 24th day of January A. D. 1947.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, or other parties or groups (including consumers) affected by or having an interest in the proposed trade practice rules for the Household Dye Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum brief, or other communication, to be filed with the Commission not later than February 13, 1947. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., February 13, 1947, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C. to any such persons, parties, groups, or consumers who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47–860; Filed, Jan. 28, 1947; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[19 CFR, Chapter II]

COTTON STAPLE OF 1 1/8 INCHES OR MORE IN LENGTH

PUBLIC NOTICE OF REOPENING OF INVESTIGATION AND HEARING

The United States Tariff Commission, on this 23d day of January 1947, announces the reopening of its Investigation No. 1 under section 22 of the Agricultural Adjustment Act (of 1933) as amended, and under Executive Order No. 7233 of November 23, 1935, with respect to Cotton having a staple of 1 1/8 inches or more in length.

Quotas on imports of cotton having a staple of 1 1/8 inches or more in length were originally made effective on September 20, 1939 by Presidential proclamation. These quotas were later modified by subsequent proclamation to exclude therefrom cotton having a staple of 1 1/16 inches or more in length, so that since December 19, 1940 the quotas on long staple cotton were applied only to cotton having a staple of 1 1/8 inches or more but less than 1 1/16 inches in length. The principal object of reopening the investigation and holding a hearing at this time is to determine whether changed circumstances require modification of the current quota on long-staple cotton for the year ending September 19, 1947, particularly with reference to:

(a) The possible need for an increase in the current quota in order to meet the current requirements of domestic manufacturers for long-staple cotton; and, if the quota is increased,

(b) The possible need for imposing controls to insure that the cotton permitted entry under the quota is equitably distributed among the essential users.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Hearing Room of the Commission at 8th and E Streets NW., in Washington, D. C., at 10 a. m. on February 18, 1947.

Nature of information at hearing. Information submitted at the hearing must be relevant and material to the matters under investigation.

Appearances at hearing. Interested persons may appear at the hearing either in person or by representative; if several persons have a joint interest in the subject, it is suggested that effort be made for the designation of a representative in order to avoid unnecessary repetition of testimony.

[SEAL] SIDNEY MORGAN,
Secretary.

[F. R. Doc. 47–848; Filed, Jan. 28, 1947; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE NAVY

[No. 3]

SALVAGE LIFTING VESSELS, ARS (D)

NAVIGATION LIGHTS

Certificate of the Secretary of the Navy under the act of December 3, 1945 (Public Law 239, 79th Congress).

Whereas, the act of December 3, 1945 (Pub. Law 239, 79th Cong.) provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that class of naval vessels, known as Salvage Lifting Vessels (ARS (D)), has been made in the Navy Department, and as a result of such study, it has been determined that because of their special construction it is not possible for Salvage Lifting Vessels (ARS (D)) to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore, I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that the class of naval vessels, known as Salvage Lifting Vessels (ARS (D)), are naval vessels of special construction and that, on Salvage Lifting Vessels (ARS (D)) with respect to the position of the masthead light and range light it is not possible to comply with the requirements of the statutes enumerated in the act of December 3, 1945.

Further, I do find and certify as follows: (a) That it is feasible to locate the aforesaid masthead light in the after part of the vessel, approximately one hundred seventy feet abaft the stem;

(b) That it is feasible to locate an additional white light (commonly termed the range light), if such light is installed, in the forward part of the vessel at a height of not less than ten feet above the hull;

(c) That the two lights, referred to in (a) and (b), shall be placed in line with the keel and the after light shall be at least fifteen feet higher than the forward light and the vertical distance between the two lights shall be less than the horizontal distance.

I further direct that the aforesaid lights shall be located in this class of vessels in the manner above described and I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find feasible.

Dated at Washington, D. C., this 20th day of December A. D., 1946.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47–833; Filed, Jan. 28, 1947; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13, REDUCED

Correction

In F. R. Doc. 47–491, appearing at page 402 of the issue for Saturday, January 18, 1947, the first date in the first sentence should read "December 28, 1922".

CALIFORNIA

CLASSIFICATION ORDER

JANUARY 15, 1947.

1. December 9, 1946, the Secretary of the Interior classified, under the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), for leasing, as hereinafter indicated, the following-described public lands in the Los Angeles, California, land district, embracing 3,864.54 acres: (For all of the purposes mentioned in the act except business and camp sites.)

SMALL TRACT CLASSIFICATION NO. 104

CALIFORNIA NO. 42

T. 1 N., R. 6 E., San Bernardino Meridian
Sec. 2, lots 1 and 2 of the NE¼, SE¼;
Sec. 4, lots 1 and 2 of the NE¼;
Sec. 4, lots 1 and 2 of the NW¼, SW¼;
Sec. 6, lots 1 and 2 of the NE¼,
Sec. 6, lots 1 and 2 of the SW¼, SE¼;
Sec. 8, W½, NE¼;
Sec. 12, all;
Sec. 14, E½;
Sec. 18, lots 1 and 2 of the SW¼, SE¼;
Sec. 20, E½, SW¼;
Sec. 30, N½ of lot 1 of the NW¼,
Sec. 30, lot 2 of the NW¼, NE¼, NE¼SE¼.

2. The lands are located in San Bernardino County, about 125 to 130 miles east of Los Angeles, and 14 to 18 miles west of Twentynine Palms. A paved highway to Twentynine Palms runs east and west through the township about a mile north of its southern boundary. Most of the tracts may be reached from this highway by passable dirt roads. The lands lie at an elevation of approximately 2900 to 3000 feet above sea level. In the northern part of the township they have an almost level contour. Farther south they are rolling or hilly. In the southwest they are rough and steep in many places. Vegetation consists of Joshua trees, cactus, greasewood, sagebrush and various other native grasses and brushes.

3. The climate prevailing is typical of the desert. Average winter temperatures vary from 50° to 60° and those of the summer from 80° to 90°. The climate is accepted as a valuable aid to the treatment of bronchial, pulmonary and other disorders. Residence can be maintained throughout the year. No surface water exists in this township. Water for domestic purposes is usually hauled. Development of ground water in supplies adequate for domestic purposes should be entirely feasible with proper pumping equipment, if undertaken as group projects. Electric power, telephone service, various kinds of business, as well as recreational, educational and religious facilities exist at Twentynine Palms. The population of this area has been gradually increasing. The Navy has located a large air base north of Twentynine Palms. The area is especially attractive to disabled veterans and others with some income who require a dry climate for health purposes. Many applications exist for small tracts in this vicinity and much of the lands that have been classified under the small tract program have already been leased.

4. Pursuant to § 257.8 of the Code of Federal Regulations (43 CFR, Part 257, Cum. Supp., as amended by Circ. 1613, February 27, 1946), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 1:15 p. m. on April 8, 1946, and (b) are for the type of site for which the land subject thereto has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

5. As to the land not covered by the applications referred to in paragraph 4, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on March 19, 1947. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on March 19, 1947, to close of business on June 17, 1947, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference; right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on or after 1:15 p. m. on April 8, 1946, together with those present at 10:00 a. m. on February 27, 1947 shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 18, 1947 any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous non-preference-right filings.* Applications under the small tract act by the general public filed at or after 1:15 p. m. on April 8, 1946, together with those presented at 10:00 a. m. on May 29, 1947, shall be treated as simultaneously filed.

6. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

7. All applications for the lands referred to in paragraphs 4 and 5, which shall be filed in the District Land Office at Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

8. Lessees under the small tract act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Acting Director, Bureau of Land Management, improvements which, under the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of five years, at an annual rental of $5 for home, cabin, health, convalescent and recreational sites, payable yearly in advance.

9. The land will be leased in tracts of approximately five acres, or aliquot parts thereof, each being approximately 330 by 660 feet, or aliquot dimensions thereof, the longest dimension extending east and west in secs. 2, 12 and 14, and north and south in the remaining sections. The tracts should conform in description with the rectangular system of surveys as one compact unit.

10. Preference right leases referred to in paragraph 4 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract is made to conform to the areas and dimensions specified above.

11. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, however, the district land officer is authorized to accept applications for the remaining 5-acre tract or aliquot parts thereof extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified above.

12. All inquiries relating to these lands shall be addressed to the District Land Office, Los Angeles 12, California.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 47-816; Filed, Jan. 28, 1947; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent telephone learner regulations, July 17, 1944 (9 F. R. 7125):

The special learner certificates issued to the following companies under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See Regulations, Part 522, § 522.083.

Central Iowa Telephone Company, with exchanges in St. Ansgar, Iowa, State Center, Iowa, Tama, Iowa, effective January 22, 1947, expiring January 21, 1948.

Lanark Mutual Telephone Company, 120 East Locust Street, Lanark, Illinois; effective January 19, 1947, expiring January 18, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at New York, New York, this 22d day of January 1947.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 47-782; Filed, Jan. 28, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2340]

RAILWAY EXPRESS AGENCY, INC., AND NORTHWEST AIRLINES, INC.; NORTHWEST AIR FREIGHT AGREEMENT

NOTICE OF HEARING

In the matter of an agreement filed under section 412 (a) of the act by and between Railway Express Agency, Inc., and Northwest Airlines, Inc., relating to the operation of an air-freight business.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 412 and 1001 of said act, that hearing in the above-entitled proceeding is assigned to be held on February 5, 1947, at 10 a. m. (eastern standard time) in the Foyer of the Auditorium, Commerce Building, Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated January 23, 1947, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-846; Filed, Jan. 28, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8047]

HARDING COLLEGE (WHBQ)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING OF STATED ISSUES

In re application of Harding College (WHBQ), Memphis, Tennessee, Docket No. 8047, File No. B3-P-5405; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the operating facilities of Station WHBQ from 1400 kc, with 250 w power, unlimited time to 560 kc, with 5 kw power day and 1 kw night, unlimited time, employing a directional antenna day and night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Harold L. Sudbury (File No. B3-P-4537) licensee of Station KLCN, Blytheville, Arkansas, requesting a construction permit to change the operating facilities of Station KLCN from 900 kc with 1 kw power, daytime only to 570 kc, with 1 kw power day, 500 w power night, unlimited time, employing a directional antenna at night, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WHBQ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WHBQ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WHBQ as proposed would involve objectionable interference with station KLZ, Denver, Colorado, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WHBQ as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WHBQ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That KLZ Broadcasting Company, licensee of Station KLZ, Denver, Colorado, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-818; Filed, Jan. 28, 1947; 8:45 a. m.]

[Docket Nos. 7170, 7389, 7766, 7955, 7956, 8045]

HARMCO, INC. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harmco, Inc. (KROY), Sacramento, California, Docket No. 7170, File No. B5-P-4253; Alvin E. Nelson, Inc., San Francisco, California, Docket No. 7389, File No. B5-P-4467; C. Thomas Patten, Oakland, California, Docket No. 7766, File No. B5-P-4876; Palo Alto Radio Station, Incorporated (KYA), San Francisco, California, Docket No. 7955, File No. B5-P-4452; Pittsburg Broadcasting Company, Pittsburg, California, Docket No. 7956, File No. B5-P-5356; Edmund Scott, Gordon D. France, Hugh H. Smith and Merwyn F. Planting, d/b as San Mateo County Broadcasters (KVSM), San Mateo, California, Docket No. 8045, File No. B5-P-5536; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of January 1947;

The Commission having under consideration a petition filed on December 18, 1946, by Edmund Scott, Gordon D. France, Hugh H. Smith and Merwyn F. Planting, d/b as San Mateo County Broadcasters, requesting that its above entitled application (File No. B5-P-5536) for a construction permit to change frequency of Station KVSM, at San Mateo, California, from 1050 kc to 1260 kc, increase power from 250 watts to 1 kw night—5 kw day and to increase operating hours from daytime only to unlimited time, be designated for hearing in the consolidated proceeding involving the other above entitled applications; and

It appearing, That the Commission on November 14, 1946, ordered the above entitled applications of Harmco, Inc., requesting 1060 kc, 5 kw power, unlimited time with directional antenna at night, Alvin E. Nelson, Inc., requesting 1030 kc, 50 kw power, unlimited time with directional antenna, C. Thomas Patten, requesting 1000 kc, 10 kw power, daytime only, Palo Alto Radio Station, Incorporated, requesting 1060 kc, 50 kw power, unlimited time, and Pittsburg Broadcasting Company, requesting 990 kc, 1 kw power, unlimited time using directional antenna at night, to be heard in a consolidated proceeding; and that a hearing on the said applications is currently set for January 20, 1947, at Washington, D. C.; and

It further appearing, that the said petitioner, has heretofore, on November 27, 1946, been made a party intervenor in the aforesaid consolidated proceeding because of engineering conflicts with the present operation of Station KVSM on 1050 kc; that petitioner's aforesaid application for 1260 kc is contingent on the grant of the aforesaid application of Palo Alto Radio Station, Incorporated (KYA); and that the public interest would be served by designating petitioner's said application for hearing in the aforesaid consolidated proceeding;

It is ordered, That the said petition be, and it is hereby, granted and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Edmund Scott, Gordon D. France, Hugh H. Smith and Merwyn F. Planting, d/b as San Mateo County Broadcasters, be, and it is hereby, designated for hearing in the above consolidated proceeding upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station KVSM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KVSM as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KVSM as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KVSM as proposed would involve objectionable interference with the services proposed in the pending application of San Fernando Valley Broadcasting Company (File No. B5-P-4657) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KVSM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated January 30 and February 13, 1946, designating for hearing the above entitled applications of Harmco, Inc., and Alvin E. Nelson, Inc., and the several orders dated November 14, 1946, designating for hearing the above entitled applications of Palo Alto Radio Station, Incorporated, C. Thomas Patten and Pittsburg Broadcasting Company be, and they are hereby, amended to include the said application of San Mateo County Broadcasters (KVSM).

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-819; Filed, Jan. 28, 1947; 8:45 a. m.]

[Docket Nos. 6900, 8009, 8053]

TIMES PUBLISHING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Times Publishing Company, Erie, Pennsylvania, Docket No. 6900, File No. B2-P-3773; Thomas Phillips, Jr., William M. Schuster, Conrad Elfenbein, Francis Schuster and Sylvia Galinsky, a partnership, d/b as Erie Broadcasting Company, Erie Pennsylvania, Docket No. 8009, File No. B2-P-5469; Community Broadcasting Company, Erie, Pennsylvania, Docket No.

8053, File No. B2-P-5562; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of January 1947;

The Commission having under consideration the above-entitled application of Community Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1400 kc. with 250 w power, unlimited time, at Erie, Pennsylvania; and

It appearing, that the Commission, on December 17, 1946, designated for hearing in a consolidated proceeding the applications of Times Publishing Company (File No. B2-P-3773; Docket No. 6900) and Thomas Phillips, Jr., William M. Schuster, Conrad Elfenbein, Francis Schuster, and Sylvia Galinsky, a partnership, d/b as Erie Broadcasting Company (File No. B2-P-5469; Docket No. 8009), requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Erie, Pennsylvania;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Community Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated December 17, 1946, designating for hearing the said applications of Times Publishing Company and Thomas Phillips, Jr., William M. Schuster, Conrad Elfenbein, Francis Schuster, and Sylvia Galinsky, a partnership, d/b as Erie Broadcasting Company, be, and they are hereby, amended to include the said application of Community Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-820; Filed, Jan. 28, 1947; 8:46 a. m.]

[Docket No. 8052]

MIDLAND NATIONAL LIFE INSURANCE CO. (KWAT)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Midland National Life Insurance Co. (KWAT), Watertown, South Dakota, Docket No. 8052, File No. B4-P-5535; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the operating assignment of existing station KWAT, Watertown, South Dakota, from 1240 kc, with 250 w power, unlimited time, to 950 kc, with 1 kw power, to change transmitter site, install new transmitter, and install directional antenna for night use;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Tri-State Broadcasting Company (File No. B4-P-5505), requesting a construction permit for a new standard broadcast station to operate on 950 kc, with 5 kw power, employing a directional antenna day and night, unlimited time, at Sioux Falls, South Dakota, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate station KWAT as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KWAT as proposed, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KWAT as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KWAT as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KWAT as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-821; Filed, Jan. 28, 1947; 8:46 a. m.]

[Docket No. 8051]

TRI-STATE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Tri-State Broadcasting Company, Sioux Falls, South Dakota, Docket No. 8051, File No. B4-P-5505; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 950 kc, with 5 kw power, employing a directional antenna day and night, unlimited time, at Sioux Falls, South Dakota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Midland National Life Insurance Company (File No. B4-P-5535) requesting a construction permit to change the operating assignment of existing station KWAT, Watertown, South Dakota, from 1240 kc with 250 w power, unlimited time, to 950 kc, with 1 kw power, to change transmitter and install directional antenna for night use, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-822; Filed, Jan. 28, 1947; 8:46 a. m.]

[Docket Nos. 8040, 8032, 8031]

TYTEX BROADCASTING CO. ET AL.

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas, Docket No. 8040, File No. B3-P-5540; Blackstone Broadcasting Company, Inc., Tyler, Texas, Docket No. 8032, File No. B3-P-5316; Rose Capitol Broadcasting Company, Tyler, Texas, Docket No. 8031, File No. B3-P-4975; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of December 1946;

The Commission having under consideration the above-entitled application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas, requesting a construction permit for a new standard broadcast station to operate on the frequency 940 kc, 250 watts power, daytime only, at Tyler, Texas; and

It appearing, that the Commission on December 19, 1946, designated for hearing in a consolidated proceeding the applications of Blackstone Broadcasting Company, Inc., (File No. B3-P-5316, Docket No. 8032) and Rose Capitol Broadcasting Company (File No. B3-P-4975, Docket No. 8031) each requesting a construction permit for a new standard broadcast station to operate on 940 kc, 250 watts, daytime only, at Tyler, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas, be and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the order of the Commission dated December 19, 1946, designating the applications of Blackstone Broadcasting Company, Inc., and Rose Capitol Broadcasting Company for hearing in a consolidated proceeding be, and it is hereby, amended to include the application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47—823; Filed, Jan. 28, 1947; 8:47 a. m.]

[Docket Nos. 7559, 7560, 7562]

AMARILLO BROADCASTING CORP. (KFDA) ET AL.

ORDER AMENDING ISSUES

In re applications of Amarillo Broadcasting Corporation (KFDA), Amarillo, Texas, Docket No. 7559, File No. B3-P-4353; S. H. Patterson, Topeka, Kansas, Docket No. 7560, File No. B4-P-4389; S. H. Patterson (KVAK), Atchison, Kansas, Docket No. 7562, File No. B4-P-4317; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of December 1946;

The Commission having under consideration a petition and supplemental petition filed August 13, 1946, and October 17, 1946, respectively, by S. H. Patterson, requesting that the Commission reconsider his two above-entitled applications, sever them from the proceeding in which they are consolidated with the above-entitled application of Amarillo Broadcasting Corporation, and grant both applications without further hearing; and

It appearing, that petitioner's above-entitled applications are mutually contingent requests for the following facilities:

(1) Docket No. 7560, for a construction permit for a new standard broadcast station at Topeka, Kansas, to operate on the frequency 1440 kc, with 5 kw power, unlimited time, using directional antenna day and night; and

(2) Docket No. 7562, for a construction permit to change the frequency of Station KVAK at Atchison, Kansas, from 1450 kc to 1200 kc, increase power from 250 watts to 1 kw, and change hours of operation from unlimited time to daytime only; and

It further appearing, that the said petitions do not sufficiently meet the several issues heretofore defined for the hearing upon petitioner's said applications, particularly issue numbered "2" in the matter of the application for change of facilities for Station KVAK at Atchison, Kansas (Docket No. 7562);

It is ordered, That, pursuant to § 1.386 of the Commission's rules and regulations, the said petitions be, and they are hereby, denied.

It is further ordered, That the said applications of S. H. Patterson, in addition to being heard upon the issues heretofore defined in the several orders of the Commission dated May 2, 1946, designating the said applications for hearing, also be heard upon the following issue:

To determine whether a grant of the several applications of S. H. Patterson would result in a fair, efficient and equitable distribution of radio broadcast service, among the communities concerned, pursuant to section 307 (b) of the Communications Act of 1934, as amended.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-824; Filed, Jan. 28, 1947; 8:47 a. m.]

CLASS B FM BROADCAST STATIONS IN ATLANTA AND GRIFFIN, GA., AREAS

CHANGES IN TENTATIVE PLAN OF SEPTEMBER 3, 1946

JANUARY 16, 1947.

On January 16, 1947, the Commission adopted the following changes in the Tentative FM Allocation Plan of September 3, 1946:

General area	Channels	
	Delete	Add
Atlanta, Ga.		224, 231
Griffin, Ga.	224	

Channel 231 was previously not allocated in the Atlanta, Ga. area. Channel 224 is one of the two Class B channels (the other being Channel 222) which had been allocated to Griffin, Ga. The Commission has not received any applications for FM stations for Griffin, Ga. Whereas Atlanta is not eligible for Class A channels, Griffin and its surrounding vicinity is eligible for at least 10 Class A channels. Since a Class A station will adequately serve a city of the size of Griffin, the Commission is of the opinion that re-allocation of Channel 224 from Griffin to Atlanta will result in a more complete utilization of FM facilities.

The Commission's Allocation Plan of September 3, 1946 indicates that five class B FM channels are available for assignment to the Atlanta, Ga. area, on of which is to be reserved until July 1, 1947 under § 3.204 (c) of the Commission's rules. One of these channels has been assigned to the Constitution Publishing Company. At the present time there are five applications pending for the three channels available for immediate assignment. The five applications have been designated for consolidated hearing to begin on April 7, 1947 in Atlanta, Ga.

By the Commission's action in allocating two additional channels to Atlanta, a comparative consideration of the five pending Atlanta applications will not be necessary since there will be five Class B channels available for immediate assignment. If the situation remains unchanged for the next thirty days, the Commission will then consider on an individual basis the five pending Atlanta applications for Class B FM stations.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-825; Filed, Jan. 28, 1947; 8:47 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-472]

WILLARD F. HESS

CONSENT ORDER

Willard F. Hess of Wenonah Orchards, Naches, Washington, is charged by the Civilian Production Administration, by Charging Letter dated December 3, 1946, with having failed to observe the restrictions imposed upon him in an authorization he obtained from the Department of Agriculture for the United States, for the construction of a farm dwelling, which authorization was contained on CPA Form #4386, under Project Serial No. 91-089-30. Specifically, Willard F. Hess failed to observe the cost limitation of $9,750.00, and he failed to eliminate the garage from the premises as required by the authorization. His failure to observe these restrictions constituted a violation of Paragraph (i) of CPA Order #VHP-1, dated March 26, 1946. Willard F. Hess admits these violations as charged, does not desire to contest the charge and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Willard F. Hess, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commission, *It is hereby ordered*, That:

(a) The authorization contained on CPA Form 4386, dated June 14, 1946, Project Serial #91-089-30, which authorizes the construction of a farm dwelling at Naches, Washington, and assigned an HH rating to Willard F. Hess for said construction, is hereby revoked and withdrawn.

(b) Neither Willard F. Hess, nor his successors or assigns, nor any other person shall do any further construction on the farm dwelling at Naches, Washington, including putting up, completing, or altering the structure, unless hereafter specifically authorized by the Civilian Production Administration or other appropriate governmental agency.

(c) Willard F. Hess shall refer to this order in any application or appeal which he may file with the Civilian Production Administration, or any other appropriate governmental agency, for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Willard F. Hess, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the date of issuance.

Issued this 27th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-891; Filed, Jan. 27, 1947; 4:25 p. m.]

[C-473]

KASDEN FUEL CO.

CONSENT ORDER

Louis J. Kasden and Harry E. Kasden, d/b/a Kasden Fuel Company, were authorized by the Civilian Production Administration June 4, 1946, on application Form CPA-4423, Case No. 1-4-619, to construct a garage size 30' x 100', of cinder blocks costing $1,500, at Ansonia, Connecticut. On or about July 22, Harry E. Kasden and Louis J. Kasden, d/b/a Kasden Fuel Company, began construction under this authorization of a building with dimensions 40' by approximately 135' and with an addition approximately 13' x 32' in size. The estimated cost of the construction which was actually started was between $6,000 and $7,000. The construction of a building of a larger size and at a greater cost than authorized constituted a violation of paragraph (j) of Order VHP-1. Louis J. Kasden and Harry E. Kasden admit the violation as charged and consent to the issuance of this order.

Wherefore, upon the agreement and consent of Louis J. Kasden and Harry E. Kasden, the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) The authorization to Kasden Fuel Company granted by the Civilian Production Administration June 4, 1946, on Form CPA-4423, Case No. 1-4-619, is hereby revoked.

(b) Neither Louis J. Kasden or Harry E. Kasden, their successors or assigns, nor any other person shall do any construction on the garage or other building started at 522 Main Street, Ansonia, Connecticut, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(c) Louis J. Kasden and Harry E. Kasden shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Louis J. Kasden and Harry E. Kasden, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the date of issuance.

Issued this 27th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-890; Filed, Jan. 27, 1947; 4:25 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 4-61-5]

WILLIAMS AND KINGSOLVER

ORDER SUSPENDING ACCOUNTANT FROM PRACTICE BEFORE COMMISSION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of January A. D. 1947.

In the matter of Williams & Kingsolver, 420 Exchange National Bank Building, Colorado Springs, Colorado, File No. 4-61-5.

A proceeding having been instituted by the Commission pursuant to Rule II (e) of its rules of practice to determine whether respondent Williams & Kingsolver, a firm of certified public accountants of Colorado Springs, Colorado, or any of its members, should be disqualified from or denied, temporarily or permanently, the privilege of appearing or practicing before the Commission;

A hearing having been held after appropriate notice, and respondent having filed an answer consenting to entry of an order temporarily or permanently disqualifying respondent from or denying it the privilege of practicing as an accountant before the Commission; and

The Commission being fully advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion and said answer of respondent and pursuant to said rule,

It is ordered, That Williams & Kingsolver, a partnership, and Oliver M. Williams, an individual member of said firm, be, and each of them hereby is, denied, for a period of one year from the date hereof, the privilege of appearing or practicing in any way before this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-827; Filed, Jan. 28, 1947; 8:48 a. m.]

[File No. 7-970]

ALUMINUM CO. OF AMERICA

DETERMINATION OF EQUIVALENT SECURITY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of January A. D. 1947.

Continuation of unlisted trading privileges on the New York Curb Exchange in the 6% Cumulative Preferred Stock, par value $100, of Aluminum Company of America having been permitted by action of this Commission pursuant to section 12 (f) (1) of the Securities Exchange Act of 1934;

The Commission having been advised that changes will be effected in such security other than those specied in paragraph (a) of Rule X-12F-2, resulting from the exchange of such security for the $3.75 Cumulative Preferred Stock, par value $100, of Aluminum Company of America, and the Exchange having filed with the Commission an application for a determination that the security after such changes will be substantially equivalent to the security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) promulgated thereunder, that the $3.75 Cumulative Preferred Stock of Aluminum Company of America will be substantially equivalent to the 6% Cumulative Preferred Stock of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-828; Filed, Jan. 28, 1947; 8:49 a. m.]

[File No. 70-1377]

NEW YORK STATE ELECTRIC & GAS CORP. AND GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER PERMITTING AMENDMENT TO JOINT APPLICATIONS—DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of January 1947.

General Public Utilities Corporation, a registered holding company, and its subsidiary, New York State Electric & Gas Corporation ("New York State"), having filed joint applications-declarations, and amendments thereto, pursuant to sections 6 (a), 6 (b), 7, 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935, in which it was proposed, among other things, that New York State issue and sell, pursuant to the competitive bidding provisions of Rule U-50, $13,000,000 principal amount of its first mortgage bonds due 1977 and thereafter 150,000 shares of its cumulative preferred stock; and

The Commission having, by order dated January 13, 1947, granted said applications and permitted said declarations to become effective subject to the condition, among others, that the proposed issuance and sale of securities not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in the proceeding and a further order has been entered by the Commission in the light of the record so completed, jurisdiction being reserved for this purpose; and

New York State having filed a further amendment to its applications-declarations, as amended, in which it is stated that in accordance with the permission granted by the said order of the Commission dated January 13, 1947, it has offered its first mortgage bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

	Price to company	Interest rate	Cost to company
	Percent	*Percent*	*Percent*
Halsey, Stuart & Co., Inc.	102.259	2¾	2.64
Blyth & Co., Inc.	102.13	2¾	2.6467
Smith, Barney & Co.			
The First Boston Corp.	101.7812	2¾	2.6634
Glore, Forgan & Co.			
Harriman Ripley & Co., Inc.	101.65	2¾	2.6697

The amendment further stating that New York State has accepted the bid of Halsey, Stuart & Co., Inc., for the first mortgage bonds as set out above and that the bonds will be offered for sale to the public at a price of 102.875%, resulting in an underwriters' spread of .606%; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters:

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding for the first mortgage bonds be, and the same hereby is, released, and that the amendment filed on January 22, 1947 to the joint applications declarations be, and hereby is, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24 and to the other conditions and reservations of jurisdiction set forth in our order dated January 13, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-830; Filed, Jan. 28, 1947; 8:49 a. m.]

[File Nos. 70-1422, 70-1423]

STANDARD GAS AND ELECTRIC CO. AND OKLAHOMA GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of January 1947.

Standard Gas and Electric Company ("Standard"), a registered holding company, and its public utility subsidiary, Oklahoma Gas and Electric Company ("Oklahoma Gas"), having filed separate applications and declarations, and amendments thereto, in which sections 11 (b), 12 (d), 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-24, U-44 and U-50 promulgated thereunder are designated as applicable with respect to the following transactions:

Standard proposes to sell all of the 750,000 shares (being all the presently issued and outstanding shares of common stock, of the par value of $20 per share) of Oklahoma Gas. The sale of such stock is to be made at competitive bidding pursuant to Rule U-50. Simultaneously with such sale, Oklahoma Gas proposes to issue and sell an additional issue of 140,000 shares of its common stock, also at competitive bidding pursuant to Rule U-50.

Standard will apply the proceeds of the aforesaid sale of 750,000 shares of common stock of Oklahoma Gas towards the payment of interest and principal on its promissory notes dated April 10, 1946 issued to various banks under the Bank Loan Agreement of Standard dated December 21, 1945, as supplemental agreements dated February 15, 1946 and April 5, 1946 (copies of which are on file with this Commission in File No. 70-1211).

Oklahoma Gas proposes to apply $1,470,000 of the net proceeds of the sale of the additional issue of 140,000 shares

of its common stock to the prepayment, without premium, of an equal principal amount of its outstanding Serial Notes bearing interest at the rate of 1⅞% per annum and maturing in fourteen equal semi-annual installments; such prepayments are to be applied ratably to all the outstanding Serial Notes, thereby reducing each semi-annual installment from $605,000 to $500,000. Oklahoma Gas proposes to use the balance of the proceeds of the sale of said 140,000 shares together with additional funds generated from operations to provide funds for the acquisition and construction during 1947 of additions and betterments to its physical properties.

Both Standard and Oklahoma Gas have requested that the ten-day notice period for inviting bids as provided for by subsection (b) of Rule U-50 be shortened to six days so as to minimize the possibility of the postponement of the opening of bids due to a change of market conditions between the time the day of opening of bids is designated and such day. In this connection, the applicants have not designated a day certain on which bids are to be opened, but they propose to advise this Commission by telegram on the day preceding the publication of a public invitation for bids to purchase the common stock of Oklahoma Gas of their intention so to do and the proposed date of opening of such bids.

Standard has also requested that this Commission find that the sale of the 750,000 shares of common stock of Oklahoma Gas by Standard is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and make the specifications and itemizations necessary in order that the provisions of sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code shall be applicable.

A declaration of Oklahoma Gas, dated October 1, 1943, as subsequently amended (filed with this Commission in File No. 70–800), which became effective by order of this Commission dated October 28, 1943, included an undertaking of Oklahoma Gas with respect to the declaration or payment of dividends on its capital stock of any class during a ten-year period beginning September 1, 1943. (Said undertaking is fully set forth in this Commission's finding and opinion accompanying said order dated October 28, 1943, Holding Company Act Release No. 4649.) Oklahoma Gas proposes to rescind and nullify said undertaking and has requested an order permitting it to do so.

Said applications and declarations, as amended, having been duly filed and notice of such filings having been duly given in the form and manner prescribed by Rule U–23 promulgated pursuant to said Act and the Commission not having received a request for hearing with respect to said applications and declarations, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said applications and declarations, as amended, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications and declarations, as amended, be granted and permitted to become effective;

It is hereby ordered, That pursuant to Rule U-23 said applications and declarations, as amended, be, and the same are hereby, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject to the further condition that the proposed sale of shares of common stock of Oklahoma Gas by Standard and Oklahoma Gas shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

It is further ordered, That the ten-day period for inviting bids as provided for in Rule U-50 be, and the same hereby is, shortened to a period of six days.

It is further ordered and the Commission finds, That the proposed sale by Standard of 750,000 shares of the common stock of a par value of $20 per share of Oklahoma Gas is in accordance with and in obedience to aforesaid order of this Commission dated August 8, 1941, which order found that the divestment by Standard of its holdings of the shares of common stock of Oklahoma Gas was necessary and appropriate for the purpose of bringing about compliance by Standard with section 11 (b) (1) of the act, and the said 750,000 shares of common stock of Oklahoma Gas are hereby specified and itemized as being included in the holdings named in aforesaid order dated August 8, 1941.

It is further ordered and the Commission finds, That Oklahoma Gas be, and hereby is, permitted to rescind and nullify its aforementioned undertaking with respect to the declaration or payment of dividends on its capital stock of any class for a ten-year period beginning September 1, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-826; Filed, Jan. 28, 1947; 8:48 a. m.]

[File No. 70–1425]

WASHINGTON RAILWAY AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of January 1947.

Washington Railway and Electric Company, a registered holding company and a subsidiary of The North American Company, also a registered holding company, has filed an application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder, regarding the following proposals:

Washington Railway and Electric Company proposes to issue and to sell to certain banks $2,800,000 principal amount of Bank Loan Notes, payable on or before two years from their date, with interest thereon at the rate of 1¾% per annum. Such Bank Loan Notes are proposed to be issued to certain banking institutions now holding declarant's presently outstanding Bank Loan Notes aggregating $3,500,000, and maturing January 31, 1947, and said banks represent that such Notes are proposed to be held for investment and not for resale. It is proposed that the Bank Loan Notes be subject to the provisions of a Bank Loan Agreement dated December 20, 1946 which provides, among other things, for the right of prepayment of such Bank Loan Notes, without premium, upon the terms and conditions set forth therein. Declarant proposes to apply the proceeds of such issue, together with $700,000 of treasury funds, to the payment and retirement of all its presently outstanding Bank Loan Notes maturing January 31, 1947, in the aggregate principal amount of $3,500,000 and issued under a Bank Loan Agreement dated December 6, 1944.

The application-declaration having been filed on December 24, 1946, and notice of filing having been duly given in the manner and form prescribed by Rule-23 under said act and the Commission not having received a request for hearing with respect to said application or declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

Washington Railway and Electric Company having requested that the Commission issue its order on or before January 23, 1947; and

The Commission finding that the requirements of sections 6 (a), 7, and 12 (c) of the act and Rules U-42 and U-50 thereunder are satisfied, that no adverse findings are necessary thereunder, and that action upon said application-declaration should be accelerated, and the Commission deeming it appropriate in the public interest and in the interest of investors to grant said application and permit said declaration to become effective:

It is hereby ordered pursuant to said Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said application be and the same is hereby granted and that the declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-829; Filed, Jan. 28, 1947; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7997]

DR. CARL STILL AND MRS. HANNA STILL

In re: Bank account and stock owned by Dr. Carl Still and Mrs. Hanna Still, F–28–1891–A–1, F–28–1891–E–1,

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Carl Still and Mrs. Hanna Still, whose last known address is Bismarck Platz 24, Recklinghausen Westphalen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Dr. Carl Still and Mrs. Hanna Still, by Bank of The Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Dr. Carl Still & Mrs. Hanna Still, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of L. D. Pickering & Co., and presently in the custody of Bank of The Manhattan Company, 40 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Carl Still and Mrs. Hanna Still, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947:

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate No.	Number of shares	Par value	Type of stock
The Atchison, Topeka & Santa Fe Ry. Co., 80 East Jackson Blvd., Chicago, Ill.	Kansas	248746	100	$100	Common.
		248747	100	100	Do.
The Chesapeake & Ohio Ry. Co., Richmond, Va.	Virginia and West Virginia.	C25620	100	25	Do.
		C25621	100	25	Do.
		C25622	100	25	Do.
		C25623	100	25	Do.
		C25624	100	25	Do.
		C25625	100	25	Do.
The New York Central RR. Co., 230 Park Ave., New York Central Bldg., New York, N. Y.	New York, Pennsylvania, Ohio, Illinois, Indiana, Michigan.	L–13433	25	No	Capital.
		H–7121	100	No	Do.
The Pittston Co., 77 River St., Hoboken, N. J.	Delaware	TC043370	15	1	Common.
Southern Pacific Co., 65 Market St., San Francisco, Calif.	Kentucky	NC–732	50	No	Do.
		NA 2456	100	No	Do.
		NA 2457	100	No	Do.
		NA 2458	100	No	Do.

[F. R. Doc. 47–774; Filed, Jan. 24, 1947; 8:49 a. m.]

[Vesting Order 8016]

IDA BURKARD

In re: Stocks and bonds owned by Ida Burkard, F–28–827–D–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Burkard, whose last known address is Rheinstrasse 32, Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) shares of no par value common capital stock of Steinway & Sons, 109 West 57th Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered 212 for two (2) shares and A–267 for one (1) share, registered in the name of Ida Burkard, together with all declared and unpaid dividends thereon, and

b. Those certain obligations, matured or unmatured, of Steinway & Sons, 109 West 57th Street, New York, New York, evidenced by two (2) Steinway & Sons 5% Debenture Bonds, due 1966, each of $100 face value, bearing the numbers C12 and C13, registered in the name of Ida Burkard, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–806; Filed, Jan. 27, 1947; 8:56 a. m.]

[Vesting Order 8021]

CHIHAKU KATAGIRI

In re: Debt owing to Chihaku Katagiri, also known as Chibaku Katagiri and as Chihiro Katagiri.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chihaku Katagiri, also known as Chibaku Katagiri and as Chihiro Katagiri, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Chihaku Katagiri, also known as Chibaku Katagiri and as Chihiro Katagiri, by Katagiri & Co. Incorporated, 224 East 59th Street, New York, New York, in the amount of $3,096.68, as of January 11, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-808; Filed, Jan. 27, 1947; 8:56 a. m.]

[Vesting Order 8018]

JOHANNA GRIEPENKERL

In re: Stock and bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Johanna Griepenkerl, deceased, F-28-22466-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Johanna Griepenkerl, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Five hundred thirty-five (535) shares of no par value common capital stock of Steinway & Sons, 109 West 57th Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number A-846 and registered in the name of Dr. Alfred Jürgens, Ex. Est. Johanna Griepenkerl, together with all declared and unpaid dividends thereon, and

b. Those certain obligations, matured or unmatured, of Steinway & Sons, 109 West 57th Street, New York, New York, evidenced by one (1) Steinway & Sons 5% Debenture Bond, due 1966, of $500 face value, bearing number D 49, and sixteen (16) Steinway & Sons 5% Debenture Bonds, due 1966, each of $1,000 face value, bearing the numbers M 151 and M 369 to M 383 inclusive, registered in the name of Dr. Alfred Jürgens, Ex. Estate of Johanna Griepenkerl, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Johanna Griepenkerl, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-807; Filed, Jan. 27, 1947; 8:56 a. m.]

[Vesting Order 8026]

ANNA LOUISE TROWITZ

In re: Debt owing to and stock and bonds owned by Anna Louise Trowitz, F-28-8062-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Louise Trowitz, whose last known address is Agnesstrasse 24, Hamburg 39, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anna Louise Trowitz, by St. Louis Union Trust Company, 323 North Broadway, St. Louis 2, Missouri, in the amount of $1,148.23, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. Ten (10) shares of $100.00 par value common capital stock of The Atchison, Topeka & Santa Fe Railway Company, Topeka, Kansas, a corporation organized under the laws of the State of Kansas, evidenced by certificate number X308839, registered in the name of Anna Louise Trowitz, and presently in the custody of St. Louis Union Trust Company, 323 North Broadway, St. Louis 2, Missouri, together with all declared and unpaid dividends thereon,

c. Twenty-eight (28) shares of no par value preferred capital stock of Great Northern Railway Company, Great Northern Building, St. Paul, Minnesota, a corporation organized under the laws of the State of Minnesota, evidenced by certificate number 044091, registered in the name of Anna Louise Trowitz, and presently in the custody of St. Louis Union Trust Company, 323 North Broadway, St. Louis 2, Missouri, together with all declared and unpaid dividends thereon,

d. Twenty (20) shares of $0.50 par value class A capital stock of St. Louis Public Service Company, 3869 Park Avenue, St. Louis 10, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by certificate number TA01201, registered in the name of Mrs. Anna Louise Trowitz, and presently in the custody of St. Louis Union Trust Company, 323 North Broadway, St. Louis 2, Missouri, together with all declared and unpaid dividends thereon,

e. Fifty (50) shares of $50.00 par value capital stock of The Pennsylvania Railroad Company, Broad Street Station Building, 1617 Pennsylvania Boulevard, Philadelphia 4, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered P-336423 for 21 shares, P-671760 for 15 shares and N-581544 for 14 shares, registered in the name of Anna Louise Trowitz, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Export Kreditbank A/G, Berlin, Germany, sub-account Customers Account for Custody, together with all declared and unpaid dividends thereon.

f. One (1) 4% Chicago, Rock Island & Pacific Railway Company First and Refunding Mortgage Bond, of $4,000.00 face value, bearing the number CB 1238, registered in the name of Mrs. Anna Louise Trowitz, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto, and

g. Three (3) United States of America Certificates of Indebtedness, Series D, of $1,000.00 face value, bearing the numbers 20270, 20271 and 20272, registered in the name of bearer, presently in the custody of St. Louis Union Trust Company, 323 North Broadway, St. Louis 2, Missouri, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-809; Filed, Jan. 27, 1947; 8:56 a. m.]

[Vesting Order 7982]

CHARLES GROSSKLAUS

In re: Estate of Charles Grosskaus, deceased. File D-28-8418; E. T. sec. 9799.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herta Grosskaus, Wilhelm Grosskaus and Paul Grosskaus, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $3,149.13 was paid to the Alien Property Custodian by Frank W. Mueller, as Executor of the Estate of Charles Grosskaus, deceased;

3. That the said sum of $3,149.13 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on November 8, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-850; Filed, Jan. 28, 1947; 8:46 a. m.]

[Vesting Order 8003]

GUSTAVE BROMM

In re: Estate of Gustave Bromm, deceased. File No. D-28-10728; E. T. sec. No. 14996.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of John Bromm, in and to the estate of Gustave Bromm, deceased, is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

John Bromm, Germany.

That such property is in the process of administration by Augusta Nagel, as Administratrix of the estate of Gustave Bromm, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-851; Filed, Jan. 28, 1947; 8:46 a. m.]

[Vesting Order CE 357]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN PENNSYLVANIA AND TENNESSEE COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Teresa Unger	Austria	Estate of John Heintzel, also known as John Heinzel, deceased, Orphans' Court of Philadelphia County, Pa.; No. 2020 of 1944.	$221.18	George Keehfuse, Trustee in Partition, 1311 North 29th St., Philadelphia, Pa.	$16.00
		Item 2			
Katerina Zorka	do	Same	221.19	do	16.00
		Item 3			
Maria Erkinger	do	Same	221.19	do	16.00
		Item 4			
Carolina Heinzel	do	Same	221.19	do	16.00
		Item 5			
Frank (Franz) Tury	do	Same	221.19	do	16.00
		Item 6			
Anna Graf	Austria	Same	221.19	do	16.00
		Item 7			
Guiseppe M. DiMeo	Italy	Estate of Michael S. DiMeo, deceased, in the Register's Court of Bradford County, Pa.; No. 8, February Term, 1916.	2,159.36	J. Lloyd Loushay, Clerk of the Orphans' Court of Bradford County, Pa., Depositary.	30.00
		Item 8			
Anton Lang	Hungary	Estate of Anna Lang, deceased, in the Orphans' Court of Philadelphia County, Philadelphia, Pa.: No. 467 of 1946.	777.75	Germantown Trust Co., Executor, Germantown and Chelten Aves., Philadelphia, Pa.	16.00
		Item 9			
Mrs. Gizella Schapka Andorne	do	Same	777.75	do	16.00
		Item 10			
Mrs. Millasin Laszlone	do	Same	777.75	do	16.00
		Item 11			
Mrs. Agnes Gluck	do	Same	777.75	do	16.00
		Item 12			
Mrs. Kraul Aurelline	Rumania	Same	777.75	do	16.00
		Item 13			
Pia Sodini	Italy	Estate of Fritz H. Sodini, deceased, in Probate Court, Shelby County, Tenn.; No. 54202 R. C.	251.87	P. J. J. Heffernan, Administrator, Sterick Bldg., Memphis, Tenn.	7.00
		Item 14			
Lina Riccomini	do	Same	251.87	do	7.00
		Item 15			
Ines Relli	do	Same	251.87	do	7.00
		Item 16			
Enea Sodini	do	Same	251.87	do	7.00
		Item 17			
Duilio Sodini	do	Same	251.87	do	7.00
		Item 18			
Liliana Sodini	do	Same	251.87	do	7.00

[F. R. Doc. 47-854; Filed, Jan. 28, 1947; 8:47 a. m.]

[Vesting Order CE 358]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such persons's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained said Exhibit A opposite such property; particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Roman Kobzar	Poland	Estate of Katherine Kobzar, deceased, Surrogate's Court, New York, N. Y.; Index No. P-2206/1944.	$2,435.47	Treasurer of the City of New York, Municipal Bldg., New York, N. Y.	$25.00
		Item 2			
Dr Jennie Orlowsky	do	Estate of Bernard Greser, deceased, Surrogate's Court, Kings County, N. Y.; Index No. 5094/1943.	1,423.07	do	41.00
		Item 3			
Antonina Kuman	do	Estate of John Kuman, deceased, Surrogate's Court, Richmond County, N. Y.; Docket No. A-11/1942.	579.48	do	16.00
		Item 4			
Maryanna Trznadel	do	Same	579.48	do	16.00
		Item 5			
Michael Kuman	do	Same	579.48	do	16.00
		Item 6			
Angelina Lazzazzara De Vito	Italy	Estate of Anthony De Vito, deceased, Surrogate's Court, Queens County, N. Y.; Docket No. 3518/1939.	1,117.25	do	60.00
		Item 7			
Domenico Iannone	do	Estate of Michael Iannone, deceased, Surrogate's Court, Queens County, N. Y.; Docket No. 244/1939.	1,725.15	do	32.00
		Item 8			
Teresa Lotito Iannone	do	Same	1,725.16	do	32.00
		Item 9			
Salvatile Apicelli	do	Estate of Gennaro Apicelli, deceased, Surrogate's Court, New York County, N. Y.	134.03	do	15.00
		Item 10			
Pasquale Apicelli	do	Same	134.03	do	15.00
		Item 11			
Carmine Apicelli	do	Same	134.03	do	15.00
		Item 12			
Generosa Apicelli	do	Same	134.04	do	15.00
		Item 13			
Filomena Apicelli	do	Same	134.04	do	15.00
		Item 14			
Nunziata Apicelli	do	Same	134.04	do	15.00
		Item 15			
Saverina Apicelli	do	Same	134.04	do	15.00
		Item 16			
Carlotta Apicelli	do	Same	134.03	do	15.00
		Item 17			
Pia Francesca Zola	do	Estate of Teresa Ragazzi, deceased, Surrogate's Court, Queens County, N. Y.; 964/1939.	224.13	do	50.00
		Item 18			
Antonio Mattei	do	Same	224.13	do	50.00
		Item 19			
Gaetano Perulli, et al	do	Estate of Giuseppe Perulli, deceased, Surrogate's Court, Queens County, N. Y.; Index No. 1876/1914.	384.90	do	73.00

[F. R. Doc. 47-855; Filed, Jan. 28, 1947; 8:47 a. m.]

[Vesting Order 8047]

AUGUST KNACK

In re: Estate of August Knack, deceased. File No. D-28-10481; E. T. sec. 14901.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Knack and John Knack, whose last known addresses are Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of August Knack, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Peter Paul Knack, 308 East 18th Street, New York, New York, as Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-853; Filed, Jan. 28, 1947; 8:46 a. m.]

INGERSOLL-RAND CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Ingersoll-Rand Co., New York, N. Y.	A-280	201 (8 F. R. 625)....	U. S. Letters Patent No. 1,878,905.	Washington, D. C.

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-859; Filed, Jan. 28, 1947; 8:47 a. m.]

[Vesting Order 8042]

KATHARINA GEIBEL

In re: Estate of Katharina Geibel, also known as Katherina Geibel. File D-28-11004; E. T. sec. 15374.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mina Hagmaier-Geiger, Anna Hagmaier-Waibel, Fritz Hagmaier, Christian Hagmaier, Fritz Geibel, Daniel Geibel, Johann Geibel, Ida Geibel-Breuner and Mina Geibel, and each of them, in and to the Estate of Katharina Geibel, also known as Katherina Geibel, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mina Hagmaier-Geiger, Germany.
Anna Hagmaier-Waibel, Germany.
Fritz Hagmaier, Germany.
Christian Hagmaier, Germany.
Fritz Geibel, Germany.
Daniel Geibel, Germany.
Johann Geibel, Germany.
Ida Geibel-Breuner, Germany.
Mina Geibel, Germany.

That such property is in the process of administration by Jessie L. French, as administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles,

and determined, that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-852; Filed, Jan. 28, 1947; 8:46 a. m.]

[Vesting Order CE 359]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA, OREGON, COLORADO AND WASHINGTON COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411, 55 Stat. 839, Pub. Law. 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Marie Josephine Baharlet	France	Estate of Jean Baptiste Laclergue, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 86033.	$9,086.50	Bank of America National Trust & Savings Association, Humboldt Branch, 785 Market St., San Francisco, Calif.; Account No. 19542.	$26.00
		Item 2			
Joseph Petrusich	Yugoslavia	Estate of John Petrusich, deceased, Circuit Court, State of Oregon for the County of Multnomah, Department of Probate No. 80494.	854.99	United States National Bank of Portland, Portland, Oreg.; Account in the name of Joseph Petrusich.	34.00
		Item 3			
Michael Sergakis, Ianes Sergakis, Paraskevoula Katsoulaki, Catherine Paravolikaki, Maria Pontina and any other heirs, names unknown, of Emanuel Sergakis, deceased.	Greece	Estate of Emanuel Sergakis, deceased, County Court, Huerfano County, Colo; No. 709.	14,983.95	Homer F. Bedford, State Treasurer, on deposit for the estate of Emanuel Sergakis, deceased, Denver, Colo.	80.00
		Item 4			
Friedhofsverwaltung Under Kirchenkasse.	Germany	Estate of William Handt, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 94469.	1,000.00	The San Francisco Bank, 526 California St., San Francisco, Calif.; Account in the name of Friedhofsverwaltung Under Kirchenkasse, Savings Account No. 771671.	53.00
		Item 5			
Polyanthi Sykas, or her heirs, next of kin and legatees, names unknown.	Greece	Estate of George Macrandrias, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 83461.	1,645.22	Phil C. Katz, Administrator, 463 City Hall, San Francisco, Calif.	42.00
		Item 6			
Go Shee	China	Estate of Lowe Dai Kwong, deceased, Superior Court, State of California, in and for the City and County of San Francisco; No. 8455.	895.76	Low Mow Chow, Trustee, c/o Leo C. Dunnell, First National Bank Bldg., Fairfield, Calif.	20.00
		Item 7			
Mr. Schellen	Luxembourg	Estate of John Schellen, deceased, Superior Court, State of Washington, in and for the County of King; No. 81698.	213.88	Willard E. Skeel, Insurance Building, Seattle, Wash., Statutory Agent.	13.00
		Item 8			
Miss Schellen	do	Same	213.89	do	13.00
		Item 9			
Serina Nielsen	Denmark	Estate of Ida G. Nielsen, deceased, Superior Court, State of Washington, King County; Probate No. 78796.	3,551.84	Seattle-First National Bank, Account in the name of "Danish Consul, Seattle, Special Account Danish Heir of Ida G. Nielsen, Serina Nielsen, a National of Denmark", Seattle, Wash.	47.00

[F. R. Doc. 47-856; Filed, Jan. 28, 1947; 8:47 a. m.]

[Vesting Order 7080, Amdt.]

CAMILLO ZIRN

In re: Stock owned by Camillo Zirn, also known as Dr. Camillo Zirn.

Vesting Order 7080, dated July 10, 1946, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the certificate number CC-49595, set forth with respect to one (1) share of $25 par value capital stock of Standard Oil Company, 30 Rockefeller Plaza, New York, New York, a New Jersey corporation, and substituting therefor the certificate number C 49590.

All other provisions of said Vesting Order 7080 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-858; Filed, Jan. 28, 1947; 8:47 a. m.]

[Vesting Order CE 360]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN INDIANA, OHIO, ILLINOIS, IOWA AND MONTANA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said

persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Julian Piccoli	Italy	Estate of Blanche Good Ortolani, deceased, Superior Court, Lake County, Ind.; No. 7257.	$1,500.00	Mrs. Lillian G. Pugh, Administratrix, 49 Wildwood Rd., Hammond, Ind.	$31.00
		Item 2			
Charles (Carlos) Piccoli	do	Same	1,500.00	do	31.00
		Item 3			
Richard (Riccardo) Piccoli	do	Same	1,500.00	do	31.00
		Item 4			
Sergio Ortolani	do	Same	1,500.00	do	31.00
		Item 5			
Francesco Battaglia	do	Estate of John O. Battaglia, deceased, Probate Court, Hamilton County, Ohio; No. 156821.	4,012.17	Mr. Adolph Battaglia, Administrator, 1051 Celestial St., Cincinnati, Ohio.	70.00
		Item 6			
Augusta Bauch Battaglia	do	Same	4,012.17	do	70.00
		Item 7			
Maria Antonietti Negro	do	Estate of Lorenza Costa, deceased, Probate Court, Rock Island County, Ill.	3,345.81	The County Treasurer of Rock Island County, Rock Island, Ill.	39.00
		Item 8			
Secunda Antonietti Coda	do	Same	2,345.81	do	27.00
		Item 9			
John Peter Johnson	Denmark	Estate of John Johnson, deceased, District Court of Iowa, in and for Black Hawk County, Iowa.	5,060.24	Account No. 7590, The First National Bank of Chicago, 38 South Dearborn St., Chicago, Ill.	80.00
		Item 10			
Concletta Verde	Italy	Estate of Salvatore Cullota, deceased, Probate Court, Cook County, Ill.; File No. 44-P-8082; Docket No. 436; page 628.	101.43	Caterina Forti, Administratrix, 6860 Fullerton Ave., Chicago, Ill.	20.00
		Item 11			
Rose Verde	do	Same	101.43	do	20.00
		Item 12			
Sarah Verde	do	Same	101.43	do	20.00
		Item 13			
Jim Verde	do	Same	101.43	do	20.00
		Item 14			
Josephine Verde	do	Same	101.43	do	20.00
		Item 15			
Jose Verde	do	Same	101.43	do	20.00
		Item 16			
Jennie Verde	do	Same	101.43	do	20.00
		Item 17			
Kristiane Kristensen	Denmark	Estate of Niels P. Nielsen, deceased, District Court of the Fourth Judicial District of the State of Montana, in and for the County of Lake; No. 846.	1,260.00	R. Bauman, Royal Danish Legation, Chicago, Ill.	250.00
		Item 18			
Katrine M. Kristensen	do	Same	1,260.00	do	250.00
		Item 19			
Eleanore Greve	Germany	Guardianship Estate of Eleanore Greve, a Minor, Lake Superior Court, Gary, Ind.; Guardianship No. 335.	[1]140.00	Mr. James Hansen, Guardian, 575 Broadway, Gary, Ind.	28.00

[1] And securities.

[F. R. Doc. 47-857; Filed, Jan. 28, 1947; 8:47 a. m.]

FEB 5 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 21

Washington, Thursday, January 30, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9824

AMENDING EXECUTIVE ORDER NO. 9154 OF MAY 1, 1942, AUTHORIZING CERTAIN EXCLUSIONS FROM THE OPERATION OF THE CIVIL SERVICE RETIREMENT ACT OF MAY 29, 1930, AS AMENDED

By virtue of and pursuant to the authority vested in me by section 3 (b) of the Civil Service Retirement Act of May 29, 1930, 46 Stat. 470, as amended by the act of January 24, 1942, 56 Stat. 15, and the act of March 7, 1942, 56 Stat. 147, and in the interest of the internal management of the Government, section 1 of Executive Order No. 9154 of May 1, 1942, is hereby amended by the addition thereto of a new paragraph (k) reading as follows:

(k) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946 (Public Law 724, 79th Congress).

This order shall be effective as of November 13, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 28, 1947.

[F. R. Doc. 47-950; Filed, Jan. 29, 1947; 10:22 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 91—EXECUTIVE ORDERS AFFECTING THE CIVIL SERVICE NOT OTHERWISE COVERED IN THIS CHAPTER

CROSS REFERENCE: For Executive order authorizing certain exclusion from the operation of the Civil Service Retirement Act of May 29, 1930, affecting the tabulation in § 91.1, see Executive Order 9824, *supra*.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IV—Military Education

PART 403—PROMOTION OF RIFLE PRACTICE

MISCELLANEOUS AMENDMENTS

Amend paragraph (c) of § 403.5 in the following respects:

Paragraph (c) (1) is revised; the third sentence of paragraph (c) (4) (iii) is amended by substituting the words "army commander" in lieu of "service commander," and subparagraph (4) (iii) (d) is revised. The paragraph as amended is set forth below:

§ 403.5 *Rifle and pistol competitions in schools and colleges.* • • •.

(c) *Annual indoor rifle matches*—(1) *Indoor rifle matches.* A series of indoor rifle matches will be conducted each year so far as may be practicable among those institutions conducting military training under the supervision of the War Department which have the proper facilities and where conditions are otherwise favorable. For this purpose the institutions will be grouped as follows:

(i) Senior units in universities and colleges (classes CC, MC, and JCMI).

(ii) Junior units in essentially military schools (classes MS and MI).

(iii) All other junior units (class CS) and those schools and colleges organized under section 55c, National Defense Act, and section 1225, Revised Statutes. In army areas where the number of institutions in any group is not sufficiently large to insure a satisfactory competition for the army area intercollegiate matches, arrangements should be made by the army commander for the participation of these institutions in the matches of an adjoining army area.

• • • • • •

(4) *National intercollegiate matches.* • • •

(iii) *Stage competitions.* • • • If it is found that the firing of one stage each week is impracticable, the army commander, on application • • •

(Continued on p. 661)

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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[1] E. O. 9824.

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(d) *Fourth stage.* Ten shots for record, slow fire, kneeling; 10 shots for record, slow fire, standing.

[AR 850-110, 3 Jan. 1946 as amended by C1, 16 Jan. 1946] (45 Stat. 786; 32 U. S. C. 181b)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-861; Filed, Jan. 29, 1947; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 47-783, appearing at page 554 of the issue for Tuesday, January 28, 1947, paragraph (c) (2) (v) of § 201.2 should read as follows:

(v) Specialists as provided in subparagraph (1) (iii) (a) of this paragraph.

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Revocation of Direction 9]

USE OF RATINGS OR AUTHORIZATIONS FOR MACHINE TOOLS OR OTHER FACILITIES WHEN RELATED MILITARY PROCUREMENT PROGRAMS OR CONTRACTS ARE CANCELLED OR CUT BACK

Direction 9 to Priorities Regulation 1 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the Direction or of actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 29th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-967; Filed, Jan. 29, 1947; 11:33 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 12, Revocation]

RERATINGS

Priorities Regulation 12 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the Regulation or of actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 29th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-968; Filed, Jan. 29, 1947; 11:33 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1075]

R. M. O'NEAL

R. M. O'Neal, Pineville, Louisiana, on October 30 or 31, 1946, without authorization from the Civilian Production Administration began the construction of a one-story, brick and concrete block building, located at 606 Main Street, Pineville, Louisiana, the estimated cost of which is approximately $25,000. R. M. O'Neal was familiar with the restrictions on construction and his beginning and carrying on of such construction without authorization constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1075 *Suspension Order No. S-1075.* (a) Neither R. M. O'Neal, his successors or assigns, nor any other person shall do any further construction on the premises located at 606 Main Street, Pineville, Louisiana, including putting up, altering or completing the structure, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) R. M. O'Neal shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for authorization to do any construction.

(c) Nothing contained in this order shall be deemed to relieve R. M. O'Neal from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-937; Filed, Jan. 28, 1947; 4:25 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Direction 1, as Amended Jan. 29, 1947]

CHANGES MADE BY CUSTOMERS IN ORDERS PLACED WITH MANUFACTURERS

The following amended direction is issued pursuant to Priorities Regulation 1:

(a) This direction tells what happens when a customer, having placed a rated order with a manufacturer, wishes to make a change in that order.

(b) The general rule is that any change in a customer's order constitutes a cancellation of the earlier order and must be considered as a new order received on the date of the change if (but only if) the change will require the manufacturer to interfere with his production. For example:

(1) A change in shipping destination does not constitute the placing of a new order.

(2) An increase in the total amount ordered is a new order to the extent of the increase unless it can be filled with only a negligible interference with sequence of later orders.

(3) A change in the date of the delivery, whether advanced or deferred, when made by the customer is a new order if it interferes with production, or delays delivery on an equal or higher rated order.

(4) Deleted Oct. 1, 1945.

(5) A change in preference rating will not constitute a new order and the order must be treated as if it had carried the new rating at the time the old rating was received except that:

(i) Material specifically produced for a rated order is not to be diverted and delivered under a higher rerated order if such material is completed at the time the rerating is received, or is in production and scheduled for completion within fifteen days thereafter; and

(ii) No person is required by reason of a rerating to terminate or interrupt imme-

diately a schedule of production or operations for the next forty days where it would result in a substantial loss of production or delay in operations.

(6) A reduction in the total amount ordered will presumably not require a change in the manufacturer's schedule and will not constitute a new order. If the quantity is reduced below a minimum production quantity, the manufacturer may insist on the delivery of not less than the minimum production quantity as explained in interpretation No. 3. If the customer is not willing to order that amount, the manufacturer may reject the order. The manufacturer may not discriminate between customers in requiring delivery of minimum production amounts or in rejecting orders.

(7) When the customer directs the manufacturer to hold or suspend production without specifying a new delivery date, the order must be considered cancelled. If requested to do so within ten days after receiving such an instruction, the manufacturer must reinstate the order as nearly as possible to its former place in his proposed schedule of deliveries as long as the reinstatement does not cause loss of production or delay in the scheduled deliveries on equal or higher rated orders. Any request for reinstatement made after ten days shall be treated as the placing of an entirely new order.

(8) Where minor variations in size, design, capacity, etc., are requested by the customer and can be arranged by the manufacturer without interfering with his production, such changes do not constitute a new order.

(c) Where a change in an order constitutes a new order the conditions existing at the time the changes are received govern the acceptance of the order and its sequence in delivery under the rules of Priorities Regulation No. 1. If a customer changes his order in such a way as to constitute a new order, but finds that as a new order it will not be scheduled for delivery at the time required by the customer, he may, if he likes, request reinstatement of his original order within the time and manner provided in paragraph (b) (7) above.

Issued this 29th day of January, 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-966; Filed, Jan. 29, 1947; 11:33 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1074]

KEITH SPALDING

Keith Spalding, residing at the Huntington Hotel, Pasadena, California, is the owner of the property at 4201 Oak Grove Drive, Flintridge, Los Angeles County, California. Subsequent to March 26, 1946, he purchased an old stable, divided it into sections, transported it to his premises, prepared a cement foundation therefor, widened the stable four feet, and otherwise remodeled and reconstructed the same on the new foundation, at an estimated cost of approximately $45,000, without authorization from the Civilian Production Administration. Said stable was not designed to be used in connection with an existing dwelling, or for commercial or industrial purposes. The beginning and carrying on of this construction, at a cost in excess of $200 constituted a grossly negligent violation of Veterans' Housing Program Order No. 1. This violation has diverted critical material to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§1010.1074 *Suspension Order No. S-1074.* (a) Neither Keith Spalding, his successors or assigns, nor any other person, shall do construction on the premises located at 4201 Oak Grove Drive, Flintridge, Los Angeles County, California, including completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Keith Spalding shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Keith Spalding, his successors or assigns, from any restriction, prohibition or provision contained in any order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 29th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-973; Filed, Jan. 29, 1947; 11:34 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Revocation of Direction 12]

USE BY SHIP CHANDLERS AND OTHER SHIP SUPPLIERS OF MATERIALS OBTAINED BY MEANS OF RATINGS ASSIGNED ON WPB-646

Direction 12 to Priorities Regulation 1 is revoked. This revocation does not affect any liabilities incurred for violation of the Direction or of actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 29th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-969; Filed, Jan. 29, 1947; 11:33 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 31, Revocation]

BLANKET REVOCATION OF CERTAIN WPB ORDERS

"Priorities Regulation 31 is revoked as it is no longer considered necessary for the blanket revocation of orders. The revocation of this regulation does not affect any liabilities incurred for violation of any of the orders revoked by the regulation, or for violation of any action taken under those orders, and the revocation of this regulation shall not be deemed to reinstate any of those orders or parts thereof."

Issued this 29th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-972; Filed, Jan. 29, 1947; 11:34 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 23, Revocation]

EXPERIMENTAL MODELS

Priorities Regulation 23 is revoked. This revocation does not affect any liabilities incurred for violation of the Regulation or of actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 29th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-971; Filed, Jan. 29, 1947; 11:34 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 17, Revocation]

POST EXCHANGES AND SHIP'S SERVICE DEPARTMENTS

Priorities Regulation 17 is revoked. This revocation does not affect any liabilities incurred for violation of the Regulation or of actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 29th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-970; Filed, Jan. 29, 1947; 11:34 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[SO 193,[1] Amdt. 2]

EXEMPTION FROM PRICE CONTROL OF ALL COMMODITIES EXCEPT SUGAR AND RICE

Supplementary Order 193 is amended in the following respects: Section 1 is amended to read as follows:

SECTION 1. *Commodities exempt.* All commodities (including services) are exempt from price control except:

(a) Sugar and those sugar solutions, other than blackstrap and beet final molasses, that are derived from sugar cane or sugar beets (including all grades of edible syrups and other molasses);

(b) Corn syrup and corn sugar;

(c) Blended syrups which contain at least 20% by weight or volume of sugar, sugar solutions, corn syrup or corn sugar, either singly or in combination; and

(d) Rice, rough and milled.

This amendment shall become effective at 12:01 a. m., January 29, 1947.

Issued this 28th day of January 1947.

J. W. FOLLIN,
Acting Temporary Controls Administrator.

Approved: January 28, 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-965; Filed, Jan. 29, 1947; 11:26 a. m.]

[1] 11 F. R. 13464, 13637.

Chapter XXIII—War Assets Administration

[Reg. 13]

PART 8313—STANDARD GENERAL PURPOSE AND SPECIAL MACHINERY

War Assets Administration Regulation 13, October 18, 1946, entitled "Standard General Purpose and Special Machinery" (11 F. R. 13203), is hereby revised by amending Exhibit D attached hereto as herein set forth.

Sec.
8313.1 Definitions.
8313.2 Purpose and scope.
8313.3 Determination of base price and period of active use for Classes I, II, and III.
8313.4 Determination of sale price.
8313.5 Scrapping and salvage of machinery.
8313.6 Records and reports.
8313.7 Regulations to be reported to the Administrator.

EXHIBIT A—Table of percentages for Class I machines.

EXHIBIT B—Table of percentages for Class II and III machines operating under 750 RPM.

EXHIBIT C—Table of percentages for Class II and III machines operating over 750 RPM.

EXHIBIT D—Table of fixed prices for machines specifically listed.

AUTHORITY: §§ 8313.1 to 8313.7, inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F R. 1265).

§ 8313.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Commercially unsalable machinery" as used herein is distinguished from property of no commercial value as used in Part 8319[1] and means machinery (i) which by reason of its condition resulting from damage, wear, obsolescence, or otherwise has no reasonable prospect of sale except as scrap or salvage or (ii) with respect to which the estimated cost of care and handling and disposal will exceed the estimated proceeds unless it is promptly sold as scrap or salvage.

(2) "Administrator" means the War Assets Administrator.

(3) "Salvage" means property that is in such a worn, damaged, deteriorated or incomplete condition, or is of such a specialized nature that it has no reasonable prospect of sale as a unit, or is not usable as a unit without major repairs or alteration. Salvage has some value in excess of its basic material content because it may contain serviceable components or may have value to a purchaser who may make major repairs or alterations. Salvage includes used containers and cable reels.

(4) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(5) "Standard general purpose machinery" includes new and used machine tools and machines (with the exception of special machinery) divided into the designated four classes:

CLASS I

Directory of Metalworking Machinery Classification, 1945

Major Group 34:
34 11000 through 34 19900, inclusive
34 40000 to, but not including, 34 47000
34 48000 to, but not including, 34 50000
34 60000 to, but not including, 34 70000

Standard Commodity Classification, May 1943, Volume I

Major Group 33:
33 6000 through 33 6620, inclusive
33 6800
33 6910 through 33 6950, inclusive
33 7210 through 33 7220, inclusive
33 7260

CLASS II

Standard Commodity Classification, May 1943, Volume I

Major Group 31:
31 21121 through 31 21124, inclusive
31 2120
81 211121
31 211141
Major Group 32:
32 1100, A. C. units only
32 1300, A. C. units only

CLASS III

Standard Commodity Classification, May 1943, Volume I

Major Group 31:
31 1511 through 31 1512, inclusive
31 1521 through 31 1522, inclusive
31 1530
31 1541 through 31 1542, inclusive
31 1551 through 31 1552, inclusive
31 211110
31 211122
31 211130
Major Group 32:
32 1230 through 32 1252, inclusive, A. C. units only

CLASS IV

Major Group 34:
Fixed price metalworking machinery as specifically listed in Exhibit D of this part.

(6) "Special machinery" includes machines designed for and used exclusively in the production of war material such as but not limited to:

Special gun reaming, rifling and chambering machines
Gun boring and turning lathes
Shell turning lathes
Shell tappers
Small arms ammunition machines
Special military tank manufacturing machines
Special military aircraft manufacturing machines
Special shipbuilding machines

(7) "Attachments and tooling" means those accessories to a basic machine, which, when applied to the basic machine renders possible an additional operation or process or the functions for which the machine was intended. It includes but is not limited to vertical heads, gear cutting accessories, index heads, feeding accessories, tapering equipment, chucks, jigs, fixtures, gauges, moulds, tool holders, followers, etc.

§ 8313.2 *Purpose and scope.* The purpose of this part is to provide a fixed price policy for commercially salable new and used standard general purpose machine tools and machines. It also provides for the scrapping and salvaging of all other general purpose machinery and of any special machinery determined hereunder to be commercially unsalable. Prices at decreasing percentages of original cost are specified for Classes I, II and III above up to stated limits of active use and maximum prices are provided for sales of machinery in active use beyond such limits. Fixed prices without reference to decreasing percentages of original cost are specified for those machines in Class IV above. This part applies to all sales in the continental United States, not including its territories or possessions, made after the effective date hereof by the disposal agency and to all sales by owning agencies of standard general purpose machinery pursuant to Part 8306[2] or otherwise, but is not applicable to any contract of sale of machinery entered into prior to the effective date of this part, or to any sale of machinery which has been delivered to the purchaser or to any carrier for the account of the purchaser prior to the effective date of this part.

[1] Reg. 19 (10 F. R. 14966; 11 F. R. 8691).

[2] Reg. 6 (10 F. R. 14521; 11 F. R. 1893)

§ 8313.3 *Determination of base price and period of active use for Classes I, II and III.* (a) Base prices for machinery to be sold hereunder shall be determined as follows:

(1) *Class I.* The base price of machinery falling within Class I shall be the original price at which the manufacturer sold the machine. The selling agency shall determine the original price (f. o. b. the plant of the machine manufacturer) of the machine including electrical equipment. Standard or special attachments or tooling shall be priced and disposed of pursuant to § 8313.4 (c) of this part. In the case of machine tools and metal forming and shaping machines manufactured prior to March 1, 1941, the March 1, 1941 price of the nearest equivalent machine may be taken as the original price. In the case of standard general purpose machines other than machine tools and metal forming and shaping machines manufactured prior to October 1, 1941, the October 1, 1941 price of the nearest equivalent machine may be taken as the original price.

(2) *Classes II and III.* The base price for machinery falling within classes II and III shall be the original price as provided for in subparagraph (1) above or the original manufacturer's current retail price for the same or the nearest equivalent unit.

(b) The selling agency shall determine the period of active use of the machine on the basis of the best information reasonably available. The period of active use shall be considered to run from the estimated date the machine was originally put into use to the date of sale, if the machine is then still in use. If the machine is not in use at the time of sale, the period shall run to the estimated date when the machine last became idle.

§ 8313.4 *Determination of sale price—*(a) *Classes I, II, and III.* (1) Exhibits A, B, and C contain tables of percentages applicable to various periods of active use of machinery to be sold hereunder. The price at which a machine shall be sold shall be computed by applying to the base price determined in accordance with § 8313.3 (a) the percentage appearing in the appropriate exhibit opposite the period of active use of the machine calculated in accordance with § 8313.3 (b). In the case of new machines where no period of active use exists, no greater percentage than that specified for "less than one month" shall be applied. The appropriate exhibit shall be determined as follows:

	Exhibit
Any machine in Class I	A
Any machine in Class II	A
Any machine in Class III operating under 750 revolutions per minute	B
Any machine in Class III operating over 750 revolutions per minute	C

(2) In determining which of the two columns of percentages shall apply in Exhibits A, B, and C, those appearing in column b shall be applied where the buyer is the person who is using the machine at the time of sale, or if the machine is then idle, the person who last used it and has possession thereof, and the percentage appearing in column "a" shall be applied where the sale is to any other buyer. The price computed in accordance herewith shall be the sales price f. o. b. the location of the machine at the time of sale, except that in the case of sales made to a purchaser in possession, it shall be the sales price of the machine at its location.

(3) A sale of a standard general purpose machine in Class III with a period of active use in excess of the highest period of active use specified in the appropriate exhibit may be made at the best price obtainable but not in excess of the price applicable to such a machine with the highest period of active use specified in such exhibit.

(b) *Class IV.* Exhibit D contains a table of fixed prices for those machines listed thereon and identified by code designation, name of manufacturer, model number, and capacity. A machine shall be considered to come within Class IV only when completely identified by, and synonymous with, the description contained in Exhibit D. The prices contained in Exhibit D shall be applied in sales of all Class IV machines, *Provided however*, That when the buyer is the person who is using the machine at the time of sale, or if the machine is then idle, the person who last used it and has possession thereof, then in such event the sales price to such buyer shall be the fixed price listed in Exhibit D, plus five (5) per cent thereof.

(c) *Attachments and tooling.* (1) Standard or special attachments or tooling sold in conjunction with a basic machine in Classes I, II and III, whether or not attached thereto, and which have value to the purchaser other than as scrap, shall be sold at a price to be computed on the same period of active use determined for the basic machine sold in conjunction therewith and separate findings of active use shall not be required for such attachments or tooling.

(2) If such standard or special attachments or tooling are attached to a basic machine, and if the cost of handling and removal would exceed the estimated return to the Government if disposed of as salvage or scrap, then in such event the standard or special attachments or tooling may be included in the sale as scrap, at the best price obtainable: *Provided*, That a scrap warranty [1] is obtained from the purchaser thereof.

§ 8313.5 *Scrapping and salvage of machinery.* (a) The Administrator has determined that because of the cost of care, handling, and disposition, surplus machinery of any type which was manufactured during the year 1921 or any year prior thereto is commercially unsalable and all such machinery shall, subject to the provisions of paragraph (d) of this section, upon a determination in writing by the agency in possession that the machinery was manufactured during the year 1921 or any year prior thereto, forthwith be disposed of as salvage or scrap.

(b) From time to time, the Administrator may determine what additional types or classes of special machinery are commercially unsalable. Upon notice of such determinations, the owning and disposal agencies shall, subject to the provisions of paragraph (d), forthwith dispose of any such types or classes of surplus property in their possession as salvage or scrap.

(c) Any machinery which the disposal agency or any owning agency determines in writing to be commercially unsalable shall be disposed of as salvage or scrap or otherwise by the agency in possession pursuant to applicable regulations of the Administrator. In connection with such determinations owning agencies may request the advice and assistance of the disposal agency.

(d) Prior to the sale of a machine which is to be disposed of as salvage or scrap owning and disposal agencies may, insofar as is consistent with the provisions of Part 8319, dispose of such property by donation to such nonprofit institutions and instrumentalities as make application therefor; *Provided*, That such procedure shall not delay or postpone any such disposal as scrap or salvage for a period in excess of thirty (30) days.

(e) *Deleted* (October 18, 1946).

§ 8313.6 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8313.7 *Regulations to be reported to the Administrator.* Each owning and disposal agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective January 15, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 15, 1947.

EXHIBIT A

TABLE OF PERCENTAGES FOR CLASS I MACHINES

Period of active use	a	b
	Percent	*Percent*
Less than one month	85.0	90.0
1 month	82.5	87.5
2 months	80.0	85.0
3 months	77.5	82.5
4 months	75.0	80.0
5 months	72.5	77.5
6 months	70.0	75.0
7 months	69.0	74.0
8 months	68.0	73.0
9 months	67.0	72.0
10 months	66.0	71.0
11 months	65.2	70.2
12 months	64.4	69.4
13 months	63.6	68.6
14 months	62.8	67.8
15 months	62.0	67.0
16 months	61.2	66.2
17 months	60.4	65.4
18 months	59.6	64.6
19 months	58.8	63.8
20 months	58.0	63.0
21 months	57.2	62.2
22 months	56.4	61.4
23 months	55.6	60.6
24 months	54.8	59.8
25 months	54.0	59.0
26 months	53.2	58.2
27 months	52.4	57.4

[1] Defined in Reg. 9 § 8309.1 (o) (10 F. R. 12961, 14966; 11 F. R. 3691, 10221).

EXHIBIT A—Continued

TABLE OF PERCENTAGES FOR CLASS I MACHINES—continued

Period of active use	a	b
	Percent	*Percent*
28 months	51.6	56.6
29 months	50.8	55.8
30 months	50.0	55.0
31 months	49.2	54.2
32 months	48.4	53.4
33 months	47.6	52.6
34 months	46.8	51.8
35 months	46.0	51.0
36 months	45.2	50.2
37 months	44.6	49.6
38 months	44.0	49.0
39 months	43.4	48.4
40 months	42.8	47.8
41 months	42.2	47.2
42 months	41.6	46.6
43 months	41.1	46.1
44 months	40.6	45.6
45 months	40.1	45.1
46 months	39.6	44.6
47 months	39.1	44.1
48 months	38.6	43.6
49 months	38.2	43.2
50 months	37.8	42.8
51 months	37.4	42.4
52 months	37.0	42.0
53 months	36.6	41.6
54 months	36.2	41.2
55 months	36.0	41.0
56 months	35.8	40.8
57 months	35.6	40.6
58 months	35.4	40.4
59 months	35.2	40.2
5 years	35.0	40.0
6 years	34.0	39.0
7 years	33.0	38.0
8 years	32.0	37.0
9 years	31.0	36.0
10 years	30.0	35.0
11 years	29.0	34.0
12 years	28.0	33.0
13 years	27.0	32.0
14 years	26.0	31.0
15 years	25.0	30.0
16 years	24.0	29.0
17 years	23.0	28.0
18 years	22.0	27.0
19 years	21.0	26.0
20 years	20.0	25.0
21 years	19.0	24.0
22 years	18.0	23.0
23 years	17.0	22.0
24 years	16.0	21.0
25 years	15.0	20.0

EXHIBIT B

TABLE OF PERCENTAGES FOR CLASS II AND III MACHINES OPERATING UNDER 750 RPM

Period of active use	a	b
	Percent	*Percent*
Less than one month	85.0	90.0
1 month	80.0	85.0
2 months	75.0	80.0
3 months	70.0	75.0
4 months	68.0	73.0
5 months	66.0	71.0
6 months	64.4	69.4
7 months	62.8	67.8
8 months	61.2	66.2
9 months	59.6	64.6
10 months	58.0	63.0
11 months	56.4	61.4
12 months	54.8	59.8
13 months	53.2	58.2
14 months	51.6	56.6
15 months	50.0	55.0
16 months	48.4	53.4
17 months	46.8	51.8
18 months	45.2	50.2
19 months	44.0	49.0
20 months	42.8	47.8
21 months	41.6	46.6
22 months	40.6	45.6
23 months	39.6	44.6
24 months	38.6	43.6
25 months	37.8	42.8
26 months	37.0	42.0
27 months	36.2	41.2
28 months	35.8	40.8
29 months	35.4	40.4
30 months	35.0	40.0
31 months	34.8	39.8
32 months	34.6	39.6
33 months	34.4	39.4
34 months	34.2	39.2
35 months	34.0	39.0
3 years	33.8	38.8
4 years	31.8	36.8
5 years	29.8	34.8
6 years	27.8	32.8
7 years	25.8	30.8
8 years	23.8	28.8
9 years	21.8	26.8
10 years	19.8	24.8

EXHIBIT C

TABLE OF PERCENTAGES FOR CLASS II AND III MACHINES OPERATING OVER 750 RPM

Period of active use	a	b
	Percent	*Percent*
Less than 1 month	85.0	90.0
1 month	75.0	80.0
2 months	68.0	73.0
3 months	64.4	69.4
4 months	61.2	66.2
5 months	58.0	63.0
6 months	54.8	59.8
7 months	51.6	56.6
8 months	48.4	53.4
9 months	45.2	50.2
10 months	42.8	47.8
11 months	40.6	45.6
12 months	38.6	43.6
13 months	37.0	42.0
14 months	35.8	40.8

EXHIBIT C—Continued

TABLE OF PERCENTAGES FOR CLASS II AND III MACHINES OPERATING OVER 750 RPM—con.

Period of active use	a	b
	Percent	*Percent*
15 months	35.0	40.0
16 months	34.6	39.6
17 months	34.2	39.2
18 months	33.8	38.8
19 months	33.5	38.5
20 months	33.2	38.2
21 months	32.9	37.9
22 months	32.6	37.6
23 months	32.3	37.3
2 years	32.0	37.0
3 years	28.0	33.0
4 years	24.0	29.0
5 years	20.0	2.50

EXHIBIT D

TABLE OF FIXED PRICES FOR MACHINES SPECIFICALLY LISTED

[References to code classification are taken from the Directory of Metalworking Machinery (1945) compiled under the supervision of the Committee on Metalworking Machinery of the Technical Committee on Standard Commodity Classification]

[TABLE I]

Boring machine—Horizontal, precision, bridge type, single and double end

Manufacturer: Ex-Cell-O Corporation, Detroit, Mich.

NOTE: Table Amended Jan. 15, 1947.

Model and description	Size and capacity	Sales price	Code
2112-A single end	6″ diameter bore, x 12″ table travel	$720	3411 31 11 74
2112-A single end	6″ diameter bore, x 15″ table travel	655	3411 31 11 77
112-C single end	8″ diameter bore, x 16″ table travel	1,036	3411 31 21 14
112-C single end	8″ diameter bore, x 20″ table travel	1,139	3411 31 22 03
1212-A double end	6″ diameter bore, x 12″ table travel	1,164	3411 32 11 74
1212-A double end	6″ diameter bore, x 18″ table travel	1,058	3411 32 12 60
215 double end	8″ diameter bore, x 15″ table travel	1,387	3411 32 21 13
218 double end	8″ diameter bore, x 18″ table travel	1,406	3411 32 22 01
218 double end	8″ diameter bore, x 23″ table travel	1,547	3411 32 22 08
1112 single end	6″ diameter bore, x 12″ table travel	655	3411 31 11 74
2112 single end	6″ diameter bore, x 12″ table travel	720	3411 31 11 74
2112 single end	6″ diameter bore, x 15″ table travel	720	3411 31 11 77
1112 single end	6″ diameter bore, x 18″ table travel	1,262	3411 31 12 60
112 single end	8″ diameter bore, x 16″ table travel	1,262	3411 31 21 14
112-A single end	8″ diameter bore, x 16″ table travel	1,262	3411 31 21 14
112-B single end	8″ diameter bore, x 16″ table travel	1,262	3411 31 21 14
116-A single end	8″ diameter bore, x 16″ table travel	1,140	3411 31 21 14
112 single end	8″ diameter bore, x 20″ table travel	1,140	3411 31 22 03
112-A single end	8″ diameter bore, x 20″ table travel	1,140	3411 31 22 03
112-B single end	8″ diameter bore, x 20″ table travel	1,140	3411 31 22 03
1212 double end	6″ diameter bore, x 12″ table travel	1,164	3411 32 11 74
1212 double end	6″ diameter bore, x 18″ table travel	1,164	3411 32 12 60
215-A double end	8″ diameter bore, x 15″ table travel	1,387	3411 32 21 13
216 double end	8″ diameter bore, x 16″ table travel	1,547	3411 32 21 14
216-A double end	8″ diameter bore, x 16″ table travel	1,547	3411 32 21 14

Manufacturer: The Heald Machine Company, Worcester, Mass.

NOTE: Table amended Jan. 15, 1947.

45 Bore-matic, standard, single end	12″ diameter bore, x 16″ table travel	$1,993	3411 31 21 74
45 Bore-matic, standard, double end	12″ diameter bore, x 30″ table travel	2,711	3411 32 22 77
45 Bore-matic, special, double end	12″ diameter bore, x 40″ table travel	2,781	3411 32 22 99
46-B Bore-matic, standard, single end	9″ diameter bore, x 14″ table travel	1,451	3411 31 21 27
46-B Bore-matic, standard, double end	9″ diameter bore, x 14″ table travel	1,579	3411 32 21 27
47-A Bore-matic, standard, single end	9″ diameter bore, x 13⅝″ table travel	1,178	3411 31 21 26
47-A Bore-matic, special, single end	9″ diameter bore, x 15″ table travel	1,186	3411 31 21 28
48 Bore-matic, single end	6″ diameter bore, x 9″ table travel	714	3411 31 11 71
48-A Bore-matic, single end	6″ diameter bore, x 12″ table travel	714	3411 31 11 74
49 Bore-matic, standard, single end	6″ diameter bore, x 12″ table travel	1,116	3411 31 11 74
49 Bore-matic, standard, double end	6″ diameter bore, x 12″ table travel	1,216	3411 32 11 74
49 Bore-matic, special, double end	6″ diameter bore, x 16½″ table travel	1,211	3411 32 11 78
45 Bore-matic, special, single end	12″ diameter bore, x 20″ table travel	1,993	3411 31 22 67
46 Bore-matic, standard, single end	9″ diameter bore, x 14″ table travel	1,451	3411 31 21 27
46 Bore-matic, standard, double end	9″ diameter bore, x 14″ table travel	1,579	3411 32 21 27
46-A Bore-matic, standard, single end	9″ diameter bore, x 14″ table travel	1,451	3411 31 21 27
46-A Bore-matic, standard, double end	9″ diameter bore, x 14″ table travel	1,579	3411 32 21 27
46-B Bore-matic, special, single end	9″ diameter bore, x 18½″ table travel	1,467	3411 31 22 17
46-B Bore-matic, special, single end	9″ diameter bore, x 23″ table travel	1,476	3411 31 22 22
46-B Bore-matic, special, double end	9″ diameter bore, x 18½″ table travel	1,620	3411 32 22 17
46-B Bore-matic, special, double end	9″ diameter bore, x 23″ table travel	1,656	3411 32 22 22
47 Bore-matic, single end	9″ diameter bore, x 13⅝″ table travel	1,178	3411 31 21 26
49 Bore-matic, special, single end	6″ diameter bore, x 20″ table travel	1,182	3411 31 12 62

Manufacturer: Stokerunit Corporation, Milwaukee, Wis.

NOTE: Table amended Jan. 15, 1947.

Mod. 1 horizontal, single end	4″ diameter bore, x 9″ table travel	$354	3411 31 11 39
Mod. 2-B horizontal, single end	8″ diameter bore, x 15″ table travel	434	3411 31 21 13
Mod. 1-LD-1 horizontal, double end	4″ diameter bore, x 9″ table travel	515	3411 32 11 39
Mod. 1-L-1 single end	4″ diameter bore, x 15″ table travel	343	3411 31 11 45
Mod. 2 single end	4″ diameter bore, x 15″ table travel	416	3411 31 11 45
Mod. 1-L-3 single end	8″ diameter bore, x 15″ table travel	370	3411 31 21 13
Mod. 2-D-1 double end	4″ diameter bore, x 9″ table travel	495	3411 32 11 39
Mod. 2-LD-1 double end	4″ diameter bore, x 15″ table travel	542	3411 32 11 45
Mod. 1-LDS double end	8″ diameter bore, x 15″ table travel	595	3411 32 21 13
Mod. 2-LD-3 double end	8″ diameter bore, x 15″ table travel	588	3411 32 21 13
Mod. 2 (200 series) double end	8″ diameter bore, x 16″ table travel	1,242	3411 32 21 14

EXHIBIT D—Continued

[TABLE 2]

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)

Manufacturer—Charles C. Allen Co., Barre, Mass.

Model and description	Size and capacity	Sales price	Code
HMD—Bench—SS	5/16" drill capacity, 16" swing, 1 spindle	$194	3413 11 21 66
HMD—Bench—SS	5/16" drill capacity, 16" swing, 3 spindle	474	3413 11 23 66
HMD—Bench—SS	5/16" drill capacity, 16" swing, 6 spindle	893	3413 11 26 66
HMD—Bench—SS	5/16" drill capacity, 16" swing, 3 spindle	511	3413 21 23 46
HMD—Super speed (floor)	5/16" drill capacity, 16" swing, 4 spindle	657	3413 21 24 46
HMD—Super speed (floor)	5/16" drill capacity, 16" swing, 6 spindle	948	3413 21 26 46
HMD—Super speed (floor)	5/16" drill capacity, 24" swing, 1 spindle	229	3413 21 31 62
HMD—Super speed (floor)	5/16" drill capacity, 24" swing, 2 spindle	382	3413 21 32 62
HMD—Super speed (floor)	5/16" drill capacity, 24" swing, 3 spindle	535	3413 21 33 62
HMD—Super speed (floor)	5/16" drill capacity, 24" swing, 4 spindle	177	3413 21 41 49
2-KH (floor)	5/8" drill capacity, 14" swing, 1 spindle	279	3413 21 42 49
2-KH (floor)	5/8" drill capacity, 14" swing, 2 spindle	381	3413 21 43 49
2-KH (floor)	5/8" drill capacity, 14" swing, 3 spindle	483	3413 21 44 49
2-KH (floor)	5/8" drill capacity, 14" swing, 4 spindle	687	3413 21 46 49
2-KH (floor)	5/8" drill capacity, 14" swing, 6 spindle	185	3413 21 61 41
2-KH (floor)	5/8" drill capacity, 24" swing, 1 spindle	295	3413 21 62 41
2-KH (floor)	5/8" drill capacity, 24" swing, 2 spindle	394	3413 21 63 41
2-KH (floor)	5/8" drill capacity, 24" swing, 3 spindle	513	3413 21 64 41
2-KH (floor)	5/8" drill capacity, 24" swing, 4 spindle	732	3413 21 66 41
2-KH (floor)	5/8" drill capacity, 24" swing, 6 spindle	240	3413 21 51 81
2-MSV (floor)	7/8" drill capacity, 16" swing, 1 spindle	449	3413 21 52 81
2-MS (floor)	7/8" drill capacity, 16" swing, 2 spindle	409	3413 21 62 81
2-MS (floor)	7/8" drill capacity, 24" swing, 2 spindle	910	3413 21 64 81
2-MS (floor)	7/8" drill capacity, 24" swing, 4 spindle	718	3413 21 63 87
2-MS (floor)	7/8" drill capacity, 30" swing, 3 spindle	183	3413 21 51 81
2-V Belted (floor)	7/8" drill capacity, 16" swing, 1 spindle	266	3413 21 52 81
2-V Belted (floor)	7/8" drill capacity, 16" swing, 2 spindle	440	3413 21 54 81
2-V Belted (floor)	7/8" drill capacity, 16" swing, 4 spindle	382	3413 21 63 81
2-V Belted (floor)	7/8" drill capacity, 24" swing, 3 spindle	196	3413 21 61 87
2-V Belted (floor)	7/8" drill capacity, 30" swing, 1 spindle	449	3413 21 82 21
2½-MSV (floor)	1 1/16" drill capacity, 16" swing, 2 spindle	810	3413 21 84 21
2½-MSV (floor)	1 1/16" drill capacity, 16" swing, 4 spindle	1,171	3413 21 86 21
2½-MSV (floor)	1 1/16" drill capacity, 16" swing, 6 spindle	281	3413 21 91 21
2½-MSV (floor)	1 1/16" drill capacity, 24" swing, 1 spindle	469	3413 21 92 21
2½-MSV (floor)	1 1/16" drill capacity, 24" swing, 2 spindle	845	3413 21 94 21
2½-MSV (floor)	1 1/16" drill capacity, 24" swing, 4 spindle	1,033	3413 21 95 21
2½-MSV (floor)	1 1/16" drill capacity, 24" swing, 5 spindle	268	3413 21 91 41
3-V Belted (floor)	1 1/4" drill capacity, 24" swing, 1 spindle	449	3413 21 92 41
3-V Belted (floor)	1 1/4" drill capacity, 24" swing, 2 spindle	632	3413 21 93 41
3-V Belted (floor)	1 1/4" drill capacity, 24" swing, 3 spindle		

Manufacturer: Atlas Press Company, Kalamazoo, Mich.

Model 42-B Bench, round column	1/2" drill capacity, 12" swing, 1 spindle	$15	3413 12 41 07
Model 52 Bench, round column	1/2" drill capacity, 12 3/4" swing, 1 spindle	20	3413 12 41 07
Model 53 Bench, round column	1/2" drill capacity, 12 3/4" swing, 1 spindle	20	3413 12 41 07
Model W-82 Floor, round column	1/2" drill capacity, 15" swing, 2 spindle	82	3413 22 42 10
Model W-83 Floor, round column	1/2" drill capacity, 15" swing, 3 spindle	125	3413 22 43 10
Model W-84 Floor, round column	1/2" drill capacity, 15" swing, 4 spindle	142	3413 22 44 10

Manufacturer: Avey Drilling Machine Company, Cincinnati, Ohio

MA-8 Bench, box column	3/8" drill capacity, 12 1/2" swing, 1 spindle	$127	3413 11 21 72
MA-8 Bench, box column	3/8" drill capacity, 12 1/2" swing, 2 spindle	239	3413 11 22 72
MA-8 Bench, box column	3/8" drill capacity, 12 1/2" swing, 1 spindle	146	3413 21 21 72
MA-8 Floor, box column	3/8" drill capacity, 15" swing, 1 spindle	175	3413 21 41 10
1-MA-6 Floor, box column	7/8" drill capacity, 15" swing, 1 spindle	243	3413 21 41 90
2-MA-6 Floor, box column	7/8" drill capacity, 15" swing, 2 spindle	448	3413 21 42 90
2-MA-6 Floor, box column	7/8" drill capacity, 15" swing, 3 spindle	652	3413 21 43 90
2-MA-6 Floor, box column	7/8" drill capacity, 15" swing, 4 spindle	856	3413 21 44 90
2-MA-6 Floor, box column	7/8" drill capacity, 24" swing, 4 spindle	710	3413 21 64 81
2-MA-6 Floor, box column	7/8" drill capacity, 24" swing, 5 spindle	857	3413 21 65 81
2-MA-6 Floor, box column	7/8" drill capacity, 24" swing, 6 spindle	1,044	3413 21 66 81
2-MA-6 Floor, box column	7/8" drill capacity, 30" swing, 3 spindle	729	3413 21 63 87
2-MA-6 Floor, box column	1" drill capacity, 24" swing, 1 spindle	249	3413 21 91 01
No. 3 Belted, floor, box column	1" drill capacity, 24" swing, 6 spindle	2,122	3413 21 96 21
3-MA-6 Floor, box column	1 1/4" drill capacity, 24" swing, 1 spindle	390	3413 21 91 41
3-MA-6 Floor, box column	1 1/4" drill capacity, 24" swing, 3 spindle	1,083	3413 21 93 41
3-MA-6 Floor, box column	1 1/4" drill capacity, 24" swing, 6 spindle	2,122	3413 21 96 41
3-MA-6 Floor, box column	1 1/4" drill capacity, 24" swing, 1 spindle	279	3413 21 91 41
3-BMA-1 Floor, box column	1 1/4" drill capacity, 24" swing, 1 spindle	754	3413 21 93 41
3-BMA-1 Floor, box column	1 1/4" drill capacity, 24" swing, 3 spindle	614	3413 21 93 41
No. 3 Standard floor, box column	1 1/4" drill capacity, 24" swing, 4 spindle	791	3413 21 94 41
No. 3 Standard floor, box column	1 1/4" drill capacity, 24" swing, 4 spindle		

EXHIBIT D—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Barnes Drill Company, Rockford, Ill.

Model and description	Size and capacity	Sales price	Code
No. 206, floor, box column	1" drill capacity, 20" swing, 1 spindle	$276	3413 31 11 50
No. 8–201 floor, heavy duty single purpose	1" drill capacity, 20" swing, 1 spindle	245	3413 33 11 50
No. 210 floor, heavy duty single purpose	1 1/2" drill capacity, 21" swing, 1 spindle	467	3413 31 11 51
No. 210 floor, heavy duty single purpose	1 1/2" drill capacity, 21" swing, 6 spindle	2,923	3413 31 16 51
No. 242 floor, heavy duty single purpose	2" drill capacity, 24" swing, 1 spindle	672	3413 31 21 40
No. 242 floor, box column	2" drill capacity, 24" swing, 4 spindle	2,876	3413 31 24 40
No. 242 floor, box column	2" drill capacity, 24" swing, 1 spindle	696	3413 32 21 40
No. 242 floor, round column	2" drill capacity, 24" swing, 1 spindle	714	3413 31 21 40
No. 262 floor, box column, sliding head	2" drill capacity, 26" swing, 2 spindle	1,484	3413 31 22 40
No. 262 floor, box column, sliding head	2" drill capacity, 26" swing, 4 spindle	2,999	3413 31 24 40
No. 262 floor, box column, sliding head	2" drill capacity, 26" swing, 1 spindle	714	3413 32 21 60
No. 262 floor, round column, sliding head	2" drill capacity, 26" swing, 2 spindle	1,484	3413 32 22 60
No. 262 floor, round column, sliding head	2" drill capacity, 22" swing, 1 spindle	924	3413 33 11 52
No. H–2 Hydram (hydraulic)	3" drill capacity, 24" swing, 1 spindle	1,273	3413 33 21 40
No. H–3 Hydram (hydraulic)	4" drill capacity, 32" swing, 1 spindle	1,842	3413 33 31 40

Manufacturer: Boice Crane Company, Toledo, Ohio

Mod. 1630 bench, light duty	1/2" drill capacity, 15" swing, 2 spindle	$75	3413 12 42 10
Mod. 2600 bench, high speed	5/8" drill capacity, 15" swing, 1 spindle	40	3413 12 41 50
Mod. 2601 bench, high speed	5/8" drill capacity, 15" swing, 1 spindle	41	3413 12 41 50
Mod. 2646 bench, high speed	5/8" drill capacity, 15" swing, 1 spindle	40	3413 12 41 50
Mod. 2633 bench, high speed	5/8" drill capacity, 15" swing, 3 spindle	143	3413 12 43 50
Mod. 2640 bench, high speed	5/8" drill capacity, 15" swing, 4 spindle	193	3413 12 44 50
Mod. 2636 bench, slo-speed	5/8" drill capacity, 15" swing, 1 spindle	27	3413 22 41 10
Mod. 1610 floor, light duty	1/2" drill capacity, 15" swing, 1 spindle	28	3413 22 41 10
Mod. 1611 floor, light duty	1/2" drill capacity, 15" swing, 1 spindle	46	3413 22 41 50
Mod. 2641 floor, high speed	5/8" drill capacity, 15" swing, 1 spindle	46	3413 22 41 50
Mod. 2652 floor, high speed	5/8" drill capacity, 15" swing, 3 spindle	162	3413 22 43 50
Mod. 2644 floor, high speed	5/8" drill capacity, 15" swing, 4 spindle	225	3413 12 44 50
Mod. 2680 floor, high speed	5/8" drill capacity, 15" swing, 1 spindle	42	3413 22 41 50
Mod. 2675 floor, slo-speed	5/8" drill capacity, 15" swing, 1 spindle		

Manufacturer: Buffalo Forge Company, Buffalo, N. Y.

Model 14 bench, box column, "high-speed"	1/2" drill capacity, 14" swing, 1 spindle	$89	3413 11 41 09
Model 14 bench, box column, "high-speed"	1/2" drill capacity, 14" swing, 2 spindle	190	3413 11 42 09
Model 14 bench, box column, "high-speed"	1/2" drill capacity, 14" swing, 4 spindle	387	3413 11 44 09
Model 14 bench, box column, "high-speed"	1/2" drill capacity, 15" swing, 1 spindle	22	3413 12 41 10
Model 15–B bench, round column, heavy-duty	1/2" drill capacity, 15" swing, 1 spindle	156	3413 12 52 81
Model 16 bench, round column	3/4" drill capacity, 16" swing, 2 spindle	133	3413 12 82 03
Model 18–P bench, round column	1" drill capacity, 18" swing, 2 spindle	120	3413 21 41 09
Model 14 pedestal, box column, "high-speed"	1/2" drill capacity, 14" swing, 1 spindle	243	3413 21 51 81
Model 2 floor, box column "motor spindle"	7/8" drill capacity, 16" swing, 1 spindle	200	3413 21 61 83
Model 2 floor, box column, "motor spindle"	7/8" drill capacity, 26" swing, 1 spindle	74	3413 22 41 10
Model 15–F floor, round column, heavy duty	1/2" drill capacity, 15" swing, 1 spindle	59	3413 22 81 03
Model 18–A floor, round column	1" drill capacity, 18" swing, 1 spindle	227	3413 22 62 87
Model 16 pedestal, round column	3/4" drill capacity, 30" swing, 2 spindle	647	3413 22 66 87
Model 16 pedestal, round column	3/4" drill capacity, 30" swing, 6 spindle	149	3413 22 81 86
Model 21 round column, standard, back-geared	1 1/2" drill capacity, 21" swing, 1 spindle		

Manufacturer: Canedy-Otto Manufacturing Company, Chicago Heights, Ill.

No. 3000–BV bench, box column	5/8" drill capacity, 16" swing, 1 spindle	$80	3413 11 51 41
No. 3000–BV bench, box column	5/8" drill capacity, 16" swing, 6 spindle	542	3413 11 56 41
No. 18 "Royal" bench, round column	1" drill capacity, 18" swing, 1 spindle	69	3413 12 81 03
No. 18 "Royal" bench, round column	1" drill capacity, 18" swing, 2 spindle	147	3413 12 82 03
No. 18 "Royal" bench, round column	1" drill capacity, 18" swing, 6 spindle	475	3413 12 86 03
No. 18 "Royal" bench, round column	1" drill capacity, 18" swing, 6 spindle	172	3413 21 21 75
No. 5000–FV floor, box column	5/8" drill capacity, 16" swing, 1 spindle	309	3413 31 11 51
No. 21 floor, box column, sliding head	1 1/2" drill capacity, 21" swing, 1 spindle		

Manufacturer: Champion Blower and Forge Company, Lancaster, Penna.

Model 1500–B bench, round column	1/2" drill capacity, 16" swing, 1 spindle	$22	3413 12 51 01

EXHIBIT D—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Cincinnati Bickford Tool Co., Cincinnati, Ohio

Model and description	Size and capacity	Sales price	Code
Mod. 1–L floor, box column	Drill cap. not given, 21" swing, 1 spindle	$536	3413 31 11 51
Mod. N floor, box column	Drill cap. not given, 21" swing, 1 spindle	290	3413 31 11 51
Mod. 3–L floor, box column	Drill cap. not given, 28" swing, 1 spindle	796	3413 31 31 40
Mod. A floor, round column	Drill cap. not given, 21" swing, 1 spindle	232	3413 32 11 51
Mod. B floor, round column	Drill cap. not given, 24" swing, 1 spindle	362	3413 32 21 40
Mod. B floor, round column	Drill cap. not given, 36" swing, 1 spindle	464	3413 32 31 48

Manufacturer: Cleereman Machine Tool Co., Green Bay, Wis.

Mod. 25" floor, box column	2" drill capacity, 25" swing, 1 spindle	$735	3413 31 21 50
Mod. 25" floor, round column	2" drill capacity, 25" swing, 1 spindle	720	3413 32 21 50

Manufacturer: Defiance Machine Works, Inc., Defiance, Ohio

Model 112—21" floor, box column	Drill capacity not given, 21" swing, 1 spindle.	$427	3413 31 11 51
Model 200—26" floor, box column	Drill capacity not given, 26" swing, 1 spindle.	471	3413 31 21 60

Manufacturer: The Delta Manufacturing Company, Milwaukee, Wis.

No. 14–306 bench, round column	3/8" drill capacity, 14" swing, 1 spindle	$43	3413 12 21 74
No. 999 bench, round column	3/8" drill capacity, 14" swing, 1 spindle	34	3413 12 21 74
No. 1013 bench, round column	3/8" drill capacity, 14" swing, 1 spindle	43	3413 12 21 74
No. 1011 bench, round column	3/8" drill capacity, 14" swing, 1 spindle	44	3413 12 21 74
No. 17–307 bench, round column	1/2" drill capacity, 17" swing, 1 spindle	70	3413 12 51 02
No. 1377 bench, round column	1/2" drill capacity, 17" swing, 1 spindle	70	3413 12 51 02
No. 1375 bench, round column	3/4" drill capacity, 17" swing, 1 spindle	65	3413 12 51 02
No. 14–208 floor, round column	3/8" drill capacity, 14" swing, 1 spindle	36	3413 22 21 74
No. 989 floor, round column	3/8" drill capacity, 14" swing, 1 spindle	36	3413 22 21 74
No. 1590 floor, round column	3/8" drill capacity, 14" swing, 1 spindle	42	3413 22 21 74
No. 1591 floor, round column	3/8" drill capacity, 14" swing, 1 spindle	48	3413 22 21 74
No. 970 floor, round column	3/4" drill capacity, 14" swing, 1 spindle	38	3413 22 21 74
No. 14–405 floor, round column	3/8" drill capacity, 14" swing, 2 spindle	112	3413 22 22 74
No. 14–406 floor, round column	3/8" drill capacity, 14" swing, 2 spindle	110	3413 22 22 74
No. 1540 floor, round column	3/8" drill capacity, 14" swing, 2 spindle	113	3413 22 22 74
No. 14–410 floor, round column	3/8" drill capacity, 14" swing, 3 spindle	180	3413 22 23 74
No. 14–415 floor, round column	3/8" drill capacity, 14" swing, 4 spindle	217	3413 22 24 74
No. 14–520 floor, round column	3/8" drill capacity, 14" swing, 6 spindle	369	3413 22 26 74
No. 14–528 floor, round column	3/8" drill capacity, 14" swing, 8 spindle	449	3413 22 28 74
No. 17–212 floor, round column	1/2" drill capacity, 17" swing, 1 spindle	62	3413 22 51 02
No. 17–213 floor, round column	1/2" drill capacity, 17" swing, 1 spindle	62	3413 22 51 02
No. 17–1376 floor, round column	1/2" drill capacity, 17" swing, 1 spindle	58	3413 22 51 02
No. 1376–H floor, round column	1/2" drill capacity, 17" swing, 1 spindle	58	3413 22 51 02
No. 1385 floor, round column	1/2" drill capacity, 17" swing, 1 spindle	65	3413 22 51 02
No. 1383 floor, round column	1/2" drill capacity, 17" swing, 1 spindle	62	3413 22 51 02
No. 1387–H floor, round column	1/2" drill capacity, 17" swing, 1 spindle	86	3413 22 51 02
No. 17–407 floor, round column	1/2" drill capacity, 17" swing, 2 spindle	178	3413 22 52 02
No. 1546 floor, round column	1/2" drill capacity, 17" swing, 2 spindle	178	3413 22 52 02
No. 1548 floor, round column	1/2" drill capacity, 17" swing, 2 spindle	178	3413 22 52 02
No. 1556 floor, round column	1/2" drill capacity, 17" swing, 4 spindle	338	3413 22 54 02
No. 17–205 floor, round column	3/4" drill capacity, 17" swing, 1 spindle	56	3413 22 51 62
No. 17–210 floor, round column	3/4" drill capacity, 17" swing, 1 spindle	60	3413 22 51 62
No. P–1382 floor, round column	3/4" drill capacity, 17" swing, 1 spindle	82	3413 22 51 62
No. 17–290 floor, round column	3/4" drill capacity, 17" swing, 1 spindle	82	3413 22 51 62
No. 1370 floor, round column	3/4" drill capacity, 17" swing, 1 spindle	56	3413 22 51 62
No. 1382 floor, round column	3/4" drill capacity, 17" swing, 1 spindle	60	3413 22 51 62
No. 1382–H floor, round column	3/4" drill capacity, 17" swing, 1 spindle	60	3413 22 51 62
No. 1386 floor, round column	3/4" drill capacity, 17" swing, 1 spindle	67	3413 22 51 62
No. 1386–H floor, round column	3/4" drill capacity, 17" swing, 1 spindle	67	3413 22 51 62

EXHIBIT D—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Edlund Machinery Company, Inc., Cortland, N. Y.

Model and description	Size and capacity	Sales price	Code
1–B–7" floor type	3/8" drill capacity, 14" swing, 1 spindle	$140	3413 21 21 74
1–B–7" floor type	3/8" drill capacity, 14" swing, 2 spindle	239	3413 21 22 74
1–B–7" floor type	3/8" drill capacity, 14" swing, 3 spindle	330	3413 21 23 74
1–B–7" floor type	3/8" drill capacity, 14" swing, 4 spindle	391	3413 21 24 74
1–B–7" floor type	3/8" drill capacity, 14" swing, 6 spindle	604	3413 21 26 74
1–B–12" floor type	3/8" drill capacity, 24" swing, 1 spindle	152	3413 21 31 75
1–B–12" floor type	3/8" drill capacity, 24" swing, 3 spindle	348	3413 21 33 75
1–B–12" floor type	3/8" drill capacity, 24" swing, 4 spindle	411	3413 21 34 75
2–B–8" floor type	3/4" drill capacity, 16" swing, 1 spindle	195	3413 21 51 61
2–B–8" floor type	3/4" drill capacity, 16" swing, 2 spindle	356	3413 21 52 61
2–B–8" floor type	3/4" drill capacity, 16" swing, 3 spindle	524	3413 21 53 61
2–B–8" floor type	3/4" drill capacity, 16" swing, 4 spindle	691	3413 21 54 61
2–B–8" floor type	3/4" drill capacity, 16" swing, 6 spindle	1,025	3413 21 56 61
3–B–12" floor type	3/4" drill capacity, 24" swing, 1 spindle	208	3413 21 61 61
3–B–12" floor type	3/4" drill capacity, 24" swing, 2 spindle	378	3413 21 62 61
3–B–12" floor type	3/4" drill capacity, 24" swing, 3 spindle	588	3413 21 63 61
3–B–12" floor type	3/4" drill capacity, 24" swing, 4 spindle	775	3413 21 64 61
3–B–12" floor type	3/4" drill capacity, 24" swing, 6 spindle	1,019	3413 21 66 61
2–MS–12" floor type	3/4" drill capacity, 30" swing, 2 spindle	468	3413 21 62 67
4–B–12" floor type	1" drill capacity, 24" swing, 1 spindle	293	3413 21 91 01

Manufacturer: Foote-Burt Company, Cleveland, Ohio

Mod. DE–1 floor, box column	3/16" drill capacity, 14" swing, 1 spindle	$127	3413 21 21 44
Mod. 2 floor, box column	7/8" drill capacity, 16" swing, 1 spindle	147	3413 21 51 81
Mod. 2 floor, box column	7/8" drill capacity, 16" swing, 2 spindle	255	3413 21 52 81
Mod. 2 floor, box column	7/8" drill capacity, 16" swing, 6 spindle	796	3413 21 56 81
Mod. 2 floor, box column	7/8" drill capacity, 24" swing, 1 spindle	156	3413 21 61 81
Mod. 2 floor, box column	7/8" drill capacity, 24" swing, 2 spindle	274	3413 21 62 81
Mod. 2 floor, box column	7/8" drill capacity, 24" swing, 3 spindle	391	3413 21 63 81
Mod. 2 floor, box column	7/8" drill capacity, 24" swing, 4 spindle	510	3413 21 64 81
Mod. 2 floor, box column	7/8" drill capacity, 24" swing, 6 spindle	745	3413 21 66 81
Mod. 3 floor, box column	1 1/4" drill capacity, 24" swing, 1 spindle	279	3413 21 91 41
Mod. 1 floor, box column, belt drive, independent feed.	3/4" drill capacity, 16 1/2" swing, 8 spindle	1,119	3413 31 18 46
Mod. 22 1/2 floor, box column, high duty	21 1/2" drill capacity, 24" swing, 1 spindle	643	3413 31 21 40
Mod. 25 floor, box column, high duty	3" drill capacity, 24" swing, 1 spindle	787	3413 31 21 40

Manufacturer: The Fosdick Machine Tool Company, Cincinnati, Ohio

No. 4 floor, box column	7/8" drill capacity, 24" swing, 1 spindle	$255	3413 21 61 81
No. 4 floor, box column	7/8" drill capacity, 24" swing, 3 spindle	601	3413 21 63 81
No. 4 floor, box column	7/8" drill capacity, 24" swing, 4 spindle	793	3413 21 64 81
No. 4 B. M. floor, box column	1" drill capacity, 16" swing, 1 spindle	293	3413 21 81 01
No. 4 B. M. floor, box column	1" drill capacity, 16" swing, 2 spindle	293	3413 21 82 01
No. 4 B. M. floor, box column	1" drill capacity, 24" swing, 1 spindle	307	3413 21 91 01
No. 4 B. M. floor, box column	1" drill capacity, 24" swing, 4 spindle	1,009	3413 21 94 01
No. 5 B. M. floor, box column	1 1/2" drill capacity, 24" swing, 1 spindle	722	3413 21 91 81
No. 5 B. M. floor, box column	1 1/2" drill capacity, 24" swing, 2 spindle	790	3413 21 92 81
No. 5 B. M. floor, box column	1 1/2" drill capacity, 24" swing, 6 spindle	2,219	3413 21 96 81
"Economax" floor, round column	2" drill capacity, 21" swing, 1 spindle	540	3413 32 10 51

Manufacturer: The Hamilton Tool Company, Hamilton, Ohio

No. 2 A–M bench, supersensitive	1/4" drill capacity, 6 1/2" swing, 1 spindle	$37	3413 12 11 56
H–M Maxi-Jr. "F" bench supersensitive	5/16" drill capacity, 10" swing, 1 spindle	58	3413 12 11 70
H–M varimatic bench supersensitive	5/16" drill capacity, 10" swing, 1 spindle	81	3413 12 11 70

Manufacturer: The High Speed Hammer Company, Rochester, N. Y.

R–53 bench, round column	1/4" drill capacity, 6" swing, 1 spindle	$58	3413 12 11 56
R–53 bench, round column	1/4" drill capacity, 6" swing, 2 spindle	116	3413 12 12 56

EXHIBIT D—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Langelier Manufacturing Company, Providence, R. I.

Model and description	Size and capacity	Sales price	Code
No. 41 bench, round column	¾″ drill capacity, 8″ swing, 1 spindle	$38	3413 12 11 58

Manufacturer: Leland Gifford Company, Worcester, Mass.

No. 1-LMS bench, motor spindle	⅜″ drill capacity, 12″ swing, 1 spindle	$136	3413 11 21 72
No. 1-LMS bench, motor spindle	⅜″ drill capacity, 12″ swing, 2 spindle	250	3413 11 22 72
No. 1-LMS bench, motor spindle	⅜″ drill capacity, 12″ swing, 4 spindle	484	3413 11 24 72
No. 1-LMS bench, motor spindle	⅜″ drill capacity, 12″ swing, 6 spindle	698	3413 11 26 72
No. 1-LMS floor, motor spindle	⅜″ drill capacity, 12″ swing, 1 spindle	156	3413 21 21 72
No. 1-LMS floor, motor spindle	⅜″ drill capacity, 12″ swing, 2 spindle	274	3413 21 22 72
No. 1-LMS floor, motor spindle	⅜″ drill capacity, 12″ swing, 3 spindle	414	3413 21 23 72
No. 1-LMS floor, motor spindle	⅜″ drill capacity, 20″ swing, 1 spindle	147	3413 11 21 80
No. 1-LMS bench, motor spindle	⅜″ drill capacity, 20″ swing, 2 spindle	327	3413 11 24 80
No. 1-LMS bench, motor spindle	⅜″ drill capacity, 20″ swing, 4 spindle	168	3413 21 21 80
No. 1-LMS floor, motor spindle	⅜″ drill capacity, 20″ swing, 1 spindle	308	3413 21 24 80
No. 1-LMS floor, motor spindle	⅜″ drill capacity, 20″ swing, 2 spindle	449	3413 21 23 80
No. 1-LMS floor, motor spindle	⅜″ drill capacity, 20″ swing, 3 spindle	275	3413 21 41 89
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 14″ swing, 1 spindle	475	3413 21 42 89
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 14″ swing, 2 spindle	691	3413 21 43 89
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 14″ swing, 3 spindle	907	3413 21 44 89
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 14″ swing, 4 spindle	1,109	3413 21 45 89
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 14″ swing, 5 spindle	1,312	3413 21 46 89
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 14″ swing, 6 spindle	285	3413 21 51 85
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 20″ swing, 1 spindle	491	3413 21 52 85
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 20″ swing, 2 spindle	714	3413 21 53 85
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 20″ swing, 3 spindle	935	3413 21 54 85
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 20″ swing, 4 spindle	1,349	3413 21 56 85
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 20″ swing, 6 spindle	297	3413 21 61 83
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 26″ swing, 1 spindle	514	3413 21 62 83
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 26″ swing, 2 spindle	751	3413 21 63 83
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 26″ swing, 3 spindle	984	3413 21 64 83
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 26″ swing, 4 spindle	1,206	3413 21 65 83
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 26″ swing, 5 spindle	1,426	3413, 21 66 83
No. 2-LMS floor, motor spindle	⅞″ drill capacity, 26″ swing, 6 spindle	427	3413 21 91 01
No. 3-MS floor, motor spindle	1″ drill capacity, 24″ swing, 1 spindle	780	3413 21 92 01
No. 3-MS floor, motor spindle	1″ drill capacity, 24″ swing, 2 spindle	1,154	3413 21 93 01
No. 3-MS floor, motor spindle	1″ drill capacity, 24″ swing, 3 spindle		

Manufacturer: National Automatic Tool Company, Inc., Richmond, Ind.

B-2-A floor, box column, selective speed head	Drill capacity not given, 20″ swing, 1 spindle.	$1,066	3413 33 11 50
B-2-B floor, box column	Drill capacity not given, 20″ swing, 1 spindle.	1,066	3413 33 11 50
B-225-H floor, box column	Drill capacity not given, 20″ swing, 1 spindle.	640	3413 33 11 50
C-225-H floor, box column	Drill capacity not given, 20″ swing, 1 spindle.	640	3413 33 11 50
3-AL floor, box column, selective speed head	Drill capacity not given, 28″ swing, 1 spindle.	1,485	3413 33 21 44
3-BL floor, box column	Drill capacity not given, 28″ swing, 1 spindle.	1,485	3413 33 21 44
B-3-A floor, box column, selective speed head	Drill capacity not given, 28″ swing, 1 spindle.	1,485	3413 33 21 44
B-3-B floor, box column	Drill capacity not given, 28″ swing, 1 spindle.	1,485	3413 33 21 44
4-BL floor, box column	Drill capacity not given, 34″ swing, 1 spindle.	1,485	3413 33 31 42
B-4-A floor, box column, selective speed head	Drill capacity not given, 34″ swing, 1 spindle.	1,766	3413 33 31 42
B-4-B floor, box column	Drill capacity not given, 34″ swing, 1 spindle.	1,766	3413 33 31 42

Manufacturer: The Taylor and Fenn Company, Hartford, Conn.

Mod. S bench, box column	¾″ drill capacity, 16″ swing, 6 spindle	$409	3413 11 26 76
Mod. S floor, box column	¾″ drill capacity, 16″ swing, 6 spindle	477	3413 21 26 76

EXHIBIT D—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Taylor Manufacturing Company, Milwaukee, Wis.

Model and description	Size and capacity	Sales price	Code
No. E-400 bench, hi-duty	½″ drill capacity, 32″ swing, 1 spindle	$29	3413 12 61 09
No. E-800 bench, hi-duty	¾″ drill capacity, 20″ swing, 1 spindle	83	3413 22 21 60

Manufacturer: The Toledo General Manufacturing Company, Toledo, Ohio

NOTE: Table amended Jan. 15, 1947.

Model DAH bench, box column	⅜″ drill capacity, 16″ swing, 1 spindle	$97	3413 11 31 76
Model DAH bench, box column	⅜″ drill capacity, 16″ swing, 2 spindle	164	3413 11 32 76
Model DAH bench, box column	⅜″ drill capacity, 16″ swing, 3 spindle	227	3413 11 33 76
Model DAH bench, box column	⅜″ drill capacity, 16″ swing, 4 spindle	291	3413 11 34 76
Model DAH bench, box column	⅜″ drill capacity, 16″ swing, 6 spindle	433	3413 11 36 76
Model DAH bench, box column	⅜″ drill capacity, 16″ swing, 1 spindle	109	3413 11 31 76
Model DAV bench, box column	⅜″ drill capacity, 16″ swing, 2 spindle	191	3413 11 32 76
Model DAV bench, box column	⅜″ drill capacity, 16″ swing, 3 spindle	276	3413 11 33 76
Model DAV bench, box column	⅜″ drill capacity, 16″ swing, 4 spindle	361	3413 11 34 76
Model DAV bench, box column	⅜″ drill capacity, 16″ swing, 6 spindle	518	3413 11 36 76
Model DAV bench, box column	⅜″ drill capacity, 16″ swing, 1 spindle	101	3413 11 51 41
Model DBH bench, box column	⅜″ drill capacity, 16″ swing, 2 spindle	172	3413 11 52 41
Model DBH bench, box column	⅜″ drill capacity, 16″ swing, 3 spindle	229	3413 11 53 41
Model DBH bench, box column	⅜″ drill capacity, 16″ swing, 4 spindle	313	3413 11 54 41
Model DBH bench, box column	⅜″ drill capacity, 16″ swing, 6 spindle	452	3413 11 56 41
Model DBV bench, box column	⅜″ drill capacity, 16″ swing, 1 spindle	110	3413 11 51 41
Model DBV bench, box column	⅜″ drill capacity, 16″ swing, 2 spindle	188	3413 11 52 41
Model DBV bench, box column	⅜″ drill capacity, 16″ swing, 3 spindle	276	3413 11 53 41
Model DBV bench, box column	⅜″ drill capacity, 16″ swing, 4 spindle	360	3413 11 54 41
Model DBV bench, box column	⅜″ drill capacity, 16″ swing, 6 spindle	531	3413 11 56 41
Model DAH floor, box column	⅜″ drill capacity, 16″ swing, 1 spindle	118	3413 21 31 46
Model DAH floor, box column	⅜″ drill capacity, 16″ swing, 2 spindle	191	3413 21 32 46
Model DAH floor, box column	⅜″ drill capacity, 16″ swing, 3 spindle	262	3413 21 33 46
Model DAH floor, box column	⅜″ drill capacity, 16″ swing, 4 spindle	333	3413 21 34 46
Model DAH floor, box column	⅜″ drill capacity, 16″ swing, 6 spindle	499	3413 21 36 46
Model DAV floor, box column	⅜″ drill capacity, 16″ swing, 1 spindle	117	3413 21 31 46
Model DAV floor, box column	⅜″ drill capacity, 16″ swing, 2 spindle	202	3413 21 32 46
Model DAV floor, box column	⅜″ drill capacity, 16″ swing, 3 spindle	296	3413 21 33 46
Model DAV floor, box column	⅜″ drill capacity, 16″ swing, 4 spindle	374	3413 21 34 46
Model DAV floor, box column	⅜″ drill capacity, 16″ swing, 6 spindle	573	3413 21 36 46
Model DBH floor, box column	⅜″ drill capacity, 16″ swing, 1 spindle	130	3413 21 51 41
Model DBH floor, box column	⅜″ drill capacity, 16″ swing, 2 spindle	193	3413 21 52 41
Model DBH floor, box column	⅜″ drill capacity, 16″ swing, 3 spindle	268	3413 21 53 41
Model DBH floor, box column	⅜″ drill capacity, 16″ swing, 4 spindle	357	3413 21 54 41
Model DBH floor, box column	⅜″ drill capacity, 16″ swing, 6 spindle	513	3413 21 56 41
Model DBV floor, box column	⅜″ drill capacity, 16″ swing, 1 spindle	123	3413 21 51 41
Model DBV floor, box column	⅜″ drill capacity, 16″ swing, 2 spindle	211	3413 21 52 41
Model DBV floor, box column	⅜″ drill capacity, 16″ swing, 3 spindle	311	3413 21 53 41
Model DBV floor, box column	⅜″ drill capacity, 16″ swing, 4 spindle	392	3413 21 54 41
Model DBV floor, box column	⅜″ drill capacity, 16″ swing, 6 spindle	615	3413 21 56 41
Model DAV floor, box column	⅞″ drill capacity, 16″ swing, 1 spindle	146	3413 21 51 81
Model KEH floor, box column	⅞″ drill capacity, 16″ swing, 2 spindle	237	3413 21 52 81
Model KEH floor, box column	⅞″ drill capacity, 16″ swing, 3 spindle	328	3413 21 53 81
Model KEH floor, box column	⅞″ drill capacity, 16″ swing, 4 spindle	418	3413 21 54 81
Model KEH floor, box column	⅞″ drill capacity, 16″ swing, 6 spindle	617	3413 21 56 81
Model KEH floor, box column	⅞″ drill capacity, 16″ swing, 1 spindle	142	3413 21 51 81
Model KEV floor, box column	⅞″ drill capacity, 16″ swing, 2 spindle	241	3413 21 52 81
Model KEV floor, box column	⅞″ drill capacity, 16″ swing, 3 spindle	346	3413 21 53 81
Model KEV floor, box column	⅞″ drill capacity, 16″ swing, 4 spindle	452	3413 21 54 81
Model KEV floor, box column	⅞″ drill capacity, 16″ swing, 6 spindle	668	3413 21 56 81
Model KE-VS floor, box column	1″ drill capacity, 16″ swing, 1 spindle	142	3413 21 81 81
Model KE-VS floor, box column	1″ drill capacity, 16″ swing, 2 spindle	241	3413 21 82 01
Model KE-VS floor, box column	1″ drill capacity, 16″ swing, 3 spindle	346	3413 21 83 01
Model KE-VS floor, box column	1″ drill capacity, 16″ swing, 4 spindle	452	3413 21 84 01
Model KE-VS floor, box column	1″ drill capacity, 16″ swing, 6 spindle	668	3413 21 86 01
Model KTE floor, box column	⅞″ drill capacity, 24″ swing, 1 spindle	169	3413 21 61 81
Model KTH floor, box column	⅞″ drill capacity, 24″ swing, 2 spindle	252	3413 21 62 81
Model KTH floor, box column	⅞″ drill capacity, 24″ swing, 3 spindle	346	3413 21 63 81
Model KTH floor, box column	⅞″ drill capacity, 24″ swing, 4 spindle	448	3413 21 64 81
Model KTH floor, box column	⅞″ drill capacity, 24″ swing, 6 spindle	652	3413 21 66 81
Model KTV floor, box column	⅞″ drill capacity, 24″ swing, 1 spindle	135	3413 21 61 81
Model KTV floor, box column	⅞″ drill capacity, 24″ swing, 2 spindle	260	3413 21 62 81
Model KTV floor, box column	⅞″ drill capacity, 24″ swing, 3 spindle	369	3413 21 63 81
Model KTV floor, box column	⅞″ drill capacity, 24″ swing, 4 spindle	483	3413 21 64 81
Model KTV floor, box column	⅞″ drill capacity, 24″ swing, 6 spindle	701	3413 21 66 81
Model KT-VS floor, box column	1″ drill capacity, 24″ swing, 1 spindle	155	3413 21 91 01
Model KT-VS floor, box column	1″ drill capacity, 24″ swing, 2 spindle	269	3413 21 92 01
Model KT-VS floor, box column	1″ drill capacity, 24″ swing, 3 spindle	369	3413 21 93 01
Model KT-VS floor, box column	1″ drill capacity, 24″ swing, 4 spindle	488	3413 21 94 01
Model KT-VS floor, box column	1″ drill capacity, 24″ swing, 6 spindle	704	3413 21 96 01

EXHIBIT D—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Walker-Turner Company, Inc., East Plainfield, N. J.

Model and description	Size and capacity	Sales price	Code
D-901 bench, round column	½″ drill capacity, 15″ swing, 1 spindle	$31	3413 12 41 10
D-950 bench, round column	½″ drill capacity, 15″ swing, 1 spindle	26	3413 12 41 10
D-951 bench, round column	½″ drill capacity, 15″ swing, 1 spindle	26	3413 12 41 10
D-902 bench, round column	½″ drill capacity, 15″ swing, 2 spindle	57	3413 12 42 10
D-1100 bench, round column	1″ drill capacity, 20″ swing, 1 spindle	80	3413 12 81 05
D-1100F bench, round column	1″ drill capacity, 20″ swing, 1 spindle	114	3413 12 81 05
D-1101 bench, round column	1″ drill capacity, 20″ swing, 1 spindle	80	3413 12 81 05
D-1102F bench, round column	1″ drill capacity, 20″ swing, 2 spindle	226	3413 12 82 05
D-1104 bench, round column	1″ drill capacity, 20″ swing, 4 spindle	330	3413 12 84 05
D-901 pedestal, round column	½″ drill capacity, 15″ swing, 1 spindle	40	3413 22 41 10
D-935 floor, round column	½″ drill capacity, 15″ swing, 1 spindle	26	3413 22 41 10
D-936 floor, round column	½″ drill capacity, 15″ swing, 1 spindle	29	3413 22 41 10

[TABLE 3]

Gear hobber—horizontal

Manufacturer: Barber-Colman Company, Rockford, Ill.

No. 3 precision horizontal	5″ diameter x 7″ face width	$806	3414 11 22 26
Type "A" horizontal	12″ diameter x 12″ face width	1,276	3414 11 42 06
Type "A" long bed horizontal	12″ diameter x 30″ face width	1,466	3414 11 43 00
Type "D" horizontal hydraulic	14″ diameter x 14″ face width	2,552	3414 11 42 66

Manufacturer: The Hamilton Tool Company, Hamilton, Ohio

NOTE: Table added Jan. 15, 1947.

No. 00 Spur gear hobber	2″ diameter, 1.6″ feed	$549	3414 11 11 49
No. 1 Spur and spiral gear hobber	6″ diameter, 5″ feed	989	3414 11 21 58

Gear hobber—vertical, universal

Manufacturer: The Cleveland Hobbing Machine Company, Cleveland, Ohio

No. 135 rigid hobber, single spindle	6″ pitch diameter, 8″ face	$1,105	3414 14 12 26
No. 130 rigid hobber, single spindle	8″ pitch diameter, 8″ face	1,076	3414 14 12 38
No. 140 rigid hobber, single spindle	8″ pitch diameter, 16″ face	1,285	3414 14 13 40
No. 148-A rigid hobber, single spindle	8″ pitch diameter, 16″ face	1,285	3414 14 13 40
No. 145 rigid hobber, single spindle	16″ pitch diameter, 16″ face	1,620	3414 14 22 08
No. 3616 rigid hobber, single spindle	36″ pitch diameter, 16″ face	3,654	3414 14 33 50

Manufacturer: Gould and Eberhardt, Inc., Newark, N. J.

Model 12-H Universal, spur or helical, vertical, single spindle.	18″ pitch diameter, 10″ face	$1,474	3414 14 21 32

Gear Hobber—vertical, plain and universal gear and spline hobbing machines

Manufacturer: Muir Machine Tools, Ltd., Manchester, England

NOTE: Table added Jan. 15, 1947.

No. 1 swivel head pinion hobber	48″ capacity	$2,400	3414 14 40 00
No. 2 swivel head gear hobber	110″ table	5,000	3414 14 60 00
No. 4 swivel head gear hobber	181″ capacity	16,000	3414 14 80 00

EXHIBIT D—Continued

[TABLE 4]

Gear shaper—for spur gears, external or internal

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model and description	Size and capacity				Sales price	Code
	External		Internal			
	Pitch diameter	Face	Pitch diameter	Face		
Mod. 72 (#7 Type) external and internal	6½″	1″	5½″	1″	$1,134	3414 21 11 45
Mod. 712 (#7 Type) external and internal	6½″	1″	5½″	1″	1,134	3414 21 11 45
Mod. 624-A-3 (#6-A-3 Type) external and internal	18″	3″	18″	3″	2,259	3414 21 21 51
Mod. 61-A (#6-A Type) external and internal	18″	5″	18″	3″	1,931	3414 21 21 53
Mod. 612-A (#6-A Type) external and internal	18″	5″	18″	3″	1,972	3414 21 21 53
Mod. 64-A (#6-A Type) external and internal	18″	5″	18″	3″	2,222	3414 21 21 53
Mod. 61 (#6 Type) external and internal	35″	5″	25″	3″	1,506	3414 21 31 67
Mod. 64 (#6 Type) external and internal	35″	5″	25″	3″	1,713	3414 21 31 67
Mod. 624 (#6 Type) external and internal	35″	5″	25″	3″	1,754	3414 21 31 67
Mod. Z-1 (#6 Type) external and internal	35″	5″	25″	3″	2,483	3414 21 31 67
Mod. Z-2 (#6 Type) external and internal	35″	5″	25″	3″	2,949	3414 21 31 67

Gear shaper—For external spur gears only

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model and description	Size and capacity	Sales price	Code
Mod. 7 (#7 Type) external only	7″ pitch diameter, 1½″ face width	$890	3414 22 00 00
Mod. 71 (#7 Type) external only	7″ pitch diameter, 1½″ face width	890	3414 22 00 00
Mod. 7-A (#7-A Type) external only	7″ pitch diameter, 2″ face width	972	3414 22 00 00
Mod. 71-A (#7-A Type) external only	7″ pitch diameter, 2″ face width	972	3414 22 00 00

Gear shaper—for spur and helical gears, external and internal

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model and description	Size and capacity				Sales price	Code
	External		Internal			
	Pitch diameter	Face	Pitch diameter	Face		
Model 3 inch fine pitch spur and helical, external and internal	3″	¾″	3″	¾″	$835	3414 24 11 12
Model 7125 (#7 type) spur and helical, external and internal	6½″	1″	5½″	1″	1,160	3414 24 11 45
Model 725-A (#7 type) spur and helical, external and internal	7″	2″	6″	2″	1,276	3414 24 11 55
Mode 7125-A (#7 type) spur and helical, external and internal	7″	2″	6″	2″	1,276	3414 24 11 55
Model 645-A-3 (#6-A-3 type) spur and helical, external and internal	18″	3″	18″	3″	2,272	3414 24 21 51
Model 615-A (#6-A type) spur and helical, external and internal	18″	5″	18″	3″	1,983	3414 24 21 53
Model 645-A (#6-A type) spur and helical, external and internal	18″	5″	18″	3″	2,272	3414 24 21 53

[TABLE 5]

Gear cutting machine for straight bevel gears, (not planer type)

Manufacturer: Gleason Works, Rochester, N. Y.

Model and description	Size and capacity	Sales price	Code
Model 3″ straight bevel	4¾6″ maximum pitch diameter x 1⅝″ face	$1,136	3414 41 11 28

EXHIBIT D—Continued

[TABLE 6]

Gear tooth grinder—Generating type, for spur and helical gears

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model and description	Size and capacity	Sales price	Code
No. 12 spur and helical, external only	12″ pitch diameter x 1½″ face width	$1,117	3414 71 12 00

Manufacturer: Pratt and Whitney Division, Hartford, Conn.

NOTE: Table amended Jan. 15, 1947.

M–1635 spur gear grinder	10¼″ diameter, 6″ face	$1,791	3414 71 11 00
M–1639 helical gear grinder	13 3/16″ diameter, 6″ face	2,528	3414 71 12 00
M–1679 two wheel helical gear spline grinder	10 3/16″ diameter, 1¼″ face	3,300	3414 71 12 00
M–1838 helical gear grinder	18½″ diameter, 6″ face	4,292	3414 71 12 00
M–1814 helical gear grinder, vertical spindle and ram.	30″ diameter, 10″ face	6,496	3414 71 12 00

Manufacturer: Gleason Works, Rochester, N. Y.

NOTE: Table added Jan. 15, 1947.

No. 14 spiral, bevel, and hypoid gear grinder	16″ pitch diameter, 2″ face	$3,828	3414 71 15 00
No. 17 spiral, bevel, and hypoid gear grinder	23½″ pitch diameter, 2½″ face	5,684	3414 71 15 00

Manufacturer: The Gear Grinding Machine Company, Detroit, Mich.

NOTE: Table amended Jan. 15, 1947.

GG–34 External gear grinder	12″ diameter 15½″ C. to C	$2,483	3414 71 21 00
GG–35 External gear grinder	18″ diameter 15½″ C. to C	2,528	3414 71 21 00
GG–19 External gear and spline grinder	10″ diameter 24″ C. to C	1,729	3414 71 21 00
GG–33 External gear and spline grinder	16″ diameter 42″ C. to C	2,092	3414 71 21 00
GG–12 External gear and spline grinder	12″ diameter 60″ C. to C	2,758	3414 71 21 00
SGG–19 Combination external gear and spline grinder.	10″ diameter 24″ C. to C	1,882	3414 71 21 00
SGG–17 Combination external gear and spline grinder.	12″ diameter 24″ C. to C	2,786	3414 71 21 00
SGG–33 Combination external gear and spline grinder.	16″ diameter 42″ C. to C	2,830	3414 71 21 00
SGG–36 Combination external gear and spline grinder.	18″ diameter 42″ C. to C	2,903	3414 71 21 00
GG–31 Internal gear and spline grinder	12″ diameter 3″ face width	2,593	3414 71 23 00
GG–24–30 external gear grinder	24″ diameter, 30″ C to C	4,408	3414 71 21 00
GG–24–48 external gear grinder	24″ diameter, 48″ C to C	5,104	3414 71 21 00
GG–23–C external gear grinder	33″ diameter, 60″ C to C	4,408	3414 71 21 00
GG–22 external gear grinder	72″ diameter, 120″ C to C	14,221	3414 71 21 00
GG–36 external gear and spline grinder	18″ diameter, 42″ C to C	2,765	3414 71 21 00
SGG–12 combination external gear and spline grinder.	12″ diameter, 60″ C to C	2,897	3414 71 21 00
SGG–15 combination external gear and spline grinder.	16″ diameter, 60″ C to C	2,937	3414 71 21 00
SGG–16 combination external gear and spline grinder.	12″ diameter, 80″ C to C	3,660	3414 71 21 00
GG–29 external and internal gear grinder	12″ diameter external, 5″ diameter internal	2,648	3414 71 00 00
GG–30 internal gear grinder	16″ diameter, 3″ face width	2,792	3414 71 00 00

Manufacturer: National Broach and Machine Company, Detroit, Mich.

NOTE: Table added Jan. 15, 1947.

Model S. G. D. Gear or spline grinder	12″ pitch diameter x 3″ stroke	$2,429	3414 71 21 00
Model S. G. C. Gear or spline grinder	18″ pitch diameter x 3″ stroke	2,647	3414 71 21 00

EXHIBIT D—Continued

[TABLE 6]—continued

Gear tooth grinder—for spur gears, external and internal (formed wheel type machine)

Manufacturer: Pratt and Whitney Division, Hartford, Conn.

NOTE: Table added Jan. 15, 1947.

Model and description	Size and capacity	Sales price	Code
Model M–1504 Rotary type spur gear tooth grinder.	12″ pitch diameter, 1¼″ face	$1,392	3414 71 21 00

Manufacturer: Vinco Corporation, Detroit, Mich.

NOTE: Table added Jan. 15, 1947.

Model 68–12 Horizontal spline or gear grinder	14″ swing, 30″ stroke	$2,865	3414 71 21 00

TABLE 7—*Gear tooth shaver—rack or rotary type, external or internal*

Manufacturer: National Broach and Machine Company, Detroit, Mich.

Model and description	Size and capacity	Sales price	Code
GCL spur and helical, external only	4″ pitch diameter x 53¾″ C. to C	$1,400	3414 73 21 00
GCK–96 spur and helical, external only	96″ pitch diameter x 170″ C. to C	27,840	3414 73 21 00
GCI–8 spur and helical, external and internal	8″ pitch diameter x 28″ C. to C	2,249	3414 73 23 00
GCI–12 spur and helical, external and internal	12″ pitch diameter x 28″ C. to C	2,643	3414 73 23 00
GCI–18 spur and helical, external and internal	18″ pitch diameter x 28″ C. to C	3,253	3414 73 23 00
GCQ–48 spur and helical, external and internal	48″ pitch diameter x 8″ head travel	9,396	3414 73 23 00
Model GCP external spur and helical	24″ pitch diameter x 30″ between centers	4,968	3414 73 21 00
Model GCJ external spur and helical	36″ pitch diameter x 56″ between centers	11,832	3414 73 21 00
Model GCM–36 external spur and helical	36″ pitch diameter x 62″ between centers	10,440	3414 73 21 00
Model GCM–48 external spur and helical	48″ pitch diameter x 110″ between centers	13,224	3414 73 21 00
Model GCK–120 external spur and helical	120″ pitch diameter x 170″ between centers	33,060	3414 73 21 00

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

NOTE: Table added Jan. 15, 1947.

Model 4 external spur and helical, fine pitch	4″ pitch diameter x 1″ face width	$1,166	3414 73 21 00
Model 11 internal spur and helical	Variable pitch diameter x 1¼″ face width	2,113	3414 73 22 00
Model 12 external spur and helical	12″ pitch diameter x 3″ face width	1,989	3414 73 21 00
Model 18 external spur and helical	18″ pitch diameter x 5″ face width	2,384	3414 73 21 00
Model 24 external spur and helical	24″ pitch diameter x 5″ face width	3,756	3414 73 21 00

Manufacturer: Michigan Tool Company, Detroit, Mich.

NOTE: Table added Jan. 15, 1947.

No. 860 external and internal, rotary type	8″ pitch diameter x 18 1/2″ between centers	$2,192	3414 73 23 00
No. 860 external and internal, rotary type	12″ pitch diameter x 18 1/2″ between centers	2,558	3414 73 23 00
No. 860 external and internal, rotary type	16″ pitch diameter x 18 1/2″ between centers	2,893	3414 73 23 00
No. 860 external and internal, rotary type	8″ pitch diameter x 18 1/2″ between centers	2,253	3414 73 23 00
No. 860–B external and internal, rotary type	12″ pitch diameter x 18 1/2″ between centers	2,609	3414 73 23 00
No. 860–B external and internal, rotary type	16″ pitch diameter x 18 1/2″ between centers	2,944	3414 73 23 00
No. 860–B external and internal, rotary type	8″ pitch diameter x 18 1/2″ between centers	2,416	3414 73 23 00
No. 860–A external and internal, rotary type	12″ pitch diameter x 18 1/2″ between centers	2,822	3414 73 23 00
No. 860–A external and internal, rotary type	16″ pitch diameter x 18 1/2″ between centers	3,267	3414 73 23 00
No. 860–A external and internal, rotary type	4″ pitch diameter x 9″ between centers	1,441	3414 73 23 00
No. 861–1B external and internal, rotary type	18″ pitch diameter x 18 1/2″ between centers	4,717	3414 73 23 00
No. 862 external and internal, rotary type	24″ pitch diameter x 18 1/2″ between centers	5,935	3414 73 23 00
No. 862 external and internal, rotary type	36″ pitch diameter x 72″ between centers	10,799	3414 73 23 00
No. 865 external and internal, rotary type	48″ pitch diameter x 92″ between centers	14,757	3414 73 23 00
No. 865 external and internal, rotary type	8″ pitch diameter x 18 1/2″ between centers	3,996	3414 73 10 00
No. 900 external only, rack type			

EXHIBIT D—Continued

[TABLE 8]

Grinders—external cylindrical

Manufacturer: Hill-Clarke Machinery Company, Chicago, Ill.

Model and description	Size and capacity	Sales price	Code
Model "Hill-Clarke" (Norton type A) plain	10″ swing x 18″ center to center	$1,422	3415 11 22 74
Model "Hill-Clarke" (Norton type A) plain	16″ swing x 72″ center to center	2,871	3415 11 43 13

Manufacturer: Parker-Majestic, Inc., Detroit, Mich.

"Parker-Majestic" plain grinder plain	10″ swing x 14″ center to center	$636	3415 11 21 66

Manufacturer: Browne and Sharpe Manufacturing Company, Providence, R. I.

No. 5 plain	3″ swing x 12″ center to center	$848	3415 11 12 02
No. 5 plain	3″ swing x 18″ center to center	848	3415 11 12 08

Manufacturer: Cincinnati Milling and Grinding Machines, Inc., Cincinnati, Ohio

Model 12 x 24 plain	12″ swing x 24″ center to center	$1,731	3415 11 31 12
Model ER plain	6″ swing x 18″ center to center	1,290	3415 11 22 02
Model ER plain	6″ swing x 30″ center to center	1,280	3415 11 22 14
Model ER plain	10″ swing x 18″ center to center	2,011	3415 11 22 74
Model ER plain	10″ swing x 36″ center to center	2,150	3415 11 23 74
Model ER plain	10″ swing x 72″ center to center	2,360	3415 11 25 74
Model ER plain	10″ swing x 96″ center to center	2,467	3415 11 26 80
Model EM plain	14″ swing x 36″ center to center	3,079	3415 11 32 50
Model EM plain	14″ swing x 48″ center to center	3,224	3415 11 32 62
Model EM plain	16″ swing x 36″ center to center	3,318	3415 11 42 01
Model EM plain	16″ swing x 48″ center to center	3,466	3415 11 42 13

Manufacturer: Landis Tool Company, Waynesboro, Pa.

NOTE: Table amended Jan. 15, 1947.

Self-contained plain	10″ swing x 24″ center to center	$586	3415 11 22 80
Self-contained plain	16″ swing x 36″ center to center	887	3415 11 42 01
Type "B" plain	14″ swing x 72″ center to center	2,126	3415 11 33 62
Type "C" plain	6″ swing x 18″ center to center	1,251	3415 11 22 02
Type "C" plain	6″ swing x 39″ center to center	1,312	3415 11 22 14
Type "C" plain	10″ swing x 18″ center to center	2,102	3415 11 22 76
Type "C" plain	10″ swing x 36″ center to center	2,207	3415 11 23 74
Type "C" plain	10″ swing x 18″ center to center	2,309	3415 11 23 86
Type "C" plain	10″ swing x 72″ center to center	2,413	3415 11 25 74
Type "C" plain	10″ swing x 96″ center to center	2,556	3415 11 26 80
Type "C" plain	10″ swing x 168″ center to center	2,960	3415 11 29 92
Type "D" plain	16″ swing x 18″ center to center	3,739	3415 11 42 13
Type "D" plain	16″ swing x 72″ center to center	3,981	3415 11 43 33
Type "H" plain	4″ swing x 12″ center to center	1,032	3415 11 12 32
Type "H" plain	4″ swing x 18″ center to center	1,104	3415 11 12 38
Type "H" plain	8″ swing x 12″ center to center	1,295	3415 11 21 40
Type "CH" plain	14″ swing x 36″ center to center	2,416	3415 11 32 50
Type "CH" plain	14″ swing x 48″ center to center	2,518	3415 11 32 62
Self-contained crank pin grinder	16″ swing x 32″ centers	976	3415 18 42 03
Self-contained crank pin grinder	16″ swing x 68″ centers	1,091	3415 18 42 10
Self-contained crank pin grinder	16″ swing x 72″ centers	1,091	3415 18 42 11
Type "B" crank pin grinder	16″ swing x 32″ centers	1,595	3415 18 42 03
Type "B" crank pin grinder	16″ swing x 42″ centers	1,686	3415 18 42 06
Type "D" crank pin grinder	16″ swing x 32″ centers	3,103	3415 18 42 03
Type "D" crank pin grinder	16″ swing x 42″ centers	3,223	3415 18 42 06
Type "D" crank pin grinder	16″ swing x 72″ centers	3,715	3415 18 42 11
Type "D" crank pin grinder	21″ swing x 72″ centers	3,857	3415 18 42 54
Type "D" crank pin grinder	25″ swing x 12″ centers	4,669	3415 18 43 05
Type "D" crank pin grinder	25″ swing x 72″ centers	5,278	3415 18 43 10
Type "DD" hydraulic crank pin grinder	25″ swing x 80″ centers	5,345	3415 18 43 11
Type "DD" hydraulic crank pin grinder	25″ swing x 96″ centers	5,843	3415 18 43 13
Type "DD" hydraulic crank pin grinder	25″ swing x 120″ centers	6,321	3415 18 43 15
Type "E" heavy, crank pin grinder	40″ swing x 216″ centers	13,398	3415 18 43 97
Type "D" radial crank pin grinder	25″ swing	5,208	3415 18 43 00
Mod. I–W hydraulic crank grinder	16″ x 32″	3,211	3415 18 52 07
Mod. AB hydraulic crank grinder	16″ x 32″	2,094	3415 18 52 07
Mod. AB hydraulic crank grinder	16″ x 42″	2,219	3415 18 52 10
Self-contained crank pin grinder	16″ swing x 18″ center to center	976	3415 18 42 07
Type "DD" crank pin grinder, hydraulic	25″ swing x 18″ center to center	5,268	3415 18 43 06

EXHIBIT D—Continued

[TABLE 8]—continued

Grinders—external cylindrical—continued

Manufacturer: Landis Tool Company, Waynesboro, Pa.—Continued

Model and description	Size and capacity	Sales price	Code
Type "C" semi-automatic, hydraulic cam grinder.	5″ x 40″	$1,810	3415 18 31 74
Type "D" semi-automatic, hydraulic cam grinder.	5″ x 40″	2,849	3415 18 31 74
Type "D" semi-automatic, hydraulic cam grinder.	5″ x 60″	3,229	3415 18 31 84
Mod. 18 radial cam grinding machine	18″ swing	1,842	3415 18 33 18

Manufacturer: Norton Company, Worcester, Mass.

NOTE: Table amended Jan. 15, 1947.

Model C plain or semi automatic	4″ swing x 18″ center to center	$1,123	3415 11 12 38
Model C plain or semi automatic	6″ swing x 18″ center to center	986	3415 11 22 02
Model C plain or semi automatic	6″ swing x 30″ center to center	1,075	3415 11 22 14
Model C plain or semi automatic	10″ swing x 18″ center to center	1,731	3415 11 22 74
Model C plain or semi automatic	10″ swing x 36″ center to center	1,890	3415 11 23 74
Model C plain or semi automatic	10″ swing x 48″ center to center	1,908	3415 11 23 86
Model C plain or semi automatic	10″ swing x 72″ center to center	2,043	3415 11 25 74
Model C plain or semi automatic	10″ swing x 96″ center to center	2,171	3415 11 26 80
Model C plain or semi automatic	14″ swing x 36″ center to center	2,918	3415 11 32 50
Model C plain or semi automatic	14″ swing x 48″ center to center	3,034	3415 11 32 62
Model C plain or semi automatic	14″ swing x 72″ center to center	3,319	3415 11 33 62
Model C plain or semi automatic	14″ swing x 168″ center to center	4,741	3415 11 37 62
Model C plain or semi automatic	16″ swing x 36″ center to center	3,007	3415 11 42 01
Model C plain or semi automatic	16″ swing x 48″ center to center	3,118	3415 11 42 13
Model C plain or semi automatic	16″ swing x 72″ center to center	3,388	3415 11 43 13
Model C—Raise-l plain or semi automatic	10″ swing x 36″ center to center	2,045	3415 12 12 60
Model A plain, 45° angular wheel slide	10″ swing x 36″ centers	986	3415 18 12 16
Model A plain, 45° angular wheel slide	10″ swing x 48″ centers	1,085	3415 18 12 19
Model A plain, 45° angular wheel slide	10″ swing x 72″ centers	1,093	3415 18 12 25
Model C plain, 45° angular wheel slide	10″ swing x 36″ centers	1,451	3415 18 12 16
Model C plain, 45° angular wheel slide	10″ swing x 48″ centers	1,517	3415 18 12 19
Model C plain, 45° angular wheel slide	10″ swing x 72″ centers	1,584	3415 18 12 25
Model cam-o-matic semi-automatic cam grinder	5″ swing x 26″ centers	2,527	3415 18 31 67
Model cam-o-matic semi-automatic cam grinder	5″ swing x 30″ centers	2,565	3415 18 31 69
Model cam-o-matic semi-automatic cam grinder	5″ swing x 36″ centers	2,704	3415 18 31 72
Model cam-o-matic semi-automatic cam grinder	5″ swing x 42″ centers	2,802	3415 18 31 75
Model 3–81 plain, double end crank pin grinder	14″ swing x 24″ to 30″ ce	1,161	3415 18 41 88
Model B–81 plain, double end crank pin grinder	14″ swing x 24″ to 30″ ce	1,161	3415 18 41 88
Model 3–81 plain, double end crank pin grinder	14″ swing x 30″ to 36″ ce	1,206	3415 18 41 90
Model B–81 plain, double end crank pin grinder	14″ swing x 30″ to 36″ ce	1,206	3415 18 41 90
Model 3–81 plain, double end crank pin grinder	14″ swing x 36″ to 42″ ce	1,250	3415 18 41 92
Model B–81 plain, double end crank pin grinder	14″ swing x 36″ to 42″ ce	1,250	3415 18 41 92
Model 3–81 plain, double end crank pin grinder	14″ swing x 42″ to 48″ ce	1,295	3415 18 41 94
Model B–81 plain, double end crank pin grinder	14″ swing x 42″ to 48″ ce	1,295	3415 18 41 94
Model D–86 crank-o-matic plain, double head crank pin grinder.	17″ swing x 32″ centers	3,150	3415 18 42 12
Model D–86 crank-o-matic plain, double head crank pin grinder.	17″ swing x 42″ centers	3,277	3415 18 42 14
Model D–86 crank-o-matic plain, double head crank pin grinder.	17″ swing x 62″ centers	3,646	3415 18 42 17
Model D–86 crank-o-matic plain, double head crank pin grinder.	17″ swing x 72″ centers	3,769	3415 18 42 19
Model C hi-swing plain crankshaft grinder	23″ swing x 36″ centers	2,438	3415 18 53 84
Model C hi-swing plain crankshaft grinder	23″ swing x 48″ centers	2,551	3415 18 53 85
Model C hi-swing plain crankshaft grinder	23″ swing x 72″ centers	2,663	3415 18 53 87
Model C hi-swing plain crankshaft grinder	26″ swing x 36″ centers	2,606	3415 18 54 54
Model C hi-swing plain crankshaft grinder	26″ swing x 48″ centers	2,719	3415 18 54 58
Model C hi-swing plain crankshaft grinder	26″ swing x 72″ centers	2,831	3415 18 54 66

Grinders—centerless

Manufacturer: Cincinnati Milling and Grinding Machines, Inc., Cincinnati, Ohio

EA–No. 2 external, cylindrical	3½″ diameter	$1,200	3415 17 10 04
EA–No. 3 external, cylindrical	6″ diameter	1,675	3415 17 20 10

EXHIBIT D—Continued

[TABLE 8]—continued

Grinder—internal cylindrical (hydraulic feed machine)

Manufacturer: Bryant Chucking Grinder Company, Springfield, Vt.

Model and description	Size and capacity	Sales price	Code
Model 16-16 internal grinder, hydraulic feed	16" swing x 13" stroke	$1,475	3415 23 32 03
Model 16-22 internal grinder, hydraulic feed	22" swing x 13" stroke	1,668	3415 23 32 26
Model 16C-16 internal grinder, hydraulic feed	16" swing x 13" stroke	1,647	3415 23 32 03
Model 16F-28 internal grinder, hydraulic feed	28" swing x 13" stroke	1,766	3415 23 32 02
Model 24-26 internal grinder, hydraulic feed	26" swing x 16" stroke	2,051	3415 23 42 77
Model 24-36 internal grinder, hydraulic feed	36" swing x 16" stroke	2,427	3415 23 52 53
Model 24L-26 internal grinder, hydraulic feed	26" swing x 24" stroke	2,589	3415 23 43 73
Model 112M internal grinder, hydraulic feed	10" swing x 9" stroke	2,282	3415 23 31 09
Model 16-38 internal grinder, gap bed	38" swing x 9" stroke	1,800	3415 23 51 09

Manufacturer: The Heald Machine Company, Worcester, Mass.

Model 81 plain chucker, internal grinder, hydraulic feed.	9" swing x 3" stroke	$1,122	3415 23 11 59
Model 72-A-3 plain, internal grinder, hydraulic feed.	11½" swing x 12" stroke	1,327	3415 23 12 85
Model 72-A-5 plain, internal grinder, hydraulic feed.	11½" swing x 20⅜" stroke	1,415	3415 23 12 93
Model 74 internal grinder, hydraulic feed	21" swing x 15" stroke	1,940	3415 23 42 52
Model 172 gap, plain, internal grinder, hydraulic feed.	36" swing x 13" stroke	1,778	3415 23 52 50

Grinder—internal, cylindrical, automatic sizing

Manufacturer: The Heald Machine Company, Worcester, Mass.

Mod. 81 automatic, hydraulic, chucker, "Size Matic."	9" dia. swing x 3" stroke	$1,499	3415 24 11 56
Mod. 72-A-3 automatic, hydraulic, "Gage Matic."	11½" dia. swing x 10¾" stroke	2,008	3415 24 11 85

Grinder—internal cylindrical, hydraulic feed, for hole and face grinding

Manufacturer: Bryant Chucking Grinder Company, Springfield, Vt.

Model 5A hole and face grinder equipped with two spindles.	6½" swing x 3" stroke	$1,215	3415 25 11 13
Model 16A-16 hole and face grinder equipped with two spindles.	16" swing x 13" stroke	1,632	3415 25 22 06
Model 16A-28 hole and face grinder equipped with two spindles.	28" swing x 9" stroke	1,845	3415 25 22 50
Model 16A-38 hole and face grinder equipped with two spindles.	38" swing x 9" stroke	1,968	3415 25 22 99

Grinder—surface, rotary table type

Manufacturer: Arter Grinding Machine Company, Worcester, Mass.

A1-8" rotary surface, horizontal wheel spindle	8½" table diameter	$1,022	3415 31 10 08
A3-12" rotary surface, horizontal wheel spindle	13" table diameter	1,380	3415 31 20 13
A3-16" rotary surface, horizontal wheel spindle	17" table diameter	1,404	3415 31 30 17

Manufacturer: The Heald Machine Company, Worcester, Mass.

No. 22 rotary surface, horizontal wheel spindle	12" table diameter	$1,235	3415 31 20 12
No. 25-A rotary surface, horizontal wheel spindle.	16" table diameter	1,666	3415 31 30 16
No. 25-A rotary surface, horizontal wheel spindle.	24" table diameter	2,439	3415 31 30 24

EXHIBIT D—Continued

[TABLE 8]—continued

Miscellaneous grinders—spline grinder and radius grinder

Manufacturer: Fitchburg Grinding Machine Corporation, Fitchburg, Mass.

NOTE: Table added Jan. 15, 1947.

Model and description	Size and capacity	Sales price	Code
32" spline and gear grinder with wheel head truing.	14" swing, 32" centers	$1,439	3415 92 00 00
48" spline and gear grinder with wheel head truing.	14" swing, 48" centers	1,680	3415 92 00 00
72" spline and gear grinder with wheel head truing.	14" swing, 72" centers	1,927	3415 92 00 00
96" spline and gear grinder with wheel head truing.	14" swing, 96" centers	2,132	3415 92 00 00
20" spline and gear grinder with table mounted truing.	14" swing, 20" centers	1,439	3415 92 99 00
36" spline and gear grinder with table mounted truing.	14" swing, 36" centers	1,680	3415 92 00 00
60" spline and gear grinder with table mounted truing.	14" swing, 60" centers	1,927	3415 92 00 00
84" spline and gear grinder with table mounted truing.	14" swing, 84" centers	2,132	3415 92 00 00

Manufacturer: The Gear Grinding Machine Company, Detroit, Mich.

NOTE: Table added Jan. 15, 1947.

Model SG-11 spline grinding machine	6" diameter, 24" centers	$2,027	3415 92 00 00
Model SG-17 spline grinding machine	6" diameter, 42" centers	3,065	3415 92 00 00
Model SG-33 spline grinding machine	6" diameter, 42" centers	3,132	3415 92 00 00
Model SG-36 spline grinding machine	6" diameter, 42" centers	3,229	3415 92 00 00
Model SG-12 spline grinding machine	6" diameter, 60" centers	3,213	3415 92 00 00
Model SG-15 spline grinding machine	6" diameter, 60" centers	3,262	3415 92 00 00
Model SG-16 spline grinding machine	6" diameter, 80" centers	4,169	3415 92 00 00
Model JG-5 radius grinding machine	10" swing	1,991	3415 99 00 00

Manufacturer: Landis Tool Company, Waynesboro, Pa.

NOTE: Table added Jan. 15, 1947.

3" external ball race grinder, hydraulic	3" diameter	$696	3415 91 11 08
5" external ball race grinder, hydraulic	5" diameter	696	3415 91 11 16
3" internal ball race grinder, hydraulic	3" diameter	696	3415 91 21 08
3½" internal ball race grinder, hydraulic	3½" diameter	696	3415 91 21 10
5" internal ball race grinder, hydraulic	5" diameter	696	3415 91 21 16
Model 1 "Race-A-Way" Internal	3" diameter	1,102	3415 91 20 00
Model 2 "Race-A-Way" Internal	3¾" diameter	1,125	3415 91 21 11
Model 2 "Race-A-Way" External	5" diameter	1,125	3415 91 11 16
5" oscillating grinder, hydraulic	5" diameter	696	3415 91 00 00
3½" oscillating grinder, internal hydraulic	3½" diameter	696	3415 91 21 10

Manufacturer: Van Norman Machine Tool Company, Springfield, Mass.

NOTE: Table added Jan. 15, 1947.

No. 130 radius grinder, external, oscillating type.	1" diameter inner race	$1,017	3415 91 11 01
No. 630 radius grinder, external, oscillating type.	1" diameter inner race	1,085	3415 91 11 01
No. 3½E radius grinder, external oscillating type.	5" diameter inner race	290	3415 91 11 16
No. 33 radius grinder, external, oscillating type.	5" diameter inner race	406	3415 91 11 16
No. 33E radius grinder, external, oscillating type.	5" diameter inner race	545	3415 91 11 16
No. 30 radius grinder, external, oscillating type.	5" diameter inner race	1,102	3415 91 11 16
No. 43 radius grinder, external, oscillating type.	6" diameter inner race	638	3415 91 11 21
No. 630 radius grinder, external, oscillating type.	7" diameter inner race	1,247	3415 91 11 24
No. 40E radius grinder, external, oscillating type.	8" diameter inner race	557	3415 91 11 28
No. 45 radius grinder, external, oscillating type.	9" diameter inner race	1,079	3415 91 11 28
No. 48 radius grinder, external, oscillating type.	10" diameter inner race	1,474	3415 91 11 36
No. 618 radius grinder, external, oscillating type.	16" diameter inner race	1,618	3415 91 11 36
No. 130 radius grinder, internal, oscillating type.	2" diameter outer race	992	3415 91 21 04
No. 620 radius grinder, internal, oscillating type.	2" diameter outer race	1,085	3415 91 21 04
No. 3½ radius grinder, internal, oscillating type.	5" diameter outer race	290	3415 91 21 16
No. 23 radius grinder, internal, oscillating type.	5" diameter outer race	406	3415 91 21 16

EXHIBIT D—Continued

[TABLE 8]—continued

Miscellaneous grinders—spline grinder and radius grinder—Continued

Manufacturer: Van Norman Machine Tool Company, Springfield, Mass.—Continued

Model and description	Size and capacity	Sales price	Code
No. 25 radius grinder, internal, oscillating type	5" diameter outer race	$389	3415 91 21 16
No. 70 radius grinder, internal, oscillating type	5" diameter outer race	487	3415 91 21 16
No. 72 radius grinder, internal, oscillating type	5" diameter outer race	710	3415 91 21 16
No. 73 radius grinder, internal, oscillating type	6" diameter outer race	1,094	3415 91 21 20
No. 673 radius grinder, internal, oscillating type	7" diameter outer race	1,247	3415 91 21 24
No. 10 radius grinder, internal, oscillating type	12" diameter outer race	557	3415 91 21 44
No. 41 radius grinder, internal, oscillating type	12" diameter outer race	1,044	3415 91 21 44
No. 42 radius grinder, internal, oscillating type	14" diameter outer race	545	3415 91 21 52
No. 49 radius grinder, internal, oscillating type	14" diameter outer race	1,426	3415 91 21 52
No. 649 radius grinder, internal, oscillating type	16" diameter outer race	1,595	3415 91 21 60
No. 24 radius grinder, external thrust, oscillating type.	4" diameter end race	406	3415 91 31 12
No. 3½T radius grinder, external thrust, oscillating type.	5" diameter thrust race	290	3415 91 31 16
No. 37 radius grinder, external thrust, oscillating type.	5" diameter thrust race	394	3415 91 31 16
No. 66 radius grinder, external thrust, oscillating type.	5" diameter end race	1,163	3415 .1 31 16
No. 666 radius grinder, external thrust, oscillating type.	5" diameter end race	1,270	3415 91 31 16
No. 44 radius grinder, external thrust, oscillating type.	6" diameter end race	50	3415 91 31 20
No. 60 radius grinder, external thrust, oscillating type.	6" diameter thrust race	1,094	3415 91 31 20
No. 660 radius grinder, external thrust, oscillating type.	6" diameter thrust race	1,270	3415 91 31 20
No. 47 radius grinder, external thrust, oscillating type.	16" diameter thrust race	557	3415 91 31 60
No. 647 radius grinder, external thrust, oscillating type.	16" diameter thrust race	1,618	3415 91 31 60

[TABLE 9]

Thread grinding machines

Manufacturer: Dalzen Tool and Manufacturing Company, Detroit, Mich.

Model and description	Size and capacity	Sales price	Code
No. 2 thread grinder, external only	3" diameter x 8" center to center	$962	3415 61 11 10

Manufacturer: Ex-Cell-O Corporation, Detroit, Mich.

No. 33 plain, automatic, external only	6" dia. x 18" center to center	$1,929	3415 61 21 12
No. 33-L plain, automatic, external only	6" dia. x 36" center to center	2,182	3415 61 22 13
No. 31 plain, manual, external only	5" dia. x 18" center to center	1,167	3415 61 12 72
No. 35 universal, semi-automatic, external and internal.	8" dia. x 33" center to center	2,335	3415 62 21 19
No. 35-L universal, semi-automatic, external and internal.	8" dia. x 48" center to center	2,629	3415 62 22 13
No. 50 universal, semi-automatic, external and internal.	8" dia. x 68" center to center	3,959	3415 62 23 15
No. 39 plain, automatic, internal only	9½" dia. x 1" length of thread	2,365	3415 63 20 25
No. 39-A plain, automatic, internal only	9½" dia. x 5" length of thread	2,834	3415 63 20 26
No. 39-L plain, automatic, internal only	9½" dia. x 5" length of thread	3,096	3415 63 20 26

EXHIBIT D—Continued

[TABLE 9]—continued

Thread grinding machines—Continued

Manufacturer: Jones and Lamson Machine Company, Springfield, Vt.

NOTE: Table amended Jan. 15, 1947.

Model and description	Size and capacity	Sales price	Code
TG-615 automatic, external only	6" diameter x 15" center to center	$1,370	3415 61 21 09
TG-1242 automatic, external only	12" diameter x 42" center to center	2,412	3415 61 23 58
TG-848 automatic, external	8" diameter x 48" center to center (19" swing)	2,436	3415 62 22 12
TG-63 automatic, internal only	6" diameter x 3" length of thread	1,472	3415 63 10 60
TG-624 automatic, internal only	6" diameter x 5" length of thread	2,370	3415 63 10 62
TG-125 automatic, internal only	12" diameter x 5" length of thread	2,818	3415 63 20 86
TG-1250 automatic, internal only	15" diameter x 5" length of thread	2,818	3415 63 30 26
TG-185 automatic, internal only	16" diameter x 5" length of thread	2,970	3415 63 30 46
TG-831 automatic external	8" diameter x 24" centers	1,808	3415 61 22 20
TG-848 automatic external	8" diameter x 48" centers (11½" swing)	2,192	3415 61 23 26
TG-848 automatic external	8" diameter x 48" centers (19" swing)	2,192	3415 61 23 26
TG-830 automatic external	5" diameter x 30" centers	1,878	3415 61 12 84
TG-636 automatic external	6" diameter x 36" centers	2,066	3415 61 22 13
TG-1245 automatic external	12" diameter x 45" centers	2,412	3415 61 22 61
TG-636 automatic external, with internal attachment.	6" diameter x 36" centers	2,395	3415 62 12 60
TG-1245 automatic external, with internal attachment.	12" diameter x 45" centers	2,655	3415 62 22 69

Manufacturer: Landis Machine Company, Waynesboro, Pa.

No. 6 semi-automatic, external only	6" diameter x 24" center to center	$1,747	3415 61 22 01

[TABLE 10]

Lathe—multiple tool, not automatic, manufacturing type production lathe

Manufacturer: The R.K. LeBlond Machine Tool Company, Cincinnati, Ohio

Model and description	Size and capacity	Sales price	Code
Model 6 speed production lathe	13" swing x 48" center to center	$320	3416 33 11 72
Model 6 speed production lathe	13" swing x 60" center to center	348	3416 33 12 38
Model "floor" production lathe	17" swing x 16" center to center	485	3416 33 21 32
Model "floor" production lathe	17" swing x 28" center to center	497	3416 33 21 38
Model "floor" production lathe	17" swing x 40" center to center	509	3416 33 21 44
Model "floor" production lathe	17" swing x 52" center to center	521	3416 33 21 50
Model "floor" production lathe	17" swing x 64" center to center	533	3416 33 22 36
Model "floor" production lathe	17" swing x 76" center to center	544	3416 33 22 48
Model "floor" production lathe	20" swing x 72" center to center	702	3416 33 32 20

Manufacturer: Lipe-Rollway Corp., Syracuse, N. Y.

9" high speed production lathe, manual	9" swing x 20" center to center	$286	3416 33 11 26
9" heavy duty production lathe, manual	9" swing x 20" center to center	268	3416 33 11 26
"Carbo" production lathe, semiautomatic	12" swing x 18" center to center	524	3416 33 11 43

Manufacturer: Reid Bros. Co. Inc., Beverly, Mass.

No. 6 WSL production lathe	12" swing x 18" center to center	$538	3416 33 11 43
No. 9 WSL production lathe	18" swing x 22" center to center	881	3416 33 21 62

EXHIBIT D—Continued

[TABLE 10]—continued

Lathe—multiple tool, not automatic, manufacturing type production lathe—Continued

Manufacturer: Seneca Falls Machine Co., Seneca Falls, N. Y.

Model and description	Size and capacity	Sales price	Code
Mod. 4" production lathe, semiautomatic "low swing."	4" swing x 60" center to center	$848	3416 33 12 03
Mod. 8" production lathe, semiautomatic "low swing."	8" swing x 36" center to center	1,046	3416 33 11 16
Mod. 8" production lathe, semiautomatic "low swing."	8" swing x 108" center to center	1,515	3416 33 13 05

[TABLE 11]

Turret lathe—ram type, plain and universal

Manufacturer: Acme Machine Tool Co., Cincinnati, Ohio

Model and description	Size and capacity	Sales price	Code
No. 5-R universal ram type	2¼" diameter bar capacity x 20" swing over bed.	$1,348	3416 43 30 30

Manufacturer: Bardons and Oliver, Inc., Cleveland, Ohio

No. 2 plain, ram type	1" diameter bar capacity	$763	3416 42 30 10
No. 3 plain, ram type	1½" diameter bar capacity	934	3416 42 40 10
No. 3 universal, ram type	1½" diameter bar capacity	1,121	3416 43 20 10
No. 5 universal, ram type	2" diameter bar capacity	1,268	3416 43 30 10
No. 7 universal, ram type	2½" diameter bar capacity	1,472	3416 43 40 10

Manufacturer: Brown and Sharpe Manufacturing Co., Providence, R. I.

No. 1 wire feed screw machine, plain, ram type	⅝" diameter bar capacity	$620	3416 42 20 10

Manufacturer: G. M. Diehl Machine Works, Wabash, Ind.

No. 2 plain, ram type	1" diameter bar capacity	$523	3416 42 30 10

Manufacturer: Foster Div. Gisholt Machine Co., Madison, Wis.

No. 5 plain, ram type	113/16" diameter bar capacity x 17⅛" swing	$841	3416 42 40 30
No. 5 universal, ram type	113/16" diameter bar capacity x 17½" swing	1,196	3416 43 29 30

Manufacturer: Gisholt Machine Co., Madison, Wis.

No. 2 plain ram type	1" diameter bar capacity	$696	3416 42 30 10
No. 3 plain ram type	1½" diameter bar capacity	1,053	3416 42 40 10
No. 4 plain ram type	2" diameter bar capacity	1,157	3416 42 40 50
No. 3 universal ram type	1½" diameter bar capacity	1,078	3416 43 20 10
No. 4 universal ram type	2" diameter bar capacity	1,157	3416 43 30 10
No. 5 universal ram type	2½" diameter bar capacity	1,309	3416 43 40 10

Manufacturer: Jones and Lamson Machine Co. Springfield, Vt.

No. 3 universal ram type	1½" diameter bar capacity x 21¼" swing	$1,307	3416 43 20 10
No. 5 universal ram type	2½" diameter bar capacity x 21¼" swing	1,499	3416 43 40 10

Manufacturer: Libby Div. Gisholt Machine Co., Madison, Wis.

No. 4-AV universal ram type	2" diameter bar capacity x 20" swing	$1,537	3416 43 30 10

EXHIBIT D—Continued

[TABLE 11]—continued

Turret lathe—ram type, plain and universal—Continued

Manufacturer: Midland Div. Gisholt Machine Co., Madison, Wis.

Model and description	Size and capacity	Sales price	Code
No. 4 universal ram type	2" diameter bar capacity	$1,167	3416 43 30 10
No. 5 universal ram type	2½" diameter bar capacity	1,278	3416 43 40 10

Manufacturer: Morey Machinery Co., Inc., New York, N. Y.

No. 2 plain ram type	1" diameter bar capacity x 14" swing	$597	3416 42 30 10
No. 2-G plain ram type	1" diameter bar capacity x 14" swing	597	3416 42 30 10
No. 3 plain ram type	1¼" diameter bar capacity x 16" swing	823	3416 42 40 10
No. 3 universal ram type	1¼" diameter bar capacity x 16" swing	923	3416 43 20 10
No. 4 universal ram type	2" diameter bar capacity x 19" swing	1,070	3416 43 30 10

Manufacturer: The Oster Manufacturing Co., Cleveland, Ohio

No. 601-W. D. Worm Drive, plain, ram type	1½" diameter bar capacity	$423	3416 42 40 10

Manufacturer: Simmons Machine Tool Corp., Albany, N. Y.

No. 2 plain, ram type	1¼" diameter bar capacity	$470	3416 42 30 30

Manufacturer: The Warner and Swasey Co., Cleveland, Ohio

M-1000 No. 1 plain head	⅝" dia. bar capacity	$635	3416 42 20 10
M-1330 No. 2 geared head, six speed	1" dia. bar capacity	1,010	3416 42 30 10
M-1100 No. 4 geared head, twelve speed	1⅛" dia. bar capacity	1,197	3416 42 40 10
M-342 No. 6 geared head, twelve speed	2⅛" dia. bar capacity	1,490	3416 42 40 60
M-1240 No. 5 geared head, twelve speed	2⅛" dia. bar capacity	1,450	3416 42 40 70
M-1280 No. 3 universal, geared head, six speed	1⅛" dia. bar capacity	1,226	3416 43 20 10
M-1420 No. 4 universal, geared head, twelve speed.	2" dia. bar capacity	1,454	3416 43 30 50
M-1740 No. 5 universal, geared head, twelve speed.	2½" dia. bar capacity	1,490	3416 43 40 10

[TABLE 12]

Chucking machine—single spindle automatic, horizontal turret type machine

Manufacturer: Foster Div. Gisholt Machine Company, Madison, Wis.

Model and description	Size and capacity	Sales price	Code
Mod. 1-F single spindle, automatic chucker	21" diameter swing	$1,665	3416 51 21 50
Mod. 2-F single spindle, automatic chucker	25¾" diameter swing	1,984	3416 51 22 10
Mod. 3-F single spindle, automatic chucker	28¾" diameter swing	2,830	3416 51 22 40
Mod. 4-F single spindle, automatic chucker	35½" diameter swing	3,538	3416 51 23 30

Manufacturer: Potter and Johnston Machine Company, Pawtucket, R. I.

Model 5-A single spindle, automatic chucker	12½" swing over bed	$890	3416 51 21 07
Model 4-D single spindle, automatic chucker	21" swing over bed	2,398	3416 51 21 50
Model 6-A single spindle, automatic chucker	21⅞" swing over bed	974	3416 51 21 54
Model 5-D single spindle, automatic chucker	25" swing over bed	2,734	3416 51 22 10
Model 4-DE single spindle, automatic chucker	26" swing over bed, elevated	2,347	3416 51 22 20
Model 5-DE single spindle, automatic chucker	30" swing over bed, elevated	2,347	3416 51 23 05
Model 6-DREL single spindle, automatic chucker.	54" swing over bed, long travel	3,595	3416 51 23 25
Model 6-DRELX single spindle, automatic chucker.	34" swing over bed, super cross slide	4,134	3416 51 23 25
Model 8-DXT single spindle, automatic chucker	36" swing over bed	5,794	3416 51 23 35

EXHIBIT D—Continued

[TABLE 12]—continued

Chucking machine—six spindle automatic, horizontal

Manufacturer: New Britain-Gridley Machine Company, New Britain, Conn.

NOTE: Table revised Jan. 15, 1947.

Model and description	Size and capacity	Sales price	Code
Model 652 automatic, horizontal, 6-spindle, work rotating chucker.	2" swing	$2,682	3416 53 40 10
Model 654 automatic, horizontal, 6-spindle, work rotating chucker.	3½" swing	2,885	3416 53 40 17
Model 53 automatic, horizontal, 6-spindle, tool rotating chucker.	4½" swing	2,001	3416 53 40 22
Model 65 automatic, horizontal, 6-spindle, work rotating chucker.	5¼" swing	5,058	3416 53 40 28
Model 665 automatic, horizontal, 6-spindle, work rotating chucker.	6½" swing	5,139	3416 53 40 32
Model 54 automatic, horizontal, 6-spindle, tool rotating chucker.	7½" swing	2,726	3416 53 40 37
Model 675 automatic, horizontal, 6-spindle, work rotating chucker.	7½" swing	5,313	3416 53 40 37
Model 775 automatic, horizontal, 6-spindle, work rotating chucker.	7½" swing	5,240	3416 53 40 37
Model 16 automatic, horizontal, 6-spindle, work rotating chucker.	9" swing	4,863	3416 53 40 45
Model 16 automatic, horizontal, 6-spindle, work rotating chucker.	10¾" swing	5,458	3416 53 40 51
Model 656 automatic, horizontal, 6-spindle, work rotating chucker.	5¼" swing	5,058	3416 53 40 28

Manufacturer: The Baird Machine Company, Bridgeport, Conn.

NOTE: Table added Jan. 15, 1947

Model 76-H Automatic work rotating chucker	7" swing, 6-spindle	$3,880	3416 53 40 35

Chucking machine—automatic, vertical, multiple spindle type

Manufacturer: Bullard Company, Bridgeport, Conn.

NOTE: Table added Jan. 15, 1947

Mod. D "mult-au-matic"	16" swing 6 spindle	$8,311	3416 54 20 70
Mod. D "mult-au-matic"	8" swing 8 spindle	7,821	3416 54 30 30
Mod. D "mult-au-matic"	12" swing 8 spindle	8,782	3416 54 30 50
Mod. D "mult-au-matic"	16" swing 8 spindle	9,364	3416 54 30 70
Mod. D "mult-au-matic"	23" swing 8 spindle	11,637	3416 54 30 77
Mod. D "mult-au-matic"	31" swing, 4 spindle	19,393	3416 54 10 88
Mod. D "mult-au-matic"	8" swing, 6 spindle	6,136	3416 54 20 30
Mod. D "mult-au-matic"	12" swing, 6 spindle	6,506	3416 54 20 50
Mod. J-7 "mult-au-matic"	8" swing, 8 spindle	5,187	3416 54 30 30
Mod. J-11 "mult-au-matic"	12" swing, 8 spindle	6,998	3416 54 30 50
Mod. F "mult-au-matic"	7" swing, 12 spindle	6,380	3416 54 40 25

[TABLE 13]

Milling machine—vertical knee type (not including bench type)

Manufacturer: Brown and Sharpe Manufacturing Company, Providence, R. I.

Model and description	Size and capacity	Sales price	Code
No. 2 standard	28" table travel	$1,896	3417 23 20 28

EXHIBIT D—Continued

[TABLE 13]—continued

Milling machine—vertical, knee type (not including bench type)—Continued

Manufacturer: Kearney and Trecker Corporation, Milwaukee, Wis.

Model and description	Size and capacity	Sales price	Code
No. 2-H	28" table travel	$1,648	3417 23 20 28
No. 2-K	28" table travel	2,045	3417 23 20 28
No. 3-H	34" table travel	2,357	3417 23 30 34
No. 3-K	34" table travel	2,663	3417 23 30 34
No. 4-H	42" table travel	2,725	3417 23 40 42
No. 4-K	42" table travel	3,122	3417 23 40 42

Manufacturer: Reed-Prentice Corporation, Worcester, Mass.

Model 3-VG	24" table travel	$801	3417 23 10 24

Manufacturer: Van Norman Machine Tool Company, Springfield, Mass.

No. 3-V	34" table travel	$2,124	3417 23 30 34

Manufacturer: Index Machine and Tool Company, Jackson, Mich.

NOTE: Table added Jan. 15, 1947.

Model 39-H Vertical milling machine, knee type	16" table travel	$296	3417 23 10 16
Model 40-H Vertical milling machine, knee type	16" table travel	367	3417 23 10 16

Milling machine—automatic and manufacturing knee type and vertical knee type

Manufacturer: Cincinnati Milling and Grinding Machines, Inc., Cincinnati, Ohio

NOTE: Table amended Jan. 15, 1947.

Model 1-12 automatic	12" table travel	$833	3417 24 10 12
Model 1-18 automatic	18" table travel	894	3417 24 20 18
No. 1-L	22" table travel	1,032	3417 23 10 22
No. 2-L	28" table travel	1,089	3417 23 20 28
No. 1-M	22" table travel	1,349	3417 23 10 22
No. 2-M	28" table travel	1,407	3417 23 20 28
No. 2-HP (high power)	28" table travel	1,421	3417 23 20 28
No. 3-HP (high power)	34" table travel	1,801	3417 23 30 34
No. 4-HP (high power)	42" table travel	2,400	3417 23 40 42
No. 5-HP (high power)	50" table travel	2,734	3417 23 50 50
No. 2 dial	28" table travel	2,246	3417 23 20 28
No. 3 dial	34" table travel	2,772	3417 23 30 34
No. 4 dial	42" table travel	3,124	3417 23 40 42
No. 2-MSDT dial type	28" table travel	2,246	3417 23 20 28
No. 3-MSDT dial type	34" table travel	2,772	3417 23 30 34
No. 4-MSDT dial type	42" table travel	3,124	3417 23 40 42
No. 2-HSDT dial type	28" table travel	2,398	3417 23 20 28
No. 3-HSDT dial type	34" table travel	2,952	3417 23 20 34
No. 4-HSDT dial type	42" table travel	3,356	3417 23 40 42

Manufacturer: Kearney and Trecker Corporation, Milwaukee, Wis.

Model "I-H MFG"	18" table travel	$1,206	3417 24 20 18

Milling machine—plain bed type, horizontal spindle machines

Manufacturer: Briggs Div. of C. C. Bradley and Son, Inc., Syracuse, N. Y.

Model A-2	20" table travel	$477	3417 41 30 00

EXHIBIT D—Continued

[TABLE 13]—continued

Milling machine—bed type, horizontal spindle, plain or rise and fall, simplex or duplex—Continued

Manufacturer: Brown and Sharpe Manufacturing Company, Providence, R. I.

NOTE: Table amended Jan. 15, 1947.

Model and description	Size and capacity	Sales price	Code
Model 000 Plain bed type (simplex)	6" table travel x 8" width	$894	3417 41 10 42
Model 10 Plain bed type, electrically controlled (simplex).	12" table travel x 10" width	789	3417 41 20 04
Model 10 Plain bed type, electrically controlled (simplex).	18" table travel x 10" width	835	3417 41 30 10
Model 12 Plain bed type, electrically controlled (simplex).	18" table travel x 12" width	969	3417 41 30 30
Model 12 Plain bed type, electrically controlled (simplex).	24" table travel x 12" width	1,009	3417 41 30 35
Model 33 Plain bed type (Simplex)	34" table travel x 12½" width	699	3417 41 40 22
Model 22 Plain bed type (Simplex)	22" table travel x 15" width	974	3417 41 30 49
Model 37 Plain bed type (Duplex)	34" table travel x 12½" width	916	3417 43 30 31

Manufacturer: Cincinnati Milling and Grinding Machines, Inc., Cincinnati, Ohio

NOTE: Table amended Jan. 15, 1947.

No. 0–8 plain, automatic, bed type	8" table travel x 6½" table width	$459	3417 41 20 20
No. 2–18 plain, automatic, bed type	18" table travel x 11" table width	1,068	3417 41 30 20
No. 2–24 plain, automatic, bed type	24" table travel x 11" table width	1,158	3417 41 30 25
No. 3–24 plain, automatic, bed type	24" table travel x 12" table width	1,257	3417 41 30 35
No. 3–36 plain, hydromatic, bed type	36" table travel x 12" table width	1,349	3417 41 40 23
No. 4–36 plain, hydromatic, bed type	36" table travel x 16" table width	1,787	3417 41 40 43
No. 4–48 plain, hydromatic, bed type	48" table travel x 16" table width	1,900	3417 41 50 35
No. 5–48 plain, hydromatic, bed type	48" table travel x 20" table width	2,222	3417 41 50 59
No. 5–60 plain, hydromatic, bed type	60" table travel x 20" table width	2,355	3417 41 50 65
Model 34–36 plain, hydromatic, bed type	36" table travel x 16" table width	1,550	3417 41 40 43
Model 34–48 plain, hydromatic, bed type	48" table travel x 16" table width	1,694	3417 41 50 35
Model 35–48 plain, hydromatic, bed type	48" table travel x 20" table width	1,918	3417 41 50 59
Model 45–48 plain, hydromatic, bed type	48" table travel x 20" table width	2,156	3417 41 50 59
Model 35–60 plain, hydromatic, bed type	60" table travel x 20" table width	2,054	3417 41 50 65
Model 45–60 plain, hydromatic, bed type	60" table travel x 20" table width	2,289	3417 41 50 65
Model 36–72 plain, hydromatic, bed type	72" table travel x 24" table width	2,339	3417 41 60 83
Model 46–72 plain, hydromatic, bed type	72" table travel x 24" table width	2,576	3417 41 60 83
Model 56–72 plain, hydromatic, bed type	72" table travel x 24" table width	2,641	3417 41 60 83
Model 36–90 plain, hydromatic, bed type	90" table travel x 24" table width	2,505	3417 41 60 92
Model 46–90 plain, hydromatic, bed type	90" table travel x 24" table width	2,741	3417 41 60 92
Model 56–90 plain, hydromatic, bed type	90" table travel x 24" table width	2,807	3417 41 60 92
Model 28–72 plain, "Hydro-Tel", bed type	72" table travel x 28" table width	4,512	3417 41 60 93
Model 36–72 plain, "Hydro-Tel", bed type	72" table travel x 36" table width	6,218	3417 41 60 97
Model 28–84 plain, "Hydro-Tel", bed type	84" table travel x 28" table width	4,680	3417 41 60 94
Model 28–96 plain, "Hydro-Tel", bed type	96" table travel x 28" table width	4,818	3417 41 70 93
Model 36–96 plain, "Hydro-Tel", bed type	96" table travel x 36" table width	6,635	3417 41 70 97
Model 28–108 plain, "Hydro-Tel", bed type	108" table travel x 28" table width	5,010	3417 41 70 94
Model 28–120 plain, "Hydro-Tel", bed type	120" table travel x 28" table width	5,184	3417 41 80 67
Model 36–120 plain, "Hydro-Tel", bed type	120" table travel x 36" table width	7,064	3417 41 80 80
Model 0–8 plain, rise and fall, bed type	8" table travel x 6½" table width	552	3417 42 10 31
Model 2–18 plain, rise and fall, bed type	18" table travel x 11" table width	1,324	3417 42 20 31
Model 2–24 plain, rise and fall, bed type	24" table travel x 11" table width	1,394	3417 42 20 37
Model 3–24 duplex, hydromatic bed type	24" table travel x 12" table width	1,743	3417 43 20 21
Model 3–36 duplex, hydromatic bed type	36" table travel x 12" table width	1,839	3417 43 30 11
Model 4–36 duplex, hydromatic bed type	36" table travel x 16" table width	2,471	3417 43 30 35
Model 34–36 duplex, hydromatic bed type	36" table travel x 16" table width	2,035	3417 43 30 35
Model 4–48 duplex, hydromatic bed type	48" table travel x 16" table width	2,584	3417 43 40 35
Model 5–48 duplex, hydromatic bed type	48" table travel x 20" table width	3,060	3417 41 40 59
Model 34–48 duplex, hydromatic bed type	48" table travel x 16" table width	2,149	3417 43 40 35
Model 35–48 duplex, hydromatic bed type	48" table travel x 20" table width	2,404	3417 43 40 59
Model 45–48 duplex, hydromatic bed type	48" table travel x 20" table width	2,808	3417 43 40 59
Model 5–60 duplex, hydromatic bed type	60" table travel x 20" table width	3,135	3417 41 50 59
Model 35–60 duplex, hydromatic bed type	60" table travel x 20" table width	2,540	3417 43 50 59
Model 45–60 duplex, hydromatic bed type	60" table travel x 20" table width	2,974	3417 43 50 59
Model 36–72 duplex, hydromatic bed type	72" table travel x 24" table width	2,824	3417 43 60 61
Model 46–72 duplex, hydromatic bed type	72" table travel x 24" table width	3,259	3417 43 60 61
Model 56–72 duplex, hydromatic bed type	72" table travel x 24" table width	3,421	3417 43 60 61
Model 36–90 duplex, hydromatic bed type	90" table travel x 24" table width	2,990	3417 43 60 64
Model 46–90 duplex, hydromatic bed type	90" table travel x 24" table width	3,425	3417 43 60 64
Model 56–90 duplex, hydromatic bed type	90" table travel x 24" table width	3,587	3417 43 60 64

Manufacturer: Kearney and Trecker Corporation, Milwaukee, Wis.

NOTE: Table amended Jan. 15, 1947.

No. M–18 bed type, automatic, simplex	18" table travel x 12" table width	$1,090	3417 41 30 30
No. M–24 bed type, automatic, simplex	24" table travel x 12" table width	1,140	3417 41 30 35
No. 1224 bed type, automatic, simplex	24" table travel x 12" table width	1,226	3417 41 30 35
No. 1824 bed type, automatic, simplex	24" table travel x 18" table width	1,422	3417 41 30 65
No. M–30 bed type, automatic, simplex	30" table travel x 12" table width	1,211	3417 41 40 20
No. 1236 bed type, automatic, simplex	36" table travel x 12" table width	1,313	3417 41 40 23

EXHIBIT D—Continued

[TABLE 13]—continued

Milling machine—bed type, horizontal spindle, plain or rise and fall, simplex or duplex—Continued

Manufacturer: Kearney and Trecker Corporation, Milwaukee, Wis.—Continued

Model and description	Size and capacity	Sales price	Code
No. 1836 bed type, automatic, simplex	36" table travel x 18" table width	$1,516	3417 41 40 53
No. 1248 bed type, automatic, simplex	48" table travel x 12" table width	1,438	3417 41 50 11
No. 1404 bed type, automatic, simplex	48" table travel x 14" table width	1,464	3417 41 50 23
No. 1848 bed type, automatic, simplex	48" table travel x 18" table width	1,641	3417 41 50 47
No. 1854 bed type, automatic, simplex	54" table travel x 18" table width	1,662	3417 41 50 59
Model 1218 bed type, automatic, simplex	18" table travel x 12" table width	1,206	3417 41 30 30
Model 1402 bed type, automatic, simplex	24" table travel x 14" table width	1,340	3417 41 30 45
Model 2202 bed type, automatic, simplex	24" table travel x 22" table width	1,520	3417 41 30 85
Model 1230 bed type, automatic, simplex	30" table travel x 12" table width	1,267	3417 41 40 20
Model 1830 bed type, automatic, simplex	30" table travel x 18" table width	1,470	3417 41 40 50
Model 1403 bed type, automatic, simplex	36" table travel x 14" table width	1,424	3417 41 40 33
Model 2203 bed type, automatic, simplex	36" table travel x 22" table width	1,630	3417 41 40 73
Model 1242 bed type, automatic, simplex	42" table travel x 12" table width	1,303	3417 41 40 26
Model 1842 bed type, automatic, simplex	42" table travel x 18" table width	1,623	3417 41 40 56
Model 2204 bed type, automatic, simplex	42" table travel x 22" table width	1,682	3417 41 50 71
Model 1405 bed type, automatic, simplex	60" table travel x 14" table width	1,661	3417 41 50 29
Model 2205 bed type, automatic, simplex	60" table travel x 22" table width	1,888	3417 41 50 77
Model 1407 bed type, automatic, simplex	84" table travel x 14" table width	1,807	3417 41 60 29
Model 2207 bed type, automatic, simplex	84" table travel x 22" table width	2,032	3417 41 60 77
Model 1409 bed type, automatic, simplex	108" table travel x 14" table width	1,949	3417 41 70 29
Model 2209 bed type, automatic, simplex	108" table travel x 22" table width	1,305	3417 41 70 77
Model 1411 bed type, automatic, simplex	132" table travel x 14" table width	1,242	3417 41 80 16
Model 2211 bed type, automatic, simplex	132" table travel x 22" table width	1,414	3417 41 80 56
Model 1218 bed type, automatic, duplex	18" table travel x 12" table width	1,567	3417 43 10 25
Model 1224 bed type, automatic, duplex	24" table travel x 12" table width	1,700	3417 43 20 21
Model 1402 bed type, automatic, duplex	24" table travel x 14" table width	1,890	3417 43 20 33
Model 1824 bed type, automatic, duplex	24" table travel x 18" table width	1,767	3417 43 20 57
Model 2202 bed type, automatic, duplex	24" table travel x 22" table width	2,125	3417 43 20 81
Model 1230 bed type, automatic, duplex	30" table travel x 12" table width	1,628	3417 43 30 27
Model 1830 bed type, automatic, duplex	30" table travel x 18" table width	1,804	3417 43 30 47
Model 1236 bed type, automatic, duplex	36" table travel x 12" table width	1,788	3417 43 30 11
Model 1403 bed type, automatic, duplex	36" table travel x 14" table width	1,941	3417 43 30 23
Model 1836 bed type, automatic, duplex	36" table travel x 18" table width	1,982	3417 43 30 47
Model 2203 bed type, automatic, duplex	36" table travel x 22" table width	2,228	3417 43 30 71
Model 1242 bed type, automatic, duplex	42" table travel x 12" table width	1,742	3417 43 30 17
Model 1842 bed type, automatic, duplex	42" table travel x 18" table width	1,909	3417 43 30 53
Model 1248 bed type, automatic, duplex	48" table travel x 12" table width	1,932	3417 43 40 11
Model 1404 bed type, automatic, duplex	48" table travel x 14" table width	1,969	3417 43 40 23
Model 1848 bed type, automatic, duplex	48" table travel x 18" table width	2,087	3417 43 40 47
Model 2204 bed type, automatic, duplex	48" table travel x 22" table width	2,277	3417 43 40 71
Model 1854 bed type, automatic, duplex	54" table travel x 18" table width	2,140	3417 43 40 53
Model 1405 bed type, automatic, duplex	60" table travel x 14" table width	2,109	3417 43 50 23
Model 2205 bed type, automatic, duplex	60" table travel x 22" table width	2,478	3417 43 50 71
Model 1407 bed type, automatic, duplex	84" table travel x 14" table width	2,313	3417 43 60 13
Model 2207 bed type, automatic, duplex	84" table travel x 22" table width	2,629	3417 43 60 53
Model 1409 bed type, automatic, duplex	108" table travel x 14" table width	1,436	3417 43 60 17
Model 2209 bed type, automatic, duplex	108" table travel x 22" table width	1,640	3417 43 60 57
Model 1411 bed type, automatic, duplex	132" table travel x 14" table width	1,528	3417 43 70 12
Model 2211 bed type, automatic, duplex	132" table travel x 22" table width	1,746	3417 43 70 52

Manufacturer: Kent-Owens Machine Company, Toledo, Ohio

NOTE: Table amended Jan. 15, 1947.

No. I–14 plain, hydraulic bed type (single spindle).	14" table travel x 9" width	$534	3417 41 20 56
No. 2–20 plain, hydraulic bed type (single spindle)	20" table travel x 12" width	917	3417 41 30 32
Model 26 plain, cam feed, bed type (single spindle).	10" table travel x 8¼" width	418	3417 41 20 42
Model 1–8 plain, hydraulic, bed type (single spindle).	8" table travel x 9" width	464	3417 41 20 50
Model 1–8–DS plain,hydraulic,bed type (double spindle).	8" table travel x 9" width	661	3417 41 20 50
Model 1–14–DS plain, hydraulic, bed type (double spindle).	14" table travel x 9" width	738	3417 41 20 56
Model 2–20–DS plain, hydraulic, bed type (double spindle).	20" table travel x 12" width	1,433	3417 41 30 32
Model 1-V plain, hydraulic, bed type (single horizontal spindle feeding vertically downward).	8" table travel x 9" width 3½" maxuuum automatic vertical movement of spindle.	522	3417 49 00 00

EXHIBIT D—Continued

[TABLE 13]—continued

Milling machine—bed type, horizontal spindle plain or rise and fall, simplex or duplex—Continued

Manufacturer: The Ohio Machine Tool Company, Kenton, Ohio

NOTE: Table amended Jan. 15, 1947.

Model and description	Size and capacity	Sales price	Code
No. 16–36 plain, bed type	36" table travel x 16" width	$1,191	3417 41 40 43
No. 16–42 plain, bed type	42" table travel x 16" width	1,255	3417 41 40 46
No. 16–30 plain, bed type	30" table travel x 16" width	1,155	3417 41 40 40

Manufacturer: Sundstrand Machine Tool Company, Rockford, Ill.

No. 00 plain, hydraulic, bed type	8" table travel x 7" width	$464	3417 41 20 30
No. 0 plain, hydraulic, bed type	18" table travel x 8" width	638	3417 41 30 05
No. 1 plain, hydraulic, bed type	18" table travel x 10" width	854	3417 41 30 10
No. 3 plain, bed type, (screw feed)	24" table travel x 14" width	928	3417 41 30 45
No. 5 plain, bed type, (screw feed)	42" table travel x 18" width	1,090	3417 41 40 56
No. 33 plain, hydraulic, bed type	48" table travel x 14" width	1,550	3417 41 50 23
No. 33 plain, hydraulic, bed type	48" table travel x 18" width	2,114	3417 41 50 47

Manufacturer: U. S. Tool Company, Inc., Ampere, N. J.

NOTE: Table amended Jan. 15, 1947

Model MM–1–60 automatic, bed type, left hand	6" table travel x 6" width	$366	3417 41 10 30
Model MM–1–5–2 automatic, bed type	5" table travel x 6" width	533	3417 41 10 29
Model MM–5 automatic, bed type	6" table travel x 6" width	366	3417 41 10 30
Model MM–1–6 automatic, bed type, right hand	6" table travel x 6" table width	366	3417 41 10 30
Model MM–52 automatic, bed type	5" table travel x 6" table width	533	3417 41 10 29
Model "Duplex" automatic, bed type	6" table travel x 6" table width	771	3417 41 00 99

Milling machine—plain bed type, horizontal spindle machines

Manufacturer: Van Norman Machine Tool Company, Springfield, Mass.

No. 118 plain, bed type	18" table travel x 10" width	$853	3417 41 30 10

Milling machine—bed type, vertical and angular head type

Manufacturer: Cincinnati Milling and Grinding Machines, Inc., Cincinnati, Ohio

NOTE: Table added Jan. 15, 1947.

Model 0–8 bed type, vertical, automatic	8" table travel x 6" table width	$521	3417 45 10 20
Model 28–48 bed type, vertical, "Hydro-Tel"	48" table travel x 28" table width	4,202	3417 45 40 48
Model 28–60 bed type, vertical, "Hydro-Tel"	60" table travel x 28" table width	4,343	3417 45 50 30
Model 28–72 bed type, vertical, "Hydro-Tel"	72" table travel x 28" table width	4,717	3417 45 50 42
Model 28–84 bed type, vertical, "Hydro-Tel"	84" table travel x 28" table width	4,881	3417 45 60 24
Model 28–96 bed type, vertical, "Hydro-Tel"	96" table travel x 28" table width	5,052	3417 45 60 36
Model 28–108 bed type, vertical, "Hydro-Tel"	108" table travel x 28" table width	5,220	3417 45 60 48
Model 28–120 bed type, vertical, "Hydro-Tel"	120" table travel x 28" table width	5,388	3417 45 70 10

[TABLE 14]

Profiling machine—vertical, fixed bed type, single and multiple spindle

Manufacturer: The Frew Machine Co., Philadelphia, Pa.

Model and description	Size and capacity	Sales price	Code
No. 6–A single spindle	24" x 36" table size	$793	3417 63 11 00

EXHIBIT D—Continued

[TABLE 14]—continued

Profiling machine—vertical, fixed bed type, single and multiple spindle—Continued

Manufacturer: Morey Machinery Co., Inc., New York, N. Y.

Model and description	Size and capacity	Sales price	Code
No. 12–M single spindle	23" table travel	$705	3417 63 11 23
No. 12–M two spindle	23" table travel	742	3417 63 21 23

Manufacturer: Pratt and Whitney Division, Hartford, Conn.

No. M–1693 single spindle, No. 12–B	20" table travel	$731	3417 63 21 18
No. M–1693 two spindle, No. 12–B	20" table travel	844	3417 63 21 18
No. M–1482 single spindle	32" table travel	1,675	3417 63 21 36

Profiling machines and duplicators—all types and sizes

Manufacturer: National Broach and Machine Company, Detroit, Mich.

Note: Table added Jan. 15, 1947.

Model PHA double spindle, hand operated	20" table travel	$1,206	3417 61 20 99
Model PMA double spindle, automatic	5" table travel	1,827	3417 61 20 99
Model PMB double spindle, automatic	5" table travel	1,827	3417 61 20 99
Model PMD double spindle, automatic	5" table travel	1,827	3417 61 20 99
Model PMC double spindle, automatic	10" table travel	2,477	3417 61 20 99

[TABLE 15]

Thread milling machine

Manufacturer: James Coulter Machine Co., Bridgeport, Conn.

Model and description	Size and capacity	Sales price	Code
Model "H" hob type single spindle, horizontal, semiautomatic.	7" dia. x 20" length	$812	3417 83 11 40

Manufacturer: Hall Planetary Co., Philadelphia, Pa.

Note: Table added Jan. 15, 1947.

Style B planetary, single spindle, horizontal	6" over ways	$1,141	3417 86 00 99
Style C planetary, single spindle, horizontal	9½" over ways	1,580	3417 86 00 99
Style D planetary, single spindle, horizontal	13½" over ways	2,020	3417 86 00 99

Manufacturer: The Hanson-Whitney Machine Co., Hartford, Conn.

Model 4" x 9" single spindle, universal, semiautomatic.	4" diameter x 9" length thread	$934	3417 83 11 29
Model 8" x 16" single spindle, universal, semiautomatic.	8" diameter x 16" length thread	1,208	3417 83 21 16
Model 10" x 24" single spindle, universal, semiautomatic.	10" diameter x 24" length thread	1,370	3417 83 22 32

Manufacturer: Lees-Bradner Co., Cleveland, Ohio

Model LT single spindle, universal, manual	6" diameter x 72" center to center	$1,218	3417 82 14 26
Model HT single spindle, universal, manual	12" diameter x 36" center to center	1,350	3417 82 22 04
Model HT single spindle, universal, manual	12" diameter x 54" center to center	1,380	3417 82 23 04
Model HT single spindle, universal, manual	12" diameter x 102" center to center	1,523	3417 82 26 01
Model CT single spindle, universal, manual	13" diameter x 54" long	1,523	3417 85 00 00

EXHIBIT D—Continued

[TABLE 15]—continued

Thread milling machine—Continued

Manufacturer: Morey Machinery Co., Inc., New York, N. Y.

Model and description	Size and capacity	Sales price	Code
"Morey-Shields" single spindle, universal, manual.	12" diameter x 120" center to center	$1,715	3417 82 27 01

Manufacturer: Murchey Machine and Tool Co., Detroit, Mich.

Model 32 single spindle, semiautomatic	12" diameter	$1,543	3417 86 30 12

Manufacturer: Plan-O-Mill Corp., Royal Oak, Mich.

No. 1000 series planetary, single spindle, hydraulic.	8" diameter	$1,046	3417 86 20 08
No. 3000 series, planetary, single spindle, thymio-trol control.	8" diameter	1,120	3417 86 20 08

Manufacturer: Pratt and Whitney Division, Hartford, Conn.

M-1141 single spindle, manual	4½" diameter x 12" center to center	$487	3417 81 11 50
M-1503 Model B single spindle, manual	6" diameter x 60" center to center	914	3417 81 24 02
M-1503 Model C single spindle, manual	6" diameter x 60" center to center	1,306	3417 81 24 02

[TABLE 16]

Polishing and buffing machine—bench and floor

Manufacturer: Hammond Machinery Builders, Inc., Kalamazoo, Mich.

Model and description	Motor size	Sales price	Code
Model OK-2 double end polishing and buffing machine.	2 hp	$60	3419 32 30 30
Model 2-RL double end polishing and buffing machine.	2 hp	69	3419 32 30 30
Model 3-RL double end polishing and buffing machine.	3 hp	75	3419 32 40 10
Model 3-RRW double end polishing and buffing machine.	3 hp	190	3419 32 40 10
Model 5-ROH double end polishing and buffing machine.	5 hp	159	3419 32 50 05
Model 5-VRO double end polishing and buffing machine.	5 hp	159	3419 32 50 05
Model 5-RRW double end polishing and buffing machine.	5 hp	177	3419 32 50 05
Model 5-RR double end polishing and buffing machine.	10 hp	188	3419 32 60 10
Model 6-RR double end polishing and buffing machine.	6 hp	176	3419 32 50 08

[TABLE 17]

Tapping machine—vertical, and/or horizontal, single or multiple spindle

Manufacturer: Bakewell Division, Warner and Swasey Company, Cleveland, Ohio

NOTE: Table amended Jan. 15, 1947.

Model and description	Size and capacity	Sales price	Code
As made originally by Bakewell			
No. 1 vertical, single spindle	⅝" diameter tap x 17" swing	$348	3419 61 12 12
No. 2 vertical, single spindle	1½" diameter tap x 31" swing	835	3419 61 13 18

EXHIBIT D—Continued

[TABLE 17]—continued

Tapping machine—vertical, and/or horizontal, single or multiple spindle—Continued

Manufacturer: Bakewell Division, Warner and Swasey Company, Cleveland, Ohio—Continued

Model and description	Size and capacity	Sales price	Code
As made originally by Bakewell			
No. 1R single spindle, radial, vertical	⅝" diameter tap x 72" swing	$812	3419 65 10 36
No. 1R two spindle, radial, vertical	⅝ diameter tap x 72" swing	1,392	3419 65 10 36
No. 12 vertical, single spindle	1½" diameter tap x 31" swing	835	3419 61 13 18
As made by Warner and Swasey			
No. 10 single spindle vertical	No. 8-32 tap x 17" swing	199	3419 61 11 10
No. 11 single spindle vertical	¼" diameter tap x 17" swing	348	3419 61 12 12
No. 11R single spindle, radial, vertical	⅝" diameter tap x 72" swing	812	3419 65 10 36
No. 11R two spindle, radial, vertical	⅝" diameter tap x 72" swing	1,392	3419 65 10 36

Manufacturer: Detroit Tap and Tool Company, Detroit, Mich.

Model LTM-16 vertical, single spindle, light duty.	⅜" diameter tap	$324	3419 61 12 16
Model MTM-27 vertical, single spindle, medium duty.	2" diameter tap	625	3419 61 14 10

Manufacturer: Garvin Division, Western Machine Tool Works, Holland, Mich.

No. 2-X vertical, single spindle	⅜" diameter tap	$171	3419 61 12 16
No. 3-11 vertical, single spindle	1½" diameter tap x 24" swing	256	3419 61 13 00

Manufacturer: R. G. Haskins Company, Chicago, Ill.

No. 1-BB vertical, single spindle	5/16" diameter tap x 10" swing	$87	3419 61 11 12
No. 1-C vertical, single spindle	0.1935" diameter tap x 13" swing	123	3419 61 11 16
No. 2-C vertical, single spindle	¼" diameter tap x 13" swing	132	3419 61 11 16
No. 3-C vertical, single spindle	½" diameter tap x 15" swing	148	3419 61 12 10
No. 3-C vertical, double spindle	½" diameter tap x 15" swing	307	3419 61 22 10

Manufacturer: Baush Machine Tools Company, Springfield, Mass.

NOTE: Table amended Jan. 15, 1947.

Model 2 vertical tapping machine	10 to 15 hp	$2,436	3419 63 00 00
Model vertical tapping machine, 12 spindle	5 hp	1,972	3419 63 00 00
Model vertical, radial arm tapper	½ hp. 42" swing	764	3419 65 10 40

[TABLE 18]

Drilling machine—multiple spindle automatic

Manufacturer: The Bodine Corporation, Bridgeport, Conn.

NOTE: Tables 18 to 30, inclusive, added Jan. 15, 1947.

Model and description	Size	Sales price	Code
Model 41-20 automatic drilling and tapping machine, dial type.	4 spindle	$766	3413 63 40 00
Model 42-20 automatic drilling and tapping machine, dial type.	6 spindle	1,072	3413 63 40 00
Model 42-30 automatic drilling and tapping machine, dial type.	8 spindle	1,314	3413 63 40 00
Model 48-20 automatic drilling and tapping machine, dial type.	6 spindle	1,378	3413 63 40 00
Model 48-30 automatic drilling and tapping machine, dial type.	8 spindle	1,506	3413 63 50 00

EXHIBIT D—Continued

[TABLE 18]—continued

Drilling machines—deep hole, back spot facing and miscellaneous drills

Manufacturer: Pratt and Whitney, West Hartford, Conn.

Model and description	Capacity	Spindles	Sales price	Code
Size 1 deep hole drill	113/4" stroke	2 spindle	$626	3413 81 12 10
Size 1 deep hole drill	33" stroke	2 spindle	654	3413 81 12 28
No. 1½ B-30 deep hole drill	30" stroke	2 spindle	1,779	3413 81 12 25
No. 1½ B-50 deep hole drill	50" stroke	2 spindle	1,870	3413 81 12 44
No 1 B-50 deep hole drill	50" stroke	2 spindle	2,289	3413 81 12 44
No. 1 B-74 deep hole drill	74" stroke	2 spindle	2,400	3413 81 12 57
No. 1 B-98 deep hole drill	98" stroke	2 spindle	2,526	3413 81 12 69
No. 1½-37 deep hole drill	37" stroke	2 spindle	2,807	3413 81 12 32
No. 1½-61 deep hole drill	61" stroke	2 spindle	3,002	3413 81 12 50
No. 1½-81 deep hole drill	81" stroke	2 spindle	3,318	3413 81 12 59
No. 1½-105 deep hole drill	105" stroke	2 spindle	3,547	3413 81 12 75
No. 1½-139 deep hole drill	139" stroke	2 spindle	3,777	3413 81 12 88
Model 1643 vertical deep hole drill	12" stroke	6 spindle	2,397	3413 82 60 00
Model 1843 vertical deep hole drill	12" stroke	6 spindle	4,176	3413 82 60 00

[TABLE 19]

Gear tooth lapper—external and/or internal gear tooth lapping machines

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model and description	Size and capacity	Sales price	Code
Model 7-LS external, helical gears only	7" pitch diameter x 1¾" face	$1,228	3414 72 12 00
Model 10-LS external, helical gears only	10" pitch diameter x 1¾" face	1,396	3414 72 12 00
Model 8-LS external and internal, spur and helical.	8" pitch diameter x 1¾" face	1,317	3414 72 23 00
Model 13-LS external and internal, spur and helical.	13" pitch diameter x 1¾" face	1,703	3414 72 23 00
Model 24-LS external and internal, spur and helical.	24" pitch diameter x 5" face	4,176	3414 72 23 00

Manufacturer: Gleason Works, Rochester, N. Y.

No. 17 spiral bevel and hypoid testing and lapping machine.	17" pitch diameter	$1,486	3414 72 14 00

Manufacturer: Michigan Tool Company, Detroit, Mich.

No. 993 Universal duplex lapper	20" pitch diameter x 30" between centers	$2,335	3414 72 10 00
No. 995 two-lap gear lapper	5" pitch diameter x 12" between centers	1,215	3414 72 10 00
No. 991 three-lap gear lapper	12" pitch diameter x 22½" between centers	1,250	3414 72 10 00

Manufacturer: National Broach and Machine Company, Detroit, Mich.

Model GLG external, vertical	8" pitch diameter x 9½" stroke	$1,108	3414 72 10 00
Model GLL external, vertical	15" pitch diameter x 10" stroke	1,269	3414 72 10 00
Model GLL external, vertical	18" pitch diameter x 10" stroke	1,394	3414 72 10 00

[TABLE 20]

Tool and Cutter Grinder—All types and sizes

Manufacturer: Pratt and Whitney Division, Hartford, Conn.

Model and description	Size and capacity	Sales price	Code
M-1687 gun barrel drill grinder	⅝" diameter drill	$352	3415 73 20 15
M-1705 R-6 Keller cutter grinder	6½" diameter cutter	242	3415 78 30 00
M-1728 R-8 Keller cutter grinder	6½" diameter cutter	423	3415 78 30 00
M-1498 hob and cutter grinder	8" diameter cutter	209	3415 78 62 08
M-1311 contour cutter grinder	6" diameter cutter	911	3415 79 00 00

EXHIBIT D—Continued

[TABLE 21]

Bench, floor and snag grinders—All sizes with wheels over 6" diameter and driving motors other than 110-volt

Manufacturer: Bridgeport Safety Emery Wheel Company, Inc., Bridgeport, Conn.

Model and description	Wheels	Sales price	Code
Model 2-TGAM wet tool and drill grinder, floor	14" diameter wheel	$159	3415 84 20 14
Model 2-TGAH wet tool and drill grinder, floor	14" diameter wheel	110	3415 84 20 14
Model 2-TGM wet tool grinder single floor type	14" diameter wheel	103	3415 85 20 14
Model 2-TGB wet tool grinder single floor type	14" diameter wheel	72	3415 85 20 14
Model 3-TGM wet tool grinder single floor type	20" diameter wheel	134	3415 85 30 20
Model 3-TGB wet tool grinder single floor type	20" diameter wheel	88	3415 85 30 20
Model 4-TGM wet tool grinder single floor type	26" diameter wheel	188	3415 85 40 26
Model 4-TGB wet tool grinder single floor type	26" diameter wheel	142	3415 85 40 26
Model 4½-TGM wet tool grinder single floor type	30" diameter wheel	214	3415 85 40 30
Model 4½-TGH wet tool grinder single floor type	30" diameter wheel	167	3415 85 40 30
Model 5-TGM wet tool grinder single floor type	36" diameter wheel	270	3415 85 50 36
Model 5-TGB wet tool grinder single floor type	36" diameter wheel	207	3415 85 50 36
Model 6-TGMZ wet tool grinder single floor type	42" diameter wheel	308	3415 85 50 42
Model 6-TGH wet tool grinder single floor type	42" diameter wheel	247	3415 85 50 42
Model 184 floor grinders double end, dry	12" diameter wheel	111	3415 83 20 12
Model 1-BD floor grinders double end, dry	12" diameter wheel	48	3415 83 20 12
Model D floor grinders double end, dry	12" diameter wheel	78	3415 83 20 12
Model 16-MA floor grinders double end, dry	14" diameter wheel	253	3415 83 20 14
Model 2-AC floor grinders double end, dry	16" diameter wheel	220	3415 83 30 16
Model 6-AC floor grinders double end, dry	16" diameter wheel	263	3415 83 30 16
Model 16-MA floor grinders double end, dry	16" diameter wheel	253	3415 83 30 16
Model 185 floor grinders double end, dry	16" diameter wheel	167	3415 83 30 16
Model 186 floor grinders double end, dry	16" diameter wheel	209	3415 83 30 16
Model 2-BD floor grinders double end, dry	16" diameter wheel	61	3415 83 30 16
Model E floor grinders double end, dry	16" diameter wheel	101	3415 83 30 16
Model 6-AC floor grinders double end, dry	18" diameter wheel	263	3415 83 30 18
Model 17-MA floor grinders double end, dry	18" diameter wheel	340	3415 83 30 18
Model 17-M floor grinders double end, dry	18" diameter wheel	357	3415 83 30 18
Model 188 floor grinders double end, dry	18" diameter wheel	190	3415 83 30 18
Model 6-BD floor grinders double end, dry	18" diameter wheel	77	3415 83 30 18
Model F floor grinders double end, dry	18" diameter wheel	132	3415 83 30 18
Model 17-MA floor grinders double end, dry	20" diameter wheel	340	3415 83 30 20
Model 17-M floor grinders double end, dry	20" diameter wheel	357	3415 83 30 20
Model 7-BD floor grinders double end, dry	20" diameter wheel	98	3415 83 30 20
Model FF floor grinders double end, dry	20" diameter wheel	148	3415 83 30 20
Model 184 floor grinders double end, dry	24" diameter wheel	565	3415 83 40 24
Model 8-DH floor grinder double end, dry	24" diameter wheel	132	3415 83 40 24
Model FFF floor grinders double end, dry	24" diameter wheel	185	3415 83 40 24
Model G floor grinders double end, dry	24" diameter wheel	198	3415 83 40 24
Model 162 floor grinders double end, dry	30" diameter wheel	590	3415 83 40 30
Model 9-BD floor grinders double end, dry	30" diameter wheel	180	3415 83 40 30
Model H floor grinders double end, dry	30" diameter wheel	295	3415 83 40 30
Model 174 swing frame grinder	16" diameter wheel	403	3415 88 11 16
Model 174-A swing frame grinder	20" diameter wheel	493	3415 88 12 20
Model 1 swing frame grinder	16" diameter wheel	348	3415 88 10 00
Model 1-SFM swing frame grinder	18" diameter wheel	245	3415 88 10 00
Model 2-SFM swing frame grinder	24" diameter wheel	390	3415 88 10 00
Model 1-SFB swing frame grinder	18" diameter wheel	140	3415 88 10 00
Model 1-SFB swing frame grinder	24" diameter wheel	228	3415 88 10 00

Manufacturer: The Delta Manufacturing Company, Milwaukee, Wis.

No. 23-111 double end bench grinder	7" diameter wheel	20	3415 81 20 07
No. 1277 double end bench grinder	7" diameter wheel	20	3415 81 20 07
No. 23-112 double end bench grinder	7" diameter wheel	21	3415 81 20 07
No. 1277 double end bench grinder	7" diameter wheel	21	3415 81 20 07
No. 23-115 double end bench grinder	7" diameter wheel	21	3415 81 20 07
No. 1214 double end bench grinder	7" diameter wheel	21	3415 81 20 07
No. 23-118 double end bench grinder	7" diameter wheel	20	3415 81 20 07
No. 1287 double end bench grinder	7" diameter wheel	20	3415 81 20 07
No. 23-121 double end bench grinder	7" diameter wheel	22	3415 81 20 07
No. 1307 double end bench grinder	7" diameter wheel	22	3415 81 20 07
No. 23-411 double end floor grinder	7" diameter wheel	25	3415 83 10 07
No. 1273 double end floor grinder	7" diameter wheel	25	3415 83 10 07
No. 23-412 double end floor grinder	7" diameter wheel	25	3415 83 10 07
No. 1278 double end floor grinder	7" diameter wheel	25	3415 83 10 07
No. 23-415 double end floor grinder	7" diameter wheel	29	3415 83 10 07
No. 1246 double end floor grinder	7" diameter wheel	29	3415 83 10 07
No. 23-418 double end floor grinder	7" diameter wheel	29	3415 83 10 07
No. 1285 double end floor grinder	7" diameter wheel	29	3415 83 10 07
No. 23-421 double end floor grinder	7" diameter wheel	27	3415 83 10 07
No. 1308 double end floor grinder	7" diameter wheel	27	3415 83 10 07

EXHIBIT D—Continued

[TABLE 21]—continued

Bench, floor and snag grinders—All sizes with wheels over 6" diameter and driving motors other than 110-volt—Con.

Manufacturer: The Delta Manufacturing Company, Milwaukee, Wis.—Continued

Model and description	Wheels	Sales price	Code
No. 1254 double end floor grinder	7" diameter wheel	$21	3415 83 10 07
No. 1269 double end floor grinder	7" diameter wheel	30	3415 83 10 07
No. 1279 double end floor grinder	7" diameter wheel	30	3415 83 10 07
No. 1276 double end floor grinder	7" diameter wheel	31	3415 83 10 07
No. 1258 double end floor grinder	7" diameter wheel	27	3415 83 10 07
No. 1281 double end floor grinder	7" diameter wheel	31	3415 83 10 07
No. 1306 double end floor grinder	7" diameter wheel	33	3415 83 10 07
No. 1309 double end floor grinder	7" diameter wheel	33	3415 83 10 07

Manufacturer: Hammond Machinery Builders, Inc., Kalamazoo, Mich.

Model ND-10 floor, double end, dry	10" diameter wheel	$82	3415 83 20 10
Model OK-10 floor, double end, dry	10" diameter wheel	41	3415 83 20 10
Model RW-1 floor, double end, dry	10" diameter wheel	73	3415 83 20 10
Model ND-12 floor, double end, dry	12" diameter wheel	119	3415 83 20 12
Model OK-12 floor, double end, dry	12" diameter wheel	66	3415 83 20 12
Model RW-2 floor, double end, dry	12" diameter wheel	77	3415 83 20 12
Model ND-14 floor, double end, dry	14" diameter wheel	131	3415 83 20 14
Model OK-14 floor, double end, dry	14" diameter wheel	82	3415 83 20 14
Model WSX-3 floor, double end, dry	14" diameter wheel	133	3415 83 20 14
Model OK-10 bench, double end, dry	10" diameter wheel	35	3415 81 30 10
Model WSX-5 floor, double end, dry	18" diameter wheel	178	3415 83 30 18
Model WR-1 floor, double end, dry	18" diameter wheel	281	3415 83 30 18
Model WR-1 floor, double end, dry	20" diameter wheel	292	3415 83 30 20
Model WR-2 floor, double end, dry	20" diameter wheel	393	3415 83 30 20
Model WR-2 floor, double end, dry	24" diameter wheel	402	3415 83 40 24
Model WR-1 floor, double end, dry	24" diameter wheel	310	3415 83 40 24
Model WR-1 floor, double end, dry	30" diameter wheel	414	3415 83 40 30
Model WR-2 floor, double end, dry	20" diameter wheel	294	3415 83 50 20
Model 20-S floor, single end, wet	20" diameter wheel	278	3415 83 50 20
Model 20-ST floor, single end, wet	10" diameter wheel	40	3415 88 22 10
Model OK-10 floor, combination grinder and buffer	12" diameter wheel	64	3415 88 22 12
Model OK-12 floor, combination grinder and buffer	14" diameter wheel	79	3415 88 22 14
Model OK-14 floor, combination grinder and buffer			

Manufacturer: Queen City Machine Tool Company, Cincinnati, Ohio

Model 1-B double end, bench grinder	7" diameter wheel	$11	3415 81 20 07
Model 1½-B double end, bench grinder	8" diameter wheel	14	3415 81 30 08
Model 2-B double end, bench grinder	10" diameter wheel	34	3415 81 30 10
Model 1-F double end, floor grinder	7" diameter wheel	14	3415 83 10 07
Model 1½-F double end, floor grinder	8" diameter wheel	18	3415 83 10 08
Model 3-F double end, floor grinder	10" diameter wheel	42	3415 83 20 10
Model 4-F double end, floor grinder	12" diameter wheel	64	3415 83 20 12
Model 10-F double end, floor grinder	12" diameter wheel	74	3415 83 20 12
Model 11-F double end, floor grinder	14" diameter wheel	93	3415 83 20 14
Model 6-BF combination grinder and buffer	10" diameter wheel	41	3415 83 22 00
Model 7-BF combination grinder and buffer	12" diameter wheel	62	3415 88 22 00
Model 16-BF combination grinder and buffer	12" diameter wheel	76	3415 88 22 00
Model 17-BF combination grinder and buffer	14" diameter wheel	93	3415 88 22 00
Model 8-DF combination grinder and disc sander	10" diameter wheel	58	3415 88 30 00
Model 9-DF combination grinder and disc sander	12" diameter wheel	76	3415 88 30 00
Model 18-DF combination grinder and disc sander	12" diameter wheel	99	3415 88 30 00
Model 19-DF combination grinder and disc sander	14" diameter wheel	121	3415 88 30 00

Manufacturer: Walker-Turner Company, Inc., Plainfield, N. J.

Model GR-50 bench, double end, dry	7" diameter wheel	$17	3415 81 20 07
Model GR-100 bench, double end, dry	10" diameter wheel	30	3415 81 30 10
Model GR-50 floor, double end, dry	7" diameter wheel	22	3415 83 10 07
Model GR-100 floor, double end, dry	10" diameter wheel	39	3415 83 20 10
Model CG-50 combination grinder and disc sander	7" diameter wheel	22	3415 88 30 07

EXHIBIT D—Continued

[TABLE 22]

Lathes, production—between centers automatic, horizontal single spindle

Manufacturer: Gisholt Machine Company, Madison, Wis.

Model and description	Size and capacity	Sales price	Code
No. 12 Hydraulic automatic lathe	16¾" swing over bed, 12" over front carriage x 22" centers.	$1,034	3416 61 51 89

Manufacturer: Jones and Lamson Machine Company, Springfield, Vt.

No. 8" Fay automatic	8" swing x 15" center to center	$703	3416 61 31 75
No. 8" Fay automatic	8" swing x 21" center to center	796	3416 61 31 81
No. 8" Fay automatic	8" swing x 33" center to center	843	3416 61 32 64
No. 8" Fay automatic	8" swing x 45" center to center	889	3416 61 32 76
No. 8" Fay automatic	8" swing x 69" center to center	1,005	3416 61 33 00
No. 12" Fay automatic	12" swing x 15" center to center	1,127	3416 61 51 00
No. 12" Fay automatic	12" swing x 21" center to center	1,195	3416 61 51 16
No. 12" Fay automatic	12" swing x 33" center to center	1,261	3416 61 52 04
No. 12" Fay automatic	12" swing x 45" center to center	1,330	3416 61 52 16
No. 12" Fay automatic	12" swing x 63" center to center	1,405	3416 61 53 10
No. 12" Fay automatic	12" swing x 81" center to center	1,636	3416 61 54 04
No. 12" Fay automatic	12" swing x 99" center to center	1,805	3416 61 54 22
No. 16" Fay automatic	16" swing x 21" center to center	2,079	3416 61 61 12
No. 16" Fay automatic	16" swing x 33" center to center	2,148	3416 61 62 04
No. 16" Fay automatic	16" swing x 51" center to center	2,284	3416 61 63 04
No. 16" Fay automatic	16" swing x 69" center to center	2,453	3416 61 64 04
No. 16" Fay automatic	16" swing x 87" center to center	2,623	3416 61 65 04
No. 20" Fay automatic	20" swing x 25" center to center	1,569	3416 61 61 64
No. 20" Fay automatic	20" swing x 37" center to center	1,638	3416 61 62 57
No. 20" Fay automatic	20" swing x 55" center to center	1,773	3416 61 63 57
No. 20" Fay automatic	20" swing x 73" center to center	1,943	3416 61 64 57
No. 20" Fay automatic	20" swing x 91" center to center	2,112	3416 61 65 07
No. 20" Fay automatic	20" swing x 127" center to center	2,553	3416 61 65 00
No. 24" Fay automatic	24" swing x 42" center to center	2,547	3416 61 71 12
No. 24" Fay automatic	24" swing x 60" center to center	2,717	3416 61 72 10
No. 24" Fay automatic	24" swing x 96" center to center	3,058	3416 61 73 07

Manufacturer: Lipe-Rollway Corporation, Syracuse, N. Y.

Carbo-matic automatic hydraulic lathe	16" swing over bed 8" over carriage x 30" centers.	$1,263	3416 61 52 73

Manufacturer: Lodge and Shipley Machine Tool Company, Cincinnati, Ohio

No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 15" centers.	$1,009	3416 61 61 06
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 27" centers.	1,044	3416 61 61 18
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 39" centers.	1,078	3416 61 62 10
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 51" centers.	1,113	3416 61 63 04
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 63" centers.	1,148	3416 61 63 16
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 75" centers.	1,182	3416 61 64 10
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 87" centers.	1,217	3416 61 65 04
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 99" centers.	1,252	3416 61 65 16
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 111" centers.	1,286	3416 61 66 10
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 12" centers.	1,438	3416 61 61 27
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 24" centers.	1,490	3416 61 61 39
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 36" centers.	1,542	3416 61 62 31
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 48" centers.	1,594	3416 61 63 25

EXHIBIT D—Continued

[TABLE 22]—continued

Lathes, production—between centers automatic, horizontal single spindle—Continued

Manufacturer: Lodge and Shipley Machine Tool Company, Cincinnati, Ohio—Continued

Model and description	Wheels	Sales price	Code
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 60" centers.	$1,646	3416 61 63 37
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 72" centers.	1,698	3416 61 64 31
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 84" centers.	1,750	3416 61 65 25
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 96" centers.	1,802	3416 61 65 37
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 108" centers.	1,854	3416 61 66 31
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 15" centers.	1,772	3416 61 61 51
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 27" centers.	1,826	3416 61 61 66
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 39" centers.	1,879	3416 61 62 59
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 51" centers.	1,932	3416 61 63 53
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 63" centers.	1,986	3416 61 63 65
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 75" centers.	2,039	3416 61 64 59
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 87" centers.	2,092	3416 61 65 53
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 99" centers.	2,146	3416 61 65 65
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 111" centers.	2,199	3416 61 66 59
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 30" centers.	2,292	3416 61 71 01
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 42" centers.	2,362	3416 61 71 12
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 54" centers.	2,431	3416 61 71 24
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 66" centers.	2,500	3416 61 72 07
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 78" centers.	2,570	3416 61 72 19
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 90" centers.	2,639	3416 61 73 01
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 102" centers.	2,708	3416 61 73 13
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 114" centers.	2,778	3416 61 73 25
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 126" centers.	2,847	3416 61 73 37

Manufacturer: Seneca Falls Machine Company, Seneca Falls, N. Y.

IMP lo-swing multiple tool automatic	4½ swing over front and rear carriage, 8" centers.	$746	3416 61 11 00
IMP lo-swing multiple tool automatic	4½ swing over front and rear carriage, 12" centers.	769	3416 61 21 12
LR lo-swing multiple tool automatic	5½" swing over front and rear carriage, 10" centers.	768	3416 61 21 00
LR lo-swing multiple tool automatic	5½" swing over front and rear carriage, 16" centers.	815	3416 61 21 00
LR lo-swing multiple tool automatic	5½" swing over front and rear carriage, 22" centers.	854	3416 61 21 00
LR lo-swing multiple tool automatic	5½" swing over front and rear carriage, 34" centers.	965	3416 61 22 11
LR lo-swing multiple tool automatic	5½" swing over front and rear carriage, 46" centers.	1,021	3416 61 22 67
R-14 lo-swing multiple tool automatic	11½" swing over front and rear carriage, 34" centers.	2,627	3416 61 42 37
R-14 lo-swing multiple tool automatic	11½" swing over front and rear carriage, 40" centers.	2,743	3416 61 42 47

EXHIBIT D—Continued

[TABLE 22]—continued

Lathes, production—between centers automatic, horizontal single spindle—Continued

Manufacturer: Sparks Machine Tool Corporation, Norwalk, Conn.

Model and description	Wheels	Sales price	Code
Model 20-A "Hydra-feed" multiple tool semi-automatic	20" swing, 33" centers	$2,784	3416 61 62 53
Model 20-B "Hydra-feed" multiple tool semi-automatic	20" swing, 51" centers	3,016	3416 61 63 53

Manufacturer: Sundstrand Machine Tool Company, Rockford, Ill.

Model 8 automatic lathe	8" swing x 15" center to center	$715	3416 61 31 75
Model 8 automatic lathe	8" swing x 21" center to center	757	3416 61 31 81
Model 8 automatic lathe	8" swing x 28" center to center	816	3416 61 31 88
Model 8 automatic lathe	8" swing x 36" center to center	862	3416 61 32 67
Model 10 automatic lathe	10" swing x 16" center to center	976	3416 61 41 46
Model 10 automatic lathe	10" swing x 22" center to center	1,020	3416 61 41 52
Model 10 automatic lathe	10" swing x 34" center to center	1,128	3416 61 42 35
Model 10 automatic lathe	10" swing x 46" center to center	1,242	3416 61 42 47
Model 12 automatic lathe	12" swing x 16" center to center	1,081	3416 61 51 00
Model 12 automatic lathe	12" swing x 22" center to center	1,126	3416 61 51 17
Model 12 automatic lathe	12" swing x 34" center to center	1,233	3416 61 52 05
Model 12 automatic lathe	12" swing x 46" center to center	1,349	3416 61 52 17
Model 15 automatic lathe	15" swing x 22" center to center	1,102	3416 61 51 89

[TABLE 23]

Screw machine—single and multiple spindle bar type automatic

Manufacturer: Cone Automatic Machine Company, Windsor, Vt.

Model and description	Size	Capacity spindles	Sales price	Code
Model SC automatic screw machine	1¼" diameter bar capacity	6	$2,428	3416 75 20 06
Model SJ automatic screw machine	1¼" diameter bar capacity	6	2,428	3416 75 20 06
Model SK automatic screw machine	1½" diameter bar capacity	6	3,066	3416 75 30 02
Model SA automatic screw machine	1½" diameter bar capacity	6	3,066	3416 75 30 02
Model SB automatic screw machine	1⅝" diameter bar capacity	6	3,153	3416 75 30 08
Model SN automatic screw machine	2" diameter bar capacity	6	3,307	3416 75 40 02
Model SD automatic screw machine	2¼" diameter bar capacity	6	3,446	3416 75 40 06
Model SE automatic screw machine	2⅝" diameter bar capacity	6	3,932	3416 75 50 04
Model SF automatic screw machine	3⅛" diameter bar capacity	6	4,432	3416 75 60 10
Model CG automatic screw machine	⅞" diameter bar capacity	8	1,995	3416 76 10 14
Model CC automatic screw machine	1¼" diameter bar capacity	8	2,090	3416 76 10 20
Model VV automatic screw machine	1¼" diameter bar capacity	8	2,995	3416 76 10 20
Model WW automatic screw machine	1½" diameter bar capacity	8	3,065	3416 76 20 02
Model XX automatic screw machine	1⅝" diameter bar capacity	8	3,132	3416 76 20 08
Model DD automatic screw machine	1⅞" diameter bar capacity	8	2,360	3416 76 20 02
Model VH automatic screw machine	1⅞" diameter bar capacity	8	3,132	3416 76 20 04
Model MM automatic screw machine	1⅞" diameter bar capacity	8	2,529	3416 76 20 08
Model GA automatic screw machine	2⅛" diameter bar capacity	8	4,090	3416 76 30 06
Model GB automatic screw machine	2⅝" diameter bar capacity	8	4,386	3416 76 30 12

Manufacturer: Greenlee Brothers and Company, Rockford, Ill.

Model 1" automatic screw machine	1" diameter bar capacity	6	$2,216	3416 75 20 02
Model 1¼" automatic screw machine	1¼" diameter bar capacity	6	2,313	3416 75 20 06
Model 1⅜" automatic screw machine	1⅜" diameter bar capacity	6	2,410	3416 75 20 08
Model 1⅝" automatic screw machine	1⅝" diameter bar capacity	6	2,636	3416 75 30 04
Model 2" automatic screw machine	2" diameter bar capacity	6	3,209	3416 75 40 02

Manufacturer: The National Acme Company, Cleveland, Ohio

Model ⅜" R-6 automatic screw machine	⅜" diameter bar capacity	6	$2,105	3416 75 10 06
Model 9/16" R-6 automatic screw machine	9/16" diameter bar capacity	6	2,105	3416 75 10 09
Model 9/16" RA-6 automatic screw machine	9/16" diameter bar capacity	6	1,602	3416 75 10 09
Model ¾" R-6 automatic screw machine	¾" diameter bar capacity	6	2,221	3416 75 10 12
Model 1" R-6 automatic screw machine	1" diameter bar capacity	6	2,293	3416 75 20 02
Model 1" RA-6 automatic screw machine	1" diameter bar capacity	6	3,039	3416 75 20 02

EXHIBIT D—Continued

[TABLE 23]—continued

Screw machine—single and multiple spindle bar type automatic—Continued

Manufacturer: The National Acme Company, Cleveland, Ohio—Continued

Model and description	Size	Capacity spindles	Sales price	Code
Model 1" RL-6 automatic screw machine	1" diameter bar capacity	6	$2,467	3416 75 20 02
Model 1" RAS-6 automatic screw machine	1" diameter bar capacity	6	2,467	3416 75 20 02
Model 1¼" R-6 automatic screw machine	1¼" diameter bar capacity	6	2,624	3416 75 20 02
Model 1¼" RA-6 automatic screw machine	1¼" diameter bar capacity	6	3,465	3416 75 20 02
Model 1⅛" R-6 automatic screw machine	1⅛" diameter bar capacity	6	3,016	3416 75 40 02
Model 1⅛" RA-6 automatic screw machine	1⅛" diameter bar capacity	6	4,118	3416 75 30 04
Model 1⅛" RB-6 automatic screw machine	1⅛" diameter bar capacity	6	4,118	3416 75 30 04
Model 2" R-6 automatic screw machine	2" diameter bar capacity	6	3,820	3416 75 40 02
Model 2" RA-6 automatic screw machine	2" diameter bar capacity	6	4,350	3416 75 40 02
Model 2" RB-6 automatic screw machine	2" diameter bar capacity	6	4,350	3416 75 40 02
Model 2" RAS-6 automatic screw machine	2" diameter bar capacity	6	4,350	3416 75 40 02
Model 2¼" R-6 automatic screw machine	2¼" diameter bar capacity	6	3,857	3416 75 40 06
Model 2¼" RA-6 automatic screw machine	2¼" diameter bar capacity	6	4,437	3416 75 40 06
Model 2⅛" R-6 automatic screw machine	2⅛" diameter bar capacity	6	4,147	3416 75 50 04
Model 2⅛" RA-6 automatic screw machine	2⅛" diameter bar capacity	6	4,969	3416 75 50 04
Model 2⅛" RB-6 automatic screw machine	2⅛" diameter bar capacity	6	4,969	3416 75 50 04
Model 3½" RA-6 automatic screw machine	3½" diameter bar capacity	6	5,781	3416 75 60 10
Model 3½" RB-6 automatic screw machine	3½" diameter bar capacity	6	5,781	3416 75 60 10
Model 1⅝" RA-8 automatic screw machine	1⅝" diameter bar capacity	8	4,867	3416 76 20 04
Model 1⅝" RB-8 automatic screw machine	1⅝" diameter bar capacity	8	4,867	3416 76 20 04
Model 2¼" RA-8 automatic screw machine	2¼" diameter bar capacity	8	4,940	3416 76 30 06
Model 2⅜" RA-8 automatic screw machine	2⅜" diameter bar capacity	8	5,882	3416 76 30 12
Model 2⅜" RB-8 automatic screw machine	2⅜" diameter bar capacity	8	5,882	3416 76 30 12

Manufacturer: New Britain-Gridley Machine Company, New Britain, Conn.

Model 60 automatic screw machine	⅝" diameter bar capacity	6	$1,778	3416 75 10 10
Model 204 automatic screw machine	⅝" diameter bar capacity	6	1,059	3416 75 10 10
Model 314 automatic screw machine	⅝" diameter bar capacity	6	1,059	3416 75 10 10
Model 60 automatic screw machine	1" diameter bar capacity	6	2,741	3416 75 20 02
Model 172 automatic screw machine	1" diameter bar capacity	6	1,410	3416 75 20 02
Model 226 automatic screw machine	1" diameter bar capacity	6	1,108	3416 75 20 02
Model 227 automatic screw machine	1" diameter bar capacity	6	1,516	3416 75 20 02
Model 263 automatic screw machine	1" diameter bar capacity	6	1,410	3416 75 20 02
Model 61 automatic screw machine	1⅜" diameter bar capacity	6	2,299	3416 75 20 08
Model 61 automatic screw machine	1⅜" diameter bar capacity	6	3,373	3416 75 30 04
Model 206 automatic screw machine	1⅝" diameter bar capacity	6	1,892	3416 75 30 04
Model 264 automatic screw machine	1⅝" diameter bar capacity	6	1,892	3416 75 30 04
Model 506 automatic screw machine	1¾" diameter bar capacity	6	1,842	3416 75 30 06
Model 527 automatic screw machine	1¾" diameter bar capacity	6	1,782	3416 75 30 06
Model 61 automatic screw machine	2" diameter bar capacity	6	3,560	3416 75 40 02
Model 61 automatic screw machine	2¼" diameter bar capacity	6	3,662	3416 75 40 06

[TABLE 24]

Milling machine—miscellaneous spline millers, spar millers, routers, and slot millers

Manufacturer: Rice Barton Corporation, Worcester, Mass.

Model and description	Size and capacity	Sales price	Code
Model 4" twin spline milling machine	4" maximum length spline	$518	3417 91 00 00

Manufacturer: The Taylor and Fenn Company, Hartford, Conn.

Model M-80 duplex spline milling machine	½" width x 4" length	$549	3417 91 00 00
Model M-54 duplex spline milling machine	1" width x 6" length	743	3417 91 00 00

Manufacturer: Superior Machine and Engineering Company, Detroit, Mich.

Superior oscillating spindle slot miller	⅝" wide x 3" long maximum slot	$170	3417 99 00 00

EXHIBIT D—Continued

[TABLE 25]

Planers—double housing

Manufacturer: Craven Brothers Ltd., Manchester, England

Model and description	Size and capacity	Sales price	Code
Craven double housing	17' width x 13' 3" rail clearance x 33' stroke	$19,000	3418 11 63 00

[TABLE 26]

Shapers and slotters—all vertical mechanical or hydraulically operated machines

Manufacturer: Douglas Machinery Company, Inc., New York, N. Y.

Model and description	Size	Sales price	Code
No. 7-A Douglas vertical slotter	7½" stroke	$757	3419 17 10 07
No. 8-A Douglas vertical slotter	8½" stroke	793	3419 17 20 08
No. 10-A Douglas vertical slotter	10" stroke	891	3419 17 20 10

Manufacturer: Morey Machinery Company, New York, N. Y.

Model and description	Size	Sales price	Code
8" Morey vertical shaper	8" stroke	$1,548	3419 17 20 08
12" Morey vertical shaper	12" stroke	2,019	3419 17 30 12
14" Morey vertical shaper	14" stroke	2,323	3419 17 30 14

[TABLE 27]

Lapping machines—flat, cylindrical and combination machines

Manufacturer: Norton Company, Worcester, Mass.

Model and description	Size	Sales price	Code
Model 26-F Norton hyprolap	26" wheel diameter	$1,460	3419 25 30 26

[TABLE 28]

Speed lathes—all types and sizes

Manufacturer: J. G. Blount Company, Everett, Mass.

Model and description	Size and capacity	Sales price	Code
Blount bench or floor type speed lathes plain or equipped with hand wheel draw in driving means rear countershaft, rear shelf motor or motor in leg.	11" swing x 3' 0" center to center	$56	3419 33 20 10
	11" swing x 4' 0" center to center	58	3419 33 20 10
	11" swing x 5' 0" center to center	61	3419 33 20 10
	11" swing x 6' 0" center to center	63	3419 33 20 10
	11" swing x 7' 0" center to center	72	3419 33 20 10
	13" swing x 5' 0" center to center	62	3419 33 30 10
	13" swing x 6' 0" center to center	66	3419 33 30 10
	13" swing x 8' 0" center to center	75	3419 33 30 10
	13" swing x 10' 0" center to center	85	3419 33 30 10
	16" swing x 6' 0" center to center	88	3419 33 20 10
	16" swing x 8' 0" center to center	92	3419 33 20 10
	16" swing x 10' 0" center to center	110	3419 33 20 10
	16" swing x 12' 0" center to center	123	3419 33 20 10

EXHIBIT D—Continued

[TABLE 28]—continued

Speed lathes—all types and sizes—Continued

Manufacturer: J. G. Blount Company, Everett, Mass.—Continued

Model and description	Drive	Sales price	Code
Motor headstock or unit type motor headstock	12" swing x 4' 0" center to center	$95	3419 33 20 10
	12" swing x 5' 0" center to center	97	3419 33 20 10
	12" swing x 6' 0" center to center	99	3419 33 20 10
	12" swing x 7' 0" center to center	102	3419 33 20 10
	12" swing x 8' 0" center to center	104	3419 33 20 10
Motor headstock, equipped with hand feed carriage and compound rest.	16" swing x 6' 0" center to center	252	3419 33 30 30
	16" swing x 8' 0" center to center	266	3419 33 30 30
	16" swing x 10' 0" center to center	276	3419 33 30 30
	16" swing x 12' 0" center to center	291	3419 33 30 30
Model B-1 ½ horsepower motor	16" swing x 4' 0" center to center	132	3419 33 20 10
Model B-1 ¾ horsepower motor	16" swing x 4' 0" center to center	134	3419 33 20 20
Model B-1 ¾ horsepower motor	18" swing x 4' 0" center to center	136	3419 33 20 20
Model B-2 ½ horsepower motor	12" swing x 4' 0" center to center	200	3419 33 20 10
Model B-3 ¾ horsepower motor	20" swing x 8' 0" center to center	503	3419 33 20 20
Model B-3 ¾ horsepower motor	24" swing x 8' 0" center to center	508	3419 33 20 20
Model B-4 ½ horsepower motor	11" swing x 6' 0" center to center	372	3419 33 20 10
Model B-5 ½ horsepower motor	11" swing x 4' 0" center to center	404	3419 33 20 10
Model B-6 ¾ horsepower motor	16" swing x 5' 0" center to center	278	3419 33 20 20
Model B-7 ½ horsepower motor	11" swing x 5' 0" center to center	183	3419 33 20 10
P. W. 20 chucking lathe	14" swing x 20" table	93	3419 33 00 00

Manufacturer: Cincinnati Electrical Tool Company, Cincinnati, Ohio

Model FBA speed lathe	¾ horsepower motor	$44	3419 33 20 20

Manufacturer: Ohio Units, Dayton, Ohio

Model 500 speed lathe	14" swing x 49" center to center	$529	3419 33 00 00

Manufacturer: Schauer Machine Company, Cincinnati, Ohio

NA1B and N1B	⅙ horsepower	$53	3419 33 10 15
NA1B and N1B	¼ horsepower	53	3419 33 10 20
NA1B and N1B	⅓ horsepower	53	3419 33 10 30
NA1B and N1B	½ horsepower	53	3419 33 20 10
NA1C and N1C	⅙ horsepower	47	3419 33 10 15
NA1C and N1C	¼ horsepower	47	3419 33 10 20
NA1C and N1C	⅓ horsepower	47	3419 33 10 30
NA1C and N1C	½ horsepower	47	3419 33 20 10
NA1E and N1E	⅙ horsepower	65	3419 33 10 15
NA1E and N1E	¼ horsepower	65	3419 33 10 20
NA1E and N1E	⅓ horsepower	65	3419 33 10 30
NA1E and N1E	½ horsepower	65	3419 33 20 10
NA1F and N1F	⅙ horsepower	55	3419 33 10 15
NA1F and N1F	¼ horsepower	55	3419 33 10 20
NA1F and N1F	⅓ horsepower	55	3419 33 10 30
NA1F and N1F	½ horsepower	55	3419 33 20 10
NA1BC	⅙ horsepower	65	3419 33 10 15
NA1BC	¼ horsepower	65	3419 33 10 20
NA1BC	⅓ horsepower	65	3419 33 10 30
NA1BC	½ horsepower	65	3419 33 20 10
NA1EC	⅙ horsepower	76	3419 33 10 15
NA1EC	¼ horsepower	76	3419 33 10 20
NA1EC	⅓ horsepower	76	3419 33 10 30
NA1EC	½ horsepower	76	3419 33 20 10
NA2B	⅓ horsepower	62	3419 33 10 30
NA2B	½ horsepower	62	3419 33 20 10
NA2B	¾ horsepower	62	3419 33 20 20
NA2B	1 horsepower	62	3419 33 30 10
NA2C	⅓ horsepower	56	3419 33 10 30
NA2C	½ horsepower	56	3419 33 20 10
NA2C	¾ horsepower	56	3419 33 20 20
NA2C	1 horsepower	56	3419 33 30 10
NA2E	⅓ horsepower	74	3419 33 10 30
NA2E	½ horsepower	74	3419 33 20 10

EXHIBIT D—Continued

[TABLE 28]—continued

Speed lathes—all types and sizes—Continued

Manufacturer: Schauer Machine Company, Cincinnati, Ohio—Continued

Model and description	Drive	Sales price	Code
NA2E	¾ horsepower	$74	3419 33 20 20
NA2E	1 horsepower	74	3419 33 30 10
NA2F	½ horsepower	64	3419 33 10 30
NA2F	⅔ horsepower	64	3419 33 20 10
NA2F	¾ horsepower	64	3419 33 20 20
NA2F	1 horsepower	64	3419 33 30 10
NA2HC	⅓ horsepower	74	3419 33 10 30
NA2HC	½ horsepower	74	3419 33 20 10
NA2HC	¾ horsepower	74	3419 33 20 20
NA2HC	1 horsepower	74	3419 33 30 10
NA2EC	⅓ horsepower	84	3419 33 10 30
NA2EC	½ horsepower	84	3419 33 20 10
NA2EC	¾ horsepower	84	3419 33 20 20
NA2EC	1 horsepower	84	3419 33 30 10
NA2BV	⅓ horsepower	71	3419 33 10 30
NA2BV	½ horsepower	71	3419 33 20 10
NA2BV	¾ horsepower	71	3419 33 20 20
NA2BV	1 horsepower	71	3419 33 30 10
NA3BV	1 horsepower	126	3419 33 30 10
NA3BV	1½ horsepower	126	3419 33 30 20
NA3BV	2 horsepower	126	3419 33 30 30
NA3BV	3 horsepower	126	3419 33 40 10
NA3BV	5 horsepower	126	3419 33 40 30
VA1B	⅓ horsepower	68	3419 33 10 30
VA1B	½ horsepower	68	3419 33 20 10
VA1B	¾ horsepower	68	3419 33 20 20
VA1B	1 horsepower	68	3419 33 30 10
VA1C	⅓ horsepower	68	3419 33 10 30
VA1C	½ horsepower	68	3419 33 20 10
VA1C	¾ horsepower	68	3419 33 20 20
VA1C	1 horsepower	68	3419 33 30 10
VA1D	⅓ horsepower	85	3419 33 10 30
VA1D	½ horsepower	85	3419 33 20 10
VA1D	¾ horsepower	85	3419 33 20 20
VA1D	1 horsepower	85	3419 33 30 10
VA1E	⅓ horsepower	85	3419 33 10 30
VA1E	½ horsepower	85	3419 33 20 10
VA1E	¾ horsepower	85	3419 33 20 20
VA1E	1 horsepower	85	3419 33 30 10
VA2B	⅓ horsepower	75	3419 33 10 30
VA2B	½ horsepower	75	3419 33 20 10
VA2B	¾ horsepower	75	3419 33 20 20
VA2B	1 horsepower	75	3419 33 30 10
VA2C	⅓ horsepower	75	3419 33 10 30
VA2C	½ horsepower	75	3419 33 20 10
VA2C	¾ horsepower	75	3419 33 20 20
VA2C	1 horsepower	75	3419 33 30 10
VA2D	⅓ horsepower	92	3419 33 10 30
VA2D	½ horsepower	92	3419 33 20 10
VA2D	¾ horsepower	92	3419 33 20 20
VA2D	1 horsepower	92	3419 33 30 10
VA2E	⅓ horsepower	92	3419 33 10 30
VA2E	½ horsepower	92	3419 33 20 10
VA2E	¾ horsepower	92	3419 33 20 20
VA2E	1 horsepower	92	3419 33 30 10
VA3B	1 horsepower	108	3419 33 30 10
VA3B	2 horsepower	108	3419 33 30 30
VA3B	3 horsepower	108	3419 33 40 10
VA3B	5 horsepower	108	3419 33 40 30

Manufacturer: United States Electrical Tool Company, Cincinnati, Ohio

Model and description	Size	Sales price	Code
Model 206 Speed lathe or reamer drive	1 horsepower motor	$73	3419 33 00 00

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

COURSES OF EDUCATION OR TRAINING; STANDARDS OF CONDUCT AND PROGRESS; AND CHANGING A COURSE OF INSTRUCTION

Section 36.249 (b) (2) of instructions concerning charges and payments for tuition, fees, books, supplies, equipment and other expenses is amended to read as follows:

§ 36.249 *Procedure for furnishing books, supplies, and equipment.* • • •

(b) • • •

(2) Establishments providing on-the-job training may furnish the required articles by purchase in accordance with current regulations governing the procurement of and accounting for trainees property. Prior approval of the appropriate branch office will be necessary when aggregate charges exceed $100.

(58 Stat. 284; 38 U. S. C. 693)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans Affairs.

JANUARY 21, 1947.

[F. R. Doc. 47-881; Filed, Jan. 29, 1947; 8:56 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S. O. 648, Amdt. 3]

PERMIT REQUESTED FOR BULK GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of January A. D. 1947.

Upon further consideration of Service Order No. 648 (11 F. R. 14171), as amended (11 F. R. 14245, 14523), and good cause appearing therefor: *It is ordered*, that:

Section 95.648 *Permit required for bulk grain*, of Service Order No. 648, be, and it is hereby, further amended by substituting the following paragraph (d) (2) for paragraph (d) (2) thereof:

(d) *Appointment of agents.* (2) The following permit agents are hereby designated and appointed by the Interstate Commerce Commission for the purpose of accepting applications and issuing the permits required by paragraph (b) of this section:

Permit Agent	Address	Station
H. H. Foreman	552 New Customhouse, Denver 2, Colo.	Denver, Colo.
R. R. Wetmer	301 U. S. Courthouse, Kansas City, Mo.	Atchison, Hutchinson, Salina, Newton, Topeka, Whitewater, Wichita, Kans.; Kansas City and St. Joseph, Mo.
J. E. Youngman L. A. Denison	908 New Federal Bldg., St. Louis, Mo. 1450 U. S. Post Office, Omaha, Nebr.	St. Louis, Mo. Fremont, Nebraska City and Omaha, Nebr.; Council Bluffs, Iowa.
C. T. Aspelmier, J. G. Harris	505 Burt Bldg., Dallas, Tex.	Alva, Bluestowell, Enid, and Thomas, Okla; Amarillo, Childress, Fort Worth, Greenville, and Plainview, Tex.

It is further ordered, That this amendment shall become effective at 12:01 a. m., January 26, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-878; Filed, Jan. 29, 1947; 8:56 a. m.]

EXHIBIT D—Continued

[TABLE 28]—continued

Speed lathes—all types and sizes—Continued

Manufacturer: Walker-Turner Company, Inc., Plainfield, N. J.

Model and description	Drive	Sales price	Code
Model TPL-6 polishing speed lathe	1½ horsepower motor	$54	3419 33 30 25
Model TPL-7 polishing speed lathe	1½ horsepower motor	57	3419 33 30 25
Model TPL-8 polishing speed lathe	1½ horsepower motor	60	3419 33 30 25
Model TPL-8A polishing speed lathe	1½ horsepower motor	62	3419 33 30 25
Model TPL-9 polishing speed lathe	1½ horsepower motor	67	3419 33 30 25
Model TPL-10 polishing speed lathe	1½ horsepower motor	70	3419 33 30 25
Model TPL-11 polishing speed lathe	1½ horsepower motor	75	3419 33 30 25
Model TPL-12 polishing speed lathe	1½ horsepower motor	80	3419 33 30 25

[TABLE 29]

Forging machinery and hammers—impact stamping type

Manufacturer: Chambersburg Engineering Company, Chambersburg, Pa.

Model and description	Size and capacity	Sales price	Code
Model ELPLUM, CECO stamp	15" R to L, 12" F to B, 30" stroke	$920	3446 17 11 00
Model ELPIC, CECO stamp	30" R to L, 24" F to B, 36" stroke	1,541	3446 17 32 00
Model ELPACE, CECO stamp	48" R to L, 30" F to B, 42" stroke	2,471	3446 17 32 00
Model ELPAIN, CECO stamp	48" R to L, 36" F to B, 42" stroke	2,471	3446 17 31 00
Model ELPOINT, CECO stamp	60" R to L, 36" F to B, 48" stroke	3,684	3446 17 32 00
Model ELPOINT, CECO stamp	60" R to L, 48" F to B, 48" stroke	3,846	3446 17 31 00
Model ELPLANET, CECO stamp	60" R to L, 60" F to B, 48" stroke	3,846	3446 17 41 00
Model ELPALE, CECO stamp	96" R to L, 48" F to B, 48" stroke	4,642	3446 17 42 00
Model ELPUBLIC, CECO stamp	96" R to L, 60" F to B, 48" stroke	6,061	3446 17 43 00
Model ELPHANT, CECO stamp	96" R to L, 96" F to B, 48" stroke	6,061	3446 17 44 00
Model ELPADDLE, CECO stamp	120" R to L, 48" F to B, 48" stroke	5,359	3446 17 51 00
Model ELPARK, CECO stamp	120" R to L, 60" F to B, 48" stroke	5,767	3446 17 52 00
Model ELPIPE, CECO stamp	120" R to L, 96" F to B, 48" stroke	8,068	3446 17 53 00
Model ELNAG, CECO stamp	120" R to L, 120" F to B, 48" stroke	8,068	3446 17 54 00

[TABLE 30]

Drilling machine—multiple spindle with central driving unit

Manufacturer: National Automatic Tool Company, Inc., Richmond, Ind.

These prices apply only to exact model listed and cover types with nonadjustable fixed center drill spindle or spindles which are all driven by a separate motor mounted directly above spindle gear box and moving vertically with the gear box.

Model and description	Sales price	Code
Nateo vertical multispindle fixed centers drill with separate spindle driving motor: Model B-5A Model B-5A Model B-4A Model B-4A Model 2-A11 Model 3-A11	$1,417 1,780 2,196 1,417 1,780 2,196	3413 53 00 00 3413 53 00 00 3413 53 00 00 3413 53 00 00 3413 53 00 00 3413 53 00 00
Nateo vertical multispindle fixed centers drill with separate driving motor—Con. Model 4-A11 Model 5-A11 Model 2-A11 Model 3-A11	$1,780 2,196 1,417 1,780	3413 53 00 00 3413 53 00 00 3413 53 00 00 3413 53 00 00

The above price do not apply to general purpose adjustable multispindle Nateo drilling machines equipped with slip spindle plates or with standard adjustable spindles.

[F. R. Doc. 47-976; Filed, Jan. 29, 1947; 12:02 p. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[Bulletin 84]

PART 203—OPERATION

SALES COMMISSIONS ON SHARES

JANUARY 27, 1947.

Notice having been given pursuant to paragraph (c) of § 201.2 of this chapter, Part 203 is hereby amended by the addition of a new § 203.22 thereto, effective January 27, 1947, as follows:

§ 203.22 *Sales commissions on shares.* No sales commission shall be paid by any Federal association to any of its officers or directors for the sale of its shares. (Sec. 5 (a), 48 Stat. 132, 12 U. S. C. 1464 (a); E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 47-904; Filed, Jan. 29, 1947; 8:52 a. m.]

Chapter III—Federal Savings and Loan Insurance Corporation

[Bulletin 37]

PART 301—INSURANCE OF ACCOUNTS

COLLECTION AND PAYMENT OF SALES COMMISSIONS

JANUARY 27, 1947.

Notice having been given pursuant to paragraph (c) of § 301.22, paragraph (d) of § 301.7 is hereby amended by adding a new sentence thereto, effective January 27, 1947, as follows:

§ 301.7 *Sales plans and practices.* • • •

(d) *Collection of sales commissions.* • • • No sales commissions shall be paid by any insured institution to any of its officers or directors for the sale of a withdrawable or repurchasable share, investment certificate, or deposit account issued by such institution.

(Sec. 402 (a), 403 (b), 48 Stat. 1246, 1257; sec. 23, 49 Stat. 298; 12 U. S. C. and Sup. 1725 (a), 1726 (b); E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

[SEAL] W. H. HUSBAND,
General Manager.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 47-903; Filed, Jan. 29, 1947; 8:51 a. m.]

Chapter VI—Federal Public Housing Authority

PART 621—RESETTLEMENT PROGRAM; POLICY

ELIGIBILITY FOR TENANCY

1. Section 621.1 is hereby amended, effective January 24, 1947, to read as follows:

§ 621.1 *Eligibility for tenancy*—(a) *Subsistence homesteads.* Eligibility requirements for admission have been established for each separate project and are based on the economic factors prevalent in the area in which the project is located, and on the income, financial condition, employment prospects, and composition and size of the family. The requirements of any project are available from the project manager. Subsistence homestead tenants who have had one or more years of satisfactory tenure as renters are eligible to apply for a purchase contract. Occupancy preference will be given to former residents who have been honorably discharged from the armed services. This preference consists of priority over the outside waiting list, but not over the waiting list of resident transfers within the project, *Provided*, That they meet current eligibility requirements: *And provided further*, That such former tenants moved from the project not more than 60 days prior to the actual date of entry on duty, and applications for readmission are filed within one year of the actual date of separation from the armed forces.

(b) *Greenbelt towns*—(1) *Conditions for tenant admission.* There shall be accepted as tenants only applicants who meet the following conditions:

(i) *Family.* The term "family" shall mean a natural family consisting of a family head and one or more other persons related to the head by blood, marriage or adoption. In addition to a natural family, it may include other persons known to have lived regularly as an inherent part of the family group. The term "family" shall not include a group of unrelated persons living together, lodgers, or persons living alone.

The only exception to this requirement shall be to permit the admission of a single person or two unrelated persons to the one-room apartments at Greenbelt.

(ii) *Net family income at time of admission.* Net family income at the time of admission shall not exceed the maximum income limit for admission established in the approved management program.

(iii) *Net assets.* The net assets (not including personal and household effects) of the family shall not exceed an amount determined by the General Field Office.

(2) *Evidence of tenant eligibility.* The Community Manager shall obtain a written statement from each family applying for admission setting forth the facts which relate to its eligibility. The manager shall verify and certify to the accuracy of these statements for each family admitted.

(3) *Preference.* There shall be no discrimination in the selection of tenants because of religious, political, or other affiliations. Among eligible applicants, preference shall be given first to families of servicemen and to families of veterans who have been discharged (other than dishonorably) from, and to families of servicemen who died in, the armed forces of the United States, where application for admission is made not later than July 1, 1950. Within the serviceman and veteran category, and as among other eligible applicants, preference shall be given on a uniform and objective basis to those in the greatest need, giving consideration to the degree of housing need and such other factors of need as the General Field Office shall determine.

In the application of preference policies the following definitions shall be used:

(i) *"Veteran."* A veteran of World War II shall mean a person who has served in the military or naval forces of the United States for any period of time on or after September 16, 1940, and prior to the termination of the present war (a date yet to be determined) and who has been discharged or released therefrom under conditions other than dishonorable. The military or naval forces of the United States means the Army, Navy, Marine Corps, Coast Guard and, since July 29, 1945, the commissioned corps of the United States Public Health Service.

(ii) *"Serviceman."* A serviceman shall mean a person who is currently serving (until the termination of the present war) in the military or naval forces of the United States (which include the commissioned corps of the United States Public Health Service).

Persons or families of persons who are serving or who have served in the Merchant Marine, the Red Cross, UNRRA, etc., are not eligible for admission as veterans or families of veterans or servicemen.

(iii) *"Family" of veteran or serviceman.* A group of persons which constitutes a "family" shall be considered the family of a veteran or serviceman for eligibility purposes under the following circumstances:

(a) When the veteran or serviceman is living with the family, in which case he need not necessarily be the family head or principal wage earner.

(b) When the veteran or serviceman is the natural family head or principal wage earner but is temporarily absent from home by reason of a duty assignment, employment or school attendance in another locality, or hospitalization.

(c) When the veteran or serviceman, a natural family head, is deceased (during or subsequent to military or naval service), or is permanently absent from his family by reason of divorce, separation, desertion or permanent hospitalization. (The remarriage of a divorced spouse or a surviving spouse of a deceased veteran or serviceman shall terminate their status as his family.)

(4) *Occupancy standards.* The Community Manager shall lease dwelling ac-

commodations to tenants in accordance with objective standards of health and decency approved by the General Field Office, taking into consideration the size of the dwelling and the family size and composition (i. e., number, age, sex and family relationship of the occupants). These standards shall govern the size of dwellings permissible for continued occupancy as well as admission.

(5) *Definition of "net family income."* This revised definition of net family income shall be used in determining eligibility and the rent to be charged for all tenants admitted on or after January 1, 1947. It shall apply to present tenants at the time of the next project reexamination. If a tenant applies for a reduction in rent before the date of the project reexamination because of a change in income, a reduction in rent shall be made only if it is warranted in accordance with this revised definition. No increases in rent shall be made for present tenants until the project reexamination. Net family income shall mean aggregate family income as defined in subdivision (i) of this subparagraph less deductions therefrom as specified in subdivision (ii) of this subparagraph.

(i) *Aggregate family income.* Aggregate family income shall include the following income, before any deductions, received by all members of the family who actually occupy or are actually to occupy the dwelling:

(*a*) Wages and salaries (including compensation for overtime), and all other earnings and compensation for personal services, such as commissions, fees, tips, etc., including the cash value of any compensation in kind, such as meals or food. Aggregate income includes the full amount of earnings before pay-roll deductions are made for any purpose.

(*b*) Net profits from the operation of a business or profession.

(*c*) The full amount received from pensions, annuities, retirement income, and other similar types of periodic receipts.

(*d*) Payments in lieu of earnings, such as unemployment compensation, other social security benefits, dismissal wages, benefits in lieu of earnings other than lump-sum payments under health and accident insurance, and workmen's compensation other than lump-sum payments.

(*e*) Cash relief receipts and the value of determinable relief allowances in kind.

(*f*) Periodic and determinable allowances, alimony, contributions and gifts.

(*g*) Interest, dividends, and net earnings of any kind from real or personal property.

The following types of receipts are excluded from aggregate income:

(1) Amounts which are specifically received for, or are a reimbursement of, the costs of illness or medical care.

(2) Casual and irregular gifts.

(3) Casual and sporadic earnings of minor children.

(4) Income from boarders and lodgers (since such income will not be realizable after admission to a public housing project).

(5) Lump-sum additions to family assets, such as inheritances, insurance payments, capital gains, and settlements for personal or property damages. (If such sums are substantial, the exclusion of the families in question will be considered in connection with ineligibility because of the amount of capital assets.)

(ii) *Deductions from aggregate family income.* The following items shall be deducted from aggregate family income to determine net family income:

(*a*) Special occupational expenses necessary to employment and for which no reimbursement is made by the employer, but only to the extent by which such expenses exceed normal and usual expenses (e. g. noon-day meals and transportation to work) incident to employment.

(*b*) Deductions from wages for social security, for pension or retirement funds, or for health, accident, or medical benefit plans, if required by law or required by the employer as a condition of employment.

(*c*) Amounts actually paid, if reasonable and necessary, for the support of a person or persons not residing with the family but for whose support one or more members of the family are legally or morally responsible; but not including expense incurred for the support of children away from home for purposes of normal and voluntary education.

(*d*) Amounts actually paid, if reasonable and necessary, for the care of children or aged or incapacitated family members in order to permit the employment of a sole worker.

The following items shall not be considered as allowable deductions: payroll deductions for income tax, payroll deductions not required by the employer as a condition of employment for pensions or other benefits, payments for war bonds, group health, group or other insurance, bills and garnishments, installment purchases, repayment of loans, or interest and finance charges on such items.

(iii) *Definition of net family income at time of admission and net income at time of reexamination.* Net income at the time of admission (or at the time of reexamination) shall be the amount of the net family income anticipated for the twelve months succeeding the expected date of admission (or date of reexamination). In determining the net family income anticipated for the next twelve months, due regard shall be given to determinations which the Community Manager shall make both of the current rate of income and the actual net income received from various sources in the past twelve months.

(iv) *Special provisions for families of servicemen.* In computing the aggregate income of a serviceman's family, all base pay, extra pay and allowances received by the serviceman, whether residing with his family or elsewhere, that portion of the family dependency allowance contributed by the Government and all other income received by the family from other sources shall be included.

In computing the net income of the family of a serviceman not residing with the family, in addition to such other amounts as may be allowed any tenant as a deduction from aggregate income in accordance with subparagraph (3) (ii) of this paragraph, a deduction shall be allowed to meet the special occupational expenses of the serviceman incurred by reason of his living away from home. Except as provided below, such deduction shall be not more than (*a*) the first $50 of monthly base pay or, in the case of enlisted men, so much thereof as remains after the serviceman's mandatory contribution to the family dependency allowance, plus (*b*) 25 percent of his base pay over $50 per month. In exceptional cases it may be determined that the allowable deductions provided above are not adequate to meet the serviceman's needs. In such cases, deviation from the policy stated above may be permitted provided the tenant shows to the satisfaction of the Community Manager that extraordinary expenses of the serviceman justify additional allowances. (The attached exhibit contains tables showing rates of pay for the various ranks of servicemen, the amount of family allowances for a wife and children and allowable deductions for servicemen away from home.)

(v) *Special provision for families with veteran members attending education or training institution.* In determining aggregate family income, a veteran attending an educational or training institution shall be considered a member of the family and his entire income included in aggregate family income where (*a*) the veteran is living with the family, or (*b*) the veteran is not living with the family but is the head of the family. A veteran son or daughter who is absent from home while attending school and who is not the family head is not considered a family member for this purpose and only such income as he or she may actually contribute to the family shall be included in determining aggregate family income. In any case where the veteran's relationship to the family is other than family head, son or daughter, the manager shall make an appropriate determination based on the facts in the particular circumstance. The amount of $65 per month, (the subsistence allowance payable to a veteran without dependents under the "GI Bill of Rights") shall be deducted from aggregate income to determine net income in the case of a family head who is absent from home while attending an educational or training institution and who is receiving subsistence under the "GI Bill of Rights" or the Veteran's Vocational Rehabilitation Program. In exceptional cases an amount greater than $65 per month may be deducted if it is proved and documented that a greater expense is actually incurred and is reasonable and necessary for the purpose intended. No deductions shall be allowed for the support of a veteran who is living with his family while attending school or who is attending school at his own expense.

(48 Stat. 205; 49 Stat. 115; 40 U. S. C. 408)

PART 631—WAR HOUSING PROGRAM; POLICY

RENTAL AND OCCUPANCY

Section 631.2 is hereby amended, effective January 24, 1947, to read as follows:

§ 631.2 *Rental and occupancy.* Persons seeking admission to vacant units in these projects should make application to the project manager, to the local authority, or to the regional office having jurisdiction over the project. All projects are subject to the OPA maximum rent regulations. Generally, such rents shall be fair rentals based on value. Where rents charged to families constitute an excessive proportion of family income such rents will, upon application of the tenant but not prior to six months after admission, be adjusted to the net anticipated family income, subject however, to the provision that the adjusted rent to be charged will not be less than the minimum rent established for the project. Families of servicemen and veterans of World War II and families of war workers may, when warranted by family income, have their rents adjusted at admission or any time subsequent thereto, but not below the established minimum rent. (54 Stat. 1125; 42 U. S. C. 1521)

Approved: January 23, 1947.

[SEAL] D. S. MYER, *Commissioner.*

[F. R. Doc. 47-872; Filed, Jan. 29, 1947; 8:56 a. m.]

PART 631—WAR HOUSING PROGRAM; POLICY

DISPOSITION OF FEDERALLY OWNED WAR HOUSING PROJECTS

Section 631.4 (11 F. R. 177A-913) is hereby amended, effective January 22, 1947, by adding paragraph (e) thereto as follows:

§ 631.4 *Disposition of federally owned war housing projects* • • •

(e) *Reconsideration of temporary character determinations.* The FPHA is responsible under section 313 of the Lanham Act for making determinations of temporary character for all war housing under its jurisdiction. Such housing, by terms of the act, is to be removed not later than two years after the termination of the emergency declared by the President on September 8, 1939.

The FPHA recognizes that there may be some instances in which communities may wish to have dwellings which are now classified as temporary remain as part of their permanent housing supplies: *Provided*, That the dwellings are physically changed in such manner that they are no longer of temporary character. Accordingly, it shall be the policy of the FPHA to give consideration to changes in determinations of temporary character when a community so recommends in its disposition plan (see paragraph (b) of this section) and the prospective purchaser complies with FPHA minimum requirements for physical changes in the structures which will eliminate their substandard character.

The following steps must be taken in connection with changes of temporary character determinations:

(1) The community must recommend in the disposition plan, or in subsequent amendments to such plan, that the housing remain in the community, provided that its temporary character is changed, and that FPHA standards for permanent housing can and will be met.

(2) Any prospective purchaser shall submit plans and specifications of remodeling to the FPHA which shall review them to determine if, after alteration, the project will conform to FPHA minimum requirements for eliminating its substandard character.

(3) If the FPHA agrees that the remodeling will change the character of the housing, the sale of the property may then be effected with such legal safeguards as may be necessary to give the Government a right to enforce the agreement and the making of the required changes.

(54 Stat. 1125; 42 U. S. C. 1521)

Approved: January 23, 1947.

[SEAL] D. S. MYER, *Commissioner.*

[F. R. Doc. 47-873; Filed, Jan. 29, 1947; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

COLORADO RIVER INDIAN IRRIGATION PROJECT

OPERATION AND MAINTENANCE CHARGES

JANUARY 23, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Pub. Law 404, 79th Cong.), and the acts of Congress approved August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210, 25 U. S. C. 385, 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F. R. 10297), notice is hereby given of intention to amend §§ 130.6 to 130.8a inclusive, of Title 25, Code of Federal Regulations in the following particulars:

1. By reducing the basic annual per acre operation and maintenance assessment rate for the delivery of water not to exceed 4 acre feet per acre per annum, from $4.50 to $3.50 per acre per annum.

2. With the approval of the Superintendent of the Colorado River Indian Agency a reasonable quantity of water necessary to carry away alkalized salts may be furnished to certain tracts of lands planted to rice with a view to reclaiming the land for not more than two successive years by payment of $3.50 per acre per annum.

3. Water may be delivered to irrigate certain Indian lands not under lease to non-Indian lessees in Townships 8 and 9 N., Ranges 20 and 21 W., S&GRBM, upon the landowners making a partial payment amounting to $1.75 per acre per annum, until such time as in the opinion of the Superintendent the lands are subjugated to the standard being followed in the development of new lands in other parts of the project. The remaining unpaid part of the $3.50 basic charge in such cases shall stand as a lien against the land until paid.

4. To provide that water may be delivered through the project system to residents using reservation lands for stock purposes only by payment in advance of $1.00 for each filling of a stock-water tank.

5. By revising § 130.8a of the existing order of January 31, 1946 to read as follows:

§ 130.8a *Advance payment may be waived.* Upon certification by the Superintendent that an Indian farming his own land or a tribal assignment, not to exceed 10 acres, is financially unable to pay the required charges on the due dates, water may be delivered to not to exceed such ten acres farmed by such Indian. The charges therefor shall be entered on the accounts, and will stand as a first lien against the land until paid but without penalty for delinquency.

The foregoing proposed changes are to become effective beginning with the irrigation season of 1947 and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to William Zeh, District Director, U. S. Indian Service, 4100 Rhoads Circle, Phoenix, Arizona, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

WALTER V. WOEHLKE, *For the Commissioner.*

[F. R. Doc. 47-870; Filed, Jan. 29, 1947; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 6768]

FM BROADCASTING OTHER THAN NON-COMMERCIAL EDUCATIONAL BROADCAST SERVICE

PROMULGATION OF RULES AND REGULATIONS AND STANDARDS OF GOOD ENGINEERING PRACTICE

JANUARY 16, 1947.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. A new paragraph (d) is proposed to be added to § 3.203 of Part III, Subpart B of rules and regulations as follows:

(d) No assignments will be made on Channels 297, 298, 299 and 300 until July 1, 1947.

3. Following a public hearing on July 12, 1946, the Commission promulgated § 3.204 (c) (11 F. R. 9703) of the rules and regulations withholding, for the period ending June 30, 1947, the assignment of one out of every five Class B channels which have been tentatively allocated for various areas throughout the United States. During that hearing, the advisability of reserving Class A channels was suggested. The Commission's public notice of July 18, 1946, announcing the reservation of Class B FM channels, stated that the Commission would study further the question of reserving Class A channels.

4. Due to the heavy demand for Class A FM stations in certain areas, such as those adjacent to New York City and Los Angeles, it appears necessary to provide means which will permit an equitable distribution of Class A stations and maximum utilization of Class A channels. It is believed that a reservation policy for Class A channels, similar to the present Class B reservation policy is desirable for these purposes. It has become apparent that communities in some congested areas may ultimately lack Class A service due solely to the assignment of all available channels prior to receipt of applications from these communities. Since it is not known for what cities Class A applications will be received, the Commission cannot now devise an allocation of Class A channels for congested areas which would make maximum use of the available frequencies.

5. In the areas of New York City and Los Angeles, the demand for Class A channels is rapidly approaching the number of channels available for assignment. The Commission will continue to grant Class A stations in these and other areas on channels below 297 where such assignments are permissible from an interference standpoint. Station locations will, therefore, be important in determining whether additional Class A assignments may be made at this time in the New York City and Los Angeles areas. Applications received which cannot be granted due to the unavailability of channel assignments will be held for consideration until July 1, 1947, at which time all pending applications will be given equal consideration regardless of their respective filing dates.

6. At the time such applications are considered by the Commission consideration will also be given to the possibility of changing Class A frequency assignments in congested areas in order that improved and additional allocation of Class A facilities may be permitted.

7. On the basis of the information presently available, it does not appear that adoption of the proposed rule would preclude the grant of any application now on file. The proposed rule would affect only future applications for the areas of Boston, Chicago, Los Angeles and New York City. It is particularly important for Class A FM channels to be reserved in these areas in order to insure so far as possible that the numerous small communities surrounding these large cities have an opportunity to obtain their own FM station.

8. The proposed rule is issued under the authority of sections 303 (c), 303 (r), and 307 (b) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form set forth, may file with the Commission on or before January 31, 1947, a written statement or brief setting forth his comments. The Commission will consider these written comments before adopting the proposed rule and if comments are submitted which appear to warrant the Commission holding an oral argument, notice of the time and place of such oral argument will be given.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-875; Filed, Jan. 29, 1947; 8:55 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8056, 7129, 7843, 7844]

MISSOURI BROADCASTING CORP. (WIL) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Missouri Broadcasting Corporation (WIL), St. Louis, Missouri, Docket No. 8056, File No. B4-P-5606; Southern Illinois Broadcasting Company, Inc., Centralia, Illinois, Docket No. 7129, File No. B4-P-4181; Metropolitan Broadcasting Corporation, Belleville, Illinois, Docket No. 7843, File No. B4-P-5034; Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, Belleville, Illinois, Docket No. 7844, File No. B4-P-5176; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of January 1947;

The Commission having under consideration the above-entitled application of Missouri Broadcasting Corporation (WIL), requesting a construction permit to change the operating assignment of existing station WIL from 1230 kc, with 250 watts power, unlimited time, to 1430 kc, with 5 kw power, unlimited time, to change transmitter site, install new transmitter, and install a directional antenna for day and night use; and

It appearing, that the Commission on September 19 and October 4, 1946 designated for hearing in a consolidated proceeding the above-entitled applications of Southern Illinois Broadcasting Company, Inc., Metropolitan Broadcasting Corporation, and Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, all requesting the frequency 1430 kc, with 1 kw power, unlimited time (the first at Centralia, and the latter two at Belleville, Illinois);

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Missouri Broadcasting Corporation (WIL) be, and it is hereby, designated for hearing in the above-consolidated proceeding, to be held on January 29, 1947, at Washington, D. C., upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WIL as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WIL as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WIL as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WIL as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WIL as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated September 19 and October 4, 1946, designating for consolidated hearing the said applications of Southern Illinois Broadcasting Company, Inc., Metropolitan Broadcasting Corporation, and Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, be, and they are hereby, amended to include the said application of Missouri Broadcasting Corporation.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-887; Filed, Jan. 29, 1947; 8:52 a. m.]

[Docket Nos. 8055, 8006, 7823, 7824]

RADIO BLUEFIELD CO., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of J. Lindsey Alley, George E. Shumate, and E. Bernard Jarrett, a partnership, d/b as Radio Bluefield Company, Bluefield, West Virginia, Docket No. 8055, File No. B2-P-5605; Pocahontas Broadcasting Corporation, Bluefield, West Virginia, Docket No. 8006, File No. B2-P-5466; G. Lester Hash, N. Joe Rahall, and Fred William Simon, d/b as The Bluefield Broadcasting Company, Bluefield, West Virginia, Docket No. 7823, File No. B2-P-4990; Odes E. Robinson, Bluefield, West Virginia, Docket No. 7824, File No. B2-P-5160; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of January 1947;

The Commission having under consideration the above-entitled application of J. Lindsey Alley, George E. Shumate, and E. Bernard Jarrett, a partnership, d/b as Radio Bluefield Company, for a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w, unlimited time, at Bluefield, West Virginia; and

It appearing, that the Commission, on September 5, 1946, designated for hearing in a consolidated proceeding the applications of G. Lester Hash, N. Joe Rahall, and Fred William Simon, d/b as The Bluefield Broadcasting Company (File No. B2-P-4990, Docket No. 7823) and Odes E. Robinson (File No. B2-P-5160, Docket No. 7824), and, on December 17, 1946, the application of Pocahontas Broadcasting Corporation (File No. B2-P-5466, Docket No. 8006), all requesting a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w, unlimited time, at Bluefield, West Virginia;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of J. Lindsey Alley, George E. Shumate, and E. Bernard Jarrett, a partnership, d/b as Radio Bluefield Company, be, and it is hereby, designated for hearing in the above consolidated proceeding, to be held on January 29, 1947 at Bluefield, West Virginia, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated September 5 and December 17, 1946, designating for hearing in a consolidated proceeding the applications of G. Lester Hash, N. Joe Rahall, and Fred William Simon, d/b as The Bluefield Broadcasting Company, Odes E. Robinson, and Pocahontas Broadcasting Corporation, be, and they are hereby, amended to include the above-entitled application of J. Lindsey Alley, George E. Shumate, and E. Bernard Jarrett, a partnership, d/b as Radio Bluefield Company.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-888; Filed, Jan. 29, 1947; 8:53 a. m.]

LICENSE WHIZ ZANESVILLE, OHIO[1]

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT

The Commission hereby gives notice that on January 17, 1947, there was received an application (B2-AL-579) to the proposed assignment of the license for AM Station WHIZ, Zanesville, Ohio and construction permit conditionally granted for a new FM broadcasting station at that place from Southeastern Ohio Broadcasters, Inc. to Southeastern Broadcasting System, Inc. (Ohio corporation) Citizens National Bank Building, Zanesville, Ohio. The proposal to assign the license and conditional construction permit arises out of a contract of January 7, 1947 between the present licensee and the proposed assignee pursuant to which the former agrees to sell to the latter Station WHIZ as a going business together with all assets and properties described in a list attached to the contract (not including, however, cash, securities, accounts receivable, or choses in action); the business of WHIZ to include the proposed new high frequency station for which a conditional construction permit has already been granted. The purchase price is $272,500 of which $100,000 was paid in cash upon filing of the application and the remaining $172,500 to be paid in cash upon the closing date fixed by the contract as within 20 days of Commission approval, which is to be reduced by the sum of $2,000 each month from January 1, 1947 to the closing date. Further details as to the arrangements may be found with the application and associated papers on file in the offices of the Commission.

Pursuant to § 1.321 adopted July 25, 1946, the Commission was advised at the time the application was filed (January 17, 1947) that beginning January 20, 1947 notice of the application would be published in the "Times Recorder", a local paper of general circulation in conformity of said rule. No action will be had upon the application for a period of 60 days from January 20, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-889; Filed, Jan. 29, 1947; 8:53 a. m.]

[1] Section 1.321, Part I, Rules of practice and procedure.

FEDERAL POWER COMMISSION

[Docket No. G-819]

INTERSTATE NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

JANUARY 24, 1947.

Upon consideration of the application filed November 21, 1946, in Docket No. G-819, by Interstate Natural Gas Company, Inc. (Applicant), a Delaware corporation with its principal place of business at Monroe, Louisiana, and authorized to do business in the States of Louisiana and Mississippi, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

A meter setting at a point at the intersection of Applicant's main transmission pipeline with State Highway 880 in East Baton Rouge Parish, Louisiana.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of delivering and selling natural gas to Baker Gas Company, Inc. for resale for domes-

tic, commercial and industrial use in the town of Baker, Louisiana;

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 11, 1946 (11 F. R. 14250).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 18th day of February, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceedings; *Provided, however*, That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: January 24, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-871; Filed, Jan. 29, 1947; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

LIVE POULTRY MARKETS

APPLICATION FOR LICENSE

Notice is hereby given to applicants for live poultry licenses under the provisions of Title V of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 *et seq.*) that the filing of an application with the Department of Agriculture does not entitle an applicant to engage in the business for which a license is sought pending administrative action upon such application.

Done at Washington, D. C., this 27th day of January 1947.

[SEAL] JESSE B. GILMER, *Acting Administrator, Production and Marketing Administration.*

[F. R. Doc. 47-874; Filed, Jan. 29, 1947; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 88]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., January 22, 1947, by Auster Company, of car NRC 13050, apples, now on the Chicago and North Western Railroad, to United Fruit and Produce Co., St. Louis, Mo. (Wab.), due to zero temperature delaying inspection.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of January 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-880; Filed, Jan. 29, 1947; 8:56 a. m.]

[S. O. 396, Special Permit 89]

RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., January 23, 1947, by Horvitz Bros., of car SFRD 35034, onions, now on the C. & N. W. RR (Wood Street Terminal), to Fruit & Produce Exchange, Memphis, Tenn. (I. C.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of January 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-879; Filed, Jan. 29, 1947; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-130]

INTERSTATE POWER CO.

SUPPLEMENTAL FINDINGS AND ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of January A. D., 1947.

Interstate Power Company ("Interstate"), a registered holding company and a subsidiary of Ogden Corporation ("Ogden"), also a registered holding company, having filed a plan and amendments thereto, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), such plan providing, in general, for a reorganization of Interstate whereby there will be initially issued and outstanding $19,400,000 principal amount of new first mortgage bonds and 3,000,000 shares of new common stock with a par value of $3.50 per share; for raising working capital by Interstate; for the preservation of the relative rights of its security holders pending the resolution of issues relating to the rank and status of Ogden's present holdings in Interstate; for sale of the new first mortgage bonds and a portion of the shares of new common stock; for cancellation of the outstanding common stock and payment of the outstanding first mortgage bonds at par; and for either of the following alternatives, the choice of one or the other of such alternatives to depend upon Interstate's ability or inability to raise $18,610,500 through the sale of a maximum of 2,700,000 shares of the new common stock: (1) the payment at par of Interstate's debt securities junior to the first mortgage bonds, the distribution to preferred stockholders of the shares of new common stock not sold to realize cash for the payment of Interstate's outstanding debt securities and for working capital, and the distribution to preferred stockholders other than Ogden of certificates of contingent interest in all distributions to Ogden; or (2) the deposit in escrow (for the benefit of holders of Interstate's securities junior to the first mortgage bonds) of the shares of new common stock not sold to realize cash for the payment of the outstanding first mortgage bonds and for working capital; and

Said plan having been filed for the stated purpose of complying with the provisions of section 11 (b) of the act and with the Commission's order dated May 20, 1943, directed to Ogden and its subsidiary companies requiring, among other things, that Interstate be recapitalized so as fairly and equitably to distribute voting power among its security holders; and

Public hearings having been held after appropriate notice, and the Commission having considered the record and having issued its findings and opinion on January 20, 1947, finding said plan to be necessary to effectuate the provisions of section 11 (b) of the act and, if modified in certain respects, to be fair and equitable to the persons affected thereby; and

Interstate having filed on January 23, 1947, an amendment to said plan containing the modifications suggested by the Commission in its findings and opinion of January 20, 1947; and

Interstate having requested that the Commission's order herein conform to the requirements specified in Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

Interstate having requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate District Court of the United States to enforce and carry out the terms and provisions of said plan as modified;

It is found, in accordance with said findings and opinion dated January 20, 1947, that said plan, as modified, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby.

It is ordered, Pursuant to section 11 (e) and the other applicable provisions of the act, that said plan as modified be, and it hereby is, approved, subject to the conditions specified in Rule U-24 and to the following additional terms and conditions:

(1) That this order shall not be operative to authorize the consummation of the proposed transactions until an appropriate District Court of the United States, upon application thereto, shall have entered an order enforcing said plan, as modified.

(2) That jurisdiction is generally reserved to the Commission to entertain such further proceedings, to make such supplemental findings and to take such further action as it may deem appropriate in connection with said plan, as modified, the transactions incident thereto and the consummation thereof, and to take such further action as it may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and that jurisdiction is specifically reserved to consider and determine the following matters:

(a) The reasonableness and appropriate allocation of all fees, expenses and other remuneration incurred and to be incurred in connection with said plan, as modified, and the transactions incident thereto;

(b) The applications and declarations of Interstate and Ogden relating to the issuance, sales and acquisitions of securities proposed by them, including the invitations for bids and the prices and spreads pertaining to the proposed sales of first mortgage bonds and shares of new common stock;

(c) The issues raised concerning the rank and status of the securities of Interstate held by Ogden;

(d) The amount of Ogden's liability, if any, under the Contingent Liability Agreement proposed in said plan, as modified, and in respect of interest payments heretofore received by Ogden from Interstate and not escrowed;

(e) The fair and equitable disposition of the assets heretofore escrowed under Escrow No. 1 and to be escrowed under Escrow No. 2 proposed in said plan as modified;

(f) Such supplemental plans as may be filed pursuant to Sections 11 (d) and (e) of the Act.

It is further ordered and recited, That the steps and transactions involved in the consummation of said plan, as modified, and recited in paragraphs (1) through (7) set forth below, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and are necessary or appropriate to the integration or simplification of the holding company system of which Interstate Power Company and Ogden Corporation are members, and are hereby authorized, approved and directed; such steps are transactions being specified and itemized as follows:

(1) The issuance of $19,400,000 of First Mortgage Bonds --% Series due 197--of Interstate Power Company to the underwriters or persons who will become the purchasers of the same;

(2) In the event, Alternative I of the Plan is made effective:

(a) The issuance of not exceeding 2,700,000 shares of new common stock of Interstate Power Company to the underwriters or persons who will become the purchasers of the same;

(b) The issuance, exchange and distribution of the balance of the 3,000,000 shares of new common stock of Interstate Power Company remaining unsold and scrip certificates for new common stock to the holders of its presently outstanding $7 Dividend Series Preferred Stock and $6 Dividend Series Preferred Stock in accordance with said plan as modified;

(3) The application by Interstate Power Company of the proceeds of the sale of the new First Mortgage Bonds and the new common stock toward the retirement of the First Mortgage Gold Bonds, 5% Series due 1957, the 6% Gold Debentures due 1952 and the 6% Demand Note in the principal amount of $2,475,000 of Interstate Power Company;

(4) The issuance, transfer, exchange and distribution of Contingent Interest Certificates by Ogden Corporation to the security holders of Interstate Power Company, as set forth in subsection (5) of paragraph 6 (A) of Article IV of said plan as modified and subsection 2 (h) of paragraph 6 (B) of Article IV of said plan as modified;

(5) The issuance, transfer, exchange and distribution by Chemical Bank & Trust Company as Escrow Agent under Escrow No. 2 of Debenture Escrow Certificates, Note Escrow Certificates and Preferred Escrow Certificates to the security holders of Interstate Power Company as provided in said plan as modified;

(6) The transfer by Chemical Bank & Trust Company as Escrow Agent under Escrow No. 2 of shares of the new common stock of Interstate Power Company held under said Escrow Agreement to the persons who may become the purchasers of the same and/or to escrow certificate holders in exchange for escrow certificates, pursuant to any plan for the sale and/or distribution of such new common stock in accordance with subsection (2) (e) of paragraph 6 (B) of Article IV of said plan as modified;

(7) The transfer and exchange by the present holders thereof of 6% Gold Debentures, the 6% Demand Note and shares of $7 Dividend Series and $6 Dividend Series Preferred Stock of Interstate Power Company for new common stock and scrip for new common stock of Interstate Power Company or in exchange for escrow certificates as provided in said plan as modified.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-864; Filed, Jan. 29, 1947; 8:54 a. m.]

[File No. 63-5]

OGDEN CORP.

SUPPLEMENTAL ORDER PERMITTING AN EXTENSION OF TIME TO MAIL REPORT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of January A. D., 1947.

The Commission having on April 18, 1946, entered an order (Holding Company Act Release No. 6564) granting under the applicable sections of the Public Utility Holding Company Act of 1935 an application of Ogden Corporation, a registered holding company, proposing the use of all or any portion of its cash resources not required for other corporate purposes, estimated at approximately $3,000,000, to acquire, purchase, invest and reinvest from time to time in any securities, assets or real or personal property of any sort, other than securities of a public utility company and public utility assets as defined in the act, from persons, firms or corporations other than affiliates of Ogden, said order having prescribed, among others, the following condition:

(4) At least semi-annually, Ogden shall transmit by mail, postage prepaid, to each stockholder of record, a report containing all the information and financial statements, or their equivalent, specified in clauses (1) to (6) inclusive of section 30(d) of the Investment Company Act of 1940. The first such report shall be made as of a date not later than the close of the fiscal year or half-year first occurring on or after June 30, 1946. Each report shall be mailed within 30 days after the date as of which the report is made, or within such longer period of time as the Commission may permit by order upon application. Such reports shall comply with the requirements of Rule N-30D-1 (b) and (c) of

the general rules and regulations under the Investment Company Act of 1940.

Ogden Corporation having on January 14, 1947, filed a request seeking an extension to March 31, 1947, of the time within which it is required by our aforesaid order to mail to its stockholders a report as of the close of its fiscal year, December 31, 1946, containing the information prescribed by said order;

The Commission having considered said request of Ogden Corporation, and deeming it appropriate under the circumstances that the request be granted;

It is ordered, That the time within which Ogden Corporation is required by our order of April 18, 1946, to mail to its stockholders a report as of the close of its fiscal year, December 31, 1946, containing the information prescribed by said order be, and hereby is, extended to March 31, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-862; Filed, Jan. 29, 1947; 8:54 a. m.]

[File Nos. 70-1266, 70-965]

COLUMBIA GAS & ELECTRIC CORP. ET AL.

SUPPLEMENTAL ORDER FOR RECLASSIFICATION, ISSUANCE AND EXCHANGE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of January 1947.

In the matters of Columbia Gas & Electric Corporation, Central Kentucky Natural Gas Company, Cincinnati Gas Transportation Company, File No. 70-1266; Columbia Gas & Electric Corporation, United Fuel Gas Company, Warfield Natural Gas Company, Huntington Development and Gas Company, Point Pleasant Natural Gas Company, Central Kentucky Natural Gas Company, Cincinnati Gas Transportation Company, File No. 70-965.

The Commission having, on December 23, 1946, issued its order in the above-captioned matters, approving, inter alia, the acquisition by United Fuel Gas Company ("United Fuel") of the assets of Warfield Natural Gas Company, Huntington Development and Gas Company and Point Pleasant Natural Gas Company, all subsidiaries of Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and the dissolution of the latter three subsidiaries; and

The Commission having by said order approved as a related part of the above acquisition the reclassification by United Fuel of its authorized common stock from 400,000 shares of $1 par value into 400,000 shares of $25 par value and the issue of 381,201 shares of such reclassified common stock in exchange for its then outstanding 381,201 shares of $1 par value stock, transferring in connection therewith to common stock account $9,148,824 from capital surplus, but having omitted the itemization and specification of this particular transaction as being necessary or appropriate to effectuate compliance with section 11 (b) of the act;

It is therefore ordered, That said reclassification, issuance and exchange of stock are necessary or appropriate to the simplification of the corporate structure of the holding company system of which Columbia and United Fuel are members and are necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-865; Filed, Jan. 29, 1947; 8:54 a. m.]

[File No. 70-1362]

SOUTH CAROLINA ELECTRIC & GAS CO. ET AL.

ORDER MODIFYING CONDITION AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of January 1947.

In the matter of South Carolina Electric & Gas Company, General Gas & Electric Corporation, Associated Electric Company, General Public Utilities Corporation, File No. 70-1362.

General Public Utilities Corporation ("GPU"), a registered holding company, its subsidiaries, Associated Electric Company ("Aelec") and General Gas & Electric Corporation ("Gengas"), also registered holding companies, and Gengas' subsidiary, South Carolina Electric & Gas Company ("South Carolina"), having filed joint applications-declarations, as amended, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding, among other things, the acquisition by GPU, upon the dissolution of Gengas, of 2,930 shares of the $50 par value 5% cumulative preferred stock of South Carolina; and

The Commission having, by order dated September 26, 1946, granted and permitted said applications-declarations, as amended, to become effective, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that GPU would, by the sale for cash through brokers on the New York Stock Exchange, dispose of the 2,930 shares of preferred stock of South Carolina within 60 days from the date upon which such shares were acquired; and

GPU having advised the Commission that during the period between November 15, 1946 (the date upon which GPU acquired the 2,930 shares of preferred stock of South Carolina) and December 31, 1946, it had disposed by sales through brokers on the New York Stock Exchange of 1,130 shares of such stock and that a total of only 1,500 shares were traded on such Stock Exchange during that period; and

GPU having requested the Commission to extend to May 1, 1947 the time by which it might dispose of the balance of 1,800 shares of such preferred stock; and

The Commission having considered such request and deeming it appropriate that it be granted:

It is ordered, That the time within which GPU may dispose of the balance of the 2,930 shares of the preferred stock of South Carolina acquired by it upon the dissolution of Gengas by the sale of such shares for cash through brokers on the New York Stock Exchange be, and hereby is, modified to the extent necessary to extend the time within which such disposition may be consummated to May 1, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-866; Filed, Jan. 29, 1947; 8:54 a. m.]

[File No. 70-1430]

EAST COAST PUBLIC SERVICE CO. AND VIRGINIA EAST COAST UTILITIES, INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of January A. D., 1947.

East Coast Public Service Company, a registered holding company, and its public utility subsidiary company, Virginia East Coast Utilities, Incorporated, have filed a joint declaration pursuant to sections 7 and 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, regarding the proposed issue and sale by Virginia East Coast Utilities, Incorporated of its promissory note in the principal amount of $200,000, bearing interest at the rate of 2½% per annum, maturing six months after date of issue, to the Baltimore National Bank of Baltimore, Maryland. The proceeds of such sale are to be used in part to retire its present loan of $150,000 from the Baltimore National Bank, and in part for the construction of property additions.

East Coast Public Service Company proposes to guarantee the repayment of such note with interest to the Baltimore National Bank.

Said joint declaration having been filed on the 3d day of January, 1947, and an amendment to the said declaration having been filed on January 10, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and request having been made for accelerated action upon the joint declaration, as amended; and

The Commission finding with respect to said joint declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration be permitted to become effective; and

The declarants having requested that the Commission take appropriate action to accelerate its order herein and that the order become effective forthwith, and the Commission deeming it appropriate to grant such request;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said joint declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-863; Filed, Jan. 29, 1947; 8:54 a. m.]

[File No. 70-1436]

NEW BEDFORD GAS AND EDISON LIGHT CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of January 1947.

Notice is hereby given that a joint application, as amended, has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, New Bedford Gas and Edison Light Company ("New Bedford"). Applicants have designated sections 6 (b) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 3, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 3, 1947 said joint amended application, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

New Bedford proposes to issue and sell 3,750 additional shares of its common capital stock of the par value of $25 per share, at a price of $66⅔ per share. The proceeds from the sale of such stock are to be used for the payment of $250,000 on its long-term promissory notes. Under the laws of Massachusetts, in which New Bedford is incorporated, the holders of its presently outstanding 213,696 shares of common capital stock are entitled to purchase their proportionate share of the 3,750 additional shares proposed to be issued and sold. New England, as the holder of 207,376 shares (97.04%) of such capital stock, has indicated that it will purchase its proportionate share of the additional shares to be issued at the price of $66⅔ per share. In the event any of the holders of the remaining 6,320 shares of outstanding capital stock do not subscribe for their proportionate share, New Bedford will offer such unsubscribed for shares for sale at public auction. New England states it will bid $66⅔ per share for such unsubscribed for shares at such auction.

Applicants state that the issuance by New Bedford of the 3,750 additional shares of its common stock is subject to approval by the Department of Public Utilities of Massachusetts which has approved such issuance and sale and a copy of such approval has been filed with the application. Applicants state that no other commission, other than the Department of Public Utilities of Massachusetts and this Commission, has jurisdiction over the proposed transactions.

The joint application, as amended, requests that the Commission's order granting the application be issued at the earliest date possible and that it become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-868; Filed, Jan. 29, 1947; 8:55 a. m.]

[File No. 70-1438]

CAPE & VINEYARD ELECTRIC CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of January 1947.

Notice is hereby given that a joint application, as amended, has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, Cape & Vineyard Electric Company ("Cape & Vineyard"). Applicants have designated sections 6 (b) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 5, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 5, 1947 said joint amended application as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cape & Vineyard proposes to issue and sell 3,000 additional shares of its $25 par value common capital stock at a price of $50 per share. The proceeds from the sale of such stock are to be used for the partial payment of its long-term promissory notes amounting to $161,250, leaving $11,250 of such notes outstanding. New England, as the holder of all of the presently outstanding 59,000 shares of the common capital stock of Cape & Vineyard, will purchase the 3,000 additional shares at the price of $50 per share.

Applicants state that the issuance by Cape & Vineyard of the 3,000 additional shares of its common stock is subject to approval by the Department of Public Utilities of Massachusetts which has approved such issuance and sale and a copy of such approval has been filed with the application. Applicants state that no other commission, other than the Department of Public Utilities of Massachusetts and this Commission, has jurisdiction over the proposed transactions.

The joint application, as amended, requests that the Commission's order granting the application be issued at the earliest date possible and that it become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-869; Filed, Jan. 29, 1947; 8:55 a. m.]

[File No. 70-1439]

PLYMOUTH COUNTY ELECTRIC CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of January 1947.

Notice is hereby given that a joint application, as amended, has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, Plymouth County Electric Company ("Plymouth County"). Applicants have designated sections 6 (b) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 5, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 5, 1947 said joint amended application, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Plymouth County proposes to issue and sell 2,518 additional shares of its $25 par value common capital stock at a price of $31.25 per share. The proceeds from the sale of such stock, plus treasury cash, are to be used for the payment of its long-term promissory notes amounting to $79,500. New England, as the holder of all of the presently outstanding 63,682 shares of the common capital stock of Plymouth County, will purchase the additional 2,518 shares at the price of $31.25 per share.

Applicants state that the issuance by Plymouth County of the 2,518 additional shares of its common stock is subject to approval by the Department of Public Utilities of Massachusetts which has approved such issuance and sale and a copy of such approval has been filed with the application. Applicants state that no other commission, other than the Department of Public Utilities of Massachusetts and this Commission, has jurisdiction over the proposed transactions.

The joint application, as amended, requests that the Commission's order granting the application be issued at the earliest date possible and that it become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-867; Filed, Jan. 29, 1947; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7999]

FRED TOLLNER

In re: Stock and certificates of deposit owned by the personal representatives, heirs, next of kin, legatees and distributees of Fred Tollner, deceased. F-28-4279-A-1, F-28-4279-A-2, F-28-4279-D-1, F-28-4279-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Fred Tollner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Sixty (60) shares of no par value capital stock of Southmoor Hotel Company, c/o Securities Service Corporation, 105 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by participating certificate number 1585, registered in the name of Fred Tollner and presently in the custody of American National Bank and Trust Company of Chicago, 33 North La Salle Street, Chicago, Illinois, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value common capital stock of Aquitania Apartments Company, 208 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by participating certificate number 1019, registered in the name of Fred Tollner and presently in the custody of American National Bank and Trust Company of Chicago, 33 North La Salle Street, Chicago, Illinois, together with all declared and unpaid dividends thereon,

c. Ten (10) shares of no par value capital stock of The Whittier Corporation, 461 Burns Drive, Detroit, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by voting trust certificate number 4020, registered in the name of Fred Tollner and presently in the custody of American National Bank and Trust Company of Chicago, 33 North La Salle Street, Chicago, Illinois, together with all declared and unpaid dividends thereon,

d. One hundred (100) shares of $1 par value common capital stock of the Fulton-Carrol Company, c/o Securities Service Corporation, 105 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by voting trust certificate number 1162, registered in the name of Fred Tollner and presently in the custody of American National Bank and Trust Company of Chicago, 44 North La Salle Street, Chicago, Illinois, together with all declared and unpaid dividends thereon,

e. Certificate of Deposit number 484 for Brisbane Industrial Properties First Mortgage Serial 6% Coupon Gold Bonds, due June 1, 1935, of a total face value of $6,000, the aforesaid Certificate of Deposit being registered in the name of Fred Tollner and presently in the custody of The Continental Bank & Trust Company of New York, 30 Broad Street, New York, New York, together with any and all rights thereunder and thereto,

f. Certificate of Deposit number 1886 for Jackson Parkview Apartments 1st Mortgage 6½% Bonds, due April 15, 1943, of a total face value of $6,000, the aforesaid Certificate of Deposit being registered in the name of Fred Tollner and presently in the custody of The Continental Bank & Trust Company of New York, 30 Broad Street, New York, New York, together with any and all rights thereunder and thereto, and

g. Certificate of Deposit number 185 for 320 East 57th Street Apartment Building First Mortgage Fee 6% Sinking Fund Gold Bonds, due September 15, 1936, of total face value of $500, the aforesaid Certificate of Deposit being registered in the name of Fred Tollner, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Fred Tollner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-892; Filed, Jan. 29, 1947; 8:51 a. m.]

[Vesting Order 8052]

CHRISTO EVANOFF PEPELUGOFF

In re: Estate of Christo Evanoff Pepelugoff, deceased. File D-11-90; E. T. sec. 14274.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ivan Pepelugoff, Marie Pepelugoff, Kiril Pepelugoff, Cvetanka Pepelugoff and Vasilka Pepelugoff, whose last known address is Bulgaria, are residents of Bulgaria and nationals of a designated enemy country (Bulgaria);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Christo Evanoff Pepelugoff, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Bulgaria);

3. That such property is in the process of administration by Ed Hall, as Administrator, acting under the judicial supervision of the Lake Superior Court of Lake County, Indiana;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Bulgaria).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp, E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-893; Filed, Jan. 29, 1947; 8:51 a. m.]

[Vesting Order 8056]

FREDERICKA C. SHERIDAN

In re: Estate of Fredericka C. Sheridan, deceased. File D-28-10477; E. T. sec. 14897.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry (Heinrich) Ehrmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Fredericka C. Sheridan, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Linley W. Hurtt, Administrator, acting under the judicial supervision of the County Court of Macon County, Decatur, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp, E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-894; Filed, Jan. 29, 1947; 8:51 a. m.]

[Vesting Order 8066]

APPOLLONIA BEIKERT

In re: Bank account owned by Mrs. Appollonia Beikert. F-28-25144-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Appollonia Beikert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Appollonia Beikert, by The First National Bank of Chicago, Dearborn, Clark and Monroe Streets, Chicago, Illinois, arising out of a savings account, Account Number 1,348,291, entitled Mrs. Appollonia Beikert, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-895; Filed, Jan. 29, 1947; 8:51 a. m.]

[Vesting Order 8067]

WILHELM BENTHIEN

In re: Bank account owned by Wilhelm Benthien, F-28-25132-C-1, F-28-25132-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Benthien, whose last known address is Methfesselstrasse, 35 Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, Account Number 7070, entitled I. F. Chapman or Tom F. Chapman, Trustees for Wilhelm

Benthien, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm Benthien, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-896; Filed, Jan. 29, 1947; 8:51 a. m.]

[Vesting Order 8069]

MARGARET GALLE

In re: Bank account owned by Margaret Galle F-28-25472-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Galle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Margaret Galle, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a savings account, Account Number 1,339,304, entitled Margaret Galle, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp., App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-897; Filed, Jan. 29, 1947; 8:51 a. m.]

[Vesting Order 8070]

HERMAN GAUSMANN

In re: Bank account owned by Herman Gausmann, F-28-25471-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Gausmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Central Trust Company, Cincinnati 1, Ohio, arising out of a savings account, Account Number 68862, entitled Nippert & Nippert Attys. in fact for Herman Gausmann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Herman Gausmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-898; Filed, Jan. 29, 1947; 8:52 a. m.]

[Vesting Order 8072]

SOFIE L. LEONHARDY

In re: Bank account owned by Sofie L. Leonhardy, F-28-25160-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sofie L. Leonhardy, whose last known address is Guntherstrasse 45, Nuernberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Sofie L. Leonhardy, by North River Savings Bank, 205-212 West 34th Street, New York 1, New York, arising out of a savings account, Account Number 198328, entitled Sofie L. Leonhardy, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington. D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-899; Filed, Jan. 29, 1947; 8:52 a. m.]

[Vesting Order 8073]

MARGDALINE PFISTER

In re: Bank account owned by Margdaline Pfister. D-28-7285-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margdaline Pfister, whose last known address is Unterkanmlach, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Margdaline Pfister, by First Wisconsin National Bank, 743 North Water Street, Milwaukee 1, Wisconsin, arising out of a savings account, Account Number N. W. 5919, entitled George Pfister, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-900; Filed, Jan. 29, 1947; 8:52 a. m.]

[Vesting Order 8076]

ANTON WICHTMANN AND WILHELM REUTER

In re: Bank accounts owned by Anton Wichtmann and Wilhelm Reuter. F-28-24040-E-1, F-28-25788-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Wichtmann and Wilhelm Reuter, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anton Wichtmann, by Commonwealth Bank, Dime Building, Fort and Griswold Streets, Detroit, Michigan, arising out of a commercial account, Account Number C12-182, entitled Anton Wichtmann, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Wilhelm Reuter, by Commonwealth Bank, Dime Building, Fort and Griswold Streets, Detroit, Michigan, arising out of a commercial account, Account Number C10-944, entitled Wilhelm Reuter, and any and all rights to demand, enforce and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-901; Filed, Jan. 29, 1947; 8:52 a. m.]

[Vesting Order 8077]

WINCKLER & Co.

In re: Bank account owned by Winckler & Company, F-39-723-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Winckler & Company, the last known address of which is Kobe, Japan, is a partnership organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a commercial account entitled, as of March 28, 1946, Jerman Renz, Valparaiso, Chile, and/or Winckler & Co., Kobe or Yokohama, Japan, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp., App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931)

Executed at Washington, D. C., on January 22, 1947:

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-902; Filed, Jan. 29, 1947; 8:52 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—OFFICIAL PERSONNEL FOLDER

Pursuant to the authority vested in the Commission by section 3, Executive Order No. 9784, September 25, 1946, 11 F. R. 10909, the following regulations are hereby promulgated. These regulations were approved by the Director, Bureau of the Budget on December 27, 1946.

Sec.
30.1 Designation of agency representative.
30.2 Designation of Official Folder.
30.3 Consolidation and standardization of content of folder.
30.4 Transfer of the Official Personnel Folders between agencies.
30.5 Requests for information about employees whose folders have been transferred to other agencies.
30.6 Official Personnel Folder upon reemployment in Federal service.
30.7 Exceptions.
30.8 How to order the Official Personnel Folder.
30.9 Standard Form No. 63, Request for Personnel Data and Leave Transcripts.
30.10 Requests for further information.
30.11 Specifications for Official Personnel Folder.

AUTHORITY: § 30.1 to 30.11, inclusive, issued under sec. 3, E. O. 9784, Sept. 25, 1946, 11 F. R. 10909.

§ 30.1 *Designation of agency representatives.* Each agency will designate one or more representatives to work with the Commission in putting the plan into effect.

The name (or names) of the representative designated by the agency, his location in the organization and telephone number, should be furnished by letter not later than 15 days from the date of publication of the regulations in this part in the FEDERAL REGISTER, to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 30.2 *Designation of official folder.* Only one Official Personnel Folder will be maintained for each active employee, and it will contain the records necessary to comprise his complete service record. The Official Personnel Folder will be maintained at the point of maximum utilization. Designation of this point will be made by the agencies not later than 30 days from the date of publication of the regulations in this part in the FEDERAL REGISTER.

§ 30.3 *Consolidation and standardization of content of folder.* As rapidly as resources permit, steps will be taken to make the personnel folder of each active employee a complete working record in line with the Commission's specifications.

Folders which are transferred to other agencies, and new folders which are established, must conform to the standard specifications.

§ 30.4 *Transfer of the Official Personnel Folders between agencies*—(a) *Manner of transfer.* Beginning 30 days from the date of publication of the regulations in this part in the FEDERAL REGISTER whenever an employee is transferred to another agency, or to another organization within the same agency (if the Official Personnel Folder is maintained by a different office), the employing agency will, upon the employee's entrance on duty, furnish the appropriate personnel office of the releasing agency with a copy of Standard Form 50, "Notification of Personnel Action,"[1] which records the transfer action and indicates the official date on which the transfer became effective. Extra single copies of Standard Form 50 for this purpose can be obtained from the Government Printing Office. The releasing agency or office, within 3 days of receipt of its copy of Standard Form 50, will transmit the Official Personnel Folder to the new agency or office, and arrange for transmittal of the leave record.

(b) *Purging of folder.* Prior to transfer, all material except that listed in the Commission's specifications for material to be filed on the right, or permanent, side of the folder will be removed from the official folder. Duplicate records and material listed as temporary may be disposed of in accordance with regular procedure for disposal of records.

Such material will be removed only by the releasing agency. The receiving agency will retain all papers which have been transmitted in the folder.

[1] Not filed with the Division of the Federal Register.

(Continued on p. 701)

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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[1] P. L. O. 342.
[2] P. L. O. 341.

(c) *Materials to be transferred.* The material included in the Commission's specifications on the right, or permanent, side of the personnel folder constitutes the employee's official record of service and, as such, is required to be transferred. Agencies may, but are not required to, release or transfer confidential material. In making a decision as to whether confidential material should be transferred, agencies should consider that such material is being transferred to another branch of the Federal Government where it will continue to be maintained as confidential.

(d) *Record of transfer.* Upon transmittal of the Official Personnel Folder to another agency, the releasing agency will record the name of the employee and the name and location of the agency to which the file is being transferred, together with the date of its transfer. Whenever possible, agencies should utilize for this purpose an appropriate existing record such as an employee record card. If such a record is not available, a card may be established recording the transfer.

§ 30.5 *Requests for information about employees whose folders have been transferred to other agencies.* Requests for information regarding an employee who has transferred should be forwarded for reply to the office or agency to which the employee transferred.

§ 30.6 *Official personnel folder upon reemployment in Federal service.* When a former Federal employee is reemployed, the employing agency should request his personnel folder, by letter, from the personnel office of the agency in which he was last employed.

§ 30.7 *Exceptions.* Officers located outside of the continental United States may, in the discretion of the agency, be exempted from the use of the standard Official Personnel Folder and the regulations in this part.

§ 30.8 *How to order the Official Personnel Folder.* The Official Personnel Folder is procurable from the Treasury Department, Procurement Division, in Washington, D. C., and its Regional Supply Centers. In ordering, refer to the Official Personnel Folder, Stock No. 53-F-4643.

§ 30.9 *Standard Form No. 63, Request for Personnel Data and Leave Transcripts.*[1] Effective 30 days from the date of publication of the regulations in this part in the FEDERAL REGISTER, agencies will no longer use Standard Form No. 63 to verify the effective date of transfers and to obtain information for use in determining eligibility for periodic pay increases. This form will be abolished.

The official date on which the transfer has become effective will be obtained from the copy of Standard Form 50 which is sent the employing agency; promotion and other personnel information will be obtained from the Official Personnel Folder when received.

[1] Not filed with the Division of the Federal Register.

§ 30.10 *Requests for further information.* Inquiries with regard to the Official Personnel Folder should be made in writing to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 30.11 *Specifications for Official Personnel Folder*—(a) *Type of folder.* Letter size, kraft, heavy weight, individual reinforced tab (approximately $\frac{2}{5}$ cut right of center), contents secured with built-in metal fasteners at top of back flap and bottom of front flap. Material to be filed on permanent (or right hand) side of folder to be punched and fastened at top of sheet. Material to be filed on temporary (or left hand) side to be punched and fastened at bottom of sheet. White or buff colored labels shall be used for identifying the folder, with the employee's last name first, followed by his first name and middle intials, if any, and date of birth expressed as month, day and year, that is, Oct. 30/26, followed by identification number, if any. The name on the employee's personnel folder shall correspond to his name on the rolls of the agency. The following information will be printed on the front of the folder: Official Personnel Folder.

(b) *Permanent records.* On right side in chronological order, with latest paper on top, file permanent records affecting employee's status: Application for Federal Employment (earliest and latest form completed), Standard Forms 57,[1] 58,[1] 60,[1] Civil Service Form 3821;[1] Certificate of Medical Examination or Statement of Physical Fitness, Civil Service Form 2413;[1] Notification of Personnel Action, Standard Form 50; Request for Personnel Action, if used as the official appointing document, or as the employee's resignation; Oath of Office, Affidavit and Declaration of Appointee, Standard Form 61;[1] Veterans Preference Forms, Civil Service Forms 2842[1] and 2842a;[1] Evidence of Satisfactory Military Service (this should not include the certificate of discharge which is returned to the employee); Report of completion of character or loyalty investigation; Official letters of commendation or reprimand; Resignation; Notice of retirement, Standard Form 37;[1] Report of Efficiency Rating, Standard Form 51;[1] Correspondence and other documents relative to medical history; Records of completion of training courses; Civil Service Examination papers; Transcript of court order, in case of separation for legal incompetence; Employee's Notice of Injury or Occupational Disease, Bureau of Employees' Compensation Form C. A. 1;[2] Notification of approval of application for disability retirement, Civil Service Form 3170;[1] Official Death Notice. The forms referred to by number include forms superseded by or superseding the forms listed, or agency forms serving the same purpose.

(c) *Temporary records.* On left side in chronological order, with the latest paper on top, file records of temporary value. In general, these are documents leading to a formal action but not constituting a record of it nor making a substantial con-

tribution to the employee's service record. Dispose of these papers on transfer of employee to another agency or upon separation. The list that follows is intended as a guide for current personnel operations and not as a request for the creation of any records not normally used: Request for Personnel Action (except where used as the official appointing document or contains the employee's resignation); Requests for authority and Commission's approval; Required records for employment of minors; Letters of Release; Letters of reference and responses to inquiries; Conduct Reports for Pay Increase (Periodic); Advance Notices of personnel actions for such actions as demotion, pay increase, furlough, reduction in force, termination of appointment, etc.; Notices of proposed retirement; All Personal Debt Correspondence; Deferment and Draft Correspondence; Miscellaneous Correspondence; Application for Reemployment (after Military Service or War Transfer Leave Without Pay); Bureau of Employees' Compensation Forms, except Form C. A. 1.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-913; Filed, Jan. 30, 1947; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION INCREASING NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR THE 1947–48 MARKETING YEAR

The amendments herein are based on the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1311–1314, inclusive). The purpose of the first amendment is to increase the national marketing quota proclaimed on July 1, 1946 (11 F. R. 7399) in order to meet market demands for flue-cured tobacco for the 1947–48 marketing year. Such amendment increasing the national marketing quota is specifically authorized by section 312 (a) of the act which provides that the quota may be increased by as much as 20 per centum at any time prior to March 1, 1947. The purpose of the second amendment is to apportion the national marketing quota, as increased, among the several States in accordance with the provisions of section 313 (a) of the act. Prior to determining that an increase in the national marketing quota is required, the amount of such increase, and the apportionment of the quota among the several States, public notice of the proposed action was given (11 F. R. 14249) in accordance with the Administrative Procedure Act (60 Stat. 237). The views and recommendations of flue-cured tobacco growers and other interested persons have been duly considered, within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended, in increasing and apportioning the quota.

In view of the fact that growers of flue-cured tobacco are now preparing plant beds, purchasing fertilizer, and preparing the land on which tobacco will be transplanted, it is hereby determined and found that the amendments herein should, and the same hereby shall, become effective upon publication in the FEDERAL REGISTER in order that the national marketing quota, as apportioned among the several States and converted into the State acreage allotments, may be apportioned among farms and the operators notified of their farm acreage allotments and marketing quotas as soon as it is administratively possible to do so.

Section 725.301 of the proclamation made by the Secretary of Agriculture on July 1, 1946 (11 F. R. 7399) is amended by adding the following paragraphs (c) and (d):

§ 725.301 *Findings and determinations with respect to the national marketing quota for the marketing year beginning July 1, 1947.* • • •

(c) *Increase in national marketing quota to meet market demands.* In order to meet market demands it is hereby determined that the amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1947, as proclaimed in paragraph (b) of this section (11 F. R. 7399), should, and the same hereby shall, be increased by 10 per centum. Therefore, the amount of the national marketing quota in terms of the total quantity of flue-cured tobacco which may be marketed during the marketing year beginning July 1, 1947, as increased, is 1,262,800,000 pounds.

(d) *Apportionment of the national marketing quota among the States.* The national marketing quota proclaimed in paragraph (b) of this section and increased by paragraph (c) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the act and converted into State acreage allotments in accordance with section 313 (g) of the act, as follows:

State:	Acreage allotment
Alabama	507
Florida	25,285
Georgia	123,298
North Carolina	825,462
South Carolina	141,727
Virginia	125,975
Reserve [1]	12,553
Total	1,254,807

[1] Acreage reserved for establishing allotments for farms upon which no flue-cured tobacco has been grown during the past five years.

(52 Stat. 46, 47; 53 Stat. 1261; 56 Stat. 121; 7 U. S. C. and Sup. 1312 (a), 1313 (a), 1313 (g))

Done at Washington, D. C., this 27th day of January 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-912; Filed, Jan. 30, 1947; 9:15 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 10, Amdt. 22]

PART 1432—RICE

SET-ASIDE REQUIREMENTS AND RESTRICTIONS ON DISTRIBUTION AND MILLING

War Food Order No. 10, as amended (11 F. R. 10649, 13144, and 14646, and 12 F. R. 347), is hereby further amended:

1. By striking § 1432.1 (b) (1) and substituting in lieu thereof, the following:

(b) *Set-aside requirements and restrictions applicable to millers.* (1) Beginning February 1, 1947 every miller shall set aside in each calendar month for sale and delivery to a governmental agency, milled rice of one or more of the grades 1 through 6 (excluding the special grades unpolished milled rice and parboiled milled rice) and of the classes I through XII, in an amount equal to 40 percent of the total combined quantity of brown and milled rice milled by him during such month.

2. By striking the period at the end of § 1432.1 (b) (2) and substituting a semi-colon in lieu thereof, and adding to said section the following proviso: "*Provided, further*, That offers of unpolished milled rice and parboiled milled rice made to Commodity Credit Corporation pursuant to War Food Order No. 10 during the first two business days in February, 1947 shall not be acceptable by said Corporation unless the miller making such an offer certifies to the Department of Agriculture that the offer includes only rice set aside in and for January 1947 and that the quantity of rice so offered is not in excess of that prescribed in (b) (2) (ii)."

3. By striking § 1432.1 (c) (1) and substituting in lieu thereof, the following:

(c) *Credits against set-aside requirements, and exemptions.* (1) Deliveries in any calendar month by any miller to persons other than governmental agencies of brown and milled rice for shipment to Puerto Rico, the Virgin Islands, and Hawaii, and exports of brown and milled rice in any calendar month by any miller to Cuba may be credited against the set-aside requirements of (b) (1) for such month in a total amount not exceeding 40 percent of the total quantity of brown and milled rice milled by such miller during such month: *Provided, however*, That in calculating the quantity of rice creditable under this subparagraph, rice exported to Cuba shall be counted at half its actual quantity while rice delivered for shipment to Puerto Rico, the Virgin Islands, and Hawaii shall be counted at its actual quantity.

4. By striking § 1432.1 (c) (3) and substituting in lieu thereof, the following:

(3) Deliveries to governmental agencies of grades and classes of brown and milled rice other than those specified in (b) (1) may be credited against the quantity of milled rice required to be set aside under (b) (1) only if such rice is accepted by the governmental agencies and delivery is made in the month for which the credit is claimed.

5. By striking § 1432.1 (d) (1) (iv) and substituting in lieu thereof, the following:

(iv) the total quantities of brown and milled rice shipped by him to Puerto Rico, the Virgin Islands, Hawaii, and Cuba, and the quantities so shipped for which set-aside credit is claimed;

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., February 1, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken under the provisions of War Food Order No. 10, as amended, prior to said date, all such provisions shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting requirements of this amendment have been approved by, and all subsequent reporting and record-keeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676; 50 U. S. C. War App. Sup. 1152 (a); E. O. 9280, Dec. 5, 1942, 7 F. R. 1079; E. O. 9577, June 29, 1945, 10 F. R. 8087)

Issued this 27th day of January 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-911; Filed, Jan. 30, 1947; 8:57 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

REVISION OF DEFINITIONS

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act (42 Stat. 998, as amended, 7 U. S. C. 1–17a), paragraphs (g), (v), and (w) of § 1.3 of Part 1 of Chapter I of Title 17, Code of Federal Regulations, are amended, effective February 1, 1947, to read as follows:

§ 1.3 *Definitions.* • • •

(g) *Commodity Exchange Authority.* This term means the Commodity Exchange Authority, United States Department of Agriculture.

• • • • • •

(v) *Act Administrator.* This term means the Administrator of the Commodity Exchange Authority, United States Department of Agriculture, in his capacity as Administrator of the Commodity Exchange Act, or any officer or employee of the Commodity Exchange Authority to whom he has heretofore lawfully delegated or may hereafter lawfully delegate the authority to act in his stead.

(w) *Secretary of Agriculture.* This term means the Secretary of Agriculture or any person to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(42 Stat. 998, as amended; 7 U. S. C. 1–17a)

Issued this 27th day of January 1947.

[SEAL] N. E. DODD.
Acting Secretary of Agriculture.

[F. R. Doc. 47-910; Filed, Jan. 30, 1947; 8:57 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

REVOCATION OF CERTAIN LAND WITHDRAWALS FOR WAR DEPARTMENT USE

CROSS REFERENCE: For corrections of orders affecting the tabulation in § 501.1, see Public Land Orders 341 and 342, Title 43, *infra*.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42-5]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

PILOT QUALIFICATIONS

Correction

In Federal Register Document 47–777, appearing on page 522 of the issue for Saturday, January 25, 1947, the bracketed headnote should read as set forth above.

[1] 12 F. R. 570.

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Reg. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

Correction

In Federal Register Document 47–847, appearing at page 612 of the issue for Wednesday, January 29, 1947, the following changes should be made:

The footnote to the bracketed headnote should read as set forth in this correction.

In the authority citation at the end of the document "49 Stat. 674" should read "49 Stat. 647".

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 223—APPROVAL OF SALES AGREEMENTS OR CONTRACTS COVERING THE DISPOSAL OF OIL AND GAS LEASE PRODUCTS (NOT APPLICABLE TO INDIAN OR NAVAL PETROLEUM RESERVE LANDS)

Sec.
223.1 Statutory authority and purpose.
223.2 Final approval by the oil and gas supervisor of sales agreements or contracts for 1 year or less.
223.3 Action by the oil and gas supervisor where sales agreements or contracts for 1 year or less are unacceptable.
223.4 Conditional approval by the oil and gas supervisor of acceptable sales agreements or contracts for more than 1 year.
223.5 Action by the oil and gas supervisor where sales agreements or contracts for more than 1 year are unacceptable.
223.6 Action by Director, Geological Survey, on sales agreements or contracts conditionally approved by the supervisor.
223.7 Submittal of agreements or contracts, number required.
223.8 Distribution of agreements or contracts and letters by the supervisor or Director, Geological Survey.

AUTHORITY: § 223.1 to 223.8 inclusive issued under R. S. 161, sec. 32, 41 Stat. 450; 5 U. S. C. 22, 30 U. S. C. 189.

§ 223.1 *Statutory authority and purpose.* The regulations in this part are hereby issued and promulgated pursuant to R. S. 161, 5 U. S. C., 22, and the act of February 25, 1920, sec. 32, 41 Stat. 450, 30 U. S. C., 189. The purpose of the regulations in this part is to simplify procedure and facilitate the approval of sales agreements or contracts covering the disposal of products from oil and gas leases submitted by or in behalf of the holders of such leases pursuant to the lease terms and the applicable operating regulations by delegating to the oil and gas supervisors of the Geological Survey and to the Director of the Geological Survey authority to act for the Secretary of the Interior in approving such sales agreements or contracts.

§ 223.2 *Final approval by the oil and gas supervisor of sales agreements or contracts for 1 year or less.* The supervisor may hereafter act for the Secretary of the Interior in finally approving sales agreements or contracts submitted pursuant to the lease terms if (a) they are for a fixed term of 1 year or less and do not provide for extension beyond their fixed term at the option of either or both of the parties thereto, and (b) their provisions are otherwise acceptable to the supervisor. Where the agreements or contracts meet the aforesaid requirements, the supervisor will notify the proper parties of his approval thereof as a method of disposal.

§ 223.3 *Action by the oil and gas supervisor where sales agreements or contracts for 1 year or less are unacceptable.* If any agreement or contract submitted pursuant to § 223.2 contains provisions which are unacceptable to the super-

visor and if he is unable to obtain a satisfactory amendment or modification thereof he shall reject it subject to the right of appeal to the Director of the Geological Survey as provided in 30 CFR 221.66.

§ 223.4 *Conditional approval by the oil and gas supervisor of acceptable sales agreements or contracts for more than 1 year.* If any agreement or contract covering the disposal of oil and gas lease products is for a fixed term of more than 1 year or is for a term of 1 year or less but grants to either or both of the parties thereto the option to extend its term beyond 1 year, the supervisor, if the agreement or contract is deemed satisfactory and either contains the substance of or is accompanied by the stipulation set forth below, signed by the designated operator or lessee, shall notify the parties of his approval of such agreement or contract as a method of disposal, subject to any condition, modification, or revocation that may be prescribed upon review thereof by the Director of the Geological Survey.

The stipulation, the substance of which must either be included in the agreement or contract, or be made the subject matter of a separate instrument properly identifying the leases affected thereby, is as follows:

It is hereby understood and agreed that approval of the agreement in question shall be subject to the condition that nothing therein shall be construed as affecting any of the relations between the United States and its lessee, particularly in matters of gas waste, taking royalty in kind and the method of computing royalties due as based on a minimum valuation and in accordance with the terms and provisions of the oil and gas operating regulations applicable to the lands covered by said agreement.

§ 223.5 *Action by the oil and gas supervisor where sales agreements or contracts for more than 1 year are unacceptable.* If any agreement or contract submitted for approval pursuant to § 223.4 contains provisions which are unacceptable or does not contain the substance of or is not accompanied by the stipulation prescribed in § 223.4, the supervisor shall direct the parties in interest to cure the objectionable provisions. Upon failure to comply with such requirements the supervisor shall reject the agreement or contract subject to the right of appeal to the Director of the Geological Survey as provided in 30 CFR 221.66.

§ 223.6 *Action by Director, Geological Survey, on sales agreements or contracts conditionally approved by the supervisor.* The completed original or duplicate original of the agreement or contract and one additional simple copy thereof, together with a copy of the conditional approval of the supervisor shall be transmitted to the Director of the Geological Survey for final approval. Upon review of the agreement or contract the Director of the Geological Survey will either (a) advise the parties in interest that the approval of the supervisor is confirmed; or (b) require such amendment or modification of the agreement or contract as the Director may deem appropriate. Upon failure of the parties in interest to comply with any requirement within such reasonable time as may be fixed by the Director, the agreement or contract will be rejected subject to the right of appeal to the Secretary of the Interior as provided in 30 CFR 221.66.

§ 223.7 *Submittal of agreements or contracts, number required.* The supervisor shall require the original or duplicate original and two additional copies or photostats of each agreement or contract to be filed promptly in his office after execution of such agreement or contract.

§ 223.8 *Distribution of agreements or contracts and letters by the supervisor or Director, Geological Survey.* When the supervisor or Director approves an agreement or contract he shall forward the original or duplicate original to the Director, Bureau of Land Management, together with two copies of his letter of approval. Where the agreement or contract is rejected by the supervisor or the Director of the Geological Survey, two carbon copies of each letter of rejection shall be furnished to the Director of the Bureau of Land Management.

W. E. WRATHER,
Director.

Approved: January 23, 1947.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 47-936; Filed, Jan. 30, 1947; 9:15 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[State Director Advice No. 335, Issued: 8 22/46, as amended: 1/30/47]

PART 672—STATE DIRECTOR ADVICES

UNITED STATES ATOMIC ENERGY COMMISSION CERTIFICATIONS

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 672.335 *United States Atomic Energy Commission certifications.* (a) By congressional action and executive order, all activities of the Manhattan Engineer District were transferred to the Atomic Energy Commission on January 1, 1947. The Atomic Energy Commission will certify to this Headquarters registrants engaged in scientific research and development in connection with the atomic project.

(b) Atomic Energy Commission contractors will submit DSS Forms 42A (Special-Revised) to the Atomic Energy Commission, Oak Ridge, Tennessee, for certification. The Atomic Energy Commission will forward certified DSS Forms 42A (Special-Revised) to the Director of Selective Service. The Director of Selective Service will transmit recommendations for deferment to local boards through the appropriate State Director.

(54 Stat. 885 as amended, 50 U. S. C. and Sup. App. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-949; Filed, Jan. 30, 1947; 9:15 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 3293—CHEMICALS

[General Allocation Order M-300, Revocation of Direction 2]

CHEMICALS AND ALLIED PRODUCTS; SPECIAL GROUPS OF PROTECTIVE COATING END USES

Direction 2 to General Allocation Order M-300 is hereby revoked. This revocation does not affect any liabilities incurred for violation of this direction, or of any actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 30th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1006; Filed, Jan. 30, 1947; 11:35 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, as Amended Dec. 31, 1946, Amdt. 1]

Rubber Order R-1, as amended December 31, 1946 is hereby further amended to read as follows:

Amend § 4600.03a by adding a new paragraph as follows:

(b) *Natural rubber latex cement for shoe manufacturers.* (1) No person shall use any natural rubber latex cement in the manufacture of shoes unless he has been specifically authorized to do so by the CPA. Certain manufacturers of shoes have demonstrated that the lack of natural rubber latex cement in some of their operations has resulted in the manufacture of inferior quality shoes. Since this condition is not uniform throughout the entire shoe manufacturing industry, and since the supply of natural rubber latex for this purpose is very limited, the CPA will consider authorizations to shoe manufacturers to use natural rubber latex cement only on individual applications on Form CPA-2242. Such applications must give full details as to manufacturing operations and indicate the technical reasons requiring the use of natural rubber latex cement in specific operations. Those shoe manufacturers who make their own cement should also apply on Form CPA-2242 for the natural rubber latex they need for consumption in making cement for their own operations.

(2) Shoe manufacturers who received authorizations to use natural rubber latex cement under paragraph (b) (1) above may obtain such cement from rubber cement manufacturers only by furnishing a written certificate in substantially the following language signed as provided in Priorities Regulation 7.

The undersigned hereby certifies, subject to the criminal penalties for misrepresentations contained in section 35 (A) of the U. S. Criminal Code that he has been authorized to use in the manufacture of new shoes natural rubber latex cement containing — pounds of dry solid content of natural rubber latex. The natural rubber latex content of the cement covered by this purchase order and all other purchase orders placed by him, plus any quantity consumed by him, do not exceed the quantity he has been authorized to use.

---------- ----------
Date Name of Company

By:----------
Signature of authorized official

(3) Any person (other than a shoe manufacturer) who needs natural rubber latex to consume in making cement for new shoes may apply on Form CPA-4562 to the Rubber Division, CPA, for permission to accept delivery. The amounts to be authorized for initial inventory will be determined by CPA, and later authorizations will be issued only for amounts necessary to replace inventory consumed in accordance with this paragraph (b). Any natural rubber latex obtained under such authorization by a person not a shoe manufacturer may be consumed to make cement only to fill specific purchase orders from shoe manufacturers bearing the certification specified in paragraph (b) (2) above, and natural rubber latex cement so manufactured may be sold only on such orders.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 3125, 7 F. R. 2719; E. O. 9246, 7 F. R. 7379, as amended by E. O. 9475, 9 F. R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F. R. 64)

Issued this 30th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1005; Filed, Jan. 30, 1947; 11:35 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 207—NAVIGATION REGULATIONS

OIL POLLUTION; WATER BALLAST

Pursuant to the provisions of section 3 of the Oil Pollution Act of 1924 (43 Stat. 605; 33 U. S. C. 433), § 207.1 prescribing the regulations governing the discharge of ballast water into the coastal waters of the United States is revoked as follows:

§ 207.1 *Coastal waters of the United States; discharge of water ballast.* [Revoked] [Regs. 3 Jan 1947, CE 800.224 ENGWR] (43 Stat. 605; 33 U. S. C. 433)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-948; Filed, Jan. 30, 1947; 9:15 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 19—TRANSPORTATION OF MAILS

MAILS FOR ALASKA

Add new § 19.5, to read as follows:

§ 19.5 *Mails for Alaska; winter restrictions.* (a) All mails for Alaska are dispatched from Seattle, Washington. During the season of navigation all classes of mail are dispatched. During the winter season (from about November 1 to April 1) on account of the difficulty of transportation, the dispatch of mail for post offices on the Seward Peninsula is limited, preference being given, first, to letters in their usual and ordinary form, postal cards, and packages of seeds not exceeding 1 pound per package; second, to single newspapers and magazines addressed to public libraries, newspaper publishers, and to individuals. Books, catalogs, newspapers and periodicals sent to dealers for purposes of trade or otherwise, and merchandise (parcel-post matter), except packages of seeds not exceeding 1 pound per package, cannot be forwarded to offices on the Seward Peninsula during the winter season. But, as an exception to the foregoing, when the weight limit of mail for dispatch will permit, articles or merchandise, not exceeding a few ounces each, which the proper officers of the Postal Service have reason to believe contain articles of urgent necessity, such as eyeglasses, medicines, etc., for individual use, but not intended primarily for trade, may be enclosed in the mails for dispatch. Offices in Alaska to which only a limited amount of mail may be sent in the winter are designated "R" in the State list of post offices. The list of restricted offices is as follows:

Barrow, Candle, Council, Deering, Elim, Cambell, Golovin, Hayecek, Igloo, Kiana, Kivalina, Kobuk, Kotzebue, Koyuk, Moses Point, Noatak, Nome, Noorvik, Point Hope, Savconga, Selawik, Shishmaref, Solomon, Shungnak, Teller, Wainwright, Wales, White Mountain.

(b) Affixing special-handling stamps to the mail matter excluded under paragraph (a) of this section will not entitle it to preferred treatment. (R. S. 161, 396; sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-909; Filed, Jan. 30, 1947; 8:57 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES

The regulations under the country "Germany" (39 CFR, Part 21), as amended (11 F. R. 14517), are further amended by the addition of the following:

Gift parcels for prisoners of war held abroad. (a) Ordinary (unregistered and uninsured) gift parcels not exceeding $25 in value may be sent by parcel post free of postage to German prisoners of war held abroad by American, British or French Forces under the following general conditions:

(1) The wrappers of the parcels must be endorsed "Prisoner of War—Gift Parcel" and "Postage Free."

(2) The parcels shall not be sealed, and shall be packed closely, and carefully and securely wrapped in a manner which will facilitate opening for inspection.

(3) Maximum weight: 11 pounds. Maximum size: 72 inches length and girth combined. Greatest length, 42 inches.

(4) The contents of each parcel shall be listed on a customs declaration (Form 2966 or, in the case of parcels for prisoners held by the French, Form 2967) which shall be affixed to the outside of the parcel. On the customs declaration shall be written "Gift Parcel." No other postal forms are required to accompany the parcels.

(5) The parcels shall be dispatched to New York, N. Y., for forwarding abroad.

The following special conditions also apply, as shown:

(b) *American-held prisoners of war.* (1) Parcels may be accepted for mailing to American-held prisoners of war only under authority of a "Prisoner of War—Gift Parcel" label issued by the American authorities in Europe to the prisoner of war concerned. It is understood this label will show the name and address of the prisoner of war as well as the name and address of the sender, so that it may be pasted on the parcel as an address label. Only one label per week will be furnished an American-held prisoner of war. These labels are not transferable.

(2) Contents permitted are nonperishable foodstuffs, clothing, soap, mailable medical supplies and similar items for relief of human suffering. No parcel shall contain any written or printed matter of any kind.

(3) Parcels which prove to be undeliverable as addressed will be turned over to German welfare agencies.

(c) *British-held prisoners of war.* (1) Parcels may be accepted for mailing to British-held prisoners of war only under authority of an official label issued in the United Kingdom to the prisoner of war in favor of a person whose kinship is nearer than first cousin to the prisoner. This label will be sent by the prisoner concerned to his relative. Although no detailed description of the label to be used has been furnished, this Office has been advised it will show the correct address of the prisoner of war and the parcels will be delivered to the prisoner of war only if they carry this official label, by which it is understood the label is to be pasted on the outside of the parcel.

Each prisoner is to be allowed not more than one parcel label every 3 months.

(2) Contents permitted are nonperishable foodstuffs, clothing, soap, mailable medical supplies, and similar items for relief of human suffering. No parcel shall contain any written or printed matter of any kind.

Any prohibited articles found in the parcels when they are checked by the British authorities will be liable to be confiscated.

(d) *French-held prisoners of war.* (1) No labels will be issued for the sending of parcels to French-held prisoners of war. However, not more than one parcel per week may be sent by the same sender to the same French-held prisoner of war.

(2) Parcels may be addressed only to depots, and in no case to sanitary units ("Formations sanitaries"), labor camps, or care of persons who employ the prisoners. The address should include: Surname, first name, registration number of the prisoner, depot number, city, Department. Inside each parcel must be enclosed a slip showing the name and address of the sender and the surname, first name and registration number of the addressee.

(3) Contents permitted are nonperishable foodstuffs, clothing, soap, and similar items for relief of human suffering. The French authorities advised, "Civilian clothing and underwear which could be worn as if it were apparently the clothing of a civilian are prohibited." These authorities also advised that (i) sweaters and pull-overs are authorized and that this provision is to be interpreted liberally in view of the present scarcity of clothing, and (ii) that medicines of every kind and in every form, tubes of vaseline, ammonia, solidified, in solution or in liquid form are prohibited. No parcel shall contain any written or printed matter of any kind, except the slip mentioned in subparagraph (2) of this paragraph.

(R. S. 161, 396, Sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-907; Filed, Jan. 30, 1947; 8:56 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES

The regulations under the country "Germany" (39 CFR, Part 21), as amended (11 F. R. 14517), are further amended by the addition of the following regulations:

Restricted resumption of mail service to all of Germany. (a) Effective at once ordinary letters weighing not in excess of 1 ounce and non-illustrated post cards may be accepted for transmission either by surface means or air to all of Germany. Envelopes must not have innerlining nor carry any indication other than the address of the sender and addressee and necessary postal directions.

(b) Communications are restricted for the present to those of a personal or family character, except that business communications of a nontransactional nature, limited to the ascertainment of facts and exchange of information may be accepted for mailing. The transmission of documents, such as birth, death or marriage certificates, wills, legal notices, etc., also is authorized.

(c) The closing of business deals and contracts by mail, correspondence concerning German external assets, will not be permitted. The enclosure of checks, drafts, securities or currency is prohibited.

(d) Communications should bear the name of the addressee, street and house number, town, postal district number, province and zone of occupation. It is pointed out that the postal district number and the zone of occupation should be included as a part of the address if this information is known to the sender. However, mail will be accepted without this information included as a part of the address. The province and zone of occupation need not be shown on mail addressed to the city of Berlin.

(e) Box numbers may be used as part of the address provided the name of the box holder is shown. Correspondence shall not be accepted for mailing when addressed "General Delivery."

(f) The postage rates applicable are:

Letters	5 cents each
Post cards	3 cents each
Air mail	30 cents half ounce

(g) Registration, special delivery and money-order services are not available at this time.

(h) Ordinary (unregistered and uninsured) gift parcels are acceptable for mailing when addressed for delivery in all parts of Germany (American, British, French and Russian Zones, including all sectors of Berlin), except the portions of Germany under Polish control which are subject to the conditions applicable to Poland. The parcels will be subject to the same conditions as were in effect prior to the suspension of the service and also to the following restrictions:

(1) Only one parcel per week may be sent by or on behalf of the same sender to or for the same addressee.

(2) Contents are limited to such essential relief items as nonperishable foods, clothing, shoes, soap, mailable medicines, and other similar items for the relief of human suffering. No writing or printed matter of any kind may be included.

(3) Parcels must not exceed 11 pounds in weight, or measure more than 36 inches in length or 72 inches in length and girth combined.

(4) Parcel post rates are 14 cents per pound or fraction of a pound.

(5) The parcels and relative customs declarations must be conspicuously marked "Gift Parcels" by the senders, who must itemize the contents and value on the customs declarations. Parcels are liable to censorship and customs examination in the zone of destination.

(6) Parcels should be addressed as indicated in paragraphs (d) and (e) above. In addition, parcels destined for delivery in Berlin should bear the name of the sector of occupation.

(7) Parcels which are undeliverable will not be returned to senders but will be turned over to authorized German relief organizations for distribution to the needy.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-908; Filed, Jan. 30, 1947; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2290]

PART 4—DELEGATION OF AUTHORITY

GEOLOGICAL SURVEY; OIL AND GAS SALES AGREEMENTS OR CONTRACTS

The following new section is added to Subpart H, Part 4, to become effective immediately:

§ 4.616 *Functions relating to oil and gas sales agreements or contracts.* (a) The oil and gas supervisors of the Geological Survey are authorized to give final approval to sales agreements or contracts covering the disposal of products from oil and gas leases on the public lands for a term of 1 year or less, as provided in 30 CFR, Part 223.

(b) The oil and gas supervisors of the Geological Survey are authorized to approve conditionally, and the Director of the Geological Survey is authorized upon review of the supervisors' conditional approval to approve finally, such sales agreements or contracts for a term of more than 1 year, as provided in 30 CFR, Part 223.

(R. S. 161, sec. 32, 41 Stat. 450; 5 U. S. C. 22, 30 U. S. C. 189)

J. A. KRUG,
Secretary of the Interior.

JANUARY 23, 1947.

[F. R. Doc. 47-935; Filed, Jan. 30, 1947; 9:15 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 341]

MONTANA

REVOKING PUBLIC LAND ORDER 90 OF FEBRUARY 10, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR AVIATION PURPOSES

Correction

In Federal Register Document 47-539, appearing on page 418 of the issue for Tuesday, January 21, 1947, the date "June 17, 1947" in paragraph (a) should read "June 16, 1947".

[Public Land Order 342]

CALIFORNIA

REVOKING PUBLIC LAND ORDER 1 OF JUNE 20, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR CAMP SITES AND MANEUVER PURPOSES

Correction

In the land description in Federal Register Document 47-540, appearing at page 418 of the issue for Tuesday, January 21, 1947, section 29 of T. 1 S., R. 17 E. should read: "Sec. 29, N½ and SW¼;".

Chapter II—Bureau of Reclamation, Department of Interior

PART 402—ANNUAL WATER CHARGES

NORTH PLATTE IRRIGATION PROJECT, NEBRASKA-WYOMING

CROSS REFERENCE: For an addition to the tabulation contained in § 402.2 see F. R. Doc. 47-905 under Department of the Interior, Bureau of Reclamation, in the Notices section, *infra*.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter C—Motorboats and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

[CGFR-47-3]

PART 29—NUMBERING OF UNDOCUMENTED VESSELS

AMENDMENTS TO REGULATIONS

A notice regarding the proposed changes in the regulations about numbering undocumented vessels was published in the FEDERAL REGISTER, dated September 27, 1946 (11 F. R. 11014), and a public hearing was held by the Merchant Marine Council on October 22, 1946, at Washington, D. C. All the written and oral comments and suggestions submitted were considered by the Merchant Marine Council and where practicable incorporated into the amendments to the regulations.

By virtue of the authority vested in me, the following amendments to the regulations are prescribed which shall become effective on the thirty-first day after the date of publication of this order in the FEDERAL REGISTER:

Section 29.8 *Procedure relating to numbering of motorboats* is hereby canceled and the following regulations are issued in its stead:

Sec.
29.8 Basis and purpose of numbering regulations.
29.10 Vessels required to be numbered.
29.12 Vessels not required to be numbered.
29.14 Application for certificate of award of number.
29.16 Documentary evidence of ownership.
29.18 Award of number.
29.20 Certificate of award of number kept on board undocumented vessel.
29.22 Sales of undocumented vessels to aliens.
29.24 Owner furnishing information when changes occur.
29.26 Procedure upon change of permanent residence.
29.28 Number assigned required on bows of undocumented vessel.

AUTHORITY: §§ 29.8 to 29.28, inclusive, issued under sec. 1, 40 Stat. 602; 46 U. S. C. 288; Reorg. Plan No. 3, 1946; 11 F. R. 7875. Statutes giving additional authority are cited in parenthesis at the end of affected sections.

§ 29.8 *Basis and purpose of numbering regulations.* By virtue of the authority vested in the Commandant of the Coast Guard under section 101 of the Reorganization Plan No. 3 of 1946 (11 F. R. 7875) and the act of June 7, 1918, as amended (46 U. S. C. 288), the regulations in this part are prescribed to provide adequate means for numbering of undocumented vessels in accordance with the intent of the statute and to obtain its correct and uniform administration.

§ 29.10 *Vessels required to be numbered.* The following undocumented vessels are required to be numbered:

(a) All vessels equipped with permanently installed motors.

(b) All vessels over 16 feet in length equipped with detachable motors.

§ 29.12 *Vessels not required to be numbered.* (a) The following undocumented vessels are not required to be numbered:

(1) All vessels not exceeding 16 feet in length temporarily equipped with detachable motors.

(2) Public vessels.

(3) Motor lifeboats carried as lifesaving equipment on inspected vessels.

(b) The words "temporarily equipped with detachable motors" shall be construed to mean outboard motors which are clamped or otherwise temporarily fastened as distinguished from outboard motors bolted or otherwise permanently secured. The controlling principle shall be whether or not the vessel has permanently installed motors rather than the design or construction of the vessel.

(c) Undocumented vessels listed in paragraph (a) of this section will not be numbered except upon instructions of the Commandant.

§ 29.14 *Application for certificate of award of number.* (a) The owner of any undocumented vessel however acquired, or his duly authorized agent, shall make application for a certificate of award of number to the Officer in Charge, Marine Inspection, United States Coast Guard, having jurisdiction over the area in which the vessel is owned. If the boat is to be in the possession of a person other than the person who holds title thereto under a conditional sales or retain title contract or similar arrangement under which title does not pass, the application shall be made by the person who holds legal title.

(b) Upon purchasing or acquiring a vessel which previously has been issued a certificate of award of number, and after completion of the bill of sale on the reverse side of the certificate of award of number (Form CG 1513)[1] by the vendor or the former owner, the purchaser will execute the application for number for undocumented motor vessel, which is incorporated on the reverse side of the certificate of award of number, and surrender the certificate, bill of sale, and application for a new number (which are all on Form CG 1513) to the Officer in Charge, Marine Inspection, within the statutory period of 10 days.

(c) In the case of new vessels or in the case of vessels which have not been previously numbered or in the case of vessels which have been issued the old form of certificate of award of number (NAVCG 1513), which does not contain the application, the owner of the vessel or his duly authorized agent shall make the application in duplicate for a number on Form CG 1512,[1] application for number for undocumented motor vessel, and shall surrender this form, after completion, together with documentary evidence of ownership or the certificate of award of number with the bill of sale properly executed, to the proper Officer in Charge, Marine Inspection.

§ 29.16 *Documentary evidence of ownership.* The Coast Guard District Commander or the Officer in Charge, Marine Inspection, who receives the application for an award of number will satisfy himself that the applicant has legal title to the vessel. Any case in which ownership or legal title is in doubt will be referred to the Commandant. Original ownership may be proved by the purchaser as follows:

(a) Bill of sale.

(b) Receipted bills for material used in construction.

(c) Statement of reputable boat building concern signed by an owner, officer or duly authorized agent thereof that the boat was constructed for the applicant in its factory or yard.

(d) In the case of vessels sold as surplus property by the United States Maritime Commission or the War Shipping Administration, the papers furnished the successful bidder in the form of a sale order or certificate of delivery of vessel, as the case may be, shall be accepted as sufficient evidence of ownership.

(e) Such other evidence of ownership as is acceptable to the Coast Guard District Commander or the Officer in Charge, Marine Inspection.

§ 29.18 *Award of number.* A number will be awarded by the Officer in Charge, Marine Inspection, upon receipt of the application together with proof of ownership and a letter, in lieu of the certificate, will be issued by him authorizing the vessel to be operated, pending issuance of the certificate. The Coast Guard District Commander will issue the certificate of award of number in all instances except where he has designated and authorized officers or employees under his command to issue such certificates in his behalf.

§ 29.20 *Certificate of award of number kept on board undocumented vessel.* (a) The certificate of award of number for an undocumented vessel shall be kept on board at all times and shall be accessible to the person in charge except when such certificate is in the custody of the Coast Guard District Commander

[1] Not filed with the Division of the Federal Register.

or the Officer in Charge, Marine Inspection. This requirement, however, does not apply to any vessel not exceeding 17 feet in length, measured from end to end over the deck, excluding sheer, nor to any vessel regardless of length if the design of fittings is such that the carrying of the certificate of number on board would render it imperfect, illegible or would tend to destroy its use as a means of ready identification.

(b) In the case where a letter is issued assigning a number previous to the issuance of a certificate of award of number, the new owner may operate such vessel without penalty for failure to have such certificate of award of number if the letter is carried and produced when necessary for identification. (R. S. 5294, as amended, sec. 21, 54 Stat. 167, 18 U. S. C. 642, 46 U. S. C. 526t)

§ 29.22 *Sales of undocumented vessels to aliens.* For the duration of the war the issuance of a certificate of award of number to a vessel, the sale or transfer of which, in whole or in part, is subject to section 37 of the Shipping Act, 1916, as amended (46 U. S. C. 835), shall be subject to the United States Maritime Commission's General Order 58, as revised (10 F. R. 14210). For a vessel less than 1,000 gross tons and not documented under the laws of the United States, General Order 58 gives blanket approval to the sale, mortgage, lease, charter, delivery, or transfer and agreement for the sale, mortgage, lease, charter, delivery, or transfer to any person not a citizen of the United States of any vessel or interest therein owned in whole or in part by any person who is a citizen of the United States or by a corporation organized under the laws of the United States or of any state, territory, district or possession thereof. For a vessel documented under the laws of the United States or a vessel 1,000 gross tons or over, prior approval of the sale by the Maritime Commission is required.

§ 29.24 *Owner furnishing information when changes occur.* (a) The owner of a numbered vessel shall notify the Coast Guard District Commander or Officer in Charge, Marine Inspection, within ten days, if:

(1) The vessel is lost, destroyed, or abandoned.

(2) The vessel is transferred from one person to another; or

(3) He moves his permanent residence to a place in another customs district or to a place within the jurisdiction of another Coast Guard District Commander.

(b) In the case of change of ownership, loss, destruction, or abandonment of a numbered vessel, the notice shall be accompanied by a surrender of the certificate of award of number if it is in existence.

§ 29.26 *Procedure upon change of permanent residence.* If the owner has moved his permanent residence to a place in another customs district or to a place within the jurisdiction of another Coast Guard District Commander, the original number will be retained by the vessel and the owner's change of permanent residence shall not be a cause for the surrender of the certificate except under special instructions of the Commandant. However, vessels sold into another customs district or Coast Guard district may be renumbered anew.

§ 29.28 *Number assigned required on bows of undocumented vessel.* (a) Every undocumented vessel required to be numbered shall have the number awarded or assigned painted on or attached to each bow so that the number reads from left to right.

(b) The number shall be in block characters of good proportion, not less than three inches in height, and parallel with the water line as near the forward end of the bow as legibility of the entire number for surface and aerial identification permits. The number shall be located as high above the water line as practicable, but in no case less than three inches from the bottom of the numbers to the water line.

(c) The numbers shall be of a color which will contrast with the color of the hull so as to be distinctly visible and legible; i. e., if the hull is light, the color of the numbers shall be dark, or if the hull is dark, the color of the numbers shall be light.

Dated: January 24, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 47-918; Filed, Jan. 30, 1947; 9:15 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

REQUIREMENTS FOR ACCOUNTING WITH RESPECT TO TRANSACTIONS INVOLVING FOREIGN CURRENCY

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of January 1947;

It appearing, that it is necessary and desirable to amend Part 35 of the Commission's rules and regulations as set forth below, so as to simplify requirements for accounting with respect to transactions involving foreign currency;

It further appearing, that all persons subject to Part 35 of the Commission's rules and regulations have been given notice of the proposed amendment thereof and have been afforded an opportunity to comment thereon, and that no adverse comments have been received with respect thereto;

It further appearing, that for the foregoing reasons, general notice of proposed rule making and public procedure as provided in section 4 (a) of the Administrative Procedure Act are unnecessary with respect to the foregoing proposed amendment;

It further appearing, that section 220 (g) of the Communications Act of 1934, as amended, provides that notice of alterations in the required manner or form of keeping accounts be given at least six months before the same are to take effect;

It further appearing, that certain of the persons affected by the proposed amendment have expressed the desire to adopt the accounting provided for in such amendment, effective as of January 1, 1947:

It is ordered, That pursuant to section 220 (a) and (g) of the Communications Act of 1934, as amended, Part 35 of the Commission's rules and regulations be, and it is hereby, amended, as set forth below, effective as of August 1, 1947: *Provided, however,* That the accounting prescribed by such amendment may be adopted as of January 1, 1947, upon condition that such accounting is adopted as of that date by all carriers subject to the particular provisions of the rules and regulations in question.

1. Delete the entire text of § 35.03–16 and substitute the following:

§ 35.03–16 *Transactions involving foreign currency.* (a) Amounts to be entered in the accounts of this system that are originally stated in terms of foreign currency or that arise from contracts stated in terms of such foreign currency shall be recorded at the rate of exchange effective at the date as of which the original transaction occurs. (For the purposes of this system of accounts a contractual common denominator, such as the gold franc, shall be viewed as a unit of foreign currency, irrespective of the facts regarding actual monetary circulation.)

(b) Gains or losses due to the difference in the rates of exchange developing between the date of the original transaction referred to in paragraph (a) and the date of realization, liquidation, or settlement in cash or its equivalent, shall be credited or charged, as appropriate, to account 5140, "Gain or loss on foreign currency exchange." Such differences shall be recorded by stages in the course of monthly restatements of current assets and current liabilities on basis of the latest applicable rates of exchange. Other balance sheet accounts shall not reflect changes prior to cash or equivalent settlement, in the rate of exchange.

2. Delete the following accounts from the chart in § 35.30–99: 3710, "Foreign exchange—Revenue differential", 4998, "Foreign exchange—Expense differential", and 5298, "Foreign exchange—Income differential".

3. Delete account 3710, "Foreign exchange—Revenue differential".

4. Delete account 4998, "Foreign exchange—Expense differential".

5. Delete the entire text of account 5140 and substitute the following:

§ 35.5140 *Gain or loss on foreign currency exchange.* This account shall be credited or charged, as appropriate, and to the extent outlined in Section 35.03–16, with the amounts of gains or losses resulting from transactions involving foreign currency.

6. Delete account 5298, "Foreign exchange—Income differential."

7. Section 35.41–2, delete from the reference in parentheses, "and paragraph (b) of § 35.03–16."

(Sec. 220, 48 Stat. 1078, 47 U. S. C. 220)

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-593; Filed, Jan. 30, 1947; 8:49 a. m.]

PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS [1]

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 9th day of January 1947;

It appearing, that it is necessary and desirable to amend Part 34 of the Commission's rules and regulations so as to simplify requirements for accounting with respect to transactions involving foreign currency; [2]

It further appearing, that all persons subject to Part 34 of the Commission's rules and regulations have been given notice of the proposed amendment thereof and have been afforded an opportunity to comment thereon, and that no adverse comments have been received with respect thereto;

It further appearing, that for the foregoing reasons, general notice of proposed rule making and public procedure thereon as provided in section 4 (a) of the Administrative Procedure Act are unnecessary with respect to the foregoing proposed amendment;

It further appearing, that section 220 (g) of the Communications Act of 1934, as amended, provides that notice of alterations in the required manner or form of keeping accounts be given at least six months before the same are to take effect;

It further appearing, that certain of the persons affected by the proposed amendment have expressed the desire to adopt the accounting provided for in such amendment, effective as of January 1, 1947;

It is ordered, That pursuant to section 220 (a) and (g) of the Communications Act of 1934, as amended, Part 34 of the Commission's rules and regulations be, and it is hereby, amended, effective as of August 1, 1947: *Provided, however,* That the accounting prescribed by such amendment may be adopted as of January 1, 1947, upon condition that such accounting is adopted as of that date by all carriers subject to the particular provisions of the rules and regulations in question.

Part 34, as amended, reads as follows:

APPLICABILITY

Sec.
34.01–1 Carriers subject to this system of accounts.
34.01–2 Classification of carriers.
34.01–3 Determination of class.

[1] The numerical sequence of sections in this part follows the established sequence of accounts prescribed thereby.

[2] By the terms of this amendment §§ 34.03–16, 34.31–99, 34.41–99 and 34.5140 are amended, and §§ 34.3709 and 34.4298 are revoked.

DEFINITIONS

Sec.
34.02–1 Restrictive use of certain terms.

INSTRUCTIONS; GENERAL

34.03–1 Classes of records.
34.03–2 Basis of entries in books of account.
34.03–3 Records supporting accounting entries.
34.03–4 Transactions with affiliates.
34.03–5 Summary accounts, subaccounts, additional clearing accounts, and temporary or experimental accounts.
34.03–6 Transferring balances from accounts previously maintained.
34.03–7 Charges to be just and reasonable.
34.03–8 Entries involving telephone, wire-telegraph, or ocean-cable service.
34.03–9 Sequence of accounts not indicative of reports required.
34.03–10 Research and development.
34.03–11 Interpretation of the prescribed accounting.
34.03–12 Interpretation of item lists.
34.03–13 Delayed items.
34.03–14 Unaudited items.
34.03–15 Unusual items.
34.03–16 Transactions involving foreign currency.
34.03–17 Apportioning amounts among accounts.
34.03–18 Transactions involving joint operations.

INSTRUCTIONS; DEPRECIATION ACCOUNTING

34.04–1 Classes of depreciable operated plant.
34.04–2 Computation of depreciation rates.
34.04–3 Depreciation charges.
34.04–4 Plant retired for causes not known to be in current operation.

INSTRUCTIONS FOR CLASS B CARRIERS

34.05–1 Primary operating-revenue accounts for class B carriers.
34.05–2 Primary operating-expense accounts for class B carriers.

REPORTING REQUIREMENTS

34.06–1 Provisions that require specific approval of the Commission before accounting is performed.
34.06–2 Provisions that require certain special reports to be filed.

BALANCE-SHEET ACCOUNTS

INSTRUCTIONS

34.10–1 Purpose of balance-sheet accounts.
34.10–2 Current assets.
34.10–3 Prepayments.
34.10–4 Deferred charges.
34.10–5 Current liabilities.
34.10–6 Long-term debt.
34.10–7 Book cost of securities owned.
34.10–8 Exchange of securities.
34.10–9 Capital stock.
34.10–10 Surplus.
34.10–11 Provisions for future settlements.
34.10–12 Deferred credits.
34.10–13 Discount, expense, and premium on capital stock.
34.10–14 Discount, expense, and premium on long-term debt.
34.10–15 Irrevocable trusts.
34.10–16 Contingent assets and liabilities.
34.10–17 Nominally issued securities.
34.10–99 Contemplated form of balance sheet.

PRESCRIBED ACCOUNTS

Communication Plant

34.1000 Operated plant in carrier's service.
34.1100 Operated plant leased to others.
34.1200 Improvements and replacements of operated plant leased from others.
34.1300 Plant under construction.
34.1400 Plant held for future communication use.
34.1510 Plant acquisition adjustments.
34.1515 Allowance for depreciation; radiotelegraph plant.
34.1520 Allowance for amortization; radiotelegraph plant.
34.1530 Telephone, wire-telegraph, and ocean-cable plant.
34.1535 Allowance for depreciation and amortization; telephone, wire-telegraph, and ocean-cable plant.
34.1599 Foreign investment in communication plant.

Investments and Funds

34.1610 Miscellaneous physical property.
34.1615 Allowance for depreciation; miscellaneous physical property.
34.1620 Investments in affiliates.
34.1629 Other investments.
34.1630 Debt-redemption funds.
34.1635 Employees' provident funds.
34.1640 Insurance funds.
34.1645 Miscellaneous funds held by trustees.
34.1659 Other miscellaneous funds.
34.1698 Amortized discount and premium on investment securities.
34.1699 Allowance for doubtful investments.

Current Assets

34.1710 Cash.
34.1715 Special cash deposits.
34.1720 Working cash advances.
34.1725 Temporary investments.
34.1730 Operating revenues receivable from users.
34.1742 Traffic settlements receivable from affiliates.
34.1749 Other receivables from affiliates.
34.1751 Notes receivable.
34.1752 Traffic settlements receivable.
34.1753 Matured interest receivable.
34.1754 Declared dividends receivable.
34.1755 Matured rents receivable.
34.1759 Other accounts receivable.
34.1765 Allowance for uncollectible receivables.
34.1770 Unmatured accrued receivables.
34.1775 Subscriptions to capital stock.
34.1780 Deposits on subscriptions to capital stock.
34.1785 Subscriptions to bonds.
34.1790 Deposits on subscriptions to bonds.
34.1795 Materials and supplies.
34.1799 Other current assets.

Prepayments

34.1810 Prepaid insurance.
34.1815 Prepaid rents.
34.1820 Prepaid taxes.
34.1899 Other prepayments.

Deferred Charges

34.1910 Extraordinary maintenance, depreciation, and retirements.
34.1915 Capital stock expense.
34.1920 Long-term debt expense.
34.1925 Discount on capital stock.
34.1930 Unamortized discount on debt.
34.1935 Preliminary survey and investigation charges.
34.1940 Debit balances in clearing accounts.
34.1999 Other deferred charges.

Long-Term Debt

34.2010 Bonds actually issued.
34.2015 Bonds reacquired.
34.2020 Bonds subscribed; unissued.
34.2025 Receivers' and trustees' securities.
34.2030 Advances from affiliates.
34.2099 Other long-term debt.

Current Liabilities

34.2110 Matured long-term debt.
34.2115 Customers' deposits.
34.2122 Traffic settlements payable to affiliates.
34.2129 Other payables to affiliates.
34.2131 Notes payable.
34.2132 Traffic settlements payable.
34.2133 Matured interest payable.

Sec.
34.2134 Declared dividends.
34.2135 Matured rents payable.
34.2139 Other accounts payable.
34.2155 Advance billings.
34.2160 Installment-plan receipts on purchase of capital stock.

Liability Accruals

34.2165 Interest accruals.
34.2170 Rent accruals.
34.2175 Tax accruals.
34.2180 Other accruals.
34.2199 Other current liabilities.

Provisions for Future Settlements

34.2210 Provisions for employees' pensions and welfare.
34.2215 Provisions for self-carried insurance.
34.2220 Provisions for equalization of maintenance expenses.
34.2225 Provisions for depreciation and replacement of operated plant leased from others.
34.2230 Leased operated plant retired.
34.2299 Other provisions for future settlements.

Deferred Credits

34.2310 Unamortized premium on debt.
34.2315 Advances for construction.
34.2320 Credit balances in clearing accounts.
34.2399 Other deferred credits.

Capital Stock

34.2410 Capital stock issued.
34.2415 Capital stock reacquired.
34.2420 Capital stock subscribed; unissued.
34.2425 Obligations for stock conversion.

Capital Surplus

34.2510 Premiums and assessments on capital stock.
34.2515 Contributions of plant.
34.2599 Other capital surplus.

Earned Surplus

34.2610 Contractual reserves.
34.2615 Reserve against impairment of stated capital.
34.2620 Miscellaneous reserves.
34.2699 Unappropriated earned surplus.

OPERATED PLANT ACCOUNTS

INSTRUCTIONS

34.1–1 Purpose and content of operated plant accounts.
34.1–2 Accounting for plant acquisitions.
34.1–3 Components of construction cost.
34.1–4 Overhead construction costs.
34.1–5 Improvements and replacements of operated plant leased from others.
34.1–6 Operated plant retired.
34.1–7 Transfers of plant.
34.1–8 Continuous property-record required.
34.1–99 Contemplated form of plant statement.

PRESCRIBED ACCOUNTS

Real Estate

34.11 Land.
34.12 Land improvements.
34.13 Drainage, sewerage, gas, and water systems.
34.14 Buildings.

Fixed and Land Station Aerial Systems and Lines

34.21 Towers and masts.
34.22 Antenna systems.
34.26 Control lines.
34.27 Power-supply lines.

Fixed and Land Station Transmission Equipment

34.31 Electron-tube transmitter equipment.
34.32 Other transmitter equipment.
34.33 Cooling apparatus.
34.34 Receiver equipment.
34.36 Power supply and distribution equipment.
34.40 Control apparatus.
34.41 Equipment on customers' premises.

Furniture and Office Equipment

34.51 Furniture and office equipment.

Mobile Station Equipment

34.61 Ship station equipment.
34.69 Other mobile station equipment.

Work Equipment

34.71 Vehicles and draft animals.
34.72 Shop equipment, tools, and implements.
34.73 Store and warehouse equipment.

Intangibles

34.81 Organization.
34.82 Franchises.
34.83 Patent rights.
34.84 Leaseholds.
34.89 Other intangibles.

Other Plant Accounts

34.91 Plant acquired; undistributed charges.
34.92 Plant sold; undistributed credits.

INCOME AND EARNED-SURPLUS ACCOUNTS

INSTRUCTIONS

34.30–1 Purpose of income accounts.
34.30–2 Income from debt-redemption and other funds.
34.30–3 Rents includible in income accounts.
34.30–4 Disposition of balances in income accounts.
34.30–5 Purpose of earned surplus accounts.
34.30–6 Disposition of balances in earned surplus accounts.
34.30–99 Contemplated form of income and earned surplus statement.

INCOME ACCOUNTS

Ordinary Income; Communication

34.3000 Operating revenues.

Operating-Revenue Deductions

34.4000 Operating expenses.
34.4910 Depreciation.
34.4915 Amortization; intangible operated plant.
34.4920 Amortization of plant-acquisition adjustments.
34.4925 Extraordinary plant losses.
34.4931 Social security taxes; operating.
34.4932 Other taxes; operating.
34.4935 Uncollectible revenues.
34.4940 Rent for lease of operated plant.
34.4945 Telephone, wire-telegraph, and ocean-cable operating revenue deductions.
34.4950 Revenue-contract payments.
34.4999 Other operating-revenue deductions.

Other Communication Income

34.5010 Income from operated plant leased to others.
34.5015 Income from telephone, wire-telegraph, and ocean-cable plant leased to others.
34.5020 Profit from general services, licenses, and royalties.
34.5089 Income from foreign operations.
34.5099 Other communication income.

Ordinary Income; Noncommunication

34.5110 Income from miscellaneous physical property.
34.5115 Income from merchandising, jobbing, and contracting.
34.5120 Dividend income.
34.5125 Interest income.
34.5135 Income from debt-redemption and other funds.
34.5140 Gain or loss on foreign currency exchange.
34.5199 Other noncommunication income.

Deductions From Ordinary Income

34.5210 Interest on long-term debt.
34.5215 Interest on indebtedness to affiliates.
34.5220 Amortization of debt discount.
34.5225 Interest charged to construction—Cr.
34.5230 Amortization of debt premium—Cr.
34.5235 Other interest charges.
34.5240 Taxes assumed on interest.
34.5245 Amortization of debt expense.
34.5250 Miscellaneous taxes.
34.5255 Amortization of plant-acquisition adjustments.
34.5260 Revenue-contract payments.
34.5299 Other deductions from ordinary income.

Extraordinary Income; Credits

34.6110 Delayed income credits.
34.6199 Other extraordinary income credits.

Extraordinary Income; Charges

34.6210 Delayed income charges.
34.6299 Other extraordinary income charges.

Deductions From Net Income

34.7010 Taxes on net income.
34.7099 Other deductions from net income.

EARNED-SURPLUS ACCOUNTS

Earned Surplus; Credits

34.8110 Balance transferred from income accounts.
34.8199 Miscellaneous credits to earned surplus.

Earned Surplus; Charges

34.8299 Miscellaneous charges to earned surplus.
34.8310 Contractual appropriations of earned surplus.
34.8315 Earned surplus employed in reacquisition of capital stock.
34.8320 Miscellaneous appropriations of earned surplus.
34.8399 Dividend appropriations of earned surplus.

OPERATING-REVENUE ACCOUNTS

INSTRUCTIONS

34.31–1 Purpose of operating revenue accounts.
34.31–2 Basis of credits to operating revenue accounts.
34.31–3 Divisions of operating revenues.
34.31–4 Services furnished without direct charge.
34.31–99 Contemplated form of operating revenue statement.

PRESCRIBED ACCOUNTS

Continental-Fixed Radiotelegraph Revenues

34.3113 Fixed message revenue; continental.

Insular Fixed Radiotelegraph Revenues

34.3213 Fixed message revenue; continental transmission.
34.3214 Fixed message revenue; insular transmission.

Foreign Fixed Radiotelegraph Revenues; Foreign-Service Classification

34.3313 Fixed message revenue; continental transmission.
34.3315 Fixed message revenue; foreign transmission.

Foreign Fixed Radiotelegraph Revenues; Domestic-Service Classification

Sec.
34.3413 Fixed message revenue; continental transmission.
34.3416 Fixed message revenue; foreign transmission.

Marine Radiotelegraph Revenues

34.3513 Marine message revenue; continental transmission.
34.3517:1 Marine message revenue; land station transmission.
34.3517:2 Marine message revenue; ship station transmission.

Other Radiotelegraph Transmission Revenues

34.3618 Mobile (other than marine) message revenues.
34.3628 Facsimile or photogram service revenues.
34.3638 Broadcast-program service revenues.
34.3648 Telephone service revenues.
34.3698 Miscellaneous transmission revenues.

Nontransmission Revenues

34.3818 Revenue from furnishing and servicing stations.
34.3828 Frequency-measuring revenue.
34.3838 Code-registration revenue.
34.3848 Other leased plant revenue.
34.3858 Errand-service revenue.
34.3898 Other nontransmission revenue.

Other Telecommunication Revenues

34.3918 Telephone revenue; telephone systems.
34.3928 Wire-telegraph and ocean-cable revenue; wire systems.

OPERATING-EXPENSE ACCOUNTS

INSTRUCTIONS

34.41–1 Purpose of operating expense accounts.
34.41–2 Operating expenses applicable to leased plant.
34.41–3 Direct allocation of operating expenses to stations and city offices.
34.41–4 Expenses of holding or servicing departments.
34.41–5 Maintenance expenses.
34.41–6 Conducting-operations expenses.
34.41–7 Accounting for electron tubes.
34.41–99 Contemplated form of operating expense statement.

PRESCRIBED ACCOUNTS

Maintenance Expenses

34.4110 Supervision of maintenance.
34.4115 Maintenance of real estate.
34.4120 Maintenance of fixed and land station aerial systems and lines.
34.4125 Maintenance of fixed and land station transmission equipment.
34.4130 Maintenance of furniture and office equipment.
34.4132 Electron-tube replacements.
34.4135 Maintenance of mobile station equipment.
34.4198 Maintenance-expense equalization.
34.4199 Other maintenance expenses.

Conducting-Operations Expenses

34.4210 Supervision of operations.
34.4215 Operators' wages.
34.4216 Wages of station attendants.
34.4222 Wages of operating-office clerks.
34.4225 Operating power.
34.4230 Traffic damages.
34.4235 Traffic-damage expense.
34.4240 Telephone service; message transmission.
34.4243 Rent for operating offices.
34.4245 Rent for other facilities.
34.4250 Advertising.
34.4255 Soliciting.
34.4260 Obtaining stock and commercial news.
34.4270 Commissions—Dr.
34.4275 Commissions—Cr.
34.4281 Messengers' wages.
34.4283 Messengers' uniform expense.
34.4289 Other messenger service expense.
34.4290 Other employees' wages.
34.4295 Supplies; operating offices.
34.4299 Other conducting-operations expenses.

Administrative Expenses

34.4310 Salaries of general officers and executives.
34.4315 Expenses of general officers and executives.
34.4320 Salaries of general office employees.
34.4325 Expenses of general office employees.
34.4399 Other administrative expenses.

General Expenses

34.4410 Legal services.
34.4415 General services, licenses, and royalties—Dr.
34.4420 General services, licenses, and royalties—Cr.
34.4425 Insurance.
34.4430 Injuries and damages.
34.4435 Relief and pensions.
34.4445 Rest and lunch room expenses.
34.4450 Rent for offices.
34.4455 Other rents.
34.4460 Franchise requirements—Dr.
34.4465 Franchise requirements—Cr.
34.4470 Supplies.
34.4475 Training employees.
34.4480 House service.
34.4499 Other general expenses.

CLEARING ACCOUNTS

INSTRUCTIONS

34.90–1 Purpose of clearing accounts.
34.90–2 Disposition of balances in clearing accounts.

PRESCRIBED ACCOUNTS

34.9010 Research and development; undistributed.
34.9015 Vehicle expense; undistributed.
34.9020 Shop, tool, and implement expense; undistributed.
34.9025 Plant-supervision expense; undistributed.
34.9030 Supply expense; undistributed.
34.9035 House-service expense; undistributed.

RETIREMENT UNITS

34.1–6–1 List of units to be used in connection with the accounting provided in § 34.1–6.

AUTHORITY: §§ 34.01–1 to 34.1–6–1, inclusive, issued under sec. 220, 48 Stat. 1078; 47 U. S. C. 220.

NOTE: In preparing this compilation, the Commission has had in mind the necessity for an arrangement which would make the rules conveniently accessible and one which would also make provision for future amendments. To this end all the existing rules have been logically arranged under 32 parts, which have been suitably subdivided, employing nonconsecutive part numbers from 1 to 65, making provision for substitutions and additions.

The several section numbers indicate the relationship among the instructions and accounts of Part 34, as follows:

Examples:

(1) § 34.01–1.
(2) § 34.10–1.
(3) § 34.1–2.
(4) § 34.1000.
(5) § 34.11.
(6) § 34.1515.

Explanation. The number "34" (appearing to the left of the decimal point) indicates the part number.

The dash (–) indicates an instruction that is applicable to several accounts. (See examples (1), (2), and (3).)

With the exception of the instructions that are applicable to more than one group of accounts (which are indicated by a zero following the decimal point), the number between the decimal point and the dash indicates the group of accounts to which the instruction is applicable by the use of a mnemonic method of indication consisting of the first two digits of the first account in a group composed of four-digit account numbers, and the first digit of the first account in a group composed of two-digit account numbers (applicable only to the plant accounts in this system of accounts). Thus, in the foregoing examples:

Section 34.01–1 refers to several groups of accounts;

Section 34.10–1 refers to the balance-sheet accounts (beginning with account 1000);

Section 34.1–2 refers to the plant accounts (beginning with account 11).

When no dash appears in the section number, the number to the right of the decimal point is an account number. (See examples (4), (5), and (6).) A colon (:) indicates the subdivision of an account, the number to the right of the colon being the subaccount number. Where references throughout the regulations are to an account, as such, only the account number is used.

INDEX BY GROUPS OF SECTIONS

INSTRUCTIONS

Sec.	Description
34.01–1 to 34.01–3	Applicability.
34.02–1	Definitions.
34.03–1 to 34.03–18	Instructions; general.
34.04–1 to 34.04–4	Instructions; depreciation accounting.
34.05–1 to 34.05–2	Instructions for class B carriers.
34.06–1 to 34.06–2	Reporting requirements.
34.10–1 to 34.10–99 [1]	Balance-sheet accounts.
34.30–1 to 34.30–99 [1]	Income and earned surplus accounts.
34.31–1 to 34.31–99 [1]	Operating revenue accounts.
34.41–1 to 34.41–99 [1]	Operating expense accounts.
34.90–1 to 34.90–2	Clearing accounts.
34.1–1 to 34.1–99 [1]	Operating plant accounts.

PRESCRIBED ACCOUNTS

NOTE. Number to the right of the decimal point is the account number.

Sec.	
34.10 to 34.99	Operated plant.
34.1000 to 34.1999	Balance-sheet (Asset side).
34.2000 to 34.2999	Balance-sheet (Liability side).
34.3000	Operating revenues (control).
34.3100 to 34.3999	Operating revenue.
34.4000	Operating expenses (control).
34.4100 to 34.4499	Operating expense.
34.4900 to 34.4999	Operating revenue deductions.
34.5000 to 34.5999	Ordinary income.
34.6000 to 34.6999	Extraordinary income.
34.7000 to 34.7999	Deductions from net income.
34.8000 to 34.8999	Surplus.
34.9000 to 34.9999	Clearing.

RETIREMENT UNITS

34.1–6–1	Retirement units.

[1] The "–99" designates the contemplated form of statement for the respective group.

APPLICABILITY

§ 34.01–1 *Carriers subject to this system of accounts.* This system of accounts applies to carriers engaged primarily in furnishing radiotelegraph service. (See also § 34.03–8.)

§ 34.01–2 *Classification of carriers.* (a) For the purpose of applying this system of accounts radiotelegraph carriers are divided into two classes, as follows:

Class A. Carriers having average annual operating revenues exceeding $100,000. Such carriers shall keep all of the accounts that are applicable to their affairs.

Class B. Carriers having average annual operating revenues exceeding $50,000, but not exceeding $100,000. Such carriers shall keep all of the accounts that are applicable to their affairs, except that their accounts for operating revenues and operating expenses may be kept under the condensed primary classifications provided in §§ 34.05–1 and 34.05–2.

(b) No uniform system of accounts has been prescribed for carriers having average annual operating revenues not exceeding $50,000. However, such carriers may keep the accounts prescribed in this system of accounts.

§ 34.01–3 *Determination of class.* (a) The class to which any carrier belongs shall be determined by the average of its annual operating revenues for the 3 years immediately preceding the effective date of this system of accounts. If at the close of any subsequent calendar year the average of its annual operating revenues for the latest 3 years is greater than the amount applicable to the class in which the carrier has been previously includible, the account applicable to the higher class shall be adopted.

(b) Carriers not engaged in furnishing radiotelegraph service over the 3-year period immediately preceding the effective date of this system of accounts shall estimate the amount of their annual operating revenues and keep the accounts applicable to carriers having actual revenues in the amount estimated.

DEFINITIONS

§ 34.02–1 *Restrictive use of certain terms.* When used in this system of accounts, unless otherwise indicated:

"Accounts" or "these accounts" means the accounts prescribed in "this system of accounts."

"Acquisition cost" means the amount of money actually paid (or the then current money value of any consideration other than money given) by the "carrier" for property, including the preliminary expenses incurred in connection with the acquisition.

"Act" or "the act" means the Communications Act of 1934 as amended.

"Actually issued," as applied to securities issued or assumed by the "carrier," means (1) those securities that have been sold to bona-fide purchasers for a valuable consideration (including those issued in exchange for other securities or other property), (2) those that have been issued in accordance with contractual requirements directly to trustees of debt-redemption and other funds, and (3) those that have been issued in payment of dividends on stock.

"Actually outstanding," as applied to securities issued or assumed by the "carrier," means those securities that have been "actually issued" and are neither retired nor held by or for the "carrier"; *Provided, however,* That securities held by trustees of debt-redemption and other funds shall be regarded and treated as actually outstanding.

"Affiliate" means (and "affiliated" relates to) a "person" that, directly, or indirectly through one or more intermediaries, "controls," is "controlled by," or is "under common control with," the "carrier."

"Amortization" means the gradual extinguishment of an amount in an account by prorating such amount over a fixed period.

"Book amount," as applied to securities issued or assumed by the "carrier," means (1) the amount duly authorized for inclusion in account 2410, "Capital stock issued," for stock having no par value, and (2) the "face amount" of all other securities.

"Book cost" means the amount at which property is recorded in an account without the deduction of amounts in related or other accounts.

"Carrier" means the accounting carrier.

"Class," as applied to depreciable plant, means that portion of the total plant that is represented by a single primary plant account.

"Commission" means the Federal Communications Commission.

"Communication" or "communication service" means the "transmission" of writing, signs, signals, pictures, and sounds of all kinds, by the aid of wire, cable, or radio, between the points of origin and reception of such "transmission," including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such "transmission."

"Continental communication" means "communication" when both the point of origin and the point of destination are located within the "continental United States."

"Continental terminus" means a "fixed station" or a "land station" located within the "continental United States" that is used for direct communication with stations located without the "continental United States."

"Continental transmission" means "transmission" of "communication" within the "continental United States."

"Continental United States" means the several States of the United States, the District of Columbia, and the Territory of Alaska.

"Contingent asset" means an item representing a possible source of value to the "carrier" dependent upon the fulfillment of conditions regarded as uncertain.

"Contingent liability" means an item representing a possible source of obligation of the "carrier" dependent upon the fulfillment of conditions regarded as uncertain.

"Control" means (and the terms "controlling," "controlled by," and "under common control with" relate to) the direct or indirect possession of the power (including the veto power) to direct or to cause the direction of the management, important acts, and policies of a "person," whether such power is exercised through one or more intermediary "persons," or alone, or in conjunction with, or pursuant to an agreement with, one or more other "persons," and whether such power is established through a majority or a minority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trusts, affiliates, contract, or any other direct or indirect means. "Control" shall not be viewed as altered by a new status of any "person" that may be occasioned by proceedings in bankruptcy or by any situation of receivership, trusteeship, or fiduciary relationship resulting from proceedings of a like nature.

"Cost," as applied to plant, means the "original cost" of plant acquired from predecessors as substantially complete operating systems or operating units and the "acquisition cost" of all other plant. Except as applied to plant, "cost" means the amount of money actually paid (or the then current money value of any consideration other than money given) by the "carrier" for property or services.

"Cost of removal" means the cost of demolishing, dismantling, tearing down, or otherwise removing plant, including the cost of transportation and handling incidental thereto.

"Date of installation," as applied to plant acquired from predecessors as substantially complete operating systems or operating units, means the date at which such plant was first dedicated to public use. As applied to all other plant, the term means the date at which such plant was placed in "communication service" by the "carrier."

"Date of retirement" means the date at which plant is retired from "communication service."

"Debt expense" means all expenses incurred by or for the "carrier" in connection with the issuance and sale of evidences of debt (exclusive of the sale of reacquired securities), and such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other commercial paper; specific costs of obtaining governmental authority for issuance and filing notices thereunder; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

"Delayed items" means items relating to transactions that occurred during a prior calendar year and require further accounting treatment for a true statement. It includes adjustments of errors in the operating-revenue, operating-expense, and other income accounts for prior years.

"Depreciation," as applied to depreciable "operated plant," means the loss in "service value" not restored by current maintenance, incurred in connection with the consumption or prospective retirement of such plant in the course of service from causes known to be in current operation against which the "carrier" is not protected by insurance and the effect of which can be forcast with a reasonable approach to accuracy. Among the causes to be given consideration are wear and tear, decay, action of the elements, obsolescence, inadequacy, changes in the art, changes in demand, and requirements of public authorities.

"Discount," as applied to securities issued or assumed by the "carrier," means the excess of (1) the "book amount" of the securities over (2) the then current money value of the consideration received from their sale less the amount included therein for dividends or for interest accrued.

"Face amount," as applied to securities issued or assumed by the "carrier," means the amount of principal set forth in the documents themselves.

"Fixed communication" means "communication" when both the point of origin and the point of destination are "fixed stations."

"Fixed communication revenue" means revenue derived from "fixed transmission."

"Fixed station" means a "station" not capable of being moved that is used for communication with one or more other "fixed stations."

"Fixed transmission" means "transmission" of "fixed communication."

"Foreign communication" means "communication" when either the point of origin or the point of destination is located without the "United States."

"Foreign communication revenue" means revenue derived from "foreign transmission."

"Foreign transmission" means "transmission" among foreign stations and between foreign stations and the "continental terminus" of "foreign communication."

"Includible" means properly includible under the provision of "this system of accounts."

"Insular communication" means "communication" between the insular territories or possessions of the United States (excluding the Philippine Islands and the Canal Zone), and the "continental United States," or among the insular territories or possessions of the United States (excluding the Philippine Islands and the Canal Zone).

"Insular transmission" means "transmission" between insular stations and the "continental terminus" of "insular communication" or among insular stations.

"Investment advances" means advances, represented by notes or by book accounts only, which it is mutually agreed or intended between the creditor and the debtor shall be settled by the issuance of capital stock or evidences of long-term debt, or shall not be subject to current settlement. Advances with respect to which amounts have been included in the current accounts for more than 1 year will be considered not subject to current settlement.

"Land station" means a "station" not capable of being moved that is used for communication with "mobile stations."

"Marine communication" means "communication" when either the point of origin or the point of destination is a "ship station."

"Marine transmission" means "transmission" among "ship stations" or between "ship stations" and "land stations."

"Matured" means due and payable (or receivable) as at a date not later than the first day following the date of the balance sheet.

"Minor items," as applied to plant, means those items of depreciable "operated plant" not designated as "retirement units" in § 34.1–6–1.

"Mobile communication" means "communication" when either the point of origin or the point of destination is a "mobile station."

"Mobile communication revenue" means revenue derived from "mobile transmission."

"Mobile station" means a "station" capable of being moved and which ordinarily does move.

"Mobile transmission" means "transmission" of "mobile communication." It includes transmission of such communication between stations that do not communicate directly with "mobile stations."

"Net book cost," as applied to a specific portion of plant, means the "book cost" of that portion minus that part of the related depreciation (or amortization) allowance account that is assignable to that portion of the plant.

"Net salvage value" means the "salvage value" of plant retired after deducting the "cost of removal" incidental to its retirement.

"Nominally issued," as applied to securities issued or assumed by the "carrier," means those securities that have been signed, certified, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged or otherwise placed in some special fund of the "carrier," but have not been sold or issued directly to trustees of debt-redemption or other funds.

"Nominally outstanding," as applied to securities issued or assumed by the "carrier," means those "actually issued" securities that have been reacquired by or for the "carrier" under circumstances that prohibit considering them retired: *Provided, however,* That securities held by trustees of debt-redemption or other funds shall be regarded and treated as "actually outstanding."

"Operated plant" means physical plant used in "radiotelegraph service" together with associated intangible items.

"Original cost," as applied to plant, means the actual money cost of (or the then current money value of any consideration other than money given for) property at the time it was first dedicated to the public use, whether by the "carrier" or by any other "person."

"Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or any other organized group, or any receiver or trustee.

"Plant retired" means plant that has been removed, sold, abandoned, destroyed, or for any cause withdrawn from "communication service."

"Premium," as applied to securities issued or assumed by the "carrier," means the excess of (1) the then current money value of the consideration received from their sale, less the amount included therein for dividends or interest accrued over (2) their "book amount."

"Primary account" means (1) any account the name or title of which appears in the table of contents of "this system of accounts" or (2) any additional clearing account or experimental account optionally maintained pursuant to the provisions of § 34.03–5.

"Radiotelegraph plant" means plant used or useful in furnishing "radiotelegraph service."

"Radiotelegraph service" means "communication service" furnished by means of radiotelegraph, including incidental services so intimately related to such service as to make impracticable the determination of the extent to which plant, income, revenue, or expenses are related to such incidental services.

"Replacement" means the construction or installation of plant in place of "plant retired."

"Retirement." (See "plant retired.")

"Retirement units" means the items of depreciable "operated plant" listed in § 34.1–6–1 of "this system of accounts."

"Salvage value" means the amount received for "plant retired," if sold, less any expenses incurred in connection with such sale or in preparing the property for sale; or, if retained, the amount at which the material recovered is chargeable to account 1795, "Material and supplies," or other appropriate account.

"Service life" means the period between the "date of installation" of plant and the "date of retirement" thereof.

"Service value" means the difference between the "cost" of plant and its "net salvage value."

"Ship station" means a "station" located on a ship, vessel, or other water craft (except aircraft) used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

"Station" means a complete transmitting or receiving system or operating unit at a particular location, used in "radiotelegraph service."

"Stock expense" means all expenses incurred by or for the "carrier" in connection with the issuance and sale of capital stock (exclusive of the sale of reacquired capital stock), such as fees and commissions paid to promoters, underwriters, brokers, and salesmen; fees for legal services; cost of soliciting subscriptions for capital stock, including fees, commissions, and advertising; specific costs of obtaining governmental authority for issuance and filing notices thereunder; fees and taxes for issuance of capital stock and listing on exchanges; and the cost of preparing, engraving, printing, issuing, and distributing prospectuses and stock certificates.

"Straight-line method," as applied to depreciation accounting, means the plan under which the "service value" of depreciable "operated plant" is charged to depreciation, clearing, and other ac-

counts and credited to the depreciation-allowance account through equal charges (as nearly as may be) during its "service life."

"Subclass," as applied to depreciable plant, means that portion of a "class" of plant, preferably corresponding to one or more "subprimary" plant accounts, to the cost of which a specific percentage rate of depreciation is applied in accounting for "depreciation," which percentage rate differs from those that are applied with respect to other "subclasses" of the same "class" of such plant.

"Subprimary account" means any account, required or permitted by "this system of accounts," the balance in which, if combined with the balance in other such accounts subprimary to the same account, will produce the balance in that "primary account."

"System of accounts" or "this system of accounts" means the rules embodied in this part.

"Transmission" means the movement of "communication." It includes the receiving, forwarding, and delivery of communications.

"United States" means the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Philippine Islands or the Canal Zone.

INSTRUCTIONS; GENERAL

§ 34.03–1 *Classes of records.* The records to be maintained in accordance with the provisions of this system of accounts are divided into two classes: viz. (1) books of account, containing the primary and subprimary accounts defined in § 34.02–1, and (2) supporting records. (See also §§ 34.03–2 and 34.03–3.)

NOTE: The periods for which these records are to be retained are set forth in Part 25, "Destruction of records," under Title 47 of the Code of Federal Regulations, Telecommunication.[1]

§ 34.03–2 *Basis of entries in books of account.* (a) Amounts entered in the books of account shall be in denominations of United States currency. When subsidiary records are kept in which entries are made in foreign currencies, the conversion to United States currency for entry in the books of account shall be effected as prescribed in § 34.03–16.

(b) The books of account shall be so maintained that when the full information is not recorded therein the entries shall contain sufficient reference to the supporting records to permit ready identification.

(c) Each carrier shall keep its books of account on a calendar-month basis so that for each month all transactions applicable thereto, as nearly as may be ascertained, will be entered in the books. The final entries for any month shall be made not later than 60 days after the last day of the month for which the accounts are stated, except that the period within which the final entries for the month of December shall be made may be extended to such date as will not interfere with the preparation and filing of annual reports as required by section 219 of the act.

[1] Part 25 is now Part 42.

(d) The books of account shall be maintained independently for each carrier and shall not be combined with those of any other person.

§ 34.03–3 *Records supporting accounting entries.* Supporting records shall be maintained in which shall be shown the full details concerning any entry in the books of account for which the details are not shown in the accounts themselves. The supporting records referred to herein include, in addition to accounting records in a limited technical sense, all records such as minute books, stock books, reports, correspondence, memoranda, and any and all other records that would be useful in developing the history of or the facts regarding any transaction. The detail records shall be so filed as to be readily accessible for examination by representatives of this Commission.

§ 34.03–4 *Transactions with affiliates.* Each carrier shall so maintain its accounts and records as to be able to furnish accurately and expeditiously a statement of all transactions with affiliates. This statement shall show the general nature of the transactions, the amounts involved therein, and the amounts included in each account prescribed herein with respect to such transactions.

§ 34.03–5 *Summary accounts, subaccounts, additional clearing accounts, and temporary or experimental accounts.* (a) Accounts that are clearly summaries of other accounts or subaccounts provided for herein are not required to be kept in the carrier's books of account. However, such accounts may be opened in the general books for control purposes.

(b) All accounts kept shall conform in number and title to those prescribed herein, except that:

(1) Carriers may subdivide any of the accounts, provided such subdivisions do not impair the integrity of the prescribed accounts. The titles of all such subdivisions shall refer by number or title to the account or accounts of which they are subdivisions.

(2) Clearing accounts (in addition to those prescribed) and temporary or experimental accounts may be kept, provided such additional accounts do not impair the integrity of the prescribed accounts.

(3) Within 90 days from the effective date of this system of accounts, the carrier shall notify this Commission of the nature and purpose of (i) the subdivisions of the prescribed accounts, (ii) the temporary accounts, (iii) experimental accounts, and (iv) additional clearing accounts, opened under authority of this section. The carrier shall continue to keep the Commission informed of all additional accounts (or subaccounts) of these types opened after such effective date.

NOTE: Only one item need be reported for a group of subaccounts that differ from each other only with respect to geographical location or type of material.

§ 34.03–6 *Transferring balances from accounts previously maintained.* As at the effective date of this system of accounts, the several accounts prescribed herein shall be opened by transferring thereto the balances carried in the accounts previously maintained by the carrier. The carrier is authorized to make such subdivisions, reclassifications, or consolidations of these balances as are necessary to meet the requirements of this system of accounts. Entries that require the determination of cost by estimates shall be supported by records showing in complete detail the methods used in arriving at or computing the amounts thereof. Copies of journal entries recorded to effect the transfers, and a detailed statement of the methods used in arriving at or computing estimated costs, shall be filed with this Commission within 90 days from the dates of the entries.

§ 34.03–7 *Charges to be just and reasonable.* All charges to the accounts prescribed in this system of accounts for plant, operating revenues and operating expenses, and other operating revenue deductions, shall be just and reasonable, and any payments by the carrier in excess of such just and reasonable charges shall be included in account 5299, "Other deductions from ordinary income."

§ 34.03–8 *Entries involving telephone, wire-telegraph, or ocean-cable service.* (a) When radiotelegraph carriers are engaged also in furnishing telephone, wire-telegraph, or ocean-cable services through the utilization of distinctive portions of their facilities devoted exclusively or primarily to such services, they shall maintain their accounts for plant, operating revenues, operating expenses, and other items applicable to each such service in conformity with the respective effective rules governing carriers engaged primarily in furnishing such service.

(b) The cost of distinctive telephone, wire-telegraph, or ocean-cable plant shall be reported in account 1530, "Telephone, wire-telegraph, and ocean-cable plant." The amounts in the allowance accounts for depreciation and amortization of such plant shall be reported in account 1535, "Allowance for depreciation and amortization; telephone, wire-telegraph, and ocean-cable plant." The amount of revenue derived from the operation of such plant shall be reported in account 3918, "Telephone revenue; telephone systems," or account 3928, "Wire-telegraph and ocean-cable revenue; wire systems," as appropriate. The amounts of operating revenue deductions applicable to the operation of such plant shall be reported in account 4945, "Telephone, wire-telegraph, and ocean-cable operating revenue deductions."

(c) When the major use of a particular portion of the carrier's plant is in radiotelegraph service, but the same facilities are used also in other types of communication service in a manner preventing the distinction of the physical elements associable with such services, the distribution of the operating revenues, operating expenses, and other deductions from operating revenues among the several classes of communication service where directly applicable shall be accomplished by subdivisions of the prescribed accounts, except that revenues derived from telephone service rendered through the use of such plant shall be included in account 3648, "Telephone service revenues." (See also § 34.03–17.)

§ 34.03–9 *Sequence of accounts not indicative of reports required.* The order in which the accounts are presented in this system of accounts is not to be considered as necessarily indicative of the order in which they will be scheduled at all times in reports to this Commission. The sequence contemplated (until further notice) will be as indicated in the respective forms which immediately precede the texts for the several groups of accounts.

§ 34.03–10 *Research and development.* (a) The cost of preliminary surveys, plans, and investigations made for the purpose of determining the feasibility of contemplated major projects shall be charged to account 1935, "Preliminary survey and investigation charges," and subsequently cleared therefrom in accordance with the text of that account.

(b) The cost of research and development work such as laboratory expenses and other research items that can not be assigned to specific construction projects shall be charged to account 9010, "Research and development; undistributed," and subsequently cleared therefrom in accordance with the text of that account.

§ 34.03–11 *Interpretation of the prescribed accounting.* Responsible accounting officials of the carrier shall submit all questions involving interpretation of the prescribed accounting to this Commission for consideration and decision.

§ 34.03–12 *Interpretation of item lists.* The lists of items following the texts of the several accounts are for the purpose of indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all the items includible in the several accounts, but merely representative of them. Inasmuch as the same item frequently appears in more than one list, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates its inclusion. The proper entry in each instance must be determined by the text of the account.

§ 34.03–13 *Delayed items.* Delayed items shall be charged or credited to the same accounts that would have been charged or credited if the items had not been delayed: *Provided*, That when the amount of a delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort the accounts for that year, the carrier shall charge or credit the amount to account 6210, "Delayed income charges," or account 6110, "Delayed income credits," as appropriate. Within 30 days from the dates of the entries the carrier shall file with this Commission a statement showing the full particulars concerning each such item, including the accounts and years that would have been affected had the item not been delayed.

§ 34.03–14 *Unaudited items.* (a) When, at the end of a calendar year or at such other time as a financial statement may be required by this Commission, it is known that a transaction has occurred which affects these accounts but the amount involved in the transaction and its effect upon the accounts cannot be accurately determined, the amount shall be estimated and such estimated amount included in the appropriate accounts. The carrier is not required to anticipate minor items that would not appreciably affect these accounts.

(b) If, during the interval between the date of initial estimate of the item and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustment to cover such difference shall be made in the accounts for the month in which the difference is determined.

(c) When the item is audited, the necessary adjustment shall be made in the appropriate account for the month in which the item is audited.

(d) Any substantial difference determined in accordance with paragraph (b) or (c) shall be accounted for as provided in § 34.03–13 or § 34.03–15, as appropriate.

§ 34.03–15 *Unusual items.* When the amount of any unusual item includible in an operating revenue, operating expense, or other income account for a single month is relatively so large that its inclusion in the accounts for that month would seriously distort those accounts, it may be included in account 1999, "Other deferred charges," or account 2399, "Other deferred credits," as appropriate, and distributed in equal amounts to the accounts for the current and remaining months of the calendar year.

§ 34.03–16 *Transactions involving foreign currency.* (a) Amounts to be entered in the accounts of this system that are originally stated in terms of foreign currency or that arise from contracts stated in terms of such foreign currency shall be recorded at the rate of exchange effective at the date as of which the original transaction occurs. (For the purposes of this system of accounts a contractual common denominator, such as the gold franc, shall be viewed as a unit of foreign currency, irrespective of the facts regarding actual monetary circulation.)

(b) Gains or losses due to the difference in the rates of exchange developing between the date of the original transaction referred to in paragraph (a) of this section and the date of realization, liquidation, or settlement in cash or its equivalent, shall be credited or charged, as appropriate, to account 5140, "Gain or loss on foreign currency exchange." Such differences shall be recorded by stages in the course of monthly restatements of current assets and current liabilities on basis of the latest applicable rates of exchange. Other balance sheet accounts shall not reflect changes, prior to cash or equivalent settlement, in the rate of exchange.

§ 34.03–17 *Apportioning amounts among accounts.* (a) When it is necessary to apportion amounts among accounts or subaccounts, the carrier shall be prepared to describe the basis of such apportionment.

(b) The pay and expenses of officers or employees regularly assigned to specific duties who perform incidental services of a different nature involving small expense shall be included in the expense accounts appropriate for the duties to which such officers or employees are regularly assigned.

(c) The pay and expenses of officers or employees engaged in activities of a varying nature, such as a supervising engineer who may be assigned to construction, maintenance, or operation work, shall be included in the appropriate account upon basis of the actual time engaged in the respective classes of work, except that the pay and expenses of an officer or employee who performs substantially the same variety of duties from day to day may be distributed upon basis of a study of the time actually engaged during a representative period.

§ 34.03–18 *Transactions involving joint operations.* (a) In accounting for operating expenses incurred under arrangements for apportionment between persons concerned, the carrier shall distribute its portion of the entire expense to the appropriate operating expense accounts.

(b) Any amounts included in the settlement representing return on investment in the plant used under joint-operation arrangements shall be charged or credited, as the case may be, to the appropriate rent-expense account or to the appropriate rent-revenue account.

(c) The creditor shall show the distribution of the charges in its bills, and such distribution shall be adhered to in the accounts of the debtor.

INSTRUCTIONS; DEPRECIATION ACCOUNTING

§ 34.04–1 *Classes of depreciable operated plant.* The classes of depreciable operated plant and the accounts in which the cost of such plant is included are as follows:

Land improvements (account 12).
Drainage, sewerage, gas, and water systems (account 13).
Buildings (account 14).
Towers and masts (account 21).
Antenna systems (account 22).
Control lines (account 26).
Power-supply lines (account 27).
Electron-tube transmitter equipment (account 31).
Other transmitter equipment (account 32).
Cooling apparatus (account 33).
Receiver equipment (account 34).
Power supply and distribution equipment (account 36).
Control apparatus (account 40).
Equipment on customers' premises (account 41).
Furniture and office equipment (account 51).
Ship station equipment (account 61).
Other mobile station equipment (account 69).
Vehicles and draft animals (account 71).
Shop equipment, tools, and implements (account 72).
Stotre and warehouse equipment (account 73).

§ 34.04–2 *Computation of depreciation rates.* (a) Depreciation charges shall be computed by applying with respect to each month's accounts one-twelfth of the annual percentage rate

considered applicable to the cost of each class or subclass of depreciable plant or to the cost of that portion of such plant with respect to which the estimated service value has not been completely accounted for through the aggregate of prior current allowances for depreciation. These percentage rates shall be based upon the estimated service values and service lives developed by a study of the carrier's history and experience and such engineering and other information as may be available with respect to prospective future conditions, but shall not include any allowance for loss in service value of property expected to be acquired in the future. These percentage rates shall be such that the loss in service value of plant, except losses excluded under the definition of depreciation, shall be accounted for under the straight-line method of depreciation accounting.

(b) The carrier shall keep such records of plant and plant retirements as will reflect the service life of plant that has been retired or will permit the determination of service-life indications by mortality, turnover, or other appropriate methods and also such records as will reflect the percentage of net salvage value for plant retired from each class of depreciable plant.

(c) When with respect to any class or subclass of plant the factors causing depreciation (and consequently occasioning the amount of the current net book cost and the rate of depreciation previously applied in the accounts) commence at any time (including the accounting period—year or month—immediately preceding retirement) to operate at a new rate, the fact shall be recognized in the accounts by applying (actually or in effect) such a new percentage rate to the cost of that plant or portion thereof as will dispose of the difference between its net book cost and its estimated net salvage value during the period (known or estimated) of its remaining life.

§ 34.04–3 *Depreciation charges.* (a) The current depreciation charges applicable to operated plant the cost of which is includible in account 1000, "Operated plant in carrier's service," and account 1200, "Improvements and replacements of operated plant leased from others," shall be recorded monthly in account 4910, "Depreciation," or in the clearing accounts, as appropriate, and corresponding credits shall be recorded in account 1515, "Allowance for depreciation—Radiotelegraph plant." (See also § 34.1–5.)

(b) When, under the terms of a lease, the carrier, as lessor, is required to replace or to restore the condition of operated plant the cost of which is includible in account 1100, "Operated plant leased to others," the current depreciation charges shall be recorded monthly in account 5010, "Income from operated plant leased to others," and corresponding credits shall be recorded in account 1515, "Allowance for depreciation; radiotelegraph plant." (See also § 34.30–3.)

(c) When, under the terms of a lease, the carrier, as lessee, is required to replace or to restore the condition of operated plant leased from others, depreciation charges with respect to such original leased plant shall be computed and applied as provided in § 34.1–5.

(d) Depreciation charges initially accounted for by the lessor shall be reported to and accounted for by the lessee as provided in paragraph (c) of § 34.30–3.

§ 34.04–4 *Plant retired for causes not known to be in current operation.* (a) The accounting for operated plant retired for causes not known to be in current operation shall be as provided in paragraph (a) of § 34.1–6 and account 4925, "Extraordinary plant losses."

(b) If the cause of the retirement is a loss covered by insurance for which provision has been made in account 2215, "Provision for self-carried insurance," the loss shall be charged to that account to the extent of the amount so provided. If the loss is not covered by insurance the carrier may, with the approval of this Commission, credit account 1515, "Allowance for depreciation; radiotelegraph plant," and charge account 1910, "Extraordinary maintenance, depreciation, and retirements," with the unprovided-for loss in service value, and distribute it from the latter account to account 4925, "Extraordinary plant losses," over such period as this Commission may approve. The carrier's application to this Commission for permission to charge account 1910, shall give full particulars concerning the plant retired, the unprovided-for service loss, and the period over which, in its judgment, such charges should be distributed.

INSTRUCTIONS FOR CLASS B CARRIERS

§ 34.05–1 *Primary operating revenue accounts for class B carriers.* Class B carriers shall keep all the operating revenue accounts prescribed for class A carriers that are applicable to their affairs, except that they may keep the following account in lieu of the nontransmission revenue accounts:

3800 *Nontransmission revenues.* This account shall include the carrier's portion of revenues from radiotelegraph operations other than transmission. It shall include all the operating revenues includible by class A carriers in accounts 3810 to 3899, inclusive.

§ 34.05–2 *Primary operating expense accounts for class B carriers.* Class B carriers shall keep all the operating expense accounts prescribed for class A carriers that are applicable to their affairs, except that certain accounts may be combined as follows:

4280 *Messenger service expense.* This account shall include the amount of all expenses incurred in furnishing messenger service. It includes all expenses includible by class A carriers in accounts 4281 to 4289, inclusive.

4299 *Other conducting-operations expenses.* This account shall include the amount of expenses incurred in conducting operations not provided for elsewhere. It includes all expenses includible by class A carriers in accounts 4210, 4225, 4235, 4240, 4250, 4255, 4260, 4270, 4275, and 4299.

4300 *Administrative expenses.* This account shall include the administrative expenses of the carrier. It includes all expenses includible by class A carriers in accounts 4310 to 4399, inclusive.

4400 *General expenses.* This account shall include the general expenses of the carrier. It includes all expenses includible by class A carriers in accounts 4410 to 4499, inclusive.

REPORTING REQUIREMENTS

§ 34.06–1 *Provisions that require specific approval of Commission before accounting is performed.* (a) Specific authority shall be obtained from this Commission before entering charges representing unprovided-for loss in service value in account 1910, "Extraordinary maintenance, depreciation, and retirements." (See paragraph (b) of § 34.04–4.)

(b) A statement indicating the plan of accounting proposed to record the exchange of securities issued or assumed by the carrier shall be submitted to this Commission for consideration and approval prior to the recording of journal entries applicable thereto. (See § 34.10–8.)

(c) A statement indicating the plan of accounting proposed to record the issuance of no-par stock, the appropriation of surplus for transfer to no-par capital stock account, the reduction of capital surplus through the use of the no-par capital stock account, or the reduction of account 2410, "Capital stock issued," through the creation of surplus or the reduction of book value of assets, shall be submitted to this Commission for consideration and approval prior to the recording of journal entries applicable thereto. (See paragraph (c) of § 34.10–9.)

(d) Specific authority shall be obtained from the Commission if, in connection with the refinancing of an issue or series of bonds or other long-term debt, the carrier desires to amortize any of the discount, expense, or premium associated with the issuance or redemption of the prior issue over a period subsequent to the date of its redemption. (See paragraph (f) of § 34.10–14.)

(e) Specific authority shall be obtained from this Commission before disposing of amounts entered in account 1510, "Plant acquisition adjustments." (See paragraph (e) of that account.)

(f) Carriers desiring to use accounts 1599, "Foreign investment in communication plant," and 5089, "Income from foreign operations," shall advise this Commission at least 60 days before the effective date of this system of accounts.

(g) Carriers desiring to change the optional procedure adopted for recording foreign investments and foreign income shall advise this Commission at least 90 days before the proposed date of such change. (See paragraph (d) of accounts 1599 and 5089.)

(h) Specific authority shall be obtained from this Commission before using account 2220, "Provisions for equalization of maintenance expenses," and account 4198, "Maintenance-expense equalization." (See paragraph (a) of each of those accounts.)

(i) Specific authority shall be obtained from this Commission before transferring any amounts credited to account 2515, "Contributions of plant," to another account. (See paragraph (b) of account 2515.)

(j) A statement indicating the plan of accounting proposed to record the acquisition of duplicate and other plant acquired from predecessors which is intended to be retired shall be submitted to this Commission for consideration and approval prior to the recording of journal entries applicable thereto. (See paragraph (d) (3) of § 34.1–2.)

(k) Specific authority shall be obtained from this Commission before including in construction cost any interest covering a period of more than 6 months from the date of suspension of construction work. (See paragraph (c) (8) of § 34.1–3.)

(l) Amounts included in account 1999, "Other deferred charges," and account 2399, "Other deferred credits," representing settlements with lessees upon termination of leases shall not be disposed of except upon the specific approval or direction of this Commission. (See paragraph (g) of § 34.1–5.)

(m) Amounts included in account 2225, "Provisions for depreciation and replacement of operated plant leased from others," and account 2230, "Leased operated plant retired," with respect to expired leases shall not be disposed of except upon the specific approval or direction of this Commission. (See paragraph (f) of §34.1–6.)

(n) Specific authority shall be obtained from this Commission before recording amounts in accounts 4950, "Revenue-contract payments," and 5260, "Revenue-contract payments."

(o) Specific authority shall be obtained from this Commission before transferring any amounts charged to account 9010, "Research and development; undistributed," to any account other than account 6299, "Other extraordinary income charges." (See note to account 9010.)

(p) Specific authority shall be obtained from this Commission before the elimination of or substitution for retirement units. (See paragraph (b) of § 34.1–6–1.)

§ 34.06–2 *Provisions that require certain special reports to be filed.* (a) A statement indicating the nature and purpose of subdivisions of the prescribed accounts, of experimental accounts, of temporary accounts, and of additional clearing accounts that have been opened in the books of account shall be filed with this Commission within 90 days of the effective date of this system of accounts. The carrier shall continue to keep the Commission informed of all additional accounts or subaccounts of these types subsequently opened. (See paragraph (b) (3) of § 34.03–5.)

(b) Copies of journal entries recorded to effect the transfers of balances carried in accounts previously maintained by the carrier, and a detailed statement of the method used in computing estimated cost, shall be submitted to this Commission within 90 days from the dates of the actual entries. (See § 34.03–6.)

(c) A statement showing the full particulars concerning any relatively large delayed item included in account 6110, "Delayed income credits," or account 6210, "Delayed income charges," shall be filed with this Commission within 30 days from the dates of the actual entries. (See § 34.03–13.)

(d) A transcript of the capital surplus accounts, together with a summary statement of the charges and credits, maintained prior to the effective date of this system of accounts shall be filed with this Commission within 90 days of the effective date of this system of accounts. (See paragraph (c) of § 34.10–10.)

(e) A statement showing the details concerning contingent assets and contingent liabilities shall be filed with the annual report to this Commission. (See § 34.10–16 and paragraph (b) of account 1751, "Notes receivable.")

(f) Copies of journal entries recording the acquisition of certain major properties shall be submitted to this Commission within 90 days from the dates of the actual entries. (See paragraph (g) of § 34.1–2.)

(g) Copies of journal entries recording the completion of the prescribed accounting for plant acquisitions shall be submitted to this Commission within 90 days from the date that the clearing entries relating to each acquisition are made. Within 90 days from the date of any entry recording an acquisition, the carrier shall submit to this Commission a statement indicating the approximate date contemplated for the completion of the clearing entries relating thereto. (See particularly paragraph (g) of § 34.1–2 and paragraph (b) of account 91.)

(h) Not later than June 30, 1940, each carrier shall submit to this Commission for consideration and approval its plan for the establishment and maintenance of a continuous property-record. (See paragraph (b) of § 34.1–8.)

(i) A semiannual report shall be submitted to the Commission with respect to retirement units in accordance with the provisions of paragraph (d) of § 34.1–0–1.

BALANCE-SHEET ACCOUNTS

INSTRUCTIONS

§ 34.10–1 *Purpose of balance-sheet accounts.* The balance-sheet accounts are designed to show the financial position of the carrier as at a given date.

§ 34.10–2 *Current assets.* (a) Current assets are cash, those assets that are readily convertible into cash or are held for current use in operations or construction, current claims against others the payment of which is reasonably assured, and amounts accruing to the carrier that are subject to current settlement, except that bonds and other obligations of others classified by the carrier in investment and fund accounts at the time of acquisition shall remain so classified until the date of payment, sale, or other disposition thereof.

(b) There shall not be included in the group of accounts designated as current assets any item the collectibility of which is not reasonably assured unless adequate allowance has been made therefor in account 1765, "Allowance for uncollectible receivables." Items of current character but of doubtful value may be reduced in amount and, for record purposes, carried in these accounts at nominal value. The amounts of such reductions, or the amounts provided for by credits to account 1765, shall be charged to account 4935, "Uncollectible revenues," account 5299, "Other deductions from ordinary income," or account 6299, "Other extraordinary income charges," as appropriate.

§ 34.10–3 *Prepayments.* (a) Prepayments are amounts paid by the carrier for services to be rendered during a subsequent accounting period.

(b) When advance payments are made, the appropriate account shall be charged with the amount of such payment. As the term expires for which the advance payments were made, the prepayment account shall be credited at monthly intervals and the appropriate expense account or other account shall be charged with the amount applicable to the expired term.

§ 34.10–4 *Deferred charges.* Deferred charges are amounts representing (1) debit items held in suspense pending determination of their actual status, (2) costs of services that have been rendered to the carrier but are chargeable to future operations, and (3) items which for other reasons are allocable to other appropriate accounts for a succession of future periods.

§ 34.10–5 *Current liabilities.* (a) Current liabilities are those obligations that have become matured at the date of the balance sheet or that will become due within 1 year from the date thereof (except bonds, receivers' and trustees' securities, and similar obligations, which shall be classified as long-term debt until the date of maturity); matured taxes, such as income taxes, which shall be classified (in the balance sheet) as current liabilities even though payable more than 1 year from the balance-sheet date; compensation awards, which shall be classified as current liabilities regardless of the date due; and minor amounts payable in installments, which may be classified as current liabilities.

(b) The liability-accrual accounts shall include the amounts of interest, taxes, rents, and other items with respect to which amounts eventually payable have been recorded as deductions from revenue or income but which have not matured. (See also paragraph (a) of § 34.03–17.)

§ 34.10–6 *Long-term debt.* (a) When evidences of debt that, according to their terms, do not mature until more than 1 year from date of issuance are issued or assumed by the carrier or by a receiver or an operating trustee of the carrier, the face amount of such evidences of debt shall be recorded in the appropriate account under the caption "Long-term debt." (See also § 34.10–14.)

(b) If a liability, other than compensation awards or minor amounts payable in installments, is due more than 1 year from date of issuance or assumption by the carrier, it shall be credited to a long-term debt account appropriate for the transaction, but, for the purpose of classification in the balance sheet, a debt (except bonds, receivers' and trustees'

securities, and similar obligations) shall be classified as a current liability if due within 1 year from the balance-sheet date.

§ 34.10–7 *Book cost of securities owned.* (a) Securities of others acquired by the carrier shall be recorded in these accounts at cost. Such cost shall not include any amount paid for dividends or for interest accrued.

(b) The carrier's records shall be so maintained as to show separately the cost of (1) common stock, (2) preferred stock, and (3) long-term debt.

(c) The carrier's records shall be so maintained that in the reports to this Commission the securities, classified as in paragraph (b) of this section, that are pledged as collateral security for any of the carrier's or other persons' long-term debt or short-term loans or to secure the performance of contracts may be shown separately from the securities, similarly classified, that are unpledged.

(d) There shall not be included in the accounts designated as investment and fund accounts any amount the ultimate realization of which is not reasonably assured unless adequate allowance has been made therefor in account 1699, "Allowance for doubtful investments." The book cost of securities includible in such accounts shall be reduced to a nominal amount if there is no reasonable prospect of substantial value, but fluctuations in market value shall not be recorded in the accounts. Amounts by which these securities are thus reduced or amounts provided for by credits to account 1699, shall be charged to account 6299, "Other extraordinary income charges."

(e) When securities authorized by State laws for inclusion in legal reserve funds required by such laws, and in other similar fiduciary funds requiring a qualification for the investment thereof, and with a fixed maturity date (other than securities issued or assumed by affiliates), are purchased at a discount (i. e., when the total cost including brokerage fees, taxes, commissions, and similar costs is less than the face amount of the securities), such discount shall be amortized over the remaining life of the securities through periodic charges to account 1698, "Amortized discount and premium on investment securities," and credits to the account in which is recorded the interest from such securities. When such securities are purchased at a premium (i. e., when the total cost including brokerage fees, taxes, commissions, and similar costs is in excess of the face amount of the securities), such premium shall be amortized over the remaining life of the securities through credits to account 1698 and charges to the account in which is recorded the interest from such securities. No amounts shall be entered for amortization of discount or premium on securities with respect to which a reduction in book cost or a provision for doubtful value has been made. Any amounts in account 1698 representing the amortization of discount or premium on securities with respect to which a reduction in book cost or a provision for doubtful value is made shall be cleared by charges or credits, as appropriate, to the account in which is recorded the interest from such securities. (See also §§ 34.03–13 and 34.03–15.)

(f) If securities actually issued or assumed by the carrier and reacquired by it are not retired, they shall be entered at book amount in account 2015, "Bonds reacquired," or account 2415, "Capital stock reacquired," as appropriate, unless it is required by contractual provision or by decision of a trustee not subject to control by the carrier that they be retained in debt-redemption or other funds. When so retained they shall be regarded and treated as actually outstanding, but not otherwise.

(g) When entries are made in account 2415, "Capital stock reacquired," recording the reacquisition of such stock, entries shall concurrently be made charging account 8315, "Earned surplus employed in reacquisition of capital stock," and crediting account 2615, "Reserve against impairment of stated capital," with amounts equal to the amount charged to account 2415. Upon the resale or retirement of such stock these latter entries shall be reversed.

§ 34.10–8 *Exchange of securities.* Before recording the journal entries that it is proposed to enter in the carrier's books to record the reacquisition of capital stock or other securities issued or assumed by the carrier under a plan for the issuance in exchange therefor of the carrier's securities, a statement indicating the plan of accounting proposed by the carrier shall be submitted to this Commission for consideration and approval. Such statement shall give complete information concerning the plan of exchange, the basis upon which the amounts have been determined, and a copy of the authorization issued by the regulatory body approving the plan.

§ 34.10–9 *Capital stock.* (a) All transactions relating to capital stock of the accounting carrier shall be recorded by class of stock. Stocks are of the same class only when they are issued under identical terms as to all of the following: par value, stated value, preferences in distribution of dividends and assets, voting rights, and conditions under which they may be retired. If the stocks of the carrier are of two or more classes, the carrier's records shall be so maintained as to distinguish the amount applicable to each class in each of the following accounts:

1775 Subscriptions to capital stock.
1780 Deposits on subscriptions to capital stock.
1915 Capital stock expense.
1925 Discount on capital stock.
2160 Installment-plan receipts on purchase of capital stock.
2410 Capital stock issued.
2415 Capital stock reacquired.
2420 Capital stock subscribed; unissued.
2425 Obligations for stock conversion.
2510 Premiums and assessments on capital stock.

(b) When, by compliance with the laws of the State under which it is incorporated, a carrier is authorized to issue shares of capital stock, a memorandum entry in account 2410, "Capital stock issued," shall be made showing the number of shares, the par or the stated value of each share, and the total authorized capitalization.

(c) Before recording the journal entries that it is proposed to enter in the carrier's books to record (1) the issuance of no-par capital stock, (2) the appropriation of surplus for transfer to the no-par capital stock account, (3) the reduction of capital surplus through the use of the no-par capital stock account, or (4) the reduction of account 2410, "Capital stock issued," through the creation of surplus or the reduction of book value of assets, the plan of accounting shall be submitted to this Commission for consideration and approval. Such plan shall be accompanied by a statement giving complete information with respect to the basis upon which the amounts to be recorded have been determined and a copy of the authorization issued by the regulatory body approving the issuance of no-par stock or the change in the capital stock and surplus accounts.

§ 34.10–10 *Surplus.* (a) The accounts designated as capital surplus accounts are designed to show (1) paid-in surplus (i. e., proprietary contributions in excess of the stated capital included in the capital stock accounts), (2) donated surplus (i. e., contributions that increase the assets but do not increase the liabilities or the proprietary interests), (3) surplus arising from reacquisition or resale of, or otherwise trading in, the carrier's own capital stock, and (4) surplus due to the reduction of the stated value of capital stock due to such occasions as retirement, reorganization, or recapitalization.

(b) The balance-sheet accounts designated as earned surplus accounts are designed to show the accumulated undistributed surplus derived from the normal operations of the carrier, including the income from all sources other than the capital gains referred to in paragraph (a) of this section.

(c) Within 90 days from the effective date of this system of accounts the carrier shall submit to this Commission a transcript of its capital surplus account or accounts covering the entire period to the effective date of this system of accounts, showing in detail the nature and amount of charges and credits, respectively, and the balance that was in the account at the close of each year. The transcript shall be accompanied by a summary statement in which the charges and credits for the entire period covered by the transcript have been classified according to their nature and summarized to show the aggregate amount of each class as well as the aggregate amount of charges and credits, respectively, for the period and the resulting balance in the account at the effective date of this system of accounts.

§ 34.10–11 *Provisions for future settlements.* When in anticipation of settlements or similar transactions it is required that certain amounts shall be charged to operating expenses or other accounts without a corresponding reduction in the assets of the carrier, such amounts shall be credited to the appropriate account under the caption, "Provisions for future settlements." The credit balances in these accounts should indicate the estimated amount of future settlements or other extinguishments subsequent to the date of the balance sheet with respect to amounts allocable to periods prior to that date.

§ 34.10–12 *Deferred credits.* Deferred credits are amounts representing (1) credit items held in suspense pending determination of their actual status and (2) obligations (e. g., unamortized premium on debt) that have been incurred but are applicable to future operations or income.

§ 34.10–13 *Discount, expense, and premium on capital stock.* (a) An account shall be maintained for each class of capital stock issued by the carrier (separately from the capital stock accounts) and there shall be included in each such account both the discount and premium associated with the issuance and sale of (exclusive of the sale of reacquired stock), or subscriptions to, each such class of stock.

(b) Stock expense shall not be added to discount, or deducted from premium, on capital stock, but shall be included in account 1915, "Capital stock expense."

(c) Only in stating the balance sheet, the total of the debit balances remaining in the discount and premium accounts shall be reported under account 1925, "Discount on capital stock," and the total of the credit balances shall be reported under account 2510, "Premiums and assessments on capital stock." Accounts with debit balances shall not be offset by accounts with credit balances.

(d) General levies or assessments against stockholders shall be credited to the discount and premium account for the particular class of stock assessed.

(e) Expenses on capital stock issued may be charged off to account 6299, "Other extraordinary income charges," in total or in installments or the amounts thereof may be retained in account 1915, "Capital stock expense," until the stock to which the expense applies is reacquired. Discount or premium on capital stock issued shall be retained in the discount and premium account until the stock is reacquired or until otherwise disposed of lawfully, except that inconsequential amounts of discount that would not appreciably affect the accounts may be charged off to account 8299, "Miscellaneous charges to earned surplus."

(f) When capital stock which has been actually issued by the carrier is reacquired, the difference between (1) the amount paid therefor upon reacquisition and (2) the book amount plus the premium or less the discount and expense originally entered in respect thereto and not charged off shall be charged or credited, as appropriate, to account 2599, "Other capital surplus": *Provided, however,* That such charges shall be made to account 8299, "Miscellaneous charges to earned surplus," if the amounts thereof exceed the balance in account 2599: *And provided further,* That in no event shall charges in excess of accumulated credits from the reacquisition, resale, or retirement of capital stock of the same class be charged to account 2599.

(g) Discount, expense, or premium on capital stock shall not be included in any account as a part of the cost of constructing or acquiring plant or as a part of the cost of operation.

(h) The carrier's records shall be so maintained that in the reports to this Commission there may be shown the extent to which the surplus accounts have been charged or credited in instances in which there is a possibility of further entry in those accounts in the event of resale of reacquired capital stock.

§ 34.10–14 *Discount, expense, and premium on long-term debt.* (a) An account shall be maintained for each issue or series of long-term debt issued or assumed by the carrier (separately from the long-term debt accounts) and there shall be included in each such account both the discount and premium associated with the issuance and sale of (exclusive of the sale of reacquired long-term debt) or subscription to each such issue or series of debt.

(b) Debt expense shall not be added to discount, or deducted from premium, on long-term debt, but shall be included in account 1920, "Long-term debt expense."

(c) Only in stating the balance sheet, the total of the debit balances remaining in the discount and premium accounts shall be reported under account 1930, "Unamortized discount on debt," and the total of the credit balances remaining in those accounts shall be reported under account 2310, "Unamortized premium on debt." Accounts with debit balances shall not be offset by accounts with credit balances.

(d) Discount, expense, and premium with respect to each issue or series of long-term debt shall be amortized under such a plan as will equitably distribute the amounts over the life of the securities. The amortization shall be on a monthly basis and the amounts thereof shall be charged to account 5220, "Amortization of debt discount," or account 5245, "Amortization of debt expense," or credited to account 5230, "Amortization of debt premium—Cr.," as appropriate. The carrier may, however, accelerate the writing off of debt expense and extinguish inconsequential amounts of discount (that it would be burdensome to amortize, and would not appreciably affect the accounts) by charges to account 6299, "Other extraordinary income charges." Where there is a definite plan to retire an issue without refunding prior to its maturity date, amortization may be accelerated to extinguish the balance in the discount and premium account at the date of contemplated retirement.

(e) When any long-term debt is reacquired without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation, the difference between the amount paid upon reacquirement and the book amount plus the unamortized premium or less the unamortized discount, as the case may be, applicable to the debt reacquired, shall be charged to account 6299, "Other extraordinary income charges," or credited to account 6199, "Other extraordinary income credits," as appropriate.

(f) When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the date of maturity of the prior issue, any unamortized discount, expense, or premium on the prior issue and any premium paid or discount enjoyed upon reacquirement shall be debited or credited, as appropriate, to account 6299, "Other extraordinary income charges," or account 6199, "Other extraordinary income credits:" *Provided, however,* That if the carrier desires to amortize any of the discount, expense, or premium associated with the issuance or redemption of the prior issue over a period subsequent to the date of redemption, the permission of the Commission must be obtained.

(g) Discount, expense, or premium on long-term debt shall not be included in the cost of constructing or acquiring plant, except as provided for in § 34.1–3.

(h) The carrier's records shall be so maintained that in the reports to this Commission there may be shown the extent to which the income accounts have been charged or credited in instances in which there is a possibility of further entry in those accounts in the event of resale of reacquired long-term debt.

§ 34.10–15 *Irrevocable trusts.* Funds relinquished from the control of the carrier that are irrevocably devoted to the establishment or continuation of any trust or fiduciary fund (such as pension or similar funds) shall not be included as items in the balance sheet, but their existence shall be indicated by an appropriate notation thereon showing the amount of such funds.

§ 34.10–16 *Contingent assets and liabilities.* In the carrier's reports to this Commission amounts representing contingent assets and contingent liabilities shall not be included as items in the balance sheet, but their existence shall be indicated by an appropriate notation thereon and the amounts shall be shown in detail in a supplementary statement.

§ 34.10–17 *Nominally issued securities.* (a) Each carrier shall maintain, in addition to the capital stock and long-term debt accounts prescribed herein, memorandum debit and credit accounts for securities which have been nominally but not actually issued.

(b) When no-par stock is nominally issued, the number of shares issued shall be shown in the memorandum accounts.

(c) A separate memorandum account, with appropriate title, shall be maintained for each class and issue or series of such securities.

§ 34.10–99 *Contemplated form of balance sheet.* (See § 34.03–9.)

BALANCE SHEET

ASSET SIDE

Communication Plant

Account No.	Particulars	
1000	Operated plant in carrier's service	$
1100	Operated plant leased to others	
1200	Improvements and replacements of operated plant leased from others	
1300	Plant under construction	
1400	Plant held for future communication use	
1510	Plant acquisition adjustments	
	Total	$
	Less:	
1515	Allowance for depreciation—Radiotelegraph plant	$
1520	Allowance for amortization—Radiotelegraph plant	
	Total	$
1530	Telephone, wire-telegraph, and ocean-cable plant	$
1535	Less: Allowance for depreciation and amortization—Telephone, wire-telegraph, and ocean-cable plant	
	Total	$
1599	Foreign investment in communication plant	$
	Total	$

Investments and Funds

1610	Miscellaneous physical property	$
1615	Less: Allowance for depreciation—Miscellaneous physical property	
	Total	$
1620	Investments in affiliates	$
1630	Other investments	
1630	Debt-redemption funds	
1635	Employees' provident funds	
1640	Insurance funds	
1645	Miscellaneous funds held by trustees	
1650	Other miscellaneous funds	
	Total	$
1698	Amortized discount and premium on investment securities	
	Total	$
1699	Less: Allowance for doubtful investments	
	Total	$

Current Assets

1710	Cash	$
1715	Special cash deposits	
1720	Working cash advances	
1725	Temporary investments	
1730	Operating revenues receivable from users	$
1742	Traffic settlements receivable from affiliates	
1749	Other receivables from affiliates	
1751	Notes receivable	
1752	Traffic settlements receivable	
1753	Matured interest receivable	
1754	Declared dividends receivable	
1755	Matured rents receivable	
1759	Other accounts receivable	
	Total	$
1765	Less: Allowance for uncollectible receivables	$
1770	Unmatured accrued receivables	$
1775	Subscriptions to capital stock	
1780	Less: Deposits on subscriptions to capital stock	$
1785	Subscriptions to bonds	$
1790	Less: Deposits on subscriptions to bonds	
1795	Material and supplies	
1799	Other current assets	
	Total	$

Prepayments

1810	Prepaid insurance	$
1815	Prepaid rents	
1820	Prepaid taxes	
1899	Other prepayments	
	Total	$

Deferred Charges

1910	Extraordinary maintenance, depreciation, and retirements	$
1915	Capital stock expense	
1920	Long-term debt expense	
1925	Discount on capital stock	
1930	Unamortized discount on debt	
1935	Preliminary survey and investigation charges	
1940	Debit balances in clearing accounts	
1999	Other deferred charges	
	Total	$
	Total—Asset side	$

LIABILITY SIDE

Long-Term Debt

2010	Bonds actually issued	$
2015	Less: Bonds reacquired	
2020	Bonds subscribed—Unissued	$
2025	Receivers' and trustees' securities	
2030	Advances from affiliates	
2060	Other long-term debt	
	Total	$

Current Liabilities

2110	Matured long-term debt	$
2115	Customers' deposits	
2122	Traffic settlements payable to affiliates	
2129	Other payables to affiliates	
2131	Notes payable	
2132	Traffic settlements payable	
2133	Matured interest payable	

BALANCE SHEET—Continued

LIABILITY SIDE—continued

Current Liabilities—Continued

Account No.	Particulars	
2134	Declared dividends	$
2135	Matured rents payable	
2139	Other accounts payable	
2155	Advance billings	
2160	Installment-plan receipts on purchase of capital stock	
	(Liability Accounts)	
2165	Interest accruals	
2170	Rent accruals	
2175	Tax accruals	
2180	Other accruals	
2199	Other current liabilities	
	Total	$

Provisions for Future Settlements

2210	Provisions for employees' pensions and welfare	$
2215	Provisions for self-carried insurance	
2220	Provisions for equalization of maintenance expenses	
2225	Provisions for depreciation and replacement of operated plant leased from others	
2230	Leased operated plant retired	
2299	Other provisions for future settlements	
	Total	$

Deferred Credits

2310	Unamortized premium on debt	$
2315	Advances for construction	
2320	Credit balances in clearing accounts	
2399	Other deferred credits	
	Total	$

Capital Stock

2410	Capital stock issued	$
2415	Less: Capital stock reacquired	$
2420	Capital stock subscribed—Unissued	
2425	Obligations for stock conversion	
	Total	$

Capital Surplus

2510	Premiums and assessments on capital stock	$
2515	Contributions of plant	
2599	Other capital surplus	
	Total	$

Earned Surplus

2610	Contractual reserves	$
2615	Reserve against impairment of stated capital	
2620	Miscellaneous reserves	
2699	Unappropriated earned surplus	
	Total	$
	Total—Liability side	$

PRESCRIBED ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

Communication Plant

§ 34.1000 *Operated plant in carrier's service.* This account shall include the total of the balances in the operated plant accounts applicable to plant owned and used by the carrier in its radio-telegraph operations, except such plant the cost of which is includible in account 1200, "Improvements and replacements of operated plant leased from others."

§ 34.1100 *Operated plant leased to others.* This account shall include the total of the balances in the operated plant accounts applicable to plant owned by the carrier and leased to others as substantially complete operating systems or operating units where the lessee has exclusive possession.

NOTE: When the lessor is given or retains the exclusive privileges to maintain, inspect, and service equipment, to handle and adjust traffic accounts, to perform other similar services, or to designate who may perform such services for the lessee, the lessee will be deemed not to have the exclusive possession of the plant, and its cost shall be included in account 1000, "Operated plant in carrier's service."

§ 34.1200 *Improvements and replacements of operated plant leased from others.* This account shall include the total of the balances in the operated plant accounts applicable to improvements and replacements of operated plant leased from others.

§ 34.1300 *Plant under construction.* (a) This account shall include the cost of construction of plant not completed ready for service.

(b) When any plant the cost of which is included in this account is completed ready for service, the cost thereof shall be credited to this account and charged to the operated plant accounts, account 1400, "Plant held for future communication use," or other accounts, as appropriate.

§ 34.1400 *Plant held for future communication use.* (a) This account shall include the cost of completed plant owned by the carrier and held for future use in communication service under a definite plan.

(b) The amounts included in this account shall be classified in accordance with the titles and texts of the appropriate plant accounts and the account shall be maintained in the same manner and detail as though the plant were in communication service.

§ 34.1510 *Plant acquisition adjustments.* (a) This account shall include the difference between (1) the acquisition cost of plant acquired from predecessors as substantially complete operating systems or operating units and (2) the original cost of such plant less the required allowances for depreciation and amortization of the plant at the date of acquisition. (See also § 34.1–2.)

(b) This account shall include, under a separate subdivision, the difference between the original cost and the book cost of radiotelegraph plant at the effective date of this system of accounts, to the extent that such difference is not attributable to acquisitions from predecessors.

(c) This account shall be subdivided according to the character of the amounts included herein for each plant acquisition; and further subdivided to show the amounts applicable to operated plant in carrier's service, operated plant leased to others, and plant held for future communication use.

(d) If the actual original cost is not known, the entries in this account shall be based upon an estimate of such cost.

(e) The amounts recorded in this account shall be disposed of in such manner as this Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of plant.

§ 34.1515 *Allowance for depreciation; radiotelegraph plant.* (a) This account shall be credited with amounts charged to account 4910, "Depreciation," to account 5010, "Income from operated plant leased to others," to account 5299, "Other deductions from ordinary income," and to clearing accounts for currently accru-

ing depreciation of radiotelegraph plant owned by the carrier; also amounts of depreciation applicable to plant contributed to the carrier, and plant acquired from predecessors as provided in §§ 34.1–2 and 34.1–5. (See also §§ 34.04–1, 34.04–2, 34.04–3, 34.04–4, and 34.30–3.)

(b) As at the effective date of this system of accounts, this account shall be credited with such amount as is necessary to create a credit balance herein equal to the estimated sustained depreciation of all depreciable operated plant owned by the carrier at that date. The amount thus credited shall, unless otherwise authorized by this Commission, be charged to account 6299, "Other extraordinary income charges."

(c) This account shall be regarded and treated as a single composite allowance account. For purposes of analysis, however, each carrier shall maintain records in which the balance in the account shall be segregated into component parts corresponding to the operated plant accounts and subdivisions thereof which include the cost of depreciable operated plant.

(d) This account shall be subdivided as follows:

1515:01 Allowance for depreciation of operated plant owned and used in carrier's service.
1515:02 Allowance for depreciation of improvements and replacements of operated plant leased from others.
1515:03 Allowance for depreciation of operated plant leased to others.
1515:04 Allowance for depreciation of plant held for future communication use.

NOTE: When plant is transferred from one class of communication service to another or from communication service to noncarrier operations, the accounting shall be as provided in § 34.1–7.

§ 34.1520 *Allowance for amortization; radiotelegraph plant.* (a) This account shall be credited with amounts charged to account 4915, "Amortization; intangible operated plant," to account 5010, "Income from operated plant leased to others," and to account 5299, "Other deductions from ordinary income," to provide for the extinguishment of amounts included in accounts 82, "Franchises," 83, "Patent rights," 84, "Leaseholds," and 89, "Other intangibles," also amounts of amortization applicable to plant contributed to the carrier and plant acquired from predecessors as provided in §§ 34.03–6 and 34.1–2. (See also § 34.30–3.) It shall be credited with amounts charged to account 6299, "Other extraordinary income charges," to provide for the extinguishment of amounts included in account 81, "Organization."

(b) This account shall be credited or charged, as appropriate, with amounts authorized or directed by the Commission to be charged or credited to accounts 4920, "Amortization of plant acquisition adjustments," and 5255, "Amortization of plant acquisition adjustments," to provide for the extinguishment of amounts included in account 1510, "Plant acquisition adjustments."

(c) As at the effective date of this system of accounts, this account shall be credited with such amount as is necessary to create a credit balance herein equal to the expired service value of intangibles (having a terminable life) the cost of which is includible in accounts 82, "Franchises," 83, "Patent rights," 84, "Leaseholds," and 89, "Other intangibles." The amount thus credited shall, unless otherwise authorized by this Commission, be charged to account 6299, "Other extraordinary income charges."

(d) When any franchise, patent right, leasehold, or other intangible item expires or is sold, relinquished, or otherwise retired from service, the cost thereof shall be credited to the appropriate plant account and this account shall be charged with the amount previously credited hereto with respect to such intangible item. The difference between the foregoing amounts, less the proceeds realized at retirement, shall be charged to account 6299, "Other extraordinary income charges," or credited to account 6199, "Other extraordinary income credits," as appropriate.

(e) The records supporting the entries in this account shall be so maintained as to show the amount applicable to each intangible item under the following subdivisions:

1520:01 Allowance for amortization of intangibles in carrier's service.
1520:02 Allowance for amortization of intangibles leased to others.
1520:03 Allowance for amortization of plant acquisition adjustments.
1520:04 Allowance for amortization of intangibles held for future communication use.

§ 34.1530 *Telephone, wire-telegraph, and ocean-cable plant.* This account shall include the amount of the balances in the plant accounts for telephone, wire-telegraph, and ocean-cable plant in service. (See also § 34.03–8.)

§ 34.1535 *Allowance for depreciation and amortization; telephone, wire-telegraph, and ocean-cable plant.* This account shall include the amount of the balances in the allowance accounts for telephone, wire-telegraph, and ocean-cable plant in service. (See also § 34.03–8.)

§ 34.1599 *Foreign investment in communication plant.* (a) This account may include the net amount of the acquisition cost of the carrier's communication plant that is located in foreign countries and the related allowances for depreciation and amortization, when the detailed amounts are required to be stated in terms of foreign currency or in a manner at variance with the requirements of this system of accounts.

(b) A separate subaccount with appropriate title shall be maintained for the plant located in each foreign country.

(c) The records supporting the entries in this account shall be so maintained that, in the reports to this Commission, a complete analysis of the transactions affecting each station may be shown.

(d) Each carrier that elects to use this account shall advise this Commission of the fact at least 60 days before the effective date of this system of accounts. Changes from this elective procedure to alternative procedure prescribed for domestic plant, or vice versa, shall not be made thereafter without submitting to this Commission for its consideration and approval notice of the change at least 90 days before the proposed effective date of such change.

Investments and Funds

§ 34.1610 *Miscellaneous physical property.* This account shall include the carrier's investment in physical property other than that used in communication service, except property the cost of which is includible in account 1400, "Plant held for future communication use." It shall include the amount of all assessments for the construction of public improvements levied against miscellaneous physical property. (See also § 34.1–7.)

§ 34.1615 *Allowance for depreciation; miscellaneous physical property.* (a) This account shall be credited with amounts charged to account 5110, "Income from miscellaneous physical property," for the depreciation of depreciable property the cost of which is includible in account 1610, "Miscellaneous physical property."

(b) When miscellaneous physical property is disposed of, this account shall be charged with the amount previously credited hereto with respect to such property. The difference between the book cost of the property retired and the sum of the amount chargeable to this account and the amount of the salvage recovered (or the proceeds from the sale of the property) shall be charged to account 6299, "Other extraordinary income charges," or credited to account 6199, "Other extraordinary income credits," as appropriate. (See also § 34.1–7.)

§ 34.1620 *Investments in affiliates.* (a) This account shall include the book cost of the carrier's investment in securities issued or assumed by affiliates, other than securities of affiliates held in special funds or as temporary investments. It shall include the amount of investment advances to affiliates.

(b) The records supporting the entries in this account shall be so maintained as to show each class of investment in each affiliate under the following subdivisions:

1620:01 Investments in securities of affiliates.
1620:02 Investment advances to affiliates.

NOTE A: The book cost of securities of affiliates owned by the carrier and held in special funds or as temporary investments shall be included in accounts 1630, 1635, 1640, 1645, 1659, or 1725, as appropriate.

NOTE B: Advances to affiliates that are subject to current settlement shall be included in account 1749, "Other receivables from affiliates."

§ 34.1629 *Other investments.* (a) This account shall include the book cost of the carrier's investment in securities issued or assumed by nonaffiliates, other than such securities held in special funds or as temporary investments. It shall include the amount of investment advances to nonaffiliates and other investments not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained as to show each class of investment in each nonaffiliate under the following subdivisions:

1629:01 Investments in securities of nonaffiliates.
1629:02 Investment advances to nonaffiliates.
1629:99 Other.

NOTE A: The book cost of securities of nonaffiliates owned by the carrier and held in special funds or as temporary investments, shall be included in accounts 1630, 1635, 1640, 1645, 1659, or 1725, as appropriate.

NOTE B: Advances to nonaffiliates that are subject to current settlement shall be included in account 1751, "Notes receivable," or account 1759, "Other accounts receivable," as appropriate.

§ 34.1630 *Debt-redemption funds.* (a) This account shall include the book cost of assets that have been segregated in special funds for the purpose of redeeming outstanding long-term debt of the carrier.

(b) A separate subaccount, with appropriate title, shall be maintained for each issue or series of long-term debt for the redemption of which a special fund is maintained.

NOTE: Nothing contained herein shall be construed as preventing the carrier from transferring applicable debt-redemption funds to account 1715, "Special cash deposits," for the purpose of paying matured long-term debt, or obligations called for redemption but not presented, or the interest thereon.

§ 34.1635 *Employees' provident funds.* This account shall include the amount of cash, the book cost of securities of others, and the book amount of nominally issued and nominally outstanding securities issued or assumed by the carrier and other assets held by trustees or managers of employees' pension funds, saving funds, relief, hospital, and other association funds (whether contributed by the carrier, by employees, or by others), when such trustees or managers are acting for the carrier in the administration of such funds. (See also §§ 34.10–15 and 34.30–2.)

§ 34.1640 *Insurance funds.* (a) This account shall include the book cost of assets that have been segregated in special funds for the purpose of liquidating losses from accident, fire, flood, or other casualties.

(b) A separate subaccount, with appropriate title, shall be maintained for each class of funds.

§ 34.1645 *Miscellaneous funds held by trustees.* This account shall include the amount of cash and the cost of other assets deposited with trustees to be held until mortgaged property sold, destroyed, or otherwise disposed of is replaced; also cash realized from the sale of the carrier's securities and deposited with trustees to be held until invested in property for the carrier. When the purposes of such deposits are satisfied and the deposits are released, this account shall be credited with the amount released.

§ 34.1659 *Other miscellaneous funds.* (a) This account shall include the book cost of assets that have been segregated in special funds for specific purposes not provided for elsewhere.

(b) A separate subaccount, with appropriate title, shall be maintained for each class of funds.

§ 34.1698 *Amortized discount and premium on investment securities.* (a) This account shall include the amount of amortized discount and premium charged or credited as interest from securities held as long-term investments, as provided in paragraph (e) of § 34.10–7.

(b) A separate subaccount with appropriate title shall be maintained for each class and issue or series of securities with respect to which amounts are entered herein, with an appropriate reference to the account in which the cost of the securities is recorded.

§ 34.1699 *Allowance for doubtful investments.* (a) This account shall be credited with amounts charged to account 6299, "Other extraordinary income charges," to provide for the doubtful value of investments.

(b) When securities are sold or otherwise disposed of, or their book cost is reduced to a nominal value, this account shall be charged with any amounts covered by credits hereto with respect to such securities.

Current Assets

§ 34.1710 *Cash.* This account shall include the amount of current funds available for use on demand, in the hands of financial officers and agents, or deposited in banks or with trust companies, and funds in transit for which managers and agents have received credit.

§ 34.1715 *Special cash deposits.* (a) This account shall include the amount of cash in special deposits, other than in debt-redemption and other funds, for the payment of interest, dividends, and other debts when such payments are due 1 year or less from the date of deposit; also the amount of cash deposited to insure the performance of contracts to be performed within 1 year from the date of deposit, and other cash deposits for specific purposes not provided for elsewhere. When the purposes of such deposits are satisfied and the deposits are released, this account shall be credited with the amount released.

(b) This account shall be subdivided as follows:

1715:01 Special deposits; interest.
1715:02 Special deposits; dividends.
1715:99 Special deposits; other.

§ 34.1720 *Working cash advances.* This account shall include the amount of cash advanced to officers, agents, employees, and others as petty cash or working funds.

§ 34.1725 *Temporary investments.* (a) This account shall include the book cost of securities acquired for the purpose of temporarily investing cash, such as demand and time loans, bankers' acceptances, United States Treasury certificates, and other similar investments.

(b) This account shall be subdivided as follows:

1725:01 Temporary investments; affiliates.
1725:99 Temporary investments; other.

§ 34.1730 *Operating revenues receivable from users.* (a) This account shall include amounts receivable from customers for services rendered or billed and from agents and collectors authorized to make collections from customers.

(b) This account shall be subdivided as follows:

1730:03 Agents and collectors.
1730:99 Others.

(c) The records supporting the entries in this account shall be so maintained as to show separately (1) amounts due for services rendered and (2) amounts due for services to be rendered (see contra account 2155, "Advance billings").

NOTE A: Amounts representing revenues accrued but not due shall be included in account 1770, "Unmatured accrued receivables."

NOTE B: Amounts receivable from other carriers for participation in transmission shall be included in the accounts maintained in accordance with the provisions of paragraph (a) of § 34.31–3.

NOTE C: Amounts due on notes accepted in settlement of customers' accounts shall be included in account 1751, "Notes receivable."

§ 34.1742 *Traffic settlements receivable from affiliates.* This account shall include the net amount receivable from affiliated carriers against each of which there is a net debit balance in the accounts maintained for traffic settlements. (See particularly paragraph (a) of § 34.31–3.)

§ 34.1749 *Other receivables from affiliates.* (a) This account shall include amounts receivable from affiliates not provided for elsewhere. (See particularly accounts 1730, 1742, 1770, 1775, and 1785.)

(b) This account shall be subdivided as follows:

1749:01 Matured interest receivable.
1749:02 Declared dividends receivable.
1749:03 Matured rents receivable.
1749:04 Current notes receivable. (See also account 1620.)
1749:99 Other accounts receivable.

(c) In stating the balance sheet there may be included in this account the net amount receivable from affiliates against each of which there is a net debit balance between items applicable to a particular subdivision of this account and the comparable subdivision of account 2129, "Other payables to affiliates."

§ 34.1751 *Notes receivable.* (a) This account shall include amounts receivable from persons other than affiliates on notes, drafts, acceptances, and other evidences of indebtedness, payable on demand or not more than 1 year from the date of issuance. (See also account 1629, "Other investments.")

(b) The book amount of items includible herein that are discounted or sold without releasing the carrier from liability thereon, shall be credited to this account and reported as a contingent liability. (See particularly § 34.10–16.)

§ 34.1752 *Traffic settlements receivable.* This account shall include the net amount receivable from persons other than affiliates against each of which there is a net debit balance in the ac-

counts maintained for traffic settlements. (See particularly paragraph (a) of § 34.31–3.)

§ 34.1753 *Matured interest receivable.* This account shall be charged with amounts credited to account 5125, "Interest income," or account 5135, "Income from debt-redemption and other funds," representing matured interest receivable from persons other than affiliates that is subject to current settlement.

NOTE A: Earned interest receivable that is accrued but unmatured shall be included in account 1770, "Unmatured accrued receivables."

NOTE B: Matured interest receivable that is not subject to current settlement shall be included in the account in which the principal amount is carried.

§ 34.1754 *Declared dividends receivable.* This account shall be charged with amounts credited to account 5120, "Dividend income," or to account 5135, "Income from debt-redemption and other funds," representing dividends declared on stocks of persons other than affiliates that become mature not later than the first day following the date of the balance sheet.

NOTE: Declared dividends receivable that do not mature until after the first day following the date of the balance sheet shall be included in account 1770, "Unmatured accrued receivables."

§ 34.1755 *Matured rents receivable.* This account shall be charged with amounts credited to the income accounts representing rentals receivable from persons other than affiliates that are matured and subject to current settlement.

NOTE A: Rentals receivable that are accrued but unmatured shall be included in account 1770, "Unmatured accrued receivables."

NOTE B: Amounts receivable for minor rentals shall be included in account 1730, "Operating revenues receivable from users."

§ 34.1759 *Other accounts receivable.* (a) This account shall include the net amount receivable from persons other than affiliates against each of whom there is a net debit balance in accounts maintained for transactions other than those includible in accounts 1730 and 1751 to 1755, inclusive. (See also accounts 1749, "Other receivables from affiliates," 1770, "Unmatured accrued receivables," 1775, "Subscriptions to capital stock," and 1785, "Subscriptions to bonds.")

(b) This account shall be subdivided as follows:

1759:02 Receivable from officers and employees.
1759:99 Receivable from others.

§ 34.1765 *Allowance for uncollectible receivables.* (a) This account shall be credited with amounts charged to account 4935, "Uncollectible revenues," account 5299, "Other deductions from ordinary income," and account 6299, "Other extraordinary income charges," to provide for uncollectible receivables, under a plan consistently followed and adjusted for errors in estimates.

(b) This account shall be charged with any amounts covered herein that are determined to be impracticable of collection and shall be credited with amounts collected that previously were charged herein.

(c) The records supporting the entries in this account shall be so maintained as to show the amount applicable to each class of receivables for which allowances are established; also the account that was charged with each credit in this account.

§ 34.1770 *Unmatured accrued receivables.* (a) This account shall include the amount of revenue estimated to have accrued for services not billed but billable or not due under contract and the amount of interest, dividends, rent, and other items accrued to the date for which the balance sheet is made, but not receivable until after the first day following that date.

(b) This account shall be subdivided as follows:

1770:01 Accrued communication revenue.
1770:02 Accrued interest.
1770:03 Declared dividends.
1770:04 Accrued rents.
1770:99 Other accrued receivables.

§ 34.1775 *Subscriptions to capital stock.* (a) The amount of each subscription to capital stock of the carrier shall be charged to this account at the time the subscription is accepted. The book amount of the stock subscribed shall be credited to account 2420, "Capital stock subscribed; unissued." The difference between the foregoing amounts shall be charged or credited, as appropriate, to the discount and premium account maintained under the provisions of paragraph (a) of § 34.10–13. (See also account 1780, "Deposits on subscriptions to capital stock.")

(b) This account shall be subdivided as follows:

1775:01 Amounts subscribed by affiliates.
1775:02 Amounts subscribed by officers and employees.
1775:04 Amounts subscribed by underwriters.
1775:99 Amounts subscribed by others.

§ 34.1780. *Deposits on subscriptions to capital stock.* (a) This account shall be credited with amounts received as payments on subscriptions to capital stock.

(b) When payment for the total amount of a subscription has been received, this account shall be charged and account 1775, "Subscriptions to capital stock," shall be credited with such total amount.

(c) Any amounts in this account which become the property of the carrier by forfeiture shall be charged hereto and credited to account 2599, "Other capital surplus."

(d) This account shall be subdivided as follows:

1780:01 Deposits received from affiliates.
1780:02 Deposits received from officers and employees.
1780:04 Deposits received from underwriters.
1780:99 Deposits received from others.

§ 34.1785 *Subscriptions to bonds.* (a) The amount of each subscription to bonds of the carrier shall be charged to this account at the time the subscription is accepted. The face amount of the bonds subscribed shall be credited to account 2020, "Bonds subscribed; unissued." The difference between the foregoing amounts shall be charged or credited, as appropriate, to the discount and premium account maintained under the provisions of paragraph (a) of § 34.10–14. (See also account 1790, "Deposits on subscriptions to bonds.")

(b) This account shall be subdivided as follows:

1785:01 Amounts subscribed by affiliates.
1785:02 Amounts subscribed by officers and employees.
1785:04 Amounts subscribed by underwriters.
1785:99 Amounts subscribed by others.

§ 34.1790 *Deposits on subscriptions to bonds.* (a) This account shall be credited with amounts received as payments on subscriptions to bonds of the carrier.

(b) When payment for the total amount of a subscription has been received, this account shall be charged and account 1785, "Subscriptions to bonds," shall be credited with such total amount.

(c) Any amounts in this account which become the property of the carrier by forfeiture shall be charged hereto and credited to account 6199, "Other extraordinary income credits."

(d) This account shall be subdivided as follows:

1790:01 Deposits received from affiliates.
1790:02 Deposits received from officers and employees.
1790:04 Deposits received from underwriters.
1790:99 Deposits received from others.

§ 34.1795 *Material and supplies.* (a) This account shall include the cost (consideration being given to the adjustments outlined in paragraphs (b), (c), (d), and (e) of this section) of unapplied material and supplies held for use in communication service (including plant supplies, unissued small tools, fuel, stationery, and other supplies) and of material and articles of the carrier in process of manufacture for supply stock.

(b) Cost shall include the purchase price at the point of free delivery, plus customs duties, excise taxes, and other taxes on purchases, insurance, cost of inspection, special tests prior to acceptance, loading and unloading, transportation, and other directly assignable charges. (Transportation and other charges impracticable of inclusion in the cost of the particular material to which they relate shall be charged to account 9030, "Supply expense; undistributed.")

(c) Cash and other discounts on material shall be deducted from the cost of the particular material to which they relate or credited to the account to which the material is charged. (When impracticable of such treatment, they shall be credited to account 9030, "Supply expense; undistributed.")

(d) Material recovered in connection with construction, maintenance, or retirement of plant shall be included in this account as follows:

(1) Reusable material shall be included in the appropriate subdivision of this account at weighted average prices based upon the estimated reasonable second-hand value thereof.

(2) The cost of repairing reusable material shall be charged to this account. (When impracticable of such treatment, the cost of such repairing shall be charged to account 9030, "Supply expense; undistributed.")

(3) Scrap and nonusable material shall be included in this account at the estimated net amount realizable therefrom. The differences between the amounts realized for scrap and nonusable material sold and the amount at which the material was included in this account shall be adjusted to the accounts credited when the material was charged to this account. (When impracticable of such treatment, the differences shall be adjusted to account 9030, "Supply expense; undistributed.")

(e) Inventories of material and supplies shall be taken during each calendar year and the necessary adjustments shall be made to bring the balance in this account into agreement with the actual inventories. In effecting the adjustments, differences that can be assigned to important classes of material shall be equitably adjusted among the accounts to which such classes of material were charged since the previous inventory. Other differences shall be equitably apportioned among the accounts to which material has been charged since the last inventory or included in account 9030, "Supply expense; undistributed."

(f) This account shall be subdivided as follows:

1795:01 Material held for use in the carrier's communication operations.
1795:02 Material in process of conversion.
1795:03 Merchandise known to be held predominantly for sale or resale, or for use in jobbing or contracting operations.
1795:04 Material and supplies held for other than communication operations.
1795:05 Undistributed supply expense.

NOTE A: This account shall not include amounts representing cost of material or articles the title to which is not vested in the carrier.

NOTE B: Interest on material bills the payment of which has been delayed shall be charged to account 5235, "Other interest charges."

§ 34.1799 *Other current assets.* (a) This account shall include the amount of current assets not provided for elsewhere.

(b) The record supporting the entries in this account shall be so maintained as to show the nature of each class of assets included herein.

Prepayments

§ 34.1810 *Prepaid insurance.* This account shall be charged with the amounts of insurance premiums paid in advance. As the term expires for which the insurance premiums were paid, this account shall be credited at monthly intervals and the appropriate accounts charged.

§ 34.1815 *Prepaid rents.* This account shall be charged with the amounts of rents paid in advance. As the term expires for which the rents were paid, this account shall be credited at monthly intervals and the appropriate accounts charged.

§ 34.1820 *Prepaid taxes.* This account shall be charged with the amounts of taxes paid in advance. As the term expires for which the taxes were paid, this account shall be credited at monthly intervals and the appropriate accounts charged.

§ 34.1899 *Other prepayments.* This account shall be charged with the amounts of prepayments not provided for elsewhere. As the term expires for which the payments were made, this account shall be credited at monthly intervals and the appropriate accounts charged.

Deferred Charges

§ 34.1910 *Extraordinary maintenance, depreciation, and retirements.* This account shall include, when so authorized by this Commission, the unprovided-for loss in service value of plant retired for causes not factors in depreciation. (See also § 34.04–4.) It shall include such other amounts as may be authorized or directed by this Commission.

§ 34.1915 *Capital stock expense.* (a) This account shall include the amount of stock expenses that have not been charged to account 6299, "Other extraordinary income charges." (See particularly § 34.10–13.)

(b) A separate subaccount, with appropriate title, shall be maintained for stock expenses applicable to each class of capital stock.

NOTE: Expenses incurred in connection with the reacquisition and resale of capital stock shall be accounted for as provided in § 34.10–13 and account 2415, "Capital stock reacquired."

§ 34.1920 *Long-term debt expense.* (a) This account shall include the amount of debt expenses that have not been charged to account 6299, "Other extraordinary income charges." (See particularly § 34.10–14.)

(b) A separate subaccount, with appropriate title, shall be maintained for debt expenses applicable to each issue or series of long-term debt.

NOTE: Expenses incurred in connection with the reacquisition and resale of long-term debt shall be accounted for as provided in § 34.10–14 and the text of account 2015, "Bonds reacquired."

§ 34.1925 *Discount on capital stock.* This account shall include the total of the debit balances in the capital stock discount and premium accounts. (See particularly § 34.10–13.)

§ 34.1930 *Unamortized discount on debt.* This account shall include the total of the debit balances in the long-term debt discount and premium accounts. (See particularly § 34.10–14.)

§ 34.1935 *Preliminary survey and investigation charges.* (a) This account shall be charged with all expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of major projects under contemplation. If construction results, this account shall be credited and the appropriate plant account charged. If the work is abandoned, the charge shall be to account 6299, "Other extraordinary income charges," unless otherwise authorized or directed by the Commission.

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to the nature and purpose of the survey, plans or investigations, and the nature and respective amounts of the charges.

NOTE: The amount of preliminary survey and investigation charges transferred to the plant accounts shall not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to the plant. (See also § 34.03–7.)

§ 34.1940 *Debit balances in clearing accounts.* This account shall include the total of the debit balances in all clearing accounts except account 9030, "Supply expense; undistributed." (See also § 34.90–2.)

§ 34.1999 *Other deferred charges.* (a) This account shall include the amount of deferred charges not provided for elsewhere. (See also § 34.03–15.)

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to each item included herein.

Long-Term Debt

§ 34.2010 *Bonds actually issued.* (a) This account shall include the face amount of actually issued and unmatured bonds that have not been retired or canceled; also the face amount of such bonds issued by others the payment of which has been assumed by the carrier. (See particularly §§ 34.10–7, 34.10–8, and 34.10–17.)

(b) A separate ledger account, with appropriate title, shall be maintained for each issue or series of long-term debt.

NOTE A: Discount, expense, and premium on bonds shall be accounted for as provided in § 34.10–14.

NOTE B: Matured bonds shall be included in account 2110, "Matured long-term debt."

§ 34.2015 *Bonds reacquired.* (a) This account shall include the face amount of bonds actually issued or assumed by the carrier and reacquired by it and held under conditions that do not permit the carrier to treat such bonds as retired or canceled but do permit their resale. It shall not include securities that are held by trustees of debt-redemption and other funds.

(b) When any issue of bonds, or portion thereof, is reacquired, the acquisition cost of the bonds and the amount of unamortized discount, expense, or premium applicable thereto shall be accounted for as provided in § 34.10–14.

(c) When reacquired bonds are sold, the book amount of the bonds shall be credited to this account and the difference between such amount and the amount received from the sale less commissions and expenses incurred in the sale shall be charged to account 6299, "Other extraordinary income charges," or credited to account 6199, "Other extraordinary income credits," as appropriate.

(d) A separate subaccount, with appropriate title, shall be maintained for each issue or series of bonds reacquired.

§ 34.2020 *Bonds subscribed; unissued.* (a) This account shall include the face amount of bonds for which legally enforceable subscriptions have been received but for which evidences of indebtedness have not been issued.

(b) When the amount of each subscription is received and evidences of indebtedness are issued, this account shall be charged and account 2010, "Bonds actually issued," shall be credited with the face amount of such bonds.

(c) Interest that has accrued on the evidences of indebtedness issued to subscribers shall be accounted for through the appropriate interest account.

(d) A separate subaccount, with appropriate title, shall be maintained for subscriptions to each issue or series of bonds.

§ 34.2025 *Receivers' and trustees' securities.* (a) This account shall include the book amount of evidences of indebtedness issued by receivers or trustees in possession of the property of the carrier and acting under the orders of a court.

(b) A separate subaccount, with appropriate title, shall be maintained for each class and issue or series of securities includible herein.

§ 34.2030 *Advances from affiliates.* (a) This account shall include amounts owed to affiliates on notes maturing more than 1 year from date of issuance or origin and the amount of open accounts representing investment advances from affiliates.

(b) This account shall be subdivided as follows:

2030:01 Notes payable to affiliates.
2030:02 Investment advances from affiliates.

NOTE: Notes and open accounts representing indebtedness to affiliates that are subject to current settlement shall be included in account 2129, "Other payables to affiliates."

§ 34.2099 *Other long-term debt.* (a) This account shall include the amount of all long-term debt not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to each item included herein.

Current Liabilities

§ 34.2110 *Matured long-term debt.* This account shall include the amount of long-term debt and receivers' and trustees' securities, including any obligations for premiums, matured and unpaid without specific agreement for extension of maturity. It shall include bonds drawn or called for redemption but not presented.

§ 34.2115 *Customers' deposits.* This account shall include amounts deposited with the carrier by customers as security for the payment of bills. (See also account 2315, "Advances for construction.")

§ 34.2122 *Traffic settlements payable to affiliates.* This account shall include the net amount payable to affiliated carriers in favor of each of which there is a net credit balance in the accounts maintained for traffic settlements. (See particularly paragraph (a) of § 34.31–3.)

§ 34.2129 *Other payables to affiliates.* (a) This account shall include amounts payable to affiliates not provided for elsewhere. (See particularly accounts 2110, 2122, and 2165 to 2180, inclusive.)

(b) This account shall be subdivided as follows:

2129:01 Matured interest payable.
2129:03 Matured rents payable.
2129:04 Current notes payable. (See also account 2099, "Other long-term debt.")
2129:99 Other accounts payable.

(c) In stating the balance sheet there may be included in this account the net amount payable to affiliates in favor of each of which there is a net credit balance between items applicable to a particular subdivision of this account and the comparable subdivision of account 1749, "Other receivables from affiliates."

§ 34.2131 *Notes payable.* (a) This account shall include amounts payable to persons other than affiliates on notes, drafts, acceptances, and other evidences of indebtedness payable on demand or not more than 1 year from the date of issuance. (See also paragraph (b) of account 1751, "Notes receivable," and account 2099, "Other long-term debt.")

(b) This account shall be subdivided as follows:

2131:02 Payable to officers and employees.
2131:99 Payable to others.

§ 34.2132 *Traffic settlements payable.* This account shall include the net amount payable to persons other than affiliates in favor of each of which there is a net credit balance in the accounts maintained for traffic settlements. (See particularly paragraph (a) of § 34.31–3.)

§ 34.2133 *Matured interest payable.* (a) This account shall include the amount of interest matured and payable to persons other than affiliates on long-term debt or other obligations of the carrier. (See also account 2165, "Interest accruals.")

(b) The records supporting the entries in this account shall be so maintained as to show separately the rate and amount of interest included herein by reference to the obligation to which the interest relates.

NOTE: Matured interest payable that is not subject to current settlement shall be included in the account in which the principal amount is recorded.

§ 34.2134 *Declared dividends.* (a) This account shall include the amount of dividends that have been declared but not paid.

(b) The records supporting the entries in this account shall be so maintained as to show the amount of dividends declared on each class of capital stock.

§ 34.2135 *Matured rents payable.* This account shall be credited with amounts charged to the income accounts and amounts of clearances from account 2170, "Rent accruals," representing matured rents payable to persons other than affiliates.

§ 34.2139 *Other accounts payable.* This account shall include the amount of unpaid vouchers, pay rolls, and other items including the net amount payable to persons other than affiliates in favor of each of whom there is a net credit balance in the accounts maintained for transactions with such persons other than the transactions includible in accounts 2132 to 2135, inclusive.

§ 34.2155 *Advance billings.* (a) This account shall include the amount of bills rendered for communication service to be furnished in future accounting periods. (See also account 2315 "Advances for construction.")

(b) This account shall be charged and the appropriate operating revenue or asset account shall be credited as the services are rendered or as adjustments are approved.

§ 34.2160 *Installment-plan receipts on purchase of capital stock.* (a) This account shall include the amount of receipts from employees and others, other than on subscriptions, as partial payment on capital stock of the carrier.

(b) When amounts so received equal the agreed purchase price for capital stock, this account shall be charged and account 2410, "Capital stock issued," or account 2415, "Capital stock reacquired," as appropriate, shall be credited with the book amount of such stock. Any discount or premium on original issues shall be included in the appropriate discount and premium account.

(c) When amounts included herein are forfeited by purchasers, this account shall be charged and account 2599, "Other capital surplus," shall be credited with the amounts so forfeited.

(d) When, for any reason, receipts under this plan are refunded to purchasers, this account shall be charged with the amount of such refunds, to the extent that the refunds represent amounts of principal installment receipts.

(e) Any amounts credited to purchasers as interest on installment receipts shall be charged to account 5235, "Other interest charges." Any amount by which refunds on uncompleted purchases fail to equal the amounts received from purchasers shall be charged to this account and credited to account 2599, "Other capital surplus."

(f) This account shall be subdivided as follows:

2160:02 Receipts from officers and employees.
2160:99 Receipts from others.

Liability Accruals

§ 34.2165 *Interest accruals.* (a) This account shall be credited monthly with amounts charged to accounts 5210, "Interest on long-term debt," 5215, "Interest on indebtedness to affiliates," and 5235, "Other interest charges," representing proportionate amounts, applicable to the period, of interest liabilities that have not matured.

(b) When any item of interest included herein has matured, the amount thereof shall be cleared by a charge to this account and a credit to account 2133, "Matured interest payable," or other appropriate account.

§ 34.2170 *Rent accruals.* (a) This account shall be credited monthly with amounts charged to accounts 4940, "Rent for lease of operated plant," 4243, "Rent for operating offices," 4245, "Rent for other facilities," 4450, "Rent for offices," and 4455, "Other rents," representing proportionate amounts applicable to the period, of rent liabilities that have not matured.

(b) When the obligation with respect to which any item included herein has matured the amount of such item shall be cleared by charges to this account and credits to account 2135, "Matured rents payable," or other appropriate account.

§ 34.2175 *Tax accruals.* (a) This account shall be credited monthly with the amount of taxes considered applicable to the period, and corresponding charges shall be made to the appropriate accounts. Such credits may be based upon estimates, but from time to time, as the facts become known, the amounts of the periodic credits shall be adjusted so as to include, as nearly as can be determined in each year, the taxes applicable to that year. Any amounts representing a prepayment of taxes applicable to a subsequent period shall be included in account 1820, "Prepaid taxes."

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish information as to the amounts by classes of taxes and taxing authorities, the basis for each tax determination, and the accounts to which charged.

§34.2180 *Other accruals.* (a) This account shall be credited with the amounts of accruals not provided for elsewhere.

(b) When the obligation with respect to which any item included herein has matured the amount of such item shall be cleared by charges to this account and credits to the appropriate account according to the nature of the matured item.

§ 34.2199 *Other current liabilities.* (a) This account shall include the amount of current liabilities not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained as to show full details concerning each item included herein.

Provisions for Future Settlements

NOTE: See particularly § 34.10–11.

§ 34.2210 *Provisions for employees' pensions and welfare.* (a) This account shall include specific appropriations of income and the amounts contributed by employees or others (whether carried in special trust funds or in the general funds of the carrier) for pensions, accident and death benefits, savings, relief, hospital, and other provident purposes, when administered by trustees or managers acting for the carrier.

(b) This account shall include also the amount accrued for pensions through charges to account 4435, "Relief and pensions." Amounts so credited shall, when actually paid to retired employees or paid into a trust fund irrevocably devoted to the payment of pensions, be charged hereto.

§ 34.2215 *Provisions for self-carried insurance.* (a) This account shall include provisions to cover self-carried risks for losses through accident, fire, flood, or other causes, other than provisions made in the allowance for depreciation.

(b) Amounts included in this account shall be computed upon a basis of rates which fairly cover the risks incurred. These rates shall be determined according to the carrier's experience and best estimate as to the hazard covered. A schedule of risks covered by this account shall be maintained giving a description of the property or the character of the risks covered.

(c) If the carrier reinsures with insurance companies risks initially covered in this account, the premiums for such reinsurance shall be charged hereto.

(d) To the extent that losses and damages sustained are covered by this account, an amount equal thereto shall be charged to this account and credited to the accounts appropriate for the losses and damages sustained.

NOTE: All losses and damages sustained, including those covered by commercial insurance or by this account, shall be charged in the first instance to the allowance for depreciation, construction, repair, accidents and damages, or other appropriate account according to the character of the loss. Insurance recovered or amounts chargeable to this account on account of losses and damages sustained shall be credited to the account in which the losses and damages stand charged.

§ 34.2220 *Provisions for equalization of maintenance expenses.* (a) This account shall be credited with such amounts as this Commission may authorize or direct to be charged to account 4198, "Maintenance-expense equalization," under a plan to equalize maintenance expenses.

(b) When maintenance work is performed for which provision has been made in this account, the cost of such work shall be charged to the appropriate maintenance accounts. Concurrently this account shall be charged and account 4198, "Maintenance-expense equalization," shall be credited with an amount equal to the provision for the cost of such maintenance work.

(c) The carrier's application to this Commission for permission to institute an equalization program shall show full details as to the plan of administration of the program, the character of the work to which amounts accrued may subsequently be applied, and the amount of the monthly or annual accruals for equalization purposes.

(d) A separate subaccount, with appropriate title, shall be maintained for each project or program for which provision is made in this account.

§ 34.2225 *Provisions for depreciation and replacement of operated plant leased from others.* (a) This account shall be credited with amounts charged to account 4910, "Depreciation," for currently accruing depreciation of operated plant leased from others when the carrier, as lessee, is required to replace or to restore the condition of such plant and when such amounts are not subject to current reimbursement to the lessor.

(b) This account shall be charged with the cost of leased plant retired and the cost of removal when, under the terms of the lease, the carrier, as lessee, is required to replace or to restore the condition of plant leased from others. It shall be credited with the salvage value and any other amounts recovered from such retired plant. (See also § 34.1–5.)

(c) As at the effective date of this system of accounts, this account shall be credited with such amount as is necessary to record herein the service value of operated plant leased from others that has expired during the periods of effective leasing agreement under which the carrier, as lessee, is required to replace or to restore the condition of such plant, and when such amounts are not subject to current settlement with the lessor. This includes amounts with respect to depreciable operated plant that has been retired during the periods of such agreements and the expired service value of such plant still in the service of the carrier. The amount thus credited shall, unless otherwise authorized by this Commission, be charged to account 6299, "Other extraordinary income charges."

(d) The amount in this account with respect to each leasing agreement shall be cleared at the expiration of the lease as provided in § 34.1–6.

(e) The records supporting the entries in this account shall be so maintained as to show the amount included herein with respect to each leasing agreement.

§ 34.2230 *Leased operated plant retired.* (a) This account shall be credited with the cost of leased operated plant retired when the carrier, as lessee, is required to replace or to restore the condition of plant leased from others. (See also § 34.1–5.)

(b) As at the effective date of this system of accounts, this account shall be credited, and account 2225, "Provisions for depreciation and replacement of operated plant leased from others," shall be charged with the original cost of operated plant leased from others that has been retired since the date of each effective leasing agreement under which the carrier, as lessee, is required to replace or to restore the condition of such plant, and when the cost of such replacement or restoration is not subject to current settlement with the lessor.

(c) The amount in this account with respect to each leasing agreement shall be cleared at the expiration of the lease as provided in § 34.1–6.

(d) The records supporting the entries in this account shall be so maintained as to show the amount included herein with respect to each leasing agreement.

§ 34.2299 *Other provisions for future settlements.* (a) This account shall include the amount of provisions for future settlements not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained as to show complete details concerning each item included herein.

Deferred Credits

§ 34.2310 *Unamortized premium on debt.* This account shall include the total of the credit balances in the long-term debt discount and premium ac-

counts. (See particularly paragraph (c) of § 34.10–14.)

§ 34.2315 *Advances for construction.* (a) This account shall include the amount of such advances for construction as are to be repaid.

(b) When repayment is made of the entire amount to which the person making the advance is entitled, according to the agreement or rule under which the advance is made, the balance, if any, remaining in this account shall be transferred to account 2515, "Contributions of plant."

(c) This account shall be subdivided as follows:

2315:01 Amounts repayable in full.
2315:02 Amounts repayable in part.

§ 34.2320 *Credit balances in clearing accounts.* This account shall include the total of the credit balances in all clearing accounts except account 9030, "Supply expense; undistributed." (See also § 34.90–2.)

§ 34.2399 *Other deferred credits.* (a) This account shall include the amount of deferred credits not provided for elsewhere. (See also § 34.03–15.)

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to each item included herein.

Capital Stock

§ 34.2410 *Capital stock issued.* (a) This account shall include the book amount of actually issued capital stock. (See particularly §§ 34.10–7, 34.10–8, 34.10–9, 34.10–13, and 34.10–17.)

(b) When any class of capital stock or portion thereof is retired or canceled, this account shall be charged with the amount at which such stock is carried herein.

(c) Separate subaccounts shall be maintained to show the book amount of stock with par value and stock with no par value, classified according to preferences in distribution of dividends or assets, differences in voting rights, and differences in conditions under which they may be retired.

NOTE A: When a levy or assessment (not including a call for payment on subscriptions) is made against holders of capital stock, the amount collected upon such levy or assessment shall be accounted for in accordance with § 34.10–13.

NOTE B: Discount, expense, and premium on capital stock shall be accounted for in accordance with § 34.10–13.

§ 34.2415 *Capital stock reacquired.* (a) This account shall include the book amount of capital stock actually issued by the carrier and reacquired by it, except stock which is held by trustees of debt-redemption and other funds. No-par stock shall be included in this account at the proportionate amount at which the particular class of stock is included in account 2410, "Capital stock issued."

(b) When any class of capital stock or portion thereof is reacquired or retired, the acquisition cost of the stock and the amount of unamortized discount, expense, or premium applicable thereto shall be accounted for in accordance with § 34.10–13.

(c) When reacquired capital stock is sold, the book amount of the stock shall be credited to this account and the difference between such amount and the amount received from the sale less commissions and expenses incurred in the sale shall be charged or credited, as appropriate, to account 2599, "Other capital surplus": *Provided, however,* That charges shall be made to account 8299, "Miscellaneous charges to earned surplus," to the extent that the amounts thereof exceed the balance in account 2599. In no event shall charges in excess of accumulated credits from the reacquisition, resale, or retirement of capital stock of the same class be charged to account 2599.

(d) A separate subaccount, with appropriate title, shall be maintained for each class of capital stock reacquired.

§ 34.2420 *Capital stock subscribed; unissued.* (a) This account shall include the book amount of capital stock for which legally enforceable subscriptions have been received but for which stock certificates have not been issued. (See also account 2160, "Installment-plan receipts on purchase of capital stock.")

(b) When the amount of each subscription is received and stock certificates are issued, this account shall be charged and account 2410, "Capital stock issued," shall be credited with the book amount of such stock.

(c) A separate subaccount, with appropriate title, shall be maintained for each class of capital stock.

§ 34.2425 *Obligations for stock conversion.* (a) This account shall include the book amount of capital stock that the carrier has agreed to exchange for the outstanding securities of other companies which have not been surrendered for exchange. (See particularly § 34.10–8.)

(b) When the securities of the other companies have been surrendered, this account shall be charged and account 2410, "Capital stock issued," shall be credited with the book amount of the stock given in exchange.

(c) A separate subaccount, with appropriate title, shall be maintained for each class of capital stock.

Capital Surplus

§ 34.2510 *Premiums and assessments on capital stock.* This account shall include the total of the credit balances in the capital stock discount and premium accounts. (See particularly § 34.10–13.)

§ 34.2515 *Contributions of plant.* (a) This account shall include the amounts of money or its equivalent contributed directly or indirectly to the carrier for the construction or acquisition of plant. (See also paragraph (b) of § 34.1–2.)

(b) The amounts credited to this account shall not be transferred to any other account without the approval of this Commission.

(c) The records supporting the entries in this account shall be so maintained as to show complete information with respect to each contribution, including the amount and purpose, the conditions upon which it was made, and the name of donor.

§ 34.2599 *Other capital surplus.* (a) This account shall include all surplus not classified as earned surplus, as premiums and assessments on capital stock, or as contributions of plant. It shall include credits from sales by the carrier of its reacquired capital stock; surplus arising from the retirement and cancellation, from a reduction of the stated value, and from donations by stockholders, of the carrier's capital stock; surplus arising from forgiveness of debt of the carrier; and surplus recorded upon reorganization or recapitalization of the carrier. (See particularly § 34.10–13 and account 2415, "Capital stock reacquired.")

(b) The records supporting the entries in this account shall be so maintained as to permit a ready analysis of the charges and credits.

Earned Surplus

§ 34.2610 *Contractual reserves.* (a) This account shall include the amount of earned surplus reserved or otherwise set aside in accordance with the terms of mortgages, deeds of trust, orders of courts, contracts, or other agreements. (See also § 34.30–2.)

(b) Separate subaccounts shall be maintained under such titles as will designate the obligation in support of which each reserve recorded hereunder was created.

§ 34.2615 *Reserve against impairment of stated capital.* (a) This account shall be credited with amounts charged to account 8315, "Earned surplus employed in reacquisition of capital stock," as provided in paragraph (g) of § 34.10–7.

(b) Upon resale or retirement of such reacquired stock, this account shall be charged and account 8315, "Earned surplus employed in reacquisition of capital stock," shall be credited.

§ 34.2620 *Miscellaneous reserves.* (a) This account shall include the amount of reservations of earned surplus not provided for elsewhere.

(b) Separate subaccounts shall be maintained under such titles as will designate the purpose for which each reserve recorded hereunder was created.

§ 34.2699 *Unappropriated earned surplus.* This account shall include the amount of net earned surplus after providing for reservations and appropriations. (See particularly § 34.10–10).

OPERATED PLANT ACCOUNTS

INSTRUCTIONS

§ 34.1–1 *Purpose and content of operated plant accounts.* (a) The operated plant accounts are designed to show the cost of the carrier's plant having a service life of more than 1 year, whether used by the carrier or others in radiotelegraph service. (Account 1400, "Plant held for future communication use," shall also be classified according to the titles and texts provided for the several operated plant accounts.) (See also § 34.03–8.)

(b) When operated plant ordinarily having a service life of more than 1 year is installed for temporary use in radiotelegraph service, it shall be accounted for in the same manner as other plant having a service life of more than 1 year.

(c) The cost of individual items of work equipment, such as hand and other portable tools that are likely to be lost or stolen, and other items of equipment that have relatively small value ($10.00 or less) or short life, shall be included in the operated plant accounts only when the investment in such property is relatively large and the correctness of the accounting therefor is verified by the current inventory. When not so verified the cost of such items shall be charged to the operating expense (or clearing) account appropriate for the use of such items.

(d) The cost of plant includible in the following balance-sheet accounts shall be classified according to the titles and texts of the several plant accounts in the manner indicated by the chart under § 34.1–99, which also shows the method for combining balance-sheet and plant account numbers when it is desired to indicate both the use and the class of plant:

1000 Operated plant in carrier's service.
1100 Operated plant leased to others.
1200 Improvements and replacements of operated plant leased from others.
1400 Plant held for future communication use.

(e) The records supporting the entries in the operated plant accounts shall be so maintained as to show the cost of plant used at each station or city office.

§ 34.1–2 *Accounting for plant acquisitions.* (a) Plant previously in public use contributed to the carrier, or plant constructed by the carrier through expenditures of contributed money or its equivalent, shall be charged to the plant accounts on basis of original cost, and there shall be credited to the allowance for depreciation and allowance for amortization accounts the estimated amounts of depreciation and amortization requirements applicable to the plant at the date of acquisition. Plant not previously in public use contributed to the carrier shall be charged to the plant accounts at its estimated cost new at date of contribution and there shall be credited to the appropriate allowance for depreciation and allowance for amortization accounts the estimated amounts of such requirements applicable to the plant at that date. The difference between the amounts so includible in the plant and the allowance accounts shall be credited to account 2515, "Contributions of plant."

(b) Amounts received for construction which are ultimately to be repaid, wholly or in part, shall be credited to account 2315, "Advances for construction"; when final determination has been made as to the amount to be repaid, any amounts not subject to refund shall be transferred to account 2515, "Contributions of plant."

(c) When property that comprises a substantially complete operating system or operating unit is (or, prior to the effective date of this system of accounts, has been) acquired from predecessors by purchase, merger, consolidation, liquidation, or otherwise, that portion of the acquisition cost applicable to operated plant, plant under construction, and plant held for future communication use shall be charged to account 91, "Plant acquired; undistributed charges."

(d) The accounting for the acquisition of such plant shall then be completed as follows:

(1) The original cost of such plant shall be charged to the plant accounts and account 1300, "Plant under construction;" as appropriate, and credited to account 91, "Plant acquired; undistributed charges." When the actual original cost cannot be determined and estimates are used, the carrier shall maintain records to show the particulars of such estimates.

(2) The required allowances for depreciation and amortization of such plant at date of acquisition shall be credited to accounts 1515, "Allowance for depreciation; radiotelegraph plant," and 1520, "Allowance for amortization; radiotelegraph plant," respectively, and charged to account 91, "Plant acquired; undistributed charges."

(3) The amount remaining in account 91, "Plant acquired; undistributed charges," applicable to such plant, upon the completion of the entries provided in the foregoing paragraphs (1) and (2), shall be transferred to account 1510, "Plant acquisition adjustments," except that, when any amount thus transferable to account 1510 applies to duplicate or other plant which is intended to be retired by the carrier in the reconstruction of the acquired plant and its consolidation with previously owned plant, a statement indicating the plan of the accounting proposed for the entire amount applicable to such plant shall be submitted for consideration and approval by this Commission.

(e) The accounting for radiotelegraph plant acquired from predecessors not provided for in paragraphs (c) and (d) of this section shall be upon basis of acquisition cost to the carrier.

(f) A memorandum record shall be kept of the amount of contributions applicable to the plant acquired as shown by the accounts of the previous owner.

(g) Copies of journal entries recording the acquisition of (1) substantially complete operating systems, (2) substantially complete operating units, or (3) other plant (when the consideration paid for such other plant is $25,000 or more), and of the entries clearing the amounts originally charged to account 91, "Plant acquired; Undistributed charges," shall be submitted within 90 days from the respective dates of such original and clearing entries for consideration and approval by the Commission. The text of such entries shall give a complete description of the plant acquired and the bases upon which the amounts of the entries have been determined.

(h) In connection with the acquisition of substantially complete operating systems or operating units, the carrier shall procure from the grantor (and the grantor shall deliver) all existing records relating to the property acquired, or certified copies thereof.

(i) If the acquisition involves construction by the accounting carrier, the provisions of §§ 34.1–3 and 34.1–4 shall be observed.

NOTE: The cost of valuations, inventories, and appraisals taken in connection with the contemplated acquisition of plant shall be charged to account 1935, "Preliminary survey and investigation charges." If the plant is acquired, the preliminary costs shall be accounted for as a part of the cost of acquisition. If the contemplated acquisition is abandoned such costs, including options paid, shall be charged to account 6299, "Other extraordinary income charges."

§ 34.1–3 *Components of construction cost.* (a) The cost of construction properly includible in the plant accounts shall include the applicable direct and overhead costs, listed and described in paragraph (c) of this section and in § 34.1–4 and other analogous items in connection with such work.

(b) When a part only of a project is placed in operation or is completed ready for service and the construction work as a whole is incomplete, that part of the plant placed in operation or ready for service shall be accounted for as completed.

(c) The following is a description of the principal components of construction costs:

(1) The pay and the expenses in lieu of wages of employees engaged in construction work, including the pay and expenses of foremen and inspectors in charge thereof.

(2) The purchase price at the point of free delivery of material and supplies, plus customs duties and excise taxes; the cost of inspection and handling; transportation to first point of delivery to the carrier; an equitable portion of supply expense; the total cost of fabricated material from the carrier's shop; the book cost of reusable material; and the cost of tools consumed on a project.

NOTE: In determining the cost of material used, proper allowance shall be made for unused material and supplies, material recovered from temporary arrangements used in performing the work, salvage value of tools released from the project, and cash and other discounts realized in the purchase of material and supplies.

(3) The cost of transporting employees, material and supplies, tools, and work equipment not under its own power. Transportation of material and supplies includes transportation from point of first delivery to point of use. It includes amounts paid to others as well as the cost of operating the carrier's own transportation equipment.

(4) The cost of protecting the carrier's property from fire or other casualties and the cost of preventing injury to others and damage to the property of others.

(5) Expenditures or losses on account of injuries to persons and damages to the property of others. (See also accounts 4430, "Injuries and damages," and 4435, "Relief and pensions.")

(6) Payments for and expenses incurred in securing temporary privileges, permits, or rights in connection with construction work, such as for the use of private or public property, streets, or highways.

(7) Taxes on physical property during construction and before the facilities are completed ready for service, assessed separately from taxes on operating property or under conditions which permit separate identification or allocation of the amount chargeable to construction; also the portion applicable to construction costs of taxes imposed under the Social Security Act and similar State statutes.

(8) The net cost of borrowed funds used for construction purposes and a reasonable rate upon the carrier's own funds when so used. Such amounts shall be charged to the individual project upon which the funds are expended and shall be credited to account 5225, "Interest charged to construction—Cr." The period for which interest may be included in the cost of construction shall be limited to the duration of the construction work. In case construction work is suspended, interest covering a period of more than 6 months from the date of such suspension shall not be included in the cost of construction except when authorized by this Commission. No interest costs for projects that have been abandoned shall be included in these accounts.

(9) Premiums paid or amounts provided as self-insurance for protection against loss and damage by fire and other casualties, injury to or death of employees or others, damage to property of others, defalcation of employees and agents, nonperformance of contractual obligations of others, and the cost of workmen's compensation or similar insurance.

(10) The cost of telephone, water, electricity, power, office space, equipment, and analogous items allocable to the construction project; also similar items furnished by the carrier through its regular operating facilities.

(11) The pay and expenses of operators and helpers required for machine operation, material and supplies consumed, depreciation, and other expenses incurred in the maintenance, operation, and use of special machines such as steam shovels, pile drivers, and other labor-saving machines; also expenditures for rental, maintenance, and operation of such machines owned by others. When a particular construction project requires the purchase of special machines, the cost thereof, less the appraised or salvage value at the time of release from the project, shall be included in this component.

(12) The applicable portion of the pay and of the office and other expenses of the carrier's engineers and their staffs responsible primarily for technical features of construction work.

(13) Amounts paid to other companies, firms, or individuals engaged by the carrier to plan, design, prepare estimates, supervise, inspect, or give general advice and assistance in connection with construction work. A copy of the agreement or arrangement under which such services are rendered shall be preserved by the carrier.

(14) An equitable portion of the pay and of the office and other expenses of the general officers and their staffs. Such amounts shall be determined in accordance with § 34.03–17.

(15) Amounts paid for work performed under contract by other persons. Costs incident to the award of such contracts, to the inspection of such work, and to any other work of any character performed by the carrier in connection with a contract-work project shall be included in the component of construction cost appropriate for the character of the service performed or the expense incurred.

(16) Any incidental revenues received or earned during the construction period, less the costs incident to producing the earnings, shall be credited to the cost of construction.

§ 34.1–4 *Overhead construction costs.* (a) All overhead construction costs, such as engineering, supervision, general office salaries and expenses, construction engineering and supervision by others than the carrier, law expenses, insurance, injuries and damages, relief and pensions, taxes, and interest, shall be charged to particular projects or units on the basis of the amounts of such overheads reasonably applicable thereto, to the end that each project or unit shall bear its equitable portion of such costs and that the entire cost of the unit, both direct and overhead, shall be deducted from the plant accounts at the time the unit of plant is retired.

(b) The records supporting the entries for overhead construction costs shall be so maintained as to show the nature of the expenditures, the individual projects and accounts charged, and the bases of the distribution of such costs.

(c) The instructions contained herein shall not be interpreted as permitting the inclusion in the operated plant accounts of arbitrary amounts to cover assumed overhead costs, but as requiring the assignment to particular projects and accounts of actual and reasonable overhead costs.

§ 34.1–5 *Improvements and replacements of operated plant leased from others.* (a) Except as provided in paragraphs (b) and (c) of this section, the cost of initial improvements (including repairs, rearrangements, and additions) to operated plant leased from others, made in the course of preparing the plant for service and the cost of any subsequent additions to and replacements of the leased plant, shall be charged to the operated plant accounts appropriate for the class of plant leased. (See also § 34.1–2.)

(b) When, under the terms of a leasing agreement, the carrier, as lessee, is required to make specific improvements to leased plant, and such improvements revert to the lessor and constitute a part of the consideration paid for use of the plant, the cost of such improvements shall be charged by the lessee to account 1815, "Prepaid rents," and amortized over the life of the lease to the appropriate rent account. Such portion of the cost of the improvements as represents additions to the leased plant shall be charged by the lessor (if a radiotelegraph carrier) to the appropriate plant accounts and credited to an appropriate subaccount under account 2399, "Other deferred credits." Amounts thus credited to account 2399 shall be amortized over the life of the lease to the appropriate rent account.

(c) When improvements to leased plant otherwise chargeable to the plant accounts are of relatively minor cost or short life, or the period of the lease is not more than 1 year, the cost thereof shall be charged to the accounts appropriate for the cost of repairs of such plant.

(d) When, under the terms of a lease, the carrier, as lessee, is required to replace or to restore the condition of plant leased from others, depreciation charges on such original plant shall be computed on the same basis as for owned depreciable plant. Such amount shall be charged to account 4910, "Depreciation," and (if not subject to current settlement with the lessor) credited to account 2225, "Provisions for depreciation and replacement of operated plant leased from others." (See also § 34.04–3.)

(e) When, under the terms of a lease, the carrier, as lessee, is required to replace or to restore the condition of plant leased from others, the cost of leased plant retired by the lessee shall be credited to account 2230, "Leased operated plant retired." Such amount, together with the cost of removal, shall be charged, and the salvage value and any other amounts recovered shall be credited to account 2225, "Provisions for depreciation and replacement of operated plant leased from others."

(f) The accounting for the retirement of improvements and replacements of leased plant made by the lessee shall be as provided in § 34.1–6.

(g) Upon termination of a lease and surrender of the plant to the lessor, the accounting by the lessor (if a radiotelegraph carrier) for improvements and replacements of the leased plant which were made by the lessee shall be as follows:

The plant accounts shall be so adjusted as to include the original cost of the plant returned at the termination of the lease, including the original cost of improvements and replacements made by the lessee, and (as so adjusted) appropriately classified in conformity with § 34.1–2. Account 1515, "Allowance for depreciation; radiotelegraph plant," and account 1520, "Allowance for amortization; radiotelegraph plant," shall be so adjusted as to include the required allowances for depreciation and amortization of such plant. The difference between (1) the net amount of the foregoing adjustments, and (2) the amount of any settlement with the lessee with respect to such plant, shall be charged to account 1999, "Other deferred charges," or credited to account 2399, "Other deferred credits," as appropriate. The amounts recorded in account 1999 or account 2399 with respect to each leasing agreement shall be disposed of in such manner as this Commission may approve or direct.

(h) Each carrier, as lessee, shall maintain memorandum accounts entirely independent of these accounts in which are recorded the cost, and related allowances, of plant placed under its exclusive control by a leasing agreement, and subsequent retirements of such plant while under the control of the carrier. Separate memorandum accounts shall be maintained for each leasing agreement. The records supporting the memorandum accounts shall be maintained in the same manner and detail as for owned operated plant.

§ 34.1–6 *Operated plant retired.* (a) To the end that the operated plant accounts shall at all times disclose the cost of plant in service, the cost of retired plant whether replaced or not (except as provided in paragraph (b) (2) of this section), shall be credited to the account or accounts prescribed in this system of accounts to which such cost was charged. Every carrier shall take such measures and establish such procedure as will insure strict compliance with these requirements. When any item of plant is retired from service for any reason, the amount in the plant accounts applicable to that item shall be credited thereto and the retirement entry shall cite the original entry of cost of the item retired, by name and page of, or other definite identification of, book or other record in which maintained; except that when such entry cannot be identified or is not available, that fact shall be stated in the retirement entry. The records supporting retirement entries shall show also the aggregate quantity, in units of measure ordinarily used by the carrier, of each retirement unit retired. (See § 34.1–6–1.)

(b) Depreciable operated plant: For the purpose of avoiding undue refinement, the accounting for retirements and replacements of depreciable operated plant shall be as follows:

(1) *Retirement units.* The cost of any unit retired (whether replaced or not) shall be credited to the appropriate plant account. Except as provided in paragraphs (e) and (f) of this section, the entire amount of such cost shall be charged to account 1515, "Allowance for depreciation; radiotelegraph plant." (See also the text of that account.) The cost of plant installed in place of the plant retired shall be charged to the appropriate plant accounts.

(2) *Minor items.* Any minor item of plant retired and not replaced shall be accounted for as if it were a retirement unit except that, if the cost of a minor item of plant is accounted for through the retirement of a unit, no separate credit to the plant account is required when such an item is retired. If a minor item of plant is retired and replaced apart from the retirement unit of which it forms a part or with which it is associated, no adjustment shall be made in account 1515, "Allowance for depreciation; radiotelegraph plant." The cost of the replacement shall be charged to the account appropriate for the cost of maintenance of the plant, except that, if the replacement effects a substantial betterment (the primary aim of which is to make the plant affected more useful, of greater durability, of greater capacity, or more economical in operation), the excess cost in place of the item installed over the cost of the item retired shall be charged to the appropriate plant account.

(c) Land: The cost of land retired shall be credited to account 11, "Land." If the land is sold, the difference between the cost of the land and the consideration received less commissions and other expenses of making the sale, shall be charged to account 6299, "Other extraordinary income charges," or credited to account 6199, "Other extraordinary income credits," as appropriate. If the land is retained by the carrier, its estimated fair value, not in excess of cost, shall be charged to account 1610, "Miscellaneous physical property." The difference, if any, between the amount credited to the plant account and the amount charged to account 1610 shall be charged to account 6299, "Other extraordinary income charges." (See also § 34.1–7.)

(d) Intangibles: The accounting for franchises, patent rights, leaseholds, and other intangibles retired shall be as provided in the text of account 1520, "Allowance for amortization; radiotelegraph plant."

(e) When operated plant is sold with the associated traffic, the cost of such plant shall be credited to the appropriate plant accounts and the amounts carried with respect thereto in the depreciation and amortization allowance accounts shall be charged to such allowance accounts. The difference between (1) the net of such charges and credits and (2) the consideration received less commissions and other expenses of making the sale shall be charged to account 6299, "Other extraordinary income charges," or credited to account 6199, "Other extraordinary income credits," as appropriate. The accounting for depreciable operated plant sold without the associated traffic shall be as provided in paragraph (b) of this section and account 1515, "Allowance for depreciation; radiotelegraph plant."

(f) Upon termination of a lease and transfer of the plant to the lessor, the cost of improvements and replacements made by the lessee to plant leased from others shall be credited to the plant accounts of the lessee in which they stand charged. The amounts applicable to such plant in account 1515, "Allowance for depreciation; radiotelegraph plant," and account 1520, "Allowance for amortization; radiotelegraph plant," shall be cleared from such allowance accounts. The difference between the amounts of the foregoing charges and credits shall be charged or credited, as appropriate, to account 2225, "Provisions for depreciation and replacement of operated plant leased from others." The amount of any settlement with the lessor with respect to such plant shall be charged or credited, as appropriate, to account 2225. The balances in account 2225, and account 2230, "Leased operated plant retired," with respect to each such expired lease shall, upon completion of the foregoing entries, be disposed of in such manner as this Commission may approve or direct.

(g) If, after performing the accounting provided in the foregoing paragraphs of this section and in § 34.04–3, a credit balance remains, because of underestimating net salvage value or for any other reason, in the portion of any depreciation or amortization allowance account assignable to the plant retired, the portion of such balance applicable to the calendar year in which the plant is retired shall be charged to that allowance account and credited to the operating revenue-deduction or other account originally charged with the estimated amount of current depreciation. The remainder of such balance shall be cleared from the allowance account as provided in § 34.03–13.

NOTE A: The cost of valuations, inventories, and appraisals taken in connection with the contemplated sale of plant shall be charged to account 1935, "Preliminary survey and investigation charges." If the plant is sold, the preliminary costs shall be deducted from the sale price in accounting for the plant sold. If the contemplated sale is abandoned, such costs shall be charged to account 6299, "Other extraordinary income charges."

NOTE B: When the retirement of operated plant consisting of a complete operating unit or system or having a book cost of $25,000 or more is occasioned by a sale, all transactions relating thereto shall be initially recorded in account 92, "Plant sold; undistributed credits."

§ 34.1–7 *Transfers of plant.* (a) When plant is transferred from one class of communication service to another, the transfer shall be accounted for by transferring the book cost thereof to the appropriate accounts, and likewise any related amounts in the allowance for depreciation and allowance for amortization accounts shall be transferred to the appropriate allowance accounts.

(b) When depreciable operated plant is transferred to noncarrier operations, the transfer shall be accounted for by crediting the appropriate plant accounts and charging account 1515, "Allowance for depreciation; radiotelegraph plant," with the cost of the plant transferred. Account 1515 shall then be credited and account 1610, "Miscellaneous physical property," shall be charged with the estimated fair value, not in excess of cost, of the plant transferred.

§ 34.1–8 *Continuous property-record required.* (a) Not later than January 1, 1940, each carrier shall begin the preparation of a continuous property-record relating to property of the classes represented in the balance-sheet accounts under the caption "Communication plant," and in account 1610, "Miscellaneous physical property." The record shall be completed not later than June 30, 1942, with respect to property as at December 31, 1939, and with respect to the changes effected therein between the dates of January 1, 1940, and December 31, 1941: *Provided, however,* That such data shall not be used by the carrier in its permanent records until the approval by this Commission of a plan (and list of property units) and other details of a continuous property-record procedure submitted in compliance with the provisions of paragraph (b) of this section.

(b) Not later than June 30, 1940, each carrier shall submit to this Commission for consideration and approval a complete plan of the methods to be used in the compilation of the continuous property-record, the installation and maintenance of which are prescribed in paragraph (a) of this section. The plan shall include a list of the property units proposed for use, classified to con-

form with the operated plant accounts prescribed in this system of accounts, and include material lists for assemblies, together with the quantity-unit designation applicable to each property unit and to the integral or associated parts thereof. A narrative statement shall accompany the lists of proposed units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuous property-record, to the end that a ready analysis with respect to the sufficiency thereof may be made.

(c) The record shall be arranged in conformity with the operated plant accounts prescribed in this system of accounts. It shall be compiled on basis of original cost and shall contain such detailed description and classification of the property units as will permit of ready verification.

§ 34.1–89 *Contemplated form of plant statement.* (See § 34.03–9.)

RADIOTELEGRAPH PLANT

Account No.	Particulars	Operated plant: In carrier's service (1000)	Operated plant: Leased to others (1100)	Operated plant: Leased from others—Improvements and replacements (1200)	Plant held for future communication use (1400)	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Real estate					
11	Land	(1)	$	$	$	$
12	Land improvements	$				
13	Drainage, sewerage, gas, and water systems					
14	Buildings					
	Total	$	$	$	$	$
	Fixed and land station aerial systems and lines					
21	Towers and masts	$	(2)	$	$	$
22	Antenna systems		$			
26	Control lines					
27	Power-supply lines					
	Total	$	$	$	$	$
	Fixed and land station transmission equipment					
31	Electron-tube transmitter equipment	$	$	$	$	$
32	Other transmitter equipment			(3)		
33	Cooling apparatus					
34	Receiver equipment				(4)	
36	Power supply and distribution equipment					
40	Control apparatus					
41	Equipment on customers' premises					
	Total	$	$	$	$	$
	Furniture and office equipment					
51	Furniture and office equipment	$	$	$	$	$
	Mobile station equipment					
61	Ship station equipment	$	$	$	$	$
69	Other mobile station equipment					
	Total	$	$	$	$	$
	Work equipment					
71	Vehicles and draft animals	$	$	$	$	$
72	Shop equipment, tools, and implements					
73	Store and warehouse equipment					
	Total	$	$	$	$	$
	Intangibles					
81	Organization	$	$	$	$	$
82	Franchises					
83	Patent rights					
84	Leaseholds					
89	Other intangibles					
	Total	$	$	$	$	$
	Total classified plant	$	$	$	$	$
91	Add: Plant acquired—Undistributed charges					
		$				$
92	Deduct: Plant sold—Undistributed credits					
	Total radiotelegraph plant	$	$	$	$	$

1 2 3 4 The accounts represented, if appropriate, at the 4 respective points bearing these symbols shall be numbered, for example, 1011, 1121, 1232, and 1434, respectively.

PRESCRIBED ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

Real Estate

§ 34.11 *Land.* (a) This account shall include the cost of land used in radiotelegraph service. (See also account 84, "Leaseholds.")

(b) When improved land is acquired, the cost shall be fairly apportioned among the land, the land improvements, the drainage, sewerage, gas, and water systems, and the buildings and accounted for accordingly. If the plan of acquisition contemplates the removal of any improvements (including buildings), the total cost of the land and the property to be removed shall be accounted for as the cost of the land, and the amount of salvage recovered from the property removed shall be deducted from the cost of the land.

ITEMS

(See § 34.03–12)

Assessments for the construction of public improvements. (See also note B to this account.)
Clearing or defending title against claims relating to a period prior to the purchase.
Commissions and fees to brokers, agents, and others.
Condemnation proceedings, including court costs and special counsel fees.
Conveyancer and notarial fees.
Examination and registration of titles.
Relocating property of others in the acquisition of such land.
Taxes assumed on land, applicable to a period prior to the date of acquisition.
Voiding leases to secure possession of land acquired.

NOTE A: When land is acquired in excess of that required for radiotelegraph purposes or is acquired without a definite plan for its use in communication service, its cost shall be charged in account 1610, "Miscellaneous physical property."

NOTE B: Installments of assesments for public improvements, including interest, that are deferred without option to the carrier shall be included in this account, only as they become due and payable. Interest on assessments that are not paid when due shall be included in account 5235, "Other interest charges."

§ 34.12 *Land improvements.* This account shall include the cost of improvements made or acquired by the carrier on land used in radiotelegraph service. (See also accounts 11, "Land," 13, "Drainage, sewerage, gas, and water systems," and 14, "Buildings.")

ITEMS

(See § 34.03–12)

Fences.
Hedges.
Lawns.
Retaining walls. (See also account 14, "Buildings.")
Roads.
Sidewalks.
Swimming pools (outdoor).
Tennis courts.
Yard lighting equipment.

§ 34.13 *Drainage, sewerage, gas, and water systems.* (a) This account shall include the cost of drainage, sewerage, gas, and water systems used in radiotelegraph service. (See also account 11, "Land.")

(b) This account shall include also the cost of shelters used only for housing machinery used in connection with the operation of drainage, sewerage, gas, and water systems.

ITEMS

(See § 34.03–12)

Basins.
Hydrants.
Machinery used only for the operation of these systems.
Manholes and handholes.
Piping.
Reservoirs.
Tanks; septic, water.
Tiling.
Wells.

NOTE: This account shall not include the cost of piping or equipment located within and serving only one building includible in account 14, "Buildings."

§ 34.14 *Buildings.* This account shall include the cost of buildings, not specifically includible in other accounts, used in radiotelegraph service, and the cost of permanent fixtures, machinery, appurtenances, and appliances installed as parts thereof. (See also account 11, "Land.")

ITEMS

(See § 34.03–12)

Awnings.
Boilers, furnaces, fixtures, and machinery for heating, lighting, and ventilating.
Cable vaults and conduits constructed as part of the building.
Commissions and fees to brokers, agents, architects, and others.
Door checks and door stops.
Drainage and sewerage, inside piping and equipment. (See also account 13, "Drainage, sewerage, gas, and water systems.")
Electric shielding.
Electric wiring.
Elevators.
Fire-extinguisher systems.
Garages, shops, and stables.
General and other office buildings.
Grading, excavating, and preparing grounds for buildings, including clearing of grounds after construction.
Ground systems (installed with buildings).
Improvements to leased buildings. (See particularly § 34.1–5.)
Linoleum and similar floor coverings, excluding carpets and rugs.
Motors and generators.
Partitions, including movable.
Piers and foundations for machinery constructed as a permanent part of a building.
Platforms, storage or loading.
Refrigeration systems.
Retaining walls (erected in connection with buildings).
Screens, door and window.
Sheds.
Signs; permanent, attached to buildings.
Sprinkling systems.
Storm doors and windows.
Taxes assumed on buildings, applicable to the period prior to the date of acquisition.
Voiding leases to secure possession of buildings acquired.
Water, steam, and gas pipes.
Window shades and ventilators.

NOTE A: This account shall not include the cost of any equipment, apparatus, or wiring for generating or controlling electricity for operation of the communication system.

NOTE B: The cost of shelters used exclusively for housing drainage, sewerage, gas, and water systems, tuning coils, power supply equipment, or sleet-melting installations shall be included in accounts 13, "Drainage, sewerage, gas, and water systems," 22, "Antenna systems," or account 36, "Power supply and distribution equipment," as appropriate.

Fixed and Land Station Aerial Systems and Lines

§ 34.21 *Towers and masts.* This account shall include the cost of towers and masts (including pole-type masts) and other antenna-supporting structures and special fixtures used in radiotelegraph service; also the cost of beacon lights and their accessories.

ITEMS

(See § 34.03–12)

Anchors.
Bolts, nuts, and braces.
Cost of initial clearing of area prior to construction.
Excavation.
Foundations.
Grading.
Guys.
Halyards; permanent.
Insulated bases.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 34.1–3.)
Steel plates and angles.
Topmasts.
Tower or mast ground systems for protection against lightning.
Tower lighting systems.

§ 34.22 *Antenna systems.* This account shall include the cost of aerial wire and accessory items comprising the antenna systems used in radiotelegraph service, including the associated ground and counterpoise systems, radio-frequency transmission lines, tuning coils, and sleet-melting installations.

ITEMS

(See § 34.03–12)

Aerial Assemblies or Arrays

Anchors.
Bridle rings and wire.
Insulators and thimbles.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 34.1–3.)
Spreaders.
Switches.
Transposition brackets.
Wire and cable (aerial).

Ground or Counterpoise Systems

Clamps and rods.
Counterpoise supports.
Insulators and thimbles.
Plates and pipes.
Protectors and arresters.
Tie wires.
Wire and cable (ground).

Radio-Frequency Transmission Lines

Anchors.
Bolts, nuts, and brackets.
Clearing routes and tree trimming prior to construction.
Guy clamps.
Guy wire or strand.
Harmonic tuning traps.
Insulators.
Lightning arresters.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 34.1–3.)
Pins.
Poles.
Wire.

Tuning and Uncoupling Coils

Bases.
Busses.
Coils.
Foundations.
Houses or shelters for coils.
Switches.

Sleet-Melting Installations

Cables, conduits, and wires.
Circuit breakers.
Meters.
Panels.
Power boards.
Power-supply cables.
Shelters, housings, and platforms.
Switches.
Transformers.

NOTE A: The cost of ground systems installed with buildings shall be included in account 14, "Buildings."

NOTE B: The cost of loop or rod antennas which are integral with or essentially a part of receivers, field strength measuring sets, automobiles, or other similar devices or vehicles should not be included in this account.

§ 34.26 *Control lines.* This account shall include the cost of wire, cable, conduit, pole lines, and associated equipment used in radiotelegraph service for intercommunicating, dispatching, originating, terminating, tie lines to customers' premises, and other control purposes.

ITEMS

(See § 34.03–12)

Anchors.
Braces and brackets.
Cables.
Clearing routes and tree trimming, except maintenance of previous clearings.
Conduits.
Crossarms.
Ducts.
Field telephone systems.
Guys.
Insulators.
Manholes and handholes.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 34.1–3.)
Poles.
Protectors and arresters.
Tie wires.
Wire.

NOTE A: The cost of interior wiring shall be included in the account appropriate for the cost of plant with which it is associated.

NOTE B: The amounts of payments made to other persons for extending their lines to the carrier's station or office, when such facilities remain the property of such other persons, and when the amounts paid are not subject to rebate, shall be included in account 89, "Other intangibles."

§ 34.27 *Power-supply lines.* (a) This account shall include the cost of wire, cable, conduit, pole lines, and associated equipment used in the transmission of power for the carrier's radiotelegraph service.

(b) This account shall include the cost of lines from the point of connection with the primary source of power to the point of termination in the main power-supply switchboard, fuse panel, or distribution box.

ITEMS

(See § 34.03–12)

Anchors.
Braces and brackets.
Cable.
Clearing routes and tree trimming, except maintenance of previous clearings.
Conduits.
Crossarms.
Ducts.
Guys.
Insulators.
Lightning arresters.
Manholes and handholes.
Permits and privileges for construction. (See particularly paragraph (c) (6) of § 34.1–3.)
Poles.
Tie wires.
Wire.

NOTE: The amounts of payments made to other persons for extending their lines to the carrier's station or office, when such facilities remain the property of such other persons, and when the amounts paid are not subject to rebate, shall be included in account 89, "Other intangibles."

Fixed and Land Station Transmission Equipment

§ 34.31 *Electron-tube transmitter equipment.* This account shall include the cost of electron-tube transmitters and associated transmitter equipment used in radiotelegraph service. (See accounts 22, "Antenna system," 26, "Control lines," 36, "Power supply and

distribution equipment," 40, "Control apparatus.")

ITEMS

(See § 34.03–12)

Air ducts and oil coolers.
Amplifiers; power, audio.
Antenna coupling devices (inside).
Circulating pumps and blowers.
Crystal oscillators.
Electron tubes. (See § 34.41–7.)
Exciters and drivers.
Filament motor generators.
Meters (permanently installed).
Rectifiers (if a part of the transmitter).
Steel mesh partitions.
Transmitter control panels.
Voltage regulators.

§ 34.32 *Other transmitter equipment.* This account shall include the cost of alternators, spark transmitters, arc transmitters, and other transmitters the cost of which is not includible in account 31, "Electron-tube transmitter equipment," and accessory equipment used exclusively in connection with such transmitters in radiotelegraph service.

ITEMS

(See § 34.03–12)

Amplifiers.
Coils; induction and saturation.
Compressors.
Condensers.
Converters.
Electron tubes. (See § 34.41–7.)
Foundations.
Meters (permanently installed).
Motor generators.
Motors.
Oil filtering systems.
Panels.
Pumps.
Resistance grids.
Rheostats.
Steel mesh partitions.
Switchboards.
Switches.
Transformers.
Wiring.

§ 34.33 *Cooling apparatus.* This account shall include the cost of cooling towers and ponds and other apparatus for cooling transmitter and power supply equipment used in radiotelegraph service. (See also account 13, "Drainage, sewerage, gas, and water systems.")

ITEMS

(See § 34.03–12)

Air ducts.
Blowers.
Brine tanks.
Connecting pipes.
Cooling ponds.
Cooling towers.
Fans.
Meters.
Pumps.
Radiators.
Sumps.
Water storage tanks.

NOTE: The cost of cooling apparatus that forms an integral part of transmitter or power supply equipment shall be included in accounts 31, "Electron-tube transmitter equipment," 32, "Other transmitter equipment," or 36, "Power supply and distribution equipment," as appropriate.

§ 34.34 *Receiver equipment.* This account shall include the cost of receivers and associated receiver equipment used in radiotelegraph service.

ITEMS

(See § 34.03–12)

Amplifiers.
Control units.
Converters.
Diversity and other equipment racks.
Electron tubes. (See § 34.41–7.)
Filters.
Meters (permanently installed).
Oscillators.
Resistors.
Switch and control panels.
Tables, pedestals, and other supports (permanently attached).
Tone keyers.
Transformers.
Tuners.

§ 34.36 *Power supply and distribution equipment.* (a) This account shall include the cost of all power supply and distribution equipment serving as or associated with the prime source of power used in radiotelegraph service.

(b) This account shall include also the cost of power rectifiers or motor generator installations (not forming an integral part of a transmitter) that are provided as a common source of power for a multiplicity of transmitters or other equipment. (See also account 31, "Electron-tube transmitter equipment," and account 32, "Other transmitter equipment.")

(c) This account shall include also the cost of storage battery equipment used in radiotelegraph service for the purpose of supplying main, emergency, or auxiliary power.

ITEM

(See § 34.03–12)

Other Than Storage Battery Equipment

Alternators.
Armatures.
Circuit breakers.
Compensators.
Control panels.
Electron tubes. (See § 34.41–7.)
Fuse panels.
Generators.
Indicators.
Meters.
Motors.
Power factor correction capacitors.
Rectifiers.
Shelters or housings.
Starters.
Switchboards.
Transformers.

Storage Battery Equipment

Batteries.
Battery cases and racks.
Battery room connections.
Charging equipment.
Shelters and housings.
Switching equipment used exclusively for storage batteries.
Tanks and tank insulators.

NOTE A: The cost of lines leading from the main power switchboard, fuse panels, or distribution boxes to the power-supply lines, shall be included in account 27, "Power-supply lines."

NOTE B: The cost of dry cells shall be charged to the appropriate operating expense account.

§ 34.40 *Control apparatus.* (a) This account shall include the cost of telephone, telegraph, and other control apparatus, and associated interior wiring, in transmitting and receiving stations and in city or control offices, used for intercommunicating, dispatching, originating, terminating, and other control purposes in radiotelegraph service.

(b) This account shall include also the cost of frequency-measuring installations used for control purposes by the carrier or in the rendition of a commercial frequency-measuring service for others.

(c) This account shall include also the cost of photogram, facsimile, television, and similar equipment, not includible in other accounts, used in radiotelegraph service.

ITEMS

(See § 34.03–12)

Frequency-Measuring Equipment

Equipment racks.
Filament and plate supply regulators.
Frequency meters.
Frequency standard check equipment.
Frequency standards.
Harmonic generators and amplifiers.
Multivibrator units.
Oscillator units.
Pedestals and foundations.
Radio receivers.
Special rooms designed for frequency measuring.
Synchronous clocks and amplifiers.
Time signal recorders and comparators.

Message Transmitting and Receiving Apparatus

Automatic transmitters.
Desks or tables fitted with apparatus or used as mountings for apparatus.
Error detectors.
Facsimile machines.
Ink recorders and undulators.
Photoradio operating tables, receiving recorders, scanner units, and transmitting and receiving machines.
Printers; keyboard, page, or tape.
Tape pullers and tape perforators.
Time stamps.
Teletypewriters.
Typewriters, traffic.
Water copy wringers or presses.

Message-Conveyor Equipment

Conveyer belts.
Metal chutes.
Pneumatic tubes and associated equipment.

Calling and Order-Dispatching Equipment

Annunciator systems.
Microphone and loud speaker equipment.
Public address equipment.
Registers and call boxes.
Telautograph equipment.

Terminal Equipment

Amplifiers and associated equipment.
Control or switching equipment.
Electron tubes. (See § 34.41–7.)
Filters and filter racks.
Fuse, lamp, and mixer panels.
Microphone equipment.
Modulators.
Mountings for line terminal equipment.
Photoradio facsimile and multiplex terminals.
Radio transmitter frequency control equipment.
Relay test panels.
Tone generating equipment.
Volume indicators.

Monitoring Equipment

Loud speakers.
Monitor receivers and recorders.
Multiple pen recorders.
Telephone head sets, hand sets, and breast sets.

NOTE A: The cost of outside wiring shall be included in account 26, "Control lines."

NOTE B: The amounts of payments made to other persons for extending their lines (such as pneumatic tube lines) to the carrier's station or office, when such facilities remain the property of such other persons, and when the amounts paid are not subject to rebate, shall be included in account 89, "Other intangibles."

NOTE C: The cost of equipment installed on customers' premises shall be included in account 41, "Equipment on customers' premises."

§ 34.41 *Equipment on customers' premises.* (a) This account shall include the cost of equipment installed on customers' premises for use in radiotelegraph service.

(b) This account shall be subdivided as follows:

41:01 Printer equipment.
41:02 Call boxes.
41:99 Other equipment.

ITEMS

(See § 34.03–12)

Call boxes.
Morse sets.
Printer tables.
Printers; keyboard, page, or type.
Telephones.

NOTE: The cost of outside wiring shall be included in account 26, "Control lines."

Furniture and Office Equipment

§ 34.51 *Furniture and office equipment.* This account shall include the cost of furniture, office equipment, and portable fixtures used in radiotelegraph service in stations, offices, storerooms, shops, and other quarters.

ITEMS

(See § 34.03–12)

Beds, cots, and couches.
Bins, counters, and shelves.
Bookcases.
Cabinets and filing cases.
Cages, cashiers' (not part of building).
Chairs, carpets, and rugs.
Clocks.
Davenports.
Desks.
Electric heaters.
Equipment in kitchens and in rest, dining, recreation, and medical rooms.
Fans, electric, portable.
Fire-extinguisher equipment, portable.
Floor scrubbing and polishing machines.
Gas and electric fixtures, portable.
Lockers and wardrobes, portable.
Mirrors, portable.
Motion-picture equipment.
Office devices, including addressing, billing, blueprinting, computing, dating, duplicating, mailing, photostat and recording machines, cash registers, check writers, postage-meter machines, typewriters, and similar items.
Pianos and phonographs.
Radio sets.
Racks—magazine, newspaper, umbrella, and clothing.
Refrigerators, portable.
Safes.
Sewing machines.
Signs, portable.
Shoe-shining equipment.
Stoves.
Tables.
Vacuum sweepers.
Water coolers.

NOTE A: The cost of fixtures attached to and constituting a part of buildings shall be charged to account 14, "Buildings."

NOTE B: The cost of traffic typewriters is includible in account 40, "Control apparatus."

Mobile Station Equipment

§ 34.61 *Ship station equipment.* (a) This account shall include the cost of equipment used in radiotelegraph service at ship stations.

(b) The records supporting the entries in this account shall be so maintained as to indicate the cost of equipment at each ship station.

ITEMS

(See § 34.03–12)

Antenna systems.
Control panels.
Electron tubes. (See § 34.41–7.)
Emergency power supply.
Motor generators.
Receivers.
Transmitters.

§ 34.69 *Other mobile station equipment.* (a) This account shall include the cost of equipment used in radiotelegraph service at mobile stations, other than ship stations.

(b) This account shall be subdivided as follows:

69:01 Aircraft station equipment.
69:02 Equipment at mobile stations other than ship or aircraft.

(c) The records supporting the entries in this account shall be so maintained as to indicate the cost of the equipment at each such mobile station.

ITEMS

(See § 34.03–12)

Antenna systems.
Control panels.
Electron tubes. (See § 34.41–7.)
Emergency power supply.
Motor generators.
Receivers.
Transmitters.

Work Equipment

§ 34.71 *Vehicles and draft animals.* This account shall include the cost of transportation equipment such as motor-driven and animal-drawn vehicles, animals, harness, and appurtenances, used in radiotelegraph service.

ITEMS

(See § 34.03–12)

Automobiles and airplanes.
Bicycles and scooter-bikes.
Boats and barges.
Camp wagons.
Draft animals.
Hand trucks and carts.
Harness.
Motorcycles.
Mounted kitchens.
Saddles.
Trailers.
Trucks and tractors (including those equipped with earth-boring machines, pumps, winches, and similar items).
Wagons.

§ 34.72 *Shop equipment, tools, and implements.* This account shall include the cost of machinery, instruments, tools, appliances, and implements, located at stations, city offices, or shops, and used in testing, maintaining, and constructing radiotelegraph plant.

ITEMS

(See § 34.03–12)

Testing and Adjusting Equipment

Crystal testing equipment.
Electron tubes. (See § 34.41–7.)
Linemen's test sets.
Megger test sets.
Meters.
Oil testing sets.
Oscillographs and oscilloscopes.
Precision gages.
Relay testers.
Test panels.
Thermocouples.
Vacuum-tube gas-detector.

Portable Tools and Implements

Air compressors, mobile.
Back-filling machines.
Blowers, power.
Compressed-air tools.
Concrete mixers and breakers.
Cranes, mobile.
Derricks, mobile.
Drills and hammers, power.
Earth-boring machines (not part of truck or tractor).
Forges, portable.
Fuse tongs.
Hand tools. (See particularly paragraph (c) of § 34.1–1.)
Hand trucks, carts, and barrows.
Loaders, power.
Tents and tarpaulins.
Torches.
Trenching machines.

Other Equipment

Air compressors.
Blowers.
Boring mills.
Compressed-air tools.
Cranes.
Derricks.
Electric ovens.
Engines.
Forges.
Gasoline pumps and tanks.
Generators, electric and gas.
Lathes.
Milling machines.
Motors.
Oil filter presses.
Oil pumps and tanks.
Planers.
Power drills.
Power hammers.
Power loaders.
Presses.
Pumps.
Winches.
Wire-measuring machines.

NOTE A: The cost of chairs, desks, tables, and other items of furniture used in shops shall be included in account 51, "Furniture and office equipment."

NOTE B: Tools carried as supplies unissued shall be charged to account 1795, "Material and supplies," and small hand tools shall be charged to account 9020, "Shop, tool, and implement expenses; undistributed."

§ 34.73 *Store and warehouse equipment.* This account shall include the cost of equipment and appurtenances in storerooms, warehouses, and material yards used in storing, handling, and packing material and supplies held for use in radiotelegraph service.

ITEMS

(See § 34.03–12)

Barrows.
Bins, portable.
Cabinets, movable.
Conveyers.
Counters, movable.
Cranes.
Furniture and office equipment (located in storerooms and warehouses defined in note A under this account, as distinguished from furniture and office equipment located at stations and city offices).
Gasoline pumps.
Gasoline tanks.

Hand trucks and carts.
Hoists.
Oil pumps.
Oil tanks.
Shelving, movable.
Tools.
Wire-measuring machines.

NOTE A: The storerooms and warehouses to which this account relates are those serving as general distribution centers for materials and supplies and which normally are not located at stations or city offices.

NOTE B: The cost of fixtures attached to and constituting a part of buildings shall be included in account 14, "Buildings."

Intangibles

§ 34.81 *Organization.* This account shall include the cost of organizing and incorporating the carrier.

ITEMS

(See § 34.03–12)

Cost of obtaining certificates authorizing the carrier to engage in the public communication business.
Fees and expenses of incorporation.
Fees and expenses of mergers or consolidations.
Office expenses incident to organizing the carrier.

NOTE A: This account shall not include any discounts upon securities issued or assumed, costs incident to negotiating loans or selling bonds or other evidences of indebtedness, or expenses in connection with the authorization issuance, sale, or resale of capital stock.

NOTE B: This account shall not include the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off.

NOTE C: This account shall not include any organization costs of companies retiring as a result of mergers, consolidations, or reorganizations.

§ 34.82 *Franchises.* (a) This account shall include the cost of franchises, consents, and certificates, running in perpetuity or for a specified term of more than 1 year, issued by a national government, a State, or any other political entity.

(b) When any franchise, consent, or certificate expires, is sold, relinquished, or otherwise retired from service, the accounting shall be as provided in account 1520, "Allowance for amortization; radiotelegraph plant."

(c) This account shall be subdivided as follows:

82:01 Perpetual franchises.
82:02 Limited-term franchises.

ITEMS

(See § 34.03–12)

Amounts, other than those includible in account 81, "Organization," paid to a national government, a State, or any other political entity as a condition precedent to engaging in communication business, whether or not the right to occupy public property, streets, or highways is obtained in connection therewith. (See particularly paragraph (c) (6) of § 34.1–3.)
Cost of franchises acquired by assignment.
Cost of plant, material, supplies, and equipment given as the initial consideration for franchises.
Election costs assumed by the carrier for government consent.

NOTE A: The cost of franchises running for 1 year or less after acquisition shall be charged to account 4460, "Franchise requirements—Dr.," or, if such franchises extend beyond the current calendar year, to account 1899 ,"Other prepayments," to the extent of its proper portion. Franchises acquired at small cost may be charged to account 4460, irrespective of their term of life.

NOTE B: Franchise taxes payable annually or more frequently shall be charged to account 4932, "Other taxes; operating."

§ 34.83 *Patent rights.* (a) This account shall include the cost of patent rights having a life of more than 1 year from date of acquisition, acquired for use in connection with the carrier's radiotelegraph operations.

(b) When any patent right expires, is sold, or is otherwise retired from service, the accounting shall be as provided in account 1520, "Allowance for amortization; radiotelegraph plant."

ITEMS

(See § 34.03–12)

Costs incident to defending title.
Fees of patent attorneys and other legal expenses.
Filing and registration fees.
Research and development expenses directly assignable.

NOTE: The cost of patent rights having an estimated service life of 1 year or less, or acquired at small cost, shall be included in account 4499, "Other general expenses."

§ 34.84 *Leaseholds.* (a) This account shall include the cost of leaseholds, easements, and similar rights in land and other property having a term of more than 1 year.

(b) When any leasehold expires, is sold, or is otherwise retired from service, the accounting shall be as provided in account 1520, "Allowance for amortization; radiotelegraph plant."

(c) This account shall be subdivided as follows:

84:01 Rights of way.
84:99 Other leaseholds.

ITEMS

(See § 34.03–12)

Conveyancer and notarial fees.
Relocating property of others.
Special counsel and other fees and expenses incurred in connection with leaseholds.
Taxes assumed on leased property applicable to the period prior to the date of the lease.

NOTE A: The cost of permits to erect poles and to place conduit when the expected period of occupancy under such permits does not exceed the estimated life of the initial plant installed, also the cost of other permits not includible in this account, such as those to place cable and wire on buildings and fences, and the related pay and expenses of employees and other costs incident to acquiring such permits, shall be included in the account appropriate for the cost of the plant constructed. (See particularly paragraph (c) (6) of § 34.1–3.)

NOTE B: Annual or more frequent payments for leaseholds shall be charged to account 4940, "Rent for lease of operated plant," account 4245, "Rent for other facilities," account 4450, "Rent for offices," or account 4455, "Other rents," as appropriate.

§ 34.89 *Other intangibles.* (a) This account shall include the cost of assets of an intangible nature not provided for elsewhere, such as the amounts of payments made to other persons for extending their lines to the carrier's station or office, when such facilities remain the property of such other persons, and when the amounts paid are not subject to rebate.

(b) When any intangible item the cost of which is included in this account expires or is otherwise retired from service, the accounting shall be as provided in account 1520, "Allowance for amortization; radiotelegraph plant."

(c) The records supporting the entries in this account shall be so maintained that in the reports to this Commission complete information can be furnished with respect to any amounts included herein.

Other Plant Accounts

§ 34.91 *Plant acquired; undistributed charges.* (a) This account shall be charged temporarily with the acquisition cost of plant acquired by the carrier, under any of the circumstances provided for in § 34.1–2, pending distribution thereof to the appropriate accounts.

(b) Within 90 days from the date of any entry herein recording an acquisition, the carrier shall submit to this Commission a statement indicating the approximate date that clearance is contemplated.

§ 34.92 *Plant sold; undistributed credits.* This account shall be credited temporarily with the selling price of plant, pending distribution thereof to the appropriate accounts. (See particularly paragraph (c) of § 34.1–6.)

INCOME AND EARNED-SURPLUS ACCOUNTS

INSTRUCTIONS

§ 34.30–1 *Purpose of income accounts.* The income accounts are designed to show for each month and each calendar year the amounts of (1) ordinary income, comprising operating revenues, operating revenue deductions, other communication income, noncommunication income, and deductions from ordinary income, (2) extraordinary income charges and credits, and (3) deductions from net income, comprising taxes on net income and other deductions.

§ 34.30–2 *Income from debt-redemption and other funds.* (a) Interest, dividends, and other income derived from funds classified in accounts 1630 to 1659, inclusive, shall be credited to account 5135, "Income from debt-redemption and other funds."

(b) When the income is required by contractual or other provisions to be held in the fund from which the income arises, an amount equal to the income shall be included in the fund to which it is applicable.

(c) When income derived from these funds is required to be retained in the fund and the fund is represented by a reserve, amounts equal to such income shall be charged to account 8310, "Contractual appropriations of earned surplus," or account 8320, "Miscellaneous appropriations of earned surplus," as appropriate, and credited to the appropriate reserve account. (See also accounts 2610, "Contractual reserves," and 2620, "Miscellaneous reserves.")

§ 34.30–3 *Rents includible in income accounts.* (a) Rents which the carrier receives from others for operated plant, the cost of which is includible in account 1100, "Operated plant leased to others," shall be credited to account 5010, "Income from operated plant leased to others."

NOTE: Rents from operated plant the cost of which is includible in account 1000, "Operated plant in carrier's service," or account 1200, "Improvements and replacements of operated plant leased from others," shall be credited to account 3818, "Revenue from furnishing and servicing stations," or account 3848, "Other leased plant revenue," as appropriate.

(b) All taxes, maintenance, depreciation, amortization, uncollectible rents, or other expenses applicable to plant the income from which is includible in account 5010, "Income from operated plant leased to others," shall be charged to that account by the lessor. When it is necessary to apportion any such amounts between plant owned and used and plant leased to others, the carrier shall be prepared to describe the basis of such apportionment.

(c) Rents paid by the carrier for the exclusive use of substantially complete operating systems or operating units leased from others shall be charged to account 4940, "Rent for lease of operated plant." When taxes, depreciation, amortization, or other expenses applicable to the leased plant are initially accounted for by the lessor, such amounts shall be charged to the appropriate tax, depreciation, amortization, or other accounts by the lessee and credited to account 4940. The lessor shall inform the lessee of the appropriate distribution of such charges.

(d) Taxes, maintenance, depreciation, amortization, and other expenses applicable to leased plant, initially accounted for by the lessee, shall be charged by the lessee to the appropriate tax, maintenance, depreciation, amortization, or other accounts. (See also § 34.1–5.)

§ 34.30–4 *Disposition of balances in income accounts.* The net balance of the income accounts (after deductions provided for in accounts 7010 to 7099, inclusive) shall be transferred to account 8110, "Balance transferred from income accounts," at the end of each calendar year.

§ 34.30–5 *Purpose of earned surplus accounts.* The earned surplus accounts are designed to show the changes relating to earned surplus, during each calendar year, resulting from (1) the net amount of profit or loss during the period as reflected in the income accounts, (2) accounting adjustments (usually confined to changes in the stated capital of the corporation or to transactions in its own capital stock) not attributable to income under the provisions of this system of accounts, (3) appropriations of earned surplus for specific purposes, and (4) appropriations for dividends.

§ 34.30–6 *Disposition of balances in earned surplus accounts.* The net balance of the earned surplus accounts shall be transferred to account 2699, "Unappropriated earned surplus," at the end of each calendar year.

§ 34.30–99 *Contemplated form of income and earned surplus statement.* (See particularly § 34.03–9.)

INCOME AND EARNED-SURPLUS STATEMENT

INCOME

Ordinary Income; Communication

Account No.	Particulars			
3000	Operating revenues			$----
	Operating Revenue Deductions			
4000	Operating expenses	$----		
4910	Depreciation	----		
4915	Amortization—Intangible operated plant	----		
4920	Amortization of plant acquisition adjustments	----		
4925	Extraordinary plant losses	----		
4931	Social security taxes—Operating	----		
4932	Other taxes—Operating	----		
4935	Uncollectible revenues	----		
4940	Rent for lease of operated plant	----		
4945	Telephone, wire-telegraph, and ocean-cable operating revenue deductions	----		
4950	Revenue-contract payments	----		
4999	Other operating revenue deductions	----	----	
				$----
	Other Communication Income			
5010	Income from operated plant leased to others			----
5015	Income from telephone, wire-telegraph, and ocean-cable plant leased to others			----
5020	Profit from general services, licenses, and royalties			----
5089	Income from foreign operations			----
5099	Other communication income			----
	Operating income			$----
	Ordinary Income—Noncommunication			
5110	Income from miscellaneous physical property	$----		
5115	Income from merchandising, jobbing, and contracting	----		
5120	Dividend income	----		
5125	Interest income	----		
5135	Income from debt-redemption and other funds	$----		
5140	Gain or loss on foreign currency exchange (if loss, in red)	----		
5199	Other noncommunication income	----	----	
	Gross ordinary income			$----
	Deductions From Ordinary Income			
5210	Interest on long-term debt	$----		
5215	Interest on indebtedness to affiliates	----		
5220	Amortization of debt discount	----		
5225	Interest charged to construction—Cr	(red) ----		
5230	Amortization of debt premium—Cr	(red) ----		
5235	Other interest charges	----		
5240	Taxes assumed on interest	----		
5245	Amortization of debt expense	----		
5250	Miscellaneous taxes	----		
5255	Amortization of plant acquisition adjustments	----		
5260	Revenue-contract payments	----		
5299	Other deductions from ordinary income	----	----	
	Net ordinary income			$----
	Deductions From Ordinary Income			
6110	Delayed income credits	$----		
6199	Other extraordinary income credits	----		
				$----
	Extraordinary Income—Charges			
6210	Delayed income charges	$----		
6299	Other extraordinary income charges	----	----	----
	Net income			$----
	Deductions From Net Income			
7010	Taxes on net income	$----		
7099	Other deductions from net income	----	----	
	Net income transferred to account 8110, "Balance transferred from income accounts"			$----

INCOME AND EARNED-SURPLUS STATEMENT—Continued

EARNED SURPLUS

Account No.	Particulars		
2699	Unappropriated earned surplus (at beginning of year)		$----
	Earned Surplus—Credits		
	Add:		
8110	Balance transferred from income accounts	$----	
8199	Miscellaneous credits to earned surplus	----	----
	Total		$----
	Earned Surplus—Charges		
	Deduct:		
8299	Miscellaneous charges to earned surplus		----
	Earned surplus available for reservation or appropriation		$----
	Deduct:		
8310	Contractual appropriations of earned surplus	$----	
8315	Earned surplus employed in reacquisition of capital stock	----	
8320	Miscellaneous appropriations of earned surplus	----	----
	Earned surplus available for dividends		$----
	Deduct:		
8399	Dividend appropriations of earned surplus		----
2699	Unappropriated earned surplus (at end of year)		$----

INCOME ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

Ordinary Income; Communication

NOTE: See particularly § 34.03–8.

§ 34.3000 *Operating revenues.* This account shall include the total operating revenues shown in the operating revenue accounts, derived by the carrier during the accounting period from the furnishing of communication service and services incidental thereto.

Operating-Revenue Deductions

§ 34.4000 *Operating expenses.* This account shall include the total operating expenses shown in the operating expense accounts, incurred by the carrier during the accounting period for maintenance of its radiotelegraph plant, and for conducting-operations, administrative, and general expenses incurred in furnishing radiotelegraph service and services incidental thereto.

§ 34.4910 *Depreciation.* (a) This account shall include the amount of depreciation charges applicable to the accounting period for all classes of operated plant owned by the carrier except such depreciation as is chargeable to clearing accounts, to account 1300, "Plant under construction," and to account 5010, "Income from operated plant leased to others." It shall include also the amount of depreciation charges applicable to the accounting period for all classes of operated plant used but not owned by the carrier, as provided in § 34.30–3. (See also §§ 34.04–1 to 34.04–3, inclusive, and § 34.1–5.)

(b) This account shall be subdivided as follows:

4910:01 Depreciation; operated plant owned and used.
4910:02 Depreciation; operated plant leased from others.

(c) The records supporting the entries in this account shall be so maintained as to show the amounts applicable to (1) transmission service for each station and (2) nontransmission service.

§ 34.4915 *Amortization; intangible operated plant.* (a) This account shall include the amount of amortization charges applicable to the accounting period for intangibles (having a terminable life) the cost of which is includible in operated plant accounts 82, "Franchises," 83, "Patent rights," 84, "Leaseholds," and 89, "Other intangibles," except such amortization as is chargeable to account 5010, "Income from operated plant leased to others." It shall include also the amount of amortization charges applicable to the accounting period for such intangibles used but not owned by the carrier, as provided in § 34.30–3.

(b) The charges to this account shall be such that the cost of each intangible will be amortized, as evenly as may be, over the period of its benefit to the carrier.

(c) This account shall be subdivided as follows:

4915:01 Amortization; intangibles owned and used.
4915:02 Amortization; intangibles leased from others.

§ 34.4920 *Amortization of plant-acquisition adjustments.* (a) This account shall be charged or credited, as the case may be, with such amounts as this Commission may authorize or direct to be included in operating revenue deductions under a plan to amortize the amounts in account 1510, "Plant acquisition adjustments."

(b) Amounts recorded in this account shall be credited or charged, as the case may be, to account 1520, "Allowance for amortization; radiotelegraph plant."

§ 34.4925 *Extraordinary plant losses.* (a) This account shall be charged and account 1910, "Extraordinary maintenance, depreciation, and retirements," or account 1515, "Allowance for depreciation; radiotelegraph plant," as appropriate, shall be credited with the unprovided-for loss in service value of plant retired for causes not factors in depreciation. (See also § 34.04–4.)

(b) The records supporting the entries in this account shall be so maintained as to show the amounts applicable to (1) transmission service for each station and (2) nontransmission service.

§ 34.4931 *Social security taxes, operating.* (a) This account shall include the amounts for which the carrier is liable on its own behalf for taxes imposed under the Social Security Act and similar State statutes that are properly chargeable to radiotelegraph operations.

(b) This account shall be charged and account 2175, "Tax accruals," shall be credited each month with the amount of taxes that are applicable to the month. When it is not possible to determine the exact amount of taxes for the month, the amount shall be estimated and adjustments shall be made as the actual tax levies become known.

Note: The amounts of such taxes not applicable to radiotelegraph operations shall be equitably apportioned among the operated plant accounts and account 5250, "Miscellaneous taxes."

§ 34.4932 *Other taxes; operating.* (a) This account shall include, other than taxes on net income and taxes imposed under the Social Security Act and similar State statutes, the amounts of all national, State, county, municipal, and other taxes that are properly chargeable to radiotelegraph operations. (See also account 4931, "Social security taxes; operating," and acccunt 7010, "Taxes on net income.")

(b) This account shall be charged and account 2175, "Tax accruals," shall be credited each month with the amount of taxes that are applicable to the month. When it is not possible to determine the exact amount of taxes for the month, the amount shall be estimated and adjustments shall be made as the actual tax levies become known.

(c) When it is necessary to apportion taxes to radiotelegraph operations, full details as to the methods of and facts considered in the apportionment shall be recorded.

(d) Taxes on plant leased from others, the rent for which is includible in account 4940, "Rent for lease of operated plant," shall be charged to this account by the lessee. Taxes on plant leased to others, the rent from which is includible in account 5010, "Income from operated plant leased to others," when assumed by the lessor, shall be charged to that account by the lessor. (See particularly § 34.30–3.)

(e) The records supporting the entries in this account shall be so maintained as to show the amount of each kind of tax and the basis upon which each charge is made; also the amount of taxes directly assignable to each station and the aggregate amount of taxes not directly assignable.

NOTE A: Taxes assumed by the carrier on interest shall be charged to account 5240, "Taxes assumed on interest."

NOTE B: Taxes on nonoperating property the income from which is includible in account 5110, "Income from miscellaneous physical property," shall be charged to account 5250, "Miscellaneous taxes." Taxes on property the income from which is includible in account 5115, "Income from merchandising, jobbing, and contracting," shall also be charged to account 5250.

NOTE C: Special assessments for the construction of street and other improvements shall be included in the appropriate plant accounts. Special assessments for maintenance thereof and special benefit taxes, such as water taxes, shall be included in the appropriate operating expense accounts.

NOTE D: Discounts allowed for payment of taxes before due shall be treated as reductions of taxes assessed.

NOTE E: The accounting for taxes on plant under construction shall be as provided in paragraph (c) (7) of § 34.1–3.

§ 34.4935 *Uncollectible revenues.* (a) This account shall be charged with amounts due from customers and agents for radiotelegraph services rendered which are considered to be uncollectible.

(b) This account may include, in lieu of the amounts of direct charges prescribed in paragraph (a) of this account, monthly charges based upon estimates to make provision for uncollectible revenues due from customers and agents. Such amounts shall be credited to account 1765, "Allowance for uncollectible receivables." There shall be recorded full details as to the methods used and the facts considered in estimating the amounts so credited.

(c) This account shall include, in a separate subdivision thereof, credits arising from charges to accounts 2115, "Customers' deposits," and 2155, "Advance billings," that may lawfully be written off as unrefundable because of failure to locate the rightful owner or for some similar reason.

NOTE: Uncollectible receivables, other than from customers and agents, shall be charged to account 5299, "Other deductions from ordinary income," account 6299, "Other extraordinary income charges," or other appropriate account.

§ 34.4940 *Rent for lease of operated plant.* (a) This account shall be charged with the amounts of rents payable for the exclusive possession of operated plant comprising substantially complete operating systems or operating units.

(b) This account shall be credited with the amounts of taxes, depreciation, amortization, and other expenses initially accounted for by the lessor on operated plant the rent for which is chargeable to this account. (See particularly § 34.30–3.)

(c) The records supporting the entries in this account shall be so maintained as to show separately the following items for each station:

Rents.
Items initially accounted for by the lessor:
  Taxes.
  Depreciation.
  Amortization.
  Other expenses.

NOTE A: Rent for lease of ducts, conduit, land, pole lines, circuits, conductors, transmitting and receiving equipment, and similar facilities comprising a part only of a system or unit shall be charged to account 4245, "Rent for other facilities."

NOTE B: Rent for lease of an office or a building shall be charged to account 4243, "Rent for operating offices," account 4450, "Rent for offices," or account 4455, "Other rents," as appropriate.

§ 34.4945 *Telephone, wire-telegraph, and ocean-cable operating revenue deductions.* This account shall include the amounts of operating expenses, depreciation, amortization, taxes, uncollectible revenues, and rents incidental to the carrier's telephone, wire-telegraph and ocean-cable operations. (See also § 34.03–8.)

§ 34.4950 *Revenue-contract payments.* This account shall include amounts (authorized or directed by this Commission to be included in operating revenue deductions) that represent payments to common carriers or other persons under the terms of contracts or agreements which provide that such common carriers or other persons shall receive amounts measured by the revenue or traffic of the accounting carrier, although such persons do not participate in the revenue service or transmission of such traffic. (See also § 34.31–3.)

§ 34.4999 *Other operating-revenue deductions.* This account shall include amounts representing operating revenue deductions that are not includible elsewhere.

Other Communication Income

§ 34.5010 *Income from operated plant leased to others.* (a) This account shall be credited with the amounts of rentals received from operated plant comprising substantially complete operating systems or operating units leased to others where the lessee has exclusive possession.

(b) This account shall be charged with the amounts of taxes, depreciation, amortization, and other expenses initially accounted for by the lessor on operated plant the rental from which is creditable to this account. (See particularly § 34.30–3.)

(c) The records supporting the entries in this account shall be so maintained as to show separately the following items for each station:

Rentals.
Items initially accounted for by the lessor:
  Taxes.
  Depreciation.
  Amortization.
  Other expenses.
Uncollectible rentals.

§ 34.5015 *Income from telephone, wire-telegraph, and ocean-cable plant leased to others.* This account shall be credited with the amounts of rentals received from telephone, wire-telegraph, and ocean-cable plant comprising complete operating systems or operating units leased to others where the lessee has exclusive possession.

§ 34.5020 *Profit from general services, licenses, and royalties.* (a) This account shall include the amounts of profits realized from services rendered others under a license agreement, a general service contract, or other arrangements providing for the furnishing of general accounting, engineering, financial, legal, patent, and other general services. (See also § 34.41–4 and account 4420, "General services, licenses, and royalties—Cr.")

(b) Minor amounts of profits from such arrangements may be included in account 4420, "General services, licenses, and royalties—Cr."

§ 34.5089 *Income from foreign operations.* (a) This account may include the net amount of income of the carrier when the detailed amounts are required to be stated in terms of foreign currency or in a manner at variance with the requirements of this system of accounts.

(b) A separate subaccount with appropriate title shall be maintained for the amount of such income from each foreign country.

(c) The records supporting the entries in this account shall be so maintained that, in the reports to this Commission, a complete analysis of the transactions affecting each station may be shown.

(d) Each carrier that elects to use this account shall advise this Commission of the fact at least 60 days before the effective date of this system of accounts. Changes from this elective procedure to the alternative procedure prescribed for domestic income, or vice versa, shall not be made thereafter without submitting to this Commission for its consideration and approval notice of the change at least 90 days before the proposed effective date of such change.

§ 34.5099 *Other communication income.* This account shall include the amount of communication income not provided for elsewhere.

Ordinary Income; Noncommunication

§ 34.5110 *Income from miscellaneous physical property.* (a) This account shall include the amounts received and the expenses incurred in connection with the operation of property the investment in which is includible in account 1610, "Miscellaneous physical property," and the property of others leased by the carrier for other than communication operations.

(b) The expenses shall include every element of cost (except taxes) incurred in such operations, including depreciation, amortization, insurance, assessments against such property for maintenance of public improvements, an equitable portion of administration expenses, uncollectible rentals, and any other costs incident to the operation of miscellaneous physical property.

NOTE: Taxes applicable to miscellaneous physical property and its operation shall be charged to account 5250, "Miscellaneous taxes."

§ 34.5115 *Income from merchandising, jobbing, and contracting.* (a) This account shall include the amounts received and the expenses (except taxes) incurred in connection with the sale of merchandise, including any amounts accruing to the carrier on jobbing and contracting work performed by employees.

(b) This account shall be subdivided as follows:

5115:01 Income from merchandising, jobbing, and contracting.
5115:02 Costs and expenses of merchandising, jobbing, and contracting.

(c) This account shall be further subdivided to show amounts of income from and the costs and expenses of merchandising, jobbing, and contracting with respect to:

(1) Fixed and land station equipment.
(2) Ship station equipment.
(3) Other mobile station equipment.
(4) Other radio equipment.
(5) Other merchandising, jobbing, and contracting.

NOTE A: Periodic charges for the use of plant includible in account 1000, "Operated plant in carrier's service" (see particularly the note following account 1100, "Operated plant leased to others"), and for installing, maintaining, inspecting, and servicing such plant, shall be included in account 3818, "Revenue from furnishing and servicing stations."

NOTE B: Taxes applicable to merchandising, jobbing, and contracting shall be charged to account 5250, "Miscellaneous taxes."

§ 34.5120 *Dividend income.* This account shall include the amounts of income received from dividends declared on stocks of other persons other than dividends received on securities includible in accounts 1650 to 1659, inclusive.

NOTE A: Dividends on nominally issued and nominally outstanding capital stock shall not be included in these accounts.

NOTE B: No amounts shall be entered in these accounts representing value assigned to stock dividends received by the carrier on stocks of other persons. The proceeds realized from subsequent sale or disposal of the stock received as a dividend, or of the stock with respect to which the dividend was paid, shall be appropriately accounted for, proper credit being given to the investment account for the portion of the book cost assignable to the shares sold or disposed of. Any profit or loss resulting from the transaction shall be credited to account 6199, "Other extraordinary income credits," or charged to account 6299, "Other extraordinary income charges," as appropriate.

§ 34.5125 *Interest income.* (a) This account shall include the amounts of interest income on investments in securities of other persons other than interest on securities includible in accounts 1630 to 1659, inclusive. It shall include interest income on investment advances and on other loans, notes, special deposits, and other interest-bearing assets. (See also § 34.10–7.)

(b) This account shall be subdivided as follows:

5125:01 Interest income on securities.
5125:02 Interest income on investment advances.
5125:99 Other interest income.

NOTE A: Interest on nominally issued and nominally outstanding long-term debt shall not be included in these accounts.

NOTE B: Interest that has accrued shall not be credited to this account unless its payment is reasonably assured.

§ 34.5135 *Income from debt-redemption and other funds.* (a) This account shall include the amounts of income (whether interest or dividends) accrued on cash, securities issued by other persons, or other assets held in accounts 1630 to 1659, inclusive. (See particularly §§ 34.10–7 and 34.30–2.)

(b) Expenses, losses, and fees payable by the carrier from such funds or income therefrom, and incurred in connection with the operation of the fund, shall be charged to this account.

(c) The records supporting the entries in this account shall be so maintained as to show separately the income from each fund.

§ 34.5140 *Gain or loss on foreign currency exchange.* This account shall be credited or charged, as appropriate, and to the extent outlined in § 34.03–16, with the amounts of gains or losses resulting from transactions involving foreign currency.

§ 34.5199 *Other noncommunication income.* This account shall include the amount of noncommunication income not provided for elsewhere.

Deductions From Ordinary Income

§ 34.5210 *Interest on long-term debt.* (a) This account shall include the amounts of interest accrued on outstanding long-term debt issued or assumed by the carrier, the liability for which is included in account 2010, "Bonds actually issued," account 2025, "Receivers' and trustees' securities," and account 2099, "Other long-term debt."

(b) The records supporting the entries in this account shall be so maintained as to show the interest accruals on each issue or series of long-term debt.

NOTE: Interest on nominally issued and nominally outstanding long-term debt shall not be included in these accounts.

§ 34.5215 *Interest on indebtedness to affiliates.* (a) This account shall include the amounts of interest accrued on indebtedness to affiliates included in accounts such as account 2030, "Advances from affiliates," and account 2129, "Other payables to affiliates."

(b) The records supporting the entries in this account shall be so maintained as to show to whom the interest is payable, the nature and amount of the principal obligation, and the rate of interest, under the following subdivisions:

5215:01 Interest on advances.
5215:02 Interest on open accounts.

§ 34.5220 *Amortization of debt discount.* (a) This account shall include for each accounting period the portion of unamortized debt discount on outstanding long-term debt that is applicable to the period. Such amounts shall be determined in accordance with § 34.10–14.

(b) Amounts charged to this account shall be credited to account 1930, "Unamortized discount on debt."

§ 34.5225 *Interest charged to construction—Cr.* This account shall be credited with amounts charged to account 1300, "Plant under construction," as provided in paragraph (c) (8) of § 34.1–3.

§ 34.5230 *Amortization of debt premium—Cr.* (a) This account shall include for each accounting period the portion of unamortized premium on outstanding long-term debt that is applicable to the period. Such amounts shall be determined in accordance with § 34.10–14.

(b) Amounts credited to this account shall be charged to account 2310, "Unamortized premium on debt."

§ 34.5235 *Other interest charges.* (a) This account shall include the amount of interest charges not provided for elsewhere. Among the items of indebtedness the interest on which is chargeable to this account are (1) past-due assessments for public improvements, (2) claims and judgments, (3) customers' deposits, (4) notes payable on demand or maturing less than 1 year from date of issuance, except notes payable to affiliates, (5) open accounts, except with affiliates, and (6) past-due tax assessments.

(b) The records supporting the entries in this account shall be so maintained as to show to whom the interest is payable, the nature and amount of the principal obligation, and the rate of interest.

§ 34.5240 *Taxes assumed on interest.* This account shall include amounts paid to holders of bonds (or other evidences of indebtedness of the carrier), and amounts paid to governmental agencies in their behalf, with respect to income and other taxes levied against the income from such debt or levied as a tax on ownership of the debt, when such taxes are assumed by the carrier.

§ 34.5245 *Amortization of debt expense.* (a) This account shall include for each accounting period the portion of unamortized debt expense on outstanding long-term debt that is applicable to the period. Such amounts shall be determined in accordance with § 34.10–14.

(b) Amounts charged to this account shall be credited to account 1920, "Long-term debt expense."

NOTE: The carrier may accelerate the writing off of debt expense by charges to account 6299, "Other extraordinary income charges."

§ 34.5250 *Miscellaneous taxes.* (a) This account shall include the amounts of taxes not provided for elsewhere. Among the items that shall be charged hereto are taxes applicable to miscellaneous physical property and the operation thereof, and taxes applicable to merchandising, jobbing, and contracting.

(b) Amounts charged to this account prior to payment shall be credited to account 2175, "Tax accruals."

§ 34.5255 *Amortization of plant-acquisition adjustments.* (a) This account shall be charged or credited, as the case may be, with such amounts as this Commission may authorize or direct to be included in deductions from ordinary income under a plan to amortize amounts in account 1510, "Plant acquisition adjustments."

(b) Amounts recorded in this account shall be credited or charged, as the case may be, to account 1520, "Allowance for amortization; radiotelegraph plant."

§ 34.5260 *Revenue - contract payments.* This account shall include amounts (authorized or directed by this Commission to be included in deductions from ordinary income) that represent payments to common carriers or other persons under the terms of contracts or agreements which provide that such common carriers or other persons shall receive amounts measured by the revenue or traffic of the accounting carrier, although such persons do not participate in the revenue service or transmission of such traffic. (See also § 34.31–3.)

§ 34.5299 *Other deductions from ordinary income.* This account shall include deductions from ordinary income not provided for elsewhere. Among the items that shall be charged hereto are contributions for charitable, social, or community-welfare purposes and membership fees and dues in associations other than those of the carrier itself in associations of communication carriers and of employees in professional organizations; also amounts of depreciation and amortization on radiotelegraph plant other than operated plant. (See also § 34.03–7.)

Extraordinary Income; Credits

§ 34.6110 *Delayed income credits.* This account shall include the amount of extraordinary and nonrecurring delayed items, as provided in § 34.03–13.

§ 34.6199 *Other extraordinary income credits.* This account shall include the amount of extraordinary income credits not provided for elsewhere.

ITEMS

(See § 34.03–12)

Forfeitures of amounts deposited with the carrier under options for the sale or lease of property.
Profits derived from the sale of property the cost of which is includible in account 1610, "Miscellaneous physical property."
Profits derived from the sale of reacquired securities other than capital stock.
Profits derived from the sale of securities of other persons.
Profits from the sale of plant. (See also § 34.1–6.)
Unclaimed customers' deposits.
Unclaimed wages and dividends written off.

Extraordinary Income; Charges

§ 34.6210 *Delayed income charges.* This account shall include the amount of extraordinary and nonrecurring delayed items, as provided in § 34.03–13.

§ 34.6299 *Other extraordinary income charges.* This account shall include the amount of extraordinary income charges that are not includible in account 6210, "Delayed income charges."

ITEMS

(See § 34.03–12)

Amounts charged to corporate income to provide for the extinguishment of amounts includible in account 81, "Organization."
Amounts charged to income in recognition of decline in value of current assets and securities owned. (See also § 34.10–2 and 34.10–7.)
Capital stock expense written off. (See also paragraph (c) of § 34.10–13.)
Forfeitures of amounts deposited by the carrier under options for the purchase or lease of property.
Inventory, appraisal, and other costs incident to the acquisition, sale, or lease of property when the projects are abandoned.
Long-term debt expense written off. (See also paragraph (e) of § 34.10–14.)
Losses of funds due to bank failures.
Losses on the sale of plant. (See also § 34.1–6.)
Losses resulting from the sale, destruction, or retirement of property the cost of which is includible in account 1610, "Miscellaneous physical property."
Losses resulting from the sale of reacquired securities other than capital stock.
Losses resulting from the sale of securities of other persons.
Penalties and fines paid on account of violations of statutes pertaining to regulation.

Deductions From Net Income

§ 34.7010 *Taxes on net income.* (a) This account shall include the amount of national, State, and local government taxes on taxable net income including additional assessments of such taxes.

(b) The records supporting the entries in this account shall be so maintained as to show the amounts included herein with respect to each taxing authority.

§ 34.7099 *Other deductions from net income.* This account shall include the amount of deductions from net income not provided for elsewhere.

EARNED SURPLUS ACCOUNTS

EARNED SURPLUS; CREDITS

§ 34.8110 *Balance transferred from income accounts.* This account shall include the net balance transferred from the income accounts for the current year. (See particularly § 34.30–4.)

§ 34.8199 *Miscellaneous credits to earned surplus.* (a) This account shall include the amount of credits affecting earned surplus not provided for elsewhere. Among the items that shall be credited hereto are increments from the reacquisition and resale of the carrier's capital stock. (See also § 34.10–13.)

(b) The records supporting the entries in this account shall be so maintained that an analysis thereof may be shown in the reports to this Commission.

Earned Surplus; Charges

§ 34.8299 *Miscellaneous charges to earned surplus.* (a) This account shall include the amount of charges affecting earned surplus not provided for elsewhere. Among the items that shall be charged hereto are discount on capital stock written off and losses from the reacquisition, and resale of the carrier's capital stock. (See also § 34.10–13 and account 2415, "Capital stock reacquired.")

(b) The records supporting the entries in this account shall be so maintained that an analysis thereof may be shown in the reports to this Commission.

§ 34.8310 *Contractual appropriations of earned surplus.* (a) This account shall include the amount of earned surplus reserved in accordance with the terms of mortgages, deeds of trust, orders of courts, contracts, or other agreements.

(b) Amounts charged to this account shall be credited to account 2610, "Contractual reserves."

§ 34.8315 *Earned surplus employed in reacquisition of capital stock.* (a) This account shall be charged and account 2615, "Reserve against impairment of stated capital," shall be credited with the book amount of capital stock reacquired by the carrier and not retired.

(b) Upon resale or retirement of capital stock, this account shall be credited and account 2615, "Reserve against impairment of stated capital," shall be charged with the amounts included herein applicable to such stock.

§ 34.8320 *Miscellaneous appropriations of earned surplus.* (a) This account shall include the amount of reservations of earned surplus not provided for elsewhere.

(b) Amounts charged to this account shall be credited to account 2620, "Miscellaneous reserves."

§ 34.8399 *Dividend appropriations of earned surplus.* (a) This account shall include the amount of earned surplus appropriated for dividends on the actually outstanding capital stock of the carrier.

(b) The records supporting the entries in this account shall be so maintained as to show the amount of dividends declared on each class of capital stock. If dividends are not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.

OPERATING-REVENUE ACCOUNTS

INSTRUCTIONS

§ 34.31–1 *Purpose of operating revenue accounts.* The operating revenue accounts are designed to show the carrier's portion of amounts received or receivable for the furnishing of radiotelegraph service. (See also §§ 34.03–8 and 34.03–17.)

§ 34.31–2 *Basis of credits to operating revenue accounts.* (a) Credits to the operating revenue accounts shall be based upon the actual amounts chargeable for services rendered by the carrier.

NOTE A: Corrections of overcharges, overcollections, and collections on behalf of others previously credited to the operating revenue accounts shall be charged to the account or accounts previously credited.

NOTE B: Authorized refunds and adjustments on account of failures in service shall be charged to account 4230, "Traffic damages."

(b) The appropriate operating revenue accounts shall be credited with:

(1) Amounts charged for installations, for restoration and termination of service, for inside and outside moves, for instrument changes, and for similar service requirements.

(2) Amounts of initial nonrecurring charges for special or auxiliary plant or equipment furnished in rendering service to a customer, except that charges for the cost of such plant or equipment the ownership of which rests with or will revert to the customer shall be credited to the accounts charged with the cost of such plant or equipment.

(3) Amounts of initial nonrecurring charges for installation of special or auxiliary plant or equipment furnished by a customer.

(4) Amounts of service charges for supplemental or auxiliary equipment furnished in rendering service to a customer.

(5) Amounts collected from users as costs of delivery beyond the free delivery zones adjacent to terminals of the carrier. (See also note C under § 34.31–3.)

(c) A separate subaccount shall be maintained for revenue derived from each circuit used in foreign transmission. (For the purpose of compliance with this instruction, all stations in a single foreign country may be viewed as a single terminus of any particular circuits affording transmission with that country.)

§ 34.31–3 *Divisions of operating revenues.* (a) An account shall be maintained with each communication carrier with which traffic settlements are made (separately from the accounts main-

tained for other transactions with such carriers) and there shall be included in each such account both the amounts of revenues receivable from such carriers for the accounting carrier's participation and the amounts payable to such carriers for participation by others in such transmission. In stating the balance sheet the total of the debit balances remaining in such accounts shall be reported in accounts 1742, "Traffic settlements receivable from affiliates," and 1752, "Traffic settlements receivable," as appropriate, and the total of the credit balances remaining in such accounts shall be reported in accounts 2122, "Traffic settlements payable to affiliates," and 2132, "Traffic settlements payable," as appropriate.

(b) Amounts representing the carrier's portion of revenues receivable from other carriers for participation in the transmission of communication shall be credited to the appropriate revenue accounts and charged to the account maintained in accordance with paragraph (a) of this section.

(c) Amounts payable for participation by others in the transmission of communication shall be excluded from (or if previously credited thereto—charged to) the revenue accounts and credited to the account maintained in accordance with paragraph (a) of this section.

NOTE A: Commissions paid to transportation companies, hotels, service stations, or any person other than employees of the carrier for services rendered in originating and terminating messages or for other commercial communication services shall be charged to account 4270, "Commissions—Dr." Commissions paid to employees in lieu of or in addition to salaries or other compensation for similar services rendered shall be charged to the operating expense account appropriate for the salaries of such employees.

NOTE B: Commissions received by the carrier for services rendered in originating or terminating messages or for other commercial communication services shall be credited to account 4275, "Commissions—Cr."

NOTE C: Amounts (other than those representing commissions or participation in transmission) payable to common carriers or other persons under the terms of contracts or agreements which provide that such common carriers or other persons shall receive amounts measured by revenues or traffic of the accounting carrier shall be charged to account 4950, "Revenue-contract payments," or account 5260, "Revenue-contract payments," as appropriate. Amounts payable for services performed for the carrier, such as tolls or rental charges, including those collected from users as costs of delivery beyond the free delivery zones adjacent to the terminals of the carrier shall be charged to the appropriate operating expense accounts.

§ 34.31–4 *Services furnished without direct charge.* (a) Amounts representing radiotelegraph services furnished to a national government, a State, or political subdivision thereof without direct compensation, in accordance with franchise requirements, shall be charged to account 4460, "Franchise requirements—Dr.," and credited to account 4465, "Franchise requirements—Cr."

(b) Records shall be maintained to show amounts representing any other radiotelegraph services carried on especially for the needs of a specific service of general interest and not open to public correspondence and for which no direct compensation is received.

§ 34.31–99 *Contemplated form of operating revenue statement.* (See § 34.03–09.)

OPERATING REVENUES

Account No.	Particulars	Domestic		Foreign		Marine	Other revenues	Total
		Continental	Insular	Foreign-service classification	Domestic-service classification			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Continental fixed radiotelegraph revenues							
3113	Fixed message revenue—Continental	$						$
	Insular fixed radiotelegraph revenues							
3213	Fixed message revenue—Continental transmission		$					
3214	Fixed message revenue—Insular transmission							
	Total							
	Foreign fixed radiotelegraph revenues—Foreign-service classification							
3313	Fixed message revenue—Continental transmission			$				
3315	Fixed message revenue—Foreign transmission							
	Total							
	Foreign fixed radiotelegraph revenues—Domestic-service classification							
3413	Fixed message revenue—Continental transmission				$			
3416	Fixed message revenue—Foreign transmission							
	Total							
	Marine radiotelegraph revenues							
3513	Marine message revenue—Continental transmission					$		
3517.1	Marine message revenue—Land-station transmission							
3517.2	Marine message revenue—Ship-station transmission							
	Total							
	Other radiotelegraph transmission revenues							
3618	Mobile (other than marine) message revenues						$	
3628	Facsimile or photogram service revenues							
3638	Broadcast-program service revenues							
3648	Telephone service revenues							
3698	Miscellaneous transmission revenues							
	Total							
	Total transmission revenues	$	$	$	$	$	$	$
	Nontransmission revenues							
3818	Revenue from furnishing and servicing stations						$	
3828	Frequency-measuring revenue							
3838	Cone-registration revenue							
3848	Other leased plant revenue							
3858	Errand-service revenue							
3898	Other nontransmission revenue							
	Total nontransmission revenues							$
	Other telecommunication revenues							
3918	Telephone revenue—Telephone systems							
3928	Wire-telegraph and ocean-cable revenue—Wire systems							
	Total other telecommunication revenues							
	Total operating revenues	$	$	$	$	$	$	$

[1] Amount transferred to account 3600, "Operating revenues."

PRESCRIBED ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

Continental-Fixed Radiotelegraph Revenues

§ 34.3113 *Fixed message revenue, continental.* (a) This account shall include the carrier's portion of revenue from the transmission of continental fixed communication.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a calendar-month basis from statistical records of revenues derived from the several classifications of services as follows:

(1) *General message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the general public, of the following and similar classes of messages:

Full rate messages,
Day letters,
Night letters,

including multiple-address or book messages, and similar services related to the above classes.

(2) *Serial service message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the general public, of messages transmitted at rates established to apply when more than one message or section of a message is sent to the original addressee at the same address within a specified period of relatively short duration.

(3) *Timed service message revenue.* This classification shall include the carrier's portion of revenue from the transmission of messages when the basis of the published tariff rates is the time employed, required, or allowed for such transmission, whether such time is computed on basis of the number of words transmitted converted into equivalent minutes, or on basis of the actual time required for transmission.

(4) *Greetings and other flat-rate message revenue.* (i) This classification shall include the carrier's portion of revenue from the transmission, at flat or fixed published tariff rates (applicable regardless of distance), of classes of fixed-text messages and messages of sender's composition such as holiday-greeting messages, including multiple-address or book messages and similar services related to these classes.

(ii) Allocations to this classification shall reflect due consideration of the effect of the abnormal traffic existing upon special occasions such as holidays.

(5) *Press message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available only to newspapers, press associations, and persons similarly engaged, that are less than the rates for comparable service to the general public, of classes of messages restricted as to text.

(6) *United States government message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the United States government, or any department or agency thereof, of classes of official messages such as the following:

Government full rate messages.
Government day letters.
Government night letters.
Government weather bureau messages.

(7) *Other governments message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to governments other than the United States, that are less than the rates for comparable service to the general public, of classes of messages similar to those listed under classification (6), immediately preceding, relating to United States government message revenue.

(99) *Other radiotelegraph revenue.* This classification shall include the carrier's portion of revenue from the transmission includible in this account and not provided for elsewhere.

Insular Fixed Radiotelegraph Revenues

§ 34.3213 *Fixed message revenue; continental transmission.* (a) This account shall include the carrier's portion of revenue from the continental transmission of insular fixed communication.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services as follows:

(1) *General message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the general public, of the following and similar classes of messages:

Urgent messages,
Urgent CDE messages,
Ordinary messages,
Ordinary CDE messages,
Letter (DLT and NLT) messages,
Deferred (LC) messages,
Radiomail,

including multiple-address or book messages and similar services related to the above classes.

(4) *Greetings and other flat-rate message revenue.* (i) This classification shall include the carrier's portion of revenue from the transmission, at flat or fixed published tariff rates (applicable regardless of distance), of classes of fixed-text messages and messages of sender's composition such as holiday-greeting messages, including multiple-address or book messages, and similar services related to these classes.

(ii) Allocations to this classification shall reflect due consideration of the effect of the abnormal traffic existing upon special occasions such as holidays.

(5) *Press message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available only to newspapers, press associations, and persons similarly engaged that are less than the rates for comparable service to the general public, of classes of messages restricted as to text.

(6) *United States government message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the United States government, or any department or agency thereof, of classes of official messages such as the following:

Government ordinary messages.
Government CDE messages.
Government full rate messages.
Government day letters.
Government night letters.
Government weather bureau messages.

(7) *Other governments message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to governments other than the United States, that are less than the rates for comparable service to the general public, of classes of messages similar to those listed under classification (6), immediately preceding, relating to United States government message revenue.

(8) *News service revenue.* This classification shall include the carrier's portion of revenue from the transmission of news disseminated by the carrier to its subscribers.

(99) *Other radiotelegraph revenue.* This classification shall include the carrier's portion of revenue from transmission includible in this account and not provided for elsewhere.

§ 34.3214 *Fixed message revenue; insular transmission.* (a) This account shall include the carrier's portion of revenue from the insular transmission of insular fixed communication.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3213.

Foreign Fixed Radiotelegraph Revenue; Foreign-Service Classification

§ 34.3313 *Fixed message revenue; continental transmission.* (a) This account shall include the carrier's portion of revenue from the continental transmission of foreign fixed communication involving effective service classifications differing in general from those applicable to revenue messages transmitted wholly within the continental United States.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3213.

§ 34.3315 *Fixed message revenue; foreign transmission.* (a) This account shall include the carrier's portion of revenue from the foreign transmission of foreign fixed communication involving effective service classifications differing in general from those applicable to revenue messages transmitted wholly within the continental United States.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3213.

NOTE: Paragraph (b) is not applicable to revenues from wholly foreign transmission.

Foreign Fixed Radiotelegraph Revenues; Domestic-Service Classification

§ 34.3413 *Fixed message revenue; continental transmission.* (a) This account shall include the carrier's portion of revenue from the continental transmission of foreign fixed communication involving effective service classifications also applicable to revenue messages transmitted wholly within the continental United States.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3113.

§ 34.3416 *Fixed message revenue; foreign transmission.* (a) This account shall include the carrier's portion of revenue from the foreign transmission of foreign fixed communication involving effective service classifications also applicable to revenue messages transmitted wholly within the continental United States.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3113.

Marine Radiotelegraph Revenues

§ 34.3513 *Marine message revenue; continental transmission.* (a) This account shall include the carrier's portion of revenue from the continental transmission of marine communication.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services as follows:

(1) *General message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the general public, of the following and similar classes of messages:

Urgent messages,
Urgent CDE messages,
Ordinary messages,
Ordinary CDE messages,
Night radiotelegrams (NRT),
Sea letter telegrams (SLT),
Short cruise radiotelegrams,
Harbor radiotelegrams,

including multiple-address or book messages and similar services related to the above classes.

(4) *Greetings and other flat-rate message revenue.* (i) This classification shall include the carrier's portion of revenue from the transmission, at flat or fixed published tariff rates (applicable regardless of distance), of classes of fixed-text messages and messages of sender's composition such as holiday-greeting messages, including multiple-address or book messages and similar services related to these classes.

(ii) Allocations to this classification shall reflect due consideration of the effect of the abnormal traffic existing upon special occasions such as holidays.

(5) *Press message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available only to newspapers, press associations, and persons similarly engaged, that are less than the rates for comparable service to the general public, of classes of messages restricted as to text.

(6) *United States government message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the United States government, or any department or agency thereof, of classes of official messages such as the following:

Government ordinary messages.
Government ordinary CDE messages.
Government weather bureau messages.

(8) *News service revenue.* This classification shall include the carrier's portion of revenue from the transmission of news disseminated by the carrier to its subscribers.

(99) *Other radiotelegraph revenue.* This classification shall include the carrier's portion of revenue from transmission includible in this account and not provided for elsewhere.

§ 34.3517:1 *Marine message revenue; land station transmission.* (a) This account shall include the carrier's portion of revenue from the land station transmission of marine communication.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3513.

§ 34.3517:2 *Marine message revenue; ship station transmission.* (a) This account shall include the carrier's portion of revenue from the ship station transmission of marine communication.

(b) A memorandum record supporting the entries in this account shall be prepared by class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3513.

Other Radiotelegraph Transmission Revenues

§ 34.3618 *Mobile (other than marine) message revenues.* This account shall include the carrier's portion of revenue from the mobile transmission (other than marine) of all classes of messages.

NOTE: The revenue derived from transmission between ship stations and other mobile stations shall be included in account 3517:2, "Marine message revenue; ship station transmission."

§ 34.3628 *Facsimile or photogram service revenues.* This account shall include the carrier's portion of revenue from the transmission of any matter involving the use of facsimile or other reproducing equipment.

§ 34.3638 *Broadcast-program service revenues.* This account shall include the carrier's portion of revenue from the furnishing of services or facilities used in (1) broadcast-program transmission and (2) activities incidentally associated therewith.

§ 34.3648 *Telephone service revenues.* This account shall include the carrier's portion of revenue from telephone operations when such operations involve the use of plant primarily devoted to radiotelegraph service. (See also § 34.03–8 and account 3918, "Telephone revenue; telephone systems.")

§ 34.3698 *Miscellaneous transmission revenues.* This account shall include the carrier's portion of revenue from transmission services not provided for elsewhere.

Nontransmission Revenues

§ 34.3818 *Revenue from furnishing and servicing stations.* (a) This account shall include the carrier's portion of periodic charges for equipment furnished radiotelegraph stations and revenue from installing, maintaining, inspecting, and servicing equipment, auditing and adjusting traffic accounts, and other similar services not connected with the transmission of messages or with merchandising, jobbing, or contract work rendered to radiotelegraph stations.

(b) This account shall be subdivided as follows:

3818:01 Fixed and land stations.
3818:02 Ship stations.
3818:03 Other mobile stations.

(c) The records supporting the entries in this account shall be so maintained as to show separately the amounts applicable to the following sources of revenue:

(1) Installation subsequent to initial installation.
(2) Servicing.
(3) Rentals.
(4) Clerical and administrative services.
(5) General service agreements not specifying the amounts applicable to the foregoing sources.

NOTE: Rental from plant comprising complete operating systems or operating units where the lessee has exclusive possession shall be included in account 5010, "Income from operated plant leased to others." (See also § 34.30–3.)

§ 34.3828 *Frequency-measuring revenue.* This account shall include the carrier's portion of revenue from measuring and checking frequencies, adjusting control equipment, and calibrating frequency-measuring equipment for broadcast, police, commercial, and other radio stations.

§ 34.3838 *Code-registration revenue.* This account shall include the carrier's portion of revenue from the registration of code names, titles, symbols, and addresses, and other similar code-registration services.

§ 34.3848 *Other leased plant revenue.* This account shall include the carrier's portion of revenue from the use by others of leased operated plant not provided for elsewhere. (See also § 34.30–3 and account 3318, "Revenue from furnishing and servicing stations.")

§ 34.3858 *Errand-service revenue.* This account shall include the carrier's portion of revenue from the utilization of messengers in services not connected with the transmission of messages.

§ 34.3898 *Other nontransmission revenue.* This account shall include the carrier's portion of revenue from nontransmission services not provided for elsewhere.

Other Telecommunication Revenues

§ 34.3918 *Telephone revenue; telephone systems.* This account shall include the carrier's revenue from the operation of telephone systems as provided in § 34.03–8. (See also account 3648, "Telephone service revenues.")

§ 34.3928 *Wire-telegraph and ocean-cable revenue; wire systems.* This account shall include the carrier's revenue from the operation of wire-telegraph and ocean-cable systems as provided in § 34.03–8.

OPERATING-EXPENSE ACCOUNTS

INSTRUCTIONS

§ 34.41–1 *Purpose of operating expense accounts.* The operating expense accounts are designed to show the expenses of maintaining and operating radiotelegraph plant and the other expenses incurred in providing radiotelegraph service. (See also §§ 34.03–8 and 34.03–17.)

§ 34.41–2 *Operating expenses applicable to leased plant.* Operating expenses applicable to leased plant shall be charged by the lessee to the appropriate operating expense accounts, as provided in paragraphs (c) and (d) of § 34.30–3.

§ 34.41–3 *Direct allocation of operating expenses to stations and city offices.* The records supporting the entries in the operating expense accounts shall be so maintained as to show the amounts of expenses directly applicable to:

Each fixed station,
Each land station,
Each city office,
Ship stations (collectively),
Other mobile stations (collectively).

§ 34.41–4 *Expenses of holding or servicing departments.* The records supporting such portions of the charges to each operating expense or other account as are incurred or recorded by departments performing holding company activities or furnishing services (other than radiotelegraph services performed at published tariff rates) to other carriers or affiliates under license agreements, general service contracts, or other arrangements providing for the furnishing of general accounting, engineering, financial, legal, patent, or other general services, shall be so maintained that the carrier can report separately the amount of charges included therein applicable to each such carrier or affiliate.

§ 34.41–5 *Maintenance expenses.* (a) The cost of maintenance chargeable to the various operating expense accounts and to clearing accounts includes labor, materials, overhead, and other expenses incurred in maintenance work, such as:

(1) Inspecting, testing, and reporting on the condition of plant to determine the need for repairs, replacements, and rearrangements.

(2) Replacing minor items of operated plant, except when such items are replaced through the replacement of retirement units. (See also § 34.1–6.)

(3) Rearranging and changing the location of plant not retired.

(4) Repairing materials for reuse. (See also account 1795, "Material and supplies.")

(5) Restoring the condition of plant damaged by storm, flood, fire, accident, or other casualty. (See also account 2215, "Provisions for self-carried insurance.")

(6) Restoring the condition of plant damaged by wear and tear, decay, or action of the elements.

(7) Training employees for maintenance work. (See also account 4475, "Training employees.")

(8) Inspecting and testing after repairs have been made.

(9) Portion of local plant supervision attributable to maintenance.

(10) Cost of transportation, shop and store expenses, and use of tools and implements.

(11) Cost of installations, equipment changes, and similar services, for which the carrier is reimbursed in whole or in part, or for which a charge is made by the carrier.

(12) Routine work to prevent service interruptions and to obtain the highest possible service efficiency from the operated plant performed by such employees as maintenance engineers, maintenance men, repair men, and their helpers, and by other employees whose duties include the full time or part time performance of analogous maintenance functions.

(b) The cost of maintenance does not include the cost of replacing items of plant designated as "retirement units." (See also § 34.1–6–1.)

(c) The records supporting the entries in these accounts shall be so maintained that in the reports to this Commission the maintenance expenses may be shown separately for (1) plant owned and operated by the carrier and (2) plant leased from others. When it is necessary to apportion the maintenance expenses between plant owned and used and plant leased, the carrier shall be prepared to describe the basis of such apportionment.

NOTE: Expenses incurred on account of property of others damaged in connection with maintenance work (except for the cost of incidentally repairing the property of others in the course of such work) shall be included in account 4430, "Injuries and damages."

§ 34.41–6 *Conducting-operations expenses.* The expenses of conducting radiotelegraph operations shall be charged to the appropriate accounts during the month when such expenses are incurred. When it is impracticable to determine the amount of expenses applicable to a particular account, the amount shall be entered in an appropriate clearing account and the portion considered applicable to conducting operations shall be cleared as at the end of the month by transfer to the appropriate account. (See also § 34.03–17.)

§ 34.41–7 *Accounting for electron tubes.* (a) When electron tubes are placed into service, the account that includes the cost of the plant with which the electron tubes are associated shall be charged with the cost of the tubes.

(b) When electron tubes are replaced, without retirement and replacement of any unit of plant of which such tubes form a part, the cost of the new tubes shall be charged to account 4132, "Electron-tube replacements," or account 4135, "Maintenance of mobile station equipment," as appropriate. Electron tubes shall be considered as minor items for retirement purposes. (See also § 34.03–15.)

(c) If electron tubes are repaired, the cost of such repairs shall be charged to account 4125, "Maintenance of fixed and land station transmission equipment," or account 4135, "Maintenance of mobile station equipment," as appropriate.

§ 34.41–99 *Contemplated form of operating expense statement.* (See § 34.03–9.)

Account No. (1)	Particulars (2)	Amount (3)
	Maintenance expenses	
4110	Supervision of maintenance	$
4115	Maintenance of real estate	
4120	Maintenance of fixed and land station aerial systems and lines	
4125	Maintenance of fixed and land station transmission equipment	
4130	Maintenance of furniture and office equipment	
4132	Electron-tube replacements	
4135	Maintenance of mobile station equipment	
4198	Maintenance-expense equalization	
4199	Other maintenance expenses	
	Total maintenance expenses	$
	Conducting-operations expenses	
4210	Supervision of operations	$
4215	Operators' wages	
4216	Wages of station attendants	
4222	Wages of operating-office clerks	
4225	Operating power	
4230	Traffic damages	
4235	Traffic-damage expense	
4240	Telephone service—Message transmission	
4243	Rent for operating offices	
4245	Rent for other facilities	
4250	Advertising	
4255	Soliciting	
4260	Obtaining stock and commercial news	
4270	Commissions—Dr	
4275	Commissions—Cr (red)	
4281	Messengers' wages	
4283	Messengers' uniform expense	
4289	Other messenger service expense	
4290	Other employees' wages	
4295	Supplies—Operating offices	
4299	Other conducting-operations expenses	
	Total conducting-operations expenses	$
	Administrative expenses	
4310	Salaries of general officers and executives	$
4315	Expenses of general officers and executives	
4320	Salaries of general office employees	
4325	Expenses of general office employees	
4399	Other administrative expenses	
	Total administrative expenses	$
	General expenses	
4410	Legal services	$
4415	General services, licenses, and royalties—Dr	
4420	General services, licenses and royalties—Cr (red)	
4425	Insurance	
4430	Injuries and damages	
4435	Relief and pensions	
4445	Rest and lunch room expenses	
4450	Rent for offices	
4455	Other rents	
4460	Franchise requirements—Dr	
4465	Franchise requirements—Cr (red)	
4470	Supplies	
4475	Training employees	
4480	House service	
4499	Other general expenses	
	Total general expenses	$
	Total operating expenses	$

PRESCRIBED ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

Maintenance Expenses

§ 34.4110 *Supervision of maintenance.* (a) This account shall include the salaries and the office and other expenses of officers, superintendents, engineers, architects, special consultants, and field supervisors engaged exclusively in supervising or directing maintenance work; also similar expenses of the office and field forces of such supervisory personnel, including assistants, clerks, stenographers, and other immediate subordinates.

(b) This account shall include the amounts of expenses applicable to maintenance that are transferred from the clearing accounts. (See also § 34.90–2.)

(c) This account shall be subdivided as follows:

4110:01 Salaries and wages.
4110:99 Other expenses.

ITEMS

(See § 34.03–12)

Automobile service, including charges through clearing account 9015, "Vehicle expense; undistributed."
Meals, including payments therefor on account of overtime work.
Postage, printing, and stationery.
Salaries and wages.
Supplies.
Travel expenses.

§ 34.4115 *Maintenance of real estate.* (a) This account shall include the amount of expenses incurred in maintaining plant the cost of which is includible in the accounts provided for real estate (accounts 11 to 14, inclusive) and similar operated plant leased from others.

(b) This account shall be subdivided as follows:

4115:01 Salaries and wages.
4115:02 Materials and supplies.
4115:99 Other expenses.

ITEMS

(See particularly §§ 34.03–12 and 34.41–5)

Land

Maintaining public improvements, including assessments covering such work.
Maintaining soil conservation (anti-erosion) methods and devices.
Minor improvements to land.
Restoring the condition of land damaged in the course of repairs, replacements, additions, or betterments.
Restoring the grade and similar repairs occasioned by floods and other action of the elements.

Land Improvements

Maintaining fences and retaining walls.
Maintaining fountains, pools, and ponds.
Maintaining hedges, shrubbery, and trees.
Maintaining lawns, flower plots, and ornamental plants.
Maintaining non-permanently surfaced paths, walks, or other passageways.
Maintaining ornamental terraces and statuary.
Maintaining roads and sidewalks.
Maintaining tennis courts, outdoor swimming pools, or other recreational equipment on company owned (or maintained) grounds when primarily for the use of company employees.
Maintaining yard lighting equipment.
Maintaining yards and grounds.

Drainage, Sewerage, Gas, and Water Systems

Flushing.
Inspecting.
Minor improvements and rearrangements.
Repairing structures, machinery, pipe lines, reservoirs, and similar items.
Restoring condition of drainage, sewerage, gas, and water systems damaged in the course of repairs, replacements, additions, or betterments.

Buildings

Changing location of partitions. (See also notes D and E to this account.)
Minor alterations to buildings and quarters. (See also note F to this account.)
Repainting and repapering buildings, including redecorating interiors of buildings.
Repairing building machinery, fixtures, appurtenances, and appliances, such as elevators, plumbing, and equipment for heating, lighting, and ventilating.
Repairing rented buildings and quarters, except when the rented property is used in operations the expense of which is chargeable to other accounts. (See also § 34.1–5.)
Replacing and repairing awnings, screens, window shades and ventilators, storm doors, storm windows, movable partitions, and similar movable minor items of buildings. (See also note E to this account.)
Restoring condition of buildings damaged in the course of repairs, replacements, or additions. (See also note F to this account.)

NOTE A: The cost of initial improvements in the preparation for service of either leased or purchased land; land improvements; drainage, sewerage, gas, and water systems; and buildings shall be charged to the appropriate operated plant account, except when such improvements are of relatively minor cost or short life or the period of the lease is less than 1 year. (See also §§ 34.1–1, 34.1–2, and 34.1–5.)

NOTE B: The cost of maintenance of land; land improvements; drainage, sewerage, gas, and water systems; and buildings, the investment in which is includible in account 1610, "Miscellaneous physical property," shall be charged to account 5110, "Income from miscellaneous physical property."

NOTE C: The cost of maintenance of land used for right of way shall be charged to account 4120, "Maintenance of fixed and land station aerial systems and lines."

NOTE D: Any substantial increase or decrease in partitions resulting from such changes therein shall be accounted for as additions or retirements, as appropriate.

NOTE E: When partitions of a movable type are replaced by partitions of a permanent type or vice versa, the costs involved shall be accounted for through the plant and depreciation allowance accounts.

NOTE F: The cost of minor building alterations incident to the installation of equipment, such as opening and closing holes in ceilings, partitions, walls, and floors to permit installation of equipment, power conduit and wiring, shall be charged to the account appropriate for the class of equipment installed.

§ 34.4120 *Maintenance of fixed and land station aerial systems and lines.* (a) This account shall include the amount of expenses incurred in maintaining (1) plant the cost of which is includible in accounts provided for fixed and land station aerial systems and lines (accounts 21 to 27, inclusive), (2) similar operated plant leased from others, and (3) the right of way therefor.

(b) This account shall be subdivided as follows:

4120:01 Salaries and wages.
4120:02 Materials and supplies.
4120:99 Other expenses.

ITEMS

(See particularly §§ 34.03–12 and 34.41–5)

Cutting out or cutting in slack in wires.
Moving plant in connection with road and street changes. (See also § 34.1–6.)
Painting and treating towers, masts, poles, foundations, markers, and similar items subsequent to their installation.
Repairs to tuning coil shelters and sleet-melting equipment.
Relocating poles.
Respacing poles and crossarms.
Right-of-way adjustments, cost of, when no additional rights are acquired.
Straightening poles and crossarms.
Tightening anchors, guys, and other appurtenances and raking guy poles.
Transferring wire in connection with replacement of towers, masts, and poles.
Trenching poles.
Trimming trees, cutting underbrush, and other work to maintain previous clearance of right of way.
Work on the property of others in connection with maintenance of aerial systems and lines.

§ 34.4125 *Maintenance of fixed and land station transmission equipment.* (a) This account shall include the amount of expenses incurred in maintaining plant the cost of which is includible in the accounts provided for fixed and land station transmission equipment (accounts 31 to 41, inclusive) and similar operated plant leased from others.

(b) This account shall be subdivided as follows:

4125:01 Salaries and wages.
4125:02 Materials and supplies.
4125:99 Other expenses.

ITEMS

(See particularly §§ 34.03–12 and 34.41–5)

Adding acid and water to batteries and reading specific gravity, current drain, and voltage of batteries.
Calibrating thermocouples and other instruments.
Cleaning, lubricating, and adjusting the equipment.
Grinding used crystals for reuse.
Inspecting and testing after repairs have been made.
Refinishing and repairing used equipment for reuse.
Relocating and rearranging equipment.
Removing sediment from storage batteries.
Repairing and adjusting meters.
Repairing electron tubes.
Repairing storage batteries, including replacing of minor items.
Replacing fuses, indicating-lights, and cords.
Servicing message-conveyer equipment.
Tools and other individual items of equipment—items of small cost or short life, cost and repairs of.

§ 34.4130 *Maintenance of furniture and office equipment.* (a) This account shall include the amount of expenses incurred in maintaining plant the cost of which is includible in account 51, "Furniture and office equipment," and similar operated plant leased from others.

(b) This account shall be subdivided as follows:

4130:01 Salaries and wages.
4130:02 Materials and supplies.
4130:99 Other expenses.

§ 34.4132 *Electron-tube replacements.* This account shall include the amount of expenses incurred in replacing electron tubes, the initial cost of which is includible in the operated plant accounts provided for fixed and land station transmission equipment. (See also § 34.41–7 and account 4135.)

§ 34.4135 *Maintenance of mobile station equipment.* (a) This account shall include the amount of expenses incurred in maintaining plant the cost of which is includible in the accounts provided for mobile station equipment (accounts 61 to 69, inclusive) and similar operated plant leased from others.

(b) This account shall include also the amount of expenses incurred in replacing electron tubes, the initial cost of which is includible in the operated plant accounts provided for mobile station equipment. (See also § 34.41–7.)

(c) This account shall be subdivided as follows:

4135:01 Salaries and wages.
4135:02 Materials and supplies.
4135:99 Other expenses.

ITEMS

(See particularly §§ 34.03–12 and 34.41–5)

Lists given under accounts 4120 and 4125 with respect to comparable equipment are applicable to this account.

§ 34.4198 *Maintenance-expense equalization.* (a) This account shall be charged with such amounts as this Commission may authorize or direct to be credited to account 2220, "Provisions for equalization of maintenance expenses," under a plan to equalize maintenance expenses.

(b) When maintenance work for which provision has been made in this account is performed, the cost of such work shall be charged to the appropriate maintenance accounts. Concurrently this account shall be credited and account 2220, "Provisions for equalization of maintenance expenses," shall be charged with an amount equal to the cost of such maintenance work.

§ 34.4199 *Other maintenance expenses.* (a) This account shall include the amount of maintenance expenses not provided for elsewhere.

(b) This account shall be subdivided as follows:

4199:01 Salaries and wages.
4199:02 Materials and supplies.
4199:99 Other expenses.

Conducting-Operations Expenses

§ 34.4210 *Supervision of operations.* This account shall include the salaries of officers, superintendents, engineers, special consultants, and field supervisors engaged exclusively in supervising or directing operations. (See also paragraph (b) of § 34.03–17.)

§ 34.4215 *Operators' wages.* This account shall include the salaries and wages of operators (including printer operators) engaged in the transmission of messages; also commissions paid in lieu of or in addition to such salaries or wages.

NOTE: The amount of salaries and wages of traffic employees attending supplemental training or postgraduate operating schools shall be charged to account 4475, "Training employees."

§ 34.4216 *Wages of station attendants.* This account shall include the salaries and wages of station attendants,

whether designated as attendants, operators, engineers, or electricians, whose principal duties consist of watching and regulating the operation of transmission equipment.

§ 34.4222 *Wages of operating-office clerks.* This account shall include the pay of bookkeepers, clerks, and attendants engaged in the receiving and delivering of messages at counters or telephones, quoting rates, collecting charges, keeping accounts, and performing other clerical duties in operating offices.

§ 34.4225 *Operating power.* (a) This account shall include the cost of power for transmitting traffic and operating signals. It shall include the cost of electricity purchased, the cost of fuel and other supplies used, and the expenses incurred in the generation, conversion, and storage of current for operating the carrier's transmission equipment, battery-charging machines, and for other operating power requirements; also the salaries, wages, and expenses of engineers and other attendants and employees engaged in the generation, conversions, and storage of such current.

(b) This account shall be subdivided as follows:

4225:01 Power purchased.
4225:02 Power generated.

NOTE A: Payments for installation of permanent power circuits for emergency use shall be charged to the appropriate plant account.

NOTE B: The cost of power used for house service purposes shall be charged to account 9035, "House-service expense; undistributed," or other account, as appropriate.

§ 34.4230 *Traffic damages.* (a) This account shall include the amount of obligations incurred in settlement of damages arising out of claims of delays and errors in service, including amounts of revenues refunded in partial or complete settlement of such claims.

(b) The records supporting the entries in this account shall be so maintained as to show the amounts of settlements made during the accounting period with respect to delayed-delivery, nondelivery, error, and other causes under the following subdivisions:

4230:01 Amounts with respect to messages.
4230:02 Amounts with respect to money transfers.

(c) There shall be classed as delayed-delivery claims those arising from delays in transmission or delivery; as nondelivery claims, those arising from failure to deliver; as error claims, those arising from error in transmission or delivery, except such as may be classified as delayed-delivery or nondelivery claims; and as other types of claims, those arising from causes not shown above, such as libel, fraud, and similar bases.

NOTE: Payments on account of injuries to persons or damage to property of others shall be charged to account 1300, "Plant under construction," or account 4430, "Injuries and damages," as appropriate.

§ 34.4235 *Traffic-damage expense.* This account shall include the amount of expenses incurred in connection with closing claims for traffic damages, including court costs, the pay and expenses of witnesses, and the legal and other expenses or costs incurred in connection with investigating, defending, or settling traffic-damage claims.

§ 34.4240 *Telephone service; message transmission.* This account shall include the amount of expenses incurred for telephone service used in the receiving, forwarding, or terminating of radiotelegraph messages. (See also paragraph (a) of § 34.03–17 and account 4222, "Wages of operating-office clerks.")

NOTE: Amounts of expenses relating to telephone service used primarily for other purposes shall be included in the expense account appropriate to the predominant use of such service (with the option of more detailed distribution).

§ 34.4243 *Rent for operating offices.* This account shall include the amount of expenses incurred as rents for space used for operating offices. (See also paragraph (b) (1) of § 34.03–5 and accounts 4245, "Rent for other facilities," 4450, "Rent for offices," and 4940, "Rent for lease of operated plant.")

§ 34.4245 *Rent for other facilities.* This account shall include the amount of expenses incurred as rents for the use of facilities other than space or leased plant (comprising substantially complete operating systems or operating units held in exclusive possession by the lessee). It shall include rents for such equipment as ducts, conduit, lands, pole lines, circuits, conductors, and transmitting and receiving equipment. (See also accounts 4243, 4450, and 4940.)

§ 34.4250 *Advertising.* This account shall include the amount of expenses incurred in connection with commercial advertising for promoting the further use of radiotelegraph service, such as the cost of newspaper advertisements, literature, and similar expenses.

ITEMS

(See § 34.03–12)

Announcements of rate changes. (See also note A to this account.)
Commercial advertisements in newspapers and magazines. (See also note A to this account.)
Commercial advertising matter, such as posters, bulletins, booklets, and related items. (See also note A to this account.)
Electric current consumed in illuminating signs.
Exhibits in connection with industrial expositions, expenses of.
Lecture and demonstration tours for traffic promotion purposes.
Managers and their office forces in charge of advertising, expenses of.
Radio advertising programs.
Window displays.

NOTE A: The cost of newspaper advertisements, literature, and similar expenses other than for commercial advertising purposes, such as advertisements of stock and bond issues, advertising for employees, and notices of dividends declared, shall be charged to the accounts appropriate for such costs.

NOTE B: The cost of flags, bunting, and similar expenses of decorating buildings shall be charged to account 9035, "House-service expenses; undistributed."

§ 34.4255 *Soliciting.* (a) This account shall include the salaries, wages, and expenses of solicitors engaged in canvassing for business and interviewing customers

for promoting the further use of radiotelegraph service, and shall include also expenses in connection with furnishing copies of tariffs and notices of changes to the public.

(b) This account shall be subdivided as follows:

4255:01 Salaries and wages of solicitors.
4255:99 Other expenses.

ITEMS

(See § 34.03–12)

Canvassers and solicitors, pay and expenses of.
Managers and their office forces in charge of solicitors, expenses of.
Public distribution of tariffs and notices of changes, expenses of.
Travel expenses.

§ 34.4260 *Obtaining stock and commercial news.* This account shall include the amount of expenses incidental to the gathering of information relative to stock and other market quotations, transactions in securities, sporting news, election returns, marine reports, and similar items subsequently disseminated as stock and commercial news to subscribers.

§ 34.4270 *Commissions—Dr.* (a) This account shall include the amount of commissions (including flat-rate payments per metropolitan zone for terminal messenger service) paid to communication carriers, transportation carriers, hotels, service stations, or other persons other than employees, for services rendered in originating and terminating radiotelegraph messages or for similar commercial communication services. (See also § 34.31–3.)

(b) This account shall be subdivided as follows:

4270:01 Commissions paid to communication carriers.
4270:02 Commissions paid to transportation carriers.
4270:03 Commissions paid to other types of public utilities.
4270:99 Commissions paid to others.

§ 34.4275 *Commissions—Cr.* This account shall include the amount of commissions (including flat-rate charges per metropolitan zone for terminal messenger service) received from other carriers for services rendered in originating and terminating messages or for similar commercial communication services. (See also § 34.31–3.)

§ 34.4281 *Messengers' wages.* This account shall include the wages of messengers and commissions paid to messengers in lieu of or in addition to wages. (See also account 4270, "Commissions—Dr.")

NOTE: The amount of salaries, wages, and expenses of employees attending supplemental training or postgraduate schools shall be charged to account 4475, "Training employees."

§ 34.4283 *Messengers' uniform expense.* (a) This account shall include the cost of messenger uniforms purchased for use by the carrier in communication service.

(b) This account shall be charged with the amounts of expenses incurred in altering, repairing, cleaning, and pressing uniforms.

§ 34.4289 *Other messenger service expense.* This account shall include the amount of expenses incurred in furnishing messenger service not provided for elsewhere.

ITEMS

(See § 34.03–12)

Automobile service, including charges through clearing account 9015, "Vehicle expense; undistributed."
Carfare.
Licenses for bicycles and other vehicles used in messenger service.
Meals, including payments therefor on account of overtime work.
Messengers, expenses of. (See also account 4283.)
Registration fees for vehicles used in messenger service.

§ 34.4290 *Other employees' wages.* This account shall include the wages and the expense for subsistence furnished employees in lieu of wages of employees engaged in any phase of conducting operations not provided for elsewhere.

§ 34.4295 *Supplies; operating offices.* This account shall include the cost of supplies used in conducting operations.

ITEMS

(See § 34.03–12)

Message blanks.
Postage, stationery, and printing.
Printer tape.

§ 34.4299 *Other conducting-operations expenses.* This account shall include the expenses of operators, station attendants, and operating-office clerks whose wages and salaries are included in accounts 4215, 4216, and 4222, respectively, and the amount of other expenses incurred in conducting operations not provided for elsewhere.

Administrative Expenses

§ 34.4310 *Salaries of general officers and executives.* This account shall include the compensation (salaries, bonuses, and other consideration for services) of officers and executives of the carrier, properly chargeable to radiotelegraph operations and not chargeable directly to a particular function. (See also § 34.03–17.)

NOTE: Fees and expenses of directors who are also officers or executives shall be charged to account 4499, "Other general expenses."

§ 34.4315 *Expenses of general officers and executives.* This account shall include the expenses incurred for the benefit of the carrier in its radiotelegraph operations by officers and executives whose compensation is includible in account 4310, "Salaries of general officers and executives," and which are not chargeable directly to a particular function.

ITEMS

(See § 34.03–12)

Hotel expenses.
Meals, including payment therefor on account of overtime work.
Travel expenses.

§ 34.4320 *Salaries of general office employees.* This account shall include the compensation (salaries, bonuses, and other consideration for services) of employees engaged in the general offices of the carrier properly chargeable to radiotelegraph operations and not chargeable directly to a particular function. (See also § 34.03–17.)

§ 34.4325 *Expenses of general office employees.* This account shall include the expenses incurred for the benefit of the carrier in its radiotelegraph operations by general office employees whose compensation is includible in account 4320, "Salaries of general office employees," and which are not chargeable directly to a particular function.

ITEMS

(See § 34.03–12)

Hotel expenses.
Meals, including payment therefor on account of overtime work.
Travel expenses.

§ 34.4399 *Other administrative expenses.* This account shall include the amount of expenses incurred in carrying out administrative functions not provided for elsewhere.

General Expenses

§ 34.4410 *Legal services.* This account shall include amounts payable to persons, other than officers and employees of the carrier, for legal services and related expenses that are not chargeable to other operating expense accounts or to clearing or plant accounts.

NOTE: The pay and expenses of the legal staff of the carrier shall be included in account 4310, "Salaries of general officers and executives," account 4315, "Expenses of general officers and executives," account 4320, "Salaries of general office employees," or account 4325, "Expenses of general office employees," as appropriate.

§ 34.4415 *General services, licenses, and royalties—Dr.* (a) This account shall include the amount of expenses incurred for services received under a licensing agreement, a general service contract, or other arrangement providing for the furnishing of general management, supervision, purchasing, accounting, engineering, financial, legal, patent, or other general services.

(b) The records supporting the entries in this account shall be so maintained as to show the respective amounts paid to each furnisher of the service with respect to each class of service furnished. If the costs incurred in the first instance by the person furnishing the service are apportioned to several recipients thereof, the records of the carrier served shall indicate the aggregate cost of the furnishing person and the method of apportionment to the recipient carrier.

§ 34.4420 *General services, licenses, and royalties—Cr.* (a) This account shall be credited with amounts accruing (other than profits realized) from services rendered others under a license agreement, a general service contract, or other arrangement providing for the furnishing of general management, supervision, purchasing, accounting, engineering, financial, legal, patent, or other general services.

(b) Minor amounts of profits from such arrangements may be included in this account. (See also account 5020, "Profit from general services, licenses, and royalties.")

NOTE: Revenue from the maintaining and servicing of station equipment shall be included in account 3818, "Revenue from furnishing and servicing stations."

§ 34.4425 *Insurance.* (a) This account shall include the cost of insurance to protect the carrier against losses and damages to owned or leased property used in its radiotelegraph services, and the amount of insurance premiums paid in compliance with statutes requiring the carrier to provide for workmen's compensation or similar employee protection, except such costs as are includible in the clearing accounts. There shall be included in this account the amounts of premiums payable to insurance companies for other than reinsurance of self-carried insurance, and amounts credited to account 2215, "Provisions for self-carried insurance," for fire, storm, burglary, boiler explosion, lightning, and other insurance; special costs incurred in procuring insurance, such as insurance inspection service; and the pay, travel, and other expenses of officers, clerks, and other employees of an insurance department.

(b) Amounts received from insurance companies as insurance dividends or refunds of premiums shall be credited to this account.

(c) The records supporting the entries in this account shall be so maintained as to show the amount of coverage for each class of insurance carried, the property covered, and the applicable premiums.

(d) This account shall be subdivided as follows:

4425:01 Property insurance premiums.
4425:02 Other insurance premiums.
4425:03 Provisions for self-carried insurance.
4425:99 Other insurance costs.

NOTE A: Recoveries from insurance companies or others shall be accounted for as provided in account 2215, "Provisions for self-carried insurance."

NOTE B: Premiums on life insurance and annuities of officers and employees where the carrier is not the beneficiary shall be included in account 4435, "Relief and pensions."

§ 34.4430 *Injuries and damages.* (a) This account shall include losses, not covered by insurance, on account of injuries to or deaths of employees or others, which occur in connection with radiotelegraph operations, and payments and expenses on account of damages to the property of others whether the loss be occasioned by fire, flood, storm, or other cause. This account may be charged monthly with amounts sufficient to meet the probable liability for such losses, concurrent credits being made to account 2215, "Provisions for self-carried insurance," in which case losses sustained shall be charged to that account.

(b) This account shall include (1) the pay and expenses of officers and employees regularly engaged in or specifically assigned to work in connection with injuries to employees or others and damages to property of others, (2) payments to attorneys, investigators, and adjusters, and (3) court costs and similar items, except such items as are provided for in the clearing accounts.

(c) Amounts in reimbursement of payments for injuries and damages charged to this account shall be credited hereto.

NOTE A: Payments to or on behalf of employees, including accident and death benefits, hospital expenses, and medical supplies; also salaries, fees, and expenses of surgeons, doctors, nurses, and similar payments or amounts provided for such payments through a plan for employees' benefits, shall be charged to account 4435, "Relief and pensions."

NOTE B: There shall not be included in this account the amounts of premiums for insurance of the lives of officers and employees or the cost of injuries and damages chargeable directly to the operated plant, clearing, or other accounts.

§ 34.4435 *Relief and pensions.* (a) This account shall include pensions or other benefits paid to active and retired employees, their representatives or beneficiaries, and salaries and expenses incurred in conducting relief, benefit, and general medical departments. It shall include payments to or on behalf of employees on account of injuries or accidental death when such payments come within the scope of a carrier's general provision for employees' benefits.

(b) If the carrier has definitely undertaken by contract to pay pensions to employees when regularly retired for superannuation or disability and has established a fund to be held in trust for such pension purposes, the carrier shall charge to this account monthly amounts determined through the application of equitable actuarial factors to the current pay rolls, which together with interest accruals on the trust funds, will as nearly as may be, provide for the payment of such pensions, or for the purchase of annuities corresponding thereto. The amounts so charged shall be concurrently credited to account 2210, "Provisions for employees' pensions and welfare." The amounts accrued in each year shall correspond to the aggregate of the amounts expended directly by the carrier for pensions or annuities during the year and amounts paid into the trust fund. The carrier shall maintain a complete record of the actuarial computations through which the accrual each month of its pension liabilities is established.

(c) Upon the adoption of the accrual plan of accounting, pension payments to employees retired before the adoption of such plan shall be charged to an existing pension reserve or to account 6299, "Other extraordinary income charges." If a carrier pays into its pension trust fund the amount of its existing pension reserve, any such amounts in excess of provision for pensions granted prior to the adoption of the accrual plan may be applied in whole or in part to the adjustment of future accrual charges.

(d) Before adopting the accrual plan of accounting for pensions the carrier shall inform this Commission of the details of its pension plan, giving full statement of the facts which in its judgment establish a contractual obligation for pension payments together with the actuarial formula under which it proposes to create its pension trust fund, and also a copy of the declaration of trust under which the fund is established. Each carrier that has adopted the accrual plan of accounting for pensions shall make no change in the accounting therefor or in the method of computing the amounts of the accruals recorded in the accounts under the plan without first submitting full particulars of the proposed changes and a detailed statement of the reasons therefor to this Commission for its consideration and approval.

(e) No charges to this account shall be made in anticipation of discretionary pension payments in the future.

(f) This account shall include also, under a separate subaccount, amounts accrued to provide for the payment of termination allowances or similar benefits to employees of the carrier when such employees are laid off because of lack of work, and to provide necessary and warranted relief to former employees. Charges to this subaccount shall be made only after approval by this Commission of the carrier's plan for administering payments for these purposes and of the amount of the accruals. Amounts charged to this subaccount shall be concurrently credited to account 2210, "Provisions for employees' pensions and welfare."

(g) There shall be credited to this account that portion of each class of relief and pensions assigned to construction and custom-work labor.

ITEMS

(See § 34.03–12)

Accident, sickness, death, and other disability benefits to employees, their representatives or beneficiaries.
Employees of relief, benefit, and general medical departments, pay and expenses of.
Expenses in connection with employees' disability cases, such as hospital, nursing, and medical attendance.
Fees and retainers for medical and similar services incurred by relief, benefit, and general medical departments.
Medical supplies.
Office supplies.
Postage, printing, and stationery.
Premiums paid for group insurance for the benefit of employees or their beneficiaries.
Repairs of furniture and equipment, and cost and repairs of individual items of small value or short life.
Travel expenses.

§ 34.4445 *Rest and lunch room expenses.* (a) This account shall be charged with the amount of expenses incurred in operating rest and lunch rooms for employees, including the cost of meals provided. This includes the cost of operating such facilities as rest rooms, quiet rooms, reading rooms, medical rooms, locker rooms, check rooms, sleeping rooms, and dormitories.

(b) This account shall be credited with amounts paid to the carrier for meals and other services the expense of which is included in this account.

ITEMS

(See §§ 34.03–12 and 34.03–17)

Bedding.
Dishes.
Electric power for cooking, refrigeration, or operating kitchen equipment.
Food supplies.
Fuel for cooking.
Handling orders and bills for supplies.
Ice for refrigeration.

Laundry.
Linen.
Lunch room managers, cooks, cashiers, waiters, and other employees, pay and expenses of.
Medical supplies, including first-aid materials.
Newspapers, magazines, phonograph records, and radio-tube replacements.
Nurses, matrons, and attendants for employees' quarters, pay and expenses of.
Postage, printing, and stationery.
Silverware.
Uniforms.

§ 34.4450 *Rent for offices.* This account shall include the amount of expenses incurred as rent for the use of space in buildings occupied by the carrier for general purposes. (See also paragraph (b) (1) of § 34.03–5 and accounts 4243, "Rent for operating offices," 4245, "Rent for other facilities," and 4940, "Rent for lease of operated plant.")

§ 34.4455 *Other rents.* This account shall include amounts payable for operating rents not provided for elsewhere.

§ 34.4460 *Franchise requirements—Dr.* (a) This account shall include the cost, not provided for in account 82, "Franchises," of services, plant, material and supplies, and similar items furnished to governmental authorities in compliance with franchises, ordinances, or similar requirements and for which no direct compensation is received by the carrier. It shall include the cost of paving and of premiums on indemnity or similar bonds required under the general terms of a franchise or ordinance and not in connection with specific construction or maintenance work.

(b) This account shall include amounts paid for franchises running for 1 year or less after acquisition and may include direct charges for franchises acquired at small cost.

(c) There shall be charged to this account and credited to account 4465, "Franchise requirements—Cr.," an amount equal to the revenues that would be derived at published tariff rates from radiotelegraph services furnished to governmental agencies in compliance with franchises, ordinances, or similar requirements that require that services be furnished without direct compensation.

NOTE A: The cost of plant, supplies, and similar items given as an initial consideration for a franchise running for more than 1 year shall be charged to account 82, "Franchises."

NOTE B: Franchise taxes paid annually or more frequently shall be charged to account 4932, "Other taxes; operating."

NOTE C: The cost of operated plant furnished to a governmental agency without charge or used by the carrier in rendering services to a governmental agency without charge, shall be included in the appropriate plant accounts and the maintenance expenses incurred in connection with such operated plant shall be charged to the appropriate maintenance accounts.

NOTE D: The cost of constructing, or of changing the location of, operated plant to conform with governmental requirements, including such work required under the provisions of a franchise or ordinance, shall be charged to the maintenance-expense, operated plant, and allowance-for-depreciation accounts appropriate for the work performed.

§ 34.4465 *Franchise requirements—Cr.* This account shall be credited with amounts charged to account 4460, "Franchise requirements—Dr.," under the provisions of paragraph (c) of that account.

§ 34.4470 *Supplies.* This account shall include the cost of supplies used in connection with the general functions of the carrier's radiotelegraph operations. (See account 4295, "Supplies; operating offices," and of paragraph (b) (1) of § 34.03–5.)

ITEMS

(See § 34.03–12)

Office supplies.
Postage, stationery, and printing.

§ 34.4475 *Training employees.* This account shall include the amount of expenses incurred in the employment and training of employees of the carrier.

ITEMS

(See §§ 34.03–12 and 34.03–17)

Advertising for employees, cost of.
Employees attending supplemental training or postgraduate schools, pay and expenses of.
Instructors, messengers, supervisors, and others employed in training schools, pay and expenses of.
Personnel officers and employees engaged in interviewing applicants and hiring employees, pay and expenses of.
Supplies.

§ 34.4480 *House service.* (a) This account shall include the amount of expenses incurred in the operation of offices and buildings (whether owned or rented) used in connection with the general functions of the carrier's radiotelegraph operations.

(b) This account shall include the amounts of house service expenses applicable to general functions that are transferred from account 9035, "House-service expense; undistributed." (See also paragraph (b) of § 34.03–5.)

§ 34.4499 *Other general expenses.* This account shall include the amount of operating expenses not includible in other accounts.

ITEMS

See § 34.03–12)

Commissions paid agents for leasing space to others in buildings partly occupied by the carrier in connection with its communication operations.
Conventions and meetings of the industry, contributions for.
Fees and expenses of directors.
Patents having an estimated service life of 1 year or less and patents acquired at small cost, amounts paid for.
Research and development work, not includible in other accounts, cost of. (See also § 34.03–10.)

CLEARING ACCOUNTS

INSTRUCTIONS

§ 34.90–1 *Purpose of clearing accounts.* The clearing accounts are provided as a medium for the distribution of certain amounts which affect more than one account.

§ 34.90–2 *Disposition of balances in clearing accounts.* (a) The balances in the clearing accounts shall be distributed to the appropriate supervision or other accounts not later than the close of the calendar year unless amounts included therein appropriately affect the accounting for future periods.

(b) Undistributed balances (other than the balance in account 9030, "Supply expense; undistributed") shall be included in the balance sheet under account 1940, "Debit balances in clearing accounts," or account 2320, "Credit balances in clearing accounts," as appropriate.

(c) The carrier's records shall be so maintained that an analysis of undistributed items in clearing accounts at the close of the calendar year may be shown in the reports to this Commission.

PRESCRIBED ACCOUNTS

NOTE: Number to the right of the decimal point is the account number.

§ 34.9010 *Research and development; undistributed.* (a) This account shall be charged with the costs incurred in maintaining laboratories and experimental stations for the development of equipment the costs of research conducted for the purpose of improving operations, and other analogous items. (See also § 34.03–10.)

(b) This account shall be cleared by charging the appropriate accounts with the applicable amounts contained herein.

(c) The records supporting the entries in this account shall be so maintained as to show the amount and nature of each transaction recorded herein.

ITEMS

(See § 34.03–12)

Depreciation.
Electron tubes.
Heat, light, and power.
Maintenance.
Material and supplies.
Rent.
Repairs.
Royalties.
Salaries, wages, and expenses of employees.
Small tools.

NOTE: Amounts included in this account applicable to projects that have been abandoned shall be cleared by charges to account 6299, "Other extraordinary income charges," unless otherwise authorized or directed by the Commission.

§ 34.9015 *Vehicle expense; undistributed.* (a) This account shall include maintenance, depreciation, and other expenses applicable to vehicles that are not included in other accounts at the time they are incurred.

(b) This account shall be cleared by apportionment to operating-expense, plant, or other accounts benefited on such basis as will equitably distribute the amounts contained herein.

ITEMS

(See § 34.03–12)

Depreciation.
Heat, light, and power.
Maintenance.
Material and supplies.
Rent.
Repairs.
Salaries, wages, and expenses of employees.
Small tools.

§ 34.9020 *Shop, tool, and implement expense; undistributed.* (a) This account shall include maintenance, depreciation, and other expenses applicable to shop equipment, tools, and implements and the cost of material, labor, supplies, and other items incidental to repair work in the carrier's own shops that are not included in other accounts at the time they are incurred. (See also paragraph (c) (2) of § 34.1–3.)

(b) This account shall be cleared by apportionment to operating-expense, plant, or other accounts benefited on such basis as will equitably distribute the amounts contained herein.

ITEMS

(See § 34.03–12)

Depreciation.
Heat, light, and power.
Maintenance.
Material and supplies.
Rent.
Repairs.
Salaries, wages, and expenses of employees.
Small tools.

§ 34.9025 *Plant-supervision expense; undistributed.* (a) This account shall be charged initially with the salaries and the office and other expenses of officers, superintendents, engineers, architects, special consultants, and field supervisors engaged exclusively in supervising and directing both maintenance and construction work; also the similar expenses of the office and field forces of such officers and employees.

(b) This account shall be cleared by allocation to the operated plant accounts, to account 4110, "Supervision of maintenance," and to other appropriate accounts, on such basis as will equitably distribute the amounts contained herein.

NOTE: The salaries and the office and other expenses of foremen and inspectors in direct charge of maintenance, construction, or removal work shall not be included in this account but shall be charged direct to the accounts appropriate for the class of work performed.

ITEMS

(See § 34.03–12)

Books and periodicals.
Plant supervising officers and their staffs, including engineers, office and field forces charged with planning for and superintending maintenance, construction, and plant removal work—pay and expenses of.
Postage, printing, and stationery.
Rent and repairs of offices.
Supplies.
Tools and instruments of small value or short life.

§ 34.9030 *Supply expense; undistributed.* (a) This account shall include the amount of expenses and costs incurred in connection with the purchase, storage, handling, and distribution of material and supplies that are not included in other accounts at the time they are incurred and the amount of depreciation and maintenance applicable to the equipment of storerooms.

(b) Cash and other discounts on material shall be deducted from the cost of the particular material to which they relate or credited to the account to which the material is charged. When impracticable of such treatment they shall be credited to this account.

(c) Transportation charges on material purchased shall be included as a part of the cost of the particular material to which they relate. When impracticable of such treatment they shall be charged to this account. Transportation charges on material recovered from plant retired shall be accounted for as a part of the cost of removal.

(d) This account shall be cleared by adding to the cost of material and supplies a suitable loading charge that will equitably distribute the amounts contained herein.

ITEMS

(See § 34.03–12)

Books and periodicals.
Customs duties and excise taxes.
Depreciation and maintenance of storeroom equipment.
Insurance against losses and damages to material and supply stock. (See also account 4425, "Insurance.")
Inventory differences in material and supplies that cannot be assigned to specific accounts. (See also account 1795, "Material and supplies.")
Losses due to breakage, leakage, evaporation, and fire and other casualties to supply stock not assigned to specific accounts or distributed through the pricing of material and supplies disbursed.
Postage, printing, and stationery.
Purchasing agents, superintendents and supervisors of supplies, managers of stores, storekeepers, clerks and laborers; pay and expenses of.
Rent and repairs of storehouses, storerooms, storage yards, and other quarters.
Supplies used.
Transportation charges, undistributed.

§ 34.9035 *House service expense; undistributed.* (a) This account shall include the amount of expenses incurred in operating offices and buildings (whether owned or rented) that are not included in other accounts at the time they are incurred.

(b) This account shall be cleared by apportionment to operating-expense or other accounts benefited on such basis as will equitably distribute the amounts contained herein.

ITEMS

(See § 34.03–12)

Building superintendents and others engaged in supervising house-service operations—pay and expenses of.
Cleaning supplies.
Elevator service.
Heat.
Janitor service.
Light.
Postage, printing, and stationery.
Power. (See also account 4225, "Operating power.")
Refrigeration.
Rent and repairs of quarters used in the supervision of general house-service operations other than space used by janitors and similar employees in furnishing house service for a particular building.
Supplies.

RETIREMENT UNITS

§ 34.1–6–1 *List of units to be used in connection with the accounting provided in § 34.1–6.* (a) The following list of retirement units shall not be considered as items determining the classification of plant (see § 34.03–12) or as property units for use in continuous property-records (see § 34.1–8) but shall be used in connection with the accounting for operated plant retired (see § 34.1–6).

(b) Elimination of or substitution for retirement units listed herein may not be performed without specific authority by the Commission except that items which are not combinations of the listed retirement units may be added without such authority and carriers may account for listed units as maintenance when of small cost and not complete units of operated plant.

(c) This list shall be expanded by the carrier to include complete units of operated plant not shown herein.

(d) The carrier shall report to the Commission, within 45 days after June 30 and December 31 of each year, and as at those dates, all additions which have been made to the list under this authority, all items included in the list which have become obsolete, either as to technical titles or use in the communication service, and the items which the experience of the carrier has shown to involve a small cost only. These reports should include such other information concerning the list as the carrier may desire to place before the Commission with requests for appropriate action by the Commission in the matters described.

(e) The article "a," "an," or "the," as appropriate, should be read in connection with each retirement unit listed herein.

LAND IMPROVEMENTS (ACCOUNT 12)

Billboard or sign.
Boundary fence, wall, or hedge—continuous length of 50 feet or more.
Branch or spur extending from a main roadway or sidewalk—complete.
Bridge or trestle (foot or road).
Fencing, serving for other than boundary purposes—complete, or continuous length of 50 feet or more.
Gate, ornamental (not associated with fence or wall).
Hard-surface road—complete system, or continuous length of 20 feet or more.
Lawn—complete.
Loading platform.
Railroad spur or siding.
Roadway, curbing and sidewalk—complete system, or continuous length of 50 feet or more.
Snow barrier or fence.
Store yard—complete.
Swimming pool, tennis court, or similar unit of recreational equipment—complete.

DRAINAGE, SEWERAGE, GAS, AND WATER SYSTEMS (ACCOUNT 13)

Basin.
Branch or main extending from drain or sewer—complete.
Branch or spur extending from main or secondary water pipe—complete, or continuous length of 20 feet or more.
Cesspool or septic tank.
Drain or spillway.
Dike or levee—section of.
Drainage or sewerage system.
Drain or sewer—continuous length of 20 feet or more.
Engine.
Filtration plant.
Gas supply and distribution system serving more than a single building.
Hydrant.
Hydraulic ram—complete installation.
Lawn sprinkler system.
Manhole or handhole.
Motor (2 or more h. p.).
Piping or other water-conducting system—complete, or continuous length of 20 feet or more.
Reservoir.
Shelter or housing for machinery.

Subsurface drain bed.
Water or gas main.
Water pump.
Water system.
Water tank, with or without tower or other support.
Well.
Windmill or windmill tower.

BUILDINGS (ACCOUNT 14)

Air-conditioning or ventilating system.
Automatic stoker.
Boiler.
Building.
Coal or ash conveying system.
Elevator—complete, with operating mechanism.
Fire escape.
Floor-covering for one room.
Furnace.
Gas-burner system.
Heating system.
Hot-water heater.
House-lighting or power board.
Metal window—complete, with box, frame, and sash.
Motor (2 or more h. p.), generator, engine, turbine, pump, compressor, ventilating fan, air washer, elevator drum, or similar item of equipment, with or without associated wiring, control equipment, etc.
Oil-burner system.
Oil tank.
Roof—with or without supporting structures. (A building of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of buildings to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.)

NOTE: In addition to the foregoing retirement units, material (i. e., portions of buildings, equipment, fixtures, etc.) installed and retired, and the labor and incidental costs involved in connection with work of the following character, shall be handled through the plant and depreciation-allowance accounts:

Changes in the type of operation of elevator systems, e. g., a change from manual to automatic control of cars, from manual to power operation of doors, from low speed to high speed, from direct to alternating current, from hydraulic to electric operation, from one type of signaling or dispatching system to another.
Relocation of toilet rooms, battery rooms, kitchens, terminal rooms, machine rooms, transformer vaults, etc.
Structural changes, such as: Reinforcements of floors, roofs, bearing walls, footings, and foundations; additions or relocations of elevator shafts, stairways, fire exits, and vaults, but excluding switchboard cable holes and slots; and building alterations required for fire protection and other safety measures.
Changes in the type of electric current supply, or of ventilating, air-conditioning, or similar ssytems.
Building enlargements.
Replacements of plumbing or heating pipes (with or without associated valves), except when necessitated by minor repairs or minor relocations of fixtures.
Replacements of all or substantially all the lighting fixtures (with or without associated wiring and conduit) in one operating or equipment room or, in the case of office space, on one floor of a building.
General replacements (throughout a building or throughout an entire portion erected at one time) of items such as supply, return, or air valves in heating systems; hot or cold water valves or faucets; and plumbing, heating, or drainage traps.

TOWERS AND MASTS (ACCOUNT 21)

Beacon light, with or withoua accessories.
Crossarm or bridge.
Guy and anchor—complete.
Halyard, permanent.
Mast, pole-type or A-frame structure.
Topmast.
Tower.
Tower-lighting system.
Triatic system.
Winch, with or without foundation.

ANTENNA SYSTEMS (ACCOUNT 22)

Aerial Assemblies or Arrays

Antenna—complete.
Single or multiple antenna wire (with or without associated spacers, supporting insulators, and catenary wires, if integral parts of span)—continuous span.
Single "panel" of antenna wire, with supporting wire and insulators.

Ground or Counterpoise Systems

Counterpoise system.
Ground system.
Overhead transmission line for distribution of the current to the ground, wires, or plates.

Radio-Frequency Transmission Lines

Filter assembly.
Inside transmission line system.
Transmission branch line.
Transmission line system.

Tuning and Uncoupling Coils

Long-wave tuning coil or uncoupling coil.
Shelter or housing.

Sleet-Melting Installations

Power board.
Power-supply cable.
Shelter, housing, or platform.
Sleet-melting system.
Transformer or bank of transformers.

CONTROL LINES (ACCOUNT 26) AND POWER-SUPPLY LINES (ACCOUNT 27)

Buried cable—a section of 300 feet or more, or a section between manholes, splicing boxes, or pedestals.
Cable, with or without associated suspension strand, clamps, or rings.
Case of equipment, such as loading coils, building-out condensers, carrier-line filters, or auto-transformers.
Field telephone system.
Gas-pressure fault-indicating system.
Manhole.
Pole (i. e., line pole, brace pole, guy pole, or pole forming part of an A or H frame), with or without associated anchors, guys, steps, or other appurtenances.
Special fixtures (i. e., a bridge fixture, a tower, or other special river-crossing or long-span fixture), with or without associated anchors, guys, or other appurtenances.
Underground conduit—a section between a manhole, handhole, or service box and a pole or building.
Underground conduit—a section between two manholes, handholes, or service boxes.
Underground conduit dips between two poles, between a pole and a building, or between two buildings.
Wire, with or without associated insulators or other hardware—two or more continuous spans.

ELECTRON-TUBE TRANSMITTER EQUIPMENT (ACCOUNT 31)

Air ducts system.
Amplifier unit.
Antenna coupling device.
Blower.
Control panel.
Driver or exciter unit.
Generator.
Modulator unit.
Motor (2 or more h. p.).
Oil cooler.
Oscillator unit.
Radiator.
Rectifier unit.
Transformer (25 or more kv-a).
Transmitter—complete, with or without associated wiring or conduits.
Water pump.

OTHER TRANSMITTER EQUIPMENT (ACCOUNT 32)

Alternator, radio frequency.
Amplifier, magnetic.
Arc transmitter.
Armature (associated with main machine of 25 or more h. p.).
Compressor.
Condensers, battery of.
Foundation.
Oil tank.
Pump.
Motor (2 or more h. p.).
Motor generator.
Panel or switchboard.
Rotor.
Spark transmitter.
Transformer (25 or more kv-a).

COOLING APPARATUS (ACCOUNT 33)

Air duct.
Blower.
Brine tank.
Cooling pond.
Cooling pond louvre or wind break.
Cooling tower.
Fan, exhaust.
Heat exchanger.
Machine foundation.
Motor (2 or more h. p.).
Pump.
Radiator.
Refrigerating unit.
Spray tower.
Sump.
System of pipes from pump and cooling device to a transmitter or rectifier.
Water still.
Water storage tank.

RECEIVER EQUIPMENT (ACCOUNT 34)

Amplifier unit.
Antenna combining or coupling unit.
Coil box.
Converter unit.
Demodulator or detector unit.
Oscillator unit.
Power-supply panel or unit.
Receiver rack.
Receiving set—complete.
Rejector coupling unit.
Table or desk used as a mounting.
Tone keyer unit.
Tuner unit.

POWER SUPPLY AND DISTRIBUTION EQUIPMENT (ACCOUNT 36)

Other Than Storage Battery Equipment

Alternator.
Ash or coal conveyer.
Boiler.
Circuit breaker.
Compensator.
Concrete vault.
Control panel.
Feed water condenser
Generator.
Housing or shelter for pump.
Machine foundation.
Mercury tank.
Motor generator unit.
Motor (2 or more h. p.).
Power plant—complete.
Power substation—complete.
Prime mover.
Pump—fuel oil or feed water.
Rectifier, power.

Switchboard, power.
Starter.
Tank—fuel oil, feed water, or compressed air.
Transformer (25 or more kv-a).
Voltage regulator.

Storage Battery Equipment

Battery—complete, with or without rack, cabinet, or counter.
Battery plates—complete.
Battery rack or cabinet (storage or dry).
Electric motive cells.
Filter assembly, battery charging.
Group of bus bars, cable, or wiring, with or without conduit, such as between:
Battery and fuse panel.
Power switchboard and equipment.
Motor generator.
Rectifier, battery charging.
Switchboard, storage battery.
Tanks or jars—complete set.

CONTROL APPARATUS (ACCOUNT 40)

Frequency-Measuring Equipment

Amplifier unit.
Comparator.
Equipment rack.
Equipment table.
Frequency standard.
Frequency standard check equipment unit.
Harmonic generator or distortion amplifier unit.
Multi-vibrator unit.
Oscillator unit.
Power supply unit.
Radio receiver or unit.
Recorder, time-signal.
Regulator unit.
Shielded frequency-measuring room or booth (not part of a building).
Synchronous clock.
Temperature control box.

Message Transmitting and Receiving Apparatus

Automatic transmitter unit or base.
Desk or table fitted with radiotelegraph or other telegraph apparatus.
Error detector unit.
Facsimile machine (transmitting, receiving, or combination).
Ink recorder or undulator.
Photoradio operating table—complete, with wiring, outlets, compressor, etc.
Photoradio receiving recorder.
Photoradio universal transmitting and receiving machine.
Printer, keyboard, page, or tape.
Table or stand used as a mounting for automatic telegraph apparatus or for keyboard printer.
Tape perforator or reperforator, with or without cover or case.
Tape puller.
Tape puller foot control assembly—integral with operating table.
Teletypewriter.
Time stamp (a. c. or d. c.), or entire time-stamp installation.
Typewriter, traffic.
Water copy wringer or press.

Message Conveyor Equipment

Conveyor belt installation.
Metal chute.
Pneumatic tubing, with or without protective covering—section of.
Tubing blower motor.

Calling and Order-Dispatching Equipment

Annunciator system.
Call register.
Microphone and loudspeaker order-dispatching and intercommunicating system.
Microphone—complete, with mounting, connecting cord, etc.
Public-address system.
Telautograph installation.
Telegraph or telephone order-dispatching and intercommunicating system.

Terminal Equipment

Amplifier rectifier unit.
Amplifier unit.
Board—printer-control, relay, amplifier, line-test, or keyer.
Concentrator for radio or wire-line telegraph circuits, printer circuits, or telephones.
Control booth.
Control desk or console.
Control or switching box.
Converter unit.
Desk or table fitted with radiotelegraph or other telegraph apparatus.
Electrically shielded control room.
Filter-rack installation.
Filter unit.
Fuse panel, with or without associated wiring.
Lamp panel, with or without associated wiring.
Microphone—complete, with mounting, connecting cord, etc.
Mixer panel.
Modulator unit.
Mounting for line-terminal equipment—table, desk, or rack.
Multiplex terminal.
Oscillator unit.
Photoradio or facsimile terminal.
Radio transmitter frequency control installation.
Relay test panel, with or without associated wiring.
Remote control board, transmitter or receiver.
Single bay of relay rack or other supporting structure for terminal or other equipment.
Telegraph, telephone, or program control board.
Telegraph test board.
Telephone modulator (portable) or telephone modulator installation.
Tone-generator installation.
Volume-indicator unit.

Monitoring Equipment

Monitor loudspeaker, portable.
Monitor receiver, portable.
Monitor recorder, portable.
Multiple pen recorder.
Telephone head set, hand set, or breast set.
Telephone receiver or transmitter, operator's portable.

EQUIPMENT ON CUSTOMERS' PREMISES (ACCOUNT 41)

Call box.
Morse set.
Printer.
Telephone.

FURNITURE AND OFFICE EQUIPMENT (ACCOUNT 51)

Each principal item of equipment, such as:
Accounting, adding, addressing, billing, blueprinting, calculating, or listing machine.
Bed, cot, couch, davenport, or lounge.
Cabinet.
Counter installation.
Desk.
Piano or phonograph.
Refrigerator.
Safe.
Typewriter.
Vacuum cleaner.
Washing machine.
Water cooler.

SHIP STATION EQUIPMENT (ACCOUNT 61)

and

OTHER MOBILE STATION EQUIPMENT (ACCOUNT 69)

Each applicable item of equipment as listed under the preceding captions.

VEHICLES AND DRAFT ANIMALS (ACCOUNT 71)

Each principal item of equipment, such as:
Air compressor, mobile.
Aeroplane.
Automobile.
Boat or barge.
Draft animal.
Motorcycle.
Motortruck body.
Motortruck, with or without body.
Mounted kitchen.
Pole dolly or dinkey.
Set of harness.
Sled.
Tractor or trailer.
Wagon.

SHOP EQUIPMENT, TOOLS, AND IMPLEMENTS (ACCOUNT 72)

Testing and Adjustment Equipment

Ammeter.
Bridge (capacity, resistance, inductance, or combination thereof).
Circuit tester or analyzer.
Crystal testing installation.
Decade resistance box.
Decremeter.
Dummy antenna or dummy load.
Field intensity measuring installation.
Harmonic generator or distortion amplifier unit.
Linemen's test set.
Meter—capacity, conductance, field intensity (including antenna), portable flow, or light intensity.
Magneto test set.
Oil testing set.
Oscillator unit, portable.
Oscillograph or oscilloscope.
Portable telephone outfit.
Pyrometer, portable.
Relay test panel, with or without associated wiring.
Stroboscope.
Temperature controlled oven.
Test amplifier unit, portable.
Test meter, with or without associated external thermocouple or multiplier.
Test table.
Thermocouple.
Vacuum-tube gas detector.
Vacuum-tube temperature measuring meter.
Vacuum-tube tester, portable.
Vacuum-tube testing installation—complete.
Voltmeter.
Volume or power level indicator, portable.
Wave meter, portable.

Portable Tools and Implements

Each principal item of equipment, such as:
Air compressor, mobile.
Back-filling machine.
Blower, power.
Concrete mixer.
Compressed air tool.
Crane or derrick, mobile.
Earth-boring machine (not part of a truck or tractor).
Farm implement.
Forge.
Paint spray outfit.
Pole-treating installation.
Power drill or hammer.
Surveyor's transit.
Tower erection cage.
Trenching machine.
Wire-measuring machine.

Other Equipment

Each principal item of equipment, such as:
Acetylene torch outfit.
Boring mill.
Chain hoist.
Lathe.
Milling machine.
Oil filter press, with associated equipment.
Power planer, drill press, grinder, or saw.
Shop motor (2 or more h. p.).
Welding outfit.
Work bench or table.

STORE AND WAREHOUSE EQUIPMENT
(ACCOUNT 73)

Each principal item of store and warehouse equipment, such as:
Barrel.
Cart.
Counter, movable.
Crane.
Gasoline pump or tank.
Hand cart or hand truck.
Ladder.
Oil pump.
Oil tank.
Tool rack or tool case.
Truck.
Wire-measuring machine.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-593; Filed, Jan. 30, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 648, Corr. to Amdt. 3]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR BULK GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of January A. D. 1947.

Upon further consideration of Service Order No. 648 (11 F. R. 14171), as amended (11 F. R. 14245, 14523), and good cause appearing therefor: it is ordered, That:

Section 95.648 *Permit required for bulk grain,* of Service Order No. 648, be, and it is hereby, further amended by substituting the following paragraph (d) (2) for paragraph (d) (2) thereof:

(d) *Appointment of agents.* • • •

(2) The following permit agents are hereby designated and appointed by the Interstate Commerce Commission for the purpose of accepting applications and issuing the permits required by paragraph (b) of this section:

Permit agent	Address	Station
H. H. Foreman	552 New Customhouse, Denver 2, Colo.	Denver, Colo.
E. R. Weimer	302 U. S. Courthouse, Kansas City, Mo.	Atchison, Hutchinson, Salina, Newton, Topeka, Whitewater, Wichita, Kans.; Kansas City and St. Joseph, Mo.
J. F. Youngman	908 New Federal Bldg., St. Louis, Mo.	St. Louis, Mo.
L. A. Denison	415B U. S. Post Office, Omaha, Nebr.	Fremont, Nebraska City and Omaha, Nebr.; Council Bluffs, Iowa.
C. T. Aspelmier, J. G. Harris	505 Burt Bldg., Dallas, Tex.	Alva, Blackwell, Enid, and Thomas, Okla., Amarillo, Dallas, Fort Worth, Greenville and Plainview, Tex.

It is furthed ordered, that this amendment shall become effective at 12:01 a. m., January 26, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10-17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-916; Filed, Jan. 30, 1947; 8:57 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192-1.32]

PRESQUE ISLE AIR BASE, PRESQUE ISLES, MAINE

PROPOSED REDESIGNATION AS AIRPORT OF ENTRY

JANUARY 23, 1947.

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926 (49 U. S. C. 177 (b)), it is proposed to redesignate the Presque Isle Air Base, Presque Isle, Maine, as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said Act (49 U. S. C. 179 (b)), for a period of 1 year from February 20, 1947; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such redesignation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed redesignation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-931; Filed, Jan. 30, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7955]

TOSHIWA IDE

In re: Interest in real property owned by Toshiwa Ide.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toshiwa Ide, whose last known address is Fukuoka-Ken, Mii Gun, Tachiarai-Mura, Kamitakahashi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: An undivided 3/5ths interest in real property situated in the City of Concord, County of Contra Costa, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that certain real property, situate in the City of Concord, County of Contra Costa, State of California, described as:

Portion of Lot 13 and all of Lot 14 in Block "D", as designated on the map entitled "Map of the Town of Todos Santos," which map was filed in the office of the Recorder of the County of Contra Costa, State of California, on April 2, 1869, in Volume A of Maps, at page 3, described as follows:

Beginning at the intersection of the north line of Lincoln Street with the west line of Mount Diablo Street; thence from said point of beginning northerly along the west line of Mount Diablo Street 83⅓ feet to a point thereon which is 16⅔ feet southeasterly from the south line of Lot 12; thence at right angles westerly and parallel to the south line of Lot 12, 125 feet to the line between Lots 7 and 13 in said block; thence southerly along the east line of Lot 7, 83⅓ feet to the north line of Lincoln Street; thence easterly along said north line 125 feet to the point of beginning.

[F. R. Doc. 47-938; Filed, Jan. 30, 1947; 8:51 a. m.]

[Supp. Vesting Order 7973]

NISSEN STIFTUNG

In re: Mortgage, interests in property insurance policies and claims owned by Nissen Stiftung, also known as Nissen Foundation.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nissen Stiftung, also known as Nissen Foundation, the last known address of which is Herzog Adolfstrasse 25, Husum, Nordfriesland, Germany, is a business enterprise, organized under the laws of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or obligation owing to Nissen Stiftung, also known as Nissen Foundation, by Bankers Trust Company, 16 Wall Street, New York, New York, arising out of a custodian funds account, entitled Nissen Stiftung, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-939; Filed, Jan. 30, 1947; 8:51 a. m.]

[Vesting Order 8004]

FREDERICK J. BURUCKER

In re: Estate of Frederick J. Burucker, a/k/a Fred Burucker, deceased. File D-28-8061; E. T. sec. 8995.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Karl Burucker, Anna Kreissig, Paul Anton Burucker, Antonie Augusta Hentschel, Wilhelmine Franziska Faulhaber, Emil Andreas Burucker, Minna Wilhelmine Kuhnert, Friederich (Frederick) Adolph Herman Burucker, Adolph F. Burucker, Friederike Wilhelmine Ott, Manfred Burucker, Hildegard Ackermann, and Gerhard Ackermann, and each of them, in and to the Estate of Frederick J. Burucker a/k/a Fred Burucker, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Karl Burucker, Germany.
Anna Kreissig, Germany.
Paul Anton Burucker, Germany.
Antonie Augusta Hentschel, Germany.
Wilhelmine Franziska Faulhaber, Germany.
Emil Andreas Burucker, Germany.
Minna Wilhelmine Kuhnert, Germany.
Friederich (Frederick) Adolph Herman Burucker, Germany.
Adolph F. Burucker, Germany.
Friederike Wilhelmine Ott, Germany.
Manfred Burucker, Germany.
Hildegard Ackermann, Germany.
Gerhard Ackermann, Germany.

That such property is in the process of administration by Henry Marks, as Executor, acting under the judicial supervision of the Probate Court, Ramsey County, Minnesota.

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt within the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-940; Filed, Jan. 30, 1947; 8:51 a. m.]

[Vesting Order 8006]

ADOLPH JOHN EDWARD KOPCKE

In re: Estate of Adolph John Edward Kopcke, deceased. File D-28-11127; E. T. sec. 15535.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Kopcke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Adolph John Edward Kopcke, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles G. Luik, as executor, acting under the judicial supervision of the Orphans' Court of Lancaster County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-941; Filed, Jan. 30, 1947; 8:51 a. m.]

[Vesting Order 8012]

HEINRICH THALER

In re: Estate of Heinrich Thaler, deceased. File No. D-28-1694; E. T. sec. No. 651.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Pauline Hielfcher in and to the Estate of Heinrich Thaler, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Pauline Hielfcher, Germany.

That such property is in the process of administration by Adolph Kramer, Jr., as Executor of the Estate of Heinrich Thaler, deceased, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-942; Filed, Jan. 30, 1947; 8:52 a. m.]

[Vesting Order 8013]

ERNEST TRAEGER

In re: Estate of Ernest Traeger, deceased. File D-28-10340; E. T. sec. 14723.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Traeger, Charlotte Schiller, Clara Schoettler, Marta Mueller, and Thekla Traeger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Ernest Traeger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by E. Almer Ames, Jr., as executor, acting under the judicial supervision of the Circuit Court of Accomac County, Accomac, Virginia;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-943; Filed, Jan. 30, 1947; 8:52 a. m.]

[Vesting Order 8014]

TERESA M. WINZER

In re: Estate of Teresa M. Winzer, deceased. File No. D-28-10327; E. T. sec. 14701.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Hedwig Winzer and Else Jahn, and each of them, in and to the estate of Teresa M. Winzer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hedwig Winzer, Germany.
Else Jahn, Germany.

That such property is in the process of administration by Joan V. Neely, as Executrix, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-944; Filed, Jan. 30, 1947; 8:52 a. m.]

[Vesting Order 8015]

JOHN ZEHE

In re: Estate of John Zehe, deceased. File No. D-28-9606; E. T. sec. 13283.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Dora Frank, Mathias Zehe, Max Frank, Joseph Frank, Elsa Frank, John Frank, Leonard Zehe, Lena Zehe and Anton Zehe, and each of them, in and to the estate of John Zehe, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Dora Frank, Germany.
Mathias Zehe, Germany.
Max Frank, Germany.
Joseph Frank, Germany.
Elsa Frank, Germany.
John Frank, Germany.
Leonard Zehe, Germany.
Lena Zehe, Germany.
Anton Zehe, Germany.

That such property is in the process of administration by Clarence A. Smith, Treasurer of Monroe County, as Depositary, acting under the judicial supervision of the Surrogate's Court of Monroe County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-945; Filed, Jan. 30, 1947; 8:52 a. m.]

[Vesting Order 8057]

ELIZABETH B. SIEBE

In re: Estate of Elizabeth B. Siebe, deceased. File D-28-10387; E. T. sec. 14777.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annie Hochsprung, Mathilda Graeber and Elsa Fortmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $22,413.96 was paid to the Attorney General of the United States by Frieda Siebe Stauf and Wells Fargo Bank and Union Trust Company, Co-executors of the Estate of Elizabeth B. Siebe, deceased;

3. That the said sum of $22,413.96 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 24, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-946; Filed, Jan. 30, 1947; 8:52 a. m.]

[Vesting Order 8064]

IRWIN BAUMGARTNER

In re: Stock and bank account owned by Irwin Baumgartner. F-28-773-A-1, F-28-773-D-1/7, F-28-773-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irwin Baumgartner, whose last known address is Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Irwin Baumgartner, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Irwin Baumgartner by The New Britain Trust Company, New Britain, Connecticut, arising out of a checking account entitled Irwin Baumgartner, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, admin-

istered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Par value	Certificate No.	Number of shares
The Billings & Spencer Co., 1 Laurel St., Hartford, Conn.	Connecticut	Capital	$10	[illegible]2	4
The Stanley Works, New Britain, Conn.	do	Common	25	45473	14
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	Preferred	100	C02839	2
Colt's Patent Fire Arms Manufacturing Co., 17 Van Dyke Ave., Hartford, Conn.	Connecticut	Common	25	A30,150	1
Reynlon, Inc., 260 West 39th St., New York, N. Y.		Preferred	100	02218	2
The New Britain Machine Co., New Britain, Conn.	Connecticut	Common	(1)	C2967	2
Landers, Frary & Clark, 47 Center St., New Britain, Conn.	do	do	25	42705	11
The Hart & Cooley Co., Inc., New Britain, Conn.	do	Preferred	25	2150	2
	do	Common	25	5098	2

1 No par value.

[F. R. Doc. 47-947; Filed, Jan. 30, 1947; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 52]

NORTH PLATTE IRRIGATION PROJECT, NEBRASKA-WYOMING

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

JANUARY 17, 1947.

1. *Water rental charges for State lands.* State lands within the North Platte Irrigation Project but not subject to assessment by an irrigation district will be furnished water during the irrigation season of 1947 and thereafter until further notice upon the prepayment of a water rental charge to the irrigation district in which situated equal to the charge announced by the district for irrigation service plus $0.75 per acre-foot.

2. The extra charge of $0.75 per acre-foot shall be collected by the irrigation district and remitted to the District Engineer, Bureau of Reclamation, Casper, Wyoming.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

MICHAEL W. STRAUS, *Commissioner.*

[F. R. Doc. 47-905; Filed, Jan. 30, 1947; 8:56 a. m.]

COLUMBIA BASIN PROJECT, WASHINGTON

FIRST FORM RECLAMATION WITHDRAWAL

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946, I hereby withdraw the following described public land from entry under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

COLUMBIA BASIN PROJECT, WASHINGTON

WILLAMETTE MERIDIAN

T. 16 N., R. 29 E.,
Sec. 10, NW¼NW¼.
T. 17 N., R. 29 E.,
Sec. 22, SW¼
Sec. 34, W½NE¼ and W½.
T. 20 N., R. 29 E.,
Sec. 6, Lots 3 and 4.
T. 21 N., R. 29 E.,
Sec. 30, Lot 1.

The areas described aggregate 745.47 acres.

KENNETH MARKWELL, *Assistant Commissioner.*

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON, *Acting Director, Bureau of Land Management.*

JANUARY 16, 1947.

[F. R. Doc. 47-906; Filed, Jan. 30, 1947; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2732]

WEST COAST AIRLINES, INC.

NOTICE OF HEARING

In the matter of the petition of West Coast Airlines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its Route No. 77.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 4, 1947, 10 a. m. (eastern standard time), in Room 1508, Commerce Building, Washington, D. C., before Examiner Richard A. Walsh.

Dated Washington, D. C., January 27, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-927; Filed, Jan. 30, 1947; 8:49 a. m.]

[Docket No. 2463]

EMPIRE AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Empire Air Lines, Inc., over its entire system.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 4, 1947, 10 a. m. (eastern standard time), in Room 1508, Commerce Building, Washington, D. C., before Examiner Richard A. Walsh.

Dated Washington, D. C., January 27, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-927; Filed, Jan. 30, 1947; 8:49 a. m.]

[Docket No. 2653]

SOUTHWEST AIRWAYS CO.

NOTICE OF HEARING

In the matter of the petition of Southwest Airways Company under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its Route No. 76.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 4, 1947, 10 a. m. (eastern standard time), in Room 1503, Commerce Building, Washington, D. C., before Examiner Richard A. Walsh.

Dated Washington, D C., January 27, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-926; Filed, Jan. 30, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 90]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., January 23, 1947, by W. W. Newcomb, of car PFE 75946, potatoes, now on the Union Pacific RR., to Ben E. Keith Co., Abilene, Tex. (Frisco-T. & P.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of January 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-915; Filed, Jan. 30, 1947; 8:57 a. m.]

[Corr. S. O. 669]

UNLOADING OF PLASTER AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of January A. D. 1947.

It appearing, that car NYC 151793, containing plaster in sacks, at Los Angeles, California, on the Pacific Electric Railway Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Plaster at Los Angeles, California, be unloaded.* The Pacific Electric Railway Company or its agents or employees, shall unload immediately car NYC 151793, containing plaster in sacks, now on hand at Los Angeles, Calif.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order; for the detention period commencing at 7:00 a. m., January 23, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a), and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-914; Filed, Jan. 30, 1947; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-850]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF APPLICATION

JANUARY 28, 1947.

Notice is hereby given that on January 20, 1947, an application was filed with the Federal Power Commission by Tennessee Gas and Transmission Company (Applicant), a Tennessee corporation with its principal place of business in Houston, Texas, and authorized to do business in the States of Texas, Louisiana, Arkansas, Mississippi, Tennessee, Kentucky, and West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the Applicant to construct and operate a sales meter station and approximately 200 feet of 3-inch pipe line extending from Applicant's main gas transmission pipe line to a point at which sales and deliveries of natural gas are to be made to Kentucky Utilities Company, Inc., for resale within the city of Danville, Kentucky, and environs.

Applicant states that Kentucky Utilities Company, Inc. presently distributes manufactured gas in the city of Danville and environs and desires to convert its system to the use of natural gas, which conversion was authorized by the Public Service Commission of Kentucky on July 15, 1946. Applicant further states that the population within the Danville service area of Kentucky Utilities Company, Inc. is estimated to be 7,770 and that the estimated ultimate maximum and minimum daily demands of the area will be 1053 Mcf and 100 Mcf respectively. The rate to be charged Kentucky Utilities Company, Inc., as set forth in the contract entered into between the parties and submitted with the application, is based on a demand charge of $2.00 per month per Mcf and a commodity rate of $0.1175 per Mcf, which rate Applicant asserts is its applicable rate to customers in the State of Kentucky.

Applicant estimates the total over-all capital cost of construction of the facilities described herein to be $3,700, which Applicant proposes to finance from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Tennessee Gas and Transmission Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-928; Filed, Jan. 30, 1947; 8:58 a. m.]

[Docket No. IT-5893]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF ORDER EXTENDING AUTHORIZATION FOR TRANSMISSION OF ELECTRIC ENERGY TO CANADA

JANUARY 28, 1947.

Notice is hereby given that, on January 27, 1947, the Federal Power Commission issued its order entered January 24, 1947, extending authorization for transmission of electric energy to Canada, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-929; Filed, Jan. 30, 1947; 8:58 a. m.]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER ALLOWING CORRECTION OF SUPPLEMENTAL RATE SCHEDULE PROVIDING EMERGENCY RULES AND REGULATIONS APPLICABLE TO 1946–47 HEATING SEASON

JANUARY 28, 1947.

Notice is hereby given that, on January 28, 1947, the Federal Power Commission issued its order entered January 24, 1947, allowing correction of supplemental rate schedule providing emergency rules and regulations applicable to the 1946–47 heating season, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-930; Filed, Jan. 30, 1947; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-1134, 70-1135, 59-12]

AMERICAN POWER & LIGHT CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of January A. D. 1947.

In the matter of American Power & Light Company, Texas Utilities Company, File No. 70-1134; American Power & Light Company, Texas Utilities Company, and Electric Power & Light Corporation, File No. 70-1135; and Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, et al., Respondents, File No. 59-12.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share") which is also a registered holding company, having filed an application requesting an extension of time to comply with the Commission's order of October 24, 1945 and with an agreement and stipulation entered into by American, requiring American to dispose of its interest in Texas Utilities Company, a wholly owned registered holding company subsidiary of American, within one year from the date of said order; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made their findings and opinion herein;

It is ordered, That the time within which American shall comply with said order of October 24, 1945 and the stipulation and agreement entered into by American is hereby extended until June 30, 1947, subject, however, to the reservation of jurisdiction to terminate, after notice and opportunity for hearing, such extension prior to June 30, 1947 if during such extended period the Commission shall issue an order disapproving the section 11 (e) plan filed by American and Bond and Share (described in our findings and opinion herein), or if such plan shall be withdrawn by either Bond and Share or American.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-933; Filed, Jan. 30, 1947; 8:50 a. m.]

[File No. 812-475]

ELFUN TRUSTS AND EXECUTIVES INVESTMENT TRUSTS

NOTICE OF APPLICATION, STATEMENT OF ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 27th day of January A. D. 1947.

Notice is hereby given that Elfun Trusts ("Elfun") and Executives Investment Trusts ("Executives") have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of said act certain proposed transactions whereby Executives will purchase from Elfun Certificates for Units of Elfun evidencing interests in the assets of Elfun. The Certificates proposed to be purchased will be part of a public offering by Elfun which will, prior to such purchase, be registered under the Securities Act of 1933. The proposed purchases will be for cash at the public offering price. The public offering price will be determined in accordance with the provisions of the Trust Agreement under which Elfun operates. The amounts to be offered and purchased will be determined in the discretion of the managers of Executives and Elfun respectively. It is contemplated that at some time the amount of Elfun Certificates which may be held by Executives at some time may be 75% to 90% of the value of the total assets of Executives.

Both Elfun and Executives are diversified, open-end management, common law trusts operating as investment companies and are registered under the act. Elfun and Executives are affiliated persons of one another.

Section 17 (a) (1) of the act prohibits an affiliated person (Elfun) from knowingly selling any securities to the affiliated registered investment company (Executives) with certain exceptions not pertinent here.

The applicants have therefore filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transactions from the provisions of section 17 (a) of the act, and they assert that the proposed transactions meet the standards and requirements of section 17 (b).

The Corporation Finance Division of the Commission has advised the Commission that, upon a preliminary examination of the applications, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the terms of the proposed transactions, including the consideration to be paid and received are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transactions are consistent with the policy of Executives, as recited in the registration statement and reports filed under the act; and

(3) Whether the proposed transactions are consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid matter be held on February 3, 1947, at 9:30 a. m., eastern standard time in Room 318 in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is given to the above-named applicants, Elfun Trusts and Executives Investment Trusts, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before February 3, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-934; Filed, Jan. 30, 1947; 8:49 a. m.]

[File No. 811-501]

UNION SECURITIES CORP.

NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of January A. D. 1947.

Notice is hereby given that Union Securities Corporation, a New Jersey Corporation, ("Applicant") has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that Applicant has ceased to be an investment company within the meaning of said act.

Applicant alleges that it was dissolved in accordance with the provisions of the laws of the State of New Jersey, that the Directors of the Applicant are Trustees for the limited purpose of prosecuting and defending suits and to wind up the affairs of the Applicant, that Applicant has liquidated its assets and that all funds realized by the corporation upon its liquidation have been distributed among the stockholders. For a more detailed statement of the matters of fact and law asserted persons are referred to said application which is on file in the offices of the Commission in Philadelphia, Pennsylvania.

The Corporation Finance Division has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised:

(1) Whether applicant has ceased to be an investment company within the meaning of the act, and

(2) Whether it is necessary for the protection of investors to condition any order terminating the registration of Applicant under the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate.

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 5th day of February, 1947, at 9:45 a. m., eastern standard time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice, as amended.

Notice of such hearing is given to the above named Applicant and to any person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Persons desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before February 3, 1947, an application therefor in accordance with the provisions of Rule XVII of the rules of practice of the Commission, as amended, setting forth the matters or issues of law or fact mentioned above which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-932; Filed, Jan. 30, 1947; 8:50 a. m.]

VOL 12

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

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FEDERAL REGISTER

VOLUME 12 NUMBER 23

Washington, Saturday, February 1, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9825

AMENDING EXECUTIVE ORDER NO. 9386 OF OCTOBER 15, 1943, PRESCRIBING REGULATIONS GOVERNING THE GRANTING OF ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN

By virtue of and pursuant to the authority vested in me by section 10 of the act of June 16, 1942 (56 Stat. 363), as amended (37 U. S. C. Sup. 110), and in the interest of the internal management of the Government, it is hereby ordered as follows:

Section II of Executive Order No. 9386, dated October 15, 1943, prescribing allowances for quarters and subsistence to enlisted men not furnished quarters or rations in kind, is hereby amended, effective as of February 15, 1947, to read as follows:

SECTION II

Men traveling on duty including detentions not exceeding thirty-one days at any one place, when not furnished sleeping car, stateroom accommodations, or other quarters, and rations in kind, shall be granted a daily allowance of $5.00: *Provided*, that when quarters in kind are furnished, they shall be entitled only to an allowance for subsistence at the rate of $1.00 per meal, and when subsistence is furnished they shall be entitled only to an allowance for quarters at the rate of $2.00 per day; except that, where travel is performed by rail or water, the allowance for subsistence shall be $1.25 for each meal required to be taken in a dining car on a train or in a dining room on a steamer, and if quarters are not provided for the day of such travel, the allowance for quarters shall be $1.75 when an allowance for subsistence is so furnished for one meal, $1.50 when an allowance for subsistence is so furnished for two meals, or $1.25 when an allowance for subsistence is so furnished for three meals. For the purposes of this section, quarters in kind will be considered as furnished for the day of arrival at a permanent station.

Men absent under orders from their station upon duty which involves travel and also temporary detentions during the journey shall be deemed to be traveling under orders during the entire period of such absence including the day of departure therefrom and return thereto. For periods of detention in excess of thirty-one days at any one place, the allowances prescribed in Section I shall govern after the thirty-first day.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 30, 1947.

[F. R. Doc. 47-1058; Filed, Jan. 31, 1947; 10:51 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 60—ORGANIZATION AND OFFICIAL RECORDS OF THE COMMISSION

PART 61—FUNCTIONS OF THE COMMISSION

EXAMINING AND PLACEMENT DIVISION

1. The headnote of § 60.9 *Examining and Personnel Utilization Division* (11 F. R. 177 A-363) is amended to read: *Examining and Placement Division.*

2. Changes are to be made accordingly in the title of this division as it appears in the text in the following sections in this part: 60.9 (a), 60.9 (b) (1), 60.9 (c) (1), 60.9 (c) (3), 60.14 (a), 60.14 (a) (4); and in Part 61—Functions of the Commission: § 61.2 (b).

(Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-991; Filed, Jan. 31, 1947; 9:06 a. m.]

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedu e Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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[1] E. O. 9825.

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PART 54—ANNUAL AND SICK LEAVE REGULATIONS

RESTORATION OF VETERANS

1. Paragraph (b) of § 54.411 *Restoration of veterans*, is amended to read as follows:

§ 54.411 *Restoration of veterans.* * * *

(b) Any permanent employee who is or has been restored to a position as a result of appeal under section 14 of the Veterans' Preference Act of 1944, or as a result of formal appeal under any other authority or procedure, shall be entitled to any annual or sick leave which remained to his credit upon separation.

2. This amendment shall be effective upon publication in the FEDERAL REGISTER.

NOTE: This amendment is intended as an additional safeguard to the rights of veterans appealing under section 14 of the Veterans' Preference Act. Because of the desirability of having this safeguard available for appeals that are currently pending, the Commission finds that good cause exists for making this amendment effective as of the date of publication in the FEDERAL REGISTER.

(Sec. 7.1, E. O. 9414, January 13, 1944, 3 CFR 1944 Supp.)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-954; Filed, Jan. 31, 1947; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 109]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATIONS OF SHIPMENT

§ 933.326 *Orange Regulation 109*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 3, 1947, and ending at 12:01 a. m., e. s. t., February 17, 1947, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1);

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)); or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 31st day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1076; Filed, Jan. 31, 1947; 11:26 a. m.]

[Grapefruit Reg. 81]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.327 *Grapefruit Regulation 81*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 3, 1947, and ending at 12:01 a. m., e. s. t., February 17, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1));

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Flor-

ida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used herein, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 30th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch Production and Marketing Administration.

[F. R. Doc. 47-1015; Filed, Jan. 31, 1947; 8:50 a. m.]

[Tangerine Reg. 62]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.328 *Tangerine Regulation 62*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 3, 1947, and ending at 12:01 a. m., e. s. t., February 17, 1947, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Tangerines, issued by the United States Department of Agriculture, effective September 29, 1941, as amended);

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines, grown in the State of Florida, which are of a size larger than the size that will pack 120 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 30th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1017; Filed, Jan. 31, 1947; 8:50 a. m.]

[Orange Reg. 163]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.309 *Orange Regulation 163*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 2, 1947, and ending at 12:01 a. m., P. s. t., February 9, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, 350 carloads; (b) Prorate District No. 2, 600 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 30th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Oranges Regulation Period No. 163. 12:01 a. m. Feb. 2, 1947, to 12:01 a. m. Feb. 9, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base percent
Total	100.0000
A. F. G. Lindsay	.0000
A. F. G. Porterville	2.4294
Cooperative Citrus Association	.6910
Dofflemyer, W. T.	.5499
Elderwood Citrus Association	1.3374
Exeter Citrus Association	3.2436
Exeter Orange Growers Association	.6617
Exeter Orchards Association	1.1877
Hillside Packing Corp	1.7490
Ivanhoe Mutual Orange Association	1.1930
Klink Citrus Association	5.0028
Lemon Cove Association	1.5923
Lindsay Citrus Growers Association	2.9701
Lindsay Coop. Citrus Association	1.5429
Lindsay District Orange Co	1.5453
Lindsay Fruit Association	2.1219
Lindsay Orange Growers Association	1.4209
Naranjo Packing House Co	.9944
Orange Cove Citrus Association	2.8703
Orange Packing Co	1.2180
Orosi Foothill Citrus Association	1.4198
Paloma Citrus Fruit Association	1.2467
Pogue Packing House, J. E.	.7669
Rocky Hill Citrus Association	2.2731
Sanger Citrus Association	3.3750
Sequoia Citrus Association	.9246
Stark Packing Corp	2.4665
Visalia Citrus Association	.0000
Waddell & Son	2.2530
Butte County Citrus Association, Inc.	.0000
James Mills Orchard Corp	.9342
Orland Orange Growers Association, Inc.	.7397
Baird-Neece Corp	1.9021
Beattie Association, Agnes M.	.0000
Grand View Heights Citrus Association	2.1835
Magnolia Citrus Association	2.4697
Porterville Citrus Association	1.6154
Richgrove-Jasmine Citrus Association	1.6514
Sandilands Fruit Co	.0000
Strathmore Coop. Association	1.8298
Strathmore District Orange Association	1.7730
Strathmore Fruit Growers Association	1.2977
Strathmore Packing House Co	1.4963
Sunflower Packing Corp	2.1632
Sunland Packing House	2.8716
Terra Bella Citrus Association	1.4334
Tule River Citrus Association	1.2371
Jensen, M. N.	2.6150
Kroells Brothers, Ltd.	1.6360
Lindsay Mutual Groves	1.9449
Martin, J. D.	1.1948
Stivers Packing Co	.8189
Woodlake Packing House	1.9242
R. M. C. Porterville	.0000
Abbate Company, The Chas.	.9789
Anderson Packing Co., R. M.	.7819
Baker Brothers	.0000
California Citrus Growers, Inc., Ltd.	1.9458
Chess Company, Meyer W.	.0000
Edison Groves Co	.0000
Edison Orange Growers Association	.0000
Evans Brothers Packing Co	1.5705
Furr, N. C.	.3649
Ghianda Ranch	.0241
Harding & Leggett	1.5159
Lo Bue Bros.	.4794
Marks, W. & M.	.4969
Raymond Bros.	.1475
Reimers, Don H.	.0000
Rooke Packing Co., B. G.	8.5260
Snyder & Sons Co., W. A.	.8851
Toy, Chin	.0000
Webb Packing Co., Inc.	.0000
Western States Fruit & Produce Co.	.0000
Wollenman Packing Co	.8405
Woodlake Heights Packing Corp.	.9418
Zaninovich Bros., Inc.	.7227

Prorate District No. 2

Handler	Prorate base percent
Total	100.0000
A. F. G. Alta Loma	.3527
A. F. G. Fullerton	.0473
A. F. G. Orange	.0626
A. F. G. Redlands	.3404
A. F. G. Riverside	.8544
Corona Plantation Co	.9878
Hazeltine Packing Co	.1051
Signal Fruit Association	.7219
Azusa Citrus Association	.9698
Azusa Orange Co., Inc.	.1348
Damerel-Allison Co	1.2030
Glendora Mutual Orange Association	.4913
Irwindale Citrus Association	.3528
Puente Mutual Citrus Association	.0482
Valencia Heights Orchards Association	0.2031
Glendora Citrus Association	.7972
Glendora Heights O. & L. Growers Association	.1509
Gold Buckle Association	3.4054
La Verne Orange Association, The	8.5412
Anaheim Citrus Fruit Association	.0622
Anaheim Valencia Orange Association	.0169
Eadington Fruit Co., Inc.	.3457
Fullerton Mutual Orange Association	.2650
La Habra Citrus Association	.1482
Orange Co. Valencia Association	.0260
Orangethorpe Citrus Association	.0241
Placentia Coop. Orange Association	.0564
Yorba Linda Citrus Association, The	.0266
Alta Loma Heights Citrus Association	.3891
Citrus Fruit Growers	.7341
Cucamonga Fruit Association	.6072
Etiwanda Citrus Fruit Association	.2224
Mountain View Fruit Association	.1599
Old Baldy Citrus Association	.4360
Rialto Heights Orange Growers	.4642
Upland Citrus Association	2.2503
Upland Heights Orange Association	.9789
Consolidated Orange Growers	.0309
Garden Grove Citrus Association	.0213
Goldenwest Citrus Association, The	.0908
Olive Heights Citrus Association	.0424
Santa Ana-Tustin Mutual Citrus Association	.0284
Santiago Orange Growers Association	.1641
Tustin Hills Citrus Association	.0332
Villa Park Orchards Association, Inc., The	.0385
Bradford Brothers, Inc.	.2312
Placentia Mutual Orange Association	.1855
Placentia Orange Growers Association	.2566
Call Ranch	.6982
Corona Citrus Association	.7327
Jameson Co.	.3767
Orange Heights Orange Association	.8597
Break & Son, Allen	.2779
Bryn Mawr Fruit Growers Association	1.0647
Crafton Orange Growers Association	1.3515
E. Highlands Citrus Association	.4182
Fontana Citrus Association	.4324
Highland Fruit Growers Association	.6678
Krinard Packing Co	1.5920
Mission Citrus Association	.7894
Redlands Coop. Fruit Association	1.7415
Redlands Heights Groves	.9279
Redlands Orange Growers Association	1.1671
Redlands Orangedale Association	.9662
Redlands Select Groves	.5475
Rialto Citrus Association	.5622
Rialto Orange Co.	.3678
Southern Citrus Association	.9814
United Citrus Growers	.7132
Zilen Citrus Co.	1.0039
Arlington Heights Fruit Co.	.4290
Brown Estate, L. V. W.	1.8047
Gavilan Citrus Association	1.6558
Hemet Mutual Groves	.3168
Highgrove Fruit Association	.7085
McDermont Fruit Co.	1.7633
Mentone Heights Association	.7754
Monte Vista Citrus Association	1.1299
National Orange Co.	.8506
Riverside Heights Orange Growers Association	1.3316
Sierra Vista Packing Association	.6923
Victoria Ave. Citrus Association	2.3453
Claremont Citrus Association	.9880
College Heights O. & L. Association	1.0277
El Camino Citrus Association	.5162
Indian Hill Citrus Association	1.1584
Pomona Fruit Growers Association	1.9384
Walnut Fruit Growers Association	.3844
West Ontario Citrus Association	1.5533
El Cajon Valley Citrus Association	.3736
Escondido Orange Association	.5528
San Dimas Orange Growers Association	1.2140
Covina Citrus Association	1.5932
Coovina Orange Growers Association	.4991
Duarte-Monrovia Fruit Exchange	.4670
Ball & Tweedy Association	.1414
Canoga Citrus Association	.0640
N. Whittier Heights Citrus Association	.1143
San Fernando Fruit Growers Association	.3042
San Fernando Heights Orange Association	.3296
Sierra Madra Lamanda Citrus Association	.2418
Camarillo Citrus Association	.0096
Fillmore Citrus Association	1.2478
Ojai Orange Association	.9960
Piru Citrus Association	1.1411
Santa Paula Orange Association	.1127
Tapo Citrus Association	.0109
East Whittier Citrus Association	.0166
Whittier Citrus Association	.3107
Whittier Select Citrus Association	.0596
Anaheim Coop. Orange Association	.0557
Bryn Mawr Mutual Orange Association	.4889
Chula Vista Mutual Lemon Association	.1457
Escondido Coop. Citrus Association	.1004
Euclid Avenue Orange Association	2.0966
Foothill Citrus Union, Inc.	.0840
Fullerton Coop. Orange Association	.0534
Garden Grove Orange Coop.	.0388
Glendora Coop. Citrus Association	.0782
Golden Orange Groves, Inc.	.3961
Highland Mutual Groves, Inc.	.4172
Index Mutual Association	.0039
La Verne Coop. Citrus Association	2.4357
Olive Hillside Groves, Inc.	.0313
Orange Coop. Citrus Association	.0493
Redlands Foothill Groves	2.1386
Redlands Mutual Orange Association	1.0150
Riverside Citrus Association	.4029
Ventura County O. & L. Association	.2130
Whittier Mutual O. & L. Association	.0650
Babijuice Corp. of Calif.	.4089
Banks Fruit Co.	.2548
California Fruit Distributors	.0851
Cherokee Citrus Co., Inc.	1.1141
Chess Co., Meyer W.	.3246
El Modena Citrus, Inc.	.0819
Evans Brothers Packing Co.	.7986
Gold Banner Association	1.9097
Granada Packing House	1.0903
Hill, Fred A.	.7096
Inland Fruit Dealers, Inc.	.2650
Orange Belt Fruit Distributors	2.4771
Panno Fruit Co., Carlo	.1345
Paramount Citrus Association	.2700
Placentia Pioneer Valencia Grs. Association	.0757
Riverside Growers, Inc.	.5253
San Antonio Orchards Association	1.2180
Snyder & Sons Co., W. A.	1.0927
Torn Ranch	.0382
Verity & Sons Co., R. H.	.1019
Wall, E. T.	1.5716
Western Fruit Grs., Inc., Redlands	2.5950
Yorba Orange Growers Association	.0335

[F. R. Doc. 47-1016; Filed, Jan. 31, 1947; 8:50 a. m.]

[Lemon Reg. 207]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.314 *Lemon Regulation 207*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 2, 1947, and ending at 12:01 a. m., P. s. t., February 9, 1947, is hereby fixed at 185 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 30th day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date, January 26, 1947. Regulation Period No. 207. 12:01 a. m. Feb. 2, 1947 to 12:01 a. m. Feb. 16, 1947]

Handler	Prorate base percent
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.792
American Fruit Growers, Lindsay	.024
American Fruit Growers, Upland	.497
Consolidated Citrus Growers	.000
Corona Plantation Co	.372
Hazeltine Packing Co	1.239
Leppla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.491
Ventura Pacific Co	1.478
Total A. F. G	5.893
Arizona Citrus Growers	.094
Desert Citrus Growers Co., Inc	.007
Mesa Citrus Growers	.091
Elderwood Citrus Association	.066
Klink Citrus Association	1.390
Lemon Cove Association	1.080
Glendora Lemon Growers Association	1.392
La Verne Lemon Association	.467
La Habra Citrus Association	1.125
Yorba Linda Citrus Association	.566
Alta Loma Hts. Citrus Association	.854
Etiwanda Citrus Fruit Association	.317
Mountain View Fruit Association	.793
Old Baldy Citrus Association	1.336
Upland Lemon Growers Association	4.305
Central Lemon Association	.958
Irvine Citrus Association	1.187
Placentia Mutual Orange Association	.819
Corona Citrus Association	.255
Corona Foothill Lemon Co	1.308
Jameson Co	.509
Arlington Heights Fruit Co	.387
College Heights Orange & Lemon Association	1.735
Chula Vista Citrus Association	1.256
El Cajon Valley Citrus Association	.560
Escondido Lemon Association	5.016
Fallbrook Citrus Association	2.560
Lemon Grove Citrus Asssociation	.485
San Dimas Lemon Association	1.617
Carpinteria Lemon Association	1.954
Carpinteria Mutual Citrus Association	2.352
Goleta Lemon Association	2.806
Johnston Fruit Company	5.802
North Whittier Heights Citrus Association	1.636
San Fernando Heights Lemon Association	2.747
San Fernando Lemon Association	1.837
Sierra Madre-Lamanda Citrus Association	1.600
Tulare County Lemon & Grapefruit Association	4.328
Briggs Lemon Association	.850
Culbertson Investment Co	.410
Culbertson Lemon Association	.663
Fillmore Lemon Association	1.363
Oxnard Citrus Association No. 1	2.008
Oxnard Citrus Association No. 2	3.361
Rancho Sespe	.383
Santa Paula Citrus Fruit Association	2.732
Saticoy Lemon Association	3.854
Seaboard Lemon Association	3.068
Somis Lemon Association	1.701
Ventura Citrus Association	.899
Limoneira Co	.906
Teague-McKevett Association	.329
East Whittier Citrus Association	1.159
Leffingwell Rancho Lemon Association	.371
Murphy Ranch Co	1.249
Whittier Citrus Association	.715
Whittier Select Citrus Association	.638
Total C. F. G. E	84.166
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	1.233
Escondido Coop. Citrus Association	.873
Glendora Coop. Citrus Association	.114
Index Mutual Association	.455
La Verne Coop. Citrus Association	1.224
Libbey Fruit Packing Co	.023
Orange Coop. Citrus Association	.368
Pioneer Fruit Co	.013
Tempe Citrus Co	.021
Ventura Co. Orange & Lemon Association	2.416
Whittier Mutual Orange & Lemon Association	.204
Total M. O. D	6.944
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.007
California Citrus Groves, Inc., Ltd	.203
El Modena Citrus Inc	.000
Evans Bros. Packing Co.—Riverside	.263
Evans Bros. Packing Co.—Sentinel Butte Ranch	.000
Foothill Packing Co	.009
Harding & Leggett	.496
Orange Belt Fruit Distributors	1.518
Potate House, The	.000
Raymond Bros	.138
Rooke, B. G., Packing Co	.023
San Antonio Orchard Co	.116
Sun Valley Packing Co	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.233
Western States Fruit & Produce Co	.000
Total Independents	2.997

[F. R. Doc. 47-1018; Filed, Jan. 31, 1947; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Premium Payments Reg. 8 as Amended Jan. 31, 1947, Incl. Int. 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

CAST IRON SOIL PIPE

Purpose and findings. This general regulation is issued to stimulate additional production of cast iron soil pipe, cast iron soil fittings and cast iron accessories for stacks and drainage purposes, by providing for premium payments with respect to units of additional production above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which such payments may be obtained. This regulation is issued pursuant to the authority of the Veterans' Emergency Housing Act of 1946.

All available means of increasing the supply of cast iron soil pipe, cast iron soil fittings and cast iron accessories for stacks and drainage purposes, for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration the Expediter finds that premium payments are temporarily necessary to increase the supply of such materials and to stimulate additional production with greater rapidity, economy, and certainty than other available methods. The payment of a uniform rate of premium in this industry is not feasible. The rate of premium payable under Premium A is uniform. The rate of premium under Premium B is varied because of differences in the amounts of such premium applicable to each producer. In applying premium payments to necessary additional production in this industry, emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.
(a) Definitions.
(b) Eligibility.
(c) Establishment of quota.
(d) Application for quota.
(e) Rate and computation of premium payments.
(f) Claim for payment.
(g) Payment.
(h) Records.
(i) Reports.
(j) Official interpretations.
(k) Termination.
(l) Effective date.

§ 805.8 *Cast iron soil pipe*—(a) *Definitions.* As used in this section:

(1) "Cast iron soil pipe" means gray iron castings used for non-pressure flow of drainage and waste fluids in residential, commercial and industrial building construction.

(2) "Victory pipe" means cast iron soil pipe of the type described as Class B in "Federal Specification for Pipe and Pipe Fittings; Soil, Cast Iron" as amended by Amendment No. 2 issued December 20, 1945, and published in section IV Part 5 of the Federal Standard Stock Catalog and identified as document number WW-P-401.

(3) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(4) "Producer" means a person who operates a plant for the production of cast iron soil pipe and cast iron soil fittings.

(5) "Plant" means a manufacturing establishment occupying a single site within the United States, its Territories, possessions, or the District of Columbia, which is in operation for the production of cast iron soil pipe and cast iron soil fittings on the effective date of this section or which may be so operated at any time while this section remains in effect.

(6) "Operating plant" means a plant that was in operation for at least three full operating months during the period from January 1, 1946 through May 31, 1946.

(7) "Month" means a calendar month: *Provided, however,* That any producer on whom this provision works a hardship may apply by letter to the Expediter, Washington, D. C., for authorization to submit his application for quota and claims for payments on the basis of a stipulated fiscal month. With respect to a producer who has received such authorization this section shall become effective on the first day of his fiscal month beginning on or after August 1, 1946, and shall terminate on the same date as this section terminates as to other producers.

(8) "Full operating month" means a month during which a plant operated at least eighteen working days except for February, during which the plant must have operated at least sixteen working days.

(9) "Production" means the number of short tons of merchantable cast iron soil pipe, cast iron soil fittings and cast iron accessories for stacks and drainage purposes manufactured by a producer.

(10) "Saturday production" means production attained on any Saturday which is the sixth day worked in a calendar week or on any Saturday which is the fifth day worked in a calendar week which includes a national holiday.

(11) "Shipments" means the number of short tons of cast iron soil pipe, cast iron soil fittings, and cast iron accessories for stacks and drainage purposes manufactured by a producer and shipped by such producer.

(12) "New producer". A person who did not operate prior to the effective date of this section any plant for the production of cast iron soil pipe and cast iron soil fittings shall be a new producer as to any plant, operated by him for the production of cast iron soil pipe and cast iron soil fittings, which was not prior to the effective date of this section, substantially completed as a plant capable of producing such products.

[Subparagraph (12) as amended shall become effective as of October 10, 1946]

(13) "Claim" means a claim for payment filed pursuant to this section.

(14) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946, or his duly authorized representative.

(15) "OHE" means the Office of the Housing Expediter.

(16) "Premium A" means a premium which is computed in accordance with subparagraphs (1) and (2) of paragraph (e) of this section.

(17) "Premium B" means a premium which is computed in accordance with subparagraph (3) of paragraph (e) of this section.

(b) *Eligibility*—(1) *Premium A.* Any producer is eligible under this section for payment of a premium designated as Premium A, if he meets all of the following conditions:

(i) His production during the month covered by the claim is in excess of quota, except as otherwise provided in paragraph (e) (2) (ii) (*d*) of this section;

(ii) His shipments during the month covered by the claim exceed 75 percent of his production for the month; and his shipments during the month covered by the claim and the immediately preceding month exceed 90 percent of his combined production during those two months: *Provided, however,* That if on application by the producer on form NHA 14-65 the Expediter determines that the producer's failure to ship the required percentage of his production was due to unusual circumstances beyond the producer's control, the producer shall be eligible for Premium A.

[Subparagraph (1) as amended shall become effective as of August 1, 1946]

(2) *Premium B.* A producer is eligible for payment of a premium under this section designated as Premium B if he consumed in his production not later than February 28, 1947, pig iron of foundry or malleable grades which he bought prior to December 1, 1946, from the Thomas Plant (Birmingham, Alabama) of the Republic Steel Corporation under either of the following conditions:

(i) The producer bought such pig iron between September 1, 1946 and November 9, 1946 (both dates inclusive), at a purchase price not exceeding the maximum price established for such pig iron by the Office of Price Administration by individual adjustment granted to the Republic Steel Corporation, but which purchase price was higher than the OPA maximum price for such sales in the absence of such individual price adjustment; or

(ii) The producer bought such pig iron between November 10, 1946, and November 30, 1946 (both dates inclusive), at a basing point price charged by the Republic Steel Corporation for such pig iron which was higher than the basing point price prevailing at that time for such sales; and which higher basing point price resulted in a higher purchase price than that which the producer would otherwise have paid.

(c) *Establishment of quota.* (1) A monthly quota shall be established for each and every operating plant of a producer which shall be the higher of the following:

(i) The average monthly production of the latest three full operating months during the period January 1, 1946 through May 31, 1946: *Provided, however,* That any producer who operated during those months on a week of more than 40 hours shall adjust to a 40-hour week for each shift in operation during the three months, or

(ii) 90 percent of the production, on the same adjusted basis, in the full operating month of highest production during the period January 1, 1946 through May 31, 1946.

(2) With respect to all other plants a monthly quota shall be established by the Expediter on application: *Provided, however,* That no such quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of the producer's selling price) of the total output of said producer.

(3) If production in any plant is below quota in any claim period the producer's quota for the next succeeding claim period shall consist of his established quota plus the amount of the deficit in the preceding claim period. *Provided, however,* That if on application by the producer on form NHA 14–65 to the Expediter he determines that the deficit was due to unusual circumstances beyond the control of the producer, such deficit shall not be added to the established quota.

(4) In the case of producers with two or more plants which are in operation, if the production in any plant falls below the quota in that plant in any month, the Expediter may establish a combined quota for any or all plants if he determines that production has been shifted among such plants so as to increase the producer's total claim without a corresponding increase in total output.

(5) (i) The quota for each operating plant, as established under paragraph (c) (1) of this section, shall be reduced by the excess, if any, of the total amount of 5" and larger pipe sizes produced by such plant during the month of August, 1946 over 7% of its total production during that month. Such reduction in quota shall apply only with respect to claims filed for the months determined as follows:

(*a*) For an operating plant whose August 1946 production of 5" and larger pipe sizes represented more than 7%, but less than 10%, of its total production for that month, the reduced quota for such plant shall be applied only with respect to claims filed for the month of September 1946 and for no other month.

(*b*) For an operating plant whose August 1946 production of 5" and larger pipe sizes represented 10% or more, but less than 20%, of its total production for that month, the reduced quota for such plant shall be applied only with respect to claims filed for each of the months of September and October 1946 and for no other month.

(c) For an operating plant whose August 1946 production of 5" and larger pipe sizes represented 20% or more of its total production for that month, the reduced quota for such plant shall be applied only with respect to claims filed for each of the months of September, October and November 1946 and for no other month.

(ii) In the case of any producer with two or more plants, none of the plants of such producer will be eligible for the reduction in quota provided for in this subparagraph (c) (5) unless the total combined production in all the plants of such producer of 5" and larger pipe sizes during the month of August, 1946 exceeded 7% of the total combined production in all such plants during that month.

(d) *Application for quota.* Every producer who wishes to receive premium payments under this section shall file promptly with the Expediter an application for quota for each of his plants. All applications for quota shall be filed on form NHA 14–64 which may be obtained from any Reconstruction Finance Corporation Loan Agency. A producer may find out in which RFC Loan Agency district he is located by consulting his bank.

(e) *Rate and computation of premium payments.* (1) Payments of premium A shall be made only on production in excess of quota except as provided in subparagraph (2) (ii) (d) of this paragraph. For the purpose of computing production for a month covered by a claim production shall not include cast iron soil fittings and cast iron accessories for stacks and drainage purposes in excess of 120% of production of cast iron soil pipe.

Example 1. Producer A has a quota of 400 tons. His total production in August 1946 is 500 tons of which 200 tons are cast iron soil pipe and 300 tons are cast iron soil fittings and cast iron accessories for stacks and drainage purposes. In computing his claim A includes all of his production of cast iron soil pipe—200 tons—plus cast iron soil fittings and cast iron accessories up to 120% of his production of cast iron soil pipe—240 tons. His production is therefore 440 tons and his production in excess of quota 40 tons. A therefore receives a premium payment on 40 tons.

(2) Payments of premium A shall be made at the following rates:

(i) Ten dollars per ton on all production in excess of established quota except where a premium at the rate of $40.00 per ton is payable under other provisions of this section.

(ii) Forty dollars per ton on all Saturday production subject to the following conditions:

(*a*) If Saturday production is equal to or more than the total production in excess of established quota, $40.00 per ton on all production in excess of established quota.

(*b*) If Saturday production is less than the total production in excess of established quota, $40.00 per ton on Saturday production and $10.00 per ton on all remaining production in excess of established quota.

(c) Premium payments at the rate of $40.00 per ton for Saturday production shall not be made on a percentage of total production greater than the percentage arrived at by dividing the number of Saturdays in the month by the total number of days in the month exclusive of Sundays and national holidays.

(*d*) If production during any month is not in excess of a producer's established quota but the producer had Saturday production during that month premium payments at the rate of $40.00 per ton may be made on such production if, on the producer's application on Form NHA 14–65, the Expediter determines that the producer's failure to produce in excess of his established quota was due to unusual circumstances beyond the producer's control.

Example 2. Producer W has a quota of 400 tons. In August 1946 he produces 440 tons operating on a five-day week. Since he has no Saturday production he receives a premium at the rate of $10.00 per ton on the 40 tons which are in excess of his established quota.

Example 3. Producer X has a quota of 400 tons. In August 1946 he produces 440 tons of soil pipe, of which 80 tons were produced on Saturday. X receives a premium payment at the rate of $40.00 per ton on his production in excess of quota, that is, on forty tons.

Example 4. Producer Y has a quota of 400 tons. In August 1946 he produced 520 tons of soil pipe of which 80 tons were produced on Saturday. He receives a premium payment at the rate of $40.00 per ton on 80 tons and $10.00 per ton on the remaining 40 tons in excess of quota.

Example 5. Producer Z has a quota of 400 tons. In August 1946 he produces 520 tons of which 100 tons were produced on Saturdays. Since August has 27 working days, of which 5 are Saturdays, Z may not receive premium payments at the rate of $40.00 per ton on more than 5/6ths of his total production. Since Z's production is 120 tons in excess of quota he will receive a premium payment at the rate of $40.00 per ton on 5/6ths of 520 tons, that is, on 96 tons and at the rate of $10.00 per ton on the remaining 24 tons which are in excess of quota.

(3) Payments of Premium B shall be made to a producer qualifying under subparagraph (2) of paragraph (b) in an amount equal to the excess, if any, of the purchase price of the pig iron bought by such producer which is actually consumed in his production of cast iron soil pipe, cast iron soil fittings and cast iron accessories for stacks and drainage purposes during the month covered by his claim for Premium B, over either of the following amounts, as the case may be:

(i) For pig iron purchased prior to November 10, 1946, the maximum price established by the Office of Price Administration for such sales of pig iron without regard to the individual price adjustment granted by the OPA to the Republic Steel Corporation for pig iron produced at its Thomas plant in Birmingham, Alabama; or

(ii) For pig iron purchased between November 10, 1946, and November 30, 1946 (both dates inclusive), the purchase price based upon the basing point price which prevailed for such sales at that time.

(f) *Claims for payment.* (1) Claims for Premium A and Premium B shall be filed on form NHA 14–65. Producers who claim both Premium A and Premium B for the same month shall incorporate both claims on the same form NHA 14–65. These forms may be obtained from any RFC Loan Agency.

(2) Each claim for payment of Premium A shall be filed on or before the last day of the month following the end of the month in which the production occurred: *Provided, however,* That claims for payment on account of production during the months of August and September, 1946 may be filed not later than November 30, 1946. Each claim for payment of Premium A shall include all of the production of the month for which claim is made and no other. Any producer whose production in any month is insufficient to permit the payment of a Premium A shall nevertheless file form NHA 14–65 as an information return. Each claim for payment of Premium B shall be filed on or before the last day of the month following the end of the month in which the pig iron, for whose purchase such claim is made, was consumed in production and such claim shall include all of the pig iron so consumed in such month and no other: *Provided, however,* That claims for payment of Premium B for the month of September, 1946 may be filed not later than November 30, 1946.

[Subparagraph (2) as amended shall become effective as of November 15, 1946]

(3) Each claim or information return on form NHA 14–65 shall be filed with RFC at the Loan Agency for the district in which the main office of the plant is located, except that a producer operating more than one plant shall simultaneously file the claims or information returns for all of his plants at the Loan Agency for the district in which his main office is located.

(4) No claim under this section shall be assignable except as a part of the bona fide transfer of the plant to a legal successor.

(g) *Payment*—(1) *Review by RFC.* In reviewing claims, the RFC will determine whether such claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted: *Provided, however,* That with respect to claims for the last two months during which this section is in effect RFC may require that bond be furnished in form and amount satisfactory to it before making payment.

Preliminary acceptance and payment of a claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may:

(i) Require that bond be furnished in form and amount satisfactory to it before making further payments, or,

(ii) Suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims, RFC will forward copies to the Expediter for verification and such investigation or audit as may be deemed appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall upon demand by RFC refund the overage to RFC together with interest thereon at the rate of 4% per annum calculated from the date of such overpayment to the date repayment is made to the RFC or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(4) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid, in whole or in part, any claim of a producer, and such producer shall upon demand refund to RFC any payment on such claim, or part thereof, if the Expediter finds that the producer:

(i) Has failed to comply with any of the requirements of this section, or

(ii) Has failed to comply with directives, orders or regulations of the Office of Temporary Controls or OHE on cast iron soil pipe.

(iii) Has failed to maintain substantially the same ratio of production of Victory pipe to production of other pipe as the producer maintained during the period on the basis of which his quota was established.

(iv) Has filed a claim for premium payment in which the amount of production for which claim is made at the rate of $40.00 per ton when divided by total production results in a percentage which is substantially greater than the percentage arrived at by dividing the overtime man-hours worked by the total man-hours worked.

In such cases the Expediter may recompute the claim by applying to all or part of the production in excess of quota a premium rate of $10.00 per ton instead of $40.00 per ton.

(h) *Records.* Every producer shall prepare and preserve for inspection for a period not less than two years after the date of termination of this section, all books, records and other documents which furnish information in support of its claim for payment. The Expediter or his designated agents shall have the right at any time to make such examinations and audits of these books, records and other documents as may be necessary to verify the representations in the producer's claim for payment or as may be required by the Expediter.

(i) *Reports.* Producers must furnish such reports as may be required by the Expediter from time to time, subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of the Office of the Expediter, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(k) *Termination.* This section shall terminate on June 30, 1947. In the event the Expediter finds that any substantive amendments, including but not limited to an amendment of the termination date, have become necessary, no such amendments will be issued until after adequate notice to and discussion with representatives of the producers covered by this section.

Termination shall not preclude the filing of claims for payment during the month following such termination on account of production during the immediately preceding month. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

[Above paragraph as amended shall become effective as of November 10, 1946]

(l) *Effective date.* This section as amended shall become effective as of November 10, 1946.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(60 Stat. 207)

Issued this 31st day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

QUANTITY OF CAST IRON SOIL PIPE FITTINGS REQUIRED TO BE PRODUCED IN A MONTH

In order to be a "producer" as defined in paragraph (a) (4) of EPPR–8, as amended, a person must produce both cast iron soil pipe and cast iron soil fittings. The quantity of fittings which a person must produce for the purpose of coming within the definition is approximately that amount which is needed to complement his additional output of soil pipe in addition to the amount of fittings which he produced during the period of time on the basis of which his quota was established. (Issued Sept. 21, 1946.)

[F. R. Doc. 47–1059; Filed, Jan. 31, 1947; 10:59 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—OFFICE OF THE SECRETARY, AND BUREAUS, DIVISIONS, AND OFFICES PERFORMING CHIEFLY STAFF AND SERVICE FUNCTIONS

PART 2—BUREAUS, DIVISIONS, AND OFFICES DEALING LARGELY WITH THE PUBLIC

SUBPART A—MISCELLANEOUS AMENDMENTS

1. Paragraph (b) of § 1.1 (11 F. R. 177A–7) is amended by the addition of a new sentence as follows:

§ 1.1 *Secretary of the Treasury.* • • •

(b) • • • Pursuant to Executive Order No. 9809, December 12, 1946 (11 F. R. 14281), there were transferred to the Secretary the functions of the Director of Contract Settlement and those functions of the Director of War Mobilization and Reconversion relating to supervision of the Office of Contract Settlement.

2. Paragraph (f) of § 1.1 (11 F. R. 177A–7) is amended as follows:

(f) The Secretary of the Treasury is chairman or managing trustee of certain organizations in the nature of interdepartmental boards or committees. These offices are: • • •

(4) *Contract Settlement Advisory Board.* Pursuant to the provisions of Executive Order No. 9809, December 12, 1946 (11 F. R. 14281), the Secretary succeeded the Director of Contract Settlement as Chairman of the Contract Settlement Advisory Board, described in § 8095.4 of Title 32 (11 F. R. 177A–631).

3. The last sentence of § 1.4 (a) (11 F. R. 177A–8) is amended to read as follows:

§ 1.4 *General Counsel* (a) • • • The Office of the Tax Legislative Council, which is under the supervision of the General Counsel, is discussed in § 1.20.

4. Paragraph (a) of § 1.25 is amended to read as follows:

§ 1.25 *Delegations of authority.* (a) The following assignments have been made within the Treasury Department:

(1) To the Under Secretary, by Treasury Department Circular No. 244, July 15, 1943, the supervision of the Division of Research and Statistics; and by Treasury Department Order No. 63, April 19, 1946, the supervision of the Bureau of Customs and the Bureau of Internal Revenue.

(2) To an Assistant Secretary, by Treasury Department Order No. 65, April 23, 1946, supervision of the Office of the Comptroller of the Currency; by Treasury Department Order No. 64, April 19, 1946, the supervision of the Coast Guard, the Bureau of Engraving and Printing, the Bureau of the Mint, the Bureau of Narcotics, the Chief Coordinator, Treasury Enforcement Agencies, and the Secret Service; by Treasury Department Order No. 66, May 10, 1946, the supervision of the Procurement Division; and by Treasury Department Order No. 76, December 10, 1946, the supervision of the Committee on Practice.

(3) To the General Counsel, by Treasury Department Circular No. 244, July 15, 1943, the supervision of the Legal Division (see also Treasury Department Order No. 1, November 20, 1933); and by Treasury Department Order No. 78, December 17, 1946, supervision over the Appeal Board established under section 13 (d) of the Contract Settlement Act of 1944 (Sec. 13 (d), 58 Stat. 662, 41 U. S. C., Sup., 113 (d)), the Contract Settlement Advisory Board created by section 5 of the Contract Settlement Act of 1944 (Sec. 5, 58 Stat. 651, 41 U. S. C., Sup., 105), and the functions of the Office of Contract Settlement.

(4) To an Assistant to the Secretary by Treasury Department Order No. 62, December 26, 1945, the supervision of the United States Savings Bonds Division.

(5) To a Special Assistant to the Secretary, by Treasury Department Order No. 70, August 20, 1946, the supervision of the Division of Monetary Research (including the management of the exchange stabilization fund), Foreign Funds Control, and the foreign relations affairs of the Treasury Department.

5. The following new § 1.35 is added to Subpart B:

§ 1.35 *Contract settlement.* Procedures relating to settlement of contracts under the provisions of the Contract Settlement Act of 1944 (58 Stat. 649; 41 U. S. C., Sup., 101–125) are described in § 8095.3 of Title 32 (11 F. R. 177A–631).

6. Part 2 is amended by the addition of a new § 2.11 reading as follows:

§ 2.11 *Appeal Board, contract settlement.* See 32 CFR 8095.5, 8095.6 (11 F. R. 177A–631).

(R. S. 161, 5 U. S. C. 22, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-989; Filed, Jan. 31, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1078]

RAYMOND NICEWONGER

Raymond Nicewonger, R. D. #1, Duncansville, Pennsylvania, on or about July 11, 1946, began the construction of a two-story combination commercial and residential building on Pennsylvania Route No. 764, approximately 1 mile east of Duncansville, Pennsylvania, without authorization of either the Civilian Production Administration or the Federal Housing Administration, at an estimated cost of $5,650. On October 1, 1946, he was warned by the Compliance Department of the Civilian Production Administration that he was apparently in violation of Veterans Housing Program Order No. 1 in beginning this construction. On October 31, 1946, his application for authorization to complete this structure was denied by the Federal Housing Administration. Raymond Nicewonger continued to carry on construction subsequent to October 31, 1946, in spite of the aforementioned warning and denial of his application. The beginning and carrying on of this construction, subsequent to March 26, 1946, constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1078 *Suspension Order No. S–1078.* (a) Neither Raymond Nicewonger, his successors or assigns, nor any other person shall do any further construction on the premises located on Pennsylvania Route No. 764, approximately 1 mile east of Duncansville, Pennsylvania, including completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized by the Civilian Production Administration, the Federal Housing Administration or other duly authorized Government agency.

(b) Raymond Nicewonger shall refer to this order in any application or appeal which he may file with the Civilian Production Administration, Federal Housing Administration, or any other duly authorized governmental agency, for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Raymond Nicewonger, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 31st day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN
Recording Secretary.

[F. R. Doc. 47-1077; Filed, Jan. 31, 1947; 11:21 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1058]

DAVID BLOOM

David Bloom, 920 Hartford Avenue, Akron 2, Ohio, on or about August 1, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on the construction of a residential dwelling located at 360 Dorchester Avenue, Akron, Ohio, the estimated cost of which construction was in excess of $400. The beginning and carrying on of such construction constituted a violation of Veterans' Housing Program Order No. 1. The violations have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1058 *Suspension Order No. S–1058.* (a) Neither David Bloom, his successors or assigns, nor any other person shall do any further construction on the premises located at 360 Dorchester Avenue, Akron, Ohio, including completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) David Bloom shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve David Bloom, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 31st day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1078; Filed, Jan. 31, 1947; 11:21 a. m.]

PART 3293—CHEMICALS

[Conservation Order M–54, Revocation]

MOLASSES

Section 3293.91 *Conservation Order M–54,* is hereby revoked. This revocation does not affect any liabilities incurred for violation of this order, or of any actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 31st day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1079; Filed, Jan. 31, 1947; 11:21 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 34, as Amended Jan. 31, 1947]

§ 944.55 *Priorities Regulation 34*—(a) *What this regulation does.* There is a shortage in the supply of certain materials, held by the Reconstruction Finance Corporation and various government agencies for defense, for private account and for export. This regulation states the rules applicable to purchases of these materials from the RFC either directly from its own stock or from the stocks of other government owning agencies. The regulation indicates in respect to which materials a purchase from the RFC must first be authorized by the Civilian Production Administration and explains who may apply for such authorization and in what manner. The regulation applies only to the materials listed on Table A below. This Table includes, but is not limited to, certain so-called strategic and critical materials covered by War Assets Administration Regulation 17.

(b) *Materials for the purchase of which from RFC an authorization is required from CPA.* Before a person may purchase from RFC certain of the materials on Table A, he must obtain an authorization from CPA. Whether or not an authorization is required, is indicated in Column 2. In Column 3 appears a reference to the Branch or Division of the CPA responsible for the materials. In Column 4 is specified the class of persons who may apply for an authorization to purchase from the RFC, and in respect to those materials in which the distribution is covered by CPA orders, a reference to the appropriate order is made. In some instances, Column 4 indicates that a certification will be required from the applicant.

Where Column 4 indicates applications are to be made by letter, the applicant should state: (1) the purpose for which the material is required; (2) his present inventory of the material requested; (3) the number of days supply represented by the present inventory, plus the amount requested, based on his current or scheduled rate of operation; (4) the efforts he has made to obtain the material from private sources of supply, foreign or domestic; (5) the efforts he has made to obtain and use a suitable substitute and (6) any other information pertinent to the application. In general, CPA will authorize the purchase of the material from RFC only if the material is not available from private sources of supply, foreign or domestic; no suitable substitute material is available; and the proposed purchase conforms with applicable CPA inventory restrictions on the material in question. Authorization for the purchase will be made by the CPA on Form CPAI–3669 to RFC. CPA will notify the applicant of the action taken.

(c) *Materials for the purchase of which no authorization is required from CPA.* If Column 2 in Table A indicates that no CPA authorization is required, the material may be purchased directly from RFC upon filing with the purchase order the certificate required in Column 4.

(d) *Restrictions on purchasers.* A purchaser from the RFC of any of the materials listed on Table A below, must not violate any CPA order or regulation controlling the amount of any such material he may receive or the use or disposition he may make of it. Persons buying for resale are subject to all applicable inventory restrictions, and any materials obtained under this regulation by such persons must be offered for sale promptly in accordance with applicable CPA orders and regulations.

NOTE: The application and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

NOTE: Item "molasses" revised Jan. 31, 1947.

Material (1)	CPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
METALS AND MINERALS			
Aluminum: primary pig	Yes	Aluminum and magnesium branch.	Primary producers may apply by letter.
Antimony: metal, ore and concentrates; liquated (needle) antimony.	Yes	Tin, lead and zinc branch	Applications may be filed in accordance with General Preference Order M–112.
Asbestos: Rhodesian Chrysotile fiber (grade C and GI, C&G/2 and C&G3; African Amosite fiber (grades M1 and 3/DM1); and Cape Blue.	Yes	Cork, asbestos and fibrous glass branch.	Manufacturers of building materials may apply by letter.
Beryl: Ores or concentrates	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Bismuth: Metal	Yes	Tin, lead and zinc branch	Processors and users may apply by letter. However, in view of the extremely limited supply, sales will be authorized only for the urgent needs of the Armed Forces or where bismuth metal is required for emergency use for public health and safety and it cannot be supplanted by drugs ordinarily furnished to hospitals and similar institutions.
Alloys, or scrap, containing 50 percent or more by weight of metallic bismuth.	No	do	May be sold only to smelters and reprocessors who give the seller in writing a certificate in substantially the form shown in Note 1 to this table.
Cadmium: Metal	Yes	do	Users may apply by letter. However, in view of the extremely limited supply, sales will be authorized only in cases of emergency.
Finished alloys containing metallic cadmium (including but not limited to low melting point alloys).	No	do	May be sold only to smelters, reprocessors or users who give the seller, in writing, a certificate in substantially the following form: "The undersigned certifies to the seller and CPA, subject to the penalties of Section 35A of the United States Criminal Code that (i) he is a smelter, reprocessor or user of finished alloys containing metallic cadmium; (ii) he is unable to get the material obtained with this certificate from private sources of supply, foreign or domestic; (iii) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding 30 days' requirements; (iv) material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations."
Scrap containing metallic cadmium but not containing 50 per cent or more by weight of any other one metal.	No	do	May be sold only to smelters and reprocessors who give the smelter, in writing, a certificate in substantially the form shown in Note 1 below this table.
Chromite: metallurgical and chemical ores and concentrates.	Yes	Steel branch	Processors and users may apply by letter.

TABLE A—Continued

Material (1)	OPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
METALS AND MINERALS—continued			
Copper:			
Electrolytic or fire refined copper; cathodes, wire bars, cakes, slabs, ingots, ingot bars, billet, or bars.	Yes	Copper branch	Brass mills, wire mills and ingot makers may apply on Form CPA-4542.
Cartridge brass ingots, slabs, discs, bars, partly or completely manufactured ammunition cases, fired cases or remelt ingot; gilding metal mill forms or remelt ingot.	Yes	do	Brass mills, wire mills, smelters and refiners may apply on Form CPA-4513.
Leaded brass mill forms or remelt ingot; and copper or copper base alloy scrap.	No	do	
Corundum: crystal or boulder ores or concentrates; primary grains and black cleavable.	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Cryolite: ore, natural	Yes	Aluminum and magnesium branch.	Processors or refiners may apply by letter.
Graphite: Madagascar flake and fines and Ceylon lump.	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Kyanite: ore	Yes	do	Do.
Lead:			
Pig	Yes	Tin, lead and zinc branch	Users and processors may apply by letter. However, in view of the extremely limited supply, sales will be authorized only in cases of emergency.
Alloys, or scrap containing 50 percent or more by weight of metallic lead; residues.	No	do	(Delete remarks.)
Manganese: metallurgical ores	Yes	Steel branch	Processors and users may apply by letter.
Mica: Muscovite block, film and splittings; Phlogopite block and splittings.	Yes	Miscellaneous minerals and mining branch.	Fabricators may apply by letter.
Nickel: metal and nickel in oxide	No	Steel branch	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
Platinum, refined	Yes	Miscellaneous minerals and mining branch.	Apply by letter.
Quartz crystals: raw quartz, radio grade, and scrap	Yes	do	Processors may apply by letter.
Tin:			
Pig	Yes	Tin, lead and zinc branch	Applications may be filed in accordance with Conservation Order M-43.
Alloys or scrap; containing 50 percent or more by weight of metallic tins; residues.	No	do	See M-43 restrictions governing tin and all tin-bearing alloys.
Zinc:			
Slab, zinc oxide, ores and concentrates and die cast alloys.	Yes	Tin, lead and zinc branch	Processors and users may apply by letter. However, in view of the extremely limited supply, sales of metal (slab) and zinc oxide will be authorized only in cases of emergency.
Other alloys, or scrap containing 50 percent or more by weight of metallic zinc; residues.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing a certificate in substantially the form shown in Note 1 to this table.
OTHER MATERIALS			
Ethyl alcohol	Yes	Chemicals division	Industrial alcohol producers may apply on CPA Form 2947.
Manila fiber	Yes	Textile division	Applications may be filed in accordance with Conservation Order M-84.
Molasses: scheduled for delivery to RFC before Mar. 1, 1947.	Yes [1]	Chemicals division	Manufacturers of butyl alcohol or industrial ethyl alcohol who use molasses may apply by letter before Feb. 5, 1947. Data required in paragraph (b) may be omitted.
Quinidine and salts	Yes	do	Applications may be filed in accordance with Conservation Order M-131.
Quinine and salts	Yes	do	Do.
Rubber: natural rubber, natural rubber latex, butyl, GR-S synthetic.	Yes	Rubber division	Applications may be filed in accordance with Rubber Order R-1.
Sisal fiber	Yes	Textile division	Applications may be filed in accordance with Conservation Order M-84.

[1] Except purchases by the Department of Agriculture for resale to manufacturers of cattle feed, or purchasers authorized by the Department of Agriculture to purchase for resale to manufacturers of cattle feed.

NOTE 1: Where required by a note in Column 4, a certificate in substantially the following form should be used by smelters and reprocessors:

The undersigned certifies to the seller and CPA, subject to the penalties of section 35A of the United States Criminal Code, that (i) he is a smelter or reprocessor and will use the material obtained with this certificate in his smelting or reprocessing operations; (ii) he is unable to get these materials from private sources of supply, foreign or domestic; (iii) his inventory of the type of materials covered by this purchase order (include this lot) will not be in excess of applicable CPA inventory restrictions; and (iv) the material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations.

[F. R. Doc. 47-1080; Filed, Jan. 31, 1947; 11:21 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

[3d RMPR 183, Amdt. 10, § 1418.1]

PART 1418—TERRITORIES AND POSSESSIONS

SUGAR CANE IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Third Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 4.23 (a) (3) is amended to read as follows:

(3) *Sales of raw cane sugar on and after January 18, 1947.* On and after January 18, 1947, the maximum price for sales of raw cane sugar determined under subparagraphs (1) and (2) above may be increased by 55 cents per hundredweight.

2. The schedule in § 4.23 (b) (1) is amended to read as follows:

All brands packaged in—	At refiners level [1] (per 100 lbs.)	At wholesale (per 100 lbs.)	At retail (per unit)
100 lb. container	[2] $7.90	[3] $8.10	$0.09
25 lb. container	8.00	8.20	2.20
10 lb. container	8.05	8.25	.94
5 lb. container	8.15	8.35	.47
2 lb. container	8.15	8.35	.19
1 lb. container	8.35	8.55	[4] .10

[1] Prices include transportation to buyer's place of business.
[2] Deduct 5 cents if packaged in paper bags.
[3] 2 for $0.19.

This amendment shall become effective for producers of raw and refined sugars as of 12:01 a. m., January 18, 1947, and for wholesalers and retailers as of January 22, 1947.

Issued this 31st day of January 1947.

J. W. FOLLIN,
Acting Temporary Controls Administrator.

Statement of the Considerations Involved in the Issuance of Amdt. 10 to Third Revised Maximum Price Regulation 183

The accompanying amendment increases the maximum price of raw cane and refined granulated sugars. On January 18, 1947, maximum prices of raw cane sugar were increased on the mainland 18½ cents per hundredweight and of refined sugar 20 cents per hundredweight through amendment 5 to MPR 16 and amendment 8 to MPR 60, respectively. Reference to the statement of considerations accompanying these amendments is hereby made. The same increases are made effective in Puerto Rico under this amendment for the same reasons the previous increases granted on the mainland were made applicable to Puerto Rico, as explained in the earlier statements of considerations.

The new prices are calculated to return to distributors no less than the average percentage markups as were in effect on March 31, 1946, and are in accord with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 47-974; Filed, Jan. 31, 1947; 8:47 a. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 147]

PART 4003—SUPPORT PRICES, SUBSIDIES

ABSORPTION BY COMMODITY CREDIT CORPORATION OF EXCESS COSTS OF TRANSPORTING SUGAR TO DEFICIT AREAS

§ 4003.44 *Absorption of sugar transportation costs.* (a) The Acting Secretary of Agriculture has recommended the amendment of the program under which Commodity Credit Corporation absorbs the excess costs of transporting sugar into deficit areas within the continental United States. This program, in its original form, was approved by the Director of War Mobilization and Reconversion on July 20, 1946. The program should now be enlarged to authorize Commodity Credit Corporation to absorb the excess costs of transporting Hawaiian raw sugar to Gulf and Atlantic ports, designated as deficit areas, rather than to the normal West Coast destinations, and to absorb the excess costs of transporting refined Hawaiian sugar from the West Coast to these deficit areas. This has been made more necessary by the designation of the Atlantic States as deficit areas for a limited period in October and November 1946 as the result of the maritime strike. Any payments to West Coast refiners, however, would be subject to the limitation that the amount of such reimbursement shall not exceed the cost to Commodity Credit Corporation of shipping the raw sugar, from which such refined sugar was made, from Hawaii to Gulf and Atlantic ports. It is estimated that the program as modified will require the expenditure of $3,500,000 rather than $2,500,000, as originally contemplated.

(b) After careful consideration, I hereby find that the proposed program, with the modifications referred to in paragraph (a) of this section, is necessary to insure the maximum distribution of available supplies of sugar to satisfy essential civilian and military requirements. The Department of Agriculture is authorized and directed to carry out through the Commodity Credit Corporation the amended program described in paragraph (a) of this section (and set forth in further detail in the letters of the Acting Secretary of Agriculture dated October 11, 1946 and January 6, 1947).[1]

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; Pub. Law 548, 79th Cong.; 15 U. S. C. Sup. 713a-8; 713a-8 note, 50 U. S. C. App. Sup. 901-903, 921-925, 961-971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871; E. O. 9328, Apr. 8, 1943, 8 F. R. 4681; E. O. 9599, Aug. 18, 1945, 10 F. R. 10155; E. O. 9651, Oct. 30, 1945, 10 F. R. 13487; E. O. 9697, Feb. 14, 1946, 11 F. R. 1691; E. O. 9699, Feb. 21, 1946, 11 F. R. 1929; E. O. 9762, July 25, 1946, 11 F. R. 8073; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 28th day of January 1947.

J. W. FOLLIN,
Acting Temporary Controls Administrator.

[1] Letters not filed with Division of the Federal Register.

[F. R. Doc. 47-955; Filed, Jan. 31, 1947; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

REVOCATION OF CERTAIN DANGER ZONE

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917, §§ 204.81, 204.86, 204.89 and 204.91b, prescribing regulations governing the use and navigation of danger zones, are revoked as follows:

§ 204.81 *Waters of Atlantic Ocean; Savannah Air Base, aerial gunnery range between Wassaw Island-Doboy Island, Ga.* [Revoked.]

§ 204.86 *Waters of Gulf of Mexico; U. S. Army Air Corps, aerial gunnery target range in vicinity of Venice, Fla.* [Revoked.]

§ 204.89 *Waters of Gulf of Mexico, Apalachee Bay; aerial gunnery range, 3rd Air Force.* [Revoked.]

§ 204.91b *Waters of Lake Borgue, north of Shell Beach, La.; antiaircraft gunnery range, New Orleans Port of Embarkation, Army Service Forces.* [Revoked.]

[Regs 17 Dec. 1944, CE 800.2121 ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-990; Filed, Jan. 31, 1947; 9:06 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 624, Amdt. 4]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of January A. D. 1947.

Upon further consideration of Service Order No. 624 (11 F. R. 12183), as amended (11 F. R. 13792, 14272), and good cause appearing therefor; it is ordered that:

Section 95.624 *Movement of grain to terminal elevators by permit*, of Service Order No. 624, as amended be, and it is hereby, further amended by substituting the following paragraphs (a) and (b) for paragraphs (a) and (b) thereof:

(a) (1) *Movement of grain into port areas restricted.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport, or move any car loaded with export grain waybilled and consigned to any elevator or for direct delivery to a vessel in the port area of Albany, New York, or any Atlantic Seaboard port (Hampton Roads, Va., and north thereof) unless such origin carrier has first obtained a permit from the elevator or the delivering railroad in the port area.

(2) *Priority for loading certain grain required.* All common carriers by railroad, subject to the Interstate Commerce Act, serving points where export grain subject to this order is loaded, shall give preference and priority over all other traffic to supplying or placing a box car or cars for loading grain, providing Agent Paul B. Christian certifies in writing that such box car is intended for loading with grain for the foreign relief program.

(b) *Appointment of agent and designation of duties.* (1) Mr. Paul B. Christian, Railway Transport Department, Office of Defense Transportation, Room 5139 ICC Building, Phone: Republic 7500, Ext. 73208, is hereby designated and appointed as an agent of this Commission and authorized to appoint elevators or delivering carriers in the port areas as permit agents under paragraph (a) of this section.

(2) In appointing elevators and delivering carriers in port areas described herein as permit agents Mr. Christian is authorized to prescribe the terms and conditions under which permits may be issued and is authorized at any time to change, revoke or cancel the terms or conditions under which permits may be issued.

It is further ordered, that this amendment shall become effective at 12:01 a. m., January 29, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4, 41 Stat. 476, 54 Stat. 901; 49 U. S. C. (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-962; Filed, Jan. 31, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

WIND RIVER INDIAN IRRIGATION PROJECT, WYOMING

OPERATION AND MAINTENANCE CHARGES

JANUARY 27, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946 (Public Law 404, 79th Congress); the Acts of Congresses approved August 1, 1914 (38 Stat. 583, 25 U. S. C. 385); March 7, 1928 (45 Stat. 210, 25 U. S. C. 387); and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F. R. 10297), notice is hereby given of intention to amend § 130.95 of Title 25, Code of Federal Regulations, by increasing the per acre operation and maintenance charge on the ceded portion of the Wind River Reservation from $1.25 per acre per annum to $2.50 per acre per annum. The foregoing change in rate of assessment is to become effective for the calendar year of 1947 and to continue in effect thereafter until further order.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Paul L. Fickinger, Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

WALTER V. WOEHLKE,
For the Commissioner.

[F. R. Doc. 47-951; Filed, Jan. 31, 1947; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 6]

[Docket No. 6073]

TRANSMISSION OF CALL LETTERS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The rules and regulations as proposed for revision are set forth below. The words involved in the proposed revision are indicated by brackets.

3. The proposed rule is issued under the authority of sections 4 (i), 301, 303 (f), 303 (p), and 303 (r) of the Communications Act of 1934, as amended.

4. The effect of the proposed revision shall be to relieve certain restrictions currently embodied in § 6.37 of the Commission's rules and regulations.

5. Any interested person who is of the opinion that this proposed revision of the rules should not be adopted, or should not be adopted in the form set forth, may file with the Commission, within a period ending on the 10th day next following the publication of this notice in the FEDERAL REGISTER, a written statement or brief setting forth his comments. The Commission will consider these written comments before adopting the proposed rule, and, if comments are submitted which warrant the Commission holding an oral argument, notice of the time and place of such oral argument will be given.

§ 6.37 *Call letters, transmission of.* Every point-to-point telegraph and telephone station in the fixed public and fixed public press services shall transmit three times in succession at [hourly] intervals during each 24-hour period the identifying call letters of the frequency or frequencies below 50,000 kilocycles on which transmissions are taking place. This transmission shall be made within the period ten minutes before and ten minutes after the [hour] under the following conditions:

(a) *Point-to-point telegraph stations.* (1) The transmission shall be made in International Morse code utilizing either type A–1 or type A–2 emission at a transmission speed not to exceed twenty-five words per minute without the use of multiplexing, tape facsimile, printer or other similar equipment or methods of operation during such period and shall consist of transmitting the signal "QRA de" followed by the call letters.

(2) Point-to-point telegraph stations engaged in a radiophoto or an addressed program transmission shall not be required to transmit identifying call letters during the period when such identification would interrupt the continuity of the program or radiophoto that is being transmitted. In any such case the identifying call letters shall be transmitted, as outlined above, immediately following the conclusion of the program or radiophoto.

(b) *Point-to-point telephone stations.* (1) The transmission shall be made employing either type A–1, A–2, or A–3 emission: *Provided, however,* When utilizing type A–1 or A–2 emission the transmission shall be made in International Morse Code at a transmission speed not to exceed twenty-five words per minute and shall consist of transmitting the signal "QRA de" followed by the call letters. When utilizing type A–3 emission, all privacy or secrecy devices shall be removed from the transmitter input circuit during such period and the announcement shall be made in the following order: "This is Station (Call letters)."

(2) Point-to-point telephone stations continuously engaged in a public telephone message, radiophoto, or an addressed program transmission shall not be required to transmit identifying call letters during the period when such identification would interrupt the continuity of the message, radiophoto, or program that is being transmitted. In any such case the identifying call letters shall be transmitted, as outlined above, immediately following the conclusion of the message, radiophoto, or program.

Approved: January 22, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-957; Filed, Jan. 31, 1947, 8:46 a. m.]

[47 CFR, Part 8]

[Docket No. 8071]

SHIP SERVICE

NOTICE OF PROPOSED RULE MAKING

JANUARY 24, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend paragraph (g) of § 8.115 of the Commission's rules governing ship service to read as follows:

(g) No electrical load circuits except those of the emergency installation* shall be connected to the emergency power supply: *Provided,* That an approved automatic-alarm-signal keying device, or the audible warning apparatus associated with an approved auto-alarm receiver, or both, may be connected to that part of the emergency power supply furnishing power to the emergency transmitter: *Provided further, however,* That the reserve capacity of the emergency power supply shall include the additional capacity required to energize, in a normal manner and to a normal extent, any keying device or audible warning apparatus that may be connected as herein authorized, including sufficient capacity to energize any keying device continuously for a period of one hour.

3. The purpose of the above-quoted proposed amendment is to permit the utilization of a ship's emergency radio transmitter power supply to energize automatic-alarm-signal keying devices used in keying shipboard radio-telegraph transmitters and to energize audible warning apparatus associated with auto-alarm receivers. In this connection, the attention of all interested parties is particularly directed to the following points:

a. The proposed amendment authorizes the connection of automatic-alarm-signal keying devices and auto-alarm audible warning apparatus to only that part of a ship's emergency power supply furnishing power to the emergency radio transmitter.

b. In connection with auto-alarm receivers, the proposed amendment authorizes the connection of audible warning devices, such as warning bells, but does not authorize the connection of any other associated electrical equipment

*The emergency radio installation includes the required radio station emergency lights.

such as relays controlling the bell circuits.

4. Heretofore, in February, 1946, a proposed amendment, similar to the above, was tentatively approved by the Commission and distributed to all parties known or believed to be interested for the purpose of obtaining their comment. The Commission has duly considered all comments received and all problems involved, and after such consideration has concluded that it appears to be in the public interest, convenience or necessity that the above-quoted proposed amendment should be finally adopted.

5. Inasmuch as the effect of the proposed amendment is to relieve an existing restriction upon the use of certain radio equipment, and in view of the previous publicity and notice to interested parties covering this subject matter, it is proposed that the amendment when finally adopted shall be made effective immediately.

6. The proposed amendment is authorized by sections 303 (r) and 356 of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before February 6, 1947, a written statement or brief setting forth his comments. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given.

(Sec. 303 (r), 356, 50 Stat. 191, 194; 47 U. S. C. 303 (r), 356)

Adopted: January 23, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-956; Filed, Jan. 31, 1947; 8:46 a. m.]

[47 CFR, Part 9]

AVIATION RULES

PROPOSED REVISION

JANUARY 24, 1947.

The Commission announces that on February 25, 1947 members of its staff will hold an informal conference at its offices in Washington, D. C., with interested members of the aviation industry to discuss a proposed revision of the rules and regulations governing aviation services. A copy of the proposed revision will appear in the FEDERAL REGISTER at an early date and will serve as a basis for discussion.

Inasmuch as this is the first general revision of the rules since they were adopted in 1939, it is felt that the aviation industry and other interested persons will have much to offer at a conference of the nature proposed. Holding the conference prior to the date set for the oral argument should be helpful in resolving some of the issues involved in the Commission's proposal. In addition it will afford an opportunity to discuss generally the Commission's policies and activities in the aviation field and expedite the finding of solutions to the many problems confronting both the industry and the Commission.

All persons interested are invited to attend. However, in order that a meeting place of suitable size can be arranged, it is requested that those planning to be present notify the Commission prior to February 21, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-977; Filed, Jan. 31, 1947; 8:48 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6881, 6882]

WGCM BROADCASTING CO. AND WLOX BROADCASTING CO.

ORDER DESIGNATING PETITION FOR ORAL AUGMENT

In re applications of Hugh O. Jones, et al., tr/as WGCM Broadcasting Company, Biloxi, Mississippi, Docket No. 6881, File No. B3–P–3698; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 6882, File No. B3–P–4158, for construction permits.

At a session of the Federal Communication Commission held at its offices in Washington, D. C., on the 22d day of January 1947;

The Commission having under consideration a petition filed December 11, 1946 by WLOX Broadcasting Company, Biloxi, Mississippi, for leave to amend its application for construction permit, so as to show a revised corporate structure and to show a revised balance sheet indicating an increase in its assets by the issuance of additional stock; the opposition thereto filed December 17, 1946, by Hugh O. Jones, et al., tr/as WGCM Broadcasting Company, Biloxi, Mississipi; the reply to the opposition to petition for leave to amend filed by WLOX Broadcasting Company on December 27, 1946;

It appearing, that the above-entitled mutually exclusive applications were designated for hearing on October 23, 1945 and accordingly heard on February 22 and 23, 1946 and April 8, 1946; that on October 4, 1946, the Commission adopted a Proposed Decision proposing to deny both of the above-entitled applications; that on November 27, 1946 both parties filed exceptions to the Proposed Decision and requests for oral argument;

It is ordered, That said petition be and the same is hereby Designated for oral argument to be held before the Commission en banc at 10:00 a. m. on February 12, 1947, in the offices of the Commission at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-984; Filed, Jan. 31, 1947; 8:49 a. m.]

[Docket Nos. 6883, 6884, 7115, 7851, 7852, 7883]

CRESCENT BROADCAST CO. ET AL.

ORDER ENLARGING ISSUES

In re applications for construction permits of: Crescent Broadcast Company, Shenandoah, Pennsylvania, Docket No. 6883, File No. B2–P–4092; The Patriot Company, Harrisburg, Pennsylvania, Docket No. 6884, File No. B2–P–4091; WHP, Incorporated (WHP), Harrisburg, Pennsylvania, Docket No. 7115, File No. B2–P–4334; Union Broadcasting Company (WARM), Scranton, Pennsylvania, Docket No. 7851, File No. B1–P–5186; John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, Docket No. 7852, File No. B1–P–5212; Hudson Valley Broadcasting Company, Inc., Albany, New York, Docket No. 7883, File No. B1–P–5148.

The Commission having under consideration a petition filed December 31, 1946, by The Patriot Company, Harrisburg, Pennsylvania, requesting that the issues in the proceeding upon the above-entitled applications be enlarged to include the following issue:

To determine whether the frequency of 1420 kc is available for use at Shenandoah, Pennsylvania, and, if so, whether it should be assigned in lieu of 580 kc; and

It appearing, that the petition to enlarge issues is based upon a proposal to use the frequency 1420 kc, with 5 kw power, unlimited time, directional antenna day and night, supported by engineering data giving details of the proposed directional antenna pattern and a specific site in Shenandoah, Pennsylvania; and

It further appearing, that said proposal made by petitioner for the use of 1420 kc in Shenandoah may be feasible, but the issue requested by petitioner does not include a reference thereto, and the Commission is of the opinion that the issue, if enlarged, should include such a reference;

It is ordered, This 17th day of January 1947, that the petition be, and it is hereby, granted in part; and the issues adopted

December 30, 1946, in the proceeding upon the above-entitled applications be, and they are hereby, enlarged to include the following:

To determine whether the frequency of 1420 kc, using a directional antenna day and night as specified in the engineering proposal filed with the Commission by The Patriot Company on January 14, 1947, is available for use at Shenandoah, Pennsylvania, and, if so, whether it should be assigned in lieu of 580 kc.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-981; Filed, Jan. 31, 1947; 8:49 a. m.]

[Docket Nos. 7503 and 8054]

CLEARWATER RADIO BROADCASTERS, INC. AND LYLE VAN VALKENBURGH

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Clearwater Radio Broadcasters, Inc., Clearwater, Florida, Docket No. 7503, File No. B3–P–4650; Lyle Van Valkenburgh, St. Petersburg, Florida, Docket No. 8054, File No. B3–P–5547; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of January 1947;

The Commission having under consideration the above-entitled application of Clearwater Radio Broadcasters, Inc., requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Clearwater, Florida, and the above-entitled application of Lyle Van Valkenburgh, requesting the same facilities at St. Petersburg, Florida;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, and the officers, directors and stockholders of the corporate applicant, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-985; Filed, Jan. 31, 1947; 8:48 a. m.]

[Docket Nos. 7694, 7695, 7740, 7817, 7962, 7973]

HUNTINGTON BROADCASTING CO. ET AL.

ORDER SCHEDULING FURTHER HEARING

In re application of Leon Wyszatycki, d/b as Huntington Broadcasting Company, Huntington Park, California, Docket No. 7694, File No. B5–P–4822; Hollywood Community Radio Group, Los Angeles, California, Docket No. 7695, File No. B5–P–5020; Hollywood Community Radio Group, Los Angeles, California, Docket No. 7740, File No. B5–PH–765; Coast Radio Broadcasting Corporation, Los Angeles, California, Docket No. 7817, File No. B5–P–5095; San Gabriel Valley Broadcasting Company, Monrovia, California, Docket No. 7962, File No. B5–P–5425; Pacific Broadcasting Company, San Francisco, California, Docket No. 7973, File No. B5–PH–1122; for construction permits.

It appearing, that public interest, convenience and necessity will be served by scheduling a further hearing in the above-entitled proceeding;

It is ordered, This 10th day of January 1947, that a further hearing in the above-entitled proceeding be, and it is hereby, scheduled for 10:00 o'clock A. M. Monday, March 10, 1947.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-982; Filed, Jan. 31, 1947; 8:49 a. m.]

[Docket Nos. 7162, 7991, 7992, 7993, 7994, 7995, 7996]

LOUISIANA BROADCASTING CO. ET AL.

ORDER ADVANCING DATE OF HEARING

In re applications of Roy Hofheinz and W. N. Hooper, a partnership, doing business as Louisiana Broadcasting Company, New Orleans, Louisiana, Docket No. 7162, File No. B3–P–4260; Bayou Broadcasting Company, Inc., Baton Rouge, Louisiana, Docket No. 7991, File No. B3–P–5453; Patroon Broadcasting Co., Inc., Albany, New York, Docket No. 7992, File No. B1–P–4611; Texhoma Broadcasting Company, Durant, Oklahoma, Docket No. 7993, File No. B3–P–5112; East-West Broadcasting Company, Fort Worth, Texas, Docket No. 7994, File No. B3–P–4524; Western Waves, Inc., Seattle, Washington, Docket No. 7995, File No. B5–P–5060; for construction permits.

Matter of petition of Josh Higgins Broadcasting Company (KXEL) for continuation of exclusive nighttime assignment on 1540 kc. to Station KXEL, Waterloo, Iowa, Docket No. 7996.

The Commission having scheduled the consolidated hearing on the above-entitled matters for 10:00 o'clock a. m., Friday, March 14, 1947, at Washington, D. C.; and

It appearing, that public interest, convenience and necessity would be served by advancing the date of said consolidated hearing to 10:00 o'clock a. m., Monday, February 17, 1947;

It is ordered, This 10th day of January, 1947, on the Commission's own motion, that the date for the said consolidated hearing on the above-entitled matters be, and it is hereby, advanced to 10:00 o'clock a. m., Monday, February 17, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-979; Filed, Jan. 31, 1947; 8:49 a. m.]

[Docket No. 7934]

MOUNTAIN BROADCASTING SERVICE

ORDER AMENDING ISSUES

In re application of Dewey J. Bailey, Harold P. Hunnicutt and Frank G. McKenzie, doing business as Mountain Broadcasting Service, Princeton, West Virginia, for construction permit; Docket No. 7934, File No. B2–P–5386.

The Commission having under consideration a petition filed January 10, 1947, by Mountain Broadcasting Service, Princeton, West Virginia, requesting leave to amend its above-entitled application for construction permit (File No. B2–P–5386; Docket No. 7934), so as to substitute the corporation Mountain Broadcasting Service, Inc. for the partnership Dewey J. Bailey, Harold P. Hunnicutt and Frank G. McKenzie, doing business as Mountain Broadcasting Service; to change Paragraphs 1, 4, 6, 8, 9 and 12 of the application to show the substitution of the corporation for the partnership, and to give complete information concerning the said corporation; as more particularly appears from the amendment filed simultaneously with the petition; and to amend Issue No. 1 in the notice of hearing upon its application so as to refer to the applicant corporation instead of the applicant partnership;

It is ordered, This 17th day of January, 1947, that the petition for leave to amend be, and it is hereby, granted; the said amendment filed simultaneously with the petition covering the matters hereinabove described be, and it is hereby, accepted; and Issue No. 1 in the notice of hearing upon the above-entitled application and the application of Mercer Broadcasting Company, Princeton, West Virginia (File No. B2–P–4955; Docket No. 7993), dated October 31, 1946, be, and it is hereby, amended to read as follows:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners thereof, and the applicant corporation and the officers, directors and stockholders thereof, to construct and operate the proposed station.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-980; Filed, Jan. 31, 1947; 8:49 a. m.]

[Docket Nos. 7862 and 7968]

MISSION BROADCASTING CO.

ORDER SETTING FORTH HEARING DATE

In re applications of Eugene J. Roth doing business as Mission Broadcasting Company (KONO) San Antonio, Texas, for renewal license and for construction permit for FM Station; Docket No. 7862, File No. B3–R–414 and Docket No. 7968, File No. B3–PH–1038.

The Commission having scheduled a hearing upon the above-entitled application for March 3, 1947 at Washington, D. C.; and

It appearing, that public interest, convenience and necessity will be served by fixing the place of hearing at San Antonio, Texas instead of Washington, D. C.;

It is ordered, This 3d day of January 1947, on the Commission's own motion, that the said hearing upon the above-entitled application be, and it is hereby, set for March 3, 1947 at San Antonio, Texas.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-983; Filed, Jan. 31, 1947; 8:49 a. m.]

[Dockets Nos. 7965 and 7966]

SEASIDE BROADCASTING CO. ET AL.

ORDER DENYING PETITION

In re: applications of Seaside Broadcasting Company, Atlantic City, New Jersey, Docket No. 7965, File No. B1–P–5384; Atlantic City Broadcasting Corporation, Atlantic City, New Jersey, Docket No. 7966, File No. B1–P–5402; Mid-Atlantic Broadcasting Company, Atlantic City, New Jersey; File No. B1–P–5185; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of December 1946;

The Commission having under consideration a petition filed November 29, 1946, by Atlantic City Broadcasting Corporation requesting that the above-entitled application of Mid-Atlantic Broadcasting Company, Atlantic City, New Jersey, for construction permit (File No. B1–P–5185) to construct and operate a new standard broadcast station on the frequency 1340 kc with 250 kc power, unlimited time, be designated for hearing in a consolidated proceeding with the above-entitled applications of Atlantic City Broadcasting Corporation (File No. B1–P–5402; Docket No. 7966) and Seaside Broadcasting Company (File No. B1–P–5384; Docket No. 7965), both requesting construction permits to construct and operate new standard broadcast stations at Atlantic City, New Jersey, to operate on 1400 kc with 250 watts power, unlimited time;

It appearing that the said petition relies expressly on the Commission's memorandum opinion and order of October 10, 1946, released November 5, 1946, which consolidated in a single proceeding two Paris, Tennessee applications and one Murray, Kentucky application which requested the use of a frequency not in electrical conflict with that requested by another applicant for a new station at Paris, Tennessee; and

It appearing further, that the Commission, on the 26th day of December 1946, granted the petition for reconsideration filed by one of the parties to the aforesaid Paris, Tennessee-Murray, Kentucky, proceeding, directed against the said memorandum opinion and order consolidating the said applications; set aside said memorandum opinion and order and granted the application which was not in electrical conflict with the other said applications; and

It appearing further, that the above-entitled application of Mid-Atlantic Broadcasting Company (File No. B1–P–5185), Atlantic City, New Jersey, is not in electrical conflict with either of the two above-entitled applications; that said Mid-Atlantic Broadcasting Company is legally, technically, financially and otherwise qualified to be a licensee of a standard broadcast station; and that public interest, convenience and necessity will be served by a grant of said application of Mid-Atlantic Broadcasting Company;

It is ordered, That the petition of Atlantic City Broadcasting Corporation requesting that the said application of Mid-Atlantic Broadcasting Company for construction permit (File No. B1–P–5185) be designated for hearing in a consolidated proceeding with the other two above-entitled applications of Seaside Broadcasting Company (File No. B1–P–5384; Docket No. 7965) and Atlantic City Broadcasting Corporation (File No. B1–P–5402; Docket No. 7966) be, and it is hereby denied; and that the application of Mid-Atlantic Broadcasting Company, Atlantic City, New Jersey, for construction permit (File No. B1–P–5185) be, and it is hereby, granted.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-978; Filed, Jan. 31, 1947; 8:49 a. m.]

[Docket No. 8057]

PRESS WIRELESS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Press Wireless, Inc., Docket No. 8057, File Nos. 6514–MLHT–B 6515–MLHT–B, for modification of licenses to permit the handling of deferred commercial messages.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration applications filed December 9, 1946, by Press Wireless, Inc., for modification of its licenses in the fixed public press service to permit the handling of commercial messages on a deferred basis; and

It appearing, that the Commission, upon examination of the above-described applications, is unable to determine that public interest, convenience or necessity would be served by a grant thereof;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the above-described applications of Press Wireless, Inc., be, and they are hereby, designated for hearing for the following reasons:

1. To determine whether there is a public need for the use of applicant's telegraph communication channels for the handling of commercial messages on a deferred basis which cannot adequately be met by existing cable facilities and the facilities of radio carriers in the fixed public service;

2. To determine the nature of the service proposed to be rendered by the applicant, including the charges, and the divisions thereof, practices, and regulations in connection therewith as compared with the service now being rendered by other cable and radio carriers;

3. To determine the relative speed of service and the scheduled hours of operation of the proposed service as compared with service of competing cable and radio carriers in the deferred classification;

4. To determine the extent to which applicant's authorized frequencies and facilities would be used for rendering the proposed service and whether such use is the most desirable and efficient use thereof from the standpoint of providing the United States public with rapid and efficient communication service;

5. To determine what effect, if any, the rendition of the proposed service by the applicant will have upon the communication services now being rendered by applicant and upon the communication services rendered by other carriers furnishing foreign telegraph communication service;

6. To determine applicant's financial ability to provide the necessary physical equipment, offices, and personnel in order to render the proposed service;

7. To determine the effect which the rendition of the proposed service would have on applicant's financial condition and on its ability to serve the public as a press carrier;

8. To determine any other relevant facts which would indicate whether or not a grant of the above-described applications would serve public interest, convenience, or necessity.

It is further ordered, That Press Wireless, Inc., be, and it is hereby, made a party respondent to this proceeding, and that a copy hereof be served upon it and upon all other carriers subject to the Communications Act of 1934, as amended, engaged in rendering telegraph communication service between the United States and foreign points;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 3rd day of March, 1947, beginning at 10:00 a. m., before the Commission's Telegraph Committee composed of Commissioners Ray C. Wakefield, Paul A. Walker and Clifford J. Durr, or any member or members of such Committee, at the offices of the Federal Communications Commission in Washington, D. C.;

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-988; Filed, Jan. 31, 1947; 8:48 a. m.]

COMMUNITY BROADCASTING CO.

PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on January 21, 1947 there was filed with it an application (B3-TC-529) for its consent under section 310 (B) of the Communications Act (47 U. S. C. A. 310) to the proposed transfer of control of Community Broadcasting Company (licensee of AM Station WNCA), Asheville, North Carolina, from C. Fredric Rabell, Jack O. K. Barfield, James M. Earnest, Albin Knight, Alfred Miller, Richard M. Arnold to Jacksonville Broadcasting Company, Gulf Life Building, Jacksonville, Florida. The arrangements for transfer of control of the above station are based upon the agreement of December 23, 1946 between the selling stockholders and Jacksonville Broadcasting Corporation pursuant to which said selling stockholders propose to sell all of the 240 shares of common $100 par value voting stock of Community Broadcasting Company (constituting all the issued and outstanding stock) to purchaser for $80,100 in cash and the additional considerations which are set forth in the purchase agreement. From the agreement it appears that the stock and $25,000 were deposited in escrow with the First National Bank and Trust Company of Asheville, North Carolina, upon execution of the agreement; the balance of $55,100 is to be paid within 3 days of notice from the Commission approving the application. Current assets (cash on hand and in bank, accounts receivable, notes, and other claims due or accrued to the corporation as of December 31, 1946) are to be retained by the sellers. Buyer agreed to loan licensee not to exceed $10,000 for operating purposes and to loan further amounts to liquidate existing indebtedness. Further details as to the arrangements between the parties and concerning the application may be determined from an inspection of the papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted Rule 1.388 (known as Rule 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by applicants at the time of the filing of the application (January 21, 1947) that starting on January 21, 1947 notice of the filing of the application would be inserted in the Asheville Citizen, a newspaper of general circulation in Asheville, North Carolina, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from January 21, 1947, within which the other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-987; Filed, Jan. 31, 1947; 8:48 a. m.]

DICKINSON RADIO ASSN.

PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on November 15, 1946 there was filed with it an application (B4-TC-523) for its consent under section 310 (b) of the Communications Act (47 U. S. C. A. 310) to the proposed transfer of control of Dickinson Radio Association, Inc. (permittee of AM station KDIX), Dickinson, North Dakota from P. J. Weir, W. N. Walton, Fay M. Foster, and Robert B. Cummins to W. K. Johnson, William O. Rabe, Frank P. Whitney, C. R. Dukart, Leroy Moomaw, P. J. Baseflug, and L. W. Veigel. The arrangements for transfer of control of the above station are based upon agreements between the parties pursuant to which the selling stockholders proposed to sell a total of 215 shares (out of 250 outstanding) at par value ($100 per share) or a total of $21,500. Further details as to the arrangements between the parties and concerning the application may be determined from an inspection of the papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946 the Commission adopted Rule 1.388 (known as Rule 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by applicants by letter dated January 22, 1947 that starting on January 21, 1947 notice of the filing of the application would be inserted in the Dickinson Press, a newspaper of general circulation at Dickinson, North Dakota in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from January 21, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Section 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-986; Filed, Jan. 31, 1947; 8:48 a. m.]

[1] § 1.321, Part I, Rules of Practice and Procedure.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL 156 ENLARGED; AIR-NAVIGATION SITE WITHDRAWAL 169 ENLARGED; AIR-NAVIGATION SITE WITHDRAWAL 202

Correction

In the documents appearing in the issue of Friday, January 24, 1947, beginning at page 498, the following changes should be made:

In Federal Register Document 47-687, the second line of the land description should read: "Sec. 5, lots 1, 2, and 5, S½NW¼".

In Federal Register Document 47-690, the thirteenth line of the land description should read: "East 6,142.40 feet to corner No. 9;".

In Federal Register Document 47-705, the phrase beginning "Southerly, 3080 feet" in the land description should read: "Southerly, 3080 feet, along the line of ordinary high water, right bank Koyukuk River, to the place of beginning."

FEDERAL POWER COMMISSION

[Project No. 1845]

NANTAHALA POWER AND LIGHT CO.

ORDER GRANTING APPLICATION FOR RECONSIDERATION, RESCINDING ORDER AUTHORIZING ISSUANCE OF NEW LICENSE AND DISMISSING APPLICATION FOR NEW LICENSE (TRANSMISSION LINE)

JANUARY 24, 1947.

Upon application filed December 26, 1946, by Nantahala Power and Light Company, applicant for a new license for transmission line Project No. 1845, for reconsideration of the Commission's order issued November 22, 1946, authorizing issuance of a new license for the project; and

It appearing that: (a) The aforesaid application states that the allegation contained in paragraph (b) of the order to the effect that the transmission line in question "appeared to be a primary line emanating from the Santeetlah project and as such might properly be included in any license issued by the Commission for that project" is erroneous and contrary to the facts; and applicant objects to the condition in the order requiring it to agree to include the line in any license which may be issued in the future for the Santeetlah project;

(b) The original license for the project, which terminated on February 25, 1946, and the application for new license, particularly the maps made a part of both, describe and show the project works to consist of:

A 154,000-volt transmission line extending from Carolina Aluminum Company's Santeetlah power house on the Little Tennessee River for a distance of about 19 miles to a substation at Nantahala Station, North Carolina; • • •;

(c) The application for reconsideration states that the line does not emanate from the Santeetlah power house but that the terminus of the line is at a switching station located approximately 770 feet from the Santeetlah power house and that the line does not serve as a primary line carrying energy from Santeetlah project, but instead the primary purpose of the line is to provide a means for delivery to an aluminum manufacturer of the output of the applicant's Nantahala and Glenville hydroelectric plants, both of which have been found by the Commission not to be subject to its jurisdiction under Part I of the Federal Power Act (Dockets Nos. DI-156 and DI-157);

The Commission, having considered the application for reconsideration and having reconsidered the application for new license and the project record, finds that:

(1) The project as described in the two applications for license and in the original license is substantially different from the project as described in the application for reconsideration;

(2) The aforesaid line is not a primary line within the meaning of section 3 (11) of the Federal Power Act under the Commission's March 4, 1941, interpretation and, therefore, is not within the licensing authority of the Commission;

(3) The application for reconsideration should be granted by rescinding the order issued November 22, 1946, authorizing issuance of a new license and; by dismissing the application filed November 1, 1945, for a new license;

It is ordered, That: The application for reconsideration is hereby granted; the order issued November 22, 1946, authorizing a new license for the project is hereby rescinded; the application filed November 1, 1945, for a new license for the project is hereby dismissed; and the applicant is hereby directed to apply to the Secretary of Agriculture and the Secretary of the Interior for appropriate authority to continue the operation and maintenance of the line over National Forest and Indian tribal lands, respectively.

Date of issuance: January 28, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-952; Filed, Jan. 31, 1947; 8:52 a. m.]

[Docket No. G-606]

TENNESSEE GAS AND TRANSMISSION CO. AND CHICAGO CORP.

ORDER FURTHER POSTPONING HEARING

JANUARY 28, 1947.

It appearing to the Commission that:

(a) On November 5, 1946, the Commission ordered that a public hearing in the above-docketed matter be held commencing on January 20, 1947, and by order entered January 10, 1947, postponed the date of such hearing to February 3, 1947.

(b) Good cause exists for further postponing the date of hearing as hereinafter provided.

The Commission orders that: The public hearing in the above-docketed matter is hereby postponed to February 24, 1947, commencing at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Date of issuance: January 29, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-953; Filed, Jan. 31, 1947; 8:51 a. m.]

[Docket No. IT-6025]

CONNECTICUT POWER CO.

NOTICE OF APPLICATION

JANUARY 28, 1947.

Notice is hereby given that on January 27, 1947, an application was filed, pursuant to section 203 of the Federal Power Act, by The Connecticut Power Company ("Connecticut"), a corporation organized under the laws of the State of Connecticut and doing business in said State, with its principal business office at New London, Connecticut, seeking an order authorizing the merger of The Torrington Electric Light Company "Torrington"), a corporation organized under the laws of the State of Connecticut and doing business in said State, with its principal business office at Torrington, Connecticut, into and with Connecticut, the surviving corporation. The consideration, the application states, consists of Connecticut issuing a 1.1 share of its common stock and a 3% thirty-five year bond (callable at par after the first 20 years) in the principal amount of $50 for each one share of stock of Torrington. The facilities of Torrington consist of a gas and electric retail distribution system, an electric generating station and a gas manufacturing plant located in the City of Torrington. Torrington's electric distribution system consists of 93 miles of 2300 volt primary and 220/110 volt secondary distribution lines. All these facilities are to be merged into and with all the facilities of Connecticut; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 15th day of February, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-975; Filed, Jan. 31, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 91]

RECONSIGNMENT OF CITRUS FRUITS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., January 28, 1947, by Knowles & Co., of car BREX 75691, citrus, now on the Pennsylvania RR., to Samuel J. Shallow Co., Boston, Mass. (PRR-NYNH&H) account railroad error.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of January 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-961; Filed, Jan. 31, 1947; 8:47 a. m.]

[S. O. 666-A]

UNLOADING OF PLYWOOD AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of January A. D. 1947.

Upon further consideration of Service Order No. 666 (12 F. R. 510), and good cause appearing therefor: it is ordered, that:

(a) Service Order No. 666, *Plywood at Los Angeles, Calif., on Sou. Pac. Co., be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., January 28, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by deposting a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402, 418; 41 Stat. 476, Sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-958; Filed, Jan. 31, 1947; 8:46 a. m.]

[S. O. 670]

UNLOADING OF CARS AT CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of January A. D. 1947.

It appearing, that 41 cars containing various commodities at Chicago, Illinois, on the Chicago and North Western Railway Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Cars at Chicago, Ill., be unloaded.* The Chicago and North Western Railway Company, its agents or employees, shall unload immediately the following cars, loaded with various commodities, now on hand at Chicago, Illinois, consigned to Froehling Supply Company:

NYC	105484	NYC	49709
SAL	4020	UP	74375
ATSF	139098	ERIE	75508
NP	15851	GN	50320
PM	53999	MP	48284
SP	21410	NH	31910
DRGW	67633	NW	49159
MP	75626	IC	14745
NYC	107880	ACL	52599
NYC	117800	UP	183823
MILW	593046	NYC	203216
SOU	165561	SP	27106
B&O	386121	DRGW	67996
SAL	19696	NKP	16350
T&NO	53108	StP	21794
NKP	8156	IGN	17900
NP	83756	C&NW	83410
IGN	14148	MP	91048
PRR	90899	MP	94804
ATSF	14256	GN	29030
PRR	571099		

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 29, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-959; Filed, Jan. 31, 1947; 8:46 a. m.]

[S. O. 671]

UNLOADING OF COAL AT HELEN N. SIDING, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of January A. D. 1947.

It appearing, that car PRR 193346, containing coal at Helen N. Siding, Pennsylvania, on The Monongahela Railway Company, loaded by Ford Coal Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Coal at Helen N. Siding, Pennsylvania, be unloaded.* The Monongahela Railway Company or its agents or employees, shall unload immediately car PRR 193346, containing coal, now on hand at Helen N. Siding, Pennsylvania.

(b) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402; 41 Stat. 476, Sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-960; Filed, Jan. 31, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1437]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of January A. D. 1947.

Electric Bond and Share Company (Bond and Share), a registered holding company, having filed an application and declaration pursuant to sections 9 (a), 10 and 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder with respect to the following transactions:

Bond and Share's Plan II–A, as amended, approved by the Commission on September 6, 1946, provided, among other things, that the company offer to its common stockholders warrants evidencing the right to purchase for each share of the common stock of Bond and Share held, .16 of a share of the common stock of American Gas and Electric Company (American), and .20 of a share of the common stock of Pennsylvania Power & Light Company (Pennsylvania). January 17, 1947 has been set as the record date for determining the common stockholders of the company who shall be entitled to receive such warrants and prices of $33.25 and $17.50 per full share have been fixed by the company as the respective offering prices of American and Pennsylvania. The offering period will commence on January 31, 1947 and will remain open until 3:00 p. m., e. s. t., February 17, 1947.

In the present application and declaration, Bond and Share requests permission to purchase at any time from January 27 to February 17, 1947, inclusive, common stock of American and Pennsylvania and warrants to be issued by Bond and Share in connection therewith, for the purpose of stabilizing the market prices of these securities. Any purchases by Bond and Share for the purpose of such stabilization will commence as to the common stock of American at a price (exclusive of commissions) not in excess of $40.25 per share or the last preceding sale price on the New York Curb Exchange, whichever is lower; and as to the common stock of Pennsylvania, at a price not in excess of $21.00 per share or the last preceding sale price of said stock on the New York Stock Exchange, whichever is lower. Any purchase of warrants of these securities will commence at a price not in excess of the price at which the last preceding sale of such rights was made on the New York Curb Exchange, or in the event no preceding sale has occurred, such initial purchase will be made at a price not in excess of the computed value of the rights based on the differential between the offering price of the security and the last preceding sale price of such security on the respective New York Exchanges on which they are traded.

Bond and Share also requests permission to sell, during the offering period, the shares of stocks or warrants so acquired, by sales on or off the Exchanges. Any sales of stock effected off the Exchanges are to be at a price substantially equivalent to the last sales price during the day on the respective New York Exchanges where such stocks are traded. Any sale of warrants will be effected at prices not exceeding the current prices thereof quoted on the New York Curb Exchange.

The purchase by the company of warrants which are not thereafter resold will constitute a withdrawal by the company of certain shares of American and Pennsylvania from the proposed offering to its common stockholders. The company, therefore, also requests permission to sell during the offering period the number of shares of common stock of American or Pennsylvania which the rights purchased by the company (and not thereafter resold) entitle the holder thereof to purchase.

In connection with the stabilization transactions relating to the common stock of American and Pennsylvania, Bond and Share represents that it will at no time acquire a net long position (exclusive of shares presently owned by the company and not being offered to common stockholders) of shares of common stock of either American or Pennsylvania in excess of 10% of the aggregate number of shares of common stock of each of said companies being offered to its common stockholders. If the company retains any of the shares so acquired after the termination of the offering period, it will sell such shares in accordance with the provisions of Plan II–A, as amended, relating to any shares of such stock not offered to, or not purchased by, Bond and Share common stockholders.

Such application and declaration having been filed on January 15, 1947, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application and declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary under section 10 (b) or 10 (c) (1) of the act and that the transactions involved have the tendency required by section 10 (c) (2), and that the requirements of section 12 (d) and Rule U-44 are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective; and

The Commission deeming it appropriate to grant the request of applicant-declarant that the order become effective immediately upon the issuance thereof so that the company may be in a position to expedite the consummation of its Plan II–A, as amended, and further deeming it appropriate to grant the request of applicant-declarant that the order conform to the requirements of the Internal Revenue Code, as amended, including section 1808 (f) thereof;

It is ordered, Pursuant to Rule U–23 and the applicable provisions of the act and rules thereunder that the application and declaration be, and the same hereby are, granted and permitted to become effective immediately, subject to the terms and conditions prescribed in Rule U–24 and subject to a reservation of jurisdiction as to all legal and financial advisory fees incurred in connection with the proposed transactions.

It is further ordered, That the purchase by Bond and Share of shares of common stock of American and Pennsylvania and warrants to be issued by Bond and Share in connection therewith as hereinabove set forth, and that the sale by Bond and Share of shares of common stock of American and Pennsylvania and warrants with respect thereto are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-964; Filed, Jan. 31, 1947; 8:47 a. m.]

[File No. 54–81]

MIDDLE WEST CORP. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of January 1947.

In the matter of The Middle West Corporation, Central and South West Utilities Company and American Public Service Company, File No. 54–81.

The Commission by order dated April 30, 1946, having approved a plan, as amended, filed pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 jointly by The Middle West Corporation (Middle West), a registered holding company, Central and South West Utilities Company (Central) and American Public Service Company (American), registered holding company subsidiaries of Middle West, and by West Texas Utilities Company (West Texas), a subsidiary of American, which plan provides, among other things, for the merger of American into Central and for the reorganization of the surviving company; and the United States District Court for the District of Delaware having entered its order approving and enforcing the said plan, as amended, subject to the terms and conditions of the order of the Commission of April 30, 1946, which provided, among other things, for a reservation of jurisdiction with respect to the reasonableness of the price to be paid for such of the common stock of the surviving company which, pursuant to the plan, is to be sold in accordance with the requirements of Rule U–50; and

Central on January 27, 1947, having filed a report in this proceeding supplementing the amended application for approval of the said plan, as amended, stating that, in accordance with the terms of the plan, it has offered said common stock of the surviving company for sale pursuant to the competitive bidding requirements of Rule U–50, and has received the following bids:

Syndicate headed by—	Number of shares	Public offering price per share	Underwriter's compensation per share	Net price per share to company
Lehman Bros., Lazard Freres & Co.	1,342,192	$12.00	$1.05	$10.95
Blyth & Co., Inc., Smith, Barney & Co., Harriman, Ripley & Co., Inc.	1,349,451	11.75	.8589	10.8911

The report further stating that Central has accepted the bid of the syndicate headed by Lehman Brothers and Lazard Freres & Co. and that the stock will be offered for sale to the public at a price of $12.00 per share, with compensation to the underwriters of $1.05 per share, resulting in a net price to the company of $10.95 per share; and

Public hearings having been duly held at which all interested persons were afforded opportunity to be heard, and Middle West, Central, American, and the Common Stockholders Committee having appeared by their respective counsel, and no other persons having appeared, and no one having opposed the acceptance and approval of the results of the competitive bidding, and the Commission having examined the amendment and

the record with respect thereto, and observing no basis for adverse findings:

It is ordered, That the jurisdiction heretofore reserved with respect to the reasonableness of the price to be paid for the surviving company's common stock, the underwriter's spread and the fees and expenses of the underwriters in connection therewith be, and hereby is, released, and that the amended application as supplemented by the aforesaid report be, and hereby is, granted, subject to the terms and conditions prescribed in Rule U–24.

It is further ordered, That the reservations of jurisdiction with respect to all other matters set forth in the Commission's order of April 30, 1946, be, and hereby is continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–963; Filed, Jan. 31, 1947; 8:47 a. m.]

SELECTIVE SERVICE SYSTEM

[No. 329]

ORDER TO REPORT FOR INDUCTION; SPECIAL ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 150–F, entitled "Order to Report for Induction—Special."[1]

The foregoing revision shall become a part of the Selective Service regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

DECEMBER 20, 1946.

[F. R. Doc. 47–1001; Filed, Jan. 31, 1947; 9:06 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 5186, Amdt.]

MARY ZUERCHER

In re: Estate of Mary Zuercher, deceased. File D–28–9590; E. T. sec. 13221.

Vesting Order 5186, dated August 21, 1945, is hereby amended as follows and not otherwise:

By deleting the words "Board of Finance and Review of the Commonwealth of Pennsylvania" wherever they occur, and by inserting in lieu thereof the words "State Treasury, Commonwealth of Pennsylvania."

All other provisions of said Vesting Order 5186 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–993; Filed, Jan. 31, 1947; 8:50 a. m.]

[Vesting Order 8002]

ENGELBERT BROMESBERGER

In re: Estate of Engelbert Bromesberger, deceased. File No. D–28–10761; E. T. sec. 15080.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Ebner, Fanny Promersberger, and Kreszenz Schall, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $1,433.11 was paid to the Alien Property Custodian by Carl R. Becker, Special Administrator of the estate of Engelbert Bromesberger, deceased;

3. That the said sum of $1,433.11 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on July 31, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–994; Filed, Jan. 31, 1947; 8:50 a. m.]

[Vesting Order 8005]

ADELE R. CHAMBERLIN ET AL.

In re: Adele R. Chamberlin, et al. vs. Arthur G. Strassheim, et al. File D–28–10054; E. T. sec. 14271.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Feilner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1,000.00 was paid to the Alien Property Custodian by Walter J. Rinn, Liquidating Trustee in the matter of Adele R. Chamberlin, et al. vs. Arthur G. Strassheim, et al.;

[1] Filed as part of the original document.

3. That the said sum of $1,000.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany).

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 9, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–995; Filed, Jan. 31, 1947; 8:50 a. m.]

[Vesting Order 8017]

KEITARO DAIGO

In re: Debts owing to Keitaro Daigo, also known as Kaituro Daigo and as K. Daigo. D–39–2774–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Keitaro Daigo, also known as Kaituro Daigo and as K. Daigo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Keitaro Daigo, also known as Kaituro Daigo and as K. Daigo, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $8,335.56, as of December 31, 1945, arising out of a commercial checking account, entitled K. Daigo, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Keitaro Daigo, also known as Kaituro Daigo and as K. Daigo, by the Federal Reserve Bank of New York, New York, New York, arising out of an account maintained for the Secretary of the Treasury under General Ruling Number 5, entitled Kaituro Daigo, evidenced by Window Ticket Number 1309, dated June 12, 1942, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–996; Filed, Jan. 31, 1947; 8:50 a. m.]

[Vesting Order 8062]

ANNA F. VOGEL

In re: Estate of Anna F. Vogel, deceased. File No. D–28–10873; E. T. sec. 15287.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Vogel Grimm and Margaret Vogel Boehmer, whose last known addresses are Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Anna F. Vogel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Grace H. Corbin, 195 East Main Street, Gouverneur, New York, as Executrix, acting under the judicial supervision of the Surrogate's Court, St. Lawrence County, Gouverneur, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1000; Filed, Jan. 31, 1947; 8:51 a. m.]

[Vesting Order 8068]

EMIL BUSSE

In re: Bank account and stock owned by Emil Busse. F–28–24023–E–1, F–28–24023–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Busse, whose last known address is Feldbergen near Carbolzum, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation in the amount of $2554.98, as of December 19, 1946, of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, constituting a portion of a blocked "E" account, entitled N. V. Hollandsche Koopmansbank, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Busse, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Number of shares	Type of stock	Par value	Certificate No.	Registered in name of—	Presently in custody of—
Anaconda Copper Mining Co., 25 Broadway, New York, N. Y.	Montana	20	Common	$50.00	F954078	Ince & Co	Guaranty Trust Co., 140 Broadway, New York, N. Y.
Do	do	28	do	50.00	F954079	do	Do.
Do	do	2	do	50.00	S25469	Lazard Freres & Co	Lazard Freres & Co., 44 Wall St., New York, N. Y.
International Telephone & Telegraph Corp., 67 Broad St., New York 4, N. Y.	Maryland	75	do	None	NN/AF 68771	Ince & Co	Guaranty Trust Co., 140 Broadway, New York, N. Y.
Radio Corp. of America, 30 Rockefeller Plaza, New York 20, N. Y.	Delaware	19	do	None	FR/C 38795	do	Do.
Do	do	50	do	None	FR/C 38796	do	Do.
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	25	do	None	P241772	do	Do.
Vanadium Corp. of America, 420 Lexington Ave., New York 17, N. Y.	Delaware	50	do	None	O181159	do	Do.
Westinghouse Electric Corp., 306 4th Ave., Pittsburgh, Pa.	Pennsylvania	20	do	12.50	C068187	do	Do.
Do	do	100	do	12.50	C113060	do	Do.
International Nickel Co. of Canada, Ltd., 67 Wall St., New York 5, N. Y.	Dominion of Canada	25	do	None	NB211194	Schmidt & Co	Do.
Do	do	50	do	None	NB190672	do	Do.
Do	do	50	do	None	NB240762	Tegge & Co	Do.
Do	do	25	do	None	NB278301	L. D. Pickering & Co	Bank of The Manhattan Co., 40 Wall St., New York, N. Y.

[F. R. Doc. 47-997; Filed, Jan. 31, 1947; 8:50 a. m.]

[Vesting Order 8075]

ALEXANDER PAUL WETZIG

In re: Stock owned by Alexander Paul Wetzig. F-28-12722-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alexander Paul Wetzig, whose last known address is St. Benedictstrasse 30, Hamburg 13, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of $100.00 par value 7% Cumulative Preferred capital stock of Dohrmann Commercial Company, 984 Mission Street, San Francisco 3, California, a corporation organized under the laws of the State of California, evidenced by certificate number 2316, registered in the name of Alexander Paul Wetzig together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-999; Filed, Jan. 31, 1947; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 24

Washington, Tuesday, February 4, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9826

DESIGNATING THE HONORABLE A. CECIL SNYDER AS ACTING JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR PUERTO RICO

NOTE: Executive Order No. 9826 was filed with the Division of the Federal Register as F. R. Doc. 47-1085, on January 31, 1947, at 4:26 p. m.

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 721—CORN

PROCLAMATION AND DETERMINATION WITH RESPECT TO COMMERCIAL CORN-PRODUCING AREA FOR 1947, NATIONAL, COUNTY, AND FARM ACREAGE ALLOTMENTS FOR 1947, AND CORN MARKETING QUOTAS FOR 1947–48 MARKETING YEAR

Whereas, the Agricultural Adjustment Act of 1938, as amended, provides for the proclamation of the commercial corn-producing area and of certain data concerning the supply and consumption requirements of corn, requisite to the establishment of a national acreage allotment and marketing quotas for corn, and

Whereas, said act further provides that due regard must be given to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers, and

Whereas, said act further provides that national marketing quotas shall be terminated if it is determined that such action is necessary in order to effectuate the declared policy of the act or to meet a national emergency, and

Whereas, notice has been given of this determination and proclamation (12 F. R. 402) and no written views have been received pursuant to such notice, and

Whereas, an investigation has been made which reveals that it is necessary, in order to meet the present national emergency and to effectuate the declared policy of the act, to dispense with marketing quotas for corn for the marketing year beginning October 1, 1947, and with national, county, and farm acreage allotments for corn for 1947:

Now, therefore, it is hereby determined and proclaimed that:

§ 721.901 *Commercial corn-producing area for 1947.* No commercial corn-producing area will be established for 1947.

§ 721.902 *1947 acreage allotments for corn.* No national, county, or farm acreage allotments of corn will be determined for 1947.

§ 721.905 *National marketing quota for corn for the 1947–48 marketing year.* Corn marketing quotas will not be in effect for the marketing year beginning October 1, 1947.

(52 Stat. 45, 49, 51, 52, 64, 202; 7 U. S. C. and Sup., 1304, 1322 (a), 1327, 1328, 1371 (b))

Issued at Washington, D. C., this 30th day of January 1947.

[SEAL] N. E. DODD, *Acting Secretary.*

[F. R. Doc. 47-1014; Filed, Feb. 3, 1947; 8:54 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXEMPTION FROM CERTAIN DISTRIBUTING AND UNDERWRITING TRANSACTIONS

The Securities and Exchange Commission deems it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors to amend paragraph (c) of § 240.16b-2 (Rule X-16B2) and paragraph (b) of § 240.16c-2 (Rule X-16C-2) under the Securities Exchange Act of 1934 to read as set forth below. The Commission finds that the amendments are primarily in the nature of interpretations of the existing provisions of the rules; that the amendments relieve restriction; that notice and public procedure pursuant to section 4 (a) and (b) of the Adminis-

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedu e Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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trative Procedure Act are unnecessary; and that the amendments may be declared effective immediately pursuant to section 4 (c) of that act. Therefore the Commission, pursuant to the authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 16 (b) and (c) and 23 (a) thereof, hereby takes the following action:

1. The first paragraph of paragraph (c) of § 240.16b–2 (Rule X–16B–2, 17 CFR) is amended to read as follows:

§ 240.16b–2 *Exemption from section 16 (b) of certain distributing and underwriting transactions.* * * *

(c) If the person effecting such transaction is either (1) an officer or director of the issuer, (2) a firm of which an officer or director of the issuer is a partner, employee, appointee, nominee or representative, or (3) a corporation or other person in respect of which an officer or director of the issuer is an officer, director, employee, appointee, nominee, representative or beneficial owner, directly or indirectly, of more than 10 per centum of any class of equity security, then one or more other persons who are not specified in subparagraphs (1), (2) or (3) of this paragraph shall have participated in the distribution as members of the underwriting group on terms at least as favorable as those on which such specified persons have participated and to an extent at least equal to the aggregate participation of all such specified persons: *Provided*, That performance of the functions of manager of a distributing group and the receipt from the group of a bona fide payment for performing such functions shall not be deemed to destroy an exemption which otherwise would be available pursuant to this section.

2. Paragraph (b) of § 240.16c–2 (Rule X–16c–2, 11 F. R. 3023) is amended to read as follows:

§ 240.16c–2 *Exemption from section 16 (c) of certain distributing and underwriting transactions.* * * *

(b) The exemptions granted by paragraph (a) of this section shall be subject to the condition that, if the dealer is either (1) an officer or director of the issuer, (2) a firm of which an officer or director of the issuer is a partner, employee, appointee, nominee, or representative, or (3) a corporation or other person in respect of which an officer or director of the issuer is an officer, director, employee, appointee, nominee, representative or beneficial owner, directly or indirectly, of more than 10 per centum of any class of equity security, then one or more other persons who are not specified in subparagraphs (1), (2), or (3) of this paragraph shall have participated in the distribution as members of the underwriting group (or, in the case of the second exemption, the underwriting group or the selling group or both) on terms at least as favorable as those on which such specified persons have participated and to an extent at least equal to the aggregate participation of all such specified persons: *Provided*, That performance of the functions of manager of a distributing group and the receipt from the group of a bona fide payment for performing such functions shall not be deemed to destroy an exemption which otherwise would be available pursuant to this section.

(Secs. 3 (a) (12), 16 (b) and (c), 23 (a), 48 Stat. 882, 896, 901; 15 U. S. C. 78c, 78p, 78w).

Effective: January 29, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–1013; Filed, Feb. 3, 1947; 8:52 a. m.]

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934[1]

ANNUAL REPORT OF CORPORATIONS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13, 15 (d) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said act, hereby amends the instructions to Item 8 of Form 10–K (17 CFR 249.310) as set forth below. The Commission finds that the adoption of these amendments to Item 8 of the instructions to Form 10–K (17 CFR 249.310) serves to grant to registrants required to file statements on Form 10–K (17 CFR 249.310) and 1–MD (17 CFR 249.401) exemptions in the form of certain simplifications in the requirements for financial statements incorporated in the January 15, 1947, revision of Form S–1 (17 CFR 239.11) adopted after the proposed revisions had been widely distributed for comment and suggestions and therefore that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act are unnecessary and good cause exists for their omission with respect to these amendments and that they may be declared effective April 1, 1947. Accordingly, the amendments shall become effective April 1, 1947. However, as it appears that certain registrants may wish to apply the provisions of the amendments prior to that date, the Commission deeming the amendments exemptive or relieving restriction within the meaning of section 4 (c) of the Administrative Procedure Act, hereby declares that the amended instructions may be applied to statements filed with the Commission effective immediately.

1. Items 8, paragraph 1 (b) (2) which reads: "Each of the subsidiaries included is, in practical effect, an operating division of the registrant; and" is deleted and the following substituted therefor: "Each of the subsidiaries included is a totally held subsidiary; and."

2. To instruction 1 of item 8, a new paragraph (c) is added reading as follows:

(c) No individual financial statements need be filed for the registrant, however, if (1) consolidated financial statements of the registrant and one or more of its subsidiaries are filed; (2) registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, constitute 85% or more of the total assets as shown by the consolidated balance sheet filed for the registrant and such subsidiaries; and (3) registrant's total gross revenue for the period for which its profit and loss statement would be filed, exclusive of interest and dividends received from the consolidated subsidiaries, constitute 85% or more of the total gross revenue as shown by the consolidated profit and loss statement filed for the registrant and such subsidiaries.

3. The present text of instruction 2 of Item 8 is designated paragraph (a) and a new paragraph is added reading as follows:

(b) No consolidated financial statements of the registrant and its subsidiaries need be filed, however, if (1) registrant's individual statements are filed; (2) registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, constitute 85% or more of the total assets as would be shown by the consolidated balance sheet if filed for the registrant and its subsidiaries; and (3) registrant's total gross

[1] Part 249 appears at 11 F. R. 177A–733. Copies of forms and of instructions for their use may be obtained on request addressed to the Administrative Division of the Commission.

revenue exclusive of interest and dividends received from the consolidated subsidiaries, constitute 85% or more of the total gross revenue as would be shown by the consolidated profit and loss statement if filed for the registrant and its subsidiaries.

4. Paragraph (c) of instructoin 3 is deleted and the following paragraphs substituted therefor:

(c) Notwithstanding the provisions of paragraph (a) of this instruction no financial statements need be filed for any one or more unconsolidated subsidiaries if:

(1) The aggregate assets of all unconsolidated subsidiaries for which statements are not filed do not exceed 15 percent of the total assets of the registrant and its consolidated subsidiaries as shown by the registrant's consolidated balance sheet filed with the report or, if none, by the balance sheet of the registrant so filed, and

(2) The aggregate gross revenue of all such unconsolidated subsidiaries does not exceed 15 percent of the aggregate gross revenue of the registrant and its consolidated subsidiaries as shown by the registrant's consolidated profit and loss statement filed with the report or, if none, by the profit and loss statement of the registrant so filed.

(Secs. 13, 15 (d) and 23 (a), 48 Stat. 894, 895, 901; 15 U. S. C. 78m, 78o, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1012; Filed, Feb. 3, 1947; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51617]

PART 2—MEASUREMENT OF VESSELS

OPEN SHELTER DECK SPACE

Section 2.46 (c) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 2.46 (c)) is amended by changing the comma after the words "hatch covers" in the first sentence to a period, and by substituting the following in lieu of the remainder of the paragraph:

§ 2.46 *Open shelter deck space.* • • •

(c) *Coamings.* • • • If any such opening is guarded by rails or stanchions they shall be so arranged that they may not be used to secure or assist in securing a cover over that opening.

(R. S. 161, sec. 3, 23 Stat. 119, R. S. 4153, sec. 1, 22 Stat. 300, sec. 5, 24 Stat. 81, sec. 1, 28 Stat. 741, secs. 1, 2, 35 Stat. 613; 5 U. S. C. 22, 46 U. S. C. 3, 77, sec. 102, Reorg. Plan No. 3 of 1946; 11 F. R. 7875)

W. R. JOHNSON, *Commissioner of Customs.*

Approved: January 28, 1947.

E. H. FOLEY, Jr., *Acting Secretary of Treasury.*

[F. R. Doc. 47-1039; Filed, Feb. 3, 1947; 8:59 a. m.]

[T. D. 51616]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES

In addition to all other information required by law or regulations, customs invoices for parts of machines of any kind shall contain a statement specifying the kind of machine for which the parts are intended, or if this is not known to the shipper, the kind or kinds of machines for which the parts are suitable. Statements placed on customs invoices pursuant to the foregoing requirement are for the information of customs officers and are not controlling upon them.

This requirement shall be effective as to invoices certified after 30 days after the publication of this document in the weekly Treasury Decisions.

(Sec. 481 (a) (10), 46 Stat. 719; 19 U. S. C. 1481 (a) (10))

Paragraph (i) of § 8.13, *Contents of invoices; incomplete invoices; general requirements supplemented,* Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (i)), as redesignated by T. D. 51059 (9 F. R. 5398) is hereby further amended by adding the following to the list of merchandise in connection with which additional information is required to be furnished on invoices and by placing opposite such addition the number and date of this Treasury decision:

Machine parts.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624)

[SEAL] W. R. JOHNSON, *Commissioner of Customs.*

Approved: January 27, 1947.

E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-1003; Filed, Feb. 3, 1947; 8:57 a. m.]

[T. D. 51618]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

TEMPORARY FREE IMPORTATIONS OF AUTOMOBILES

Pursuant to section 308 (5), Tariff Act of 1930, as amended by section 4 of the Customs Administrative Act of 1938 (U. S. C. Title 19, sec. 1308 (5)), collectors of customs are hereby authorized to defer for a period of not to exceed 6 months the requirement of a bond to secure the exportation of automobiles imported from the Canal Zone under the provisions of section 308 (5), *supra,* for the transportation of the nonresident importer, his family, or guests, and such incidental carriage of articles as may be necessary and appropriate to the purposes of the journey, but not to be used for the transportation of persons or articles for hire, nor in any case primarily for the carriage of articles.

The number of this Treasury decision shall be inserted as a marginal reference opposite § 10.41 (a), Customs Regulations of 1943.

(Sec. 308, 46 Stat. 690, as amended; 19 U. S. C. 1308)

W. R. JOHNSON, *Commissioner of Customs.*

Approved: January 28, 1947.

E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-1037; Filed, Feb. 3, 1947; 8:59 a. m.]

[T. D. 51615]

PART 14—APPRAISEMENT

EXAMINATION OF MERCHANDISE; SPECIAL REGULATIONS

It is my opinion that the examination of less than 1 package of every 10 packages, but not less than 1 package of every invoice, of the merchandise hereinafter described, if such merchandise is (1) imported in packages the contents and values of which are uniform, or (2) imported in packages the contents of which are identical as to character although differing as to quantity and value per package, will amply protect the revenue:

Automobiles.
Bicycles.
Brushes, toilet and tooth.
Clothespins.
Flycatcher ribbons, paper.
Gloves, leather.
Leather articles provided for in paragraph 1531, Tariff Act of 1930.
Motorcycles.
Oils, distilled or essential.
Perfumery.
Saddlery and harnessware.
Tobacco, filler stemmed.
Tobacco, scrap.

Therefore, by virtue of the authority contained in sections 499 and 624 of the Tariff Act of 1930, as amended (19 U. S. C. secs. 1499 and 1624), I do by this special regulation permit and authorize a less number of packages than 1 package of every 10 packages, but not less than 1 package of every invoice, of the above-described merchandise to be examined.

This special regulation shall not be construed to preclude the examination of packages in addition to the minimum number hereby permitted to be examined if the collector or the appraiser shall deem it necessary that a greater number of packages be examined.

In view of the foregoing, § 14.1 *Order of appraisement; designation of packages for examination,* paragraph (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 14.1 (b)), as amended by T. D. 50959 (8 F. R. 15361), T. D. 51090 (9 F. R. 7743), T. D. 51269 (10 F. R. 8683), T. D. 51315 (10 F. R. 12037), T. D. 51437 (11 F. R. 3943), and T. D. 51520 (11 F. R. 9067), containing a list of merchandise as to which collectors are especially authorized to designate for examination less than 1 package of every 10 packages, is hereby amended by inserting in said list in proper alphabetical position the following:

Automobiles.
Bicycles.
Brushes, toilet and tooth.
Clothespins.
Flycatcher ribbons, paper.
Gloves, leather.
Leather articles provided for in paragraph 1531, Tariff Act of 1930.
Motorcycles.
Oils, distilled or essential.
Perfumery.
Saddlery and harnessware.
Tobacco, filler stemmed.
Tobacco, scrap.

The number of this Treasury decision shall be added as a marginal notation to § 14.1 (b).

(Sec. 499, 624, 46 Stat. 728, secs. 15, 16 (a), 52 Stat. 1084, 759; 19 U. S. C. 1499, 1624)

[SEAL] W. R. JOHNSON, *Commissioner of Customs.*

Approved: January 27, 1947.

E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-1002; Filed, Feb. 3, 1947; 8:56 a. m.]

[T. D. 51619]

PART 16—LIQUIDATION OF DUTIES

IMPORT TAXES

Section 2 of Public Law 558, 79th Congress, approved July 27, 1946, amends section 3508 of the Internal Revenue Code, as amended, to extend the import tax imposed on certain sugar and sugar products by section 3500 of the Internal Revenue Code for an additional year, so that such sugar and sugar products imported on or before June 30, 1948, are subject to such tax.

All pertinent customs regulations are hereby extended to govern the assessment and collection of the import taxes imposed by section 3500 of the Internal Revenue Code for the period from July 1, 1947, to June 30, 1948, inclusive.

The number of this decision shall be added as a marginal citation to § 16.15, Customs Regulations of 1943.

(R. S. 251, sec. 624, 46 Stat. 759, I. R. C. sec. 3500 and sec. 3508, as amended; 19 U. S. C. 66, 1624, 26 U. S. C. and Sup., 3500, 3508)

W. R. JOHNSON, *Commissioner of Customs.*

Approved: January 28, 1947.

E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-1038; Filed, Feb. 8, 1947; 8:59 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Federal Security Agency

PART 04—DELEGATIONS OF AUTHORITY

INSTITUTE OF INTER-AMERICAN AFFAIRS AND INTER-AMERICAN EDUCATIONAL FOUNDATION, INC.

Paragraph (b) of § 04.11, Subpart B of this chapter (11 F. R. 12540, 14453), is hereby amended by deleting the contents of subparagraph (6) thereof and substituting the following therefor:

§ 04.11 *Delegations of authority.* • • •

(b) • • •

(6) The Institute of Inter-American Affairs and the Inter-American Educational Foundation, Inc., in the other American republics.

(Sec. 42, 39 Stat. 750; 56 Stat. 725; sec. 4, 59 Stat. 503; 5 U. S. C. and Sup. 793)

[SEAL] JEWELL W. SWOFFORD, *Commissioner for Special Services.*

Approved: January 29, 1947.

WATSON B. MILLER, *Federal Security Administrator.*

[F. R. Doc. 47-1035; Filed, Feb. 3, 1947; 8:58 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 1—ORGANIZATION

PART 2—FUNCTIONS

MISCELLANEOUS AMENDMENTS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238), Chapter I of Title 22 of the Code of Federal Regulations is hereby amended as follows:

1. In paragraph (g) (7) of § 1.2 *Basic organization of the Department in Washington* (11 F. R. 177A-3) delete the entry "Division of Map Intelligence and Cartography," and substitute therefor the entry, "Map Division."

2. In paragraph (p) of § 2.9 *Offices of the Department* (11 F. R. 177A-5) delete the entry "Division of Map Intelligence and Cartography," and substitute therefor the entry, "Map Division."

This regulation is effective on the date of publication in the FEDERAL REGISTER.

(R. S. 161; 5 U. S. C. 22)

Issued: January 20, 1947.

[SEAL] G. C. MARSHALL, *Secretary of State.*

[F. R. Doc. 47-1036; Filed, Feb. 8, 1947; 8:58 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 5, Interpretation 4]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

CHARGES IN EXCESS OF MAXIMUM SALES PRICE REQUESTED BECAUSE OF INCIDENTAL CHARGES, EXTRAS, OR ADDITIONAL CONSTRUCTION

The following interpretation is issued with respect to Housing Expediter Priorities Regulation 5:

Under paragraph (1) of Housing Expediter Priorities Regulation 5 a seller must not require a purchaser, as a condition to the sale of a house authorized under that Regulation, to buy or agree to buy any commodity, service or property interest, except where the regulation specifically permits the charges for the commodity, service or property interest to be added to the maximum sales price. Under paragraph (o) items which may be added are those incidental charges, such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. (Such incidental charges may not be made in the first sale unless enumerated in the application as approved.) This means that, except for such customary incidental charges, the seller must offer the dwelling accommodations to the purchaser at or below the approved maximum sales price and free from charges and extras. The following examples illustrate the effect of this general rule:

1. *Abstract fees, title insurance and financing charges.* It is permissible for the purchaser to pay the abstract fees and title insurance over and above the maximum sales price and to pay incidental charges (such as fire insurance, title insurance, mortgagee's appraisal fees, and future taxes) in connection with financing a particular purchase if these charges are not made a condition to the sale. If it is customary in the community for the buyer to assume these incidental charges and they have been actually incurred for services rendered, he may even be required to pay them as a condition to the sale. (Such incidental charges may not be made in the first sale unless enumerated in the application as approved). In connection with financing, the purchaser must be given an opportunity to purchase the dwelling for cash at or below the approved maximum sales price and to finance the purchase in any way he desires.

2. *Previously incurred charges.* Charges which have been incurred by the builder before the sale of the dwelling must not be charged the purchaser in addition to the maximum sale price. A request that a prospective purchaser pay such charges for prior services would be necessarily making the charges a condition to the sale. Charges of this kind include accumulated taxes before the date of sale, interest before the sale, prepayment penalties in connection with a builder's loan, fees for survey of site, and fire and liability insurance before the sale.

3. *Charges for additional construction or for equipment or fixtures not specified in the application.* The builder must publicly offer the dwelling described in his application at or below the approved maximum sales price. He may not under his authorization do any additional construction in connection with the authorized construction over and above what is specified in his application, except where he gets written approval from the agency which approved the original application. He must not increase his sales price above the original approved maximum sales price by reason of any such additional construction or added equipment, except where the increased price has been approved in writing by the agency which approved the original application.

A person who has bought a house built under Housing Expediter Priorities Regulation 5 and who has made improvements to the house (authorization for such improvements may be required by VHP-1) must not charge more than the approved maximum sales price for the house if he sells it, unless he has obtained permission for the increased charge from the agency which approved the original application.

Issued this 3d day of February 1947.

A. H. ZWERNER, *General Counsel.*

[F. R. Doc. 47-1094; Filed, Feb. 3, 1947; 9:56 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5549]

PART 451—EXPORTATION WITHOUT PAYMENT OF TAX OF TOBACCO MANUFACTURES, OLEOMARGARINE, ADULTERATED BUTTER, MIXED FLOUR, AND PLAYING CARDS, SHIPMENTS TO POSSESSIONS OF THE UNITED STATES AND DRAWBACK ON TOBACCO MANUFACTURES AND STILLS EXPORTED, OR SHIPPED TO PUERTO RICO OR PHILIPPINE ISLANDS

Regulations 73 (26 CFR, Part 451) as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939, (26 CFR, Cum. Supp., note, 5876), are amended as follows:

The following is added after Subpart E of Part 451:

SUBPART F—BONDED INTERNAL REVENUE TOBACCO EXPORT WAREHOUSES

Sec.

451.40 Tobacco export warehouses.
451.41 Application to establish warehouse.
451.42 Warehouse bond.
451.43 Sign.
451.44 Requirements in regard to operation.
451.45 Proprietor's account.
451.46 Deliveries to warehouses by manufacturers.
451.47 Receipts in warehouse.
451.48 Credit for shipment by a manufacturer.

Sec

451.49 Withdrawals from warehouse.
451.50 Inspection and report by deputy.
451.51 Delay in removal; cancellation of shipment.
451.52 Change in consignee.
451.53 Removal and delivery of shipment.
451.54 Disposition of copies of Form 550 by proprietor of warehouse.
451.55 Return of shipment to warehouse.
451.56 Tax liability.
451.57 Credit for shipment.
451.58 Penalties.

AUTHORITY: §§ 451.40 to 451.58, inclusive, issued under sec. 2135, 53 Stat. 234; 26 U. S. C. 2135.

§ 451.40 *Tobacco export warehouses.* Subject to the approval of the Commissioner of Internal Revenue, bonded internal revenue warehouses may be established for the purpose of exporting in accordance with the regulations in this subpart, unstamped (non-taxpaid) tobacco products received from factories bonded and registered under the internal revenue laws and regulations.

§ 451.41 *Application to establish warehouse.* Any person desiring to establish a bonded tobacco export warehouse under the regulations in this subpart must make application in writing to the collector of internal revenue of the district in which the warehouse will be located, giving the location and a detailed description of the premises to be bonded and used.

The collector shall detail one of his deputies to make an inspection of the particular premises intended to be used as the bonded tobacco export warehouse. The deputy shall furnish a report showing the particulars relating to the location, construction, and dimensions of the building in which it is proposed to establish the bonded tobacco export warehouse. If less than the entire building will be used, the deputy should show what room or rooms are intended to be used as the tobacco export warehouse premises, the location of all doors, windows, and other openings in the space to be used, and report any other facts to show the suitability of the premises for the purpose intended.

The application, as well as the report of the deputy making the inspection of the premises of the proposed tobacco export warehouse, shall be forwarded to the Commissioner with the recommendation of the collector who will state whether in his opinion there is justification for the establishment of such a warehouse.

§ 451.42 *Warehouse bond.* When an application to establish a bonded tobacco export warehouse is approved by the Commissioner, the applicant must furnish to the collector a bond on Form 549 appropriately modified. The bond shall be executed in duplicate in a penal sum sufficient to cover the amount of tax which may at any time constitute a charge against the bond and in no case less than $1,000.00. A bond may be executed in anticipation of approval of the application and be transmitted to the collector with the application.

When the bond, in duplicate, is submitted to the collector, he shall, if the bond meets with his approval, make endorsement to that effect on both the original and duplicate of the bond and forward the duplicate copy to the Commissioner. Bonds required under the regulations in this subpart may be executed with corporate surety or with at least two individual sureties. If given with individual sureties, each such surety shall be required to furnish affidavit in duplicate on Form 33, which shall be attached to the original and duplicate of the bond, respectively.

If the principal on the bond is an incorporated company, there shall be submitted in duplicate with the bond, copies of the by-laws or resolutions showing what officer or officers are authorized to sign the corporate name and affix the corporate seal, also transcripts in duplicate showing the election of officers, or a statement in duplicate showing that such documents have been filed previously in connection with another bond, a full description of which bond shall be given. The copies required must be authenticated by an officer of the corporation under seal.

The collector of internal revenue for the district in which the bonded tobacco export warehouse is located shall promptly notify the Commissioner of Internal Revenue of the death, financial irresponsibility, insolvency, or withdrawal of any of the parties to the bond, or of any circumstances requiring a new bond to protect the interest of the Government.

The liability under a bond furnished under the regulations in this subpart shall be a continuing one, subject to increase upon receipt in the warehouse of unstamped tobacco products from bonded internal revenue factories and to decrease as proof of exportation hereinafter required is received by the collector of internal revenue for the district in which the warehouse is located. When the limit of liability under any bond has been reached, no further shipments of unstamped tobacco products shall be received into or withdrawn from the warehouse until the liability has been reduced sufficiently by credits for withdrawals for which satisfactory proof of exportation is furnished or until a new bond has been filed. Alterations in the premises of a bonded internal revenue tobacco export warehouse may be made only upon the approval of the collector, and with the consent of the surety on the bond. The collector shall assign a number to each warehouse in his district, beginning with No. 1.

§ 451.43 *Sign.* A conspicuous sign in the English language must be placed at the main entrance to each warehouse, in form as follows:

Bonded Internal Revenue Tobacco Export Warehouse No. ------, ---------- district of ----------.

The sign must show clearly the number of the warehouse and internal revenue district.

Neglect to keep this sign posted shall be sufficient ground for the withdrawal of the right to continue the operation of the warehouse.

§ 451.44 *Requirements in regard to operation.* No warehouse shall be used until the application to establish has been approved by the Commissioner and the warehouse bond has been approved by the collector. All the doors, windows, and other openings of a bonded internal revenue tobacco export warehouse must be secured by satisfactory locks or fastenings when the warehouse is not in operation. The warehouse premises may be inspected by an internal revenue officer at any time. No shipment of non-taxpaid tobacco products consigned to the warehouse shall be received into the warehouse until the collector has been notified and a deputy is detailed by him to supervise receipt of the shipment into the bonded premises of the warehouse and to execute the necessary certificate of receipt on the application, Form 550, appropriately modified by the manufacturer to cover the shipment. No shipment of non-taxpaid tobacco products may be withdrawn from the warehouse for export unless approved by the collector and inspected and released by one of his deputies as hereafter required by the regulations in this subpart. The proprietor shall see to it that all non-taxpaid tobacco products received are properly and conveniently stored within the bonded premises of his tobacco export warehouse and see that no articles other than tobacco products intended for export are kept in such warehouse. An inventory of the tobacco products on hand in such warehouse may be taken at any time at the direction of the collecter or of the Commissioner. Unstamped tobacco products delivered to the export warehouse, which are found stored outside of the bonded premises of the warehouse without the approval of the Commissioner shall be subject to seizure for forfeiture to the United States. The deputies detailed to supervise receipts of shipments into the warehouse and to inspect and release any shipments to be withdrawn therefrom, shall report any irregularity to the collector.

A bonded internal revenue tobacco export warehouse may be discontinued upon application of the proprietor or its right to operate may be terminated by the Commissioner for reasonable cause.

§ 451.45 *Proprietor's account.* The proprietor of a bonded internal revenue tobacco export warehouse must keep an accurate account, which will show with respect to each month all tobacco manufactures on hand at the beginning of the month, received, withdrawn for export, or returned to manufacturers during the month, and on hand at the close of the month. The proprietor shall render a statement, in duplicate, to the collector for the district on or before the tenth day of each month, showing the above information for the preceding month.

§ 451.46 *Deliveries to warehouses by manufacturers.* The provisions of Subpart A of this part except as modified by the provisions of this subpart apply to shipments of tobacco, snuff, cigars, or cigarettes, without payment of tax, from a factory to a bonded internal revenue tobacco export warehouse for subsequent exportation. A manufacturer desiring to make such shipments shall first furnish to the collector of the district in which his factory is located consent of the surety on his factory export bond, Form 549, to make such shipments. The consent of the surety must be filed in duplicate on Form 542, appropriately modified in accordance with instructions from the collector. Each such withdrawal must be made under an application on Form 550, modified in conformity with instructions from the collector. The manufacturer shall prepare the modified application, Form 550, in triplicate and shall type on the reverse side thereof or attach thereto a certificate reading as follows:

CERTIFICATE OF RECEIPT

I certify that the tobacco manufactures herein described, except as listed below have this ---- day of ---------- 19--, been received in bonded internal revenue tobacco export warehouse No. -------, ---------- district of ----------, under my supervision for subsequent exportation.

Discrepancies:----------

(Name)

(Title)

The manufacturer shall file his application with the collector of internal revenue for his district. If the collector approves of the application he will execute the "Collector's Order to Deputy" on each copy and detail a deputy to inspect the shipment. The deputy at the conclusion of his inspection shall execute the "Deputy's Report" on each copy of the application, Form 550, and shall return one copy of the application to the collector and deliver the other two copies to the manufacturer.

The manufacturer shall complete the copies of the application, Form 550, delivered to him by the deputy, to show date of removal of the shipment and shall transmit both copies of the completed form to the proprietor of the warehouse to which the shipment is made.

The responsibility for the delivery to a bonded internal revenue export warehouse of a shipment removed from the factory under the regulations in this subpart shall rest upon the manufacturer making the withdrawal, who will be liable for the internal revenue tax on tobacco products shipped or delivered otherwise than in accordance with the regulations in this subpart.

§ 451.47 *Receipts in warehouse.* The collector of internal revenue for the district in which the warehouse is located must be notified immediately by the proprietor upon arrival of each shipment of tobacco products at the warehouse in order that the collector may detail one of his deputies to check the shipment and supervise receipt into the bonded premises of the warehouse. At the conclusion of his detail the deputy shall execute the certificate of receipt on each copy of the appropriately modified Form 550 received by the proprietor of the warehouse from the manufacturer and deliver both completed copies to his collector. One copy of the Form 550 shall then be forwarded promptly by the collector of the district in which the warehouse is located to the collector of internal revenue for the district from which the shipment was made.

§ 451.48 *Credit for shipment by a manufacturer.* Upon receipt of a copy of Form 550 executed to show receipt of the shipment in the warehouse and where no discrepancy or shortage is reported, the collector of internal revenue for the district from which the shipment originated, will enter the appropriate credit in his account kept with the manufacturer's export bond, Form 549. In case a shortage is reported, the collector will enter credit for the actual quantity received into the warehouse and advise the manufacturer to tender at once remittance of the tax due on the shortage reported.

§ 451.49 *Withdrawals from warehouse.* The proprietor shall file for each intended withdrawal from his bonded internal revenue tobacco export warehouse, an application on Form 550 appropriately modified in conformity with instructions from the collector for his district. For shipments other than by parcel post Form 550 shall be filed in triplicate and for shipments by parcel post in duplicate. A number of separate parcel post packages may be included under one application, provided a list containing a description of each separate parcel covered by the application is submitted with each copy of the application. To facilitate the inspection of such a parcel post shipment by the deputy, the parcels should be grouped according to their size and contents. Each application shall be given a serial number by the proprietor, beginning with No. 1 and commencing again with No. 1 on July 1 of each year. The copies of each application must bear the same serial number as the original, and the original and all copies must be completely and legibly filled in to show the information as required on the form. The collector, if he approves of the application, shall execute his order to his deputy on all copies and deliver the copies to the deputy detailed to inspect the shipment and release it for export.

§ 451.50 *Inspection and report by deputy*—(a) *Inspection.* The deputy, upon receipt of the copies of the application on modified Form 550, with the collector's order executed thereon, shall inspect the shipment to determine that it consists of the class and quantity of merchandise as specified in the application and shall permit only the containers or articles described to be withdrawn thereunder. Shipping containers shall not be closed and fastened until after their contents have been inspected and verified by the deputy.

(b) *Report.* After inspection and verification of the shipment have been completed, and the shipping containers have been made ready for removal, the deputy shall fill in and sign his report on each copy of the application, Form 550. The shipment shall then be released by the deputy for removal from the warehouse for export. The deputy shall return one copy of the Form 550 to the collector of the district at once, and deliver the other copies to the proprietor or his agent to be disposed of as hereinafter required.

§ 451.51 *Delay in removal; cancellation of shipment.* In case a shipment is not removed from the bonded internal revenue tobacco export warehouse within ten days after being inspected and released by the deputy for that purpose, the proprietor must advise the collector of internal revenue for the district in which the warehouse is located as to the probable date of removal. If the order for the shipment has been canceled, the proprietor should so state and request permission to cancel his application and retain the merchandise in the stock in his warehouse.

§ 451.52 *Change in consignee.* If, after inspection and release by the deputy, but before removal of the shipment, the proprietor for good and sufficient reasons desires to change the name and address of the consignee, the proprietor shall forward to the collector for correction and endorsement the copies of the Form 550 left with him by the deputy, accompanied by a letter setting forth his reasons for the change. Any other change with respect to the shipment must be approved by the Commissioner.

§ 451.53 *Removal and delivery of shipment.* After the shipment has been released by the inspecting deputy for export, the shipment shall be handled by the proprietor or his agent as follows:

(a) *If shipped other than by parcel post.* (1) If the warehouse is located at the port of exportation, the shipment shall be delivered directly into the custody of the proper customs officer at the port for customs inspection, supervision of lading, and exportation.

(2) If the warehouse is located elsewhere than at the port of exportation, the shipment shall be consigned to the collector of customs at the port of exporta-

tion and shall be delivered to the carrier for transportation to the port.

(b) *Parcel post shipments.* Shipments intended for exportation by parcel post shall be presented directly to the post office by the proprietor or his agent.

§ 451.54 *Disposition of copies of Form 550 by proprietor of warehouse—(a) If shipped other than by parcel post.* The several copies of the modified application, Form 550, delivered by the deputy to the proprietor of the warehouse shall be disposed of as follows:

(1) If the warehouse is located at the port of exportation, the proprietor shall file with the collector of customs or customs officer in charge, at least six hours prior to lading, two copies of the Form 550. One copy completed by the customs authorities at the port to show inspection and lading, and clearance or exportation of the related shipment shall be filed with the collector of internal revenue for the district in which is located the tobacco export warehouse from which the shipment was made for export. The other copy of the Form 550 will be retained by customs.

(2) If the warehouse is located elsewhere than at the port of exportation, the proprietor shall, after delivery of the shipment to the common carrier, forward to his agent at the port of exportation the two copies of the related Form 550, which must reach the agent in sufficient time for him to file them with the collector of customs or the customs officer in charge at the port at least six hours prior to lading. The agent will see that Form 550 is filled in to show the name of the exporting vessel and the place or pier where the shipment is to be laden and will subscribe his name as exporter. In the case of exportation to a contiguous foreign country by rail or air through a border port, the proprietor of the warehouse will forward the two copies of Form 550 to the collector of customs or customs officer in charge of the border port through which the shipment will clear the United States.

(b) *Shipments by parcel post.* If the shipment is to be made by parcel post, the proprietor shall execute on each package in the shipment a waiver of his right to withdraw the package from the mails and then, at the time of mailing, present the original Form 550, with the list attached if a number of parcels are covered by the Form 550 (see § 451.49), to the postmaster or his agent for execution of the certificate of mailing, as provided for on the back of the Form 550. The original Form 550 shall be forwarded promptly thereafter by the proprietor to the collector of internal revenue for the district in which the warehouse is located.

§ 451.55 *Return of shipment to warehouse.* If, after removal the proprietor desires to return a shipment to the bonded premises of his tobacco export warehouse, he must make application to the Commissioner for permission to do so. The proprietor must identify the shipment, set forth where it has been since it left the warehouse, where held, and in whose custody it is at the time of making application, and the reasons for return. Permission and appropriate instructions must be received from the Commissioner before the merchandise is returned.

§ 451.56 *Tax liability.* Responsibility for the proper exportation of tobacco products withdrawn from the warehouse under the regulations in this subpart shall rest upon the proprietor of the warehouse making the withdrawal, and he will be liable for the internal revenue tax on the tobacco products shipped or delivered otherwise than in accordance with the regulations in this subpart.

§ 451.57 *Credit for shipment.* Upon receipt of a copy of the application, modified Form 550, showing inspection, lading, and exportation of a shipment under customs supervision, with no discrepancy or shortage reported, or in the case of a shipment made for export by parcel post, upon receipt of a copy of Form 550 with certificate of mailing properly executed, the collector of internal revenue shall enter the proper credit in his account, Form 94, kept with the bond of the proprietor of the warehouse under which the shipment was withdrawn. In case a shortage is reported, the collector shall enter credit for the actual quantity of tobacco products exported and require the proprietor to pay the amount of tax due on the shortage reported.

§ 451.58 *Penalties.* Sections 2160 and 2173 of the Internal Revenue Code impose severe penalties for the possession, use, or dealing in, within the United States (including its Territories), of manufactured tobacco, snuff, cigars, and cigarettes upon which the tax properly due has not been paid. These provisions of law apply to tobacco products removed without payment of tax under the regulations in this subpart, and accordingly, any person possessing, using, or dealing in, such products otherwise than as authorized by the regulations in this subpart, may be subject to the penalties prescribed in such provisions of law.

This Treasury decision, being a relief of restrictions within the parenthetical exception to section 4 (c) of the Administrative Procedure Act, shall be effective upon its filing for publication in the FEDERAL REGISTER.

JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

Approved: January 29, 1947.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1040; Filed, Feb. 3, 1947; 8:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9607; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, as Amended Dec. 13, 1946, Interpretation 3]

CHARGES IN EXCESS OF MAXIMUM SALES PRICE REQUESTED BECAUSE OF INCIDENTAL CHARGES, EXTRAS, OR ADDITIONAL CONSTRUCTION

The following interpretation is issued with respect to Priorities Regulation 33:

Under paragraph (g) of Priorities Regulation 33 a seller must not require a purchaser, as a condition for the sale of a house, to buy or agree to buy any commodity, service, or property interest, except where the regulation specifically permits the charges for the commodity, service, or property interest to be added to the maximum sales price. This means that the seller must offer the dwelling accommodations to the purchaser at or below the approved maximum sales price and free from incidental charges and extras. The following examples illustrate the effect of this general rule:

1. *Abstract fees and title insurance.* The purchaser may pay the customary abstract fees and title insurance over and above the maximum sales price, unless the purchaser is required to take these services when he does not want them.

2. *Financing charges.* The purchaser may pay customary incidental charges (such as fire insurance, title insurance, mortgagee's appraisal fees, and future taxes) in connection with financing the purchase of a dwelling, if the purchase of these services is not made a condition to the sale. The purchaser must be given an opportunity to purchase the dwelling for cash at or below the approved maximum price and to finance the purchase himself in any way he desires. The seller cannot require the purchaser to finance the purchase through a particular lending institution.

3. *Previously incurred charges.* Charges which have been incurred by the builder before the sale of the dwelling must not be charged the purchaser in addition to the maximum sales price. A request that a prospective purchaser pay such charges for prior services would be making the charges a condition to the sale. Charges of this kind include accumulated taxes before the date of sale, interest before the sale, prepayment penalties in connection with a builder's loan, fees for survey of site and liability and fire insurance before the sale.

4. *Charges for additional construction or for equipment or fixtures not specified in the application.* The builder must publicly offer the building described in the application at or below the approved maximum sales price. He may not, under his authorization, do any additional construction in connection with the authorized construction over and above what is specified in the application, except where he gets written approval from the agency which approved the original application. He must not increase his sales price above the approved maximum sales price by reason of any such additional construction or added equipment, except where the increased price has been approved in writing by the agency which approved the original application.

A person who has bought a house built under Priorities Regulation 33 and who has made improvements to the house (authorization under VHP-1 may be required for such improvements) must not charge more than the approved maximum sales price for the house if he sells it, unless he has obtained permission for the increased charge from the agency which approved the original application (this will usually be given, where appropriate, in connection with the application for authorization under VHP-1 to make the improvements).

Issued this 3d of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1113; Filed, Feb. 3, 1947; 11:16 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1080]

ARROW MOTOR SALES

William S. Wayne, doing business as Arrow Motor Sales, 1801-1811 West Chicago Avenue, Chicago, Illinois, after March 26, 1946, began and thereafter, without authorization from the Civilian Production Administration, carried on construction consisting of the alteration and remodeling of a commercial building to be used as an automobile sales and show room and service and repair station on the premises at 1801-1811 West Chicago Avenue, Chicago, Illinois, the estimated cost of which construction was in excess of $1,000. The carrying on of said construction after being informed of the restrictions of Veterans' Housing Program Order 1 and after application for authorization had been denied constituted a wilful violation of the order. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1080 *Suspension Order No. S-1080.* (a) Neither William S. Wayne, doing business as Arrow Motor Sales, his successors or assigns, nor any other person shall do any construction on the premises located at 1801-1811 West Chicago Avenue, Chicago, Illinois, including the putting up, completing or altering of any structure located thereon, unless specifically authorized in writing by the Civilian Production Administration.

(b) William S. Wayne, doing business as Arrow Motor Sales, shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve William S. Wayne, doing business as Arrow Motor Sales, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1112; Filed, Feb. 3, 1947; 11:16 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 14,[1] Order 8]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF VENEREAL DISEASE CONTROL PROPERTY TO PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

During World War II the War Department and the Public Health Service instituted a cooperative program for the establishment of Rapid Treatment Centers for venereal disease control. As part of this program the War Department loaned certain venereal disease control property, including medical supplies, equipment, and property suitable for use in the protection of public health, to the Public Health Service for installation in some twenty-two (22) Rapid Treatment Centers scattered throughout the United States.

The Public Health Service and the War Department have requested, in view of the rising rates of venereal disease among the civilian and military population and the inability of local health departments at present to cope with this situation, and in the interest of protecting the health of the Nation and reducing the reservoir of infection, that Rapid Treatment Centers be continued in operation by local public-health institutions and instrumentalities.

The Public Health Service has recommended that all such venereal disease control property located in the Rapid Treatment Centers be disposed of to the public-health institutions and instrumentalities now operating these centers. The Public Health Service has advised that such venereal disease control property is already in the custody of the public-health institutions and instrumentalities which operate the Rapid Treatment Centers so that its transfer may be effected without incurring any costs of care, handling or disposition.

The Public Health Service has also advised that much of the venereal disease control property, such as laboratory equipment, is nonseverable, and that certain items, such as beds, mattresses, sheets, etc., were already in used condition when loaned by the War Department, having been used intensively for two years in the treatment of venereal disease, and, if offered for sale through normal channels, will require thorough sterilization and other rehabilitation the cost of which will exceed any realizable value.

The disposal agency states that it will entail considerable expense to the Government to require the preparation of inventories and reports and to offer this property to priority claimants, and that the estimated cost of care, handling and disposition involved in assembling, crating, and selling this property through normal channels will exceed the estimated proceeds of its sale for any purpose.

In view of all the foregoing considerations and pursuant to the provisions of § 8302.3 (c) (4) of Part 8302,[2] the War Assets Administrator finds that an exemption should be granted from the requirements of §§ 8302.4 and 8302.5 of that part for all this venereal disease control property on the ground that it is impracticable and uneconomical for the disposal agency to be required to dispose of such property according to the provisions of Part 8302. The War Assets Administrator further finds that in view of the benefits that will accrue to the United States from the use of such venereal disease control property by institutions and instrumentalities now operating Rapid Treatment Centers, and since the Public Health Service has stated that the transfer of this venereal disease control property already in the custody of the Rapid Treatment Centers can be effected without incurring any costs of care, handling or disposition, its disposal at fair value less one hundred (100) percent discount to such institutions and instrumentalities as defined in § 8314.1 is justified.

Pursuant to the foregoing, it is hereby ordered, that:

§ 8314.58 *Disposal of venereal disease control property to public-health institutions and instrumentalities.* (a) Pursuant to the provisions of § 8302.3 (c) (4) of Part 8302 and notwithstanding the provisions of §§ 8302.4 and 8302.5 of that part, disposal agencies are hereby authorized to dispose of venereal disease control property now on loan to some twenty-two (22) Rapid Treatment Centers which are operated by public-health institutions and instrumentalities directly to such institutions and instrumentalities.

(b) Notwithstanding the provisions of § 8314.9 of this part, disposal agencies are hereby authorized to sell venereal disease control property now on loan to some twenty-two (22) Rapid Treatment Centers to public-health institutions and instrumentalities as defined in § 8314.1 at fair value less one hundred (100) percent discount.

(Surplus Property Act of 1944, as amended; 58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611; Pub. Law 181, 79th Cong.; 59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b; and E. O. 9689, 11 F. R. 1265)

This section shall become effective January 31, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 28, 1947.

[F. R. Doc. 47-1111; Filed, Feb. 3, 1947; 11:07 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 01—ORGANIZATION

CENTRAL AND BRANCH OFFICES

Sections 01.7 and 01.60 to 01.72, inclusive, are amended to read as follows:

§ 01.7 *Organization of the Department of Medicine and Surgery.* (a) The

[1] 11 F. R. 11505; 12 F. R. 257.

[2] Reg. 2 (11 F. R. 14267; 12 F. R. 152).

Chief Medical Director has jurisdiction over and is responsible to the Administrator for the proper conduct of the activities set forth herein.

(b) *Major functions.* The Department of Medicine and Surgery performs the following functions:

(1) Insures complete medical and hospital service for the medical care and treatment of veterans, as prescribed by the Administrator of Veterans Affairs pursuant to Public Law 293, 79th Congress, and other statutory authority and regulations established by law.

(2) Develops and establishes policies and procedures governing the determination and administration of professional standards, physical standards, promotions, specialist ratings, and disciplinary actions with respect to personnel employed in activities under the jurisdiction of the Chief Medical Director.

(3) Develops and initiates policies and procedures for the establishment, and improvement of standards of medical care, dental care, nursing care, prosthetic devices, the training of physicians and professional and nonprofessional personnel; and the diagnosis and treatment of medical, surgical and dental conditions.

(4) Establishes policies for, and coordinates the activities of Centers [1] with domiciliary activities, Hospitals, Outpatient Administration, Pharmacy Administration, Dietetics, Social Service and such other activities relating to the medical welfare of beneficiaries as may be established.

(5) Develops and establishes policies governing medical research, including clinical and laboratory research; and collaborates with other governmental, military, or recognized civilian agencies or groups engaged in or interested in similar programs; develops policies and procedures governing the affiliation of VA hospitals with approved medical schools.

(6) Establishes requirements for medical supplies and equipment; determines and insures adequate facilities for estimated patient loads; and determines requirements for, and in collaboration with the Assistant Administrator for Construction, Supply and Real Estate, establishes policies and programs for providing alterations to, and construction of, centers and hospitals, including the selection of sites for VA hospitals and centers.

(7) Prepares, in coordination with all interested agencies, instructional material for beneficiaries, professional and allied personnel relative to the medical, surgical, dental and other similar professional practices and requirements under the jurisdiction of the Chief Medical Director.

(8) Maintains liaison with other Assistant Administrators and civilian, military or other governmental agencies or groups engaged or concerned with the practice of medicine, surgery, dentistry, neuropsychiatry and related fields.

[1] The term "Centers" as used in this order pertains only to Centers consisting of hospital and domiciliary activities and to the hospital activities of other Centers.

(c) *Organization.* The Department of Medicine and Surgery, in addition to the Chief Medical Director, consists of the following organization units:

(1) A Board of Consultants.
(2) Special Boards and a Physical Standards Committee under a Chairman of Special Boards.
(3) Management and Planning Service.
(4) Medical Rehabilitation Service.
(5) Professional Service.
(6) Research and Education Service.
(7) Dental Service.
(8) Auxiliary Service.
(9) Prosthetic Appliances Service.
(10) Nursing Service.

(d) *Board of Consultants.* The functions of the Board of Consultants are:

(1) Advises the Chief Medical Director on all aspects of professional care furnished beneficiaries of the VA.

(2) Keeps the Chief Medical Director informed of advances being made in the various professional specialties.

(e) *Special boards and Physical Standards Committee.* The functions of the special boards and the Physical Standards Committee under the Chairmen of Special Boards are:

(1) Develops and recommends the establishment of policies and procedures relative to professional standards, promotions, specialist ratings, discipline, and physical standards.

(2) Maintains a continuous follow-up with the heads of the various services within the Department of Medicine and Surgery to insure that their requirements and recommendations are given proper consideration so that a high standard of professional personnel operations is observed.

(3) Coordinates such activities with the Assistant Medical Directors of the various Services within the Department of Medicine and Surgery and with the Assistant Administrator for Personnel to insure the maintenance of high standards of personnel operations within the Department of Medicine and Surgery.

(4) Recommends the establishment of physical standards necessary for the appointment and continued service or retirement of professional personnel from the Department of Medicine and Surgery.

(f) *Management and Planning Service.* The functions of Management and Planning Service, under a Director, are:

(1) Assists in the formulation of current operating and long range program plans based on current and future objectives and coordinates such plans with Assistant Administrators and other comparable officials.

(2) Establishes programs for the examination, review, simplification and standardization of all administrative practices and procedures to insure a maximum of economy and efficiency throughout the Department of Medicine and Surgery.

(3) Formulates policies and procedures relative to the preparation of budget estimates.

(4) Develops and operates a system of recurring reports designed to keep the Chief Medical Director and the services comprising the Department of Medicine and Surgery advised of the progress of existing operations, and serves as a basis for obtaining improved management and service.

(5) Reviews and analyzes the organizational structure of the Department of Medicine and Surgery to insure proper functional relationship within the Department and, where appropriate, initiates action to institute organizational changes and improvements.

(6) Is responsible for the proper functioning of the statistical control, administrative management, and budget and planning activities of the Department of Medicine and Surgery.

(g) *Medical Rehabilitation Service.* The functions of the Medical Rehabilitation Service, under an Assistant Medical Director, are:

(1) Develops policies for, coordinates, and supervises educational retraining, aural rehabilitation and speech correction, shop retraining, physical medicine, industrial therapy, special projects, and such other rehabilitation programs as may be established under the jurisdiction of the Service.

(2) Observes results obtained by patients participating in the various medical rehabilitation programs and takes such continuing action as may be necessary to improve these programs.

(3) Takes such steps as may be required for the acquisition of new items of equipment and supplies necessary for adequate medical rehabilitation programs.

(4) Coordinates with all interested agencies in the preparation of instructional material intended to furnish beneficiaries and professional and allied personnel with information concerning current practices and trends in the field of medical rehabilitation.

(h) *Professional Service.* The functions of the Professional Service, under an Assistant Medical Director are:

(1) Develops policies for, coordinates and supervises programs concerning the standards of care furnished beneficiaries suffering from conditions in the fields of:

(i) General Medicine, including Dermatology, Syphilology, Cardiology, Allergy, Gastroenterology, Tropical Medicine, and similar fields.

(ii) General Surgery, including Thoracic Surgery, Audiology, Ophthalmology, Gynecology, Neurosurgery, Orthopedic Surgery, Otolaryngology, Urology, Plastic Surgery, and similar fields.

(iii) Neuropsychiatry, including Psychiatry, Neurology, and similar fields.

(iv) Tuberculosis and allied pulmonary conditions.

(2) Observes and takes continuing action to improve the standards of diagnosis and treatment furnished beneficiaries in all the above-enumerated fields of medicine.

(3) Exercises supervision over the quality of laboratory service, provided throughout the VA; exercises supervision over anesthesiology and radiology service provided throughout the VA.

(4) Furnishes technical assistance and advice concerning training and research, and supervises the correlation of information provided by consultants; consults with and gives technical assistance to adjunct medical services in the solution of problems of mutual interest in the above-enumerated fields.

(i) *Dental Service.* The functions of the Dental Service, under an Assistant Medical Director, are:

(1) Formulates policies for, coordinates and supervises the programs relating to dental care furnished beneficiaries.

(2) Observes and takes continuing action to improve the standards of dental care, research and training; and takes such continuing action as may be necessary to improve such care; furnishes consultation service when required.

(j) *Research and Education Service.* The functions of the Research and Education Service, under an Assistant Medical Director, are:

(1) Formulates policies for and supervises, all matters pertaining to medical research, the training of doctors, dentists, nurses and other professional and nonprofessional personnel concerned with the care of patients.

(2) Develops and recommends the establishment of policies and procedures governing training programs for medical internes and residents in cooperation with medical schools and in coordination with other specialized professional services in the VA; in cooperation with appropriate VA activities, develops policies concerning technical on-the-job training at VA stations for professional or nonprofessional personnel concerned with the care of patients.

(3) Recommends and establishes policies and procedures for the preparation of a medical illustration program relating to medical, surgical and laboratory techniques and conditions for teaching, records, or for publication or exhibition.

(4) Formulates and institutes policies and procedures governing the collection, tabulation, analysis and presentation of medical statistical data.

(5) Develops and recommends the establishment of policies governing medical research, including clinical and laboratory research, and collaborates with other governmental, military, or recognized civilian agencies or groups engaged or interested in similar programs; and develops policies and procedures governing the affiliation of VA hospitals with approved medical schools.

(k) *Nursing Service.* The functions of the Nursing Service, under a Director, are:

(1) Coordinates and supervises all matters pertaining to the nursing care of beneficiaries.

(2) Takes such continuing action as may be necessary to improve the standards of nursing care.

(l) *Prosthetic Appliances Service.* The functions of the Prosthetic Appliances Services, under a Director, are:

(1) Establishes policies governing service to be rendered to all eligible veterans requiring or using prosthetic aids with respect to the procurement or manufacture of such appliances or devices, the issuance of prosthetic appliances by field stations, and the operation of all VA prosthetic appliances shops except brace shops.

(2) Plans and evaluates studies for the standardization and improvement of prosthetic devices, and recommends the best available devices to beneficiaries; counsels beneficiaries as to the proper use and function of prosthetic aids and devices.

(3) Furnishes technical assistance to the Assistant Administrator for Construction, Supply and Real Estate in the preparation of contracts for all prosthetic appliances, and furnishes him information with respect to the maintenance of adequate stock levels of critical items.

(m) *Auxiliary Service.* The functions of the Auxiliary Service, under an Assistant Medical Director, are:

(1) Formulates and institutes medical, pharmaceutical, dietetic, social service, out-patient and domiciliary administrative policies and procedures, and takes such continuing action as may be necessary to improve the administrative practices in these fields.

(2) Develops policies and procedures with respect to medical supplies and equipment including research and development of new items required in the medical program; establishes minimum professional standards for all medical supplies and equipment; and establishes basic lists and prescriptions of allowances of medical items for inclusion in tables of basic equipment.

(3) Determines adequacy of available VA and other facilities for estimated patient loads; to determine requirements for the construction and alteration of hospitals and centers, and develops recommendations in collaboration with the office of the Assistant Administrator for Construction, Supply and Real Estate, with respect to construction and alteration of existing field stations and the selection of sites for VA hospitals and centers.

(4) Conducts continuous studies and surveys to determine long range and over-all hospital and domiciliary patient-load requirements of the VA, and develops plans to meet these requirements through the provision of additional VA operated beds and procured beds from private and other Federal sources.

§ 01.50 *Alphabetical list of stations by location.*

Address and Type of Station

Albany 1, N. Y., Watervliet Arsenal; regional office.
Albuquerque, N. Mex., 115 South Third Street (For Mail: P. O. Box 527); regional office.
Albuquerque, N. Mex., P. O. Box 1344; hospital.
Alexandria, La.; hospital.
Amarillo, Tex.; hospital.
American Lake, Wash.; hospital.
Aspinwall 15, Pa.; hospital.
Atlanta 3, Ga.; Branch No. 5.
Atlanta 3, Ga., 105 Pryor Street NE.; regional office.
Atlanta, Ga., 5998 Peachtree Road NE.; hospital.
Augusta, Ga.; hospital.
Baltimore 2, Md., 1315 St. Paul Street; regional office.
Batavia, N. Y.; hospital.
Bath, N. Y.; center (hospital and domiciliary).
Bay Pines, Fla.; center (hospital and domiciliary).
Bedford, Mass.; hospital.
Biloxi, Miss.; center (hospital and domiciliary).
Boise, Idaho, National Guard Barracks Building; regional office.
Boise, Idaho; hospital (formerly center, hospital and domiciliary).
Boston 8, Mass., 55 Tremont Street; Branch No. 1.
Boston 8, Mass., 17 Court Street; regional office.
Brecksville, Ohio; hospital.
Bronx 63, N. Y., 130 West Kingsbridge Road; hospital.
Brooklyn 29, N. Y., Manhattan Beach (formerly (U. S. P. H. S.), Maritime Hospital, Sheepshead Bay); Hospital (12-7-46).
Buffalo 1, N. Y., 151 West Mohawk Street; regional office.
Butler, Pa.; hospital.
Canandaigua, N. Y.; hospital.
Castle Point, N. Y.; hospital.
Chamblee, Ga.; hospital.
Cheyenne, Wyo., Center (hospital and regional office).
Chicago 6, Ill., 226 West Jackson Boulevard; branch No. 7.
Chicago 6, Ill., 366 West Adams Street; regional office.
Chillicothe, Ohio; hospital.
Cincinnati 2, Ohio, 209 East Sixth Street; regional office.
Cleveland 14, Ohio, Cuyahoga Building; regional office.
Cleveland 9, Ohio, 7300 York Road; hospital.
Coatsville, Pa.; hospital.
Columbia, S. C.; hospital.
Columbus 8, Ohio, 52 South Starling Street; branch No. 6.
Dallas 2, Tex., 1114 Commerce Street; branch No. 10.
Dallas 9, Tex., Love Field; regional office.
Dallas 2, Tex.; hospital.
Danville, Ill.; hospital.
Dayton, Ohio; center (hospital and domiciliary).
Dearborn, Mich.; hospital.
Denver 1, Colo., P. O. Box 1260, Denver Federal Center; branch No. 13.
Denver 2, Colo., 1108 Fifteenth Street; regional office.
Denver 5, Colo., 3800 York Street; supply depot.
Des Moines 10, Iowa; center (hospital and regional office).
Detroit 26, Mich., Guardian Building; regional office.
Downey, Ill.; hospital.
Dwight, Ill.; hospital.
Excelsior Springs, Mo.; hospital.
Fargo, N. Dak.; center (hospital and regional office).
Fayetteville, Ark.; hospital.
Fayetteville, N. C.; hospital.
Fort Bayard, N. Mex.; hospital.
Fort Benjamin Harrison, Ind.; hospital (10-4-46).
Fort Custer, Mich.; hospital.
Fort Harrison, Mont.; regional office.
Fort Harrison, Mont.; hospital.
Fort Howard, Md.; hospital.
Fort Jackson, S. C.; regional office.
Fort Logan, Colo.; hospital (10-22-46).
Fort Lyon, Colo.; hospital.
Fort Meade, S. Dak.; hospital.
Fort Thomas, Ky.; hospital (date of opening for patients to be announced).
(Fort Washington, Md.); center (hospital and domiciliary) (closed 11-15-46).
Framingham, Mass.; hospital.
Gulfport, Miss.; hospital.
Hartford 4, Conn., 95 Pearl Street; regional office.
Hines, Ill., hospital.
Hines, Ill.; supply depot.
Honolulu 1, Hawaii, P. O. Box 3198 (all mail to be sent air mail; C-files by registered regular mail; radios to be sent to Bethel at King Street; regional office.
Horseheads, N. Y., c/o A. S. F. Depot; supply depot.
Hot Springs, S. Dak.; center (hospital and domiciliary).

Houston 2, Tex., Federal Office Building; regional office.
Huntington 1, W. Va., 824 Fifth Avenue; regional office.
Huntington 1, W. Va., 1540 Spring Valley Drive; hospital.
Indianapolis 4, Ind., 36 South Pennsylvania Street; regional office.
Indianapolis 44, Ind., 2601 Cold Spring Road (address added); hospital.
Jackson, Miss.; regional office.
Jackson, Miss.; hospital.
Jefferson Barracks 23, Mo.; hospital.
Juneau, Alaska, Goldstein Building (all mail, including C-files, to be sent air mail); regional office.
Kansas City 6, Mo., 1009 Wyandotte Street, regional office.
Kecoughtan, Va., center (hospital and domiciliary.)
Knoxville, Iowa; hospital.
Lake City, Fla.; hospital.
Legion, Tex.; hospital.
Lexington, Ky.; hospital.
Lincoln 8, Nebr., Sharp Building; regional office.
Lincoln 1, Nebr.; hospital.
Little Rock, Ark., Federal Building.; regional office.
Livermore, Calif.; hospital.
Louisville 3, Ky., 1405 West Broadway; regional office (11–12–46).
Louisville, Ky.; hospital.
Los Angeles 25, Calif., 1380 Sepulveda Boulevard; regional office.
Los Angeles 25, Calif., Sawtelle and Wilshire Boulevards; center (hospital and domiciliary).
Lubbock, Tex., Lubbock Army Air Field; regional office.
Lyons, N. J.; hospital.
Manchester, N. H., Federal Building; regional office.
Manila, P. I., A. P. O. 75, c/o P. M. San Francisco, Calif. (all mail to be sent Air Mail; C-files by registered regular mail; radios only—send to: T. V. T. Building, Manila, P. I.); regional office.
Marion, Ill.; hospital.
Marion, Ind.; hospital.
Martinsburg, W. Va.; center (hospital and domiciliary) (11–15–46).
McKinney, Tex.; hospital.
Memphis 4, Tenn., 1025 La Mar Avenue; hospital.
Memphis 15, Tenn., Park Avenue and Getwell Street; hospital.
Mendota, Wis.; hospital.
Miami, Fla., Dinner Key; regional office.
Miami Beach 40, Fla., 4300 Alton Road; hospital.
Milwaukee 2, Wis., 342 North Water Street; regional office.
Minneapolis 8, Minn., 1006 West Lake Street; regional office.
Minneapolis 6, Minn.; hospital.
Montgomery 10, Ala.; center (hospital and regional office).
Montgomery, Ala., c/o A. S. F. Depot; supply depot.
Mountain Home, Tenn.; center (hospital and domiciliary).
Murfreesboro, Tenn.; hospital.
Muskogee, Okla., Second and Court Streets; regional office.
Muskogee, Okla., Memorial Station, Honor Heights Drive; hospital.
Nashville 5, Tenn., White Bridge Road; regional office.
Nashville 5, Tenn., White Bridge Road; hospital.
Newark 2, N. J., 20 Washington Place; regional office.
Newington 11, Conn.; hospital.
New Orleans 12, La., 333 St. Charles Street (new address); regional office.
New Orleans 12, La.; hospital.
New York 7, N. Y., 299 Broadway; branch No. 2
New York 1, N. Y., 252 Seventh Avenue; regional office.
New York 13, N. Y., 346 Broadway; branch of contact office.
Northampton, Mass.; hospital.
North Little Rock, Ark.; hospital.
Northport, Long Island, N. Y.; hospital.
Oakland, Calif., Thirteenth and Harrison Streets; hospital.
Oklahoma City, Okla., 1101 North Broadway; regional office.
Oklahoma City, Okla.; hospital.
Oteen, N. C.; hospital.
Outwood, Ky.; hospital.
Palo Alto, Calif.; hospital.
Pass-A-Grille Beach, Fla., new mailing address: Manager, Pass-A-Grille Beach Regional Office, P. O. Box 1437, St. Petersburg, Fla.; regional office.
Perry Point, Md.; hospital.
Perry Point, Md.; supply depot.
Philadelphia 2, Pa., 128 North Broad Street; branch No. 3.
Philadelphia 6, Pa., New Customshouse; regional office.
Phoenix, Ariz., 132 North Second Avenue; regional office.
Phoenix, Ariz.; hospital.
Phoenixville, Pa.; hospital (date of opening for patients to be announced).
Pittsburgh 22, Pa., 107 Sixth Street; regional office.
Portland 5, Oreg., 1019 Southwest Tenth Avenue; regional office.
Portland 7, Oreg.; hospital.
Providence 3, R. I., 100 Fountain Street; regional office.
Reno, Nev.; center (hospital and regional office).
Richmond 20, Va., 900 North Lombardy Street; branch No. 4.
Richmond 19, Va.; hospital.
Roanoke 17, Va.; regional office.
Roanoke 17, Va.; hospital.
Roseburg, Oreg.; hospital.
Rutland Heights, Mass.; hospital.
Salt Lake City 4, Utah, 1710 South Redwood Rd.; regional office.
Salt Lake City 3, Utah; hospital.
Sampson, N. Y. (formerly U. S. Naval Hospital); hospital (12–15–46).
San Antonio 5, Tex., 102 West Crockett St.; regional office.
San Diego 12, Calif., P. O. Box 1111 (for mail); regional office.
San Fernando, Calif.; hospital.
San Francisco 5, Calif., 180 New Montgomery Street; branch No. 12.
San Francisco 3, Calif., 49 Fourth St.; regional office.
San Francisco 21, Calif., Forty-second and Clement Sts. (new address); hospital.
San Juan, P. R., P. O. Box 4424 (all mail to be sent Air Mail. C-files by registered regular mail); center (11–1–46) (hospital and regional office).
Saratoga Springs, N. Y.; hospital.
Seattle 4, Wash., 821 Second Avenue; Branch No. 11.
Seattle 4, Wash., Federal Office Building; regional office.
Sheridan, Wyo.; hospital.
Shreveport 62, La., 501 Ockley Drive; regional office.
Sioux Falls, S. Dak.; regional office.
Springfield, Mo., (formerly O'Reilly General Hospital); hospital (1–20–47).
Staten Island, N. Y., (formerly Halloran General Hospital); hospital (1–1–47).
St. Cloud, Minn.; hospital.
St. Louis 2, Mo., 420 Locust St.; Branch No. 9.
St. Louis 2, Mo., 415 Pine St. (New address); regional office.
St. Paul 11, Minn., Fort Snelling; Branch No. 8.
Sunmount, N. Y.; hospital.
Temple, Tex.; hospital.
Thomasville, Ga.; hospital.
Togus, Maine; center (hospital and regional office).
Tomah, Wis.; hospital (date of opening for patients to be announced).
Topeka, Kans.; hospital.
Tucson, Ariz.; hospital.
Tuscaloosa, Ala.; hospital.
Tuskegee, Ala.; hospital.
Van Nuys, Calif.; hospital.
Waco, Tex.; center (hospital and regional office).
Wadsworth 2, Kans.; center (hospital and dormitory).
Walla Walla, Wash.; hospital.
Washington 25, D. C., 1825 H St., NW. (11–9–46); regional office.
Washington 7, D. C., 2650 Wisconsin Avenue NW.; hospital.
Waukesha, Wis.; Hospital.
West Roxbury 32, Mass.; hospital.
Whipple, Ariz.; center (hospital and domiciliary).
White River Junction, Vt.; center (hospital and regional office).
Wichita 15, Kans., 3801 South Oliver Street; regional office.
Wichita 8, Kans.; hospital.
Wilkes-Barre, Pa., 18 South Franklin St.; regional office.
Wilmington, Calif., P. O. Box 385; supply depot.
Wilmington, Del. (changed from New Castle, Del., hospital); hospital.
Wilmington, Del., Dravo Building; regional office.
Winston-Salem, N. C., 310 West Fourth Street; regional office.
Wood, Wis.; center (hospital and domiciliary).

ADDRESSES OF VETERANS' ADMINISTRATION REGIONAL OFFICES, SUBREGIONAL OFFICES, CONTACT OFFICES, CENTERS AND HOSPITALS

§ 01.60 *Branch No. 1 Area (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont).* (a) Address of Branch Office No. 1: Deputy Administrator, Veterans' Administration Branch Office # 1, 55 Tremont St., Boston 8, Mass.

(b) This is a guide to the location of all VA Regional Offices and Centers, the Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 1 area, where information may be obtained by personal contact concerning benefits to veterans and their dependants and beneficiaries.

CONNECTICUT

Type of Activity, Location and Address

Regional office: Hartford 4, 95 Pearl St.
Contact office:
Bristol, Veterans Service Center.
Manchester, 69 Center Street.
Middletown, 505 Main Street.
New Britain, Burritt School.
Torrington, City Hall.
Winsted, 27 Elm Street.
Subregional office, Bridgeport 4, 355 Fairfield Street.
Contact office:
Danbury, 44 Elm Street.
South Norwalk, City Hall.
Stamford, 1 Grove Street.
Subregional office, New Haven 11, 294 Cedar Street.
Contact office:
Derby, 116 Derby Avenue.
Meriden, 22 Liberty Street.
New London, 47 Colt Street.
Norwich, Post Office Building.
Waterbury 20, 195 Grove Street.
Hospital: Newington 11, Veterans' Administration Hospital.

MAINE

Center (Regional Office and Hospital), Togus, Veterans' Administration Center.
Subregional office, Portland 3, 477 Congress Street.
Contact office:
Bath, 192 Front Street.
Biddleford, 140 Elm Street.
Ellsworth, City Hall Building.
Rockland, Community Building.
Sanford, 143 Main Street.
Subregional office, Bangor, 46 Columbia Street.
Contact office:
Calais, Post Office Building.
Dover-Foxcroft, Stanhope Building, 47 South Street.
Fort Kent, 195 Main Street.
Houlton, 109 Main Street.
Lincoln, 2½ Mechanic Street.
Machias, Post Office Building.
Presque Isle, 286 Main Street.
Skowhegan, Strand Theatre Building.
Subregional office,[1] Lewiston, 14 Lisbon Street.
Contract office:
Rumford, 91 Congress Street.

MASSACHUSETTS

Regional office, Boston 8, 17 Court Street.
Contact office:
Cambridge, 57 Inman Street.
Chelsea, City Hall.
Framingham, Memorial Building.
Lynn, 14 Central Avenue.
Malden, City Hall Annex, Ferry Street.
Newton, 277 Washington Street.
Quincy, Adams Academy, 8 Adams Street.
Salem, 150 Washington Street.
Somerville, Post Office Building, Union Square.
Subregional office:
Brockton, Post Office Building.
Lawrence, 477 Essex Street.
Contact Office, Haverhill, 34 Main Street.
Subregional office:
Lowell, 34 Merrimac Street.
Springfield, 1200 Main Street.
Contact office:
Greenfield, 287 Main St., Burnham Building.
Holyoke, War Memorial Building.
North Adams, 85 Main Street.
Northampton, 25 Main Street.
Pittsfield, 246 North Street.
Subregional office, Worcester, 9 Walnut Street.
Contact office, Fitchburg, 280 Main Street.
Hospital:
Bedford, Veterans' Administration Hospital.
Framingham, Veterans' Administration Hospital.
Northampton, Veterans' Administration Hospital.
Rutland Heights, Veterans Administration Hospital.
West Roxbury, 32, Veterans' Administration Hospital.

NEW HAMPSHIRE

Regional office, Manchester, Federal Building.
Contact office:
Berlin, 162 Main Street.
Claremont, 34 Tremont Square.
Concord, 7 Pleasant Street.
Dover, 125 Washington Street.
Keene, 15 Court Street.
Laconia, 31 Hanover Street.
Littleton, Federal Building.
Nashua, 21 East Hollis Street.
Portsmouth, 364 State Street.
Rochester, 25 Portland Street.

[1] Now operating as Contact Office.

RHODE ISLAND

Regional office, Providence 8, 100 Fountain Street.
Contact office:
Attleboro, Mass., 15 Railroad Avenue.
Cranston, City Hall, Park Avenue.
East Providence, Town Hall.
Fall River, Mass., 10–18 Purchase Street.
Newport, Post Office Building.
Pawtucket, 35 High Street.
Taunton, Mass., 26 Taunton Green.
Warren, Federal Building.
Warwick, City, Apponaug.
Westerly, 23 Broad Street.
Woonsocket, Stadium Building.
Subregional office, New Bedford, Mass., 888 Purchase Street.
Contact office:
Falmouth, Mass., Town House.
Hyannis, Mass., 354 Main St.

VERMONT

Center (regional office and hospital), White River Junction, Veterans' Administration Center.
Contact office:
Bellows Falls, 33 Westminster Street.
Brattleboro, U. S. E. S. Office.
Subregional office, Burlington, 172 S. Winooski Avenue.
Contact office, St. Albans, City Hall.
Subregional office, Montpelier, 64 South Main Street.
Contact office:
Newport, Post Office Building.
St. Johnsbury, 95 Eastern Avenue.
Subregional office, Rutland, 33 Cottage Street.
Contact office, Bennington, 422 Main Street.

§ 01.61 *Branch No. 2 Area (New York State, Puerto Rico.* (a) Address of Branch Office No. 2: Deputy Administrator, Veterans Administration Branch Office No. 2, 299 Broadway, New York 7, N. Y.

(b) This is a guide to the location of all VA Regional Offices and Hospitals, the Sub-Regional Offices and Contact Offices thereunder, in Branch No. 2 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

NEW YORK STATE

Type of Activity, Location, and Address

Regional office: Albany 1, Watervliet Arsenal.
Contact office:
Albany 7, 112 State Street.
Amsterdam, 20 Market Street.
Glens Falls, 35 Ridge Street.
Gloversville, 33 Bleeker Street.
Oneonta, Post Office Building.
Saratoga Springs, 374–376 Broadway.
Schenectady, 9–11 Yates Street.
Troy, 297 River Street.
Subregional office: [1]
Plattsburg, Post Office Building.
Poughkeepsie, 13 Washington Street.
Contact office: Kingston, 286 Fair Street.
Regional office: Buffalo 1, 151 West Mohawk Street.
Contact office:
Auburn, 22 North Street.
Buffalo, Ellicott Square Building.
Dunkirk, Elementary School No. 7, Lake Shore Drive East.
Lockport, Post Office Building.
Jamestown, 101 West Third Street.
Lackawanna, 706 Ridge Road.
Niagara Falls, 42 Falls Street.
North Tonawanda, City Hall Building.
Olean, City Building, 108 North Union Street.
Subregional office: [1] Binghamton, 64 Henry Street.
Contact office:
Endicott, 131 Washington Avenue.
Elmira, 170 Lake Street.
Ithaca, Masonic Temple.
Subregional office: [1] Rochester, 39 State Street.
Contact office: Hornell, Federal Building.
Subregional office: [2] Syracuse, 428 S. Warren Street.
Contact office:
Cortland, Post Office Building.
Oswego, Post Office Building.
Rome, YWCA, 105 West Liberty Street.
Utica 2, 110 Genessee Street.
Subregional office: [1] Watertown, Post Office, 163 Arsenal Street.
Contact office: Ogdensburg, 301–305 Crescent Street.
Regional office: New York City 1, 252 Seventh Avenue.
Contact office:
Harlem District, 271 West One Hundred and Twenty-fifth Street, N. Y. 27.
Jamaica, Long Island, 92–32 Union Hall Street.
Middletown, 16 Mulberry Street.
Mineola, Long Island, Old Nassau County Court House.
Newburgh, Post Office Building.
New Rochelle, 130 Hugenot Street.
Patchogue, Long Island, Brookhaven Town Hall.
Peekskill, City Hall, 840 Main Street.
St. George, Staten Island 1, 25 Hyatt Street.
White Plains, County Office Building.
Yonkers, 20 South Broadway.
Subregional office: [2] Brooklyn 17, 1 Hanson Place.
Branch of central office: New York 13, 346 Broadway.
Hospital:
Batavia, Veterans Administration Hospital.
Bronx 63, 130 West Kingsbridge Road.
Canandaigua, Veterans Administration Hospital.
Castle Point, Veterans Administration Hospital.
Northport, Long Island, Veterans Administration Hospital.
Saratoga Springs, Veterans Administration Hospital.
Sunmount, Veterans Administration Hospital.
Center (hospital and domiciliary), Bath, Veterans Administration Center.
Supply depot, Horseheads, c/o A. S. F. Depot.

PUERTO RICO
(Including the Virgin Islands)

Center (hospital and regional office): San Juan, Post Office Box 4424 (all mail to be sent air mail; C-files by registered regular mail).
Contact office: Aguadilla, Veterans Administration, Contact Office.
Arecibo, 8 Nicolas Frese Street.
Bayamon, 115 Dr. Veve Street.
Caguas, Aldrich Building.
Cabo Rojo, Logia Cuna de Betances, 30 Betances Street.
Cayey, 45 Santiago Palmer Street.
Guayama, 21 North Hostos Street.
Humacao, 6 Isidro A. Vidal Street.
Mayaguez, 200 Mendez Vigo Street.
Ponce, 106 Commercio Street.
St. Thomas, Virgin Islands, Charlotte Amalie.
Yauco, City Hall.

[1] Now operating as contact office.
[2] To be activated as regional office—date of change to be announced in Bulletin No. 1 Series. Brooklyn Regional Office mail should not be sent to 1 Hanson Place.

§ 01.62 *Branch No. 3 Area (Delaware, New Jersey, Pennsylvania).* (a) *Address* of Branch Office No. 3: Deputy Administrator, Veterans' Administration Branch Office No. 3, 128 N. Broad Street, Philadelphia 2, Pa.

(b) This is a guide to the location of all VA Regional Offices, the Sub-Regional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 3 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

DELAWARE

Type of Activity, Location, and Address

Regional office: Wilmington 50, Dravo Building.
Contact office: Dover, Murphy School, Kings Highway.
Hospital: Wilmington, Veterans' Administration Hospital.

NEW JERSEY

Regional office: Newark 2, 20 Washington Place.
Contact office:
Dover, Bergen Building, 45 East Blackwell Street.
Elizabeth, Miller Building, 275 Morris Avenue.
Morristown, Silk Building, 17 South Street.
New Brunswick, City Hall, 78 Bayard Street.
Perth Amboy, 214 Smith Street.
Phillipsburgh, 102 South Main Street.
Somerville, Armory, 22 Grove Street.
Subregional office: Camden, Broadway Stevens Building., 300 Broadway.
Contact office:
Atlantic City, Post Office Building.
Atlantic City, 1325 Boardwalk.
Bridgeton, City Hall, 168 East Commerce Street.
Burlington, State Armory, 428 South High Street.
Cape May Courthouse, Old Court House Building.
Hammonton, 126 Bellevue Avenue.
Pitman, 13½ Broadway.
Salem, Museum Building, 228 East Broadway.
Toms River, Courthouse Annex, 110 Hooper Street.
Subregional office: Paterson, Fabian Building, 45 Church Street.
Contact office:
Hackensack, Courthouse, Court and Main Streets.
Newton, 172 Spring Street.
Subregional office:[1] Trenton, New Post Office Building.
Contact office:
Princeton, Veterans' Service Center, Borough Hall.
Red Bank, State Armory, Chestnut and West Streets.
Subregional office: Union City, Old Elks Building (overflow of regional office (not activated)).
Contact office:
Bayonne, 631 Broadway.
Hoboken, Terminal Building, 68–70 Hudson Street.
Jersey City, Commerce Building, 1 Newark Avenue.
Hospital: Lyons, Veterans' Administration Hospital.

PENNSYLVANIA

Regional office: Philadelphia 6, New Customshouse.
Contact office:
Doylestown, 40 E. Court Street.
Frankford, 1537 Orthodox Street, Philadelphia 24.
Germantown, 115 W. Chelten Avenue, Philadelphia 44.
North Philadelphia, Grange Building, 5601 North Broad Street, Philadelphia 41.
Philadelphia 7, 1127 Walnut Street.
South Philadelphia, 510 South Broad Street, Philadelphia 46.
West Philadelphia, 137 South Fifty-second Street, Philadelphia 39.
Subregional office:[1] Upper Darby, Terminal Motors Building, 17 Brief Street.
Contact office:
Chester, Crozer Building, Fifth and Market Streets.
Norristown, 319 DeKalb Street.
Pottstown, Y. M. C. A., 338 King Street.
Subregional office: Reading, Rajah Temple, 136 North Sixth Street.
Contact office:
Allentown, McKinley School, 1124 Turner Street.
Bethlehem, Odd Fellows Building, 6 West Broad Street.
Easton, First National Bank Building.
Regional office: Pittsburgh 22, 107 Sixth Street.
Contact office:
Beaver Falls, 1025 Seventh Avenue.
Butler, Butler County's National Bank Building.
Greensburg, 301 South Main Street.
Kittanning, 133 North Jefferson Street.
McKeesport, Post Office Building, Eighth and Walnut Street.
Monessen, 279 Schoonmaker Avenue.
New Castle, 223 East Washington Street.
New Kensington, Post Office Building, corner Fifth and Eleventh Street.
Uniontown, 37 Main Street, Union Trust Building.
Subregional office: Erie, Baldwin Building, 1005 State Street.
Contact office:
Bradford, Hooker Fulton Building, 119 Main Street.
Farrell, Schuster Building, 741 Broadway Avenue.
Meadville, Crawford County Trust Company Building, 231. Chestnut Street.
Oil City, Fair Building, 15 Seneca Street.
Ridgway, Masonic Temple, 10–14 Court Street.
Sharon, Bastress Building, Shenango and Pitt Streets.
Warren, 315 Second Avenue.
Subregional office: Johnstown, Old Post Office Building, Market and Locust Streets.
Contact office:
Altoona, 1301 Eleventh Avenue.
Bedford, Post Office Building, 201 South Juliana Street.
Clearfield, County National Bank Building, 137 Market Street.
Du Bois, Deposit National Bank Building.
Indiana, Indiana Theatre Building.
Punxsutawney, Spirit Building, 105 North Findley Street.
Somerset, Stein Building, 118 West Main Street.
Subregional office: Wheeling, W. Va., Fidelity Building, Eleventh and Chapline Streets.
Contact office:
Charleroi, Pa., 334 Fallowfield Avenue.
Holidays Cove, W. Va., 3230 Main Street.
Washington, Pa., Trades and Labor Building, 1 South College Street.
Waynesburg, Pa., Peoples Bank Building, 59 East High Street.
Regional office: Wilkes-Barre, Pa., 18 South Franklin Street.
Contact office:
Berwick, Berwick Bank Building, 123 West Front Street.
Hazelton, Hazelton National Bank Building.
Mauch Chunk, Navigation Building.
Pottsville, Thompson Building, 23 North Centre Street.
Subregional office:[1] Scranton 3, Select Building, 116 North Washington Avenue.
Contact office:
Carbondale, First National Bank Building, 41 North Main Street.
Stroudsburg, 553 Main Street.
Towanda, 607 Main Street.
Subregional office: Harrisburg, 205 South Office Building, State Capitol.
Contact office:
Chambersburg, Craft Press Building, Lincoln Highway East.
Lancaster, Manufacturers Association Building, 28 East Orange Street.
Lebanon, USES Office, 50 East Ninth Street.
York, Old City Hall, 25 South Duke Street.
Subregional office: Williamsport, Susquehanna Trust Building, 108–120 West Fourth Street.
Contact office:
Lewisburg, Post Office, 301 Market Street.
Lock Haven, Hopkins Building, 146 East Water Street.
Shamokin, 24 South Market Street.
State College, Cathaum Theatre, 118 West College Avenue.
Sunbury, Courthouse Annex, Chestnut and Second Street.
Hospital:
Aspinwall 15, Veterans' Administration Hospital.
Butler, Veterans' Administration Hospital.
Coatesville, Veterans' Administration Hospital.
Phoenixville, Veterans' Administration Hospital (date of opening for patients to be announced).

§ 01.63 *Branch No. 4 Area (District of Columbia, Maryland, North Carolina, Virginia, West Virginia).* (a) Address of Branch Office No. 4: Deputy Administrator Veterans Administration Branch Office No. 4, 900 N. Lombardy St., Richmond 20, Va.

(b) This is a guide to the location of all VA Regional Offices, the Subregional Offices and Contact Offices thereunder, and Hospitals in Branch No. 4 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

DISTRICT OF COLUMBIA

Type of Activity, Location, and Address

Regional office: Washington 25, 1825 H Street, NW.
Contact office:
Alexandria, Va., 815 King Street.
Silver Spring, Jesup Blair House.
Rockville, Farmers Bank Building.
Hospital: Washington 7, 2650 Wisconsin Avenue, NW.

MARYLAND

Regional office: Baltimore 2, 1315 St. Paul Street.
Contact office:
Annapolis, Post Office Building.
Elkton, 129 East Main Street.
Subregional office, Cambridge, Seminary Building, Market Street.
Contact office: Salisbury, Post Office Building.

[1] Now operating as a contact office.

[1] Overflow of Philadelphia regional office.

[1] Overflow of Wilkes-Barre Regional Office.

Subregional office: Hagerstown, City Hall.
Contact office:
Cumberland, 111 Union Street.
Frederick, Winchester Hall.
Hospital:
Fort Howard (near Baltimore), Veterans' Administration Hospital.
Perry Point (near Havre de Grace), Veterans' Administration Hospital.
Supply Depot: Perry Point, Veterans' Administration Supply Depot.

NORTH CAROLINA

Regional office: Winston-Salem, 310 West Fourth Street.
Contact office:
Asheboro, 149 North Fayetteville Street.
Greensboro, 218 South Greene Street.
High Point, Post Office Building.
North Wilkesboro, Bank of North Wilkesboro Building.
Salisbury, Post Office Building.
Subregional office: Asheville, City Hall Building, Post Office Box 7036.
Contact office: Andrews, Andrews Library Building.
Subregional office: Charlotte (overflow regional office), 127 West Seventh Street.
Contact office:
Gastonia, 214 South Street.
Hickory, 1355 Union Square.
Morgantown, County Court House.
Subregional office: Durham, 302 Morris Street.
Contact office:
Raleigh, Post Office Box 5065 State College Station.
Roxboro, 117½ Abbitt Avenue.
Subregional office:[1] Fayetteville, c/o VA Hospital.
Contact office:
Goldsboro, County Courthouse.
Lumberton, Fourth and Water Streets.
Sanford, Armory Building.
Wilmington, 126 Princess Street.
Subregional office:[1] New Bern, Post Office Building.
Contact office:
Edenton, Citizens Bank Building.
Elizabeth City, Post Office Building.
Greenville, Armory, Second and Evans Streets.
Rocky Mount, 157 North East Main Street.
Hospital:
Fayetteville, Veterans' Administration Hospital.
Oteen (near Asheville), Veterans' Administration Hospital.

VIRGINIA

Regional office: Roanoke 17, Veterans' Administration regional office.
Contact office:
Bristol, 512 Cumberland Street.
Danville, Post Office Building.
Lynchburg, 719 Church Street.
Marion, Marion Drug Company Building.
Norton, Cury Building, 624 Park Avenue.
Radford, 1049 Norwood Street.
Roanoke, 104 West Campbell Avenue.
Tazewell, Ward Building, Main Street.
Subregional office: Richmond, The Mosque, Laurel and Main.
Contact office:
Richmond, 902 Saint James Street.
Exmore, U. S. E. S. Office.
Farmville, 114 North Street.
Fredericksburg, Bradford Building.
Lawrenceville, County Courthouse.
Newport News, 2710 Huntington Avenue.
Norfolk, 236 Granby Street.
Petersburg, 34 Franklin Street.
Suffolk, 147½ East Washington Street.
Subregional office: Staunton, 302 West Beverly Street.
Contact office:
Charlottesville, 123 East Main Street.
Covington, County Courthouse.
Harrisonburg, 2 South Main Street.
Winchester, 201 North Loudoun Street.
Center (hospital and domiciliary): Kecoughtan, Veterans' Administration Center.
Hospital: Richmond 19, Veterans' Administration Hospital.
Hospital: Roanoke 17, Veterans' Administration Hospital.

WEST VIRGINIA

Regional office: Huntington 1, 824 Fifth Avenue.
Contact office:
Beckley, 114 Main Street.
Bluefield, 316 Federal Street.
Charleston 1, 812 Kanawha Boulevard, Hinton, Memorial Building.
Logan, Elks Club Building.
Parkersburg, 217 Fourth Street.
Richwood, 1 Oakford Ave.
Welch, Consolidated Bus Terminal.
Williamson, Mingo County Courthouse.
Subregional office: Clarksburg, 209 West Pike Street.
Contact office:
Elkins, 401 Davis Avenue.
Fairmont, 223 Monroe Street.
Grafton, 201 West Main Street.
Keyser, 125 Armstrong Street.
Martinsburg, Boyd Building.
Morgantown, 265 High Street.
Weston, 238 East Second Street.
Hospital: Huntington 1, 1540 Spring Valley Drive.
Center (hospital and domiciliary), Martinsburg, Veterans' Administration Center.

§ 01.64 *Branch No. 5 Area (Alabama, Florida, Georgia, South Carolina, Tennessee).* (a) Address of Branch Office No. 5: Deputy Administrator, Veterans' Administration Branch Office No. 5, Atlanta 3, Ga.

(b) This is a guide to the location of all VA Regional Offices and Centers, the Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 5 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

ALABAMA

Type of Activity, Location and Address

Center (regional office and hospital): Montgomery 10, Veterans' Administration Center.
Contact office:
Andalusia, 1 East Three Notch Street.
Demopolis, Masonic Temple Building.
Dothan, Merrill Building, 200 North Foster Street.
Eufaula, 131 Randolph Street.
Greenville, 104 West Commerce Street.
Montgomery, 300 Dexter Avenue.
Opelika, 213 South Eighth Street.
Selma, 113 Broad Street.
Subregional office: Birmingham 3, 706 North Twenty-first Street.
Contact office:
Anniston, Boozer Building, Thirteenth and Moore Avenue.
Cullman, New Leath Building.
Gadsden, 502 Broad Street.
Jasper, 1814 Third Avenue.
Sylacauga, Post Office Building.
Talladega, Post Office Building.
Tuscaloosa, 2328 Broad Street.
Winfield, Community Center.
Subregional office: Mobile, City Hall Annex, Royal and Church Streets.
Contact office:
Brewton, City Hall.
Jackson, Stewart Retail Grocery Building.
Subregional office: Decatur, 1006 Ferry Street.
Contact office:
Florence, 212 South Court Street.
Huntsville, 102 West Clinton Street.
Hospital: Tuscaloosa, Veterans' Administration Hospital.
Hospital: Tuskegee, Veterans' Administration Hospital.
Supply depot: Montgomery, c/o A. S. F. Depot.

FLORIDA

Regional office: Miami, Dinner Key.
Contact office:
Fort Lauderdale, County Courthouse.
Key West, Post Office Building.
West Palm Beach, 712 Comeau Building.
Regional office: Pass-A-Grille Beach, Pass-A-Grille Beach Regional Office, Post Office Box 1437, St. Petersburg, Fla.
Contact office:
Fort Myers, 2237 Hendry Street.
Lakeland, 318 East Main Street.
Sarasota, 225 Central Avenue.
St. Petersburg, 300 Central Avenue.
Tampa, 608 Tampa Street.
Subregional office: Jacksonville 1, 314 West Monroe Street.
Contact office:
Gainesville, Seagle Building.
Ocala, 1 North Main Street.
Subregional office: Orlando, 138 North Orange Avenue.
Contact office: Daytona Beach, 120 Volusia Avenue.
Subregional office: Tallahassee, 1437 South Monroe Street.
Contact office:
Marianna, 101½ North Caledonia.
Panama City, 224 East Fourth Street.
Pensacola, 114 East Gregory Street.
Center (hospital and domiciliary): Bay Pines, Veterans' Administration Center.
Hospital:
Lake City, Veterans' Administration Hospital.
Miami Beach 40, 4300 Alton Road.

GEORGIA

Regional office: Atlanta 3, 105 Pryor Street NE.
Contact office:
Athens, 144 North Jackson Street.
Dalton, City Hall.
Gainesville, 311 South Green Street.
Griffin, 265 Meriwether Street.
La Grange, La Grange Banking & Trust Co.
Lawrenceville, County Courthouse Square.
Rome, West Building.
Subregional office: Macon, 612 Mulberry St.
Contact office:
Americus, 104 Forsyth Street.
Columbus, First National Bank Building.
Dublin, 200 South Jefferson Street.
Milledgeville, 75 Hancock Street.
Subregional office: Savannah, Blun Building, 35 Bull Street.
Contact office:
Augusta, 712 Telfair Street.
Brunswick, Post Office Box 262, Post Office Building.
Louisville, 112½ West Broad Street.
Statesboro, 21½ East Main Street.
Subregional office: Valdosta, 412 West Central Avenue.
Contact office:
Albany, 135 Flint Avenue.
Fitzgerald, Grant and Pine Streets.
Moultrie, County Courthouse.
Thomasville, 137 East Jackson Street.
Waycross, 509 Elizabeth Street.
Hospital:
Atlanta, 5998 Peachtree Road NE.
Augusta, Veterans' Administration Hospital.

[1] Now operating as contact office.

Chamblee, Veterans' Administration Hospital.
Thomasville, Veterans' Administration Hospital.

SOUTH CAROLINA

Regional office: Fort Jackson, Veterans' Administration regional office.
Contact office:
Aiken, Bank of Aiken Building.
Charleston 10, 295 Meeting Street.
Greenwood, Post Office Building.
Orangeburg, 2 Church Street.
Rock Hill, 203–206 Phillips Building.
Beaufort, County Courthouse.
Newberry, 113 Boyce Street.
Sumter, County Courthouse.
Union, Little Building, Main and South Gadberry Streets.
Subregional office: Greenville, Post Office Building.
Contact office:
Anderson, 209 North Main Street.
Spartanburg, 187 N. Church Street.
Subregional office: Florence, 115 South Irby Street.
Contact office:
Conway, Courthouse Building.
Georgetown, Post Office Building.
Marion, 206 Harllee Street.
Hospital: Columbia, Veterans' Administration Hospital.

TENNESSEE

Regional office: Nashville 5, White Bridge Road.
Contact office:
Clarksville, City Hall.
Cookeville, Terry Brothers Building, 100 Public Square.
Lawrenceburg, City Hall, East Gaines Street.
Murfreesboro, 9 Public Square.
Nashville, Cotton States Life Building.
Winchester, Post Office Building.
Subregional office: Chattanooga, 832 Georgia Avenue.
Contact office: Athens, 103 South White Street.
Subregional office: Jackson, 408 East Main Street.
Contact office:
Dyersburg, County Courthouse.
Paris, 113½ Market Street.
Union City, 204 Washington Avenue.
Subregional office: Knoxville 10, 307 Commerce Street.
Contact office:
Johnson City, City Hall Building.
Morristown, Old City National Bank Building.
Oak Ridge, 102 Town Hall.
Oneida, Cooper Building, 43½ Depot Street.
Subregional office: Memphis, 8 North Third Street.
Hospital:
Memphis 4, 1025 La Mar Avenue.
Memphis 15, Park Avenue and Getwell Street.
Murfreesboro, Veterans' Administration Hospital.
Center (hospital and domiciliary): Mountain Home, Veterans' Administration Center.
Hospital: Nashville 5, White Bridge Road.

§ *Branch No. 6 Area (Kentucky, Michigan, Ohio).* (a) Address of Branch Office No. 6: Deputy Administrator, Veterans' Administration Branch Office No. 6, 52 South Starling Street, Columbus 8, Ohio.

(b) This is a guide to the location of all VA Regional Offices and Centers, Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 6 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

KENTUCKY

Type of Activity, Location and Address

Regional office: Louisville 3, 1405 West Broadway.
Contact office:
Louisville, Federal Building, Room 434.
Carrolton, U. S. E. S., Main Street.
Elizabethtown, City Building.
Glasgow, 108 South Green Street.
Shelbyville, 537 Main Street.
Subregional office: Ashland, 203 Seventeenth Street.
Contact office:
Louisa, Selective Service Board.
Morehead, 348 Main Street.
Pikeville, Connelly Building.
Prestonsburg, Midland Building.
Subregional office, Corbin, 302–4–6 Main Street.
Contact office:
Barbourville, Post Office Building.
Harlan, City Hall, First and Clover Streets.
Somerset, Masonic Building.
Whitesburg, U. S. E. S., Main Street.
Subregional office: Covington, City Building.
Contact office: Covington, 440 Scott Street.
Subregional office: Hopkinsville, 204 East Sixth Street.
Contact office:
Bowling Green, Courthouse, 401 Tenth Street.
Henderson, 415 North Main Street.
Madisonville, 53 South Main Street.
Mayfield, Post Office Building.
Murray, Gatlin-Swann Building, Fourth and Main Street.
Owensboro, 116 East Third Street.
Paducah, 226½ South Sixth Street.
Subregional office: Lexington, 508 West Main Street.
Contact office:
Columbia, U. S. E. S., Campbellsville Street.
Danville, 120 South Fourth Street.
Frankfort, 107 St. Clair Street.
Hazard, Chamber of Commerce Building.
Jackson, U. S. E. S., Main Street.
Maysville, 209 Sutton Street.
Richmond, Post Office Building.
Hospital:
Ft. Thomas, Veterans' Administration Hospital (date of opening for patients indefinite).
Lexington, Veterans' Administration Hospital.
Louisville, Veterans' Administration Hospital.
Outwood near Dawson Springs, Veterans' Administration Hospital.

MICHIGAN

Regional office: Detroit 26, Guardian Building.
Contact office:
Monroe, 30 South Washington Street.
Pontiac 15, 28 North Saginaw Street.
Port Huron, Post Office Building.
Subregional office: Escanaba, First National Bank Building, 621 Ludington Street.
Contact office:
Houghton, Michigan College of M & T.
Ironwood, 107 North Lowell Street.
Marquette, 210 West Front Street.
Sault Sainte Marie, Post Office Building.
Subregional office:
Flint 4, 109 Third Avenue, West.
Grand Rapids 2, Keeler Building.
Contact office:
Ludington, Post Office Building.
Muskegon, 349 West Webster Street.
Traverse City, 246 East Front Street.
Subregional office: Jackson, 312 South Jackson Street.
Contact office:
Ann Arbor, Rackham Building.
Lansing 2, 215 South Washington Avenue.
Subregional office: Kalamazoo 47, 135 North Westnedge.
Contact office:
Battle Creek, 70 West Michigan Avenue.
St. Joseph, 503 North Pleasant Street.
Subregional office: Saginaw, Board of Commerce Building.
Contact office:
Alpena, 410 North Second Street.
Bay City, Post Office Building.
Mt. Pleasant, Central Michigan College.
Hospital:
Dearborn, Veterans' Administration Hospital.
Ft. Custer (near Battle Creek), Veterans' Administration Hospital.

OHIO

Regional office: Cincinnati 2, 209 East Sixth Street.
Contact office:
Cincinnati, University of Cincinnati.
Hamilton, Anthony Wayne Hotel Building.
Subregional office: Columbus 15, 209 South High Street.
Contact office:
Columbus, Ohio State University, High Street.
Lancaster, 201 South Broad Street.
Zanesville, 416 Market Street.
Subregional office: Dayton 2, 120 West Second Street.
Contact office:
Sidney, 113 North Ohio Street.
Springfield, 136 East High Street.
Subregional office: Lima, 209 North Main Street.
Contact office:
Findlay, Niles Building.
Van Wert, 116½ Main Street.
Subregional office: Marietta, 116 Front Street.
Contact office:
Athens, 8 President Street.
Marietta, Veterans' Service Office, Court House.
Cambridge, 118½ North Ninth Street.
Subregional office: Portsmouth, 604 Chillicothe Street.
Contact office: Ironton, 306 Park Avenue.
Regional office: Cleveland 14, Cuyahoga, Building.
Contact office:
Ashtabula, P. O. Building.
Elyria, Elyria Savings and Trust Company Building.
Lorain, 305 Broadway Avenue.
Subregional office: Akron, 72–76 High Street.
Contact office:
Canton 2, 117 Walnut Avenue.
Kent, 136 North Water Street.
New Philadelphia, 152 North Broadway.
Wooster, 224 East Liberty Street.
Subregional office: Mansfield, 13 Park Avenue, West.
Contact office: Marion, 196 South Main Street.
Subregional office: Steubenville, 224 North Fifth Street.
Contact office:
East Liverpool, Municipal Building, 130 West Sixth Street.
St. Clairsville, Masonic Temple Building.
Subregional office: Toledo 4, 501 Huron Street.
Contact office:
Defiance, 408½ Clinton Street.
Fremont, 109–111 South Arch Street.
Sandusky, Feick Building, 158 East Market Street.
Tiffin, 84½ South Washington Street.

Subregional office: Youngstown 3, 6 West Federal Street.
Contact office: Warren, Post Office Building.
Hospital:
Brecksville, Veterans' Administration Hospital.
Chillicothe, Veterans' Administration Hospital.
Cleveland 9, 7300 York Road.
Center (hospital and domiciliary): Dayton, Veterans' Administration Center.

§ 01.66 *Branch Office No. 7 Area (Illinois, Indiana, Wisconsin).* (a) Address of Branch Office No. 7: Deputy Administrator, Veterans' Administration Branch Office No. 7, 226 West Jackson Boulevard, Chicago 6, Ill.

(b) This is a guide to the location of all VA regional offices and centers, subregional offices and contact offices thereunder, and hospitals, in Branch No. 7 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

ILLINOIS

Type of Activity, Location, and Address

Regional office: Chicago 6, 366 West Adams Street.
Contact office:
Aurora, 44½ Downer Place.
Chicago, 6625 Cottage Grove Avenue.
Elgin, 11 South Spring Street.
Evanston, 823 Davis Street.
Joliet, 58 Chicago Street.
Kankakee, Arcade Building.
Oak Park, 4 Madison Street.
Waukegan, 325 Washington Street.
Subregional office: Centralia, 137 North Locust Street.
Contact office:
Effingham, National Hotel Building.
Harrisburg, 1 North Vine Street.
Mount Vernon, Grigg Building, Eleventh and Main Streets.
Olney, 108 York Street.
Subregional office: Danville, 6 West Seminary Street.
Contact office:
Champaign, University of Illinois, 249 Armory Street.
Matoon, 1521 Charleston Avenue.
Urbana, 301 West Main Street.
Subregional office: East St. Louis, 435 Missouri Avenue.
Contact office:
Alton, Post Office Building.
Cairo, Post Office Building.
Carbondale, 205½ West Main Street.
Litchfield, 108 East Kirkham Street.
Subregional office: Gary, Ind., City Hall, Fourth Avenue and Broadway.
Contact office:
Gary, Ind., Post Office Building.
Hammond, Ind., 5236 Hohman Avenue.
La Porte, Ind., First National Bank Building.
Subregional office: [1]
Moline, 1630 Fifth Avenue.
Peoria, 517 Fulton Street.
Contact office:
Bloomington, 427 North Main Street.
Galesburg, 311 East Main Street.
Subregional office: [1] Quincy, W. C. U. Building, 510 Maine Street.
Contact office:
Macomb, 232 East Jackson Street.
Subregional office: Rockford, 801 South Main Street.
Contact office:
Dixon, 119 Hennepin Avenue.
Freeport, 2–4–6 East Stephenson Street.
La Salle, 206 Marquette Street.
Subregional office: Springfield, 410 East Monroe Street.
Contact office:
Decatur, 132 South Water Street.
Jacksonville, 205 East Morgan Street.
Hospital:
Danville, Veterans' Administration Hospital.
Downey (near Waukegan), Veterans' Administration Hospital.
Dwight, Veterans' Administration Hospital.
Hines (near Maywood), Veterans' Administration Hospital.
Marion, Veterans' Administration Hospital.
Supply depot: Hines Veterans' Administration Supply Depot.

INDIANA

Regional office: Indianapolis 4, 36 South Pennsylvania Street.
Contact office:
Anderson, 27 West 12th Street.
Bloomington, 114 East Fourth Street.
Greensburg, 105 East Main Street.
Kokomo, 221½ North Main Street.
New Albany, Division Street School Building.
Seymour, 300 North Chestnut Street.
Subregional office: [1] Evansville, 16½ Southeast Second Street.
Contact office:
Jasper, County Courthouse.
Vincennes, City Hall Building.
Subregional office: [1]
Fort Wayne, 116 East Wayne Street.
La Fayette, Post Office Building.
Contact office: Logansport, Barnes Building, Third and Broadway.
Subregional office: Muncie, 1128 South Mulberry Street.
Contact office: Richmond, Morton Center, Ninth and B Streets.
Subregional office: South Bend 2, 224 West Jefferson Street.
Contact office: Goshen, 202 North Main Street.
Subregional office: [1] Terre Haute, 601 Ohio Street.
Contact office: Greencastle, 12 South Jackson Street.
Hospital:
Indianapolis 44, 2601 Cold Springs Road.
Marion, Veterans' Administration Hospital.
Fort Benjamin Harrison, Veterans' Administration Hospital.

WISCONSIN

Regional office: Milwaukee 2, 342 North Water Street.
Contact office:
Kenosha, 520 Fifty-eighth Street.
Milwaukee, 901 North Ninth Street.
Racine, Post Office Building.
Subregional office: Eau Claire, Post Office Building.
Contact office: Rice Lake, 102½ Main Street.
Subregional office: Green Bay, 311 South Adams Street (12–1–46).
Contact office:
Appleton, Courthouse Building.
Fond du Lac, City Hall, 76 East Second Street.
Marinette, 1825½ Hall Avenue.
Oshkosh, 80 Washington Boulevard.
Sheboygan, 601 North Eighth Street.
Subregional office:
La Crosse, 408 South Fourth Street.
Madison 3, 448 State Street.
Contact office:
Beloit, 603 East Grand Avenue.
Janesville, National Guard Armory, 10 South High Street.
Platteville, City Hall.
Subregional office: Superior, 805 East Belknap Street.
Contact office: Ashland, 209 Vaughn Avenue.
Subregional office: Wausau, Courthouse Annex Fourth and Scott.
Contact office:
Rhinelander, 8–A, South Brown Street.
Stevens Point, 610 Clark Street.
Hospital:
Mendota, Veterans' Administration Hospital.
Tomah, Veterans' Administration Hospital (date of opening for patients indefinite).
Waukesha, Veterans' Administration Hospital.
Center (hospital and domiciliary), Wood, Veterans' Administration Center.

§ 01.67 *Branch No. 8 Area (Iowa, Minnesota, Nebraska, North Dakota, South Dakota).* (a) Address of Branch Office No. 8: Deputy Administrator Veterans' Administration Branch Office No. 8, Fort Snelling, St. Paul 11, Minn.

(b) This is a guide to the location of all VA regional offices and centers, subregional offices and contact offices thereunder, and hospitals, in Branch No. 8 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

IOWA

Type of Activity, Location, and Address

Center (regional office and hospital): Des Moines 10, Veterans' Administration Hospital.
Contact office:
Algona, McEnroe Building, State and Thorington Street.
Ames, 131 Main Street.
Atlantic, 15–17 East 6th Street.
Centerville, 100 West Van Buren Street.
Charlton, 107½ North Main Street.
Charles City, Post Office Building.
Creston, 114 North Maple Street.
Fort Dodge, Snell Building, 803 Central Avenue.
Grinnell, 830 Commercial Street.
Iowa Falls, 511½ Washington Avenue.
Jefferson, 202½ East State Street.
Marshalltown, 102½ West Main Street.
Mason City, 115 First Street SE.
Oskaloosa, 204½ First Ave. East.
Ottumwa, Y. M. C. A. (temporary).
Shenandoah, 812 West Sheridan Street.
Webster City, 544½ Second Street.
Subregional office: Cedar Rapids, 111 Third Avenue SW.
Contact office:
Burlington, Farmers and Merchants Bank Building.
Clinton, Howes Building, 419 South Second Street.
Davenport, Union Bank Building, 229 Brady Street.
Decorah, Utilities Building.
Dubuque, Bank and Insurance Building.
Iowa City, 104 South Clinton Street.
Keokuk, 402 Blondeau Street.
Muscatine, American Bank Building, 200 East Second Street.
Oelwein, 36½ South Frederick Avenue.
Waterloo, 625 Lafayette Street.
Subregional office: Sioux City 9, Badgerow Building, 632 Fourth Street.
Contact office:
Cherokee, 219 West Main Street.
Council Bluffs, Savings Bank Building.
Denison, 1312 Broadway.
Sheldon, 416 Ninth Street.
Spencer, 13 West Sixth Street.
Hospital: Knoxville, Veterans' Administration Hospital.

[1] Now operating as Contact Office.

MINNESOTA

Regional office: Minneapolis 8, 1006 West Lake Street.
Contact office:
Albert Lea, 243 South Broadway.
Austin, 100 West Oakland.
Bemidji, 302 Third Street.
Brainerd, Parker Building, 623 Laurel Street.
Detroit Lakes, 112½ Front Street.
Faribault, 229 Central Avenue.
Fergus Falls, 104 South Court Street.
Mankato, 203 South Second Street.
Montevideo, 304 First Street.
Rochester, 404 South Broadway.
St. Cloud, Grand Central Hotel, 2 Fifth Avenue.
Thief River Falls, 114 North La Bree Avenue.
Tracy, City Hall.
Willmar, 512 Benson Avenue West.
Winona, Choate Building, 51 East Third Street.
Worthington, 906 Third Avenue.
Subregional office: Duluth 2, Chester Building, 120 North Fourth Avenue, West.
Contact office:
Hibbing, 1937 Fifth Avenue, East.
International Falls, 345 Third Street.
Virginia, 302 Chestnut Street.
Subregional office: St. Paul 1,[1] Commerce Building, Fourth and Wabasha.
Contact office: South St. Paul, 210 Third Avenue, North.
Hospital:
Minneapolis 6, Veterans' Administration Hospital.
St. Cloud, Veterans' Administration Hospital.

NEBRASKA

Regional office: Lincoln 8, Sharp Building.
Contact office:
Ainsworth, 155 Main Street.
Alliance, 114 East Fourth Street.
Beatrice, Post Office Building.
Falls City, 1711½ Stone Street.
Grand Island, 314½ North Locust Street.
Hastings, Post Office Building.
Kearney, City Hall Building.
McCook, 322½ Main Avenue.
Nebraska City, 801 First Corso.
North Platte, 118½ East Sixth Street.
Scottsbluff, 1604 Broadway.
Sidney, Western Drug Co. Building.
Subregional office: Omaha (overflow of regional office), Federal Office Building, Fifteenth and Dodge Streets.
Contact office:
Columbus, City Hall, 2522 Fourteenth Street.
Fremont, Auditorium Building.
Hartington, City Auditorium.
Norfolk, 111 South First Street.
Hospital: Lincoln 1, Veterans' Administration Hospital.

NORTH DAKOTA

Center (regional office and hospital) Fargo, Veterans' Administration Center.
Contact office:
Bismarck, 318 Main Street.
Devils Lake, 202 Fourth Street.
Fargo, 114½ Roberts Street.
Grand Forks, 102 North Fourth Street.
Jamestown, 222½ First Avenue, S.
Minot, 104 First Avenue, SW.

SOUTH DAKOTA

Regional office: Sioux Falls, Veterans' Administration Regional Office.
Contact office:
Aberdeen, 115 South Main Street.
Brookings, 324 Main Avenue.
Deadwood, 31 Deadwood Street.
Mitchell, 221–223 North Main.
Pierre, 101 East Capital Avenue.
Rapid City, 521 South Eighth Avenue.
Watertown, 5 West Kemp Avenue.
Yankton, City Hall.
Hospital: Fort Meade (near Sturgis, Meade County), Veterans' Administration Hospital.
Center (hospital and domiciliary), Hot Springs, Veterans' Administration Center.

[1] Overflow of regional office.

§ 01.68 *Branch No. 9 Area (Arkansas, Kansas, Missouri, Oklahoma).* (a) Address of Branch Office No. 9: Deputy Administrator, Veterans' Administration Branch Office No. 9, Boatmen's Bank Building, 420 Locust Street, St. Louis 2, Mo.

(b) This is a guide to the location of all VA regional offices, the subregional offices and contact offices thereunder, and hospitals, in branch No. 9 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

ARKANSAS

Type of Activity, Location, and Address

Regional office; Little Rock, Federal Building.
Contact office:
Arkadelphia, 1010 Sixth Street.
Batesville, 113 West Main Street.
Fordyce, Banks Building, 302 Main Street.
Forrest City, Planters Bank Building.
Harrison, Seville Hotel.
Helena, Solomon Building.
Hot Springs, Citizens Building.
McGehee, 108 South First Street.
Morriton, First State Bank Building.
Mountain Home, Dyer Building.
Pine Bluff, National Building, Second and Pine.
Russellville, Court House, 100 Main Street.
Searcy, Community Building.
Stuttgart, 324½ South Main Street.
Subregional office: Fort Smith, South Twelfth and A Streets.
Contact office:
Fayetteville, 14 South East Street.
Mena, 606 Mena Street.
Subregional office: Jonesboro, Jonesboro Clinic Building.
Contact office:
Blytheville, 116 South Second Street.
Pocahontas, New County Court House.
Subregional office: Texarkana, Old Federal Court Building.
Contact office:
Camden, Camden Drug Building.
El Dorado, Federal Building.
Hope, County Court House, Magnolia, 201 Main Street.
Hospital:
Fayetteville, Veterans' Administration Hospital.
North Little Rock, Veterans' Administration Hospital.

KANSAS

Regional office: Wichita 15, 3801 South Oliver Street.
Contact office:
Dodge City, Post Office Building.
Goodland, Hunt-Ennis Building.
Hays, City Hall, 135 West Eleventh Street.
Hutchinson, 14 West First Street.
Independence, Citizens National Bank Building.
Iola, 108½ South Jefferson.
Pittsburg, City Auditorium.
Salina, 114½ West Iron Street.
Wichita 2, 218 South Topeka.
Subregional office: Topeka, Municipal Auditorium.
Contact office, Emporia, I. O. O. F. Building.
Hospital: Wichita 8, Veterans' Administration Hospital.
Center (hospital and domiciliary): Wadsworth 2, Veterans' Administration Center.
Hospital: Topeka, Veterans' Administration Hospital.

MISSOURI

Regional office: Kansas City 6, 1009 Wyandotte Street.
Contact office:
Lawrence, Kans., 1035 Massachusetts Street.
Nevada, 229 West Cherry Street.
Sedalia, 511 South Ohio Street.
Subregional office: Springfield, 302½ East Pershing.
Contact office:
Joplin, 223 West Third Street.
Lebanon, 208 West Commercial Street.
West Plains, Court House Building.
Subregional office: St. Joseph 7, Ninth and Felix Streets.
Contact office:
Chillicothe, 621 Locust Street, P. O. Box 411.
Maryville, 115 West Fourth Street.
Regional office: St. Louis 2, 415 Pine Street.
Contact office:
Flat River, 308 East Main Street.
St. Charles, 121–3 North Main Street.
Washington, 205 Elm Street.
Subregional office: Jefferson City, Post Office Building.
Contact office:
Boonville, 417 East Spring Street.
Columbia, 715–A Broadway.
Mexico, 105 North Olive Street.
Rolla, 702 Pine Street.
Subregional office: Moberly, Public Library, 111 North Fourth Street.
Contact office:
Hannibal, 1020 Broadway.
Kirksville, 105 South Main Street.
Subregional office: Poplar Bluff, New State Bank Building.[1]
Contact office:
Cape Girardeau, 400–416 Broadway.
Caruthersville, 301 Ward Street.
Charleston, Buckner-Ragsdale Building, Main and Market.
Sikeston, Post Office Building, 215 North Madrid Street.
Hospital:
Excelsior Springs, Veterans' Administration Hospital.
Jefferson Barracks 23, Veterans' Administration Hospital.

OKLAHOMA

Regional office: Muskogee, Second and Court Streets.
Contact office: Okmulgee, McCulloch Building, Fifth and Grand Avenue.
Subregional office: McAlester, Federal Building.[1]
Contact office: Durant, Municipal Building.
Subregional office: Tulsa 3, Federal Building.
Contact office:
Bartlesville, Post Office Building.
Vinita, Federal Building.
Regional office: Oklahoma City, 1101 North Broadway.
Contact office:
Ada, Federal Building, 131 East Twelfth Street.
Clinton, Calmez Hotel, Post Office Box 97.
Norman, Woodrow Wilson Center.
Shawnee, City Hall Annex.
Subregional office: Enid, Federal Building.[1]
Contact office: Ponca City, Federal Building.
Subregional office: Lawton, Federal Building, Post Office Box 1185.[1]
Hospital:
Muskogee, Memorial Station, Honor Heights Drive.
Oklahoma City, Veterans' Administration Hospital.

[1] Now operating as a contact office.

§ 01.69 *Branch No. 10 Area (Louisiana, Mississippi, Texas).* (a) Address of Branch Office No. 10, Deputy Administrator, Veterans' Administration Branch Office No. 10, 1114 Commerce St., Dallas 2, Texas.

(b) This is a guide to the location of all VA regional offices and centers, the subregional offices and contact offices thereunder, and hospitals, in Branch No. 10 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

LOUISIANA

Type of Activity, Location, and Address

Regional office: New Orleans 19, 7267 West End Boulevard.
Contact office:
Baton Rouge, 701 Laurel Street.
Bogalusa, 110 Louisiana Avenue.
Hammond, City Hall.
Houma, Terre Bonne Courthouse.
Subregional office: Lafayette, 216 Jefferson Street.
Contact office:
Lake Charles, 429 Broad Street.
Opelousas, Courthouse.
Regional office: Shreveport 63, 501 Ockley Drive.
Contact office:
Bastrop, Police Jury Building, East Madison Street.
Mansfield, Post Office, Jefferson and Texas Streets.
Minden, Miller Building.
Monroe, 136 South Grand Street.
Natchitoches, Williams Building.
Ruston, 102 West Alabama Avenue.
Subregional office: Alexandria, 1201 Sixth Street.
Contact office:
Bunkie, 105 West Magnolia Street.
Franklin, Seller Building, Willow and First Streets.
Leesville, 410 Third Street.
Winnfield, Winn Parish Courthouse.
Winnsboro, Municipal Building.
Hospital:
Alexandria, Veterans' Administration Hospital.
New Orleans 12, Veterans' Administration Hospital.

MISSISSIPPI

Regional office: Jackson, Veterans' Administration Regional Office.
Contact office:
Forest, Masonic Building.
Brookhaven, Elks Building.
Kosciusko, Bell Building.
McComb, 106–108 Main Street.
Natchez, City Auditorium, Jackson Street.
Vicksburg, 1323 Washington Street.
Yazoo City, City Hall.
Subregional office: Greenwood, 315 Howard Street.
Contact office:
Batesville, Harris Building, Public Square.
Clarksdale, McWilliams Building.
Cleveland, c/o VA Guidance Center (temporary).
Greenville 1, Greenville Inn Building.
Grenada, Grenada Bank Building.
Indianola, 126½ Main Street.
Subregional office: Hattiesburg, 723 Main Street.
Contact office:
Gulfport, U. S. Employment Service Office.
Columbia, Pope Building, Main Street.
Laurel, City Hall.
Pascagoula, Bacot Building.
Subregional office: Meridian, 814–818 Twenty-second Avenue.
Contact office:
Columbus, 605 Second Avenue.
Louisville, Ford Building.
Philadelphia, Stubbs Building.
Starkville, Armory and City Hall.
Subregional office: Tupelo, 409 South Spring Street.
Contact office:
Holly Springs, 363 College Street.
Corinth, County Courthouse.
Oxford, 116–117 Jackson Avenue.
Center (hospital and domiciliary): Biloxi, Veterans' Administration Center.
Hospital:
Gulfport, Veterans' Administration Hospital.
Jackson, Veterans' Administration Hospital.

TEXAS

Regional office: Dallas 9, Love Field.
Contact office:
Greenville, 2716 Lee Street.
Paris, 231 Lamar Avenue.
Sherman, Post Office and Courthouse Building.
Subregional office: Forth Worth, 1107 Commerce Street.
Contact office:
Cleburne, County Courthouse Building.
Denton, 107 East Oak Street.
Eastland, Sinclair-Prairie Building, South Seaman Street.
Graham, Boaz Building, 507 Elm Street.
Mineral Wells, 207 Southwest First Avenue.
Vernon, Herring National Bank Building.
Wichita Falls, 903 Indiana Avenue.
Subregional office: Longview, 110 West Fourth Street.
Contact office:
Marshall, Mahon Building.
Mount Pleasant, 101 West Fourth Street.
New Boston, U. S. Office Building.
Tyler, Post Office Building.
Regional office: Houston 2, Federal Office Building.
Contact office:
Angleton, County Court House.
Brenham, 105 East Main Street.
Galveston, 25th and Church Streets.
Huntsville, 1019½ Twelfth Street.
Goose Creek, 114 North Ashbel Street.
Wharton, 101 Burleson Street.
Subregional office: Beaumont, 450 Tevis Street.
Contact office:
Lufkin, Lufkin National Bank Building.
Orange, 116 Market Street.
Port Arthur, Post Office Building.
Regional office: Lubbock, Lubbock Army Air Field.
Contact office:
Abilene, 104 Pine Street.
Big Spring, 116 West Second Street.
Odessa, County Court House.
San Angelo, Post Office Building.
Subregional office: Amarillo, Oliver-Eakle Building.
Contact office: Childress, County Court House.
Subregional office: El Paso, 109 North Oregon Street.
Contact office: Pecos, 243 South Oak Street.
Regional office: San Antonio 5, 102 West Crockett Street.
Contact office:
Del Rio, Post Office Building.
Luling, 203 South Laurel Avenue.
Subregional office: Corpus Christi, 400 Peoples Street.
Contact office:
Harlingen, 210 East Harrison Street.
Laredo, Post Office Building.
Victoria, Federal Building.
Weslaco, 516 Texas Avenue.
Center (Regional office and hospital): Waco, Veterans' Administration Center.
Contact office:
Austin 15, 106 East Sixth Street.
Brownwood, 200 East Baker Street.
Bryan, City Hall.
Corsicana, 101 North Beaton Street.
Georgetown, 114 East Eighth Street.
Cameron, 206 North Central Street.
Mexia, Kendrick Building.
Palestine, Post Office Building.
Stephenville, Farmers National Bank Building.
Temple, First State Bank Building.
Hospital:
Amarillo, Veterans' Administraiton Hospital.
Dallas 2, Veterans' Administration Hospital.
Legion (near Kerrville), Veterans' Administration Hospital.
McKinney, Veterans' Administration Hospital.
Temple, Veterans' Administration Hospital.

§ 01.70 *Branch No. 11 Area (Alaska, Idaho, Montana, Oregon, Washington).* (a) Address of Branch Office No. 11: Deputy Administrator, Veterans' Administration Branch Office No. 11, 821 Second Avenue, Seattle 4, Wash.

(b) This is a guide to the location of all VA regional offices and centers, subregional offices and contact offices thereunder, and hospitals, in branch No. 11 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

ALASKA

Type of Activity, Location, and Address

Regional office, Juneau, Goldstein Building (P. O. Box 2629). (All mail, including C-files, to be sent air mail.)
Contact office: Ketchikan, Commercial Building (P. O. Box 2621).
Subregional office: Anchorage, Post Office Box 1399, Federal Building.
Contact office: Fairbanks, Federal Building.

IDAHO

Regional office: Boise, National Guard Barracks Building.
Contact office:
Blackfoot, 202 West Bridge Street.
Boise, City Hall.
Burley, Albion and Third Streets.
Idaho Falls, Post Office Building.
Nampa, Post Office Building.
Pocatello, Post Office Building.
Preston, Post Office Building.
Twin Falls, 102 Main Avenue South.
Weiser, Post Office Building
Subregional Office:[1] Moscow, 113 South Main Street.
Contact office:
Coeur d'Alene, Post Office Building.
Grangeville, Riggs Building, 210 Main Street.
Kellogg, Hutton Building.
Lewiston, Weisgerber Building.
Sandpoint, Post Office Building.
Center (hospital and domiciliary), Boise, Veterans' Administration Center.

MONTANA

Regional office: Fort Harrison, Veterans' Administration Regional Office.
Contact office:
Anaconda, 123 Main Street.
Bozeman, 2 West Main Street.
Butte, Owsley Building, Park and Main Streets.
Glasgow, 501 First Avenue South.
Great Falls, 300 Central Avenue.
Havre, Hill County Bank, 201 Third Avenue.

[1] Operating as contact office—to be activated as subregional office December 1, 1946.

Kalispell, Whipps Block, Main and Third.
Missoula, 240 North Higgins Avenue.
Subregional office:[1] Billings, Post Office Building.
Contact office:
Glendive, 100 South Merrill Avenue.
Lewistown, 604 West Main Street.
Miles City, 10 North Sixth Street.
Hospital, Fort Harrison, Veterans' Administration Hospital.

OREGON

Regional office: Portland 5, 1019 Southwest Tenth Avenue.
Contact office:
Astoria, Federal Building.
Baker, 1812 Washington Avenue.
Bend, 1010 Wall Street.
Corvallis, Smith Building, 137 South Third.
Eugene, 41 West Eighth Street.
La Grande, 1013 Adams Avenue.
McMinnville, Masonic Building, 239 Third Street.
Pendleton, 157 South Main Street.
Salem, 157 South High Street.
The Dalles, 300 East Second Street.
Subregional office: Medford, Sixth and Riverside Avenue.
Contact office:
Grants Pass, 115 North Sixth Street.
Klamath Falls, Court House Building, Fourth and Main.
Marshfield (Coos Bay), Hall Building.
Hospital:
Portland, Veterans' Administration Hospital.
Roseburg, Veterans' Administration Hospital.

WASHINGTON

Regional office: Seattle 4, Federal Office Building.
Contact office:
Aberdeen, Finch Building, Heron and H Streets.
Bellingham, 314 East Holly Street.
Bremerton, 211 Second Avenue.
Centralia, Post Office Building.
Everett, 2829 Rockefeller.
Longview, Post Office Building.
Mount Vernon, Hayton Building, Second and Montgomery.
Olympia, County Courthouse.
Port Angeles, 124 South Lincoln Street.
Tacoma, Jones Building, 909 Broadway.
Vancouver, 504 Washington Street.
Wenatchee, Chelan County Courthouse.
Yakima, 32 North Third Street.
Subregional office: Spokane 8, Hutton Building, Sprague and Washington Streets.
Contact office:
Colfax, Courthouse Building.
Omak, City Hall.
Pullman, Services Building, State College.
Richland, P. O. Box 1101, American Legion Building (temporary).
Hospital:
American Lake, Veterans' Administration Hospital.
Walla Walla, Veterans' Administration Hospital.

§ 01.71 *Branch Office No. 12 Area (Arizona, California, Nevada, Territory of Hawaii).* (a) Address of Branch Office No. 12: Deputy Administrator, Veterans' Administration Branch Office No. 12, 180 New Montgomery Street, San Francisco 5, California.

(b) This is a guide to the location of all VA Regional Offices and Centers, the Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 12 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

ARIZONA

Type of Activity, Location, and Address

Regional office: Phoenix, 132 North Second Avenue.
Contact office:
Douglas, 433 Tenth Street.
Flagstaff, Arizona State College.
Globe, 106 North Broad Street.
Tucson, Greenway.
Yuma, 198 Main Street.
Hospital:
Phoenix, Veterans' Administration Hospital.
Tucson, Veterans' Administration Hospital.
Center (Hospital and Domiciliary), Whipple, Veterans' Administration Center.

CALIFORNIA

Regional office: Los Angeles 25, 1380 Sepulveda Boulevard.
Contact office:
Pasadena, 137 North Marengo Avenue.
Pomona, 440 South Thomas Street.
Subregional office: Bakersfield, 1100 Golden State Avenue.
Contact office: Bishop, 127 West Lime Street.
Subregional office: Long Beach, 215 American Avenue.
Contact Office: Santa Ana, 104 West Fourth Street.
Subregional Office: San Bernardino, 1120 North "E" Street.
Contact office:
Las Vegas, Nev., 209 South Third Street.
Riverside, 9th and Orange Streets.
Subregional office: Santa Barbara, 735 State Street.
Contact office:
San Luis Obispo, California Polytechnic School.
Santa Maria, 125 West Church Street.
Regional office: San Diego, Post Office Box 1111 (Telegraphic Address: 325 B Street).
Contact office:
El Centro, 6th and Main Streets.
Oceanside, 122 North Cleveland Street.
San Diego 1, 1017 First Avenue.
Regional office: San Francisco 3, 49 Fourth Street.
Contact office:
Redwood City, 2000 Broadway.
San Mateo, 30 "B" Street.
San Rafael, Masonic Building, Lootins Place.
Subregional office:[2]
Eureka, Court House Building.
Fresno 1, 2145 Fresno Street.
Contact office:
Madera, Bank Building, 200 East Yosemite.
Merced, 709 Seventeenth Street.
Subregional office: Oakland, 1305 Franklin Street.
Cadet office:
Berkley 4, 2168 Shattuck Avenue.
Richmond, 4113 MacDonald Avenue.
Subregional office:[1] Redding, 1407 California Street.
Contact office: Red Bluff, 644 Main Street.
Subregional office:[2] Sacramento, 1107 Ninth Street.
Contact office:
Chico, 345 Fifth Street.
Marysville, U. S. Employment Service, 321 "C" Street.
Vallejo, 515 Main Street.
Subregional office:[1] San Jose, 234 South First Street.
Contact office:
Monterey, 559 Pacific Street.
Palo Alto, Room D, Community Center Building.
Salinas, 6 West Gabilan Street.
Santa Cruz, 4 Branceforte and Soquel Avenue.
Watsonville, Veterans' Memorial Building, 315 Third Street.
Subregional office:[2] Santa Rosa, Rosenberg Building.
Contact office: Ukiah, 102 South State Street.
Subregional office:[2] Stockton, 237 East Miner Avenue.
Contact Office: Modesto, 901 "I" Street.
Hospital: Livermore, Veterans' Administration Hospital.
Center (Hospital and Domiciliary), Los Angeles 25, Sawtelle and Wilshire Boulevards.
Hospital:
Oakland 12, Thirteenth and Harrison Streets.
Palo Alto, Veterans' Administration Hospital.
San Fernando, Veterans' Administration Hospital.
San Francisco 21, Veterans' Administration Hospital.
Van Nuys, Veterans' Administration Hospital.
Supply Depot: Wilmington, Post Office Box No. 385.

NEVADA

Center (Regional office and Hospital), Reno, Veterans' Administration Center.
Contact office:
Elko, 470 Commercial Street.
Ely, 612 Aultman Street.
Susanville, Calif., 822 Lassen Street.
Winnemucca, 345 Bridge Street.

TERRITORY OF HAWAII

Regional office: Honolulu 1, Post Office Box 3198 (All mail to be sent air mail; C-files by registered regular mail; radios: Bethel at King Street).
Contact office:
Hilo, Hawaii, Post Office Box 1779 (Post Office Building).
Lihue, Kauai, Post Office 508 (National Guard Armory).
Wailuku, Maui, Post Office Box 1731 (National Guard Armory).

§ 01.72 *Branch No. 13 Area (Colorado, New Mexico, Utah, Wyoming).* (a) Address of Branch Office No. 13: Deputy Administrator, Veterans' Administration Branch Office No. 13, Denver Federal Center (P. O. Box 1260), Denver 1, Colorado.

(b) This is a guide to the location of all VA Regional Offices and Centers, the Subregional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 13 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

COLORADO

Type of Activity, Location, and Address

Regional office: Denver, 1108 Fifteenth Street.
Contact office:
Boulder, 1424 Pearl Street.
Colorado Springs, 121 East Pikes Peak Avenue.
Fort Collins, 125 Linden Street.
Grand Junction, 308½ Main Street.
Greeley, Twelfth Street and Eleventh Avenue.
Sterling, Post Office Building.
Subregional office: Pueblo, 120 North Main Street.
Contact office:
Alamosa, 624 Fourth Street.
Durango, 1078 Main Avenue.
Trinidad, 108 South Commercial Street.
Hospital:
Fort Logan, Veterans' Administration Hospital.
Fort Lyon (near Las Animas, Bent County), Veterans' Administration Hospital.
Supply depot, Denver 5, 3800 York Street.

NEW MEXICO

Regional office: Albuquerque, 115 South Third Street. (For mail: P. O. Box 527.)
Contact office:
Albuquerque, 400 West Gold Street.
Carlsbad, County Courthouse.
Clovis, County Courthouse.
Gallup, 300 West Hill Street.
Las Cruces, West Wing, County Courthouse.
Las Vegas, Post Office Building.
Raton, Post Office Building.
Roswell, City Hall.
Santa Fe, State Supreme Court Building.
Hospital:
Albuquerque, Post Office Box 1344.
Fort Bayard (near Silver City, Grant County, Veterans' Administration Hospital.

UTAH

Regional office: Salt Lake City 4, 1710 South Redwood Road.
Contact office:
Beaver, 815 North Main Street.
Logan, Thatcher Building, 33 South Main Street.
Manti, Manti Grocery Building.
Ogden, 2411 Kiesel Avenue.
Price, Post Office Building.
Provo, 287 East First North Street.
Richfield, 112 North Main Street.
Roosevelt, Shurtleff Hotel.
Salt Lake City 1, 212 Southwest Temple Street.
Hospital: Salt Lake City 3, Veterans' Administration Hospital.

WYOMING

Center (Regional office and hospital): Cheyenne, Veterans' Administration Center.
Contact office:
Laramie, Merica Hall, University of Wyoming.
Torrington, County Court House, 216 East Twenty-first Street.
Rock Springs, 307 C Street.
Worland, County Court House.
Subregional office: Casper, 124 West Second Street.
Contact office:
Gillette, Post Office Box 712, 444 Gillette Avenue.
Sheridan, City Hall.
Hospital: Sheridan, Veterans' Administration Hospital.

(Sec. 12, 60 Stat. 244)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

[F. R. Doc. 47-1019; Filed, Feb. 3, 1947; 8:53 a. m.]

[1] Operating as contact office—to be activated as subregional office in Polytechnic Institute in November, 1946.

[2] Now operating as a contact office.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR-47-5]

AMENDMENTS TO REGULATIONS

A notice regarding the proposed changes in the regulations for smoke detecting systems and for the construction or material alteration of passenger vessels of 100 gross tons and over was published in the FEDERAL REGISTER dated September 27, 1946 (11 F. R. 11014), and a public hearing was held by the Merchant Marine Council on October 22, 1946, at Washington, D. C. All the written and oral comments and suggestions were considered by the Merchant Marine Council and where practicable incorporated into the amendments to the regulations.

By virtue of the authority vested in me the following amendments to the regulations are prescribed which shall become effective on the thirty-first day after the date of publication of this order in the FEDERAL REGISTER:

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 61—FIRE APPARATUS; FIRE PREVENTION

Part 61 is amended by adding a new § 61.01, to immediately precede § 61.1, reading as follows:

§ 61.01 *Basis and purpose of regulations.* By virtue of the authority vested in the Commandant of the Coast Guard under section 101 of the Reorganization Plan No. 3 of 1946 (11 F. R. 7875), R. S. 4405, 4426, 4470, 4471, 4477, and 4479, as amended, Act of June 20, 1936, section 2 of Act of October 9, 1940, and section 5 (e) of Act of June 6, 1941 (46 U. S. C. 367, 375, 404, 463, 463a, 464, 471, 472; 50 U. S. C. 1275), the regulations in this part are prescribed to provide adequate means for detecting, preventing, or fighting of fires on board vessels subject to these regulations in accordance with the intent of the various statutes on fire apparatus or fire prevention and to obtain their correct and uniform administration. (R. S. 4405, 4426, 4470, 4471, 4477, and 4479, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 404, 463, 463a, 464, 471, 472; 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Section 61.17 (c) is amended to read as follows:

§ 61.17 *Fire-detecting and automatic sprinking systems.* * * *

(c) *Smoke-pipe systems*—(1) *Scope of installations.* Systems of this type shall provide a detecting device to which all smoke pipes shall lead, which device shall be located in the wheelhouse, in a fire control station in which a 24-hour watch is kept, or in convenient proximity to the valves of the extinguishing system, provided there are transmitted to the wheelhouse or fire control station means for determining the compartment reporting the alarm and audible alarms are provided as required in this section.

(2) *Construction and installation.* (i) The detecting device shall be such that finely divided and diluted particles of smoke shall be readily indicated visually. The lighting arrangement shall be such as not to be disturbing to navigation at night. For new installations on vessels of over 5,000 gross tons or where installations are not made in the wheelhouse or fire control station, this device shall be provided with an audible alarm in the wheelhouse together with an auxiliary audible alarm located in the engine room.

(ii) Smoke collectors shall be installed overhead in each compartment protected and shall be so located that no point on the overhead deck is more than 40 feet from a collector. The indicating pipes or tubing shall be not smaller than three-fourths inch inside diameter. When more than one smoke collector is required for a compartment, not more than two collectors may be connected to one indicating pipe. Each compartment shall have one or more indicating pipes extending to the detecting device, except that the pipes from small adjacent compartments not exceeding a combined volume of 5,000 cubic feet may be joined. No smoke collectors shall be located nearer to the edge of the opening of a ventilator than three times the diameter or equivalent diameter of the opening.

(iii) Sufficient quantity of the exhaust shall discharge into the wheelhouse or fire station to permit the detection of fire by odor, and a valve plainly marked and readily operable from that compartment shall be provided to direct the exhaust, if obnoxious, to the outside. Where the detecting cabinet is not installed in the wheelhouse or fire station the residual exhaust shall be discharged in the vicinity of the detecting cabinet.

(iv) Suction fans shall be furnished in duplicate, and shall be provided with switches to permit their operation from the emergency lighting circuit. Where the emergency lighting voltage is less than the normal lighting voltage, one fan shall be so arranged that it may be operated from either source.

(v) A trouble signal located in the fire control station or the wheelhouse shall be provided which will indicate the inability of the system to report a smoke alarm.

(vi) Where exposed to injury in cargo compartments the collectors and smoke pipes shall be reasonably protected against injury.

(vii) All smoke pipes shall be installed to grade to low points and at low points provided with drains. These pipes shall be run with as easy bends as practicable.

(viii) The smoke inlets in cargo holds should be examined periodically by the ship's personnel to determine whether inlets are obstructed by corrosion, paint, dust, or other extraneous condition. Smoke tests should be made in all holds and the operation of the system noted.

Subchapter H—Great Lakes: General Rules and Regulations

PART 77—FIRE APPARATUS; FIRE PREVENTION

Part 77 is amended by adding a new § 77.01, to immediately precede § 77.1, reading as follows:

§ 77.01 *Basis and purpose of regulations.* (See § 61.01 of this chapter, which is identical with this section.)

Section 77.17 (c) is amended to read as follows:

§ 77.17 *Fire-detecting and automatic sprinkling systems.* (See § 61.17 of this chapter, as amended, which is identical with this section.)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 95—FIRE APPARATUS; FIRE PREVENTION

Part 95 is amended by adding a new § 95.01, to immediately precede § 95.1, reading as follows:

§ 95.01 *Basis and purpose of regulations.* (See § 61.01 of this chapter, which is identical with this section.)

Section 95.16 (c) is amended to read as follows:

§ 95.16 *Fire-detecting and automatic sprinkling systems.* (See § 61.17 of this chapter, as amended, which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 114—FIRE APPARATUS; FIRE PREVENTION

Part 114 is amended by adding a new § 114.01, to immediately precede § 114.1, reading as follows:

§ 114.01 *Basis and purpose of regulations.* (See § 61.01 of this chapter, which is identical with this section.)

Section 114.17 (c) is amended to read as follows:

§ 114.17 *Fire-detecting and automatic sprinkling systems.* (See § 61.17 of this chapter, as amended, which is identical with this section.)

(R. S. 4405, 4470, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244, 46 U. S. C. 367, 375, 463, 463a; 50 U. S. C. and Sup. 1275; sec. 101, Reorg. Plan No. 3 of 1946; 11 F. R. 7875)

Subchapter M—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery

PART 144—CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

Part 144 is hereby canceled and the following regulations are issued in its stead:

Sec.
144.01 Basis and purpose of regulations.
144.03 Vessels to which applicable.
144.05 Procedure for plan approval.
144.07 Definitions.
144.09 Type, location and construction of fire control bulkheads and decks.
144.11 Ceilings, linings, trim, and decorations in accommodation spaces and safety areas.
144.13 Escapes.
144.15 Doors.
144.17 Windows.
144.19 Hatch covers and shifting boards.
144.21 Heat and refrigeration insulation.
144.23 Paint.
144.25 Ventilation.
144.27 Furniture and furnishings.
144.29 Alternate materials.

NOTE: The even numbers have not been used to allow for future expansion, if necessary.

AUTHORITY: §§ 144.01 to 144.29, inclusive, issued under sec. 5, 49 Stat. 1384, and sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 46 U. S. C. 369, 463a, 50 U. S. C. and Sup. 1275, 46 U. S. C. 1, Reorg. Plan No. 3 of 1946; 11 F. R. 7875.

§ 144.01 *Basis and purpose of regulations.* By virtue of the authority vested in the Commandant of the Coast Guard under section 101 of the Reorganization Plan No. 3 of 1946 (11 F. R. 7875), section 5 of Act of May 27, 1936, section 2 of Act of October 9, 1940, and section 5 of Act of June 6, 1941 (46 U. S. C. 369, 463a, 50 U. S. C. 1275), the regulations in this part are prescribed for the guidance of builders in constructing new passenger vessels or in making alterations in existing passenger vessels or in converting existing vessels to passenger vessels, showing the safety and fire prevention characteristics which will meet the approval of the Commandant, so that the vessels, when built or altered, as the case may be, can be navigated with safety to those on board.

§ 144.03 *Vessels to which applicable.* (a) The regulations of this part shall be applicable to the following vessels of 100 gross tons and over propelled by machinery:

(1) New passenger vessels.

(2) Existing passenger vessels upon which material alterations are to be performed.

(3) Existing vessels being converted to passenger vessels.

§ 144.05 *Procedure for plan approval.* Triplicate copies of general contract plans and specifications and of all other matter of a similar nature for all vessels shall be submitted through the Commander of the Coast Guard District in which the work is to be carried out, or of the District in which the design is being prepared if the place of building or conversion has not been decided upon, to the Commandant of the Coast Guard for his approval before the construction or material alteration shall be commenced, to enable him to determine that any such vessel or vessels, when built or altered, as the case may be, can be navigated with safety to those on board. In case the Commandant shall disapprove such plans and specifications, the person or persons submitting the same will be apprised thereof, together with the reasons for such disapproval, and advised of the amendments necessary to secure such approval. After the plans and specifications have been approved by the Commandant, no changes or alterations shall be made therein unless resubmitted in accordance with the procedure above outlined and approved by the Commandant.

§ 144.07 *Definitions.* (a) "Safety areas" will be considered as including the following spaces:

(1) Control stations, i. e. those spaces in which a continuous watch is maintained and in which navigating, radio, or fire control equipment is located.

(2) Passenger and crew stairway and elevator inclosures.

(3) Passenger and crew communicating corridors.

(4) Open decks and inclosed promenades in way of lifeboat embarkation or lowering positions.

(b) "Accommodation spaces" will be considered as including the following spaces:

(1) Public spaces, including halls, dining rooms, mess rooms, lounges, cafes, salesrooms, and other similar spaces normally accessible during the voyage.

(2) Staterooms, including passenger and crew rooms, barber shops, beauty parlors, offices, dispensaries, etc.

(3) Washrooms and toilet spaces, both public and private.

(4) Isolated lockers and small storerooms.

(5) Isolated serving pantries, etc., with incombustible furnishings.

(c) "Service spaces" will be considered as including the following spaces:

(1) Motion picture booths and film lockers.

(2) Galleys, main pantries, and storerooms, including working alleyways and stairs, not necessarily inclosed, for the exclusive use of such spaces.

(3) Work shops, laundries, mail and baggage rooms, etc.

(d) "Machinery spaces" will be considered as including the following spaces:

(1) Main and auxiliary machinery spaces, including trunks and casings, fuel oil filling stations, and working alleyways, gratings, and stairways, not necessarily inclosed, for the exclusive use of these spaces.

(2) Fuel tanks.

(3) Isolated fan and resistor rooms containing ventilation or air conditioning machinery, resistors, etc., only.

(e) "Cargo spaces" will be considered as including the following spaces:

(1) Cargo holds and trunks, both accessible and inaccessible and including refrigerated cargo spaces and cargo oil tanks.

(f) "Miscellaneous spaces" will be considered as including the following spaces:

(1) Water tanks and voids.

(2) Open decks and inclosed promenades except in way of lifeboat embarkation and lowering positions.

(g) A "standard fire test" is one which develops in the test furnace a series of time-temperature relationships as follows:

5 minutes—1,000° F.
10 minutes—1,300° F.
30 minutes—1,550° F.
60 minutes—1,700° F.

(h) "Main vertical zones" are those sections, the mean length of which does not exceed 131 feet, into which the hull and superstructure are required to be divided by fire-resisting bulkheads.

(i) "Horizontal zones" are those sections which are bounded by the main vertical zone bulkheads, the shell, and by any two decks or by a tank top and an adjacent deck, where such decks are intact to shell and bulkheads.

(j) Where the term "steel or other equivalent metal" is used in this part, it is intended to require a material which, by itself or due to insulation provided, has structural and integrity qualities equivalent to steel at the end of the applicable fire exposure.

§ 144.09 *Type, location and construction of fire control bulkheads and decks.* (a) The hull, structural bulkheads, decks, and deckhouses shall be constructed of steel or other equivalent metal construction of appropriate scantlings.

(b) The hull and superstructure shall be subdivided by suitable structural steel or other equivalent metal bulkheads into main vertical zones, the mean length of which shall not exceed 131 feet.

(c) All bulkheads and decks shall be classed as A-60, A-30, A-15, A-0, B-15, B-0, or C, depending upon the type of space on each side of the bulkhead or above and below the deck.

(1) Bulkheads or decks of the "A" Class shall be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel, such as shell, structural bulkheads, and decks. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame for one hour. In addition, they shall be so insulated with approved structural insulation, bulkhead panels, or deck covering that the average temperature on the unexposed side would not rise more than 250 degrees F. above the original temperature, nor would the temperature at any one point rise more than 325 degrees F. above the original temperature, within the time listed below:

Class A-60—60 minutes.
Class A-30—30 minutes.
Class A-15—15 minutes.
Class A-0—0 minutes (i. e., no insulation requirements).

(2) Bulkheads of the "B" Class shall be constructed with approved incombustible materials and made intact from deck to deck (or to ceiling, as provided in paragraph (h) of this section) and to shell or other boundaries. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame for one half hour. In addition, their insulation value shall be such that the average temperature of the unexposed side would not rise more than 250 degrees F. above the original temperature, nor would the temperature at any one point rise more than 325 degrees F. above the original temperature, within the time listed below:

Class B-15—15 minutes.
Class B-0—0 minutes (i. e., no insulation requirements).

(3) Class C bulkheads or decks shall be constructed of approved incombustible materials, but need meet no requirements relative to the passage of flame nor the limiting of temperature rise.

(d) The minimum requirements for the bulkheads between the various spaces, where such bulkheads form the boundaries of main vertical zones, shall be as noted in Figure 144.09 (d).

(e) The minimum requirements for the bulkheads between the various spaces, where such bulkheads do not form the boundaries of main vertical zones, shall be as noted in Figure 144.09 (e).

(f) The minimum requirements for the decks between the various spaces, where such decks form the boundaries of stepped main vertical zones, shall be as noted in Figure 144.09 (f).

(g) The minimum requirements for the decks between the various spaces, where such decks do not form the boundaries of stepped main vertical zones, shall be as noted in Figure 144.09 (g).

This space → / Adjacent to this space ↓

	Control stations	Stairways and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible furnishings, veneers, trim, drapes, rugs, etc.	Staterooms and public spaces under 500 square feet with incombustible furnishings	Public spaces from 500 square feet to 3,000 square feet with incombustible furnishings	Public spaces over 3,000 square feet with incombustible furnishings	Staterooms and public spaces under 500 square feet with combustible furnishings and isolated storerooms	Public spaces from 500 square feet to 3,000 square feet with combustible furnishings	Public spaces over 3,000 square feet with combustible furnishings	Washrooms, toilet spaces and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms and workshops	Motion-picture booths and film lockers	Machinery spaces	Fuel tanks	Isolated fan rooms	Cargo spaces and cargo oil tanks	Water tanks and voids	Open decks and enclosed promenades (not safety area)
Control stations	A-60	A-30	A-30	A-0	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-60	A-60	A-60	A-60	A-15	A-60	A-0	A-0
Stairways and elevator enclosures	-----	A-0	A-0	A-0	A-0	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-60	A-60	A-60	A-60	A-15	A-60	A-0	A-0
Corridors	-----	-----	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-30	A-0	A-0	A-0	A-0	A-0	A-0
Lifeboat embarkation or lowering stations	-----	-----	-----	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C
Staterooms and all public spaces with incombustible furnishings, veneers, trim, drapes, rugs, etc.	-----	-----	-----	-----	A-15	A-15	A-15	A-15	A-15	A-15	A-15	A-0	A-30	A-30	A-30	A-30	A-0	A-30	A-0	A-0
Staterooms and public spaces under 500 square feet with incombustible furnishings	-----	-----	-----	-----	-----	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-30	A-60	A-30	A-30	A-0	A-30	A-0	A-0
Public spaces from 500 square feet to 3,000 square feet with incombustible furnishings	-----	-----	-----	-----	-----	-----	A-60	A-60	A-60	A-60	A-60	A-0	A-60	A-60	A-60	A-60	A-0	A-60	A-0	A-0
Public spaces over 3,000 square feet with incombustible furnishings	-----	-----	-----	-----	-----	-----	-----	A-60	A-60	A-60	A-60	A-0	A-60	A-60	A-60	A-60	A-0	A-60	A-0	A-0
Staterooms and public spaces under 500 square feet with combustible furnishings and isolated storerooms	-----	-----	-----	-----	-----	-----	-----	-----	A-60	A-60	A-60	A-0	A-60	A-60	A-60	A-60	A-0	A-60	A-0	A-0
Public spaces from 500 square feet to 3,000 square feet with combustible furnishings	-----	-----	-----	-----	-----	-----	-----	-----	-----	A-60	A-60	A-0	A-60	A-60	A-60	A-60	A-0	A-60	A-0	A-0
Public spaces over 3,000 square feet with combustible furnishings	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A-60	A-0	A-60	A-60	A-60	A-60	A-0	A-60	A-0	A-0
Washrooms, toilet spaces, and isolated pantries with incombustible fittings	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Galleys, main pantries, storerooms and workshops	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Motion picture booths and film lockers	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A-0	A-60	A-0	A-0	A-0	A-0	A-0
Machinery spaces	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A-0	A-0	A-0	A-0	A-0	A-0
Fuel tanks	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A-0	A-0	A-0	A-0	A-0
Isolated fan rooms	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A-0	A-0	A-0	A-0
Cargo spaces and cargo oil tanks	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A-0	A-0	A-0
Water tanks and voids	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	A-0	A-0
Open decks and enclosed promenades (not safety area)	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	C

FIGURE 144.09 (d). *Bulkheads forming part of a main vertical zone bulkhead.*

This space → / Adjacent to this space ↓	Control stations	Stairways and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible furnishings, veneers, trim, drapes, rugs, etc.	Staterooms and public spaces under 500 square feet with incombustible furnishings	Public spaces from 500 square feet to 3,000 square feet with incombustible furnishings	Public spaces over 3,000 square feet with incombustible furnishings	Staterooms and public spaces under 500 square feet with combustible furnishings and isolated storerooms	Public spaces from 500 square feet to 3,000 square feet with combustible furnishings	Public spaces over 3,000 square feet with combustible furnishings	Washrooms, toilet spaces and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms and workshops	Motion-picture booths and film lockers	Machinery spaces	Fuel tanks	Isolated fan rooms	Cargo spaces and cargo oil tanks	Water tanks and voids	Open decks and enclosed promenades (not safety area)
Control stations	B-15	A-15	A-15	A-0	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-60	A-30	A-60	A-60	A-15	A-60	A-0	A-0
Stairways and elevator enclosures	.....	C	A-0	A-0	A-0	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-60	A-15	A-60	A-60	A-0	A-60	A-0	A-0
Corridors	.....	.....	C	A-0	B-0	B-0	A-0	A-0	B-15	A-0	A-0	B-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Lifeboat embarkation or lowering stations	.....	.....	.....	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C
Staterooms and all public spaces with incombustible furnishings, veneers, trim, drapes, rugs, etc.	.....	.....	.....	.....	B-0	B-0	A-15	A-15	B-15	A-15	A-15	B-0	A-15	A-15	A-15	A-0	A-0	A-15	A-0	A-0
Staterooms and public spaces under 500 square feet with incombustible furnishings	.....	.....	.....	.....	.....	B-0	A-15	A-30	B-15	A-30	A-60	B-0	A-30	A-15	A-30	A-30	A-0	A-30	A-0	A-0
Public spaces from 500 square feet to 3,000 square feet with incombustible furnishings	.....	.....	.....	.....	.....	.....	A-30	A-30	A-30	A-30	A-60	B-0	A-60	A-15	A-60	A-60	A-0	A-60	A-0	A-0
Public spaces over 3,000 square feet with incombustible furnishings	.....	.....	.....	.....	.....	.....	.....	A-60	A-60	A-60	A-60	B-0	A-60	A-15	A-60	A-60	A-0	A-60	A-0	A-0
Staterooms and public spaces under 500 square feet with combustible furnishings and isolated storerooms	.....	.....	.....	.....	.....	.....	.....	.....	B-15	A-30	A-60	B-0	A-60	A-15	A-60	A-60	A-0	A-60	A-0	A-0
Public Spaces from 500 square feet to 3,000 square feet with combustible furnishings	.....	.....	.....	.....	.....	.....	.....	.....	.....	A-30	A-60	B-0	A-60	A-15	A-60	A-60	A-0	A-60	A-0	A-0
Public spaces over 3,000 square feet with combustible furnishings	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	A-60	B-0	A-60	A-15	A-60	A-60	A-0	A-60	A-0	A-0
Washrooms, toilet spaces and isolated pantries with incombustible fittings	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Galleys, main pantries, storerooms and workshops	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	C	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Motion picture booths and film lockers	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	A-15	A-15	A-15	A-15	A-15	A-0	A-0
Machinery spaces	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	C	A-0	A-0	A-0	A-0	A-0
Fuel tanks	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	A-0	A-0	A-0	A-0	A-0
Isolated fan rooms	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	C	A-0	A-0	A-0
Cargo spaces and cargo oil tanks	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	A-0	A-0	A-0
Water tanks and voids	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	A-0	A-0
Open decks and enclosed promenades (not safety area)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	C

FIGURE 144.09 (e). *Bulkheads not forming part of a main vertical zone bulkhead.*

This space above → / This space below ↓	Control stations	Stairways and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible furnishings, veneers, trim, drapes, rugs, etc.	Staterooms and public spaces under 500 square feet with incombustible furnishings	Public spaces from 500 square feet to 3,000 square feet with incombustible furnishings	Public spaces over 3,000 square feet with incombustible furnishings	Staterooms and public spaces under 500 square feet with combustible furnishings and isolated storerooms	Public spaces from 500 square feet to 3,000 square feet with combustible furnishings	Public spaces over 3,000 square feet with combustible furnishings	Washrooms, toilet spaces and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms and workshops	Motion-picture booths and film lockers	Machinery spaces	Fuel tanks	Isolated fan rooms	Cargo spaces and cargo oil tanks	Water tanks and voids	Open decks and enclosed promenades (not safety area)
Control stations	A-60	A-60	A-30	A-0	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Stairways and elevator enclosures	A-15	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Corridors	A-30	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-15	A-0	A-15	A-30	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Lifeboat embarkations or lowering station	A-60	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C
Staterooms and all public spaces with incombustible furnishings, veneers, trim, drapes, rugs, etc.	A-30	A-30	A-15	A-0	A-15	A-15	A-15	A-30	A-15	A-30	A-30	A-0	A-0	A-30	A-0	A-0	A-0	A-0	A-0	A-0
Staterooms and public spaces under 500 square feet with incombustible furnishings	A-60	A-30	A-15	A-0	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces from 500 square feet to 3,000 square feet with incombustible furnishings	A-60	A-60	A-30	A-15	A-15	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces over 3,000 square feet with incombustible furnishings	A-60	A-60	A-60	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Staterooms and public spaces under 500 square feet with combustible furnishings and isolated storerooms	A-60	A-60	A-30	A-15	A-15	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces from 500 square feet to 3,000 square feet with combustible furnishings	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces over 3,000 square feet with combustible furnishings	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Washrooms, toilet spaces and isolated pantries with incombustible fittings	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Galleys, main pantries, storerooms and workshops	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Motion picture booths and film lockers	A-60	A-60	A-60	A-60	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-0
Machinery spaces	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Fuel tanks	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Isolated fan rooms	A-15	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Cargo spaces and cargo oil tanks	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Water tanks and voids	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Open decks and enclosed promenades (not safety area)	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C

FIGURE 144.09 (f). *Decks forming part of a stepped main vertical zone bulkhead.*

This space above → / This space below ↓	Control stations	Stairways and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible furnishings, veneers, trim, drapes, rugs, etc.	Staterooms and public spaces under 500 square feet with incombustible furnishings	Public spaces from 500 square feet to 3,000 square feet with incombustible furnishings	Public spaces over 3,000 square feet with incombustible furnishings	Staterooms and public spaces under 500 square feet with combustible furnishings and isolated storerooms	Public spaces from 500 square feet to 3,000 square feet with combustible furnishings	Public spaces over 3,000 square feet with combustible furnishings	Washrooms, toilet spaces and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms and workshops	Motion picture booths and film lockers	Machinery spaces	Fuel tanks	Isolated fan rooms	Cargo spaces and cargo oil tanks	Water tanks and voids	Open decks and enclosed promenades (not safety area)
Control stations	A-30	A-30	A-15	A-0	A-0	A-0	A-15	A-15	A-15	A-30	A-60	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Stairways and elevator enclosures	A-0	C	A-0	A-0	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Corridors	A-15	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-15	A-0	A-30	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C
Lifeboat embarkation or lowering stations	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C
Staterooms and all public spaces with incombustible furnishings, veneers, trim, drapes, rugs, etc.	A-15	A-15	A-0	A-0	A-0	A-0	A-0	A-15	A-15	A-15	A-30	A-60	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0
Staterooms and public spaces under 500 square feet with incombustible furnishings	A-30	A-30	A-15	A-0	A-0	A-0	A-15	A-15	A-15	A-30	A-60	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces from 500 square feet to 3,000 square feet with incombustible furnishings	A-60	A-60	A-30	A-15	A-0	A-30	A-30	A-30	A-60	A-60	A-60	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces over 3,000 square feet with incombustible furnishings	A-60	A-60	A-60	A-15	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-30	A-0	A-0	A-0	A-0	A-0	A-0
Staterooms and public spaces under 500 square feet with combustible furnishings and isolated storerooms	A-60	A-60	A-30	A-15	A-0	A-15	A-30	A-30	A-30	A-60	A-60	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces from 500 square feet to 3,000 square feet with combustible furnishings	A-60	A-60	A-60	A-30	A-15	A-30	A-30	A-60	A-60	A-60	A-60	A-0	A-0	A-30	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces over 3,000 square feet with combustible furnishings	A-60	A-60	A-60	A-30	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-30	A-0	A-0	A-0	A-0	A-0	A-0
Washrooms, toilet spaces and isolated pantries with incombustible fittings	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Galleys, main pantries, storerooms and workshops	A-60	A-60	A-60	A-30	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Motion picture booths and film lockers	A-60	A-30	A-30	A-15	A-15	A-15	A-15	A-15	A-15	A-15	A-15	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Machinery spaces	A-60	A-60	A-60	A-30	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Fuel tanks	A-60	A-60	A-60	A-30	A-0	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Isolated fan rooms	A-15	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Cargo spaces and cargo oil tanks	A-60	A-60	A-60	A-30	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Water tanks and voids	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Open decks and enclosed promenades (not safety area)	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C

FIGURE 144.09 (g). *Decks not forming part of a stepped main vertical zone bulkhead.*

(h) Where ceilings or linings are fitted, "B" Class bulkheads, with the exception of those forming passageways, may stop at the ceiling or lining and need not continue to the deck or shell. However, draft stops shall be fitted between the ceiling or lining and the deck or shell such that the maximum fore and aft length of the inclosed space shall not exceed 66 feet.

(i) Where Class B–15 panels are used, they should be efficiently secured by steel or equivalent metal flanges offering at least $\frac{3}{4}$ inch coverage of the panel. Other equivalent methods of construction will be specifically approved by the Commandant.

(j) Any sheathing, furring, or holding pieces incidental to the securing of structural insulation shall be of approved incombustible materials.

(k) Decks within accommodation spaces and safety areas may have an overlay for leveling or finishing purposes which need not meet the requirements for an approved deck covering. Such an overlay will not be considered as giving any insulating value and may not in general exceed $\frac{3}{8}$ of an inch in thickness. Greater thicknesses may be specifically approved by the Commandant for specific locations.

(l) Rugs and carpets may be used in addition to any deck covering or overlay installed. Rugs and carpets used in stairways or corridors shall be of wool, or other material having equivalent fire-resistive qualities.

(m) Overlays within surgical operating rooms shall be of a type which is acceptably conductive in nature to prevent static discharges when heavy concentrations of ether may be present in the air.

(n) Decks in washrooms and toilet spaces, service, cargo, and machinery spaces, and open decks may have an overlay in any thickness. This overlay need not meet the requirements for an approved deck covering.

§ 144.11 *Ceilings, linings, trim, and decorations in accommodation spaces and safety areas.* (a) Ceilings and linings and any furring incidental to their erection shall be of approved incombustible materials.

(b) Class B-15 bulkhead panels may have a combustible veneer on each side not exceeding $\frac{2}{28}$ of an inch in thickness. However, combustible veneers shall not be used in passageways or stairway inclosures.

(c) The total board feet of combustible face trim, moldings, and decorations, including veneers, in any compartment shall not exceed 10% of a figure representing the total square feet of the combined walls and ceiling of the compartment. Such trim, molding, or decorations shall not perform any structural function, and shall not be used in corridors or stairway inclosures.

(d) Any partial bulkheads or decks used to subdivide a space for artistic treatment, privacy, etc., shall meet the requirements of Class C bulkheads.

§ 144.13 *Escapes.* (a) In each main vertical zone there shall be at least one stairway serving all accommodation and working spaces. Except in machinery spaces, such stairway shall be inclosed so that escape may be made from any deck to the weather or embarkation decks without coming out of the stairway inclosure. There shall also be provided an additional horizontal or emergency vertical escape from each horizontal zone in such spaces.

(b) Stairways and elevators shall be inclosed in "A" Class bulkheads and decks except as noted below:

(1) A stairway or elevator serving only two decks need not be inclosed provided the integrity of the deck is maintained by proper bulkheads or doors at one level.

(2) Stairways may be fitted in the open in a public space provided they lie wholly within such space. However, such stairways may not serve as one of the required means of escape from such space.

(c) The stringers, treads, and risers of all stairways shall be of steel or equivalent metal construction. Balustrade and trim shall be of approved incombustible materials.

(d) Elevators shall not be considered as one of the required means of escape.

§ 144.15 *Doors.* (a) Doors shall have certain required characteristics depending upon the type of bulkhead in which it is fitted and the location in which it

This space above → / This space below ↓	Control stations	Stairways and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible furnishings, veneers, trim, drapes, rugs, etc.	Staterooms and public spaces under 500 square feet with incombustible furnishings	Public spaces from 500 square feet to 3,000 square feet with incombustible furnishings	Public spaces over 3,000 square feet with incombustible furnishings	Staterooms and public spaces under 500 square feet with combustible furnishings and isolated storerooms	Public spaces from 500 square feet to 3,000 square feet with combustible furnishings	Public spaces over 3,000 square feet with combustible furnishings	Washrooms, toilet spaces and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms and workshops	Motion-picture booths and film lockers	Machinery spaces	Fuel tanks	Isolated fan rooms	Cargo spaces and cargo oil tanks	Water tanks and voids	Open decks and enclosed promenades (not safety area)
Control stations	A-60	A-60	A-30	A-0	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Stairways and elevator enclosures	A-15	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Corridors	A-30	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Lifeboat embarkations or lowering station	A-60	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C
Staterooms and all public spaces with incombustible furnishings, veneers, trim, drapes, rugs, etc.	A-30	A-30	A-15	A-0	A-15	A-15	A-15	A-30	A-15	A-30	A-30	A-0	A-0	A-30	A-0	A-0	A-0	A-0	A-0	A-0
Staterooms and public spaces under 500 square feet with incombustible furnishings	A-60	A-30	A-15	A-0	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces from 500 square feet to 3,000 square feet with incombustible furnishings	A-60	A-60	A-30	A-15	A-15	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces over 3,000 square feet with incombustible furnishings	A-60	A-60	A-60	A-15	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Staterooms and public spaces under 500 square feet with combustible furnishings and isolated storerooms	A-60	A-60	A-30	A-15	A-15	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces from 500 square feet to 3,000 square feet with combustible furnishings	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Public spaces over 3,000 square feet with combustible furnishings	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Washrooms, toilet spaces and isolated pantries with incombustible fittings	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Galleys, main pantries, storerooms and workshops	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Motion picture booths and film lockers	A-60	A-60	A-60	A-60	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-0
Machinery spaces	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Fuel tanks	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Isolated fan rooms	A-15	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Cargo spaces and cargo oil tanks	A-60	A-60	A-60	A-30	A-30	A-60	A-60	A-60	A-60	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Water tanks and voids	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Open decks and enclosed promenades (not safety area)	A-0	A-0	A-0	O	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C

FIGURE 144.09 (f). *Decks forming part of a stepped main vertical zone bulkhead.*

is used. If it is desired to use decorative doors in addition to the doors specified, they shall be constructed of incombustible materials and shall not interfere with the operation of the required doors.

(b) All doors shall be capable of being opened from either side by one person. In public spaces, stairway inclosures, etc., the door shall open in the direction of escape.

(c) Doors leading out onto open decks may be constructed of hardwood at least 1¾ inches thick. Such doors may be fitted with not more than 100 square inches of wire inserted glass retained by a metal glazing bead or angle.

(d) Doors in main vertical zone bulkheads and stairway inclosures shall be of the self-closing type, capable of closing against a list of 3½ degrees. Such doors, except those which are normally closed, shall be of a type which are capable of release from the control station and from a position at the door. The release mechanism shall be so designed as to automatically close the door in the event of disruption to the control system. Holdback hooks, or other means of permanently holding the door open not subject to control station release, will not be permitted.

(e) Doors in bulkheads required to be Class A–60, A–30, or A–15 shall meet the following requirements:

(1) The doors shall be hollow steel or other equivalent metal construction solidly filled with approved structural insulation capable of meeting the requirements for a Class A–15 bulkhead.

(2) Doors may be fitted with not more than 100 square inches of wire inserted glass retained by a metal glazing bead or angle.

(f) Doors in bulkheads required to be Class A–0 shall meet the following requirement, except as provided in paragraph (c) of this section:

(1) The doors shall be solid or hollow steel or other equivalent metal construction capable of meeting the requirements for a Class A–0 bulkhead.

(2) Doors may be fitted with not more than 100 square inches of wire inserted glass retained by a metal glazing bead or angle.

(g) Doors in bulkheads required to be Class B–15 or B–0 shall meet the following requirements:

(1) Doors may be constructed of the following materials:

(i) Hollow steel or other equivalent metal construction.

(ii) Steel or other equivalent metal frame with ¼ inch thick wire inserted glass panes retained by metal glazing bead or angle.

(iii) Solid hardwood with metal or hard asbestos veneer on both sides. Total thickness to be at least 1¼ inches.

(2) Doors may have combustible veneers on each side not to exceed 2/28 of an inch in thickness, but such veneers shall not be used on the corridor side of a door.

(3) Doors may have vent grilles not to exceed two square feet in area.

(h) Doors fitted in bulkheads required to be Class C shall be of approved incombustible materials or may be of any of the types required by paragraphs (e), (f), or (g) of this section.

§ 144.17 *Windows.* (a) All windows shall have steel or other equivalent metal frames. The glass shall be retained by a metal glazing bead or other satisfactory means which will insure the whole structure of the window being fireproof.

(b) Windows or airports opening from accommodation spaces onto safety areas, accessible open decks, or inclosed promenades, and windows within accommodation spaces shall be fitted with wire inserted glass. All other windows and airports may be fitted with clear glass.

§ 144.19 *Hatch covers and shifting boards.* (a) Wood hatch covers may be used between cargo spaces. Hatch covers in other locations shall meet the requirements for deck construction noted in § 144.09 (f) and (g).

(b) Shifting boards in tonnage openings shall be of approved incombustible materials.

§ 144.21 *Heat and refrigeration insulation.* (a) Heat insulation on bulkheads, decks, and ventilation trunks and any materials incidental to its installation shall be of approved incombustible materials.

(b) Refrigeration insulation on bulkheads, decks, and ventilation trunks and the materials incidental to its installation need not be incombustible. However, granulated cork which will pass through a ¼ inch mesh, or any other material of equal or greater combustibility, shall not be permitted.

§ 144.23 *Paint.* (a) An excessive number of coats of paint will be discouraged unless noncombustible paint is used.

(b) Nitro-cellulose or other highly flammable or noxious fume-producing paints or lacquers shall not be used.

§ 144.25 *Ventilation.* (a) Where automatic fire dampers are required, they shall be designed to operate at 165 degrees F. and shall be made accessible by means of a hinged or bolted plate in the duct. The damper and the portion of duct containing the damper shall be constructed of at least ⅛ inch steel plate suitably stiffened. No insulation need be applied to damper.

(b) Where ventilation ducts are required to meet bulkhead requirements, the space within the duct shall be considered to be the same as the space served by the ventilator, and the duct shall be insulated to meet the applicable requirements of § 144.09 (d) and (e).

(c) All ventilation systems shall be designed, where practicable, so that all ducts leading to the various inclosures are kept within the main vertical zones. No duct may serve spaces in more than one main vertical zone.

(d) Where of necessity ducts pass through main vertical zone bulkheads, automatic fire dampers shall be fitted adjacent to the bulkhead. The duct between the bulkhead and the damper shall meet the applicable bulkhead requirements.

(e) Ventilation ducts serving cargo or machinery spaces which pass through accommodation spaces or safety areas shall be fitted with an automatic fire damper adjacent to the point of entry. Between the bulkhead or deck and the damper, and in addition, on vertical ducts for a distance of six feet above the damper, the duct shall meet the applicable bulkhead requirements.

(f) Exhausts from galleys shall meet the applicable bulkhead requirements.

(g) Motion picture projection rooms shall be equipped with mechanical ventilation to the open air to produce a complete change of air every three minutes. The air inlets shall be at the bottom of the space and the mechanical exhaust shall be as near the top as practicable with the exception that a 6-inch duct shall be led directly over the lamp housing of each projector. The ventilation ducts outside the projection room shall meet the applicable bulkhead requirements. Fan motors shall either be kept clear of the path of the exhaust or shall be of the explosion proof type.

(h) Film storage lockers shall have an outlet to the open air with a total area of at least 1 square inch for each 5 pounds of film for which there is storage space. The duct shall meet the bulkhead requirements.

(i) In all ventilation systems, manually operated dampers or other suitable means shall be provided in an accessible location for shutting off the passage of air in the event of fire; however no dampers shall be placed in exhaust ducts from film lockers or projection rooms.

(j) All electrical ventilating systems shall be provided with means for stopping the motors in case of fire or other emergency. For each system there shall be provided two emergency control stations; for the machinery space ventilation, one of these two stations shall be in the fire control room or wheelhouse, and the second in the passageway just outside the main entrance door leading to the machinery space; for all other ventilating systems one of these two stations shall be in the fire control room or wheelhouse and the second shall be located as distant as practicable, except that the main bus feeding the ventilating sets may be considered as a control point. The stopping of power fans by the master control shall not prevent the restarting of an individual fan at the fan's local control. Steam powered ventilation systems shall have a remote control for the steam valve located in an accessible location outside the space affected by the ventilation system.

§ 144.27 *Furniture and furnishings.* (a) Waste paper baskets shall be constructed of approved incombustible materials and shall have solid sides.

(b) For the purpose of this part, rooms containing incombustible furniture will be considered as those rooms in which all case furniture such as desks, wardrobes, dressing tables, bureaus, dressers, etc., is constructed entirely of incombustible materials, and all free standing furniture such as chairs, tables, sofas, etc., is constructed with frames of incombustible material. Upholstery, drapes, etc., may be of combustible materials in such spaces.

(c) No combustible furniture or furnishings may be installed in corridors or stairway inclosures.

§ 144.29 *Alternate materials.* In any case where it is shown to the satisfaction of the Commandant that the use of fire retardant materials required by §§ 144.09 to 144.27, inclusive, for the construction or material alteration of any vessel is not reasonable nor practicable, the Commandant may permit the use of alternate materials to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this part.

Dated: January 24, 1947.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 47-917; Filed, Feb. 3, 1947; 8:50 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter VIII—United States Philippine War Damage Commission

PART 801—ORGANIZATION

1. Section 801.4 (11 F. R. 13317) is amended to read as follows:

§ 801.4 *Staff Planning and Policy Committee.* The Staff Planning and Policy Committee, composed of senior officers of the Commission's staff, under the direction of the Executive Director, who shall act as chairman, plans and coordinates the work of the staff of the Commission, and advises the Commission on major policy matters. The permanent members of the Staff Planning and Policy Committee are the Secretary of the Commission, the Executive Director, Chief of the Office of Administration, General Counsel, Director of Information, Director of Field Operations, Chief Examiner, and Chief Accountant.

2. Section 801.5 (11 F. R. 13317) is amended to read as follows:

§ 801.5 *Staff offices and subsidiary organizational units.* The staff offices and subsidiary organizational units shall be as follows:

(a) Office of the Secretary.
(b) Office of the Executive Director.
(c) Office of Administration.
(1) Administrative Division:
(i) Budget and Fiscal Section.
(ii) Office Services Section.
(iii) Docket, Mail, and Files Section.
(2) Personnel Division.
(d) Office of the General Counsel:
(1) Regulation and Law Advisory Division.
(2) Appeals Division.
(e) Office of Information.
(f) Office of Field Operations:
(1) Branch Offices in the Philippines.
(g) Office of the Chief Accountant.
(h) Office of the Chief Examiner:
(1) Private Property Claims Division.
(2) Public Property Claims Division.
(i) Washington Office.

PART 802—FUNCTIONS AND METHODS

Subparagraph (3) of paragraph (a), § 802.7 (11 F. R. 13319) is amended to read as follows:

§ 802.7 *Conditions and payment of private claims.* • • •

(a) *Conditions.* • • •

(3) If it is impossible for any reason beyond the control of the claimant or impracticable to rebuild, replace, or repair the lost or damaged property, the Commission must require that the whole of any payment or partial payment shall be reinvested in such manner as will further the rehabilitation or economic development of the Philippines. The Commission has determined that the following shall be considered reinvestments, and the Commission may require proof that any funds paid to claimants have been so used:

(i) Investment in any type of property similar to that which was destroyed, regardless of its location in the Philippines.

(ii) Purchase of other types of real or personal property in the Philippines for business, agricultural, or residential purposes.

(iii) The acquisition or purchase of tools or equipment in the Philippines to enable the claimant to earn a livelihood.

(iv) Investment in securities of the Republic of the Philippines or any agency or political subdivision thereof, purchased in the Philippines or from any agency or representative of the Republic of the Philippines in foreign countries.

(v) The purchase in the Philippines of the capital stock or bonds of organizations, or any partnership interest in organizations, engaged in business, production or exploitation of natural resources in the Philippines.

(vi) Any other investment in the Philippines made with the approval of the Commission.

PART 803—PUBLIC NOTICE

Part 803 has been added to the Commission's rules and regulations (11 F. R. 13317) reading as follows:

§ 803.1 *Private claims filing date.* Public notice is given pursuant to the provisions of sections 101 (c) and 103 (f) of the Philippine Rehabilitation Act of 1946 that private claims may be filed with this Commission between March 1, 1947, and February 29, 1948, inclusive. Private Claim forms Nos. 100 and 100–A, on which all such claims must be submitted in order to receive consideration, may be obtained on and after February 15, 1947, as follows:

(a) Within the United States, at the office of the Commission located in the New Interior Building, Washington, D. C.

(b) Within the Philippines, at all public school buildings throughout the Republic, or at the office of the Commission in Manila.

All claims must be filed in accordance with the provisions of § 802.4 of this chapter.

PART 815—GENERAL RULES AND REGULATIONS

Paragraphs (a) and (b) of § 815.9 (11 F. R. 13320) are amended to read as follows:

§ 815.9 *Hearings.* • • •

(a) *Application for hearing.* Within 90 days after the Commission's records show that a notice of denial of a claim, or approval for a lesser amount than claimed has been posted by the Commission, the claimant, if a hearing is desired, and as conditions precedent to the granting of such hearing, shall return to the Commission any check issued by the Commission as payment or partial payment on his said claim, shall inform the Commission in writing, and shall further set forth in such request his reasons in full for requesting the hearing, including any statement of the law or facts upon which the claimant relies. If, for good cause shown in the request, the claimant is unable to furnish such statement within the aforesaid 90 days, and shall have returned the check with his request, the claimant may request additional time, and the Commission may extend the time for such period as in its discretion appears to be reasonable. In his initial request the claimant shall state whether he desires to make an oral presentation to the Commission or its representatives. If such oral presentation in support of the claimant's position is requested, the claimant may appear on his own behalf or be represented by any person of his own choosing. If no such request for oral hearing is made, the Commission will assume that the hearing shall be confined to a review of the claim, evidence in support thereof, and any additional information the Commission or its representatives may obtain, in order to arrive at a just conclusion. Additional evidence will not be received from the claimant unless the Commission so orders.

(b) *Docket.* After receipt of a request for a hearing, accompanied by any check issued on such claim, the Commission will cause the claim to be docketed for hearing, and all proceedings with respect to such claim will be held in abeyance pending final determination by the Commission. If the claimant has requested the right to make an oral presentation, the claimant will be notified of the time and place for such presentation.

(Sec. 101 (c), Pub. Law 370, 79th Cong., 60 Stat. 128)

Approved: January 22, 1947.

[SEAL] FRANK A. WARING,
Commissioner (Chairman).
FRANCISCO A. DELGADO,
Commissioner.

[F. R. Doc. 47-1007; Filed, Feb. 3, 1947; 8:53 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51614]

CHILE AND ARABIA

"NO CONSUL" LIST

JANUARY 28, 1947.

In accordance with recommendations from the Department of State, Punta Arenas, Chile, is hereby added to, and Kuwait, Kuwait, Arabia, is hereby removed from, the "No consul" list (1946) T. D. 51400 (11 F. R. 1358), as amended.

Consular invoices covering merchandise from Punta Arenas will be accepted by collectors of customs if certified under the provisions of section 482 (f), Tariff Act of 1930.

Invoices certified after the date of publication of this decision in the weekly Treasury Decisions, covering shipments of merchandise from Kuwait shall be accepted by collectors of customs only when certified by an American consular officer, as provided in section 482 (a), Tariff Act of 1930.

[SEAL] G. H. GRIFFITH,
Acting Deputy Commissioner.

[F. R. Doc. 47-1004; Filed, Feb. 3, 1947; 8:57 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7940]

AMERICAN BOSCH CORP.

In re: Dividends on stock of American Bosch Corporation beneficially owned by Robert Bosch, G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It is hereby found that Robert Bosch, G. m. b. H., the last known address of which is Stuttgart, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. It having been found in Vesting Order Number 9, dated May 19, 1942, that 535,000 shares of the capital stock of American Bosch Corporation (a New York corporation), deposited with the City Bank Farmers Trust Company, 22 William Street, New York, New York, as agent for the Voting Trustee appointed pursuant to Voting Trust Agreement dated November 30, 1940, were the property of Nationals of a Foreign Country designated in Executive Order No. 8389, as amended, as defined therein, and such shares having been vested thereby;

3. It is hereby found that the property described as follows: That certain debt or other obligation of the National City Bank of New York, 55 Wall Street, New York, arising out of a blocked bank account entitled, "George Murnane, as Voting Trustee Pursuant to Voting Trust Agreement Dated November 30, 1940", and any and all rights to demand, enforce and collect the same,

represents a deposit made in said bank account in April 1942 on account of dividends (after the deduction of the United States Government Withholding tax) declared and paid on the stock described in sub-paragraph 2 hereof, and is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid Robert Bosch, G. m. b. H., a national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1020; Filed, Feb. 3, 1947; 8:54 a. m.]

[Vesting Order 8024]

SATSUKI SHIMA

In re: Debt owing to Satsuki Shima.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Satsuki Shima, whose last known address is Sakuraki-cho, Uyeno, Shitaya-ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Satsuki Shima, by Katagiri & Co. Incorporated, 224 East 59th Street, New York, New York, in the amount of $4,756.22, as of January 11, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1021; Filed, Feb. 3, 1947; 8:54 a. m.]

[Vesting Order 8065]

NICHOLAS BAUMGARTNER

In re: Stock and bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Nicholas Baumgartner, deceased, F-28-774-A-1, F-28-774-D-1/7, F-28-774-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Nicholas Baumgartner, deceased,

who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Nicholas Baumgartner, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of The New Britain Trust Company, New Britain, Connecticut, arising out of a checking account entitled Nicholas Baumgartner, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Nicholas Baumgartner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Par value	Certificate No.	Number of shares
The Billings & Spencer Co., 1 Laurel St., Hartford, Conn.	Connecticut	Capital	$10	8034	4
The Stanley Works, New Britain, Conn.	do	Common	25	45456	13
		Preferred	25	6600	1
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	do	100	C623851	1
Colt's Patent Fire Arms Manufacturing Co., 17 Van Dyke Ave., Hartford, Conn.	Connecticut	Common	25	A30,161	4
Revillon, Inc., 260 West 30th St., New York, N. Y.		Preferred	100	02250	2
The New Britain Machine Co., New Britain, Conn.	do	Common	(1)	C2367	2
Landers, Frary & Clark, 47 Center St., New Britain, Conn.	do	do	25	42507	13
The Hart & Cooley Company, Inc., New Britain, Conn.	do	do	25	2172	2
		do	25	3309	2

[1] No par value.

[F. R. Doc. 47-1024; Filed, Feb. 3, 1947; 8:54 a. m.]

[Vesting Order 8071]

GENKICHI KAWAMOTO

In re: Debt owing to and investment certificates owned by Genkichi Kawamoto, also known as G. Kawamoto, and Shizuko Kawamoto. F-39-1847-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Genkichi Kawamoto, also known as G. Kawamoto, and Shizuko Kawamoto, whose last known addresses are 65-1 Mitakimachi Yama, Hiroshima, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Genkichi Kawamoto, also known as G. Kawamoto, and Shizuko Kawamoto, by Ralph W. Evans, Receiver for holders of Fidelity Participating Certificates, Room 1004, William Fox Building, 608 South Hill Street, Los Angeles 14, California, in the amount of $111.43, as of November 6, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. Investment Certificate number FP 9275 of Pacific States Savings and Loan Company, 745 Market Street, San Francisco, California, a corporation organized under the laws of the State of California, registered in the names of Genkichi Kawamoto and Shizuko Kawamoto, in the sum of $1,430.64, as of March 26, 1946, together with any and all rights thereunder and thereto, and

c. Investment Certificate number PB 27349 of Pacific States Savings and Loan Company, 745 Market Street, San Francisco, California, a corporation organized under the laws of the State of California, registered in the names of Shizuko Kawamoto and G. Kawamoto, in the sum of $656.27, as of March 26, 1946, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-998; Filed, Jan. 31, 1947; 8:51 a. m.]

[Investing Order 500A-199]

COPYRIGHTS OF BALDUINPICK VERLAG, GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

or the violation of any right or the breach

otherwise dealt with in the interest of

Column 3 of said Exhibit A as the au-

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations, of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Japan, Bulgaria, Hungary, and Rumania, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following: *Provided*, That in the cases of persons who are residents of, or organized under the laws of, or have their principal places of business in, Bulgaria, Hungary, and Rumania, such right, title, interest and claim shall have been held by said persons on or before December 7, 1945:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, re-publication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

The term "national" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on September 4, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown....	Encyklopädie der Irisdiagnostik, Lehr-und Handbuch der Augendiagnose. Erkennen von Krankheiten aus der Regenbogenhaut, dem Augenhintergrund und den Anhangsgebilden des Auges. 1938.	Karl Schulte (nationality not established).	Balduinplck Verlag, Köln Germany (Nationality Geriman).	Owner.

[F. R. Doc. 47-1031; Filed, Feb. 3, 1947; 8:55 a. m.]

[Vesting Order 500A-200]

COPYRIGHTS OF JULIUS SPRINGER, GERMAN NATIONAL

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations, of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Japan, Bulgaria, Hungary, and Rumania, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following; provided, that in the cases of persons who are residents of, or organized under the laws of, or have their principal places of business in, Bulgaria, Hungary, and Rumania, such right, title, interest and claim shall have been held by said persons on or before December 7, 1945:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, re-publication translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determination and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

The term "national" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on September 26, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown....	Handbuch der Mikroskopischen Anatomie des Menschen. Vol. V, Teil III (Verdauungsaparat) 1936.	Wilhelm von Mollendorff (nationality not established).	Julius Springer, Berlin, Germany (nationality German).	Owner.

[F. R. Doc. 47-1032; Filed, Feb. 3, 1947; 8:56 a. m.]

[Vesting Order 8051]

HEINRICH OTTEN AND KARL THEODOR OTTEN

In re: Lawyers Mortgage Company Series #200150 issued to Heinrich Otten and Karl Theodor Otten. File No. D-28-6553; E. T. sec. 4242.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right and interests evidenced by Mortgage Participation Certificates Nos. 181 and 182, issued and guaranteed by the Lawyers Mortgage Company under Series #200150, and the right to the transfer and possession of any and all instruments evidencing such rights and interests.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Otten, Germany.
Karl Theodor Otten, Germany.

That such property is in the process of administration by Title Guarantee Company, as Trustee, acting under the judicial supervision of the Supreme Court of the State of New York, County of Kings;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp., App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1022; Filed, Feb. 3, 1947; 8:54 a. m.]

[Vesting Order 500A-201]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations, of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Japan, Bulgaria, Hungary, and Rumania, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following; provided, that in the cases of persons who are residents of, or organized under the laws of, or have their principal places of business in, Bulgaria, Hungary, and Rumania, such right, title, interest and claim shall have been held by said persons on or before December 7, 1945:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, re-publication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for

the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

The term "national" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown....	Katechismus der Brauerei-Praxis. Ein Frage- und Antwortbuch für die erste grundlegende Ausbildung im Braugewerbe sowie zur Verwendung bei Meister- und Gesellenprüfungen. 3 Auflage. München, Selbstverlag der Verfasser, 1929. vi, 296 p. Note: Copyright by one of the authors. The imprint indicates that the authors are also the publishers.	Jaroslav Dworsky (nationality not established) and Karl Lense of Germany (nationality German).	Karl Lense, München, Germany (nationality German).	Owner and author.
Unknown....	Atlas der Gärungsorganismen. Leitfaden für den biologischen Unterricht und die Betriebskontrolle in den Gärungsgewerben. 82 p. 1932.	M. Glaubitz (nationality not established).	Paul Parey, Verlagsbuchhandlung, Berlin, Germany (nationality German).	Owner.
Unknown....	Die Bierbrauerei. Zweite neubearbeitete Auflage. 2 Vols. Band IV and V of Enke's Bibliothek für Chemie und Technik. Herausgegeben von Professor Dr. Ludwig Vanino. Part (Teil) 1: Die Technologie der Malzbereitung. 1930. Part (Teil) 2: Die Technologie der Bierbereitung, 1931. (Paging Teil 1, x, 497 p. Teil 2, xi, 642 p.).	Hans Leberle (nationality not established).	Ferdinand Enke, Stuttgart, Germany (nationality German).	Do.

[F. R. Doc. 47-1033; Filed, Feb. 3, 1947; 8:56 a. m.]

[Vesting Order 500A-202]

COPYRIGHTS OF DRUCK UND VERLAG VON R. OLDENBOURG, GERMAN NATIONAL

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations, of any kind or nature which, as of the date of this order, are organized under the law of, or have their principal places of business in, Germany, Japan, Bulgaria, Hungary, and Rumania, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following; provided, that in the cases of persons who are residents of, or organized under the laws of, or have their principal places of business in, Bulgaria, Hungary, and Rumania, such right, title, interest and claim shall have been held by said persons on or before December 7, 1945:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian.

This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

The term "national" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on October 9, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown....	Die Brautechnischen Untersuchungs-Methoden. 1920.	F. Pawlowski and Dr. Doemens (nationalities not established).	Druck und Verlag von R. Oldenbourg, München und Berlin, Germany (nationality German).	Owner.

[F. R. Doc. 47-1034; Filed, Feb. 3, 1947; 8:56 a. m.]

[Vesting Order 8063]

WILLIAM WELP

In re: Estate of William Welp, deceased. File D-28-11022; E. T. sec. 15465.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Liede, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof of the Estate of William Welp, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John H. Miller, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Joaquin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1023; Filed, Feb. 3, 1947; 8:54 a. m.]

[Vesting Order 8082]

ANNA CLAUSER AND ELSIE LANGE

In re: Bank account owned by Anna Clauser and Elsie Lange. F-28-23684-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Clauser and Elsie Lange, whose last known address is Rostock, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Clauser and Elsie Lange, by First Wisconsin National Bank, 743 North Water Street, Milwaukee, Wisconsin, arising out of a demand deposit, entitled Anna Clauser and Elsie Lange, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, or Executive Order 9788, as amended, and pursuant to law, after investigation, it is hereby found:

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1025; Filed, Feb. 3, 1947; 8:55 a. m.]

[Vesting Order 8083]

WALTER DIRKS

In re: Bank account owned by Walter Dirks. F-28-23401-E-1 and F-28-23401-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Dirks, whose last known address is Manburg Langen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, Account Number 20735, entitled Tom F. Chapman or I. F. Chapman, Trustees for Walter Dirks, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Walter Dirks, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1026; Filed, Feb. 3, 1947; 8:55 a. m.]

[Vesting Order 8084]

TEIZO HAMA

In re: Bank account owned by Teizo Hama, also known as Sazaza Hama and T. Hama. F-39-5801-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teizo Hama, also known as Sazaza Hama and T. Hama, whose last known address is Shimosata-Cho, Tenma Highshimuro-Gun, Wakayama-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Teizo Hama, also known as Hazaza Hama and T. Hama, by Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, in the amount of $191.08, as of December 31, 1945, arising out of a savings account, Account Number 9628, and evidenced by a certain dividend check, bearing number 1731, presently in the custody of said Sumitomo Bank of Seattle, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid dividend check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1027; Filed, Feb. 3, 1947; 8:55 a. m.]

[Vesting Order 8087]

THE KYFFHAEUSER

In re: Debt owing to The Kyffhaeuser, League of German War Veterans in U. S. A.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the N. S. Reichskriegerbund (National Socialist Reichskriegerbund) is a national association organized under the laws of Germany, which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That The Kyffhaeuser, League of German War Veterans in U. S. A., was, since the effective date of Executive Order 8389, as amended, an unincorporated national association organized within the United States, controlled by or acting for or on behalf of N. S. Reichskriegerbund (National Socialist Reichskriegerbund) or a designated enemy country (Germany) and is a national of the aforesaid designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to The Kyffhaeuser, League of German War Veterans in U. S. A. by Liberty Title and Trust Company, Broad and Arch Streets, Philadelphia, Pennsylvania, arising out of a blocked bank account, entitled Kyffhauser Bund, League of German War Veterans in the U. S. A. Kriegshilfwerk, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, The Kyffhaeuser, League of German War Veterans in U. S. A., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9783, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1028; Filed, Feb. 3, 1947; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1211]

STANDARD GAS AND ELECTRIC CO.

ORDER RELEASING JURISDICTION OVER FEES TO LENDING BANKS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of January 1947.

A declaration in the above-captioned matter regarding the issue by Standard Gas and Electric Company of Promissory Notes in the amount of $51,000,000 to certain banks was permitted to become effective by order of this Commission dated February 28, 1946, subject to certain terms and conditions among which was a reservation of jurisdiction over fees to the lending banks.

Standard Gas and Electric Company having requested the Commission to release the jurisdiction over such fees and having furnished a statement showing that commitment fees in the aggregate amount of $127,500 were paid to eleven participating banks, and that unearned portions aggregating $49,583.34 were subsequently returned to Standard Gas and Electric Company at the time of closing, the banks retaining as the earned portion of such commitments the net amount of $77,916.66, all in accordance with the Bank Loan Agreement, and

It appearing that the foregoing fees, under the circumstances of this proceeding, are not unreasonable;

It is hereby ordered, That jurisdiction over the payment of the above described fees to said lending banks be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1008; Filed, Feb. 3, 1947; 8:52 a. m.]

[File No. 54-154]

UNITED CORP.

NOTICE OF FILING AND ORDER FOR HEARING ON PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of January 1947.

Notice is hereby given that The United Corporation ("United"), a registered holding company, has filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935, proposing action described as necessary to effectuate the provisions of section 11 (b) of the act, and for the approval of incidental and related transactions.

The transactions proposed in said plan are further described as a step in compliance with the Commission's Order of August 14, 1943, pursuant to section 11 (b) (2) of the act, directing United to change its existing capitalization to one class of stock, namely, common stock, and to take such action in a manner consistent with the provisions of said act, as will cause it to cease to be a holding company.

All interested persons are referred to said plan which is on file in the office of the Commission for a full statement of the transactions therein proposed, which may be summarized as follows:

(1) United has outstanding 1,136,-199⅛ shares of $3 Cumulative Preference Stock having a voluntary and involuntary liquidating value of $50 per share and callable at $55 per share. There are presently no dividend arrearages on such stock. On January 14, 1947, United declared a dividend of 75¢ per share, payable February 14, 1947. United proposes to offer to exchange for each such share, up to and including 200,000 shares of said outstanding Preference Stock, (a) 4 shares of common stock of Columbia Gas & Electric Corporation ("Columbia"), a subsidiary of United and a registered holding company, plus (b) $2 in cash.

(2) The offer of exchange is proposed to be made with respect to all rights and claims represented by each share of United's $3 Cumulative Preference Stock accepted for exchange, including all rights and claims to any accrued dividends thereon.

(3) If the provisions of the plan are approved by the Commission, it is proposed that the offer of exchange remain open for a minimum period of 15 days after the effective date. If during said period less than 200,000 shares of Preference Stock shall have been tendered, all such shares tendered will be accepted for exchange and the offer shall remain open, on a "first come, first served" basis, for an additional period of 30 days, United reserving the right to apply to this Commission for further extension of time. If during such initial 15-day period the number of shares tendered for exchange shall be more than 200,000, but not more than 220,000, United will accept for exchange all the shares tendered without a pro rata distribution. If more than 220,000 shares are tendered during the initial 15-day period, all tenders of 25 shares or less will be accepted in full and the remaining portion of the 200,000 shares to be exchanged will be prorated among all tenders in excess of 25 shares each, with a minimum acceptance of 25 shares from each such tender.

(4) The plan further provides that the offer may be accepted by a stockholder only by the deposit with the Exchange Agent to be designated by United, on or before 3 p. m. on the last day of the period during which the offer remains open, of the certificates for the shares of Preference Stock to be exchanged, or by the delivery to the Exchange Agent of an undertaking, in the form prescribed by United, agreeing to deliver the share certificates to said agent by a date to be specified. Upon presentation by the holder of certificates of the shares of Preference Stock to the Exchange Agent, the latter will deliver to such holder, as soon as practicable, certificates for the aggregate number of shares of common stock of Columbia, and a check for cash, to which such holder shall be entitled under the exchange offer.

United holds 1,919,856 shares of Columbia common stock, representing 15.7% of said company's outstanding voting securities. If the proposed exchange plan is fully consummated, United will dispose of at least 800,000 shares of Columbia common stock and reduce its outstanding shares of $3 Cumulative Preference Stock from 1,-136,199⅛ shares to a maximum of 936,-199⅛ shares. Shares of Preference Stock tendered and accepted for exchange will be retired in accordance with the applicable provisions of the General Corporation Law of the State of Delaware.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that such plan, as submitted or modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan; and it appearing appropriate in the public interest and in the interests of investors and consumers that notice be given and a hearing held with respect to said plan;

It is ordered, That a hearing under the applicable provisions of the act and rules thereunder be held at 10 a. m., e. s. t., on the 4th day of March 1947, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318. In the event that amendments to the plan are filed during the course of said proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should file an appearance in these proceedings or otherwise specifically request such notice.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected by said plan;

(2) Whether the transactions proposed in said plan comply with all of the requirements of the applicable provisions of the act and the rules promulgated thereunder;

(3) Whether the plan, as filed or as modified, makes appropriate provision for the payment of fees, expenses and remuneration in connection with the proposed plan, and in what amounts such fees, expenses and remuneration should be paid, and the fair and equitable allocation thereof;

(4) Whether, and to what extent, the proposed plan should be modified or terms and conditions imposed to insure adequate protection of the public interest and the interests of investors and consumers and compliance with all applicable provisions of the act.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any interested person desiring to be heard or otherwise wishing to participate at said hearing shall file with the Secretary of the Commission, on or before February 20, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to

The United Corporation and that notice shall be given to all other persons by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That The United Corporation give notice of this hearing to all holders of its common and Preference Stock (insofar as the identity of such stockholders is known or available to United), by mailing to each stockholder a copy of this notice and order at least twenty days prior to March 4, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1010, Filed, Feb. 3, 1947; 8:52 a. m.]

[File No. 70-1258]

MIDDLE WEST CORP.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of January 1947.

The Commission by order dated July 17, 1946 (Holding Company Act Release No. 6786), having approved, among other things, proposals of The Middle West Corporation ("Middle West"), a registered holding company, to acquire from time to time securities to be distributed as a liquidating dividend by Midland Realization Company ("Realization") on account of shares of capital stock of Realization held by Middle West, subject to a condition that Middle West divest itself of any securities so acquired within three months following the acquisition thereof; and

Middle West having acquired on August 26, 1946, pursuant to said order, 146,923 shares of common stock of Northern Indiana Public Service Company as a liquidating dividend on the 83,956½ shares of capital stock of Realization then held by Middle West; and

Middle West having filed an application for an extension of time of six months from November 26, 1946, within which to divest itself of the said common stock of Northern Indiana Public Service Company; and

The Commission having considered such request, and it appearing to the Commission that the requested extension of time is unduly long, and the Commission deeming it appropriate to grant an extension of time to March 31, 1947, within which to comply with such condition:

It is hereby ordered, That the condition contained in the Commission's order of July 17, 1946, requiring that The Middle West Corporation shall divest itself of all its interest in the common stock of Northern Indiana Public Service Company within three months following the acquisition thereof be, and hereby is, modified to extend such period to March 31, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1009; Filed, Feb. 3, 1947; 8:52 a. m.]

[File Nos. 59-5, 70-1308]

MIDDLE WEST CORP. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of January A. D. 1947.

In the matters of the Middle West Corporation and its subsidiary companies, respondents, File No. 59-5; Arkansas-Missouri Power Corporation, File No. 70-1308.

Arkansas-Missouri Power Corporation ("Arkansas"), a registered holding company and a public utility company, having filed applications-declarations and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 (b) (1), 12 (d) and 12 (e) thereof and Rules U-44 and U-62 thereunder, with respect to the following:

Arkansas, a Delaware corporation and a former subsidiary of The Middle West Corporation ("Middle West"), has been a registered holding company since May 13, 1937. By order dated January 24, 1944, the Commission, pursuant to section 11 (b) (1) of the act, required Arkansas to divest itself of its interest in its then subsidiary, East Missouri Power Company, its electric properties in and around Piedmont, Missouri, and between Arcadia and Old Mines, Missouri, and its ice properties and business. At the same time Middle West was required to divest itself of its interest in Arkansas. In compliance with such order, Middle West has disposed of its interest in Arkansas and Arkansas has disposed of its interest in East Missouri Power Company. Arkansas now requests a modification of the said order of January 24, 1944, by deleting therefrom those provisions which require it to dispose of its electric properties in and around Piedmont, Missouri, and between Arcadia and Old Mines, Missouri, and its ice properties and business.

Arkansas further proposes to transfer its assets, consisting principally of electric and ice properties in the States of Arkansas and Missouri, to Arkansas-Missouri Power Company, a corporation recently organized under the laws of the State of Arkansas, which company will assume the liabilities of Arkansas and will issue its capital stock to the stockholders of Arkansas on a share-for-share basis upon the surrender for cancellation of the outstanding shares of capital stock of Arkansas. Arkansas will then dissolve. The Commission by order dated December 26, 1946, permitted the declaration to become effective pursuant to Rule U-62, with respect to the solicitation by Arkansas of proxies for a special meeting of its stockholders to be called to consider the proposed transfer of assets.

Notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said proposals within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the request of Arkansas for modification of the order dated January 24, 1944, as recited above, and in this connection having reexamined the record of the proceedings had in connection with the issuance of the said order, and it now appearing to the Commission on the basis of such reexamination that it is not inappropriate to modify the said order as requested; and

The Commission finding that the proposed transactions with respect to the transfer of assets by Arkansas to Arkansas-Missouri Power Company satisfy the requirements of section 12 (d) of the act and Rule U-44 thereunder, and that it is appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective;

It is hereby ordered, effective forthwith, That the application of Arkansas-Missouri Power Corporation for modification of the Commission's order dated January 24, 1944 as recited above be, and the same hereby is, granted.

It is further ordered, effective forthwith, Pursuant to Rule U-23 and the applicable provisions of the act that the declaration, as amended, of Arkansas-Missouri Power Corporation with respect to the transfer of its assets to Arkansas-Missouri Power Company be, and the same hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1011; Filed, Feb. 3, 1947; 8:52 a. m.]

Reference

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEB 21 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 25

Washington, Wednesday, February 5, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2715

IMPOSING QUOTA ON IMPORTS OF SHORT HARSH OR ROUGH COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935, 49 Stat. 750, 773, as amended by section 5 of the act of February 29, 1936, 49 Stat. 1148, 1152, and as reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246 (7 U. S. C. 624), the President issued a proclamation on September 5, 1939 (No. 2351,[1] 54 Stat. 2640), limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was suspended in part by the President's proclamations of December 19, 1940 (No. 2450,[1] 54 Stat. 2769), March 31, 1942 (No. 2544,[1] 56 Stat. 1944), and June 29, 1942 (No. 2560,[1] 56 Stat. 1963); and

WHEREAS, the said proclamation of September 5, 1939, excepted from the quota limitations specified therein harsh or rough cotton having a staple of less than three-fourths of one inch in length and chiefly used in the manufacture of blankets and blanketing; and

WHEREAS, pursuant to the said section 22, as further amended by the act of January 25, 1940 (54 Stat. 17), the United States Tariff Commission has made a supplemental investigation to determine whether changed circumstances require the modification of the President's proclamation of September 5, 1939, with respect to harsh or rough cotton having a staple of less than three-fourths of one inch in length, in order to carry out the purposes of the said section 22, and to determine whether such cotton is being or is practically certain to be imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with any program or operation undertaken, or to reduce substantially the amount of any product processed in the United States from cotton subject to and with respect to which any program is in operation under the Agricultural Adjustment Act of 1933, as amended, the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590a–590q), or section 32 of the act of August 24, 1935, 49 Stat. 774, as amended (7 U. S. C. 612c); and

WHEREAS, in the course of the investigation, after due notice, a public hearing was held on October 14 and 15, 1946, at which parties interested were given opportunity to be present, to produce evidence, and to be heard, and, in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

WHEREAS, the Commission has made findings of fact and has transmitted to me a report of such findings and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and has also transmitted a copy of such report to the Secretary of Agriculture:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby find and declare, on the basis of the investigation and report of the Tariff Commission, that changed circumstances require the modification of the President's proclamation of September 5, 1939, with respect to harsh or rough cotton having a staple of less than three-fourths of one inch in length, to carry out the purposes of section 22 of the Agricultural Adjustment Act of 1933, as amended, and that such cotton is being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective the domestic cotton programs undertaken under section 32 of the act of August 24, 1935, 49 Stat. 774, as amended. Accordingly, pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as amended, I hereby modify the President's proclamation of September 5, 1939 (No. 2351) by deleting therefrom the words "and chiefly used in the manufacture of blankets and blanketing" wherever they appear therein; and I do hereby proclaim that the total quantity of harsh or rough cotton having a staple of less

[1] 3 CFR, Cum. Supp.

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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[1] Proc. 2715.
[2] F. L. O. 267.

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than three-fourths of one inch in length which may be entered, or withdrawn from warehouse, for consumption, in the year commencing September 20, 1946, and in any subsequent year commencing September 20, shall not exceed 70 million pounds, which quantity I hereby find and declare shown by the investigation to be necessary to prescribe in order that the entry of such cotton will not tend to render ineffective the programs undertaken with respect to cotton under section 32 of the act of August 24, 1935, 49 Stat. 774, as amended. I further find and declare that the total quantity of harsh or rough cotton having a staple of less than three-fourths of one inch in length which is permitted entry hereunder, is not less than the minimum permissible quantity computed under the proviso to section 22 (b) of the Agricultural Adjustment Act of 1933, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this first day of February in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-1115: Filed, Feb. 3, 1947; 12:52 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of Secretary of Agriculture

PART 7—PRICE DECONTROL AND RECONTROL

CORN

§ 7.50 *Certification of agricultural commodities in short supply.* Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and particularly by section 1A (e) (1) of said act as added by the Price Control Extension Act of 1946, I hereby certify to the Temporary Controls Administrator that modifications in the certification of commodities in short supply, made on September 1, 1946, as amended (11 F. R. 9669, 11349, 13135, 14063, 12 F. R. 60), should be and the same hereby are, made as follows: The following commodities are determined to be no longer in short supply:

Corn including all food and feed products thereof except protein meals, sweeteners, and oil.

Done this 31st day of January 1947.

(Pub. Law 548, 79th Cong.)

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1093; Filed, Feb. 4, 1947; 8:69 a. m.]

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

STANDARDS FOR FRESH TOMATOES

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946), the following United States Standards for fresh tomatoes are hereby promulgated:

§ 51.419 *Fresh tomatoes*—(a) *Grades.* (1) "U. S. No. 1" shall consist of tomatoes of similar varietal characteristics, which are mature, but not overripe or soft; which are well developed, fairly well formed, fairly smooth, free from decay, freezing injury, and from damage caused by dirt, bruises, cuts, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, disease, insects, hail or mechanical, or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the tomatoes in any lot may fail to meet the requirements of this grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage, including not more than 1 percent for soft ripe tomatoes or tomatoes affected by decay at shipping point or in shipments from Mexico when inspected at points of entry into the United States. In addition, enroute or at destination, a total tolerance of not more than 5 percent shall be allowed for soft ripe tomatoes and tomatoes affected by decay, and a tolerance of not more than 5 percent shall be allowed for tomatoes damaged by shoulder bruises or badly discolored or sunken shoulder scars, and similar scars found on any parts of the tomatoes in addition to those permitted under the 10 percent tolerance for defects.

(2) "U. S. Combination" shall consist of a combination of U. S. No. 1 and U. S. No. 2 tomatoes: *Provided*, That at least 60 percent, by count, meet the requirements of U. S. No. 1 grade.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the U. S. No. 2 grade, including not more than 1 percent for soft ripe tomatoes or tomatoes affected by decay at shipping point or in shipments from Mexico when inspected at points of entry into the United States. In addi-

tion, en route or at destination, a total tolerance of not more than 5 percent shall be allowed for soft ripe tomatoes and tomatoes affected by decay, and a tolerance of not more than 5 percent shall be allowed for tomatoes seriously damaged by shoulder bruises or badly discolored or sunken shoulder scars, and similar scars found on any parts of the tomatoes in addition to those permitted under the 10 percent tolerance for defects. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 tomatoes required in the combination but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided*, That the entire lot averages within the percentage specified.

(3) "U. S. No. 2" shall consist of tomatoes of similar varietal characteristics, which are mature, but not overripe or soft; not badly misshapen, free from decay, unhealed cuts, freezing injury, and from serious damage caused by dirt, bruises, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, disease, insects, hail or mechanical or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the tomatoes in any lot may fail to meet the requirements of this grade, including not more than 1 percent for soft ripe tomatoes or tomatoes affected by decay at shipping point or in shipments from Mexico when inspected at points of entry into the United States. In addition, en route or at destination, a total tolerance of not more than 5 percent shall be allowed for soft ripe tomatoes and tomatoes affected by decay, and a tolerance of not more than 5 percent shall be allowed for tomatoes seriously damaged by shoulder bruises or badly discolored or sunken shoulder scars, and similar scars found on any parts of the tomatoes in addition to those permitted under the 10 percent tolerance for defects.

(4) "Unclassified" shall consist of tomatoes which are not graded in conformity with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(b) *Marking for size.* (1) The minimum size, total count, or description of the arrangement of the tomatoes in the top layer in any package should be plainly stenciled or otherwise marked on the package.

(2) "Minimum size" means the greatest diameter of the smallest fruit measured at right angles to a line running from the stem to the blossom end. It should be stated in terms of whole and quarter inches as, 2" minimum, 2¼" minimum, 2½" minimum, and so on, in accordance with the facts.

(3) In order to allow for variations incident to proper sizing, not more than 5 percent, by count, of the tomatoes in any lot may vary from the minimum diameter or the total count specified. (The tolerance for the packs is given under "U. S. Standard Packs.")

(c) *U. S. Standard Packs.* (1) "U. S. Standard Packs" apply particularly to packing in lugs and should be designated according to the number of rows in the top layer in a lug, as 5 x 5, 5 x 6, 6 x 6, and so on, in accordance with the facts. The tomatoes in all layers shall show a uniform type of arrangement, e. g., square, offset or diagonal. The following terms shall be used to describe U. S. Standard Packs in lugs:

(2) "U. S. Straight Pack": When specified as "U. S. Straight Pack" the tomatoes shall be fairly uniform in size and fairly tightly packed, and all layers in any lug shall have the same number of tomatoes: *Provided*, That when a diagonal arrangement of tomatoes is used, a variation of not more than one tomato shall be permitted in different layers. For example, in a 5 x 5 pack the tomatoes shall be packed 5 rows wide and 5 rows long in each layer, or in a 4 x 5 x 9 diagonal pack the tomatoes shall be packed alternately 4 and 5 to row the short way of the lug with 9 such rows in the layer and with either 40 or 41 tomatoes in each layer. Unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. Not more than one tomato shall be placed in a wrapper.

(3) "U. S. Extra Row Pack": When specified as "U. S. Extra Row Pack" the tomatoes shall be fairly uniform in size and fairly tightly packed, and the lower layers shall not contain more than one additional row one way of the lug. For example, in a 5 x 5 pack, the tomatoes in the lower layers may be packed 5 x 6 but not 6 x 6 or 5 x 7. Unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. Not more than one tomato shall be placed in a wrapper.

(4) "U. S. Bridge Pack": When specified as "U. S. Bridge Pack" the tomatoes shall be fairly uniform in size and fairly tightly packed, and a part of one additional layer of tomatoes shall be packed in the lug and the remaining tomatoes in the lower layers shall not contain more than one additional row one way of the lug than is contained in the top layer. Unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. Not more than one tomato shall be placed in a wrapper.

(5) "U. S. Double Wrap Pack": When specified as "U. S. Double Wrap Pack" the tomatoes shall be fairly uniform in size and fairly tightly packed, and the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper. Unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds.

(6) "U. S. Double Wrap Bridge Pack": When specified as "U. S. Double Wrap Bridge Pack" the tomatoes shall be fairly uniform in size and fairly tightly packed; the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper: *Provided*, That part of one additional layer which may have either one or two tomatoes in a wrapper shall be packed in the lug. Unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds.

(7) In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may not meet the requirements for any described pack.

(8) "Irregular Pack": Lugs of tomatoes which are not packed in accordance with any of the foregoing methods of packing may be designated as "Irregular Pack."

(d) *Application of tolerances.* (1) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: *Provided*, The averages for the entire lot are within the tolerances specified:

(2) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(3) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(e) *Definitions.* (1) "Similar varietal characteristics" means that the tomatoes are alike as to firmness of flesh and shade of color, i. e., that soft-fleshed early maturing varieties are not mixed with firm-fleshed mid-season or late varieties, or bright red varieties mixed with varieties having a purplish tinge.

(2) "Mature" means that the contents of the seed cavities have begun to develop a jelly or glue-like consistency and the seeds are well developed.

(3) "Well developed" means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue and usually open spaces, are not considered well developed.

(4) "Fairly well formed" means that the tomato is not decidedly kidney-shaped, lopsided, elongated, angular, or otherwise deformed.

(5) "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

(6) "Damage" means any defect which materially affects the appearance, edible, or shipping quality. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Cuts which are not shallow, not well healed or more than ½ inch in length.

(ii) Puffy tomatoes: These tomatoes are usually angular and flat sided. They are damaged if open space in one or more locules materially affects the appearance when the tomato is cut through the center at right angles to a line running from the stem to the blossom end.

(iii) Catfaces: These are irregular, dark, leathery scars at the blossom end of the fruit. Such scars damage the tomato when they are rough or deep, or when channels extend into the locule, or when they are fairly smooth and

greater in area than a circle ½ inch in diameter on a 2½ inch tomato. Smaller tomatoes shall have lesser areas of fairly smooth catfaces and larger tomatoes may have greater areas: *Provided*, That such catfaces do not affect the appearance of the tomatoes to a greater extent than that caused by fairly smooth catfaces which are permitted on a 2½ inch tomato.

(i) Growth cracks: These are ruptures or cracks radiating from the stem scar, or concentric to the stem scar. They damage the tomtao when not well healed, or when more than ½ inch in length; except, that very narrow, well healed cracks concentric to the stem scar shall not be considered as damage unless they are so numerous as to damage the appearance of the fruit.

(v) Scars (except catfaces) when aggregating more than ⅜ inch in diameter on a tomato 2½ inches in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided*, That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a 2½ inch tomato.

(7) "Serious damage" means any defect which seriously affects the appearance, edible or shipping quality. The following shall be considered as serious damage:

(i) Soft ripe tomatoes or tomatoes affected by decay.

(ii) Fresh holes or cuts, or any holes or cuts through the tomato wall.

(iii) Tomatoes showing any effects of freezing.

(iv) Puffiness which causes the tomato to be distinctly light in weight.

(v) Fruit actually infested with worms.

(8) "Badly misshapen" means that the tomato is so badly deformed that its appearance is seriously affected.

(9) "Fairly uniform in size" means that not more than 10 percent, by count, of the tomato in any container may vary more than one-half inch in diameter. "Diameter" means the greatest dimension taken at right angles to a line running from the stem to the blossom end.

These standards for fresh tomatoes hereby supersede the standards that have been in effect since September 3, 1934.

It is hereby found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong. 60 Stat. 237) in connection with the issuance of these revised standards, is impracticable, unnecessary and contrary to the public interests in that: (1) The standards for fresh tomatoes have been in the process of revision since June 1946 and the revised standards have been prepared on the basis of suggestions of growers, packers, shippers and other handlers of tomatoes; (2) the issuance of the revised standards, effective February 5, 1947, is necessary to make such standards conform to present handling and packing practices; and (3) the issuance of the revised standards which includes only minor changes should be accomplished as soon as possible because the seasonable shipments of tomatoes have begun.

(Pub. Law 422, 79th Cong.)

Issued at Washington, D. C., this 30th day of January 1947, to be effective on and after the 5th day of February 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 47-1075; Filed, Feb. 4, 1947; 9:00 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 110]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.329 *Orange Regulation 110*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) Orange Regulation 109 (12 F. R. 765) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., February 5, 1947, and ending at 12:01 a. m., e. s. t., February 17, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. No. 2, as such grade is defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1) if more than one-half of the surface in the aggregate is affected with discoloration;

(ii) Any container of oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Grade (as such grade is defined in the aforesaid amended United States standards) unless at least sixty-five percent (65%), by count, of the total quantity of oranges in such container meet the requirements of U. S. No. 1 grade (as such grade is defined in the aforesaid amended United States standards) and each of the remainder of the oranges meets all other requirements of the aforesaid U. S. Combination Grade;

(iii) Any oranges, including Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1);

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)); or

(v) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(3) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 3d day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1139; Filed, Feb. 4, 1947; 9:09 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

AUTOMOBILE LICENSE TAXES AND FEES

The following interpretation under this patrt relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on January 28, 1947:

§ 222.110 *Automobile license taxes and fees.* Taxes and fees payable as a prerequisite to obtaining license plates in the name of the purchaser of a used automobile, when paid as part of the cash

price, may be added in computing the appraisal guide value under § 222.9 (d).

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a) and Supp., 50 U. S. C. App. 616, 617, and Executive Order No. 8843, Aug. 9, 1941, 3 CFR, Cum. Supp.)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-1045; Filed, Feb. 4, 1947; 9:04 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

SUPPLEMENT S-T

The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby amends Instructions 1 and 3 of the General Instructions to Supplement S–T (17 CFR 239.20, 11 F. R. 177A–733) to read as follows:

1. The special items comprising this Supplement S–T (17 CFR 239.20) shall be applicable to issuers registering securities under the Securities Act of 1933 if any of the securities being registered are to be issued under an indenture required to be qualified under the Trust Indenture Act of 1939. The special items, together with the answers thereto, shall be inserted in the registration statement immediately preceding the Undertaking To File Reports.

3. There may be omitted from any prospectus all matter contained in the registration statement pursuant to the requirements of this supplement, except Item 4–T. The analysis required by Item 4–T may be omitted from any "newspaper prospectus" as that term is defined in Instruction 1 of the Instructions as to Newspaper Prospectuses in Form S–1.

The Commission finds that the foregoing amendments involve only the clarification of matters of procedure or practice and do not effect any substantive change and therefore that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act are unnecessary. In view of the desirability of having the matter involved in the foregoing amendments clarified as soon as possible, good cause exists for declaring the amendments effective in less than thirty days; hence the amendments shall become effective January 30, 1947.

(Secs. 7, 10 and 19 (a), 48 Stat. 78, 81, 85; 15 U. S. C. 77g, 77j, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1051; Filed, Feb. 4, 1947; 9:00 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

PART 403—COMPTROLLER

AUTHORITY TO SIGN CHECKS

CROSS REFERENCE: For an exception to the provisions of § 403.01–7, see Part 404 of this chapter, *infra*, authorizing the Treasurer and the Assistant Treasurer of the Home Owners' Loan Corporation to sign checks drawn on accounts maintained with the Treasurer of the United States.

[Bulletin 413]

PART 404—TREASURY, HOME OFFICE[1]

RECEIPTS AND DISBURSEMENTS

1. Section 404.02–2 (10 F. R. 8454) is amended to read as follows:

§ 404.02–2 *Signatories and countersignatories.* The Treasurer and the Assistant Treasurer of the Home Owners' Loan Corporation are authorized individually to disburse funds from and sign checks, either in person or by facsimile signature, drawn on any or all of the accounts maintained with the Treasurer of the United States. All checks for amounts in excess of $5,000 signed under the authority conferred by the first sentence of this section shall be signed personally by the Treasurer or by the Assistant Treasurer and countersigned by the General Manager, Assistant to the General Manager, or Deputy General Manager. The provisions of the first sentence of the second paragraph of § 403.01–7 of this chapter relating to countersignatures on checks drawn on the Regional Working Fund shall not apply to checks signed under the authority conferred by the first sentence of this section.

2. Section 404.02–6 is amended to read as follows:

§ 404.02–6 *Employee death and other claims.* It is the responsibility of the Treasurer to submit to the General Accounting Office for settlement claims properly supported by an administrative report and certified by the auditor, for proceeds of checks erroneously issued and covered by United States Treasury into "Outstanding Liabilities Account." Claims for amounts due deceased or incompetent employees or creditors of the Corporation, claims for the proceeds of unpaid checks which have not been covered by the United States Treasury into "Outstanding Liabilities Account," and any other type of claim on behalf of such employees or creditors, shall be disbursed by the Treasurer of the Corporation upon certification by the auditor or other authorized certifying officer. Such claims shall be supported by an administrative report prepared by the auditor or other authorized certifying officer and a signed copy of the determination of the General Counsel as to the payee or payees entitled to the proceeds thereof. (Secs. 4 (a), 4 (k), 48 Stat. 129, 132, 647; 12 U. S. C. 1463; E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Effective: December 23, 1946.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-1084; Filed, Feb. 4, 1947; 8:50 a. m.]

Chapter VIII—Office of Housing Expediter

[Premium Payments Reg. 6 as Amended Feb. 3, 1947, Incl. Ints. 1–4]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

HARDWOOD FLOORING—SOUTHERN AREA

Purpose and findings. This general regulation is issued to stimulate additional production of hardwood flooring in the southern area by providing for premium payments on production of such flooring above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which premium payments may be obtained. This regulation is issued pursuant to the authority of the "Veterans' Emergency Housing Act of 1946."

All available means of increasing the supply of hardwood flooring for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration, the Expediter finds that premium payments on hardwood flooring are temporarily necessary to increase its supply and to stimulate such additional production with greater rapidity, economy and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.
(a) Definitions.
(b) Establishment of quota.
(c) Application for quota.
(d) Premium A.
(e) Premium B.
(f) Computation of production for premium A and B claims.
(g) Claim for payment.
(h) Payment.
(i) Records.
(j) Reports.
(k) Official interpretations.
(l) Special orders.
(m) Termination.
Appendix A: Description of southern area.

[1] This contains the portion of former Part 407 which relates to the Home Office.

§ 805.6 *Hardwood flooring (southern area)*—(a) *Definitions.* (1) "Hardwood flooring" means flooring which is produced from hardwood species, and which is end matched and machine patterned in $\frac{25}{32}$" and thinner thicknesses. In addition, it includes custom hardwood flooring, which is hardwood flooring produced from lumber not owned by the flooring producer.

(2) "Residential flooring" means hardwood flooring which meets these requirements:

(i) It is produced from the species oak, beech, pecan, birch or hard maple, which has been properly kiln dried.

(ii) It has been side matched, end matched and machine patterned (except that $\frac{5}{16}$" square edge shall be included), in $\frac{25}{32}$" and thinner thicknesses, and it has been machined to face widths of 1½", 1½", 2", 2¼", 2½", 2¾" or 3¼".

(iii) It has been graded in accordance with the official grading rules of the National Oak Flooring Manufacturers' Association (effective November 8, 1943).

Residential flooring may be unfinished, dip-treated or factory finished. It does not include custom hardwood flooring.

(3) "Southern area" means the areas set forth in Appendix A.

(4) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(5) "Plant" means a manufacturing establishment for the production of hardwood flooring which is located in the southern area, occupies a single site and, where consisting of several complete manufacturing units, uses common shipping and storing facilities and common operating supervision.

(6) "Company" means a person who manufactures hardwood flooring. If a person owns several plants, it shall be considered a company only with respect to plants located in the southern area. For purposes of this section, a sawmill or concentration yard which is owned by a company and located in the southern area shall be considered a part of the company.

(7) "Southern hardwood flooring lumber" means lumber which is produced in the southern area from the species oak, beech, pecan, birch or hard maple, in the following condition, grades and thicknesses: condition—rough; grades—No. 2 common and No. 3a common, except that the grades for lumber produced from pecan shall be No. 2 common and No. 3 common; thicknesses—4/4", 5/4" and 5/8". The grading and measurements shall be in accordance with the rules of the National Hardwood Lumber Association, effective January 1, 1946.

(8) "Southern usable lumber" means southern hardwood flooring lumber which has been on sticks or end racked at least the following number of days: 45 days for 5/8" thickness lumber; 60 days for lumber produced from the species beech or pecan in 4/4" or 5/4" thicknesses; 90 days for all other lumber.

(9) "Southern green lumber" means southern hardwood flooring lumber which does not meet the definition of southern usable lumber.

(10) "Supplier" means any person who supplies southern hardwood flooring lumber to a "company." However, unless otherwise authorized by the Expediter, a "company" shall not be considered a supplier.

(11) "Premium A" means a premium payable under paragraph (d) of this section.

(12) "Premium B" means a premium payable under paragraph (e) of this section.

(13) "Production" and "units of production" mean the amount of hardwood flooring produced, measured in thousands of feet, flooring count.

(14) "Flooring count" means the hardwood flooring measure described in the official grading rules of the National Oak Flooring Manufacturers' Association (effective November 8, 1943).

(15) "Quarter" means a period of three consecutive calendar months, beginning August 1, November 1, and February 1. However, any company on whom this provision works a hardship may apply, by letter, to the Expediter, Washington, D. C., for authorization to submit its application for quota and claims on the basis of a stipulated fiscal quarter. With respect to a company that has received such authorization, this section shall become effective on the first day of the fiscal month beginning on or after August 1, 1946, and shall terminate on the same date that this section terminates as to other companies.

(16) "New producer" means with respect to a plant which prior to the effective date of this section was not operated for the production of hardwood flooring, a person who operates such plant after the effective date of this section, and who did not operate, prior to the effective date of this section, any plant for the production of hardwood flooring.

(17) "Claim" means a claim for premium payments filed pursuant to this section.

(18) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946, or his duly authorized representative.

(19) "OHE" means the Office of the Housing Expediter.

(b) *Establishment of quota*—(1) *Rules.* A quota shall be established for each company, in accordance with the rules below. In applying the rules, follow these instructions:

(i) Use Rule 1 for all plants owned by the company on August 1, 1946, if it applies to any such plant. If Rule 1 does not apply, use Rule 2. If neither Rule 1 nor Rule 2 applies to any plant, use Rule 3.

(ii) If a plant owned by the company on August 1, 1946, was under different ownership in the applicable quota period, include the production or productive capacity (whichever is appropriate) of that plant during such period.

(iii) If, after August 1, 1946, an additional plant is acquired, the company shall apply, by letter, to the Expediter, Washington, D. C., for a new company quota.

(iv) In computing actual hardwood flooring production, under subparagraph (*a*) of Rule 1 or Rule 2, include all hardwood flooring production.

Rule 1. Company which produced hardwood flooring in any plant at least 45 days during first quarter of 1946. The quota shall be the lower of the following:

(*a*) Actual production of hardwood flooring during the first quarter of 1946; or

(*b*) Productive capacity of all hardwood flooring machines in place on March 31, 1946, computed on the basis of 1,040,000 feet flooring count per machine.

Example 1. X company owns one plant, which produced hardwood flooring at least 45 days during the first quarter of 1946. Four machines are installed in the plant, and during the quarter only two were operated. X's actual production of hardwood flooring was 2,210,000 feet flooring count.

X's quota is 2,210,000 feet flooring count, since this is lower than 4,160,000 feet flooring count, his productive capacity computed under (*b*) above (4 x 1,040,000=4,160,000).

Example 2. Y company owns one plant, which produced hardwood flooring at least 45 days during the first quarter of 1946. One machine is installed in the plant, and during the quarter this machine was operated on an overtime basis. Accordingly, Y's actual production of hardwood flooring was 1,170,000 feet flooring count.

Y's quota is 1,040,000 feet flooring count, his productive capacity computed under (*b*) above, since this is lower than his actual production.

Example 3. Z company owns two plants, each of which has two machines. Plant #1 produced hardwood flooring at least 45 days during the first quarter of 1946, and its actual production was 2,000,000 feet flooring count. Plant #2 was idle during the period January 1 through June 30, 1946.

Since Rule 1 applies to Plant #1, Z will use this rule for all plants, in determining his company quota. Accordingly, Z's quota is 2,000,000 feet flooring count (actual hardwood flooring production during the first quarter of 1946), for this is lower than 4,160,000 feet flooring count (productive capacity).

Rule 2. Company which cannot qualify under Rule 1, but which produced hardwood flooring in any plant at least 15 days in each of three months during the period January 1 through June 30, 1946. The quota shall be the lower of the following:

(*a*) Actual production of hardwood flooring during the first three months, in the period January 1 through June 30, 1946, where hardwood flooring was produced at least fifteen days per month; or

(*b*) Productive capacity of all hardwood flooring machines in place at the end of the third month determined under (*a*), computed on the basis of 1,040,000 feet flooring count per machine.

Example 4. In the period January 1 through June 30, 1946, M company produced hardwood flooring 25 days in January, 0 days in February, 10 days in March, 15 days in April and 25 days in May. M will determine actual production during January, April and May, and compare it with productive capacity of all machines in place on May 31.

Rule 3. Any other company. The quota shall be determined by the Ex-

pediter. However, no quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of producer's selling price) of the total output of such producer.

(2) *Adjustment of quota by Expediter.* Where production of a company during the first quarter under this section, or during the period November 1 through December 31, 1946, has been interrupted due to unusual circumstances beyond the control of the company, the company may, by letter, report these circumstances to the Expediter. The Expediter may, for purposes of determining the company's eligibility to receive premium A, adjust the quota for the first quarter, or the months of November and December, as the case may be.

(c) *Application for quotas.* Every company who wishes to receive premium payments under this section shall file an application for quota on form NHA 14-67. This form may be obtained from any RFC Loan Agency, and shall be filed with the Expediter by September 15, 1946. However, if a company did not produce hardwood flooring in the period January 1 to August 1, 1946, such form may be filed after September 15, 1946.

(d) *Premium A*—(1) *Eligibility for premium A for the first quarter.* A company is eligible for premium A for the first quarter under this section if its production (as determined under paragraph (f) of this section) during such quarter was in excess of quota.

(2) *Rate and amount of premium A for the first quarter.* The rate and amount of premium A shall be calculated at the end of the first quarter under this section, according to the following rules:

Rule A. If a company's production during the quarter was ten percent or more above its quota, the amount payable will be based on all southern hardwood flooring lumber delivered during the quarter for use in the production of hardwood flooring. The rate of payment shall be $8.50 per thousand feet board measure for southern hardwood flooring lumber which was usable when delivered, and $6.00 per thousand feet board measure for such lumber which was green when delivered.

If a company produces its own southern hardwood flooring lumber, the amount payable with respect to self-produced lumber will be based on all southern usable lumber received for use in the production of hardwood flooring during the claim period: *Provided*, That an invoice has been prepared showing the quantity of the lumber. The rate of payment shall be $8.50 per thousand feet board measure for such southern usable lumber.

Rule B. If a company's production during the quarter was above its quota, but less than ten percent above, the amount payable will be calculated as follows:

(*a*) For each one percent increase over the company's quota, ten percent of the amount which would be payable under Rule A, if that rule were applicable.

Example 5. L company's production is five percent above its quota, and during the quarter deliveries of southern hardwood flooring lumber were as follows: 10,000,000 feet board measure, usable lumber; 20,000,000 feet board measure, green lumber.

Under (*a*) above, the total amount payable is computed as follows:

10,000 MFBM x 5 x $0.85	$42,500
20,000 MFBM x 5 x $0.60	60,000
	102,500

(*b*) If production during the quarter of all companies that have applied for quotas (under paragraph (c) of this section) is ten percent or more above the sum of the quotas of such companies, the company will be reimbursed for the difference between the amount paid on the basis of (*a*) and the amount payable under Rule A.

Rule C. If a company's production during the quarter was not above quota, no amount is payable, except as provided in paragraph (d) (4) below.

[Rule D and Examples 6 and 7 deleted as of December 31, 1946]

(3) *Eligibility for premium A for November and December, 1946.* A company is eligible for premium A for the period November 1 through December 31, 1946, if its production (as determined under paragraph (f) of this section) during such period was in excess of two-thirds of its quota.

(4) *Rate and amount of premium A for November and December, 1946.* The rate and amount of premium A for the period November 1 through December 31, 1946, shall be calculated at the end of such period, according to the rules set forth in paragraph (d) (2). In applying these rules, production during the period November 1 through December 31, 1946 shall be compared with two-thirds of the quota established under paragraph (b).

A company may, at its option, combine production during the period November 1 through December 31, 1946, with production in the first quarter under this section. The amount payable for this five-month period shall be determined under Rules A and B (a) in paragraph (d) (2) above, on the basis of combined production in such period rather than on actual production in the first quarter and actual production in the period November 1 through December 31, 1946. If payment already has been made on a claim for the first quarter, such payment shall be deducted from the total amount payable which is computed under this provision.

Example 6. For the first quarter, N company has a quota of 2,000,000 feet flooring count, and for the period November and December, a quota of 1,333,333 feet flooring count, which is two-thirds of the quota for the second quarter. During the quarter beginning August 1, 1946, N's actual production was 1,700,000 feet flooring count, while in November and December its production was 2,000,000 feet flooring count. At the end of December N may file a claim for the five-month period based on 3,700,000 feet flooring count, production for this period. Since this figure exceeds 3,333,333 feet flooring count (2,000,000+1,333,333) by at least ten percent, N is entitled to premium A for the five-month period on the basis of the rates set forth under Rule A in paragraph (d) (2).

Example 7. In the quarter beginning August 1, 1946, L company (as indicated in Example 5) exceeded its quota by five percent, and received payment of $102,500. At the end of December, 1946, L files a claim based on its production during the five-month period. Since production for this period is at least ten percent above the sum of L's quota for the first quarter and two-thirds of its quota for the second quarter, L is entitled to receive premium A for the five-month period on the basis of the rates set forth under Rule A in paragraph (d) (2). However, as L already received $102,500 for the first quarter, this must be deducted from his claim for the five-month period.

[Former subparagraphs (3) and (4) redesignated (5) and (6), new (3) and (4) added as of December 31, 1946]

(5) *Company which uses northern hardwood flooring lumber.* For a company which uses northern hardwood flooring lumber, as defined in paragraph (a) (7) of § 805.7 (Housing Expediter Premium Payments Regulation No. 7), the rate and amount of Premium A shall be determined under paragraph (d) § 805.7.

(6) *Use of southern hardwood flooring lumber on which Premium A is payable.* Except for usual waste, all southern hardwood flooring lumber on which Premium A is payable must be used in the production of residential flooring, unless otherwise authorized by the Expediter.

Southern hardwood flooring lumber which is in inventory when this section is terminated shall be used in the production of residential flooring within five months from the termination date. To enable the Expediter to determine whether this condition is met, a company shall file a monthly report with the Expediter, Washington, D. C., on form OHE-14-158 covering each month in this five-month period, showing the amount of southern hardwood flooring lumber consumed in the production of residential flooring during the month, the amount of residential flooring produced in the month, the inventory of residential flooring at the end of the month, and the value, f. o. b. plant, of residential flooring produced during the month. This report shall be filed on or before the last day of the month following the month covered. By the end of the five-month period the company shall certify that all southern hardwood flooring lumber in inventory when the regulation was terminated has been used in the production of residential flooring. If the Expediter finds that a company has not complied with these conditions, he may invalidate claims for the last claim period.

(e) *Premium B*—(1) *Eligibility.* A company is eligible for premium B under this section if, during the period covered by the claim, its production (as determined under paragraph (f) of this section) is in excess of its quota.

(2) *Rate and amount of premium B.* For the first quarter under this section a company shall be paid $7.50 per thousand feet flooring count on all production in excess of its quota. For the period November 1 through December 31, 1946, a company shall be paid $7.50 per thousand feet flooring count on all production in excess of two-thirds of its quota. The amount payable for each claim period shall be computed by subtracting the amount of the company's quota or two-thirds of the company's quota, as the case may be, from its production for that period, and multiplying the remainder by $7.50 per thousand feet flooring count.

(f) *Computation of production for premium A and B claims*—(1) *First quarter premium A claims.* With respect to premium A claims for the first quarter under this section, production for the period covered by such claims shall include production of all residential flooring, and of all flooring produced for the account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include all production of other hardwood flooring, non-custom and custom.

(2) *First quarter premium B claims.* With respect to premium B claims for the first quarter under this section, production for the period covered by such claims shall include production of all residential flooring, and of all flooring produced for account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include production of other hardwood flooring, non-custom and custom, up to but not exceeding the quantity of each in the quota period. Where, however, the quota is based on productive capacity, rather than actual production, production may include other hardwood flooring in a quantity no greater than the lower of the following: (i) the amount of other hardwood flooring production in the quota period; (ii) the difference between productive capacity (computed under paragraph (b) of this section) and residential flooring production in the quota period.

(3) *Premium A and B claims for the period November and December, 1946.* With respect to claims for premium A and B for the period November 1 through December 31, 1946, production for this period shall include production of all residential flooring, and of all flooring produced for the account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include production of other hardwood flooring, non-custom and custom up to but not exceeding two-thirds of the quantity of each in the quota period. Where, however, the quota is based on productive capacity, rather than actual production, production for the period may include other hardwood flooring in a quantity no greater than the lower of the following: (i) two-thirds of the amount of other hardwood flooring production in the quota period; (ii) the difference between two-thirds of productive capacity (computed under paragraph (b) of this section) and two-thirds of residential flooring production in the quota period.

Example 8. R company has a quota of 2,000,000 feet flooring count. This quota, which is based on actual production in the quota period, consists of: 1,000,000 feet residential flooring; 750,000 feet other hardwood flooring (non-custom); 250,000 feet other hardwood flooring (custom).

In the claim period beginning August 1, 1946, R produces 2,400,000 feet flooring count of hardwood flooring, consisting of: 1,300,000 feet residential flooring; 900,000 feet other hardwood flooring (noncustom); 200,000 feet other hardwood flooring (custom). Production for the claim period is computed as follows:

Premium A:	*Feet*
Residential flooring	1,300,000
Other hardwood flooring, non-custom	900,000
Other hardwood flooring, custom	200,000
Total production in claim	2,400,000
Quota	2,000,000
Production in excess of quota	400,000
Premium B:	
Residential flooring	1,300,000
Other hardwood flooring, non-custom (but not above amount in quota period)	750,000
Other hardwood flooring, custom (but not above amount in quota period)	200,000
Total production in claim	2,250,000
Quota	2,000,000
Production in excess of quota	250,000

In the claim period November 1 through December 31, 1946, R produces 1,680,000 feet flooring count of hardwood flooring, consisting of 1,000,000 feet residential flooring; 550,000 feet other hardwood flooring (non-custom); 130,000 other hardwood flooring (custom). Production for this period is computed as follows:

Premium A and B:	*Feet*
Residential flooring	1,000,000
Other hardwood flooring, non-custom (but not above two-thirds of the amount in quota period)	500,000
Other hardwood flooring, custom (but not above two-thirds of the amount in quota period)	130,000
Total production in claims	1,630,000
Two-thirds of quota	1,333,333
Production in excess of two-thirds of quota	296,667

[Example 9 deleted as of December 31, 1946]

(g) *Claim for payment.* A company shall file claims for payment of premium A and B in the following manner:

(1) Each claim for payment shall be filed with the RFC Loan Agency for the district in which the company's main office is located, on Form NHA 14-68. These forms may be obtained from any RFC Loan Agency. A company may find out in which RFC Loan Agency district it is located by consulting its bank.

(2) Within 30 days after the end of the first quarter under this section, a company must file Form NHA 14-68 for such quarter. However, a company with a quota established under Rule 3 of paragraph (b) may file this form for the first quarter by January 31, 1947. For the period November 1 through December 31, 1946, this form shall be filed by February 28, 1947. It must be filed, even though the company does not make a claim for payment for the claim period.

(3) Claims for premium A for the first quarter under this section may be filed on a monthly basis, and a claim may be filed for November, 1946, under the following conditions:

(i) A claim for the first month of a quarterly period may be filed only if production during the month has equaled or exceeded 110 percent of one-third of the company's quota;

(ii) A claim for the second month or for the first two months of a quarterly period may be filed only if production during the two months has equaled or exceeded 110 percent of two-thirds of the company's quota;

(iii) Each claim must be filed within 30 days after the end of the period covered by the claim. However, claims for any part of the first quarter by a company with a quota established under Rule 3 of paragraph (b) may be filed by January 31, 1947.

(iv) If a company files one or two-month claims, it shall also file a claim for the quarter including the month or two-month periods.

(4) For the first quarter of this section, claims for premium B must be filed within 30 days after the end of the quarter. However, a company with a quota established under Rule 3 of paragraph (b) may file claims for such quarter by January 31, 1947. With respect to the period November 1 through December 31, 1946, claims for premium B shall be filed by February 28, 1947.

(5) No claim under this section shall be assignable except as a part of a bona fide transfer of the company to a legal successor.

(h) *Payment*—(1) *Review by RFC.* In reviewing claims for payment, the RFC will determine whether such claims

appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted. However, on claims for the last period for which this section is effective, RFC shall require that bond be furnished in form and amount satisfactory to it before making payment thereon. Preliminary acceptance and payment of claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may require that bond be furnished in form and amount satisfactory to it before making further payments, or suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims for payment, RFC will forward copies to the Expediter for verification and such investigation or audit as he may deem appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall, upon demand by RFC, refund the overage to RFC, together with interest thereon at the rate of four percent per annum calculated from the date of such overpayment to the date repayment is made to the RFC, or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(4) *Monthly payments.* Any payments made by RFC on account of any month or two-month claim shall be considered an advance payment on the claim for the quarterly period including such months, and shall be subject to recovery or set-off in the event the amount found payable on the quarterly claim is less than the amount of such advance payment.

(5) *Combined production.* Payments made by RFC on account of a first quarter claim for premium A shall be deducted from any claim subsequently filed which is based on combined production.

(6) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a company, and such company shall upon demand refund to RFC any payment on such claim, if the Expediter finds that, during the period this section is effective, the company:

(i) Has failed to comply with any of the requirements of this section.

(ii) Has failed to comply with directives, orders or regulations of CPA or OHE on hardwood flooring.

(iii) Has failed to maintain production of lumber of all species from its own sawmill operations at a level which obtained during the corresponding quarter of the previous year.

(iv) Has, at the end of any month, an inventory of southern usable lumber which exceeds a sixty-day supply.

(v) Has, at the end of any month, an inventory of residential flooring which is more than the residential flooring production during that month.

(vi) Has purchased southern hardwood flooring lumber which is invoiced on specified or special widths and/or lengths, or which is sold on condition that the company sell or deliver flooring or any other finished product to the supplier or his appointee.

(i) *Records.* Every company shall prepare and preserve for inspection, for a period of not less than two years after the date of termination of this section, all books, records, and other documents which furnish information in support of its application for quota and claims for payment. The Expediter, or his designated agents shall have the right at any time to make such examinations and audits of the books, records, and other documents as may be necessary to verify the representations in the company's application for quota and claims for payment, or as may be required by the Expediter.

(j) *Reports.* Producers must furnish such reports as may be required by the Expediter from time to time, subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of OHE, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(l) *Special orders.* A company located outside of both the southern and northern areas (northern area is defined in § 805.7 Housing Expediter Premium Payments Regulation No. 7), which uses southern hardwood flooring lumber, may, by letter to the Expediter, Washington, D. C. request that it be included in this section. If the Expediter finds that such inclusion will have the effect of increasing the production of hardwood flooring and is consistent with the Veterans' Emergency Housing Act of 1946, he will issue a special order under this paragraph, establishing quotas, and fixing the rate and amount of premiums payable.

(m) *Termination.* This section shall terminate on December 31, 1946: *Provided, however,* That:

(1) Termination shall not preclude the filing of claims for payment accrued on or before the date of termination. These claims shall be dealt with in accordance with the provisions of this section as amended in the same manner as if this section had not been terminated.

(2) The provisions of paragraph (d) (6) shall remain in full force and effect as if this section had not been terminated.

Appendix A: Description of southern area. Southern area means the following hardwoods areas:

(a) *Southern hardwood area.* This includes the States of Alabama, Arkansas, Florida, Louisiana, Mississippi, Texas and Oklahoma, and the counties of Tipton, Haywood, Shelby, Fayette, Lauderdale and Hardeman in the State of Tennessee, and those portions of North Carolina, South Carolina, Virginia, and Georgia not included in the Appalachian hardwoods area.

(b) *Appalachian hardwoods area.* This is that area circumscribed by a line beginning at the intersection of the western line of the State of West Virginia and the western line of the State of Pennsylvania, thence southwesterly on the eastern lines of West Virginia to the western boundary of Boyd County, Kentucky; thence extending southwesterly through Kentucky along the generally northwestern boundaries of the following counties: Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton to the Tennessee state line; thence westerly along said state line to the western boundary of Pickett County, Tennessee; thence southerly in Tennessee along the western boundaries of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton Counties to the intersections of the western boundary of Hamilton County and the Nashville, Chattanooga, and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia state line; thence easterly along said state line to the western boundary of Fannin County, Georgia; thence southeasterly in Georgia along the southwestern boundaries of Fannin County and Lumpkin County, thence generally easterly in Georgia along the southeastern boundary of Lumpkin County, the southern boundary of White County, and the southern and eastern boundaries of Habersham County to the South Carolina state line; thence southeasterly along said line to the southeastern boundary of Oconee County, South Carolina; thence in a generally northeasterly direction through South Carolina along the southeastern boundaries of Oconee and Pickens Counties, and the western, southern, and eastern boundaries of Greenville County to the North Carolina state line; thence easterly along the southern line of North Carolina to the eastern boundary of Cleveland County, North Carolina; thence northerly in North Carolina along the eastern boundaries of Cleveland and Burke Counties; thence continuing generally northeasterly in North Carolina along the eastern or southern boundaries of Alexander, Wilkes and Surry Counties to the Virginia state line; thence east on said state line to the eastern boundary of Patrick County, Virginia; thence northeasterly through Virginia, following the eastern boundary of Patrick County and the southeastern boundary of Franklin, Bedford, Amherst, Nelson, Albemarle, Greene, Madison, and Rappahannock Counties, turning southerly along the southwestern boundary of Fauquier County, and resuming a generally northerly direction along the eastern boundaries of Fauquier and Loudoun Counties to the Maryland state line; thence northwesterly along said state line to the eastern boundary of Frederick County, Maryland; thence northerly through Maryland along the eastern boundary of Frederick County to the Pennsylvania state line; thence westerly and thence northerly along said state line to the starting point. All sawmills on the boundary line of the Appalachian hardwoods area shall be deemed to be outside the Appalachian hardwoods area, except that mills in West Virginia and Maryland on the lines touching Pennsylvania and Ohio shall be deemed to be in the Appalachian area.

(c) *North Central hardwoods area.* This includes all of the States of Ohio, Indiana, Iowa, Nebraska and South Dakota; the counties of Adair, Anderson, Barren, Bath, Boone, Bourbon, Boyle, Bracken, Breckinridge, Bullitt, Campbell, Carroll, Casey, Clark, Cumberland, Daviess, Edmonson, Fayette, Fleming, Franklin, Gallatin, Garrard, Grant, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henry, Jefferson, Jessamine, Kenton, Larue, Lewis, Lincoln, Madison, Marion, Mason, Meade, Mercer, Metcalfe, Monroe, Montgomery, Nelson, Nicholas, Ohio, Oldham, Owen, Pendleton, Robertson, Russell, Scott, Shelby, Spencer, Taylor, Trimble, Washington and Woodford, all in the State of Kentucky; and all of the State of Illinois except the counties of Alexander, Franklin, Hardin, Jackson, Johnson, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Union, and Williamson, and those parts of Hamilton, Jefferson, Saline, St. Clair, Clinton and Washington counties which lie south or southwest of the tracks of the Louisville and Nashville Railroad.

(d) *South Central hardwoods area.* This includes all of the States of Kansas and Missouri; the counties of Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Simpson, Todd, Trigg, Union, Warren, and Webster, all in the State of Kentucky; and the counties of Bedford, Benton, Bledsoe, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Cumberland, Davidson, Decatur, De Kalb, Dickson, Dyer, Franklin, Gibson, Giles, Grundy, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marion, Marshall, Maury, Montgomery, Moore, Obion, Overton, Perry, Putnam, Robertson, Rutherford, Sequatchie, Smith, Stewart, Sumner, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson, all in the State of Tennessee; and all that territory lying within Hamilton County, Tennessee, which is south of the Nashville, Chattanooga and St. Louis Railroad and north of the boundary line between said Hamilton County, Tennessee, and the State of Georgia; and the counties of Alexander, Franklin, Hardin, Jackson, Johnson, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Union and Williamson, and those parts of Hamilton, Jefferson, Saline, St. Clair, Clinton, and Washington counties which lie south or southwest of the tracks of the Louisville and Nashville Railroad, all in the State of Illinois.

Effective date. This section as amended shall become effective as of December 31, 1946.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(Pub. Law 388, 79th Cong.)

Issued this 3d day of February 1947.

[SEAL] FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

PAYMENT OF PREMIUM A ON SOUTHERN HARDWOOD FLOORING LUMBER IN COMPANY'S INVENTORY ON AUGUST 1, 1946

(1) No premium A is payable on usable or green lumber which was produced by an independent supplier and was delivered to the company before August 1, 1946. Paragraph (d) (2) (ii) limits premium A to lumber that was delivered to the company during a claim period and on which the specified bonus was paid.

(2) No premium A is payable on usable lumber produced by a company-owned sawmill and received at the company's plant (or plants) before August 1, 1946. The provision of paragraph (d) (2) (ii), that a company which produces its own southern usable lumber shall be considered to have paid the prescribed bonus on such lumber, applies only to southern usable lumber received at the company's plant (or plants) during a claim period.

(3) On green lumber produced by a company-owned sawmill and received, for use in the production of hardwood flooring, at the company's plant (or plants) either before or after August 1, 1946, premium A is payable when such lumber becomes usable after August 1, 1946. (Issued August 26, 1946.)

INTERPRETATION 2

MEANING OF CLAUSE "IF A COMPANY PRODUCES ITS OWN SOUTHERN USABLE LUMBER"

If a company furnishes its own logs to an independent sawmill pursuant to a contract under which the sawmill agrees to supply to the company all the hardwood flooring lumber produced from such logs, the company is the producer of this lumber, within the meaning of subparagraph (d) (2) (ii) (Issued August 26, 1946.)

INTERPRETATION 3

PAYMENT OF PREMIUM A ON SOUTHERN HARDWOOD FLOORING LUMBER WHICH IS DESTROYED BY FIRE AFTER COMPANY HAS PAID BONUS THEREON; ADJUSTMENT OF QUOTA

Paragraph (d) (5) provides that, except for usual waste, all southern hardwood flooring lumber on which premium A is payable must be used in the production of residential flooring, unless otherwise authorized by the Expediter. Paragraph (h) (6) (i) gives the Expediter the right to invalidate a company's claim if it has failed to comply with any of the requirements of the regulation.

Since lumber destroyed by fire could not have been used in the production of residential flooring, there would be, as to this lumber, a failure to comply with the requirement of paragraph (d) (5). Therefore, no premium A could legally be payable with respect to such lumber, and if the fire were to occur after premium A had been paid thereon, such payment would be subject to recovery or set-off.

Destruction of lumber by fire is not a circumstance for which the Expediter will grant an exception from the requirement of paragraph (d) (5) that all lumber on which premium A is payable must be used in the production of residential flooring.

Although no premium A is payable with respect to lumber destroyed by fire, if such destruction by fire causes an interruption of production during any claim period this would constitute an interruption "due to unusual circumstances beyond the control of the company", on the basis of which an appropriate adjustment of the quota may be made for such claim period under paragraph (b) (2) of the regulation. (Issued September 21, 1946.)

INTERPRETATION 4

SIGNATURE REQUIRED ON SUPPLIER'S CERTIFICATION THAT LUMBER HAS BEEN ON STICKS OR END RACKED FOR SPECIFIED PERIOD

Supplier's certification on face of invoice, that lumber has been on sticks or end racked for specified period, must either bear his signature or that of another duly authorized person. Signature need not be manual, but may be in the form of a rubber stamp or facsimile reproduction of a handwritten signature. Typewritten signature, however, may not be used.

This interpretation shall become effective as of October 1, 1946. (Issued September 30, 1946.)

[F. R. Doc. 46-1140; Filed, Feb. 3, 1947; 5:07 p. m.]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Premium Payment Reg. 7 as Amended Feb. 3, 1947, Incl. Ints. 1-4]

HARDWOOD FLOORING—NORTHERN AREA

Purpose and findings. This general regulation is issued to stimulate additional production of hardwood flooring in the northern area by providing for premium payments on production of such flooring above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which premium payments may be obtained. This regulation is issued pursuant to the authority of the "Veterans' Emergency Housing Act of 1946."

All available means of increasing the supply of hardwood flooring for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration, the Expediter finds that premium payments on hardwood flooring are temporarily necessary to increase its supply and to stimulate such additional production with greater rapidity, economy and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.

(a) Definitions.
(b) Establishment of quota.
(c) Application for quota.
(d) Premium A.
(e) Premium B.
(f) Computation of production for premium A and B claims.
(g) Claim for payment.
(h) Payment.
(i) Records.
(j) Reports.
(k) Official interpretations.
(l) Special orders.
(m) Termination.
Appendix A: Description of northern area.

§ 805.7 *Hardwood flooring (northern area)*—(a) *Definitions.* (1) "Hardwood flooring" means flooring which is produced from hardwood species, and which is end matched and machine patterned in $^{25}/_{32}$" and thinner thicknesses. In addition, it includes custom hardwood flooring, which is hardwood flooring produced from lumber not owned by the flooring producer.

(2) "Residential flooring" means hardwood flooring which meets these requirements:

(i) It is produced from the species oak, beech, birch or hard maple, which has been properly kiln dried.

(ii) It has been side matched, end matched and machine patterned (except that $^{5}/_{16}$" square edge shall be included), in $^{25}/_{32}$" and thinner thicknesses, and it has been machined to face widths of 1¼", 1½", 2", 2¼", 2½", 2¾", or 3¼".

(iii) It has been graded in accordance with the official grading rules of the Maple Flooring Manufacturers' Association (effective July 25, 1941), or of the National Oak Flooring Manufacturers' Association (effective November 8, 1943).

Residential flooring may be unfinished, dip-treated or factory finished. It does not include custom hardwood flooring.

(3) "Northern area" means the area set forth in Appendix A.

(4) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(5) "Plant" means a manufacturing establishment for the production of hardwood flooring which is located in that portion of the northern area which is in the continental United States, which occupies a single site and, where consisting of several complete manufacturing units, which uses common shipping and storing facilities and common operating supervision.

(6) "Company" means a person who manufactures hardwood flooring. If a person owns several plants, it shall be considered a company only with respect to plants located in that portion of the northern area which is in the continental United States. For purposes of this section, a sawmill or concentration yard which is owned by a company and located in that portion of the northern area which is in the continental United States shall be considered a part of the company.

(7) "Northern hardwood flooring lumber" means lumber which is produced in the northern area from the species oak, beech, birch or hard maple, in the following condition, grades and thicknesses: condition—rough; grades—No. 2 common and No. 3a common; thicknesses—4/4" and 5/8", except that the thicknesses for lumber produced from oak shall be 4/4", 5/4" and 5/8". The grading and measurements shall be in accordance with the rules of the National Hardwood Lumber Association, effective January 1, 1946.

(8) "Northern usable lumber" means northern hardwood flooring lumber which has been on sticks or end racked at least ninety days.

(9) "Northern green lumber" means northern hardwood flooring lumber which does not meet the definition of northern usable lumber.

(10) "Supplier" means any person who supplies northern hardwood flooring lumber to a "company." However, unless otherwise authorized by the Expediter, a "company" shall not be considered a supplier.

(11) "Premium A" means a premium payable under paragraph (d) of this section.

(12) "Premium B" means a premium payable under paragraph (e) of this section.

(13) "Production" and "units of production" means the amount of hardwood flooring produced, measured in thousands of feet flooring count.

(14) "Flooring count" means the hardwood flooring measure described in the official grading rules of the National Oak Flooring Manufacturers' Association (effective November 8, 1943).

(15) "Quarter" means a period of three consecutive calendar months, beginning August 1, November 1 and February 1. However, any company on whom this provision works a hardship may apply, by letter, to the Expediter, Washington, D. C., for authorization to submit its application for quota and claims on the basis of a stipulated fiscal quarter. With respect to a company that has received such authorization, this section shall become effective on the first day of the fiscal month beginning on or after August 1, 1946, and shall terminate on the same date that this section terminates as to other companies.

(16) "New producer" means with respect to a plant which prior to the effective date of this regulation was not operated for the production of hardwood flooring, a person who operates such plant after the effective date of this regulation, and who did not operate, prior to the effective date of this regulation, any plant for the production of hardwood flooring.

(17) "Claim" means a claim for premium payments filed pursuant to this section.

(18) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946, or his duly authorized representative.

(19) "OHE" means the Office of the Housing Expediter.

(b) *Establishment of quota*—(1) *Rules.* A quota shall be established for each company, in accordance with the rules below. In applying the rules, follow these instructions:

(i) Use Rule 1 for all plants owned by the company on August 1, 1946, if it applies to any such plant. If Rule 1 does not apply, use Rule 2. If neither Rule 1 nor Rule 2 applies to any plant, use Rule 3.

(ii) If a plant owned by the company on August 1, 1946 was under different ownership in the applicable quota period, include the production or productive capacity (whichever is appropriate) of that plant during such period.

(iii) If, after August 1, 1946, an additional plant is acquired, the company shall apply, by letter, to the Expediter, Washington, D. C., for a new company quota.

(iv) In computing actual hardwood flooring production, under subparagraph (a) of Rule 1 or Rule 2, include all hardwood flooring production.

RULE 1. *Company which produced hardwood flooring in any plant at least 45 days during first quarter of 1946.* The quota shall be the lower of the following:

(a) Actual production of hardwood flooring during the first quarter of 1946; or

(b) Productive capacity of all hardwood flooring machines in place on March 31, 1946, computed on the basis of 552,500 feet flooring count per machine.

Example 1. X company owns one plant, which produced hardwood flooring at least 45 days during the first quarter of 1946. Four machines are installed in the plant, and during the quarter only two were operated. X's actual production of hardwood flooring was 1,110,000 feet flooring count.

X's quota is 1,110,000 feet flooring count, since this is lower than 2,210,000 feet flooring count, his productive capacity computed under (b) above (4×552,500=2,210,000).

Example 2. Y company owns one plant, which produced hardwood flooring at least 45 days during the first quarter of 1946. One machine is installed in the plant, and during the quarter this machine was operated on an overtime basis. Accordingly, Y's actual production of hardwood flooring was 750,000 feet flooring count.

Y's quota is 552,500 feet flooring count, his productive capacity computed under (b) above, since this is lower than his actual production.

Example 3. Z company owns two plants, each of which has two machines. Plant #1 produced hardwood flooring at least 45 days during the first quarter of 1946, and its actual production was 600,000 feet flooring count. Plant #2 was idle during the period January 1 through June 30, 1946.

Since Rule 1 applies to Plant #1, Z will use this rule for all plants, in determining his company quota. Accordingly, Z's quota is 600,000 feet flooring count (actual hardwood flooring production during the first quarter of 1946), for this is lower than 2,210,000 feet flooring count (productive capacity).

RULE 2. *Company which cannot qualify under Rule 1, but which produced hardwood flooring in any plant at least 15 days in each of three months during the period January 1 through June 30, 1946.* The quota shall be the lower of the following:

(a) Actual production of hardwood flooring during the first three months, in the period January 1 through June 30, 1946, where hardwood flooring was produced at least fifteen days per month; or

(b) Productive capacity of all hardwood flooring machines in place at the end of the third month determined under (a), computed on the basis of 552,500 feet flooring count per machine.

Example 4. In the period January 1 through June 30, 1946, M company produced hardwood flooring 25 days in January, 0 days in February, 10 days in March, 20 days in April and 25 days in May. M will determine actual production during January, April and May, and compare it with productive capacity of all machines in place on May 31.

RULE 3. *Any other company.* The quota shall be determined by the Expediter. However, no quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of producer's selling price) of the total output of such producer.

(2) *Adjustment of quota by Expediter.* Where production of a company during the first quarter under this section, or during the period November 1 through December 31, 1946, has been interrupted due to unusual circumstances beyond the control of the company, the company may, by letter, report these circumstances to the Expediter. The Expediter may, for purposes of determining the company's eligibility to receive premium A, adjust the quota for the first quarter, or the months of November and December, as the case may be.

(c) *Application for quotas.* Every company who wishes to receive premium payments under this section shall file an application for quota on form NHA 14-70. This form may be obtained from any RFC Loan Agency, and shall be filed with the Expediter by September 15, 1946. However, if a company did not produce hardwood flooring in the period January 1 to August 1, 1946, such form may be filed after September 15, 1946.

(d) *Premium A*—(1) *Eligibility for premium A for the first quarter.* A company is eligible for premium A for the first quarter under this section if its production (as determined under paragraph (f) of this section) during such quarter was in excess of quota.

(2) *Rate and amount of premium A for the first quarter.* The rate and amount of premium A shall be calculated at the end of the first quarter under this section, according to the following rules:

Rule A. If a company's production during the quarter was ten percent or more above its quota, the amount payable will be based on all northern hardwood flooring lumber delivered during the quarter for use in the production of hardwood flooring. The rate of payment shall be $3.50 per thousand feet board measure for northern hardwood flooring lumber which was usable when delivered, and $1.00 per thousand feet board measure for such lumber which was green when delivered.

If a company produces its own northern hardwood flooring lumber, the amount payable with respect to self-produced lumber will be based on all northern usable lumber received for use in the production of hardwood flooring during the claim period: *Provided*, That an invoice has been prepared showing the quantity of the lumber. The rate of payment shall be $3.50 per thousand feet board measure for such northern usable lumber.

Rule B. If a company's production during the quarter was above its quota, but less than ten percent above, the amount payable will be calculated as follows:

(a) For each one percent increase over the company's quota, ten percent of the amount which would be payable under Rule A, if that rule were applicable.

Example 5. L company's production is five percent above its quota, and during the quarter deliveries of northern hardwood flooring lumber were as follows: 10,000,000 feet board measure, usable lumber; 20,000,000 feet board measure, green lumber.

Under (a) above, the total amount payable is computed as follows:

10,000 MFBM x 5 x $0.35	$17,500
20,000 MFBM x 5 x $0.10	10,000
	$27,500

(b) If production during the quarter of all companies that have applied for quotas (under paragraph (c) of this section) is ten percent or more above the sum of the quotas of such companies, the company will be reimbursed for the difference between the amount paid on the basis of (a) and the amount payable under Rule A.

Rule C. If a company's production during the quarter was not above quota, no amount is payable, except as provided in paragraph (d) (4) below.

[Rule D and Examples 6 and 7 deleted as of December 31, 1946]

(3) *Eligibility for premium A for November and December, 1946.* A company is eligible for premium A for the period November 1 through December 31, 1946, if its production (as determined under paragraph (f) of this section) during such period was in excess of two-thirds of its quota.

(4) *Rate and amount of premium A for November and December, 1946.* The rate and amount of premium A for the period November 1 through December 31, 1946, shall be calculated at the end of such period, according to the rules set forth in paragraph (d) (2). In applying these rules, production during the period November 1 through December 31, 1946, shall be compared with two-thirds of the quota established under paragraph (b).

A company may, at its option, combine production during the period November 1 through December 31, 1946, with production in the first quarter under this section. The amount payable for this five-month period shall be determined under Rules A and B (a) in paragraph (d) (2) above, on the basis of combined production in such period rather than on actual production in the first quarter and actual production in the period November 1 through December 31, 1946. If payment already has been made on a claim for the first quarter, such payment shall be deducted from the total amount payable which is computed under this provision.

Example 6. For the first quarter, N company has a quota of 2,000,000 feet flooring count, and for the period November and December, a quota of 1,333,333 feet flooring count, which is two-thirds of the quota for the second quarter. During the quarter beginning August 1, 1946, N's actual production was 1,700,000 feet flooring count, while in November and December its production was 2,000,000 feet flooring count. At the end of December N may file a claim for the five-month period based on 3,700,000 feet flooring count, production for this period. Since this figure exceeds 3,333,333 feet flooring count (2,000,000+1,333,333) by at least ten percent, N is entitled to premium A for the five-month period on the basis of the rates set forth under Rule A in paragraph (d) (2).

Example 7. In the quarter beginning August 1, 1946, L company (as indicated in Example 5) exceeded its quota by five percent, and received payment of $27,500. At the end of December 1946, L files a claim based on its production during the five-month period. Since production for this period is at least ten percent above the sum of L's quota for the first quarter and two-thirds of its quota for the second quarter, L is entitled to receive premium A for the five-month period on the basis of the rates set forth under Rule A in paragraph (d) (2). However, as L already received $27,500 for the first quarter, this must be deducted from his claim for the five-month period.

[Former subparagraphs (3) and (4) redesignated (5) and (6), new (3) and (4) added as of December 31, 1946]

(5) *Company which uses southern hardwood flooring lumber.* For a company which uses southern hardwood flooring lumber, as defined in paragraph (a) (7) of § 805.6 (Housing Expediter Premium Payments Regulation No. 6), the rate and amount of Premium A shall be determined under paragraph (d) of § 805.6.

(6) *Use of northern hardwood flooring lumber on which Premium A is payable.* Except for usual waste, all northern hardwood flooring lumber on which Premium A is payable must be used in the production of residential flooring, unless otherwise authorized by the Expediter.

Northern hardwood flooring lumber which is in inventory when this section is terminated shall be used in the production of residential flooring within five months from the termination date. To enable the Expediter to determine whether this condition is met, a company shall file a monthly report with the Expediter, Washington, D. C., on form OHE 14-158 covering each month in this five-month period, showing the amount of northern hardwood flooring lumber consumed in the production of residential flooring during the month, the amount of residential flooring produced in the month, the inventory of residential flooring at the end of the month, and the value, f. o. b. plant, of residential flooring produced during the month. This report shall be filed on or before the last day of the month following the month covered. By the end of the five-month

period the company shall certify that all northern hardwood flooring lumber in inventory when the regulation was terminated has been used in the production of residential flooring. If the Expediter finds that a company has not complied with these conditions, he may invalidate claims for the last claim period.

(e) *Premium B—(1) Eligibility.* A company is eligible for premium B under this section if, during the period covered by the claim, its production (as determined under paragraph (f) of this section) is in excess of its quota.

(2) *Rate and amount of premium B.* For the first quarter under this section a company shall be paid $12.50 per thousand feet flooring count on all production in excess of its quota. For the period November 1 through December 31, 1946, a company shall be paid $12.50 per thousand feet flooring count on all production in excess of two-thirds of its quota. The amount payable for each claim period shall be computed by subtracting the amount of the company's quota or two-thirds of the company's quota, as the case may be, from its production for that period, and multiplying the remainder by $12.50 per thousand feet flooring count.

(f) *Computation of production for premium A and B claims—(1) First quarter premium A claims.* With respect to premium A claims for the first quarter under this section, production for the period covered by such claims shall include production of all residential flooring, and of all flooring produced for the account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include all production of other hardwood flooring, non-custom and custom.

(2) *First quarter premium B claims.* With respect to premium B claims for the first quarter under this section, production for the period covered by such claims shall include production of all residential flooring, and of all flooring produced for account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include production of other hardwood flooring, non-custom and custom, up to but not exceeding the quantity of each in the quota period. Where, however, the quota is based on productive capacity, rather than actual production, production may include other hardwood flooring in a quantity no greater than the lower of the following: (i) the amount of other hardwood flooring production in the quota period; (ii) the difference between productive capacity (computed under paragraph (b) of this section) and residential flooring production in the quota period.

(3) *Premium A and B claims for the period November and December, 1946.* With respect to claims for premium A and B for the period November 1 through December 31, 1946, production for this period shall include production of all residential flooring, and of all flooring produced for the account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include production of other hardwood flooring, non-custom and custom up to but not exceeding two-thirds of the quantity of each in the quota period. Where, however, the quota is based on productive capacity, rather than actual production, production for the period may include other hardwood flooring in a quantity no greater than the lower of the following: (i) two-thirds of the amount of other hardwood flooring production in the quota period; (ii) the difference between two-thirds of productive capacity (computed under paragraph (b) of this section) and two-thirds of residential flooring production in the quota period.

Example 8. R company has a quota of 2,000,000 feet flooring count. This quota, which is based on actual production in the quota period, consists of: 1,000,000 feet residential flooring; 750,000 feet other hardwood flooring (non-custom); 250,000 feet other hardwood flooring (custom).

In the claim period beginning August 1, 1946, R produces 2,400,000 feet flooring count of hardwood flooring, consisting of: 1,300,000 feet residential flooring; 900,000 feet other hardwood flooring (non-custom); 200,000 feet other hardwood flooring (custom). Production for the claim period is computed as follows:

Premium A:	*Feet*
Residential flooring	1,300,000
Other hardwood flooring, non-custom	900,000
Other hardwood flooring, custom	200,000
Total production in claim	2,400,000
Quota	2,000,000
Production in excess of quota	400,000
Premium B:	
Residential flooring	1,300,000
Other hardwood flooring, non-custom (but not above amount in quota)	750,000
Other hardwood flooring, custom (but not above amount in quota)	200,000
Total production in claim	2,250,000
Quota	2,000,000
Production in excess of quota	250,000

In the claim period November 1 through December 31, 1946, R produces 1,680,000 feet flooring count of hardwood flooring, consisting of 1,000,000 feet residential flooring; 550,000 feet other hardwood flooring (non-custom); 130,000 other hardwood flooring (custom). Production for this period is computed as follows:

Premium A and B:	*Feet*
Residential flooring	1,000,000
Other hardwood flooring, non-custom (but not above two-thirds of the amount in quota period)	500,000
Other hardwood flooring, custom (but not above two-thirds of the amount in quota period)	130,000
Total production in claims	1,630,000
Two-thirds of quota	1,333,333
Production in excess of two-thirds of quota	296,667

[Example 9 deleted as of December 31, 1946]

(g) *Claim for payment.* A company shall file claims for payment of premium A and B in the following manner:

(1) Each claim for payment shall be filed with the RFC Loan Agency for the district in which the company's main office is located, on form NHA 14-71. These forms may be obtained from any RFC Loan Agency. A company may find out in which RFC Loan Agency district it is located by consulting its bank.

(2) Within 30 days after the end of the first quarter under this section, a company must file Form NHA 14-71 for such quarter. However, a company with a quota established under Rule 3 of paragraph (b) may file this form for the first quarter by January 31, 1947. For the period November 1 through December 31, 1946, this form shall be filed by February 28, 1947. It must be filed, even though the company does not make a claim for payment for the claim period.

(3) Claims for premium A for the first quarter under this section may be filed on a monthly basis, and a claim may be filed for November, 1946, under the following conditions:

(i) A claim for the first month of a quarterly period may be filed only if production during the month has equaled or exceeded 110 percent of one-third of the company's quota;

(ii) A claim for the second month or for the first two months of a quarterly period may be filed only if production during the two months has equaled or exceeded 110 percent of two-thirds of the company's quota;

(iii) Each claim must be filed within 30 days after the end of the period covered by the claim. However, claims for any part of the first quarter by a company with a quota established under Rule 3 of paragraph (b) may be filed by January 31, 1947.

(iv) If a company files one or two-month claims, it shall also file a claim for the quarter including the month or two-month periods.

(4) For the first quarter of this section, claims for premium B must be filed within 30 days after the end of the quarter. However, a company with a quota established under Rule 3 of paragraph (b) may file claims for such quarter by January 31, 1947. With respect to the period November 1 through December 31, 1946, claims for premium B shall be filed by February 28, 1947.

(5) No claim under this section shall be assignable except as a part of a bona fide transfer of the company to a legal successor.

(h) *Payment—(1) Review by RFC.* In reviewing claims for payment, the RFC will determine whether such claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted. However, on claims for the last period for which this section is effective, RFC shall require that bond be furnished in form and amount satisfactory to it before making payment thereon. Preliminary acceptance and payment of claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may require that bond be furnished in form and amount satisfactory to it before making further payments, or suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims for payment, RFC will forward copies to the Expediter for verification and such investigation or audit as he may deem appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall, upon demand by RFC, refund the overage to RFC, together with interest thereon at the rate of four percent per annum calculated from the date of such overpayment to the date repayment is made to the RFC, or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(4) *Monthly payments.* Any payments made by RFC on account of any month or two-month claim shall be considered an advance payment on the claim for the quarterly period including such months, and shall be subject to recovery or set-off in the event the amount found payable on the quarterly claim is less than the amount of such advance payment.

(5) *Combined production.* Payments made by RFC on account of a first quarter claim for premium A shall be deducted from any claim subsequently filed which is based on combined production.

(6) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a company, and such company shall upon demand refund to RFC any payment on such claim, if the Expediter finds that during the period this section is effective the company:

(i) Has failed to comply with any of the requirements of this section.

(ii) Has failed to comply with directives, orders or regulations of CPA or OHE on hardwood flooring.

(iii) Has failed to maintain production of lumber of all species from its own sawmill operations at a level which obtained during the corresponding quarter of the previous year.

(iv) Has, at the end of any month, an inventory of northern usable lumber which exceeds a sixty-day supply.

(v) Has, at the end of any month, an inventory of residential flooring which is more than the residential flooring production during that month.

(vi) Has purchased northern hardwood flooring lumber which is invoiced on specified or special widths and/or lengths, or which is sold on condition that the company sell or deliver flooring or any other finished product to the supplier or his appointee.

(i) *Records.* Every company shall prepare and preserve for inspection, for a period of not less than two years after the date of termination of this section, all books, records, and other documents which furnish information in support of its application for quota and claims for payment. The Expediter, or his designated agents shall have the right at any time to make such examinations and audits of the books, records, and other documents as may be necessary to verify the representations in the company's application for quota and claims for payment, or as may be required by the Expediter.

(j) *Reports.* Producers must furnish such reports as may be required by the Expediter from time to time, subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of OHE, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(l) *Special orders.* A company located outside of both the southern and northern areas (southern area is defined in § 805.6 (Housing Expediter Premium Payments Regulation No. 6), which uses northern hardwood flooring lumber, may, by letter to the Expediter, Washington, D. C., request that it be included in this section. If the Expediter finds that such inclusion will have the effect of increasing the production of hardwood flooring and is consistent with the Veterans' Emergency Housing Act of 1946, he will issue a special order under this paragraph establishing quotas, and fixing the rate and amount of premiums which will be payable.

(m) *Termination.* This section shall terminate on December 31, 1946: *Provided, however,* That:

(1) Termination shall not preclude the filing of claims for payment accrued on or before the date of termination. These claims shall be dealt with in accordance with the provisions of this section as amended in the same manner as if this section had not been terminated.

(2) The provisions of paragraph (d) (6) shall remain in full force and effect as if this section had not been terminated.

Appendix A: Description of northern area. Northern area means the following hardwood areas:

(a) *Northern hardwood area.* This includes the states of Michigan, Minnesota and Wisconsin.

(b) *Northeastern hardwood area.* This includes the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, all of the state of Maryland except the counties of Garrett, Allegany, Washington and Frederick, and the Dominion of Canada east of the 85th meridian.

Effective date. This section as amended shall become effective as of December 31, 1946.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of Budget, in accordance with the Federal Reports Act of 1942.

(Pub. Law 388, 79th Cong.)

Issued this 3d day of February 1947.

[SEAL] FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

PAYMENT OF PREMIUM A ON NORTHERN HARDWOOD FLOORING LUMBER IN COMPANY'S INVENTORY ON AUGUST 1, 1946

(1) No premium A is payable on usable or green lumber which was produced by an independent supplier and was delivered to the company before August 1, 1946. Paragraph (d) (2) (ii) limits premium A to lumber that was delivered to the company during a claim period and on which the specified bonus was paid.

(2) No premium A is payable on usable lumber produced by a company-owned sawmill and received at the company's plant (or plants) before August 1, 1946. The provision of paragraph (d) (2) (ii), that a company which produces its own northern usable lumber shall be considered to have paid the prescribed bonus on such lumber, applies only to northern usable lumber received at the company's plant (or plants) during a claim period.

(3) On green lumber produced by a company-owned sawmill and received, for use in the production of hardwood flooring, at the company's plant (or plants) either before or after August 1, 1946, premium A is payable when such lumber becomes usable after August 1, 1946. (Issued August 26, 1946.)

INTERPRETATION 2

MEANING OF CLAUSE "IF A COMPANY PRODUCES ITS OWN NORTHERN USABLE LUMBER"

If a company furnishes its own logs to an independent sawmill pursuant to a contract under which the sawmill agrees to supply to the company all the hardwood flooring lumber produced from such logs, the company is the producer of this lumber, within the meaning of sub-paragraph (d) (2) (ii). (Issued August 26, 1946.)

INTERPRETATION 3

PAYMENT OF PREMIUM A ON NORTHERN HARDWOOD FLOORING LUMBER WHICH IS DESTROYED BY FIRE AFTER COMPANY HAS PAID BONUS THEREON; ADJUSTMENT OF QUOTA

Paragraph (d) (5) provides that, except for usual waste, all northern hardwood flooring lumber on which premium A is payable must be used in the production of resi-

dential flooring, unless otherwise authorized by the Expediter. Paragraph (h) (6) (i) gives the Expediter the right to invalidate a company's claim if it has failed to comply with any of the requirements of the regulation.

Since lumber destroyed by fire could not have been used in the production of residential flooring, there would be, as to this lumber, a failure to comply with the requirement of paragraph (d) (5). Therefore, no premium A could legally be payable with respect to such lumber, and if the fire were to occur after premium A had been paid thereon, such payment would be subject to recovery or set-off.

Destruction of lumber by fire is not a circumstance for which the Expediter will grant an exception from the requirement of paragraph (d) (5) that all lumber on which premium A is payable must be used in the production of residential flooring.

Although no premium A is payable with respect to lumber destroyed by fire, if such destruction by fire causes an interruption of production during any claim period this would constitute an interruption "due to unusual circumstances beyond the control of the company", on the basis of which an appropriate adjustment of the quota may be made for such claim period under paragraph (b) (2) of the regulation. (Issued September 21, 1946.)

INTERPRETATION 4

SIGNATURE REQUIRED ON SUPPLIER'S CERTIFICATION THAT LUMBER HAS BEEN ON STICKS OR END RACKED FOR SPECIFIED PERIOD

Supplier's certification on face of invoice, that lumber has been on sticks or end racked for specified period, must either bear his signature or that of another duly authorized person. Signature need not be manual, but may be in the form of a rubber stamp or facsimile reproduction of a handwritten signature. Typewritten signature, however, may not be used.

This interpretation shall become effective as of October 1, 1946. (Issued September 30, 1946.)

[F. R. Doc. 47-1141; Filed, Feb. 3, 1947; 5:07 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 200—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 200.50 to 200.53, see Title 43, Part 4, *infra*, directing the Geological Survey to perform certain functions and duties in connection with the disposal and development of minerals in acquired lands.

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 858, Public Laws 388 and 475, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1081]

S. E. PANCOAST AND AL BAKER

S. E. Pancoast, resides on Summit Avenue, Broomall, Delaware County, Pennsylvania, and is the owner of premises on the north side of West Chester Pike, east of Sproul Road, Broomall, Delaware County, Pennsylvania. Al Baker, a contractor and builder, resides in Broomall, Delaware County, Pennsylvania. On or about July 25, 1946, S. E. Pancoast and Al Baker began the construction of a commercial building to be used as a food market, on the north side of West Chester Pike, east of Sproul Road, Broomall, Delaware County, Pennsylvania, at an estimated cost of $15,000, without authorization of the Civilian Production Administration. The beginning and carrying on of this construction, at a cost in excess of $1,000, without authorization of the Civilian Production Administration constitutes a wilful violation by Al Baker, and a grossly negligent violation on the part of S. E. Pancoast, of Veterans' Housing Program Order No. 1 of the Civilian Production Administration. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1081 *Suspension Order No. S-1081.* (a) Neither S. E. Pancoast or Al Baker, their successors or assigns, nor any other person, shall do any further construction on the premises of S. E. Pancoast, located on the north side of West Chester Pike, east of Sproul Road, Broomall, Delaware County, Pennsylvania, including completing, putting up, or altering any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) S. E. Pancoast and Al Baker shall refer to this order in any application or appeal which they may file with the Civilian Production Administration, or any other duly authorized Governmental agency, for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve S. E. Pancoast or Al Baker, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1121; Filed, Feb. 3, 1947; 4:17 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1083]

ALBERT H. BIEN AND RUSSELL BYERLEY

Albert H. Bien, 2 Meredith Road, Philadelphia, Pennsylvania, the owner of the premises at 915 Montgomery Avenue, Narberth, Pennsylvania, and Russell Byerley, 109 Main Street, Phoenixville, Pennsylvania, a general contractor, on or about December 12, 1946, began the construction of a two-story commercial building at 915 Montgomery Avenue, Narberth, Pennsylvania, at an estimated cost of $10,000 without authorization from the Civilian Production Administration. The beginning and carrying on of this construction subsequent to March 26, 1946, constituted a wilful violation on the part of Russell Byerley, and a grossly negligent violation by Albert H. Bien of Veterans' Housing Program Order 1. This violation has diverted critical material to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1083 *Suspension order No. S-1083.* (a) Neither Albert H. Bien or Russell Byerley, their successors or assigns, nor any other person shall do any further construction on the premises located at 915 Montgomery Avenue, Narberth, Pennsylvania, including completing, putting up or altering of any structure located thereon unless hereafter specifically authorized in writing by the Civilian Production Administration or other duly authorized Governmental agency.

(b) Albert H. Bien and Russell Byerley shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Albert H. Bien or Russell Byerley, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions herein.

Issued this 3d day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1122; Filed, Feb. 3, 1947; 4:17 p. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 148]

PART 4003—SUPPORT PRICES; SUBSIDIES

CUBAN AND PUERTO RICAN SUGAR, 1947 CROP

§ 4003.10b *Cuban and Puerto Rican direct-consumption sugar, 1947 crop.* The Secretary of Agriculture has recommended the continuation for 1947-crop sugar of the reimbursement program for importers of Cuban and Puerto Rican direct-consumption sugar. Under the existing program, Commodity Credit Corporation reimburses importers of 1946-crop sugar, subject to certain restrictions, for lighterage and demurrage in the United States, wharfage and handling, storage, and excess raw material costs, if required, thus making possible the importation and distribution of such direct-consumption sugar under United States ceiling prices. The program proposed for the 1947-crop contains no change except that reimbursement will not be made for costs of moving sugar from the port of entry to the point of destination.

After consideration of the recommendation of the Secretary of Agriculture, I hereby find that the proposed program is necessary to effectuate the policy established by Executive Orders 9250 and 9328, and to insure price stability and the maximum necessary distribution of sugar to meet military and civilian requirements. Accordingly, the Department of Agriculture is hereby authorized and directed to carry out through the Commodity Credit Corporation the program as described in this section (and further detailed in the Secretary of Agriculture's letter of January 24, 1947).[1]

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; Pub. Law 548, 79th Cong.; 15 U. S. C. Sup. 713a-8; 713a-8 note, 50 U. S. C. App. Sup. 901-903, 921-925, 961-971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871; E. O. 9328, Apr. 8, 1943, 8 F. R. 4681; E. O. 9599, Aug. 18, 1945, 10 F. R. 10155; E. O. 9651, Oct. 30, 1945, 10 F. R. 13487; E. O. 9697, Feb. 14, 1946, 11 F. R. 1691; E. O. 9699, Feb. 21, 1946, 11 F. R. 1929; E. O. 9762, July 25, 1946, 11 F. R. 8073; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 30th day of January 1947.

J. W. FOLLIN,
Acting Temporary Controls Administrator.

[F. R. Doc. 47-1057; Filed, Feb. 4, 1947; 9:03 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 9—EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

ORDER WITHDRAWING PUBLIC LAND IN FLORIDA FOR USE OF NAVY DEPARTMENT FOR AVIATION PURPOSES

CROSS REFERENCE: For order affecting the tabulation contained in § 9.6, see Public Land Order 267, under Title 43, *infra*, which withdraws certain public land in Florida for the use of the Navy Department for aviation purposes.

[1] Not filed with Division of the Federal Register.

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

REVOCATION OF ORDERS OPENING LANDS IN SALMON AND NEZPERCE NATIONAL FORESTS, IDAHO

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see F. R. Doc. 47-1043 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra*, revoking certain orders opening public lands in the Salmon and Nezperce National Forests, Idaho, for entry under the Forest Homestead Act.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2291]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT AND GEOLOGICAL SURVEY

1. Section 4.261 *Functions with respect to minerals in certain acquired lands* (11 F. R. 7776, 13697), as amended, is further amended by inserting after the section heading the designation "(a)", by deleting the last sentence in the first paragraph of the section relating to the right of appeal, and by adding at the end of the section the following:

(b) The leasing, where authorized by law, of minerals in acquired lands, under the jurisdiction of the bureaus and other agencies of the Department of the Interior, except Indian lands, will be handled by the Bureau of Land Management in accordance with the general policies established under the Mineral Leasing Act, as amended, and under regulations to be submitted for approval by the Secretary.

Except where the proposal originates in the bureau or agency having jurisdiction over the acquired lands, the Director, Bureau of Land Management, shall request the recommendation of the bureau or agency with respect to all proposals for leases made to such bureau or agency, including any stipulation which should be incorporated in a lease to prevent operations thereunder from interfering with the use for which the land was acquired. Any lease to be issued pursuant to this subsection and the regulations issued hereunder shall be prepared in the Bureau of Land Management. If there is any disagreement between any of the bureaus as to leasing any land or as to the terms or conditions of any proposed lease, the matter shall be submitted to the Secretary by the bureaus concerned.

Proceeds realized by the United States from such mineral leases will be deposited in the same funds as other funds from such acquired lands. This subsection shall apply to permits as well as to leases.

(c) Actions taken by the Director, Bureau of Land Management, shall be subject to the right of appeal to the Secretary according to the rules of practice (43 CFR, Part 221).

2. Section 4.622 *Functions with respect to minerals in certain acquired lands* (11 F. R. 14165) is amended by changing "§ 4.261" in the first paragraph to "§ 4.261 (a)" and by adding at the end of the first paragraph the following sentence: "The Geological Survey will also perform the same general functions and duties in connection with the disposal and development of the minerals covered by § 4.261 (b)."

Departmental Order No. 2223, of July 11, 1946,[1] is hereby revoked.

(R. S. 161, sec. 1, 20 Stat. 394, 23 Stat. 98, sec. 32, 41 Stat. 450; 5 U. S. C. 22, 43 U. S. C. 31, 30 U. S. C. 189)

J. A. KRUG,
Secretary of the Interior.

JANUARY 27, 1947.

[F. R. Doc. 47-1044; Filed, Feb. 4, 1947; 9:04 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 50.75 to 50.81, see Part 4 of this title, *supra*, delegating to the Bureau of Land Management certain functions relating to leasing of minerals in acquired lands.

Appendix—Public Land Orders

[Public Land Order 267]

FLORIDA

WITHDRAWING PUBLIC LAND FOR USE OF THE NAVY DEPARTMENT FOR AVIATION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Navy Department for aviation purposes:

TALLAHASSEE MERIDIAN

T. 32 S., R. 40 E.,
Sec. 20, lot 1, the east ten acres, as shown on plat approved December 26, 1859.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects the above-described land.

The jurisdiction granted by this order shall cease at the expiration of the six

[1] No. 2223 not filed with the Division of the Federal Register.

months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the land hereby reserved shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record. The land, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

This order is confidential and shall not be filed in the Division of the Federal Register, or published in the FEDERAL REGISTER, or be given other publicity, until publication thereof has been expressly authorized by or at the direction of the Secretary of the Navy.[1]

ABE FORTAS,
Acting Secretary of the Interior.

MARCH 16, 1945.

[F. R. Doc. 47-1041; Filed, Feb. 4, 1947; 8:59 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 620, Amdt. 1]

PART 95—CAR SERVICE

LIGHT-WEIGHING OF CARS AT ALL PORTS PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of January A. D. 1947.

Upon further consideration of Revised Service Order No. 620 (12 F. R. 559), and good cause appearing therefor; it is ordered, that:

Section 95.620, *Light-weighing of cars at all ports prohibited*, of Revised Service Order No. 620, be, and it is hereby, amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Railroad cars not to be light-weighed.* Except as shown below, no common carrier by railroad subject to the Interstate Commerce Act, shall light-weigh a railroad car or cars intended for loading with imported commodities at any point in the port areas of any port on the Atlantic, Pacific of Gulf coasts; nor transport or move such railroad car light-weighed and loaded with imported commodities in violation of this order from any point in the areas of such ports.

Exception: The provisions of this order shall not apply to cars to be loaded with imported shipments of tropical fruits, including pineapples, bananas and cocoanuts.

It is further ordered, that this amendment shall become effective at 12:01 a. m., January 31, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1063; Filed, Feb. 4, 1947; 9:09 a. m.]

[S. O. 135, Amdt. 4]

PART 95—CAR SERVICE

DEMURRAGE CHARGES AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of January, A. D. 1947.

Upon further consideration of the provisions of Service Order No. 135 (8 F. R. 9569), as amended (8 F. R. 10941; 11 F. R. 8451, 11077), and good cause appearing therefor; *It is ordered*, That:

Service Order No. 135, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) of § 95.502 *Demurrage charges at Mexican border points.*

(e) This order, as amended, shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 12:01 a. m., February 5, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1064; Filed, Feb. 4, 1947; 9:09 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 of this chapter, *infra.*

[Gen. Permit ODT 18A, Rev. 28A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.528 *Shipments of Bermuda or Spanish type onions.*[1] Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172), or the restrictions contained in Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Bermuda or Spanish type onions when the origin point is in the States of California, Colorado, Idaho, Nevada, Oregon, Utah, or Washington, and the quantity of such freight loaded in each car is not less than 30,000 pounds.

This General Permit ODT 18A, Revised-28A, shall become effective February 1, 1947, and shall expire at 11:59 p. m. on June 30, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345, 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 31st day of January 1947.

HOMER C. KING,
Deputy Director, Office of Defense Transportation.

[F. R. Doc. 47-1092; Filed, Feb. 4, 1947; 9:09 a. m.]

[1] See also Item 400 of Special Direction ODT 18A-2A, as amended, General Permit ODT 18A, Revised-18, as amended, relating to perishable for the armed forces (11 F. R. 9192, 12364), and General Permit ODT 18A, Revised-23, relating to shipments originating in Salinas or Watsonville, California (11 F. R. 10126).

[1] Confidential status released by letter dated December 23, 1946, of the Chief of Bureau of Yards and Docks, Navy Department.

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 8070]

AERONAUTICAL RADIOCOMMUNICATION SERVICE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to make a general revision of the rules and regulations governing and aviation radio service. The proposed revision is set forth below.

3. These proposed rules are issued under the authority of sections 301, 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed rules should not be adopted in the form set forth may file with the Commission on or before February 21, 1947 a written statement or brief setting forth his position. The Commission will conduct an oral argument and hearing at its offices in Washington, D. C. on February 28, 1947 at which interested persons who have filed written statements or briefs may appear and submit any evidence or argument on the issues in question.

(Sec. 301, 48 Stat. 1081, sec. 303 (f), 48 Stat. 1082, sec. 303 (r), 50 Stat. 191, 47 U. S. C. 301, 303 (f) 303 (r))

Adopted: January 23, 1947.

DEFINITIONS

Sec.
9.1 Aeronautical radiocommunications service.
9.2 Aircraft radio station.
9.3 Ground radio station.
9.4 Aeronautical navigational radio station.
9.5 Flight test station.
9.6 Flying school station.
9.7 Aeronautical public service station.

APPLICATIONS AND LICENSES

9.10 Applications made on prescribed forms.
9.11 Place of filing.
9.12 Subscription and verification of applications.
9.13 Contents of applications.
9.14 Application for carrier aircraft radio station license.
9.15 Application for non-carrier aircraft radio station license.
9.16 Transfer and assignment of aircraft.
9.17 Application for ground station authorization.
9.18 Application for special temporary authorization.
9.19 Installation, replacement or removal of transmitting apparatus.
9.20 Changes in antenna.
9.21 Amendments and dismissals.
9.22 Form of amendments.
9.23 Amendments ordered.
9.24 Defective applications.
9.25 Partial grants.
9.26 License period.
9.27 Renewal of license.
9.28 Posting station license.
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9.64 Log form.
9.65 Correction of log.

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9.140 Service authorized.
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9.150 Frequencies available.
9.151 Use of utility station frequency.
9.152 Power.

AERONAUTICAL NAVIGATIONAL AID RADIO STATION

9.160 Frequencies available.
9.161 Basis of grant of facilities.

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9.170 Frequencies available.
9.171 Eligibility of licensee
9.172 Cooperative use of facilities.
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9.180 Frequencies available.
9.181 Eligibility of licensee.
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9.194 Priority of communications.

DEFINITIONS

§ 9.1 *Aeronautical radiocommunication service.* A radiocommunication service is used for the safe, expeditious and economical operation of aircraft.

(a) *Aeronautical mobile radio service.* A radio service between aircraft radio stations and ground stations and between aircraft radio stations themselves.

(b) *Aeronautical fixed radiocommunication service.* A radiocommunication service for aeronautical purposes carried on between fixed points.

(c) *Aeronautical navigational radio service.* A radio service for aeronautical purposes involving the transmission of special radio signals intended solely to assist in the determination of aircraft position, including that relative to collision hazards.

(d) *Aeronautical public communication service.* A communication service carried on between aircraft and land radio stations for the purpose of providing a public communication service for persons aboard aircraft.

§ 9.2 *Aircraft radio station.* A radio station on board any aircraft including all radiocommunication devices aboard the aircraft without regard to their intended use.

(a) *Air carrier station.* An aircraft radio station aboard an aircraft engaged in transportation of passengers or cargo for hire.

(b) *Non-carrier station.* A radio station on board an aircraft other than air carrier.

§ 9.3 *Ground radio station.* Any radio station on the ground equipped or engaged in radio communications or radio transmission of energy.

(a) *Airdrome control radio station.* A radio station provided for control of ground and air traffic in the control area of an airport.

(b) *Aeronautical land station.* A land station in the aeronautical mobile service carrying on a service with aircraft stations, but which may also carry on a limited communication service with other aeronautical land stations.

(c) *Aeronautical fixed station.* A radio station used in the fixed service for

the handling of communications between fixed points relating solely to actual aviation needs.

(d) *Aeronautical mobile utility station.* A mobile radio station used for communications with control towers and aircraft on the ground and between ground vehicles at airports.

§ 9.4 *Aeronautical navigational radio station.* A radio station for aeronautical purposes involving the transmission of special radio signals intended solely to assist in the determination of aircraft position, including that relative to collision hazards.

(a) *Radio beacon station.* A special radio station, the emissions of which are intended to enable an aircraft to determine: (1) Its radio bearing or direction with reference to the radio beacon station, or (2) the distance which separates it from the latter, or (3) both of these.

(b) *Radio direction finding station.* A radio station equipped with special apparatus for obtaining radio bearing.

(c) *Radio range station.* A form of radio beacon the emissions of which provide definite track guidance.

(d) *Localizer station.* A directional radio beacon associated with an instrument landing system which provides guidance in the horizontal plane to an aircraft for purposes of approach in landing.

(e) *Glide path station.* A directional radio beacon associated with an instrument landing system which provides guidance in the vertical plane to an aircraft for purposes of approach and landing.

(f) *Marker station.* A radio station marking a definite location on the ground.

(g) *Ground control approach station.* A station used for the purpose of controlling from the ground the approach and landing of aircraft.

§ 9.5 *Flight test station.* A radio station, ground or aircraft, used for the transmission of essential communications in connection with the tests of aircraft or major components of aircraft.

§ 9.6 *Flying school station.* A radio station, ground or aircraft, used for communications pertaining to instruction to students or pilots while in flight.

§ 9.7 *Aeronautical public service station.* A radio station, ground or aircraft, licensed for the purpose of carrying on public communication service for hire.

APPLICATIONS AND LICENSES

§ 9.10 *Applications made on prescribed forms.* Applications for authorizations for stations in the aeronautical radiocommunications service shall be submitted on the prescribed forms which may be obtained from the Washington, D. C., office of the Commission, or from any of its field offices.

§ 9.11 *Place of filing.* Each application for authorization for stations in the aeronautical radiocommunications service shall be filed with the Federal Communications Commission, Washington 25, D. C.

§ 9.12 *Subscription and verification of applications.* One copy of each application for authorization for a station in the aeronautical radiocommunications service shall be personally subscribed and verified by the applicant or an authorized official of the applicant.

§ 9.13 *Contents of applications.* Each application shall be specific and complete with regard to frequency, power, equipment, location and other information required by the application form.

§ 9.14 *Application for carrier aircraft radio station license.* Application for new or modified carrier aircraft radio station license shall be submitted on FCC Form No. 404. Application for renewal of carrier aircraft radio station license shall be submitted on FCC Form No. 405. A blanket application may be submitted for a group of stations of the same class.

§ 9.15 *Application for non-carrier aircraft radio station license.* (a) All applications for non-carrier aircraft radio stations, new, modified or renewal, which specify only those frequencies which are regularly available for this type of service shall be submitted on FCC Form No. 404-A. All others shall be submitted on FCC Form No. 404. A blanket application may be submitted for a group of stations of the same class.

(b) *Temporary station license.* The purchasers of new aircraft with factory installed radio equipment may operate the radio station on their aircraft for a period of 30 days under Special Temporary Authority evidenced by a copy of a Certificate (FCC Form No. 453-B) executed by the manufacturer, dealer or distributor, the original of which has been mailed to the Commission with the formal application for station license.

§ 9.16 *Transfer and assignment of aircraft.* Upon the sale, assignment or transfer of any aircraft, a new application for license shall be submitted in accordance with § 9.14 or 9.15.

§ 9.17 *Application for ground station authorization.* Ground station authorization may be obtained as follows:

(a) An application for construction permit for each ground station shall be submitted on FCC Form No. 401 in duplicate. If the antenna structure of the proposed station is over 150 feet in height, or within 3 miles of a Civil Aeronautics Administration landing area, FCC Form No. 401a must be submitted in quadruplicate. Application for construction permit for portable or mobile units may be combined with an application for construction permit for a ground station of the same class on FCC Form No. 401. An application on FCC Form No. 401 in duplicate may be submitted for construction permit for any number of mobile units of the same class of station.

(b) Application for station license: Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit, an application for license may be filed on FCC Form No. 403.

(c) Upon request of the applicant, and where it appears to the Commission that there will be no deviation from the terms of the construction permit, both construction permit and license may be granted simultaneously. Should this procedure be requested it will be necessary for the applicant to file on FCC Form No. _____.

(d) Application for renewal of ground station license shall be made on FCC Form No. 405.

(e) Application for transfer or assignment of a ground station construction permit or license shall be filed on FCC Form No. 702.

§ 9.18 *Application for special temporary authorization.* Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

§ 9.19 *Installation, replacement or removal of transmitting apparatus.* A change in the equipment of a licensed station or a replacement of such equipment may be made without specific authorization from the Commission provided the change or replacement does not result in reduced standards of operation for the station involved and a description of the change is incorporated in the next application for renewal or modification of license.

§ 9.20 *Changes in antenna.* (a) Except as provided in paragraph (b) of this section, changes may be made in the antenna, or the antenna supporting structure of any station in the aeronautical radiocommunications service without specific authorization from the Commission: *Provided*, That (1) the Commission at Washington, D. C., and the Engineer-in-Charge of the inspection district in which the station is located are notified of these changes; and (2) a description of these changes is incorporated in the next application for renewal or modification of the station license.

(b) No changes in the antenna or antenna structure may be made without specific authorization from the Commission if (1) such changes will make the antenna higher than 150 feet; (2) the antenna is within three miles of a Civil Aeronautics Administration landing area; or (3) the antenna or antenna structure is presently required to be painted or lighted in accordance with FCC or CAA specifications.

(c) Request for the changes outlined in paragraph (b) of this section should be accompanied by FCC Form 401a in quadruplicate.

§ 9.21 *Amendments and dismissals.* Any application, prior to the time it is granted or designated for hearing, may be amended by the applicant or dismissed without prejudice upon request of the applicant.

§ 9.22 *Form of amendments.* Any amendments to an application shall be subscribed, verified, and submitted in the same manner and with the same number of copies as required for the original application.

§ 9.23 *Amendments ordered.* The Commission may at any time order the applicant to amend an application so as to make it more definite and complete.

§ 9.24 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If the applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(d) Applications found to be complete will be accepted for filing and will be given a file number.

§ 9.25 *Partial grants.* Where any application is granted in part, or with any privileges, terms, or conditions other than those requested, without a hearing thereon, such action of the Commission shall be considered acceptable and final unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date whichever is later, file with the Commission a written request for a hearing with respect to the part, privileges, terms or conditions, not granted. Upon receipt of such request, the Commission may vacate its original action upon the application and designate the application for hearing.

§ 9.26 *License period.* The normal license periods for all stations in the aeronautical radiocommunications service, unless otherwise stated in the instrument of authorization, shall be as follows:

(a) For stations in the aeronautical radiocommunications service other than non-carrier aircraft stations, a license period of 5 years.

(b) For non-carrier aircraft stations in the aeronautical radiocommunications service, a license period of 2 years, expiring on the first day of the following month 2 years after the license is issued.

§ 9.27 *Renewal of license.* Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

§ 9.28 *Posting station licenses.* The station licenses of stations in the aeronautical radiocommunications service shall be conspicuously posted at the place where the transmitter is located except that, in aircraft stations and mobile stations, the license may be posted or kept at any convenient easily accessible location in the aircraft or vehicle.

§ 9.29 *Discontinuance of operation.* The Commission and Engineer-in-Charge of the district in which the station is located shall be notified upon the permanent discontinuance of licensed service by any station in the aeronautical radiocommunications service except aircraft.

OPERATOR RULES

§ 9.40 *Who may operate station.* (a) Aircraft stations using manual radiotelegraphy shall be operated by a person holding a radiotelegraph operator license or permit issued by the Commission.

(b) Aircraft stations using radiotelephony shall be operated by a licensed operator holding any class of commercial radio operator license or an aircraft radiotelephone authorization.

(c) Ground stations in the aeronautical radiocommunications service shall be operated by anyone deemed capable by the licensee. However, the entire operation of a station shall be the responsibility of the licensee of said station.

§ 9.41 *Who may adjust and maintain stations.* (a) The maintenance and adjustments of ground stations shall be the responsibility of the chief engineer of such stations. The licensee shall employ as chief engineer the holder of a second or higher class of operators license. All adjustments of the transmitter which may affect the proper operation of the station shall be made by or in the presence of the holder of a second or higher class of operators license.

(b) The maintenance and adjustments of aircraft stations shall be made by or in the presence of the holder of a second or higher class of operators license, who shall be responsible for the proper maintenance and adjustments of said station.

§ 9.42 *Obtaining operator licenses.* (a) An aircraft radiotelephone operator authorization may be obtained at any of the Commission's field offices or from other persons designated by the Commission at many airfields.

(b) Examinations for commercial radio operator licenses are conducted at Washington, D. C., each week day except Saturday and at each radio district office of the Commission on the days designated by the Engineer-in-Charge of the office.

§ 9.43 *Posting operator licenses.* The original license, or a license verification card (FCC Form 758F), of each station operator shall be conspicuously posted at the place he is on duty, or, in the case of aircraft stations or mobile units, either the license or verification card must be kept in his personal possession.

TESTS

§ 9.50 *Equipment and service tests authorized for stations in the aeronautical radiocommunications service.* Equipment and service tests other than aircraft as authorized below may be conducted: *Provided*, That the necessary precautions are taken to avoid interference.

(a) *Equipment test.* Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the class of station concerned and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 30 days: *Provided*, That the Engineer-in-Charge of the district in which the station is located is notified 2 days in advance of the beginning of tests and the permittee is not notified by the Commission to cancel, suspend, or change the date of beginning for the period of such tests.

(b) *Service test.* When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit until final action is taken on the application for license: *Provided*, That the Engineer-in-Charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests and the permittee is not notified by the Commission to cancel or suspend such tests or change the date for the period of such tests.

Service tests will not be authorized after the expiration date of the construction permit.

§ 9.51 *Routine tests.* The licensees of all classes of stations in the aeronautical radiocommunications service are authorized to make such routine tests as may be required for the proper maintenance of the station: *Provided*, That precautions are taken to avoid interference with any station.

LOGS

§ 9.60 *Information required in station logs.* (a) All stations in the aeronautical radiocommunications service except aircraft stations must keep an adequate log showing:

(1) Hours of operation.
(2) Frequencies used.
(3) Stations with which communication was held.
(4) Signature of operator(s) on duty.
(5) Results of transmitter frequency measurements.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated, the licensee shall make entries in the radio station log as follows:

(1) The time the required lights are turned on and off if manually controlled.

(2) The time the daily check of proper operation of the required lights was made either by visual observation of the required lights or by observation of the automatic indicator.

(3) In the event of any observed failure of a required light:

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (CAA) notified of the failure of any code or rotating beacon light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all required lights and associated tower lighting control devices together with the measured voltage at the base of the supporting structure and the computed voltage at each lamp socket.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 9.61 *Station records aeronautical public service.* In addition to all the requirements in § 9.60 all stations in the aeronautical public service must keep a file of all record communications handled and a list of radiotelephone contacts established as provided by Part 42 of this chapter.

§ 9.62 *Required retention period.* The logs in the aeronautical radiocommunications service may be destroyed after a period of 30 days except:

(a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(b) That logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 9.63 *Logs, by whom kept.* An entry or entries in the log of each station shall be signed or initialed by the person or persons having actual knowledge of the facts required to be recorded.

§ 9.64 *Log form.* The records shall be kept in an orderly manner, in suitable form, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the log or in a communication manual available at the station.

§ 9.65 *Correction of log.* No log or portion thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry who shall indicate the erroneous portion, initial the correction made, and indicate the date of correction.

TECHNICAL SPECIFICATIONS

§ 9.70 *Installation and operation of transmitting equipment.* The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons. The radiations of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

§ 9.71 *Frequency stability.* The carrier frequency of stations in the aviation radio service shall be maintained within the following percentage of the assigned frequency:

(a)

	Before Jan. 1, 1950	After Jan. 1, 1950
	Percent	*Percent*
All aircraft stations	0.02	0.01
All stations on frequencies below 500 kc	.02	.02
All ground stations on frequencies above 500 kc	.01	.01

(b) Automatic control of the emitted frequency such as direct crystal control of the oscillator stage, is required.

§ 9.72 *Frequency measurements.* The licensee of each ground station in the aeronautical radiocommunication service shall employ a suitable procedure to determine that the carrier frequency of each transmitter is maintained within the prescribed tolerance.

The assigned frequencies of all stations in the aeronautical radiocommunication service must be measured (a) when the transmitter is initially installed, (b) at any time the frequency determining elements are changed, and (c) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

The results of frequency measurements and the signature of the person making the measurements shall be filed with the station records.

§ 9.73 *Power.* The power which may be authorized to a station in the aeronautical radiocommunications service shall be no more than the minimum required for satisfactory technical operation.

§ 9.74 *Types of emission.* Stations in the aeronautical radiocommunications service may be authorized to use type A1, A2, A3 and special emission, as may be appropriate. Special emission includes all types not provided for by existing international regulations such as all types of FM, pulse transmission and frequency shift printer.

§ 9.75 *Modulation and band width.* The carrier shall be modulated to a sufficiently high degree to provide effective communication, but in no case shall modulation result in emission of energy outside the authorized communication band.

§ 9.76 *Inspection of tower lights and associated control equipment.* The licensee of any station in the aeronautical radiocommunications service which has an antenna or antenna supporting structure required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a daily check of the tower lights either by visual observation of the tower lights or by observation of an automatic indicator of proper or improper operation to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of a code or rotating beacon light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each three months all code or rotating beacon and automatic lighting control devices to insure that such apparatus is functioning properly as required.

MISCELLANEOUS

§ 9.80 *Station identification*—(a) *Telephony.* (1) Air carriers: In lieu of radio station call letters, the official aircraft registration number, or company flight (trip) number may be used, provided, adequate records are maintained by the carrier to permit ready identification of individual aircraft.

(2) Non-carrier aircraft: In lieu of radio station call letters, only the official aircraft registration number may be used.

(3) When use is made of the aircraft registration number, the full number must be given upon initial call and termination of each continuous series of communications. In other communications in each series, the last three (3) numbers may be used, provided, the practice is first inaugurated by the ground station operator.

(4) A ground station in the aviation service may use in lieu of the assigned radio call letters the name of the city or airport in which it is located.

(b) *Telegraphy.* In radio telegraphy the complete radio station call letters shall be used at the beginning and termination of each contact. After communication has been established, continuous two-way communication may be conducted without further identification or call-up (if no mistake in identity is liable to occur) until the termination of the contact.

(c) *Operation outside of the United States.* In accordance with Article 14, General Radio Regulations (Revision of Cairo 1938) annexed to the International Telecommunications Convention, Madrid, 1932, assigned radio station call letters must be used outside of the United States except where special arrangements have been negotiated between the United States and another country such as the regional agreements reached under the auspices of the Provisional International Civil Aviation Organization.

§ 9.81 *Availability for inspections.* All classes of stations in the aeronautical radiocommunications service and the maintenance records of said stations shall be made available for inspection upon request of an authorized representative of the Commission made to the licensee or to his representative.

§ 9.82 *Permissible communications.* All stations in the aeronautical radiocommunications service, except those stations licensed for public aviation service, shall transmit only communications relating to and necessary for aircraft operation and the protection of life and property in the air.

§ 9.83 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within three days from such receipt, send a written answer to the Federal Communications Commission at Washington, D. C., and a copy thereof to the office of the Commission originating the official notice when the originating office is other than the office of the Commission at Washington, D. C. If an answer cannot be sent, or an acknowledgment made within such three-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification as will permit ready reference.

If the notice of violation relates to some lack of maintenance resulting in improper operation of the transmitter, the name and license number of the operator in charge of maintenance shall be given.

If the notice of violation relates to some lack of attention to or improper operation of the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 9.84 *Movement of portable or mobile stations from one inspection district to another.* When portable or mobile stations in the aeronautical radiocommunications service are moved from one radio inspection district to another, for regular operation therein, the licensee shall notify the Commission's Engineers-in-Charge of the respective districts. These Engineers-in-Charge shall be notified prior to the move, if practicable, but in any event not later than forty-eight hours thereafter.

§ 9.90 *Communications.* Communications by an aircraft station except those licensed in the aeronautical public service shall be limited to the necessities of safe aircraft navigation. Normally contacts with airport control stations shall not be attempted unless the aircraft is within the control area of the airport.

§ 9.91 *Frequencies available.* The following frequencies are available to all aircraft stations:

(a) 375 kilocycles: International direction-finding frequency for use outside the continental United States.

(b) 457 kilocycles: Working frequency exclusively for aircraft on sea flights desiring an intermediate frequency.

(c) 500 kilocycles: International calling and distress frequency for ships and aircraft over the seas.[1]

(d) 6210 kilocycles: International aircraft calling and working frequency.

(e) 8280 kilocycles: Calling and distress frequency for use by ships and aircraft over the seas in addition to 500 kilocycles or in lieu thereof where 500 kilocycles is not available.[1]

(f) 121.7 and 121.9 megacycles: Airport utility frequency.

(g) 121.5 megacycles: This frequency is a universal simplex channel for emergency and distress communications. It will provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction-finding purposes and a means for establishing air to ground contact with lost aircraft. This frequency will not be assigned to aircraft unless there are also assigned and available for use other frequencies to accommodate the normal communication needs of the aircraft.

(h) These frequencies are available for approach control use:

123.7 Mc	124.3 Mc	124.9 Mc	125.5 Mc
123.9 Mc	124.5 Mc	125.1 Mc	
124.1 Mc	124.7 Mc	125.3 Mc	

(i) *Miscellaneous maritime frequencies.* Calling and working frequencies of ship stations may also be assigned to aircraft stations for the purpose of communicating with coastal stations, or ship stations, when aircraft are in flight over the seas; available for A1, A2 and A3 emission in conformity with Part 8, Rules Governing Ship Service, provided the Commission is satisfied in each case that undue interference will not be caused to the service of ship or coastal stations.

(j) Other frequencies which may be required for overseas and foreign operation may also be made available upon the showing that a need exists therefor.

§ 9.95 *Lighter-than-air craft frequencies.* The following additional frequencies may be assigned to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft: 2930 kc, 6615 kc, 1191 kc.

AIR CARRIER STATION

§ 9.100 *Frequencies available.* The following frequencies, in addition to those listed in § 9.91 are available to air carrier aircraft stations.

(a) 3117.5 kilocycles: National calling and working frequency for air carrier aircraft.

(b) These frequencies are available for communication to airdrome control stations:

125.7 Mc	126.1 Mc	126.5 Mc
125.9 Mc	126.3 Mc	

(c) 126.7 megacycles: Air carrier aircraft to airway stations.

(d) The aeronautical frequencies listed under § 9.131 are also available to air carrier aircraft.

(e) 3105 kilocycles: Available to air carrier aircraft only on off route operations where other facilities are not available.

NOTE: The date for full implementation of the VHF program is July 1, 1950. Until duplex equipment is available, the VHF airport traffic control frequencies are also available to air carrier aircraft for simplex operation.

NON-AIR CARRIER STATION

§ 9.110 *Frequencies available.* The following frequencies, in addition to those listed in § 9.91, are available to non-air carrier stations:

(a) 3105 kilocycles: National aircraft calling and working frequency for use by non-air carrier aircraft.

(b) 122.1 and 122.3 megacycles: Non-air carrier aircraft to airway stations.

(c) 122.5, 122.7 and 122.9 megacycles: Non-air carrier aircraft to airdrome control station.

(d) The aeronautical frequencies listed under § 9.131 are also available to non-air carrier aircraft upon showing that a need exists and that agreements have been made with appropriate ground stations.

AIRDROME CONTROL STATION

§ 9.120 *Frequencies available.* The following frequencies are available to airdrome control stations:

(a)

118.1 Mc	119.3 Mc	120.5 Mc
118.3 Mc	119.5 Mc	120.7 Mc
118.5 Mc	119.7 Mc	120.9 Mc
118.7 Mc	119.9 Mc	121.1 Mc
118.9 Mc	120.1 Mc	121.3 Mc
119.1 Mc	120.3 Mc	

(b) *278 kilocycles.* This frequency is available for assignment in lieu of a very high frequency. Its use must be supplemented by a service on one of the very high frequencies: *Provided, however,*

[1] Transmission on these frequencies with the exception of urgent and safety messages and signals must cease twice each hour, for 3 minutes beginning at x:15 and x:45 o'clock, GCT.

That until July 1, 1947, upon application therefor the Commission may exempt any station from the very high frequency service requirement when it appears that in the preservation of life and property in the air such service is not required at that station. All outstanding exemptions are terminated July 1, 1947.

(c) *121.7 and 121.9 megacycles.* These utility frequencies are available to airdrome control stations for communications with ground vehicles and aircraft on the ground at airports. The antenna height shall be restricted to the minimum to achieve the required service.

(d) *121.5 megacycles.* This frequency is a universal simplex channel for emergency and distress communications. Transmitting and receiving equipment shall be provided by July 1, 1948.

§ 9.121 *Service to be rendered.* Communications of an airdrome control station shall be limited to the necessities of safe operation of aircraft using the airport facilities or operating within the airport control area and in all cases such stations shall be in a position to render, and shall render, all airdrome control service.

The licensee of an airdrome control station shall without discrimination provide nonpublic service for any and all aircraft. Such licensee shall maintain a continuous listening watch on the aircraft calling and working frequencies 3105 kilocycles; after July 1, 1947, on 122.5, 122.7 or 122.9 megacycles (initially watch on 122.5 only) and, after July 1, 1948, on the emergency frequency 121.5 megacycles.

§ 9.122 *Hours of operation.* The licensee shall also be prepared to render a nonpublic communication service 24 hours a day: *Provided, however,* That upon application therefor the Commission may exempt any station from the requirements of this provision when it appears that in the preservation of life and property in the air the maintenance of a continuous watch by such station is not required.

§ 9.123 *Airport facilities.* Only one airdrome control station will be licensed to operate at an airport.

§ 9.124 *Interference.* The operation of airdrome control stations in adjacent airport areas shall be on a noninterference basis only. In case of disagreement between adjacent areas, the Commission will specify the arrangements necessary to eliminate interference.

§ 9.125 *Power.* (a) Airdrome control stations using frequencies below 400 kilocycles will not be licensed to use more than 15 watts power for type A3 emission.

(b) The power of airdrome control stations operating on other frequencies shall be 50 watts.

NOTE: In filing an application for airdrome control radio station, the applicant shall leave blank section 16 (1) of Form 401; then, the Commission, upon proper coordination with the government agencies concerned, will determine the proper frequency for the use specified.

AERONAUTICAL LAND STATION

§ 9.130 *Service authorized.* Aeronautical land stations shall provide service of the particular class authorized without discrimination to all carrier aircraft the owners of which make cooperative arrangements for the operation and maintenance of the aeronautical stations which are to furnish such service and for shared liability in the operation of stations. In addition, this class of station shall provide reasonable and fair service to non-carrier aircraft in accordance with the provisions of the regulations in this part.

NOTE: The requirements of this section are waived with respect to all aeronautical stations of the Civil Air Patrol.

§ 9.131 *Frequencies available; 121.5 megacycles.* This frequency is a universal simplex channel for emergency and distress communications. It will provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction finding purposes and a means for establishing air to ground contact with lost aircraft.

(a) *Domestic service.* The frequencies allocated to the several chains are as follows:

NOTE: Although chain systems are primarily domestic, operations may extend into neighboring countries. Chain systems will be established as indicated upon a map to be maintained by the Commission.

(1) *Red chain and feeders.* Available for aircraft and aeronautical stations:

3147.5	3372.5	5572.5	5697.5
3162.5	3467.5	5582.5	[2] 5825
3172.5	5122.5	5592.5	[2] 8240
3182.5	5162.5	5662.5	12330
3322.5	5172.5		

(2) *Blue chain and feeders.* Available for aeronautical and aircraft stations:

2906	[3] 4110	4952.5	[2] 6510
[3] 3062.5	4937.5	4967.5	[2] 6520
3072.5	4947.5	[2] 5692.5	[2] 10125
3038			

(3) *Brown chain and feeders.* Available for aeronautical and aircraft stations:

2946	3432.5	5602.5	5672.5
[4] 3137.5	4732.5	5612.5	[5] 5892.5
[6] 3222.5	[2] 5252.5	5622.5	[2] 6550
3232.5	[6] 5365	5632.5	[2] 7700
3242.5	[5] 5390	5652.5	[2] 10080
3257.5	[4] 5480		

(4) *Green chain and feeders.* Available for aeronautical and aircraft stations:

[2] 2608	2936	5310	[2] 6805
[2] 2898	4122.5	5652.5	[2] 8565
2922	[11] 4335	[2] 5707.5	[2] 11960
2946	4742.5	[2] 6795	

(5) *Purple chain and feeders.* Available for aeronautical and aircraft stations:

2644	3127.5	[2] 5377.5
2994	4917.5	[2] 5887.5
3005	[2] 5275	[2] 6490

(6) *Yellow chain and feeders.* Available for aeronautical and aircraft stations:

3447.5	[2] 4650	[2] 5215
3457.5	5332.5	5682.5
3485	5042.5	[2] 8070

(7) *Hawaiian chain and feeders (green).* Available for aeronautical and aircraft stations:

2922	4742.5	5375	6610	

(8) *Air carriers en route:*

126.9 Mc	128.1	129.1	130.1	131.1
127.1	128.3	129.3	130.3	131.3
127.3	128.5	129.5	130.5	131.5
127.5	128.7	129.7	130.7	131.7
127.7	128.9	129.9	130.9	131.9
127.9				

NOTE: The system of assignment of these frequencies is under study.

(b) *International Service.* The frequencies allocated to the several routes are as follows and are subject to change as routes are organized by the Provisional International Civil Aviation Organization:

(1) *Inter-American route:*

2870 (Traffic control)
3082.5 5405 5692.5

A–1 emission only on the following:

[9] 6557	[10] 8217	11381	17274
6583	[10] 8225	11394	23301
6590	[10] 8233	17257	23324
6597			

(2) *Trans-Pacific route:*

2870 (Traffic control)
2976 5165

A–1 emission only on the following:

[9] 6557	8561	11369	23346
6563	8569	12824	23369
6570	8577	17319	
6577	11356	17336	

(3) *Europe-North America route:*

2912 (Traffic control)
2912 [2] 3285 3248

[2] These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies with which interference results.

[3] Subject to the condition that no interference is caused to Government stations, A3 emission may be used if the communication band width of emission does not exceed 3,000 cycles.

[4] Primarily for that portion of the Brown Chain between New York, N. Y., and Montreal, Canada.

[5] For use only in that portion of the United States north of New York City.

[6] Primarily for that portion of the Brown Chain between New York, N. Y., and Toronto, Canada.

[7] Available for aeronautical and aircraft stations subject to 0.01% tolerance and 2500 cycles maximum modulating frequency.

[8] Maximum power 50 watts for use east of New York only, subject to the condition that no interference will be caused to Agriculture stations in the fixed service or to any station which in the judgment of the Commission has priority on this frequency.

[9] Additional frequency to be used only in case of interference or when traffic conditions do not permit the use of the other frequencies assigned to this route. Not to be used in continental United States.

[10] Priority is recognized of the service existing outside the American continents as of January 1938.

A–1 emission only on the following:

[9] 6543	8538	11319	17350
6563	8546	12778	[11] 17367
6570	8554	[11] 12788	23211
6577	11306	[9] 17288	23234

(4) *Europe-Arctic route:*

2912 (Traffic control)
[12] 1674 3285

A–1 emission only on the following:

[9] 6523	6543	8485	17288
[9] 6530	[9] 6550	11331	23256
6537	6557	11344	23279

AERONAUTICAL FIXED STATION

§ 9.140 *Service authorized.* Aeronautical fixed stations are authorized primarily for the handling of communications in connection with and relating solely to the actual aviation needs of the licensees.[13]

§ 9.141 *Emergency service.* The licensee of an aeronautical fixed station shall be required to transmit, without charge or discrimination, all necessary messages in times of public emergency which involve the safety of life or property.

§ 9.142 *Frequencies available.* The frequencies which will be authorized to stations in the aeronautical fixed service shall be chosen from those frequencies available to this service by national and international agreement. The specific frequency will be selected in accordance with the requirements of the service contemplated.

AERONAUTICAL MOBILE UTILITY STATION

§ 9.150 *Frequencies available.* The frequencies 121.7 and 121.9 megacycles are available for aeronautical mobile utility stations.

§ 9.151 *Use of utility station frequency.* Communications by a utility station shall be limited to the necessities of ground traffic control on an airport and may be used for essential two-way communication between control towers, ground vehicles at airports and aircraft on the ground.

§ 9.152 *Power.* Power and antenna height shall be restricted to the minimum to achieve the required service.

AERONAUTICAL NAVIGATIONAL AID RADIO STATION

§ 9.160 *Frequencies available.* (a) Instrument landing localizer with simultaneous radiotelephone channel: The band 108.1 to 111.9 megacycles.

(b) Instrument landing glide path: The band 328.6 to 335.4 megacycles.

(c) Instrument landing marker: 75 megacycles.

[9] Additional frequency to be used only in case of interference or when traffic conditions do not permit the use of the other frequencies assigned to this route. Not to be used in continental United States.

[11] Priority is recognized of the existing services of the American continents as well as of the territories and possessions of the states of these continents.

[12] Not to be used south of Ketchikan, Alaska, or in the continental United States.

[13] Aeronautical fixed stations will not be authorized where land line facilities adequate for the service required are available.

(d) Airway track guidance (ranges): 112.1 megacycles through 117.9 megacycles.

NOTE: In filing an application for aeronautical navigational radio station the applicant should leave blank section 16 (1) of Form 401; then, the Commission, upon coordination with the government agencies concerned, will determine the proper frequency for the use specified.

§ 9.161 *Basis of grant of facilities.* Air navigation aid facilities are normally operated by the Civil Aeronautics Administration. However, the frequencies are available to the FCC for licensing to the industry at those locations where an applicant justifies the need for such service and CAA is not prepared to render this service. Air navigation service will be authorized only where the applicant meets all requirements specified by the Civil Aeronautics Administration and the Federal Communications Commission for the type of installation proposed. The grant of a license will be on condition that the licensee release the facilities and remove his equipment if and when such release or removal may be required by the government.

FLIGHT TEST STATION

§ 9.170 *Frequencies available.* (a) The frequencies 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flight test stations (these frequencies are shared with flying school stations on a non-interference basis).

(b) The following frequencies are available to flight test stations for telemetering activities:

NOTE: Telemetering is the automatic transmission of instrument readings. The frequencies listed are subject to interference until January 1, 1949, at specific gateways.

217.425 Mc	217.625 Mc	219.450 Mc
217.475	217.675	219.475
217.525	219.325	219.525
217.550	219.375	219.575
217.575	219.425	

§ 9.171 *Eligibility of licensee.* A flight test station license will be granted only to manufacturers of aircraft and of major aircraft components.

§ 9.172 *Cooperative use of facilities.* (a) Only one flight test station for operation on the ground will be licensed to serve an airport and such station will be required to provide service without discrimination, but on a cooperative maintenance basis, to all manufacturers eligible for a license for flight test station.

(b) Where licensees desire to conduct flight tests in adjacent airport control areas, or where radio interference may result from simultaneous operation of stations at nearby airports, they shall arrange for a satisfactory time division by mutual agreement. If such an agreement cannot be reached the Commission will determine and specify the time division upon request of either licensee.

§ 9.173 *Service to be rendered.* The use of these stations will be restricted to the transmission of necessary information or instructions relating directly to tests of aircraft or components thereof.

§ 9.174 *Power.* The power output of flight test stations designated for operation on board aircraft shall be limited to 10 watts and ground stations shall be limited to 50 watts.

§ 9.175 *Supervision of airport control operator.* At any airport at which an airport control station or control tower is in operation, the airport control operator must be given a remote microphone connection to the ground flight test station transmitter for the transmission of orders or instructions of an emergency nature to aircraft flight test stations within the control area of the airport.

FLYING SCHOOL STATION

§ 9.180 *Frequencies available.* The frequencies 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flying school stations (shared with flight test stations on a non-interference basis).

§ 9.181 *Eligibility of licensee.* A flying school station license may be granted only to bona fide flying schools and soaring societies.

§ 9.182 *Limitations of instructional facilities.* Assignments will be limited to one station to an airport location for one or more flying schools.

§ 9.183 *Coordinated use of instructional facilities.* Where more than one flying school operates from an airport location, coordinated use of a single instructional frequency shall be arranged, placed in the form of a signed agreement and filed with the Commission. In case of disagreement the Commission will specify the arrangements to be followed.

§ 9.184 *Use of flying school frequency.* All aircraft engaged in instructional flying in the vicinity of an airport shall transmit only on the flying school frequency assigned to that airport location.

§ 9.185 *Supervision by airport control operator.* At any airport at which an airport control station or control tower is in operation, the airport control operator must be given a remote microphone connection to the transmitter operating on the flying school frequency for the transmission of orders or instructions of an emergency nature to students in flight within the control area of the airport.

§ 9.186 *Power.* The power output of flying school stations shall not be more than 50 watts for land stations and not more than 10 watts for aircraft stations.

§ 9.187 *Frequency assignments nonexclusive.* No frequency available to a station engaged in instructional flying will be assigned exclusively to any applicant. All stations in this service are required to coordinate operation so as to avoid interference and make the most effective use of assignments.

§ 9.188 *Private service prohibited.* The use of flying school frequencies for other than instruction purposes and promotion of safety of life and property is prohibited.

AERONAUTICAL PUBLIC SERVICE STATION

§ 9.190 *Frequencies available.* The frequencies available to ship telegraph and ship telephone stations are available to public service aircraft stations for the handling of public correspondence in the

same manner and to the same extent that they are available to ships of the United States and under restrictions hereinafter provided. These frequencies are assigned on the express condition that no interference is caused to marine operations.

NOTE: The general mobile service, as proposed, will also be available for use aboard aircraft.

§ 9.191 *Stations licensed for aeronautical public service.* Only those stations in the aeronautical service licensed for aeronautical public service shall carry on public communication service for hire. Coastal or ship stations already licensed to carry on public communication service for hire may provide such service to or from public service aircraft. No station shall carry on interstate or foreign public communication service for hire until appropriate effective tariffs covering such service are on file with the Commission.

§ 9.192 *Extent of service.* All stations licensed in the aeronautical public service shall intercommunicate without discrimination with any other station similarly licensed, wherever necessary for the handling of traffic.

§ 9.193 *Requirement for aeronautical public service station.* Upon showing that a need exists and that arrangements have been made with appropriate land stations for aeronautical public service a license or other instrument of authorization may be issued for a station for public correspondence: *Provided*, That a continuous effective listening watch is maintained on the frequency or frequencies used for the aviation safety service messages while public service messages are being handled; and that the installation and system of operation will permit instantaneous interruption of aeronautical public service commnuications to transmit or receive safety service messages.

§ 9.194 *Priority of communications.* (a) The regular routine communications of stations in the aeronautical radio communication service are essential to the safe operation of aircraft and shall have priority over public correspondence.

(b) The radio operator in charge of the aircraft station shall suspend operations of aeronautical public service stations when such operations will delay or interfere with messages pertaining to safety of life and property or when ordered to do so by the captain of the aircraft.

(c) The operation of aeronautical public service stations shall be suspended when it interferes with the radio communications of the safety service.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1065; Filed, Feb. 4, 1947; 8:59 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Chapter I]

[File No. 21-397]

RENDERING INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C. on the 31st day of January A. D. 1947.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Rendering Industry at the Statler Hotel, Washington Avenue at St. Charles and Ninth Streets, St. Louis, Missouri, on Friday, February 28, 1947, beginning at 10 a. m., Central Standard Time. The industry is that engaged primarily in procuring fallen animals from farmers, ranches, and other owners of dead stock, and animal bones and oil and fat-bearing animal waste from butcher shops, slaughter houses, restaurants, and other establishments, and in processing and converting the same into inedible tallow and greases which are sold principally for use in the manufacture of soap. Secondary industry products include animal protein materials which are widely used in live stock and poultry feeds and as fertilizer, and hides recovered from processed dead stock or procured from slaughter houses and other sources.

All persons, partnerships, corporations, associations, or other parties or groups, engaged in such business are invited to attend or be represented at the conference. The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules under which unfair methods of competition, unfair or deceptive acts or practices, and other illegal practices in the procurement and processing of raw materials and sale and distribution of finished products of this industry may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-1086; Filed, Feb. 4, 1947; 9:08 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1642690]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

JANUARY 15, 1947.

Notice is given that the plats of survey hereinafter described will be officially filed in the district land office at Phoenix, Arizona, effective at 10:00 a. m. on March 19, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from 10:00 a. m., on March 19, 1947, to close of business on June 17, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 27, 1947, to 10:00 a. m., on March 19, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 19, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 18, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from May 29, 1947, to 10:00 a. m., on June 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 18, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager District Land Office, Phoenix, Arizona.

The lands affected by this notice are described as follows:

ARIZONA

GILA AND SALT RIVER MERIDIAN

Tps. 39 and 40 N., Rs. 8 W.;
Tps. 36 to 40 N., inclusive, R. 9 W.;
T. 39 N., R. 10 W.

The topography varies from gently rolling to rough, featured by the bald Hurricane Ledge escarpment, which crosses the area from south to north. Elevations range from about 4,200 to 6,000 feet above sea level. Soils are clay with varying amounts of gravel and rock. Vegetation consists of mixed brush and grass, with scattered juniper and pinon.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 47-1042; Filed, Feb. 4, 1947; 9:03 a. m.]

IDAHO

REVOCATION OF ORDERS OPENING LANDS UNDER FOREST HOMESTEAD ACT

JANUARY 24, 1947.

On request of the Department of Agriculture and pursuant to the authority delegated to me by the Secretary of the Interior (43 CFR 4.275 (a) (38) I hereby revoke, subject to valid existing rights, the orders described below, opening public lands in the Salmon and Nez Perce National Forests, Idaho, for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. secs. 506–509) as to the land hereinafter described:

Date of order of opening	List No.	National Forest	Land
Oct. 21, 1911	4-652	Salmon.....	T. 14 N., R. 25 E., B. M., sec. 1, in the unsurveyed E½NE¼, SW¼NE¼, N½N½SE¼, containing approximately 160 acres.
Dec. 13, 1917	1-3584	Nez Perce.	T. 29 N., R. 7 E., B. M., secs. 24 and 25, an area in these unsurveyed sections, containing approximately 80 acres.

THOS. C. HAVELL,
Acting Assistant Director.

[F. R. Doc. 47-1043; Filed, Feb. 4, 1947; 9:03 a. m.]

Office of the Secretary

KIOWA, COMANCHE AND APACHE LANDS, OKLAHOMA

ORDER OF RESTORATION

Whereas, the act of Congress approved June 18, 1934 (48 Stat. 984) provides in part as:

The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by presidential proclamation, or by any of the public-land laws of the United States: *Provided, however*, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: * * *,

and

Whereas, Lot 3, Section 15, Township 5 South, Range 10 West, and Lot 6, Section 4, Township 5 South, Range 13 West, I. M. Oklahoma, remain undisposed of and while the surface of said lots are submerged under the waters of Red River they have a potential value for minerals, and

Whereas, the Tribal Business Committee, the Superintendent of the Kiowa Agency and the Commissioner of Indian Affairs have recommended the restoration to tribal ownership of the lands above described.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 18, 1934, I hereby find that restoration of tribal ownership of the lands herein described will be in the public interest and said lands are hereby restored to tribal ownership for the use and benefit of the Kiowa, Comanche and Apache Tribe and are added to and made a part of the existing Kiowa, Comanche and Apache Reservation, subject to any valid existing rights.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

DECEMBER 16, 1946.

[F. R. Doc. 47-1046; Filed, Feb. 4, 1947; 9:07 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 1593, 1909, 2032]

PAN AMERICAN AIRWAYS, INC. AND PANAIR DE BRASIL, S. A.

NOTICE OF ORAL ARGUMENT

Pan American Airways, Inc.—Latin American rates, Docket No. 1593; Pan American Airways, Inc.—Miami-Leopoldville rates, Docket No. 1909; Pan American Airways, Inc.—Panair de Brasil contract investigation, Docket No. 2032.

In the matter of the compensation to be paid to Pan American Airways, Inc., for the transportation of mail by aircraft and in the matter of an investigation of an agreement between Pan American Airways, Inc., and Panair de Brasil, S. A.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938 as amended, that oral argument in the above proceedings is assigned to be held on March 4, 1947, at 10:00 a. m., eastern standard time, in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 30, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1083; Filed, Feb. 4, 1947; 9:08 a. m.]

[Docket No. 548 et al.]

NATIONAL AIRLINES, INC., ET AL.; MISSISSIPPI VALLEY CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of applications by National Airlines, Inc., et al., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that oral argument in the above proceeding now assigned to be held on February 24, 1947, is postponed to Monday, March 10, 1947, 10:00 a. m., eastern standard time, in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 28, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1081; Filed, Feb. 4, 1947; 9:07 a. m.]

[Dockets Nos. 1706, 1499]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Pan American Airways, Inc., in its trans-Atlantic operations, Docket No. 1706; and in its operations between the United States and Alaska and within Alaska, Docket No. 1499.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that oral argument in the above-entitled proceedings is assigned to be held on March 5, 1947, at 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 28, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1082; Filed, Feb. 4, 1947; 9:07 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8058, 8040, 8032, 8031]

TYLER BROADCASTING CO., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Durward J. Tucker, W. M. Rodgers, Irving Brown, John W. Hardy and Ray G. Thurmond, a partnership, d/b as Tyler Broadcasting Company, Tyler, Texas, Docket No. 8058, File No. B3–P–5564; Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Jr., Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas, Docket No. 8040, File No. B3–P–5540; Blackstone Broadcasting Company, Inc., Tyler, Texas, Docket No. 8032, File No. B3–P–5316; Rose Capitol Broadcasting Company, Tyler, Texas, Docket No. 8031, File No. B3–P–4975; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Durward J. Tucker, W. M. Rodgers, Irving Brown, John W. Hardy, and Ray G. Thurmond, a partnership, d/b as Tyler Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 940 kc, 250 w power, daytime only, at Tyler, Texas; and

It appearing, that the Commission, on December 19, 1946, designated for hearing in a consolidated proceeding the applications of Blackstone Broadcasting Company, Inc., (File No. B3–P–5316, Docket No. 8032) and Rose Capitol Broadcasting Company (File No. B3–P–4975, Docket No. 8031), each requesting a construction permit for a new standard broadcast station to operate on 940 kc, 250 w, daytime only, at Tyler, Texas; and

It further appearing, that the Commission, on December 31, 1946, designated for hearing in the above consolidated proceeding the application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas, requesting the same facilities at Tyler, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Durward J. Tucker, W. M. Rodgers, Irving Brown, John W. Hardy, and Ray G. Thurmond, a partnership, d/b as Tyler Broadcasting Company, be, and it is hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of December 19, 1946 (as amended by its order of December 31, 1946, to include the application of Tytex Broadcasting Company), designating the applications of Blackstone Broadcasting Company, Inc., and Rose Capitol Broadcasting Company for hearing in a consolidated proceeding, be, and it is hereby, amended to include the application of Durward J. Tucker, W. M. Rodgers, Irving Brown, John W. Hardy, and Ray G. Thurmond, a partnership, d/b as Tyler Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1069; Filed, Feb. 4, 1947; 9:02 a. m.]

[Docket No. 6863]

VALDOSTA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of Valdosta Broadcasting Company, Valdosta, Georgia, for construction permit; Docket No. 6863, File No. B3–P–4106.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 910 kc, 5 kw, DA–N, unlimited time, at Valdosta, Georgia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of E. K. Avriett, tr/as Okefenokee Broadcasting Company (File No. B3–P–5513), requesting construction permit for a new standard broadcast station to operate on 910 kc, 500 w, 1 kw-LS, unlimited time, at Waycross, Georgia, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1074; Filed, Feb. 4, 1947; 9:03 a. m.]

[Docket Nos. 8061, 8021, 8022]

WOOSTER REPUBLICAN PRINTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of The Wooster Republican Printing Company, Wooster, Ohio, Docket No. 8061, File No. B2–P–5581; The Mount Vernon Broadcasting Company, Mount Vernon, Ohio, Docket No. 8021, File No. B2–P–5329; Mound Broadcasting Corporation, Newark, Ohio, Docket No. 8022, File No. B2–P–5486; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947.

The Commission having under consideration the above-entitled application of

The Wooster Republican Printing Company for a new standard broadcast station to operate on 1340 kc, 100 w, unlimited time, at Wooster, Ohio; and

It appearing, that the Commission, on December 19, 1946, designated for hearing in a consolidated proceeding the above applications of The Mount Vernon Broadcasting Company and Mound Broadcasting Corporation, requesting construction permits for new standard broadcast stations to operate on 1340 kc., 250 w., unlimited time, at Mount Vernon and Newark, Ohio, respectively;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of The Wooster Republican Printing Company be, and it is hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated December 19, 1946, designating the applications of The Mount Vernon Broadcasting Company and Mound Broadcasting Corporation for hearing in a consolidated proceeding, be, and it is hereby, amended to include the application of The Wooster Republican Printing Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1067; Filed, Feb. 4, 1947; 9:03 a. m.]

[Docket Nos. 8062, 7961, 7960]

CRESCENT BAY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Crescent Bay Broadcasting Company, Santa Monica, California, Docket No. 8062, File No. B5–P–5589; Ken Henryson, Edward J. Murset, and Victor S. Layne, a partnership, d/b as California Broadcasting Company, Santa Monica, California, Docket No. 7961, File No. B5–P–5419; Tom C. Carrell, d/b as San Fernando Valley Broadcasting Company, San Fernando, California, Docket No. 7960, File No. B5–P–5387; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Crescent Bay Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1460 kc, 250 w, daytime only, at Santa Monica, California; and

It appearing, that the Commission, on November 21, 1946, designated for hearing in a consolidated proceeding the applications of Ken Henryson, Edward J. Murset, and Victor S. Layne, a partnership, d/b as California Broadcasting Company (File No. B5–P–5419; Docket No. 7961), requesting construction permit for a new standard broadcast station to operate on 1450 kc, 250 w, daytime only, at Santa Monica, California, and Tom C. Carrell, d/b as San Fernando Valley Broadcasting Company (File No. B5–P–5387; Docket No. 7960), requesting construction permit for a new standard broadcast station to operate on 1450 kc, 250 w, unlimited time, at San Fernando, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Crescent Bay Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding, to be held on February 12 and 13, 1947 at San Fernando and Santa Monica, California, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders of November 21, 1946, designating the applications of Ken Henryson, Edward J. Murset and Victor S. Layne, a partnership, d/b as California Broadcasting Company, and Tom C. Carrell, d/b as San Fernando Valley Broadcasting Company, for hearing in a consolidated proceeding, be, and they are hereby, amended to include the application of Crescent Bay Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1068; Filed, Feb. 4, 1947; 9:02 a. m.]

[Docket No. 8059]

WASHINGTON BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of Washington Broadcasters, Inc., Spokane, Washington, for constuction permit; Docket No. 8059, File No. B5–P–4462.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947.

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 790 kc, 5 kw, unlimited time, using a directional antenna, at Spokane, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby designated for hearing in a consolidated proceeding with the application of Spokane Broadcasting Corporation (KFIO) (File No. B5–P–5559), Spokane, Washington, requesting a change in frequency and power from 1230 kc, 250 w, unlimited time, to 790 kc, 5 kw, unlimited time, using a directional antenna, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the

proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other boadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Spokane Broadcasting Corporation (File No. B5–P–5559), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1070; Filed, Feb. 4, 1947; 9:02 a. m.]

[Docket No. 8063]

OKEFENOKEE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of E. K. Avriett, tr/as Okefenokee Broadcasting Company, Waycross, Georgia, for construction permit; Docket No. 8063, File No. B3–P–5513.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 910 kc, 500 w, 1 kw-LS, unlimited time, at Waycross, Georgia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Valdosta Broadcasting Company (File No. B3–P–4106, Docket No. 6863), requesting construction permit for a new standard broadcast station to operate on 910 kc, 5 kw, DA-N, unlimited time, at Valdosta, Georgia, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1073; Filed, Feb. 4, 1947; 9:01 a. m.]

[Docket No. 8067]

MIDLAND BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of Midland Broadcasting Company, Kansas City, Missouri, for construction permit; Docket No. 8067, File No. B4–P–5154.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of January 1947;

The Commission having under consideration a petition for reconsideration filed November 19, 1946, by the Ozarks Broadcasting Company, Springfield, Missouri (KWTO), directed against the Commission's action taken on October 31, 1946, granting without hearing the above-entitled application of Midland Broadcasting Company Kansas City, Missouri, for a construction permit (File No. B4–P–5154) to erect and operate a new standard broadcast station, to operate on the frequency of 550 kc., with 5 kw. power, directional antenna, daytime only; and the opposition thereto filed November 29, 1946, by the Midland Broadcasting Company, Kansas City, Missouri; and

It appearing, that according to the petition of the Ozarks Broadcasting Company (KWTO) the operation of the proposed standard broadcasting station at Kansas City, Missouri (transmitter to be located at Concordia, Kansas) will result in interference in the area served by the Ozarks Broadcasting Company (KWTO) within its normally protected 0.5 mv/m contour;

It is ordered, That pursuant to section 405 of the Communications Act of 1934, as amended, and § 1.390 (a) (2) of the Commission's rules, the petition for reconsideration be, and it is hereby, granted; and the action of the Commission of October 31, 1946, granting without hearing the above-entitled application of the Midland Broadcasting Company be, and it is hereby, set aside.

It is further ordered, That the above-entitled application of the Midland Broadcasting Company, Kansas City, Missouri, for a construction permit, be, and it is hereby, designated for hearing, and that the said hearing be held at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations KWTO at Springfield, Missouri; KLZ at Denver, Colorado; WIBW at Topeka, Kansas; and KSAC at Manhattan, Kansas; or with the proposed operation of KCRS at Midland, Texas, as authorized by Decision and Order of December 6, 1946; or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Radio Broadcasting, Inc. (File No. B3–P–3915; Docket No. 7156); KSAC, Inc. (File No. B4–P–4874) and Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company (File No. B3–P–5404), or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to § 3.30 (b) of said rules.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KMBC at Kansas City, Missouri, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's Rules.

It is further ordered, That Ozarks Broadcasting Company, licensee of Station KWTO, Springfield, Missouri; KLZ Broadcasting Company, licensee of Station KLZ, Denver, Colorado; Topeka Broadcasting Association, Inc., licensee of Station WIBW, Topeka, Kansas; KSAC, Inc., licensee of KSAC, Manhattan, Kansas; Millard Eidson, Independent executor of the estate of Clarence Scharbauer, deceased licensee of Station KCRS, Midland, Texas; and Radio Broadcasting, Incorporated, Hot Springs, Arkansas, be, and they are hereby, made parties to this proceeding.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1066; Filed, Feb. 4, 1947; 9:03 a. m.]

[Docket Nos. 8069, 6805, 7977]

SAGINAW BROADCASTING CO. (WSAM) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: applications of Saginaw Broadcasting Company (WSAM), Saginaw, Michigan, Docket No. 8069, File No. B2–P–5578; Booth Radio Stations, Inc., Saginaw, Michigan, Docket No. 6805, File No. B2–P–4088; Federated Publications, Inc., Lansing, Michigan, Docket No. 7977, File No. B2–P–5385; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Saginaw Broadcasting Company, requesting a construction permit to change operating assignment of existing station WSAM from 1400 kc, 250 w power, to 790 kc, with 1 kw power, to install a new transmitter, change transmitter location, and install directional antenna for day and night use; a motion to dismiss the said application filed by Booth Radio Stations, Inc., on the ground that it is inconsistent with and conflicts with the pending application (File No. B2–P–5488) of Saginaw Broadcasting Company for change in transmitter site and antenna system of its present operation, in violation of § 1.362 of the Commission's rules and regulations; and an opposition thereto by the applicant; and

It appearing, that the said application of Saginaw Broadcasting Company, requesting change in present operating assignment of Station WSAM is not inconsistent nor in conflict with its pending application (File No. B2–P–5488); and

It further appearing, that the Commission, on September 5 and December 5, 1946, designated for hearing in a consolidated proceeding the application of Booth Radio Stations, Inc. (File No. B2–P–4088, Docket No. 6805), requesting a construction permit for a new standard broadcast station to operate on 790 kc, with 250 w power, employing a directional antenna for use day and night, unlimited time, at Saginaw, Michigan, and the application of Federated Publications, Inc. (File No. B2–P–5385, Docket No. 7977), requesting the same facilities at Lansing, Michigan; and that a hearing on the said applications is currently set for January 27, 1947, at Washington, D. C.;

It is ordered, That the said motion to dismiss filed by Booth Radio Stations, Inc., be, and it is hereby, denied; and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application (File No. B2–P–5578) of Saginaw Broadcasting Company (WSAM) be, and it is hereby, designated for hearing in the above consolidated proceeding, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WSAM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WSAM as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WSAM as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WSAM as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WSAM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated September 5 and December 5, 1946, designating for hearing in a consolidated proceeding, the said applications of Booth Radio Stations, Inc., and Federated Publications, Inc., be, and they are hereby, amended to include the above entitled application of Saginaw Broadcasting Company (WSAM).

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1072; Filed, Feb. 4, 1947; 9:01 a. m.]

[Designation Order 5–A]

DESIGNATION OF MOTIONS COMMISSIONER FOR JANUARY 27 TO 29, 1947, INCLUSIVE

It is ordered, This 22d day of January 1947, pursuant to § 1.111 of the Commission's rules and regulations and designation Order No. 5, that C. J. DURR, Commissioner, be, and he is hereby, designated as substitute Motions Commissioner for the period January 27 to 29, 1947, inclusive, in the absence of Paul A. Walker, Commissioner.

[SEAL] CHARLES R. DENNY, *Chairman.*

[F. R. Doc. 47–1071; Filed, Feb. 4, 1947; 9:02 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–840]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JANUARY 29, 1947.

Notice is hereby given that on January 23, 1947, Cities Service Gas Company (applicant), a Delaware corporation, having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Oklahoma, Kansas, Texas, Nebraska and Missouri, filed an application (an application for a temporary certificate having been filed on December 30, 1946) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize applicant to construct and operate a meter setting at a point mutually convenient to applicant and Georgia Oil & Gas Company on applicant's 18-inch pipe line in the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of section 15, Township 28 North, Range 13 East, Washington County, Oklahoma, for the purpose of delivering and selling emergency gas to Georgia Oil & Gas Company for resale to Copan Gas Company, which in turn serves customers in Washington County, Oklahoma.

Applicant recites that local supplies of gas available to Georgia Oil & Gas Company have become depleted to such an extent that emergency service is required in order to insure an adequate supply of gas to Georgia Oil & Gas Company on winter days. Applicant will deliver such volumes of gas to Georgia Oil & Gas Company limited, however, to such gas as applicant can safely spare over and above

applicant's requirements to its existing customers.

Applicant states that until such time as new rate schedules are filed by Applicant and allowed to become effective by the Federal Power Commission, the rate proposed to be charged by Applicant for the emergency service to be rendered is thirty-five cents (35¢) per Mcf or Twenty-five dollars ($25.00) per month minimum charge.

Applicant estimates the total over-all cost of construction of the proposed facility is $700, which fund Applicant proposes to disburse from its own treasury.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Cities Service Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1050; Filed, Feb. 4, 1947; 9:07 a. m.]

[Docket No. G-771]

NATURAL GAS PIPELINE CO. OF AMERICA AND TEXOMA NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 30, 1947.

Notice is hereby given that, on January 29, 1947, the Federal Power Commission issued its findings and order entered January 28, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1047; Filed, Feb. 4, 1947; 9:07 a. m.]

[Docket Nos. G-220 and G-402]

MONDAKOTA GAS CO. AND MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER CONFIRMING TRANSPORTATION RATE

JANUARY 30, 1947.

In the matter of Mondakota Gas Company (Successor to Mondakota Development Company), Complainant, v. Montana-Dakota Utilities Co., Defendant, Docket No. G-220; Montana-Dakota Utilities Co., Respondent, Docket No. G-402.

Notice is hereby given that, on January 29, 1947, the Federal Power Commission issued its Opinion No. 148 and order entered January 28, 1947, confirming transportation rate in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1049; Filed, Feb. 4, 1947; 9:07 a. m.]

[Docket No. G-772]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 30, 1947.

Notice is hereby given that, on January 29, 1947, the Federal Power Commission issued its findings and order entered January 28, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1048; Filed, Feb. 4, 1947; 9:04 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 29678]

INCREASED PASSENGER FARES ON NEW HAVEN RAILROAD

JANUARY 30, 1947.

By petition dated January 2, 1947, and for reasons therein stated, Howard S. Palmer, James Lee Loomis, and Henry B. Sawyer, trustees of the property of The New York, New Haven and Hartford Railroad Company, debtor, request this Commission to authorize petitioners to increase their interstate basic one-way passenger fares in coaches to 2.5 cents per mile and in parlor and sleeping cars to 3.5 cents per mile, sufficient to be added to the resulting fares so that they will end in 0 or 5, with a minimum one-way fare of 20 cents, between stations on their lines in the States of New York, Connecticut, Rhode Island, and Massachusetts; to increase their interstate basic one-way passenger fares in coaches and parlor and sleeping cars between stations on their lines in said States and stations on connecting lines sufficiently to reflect the proposed increases in the interstate one-way passenger fares on their lines; and to increase by 20 percent the interstate commutation passenger fares between stations on their lines in the said four States.

The Commission is further asked to modify its order of February 28, 1936, in Passenger Fares and Surcharges, 214 I. C. C. 174, as subsequently modified, sufficiently to permit the establishment and maintenance of the proposed increased and minimum interstate local and interline one-way fares, the order in question not embracing commutation fares; and to authorize the establishment of all of the proposed increased fares and the minimum one-way fare on 5 days' notice and without suspension of the proposed commutation fares.

The petition above described has been docketed as No. 29678, Increased Passenger Fares—New Haven Railroad, and is assigned for hearing as set forth in the next succeeding paragraph hereof. Interstate local and interline one-way railroad passenger travel and fares are considered to be sufficiently different from interstate commutation passenger travel and fares as to warrant separate hearings in the best interests of the record, the parties, and the Commission.

The petition herein described is assigned for public hearing before Commissioner John L. Rogers and Examiner Burton Fuller on March 24, 1947, 9:30 o'clock a. m., United States standard time, at the United States Court Rooms, Hartford, Conn., with respect to the proposed increased interstate local and interline one-way passenger fares and the minimum one-way fare; and on March 27, 1947, 9:30 o'clock a. m., United States standard time, at 641 Washington Street, New York, New York, with respect to the proposed increased interstate commutation passenger fares.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioners, the Governors and the rate regulatory authorities of the States of New York, Connecticut, Rhode Island, and Massachusetts, and every person who has thus far evidenced an interest therein; and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1062; Filed, Feb. 4, 1947; 9:09 a. m.]

[S. O. 396, Special Permit 92]

RECONSIGNMENT OF CITRUS FRUITS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., January 28 or 29, 1947, by California Fruit Growers Exchange, of cars PFE 15172, PFE 50754, URTX 7293, SFRD 35346 and FGE 21477, citrus, now on the Baltimore and Ohio R. R., to California Fruit Growers Exchange, New York, N. Y. (B&O), and car GARX 9240, oranges, now on the Baltimore and Ohio R.R., to California Fruit Growers Exchange, Baltimore, Md. (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1060; Filed, Feb. 4, 1947; 9:09 a. m.]

Issued at Washington, D. C., this 28th day of January 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1061; Filed, Feb. 4, 1947; 9:09 a. m.]

[S. O. 672]

UNLOADING OF BEER AT COLUMBIA, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of January A. D. 1947.

It appearing, that 2 cars containing beer at Columbia, South Carolina, on the Atlantic Coast Line Railroad Company, shipped by Heirloom, Inc., Jersey City, New Jersey, have been on hand under load for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; It is ordered, that:

(a) *Beer at Columbia, S. C., be unloaded.* The Atlantic Coast Line Railroad Company, its agents or employees, shall unload immediately cars DRGW 69005 and C&O 4015, loaded with beer, now on hand at Columbia, South Carolina, consigned shipper's order, notify Grocery Supply Company, Columbia, S. C.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 31, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing of copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1060; Filed, Feb. 4, 1947; 9:09 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-33, 59-25]

UNITED CORP.

ORDER FOR HEARING ON APPLICATION FOR MODIFICATION OF COMMISSION'S FINDINGS AND OPINION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of January 1947.

The United Corporation ("United"), a registered holding company, having filed an application, and an amendment thereto, for a modification of the Commission's findings and opinion accompanying its order of August 14, 1943 entered in the above-entitled proceedings, so as to require that United's plan for future operations be approved only by the holders of a majority of the common stock voting as a class; and

The Commission having given public notice of the filing of such application and having therein given all interested persons an opportunity to request that a hearing be held thereon (Cf. Holding Company Act Release No. 7140); and

A beneficial owner of shares of the common stock of United having notified the Commission of his objections to the granting of said application, and having requested that a hearing be held with respect to said matter; and

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors that a public hearing be held before the Commission for the purpose of affording interested persons an opportunity to be heard on the merits of said application, as amended;

It is therefore ordered, That any person desiring to be heard with respect to said application, as amended, shall appear before the Commission, at 2:30 p. m., e. s. t., on February 3, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at that time by the hearing room clerk in room 318.

It is further ordered, That notice of this hearing be given to United and to any other person who has filed an appearance in this proceeding by mailing to them copies of this order by registered mail, and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Holding Company Act of 1935 and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1055; Filed, Feb. 4, 1947; 9:01 a. m.]

[File No. 70-1427]

GAS AND ELECTRIC ASSOCIATES AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of January 1947.

General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Gas and Electric Associates ("Associates"), having filed a joint application-declaration, as amended, pursuant to sections 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935, with respect to the transactions which are summarized below:

The transaction herein proposed is the complete liquidation of Associates and the elimination of all GPU's interest in the certificates of beneficial interest in, and notes payable of, Associates. GPU is the only creditor of, and holder of certificates of beneficial interest in, Associates.

Associates holds $18,612,700 principal amount of 8% Income Notes Due March 1, 1967 of Utilities Investing Trust (formerly known as Manson Securities Trust and hereinafter called "UIT") and is the plaintiff in certain litigation pending in the Superior Court in the Commonwealth of Massachusetts in Middlesex County, instituted on October 16, 1942, by Associates against New England Gas and Electric Association ("Negas") and UIT, which litigation is entitled "Smith, et al. v. Goodale, et al." (hereinafter called the "Negas litigation"). Certain plans for reorganization of Negas have been proposed by Negas (see Docket File Nos. 59-34, 59-64 and 54-120), which by their terms would dispose of the Negas litigation (said plans being hereinafter called the "Negas Plan").

Associates will assign, transfer and distribute to GPU all its assets, including said $18,612,700 principal amount of 8% Income Notes Due March 1, 1967 of UIT and all causes of action, both legal and equitable, including the causes of action asserted in the Negas litigation. GPU will transfer and deliver to Associates all the certificates of beneficial interest in, and all the notes payable of, Associates. Such notes payable will be canceled by Associates but the certificates of beneficial interest will not be cancelled and Associates will not terminate its existence, until such time as the Negas litigation has been concluded or settled by consummation of the Negas Plan or otherwise disposed of.

Associates has agreed to continue the prosecution of the Negas litigation and

the causes of action therein asserted but in the event of Associates' failure to prosecute said causes of action, it has agreed to return to GPU all the certificates of beneficial interest in Associates transferred and delivered to it by GPU.

Applicants-declarants having requested that the order to be issued with respect to the proposed transactions conform with the requirements of the Internal Revenue Code, as amended, including sections 373 (a) and 1808 (f) thereof; and

Said joint application-declaration, as amended, having been filed on December 30, 1946, and amendment thereto having been filed on January 10, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interests of investors and consumers that the said joint application-declaration, as amended, be granted and permitted to become effective, and deeming it appropriate that the request of applicants-declarants that the order conform to the requirements of the Internal Revenue Code, as amended, including sections 373 (a) and 1808 (f) thereof, be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and rules thereunder, and subject to the terms and conditions prescribed in Rule U-24, that the joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

It is further ordered, That the following transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) The assignment, transfer and distribution by Associates to GPU of all its assets including the following:

(a) The 8% Income Notes Due March 1, 1967 of UIT in the principal amount of $18,612,700.

(b) All causes of action, both legal and equitable, held by Associates, including the causes of action asserted by Associates in certain litigation pending in the Superior Court in the Commonwealth of Massachusetts, Middlesex County, entitled "Smith, et al. v. Goodale, et al."

(2) The transfer and delivery by GPU to Associates of the following shares of Gas and Electric Associates:

(a) 10,000 First Preferred, par value $1 per share;

(b) 10,000 Second Preferred, par value $1 per share;

(c) 10,000 Common, par value $1 per share.

(3) The surrender, transfer and delivery to Associates by GPU and the cancellation by Associates of the following obligations of Associates:

(a) Income Note dated March 31, 1939, due September 1, 1960 in the principal amount of $548,547.84;

(b) 8% Demand Notes in the principal amount of $16,602,700.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1053; Filed, Feb. 4, 1947; 9:01 a. m.]

[File No. 70-1429]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND DEDHAM AND HYDE PARK GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of January 1947.

New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, Dedham and Hyde Park Gas Company ("Dedham"), having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935, regarding the following proposals:

(1) The issuance and sale by Dedham to its parent, New England, of 6,000 shares of common capital stock at the par value of $25 per share and the use of the proceeds thus realized to pay off $150,000 principal amount of open account indebtness owing to New England; and

(2) The issuance and sale by Dedham to Massachusetts Mutual Life Insurance Company of $125,000 principal amount of 3½% serial notes, Series A, due 1961, at 102¼. The net proceeds to be realized from the sale of the note issue, together with $87,140 to be drawn from the company's Plant Replacement Fund Asset's Account, will be used to pay a short-term note in the amount of $25,000 payable to The First National Bank of Boston and to finance extensions, additions and improvements to Dedham's plant and properties during the three-year period ending December 31, 1948.

Said joint application-declaration having been filed on January 3, 1947, and notice of such filing having been duly given in the manner and form prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to any of said matters within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the Department of Public Utilities of the Commonwealth of Massachusetts has, by appropriate order, approved the aforesaid transactions by Dedham; and the Commission being satisfied that the applicable requirements of the act, particularly sections 6 (b) and 10 thereof, are met, and that it is appropriate in the public interest and in the interests of investors and consumers that said joint application be granted and that said declaration be permitted to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid joint application-declaration be, and the same hereby is, granted and permitted to become effective.

By the Commission

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1052; Filed, Feb. 4, 1947; 9:01 a. m.]

[File No. 812-476]

BANKERS SECURITIES CORP. AND LIT BROS.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDERS FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of January A. D. 1947.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), and Lit Brothers ("Lit") have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed sale by Raymond Rosen ("Rosen") to Lit of a one-fourth interest in the property located at 5704 to 5720 North Broad Street and 1408 to 1410 West Clearview Street, Philadelphia, Pennsylvania.

Bankers is a closed-end, management, non-diversified investment company and is registered under the Investment Company Act of 1940.

Bankers owns 78.7% of the voting securities of City Stores Company. City Stores Company owns 68.6% of the voting securities of Lit. Bankers also owns 13.6% of the voting securities of Loft Candy Corporation ("Loft"). Raymond Rosen is a director of Loft.

The sale of such property by an affiliated person (Rosen) of an affiliated person (Loft) of a registered investment company (Bankers) to a company (Lit) controlled by such registered investment company is prohibited by section 17 (a) of the Act.

The applicants have therefore filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transaction from the provisions of section 17 (a) of the act, and they assert that the proposed transaction meets the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the

following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed transaction is fair and reasonable;

(2) Whether the proposed transaction involves overreaching on the part of any person concerned;

(3) Whether the proposed transaction is consistent with the policy of Bankers as recited in the registration statement and reports filed under the act;

(4) Whether the proposed transaction is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on February 12, 1947, at 10 a. m., Eastern Standard Time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Bankers Securities Corporation, Lit Brothers and Raymond Rosen, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before February 10, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

F. R. Doc. 47-1056; Filed, Feb. 4, 1947; 9:00 a. m.]

[File Nos. 54-54, 70-559, 59-50]

NORTHERN STATES POWER CO. ET AL.

ORDER DENYING MOTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of January A. D. 1947.

In the matter of Northern States Power Company (Delaware), File No. 54-54; Northern States Power Company (Minnesota), File No. 70-559; Northern States Power Company (Delaware) and each of its subsidiaries, File No. 59-50.

The Commission having on November 8, 1946, issued its findings and opinion and order in these proceedings in which Northern States Power Company, a Delaware corporation, was ordered pursuant to section 11 (b) (2) of the act to terminate its continued existence and to proceed with due diligence to submit a plan or plans for its prompt liquidation and dissolution in a manner consistent with the provisions of the act;

Northern States Power Company, a Delaware corporation, having filed a motion on December 21, 1946, requesting that the Commission modify its order of November 8, 1946, by deleting therefrom the provisions requiring the termination of the existence of Northern States Power Company (Delaware) pursuant to section 11 (b) (2) of the act and the submission of a plan or plans consistent with the provisions of the act;

The Commission having considered said motion and having concluded that said motion should be denied, for the reasons set forth in its memorandum opinion, filed herein, to which reference is hereby made;

It is ordered, That the motion of Northern States Power Company, a Delaware corporation, to modify said order dated November 8, 1946, be and it is hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1054; Filed, Feb. 4, 1947; 9:01 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8089]

ANNA SCHMALZLEIN

In re: Bank account owned by Anna Schmalzlein. F-28-5155-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schmalzlein, whose last known address is 24 Beim Wahlbaum, Nuernberg-Reichelsdorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligations owing to Anna Schmalzlein by the Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, entitled Anna Schmalzlein, maintained at the branch office of the aforesaid bank located at 783 Market Street, San Francisco 3, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1029; Filed, Feb. 3, 1947; 8:55 a. m.]

[Vesting Order 8105]

RUDOLF AND HEDWIG FETSCH

In re: Bank account owned by Rudolf Fetsch and Hedwig Fetsch, F-39-4584-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Fetsch and Hedwig Fetsch, whose last known address is Nada Ku, Takaha Aza Sumida, 49 Ban 6 No. 2, Kobe, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Rudolf Fetsch and Hedwig Fetsch, by Wells Fargo Bank & Union Trust Co., 4 Montgomery Street, San Francisco, California, arising out of a checking account, entitled Rudolf Fetsch and Hedwig Fetsch, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1030; Filed, Feb. 3, 1947; 8:55 a. m.]

[Vesting Order 8010]

JUSTUS OESTERLEIN

In re: Trust under the will of Justus Oesterlein, deceased. File No. D-28-6551; E. T. sec. 4512.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Martin Saalheimer, Hans Rinskopf, and Joseph Hecht, and each of them, in and to the trust under the will of Justus Oesterlein, deceased,

is propertly payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely:

Nationals and Last Known Address

Martin Saalheimer, Germany.
Hans Rinskopf, Germany.
Joseph Hecht, Germany.

That such property is in the process of administration by James H. Abraham and Alfred L. Rose, Trustees of the Estate of Justus Oesterlein, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determined; that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany;

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1091; Filed, Feb. 4, 1947; 9:08 a. m.]

[Vesting Order 8106]

YOKOHAMA SPECIE BANK, LTD.

In re: Claim owned by The Yokohama Specie Bank, Limited, Yokohama, Japan. F-39-782.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Yokohama Specie Bank, Limited, whose last known address is Yokohama, Japan, is a corporation, organized under the laws of Japan, and has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to The Yokohama Specie Bank Limited, Yokohama, Japan, by The Yokohama Specie Bank, Limited, Honolulu Office, Honolulu, T. H., P. O. Box 1200, Honolulu, T. H., in the amount of $27,856.76, as of August 14, 1942, described as "Asset ÷260, Manager's Residence" on the books of account of Roger E. Brooks, Receiver of The Yokohama Specie Bank, Limited, Honolulu, T. H., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1090; Filed, Feb. 4, 1947; 9:08 a. m.]

Claimant	Claim No.	Vesting order No.	Property	Location
California Spray-Chemical Corp., Richmond, Calif.	A-217	16 (7 F. R. 4400)...	U. S. Letters Patent No. 2,163,560.	Washington, D. C.

CALIFORNIA SPRAY-CHEMICAL CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

[F. R. Doc. 47-1087; Filed, Feb. 4, 1947; 9:08 a. m.]

Reference FEB 21 47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 26

Washington, Thursday, February 6, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 271—1946 CROP FLAXSEED PRODUCTION PAYMENTS

OFFER TO MAKE PAYMENTS; TERMINATION

Part 271 "1946 Crop Flaxseed Production Payments, Offer to Make Payments" (11 F. R. 6229) is hereby revoked, effective at 12:01 a. m., e. s. t. February 28, 1947.

Pursuant to § 271.6 *Prerequisites for payment* of the Offer to Make Payments, notice is hereby given that all applications for payment, and evidence with respect to eligibility to receive payments, under such offer must be filed or supplied in accordance with § 271.6 not later than 12:01 a. m., e. s. t. March 15, 1947. No payments will be made on applications filed, or evidence supplied, after such time.

(59 Stat. 50; 60 Stat. 57; 15 U. S. C. Sup. 713, 713a-8 (a); E. O. 9250, Oct. 3, 1942, 7 F. R. 7871)

Issued this 31st day of January 1947.

[SEAL] COMMODITY CREDIT CORPORATION,
JESSE B. GILMER,
Acting President.

[F. R. Doc. 47-1114; Filed, Feb. 5, 1947; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 208—ELIGIBILITY FOR AN ANNUITY

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j), Part 208 of the regulations of the Railroad Retirement Board under such act (20 CFR and Cum. Supp., Part 208) is completely revised, including the renumbering of certain sections, to read as follows:

Sec.
208.1 Statutory provision.
208.2 Employee status.
208.7 Annuities for employees.
208.9 Regular occupation defined.
208.11 Establishment of permanent disability for work in the applicant's "regular occupation".
208.13 "Any regular employment" defined.
208.15 Cessation of service to a local lodge or division.
208.17 Establishment of permanent disability for any regular employment.
208.25 Proof of continuance of disability.
208.27 Disability annuitant to notify of recovery from disability and of performance of service for hire or of self-employment.
208.29 When disability annuities cease.
208.31 Cessation of disability annuity not prejudicial to further eligibility.

AUTHORITY: §§ 208.1 to 208.31 inclusive (with exceptions cited in parenthesis following sections affected), issued under secs. 2, 10, 50 Stat. 309, secs. 203, 205, 206, Pub. Law 572, 79th Cong., 45 U. S. C., 228b, 228j.

§ 208.1 *Statutory provision.*

(a) The following described individuals, if they shall have been employees on or after the enactment date, shall, subject to the conditions set forth in section 1 (b), (c), and (d) of the act as amended be eligible for annuities after they shall have ceased to render compensated service to any person, whether or not an employer as defined in section 1 (a) of the act as amended (but with the right to engage in other employment to the extent not prohibited by subsection (d) of the act as amended):

(1) Individuals who on or after the enactment date shall be sixty-five years of age or over.

(2) Women who will have attained the age of sixty and will have completed thirty years of service.

(3) Individuals who will have attained the age of sixty and will have completed thirty years of service, but the annuity of such an individual shall be reduced by one one-hundred-and-eightieth for each calendar month that he is under age sixty-five when his annuity begins to accrue.

(4) Individuals having a current connection with the railroad industry, and whose permanent physical or mental condition is such as to be disabling for work in their regular occupation, and who (i) will have completed twenty years of service or (ii) will have attained the age of sixty. The Board, with the cooperation of employers and employees, shall secure the establishment of standards determining the physical and

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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mental conditions which permanently disqualify employees for work in the several occupations in the railroad industry, and the Board, employers, and employees shall cooperate in the promotion of the greatest practicable degree of uniformity in the standards applied by the several employers. An individual's condition shall be deemed to be disabling for work in his regular occupation if he will have been disqualified by his employer because of disability for service in his regular occupation in accordance with the applicable standards so established; if the employee will not have been so disqualified by his employer, the Board shall determine whether his condition is disabling for work in his regular occupation in accordance with the standards generally established; and, if the employee's regular occupation is not one with respect to which standards will have been established, the standards relating to a reasonably comparable occupation shall be used. If there is no such comparable occupation, the Board shall determine whether the employee's condition is disabling for work in his regular occupation by determining whether under the practices generally prevailing in industries in which such occupation exists such condition is a permanent disqualification for work in such occupation. For the purposes of this section, an employee's "regular occupation" shall be deemed to be the occupation in which he will have been engaged in more calendar months than the calendar months in which he will have been engaged in any other occupation during the last preceding five calendar years, whether or not, consecutive, in each of which years he will have earned wages or salary, except that, if an employee establishes that during the last fifteen consecutive calendar years he will have been engaged in another occupation in one-half or more of all the months in which he will have earned wages or salary, he may claim such other occupation as his regular occupation; or

(5) Individuals whose permanent physical or mental condition is such that they are unable to engage in any regular employment and who (i) have completed ten years of service, or (ii) have attained the age of sixty.

Such satisfactory proof shall be made from time to time as prescribed by the Board, of the disability provided for in subparagraph 4 or 5 of this paragraph and of the continuance of such disability (according to the standards applied in the establishment of such disability) until the employee attains the age of sixty-five. If the individual fails to comply with the requirements prescribed by the Board as to proof of the continuance of the disability until he attains the age of sixty-five years, his right to an annuity by reason of such disability shall, except for good cause shown to the Board, cease, but without prejudice to his rights to any subsequent annuity to which he may be entitled. If before attaining the age of sixty-five an employee in receipt of an annuity under subparagraph 4 or 5 of this paragraph is found by the Board to be no longer disabled as provided in said paragraph his annuity shall cease upon the last day of the month in which he ceases to be so disabled. An employee, in receipt of such annuity, who earns more than $75 in service for hire, or in self-employment, in each of any six consecutive calendar months, shall be deemed to cease to be so disabled in the last of such six months; and such employee shall report to the Board immediately all such service for hire, or such self-employment. If after cessation of his disability annuity the employee will have acquired additional years of service, such additional years of service may be credited to him with the same effect as if no annuity had previously been awarded to him.

(b) An annuity shall be paid only if the applicant shall have relinquished such rights as he may have to return to the service of an employer and of the person by whom he was last employed; but this requirement shall not apply to the individuals mentioned in paragraphs (a) 4 and 5 of this section prior to attaining age sixty-five.

(c) An annuity shall begin to accrue as of a date to be specified in a written application (to be made in such manner and form as may be prescribed by the Board and to be signed by the individual entitled thereto), but:

(1) not before the date following the last day of compensated service of the applicant, and

(2) not more than sixty days before the filing of the application.

§ 208.2 *Employee status.* To be eligible for an annuity an individual, in addition to other qualifications, must have been an employee on August 29, 1935 or, if not an employee on that date, he must have rendered service subsequent to December 31, 1936 as an employee. (Secs. 1, 10, 50 Stat. 308, 314 as amended; 45 U. S. C. 228a, 228j.)

§ 208.7 *Annuities for employees.* (a) Subject to the provisions of paragraphs (b) and (c) of this section, an individual who has been an employee on or after August 29, 1935, and ceased to render service for compensation to any person, whether or not an employer under the act, is eligible for an annuity if

(1) The individual has attained the age of sixty-five, or the individual is a woman, and (i) has attained the age of sixty and (ii) has completed at least three-hundred and fifty-four months of service, or

(2) The individual has attained the age of sixty and has completed at least three-hundred and fifty-four months of service, but the annuity of such an individual, other than a woman, shall be reduced by one one-hundred and eightieth for each calendar month he is under age sixty-five when his annuity begins to accrue, or

(3) The individual has a current connection with the railroad industry and his permanent physical or mental condition is such as to be disabling for work in his regular occupation, and (i) has completed at least two-hundred and thirty-four months of service, or (ii) has attained the age of sixty, or

(4) The physical or mental condition of the individual is such that he is unable to engage in any regular employment and (i) has completed at least one-hundred and fourteen months of service, or (ii) has attained the age of sixty.

(b) No annuity shall be certified for payment to an individual until such time as he has filed with the Board a duly executed application form, has established by proof satisfactory to the Board that he possesses all the qualifications therefor, and, except for an individual whose eligibility for an annuity is determined in accordance with subparagraphs (3) or (4) of paragraph (a) of this section, has relinquished rights to return to service as required by Part 216 of this chapter. In no case shall an annuity begin to accrue earlier than (1) two months prior to the date upon which the application therefor was filed with the Board, or (2) July 1, or December 1, respectively, if such application is filed with the Board on August 31 or January 31; or (3) the day following the last day of the applicant's compensated service. An individual whose eligibility for an annuity is determined in accordance with subparagraphs (3) or (4) of paragraph (a) of this section, shall relinquish rights to return to service as required by Part 216 of this chapter upon his attainment of age sixty-five.

(c) Except as provided in § 208.31 and in section 407 of the 1946 amendments to the Railroad Retirement Act enacted as Public Law 572, 79th Cong., after an annuity has been awarded to an individual, he shall not be eligible for an increase in such annuity, or for a new or additional annuity, by reason of acquiring, after the annuity awarded him began to accrue, any additional service or compensation or any additional eligibility qualifications.

§ 208.9 *Regular occupation defined.* For the purpose of an annuity under § 208.7 (a) (3), an individual's regular occupation shall be his occupation in the railroad industry in which (a) he has been engaged in service for hire, including service for hire outside the railroad industry, in more calendar months than the calendar months in which he has been engaged in service for hire in any other occupation, whether or not in the railroad industry, during the last preceding five calendar years, whether or not consecutive, or (b) he has been engaged in service for hire, including service for hire outside the railroad industry, in not less than one-half of all the months in which he has been engaged in service for hire, whether or not in the railroad industry, during the last preceding fifteen consecutive calendar years.

§ 208.11 *Establishment of permanent disability for work in the applicant's "regular occupation".* An individual's physical or mental condition shall be deemed to be permanently disabling for work in his "regular occupation", whether or not he has been disqualified for such work by his employer, if, in accordance with the occupational disability standards established by the Board, he is physically or mentally unable to perform the duties of such occupation, and the facts of his physical or mental condition afford a reasonable basis for an inference that such condition is permanent. The cause of the disabling physical or mental condition is immaterial. If the employee's regular occupation is one with respect to which occupational disability standards have not been established by the Board, the occupational disability standards established by the Board for a reasonably comparable occupation in the railroad industry shall govern the determination of the individual's inability to work in his regular occupation; and in the absence of such comparable occupation, such determination shall be made by ascertaining whether under the practices generally prevailing in other industries having such occupation, the individual's physical or mental condition is a permanent disqualification for work in his regular occupation. The condition of permanent disability for work in the individual's regular occupation must be established in each particular case in the manner and to the extent prescribed by the Board.

§ 208.13 *"Any regular employment" defined.* "Regular employment" as used in this part and Part 237 of this chapter means full or part time service for remuneration by an individual in the employ of another on a recurring basis. For the purposes of this section, an individual performing service for remuneration, whether or not under a contract, shall be deemed to be in the employ of another unless such service is performed as a part of his independently established trade, business or occupation; and in the absence of evidence to the contrary, an individual shall be presumed to be regularly employed if he has been paid remuneration of not less than $200 in each of two consecutive calendar quarters.

§ 208.15 *Cessation of service to a local lodge or division.* In determining whether an individual has ceased to render compensated service to a local lodge or division of a railway-labor-organization employer the Board shall not consider as a day of compensated service any day in any month with respect to which month the individual earned compensation that is required to be disregarded within the provisions of § 222.3 (f) of this chapter. (Sec. 10, 50 Stat. 314, sec. 25, 54 Stat. 1100; 45 U. S. C. 228a, 228j)

§ 208.17 *Establishment of permanent disability for any regular employment.* (a) An individual is permanently disabled from engaging in any regular em-

ployment whenever his physical or mental condition is such that he is unable to perform regularly, in the usual and customary manner, the substantial and material duties of any regular and gainful employment which is substantial and not trifling, with any employer, whether or not subject to the Act, and the facts of his physical or mental condition afford a reasonable basis for an inference that such condition is permanent.

(b) The condition of permanent disability for any regular employment must be established in each particular case in the manner and to the extent prescribed by the Board. The following disabilities, while not an exclusive or exhaustive catalogue of conditions under which an individual may be considered permanently disabled from engaging in any regular employment are disabilities from which the Board will presume, in the absence of facts to the contrary, that an individual is so disabled:

(1) Loss of, or permanent loss of use of, both feet.

(2) Loss of, or permanent loss of use of, both hands.

(3) Loss of, or permanent loss of use of, one hand and one foot.

(4) Permanent industrial blindness (corrected vision of twenty two-hundredths or less in both eyes).

(5) Permanent total loss of hearing in both ears (inability to hear the conversational tone of voice at any distance) unless offset or capable of being offset by some practicable device.

(6) Permanently helpless or permanently bedridden.

(7) Aphonia (complete loss of vocalization, (phonetic) from organic, i. e., non-functional cause).

§ 208.25 *Proof of continuance of disability.* An individual who has been awarded an annuity upon the basis of his having become totally and permanently disabled for regular employment for hire, or upon the basis of his having become permanently disabled for work in his regular occupation, shall, as and whenever notified by the Board, submit any information which the Board may require relating to his employment, including self-employment, and earnings therefrom, while in the receipt of such an annuity, and shall submit to an examination to be made by a physician, or physicians, or a board of physicians, designated by the Board. The Board may at any time or times require additional proof of the continuance of the disability which served as the basis for awarding such annuity. The provisions of this section shall not apply to an individual after he has attained age sixty-five (or in the case of a woman with three-hundred and fifty-four months of creditable service, after she has attained age sixty).

§ 208.27 *Disability annuitant to notify of recovery from disability, and of performance of service for hire or of self-employment.* It shall be the duty of an individual awarded an annuity upon the basis of total and permanent disability for regular employment for hire, or upon the basis of permanent disability for work in his regular occupation, to notify the Board before he attains age sixty-five (or in the case of a woman with three hundred and fifty-four months of service before she attains age sixty) of his recovery from such disability and of any service for hire or self-employment in a period and to the extent described in § 208.29 (2).

§ 208.29 *When disability annuities cease.* (a) An annuity awarded to an individual upon the basis of his having become totally and permanently disabled for regular employment for hire, or upon the basis of his having become permanently disabled for work in his regular occupation, shall cease before the individual attains age sixty-five (or in the case of a woman with three hundred and fifty-four months of service, before she attains age sixty) as of the last day of:

(1) The month in which he recovers from such disability; or

(2) Except in the case of individuals awarded disability annuities prior to July 31, 1946, a period of six consecutive calendar months in each of which he earns more than seventy-five dollars in service for hire or in self-employment: *Provided*, That the Board may at any time require compliance with § 208.25.

(3) The month preceding the month during which he dies, regardless of his age; or

(4) The month following the month in which a notice was mailed to him requiring him to furnish additional proof of the continuance of his disability, if he failed to comply with such notice; or

(5) The month in which the Board receives notice of his failure to appear for, or submit to, a required examination; or

(6) The month in which he was required to furnish the Board with any information relating to employment, earnings and his physical or mental condition, if he failed to furnish such information.

(b) The annuity of an individual, based upon either the disability described in subparagraph (3) or in subparagraph (4) of paragraph (a) of § 208.7, who fails to relinquish rights to return to service in accordance with Part 216 of this chapter shall be suspended as of the end of the month in which he attains age sixty-five. Annuity payments which ceased by reason of non-compliance with the provisions of one or more of paragraphs (a) (4) through (a) (6) of this section shall be restored if within a reasonable time the annuitant shows good cause for such non-compliance.

§ 208.31 *Cessation of disability annuity not prejudicial to further eligibility.* The cessation pursuant to § 208.29 of a disability annuity, shall not prejudice any rights of the individual formerly in receipt of such annuity, to any annuity to which he may thereafter become entitled; and for such purpose, years of service acquired by such an individual whose annuity shall have so ceased prior to age sixty-five (or in the case of a woman with three hundred and fifty-four months of service, prior to age sixty), may be credited with the same effect as if no annuity had previously been awarded.

Dated: January 31, 1947.

By Authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-1109; Filed, Feb. 5, 1947; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Local Board Memorandum No. 197-C, Issued: 10/3/45,[1] as Amended: 2/5/47]

PART 671—LOCAL BOARD MEMORANDUM

DISPOSAL OF OBSOLETE AND DISCONTINUED DSS AND OTHER BLANK FORMS

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 671.197c *Disposal of obsolete and discontinued DSS and other blank forms*—(a) *Disposition of obsolete printings of DSS blank forms.* Local boards and all other agencies of the Selective Service System are hereby authorized to dispose of all obsolete printings of DSS blank forms. Current printings of DSS blank forms as set forth in the Table of Current Forms and Instructions in the front of the Form Manual, together with any revisions of forms or new forms issued subsequent to the effective date of such table are to be retained for use in the normal course of operations.

(b) *Disposition of discontinued DSS blank forms.* Local boards and all other agencies of the Selective Service System are hereby authorized to dispose of all discontinued DSS blank forms listed in the Table of Discontinued Forms dated January 1, 1947[1] or which may be listed in any Table of Discontinued Forms issued as of a later date.

(c) *Disposal of discontinued and obsolete printings of Standard and other blank forms.* Local boards and all other agencies of the Selective Service System are authorized to dispose of all discontinued and obsolete printings of Standard, War Department, Civil Service Commission, Compensation Commission, and other blank forms adopted for use by the Selective Service System as such forms are discontinued or as the printings of such forms become obsolete.

(d) *Method of disposal.* Disposition under this authorization shall be accomplished by mutilation and salvage in accordance with the provisions of Local Board Memorandum No. 197, issued 4/16/45.[1] Blank forms only will be disposed of. (54 Stat. 885 as amended; 50 U. S. C. and Sup. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-1116; Filed, Feb. 5, 1947; 8:52 a. m.]

[1] Not on file or published by the Division of the Federal Register.

Chapter XXIII—War Assets Administration

[Reg. 1]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

War Assets Administration Regulation 1, July 19, 1946, as amended to December 31, 1946 (11 F. R. 7970, 10221, 13969, 12 F. R. 100) is hereby revised and amended as herein set forth. New matter is indicated by underscoring. Order 1, July 19, 1946, as amended (11 F. R. 7973, 12 F. R. 100), Order 2, December 30, 1946 (12 F. R. 101), Order 3, June 13, 1946, as amended (11 F. R. 6774, 9572, 14490), Order 7, July 19, 1946 (11 F. R. 7977), Order 8, August 16, 1946 (11 F. R. 9760), Order 9, May 14, 1946 (11 F. R. 5399), Order 10, October 25, 1946 (11 F. R. 12794), and Order 11, November 30, 1946 (11 F. R. 14074) under this part shall remain in full force and effect.

Sec.

8301.1 Definitions.
8301.2 Designation of disposal agencies; continental United States.
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8301.9 Declaration of surplus real property.
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8301.11 Continental United States; filing declarations of surplus personal property.
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8301.13 Territories and possessions; filing declarations of surplus personal property.
8301.14 Forwarding declarations of surplus; notice.
8301.15 Withdrawals.
8301.16 Sales by a disposal agency other than the one to which the property is assigned.
8301.17 Transfer of surplus property between territories and possessions and continental United States.
8301.18 Authority of disposal agencies to dispose of surplus property.
8301.19 Regulations to be reported to the War Assets Administrator.
8301.20 Records and reports.

AUTHORITY: §§ 8301.1 to 8301.20, inclusive, issued under the Surplus Property Act of 1944 as amended (58 Stat. 765; as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265).

§ 8301.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Continental United States" means the 48 States and the District of Columbia.

(2) "Territories and possessions" means Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands.

(3) "Real property" means all classes of real property together with any fixtures and improvements thereon and is not limited to the definition thereof as contained in section 23 of the act.

(4) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (i) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (ii) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (iii) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing.

(5) "Handbook of Standards" means the Handbook of Standards for describing Surplus Property prepared for the Surplus War Property Administration by the War Production Board (U. S. Government Printing Office).

(6) "Standard Commodity Classification" means the Standard Classified List of Commodities, being Volume I of the Standard Commodity Classification, May, 1943 (U. S. Government Printing Office).

§ 8301.2 *Designation of disposal agencies; continental United States.* The following Government agencies are hereby designated as disposal agencies for surplus property located within the continental United States: *Provided*, That the Administrator may assign any real property to any of the disposal agencies designated in this part regardless of its classification whenever the Administrator shall determine such assignment appropriate to facilitate disposal:

(a) *Patrol vessels; Navy Department.* The Navy Department is hereby designated as the disposal agency for certain patrol vessels assigned to it by Order 1 under this part.

(b) *Ships and maritime personal property; Maritime Commission.* The United States Maritime Commission is hereby designated as the disposal agency for ships and maritime personal property, except maritime personal property declared as surplus as a part of marine industrial real property and except vessels assigned in paragraph (a) of this section. The general class of property, "ships and maritime personal property", includes property assigned to the Maritime Commission by Order 1 under this part.

(c) *Agricultural commodities and food; Department of Agriculture.* The Department of Agriculture is hereby designated as the disposal agency for agricultural commodities and food. This general class of property, "agricultural commodities and food" includes property assigned to the Department of Agriculture by Order 1 under this part.

NOTE: Former paragraphs (d) and (e) deleted, former paragraph (f) revised and redesignated (d), and former paragraph (g) redesignated (e) Jan. 29, 1947.

(d) *Agricultural, forest, grazing and mineral property; Department of Agriculture.* The Department of Agriculture is hereby designated as the disposal agency for surplus section 23 real property located within the continental United States which the Administrator shall classify as agricultural, forest, grazing or mineral property: *Provided, however*, That the Department of Interior is designated as disposal agency for all such property classified as grazing or mineral property which was assigned to it for disposal prior to the 23d day of February 1947.

(e) *All other property.* The War Assets Administration is hereby designated as the disposal agency for all other property including:

(1) Property assigned to the War Assets Administration by Order 1 under this part.

(2) All industrial real property (including buildings and fixtures and real property which is suitable and equipped for mining operations), and land which the Administrator shall determine is essential to the use of industrial plants, factories, and similar structures and facilities.

(3) Personal property (including machinery, equipment, and materials and products finished or in process) which is declared surplus together with and as a part of a plant or other real property assigned to the War Assets Administration. If the War Assets Administration shall determine not to dispose of any such personal property as part of such plant or other real property, such personal property shall be disposed of by the appropriate disposal agency designated in this part, and the War Assets Administration will, upon its determination aforesaid, forward declarations of surplus covering such property to such disposal agency.

(4) Structures of a portable, demountable or prefabricated nature (except housing assigned to the National Housing Agency by paragraph (d) of this section) including quonset and similar huts, when declared surplus separate from any sites thereof.

(5) Aircraft and property peculiar to aircraft.

(6) Railroads, including land, trackage, rights of way, structures and equipment used or useful in connection therewith.

(7) Pipelines and facilities used for transporting petroleum products or gas.

(8) Airport property to be disposed of as such (including buildings and fixtures) and land which the Administrator

shall determine is essential to the use of such property.

(9) Power plants and facilities and power transmission lines and rights of way, and land which the Administrator shall determine is essential to the use of such property.

(10) All structures and improvements which are to be disposed of for removal off-site by demolition or otherwise. Where a disposal agency determines that structures and improvements assigned to it for disposal should be disposed of for removal off-site, the disposal agency shall forward to the War Assets Administration, Washington 25, D. C., a declaration of surplus covering such structures and improvements unless the Administrator directs otherwise.

(11) Marine industrial real property (including buildings and fixtures) such as shipyards, ship repair yards, and marine terminals.

(12) Personal property (including machinery, equipment, and materials and products finished or in process) which is declared as surplus as a part of marine industrial real property.

(13) Commercial real property (including buildings and fixtures, and whether or not section 23 real property) and land which the Administrator shall determine is essential to the use of such property; community facilities financed through Federal Works Agency, and all other section 23 real property for which another disposal agency is not expressly designated in this part: *Provided, however,* That Federal Works Agency is designated as disposal agency for all such property which was assigned to it for disposal prior to the 29th day of January 1947.

(14) Residential property, whether or not section 23 real property, which includes:

(i) Real property used for residential or residential projects or developments, together with the structures thereon.

(ii) Housing of a portable, demountable, or prefabricated nature (except house trailers) when declared surplus separate from any sites thereof.

(iii) Personal property, such as housing equipment and furnishings, which is declared surplus to the War Assets Administration as part of residential property. If the War Assets Administration shall determine not to dispose of such personal property as part of residential property, such personal property shall be disposed of by the appropriate disposal agency designated in this part, and the War Assets Administration shall forward declarations of surplus covering such property to such disposal agency.

(iv) Community facilities (including such equipment and furnishings as are disposed of therewith) financed through the National Housing Agency which may be used in connection with residential projects.

(v) Land which the Administrator determines is essential for residential purposes: *Provided, however,* That National Housing Agency is designated as disposal agency for all such residential property which was assigned to it for disposal prior to the 29th day of January 1947.

§ 8301.3 *Designation of disposal agencies; territories and possessions.* The following designations of Government agencies as disposal agencies for surplus property located in the territories and possessions of the United States as defined in § 8301.1, are hereby made, *Provided,* That the Administrator may assign any real property located in the territories and possessions to any of the disposal agencies designated in this part regardless of its classification whenever the Administrator shall determine such assignment appropriate to facilitate disposal.

(a) *All personal property not otherwise assigned; War Assets Administration.* War Assets Administration is hereby designated as the disposal agency for all personal property, including aircraft and property peculiar to aircraft, not otherwise assigned under this section and located in the territories and possessions.

(b) *Ships and maritime property; Maritime Commission.* The United States Maritime Commission is hereby designated as the disposal agency for vessels which it determines to be merchant vessels or capable of conversion to merchant use.

(c) *All real property; Department of the Interior.* The Department of the Interior is hereby designated as the disposal agency for all real property located in the territories and possessions.

§ 8301.4 *Designation of disposal agency for, and disposal of, military property.* The Department of State is hereby designated as the disposal agency for surplus military property located in the continental United States, its territories and possessions, for disposal to other governments. With the consent of the State Department, owning agencies are authorized to file declarations of such surplus property with the Department of State, Office of the Foreign Liquidation Commissioner, Washington 25, D. C.; such declarations of surplus as are filed with the State Department shall have endorsed thereon the approval of an officer of the owning agency to be designated as its representative for coordination with the State Department. If there are included in such declarations of surplus any substantial quantity of items which may be used for civilian purposes, the State Department shall consult with the appropriate Government agencies (including domestic disposal agencies) to ascertain whether such items are required for reserves established under the act for priority or preference claimants or are urgently required for the domestic economy. If the Department of State determines that such items are so required, it shall forward the declaration of surplus covering such items to the appropriate disposal agency. The term "military property" includes all arms, ammunition, spare parts, accessories, maintenance and service tools and equipment, cleaning and preserving materials, military automotive equipment, aircraft and aircraft maintenance and servicing equipment, naval combat type and auxiliary vessels (excluding vessels referred to in section 3 (d) of the act), special military clothing and equipage, and all other items required to train, equip, and maintain military, aviation, and naval units as listed in approved tables of organization and equipment and technical publications pertaining thereto for United States armed forces, and production equipment specially designed to produce munitions. No disposal agency other than the State Department shall dispose of any arms, ammunition, and implements of war as defined by the President's Proclamation No. 2549 of April 9, 1942, and facilities intended for the production thereof to any foreign government without the consent in writing of the State Department.

§ 8301.5 *Use of Standard Commodity Classification for purpose of assignments.* The assignments made in Order 1 under this part through the use of Standard Commodity Classification code numbers are intended to be in aid of and supplementary to the assignments of the general classes of property made in § 8301.2. If, therefore, items fall within a general class of property assigned by this part but these items are not listed in the Standard Commodity Classification, they shall be disposed of by the disposal agency to which the general class of property is assigned. Similarly, if the Standard Commodity Classification does not indicate that an item is included within more than one of the general classes of property assigned in § 8301.2, the assignment of the general class shall control.

§ 8301.6 *Declaration of surplus property.* Each owning agency shall, pursuant to section 11 (a) of the act, continuously survey property in its control and determine that which is surplus to its needs and responsibilities, and, except for such property as the owning agency itself is authorized to dispose of, it shall report such surplus property to the Administrator and to the appropriate disposal agency designated in this part. The reporting of surplus personal property by an owning agency to a disposal agency shall constitute a declaration of surplus. When the disposal agency has notified the owning agency of the date on which any specific location will be organized for disposal operations at the site, the owning agency shall discontinue, as of the specified date, all declarations on WAA Form 1001 (formerly Form SPB–1) of property at such location, unless expressly requested otherwise by the disposal agency.

§ 8301.7 *Declarations of surplus personal property; forms; description of property.* Subject to the provisions of § 8301.9 owning agencies shall declare surplus personal property to the Administrator and to the appropriate disposal agencies on forms as prescribed by Order 3 under this part. The property shall be described in sufficient detail to furnish the disposal agency with an adequate basis for disposal. Unless other provision is made, the minimum standards of descripiton prescribed by the Handbook of Standards for Describing Surplus Property shall be used as a guide for all such descriptions.

§ 8301.8 *Declarations of surplus personal property; special information from owning agencies*—(a) *Limitations on power of disposal.* Declarations of surplus personal property shall fully set forth any legal restrictions upon the authority of the Government to dispose of any personal property, including any restrictions upon the disposal or use thereof arising from any patents or any contract relating thereto, unless such information relating to patents has otherwise been furnished to the disposal agencies.

(b) *Red Cross property.* Declarations of surplus personal property shall designate any such property known to have been processed, produced or donated by the American Red Cross.

§ 8301.9 *Declaration of surplus real property.* The owning agency shall notify the Administrator by a letter of intent on the date upon which it is determined that real property and any personal property connected therewith is no longer required by the owning agency. Where surplus personal property is located in or on such real property, the owning agency shall, unless otherwise directed by the Administrator, declare such personal property surplus in conjunction with the real property. The filing with the Administrator of an acceptable WAA Form 1005, together with WAA Form 1001 where personal property is involved, shall constitute a declaration of surplus real property.

§ 8301.10 *Continental United States; filing declarations of surplus personal property resulting from contractor inventories.* If an owning agency takes possession of any contractor inventory located in the continental United States, it may declare such property surplus to the regional office of the War Assets Administration for the region wherein the property is located. If any property so declared is of a class other than that which is assigned to the War Assets Administration by this part, it will make the necessary classification and forward the declarations to the appropriate disposal agencies unless disposal of such property by the War Assets Administration is authorized under § 8301.16. This section shall not apply to agricultural commodities and foods.

§ 8301.11 *Continental United States; filing declarations of surplus personal property.* Declarations of surplus personal property located within the continental United States shall be filed on forms prescribed by Order 3 under this part at the office of the War Assets Administrator, Washington 25, D. C., and at the office of the appropriate disposal agencies as follows except as otherwise indicated in Order 2 under this part: At the regional offices of the War Assets Administration and at the Washington, D. C. offices of all other disposal agencies. The locations of these offices and the areas comprised by the regions are set forth in Order 2 under this part.

§ 8301.12 *Continental United States, territories and possessions; declarations of surplus real property*—(a) *Filing.* Declarations of surplus real property shall be filed with the War Assets Administrator, Washington 25, D. C. Where personal property is to be declared surplus in conjunction with real property, the owning agency shall in advance notify the appropriate regional office of War Assets Administration or, in the territories and possessions, the appropriate office of the Department of the Interior, of the date on which WAA Form 1001 will be ready for filing. Such office may designate a representative with whom the form may be filed at the installation site and who shall be authorized to accept the declaration for filing. If for any reason such form is not so filed with the designated representative it shall be filed at the War Assets Administration regional office, or, in the territories and possessions, at the appropriate office of the Department of the Interior.

(b) *Transmitting.* The Administrator will transmit the declaration to the appropriate disposal agency and will notify the owning agency of such transmittal.

§ 8301.13 *Territories and possessions; filing declarations of surplus personal property.* Declarations of surplus personal property located in the territories and possessions shall be filed on the forms prescribed in Order 3 under this part with the War Assets Administrator, Washington 25, D. C., and at such offices of the appropriate disposal agency as are specified in Order 2 under this part, or, if not specified, as the disposal agency may direct.

§ 8301.14 *Forwarding declarations of surplus; notice.* Whenever surplus declarations are forwarded by one disposal agency to another disposal agency or to the Administrator under this part, the forwarding disposal agency shall so notify the owning agency which filed the declaration.

§ 8301.15 *Withdrawals*—(a) *Personal property.* With the consent of the disposal agency, an owning agency may withdraw personal property which it has declared surplus and for which a declaration has been transmitted to such disposal agency pursuant to this part: *Provided, however,* That such withdrawals may be made only (1) on the forms prescribed by Order 3 under this part, (2) by the technical service, bureau, or other constituent part of the owning agency, which made the declaration, or its successor, and (3) upon the agreement of the owning agency to pay all freight charges in connection with the movement of the property to the point designated by such agency, in cases where the disposal agency has assumed custody and accountability.

(b) *Real property.* A request by an owning agency for the withdrawal of a declaration of surplus real property shall be transmitted to the Administrator by the filing of WAA Form 1005[1] (formerly Form SPB–5) with complete justification for the requested withdrawal. In cases where the disposal agency has incurred direct costs or obligations in connection with the care or handling of the property, the withdrawal by the owning agency shall be on condition that the disposal agency be reimbursed for any direct costs so incurred and relieved of any such obligations. The Administrator, after consideration of the request and any additional evidence which he deems appropriate, will notify the owning agency and the appropriate disposal agency, if the declaration previously was transmitted thereto, of his decision.

§ 8301.16 *Sales by a disposal agency other than the one to which the property is assigned.* A disposal agency may dispose of personal property which is declared to it as surplus but which is assigned under this part to another disposal agency: *Provided, however,* That disposal of any item of personal property in excess of a reported cost of three hundred dollars ($300) may be made only with the consent of such other disposal agency.

§ 8301.17 *Transfer of surplus property between territories and possessions and continental United States.* No surplus personal property shall be transferred by a disposal agency from one territory or possession to another, or to the continental United States, without the consent of the disposal agency acting as such at the place of destination. Where such consent is given and the transfer is made, disposal shall be made by the disposal agency acting as such at the place of destination.

§ 8301.18 *Authority of disposal agencies to dispose of surplus property.*—(a) *In general.* The disposal agencies designated in this part are hereby authorized and directed to dispose of property declared or assigned to them as surplus. Disposals shall be made in accordance with regulations, orders, and instructions of the War Assets Administrator and those of the Surplus Property Administrator, the Surplus Property Board and the Surplus War Property Administration (created by Executive Order 9425, February 19, 1944) which have not been rescinded and superseded, and in accordance with the objectives and provisions of the act.

(b) *Aircraft, aircraft parts, radio and electrical equipment.* The appropriate disposal agencies are hereby authorized, in accordance with section 19 (c) of the act, to dispose of aircraft and aircraft parts and radio and electrical equipment.

§ 8301.19 *Regulations to be reported to the War Assets Administrator.* Each owning agency and each disposal agency shall file with the War Assets Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

[1] Reg. 1, Order 3 (11 F. R. 6774, 9572).

§ 8301.20 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This revision of this part shall become effective February 23, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 29, 1947.

[F. R. Doc. 47-1176; Filed, Feb. 4, 1947; 4:41 p. m.]

[Reg. 14,[1] Amdt. 1 to Order 7]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF PERSONAL PROPERTY TO EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

War Assets Administration Regulation 14, Order 7, January 13, 1947, entitled "Disposal of Personal Property to Educational and Public-Health Institutions and Instrumentalities" (12 F. R. 3961) is hereby amended by adding to Exhibit A of § 8314.57 the following additional classifications:

Commodity code classification	
57 1110	Glass Stem Thermometer Systems.
57 1150	Solid Expansion Thermometers.
57 1160	Pressure Tube Thermometer Systems.
57 1180	Thermometer Accessories.
57 1200	Electric Resistance Temperature Instruments and Accessories.
57 1310	Pyrometers, Electrical Type.
57 1320	Pyrometers, Radiation Type.
57 1322	Pyrometers, Radiation Type, Potentiometer.
57 1330	Pyrometers, Thermocouple Type.
57 1331	Pyrometers, Thermocouple Type, Millivoltmeter.
57 1332	Pyrometers, Thermocouple Type, Potentiometer.
57 2100	Voltmeters.
57 2200	Ammeters.
57 2900	Electric Quantity Instruments and Accessories (N. E. C. Testers).
58 3000	Surgical and Medical Instruments, except diagnostic (Japanese instruments only).

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1161); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This amendment shall become effective January 30, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 27, 1947.

[F. R. Doc. 47-1175; Filed, Feb. 4, 1947; 4:41 p. m.]

[1] Reg. 14, 11 F. R. 11505.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

SUPPLEMENT TO MOTOR CARRIER ANNUAL REPORT FORM A—1947

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 29th day of January A. D. 1947.

The said Division having under consideration its order of November 29, 1946, (11 F. R. 14113) which prescribed that certain Class I common carriers by motor vehicle should keep their accounts and compile statistics for the 12 months ending December 31, 1947, so as to permit them to report certain information as a supplement to Motor Carrier Annual Report Form A for 1947 in a manner similar to that prescribed in the order of March 1, 1946.

And it appearing, that this requirement should be modified by reason of a change in the Uniform System of Accounts as provided in the order of November 27, 1946, effective January 1, 1947: *It is ordered*, That:

Section 205.2 is amended by designating the text of the order of March 1, 1946 (11 F. R. 2451), as paragraph (a) (1), by designating the text of the order of January 6, 1947 (12 F. R. 194), as subparagraph (2) of paragraph (a), by designating the text of the order of November 29, 1946 (11 F. R. 14113), as paragraph (b) (1), and amending paragraph (b) (1) to read as follows:

§ 205.2 *Supplements to Motor Carrier Annual Report Form A*—(a) *1946.* (1) * * *

(2) * * *

(b) *1947.* (1) Each Class I common carrier by motor vehicle engaged predominantly in intercity service as a carrier of general commodities which had gross operating revenue for the year 1945 of $400,000 or more shall keep its accounts and compile statistics which will permit it to report to the Interstate Commerce Commission for the 12 months ending December 31, 1947, the information contained in the Supplement to Motor Carrier Annual Report Form A for 1947, which is attached hereto and made a part of this paragraph.

(49 Stat. 563, sec. 24, 54 Stat. 926; 49 U. S. C. 320)

A copy of this order shall be served upon every Class I common carrier by motor vehicle engaged predominantly in intercity service as a carrier of general commodities which had gross operating revenues for the year 1945 of $400,000 or more, and every receiver, trustee, executor, administrator, or assignee of any such carrier; and notice of this order shall be given the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1947—INCOME STATEMENT FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1947, COMMON CARRIERS WITH GROSS REVENUES OF $400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT

SCHEDULE 3000-S—OPERATING REVENUES

	Detail	Total
3100—Freight revenue—intercity—common carrier		
3110—Freight revenue—intercity—contract carrier		
3120—Freight revenue—local service		
3130—Revenue—transportation for other class I motor carriers		
3900—Other operating revenue		
Total operating revenues		

SCHEDULE 4000-S—OPERATING AND MAINTENANCE EXPENSES

	Detail	Total
4100—Equipment maintenance and garage expenses:		
4110—Supervision of shop and garage		
4121—Repairs to shop and garage equipment		
4122—Operating and maintenance of service equipment		
4126—Repairs to shop and garage buildings and grounds		
4131—Light, heat, power and water for shops and garages		
4132—Other shop and garage expenses		
4140—Repairs to revenue equipment		
4150—Servicing of revenue equipment		
4160—Tires and tubes—revenue equipment		
4191—Joint garage expense—debit		
4196—Joint garage expense—credit		
Total equipment maintenance and garage expenses		
4200—Transportation expenses:		
4210—Supervision of transportation		
4220—Drivers' and helpers' wages and bonuses		
1. Drivers and helpers—carrier's employees		
2. Drivers and helpers—other		
4230—Fuel for revenue equipment		
4240—Oil for revenue equipment		
4250—Purchased transportation—intercity		
1. Payments to class I motor carriers		
2. Payments to railroads and water carriers		
3. Payments to all others		
4255—Purchased transportation—local		
4261—Road expense		
4262—Bridge, tunnel and ferry tolls		
4264—Other transportation expenses		
Total transportation expenses		
4300—Terminal expense:		
4311—Terminal employees		
1. Salaries—supervisory employees		
2. Salaries—cashiers, rating, billing and manifesting		
3. Salaries—other clerical employees		
4. Salaries and wages—platform employees		
5. Salaries and wages—other terminal employees		
6. Expenses of terminal employees		
4314—Supplies and expenses		
4319—Repairs to terminals and equipment		
4330—Commission agents and connecting lines		
4360—Collection and delivery		
1. Salaries—supervisory employees		
2. General repairs		
3. Repairs due to accident		
4. Servicing of equipment		
5. Tires and tubes		
6. Drivers and helpers—wages bonuses		
7. Fuel		
8. Oil		
9. Other expenses		
4370—Purchased collection and delivery		
Total terminal expense		

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1947—INCOME STATEMENT FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1947, COMMON CARRIERS WITH GROSS REVENUES OF $400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT—Continued

SCHEDULE 4000-S—OPERATING AND MAINTENANCE EXPENSES—continued

	Detail	Total
4400—Sales, tariff and advertising expense:		
4410—Salaries and expenses		
4430—Tariffs and schedules		
4450—Other sales expenses		
4470—Advertising		
Total Sales, tariff and advertising		
4500—Insurance and safety expenses:		
4510—Salaries and expenses—Insurance and safety		
4520—Public liability and property damage insurance		
1. Intercity service		
2. Collection and delivery service		
3. Operation of service cars		
4530—Injuries and damages		
1. Intercity service		
2. Collection and delivery service		
3. Operation of service cars		
4541—Workmens' compensation—Insurance		
1. Shop and garage employees		
2. Drivers and helpers—intercity		
3. Terminal platform employees		
4. Drivers and helpers—collection and delivery		
5. All other employees		
4546—Workmens' compensation—self insurer		
1. Shop and garage employees		
2. Drivers and helpers—intercity		
3. Terminal platform employees		
4. Drivers and helpers—collection and delivery		
5. All other employees		
4550—Cargo insurance		
4560—Cargo loss and damage		
4570—Fire and theft insurance		
1. Intercity revenue equipment		
2. Collection and delivery equipment		
3. Service equipment		
4. All other		
4580—Other insurance		
Total insurance and safety expense		
4600—Administrative and general Expenses:		
4611—Salaries of general officers		
4612—Expenses of general officers		
4613—Salaries of general office employees		
1. Revenue accounting		
2. Credits, collections and interline accounting		
3. All other employees		
4616—Expenses of general office employees		
4620—Law expenses		
4630—General office supplies and expenses		
1. Stationery and printing—general office		
2. Stationery and printing—terminal		
3. Stationery and printing—all other		
4. Rentals for office machines		
5. Other supplies and expenses		
4640—Communication service		
4651—Outside auditing expenses		
4652—Employees' welfare expenses		
4655—Purchasing and store expenses		
4656—Other general expenses		
4660—Management and supervision fees and expenses		
4671—Franchise requirements—debit		
4672—Franchise requirements—credit		
4673—Other regulatory commission expenses		
4680—Uncollectible revenues		
4691—Joint operating expense—debit		
4696—Joint operating expense—credit		
Total administrative and general expenses		

SCHEDULE 5000-S—DEPRECIATION EXPENSE

	Detail	Total
5000—Depreciation expense:		
5011—Depreciation of structures		
1. Shop and garage		
2. Terminal		
3. General office and other		

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1947—INCOME STATEMENT FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1947, COMMON CARRIERS WITH GROSS REVENUES OF $400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT—Continued

SCHEDULE 5000-S—DEPRECIATION EXPENSE

	Detail	Total
5000—Depreciation expense—con.		
5021—Depreciation of revenue equipment		
1. Trucks and tractors—intercity		
2. Trailers—intercity		
3. Collection and delivery equipment		
5031—Depreciation of service cars and equipment		
5041—Depreciation of shop and garage equipment		
5051—Depreciation of furniture and office equipment		
5061—Depreciation of miscellaneous equipment		
5071—Depreciation of improvements to leasehold property		
1. Shop and garage		
2. Terminal property		
3. General office and other		
5081—Depreciation of undistributed property		
5091—Depreciation adjustment		
Total depreciation expense		

SCHEDULE 5100-S—AMORTIZATION CHARGEABLE TO OPERATIONS

5100—Amortization chargeable to operations:		
5110—Amortization of carrier operating property		
5120—Property loss chargeable to operations		
Total amortization expense		

SCHEDULE 5200-S—OPERATING TAXES AND LICENSES

5200—Operating taxes and licenses:		
5210—Gasoline, other fuel and oil taxes		
1. Intercity service		
2. Collection and delivery service		
3. Service cars		
5220—Vehicle license and registration fees		
1. Intercity service		
2. Collection and delivery service		
3. Service cars		
5230—Real estate and personal property taxes		
1. Shop and garage property		
2. Intercity vehicles		
3. Collection and delivery vehicles		
4. Service cars		
5. Terminal property		
6. General office and other property		
5240—Social security taxes		
5250—Other taxes		
Total operating taxes and licenses		

SCHEDULE 5300-S—OPERATING RENTS

5300—Operating Rents—Net:		
5310—Equipment rents—debit		
1. Intercity vehicles		
2. Collection and delivery vehicles		
5320—Other operating rents—debit		
1. Rent for shop and garage		
2. Rent for terminal property		
3. Rent for property—general office and other		
5340—Joint facility rents—debit		
1. Shop and garage		
2. Terminals		
3. General office and other		
5350—Equipment rents—credit		
1. Intercity vehicles		
2. Collection and delivery vehicles		
5360—Rent from owned land and structures		
1. Rent from owned shop and garage		
2. Rent from terminal property		
3. Rent from other property		
5370—Sublease rental income		
5390—Joint facility rents—credit		
1. Shop and garage		
2. Terminals		
3. General office and other		
Total operating rents		

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1947—INCOME STATEMENT FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1947, COMMON CARRIERS WITH GROSS REVENUES OF $400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT—Continued

SCHEDULE 9003-S—OPERATING STATISTICS—PROPERTY CARRIERS

Vehicle-Miles Operated in Intercity Revenue Service (Including Loaded and Empty)

	Common	Contract
1. Intercity:		
2. Owned truck miles		
3. Owned tractor miles		
4. Owned combination bus-truck miles		
5. Total intercity-owned vehicles		
6. Leased truck miles		
7. Leased tractor miles		
8. Leased combination bus-truck miles		
9. Total intercity-leased vehicles		
10. Grand total intercity vehicle-miles		
11. Driveaway miles operated		
12. Collection and delivery:		
13. Truck miles		
14. Tractor miles		
15. Total collection and delivery		

Vehicle-Hours Operated in Intercity Revenue Service (Including Loaded and Empty)

16. Intercity:		
17. Owned truck hours		
18. Owned tractor hours		
19. Owned combination bus-truck hours		
20. Total intercity-owned vehicles		
21. Leased truck hours		
22. Leased tractor hours		
23. Leased combination bus-truck hours		
24. Total intercity—leased vehicles		
25. Grand total intercity vehicle-hours		
26. Driveaway hours operated		
27. Collection and delivery:		
28. Truck-hours		
29. Tractor-hours		
30. Total collection and delivery		

OTHER STATISTICS

1. Freight revenue from intercity service—Truck load		
2. Freight revenue from intercity service—Less truck load		
3. Tons of intercity revenue freight billed—Truck load		
4. Tons of intercity revenue freight billed—Less truck load		
5. Number of shipments billed—truck load		
6. Number of shipments billed—less truck load		
7. Tons platform handled		
8. Ton-miles intercity revenue freight (actual basis)		

SCHEDULE 9006-S—DISTRIBUTION OF INTERCITY TRAFFIC

Common Carriers of Property

	Freight revenues	Tons	Number of shipments
1. Originated and terminated by reporting carriers			
2. Originated by reporting carrier and delivered to connecting carrier			
3. Received from connecting carrier and terminated by reporting carrier			
4. Received from connecting carrier and delivered to connecting carrier			

[F. R. Doc. 47-1098; Filed, Feb. 5, 1947; 8:54 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

BUREAU OF ORDNANCE

Amend §§ 26.8 (b) (2) and 26.8 (c), relating to the organization and functions of the naval establishment (11 F. R. 177A-168) to read as follows:

§ 26.8 *Bureau of Ordnance.* * * *

(b) * * *

(2) It is charged with the upkeep and operation of the following naval ordnance establishments and with their repairs within the capacity of the force employed:

Naval Gun Factories, Naval Ordnance Plants, Naval Torpedo Stations, Naval Proving Grounds, Naval Powder Factories, Naval Ammunition Depots, Naval Magazines On Shore, Naval Mine Depots, Naval Net Depots, Naval Ordnance Test Stations, Naval Mine Warfare Test Stations, Naval Ordnance Laboratories, Naval Degaussing and Naval Deperming Stations.

* * * * *

(c) To perform the functions for which the Chief of the Bureau is responsible the Bureau is organized as follows:

Chief of the Bureau of Ordnance.
Deputy and Assistant Chief of the Bureau of Ordnance.
Assistant Chief for Naval Ordnance Establishments.
Naval Ordnance Establishments Division.
Assistant Chief for Planning and Progress.
Planning and Progress Division.
Assistant Chief for Research.
Research and Development Division.
Administrative Division.
Financial Division.
Fleet Maintenance Division.
Production Division.
Quality Control Division.
Inspector of Naval Ordnance Establishments.
Special Board on Naval Ordnance.
Counsel for the Bureau.

(Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-1100; Filed, Feb. 5, 1947; 8:54 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Gen. Order 2, Supp. 13, Amdt. 1, WSA Function Series]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE UNITED STATES MARITIME COMMISSION

UNIFORM SUGAR CHARTER

Section 303.1 *Uniform sugar charter* is amended by striking out the last sentence in the first paragraph of article 6 in the charter form prescribed by paragraph (e), and inserting in lieu thereof the following:

Stevedore for discharging shall be appointed by the charterer and vessel will allow to the charterer, for discharging, no more than the following rates per ton of 2240 pounds, gross landed weight:

At Boston, New York, Philadelphia, and Baltimore	$1.28
Savannah	1.18
New Orleans, Galveston, Texas City	1.28

This amendment shall be effective with respect to all contracts entered into on and after February 1, 1947.

(Sec. 202 of Pub. Law 492, 79th Cong., 60 Stat. 501)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

JANUARY 31, 1947.

[F. R. Doc. 47-1096; Filed, Feb. 5, 1947; 8:54 a. m.]

Subchapter C—Subsidized Vessels and Operators and Other Vessels in Which the Commission Has an Interest

[Gen. Order 67]

PART 289—INSURANCE OF CONSTRUCTION-DIFFERENTIAL SUBSIDY VESSELS AND OF VESSELS SOLD OR ADJUSTED UNDER THE MERCHANT SHIP SALES ACT OF 1946

Sec.
289.1 Vessels included.
289.2 Provision in subsidy agreements and mortgages.
289.3 Insurance by owners.
289.4 Insurance by Commission.
289.5 Application of excess insurance collected to construction-differential subsidy.

AUTHORITY: §§ 289.1 to 289.5, inclusive, issued under 49 Stat. 1987, as amended by 52 Stat. 964, 60 Stat. 41; U. S. C. 1114.

§ 289.1 *Vessels included.* Vessels subject to the provisions of this part are:

(a) All vessels which may in the future be constructed with construction-differential subsidy allowances under section 502 or section 504 of the Merchant Marine Act, 1936, as amended;

(b) All vessels which have previously been constructed with construction-differential subsidy allowances under section 502 or section 504 of the Merchant Marine Act, 1936, as amended;

(c) All vessels sold under the Merchant Ship Sales Act of 1946; and

(d) All vessels, the purchase prices of which are adjusted or are eligible for adjustment under section 9 of the Merchant Ship Sales Act of 1946.

§ 289.2 *Provision in subsidy agreements and mortgages.* All construction-differential subsidy agreements and mortgages relative to vessels covered in § 289.1 (a) shall provide, wherever possible, that the Commission may, in its discretion require the owner to insure, with commercial underwriters, the amount of the Commission's construction-subsidy interest.

§ 289.3 *Insurance by owners.* Owners of vessels covered in § 289.1 will not be required to arrange commercial insurance to cover the Government's interest, exclusive of its mortgage interest, but the Commission reserves the right to require, whenever the contracts so provide, that this be done at some future date, should it deem it necessary.

§ 289.4 *Insurance by Commission.* The Commission will self-insure its interest, exclusive of mortgage interest, depreciated over a 20-year economic life of the vessel. As to any vessel covered in § 289.1 (a) and (b), the Commission's self-insured interest shall be the amount of the construction-differential subsidy, less depreciation, if any, plus the cost of national defense features. As to any vessel covered in § 289.1 (c) and (d), the Commission's self-insured interest shall be the difference between the pre-war domestic cost and the statutory sales price as defined in the Merchant Ship Sales Act of 1946.

§ 289.5 *Application of excess insurance collected to construction-differential subsidy.* In the event an application is approved for a construction-differential subsidy for aid in the construction of a new vessel under Title V of the Merchant Marine Act, 1936, as amended, and the applicant has previously collected as insurance for the total loss of a vessel covered in § 289.1 an amount in excess of the owner's purchase price of the lost vessel, plus 20% of such price (considered to represent stores, equipment, etc.), plus the cost of betterments placed on said vessel after purchase from the Commission, the applicant shall be required to apply such excess, to an extent not in excess of the depreciated Commission interest in the lost vessel as defined in § 289.4 (less total loss premiums on such amount for periods carried from the date of the delivery at rates fixed by the Commission) to the amount of the construction-differential subsidy determined to be allowable in connection with the purchase of the new vessel.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

JANUARY 31, 1947.

[F. R. Doc. 47-1095; Filed, Feb. 5, 1947; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

CROW INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

JANUARY 31, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong.); the acts of Congress approved August 1, 1914 (38 Stat. 583, 25 U. S. C. 385); March 7, 1928 (45 Stat. 210, 25 U. S. C. 387); and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F. R. 10297), notice is hereby given of intention to amend that part of § 130.12 of Title 25, Code of Federal Regulations, dealing with operation and maintenance charge for Government operated units of the Crow Indian irrigation project, Montana, except Coburn Ditch, by increasing the annual operation and maintenance charge from $1.25 per acre per annum to $1.60 per acre per annum, effective beginning with the irrigation season of 1947 and thereafter until further order.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Paul L. Fickinger, Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner.

[F. R. Doc. 47-1108; Filed, Feb. 5, 1947; 8:55 a. m.]

[25 CFR, Part 130]

SALT RIVER INDIAN IRRIGATION PROJECT, ARIZONA

OPERATION AND MAINTENANCE CHARGES

JANUARY 30, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946 (Pub. Law 404, 79th Cong.); and authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583, 25 U. S. C. 385) and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387); and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F. R. 10297); notice is hereby given of intention to modify § 130.105 of Title 25, Code of Federal Regulations, by eliminating therefrom the annual rate of assessment prescribed for operation and maintenance of the Salt River Indian irrigation project, Pima Indian Agency, Arizona, and to promulgate a separate order for the Salt River Indian irrigation project, reading as follows:

SALT RIVER INDIAN IRRIGATION PROJECT, ARIZONA

§ 130.120 *Basic charge.* Pursuant to provisions of the acts of Congress approved August 1, 1914 and March 7, 1928 (38 Stat. 583; 45 Stat. 210, 25 U. S. C. 385, 387), the basic operation and maintenance charge against the lands under the Salt River Indian irrigation project in Arizona to which water can be delivered through the irrigation project works is hereby fixed at $3.50 per acre per annum until further notice.

§ 130.121 *Payment.* The annual basic charge fixed in § 130.120 shall be due and payable on or before April 1, 1947, and on April 1 of each year thereafter until further notice. Charges not paid on the due date shall stand as a first lien against the lands until paid.

§ 130.122 *Delivery of water.* Delivery of water shall be refused to all tracts of land for which the basic charge remains unpaid on the due date except that water may be delivered (a) to irrigate Indian owned lands that are not under lease, permit, or other form of use by someone other than the Indian owner, upon the partial payment on or before the due date of not less than $1.00 per acre per annum of the basic charge; (b) to irrigate Indian owned lands not under lease, permit, or other form of use by someone other than the Indian owner when said owner is unable to pay any part of the basic charge, upon the performance of labor on project works and the prior agreement that he will pay from the proceeds received for such work at least an amount equal to $1.00 per acre per annum; and (c) to irrigate not to exceed 10 acres of Indian owned land when the Superintendent is of the opinion that an Indian landowner is unable to meet the requirements of paragraphs (a) or (b) of this section, when the Superintendent certifies to that fact. The Superintendent shall promptly furnish the Director of the District, for approval or rejection, all such certifications. In such cases, covered by paragraphs (a), (b) and (c), the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid, without penalty.

The foregoing order shall become effective for the calendar year of 1947, and continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to William Zeh, District Director, U. S. Indian Service, 4100 Rhoads Circle, Phoenix, Arizona, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

WALTER V. WOEHLKE,
For the Commissioner.

[F. R. Doc. 47-1099; Filed, Feb. 5, 1947; 8:53 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 2777]

BRITISH COMMONWEALTH PACIFIC AIRLINES LTD.

NOTICE OF HEARING

In the matter of the application of British Commonwealth Pacific Airlines Limited for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, authorizing it to engage in foreign air transportation between New Zealand and San Francisco, Calif., via the Fiji Islands, Canton Island, and Honolulu, T. H., and beyond San Francisco to Vancouver, B. C.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 402 (e) of said act, that hearing in the above-entitled proceeding is assigned to be held on February 12, 1947, at 10:00 a. m. (eastern standard time) in Room 1302, Temporary Building T, Constitution Avenue between Twelfth and Fourteenth Streets NW., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the applicant is fit, willing, and able properly to perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder;

2. Whether the proposed air transportation will be in the public interest; and,

3. Whether approval of the proposed air transportation is consistent with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and New Zealand.

Notice is also given that any person desiring to be heard shall file with the Board on or before February 12, 1947, a statement setting forth issues of fact or law raised by said application which he desires to controvert.

Dated Washington, D. C., January 31, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1110; Filed, Feb. 5, 1947; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-811, G-821, G-829]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARINGS

JANUARY 31, 1947.

Upon consideration of the following applications filed by Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business at Oklahoma City, Oklahoma, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate the following described natural-gas pipeline facilities, subject to the jurisdiction of the Federal Power Commission:

(a) Application filed December 5, 1946, in Docket No. G-811, to authorize Applicant to construct and operate a meter setting at a mutually convenient point to Applicant and Surburban Gas, Inc. on Applicant's main 8-inch pipeline in the Southwest Quarter (SW¼) of Section 28, Township 11 South, Range 23 East, Wyandotte County, Kansas.

(b) Application filed December 9, 1946, in Docket No. G-821, to authorize Applicant to construct and operate a positive meter setting at a mutually convenient point to Applicant and Billings Gas Company on Applicant's 20-inch pipeline in the Southeast corner of Section 22, Township 24 North, Range 2 West, Noble County, Oklahoma.

(c) Application filed December 16, 1946, in Docket No. G-829, to authorize Applicant to construct and operate a positive meter setting at a point mutually convenient to Applicant and Nowata County Gas Company on Applicant's 16-inch pipeline in the Northwest Quarter (NW¼) of Section 20, Township 28 North, Range 16 East, Nowata County, Oklahoma.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of delivering and selling emergency gas to the above-mentioned distribution companies for resale to the latters' customers; and

(b) These procedings are proper for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that the aforesaid applications be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), hearings be held on the 19th day of February, 1947, at 9:30 a. m. (est) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the applications filed in the above-entitled proceedings; *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceedings by orders upon consideration of the applications and the evidence filed therewith and incorporated in the record of the proceedings, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1101; Filed, Feb. 5, 1947; 8:53 a. m.]

[Docket No. G-847]

TENNESSEE NATURAL GAS LINES, INC.

NOTICE OF APPLICATION

JANUARY 31, 1947.

Notice is hereby given that on January 9, 1947, an application was filed with the Federal Power Commission by Tennessee Natural Gas Lines, Inc. (Applicant), a Tennesse corporation with its principal office in Chattanooga, Tennessee, and authorized to do business in the State of Tennessee, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the Applicant to construct and operate natural-gas pipeline facilities, as hereinafter more particularly described.

Applicant seeks authorization to construct and operate the following facilities:

(a) A natural gas transmission pipeline consisting of 16-inch and 12¾-inch diameter pipe, the 16-inch diameter portion commencing at a proposed point of interconnection with the pipeline of Tennessee Gas and Transmission Company about 16 miles northeast of that Company's compressor station No. 10 and extending 181 miles in a southeasterly direction to Chattanooga, and the 12¾-inch diameter portion commencing at Chattanooga and extending 106 miles in a northeasterly direction, to Knoxville.

(b) Lateral lines consisting of approximately 65 miles of 4½-inch O. D. pipe and approximately 76 miles of 3½-inch O. D. pipe, extending from the pipeline described in paragraph (a) above.

Applicant proposes to supply natural gas from the above-described facilities to the following cities and towns in the State of Tennessee, which do not now have natural gas service: Centerville, Mt. Pleasant, Columbia, Lewisburg, Shelbyville, Murfreesboro, Fayetteville, Tullahoma, Manchester, Winchester, Decherd, Cowan, Sewanee, Monteagle, Tracy City, South Pittsburg, Richard City, Jasper, Chattanooga, Ooltewah, Cleveland, Charleston, Calhoun, Riceville, Etowah, Englewood, Athens, Madisonville, Sweetwater, Loudon, Alcoa, Maryville, Lenoir City and Knoxville.

Applicant states that under its present plans it will sell natural gas for the above-mentioned cities and towns at wholesale city gate rates, and will make direct pipeline sales for industrial use to a limited number of large industrial users, and that no construction or acquisition of resale distribution systems by Applicant is presently contemplated. Applicant recites that the proposed rates for the gas service will be supplied when it completes its market studies and surveys. Applicant states it has a contract with Tennessee Gas & Transmission Company for the supply of Applicant's entire natural gas requirements in the markets and areas proposed to be served. Applicant states that it is filing this application on the assumption that Chattanooga Gas Company will become a city gate customer of Applicant, notwithstanding the fact that Chattanooga Gas Company is a wholly owned subsidiary of Southern Natural Gas Company, which last mentioned company now has on file with the Federal Power Commission an Application for the construction and operation of facilities to serve the Chattanooga market and area.

Applicant further states that the Knoxville market and area is now inadequately served with manufactured or artificial gas, and that the Knoxville Utilities Board is anxious that natural gas service be made available in the Knoxville area.

Applicant states that natural gas will enter the proposed pipeline at a pressure of approximately 650 lbs. psig which will provide a delivery pressure of approximately 387 lbs. psig at Chattanooga and approximately 201 lbs. psig at Knoxville; that the proposed facilities will have a capacity of approximately 62,325,000 cubic feet per day at the point of interconnection with Tennessee Gas & Transmission Company, and that this capacity will be sufficient to serve the aforesaid markets and areas for approximately five years without compression.

Applicant makes no statement as to the cost of the proposed facilities or the method of financing the cost of construction.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Tennessee Natural Gas Lines, Inc. should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1107; Filed, Feb. 5, 1947; 8:50 a. m.]

[Docket No. G-462]

MISSISSIPPI RIVER FUEL CORP.

ORDER FIXING DATE OF REHEARING

JANUARY 31, 1947.

It appearing to the Commission that:

By order of November 27, 1946, the Commission granted rehearing upon the issues raised by Mississippi River Fuel Corporation's petition for rehearing respecting the Commission's order of September 27, 1946, such rehearing to be held at a time and place to be fixed by the Commission;

The Commission orders that:

(A) The rehearing provided by the Commission's order of November 27, 1946, be held commencing at 10:00 a. m. (e. s. t.) on February 12, 1947, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the issues raised by the petition for rehearing filed by Mississippi River Fuel Corporation.

(B) Interested State commissions may participate as provided in Rule 8 (18 CFR 1.8) and Rule 37 (18 CFR 1.37) of the Commission's rules of practice and procedure.

Date of issuance: February 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1117; Filed, Feb. 5, 1947; 8:52 a. m.]

[Docket No. G-785]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

JANUARY 31, 1947.

Upon consideration of the application filed September 19, 1946, Docket No. G-785, by Panhandle Eastern Pipe Line Company ("Applicant"), a Delaware corporation with its principal offices in Kansas City, Missouri, and in Chicago, Illinois, and authorized to do business in the States of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio, and Michigan, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

A gas metering and regulating station and connection at a point in Miami County, Kansas, where a 24-inch and 26-inch parallel pipe line of the Applicant crosses a 4-inch transmission line of the Miami Pipe Line Company, which point is approximately one mile north of the Osawatomie State Hospital in Miami County, Kansas.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforedescribed facilities for the purpose of supplementing the supply of natural gas needed by the Osawatomie State Hospital located in Miami County, Kansas, by a sale of natural gas to The Miami Pipe Line Company which has a contract to supply the requirements of the hospital. The local supply of natural gas available to the Miami Pipe Line Company for said hospital is inadequate to meet the requirements of the hospital, and the deliveries by the Applicant will not exceed 350 Mcf in any one day of twenty-four (24) hours or a total of 10,000 Mcf in any one month. No part of the gas sold to The Miami Pipe Line Company for resale to the Osawatomie State Hospital is to be delivered to any other purpose or use. Temporary authorization has been granted for the construction and operation of these facilities.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 8, 1946 (11 F. R. 11614).

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 27th day of February 1947 at 9:45 a.m. (e.s.t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however,* That if no request to be heard, or protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1118; Filed, Feb. 5, 1947; 8:52 a. m.]

[Docket No. G-825]

GAS TRANSPORT, INC.

ORDER FIXING DATE OF HEARING

JANUARY 31, 1947.

Upon consideration of the application filed on December 16, 1946, by Gas Transport, Inc. (Applicant), a Delaware corporation, having its principal place of business in Lancaster, Ohio, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

Approximately 5.6 miles of 6-inch natural-gas pipeline, together with meters, regulators, and appurtenances, extending from a point near Fulls Run of Reedy Creek in Wirt County, West Virginia, to a point on the present line of Gas Transport, Inc., near the mouth of Lockhart Fork in Jackson County, West Virginia.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the above-described facilities for the purpose of connecting Applicant's line with natural gas wells owned by or under contract to United Carbon Company for purpose of augmenting natural gas deliveries to the Anchor Hocking Glass Corporation which is now facing a deficiency as a result of inadequate available natural-gas supply from sources heretofore utilized; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946),

Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 7, 1947 (12 F. R. 108–109).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 26th day of February 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (b) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–1119; Filed, Feb. 5, 1947; 8:52 a. m.]

[Docket No. G–830]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

JANUARY 31, 1947.

Upon consideration of the application filed on December 9, 1946, in Docket No. G–830 by Consolidated Gas Utilities Corporation, a Delaware corporation, having its principal place of business in Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described natural-gas pipeline facilities, subject to the jurisdiction of the Federal Power Commission:

Approximately 1½ mile of 2½-inch gas pipe line together with the necessary appurtenances and equipment used in connection therewith, beginning at Applicant's existing 14-inch main gas transmission pipeline in the Southeast corner of the Southeast Quarter of Section 36, Township 29 South, Range 1 West, and extending in a westerly direction approximately ¼ mile, thence in a northerly direction approximately ¼ mile to the site of a dehydrating mill being constructed by the M. W. Dehydrating and Milling Company near Peck, Sedgwick County, Kansas.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the above-described facilities for the purpose of rendering natural-gas service to a dehydrating mill being constructed by the M. W. Dehydrating and Milling Company near Peck, Sedgwick County, Kansas; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 25, 1946 (11 F. R. 14657).

The Commission, therefore, orders that:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on February 24, 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–1120; Filed, Feb. 5, 1947; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 93]

RECONSIGNMENT OF APPLES AT SEATTLE, WASH.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Seattle, Wash., Jan. 29, 1947, by Fruit Growers Service Co., of following cars apples, now on the G. N. RR to San Francisco, Cal. for export:

WFE 65813	FGE 19465
WFE 67335	FGE 51014
FGE 16189	FGE 51192
BRE 75648	FGE 19128
WFE 67201	

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of January 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47–1097; Filed, Feb. 5, 1947; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–1496]

GOLD ORE MINING CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of January A. D. 1947.

The Gold Ore Mining Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, has made application to withdraw its capital Stock, $1.00 Par Value, from listing and registration on the Los Angeles Stock Exchange. The application alleges that (1) the last reported transaction in the applicant's stock on the Los Angeles Stock Exchange was on December 28, 1942, when 2,000 shares were sold at 1¢ per share; (2) no transactions in this security on the Los Angeles Stock Exchange had occurred prior to December 28, 1942, since 1937; (3) of the 1,975,100 shares of applicant's $1.00 Par Value Capital Stock outstanding, all except 10% is owned by O. R. Howard, president of applicant; (4) applicant has approximately 200 stockholders of record; (5) applicant was inactive on May 24, 1935, when its application with this Commission on Form 10 for registration of its 1,975,100 issued and outstanding common shares on the Los Angeles Stock Exchange was filed, that application for registration having stated: "At present no work is being undertaken or contemplated"; (6) with the exception of a small amount of prospecting work applicant had been inactive for at least 10 or 15 years prior to May 1935; (7) as of December 4, 1946, the date of execution of the instant application, the prospects for reopening applicant's mines for several years seem remote; (8) applicant has filed the required reports to keep current the information in the original application for registration; (9) applicant has but limited funds with which to pay property taxes, registrar's charges, stock exchange calling fee, and the expense of preparing and filing an annual report with the Securities and Exchange Commission; and (10) the Los Angeles Stock Exchange has not adopted any provision of its constitution, by-laws or rules which relates to withdrawal of securities from listing and registration.

Upon receipt of a request, prior to March 1, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to Louis Loss, Chief Counsel, Trading and Exchange Division, Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–1103; Filed, Feb. 5, 1947; 8:52 a. m.]

[File No. 54–51]

NATIONAL POWER & LIGHT CO., ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of January A. D. 1947.

In the matter of National Power & Light Co., Lehigh Valley Transit Co., and Pennsylvania Power & Light Co. File No. 54–51. (Application No. 9.)

National Power & Light Company (National), a registered holding company subsidiary of Electric Bond and Share Company (Bond and Share), also a registered holding company, Lehigh Valley Transit Company (Lehigh), a subsidiary of National, and Pennsylvania Power & Light Company (Penn), an electric utility subsidiary of Bond and Share, having filed a joint application-declaration and amendments thereto, designated as "Application No. 9," as amended, pursuant to sections 11 (e), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 thereunder regarding: (a) the sale by Lehigh and acquisition by Penn of the steam electric generating station and substation at Allentown, Pennsylvania, certain properties related thereto, and the electric substations at Catasaqua, Sellersville, and Bethlehem, Pennsylvania, for a cash consideration of $1,500,000, and (b) the deposit of the proceeds from the sale with the Trustee under the mortgage securing Lehigh's outstanding bonds, such proceeds to be used in connection with the retirement of said bonds in accordance with a plan for the rearrangement of the capital structure of Lehigh which will be filed with this Commission upon the approval of the transactions herein proposed; and

Applicants-declarants having requested that the Commission enter an order finding that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that such order conform to the pertinent requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof; and

Public hearings with respect to said joint application-declaration, as amended, having been held after appropriate notice, and the Commission having considered the record of the proceedings and having entered its findings and opinion herein:

It is hereby ordered, That the joint application-declaration, as amended, be, and the same hereby is granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24; and

It is further ordered, That the transactions consisting of (a) the sale by Lehigh and acquisition by Penn for a cash consideration of $1,500,000 of the Allentown generating station, and substation, certain properties related thereto, and the substations at Catasauqua, Sellersville, and Bethlehem, Pennsylvania, and (b) the deposit of the proceeds of such sale with the Trustee under the mortgage securing Lehigh's bonds, and the use of such proceeds to retire said bonds in accordance with such plan for the rearrangement of the capital structure of Lehigh as shall be approved by this Commission, are authorized as necessary or appropriate steps in accordance with our order of August 23, 1941, issued pursuant to section 11 (b) (2) of the act directing the dissolution of National and are necessary or appropriate for the integration or simplification of the holding company system of which National, Penn, and Lehigh are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–1104; Filed, Feb. 5, 1947; 8:53 a. m.]

[File Nos. 54–142, 59–84]

AMERICAN WATER WORKS AND ELECTRIC CO., INC., ET AL.

NOTICE OF FILING OF AMENDMENT EMBODYING MODIFICATION OF PLANS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of January A. D. 1947.

In the matters of American Water Works and Electric Company, Incorporated, American Water Works Company, Inc. (formerly American Communities Company), Community Water Service Company, Ohio Cities Water Corporation, West Penn Railways Company, The West Penn Electric Company, (applicants), File No. 54–142; American Water Works and Electric Company, Incorporated and subsidiary companies, (respondents), File No. 59–84.

Notice is hereby given that an amendment has been filed in the above captioned proceedings which is concerned with modifications of Plans (designated in the original filing as Plan I and Plan II) filed by American Water Works and Electric Company, Incorporated ("American"), a registered holding company, and joined in by certain of its subsidiaries, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935. The subsidiaries of American primarily affected by the amended Plans are American Water Works Company, Inc. ("Waterworks Holding Company", formerly American Communities Company), a water works holding company and a direct subsidiary of American; Community Water Service Company ("Community"), a water works holding company and a direct subsidiary of Waterworks Holding Company; Ohio Cities Water Corporation ("Ohio Cities"), a water works holding company and a direct subsidiary of Community; and The West Penn Electric Company ("West Penn Electric"), a registered holding company and a direct subsidiary of American.

The original plans in this matter were filed on February 21, 1946. On December 23, 1946, the Commission issued findings and opinion with respect to the plans as filed. In the findings and opinion it was concluded that the treatment proposed in Plan I for the public security holders of the capital stocks of Community and the preferred stock of Ohio Cities was inadequate. It was further concluded that, under the circumstances of this case, it would be appropriate to grant the request of American and take action at this time with respect to Plan I, prior to resolution of the ultimate treatment to be accorded the preferred

stock of American in connection with its liquidation, as proposed in Plan II, provided that Plan II were modified to establish an adequate escrow fund from which fund any additional payments, above the liquidation price applicable to said preferred stock would be made, if necessary.

American has filed an amendment, joined in by certain of its subsidiaries, which amendment purports to satisfy the conclusions contained in the Commission's findings and opinion by increasing the participation for the preferred stock of Community to $180 per share plus accrued dividends from October 31, 1945 to the effective date of the plan, by providing participation for the publicly held common stock of Community to the extent of one-twentieth of a share of new common stock of Waterworks Holding Company for each share of common stock of Community now held, and by increasing the participation for the preferred stock of Ohio Cities to $159 per share plus accrued dividends from October 31, 1945 to the effective date of the plan.

Additionally, Plan I, as considered by the Commission provided for the issuance by Waterworks Holding Company of warrants, to be distributed to the common stockholders of American at no cost for such warrants, the holders thereof to be permitted to acquire shares of new common stock of Waterworks Holding Company at the initial public offering price, to be determined at competitive bidding. The shares of said new common stock not taken by warrants are to be sold to the public at the initial public offering price. Plan I as modified will permit the elimination of the issuance of these warrants under certain circumstances, and if permitted by further order of this Commission.

Plan II has been modified to provide an escrow agreement to be secured by a note of West Penn Electric in the face amount of $2,200,000 with which to make any additional distribution to the preferred stockholders of American that may be required by this Commission and any court of competent jurisdiction.

For a full statement of the plans as modified all interested persons are referred to the files of the Commission in our Philadelphia offices. In substance the plans as modified may be summarized as follows:

Plan I has been divided into two parts, Part 1 being entitled "Segregation of Waterworks Business," and Part 2 being entitled "Liquidation of Community and Ohio Cities." Plan II remains in one part.

In partial consideration for the securities to be acquired by American Water Works Company, Inc. ("Waterworks Holding Company"), American is to receive transferable subscription warrants entitling the holders to purchase from Waterworks Holding Company a total of 2,343,105 shares of common stock of Waterworks Holding Company (the total number of shares of common stock of American publicly held is 2,343,105). The price at which such shares of common stock may be purchased upon exercise of the warrants will be the initial public offering price of such shares of such stock issued to underwriters, as hereinafter described. In the event that in the opinion of the Board of Directors of American market conditions then prevailing make it impracticable or inadvisable, from the standpoint of the successful consummation of Part 1 of Plan I, to issue such transferable subscription warrants, then, upon the adoption of a resolution to that effect by the Board of Directors of American and the filing with the Commission of an appropriate application which shall have been approved by the Commission or permitted to become effective, the issuance of such warrants will not be made. In the event the subscription warrants are issued American will distribute to its common stockholders (without surrender of their shares and without charge) one warrant for each share of common stock held.

Waterworks Holding Company will offer to the public preferred stockholders of Community Water Service Company ("Community"), a holding company and a direct subsidiary of Waterworks Holding Company, the privilege of exchanging their shares for shares of common stock of Waterworks Holding Company having a value (based on the initial public offering price of such shares of common stock) at the time of exchange equal to the sum of $180 per share of Community preferred stock, plus $7 per share per annum from October 31, 1945 to the final date for making such exchanges and minus the amount per share of any dividends paid on such preferred stock during such period.

Waterworks Holding Company will offer to the public preferred stockholders of Ohio Cities Water Corporation ("Ohio Cities"), a holding company and a direct subsidiary of Community, the privilege of exchanging their shares for shares of common stock of Waterworks Holding Company having a value (based on the initial offering price of such shares of common stock) at the time of exchange equal to the sum of $159 per share of Ohio Cities preferred stock, plus $6 per share per annum from October 31, 1945 to the final date for making such exchanges and minus the amount per share of any dividends paid on such preferred stock during such period.

Waterworks Holding Company will offer to the public common stockholders of Community the privilege of exchanging their shares for shares of common stock of Waterworks Holding Company at the rate of one twentieth of a share of Waterworks Holding Company for each share of common stock of Community now held.

The total number of shares to be issued by Waterworks Holding Company will be the aggregate of: (a) 2,343,105 shares, (b) the total number of shares required, based on the initial public offering price, to effect the exchanges with the publicly held preferred stock of Community, assuming all holders of said stock elect to make the exchanges, (c) the total number of shares required, based on the initial public offering price, to effect the exchanges with the publicly held preferred stock of Ohio Cities, assuming that all holders of such stock elect to exchange, and (d) the number of shares necessary to satisfy the public holders of the common stock of Community.

Any shares not exchanged or subscribed for pursuant to warrants under (a) (b) and (c) above will be sold to underwriters through competitive bidding. The bidding proposal will provide that the bids to the company shall be on the basis of the initial offering price to the public and shall indicate the commission to be paid by Waterworks Holding Company as compensation for the underwriting. As indicated above, any warrants offered to American's common stockholders and exchanges accepted by preferred stockholders of Community and Ohio Cities will be on the basis of the offering price to the public, as determined by the competitive bidding. The shares of common stock of Waterworks Holding Company issuable in exchange for shares of common stock of Community are not to be underwritten.

Fractions of shares of common stock of Waterworks Holding Company will not be issued upon the above-described exchanges, but such fractional interests will be represented by non-voting scrip certificates (to the nearest one thousandth of a share) entitling the holders, upon surrender thereof together with other scrip certificates aggregating one or more whole shares, during the period of two years following the initial date for making such exchanges, to receive whole shares of common stock of Waterworks Holding Company together with any dividends paid on such shares of stock subsequent to the initial date for making such exchanges and prior to the surrender of such scrip certificates. All shares of common stock of Waterworks Holding Company reserved for issuance upon surrender of scrip certificates but not so issued at the expiration of the two-year period are to be sold in the open market for the account of the holders of such scrip certificates not theretofore surrendered and Waterworks Holding Company will remit to, or hold for the account of, such holders their pro rata share of the net proceeds of the shares so sold together with their pro rata share of any dividends paid on the shares sold.

All public holders of the preferred stocks of Community and Ohio Cities not electing to take common stock of Waterworks Holding Company are to receive, upon the liquidation of these companies, cash in the sum of $180 per share plus $7 per share per annum from October 31, 1945, to the final date for making the exchanges and minus the amount per share of any dividends paid on such stocks after October 31, 1945, in the case of Community, and $159 per share plus $6 per share per annum from October 31, 1945, to the final date for making the exchanges and minus the amount per share of any dividends paid on such preferred stock after October 31, 1945, in the case of Ohio Cities.

Subsequent to the consummation of the above-described transactions, and transactions related to their consummation, American is to dissolve and liquidate. In connection with this liquidation, American will, among other things, retire all of its preferred stock, of which 199,868 shares are now outstanding with the public, by distributing to the holders thereof in cancellation of all their stockholdings the amount which they are entitled to receive upon the liquidation of American as determined by an order of the Commission, or a decision of a court of competent jurisdiction (which order or decision shall have become final in accordance with law). This distribution will be effected as follows: (a) if the amount to which the preferred stockholders are so entitled shall have been finally determined by the Commission or a court prior to the date fixed for distribution, American will distribute in cash the full amount to which the security holders are entitled, as so determined; or (b) if the amount to which the preferred stockholders are entitled shall not have been finally determined by the Commission or a court prior to the date of distribution to the preferred stockholders they are to receive: (i) cash equal to $100 per share plus accrued and unpaid dividends thereon to the distribution date, and (ii) a certificate evidencing the obligation of American to pay in cash to such preferred stockholders, or their assigns, such additional amount, if any, as it may later be finally determined that the preferred stockholders are entitled to receive. American will fix the date for this distribution and will mail notice thereof to the preferred stockholders at least five days before the distribution date and prior to the distribution date will deliver to a bank or trust company in trust for the benefit of the preferred stockholders and for distribution to them the cash and certificates, if any be required, for the distribution. If certificates are to be distributed, American will also deposit in escrow with such bank or trust company as security for the payment of amounts, if any, which may become payable upon such certificates, and all expenses in connection with such escrow and payment, cash or demand non-interest bearing promissory notes of The West Penn Electric Company, a registered holding company and a direct subsidiary of American, in the aggregate principal amount of $2,200,000. The making of this delivery to and deposit with the bank or trust company is to be in full cancellation and satisfaction of the preferred stock, and, upon the making thereof, all rights of the preferred stockholders of American as such shall terminate except the right to receive from the bank or trust company cash and certificates, if any be so delivered and deposited, with respect to the shares of the preferred stock held by them, and from and after the distribution date, dividends, as such, on the preferred stock shall cease to accrue (as indicated in Plan II, as originally filed, the Board of Directors of American will from time to time transfer to West Penn Electric cash, which American has received in connection with the consummation of Plan I, in excess of cash required by American).

The certificate of incorporation of American provides among other things that upon liquidation, dissolution, or winding up of the affairs of American, whether voluntary or involuntary, the holders of the preferred stock are entitled to receive in cash $100 per share plus accrued dividends. The redemption price of this preferred stock is $110 per share plus accrued dividends to the date of redemption. The filing indicates that in the judgment of the Board of Directors of American, its preferred stockholders are entitled under the circumstances of this liquidation to $100 per share plus accrued dividends to the date of liquidation. American has reserved the right, by appropriate proceedings, to contest any order of the Commission or decision of a court which shall determine that the preferred stockholders are entitled upon the liquidation of American to receive anything in excess of that amount.

American has requested that any order of the Commission approving its proposals under section 11 (e) of the act conform to the requirements of and contain the recitals, specification, and itemization required by Supplement R, and section 1808 (f) of the Federal Internal Revenue Code, as amended, and section 270–c (10) of the Tax Law of the State of New York.

American further requests that the order to issue with respect to its modified plans become effective forthwith upon issuance.

Applicants also request that, as provided in section 11 (e) of the act, the Commission apply to an appropriate United States District Court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the plans in accordance with the terms and provisions thereof.

Notice is given that any interested person may, not later than February 11, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to the modifications proposed by American to its pending plans pursuant to section 11 (e) of the act, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by such proposed modifications which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. In the event that any such request for a hearing is received and favorably acted upon by the Commission, the hearing with respect to this request, or requests, will be convened on February 17, 1947. At any time after February 11, 1947, in the event no hearing is held with respect to the modified plans, the Commission may issue its order with respect thereto.

It is hereby ordered, That American give notice of the filing of these modifications to its plans to all known holders of its capital stock and to all known holders of the capital stocks of Community and the preferred stock of Ohio Cities by causing a copy of this notice of filing to be mailed to such holders at their respective last known addresses, such mailing to be completed not less than ten days prior to February 11, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–1105; Filed, Feb. 5, 1947; 8:52 a. m.]

[File Nos. 59–35, 59–61, 54–66]

NEW YORK WATER SERVICE CORP. ET AL.

SUPPLEMENTAL FINDINGS, OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of January A. D. 1947.

In the matters of New York Water Service Corporation, Federal Water and Gas Corporation, File No. 59–35; Federal Water and Gas Corporation and subsidiary companies (respondents), File No. 59–61; Federal Water and Gas Corporation and subsidiary companies, File No. 54–66.

On November 12, 1946, this Commission entered its findings and opinion and order, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, approving a plan for the recapitalization of New York Water Service Corporation ("New York"). See New York Water Service Corporation, et al., — S. E. C. — (1946) Holding Company Act Release No. 6984. New York, a subsidiary of Federal Water and Gas Corporation ("Federal"), a registered holding company, owns and operates water distribution systems and sells water at wholesale to a number of municipalities and water districts within the State of New York; in addition, it also controls three subsidiaries which are engaged in the same business and also operate in New York State.

The plan, approved by us as necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby, provided for the following:

(1) The reclassification of the outstanding 46,532 shares of the 6% cumulative preferred stock of New York with a par value of $100 per share and an aggregate par value of $4,653,200 (with dividend arrears of $3,990,119, or $85.75 per share as of December 31, 1945) into 46,532 shares of no par value common stock with a stated value of $465.32, or one cent per share.

(2) The issuance by New York of 46,532 shares of such no par value common stock to the holders of the 6% cumulative preferred stock of New York in exchange for such preferred stock, on the basis of one share of such new common stock for each share of such preferred stock.

(3) No recognition accorded to the presently outstanding common stock of New York, all owned by Federal, and the surrender of such common stock by Federal to New York.

Pursuant to the request of New York, the Commission filed an application, pursuant to sections 11 (e) and 18 (f) of the act, with the District Court of the United States for the Southern District of New York for an order approving and enforcing the plan, and proceedings before that court are still pending.

On December 13, 1946, and January 28, 1947, New York filed with this Commission amendments to the plan, which provide for a change in the proposed stated value of the new no par value common stock from $465.32, or one cent per share, to $46,532, or one dollar per share. It appears from the amend-

ments that the change in the stated value of the new common stock is being made to satisfy the requirements of the Stock Corporation Law of the State of New York.

The plan as above amended has been filed with the New York Commission, which on January 23, 1947, adopted a memorandum indicating that it would approve the amended plan subject to similar conditions contained in its previous memorandum approving the plan (see footnote 9 of Holding Company Act Release No. 6994). The above-described change in the stated value of the new common stock of New York does not modify our previously expressed opinion that the plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

It is therefore ordered, Pursuant to section 11 (e) and other applicable sections of the act, that the plan, as amended be, and it hereby is, approved, subject, however, to the same terms and conditions of our order of November 12, 1946 (Holding Company Act Release No. 6994).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1102; Filed, Feb. 5, 1947; 8:52 a. m.]

[File No. 70-1426]

PUBLIC SERVICE CO. OF NEW MEXICO

NOTICE OF FILING AND ORDER EXTENDING TIME WITHIN WHICH A HEARING MAY BE REQUESTED

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of January 1947.

Notice is hereby given that Public Service Company of New Mexico ("Public Service"), a public utility subsidiary of Federal Light & Traction Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935. Applicant designates section 6 (b) of the act as applicable to the proposed transaction.

The Commission, under date of January 16, 1947, issued its notice of filing (Holding Company Act Release No. 7137) with respect to the matter herein and, pursuant to the provisions of Rule U-23, specified January 27, 1947 as the date by which any interested person might request a hearing. In addition to service of said notice upon certain interested persons, copies thereof were released to the press and mailed to persons on the Commission's mailing lists. However, publication of said notice in the FEDERAL REGISTER was inadvertently omitted and the Commission deeming it appropriate to extend the time within which any interested person may request that a hearing be held:

It is ordered, That the time within which any interested person may request that a hearing be held in this matter be, and hereby is, extended to and including February 13, 1947.

Notice is given of such extension of time and that any interested person may request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 13, 1947 said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transaction therein proposed which is summarized below:

Public Service proposes to borrow $1,000,000 from Irving Trust Company and to issue in evidence thereof its promissory note with a maturity of nine months and bearing interest at the rate of 2% per annum. The issuance of such note is for the stated purpose of temporarily financing additional construction in the territory served by the company.

The amount of such note will constitute approximately 11% of the principal amount and par value of other outstanding securities of Public Service and the company requests authorization, pursuant to the first sentence of section 6 (b) of the act, to issue such note. It is represented by the applicant that no State commission has jurisdiction over the proposed transaction.

The applicant requests that the Commission's order granting said application be issued as soon as practicable and become effective immediately upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1106; Filed, Feb. 5, 1947; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8030]

REAL PROPERTY OWNED BY GERMANY

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Real property situated in the City of Washington, District of Columbia, particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

All of lots Forty-three (43) and Forty-four (44) and parts of Lots Forty-one (41), Forty-two (42) and Forty-five (45) in William Walter Phelps and LeRoy Tuttle's subdivision of part of the tract of land known as "The Widow's Mite", as per plat recorded in Liber County No. 6 folio 65 of the Records of the Office of the Surveyor of the District of Columbia, described in one parcel as follows:—Beginning for the same at the intersection of the North line of S Street, as dedicated and shown on plat recorded in Liber County No. 15 folio 2 of the aforesaid Surveyor's Office Records, with the Westerly line of Phelps Place, as dedicated and shown on plat recorded in Liber No. 43 folio 109 of the aforesaid Surveyor's Office Records, and running thence Northerly along the Westerly line of Phelps Place, One hundred and ninety-nine and twenty-three hundredths (199.23) feet more or less, to a point distant Twenty-five (25) feet Southeasterly from the Northeast corner of said Lot Forty-five (45), and running thence Southwesterly along a line parallel with the South line of said Lot Forty-five (45), One hundred and seventy and twelve hundredths (170.12) feet more or less to the Westerly line of said Lot Forty-five (45); thence Southeasterly along the Westerly or rear line of said Lots Forty-five (45), Forty-four (44), Forty-three (43) and Forty-two (42), to the North line of S Street, as dedicated as aforesaid; and thence East along the said North line of said Street, to the point of beginning.

EXHIBIT B

Part of a tract of land known as "The Widow's Mite" contained within the following metes and bounds, viz: Beginning for the same on the North line of S Street (as said street is shown on plat recorded in Liber County No. 10 Folio 50 of the records of the Office of the Surveyor of said District) where the same is intersected by the West line of Phelps and Tuttle's subdivision of part of said tract called "The Widow's Mite", as per plat recorded in Liber No. 6 Folio 65 of said Surveyors Office Records, and running thence West along said North line of S Street, Three Hundred and one and sixty-two hundredths (301.62) feet, to a point in said line of said Street, distant One Hundred and sixty-seven and Ninety-three hundredths (167.93) feet east of Twenty-Third Street; thence North along the East line of the land conveyed by Charles H. Davidson to Elizabeth P. Mitchell by Deed recorded in Liber No. 2558, Folio 275 of the Land Records of the District of Columbia, One Hundred and Ninety-five (195) feet; thence East parallel with S Street, Two Hundred and twenty-five and eighty-six hundredths (225.86) feet; to the West line of said Phelp's and Tuttle's subdivision thence along said West line South Twenty-one (21) degrees, Fourteen (14) minutes East, Two Hundred and nine and Two-tenths (209.2) feet, to the point of beginning.

[F. R. Doc. 47-1088; Filed, Feb. 4, 1947; 9:08 a. m.]

[Vesting Order 8041]

C. M. GEHRKENS

In re: Trust created under will of C. M. Gehrkens, also known as Christian M. Gehrkens. File D-28-9243; E. T. sec. 12120.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Heinrich Reichers and Wilhelm Reichers, and each of them, in and to the Trust created under will of C. M. Gehrkens, also known as Christian M. Gehrkens, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Reichers, Germany.
Wilhelm Reichers, Germany.

That such property is in the process of administration by A. W. Brunton, as Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1089; Filed, Feb. 4, 1947; 9:08 a. m.]

[Vesting Order 8007]

ELIZABETH P. LYNCH

In re: Estate of Elizabeth P. Lynch, deceased, and trust under the will of Elizabeth P. Lynch, deceased. File D-28-11075; E. T. sec. 15509.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isa von Craushaar, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Elizabeth P. Lynch, deceased, and in and to the trust created under the will of Elizabeth P. Lynch, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by National Savings and Trust Company, as executor and trustee, acting under the judicial supervision of the Orphans' Court of Franklin County, Harrisburg, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1123; Filed, Feb. 5, 1947; 8:56 a. m.]

[Vesting Order 8011]

BERTHA A. M. OFF

In re: Trust under the will of Bertha A. M. Off also known as Bertha Off, deceased. File D-28-10236; E. T. sec. 14586.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Emma Helene Off and Mathilde K. B. A. Reimenschneider, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Bertha A. M. Off also known as Bertha Off, deceased, and in and to the Trust under the will of Bertha A. M. Off also known as Bertha Off, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by National Savings and Trust Company of Washington, D. C., as Executor, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942,

3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1124; Filed, Feb. 5, 1947; 8:56 a. m.]

RAOUL ROLAND RAYMOND SARAZIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Raoul Roland Raymond Sarazin, 11 Sq. Moncey, Paris (Seine) France.	8992	1569 (8 F. R. 10583).	All right, title and interest owned and held by Raoul Roland Raymond Sarazin in U. S. Patent Nos. Re. 20,773 (issued June 28, 1938), 2,079,227 and 2,202,967, immediately prior to the vesting thereof including all damages and profits recoverable at law or in equity from any person, firm, corporation or government (other than the Government of the United States) for infringement thereof prior to July 8, 1943; provided, there is expressly reserved all interests and rights in any and all agreements relating thereto, including all royalties and other monies now or hereafter payable or held with respect to said interests and rights and all damages for breach of said agreements, together with the right to sue therefor.	Washington, D. C.

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1138; Filed, Feb. 5, 1947; 9:00 a. m.]

[Vesting Order 8034]

JOHN RIDGELY CARTER

In re: Trust under the will of John Ridgely Carter, deceased. File No. D-28-9062; E. T. sec. 11579.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Camilla Mildred Nicola von Stauffenberg, John Sebastian von Stauffenberg, Patrick von Stauffenberg, and "Shirley" von Stauffenberg, and each of them, in and to the trust under the will of John Ridgely Carter, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Addresses

Camilla Mildred Nicola von Stauffenberg, Germany.
John Sebastian von Stauffenberg, Germany.
Patrick von Stauffenberg, Germany.
"Shirley" von Stauffenberg (the name "Shirley" is fictitious, the true first name being unknown), Germany.

That such property is in the process of administration by J. P. Morgan & Co., Incorporated, as Administrator, c. t. a. and Trustee under the will of John Ridgely Carter, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1126; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8060]

PETER UTZENRATH

In re: Trust under the will of Peter Utzenrath, deceased. File No. D-28-9639; E. T. sec. No. 13383.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Katherine Rosenbach, Mrs. Sophie Langenstrahs and Mrs. Lena Schleicher, and each of them, in and to the Trust created under the will of Peter Utzenrath, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Katherine Rosenbach, Germany.
Mrs. Sophie Langenstrahs, Germany.
Mrs. Lena Schleicher, Germany.

That such property is in the process of administration by the Camden Trust Company, Camden, New Jersey, as Substituted Trustee, acting under the judicial supervision of the Camden County Orphans' Court, Camden, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1125; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8059]

RICHARD C. R. TAGGESELL

In re: Trust u/w of Richard C. R. Taggesell, deceased. File D-28-6566; E. T. sec. 4514.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That all right, title, interest and claim of any kind or character whatsoever of the City of Dresden, Germany, in and to the trust created under the will of Richard C. R. Taggesell, deceased, is property payable or deliverable to, or claimed by, the aforesaid City of Dresden, Germany, a political subdivision of a designated enemy country, (Germany);

2. That such property is in the process of administration by the Manufacturers & Traders Trust Company, as trustee, acting under the judicial supervision of the Surrogate's Court of Erie County, New York.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1127; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8074]

AMY TODA

In re: Bond owned by Amy Toda.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amy Toda, whose last known address is 7 Aobacho, Shibuya-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One (1) United States Savings Bond, due August 1946, of $1,000 face value, bearing the number M313495B, registered in the names of Miss Martha Toda or Miss Amy Toda, presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1128; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8085]

MRS. ERNESTINE HARMS

In re: Bonds and savings share account owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Ernestine Harms, deceased. D-28-8301-A-1, D-28-8301-C-1, D-28-8301-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended; and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Ernestine Harms, deceased, who there is reasonable cause to believe are residents of Gemany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) United States Treasury 2½% Bonds of 1965-70, dated February 1, 1944, each of $1,000 face value, presently in the custody of First Federal Savings & Loan Association of Augusta, Augusta, Georgia, in an account maintained in the name of Fritz Busche, as agent for Mrs. Ernestine Harms, together with any and all rights thereunder and thereto,

b. That certain debt or other obligation of First Federal Savings & Loan Association of Augusta, Augusta, Georgia, arising out of a savings share account, Account Number 904, entitled Mrs. Ernestine Harms by Fritz Busche Agent, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Ernestine Harms, deceased, by Fritz Busche, 373 East Avenue, Mobile, Alabama, in the amount of $6,298.35, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Ernestine Harms, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1129; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8120]

GINZO HOTSUKA ET AL.

In re: Bank accounts owned by Ginzo Hotsuka and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Japan and a national of a designated enemy country (Japan);

2. That each corporation, partnership, association or other business organization whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a corporation, part-

nership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations owing to the persons listed in Exhibit A, attached hereto and by reference made a part hereof, by Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, arising out of bank accounts described in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and last known address of creditor	Description of account	File No.
Ginzo Hotsuka, Ehime-Ken Nishiuwa-Gun Mikame-Cho, Japan.	Savings account number 2921, entitled Ginzo Hotsuka.	F-39-5602 E-1.
K. Sakamoto, Japan	Savings account number 8620, entitled K. Sakamoto.	F-39-5682 E-1.
T. Senzai, Japan	Checking account, entitled T. Senzai	F-39-5683-E-1.
T. Yamaguchi, Japan	Savings account number 8987, entitled T. Yamaguchi.	F-39-5688-E-1.
Nisso Jinkin Pulp Kabushiki Kaisha, Japan	Checking account, entitled Nisso Jinkin Pulp Kabushiki Kaisha.	F-39-2967 E-1.
M. Okazaki, Japan	Savings account number 9645, entitled M. Okazaki.	F-39-2814 E-1.
Kenzo Takayanagi, Kanagawa, Japan	Checking account, entitled Kenzo Takayanagi	F-39-1708-E-1.
Josaburo Imada, Sago-Tani Nura, Asa-na, Shiro-Sago Uzuriha, Saiki-Gun, Hiroshima-Ken Kobe, Japan.	Savings account number 9520, entitled Josaburo Imada.	F-39-61-E-1.
Mrs. K. Teshirogo, Japan	Savings account number 7412, entitled Mrs. K. Teshirogo.	F-39-1348 E-2.

[F. R. Doc. 47-1132; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8086]

E. HEIMANN

In re: Stock, bond coupons and bank account owned by E. Heimann. F-28-25363-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That E. Heimann, the last known address of which is Breslau, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of $100 par value 6% cumulative preferred capital stock of Havana Electric Railway Company, Avenida Simon Bolivar 67, Havana, Cuba, a corporation organized under the laws of the State of Maine, evidenced by certificate number NY 239, registered in the name of Speyer & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

b. One hundred ten (110) shares of no par value common capital stock of Havana Electric Railway Company, Avenida Simon Bolivar 67, Havana, Cuba, a corporation organized under the laws of the State of Maine, evidenced by certificate number NY 097 for ten (10) shares, registered in the name of Robert M. Lowitz, and certificate number NY 952 for one hundred (100) shares, registered in the name of Emil Rauchheld, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

c. Ninety-one (91) coupons, of $20 face value each, detached from each of four (4) St. Louis Southwestern Railway Company second mortgage gold income bond certificates, bearing numbers 3450, 2841, 307 and 3856, being three hundred sixty-four (364) coupons in all, said coupons being presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, and

d. That certain debt or other obligation owing to E. Heimann, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account, entitled E. Heimann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1130; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8088]

LOUIS MATHIAS

In re: Stock owned by Louis Mathias. F-28-10817-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louis Mathias, whose last known address is Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: Thirteen hundred (1,300) shares of $1.00 par value common capital stock of Sicks' Brewing Company, 268 South Commercial Street, Salem, Oregon, evidenced by certificate numbered 174 for 1000 shares and certificate numbered 175 for 300 shares, and registered in the name of Louis Mathias, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1131; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8125]

SHIKAZO MURAKAMI

In re: Debt owing to Shikazo Murakami. F-39-5106-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shikazo Murakami, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shikazo Murakami, by the Manufacturers Life Insurance Company, San Francisco Branch, 111 Sutter Street, San Francisco, California, in the amount of $163.22, as of July 8, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1133; Filed, Feb. 5, 1947; 8:58 a. m.]

[Vesting Order 8126]

LOUISE NESTMANN

In re: Bank account owned by Louise Nestmann. F-28-23402-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Nestmann, whose last known address is Schwerin Strasse, Cottbus, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Louise Nestmann by The United States National Bank of Portland, P. O. Box 4410, Portland 8, Oregon, arising out of a savings account, Account Number 2998, entitled Louise Nestmann, maintained at the branch office of the aforesaid bank located at Pendleton, Oregon, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1134; Filed, Feb. 5, 1947; 8:58 a. m.]

[Vesting Order 8131]

AMALIE AND JACOB TAFS

In re: Bank account owned by Amalie Tafs and Jacob Tafs. F-28-8940-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amalie Tafs and Jacob Tafs, whose last known addresses are Pasewalk, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Amalie Tafs and Jacob Tafs, by Society for Savings in the City of Cleveland, 127 Public Square, Cleveland, Ohio, arising out of a joint savings account, Account Number 541957, entitled Amalie Tafs and husband Jacob Tafs, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1135; Filed, Feb. 5, 1947; 8:58 a. m.]

aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1135; Filed, Feb. 5, 1947; 8:58 a. m.]

[Vesting Order CE-355, Amdt.]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN HAWAII COURTS

Vesting Order CE-355, dated January 14, 1947, is hereby amended as follows and not otherwise:

By deleting the word "same" appearing in Column 3 of Item 2 in Exhibit A of said Vesting Order CE-355, and substituting therefor the following:

Estate of Florentino Somera Moises, deceased, Probate No. 13368 in the Circuit Court of the First Judicial Circuit, Terr. of Hawaii;

All other provisions of said Vesting Order CE-355 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1137; Filed, Feb. 5, 1947; 9:00 a. m.]

[Vesting Order 8137]

T. TASHIRO

In re Bank account owned by T. Tashiro, F-39-4810-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Tashiro, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to T. Tashiro, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a checking account entitled T. Tashiro, maintained at the branch office of the aforesaid bank located at Fillmore, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 829, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1136; Filed, Feb. 5, 1947; 8:58 a. m.]

Reference FEB 21 47

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 27

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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

[FCA Order 444]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORITY OF DEPUTY GOVERNOR AND OTHER OFFICIALS TO ACT IN THE ABSENCE OF THE GOVERNOR[1]

Section 3.1 of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 3.1 *Authority of Deputy Governor and other officials to act in the absence of the Governor.* (a) J. E. Wells, Jr., Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

(b) One of the four commissioners or one of the deputy commissioners in the Farm Credit Administration who is designated by the Governor for such purpose is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Wells are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

(E. O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m), sec. 80; 48 Stat. 273, 12 U. S. C. 638)

Dated: January 28, 1947.

[SEAL] I. W. DUGGAN, *Governor.*

Approved: February 3, 1947.

CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-1146; Filed, Feb. 6, 1947; 8:54 a. m.]

[1] This order is a revocation of order 439 (11 F. R. 13099).

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PACKERS OF CANNED OYSTERS

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following statement of policy is issued:

§ 3.1 *Notice to packers of canned oysters.* Regulations fixing a standard of fill of container for canned oysters were promulgated on November 25, 1944 (21 CFR, 1944 Supp., 36.6). This standard requires that the drained weight of oysters, when the drained weight of such oysters in the can averages less than ½ ounce per oyster, shall be not less than 68 percent of the water capacity of the can in which packed. For the No. 1 can, often referred to as the No. 1 eastern oyster can, having outside dimensions of diameter 2 11/16 inches and height 4.0 inches, a drained weight of about 7.5 ounces of oysters is required.

At the hearing which resulted in the promulgation of this standard, there was insufficient evidence to warrant findings of fact on which to base a standard of fill of container when the drained weight of oysters in a particular can averages ½ ounce or more per oyster. No standard for oysters of such size was established at that time.

It has recently come to our attention that some packers of canned oysters are now putting up large oysters, not subject to the requirements of the fill of container standard, so that the drained weight in many instances is 5 ounces or even less for the No. 1 can. Although such canned oysters are not subject to the provisions of the fill of container standard they are subject to the substantive provisions of the Federal Food, Drug, and Cosmetic Act. Section 402 (b) (2) of this act states that a food shall be deemed to be adulterated if any substance has been substituted wholly or in part therefor. Section 403 (d) of

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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[1] Canal Zone Order 3, under Title 35.

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the act provides that a food shall be deemed to be misbranded if its container is so made, formed or filled as to be misleading. It is our opinion that these sections apply to canned oysters if water, brine, or liquid draining from oysters during processing, replaces a quantity of oysters which should be added to fill the can.

It is the intention of this agency to call a hearing as soon as practicable on proposals to adopt definitions and standards of identity and standards for fill of container for all canned oysters. In the meantime the Food and Drug Administration will apply the substantive provisions of the act to canned oysters where the container is not as full of oysters as is practicable without injury to the quality or appearance of the product. (Secs. 3, 12, 60 Stat. 238, 244)

Dated: February 3, 1947.

[SEAL] WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 47-1153; Filed, Feb. 6, 1947; 8:59 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance, Federal Security Agency)

[Reg. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

Correction

In Federal Register Document 47-847, appearing at page 612 of the issue for Wednesday, January 29, 1947, under amendatory paragraph 35 the second sentence of the bracketed notation should read "The letter (a) was added."

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51620]

PART 56—EXTENSIONS OF TIME PURSUANT TO PROCLAMATIONS OF THE PRESIDENT UNDER SECTION 318, TARIFF ACT OF 1930

MERCHANDISE IN GENERAL ORDER AND BONDED WAREHOUSES

FEBRUARY 3, 1947.

Further amendment of regulations governing extensions of the 1-year general-order period and the 3-year warehousing period for imported merchandise.

Pursuant to the authority contained in Proclamation 2712 of the President dated December 3, 1946 (11 F. R. 14133), Part 56, Code of Federal Regulations (T. D. 50967, 8 F. R. 15814, as amended by T. D. 51031, 9 F. R. 3446, and T. D. 51426, 11 F. R. 3185), is hereby amended as follows:

1. Section 56.1 (a), as amended by T. D. 51426, is further amended by deleting subparagraph (1) and redesignating subparagraphs (2) and (3) as (1) and (2), respectively.

2. Section 56.2, as amended by T. D. 51426, is deleted.

3. Section 56.3 (e), as amended by T. D. 51426, is deleted.

(Secs. 318, 624, 46 Stat. 696, 759, 19 U. S. C. 1318, 1624. Proc. No. 2599, Nov. 4, 1943, 8 F. R. 15359, Proc. No. 2712, Dec. 3, 1946, 11 F. R. 14133.)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1158; Filed, Feb. 6, 1947; 8:55 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.40]

PART 1—ORGANIZATION

PART 2—FUNCTIONS

Correction

In Federal Register Document 47-1036, appearing on page 791 of the issue for Tuesday, February 4, 1947, the agency designation headnote should appear as set forth in brackets above.

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of Temporary Controls

Subchapter D—Office of War Mobilization and Reconversion

PART 32—LIQUIDATION OF THE OFFICE OF WAR MOBILIZATION AND RECONVERSION

§ 32.9 *Liquidation of the Office of War Mobilization and Reconversion.* Pursuant to the authority of Executive Order 9809, dated December 12, 1946 it is hereby directed that the Office of War Mobilization and Reconversion as such be liquidated and that the liquidation shall be completed not later than June 30, 1947. All residual operating and administrative functions, such as those relating to accounts, personnel, history and records shall be assumed by the Office of Temporary Controls Administrator immediately after June 30, 1947.

§ 32.10 *Responsibility for liquidation.* The Commissioner for War Mobilization and Reconversion shall be responsible for the orderly liquidation of the Office of War Mobilization and Reconversion. As rapidly as possible determination shall be made by the Commissioner as to the effective dates for the termination of individual Office of War Mobilization and Reconversion functions. Following such determinations appropriate steps shall be taken to effect the liquidation of these functions by the dates so determined.

(E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

This order is effective February 3, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-1142; Filed, Feb. 6, 1947; 8:54 a. m.]

Chapter VIII—Office of International Trade (Department of Commerce)

Subchapter B—Export Control

[Amdt. 299]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Rubber (natural, allied gums, and synthetics) and manufactures:
	Synthetic rubbers:
200903	Butyl copolymers of isobutylene and isoprene or other diolefins.
201100	Rubber, reclaimed.
	Tire sundries and repair materials:
206905	Camelback.
208600	Conveyor belting of rubber, balata, or synthetic rubber.
209800	Latex or other forms of rubber compounded or processed for use in further manufacture (include rubber sheets, compounded, or processed, and masterbatch), except liquid rubber compounds of natural rubber.
	Naval stores, gums and resins:
211400	Gum spirits of turpentine.
211510	Wood turpentine.
211610	Dipentene.
211710	Pine oil.
212500	Tall oil (liquid sulfate wood resin).
	Miscellaneous textile products:
391700	Cambric, varnished.
399900	Tape, cotton, varnished.
	Wood, unmanufactured:
	Logs, and hewn timber (indicate quantity scale) (include stumps and burls):
	Hardwoods (report burls in 400600):
400400	Walnut.
400600	Hardwood burls.
	Softwoods:
401600	Western red cedar.
401800	Other cedar (include eastern) (report Port Orford cedar in 401700).
	Sawmill products (lumber):
	Boards, planks and scantlings, less than 5" in least dimension:
	Hardwoods:
411900	Chestnut.
412800	Magnolia.
	Petroleum and products:
503100	Residual fuel oil (include residuum from cracking of petroleum distillates).
	Iron and steel manufactures:
	Cooking and heating stoves, except electric:
614500	Kerosene room heaters, only.
614700	Range and stove parts (gas and range and stove parts).
	Other domestic cooking or heating equipment:
615280	Range and stove parts, including cast iron, cooking and heating (coal, coke and wood wood range and stove parts).
615280	Range boilers.
	Zinc and manufactures:
658600	Zinc dust.

Dept. of Comm. Sched. B No.	*Commodity*
	Electrical machinery and apparatus:
704000	Motors, smaller than ⅛ horsepower.
709300	Cambric and muslin (including tape), varnished, for electrical insulation.
709600	Other wiring supplies except wall plates.
	Other industrial machinery:
	Blowers and ventilating machinery and parts:
764100	Sheet metal ducts.
	Coal-tar products:
800700	Coal-tar pitch.
802000	Xylol (coal tar and petroleum).
	Medicinal and pharmaceutical preparations:
812750	Cinchona salts: Totaquine only.
813590	Caffeine alkaloid.
813590	Caffeine salts and compounds.
813590	Emetine and emetine salts.
813590	Pharmaceutical dextrose and glucose including destrose-monohydrate, in bulk.
813590	Theobromine and theobromine salts and compounds.
	Chemical specialties:
623900	Tanning specialty compounds containing 10% or more of sulfonated animal or vegetable oils and fats.
829200	Leather dressings, oils, polishes, and stains containing 10% or more of sulfonated or unsulfonated or unsulfonated animal or vegetable oils and fats.
	Industrial chemicals:
831200	Denatured alcohol (solidified).
831500	Ethyl alcohol.
838500	Ammonium bichromate.
838500	Ammonium chromate.
838500	Ammonium dichromate.
839300	Hydrogen peroxide (report hydrogen peroxide in small packages for household use in 814200).
839900	Lead chloride.
839900	Lead nitrate.
839900	Lead silicate (mono).
839900	Lead silicate (di).
839900	Sodium plumbite.
	Pigments, paints, and varnishes:
842300	Carbon black or gas black, except carbon black, channel type.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702, E. O. 9630 dated Sept. 27, 1945, 10 F. R. 12245)

Dated: February 3, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control Commodities Branch.

[F. R. Doc. 47-1154; Filed, Feb. 6, 1947; 8:58 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Laws 388 and 475, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1001—TIN

[Conservation Order M-43, Revocation of Direction 1]

STATUS OF AUTHORIZATIONS

Direction 1 to Conservation Order M-43 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board or the Civilian Production Administration under this direction.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1231; Filed, Feb. 6, 1947; 11:30 a. m.]

PART 1001—TIN

[Conservation Order M-43, as Amended Feb. 6, 1947]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

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(b) Restriction on deliveries of pig tin.
(c) Allocations of pig tin.
(d) Reports on use, disposition and inventories of pig tin.

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(e) General restrictions on the use of pig tin, secondary tin, tin plate, terne plate, solder, babbitt and other tin-bearing alloys.
(f) [Deleted February 6, 1947.]
(g) Special restrictions on the use of metals to which pig tin has been added.
(h) [Deleted February 6, 1947.]

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(i) Exemptions for implements of war.

Use and Sale of Articles Containing Tin

(j) General restrictions on the use and sale of tin-bearing products.
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§ 1001.1 *Conservation Order M-43*—(a) *What this order does.* This order prohibits deliveries of pig tin except under certain conditions and provides for allocation of pig tin by the Civilian Production Administration. It also restricts the use of pig tin, secondary tin, certain tin-bearing products and tinplate in manufacture. The order also restricts sales and deliveries of jewelry and certain other articles containing tin. Although paragraph (h) of the order which contained special restrictions on the use of tin in jewelry and certain other articles has now been deleted, all other provisions of the order still apply to these articles, including the restrictions of paragraphs (e) and (g) on use of tin, and the special sales restrictions of paragraph (k). The order also limits inventories of tin. Certain other orders of the Civilian Production Administration also restrict the manufacture and use of articles containing tin. The provisions of these other orders must also be followed.

Deliveries of Pig Tin

(b) *Restriction on deliveries of pig tin.* No person shall deliver or accept delivery of pig tin without a specific allocation in writing by the Civilian Production Administration or the War Production Board, except under the conditions set forth in paragraphs (b) (1) and (b) (2) below. "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing.

(1) Pig tin may be delivered without specific allocation to the Office of Metals Reserve, Reconstruction Finance Corporation, or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended or to any agent of such a corporation.

(2) Pig tin may be delivered without specific allocation by a distributor in lots not larger than 2,000 pounds each to any person who does not receive from all sources more than 4,000 pounds of pig tin in the calendar month the distributor makes the delivery and who gives to the distributor at the time he places his purchase order, a certificate in substantially the form below, signed manually or as provided in Priorities Regulation 7 by an official duly authorized for that purpose:

> I certify, subject to the penalties of Section 35 (A) of the United States Criminal Code, that I will use this pig tin for ---------- (specify end use) in accordance with Order M-43 or will resell it only in accordance with that order. I will not receive more than 4,000 pounds of pig tin from all sources in ---------- (specify month of delivery) including the amount covered by this order.
>
> ----------
> (Name of purchaser)
> By ----------
> (Duly authorized official)

If the pig tin, or any portion of it, to be delivered under this subparagraph is to be exported outside the United States, its territories or possessions, or Canada, the purchaser (exporter) should state as the end use in the certificate the words "for export" and give the number of the export license.

(c) *Allocations of pig tin.* The Civilian Production Administration will allocate the supply of pig tin, including all pig tin released by the Reconstruction Finance Corporation, and will issue specific directions as to the source, destination and amount of pig tin to be delivered or acquired. Applications for allocations of pig tin should be made to the Civilian Production Administration not later than the 20th day of the month before the month in which delivery is requested, and should be made on Form CPA-412. Except in unusual circumstances, the Civilian Production Administration will not allocate to a person for a calendar quarter an amount greater than 110% of the quantity he legally melted and put into process during the second quarter, 1946, plus the quantity which he sold during that quarter. Applications from persons who did not use pig tin during the base period (including persons who were not in business at that time) will be considered on an equitable basis. Tin requested for resale must be disposed of only by resale. The Civilian Production Administration may specifically direct the purposes and end products for which a person may convert, process or fabricate pig tin allocated to him.

(d) *Reports on use, disposition and inventories of pig tin.* (1) On or before the 10th of each calendar month, each distributor of pig tin must report to the Civilian Production Administration on Form CPA-412 or by letter in triplicate all of his transactions in pig tin during the previous month.

(2) Any person who, on the first day of a calendar month, has in his possession or under his control 2,000 pounds or more of pig tin must report to the Civilian Production Administration on Form CPA-412 by the 20th of that month.

(3) Any person who uses 1,000 pounds or more of pig tin in any calendar month must report to the Civilian Production Administration on Form CPA-412 on or before the 20th of the following month.

(4) The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Use of Tin in Manufacture

(e) *General restrictions on the use of pig tin, secondary tin, tin plate, terne plate, solder, babbitt and other tin-bearing materials.* No person may use any pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base alloys or other alloys containing 1.5% or more tin, or any other materials containing 1.5% or more tin, or any britannia metal pewter metal or other similar tin-bearing alloys to make or treat any item or product, or in any process, not set forth in one of the schedules attached to this order. In making or treating these items, or performing these processes, pig tin may not be used where the schedule permits secondary tin only, and the tin content of an item may not exceed the amount indicated in the schedule.

"Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars, and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing. "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

(f) [Deleted February 6, 1947.]

(g) *Special restrictions on the use of metals to which pig tin has been added.* No person may use metal to which pig tin has been added to produce any product or perform any process for which pig tin is not permitted by one of the schedules attached to this order.

(h) [Deleted February 6, 1947.]

Implements of War

(i) *Exemptions for implements of war.* (1) The restrictions of paragraphs (e) and (g) and of the schedules do not apply to the manufacture of "Implements of war" produced for the Army or Navy of the United States, or the U. S. Maritime Commission where the use of tin contrary to these restrictions is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the "Implements of war" are being produced.

(2) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above.

Use and Sale of Articles Containing Tin

(j) *General restrictions on the use and sale of tin-bearing products.* (1) In some cases the schedules attached to this order permit the use of pig tin or secondary tin in making a product only if the product is to be used for a particular purpose. No person shall use any of these products for any purpose other than the purpose permitted by the schedule.

(2) No person giving a certificate under this order or its schedules may receive, use or dispose of the materials obtained with the certificate contrary to its terms. The standard certificate described in Priorities Regulation 7 may not be used in place of any of the certificates described in this order or its schedules.

(3) Notwithstanding the authorization by the War Production Board or the Civilian Production Administration of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or subassemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe the statement is false, and such a statement shall constitute, on the part of the person making it, a representation to the Civilian Production Administration within the meaning of section 35 (A) of the United States Criminal Code, 18 U. S. C. sec. 80.

(k) *Special restrictions on purchases and sales of certain articles containing tin.* No person, for the purpose of resale, shall receive from a manufacturer any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV). No person shall sell or deliver any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV), unless he has an authorization in writing from the Civilian Production Administration or the War Production Board for the sale or delivery. A person who wishes to get such an authorization should apply to the Civilian Production Administration by letter in triplicate, giving a report of his inventory of all of the items listed below containing tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV), showing the quantity of each item in his possession on March 1, 1945, the names and addresses of the sellers from whom he bought the items, and the dates the purchases were made. Authorizations will ordinarily be given, except where it appears that the purchases were in violation of Order M-43. "New article" means one which has not been used by an ultimate consumer. A purchaser for resale of articles of the kinds listed below may rely on a written certification by his supplier that they contain no tin in any form except tin plate waste waste or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV), unless he knows or has reason to believe the statement is false.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal or other similar tin-bearing alloy.
4. Buckles.
5. Buttons.
6. Emblems and insignia.
7. Jewelry.
8. Novelties, souvenirs and trophies.
9. Ornaments and ornamental fittings.
10. Toys and games.

Inventories

(l) *Limitation on inventories*—(1) *Pig tin.* No person who uses pig tin (except a manufacturer of tin plate) shall accept delivery of any of that material if his inventory of it is, or will by virtue of such acceptance become, more than the amount which he will be required by his current practices to put into use during the next succeeding 45 days in order to carry out his current operations for permitted uses. Manufacturers of tin plate are subject to the minimum practicable working inventory limitations of Paragraph (c) (1) of Priorities Regulation 32 with respect to pig tin.

(2) *Solder, babbitt, and other alloys containing tin.* No person who uses solder, babbitt, or other alloys containing tin (except copper base alloys) shall accept delivery of any type of those materials if his inventory of that type of material is, or will by virtue of such acceptance become, more than the amount which he will be required by his current practice to put into use during the next succeeding 30 days in order to carry out his current operations for permitted uses. The inventory of a person who uses copper base alloys (including those which contain tin) is controlled by the provisions of Priorities Regulation 32.

(3) *Priorities Regulation 32 also applies.* Persons buying tin or products containing tin for use or resale are also subject to the inventory restrictions of Priorities Regulation 32 (including the restrictions on ordering and processing) except to the extent that this paragraph imposes more restrictive controls.

Miscellaneous

(m) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal. Priorities Regulation 16 gives additional instructions about the filing of appeals. Appeals, reports and all communications concerning this order should be addressed to the Civilian Production Administration, Tin, Lead, and Zinc Branch, Washington 25, D. C., Reference: M-43.

(n) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Schedules of Permitted Uses

Under Order M-43 pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base alloys and other materials containing tin may be used only in the production of the items and for the purposes set forth in the following schedules, subject to the limitations, restrictions and conditions specified in these schedules with respect to the various items and purposes.

SCHEDULE I—MISCELLANEOUS

(1) *Detonators and blasting caps.* Pig or secondary tin may be used to make detonators and blasting caps (including electric blasting caps) including all their necessary parts and accessories.

(2) *Collapsible tubes.* (a) Pig or secondary tin may be used to make collapsible tubes for the following purposes, if the tin content by weight of the tube is no greater than the maximum specified below:

Product	Maximum permitted tin content (percent of tin by weight)
Ointments and other preparations for opthalmic use, sulfa drugs in ointment or jelly form, diagnostic extracts (allergens), and morphine or hypodermic injection	Unlimited
Preparations intended for introduction into the body orifices for local application, and medicinal and pharmaceutical ointments (excluding unmedicated petroleum jelly and lanolin)	Unlimited
Dental cleansing preparations	3%

Secondary tin may be used to make lead collapsible tubes for any purpose if the tin content of the tube is not greater than 0.5% by weight.

(b) [Deleted July 5, 1946.]

(c) No person may purchase, accept delivery of, or use collapsible tubes containing tin for packing products except those permitted above.

(3) *Foil.* (a) Pig or secondary tin may be used to make foil for the following purposes if the tin content by weight of the foil is no greater than the maximum specified below:

Purpose	Maximum permitted tin content (percent of tin by weight)
(i) Electrotypers foil	30%
(ii) Dental foil	Unlimited
(iii) Soft babbitt for the preparation of industrial metallic packing	1½%
(iv) Condenser foil of dimensions 0.00035 inch by ¾ inch or less	50%
(v) Condenser foil for all other condensers	5%
(vi) Foil for aircraft magnetos	50%
(vii) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals for which other types of liners cannot be used	Unlimited

(b) [Deleted July 5, 1946.]

(4) *Dairy equipment.* Pig or secondary tin may be used to coat fluid milk shipping containers or to manufacture or retin any other dairy equipment.

(5) *Equipment for preparing and handling food.* (a) Pig or secondary tin may be used to coat or to retin any parts of kitchen utensils, galley and mess equipment and other equipment used in processing and handling of food if the parts are designed to come into actual contact with food or to plate cutlery and flatware.

(6) *Wire coating.* Tin or tin alloys may be prepared and used for coating wire as follows:

(a) *For copper base wire.* There is no limitation upon the tin content of the coating alloy when the copper base wire to be coated is of a size of 0.0320" nominal diameter or finer. If the wire to be coated is of a size larger than 0.0320" nominal diameter, the tin content of the coating alloy is limited to 12% tin by weight.

(b) *For steel wire.* (i) To be used as armature binding wire.

(ii) To be used in the manufacture of equipment for the production of textiles.

(iii) To be used in the packaging or marking of meat where the wire comes into actual contact with the meat.

(iv) In the liquor finishing process of fine steel bright wire.

(c) [Deleted July 5, 1946.]

(7) *Lead base alloys for coating.* Lead base alloys containing tin for coating sheet, tubing, wire, foundry chaplets, etc., may be manufactured and used if the tin content of the alloy does not exceed 7% of tin by weight.

(8) *Printing plates and type metal.* Printing plates and type metal containing tin may be made for use by the printing, publishing and related service industries.

(9) *Dental amalgam alloys.* Tin may be used in the manufacture of dental amalgam alloys without restriction as to the tin content of the alloys.

(10) *Pipe organs for religious and educational institutions.* Pipe organs for religious and educational institutions may be manufactured, rebuilt, or repaired with secondary tin.

(11) *Bolster metal.* Bolster metal may be made and used in the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 10% of tin by weight.

(12) *Fusible alloys and dry pipe seat rings.* Pig or secondary tin may be used in the manufacture of dry pipe valve seat rings to the extent required to meet performance specifications; and in the manufacture of fusible alloys for safety purposes only, to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.

(13) *Tin pipe and sheet.* (a) Pig or secondary tin may be used to make tin pipe, sheet tin, and fittings to repair or maintain beverage dispensing units and their parts, if the consumer for whom the pipe, sheet or fittings are made returns to the supplier a quantity of scrap tin having the same tin content as that of the new pipe, sheet or fittings delivered to him.

(b) Pig or secondary tin may be used to coat copper or brass pipe and fittings for beverage or distilled water dispensing purposes.

(c) Tin pipe or tubes may be used in the manufacture of new soda fountains, food and beverage dispensing units, and where required for conducting chemically pure distilled water.

(14) *Chemicals.* Tin or tin chemicals may be used as laboratory reagents, for medicinal purposes and for plating processes where plating is permitted.

(15) *Tin oxide.* Tin oxide may be used for the production of chrome green, pink, yellow, and red colors, and for the production of earthenware plumbing fixtures.

(16) *Snap fasteners and hooks and eyes.* Pig or secondary tin may be used to plate snap fasteners, and hooks and eyes.

SCHEDULE II—SOLDERS

(a) *Certificates.* No manufacturer or wholesale distributor shall sell or deliver any solder to a wholesale distributor or retailer and no wholesale distributor or retailer shall purchase or accept delivery of any solder unless the purchaser has given to the seller a statement that he will not resell the solder to a user without obtaining from the user the certificate called for below. No manufacturer, wholesale distributor or retailer shall sell or deliver any solder to a user and no user shall purchase or accept delivery of any solder from a manufacturer, wholesale distributor or retailer unless the user has given to the seller the certificate called for below:

> The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the Civilian Production Administration that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule II, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (l) of this order.
>
> ----------
> (Name of purchaser)
> By ----------
> (Duly authorized official)

(b) *Tin content.* In the manufacture of solder, the tin content by weight shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of solder (percent of tin by weight)
(1) For all cellular type radiators (average per radiator)	21%
(2) For all fin and tube type radiators for military and civilian use (average per radiator)	82%
(3) Soldering end seams on all solder seamed cans	30%
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes	15%
(5) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock or lap seams	5%
(6) For sealing milk cans	21%
(7) For all soldering on motors, generators, electrical equipment, instruments, meters, radio, radar, tanks, fire protection equipment, refrigeration equipment, dairy equipment, and food processing equipment	50%
(8) For soldering aluminum	60%
(9) For other hand soldering operations done either with a soldering iron or with a torch and wiping	40%
(10) For any other soldering operations	35%

(c) [Deleted July 5, 1946.]

SCHEDULE III—BABBITT

(a) No manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any wholesale distributor of babbitt and no wholesale distributor of babbitt shall accept delivery from a manufacturer or a wholesale distributor unless he shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not resell such babbitt containing more than 10% tin by weight to any user unless he has received the certificate from such user set forth below. No manufacturer of babbitt or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any user and no user shall accept delivery of any babbitt containing more than 10% tin by weight from any manufacturer of babbitt or wholesale distributor of babbitt unless the user shall have furnished the manufacturer or wholesale distributor with the certificate set forth below:

> The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code to the seller and to the Civilian Production Administration, that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule III, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (l) of said Order M-43.
>
> ----------
> (Name of purchaser)
> By ----------
> (Duly authorized official)

(b) *Tin content.* In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of babbitt (percent of tin by weight)
(1) For the manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads	Unlimited
(2) Any other bearing purpose	90%

Babbitt may not be used for any purpose except those listed above.

(c) [Deleted February 6, 1947.]

SCHEDULE IV—BRASS AND BRONZE

A. CAST ALLOYS

(a) *Tin content.* No person shall cast or have any person cast for him any copper base alloy containing 1.5% or more tin by weight for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

Purpose	Maximum tin content (percent of tin by weight)
(1) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, and collector rings	12%
(2) For the manufacture of piston rings for locomotives and for air-brake equipment	20%
(3) For use as bearings and bushings	9%
(4) For bearings produced by process of powder metallurgy	10%
(5) For production of or use in tablets, markers, and memorials	3.5%
(6) For all other castings	6%

(b) *Certificate.* Any person receiving copper base alloy castings containing 1.5% or more tin shall furnish his supplier with a certificate on his purchase order stating the end use of such castings. All suppliers shall require such a certificate. If the end use is not permitted by M-43, and the purchaser has not special authorization from the Civilian Production Administration or the War Production Board, the supplier shall refuse the order.

(c) [Deleted July 5, 1946.]

B. WROUGHT ALLOYS

Pig or secondary tin may be used to make wrought alloys. However the tin content of any such alloy shall not be more than the amount required for the particular purpose.

SCHEDULE V WHICH FORMERLY COVERED USE OF TIN TO REPAIR GAS METERS HAS BEEN SUPERSEDED BY ITEM (B) (7) OF SCHEDULE II

SCHEDULE VI—TIN PLATE, TERNE PLATE, AND TERNE METAL

(a) *Definitions*—(1) "Tin plate" means steel sheets coated with tin including electrolytic tin plate and hot dipped tin plate and including primes, seconds and waste-waste but not scrap.

(2) "Terne plate" means steel sheets coated with terne metal including short ternes (coated on tin mill coating machines) and long ternes (coated on sheet mill coating machines) including primes, seconds and long terne waste-waste but not scrap.

(3) "Tin plate or terne plate scrap" means any material or product made in whole or in part of tin plate or terne plate which is the waste of industrial fabrication or which has been discarded after being put into actual use, including tin plate crowns, screw caps or similar closures for various containers. The term also includes tin plate and terne plate sheets recovered from tin plate or terne plate cans or from other articles.

(4) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(5) "Terne metal" means a tin-bearing lead alloy used as a coating for plate but does not include lead recovered from secondary sources which contains not more than 3% residual tin.

(6) "Waste-waste" means hot dipped or electrolytic tin coated sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(b) *Manufacture of tin plate and terne plate.* Tin plate and terne plate may be manufactured for the purposes set forth below. However, coating of tin or terne metal per single base box of tin plate or terne plate must not exceed the maximum indicated below for the particular permitted use. No person may use terne metal of over 15% tin in tin mill coating machines. No person may use terne metal of over 10% tin in sheet mill coating machines

(c) *Manufacture of terne metal.* Pig or secondary tin may be used to make terne metal.

(d) *Certificates.* No person shall sell or deliver any tin plate or terne plate to any person unless he gives with his purchase order a certificate in substantially the following form:

> I certify, subject to the penalties of section 35 (A) of the United States Criminal Code, that I will use this tin plate or terne plate for ----------
> (specify end use) in accordance with Order M-43 or will resell it only in accordance with that order.
>
> ----------
> (Name of purchaser)
> By ----------
> (Duly authorized official)

A person who has given one of the certificates described in Direction 9 to M-21 with his purchase order need not give the certificate described in this paragraph.

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
12. Diamond cutting wheels.	Electrolytic tin plate.	0.50 lb. per base box.
13. Dusters and sprayers, hand, for disinfectant and pest control: parts requiring solderable coatings.	Recon.tinoned tin plate Short ternes. Long ternes. Reconditioned terne plate. Electrolytic tin plate. Reconditioned tin plate.	1.50 lbs. per base box. 4 lbs. per base box. 0.50 lb. per base box.
14. Equipment or appliance parts requiring solderable coatings.	Electrolytic tin plate. Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
15. (a) Fuel tanks, except for automotive equipment	Electrolytic tin plate. Short ternes. Long ternes. Reconditioned terne plate.	0.25 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
(b) Fuel tanks, for automotive equipment.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 6 lb. per base box.
16. Gas mask canisters.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
17. Gas meters.	Hot dipped tin plate.	3.30 lbs. per base box (2A charcoal).
18. Heat exchangers.	Electrolytic tin plate. Recon.tinoned tin plate. Short ternes. Long ternes. Reconditioned terne plate.	0.50 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
19. Integral parts of signal cells—but only for current collectors and baskets.	Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
20. Lining of drying chambers for milk and egg powder.	Hot dipped tin plate.	11 lbs. per base box.
21. Maple syrup evaporators.	Reconditioned tin plate.	11 lbs. per base box.
22. Oilers (excluding cans as defined by Order M-81).	Hot dipped tin plate. Short ternes. Long ternes.	1.30 lbs. per base box. 4 lbs. per base box.
23. Oil batterns.	Reconditioned terne plate. Short ternes. Long ternes.	1.30 lbs. per base box. 4 lbs. per base box.
24. Repair parts for domestic laundry equipment.	Hot dipped tin plate. Electrolytic tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
25. Safety cans for inflammable liquids.	Reconditioned tin plate. Short ternes. Long ternes.	1.30 lbs. per base box. 4 lbs. per base box.
26. Textile spinning cylinders, card screens, spools and bobbins.	Reconditioned terne plate. Hot dipped tin plate. Reconditioned tin plate. Short ternes. Long ternes.	1.25 lbs. per base box. 0.50 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
27. Torpedoes for oil and gas well shooting	Reconditioned terne plate. Short tornes. Long ternes.	1.30 lbs. per base box. 4 lbs. per base box.
28. Vaporizing liquid fire extinguishers.	Hot dipped tin plate. Short ternes. Long ternes.	1.25 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
29. Wick holders for oil stoves	Reconditioned terne plate. Short ternes. Long ternes.	1.30 lbs. per base box. 4 lbs. per base box.
30. Articles to be purchased by or for the account of the Army and Navy of the United States, the United States Maritime Commission, and the Veterans' Administration	Reconditioned terne plate. As specified (including performance specifications).	

(f) *Additional permitted uses.* Any person may use electrolytic tin plate waste, hot dipped tin plate waste, terne plate waste, tinplate scrap, or terne plate scrap for any purpose. In addition any person may use tin plate or terne plate for any purpose (except to make items listed in paragraph (k) of order M-43) if his total annual consumption of tin plate and terne plate does not exceed 100 base boxes.

(g) *Optional use of 0.25 tin plate for terne plate.* Where ternes or terne plate is permitted to be used for an item listed in paragraph (e) above, a manufacturer may substitute electrolytic tin plate with a maximum permitted tin coating of 0.25 pounds per base box for that item.

[F. R. Doc. 47-1230; Filed, Feb. 6, 1947; 11:30 a. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Consumers' Goods Inventory Limitation Order L-219, Revocation]

Section 3118.1 *Consumers' Goods Inventory Limitation Order L-219,* is hereby revoked. This action does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board or Civilian Production Administration under the order. Inventories of consumers' goods remain subject to the provisions of Priorities Regulation 32 and other applicable orders and regulations of the Civilian Production Administration.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1234; Filed, Feb. 6, 1947; 11:30 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 32 as Amended Feb. 6, 1947]

INVENTORIES

(a) What this regulation does.

General Restrictions

(b) Restriction on delivery.
(c) Restrictions on receipts.
(d) Restriction on ordering more than needed.
(e) Adjusting outstanding orders when requirements change.
(f) Restriction on processing.

Exceptions

(g) In general.
(h) Receipts permitted after contract cancellations or cut-backs.

Miscellaneous Provisions

(i) Previous inventory authorizations.
(j) Separate inventories.
(k) Redistribution of excess inventories.
(l) Violations.
(m) Revisions of tables.
(n) Appeals, letters and questions.

§ 944.53 *Priorities Regulation 32*—(a) *What this regulation does.* This regulation contains the inventory rules formerly in § 944.14 of Priorities Regulation 1 and in CMP Regulation 2. Its purpose is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of materials in short supply. All kinds of materials are covered including raw or semi-fabricated materials, commodities, equipment, accessories, parts, assemblies or products of any kind, whether or not acquired with priorities assistance. However, foods for humans or animals, tobacco and tobacco products, oils and fats, petroleum and petroleum products including natural and liquefied petroleum gas, and coal are not covered by this regulation, but are subject to applicable restrictions of other Government agencies. This regulation applies to all persons buying for use or for resale whether established firms or newcomers, except ultimate consumers buying for personal or household use.

The general rule on receipts is in paragraph (c) (1), and this is controlling unless a more specific limitation or exception is indicated in Table 1 or 2 or a direction to this regulation, or unless Table 3 (formerly Order M-161) exempts the material entirely. Other exceptions to the inventory limitations are stated in paragraphs (g) and (h) and in directions to this regulation.

General Restrictions

(b) *Restriction on delivery.* No person may deliver any material if he knows or has reason to believe that acceptance of the delivery would be in violation of this regulation.

NOTE: For rule on making or delivering material earlier than required by customers, see Interpretation 3.

(c) *Restrictions on receipts*—(1) *General rule.* A person whether buying for use or resale including a person buying for export may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1.

(2) *Special rules in Tables 1 and 2.* If Table 1 at the end of this regulation shows a special inventory limit on a particular material or product (either specifically or by reference to another CPA order or regulation), that limitation governs and the restrictions of paragraph (c) (1) above may be disregarded unless the applicable order or regulation (or a note in Table 1) also states that a practicable minimum working inventory may not be exceeded. The same is true with respect to particular classes of persons shown on Table 2. Where a specific period of time is shown on Table 1 or 2, no person affected may accept delivery of any material specified if his inventory of it is, or will be, more than he needs during the immediate period specified on the basis of his current or scheduled method and rate of operation. Even if an order or regulation is not listed on Table 1 or 2, any specific inventory limits imposed by it must be complied with. If an order or regulation listed on Table 1 or 2 is revoked or a listing removed from the tables all provisions of this regulation, including paragraph (c) (1), are automatically applicable.

(3) *Early delivery of steel, iron products, aluminum, copper and copper base alloys.* Early delivery, up to 15 days before the requested delivery month may be accepted from a producer of steel, iron products, aluminum, copper or copper base alloys (in the forms listed on Table 1), but the producer may not make the early delivery if it would interfere with any rated orders. Other special rules on these materials are explained in Table 1.

(d) *Restriction on ordering more than needed.* (1) A person may not place any order, whether rated or unrated, for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this regulation, or any other applicable orders or regulations of CPA. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. However, this restriction does not apply to materials listed on Table 3 of this regulation nor to purchases by ultimate consumers for personal or household use. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production as long as this restriction is effective.

(2) This restriction does not require immediate adjustment of orders placed before August 28, 1945. However, in view of its policy to prevent hoarding and speculative buying of materials in short supply, the CPA may direct adjustments or cancellations in individual cases where orders are in excess of reasonably anticipated needs especially where failure to do so might result in unbalanced distribution and curtail total production.

(3) If the inventory limits applying to any material are made more restrictive, whether by a change in Table 1 or otherwise, any person affected must immediately cancel, reduce or defer any order for the material to the extent that the scheduled delivery would result in an inventory greater than permitted by the new restriction and other applicable provisions of this regulation.

(e) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this regulation, he must promptly adjust his outstanding orders, and, if necessary, postpone or cancel them. Paragraph (h) below describes what further deliveries may be accepted.

(f) *Restriction on processing.* No person may process, fabricate, alloy or otherwise alter the shape or form of any material not listed in Table 3 if his inventory of the material in its processed, fabricated, alloyed or otherwise altered shape or form (including the form in which he sells it) is, or will be more than a practicable minimum working inventory. This limitation applies whether the manufacturer does his own processing or has it done for his account by others. He may not exceed it by causing or permitting avoidable delays in transportation, storage, or processing. However, this does not restrict a person from altering the form of surplus materials by scrapping or reprocessing them, unless a CPA order specifically says otherwise. The CPA may issue directions to Priorities Regulation 32 or other orders that are more restrictive on processing than the general limitations of this paragraph.

(e) *Tin plate and terne plate may be used only for the following purposes:*

NOTE: Table amended February 6, 1947.

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
1. All kitchen and cooking equipment.	Electrolytic tinplate.	0.25 lb. per base box.
2. Baking pans for institutions and commercial bakers.	Recon.tinoned tin plate Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
3. Brushes, power driven	Short ternes. Long ternes Reconditioned terneplate.	1.30 lbs. per base box. 4 lbs. per base box.
4. Cans	As permitted by Conservation Order M-81 as amended.	
5. (a) Closures for all food products (excluding malt beverages and nonalcoholic beverages). If packed in hermetically sealed containers made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavorin extracts, spices mustard, horseradish and cherries.	Hot dipped tin plate.	1.50 pounds per base box.
(b) Closures for all food products made from them; ice cream mix; apple cider and juice; fruits (only ernish, fountain fruit and ice cream toppings) soup mix, cheese spreads; spaghetti and macaroni products; corn leaf mash and sauerkraut.	Electrolytic tin plate.	0.50 pound per base box.
(c) Closures for biologicals; blood plasma; drug chemicals; dental supplies; glycerine; liniments of ammoniated ingredients; oleoresins; oils; animal soaps; prescriptions; medicinal soaps; aromatic spirits of ammonia; ammonia products, aromatic chemicals; reagent chemicals; deodorants; liquid or paste germicides; ointments; petroleum jelly; perfumes; hydrochloride powders; phenols; photographic supplies; and all other liquid chemicals.	Electrolytic tin plate.	0.50 pound per base box.
(d) Closures for flame cannons.	As specified.	
(e) Closures to be purchased by or for the account of the American Red Cross, Office of Scientific Research and Development or the Panama Canal, including the Panama Railroad Company and the Canal Zone, and the forty-eight States of the United States and the District of Columbia. (General exceptions for certain other governmental agencies are included in item 30 below.)	Hot dipped tin plate. Electrolytic tin plate Short ternes. Long ternes.	1.25 lbs. per base box. 0.50 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
(f) Closures for steel drums.	Electrolytic tin plate. Short ternes. Long ternes.	1.25 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
(g) All other closures and crowns	Electrolytic tin plate.	0.25 pound per base box.
6. Carbide non-explosive emergency lights.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
7. Chaplets, skimgates and tin forms for foundry use.	Hot dipped tin plate. Electrolytic tin plate Short ternes. Long ternes. Reconditioned terne plate.	1.25 lbs. per base box. 0.50 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
8. Cheese vats.	Hot dipped tin plate.	11 lbs. per base box.
9. Component parts for Internal Combustion engine including air cleaners, cooling systems, fuel systems, and lubrication systems, only where less essential material is impractical because of corrosion or solder-ability	Reconditioned tin plate Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
10. Cylinder liners for hard and fruit presses	Hot dipped tin plate.	1.25 lbs. per base box.
11. Dairy ware and equipment including dairy machinery and equipment, milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, cooling tanks, separator parts, surface type heaters and coolers, and testing equipment.	Hot dipped tin plate. Hot dipped tin plate Short ternes. Electrolytic tin plate. Reconditioned tin plate.	3.30 lbs. per base box (2A charcoal). 0.50 lb. per base box.

In such case, these more restrictive directions or orders control instead of the general restrictions of the paragraph.

Exceptions

(g) *In general.* This paragraph, paragraph (h) below, and certain diFections to this regulation state general exceptions to the restrictions on acceptance of delivery described in paragraph (c) above, and to all other inventory restrictions on delivery and acceptance of delivery in CPA orders and regulations unless they contain specific provisions to the contrary. None of these or any other exceptions to CPA inventory restrictions on receipts permit a supplier to disregard any applicable CPA order or regulation which restricts production or delivery.

(1) *Exemption of Table 3 materials.* Materials listed on Table 3 at the end of this regulation may be delivered and accepted without regard to CPA inventory restrictions.

(2) *Materials bought under PR–13.* Priorities Regulation 13 provides a limited exemption from inventory restrictions in the case of items bought on special sales.

(3) *Imported materials.* A person may import any material without regard to CPA inventory restrictions, but if his inventory of it thereby becomes in excess of the amount permitted by this regulation he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him may receive.

(4) *Advance stockpiling for civilian production.* A person may receive in anticipation of starting or resuming civilian production the minimum amount of material or equipment he would need during the first 30 days of such production, provided no priorities assistance is used to get the material or equipment. Records of such receipts and the basis on which they were computed must be preserved as required by § 944.15 of Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his civilian product. Changes in this 30-day amount may be indicated for a particular material by a note in Table 1. This paragraph relates to production only and does not permit the advance stockpiling of building materials for construction purposes.

(5) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this Regulation. However, where Column 3 of Table 1 shows a specific amount of a particular material, that is considered to be the minimum sale quantity of it. Thus, if a person would be permitted under paragraph (c) to accept less than the amount shown, he may accept delivery of the full amount. In any event, after receiving a minimum sale quantity of any material, a person may not accept delivery of any additional quantities until his inventory of it is within applicable limits.

(6) *Small inventory exemption for particular materials.* If a note in Table 1 or 2 shows a specific amount of a particular material as a small inventory exemption a person may accept delivery of any quantities of it as long as his total inventory of it after acceptance is no more than the specified amount.

(h) *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders with his supplier as required by paragraph (e) and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be made and accepted and the inventory restrictions of paragraph (c) exceeded to the following extent only:

(1) Delivery may be made and accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to adjust; or

(2) Delivery may be made and accepted of any special item which the supplier actually has in stock or in production or special components or special materials which he has acquired for the purpose of filling that contract. A special item as used above, means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others; or

(3) Even if the material is not a special item, delivery may be made by and accepted from a producer if it has already been produced or is in production before receipt of the instruction to adjust, and it cannot be used to fill other orders on the producer's books. However, in the case of steel processed beyond the slab, billet or sheet bar stage before receipt of the instruction to adjust, producers are not required to examine other orders on their books. In this case, unless otherwise ordered by the CPA, deliveries may be made and accepted if the producer cannot readily dispose of the material to others without loss of production.

NOTE: For special rules on continuing receipts of special items after contract cut backs, see Direction 3 to this regulation; and as to transfers of idle materials after cancellations or cut backs, see Direction 1. For effect of reduction in consumption rate on permitted inventories, see Interpretation 5.

Miscellaneous Provisions

(i) *Previous inventory authorizations.* Any specific authorizations, exceptions, or grants of appeals issued under § 944.14 of Priorities Regulation 1 or CMP Regulation 2 remain in effect according to their terms unless individually modified or revoked.

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, has more than one operating unit and keeps separate inventory records for them, this regulation applies to each such operating unit or division independently. A person may not make any further separation or consolidation of such operating units without special written approval of the Civilian Production Administration, unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Special sales of materials and products.* Special sales of materials and products acquired or made for use and not for sale or resale may be disposed of subject to the provisions of Priorities Regulation 13.

(l) *Violations.* Any person who willfully violates any provision of this regulation, or who, in connection with this regulation, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Revisions of tables.* Tables 1, 2, and 3 attached to this regulation will be revised from time to time. As materials and products become in more ample supply, it is expected that they will be listed on Table 3. In special cases, particular materials or products may also be removed from Table 3 or added to Table 1. It is, therefore, important to be familiar with the latest revision of the tables.

(n) *Appeals, letters and questions.* Any appeal or other question regarding any provision of this regulation should be sent by letter in duplicate to the Inventory Control Division, Civilian Production Administration, Washington 25, D. C. Ref.: PR 32, unless Table 1 or 2 attached to this regulation indicates otherwise with respect to particular materials or classes of persons.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE 1—MATERIALS AND PRODUCTS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation. Materials or products listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation, except to the extent that different rules may apply as to certain classes of persons under Table 2.

Column 2 shows either the CPA order or regulation which controls inventories of the material, or if no order is specified there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the practicable minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

If Column 2 shows a specific period of time (e. g., 30 days, 60 days, etc.) for a particular material or product, this restriction applies only to "users" of that material or product, i. e., persons, including Government operated consuming establishments, who use the material or product for production, operating supplies, maintenance and repair, or for construction whether for own account or for the account of another. In addition, the restriction applies only within the 48 States and the District of Columbia. In the case of persons who are not "users", such as persons buying for resale, paragraph (c) (1) applies instead of Column 2.

A figure in Column 3 shows the minimum sale quantity, that is, the amount of the particular material which a person may receive under the conditions stated in paragraph (g) (5) even if it is more than allowed under Column 2. If no figure is shown, the rule in Interpretation 2 must be followed.

Column 4 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described.

Column 5 (Remarks) gives explanations, exemptions or other special rules applicable to the particular material or limitation.

TABLE 1

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Aluminum sheets	45 days*		Aluminum and magnesium.	
Aluminum extrusions	45 days*		Aluminum and magnesium.	
Aluminum, all other forms (see Table 3).	M-312		Tin, lead and zinc	
Asbestos friction material	30 days*		Cork, asbestos and glass fibrous	
Asbestos-cement shingles and flat sheets (not made from asbestos fibres).	45 days*		Cork, asbestos and glass fibrous	
Asphalt and tarred roofing products.**	30 days*		Building materials	**The limitations of column (2) apply to the total amount in the user's inventory rather than item by item.
Babbitt	M-43		Tin, lead and zinc	
Bismuth and bismuth alloys containing 50% or more of bismuth.	30 days*		Tin, lead, and zinc	
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibre sheets).**	30 days*		Building materials.	**The limitations of column (2) apply to the total amount in the user's inventory rather than item by item.
Burlap	90 days*		Textiles	
Butyl Acetate	45 days*		Chemicals	
Butyl Alcohol (Normal)	45 days*		Chemicals	
Cadmium, meaning all metallic cadmium and cadmium oxide, or cadmium salts produced directly from ores concentrates or other primary materials, or reclaimed cadmium recovered from secondary cadmium-bearing material.	30 days*	1 lb.	Tin, lead and zinc.	
Casein	45 days*		Chemicals	
Cast iron, malleable iron. (See Steel, including iron products.)				
Caustic Soda (see sodium hydroxide).				
Coke	P.R. 32, Dir 10			
Copper and copper base alloy scrap.	60 days*		Steel	
Copper and copper base alloys, Note: (1) The provisions of this regulation apply separately to each "item" of copper or copper base alloys in any class listed below without regard to different forms in which the material may be held by a manufacturer. (2) Differences in color of insulation do not differentiate items of wire mill products.	‡		Copper	**The specific limitations in Column 2 on receipts of copper and copper base alloys do not apply to producers who acquire copper or copper base alloys for conversion into another form of those materials, but they are subject to paragraph (e) (1). Certain other classes of persons are subject to the Column 2 limitations as shown on Table 2.
Copper and copper base alloys (Continued). (Completed Nov. 25 1946)				
Copper and copper base alloys: Refinery shapes, castings, etc.	45 days*		Copper	
Brass mill products, except rod, tube, and wire.	45 days*		Copper	
Wire mill products, except magnet wire.	45 days*		Copper	
Magnet wire	45 days*		Copper	
Copper alloys: Ingot castings, etc.	45 days*		Copper	
Brass mill products, except rod, tube, and wire.	45 days*		Copper	
Wire mill product, except magnet wire.	45 days*		Copper	
Ethyl fluid	30 days*		Chemicals	
Gaskets, oil seals and packing.	30 days*		General industrial equipment.	
Gypsum board	20 days*		Building materials.	
Gypsum lath	20 days*		Building materials.	
Iron products (see steel including iron products.)	M-21		Steel	
Iron scrap				
Lead: Metallic lead, lead alloys (such as, but not limited to, sheet, pipe, ingot, castings and foil), in any form containing 50% or more by weight of the element lead. It includes battery lead oxide but does not include other lead chemicals.**	30 days*		Tin, lead, and zinc	**The limitations of Column 2 apply to the total amount in the user's inventory rather than item by item.
Lead chemicals	30 days*		Chemicals	
Note: The provisions of this regulation apply to each item of lead chemicals, and, in the case of chrome pigments, to each grade and type of pigment.				
Lumber—Seasoned, green, rough surfaced and/or worked to pattern (all kinds, sizes and grades).** Note: Deleted Nov. 25, 1946.	60 days*		Lumber	**The limitations of Column 2 apply to lumber in condition in the user's inventory rather than item by item. The Column 2 restrictions do not apply to green lumber which must be seasoned by the user before it is usable for the purpose for which it was purchased but such receipts are subject to the restrictions of paragraph (e) (1) of the regulation. However, when such lumber is sufficiently seasoned for use it must be counted in the determining whether or not the person is eligible to accept any further deliveries. Lumber in finished condition is exempt from this limitation (See Table 2 for special exception for hardwood flooring manufacturers).
Manila (Abaca) fiber and products.	M-84		Textile	
Metal plastering base (metal lath).	90 days*		Building materials.	

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Mica:***				
Muscovite:				
Block & Film	45 days*	1 case	Metals and minerals.	***Applies only to mica furnished from Government stocks, but does not apply to any mica that has been declared surplus and is sold by a disposal agency.
Splittings	90 days*	5 cases		
Phlogopite:				
Block	45 days*	1 case		
Splittings	90 days*	5 case		
Motors:				
Fractional horsepower motors, alternating current under 1/20th h. p. except universal.	45 days*	1,000	General industrial equipment.	
Fractional horsepower motors, alternating current 1/20th h. p. or larger but less than ½ h. p. except universal.	45 days*	600	do	
Fractional horsepower motors, alternating current, ½ h. p. or larger but less than 1 h. p., except universal.	45 days*	50	do	
Single phase alternating current motors 1 h. p. and over except universal.	45 days*	100	do	
Oil seals, packings and gaskets	30 days*		General industrial equipment.	
Packings, gaskets and oil seals	30 days*		General industrial equipment.	
Pipe and fittings: soil, cast iron	30 days*		Building materials.	
Potash	M-300. Sch. 120.		Chemicals	
Radiation, cast iron and convector.	45 days*		Building materials	
Rubber: Natural rubber; natural rubber latex; synthetic rubber; reclaimed rubber.	R-1		Rubber	
Screen cloth, insect	30 days*		Building materials.	
Soda Ash (see Sodium Carbonate).				
Sodium Bicarbonate	30 days*		Chemicals	
Sodium Carbonate	30 days*		Chemicals	
Sodium Hydroxide	30 days*		Chemicals	
Sodium Phosphates	30 days*		Chemicals	
Sodium Sesquicarbonate	30 days*		Chemicals	
Sodium Silicate	30 days*		Chemicals	
Solder	M-4i		Tin, lead and zinc.	
Steel, including iron products. Note (1) The provisions of this regulation apply separately to each "item" of steel or iron products in any class listed below which is different from all other items in that class by reason of one or more of its specifications, such as width, thickness, temper, alloy, finish, or method of manufacture.	(**)			**The specific limitations in Column 2 on receipts of steel, including iron products, do not apply to producers who acquire steel, including iron products, for the purpose of conversion into another listed form of those materials, but they are subject to paragraph (c) (1). Certain other classes of persons to whom these Column 2 limitations do not apply are shown on Table 2.
Iron products:				
Gray iron castings (rough as cast) (except soil pipe and fittings).	45 days*	(***)	Inventory control	***Receipts of less than 2,000 pounds from any one pattern or mold, or of a minimum production run as explained in Interpretation 2 are permitted under the conditions explained in paragraph (g) (5).
Malleable iron castings (rough as cast).	45 days*	(***)	do	

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Steel:				
Carbon steel (including wrought iron):****				****Column 2 does not apply to certain special kinds of steel used in file and rasp production or piston production as explained in Table 2. **Column 2 does not apply to fabricators who order structural steel for use in construction (including buildings, bridges, and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead no fabricator may accept delivery of such steel more than 45 days before it is scheduled to be fabricated.
Bars—Cold finished	45 days*	10,000 lbs	Inventory control.	
Bars—Hot rolled or forged.	45 days*	10,000 lbs	do	
Sheet and strip	45 days*	10,000 lbs	do	
Structural shapes and piling.**	45 days*		do	
Tin plate, terneplate and tin mill black plate.	45 days*	10,000 lbs	do	
All other shapes and forms of carbon steel as described in Order M-21.	45 days*		do	
Alloy steel (including stainless):				
Sheet and strip—silicon electrical only.	45 days*	10,000 lbs	do	
All other shapes and forms of alloy steel as described in Order M-21.	45 days*		do	
Steel, fabricated structural or structural steel cut to length and ready for assembly for use in construction.	Par. (c) (1)		Inventory control.	
Steel scrap	M-21		Steel	
Tin:				
Pig tin	M-43		Tin, lead and zinc.	
Alloys, other than copper base alloys.	M-43		do	
Tires and tubes	R-1		Rubber	
Titanium pigments	30 days*		Chemicals	
Turpentine	5 months		do	
Vegetable waxes	90 days		do	
Wiring devices (electrical), of the following kinds only:	45 days*		Building materials.	
(1) Sockets, lampholders, and lamp receptacles—medium screw base types-lighting fixtures and portable lamps not included. (A lampholder consists of a socket and a housing (generally one-piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event the appurtenances are not part of the lampholder itself).				

TABLE 1—Continued

Material (1)	Order or limitation (2)	Minimum sale quantity (3)	CPA division or office administering the control (4)	Remarks (5)
Wiring devices (electrical), etc.—Continued				
(2) Convenience receptacles (outlets)—types suitable for residential use.				
(3) Toggle switches—types designed specifically for tools and appliances not included				
(4) Wall and face plates.				
(5) Outlet, switch, and receptacle boxes—types suitable for residential use-covers, hangers, supports, and clamps included				
(6) Box connectors for residential-type metallic or nonmetallic-sheathed cable.				
Zinc: metallic zinc, all grades, including zinc base diecast alloy.**	30 days*		Tin, lead and zinc.	**The limitations in column 2 apply to the total amount of zinc, including zinc base diecast alloy, in the user's inventory rather than item by item.

*Or a practicable minimum working inventory whichever is less

TABLE 2—CLASSES OF PERSONS SUBJECT TO SPECIFIC INVENTORY PROVISIONS

Explanation. The classes of persons listed in Column 1 are subject to the specific inventory provisions shown, as explained in paragraph (c) (2) of the regulation.

Column 2 shows either the CPA order or regulation which controls the inventories of the particular class of persons, or if no order is specified there is shown a period of time representing the maximum inventory permitted as explained in paragraph (c) (2). An asterisk (*) indicates that the particular minimum working inventory limit of paragraph (c) (1) also applies, that is, if it would be less than the specific limit indicated.

Column 3 tells the Division or Office in the Civilian Production Administration to which should be sent any appeals or questions regarding the limitations described.

Column 4 (Remarks) gives explanations, exemptions or other special rules applicable to the particular class of persons or limitation. Where this column specifies certain materials, the limitation or exemption for the particular class of person applies only to the materials specified.

TABLE 2

NOTE: Table amended February 6, 1947.

Classes of persons (1)	Order of limitation (2)	CPA division or office administering the control (3)	Remarks (4)
File and rasp manufacturers	120 days*	Inventory control	Applicable only to special high carbon steel in special forms and shapes needed to make files and rasps
Hardwood flooring manufacturers	None	Lumber	No inventory restrictions apply to receipts of hardwood lumber for making hardwood flooring.
Jeweled watch manufacturers	None	Inventory control	No inventory restrictions apply to receipts of steel, iron products, copper and copper base alloys for making jeweled watches.
Pipe nipple manufacturers	(**)	Inventory control	**All provisions of this regulation apply except that with respect to steel pipe the limitation on receipts applies to the total tonnage of pipe in the users inventory rather than item by item.

TABLE 2—Continued

Classes of persons (1)	Order of limitation (2)	CPA division or office administering the control (3)	Remarks (4)
Piston ring manufacturers	90 days*	Inventory control	Applicable only to special heat treated, tempered, polished, and colored high carbon steel (known as segment or expander steel) for use in the production of piston rings.
Rubber and rubber product manufacturers.	R-1	Rubber	
Scrap dealers:			
Copper and Copper Base Alloy Scrap.	PR-32, Dir. 11	Copper	
Iron and Steel Scrap	M-21	Steel	
Tin and Lead Scrap	PR-32, Dir. 5	Tin, Lead and Zinc	
Segregated structural steel for construction, fabricators of.	(**)	Inventory control	**See special rule under "Steel" in table 1.
Suppliers	L-63	Wholesale and Retail Branch.	
Telegraph operators	(**)	Inventory control	**All provisions of this regulation apply, except that with respect to steel, iron products, aluminum, copper and copper base alloys such operators are subject to the rule of paragraph (c) (1) instead of the specific limitation in Column 2 of Table 1
Telephone operators	(**)	Inventory control	
Transportation systems, operators of (MRO supplies).	(***)	Inventory control	***All provisions of this regulation apply, except that with respect to the materials on Table 1 (other than lumber) such operators are subject to paragraph (c) (1) instead of the specific limitations in Column 2 of Table 1. This does not prevent an operator from maintaining minimum stocks of material for emergency use, nor from acquiring reasonable stocks of ties and lumber for seasoning
Utility producers (electric, power, gas, water and central steam heating).	(**)	Inventory control	**All provisions of this regulation apply, except that with respect to steel, iron products, aluminum, copper and copper base alloys such producers are subject to the rule of paragraph (c) (1) instead of the specific limitation in Column 2 of Table 1.

*Or a practicable minimum working inventory, whichever is less.

TABLE 3—EXEMPTED MATERIALS AND PRODUCTS

NOTE: Table amended February 6, 1947.

Explanation. The following materials and products are exempt from the inventory restrictions of this regulation and of all other CPA orders or regulations unless they specifically state otherwise

Aluminum, all forms except sheet and extrusions
Amblygonite
Antiques
Aplite
Art needlework
Asbestos, unmanufactured, all grades and types
Asbestos Tape .010—.025 thickness
Asbestos textiles
Batteries, dry cell
Bentonite
Beryl
Blocks, concrete
Brick, cement
Brick, clay, common and face
Brick, sand lime
Bridal gowns
Bristles
Burial gowns
Caffeine, alkaloids, salts and compounds
Carbon electrodes (over 1" dia.)
Chalk
China clay (English)
Christmas ornaments and supplies
Clay (not including fire clay)
Clocks and watches
Cork, raw-corkwood, milling cork, grinding cork
Corundum
Cotton: Baled, raw cotton

Diamond dies
Diatomaceous earth
Domestic andalusite
Domestic dumortierite
Drugs and drug sundries
Emery
Emetine and emetine salts
Feldspar
Fibrous glass products
Flowers and plants
Fluorspar
Fuller's earth
Furfural
Furs, fur coats (except fur-trimmed coats)
Garden supplies and seeds for garden use
Garnet
Giftwares (including jewelry accessories)
Gloves, handbags and millinery
Gold
Graphite
Graphite electrodes (over 1" dia.)
Historical costumes for theatrical use
Illinium
Istle fiber and products
Jewel bearings
Jewelry and silverware
Jute fiber and jute products (except burlap)
Kaolin
Kyanite
Lace, trimmings and ribbons
Lamps, incandescent
Lithium ore
Luggage and other leather goods
Magnesite
Magnesium in all forms
Men's sport shirts
Mercury
Mica (except Mica received from Govt. stocks—see Table 1)
Mineral aggregates:
  Sand
  Gravel
  Crushed stone
  Slag
Musical instruments (including pianos and organs)
Neckwear and scarfs (men's, women's, and children's)
Notions
Olivine
Optical calcite
Oriental rugs
Penicillin
Phonograph records and supplies
Phonographs
Picture frames and mirrors
Platinum and the platinum metals
Potter's flint
Pulpwood
Pyrophyllite
Quartz crystals
Radio receiving sets
Radio and phonograph combinations
Salt (sodium chloride) in bulk
Sapphire
School supplies
Sediment separators
Sheet music
Sillimanite
Silver
Smoking equipment
Spodumene
Sporting goods and cameras
Stationery and books
Stoneware clay
Sulphur
Talc
Tantalite
Tellurium
Theobromine, alkaloids, salts and compounds
Toilet articles and toiletries (such as cosmetics and shaving equipment)
Totaquine
Toys and games
Vermiculite
Waste paper
Wheeled goods
Women's, misses' and children's party gowns (formal wear)
Women's, misses' and children's ankle length slips (formal wear)
Women's, misses' and children's ankle length petticoats (formal wear)
Women's, misses' and children's beach wear
Women's, misses' and children's lounging pajamas
Women's, misses' and children's negligees
Wood pulp
Wool: raw wool

TABLE 4—[Deleted Dec. 13, 1946.]

INTERPRETATION 1

INVENTORIES IN SEASONAL INDUSTRIES

Paragraph (c) (1) of Priorities Regulation 32 prohibits any person from accepting a delivery which will give him "more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or schedule method and rate of operation." This does not prevent a person engaged in a seasonal industry who normally stocks up inventory in advance of the season from accepting delivery of his requirements of the inventory in question, provided (a) that he is not guilty of hoarding, and (b) that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements (Issued Aug. 28, 1945.)

INTERPRETATION 2

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

(a) *Applicable provisions of the regulations.* Priorities Regulation 32 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory reasonably necessary" for him to make his own deliveries. A similar provision in paragraph (c) (2) of Priorities Regulation No. 3 says that a customer who is applying a rating for which no specific quantities have been authorize may use it only to get the "minimum amount needed."

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation 32 or his "minimum amount needed" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive (and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells or less than his minimum production run of a product which is mass produced under the conditions explained in Interpretation 3 of Priorities Regulation 1.

(c) *Relief in exceptional cases.* If the conditions stated in paragraph (b) above cannot be satisfied but the customer wants to order or accept delivery of more than his actual needs at the time of delivery, he should apply to the Civilian Production Administration for permission, stating the facts and why it is not practicable to satisfy the condition of paragraph (b).

(d) *Special provisions for certain materials.* Where a specific minimum sale quantity is shown in Column 3 of Table 1 of Priorities Regulation 32 with respect to any material or product, that quantity controls instead of the rule in this interpretation.

(e) *Specific limits on ratings may not be exceeded.* This interpretation does not apply to the use of a rating where a specific quantity is stated in the instrument assigning the rating. If a person is assigned a rating for a specific amount of material, he may not use it to get more. If he finds that he can only get the material in larger quantities, he should apply for a modification of the rating.

(f) *No effect on contractual rights.* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified times in specified amounts. For example, if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months, this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b). (Issued Oct. 1, 1945.)

INTERPRETATION 3

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

(a) Paragraph (b) of Priorities Regulation 32 prohibits a person from knowingly making a delivery which will give his customer more than the latter is permitted to receive under the regulation. Paragraph (f) of that regulation prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order of a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months, or perhaps the entire 600 in the first month. Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (c) of the regulation, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of the larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order a supplier is requested to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer. The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false.

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by paragraph (f) of the regulation.

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sale quantities or production runs to the extent described in Interpretation 2 to this regulation, nor does it prevent earlier delivery of iron products, steel, copper and copper base alloys under the conditions described in paragraph (c) (3) of Priorities Regulation 32. Also, if any CPA order or regulation permits increased deliveries to the extent necessary to avoid shipping partly filled containers (such as paragraph (y) (4) of Order M-300), the rule in this interpretation does not prevent such deliveries. (Issued Oct. 1, 1945.)

INTERPRETATION 4

INVENTORY MATERIAL

(a) Paragraph (c) of Priorities Regulation 32 prohibits a person from accepting delivery of material if his inventory of it is, or will be, greater than the maximum prescribed. For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection, testing and ageing nor segregation or earmarking for a specific job or operation.

(b) For example, if a manufacturer who uses wire or rod cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed

(c) If a manufacturer purchases and stores steel castings in the form purchased, the steel castings are not put into process when the castings are painted and stored. Consequently, the inventory of castings includes those painted and stored.

(d) If a manufacturer shears steel sheet and stocks in sheared form, such stock is still part of his inventory, if the material does not continue in production. (Issued Aug. 28, 1945.)

INTERPRETATION 5

EFFECT OF REDUCTION IN CONSUMPTION RATE ON PERMITTED INVENTORIES

(a) Paragraph (c) of Priorities Regulation 32 prohibits the acceptance of delivery of material if a person's inventory of it is, or will be, more than the amount permitted by the regulation. If material is acquired within these restrictions the regulation does not prohibit the mere possession of an inventory if a change in circumstances makes it greater than the amount permitted. For instance, if based upon current rate of production a manufacturer's permitted inventory of one item of steel is 100 tons and he has in inventory 60 tons, he may receive a further delivery of 40 tons. If after receiving the delivery of 40 tons his rate of consumption, because of contract cancellation or the like, is reduced drastically the mere fact that he has an inventory of 100 tons, although his permitted inventory may be only 10 tons, is not a violation of the regulation. He may not, of course, accept any further deliveries of that item of steel until his inventory has been reduced below 10 tons (except as provided in paragraph (h) of Priorities Regulation 32 and Direction 3 to that regulation relating to material already shipped, special items, etc.)

(b) Similarly the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract. Such liability is controlled by the provisions of the contract between the customer and his supplier and by contract law. (Issued Aug. 28, 1945.)

[F. R. Doc. 47-1233; Filed, Feb. 6, 1947; 11:30 a. m.]

PART 1001—TIN

[Conservation Order M-43, Revocation of Direction 2]

LIMITATION ON ACCEPTING AND FILLING ORDERS BY PRODUCERS OF SOLDER, BABBITT OR ALLOYS CONTAINING TIN AND ON INVENTORIES OF USERS OF SOLDER, BABBITT AND ALLOYS CONTAINING TIN OTHER THAN COPPER BASE ALLOY

Direction 2 to Conservation Order M-43 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board or the Civilian Production Administration under this direction.

Inventories of solder, babbitt, or alloys containing tin remain subject to the provisions of paragraph (1) of Conservation Order M-43, as amended simultaneously with this revocation, and all other applicable orders and regulations of the Civilian Production Administration.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1232; Filed, Feb. 6, 1947; 11:30 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 35]

SUGAR

A rationale for this amendment will be filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended by adding section 24.9 to read as follows:

SEC. 24.9 *Certain bulk sweetened condensed milk producers may apply for an adjustment in monthly base.* (a) A bulk sweetened condensed milk producer whose monthly base for making bulk sweetened condensed milk does not represent his normal operations for any of the reasons outlined in paragraph (b) may obtain an adjustment in base in accordance with the provisions of that paragraph. He must apply in writing to the Washington Office for such adjustment and state all facts which he claims show his need for the adjustment and the amount of the adjustment requested.

(b) (1) A producer who began making bulk sweetened condensed milk after October 1, 1945 and before September 1, 1946 and who commenced such production after the first day of the month (working day) may apply for permission to have his monthly base computed on the basis of his sugar use in the period beginning with his first full month's production of bulk sweetened condensed milk and ending on August 31, 1946. Thus a person who began making bulk sweetened condensed milk on January 23, 1946 may have his base computed on the basis of his sugar use during the period from February 1, 1946 through August 31, 1946.

(2) A producer who did not make bulk sweetened condensed milk during any month in 1945 but who did make bulk sweetened condensed milk during either 1943 or 1944 and in addition made bulk sweetened condensed milk during 1946, may request the Washington Office to establish his monthly bases in the same way such bases would be established for a person who commenced operations after October 1, 1945. (See section 24.2 (d).)

(3) A producer whose monthly base is not representative because he ordered productive equipment before August 27, 1946 to make bulk sweetened condensed milk, may apply for permission to have his base recomputed in the following ways:

(i) If such equipment was installed in 1944, his monthly base may be computed by multiplying by 80 percent his use of sugar during each month in 1945.

(ii) If such equipment was installed at any time from January 1, 1945 to September 1, 1945, his monthly base may be computed by multiplying by 80 percent the amount of sugar he used during September, October, November and December in 1945 and by multiplying by 50 percent the amount of sugar he used during the months from January 1946 through August 1946. The results will be his new sugar bases for corresponding months.

(iii) If such equipment was installed after September 1, 1945, but before June 1, 1946, his monthly bases may be computed in the same way a base would be computed for a producer who began operations on June 1, 1946. (Such bases are computed in accordance with the provisions of paragraph 24.2 (d).)

(iv) If such equipment was not installed until after June 1, 1946, his monthly base shall be computed by the Washington Office in a way to reflect the amount of sugar to which he would have been eligible had his equipment been installed during the period from September 1, 1945 to September 1, 1946.

A person who applies for an adjustment under this paragraph must furnish the Office of Price Administration with necessary invoices and information as to the capacity of the equipment, the date the equipment was ordered, the date it was acquired, and the date it was installed.

(4) A person whose monthly bases have been established under the provisions of section 24.2 (d), who has no equipment for the manufacture of non-sugar containing products and whose bases therefore may be unrepresentative, may apply to have all of his bases for succeeding months established under the provisions of section 24.2 (d) by the application of milk production factors or bulk sweetened condensed milk production factors whichever result is higher. Only one application for such adjustment may be made under the provisions of this paragraph.

(c) A person who makes bulk sweetened condensed milk and whose equipment for making non-sugar containing products breaks down or who for reasons beyond his control cannot utilize his milk in non-sugar containing products in his normal manner and therefore suffers unreasonable hardship, may apply for a temporary adjustment in his monthly base. This paragraph does not apply in cases where the producers by taking reasonable means could remedy the emergency condition. The Office of Price Administration may require affidavits from the operator who applies under this paragraph giving detailed explanation of what steps have been taken by him to

[1] 11 F. R. 177, 14281.

utilize the milk in non-sugar containing products. Thus, in cases of breakdown in machinery the Office of Price Administration may require the operator to disclose what steps he has taken to repair such machinery. If the machinery has not been repaired in a reasonable time no further temporary increase in monthly base may be granted.

This amendment shall become effective February 6, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1946.

Issued this 6th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-1235; Filed, Feb. 6, 1947; 11:39 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2,[1] Order 8]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

EXEMPTION OF FIRE-FIGHTING EQUIPMENT FROM PRIORITIES ACCORDED TO VETERANS

Section 16 (a) of the Surplus Property Act of 1944, as amended, directs that the Administrator prescribe regulations to effectuate the objectives of the act to aid veterans in the acquisition of surplus property, "in appropriate quantities and types," to enable them to establish and maintain their own small business, professional or agricultural enterprises. Section 8302.5 (b) makes provision for the priority of veterans in their acquisition of surplus personal property without prescribing any limitation as to the propriety of the type of property sought to be acquired.

It has been reported that special types of fire-fighting equipment are in critical demand by municipal and volunteer fire departments to replace old or worn equipment, principally due to the fact that production of such specialized equipment has not caught up with the demand therefor. Losses in public and private property attributable to fires for the first nine months of 1946 exceed the total losses for any entire year in the period 1932 to 1943 inclusive.

While it may appear that special fire-fighting equipment could, at added expense to the purchaser, be adapted to general purpose use by modification or conversion, or be otherwise disposed of at a speculative profit, the utility of such property generally is limited to the purpose for which it was manufactured, namely, to combat the holocaust of fire. The Reconstruction Finance Corporation has advised that it considers the public interest and public benefit to be such as to outweigh any speculative advantage or restricted need of small business. Accordingly, certification for this class of property under the provision of section 18 (e) of the Surplus Property Act is not contemplated by the Reconstruction Finance Corporation. Accordingly, it is hereby ordered that:

§ 8302.58. *Exemption of fire-fighting equipment from priorities accorded to veterans.* The specialized utility and purpose of fire-fighting equipment is not deemed to be consistent with, or appropriate to, the needs of veterans in the establishment or maintenance of a small business, professional or agricultural enterprise, and there is hereby exempted from the general class of personal property, subject to the provisions of § 8302.5 (b) of this part, fire-fighting equipment of the following description:

1. *Fire-fighting ladder trucks.*

Makes: Seagrave, American-LaFrance, Peter Perch, Ward LaFrance, and Ahren-Fox.

Types: a. City service 4-wheeled ladder truck. (In addition to its ladder equipment it is provided with forceable entry tools, salvage covers, life nets, etc.)

b. Aerial ladder trucks, 4-wheeled. (In addition to its aerial ladder it is provided with ground ladders, forceable entry tools, salvage covers, life nets, etc.)

c. Aerial ladder truck tractor-drawn with steering wheel for tillerman. (In addition to its aerial ladder it is provided with ground ladders, forceable entry tools, salvage covers, life nets, etc.)

2. *Fire-fighting pumpers (pumping engines).*

Makes: Seagrave, American-LaFrance, Peter Perch, Ward LaFrance, Ahren-Fox, F. W. D., and the following makes with midship-mounted pumps with pumping capacity of 500 gpm and over: Kenworth, Hahn, Howe, W. D. Darley, General Detroit, Oren, Maxim, and Buffalo.

Types: a. Triple combination pumper (combination pumper, hose wagon, and booster tank). Pumping capacity 500, 750, 1,000, and 1,250 gpm.

b. Quadruple combination pumper (combination pumper, hose wagon, booster tank, and ladder truck). Pumping capacity 500, 750, 1,000, and 1,250 gpm.

3. *Crash trucks.*

Types: d. Carbon dioxide truck (refrigerated CO_2 tank)

4. *O. C. D. type pumpers.*

a. Trailer type pump (pump internal combustion engine and fire hose compartment mounted on 2-wheeled trailer).

b. Skid unit pump (pump and internal combustion engine mounted on skids).

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This order shall become effective February 6, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

FEBRUARY 3, 1947.

[F. R. Doc. 47-1236; Filed, Feb. 6, 1947; 11:40 a. m.]

[1] 11 F. R. 14267, 12 F. R. 152.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order 3]

PART 5—AIR NAVIGATION

SUBPART A—REGULATIONS PRESCRIBED BY SECRETARY OF WAR: AIRCRAFT, AIR NAVIGATION, AIR-NAVIGATION FACILITIES AND AERONAUTICAL ACTIVITIES WITHIN THE CANAL ZONE

By virtue of the authority vested in The President of the United States by section 14 of Title 2 of the Canal Zone Code, as added by section 1 of the act of July 9, 1937, 50 Stat. 486 (48 U. S. C. 1314a) and delegated to me by Executive Order No. 9746 of July 1, 1946, I hereby prescribe the following regulations governing aircraft, air navigation, air-navigation facilities and aeronautical activities within the Canal Zone:

GENERAL PROVISIONS

Sec.
5.1 Definitions.
5.2 Canal Zone set apart as military airspace reservation.
5.3 Agreements between the United States and foreign nations not affected.

AUTHORIZATION FOR ENTRANCE AND NAVIGATION OF TRANSIENT AIRCRAFT

5.11 Authorization for entrance and navigation of transient aircraft.
5.12 Application for authorization for transient aircraft.

AIR TRANSPORTATION AND AIR COMMERCE, IN GENERAL

5.21 Air transportation; qualification of air carriers and foreign air carriers.
5.22 Same; bond; terminal facilities.
5.23 Intra-Canal Zone air commerce and air transportation.

OPERATIONS SPECIFICATIONS; CERTIFICATES AND LICENSES, INSPECTION, QUARANTINE, AND CUSTOMS

5.31 Operations specifications and regulations.
5.32 Aircraft registration and airworthiness.
5.33 Airman certificates of competency; in general.
5.34 Radio operators; qualification and licensing.
5.35 Airmen; demonstration of competency.
5.36 Maintenance and servicing of aircraft.
5.37 Inspection upon landing.

ACCIDENTS

5.41 Accidents; reports; preservation of aircraft.

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5.51 Nondiscrimination; regulations as to scheduled and transient aircraft.

VIOLATIONS AND ENFORCEMENT

5.61 Falsification of permits, certificates or required statements.
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5.63 Punishment for violations.
5.64 Administration; detailed regulations; amendment or suspension of subpart.

REVOCATION OF PRIOR ORDERS

5.71 Revocation of prior orders and regulations.
5.72 Effective date.

AUTHORITY: §§ 5.1 to 5.72, inclusive, issued under sec. 14 of title 2 of Canal Zone Code, as added by sec. 1, of 50 Stat. 486; 48 U. S. C. 1314a; E. O. 9746, July 1, 1946, 11 F. R. 7329.

§ 5.1 *Definitions.* As used in this subpart, unless the context otherwise requires:

(a) "Air carrier" means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation.

(b) "Air commerce" means intra-Canal Zone, overseas, or foreign air commerce or the transportation of mail by aircraft.

(c) "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment: *Provided, however,* That the term "aircraft" shall not include military aircraft of the United States, i. e., aircraft of the United States Army, National Guard, Navy, Marine Corps, or Coast Guard or aircraft operated by or exclusively for the United States Army or Navy and which are subject to the air safety regulations issued by the appropriate military authority for the control of military aircraft; and none of the provisions of this subpart shall apply to such aircraft, or to the operation or navigation thereof.

(d) "Airman" means any individual who engages, as the commander, pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher, or air-traffic control-tower operator.

(e) "Air transportation" means intra-Canal Zone, overseas, or foreign air transportation, or the transportation of mail by aircraft.

(f) "Appliances" means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines or propellers.

(g) "Citizen of the United States" means (1) an individual who is a citizen of the United States or one of its possessions, or (2) a partnership of which each member is such an individual, or (3) a corporation or association created or organized under the laws of the United States or of any State, Territory, or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or one of its possessions.

(h) "Convention on International Civil Aviation" means the Convention on International Civil Aviation concluded at Chicago on December 7, 1944.

(i) "Foreign air carrier" means any person, not a citizen of the United States, who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in foreign air transportation.

(j) "Governor" means the Governor of The Panama Canal.

(k) "Intra-Canal Zone air commerce", "overseas air commerce", and "foreign air commerce", respectively, mean the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between, respectively:

(1) A place in the Canal Zone and any other place in the Canal Zone;

(2) A place in the Canal Zone and a place in the United States or other territory subject to its control and jurisdiction;

(3) A place in the Canal Zone and any place outside thereof other than a place in the United States or territory subject to its control and jurisdiction,

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(l) "Intra-Canal Zone air transportation", "overseas air transportation", and "foreign air transportation", respectively, means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce, between, respectively:

(1) A place in the Canal Zone and any other place in the Canal Zone;

(2) A place in the Canal Zone and a place in the United States or other territory subject to its control and jurisdiction; and

(3) A place in the Canal Zone and any place outside thereof other than a place in the United States or territory subject to its control and jurisdiction,

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(m) "Mail" means United States mail, Canal Zone mail, foreign mail entering or leaving the Canal Zone and foreign-transit mail.

(n) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(o) "Transient aircraft" includes all aircraft except those engaging in air transportation pursuant to, and within the terms of, authorizations obtained as provided in §§ 5.21 and 5.22 of this subpart.

(p) "United States" when used in a geographical sense means the continental United States of America.

§ 5.2 *Canal Zone set apart as military airspace reservation.* The airspace above the Canal Zone, including the territorial waters within the three-mile marine boundary at each end of the Canal, is hereby set apart as and declared to be a military airspace reservation, to be known as the "Canal Zone Military Airspace Reservation."

§ 5.3 *Agreements between the United States and foreign nations not affected.* Nothing contained in this subpart shall be construed to supersede or modify the provisions of any existing or subsequent agreement between the United States and any foreign nation or nations covering the navigation of aircraft into, within, or from the United States or any territory subject to the jurisdiction thereof.

AUTHORIZATION FOR ENTRANCE AND NAVIGATION OF TRANSIENT AIRCRAFT

§ 5.11 *Authorization for entrance and navigation of transient aircraft.* No transient aircraft shall be navigated into, within, or from the Canal Zone Military Airspace Reservation except under and in compliance with an authorization granted (a) by the Secretary of State after consultation with the Secretary of War in the case of transient aircraft a part of the armed forces of any foreign nation, or (b) in the case of all other transient aircraft, by the Commanding General, Caribbean Defense Command, or by the Secretary of War. For the purposes of §§ 5.11 and 5.12, an aircraft shall be deemed to be a part of the armed forces of a foreign nation when it is used in the service of the army, navy, national police, national guard, or other similar agency of a government or of a political subdivision thereof. An aircraft which is government-owned but is engaged in the carriage of persons or property for commercial purposes shall not be deemed an aircraft part of the armed forces of any foreign nation.

§ 5.12 *Application for authorization for transient aircraft.* Application for authorization under § 5.11 to navigate transient aircraft into, within, or from the Canal Zone Military Airspace Reservation shall be submitted in the manner and form prescribed by the Commanding General, Caribbean Defense Command, with the approval of the Secretary of War and of the Secretary of State so far as they respectively have jurisdiction with respect to particular classes of flights.

AIR TRANSPORTATION AND AIR COMMERCE, IN GENERAL

§ 5.21 *Air transportation; qualification of air carriers and foreign air carriers.* No air carrier or foreign air carrier shall engage in air transportation into, within, or from the Canal Zone Military Airspace Reservation unless it has complied, and continues to comply, with the applicable laws of the United States, the applicable rules and regulations prescribed by the competent aeronautical authorities of the United States, and the rules and regulations prescribed by the Governor pursuant to this subpart.

§ 5.22 *Same; bond; terminal facilities.* The Governor may require any air carrier or foreign air carrier, as a condition of entry into the Canal Zone Military Airspace Reservation:

(a) To furnish a bond, in such amount and containing such terms as may be satisfactory to the Governor, or in lieu thereof to deposit cash, conditioned upon the full satisfaction of all lawful judgments rendered against such air carrier or foreign air carrier as a result of operations into, within, or from the Canal Zone Military Airspace Reservation; and

(b) To demonstrate to the satisfaction of the Governor that it has avail-

able for use or is able and willing to provide and maintain adequate terminal facilities as required by the Governor: *Provided*, That as to air carriers and foreign air carriers engaged in scheduled services, such requirements shall be imposed without distinction as to nationality.

§ 5.23 *Intra-Canal Zone air commerce and air transportation.* Intra-Canal Zone air commerce and air transportation shall be prohibited to all aircraft.

OPERATIONS SPECIFICATIONS; CERTIFICATES AND LICENSES, INSPECTION, QUARANTINE, AND CUSTOMS

§ 5.31 *Operations specifications and regulations.* Operations specifications and regulations governing operation of aircraft into, within, or from the Canal Zone Military Airspace Reservation shall be those prescribed by the competent aeronautical authorities of the United States: *Provided*, That the Governor may prescribe such modifications thereof and such additional operations specifications or regulations, with respect to the Canal Zone Military Airspace Reservation, as he may find to be reasonably necessary to assure military security and safety in air navigation: *Provided further*, That the Governor shall not reduce any minimum standard prescribed by the competent aeronautical authorities of the United States without the prior concurrence of such authorities: *And provided further*, That the Governor shall promptly notify such authorities of all modifications or additions prescribed by him. Such operations specifications and regulations may include terms, conditions, or limitations respecting:

Schedule and flight plans.
Routes.
Landing areas.
Landing restrictions.
Aircraft.
Aircraft identification.
Aircraft appliances.
Flight and operation rules.
Aircraft signals.
Documents to be carried on board.
Articles permitted on board.
Qualifications of airmen and flight radio operators.
Use of narcotics or intoxicants by persons on board.
Limit of stay.
Clearance.
Communications procedures.
Meteorological facilities, classification and services.
Reports.
Model aircraft.

§ 5.32 *Aircraft registration and airworthiness.* No aircraft shall be navigated into, within, or from the Canal Zone Military Airspace Reservation whatever the purpose or nature of the flight may be:

(a) Unless such aircraft is possessed of currently effective aircraft registration and airworthiness certificates issued by the competent aeronautical authorities of the United States; or

(b) Unless such aircraft, if foreign, is registered in, or, in the case of public unregistered aircraft, owned by, a foreign nation which accords recognition to airworthiness certificates issued by the United States, and such aircraft is possessed of a currently effectively aircraft airworthiness certificate issued or rendered valid by the nation in which the aircraft is registered, or owned in the case of public unregistered aircraft, in which case the foreign certificate of airworthiness shall be recognized as valid for flights into or over the Canal Zone Military Airspace Reservation: *Provided, however*, That after the coming into force of the Convention on International Civil Aviation no foreign aircraft shall be permitted to enter or fly over the Canal Zone Military Airspace Reservation unless it is possessed of a currently effective aircraft airworthiness certificate issued or rendered valid by the nation in which the aircraft is registered, or by the nation of ownership in the case of public unregistered aircraft, under requirements equal to or above the minimum standards which may be established from time to time pursuant to that convention.

§ 5.33 *Airman certificates of competency; in general.* Airmen operating into, within, or from the Canal Zone Military Airspace Reservation or serving as such within the Canal Zone shall be certificated by the competent aeronautical authorities of the United States for the type of operation or service in which they are engaged, and shall comply with the regulations of the competent aeronautical authorities of the United States with respect to such certification: *Provided, however*, That members of the operating crew serving exclusively on aircraft of foreign registry or on foreign public unregistered aircraft may, in lieu of such certificates, possess a currently effective certificate of competency for the type of operation in which they are engaged, issued or rendered valid by the nation in which the aircraft is registered or owned, if such nation accords similar recognition to certificates of competency issued by the United States, and if, after the coming into force of the Convention on International Civil Aviation, such certificate is issued or rendered valid under requirements equal to or above the minimum standards which may be established from time to time pursuant to that convention.

§ 5.34 *Radio operators; qualification and licensing.* Radio operators serving on board aircraft operating into, within, or from the Canal Zone Military Airspace Reservation shall be qualified and licensed in accordance with the laws and regulations governing such qualification and licensing for operation in the United States, or, in the case of radio operators serving on board aircraft of foreign registry, or, in the case of public unregistered aircraft, of foreign ownership, qualified and licensed in accordance with the laws and regulations of the nation of registry or ownership: *Provided*, That, after the coming into force of the Convention on International Civil Aviation, the requirements under which such operators are qualified and licensed must be equal to or above the minimum standards which may be established from time to time pursuant to that convention.

§ 5.35 *Airmen: demonstration of competency.* In the interests of safety and in view of the special problems arising as the result of the operation of aircraft within the Canal Zone Military Airspace Reservation, where it affirmatively appears that an airman or flight radio operator may lack the skill or proficiency requisite for the safe performance of his function, he may, as a condition of further performance of such functions in the Canal Zone Military Airspace Reservation, be examined and required to demonstrate his ability to comply satisfactorily with the rules and regulations regarding military security and safety in air navigation in the Canal Zone Military Airspace Reservation.

§ 5.36 *Maintenance and servicing of aircraft.* Maintenance, servicing and repair in the Canal Zone of aircraft, engines, propellers, or appliances shall be performed by or be in the charge and supervision of an airman possessed of an appropriate mechanic's certificate issued by the competent aeronautical authorities of the United States.

§ 5.37 *Inspection upon landing.* Aircraft landing within the Canal Zone, and their contents, crew and passengers, shall be subject to inspection by the persons designated by the Governor. Such inspection may include examination of the aircraft registration and airworthiness certificates and the certificates and licenses of the crew, search for prohibited articles, and inspection under the applicable laws and regulations respecting quarantine, health, immigration, customs and the police. In the interests of safety and in view of the special problems arising as a result of the operation of aircraft within the Canal Zone Military Airspace Reservation, where it affirmatively appears that the aircraft or any component part thereof is in an unsafe condition, such inspection may also include examination of the aircraft, its engines, propellers and appliances to ensure compliance with the rules and regulations regarding military security and safety in air navigation in the Canal Zone Military Airspace Reservation.

ACCIDENTS

§ 5.41 *Accidents; reports; preservation of aircraft.* Injury or damage to persons or property from accidents involving aircraft while being operated as such shall be reported in accordance with regulations prescribed by the competent aeronautical authorities of the United States and any aircraft, engine, propeller or appliance affected by or involved in such an accident shall be preserved in accordance with regulations prescribed by such authorities: *Provided*, That the Commanding General, Caribbean Defense Command, may prescribe such modifications of or additions to any such regulations with respect to the Canal Zone Military Airspace Reservation as may be reasonably necessary to assure safety and military security.

NON-DISCRIMINATION

§ 5.51 *Non-discrimination; regulations as to scheduled and transient aircraft.* As to all civil aircraft engaged in scheduled airline services, whether registered in the United States or elsewhere, and as to all transient civil aircraft of foreign registry, the regulations prescribed by the Governor under §§ 5.22, 5.31, and 5.64 and by the Commanding General, Caribbean Defense Command, under § 5.41 shall be without distinction as to nationality.

VIOLATIONS AND ENFORCEMENT

§ 5.61 *Falsification of permits, certificates or required statements.* No person shall, within the Canal Zone or the Canal Zone Military Airspace Reservation:

(a) Fraudulently forge, counterfeit, alter, or falsely make any aircraft registration or airworthiness certificate, or any permit or certificate of whatsoever nature issued by any agency or representative of the United States, or of a foreign nation; or

(b) Knowingly use any such fraudulently forged, counterfeited, altered, or falsely made certificate or permit; or

(c) Knowingly falsify or misrepresent any information required under this subpart or the regulations contemplated herein, whether such regulations are issued by the Governor or by other competent authority of the United States.

§ 5.62 *Suspension and revocation of right to operate.* The Governor, after investigation and upon notice and hearing, may suspend or revoke the right of any airman or flight radio operator to perform his function within the Canal Zone Military Airspace Reservation, if interests of military security or safety in air navigation so require. In cases of emergency such suspension may be ordered for a period not in excess of thirty days, without regard to any requirement as to notice and hearing. In such event the Governor shall immediately give notice of such suspension to such airman or flight radio operator and shall enter upon a hearing which shall be disposed of as speedily as possible. During the pendency of the proceeding, the Governor may order a further suspension for an additional period not in excess of thirty days.

§ 5.63 *Punishment for violations.* Any person who shall, within the Canal Zone or the Canal Zone Military Airspace Reservation, violate any of the provisions of this subpart or the regulations contemplated herein, whether such regulations are issued by the Governor or by other competent authority of the United States, shall be punishable as provided in section 14 of Title 2 of the Canal Zone Code, as added by section 1 of the act of July 9, 1937, 50 Stat. 486 (48 U. S. C. 1314a) by a fine of not more than $500, or by imprisonment in jail for not more than one year, or by both.

§ 5.64 *Administration; detailed regulations; amendment or suspension of subpart.* Except as otherwise specifically provided in this subpart, the provisions of the subpart shall be administered and enforced by the Governor, or by such persons as he may authorize, and shall be so administered and enforced subject to the provisions of section 8 of Title 2 of the Canal Zone Code and of any Executive order prescribed under said section 8, including Executive Order No. 8232 of September 5, 1939 (3 CFR, Cum. Supp.). The Governor is hereby authorized, subject to the provisions hereinbefore referred to, to make, in addition to the rules and regulations expressly authorized in this subpart, such detailed rules and regulations as may be necessary to carry into effect the provisions of this subpart. The Governor is further authorized to establish reasonable charges for the use of Canal Zone aeronautical facilities by persons operating aircraft, such charges to be apart from and in addition to the rental which may be charged for use of particular areas. Such rules and regulations as the Governor may make under the authority granted by this subpart, where coordination with military and naval air activities is necessary, shall be made only after consultation with, and with the concurrence of, the respective officers commanding the military and naval forces stationed in the Canal Zone, who shall promulgate and enforce correspondingly pertinent regulations for military and naval aircraft.

REVOCATION OF PRIOR ORDERS

§ 5.71 *Revocation of prior orders and regulations.* There are hereby superseded Executive Order No. 5047 of February 18, 1929, prescribing regulations to govern air navigation in the Canal Zone; Executive Order No. 8251 of September 12, 1939 (4 F. R. 3899; 3 C. F. R., Cum. Supp.) prescribing regulations governing the entrance of foreign and domestic aircraft into the Canal Zone, and navigation therein; Executive Order No. 8271 of October 16, 1939 (4 F. R. 4277; 3 C. F. R. Cum. Supp.) amending section 6 of Executive Order No. 8251; and the regulations to govern air navigation in the Canal Zone promulgated by the Secretary of State as revised to June 23, 1934 (35 CFR 5.19 to 5.112).

§ 5.72 *Effective date.* This subpart shall take effect on the sixtieth day after the date of its promulgation.

ROBERT P. PATTERSON,
Secretary of War.

JANUARY 21, 1947.

[F. R. Doc. 47-1159; Filed, Feb. 6, 1947; 8:55 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 19—TRANSPORTATION OF MAILS

MAILS FOR ALASKA

Correction

In Federal Register Document 47-909, appearing on page 705 of the issue for Friday, January 31, 1947, "§ 19.5" should be designated "§ 19.4a".

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 9—AVIATION RADIO SERVICES

LICENSE PERIOD

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947:

Whereas, it appears that public interest, convenience and necessity will be served by immediately extending the normal license periods for stations in the aviation radio service; and

It is ordered, That § 9.21 of the Commission's rules and regulations, be, and it is hereby, amended to read as follows:

§ 9.21 *License period.* The normal license periods for all stations in the aeronautical radiocommunications service, unless otherwise stated in the instrument of authorization, shall be as follows:

(a) For station in the aeronautical radiocommunications service, other than non-carrier aircraft stations, a license period of 5 years.

(b) For non-carrier aircraft stations in the aeronautical radiocommunications service, a license period of 2 years, expiring on the first day of the following month 2 years after the license is issued.

It is further found and ordered, That whereas, authority for this order is contained in sections 303 (f), 303 (r) and 307 of the Communications Act of 1934, as amended, and the effect of the order is to extend the term of a license privilege and is non-controversial, and it is in the public interest that this order should be made effective immediately, notice of proposed rule making as required by section 4 of the Administrative Procedure Act is hereby, found unnecessary, and this order should be, and it is hereby made effective immediately.

(Sec. 303 (f), 303 (r), 307, 48 Stat. 1082, 1083, 50 Stat. 191; 47 U. S. C. 303 (f), 303 (r), 307)

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1151; Filed, Feb. 6, 1947; 8:58 a. m.]

PART 16—RAILROAD RADIO SERVICE

PART 17—STATIONS IN THE UTILITY RADIO SERVICE

FREQUENCY TOLERANCE FOR CERTAIN LOW POWER RADIO TRANSMITTERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947;

Whereas, on December 20, 1946, the Commission duly published, and also distributed, a notice of proposed rule making (12 F. R. 184) proposing the revision of rules and regulations governing the

frequency tolerance of low power equipment in the Railroad and Utility Radio Services; and

Whereas, the period in which interested parties were afforded an opportunity to submit comment expired on January 13, 1947, and the Commission has not received any comments in opposition to the proposed revision of these rules;

It is ordered, That §§ 16.63 and 16.64 of the Commission's rules and regulations governing railroad radio services and §§ 17.142 and 17.146 of rules and regulations governing utility radio services be, and they are hereby, amended to read as follows:

§ 16.63 *Channel width and modulation.* (a) In the frequency band 30–100 Mc, the width of each channel assigned is 40 kc; in the 100–216 Mc band, the channel width is 60 kc. Each frequency which appears on a station license or other instrument of station authorization is the center or mid-point of a frequency channel. All emissions outside of an assigned channel shall be attenuated at least sixty (60) decibels below the maximum level of emissions within the assigned frequency channel.

(b) When the radio frequency carrier is amplitude modulated, modulation shall be sufficient to provide effective one hundred percent on peaks.

(c) When the radio frequency carrier is frequency modulated, the positive or the negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed one-half the assigned channel width.

§ 16.64 *Frequency stability.* (a) A railroad radio service permittee or licensee shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency, except as provided in paragraph (b) of this section:

	Percent
(1) Below 50 mc	0.01
(2) Above 50 mc	.005

(b) The requirements of paragraph (a) of this section shall not apply to any mobile or portable station or transmitter unit thereof when operated with less than three watts plate power input to the final radio stage. For such equipment, compliance with the requirements of § 16.63 regarding channel width and modulation is sufficient.

§ 17.142 *Frequency stability.* (a) A utility radio service permittee or licensee shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency; except as provided in paragraph (b) of this section.

	Percent
(1) Below 50 mc	0.01
(2) Above 50 mc	.005

(b) The requirements of paragraph (a) of this section shall not apply to any mobile or portable station or transmitter unit thereof when operated with less than three watts plate power input to the final radio stage. For such equipment, compliance with the requirements of § 17.146 regarding channel width and modulation is sufficient.

§ 17.146 *Cannel width and modulation.* (a) In the frequency band 30–100 Mc, the width of each channel assigned is 40 kc; in the 100–216 Mc band the channel width is 60 kc. Each frequency which appears on a station license or other instrument of station authorization is the center or midpoint of a frequency channel. All emissions outside of an assigned channel shall be attenuated at least sixty (60) decibels below the maximum level of emissions within the assigned frequency channel.

(b) When the radio frequency carrier is amplitude modulated, modulation shall be sufficient to provide effective communication, but shall not exceed one hundred percent on peaks.

(c) When the radio frequency carrier is frequency modulated, the positive or the negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed one-half the assigned channel width.

This order shall become effective March 7, 1947.

(Sec. 303 (e), 303 (f), 48 Stat. 1082; 47 U. S. C. 303 (e), 303 (f))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1150; Filed, Feb. 6, 1947; 8:58 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8032]

JOHN BOERIU

In re: Trust created by order of Court in the estate of John Boeriu, also known as John Boerin, deceased. File D–57–300; E. T. sec. 7930.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Boeriu and Spiridon Boeriu, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created by order of the Probate Court of Summit County, Ohio, in the Estate of John Boeriu, also known as John Boerin, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania);

3. That such property is in the process of administration by Pete Chima, as trustee, acting under the judicial supervision of the Probate Court of Summit County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1160; Filed, Feb. 6, 1947; 8:55 a. m.]

[Vesting Order 8037]

STEVE EVANOFF

In re: Estate of Steve Evanoff. File D–11–98; E. T. sec. 15268.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Evegenia Evanoff, in and to the Estate of Steve Evanoff, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Bulgaria, namely,

National and Last Known Address

Evegenia Evanoff, Bulgaria.

That such property is in the process of administration by Ben H. Brown, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Bulgaria);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1161; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8038]

ALBERT FABER

In re: Estate of Albert Faber. File D–28–11003; E. T. sec. 15385.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Saloman Faber and Anna, called Jenny, Herz, and each of them, in and to the Estate of Albert Faber, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Saloman Faber, Germany.
Anna, called Jenny, Herz, Germany.

That such property is in the process of administration by Hugh P. Cooper, as Administrator, acting under the judicial supervision of the District Court of the State of New Mexico, in and for the County of Bernalillo,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1162; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8040]

ELIZABETH FROEHLICH

In re: Estate of Elizabeth Froehlich, deceased. File 017–20528.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Johanna Schafer in and to the estate of Elizabeth Froehlich, deceased, is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Johanna Schafer, Germany.

That such property is in the process of administration by Julia Trofer as Executrix of the Estate of Elizabeth Froehlich, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany;

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1163; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8044]

JOHANNA GENANDT

In re: Estate of Johanna Genandt, a/k/a, Jane Genandt, deceased. File D–28–10654; E. T. sec. 15006.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Helene Kamm in and to the Estate of Johanna Genandt also known as Jane Genandt, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Helene Kamm, Germany.

That such property is in the process of administration by Louis P. Bertoni, as Administrator, acting under the judicial supervision of the Passaic County Orphans' Court, Paterson, New Jersey;

And determined, that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1164; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8091]

LILLY BREUSCH ET AL.

In re: Bond and corporate stock owned by and debt owing to Lilly Breusch, Lydia Walz and the personal representatives, heirs, next of kin, legatees and distributees of Mary Louise Walz, deceased. F-28-27945-A-1, F-28-27945-C-1, F-28-27945-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lilly Breusch and Lydia Walz, whose last known addresses are respectively Goeppingen, Wuerttemberg, Germany, and 65 Straussweg, Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Mary Louise Walz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. One (1) City of Hartford, Connecticut, Connecticut River Bridge General Obligation 3½% Bond, due July 1, 1954, of $1,000 face value, bearing the number 9, registered in the name of Mary Louise Walz, together with any and all rights thereunder and thereto,

b. That certain obligation of The City of New York, New York, matured or unmatured, evidenced by certificate number 438 for 3½% Corporate Stock of The City of New York, issued for New Buildings, Department of Charities, due November 1, 1953, of $1,000 face value, and registered in the name of Mrs. Mary Louise Walz, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

c. All those debts or other obligations owing to Lilly Breusch, Lydia Walz and the personal representatives, heirs, next of kin, legatees and distributees of Mary Louise Walz, deceased, by John A. Walz, 42 Garden Street, Cambridge 38, Massachusetts, including particularly but not limited to a portion of the sum of money on deposit with the Cambridge Savings Bank, 1374 Massachusetts Avenue, Cambridge, Massachusetts, in a savings account, Account Number 95147, entitled John A. Walz, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 and the personal representatives, heirs, next of kin, legatees and distributees of Mary Louise Walz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1170; Filed, Feb. 6, 1947; 8:57 a. m.]

[Vesting Order 8046]

SAMUEL GUTMANN

In re: Trust under the will of Samuel Gutmann, deceased. File D-28-2202; E. T. sec. 3016.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Katzenstein and Alfred Katzenstein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Samuel Gutmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The Central Trust Company and Ludwig Stricker, as Co-trustees, acting under the judicial supervision of the Probate Court of Hamilton County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1165; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8048]

ANTON MERKEL

In re: Estate of Anton Merkel. File D-28-10742; E. T. sec. 15108.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Anna Wengert, Helen Rohr, Anton Fuchs, Luise Fuchs, Elsa Greulich, and Alfons Fuchs, and each of them, in and to the Estate of Anton Merkel, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany namely.

Nationals and Last Known Address

Anna Wengert, Germany.
Helen Rohr, Germany.
Anton Fuchs, Germany.
Luise Fuchs, Germany.
Elsa Greulich, Germany.
Alfons Fuchs, Germany.

That such property is in the process of administration by Eugene Fuchs, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1166; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8055]

MICHAEL SCHWENK

In re: Estate of Michael Schwenk, deceased. File D-28-10559; E. T. sec. 14960.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Marie Kranich in and to the estate of Michael Schwenk, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Marie Kranich, Germany.

That such property is in the process of administration by Fannie B. Crosby, as Administratrix C. T. A., acting under the judicial supervision of the Surrogate's Court of Niagara County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1167; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8058]

JOHN B. STEMMLER

In re: Estate of John B. Stemmler, deceased. File D-28-3865; E. T. sec. 6608.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Stemmler, Katherine Stahlheber, Elizabeth Schlitt, Rev. Adolph Stemmler and Rev. Theodore Schlitt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue of Katherine Stahlheber, the issue of Elizabeth Schlitt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John B. Stemmler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Rev. Theodore J. Winterroth, as Executor, acting under the judicial supervision of the Surrogate's Court of Chemung County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue of Katherine Stahlheber, the issue of Elizabeth Schlitt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1168; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8090]

HAROLD SHOICHI TODA AND KATHERINE TODA

In re: Bonds owned by Harold Shoichi Toda and Katherine Toda.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harold Shoichi Toda and Katherine Toda, whose last known address is 7 Aobacho, Shibuya-Ku, Tokyo, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. One (1) United States Savings Bond, due September, 1946, of $1,000 face value, bearing the number M313761B, registered in the name of Mr. Harold Shoichi Toda or Miss Katherine Toda, presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with any and all rights thereunder and thereto, and

b. One (1) United States Savings Bond, due July, 1948, of $1,000 face value, bearing the number M827000C, registered in the name of Harold Shoichi Toda or Katherine Toda, presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1169; Filed, Feb. 6, 1947; 8:56 a. m.]

[Vesting Order 8104]

HERMINE BIERLING

In re: Bonds owned by Anna Hermine Bierling. F-28-2096-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Hermine Bierling, whose last known address is Erlweinstrasse 6, Dresden, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: Two (2) The Central Railroad Co. of New Jersey, General First Mortgage 5% Coupon Bearer Bonds, due July 1, 1987, of $1,000 face value each, bearing the numbers 11289 and 21390, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1171; Filed, Feb. 6, 1947; 8:57 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

LABOR DISPUTES

FILING OF NOTICES

Section 8 of the War Labor Disputes Act (57 Stat. 167, 50 U. S. C. A., App., Sec. 1508) provides that notices of any labor dispute which threatens seriously to interrupt war production must be filed by the representative of the employees of a war contractor with the Secretary of Labor, the National War Labor Board and the National Labor Relations Board. The functions of the National War Labor Board with respect to the receipt of notices under section 8 of the War Labor Disputes Act have been transferred to the Secretary of Labor, effective February 24, 1947 (Executive Orders 9672, 11 F. R. 221, and 9809, 11 F. R. 14281). Accordingly, notice is hereby given that from and after the effective date of such transfer, for purposes of compliance with the obligation to file such notices with the Secretary of Labor, the filing of a single notice shall be deemed to be sufficient. Under the act, such notices must also be filed with the National Labor Relations Board.

Signed at Washington, D. C., this 1st day of February 1947.

L. B. SCHWELLENBACH
Secretary of Labor.

[F. R. Doc. 47-1155; Filed, Feb. 6, 1947; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-139]

ACCIDENT AT NEW ORLEANS, LA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 88897 which occurred at New Orleans, La., on December 19, 1946.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, February 10, 1947 at 9:30 a. m. (local time) in Court Room 306, Dade County Court House, Miami, Florida.

Dated at Washington, D. C., January 31, 1947.

[SEAL] W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 47-1145; Filed, Feb. 6, 1947; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

SPECIFIC CLASS B FM CHANNELS

REQUEST BY APPLICANTS

JANUARY 9, 1947.

In announcing the tentative allocation plan for Class B FM broadcast stations on December 19, 1945, the Commission stated (12 F. R. 503):

> This plan is published as a guide regarding the manner in which the Commission expects to allocate FM channels throughout the country. The Commission wishes to emphasize that this allocation pattern is tentative only, that the channels listed for particular cities (and their areas) will not be followed in a hard and fast manner and that departures will be made from the plan wherever it is found desirable or necessary to do so.

The Commission further stated:

> In several instances there appears a lack of sufficient channels to meet the probable need for assignments. When the demand grows in these areas, it is usually possible to re-allocate channels from adjacent areas where the demand is less and where service may already be sufficient. As a result, a lack of channel listing for a particular locality does not necessarily mean that a channel cannot be made available there, should the need develop.

On September 3, 1946, the tentative allocation plan was re-issued to include the changes (more than 100) made up to that date. The public notice of that date re-emphasized the tentative nature of the allocation plan and pointed out that deviations therefrom would be made wherever it was found desirable or necessary.

In accordance with the foregoing, persons interested in filing applications for Class B FM stations for cities or areas to which no channel has been allocated or where previous grants have exhausted all allocated channels will be permitted to file an application specifying a particular channel. Similarly, persons with applications now on file for cities or areas where previous grants have exhausted all allocated channels may amend their application to specify a particular channel. In all such cases where a grant of the application for the channel specified would require a rearrangement of the tentative allocation plan, the applicant will be required to submit with his application or amendment an exhibit explaining in detail the proposed rearrangement and setting forth the facts which it is claimed justify the proposed rearrangement. In instances where any question exists concerning the relative need for the specific channel in the cities or areas involved, the application will be set for hearing.

The Commission's engineering staff will be glad to assist prospective applicants and their engineers in attempting to work out such rearrangements in the tentative allocation plan.

In applying the procedure outlined above, the Commission does not contemplate a general rearrangement of the tentative allocation plan. Use of the procedure will be confined to cases where experience has demonstrated that the tentative allocation plan does not conform to the demands for FM service in the cities or areas involved. In general, the procedure will not be followed in instances where its application would result in shifting a channel from a smaller community or rural area to a larger city or metropolitan area without providing an equivalent channel for the community or area thus deprived. Furthermore, the procedure will not be applied to result in shifting a channel to New York City, or other similar large cities, from surrounding smaller cities.

The Commission reserves the right to grant to any community a channel allocated to that community in the tentative allocation plan notwithstanding the pendency of another application or petition which requests that particular channel be reallocated and granted in another community.

The Commission further reserves the right, in the future as in the past, to make changes in the tentative allocation plan to provide a fair, efficient, and equitable distribution of FM facilities among the several states and communities within section 307 (b) of the Communications Act of 1934.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1152; Filed, Feb. 6, 1947; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6021]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

FEBRUARY 4, 1947.

Notice is hereby given that, on January 31, 1947, the Federal Power Commission issued its order entered January 31, 1947, authorizing issuance of bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1149; Filed, Feb. 6, 1947; 8:57 a. m.]

[Docket No. G-835]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

JANUARY 31, 1947.

Upon consideration of the application filed December 30, 1946, in Docket No. G-835 by Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following facilities and to transport natural gas for Cities Service Gas Company (Cities Service) from a point near Wichita, Kansas to Hutchinson and Lyons, Kansas:

(1) A measuring station and facilities to be installed at a connection between the pipe line of Applicant and the pipe line of Cities Service Gas Company in the North Half of Section 31, Township 23 South, Range 5 West, Reno County, Kansas;

(2) A meter installation to be installed at a connection between the pipe line of Applicant and the pipe line of Cities Service Gas Company in the Northeast Quarter of Section 10, Township 20 South, Range 8 West, Rice County, Kansas;

(3) A measuring station and facilities to be installed at a connection between the 14-inch pipe line of Applicant and the 20-inch pipe line of the Cities Service Gas Company in the center of the Northwest Quarter of Section 24, Township 28 South, Range 1 West, Sedgwick County, Kansas.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of transporting natural gas for the account of Cities Service; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of Practice and Procedure (effective September 11, 1946), applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 15, 1947 (12 F. R. 242);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 21st day of February, 1947, at 9:30 a. m. (e. s. t.) in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the applications filed in the above-entitled proceedings; *Provided, however*, That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 4, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1157; Filed, Feb. 6, 1947; 8:59 a. m.]

[Docket No. G-826]

MINNESOTA NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JANUARY 21, 1947.

Upon consideration of the complaint filed December 6, 1946, pursuant to the provisions of sections 4 (a), 4 (b), and 5 (a) of the Natural Gas Act, as amended, by Minnesota Natural Gas Company (Minnesota Natural) against Northern Natural Gas Company (Northern Natural), and the answer thereto as filed by Northern Natural on December 26, 1946; and

It appearing to the Commission that:

(a) Minnesota Natural, a Minnesota corporation engaged in the distribution of natural gas at retail in the city of Worthington, and the village of Lakefield, both in Minnesota, in said complaint alleges, among other things:

(1) That it purchases its entire supply of natural gas from Northern Natural and takes delivery thereof at a point known as Lakefield corner, Minnesota, at the end of a 20-mile 6-inch branch transmission pipeline owned and operated by Northern Natural.

(2) That Minnesota Natural transports the gas to supply the city of Worthington a distance of approximately 21.3 miles westerly from Lakefield corner at its own expense, through a 4-inch pipeline which it owns.

(3) That natural gas to supply the Village of Lakefield is transported 4 miles in a northerly direction through a 2-inch pipeline owned and operated by Northern Natural from said Lakefield corner to the point of delivery to Minnesota Natural at the town border, but that such gas is metered to Minnesota Natural at said Lakefield corner.

(4) That the 6-inch pipeline referred to in paragraph (1) above also transports gas to supply the city of Jackson, Minnesota, and delivery thereof is made at the corporate limits to Peoples Natural Gas Company, the distributor.

(5) That with very few exceptions Northern Natural delivers natural gas to its distributing company customers at town border stations situated at or adjacent to the corporate limits of the municipalities where distribution is made, and in many instances after transportation for great distances through branch

transmission pipelines owned and operated by Northern Natural, whereas Minnesota Natural is required to receive delivery 21.3 miles east of Worthington and to transport such gas to Worthington through its own pipeline and at its own expense.

(6) That the rates and charges demanded and received of Minnesota Natural are the same as those demanded and received by Northern Natural for gas delivered at town border stations at or adjacent to the corporate limits of the municipality where the gas is distributed.

(7) That over a long period of time Minnesota Natural has sought unsuccessfully to induce Northern Natural to purchase and operate said 21.3 miles of 4-inch pipeline so that Minnesota Natural could be afforded the same character of service as is rendered by Northern Natural to other gas distributing companies similarly situated by receiving delivery at the town border stations situated at or near the corporate limits of Worthington and Lakefield.

(8) That although the demand for natural gas at Worthington has increased to such an extent that the 4-inch pipeline extending westerly from Lakefield corner to Worthington is inadequate to provide for the present and future gas requirements at Worthington, Northern Natural has refused to undertake to provide additional transmission facilities to augment deliveries to Worthington although requested so to do.

(9) That in failing and refusing to make delivery of natural gas to Minnesota Natural at or near the corporate limits of Worthington and Lakefield, Northern Natural is subjecting the complainant to undue prejudice and disadvantage and is maintaining an unreasonable difference in service or facilities between Minnesota Natural and other gas distributing companies similarly situated, and between the city of Worthington and the village of Lakefield and other localities. That by its unreasonable, arbitrary and discriminatory action, Northern Natural is violating the terms and provisions of sections 4 (a) and 4 (b) of the Natural Gas Act, as amended.

(10) That in failing and refusing to undertake to provide additional transmission facilities to augment the delivery of natural gas at Worthington, Northern Natural is subjecting Minnesota Natural to undue prejudice and disadvantage and Northern Natural is maintaining an unreasonable difference in service or facilities between Minnesota Natural at Worthington and other localities, by which unreasonable, arbitrary, and discriminatory action Northern Natural is violating the terms and provisions of section 4 (b) of the Natural Gas Act.

(b) Minnesota Natural, in said complaint, prays, among other things, that the Commission enter an order requiring Northern Natural to acquire from Minnesota Natural, at a cost to be determined by the Commission, the 21.3 miles of 4-inch pipeline extending from said Lakefield corner to Worthington, and also requiring Northern Natural to immediately undertake to increase the present pipeline facilities between Lakefield corner and Worthington, and to deliver at town border stations near the corporate limits of Worthington and Lakefield natural gas in volumes sufficient to supply Minnesota Natural's firm gas requirements at Worthington and Lakefield.

(c) Northern Natural, on December 26, 1946, filed with the Commission an answer to said complaint of Minnesota Natural making general denial of the allegations contained in such complaint and mentioned in paragraphs (a) (7) thru (a) (10) hereinbefore, and more specifically alleged, among other things:

(1) That prior to the initial delivery of natural gas by Northern Natural to Minnesota Natural on December 9, 1939, Minnesota Natural voluntarily agreed to and did construct, according to its own design, the said 21.3 miles of 4-inch pipeline referred to in paragraph (a) (2) above.

(2) That Northern Natural now owns and operates a certain 6-inch branch transmission pipeline extending from a point on its 16-inch main natural-gas transmission pipeline near the southeast corner of Jackson County, Minnesota, in a northwesterly direction a distance of approximately 9.8 miles to the City of Jackson, thence westwardly a distance of approximately 9.7 miles toward Worthington, Minnesota, to a point of interconnection with the said 4-inch pipeline of Minnesota Natural. That such 6-inch pipeline of Northern Natural was at the time of its construction designed for deliveries of gas in excess of the firm natural gas requirements of the city of Jackson and environs thereof, and was especially designed to carry and deliver sufficient volumes of gas to the point of interconnection with facilities of Minnesota Natural to provide gas in quantities sufficient to meet the anticipated firm gas requirements of Minnesota Natural at said point of connection.

(3) That at the time of the design and construction of the said 4-inch pipeline of Minnesota Natural, representatives of Northern Natural expressed the opinion that such pipeline did not adequately provide for the possibilities of growth of firm gas load in Worthington for more than a few years, and that such pipeline should be of a larger diameter. That if Minnesota Natural had constructed such line of a larger diameter pipe it would not now be faced with an inadequacy of capacity in its facilities.

(4) That at the time of the construction of the above-mentioned facilities of Northern Natural and Minnesota Natural it was apparent to Northern Natural that it could not make an adequate return upon the entire investment that would have been required if it were to construct, own, and operate adequate pipeline facilities extending the full distance from the point of connection on its main 16-inch transmission pipeline to the city of Worthington. Because of such unwillingness on the part of Northern Natural to extend its branch pipeline facilities beyond their present terminus near Lakefield, Minnesota Natural did voluntarily and willingly construct the necessary 21.3 miles of 4-inch line extending therefrom to the city of Worthington.

(d) Northern Natural, in consideration of the allegations and contradictions set forth in its answer, requests that said complaint of Minnesota Natural be dismissed.

The Commission finds that:

(1) Northern Natural Gas Company, a Delaware corporation having its principal place of business at Omaha, Nebraska, owns and operates among other facilities, a natural-gas transmission pipeline system located in the States of Texas, Oklahoma, Kansas, Nebraska, Iowa, Minnesota, and South Dakota, and by means of such facilities is engaged in the transportation of natural gas in interstate commerce and in the sale of natural gas in interstate commerce for resale for ultimate public consumption, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order entered April 6, 1943, at Docket No. G-280 (3 F. P. C. 967).

(2) The sales of natural gas by Northern Natural to Minnesota Natural for resale in the city of Worthington and the village of Lakefield, Minnesota, are sales of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and are made pursuant to schedules of rates and charges filed with the Commission.

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 7, and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 10th day of February 1947, at 10:00 a. m. (c. s. t.) in chamber of city council, 26th floor, city hall, 11th and Oak Streets, Kansas City, Missouri, concerning the matters of fact and law asserted in the previously mentioned complaint of Minnesota Natural Gas Company, as filed with the Commission on December 6, 1946, and the answer of Northern Natural Gas Company thereto, as filed with the Commission on December 26, 1946.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1156; Filed, Feb. 6, 1947; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 673]

UNLOADING OF STEEL AT CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of February A. D. 1947.

It appearing, that car L&M 1796, containing steel at Chicago, Ill., on The Alton Railroad Company (Henry A. Gardner, Trustee), has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Steel at Chicago, Ill., be unloaded.* The Alton Railroad Company (Henry A. Gardner, Trustee), its agents or employees, shall unload immediately car L&M 1796, containing steel, now on hand at Chicago, Ill., consigned Leo Aronson c/o Associated Shippers.

(b) *Demurrage.* No common carrier by railroad subect to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 5, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads suscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1147; Filed, Feb. 6, 1947; 8:58 a. m.]

[No. 29669]

CAR SERVICE-FREIGHT CARS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 3d day of February A. D. 1947.

The Commission having under consideration certain matters respecting car service furnished by common carriers by railroad subject to the Interstate Commerce Act.

It is ordered, That, under the authority of sections 1 (11), (14) (a), (21) and section 13 (2) of the Interstate Commerce Act, an investigation be, and it is hereby, instituted by the Commission, upon its own motion, for the purpose of determining whether (1) the rules, regulations, and practices with respect to the use, control, supply, movement, distribution, exchange, interchange, and return of plain, ventilated, and automobile box cars, refrigerator cars, stock cars, ordinary gondola, flat, and hopper cars, including covered hopper cars (but not including the distribution of coal cars at mines or related matters embraced within section 1, paragraph 12 of the Interstate Commerce Act, or issues involved in prior proceedings respecting distribution of coal cars at mines) used in freight service by common carriers by railroad, are unreasonable or otherwise unlawful, whether such cars are being wastefully, uneconomically, or inefficiently used, controlled, supplied, moved, exchanged, interchanged, and returned, and whether such cars are being unfairly or inequitably distributed among shippers; (2) common carriers by railroad have been and are providing themselves with safe and adequate plain, ventilated, and automobile box cars, refrigerator cars, stock cars, ordinary gondola, flat and hopper cars including covered hopper cars for performing as common carriers their car service, with the view to the making of findings and the entry of an order or orders, under the authority of section 1 (10), (11), (13), (14) (a) and (21), section 2, section 3 (1), and section 15 (1) of the Interstate Commerce Act (49 U. S. Code, secs. 1–27), requiring (1) the establishment of such reasonable rules, regulations, and practices as may be necessary to correct any unreasonableness found to exist, and requiring the removal of any other unlawfulness found to exist, with respect to said matters, and (2) all carriers or particular carriers to provide themselves with safe and adequate freight cars as enumerated above for performing as common carriers their car service if it be found necessary in order to enable such carriers to furnish safe and adequate car service.

It is further ordered, That all common carriers by railroad subject to the Interstate Commerce Act be, and they are hereby made respondents to this proceeding; that a copy of this order be served upon each of said respondents and upon the Association of American Railroads, Car Service Division, and that notice of this proceeding be given to the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by publishing it in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Claude A. Rice, March 18, 1947, at 9:30 a. m. United States standard time.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1148; Filed, Feb. 6, 1947; 8:58 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-474]

HENRY A. KOPF

CONSENT ORDER

Henry A. Kopf, of 4450 Mission Street, San Francisco, California, is acting as the Trustee for the owner of the premises at 15 W. Portal Ave, San Francisco, California. Mr. Kopf is engaged in altering the structure consisting of two residential flats to a structure consisting of four Medical Dental offices, at an estimated cost of $10,000, or $9,800.00 in excess of the small job allowance provided for by Supplement 3 to VHP–1, as amended October 7, 1946. This construction is in violation of paragraph (c) (1) of Order VHP–1, as amended October 7, 1946.

Mr. Kopf does not desire to contest the charge made, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Henry A. Kopf, the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Henry A. Kopf, his successors or assigns, nor any other person acting in his behalf, shall do any further construction on the premises located at 15 W. Portal Avenue, San Francisco, California.

(b) Nothing contained in this order shall be construed as preventing the processing on its merits of any application for permission to complete the construction on the aforesaid premises, that may be filed with the Civilian Production Administration.

(c) Nothing contained in this order shall be deemed to relieve Henry A. Kopf, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1209; Filed, Feb. 5, 1947; 4:26 p. m.]

[C-475]

ROY BROUSSEAU

CONSENT ORDER

Roy Brousseau, of 59 Meadowbrook Drive, San Francisco, California, is the duly authorized Agent and Supervising Architect on certain construction being carried on at 15 W. Portal Ave., San Francisco, California. The said construction consists of converting two residential flats into four Medical Dental Offices, located at the above address, at an approximate cost of $10,000, in excess of the small job exemption of $200.00 provided by Supplement 3 to the Order VHP–1, as amended October 7, 1946, and

in violation of paragraph (c) (1) of Order VHP–1, as amended October 7, 1946. Mr. Brousseau does not desire to contest the charge made, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Mr. Roy Brousseau, the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Roy Brousseau, his successors or assigns, nor any other person acting in his behalf, shall do any further construction on the premises located at 15 W. Portal Ave., San Francisco, California, including building or altering the structure unless and until the work shall hereafter be subsequently authorized by the Civilian Production Administration.

(b) Nothing in this order shall prevent said Roy Brousseau from completing the work at the above address provided the same is authorized by the Civilian Production Administration.

(c) Nothing contained in this order shall be deemed to relieve Roy Brousseau, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1210; Filed, Feb. 5, 1947; 4:26 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–51, 59–12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 31st day of January A. D. 1947.

In the matter of Electric Bond and Share Company, et al., National Power & Light Company, et al., File No. 54–51, Application 10, Part E; Electric Bond and Share Company, National Power & Light Company, et al., File No. 59–12.

The Commission having, by order dated May 28, 1946, approved a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 providing for the compromise, settlement and discharge of claims between Electric Bond and Share Company ("Bond and Share") and its wholly-owned service company subsidiaries, Ebasco Services, Incorporated, and Phoenix Engineering Corporation on the one hand, and National Power & Light Company ("National"), its subsidiaries and certain of its former subsidiaries on the other hand; such plan being a step in compliance with the Commission's order of August 23, 1941 directed to the dissolution of National, pursuant to section 11 (b) (2) of the act; and

The Commission having, by said order, reserved jurisdiction with respect to all legal fees and expenses to be paid in connection with the plan, except the fees to be paid in connection with the actions brought by stockholders of National; the record having been completed with respect to the legal services of Simpson, Thacher & Bartlett, counsel for Bond and Share in connection with the aforesaid plan; and

It appearing to the Commission that the fee of Simpson, Thacher & Bartlett in the amount of $20,000 and their expenses in the amount of $706.92 are not unreasonable:

It is ordered, That jurisdiction over the fee and expenses to be paid to Simpson, Thacher & Bartlett by Bond and Share in connection with the above transaction be, and the same hereby is, released; and

It is further ordered, That the jurisdiction heretofore specifically reserved with respect to all other legal fees and expenses be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–1143; Filed, Feb. 6, 1947; 8:54 a. m.]

[File No. 70–1381]

NORTH PENN GAS CO. AND PENNSYLVANIA GAS & ELECTRIC CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 31st day of January A. D. 1947.

North Penn Gas Company ("North Penn"), a public utility subsidiary of Pennsylvania Gas & Electric Corporation ("Penn Corp"), both of which are registered holding companies, having filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c), 12 (d) and 12 (f) thereof with respect to the donation by Penn Corp to North Penn of all of North Penn's $7 cumulative (second) preferred stock, presently owned by Penn Corp, consisting of 13,160 shares without par value having a stated value of $1,316,000, and the acquisition of such stock by North Penn for cancellation; the stated value of such stock to be credited by North Penn to its capital surplus account; and

The declarants having requested that the order of the Commission permitting the declaration to become effective conform to the requirements of section 1803 (f) of the Internal Revenue Code, as amended;

Said declaration having been filed on October 16, 1946, the amendment thereto having been filed on December 13, 1946, and the declarants having requested the extension of the effective date thereof to January 31, 1947; notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission finding that the acquisition and cancellation of its second preferred stock by North Penn will remove an existing complication in its capital structure; and

The Commission finding with respect to this declaration, as amended, that the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

It is further ordered, And the Commission finds, that the transfer of 13,160 shares of $7 cumulative (second) preferred stock of North Penn by Penn Corp. to North Penn is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–1144; Filed, Feb. 6, 1947; 8:54 a. m.]

Reference

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

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FEDERAL REGISTER

VOLUME 12 NUMBER 28

Washington, Saturday, February 8, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES IN CALIFORNIA

Approval has been given to the following rules and regulations, effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, and of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.). The respective rules and regulations were adopted by the Control Committee, the Bartlett Pear Commodity Committee, the Plum Commodity Committee, or the Elberta Peach Commodity Committee (established under the aforesaid amended marketing agreement and order as the agencies to administer the terms and provisions thereof) or prescribed by the Secretary of Agriculture, as the case may be.

Sec.
936.100 Definitions.
936.101 Communications.
936.102 Administrative bodies.
936.103 Regulation of unfair trade practices and unfair methods of competition.
936.104 Regulation by grades and sizes.
936.105 Regulation of daily shipments.
936.109 Reports.

AUTHORITY: §§ 936.100 to 936.105, inclusive, and § 936.109 issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 936.1 et seq.

§ 936.100 *Definitions.* (a) "Marketing agreement and order" means the marketing agreement, as amended, and Order No. 36, as amended, regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California.

(b) Each term used in the marketing agreement and order shall, when used in §§ 936.100 to 936.105, inclusive, and 936.109, have the same meaning applicable to such term in the marketing agreement and order.

§ 936.101 *Communications.* Unless otherwise prescribed in §§ 936.100 to 936.105, inclusive, and 936.109, or in the marketing agreement and order, or required by the Control Committee or a particular commodity committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed as follows:

Control Committee
California Tree Fruit Agreement
1910 Eye Street
Sacramento 14, California

§ 936.102 *Administrative bodies*—(a) *Nomination of shipper members for the Control Committee.* (1) All shippers who, prior to February 1 of the then current year, have not advised the manager of the Control Committee in writing of their participation in the formation of an elective body shall be notified promptly by the manager after that date, by mail, of the time and place for a meeting of such shippers to elect nominees for shipper membership on the Control Committee.

(2) The chairman of the then existing Control Committee shall schedule a meeting of shippers in the month of February of the then current year, for the purpose of making nominations to the shipper membership of the Control Committee; and such chairman is authorized to appoint a member of the Control Committee to act as chairman of the meeting and to conduct the election.

(b) *Procedure for nominating members for various commodity committees; meetings.* (1) The manager of the then existing Control Committee shall arrange for, and publicize, meetings of growers to nominate members for the different commodity committees, and each such meeting shall be attended by one or more employees of the Control Committee. Members of the Agricultural Extension Service of the University of California may be authorized by the manager to assist in calling such meetings and advise growers, on their respective mailing lists, of such meetings.

(2) Growers assembled at any such meetings may select a chairman and secretary, but in the event none of the aforesaid employees of the Control Committee is selected as secretary of the

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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meeting, one such employee shall, nevertheless, record all nominations made.

(3) The nominations at any meeting shall be conducted according to Roberts Rules of Order. However, voting may be by secret ballot or by acclamation in accordance with the desire of the majority of the growers attending the meeting.

(c) *Changes in the representation of certain districts on Plum Commodity Committee.* The representation or membership on the Plum Commodity Committee is changed to provide for three members to represent the area included in the Fresno, Tulare, Kern, and Southern California Districts, three members to represent the area included in the Colfax and Placer Districts, and one member to represent all of the territory in California not included in the foregoing districts.

§ 936.103 *Regulation of unfair trade practices and unfair methods of competition.* (a) The shipping of Elberta peaches of the size described in paragraph (b) of this section, or smaller sizes, in the standard fruit boxes numbered 15, 16, 17, 18, and 18A, and in the number 12B California Peach Box (as such boxes are defined in section 828.25 of the Agricultural Code of California) when packed so that the longitudinal axis of each such peach forms an angle with the bottom of the container which is less than 70 degrees is deceptive with regard to the quantity of fruit and the size of the fruit in such boxes and is, therefore, an unfair trade practice and an unfair method of competition; and the shipment of such peaches, packed as aforesaid, is prohibited in accordance with the applicable provisions of the marketing agreement and order.

(b) The specific size of Elberta peaches referred to in paragraph (a) of this section is the size (1) that will pack 66 peaches in the aforesaid standard fruit boxes with two layers in each box, and each layer containing three rows of six peaches each and three rows of five peaches each, and (2) that will pack 60 peaches in the aforesaid California Peach Box with two layers in each such box and each layer containing six rows of five peaches per row, and all such peaches in the aforesaid containers being packed in accordance with the specifications of a standard pack, as specified in the Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, and reissued February 4, 1946.

§ 936.104 *Regulation by grades and sizes*—(a) *Exemptions.* (1) Any application for an exemption certificate authorizing the shipment of Bartlett pears, plums, or Elberta peaches shall be submitted to the secretary of the appropriate commodity committee and shall contain the following information on Form E–1, "Grower Application for Exemption Certificate":

(i) The name and address of the applicant;

(ii) The location of the orchard (by district and distance from nearest town) from which the fruit is to be shipped pursuant to the exemption certificate;

(iii) The number and age of the trees of the particular fruit for which exemption is requested;

(iv) The grade or size regulation from which exemption is requested;

(v) The estimated crop of such fruit in such terms as required by the applicable form of application for an exemption certificate;

(vi) The number of standard containers of the particular fruit, by grades and sizes, which the applicant has available for shipment during the remainder of the regulation period, and for which exemption is requested;

(vii) The number of standard containers of the particular fruit, by grades and sizes, which the applicant has sold or otherwise disposed of since the beginning of the particular regulation period;

(viii) The reasons why the quantity of fruit for which exemption is requested does not meet the requirements of the grades or sizes of fruit permitted to be shipped under the particular regulation;

(ix) The name of the shipper;

(x) The shipments of the particular fruit during the preceding season; and

(xi) Such additional data and information as the respective commodity committee may require in order to determine whether the applicant is entitled to an exemption certificate.

(2) The respective commodity committee shall promptly verify all statements contained in each application for an exemption certificate and determine whether an application shall be approved or disapproved. The determination, in case of approval, shall be evidenced by the issuance, to the applicant, of an exemption certificate and, in case of disapproval, shall be evidenced by written notice of such disapproval.

(3) Each exemption certificate, issued by any commodity committee, shall be on Form E–2, "Grower Exemption Certificate." The exemption certificate shall be signed by the secretary, or assistant secretary, of such commodity committee. Each exemption certificate shall be issued in quadruplicate; and one copy shall be delivered to the grower, one copy shall be delivered to the shipper designated by the grower to receive such copy, one copy shall be delivered to the appropriate field representative of the Control Committee, and one copy shall be retained as part of the permanent records of the particular commodity committee.

(4) Each shipper handling fruit pursuant to an exemption certificate shall keep an accurate record, in the manner provided on such certificate, of all shipments of such fruit. Such shipper, after having shipped as much fruit as authorized by an exemption certificate, shall promptly surrender, upon demand of the appropriate commodity committee or its duly authorized representative, the exemption certificate containing an accurate record of such shipments.

(5) If any grower is dissatisfied with the determination of any employee authorized to issue exemption certificates and who has exercised jurisdiction with regard to an application submitted by such grower, such grower may appeal to the appropriate commodity committee. Such appeal must, however, be taken promptly after the determination by such employee. If any grower is dissatisfied with the determination of any commodity committee regarding any application for an exemption certificate, any exemption certificate, or any appeal by such grower to any such commodity committee, the grower may appeal to the Secretary of Agriculture. Any such appeal shall be taken promptly after determination by the particular commodity committee. Any such grower making an appeal to the Secretary of Agriculture shall file a written statement with the particular commodity committee to the effect that the grower is thus appealing from the determination of such commodity committee. In the event any such grower files a written statement of appeal, as aforesaid, to the Secretary of Agriculture, the appropriate commodity committee shall promptly forward to the Secretary of Agriculture the written appeal by the grower, a true and correct copy of all of the written documents pertaining to the application by the grower for an exemption certificate and the consideration of such application, the written information and proof submitted to, or obtained by, the commodity committee with regard to such application, the report submitted by the employee of the Control Committee regarding such application, the determination of the appropriate commodity committee with regard to the application, and a written summary of all of the information obtained by, or submitted to, such commodity committee relative to the application.

§ 936.105 *Regulation of daily shipments.* (a) Each of the following railroad yards in the State of California is designated as a "railroad assembly point":

(1) The railroad yards of the Southern Pacific Railroad in the cities of Roseville, Colfax, Sacramento, Gerber, and Colton;

(2) The railroad yards of the Western Pacific Railroad in the cities of Sacramento and Marysville;

(3) The railroad yards of the Northwestern Pacific Railroad in the city of Santa Rosa; and

(4) The railroad yards of the Santa Fe Railroad in the cities of Bakersfield, Stockton, Barstow, and Needles.

(b) A "car of Bartlett pears" or a "carload of Bartlett pears" shall constitute a quantity of Bartlett pears equiva-

lent to the quantity of such fruit which may be packed, in accordance with the requirements of a standard pack (as such pack is defined in the U. S. Standards for Summer and Fall Pears, issued by the United States Department of Agriculture on June 27, 1940, as subsequently reissued on September 3, 1942), in not less than 200 or more than 800 standard pear boxes (as such standard pear box is defined in section 828.3 of the Agricultural Code of California).

(c) The "arrival" of a car of Bartlett pears at a cold storage assembly point shall be 48 hours subsequent to the time of actual delivery of such car of fruit. If a car of Bartlett pears is delivered to a cold storage assembly point in diverse lots, the "arrival" of such car of fruit shall be 48 hours subsequent to the time of actual delivery of the last lot.

(d) The retention of Bartlett pears under refrigeration in a storage warehouse in the State of California under any of the following conditions shall constitute "cold storage" of such fruit:

(1) The Bartlett pears are designated as stored by the shipper;

(2) The Bartlett pears are placed in a cold storage assembly point for precooling and are not reported to the manager of the Control Committee within 48 hours after delivery; and

(3) The Bartlett pears are not loaded for shipment within 48 hours after the shipper is notified of the release, in accordance with the marketing agreement and order, of such fruit from the cold storage assembly point.

(e) Undershipments of allotments of Bartlett pears shall be reported to the Bartlett Pear Commodity Committee by 12:00 o'clock noon of the day following the day on which the respective undershipments are made.

(f) Each shipper shall account to the Bartlett Pear Commodity Committee for the disposition of any quantity of Bartlett pears in excess of such shipper's allotment at shipping point by reporting to such commodity committee, each day, regarding the disposition of each quantity of Bartlett pears in excess of the shipper's allotment for the preceding day. Each such report shall show:

(1) If placed in cold storage, the location of the cold storage plant and the quantity of Bartlett pears so placed.

(2) If exported off the Continent of North America, the car number or the name of the boat on which the shipment was made, and the quantity of Bartlett pears so exported.

(3) If sold for fresh consumption within the State of California, the destination.

(4) The quantity of Bartlett pears together with an adequate description of any other channel of disposition or destination of such fruit.

(g) The maximum time any car of Bartlett pears may be held at any assembly points is 96 hours.

(h) Adjustments for shipments of Bartlett pears by boat made by a shipper whose pears are regulated at assembly points shall be made 9 days prior to the expected day of arrival of such boat shipment.

(i) If any grower is dissatisfied with the decision or determination of the Bartlett Pear Commodity Committee relative to the action taken by said committee pursuant to the provisions of this section, such grower may appeal to the Secretary of Agriculture. Such appeal must be taken promptly after the determination by such commodity committee and there must be filed a written statement with said committee to the effect that the grower is thus appealing from its decision or determination. In the event a grower appeals, as aforesaid, to the Secretary of Agriculture, the Bartlett Pear Commodity Committee shall promptly forward to the Secretary of Agriculture a true and correct copy of all of the documents pertaining to the controversy including, but not being limited to, (*a*) a copy of each report filed by or for such grower; (*b*) a copy of the findings by the committee; (*c*) a copy of the grower's written statement of appeal; and (*d*) a written summary of all of the information obtained by, or submitted to such committee relative to such controversy.

§ 936.109 *Reports*—(a) *Bartlett pears.* Each shipper who ships Bartlett pears shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the confidential employee of the Control Committee complete daily information stating: (1) The time of departure of each shipment of Bartlett pears from specified railroad points, (2) the time of shipment of each car of Bartlett pears, (3) the name of the shipper, (4) the car number, (5) the number of packages of such pears (or the equivalent thereof in weight) by grades and sizes in each shipment, (6) the point of origin, and (7) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall also include any diversion of the shipment of any carload of Bartlett pears made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event any such shipment includes Bartlett pears for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the aforesaid manifest or on separate reports.

(b) *Plums.* Each shipper who ships plums shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the confidential employee of the Control Committee complete daily information stating: (1) The name of the shipper, (2) the car number, (3) the number of packages by variety and size (or the equivalent thereof), (4) the weight of each shipment, (5) the point of origin, and (6) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall include any diversion of the shipment of any carload of plums made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event the shipment includes plums for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the manifest or on separate reports.

(c) *Elberta peaches.* Each shipper who ships Elberta peaches shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the confidential employees of the Control Committee complete daily information stating: (1) The name of the shipper, (2) the car number, (3) the number of packages of Elberta peaches by size (or the equivalent thereto), (4) the weight of each shipment, (5) the point of origin, and (6) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall include any diversion of the shipment of any carload of Elberta peaches made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event the shipment includes Elberta peaches for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the manifest or an separate reports.

NOTE: These rules and regulations were in existence prior to September 11, 1946, but were not published in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1191; Filed, Feb. 7, 1947; 8:46 a. m.]

[Lemon Reg. 208]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.315 *Lemon Regulation 208.*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 9, 1947, and ending at 12:01 a. m., P. s. t., February 16, 1947, is hereby fixed at 150 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 207 (12 F. R. 768) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1252; Filed, Feb. 7, 1947; 8:50 a. m.]

[Orange Reg. 164]

PART 966—ORANGES GROWN IN THE STATE OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.310 *Orange Regulation 164*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 9, 1947, and ending at 12:01 a. m., P. s. t., February 16, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, 300 carloads; (*b*) Prorate District No. 2, 700 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base scheduled which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Orange regulation period No. 164, 12:01 a. m. Feb. 9, 1947 to 12:01 a. m. Feb. 16, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base percent
Total	100.0000
A. F. G. Lindsay	.2577
A. F. G. Porterville	.0000
Cooperative Citrus Association	.0000
Doffiemyer, W. T.	.0000
Elderwood Citrus Association	1.4190
Exeter Citrus Association	3.4415
Exeter Orange Growers Association	.0000
Exeter Orchards Association	1.2602
Hillside Packing Corp	1.8556
Ivanhoe Mutual Orange Association	1.2658
Klink Citrus Association	5.3079
Lemon Cove Association	1.7915
Lindsay Citrus Growers Association	3.1513

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base percent
Lindsay Coop. Citrus Association	1.7716
Lindsay District Orange Co	1.6396
Lindsay Fruit Association	2.2512
Lindsay Orange Growers Association	1.5076
Naranjo Packing House Co	1.0219
Orange Cove Citrus Association	3.0454
Orange Packing Company	1.2922
Orosi Foothill Citrus Association	1.5064
Paloma Citrus Fruit Association	1.3227
Pogue Packing House, J. E.	.8137
Rocky Hill Citrus Association	2.4117
Sanger Citrus Association	3.5509
Sequoia Citrus Association	.9910
Stark Packing Corp	2.6169
Visalia Citrus Association	.0000
Waddell & Son	2.3904
Butte County Citrus Association, Inc	.0000
James Mills Orchard Corp	.9912
Orland Orange Growers Association, Inc	.7848
Baird-Neece Corp	1.9857
Beattie Association, Agnes M.	.0000
Grand View Heights Citrus Association	2.3163
Magnolia Citrus Association	2.6203
Porterville Citrus Association	1.7139
Richgrove-Jasmine Citrus Association	.0000
Sandilands Fruit Co	.0000
Strathmore Coop. Association	2.0962
Strathmore District Orange Association	1.9182
Strathmore Fruit Growers Association	1.3606
Strathmore Packing House Co	1.5875
Sunflower Packing Association	2.4928
Sunland Packing House	3.0468
Terra Bella Citrus Association	1.5208
Tule River Citrus Association	1.3126
Jensen, M. N.	2.7744
Kroells Bros., Ltd.	1.7358
Lindsay Mutual Groves	2.0635
Martin, J. D.	1.2677
Stivers Packing Co	.8698
Woodlake Packing House	2.0416
R. M. C. Porterville	.0000
Abbate Co., The Chas.	1.0386
Anderson Packing Co., R. M.	.8296
Baker Bros.	.0000
California Citrus Growers, Inc., Ltd.	2.0634
Chess Company, Meyer W.	.0000
Edison Groves Co	.0000
Edison Orange Growers Association	.0000
Evans Bros. Packing Co	1.6663
Furr, N. C.	.3872
Ghianda Ranch	.0000
Harding & Leggett	1.6383
Lo Bue Bros.	.5086
Marks, W. & M.	.0000
Raymond Bros.	.1565
Reimers, Don H.	.0000
Rooke Packing Co., B. G.	3.7411
Snyder & Sons Co., W. A.	.9391
Toy, Chin	.0000
Webb Packing Co., Inc.	.0000
Western States Fruit and Produce Co	.0000
Wollenman Packing Co	.8918
Woodlake Heights Packing Corp	.9992
Zaninovich Bros., Inc.	.7668

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3519
A. F. G. Fullerton	.0472
A. F. G. Orange	.0623
A. F. G. Redlands	.3486
A. F. G. Riverside	.8674
Corona Plantation Co	.9855

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base percent
Hazeltine Packing Co	0.1049
Signal Fruit Association	.7201
Azusa Citrus Association	.9677
Azusa Orange Co., Inc	.1344
Damerel-Allison Co	1.2002
Glendora Mutual Orange Association	.5219
Irwindale Citrus Association	.3520
Puente Mutual Citrus Association	.0481
Valencia Heights Orchards Association	.2026
Glendora Citrus Association	.7954
Glendora Heights O. & L. Grs. Association	.1505
Gold Buckle Association	3.3975
La Verne Orange Association, The	3.5329
Anaheim Citrus Fruit Association	.0621
Anaheim Valencia Orange Association	.0168
Eadington Fruit Co., Inc	.3104
Fullerton Mutual Orange Association	.2644
La Habra Citrus Association	.1479
Orange Co. Valencia Association	.0259
Orangethorpe Citrus Association	.0241
Placentia Coop. Orange Association	.0562
Yorba Linda Citrus Association, The	.0266
Alta Loma Heights Citrus Association	.3882
Citrus Fruit Growers	.7323
Cucamonga Citrus Association	.6058
Etiwanda Citrus Fruit Association	.2219
Mountain View Fruit Association	.1595
Old Baldy Citrus Association	.4351
Rialto Heights Orange Growers	.4631
Upland Citrus Association	2.2450
Upland Heights Orange Association	.9766
Consolidated Orange Growers	.0309
Garden Grove Citrus Association	.0212
Goldenwest Citrus Association, The	.0906
Olive Heights Citrus Association	.0423
Santa Ana-Tustin Mutual Citrus Association	.0283
Santiago Orange Growers Association	.1638
Tustin Hills Citrus Association	.0330
Villa Park Orchards Association, Inc., The	.0385
Bradford Bros., Inc	.2307
Placentia Mutual Orange Association	.1850
Placentia Orange Growers Association	.2560
Call Ranch	.6427
Corona Citrus Association	.7309
Jameson Co	.3836
Orange Heights Orange Association	.8857
Break & Son, Allen	.2774
Bryn Mawr Fruit Growers Association	1.0621
Crafton Orange Growers Association	1.3523
E. Highlands Citrus Association	.4173
Fontana Citrus Association	.4274
Highland Fruit Growers Association	.6686
Krinard Packing Co	1.5991
Mission Citrus Association	.7875
Redlands Coop. Fruit Association	1.7375
Redlands Heights Groves	.9257
Redlands Orange Growers Association	1.1644
Redlands Orangedale Association	.9639
Redlands Select Groves	.5462
Rialto Citrus Association	.5609
Rialto Orange Co	.3670
Southern Citrus Association	.9785
United Citrus Growers	.7116
Zilen Citrus Co	1.0590
Arlington Heights Fruit Co	.4280

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base percent
Brown Estate, L. V. W	1.7838
Gavilan Citrus Association	1.6520
Hemet Mutual Groves	.3358
Highgrove Fruit Association	.6939
McDermont Fruit Co	1.7591
Mentone Heights Association	.7790
Monte Vista Citrus Association	1.1273
National Orange Co	.8486
Riverside Heights Orange Growers Association	1.3171
Sierra Vista Packing Association	.6906
Victoria Ave. Citrus Association	2.3399
Claremont Citrus Association	.9857
College Heights O. & L. Association	1.0252
El Camino Citrus Association	.5151
Indian Hill Citrus Association	1.1557
Pomona Fruit Growers Association	2.0307
Walnut Fruit Growers Association	.4377
West Ontario Citrus Association	1.5497
El Cajon Valley Citrus Association	.3728
Escondido Orange Association	.5515
San Dimas Orange Growers Association	1.2183
Covina Citrus Association	1.4846
Covina Orange Growers Association	.4978
Duarte-Monrovia Fruit Exchange	.4959
Ball & Tweedy Association	.1125
Canoga Citrus Association	.0639
N. Whittier Heights Citrus Association	.1139
San Fernando Fruit Growers Association	.3036
San Fernando Heights Orange Association	.3288
Sierra Madra Lamanda Citrus Association	.2421
Camarillo Citrus Association	.0096
Fillmore Citrus Association	1.2449
Ojai Orange Association	.9937
Piru Citrus Association	1.1384
Santa Paula Orange Association	.1124
Tapo Citrus Association	.0109
East Whittier Citrus Association	.0166
Whittier Citrus Association	.3099
Whittier Select Citrus Association	.0595
Anaheim Coop. Orange Association	.0556
Bryn Mawr Mutual Orange Association	.4877
Chula Vista Mutual Lemon Association	.1454
Escondido Coop. Citrus Association	.1002
Euclid Avenue Orange Association	2.0917
Foothill Citrus Union, Inc	.0838
Fullerton Coop. Orange Association	.0533
Garden Grove Orange Coop	.0385
Glendora Coop. Citrus Association	.0855
Golden Orange Groves, Inc	.4071
Highland Mutual Groves, Inc	.4163
Index Mutual Association	.0039
La Verne Coop. Citrus Association	2.4300
Olive Hillside Groves, Inc	.0312
Orange Coop. Citrus Association	.0492
Redlands Foothill Groves	2.1365
Redlands Mutual Orange Association	1.0358
Riverside Citrus Association	.4019
Ventura County O. & L. Association	.2126
Whittier Mutual O. & L. Association	.0486
Babijuice Corp. of California	.4080
Banks Fruit Co	.2541
California Fruit Distributors	.0880
Cherokee Citrus Co., Inc	1.1161
Chess Co., Meyer W	.3238
El Modena Citrus, Inc	.0817
Evans Bros. Packing Co	.7968
Gold Banner Association	1.9053
Granada Hills Packing Co	.2257
Granada Packing House	1.0647
Hill, Fred A	.7079
Inland Fruit Dealers, Inc	.2129

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base percent
Orange Belt Fruit Distributors	2.4730
Panno Fruit Co., Carlo	.1402
Paramount Citrus Association	.2662
Placentia Pioneer Valencia Growers Association	.0756
Riverside Growers, Inc	.5089
San Antonio Orchards Association	1.2702
Snyder & Sons Co., W. A	.9169
Torn Ranch	.0480
Verity & Sons Co., R. H	.1017
Wall, E. T	1.5753
Western Fruit Growers, Inc., Redlands	2.6017
Yorba Orange Growers Association	.0334

[F. R. Doc. 47-1251; Filed, Feb. 7, 1947; 8:49 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter III—Bonneville Power Administration, Department of the Interior

PART 400—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 400.30 and 400.31, see Title 43, Part 4, *infra*, delegating to the General Counsel of the Bonneville Power Administration certain functions relating to the administrative adjustment of tort claims.

Chapter IV—Southwestern Power Administration, Department of the Interior

PART 500—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 500.40 and 500.41, see Title 43, Part 4, *infra*, delegating to the Chief Counsel of the Southwestern Power Administration certain functions relating to the administrative adjustment of tort claims.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-24]

PART 101—DIRECTION AND ORGANIZATION OF FOREIGN SERVICE

PART 102—PERSONNEL ADMINISTRATION

PART 105—ACCOUNTS

PART 120—MISCELLANEOUS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 302 of the Foreign Service Act of 1946 (60 Stat. 1001), the Foreign Service Regulations comprising Part 102 of Title 22 of the Code of Federal Regulations are amended by adding the following sections:

SALARIES AND SALARY DIFFERENTIALS

Sec.
102.102 Notice of transfer of office.
102.103 Computation of chargé pay.
102.104 Changes in chargé pay.

APPOINTMENTS AND COMMISSIONS

102.305 Foreign Service personnel required to take oath of office.

BONDS

102.322 Bonding of Foreign Service personnel.

ENTRY ON POST DUTY

102.502 Presentation of credentials.
102.515 Official calls by new chief of mission.
102.520 Chiefs of mission to conform to ceremonial usage.
102.545 Official calls by consular officers.

RESTRICTIONS ON PERSONAL ACTIVITIES

102.802 Restrictions on official and private correspondence.
102.803 Restrictions on writing for publication.
102.804 Restrictions on political activities abroad.
102.806 Restrictions on participation in activities of private organizations.
102.808 Restrictions on business activities abroad.
102.810 Restrictions applicable to members of families.
102.811 Limitation on employment of members of family in Foreign Service office.
102.813 Restrictions on making recommendations in connection with employment.
102.815 Restrictions on preferring of charges.
102.817 Restrictions on the acceptance of presents or favors.
102.818 Restrictions against extension of personal financial aid to Americans abroad.
102.820 Restrictions on wearing apparel of officers and employees.
102.821 Restrictions on marriage of officers or employees to aliens.
102.822 Restrictions on persons retired from the Foreign Service.

AUTHORITY: §§ 102.102 to 102.822, inclusive, issued under R. S. 161, secs. 302, 421, 422, 541, 1002, 1003, 1004, 1011, Pub. Law 724, 79th Cong., 60 Stat. 1001, 1004, 1011, 1030; 5 U. S. C. 22.

SALARIES AND SALARY DIFFERENTIALS [1]

§ 102.102 *Notice of transfer of office.* (a) An officer shall not be considered to be lawfully in charge of a diplomatic or consular office and entitled to receive additional compensation during the absence of the principal officer unless a Transfer of Office Certificate Form No. 5 has been executed and forwarded to the Department. The dates to be used in determining the period for which charge pay is allowable shall be the dates of executing the Transfer of Office Certificate upon assuming and relinquishing charge. A true copy of the signed original certificate shall accompany the accounts of the office.

(b) In the event of the serious illness or death of the chief of mission or principal officer, or other emergency making it necessary for a subordinate officer to assume charge, the Transfer of Office Certificate shall be executed by the incoming officer with an appropriate explanation of the circumstances involved.

§ 102.103 *Computation of chargé pay.* (a) The amount of chargé pay allowed for assuming temporary charge of office is based on the per annum salary provided for the last chief of mission or basic salary of the last principal officer actually at the post, i. e.:

(1) At an embassy or legation the salary of the chargé shall be based on the per annum salary provided for the chief of mission who last served at the post;

(2) At a consulate general or consulate on the basis salary received by the last principal officer actually in charge of the post.

(b) Chargé pay shall accrue only on the basis of full days and is not subject to retirement deductions.

§ 102.104 *Changes in chargé pay.* (a) If a principal officer receives a promotion effective subsequent to his departure from his post of duty, on leave or otherwise, adjustment of the compensation of the officer in charge is authorized only in case such principal officer returns to the same duty station and resumes charge.

(b) When an officer or employee is lawfully authorized to assume charge during the absence of the principal officer and such principal officer is retroactively promoted effective on a date prior to his departure from the post, the officer in charge is entitled to have his chargé pay adjusted accordingly. (11 Comp. Gen. 273.)

(c) When a new office is established, chargé pay is not payable to a junior officer who assumes charge for a period prior to the arrival and entry upon duty of a principal officer or chief of mission.

APPOINTMENTS AND COMMISSIONS [2]

§ 102.305 *Foreign Service personnel required to take oath of office.* Upon appointment, all officers and employees of the Foreign Service, except alien clerks and employees appointed abroad, shall take the oath of office prescribed by section 1757 of the Revised Statutes of the United States, as amended (5 U. S. C. 16).

BONDS

§ 102.322 *Bonding of Foreign Service personnel.* (a) In addition to the officers of the Foreign Service required to give bond by section 1011 of the Foreign Service Act of 1946, every ambassador or minister who will render accounts or certify vouchers for payment, every consular agent, every authorized certifying officer, every officer who disburses while in the employ of the Department of State regardless of the source from which he derives such authority, every officer or employee of the Foreign Service who receives official collections for the Government of the United States, and every other officer or employee of the Foreign Service who is instructed to do so by the Department or by the officer in charge shall give a bond to the United States. The officer in charge may require the giving of bonds by an unbonded officer or employee who handles funds, valuables, fee stamps, or documents, or performs any duty for which the officer in charge might be held to be responsible.

(b) All bonds given to the United States by officers and employees in the Service shall be executed on Form 352, Foreign Service, in a penal sum of $5,000 or such larger amounts as the Department shall indicate in individual cases.

(c) All bonding companies holding certificates of authority from the Secretary of the Treasury under acts of Congress of August 13, 1894, and March 23, 1910 (28 Stat. 279, 36 Stat. 241; 6 U. S. C. 6–13) are hereby approved as acceptable sureties on bonds. If any surety other than those approved herein is desired by an officer or employee, the approval by the Secretary of State of such surety shall be obtained before executing the bond.

(d) Pursuant to the provisions of 6 U. S. C., Supp. 3, the bond of each officer or employee will be examined by the Department periodically (at least once every two years) for sufficiency of surety and penalty and if the officer or employee is notified that the penalty or surety is not sufficient he shall file a new bond to correct the deficiency. Upon relinquishing duties requiring a bond with a penalty in excess of the minimum, the officer or employee may request the Department to authorize him to reduce the penalty on his bond. Upon notification that the penalty on the bond may be reduced, the officer or employee shall file a new bond with a penalty in the new amount indicated by the Department.

(e) Upon receipt of a notification from a corporate surety to the effect that an officer or employee has failed to pay the annual premium on his bond, the Department will instruct such officer or employee to renew his bond. The officer or employee shall take immediate steps to follow these instructions.

(f) When it is necessary that an officer or employee be bonded immediately to enable him to perform some duty, he shall request that an interim bond be filed for him, indicating the surety desired, and shall agree to pay the premium without delay in the same penalty, with the same surety, and effective the same date as the interim bond.

ENTRY ON POST DUTY

§ 102.502 *Presentation of credentials.* (a) Upon arrival at the seat of mission, the new chief of mission shall request, through the principal officer of the mission, an informal conference with the Minister for Foreign Affairs, or such other officer of the government to which he is accredited as may be found authorized to act in the premises, in order to arrange for his official reception. He shall at the same time, in his own name, address a formal note to the Minister for Foreign Affairs, communicating the fact of his appointment and requesting the designation of a time and place for presenting his letter of credence and the letter of recall of his predecessor.

(b) When the representative is accredited by the President to the Chief of State, he shall, on requesting audience for the purpose of presenting the original sealed letter of credence in person, communicate to the Minister for Foreign Affairs the open office copy thereof accompanying his original instructions.

(c) If the chief of mission is assigned as chargé d'affaires and bears a letter of credence addressed to the Minister for

[1] 12 F. R. 5.

[2] 11 F. R. 13741.

Foreign Affairs, he shall, on addressing to the Minister the formal note, convey to him the office copy of his letter of credence and shall await the Minister's pleasure for presentation of the original.

(d) A copy of each letter of credence shall be prepared and placed in the files of the mission.

(e) When presenting his letter of credence, the new chief of mission should be accompanied by all officers assigned to the mission in a diplomatic capacity and by all the attachés of the mission.

§ 102.515 *Official calls by new chief of mission.* (a) A new chief of mission shall, immediately upon his arrival at the seat of mission, familiarize himself with the local rules regarding official calls. In his initial official visits he should be accompanied by the ranking Foreign Service officer assigned to the mission in a diplomatic capacity.

(b) A chargé d'affaires need not pay official calls upon his colleagues upon assuming charge if he be at the post at the time he is accredited. After assuming charge he shall call upon the Minister for Foreign Affairs on the latter's first general reception day.

§ 102.520 *Chiefs of mission to conform to ceremonial usage.* On all formal occasions the chief of mission shall be governed by the ceremonial usage of the country of his official residence. The chief of mission shall confer informally with the ceremonial officer, or, in the absence of such official, with the dean of the diplomatic corps, to insure appropriate conformity to established rules. Notes informing the mission of the departure of a chief of mission and the assumption of charge by a chargé d'affaires ad interim should not be answered unless local custom so requires.

§ 102.545 *Official calls by consular officers.* A consular officer, on entering on official duty status, shall conform to local custom in the matter of making official calls on the proper local officials and the consular officers of other countries.

RESTRICTIONS ON PERSONAL ACTIVITIES

§ 102.802 *Restrictions on official and private correspondence.* (a) Officers and employees of the Foreign Service shall not correspond with anyone other than the proper officers of the United States in regard to the public affairs of a foreign government, active political issues in the United States, or confidential matters pending in Foreign Service establishments or the Department of State, unless specific authorization to do so has first been received from the Secretary of State. Correspondence on such matters with officers of Government agencies in Washington, other than the Department of State, should be forwarded to the Department for clearance and transmission to the interested agency. Inquiries concerning any of the above-mentioned subjects from persons who are not officers of the United States should be acknowledged and the inquirers referred to the Department.

(b) Officers and employees should refrain from corresponding privately on personnel and other official matters with officers in the Department unless the subject of the correspondence has already been made a matter of record in official correspondence and the circumstances are such that further informal comments and suggestions are justified. Private communications on official matters shall never be referred to in subsequent official communications. However, such private communications are semi-official and accordingly copies shall be placed in the confidential or other files of the Foreign Service office. Private correspondence on personnel matters, when necessary, shall be addressed to the Director General of the Foreign Service or to the Chief of the Division of Foreign Service Personnel. If private correspondence on personnel matters involves persons other than the writer, copies of such correspondence shall be placed in the confidential or other files of the Foreign Service office.

§ 102.803 *Restrictions on writing for publication.* Officers and employees of the Foreign Service shall not act as correspondents for American or foreign newspapers, press syndicates, or associations, unless special authorization has been obtained in advance from the Secretary in each case. Officers and employees shall not write for publication any article or other manuscripts on political or controversial subjects. Articles or manuscripts on non-political or non-controversial subjects shall be submitted to the Committee on Unofficial Publication of the Department of State for review and approval prior to their submission to a publisher. However, when, in the opinion of the principal officer at a post, immediate publication of an article is desirable for local reasons, such officer may authorize the publication of a clearly non-political and non-controversial manuscript. Copies of such manuscripts shall be forwarded to the Department immediately under cover of a despatch.

§ 102.804 *Restrictions on political activities abroad.* Officers and employees of the Foreign Service shall not engage in any form of political activity in the country to which they are accredited or assigned.

§ 102.806 *Restrictions on participation in activities of private organizations.* (a) For the purpose of this section, the term "private organization" shall denote any group of persons associated for any purpose whatever, except an organization established by the Government of the United States or in which the Department of State participates officially. In participating in the programs and activities of any private organization, an officer or employee of the Foreign Service shall make it clear that the Department of State has no official connection with such organization and that it does not sponsor or sanction the viewpoints which he may express.

(b) Where a private organization is one concerned with foreign policy or international relations, either in general or in some special economic, political, or cultural field, an officer or employee of the Foreign Service shall limit his connection with such organization as follows—unless specially permitted to do so, he shall not serve as an adviser, officer, director, teacher, sponsor, committee chairman, or in any other official capacity or permit his name to be used on a letterhead, in a publication, in an announcement or news story, or at a public meeting, regardless of whether his title or his connection with the Department is mentioned. Special permission to assume or continue a connection prohibited by the foregoing provisions may be granted in cases where the public interests of the Government and the Department of State will not be adversely affected. To request such permission, or to determine whether the provisions of this section are applicable to a particular case, the officer or employee, if stationed at the Department or sojourning in the United States, shall address a memorandum to the Director General of the Foreign Service setting forth all the circumstances. That officer will consult the interested divisions and will recommend approval or disapproval to the Assistant Secretary of State for Administration. Such a request from an officer in the field should be made by despatch or airgram addressed to the Secretary of State in the usual manner.

(c) Where the purpose and program of the organization do not fall within the field of foreign policy and international relations and have no connection with the field in which the officer or employee does his official work the activity of the officer or employee shall be limited only to the following extent:

(1) His official title or his connection with the Department may be used to identify him, as in a civic association election, but shall not be used on a letterhead, in a publication, or otherwise so as to employ the prestige of the Department to enhance that of the organization or to imply official sponsorship;

(2) Where he is a representative of an association consisting of Departmental or Foreign Service employees, or of a group of such employees, his connection with the Department may be freely used so long as there is no implication of official sponsorship beyond what may have been officially approved by the Department.

§ 102.808 *Restrictions on business activities abroad.* (a) The following types of transactions shall be considered business transactions within the meaning of section 1003 of the Foreign Service Act of 1946:

(1) Speculation in exchange for profit;

(2) Transactions at exchange rates differing materially from those shown in the official monthly office accounts, unless such transactions are duly reported;

(3) Sales to unauthorized persons (whether at cost or for profit) of currency acquired at preferential rates through diplomatic or other restricted arrangements;

(4) Transactions which entail the use without official sanction of the diplomatic pouch;

(5) Transfers of funds on behalf of blocked nationals, or otherwise, in violation of United States Foreign Funds Control;

(6) Independent and unsanctioned private transactions which involve an officer or employee of the Foreign Service, as an individual, in a violation of applicable control regulations of foreign governments;

(7) Investments of money in real estate, mortgages, bonds, shares, and stocks;

(8) Permitting use of one's name as a business reference or signing books and documents which may be subsequently used for the purpose of seeking contributions or for other improper purposes;

(9) Permitting use of official title in any private business transactions.

(b) Officers and employees of the Foreign Service, except consular agents and alien clerks and employees, who violate the provisions of section 1003 of the Foreign Service Act of 1946 or who engage in any of the above-mentioned transactions at the post to which they are accredited or assigned shall be held to strict accountability for their actions by the Board of the Foreign Service. Consular agents and alien clerks and employees engaging in business activities which reflect discredit upon the Foreign Service shall be subject to appropriate disciplinary action by the supervisory officer in the case of consular agents, or by the officer in charge of the post concerned in the case of alien clerks and employees.

(c) The purchase of a house and land for personal use shall not be considered a violation of section 1003 of the Foreign Service Act of 1946.

§ 102.810 *Restrictions applicable to members of families.* (a) Restrictions placed on officers and employees of the Foreign Service in the matter of speeches, interviews, official and private correspondence, writing for publication, political activities abroad, participation in the activities of private organizations, and business activities, shall also apply to those members of the family of the officer or employee, including the alien spouse of an officer or employee, who normally reside with him and who are dependent upon him. An officer or employee of the Foreign Service shall be held to strict accountability for the actions of such members of his family.

(b) The alien spouse of any officer or employee in the Foreign Service shall avoid expressing views which are unfriendly to, or critical of, the United States, its Government, institutions, or people, either to or in the presence of other persons of foreign nationality. Alien spouses shall, in addition, refrain from engaging in, or associating closely with groups of people or organizations engaged in, activities which are inimical or embarrassing to the Government of the United States. Failure on the part of the alien spouse of a person employed in a Foreign Service office to observe these restrictions may, in the discretion of the Secretary of State, result in the dismissal of the person so employed.

§ 102.811 *Limitation on employment of members of family in Foreign Service office.* Members of the family of an officer or employee of the Foreign Service shall not be employed in the same Foreign Service office as the officer or employee except during grave emergencies or when special authorization has been obtained in advance of employment from the Secretary of State.

§ 102.813 *Restrictions on making recommendations in connection with employment.* (a) In general, officers and employees of the Foreign Service shall not, in their official capacity, make any recommendations in connection with the employment of persons unless the positions concerned are with the Government of the United States and the recommendations are made in response to an inquiry from a Government official authorized to employ persons or to investigate applicants for employment. However, a principal officer in the Foreign Service may furnish an employee who is leaving the Service with a document setting forth the bearer's integrity, diligence or other qualifications. In addition, a principal officer may, in answer to a letter of inquiry concerning a former employee in a Foreign Service office, state the length of time the person was employed in the Service and the fact that nothing in his record militates against him, if such is the case.

(b) An officer or employee of the Foreign Service may make personal recommendations in connection with the employment of any person, except in a position of trust or profit under the government of the country to which the officer or employee is accredited or assigned, provided that the officer or employee does not divulge any information concerning the person which he has derived from official sources.

§ 102.815 *Restrictions on preferring of charges.* An officer or employee of the Foreign Service shall not attack or publicly criticize any other officer or employee of the Foreign Service. If a Foreign Service officer or employee finds it necessary to criticize or prefer charges against any other officer or employee of the Service, he shall do so only in a personal and confidential communication to the Director General of the Foreign Service or the Chief of the Division of Foreign Service Personnel.

§ 102.817 *Restrictions on the acceptance of presents or favors.* (a) When officers or employees of the Foreign Service find it necessary to refuse, in accordance with the provisions of section 1002 of the Foreign Service Act of 1946, any present, emolument, pecuniary favor, office or title offered them by a foreign government either on their behalf or on behalf of some other person, the refusal shall be made in as gracious terms as possible, attention being invited to the fact that the acceptance of such presents, etc., is prohibited under the laws of the United States. Officers and employees of the Foreign Service shall take such precautionary measures as seem advisable to avoid being placed in a position where it becomes necessary to refuse acceptance of gifts, etc., from a foreign government.

(b) Officers and employees of the Foreign Service shall also refuse personal gifts or gratuities offered them by persons or organizations affected by the performance of their official duties.

(c) Rates or discounts offered to officers and employees of the Foreign Service as a class may be accepted and utilized.

§ 102.818 *Restrictions against extension of personal financial aid to Americans abroad.* Officers and employees of the Foreign Service shall not make personal loans to American citizens or others who have no personal claim on them, nor shall they obligate their personal credit for such persons, either by endorsing notes, bills of exchange, or other negotiable instruments or by assuming any form of financial responsibility.

§ 102.820 *Restrictions on wearing apparel of officers and employees.* When officers and employees of the Foreign Service are authorized by law or required by a military commander of the United States to wear a uniform, care shall be taken that the uniform is worn only at authorized times and for authorized purposes. As a rule, officers and employees of the Foreign Service shall confine themselves to wearing whatever civilian apparel is appropriate to the occasion and the relative position of the officer or employee vis-à-vis the officers and employees of the diplomatic and consular branches of other governments in the country of assignment. Conventional garb worn by chauffeurs, elevator operators and other miscellaneous employees shall not be considered uniforms within the meaning of section 1001 of the Foreign Service Act of 1946.

§ 102.821 *Restrictions on marriage of officers or employees to aliens.* (a) No person married to an alien shall be appointed as a Foreign Service officer. No person married to an alien shall be appointed to the Foreign Service Reserve or as a Foreign Service staff officer or employee unless express permission is granted by the Board of the Foreign Service.

(b) Before contracting marriage with a person of foreign nationality each officer and American employee shall request permission to do so from the Board of the Foreign Service. Any officer or American employee who contracts marriage with an alien without obtaining advance permission from the Board of the Foreign Service shall be deemed guilty of insubordination and shall be separated from the Service. Requests for permission to marry an alien shall be accompanied by the officer's or employee's resignation for such action as may be deemed appropriate.

(c) Chiefs of mission shall require their private secretaries to comply with the policy formulated in §§ 102.102 to 102.822, inclusive.

§ 102.822 *Restrictions on persons retired from the Foreign Service.* Persons retired from the Foreign Service shall be subject to all applicable restrictions on personal activities which are placed on officers and employees in active service.

The following sections of the Foreign Service Regulations are hereby superseded: §§ 101.4, 101.6, 101.7, and 101.14–101.30; §§ 102.3–102.5, 102.7, 102.9, and 102.10; §§ 105.22, 105.29–105.35, 105.37,

105.38, and 105.42 (a), (b), (c), (e); § 120.4.

Section 102.6 is hereby renumbered § 120.8.

This regulation is effective as of November 13, 1946.

For the Secretary of State.

JOHN E. PEURIFOY,
Deputy Assistant Secretary for Administration.

FEBRUARY 5, 1947.

[F. R. Doc. 47-1211; Filed, Feb. 7, 1947; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.100-01.145, see Title 43, Part 4, *infra*, delegating to the District Counsels of the Bureau of Indian Affairs, certain functions relating to the administrative adjustment of tort claims.

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Laws 383 and 475, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1039, Revocation]

MRS. GERTRUDE C. HILL

Mrs. Gertrude C. Hill, 229 North Fifth Street, Reading, Pennsylvania, was suspended on December 10, 1946 by Suspension Order No. S-1039, for violation of Veterans' Housing Program Order No. 1. An appeal was filed with the Chief Compliance Commissioner who, after reviewing the case, has directed that the suspension order be revoked forthwith. In view of the foregoing, it is hereby ordered, that:

§ 1010.1039 *Suspension Order No. S-1039* be revoked.

Issued this 6th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1290; Filed, Feb. 7, 1947; 11:23 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1079]

T. R. JOHNSON

T. R. Johnson operates and is the sole owner of the Johnson Company, with the principal place of business at 235 South Dock Street, Sharon, Pennsylvania, and among other things, is engaged in the manufacture of prefabricated houses and sections. The Company was authorized, pursuant to Direction 8 of Priorities Regulation 33, under CPA Serial #2074, to use the HH Preference Rating to obtain lumber, plywood lumber and other materials for use in the manufacture of prefabricated houses. During the third quarter of 1946, the company placed certified and HH rated orders for 540,000 square feet of plywood lumber with the U. S. Plywood Corporation, when, in fact, it was only authorized under the aforementioned CPA Serial Number to place the certified and HH rated orders for 105,000 square feet of plywood. The placing of certified rated orders for 435,000 square feet of plywood lumber in excess of its authorization constituted a wilful violation of Direction 8 of Priorities Regulation No. 33 and Priorities Regulation No. 3. During the third quarter of 1946, the Company delivered sufficient prefabricated sections, to complete four prefabricated dormitories, to the National Tube Company, Lorain, Ohio, on uncertified and unrated orders. The plywood used in the manufacture of these prefabricated sections was obtained on rated orders granted on CPA Application 4415, Serial No. 2074. The sale and delivery of these prefabricated sections on unrated and uncertified orders constituted a grossly negligent violation of Direction 8 of Priorities Regulation 33. During the calendar year 1946, the Company failed to keep at its regular place of business all documents, including purchase orders and preference rating orders, and generally failed to keep and maintain accurate and complete records of its transactions to which rules and regulations of the Civilian Production Administration apply. The failure to keep and maintain accurate, complete and proper records constituted a violation of § 944.15 of Priorities Regulation No. 1 and paragraph (g) (5) of Priorities Regulation No. 3. These violations have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1079 *Suspension Order No. S-1079.* (a) Neither T. R. Johnson, doing business as Johnson Company, his or its successors or assigns, for a period of three months from the effective date of this order, shall apply or extend any preference ratings or certifications for plywood lumber, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended, and in addition, shall cancel all outstanding orders for plywood lumber bearing preference ratings.

(b) T. R. Johnson, doing business as Johnson Company, his or its successors or assigns, is prohibited from placing any further orders bearing preference ratings or delivering to others any materials obtained by the use of preference ratings, until such time as the records are organized, so as to comply with the requirements under the applicable priorities regulations.

(c) T. R. Johnson, doing business as Johnson Company, shall refer to this order in any application for appeal which may be filed individually, or in behalf of the company, with the Civilian Production Administration or any other duly authorized Governmental agency for priorities assistance, or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve T. R. Johnson, doing business as the Johnson Company, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the 7th day of February 1947.

Issued this 31st day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1291; Filed, Feb. 7, 1947; 11:23 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Appendix II to Rubber Order R-1, Direction 1]

USE OF BUTYL PERMITTED IN MANUFACTURE OF ALL SIZES AND TYPES OF TIRE TUBES

The following direction is issued pursuant to Appendix II to Rubber Order R-1.

Irrespective of the restrictions of List 9, *Manufacture of Tire Tubes*, of Appendix II to R-1, as amended November 29, 1946, Butyl (GR-1) may be used in the manufacture of all sizes and types of tire tubes.

Issued this 7th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1289; Filed, Feb. 7, 1947; 11:23 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 110 (§ 1388.1181)]

HOUSING

Section 5 (a) (12) of the Rent Regulation for Housing is amended in the following respects:

1. The first paragraph of section 5 (a) (12) is amended to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

2. The third unnumbered paragraph of section 5 (a) (12) is eliminated.

3. The present fourth unnumbered paragraph of section 5 (a) (12) is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the 'current year' but not beginning before January 1, 1939 which the Administrator finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Administrator in his discretion may for the purposes of this section accept a representative period of not less than one year.

4. The last unnumbered paragraph of section 5 (a) (12) is eliminated.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective February 15, 1947.

Issued this 7th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 110 to the Rent Regulation for Housing; Amendment 34 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 26 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 30 to the Rent Regulation for Housing in the Miami Defense-Rental Area

By Amendment No. 110 to the Rent Regulation for Housing the basis for relief under section 5 (a) (12) has been broadened to make it possible for additional landlords to obtain a compensating rent adjustment if they establish that the earnings of their property have been substantially reduced by rising taxes or operating costs.

Under this section, as amended, hardship is determined by comparing the operating position of the property in the current year with the operating position in a representative two year period. Prior to this change the base period used, had to be a representative period preceding the maximum rent date. From now on the base period may be any representative consecutive two year period beginning on or after January 1, 1939.

This change in the regulation regarding the base period will prove advantageous to many owners of rental property. A landlord now may select as his base period any consecutive two years operation since January 1, 1939 which is representative of his normal operations. Many property owners who have no financial records or no rental history for the period prior to the maximum rent date may now qualify for adjustment under this section. For example, prior to the amendment a landlord who had not kept books for the required representative period prior to the maximum rent date or a purchaser of rental property who was unable to obtain operating records for the base period from the previous owner or a property owner whose housing accommodations were not rented during the base period preceding the maximum rent date were unable to obtain relief. This amendment will now permit these classes of landlords to qualify for adjustment if they can establish hardship and some of their rents are below comparability.

To qualify for an adjustment under this section a landlord must show that he has had a decrease in net income (before interest) and an increase in property taxes or operating costs between the base period and the current year. If he can establish this, the amount of the adjustment will be the lesser of the two. Adjustments, however, as heretofore will be limited to the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date.

The amendment also deletes the provision that wage increases granted by the landlord must generally be approved by the appropriate wage or salary stabilization agency of the United States in order to be considered as part of the property's increased operating cost. This change was made necessary with the termination of the controls over wages and salaries exercised by the National Wage Stabilization Board and the Office of Economic Stabilization.

These changes in section 5 (a) (12) are made by (1) rewording the first paragraph; (2) deleting the third and the last unnumbered paragraphs, respectively; and (3) adding to the present fourth unnumbered paragraph a subparagraph defining "prior representative period." The sixth unnumbered paragraph of section 5 is also reworded to make explicit the measure of adjustment applicable to cases under section 5 (a) (12).

Corresponding changes are made in the Rent Regulation for Housing in the New York City Defense-Rental Area, the Rent Regulation for Housing in the Atlantic County Defense-Rental Area, the Rent Regulation for Housing in the Miami Defense-Rental Area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-1226; Filed, Feb. 7, 1947; 11:40 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,[1] Amdt. 26 (§ 1388.1411)]

HOUSING IN ATLANTIC COUNTY

Section 5 (a) (12) of the Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 5 (a) (12) is amended to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

2. The third unnumbered paragraph of section 5 (a) (12) is eliminated.

3. The present fourth unnumbered paragraph of section 5 (a) (12) is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the 'current year' but not beginning before January 1, 1939 which the Administrator finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Administrator in his discretion may for the purposes of this section accept a representative period of not less than one year.

4. The last unnumbered paragraph of section 5 (a) (12) is eliminated.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective February 15, 1947.

Issued this 7th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[1] 11 F. R. 12055, 13028, 13309, 14013.

[1] 11 F. R. 12084.

Statement To Accompany Amendment 110 to the Rent Regulation for Housing; Amendment 34 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 26 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 30 to the Rent Regulation for Housing in the Miami Defense-Rental Area

By Amendment No. 110 to the Rent Regulation for Housing the basis for relief under section 5 (a) (12) has been broadened to make it possible for additional landlords to obtain a compensating rent adjustment if they establish that the earnings of their property have been substantially reduced by rising taxes or operating costs.

Under this section, as amended, hardship is determined by comparing the operating position of the property in the current year with the operating position in a representative two year period. Prior to this change the base period used, had to be a representative period preceding the maximum rent date. From now on the base period may be any representative consecutive two year period beginning on or after January 1, 1939.

This change in the regulation regarding the base period will prove advantageous to many owners of rental property. A landlord now may select as his base period any consecutive two years operation since January 1, 1939 which is representative of his normal operations. Many property owners who have no financial records or no rental history for the period prior to the maximum rent date may now qualify for adjustment under this section. For example, prior to the amendment a landlord who had not kept books for the required representative period prior to the maximum rent date or a purchaser of rental property who was unable to obtain operating records for the base period from the previous owner or a property owner whose housing accommodations were not rented during the base period preceding the maximum rent date were unable to obtain relief. This amendment will now permit these classes of landlords to qualify for adjustment if they can establish hardship and some of their rents are below comparability.

To qualify for an adjustment under this section a landlord must show that he has a decrease in net income (before interest) and an increase in property taxes or operating costs between the base period and the current year. If he can establish this, the amount of the adjustment will be the lesser of the two. Adjustments, however, as heretofore will be limited to the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date.

The amendment also deletes the provision that wage increases granted by the landlord must generally be approved by the appropriate wage or salary stabilization agency of the United States in order to be considered as part of the property's increased operating cost. This change was made necessary with the termination of the controls over wages and salaries exercised by the National Wage Stabilization Board and the Office of Economic Stabilization.

These changes in section 5 (a) (12) are made by (1) rewording the first paragraph; (2) deleting the third and the last unnumbered paragraphs, respectively; and (3) adding to the present fourth unnumbered paragraph a subparagraph defining "prior representative period." The sixth unnumbered paragraph of section 5 is also reworded to make explicit the measure of adjustment applicable to cases under section 5 (a) (12).

Corresponding changes are made in the Rent Regulation for Housing in the New York City Defense-Rental Area, the Rent Regulation for Housing in the Atlantic County Defense-Rental Area, the Rent Regulation for Housing in the Miami Defense-Rental Area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-1295; Filed, Feb. 7, 1947; 11:40 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Miami Area,[1] Amdt. 30 (§ 1388.1241)]

HOUSING IN MIAMI AREA

Section 5 (a) (12) of the Rent Regulation for Housing in the Miami Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 5 (a) (12) is amended to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

[1] 11 F. R. 12084.

2. The third unnumbered paragraph of section 5 (a) (12) is eliminated.

3. The present fourth unnumbered paragraph of section 5 (a) (12) is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the 'current year' but not beginning before January 1, 1939, which the Administrator finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Administrator in his discretion may for the purposes of this section accept a representative period of not less than one year.

4. The last unnumbered paragraph of section 5 (a) (12) is eliminated.

5. The eighth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective February 15, 1947.

Issued this 7th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 110 to the Rent Regulation for Housing; Amendment 34 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 26 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 30 to the Rent Regulation for Housing in the Miami Defense-Rental Area

By Amendment No. 110 to the Rent Regulation for Housing the basis for relief under section 5 (a) (12) has been broadened to make it possible for additional landlords to obtain a compensating rent adjustment if they establish that the earnings of their property have been substantially reduced by rising taxes or operating costs.

Under this section, as amended, hardship is determined by comparing the operating position of the property in the current year with the operating position in a representative two year period. Prior to this change the base period used, had to be a representative period preceding the maximum rent date. From now on the base period may be any representative consecutive two year period beginning on or after January 1, 1939.

This change in the regulation regarding the base period will prove advantageous to many owners of rental property. A landlord now may select as his base period any consecutive two years operation since January 1, 1939 which is representative of his normal operations. Many property owners who have no financial records or no rental history for the period prior to the maximum rent date may now qualify for adjustment under this section. For example, prior to the amendment a landlord who had not kept books for the required representative period prior to the maximum rent date or a purchaser of rental property who was unable to obtain operating records for the base period from the previous owner or a property owner whose housing accommodations were not rented during the base period preceding the maximum rent date were unable to obtain relief. This amendment will now permit these classes of landlords to qualify for adjustment if they can establish hardship and some of their rents are below comparability.

To qualify for an adjustment under this section a landlord must show that he has had a decrease in net income (before interest) and an increase in property taxes or operating costs between the base period and the current year. If he can establish this, the amount of the adjustment will be the lesser of the two. Adjustments, however, as heretofore will be limited to the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date.

The amendment also deletes the provision that wage increases granted by the landlord must generally be approved by the appropriate wage or salary stabilization agency of the United States in order to be considered as part of the property's increased operating cost. This change was made necessary with the termination of the controls over wages and salaries exercised by the National Wage Stabilization Board and the Office of Economic Stabilization.

These changes in section 5 (a) (12) are made by (1) rewording the first paragraph; (2) deleting the third and the last unnumbered paragraphs, respectively; and (3) adding to the present fourth unnumbered paragraph a subparagraph defining "prior representative period." The sixth unnumbered paragraph of section 5 is also reworded to make explicit the measure of adjustment applicable to cases under section 5 (a) (12).

Corresponding changes are made in the Rent Regulation for Housing in the New York City Defense-Rental Area, the Rent Regulation for housing in the Atlantic County Defense-Rental Area, the Rent Regulation for Housing in the Miami Defense-Rental Area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention of evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-1297; Filed, Feb. 7, 1947; 11:41 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City Area,[1] Amdt. 34 (§ 1388.1281)]

HOUSING IN NEW YORK CITY AREA

Section 5 (a) (12) of the Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. The first paragraph of section 5 (a) (12) is amended to read as follows:

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

2. The third unnumbered paragraph 5 (a) (12) is eliminated.

3. The present fourth unnumbered paragraph of section 5 (a) (12) is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the 'current year' but not beginning before January 1, 1939 which the Administrator finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Administrator in his discretion may for the purposes of this section accept a representative period of not less than one year.

4. The last unnumbered paragraph of section 5 (a) (12) is eliminated.

5. The seventh unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective February 15, 1947.

Issued this 7th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 110 to the Rent Regulation for Housing; Amendment 34 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 26 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 30 to the Rent Regulation for Housing in the Miami Defense-Rental Area

By amendment No. 110 to the Rent Regulation for Housing the basis for relief under section 5 (a) (12) has been broadened to make it possible for additional landlords to obtain a compensating rent adjustment if they establish that the earnings of their property have been substantially reduced by rising taxes or operating costs.

Under this section, as amended, hardship is determined by comparing the operating position of the property in the current year with the operating position in a representative two year period. Prior to this change the base period used, had to be a representative period preceding the maximum rent date. From now on the base period may be any representative consecutive two year period beginning on or after January 1, 1939.

This change in the regulation regarding the base period will prove advantageous to many owners of rental property. A landlord now may select as his base period any consecutive two years operation since January 1, 1939 which is representative of his normal operations. Many property owners who have no financial records or no rental history for the period prior to the maximum rent date may now qualify for adjustment under this section. For example, prior to the amendment a landlord who had not kept books for the required representative period prior to the maximum rent date or a purchaser of rental property who was unable to obtain operating records for the base period from the previous owner or a property owner whose housing accommodations were not rented during the base period preceding the maximum rent date were unable to obtain relief. This amendment will now permit these classes of landlords to qualify for adjustment if they can establish hardship and some of their rents are below comparability.

To qualify for an adjustment under this section a landlord must show that he has had a decrease in net income (before interest) and an increase in property taxes or operating costs between the

[1] 11 F. R. 4016, 5824, 8149, 8163, 10659, 12094.

That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

This amendment shall become effective February 15, 1947.

Issued this 7th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

base period and the current year. If he can establish this, the amount of the adjustment will be the lesser of the two. Adjustments, however, as heretofore will be limited to the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date.

The amendment also deletes the provision that wage increases granted by the landlord must generally be approved by the appropriate wage or salary stabilization agency of the United States in order to be considered as part of the property's increased operating cost. This change was made necessary with the termination of the controls over wages and salaries exercised by the National Wage Stabilization Board and the Office of Economic Stabilization.

These changes in section 5 (a) (12) are made by (1) rewording the first paragraph; (2) deleting the third and the last unnumbered paragraphs, respectively; and (3) adding to the present fourth unnumbered paragraph a subparagraph defining "prior representative period." The sixth unnumbered paragraph of section 5 is also reworded to make explicit the measure of adjustment applicable to cases under section 5 (a) (12).

Corresponding changes are made in the Rent Regulation for Housing in the New York City Defense-Rental Area, the Rent Regulation for Housing in the Atlantic County Defense-Rental Area, the Rent Regulation for Housing in the Miami Defense-Rental Area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-1298; Filed, Feb. 7, 1947; 11:41 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.50–01.54, see Title 43, Part 4, *Infra*, delegating to the Regional Counsels of the National Park Service certain functions relating to the administrative adjustment of tort claims.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 2293]

PART 4—DELEGATIONS OF AUTHORITY

ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS

Section 4.21 of Part 4 (11 F. R. 9576) is amended to read as follows:

§ 4.21 *Administrative adjustment of tort claims.* (a) The Solicitor of the Department of the Interior is authorized to exercise, execute, and perform any and all powers, authority, and functions conferred upon the Secretary of the Interior by the Federal Tort Claims Act.

(b) The General Counsel of the Bonneville Power Administration, the Chief Counsel of the Southwestern Power Administration, the Counsel at Large in Alaska, the Regional Counsels of the Bureau of Reclamation, the District Counsels of the Bureau of Indian Affairs, and the Regional Counsels of the National Park Service are severally authorized to consider, ascertain, adjust, determine, and settle, pursuant to the provisions of section 403 of the Federal Tort Claims Act, any claim against the United States based upon an act or omission of an employee of the Department of the Interior where the total amount of the claim does not exceed $500, and, without considering its merits, to reject any claim which is for an amount in excess of $1,000.

(c) Any claimant who is dissatisfied with the determination made under paragraph (b) of this section regarding his claim may take an appeal to the Solicitor of the Department of the Interior within 15 days after receiving notice of such determination. Written notice of his desire to take an appeal shall be given by the claimant to the official who made the determination upon his claim, and such official shall thereupon promptly transmit to the Solicitor all documents and other data relating to the claim. (R. S. 161, secs. 403, 422, Pub. Law 601, 79th Cong.; 5 U. S. C. 22.)

J. A. KRUG,
Secretary of the Interior.

JANUARY 31, 1947.

[F. R. Doc. 47-1177; Filed, Feb. 7, 1947; 8:45 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 400—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 400.40–400.47, see Part 4 of this title, delegating to the Regional Counsels of the Bureau of Reclamation certain functions relating to the administrative adjustment of tort claims.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RULES GOVERNING RADIO BROADCAST SERVICES

ORDER ADOPTING AMENDMENTS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 31st day of January 1947:

Whereas, the Commission has had under consideration the amendments to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and

Whereas, the proposed amendments had been widely discussed with interested persons, specifically with Engineering Committees appointed to advise the Commission in the matter of Clear Channel Broadcasting in the Standard Broadcast Band (Docket 6741) with Industry Committees meeting to advise the Commission concerning proposals to be made to the North American Regional Radio-Engineering Meeting concerning the extension of the North American Regional Broadcasting Agreement and testimony concerning these amendments was taken in the hearing being held in Docket No. 6741, and

Whereas, general notice of proposed rule making in respect thereto has been published in accordance with section 4 (a) of the Administrative Procedure Act under date of December 20, 1946 and January 16, 1947, and

Whereas, the amendments are issued under the authority of sections 303 (b), 303 (f) and 303 (r) of the Communications Act of 1934, as amended, and

Whereas, suggestions and comments pertaining to the proposed revisions have been filed with the Commission, and

Whereas, the Commission has considered carefully all such suggestions and comments, has made certain revisions in the amendments by reason of the suggestions and comments received, and

Whereas, the public interest, convenience, and necessity will be served by the adoption of the proposed amendments to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations,

Now, therefore, it is ordered, That the Standards of Good Engineering Practice Concerning Standard Broadcast Stations are hereby amended to the following extent:

a. The method for computing RSS interference appearing under section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, in the paragraph beginning "With respect to the root-sum²square values of interfering field intensities . . ." and ending with "N is the number of interfering signals of approximately the same value." (page 7, second paragraph) is amended to read as follows:

With respect to the root-sum-square values of interfering field intensities referred to herein, except in the case of Class IV stations on Local Channels, calculation is accomplished by considering the signals in order of decreasing magnitude, adding the squares of the values and extracting the square root of the sum, excluding those signals which are less than 50% of the RSS value of the higher signals already included.

The RSS value will not be considered to be increased when a new interfering signal is added which is less than 50% of the RSS value of the interference from existing stations, and which at the same time is not greater than the smallest signal included in the RSS value of interference from existing stations.

It is recognized that application of the above "50% exclusion" method of calculating the RSS interference may result in some cases in anomalies wherein the addition of a new interfering signal or the increase in value of an existing interfering signal will cause the exclusion of a previously included signal and may cause a decrease in the calculated RSS value of interference. In order to provide the Commission with more realistic information regarding gains and losses in service (as a basis for determination of the relative merits of a proposed operation) the following alternate method for calculating the proposed RSS values of interference will be employed wherever applicable.

In the cases where it is proposed to add a new interfering signal which is not less than 50% of the RSS value of interference from existing stations or which is greater than the smallest signal already included to obtain this RSS value, the RSS limitation after addition of the new signal shall be calculated without excluding any signal previously included. Similarly, in cases where it is proposed to increase the value of one of the existing interfering signals which has been included in the RSS value, the RSS limitation after the increase shall be calculated without excluding the interference from any source previously included.

If the new or increased signal proposed in such cases is ultimately authorized, the RSS values of interference to other stations affected will thereafter be calculated by the "50% exclusion" method without regard to this alternate method of calculation.

Examples of RSS interference calculations:

1. Existing interferences:

Station No. 1—1.0 mv/m.
Station No. 2—0.60 mv/m.
Station No. 3—0.59 mv/m.
Station No. 4—0.58 mv/m.

The RSS value from Nos. 1, 2 and 3 is 1.31 mv/m: therefore interference from No. 4 is excluded for it is less than 50% of 1.31 mv/m.

2. Station A receives interference from:

Station No. 1—1.0 mv/m.
Station No. 2—0.60 mv/m.
Station No. 3—0.58 mv/m.

It is proposed to add a new limitation—0.68 mv/m. This is more than 50% of 1.31 mv/m, the RSS value of Nos. 1, 2 and 3. The RSS value of Station No. 1 and of the proposed station would be 1.21 mv/m which is more than twice as large as the limitation from Station No. 2 or No. 3. However, under the above provision the new signal and the three existing interferences are nevertheless calculated for purposes of comparative studies, resulting in an RSS value of 1.47 mv/m. However, if the proposed station is ultimately authorized, only No. 1 and the new signal are included in all subsequent calculations for the reason that Nos. 2 and 3 are less than 50% of 1.21 mv/m, the RSS value of the new signal and No. 1.

3. Station A receives interference from:

Station No. 1—1.0 mv/m.
Station No. 2—0.60 mv/m.
Station No. 3—0.59 mv/m.

No. 1 proposes to increase the limitation it imposes on Station A to 1.21 mv/m. Although the limitations from stations Nos. 2 and 3 are less than 50% of the 1.21 mv/m limitation under the above provision, they are nevertheless included for comparative studies, and the RSS limitation is calculated to be 1.47 mv/m. However, if the increase proposed by Station No. 1 is authorized, the RSS value then calculated is 1.21 mv/m because Stations Nos. 2 and 3 are excluded in view of the fact that the limitations they impose are less than 50% of 1.21 mv/m.

b. The method for computing the nighttime limitation on local channels is set forth under section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, by amending that portion of the paragraph beginning "Class IV stations operate on local channels * * *" and ending "On local channels the separation required for the daytime protection shall also determine the nighttime separation." (lines 7 to 13 on page 3) to read as follows:

Class IV stations operate on local channels normally rendering primary service only to a city or town and the suburban and rural areas contiguous thereto with powers not less than 0.1 kw or more than 0.25 kw. These stations are normally protected to 500 uv/m groundwave contour daytime. On local channels the separation required for the daytime protection shall also determine the nighttime separation. The actual nighttime limitation will be calculated.[2a]

[2a] The following approximate method may be used. It is based on the assumption of 0.25 wavelength antenna height and 88 mv/m at one mile effective field for 250 watts power, using the 10% skywave field intensity curve of Figure 1–A. Zones defined by circles of various radii specified below are drawn about the desired station and the interfering 10% skywave signal from each station in a given zone is considered to be the value tabulated below. The effective interfering 10% skywave signal is taken to be the RSS value of all signals originating within these zones. (Stations beyond 500 miles are not considered.)

Zone	Inner radius	Outer radius	10 percent skywave signal (mv/m)
A		60	0.10
B	60	80	.12
C	80	100	.14
D	100	250	.16
E	250	350	.14
F	350	450	.12
G	450	500	.10

Where the power of the interfering station is not 250 watts, the 10% skywave signal should be adjusted by the square root of the ratio of the power to 250 watts.

c. The method for determining adjacent channel groundwave interference to secondary service set forth under section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, by footnote 3 (page 1) is revised by amendment of said footnote 3 to read as follows:

[3] The secondary service area of a Class I station is not protected from adjacent channel interference. However, if it is desired to make a determination of the area in which adjacent channel groundwave interference (10 kc removed) to skywave service exists, it may be considered as the area where the ratio of the desired 50% skywave of the Class I station to the undesired groundwave of a station 10 kc removed is 1 to 4.

d. The standards concerning interference ratios and mileage separation of stations are amended by the following changes:

1. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of the paragraphs beginning with "The night separation tables . . ." and ending with Table VIII–H, inclusive (pages 10 through 16) is amended to read as follows:

The following table is to be used for determining the minimum ratio of the field intensity of a desired to an undesired signal for interference free service. In the case of a desired groundwave signal interfered with by two or more skywave signals on the same frequency, the RSS value of the latter is used.

TABLE—INTERFERENCE RATIOS

Frequency separation of desired to undesired signals—	Desired groundwave to—		Desired 50 percent skywave to undesired 10 percent skywave
	Undesired groundwave	Undesired 10 percent skywave	
0 kc	20:1	20:1	20:1
10 kc	1:1	1:5	(1)
20 kc	1:30		

[1] See footnote 3, p. 1.

(The Commission has ordered a hearing with respect to what changes should be made in the Standards concerning the assignment of two stations with the same general groundwave service area for operation with a frequency separation of 30 kc or less. Until a decision is rendered with respect to this matter, the provisions in the Standards in effect on and prior to February 7, 1947 shall govern, including any relevant material contained in the Standards on pages 10 through 16.)

Two stations, one with a frequency twice that of the other, should not be assigned in the same groundwave service area unless special precautions are taken to avoid interference from the second harmonic of the lower frequency. In selecting a frequency, consideration should be given to the fact that occasionally the frequency assignment of two stations in the same area may bear such a relation to the intermediate frequency of some broadcast receivers as to cause so-called "image" interference. However, since this can usually be rectified by readjustment of the intermediate frequency of such receivers, the Commission in general will not take this kind of interference into consideration in allocation problems.

Two stations operating with synchronized carriers[2] and carrying the identical program will have their groundwave service subject to some distortion in areas where the signals from the two stations are of comparable intensity. For the purpose of estimating coverage of such stations areas in which the signal ratio is between 1 to 2 and 2 to 1 will not be considered as having satisfactory service.

2. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, beginning with the second sentence of the paragraph following Table III and ending with the sentence "This rating in kilowatts shall be applied in the use of mileage separation tables or in computing interference from the propagation curves.[10]" (page 8) is amended to read as follows: "To determine the interference in any direction, in the absence of actual interference measurements, the measured or calculated radiated field (unabsorbed field intensity at one mile from the array) must be used in conjunction with the appropriate propagation curves.[10]"

3. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of subparagraph (c) of the paragraph beginning "The existence or absence of objectionable interference from stations on the same or adjacent channels * * *" (page 8) is deleted.

4. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of the two paragraphs beginning "Table VI gives the required day separation * * *" and ending "* * * to modify the mileage separation accordingly.[12]" (page 9) is deleted. (Note that footnote 13 is retained, however.)

5. That portion of Annex I of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of the tenth sentence of the sixth paragraph thereof (page 18) is amended to read: "Since the stations are separated by 10 kc, the undesired signal at that point can have a value up to 500 uv/m without interference, but if the interference signal had been found to be greater than this value, then interference would have been determined."

6. That portion of Annex I of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, appearing in the eleventh sentence of the sixth paragraph thereof (page 18), which reads "* * * or 25 times when the frequency separation is 20 kc." is deleted.

e. It is proposed to amend the Standards of Good Engineering Practice Concerning Standard Broadcast Stations by adding Figure 1–A (10% Skywave Signal Range Chart) and Figure 6–A (Angles of Departure vs. Transmission Range) to the Standards, which figures are attached hereto. Figures 1–A and 6–A will not affect clear channel frequencies.

f. The standards concerning the calculation of skywave signals are amended by the following changes:

1. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of subparagraph (b) of the paragraph beginning "The existence or absence of objectionable interference from stations on the same or adjacent channels * * *" (page 8) is amended to read as follows:

(b) By reference to the propagation curves in Figure 1 or Figure 1–A, and Appendix I.

2. That portion of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of the fourth paragraph following Table III, beginning "In computing the distance to the 50 percent sky wave field intensity contour of a Class I station * * *" (page 9) is amended to read as follows:

In computing the 50 percent skywave field intensity values of a Class I station of a given power and also in computing the 10% skywave field intensity of an alleged interfering Class I or Class II station on a clear channel, use shall be made of the appropriate graph set forth in Figure 1 entitled "Average Skywave Field Intensity" (corresponding to the second hour after sunset at the recording station). These graphs are drawn for a radiated field of 100 millivolts per meter at 1 mile on the horizontal plane from a 0.311 antenna. In computing the 10 percent skywave field intensity of an alleged interfering station, other than Class I or Class II, at a specified distance, use shall be made of the appropriate curve in Figure 1–A entitled "10% Sky wave Signal Range". This graph is drawn for a radiated field of 100 millivolts per meter at 1 mile at the vertical angle pertinent to transmission by one reflection. This curve supersedes the 10% skywave curve of Figure 1, only for regional and local channels at the present time.[13] Adoption of revised skywave curves for use on clear channels will await the outcome of the Clear Channel Hearing (Docket No. 6741) and the negotiations for a new North American Regional Broadcasting Agreement.

3. That portion of Annex I of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of the last sentence of the sixth paragraph thereof (page 18) is amended to read as follows: "In this case the interference must be estimated on the basis of the sky wave interference and the propagation curve in Figure 1 or Figure 1–A, used to determine the interfering signals rather than Figure 4 for the ground wave signals."

4. That portion of Annex II of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, consisting of paragraph 2 thereof (page 18) is amended by prefixing the following phrase: "For signals from stations operating on clear channels, * * *

5. Annex II of section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations (page 19) is amended by the insertion of the following paragraphs immediately before the last paragraph thereof:

For signals from stations on regional and local channels, in computing the 10% skywave (interference) field intensity values of Class III and Class IV stations,[13a] Fig. 1–A is to be used in place of Figure 1. Since Figure 1–A is predicated upon a radiated field of 100 mv/m at one mile in the pertinent direction, no comparison with the vertical pattern of a 0.311 wavelength antenna is to be made. Instead the appropriate radiated field in the vertical plane corresponding to the distance to the receiving station, divided by 100, is multiplied into the value of 10% skywave field intensity determined from Figure 1–A. There are two new factors to be considered, however, namely the variation of received field with latitude of the path and the variation of pertinent vertical angle due to variations of ionosphere height and ionosphere scattering.

Figure 1–A, "10% Skywave Signal Range Chart," shows the 10% skywave signal as a function of the latitude of the transmission path and the distance from a transmitting antenna with a radiated field of 100 mv/m at the pertinent angle for the distance. The latitude of the transmission path is defined as the geographic latitude of the midpoint between the transmitter and the receiver. Latitude 35° should be used in case the midpoint of the path lies below 35° North and latitude 50° should be used in case the midpoint of the path lies above 50° North.

Figure 6–A, entitled "Angles of Departure vs. Transmission Range," is to be used in determining the angles in the vertical pattern of the antenna of an interfering station to be considered as pertinent to transmission by one reflection. Corresponding to any given distance, the curves 4 and 5 indicate the upper and lower angles within which the radiated field is to be considered. The maximum value of field intensity occurring between these angles will be used to determine the multiplying factor for the 10% skywave field intensity determined from Figure 1–A. (Curves 2 and 3 are considered to represent the variation due to the variation of the effective height of the E–layer while Curves 4 and 5 extend the range of pertinent angles to include a factor which allows for scattering. The dotted lines are included for information only.)

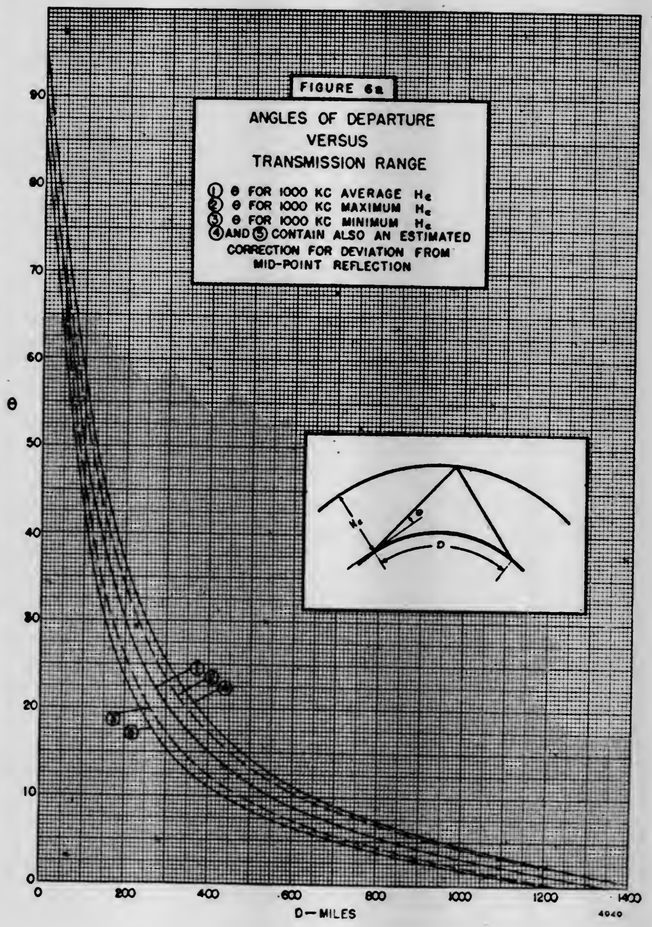
In the case of non-directional vertical antennas, the vertical distribution of relative fields for several heights, assuming sinusoidal distribution of current along the antenna, is shown in Figure 5. In the case of directional antennas the vertical pattern in the great circle direction toward the point of reception in question must first be calculated. Then for the distance to the points, the upper and lower pertinent angles are determined from Figure 6–A. The ratio of the largest value of radiated field occurring between these angles, to 100 mv/m (for which Figure 1–A is drawn) is then used as the multiplying factor for the value of the field read from the curves of Figure 1–A. Note that while the accuracy of the curves is not as well established by measurements for distances less than 250 miles as for distances in excess of 250 miles, the curves represent the most accurate data available today. Pending accumulation of additional data to establish firm standards for skywave calculations in this range, the curves may be used. In cases where the radiation in the vertical plane, in the pertinent azimuth, contains a large lobe at a higher angle than the pertinent angle for one reflection, the method of calculating interference will not be restricted to that described above, but each such case will be considered on the basis of the best knowledge available.

For example, suppose it is desired to determine the amount of interference to a Class III station at Portland, Oregon, caused by another Class III station at Los Angeles, California, which is radiating a signal of 560 mv/m unattenuated at one mile in the great circle direction of Portland, using a 0.5 wavelength antenna. The distance is 825 miles. From Figure 6–A the upper and lower pertinent angles are 7° and 3.5° and, from figure 5 the maximum radiation within these angles is 99% of the horizontal radiation or 554 mv/m at 1 mile. The latitude of the path is 39.8° N and from Figure 1–A, the 10% skywave field at 825 miles is 0.050 mv/m for 100 mv/m radiated. Multiplying by 554/100 to adjust the value to the actual radiation gives 0.277 mv/m. At 20 to 1 ratio the limitation to the Portland stations is to the 5.5 mv/m contour.

These amendments shall become effective February 10, 1947. The Commission finds that less than 30 days are required to effectuate these amendments because they have the effect of granting certain exemptions, relieving certain restrictions and facilitating the filing and processing of applications in furtherance of the Temporary Expediting Procedure for Standard Broadcast Applications adopted by the Commission on January 8, 1947 and published in the FEDERAL REGISTER on January 16, 1947.

(Secs. 303 (b), 303 (f), 48 Stat. 1082, sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (b), 303 (f), 303 (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.



[2] Two stations are considered to be operated synchronously when the carriers are maintained within one-fifth of a cycle per second of each other and they transmit identical programs.

[13] The Commission will not authorize a directional antenna for a Class IV station assigned to a local channel.

[13a] Certain simplifying assumptions may be made in the case of Class IV stations on local channels; See footnote 3a.

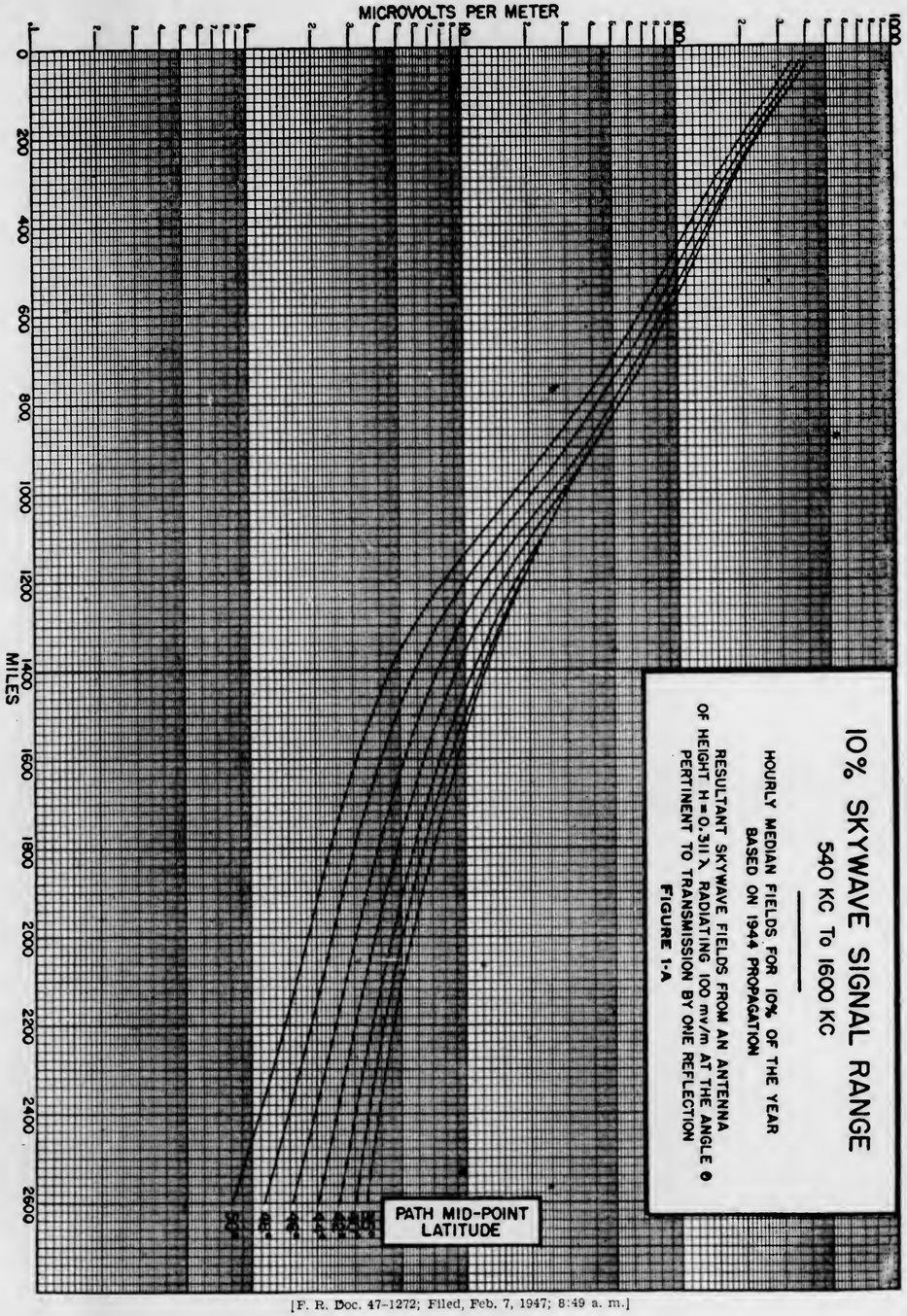


FIGURE 1-A

[F. R. Doc. 47-1272; Filed, Feb. 7, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 82]

FEDERAL ESTATE TAXATION PURSUANT TO DEATH DUTY CONVENTION BETWEEN THE UNITED STATES AND THE UNITED KINGDOM

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791) and pursuant to the provisions of Chapter 3 of the Internal Revenue Code (53 Stat. 119; 26 U. S. C. 800 et seq.) and the convention between the United States and the United Kingdom pertaining to death duties proclaimed by the President of the United States on July 30, 1946.

Sec.

82.101 Proclamation of President, text of convention, and statutory provisions authorizing regulations.
82.102 Scope of regulations.
82.103 Domicile and citizenship.
82.104 Situs of property.
82.105 Taxation on basis of domicile, citizenship, or the law governing disposition of property.
82.106 Taxation on basis of situs of property.
82.107 Credit for estate duties imposed in Great Britain and Northern Ireland.
82.108 Claim for credit or refund and interest on refund.
82.109 Information furnished by each contracting country to the other.

§ 82.101 *Proclamation of President, text of convention, and statutory provisions authorizing regulations.* The proclamation of the President of the United States, containing the text of the convention between the United States and the United Kingdom of Great Britain and Northern Ireland relating to Federal estate taxes and the estate duties imposed in Great Britain and Northern Ireland (hereinafter referred to as the convention), is set forth below:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons was signed by their respective Plenipotentiaries at Washington on April 16, 1945, the original of which convention is word for word as follows:

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons,

Have appointed for that purpose as their respective Plenipotentiaries:

The Government of the United States of America:

Mr. Edward R. Stettinius, Jr., Secretary of State, and

The Government of the United Kingdom of Great Britain and Northern Ireland:

The Right Honorable the Earl of Halifax, K. G., Ambassador Extraordinary and Plenipotentiary in Washington,

Who, having exhibited their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the United States of America, the Federal estate tax, and

(b) In the United Kingdom of Great Britain and Northern Ireland, the estate duty imposed in Great Britain.

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting Party subsequently to the date of signature of the present Convention or by the government of any territory to which the present Convention applies under Article VIII or Article IX.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "Great Britain" means England, Wales and Scotland, and does not include the Channel Islands or the Isle of Man.

(c) The term "territory" when used in relation to one or the other Contracting Party means the United States or Great Britain, as the context requires.

(d) The term "tax" means the estate duty imposed in Great Britain or the United States Federal estate tax, as the context requires.

(2) In the application of the provisions of the present Convention by one of the Contracting Parties, any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Party relating to the tax which are the subject of the present Convention.

ARTICLE III

(1) For the purposes of the present Convention, the question whether a decedent was domiciled in any part of the territory of one of the Contracting Parties at the time of his death shall be determined in accordance with the law in force in that territory.

(2) Where a person dies domiciled in any part of the territory of one Contracting Party, the situs of any of the following rights or interests, legal or equitable, which for the purposes of tax form part of the estate of such person or pass on his death, shall, for the purposes of the imposition of tax and for the purposes of the credit to be allowed under Article V, be determined exclusively in accordance with the following rules, but in cases not within such rules the situs of such rights and interests shall be determined for those purposes in accordance with the Law relating to tax in force in the territory of the other Contracting Party:

(a) Rights or interests (otherwise than by way of security) in or over immovable property shall be deemed to be situated at the place where such property is located;

(b) Rights or interests (otherwise than by way of security) in or over tangible movable property, other than such property for which specific provision is hereinafter made, and in or over bank or currency notes, other forms of currency recognized as legal tender in the place of issue, negotiable bills of exchange and negotiable promissory notes, shall be deemed to be situated at the place where such property, notes, currency or documents are located at the time of death, or, if *in transitu*, at the place of destination;

(c) Debts, secured or unsecured, other than the forms of indebtedness for which specific provision is made herein, shall be deemed to be situated at the place where the decedent was domiciled at the time of death;

(d) Shares or stock in a corporation other than a municipal or governmental corporation (including shares or stock held by a nominee where the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated at the place in or under the laws of which such corporation was created or organized;

(e) Monies payable under a policy of assurance or insurance on the life of the decedent shall be deemed to be situated at the place where the decedent was domiciled at the time of death;

(f) Ships and aircraft and shares thereof shall be deemed to be situated at the place of registration or documentation of the ship or aircraft;

(g) Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the trade, business or profession to which it pertains is carried on;

(h) Patents, trademarks and designs shall be deemed to be situated at the place where they are registered;

(i) Copyright, franchises, and rights or licenses to use any copyrighted material, patent, trademark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable;

(j) Rights or causes of action *ex delicto* surviving for the benefit of an estate of a decedent shall be deemed to be situated at the place where such rights or causes of action arose;

(k) Judgment debts shall be deemed to be situated at the place where the judgment is recorded;

Provided That if, apart from this paragraph, tax would be imposed by one Contracting Party on any property which is situated in its territory and passes under a disposition not governed by its law, this paragraph shall not apply to such property unless, by reason of its application or otherwise, tax is imposed or would but for some specific exemption be imposed thereon by the other Contracting Party.

ARTICLE IV

(1) In determining the amount on which tax is to be computed, permitted deductions shall be allowed in accordance with the law in force in the territory in which the tax is imposed.

(2) Where tax is imposed by one Contracting Party on the death of a person who at the time of his death was not domiciled in any part of the territory of that Contracting Party but was domiciled in some part of the territory of the other Contracting Party, no account shall be taken in determining the amount or rate of such tax of property situated outside the former territory: *Provided*, That this paragraph shall not apply as respects tax imposed—

(a) In the United States in the case of a United States citizen dying domiciled in any part of Great Britain; or

(b) In Great Britain in the case of property passing under a disposition governed by the law of Great Britain.

ARTICLE V

(1) Where one Contracting Party imposes tax by reason of a decedent's being domiciled in some part of its territory or being its national, that Party shall allow against so much of its tax (as otherwise computed) as is attributable to property situated in the territory of the other Contracting Party, a credit (not exceeding the amount of the tax so attributable) equal to so much of the tax imposed in the territory of such other Party as is attributable to such property; but this paragraph shall not apply as respects any such property as is mentioned in paragraph (2) of this Article.

(2) Where each Contracting Party imposes tax by reason of a decedent's being domiciled in some part of its territory, each Party shall allow against so much of its tax (as otherwise computed) as is attributable to property which is situated, or is deemed under paragraph (2) of Article III to be situated,

(a) In the territory of both Parties, or

(b) Outside both territories,

a credit which bears the same proportion to the amount of its tax so attributable or to the amount of the other Party's tax attributable to the same property, whichever is the less, as the former amount bears to the sum of both amounts.

(3) For the purposes of this Article, the amount of the tax of a Contracting Party attributable to any property shall be ascertained after taking into account any credit, allowance or relief, or any remission or reduction of tax, otherwise than in respect of tax payable in the territory of the other Contracting Party or in any other country; and if, in respect of property situated outside the territories of both Parties, a Contracting Party allows against its tax a credit for tax payable in the country where the property is situated, that credit shall be taken into account in ascertaining, for the purposes of paragraph (2) of this Article, the amount of the tax of that Party attributable to the property.

ARTICLE VI

(1) Any claim for a credit or for a refund of tax founded on the provisions of the present Convention shall be made within six years from the date of the death of the decedent in respect of whose estate the claim is made, or, in the case of a reversionary interest where payment of tax is deferred until on or after the date on which the interest falls into possession, within six years from that date.

(2) Any such refund shall be made without payment of interest on the amount so refunded.

ARTICLE VII

(1) The taxation authorities of the Contracting Parties shall exchange such information (being information available under the respective taxation laws of the Contracting Parties) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade secret or trade process.

(2) As used in this Article, the term "taxation authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his authorized representative; in the case of Great Britain, the Commissioners of Inland Revenue or their authorized representative; and, in the case of any territory to which the present Convention is extended under Article VIII, the competent authority for the administration in such territory of the taxes to which the present Convention applies.

ARTICLE VIII

(1) Either of the Contracting Parties may, on the coming into force of the present Convention or at any time thereafter while it continues in force, by a written notification of extension given to the other Contracting Party through diplomatic channels, declare its desire that the operation of the present Convention shall extend to all or any of its colonies, overseas territories, protectorates, or territories in respect of which it exercises a mandate, which impose taxes substantially similar in character to those which are the subject of the present Convention. The present Convention shall apply to the territory or territories named in such notification as to the estates of persons dying on or after the date or dates specified in the notification (not being less than sixty days from the date of the notification) or, if no date is specified in respect of any such territory, on or after the sixtieth day after the date of such notification, unless, prior to the date on which the Convention would otherwise become applicable to a particular territory, the Contracting Party to whom notification is given shall have informed the other Contracting Party in writing through diplomatic channels that it does not accept such notification as to that territory. In the absence of such extension, the present Convention shall not apply to any such territory.

(2) At any time after the expiration of one year from the entry into force of an extension under paragraph (1) of this Article, either of the Contracting Parties may, by written notice of termination given to the other Contracting Party through diplomatic channels, terminate the application of the present Convention to any territory to which it has been extended under paragraph (1), and in such event the present Convention shall cease to apply, as to the estates of persons dying on or after the date or dates (not being earlier than the sixtieth day after the date of such notice) specified in such notice, or, if no date is specified, on or after the sixtieth day after the date of such notice, to the territory or territories named therein, but without affecting its continued application to the United States, Great Britain or to any other territory to which it has been extended under paragraph (1) hereof.

(3) In the application of the present Convention in relation to any territory to which it is extended by the United States or the United Kingdom, references to "United States" or, as the case may be, "Great Britain," or to the territory of one (or of the other) Contracting Party, shall be construed as references to that territory.

(4) The provisions of the preceding paragraphs of this Article shall apply to the Channel Islands and the Isle of Man as if they were colonies of the United Kingdom.

ARTICLE IX

The present Convention shall apply in relation to estate duty imposed in Northern Ireland as it applies in relation to estate duty imposed in Great Britain, but shall be separately terminable in respect of Northern Ireland by the same procedure as is laid down in paragraph (2) of Article VIII.

ARTICLE X

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

(2) The present Convention shall come into force on the date of exchange of ratifications and shall be effective only as to

(a) The estates of persons dying on or after such date; and

(b) The estate of any person dying before such date and after the 31st day of December 1944, whose personal representative elects, in such manner as may be prescribed, that the provisions of the present Convention shall be applied to such estate.

ARTICLE XI

(1) The present Convention shall remain in force for not less than three years after the date of its coming into force.

(2) If not less than six months before the expiration of such period of three years, neither of the Contracting Parties shall have given to the other Contracting Party, through diplomatic channels, written notice of its intention to terminate the present Convention, the Convention shall remain in force after such period of three years until either of the Contracting Parties shall have given written notice of such intention, in which event the present Convention shall not be effective as to the estates of persons dying on or after the date (not being earlier than the sixtieth day after the date of such notice) specified in such notice, or, if no date is specified, on or after the sixtieth day after the date of such notice.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Washington, in duplicate, on the 16th day of April 1945.

For the Government of the United States of America:

[SEAL] E. R. STETTINIUS, Jr.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

[SEAL] HALIFAX.

And whereas the said convention has been ratified by both Governments, and the instruments of ratification of the two Governments were exchanged at Washington on the twenty-fifth day of July 1946;

And whereas it is provided in Article X of the said convention that on the date of the exchange of ratifications the convention shall be effective as to the estates of persons dying on or after such date, and as to the estate of any person dying before such date and after the thirty-first day of December 1944, whose personal representative elects, in such manner as may be prescribed, that the provisions of the said convention shall be applied to such estate;

Now, therefore, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America, and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof, the said convention being deemed to have effect as provided in Article X thereof, as aforesaid.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be hereunto affixed.

Done at the city of Washington this thirtieth day of July in the year of our Lord one thousand nine hundred forty-six and of the Independence of the United States of America the one hundred seventy-first.

[SEAL] HARRY S. TRUMAN.

By the President:

DEAN ACHESON,
Acting Secretary of State.

Section 3791 of the Internal Revenue Code provides as follows:

(a) *Authorization.*

(1) *In general.* • • • the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 82.102 *Scope of regulations.* Sections 82.101 to 82.109, inclusive, pertain to the application of the Federal estate tax as modified under the provisions of the convention in the case of a decedent who at time of death was domiciled in either the United States or the United Kingdom of Great Britain and Northern Ireland, or was a citizen of the United States, and whose death occurred:

(a) On or after July 25, 1946, the date of exchange of ratifications, or

(b) After December 31, 1944 and before July 25, 1946, if the person charged with the duty of filing the return elects that the provisions of the convention shall be applied. Such election shall be made in a written statement filed in duplicate with the collector of internal revenue at the time the return is filed or as soon thereafter as possible. (Article X (2) of the convention.)

Sections 82.101 to 82.109, inclusive, also pertain to related administrative matters and to the furnishing of information by the tax authorities of each country to such authorities of the other country which may be needed in carrying out the provisions of the convention or in preventing fraud or avoidance with respect to the taxes which are the subject of the convention. (Article VII of the convention.)

The provisions of the convention are restricted to the estate tax imposed by the United States, the estate duty imposed in Great Britain, and the estate duty imposed in Northern Ireland, and do not comprehend any of the estate, inheritance, legacy, and succession taxes imposed by the States, Territories, the District of Columbia, and possessions of the United States or the legacy and succession duties imposed in Great Britain and Northern Ireland. (Articles I and IX of the convention.)

The credits against the Federal estate tax, authorized by section 813 (a) and section 936 of the Internal Revenue Code for Federal gift taxes and by section 813 (b) thereof for estate, inheritance, legacy, or succession taxes paid any State, Territory, the District of Columbia, or possession of the United States, are not affected. (Article V (3) of the convention.)

In the application of the provisions of the convention the estate duty imposed in Great Britain and the estate duty imposed in Northern Ireland are to be separately considered, and the term "United Kingdom" as used in §§ 82.101 to 82.109, inclusive, may either refer to Great Britain or Northern Ireland, depending upon the circumstances of the particular case.

§ 82.103 *Domicile and citizenship.* Determinations with respect to the decedent's domicile and citizenship at time of death are required in order to ascertain whether the estate is within the scope of the convention, and if so, such determinations are necessary for two further purposes, i. e., first, in order to ascertain the property that may be included in the application of the tax, and, second, in order to ascertain the credit for death duties authorized by the convention. For such purposes, domicile and citizenship shall be determined in accordance with the laws of the contracting country which imposes the tax by reason of the decedent's being domiciled therein or a citizen thereof. Where in a particular case only one of the contracting countries asserts tax by reason of the decedent's being domiciled therein, the other contracting country is bound by such determination of domicile for all purposes of the convention, and will not, for instance, in the imposition of its tax on the basis of situs of property disregard the situs rules established by Article III by contending that the decedent was domiciled in a third country. (Article III (1), Article IV (2) (a) and Article V of the convention.)

For the purpose of determining whether the decedent was domiciled in either contracting country at time of death, the United States includes the States thereof, the Territory of Alaska, the Territory of Hawaii, and the District of Columbia, and the United Kingdom of Great Britain and Northern Ireland includes Great Britain (England, Wales and Scotland) and Northern Ireland. For this purpose the United Kingdom does not include the Channel Islands or the Isle of Man. (Article II (1) of the convention.)

§ 82.104 *Situs of property.* The determination of the situs of property is necessary for two purposes, i. e., first, in order to ascertain the property that may be included in the application of the tax if jurisdiction is based upon situs of property within the country, and, second, in order to ascertain the credit for death duties authorized by the convention since the crediting country only allows such credit under paragraph (1) of Article V with respect to property situated in the other contracting country and under paragraph (2) of Article V with respect to property situated outside both contracting countries or with respect to property deemed to be situated in both such countries. For such purposes, the convention provides rules of situs for specific classes of property as hereinafter set forth. These rules are applicable only in case the decedent was at time of death domiciled in the United States or the United Kingdom. The convention also provides that with respect to property not within the described classes, if the decedent was domiciled in the United States the situs thereof shall be determined in accordance with the law of the United Kingdom, or if the decedent was domiciled in the United Kingdom the situs thereof shall be determined in accordance with the law of the United States. The rules of situs provided by the convention are not applicable in the case of a deceased citizen of the United States who was not domiciled in either country. (Article III (2) of the convention.)

Specific applications of the foregoing principles are shown by the following:

(a) If one of the contracting countries taxes on the basis of domicile and the other on the basis of situs of property, the allowance of credit by the former and the imposition of tax by the latter are determined in accordance with the situs rules of the convention with respect to property of the described classes and in accordance with the situs rules under the law of the latter with respect to any property not within such classes.

(b) If the United States taxes on the basis of citizenship and the United Kingdom taxes on the basis of domicile (the United States not regarding the domicile of the decedent as having been in the United States), the allowance of credit by each country is determined in accordance with the situs rules of the convention with respect to property in the described classes and in accordance with the situs rules under the law of the United States with respect to any property not within such classes.

(c) If the United States taxes on the basis of citizenship and the United Kingdom taxes on the basis of situs of property (both contracting countries considering that the decedent was domiciled in a third country), the allowance of credit by the United States and the imposition of tax by the United Kingdom are determined in accordance with the situs rules under the law of the United Kingdom with respect to both the property of the described classes and the property not within such classes. In this case the situs rules of the convention are not applicable to any extent.

(d) If both contracting countries tax on the basis of domicile, the allowance of credit by the United States is determined in accordance with the situs rules of the convention with respect to the property of the described classes and in accordance with the situs rules under the law of the United Kingdom with respect to any property not within such classes, and the allowance of credit by the United Kingdom is determined in accordance with the situs rules of the convention with respect to the property of the described classes and in accordance with the situs rules under the law of the United States with respect to any property not within such classes.

Rules of situs provided by the convention for specific classes of property follow:

(1) *Real property and leaseholds.* Immovable property shall be deemed to be situated at the place where the land involved is located. Immovable property comprises real property and leases of real property. The duration of the lease is immaterial. Immovable property does not include mortgages, liens or any other right or interest in real or immovable property by way of security. Although for the purpose of this situs rule leaseholds are classed with real property, this provision of the treaty does not purport to extend the scope of the term "real property" as used in the first paragraph of section 811 of the Internal Revenue Code whereunder real property (but not a lease of real property) situated outside the United States is excluded from the gross estate. (Article III (2) (a) of the convention.)

(2) *Tangible personal property.* Tangible movable property (tangible personal property), except as hereinafter specifically provided with respect to ships and aircraft, shall be deemed to be situated at the place of physical location at the time of the decedent's death, or, if in transitu, at the place of destination. Tangible personal property includes bank notes and other forms of currency recognized as legal tender at the place of issue. (Article III (2) (b) of the convention.)

(3) *Ships and aircraft.* Ships and aircraft and fractional interests therein shall be deemed to be situated at the place of registration or documentation of such ships and aircraft. (Article III (2) (f) of the convention.)

(4) *Bonds and other forms of indebtedness.* Debts included as assets of the estate (credits), except as hereinafter specifically provided with respect to judgment debts and negotiable promissory notes and bills of exchange, shall be deemed to be situated where the decedent was domiciled at the time of his death. This rule refers to both secured and unsecured debts, and comprehends bonds, simple contract debts, and bank deposits characterized by the debtor-creditor relationship. Issues of stock, such as are common in the United Kingdom, which are evidences of debts and do not represent stockholders' proprietary shares are properly classifiable with bonds. Such issues include stock issued by municipal or governmental corporations, stock issued by public boards, and debentures or debenture stock of a corporation. (Article III (2) (c) of the convention.)

(5) *Judgment debts.* Judgment debts shall be deemed to be situated where the judgment is recorded. (Article III (2) (k) of the convention.)

(6) *Negotiable promissory notes and bills of exchange.* Negotiable promissory notes and bills of exchange shall be deemed to be situated at the place of the physical location of the documents at the time of decedent's death, or, if in transitu, at the place of destination. (Article III (2) (b) of the convention.)

(7) *Stock.* Shares of stock of a corporation shall be deemed to be situated at the place in or under the laws of which such corporation was created or organized. This rule comprehends shares of stock held by a nominee where the beneficial ownership is evidenced by scrip certificates or otherwise. This rule has no reference to issues of stock, such as are common in the United Kingdom, which are evidences of debts, do not represent stockholders' proprietary shares, and are properly classifiable with bonds. Such issues include stock issued by municipal or governmental corporations, stock issued by public boards, and debentures or debenture stock of a corporation. (Article III (2) (d) of the convention.)

(8) *Life insurance.* Proceeds of insurance on the life of the decedent shall be deemed to be situated where the decedent was domiciled at the time of his death. (Article III (2) (e) of the convention.)

(9) *Goodwill.* Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the business or profession, to which it pertains, is carried on. (Article III (2) (g) of the convention.)

(10) *Patents, trademarks and designs.* Patents, trademarks and designs shall be deemed to be situated at the place where they are registered. (Article III (2) (h) of the convention.)

(11) *Copyrights and licenses to use copyrights, patents, trademarks and designs.* Copyrights, franchises, and rights or licenses to use any copyrighted material, patent, trademark or design, shall be deemed to be situated at the place where the rights arising therefrom are exercisable. (Article III (2) (i) of the convention.)

(12) *Actions ex delicto.* Rights or causes of action *ex delicto* surviving for the benefit of the estate of a decedent shall be deemed to be situated at the place where such rights or causes of action arose. (Article III (2) (j) of the convention.)

The rules whereunder property of certain classes shall be deemed to be situated at the place of the decedent's domicile are in effect rules exempting such classes of property from the tax imposed by reason of situs of property within each contracting State's jurisdiction.

Under a special proviso at the end of Article III of the convention, the foregoing rules of situs are not applicable in determining whether particular property may be subjected to tax by reason of its situs within the taxing country if (i) such property passes under a disposition not governed by its law, and (ii) such property is not subjected to the tax by the other contracting country for any reason other than the application of a specific exemption. In such case the situs of the property will be determined in accordance with the law of the taxing country.

This special proviso is particularly applicable to cases of settled property that come under the provisions of the estate duty statute of Great Britain or Northern Ireland. As an example of the operation of the special proviso under the estate duty statute, suppose the decedent's father established a trust governed by New York law under which the decedent was given a life estate with the remainder over absolutely to the trustor's grandson. The trustor, the life tenant and the remainderman were domiciled in and citizens of the United States. Under this special proviso, the corpus of the trust, consisting of shares of stock of a United States corporation evidenced by certificates in bearer form physically located in Great Britain, would be regarded as situated in Great Britain without the application of the situs rules of Article III and would be subjected to the estate duty reaching settled property since (i) such property passes under a disposition not governed by the law of Great Britain and (ii) such property is not subjected to the tax by the United States regardless of the $60,000 specific exemption.

Although the primary purpose of this special proviso concerns settled property under the estate duty statute of Great Britain or Northern Ireland, it is applicable under the Federal estate tax statute in some cases involving certain unusual circumstances. As an example of the operation of the special proviso under the Federal estate tax statute, suppose the decedent in contemplation of death established a trust for the benefit of his children, the property transferred by gift to the trust consisting of shares of stock of a British corporation evidenced by certificates physically located in the United States. The gift was made six years before the decedent's death and the decedent retained no possession or enjoyment or any other right in the property. The decedent and the beneficiaries were domiciled in Great Britain and the trust is governed by British law. Under the special proviso, the situs rules of Article III would be inapplicable and the shares of stock would be regarded as situated in the United States and subjected to the Federal estate tax since (i) such property passes under a disposition not governed by United States law and (ii) such property is not, regardless of any specific exemption, subjected to the estate duty imposed in Great Britain.

For the purpose of determining whether property is situated in either contracting country, the United States includes the States thereof, the Territory of Alaska, the Territory of Hawaii and the District of Columbia, and the United Kingdom of Great Britain and Northern Ireland includes Great Britain (England, Wales and Scotland) and Northern Ireland. For this purpose the United Kingdom does not include the Channel Islands or the Isle of Man. (Article II (1) of the convention.)

§ 82.105 *Taxation on basis of domicile, citizenship, or the law governing disposition of property.* Both the United States and the United Kingdom assume jurisdiction for the tax upon the basis of domicile within the taxing country. In addition, the United States, but not the United Kingdom, assumes jurisdiction for the tax upon the basis of citizenship, and the United Kingdom, but not the United States, assumes jurisdiction for the tax upon the basis of the law governing the disposition of the property. Thus, tax in Great Britain is imposed in respect of property passing under a disposition (such as a trust) governed by the law of Great Britain, even though the decedent was not domiciled in Great Britain and the property is not regarded as situated in Great Britain. (Article IV (2) (b) of the convention.)

The application of the tax (the Federal estate tax or the estate duty imposed in Great Britain or Northern Ireland, as the case may be) in any of the foregoing cases is not affected by the convention, except insofar as credit is authorized under Article V. The convention does not prohibit the subjection to tax in any of the foregoing cases, of any property (real or personal) situated outside the taxing country and in the other contracting country. However, by section 811 of the Internal Revenue Code, real property (but not a lease of real property) situated outside the United States is excluded from the gross estate. Under the present practice in the United Kingdom, immovables located outside the United Kingdom are, with rare exception, not subjected to estate duty.

§ 82.106 *Taxation on basis of situs of property.* In case jurisdiction to impose the tax by one of the contracting countries is based upon situs of property within such country and the decedent was at the time of death domiciled in the other contracting country, the convention provides that property situated outside the former shall not be taken into account in determining the amount or rate of such tax. (Article IV (2) of the convention.) For the purpose of determining what property is situated within the country and, therefore, subject to taxation on the basis of situs, the provisions of § 82.104 are pertinent. The rules of situs for certain classes of property prescribed by Article III of the convention and § 82.104 are applicable to the imposition of the Federal estate tax in the case of a decedent who at time of death was not domiciled in or a citizen of the United States, and who was domiciled in the United Kingdom. The rules that certain classes of property shall be deemed to be situated where the decedent was domiciled are in effect rules exempting such classes of property from taxation on the basis of situs.

The deductions from the gross estate in the case of a nonresident not a citizen of the United States authorized by section 861 of the Internal Revenue Code, including the specific exemption of $2,000 prescribed thereunder, are unaffected. (Article IV (1) of the convention.) The restrictions of the preceding paragraph do not affect what is referred to in section 861 (a) (1) of the Internal Revenue Code as the gross estate wherever situated, and utilized in ascertaining the proportionate deductions for administration expenses, debts, etc., as prescribed in § 81.52 of this chapter.

§ 82.107 *Credit for estate duties imposed in Great Britain and Northern Ireland*—(a) *General.* In the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States, credit is authorized against the Federal estate tax for Great Britain or Northern Ireland estate duty computed in accordance with the provisions of the convention and paid in respect of property situated as hereinafter provided and subjected to such taxes by both the United States and Great Britain or Northern Ireland. No credit is allowable for any interest or penalty paid in connection with the estate duty. (Article V of the convention.)

Real property situated in the United Kingdom is not subjected to the Federal estate tax. Also, Great Britain and Northern Ireland subject to estate duty trust property (as, for example, on the death of a life tenant who was not the settlor and who had no other interest in the property) which is not subjected to Federal estate tax. Credit is not allowable under the convention for estate duty paid in respect of such property, since the requirement of double taxation is not fulfilled.

If only a part of the property subjected to estate duty imposed in Great Britain or Northern Ireland meets both of the required conditions (i. e., as to situs and double taxation), it will be necessary to determine the portion of such estate duty attributable to such part. Such portion of the estate duty (provided all property is subjected to such estate duty at a uniform rate) is an amount, A, which bears the same ratio to B (the total amount of such estate duty) that C (the value of the property situated as hereinafter provided and subjected to such estate duty and to the Federal estate tax) bears to D (the value of all property subjected to such estate duty). The values used in this proportion are the net values determined for the purpose of the Great Britain or Northern Ireland estate duty. If for any reason property is subjected to such estate duty at other than a uniform rate, a separate computation is to be made with respect to property taxed at each rate.

As an example of the determination of the amount of United Kingdom estate duty attributable to specific property, assume that a deceased resident of the United States owned personal property in Great Britain, $12,000, and real property in Great Britain, $12,000, and owed debts (not charged on any particular property) of $4,000 to persons resident in Great Britain. Under the British statute, the estate duty is computed as follows:

	Net value
Net value of personal property ($12,000 less $4,000)	$8,000
Net value of real property	12,000
Total net value	20,000
Rate of estate duty (percent)	9.6
Estate duty	$1,920

The amount of estate duty attributable to the personal property is

$$\frac{8,000}{20,000} \times \$1,920, \text{ or } \$768$$

Similarly, the amount of the Federal estate tax attributable to the property which meets the required conditions (as to situs and double taxation) is an amount, A, which bears the same ratio to B (the Federal estate tax) as C (the value of the property situated as hereinafter provided and subjected to both the estate duty imposed in Great Britain or Northern Ireland and the Federal estate tax, or such value adjusted as hereinafter indicated) bears to D (the value of the gross estate, or such value adjusted as hereinafter indicated). The values used in this proportion are the values determined for the purpose of the Federal estate tax, and amounts C and D of the proportion are to be reduced by the amount of any deductions allowable under section 812 of the Internal Revenue Code in respect of such property (1) lost during the settlement of the estate, (2) identified as previously taxed property or (3) specifically bequeathed or devised for charitable, etc., uses.

The amount of the estate tax or estate duty attributable to specific property is, for the purposes of this section, the amount ascertained after the allowance of any applicable credit, remission or reduction of tax, other than, first, credit authorized under this convention and, second (except as otherwise provided in paragraph (c) of this section) credit authorized under death duty conventions between the United States and any other country. In determining by proportion the amount of estate tax or estate duty attributable to property which meets the required conditions to the allowance of credit the following rules apply:

(i) If the credit (as, for example, the credit for State inheritance tax) does not pertain to specific property, the amount of tax ascertained after the allowance of such credit should be proportioned.

(ii) If the credit pertains to specific property, the tax ascertained before the allowance of such credit should be proportioned, and the amount of tax thus found to be attributable to the property which meets the required conditions should then be reduced by the amount of such credit pertaining to such property. Examples of credit pertaining to specific property are the Federal gift tax credit, credits under death duty conventions, the British quick succession allowance, the British allowance for colonial death duties, the British allowance for settlement estate duty, the British allowance for duties paid before August 2, 1894, and the remissions of British estate duty under the Killed in War Acts. (It may be noted that in consequence of this rule the estate duty imposed in Great Britain or Northern Ireland is to be reduced by credit allowable against such duty for the tax paid in a British possession or in any other country only if such credit pertains to the same property in respect of which credit is allowable under this section.)

For the purpose of determining the situs of property in respect of which credit is claimed, the provisions of § 82.104 are pertinent.

If at the time the Federal estate tax return, Form 706, is filed, the estate duty imposed in Great Britain or Northern Ireland has not been determined and paid, credit therefor may be entered on the return in an estimated amount. The computation of the credit should be set forth on Form 706e, "Computation of Credit for United Kingdom Estate Duty", the supplemental form prescribed for the purpose.

However, before credit for Great Britain or Northern Ireland estate duty is finally allowed, a statement by an authorized official of the Estate Duty Office of Great Britain or Northern Ireland must be submitted certifying (*a*) the full amount of such estate duty (exclusive of any interest or penalties), as computed before allowance of any credit, remission or relief, (*b*) the amount of any credit, allowance, remission or relief and other pertinent information, including the nature of such allowance and a description of the property to which it pertains, (*c*) the net estate duty payable after any such allowance, (*d*) the date on which the estate duty was paid, or if not all paid at one time, the amount and date of each partial payment, and (*e*) a list of the property situated in Great Britain or Northern Ireland and subjected to the estate duty, showing the description of each item and the value thereof. The certificate shall also show (*a*) that such amount of estate duty was computed in accordance with applicable provisions of the convention, and (*b*) that no refund of such estate duty is pending and none authorized, or if any such refund is pending or has been authorized, the amount thereof and other pertinent information. The following information should also be certified whenever applicable:

(*1*) If any of the property subjected to such estate duty was situated outside Great Britain or outside Northern Ireland, as the case may be, the description of each item of such property and the value thereof.

(2) If for any reason property is subjected to such estate duty at more than one rate, such information pertaining thereto as is necessary to determine the correct credit.

(3) If payment of any portion of such estate duty has been postponed, a description of the property in respect of which such postponement was granted.

(*4*) If paragraph (2) of Article V of the convention is applicable, such information pertaining to situs of property as is necessary to determine the correct credit.

Form 706f, "Certification of United Kingdom Estate Duty," is prescribed for the above purpose. The Commissioner may require the submission of any additional proof deemed necessary to establish the right to credit.

If subsequent to the allowance of credit for estate duty imposed in Great Britain or Northern Ireland, a refund is made of any overpayment of such estate duty, then the person to whom the refund is made is required to advise the Commissioner thereof and pay any further Federal estate tax resulting from any reduction in the credit.

(b) *Decedent domiciled in or a citizen of the United States.* In the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States, credit is authorized against the Federal estate tax for any Great Britain or Northern Ireland estate duty paid in respect of property situated in Great Britain or Northern Ireland and subjected to such taxes by both the United States and Great Britain or Northern Ireland. However, such credit is not allowable in respect of any such property for which credit is authorized under the provisions of paragraph (c) of this section and paragraph (2) of Article V of the convention. (Article V (1) of the convention.)

Great Britain subjects to estate duty property situated outside Great Britain on the death of the owner domiciled in Great Britain. Property which forms the subject of a British trust is subjected to estate duty, even though such property is situated outside Great Britain and passes on the death of a person domiciled outside Great Britain. Credit is not allowable under this paragraph for British estate duty paid in respect of such property, since the requirement of situs is not fulfilled.

For the purpose of determining what property was at time of death situated in the United Kingdom, the provisions of § 82.104 are pertinent. In the case of a decedent who was at time of death domiciled in either the United States or the United Kingdom (but not in the case of a citizen of the United States not domiciled in either the United States or the United Kingdom), the rules of situs for certain classes of property prescribed by Article III of the convention and § 82.104 are applicable in determining whether property was situated in the United Kingdom. If the decedent was domiciled in the United States and was not domiciled in the United Kingdom, such rules of situs are applicable not only for purposes of allowance of credit by the United States but also for purposes of imposition of tax by the United Kingdom (where jurisdiction to tax is based on situs of property), and credit is allowable only for United Kingdom estate duty computed in accordance with such rules of situs.

The credit is limited to the amount of the Great Britain or Northern Ireland estate duty attributable to property which is (1) situated in Great Britain or Northern Ireland and (2) subjected to both such estate duty and the Federal estate tax. The amount of the credit is also limited to the amount of the Federal estate tax attributable to such property.

Example (*1*). The decedent was domiciled in the United States at time of death. The gross estate consists of shares of stocks of United States corporations, $50,000, bonds issued by British corporations, $50,000, and shares of stocks of British corporations, $50,000. Debts and administration expenses total $10,000. Under the situs rules of the convention the only property subjected to the British estate duty comprises the shares of stocks of the British corporations. The amount of the British estate duty as converted into United States money is $3,000. The amount of the Federal estate tax, after allowance of the State inheritance tax credit, is $14,780. The credit cannot exceed

$$\frac{50{,}000\text{ (British property)}}{150{,}000\text{ (gross estate)}}\times\$14{,}780=\$4{,}926.67\left(\begin{array}{c}\text{amount of estate tax attributable}\\ \text{to British property}\end{array}\right)$$

As the amount of the British estate duty is less than the latter amount, credit for British estate duty is allowed in the amount of $3,000.

Example (*2*). The facts are the same as in the preceding example except that $20,000 of the British stocks are specifically bequeathed to a charitable organization. The amount of the British estate duty attributable to the property doubly taxed is $3,000. The amount of the Federal estate tax is $9,340. The credit cannot exceed the amount of the Federal estate tax attributable to the British stocks which is

$$\frac{30{,}000\text{ (value of British stocks adjusted)}}{130{,}000\text{ (gross estate adjusted)}}\times\$9{,}340=\$2{,}155.38$$

The value of the British stocks and the value of the gross estate are adjusted as explained in paragraph (a) of this section. As the amount of the Federal estate tax attributable to the property doubly taxed is less than the amount of the British estate duty so attributable, the credit is allowable in the amount of the former, $2,155.38.

Example (*3*). The facts are the same as in example (1) except that $20,000 of the United States stocks are specifically bequeathed to charity. The amount of the British estate duty attributable to the property doubly taxed is $3,000. The amount of the Federal estate tax attributable to the property doubly taxed is

$$\frac{50{,}000\text{ (value of British stocks)}}{130{,}000\text{ (gross estate adjusted)}}\times\$9{,}340=\$3{,}592.31$$

The credit allowable is the lesser of the two amounts, $3,000.

Due to conflicts between rules of situs, property which under paragraph (2) of Article III of the convention and § 82.104 of this subpart is deemed to be situated in Great Britain or Northern Ireland may be subjected to tax in some other country. In such case, (1) credit may be allowable against the Federal estate tax for estate duty imposed in Great Britain or Northern Ireland with respect to the property and (2) credit may be allowable against such estate duty for tax paid to the third country with respect to the same property. Under these circumstances, the credit allowable against the Federal estate tax is limited to the amount of the Great Britain or Northern Ireland estate duty attributable to the property as computed after allowance of credit for the tax paid in the third country.

Example (*4*). The facts are the same as in example (1) except that the certificates of $10,000 of the stocks of the British corporations were in bearer form physically located in Eire, and were subjected to duty in that country. Credit for the duty paid in Eire is allowed against the British estate duty. The credit against the Federal estate tax is limited to the amount of the British estate duty applicable to the British stocks, $3,000, less the amount of credit allowed against such duty for the duty paid in Eire.

In case credit against the Federal estate tax is allowable under the convention with the United Kingdom and under death duty conventions with one or more other countries, such credits shall be combined and the aggregate amount shall be credited against the Federal estate tax. If because of any conflict in situs rules the same property of the gross estate is subjected to tax by two foreign countries, the total amount of both credits allowable in respect of such property is limited to the amount of the Federal estate tax attributable to such property. If for any reason it is necessary to ascertain, in any case in which this limitation applies, the proportion of the combined credit which is allowed under each death duty convention, the combined credit shall be divided in proportion to the amount of credit allowable (before application of this limitation) under each convention in respect of such property.

Example (*5*). The gross estate includes stocks of British corporations, represented by certificates in bearer form physically located in Canada. Under the situs rules of Canada the British stocks are regarded as situated in Canada (this rule not being changed by the United States—Canada convention), and under the situs rules of the United States—United Kingdom convention the British stocks are regarded as situated in Great Britain. The Federal estate tax attributable to the property taxed in the three countries is $4,800, and credits for British estate duty and Canadian succession duty are determined at $4,000 and $2,000, respectively, before application of the limitation on their combined amount. The combined credits are limited to $4,800, the amount of the Federal estate tax attributable to the stocks. The credits for British estate duty and Canadian succession duty are therefore limited to $3,200 and $1,600, respectively, which amounts are in the same proportion as $4,000 and $2,000.

Example (*6*). The facts are the same as in example (1) except that the gross estate includes $50,000 of stocks of Canadian corporations instead of $50,000 of bonds of British corporations. A nephew is the sole legatee. The Canadian succession duty is $2,823.33, in which amount credit is allowable against the Federal estate tax under the death duty convention between the United States and Canada. The amount of the British estate duty attributable to the British stocks is $3,000. The amount of the Federal estate tax attributable to the British stocks is

$$\frac{50{,}000\text{ (British stocks)}}{150{,}000\text{ (gross estate)}}\times\$14{,}780=\$4{,}926.67$$

It may be noted the $14,780 is the amount of the Federal estate tax after allowance of State inheritance tax credit but before any allowance of the Canadian succession duty credit. The amount of the British estate duty credit is $3,000, and the total amount of the foreign tax credits allowable against the Federal estate tax under both the Canadian and British death duty conventions is $5,823.33. Since the Canadian succession duty and the British estate duty are not imposed in respect of the same property, the limitation illustrated in the preceding example does not apply.

(c) *Decedent regarded as domiciled in the United States and in the United Kingdom.* Whenever in any case it appears that both contracting countries have asserted or are contemplating the assertion of the tax on the basis of domicile, the evidence adduced with respect to the decedent's domicile will be carefully reviewed or facts pertaining thereto further investigated so that, if possible, both countries may agree upon the decedent's domicile. Since the basic principles of the law relating to domicile are alike in both countries, it is anticipated that such agreement will usually be reached.

However, if in a particular case the United States determines that the decedent was domiciled in the United States and asserts estate tax in accordance with such determination and Great Britain or Northern Ireland also determines that the decedent was domiciled in Great Britain or Northern Ireland and asserts estate duty in accordance with such determination, and no agreement is reached upon the decedent's domicile, then each contracting country will (in addition to any credit authorized under the provisions of paragraph (1) of Article V of the convention and paragraph (b) of this section) allow against its tax a credit in respect of property subjected to tax by both countries and deemed situated (1) in both countries or (2) outside both countries. The total of the credits authorized under this paragraph shall be equal to the amount of tax imposed with respect to such property by the country imposing the smaller tax, and shall be divided between the two countries in proportion to the amount of tax imposed by each of the two countries with respect to such property. (Article V (2) of the convention.)

Property deemed situated in both countries includes property which by the situs rules of paragraph (2) of Article III of the convention is deemed to be situated at the place where the decedent was domiciled at the time of his death. It also includes any property not within such rules which each country claims to be situated within its territory.

For the purposes of this paragraph the amount of the Federal estate tax attributable to property situated as herein provided and doubly taxed shall be the amount determined as provided in paragraph (a) of this section, reduced by the amount of any credit allowable in respect of such property under death duty conventions between the United States and any third country.

Example (*1*). After a careful review of the evidence the United States Government determines that the decedent was at time of death domiciled in the United States and the British Government determines that the decedent was at time of death domiciled in Great Britain. The gross estate consists of $200,000 of British stocks, $150,000 of United States stocks, and $50,000 of bonds, the certificates of which were at time of death located in the United States. Debts and charges are $20,000. The amount of the Federal estate tax, computed on the whole estate wherever situated, after allowance for State inheritance tax credit but before allowance for British estate duty credit is $81,940. The amount of the British estate duty, also computed on the whole estate wherever situated, before allowance for United States estate tax credit is $93,860. Under paragraph (1) of Article V of the convention, the United States allows credit for the British estate duty attributable to the $200,000 of British stocks which are regarded as situated in Great Britain under Article III of the convention. Such credit, computed as explained in paragraph (b) of this section, is $40,970. Similarly under paragraph (1) of Article V of the convention, Great Britain allows credit for the United States estate tax attributable to the $150,000 of United States stocks, the amount of such credit being $30,727.50. Since under Article III of the convention bonds are deemed to be situated in the country of the decedent's domicile, in this case the bonds are regarded as situated in both countries and with respect thereto credit is allowable by each country under the provisions of paragraph (2) of Article V of the convention. The amount of the Federal estate tax attributable to the $50,000 of bonds, as computed without allowance for British estate duty credit, is

$$\frac{50{,}000\text{ (bonds)}}{400{,}000\text{ (gross estate)}}\times\$81{,}940\text{ (estate tax)}=\$10{,}242.50$$

The amount of the British estate duty attributable to the $50,000 of bonds, as computed without allowance for United States estate tax credit, is

$$\frac{50{,}000\text{ (bonds)}}{400{,}000\text{ (gross estate)}}\times\$93{,}860\text{ (estate duty)}=\$11{,}732.50$$

Since $10,242.50 is the smaller of the two amounts, such amount is the total of the credits allowable by the two countries under paragraph (2) of Article V of the convention. The part thereof allowable by the United States is

$$\frac{10{,}242.50}{21{,}975.00}\times\$10{,}242.50=\$4{,}774.01$$

The part allowable by Great Britain is

$$\frac{11{,}732.50}{21{,}975.00}\times\$10{,}242.50=\$5{,}468.49.$$

The taxes and credits for both countries are shown in the following summary:

United States		
Tax before treaty credits		$81,940.00
Credit under V (1)	$40,970.00	
Credit under V (2)	4,774.01	
Total credits		45,744.01
Net tax payable		36,195.99
Great Britain		
Duty before treaty credits		$93,860.00
Credit under V (1)	$30,727.50	
Credit under V (2)	5,468.49	
Total credits		36,195.99
Net duty payable		57,664.01

It may be noted that the total of the taxes payable to the two countries, the sum of $36,195.99 and $57,664.01, equals $93,860, the amount of the tax (before allowance of the treaty credits) of the country which imposes the higher tax.

Example (*2*). The facts are the same as in example (1) except that the bond certificates were at the time of death located in Canada and under Canadian law deemed situated for succession duty purposes in Canada. The amount of the Canadian succession duty is $2,823.33. The amount of the Federal estate tax attributable to the bond, as computed without allowance for either the Canadian succession duty credit or the British estate duty credit, is $10,242.50. Since under the convention with Canada credit of $2,823.33 is allowable, the amount of the Federal estate tax attributable to the bonds, as computed with allowance of the Canadian succession duty credit but without allowance of the British estate duty credit, is $10,242.50 less $2,823.33 or $7,419.17. The amount of the British estate duty attributable to the bonds, as computed without allowance for United States estate tax credit, is $11,732.50. Since $7,419.17 is the smaller of the two amounts, such amount is the total of the credits allowable by the United States and Great Britain under paragraph (2) of Article V of the convention. The part thereof allowable by the United States is

$$\frac{7{,}419.17}{19{,}151.67}\times\$7{,}419.17=\$2{,}874.11$$

The part thereof allowable by Great Britain is

$$\frac{11{,}732.50}{19{,}151.67}\times\$7{,}419.17=\$4{,}545.06$$

The taxes and credits for the three countries are shown in the following summary:

Canada		
Succession duty payable		$2,823.33
United States		
Estate tax before Canadian and British duty credits		$81,940.00
Canadian succession duty credit	$2,823.33	
British estate duty credit under V (1)	40,970.00	
British estate duty credit under V (2)	2,874.11	
Total treaty credits		46,667.44
Estate tax payable		35,272.56
Great Britain		
Estate duty before United States estate tax credit		$93,860.00
United States estate tax credits under V (1)	$30,727.50	
United States estate tax credit under V (2)	4,545.06	
Total treaty credits		35,272.56
Estate duty payable		58,587.44

§ 82.108 *Claim for credit or refund and interest on refund.* Credit authorized by § 82.107 and Article V of the convention will be allowed if claimed within six years after the date of the decedent's death, or to the extent of any such credit for tax attributable to a reversionary interest, with respect to which payment of tax is postponed, if claimed prior to six years after such reversionary interest falls into possession. (Article VI (1) of the convention.)

An overpayment of estate tax due to the allowance of the credit or to the application of any other provision of the convention may be refunded except that no refund due to the allowance of credit may be made after the expiration of the applicable period hereinbefore designated for the allowance of credit, and no refund due to the application of any other provision of the convention may be made after six years from the date of the decedent's death, unless before the expiration of such period a claim therefor has been filed, or unless within such period a petition alleging the right to credit or to other relief under the convention has been filed with the Tax Court of the United States. If a timely petition has been filed with the Tax Court of the United States, no refund shall thereafter be made except as provided in section 911 of the Internal Revenue Code.

A claim for refund should set forth under oath each ground upon which the refund is claimed and facts sufficient to apprise the Commissioner of the exact basis thereof. Any claim for refund which does not comply with the requirements of the preceding sentence will not be considered for any purpose as a valid claim for refund. Claim for refund should be made on Form 843 and filed with the Collector of Internal Revenue, although a claim for refund will not be considered defective solely by reason of the fact that it is not made on such form or that it is filed with the Commissioner of Internal Revenue.

Any refund of estate tax due to the application of the provisions of the convention shall be made without interest. (Article VI (2) of the convention.)

§ 82.109 *Information furnished by each contracting country to the other.* The taxation authorities of the contracting countries shall exchange such information available under the taxation laws of the respective countries as is necessary for carrying out the provisions of the convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the convention. Information so furnished will be kept secret and not disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the convention. Such information shall not include any trade secret or trade process. (Article VII (1) of the convention.)

The term "taxation authorities" means, for the United States, the Commissioner of Internal Revenue or his authorized representative, for Great Britain, the Commissioners of Inland Revenue or their authorized representative, for Northern Ireland, the Minister of Finance or his authorized representative, and, for any territory to which the convention is extended under Article VIII the competent authority administering the tax to which the convention may be extended. (Article VII (2) of the convention.)

[SEAL] WILLIAM SHERWOOD,
Acting Commissioner of Internal Revenue.

[F. R. Doc. 47-1205; Filed, Feb. 7, 1947; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 8089]

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

ORDER SCHEDULING ORAL ARGUMENT

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of January 1947;

Whereas, the Commission has today by separate order adopted amendments to the Standards of Good Engineering Practice Concerning Broadcast Stations as set forth in public notices of December 20, 1946 and January 16, 1947 except the proposed amendment concerning the minimum permissible kilocycle separation between stations within the same general groundwave service area which reads as follows:

Stations with the same general groundwave service area may be licensed for operation on channels as close as 40 kc separation. Although no interference ratio is specified in Table V for 30 kc separation since most receivers are sufficiently selective to tolerate a high level of interfering signal at this separation, other effects, such as cross-modulation of signals may result depending upon the relative location of two stations with such frequency separation. Accordingly, no station will be licensed for operation with a 30 kc separation from another station, if the area enclosed by the 25 mv/m groundwave contours of the two stations overlap. Frequency separation of 20 kc and 10 kc are considered inappropriate for stations with the same general urban coverage and therefore no station will be licensed for operation with less than 30 kc frequency separation if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave of the other, although proper protection might be indicated in accordance with Tables IV and V; end

Whereas, a petition has been received by the Commission requesting permission to present evidence concerning the above set forth proposed amendment and comments have been received from other persons;

Now, therefore, it is ordered, That a hearing and oral argument of the above proposed amendment be held on March 4, 1947 at the offices of the Commission in Washington, D. C. All interested persons may appear at this hearing.

Before the commencement of the hearing the Commission's staff will conduct field tests concerning the effect of operation on channel separations as set forth in the proposed amendment and will introduce the results of such tests at the hearing.

Persons desiring to appear at the hearing shall notify the Commission of such intention on or before February 24, 1947, stating the names of all witnesses who will appear and the time expected to be required for their presentation.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1204; Filed, Feb. 7, 1947; 8:48 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 2346]

TRANSCONTINENTAL & WESTERN AIR, INC., AND DELTA AIR LINES, INC.

NOTICE OF HEARING

In the matter of the joint application of Transcontinental & Western Air, Inc., and Delta Air Lines, Inc., for approval under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of 1938, as amended, of an agreement relating to interchange of equipment.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 (b) of said act, that hearing in the above-entitled proceeding is assigned to be held on February 18, 1947, at 10:00 a. m. (eastern standard time) in Room 5132, Commerce Building, before Examiner Herbert K. Bryan.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the agreement provides for the operation by one of the applicants of the properties, or any substantial part thereof, of the other applicant;

2. Whether the interchange agreement will not be consistent with the public interest;

3. Whether the interchange agreement will result in creating a monopoly and thereby restrain competition or jeopardize another air carrier not a party to the agreement; and

4. Whether the interchange agreement will be in violation of the act.

Notice is also given that any party desiring to controvert in fact or law any of the issues raised by said application shall file with the Board, on or before February 11, 1947, a statement of said issues.

Dated: Washington, D. C., February 4, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1208; Filed, Feb. 7, 1947; 8:49 a. m.]

[Docket No. 2776]

PHILLIPPINE AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Philippine Air Lines, Inc., pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between the Philippines and San Francisco, Calif., via intermediate points in the Pacific, including Honolulu.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceedings is assigned to be held on February 19, 1947, at 10 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, Constitution Avenue between 12th Street and 14th Street NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Republic of the Philippines or any other foreign country.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before February 19, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 4, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1207; Filed, Feb. 7, 1947; 8:49 a. m.]

[Docket No. 681 et al.]

UNIVERSAL AIR FREIGHT, ET AL.; FREIGHT FORWARDER PROCEEDING

NOTICE OF HEARING

In re the applications of Universal Air Freight and other applicants for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and/or for exemptions under either section 1 (2) or section 416 (b) or both of said act and a general investigation into Indirect Air Carrier Services, generally known as the Freight Forwarder Proceeding.

The proceeding encompasses proposed indirect air transportation to and from any point in the United States and to and from points in the United States and foreign countries. For a list of the applicants consolidated into said proceeding and for details of the operations proposed, interested parties are referred to the notice to the parties by the Examiner, J. Earl Cox, dated January 9, 1947, and to the applications of the various parties, all on file in the office of the Civil Aeronautics Board, Washington 25, D. C. The docket numbers of the applications consolidated into said proceeding are as follows: 681, 1479, 1560, 1561, 2239, 2262, 2263, 2264, 2273, 2300, 2304, 2327, 2343, 2344, 2381, 2382, 2403, 2404, 2410, 2415, 2416, 2419, 2420, 2421, 2424, 2433, 2434, 2439, 2443, 2447, 2463, 2474, 2475, 2476, 2485, 2486, 2488, 2489, 2493, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2522, 2523, 2529, 2533, 2534, 2540, 2544, 2545, 2546, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2561, 2562, 2563, 2566, 2579, 2580, 2583, 2584, 2600, 2601, 2602, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2627, 2628, 2629, 2630, 2640, 2641, 2642, 2643, 2645, 2646, 2648, 2649, 2650, 2651, 2652, 2659, 2660, 2661, 2662, 2667, 2668, 2669, 2670, 2689, 2690, 2691, 2694, 2695, 2696, 2697, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2721, 2722, 2723, 2726, 2727, 2728, 2729, 2730, 2731, 2734, 2735, 2736, 2740, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2759, 2760, 2761, 2762, 2763, 2764, 2772, 2774, 2775, 2779, 2780, 2781, 2782.

Notice is hereby given that pursuant to sections 1 (2), 401 (c), 416 (b) and 1002 (b) of the Civil Aeronautics Act of 1938, as amended, the said proceeding be and it is hereby designated for public hearing in four consecutive sessions beginning on February 17, 1947, 10:00 a. m. e. s. t. in the Great Hall, Chamber of Commerce of the State of New York Building, 65 Liberty Street, New York, N. Y., before Examiner J. Earl Cox.

Notice of the exact date and place of the subsequent sessions to be held in Washington, D. C., Chicago, Illinois, and San Francisco, California, in that order, will be given to all parties and intervenors of record at the time of notice by Examiner J. Earl Cox. All other interested persons may receive this information from the office of the Secretary of the Civil Aeronautics Board, Washington 25, D. C.

The applicants have been divided into four groups according to the location of their home offices and the case as to each applicant will be presented at the one of the four sessions scheduled for his particular locality unless the examiner grants a request for hearing in one of the other localities for sufficient reasons stated in the request. All parties and intervenors of record will be notified of such changes by the examiner. The original schedule of applicants is set forth in the notice to all parties by the examiner dated January 9, 1947.

Without limiting the scope of the issues presented by this proceeding particular attention will be directed to the following matters and questions:

1. The extent to which there is a general need for services of air carriers indirectly engaged in air transportation of property, including air freight forwarder, air cargo forwarder, air expess and similar indirect air carrier services.

2. The extent to which indirect air carrier operations should be subject to restrictions to prevent uneconomical competition and the nature of such restrictions.

3. Whether or not certificates of public convenience and necessity should be required for any or all such operations, or whether exemptions from all the provisions of the act should be granted for any or all of such operations, and the standards to be provided for such certificates or exemptions, including the question of the continuance, limitation, modification or revocation of the exemption order of March 13, 1941 (Order Serial No. 941) exempting Railway Express, Inc.

4. Should an authorization or certificate of public convenience and necessity limit the holder to service between points specifically named in its authorization or certificate?

5. Should an authorization or certificate of public convenience and necessity for such services limit the holder to the utilization of certain types of air carriers?

The principal portion of the evidence on the above issues will be taken at the first session in New York, N. Y., beginning on February 17, 1947, subject however to the admission of additional evidence on them at any of the other sessions.

Without limiting the scope of the applications in this proceeding, the following are the matters and questions to which particular attention will be directed as to each applicant:

1. Is the applicant a citizen of the United States and is he fit, willing, and able to perform properly the transportation for which he seeks authorization, and to conform to the provisions of the Civil Aeronautics Act, as amended, and the rules, regulations, and requirements of the Board thereunder?

2. If the grant of a certificate of public convenience and necessity is in issue then:

a. Is such transportation required by the public convenience and necessity?

b. If so and more than one applicant for authorization to perform such transportation meets the issue in 1 above, how many applicants are required to be authorized by the public convenience and necesssity?

c. If selection is necessary, which applicant or applicants can best perform the service required?

3. If the grant of an exemption under 1 (2) of the act is in issue, is it required in the public interest?

4. If the grant of an exemption under 416 (b) is in issue, would the enforcement of such title, provision, rule, regulation, etc., from which exemption is sought be an undue burden on such applicant as provided in said section 416 (b) and not in the public interest?

Notice is further given that any person, other than parties and intervenors of record as of January 9, 1947, desiring to be heard in this proceeding file with the Board on or before February 17, 1947, a statement setting forth any or all of the sessions which he desires to attend and the issues of fact or law raised by this proceeding which he desires to controvert.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1206; Filed, Feb. 7, 1947; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

ASSIGNMENT OF APPLICATION FILE NUMBERS (OTHER THAN BROADCAST)

JANUARY 28, 1947.

In the services other than broadcast there are approximately 220 different types of applications. The Commission uses only one series of numbers in assigning file numbers to all such applications. Numbers run consecutively through a fiscal year, being assigned in the order in which the applications are accepted.

The letters following the first hyphen indicate the type of application and the class of station. The letter following the second hyphen denotes the fiscal year ("A" for fiscal 1946, "B" for fiscal 1947, etc.).

For example, "100-MPP-B" would indicate the file number (100), show it to be an application for modification of construction permit (MP) for a municipal police (P) station, filed in 1947 (B).

Below are listed the symbols used in other than broadcast application file numbers:

Type of Application

A—Assignment.
L—License.
P—Construction permit.
M—Modification.
R—Renewal.

Class of Station

C—Coastal.
E—Experimental.
F—Forestry.
G—Geological.
H—Alaska fixed public.
HK—Aeronautical fixed.
HP—U. S. point to point telephone.
HT—U. S. point to point telegraph.
I—Provisional.
J—Mobile press.
K—Aeronautical.
KP—Airport control.
KA—Airport utility.
KFS—Flying school.
KFT—Flight test.
L—Aircraft.
PL—Public service aircraft.
M—Marine relay.
N—Special and relay press.
O—Municipal fire.
P—Municipal police.
PS—State police.
PZ—Zone police.
PIZ—Interzone police.
R—Agriculture.
R1, R2, R3—Railroad.
T—Special emergency.
V—Utility.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1195; Filed, Feb. 7, 1947; 8:47 a. m.]

[Docket Nos. 7925-7927, 8035, 8036]

SPRINGFIELD BROADCASTING CO., ET AL.

ORDER ENLARGING ISSUES

In re application of Springfield Broadcasting Company, Springfield, Massachusetts, Docket No. 7926, File No. B1-PH-1016; WSOR, Inc., Springfield, Massachusetts, Docket No. 7925, File No. B1-PH-925; Regional Broadcasting Company, Chicopee, Massachusetts, Docket No. 7927, File No. B1-PH-1070; Pynchon Broadcasting Company, Springfield, Massachusetts, Docket No. 8036, File No. B1-PH-1127; Harold Thomas, Springfield, Massachusetts, Docket No. 8035, File No. B1-PH-1117.

The Commission having under consideration a petition filed January 17, 1947, and a supplement thereto filed January 22, 1947, by Springfield Broadcasting Company, Springfield, Massachusetts, requesting the Commission to enlarge the issues in the hearing upon the above-entitled applications to include the following issue:

5. To determine whether more than six Class B FM channels should be allocated to the Springfield-Holyoke area and, if so, what amendments to the Commission's tentative allocation plan for Class B FM stations, dated September 3, 1946, should be made in order to provide such additional channels. If so, whether the following modification to the allocation plan should be adopted in whole or in part:

General area	Channels	
	Delete	Add
Springfield-Holyoke, Mass.		259, 262
Albany, N. Y.	259	
Worcester, Mass.	262	

It is ordered, This 24th day of January 1947, that the petition be, and it is hereby, granted in part; and the Notice of Hearing in the above-entitled proceeding, dated October 31, 1946 be, and it is hereby, amended so as to include the following issue:

5. To determine whether more than six Class B FM channels should be allocated to the Springfield-Holyoke area and, if so, whether the following modification to the Commission's tentative allocation plan for Class B FM stations, dated September 3d, 1946, should be adopted in whole or in part, in order to provide such additional channels.

General area	Channels	
	Delete	Add
Springfield-Holyoke, Mass.		259, 262
Albany, N. Y.	259	
Worcester, Mass.	262	

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1194; Filed, Feb. 7, 1947; 8:47 a. m.]

[Docket Nos. 7510, 6881, 6882, 6209, 6967, 7377, 6190, 6790, 6791-6793, 7059, 7060, 6905, 6906]

PRESS WIRELESS, INC., ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at ten o'clock a. m. on Friday, February 21, 1947, the Commission will hear Oral Argument in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

(1) Docket No. 7510, Press Wireless, Inc. In the matter of Applications for Modification of Licenses to Delete Special Provisions, etc.

(2) Docket No. 6881, WGCM Broadcasting Company, Biloxi, Mississippi (postponed from February 12 to February 21); Docket No. 6882, WLOX Broadcasting Company, Biloxi, Mississippi; Docket No. 6882, WLOX Broadcasting Company, on petition to amend its application.

(3) Docket No. 6209, Durham Radio Corporation (WDNC), Durham, N. C.; Docket No. 6967, Capitol Broadcasting Co. Inc., Raleigh, N. C.; Docket No. 7377, Public Information Corp., Durham, N. C., applications to operate on 620 kc.

(4) Docket No. 6190, Newark Broadcasting Corp., Newark, N. J.; Docket No. 6790, Donald Flamm, New York, N. Y.; Docket No. 6791, The Metropolitan Broadcasting Service, New York, N. Y.; Docket No. 6792, WAGE, Inc., Syracuse, N. Y.; Docket No. 6793, WCAX Broadcasting Corp., Burlington, Vermont, applications to operate on 620 kc.

(5) Docket No. 7059, Midwest Broadcasting Co., Mt. Vernon, Ill.; Docket No. 7060, Mt. Vernon Radio & Television Co., Mt. Vernon, Ill., applications for CP to operate on 940 kc.

(6) Docket No. 6905, Smoky Mountain Broadcasting Co., Knoxville, Tenn.; Docket No. 6906, East Tennessee Broadcasting Co., Knoxville, Tenn., applications on 1340 kc to 250 kw Unl.

Dated: January 28, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1196; Filed, Feb. 7, 1947; 8:47 a. m.]

[Docket No. 8060]

SPOKANE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Spokane Broadcasting Corporation (KFIO) Spokane, Washington, Docket No. 8060, File No. B5-P-5559, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application for construction permit to allow a change in frequency and power of Station KFIO, Spokane, Washington, from 1230 kc, 250 w, unlimited time, to 790 kc, 5 kw, unlimited time, using a directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Washington Broadcasters, Inc. (File No. B5-P-4462), requesting a construction permit for a new standard broadcast station to operate on 790 kc, 5 kw, unlimited time, using a directional antenna, at Spokane, Washington, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders, to construct and operate Station KFIO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KFIO as proposed, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KFIO as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KFIO as proposed would involve objectionable interference with the services proposed in the pending application of Washington Broadcasters, Inc. (File No. B5-P-4462), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KFIO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1197; Filed, Feb. 7, 1947; 8:47 a. m.]

[Docket Nos. 7931, 8066]

NORTHERN BERKSHIRE BROADCASTING AND COLGREN BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Herbert B. Clark, Robert Hardman and James Gordon Keyworth, d/b as The Northern Berkshire Broadcasting Company, North Adams, Massachusetts, Docket No. 8066, File No. B1-P-5619; Robert P. Strakos and John F. Kearney, d/b as The Colgren Broadcasting Company, Hudson, New York, Docket No. 7931, File No. B1-P-5131; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Herbert B. Clark, Robert Hardman and James Gordon Keyworth, d/b as The Northern Berkshire Broadcasting Company, for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time, at North Adams, Massachusetts, and

It appearing, that the Commission, on October 31, 1946, designated for hearing the above application of Robert P. Strakos and John F. Kearney, d/b as The Colgren Broadcasting Company, requesting a construction permit for new standard broadcast stations to operate on 1230 kc, 250 w, unlimited time, at Hudson, New York, and that a hearing on said application is scheduled for March 12, 1947, at Hudson, New York;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Herbert B. Clark, Robert Hardman and James Gordon Keyworth, d/b as The Northern Berkshire Broadcasting Company, be and it is hereby, designated for hearing in a consolidated proceeding with the above application of Robert P. Strakos and John F. Kearney, d/b as The Colgren Broadcasting Company, the hearing on the latter application to be held at Hudson, New York, on March 12, 1947, as aforesaid, and on the application of The Northern Berkshire Broadcasting Company, at North Adams, Massachusetts, on March 13, 1947, and that the hearing on the application of The Northern Berkshire Broadcasting Company be upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications

in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of October 31, 1946, designating the application of Robert P. Strakos and John F. Kearney, d/b as The Colgren Broadcasting Company, be amended to include the said application of Herbert B. Clark, Robert Hardman and James Gordon Keyworth, d/b as The Northern Berkshire Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1198; Filed, Feb. 7, 1947; 8:48 a. m.]

[Docket Nos. 8043, 8064, 8065]

FRED JONES BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), Tulsa, Oklahoma, Docket No. 8065, File No. B3-P-5585; Mid-State Broadcasting Company (WMMJ), Peoria, Illinois, Docket No. 8043, File No. B4-P-5551; Grain Country Broadcasting Co., Inc., Peru, Illinois, Docket No. 8064, File No. B4-P-5567; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), requesting a construction permit to change frequency, power and hours of operation of Station KFMJ, Tulsa, Oklahoma, from 1050 kc, 1 kw, daytime only, to 970 kc, 500 w, 1 kw-LS, DA-2, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the applications of Grain Country Broadcasting Co., Inc., for construction permit for a new standard broadcast station to operate on 980 kc, 500 w, 1 kw-LS, DA-2, unlimited time, at Peru, Illinois, and Mid-State Broadcasting Company (WMMJ), for construction permit to change frequency and power from 1020 kc, 1 kw day, to 970 kc, 1 kw day and night, to change hours of operation from daytime to unlimited, to install a directional antenna, and to make other changes, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial; and other qualifications of the applicant partnership and the partners to construct and operate Station KFMJ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KFMJ as proposed, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KFMJ as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KFMJ as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KFMJ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1199; Filed, Feb. 7, 1947; 8:48 a. m.]

[Docket Nos. 8043, 8064, 8065]

MID-STATE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mid-State Broadcasting Company (WMMJ), Peoria, Illinois, Docket No. 8043, File No. B4-P-5551; Grain Country Broadcasting Co., Inc., Peru, Illinois, Docket No. 8064, File No. B4-P-5567; Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), Tulsa, Oklahoma, Docket No. 8065, File No. B3-P-5585; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Mid-State Broadcasting Company (WMMJ), for a construction permit to change frequency and power of Station WMMJ, Peoria, Illinois, from 1020 kc, 1 kw. day, to 970 kc, 1 kw day and night, to change hours of operation from daytime to unlimited, to install a directional antenna for day and night time, and to make other changes;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the above applications of Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), requesting construction permit to change frequency, power, and hours of operation of Station KFMJ, Tulsa, Oklahoma, from 1050 kc, 1 kw, daytime only, to 970 kc, 500 w, 1 kw-LS, DA-2, unlimited time, and of Grain Country Broadcasting Co., Inc., for construction permit for a new standard broadcast station to operate on 980 kc, 500 w, 1 kw-LS, DA-2, unlimited time, at Peru, Illinois, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WMMJ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WMMJ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WMMJ as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WMMJ as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WMMJ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1200; Filed, Feb. 7, 1947; 8:48 a. m.]

[Docket No. 6651]

REVISED FREQUENCY SERVICE ALLOCATIONS BETWEEN 30 AND 40 MEGACYCLES TO NON-GOVERNMENT FIXED AND MOBILE SERVICES

NOTICE WITH RESPECT TO ORAL ARGUMENT

JANUARY 29, 1947.

The persons and organizations set out below have filed briefs, statements, or notices of appearances in the above entitled matter upon which oral argument is scheduled for February 3, 1947, at 10:00 a. m. before the Commission. The

argument will be held in the auditorium of the Department of Commerce located on Fourteenth Street between E Street and Constitution Avenue Northwest, Washington, D. C.. Anyone not listed below but wishing to participate in such oral argument should promptly advise the Commission to that effect. It is requested that each participant in the oral argument in this matter make every effort to limit his presentation to the shortest possible time-consistent with adequate discussion of the issues involved, and in general it is expected that such oral presentation will be confined to a maximum of 20 minutes. Additional relevant data may be presented in the form of written statements for inclusion in the record of this proceeding.

American Association of State Highway Officials.
American Telephone and Telegraph Company.
American Transit Association.
Association of Police Communications Officers.
Boston Police Department.
Chicago Park District.
Committee 4, Panel 13, Radio Technical Planning Board.
Eastern States Police Radio League.
Florida Highway Patrol.
Forestry Conservation Communication Association.
Galvin Manufacturing Corporation.
General Telephone and Telegraph Company.
International Association of Chiefs of Police.
National Bus Communications, Inc.
Police Committee, Panel 13, Radio Technical Planning Board.
U. S. Independent Telephone Association.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1202; Filed, Feb. 7, 1947; 8:48 a. m.]

[Docket No. 6651]

REVISED FREQUENCY SERVICE ALLOCATIONS BETWEEN 152 AND 162 MEGACYCLES TO NON-GOVERNMENT FIXED AND MOBILE SERVICES

NOTICE WITH RESPECT TO ORAL ARGUMENT

JANUARY 29, 1947.

The persons and organizations set out below have filed briefs, statements, or notices of appearances in the above-entitled matter upon which oral argument is scheduled for February 3, 1947 at 2:00 p. m. before the Commission. The argument will be held in the auditorium of the Department of Commerce, located on Fourteenth Street between E Street and Constitution Avenue, Northwest, Washington, D. C. Anyone not listed below but wishing to participate in such oral argument should promptly advise the Commission to that effect. It is requested that each participant in the oral argument in this matter make every effort to limit his presentation to the shortest possible time consistent with adequate discussion of the issues involved, and in general it is expected that such oral presentation will be confined to a maximum of 20 minutes. Additional relevant data may be presented in the form of written statements for inclusion in the record of this proceeding.

American Telephone and Telegraph Company.
American Transit Association.
Association of American Railroads.
Association of Police Communications Officers.
Boston Police Department.
Committee 2, Panel 13, Radio Technical Planning Board.
Committee 4, Panel 13, Radio Technical Planning Board.
Eastern States Police Radio League.
Galvin Manufacturing Corporation.
General Telephone and Telegraph Company.
International Association of Chiefs of Police.
International Association of Fire Chiefs.
National Broadcasting Company.
National Bus Communications, Inc.
Police Committee, Panel 13, Radio Technical Planning Board.
Radiomarine Corporation of America.
Raytheon Manufacturing Company.
Western Union Telephone and Telegraph Company.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1203; Filed, Feb. 7, 1947; 8:48 a. m.]

[Docket Nos. 8043, 8064, 8065]

GRAIN COUNTRY BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Grain Country Broadcasting Co., Inc., Peru, Illinois, Docket No. 8064, File No. B4-P-5567; Mid-State Broadcasting Company (WMMJ), Peoria, Illinois, Docket No. 8043, File No. B4-P-5551; Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), Tulsa, Oklahoma, Docket No. 8065, File No. B3-P-5585; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Grain Country Broadcasting Co., Inc., requesting a construction permit for a new standard broadcast station to operate on 980 kc, 500 w, 1 kw-LS, DA-2, unlimited time, at Peru, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the above applications of Mid-State Broadcasting Company (WMMJ) for a construction permit to change frequency and power of Station WMMJ, Peoria, Illinois, from 1020 kc, 1 kw day, to 970 kc, 1 kw day and night, to change hours of operation from daytime to unlimited, to install a directional antenna, and to make other changes, and of Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company (KFMJ), requesting a construction permit to change frequency, power, and hours of operation of Station KFMJ, Tulsa, Oklahoma, from 1050 kc, 1 kw, daytime only, to 970 kc, 500 w, 1 kw-LS, DA-2, unlimited time, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1201; Filed, Feb. 7, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-806, G-352, G-325, G-494]

KANSAS-NEBRASKA NATURAL GAS CO., INC., ET AL.

ORDER CONSOLIDATING PROCEEDINGS FOR HEARING AND FIXING DATE THEREOF

JANUARY 31, 1947.

In the matters of Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-806; The Fin-Ker Oil and Gas Production Company, Docket No. G-352; The Tri-County Gas Company, Docket No. G-325; and Kansas Natural Gas, Inc., Docket No. G-494.

Upon consideration of the following application filed pursuant to section 7 of the Natural Gas Act, as amended, and the request of The Tri-County Gas Com-

pany and The Fin-Ker Oil and Gas Production Company that the above-mentioned docket proceedings be consolidated and issues presented be disposed of;

It appears to the Commission that:

(a) Kansas-Nebraska Natural Gas Company, Inc., a Kansas corporation operating in the States of Kansas and Nebraska, filed on November 1, 1946, Docket No. G–806, an application for a certificate of public convenience and necessity for authority to acquire substantially all of the physical properties of The Tri-County Gas Company situated in the Counties of Kearny, Scott, Finney and Lane in the State of Kansas and operate the same following acquisition in rendering natural gas service, together with a gas purchase contract between The Fin-Ker Oil and Gas Production Company and The Tri-County Gas Company.

(b) The Tri-County Gas Company, a Kansas corporation operating in the State of Kansas, filed on May 4, 1942, Docket No. G–325, an application which was amended on May 8, 1942, wherein the Commission was requested to find said company not a natural-gas company within the meaning of the Natural Gas Act and in the event the Commission did not so find that it be issued a certificate of public convenience and necessity. On March 26, 1946, after hearing, the Commission found the The Tri-County Gas Company was a natural-gas company within the meaning of the Natural Gas Act and issued to it a certificate of public convenience and necessity. Pursuant to application for reconsideration and rehearing filed by The Tri-County Gas Company wherein it claimed not to be a natural-gas company, the Commission on May 21, 1946, granted rehearing as to its order of March 26, 1946, to be heard at a time and place to be thereafter named.

(c) The Fin-Ker Oil and Gas Production Company, a Kansas corporation operating in the State of Kansas, filed on May 8, 1942, Docket No. G–352, an application wherein the Commission was requested to find whether or not said company was a natural-gas company within the meaning of the Natural Gas Act and in the event the Commission found it to be a natural gas company, to issue a certificate of public convenience and necessity. After hearing, The Fin-Ker Oil and Gas Production Company filed on October 18, 1943, an amendment to its application wherein said company reaffirmed its position that it was not a natural-gas company. No further filings have been made or action taken in this proceeding.

(d) Pursuant to an order of investigation of August 4, 1943, Docket No. G–494, a hearing was held relating to Kansas Natural Gas, Inc., a Kansas corporation operating in the State of Kansas, and it was found by the Commission on March 26, 1946, to be a natural-gas company within the meaning of the Natural Gas Act and was ordered to file an application for a certificate of public convenience and necessity. Pursuant to petition for reconsideration filed by Kansas Natural Gas, Inc. wherein it claimed not to be a natural-gas company, the Commission on May 21, 1946, granted rehearing as to its order of March 26, 1946, to be heard at a time and place to be thereafter named.

(e) The operations conducted and proposed for the rendering of natural gas service by the aforesaid companies are related and the aforesaid dockets should be consolidated and set for hearing.

The Commission orders that:

(A) The record in Docket No. G–352 In the matter of The Fin-Ker Oil and Gas Production Company be and the same hereby is reopened;

(B) The aforesaid Dockets No. G–806, Kansas-Nebraska Natural Gas Company, Inc.; No. G–352, The Fin-Ker Oil and Gas Production Company; No. G–325, The Tri-County Gas Company; and No. G–494, Kansas Natural Gas, Inc., be and the same hereby are consolidated for hearing;

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on the 4th day of March, 1947, at 10:00 a. m. in Room 204, Main Post Office Building at Wichita, Kansas, concerning the matters of fact and law, asserted in the applications filed in the aforesaid proceedings.

(D) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: February 4, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–1192; Filed, Feb. 7, 1947; 8:46 a. m.]

[Docket No. G–786]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 4, 1947.

Upon consideration of the application filed September 19, 1946, Docket No. G–786, by Panhandle Eastern Pipe Line Company ("Applicant"), a Delaware corporation with its principal offices in Kansas City, Missouri, and in Chicago, Illinois, and authorized to do business in the States of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio and Michigan, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

A gas metering and regulating station and connection at a point in Delaware County, Indiana, where Applicant's 18-inch pipeline "B" (extending from its Zionsville Compressor Station to Muncie) crosses the pipeline of Central Indiana Gas Company approximately three miles north of Middletown, Indiana.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforedescribed facilities for the purpose of supplying natural gas to Central Indiana Gas Company to enable the latter company to meet the demands upon it by attached customers in Middletown, Indiana. The proposed metering and regulator station will facilitate deliveries to Middletown, Indiana, and supplement the deliveries now made at four points of connection between Applicant and Central Indiana Gas Company. No change will be made in the total volumes of gas required to be delivered by Applicant to Central Indiana Gas Company pursuant to a contract dated January 16, 1939. Temporary authorization has been granted for the construction and operation of these facilities.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR, 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946). Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 8, 1946 (11 F. R. 11614–5).

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the twenty-seventh day of February 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 5, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–1193; Filed, Feb. 7, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–975]

SCRANTON ELECTRIC CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of February A. D. 1947.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5.00 Par Value, of Scranton Electric Company, a security listed and registered on the New York Stock Exchange. Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to February 18, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to Louis Loss, Chief Counsel, Trading and Exchange Division, Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–1179; Filed, Feb. 7, 1947; 8:45 a. m.]

[File No. 50–22]

PORTLAND ELECTRIC POWER CO.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of February A. D. 1947.

An application, and an amendment, having been filed pursuant to Rule U-100 (a), promulgated under the Public Utility Holding Company Act of 1935, by Thos. W. Delzell and R. L. Clark, Independent Trustees of Portland Electric Power Company, a registered holding company and a debtor now under reorganization under Chapter X of the Bankruptcy Act, as amended, in the District Court of the United States for the District of Oregon, for exemption from the provisions of Rule U-62 with respect to the solicitation material to be mailed to creditors and stockholders of Portland Electric Power Company upon the approval of the District Court of a plan of reorganization, approved by the Commission on December 10, 1946, for the acceptances of such creditors and stockholders; and

It appearing to the Commission that the requirements of Rule U-62, as applied to such proposed transactions, are not necessary or appropriate in the public interest or for the protection of investors or consumers;

It is ordered, Pursuant to Rule U-100 (a), that said application, as amended, of the Independent Trustees of Portland Electric Power Company for exemption from the provisions of Rule U-62, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–1178; Filed, Feb. 7, 1947; 8:45 a. m.]

[File No. 70–1262]

MICHIGAN GAS AND ELECTRIC CO. AND MIDDLE WEST CORP.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of February 1947.

The Commission, by order dated July 29, 1946, having granted and permitted to become effective an application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935 jointly by The Middle West Corporation, a registered holding company, and its subsidiary, Michigan Gas and Electric Company, and Halsey, Stuart & Co., Inc., an affiliate of Michigan Gas and Electric Company, which application-declaration proposed a recapitalization of Michigan Gas and Electric Company and related transactions; and

The Commission, upon request of the applicants-declarants, having, by orders dated October 21, 1946, and November 29, 1946, extended to January 30, 1947 the time within which such transactions may be carried out as provided in Rule U-24; and

Applicants-declarants now having requested a further extension of time, for a period of not less than sixty days from January 30, 1947, within which such transactions may be carried out and having stated that Michigan Gas and Electric Company is presently engaged in preparing an appropriate amendment to its Registration Statement, heretofore filed under the Securities Act of 1933, and that the transactions approved by order dated July 29, 1946, will be consummated within sixty days, subject to adverse changes in market conditions; and

The Commission having considered such request and deeming it appropriate in the public interest and in the interest of investors and consumers that such request be granted:

It is ordered, That the time within which the transactions, heretofore approved by order of July 29, 1946, may be carried out under Rule U-24 be, and hereby is, extended to and including March 31, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–1180; Filed, Feb. 7, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 96]

RECONSIGNMENT OF APPLES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 1, 1947, by Fred Logan Co., of car FGE 52653, apples, now on the Baltimore and Ohio RR. Co., to S. Albertson Co., Boston, Mass.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47–1183; Filed, Feb. 7, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 94]

RECONSIGNMENT OF ONIONS AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Jersey City, N. J., January 31, 1947, by Tassini & Salisch, of car NP 90676, onions, now on the Baltimore and Ohio R. R., to First National Stores, Somerville, Mass. (NYNH&H–B&M delivery).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement un-

der the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of January 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1181; Filed, Feb. 7, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 95]

RECONSIGNMENT OF ORANGES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 1, 1947, by John B. Cancelmo Co., of cars LRX 7098 and MDT 21997, oranges, now on the Baltimore and Ohio Railroad, to Cooke Musanti Canty, Inc., Boston, Mass.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1182; Filed, Feb. 7, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 97]

RECONSIGNMENT OF GRAPEFRUIT AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 1, 1947, by J. Earle Roberts, of car WFE 67611, grapefruit, now on the Pennsylvania RR., to P. W. Gibbons, New York, N. Y. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1183; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 98]

RECONSIGNMENT OF ONIONS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 1, 1947, by Dan Storey, of car MDT 4287, onions, now on the Penn. RR., to Samuel Rosenblum, New York, N. Y. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1184; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 100]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 3, 1947, by Frankfort Grocery Co., of car SFRD 38504, potatoes, now on the Reading Co., to J. L. Budreau, Richmond, Va. (Rdg.-B&O-RF&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1186; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 101]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 3, 1947, by Edmunds Bros., of car URTX 7253, potatoes, now on the PRR to Schley Bros., Baltimore, Md. (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1187; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 102]

RECONSIGNMENT OF ORANGES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 3, 1947, by J. B. Cancelmo Co., of cars WFE 66347 SFRD 24860, oranges, now on the B. & O. to Cooke Musane Canty, Inc., Boston, Mass. (B. & O.-N. Y. N. H. & H.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1188; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 103]

RECONSIGNMENT OF ONIONS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., February 3, 1947, by Paul Jones, of car FGE 50021, onions, now on the C., R. I. & P. R. R., to Savannah, Ga. (CRI&P-L&N-CofG).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

[SEAL] V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1189; Filed, Feb. 7, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 104]

RECONSIGNMENT OF CARS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 3, 1947, by Atlantic Commission Co., of cars PFE 60848, PFE 45585, ART 20206 and ART 23094, now on the C. & N. W. R. R. at Proviso, to Atlantic Commission Co., Milwaukee, Wis.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1190; Filed, Feb. 7, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8130]

KARL STIRNER

In re: Stock owned by Karl Stirner. F-28-25906-A-1, F-28-25906-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Stirner, whose last known address is Ellwangen, a/Jagst, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Karl Stirner and presently in the custody of Rudolph Correll, 26 Ferry Street, New York 7, New York, together with all declared and unpaid dividends thereon, and

b. All those debts or other obligations owing to Karl Stirner, by Rudolph Correll, 26 Ferry Street, New York 7, New York, including particularly but not limited to that sum of money on deposit with The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled Rudolph Correll, Special #2, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945, Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate No.
American Telephone & Telegraph Co., 195 Broadway, New York, N. Y.	New York	$100	Capital	4	ON15352.
American Smelting & Refining Co., 120 Broadway, New York, N. Y.	New Jersey	No par value.	Common	1	CO243250.
				1	CO180321.
General Electric Co., 1 River Rd., Schenectady, N. Y.	New York	No par value.	Common	1	NYE102394.
The American Tobacco Co., 111 5th Ave., New York, N. Y.	New Jersey	$25	Common "B"	1	BB57602.
United Shoe Machinery Corp., 140 Federal St., Boston, Mass.	do	$25	Common	2	342282.

[F. R. Doc. 47-1173; Filed, Feb. 6, 1947; 8:57 a. m.]

[Vesting Order 8119]

HEDWIG DIEFENBACH

In re: Voting trust certificate and bank account owned by and debts owing to Hedwig Diefenbach and the descendants, names unknown, of Rudolph Diefenbach, also known as Rudolf Diefenbach, deceased, and Hedwig Diefenbach.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Diefenbach, whose last known address is Heilbronn, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the descendants, names unknown, of Rudolph Diefenbach, also known as Rudolf Diefenbach, deceased, and Hedwig Diefenbach, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Voting Trust Certificate No. C14 for 800 shares of common stock of Central Paper Company, Incorporated, Muskegon, Michigan, a corporation organized under the laws of the State of Michigan, registered in the name of Rudolf Diefenbach, dated May 7, 1935, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation appearing on the books and records of the Continental Illinois National Bank and Trust Company of Chicago in the name of Rudolph Diefenbach, arising out of an account entitled Dividend Account, Central Paper Co., Inc., for Common, maintained at the Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation appearing on the books and records of the Continental Illinois National Bank and Trust Company of Chicago in the name of Rudolph Diefenbach, arising out of an account entitled Central Paper Co. Inc., Dividend Account, maintained at the Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that Hedwig Diefenbach and the descendants, names unknown, of Rudolph Diefenbach, also known as Rudolf Diefenbach, deceased, and Hedwig Diefenbach, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1172; Filed, Feb. 6, 1947; 8:57 a. m.]

[Vesting Order 8107]

WEIMAR MUSEUM AND GRAND DUCHESS FEODORA

In re: Paintings owned by Weimar Museum, also known as Staatliche Kunstsammlungen, Weimar, Thuringia, and Grand Duchess Feodora of Sachsen-Weimar-Eisenach.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Weimar Museum, also known as Staatliche Kunstsammlungen, Weimar, Thuringia, the last known address of which is Weimar, Thuringia, Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Grand Duchess Feodora of Sachsen-Weimar-Eisenach, whose last known address is Heinrichau, Province of Silesia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

One (1) Rembrandt self-portrait, the dimensions of which are 19 inches by 24½ inches, bearing the inscription Rembrandt F 1643 above the shoulder on the left side, presently in the custody of The Dayton Art Institute, Forest and Riverview Avenues, Dayton 5, Ohio,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Weimar Museum, also known as Staatliche Kunstsammlungen, Weimar, Thuringia, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1217; Filed, Feb. 7, 1947; 8:54 a. m.]

Reference

FEB 21 47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

FEDERAL REGISTER

VOLUME 12 NUMBER 29

Washington, Tuesday, February 11, 1947

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 559]

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY

Introductory Note. The following administrative instructions order the resumption of permit requirements relative to interstate movement of regulated citrus fruits from the area regulated on account of the Mexican fruitfly, which were temporarily suspended by B. E. P. Q. 557, on October 1, 1946. This action increases the regulatory control of interstate shipments of host fruits and is deemed advisable as a precaution against the spread of the Mexican fruitfly due to the recent finding of a small number of adult flies in the regulated area. Permit requirements will remain in effect as long as there is danger of dissemination of this insect through interstate shipments of regulated citrus fruits.

The purpose of this action is to invoke requirements with respect to the movement of citrus fruits from the area regulated by the Mexican fruitfly quarantine, to assist in preventing spread of that insect. The date upon which the resumption of these requirements is necessary depends upon development of insect conditions and cannot be determined in advance. To accomplish the purpose for which they are intended these requirements must be made effective immediately upon determination that they are necessary. Accordingly, compliance with the rule making procedure of section 4 (a) of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 238) is impracticable and contrary to the public interest, and compliance with the publication requirement of section 4 (c) of that act is unnecessary.

§ 301.64-3d *Administrative instructions ordering the resumption of permit requirements for interstate movement of citrus fruits from the regulated area.* The Chief of the Bureau of Entomology and Plant Quarantine, having determined that natural conditions exist with respect to the area regulated by 7 CFR, 1945 Supp., 301.64-2 (Notice of Quarantine No. 64 on account of the Mexican fruitfly) which make it necessary to resume all permit requirements relative to interstate movement of regulated citrus fruits from the regulated area to prevent dissemination of this insect, hereby invokes all permit requirements for the interstate movement of such fruits from such regulated areas effective 12:01 a. m. February 10, 1947, until due notice of the lifting of such permit requirements shall have been given.

These administrative instructions cancel and supersede B. E. P. Q. 557, effective October 1, 1946. (7 CFR 301.64-3c; 11 F. R. 11810)

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161, 7 CFR, 1945 Supp., § 301.64-3 (a).)

Done at Washington, D. C., this 5th day of February 1947.

[SEAL] P. N. ANNAND, *Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 47-1250; Filed, Feb. 10, 1947; 8:52 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

KITCHEN CABINETS

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on February 3, 1947:

§ 222.111 *Kitchen cabinets.* In view of recent developments in the type of kitchen cabinets currently being marketed in volume, the Board has reviewed its previous rulings (1941 Federal Reserve Bulletin, p. 848[1] and 1946 Federal Reserve Bulletin, p. 1240 (11 F. R. 13460)) and has concluded that kitchen cabinets should no longer be considered

[1] Not filed with the Division of the Federal Register.

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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to be "furniture" for purposes of this part. (Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179, secs. 301 and 302, 55 Stat. 839, 840, 12 U. S. C. and Sup., 95 (a), 50 U. S. C. App. 616, 617, and E. O. 8843, Aug. 9, 1941, 3 CFR Cum. Supp.)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-1220; Filed, Feb. 10, 1947; 8:51 a. m.]

PART 222—CONSUMER CREDIT

SETS AND GROUPS OF ARTICLES

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on February 3, 1947:

§ 222.112 *Sets and groups of articles.* In reply to a recent request for its advice regarding the application of § 222.6 (h) covering "Sets and groups of articles" (11 F. R. 3950) the Board expressed the following views.

(a) In determining whether several items are to be considered a single "article" for purposes of this part, as a "set, group, or assembly", three basic requisites must be considered:

(1) The items must be so related as to constitute a set, group, or assembly;

(2) They must be commonly merchandised as a single unit; and

(3) They must be sold or delivered at substantially the same time.

(b) The first requisite is that the items shall be related. This is principally a matter of function. Examples which would be included are components of a sectional bookcase, dining-room table and extension leaves, lounge chair and matching ottoman, living-room, dining-room, and bedroom suites. On the other hand, a refrigerator and a vacuum cleaner or a radio and a chair clearly would not be deemed sets even if offered in combination. Similarity of design would be a contributing factor, confirming the determination made on functional grounds and helping to decide doubtful cases. But some variation in design would be possible without necessarily excluding the items from being considered to be a set. In many instances, one or both of the items would have appreciably less utility or worth to the purchaser if acquired separately, as for example in the case of a rug-pad and rug but not in the case of a lamp-table and table lamp.

(c) The second requisite is that the items shall be commonly merchandised as a single unit. This requisite refers to the merchandising practices of the particular seller, and practices in the particular trade would be significant in throwing light on the practices of the seller. The essential consideration is how the items are offered to customers. In this connection, such matters as the ways in which the items are advertised, ticketed, and priced would be important. When they are available at a price which is less than the total of the prices for the components if bought separately or when it is only seldom that the seller is willing to sell them separately, there would be a strong indication that the items are to be considered a set. In some cases, the same items will be offered both as sets and for individual purchase, as when a tank type vacuum cleaner and a motor-driven brush type vacuum cleaner are offered separately and also in combination at a reduced price.

(d) The third requisite is self-explanatory.

(e) In order for § 222.6 (h) to be applicable to the items as a set, all three requisites must be present. For example, a sofa and matching lounge chair or bedsprings and mattress might meet fully the requirement that they be related, but the method of offering might be such that they are separately priced, without reduction when bought in combination, and the customer has a free choice as to whether he will buy one or the other or both. In such cases, the items would not be considered to be a set even though bought at the same time. (Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179, secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. and sup., 95 (a), 50 U. S. C. App. 616, 617; and E. O. 8843, Aug. 9, 1941, 3 CFR Cum. Supp.)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-1221; Filed, Feb. 10, 1947; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Amdt. 01-2]

PART 01—AIRWORTHINESS CERTIFICATES

REPRODUCTION OF CERTIFICATION FORMS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 31st day of January 1947.

Certain sections of Part 01 of the Civil Air Regulations specify forms to be used in conjunction with the airworthiness certification of aircraft. Heretofore the regulations have required that such forms be furnished or issued by the Administrator of Civil Aeronautics. The amendment hereinafter set forth permits the reproduction of certain of the forms.

It appearing that the amendment of the Civil Air Regulations to allow the manufacturer to reproduce certain forms prescribed by the Administrator of Civil Aeronautics is a relaxation of the regulation, and it is in the public interest to adopt the amendment without delay;

The Civil Aeronautics Board finds that the notice and public procedures provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary with respect to the amendment of the Civil Air Regulations hereinafter set forth, and that good cause exists to make this amendment effective immediately.

Now, therefore: Effective January 31, 1947, Part 01 of the Civil Air Regulations is amended as follows:

1. By deleting from § 01.10 *Application*, the words "and furnished."

2. By deleting from § 01.11 *Requirements for issuance*, the words "and furnished."

3. By deleting from § 01.12 *Aircraft operation record requirements*, the words "and issued."

4. By deleting from § 01.25 *Periodic inspection*, the words "and furnished."

(52 Stat. 984, 1007, 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1274; Filed, Feb. 10, 1947; 8:54 a. m.]

[Regs., Amdt. 02-1]

PART 02—TYPE AND PRODUCTION CERTIFICATES

REPRODUCTION OF CERTIFICATION FORMS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 31st day of January 1947.

Section 02.34 *Statement of conformity*, of the Civil Air Regulations specifies a form to be used in conjunction with the preparation of statements of conformity. Heretofore it was required that the form be furnished by the Administrator of Civil Aeronautics. The amendment hereinafter set forth permits the reproduction of the form.

It appearing that the amendment of the Civil Air Regulations to allow the manufacturer to reproduce the form for Statement of Conformity is a relaxation of the regulation, and it is in the public interest to adopt the amendment without delay;

The Civil Aeronautics Board finds that the notice and public procedures provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary with respect to the amendment of the Civil Air Regulations hereinafter set forth, and that good cause exists to make this amendment effective immediately.

Now, therefore: Effective January 31, 1947, § 02.34 of the Civil Air Regulations is amended by deleting the words "and furnished."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1275; Filed, Feb. 10, 1947; 8:54 a. m.]

[Regs. Amdt. 44-1]

PART 44—FOREIGN AIR CARRIER REGULATIONS

FOREIGN AIR CARRIER AIRCRAFT AIRWORTHINESS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 31st day of January 1947.

It appearing that foreign governments may and do certificate aircraft which have been manufactured in the United States at weights in excess of the maximum weights for which the aircraft are certificated by the United States, and that such aircraft are operating in air carrier service into the United States while carrying these excess weights;

The Civil Aeronautics Board finds that the operation of foreign air carrier aircraft in the United States carrying such excess weights constitutes a hazard to public safety, that the Civil Air Regulations governing the operation of foreign air carrier aircraft into the United States should be amended immediately to prohibit such operations, and that compliance with the public notice and procedures required by paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is unnecessary.

Now, therefore: Effective March 1, 1947, § 44.3 of the Civil Air Regulations is amended to read as follows:

§ 44.3 *Aircraft airworthiness.* Each air carrier aircraft shall be possessed of a currently effective certificate of airworthiness issued by the country whose nationality it possesses. The air carrier shall not operate any airplane within the United States at weights in excess of the maximum weights authorized by the country of origin of the airplane model involved. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board:

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1273; Filed, Feb. 10, 1947; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-36-A]

PART 51—CANNED VEGETABLES: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED PEAS

In the matter of fixing and establishing definitions and standards of identity for canned peas.

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice issued on October 1, 1946 (11 F. R. 11383), and upon consideration of exceptions filed to the proposed order issued by the Federal Security Administrator on December 23, 1946 (11 F. R. 14717), the following order is hereby promulgated:

Findings of fact. 1. By order dated November 25, 1942 and published in the FEDERAL REGISTER on December 1, 1942 (7 F. R. 9918) the definition and standard of identity for canned peas was amended to provide for the use of small amounts of certain alkaline substances as optional ingredients. These substances are used to render the peas slightly alkaline during and after the canning process and to furnish a reserve of alkali in the peas when canned. Under these conditions the conversion of chlorophyll to pheophytin is retarded and the green color of fresh peas is largely retained without injuring the peas.

2. Recently it has been shown that in addition to the alkaline substances now recognized as optional ingredients the following substances can be used in small quantities with essentially the same results: sodium hydroxide, sodium bicarbonate, magnesium oxide, magnesium carbonate. Inclusion of these substances as optional ingredients in the definition and standard of identity of canned peas will permit a wider use of canning methods designed to retain the green color of fresh peas.

3. In order to prevent the addition of unduly large quantities of these alkaline substances with the likelihood of injury to the peas, a limit as to the amounts which may be used is necessary. The limit now prescribed, namely, that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration, is likewise a reasonable limit as to the quantities of the alkaline substances named in finding 2.

4. The alkaline substances named in finding 2 are suitable only for use with succulent peas.

5. When alkaline substances are added as optional ingredients to canned peas consumers are concerned to know of that fact and should be so informed. A label statement in one of the following forms will reasonably inform consumers of their presence: "Traces of _____ added," the blank to be filled in with the names of the alkalis used; or "Traces of alkalis added."

Conclusion. On the basis of the foregoing findings of fact it is concluded that the following amendments to the regulation fixing and establishing a definition and standard of identify for canned peas (21 CFR, Cum. Supp., 51.0) will promote honesty and fair dealing in the interest of consumers and said regulation is hereby amended by striking paragraph (c) (7) of § 51.0 *Identity; label statement of optional ingredients,* and inserting in place thereof:

(7) Sodium carbonate, sodium bicarbonate, sodium hydroxide, calcium hydroxide, magnesium hydroxide, magnesium oxide or magnesium carbonate or any mixture or combination of them in such quantity that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration.

and by striking paragraph (f) (6) and inserting in place thereof:

(6) If one or more of the optional ingredients named in paragraph (c) (7) of this section is used the label shall bear the statement "Trace of _____ added" the blank to be filled in with the names of the ingredients used; but in lieu of such statement the label may bear the statement "Traces of alkalis added".

The amendments hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

Dated: February 6, 1947.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 47-1248; Filed, Feb. 10, 1947; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter F—Organization and Procedures

PART 600—ORGANIZATION

PART 601—PROCEDURE

1. Section 600.57 (c) (11 F. R. 177A-34) is amended by substituting for the last two sentences of the first paragraph thereof matter as follows:

§ 600.57 *Field organization of the Office of the Chief Counsel.* * * *

(c) *Penal Division.* * * * Region 2 covers the sixth and seventh Judicial Circuits, and the States of Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Missouri, Oklahoma, Kansas and Arkansas, with the regional office located in Chicago. Region 3 covers the ninth Judicial Circuit, and the States of Wyoming, Colorado, New Mexico, and Utah, with the regional office located in San Francisco.

2. Section 601.1 (d) (4) (11 F. R. 177A-36) is amended as follows:

(A) By inserting immediately preceding the final sentence thereof matter as follows:

§ 601.1 *General procedure.* * * *
(d) *Disputed liability.* * * *
(4) *Conferences.* * * * Such Conference and Practice Requirements read as follows:

CONFERENCE AND PRACTICE REQUIREMENTS, BUREAU OF INTERNAL REVENUE, REVISED FEBRUARY 1942

QUALIFICATIONS FOR CONFERENCE

I. Conferences may be accorded only to taxpayers or their duly authorized representatives. Any individual taxpayer may appear on his own behalf or in behalf of a member of his immediate family if such appearance is without compensation; and a member of a partnership, executor or administrator of an estate, trustee of a trust, officer of a corporation, receiver, or guardian, or a fully authorized regular employee of an individual, partnership, estate, trust, or corporation may appear for himself or for such individual, partnership, estate, trust, corporation, receivership, or guardianship, solely upon adequate identification. This rule also applies to an individual, a partnership, an estate or trust, or a corporation with respect to the liability of the individual, partnership, estate or trust, or corporation as a transferee of property of a taxpayer and to a fiduciary with respect to the liability of the fiduciary under section 3467 of the Revised Statutes, as amended (U. S. C., Title 31, section 192). In cases where the appearance is on behalf of a member of the individual's immediate family, as above authorized, appropriate requirements, herein provided, respecting the filing of powers of attorney, will not be waived. All other persons appearing as attorneys or agents, including attorneys or agents of transferees or fiduciaries, must exhibit evidence that the requirements of Department Circular No. 230 (revised), which contains the statutes and regulations governing practice before the Treasury Department, have been complied with and must also conform with the following requirements:

POWER OF ATTORNEY TO BE FILED AND EVIDENCE OF ENROLLMENT TO BE SUBMITTED BEFORE RECOGNITION IS ACCORDED

II. No attorney or agent representing a claimant or other person before any of the offices of the Bureau of Internal Revenue shall appear or be recognized in any case, matter, claim, or other proceeding or business pending in such office unless the attorney or agent representing the claimant presents and files a power of attorney, or a certified copy thereof, from his principal in proper form authorizing him to prosecute the case, claim, or matter in question. Such power of attorney shall always be filed and evidence of enrollment submitted before such attorney or agent is recognized. In the event, however, that an attorney or agent presents himself for conference who is not familiar with this requirement, or who can show that he has not had reasonable opportunity to obtain a power of attorney from his client, or who has not applied for enrollment, but is able to produce such evidence as will reasonably convince the Bureau's representative that he has authority to represent the taxpayer, such attorney or agent may be heard with the understanding that a power of attorney in proper form and evidence of enrollment will be promptly forwarded to the Bureau, and that until such power of attorney and evidence of enrollment shall have been filed information will not be disclosed to such attorney or agent relative to the Bureau's attitude in respect of the issues raised or to any other matter relating to the taxpayer's case.

POWER OF ATTORNEY TO BE FILED PRIOR TO FINAL DETERMINATION OF TAX LIABILITY

III. No power of attorney will be accepted which is filed after final determination of the tax liability, unless the power of attorney recites that the principal is cognizant of such settlement and of the amount of deficiency or overassessment determined. (See also title "Checks in payment of refunds," paragraph XXI herein.)

POWER OF ATTORNEY NOT REQUIRED IN CERTAIN CASES PENDING BEFORE THE UNITED STATES BOARD OF TAX APPEALS (NOW KNOWN AS THE TAX COURT OF THE UNITED STATES)

IV. In a docketed petition before the Board, it is considered that the petitioner and the Commissioner stand in the position of parties litigant before a quasi judicial body. The Board of Tax Appeals has its own rules of practice and procedure, and its own rules respecting admission to practice before it. A Staff division in the decentralized areas is authorized to deal with the counsel of record before the Board in a petition docketed by the Board. Therefore, correspondence in connection with Board dockets will, ordinarily, be addressed to counsel of record before the Board; and in any event the position of the Bureau is that such counsel of record shall receive copies of any correspondence, or be advised as to the general nature of any communications, which for good and sufficient reason may be addressed direct to the taxpayer.

In all cases handled by the decentralized offices of the Technical Staff, other than cases docketed before the Board, the customary power of attorney will be required.

POWER OF ATTORNEY, REQUIREMENTS

V. Any power of attorney offered in evidence in any case will be accepted only if it is in regular form. Only one power of attorney shall be in effect in any case and there shall be included in such power of attorney the names and addresses of all attorneys or agents to whom the taxpayer has delegated authority to represent him.

A. *Technical language unnecessary.* It is considered necessary in all cases that the power of attorney contain language to convey the principal's intention, though not necessarily in strictly legal form.

B. *Attestation of execution of instrument or witnesses thereto.* The power of attorney must be executed before a notary public, or, in lieu thereof, witnessed by two disinterested individuals. The notarial seal must be affixed unless such seal is not required under the laws of the State wherein the power of attorney is executed. No attorney or agent as notary public shall take acknowledgments, administer oaths, certify papers, or perform any official act in connection with matters pending before the Bureau in which he is employed as counsel, attorney, or agent, or in which he may be in any way interested. (See Act of June 29, 1906, 34 Stat. 622.).

C. *Extent of authority delegated.* The authority delegated to an attorney or agent in a power of attorney enumerating certain specific acts which may be done will be considered limited to those acts.

(A) *Express authority required for certain acts.* Express authority to do the following acts must be granted and shown in the power of attorney or such acts will be considered beyond the scope of the agent's authority:

1. To receive but not to indorse and collect checks in settlement of any refund. (See section 3477 of Revised Statutes, which prohibits assignments of claims or portions thereof, and title "Checks in payment of refunds," paragraph XXI herein.)

2. To delegate authority or to substitute another agent or attorney.

3. To execute consents agreeing to a later determination and assessment of taxes than is provided by statute of limitations.

4. To execute closing agreements relative to the tax liability.

D. *Signature of grantor.* The power of attorney should be signed as follows:

a. In the case of an individual taxpayer, by such individual.

b. In the case of any taxable year for which a joint return was made by a husband and wife, by both husband and wife, except that either spouse may sign for the other if duly authorized in writing so to act.

c. In the case of a partnership, either by all members or in the name of the partnership by one of the partners duly authorized to act.

d. In the case of a corporation by an officer of the corporation having authority to bind same and be attested by the secretary of the corporation over the corporate seal.

1. A power of attorney granted by a corporation should state whether or not the corporation has a seal, and the seal should be affixed to the power in all cases where one is used by the corporation. If the power of attorney shows that the corporation has no seal, a certified copy of a resolution duly passed by the board of directors of the corporation giving its officers authority to sign the same should be submitted.

2. If the officer who signs the power of attorney is also secretary, another officer of the corporation, preferably the president, vice president, or treasurer, must also sign the instrument so that two different individuals' signatures will appear thereon.

e. In the case of an association, the same requirements shall apply as in the case of a corporation.

f. Special cases:

If the taxpayer is dissolved, insolvent, deceased, or has a similar status, the additional requirements beginning with paragraph XV herein should be followed.

E. *Certification of copies of powers of attorney and evidence filed in connection therewith.* The certification of copies of powers of attorney or papers or documents filed in connection therewith must be made by a notary public, or other proper official, who should state that he has personally compared the copy with the original and finds it to be a true and correct copy. This certification applies to all copies of powers of attorney and related papers, including printed and photostatic copies.

F. *Certain powers of attorney to be filed in field offices.* Powers of attorney covering income, profits, estate, and gift tax cases, also Vinson Act cases, shall be filed in the office of the internal revenue agent in charge in which the case is under consideration, accompanied by sufficient authenticated copies thereof for attachment to the return for each tax year under consideration.

Free statements respecting contingent or partially contingent fee agreements required to be filed by attorneys and agents under the provisions of paragraph (*y*), section 2, Department Circular No. 230, revised, effective October 1, 1936, as amended (see C. B. 1937-2, page 645) (31 CFR Part 10), should be signed only by the attorney or agent and filed with the internal revenue agent having the case under consideration.

SUBSTITUTION OF ATTORNEYS OR AGENTS

VI. Substitution of attorneys or agents may be effected only where the power of attorney, under which the attorney or agent is acting, expressly confers the right of substitution. Such attorney or agent, if in good standing before the Department, may, by a duly executed substitute power of attorney, substitute another or others in his stead. The Bureau reserves the right to refuse recognition to a substituted attorney or agent where, in its opinion, such substitution will only delay the final adjustment of the case. Furthermore, the Bureau will not accept a substitute power of attorney granted by an attorney or agent, who is acting under a substitute power of attorney from the attorney or agent, unless specific authority is granted in the principal's power of attorney to the attorney or agent to pass on to his substitute the right of substitution. (See also title "Checks in payment of refunds," paragraph XXI herein.)

NEW POWER OF ATTORNEY REQUIRED WHEN NEW OR ADDITIONAL ATTORNEYS OR AGENTS RETAINED

VII. In any case in which a power of attorney has been filed and the taxpayer subsequently desires to authorize other or additional attorneys or agents to represent him before the Bureau with respect to the same case, a new power of attorney must be filed, which shall include the names of all attorneys or agents who are authorized to act for such taxpayer. Such new power of attorney shall contain a clause specifically revoking any and all powers of attorney previously filed with respect to the same case. The revocation of an authority to prosecute a matter before the Bureau shall in no case be effective, so far as the Bureau is concerned, before due notice in writing has been given the Bureau, and the filing of evidence of notification of the revocation to the attorney or agent whose power has been revoked. Where consideration of a matter has been held in abeyance awaiting the furnishing of evidence for which a call has been made on an attorney or agent, failure on his part to take action thereon within three months from the date on which consideration of the matter was suspended may be deemed by the administrative officer before whom the case is pending cause for refusal to further recognize the authority of the attorney or agent. Such administrative officer shall, however, give written notice of such refusal to the client of such attorney or agent, and shall state briefly the reason such action has been taken.

EVIDENCE REQUIRED TO SUBSTANTIATE FACTS ALLEGED IN CONFERENCES

VIII. No reduction in taxes proposed nor increases in allowance of claims shall be made unless the evidence upon which such action is taken is submitted in writing and in verified form. All evidence except that of a supplementary or incidental character shall be submitted over the sworn signature of the taxpayer.

The sworn statement of facts must be submitted at least five days before the conference date except as hereinafter provided, and must meet all the issues raised by the Bureau which the taxpayer desires to contest. If the sworn statement of facts is not submitted at least five days before the conference, then it must be accompanied by a sworn statement setting out specifically the reasons for not having complied with the 5-day rule. Nothing herein shall preclude the taxpayer from submitting additional or supporting evidence within a reasonable time after the conference.

Every affidavit, agreement, brief, or statement of facts prepared or filed by an attorney or agent as argument or evidence in the matter of a claim or tax matter pending before the Bureau shall have thereon a statement signed by such attorney or agent showing whether or not he prepared such document and whether or not the attorney or agent knows of his own knowledge that the facts contained therein are true.

CONFERENCE TO BE PREARRANGED

IX. Conferences with taxpayers or their representatives will not ordinarily be held without previous arrangement. Cases in which taxpayers or their representatives can submit some unusual reason for requesting an immediate conference without previous arrangement will be given consideration by Bureau officials charged with the arrangement of conferences, who may, if the circumstances warrant, make an exception to the rule.

In order that the case under consideration may be closed at one conference, if at all possible, the requirements of paragraph VIII of this circular to the effect that the brief submitted in advance of conference must meet all issues raised will be strictly enforced, and another conference will not be granted on the same case except to meet new issues raised by the Bureau in the course of the first conference which could not have been anticipated prior to such conference.

RECOGNITION OF UNENROLLED EMPLOYEES OF QUALIFIED ATTORNEYS OR AGENTS

X. Unenrolled employees of enrolled attorneys or agents will not be recognized in any matter by offices of the Bureau except for the purpose of filing papers or securing information as to the status of cases. Recognition for the latter purpose will be given only when the employee presents in each case written authority from his employer to act as the latter's substitute in obtaining the information desired regarding status and when the power of attorney of his employer in each case provides for the substitution of such employee. To facilitate recognition of such employees, it is requested that the employee present at the time of making inquiry concerning any case the receipt for the power of attorney issued to his employer by the taxpayer in that case and the receipt for the substitute power of attorney issued to him. (These receipts are furnished if requested when the powers of attorney are filed.)

POWERS OF ATTORNEY AND ENROLLMENT REQUIRED OF AGENTS AND ATTORNEYS HANDLING MATTERS BY CORRESPONDENCE

XI. Where recognition is desired through correspondence with the Department, enrollment and power of attorney requirements must be met by attorneys or agents even though no actual appearance is made before the Department. If a proper power of attorney is filed authorizing only one of the following acts by the attorney or agent, enrollment will not be required:

Authority to sign but not to prosecute any claim of the taxpayer.

Authority to inspect or receive copies of returns where Executive order or regulations permit such action by agent.

The Commissioner reserves the right to withhold making the above exceptions in any specific case.

If the power of attorney authorizes the attorney or agent to do one or both of the above acts and some other acts or acts, enrollment will be considered necessary, notwithstanding that the agent or attorney does not expect to use all of the power conferred upon him.

SPECIFIC AUTHORITY REQUIRED IN VINSON ACT CASES

A power of attorney authorizing an attorney or agent to represent a taxpayer before the Bureau of Internal Revenue in connection with income tax matters will not be recognized by the Bureau as evidence of an attorney's or agent's authority to act as representative for a contractor or subcontractor in connection with excess profit liability under section 3 of the Vinson Act (48 Stat., 503), as amended, as applied to Navy contracts and contracts for aircraft for the Army, and to subcontracts made with respect to such contracts. In such cases a separate power of attorney must be secured specifically authorizing the attorney or agent to appear in behalf of his client.

LETTERS ARRANGING CONFERENCES TO ADVISE OF REQUIREMENTS

XII. Letters arranging conferences will apprise the taxpayer or his representative of the requirements as to powers of attorney, the necessity of being enrolled to practice before the Department, and to whom he should apply for enrollment, unless it is known that the addressee is aware of the requirements. Owing to the expense involved, it will not be the practice, except in rare cases, to incorporate the above requirements in telegrams. Where sufficient time intervenes between the date of the telegram and the conference the telegram will be confirmed by letter and conference requirements stated.

PRACTITIONERS MUST CONDUCT THEMSELVES IN AN ETHICAL MANNER

XIII. Attorneys or agents representing taxpayers before the Bureau are expected at all times to conduct themselves in an ethical manner, and will be held strictly accountable for the withholding of known material information or for any deliberately false or misleading statement.

"* * * whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder shall be fined not more than $10,000 or imprisoned not more than ten years, or both." (Section 80, Title 18, United States Code.)

"Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution." (Section 3793 (b) 1 of the Internal Revenue Code.)

For gross misconduct the Commissioner may refuse to recognize any person as an attorney or agent in any particular case.

Attempting to influence the conduct of any official or employee of the Bureau in any case or other proceeding pending before the Bureau by the use of threats, false accusations, duress, or by the offer of any special inducement or promise of advantage, or by the bestowing of gifts or favors upon officials or employees before whom an attorney or agent is appearing is considered grounds for disbarment from practice before the Treasury Department.

"Whosoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, * * *, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made or tendered, and imprisoned not more than three years." (Section 91, Title 18, United States Code.)

EFFECT OF PREVIOUS CONNECTION WITH THE UNITED STATES GOVERNMENT

XIV. No enrolled person or other person authorized to appear before the Treasury Department without enrollment shall represent a claimant before the Treasury Department in any matter to which such person, as officer or employee of the United States, gave personal consideration or as to the facts of which he gained knowledge while in the Government service.

No former officer, clerk, or employee of the Treasury Department shall act as attorney or agent, or as the employee of an attorney or agent, within two years after the termination of such Treasury employment, in any matter pending in such Department during the period of his employment therein, unless he shall first obtain the written consent thereto of the Secretary of the Treasury, or his duly authorized representative. This consent will not be granted unless it appears (1) that the applicant was not, during the period of two years immediately preceding the date of application, employed in the particular departmental or field section in which was pending the matter to handle which consent is sought, provided that this requirement shall not apply to persons employed in an administrative capacity such as head of a unit, division, or section, or employed as a reviewer or conferee or in an advisory capacity, and (2) that employment as an agent or attorney is not prohibited by title 5, section 99, United States Code, or other law, or by the regulations of the Treasury Department. Such applicant shall be required to file an affidavit to the effect that he gave no personal consideration to such matter and had no knowledge of the facts involved in such matter while he was employed in the Department, and that he is not now associated with, and will not be associated with, any former employee who has gained knowledge of the case while employed by the Treasury Department, and that his employment is not prohibited by title 5, section 99, United States Code, or other law, or by the regulations of the Treasury Department. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files and records pertaining to the case. Applications for consent should be directed to the Committee on Practice on Form 901 and should state the former connection with the Department of the applicant and identify the matter in which the applicant desires to appear. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and this notice shall be filed by him in the record of the case.

Nor shall any enrolled person knowingly (1) assist a person who has been employed by a client to represent him before the Treasury Department in connection with any matter to which such person gave personal consideration or as to the facts of which such person gained personal knowledge while in the Government service, or (2) accept assistance from any such person in connection with any such matter, or (3) share fees with any such person in connection with any such matter.

INSTRUCTIONS FOR EXECUTION OF POWER OF ATTORNEY IN SPECIAL CASES WHICH MUST BE MET IN ADDITION TO GENERAL REQUIREMENTS

XV. *Dissolved partnership.* A power of attorney to act with respect to matters involving the affairs of a dissolved partnership must be signed by all of the former partners. In case some of the partners are dead, their legal representatives must sign in their stead. (See paragraph XVIII.) If however, under the laws of the particular State, the surviving partners at the time of the execution of the power of attorney have exclusive right to the control and possession of the firm's assets for the purpose of winding up its affairs, their signatures alone will be sufficient. If only the surviving partners sign the power of attorney, a copy of the pertinent provisions of the State law under which they claim authority, exclusive of the legal representatives of the deceased partners, should be noted and citation given thereto.

XVI. *Dissolved corporation.* If a liquidating trustee, or trustee under dissolution, has been appointed, or if a trustee derives authority under a statute of the State in which the corporation was organized the power of attorney should be executed by such trustee. If there is more than one trustee, all must join unless it is established that less than all have authority to act in the premises. The power of attorney must be accompanied by a copy of the instrument under which the trustee derives his authority, properly authenticated, or if the authority is derived under a State statute, the statute should be cited and quoted, and an affidavit by a third party, setting forth the facts required by the statute as a precedent to the vesting of the authority in said trustee must be furnished. It must also appear in the case of any trustee that his authority has not been terminated. If there is no trustee, then a power of attorney executed before a notary public by a sufficient number of individuals to make up a representation of a majority in the voting stock of the corporation at the date of dissolution will be accepted for purposes of conference and correspondence relating to the tax liability in the particular case. Such instrument must show the total number of outstanding shares of voting stock at the date of dissolution and the number held by each signatory to the power of attorney. The instrument must also contain positive averments as to the nonexistence of any trustee, and the date of dissolution must appear.

XVII. *Insolvent taxpayer.* A certificate from the court having jurisdiction over the insolvent should be furnished showing the appointment and qualification of the trustee or receiver, and it should appear that the authority has not terminated. In cases pending before a district court of the United States an authenticated copy of the order approving the bond of the trustee will meet this requirement. If an attorney has been appointed under authority of court for the trustee or receiver, a copy of the court order appointing such attorney (where he is to represent the trustee) should be furnished. If no attorney has been appointed, the trustee or receiver should execute the power of attorney, the acknowledgment or witnessing thereof to be the same as in the case of an individual, and the above-described evidence showing the appointment of the trustee or receiver furnished therewith. If the trustee or receiver does not wish to appoint an attorney, he will be recognized upon establishing his authority in the manner above described.

XVIII. *Deceased taxpayer.* The executor or administrator should execute the power of attorney, which must be accompanied by a short-form certificate (or authenticated copies of letters testamentary or letters of administration) showing that his authority is in full force and effect at the time such evidence is submitted. The executor or administrator will be recognized in his own right if he does not wish to appoint an attorney or agent, upon submission of the above-described court certificate, and such executor or administrator is not required to be enrolled to practice. In the event that the executor has been discharged and a trustee under the will is acting, the power of attorney must come from the trustee, and evidence of the discharge of the executor and of the appointment of the trustee must be submitted with the power of attorney. In such cases, where the executor is discharged and the estate is distributed to the residuary legatees, the power of attorney must come from the residuary legatee or legatees, and be accompanied by a statement from the court certifying to the discharge of the executor and naming the residuary legatees and indicating the proper share to which each is entitled. In the event that the decedent died intestate and the administrator had been discharged or none was ever appointed, the power of attorney must come from the distributees and be accompanied by evidence of the discharge of the administrator, if one had been appointed, and affidavits and such other evidence as can be adduced tending to show the relationship to the deceased of the signatories to the power of attorney and the right of each of them to the respective shares claimed under the law of the domicile of the deceased.

XIX. *Guardians and other fiduciaries appointed by a court of record.* The power of attorney should be executed by the fiduciary and must be accompanied by a court certificate or court order showing that such fiduciary has been appointed and that his appointment has not been terminated.

XX. *Trustee under deed, declaration, etc.* Powers of attorney must be executed by the trustee and be accompanied by documentary evidence of the authority of the trustee to act. Such evidence may be either a copy of the trust instrument, properly certified, or a certified copy of extracts from the trust instrument, showing—

a. Date of instrument.

b. That it is or is not of record in any court.

c. The beneficiaries.

d. The appointment of the trustee, the authority granted, and such other information as may be necessary to show that such authority extends to Federal tax matters.

e. That the trust has not been terminated, and that the trustee appointed thereby is still acting.

Self-serving affidavits by the trustee in this connection are not acceptable. In the event that the trustee appointed in the original trust instrument is no longer acting and has been replaced by another trustee, documentary evidence of the appointment of the new trustee must be submitted. In cases where there are more than one trustee appointed, all must join, unless it is shown that less than all have authority to act.

XXI. *Checks in payment of refunds.* The Bureau is not bound to deliver any check in payment of refund of internal-revenue taxes, penalties, or interest to a representative of any taxpayer acting under authority evidenced by a power of attorney. However, it will be the general policy of the Bureau to mail such checks in care of an enrolled attorney or agent who has filed power of attorney from the principal, specifically authorizing him to receive but not to indorse such check, provided that such power of attorney shall have been filed in sufficient time for the section or division preparing the certificate of overassessment to show thereon the mailing address as "care of" the attorney or agent. Where an attorney or agent has more than one address, request to mail the check to another address than is shown in the power of attorney will not be granted unless the address shown in the power of attorney is no longer that of the attorney or agent. In the event that a power of attorney is filed specifically authorizing more than one attorney or agent to receive checks on the taxpayer's behalf, and such attorneys or agents have different addresses, the Bureau will not mail the check in care of any of the attorneys or agents named in the power of attorney but will mail the check direct to the taxpayer, unless a statement is furnished, signed by all of the attorneys or agents named in the power of attorney, requesting that the check be mailed in care of one of their number. Furthermore, it will be the policy of the Bureau not to mail checks in payment of refunds to an attorney or agent who holds authority to receive such check by reason of a substitute power of attorney obtained from the attorney or agent designated by the taxpayer.

Where there is a contest between members of a dissolved firm or between two or more attorneys or agents acting under the same power of attorney as to which one is entitled to prosecute a matter pending before the Bureau or to receive a draft, warrant, or check, the client only shall thereafter be recognized, unless the members or survivors of the dissolved firm, or the contesting attorneys or agents, file an agreement signed by all designating which of them shall be entitled to prosecute such matter or to receive the said draft, warrant, or check. In no case shall the delivery of a final draft, warrant, or check to the client be delayed more than 60 days by reason of failure to file such agreement. Deliveries of all checks in payment of refunds will be made by or through the office of the collector to whom the tax was paid.

REQUIREMENTS APPLICABLE TO FIELD OFFICES

XXII. The foregoing conference and practice requirements apply to all offices in the Internal Revenue Service.

(B) By substituting for the final sentence thereof a paragraph reading as follows:

As to conference practice relative to taxes within the jurisdiction of The Tax Court, see also sections dealing specially with such taxes.

3. Paragraph (c) (1) of § 601.2 *Income and excess profits taxes* (11 F. R. 177A–38) is amended by substituting for the parenthetical matter in the final paragraph thereof "(C. B. 1942–1, 184)" the following: "(see § 601.1 (d) (4))".

4. Paragraph (b) of § 601.3 *Technical Staff* (11 F. R. 177A–43) is amended by changing the first sentence thereof following the first quotation to read as follows: "In general the practice and conference procedure before the Technical Staff is governed by Treasury Department Circular 230 (31 CFR Part 10), and the Bureau of Internal Revenue Conference and Practice Requirements (see § 601.1 (d) (4))".

5. Paragraph (a) of § 601.11 *Excess Profits Tax Council; Appellate functions and procedures under section 722 of the Internal Revenue Code* (11 F. R. 177A–64) is amended by substituting for the parenthetical matter in the final sentence of the second paragraph thereof "(Inter-

nal Revenue Bulletin 1942-1, page 384; see § 601.1 (d) (4))" the following: "(see § 601.1 (d) (4))".

(Sec. 12, Pub. Law 404, 79th Cong.; 60 Stat. 244)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1249; Filed, Feb. 10, 1947; 8:55 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 227—DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

GATO RIDGE FIELD, CALIFORNIA

The material under the heading "Definitions of Known Geologic Structures of Producing Oil and Gas Fields," designated as Part 226, is redesignated as Part 227 and amended as set forth below. The material under the heading "Unit or Cooperative Agreements," 12 F. R. 528, remains as Part 226, and is not affected by this document.

Paragraph (c) of § 227.0 (11 F. R. 9104, 14590), Part 227, Title 30, Chapter II, Code of Federal Regulations, is hereby amended by adding the following:

§ 227.0 *Outstanding definitions.* • • •
(c) • • •

Name of field and date of promulgation	*Acreage*
California:	
• • • • •	
Gato Ridge Field, December 30, 1946	1,322

(20 Stat. 394, 41 Stat. 450; 43 U. S. C. 189)

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 47-1246; Filed, Feb. 10, 1947; 8:52 a. m.]

Chapter VI—Solid Fuels Administration for War

[SFAW Order 44]

PART 602—GENERAL ORDERS AND DIRECTIVES

SHIPMENTS OF COAL

It appears that the provisions of SFAW Revised Regulation No. 32, as amended are no longer necessary to effectuate the purposes of Executive Order No. 9332 (8 F. R. 5355). *Therefore, It is ordered*, That §§ 602.875 to 602.883, inclusive, Code of Federal Regulations, SFAW Revised Regulation No. 32, as amended (11 F. R. 8575, 10282, 11560) be, and they are hereby revoked, effective 12:01 a. m. February 6, 1947.

(E. O. 9332, April 19, 1943, 8 F. R. 5355)

Dated: February 5, 1947.

J. A. KRUG,
Solid Fuels Administrator for War.

[F. R. Doc. 47-1229; Filed, Feb. 10, 1947; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Laws 383 and 475, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1077]

GROVER D. KING

Grover D. King, residing at 1821 West Whittier Boulevard, Whittier, California, is a contractor and builder engaged in the construction of several housing projects in Southern California. Subsequent to March 26, 1946, he was engaged by Keith Spalding, owner of the premises located at 4201 Oak Grove Drive, Flintridge, Los Angeles County, California, to supervise the moving, re-assembly, and remodeling of a large stable. On and after August 4, 1946, Grover D. King began and carried on construction and alterations in the moving, re-assembly and remodeling of the stable, at an estimated cost of $45,000, without authorization from the Civilian Production Administration. Grover D. King was aware that certain construction required authorization from the Federal Housing Administration or Civilian Production Administration. Said stable, as remodeled, was not intended to be used in connection with any existing dwelling, or in any commercial or industrial endeavor. The beginning and carrying on of this construction at a cost in excess of $200 constituted wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical material to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1077 *Suspension Order No. S-1077.* (a) For a period of four months from the effective date of this order, no authorization shall be granted to Grover D. King to construct, nor shall he during such period apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(b) Grover D. King shall cancel immediately all preference ratings which he has applied or extended to orders which have not yet been filled, except that if he has extended customer's rating to secure an item for delivery without change in form to that customer (as distinct from replacing it in inventory), he need not cancel the rating provided the item when received is promptly delivered to the customer whose rating was extended.

(c) All preference ratings, allotments and allocations presently outstanding in connection with orders for delivery of materials to Grover D. King or placed prior to the termination date of this order are void and shall not be given any effect by suppliers of Grover D. King, or any other person. This does not apply to material already delivered or in transit for delivery to him on the effective date of this order.

(d) Grover D. King shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(e) Nothing contained in this order shall be deemed to relieve Grover D. King, his successors or assigns from any restriction, prohibition, or provision contained in any order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on the 8th day of February 1947.

Issued this 29th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1365; Filed, Feb. 10, 1947; 11:17 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1082]

CHARLES A. LIMBERG AND AL BAKER

Charles A. Limberg, resides at 518 South Orange Street, Media, Pennsylvania, and is the owner of the premises at the southeast corner of Baltimore Pike and Olive Street, Media, Pennsylvania. Al Baker, a contractor and builder, resides in Broomall, Delaware County, Pennsylvania. On or about September 1, 1946, Charles A. Limberg and Al Baker began the construction of a new stone and brick addition to a commercial building on the southeast corner of Baltimore Pike and Olive Street, Media, Pennsylvania, at an estimated cost of approximately $11,500, without authorization of the Civilian Production Administration. The beginning and carrying on of this construction, at a cost in excess of $1,000, without authorization of the Civilian Production Administration, constitutes a wilful violation by Al Baker, and a grossly negligent violation on the part of Charles A. Limberg of Veterans' Housing Program Order 1 of the Civilian Production Administration. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered, that:

§ 1010.1082 *Suspension Order No. S-1082.* (a) Neither Charles A. Limberg or Al Baker, their successors or assigns, nor any other person, shall do any further construction on the premises of Charles A. Limberg, located on the southeast corner of Baltimore Pike and Olive Street, Media, Pennsylvania, including putting up, completing, or altering any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) Charles A. Limberg and Al Baker shall refer to this order in any application or appeal which they may file with the Civilian Production Administration, or any other duly authorized Governmental agency, for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Charles A. Limberg or Al Baker, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1364; Filed, Feb. 10, 1947; 11:17 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1089]

REUBEN NEWMAN AND ANTHONY DIDONATO, JR.

Reuben Newman, 1433 South Sixth Street, Philadelphia, Pa., is the owner of the premises at 1317-19 South Third Street, Philadelphia, Pa. Anthony DiDonato, Jr., 2122 South Rosewood Street, Philadelphia, Pa., is a contractor and builder. Reuben Newman and Anthony DiDonato, Jr., on or about December 6, 1946, began the construction of a commercial building to be used as an auto repair shop at 1317-19 South Third Street, Philadelphia, Pa., at an estimated cost of $2,600, without authorization of the Civilian Production Administration. The carrying on of this construction after being informed of the restrictions of Veterans' Housing Program Order No. 1, and after voluntarily agreeing to refrain from further construction until authorized, constituted a wilful violation on the part of Anthony DiDonato, Jr., and a grossly negligent violation on the part of Reuben Newman of Order VHP-1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1089 *Suspension Order No. S-1089.* (a) Neither Reuben Newman or Anthony DiDonato, Jr., their successors or assigns, nor any other person, shall do any further construction on the premises located at 1317-19 South Third Street, Philadelphia, Pa., including putting up, completing or altering of any structure located thereon, unless specifically authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) Reuben Newman and Anthony DiDonato, Jr., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance, or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Reuben Newman and Anthony DiDonato, Jr., their successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1363; Filed, Feb. 10, 1947; 11:17 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS (APPENDIX)

TRAVEL AND TRANSPORTATION EXPENSES OF EMPLOYEES TRANSFERRED FROM ONE OFFICIAL STATION TO ANOTHER FOR PERMANENT DUTY

(a) *General.* The following Veterans' Administration procedures governing the payment of travel and transportation expenses of Veterans' Administration employees when transferred from one official station to another for permanent duty, including transportation of immediate family, household goods and personal effects, are based upon Executive Order 9805, November 25, 1946, issued pursuant to Public Law 600, 79th Congress. These procedures are effective as of November 1, 1946, but will not be applicable in cases of change of station which were ordered prior to November 1, 1946, and were incomplete on that date. Expenses incident to changes of station ordered prior to November 1, 1946, will be paid in accordance with the provisions of Executive Order 8588, November 7, 1940, as amended, Executive Order 9743, June 26, 1946, and Veterans' Administration regulations and instructions thereon.

(1) Definitions as used herein.

(i) "Employee"—a civilian officer or employee of a department as defined below.

(ii) "Department"—an executive department, independent establishment or other executive agency, wholly-owned Government Corporation, or the Government of the District of Columbia.

(iii) "Continental-United States"—the 48 States and the District of Columbia.

(2) *Payment of expenses.* The travel and transportation expenses allowable under these procedures will be paid only in case of transfer from one official station of the Veterans' Administration to another, or from another department to the Veterans' Administration, for permanent duty when authorized by an official designated by the Administrator, in the order directing the travel of the employee being transferred. In no case will travel and transportation expenses be authorized or paid where the transfer is made primarily for the convenience or benefit of the employee or at his request.

(3) *Time limit.* All travel and transportation allowable under these procedures will begin within two years from the effective date of the transfer of the employee, except that, for employees who enter upon active military, naval, or coast guard duty at any time prior to the expiration of such period and are furloughed for the duration of such duty, the two-year period will be exclusive of the time spent on such furlough; and for employees transferred to posts of duty outside the continental United States the two-year period will be exclusive of any time during which shipping restrictions make the travel and transportation impossible. Administrative officers should endeavor to complete travel and transportation at the earliest practicable dates.

(b) *Travel expenses of employees.* The travel expense of the employee transferred will be in accordance with the Subsistence Expense Act of 1926, as amended (5 U. S. C. 821-823), the Standardized Government Travel Regulations, the Act of February 14, 1931, as amended (5 U. S. C. 73 (a)), and Veterans' Administration travel regulations and instructions.

(1) *Per diem on permanent change of station.* (i) In cases of permanent transfer between two stations readily accessible by common carrier, per diem in lieu of subsistence will be allowed only for such time as would be required to travel by common carrier.

(ii) Employees being transferred from one station to another will not be allowed per diem after arrival at the new station.

(iii) When a transfer is effected after the arrival of an employee at the station by detail with per diem allowance, such allowance will terminate the date that the transfer is effective.

(iv) An employee may not be detailed to a station with per diem allowance after arrival when permanent transfer of the employee is contemplated in the beginning or at the time the travel is initiated. In such a case, the travel order will read that per diem allowance will be allowed while traveling only.

(c) *Transportation expenses of immediate family.* "Immediate family" means any of the following named members of the employee's household: Spouse, children (including stepchildren and adopted children), unmarried and under 21 years of age or physically or mentally incapable of support regardless of age, and dependent parents of the employee (but not of the spouse).

(1) *General.* Transportation expenses of the immediate family of an employee incident to his permanent transfer from one official station to another will be subject to those provisions of Standardized Government Travel Regulations relating to transportation including mileage, and will be in accordance with the Act of February 14, 1931 (5 U. S. C. 73 (a)). Per

diem in lieu of subsistence will not be allowed members of the immediate family of an employee being transferred at Government expense.

(2) *When authorized.* Payment of expenses for transportation of the immediate family must be authorized in the order directing the travel of the employee being transferred, and may not be authorized subsequent to the performance of the employee's travel.

(3) *Points between which expenses of transportation of employee's immediate family are allowable.* Expense of transportation of an employee's immediate family may be allowed whether the travel originates at the employee's last official station or at some previous place of residence and whether the point of destination is the new official station or some other point selected by him, or both. The cost to the Government will not exceed the cost of transportation by the most economical route between the last official station and the new official station.

(4) *Mode of transportation.* Travel of immediate family will be by privately-owned conveyance or common carrier. The mode of travel will be entered on the travel order, and approval for travel of the employee's immediate family will constitute approval for the requested mode of travel unless it is specifically stated otherwise.

(i) Whenever practicable, an employee traveling by privately-owned conveyance will be accompanied by the members of his family. In such instances reimbursement for use of privately-owned conveyance will be made to the employee on a mileage basis in accordance with Veterans' Administration regulations therefor. No additional reimbursement is allowable because the employee's dependents rode with him in the conveyance.

(ii) If the employee's family cannot, because of impracticability, accompany him by privately owned conveyance to the new station, they may be furnished transportation by common carrier within the allowances prescribed in Veterans' Administration instructions for travel of employees by common carrier.

(iii) If it is desirable for the employee to travel to his new duty station by common carrier and for his family to travel by privately owned conveyance, reimbursement for such use of the conveyance may be authorized and paid either on a mileage basis as provided in Veterans' Administration instructions for travel on a mileage basis or on the basis of actual expenses of operation as provided in Veterans' Administration instructions for travel on an actual-expense basis. Claims for reimbursement of actual expenses must be supported by receipts showing expenditures for gasoline, oil, lubrication, storage and toll charges.

(5) *Preparation of vouchers.* (i) Standard Forms No. 1012 Revised and 1012a Revised, Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel, will be used for vouchering travel expenses of members of the immediate family of an employee on change of station. Where all the services rendered are not covered by a single voucher, vouchers covering payment for subsequent charges will bear a reference to prior vouchers.

(ii) Vouchers will be prepared in the name of and certified by the employee, even in those cases where the immediate family travels by common carrier or by privately owned conveyance independent of the employee and separate vouchers are submitted.

(iii) Vouchers will show on the reverse thereof, under "Character of Expenditure," a statement of the name and relationship of the immediate family whose expenses are included and the age and marital status of children. If such children are 21 years of age or over, it must be shown that they are physically or mentally incapable of self-support. When travel of the immediate family is performed by common carrier, a record of transportation requests used will be recorded on the reverse of the voucher under the caption "Statement of Travel," listing thereon the information as required in the applicable columns.

(d) *Transportation of household goods and personal effects.* The following procedures will govern the transportation of houshold goods and personal effects incident to the permanent transfer of a Veterans' Administration employee from one official station to another when properly authorized by an official designated by the Administrator.

(1) *General*—(i) *When authorized.* Expenses for the shipment of household goods and personal effects must be authorized in the order directing the travel of the employee being transferred.

(ii) *Weight limit.* The weight of the household goods and personal effects transported at Government expense will not exceed 7,000 pounds if uncrated or 8,750 pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement and when the amount payable by the Government is computed solely on the basis of the cubic measurement of the goods shipped. (In instances in which no adequate scale is located at point of origin or at any point within a radius of ten miles thereof, a constructive weight, based on seven pounds per cubic foot of properly loaded van space, may be used.)

(iii) *Items not allowable.* Household goods and personal effects will not include wines, liquors, animals, or birds, not necessary in the performance of official duties, or automobiles.

(iv) *Origin and destination of shipment.* The expenses of transportation authorized hereunder or reimbursement on a commuted basis within the continental United States will be allowable whether the shipment originates at the employee's last official station or at some previous place of residence, or partially at both, or whether the point of destination is the new official station or some other point selected by him, or both: *Provided*, That the cost to the Government will not exceed the cost of shipment in one lot by the most economical route from the last official station to the new. No expenses will be allowable for the transportation of property acquired en route from the last official station to the new. For the purposes of these procedures, the term "official station" will be construed to include any point from which the employee commutes daily to his official post of duty.

(v) *Preparation of vouchers.* In preparing vouchers for payments, the following conditions will be observed:

(*a*) Claims for reimbursement for transportation of household goods and personal effects will be vouchered on Standard Form 1012 and payment is made by the office issuing the order.

(*b*) Vouchers must be supported by the original or a certified true copy of the travel order authorizing the transfer and shipment, bearing a certified statement by the traveler as to whether or not he has dependents living with him. If shipment is between points within the continental U. S., the carrier's original bill of lading or a certified copy thereof when using common carrier service or if no bill of lading is required, other evidence showing point of origin, destination, and weight.

(*c*) Statement of weight. When charges for transportation are based on weight, the actual (not estimated) weight will be shown.

(*d*) Payment by more than one voucher. When all services rendered are not covered by a single voucher, vouchers covering payment for subsequent charges will bear a reference to prior vouchers.

(*e*) When Government bill of lading or purchase order is used to make shipment of household goods and personal effects, to or from points outside the continental U. S., the memorandum copy (blue) of the Government bill of lading or purchase order will be forwarded, with one copy of the travel order authorizing shipment, to Supply Service, Central Office, for use as supporting evidence in connection with settlement of carrier's bill for the transportation charge. The travel order will bear a certified statement by the traveler as to whether or not he has dependents living with him.

(2) *Between points within continental United States*—(i) *Determination of weight.* For the purpose of determining the rates and computing the amounts to be allowed for the household goods and personal effects shipped at Government expense, there will be used the net weight of such goods and effects uncrated, and such weight will include the weight of containers and packing materials which are required to protect articles of fragile or breakable nature. When such goods and effects are crated and packed for shipment, the net weight for consideration herein will be eighty per cent of the gross shipping weight. Such net weights will not exceed 7,000 pounds for employees with immediate families and 2,500 for employees without immediate families.

(ii) *Commutation of expenses.* In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in the case of transfers between points within the continental United States, reimbursement will be made to the employee on a commutated basis at rates per hundred pounds as fixed by zones in Exhibit A hereof, which is attached to and made a part of these procedures. The amount payable will be the product of the applicable rate and the net weight of household goods and personal effects actually shipped by carrier for the employee (within the weight limitation prescribed by section (d) (2) (i) hereof). Government bills of lading will not be used.

(iii) *Schedule of rates.* The schedule of rates is predicated on zones consisting of mileage blocks. The application of the schedule will require a determination of the short-line highway distance between the points which may be authorized under these procedures, and in accordance with the provisions of the Household Goods Carriers' Bureau Mileage Guide No. 4, Motor Freight-Interstate Commerce Commission No. 27, or successive reissues thereof. If the rate is not shown on the schedule in exhibit A, hereof, for the actual distance stated in such mileage guide, the rate shown for the next greater distance will apply.

(iv) *Evidence of shipment.* Employees will be required to submit the carrier's original bills of lading, or a certified copy thereof when using common carrier service. If no bill of lading is required, other evidence showing point of origin, destination, and weight will be required. In instances in which no adequate scale is located at point of origin or at any point within a radius of ten miles thereof, a constructive weight, based on seven pounds per cubic foot of properly loaded van space, may be used.

(v) *Advance of funds.* An advance of funds may be allowed employees who are being transferred from one duty station to another within the continental limits of the United States in connection with shipment of their household goods and personal effects. A bond under the terms specified under Veterans' Administration Finance procedure will be required in making such an advance. In requesting an advance of funds, the applicant will submit a written statement disclosing the number of rooms containing his personal property which is for shipment, such number of rooms to exclude bathrooms and reception hallways in apartments. The reported number of rooms will be multiplied by 1,000, and the result will be considered the estimated net weight of the prospective shipment. Such statement will also designate the shipping point and the destination. The estimated weight and the distances between the origin and the destination of the shipment will be used as the factors required by the schedule of rates to compute the amount of funds which may be advanced in anticipation of the ultimate settlement to be made hereunder. The same officials previously authorized to approve applications for advances and bonds under the Subsistence Expense Act of 1926 are hereby authorized to approve advances and bonds under the Act of August 2, 1946.

(3) *To or from points outside continental United States*—(i) *Maximum allowance for transportation.* The actual costs of transportation of the household goods and personal effects of the employee, not in excess of 7,000 pounds net, and of the packing, crates, boxes, lift vans, or other temporary containers required for the shipment, will be allowed in the case of transfers to or from points outside the continental United States: *Provided*, That employees who have no immediate family will be entitled to the transportation of household effects and other personal property not in excess of 2,500 pounds. Gross weight will include the net weight of the property and the weight of packing, crates, boxes, or lift vans which have no connection with the property except for the purposes of the immediate shipment and which do not constitute a continuing part of the property of the employee. For the application of the limitations prescribed by this section the gross weight of the property will be considered to be 80 percent of the combined weight of the property and the packing and crating used for the shipment: *Provided*, That in case of shipments involving transportation by vessel over all or part of the distance, the gross weight of the property will be considered to be 80 percent of the combined weight of the property and the packing, crating, boxing, and lift vans used for the shipment: *And provided further*, That when shipment is by motor freight, the gross weight of the property will be the actual weight of the goods transported. Thus, transportation will be allowed at Government expense for property when packed, crated, boxed, or placed in lift vans for shipment, within the following maximum weights:

	Pounds
Employees having immediate family:	
Shipment involving transportation by vessel over all or part of route or by rail or motor carriers requiring packing or crating	8,750
Shipment by motor carriers of household goods uncrated	7,000
Employees having no immediate family:	
Shipment involving transportation by vessel over all or part of route or by rail or motor carriers requiring packing and crating	3,125
Shipment by motor carriers of household goods uncrated	2,500

(ii) *Allowances for packing, crating, unpacking, and uncrating.* The actual costs of packing, crating, unpacking, and uncrating (not to exceed the authorized weight) will be allowed.

(iii) *Allowances for drayage.* In case door-to-door common carrier rates are not applicable, the actual costs of drayage (not to exceed the authorized weight) to and from the common carrier will be allowed.

(iv) *Temporary storage. Definition:* "Temporary storage" means storage at point of departure, destination, or way station for not more than sixty days. The actual expenses of temporary storage (not to exceed authorized weight) for not to exceed sixty days, will be allowed.

(v) *Means of shipment.* For the duration of the present war and six months thereafter transportation services, including allowances specified in (ii) and (iii) of this subdivision, may be procured by the agency concerned from any available common carrier: *Provided, however*, That the employee may have his effects moved by some means other than that selected by the Government by paying the difference between the charges under the means selected by the Government and the charges by the preferred means.

(vi) *Use of Government bill of lading or purchase order.* Shipment will be made on Government bill of lading or purchase order whenever possible; otherwise reimbursement will be made to the employee for transportation expenses actually and necessarily incurred within the limitations prescribed by these procedures. If property in excess of the amount allowable under these procedures is shipped on a Government bill of lading or purchase order, the employee will pay the excess charges immediately upon receipt of notice thereof from Payees Accounts Service, Central Office.

(vii) *Use of lift vans.* Charges allowable hereunder for packing and crating and for transportation will include expenses incurred in hiring, transporting, and packing lift vans when shipments are made in whole or in part by water, but will not include charges in connection with any shipment of empty lift vans or for payment of storage charges or import duties on lift vans.

(viii) *Valuation.* The valuation of property as declared for shipping purposes will not exceed that at which the lowest freight rates will apply. If the employee desires a higher valuation, he will assume all costs of transportation in excess of the charges at the lowest rate.

(ix) *Itemization of charges.* In case the services rendered cover, in addition to transportation, other services such as packing, crating, drayage, unpacking, and uncrating, the total charge for the services shall be itemized in order to show the charge for each service.

(x) *Shipment by American vessel.* All shipments of property by water under these procedures will be made on ships registered under the laws of the U. S. whenever such ships are available. This provision, however, will not apply during the fiscal year 1947, as excepted in section 208 of the Independent Offices Appropriation Act of 1947.

EXHIBIT A

[Rate per 100 pounds]

Miles	1,799 pounds or less	1,800 to 3,799 pounds	3,800 to 7,000 pounds
15	2.29	2.24	2.17
25	2.44	2.32	2.26
40	2.56	2.39	2.29
60	2.67	2.46	2.31
80	2.77	2.54	2.38
70	2.87	2.63	2.47
80	2.98	2.71	2.72
90	3.08	2.79	2.60
100	3.19	2.87	2.68
110	3.30	2.97	2.76
120	3.40	3.06	2.85
130	3.51	3.15	2.95
140	3.62	3.24	3.03
150	3.74	3.34	3.12
160	3.83	3.43	3.21
180	4.05	3.62	3.39
190	4.16	3.71	3.48
200	4.26	3.81	3.58
210	4.36	3.89	3.66
220	4.46	3.98	3.73
230	4.56	4.07	3.81
240	4.67	4.15	3.89
250	4.76	4.24	3.98
260	4.86	4.33	4.06
270	4.94	4.41	4.14
285	5.08	4.53	4.26
300	5.23	4.67	4.39
315	5.35	4.78	4.50
330	5.47	4.90	4.61
345	5.59	5.03	4.73
360	5.72	5.13	4.84

EXHIBIT A—Continued
[Rate per 100 pounds]

Miles	1,849 pounds or less	1,850 to 3,849 pounds	3,850 to 7,000 pounds
375	5.84	5.23	4.94
390	5.96	5.33	5.05
405	6.07	5.44	5.16
415	6.15	5.52	5.23
430	6.26	5.63	5.34
445	6.37	5.75	5.45
460	6.47	5.86	5.55
475	6.58	5.97	5.67
490	6.68	6.09	5.77
505	6.80	6.18	5.88
520	6.89	6.27	5.97
535	6.98	6.37	6.07
550	7.08	6.46	6.16
565	7.17	6.55	6.26
580	7.26	6.64	6.36

Miles	1,899 pounds or less	1,900 to 3,899 pounds	3,900 to 7,000 pounds
600	7.39	6.77	6.48
615	7.49	6.86	6.57
630	7.57	6.94	6.65
645	7.65	7.01	6.74
665	7.77	7.13	6.85
690	7.91	7.27	6.99
710	8.02	7.40	7.11
725	8.11	7.48	7.18
740	8.19	7.56	7.25
760	8.31	7.67	7.35
785	8.45	7.81	7.49
810	8.57	7.94	7.61
835	8.68	8.03	7.71
860	8.80	8.12	7.83
880	8.89	8.17	7.92
905	9.00	8.26	8.03
925	9.09	8.35	8.12
950	9.21	8.47	8.22
970	9.29	8.56	8.30
1,000	9.41	8.76	8.42
1,020	9.52	8.82	8.48
1,050	9.63	8.93	8.60
1,080	9.75	9.07	8.72
1,110	9.90	9.20	8.85
1,140	10.04	9.33	8.97
1,170	10.15	9.43	9.06
1,200	10.25	9.54	9.18
1,260	10.48	9.75	9.37
1,290	10.59	9.87	9.48
1,320	10.70	9.97	9.58
1,350	10.82	10.07	9.69
1,380	10.91	10.18	9.79
1,410	11.03	10.29	9.90
1,440	11.14	10.39	9.99
1,470	11.25	10.50	10.10
1,500	11.35	10.61	10.20
1,530	11.44	10.70	10.30
1,560	11.57	10.82	10.41
1,600	11.66	10.92	10.52
1,630	11.77	11.03	10.62
1,660	11.89	11.13	10.72
1,700	11.99	11.25	10.85
1,730	12.09	11.35	10.94
1,760	12.20	11.44	11.05
1,800	12.31	11.57	11.17
1,830	12.42	11.66	11.27
1,860	12.51	11.77	11.37
1,900	12.64	11.89	11.48
1,930	12.74	11.99	11.59
1,960	12.84	12.09	11.70
2,000	12.96	12.21	11.80
2,050	13.10	12.35	11.96
2,100	13.24	12.49	12.09
2,150	13.39	12.65	12.25
2,200	13.53	12.78	12.38
2,250	13.67	12.93	12.52
2,300	13.81	13.07	12.67
2,350	13.95	13.21	12.81
2,400	14.10	13.36	12.96
2,450	14.25	13.50	13.10
2,500	14.38	13.64	13.24
2,550	14.53	13.79	13.39
2,600	14.68	13.93	13.53
2,650	14.82	14.08	13.67
2,700	14.97	14.21	13.81
2,750	15.10	14.36	13.96
2,800	15.24	14.50	14.10
2,850	15.40	14.65	14.26
2,900	15.53	14.79	14.38
2,950	15.69	14.94	14.53
3,000	15.82	15.07	14.68
3,050	15.97	15.22	14.81
3,100	16.11	15.37	14.99

(E. O. 9805, November 25, 1946, 11 F. R. 13823; 60 Stat. 806)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JANUARY 23, 1947.

[F. R. Doc. 47-1271; Filed, Feb. 10, 1947; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 668, Amdt. 1]

PART 97—ROUTING OF TRAFFIC

REROUTING OF LOADED CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of February A. D. 1947.

Upon further consideration of Service Order No. 668 (12 F. R. 560), and good cause appearing therefor: it is ordered, that:

Section 97.668 *Rerouting of loaded cars; appointment of agent* of Service Order No. 668, be, and it is hereby, amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Area affected.* Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan (lower peninsula), Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 5, 1947.

It is further ordered, that copies of this order and direction shall be served upon the State railroad regulatory bodies of each State named herein, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1237; Filed, Feb. 10, 1947; 8:53 a. m.]

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. MC-30]

PART 170—COMMERCIAL ZONES

CINCINNATI, OHIO

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 24th day of January A. D. 1947.

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a second report on further consideration herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof: [1]

It is ordered, That the delimitation of the Cincinnati, Ohio, Commercial Zone in the Commission's orders of September 10, 1940, and September 29, 1942 (5 F. R. 3814 and 7 F. R. 8616), be, and they are hereby, amended to read as follows:

§ 170.7 *Cincinnati, Ohio.* For the purpose of enforcement of the Interstate Commerce Act, the zone adjacent to, and commercially a part of, Cincinnati, Ohio, and contiguous municipalities in which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the act from regulation, shall be, and it is hereby, defined to include the following:

Addyston, Ohio.	Norwood, Ohio.
Cheviot, Ohio.	Saint Bernard, Ohio.
Cincinnati, Ohio.	Springfield Township, Ohio.
Cleves, Ohio.	Sycamore Township, Ohio.
Elmwood Place, Ohio.	Covington, Ky.
Fairfax, Ohio.	Newport, Ky.
Mariemont, Ohio.	
North Bend, Ohio.	

That part of Kenton County, Ky., lying on and north of a line commencing at the intersection of the Boone-Kenton County line and the Dixie Highway, and thence over the latter to Covington, including communities on the described lines.

That portion of Campbell County, Ky., lying on and north of a line commencing at the south corporate limit of Newport, thence over Licking Pike to junction with Johns Hill Road, thence over the latter to junction of Alexandria Pike, thence over the latter to junction with a county road, thence over the latter to the Ohio River, including communities in the described lines.

That portion of Boone County lying north, and east of a line commencing at the Kenton-Boone County line west of Erlanger, Ky., and extending northwesterly over an unnumbered highway to the Kenton County (Ky.) Airport, thence clockwise around the outer perimeter of the Kenton County Airport to the northern tip thereof, and thence northeasterly along an unnumbered highway to its junction with Kentucky highway 20, thence along Kentucky highway 20 to the Kenton-Boone County line.

(Sec. 203 (b) (8) 29 Stat. 546; 54 Stat. 919; 49 U. S. C. 303 (b) (8))

It is further ordered, That this order shall become effective March 4, 1947, and shall continue in effect until the further order of the Commission.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1238; Filed, Feb. 10, 1947; 8:53 a. m.]

[1] Filed as part of the original document.

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[36 CFR, Parts 2, 12]

[Order 2292]

PRIVATE LANDS IN NATIONAL PARKS OVER WHICH U. S. EXERCISES EXCLUSIVE JURISDICTION

NOTICE OF INTENTION TO AMEND AND REISSUE RULES AND REGULATIONS

JANUARY 28, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong.), and the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, 16 U. S. C. 3), notice is hereby given that the Secretary of the Interior intends to take the following action:

A. To revoke paragraph (e) of § 2.32 *Private lands,* rules and regulations of the National Park Service, which by reference makes §§ 2.4, 2.8, 2.9, 2.11, 2.28, and 2.62 applicable to the privately owned lands in the areas listed in paragraph (e), namely, the following National Parks: Sequoia, Yosemite, Lassen Volcanic, Crater Lake, Rocky Mountain, Mount McKinley, Mount Rainier, Yellowstone, Glacier, Olympic, Kings Canyon, and Mesa Verde.

B. To recast the above-mentioned regulations as a new Part 12 so as

1. To eliminate the following paragraphs of § 2.4 *Fishing:*

(h) Which prohibits the digging of worms on private lands;

(l) Which is not applicable to the above-named parks;

(m) Which is not applicable to the above-named parks;

2. To eliminate the following paragraphs of § 2.8 *Fires:*

(e) Which authorizes the superintendent to prohibit smoking on private lands;

(g) Which requires persons making trips away from established camps on private lands to obtain written fire permits from the nearest park ranger before building any camp fires;

(h) Which prohibits the use of fireworks or firecrackers on private lands except with the superintendent's permission (unnecessary because it will be incorporated into § 2.11);

3. To revise § 2.11 *Firearms, etc.,* to provide, on such private lands, only for a prohibition against firearms, explosives, traps, seines, and nets within the said areas, except upon the written permission of the superintendent, eliminating the provisions concerning the mode whereby visitors obtain such permission, and the carrying of firearms by park employees, park guides, law enforcement officers, and personnel of the armed forces of the United States, of the States, or of friendly foreign nations.

The foregoing changes are to be effective beginning April 1, 1947, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for reissuance as set forth by submitting their views, data, or arguments in writing to Newton B. Drury, Director, National Park Service, Merchandise Mart, Chicago 54, Illinois, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] WARNER W. GARDNER,
Assistant Secretary of the Interior

[F. R. Doc. 47-1228; Filed, Feb. 10, 1947; 8:53 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-7]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4488, and 4491, as amended, 49 Stat. 1384, 1544, 54 Stat. 163-167, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 369, 375, 391a, 392, 404, 481, and 489, 50 U. S. C. 1275), and section 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals of equipment are prescribed effective upon the date of publication of this order in the FEDERAL REGISTER:

BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. B-362, Style No. 104A, 13" x 20" x 2", rectangular buoyant cushion, 24 ounces kapok, Dwg. No. 4, dated January 17, 1947; Approval No. B-363, Style No. 104A1, 13" x 18" x 2", rectangular buoyant cushion, 21 ounces kapok, Dwg. No. 3, dated January 17, 1947; Approval No. B-364, Style No. 105B, 15" x 17" x 2", rectangular buoyant cushion, 23 ounces kapok, Dwg. No. 2, dated January 17, 1947; and Approval No. B-365, Style No. 105BL, 15" x 17" x 2", rectangular buoyant cushion, 23 ounces kapok, Dwg. No. 1, dated January 17, 1947; for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire; manufactured by H. S. White Manufacturing Co., Inc., 6th and Rosabel Streets, St. Paul, Minn.

FIRE RETARDANT MATERIALS FOR VESSEL CONSTRUCTION: CLASS B-15 BULKHEAD PANEL

Solid asbestos, board type, Class B-15 bulkhead panel, light weight Marinite, overall thickness 3/4", identical to that described in Protexol Testing Laboratory Test Report No. 146 dated November 15, 1946, and submitted by Johns-Manville Sales Corp., 22 East 40th St., New York 16, N. Y.

FLASHLIGHTS

Watertight flashlights, Model F80, Coast Guard Specification Identification Type I, size 2; Model F90, Coast Guard Specification Identification Type I, size 3; Dwg. No. 139-C (no Alt. No.); submitted by Stewart R. Browne Mfg. Co., Inc., 258 Broadway, New York 7, N. Y.

Explosion-proof flashlights; Model F81, Coast Guard Specification Identification Type II, size 2; Model F91, Coast Guard Specification Identification Type II, size 3; Dwg. No. 139-C (no Alt No.); submitted by Stewart R. Browne Mfg. Co., Inc., 258 Broadway, New York 7, N. Y.

HAND-PROPELLING GEAR FOR LIFEBOATS

Double gear type hand-propelling gear, arrangement Dwg. No. 1857, dated November 4, 1940, revised December 10, 1946, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

RELIEF VALVES FOR LIQUEFIED INFLAMMABLE GASES

Steel relief valves for liquefied inflammable gases, Type 2680, Dwg. No. 1394-B-CG dated November 1, 1946, manufactured by the Farris Engineering Co., Commercial Ave., Palisades Park, N. J., for various primary service pressures in the sizes listed below:

Inlet size (inches)	Orifice		Free discharge area (square inches)
1½	22	F	0.307
1½	30	H	.785
2	30	H	.785
2	34	J	1.286
2½	34	J	1.286
2½	38	K	1.838
3	38	K	1.838
3	42	L	2.85
4	42	L	2.85
4	44	N	4.34
6	46	P	6.38
6	50	Q	11.045

Dated: February 4, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-1245; Filed, Feb. 10, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8033]

MARTHA BRACY

In re: Estate of Martha Bracy, de-

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Krause, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country, Germany, namely,

Hermann Mrozek and Emma Mrozek, and each of them, in and to the Estate of Hugo G. Mrozek, also called Hugo S. Mrozek, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country,

And determined that it is necessary to the national interest to vest the property described in subparagraph 1 hereof;

2. That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country,

And determined that it is necessary to the national interest to vest the property described in subparagraph 2 hereof;

3. That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country,

And determined that it is necessary to the national interest to vest the property described in subparagraph 3 hereof;

4. That such property is in the process of administration by Potter Title & Trust Company, Pittsburgh, Pennsylvania, as Administrator, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

and it is hereby determined:

5. That to the extent that the above-named persons are nationals of designated enemy countries (Germany), the national interest of the United States requires that such persons be treated as nationals of designated enemy countries (Germany);

6. That it is necessary to the national interest to vest the property described in subparagraphs 1, 2, 3, and 4 hereof;

And all of the property described in subparagraphs 1, 2, 3, and 4 hereof, and all property and interests therein, and all proceeds thereof, and all rights in connection therewith, are hereby vested in the Alien Property Custodian to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States;

Provided, That any person, except a designated enemy country national, may, within one year from the date hereof, apply to the Alien Property Custodian for the return of any property or interest vested hereby, as provided in regulations issued by the Alien Property Custodian;

Provided, That this order shall not be deemed to vest any property which has heretofore been returned to its owner by the Alien Property Custodian;

Provided, That nothing herein shall be deemed to vest any debt or other obligation owing to Burkhardt & Co., by Goldman, Sachs & Co., 30 Pine Street, New York, New York, in the amount of $73.57, together with all declared and unpaid dividends thereon and together with the proceeds of sale of subscription rights thereof, and

a. That certain debt or other obligation owing to Burkhardt & Co., by Goldman, Sachs & Co., 30 Pine Street, New York, New York, in the amount of $73.57, together with all declared and unpaid dividends thereon and together with the proceeds of sale of subscription rights thereof, and

b. That certain debt or other obligation owing to Burkhardt & Co., by Goldman, Sachs & Co., 30 Pine Street, New York, New York, in the amount of $73.57, together with all declared and unpaid dividends thereon and together with the proceeds of sale of subscription rights thereof,

Provided, That this order shall not be deemed to vest any debt or other obligation owing to Burkhardt & Co., by Goldman, Sachs & Co., 30 Pine Street, New York, New York, in the amount of $73.57, together with all declared and unpaid dividends thereon and together with the proceeds of sale of subscription rights thereof, and

a. That certain debt or other obligation owing to Burkhardt & Co., by Goldman, Sachs & Co., 30 Pine Street, New York, New York, in the amount of $73.57, together with all declared and unpaid dividends thereon and together with the proceeds of sale of subscription rights thereof, and

b. That certain debt or other obligation owing to Burkhardt & Co., by Goldman, Sachs & Co., 30 Pine Street, New York, New York, in the amount of $73.57, together with all declared and unpaid dividends thereon and together with the proceeds of sale of subscription rights thereof,

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8033]

MARTHA BRACY

In re: Estate of Martha Bracy, deceased. File No. D-28-10425; E. T. sec. 14820.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Franz Koehler, Ernest Koehler, and Mrs. Anna Marx, and each of them, in and to the estate of Martha Bracy, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Franz Koehler, Germany.
Ernest Koehler, Germany.
Mrs. Anna Marx, Germany.

That such property is in the process of administration by the First National Bank, as Executor, acting under the judicial supervision of the Hancock County Probate Court, Maine;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest;

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1212; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8039]

EMIL FITZNER

In re: Estate of Emil Fitzner, deceased. File D-28-10827; E. T. sec. 15201.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Krause, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Emil Fitzner, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Wanda Schultz, as Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1213; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8050]

HUGO G. MROZEK

In re: Estate of Hugo G. Mrozek, also called Hugo S. Mrozek. File D-28-10042; E. T. sec. 14239.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Hermann Mrozek and Emma Mrozek, and each of them, in and to the Estate of Hugo G. Mrozek, also called Hugo S. Mrozek, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hermann Mrozek, Germany.
Emma Mrozek, Germany.

That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR., Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1214; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8053]

JACOB ROTBERG

In re: Estate of Jacob Rotberg, deceased. File D-28-10377; E. T. sec. 14786.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mary Rotberg, in and to the Estate of Jacob Rotberg, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Mary Rotberg, Germany.

That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1215; Filed, Feb. 10, 1947; 8:54 a. m.]

That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1216; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8081]

WILLIAM HARDER

In re: Estate of William Harder, deceased. File D-28-10452; E. T. sec. 14863.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hilda Buchele, also known as Hildegard Buchele, Anna Fackler Joseph, Cecilie Huber, Maria Harder, also known as Maria Harder Stocker and Franz Busch, Jr., whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Franz Busch, Jr., who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of William Harder, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Potter Title & Trust Company, Pittsburgh, Pennsylvania, as Administrator, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

and it is hereby determined:

5. That to the extent that the above named persons and the personal representatives, heirs, next of kin, legatees and distributees of Franz Busch, Jr., are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1217; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8118]

BURKHARDT & CO.

In re: Stock owned by and debt owing to Burkhardt & Co. F-28-7078-C-1, F-28-7078-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Burkhardt & Co., the last known address of which is 7-9 Lindenallee, Essen, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $25.00 par value capital stock of The New York Trust Company, 100 Broadway, New York 15, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number B71192, registered in the name of Burkhardt & Co., together with all declared and unpaid dividends thereon and together with the proceeds of sale of subscription rights thereof, and

b. That certain debt or other obligation owing to Burkhardt & Co., by Goldman, Sachs & Co., 30 Pine Street, New York, New York, in the amount of $73.57, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1218; Filed, Feb. 10, 1947; 8:54 a. m.]

[Vesting Order 8123]

HERBERT MAYER

In re: Stocks owned by Herbert Mayer. F-28-1248-D-1, F-28-1248-D-2, F-28-1248-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herbert Mayer, whose last known address is Am. Cb. Luisenporto 7, Mannheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, regis-

tered in the name of Herbert Mayer, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name, address and state of incorporation of issuer	Certificate No.	Number of shares	Par value	Type of stock
Aviation Corp., 420 Lexington Ave., New York, N. Y., incorporated in Delaware.	NO12338 NO65227	30 10	$3	Common. Do.
American Airlines, Inc., 100 East 42d St., New York, N. Y., incorporated in Delaware.	O14947	3	10	Do.
Colonial Airlines, Inc., 630 5th Ave., New York, N. Y., incorporated in Delaware.	CO11456	1	1	Capital.

[F. R. Doc. 47-1219; Filed, Feb. 10, 1947; 8:55 a. m.]

INTERNATIONAL SHOE CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
International Shoe Co., St. Louis, Mo.	A-871	201 (8 F. R. 625)	U. S. Letters Patent 1,930,355	Washington, D. C.

Executed at Washington, D. C., on February 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1253; Filed Feb. 10, 1947; 8:50 a. m.]

[Supp. Vesting Order 7725, Amdt.]

Z & F ASSETS REALIZATION CORP.

In re: Z & F Assets Realization Corporation, pursuant to section 105 of the Stock Corporation Law of the State of New York (In Liquidation).

Supplemental Vesting Order 7725 dated September 25, 1946, is hereby amended as follows and not otherwise:

By deleting the sum $279.99 appearing in Column 3 of Item 26 in Exhibit A, and substituting therefor the sum of "$839.99".

All other provisions of said Supplemental Vesting Order 7725 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1255; Filed, Feb. 10, 1947; 8:50 a. m.]

VERNE HASS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Verne Hass, Chicago, Ill.	3789	675 (8 F. R. 5020)	U. S. Letters Patent No. 2,140,011.	Washington, D. C.

Executed at Washington, D. C., on February 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1254; Filed, Feb. 10, 1947; 8:50 a. m.]

[Vesting Order 7880, Amdt.]

SOPHIE KLEINSORGE

In re: Stock owned by, and debt owing to, Sophie Kleinsorge.

Vesting Order 7880, dated October 14, 1946, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the number "482", set forth in line seven (7) under the column entitled "Certificate Numbers" with respect to the three (3) shares of The Independent Breweries Company, and substituting therefor the number "454".

All other provisions of said Vesting Order 7880 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1256; Filed, Feb. 10, 1947; 8:50 a. m.]

[Vesting Order 8031]

JACOB BLOCH

In re: Estate of Jacob Bloch, deceased. File D-28-9885; E. T. sec. 13966.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helena Haerlein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $500.00 was paid to the Alien Property Custodian by The First National Bank of Chicago, Executor of the estate of Jacob Bloch, deceased;

3. That the said sum of $500.00 is presently in the possession of the Attorney

General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 22, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1257; Filed, Feb. 10, 1947; 8:50 a. m.]

[Vesting Order 8035]

MARIA DETTMER

In re: Mortgage Participation Certificate No. TC1836, Bond and Mortgage Guarantee Company, Series No. 180889, issued in the name of Maria Dettmer. File No. F-28-17808; E. T. sec. No. 4806.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All rights and interests evidenced by Mortgage Participation Certificate No. TC1836, issued and guaranteed by Bond and Mortgage Guarantee Company under Mortgage No. 180889, and the right to the transfer and possession of any and all instruments evidencing such rights and interests,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Maria Dettmer, Germany.

That such property is in the process of administration by the Brooklyn Trust Company, as Trustee under a Declaration of Trust dated March 12, 1937, acting under the judicial supervision of the Supreme Court, Queens County, State of New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1258; Filed, Feb. 10, 1947; 8:50 a. m.]

[Vesting Order 8036]

GUSTAV R. ETTER

In re: Estate of Gustav R. Etter, deceased. D-28-3970; E. T. sec. 9033.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Etter, Martha Krahn, Amalie Halm and Clara Knamm, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the sum of $2,320.86 was paid to the Alien Property Custodian by H. J. Westlund, Administrator of the Estate of Gustav R. Etter, deceased;

3. That the said sum of $2,320.86 is presently in the possesion of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on October 8, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1259; Filed, Feb. 10, 1947; 8:50 a. m.]

[Vesting Order 8043]

MINNIE GELHAUSEN

In re: Estate of Minnie Gelhausen. File D-28-11007; E. T. sec. 15383.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Emma Hundenborn, Karolina Gelhausen, Christine Demmer, Paulina Schmidt and Martha Roederstein, and each of them, in and to the Estate of Minnie Gelhausen, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emma Hundenborn, Germany.
Karolina Gelhausen, Germany.
Christine Demmer, Germany.
Paulina Schmidt, Germany.
Martha Roederstein, Germany.

That such property is in the process of administration by Ross Bray, as Executor, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1260; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8049]

FRANK MEYER

In re: Estate of Frank Meyer, deceased. File No. 017-20287.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Margaretha Muller and Gretchen Bratmuller, and each of them, in and to the Estate of Frank Meyer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Margaretha Muller, Germany.
Gretchen Bratmuller, Germany.

That such property is in the process of administration by Victor Meyer, Administrator of the Estate of Frank Meyer, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1261; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8078]

HATSUJIRO YOSHIDA

In re: Stock owned by Hatsujiro Yoshida.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hatsujiro Yoshida, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Twenty (20) shares of $1.00 par value capital stock of Pacific Tin Consolidated Corporation, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Maine, evidenced by certificate numbered 03462, and registered in the name of Hatsujiro Yoshida, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1262; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8092]

ANNA HELENE BARKMAN

In re: Estate of Anna Helene Barkman, deceased. File D-28-10889; E. T. sec. 15335.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Ruesch and Paula Glamann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children and legal heirs, names unknown, of Martha Ruesch and the children and lineal heirs, names unknown, of Paula Glamann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna Helene Barkman, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Lucy Ferrier and C. L. Switzer, as Administrators, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Pacific;

and it is hereby determined:

5. That to the extent that the above named persons and the children and lineal heirs, names unknown, of Martha Ruesch and the children and lineal heirs, names unknown, of Paula Glamann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1263; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8093]

ELSIE BRODTHAGE

In re: Estate of Elsie Brodthage, deceased. File D-28-8610; E. T. sec. 10295.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Brodthage and Marie Knorr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $527.92 was paid to the Alien Property Custodian by Anna Rudat, Administratrix of the Estate of Elsie Brodthage, deceased;

3. That the said sum of $527.92 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 21, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1264; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8095]

TILLY GOLDSCHMIDT

In re: Trust under the Will of Tilly Goldschmidt, a/k/a Tillie Goldschmidt. File No. D-28-7751; E. T. sec. No. 8500.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mina Grodtczinsky in and to the Trust under the Will of Tilly Goldschmidt a/k/a Tillie Goldschmidt, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Mina Grodtczinsky, Germany.

That such property is in the process of administration by Berthold Bachrach, as Trustee of the trust under the Will of Tilly Goldschmidt, a/k/a Tillie Goldschmidt, deceased, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1265; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8098]

ERNSTINE KOSANKE

In re: Estate of Ernstine Kosanke, also known as Ernstina Kosanke, deceased. File D-28-3508; E. T. sec. 5713.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Ziesman, Minna Ziesman, Franz Ziesman (Son of Wilhelmina Ziesman, Deceased), Bertha Ziesman Garbe, August Ziesman, Franz Ziesman (Son of Henry Ziesman, Deceased), Bertha Ziesman, Marie Ziesman, Helen Ziesman, Willie Ziesman, Franz Ziesman (Son of Herman Ziesman, Deceased), Frieda Ziesman, Elizabeth Ziesman, Gertrude Ziesman, Irma Ziesman, Karl Lettow, Reinhold Lettow, Augusta Hoffman, Emma Machandl, Elizabeth Koehn (Kahn), Martha Rahmolow, Marie Koehn (Kahn), Carl Koehn (Kahn), Richard Kosanke, Fred Kosanke, Franz Kosanke and Hedwig Hilderbrand, also known as Hedwig Kosanke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $973.95 was paid to the Alien Property Custodian by F. R. Ziesman, Administrator with Will Annexed of the Estate of Ernstine Kosanke, also known as Ernstina Kosanke, deceased;

3. That the said sum of $973.95 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on May 26, 1944, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1266; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8099]

SOPHIE KREIL

In re: Estate of Sophie Kreil, deceased. File D-28-8163; E. T. sec. 9197.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Just, also known as Alfred Jest, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $101.93 was paid to the Alien Property Custodian by Frank Kreil, Executor of the Estate of Sophie Kreil, deceased;

3. That the said sum of $101.93 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 12, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1267; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8101]

GEORGE NAGEL

In re: Estate of George Nagel, deceased. File D-28-10879; E. T. sec. 15292.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kathrina Heilmeyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Kathrina Heilmeyer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of George Nagel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Henry W. Merland, as Executor, acting under the judicial supervision of the Probate Court of Hamilton County, Ohio;

and it is hereby determined:

5. That to the extent that the above named person and the issue, names unknown, of Kathrina Heilmeyer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 29, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1268; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8109]

ELLEN M. CHRISTENSEN

In re: Estate of Ellen M. Christensen, deceased. File D-19-259; E. T. sec. 7804.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Inger Sorensen and Hans Eriksen Sorensen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $298.80 was paid to the Alien Property Custodian by Edward S. Karas, Executor of the Estate of Ellen M. Christensen, deceased;

3. That the said sum of $298.80 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 29, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1269; Filed, Feb. 10, 1947; 8:51 a. m.]

[Vesting Order 8129]

H. H. SILBER

In re: Stock owned by H. H. Silber, also known as Henry H. Silber. F-28-27113-A-1, F-28-27113-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. H. Silber, also known as Henry H. Silber, whose last known address is Kircheim Teck Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Eight (8) shares of $25.00 par value common capital stock of Eagle-Ottawa Leather Company, Grand Haven, Michigan, a corporation organized under the laws of the State of Illinois, evidenced by certificate numbered 26, and registered in the name of H. H. Silber, and presently in the custody of Eagle-Ottawa Leather Company, Grand Haven, Michigan, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to H. H. Silber, also known as Henry H. Silber, by Pfister & Vogel Leather Co., 647 W. Virginia Street, Milwaukee, Wisconsin, in the amount of $16.00, as of December 31, 1945, evidenced by three checks numbered 21794 and 27784 at $4.00 each and 34725 at $8.00 representing dividends paid on the common stock of the Eagle-Ottawa Leather Company owned by H. H. Silber, also known as Henry H. Silber, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended:

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1270; Filed, Feb. 10, 1947; 8:52 a. m.]

[Vesting Order 8132]

ALFRED EUGEN WILHELM VOTTELER

In re: Stock and bank account owned by Alfred Eugen Wilhelm Votteler, also known as Alfred Votteler and Alfred Voettler.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Eugen Wilhelm Votteler, also known as Alfred Votteler and Alfred Voettler, whose last known address is 104 Schwabstrasse, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Alfred Votteler, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Alfred Eugen Wilhelm Votteler, also known as Alfred Votteler and Alfred Voettler, by Federation Bank and Trust Company, 34th Street and 8th Avenue, New York, New York, arising out of a checking account entitled Alfred Votteler, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Par value	Certificate No.	Number of shares
Irving Trust Co., 1 Wall St., New York, N. Y.	New York	Capital	$10	A070643	50
Socony-Vacuum Oil Co., Inc., 26 Broadway, New York, N. Y.	do	do	10	108973	25
			15	192123	50
			15	270517	25
Anaconda Copper Mining Co., 25 Broadway, New York, N. Y.	Montana	do	50	906230	25

[F. R. Doc. 47-1174; Filed, Feb. 6, 1947; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2564]

CHICAGO AND SOUTHERN AIR LINES, INC.

NOTICE OF HEARING

In the matter of the petition of Chicago and Southern Air Lines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order temporarily fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its Latin American routes.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 11, 1947, 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated Washington, D. C., February 6, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1276; Filed, Feb. 10, 1947; 8:55 a. m.]

[Docket No. 2741]

MONARCH AIR LINES, INC.

NOTICE OF HEARING

In the matter of the petition of Monarch Air Lines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order temporarily fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its route No. 73.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 11, 1947, 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave. NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated Washington, D. C., February 6, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1277; Filed, Feb. 10, 1947; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CONFERENCES PURSUANT TO TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

FEBRUARY 7, 1947.

Pursuant to the Commission's Public Notice of January 8, 1947 (12 F. R. 326), entitled "Temporary Expediting Procedure for Standard Broadcast Applications," and as provided for therein, the following partial schedule of informal engineering conferences, is announced:

Date	Channel	Time
Feb. 11, 1947	930 kc.	10 a. m.
	1150 kc.	2 p. m.
Feb. 12, 1947	550 kc.	10 a. m.
	710 kc.	10 a. m.
	960 kc.	10 a. m.
	1280 kc.	10 a. m.
	1430 kc.	10 a. m.
Feb. 13, 1947	610 kc.	10 a. m.
	980 kc.	10 a. m.
	1320 kc.	10 a. m.
	1440 kc.	10 a. m.
	1560 kc.	10 a. m.

Attorneys and engineers representing applicants on the above specified channels should appear in Room 7554, New Post Office Building, Washington, D. C., at the time indicated, prepared to participate in the conference concerning the channel in which they are interested. In the event such representatives of adjacent channel applicants, or of existing station licensees, desire to participate in any of the foregoing conferences they should address a written request to the Secretary of the Commission specifying their interest in the conference and the reasons for their participation.

Further conferences, pertaining to the above specified channels, will, if necessary, be scheduled and announced at the initial conferences provided for herein. No additional public notice, insofar as such conferences are concerned, is contemplated, although a public announcement of additional initial conferences pertaining to other channels, will be made in the immediate future.

The Commission desires to stress the urgent necessity for the attendance of representatives of applicants for the above specified frequencies at the conference involving their applications. Failure to attend will be construed as indicating that such applicants do not desire to participate in the expediting plan and, although their applications will be considered in connection with the other applications concerned, they will not be accorded the amendment privileges provided for in the Public Notice of January 8, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1302; Filed, Feb. 10, 1947; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-852]

UNION GAS SYSTEM, INC.

NOTICE OF APPLICATION

FEBRUARY 4, 1947.

Notice is hereby given that on January 27, 1947, Union Gas System, Inc. (Applicant), a Kansas corporation with its principal place of business at Independence, Kansas, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act as amended, authorizing the acquisition of the facilities of Union Gas System, Inc., a Delaware corporation, consisting of a pipeline system extending in general from northern Oklahoma north in Kansas to Burlington, Kansas, and extending east and west from approximately Cedar Vale, Kansas, to Altamont, Kansas, and the operation of such facilities for the transportation of natural gas in rendering the same service as performed by Union Gas System, Inc., a Delaware corporation.

Applicant was organized for the purpose of transferring the property of and operations conducted by Union Gas System, Inc., a Delaware corporation, to a corporation organized under the laws of the State of Kansas. Applicant is and its predecessor, Union Gas System, Inc., a Delaware corporation, was engaged in the States of Kansas and Oklahoma in the sale of natural gas as a public utility to domestic, commercial and industrial consumers. No natural gas is sold in interstate commerce for resale or transported for any other person, firm or corporation in interstate commerce.

The State Corporation Commission of the State of Kansas has issued to Applicant a certificate of convenience to operate as a public utility in that State.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and further to specify whether it desires a conference, the creation of a board, or a concurrent hearing as defined in said rule and the reasons for such request.

Any person desiring to be heard or to make any protest with reference to this application should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure. The time and place of hearing herein will subsequently be duly given.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1226; Filed, Feb. 10, 1947; 8:52 a. m.]

[Docket No. IT-6029]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

FEBRUARY 5, 1947.

Notice is hereby given that on February 3, 1947, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and carrying on electric and gas utilities business in the States of Montana, North Dakota and South Dakota and a gas utility business in the State of Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of 100,000 shares of 4.20% Series Preferred Stock of $100 par value per share, by an Amendment to the Certificate of Incorporation of Applicant, the effect of which will be to reclassify the outstanding 100,000 shares of 5% Series Preferred Stock into 100,000 shares of 4.20% Series Preferred Stock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 24th day of February, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1227; Filed, Feb. 10, 1947; 8:52 a. m.]

[Docket Nos. G-812, G-813, G-814, G-816]

UNITED FUEL GAS CO. ET AL.

NOTICE OF ORDER APPROVING RECLASSIFICATION AND ADJUSTMENTS OF DEPRECIATION, DEPLETION AND AMORTIZATION RESERVES

FEBRUARY 5, 1947.

In the matters of United Fuel Gas Company, Docket No. G-812; Huntington Development and Gas Company, Docket No. G-813; Warfield Natural Gas Company, Docket No. G-814; Cincinnati Gas Transportation Company, Docket No. G-816.

Notice is hereby given that, on February 5, 1947, the Federal Power Commission issued its order entered January 31, 1947, approving reclassification and adjustments of depreciation, depletion and amortization reserves in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1222; Filed, Feb. 10, 1947; 8:51 a. m.]

[Docket No. G-793]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 5, 1947.

Notice is hereby given that, on February 4, 1947, the Federal Power Commission issued its findings and order entered January 31, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1223; Filed, Feb. 10, 1947; 8:51 a. m.]

[Docket No. G-595]

REYNOSA PIPE LINE CO.

NOTICE OF ORDER DENYING MOTION FOR REHEARING

FEBRUARY 5, 1947.

Notice is hereby given that, on February 4, 1947, the Federal Power Commission issued its order entered January 31, 1947, denying motion for rehearing in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1224; Filed, Feb. 10, 1947; 8:52 a. m.]

[Docket No. G-748]

REYNOSA PIPE LINE CO.

NOTICE OF ORDER DENYING MOTION FOR REHEARING

FEBRUARY 5, 1947.

Notice is hereby given that, on February 4, 1947, the Federal Power Commission issued its order entered January 31, 1947, denying motion for rehearing in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1225; Filed, Feb. 10, 1947; 8:52 a. m.]

[Project No. 492]

JOHN C. HIGGINS

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (MAJOR)

FEBRUARY 6, 1947.

Notice is hereby given that, on February 5, 1947, the Federal Power Commission issued its order entered January 31, 1947, accepting surrender of license (Major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1243; Filed, Feb. 10, 1947; 8:53 a. m.]

[Docket No. G-822]

MEMPHIS NATURAL GAS CO.

NOTICE OF ORDER CANCELLING AND PERMITTING WITHDRAWAL OF RATE SCHEDULES

FEBRUARY 6, 1947.

Notice is hereby given that, on February 5, 1947, the Federal Power Commission issued its order entered February 4, 1947, cancelling and permitting withdrawal of rate schedules in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1244; Filed, Feb. 10, 1947; 8:54 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-476]

M. L. OBESTER

CONSENT ORDER

M. L. Obester of Pinehurst Village, Pompano, Florida, is charged by the Civilian Production Administration with violation of Veterans' Housing Program Order 1 in that subsequent to March 26, 1946, and on or about November 21, 1946, he began and carried on construction of eight tourist cabins, each cabin being approximately 14' x 20' in size, said cabins being located about one-quarter mile north of Pinehurst Village on the east side of U. S. Highway No. 1, Pompano, Florida, at an estimated cost per cabin of $1,500.00. Construction of said cabins was begun without obtaining authorization from the Civilian Production Administration, and was carried on until a stop violation telegram was dispatched to M. L. Obester on November 14, 1946, up to which time labor and materials amounting to approximately $800.00 per cabin had been incorporated into said structures. Subsequent to November 14, 1946, M. L. Obester made application to the Civilian Production Administration for authorization to continue on said cabins but said application has not been granted.

M. L. Obester admits the violation as charged and does not desire to contest the same and has consented to the issuance of this order. M. L. Obester asserts, however, that the violation which he admits was not wilful or intentional.

Wherefore, upon the agreement and consent of M. L. Obester, the Regional Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither M. L. Obester, his successors and assigns, nor any other person shall do any further construction on the premises herein described or any part thereof located on U. S. Highway No. 1 about one-quarter mile north of Pinehurst Village, Pompano, Florida, including the putting up, completing or altering of any structure located on said premises except the three cabins and tool house or office the construction of which was begun prior to March 26, 1946, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) The issuance of this consent order shall be without prejudice to the consideration on its merits of application for authorization to carry on construction of the structures covered by this order.

(c) M. L. Obester shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve M. L. Obester, his successors and assigns, from any re-

striction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1362; Filed, Feb. 10, 1947; 11:17 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 106]

RECONSIGNMENT OF ORANGES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 4, 1947, by John B. Cancelmo Co., of cars containing oranges, now on the Baltimore and Ohio R. R., PFE 96920 and PFE 14997 to Cooke Musante Canty, Inc., Boston, Mass. (B. & O.–N. Y. N. H. & H.); ART 21371 and FGE 37059 to J. R. Forita Co., New York, N. Y. (B. & O.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1241; Filed, Feb. 10, 1947; 8:53 a. m.]

[S. O. 396, Special Permit 105]

RECONSIGNMENT OF SEED POTATOES AT SHREVEPORT, LA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Shreveport, La., February 1, 1947, by Dean Osking Co., of car SFRD 34436, certified seed potatoes, now on the Louisiana & Arkansas R. R., to Dallas, Texas (L&A).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1240; Filed, Feb. 10, 1947; 8:53 a. m.]

[S. O. 396, Special Permit 99]

RECONSIGNMENT OF CARS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 1, 1947, by Louis D. Goldstein, of cars URT 9637, PFE 46075, and WFE 49339, now on the Pennsylvania R. R., to Tassini & Salisch, New York, N. Y. (P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1239; Filed, Feb. 10, 1947; 8:53 a. m.]

[S. O. 396, Special Permit 107]

RECONSIGNMENT OF PEARS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 4th, 1947, by M. Rosen Co., of car FGE 37334, pears, now on the Baltimore and Ohio RR., to Victor Joseph Co., New York, N. Y. (B&O-Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1242; Filed, Feb. 10, 1947; 8:53 a. m.]

Reference

THE NATIONAL ARCHIVES OF THE UNITED STATES

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FEDERAL REGISTER

VOLUME 12 NUMBER 30

Washington, Wednesday, February 12, 1947

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 141-1, Amdt. 4]

PART 1468—GRAIN

USE OF CORN AND RYE FOR DISTILLED PRODUCTS

War Food Order No. 141-1, as amended (11 F. R. 14065), is hereby further amended as follows:

1. By deleting paragraph (d) entitled *Use of corn.*

2. By deleting paragraph (e) entitled *Use of rye,* and substituting in lieu thereof the following:

§ 1468.15 *Grain quotas for distillers of beverage spirits.* • • •

(d) *Use of rye.* (1) No distiller shall use rye in the manufacture of ethyl alcohol or butyl alcohol.

(2) No distiller shall, during any calendar month, use rye in the manufacture of distilled spirits for beverage purposes in excess of the greatest quantity computed under either of the two following subdivisions (i) or (ii) of this subparagraph.

(i) Ninety percent of the average monthly amount of rye used by such distiller during December 1946 and January 1947; or

(ii) Six percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes during such month by each distilling plant operated by such distiller: *Provided,* That the minimum monthly allocation of rye for each distilling plant operated by such distiller shall be 2,000 bushels.

Each distiller's total allocation of rye or any part of such allocation, computed in accordance with either of the above formulae, may, during the month for which such allocation is in effect, be used in any distilling plant operated by such distiller: *Provided,* That the total quantity of rye used by any distiller during any calendar month under the provisions of this subparagraph shall not exceed fifteen percent of the total quantity of grain or grain products used in the manufacture of distilled spirits for beverage purposes by such distiller during such month.

This amendment shall become effective at 12:01 a. m., e. s. t., February 6, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 141-1, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179, E. O. 9577, June 25, 1945, 10 F. R. 8087)

Issued this 5th day of February 1947.

[SEAL] C. C. FARRINGTON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-1294; Filed, Feb. 11, 1947; 8:48 a. m.]

Chapter XXI—Organization, Functions, and Procedure

PART 2209—OFFICE OF HEARING EXAMINERS

Sec.
2209.1 Central organization.
2209.2 Field organization.
2209.3 Public information, submittals, and requests.
2209.4 Functions, duties and powers.

AUTHORITY: §§ 2909.1 to 2909.4, inclusive, issued under secs. 3, 12, 60 Stat. 238, 244.

§ 2209.1 *Central organization.* The address of the Office of Hearing Examiners is United States Department of Agriculture, Washington 25, D. C. The office is composed of the hearing examiners who preside at hearings subject to sections 7 and 8 of the Administrative Procedure Act (60 Stat. 241), and perform related duties, and their assistants. The work of the office is supervised by a Chief Hearing Examiner who designates the hearing examiner to preside at the hearing and perform such duties in specific proceedings. Among the hearings over which hearing examiners preside are hearings in proceedings under the Agricultural Marketing Agreement Act (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), rate making and disciplinary proceedings under the Packers and Stockyards Act, 1921 (42 Stat. 159, 7 U. S. C. 181 et seq.), and disci-

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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plinary proceedings under the Commodity Exchange Act (42 Stat. 998, 49 Stat. 1491; 7 U. S. C. 1 et seq.), the Perishable Agricultural Commodities Act, 1930 (46 Stat. 537, as amended, 7 U. S. C. 499a et seq.), the Federal Seed Act (53 Stat. 1275, 7 U. S. C. 181 et seq.), and the Grain Standards Act (39 Stat. 492; 7 U. S. C. 71 et seq.).

§ 2209.2 *Field organizations.* None.

§ 2209.3 *Public information, submittals, and requests.* Public information concerning the work of the office may be obtained from, and submittals and requests made to, the Chief Hearing Examiner, United States Department of Agriculture, Washington 25, D. C.

§ 2209.4 *Functions, duties and powers.* The functions, duties and powers of the office and of the hearing examiners are performed and exercised in accordance with the regulations and the procedures prescribed in rules of practice for proceedings under the various statutes. Such regulations and rules of practice are published in the FEDERAL REGISTER and the Code of Federal Regulations.

Issued this 7th day of February 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-1292; Filed, Feb. 11, 1947; 8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—OFFICIAL PERSONNEL FOLDER[1]

MISCELLANEOUS AMENDMENTS

1. In § 30.1 *Designation of agency representatives* the phrase "not later than 15 days from the date of publication of the regulations in this part of the FEDERAL REGISTER" is amended to read "not later than March 3, 1947."

2. In § 30.2 *Designation of official folder* the phrase "not later than 30 days from the date of publication of the regulations in this part in the FEDERAL REGISTER" is amended to read "not later than April 1, 1947."

3. In § 30.4 *Transfer of the official personnel folders between agencies*—(a) *Manner of transfer* the phrase "Beginning 30 days from the date of publication of the regulations in this part in the FEDERAL REGISTER" is amended to read "Beginning April 1, 1947."

4. In § 30.9 *Standard Form No. 63, request for personnel data and leave transcripts* the phrase "Effective 30 days from the date of publication of the regulations in this part in the FEDERAL REGISTER" is amended to read "Effective April 1, 1947."

[1] Sec. 3, E. O. 9784, Sept. 25, 1946, 11 F. R. 10909)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION, ARTHUR S. FLEMMING, *Acting President.*

[F. R. Doc. 47-1341; Filed, Feb. 11, 1947; 8:45 a. m.]

[1] 12 F. R. 699.

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 503—SUBSTANTIVE RULES

PROHIBITION OF TRANSACTIONS AND APPOINTMENT OF AGENTS AND DELEGATES

Section 503.5 (General Order No. 31) is amended to read as follows:

§ 503.5 *Prohibition of transactions, and appointment of agents and delegates.* (a) The following transactions are prohibited unless authorized by the Attorney General, or by an agent and delegate appointed by the Attorney General, or by a supervisor designated by the Attorney General or by one of his said agents and delegates:

(1) All transactions involving any property, control of which has been released by the Secretary of the Treasury, subject to the power and authority conferred upon the Attorney General; and

(2) All transactions by, or with, or on behalf of, or pursuant to the direction of, any business enterprise of which the Attorney General or his predecessor has undertaken supervision, or which has been vested, or assets of or interests in which have been vested, or involving any property in which such business enterprise has any interest, control of such property or business enterprise having been released by the Secretary of the Treasury.

(b) The Chief of the Division of Business Management and Control, the Chief of the Property Division, the Chief of the Division of Vesting, the Chief of the Division of Patent Administration, the Chief of the Division of Real Estate and Liquidation, the Manager of the Territorial and Insular Offices of the Office of Alien Property, the Manager of the New York Office of the Office of Alien Property, the Secretary, and the General Counsel of the Office of Alien Property, are hereby appointed and delegated, severally, to make and to revoke, on behalf of the Director, Office of Alien Property, acting for the Attorney General, authorizations of transactions with respect to any property or business enterprise subject to the authority and power conferred upon the Attorney General; and with respect to any such specific property or business enterprise subject to such authority and power, to appoint and designate supervisors for such specific property or business enterprise who shall have authority to make and to revoke on behalf of the Attorney General authorizations of transactions.

(c) This section shall be applicable unless otherwise provided by an order made by or on behalf of the Attorney General. (40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 60 Stat. 925; 50 U. S. C. App. 1, 50 U. S. C. App. Sup. 616; E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, Cum. Supp., E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp., E. O. 9725, May 16, 1946, 11 F. R. 5381, E. O. 9747, July 3, 1946, 11 F. R. 7518, E. O. 9760, July 23, 1946, 11 F. R. 7999, E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 7th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director, Office of Alien Property.*

[F. R. Doc. 47-1325; Filed, Feb. 11, 1947; 8:46 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

CIBOLA NATIONAL FOREST; FOR THE REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS

Whereas a number of horses, mules, and burros are trespassing and grazing on the Little Rosa Allotment, in the San Mateo Ranger District of the Cibola National Forest in the State of New Mexico; and

Whereas these animals are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U. S. C., 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472[1]), the following order for the occupancy, use, protection, and administration of land in the Little Rosa Allotment, San Mateo Ranger District, of the Cibola National Forest, located within Socorro County, New Mexico, is issued:

Temporary closure from livestock grazing.[1] (a) The following-described areas in the Cibola National Forest are hereby closed for the period February 10, 1947 to January 31, 1948, to the grazing of horses, mules, and burros, excepting those that are lawfully grazing on or crossing land in such allotments, pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land:

Little Rosa Allotment, Red Rock District. Beginning at the SE corner of Sec. 31, T. 4 S., R. 5 W., thence following forest boundary fence, north 3 miles, west 5 miles, north 1 mile, west one-half mile, to NE corner of Monica Ranger Station pasture, then in a southerly direction up Monica Canyon to Beartrap saddle, a distance of 4 miles, thence in a southeasterly direction for approximately 5 miles up San Mateo divide via Mt. Withington in approximately NW¼ of Sec. 21, T. 5 S., R. 6 W., thence in a northeasterly direction down divide between Potato and Dry Canyons to bluffs on east side of Big Rosa Canyon, following along bluffs in the same general direction to east line of Goze patent in Big Rosa Canyon, then north to point of beginning, a distance of approximately 7 miles.

(b) Officers of the United States Forest Service are hereby authorized to dis-

[1] This affects tabulation contained in 36 CFR, § 261.50.

pose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Cibola National Forest is located.

Done at Washington, D. C., this 6th day of February 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1293; Filed, Feb. 11, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 300]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodity:

Dept. of Comm. Sched. B No.	*Commodity*
	Fish and fish products:
	Fish, canned:
008698	Mackerel.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: January 24, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-1342; Filed, Feb. 11, 1947; 8:45 a. m.]

[Amdt. 303]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE AND PERSONAL EFFECTS

The requirements of the certificate set forth in paragraph (c) of § 802.11 are hereby deleted and paragraph (c) is therefore amended to read as follows:

§ 802.11 *Personal baggage and personal effects.* • • •

(c) Customs officials may limit or prohibit the export of any commodity or commodities under this general license whenever the quantity is in excess of the limitations set forth in paragraph (b) of this section; whenever in their judgment the amount is excessive; or whenever there is reason to believe that the exportation is being made for the purpose of circumventing the regulations.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: February 7, 1947.

JOHN C. BORTON,
Director, Commodities Branch.

[F. R. Doc. 47-1345; Filed, Feb. 11, 1947; 8:45 a. m.]

[Amdt. 301]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodities:

Dept. of Com. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
	Sugar and related products:			
	Confectionery:			
163500	Candy other than chocolate, containing 70 percent or more sugar (report chocolate candy in 163400).	Lb	1	1
163700	Confections and desserts, n. e. s. containing 70 percent or more sugar.	Lb	1	1

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective February 17, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. Sup. 701, 702, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: February 4, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-1343; Filed, Feb. 11, 1947; 8:45 a. m.]

[Amdt. 302]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodities are hereby added to the list of commodities:

Dept. of Com. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
839900	Industrial chemicals: Bismuth sub-carbonate		1	1
919098	Scientific and professional instruments, apparatus and supplies: Radiation detection instruments containing the following: Geiger-Mueller counters, proportional counters, ionization chambers, electroscopes, scaling units, and count rate meters		None	None

2. The following commodities are hereby deleted from the list of commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Steel mill products:
606600	Cast-iron screwed pipe fittings.
607798	Iron and steel pipe fittings, n. e. s. *except* couplings; floor drains, cast iron; galvanized pipe fittings; malleable iron pipe fittings; pipe joints grey iron extensions; pipe nipples, lap welded black; pipe plugs; pipe unions; screw elbows; and swage nipples (report malleable iron screwed pipe fittings in 606500, cast-iron screwed pipe fittings in 606600, cast-iron pressure pipe fittings in 606798, and cast-iron soil pipe fittings in 606898).
	Iron and steel manufactures:
	Central heating equipment:
614800	House-heating boilers only.
	Other domestic cooking or heating equipment:
615280	Gas burners and parts.
615280	Gas-fired burners and parts.
620998	Metal fabricated doors.
	Medicinal and pharmaceutical preparations:
813590	Bismuth salts and compounds, medicinal grade, except bismuth sub-carbonate, bismuth sub-gallate, bismuth sub-nitrate, and bismuth sub-salicylate.
	Industrial chemicals:
839900	Bismuth salts and compounds, industrial grade except bismuth sub-carbonate, bismuth sub-nitrate, and bismuth sub-salicylate.

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective immediately except that, with respect to the commodities added to the list of commodities, it shall become effective on February 17, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: February 4, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control Commodities Branch.

[F. R. Doc. 47-1344; Filed, Feb. 11, 1947; 8:45 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Emergency Housing Program Order 1, Direction 3]

STANDARDS FOR REVIEWING APPLICATIONS FOR NON-HOUSING CONSTRUCTION

The following direction is issued pursuant to Veterans' Emergency Housing Program Order 1:

(a) *What this direction does.* This direction sets forth the standards for reviewing applications under Veterans' Housing Program Order 1 for permission to do non-housing construction restricted by the order. In general no construction will be approved unless it is essential and non-deferrable, or unless it is necessary to alleviate or forestall an extreme and unusual hardship, or unless it will not use scarce building materials needed for the Veterans' Emergency Housing Program.

(b) *Essentiality.* An application may be approved on the ground that the construction of the proposed project at the present time is essential if it falls into one of the categories listed in this paragraph. The applicant must show clearly that the proposed construction is necessary to accomplish the purpose.

(1) *Critical products.* Applications for the construction of facilities necessary to maintain or increase production of materials or products considered by the Civilian Production Administration to be in critically short supply may be granted where the shortage of facilities limits the production, and where the application is limited to the minimum construction needed. Applications from producers of industrially made houses or from producers of new materials approved by the Office of the Housing Expediter may be approved under this paragraph if the proposed construction is essential for the production of the houses or the new material. Applications for the construction of research laboratories or pilot plants may be approved where the proposed facility is necessary for research in connection with essential production.

(2) *Food and other agricultural products.* Applications for the construction of facilities necessary to maintain or increase the production or preservation of essential foods or food products may be approved. This includes applications for both on-farm and off-farm facilities. In addition, on-farm facilities necessary to maintain the production of a farm may be approved, whether or not the farm produces food. Farm machinery and implement service facilities will not be approved under this paragraph except where it is clearly shown that the lack of such facilities is seriously hampering the production of essential foods. Frozen food locker plants will not be approved under this paragraph except in rural areas where substantially all of the food to be stored will be produced by the persons storing it, and then only when there are not sufficient available facilities to prevent the wastage of food.

(3) *Public health and safety.* Applications for the construction of facilities providing essential services vitally necessary to the public health or safety, such as public utilities, fire stations, hospitals, and similar institutions may be approved where there is or will be a serious shortage of the proposed service and where the proposed construction is the minimum necessary to provide the locality with service equal to generally accepted minimum standards. Applications for the minimum alterations required by the local authorities to protect public health and safety may be approved.

(4) *Community facilities.* Applications for the construction of essential community facilities may be approved under this paragraph where it is clearly shown that the lack of such facilities constitutes a severe and unreasonable hardship on the community or area to be served. In general, applications for additional community facilities will not be approved under this paragraph unless there has recently been such a substantial growth in population that the existing facilities are clearly inadequate. Amusement or recreational facilities and office buildings will not generally be approved under this subparagraph.

(5) *Primary and secondary schools.* Applications for the construction of or additions or alterations to primary and secondary schools may be approved where the existing school facilities are inadequate or unsafe and where other similar schools within a reasonable distance cannot without undue crowding accommodate the students enrolled or to be enrolled in the immediate future.

(6) *Veterans' Educational Program.* Applications by universities, colleges and schools for the construction of educational facilities, such as classrooms, laboratories, libraries, shops, and related facilities, such as dining rooms and residential space, may be approved where the facilities are indispensable for the Veterans' Educational Program under the GI Bill of Rights at the institution and where the existing facilities of the institution are being fully used, and adequate temporary facilities cannot be obtained.

(7) *Maintenance and repairs.* Applications for authorization to make repairs and to do maintenance work restricted by VHP-1 may be approved where denial will make it impossible to continue use of a building or structure or where serious injury to a structure will result. Authorizations will only be granted for the minimum work necessary to keep structures in sound working condition. Alterations, expansions and modernizations will not be approved under this paragraph.

(8) *Veterans.* Applications for small commercial or industrial facilities of a reasonably essential nature may be approved, where (a) the applicant is a veteran of World War II, or a group of such veterans, or a partnership or corporation more than 50% of which is owned by such veterans and (b) the applicant will (i) own the proposed building or (ii) have a lease of 5 years or more on the entire proposed building or (iii) will have a lease of 2 years or more on the space to be altered under the authorization, and (c) the proposed building or the space to be altered will be used entirely for the applicant's business and (d) the veteran or veterans will devote all or substantially all of his or their time to, and be entitled to more than 50% of the profits of, the business to be conducted in the facility, and (e) the estimated total cost of construction (Item 5c of Form CPA-4423) does not exceed approximately $10,000. In general, amusement or recreational facilities will not be approved under this paragraph. Applications for the conversion of residential accommodations to office space or other commercial uses will not be generally approved under this paragraph. A veteran means any person who was in the Army, Navy, Marine Corps or Coast Guard on or after September 16, 1940, and was discharged or released under conditions other than dishonorable, after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(c) *Hardship cases.* Applications for construction necessary to alleviate or forestall hardship may be approved where denial would work a severe and unusual hardship. The hardship must be substantial and exceedingly severe, such as threatened bankruptcy or substantial impairment of means of livelihood. However, applications which involve the conversion of residential space to commercial purpose will rarely be approved on the ground of hardship.

These examples of "hardship" cases are not intended to be exclusive, but rather illustrative of the degree of hardship which must be shown before a case should be granted on a hardship basis.

(1) *Loss of former facilities.* An applicant who has lost or is about to lose his place of business as a result of eviction, condemnation or disaster may be authorized to replace the facilities, where it is impracticable for him to repair or restore the old facilities or to buy or rent any other place to conduct his business. Applications will not generally be approved on the basis of loss of facilities, where the loss occurred more than six months before the filing of the applications. The authorization will be generally limited to approximately the same amount of space which has been or will be lost. Evidence of the practical impossibility of continuing in the premises must be shown in the case of eviction or condemnation.

(2) *Commitments before imposition of restrictions.* An application by a person who made commitments for a proposed construction job at a time when no authorization was required for the job may be approved where a denial would result in a severe and unusual hardship to the applicant. The applicant must show clearly that postponement of construction will result in a severe and unusual hardship, and that any materials and equipment or any land he has purchased cannot be resold without severe loss. However, when the commitments were made at a time when authorization was needed for the job, the hardship will be considered to have been assumed voluntarily. Hardship of this sort will not generally be treated as a basis for approval of an application. The purchasing of equipment or materials after March 26, 1946, or the beginning of construction without authorization are examples of voluntarily assumed hardship which generally will not be taken into consideration.

(3) *Community hardship based on unemployment.* Applications for industrial facilities may be approved where the proposed facility will provide substantial new employment in an area where unemployment is continuing and excessive. Projects must be of such a nature that the benefits to the national or community welfare and economy will substantially outweigh the impact on the Veterans' Emergency Housing Program. In addition, applications for partial construction, such as foundations and the erection of structural steel or other work having a negligible impact on the Veterans' Emergency Housing Program, may be ap-

proved in an area where there is excessive unemployment in the heavy construction trades required for the job.

(d) *Impact on Veterans' housing.* (1) The purpose of VHP–1 is to channel scarce building materials into the Veterans' Emergency Housing Program. The materials listed in Schedule A to PR–33 are generally in short supply for the housing program, and use of those materials will generally impede the housing program. Some of the items listed in Schedule A are normally only sold locally, such as brick and other masonry products. In a particular locality, there may be a relatively ample supply of such a product. The use of a product in nonresidential construction under these conditions would have little or no effect on the housing program. On the other hand, the use of a material which is usually shipped considerable distances even though in a particular area there appears to be a substantial supply, would generally be considered to impede the housing program. The fact that an applicant already has materials on hand will not generally be considered to mean that their use will not constitute an impact on the housing program.

In measuring the impact of a project on the housing program, consideration should be given to the scarce building materials to be used in related work covered by the authorization, such as temporary construction buildings, fences, and the like (See Int. 5 to VHP–1).

(2) An application should be approved if the proposed work covered by the application requires no scarce building materials.

(3) Projects which require negligible quantities of scarce building materials may be approved even though they do not completely qualify under paragraph (b) or paragraph (c). However, there are several situations where applications will not generally be approved under this paragraph if they require even small amounts of critical building materials.

(i) An application for a project which is clearly nonessential and where approval would be contrary to the public interest.

(ii) An application which would not result in a usable structure, such as an application for foundation work or the erection of structural steel. Partial projects of this sort will be approved only to relieve unemployment in the heavy construction trades under paragraph (c) (3).

(iii) An application which would result in the elimination of residential accommodations, such as the conversion of apartments to offices or stores.

(iv) An application for a project where it is clear that the employment of men in the particular construction trades which would be required for the project would definitely and substantially interfere with the construction of approved veterans' housing projects. It will not generally be assumed, however, that nonhousing projects will interfere with veterans' housing by reason of their requirements for labor, but where interference appears probable, contractors and union representatives will be consulted to determine whether the necessary workers are available from other areas.

In determining whether the quantity of a scarce building material required for a project is negligible, the scarcity of the material in the area and the demand for the material in housing construction in the area will be taken into consideration.

Issued this 11th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1415; Filed, Feb. 11, 1947; 11:33 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1085]

E. J. M'ILMURRAY

E. J. McIlmurray, of Hale, Michigan, on or about October 15, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction of a structure located on Highway M–65, Hale, Michigan, for use as a salesroom, garage and service station, the estimated cost of which was in excess of $1,000. The begining and carrying on of this construction without authorization constituted a violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1085 *Suspension Order No. S–1085.* (a) Neither E. J. McIlmurray, his successors or assigns, nor any other person shall do any construction on the structure above referred to on Highway M–65, Hale, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) E. J. McIlmurray shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance or authorization to carry on construction.

(3) Nothing contained in this order shall be deemed to relieve E. J. McIlmurray, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 11th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1414; Filed, Feb. 11, 1947; 11:33 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1090]

BERTRAM DODELIN

Bertram Dodelin, on or about August 16, 1946, began the construction of a 40' x 60' one story, cinder block combination commercial and residential structure on his premises located at the northeast corner of Berlin and Laurel Streets, Lindenwold, New Jersey, at an estimated cost of $5,000, without authorization of either the Civilian Production Administration, or the Federal Housing Administration. The carrying on of said construction, without authorization, after being informed of the restrictions of Veterans' Housing Program Order No. 1, constituted a grossly negligent violation of that order. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1090 *Suspension Order No. S–1090.* (a) Neither Bertram Dodelin, his successors or assigns, nor any other person shall do any construction on the premises located at the northeast corner of Berlin and Laurel Streets, Lindenwold, New Jersey, including the putting up, completing or altering of any structure located thereon, unless specifically authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) Bertram Dodelin shall refer to this order in any application or appeal which he may file with the Civilian Production Administration, or any other duly authorized Governmental agency for priorities assistance, or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Bertram Dodelin from any restriction, prohibition, or provision contained in any other order of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 11th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1413; Filed, Feb. 11, 1947; 11:33 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 21]

PART 8321—PRICING AND DISTRIBUTION POLICY FOR PRODUCTION MATERIALS AND PRODUCTION EQUIPMENT

War Assets Administration Regulation 21, June 18, 1946, entitled "Pricing and Distribution Policy for Production Materials and Production Equipment", as amended through October 11, 1946 (11 F. R. 7134, 9080, 11381, 12017), is hereby revised and amended as hereinafter set forth.

Sec.
8321.1 Definitions.
8321.2 Scope.
8321.3 Basic policy.
8321.4 Methods of sale.
8321.5 Prices and pricing methods.
8321.6 Maximum and minimum quantities.
8321.7 Precedence for small purchasers.
8321.8 Classes of purchasers.
8321.9 Exclusive sales to one purchaser.
8321.10 Competitive bidding.
8321.11 Disposals of production equipment in short supply by owning agencies.
8321.12 Disposals of production equipment in short supply by disposal agencies.
8321.13 Disposals of integrated plants.
8321.14 Leases and donations of production equipment in short supply.
8321.15 Interpretation of fractions and approval by Administrator.

Exhibit A: List of production equipment in short supply.

AUTHORITY: §§ 8321.1 to 8321.15, inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Supp. 1611), Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Supp. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265).

§ 8321.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Production materials" as used in this part means those raw or semi-finished materials which are themselves generally employed in the fabrication of end products or incorporated therein. Such materials customarily move from a manufacturer to an industrial user or distributor whose function combines that of a wholesaler and retailer. "Production materials" does not include finished products which may be incorporated in end products but customarily move to the consumer through wholesalers and retailers. These latter products are governed by the pricing and distribution policy provided for in Part 8322.[1]

(2) "Production equipment" means machine tools, plant equipment and attachments thereto, and similar types of personal property used for, or in conjunction with, production facilities, except land and buildings, whether located in Government-owned or privately owned plants or property.

(3) "Facilities contract" means a lease, rental agreement, or other contract or contract provision, specifically governing the acquisition, use or disposition of Government-owned machinery, tools, building installations, or other property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products.

(4) "Small business" means any commercial, industrial, or manufacturing enterprise or group of enterprises, under common ownership and control, which does not on the date of acquisition of any property pursuant to this part have more than five hundred (500) employees, or any such enterprise which by reason of its relative size and position in a particular industry is determined by the War Assets Administration to be a small business. The War Assets Administration may in its discretion apply either or both criteria in determining whether or not the enterprise is a small busness.

(5) "Integrated plant" means land, buildings, and production equipment capable of operation as a complete unit.

§ 8321.2 *Scope.* This part shall apply to disposals of production materials and production equipment by disposal agencies in the continental United States, its territories and possessions, except disposals to priority claimants as provided in Part 8302[2] and nonprofit institutions and instrumentalities as provided in Part 8314.[3] Sections 8321.11, 8321.14, and 8321.15 shall apply to owning agencies when disposing of property listed in Exhibit A of this part as contractor inventory, pursuant to other applicable regulations of the Administrator.

§ 8321.3 *Basic policy.* The Congressional policy announced by the Surplus Property Act of 1944 is to discourage monopolistic practices and to foster wide distribution of surplus commodities to consumers at fair prices, utilizing normal channels of trade in such a manner as to strengthen and preserve the competitive position of small business concerns. This part is intended to implement that policy by providing a method for the pricing and distribution of production materials and production equipment as defined herein, and in the case of production equipment in short supply, to limit effectively inequitable distribution which may occur by reason of advantages now enjoyed by war contractors in possession of such production equipment under facilities contracts containing options or other purchase rights by which such contractors may acquire title to production equipment on specified terms or on terms to be negotiated, including the right of first refusal as well as the right to acquire production equipment in short supply as contractor inventory.

§ 8321.4 *Methods of sale*—(a) *Fixed prices.* Generally, fixed price sales shall be used in preference to all other methods. The fixed price method of sale shall be used when property is in unused condition, is available in inventory in large quantities, and is either a standard commercial item or is readily marketable; and may be used whenever property, either used or unused, can best be moved by this method. Production equipment which is subject to the pricing provisions provided for in Part 8313[4] shall be sold only pursuant to the provisions of such part.

(b) *Competitive bids.* The competitive bid method of sale may be used where the property is a nonstandard commercial item, or is of unknown marketability, or is available only in mixed lots or small quantities, or when rapid clearance of a site is necessary. In addition, except as to property subject to the pricing provisions of Part 8313, the competitive bid method may be used in disposing of property which remains in inventory after a full and adequate offering has been made at fixed prices to all classes of purchasers, and in the areas in which such property is normally purchased. The competitive bid method includes the use of sealed bids, open bids, and public auctions.

(c) *Negotiated sale.* Negotiated sales may be used by the disposal agency for any one or more reasons set forth in the subparagraphs hereunder: *Provided, however,* That whenever negotiated sales are used, the disposal agency shall prepare and file in writing a full justification of the desirability or necessity for using this method of sale and such sales shall not be consummated except with the approval of a reviewing authority. Such sales may be made:

(1) When the proposed purchasers can perform certain functions necessary to make the property salable, such as repairing, rehabilitating, sorting, grading, or testing, more economically and effectively than the disposal agency or others;

(2) When the property is such a hazard to health and property as to require immediate disposition;

(3) When the property will spoil or deteriorate so rapidly as to jeopardize any disposal unless immediately sold;

(4) When the property is to be sold to a foreign government by or at the request of the State Department;

(5) When the property remains in inventory after a full and adequate offering has been made by competitive bid as provided in § 8321.10 of this part.

(6) When the disposal agency makes a written finding that the property is (i) of so special a nature or manufacture or limited use that only one or a few purchasers would be interested in the acquisition and (ii) that an offering of such property by competitive bidding would prejudice the monetary return to the Government if all such bids were subsequently rejected.

§ 8321.5 *Prices and pricing methods*—(a) *General.* In fixed price sales, prices shall be established as close to the current market price as practicable, recognizing that they must be attractive enough to move the property in volume and compensate for any unusual features of the property which may add to the difficulty of reselling. Methods of distributing both production materials and production equipment vary in accordance with the nature of the property and the established commercial practices applicable to different types of property. As a consequence, pricing methods must likewise conform to such trade practices and distribution methods.

(b) *Discounts.* (1) Discounts may be granted on the disposal of surplus property only (i) when different price levels are established in order to compensate for the services rendered in the distribution of property to the various levels of trade; or (ii) when a discount is granted pursuant to the provisions of Part 8302 to compensate the Treasury Department for performing distributive services for a disposal agency; or (iii) when a discount is granted pursuant to the provisions of Part 8314 to reflect the benefit which has accrued or may accrue to the United States from the use of surplus property by educational or public-health institutions or instrumentalities. No other discounts shall be given, and there shall be no graded discounts within the same class of purchasers. Discounts may not be granted for volume purchases in any case for any item.

(2) In order to qualify for a price discount in the sale of production equipment (other than machines subject to the pricing provisions of Exhibit D of Part 8313) as compensation for the distributive function to be performed, each order from a distributor shall bear a certificate signed by such distributor in the following manner:

It is hereby certified that the distributor is and expects to continue to be a distributor of production materials or production equipment similar to those specified on this order to industrial users and other independent purchasers, and that in consideration of the receipt of the distributor's discount on the purchase of surplus property from the United States, in accordance with the War Assets Administrator's price and distribution policy, the purchaser agrees to use his best efforts to sell such property to industrial users and small independent purchasers.

[1] Reg. 22 (11 F. R. 14106).
[2] Reg. 2 (11 F. R. 14267, 12 F. R. 152).
[3] Reg. 14 (11 F. R. 11505; 12 F. R. 257).
[4] Reg. 13 (12 F. R. 663).

(3) In order to qualify for a price discount in the sale of production equipment described in Exhibit D of Part 8313 and subject to the pricing provisions of such part, purchasers of such equipment must likewise engage in a distributive function in effecting a resale of such equipment to users. Essentially, such purchasers may be classified as "discount dealers" as distinguished from "commission dealers" for the purpose of qualifying under this subparagraph, and further, must acquire title to such production equipment as a discount dealer for the purpose of resale as distinguished from use. Rebuilders, manufacturers, builders, exporters, dealers, or other distributors shall, as a condition prerequisite to classification as a "discount dealer" and a price discount hereunder execute a certificate signed by such discount dealer which certificate shall appear in each order by such discount dealer in the following form:

It is hereby certified that the purchaser is, and expects to continue to be, a dealer in standard general purpose machinery of the type set forth, and subject to, the pricing provisions in Exhibit D of War Assets Administration Regulation 13; is now engaged in the business of buying and selling such standard general purpose machinery to users and is acquiring the property listed on this purchase order for the purpose of resale either with or without rebuilding, by export or otherwise, but in any case is not acquiring this property for use as distinguished from resale. In consideration of the dealer's discount on the purchase of surplus property from the United States, in accordance with the War Assets Administrator's price and distribution policy, the purchaser agrees to use his best efforts to effect the resale of such property to users.

(c) *Production materials.* (1) In general, sales of production materials are governed by fixed prices both to ultimate users and to distributors. In the case of most such commodities, the price to the distributor and the user is the same for a specified minimum quantity at which the property may be economically disposed. Consequently, such commodities will be disposed of at one price for one minimum quantity, and only one level of trade shall be applicable. (Examples: commodities which are disposed of in bulk, such as toluene, gasoline, and sulfuric acid.)

(2) Certain production materials follow a trade practice whereby the manufacturer sells in a minimum quantity to both the distributor and the user, allowing a discount to the distributor. In such cases a similar discount will be allowed the distributor by the disposal agency. (Example: steel pipe.)

(3) It is recognized that packaging may be a determinant as to whether any particular material is adaptable for sale to ultimate users through the normal channels of trade including wholesalers and retailers, or for sale to industrial users and distributors. For example, turpentine in tank cars is customarily sold to industrial users and distributors while the same material in five (5) gallon containers is customarily sold through wholesalers and retailers. The disposal agency shall determine, in accordance with customary trade practice, and its packaging, whether any particular material is to be disposed of as a production material pursuant to the provisions of this part or as consumer goods pursuant to Part 8322.

(d) *Production equipment.* (1) Sales of production equipment are likewise governed by fixed prices, a substantial portion being subject to the pricing provisions provided for in Part 8313.

(2) Production equipment which is not subject to the pricing provisions provided for in Part 8313 is governed by fixed prices to ultimate users or distributors as follows:

(i) Much production equipment generally moves from the manufacturer to an industrial user without the intermediate distributive function of a distributor. Such equipment shall be disposed of at a single price for one minimum quantity and without a discount. (Example: large industrial equipment such as furnaces, mills.)

(ii) Certain production equipment is sold by manufacturers in accordance with a trade practice to industrial users and distributors, allowing a discount to the distributor.

(iii) Finally, some industrial equipment is sold by manufacturers only through the regular and established channels of trade. As a consequence, discounts will be permitted to each level of trade for the distributive function performed. (Example: small industrial tools.)

§ 8321.6 *Maximum and minimum quantities.*—(a) *Maximum quantities.* (1) The maximum quantity which should be offered by the disposal agency to any one purchaser should to the extent feasible be a quantity which will assure wide distribution of the available property. Such maximum quantities shall be established in all cases where it reasonably may be expected that the total demand will exceed the supply offered for sale within the area in which the offering is made.

(2) In fixed price sales, whenever the available quantity of surplus property is insufficient to satisfy the requirements of eligible purchasers, all purchase orders submitted by affiliated persons, firms, or corporations, or by groups thereof under common ownership or control for the same type of property in a single sales offering shall be treated as a single purchase order.

(b) *Minimum quantities.* The minimum quantity, i. e., the minimum lot size, which should be offered for sale by the disposal agency should to the extent feasible be a quantity which will enable small independent purchasers to participate. Such minimum quantities may be larger when (1) large quantities of merchandise are packaged in military cartons or in bulk containers and it would be uneconomical to repackage the property to provide for sales in smaller quantities, or (2) it is necessary to consolidate several packages in order to assure an equitable or appropriate distribution of the property to each purchaser.

§ 8321.7 *Precedence for small purchasers.* In fixed price sales, when the total supply of a commodity is less than the amount ordered, consideration shall be given to the needs of other purchasers before large quantities are sold to one or a few purchasers. Precedence shall be given to orders received from small purchasers and from distributors who serve small independent purchasers and who furnish the certificate required by § 8321.5.

§ 8321.8 *Classes of purchasers.* The following conditions shall be observed for the classes of purchasers specified below:

(a) Commercial exporters, foreign governments acting through duly accredited agents in the United States, and foreign commercial firms acting through their duly accredited agents in this country shall be permitted to participate in sales of production materials and production equipment.

(b) Purchasing agents (including resident buyers, commission men, brokers, and other agents) who perform the purchasing function for the principals they represent, shall be permitted to participate in disposals of surplus property. Sales made through these agents shall be made only in the name of the principal they represent and in fixed price sales at the level of distribution of the principal. Such agents shall be required to present a written authorization from the principal for each purchase.

(c) All purchasers who may participate in fixed price sales shall also be eligible to acquire property offered by any other method.

(d) Ultimate users (persons who buy for their own personal use) are not ordinarily expected to purchase surplus property directly from the disposal agency except when such property is offered in suitable lots or units under circumstances which will not complicate the work of disposal; or where sales to ultimate users, for example, through rural farm auctions, would be more effective than offerings by other methods.

§ 8321.9 *Exclusive sales to one purchaser.* It is contrary to general policy to sell any item of surplus property exclusively to one purchaser (including the original vendor or manufacturer). Exceptions may be taken to this rule only when:

(a) It is necessary in order to protect public health or public safety, or

(b) The exclusive purchaser can perform certain functions necessary to make the property salable, such as repairing, rehabilitating, sorting, grading, or testing more economically and effectively than the disposal agency or others, or

(c) The disposal agency makes a written finding that the property is (i) of so special a nature or manufacture or limited use that only one or a few purchasers would be interested in the acquisition and (ii) that an offering of such property by competitive bidding would prejudice the monetary return to the Government if all such bids were subsequently rejected.

§ 8321.10 *Competitive bidding.* (a) Whenever the competitive bid method of sale is employed, an upset price may be established in appropriate cases representing the tentative estimate of the disposal agency as to what may be the fair value of the property. The amount of the upset price shall not be disclosed in the offering nor in any other way to any person not in the employ of the disposal agency. If all or some bids received are lower than such upset price, the disposal agency may reject the bids below the upset price, or, with the approval of the reviewing authority may accept them. The unsold balance may be re-offered with the same or a lower upset price.

(b) No certificate or other finding shall be required that the property offered for sale by competitive bidding is scrap or salvage. No scrap warranty shall be required of the purchaser except in cases where the disposal agency finds that the property is dangerous to public health or safety.

(c) Whenever property which has not previously been offered for sale to priority claimants at fixed prices is offered for sale by competitive bidding, a reserve of such property shall be established to meet the anticipated requirements of priority claimants. The competitive bid offering shall be made simultaneously to priority claimants and to non-priority purchasers, and the lowest acceptable bid by such non-priority purchasers shall be regarded as fair value for priority claimants. Any property so reserved which remains after filling the legitimate requirements of priority claimants shall be used to fill the requirements of acceptable non-priority bidders.

§ 8321.11 *Disposals of production equipment in short supply by owning agencies.* Production equipment which the Administrator has determined to be in short supply is listed in Exhibit A of this part. Such exhibit may be amended from time to time to reflect changing circumstances in the supply of production equipment. To assure equitable distribution of this type of property, disposal thereof shall be made only pursuant to the conditions prescribed herein unless approval for deviation from these conditions is secured pursuant to § 8321.15 of this part.

(a) *Sales to contractors in possession under facilities contracts.* Owning agencies empowered to dispose of plant equipment as contractor inventory to contractors in possession pursuant to the provisions of Part 8306,[5] shall make such disposals only in accord with the following:

(1) No item of production equipment in short supply may be disposed of to a contractor in possession unless at the time of sale, or previously thereto, such contractor has released and waived any and all options or other purchase rights to any and all production equipment, including any rights of first refusal provided for by the particular facilities contract.

(2) Subject only to the provisions of paragraph (a) (3) of this section, a contractor may acquire no more than twenty-five (25) per cent in number of each item of production equipment in short supply listed in Exhibit A of this part. In computing such allowance, the base upon which such percentage shall be computed shall include all the short supply items which at the time of sale are owned by the Government under the particular facilities contract, and which are located in the war contractor's plant.

(3) A contractor in possession who is engaged in a small business as defined herein and who desires to acquire for his own use and not for resale production equipment from an owning agency may acquire the production equipment covered by the particular facilities contract without limitations as to short supply items, *Provided*, That the total cost to the Government of the production equipment covered by that particular facilities contract does not exceed $300,000.

(b) *Retention as contractor inventory.* In those cases where contractors, by pretermination agreements or otherwise, have indicated an intention to retain any production equipment pursuant to the provisions of Part 8309[6] and listed in Exhibit A of this part, then in such event, owning agencies shall be governed by the provisions of paragraph (a) of this section notwithstanding that options or other purchase rights do not exist, when such retention is for the use of such equipment by the contractor: *Provided, however*, That retentions for resale by the contractor of any item of production equipment in short supply is not authorized hereunder, and instead such property shall be declared surplus to the appropriate disposal agency pursuant to the applicable regulations of the Administrator.

§ 8321.12 *Disposals of production equipment in short supply by disposal agencies.* (a) In those cases where a contractor seeks to acquire from the disposal agency only a portion of the production equipment acquired by the Government under a facilities contract which provides for existing options or other purchase rights in the contract, then in such event, and in return for a full release and waiver of any and all options or other purchase rights to any and all production equipment, including the right of first refusal as to all the production equipment covered by such facilities contract, the disposal agency may dispose of not more than twenty-five (25) per cent in number of each item of production equipment in short supply as listed in Exhibit A of this part and which are owned by the Government at the time of sale under the particular facilities contract.

(b) In the case of purchasers or lessees of land and buildings being disposed of as industrial or transportation real property pursuant to the provisions of Part 8310,[7] or as airport property pursuant to Part 8316,[8] or as marine industrial real property pursuant to the provisions of Part 8320,[9] and who desire to acquire only a portion of any production equipment located on the premises or used in the operation of any plant situated on such premises, the disposal agency may dispose of production equipment in short supply as listed in Exhibit A of this part and situated on such premises only upon a written representation from the purchaser that he intends to use such equipment in connection with the productive operation of the land and buildings and that he is not purchasing the production equipment in short supply for the purpose of reselling it, directly or indirectly, at a profit.

§ 8321.13 *Disposals of integrated plants.* Whenever an integrated plant is disposed of pursuant to the provisions of Part 8310 or Part 8320, such disposal may include all items of production equipment in short supply which are a part of the integrated plant and located therein, *Provided*, That the purchaser makes a representation in writing that he intends to use such equipment in an integrated plan of operation and that he is not acquiring the production equipment for the purpose of selling it, directly or indirectly, at a profit.

§ 8321.14 *Leases and donations of production equipment in short supply.* Surplus production equipment in short supply as listed in Exhibit A of this part may not be leased by the disposal agency or donated by owning and disposal agencies under the Surplus Property Act, or any other law, for other than instructional purposes without the approval of the Administrator or such other person as he may designate.

§ 8321.15 *Interpretation of fractions and approval of Administrator.* (a) When determining the number of items of production equipment in short supply hereunder by application of a fixed percentage, fractions shall be disregarded and not included in the amount authorized for any purchaser.

(b) No deviation from the fractional rule provided for in paragraph (a) of this section, nor from the twenty-five (25) per cent limitation prescribed by § 8321.11 (a) (2) and § 8321.12 (a) nor from any other limitation prescribed by this part shall be authorized by the owning or disposal agencies unless the approval of the Administrator or such other person as he may designate is first obtained.

This revision of this part shall become effective February 6, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

FEBRUARY 6, 1947.

[5] SPA Reg. 6 (10 F. R. 14521, 11 F. R. 1893).

[6] SPA Reg. 9 (10 F. R. 12961, 14966; 11 F. R. 3691, 10221).

[7] Reg. 10 (11 F. R. 7583, 12017).

[8] Reg. 16 (11 F. R. 7427, 8361).

[9] Reg. 20 (11 F. R. 182, 561, 3302, 7431).

NOTE: Table below revised February 6, 1947.

EXHIBIT A—PRODUCTION EQUIPMENT IN SHORT SUPPLY

Standard commodity classification	*Description*
(The Standard Commodity Classification is more definitive than the description in those cases where the classification numbers are inclusive. In such cases each inclusive designation is to be considered as an Exhibit A item. Where only one classification is prescribed above as distinguished from an inclusive group, the description is controlling. References are Volume I, May 1943, Standard Commodity Classification.)	
MAJOR GROUP 25—FABRICATED METAL BASIC PRODUCTS	
25-3200 through 25-3290	Landpower boilers.
MAJOR GROUP 31—GENERAL PURPOSE INDUSTRIAL MACHINERY AND EQUIPMENT	
31-4600 through 31-4690	Overhead conveyors.
31-5100 through 31-5190	Cranes, railroad.
31-5200 through 31-5290	Overhead traveling cranes (except gantry and monorail.)
MAJOR GROUP 32—ELECTRICAL MACHINERY AND APPARATUS	
32-1311	Electric motors, fractional horsepower (less than one horsepower) A. C. only.
32-1321	Electric motors (1 to 5 horsepower, inclusive) A. C. only.
32-2210	Transformers, power and distribution, all types, 1 to 25 KVA inclusive.
MAJOR GROUP 33—SPECIAL INDUSTRY MACHINERY	
33-2500 through 33-2529	Sewing machinery, industrial.
33-3100 through 33-3190	Pulp mill machinery.
33-3200 through 33-3290	Paper mill machinery.
33-3300 through 33-3390	Paper converting machinery.
33-4000 through 33-4900	Printing trade machinery and equipment. (Standard general purpose only.)
33-5100 through 33-5190	Rubber processing machinery.
33-5200 through 33-5299	Rubber fabricating machinery.
33-5300	Rubber reclaiming machinery.
33-6000 through 33-6990	Woodworking machinery. (Standard general purpose only.)
33-7200	Die casting machines. (Standard general purpose only.)
MAJOR GROUP 34—METALWORKING MACHINERY	

NOTE: References in right-hand column are intended to facilitate identification and are taken from the Directory of Metalworking Machinery (1943) compiled under the supervision of the Committee on Metalworking Machinery of the Technical Committee on Standard Commodity Classification. In determining Exhibit A items under Major Group 34, this classification shall be used when specified.

Standard commodity classification	Description	Directory of metalworking machinery
34-11400 through 34-11409	Jig boring machines, vertical, all makes and sizes (jig grinders not included).	3411-420 through 3411-42-60.
34-13220 through 34-13249	Drills, radial, 3'-4'-5' arm	3413-4120 through 3413-41-42 and 3413-42-10.
34-13510 through 34-13561	Drills, pedestal, 110 volt, including ½" capacity (single spindle only).	3413-21-10 through 3413-21-61; 3413-22-10 through 3413-22-61.
34-13610 through 34-13690	Drills, bench, 110 volt, single phase, 60 cycle, including ½" capacity (single spindle only).	3413-11-10 through 3413-11-61; 3413-12-10 through 3413-12-61.
34-15700 through 34-15709	Grinders, tool and cutter, Universal only	3415-710 through 3415-71-30.
34-16100 through 34-161142	Lathes, engine, screw cutting, bench and floor, (not including multi-tool production and manufacturing types) including 16" swing by 54" center to center	3416-120 through 3416-12-44; 3416-200 through 3416-21-43; 3416-220 through 3416-22-43; 3416-300 through 3416-31-22; 3416-320 through 3416-32-32.
34-16600 through 34-16612	Automatic screw machines, single spindle, (Brown and Sharpe only, Including 1.0" bar capacity).	3416-700 through 3416-71-30.
34-17730 through 34-17732	Die sinkers, plain and Universal	3417-700 through 3417-72-30.
34-17223 through 34-17224	Milling machines, horizontal, Universal size No. 2 and No. 3 only.	3417-22-20 through 3417-22-30.
34-17720 only	Duplicator, Gorton model 8½ only	3417-64-10-12 only.
34-19112 through 34-19113	Shapers, horizontal, crank and hydraulic 16" and 20" stroke.	3419-11-30 through 3419-11-40; 3419-12-20 through 3419-12-30; also 3419-13-20.
34-19521 and 34-19523	Contour saws	3419-510 through 3419-51-40; 3419-53-10 through 3419-53-40.
34-19720 through 34-19730	Threading machines, bolt and pipe	3419-71-00 through 3419-74-32.
34-41312 through 34-41329	Press brakes (5' width and over)	3441-41-20 through 3441-41-56.
34-43600 through 34-43644	Presses, open back, inclinable, including 150-ton capacity.	3443-11-10 through 3443-11-90.
34-44412 through 34-44429	Squaring shears, power (10 gauge through ¾" thickness capacity).	3445-32-30 through 3445-3266.
MAJOR GROUP 44—RAILROAD TRANSPORTATION EQUIPMENT		
44-1000 through 44-1900	Locomotives, all types and gauges.	
44-4200 through 44-4290	Freight railroad cars, all gauges.	

[F. R. Doc. 47-1412; Filed, Feb. 11, 1947; 11:26 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 10—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS

Sections 10.1 to 10.79, inclusive, of this part contain Public Health Service Regulations issued pursuant to the provisions of section 622 of the Public Health Service Act as amended by the Hospital Survey and Construction Act (Public Law 725, 79th Congress) approved August 13, 1946, which added to the act a new Title VI entitled "Construction of Hospitals." Section 622 requires that within six months after enactment of the new title, the Surgeon General shall promulgate regulations prescribing general policies to be followed in setting up and administering State plans for construction of public and other nonprofit hospitals. Regulations issued under this section are subject to the approval of the Federal Hospital Council established by the act and of the Administrator. These regulations were approved by the Federal Hospital Council at a meeting held on November 14, 1946.

SUBPART A—DEFINITIONS

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SUBPART B—DISTRIBUTION OF GENERAL HOSPITAL BEDS

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10.13 Standards for construction program.
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10.61 General.
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SUBPART H—METHODS OF ADMINISTRATION OF THE STATE PLAN

10.71 General.
10.72 Construction program.
10.73 Personnel administration.
10.74 Fair hearings.
10.75 Construction standards.
10.76 Publicizing the State plan.

Sec.
10.77 Processing construction applications.
10.78 Requests for construction payments.
10.79 Fiscal and accounting requirements.

AUTHORITY: §§ 10.1 to 10.79, inclusive, issued under sec. 622, Pub. Law 725, 79th Cong., 60 Stat. 1042; 42 U. S. C. Supp. 291e.

SUBPART A—DEFINITIONS

§ 10.1 *Definitions.* Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) *Area.* A logical hospital service area, taking into account such factors as population distribution, natural geographic boundaries, transportation and trade patterns, all parts of which are reasonably accessible to existing or proposed hospital facilities and which has been designated by the State Agency as a base, intermediate, or rural area. Nothing in the regulations in this part shall preclude the formation of an interstate area with the mutual agreement of the States concerned.

(b) *Base area.* Any area which is so designated by the State Agency and has the following characteristics: (1) Irrespective of the population of the area, it shall contain a teaching hospital of a medical school whose undergraduate medical program is approved by the American Medical Association's Council on Medical Education and Hospitals. This hospital shall be suitable for use as a base hospital in a coordinated hospital system within the State; or (2) The area shall contain a total population of at least 100,000 and at least one general hospital which has a complement of 200 or more beds for general use. This hospital shall be registered with the American Medical Association and approved by the American College of Surgeons. Approved residencies in two or more specialties, as defined by the American Medical Association, and approved internships shall be provided by this hospital. The hospital shall be suitable for use as a base hospital in a coordinated hospital system within the State.

(c) *Intermediate area.* Any area so designated by the State Agency which: (1) Has a total population of at least 25,000 and (2) contains, or will contain on completion of the hospital construction program under the State plan, at least one general hospital which has a complement of 100 or more beds and which would be suitable for use as a district hospital in a coordinated hospital system within the State.

(d) *Rural area.* Any area so designated by the State Agency which constitutes a unit, no part of which has been included in a base or intermediate area.

(e) *Coordinated hospital system.* An interrelated network of general hospitals throughout a State in which one or more base hospitals provide district hospitals and the latter in turn provide rural and other small hospitals with such services relative to diagnosis, treatment, medical research and teaching as cannot be provided by the smaller hospitals individually.

(f) *Hospital.* Public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but not institutions furnishing primarily domiciliary care. The term "hospital," except as applied generally to include public health centers, shall be restricted to institutions providing community service for in-patient medical or surgical care of the sick or injured; this includes obstetrics. It shall exclude Federal hospitals and institutions found to constitute a public hazard.

(g) *Allied special hospital.* Cardiac, eye-ear-nose-throat, isolation, maternity, children's orthopedic, and skin and cancer, as well as other hospitals providing similar specialized types of care commonly given in general hospitals. The term excludes mental, tuberculosis, and chronic disease hospitals.

(h) *Chronic disease hospital.* A hospital, the primary purpose of which is medical treatment of chronic illness, including the degenerative diseases, and which furnishes hospital treatment and care, administered by or under the direction of persons licensed to practice medicine in the State. The term includes such convalescent homes as meet the foregoing qualifications. It excludes tuberculosis and mental hospitals, nursing homes, and also institutions, the primary purpose of which is domiciliary care.

(i) *General hospital.* Any hospital for in-patient medical or surgical care of acute illness or injury and for obstetrics, of which not more than 50% of the total patient days during the year are customarily assignable to the following categories of cases: Chronic, convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis.

(j) *Mental hospital.* A hospital for the diagnosis and treatment of nervous and mental illness but excluding institutions for the feeble-minded and epileptics.

(k) *Nonprofit hospital.* Any hospital owned and operated by a corporation or association, no part of the net earnings of which is applied, or may lawfully be applied, to the benefit of any private shareholder or individual.

(l) *Psychopathic hospital.* A type of mental hospital where patients may receive intensive treatment and where only a minimum of continued treatment facilities will be afforded.

(m) *Tuberculosis hospital.* A hospital for the diagnosis and treatment of tuberculosis, excluding preventoria.

(n) *Hospital bed.* A bed for an adult or child patient. Bassinets for the newborn in a nursery, beds in labor rooms and in health centers, and other beds used exclusively for emergency purposes are not included in this definition.

(o) *Population.* In computing the population of the State or any area thereof for purposes of the regulations in this part, the State Agency shall use the latest figures of civilian population certified by the Federal Department of Commerce with such adjustments as may be necessary to reflect changing local conditions. Such adjustments shall not result in any increase in the total population of the State over the figures certified by the Department of Commerce.

(p) *Public health center.* A publicly owned facility utilized by a local health unit for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

(q) *Local health unit.* A single county, city, county-city, or local district health unit, as well as a State health district unit where the primary function of the State district unit is the direct provision of public health services to the population under its jurisdiction.

(r) *Public health services.* Services provided through organized community effort in the endeavor to prevent disease, prolong life, and maintain a high degree of physical and mental efficiency. In addition to the services which the community already provides as a matter of practice, the term shall include such additional services as the community from time to time may deem it desirable to provide.

(s) *State.* The 48 States, Alaska, Hawaii, Puerto Rico, and the District of Columbia.

(t) *State agency.* As the context may require, either the agency designated by the State pursuant to section 612 (a) (1) of the Federal Hospital Survey and Construction Act or the agency designated to administer the State plan pursuant to section 623 (a) (1) of the Federal Act.

(u) *Surgeon General.* The Surgeon General of the United States Public Health Service.

(v) *Federal Act.* Title VI of the Public Health Service Act, as amended by the Hospital Survey and Construction Act (Public Law 725, 79th Congress, 60 Stat. 1042; 42 U. S. C. Supp. 291 (e)), approved August 13, 1946.

SUBPART B—DISTRIBUTION OF GENERAL HOSPITAL BEDS

§ 10.11 *Plan of distribution.* It is the intention of the regulations in this part to provide for distribution of general hospital beds among the different areas of the State so as to provide comprehensive and adequate types of hospital services to all sizes of communities. In accordance with this intent the general methods by which general hospital beds shall be distributed among base areas, intermediate areas, and rural areas, shall be as provided for in §§ 10.12 to 10.14, inclusive.

§ 10.12 *Maximum State allowance.* The number of general hospital beds required to provide adequate hospital services to the people residing in any State shall be:

(a) In States having 12 or more persons per square mile, 4.5 beds per thousand population;

(b) In States having less than 12 and more than 6 persons per square mile, 5 beds per thousand population; and

(c) In States having 6 persons or less per square mile, 5.5 beds per thousand population.

If in any area (base, intermediate, or rural), as determined by the State

agency, there are more beds than required by these standards, such excess may be eliminated in calculating the maximum allowance for the State as a whole.

§ 10.13 *Standards for construction program.* The construction program under the State plan shall provide for general hospital beds, existing and proposed, in each area within the State in accordance with the following standards:

(a) In States having 12 or more persons per square mile, 2.5 beds per thousand population in rural areas, 4.0 beds per thousand in intermediate areas, and 4.5 beds per thousand in base areas;

(b) In States having less than 12 but more than 6 persons per square mile, 3 beds per thousand population in rural areas, 4.6 beds per thousand in intermediate areas, and 5 beds per thousand in base areas; and

(c) In States having 6 or less persons per square mile, 3.5 beds per thousand population in rural areas, 5.0 beds per thousand in intermediate areas, and 5.5 beds per thousand in base areas.

In addition, the State Agency shall subtract from the total number of beds permitted for each area under § 10.12 the total number of beds permitted for each area under this section or the number of beds in existence, whichever is greater. The total number of beds so determined for all areas shall be distributed at the discretion of the State Agency and without regard to standards specified in §§ 10.12 and 10.13. This shall be done in such a manner as to meet the special needs of any area and facilitate the coordination of hospital services. In allocating beds under this section, the State Agency shall give special consideration to hospitals serving persons in rural areas and communities with relatively small financial resources.

§ 10.14 *Beds classified as general hospital beds.* The count of existing general hospital beds shall include the beds in the hospitals of this category as defined above, and also: (a) Beds in allied special hospitals, and (b) beds in any tuberculosis, mental, or chronic disease hospital which are specifically assigned for the care of general patients, except where the beds so assigned in any institution number less than ten. Beds for persons hospitalized for the primary condition of tuberculosis, mental, or chronic disease shall be excluded.

SUBPART C—DISTRIBUTION OF TUBERCULOSIS, MENTAL, AND CHRONIC DISEASE HOSPITAL BEDS

§ 10.21 *Maximum State allowance.* The number of beds required to provide adequate hospital services for tuberculous patients, mental patients, and chronic disease patients in any State shall be:

(a) For tuberculous patients, 2.5 times the average annual deaths from tuberculosis in the State over the 5 year period from 1940 to 1944 inclusive;

(b) For mental patients, 5 per thousand population; and

(c) For chronic disease patients, 2 per thousand population.

The count of existing tuberculosis, mental, and chronic disease hospital beds shall include the beds in the hospitals of these respective categories as defined above, and also beds in any general hospital which are specifically assigned for the care of tuberculous, mental and chronic disease patients respectively, except where the beds so assigned in any institution number less than 10 in any category.

§ 10.22 *Distribution.* Whenever practicable, tuberculosis hospitals receiving grants under the Federal Act shall be built in centers of population and in proximity to general hospitals.

Whenever practicable, mental hospitals receiving grants under the Federal Act shall be located in centers of population and in proximity to general hospitals.

Whenever practicable, chronic disease hospitals shall be built in centers of population and in proximity to general hospitals.

SUBPART D—DISTRIBUTION OF PUBLIC HEALTH CENTERS

§ 10.31 *Maximum State allowance.* The number of public health centers in a State (counting those existing as well as those provided with aid under the act), shall not exceed one per 30,000 State population, except in States having less than 12 persons per square mile the number shall not exceed one per 20,000 population. The following shall be excluded from the count of public health centers:

(a) Existing facilities which the State Agency, after consultation with the State health authority, has determined to be unsuitable for use as public health centers, and

(b) Auxiliary facilities such as laboratories and clinics, whether existing or proposed, and whether they are located within the same structure as the health department office or in a separate structure.

§ 10.32 *Distribution.* The general method of distribution of public health centers throughout the State shall conform to the plan of organization of local health units within the State. In instances where the State Health Department is not the State Agency designated under section 623 (a) (1) of the Federal Act, the method of distribution shall be determined after consultation with the State health authority.

SUBPART E—PRIORITY OF PROJECTS

§ 10.41 *Manner of determination.* The general manner in which the State Agency shall determine the priority of projects included in the State construction program shall conform with the principles set out in §§ 10.40 to 10.47, inclusive.

§ 10.42 *Balance among categories of facilities.* Insofar as practicable, the State Agency shall develop its construction program in relation to the proportionate need for each of the five categories of facilities (general, mental, tuberculosis, chronic, and health centers). In determining proportionate needs, consideration shall be given to existing facilities and those under construction without assistance under the Federal act.

§ 10.43 *All categories of facilities; additional facilities as against replacements.* Initial installations and additions to existing hospitals and health centers shall be given priority over replacements, except:

(a) Where replacement is of minor character and necessary to the provision of needed additional facilities;

(b) Where, in the case of a hospital, replacement is essential to eliminate an existing needed hospital which constitutes a public hazard;

(c) Where, in the case of a public health center, the State health authority has certified that the existing facility is unsuitable for use as a public health center.

§ 10.44 *General hospital category.* The relative priority of these projects shall be determined after consideration of the following factors in the order of importance as given:

(a) The relative need for beds in the area (base, intermediate, or rural) in which the project will be located, taking into account the utilization of existing general hospital beds in the area and giving special consideration to projects providing service for persons located in rural communities and areas with relatively small financial resources;

(b) The extent to which beds will be made available for groups of the population which by reason of race, creed, or color are less adequately served than other groups of the population.

§ 10.45 *Chronic disease category.* Priority shall be given to those projects in which the chronic disease facilities will be operated as sub-units of general hospitals.

§ 10.46 *Public health centers.* Highest priority in this category shall be given to the provision of facilities for local health units serving rural communities and areas with relatively small financial resources. Where the agency designated to administer the State plan is not the State health authority, the State Agency shall determine the relative priorities to be established after consultation with the State health authority.

§ 10.47 *Size and character.* Insofar as practicable and without affecting the priority of hospitals serving rural communities and areas with relatively small financial resources, special consideration shall be given to applications for construction of projects of a size and character consistent with efficient and economical operation.

SUBPART F—GENERAL STANDARDS OF CONSTRUCTION AND EQUIPMENT

§ 10.51 *General.* Plans and specifications for each project submitted to the Surgeon General for approval under the Federal Act shall be prepared in accordance with the "General Standards of Construction and Equipment" for hospitals of different classes and in different types of location as prescribed by the Surgeon General and set forth in Appendix A. Equipment shall be provided in the kind and to the extent necessary for the proper functioning of the facility as planned. The design and construction covered by the plans and specifications must conform with the applicable State and local laws, codes, and ordinances and with the approved State plan. The plans and specifications must be complete and adequate for contract purposes and have the approval and recommendation of the State Agency.

§ 10.52 *Size of mental and psychopathic hospitals.* No application for construction of a psychopathic hospital with a capacity of more than 500 beds or of a mental hospital with a capacity of more than 3,000 beds shall be approved. This requirement shall not be construed to prevent approval of applications for improvements of psychopathic and mental hospitals with bed capacities equal to or greater than those specified above if such improvements are designed to provide more intensive treatment facilities within such hospitals.

§ 10.53 *Size of tuberculosis hospitals.* No application for construction of a tuberculosis hospital with a capacity of less than 100 beds shall be approved, except that an application for construction of a tuberculosis hospital with a capacity from 50 to 100 beds may be approved where necessary to provide facilities for an isolated area too small to support a larger hospital.

SUBPART G—NON-DISCRIMINATION AND HOSPITAL SERVICES FOR PERSONS UNABLE TO PAY THEREFOR

§ 10.61 *General.* The State plan shall provide for adequate hospital facilities for the people residing in a State without discrimination on account of race, creed, or color and shall provide for adequate hospital facilities for persons unable to pay therefor.

§ 10.62 *Non-discrimination.* Before a construction application is recommended by a State Agency for approval, the State Agency shall obtain assurance from the applicant that the facilities to be built with aid under the Act will be made available without discrimination on account of race, creed, or color to all persons residing in the area to be served by that hospital. However, in any area where separate hospital facilities are provided for separate population groups, the State Agency may waive the requirement of assurance from the construction applicant if (a) it finds that the plan otherwise makes equitable provision on the basis of need for facilities and services of like quality for each such population group in the area, and (b) such finding is subsequently approved by the Surgeon General. Facilities provided under the Federal Act will be considered as making equitable provision for separate population groups when the facilities to be built for the group less well provided for heretofore are equal to the proportion of such group in the total population of the area, except that the State plan shall not program facilities for a separate population group for construction beyond the level of adequacy for such group.

§ 10.63 *Hospital services for persons unable to pay therefor.* Before a construction application is recommended by a State Agency for approval, the State Agency shall obtain assurance that the applicant will furnish a reasonable volume of free patient care. As used in this section, "free patient care" means hospital service offered below cost or free to persons unable to pay therefor, including under "persons unable to pay therefor," both the legally indigent and persons who are otherwise self-supporting but are unable to pay the full cost of needed hospital care. Such care may be paid for wholly or partly out of public funds or contributions of individuals and private and charitable organizations such as community chests or may be contributed at the expense of the hospital itself. In determining what constitutes a reasonable volume of free patient care, there shall be considered conditions in the area to be served by the applicant, including the amount of free care that may be available otherwise than through the applicant. The requirement of assurance from the applicant may be waived if the applicant demonstrates to the satisfaction of the State Agency, subject to subsequent approval by the Surgeon General, that furnishing such free patient care is not feasible financially.

SUBPART H—METHODS OF ADMINISTRATION OF THE STATE PLAN

§ 10.71 *General.* The State plan shall provide for general methods of administration which are in accord with the principles set out in §§ 10.72 to 10.78, inclusive.

§ 10.72 *Construction program.* The State hospital construction program shall be developed in the following manner:

(a) The State Agency shall determine need for hospital facilities of all types and health center facilities by applying the ratios heretofore specified and deducting existing facilities, except those justifying replacement under priority regulations.

(b) The State Agency shall determine through field investigation, and otherwise, the approximate locations within each area at which needed beds or health centers should most appropriately be built.

(c) After having determined hospital and public health center needs, the State Agency shall establish an overall construction program. This program shall set forth all such needs in accordance with the standards specified in §§ 10.12, 10.21, and 10.31 and shall show the relative need for each project included, irrespective of the availability of funds for construction and for maintenance and operation.

(d) The State Agency shall, from time to time as necessary, but at least annually, review the overall hospital construction program. Annually, at a time fixed by the Surgeon General, the Agency shall submit to him a report, which shall contain such revisions of the construction program, as the Agency considers necessary.

(e) The State Agency shall establish a separate construction schedule on such forms and for such periods as the Surgeon General may prescribe. Insofar as funds are available for construction and for maintenance and operation, construction shall be scheduled in the order of relative need.

§ 10.73 *Personnel administration.* A system of personnel administration on a merit basis shall be established and maintained with respect to the personnel employed in the administration of the State plan. Such a system shall include provision for:

(a) Impartial administration of the merit system;

(b) Operation on the basis of published rules or regulations;

(c) Classification of all positions on the basis of duties and responsibilities and establishment of qualifications necessary for the satisfactory performance of such duties and responsibilities;

(d) Establishment of compensation schedules adjusted to the responsibility and difficulty of the work;

(e) Selection of permanent appointees on the basis of examinations so constructed as to provide a genuine test of qualifications and so conducted as to afford all qualified applicants opportunity to compete;

(f) Advancement on the basis of capacity and meritorious service; and

(g) Tenure of permanent employees.

Substantial compliance with the merit system policies of the Public Health Service as set forth in Appendix B will be deemed to meet the requirements of the regulations in this part.

§ 10.74 *Fair hearings.* The State Agency shall establish such rules and regulations as will provide an opportunity for an appeal to and a fair hearing before the State Agency to every applicant for a construction project who is dissatisfied with any action of the State Agency regarding its application.

§ 10.75 *Construction standards.* The State Agency shall adopt general standards of construction and equipment for the various types of hospitals and health centers assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Surgeon General and set forth in Appendix A.

§ 10.76 *Publicizing the State plan.* (a) Prior to submission of the State plan to the Surgeon General, the State Agency shall publish a general description of the provisions proposed to be included in the State plan and shall give reasonable notice of a public hearing at which all interested persons or organizations will be given an opportunity to be heard.

(b) After the Surgeon General has approved the State plan, the State Agency shall publish a general description of its provisions in newspapers having general circulation throughout the State and shall make the approved State plan available for examination, upon request, to all interested persons or organizations.

§ 10.77 *Processing construction applications*—(a) *Form of application.* Construction applications, including a detailed estimate of the cost of the project, shall be submitted to the Surgeon General through the State Agency and shall be executed on forms prescribed by the Surgeon General.

(b) *Order of processing applications.* The State Agency shall process applications received in the order of priority, except that the State Agency may approve, recommend and forward to the Surgeon General applications out of the order of priority if:

(1) The State Agency has afforded reasonable opportunity for development and presentation of projects in the order of priority, and

(2) If the State Agency certifies to the Surgeon General that financial resources for the construction, maintenance and operation of projects of higher priority are not then available.

The priority of a project under the State plan shall not be affected by the fact that other projects of lower priority have previously been approved and recommended by the State Agency.

(c) *Assurances from applicant.* In addition to assurances otherwise required by the State Agency, before approving an application, the State Agency must have assurance from the applicant:

(1) That actual construction work will be performed by the lump-sum (fixed price) contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid;

(2) That the construction contracts will prescribe the minimum rates of pay for laborers and mechanics engaged in construction of the project as determined by the Secretary of Labor and that such minimum rates will be stated in the specifications advertised in the call for bids on the proposed project;

(3) That the requirement that each contractor or subcontractor shall furnish a weekly sworn affidavit with respect to the wages paid each employee during the preceding week, as required by 48 Stat. 948, (40 U. S. C. 276 (b) and 276 (c)), and the regulations issued pursuant thereto, will be incorporated in the project specifications and made a part of the construction contract;

(4) That the project will not be advertised or placed on the market for bidding until the final working drawings and specifications have been approved by the Surgeon General and the applicant has been so notified;

(5) That no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans, will be entered into without the prior approval of the Surgeon General;

(6) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty percentum (50%) of the contract price, and to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance;

(7) That any change or changes in the contract which (i) makes any major alteration in the work required by the plans and specifications, or (ii) raises the total contract price over the approve estimate of cost of the work covered by the plans and specifications will be submitted to the Surgeon General for prior approval;

(8) That the construction contract will provide that the Surgeon General, the State Agency and their representatives will have access at all times to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection;

(9) That the applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the project to insure that the completed work conforms with the approved plans and specifications; and

(10) That the hospital, when completed, will be operated and maintained in accordance with minimum standards prescribed by the State Agency for the maintenance and operation of hospitals aided under the Federal Act.

(d) *Certification to the Surgeon General.* After the State Agency has approved a construction application, it shall recommend it to the Surgeon General for approval and shall certify:

(1) That the application contains reasonable assurance as to title, payment of prevailing rates of wages, and financial support for the non-Federal share of the cost of construction and the entire cost of maintenance and operation when completed;

(i) Availability of funds for the non-Federal share of construction costs shall mean (*a*) funds immediately available, placed in escrow, or acceptably pledged, or (*b*) funds or fund sources specifically earmarked in a sum sufficient for that purpose or (*c*) other assurances acceptable to the Surgeon General.

(ii) To assure the availability of funds for maintenance and operation, the applicant for the construction of a new project must have included in the application a proposed operating budget, on a form prescribed by the Surgeon General giving assurance that (*a*) for the first year of operation, available funds, contingent or other acceptable pledges, or escrow arrangements for funds are equal to the difference between proposed operating expenditures and anticipated revenue from patients and are not less than one-third of the proposed operating expenditures for that period, and (*b*) for the second year, available funds, contingent or other acceptable pledges or escrow arrangements for funds are equal to the difference between proposed operating expenditures and anticipated income. In the case of publicly sponsored applications the statement of the responsible public officials may be accepted as sufficient assurance. In the case of an addition to an existing facility, the applicant must have given assurance, through one or more of the means specified above, that funds are or will be available to meet the difference between proposed expenditures and anticipated income from the operation of the constructed addition for the two year period immediately following its completion;

(2) That the plans and specifications are in accord with Appendix A;

(3) That the application is in conformity with the State plan approved by the Surgeon General and contains an assurance that the applicant will conform to the applicable requirements of the plan;

(4) That the application contains an assurance that the applicant will conform to the requirements of §§ 10.61, 10.62, and 10.63 regarding the provision of facilities without discrimination on account of race, creed, or color, and for furnishing needed hospital facilities for persons unable to pay therefor;

(5) That the application contains an assurance that the applicant will conform to State standards for operation and maintenance and to all applicable State laws and State and local codes, regulations, and ordinances;

(6) That the application is entitled to priority over other projects within the State and that in making this determination the State agency has complied with paragraph (b) of this section; and

(7) That the State Agency has approved the application.

(e) *Amendments to application.* An amendment to any application approved by the Surgeon General shall be processed in the same manner as an original application, except that the original application's conformity with priority regulations shall suffice for the amendment. Minor changes not provided for under paragraph (c) (7) of this section are not considered amendments.

§ 10.78 *Requests for construction payments*—(a) *Certification by State Agency.* The State Agency shall certify to the Surgeon General the amount of payments due to an applicant for the cost of work performed and materials and equipment furnished.

Requests for payments under the construction contract shall be submitted in each of three stages as follows:

(1) The first installment when the shell of the building and roof are completed,

(2) The second installment when the mechanical work has been substantially roughed in, and

(3) The third installment when work under the construction contract is completed and final inspection made.

Requests for payment of the Federal share of other allowable costs such as architect's fee, inspection cost, and cost of equipment shall be included in requests for payments made at one or more of the stages indicated above.

All costs that have not been determined at the time the third payment for work performed under the construction contract is requested shall form the basis of a request for final payment of the Federal share of the cost of the entire project.

Consideration will be given to the payment of an additional installment prior to payment of the final installment provided the State Agency finds there are unusual circumstances which may unduly delay submission of the claim for payment of the final installment.

(b) *Inspection by State Agency.* As a basis for certification by the State Agency that payment of an installment is due an applicant, the State Agency, without expense to the Federal government, shall make adequate inspections to determine that the work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications.

§ 10.79 *Fiscal and accounting requirements*—(a) *Construction allotments.* The State Agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(b) *Construction payments.* Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local or other funds used for matching purposes.

The State Agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects. Separate accounts by source shall be maintained of all funds received for construction projects. These records shall be maintained regardless of whether Federal funds are received through the State Agency or directly from the Federal government.

The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Surgeon General for approved construction projects.

Dated: January 24, 1947.

[SEAL] JAMES A. CRABTREE,
Acting Surgeon General.

Approved: January 24, 1947.

JAMES A. CRABTREE,
Acting Chairman,
Federal Hospital Council.

Approved: February 4, 1947.

WATSON B. MILLER,
Federal Security Administrator.

APPENDIX A—GENERAL STANDARDS OF CONSTRUCTION AND EQUIPMENT

Sec.
I. Introduction.
II. Site survey and soil investigation.
III. General design and construction standards.
A. Site.
B-1. General hospital.
2. Tuberculosis hospital.
3. Mental hospital.
4. Psychiatric hospital.
5. Chronic disease hospital.
6. Nurses' home.
7. School of nursing.
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9. State public health laboratory.
10. Details, finishes, etc.
11. Finishes.
C. Structural.
D. Mechanical.
E. Preparation of plans, specifications and estimates.
IV. Equipment.

I. *Introduction.* The standards set forth herein have been established by the Surgeon General of The U. S. Public Health Service as required by the Hospital Survey and Construction Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the act. They are considered necessary to insure properly planned and well constructed hospitals and public health centers which can be maintained and efficiently operated to furnish adequate services.

It should be particularly noted that the small hospital of 50 beds or under, presents a special problem. The size of the various departments will be generally smaller and will depend upon the requirements of the particular hospital. Some of the functions allotted separate spaces or rooms in these General Standards may be combined provided that the resulting plan will not compromise the best standards of medical and nursing practice.

Since these are minimum requirements it is desirable only that they form a basis for development of higher standards. In the interest of promoting the development of higher standards it is the intention of the Public Health Service to make suggestions and disseminate the latest information as to current good practice in planning and design of health facilities. This information will be distributed from time to time to State Agencies and other interested persons.

No attempt has been made in establishing these standards to comply with all of the various State and local codes and regulations. However, strict compliance with all applicable State and local codes and regulations is required. Likewise, compliance is required with minimum standards of construction and equipment promulgated by the State Agency where such requirements provide a higher standard than these Federal requirements.

II. *Site survey and soil investigation.* 1. The applicant shall provide for a survey and soil investigation of the site and furnish a plat of the site. The purpose of this survey and soil investigation is to obtain all information necessary for the design of the building, foundations and mechanical service connections and development of the site. It is suggested that this matter be deferred until the Architect has been selected in order that he may co-operate with the Engineer who obtains the data.

2. If any existing structures or improvements on the site are to be removed by the owners or others, the buildings or improvements must be so designated on the plat.

3. Any discrepancies between the Survey and the recorded legal description shall be reconciled or explained.

4. The plat shall indicate:

(a) The courses and distances or property lines.

(b) Dimensions and location of any buildings, structures, casements, rights-of-way or encroachments on the site.

(c) Details of party walls, or walls and foundations adjacent to the lot lines.

(d) The position, dimensions and elevations of all cellars, excavations, wells, backfilled areas, etc., and the elevation of any water therein.

(e) All trees which may be affected by the building operations.

(f) Detailed information relative to established curb and building lines and street, alley sidewalk and curb grades at or adjacent to the site and the materials of which they are constructed.

(g) All utility services and the size, characteristics, etc., of these services.

(h) The location of all piping, mains, sewers, poles, wires, hydrants, manholes, etc., upon, over or under the site or adjacent to the site if within the limits of the survey.

(i) Complete information as to the disposal of sanitary, storm water and subsoil drainage and suitability of subsoil for rainwater or sanitary disposal purposes if dry wells are used.

(j) Official datum upon which elevations are based and a bench mark established on or adjacent to the site.

(k) Contours on elevations taken at 20 feet intervals, changes in slope, etc., over that portion of the site to be developed.

(l) Elevations of contours, bottoms of excavations, etc.

(m) Contemplated date and description of any proposed improvements to approaches or utilities adjacent to the site.

5. The plat shall bear a certification by the City Engineer or other qualified official, that the true street lines and the officially established grades of curbs, sidewalks and sewers are correctly given.

6. Adequate investigation shall be made to determine the sub-soil conditions. The investigations shall include a sufficient number of test pits or test borings as will determine, in the judgment of the Architect, the true conditions.

7. Samples of strata of soil or rock taken in each pit or boring shall be retained in hermetically sealed cans. Each sample can shall be identified as to the boring and elevations at which taken and the labels initialed by the Engineer making the soil investigation.

8. The following information shall be noted on the plat:

(a) Thickness, consistency, character and estimated safe bearing value of the various strata encountered in each pit or boring.

(b) Amount and elevation of ground water encountered in each pit or boring, its probable variation with the seasons and effect on the subsoil.

(c) The elevation of rock, if known and the probability of encountering quicksand.

(d) Average depth of frost effect below surface of ground.

(e) High and low water levels of nearby bodies of water affecting the ground water level.

(f) The probability of freshets overrunning the site.

(g) Whether the soil contains alkali in sufficient quantities to affect concrete foundation.

(h) The elevation and location of the top of workings relative to the site, if the site is underlaid with mines, or old workings are located in the vicinity.

(i) Whether the site is subject to mineral rights which have not been developed.

III. *General design and construction standards*—(A) *Site.* The site of any hospital should be reasonably accessible to the center of community activities. Public transportation should be available within a reasonable distance, especially if an outpatient service is to be maintained.

No hospital should be built in a remote outlying district but should be located in

relation to the center of population, close to where patients live and where competent special medical and surgical consultation is readily available and where employees can be recruited and retained.

The site should not be near insect breeding areas, noise or other nuisance producing industrial developments; airports, railways or highways producing noise or air pollution, or near penal or other objectionable institutions or near a cemetery.

Adequate roads and walks shall be provided within the lot lines to the main entrance, ambulance entrance and service entrance.

The site for a public health center should be convenient to the center of community activities.

(B-1). *General Hospital.* Units required in the General Hospital:

Administration Department

Up to and including 100 beds:
- Business office with information counter.
- PBX Board and night information.
- Administrator's office.[1]
- Director of nurses' office.[1]
- Medical record room.
- Staff lounge.
- Lobby.
- Public toilets.

Over 100 beds:
- Business office.
- Information counter.
- PBX Board and night information.[1]
- Administrator's office.
- Director of nurses' office.
- Admitting office.
- Medical social service room.
- Medical record room (should be easily available to O. P. D.)
- Staff lounge.
- Library, conference and board room.
- Lobby.
- Reception room.
- Public toilets.
- Toilets for administrative personnel.

Adjunct Diagnostic and Treatment Facilities

Laboratory:
- Up to and including 100 beds:
  - One room for 50 beds.
  - Two rooms for 100 beds.
- Over 100 beds:
  - Four rooms.

Basal metabolism and electrocardiography:
- Up to and including 100 beds; No special provisions required. Can be done in bed rooms.
- Over 100 beds: One room near the laboratory and convenient to Out-Patient Dept.

Morgue and autopsy:[1] may not be required in hospital under 50 beds if other facilities such as undertaker or coroner are available. Where provided: Combination morgue and autopsy with mortuary refrigerator.

Radiology: Each hospital to have at least 1 radiographic room with adjoining darkroom, toilet, and office. Hospitals of 150 beds and over should have at least 1 additional radiographic room. The radiology department must be convenient to in- and out-patients, and should have lead protection as required.

Physical therapy: In hospitals of 100 beds and over: Space should be provided for electrotherapy, hydrotherapy, massage, and and exercise. Equipment to be furnished when competent technician is acquired.

Pharmacy:
- Up to and including 100 beds: Drug room with minimum facilities for compounding.
- Over 100 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital. Must be convenient to Out-Patient Department.

[1] Desirable but not mandatory.

Nursing Department

General:
- No room shall have more than 4 beds. In hospitals over 200 beds, rooms with more than 4 beds are permissible but not advisable. Each room shall have a lavatory. Nursing units composed of multi-bed rooms shall have a quiet room.
- Approximately ⅓ of the hospital beds shall be in one-bed rooms, ⅓ in two-bed rooms, and ⅓ in four-bed rooms.[1]
- Size of nursing unit: Not more than 30 beds.[1] Larger units are permissible in hospitals over 200 beds, if additional facilities are provided.
- Minimum room areas: 80 sq. ft. per bed in two- and four-bed rooms. 125 minimum sq. ft. in one-bed rooms.
- Service rooms in each nursing unit:
  - Nurses' station.
  - Utility room.
  - Floor pantry (one per floor).
  - Two toilets (male and female).
  - Bedpan facilities.
  - One bathroom.
  - Stretcher alcove.
  - Linen closet.
  - Supply closet.
  - Janitors' closet.
- Isolation suite: One for each hospital unless contagious disease nursing unit is available in hospital.
- Treatment room: One for each two nursing units per floor.
- Solarium: One for each nursing floor.[1]
- Nurses' toilet room: One for each nursing floor.
- In hospitals of 100 beds and over the maternity department shall be housed in a separate wing or floor.

Nursery Department

Full term nursery:
- Area required: Not less than 24 square feet per bassinet, 30 square feet recommended.
- Number of bassinets: No more than 12 bassinets in each full term nursery, 8 recommended.
- Examination and work room: One examination and work room between each two full term nurseries.

Premature nursery (to be provided where four or more premature bassinets will be required):
- Area required: 40 square feet per bassinet.
- Number of bassinets: Not more than six in each premature nursery.
- Work room: Each premature nursery to have own work areas.

Suspect nursery:
- Area required: 40 square feet per bassinet.
- Number of bassinets: Approximately 20% of full term bassinets. Not more than 3 bassinets in each suspect nursery.
- Work room: One work room for each two suspect nurseries.

Formula room: Location in nursery area or near kitchen optional.

Surgical Department

(Shall be located to prevent traffic through it to any other part of the hospital)

Operating rooms:
- Major: One for each 50 beds up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.
- Minor: One in each hospital over 50 beds.
- Cystoscopy: One in each hospital over 100 beds. Shall have an adjoining toilet room.
- Fracture room: One in each hospital over 100 beds. Shall have an adjoining splint room.

Auxiliary rooms:
- Sub-sterilizing room: One between each two operating rooms in hospitals of 50 beds and over.
- Scrub-up room: One between each two operating rooms.
- Nurses' locker room with toilet and shower.
- Janitors' closet.
- Instrument room beginning at 100 beds.
- Clean-up room.
- Anesthesia equipment stroage.
- Surgical Supervisor station.
- Doctors' locker room with toilet and shower.
- Storage closet.
- Stretcher alcove.
- Storage room for sterile supplies beginning at 100 beds.
- Dark room beginning at 100 beds.

Central sterilizing and supply room:
- Divided into work space, sterilizing space and sterile storage space.
- Adjacent room for storage of unsterile supplies.

Obstetrics Department

(Shall be located to prevent traffic through it to any other part of the hospital. Shall be completely separated from Surgical Department)

Delivery rooms: one for each 20 maternity beds.

Labor beds: One for each 10 maternity beds.

Auxiliary rooms:
- Sub-sterilizing room: One between each two delivery rooms.
- Scrub-up room: One between each two delivery rooms.
- Clean-up room or utility room.[1]
- Supervisors' station.
- Nurses' locker room with toilet and shower starting at 50 beds.
- Sterile storage closet.
- Stretcher alcove.
- Janitors' closet.
- Doctors' locker room with toilet and shower starting at 50 beds.

Emergency Department

Accident room:
- With separate ambulance entrance.
- Should be completely separated from operating suite and obstetrical suite.
- Additional facilities will depend on amount of accident work expected.

Service Department

Dietary facilities:
- Main kitchen and bakery.
- Dietitians office.
- Dishwashing room.
- Adequate refrigeration.
- Garbage refrigerator.
- Can washing facilities.
- Day storage room.
- Personnel dining space.
- Provide 12 square feet per person; may be designed for 2 sittings.
- Cafeteria or table service optional.

Housekeeping facilities:
- Laundry; unless commercial or other laundry facilities are available, each hospital shall have a laundry of sufficient capacity to process full 7 days laundry in work week and contain the following areas:
  - Sorting area.
  - Processing area.
  - Clean linen and sewing room separate from laundry.
  - Sewing room may be included in clean linen room in hospitals up to and including 100 beds.
- Housekeeper's office.

Mechanical facilities:
- Boiler and pump room.
- Maintenance shops.
- Shower and locker facilities.
- Engineers' office.
- In hospitals up to and including 100 beds at least one room shall be provided. In larger hospitals separation of carpentry, painting and plumbing should be provided.
- For minimum requirements for mechanical and electrical work see the respective sections.

Employees' facilities:
- Nurses' locker room without nurses' home:
  - Locker room with one locker for each two hospital beds.
  - Rest room.
  - Toilet and shower room.
- Nurses' locker room with nurses' home adjacent:
  - Rest room.
  - Lockers as required.
  - Toilet room.
- Female help lockers:
  - Locker room.
  - Rest room.
  - Toilet and shower room.
- Male help lockers:
  - Locker room.
  - Toilet and shower room.
- Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.

Storage:
- Inactive record storage.
- General storage: 20 feet per bed and to be concentrated in one area in so far as possible. Mechanical maintenance storage may be in a separate area.

Out-Patient Department

(If survey indicated that the out-patient department is unnecessary it may be omitted)

General:
- Out-patient department should be located on the most easily accessible floor. It should have convenient access to radiology, pharmacy, laboratory and physical therapy.
- The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number of rooms required.
- An out-patient department may be combined with the public health center clinics if the health center is a part of the hospital.

Administrative:
- Waiting room with public toilets.
- Appointment and cashiers' office.
- Social service office.

Clinical:
- History or screening room.
- Examination and treatment rooms including eye, ear, nose, and throat room.
- Two chair dental unit.
- Utility room.

Contagious Disease Nursing Unit[1]

Patient rooms:
- A maximum of 2 beds in each room separated by a glazed partition.
- Patient rooms shall have a view window from corridor.
- Each patient room shall have a separate toilet and a lavatory in the room.

Each nursing unit shall contain:
- Nurses' station.
- Utility room.
- Nurses' work room.
- Treatment room.
- Scrub sinks strategically located in the corridor.
- Kitchen with separated dishwashing room adjacent.
- Doctors' locker and gown room.
- Nurses' locker and gown room.
- Janitors' closet.
- Storage closet.
- Stretcher alcove.

Pediatric Nursing Unit[1]

General:
- Each bed in a multi-bedroom shall be in a clear glazed crucible.
- Each room shall have a lavatory.
- Patients rooms wherever possible should have clear glazing between them and in the corridor partitions.

[1] Desirable but not mandatory.

Minimum area:
- 80 square feet per bed in two-bed rooms and over.
- 100 square feet in single rooms.
- 40 square feet per bassinet in nurseries.

Each nursing unit shall contain:
- Nursery.
- Isolation suite.
- Treatment room.
- Nurses' station: with adjoining toilet room.
- Utility room.
- Floor pantry.
- Play room or solarium.
- Bath and toilet room: with raised free-standing tub and 50% children's fixtures.
- Bed pan facilities.
- Wheelchair and stretcher alcove.
- Janitors' closet.
- Storage closet.

Psychiatric Nursing Unit in the General Hospital[1]

General: Layout and design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. Care must be taken to avoid sharp projections of corners of structure, exposed pipes, heating elements, fixtures, etc., to prevent injury by accident.

Minimum room areas:
- 80 square feet per bed in 4-bed rooms.
- 125 square feet in single rooms.
- 40 to 50 square feet per patient in day rooms.

Each nursing unit shall contain:
- Doctors' office.
- Examination room.
- Nurses' station.
- Day room.
- Utility room.
- Bedpan facility.
- Pantry.
- Dining room.
- Toilet room.
- Shower and bathroom.
- Continuous tub room (for disturbed patients).
- Patients' laundry.
- Patients' locker room.
- Storage closet (for recreational and occupational therapy).
- Stretcher closet.
- Linen closet.
- Supply closet.
- Janitors' closet.

(B-2). *Tuberculosis Hospital.*

Administration Department

From 50 up to and including 200 beds:
- Business office with information counter.
- Medical social service office.[2]
- Medical director's office.
- Secretary's office.
- Director of nurses' office.
- Physicians' offices: one for each 50 patients (including the medical director's office).
- Medical record and film filing room.
- Viewing room, library and conference room. Singly or in combination.
- Lobby and waiting room.
- Retiring room.
- Toilets for public and personnel.

Over 200 and up to 500 beds:
- Business office and information counter.
- Business manager's office.
- Secretary.
- Admitting office.
- Two medical social service offices.
- Medical director's office.
- Secretary.
- Assistant medical director's office.
- Director of nurses' office.
- Secretary.
- Assistant director of nurses' office.
- Physicians' offices: one for each 50 patients (including the medical director and assistant medical directors' offices).
- Medical record room.
- Library and conference room.
- Staff lounge and locker room.
- Lobby and waiting room.
- Retiring room.
- Public toilets.
- Personnel toilets.

Adjunct Diagnostic and Treatment Facilities

Laboratory:
- From 50 up to and including 200 beds: two rooms.
- Over 200 and up to 500 beds: four rooms.

Basal metabolism and electrocardiography:
- One room near the laboratory and convenient to Out-Patient Dept.

Morgue and autopsy:
- From 50 up to and including 200 beds,[2] combination morgue and autopsy room with mortuary refrigerator.
- Over 200 and up to 500 beds:
  - Morgue with mortuary refrigerator.
  - Autopsy room.
  - Shower and toilet room.
  - Separate exit.

Radiology:
- From 50 up to and including 200 beds:[2]
  - Radiographic room.
  - Dark room.
  - Dressing booths.
  - Must be convenient to out-patient department as well as in-patients.
- Over 200 and up to 500 beds:
  - Radiographic room.
  - Dark room.
  - Dressing booths.
  - Viewing room.
  - Roentgenologist's office.
  - Film file room.
  - Must be convenient to out-patient department as well as in-patients.

Pharmacy:
- From 50 up to and including 200 beds: Drug room with minimum facilities for mixing. Must be convenient to out-patient department.
- Over 200 and up to 500 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital. Must be convenient to out-patient department.

Dental and eye, ear, nose, and throat:
- From 50 up to and including 200 beds:
  - One dental room.
  - One eye, ear, nose, and throat room.
- Over 200 and up to 500 beds:
  - Two dental chairs.
  - Eye, ear, nose, and throat room.
  - Waiting room.

Occupational therapy:
- Library.
- Barber shop.
- Canteen.
- Patient auditorium (1 seat for each bed up to 250 beds).
- Flexible space for learning and working in crafts and class room for patient instruction shall be provided.

Nursing Department

General: At least 30 percent of the hospital beds shall be in single rooms. No room shall have more than four beds. Each room shall have a lavatory.

Size of nursing unit: No nursing unit shall be larger than 50 beds.

Minimum room areas:
- 80 square feet per bed in two- and four-bed rooms.
- 125 square feet in one-bed rooms.

Service rooms in each nursing unit:
- Nurses' station.
- Utility room.
- Floor pantry (one per floor).
- Toilet and washroom:
  - Water closets—1 to each 5 patients.
  - Lavatories—1 to each 5 patients.
  - Dental basins—1 to each 5 patients.

[2] These facilities need not be provided if the Tuberculosis Hospital is in connection with a general hospital in which such facilities exist.

Storage closet for supplies.
Bath and shower room:
Bath tubs—1 to each 14 patients.
Shower—1 to each 7 patients.
Gown room.
Bed pan facilities.
Linen closet.
Janitors' closet.
Space for wheel chairs and stretchers.
Storage closet for equipment.
Doctors' office (including adjacent treatment room): One for each nursing unit.
Solarium: One for each nursing unit.
Sputum technique room: One for each nursing floor.
Nurses' toilet room: One for each nursing floor.
Nurses' cloak room: One for each nursing floor.

Surgical Department

(Shall be located to prevent traffic through it to any other part of the hospital)

From 50 up to and including 200 beds: [1]
Major operating room.
Sterilizing room.
Central supply and work room.
Scrub-up room.
Clean-up room.
Storage closet.
Janitors' closet.
Doctors' locker room with toilet and showers.
Nurses' locker room with toilet and showers.
Over 200 and up to 500 beds:
Major operating room: One for each 200 beds or major fraction thereof.
Minor operating and fracture room.
Sub-sterilizing room: One between each two operating rooms.
Clean-up room.
Scrub-up room: One between each two operating rooms.
Janitors' closet.
Storage room for sterile supplies.
Anesthesia storage.
Surgical supervisor office.
Doctors' locker room with toilet and shower.
Nurses' locker room with toilet and shower.
Storage closet.
Stretcher alcove.
Central sterilizing and supply room divided into work space, sterilizing space, and sterile storage space.
Adjacent room for storage of unsterile supplies.
Pneumothorax suite:
Pneumothorax room with dressing booths.
Fluoroscopy room.
Waiting space.
From 50 up to and including 200 beds: One pneumothorax suite for 100 beds or major fraction thereof.
Over 200 and up to 500 beds: One pneumothorax suite for 100 beds or major fraction thereof.

Service Department

Dietary facilities:
Main kitchen and bakery.[2]
Dietitian's office and special diets kitchen.
Patients' dishwashing room.
Staff and help dishwashing room.
Adequate refrigeration.
Garbage refrigerator.
Can washing room.
Day storage room.
Help dining room.
Staff dining room.
Patients' dining space—to serve 40 percent of the patients.
Provide 12 square feet per person in dining rooms. May be designed for two seatings. Cafeteria or table service optional.

[1] These facilities need not be provided if the Tuberculosis Hospital is in connection with a general hospital in which such facilities exist.

Housekeeping facilities:
Laundry: [2]
Sorting area.
Processing area.
Clean linen room.
Sewing room.
Laundry capacity shall be adequate to process full 7 days laundry in work week.
Housekeeper's office.
Incinerator.
Mechanical facilities: [2]
Boiler and pump room.
Engineers' office.
Shower and locker facilities.
Maintenance shops:
Carpentry.
Painting.
Plumbing.
For minimum requirements for mechanical and electrical work, see the respective sections.
Employees' facilities:
Nurses' locker room without nurses' home:
Locker room with lockers as required.
Rest room.
Toilet and shower room.
Where nurses' home is adjacent provide only rest room and toilet.
Female help locker room:
Locker room.
Rest room.
Toilet and shower room.
Male help locker room:
Locker room.
Rest room.
Toilet and shower room.
Storage:
General storage.
Record storage. Provide 20 square feet per bed to be concentrated in one area.
Out-patient department: [2]
Out-patient department should be located on most easily accessible floor. Must be convenient to radiology, pharmacy, and laboratory departments.
Size will vary in different locations and with the availability of other examination and diagnostic facilities, and is not necessarily proportionate to the size of the hospital. The estimated patient load will determine the number, size, and scope of individual facilities in out-patient department.
Facilities required:
Administrative:
Waiting room with public toilets.
Information, appointment and records office.
Medical social service office.
Janitors' closet.
Clinical:
History or screening room.
Examination rooms.
Dressing booths.
Pneumothorax rooms.
Fluoroscopy room.
Utility room.
Storage room.

(B-3). *Mental Hospital—General.* A mental hospital should be on a large acreage with ample space around all buildings for recreation, attractive landscaping and the proper segregation of the various patient classification groups and building functions; and should be readily accessible to the community which it is to serve.

The mental hospital presents a special problem of patient classification, treatment and supervisory function. In the following minimum requirements an over-all organization is designated with certain supervisory or organizational functions mentioned in their most desirable, but not mandatory, locations and these may, therefore, be changed to other locations.

Patients have been classified and grouped according to behavior, and requirements vary somewhat for each classification. Minimum room area requirements are grouped into the following main categories, as follows:

A. Medical and surgical, and chronic disease classification: 80 square feet per bed in four-fed rooms; 125 square feet in single rooms.

B. Tuberculosis classification: 80 square feet per bed in four-bed rooms; 125 square feet in single rooms.

C. Reception, convalescent, chronic disturbed, industrial classifications. 70 square feet per bed in four or more bed rooms; 80 square feet in single rooms.

D. Infirm and inactive: 60 square feet per bed in four or more bed rooms; 80 square feet in single rooms.

Administration. This area shall include only the administrative, business and public contact functions of the institution.

Location: Near main entrance to institution and close to reception area.
General:
Entrance lobby.
Public toilets (male and female).
Information and telephones (main switchboard).
Post office.
Personnel toilets (male and female).
Mechanical room.
Offices:
Director.
Assistant director.
Conference room.
Business administrator.
Business.
Public relations and services.
Secretaries.
Janitors' closet.
Medical:
Central records office.
Central records room.
Inactive records storage.

Reception. This area includes the reception and treatment of new patients, most of whom will be entering a mental hospital for the first time. Since they are new patients, and in need of very careful treatment, it is necessary to separate and prohibit contact between patients in the following classifications of behavior:

Quiet.
Depressed.
Disturbed.

In addition, each of the above classifications should be separated by sexes, and each classification should have its own complete Nursing Units with all nursing facilities available, and each should be readily accessible to an outdoor area. All safety and security measures should be observed in this group. Intensive care and treatment will be given these new patients in an effort to cure them in the first few weeks of treatment. Should the patient fail to recover in this comparatively short period of time he will be sent to other Nursing Areas for continued treatment. These other Nursing Areas will be classified according to the behavior of the patients which they are to house.

The Reception area should be set well apart from the other areas of the hospital, and should contain sufficient diagnostic, treatment, recreational and occupational facilities, to furnish complete treatment in order that these new patients may recover without having been transferred to the other areas of the Mental Hospital.

The number of beds required in this Reception Area must be determined by study of the total Receiving and Intensive Treatment Facilities in the community which is served. The total number of beds in this and the convalescent area should be in accord with the admissions within a three to six month period.

Location: Near administration area.
General:
Lobby.
Visitors toilet (male and female).
Main visitors room with alcoves.

Janitors' closets.
Mechanical room.
Administration:
Medical records office.
Information.
Chief psychiatrist's office and conference room.
Secretaries' offices.
Clinical psychologist's office.
Chief of nursing service and staff.
Chief of social service and offices.
Personnel toilets (male and female).
Staff facilities:
Doctors' toilet room.
Nurses lounge and toilet room.
Admission:
Ambulance entrance.
Patients' bath and toilet.
Utility room.
Examination and consultation rooms.
Adjunct diagnostic and treatment facilities:
Minor surgery.
Portable X-ray storage room.
Dark room.
Small laboratory.
Patients' toilet and shower.
Small treatment room (for shock therapy, etc.).
Patients' exercise room (directly accessible to outdoor exercise yard).
Occupational therapy:
Occupational therapy room (to be located near quiet patient units).
Storage closets.
Occupational therapists' office.
Barber shop.
Beauty shop.
Nursing units: The following classifications of nursing units of 15 to 25 beds will be required:
Quiet nursing units (male and female).
Depressed nursing units (male and female).
(Disturbed nursing units (male and female).

Suggested bed distribution of nursing units:

Each disturbed nursing unit:	*Patients*
Two 4-bed wards	8
Three 2-bed or 3-bed wards	6 or 9
Four or six 1-bed rooms	4 or 6
Two 1-bed rooms (isolation unit) [1]	2
Total	20 to 25

Each depressed nursing unit:	*Patients*
Two 4-bed wards	8
Two 3-bed alcoves	6
Four 1-bed rooms	4
(Isolation unit) [1]	2
Total	20

Quiet unit: Same bed distribution as disturbed nursing units.
Facilities in each nursing unit:
Doctors' consultation room (for each two units).
Examination room.
Nurses' station.
Utility room.
Bed pan facilities.
Small dining room and pantry:
Essential for disturbed.
Convenient for depressed.
Unnecessary for quiet.
Patients' locker room.
Linen closet.
Patients' shower and bath room.
Patients' dressing room.
Patients' toilets.
Patients' wash room.
Continuous tub room (for disturbed units).
Day room (40 to 50 square feet per patient and preferably divided into one small and one large room).
Occupational therapy storage closet.
Janitors closet.

[1] Desirable but not mandatory.

Dietary:
Patients' dining room cafeteria service: this dining room will be used by patients from convalescent houses as well as from Reception area (two seatings may be used).
Janitors' closet.
Coat room and toilets (male and female).[1]
Kitchen (serving).
Dishwashing room (enclosed).
Employees' toilet.
Patients' toilet (male and female).
Refrigerated garbage storage.
Can washing room.

Convalescent. This area is considered a part of the reception area and will house new patients who have been sent from the reception building, and who are expected to recover within six months to a year. Most of these patients will have the same classification as those in the reception area. Small complete nursing units, separate for each sex, should be provided. Special treatment, such as mechanical fever, electric shock, special electro and hydro therapy, and insulin, etc., can be given in the reception building.

These patients will also use the dining room facilities of the reception area.

In general, while most of these patients are continuing to receive intensive treatment, they are well enough and manageable enough to go freely or be escorted to their activities.

The same security and safety measures are required as those for the reception area.

Location: Grouped by sexes on either side of and near reception area.
General:
Entrance lobby.
Visitors' room with alcoves.
Visitors' toilet (male and female).
Attendants' locker and toilet room.
Mechanical room.
Nursing units (to contain from 25 to 50 beds).
Suggested bed distribution of each nursing unit:

	Patients
One 8-bed ward	8
Four 4-bed wards	16
Eleven 1-bed wards	11
Total	35

Facilities in each nursing unit:
Doctors' consultation room (for each two units).
Examination room.
Nurses' station.
Utility room.
Bed pan facilities.
Pantry (one for each two nursing units).
Patients' locker.
Patients' toilet room.
Patients' shower or bath room.
Day room (40 to 50 square feet per patient—preferably divided into one large and one small room).
Storage closet (occupational and recreational therapy equipment).
Linen closet.
Janitors' closet.
Patients' wash room.
One-third of the nursing units, for both men and women should have one continuous tub room.[1]

Chronic disturbed. This area should be separate from the main group of mental hospital facilities and set apart from the Nursing Areas of other patient classifications because of possible noise or other disturbance. It will be used to treat restless, noisy, assaultive or suicidal patients and must be designed to provide the greatest security and observation. Since these patients are very active it is necessary to have an outdoor area or exercise yard, and due to the amount of equipment and care these patients require, and the resulting necessary space for treatment, not less than two Nursing Units to a building are recommended.

Location: These buildings to be located away from the other Nursing buildings.
General:
Entrance lobby.
Visitors' room.
Visitors' toilets (male and female).
Beauty shop (female buildings).
Barber shop (male buildings).
Attendants' locker and toilet room.
Pantry (for two nursing units).
Mechanical room.
Enclosed exercise yard (100 square feet per patient).
Treatment facilities:
Hydrotherapist's office and toilet.
Continuous tub room.
Linen closet.
Patients' dressing room.
Janitors' closet.
Exercise room (near outdoor exercise yard).
Storage closet (for small gymnasium equipment).
Nursing units (to contain 20 to 30 beds):
Suggested bed distribution of each unit:

	Patients
One 8-bed ward	8
Two 4-bed wards	8
Ten 1-bed rooms	10
Total	26

Facilities in each nursing unit:
Doctors' office with toilet (for each two units).
Examination room.
Nurses' station.
Utility room.
Patients' locker room.
Patients' toilet room.
Patients' wash room.
Patients' shower and dressing room.
Day room (40 to 50 square feet per patient). Preferably divided into (1) small room & (1) large room.
Storage closet (recreational equipment).
Occupational therapy room (one for each two units).
Linen closet.
Janitors' closet.
Dietary:
Dining room—cafeteria service.
Serving kitchen.
Dishwashing room.
Employees' toilet.
Janitors' closet.

Infirm. This area will house patients who are in need of considerable medical care and who may be infirm. The very sick will be transferred to the medical and surgical building, but these patients will need constant and careful nursing. Minimum security and all safety measures will be required, and the nursing units should be complete with all facilities available and readily accessible to an out-door yard or area.

Location: Close to medical and surgical building.
General:
Entrance lobby.
Visitors' room.
Visitors' toilets (male & female).
Barber shop (male buildings).[1]
Beauty shop (female buildings).[1]
Attendants' locker and toilet room (male and female).
Mechanical room.
Enclosed yard (40 square feet per patient).[1]
Nursing units (to contain 30 to 60 beds) suggested bed distribution for each unit:

	Patients
Two 10-bed wards	20
Four 4-bed wards	16
Four 1-bed rooms	4
Total	40

Facilities in each nursing unit:
- Doctors' office (for each 3 units).
- Examination room.
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Pantry and dining room (one for each two units).
- Patients' locker room.
- Patients' wash room.
- Patients' toilet room.
- Patients' dressing room.
- Patients' shower or bath room.
- Day room (30 square feet per patient).
- Storage closet (for recreational and occupational therapy equipment).
- Linen closet.
- Wheel chair and stretcher closet.
- Janitors' closet.

Dietary:
- Serving kitchen.
- Dishwashing room.
- Employees' toilet.
- Janitors' closet.

Inactive. This area will house patients who are lethargic. They need a considerable amount of attention, most of which will be furnished by the physical therapist and occupational therapist. They will be urged into activities furnished in the occupational and recerational therapy buildings, but some of the lighter occupational and physical therapy should be provided in this area. All security and safety measures will be required.

Location: In main group of nursing buildings and near gymnasium and recreation buildings.

General:
- Entrance lobby.
- Visitors' room.
- Visitors' toilets (male and female).
- Occupational therapy room (one to each two nursing units).
- Attendants' locker and toilet room.
- Mechanical room.
- Enclosed yard (100 square feet per patient).[1]

Nursing units (to contain 30 to 50 beds) suggested bed distribution (of each unit):

	Patients
Three 10-bed wards	30
Two 4-bed wards	8
Four 1-bed rooms	4
Total	42

Facilities in each nursing unit:
- Doctors' office (for each 3 units).
- Examination room.
- Nurses' station.
- Utility room.
- Bedpan facilities.
- Pantry (for each 2 units).
- Patients' locker room.
- Patients' wash room.
- Patients' toilet room.
- Patients' shower or bath room.
- Patients' dressing room.
- Day room (40 to 50 square feet per patient and preferably divided into one small and one large room).
- Storage closet (for recreational and occupational therapy equipment).
- Linen closet.
- Janitors' closet.

Dietary:
- Dining room.
- Serving kitchen.
- Dishwashing room.
- Employees' toilet.
- Janitors' closet.

Industrial. This area will house patients who are well enough to be occupied on the grounds, farm, industrial buildings, shops, kitchens, laundry, etc. Less supervision and care is necessary than in the other groups, and these patients can go to the out-patient department of the medical and surgical building for examination and treatment.

Location: In main group of nursing buildings near service buildings.

General:
- Entrance lobby.
- Visitors' room.
- Visitors' toilets (male and female).
- Attendants' locker and toilet room.
- Mechanical room.

Nursing units (to contain 40 to 60 beds) suggested bed distribution:

	Patients
Two 16-bed wards	32
Two 8-bed wards	16
Four 1-bed rooms	4
Total	52

Facilities in each nursing unit:
- Doctors' office and examination room—one for each 3 units.
- Nurses' station.
- Patients' toilet.
- Patients' dressing room.
- Patients' shower room.
- Patients' locker room.
- Patients' wash room.
- Day room (40 to 50 square feet per patient) preferably divided into one small and one large room.
- Storage closet (for recreation equipment).
- Linen closet.
- Janitors' closet.

Medical and surgical. This area will house patients who have been hospitalized from Nursing Units of other classifications for short periods of illnesses, and should be housed in a modern general hospital complete with all facilities to serve the entire mental hospital community. Nursing Units should be arranged for easy segregation of patients and the Adjunct Diagnostic and Treatment facilities are recommended to be on the first or ground floor for easy access to the out-patient department. All security and safety measures should be incorporated in this building. The number of beds shall be approximately 4 percent of the total patients which this buildings serves.

Location: Between main group of nursing area and reception area.

General:
- Entrance lobby.
- Information counter.
- Visitors' toilets (male and female).
- Mechanical room.

Administration:
- Chief physician's office.
- Medical record room.
- Head nurse's office.
- Secretaries' offices.
- Personnel toilets (male and female).

Staff facilities:
- Doctors' locker and shower rooms.
- Nurses' locker and shower room.

Adjunct diagnostic and treatment facilities:
- Laboratory: Separate spaces for office, clinical, pathology, bacteriology and serology, washing, and sterilizing.
- Basal metabolism and electrocardiography: Near laboratory and convenient to out-patient department.
- Morgue and autopsy room:[1] Combination morgue and autopsy with mortuary refrigerator.
- Radiology:
  - Radiographic room with an adjoining dark room and office.
  - X-ray therapy suite.[1]
- Physical therapy: Suite for electro-therapy, stimulative hydro-therapy, and exercise room with adjoining office.
- Pharmacy: Drug room with minimum facilities for mixing. (May be in service area).

Nursing units (to contain from 15 to 30 beds) suggested bed distributions:

Medical wards (25 beds each):

	Patients
Two 4-bed wards	8
Three 2-bed rooms	6
Nine 1-bed rooms	9
Isolation suite[1]	2
Total	25

Surgical wards (25 beds each) same as medical wards.

Employees' wards:[1] Maximum size, 25 to 30 beds.

NOTE: Where isolation suite or contagious disease nursing unit is available the small units in each nursing unit are not required.

Facilities in each nursing unit:
- Doctors' examination room (one for each two nursing units).
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Pantry (one for each two nursing units).
- Patients' bath and shower room.
- Supply closet.
- Patients' toilet room (male and female).
- Day room (approximately 25 square feet per patient). Omit for employees' wards.
- Storage closet (recreational and occupational therapy equipment).
- Stretcher and wheel chair closet.
- Linen closet.
- Janitors' closet.

Surgical department: Should be located to prevent traffic through it to any other part of hospital.

Operating rooms:
- Major: One for each 50 beds up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.
- Minor: One in each hospital over 50 beds.
- Cystoscopy:[1] One in each hospital over 100 beds. Shall have an adjoining toilet room.
- Fracture room: One in each hospital over 100 beds. Shall have an adjoining splint room.

Auxiliary rooms:
- Substerilizing room: One between each two operating rooms in hospituls of 50 beds and over.
- Scrub-up room: One between each two operating rooms.
- Nurses' locker room with toilet and shower.
- Instrument room beginning at 100 beds.
- Clean-up room.
- Anesthesia equipment storage.
- Surgical superviser station.
- Doctors' locker room with toilet and shower
- Storage closet.
- Stretcher closet.
- Storage room for sterile supplies beginning at 100 beds.
- Janitors' closet.
- Dark room beginning at 100 beds.

Central sterilizing and supply room:
- Divided into work space, sterilizing space and sterile storage space.
- Adjacent room for storage of unsterile supplies.

Emergency department:
- Ambulance entrance.
- Receiving bath and toilet.
- Utility room.
- Supply and stretcher storage.
- Emergency operating room, near out-patient department.

Service department:
- Kitchen (serving).
- Dishwashing room.
- Refrigerated garbage room.
- Can washing room.
- Dining rooms (for ⅓ of patients).
- Storage.
- General storage (20 square feet per bed).
- Housekeepers' office.

[1] Desirable but not mandatory.

- Linen storage room.
- Sewing room.
- Linen sorting room.
- Personnel facilities.
- Locker and toilet room (male and female).
- Attendants' locker and toilet room (male and female).

Out-patient department:
- Waiting room.
- Examination and treatment room (including eye, ear, nose and throat rooms and gynecology room).[1]
- Record room.
- Dental suite (2 chairs).
- Electroencephalographic unit.

NOTE: Out-patient department should be convenient to radiology, laboratory, therapy, emergency, etc.

Chronic disease. This area will house patients who have chronic illness, or who are in need of intensive treatment and nursing care or those who, because of infectious diseases, need to be isolated.

Nursing Units of this classification should be attached to the Medical and Surgical building for easy access to the Diagnostic and Treatment facilities.

Not all of these Nursing Units need have maximum safety and security measures.

The number of beds shall be approximately 2 percent of the total number of patients which these buildings serve.

Location: Attached to medical and surgical building.

General: Corridors to service department and adjunct facilities.

Nursing units (to contain from 15 to 30 beds) suggested bed distribution (of each nursing unit)

	Patients
Two 4-bed wards	8
Three 2-bed wards	6
Eight 1-bed rooms	8
Total	22

Facilities in each nursing unit:
- Doctors' office (for each 2 units).
- Examination room.
- Nurses' station.
- Utility room.
- Bed pan facilities.
- Pantry (for each 2 nursing units).
- Dining room (for ½ of patients in nursing unit).
- Patients' locker room.
- Patients' wash room.
- Patients' toilet.
- Patients' dressing room.
- Patients' shower or bath room.
- Day room (30 square feet per patient).
- Closet (recreational and occupational therapy equipment).
- Stretcher and wheel chair closet.
- Linen closet.
- Janitors' closet.

Tuberculosis. For patients of this classification, it is recommended to use the requirements of the tuberculosis hospital. In addition, patients will be grouped according to behavior as Quiet or Disturbed. Security and safety measures comparable to those of the Reception Area are required.

The number of beds shall be determined as approximately 5 percent of the total patients which this building serves.

Gymnasium, Theater, Recreation, Library and Chapel

(Combination or separate buildings acceptable)

Location: Adjacent to main group of nursing and reception areas.

General:
- Entrance lobby.
- Coat rooms and toilets (male and female).
- Personnel toilets (male and female).
- Mechanical room.

Theater facilities:
- Office.
- Hall (seating capacity based on 7 square feet per person with 40 percent attendance of patients and personnel).
- Projection booth.
- Stage.
- Dressing rooms with toilets (two for each sex).
- Work shop.

Chapel facilities:
- Three offices for ecclesiastics.
- Toilets.
- Three small prayer rooms.
- Portable altars (where chapel is not separate).
- Storage rooms.

Gymnasium facilities:
- Recreational therapists' office.
- Personnel locker and toilet room (male and female).
- Patients locker and toilet rooms (male and female).
- Basketball court (standard college size plus space for collapsible seating).
- Small gymnasium (for exercise equipment).
- Storage rooms.

Recreation facilities:
- Chief recreational therapist's office.
- Bowling alleys (with space for spectators).
- Billiard room.
- Ping pong room.
- Patients' barber shop.
- Patients' beauty shop.
- Canteen (for light lunch, drinks, etc.).
- Office and table areas.
- Cooking and fountain areas.
- Dishwashing and sterilizing.
- Storage.
- Garbage refrigeration.
- Can washing.
- Sales rooms.
- Storage room.

Library:
- Librarians' office.
- Reading room (current and request matter).
- Stock room.
- Work room and storage space.

Music rooms:
- Music therapists' office.
- Music room (approximately 500 square feet with portable stage).
- Store rooms.
- Music rooms (approximately 250 square feet).

Occupational Therapy

Location: Adjacent to main group of nursing areas and reception area.

General:
- Entrance lobby.
- Patient coat room and toilets (male and female).
- Personnel coat room and toilets (male and female).
- Mechanical room.

Administration: Office for occupational therapist.

Facilities:
- Open floor space (for occupational equipment).
- One or more special purpose rooms.
- Storage rooms (for materials and equipment).
- Industrial therapy occupations should be located near the service group of buildings.

Central Kitchen and Dining Rooms

Location: In main group of Nursing buildings.

General: load on dining rooms, kitchens and preparation will vary; see requirements of each.
- Men patients' coat room and toilet.[1]
- Women's patients' coat room and toilet.[1]
- Men attendants' coat room and toilet.
- Women attendants' coat room and toilet.
- Dining rooms: patients' and personnel (capacity 15 square feet per person).

Kitchen:
- Dietitians' office and toilet.
- Diet kitchen.
- Complete cooking and baking facilities.
- Dishwashing room.
- Preparation (meat and vegetables).
- Refrigerated storage.
- Day storage.
- Garbage refrigeration and can washing room.
- Janitors' closet.
- Personnel lockers and toilets.

Storage Buildings

Location: In service groups of buildings.

General: Area (20 square feet per patient).

Laundry

Adequate to process seven full days of laundry per work week.

Location: In service group of buildings.

Facilities:
- Manager's office and toilet.
- Receiving room.
- Sorting area.
- Contaminated receiving room.
- Sterilizing room.
- Clean linen storage.
- Sewing room.
- Personnel locker and toilet room.

Heating plant

Location: In service group of buildings.

General:
- Heating plant (to be determined by engineering studies).
- Emergency generating facility.
- Office.
- Personnel toilets.
- General repair shop.
- Carpenter shop.
- Electrical shop.
- Plumbing shop.
- Paint shop.

Incinerator

Location: Removed from building areas.

General: For trash, kitchen refuse, etc. (size to be determined by engineering study).

(B-4). *Psychiatric hospital—General.* The principles of psychiatric safety shall be followed throughout. Materials and details of construction shall be such that patients will not be afforded opportunity for escape, suicide, etc. Care must be taken to avoid sharp projections of corners of structure, exposed piping, heating elements, fixtures, hardware, etc.

For requirements of sizes of doors, widths of corridors, sizes of elevators, provisions for ventilation, fire protection, etc., see section on Details, Finishes, etc.

Administration Department

Up to and including 100 beds:
- Business office with information counter.
- Chief psychiatrist's office.
- Chief psychologist's office (if there is no out-patient department).
- Record office.
- Director of nurses' office.[1]
- Social service offices (if there is no out-patient department to be near receiving).
- Staff lounge.
- Lobby.
- Public toilets.

From 100 to 500 beds:
- Business office.
- Chief psychiatrist's office.
- Chief psychologist's office (if there is no out-patient department).
- Social service offices (if there is no out-patient department).
- Director of nursing.
- Record room.
- Staff lounge.
- Library and conference room.
- Lobby.
- Public toilets.
- Toilets for administrative personnel.

[1] Desirable but not mandatory.

Receiving Department

Facilities for male and female receiving:
- Entrance hall.
- Dressing room.
- Bath and toilet room.
- Medical examination room.
- Waiting room.
- Stretcher closet.
- Clerks' offices.
- Doctors' office.

Adjunct Diagnostic and Treatment Facilities

Laboratory:
- Up to and including 100 beds:
  - Office.
  - Laboratory.
- Over 100 beds: Separate spaces for office, clinical pathology, bacteriology, washing and sterilizing.

Basal metabolism and electrocardiography:
- Up to and including 100 beds: No special provision necessary.
- Over 100 beds: Room near laboratory and convenient to out-patient department.

Morgue and autopsy: Combination morgue and autopsy with mortuary refrigerator. (Is not required in hospital of less than 100 beds if similar facilities are available nearby.)

Two chair dental suite.

Eye, ear, nose and throat suite.

Electro-encephalographic suite.

Radiology:
- Up to and including 100 beds: One radiographic room and dark room and convenient to out-patient department.
- Over 100 beds: At least one additional radiographic room.

Physical therapy:
- Electro-therapy.
- Hydro-therapy with exercise space.
- Continuous tub and pack room.
- Small gymnasium, convenient to outdoor area, and to disturbed patients.

Pharmacy: One room with minimum facilities for compounding.

Occupational therapy:
- Space for small woodworking tools and benches for carpentry, metal work, leatherwork, printing, weaving, rug making, etc.
- Office.
- Storage room.

Surgical Department

Operating rooms.
- Major: One.
- Minor: One, with adjoining splint room.

Auxiliary rooms:
- Sub-sterilizing room (one between two operating rooms).
- Scrub-up room (one between two operating rooms).
- Clean-up room.
- Anesthesia room.[1]
- Anesthesia storage.
- Doctors' locker room with toilet.
- Nurses' locker room with toilet.
- Storage closet.
- Stretcher closet.
- Janitors' closet.
- Storage room for sterile supplies and instruments.
- Surgical department to be located to prevent traffic through it from other parts of the hospital.
- Central sterilizing and supply room—divided into work space, sterilizing space, and sterile storage—adjacent room for storage of unsterile supplies.

Nursing Department

General: The layout and the design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. Provision shall be made for the following classifications:
- New admissions (male).
- New admissions (female).
- Quiet ambulant (male).
- Quiet ambulant (female).
- Medical and surgical.
- Disturbed (male).
- Disturbed (female).
- Alcoholic (male).
- Alcoholic (female).
- Criminalistic (male).
- Criminalistic (female).
- Children.

Minimum room areas:
- 80 square feet per bed in four-bed rooms.
- 125 square feet in single rooms.
- 40 to 50 square feet per patient in day rooms and preferably divided into one large and one small room.

Facilities for each nursing unit:
- Doctors' office and examination room.
- Nurses' station and toilet.
- Day rooms.
- Utility room.
- Pantry.
- Dining room.
- Wash room and toilets.
- Patients' locker.
- Shower and bath room.
- Storage closet (for recreational and occupational therapy.
- Supply closet.
- Linen closet.
- Janitors' closet.
- Stretcher closet.[1]
- Bed pan facilities.[1]

Isolation suite: In medical and surgical unit.

Service Department

Dietary facilities:
- Main kitchen and bakery.
- Special diet kitchen.
- Dietitians' office.
- Dishwashing room.
- Adequate refrigerators.
- Garbage refrigerator.
- Can washing room.
- Day storage room.
- Staff dining room (12 square feet per person).

Housekeeping facilities:
- Laundry (if provided): Capacity shall be adequate to process full 7 days laundry in work week.
- Sorting area.
- Processing room.
- Clean linen and sewing room separate from laundry.

Housekeeper's office: Near linen storage.

Mechanical facilities:
- Boiler room and pump room (if provided).
- Engineers' office.
- Shower and locker room.
- Maintenance shops—carpentry, painting, mechanical repair rooms.

Employees' facilities:
- Nurses' locker rooms. If no nurses home:
  - Locker room.
  - Rest room.
  - Toilet and shower room.
- Attendants' locker rooms. If no attendants home (male and female):
  - Locker room.
  - Toilet and shower rooms.
- Other female help lockers:
  - Locker room.
  - Rest room.
  - Toilet and shower room.
- Other male help lockers:
  - Locker room.
  - Toilet and shower room.

Storage:
- Record space.
- General storage: 20 square feet per bed and to be concentrated in one area.

Out-Patient Department (if provided)

General:
- Located on the ground floor with entrance separate from main entrance of hospital. It must be convenient to radiology, laboratory and physical therapy.

[1] Medical and surgical unit.

The patient load must be estimated in order to determine the number of consultation and examining rooms.

Facilities required:
- Administrative:
  - Waiting room with public toilets.
  - Cashiers' and appointment office.
  - Social service offices.
  - Psychological examination rooms.
  - Medical examination rooms.
  - Utility rooms.
  - Children's rooms.

(B–5). *Chronic Disease Hospital—Intensive Nursing Section.*

Administration (for infirmary and home):
- Business office with information counter, telephone switchboard, and cashiers' window.
- Administrator's office.
- Medical director's office.
- Medical record room.
- Medical social service office.
- Combination conference room and doctors' lounge.
- Lobby and waiting room.
- Public toilets.
- Personnel toilets.

Adjunct Diagnostic and Treatment Facilities

Laboratory:
- Two rooms for analyses.
- Sterilizing and glasswashing room.
- Pathologist's office.

Basal metabolism and electrocardiography: One room convenient to Out-Patient Department and laboratory.

Morgue and autopsy: Combination morgue and autopsy with mortuary refrigerator.

Radiology:
- Each hospital to have at least one radiographic room with toilet, adjoining dark room and film filing space.
- The radiology department must be convenient to in- and out-patients and shall have lead protection as required.

Physical therapy: Space should be provided for electrotherapy, massage, hydrotherapy, and exercise.

Pharmacy: Drug room with minimum facilities for compounding. Complete pharmacy may include space for manufacturing and solution preparation depending on policy of hospital. Must be convenient to Out-Patient Department.

Service rooms required:
- Patients' waiting room.
- Toilets.
- Nurses' office.
- Eye, ear, nose and throat room.
- 2 chair dental unit.
- Utility room.
- Doctors' office.
- Treatment room also used as emergency operating room.
- Record room.
- Nurses' and staff locker space.
- Examination cubicles.

Out-patient department: [1]
- If out-patient department is added, in addition to above named service rooms the following space will be required:
- Out-patient waiting room with toilets.
- Admission office.
- Medical social service office.
- Information and cashier space.
- Out-patient department should be located on the most easily accessible floor with an entrance separate from the main entrance to the hospital. It must be convenient to radiology, pharmacy, laboratory, and physical therapy.
- The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number of rooms required.

[1] Desirable but not mandatory.

Nursing Department

General: No room shall have more than 6 beds and not more than 3 beds deep from outside wall. Each room shall have a lavatory. Each nursing unit shall have a quiet room.

Size of nursing unit: 40 to 50 beds.

Minimum room areas:
- 125 square feet in single rooms.
- 96 square feet per person in larger rooms.

Service rooms in each nursing unit:
- Nurses' station.
- Utility room.
- Floor pantry.
- Toilet room for each sex.
- Bed pan facilities.
- Day room.
- Wheel chair parking area.
- Treatment room, one for each 2 nursing units a floor.
- One bath room.
- Stretcher alcove.
- Linen closet.
- Supply closet.
- Janitors' closet.
- Solarium: One for each nursing floor.
- Nurses' toilet: One for each nursing floor.

Service Department

Dietary facilities:
- Main kitchen and bakery.
- Special diet kitchen.
- Dietitians' office.
- Dishwashing room (enclosed).
- Adequate refrigeration.
- Garbage refrigerator.
- Can washing facilities.
- Day storage room.
- Personnel dining space: Provide 12 square feet per person. May be designed for 2 sittings, cafeteria, or table service optional.

Housekeeping facilities:

Laundry:
- Sorting area.
- Processing area.
- Clean linen and sewing room separate from laundry.
- Provision of laundry facilities in hospital will depend upon hospital policy and availability of commercial laundry.
- If laundry is provided, capacities shall be adequate to process full 7 days' laundry in work week.
- Housekeeper's office: Located adjacent to laundry, or if no laundry is provided near central linen supply.

Mechanical facilities:
- Boiler and pump room.
- Engineers' office.
- Maintenance shops.
- Shower and locker facilities.
- In hospitals up to and including 100 beds at least one room shall be provided. In larger hospitals separation of carpentry, painting and plumbing should be provided.
- For minimum requirements for mechanical and electrical work see the respective sections.

Employees' facilities:
- Nurses' locker room without Nurses' home:
  - Locker room with locker for each 4 hospital beds.
  - Rest room.
  - Toilet and shower room.
- Female help lockers:
  - Locker room.
  - Rest room.
  - Toilet and shower room.
- Male help lockers:
  - Locker room.
  - Toilet and shower room.
- Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.

Storage:
- Inactive record storage.
- Patients' clothes storage room.
- General storage: 20 square feet per bed and to be concentrated in one area.

Ambulant Patient Section

General: Centrally located facilities connected to Intensive Nursing Section, capable of operating jointly, or each of them, detached, providing the best possible flexibility and future extension.

Dining hall: Provide minimum of 16 square feet per person. May be designed for two sittings. Table service, with food prepared in main kitchen of intensive nursing section.

Canteen.

Auditorium:
- Seating capacity capable of seating entire ambulant population of institution.
- Ample space for wheel chairs.
- Arrangement for religious services.
- Wash rooms and toilets.
- Projection facilities.

Beauty parlor and barber shop.

Occupational therapy:
- Office space for the occupational therapist.
- One exhibition space.
- Space 50–60 feet long divided for diversified occupational therapy work.

Recreational therapy:
- Office space for the recreational therapist.
- Class room or rooms.
- Social room or rooms to be at the disposal and use of patients.
- Patients' library facilities.

Bedroom unit:

Room:
- Size 300 square feet (for 2 patients).
- Closet for each person.
- Lavatory in each room.

Common facilities:

Toilet and washroom:
- Water closets—1 to each 5 patients.
- Lavatories—1 to each 5 patients.

Dental Basins—1 to each 8 patients.

Bath tub or shower—1 to each 8 patients.

Janitors' closet each unit.

Linen closet each unit.

Supervisors' room each unit.

Living room and visitors' lounge.

Solarium.

Telephone booths.

Nurses' call system.

General facilities:
- Employees' toilet and locker room.
- Storage—reserve equipment.
- Storage for patients' personal belongings.

(B–6). *Nurses' home.*

Rooms:
- One nurse per room: [1]
  - 120 square feet in single rooms.
  - 150 square feet in double rooms.
- Lavatory in each room.
- Closet for each nurse.

Common floor facilities:
- Lounge with kitchenette to serve approximately each 30 students.
- Laundry room with two trays and two ironing boards to serve approximately each 30 students.
- Bath room: One shower or tub for each 6 beds.
- Toilet room: One water closet for each 6 beds and one lavatory for each 12 beds.
- Linen closet.
- Janitors' closet.
- Telephone facilities.[1]

General facilities:
- Lobby.
- Office.
- Main lounge with alcoves.
- Men's toilet (off lobby).
- Storage room for trunks.
- General storage room.
- Laundry distribution room.
- Employees' toilet room.
- Boiler room (if facilities not available elsewhere).

[1] Desirable but not mandatory.

(B–7). *School of Nursing.*

Teaching facilities:
- One science laboratory room.
- One dietetics laboratory room.
- One nursing arts laboratory with adequate facilities (laboratories to provide facilities for not more than 20 and not less than 12 students).
- One classroom to accommodate approximately twice the number of students as a laboratory.
- One lecture room to accommodate total student body.
- One library.

Offices: Offices for instructors.

General:
- Storage room convenient to classrooms.
- Toilet room.
- Janitors' closet.

(B–8). *Public Health Centers.*

Administration:
- Where health department administration personnel has no offices in health center:
  - Waiting room.
  - Public toilets.
  - Office for public health nurses.
  - Staff toilets.
  - Assembly space: Waiting room may be used for this purpose where health centers serve under 30,000 population.
- Where health department administration offices are provided in health centers add:
  - Health officer's office.
  - Office for sanitary engineers.
  - Health education office.
  - Staff room and library: In health center for over 30,000 population.

Clinical: The clinical services, and extent of such services, provided in the health center will depend on the program contemplated by the health department to take care adequately of the particular needs of the population served by the health center.

For populations up to 30,000:
- Two examination rooms for maternal and child health, V. D. and TB clinics.
- Consultation room.
- Utility room.
- Dental room.

For population over 30,000, if the following services are provided, they shall include areas noted as follows:
- Maternal and child health:
  - Demonstration room.
  - Examining room.
  - Toilet.
- Tuberculosis and X-ray:
  - X-ray room with dressing booths.
  - Dark room.
  - Consultation and viewing room.
- Venereal disease:
  - Examination room.
  - Treatment room.
  - Consultation room.
  - Toilet.
- Dental:
  - 2 Dental chairs.
  - Small dental laboratory.
- Pharmacy: Dispensing room.

Laboratory:

The volume and type of laboratory tests in the health center will vary with local conditions and will determine the size of the laboratory. Such factors as density of population, area to be served, type of center (municipal, county, or rural), its use as a branch of the State Laboratory and availability of other laboratory facilities must be considered.

One room is required for urinalysis, hematology, and dark field examinations for syphilis and storage of biologicals furnished by the State Health Department.

Where food control, sanitation and communicable disease work is contemplated another room shall be furnished for this purpose.
Service:
General storage areas:
Bulk office and janitors' supplies.
Bulk clinical supplies.
Educational material.
Storage closets:
Office supplies.
Medical supplies.
Educational material.
Janitors' closet: Centrally located.
Heating plant.

(B-9). *State Public Health Laboratory.*

Administration department:
Director's office.
Secretary's office.
Assistant Director's office.
Information desk and switchboard.
Clerical office.
Office supply room.
Library.
Staff meeting room.
Records and filing room.
Mailing and receiving room for incoming specimens, distribution of containers and of biologicals.
Specimen and emergency treatment room.
Bacteriology department:
Office.
Water, food and milk laboratory.
Enteric disease and agglutination laboratory.
Tuberculosis laboratory.
Diagnostic laboratory.
Incubator room.
Sterile room.
Rabies room.
Adequate refrigeration.
Syphilis serology department:
Office.
Laboratory: Section of room separated by partitions for centrifuges and preparation of specimens.
Chemistry department:
Office.
Laboratory: Facilities for water, food, drug, toxicology, and/or industrial hygiene analyses.
Instrument room: Facilities for darkening.
Research and investigation:
Laboratory: Complete laboratory facilities within unit.
Biologicals department:
Adequate refrigeration.
Deep freeze unit.
Room temperature storage.
Central services:
Culture media and reagent preparation room.
Glassware cleaning room: Separate sterilizing facilities for contaminated materials.
Acid cleaning unit.
Sterilizing room for culture media and clean glassware only.
Supply room for storage and issue of sterile supplies, general supplies, chemicals, and glassware. Adjacent to sterilizing and glassware cleaning room.
Bulk storage room.
Janitor service room.
Maintenance and utilities unit: Provisions for metal and woodwork, and glassblowing.
Incinerator (animal).
Animal quarters:
Animal rooms.
Room for cleaning and sterilizing cages.
Preparation room for food and bedding.
Operating and animal inoculation room.
Facilities for personnel:
Men's locker room with washroom and shower.
Women's locker room with washroom and shower.
Rest room.
Lunch room.
Staff toilets.

State public health laboratory. If the following activities are included, minimum requirements will be as follows:

Consultation and evaluation service to local laboratories:
Office.
Laboratory.
Manufacture of biologicals:
Office.
Laboratory: Cubicles for isolation work.
Culture media room.
Sterile room.
Sterilizing room.
Glasswashing room.
Adequate refrigeration.
Deep freeze unit.
Storage room, controlled temperature.
Packaging room.
Blood and blood products:
Laboratory: Space and equipment for processing.
Sterile room.
Office (may be shared with biologicals department).
Adequate refrigeration (may be shared with biologicals department).
Storage room (may be shared with biologicals department).
Pathology department: Laboratory.
Clinical laboratory department: Laboratory.
Virology department: This department shall be efficiently isolated from other laboratories including a separate mechanical ventilating system:
Office.
Laboratory: Cubicles for isolation work.
Sterile room.
Sterilizing room.
Inoculation and operating room.
Animal quarters:
Facilities for storage of food and bedding.
Cleaning and sterilizing of cages.
Locker room with washroom and shower.

(B-10). *Details, finishes, etc.* The following general requirements and finishes apply to all hospitals. Conditions in special hospitals, not covered in the general requirements, are specifically noted.

General Requirements for Hospitals

Door widths:
3 feet 10 inches at all: Bed rooms.
Treatment rooms.
Operating rooms.
X-ray therapy rooms.
Delivery rooms.
Solariums.
X-ray rooms.
Physical therapy rooms.
Labor rooms.
5 feet at all: Fracture rooms.

No doors shall swing into the corridor except closet doors.[4]

Corridor widths: 7 feet, 6 inches. (8 feet preferred). A greater width shall be provided at elevator entrances.
Stair widths: Clear width between rails—3 feet, 8 inches.
Elevators: Platform size—5 feet 4 inches x 8 feet. Door opening—3 feet 10 inches. See also mechanical section.
Laundry chutes: Use optional. Where used 2' 0" minimum diameter.
Incinerators: Use optional. See also mechanical section.
Nurses' call system:[4] Call station between each two beds in two-bed rooms and four-bed rooms and one in each one-bed room:
Corridor dome light over each nursing room.
Dome light and buzzer at nurses' station, utility room and floor pantry.
Fire protection: Exits, exit lights, fire towers, construction equipment, etc., shall conform to local and State Codes and the National Board of Fire Underwriters.
Mechanical ventilation: See mechanical section for details.

Chronic Disease Hospitals

Space allowances should be more generous than in other types of hospitals to allow for wheelchair traffic in such areas as dining rooms, recreation rooms, porches and toilets.
Corridors shall be 10 feet wide with handrails on both sides.
Allow wheelchair storage area in infirmaries at the rate of one wheelchair for each two patients.
Water closet enclosures to have handrails on both sides.
Urinals to have vertical bars on each side.
Lavatories to be supported on brackets to allow wheelchairs to slide under.
Raised thresholds at doorways shall be omitted.

Mental Hospitals, Psychiatric Hospitals and Mental Units in General Hospitals

The principles of psychiatric security and safety shall be followed throughout. Materials and details of construction shall be such that patients will not be tempted to escape, suicide, hiding, etc. Care must be taken to avoid projecting sharp corners, exposed piping, heating elements, fixtures, hardware, etc.

Public Health Centers

Width of corridors shall be not less than 5' 0". Greater width preferred.
Windows of examination and treatment rooms shall be glazed with obscure glass to insure privacy.

State Public Health Laboratories

Provide separate airconditioning or ventilation system for bacteriological and virus laboratories with ample supply and exhaust to function properly with closed windows.
Emergency showers shall be provided in chemical laboratories.
Each chemical laboratory room shall have a minimum of two exits.
All windows must be screened.

(B-11). *Finishes.*

Floors:
The floors of the following areas shall have smooth, waterproof, surfaces which are wear resistant:
Toilets.
Baths.
Bedpan rooms.
Floor pantries.
Utility rooms.
Treatment rooms.
Sterilizing rooms.
Janitors' closets.
The floors of the following areas shall be smooth, easily cleaned and acid resistant:
Pharmacies.
Laboratories.
The floors of the following areas shall be waterproof, greaseproof, smooth and resistant to heavy wear:
Kitchens.
Butcher shops.
Food preparation.
Formula rooms.
The floors of the following areas shall have conductive flooring as approved by the National Board of Fire Underwriters:
Operating rooms.
Delivery rooms.
Anesthesia rooms.
Adjoining spaces.
The floors in the following areas shall have a smooth resilient surface which is easily cleaned: Patient rooms.

[4] Does not apply to: mental hospitals, psychiatric hospitals or mental units in general hospitals.

Walls:
The walls of the following areas shall have a smooth surface with painted or equal washable finish in light color. They shall be without cracks and, in conjunction with floors, shall be waterproof and free from cracks and spaces which may harbour ants and roaches:
All rooms where food and drink are prepared, served or stored.
The walls of the following areas shall have waterproof painted, glazed or similar finishes to a point above the splash or spray line:
Kitchens.
Sculleries.
Utility rooms.
Baths.
Showers.
Dishwashing rooms.
Janitors' closets.
Sterilizing rooms.
Spaces with sinks.
The walls of the following areas shall have waterproof glazed, painted or similar surface which will withstand washing to a distance of not less than 5' 0":
Operating rooms.
Delivery rooms.
Ceilings:
The ceilings of the following areas shall be painted with waterproof paint:
Operating rooms.
Delivery rooms.
All sculleries, kitchens and other rooms where food and drink are prepared.
The ceilings of the following areas shall be acoustically treated:
Corridors in patient areas.
Nurses' stations.
Labor rooms.
Utility rooms.
Floor pantries.

State Public Health Laboratory

Floors:
Resilient, smooth and stain resistant: All laboratories other than chemistry laboratories.
Resilient, smooth and acid resistant: Chemistry laboratories.
Smooth, waterproof, grease-proof, easily cleaned, non-slip, resistant to heavy traffic:
Culture media rooms.
Glasswashing rooms.
Sterilization rooms.
Acid cleaning rooms.
Animal rooms.
Walls:
Waterproof, painted, glazed or similar finishes to a point above the splash or spray line. They shall be without cracks, and in conjunction with floors, shall be waterproof and free of cracks and spaces which may harbor ants and roaches:
Laboratories.
Incubator rooms.
Sterilizing rooms.
Culture media rooms.
Glasswashing rooms.
Acid cleaning rooms.
Inoculation and operating rooms.
Animal rooms.
Same as above, but finish to reach to ceiling: Sterile rooms.
Ceilings: Waterproof painted: Sterile rooms.
Shelves and cabinets: Shelves and cabinets which are used for the storage of food, dishes, and cooking utensils shall be so constructed and mounted that there shall be no openings or spaces which cannot be cleaned and which might harbor vermin or insects. Cabinets which are used for the storage of open food containers and dishes shall be dust tight.

III-C. *Structural—A. Codes.* All construction shall be in accordance with the applicable local and State building codes and regulations. In areas which are not subject to local or State building codes, the recommendations of the following nationally recognized technical and engineering authorities shall be adopted insofar as such recommendations are not in conflict with the minimum general standards as set forth herein.

1. *American Concrete Institute.* (a) For good engineering practice in the design, erection, allowable working stresses, and for the mixing and placing of concrete on structures built of reinforced concrete.
(b) For standard specifications for cast stone.
2. *American Standards Association.* (a) For standard practice in masonry construction.
(b) For the design and erection of structural steel for buildings (the American Institute of Steel Construction Code).
(c) For good practice in gypsum plastering, including requirements for lathing and furring.
(d) For good practice in the design and erection of reinforced gypsum concrete.
(e) For safe practice in the design and construction of elevators and dumbwaiters.
3. *American Society of Testing Materials.* (a) For the specifications on, and the methods of testing, for metals and the materials of masonry construction.
(b) For the methods of standard fire tests of building construction and materials and for the methods of fire tests of door assemblies.
4. *National Lumber Manufacturers' Association.* (a) For good practice in the use of wood in types of construction of which it is a part, and for the working stresses of stress-grade lumber and its fastenings.
5. *National Board of Fire Underwriters.* (a) For estimated and tested fire-resistance ratings of materials and constructions.
(b) For safe practice in the design and construction of chimneys and metal smoke stacks.
6. *National Bureau of Standards.* (a) Publication BMS 92 and other data for tested fire-resistive ratings of materials and constructions.

B. *Design data—General.* The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working-stresses permitted for the materials of their construction in generally accepted good engineering practice.

Special. Special provisions shall be made for machines or apparatus loads which would cause a greater load than the specified minimum live load.

Consideration shall be given to structural members and connections of structures which may be subject to hurricanes or tornadoes. Floor areas where partition locations are subject to change shall be designed to support, in addition to all other loads, a uniformly distributed load of 25 p. s. f.

Live loads. The following unit live loads shall be taken as the minimum distributed live loads for the occupancies listed:

Hospital wards and bedrooms, 40 p. s. f.
Corridors above second floor, solariums and miscellaneous service rooms, 60 p. s. f.
Offices, treatment rooms, operating rooms, conference rooms, toilet and locker rooms, laboratories, kitchens, 80 p. s. f.
Corridors on first and second floors, library, assembly, lounges and recreation, waiting room, dining, laundry, 100 p. s. f.
Records File room, storage, supply, 125 p. s. f.
Mechanical equipment room, 150 p. s. f.
Roofs (except use increased value where snow and ice may occur), 20 p. s. f.
Wind (as required by local conditions, but) not less than 15 p. s. f.
Earthquake—for structures located within an area subject to earthquake shocks, refer to "Uniform Building Code" of the Pacific Coast Building Officials Conference.

C. *Construction.* Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one foot below the estimated frost line or shall rest on leveled rock or load-bearing piles when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. Reasonable care shall be taken to establish proper soil-bearing values for the soil at the building site. If the bearing capacity of a soil is not definitely known or is in question, a recognized load test may be used to determine the safe bearing value.

One-story buildings shall be constructed of not less than one-hour fire-resistive construction throughout except that boiler rooms, heating rooms, and combustible storage rooms shall be of three-hour fire-resistive construction.

Buildings more than one story in height shall be constructed of incombustible materials, using a structural framework of reinforced concrete or structural steel except that masonry walls and piers may be utilized for buildings up to three stories in height not accounting for Penthouses. The various elements of such buildings shall meet the following fire-resistive requirements:

Walls:	Hours
Party and firewalls	4
Exterior bearing walls	3
Exterior panel and curtain walls	3
Inner court walls	3
Bearing partitions	3
Non-load bearing partitions	1
Enclosures for stairs, elevators and other vertical openings	2
Columns, girders, beams, trusses	3
Floor panels (including beams and joists in same)	2
Roof panels (including beams and joists in same)	2

Stairs and platforms shall be reinforced concrete or structural steel with hard incombustible materials for the finish of risers and treads.
Rooms housing furnaces, boilers, combustible storage or other facilities which may provide fire hazards shall be constructed of 3-hour fire-resistive construction.

III D. *Mechanical—1. Heating; steam piping and ventilation—Codes.* The heating system, steam piping, boilers and ventilation shall be furnished and installed to meet all requirements of the local and State codes and regulations, and the regulations of the National Board of Fire Underwriters and the minimum general standards as set forth herein. Where there is no local or State boiler code, the recommendations of the A. S. M. E. shall apply. Gas fired equipment shall comply with the regulations of the American Gas Association.

Boilers. Boilers shall have the necessary capacity when operating at normal rating to supply the heating system, hot water, and steam operated equipment, such as sterilizers, laundry and kitchen equipment. Spare boiler capacity shall also be provided in a separate unit to replace any boiler which might break down. Boilers which supply high pressure steam to sterilizers, kitchens, laundry, etc., shall meet the requirements of the city and State boiler codes for 125 pounds working pressure. Boilers for laundries shall be operated at not less than 125 pounds pressure while boilers for sterilizers and kitchen may operate at 50 pounds pressure.

Heating system. The building shall be heated by a hot water, steam, or equal type heating system.

Steam system. A system of Steam and Return Mains and Connections shall be provided to supply all equipment which requires steam heat.

Boiler accessories. Boiler feed pumps, return pumps and circulating pumps shall be furnished in duplicate, with feeder water heater, each of which has a capacity to carry the full load. Blow off valves, relief valves, non-return valves and fittings shall be provided to meet the requirements of the City and State Codes.

Radiation. The necessary radiation shall be furnished in each room and occupied space to maintain a temperature of 70° F. except in operating, delivery, and nurseries where a temperature of 75° F. shall be maintained. Each radiator shall be provided with hand control valve.

Piping. Steam and hot water heating piping shall be installed with standard weight steel or iron pipe and cast iron fittings. Pipe used in heating and steam systems shall not be smaller sizes than prescribed by the latest edition of the Heating, Ventilating and Air Conditioning Guide. The ends of all steam mains and low points in steam mains shall be dripped.

Valves. Steam, return and heating risers, steam return, and heating mains shall be controlled separately by a valve. Each steam and return main shall be valved. Each piece of equipment supplied with steam shall be valved on the supply and return ends.

Thermostatic control. The heating system shall be thermostatically controlled in one or more zones.

Auxiliary heat. Auxiliary radiators shall be provided in operating rooms, delivery rooms, and nurseries to supply heat when the main heating system is not in operation.

Coverings. Boilers and smoke breeching shall be insulated with covering not less than 1" Magnesia blocks and ½" plastic asbestos finish. All high pressure steam and high pressure return piping shall be insulated with covering not less than the equivalent of 1" four ply asbestos covering. Heating mains in the boiler room, in excavated spaces, unexcavated spaces, and where concealed, shall be insulated with covering not less than 1" asbestos air cell.

Ventilation. Rooms which do not have outside windows and which are used by hospital personnel, such as Utility rooms, Toilets, Bed pan rooms, and Baths, and Sterilizer rooms, shall be provided with forced or suitable ventilation to change the air at least once every six minutes.

Kitchens, morgues and laundries which are located inside the hospital building shall be ventilated by exhaust systems which will discharge the air above the main roof or 50' 0" from any window. The ventilation of these spaces shall comply with the State or Local Codes but if no code governs, the air in the work spaces shall be exhausted at least once every six minutes with the greater part of the air being taken from the flat work ironer and ranges. Rooms used for the storage of inflammable material shall be ventilated to the outside air with intake and discharge ducts.

The operating and delivery rooms shall be provided with a supply ventilating system with heaters and humidifiers which will change the air at least eight times per hour by supplying fresh filtered air humidified to prevent static. No recirculation will be permitted. The air shall be removed from these rooms by forced system of exhaust. The sterilizing rooms adjoining these rooms shall be furnished with separate exhaust ventilating systems.

Incinerator. If coal fixed boilers are not used incinerators shall be provided. If provided, the incinerator shall be of a design that will completely burn 50% wet garbage without objectionable smoke or odor. It shall be designed with drying hearth, grates and combustion chamber lined with 9" fire brick. The gases shall be carried to a point above the roof of the hospital.

Tests. The systems shall be tested to demonstrate to the satisfaction of the State agencies having jurisdiction that: The boilers will carry the full load with one boiler in reserve, that the steam supply to all steam heated equipment is ample, that the ventilating equipment meets the minimum requirements and that all systems circulated satisfactorily without leaks or noise.

Health centers, nurses homes and laboratories. High pressure steam and a spare boiler, will not be required for a Health Center, Nurses Homes, and Laboratory building. Incinerators are not mandatory but are recommended in Health Centers, Laboratories and Nurses Homes.

Separate special ventilation or air-conditioning systems are required for the bacteriological and virus laboratories.

Mental hospitals. Radiators, grilles, pipes, valves and equipment shall be so located that they are not accessible to patients. Hot air heating may be used for spaces occupied by mental cases.

2. *Plumbing and drainage.* All parts of the plumbing systems shall comply with all applicable local and State codes and the requirements of the State Department of Health and the minimum general standards as set forth herein. Where no State or local codes are in force or where such codes do not cover special hospital equipment, appliances, and water piping, the National Bureau of Standards Plumbing Manual BMS 66 shall apply.

Water service. The water supply available for the hospital shall be tested and approved by the State Department of Health.

The water service shall be brought into the building to comply with the requirements of the local water department and shall be free of cross connections.

Hot water heaters and tanks. The hot water heating and storage equipment shall have sufficient capacity to supply 5 gallons of water at 150° F. per hour per bed for hospital fixtures, and 8 gallons at 180° F. per hour per bed for the laundry and kitchen.

The hot water storage tank or tanks shall have a capacity equal to 80% of the heater capacity.

Where direct fired hot water heaters are used they shall be of an approved high pressure cast iron type. Submerged steam heating coils shall be of copper. Storage tanks shall be of non-corrosive metal or be lined with non-corrosive material to comply with the A. S. M. E. Code for pressure vessels. Tanks and heaters shall be fitted with vacuum and relief valves, and where the water is heated by coal or gas they shall have thermostatic relief valves. Heaters shall be thermostatically controlled.

Water supply systems. From the cold water service and hot water tanks, cold water and hot water mains and branches shall be run to supply all plumbing fixtures and equipment which require hot or cold water or both for their operation. Pipes shall be sized to supply water to all fixtures with a minimum pressure of 15 pounds at the top floor fixtures during maximum demand periods. All plumbing fixtures except water closets, bed pan washers and drinking fountains shall have both hot and cold water supplies. Every supply outlet or connection to a fixture or appliance shall be protected against back flow in accordance with the provisions of standards for air gaps and backflow preventors as provided by plumbing Standards ASA-40.4 and 40.6. Wherever the usage of fixture or appliance will permit, water supplied to all fixtures, open tanks and equipment, shall be introduced through a suitable air gap between the water supply and the flood level of the fixture. No connections shall be made which will permit back-flow.

Hot water circulating mains and risers shall be run from the hot water storage tank to a point directly below the highest fixture at the end of each branch main. Where the building is higher than 3 stories, each riser shall be circulated. Water pipe sizes shall be equal to those prescribed by the National Bureau of Standards Report BMS 66.

Drainage system. All fixtures and equipment shall be connected through traps to soil and waste piping and to the sewer. Indirect wastes pipes shall be installed in waste connections as required by BMS 66. All drainage and vent systems shall be designed and installed in accordance with the City and State Codes and the Plumbing Manual BMS 66 of the National Bureau of Standards where a city or State code is not in force.

Rain water drains. Leaders shall be provided to drain the water from roof areas to a point from which it cannot flow into the basement or areas around the building. Courts, yards, and drives which do not have natural drainage from the building shall have catch basins and drains to low ground, storm water system, or dry wells. Where dry wells are used they shall be located at least 20'0" from the building.

Gas piping. Gas appliances shall be approved by the American Gas Association and shall be connected in accordance with the requirements of the company furnishing the gas.

Oxygen piping, outlets and manifolds where used shall be installed in accordance with the requirements of the company which will furnish the gas.

Pipe. The building drain, to a point 5'0" from the building, shall be of cast iron. Soil stacks, drains, vents, waste lines, and leaders shall be of cast iron or steel except drain lines in back-fill or soil shall be of cast iron. Oxygen lines shall be of copper tubing not lighter than type "L" or I. P. S. red brass with fittings of brass or copper. Drains from sinks which use chemicals shall be of approved acid resistant metal. Gas piping shall be of black iron with malleable fittings or copper tubing.

Valves. Each main, branch main, riser and branch to a group of fixtures of the water systems shall be valved.

Insulation. Tanks and heaters shall be insulated with covering equal to 1" 4-ply air cell.

Hot water and circulating pipes shall be insulated with covering equal to canvas jacketed 3-ply asbestos air cell.

Cold water mains in occupied spaces and in store rooms shall be insulated with canvased jacketed felt covering to prevent condensation. All pipes in outside walls shall also be insulated to prevent freezing.

Stand pipe system. The stand pipe system shall be installed as required by the local and State departments having jurisdiction and the National Board of Fire Underwriters.

Plumbing fixtures. The material used for plumbing fixtures shall be of an approved non-absorptive acid resisting material.

Water closets in and adjoining patients' areas shall be of a quiet operating types.

Flush valves shall have non-return stops and an acceptable back-flow preventer. Flush valves in rooms adjoining patients' rooms shall be designed for quiet operation with quiet acting stops.

Faucet spouts shall have the discharge openings above the rim of the fixture. Goose neck spouts shall be used for patients' lavatories, nurses' lavatories and sinks which may be used for filling pitchers. Knee or elbow action faucets shall be used for doctors' wash-up, utility and clinic sinks and in treatment rooms. Elbow or wrist action spade handles control shall be used on other lavatories and sinks used by doctors or nurses. Drinking fountains, where used, shall comply with the A. S. A. Std: A4.2-1942.

Tests. All soil, waste, vents and drain lines shall be tested by water or air test before they are built in.

A smoke or chemical test shall be applied after fixtures have been set. Water pipe shall be hydraulically tested to a pressure equal to twice the working pressure. The tests shall demonstrate to the satisfaction of the State Health Department and that there are no leaks, that hot water mains and risers are circulating, that all traps are properly vented; that there is ample supply of hot and cold water to all fixtures, that no fixture or equipment can be back syphoned and that there are no back-flow connections.

Sterilizers. Sterilizers and autoclaves shall be provided of the required types and necessary capacity to adequately sterilize instruments, utensils dressings, water, operating room material, such as gloves, sutures, etc., and as required for laboratories. The sterilizers shall be of recognized hospital types with approved controls and safety features.

Mental and T. B. hospitals. Plumbing fixtures which require hot water and which are accessible to mental patients shall be supplied with water which is thermostatically controlled to provide a maximum water temperature of 110° F. at the fixture.

Special consideration shall be given to piping, controls and fittings of plumbing fixtures as required by the types of mental patient and the doctor in charge of planning. No pipes or traps shall be exposed and fixtures shall be substantially bolted through walls. Generally, for disturbed patients prison type water closets without seats shall be used and shower and bath controls shall not be accessible to patients.

The hot water heat and tank capacities for laundries in T. B. and mental hospitals may be reduced to 40% of that required for general hospitals.

Laboratories, nurses home and health centers. Emergency quick acting cold water showers are required at convenient points in chemical laboratories.

Only one system of hot water will be required in laboratories, nurses homes and health centers and the elbow or knee action lavatory and sink faucet handles will be required only in clinical rooms of health centers.

3. *Electrical installations—Codes and regulations.* The installation of electrical work and equipment shall comply with all local and State codes and laws applicable to electrical installations and the minimum general standards as set forth herein. Where such codes and laws are not in effect or where they do not cover special installations the National Electrical Code shall apply. The regulations of the local utility company shall govern service connections. All materials shall be new and shall equal standards established by the Underwriters Laboratories, Inc. Certificates of approval shall be issued by these departments having jurisdiction before the work will be approved for final payment.

Service. Connections from the service mains, with meter connections and service switches shall be installed as required by the Public Service Company.

Feeders and circuits. Separate power and light feeders shall be run from the service to a main switchboard and from there sub-feeders shall be provided to the motors and power and light distributing panels. From the power panels feeders shall be provided for large motors, and circuits from the light panels shall be run to the lighting outlets. Large heating elements shall be supplied by separate feeders from the Power or Light Service as directed by the local Public Service Company. Independent feeders shall be furnished for X-ray equipment.

Switchboard and power panels. Circuit breakers or dead front type fused switches shall be installed to protect all feedefs and sub-feeders. Motors shall be connected with breakers or fused switches.

Light panels. Light panels shall be provided on each floor for the lighting circuits on that floor. Light panels shall be located near the load centers not more than 100'0" from the farthest outlet. Receptacles for special equipment shall be of a heavy duty type on separate circuits.

Lighting outlets, receptacles and switches. All occupied areas shall be adequately lighted as required by duties performed in the space. Patients' bedrooms shall have as a minimum general illumination, a bracket or receptacle for each bed, a duplex receptacle for each two beds for doctor's examination, and a night light. The outlets for general illumination and night lights shall be switched at the door. Switches in patients' rooms shall be of an approved mercury or equal, quiet operating type, or shall be placed in the corridor. Operating and delivery rooms shall be provided with special lights for the tables each on an independent circuit and for general illumination. Not less than three 3-point grounded explosion proof receptacles shall be provided in each room. Each operating room shall have a film-viewing box of an explosion-proof type. Grounding shall be provided for floors in the operating, anesthesia, and delivery sections.

Emergency lighting. Emergency lighting shall be provided for exits, stairs, and patient corridors which shall be supplied by an emergency service, an automatic emergency generator or battery with automatic switch. Operating and delivery room lights shall be connected with an automatic transfer switch which will throw the circuits to the emergency service in case of current failure. Should an emergency service from the street be used it shall be from a generating plant independent of that used for the main electric service.

Nurses' call. Each patient shall be furnished with a nurses' call station which will register a call from the patient; at the corridor door, at the nurses' station, and in each pantry and utility room of the nursing unit. A duplex unit may be used for 2 patients. Indicating lights shall be provided at each station where there are more than two beds in a room. Wiring for nurses' call systems shall be installed in conduit.

Lighting fixtures. Lighting fixtures shall be furnished for all lighting outlets. They shall be of a type suitable for the space. Should ceiling lights be used in patients' rooms, they shall be of a type which does not shine in the patients' eyes.

Tests. Lighting fixtures, all wiring and equipment shall be tested to show that it is free from grounds, shorts or open circuits.

Health centers, nurses' homes and laboratories. Emergency lighting and call systems will not be required in health centers, nurses' homes and laboratories except as provided for by local and State codes.

Mental hospitals. No lighting fixtures, switches, receptacles or electrical equipment shall be accessible to mental patients.

Nurses' call systems will not be required in areas occupied by mental patients.

4. *Elevators and dumbwaiters—Codes.* The elevator installations shall comply with all local and State Codes, American Standard Safety Code for Elevators, the National Board of Fire Underwriters, the National Electric Codes, and the minimum general standards as set forth herein.

Number of cars. Any hospital with patients on one or more floors above the first or where the operating or delivery rooms are above the first floor shall have at least one electric motor driven elevator. Hospitals with a bed capacity of 60 to 200 shall have not less than two elevators. Hospitals with a bed capacity of from 150 to 350 above the first floor shall have not less than 3 elevators, two passenger and one service. A larger number may be required by the hospital plan, a large visitors' traffic and food distribution.

Elevators with a rise of more than 6 stories require special consideration.

Cab. Cabs shall be constructed with fireproof material. Passenger cab platforms shall be not less than 5' 4" x 8' 0" with a capacity of 3,500 pounds. Service elevators shall be of sufficient size to receive a stretcher with patient.

Cab and shaft doors shall be not less than 8' 10" clear opening.

Controls. Elevators, for which operators will not be employed, shall have automatic push button control, signal control or dual control for use with or without operator. Where two push button elevators are located together and where one such elevator serves more than three floors and basement, they shall have collective or signal control. Where the car has a speed of more than 100' 0" per minute or has a rise of four or more floors, the elevator shall be equipped with automatic self-leveling control which will automatically bring the car platform level with the landing with no load or full load. Multivoltage or variable voltage machines shall be used where speeds are greater than 150' 0" per minute. For speeds above 350° 0" per minute, the elevators shall be of the gearless type.

Dumbwaiters. Dumbwaiter cabs shall be not less than 24" x 24" x 36" of steel with one shelf to operate at speed of 50 to 100' per minute when carrying a load of 100 pounds. Dumbwaiters serving basement and four floors shall have a minimum speed of 100' 0".

Tests. Elevator machines shall be tested for speed and load with and without loads in both directions and shall be given overspeed tests as covered by the "Safety Code for Elevators."

5. *Refrigeration—Codes.* The refrigerators and refrigerating systems shall be furnished and installed to meet all requirements of the local and State Codes and regulations, the National Board of Fire Underwriters, and the minimum general standards as set forth herein.

This section shall include portable refrigerators, built-in refrigerators, garbage refrigeration, ice-making and refrigerator equipment, morgue boxes.

Box construction. Boxes shall be insulated with waterproof, nonabsorbent, verminproof insulation. For the portable boxes, the insulation in the doors and walls shall be equal to 2" cork. Outer walls and doors of the walk-in boxes shall have insulation equal to 4" cork. Boxes shall be lined with nonabsorbent sanitary material which will withstand the heavy use to which it will be subjected and constructed so as to be easily cleaned.

Refrigerators of adequate capacity shall be provided in all kitchens and other preparation centers, where perishable foods will be stored.

In the main kitchen, a minimum of two separate sections or boxes shall be provided, one for meats and dairy products, and one for general storage.

Refrigerator machines. Toxic, "irritant", or inflammable refrigerants shall not be used in refrigerator machines located in buildings occupied by patients.

The compressors and evaporators shall have sufficient capacity to maintain temperatures of 35° F. in the meat and dairy boxes, and 40° F. in the general storage boxes when the boxes are being used normally. Compressors shall be automatically controlled.

Tests. Compressors, piping, and evaporators shall be tested for leaks and capacity.

6. *Kitchen equipment—Codes.* The kitchen equipment shall be so constructed and installed as to comply with the applicable local and State laws, codes, regulations and requirements, and with the applicable sanitation standards of Public Health Bulletin No. 280, entitled "Ordinance and Code Regulating Eating and Drinking Establishments, recommended by the U. S. Public

Health Service," and with the minimum general standards set forth herein.

Equipment. The equipment shall be adequate and so arranged as to enable the storage, preparation, cooking, and serving of food and drink to patients, staff and employees to be done in an efficient and sanitary manner. The equipment shall be selected and arranged in accordance with the types of food service adopted for the hospital.

Adequate cabinets or other facilities shall be provided for the storage or display of food, drink, and utensils, and shall be designed as to protect them from contamination by insects, rodents, other vermin, splash, dust, and overhead leakage.

Adequate facilities shall be provided for the washing and bactericidal treatment of utensils used for eating, drinking, and food preparation. Where utensils are to be washed by hand, there shall be provided an adequate sink equipped with heating facilities to maintain a water temperature of at least 170° F. in the bactericidal treatment compartment throughout the dishwashing period. Where utensils are to be washed by machine, there shall be provided facilities for supplying to the dishwashing machine an adequate supply of rinse water at 170° F., measured at the rinse sprays, throughout the dishwashing period. All tables, shelves, counters, display cases, stoves, hoods, and similar equipment shall be so constructed as to be easily cleaned and shall be free of inaccessible spaces providing harborage for vermin. Where there is not sufficient space between equipment and the walls or floor to permit easy cleaning, the equipment shall be set tight against the walls or floor and the joint properly sealed. All utensils and equipment surfaces with which food or drink comes in contact shall be of smooth, not readily corrodable material free of breaks, corrosion, open seams or cracks, chipped places, and V-type threads. All surfaces with which food or drink comes in contact shall be easily accessible for inspection and cleaning and shall be self-draining, and shall not contain or be plated with cadmium or lead. All water supply and waste line connections to kitchen equipment shall be installed in compliance with the plumbing requirements of these standards.

7. *Laundry—Codes.* The laundry equipment shall be designed and installed to comply with all local and State codes and laws, and the requirements of the State Department of Health and the minimum general standards as set forth herein.

Where laundries are provided they shall be complete with washers, extractors, tumblers, ironer and presses which shall be provided with all safety appliances and sanitary requirements.

Washers. There shall be at least two washers which shall have a combined rated capacity of not less than 12 pounds of dry laundry per day per patient bed, when operating not more than 40 hours per week.

Ironer. Provide one flat work ironer with a capacity equal to 70% of the washer capacity when operating 40 hours per week.

Extractor. There shall be not less than one extractor with a daily capacity equal to that given above for the washers and for hospitals with more than 100 beds there shall be two extractors.

Tumbler. Provide a minimum of one tumbler with a rated capacity equal to 25% of the washers, when operating 40 hours per week.

Presses. For finished work provide not less than 1 nurses uniform unit consisting of 3 presses or one utility unit with 2 presses which shall be increased for the larger hospitals.

Wash tubs. Provide 2 wash tubs.

Mental and T. B. hospitals. The capacity per bed of laundry equipment for T. B. and Mental hospitals shall be 40% of that required for general hospitals.

III (E). *Preparation of plans, specifications & estimates.* The requirements contained herein have been established for the guidance of the Applicant and the Architect to provide a standard method of preparation of drawings, specifications and estimates.

It is is expected that the applicant will find it advantageous to submit the material through the State Agency in three stages for its recommendation and approval. However, the applicant may, if he so elects, combine the first two stages.

If the data required under stage 3 is available, it may be submitted without the drawings required under stages one and two.

Copies of the final working drawings and specifications previously submitted under stage three will be submitted for approval with the formal application for the project. The requirements for the material submitted at each of the three stages are as follows.

Drawings and specifications—1. (*First stage*) *program and schematic plans*—(a) *Program.* List in outline form the rooms or spaces to be included in each department, explaining the functions or services to be provided in each, indicating the approximate size, the number of personnel and the kind of equipment or furniture it will contain. Note any special or unusual services or equipment to be included in the facility.

If a hospital project, submit a schedule showing the total number of beds, their distribution in room and in the services, such as medicine, surgery, obstetrics, etc.

(b) *Schematic plans.* Single line drawings of each floor showing the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room should be noted. The proposed roads and walks, service and entrance courts, parking and orientation may be shown on either a small plot plan or the 1st floor plan. Simple vertical space diagram should be submitted at this stage.

(c) *Construction outline.* A brief description of the type of construction.

(d) *Description of site.* If a survey has been made, a plat shall be submitted at this time, if not it should be submitted with the Preliminary Plans. (Second Stage). In lieu of a plat of the survey, a description of the site may be submitted at this time. This shall note the general characteristics of the site, easement, availability of electricity, water and sewer lines, main roadway approaches, direction of prevailing breezes, orientation, etc. A map indicating location of the hospital in its geographic area with particular reference to recommendation given under Site III A, should be submitted.

(e) *Preliminary cost estimates.*

2. (*Second stage*) *preliminary plans, elevations, and outline specifications.* (A) Development of the preliminary sketch plans indicating in more detail the assignment of all spaces, size of areas and rooms, indicating in outline, the fixed and movable equipment and furniture.

The plans shall be drawn a scale sufficiently large to clearly present the proposed design.

The total floor area shall be computed and shown on the drawings.

The drawings shall include (1) a plan of each floor including the basement or ground floor, (2) Roof plan, (3) Approach plan showing roads, parking areas, sidewalks, etc., (4) elevations of all facades, (5) sections through the building.

A print of the "Site Survey and Soil Information" which is described under another section of this manual shall be included unless it has already been submitted in Stage I.

(B) Outline specifications shall provide a general description of the construction including interior finishes; accoustical material, its extent and type; extent of the conductive floor covering; heating and ventilating systems; and the type of elevators.

(C) Revised cost estimates.

3. (*Third stage*) *working drawings and specifications.* (A) All working drawings shall be well prepared so that clear and distinct prints may be obtained; accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Separate drawings shall be prepared for each of the following branches of work: Architectural, Structural, Mechanical, Electrical. They shall include or contain the following:

1. *Architectural drawings.* (a) Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be seeded. All structures and improvements which are to be removed under the construction contract shall be shown. A print of the survey shall be included with the working drawings for the information of bidders only. The survey shall not be made a contract drawing.

(b) Plan of each floor and roof.

(c) Elevations of each facade.

(d) Sections through building.

(e) Scale and full size details as necessary; scale details at one and one-half (1½) inches to the foot may be necessary to properly indicate portions of the work. Full size details may be prepared after award of construction contract.

(f) Schedule of finishes.

2. *Equipment drawings.* (a) Large scale drawings of typical and special rooms indicating all fixed equipment and major items of furniture and movable equipment. The furniture and movable equipment will not be included in the construction contract but should be indicated by dotted lines.

3. *Structural drawings.* (a) Plans of foundations, floors, roofs and all intermediate levels shall show a complete design with sizes, sections, and the relative location of the various members. Schedule of beams, girders and columns.

(b) Floor levels, column centers, and offsets shall be dimensioned.

(c) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference.

(d) Details of all special connections assemblies and expansion joints shall be given.

(e) Notes on design data shall include the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil-bearing pressures.

(f) For special structures, a stress sheet shall be incorporated in the drawings showing:

(1) Outline of the structure,

(2) All load assumptions used,

(3) Stresses and bending moments separately for each kind of loading.

(4) Maximum stress and/or bending moment for which each member is designed, when not readily apparent from (3),

(5) Horizontal and vertical reactions at column bases.

4. *Mechanical drawings.* These drawings with specifications shall show the complete heating, steam piping and ventilation systems; plumbing, drainage and stand pipe systems; and laundry.

(a) *Heating, steam piping and ventilation.* (1) Radiators and steam heated equipment, such as sterilizers, warmers and steam tables.

(2) Heating and steam mains and branches with pipe sizes.

(3) Diagram of heating and steam risers with pipe sizes.

(4) Sizes, types and heating surfaces of boilers, furnaces, with stokers and oil burners, if any.

(5) Pumps, tanks, boiler breeching and piping and boiler room accessories.

(6) Air conditioning systems with refrigerators, water and refrigerant piping, and ducts.

(7) Exhaust and supply ventilating systems with steam connections and piping.

(b) *Plumbing, drainage and stand pipe systems.* (1) Size and elevation of: Street sewer, house sewer, house drains, street water main and water service into the building.

(2) Location and size of soil, waste, and vent stacks with connections to house drains, fixtures and equipment.

(3) Size and location of hot, cold and circulating mains, branches and risers from the service entrance and tanks.

(4) Riser diagram to show all plumbing, stacks with vents, water risers and fixture connections.

(5) Gas, oxygen and special connections.

(6) Standpipe system.

(7) Plumbing fixtures and fixtures which require water and drain connections.

(c) *Elevators and dumbwaiters.* Shaft details and dimensions, size car platform and doors; travel, pit and machine room.

(d) Kitchens, Laundry Refrigeration and Laboratories shall be detailed at a satisfactory scale to show the location, size and connection of all fixed and movable equipment.

5. *Electrical drawings.* Drawings shall show all electrical wiring, outlets, and equipment which require electrical connections.

(a) Electrical service entrance with service switches, service feeders to the public service feeders and characteristics of the light and power current. Transformers and their connections if located in the building, shall be shown.

(b) Plan and diagram showing main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.

(c) Light outlets, receptacles, switches, power outlets and circuits.

(d) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the Telephone Co. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment as required by the Telephone Company.

(e) Nurses' call systems with outlets for beds, duty stations, door signal lights, annunciators and wiring diagrams.

(f) Doctors' call and doctors' in-and-out systems with all equipment wiring, if provided.

(g) Fire alarm system with stations, gongs, control board and wiring diagrams.

(h) Emergency lighting system with outlets, transfer switch, source of supply, feeders and circuits.

6. *Additions to existing projects.* (a) Procedures and requirements for working drawings and specifications to be followed and in addition the following information shall be submitted:

(1) Type of activities within the existing building and distribution of existing beds, etc.

(2) Type of construction of existing building and number of stories high.

(3) Plans and details showing attachment of new construction to the existing structure and mechanical systems.

(B) Specifications shall supplement the drawings and shall comply with the following:

1. The specifications shall fully describe, except where fully indicated and described on the drawings; the materials; workmanship; the kind sizes, capacities, finish and other characteristics of all materials, products, articles and devices.

2. The specifications shall include:

(a) Cover or title sheet.

(b) Index.

(c) Invitation for bids.

(d) General conditions.

(e) Wage rates.

(f) General requirements.

(g) Sections describing material and workmanship in detail for each class of work.

(h) Form of bid bond.

(i) Bid form.

(j) Form of agreement.

(k) Performance and payment bond forms.

3. In order to obtain a standard procedure Standard Specification Forms will be furnished to the State Agency for use of the Architect. They will include all items enumerated under Paragraph 2 above, except item (g). The General Conditions, item (d), may be supplemented by the Architect to cover local or special conditions. (Sample Standard Specification Forms are available upon request.)

(C) Estimates shall show in convenient form and detail the probable total cost of the work to be performed under the contract for construction of new buildings, expansion, remodeling and alteration of existing buildings including provision of fixed equipment contemplated by plans and specifications.

IV. *Equipment—General.* Equipment necessary for the functioning of the facility as planned shall be provided in the kind and to the extent required to perform the desired service. The necessary equipment shall be included in the cost of the project and is considered an essential part of the project.

Definition of equipment. The term "equipment" as used herein means all items necessary for the functioning of all services of the facility including such services as accounting and records, maintenance of buildings and grounds, laundry service, public waiting rooms, public health, and related services. The term "equipment" does not include items of current operating expense such as food, fuel, drugs, dressings, paper, printed forms, soap, and the like.

Classification of equipment. All equipment shall be classified in three groups as indicated below; the basis of classification being the usual methods of purchasing the equipment and suggested accounting practices in regard to depreciation:

Group I. Built-in equipment included in construction contracts. 1. Hospital cabinets and counters, laboratory and pharmacy cabinets, X-Ray and darkroom equipment, cubicle curtain equipment, shades and venetian blinds and any other built-in equipment, including items which have been included previously under Sections II and III of the General Standards such as: Kitchen equipment, laundry chutes, elevators, dumbwaiters, boilers, incinerators, refrigerating equipment, sterilizing equipment, surgical lighting and the like.

Group II. Depreciable equipment of five years' life or more normally purchased through other than construction contracts. 1. Large items of furniture and equipment having a reasonably fixed location in the building but capable of being moved.

2. Example: Furniture, surgical apparatus, diagnostic and therapeutic equipment, office machines, dental equipment, laboratory and pharmacy equipment (except cabinets) wheeled equipment and the like.

Group III. Non-depreciable equipment of less than five years' life normally purchased through other than construction contract. 1. Small items of low unit cost and suited to storeroom control.

2. *Examples.* Chinaware, silverware, kitchen utensils, bedside lamps, waste baskets, bed pans, dressing jars, catheters, surgical instruments, linens, sheets, blankets, mattresses and the like.

It shall be the responsibility of the applicant to select and purchase all necessary equipment for the complete functioning of all services included in the project in accordance with these standards and any further standards prescribed by the State Agency.

It is essential that the equipment shall be properly apportioned and budgeted to the various services of the facility so that unduly expensive or elaborate equipment is not provided for some services of the project, necessitating the use of cheap and inadequate equipment for other services.

As soon as possible after the award of the construction contract, the applicant shall submit to the Surgeon General through the State Agency for approval a complete list in triplicate of all proposed Groups II and III equipment, including itemized estimate of cost.

Appendix B—Merit System Policies of the Public Health Service

Introduction. The United States Public Health Service is in accord with other Federal agencies and leaders in the field of public administration who recognize the principle that a system of personnel administration on a merit basis is the most effective method of securing and retaining qualified personnel. The employment of qualified personnel is considered a prerequisite of efficient administration, without which the purposes of sections 314 and 623, of the Public Health Service Act as amended may not effectively be achieved.

Accordingly, the regulations of the United States Public Health Service contain provisions relative to the establishment of merit system of personnel administration in State and local health departments and other State agencies administering programs assisted by grants-in-aid from the United States Public Health Service. Under these regulations the United States Public Health Service reviews merit systems to determine their conformity with accepted standards of personnel administration.

The application of these policies is required as evidence that minimum standards of efficient personnel administration have been met. They are herewith adopted by the United States Public Health Service as standards for evaluating compliance with § 9.12 of the regulations governing grants to States and § 10.73 of the regulations governing the administration of the Hospital Survey and Construction program.

Merit System Policies

Section I. *Jurisdiction of the merit system.* (1) The following standards are applicable to personnel employed in State programs, the budgets for which provide for the expenditure of Federal funds or of State funds for matching purposes, and to persons having administrative responsibility for such programs unless specifically exempted in accordance with these policies.

(2) Upon completion of extension of merit system to local programs, these standards shall also apply to personnel employed in local programs, the budgets for which provide for the expenditure of Federal funds or of State funds for matching purposes, and to persons having administrative responsibility for such programs unless specifically exempted in accordance with these policies.

(3) At the option of the State agency,[1] the following positions may be exempted from application of these standards: the executive head of the State agency administering a program under the jurisdiction of the merit system; one confidential secretary to the executive head, provided the confidential secretary has no administrative or managerial responsibility for State plans; members of State and local boards or commissions

[1] As used in these policies, "State agency", refers to those agencies administering programs assisted by grants-in-aid from funds made available by the United States Public Health Service in accordance with the provisions of the Public Health Service Act.

and members of advisory councils or committees or similar boards paid only for attendance at meetings; State and local officials serving ex officio and performing incidental administrative duties; part-time professional personnel who are paid for any form of medical, nursing, or other professional service and who are not engaged in the performance of administrative duties.

(4) Upon request of the proper State authority, exemption of hospital and sanatoria personnel from application of these standards will be considered on the basis of current State and local administration. However, the requirement of a merit system of personnel administration does not apply to personnel operating hospitals aided under the Federal Hospital Survey and Construction program solely by reason of their benefit under the Act.

SEC. II. *Merit system organization.* (1) The merit system organization for State agencies shall be either a State civil service, that is, a merit system established by statute or other legislative enactment; or a joint merit system, that is, a merit system established by agreement among two or more State agencies. A single agency system, that is, a merit system maintained by and for a single State agency, may be approved on a temporary basis when the Public Health Service is convinced by presentation of facts that either a State civil service or a joint agency plan may be immediately impracticable. Temporary approval will be continued for only such period as required to make the necessary adjustments for the establishment of or participation in a State civil service or joint agency system.

(2) If merit system costs are charged to the State agencies no more than an equitable share of the costs shall be borne by funds made available through these grants.[1] The share so borne shall be based on the planned predetermined ratio of such State agency costs to the total merit system costs as set forth in the Fiscal Manual for Joint Merit System Administration prepared by the Social Security Board of the Federal Security Agency, September 1943.

(3) The merit system shall provide for an advisory council whose members shall be selected from outside the agency served, in order to establish public confidence in the impartiality of merit system administration.

SEC. III. *Merit system supervisor.* (1) The merit system shall provide for a merit system supervisor qualified by training and experience for the responsibilities of the position, and shall be of known sympathy with the merit principle of personnel administration in the public service.

(2) The merit system shall provide that examinations will be conducted under the direction of the merit system supervisor.

SEC. IV. *Personnel officer.* The executive head of the State agency shall employ a personnel officer, or designate a staff employee to serve in this capacity until a personnel officer can be included in the State plan. The personnel officer shall be responsible for the agency's internal personnel administration. It shall be his responsibility to administer the classification and compensation plans; to provide for adequate personnel records of all persons included in the State plan and all personnel actions taken; to request certification of eligibles by the merit system supervisor; to report periodically to the executive head of the State agency on selection, promotion, salary advancements, demotions, transfers, separations, resignations and other types of personnel actions; to report on and recommend action concerning probationary appointees; to make provision for and supervise service ratings for all employees; to be responsible for the preparation and maintenance of written procedural instructions covering personnel actions as set forth in section XVII of these policies.

SEC. V. *Classification plan.* A classification plan including class specifications for all classes of positions included in the approved State plan shall be established and maintained for the State agency in accordance with the provisions of the merit system rules. The classification plan shall be based on an investigation and analysis of the duties and responsibilities of each position. Each class specification shall include a descriptive title, examples of duties and responsibilities of the class and minimum requirements of education, experience and other qualifications necessary for the performance of the duties of the position.

SEC. VI. *Compensation plan.* A compensation plan shall be established and maintained for all classes of positions included in the classification plan. The plan shall be formulated within the provisions of existing laws related to salary rates, and of rules and regulations uniformly applicable to comparable departments of the State government. In the development of salary schedules consideration shall be given to the difficulty and responsibility of the duties involved and of the preparation required. Salary ranges shall consist of minimum and maximum rates of pay with intermediate steps for salary advancement within the range.

SEC. VII. *Political activity and religious affiliation.* (1) The merit system rules shall prohibit employees from participating in any type of political activity or from taking part in city, county, State or national elections, except that any employee has the right as an individual citizen to express his views and cast his vote.

(2) No employee shall be permitted to solicit or receive any money or contribution for political purposes, nor shall any employee be separated, transferred, demoted or subjected to any coercive action for refusing to make any contribution for political purposes.

(3) The merit system regulations shall provide against discrimination because of political or religious opinions or affiliations.

SEC. VIII. *Recruitment and appointment of personnel.* (1) An employee who has acquired permanent status under a State civil service or merit system with standards substantially comparable to those adopted by the State agency need not be required to take an examination to retain his position at the time a merit system is established.

(2) All positions in the State agency, except those specifically exempted, shall be filled by personnel selected in accordance with the rules and regulations of the merit system.

(3) The merit system shall include the following provisions governing the administration of examinations for entrance into the service:

A. Examinations shall be conducted on an open competitive basis.

B. Applicants admitted to examinations shall meet the requirements set forth in the class specifications.

C. Examinations shall be constructed to reveal the capabilities of applicants for positions for which they are competing, the general background and related knowledge. Examinations may include an objective rating of training and experience, consideration of written material offered as evidence of candidates' past achievements, a performance test for positions involving the operation of office machines or other equipment, and an oral examination for positions requiring frequent contact with the public or involving important administrative or supervisory duties. Examinations shall be rated objectively.

1. Assembled examinations, including a written test, and when appropriate a performance test, shall be given to applicants for non-professional positions, and whenever practicable to applicants for professional positions.

2. Unassembled examinations, which may include an oral interview for the evaluation of personal qualifications, may be given in accordance with the provisions of the merit system rules and regulations. Use of unassembled examinations should be limited to supervisory or consultative professional positions for which a specified minimum number of years of responsible experience in a special field is required for admission to the examination, and to non-supervisory professional positions for which a period of experience in the special field is required which is long enough, preferably not less than two years, to serve as a satisfactory basis for judgment of competence.

3. When an examination consists of several parts, such as an evaluation of training and experience, a written test and an oral interview, the relative weight of each part shall depend on its importance in determining ability to perform the duties of the position.

SEC. IX. *Eligible registers.* (1) The merit system agency shall prepare and establish registers of eligibles in the order of their final examination ratings; maintain current registers; abolish or retire registers as they become inactive, obsolete or depleted; make certification of eligibility; and be responsible for all examination records.

(2) Except for emergency and provisional appointments to positions in classes for which no list of eligibles is available, the selection of personnel shall be from a limited number of the highest available eligibles certified by the merit system supervisor.

SEC. X. *Probationary period and permanent appointment.* Personnel selected from registers to fill permanent positions shall serve a probationary period of specified length. Permanent appointment shall be based on a written evaluation of the performance of the employee during the probationary period. Provision shall be made to prevent probationary appointments becoming permanent appointments through default, that is, through failure of a rating officer to declare to the proper merit system authority that the probationary appointee has been satisfactory or unsatisfactory.

SEC. XI. *Provisional appointment.* In the absence of an appropriate eligible register, provisional appointment to permanent or temporary positions may be made pending competitive examination, provided each provisional appointee is certified by the merit system supervisor as meeting the minimum qualifications established for the class to which the position is allocated. No provisional appointment shall be continued for more than thirty days after an appropriate register has been established. Successive provisional appointments of the same person may not be made, nor may a position be filled by repeated provisional appointments.

SEC. XII. *Promotion*—(1) Promotion shall be based on ability, quality and length of service.

(2) Eligibility for promotion shall be determined on recommendation of the State agency and certification by the merit system supervisor that the employee meets the minimum qualifications. Candidates for promotion shall be required to qualify by promotional competitive or non-competitive examination administered by the merit system agency.

SEC. XIII. *Pay roll certification.* The State agency shall provide for review of all pay rolls to insure that payments are authorized only for persons appointed in conformity with the merit system rules. Pay roll exceptions shall be reported to the executive head of the State agency and will be subject to audit by authorized representatives of the Public Health Service.

SEC. XIV. *Leave and separations*—(1) Regulations shall be established by the State agencies governing vacation and sick leave, military, educational and other types of leave.

(2) Employees who have completed the required probationary period and have acquired permanent status shall not be subject to removal except for cause, unless separation is due to curtailment of work or lack of funds. In the event of removal, permanent employees shall have the right of appeal to an impartial body through an established procedure provided in the merit system rules.

SEC. XV. *Service ratings.* A system of periodic service ratings for the evaluation of performance shall be maintained, and such ratings shall be considered in promotions, salary increases, and separations.

SEC. XVI. *Personnel records.* The State agency and the merit system agency shall maintain adequate personnel records to provide current information regarding each employee, including status and rate of pay.

SEC. XVII. *Agency rules and regulations.* State agencies should have written regulations for the following types of personnel actions: (1) attendance requirements and leave regulations; (2) salary adjustments and advancements; (3) periodic service ratings; (4) employment procedures for promotion, demotion, transfer and separation; (5) staff training.

[F. R. Doc. 47-1247; Filed, Feb. 11, 1947; 8:54 a. m.]

[1] Except that no Federal funds will be available under section 623 of the Public Health Service Act as amended by the Hospital Survey and Construction Act for payment of any merit system costs incurred in the administration of the hospital construction program. Such funds may be used to meet a share of the costs if a merit system is applied in the administration of a State hospital survey and planning program.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

FURTHER STATEMENT ON TEMPORARY PROCEDURE FOR EXPEDITING STANDARD BROADCAST APPLICATIONS

CROSS REFERENCE: For further statement on temporary procedure for expediting standard broadcast applications (§ 1.373, 11 F. R. 177A-415, 13973), see F. R. Doc. 47-1301 under Federal Communications Commission in the Notices section, *infra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAY ANNUAL REPORT FORM C

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 31st day of January, A. D. 1947.

The matter of Annual Reports from Steam Railways of Class III being under consideration:

It is ordered, That the order of January 28, 1946, In the Matter of Annual Reports from Steam Railway Companies of Class III (§ 120.12, Title 49, Code of Federal Regulations) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1946, and subsequent years, as follows:

§ 120.12 *Form prescribed for small steam railways.* Each Class III Steam Railway Company, excluding switching and terminal companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, shall file under oath an annual report for the year ended December 31, 1946, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Roads) which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)-(8))

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[1] Filed as part of the original document.

[F. R. Doc. 47-1321; Filed, Feb. 11, 1947; 9:02 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

SWITCHING AND TERMINAL ANNUAL REPORT FORM D

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 31st day of January A. D. 1947.

The matter of Annual Reports from Switching and Terminal Companies of Class III being under consideration:

It is ordered, That the order of January 5, 1946, In the Matter of Annual Reports from Switching and Terminal Companies of Class III (§ 120.13, Title 49, Code of Federal Regulations) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1946, and subsequent years, as follows:

§ 120.13 *Form prescribed for small switching and terminal companies.* Each Class III Switching and Terminal Company subject to the provisions of Section 20, Part I of the Interstate Commerce Act, shall file under oath an annual report for the year ended December 31, 1946, and for each succeeding year until further order, in accordance with Annual Report Form D (Small Switching and Terminal Companies) which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31, of the year following the one to which it relates.

(24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)-(8))

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1322; Filed, Feb. 11, 1947; 9:01 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

Name and address of firm, industry, learner occupations, number of learners, learning period, learner wage, effective and expiration dates:

Adelphian Academy, Holly, Michigan; Wood Shop; twenty-four (24) learners, millman, assembler, packer, shipper and related operations, for a learning period of 480 hours at 30 cents per hour for the first 360 hours and 35 cents per hour for the remaining 180 hours; effective February 1, 1947, expiring January 31, 1948.

Maplewood Academy, Hutchinson, Minnesota:

Bindery; eighteen (18) learners, bindery worker and related operations, for a learning period of 700 hours at 30 cents per hour for the first 400 hours and 35 cents per hour for the remaining 300 hours;

Craftshop; eight (8) learners, sawing, sanding, gluing, assembling and related operations, for a learning period of 480 hours at 30 cents per hour for the first 300 hours and 35 cents per hour for the remaining 180 hours;

Printshop; six (6) learners, compositor, pressman and related operations, for a learning period of 1,000 hours at 30 cents per hour for the first 500 hours and 35 cents per hour for the next 500 hours;

Broomshop; six (6) learners, winding, stitching, sorting, and related operations, for a learning period of 350 hours at 30 cents per hour for the first 200 hours and 35 cents per hour for the remaining 150 hours;

Effective February 1, 1947, expiring January 31, 1948.

Signed at New York, New York, this 5th day of February 1947.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 47-1288; Filed, Feb. 11, 1947; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

ASSIGNMENT OF APPLICATION FILE NUMBERS (BROADCAST)

JANUARY 28, 1947.

In the interests of simplification, the Commission has abandoned its practice of assigning zone numbers (1, 2, 3, 4 or 5) to indicate the geographical location of proposed facilities in applications accepted for filing. Thus, an application for, say a standard broadcast station construction permit application from New England (Zone 1), which formerly might have received file number "B1-P-1234", will hereafter be designated simply as "BP-1234".

In this connection, a brief explanation of the system of numbering applications will be helpful:

Applications received by the Commission are first divided into two general classes: "Broadcast" and "Other than Broadcast".

In assigning file numbers to broadcast applications the letter "B" (for broadcast) is prefixed. The letter or letters following the "B" indicates the type of application and, in all cases except standard broadcast, the class of station. For example, an application for assignment of license of a commercial broadcast station is shown as "BAL-1234" ("B" for Broadcast, "AL" for Assignment of License, and identifying numeral). An application for construction permit for a Commercial FM station would be, for example, BPH-1234 ("B" for Broadcast, "P" for Construction Permit, "H" for Commercial FM, and identifying numeral).

By the same token, an application for assignment of license of a commercial television station would be designated "BALCT-1234" ("B" for Broadcast, "AL" for Assignment of License, "CT" for Commercial Television, etc.".

The numerals are indicative of the progressive numbering for each type of application and class of station in the order in which received. The symbols used in broadcast application file numbering follows:

CLASS B

Type of Application

AL—Assignment of license.
AP—Assignment of C. P.
APL—Assignment of license and construction permit.
F—Authority to install automatic frequency control.
FP—Permit to transmit programs to foreign radio stations.
L—License.
ML—Modification of license.
MP—Modification of construction permit.
MSA—Modification of special experimental authorization.
MSSA—Modification of special service authorization.
P—Construction permit.
R—Renewal.
S—Special temporary authorization or official station file number.
SA—Special experimental authorization.
SSA—Special service authorization.
TC—Transfer of control of corporation.
Z—Authority to determine operating power by direct method.

Class of Station

(1)—Standard.
ARE—Public address relay.
CT—Commercial television.
EB—Class II, experimental.
ED—Noncommercial educational.
EX—Developmental.
FB—Facsimile.
H—Commercial FM.
HB—Experimental high frequency.
IB—International.
RE—High frequency relay.
RY—Low frequency relay.
ST—Studio transmitter (ST).
VB—Experimental television.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1300; Filed, Feb. 11, 1947; 8:58 a. m.]

TEMPORARY PROCEDURE FOR EXPEDITING STANDARD BROADCAST APPLICATIONS

JANUARY 24, 1947.

On January 8, 1947, the Commission announced that it would seek to dispose of all applications for standard broadcast construction permits or modifications of permits before May 1, 1947, by processing all such applications without regard to applications filed after February 7, 1947.

This procedure will undoubtedly result in a large number of new applications being filed before February 7. While this was anticipated, the Commission wishes to emphasize that applications which are incomplete in any major respect will not be accepted for filing and, following established practice, will be returned to the applicant.

The temporary procedural plan would be unduly complicated and, possibly, rendered unworkable if the Commission had to consider a large number of last-minute applications which are incomplete, particularly with respect to engineering details. Consequently, the policy of returning incomplete and otherwise defective applications will be strictly adhered to and no such application will be considered in the group to be processed during the period February 7 to May 1.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1301; Filed, Feb. 11, 1947; 8:58 a. m.]

[Docket Nos. 7404, 7997, 8085]

ATLANTIC RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Atlantic Radio Corporation, Boston, Massachusetts, Docket No. 7404, File No. B1-P-4372; Bristol Broadcasting Company, Inc. (WNBH), New Bedford, Massachusetts, Docket No. 7997, File No. B1-P-4605; The Fairfield Broadcasting Company, Danbury, Connecticut, Docket No. 8085, File No. B1-P-5566; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above entitled application of The Fairfield Broadcasting Company, filed on December 30, 1946, for a construction permit for a new standard broadcast station to operate on the frequency 550 kilocycles with 500 watts nighttime and 1 kilowatt daytime power, at Danbury, Connecticut, and also having under consideration a petition filed by The Fairfield Broadcasting Company requesting that its said application be designated for hearing in the consolidated proceeding involving the above entitled applications of Atlantic Radio Corporation and Bristol Broadcasting Company, Inc. (WNBH) currently scheduled to be heard on February 4, 1947, and an opposition to the said petition filed by Atlantic Radio Corporation; and

It appearing, that the said application of Atlantic Radio Corporation was heard in a consolidated proceeding with a number of other applications for the frequency 550 kilocycles on April 8-12 and 15-19, and June 24-28, 1946; that Bristol

(1) No symbol used for standard broadcast.

Broadcasting Company, Inc. (WNBH) was a party intervenor in the said proceeding but that its above-entitled application, filed February 27, 1946, was not designated for hearing therein; and that the Commission in an order dated December 6, 1946, designated the said application of Bristol Broadcasting Company, Inc. for hearing to be consolidated with the hearing held as aforesaid on the application of Atlantic Radio Corporation, and scheduled the hearing for January 20, 1947, which hearing has since been continued to February 4, 1947, as aforesaid;

It is ordered, That the said petition of The Fairfield Broadcasting Company be, and it is hereby, granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, its above-entitled application be, and it is hereby designated for hearing in the consolidated proceeding involving the applications of Atlantic Radio Corporation and Bristol Broadcasting Company, Inc. (WNBH), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Atlantic Radio Corporation (Docket 7404), Bristol Broadcasting Company, Inc. (WNBH) (Docket 7997), The Hampden-Hampshire Corporation (WHYN) (Docket 7325) and Pynchon Broadcasting Corporation (Docket 7886) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the record in the matter of the application of Atlantic Radio Corporation (Docket No. 7404) be, and it is hereby, reopened for the purpose of this consolidated proceeding and that the orders of the Commission dated February 25, 1946 (Bill of Particulars) and December 6, 1946, respectively designating the applications of Atlantic Radio Corporation and Bristol Broadcasting Company, Inc. (WNBH) (Docket No. 7997) for hearing be, and they are hereby, amended to include the application of The Fairfield Broadcasting Company (Docket No. 8085).

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1316; Filed, Feb. 11, 1947; 9:00 a. m.]

[Docket Nos. 7404, 7997, 8085, 7325, 7886]

ATLANTIC RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR HEARING

In re applications of Atlantic Radio Corporation, Boston, Massachusetts, Docket No. 7404, File No. B1-P-4372; Bristol Broadcasting Company, Inc. (WNBH), Bedford, Massachusetts, Docket No. 7997, File No. B1-P-4605; The Fairfield Broadcasting Company, Danbury, Connecticut, Docket No. 8085, File No. B1-P-5566; The Hampden-Hampshire Corporation (WHYN), Holyoke, Massachusetts, Docket No. 7325, File No. B1-P-4347; Pynchon Broadcasting Corporation, Springfield, Massachusetts, Docket No. 7886, File No. B1-P-5217; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above entitled applications of Atlantic Radio Corporation, requesting 550 kc, 1 kw, 5 kw-LS, with directional antenna, Bristol Broadcasting Company, Inc. (WNBH), requesting 550 kc, 5 kw, unlimited time with directional antenna, The Fairfield Broadcasting Company, requesting 550 kc, 500 watts, 1 kw-LS, The Hampden-Hampshire Corporation (WHYN), requesting 560 kc, 1 kw, unlimited time with directional antenna, and Pynchon Broadcasting Corporation, requesting 560 kc, 5 kw, unlimited time using directional antenna; and also having under consideration a petition filed by the applicant, The Hampden-Hampshire Corporation, on January 3, 1947, requesting leave to intervene in the consolidated proceeding involving the above entitled applications for the frequency 550 kc; and

It appearing, that, on December 6, 1946, the application of Bristol Broadcasting Company, Inc. (WNBH) was designated for hearing to be consolidated with the hearing previously held on the application of Atlantic Radio Corporation, and that heretofore, on this date, the Commission designated for hearing in the said consolidated proceeding the above-entitled application of The Fairfield Broadcasting Company; and

It further appearing, that, on September 3, 1946, the applications of The Hampden-Hampshire Corporation (WHYN) and Pynchon Broadcasting Corporation were designated for hearing in a consolidated proceeding, and that the hearing on the said applications is currently set for February 17, 1947, at Washington, D. C.; and

It further appearing, that all of the above entitled applications involve mutual problems of interference;

It is ordered, That the above entitled applications of Bristol Broadcasting Company, Inc. (WNBH), The Fairfield Broadcasting Company, The Hampden-Hampshire Corporation (WHYN) and Pynchon Broadcasting Corporation be heard in a consolidated proceeding, upon the issues heretofore defined in the several orders designating the said applications for hearing; that the above entitled application of Atlantic Radio Corporation, upon which a hearing has heretofore been held, be included in the said consolidated proceeding; and that the hearing upon the said applications, as consolidated, be held on February 17, 1947, at Washington, D. C., commencing at 10:00 a. m.;

It is further ordered, That the hearing date of February 4, 1947, heretofore set for the consolidated proceeding involving the said applications of Atlantic Radio Corporation and Bristol Broadcasting Company, Inc. (WNBH), be, and it is hereby, cancelled.

It is further ordered, That the said petition of The Hampden-Hampshire Corporation (WHYN), requesting leave to intervene in the consolidated proceeding involving the said applications of Atlantic Radio Corporation and Bristol Broadcasting Company, Inc. (WNBH), since, in view of the foregoing action, it has become moot, be, and it is hereby, dismissed.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1317; Filed, Feb. 11, 1947; 9:01 a. m.]

[Docket Nos. 7503, 8054, 8081]

CLEARWATER RADIO BROADCASTERS INC. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Clearwater Radio Broadcasters, Inc., Clearwater, Florida, Docket No. 7503, File No. B3-P-4650; Lyle Van Valkenburgh, St. Petersburg, Florida, Docket No. 8054, File No. B3-P-5547; Ledger Publishing Company, Inc., Lakeland, Florida, Docket No. 3081, File No. B3-P-5602; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application of Ledger Publishing Company, Inc. (File No. B3-P-5602) requesting a permit to construct a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Lakeland, Florida;

It appearing, that the Commission on January 16, 1947, designated for hearing

in a consolidated proceeding the applications of Clearwater Radio Broadcasters, Inc. (File No. B3–P–4650; Docket No. 7503) requesting a permit to construct a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Clearwater, Florida; and Lyle Van Valkenburgh (File No. B3–P–5547; Docket No. 8054) requesting a permit to construct a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at St. Petersburg, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Ledger Publishing Company, Inc. be, and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Clearwater Radio Broadcasters, Inc. (File No. B3–P–4650; Docket No. 7503); Lyle Van Valkenburgh (File No. B3–P–5547; Docket No. 8054, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of January 16, 1947, designating for hearing in said consolidated hearing said applications of Clearwater Radio Broadcasters, Inc., and Lyle Van Valkenburgh, be, and it is hereby, amended to include said application of Ledger Publishing Company, Inc., and to change issue No. 7 in said order to read as issue No. 7 stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1308; Filed, Feb. 11, 1947; 9:00 a. m.]

[Docket Nos. 7749 and 8082]

SAN FERNANDO VALLEY BROADCASTING CO. AND KENNETH O. TINKHAM

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of San Fernando Valley Broadcasting Company, San Fernando, California, Docket No. 7749, File No. B5–P–4657; Kenneth O. Tinkham, San Fernando, California, Docket No. 8082, File No. B5–P–5600; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station to operate on 1260 kc, with 1 kw power, unlimited time, using a directional antenna, at San Fernando, California;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant and the officers, directors and stockholders of the corporate applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1309; Filed, Feb. 11, 1947; 9:00 a. m.]

[Docket Nos. 7875, 8038]

LEE-SMITH BROADCASTING CO. AND ASSOCIATED BROADCASTERS, INC.

ORDER SETTING FORTH DATE OF HEARING

In re applications of Herbert H. Lee, Palmer Dragsten and John E. Hyde, Jr., doing business as Lee-Smith Broadcasting Company, Faribault, Minnesota, Docket No. 7875, File No. B4–P–4581, for construction permit; Associated Broadcasters, Inc., Wadena, Minnesota, Docket No. 8038, File No. B4–P–5351, for construction permit.

The Commission having under consideration a petition filed January 17, 1947, by Lee-Smith Broadcasting Company, Faribault, Minnesota, requesting reinstatement of the hearing date of February 13, 1947, at Washington, D. C., in the matter of its above-entitled application; and the opposition thereto filed January 23, 1947, by Associated Broadcasters, Inc., Wadena, Minnesota; and

It appearing, that on January 2, 1947, the Commission consolidated the above-entitled application of Associated Broadcasters, Inc., Wadena, Minnesota, for hearing with the above-entitled application of Lee-Smith Broadcasting Company, Faribault, Minnesota; and that on January 16, 1947, the issues upon which said consolidated applications are to be heard were mailed; and

It appearing further from the petition and opposition thereto that the grant of the petition of Lee-Smith Broadcasting Company to schedule the hearing on the above-entitled applications for February 13, 1947, will prejudice the rights of Associated Broadcasters, Inc., whereas, if said consolidated hearing is scheduled for a later date, to-wit: March 3, 1947, neither applicant will be prejudiced; and that it will conduce to the dispatch of the Commission's business and to the ends of justice to so schedule the consolidated hearing upon the above-entitled applications;

It is ordered, This 24th day of January 1947, that the consolidated hearing on the above-entitled applications be, and it is hereby, scheduled for 10:00 o'clock a. m., Monday, March 3, 1947, in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1310; Filed, Feb. 11, 1947; 9:01 a. m.]

[Docket Nos. 7890, 7891, 8080]

MORRIS LUSKIN ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Morris Luskin, Burbank, California, Docket No. 7890, File No. B5–P–5027; Burbank Broadcasters, Inc., Burbank, California, Docket No. 7891, File No. B5–P–5251; Bear State Broadcasters, Inc., Van Nuys, California, Docket No. 8080, File No. B5–P–5613.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application of Bear State Broadcasters, Inc. (File No. B5–P–5613) requesting a permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Van Nuys, California, and also having under consideration a petition by the said applicant requesting that its application be designated for hearing in a consolidated proceeding involving the other two applications named above;

It appearing, that the Commission on September 30, 1946, designated for hearing in a consolidated proceeding the applications of Morris Luskin (File No. B5–P–5027; Docket No. 7890) and Burbank Broadcasters, Inc. (File No. B5–P–5251; Docket No. 7891), each requesting a permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time at Burbank, California, and that said consolidated proceeding is set for February 10, 1947, at 10 a. m. in the Council Room, City Hall, Burbank, California;

It further appearing, that said application of Bear State Broadcasters, Inc., was filed on January 14, 1947;

It is ordered, That the petition of Bear State Broadcasters, Inc., be, and it is hereby granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Bear State Broadcasters, Inc., be, and it is hereby, designated for hearing in the above consolidated proceeding, set for February 10, 1947, at Burbank, California, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Morris Luskin (File No. B5–P–5027; Docket No. 7890), Burbank Broadcasters, Inc. (File No. B5–P–5251; Docket No. 7891), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of September 30, 1946, designating the said applications of Morris Luskin and Burbank Broadcasters, Inc., for hearing in a consolidated proceeding, be, and they are hereby, amended, to include the said application of Bear State Broadcasters', Inc., and to change issue No. 7 of said orders to read as issue No. 7 stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1307; Filed, Feb. 11, 1947; 8:59 a. m.]

[Docket Nos. 8067 and 8068]

MIDLAND BROADCASTING CO. ET AL.

ORDER SETTING FORTH DATE FOR HEARING

In re applications of Midland Broadcasting Company, Kansas City, Missouri, for construction permit, Docket No. 8067, File No. B4–P–5154; Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, for construction permit, Docket No. 8068, File No. B3–P–5404.

The Commission having on January 23, 1947, designated the above-entitled applications for a consolidated hearing in Washington, D. C.; and

It appearing, that public interest, convenience and necessity will be served by scheduling said consolidated hearing for Monday, March 3, 1947;

It is ordered, This 28th day of January, 1947, on the Commission's own motion that the consolidated hearing on the above-entitled applications be, and it is hereby, scheduled for 10:00 o'clock a. m., Monday, March 3, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1305; Filed, Feb. 11, 1947; 8:59 a. m.]

[Docket Nos. 8056, 7129, 7843, 7844, 7447]

MISSOURI BROADCASTING CORP. (WIL) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Missouri Broadcasting Corporation (WIL), St. Louis, Missouri, Docket No. 8056, File No. B4–P–5606; Southern Illinois Broadcasting Company, Inc., Centralia, Illinois, Docket No. 7129, File No. B4–P–4181; Metropolitan Broadcasting Corporation, Belleville, Illinois, Docket No. 7843, File No. B4–P–5034; Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, Belleville, Illinois, Docket No. 7844, File No. B4–P–5176; George Dyson, Jr., d/b as The Alton Broadcasting Co., Alton, Illinois, Docket No. 7447, File No. B4–P–4518; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above entitled application of George Dyson, Jr., d/b as The Alton Broadcasting Co. for a construction permit for a new standard broadcast station to operate on the frequency 1410 kilocycles with 500 watts power, daytime only, at Alton, Illinois; and

It appearing, that a consolidated hearing involving the above entitled applications of Missouri Broadcasting Corporation (WIL), Southern Illinois Broadcasting Company, Inc., Metropolitan Broadcasting Corporation and Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, commenced on January 29, 1947, at Washington, D. C., and that the said application of George Dyson, Jr., d/b as The Alton Broadcasting Co. involves adjacent-channel interference with the foregoing applications all of which request the frequency 1430 kilocycles;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of George Dyson, Jr., d/b as The Alton Broadcasting Co. be, and it is hereby, designated for hearing in the above consolidated proceeding upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KWK, St. Louis, Missouri, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other applications in this consolidated proceeding, or in the pending application of Illinois Broadcasting Company for a new station at Centralia, Illinois, to operate on 1400 kilocycles (File No. B4–P–4732, Docket No. 7623), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated September 19 and October 4, 1946, and January 16, 1947, designating for hearing the said applications of Southern Illinois Broadcasting Company, Inc., Metropolitan Broadcasting Corporation, Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, and Missouri Broadcasting Corporation (WIL) be, and they are hereby, amended to include the said application of George Dyson, Jr., d/b as the Alton Broadcasting Co.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1318; Filed, Feb. 11, 1947; 9:01 a. m.]

[Docket Nos. 8067, 8068]

MIDLAND BROADCASTING CO. AND FRED JONES RADIOCASTING AND TELEVISION CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Midland Broadcasting Company, Kansas City, Missouri, Docket No. 8067, File No. B4–P–5154, for construction permit; Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, Docket No. 8068, File No. B3–P–5404, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of January 1947;

The Commission having under consideration the above-entitled application filed October 31, 1946, by Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, requesting a construction permit for a new standard broadcast station to operate on the frequency of 550 kc, with 5 kw power day, 1 kw night, directional antenna, at Oklahoma City, Oklahoma (File No. B3–P–5404); and

It appearing, that the Commission on the 23d day of January, 1947, designated for hearing the above-entitled application of Midland Broadcasting Company, Kansas City, Missouri, for construction permit (File No. B4–P–5154; Docket No. 8067), requesting the use of the frequency 550 kc, with power of 5 kw, daytime only, and with directional antenna;

It is ordered, That pursuant to section 309 of the Communications Act of 1934, as amended, the said application of Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, be, and it is hereby, designated for hearing in a consolidated proceeding with the application of the Midland Broadcasting Company (File No. B4–P–5154; Docket No. 8067), at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Midland Broadcasting Company (File No. B4–P–5154; Docket No. 8067), Radio Broadcasting, Inc. (File No. B3–P–3915; Docket No. 7156), or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of the newly authorized Station KFMJ at Tulsa, Oklahoma, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of this date designating for hearing the application of Midland Broadcasting Company (File No. B4–P–5154; Docket No. 8067) be, and it is hereby, amended, to include the said application of Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, and to include, among the issues for said hearing, Issue No. 8 stated above.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1306; Filed, Feb. 11, 1947; 8:59 a. m.]

[Docket No. 7982]

WESTERN UNION TELEGRAPH CO.

ORDER AUTHORIZING TELEGRAPH COMMITTEE TO PRESIDE AT HEARINGS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 30th day of January 1947:

The Commission, having under consideration its order of December 30, 1946, herein, providing for an investigation under the Communications Act of 1934, as amended, and particularly section 214 thereof, into the matter of the over-all plans of The Western Union Telegraph Company with respect to the discontinuance, reduction, and impairment of service, and the standards to be applied;

It is ordered, That the Commission's Telegraph Committee, composed of Commissioners Ray C. Wakefield, Paul A. Walker and Clifford J. Durr, or any member or members of such Committee, be, and they are hereby, authorized, to preside at the hearings, and otherwise to conduct the proceedings, herein;

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1320; Filed, Feb. 11, 1947; 9:01 a. m.]

[Docket No. 8074]

UNION-CAROLINA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Union-Carolina Broadcasting Company, Union, South Carolina, for construction permit; Docket No. 8074, File No. B3–P–5304.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time at Union, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WAIM, Anderson, South Carolina, WNOK, Columbia, South Carolina and WKDK, Newberry, South Carolina or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Welton E. Hall, licensee of WAIM, Anderson, South Carolina, C. A. Kaufmann and John F. Clarkson, d/b as Newberry Broadcasting Company, permittee of WKDK, Newberry, South Carolina and Palmetto Radio Corporation, permittee of WNOK, Columbia, South Carolina, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1315; Filed, Feb. 11, 1947; 9:00 a. m.]

[Docket Nos. 8075, 8076]

BEAVER VALLEY RADIO INC. AND WZHD, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Beaver Valley Radio Inc., Beaver Falls, Pennsylvania, Docket No. 8075, File No. B2–P–5563; WZHD, Inc., Warren, Ohio, Docket No. 8076, File No. B2–P–5598; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled applications of Beaver Valley Radio Inc., requesting a permit to construct a new standard broadcast station to operate on 830 kc, with 250 w power, daytime only, at Beaver Falls, Pennsylvania; and WZHD, Inc., requesting a permit to construct a new standard broadcast station to operate on 830 kc, with 1 kw power, daytime only, at Warren, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of either of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of either of the proposed stations would involve objectionable interference with the services proposed in the other application in the consolidated proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1314; Filed, Feb. 11, 1947; 9:00 a. m.]

[Docket No. 8077]

CITIZENS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Everard B. Cureton, Jr., George W. Fisher, John T. Ward, Jr., and Joseph R. Trott, Jr., a partnership d/b as Citizens Broadcasting Company, North Adams, Massachusetts, for construction permit; Docket No. 8077, File No. B1–P–5376.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 940 kc, with 250 w power, daytime only, at North Adams, Massachusetts;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Neal W. Welch (File No. B1–P–5618), requesting a permit to construct a new standard broadcast station to operate on 940 kc, with 1 kw power, daytime only, at North Adams, Massachusetts; at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications

in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1312; Filed, Feb. 11, 1947; 9:00 a. m.]

[Docket No. 8078]

NEAL W. WELCH

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Neal W. Welch, North Adams, Massachusetts, for construction permit; Docket No. 8078, File No. B1-P-5618.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 940 kc, with 1 kw power, daytime only, at North Adams, Massachusetts;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Everard B. Cureton, Jr., George W. Fisher, John T. Ward, Jr., and Joseph R. Trott, Jr., a partnership d/b as Citizens Broadcasting Company (File No. B1-P-5376), requesting a permit to construct a new standard broadcast station to operate on 940 kc, with 250 w power, daytime only, at North Adams, Massachusetts, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1313; Filed, Feb. 11, 1947; 9:00 a. m.]

[Docket No. 8083]

CAPITAL BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Capital Broadcasting Co., Trenton, New Jersey, for construction permit; Docket No. 8083; File No. B1-P-4832.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1260 kc, with 1 kw power, unlimited time, using a directional antenna, at Trenton, New Jersey;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of WSWZ Incorporated (File No. B1-P-5590), requesting a permit to construct a new standard broadcast station to operate on 1260 kc, with 5 kw power, unlimited time, using a directional antenna, at Trenton, New Jersey, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1311; Filed, Feb. 11, 1947; 9:00 a. m.]

[Docket No. 8084]

WSWZ, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of WSWZ Incorporated, Trenton, New Jersey, for construction permit; Docket No. 8084, File No. B1-P-5590.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1260 kc, with 5 kw power, unlimited time, using a directional antenna, at Trenton, New Jersey;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Capitol Broadcasting Co. (File No. B1-P-4832) requesting a permit to construct a new standard broadcast station to operate on 1260 kc, with 1 kw power, unlimited time, using a directional antenna, at Trenton, New Jersey, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1310; Filed, Feb. 11, 1947; 9:00 a. m.]

TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

ANNOUNCEMENT OF CONFERENCES

Pursuant to the Commission's Public Notice of January 8, 1947, entitled "Temporary Expediting Procedure For Standard Broadcast Applications," and as provided for therein, the following partial schedule of informal engineering conferences, is announced:

Date	Channel (kilocycles)	Time
February 14, 1947	940	10 a. m.
	970	10 a. m.
	1370	10 a. m.
	1510	10 a. m.
	1520	10 a. m.
February 15, 1947	620	10 a. m.
	850	10 a. m.
	1390	10 a. m.
	1490	10 a. m.
	1470	10 a. m.

Attorneys and engineers representing applicants on the above specified channels should appear in Room 7454, New Post Office Building, Washington, D. C., at the time indicated, prepared to participate in the conference concerning the channel in which they are interested. In the event such representatives of adjacent channel applicants, or of existing station licensees, desire to participate in any of the foregoing conferences they should address a written request to the Secretary of the Commission specifying their interest in the conference and the reasons for their participation.

Further conferences, pertaining to the above specified channels, will, if necessary, be scheduled and announced at the initial conferences provided for herein. No additional public notice, insofar as such conferences are concerned, is contemplated, although a public announcement of additional initial conferences pertaining to other channels, will be made in the immediate future.

The Commission desires to stress the urgent necessity for the attendance of representatives of applicants for the above specified frequencies at the conference involving their applications. Failure to attend will be construed as indicating that such applicants do not desire to participate in the expediting plan and, although their applications will be considered in connection with the other applications concerned, they will not be accorded the amendment privileges provided for in the Public Notice of January 8, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1374; Filed, Feb. 11, 1947; 8:45 a. m.]

[Docket No. 8087]

WESTERN UNION TELEGRAPH CO.

ORDER DESIGNATING APPLICATION FOR HEARING AND LISTING BUT NOT LIMITING CONSIDERATION TO STATED QUESTIONS

In the matter of the application of The Western Union Telegraph Co., Kansas City, Missouri, Docket No. 8087, File No. T-D-451.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission, having under consideration the telegraphic request filed May 17, 1946, and the formal application filed on June 1, 1946, under section 214 of the Communications Act of 1934, as amended, by The Western Union Telegraph Company, File No. T-D-451, for authority to close temporarily its "MH" branch office, located in the Muehlebach Hotel, Kansas City, Missouri, beginning June 1, 1946, until suitable alternate space for relocating the office could be found;

It appearing, that the Commission on May 24, 1946, granted temporary emergency authority for the closure of this office for a period of four months beginning June 1, 1946; that upon further representations by applicant of inability to obtain suitable office space in this vicinity, this authority was extended on September 30, 1946, for a further four-month period beginning October 1, 1946, and, on January 30, 1947, for a further period of two months beginning February 1, 1947;

It further appearing, that informal complaints expressing opposition to the closure have been received;

It further appearing, that the present or future public convenience or necessity may be adversely affected by the continued closure of the said office;

It is ordered, Pursuant to section 214 of the Communications Act of 1934, as amended, that the above described application of The Western Union Telegraph Company be, and it is hereby, designated for hearing, and that the matters to be considered at such hearing shall include, but not be limited to the following questions:

1. Whether the present or future public convenience and necessity will be adversely affected by the continued closure of the "MH" branch office;

2. The extent of public need for a branch telegraph office at or in the vicinity of the Muehlebach Hotel, Kansas City, Missouri;

3. The adequacy of telegraph service provided to the users formerly served by "MH" branch; or in the service area of this office, and whether in the absence of this particular office, telegraph service to such users or in this area will be adequate;

4. The validity under section 214 of the Communications Act of the grounds advanced by applicant in support of its application;

5. The extent and nature of applicant's efforts to obtain space for the purpose of retaining or replacing the "MH" branch office;

It is further ordered, That The Western Union Telegraph Company, be and it is hereby, made a party respondent to this proceeding, and that a copy hereof be served upon it and upon each of the persons who have complained of the closure of the above office, the Secretary of War, the Secretary of the Navy, the Governor and Public Service Commission of the State of Missouri, the City Manager of Kansas City, Missouri, the National Association of Railroad and Utilities Commissioners, and all other parties which were given leave to intervene in the proceeding in Docket No. 7982 and Docket No. 8088 by the Commission's orders therein dated December 30, 1946, and January 30, 1947, and each of the above persons, organizations and agencies, be, and it is hereby, given leave to intervene and participate fully in the proceedings herein;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 17th day of February 1946, beginning at 10:00 a. m. before the Commission's Telegraph Committee, composed of Commissioners Ray C. Wakefield, Paul A. Walker and Clifford J. Durr, or any member or members of such Committee, at the offices of the Federal Communications Commission in Washington, D. C., to be heard in consolidated hearing with the proceedings in Docket No. 7982 and Docket No. 8088;

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1304; Filed, Feb. 11, 1947; 8:59 a. m.]

[Docket No. 8088]

WESTERN UNION TELEGRAPH CO.

ORDER DESIGNATING APPLICATION FOR HEARING AND LISTING BUT NOT LIMITING CONSIDERATION TO STATED QUESTIONS

In the matter of the application of The Western Union Telegraph Co., Dallas, Texas, Docket No. 8088, File No. T-D-771.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission, having under consideration the application filed on December 30, 1946, under section 214 of the Communications Act of 1934, as amended, by The Western Union Telegraph Company, File No. T-D-771, for permanent authority to close its "CR" branch office, located at 403 South Akard St., Dallas, Texas, and, pending decision on this request, for temporary authority beginning February 1, 1947; also having under consideration its Order and Authorization issued January 27, 1947, granting temporary authority to discontinue the said office for a period of four months, beginning February 1, 1947;

It appearing, that informal complaints expressing opposition to the closure have been received;

It further appearing, that the present or future public convenience or necessity may be adversely affected by a permanent closure of the said office;

It is ordered, pursuant to section 214 of the Communications Act of 1934, as amended, that the above described application of The Western Union Telegraph Company, be, and it is hereby, designated for hearing, and that the matters to be considered at such hearing shall include, but not be limited to, the following questions:

1. Whether the present or future public convenience and necessity will be adversely affected by the permanent closure of the "CR" branch office;

2. The extent of public need for a branch telegraph office at or in the vicinity of 403 South Akard St., Dallas, Texas;

3. The adequacy of telegraph service provided to the users formerly served by "CR" branch, or in the service area of this office, and whether, in the absence of this particular office, telegraph service to such users or in this area will be adequate;

4. The validity under section 214 of the Communications Act of the grounds advanced by applicant in support of its application;

5. The extent and nature of applicant's efforts to obtain space for the purpose of retaining or replacing the "CR" branch office;

It is further ordered, That The Western Union Telegraph Company, be, and it is hereby, made a party respondent to this proceeding, and that a copy hereof be served upon it and upon each of the persons who have complained of the closure of the above office, the Secretary of War, the Secretary of the Navy, the Governor of the State of Texas, the City Manager of Dallas, Texas, the National Association of Railroad and Utilities Commissioners, and all other parties which were given leave to intervene in the proceedings in Docket No. 7982 and Docket No. 8087 by the Commission's orders therein dated December 30, 1946, and January 30, 1947, and each of the above persons, organizations and agencies, be, and it is hereby, given leave to intervene and participate fully in the proceedings herein;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 17th day of February, 1947, beginning at 10:00 a. m., before the Commission's Telegraph Committee composed of Commissioners Ray C. Wakefield, Paul A. Walker and Clifford J. Durr, or any member or members of such Committee, at the offices of the Federal Communications Commission in Washington, D. C., to be heard in consolidated hearing with the proceedings in Docket No. 7982 and Docket No. 8087;

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1303; Filed, Feb. 11, 1947; 8:58 a. m.]

[Designation Order 6]

DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Ray C. Wakefield, Commissioner, be, and he is hereby designated as Motions Commissioner, for the month of February 1947.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1299; Filed, Feb. 11, 1947; 8:58 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 108]

RECONSIGNMENT OF PEARS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 5, 1947, by Auster Co., of car SFRD 38112, pears, now on the Pennsylvania RR., to Justman Frankenthal, New York, N. Y. (P. RR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1323; Filed, Feb. 11, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 109]

RECONSIGNMENT OF APPLES AT PHILADELPHIA PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 5, 1947, by M. Rosen Co., of car FGE 32432, apples, now on the Baltimore and Ohio RR., to C. E. Merrill Co., New York, N. Y. (B&O-Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1324; Filed, Feb. 11, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1440]

MIDDLE WEST CORP. AND CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of February A. D. 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Middle West Corporation ("Middle West"), a registered holding company, and by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a non-affiliate of Middle West.

Notice is further given that any interested person may, not later than the 17th day of February 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations pursuant to said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

At the present time Consolidated owns all of the capital stock of Houghton County Electric Light Company ("Houghton") and all of the outstanding securities of Iron Range Light and Power Company ("Iron Range"). Middle West and Copper Range Company ("Copper Range"), primarily a mining company which this Commission has heretofore determined to be "exempted from all those provisions of the Public Utility Holding Company Act of 1935, which would require it to register under said act because of owning, controlling, or holding with power to vote, 10 per centum or more of the outstanding voting securities of the Copper District Power Company", own severally and not jointly all of the preferred stock and an aggregate of 86% of the common stock of Copper District Power Company ("Copper District"). Houghton, Iron Range and Copper District are all electric utility companies operating in the upper peninsula of Michigan.

Consolidated, Middle West, and Copper Range have entered into an agreement which provides, among other things, that they will cause a new corporation to be organized under the laws of the State of Michigan, to be called Upper Peninsula Power Company ("New Company"), that they will initially subscribe for shares of capital stock of New Company of an aggregate par value of $1,000, and that Consolidated will lend to New Company such moneys as it may require to defray its organization expenses and preliminary expenses of the issue and sale of its securities to the public.

The instant filing is concerned solely with the obtaining of authorization for (1) Consolidated and Middle West to organize New Company with an initial authorized capital of 5,000 shares, par value $10 per share, and the subscription by Consolidated for $600 par value of such stock and Middle West for $200 par value of such stock (it appears from the filing, but not as part of the transactions embraced in the filing, that Copper Range is to subscribe for $200 par value of such securities), and (2) Consolidated to advance to New Company such sums as it may require to defray its organization expenses and the preliminary expenses of the proposed financing.

The filing further indicates that, upon the consummation of the transactions embraced therein, a new application and declaration is to be filed with this Commission, joining New Company as a party thereto, for the purpose of obtaining the requisite authority for the remaining transactions contemplated by New Company, Consolidated, Middle West, and Copper Range. These new transactions, generally speaking, will consist of the issuance and sale of securities by New Company and the use of the proceeds derived therefrom to acquire from Consolidated, Middle West, and Copper Range their respective security holdings in Houghton, Iron Range, and Copper District, and to provide for the public security holders of Houghton and Copper District (Iron Range has no publicly held securities) whereupon New Company will acquire the assets of Houghton, Iron Range, and Copper District and these latter named companies will be dissolved.

The filing designates sections 9 (a), 10 and 12 (b) of the act, and Rule U-45 thereunder as being applicable to the transactions embraced in the instant joint application-declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS.
Secretary.

[F. R. Doc. 47-1283; Filed, Feb. 11, 1947; 8:53 a. m.]

[File No. 70-1445]

PHILADELPHIA GAS WORKS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of February 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Philadelphia Gas Works Company (Gas Company), a subsidiary of The United Gas Improvement Company, a registered holding company. Applicant designates section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person, may not later than February 14, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Gas Company proposes to issue and sell to three Philadelphia banks 2% promissory notes at their principal amount as follows:

	Dated on or about	Principal amount
The Pennsylvania Co. for insurance on lives and granting annuities.	Mar. 1, 1947 Aug. 31, 1947	$1,000,000 1,000,000
The Corn Exchange National Bank & Trust Co.	Mar. 1, 1947 Aug. 31, 1947	625,000 625,000
The First National Bank of Philadelphia.	Mar. 1, 1947 Aug. 31, 1947	375,000 375,000
Total		4,000,000

All said notes will be due in equal installments, payable quarter annually, beginning on December 1, 1947, and will mature August 31, 1952. Gas Company will pay, in addition to interest at the rate of 2% on the unpaid principal, a stand-by charge of ¼ of 1% per annum from ten days after receiving necessary regulatory authority until the money is actually received from the banks. The notes may be prepaid without premium provided such prepayment is not by means of other borrowing or refinancing, in which event the premium shall be ¼ of 1% per annum of the amount of such prepayment to the maturity date.

The proceeds of said notes are to be used to make property additions to the municipal gas works of Philadelphia, which Gas Company operates under lease. It is alleged by applicant that, according to the lease agreement, the principal, interest and standby charges will be included in the expenses of operation of the municipal gas works and will be repaid to Gas Company by charging same to the cost of gas in the ensuing years, not exceeding five, as determined by the Philadelphia Gas Commission.

Said construction and financing were authorized by an Ordinance of the Council of the City of Philadelphia, which Ordinance was approved by the Mayor of Philadelphia on January 20, 1947. The Ordinance also authorized the charging of the capital and interest costs against the cost of gas in the manner outlined hereinabove. It is stated that the proposed issuance and sale of notes by Gas Company are subject to the jurisdiction of the Pennsylvania Public Utility Commission, and that the order of that Commission approving the proposed transactions will be supplied by amendment.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1284; Filed, Feb. 11, 1947; 8:52 a. m.]

[File No. 70-1443]

THE HARTFORD GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of February 1947.

Notice is hereby given that an application, as amended, has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by The Hartford Gas Company ("Hartford"), a subsidiary of The United Gas Improvement Company, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 18, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 18, 1947 said amended application as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, as amended, which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Hartford proposes to issue and sell for cash at principal amount to six banks and insurance companies an aggregate of $2,000,000 principal amount of 2⅝% First Mortgage Bonds, due February 1, 1972. The net proceeds of the sale of the bonds are to be used to provide funds for the enlargement of Hartford's gas manufacturing plant, for new business extensions, and for the repayment of bank borrowings which were expended for such improvements.

Applicant requests that the Commission exempt the issue and sale from the competitive bidding requirements of Rule U-50 for reasons set forth in the application.

Applicant states that the transaction is subject to the approval of the Connecticut Public Utilities Commission and a copy of the approval of such commission has been filed by amendment.

The applicant requests that the Commission's order granting the application become effective not later than February 20, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1285; Filed, Feb. 11, 1947; 8:52 a. m.]

[File No. 70-1377]

NEW YORK STATE ELECTRIC & GAS CORP. AND GENERAL PUBLIC UTILITIES CORP.

ORDER RELEASING JURISDICTION AND GRANTING AMENDMENT TO JOINT APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of February 1947.

General Public Utilities Corporation, a registered holding company, and its subsidiary, New York State Electric & Gas Corporation ("New York State"), having filed joint applications-declarations, and amendments thereto, pursuant to sections 6 (a), 6 (b), 7, 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935, in which it was proposed, among other things, that New York State issue and sell, pursuant to the competitive bidding provisions of Rule U-50, $13,000,000 principal amount of its First Mortgage Bonds due 1977 and thereafter 150,000 shares of its Cumulative Preferred Stock; and

The Commission having, by order dated January 13, 1947, granted said applications and permitted said declarations to become effective, subject to the condition, among others, that the proposed issuance and sale of securities not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in the proceedings and a further order has been entered by the Commission in the light of the record so completed, jurisdiction being reserved for this purpose; and the Commission having reserved jurisdiction over the payment of all legal fees and expenses of all counsel in connection with the proposed transactions; and

The Commission by supplemental order dated January 22, 1947, having granted and permitted to become effective an amendment, filed on January 22, 1947, to said joint applications-declarations with respect to the results of competitive bidding on the First Mortgage Bonds due 1977, and having released jurisdiction with respect thereto; and

New York State having filed a further amendment dated February 5, 1947, to said applications-declarations in which it is stated that, in accordance with the permission granted by the said order of the Commission dated January 13, 1947, it has offered its Cumulative Preferred Stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

	Price to company	Dividend rate	Cost to company
Harriman, Ripley & Co., Inc.	100.139	3.75	3.744795
First Boston Corp. / Glore, Forgan & Co.	101.14	3.80	3.757168
Blyth & Co., Inc. / Smith, Barney & Co.	101.10	3.80	3.758655

The amendment further stating that New York State has accepted the bid of Harriman, Ripley & Co., Incorporated for the Cumulative Preferred Stock as set out above and that the preferred stock will be offered for sale to the public at a price of $102 per share resulting in an underwriters' spread of $1.861 per share; and

Counsel concerned having filed statements with respect to the nature of the services performed in connection with the transactions; and it appearing to the Commission that the proposed fee of Naylon, Foster and Shepherd in the amount of $23,500 and expenses in the amount of approximately $500; the proposed fee of Sullivan and Cromwell in the amount of $20,000 and expenses to date of approximately $375; the proposed fee of Louis K. Thaler in the amount of $2,500 and expenses to date of approximately $475; and James T. Taaffe in the amount of $750, all of the above being counsel for New York State; and the proposed fee of Davis, Polk, Wardwell, Sunderland & Kiendl, independent counsel for the underwriters, in the amount of $18,000, are necessary expenses and not unreasonable; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters;

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding for the Cumulative Preferred Stock be, and the same hereby is, released, and that the amendment filed on February 5, 1947 to the joint applications-declarations be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over all legal fees and expenses of counsel be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1286; Filed, Feb. 11, 1947; 8:52 a. m.]

[File Nos. 70-1187, 59-5]

WEST TEXAS UTILITIES CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of February 1947.

In the matter of West Texas Utilities Company, Central Power and Light Company and Central and South West Utilities Company, File No. 70-1187; The Middle West Corporation and its subsidiary companies, File No. 59-5.

The Commission having, by its orders dated January 24, 1944 and February 16, 1945 entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed Central and South West Utilities Company, a registered holding company and subsidiary of The Middle West Corporation, to dispose of its interest in the utility assets and the non-utility properties of Central Power and Light Company, a subsidiary of Central and South West Utilities Company, in the Big Bend area of Texas; and

The Commission, by its order dated December 20, 1945, having approved the sale and transfer of the above-mentioned properties by Central Power and Light Company to West Texas Utilities Company, a subsidiary of Central and South West Utilities Company, and having modified its said orders of January 24, 1944 and February 16, 1945 to permit Central and South West Utilities Company to retain the said assets subject, however, to the condition that West Texas Utilities Company interconnect the said Big Bend electric properties, excepting Presidio, with its present electric properties prior to December 31, 1946; and

West Texas Utilities Company having filed an application for extension of time until September 1, 1947 within which to comply with the Commission's order of December 20, 1945, above described, said application reciting that West Texas Utilities Company has been unable in the exercise of due diligence to comply with the said order within the time specified therein, owing to difficulties in securing necessary materials; and

It appearing to the Commission, in the light of the particular circumstances that it is appropriate to extend the time for compliance with the said order of December 20, 1945, from December 31, 1946 until September 1, 1947:

It is ordered, That the application of West Texas Utilities Company for an extension of time until September 1, 1947, within which to comply with the condition of the order of December 20, 1945, that the Big Bend electric properties be connected with the present electric properties of West Texas Utilities Company be, and hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1287; Filed, Feb. 11, 1947; 8:52 a. m.]

[File Nos. 54-85 and 59-90]

EAST COAST PUBLIC SERVICE CO. ET AL.

NOTICE OF FILING, ORDER FOR HEARING, AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of February A. D. 1947.

In the matters of East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, Tidewater Electric Service Company, Floyd W. Woodcock, Applicants, File No. 54-85; East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, Tidewater Electric Service Company, Respondents, File No. 59-90.

I. Notice is hereby given that an amended plan has been filed with this Commission by East Coast Public Service Company ("East Coast"), a registered holding company, Virginia East Coast Utilities, Incorporated ("Virginia"), a subsidiary of East Coast, Tidewater Electric Service Company ("Tidewater"), a subsidiary of Virginia, and Floyd W. Woodcock, an affiliate of East Coast, in substitution for a plan heretofore filed, whereby the said applicants seek approval, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, of a plan designed to enable East Coast to comply with section 11 (b) of said act.

All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

East Coast, a Delaware Corporation, proposes to liquidate and dissolve after having satisfied and discharged its outstanding First Lien Collateral 4% Bonds, Series A, due August 1, 1948 ("Collateral Bonds"), all of its liabilities, including its Federal income tax liabilities, and distributed its then remaining assets to its common stockholders.

The following table shows as of November 30, 1946, the outstanding securities of East Coast and its subsidiaries.

	Principal amount or shares outstanding		
	Owned by East Coast	Owned by Virginia	Owned by others
East Coast Public Service Co.:			
Fifteen-year first lien collateral 4% bonds, series A, due Aug. 1, 1948			$710,000
Common stock, par value $1 per share			Shares 30,000
Virginia East Coast Utilities, Inc.:			
Virginia East:			
Advances from parent company	$100,000		
Bank loan[1]			$150,000
First mortgage 5% bonds, due Aug. 1, 1948	1,876,745		
Common stock, par value $100 per share	Shares 500		
Tidewater Electric Service Co.:			
First mortgage notes (2%)[2]			123,530
Common stock, par value $10 per share		Shares 700	

[1] Increased to $200,000 by order of this Commission dated January 23, 1947.

[2] As of November 30, 1946, the amount of $17,885 had been accumulated by Tidewater to be applied toward the payment of its Notes.

The presently outstanding First Mortgage 5% Bonds and Common Stock of Virginia are pledged under the indenture securing the Collateral Bonds of East Coast.

To carry out said amended plan, the following steps are proposed:

(1) *Merger of Virginia and Tidewater.* It is proposed to merge Tidewater, all of whose capital stock is now owned by Virginia, into Virginia as the surviving company. The outstanding First Mortgage Notes of Tidewater in the net amount of $105,645, which are owned by the Reconstruction Finance Corporation, would be paid and satisfied at the same time the Collateral Bonds of East Coast are retired. Sufficient funds for the payment of such Notes are to be provided through the sale of new First Mortgage Bonds of Virginia as hereinafter set forth.

(2) *Recapitalization of Virginia.* Virginia proposes the issuance and sale to East Coast of $800,000 principal amount of First Mortgage 3% Bonds, Series A, and 60,000 shares of new common stock, par value $10 per share in exchange for the $1,876,745 principal amount of First Mortgage 5% Bonds and 500 shares of common stock of Virginia now held by East Coast. As of November 30, 1946, Virginia was also indebted to East Coast on open account advances in the amount of $100,000. It is proposed that East Coast will forgive and cancel such open account advances to Virginia.

Simultaneously with the sale by East Coast as hereinafter set forth of the $800,000 principal amount of First Mortgage Bonds and 60,000 shares of new common stock of Virginia, Virginia proposes the issuance and sale for its own account of $400,000 principal amount of additional First Mortgage 3% Bonds, Series A, such bonds to be sold at competitive bidding, pursuant to Rule U-50. The proceeds from the sale of such additional bonds would be used by Virginia (a) to retire its bank loan in the amount of $200,000, (b) to retire the First Mortgage Notes of Tidewater in the net amount of $105,645.61, and (c) to provide funds for property additions.

(3) *Liquidation of East Coast.* East Coast proposes to sell at competitive bidding the $800,000 principal amount of First Mortgage 3% Bonds, Series A, and the 60,000 shares of new common stock, par value $10 per share, of Virginia. East Coast proposes to use the proceeds from such sale to retire its presently outstanding Collateral Bonds and discharge its other liabilities. East Coast would then distribute the net remaining assets (consisting entirely of cash) among the holders of its common stock and would thereupon dissolve.

East Coast has requested that the Commission, in the event that this amended plan is approved, apply to the District Court of the United States for the District of Delaware for an order to enforce and carry out the provisions of said amended plan.

East Coast has further requested that if the Commission should approve the amended plan, such order or orders of approval shall contain recitals necessary to meet the requirements of the Internal Revenue Code, as amended, including section 1808 and Supplement R thereof.

II. The Commission having examined, pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935, the corporate structure of East Coast and its subsidiary companies, the relationship among the companies in the holding company system of East Coast, and the character of the interest thereof and the properties owned or controlled thereby, to determine the extent to which the corporate structure of such holding company system and the companies therein may be simplified and unnecessary complexities therein eliminated under the standards of section 11 (b) of the act; and said examination having disclosed data establishing the following:

(1) East Coast, a registered holding company, is a corporation organized under the laws of the State of Delaware and maintains its principal office in the City of Wilmington, State of Delaware.

(2) Following is a tabulation showing the names, states of organization and

kinds of business of East Coast and its subsidiaries:

Name of company	State of organization	Kind of business
East Coast	Delaware	Holding company.
Virginia	Virginia	Electric utility.
Tidewater	do	Do.

East Coast owns all of the outstanding securities of Virginia (except certain notes) which in turn owns all of the outstanding securities of Tidewater (except certain notes).

(3) Virginia and Tidewater conduct their operations within the State of Virginia and render service to approximately 10,700 electric customers in 227 communities.

The electric properties of Virginia consist of three separate electric systems which buy substantially all of their power requirements from a non-affiliate utility company. This company owns two small diesel generating plants which are maintained primarily for standby purposes.

The properties of Tidewater consist of rural distribution lines connected with the systems of Virginia and are leased to Virginia.

(4) The following table shows gross revenues, gross income, fixed charges, net income and times fixed charges earned of Virginia and Tidewater on a consolidated basis for the years 1941 through the twelve months ended November 30, 1946:

	Gross revenues	Gross income	Fixed charges	Net income	Times fixed charges earned
1941	$495,671	$143,802	$101,881	$41,921	1.41
1942	500,122	119,154	101,187	17,967	1.17
1943	510,129	99,492	101,327	(1,835)	.98
1944	559,280	131,469	100,265	31,204	1.31
1945	637,727	158,880	99,657	59,223	1.59
12 months ended Nov. 30, 1946	766,226	178,667	99,342	79,325	1.79
Average	578,194	138,544	100,610	37,968	1.37

(5) The balance sheet of Virginia, as at November 30, 1946, shows net plant, net current assets and investment in subsidiary company totalling $2,160,156. Such company as of the same date owed First Mortgage Bonds in the principal amount of $1,878,745, open account advances amounting to $100,000 and a bank loan amounting to $150,000 (increased to $200,000 by order of this Commission dated January 23, 1947) or an aggregate indebtedness of $2,126,745.

III. The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act, and is fair and equitable to the persons affected by such plan; and

It being the duty of the Commission, among other things, pursuant to section 11 (b) (2) of the act, to require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding company system does not unduly or unnecessarily complicate the structure of such holding company system; and

It appearing to the Commission on the basis of the allegations hereinbefore set forth that the corporate structure of East Coast's holding company system may be unduly and unnecessarily complicated and that the continued existence of East Coast may unduly and unnecessarily complicate the structure of such holding company system and that proceedings should be instituted under section 11 (b) (2) of the act with respect thereto; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the amended plan filed by East Coast pursuant to section 11 (e) of the act and the proceedings instituted herein by the Commission under section 11 (b) (2) of the act; and

It further appearing to the Commission that the said proceedings involve common questions of law and fact and should be consolidated and heard together;

It is hereby ordered, That a proceeding be and it hereby is instituted under section 11 (b) (2) of the act directed to East Coast and its subsidiaries, that such proceeding be and it hereby is consolidated with the proceeding with respect to the amended plan filed herein pursuant to section 11 (e), and that a hearing in the consolidated proceeding under the applicable provisions of the act and the rules and regulations of the Commission thereunder be held on March 4, 1947, at 10:00 a. m., e. s. t. at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk will advise as to the room where such hearing will be held.

It is further ordered, That jurisdiction be and it hereby is reserved to separate, either for hearing, in whole or in part, for disposition either in whole or in part, any issues or questions which may arise in those proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

Notice is hereby given of said hearing to the above named applicants, The State Corporation Commission of Virginia, and to all interested persons, said notice to be given to said applicants and to The State Corporation Commission of Virginia by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER. It is requested that any persons desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before February 27, 1947, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented in such consolidated proceedings, particular attention shall be directed at the hearing to the following matters and questions:

(1) Whether the amended plan as submitted or as hereafter modified is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby, and if not, in what respects said amended plan including any modifications thereof, should be modified and amended;

(2) Whether the securities of Virginia to be outstanding upon consummation of the amended plan will be reasonably adapted to the security structure and earning power of the company and will otherwise meet the standards of the Act;

(3) Whether the amended plan should be modified to include a provision for the payment by East Coast of all fees and expenses by whomsoever incurred in connection with said amended plan or the proceedings with respect thereto which the Commission may determine, award, allow or allocate and whether the fees and expenses to be paid in connection with the consummation of the plan and all transactions incidental thereto are for necessary services and are reasonable in amount;

(4) Whether the accounting adjustments and entries proposed to be made in connection with the amended plan are proper and in accordance with sound accounting practice;

(5) Whether the allegations contained in section II hereof are true and correct;

(6) Whether the corporate structure or continued existence of East Coast unduly or unnecessarily complicates the structure of the East Coast holding company system; and if so, what action shall be required with respect thereto pursuant to section 11 (b) (2) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1278; Filed, Feb. 11, 1947; 8:53 a. m.]

[File No. 812-479]

BANKERS SECURITIES CORP. ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of February A. D. 1947.

In the matter of Bankers Securities Corporation, Union Building Company of Pennsylvania, Market Street National Building, Inc., Touraine Apartments, Inc., File No. 812-479.

Notice is hereby given that Bankers Securities Corporation ("Bankers") and Union Building Company of Pennsylvania ("Union"), respectively, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act (1) the proposed tender by Bankers to Land Title Bank and Trust Company ("Land Title"), as indenture trustee, of First Mortgage Bonds without stock attached of Market Street National Building, Inc. ("Market Street") pursuant to a general call for tenders by Land Title in accordance with the sinking fund provisions of the indenture securing such First Mortgage Bonds, and (2) the proposed tender by Union to Land Title, as indenture trustee of First Mortgage Bonds without stock attached of Touraine Apartments, Inc. ("Touraine") pursuant to a general call for tenders by Land Title in accordance with the sinking fund provisions of the indenture securing such First Mortgage Bonds.

Bankers is a closed end, management, non-diversified investment company and is registered under the Investment Company Act of 1940. Bankers owns 12.07% of the voting securities of Market Street and 21.39% of the voting securities of Touraine. It also owns 31.79% of the voting securities of Union Building Company which owns all of the voting securities of Union Building Company of Pennsylvania ("Union"). Union, in turn, owns 16.7% of the voting securities of Touraine.

The tender of First Mortgage Bonds of Market Street by Bankers, if accepted by the indenture trustee, would constitute a purchase of such bonds by an affiliated person (Market Street) of a registered investment company (Bankers) from such investment company, and is prohibited by section 17 (a) of the act. The tender of First Mortgage Bonds of Touraine by Union, if accepted by the indenture trustee, would constitute a purchase of such bonds by an affiliated person (Touraine) of a registered investment company (Bankers) from a controlled person (Union) of the investment company and is prohibited by section 17 (a) of the act.

The applicants have therefore filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transactions from the provisions of section 17 (a) of the act, and they assert that the proposed transactions meet the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transactions and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed transactions are fair and reasonable;

(2) Whether the proposed transactions involve overreaching on the part of any person concerned;

(3) Whether the proposed transactions are consistent with the policy of Bankers Securities Corporation as recited in its registration statement and reports filed under the act;

(4) Whether the proposed transactions are consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application to be held on February 19, 1947, at 9:30 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Bankers Securities Corporation, Land Title Bank and Trust Company, Market Street National Building, Inc., Union Building Company of Pennsylvania and Touraine Apartments, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before February 17, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1279; Filed, Feb. 11, 1947; 8:53 a. m.]

[File No. 812-477]

FILBERT CORP.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 6th day of February A. D. 1946

Notice is hereby given that Filbert Corporation has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act a proposed transaction whereby the Applicant would exchange 1,565 shares of 5% Cumulative Preferred Stock of Gamble-Skogmo, Inc. with the issuer for common stock of the issuer at a ratio of one share of preferred for 5¾ shares of common.

Filbert Corporation is a closed-end non-diversified investment company and is registered under the Investment Company Act. Gamble-Skogmo, Inc. is an affiliated person of Filbert Corporation within the meaning of section 2 (a) (3) of the act.

The proposed exchange of securities by a registered investment company with an affiliated person is prohibited by section 17 (a) of the act. The Applicant has, therefore, filed an application pursuant to section 17 (b) for a Commission order exempting the proposed transaction from the provisions of section 17 (b) and it asserts that the proposed transaction meets the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby withuot prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed transaction is fair and reasonable;

(2) Whether the proposed transaction involves overreaching on the part of any person concerned;

(3) Whether the proposed transaction is consistent with the policy of Filbert Corporation as recited in its registration statement and reports filed under the act;

(4) Whether the proposed transaction is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on February 18, 1947, at 9:45 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Allen McCullen, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Filbert Corporation, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before February 14, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1280; Filed, Feb. 11, 1947; 8:53 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of February A. D. 1947.

In the matters of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company, and its subsidiary companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

Notice is hereby given that Electric Bond and Share Company (Bond and Share), a registered holding company, has filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, a supplemental declaration to its Plan II-A, as amended, approved by the Commission on September 6, 1946. The declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested may, not later than February 17, 1947, 11:00 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after 11:00 a. m., e .s. t., February 17, 1947, said declaration as filed or amended may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Bond and Share proposes to issue and sell to thirteen banks promissory notes in an aggregate principal amount not to exceed $30,000,000, bearing interest at the rate of 1¾% per annum and maturing two years after the date of issue. The proceeds of such notes together with cash realized by Bond and Share from the sale of common stock of American Gas and Electric Company and Pennsylvania Power & Light Company will be used for the payment of $70 per share to Bond and Share's preferred stockholders in accordance with the provisions of Bond and Share's Plan II-A as amended.

Bond and Share requests that the order of the Commission approving the proposed transactions contain findings and recitations conforming to the provisions and requirements of section 1808 (f) of the Internal Revenue Code, as amended.

Bond and Share also requests that the Commission's order permitting the declaration to become effective be issued as soon as possible and become effective forthwith so that the company may be in a position to expedite the consummation of its Plan II-A, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1281; Filed, Feb. 11, 1947; 8:53 a. m.]

[File No. 70-1241]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING AMENDMENTS TO DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of February 1947.

Notice is hereby given that Standard Gas and Electric Company (Standard Gas), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, has filed its Amendments No. 7 and 8 to its declaration filed pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 regarding the proposed modification of the terms and conditions with respect to the payment of the purchase price for certain securities under the Company's proposed sale of its interest in Empresa de Servicios Publicos de los Estados Mexicanos, S. A. (Empresa), a Mexican corporation conducting a public utility business in the States of Sonora and Sinaloa, Mexico. The declarant designates sections 11 (b) and 12 (d) of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 14, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration, as amended by Amendments No. 7 and 8, proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, as so amended, which is on file in the office of this Commission, for a statement of the proceedings heretofore had in connection with the proposed sale and for a statement of the transactions therein proposed, which are summarized below:

The Commission on April 15, 1946 issued its order permitting the declaration, as then amended, to become effective regarding the proposed sale by Standard Gas to Theodore E. Shepard, for $858,000 cash, pursuant to an agreement of sale dated February 15, 1946, between the parties, of the following securities: (a) 50,000 shares of the par value of $100 (money of the United States of America) per share, of the capital stock of Empresa, consisting of 15,000 shares described as "Fully Paid Shares" and the remaining 35,000 shares described as "Assessable Series" (40% assessed and paid), and (b) a claim for indebtedness held by Standard Gas against Empresa in the principal sum of $428,495.48 (payable in United States currency), without interest. The said 50,000 shares of capital stock are all of the issued and outstanding shares of capital of Empresa and, together with the said claim of indetedness, constitute the entire investment of Standard Gas in Empresa.

The terms of the agreement of sale dated February 15, 1946 provided for the payment by the purchaser of $50,000 earnest money to be applied upon the purchase price for the securities. Under the terms of the agreement, it was further provided that the closing date for consummation of the proposed sale was to be April 1, 1946, subject to extension, at which date the balance of the purchase price would be paid. By supplemental agreements of the parties such closing date was extended, from time to time, and upon applications of Standard Gas filed at the request of the proposed purchaser, the time within which said sale might be consummated was extended by orders of the Commission dated June 14, 1946, June 21, 1946, July 31, 1946, October 15, 1946 and December 2, 1946. The last order, dated December 2, 1946, extended the time within which to consummate the proposed sale to February 1, 1947. Under the terms of the original contract of sale and the supplemental agreements between the parties extending the time of closing, a total of $258,000 as earnest money has been paid by the proposed purchaser to Standard Gas, including the original payment of $50,000 earnest money paid under the terms of the original contract of sale.

Standard Gas, under the provisions of its Amendments No. 7 and 8, now proposes to sell to Theodore E. Shepard, for $858,000, the securities set forth above, under the terms of a supplemental agreement dated December 16, 1946, modifying the provisions of the original contract of sale dated February 15, 1946, as modified, regarding payment of the purchase price and extending the time of closing the transaction to February 21, 1947, subject to the right of Standard Gas to accelerate said closing date. Under the terms of said supplemental agreement the sum of $600,000 (representing the balance of the purchase price after applying $258,000 earnest money heretofore paid by the proposed buyer to Standard Gas) shall be paid as follows: $170,000 cash to be paid by the buyer to Standard Gas at time of closing (plus interest due under the contract of sale as supplemented by supplemental agreements, between the parties, extending the date of closing, dated July 29, 1946, and October 10, 1946), and the execution and delivery to Standard Gas by the buyer of his note in the amount of $430,000, to be dated as of the date of closing, which note shall be payable as follows: $80,000 principal amount on or before March 31, 1947, and $350,000 principal amount on or before December 31, 1947, with interest thereon at the rate of 3% per annum, payable March 31, 1947, June 30, 1947, September 30, 1947, and December 31, 1947.

Under the terms and conditions of said supplemental agreement dated December 16, 1946, and said note and as security for the payment of said note, it is expressly provided that Standard Gas will retain a vendor's lien on all of the Empresa securities proposed to be sold to the purchaser. In addition, among other provisions contained in said supplemental agreement and said note, it is provided that the purchaser will cause Empresa to issue in substitution for the open account indebtedness of Empresa a demand note, bearing interest at 6% from date thereof, in the amount of $428,495.48 and to be pledged with and held by Standard Gas as further security for the payment of said note. It is also provided under the terms and conditions of said supplemental agreement and said note given in part payment of the purchase price for said securities, that upon default in the payment of said note, or of any of the other obligations and provisions provided for therein to be kept and performed by the proposed purchasers, said notes shall at the option of the holder immediately become due and payable without demand or notice, and the holder thereof may sell all or any part of the property held as security for the payment of said note.

Standard Gas represents that the sale of the securities, as proposed by its original declaration and as now proposed by its Amendments No. 7 and 8, including the acceptance by Standard Gas of the note of the purchaser in the amount of $430,000, is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and is a step in compliance with the Commission's order dated August 8, 1941, issued pursuant to section 11 (b) (1) of the act, directing Standard Gas, among other things, to dispose of its interest in Empresa, and requests that the Commission, in its order permitting the declaration, as amended, to become effective, find that such sale and the acceptance of such note are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and make the specifications and itemizations necessary in order that the provisions of sections 371 (b), 371 (e) and 1808 (f) of the Internal Revenue Code shall be applicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1282; Filed, Feb. 11, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8054]

HELMUTH SCHULZ

In re: Estate of Helmuth Schulz, deceased. File No. D-28-9183; E. T. sec. 11888.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Olbricht, Wilhelm Schulz and Helmuth Schulz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $5,721.53 and the certificates representing the following described property were delivered to the Alien Property Custodian by Elizabeth Oettershagen, Executrix of the estate of Helmuth Schulz, deceased:

Five (5) shares of Class A stock of the Central Public Utility Corporation without par value as represented by stock certificate No. CAO-3739 issued in the name of Helmuth Schulz together with any declared and unpaid dividends.

Two (2) shares of Class A preferred stock of Midland Utilities Company with a par value of $100.00 per share as represented by stock certificate No. CAO-7511 issued in the name of Helmuth Schulz together with any declared and unpaid dividends.

Five (5) shares of seven percent (7%) prior lien capital stock of the Chicago North Shore and Milwaukee Railroad Company with a par value of $100.00 per share as represented by certificate No. PLO-31351 issued in the name of Helmuth Schulz together with any declared and unpaid dividends.

Certificate of deposit No. AO-2331 in the name of Helmuth Schulz, issued by Central Trust Company of Illinois, depositary, for one share of prior preferred stock (Series A) of Chicago Rapid Transit Company together with all rights thereunder and thereto.

All rights and interests in a note of the Aetna State Corporation as evidenced by a Certificate of Participation No. 2293 in the face amount of $21.34 issued in the name of the Alien Property Custodian and the right to the transfer and possession of any and all instruments evidencing such rights and interests.

3. That the said sum of $5,721.53 and the said certificates are presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on November 26, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1326; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8097]

GEORG GROTHEER

In re: Estate of Georg Grotheer a/k/a George Grotheer, deceased. File F-28-8138; E. T. sec. 4449.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Beta Schmonsees, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of

Georg Grotheer, also known as George Grotheer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William J. Topken, as Ancillary Executor under the Will of Georg Grotheer, also known as George Grotheer, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1329; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8094]

MARGARET EBERT

In re: Estate of Margaret Ebert, deceased. File No. D-28-10211; E. T. sec. 14551.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Hans Kuhn, Erna Ricklau and Ella Kuhn, and each of them, in and to the estate of Margaret Ebert, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address.

Hans Kuhn, Germany.
Erna Ricklau, Germany.
Ella Kuhn, Germany.

That such property is in the process of administration by Mrs. Louise Lueders, as Administratrix, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1327; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8096]

HENRIETTA GOLDSMITH

In re: Estate of Henrietta Goldsmith, deceased. File No. 017-20542.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Carl Zickel, Johanna Zickel and Jennie Zickel, and each of them, in and to the estate of Henrietta Goldsmith, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Carl Zickel, Germany.
Johanna Zickel, Germany.
Jennie Zickel, Germany.

That such property is in the process of administration by Ruth Kunnes, as Executrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1328; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8102]

MARIE P. REUSTLE

In re: Estate of Marie P. Reustle, deceased. File D-28-10870; E. T. sec. 15285.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Reustle, Louise Eppler, Sister Freda, Martha Reustle, Herman Eppler, and Dorle Eppler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the child or children of Wilhelm Reustle, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Marie P. Reustle, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Catherine T. Cleary, as executrix, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

5. That to the extent that the above-named persons and the child or children of Wilhelm Reustle, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1330; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8103]

FERDINAND SIEMENS

In re: Estate of Ferdinand Siemens, deceased. File D-28-9697; E. T. sec. 13493.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Krucke (First name unknown), Alhard Siemens, and Carl Siemens, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $192.00 was paid to the Alien Property Custodian by Charles Siemens, William J. Siemens, and Olivia Siemens, Co-Executors of the Estate of Ferdinand Siemens, deceased;

3. That the said sum of $192.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 26, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1331; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8108]

PHILIP BUSS

In re: Estate of Philip Buss, deceased. File No. D-28-10440; E. T. sec. no. 14847.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of George Buss, Heinrich Buss, Leonhard Buss, Frau Ludwig Schmidt, and Frau Justus Ramge, and each of them, in and to the estate of Philip Buss, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

George Buss, Germany.
Heinrich Buss, Germany.
Leonhard Buss, Germany.
Frau Ludwig Schmidt, Germany.
Frau Justus Ramge, Germany.

That such property is in the process of administration by Miss Marion E. E. Walls, as Administratrix of the estate of Philip Buss, deceased, acting under the judicial supervision of the Union County Orphans' Court, Elizabeth, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1332; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8110]

JOHN HOLLER

In re: Estate of John Holler, deceased. File No. D-28-10453; E. T. sec. 14864.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Alvina Saks Britt and Helen Saks Kitzerow, and each of them, in and to the Estate of John Holler, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely;

Nationals and Last Known Address

Alvina Saks Britt, Germany.
Helen Saks Kitzerow, Germany.

That such property is in the process of administration by Helen H. Delz, as Administratrix, acting under the judicial supervision of the Surrogate's Court, County of Westchester, State of New York.

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1333; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8111]

KATHERINE ZABEL HOUSE

In re: Trust under will of Katherine Zabel House, also known as Katharina Zabel House, deceased. File No. D-28-10056; E. T. sec. No. 14279.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Wilhelmina Junge, Anna Schumacher, and Herman Watje, and each of them, in and to the trust created under the Will of Katherine Zabel House, also known as Katharina Zabel House, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Wilhelmina Junge, Germany.
Anna Schumacher, Germany.
Herman Watje, Germany.

That such property is in the process of administration by Martha Moller, also known as Martha Muller, as Executrix and Trustee of the trust created under the Will of Katherine Zabel House, also known as Katharina Zabel House, deceased, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1334; Filed, Feb. 11, 1947; 8:47 a. m.]

[Vesting Order 8113]

ANTOINE RUPPANER

In re: Trust u/w of Antoine Ruppaner, deceased. File No. D-34-127; E. T. sec. 4249.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Maria Lantos Pelle, Ilona Lantos, Ferenc Lantos, and Flora Lantos Kopunovics, and each of them in and to the trust created under the will of Antoine Ruppaner, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Maria Lantos Pelle, Hungary.
Ilona Lantos, Hungary.
Ferenc Lantos, Hungary.
Flora Lantos Kopunovics, Hungary.

That such property is in the process of administration by Abraham Grometstein, Successor Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1335; Filed, Feb. 11, 1947; 8:47 a. m.]

[Vesting Order 8115]

FRANZISKA SONDEREGGER

In re: Estate of Franziska Sonderegger, deceased. File No. D-28-10778; E. T. sec. 15120.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of William Heckendorn, Ludwig Heckendorn, Jr., Anna Wenk, Karl Heckendorn, Elise Grasslin, Hilda Riechert, Elise Rudiger, Rose Rudiger, Fritz Rudiger and Hans Rudiger, in and to the Estate of Franziska Sonderegger, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

William Heckendorn, Germany.
Ludwig Heckendorn, Jr., Germany.
Anna Wenk, Germany.
Karl Heckendorn, Germany.
Elise Grasslin, Germany.
Hilda Riechert, Germany.
Elise Rudiger, Germany.
Rose Rudiger, Germany.
Fritz Rudiger, Germany.
Hans Rudiger, Germany.

That such property is in the process of administration by Mary Floescher Sullivan, as Executrix, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1336; Filed, Feb. 11, 1947; 8:47 a. m.]

[Vesting Order 8117]

ILSE BARMEISTER ET AL.

In re: Stock owned by Ilse Barmeister, Heinrich Adelheim, Rolf Bernhard and the personal representatives, heirs, next of kin, legatees and distributees of Henry George Bernhard, deceased. F-28-88-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilse Barmeister, Heinrich Adelheim and Rolf Bernhard, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany;

2. That the personal representatives, heirs, next of kind, legatees, and distributees of Henry George Bernhard, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: One Hundred (100) shares of $3.00 par value capital stock of Electric Boat Company, 40 Wall Street, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificate numbered 16293, registered in the name of Wilhelm Zschemmer, executor of the estate of Henry George Bernhard, deceased, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ilse Barmeister, Heinrich Adelheim, Rolf Bernhard and the personal representatives, heirs, next of kin, legatees and distributees of Henry George Bernhard, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above named persons and the personal representatives, heirs, next of kind, legatees and distributees of Henry George Bernhard, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1337; Filed, Feb. 11, 1947; 8:47 a. m.]

[Vesting Order 8133]

LUCIE WILMS-POSEN

In re: Stocks and bank account owned by Lucie Wilms-Posen. F-28-2999-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lucie Wilms-Posen, whose last known address is c/o Dr. H. W. Renkl, Hauptstrasse 78, Hafenlohr A. M., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Lucie Wilms-Posen, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account, Account Number FS 88155, entitled Lucie Wilms-Posen, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name, last known address and State of incorporation of issuer	Certificate No.	Par value	Registered owner	Number of shares	Type of stock
Cincinnati Car Corp.	2828	No	Mrs. Lucie Wilms-Posen.	10	Class B.
	2625	$20	do	25	7 percent cumulative preferred.
Cincinnati Street Ry. Co., Dixie Terminal Bldg., Cincinnati, Ohio (incorporated in Ohio).	61	25	Cudd & Co.	19	Capital.
Cincinnati Traction Bldg. Co.	1896	No	Mrs. Lucie Wilms-Posen.	50	Common.
Standard Oil Co., 30 Rockefeller Plaza, New York, N. Y. (incorporated in New Jersey).	C953500	25	do	1	Capital.
Washington Railway & Electric Co., 929 E St. NW., Washington, D. C. (incorporated by Act of Congress).	F83662	100	do	1/40	Common.

[F. R. Doc. 47-1339; Filed, Feb. 11, 1947; 8:47 a. m.]

[Vesting Order 8128]

MARIA SCHMOLZ

In re: Stock owned by Maria Schmolz. F–28–24025–D–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schmolz, whose last known address is c/o Deutsche Bank und Diskonto, Mauerstrasse 26–27, Berlin W8, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-nine (29) shares of $1 par value common capital stock of Remington Rand, Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 96309 for twenty-five shares, 153360 for two shares, 188284 for one share and 212857 for one share, registered in the name of Mrs. Maria Schmolz, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1338; Filed, Feb. 11, 1947; 8:47 a. m.]

[Vesting Order 8136]

MARTIN LEONHARDT

In re: Stock owned by Martin Leonhardt. F–28–27956–D–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martin Leonhardt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of no par value capital stock of International Telephone & Telegraph Corporation, 67 Broad Street, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by certificate numbered NNF 464415, registered in the name of Martin Leonhardt, together with all declared and unpaid dividents thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1340; Filed, Feb. 11, 1947; 8:47 a. m.]

Reference

FEB 18 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

1934

VOLUME 12 NUMBER 31

Washington, Thursday, February 13, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 10—FEDERAL LAND BANKS

INSURANCE REQUIREMENTS FOR BANK AND COMMISSIONER LOANS

Sections 10.191 through 10.194 of Chapter I, Title 6, Code of Federal Regulations are hereby amended to read as follows:

§ 10.191 *Manner in which mortgagor's option to use loss proceeds shall be exercised.* The bank or association as promptly as possible after the receipt of the sum referred to in § 10.190 shall send to the mortgagor a notice in writing thereof. Within 30 days after such notice is sent, if the mortgagor desires to exercise his option, he shall so notify the bank or association in writing. With such notice or within 30 days thereafter, unless such time for good cause be extended, the mortgagor shall furnish information in such form as shall be satisfactory covering the plans of the mortgagor for the reconstruction of the building involved in sound and serviceable form and condition, at least equal to that which existed immediately prior to the loss. Within said 30 days the mortgagor shall also furnish satisfactory assurance that such reconstruction will be completed within a reasonable time, and that there will be no unsatisfied liens for labor, materials, and/or other expenses that will have priority over the mortgage when such reconstruction shall have been completed or when the said sum received shall have been paid to or for the account of the mortgagor.

§ 10.192 *Loss proceeds not to be disbursed in absence of evidence that prior liens will not attach.* No sum received shall be paid to or for the account of the mortgagor for the purpose of enabling him to reconstruct a building until the bank or association is satisfied that no lien by reason of reconstruction of the buildings covered by such insurance will have priority over the mortgage thereon. The regulations adopted by the bank should establish adequate safeguards with respect to such disbursements.

§ 10.193 *Reconstruction of improvements in different form.* If the mortgagor desires to use the insurance money, in whole or in part, in order to replace the building involved with an insurable building of less expensive type, or to substitute any other insurable building, the said fund may be used for such purpose, provided the land bank or association is satisfied that the proposed building will be suitable and adequate to the agricultural needs of the farm.

§ 10.194 *Evidence that mortgagor can supply additional funds; meaning of term "reconstruction."* If the sum received (after making the deductions, if any, authorized by the regulations in §§ 10.183 to 10.197, inclusive) be inadequate to enable the mortgagor to reconstruct as herein provided, and he desires nevertheless to do so, he shall furnish satisfactory assurance that he will have the necessary additional funds. Where, under the regulations in §§ 10.183 to 10.197, inclusive, a building may be repaired, replaced, or substituted, the operations involved shall be deemed to be covered by the words "reconstruct" or "reconstruction," as the case may require.

(Sec. 12 "Ninth", 39 Stat. 370; 12 U. S. C. 771 "Ninth")

[SEAL] J. R. ISLEIB, *Land Bank Commissioner.*

[F. R. Doc. 47–1367; Filed, Feb. 12, 1947; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 47—RULES OF PRACTICE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001 et seq.) and the Perishable Agricultural Commodities Act, 1930, as amended (46 Stat. 531; 7 U. S. C. 1940 ed.

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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499a et seq. and Supp. IV, 499b), the rules of practice issued under the Perishable Agricultural Commodities Act, 1930, as amended (10 F. R. 2209, 8685; 11 F. R. 224) are further amended as follows:

1. By deleting paragraphs (i), (j) and (l) of § 47.2 and substituting the following:

§ 47.2 *Definitions.* • • •

(i) "Examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(j) "Examiner's report" means the examiner's report to the Secretary, and includes the examiner's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order and (3) rulings on findings, conclusions and orders submitted by the parties.

• • • • •

(l) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C.

2. By striking paragraph (b) (2) of § 47.3 and substituting the following:

§ 47.3 *Institution of proceedings.* • • •

(b) *Investigation and disposition of informal complaints.* • • •

(2) If the statements in the informal complaint and the investigation thereunder seem to warrant such action, and, in any case except one of wilfullness or one in which public health, interest or safety otherwise requires, which may result in the suspension or revocation of a license, the Director, in an effort to effect an amicable or informal adjustment of the matter, shall give written notice to the person complained against of the facts or conduct concerning which complaint is made, and shall afford such person an opportunity, within a reasonable time fixed by the Director, to demonstrate or achieve compliance with the applicable requirements of the act and regulations promulgated thereunder.

3. By deleting paragraph (a), (c) and (e) of § 47.29 and substituting the following:

§ 47.29 *Examiners.* (a) *Assignment.* No examiner shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or marriage to any party to the proceeding, or (3) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the complaint or in the development of the evidence to be introduced therein.

• • • • •

(c) *Conduct.* The examiner shall conduct the proceeding in a fair and impartial manner and, save to the extent required for the disposition of ex parte matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

• • • • •

(e) *Who may act in absence of examiner.* In case of the absence of the examiner or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other examiner.

4. By deleting paragraphs (a), (b) and (c) of § 47.30 and substituting the following:

§ 47.30 *The answer*—(a) *Filing and service.* Within 20 days after the service of the moving paper, the respondent shall file, in triplicate, with the hearing clerk, an answer, signed by the respondent or his attorney: *Provided*, That the Secretary may order that the hearing be held without answer or other pleading. The answer shall be served upon the complainant, and any other party of record, by the hearing clerk.

(b) *Contents; failure to file.* Such answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the moving paper unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the moving paper. The answer may contain a waiver of hearing.

Failure to file an answer to, or plead specifically to, any allegation of the moving paper shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the moving paper shall constitute a waiver of hearing. Upon such admission of facts, the examiner, without further investigation or hearing, shall prepare his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the moving paper. Unless the parties have waived service of the examiner's report, it shall be served upon them by the hearing clerk. The parties shall be given an opportunity to file exceptions to the report, to file briefs in support of such exceptions, and to make oral argument thereon before the Secretary. Any request to make oral argument before the Secretary must be filed in the manner and within the time provided in § 47.40.

5. By deleting paragraphs (b), (c), (d) and (e) of § 47.37 and substituting the following:

§ 47.37 *Post hearing procedure before the examiner.* • • •

(b) *Proposed findings of fact, conclusions and order.* Within 10 days after receipt of notice that the transcript has been filed, each party may file with the hearing clerk proposed findings of fact, conclusions, and order, based solely upon the record, and a brief in support thereof.

(c) *Examiner's report.* The examiner, within reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions and orders, and briefs in support thereof, shall prepare, upon the basis of the record and shall file with the hearing clerk, his report, a copy of which shall be served by the hearing clerk upon each of the parties.

(d) *Exceptions to examiner's report.* Within 20 days after receipt of the examiner's report, the parties may file exceptions to the report. Any party who desires to take exceptions to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the examiner at the hearing, as provided in § 47.32, upon which the party wishes to rely, referring, where relevant, to the pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, he shall be deemed to have waived such oral argument.

(e) [Revoked.]

6. By striking paragraph (i) of § 47.38 and substituting therefor the following:

§ 47.38 *Shortened procedure.* • • •

(i) *Examiners report under the shortened procedure.* Except as otherwise may be directed by the examiner, the filing of the complainant's statement in reply will conclude the presentation of evidence. The examiner will thereupon file with the hearing clerk a notice that the parties may file proposed findings of fact, conclusions, and orders within 10 days after service of such notice. Upon the expiration of the period set for the filing of proposed findings, conclusions and orders, the examiner will prepare his report, and the same procedure will be followed thereafter as in proceedings where an oral hearing has been held.

7. By striking § 47.39 and substituting therefor the following:

§ 47.39 *Transmittal of record.* The hearing clerk, immediately following the period allowed for the filing of exceptions, shall certify to the Secretary the record of proceeding. Such record shall include: The pleadings; motions and requests filed and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any statements filed under the shortened procedure; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions and orders, and briefs in support thereof, as may have been filed in connection with the hearings; the examiner's report, and such exceptions, statements of objections and briefs in support thereof, as may have been filed in the proceeding.

8. By striking the first sentence of paragraph (a) of § 47.41 and substituting therefor the following:

§ 47.41 *Consideration and issuance of order.* (a) As soon as practicable after the receipt of the record from the hearing clerk, or, in case oral argument was had, as soon as practicable thereafter, the Secretary, upon the basis of and after due consideration of the record, shall prepare his order in the proceeding which shall include findings, conclusions, order, and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions and orders submitted by the parties, not theretofore ruled upon.

9. By striking paragraph (b) of § 47.42 and substituting therefor the following:

§ 47.42 *Rehearing, reargument, reconsideration of orders, and reopening of hearing.* • • •

(b) *Petition to reopen.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing. Every such petition shall be served by the hearing clerk on the other party in the proceeding.

10. By adding § 47.45 as follows:

§ 47.45 *Amendment to rules governing reparation proceedings.* Whenever the term "examiner" is used in § 47.6 to § 47.25, both inclusive (which are the rules applicable to reparation proceedings), or in any section or paragraph incorporated by reference or referred to in said sections, such term shall be deemed to mean "presiding officer" insofar as reparation proceedings are concerned.

11. By adding § 47.46 as follows:

§ 47.46 *Rule applicable to all proceedings.* The Secretary may act in the place and stead of an examiner or presiding officer in any proceeding hereunder. When he so acts, the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding; *Provided,* That he may issue a tentative order in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

12. By striking the word "suggested" wherever it appears in §§ 47.19 to 47.22, inclusive; 47.30 and 47.37 to 47.39, inclusive, and substituting in lieu thereof the word "proposed."

NOTE: Unless otherwise ordered, all proceedings initiated under the Perishable Agricultural Commodities Act, 1930 and pending on December 11, 1946, shall be conducted and concluded in accordance with the applicable rules of practice in effect at the time the proceedings were instituted.

(46 Stat. 531; 7 U. S. C. 499a–499r)

Done at Washington, D. C., this 7th day of February 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1366; Filed, Feb. 12, 1947; 8:46 a. m.]

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

STANDARDS FOR CANNED SWEET POTATOES [1]

On November 28, 1946, notice of proposed rule making was published in the FEDERAL REGISTER (11 F. R. 13921; 12 F. R. 34) regarding the proposed revision of United States Standards for Grades of Canned Sweetpotatoes. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Sweetpotatoes are hereby promulgated pursuant to the provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong.).

§ 52.662 *Canned sweetpotatoes*—(a) *Identity.* "Canned sweetpotatoes" means canned sweetpotatoes as defined in the definitions and standards of identity for canned vegetables (21 CFR, Cum. Supp., 52.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) *Styles of canned sweetpotatoes.* (1) "Whole" or "whole sweetpotatoes" means canned sweetpotatoes that retain the approximate original conformation of the prepared sweetpotatoes.

(2) "Pieces" or "pieces of sweetpotatoes" means canned sweetpotatoes that consist of cut (including, but not being limited to, sweetpotatoes that are halved longitudinally) or broken units.

(3) "Mashed" or "mashed sweetpotatoes" means canned sweetpotatoes that are wholly comminuted or crushed.

(4) Any combination of two or more of the following styles constitutes a style: whole, pieces, or mashed.

(c) *Types of packs of canned sweetpotatoes.* In addition to styles, canned sweetpotatoes are usually processed as any one of the following types of packs:

(1) In a liquid packing medium.

(2) "Vacuum-pack (without packing media)."

(3) "Solid-pack" or "dry-pack."

(d) *Grades of canned sweetpotatoes.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned sweetpotatoes that possess similar varietal characteristics; possess a practically uniform bright typical color; are practically free from defects; possess a good character; possess a normal flavor; and that are of such quality with respect to shape and size or consistency as to score not less than 85 points when scored in accordance with the scoring system outlined herein.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned sweetpotatoes that possess a fairly good typical color; are fairly free from defects; possess a fairly good character; possess a normal flavor; and that are of such quality with respect to shape and size or consistency as to score not less than 70 points when scored in accordance with the scoring system outlined herein.

(3) "U. S. Grade D" or "Substandard" is the quality of canned sweetpotatoes that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(e) *Sirup density.* Sirup "cut-out" requirements of sweetpotatoes packed in a liquid packing medium are not incorporated in the grades of the finished product since sirup, as such, is not a factor of grade for the purpose of these grades.

(f) *Recommended fill of container.* It is recommended that the container be filled with sweetpotatoes as full as practicable without impairment of quality and that the product and packing medium, if any, occupy not less than 90 percent of the capacity of the container.

(g) *Recommended drained weight.* (1) The drained weight recommendations in Table No. 1 hereof are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(2) The drained weight recommendations in Table No. 1 hereof are not applicable to canned sweetpotatoes packed as "vacuum-pack (without packing media)" or as "solid-pack" or "dry-pack."

(3) Drained weights of sweetpotatoes packed in a liquid packing medium are determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter in used for containers larger than the No. 3 size can (404 x 414).

TABLE No. 1

[Recommended drained weights of sweetpotatoes packed in a liquid packing medium]

Container size or designation:	Drained weight (ounces)
No. 2	14
No. 2½	19
No. 3 vacuum or squat (404 x 307)	15
No. 10	75

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(h) *Ascertaining the grade.* "Normal flavor" means that the product is free from objectionable ordors or objectionable flavors of any kind. The grade of canned sweetpotatoes may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, shape and size or consistency, absence of defects, and character. The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

	Points
(1) Color	20
(2) Shape and size or consistency	20
(3) Absence of defects	40
(4) Character	20
Total score	100

(i) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned sweetpotatoes that possess a practically uniform bright typical color may be given a score of 17 to 20 points. "Practically uniform bright typical color" means that the sweetpotatoes possess a color that is typical of sweetpotatoes of similar varietal characteristics, is bright, and may range from light yellow to a deep golden color.

(ii) If the canned sweetpotatoes possess a fairly good color, a score of 14 to 16 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the sweetpotatoes possess a color that may be variable or slightly dull and may range from light yellow to a deep golden color.

(iii) Canned sweetpotatoes that are definitely off-color for any reason or that fail to meet the requirements of subparagraph (1) (ii) of this paragraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Shape and size or consistency.* (i) Whole and pieces (whether packed singly or in combination) packed in a liquid packing medium or as "vacuum-pack (without packing media)" that are practically uniform in size and shape and canned sweetpotatoes packed as "solid-pack" or "dry-pack" that possess a good consistency may be given a score of 17 to 20 points. "Practically uniform in shape and size" and "good consistency" have the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)." "Practically uniform in shape and size" means that the units of a single style may vary moderately in shape and that the weight of the largest unit, irrespective of style, is not more than twice the weight of the second smallest unit, irrespective of style.

Whole, pieces, and mashed (whether packed singly or in combination) packed as "solid-pack" or "dry-pack." "Good consistency" means that the sweetpotatoes possess a stiff consistency which may show a slight separation of free liquid.

(ii) If whole and pieces (whether packed singly or in combination) packed in a liquid packing medium or as "vacuum-pack (without packing media)" are fairly uniform in shape and size or if the canned sweetpotatoes packed as "solid-pack" or "dry-pack" possess a fairly good consistency, a score of 14 to 16 points may be given. "Fairly uniform in shape and size" and "fairly good consistency" have the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)." "Fairly uniform in shape and size" means that the units of a single style may vary considerably in shape and that the weight of the largest unit, irrespective of style, is not more than three times the weight of the second smallest unit, irrespective of style.

Whole, pieces, and mashed (whether packed singly or in combination) packed as "solid-pack" or "dry-pack." "Fairly good consistency" means that the sweetpotatoes possess a thick consistency but may not be free flowing.

(iii) Canned sweetpotatoes that fail to meet the requirements of subparagraph (2) (ii) of this paragraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or from other similar defects.

(i) Canned sweetpotatoes that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product contains not more than a slight amount of particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or other similar defects which do not materially affect the appearance or the edibility of the product.

(ii) If the canned sweetpotatoes are fairly free from defects, a score of 28 to 33 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or other similar defects may be definitely noticeable but are not so prominent as to affect seriously the appearance or the edibility of the product.

(iii) Canned sweetpotatoes that fail to meet the requirements of subparagraph (3) (ii) of this paragraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* The factor of character refers to the texture and condition of the flesh, the degree of freedom from tough or coarse fibers, the tenderness of the canned sweetpotatoes, and the tendency of sweetpotatoes packed in a liquid packing medium or as "vacuum-pack (without packing media)" to retain their apparent original conformation and size without disintegration.

(i) Canned sweetpotatoes that possess a good character may be given a score of 17 to 20 points. "Good character" has the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)." "Good character" means that the units possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be soft to firm but hold their apparent original conformation and size without material disintegration.

Whole, pieces, and mashed packed as "solid-pack" or "dry-pack." Good character" means that any units present possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be soft to firm and that any mashed sweetpotatoes present possess a uniformly smooth texture, practically free from tough or coarse fibers.

Mashed. "Good character" means that the mass possesses a uniformly smooth texture and is free from tough or coarse fibers.

(ii) If the canned sweetpotatoes possess a fairly good character, a score of 14 to 16 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)." "Fairly good character" means that the units possess a fairly uniform texture, may possess a few tough or coarse fibers, may be variable in tenderness but are not tough, may be very soft to very firm, and may possess slight or partial disintegration of the units.

Whole, pieces, and mashed packed as "solid-pack" or "dry-pack." "Fairly good character" means that any units present possess a fairly uniform texture, may possess a few tough or coarse fibers, may be variable in tenderness but are not tough, and may be very soft to very firm and that any mashed sweetpotatoes present possess a fairly uniform texture, may be coarse but are practically free from lumps, and may possess a few tough or coarse fibers.

Mashed. "Fairly good character" means that the mass possesses a fairly uniform texture, may be coarse but is free from lumps and that not more than a few tough or coarse fibers may be present.

(iii) Canned sweetpotatoes that fail to meet the requirements of subparagraph (4) (ii) of this paragraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned sweetpotatoes the grade for the lot will be determined by averaging the scores of all containers, if: (i) Not more than one-sixth of the containers fail to meet the requirements of the grade indicated by the average score;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average score;

(iii) Not more than one-sixth of the containers fail to meet the requirements of the indicated grade by reason of a limiting rule;

(iv) The average score of all containers for the limiting factor is within the range for the grade indicated by the average score; and

(v) No container falls below any applicable standard of quality promulgated under the Federal Food, Drug, and Cosmetic Act.

(k) *Score sheet for canned sweetpotatoes.*

Container size			
Container code or marking			
Label			
Net weight (in ounces)			
Vacuum (in inches)			
Drained weight (in ounces)			
Brix (if packed in a packing media)			
Style and type of pack			
Count (whole)			
Factors	Score points		
I. Color	20	[(A) 17-20 (C) 14-16[1] (D) 0-13[1]	
II. Shape and size or consistency	20	[(A) 17-20 (C) 14-16[1] (D) 0-13[1]	
III. Absence of defects	40	[(A) 34-40 (C) 28-33[1] (D) 0-27[1]	
IV. Character	20	[(A) 17-20 (C) 14-16[1] (D) 0-13[1]	
Total score	100		
Grade			
Normal flavor			

[1] Indicates limiting rule within classification.

(l) *Effective time and supersedure.* The United States Standards for Grades of Canned Sweetpotatoes (which are the third issue) contained in this section shall become effective on and after 12:01 a. m., e. s. t., March 15, 1947, and shall thereby supersede the standards that have been in effect since August 1, 1934.

(Pub. Law 422, 79th Cong.)

Done at Washington, D. C., this 7th day of February 1947.

[SEAL] E. A. MEYER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 47-1370; Filed, Feb. 12, 1947; 8:47 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1947; OREGON

Correction

In § 701.874 (j) (41) of F. R. Doc. 46-21515, appearing at page 14419 of the issue for Tuesday, December 17, 1946, the payment rate per acre should read "$5.00."

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

VIRGIN ISLANDS AND NEW MEXICO

CROSS REFERENCE: For orders affecting the tabulation contained in § 501.1, see Public Land Order 170, transferring jurisdiction over certain lands on the Island of Saint Croix, Virgin Islands, from the Department of the Interior to the War Department, and Public Land Orders 344 and 345, revoking withdrawals of certain lands in New Mexico for War Department use, under Title 43, *infra*.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Amdt. 03-1]

PART 03—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED PURPOSE CATEGORIES

SERVICE TESTS FOR AIRCRAFT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of February 1947.

A study of accidents and maintenance problems of relatively new model aircraft indicates that in the initial stages of operating such new aircraft extensive maintenance difficulties are apt to occur. Such a situation is undoubtedly conducive to accidents caused by mechanical malfunctioning of the troublesome components or equipment, and remains serious until the difficulties are eventually overcome. This situation would be materially relieved if prior to type certification the aircraft were subjected to tests specifically designed to ascertain the reliability and proper functioning of the airplane, its components, and equipment. The requirements hereinafter set forth are intended to make mandatory the conducting of such tests.

It appearing to the Board that the subject of these regulations has been under consideration for several months; that proposed regulations essentially similar to those hereinafter set forth were circulated to the aircraft industry in August 1946; that in adopting these regulations the date of their effectiveness is being delayed sufficiently to give the public ample notice; that in view of the foregoing sufficient public procedure has been afforded in regard to the regulations, and that any further proceeding would serve only to delay the regulations which it is in the public interest to adopt at this time;

The Civil Aeronautics Board finds that the notice and public procedures provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary.

Now, therefore: Effective March 15, 1947, § 03.0421 (11 F. R. 13369) of the Civil Air Regulations is amended to read as follows:

§ 03.0421 *Flight tests.* (Applicable to all airplanes certificated as a type on or after March 15, 1947.) After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspection and testing on the ground, and proof of the conformity of the airplane with the type design, and upon receipt from the applicant of a report of flight tests conducted by him, there shall be conducted such official flight tests as the Administrator finds necessary to determine compliance with §§ 03.1 through 03.632. After the conclusion of these flight tests such additional flight tests shall be conducted as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the airplane, the number and nature of new design features, and the record of previous tests and experience for the particular airplane model, its components, and equipment. If practicable, the flight tests performed for the purpose of ascertaining the reliability and proper functioning shall be conducted on the same airplane which was used in flight tests to show compliance with §§ 03.1 through 03.632.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1386; Filed, Feb. 12, 1947; 8:47 a. m.]

[Regs., Amdt. 04a-6]

PART 04a—AIRPLANE AIRWORTHINESS REGULATIONS EFFECTIVE PRIOR TO NOVEMBER 9, 1945

SERVICE TESTS FOR AIRCRAFT

At a session of the Civil Aeronautics Board held at its offices in Washington, D. C., on the 4th day of February 1947.

A study of accidents and maintenance problems of relatively new model aircraft indicates that in the initial stages of operating such new aircraft extensive maintenance difficulties are apt to occur. Such a situation is undoubtedly conducive to accidents caused by mechanical malfunctioning of the troublesome components or equipment, and remains serious until the difficulties are eventually overcome. This situation would be materially relieved if prior to type certification the aircraft were subjected to tests specifically designed to ascertain the reliability and proper functioning of the airplane, its components, and equipment. The requirements hereinafter set forth are intended to make mandatory the conducting of such tests.

It appearing to the Board that the subject of these regulations has been under consideration for several months; that proposed regulations essentially similar to those hereinafter set forth were circulated to the aircraft industry in August 1946; that in adopting these regulations the date of their effectiveness is being delayed sufficiently to give the public ample notice; that in view of the foregoing sufficient public procedure has been afforded in regard to the regulations, and that any further proceeding would serve only to delay the regulations which it is in the public interest to adopt at this time;

The Civil Aeronautics Board finds that the notice and public procedures provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary.

Now, therefore: Effective March 15, 1947, Part 04a of the Civil Air Regulations is amended as follows:

1. By deleting the second sentence of § 04a.04.

2. By adding § 04a.040 to read as follows:

§ 04a.040 *Flight tests.* (Applicable to all airplanes certificated as a type on or after March 15, 1947.) After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspection and testing on the ground, and proof of the conformity of the airplane with the type design, and upon receipt from the applicant of a report of flight tests conducted by him, there shall be conducted such official flight tests as the Administrator finds necessary to determine compliance with §§ 04a.2 through 04a.91. After the conclusion of these flight tests such additional flight tests shall be conducted as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the airplane, the number and nature of new design features, and the record of previous tests and experience for the particular airplane model, its components, and equipment. If practicable, the flight tests performed for the purpose of ascertaining the reliability and proper functioning shall be conducted on the same airplane which was used in flight tests to show compliance with §§ 04a.2 through 04a.91.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1389; Filed, Feb. 12, 1947; 8:47 a. m.]

[Regs., Amdt. 04b-3]

PART 04b—AIRPLANE AIRWORTHINESS REGULATIONS EFFECTIVE ON NOVEMBER 9, 1945

TRANSPORT CATEGORIES; SERVICE TESTS FOR AIRCRAFT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of February 1947.

A study of accidents and maintenance problems of relatively new model aircraft indicates that in the initial stages of operating such new aircraft extensive maintenance difficulties are apt to occur. Such a situation is undoubtedly conducive to accidents caused by mechanical malfunctioning of the troublesome components or equipment, and remains serious until the difficulties are eventually overcome. This situation would be materially relieved if prior to type certification the aircraft were subjected to tests specifically designed to ascertain the reliability and proper functioning of the airplane, its components, and equipment. The requirements hereinafter set forth are intended to make mandatory the conducting of such tests.

It appearing to the Board that the subject of these regulations has been under consideration for several months; that proposed regulations essentially similar to those hereinafter set forth were circulated to the aircraft industry in August 1946; that in adopting these regulations the date of their effectiveness is being delayed sufficiently to give the public ample notice; that in view of the foregoing sufficient public procedure has been afforded in regard to the regulations, and that any further proceeding would serve only to delay the regulations which it is in the public interest to adopt at this time;

The Civil Aeronautics Board finds that the notice and public procedures provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary.

Now, therefore: Effective March 15, 1947, § 04b.0321 of the Civil Air Regulations is amended to read as follows:

§ 04b.0321 *Flight tests.* (Applicable to all airplanes certificated as a type on or after March 15, 1947.) After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspection and testing on the ground, and proof of the conformity of the airplane with the type design, and upon receipt from the applicant of a report of flight tests conducted by him, there shall be conducted such official flight tests as the Administrator finds necessary to determine compliance with §§ 04b.1 through 04b.622. After the conclusion of these flight tests such additional flight tests shall be conducted as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the airplane, the number and nature of new design features, and the record of previous tests and experience for the particular airplane model, its components, and equipment. If practicable, the flight tests performed for the purpose of ascertaining the reliability and proper functioning shall be conducted on the same airplane which was used in flight tests to show compliance with §§ 04b.1 through 04b.622.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1387; Filed, Feb. 12, 1947; 8:47 a. m.]

[Regs., Amdt. 22-2]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

DURATION OF CERTIFICATES AND RECENT EXPERIENCE REQUIREMENTS OF LIGHTER-THAN-AIR AIRCRAFT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of February 1947.

It appearing that the current Civil Air Regulations require periodic endorsement for the continued effectiveness of lighter-than-air pilot certificates; such periodic endorsement requirement for all other airman certificates was rescinded as of January 1, 1942; presently expired lighter-than-air pilot certificates may be rendered valid; benefits will be provided for pilots of lighter-than-air aircraft which have been extended to other pilots; this regulation will provide uniformity with regulations governing other types of pilot certificates.

The Civil Aeronautics Board finds that the notice and procedures provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary and that there is good cause to make these regulations effective immediately.

Now, therefore: Effective February 4, 1947, Part 22 of the Civil Air Regulations is amended as follows:

1. By amending § 22.21 *Duration*, to read as follows:

§ 22.21 *Duration.* (a) A student lighter-than-air pilot certificate shall expire 24 calendar months after the month of issuance.

(b) A private or commercial lighter-than-air pilot certificate or free balloon pilot certificate shall remain in effect unless it is suspended, or revoked, or a general termination date for such certificate is fixed by the Board.

(c) The Administrator or his authorized representative may issue a temporary lighter-than-air pilot certificate for a period of not to exceed 90 days subject to the terms and conditions specified therein by the Administrator.

2. By amending § 22.22 *Periodic endorsement requirements*, to read as follows:

§ 22.22 *Recent experience requirements.*

§ 22.220 *General.* (a) A student who has not piloted an airship within 90 days

shall not pilot such aircraft in solo flight until he has passed a flight check given by a commercial lighter-than-air pilot and that fact has been endorsed by such pilot in the student pilot logbook.

(b) The holder of a private or commercial lighter-than-air pilot certificate shall not pilot an airship carrying passengers, unless within the preceding 90 days he has had at least 5 take-offs and landings.

§ 22.221 *Night flight.* No person shall pilot a lighter-than-air aircraft carrying passengers during the period from one hour after sunset to one hour before sunrise, unless he has made at least 5 take-offs and landings to a full stop during the hours of darkness within the preceding 90 days.

§ 22.222 *Instrument flight.* A pilot shall not pilot an airship under instrument flight rules, unless he has had at least 6 hours of instrument flight under actual or simulated instrument conditions during the preceding 6 calendar months. At least 50 percent of the above required time must have been accomplished in actual flight.

3. By amending § 22.23 *Special issuance of expired certificates,* to read as follows:

§ 22.23 *Reinstatement.* A private or commercial lighter-than-air pilot certificate or a free balloon pilot certificate which was effective on or after January 1, 1942, and has expired, may be reinstated upon application to an authorized representative of the Administrator prior to February 1, 1948.

4. By amending § 22.314 *Periodic physical examination,* to read as follows:

§ 22.314 *Medical certificate and renewal.* Any person while piloting a lighter-than-air aircraft shall have on his person a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements within the following time limits:

(a) Student pilot, private pilot, or free balloon pilot—24 calendar months.

(b) Commercial pilot — 12 calendar months.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1388; Filed, Feb. 12, 1947; 8:47 a. m.]

[Regs., Amdt. 35-1]

PART 35—FLIGHT ENGINEER CERTIFICATES

TEMPORARY FLIGHT ENGINEER CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of February 1947.

It appearing that the issuance of a temporary certificate would authorize the holder to exercise the privileges of a flight engineer during the interval between successful completion of the prescribed tests and receipt of the permanent certificate, and there is urgent need for flight engineer certificates to be immediately available;

The Civil Aeronautics Board finds that the amendment is not a restrictive change in the Civil Air Regulations; that the public interest would best be served if it became effective on the same date as Part 35; and that compliance with paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is unnecessary.

Now, therefore: Effective March 15, 1947, Part 35 of the Civil Air Regulations is amended by adding a new section to read as follows:

§ 35.110 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary flight engineer certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1390; Filed, Feb. 12, 1947; 8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 0—RULES OF PRACTICE

SUBPART A—RULES APPLICABLE TO PROCEEDINGS BEFORE THE SECRETARY OF AGRICULTURE

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act, as amended (42 Stat. 998, 49 Stat. 1491, 52 Stat. 205, 54 Stat. 1059; 7 U. S. C. 1–17a), and the Administrative Procedure Act (60 Stat. 237), the rules of practice appearing in Title 17, Chapter I, Part 0, Subpart A, Cumulative and 1945 Supplements to the Code of Federal Regulations, are hereby amended as follows:

1. By striking § 0.2 (c) and substituting in lieu thereof the following:

§ 0.2 *Definitions.* • • •

(c) The term "Secretary" means the Secretary of Agriculture or any person to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead;

2. By striking § 0.2 (d) and substituting in lieu thereof the following:

(d) The term "Commodity Exchange Authority" means the Commodity Exchange Authority, United States Department of Agriculture;

3. By striking § 0.2 (l) and substituting in lieu thereof the following:

(l) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington 25, D. C.

4. By striking § 0.2 (m) and substituting in lieu thereof the following:

(m) The term "referee" means an examiner conducting a proceeding under the act;

5. By striking § 0.2 (n) and substituting in lieu thereof the following:

(n) The term "referee's report" (presiding officer's report) means the referee's report to the Secretary, and includes the referee's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions and orders submitted by the parties;

6. By striking § 0.2 (o) and substituting in lieu thereof the following:

(o) The term "Act Administrator" means the Administrator of the Commodity Exchange Authority, United States Department of Agriculture, in his capacity as Administrator of the Commodity Exchange Act, or any officer or employee of the Commodity Exchange Authority to whom he has heretofore lawfully delegated or may hereafter lawfully delegate the authority to act in his stead;

7. By adding at the end of § 0.2 a new paragraph as follows:

(p) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

8. By striking the period at the end of the first sentence of § 0.3 (c) and inserting a colon in lieu thereof and adding the following proviso:

§ 0.3 *Institution of proceedings.* • • •

(c) *Who may institute.* • • • *Provided,* That in any case, except one of wilfulness or one in which the public health, interest or safety otherwise requires, prior to the institution of a proceeding for the suspension or revocation of a registration or license, facts or conditions which may warrant such action shall be called, in writing, to the attention of the person complained against, and such person shall be accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

9. By amending § 0.7 (a) to read as follows:

§ 0.7 *Referees*—(a) Assignment. No referee shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or marriage to any party to the proceeding, or (3) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the complaint or in the development of the evidence to be introduced therein.

10. By amending § 0.7 (c) to read as follows:

(c) *Conduct.* The referee shall conduct the proceeding in a fair and impartial manner and, save to the extent required for the disposition of ex parte matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

11. By amending § 0.7 (e) to read as follows:

(e) *Who may act in the absence of the referee.* In case of the absence of the referee, or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other referee.

12. By amending § 0.9 to read as follows:

§ 0.9 *The answer*—(a) *Filing and service.* Within 20 days after service of the complaint, the respondent shall file, in triplicate, with the hearing clerk, an answer, signed by the respondent or his attorney: *Provided,* That the Secretary may order that the hearing be held without answer or other pleading. The answer shall be served upon the complainant, and any other party of record, in the manner provided in § 0.22.

(b) *Contents; failure to file.* Such answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the complaint. The answer may contain a waiver of hearing.

Failure to file an answer to or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, the referee, without further investigation or hearing, shall prepare his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. Unless the parties have waived service of the referee's report, it shall be served upon them in the manner provided in § 0.22. The parties shall be given an opportunity to file exceptions to the report, to file briefs in support of such exceptions, and to make oral argument thereon before the Secretary. Any request to make oral argument before the Secretary must be filed in the manner and within the time provided in paragraph (d) of § 0.16.

13. By amending § 0.16 (b) to read as follows:

§ 0.16 *Referee's report.* • • •

(b) *Proposed findings of fact, conclusions, and orders.* Within 10 days after receipt of notice that the transcript has been filed, each party may file with the hearing clerk proposed findings of fact, conclusions, and orders, based solely upon the record, and a brief in support thereof.

14. By amending § 0.16 (c) to read as follows:

(c) *Referee's report.* The referee, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the record, and shall file with the hearing clerk, his report, a copy of which shall be served upon each of the parties.

15. By amending the first sentence of § 0.20 (a) to read as follows:

§ 0.20 *Preparation and issuance of order*—(a) *Preparation of order.* As soon as practicable after the receipt of the record from the hearing clerk, or, in case oral argument was had, as soon as practicable thereafter, the Secretary, upon the basis of and after due consideration of the record, shall prepare his order in the proceeding which shall include findings, conclusions, order, and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions, and orders submitted by the parties, not theretofore ruled upon. • • •

16. By amending § 0.21 (a) (2) to read as follows:

§ 0.21 *Applications for reopening hearings; for rehearings on rearguments of proceedings; or for reconsideration of orders*—(a) *Petition requisite.* • • •

(2) *Petitions to reopen hearings.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing. Every such petition shall be served by the hearing clerk on the other parties to the proceeding.

17. By striking the period at the end of the last sentence of § 0.23 and inserting a colon in lieu thereof and adding the following proviso:

§ 0.23 *Requests for promulgation, amendment, or rescission of regulations.* • • • *Provided,* That notice shall be given of the denial in whole or in part of any such request and, except in affirming a prior denial or where the denial is self-explanatory, such notice shall be accompanied by a simple statement of procedural or other grounds for denial.

18. By adding at the end of § 0.26 (a) a sentence reading as follows:

§ 0.26 *Conduct of hearing*—(a) *Presiding officer.* • • • The presiding officer shall have authority to administer oaths or affirmations and to take all other actions necessary to the orderly conduct of the hearing.

19. By striking the word "suggested" wherever it appears in paragraph (i) of § 0.17 *Shortened procedure,* and § 0.18 *Transmittal of record* and substituting in lieu thereof the word "proposed."

20. By adding a new subheading and section as follows:

RULES APPLICABLE TO ALL PROCEEDINGS

§ 0.28 *Hearings before the Secretary.* The Secretary may act in the place and stead of a referee or presiding officer in any proceeding hereunder. When he so acts, the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided,* That he may issue a tentative order, in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

NOTE: Unless otherwise ordered, all proceedings initiated under the Commodity Exchange Act and pending on December 11, 1946, shall be conducted and concluded in accordance with the applicable rules of practice in effect at the time the proceedings were instituted.

(42 Stat. 998, 49 Stat. 1491, 52 Stat. 205, 54 Stat. 1059, 60 Stat. 237; 7 U. S. C. 1–17a)

Done at Washington, D. C., this 7th day of February 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1369; Filed, Feb. 12, 1947; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO CENTRAL OFFICE OFFICIALS

Section 603.1 (11 F. R. 177A–900, 10651) is hereby amended, effective February 27, 1947, by adding paragraph (t) thereto as follows:

§ 603.1 *Delegations to central office officials.* • • •

(t) *Acting Commissioner.* Such person as the Commissioner shall, from time to time, designate to serve as Acting Commissioner, during periods when he is absent from duty, is authorized to exercise all the powers, duties and functions, while so acting, that are vested in the Commissioner.

(E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

Approved: February 6, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-1372; Filed, Feb. 12, 1947; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

UINTAH INDIAN IRRIGATION PROJECT, UTAH

FEBRUARY 6, 1947.

On December 27, 1946, there was published in the daily issue of the FEDERAL

REGISTER notice of intention to amend § 130.77 of this part (11 F. R. 14697). Interested persons were thereby given opportunity to participate in preparing the amendment by submitting data or arguments within 30 days from date of publication of the notice. No communications, written or oral, having been received within the provided period, the said section is hereby amended and promulgated as follows:

§ 130.77 *Basic water and other charges.* Pursuant to the provisions of the acts of June 21, 1906 (34 Stat. 375) and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387), the reimbursable costs expended in the operation and maintenance of the Uintah Indian irrigation project, Utah, are apportioned on a per acre basis against the irrigable lands of all units of the project and for the calendar year 1947, and each succeeding year until further order, there shall be collected from each acre of irrigable land to which water can be delivered from the constructed works, a uniform basic charge of $1.35 per acre per annum, where not otherwise established by contract.

In addition to the foregoing charge, there shall be collected annually a charge of $3.00 on the lands covered by each separate bill. No bill shall be rendered for less than $4.00. (34 Stat. 375, 45 Stat. 210; 25 U.S.C. 387)

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner.

[F. R. Doc. 47-1375; Filed, Feb. 12, 1947; 8:50 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

UMATILLA, WHITMAN, AND WALLOWA NATIONAL FORESTS, OREGON

CROSS REFERENCE: For orders affecting the tabulation contained in § 201.1, see Public Land Orders 346 and 347 under Title 43, *infra*, transferring certain lands from the Umatilla National Forest to the Whitman and Wallowa National Forests, and from the Whitman National Forest to the Umatilla National Forest, Oregon.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 343]

ARIZONA

REVOKING EXECUTIVE ORDER 7678 OF JULY 27, 1937, ESTABLISHING APACHE MIGRATORY WATERFOWL REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 7678, of July 27, 1937, reserving the following-described lands in Arizona as the Apache Migratory Waterfowl Refuge, the designation of which was changed to the Apache National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 27 E.,
Sec. 13, E½NE¼ and NE¼SE¼.
T. 6 N., R. 28 E.,
Sec. 17, W½NW¼ and SW¼;
Sec. 18, lots 1, 2, 3, NE¼, E½W½, and SE¼;
Sec. 19, E½E½;
Sec. 20, W½;
Sec. 29, W½NE¼, W½, and W½SE¼;
Sec. 30, NE¼NE¼, S½NE¼, and SE¼;
Sec. 31, NE¼;
Sec. 32, N½.

The areas described aggregate approximately 2,680 acres.

This order shall not otherwise become effective to change the status of the lands, which are within the Apache National Forest, until 10:00 a. m. of the sixty-third day from the date on which it is signed, whereupon the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to such application, petition, location, or selection as may be authorized by the public-land laws in accordance with the provisions of 43 CFR 295.8 (Cir. 324, May 22, 1914, 43 L. D. 254), to the extent that these regulations are applicable.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

JANUARY 29, 1947.

[F. R. Doc. 47-1347; Filed, Feb. 12, 1947; 8:48 a. m.]

[Public Land Order 170]

VIRGIN ISLANDS

RESERVING LAND FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Jurisdiction over the following-described land owned by the United States on the Island of Saint Croix, Virgin Islands, is hereby transferred from the Department of the Interior to the War Department and the land is reserved for military purposes:

Beginning at a point designated as Corner 1, being the Southeast corner of the Federal Reservation entitled "Benedict Field", and situated on the Caribbean Shore Line, from which United States Coast and Geodetic Survey Station Manning (latitude 17°42' 30.266" N., longitude 64°47'37.874" W.) bears approximately North 26° West 4,040 feet distant;

Thence by magnetic bearings,
N. 16°48' W., 1,372.0 feet to Corner 2;
N. 81°57' E., 553.2 feet to Corner 3;
N. 15°02' W., 2,442.1 feet to Corner 6;
N. 23°09' W., 341.0 feet to Corner 7;
N. 39°44' W., 234.0 feet to Corner 8;
N. 52°41' W., 865.8 feet to Corner 9;
N. 31°17'40" E., 3,457.59 feet to Corner 1-E;
N. 72°05' E., 505.58 feet to Corner 2-E;
S. 17°24'40" E., 7,809.16 feet to Corner 11-E, situated on the shore line of the Caribbean Sea;

Thence along the shore line of the Caribbean Sea in a westerly direction, along the southerly border of the parcel to Corner 1, the point of beginning.

The tract as shown on Map A4-2.45 of Benedict Field Addition, Tract No. 3, on file in the Office of the District Engineer, Corps of Engineers, United States Army, contains 427.084 acres.

This order is subject to the condition that The Virgin Islands Company may continue to use the cattle pens, dipping vats, and other facilities located on the above-described land, provided the Commanding Office of Benedict Field is notified in advance of such use in order that proper guard may be posted.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, the jurisdiction over the land shall be vested in the Department of the Interior.

This order is confidential and shall not be filed in the Division of the Federal Register, or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof has been expressly authorized by or at the direction of the Secretary of War.[1]

ABE FORTAS,
Acting Secretary of the Interior.

SEPTEMBER 24, 1943.

[F. R. Doc. 47-1352; Filed, Feb. 12, 1947; 8:48 a. m.]

[Public Land Order 344]

NEW MEXICO

REVOKING PUBLIC LAND ORDER 108 OF MARCH 31, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS A BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 108 of March 31, 1943, withdrawing the public lands in the hereinafter-described areas for the use of the War Department as a bombing range, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 108 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 2, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 2, 1947, to July 2, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 13, 1947, to April 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 2, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from June 12, 1947, to July 2, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office, Santa Fe, New Mexico.

The lands affected by this order are described as follows:

The public lands in the following-described areas:

NEW MEXICO PRINCIPAL MERIDIAN

T. 7 N., R. 11 W.,
Secs. 14, 15, 16, 21, 22, 23, 26, 27, and 28.

The areas described, including both public and non-public lands, aggregate 5,760 acres. The public lands are hilly to mountainous desert lands.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

JANUARY 29, 1947.

[F. R. Doc. 47-1348; Filed, Feb. 12, 1947; 8:48 a. m.]

[Public Land Order 345]

NEW MEXICO

REVOKING PUBLIC LAND ORDER NO. 124 OF MAY 19, 1943 WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS RADIO RANGE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 124 of May 19, 1943, withdrawing the hereinafter-described lands for the use of the War Department as a radio range site, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 124 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 2, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 2, 1947, to July 2, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 13, 1947 to April 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 2, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 12, 1947, to July 2, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office, Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 8 E.,
Sec. 31, S½SE¼NE¼ and N½NE¼SE¼.

The area described aggregates 40 acres.

The lands are in Otero County, in an area of sand flats and dunes. It is nearly level in character, and the elevation is approximately 4,000 feet above sea level.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

JANUARY 29, 1947.

[F. R. Doc. 47-1349; Filed, Feb. 12, 1947; 8:48 a. m.]

[1] Confidential status released by letter dated January 13, 1947 of the War Department.

[Public Land Order 347]

OREGON

TRANSFER OF LANDS FROM WHITMAN NATIONAL FOREST TO UMATILLA NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, and upon the recommendation of the Assistant Secretary of Agriculture, it is ordered as follows:

The following described lands within the exterior boundaries of the Whitman National Forest are hereby transferred to the Umatilla National Forest, effective July 1, 1946:

WILLAMETTE MERIDIAN

T. 7 S., Rs. 31 to 35 E., inclusive.
T. 8 S., R. 31 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Sec. 23, E½;
Sec. 24;
Sec. 25, N½.
T. 6 S., R. 32 E., those parts of secs. 27 to 29, inclusive, and secs. 31 to 36, inclusive, south of the North Fork of the John Day River.
T. 8 S., Rs. 32 to 35 E., inclusive.
T. 9 S., R. 32 E.,
Secs. 1, 2, and 3.
T. 9 S., R. 33 E.,
Secs. 1 to 6, inclusive;
Secs. 8 to 13, inclusive.
T. 9 S., R. 34 E.
T. 10 S., R. 34 E.,
Secs. 1 to 4, inclusive.
T. 9 S., R. 35 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 28 to 33, inclusive.
T. 10 S., R. 35 E.,
Secs. 4 to 9, inclusive.
T. 7 S., R. 35½ E.,
Secs. 33 and 34.
T. 8 S., R. 35½ E.,
Secs. 3, 4, 9, 10, 15, 16, 21, 22, 28, and 33.

It is not intended by this order to give a national-forest status to any publicly owned lands which have not hitherto had such a status, or to change the status of any publicly owned lands which have hitherto had national-forest status.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

JANUARY 31, 1947.

[F. R. Doc. 47-1351; Filed, Feb. 12, 1947; 8:48 a. m.]

[Public Land Order 346]

OREGON

TRANSFER OF LANDS FROM UMATILLA NATIONAL FOREST TO WHITMAN AND WALLOWA NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, and upon the recommendation of the Assistant Secretary of Agriculture, the following transfers are ordered, effective July 1, 1946.

The following described lands within the exterior boundaries of the Umatilla National Forest are hereby transferred to the Whitman National Forest:

WILLAMETTE MERIDIAN

T. 3 S., R. 33 E.,
Secs. 13, 14, and 15;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 4 S., R. 33 E.,
Secs. 1, 2, 11, and 12.
T. 3 S., R. 33½ E.,
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 4 S., R. 33½ E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15.
T. 2 S., R. 34 E.,
Secs. 31 to 35, inclusive.
T. 3 S., R. 34 E., all.
T. 4 S., R. 34 E.,
Secs. 1 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 5 S., R. 34 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 2 S., R. 35 E.,
Secs. 11 and 14;
Secs. 21 to 28, inclusive;
Secs. 31 to 35, inclusive.
T. 3 S., R. 35 E., all.
T. 4 S., R. 35 E., all.
T. 5 S., R. 35 E., all.
T. 6 S., R. 35 E.,
Secs. 2 to 17, inclusive;
Secs. 20 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 2 S., R. 36 E., all.
T. 3 S., R. 36 E., all.
T. 1 S., R. 37 E.,
Secs. 11 to 15, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 2 S., R. 37 E., all.
T. 1 S., R. 38 E.,
Secs. 7 and 8;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 2 S., R. 38 E.,
Secs. 5 and 6.

The following described lands within the exterior boundaries of the Umatilla National Forest are hereby transferred to the Wallowa National Forest:

WILLAMETTE MERIDIAN

T. 3 N., R. 40 E., that part of sec. 1 east of Grande Ronde River.
T. 4 N., R. 40 E., those parts of secs. 12, 13, 24, 25, and 36 south and east of Grande Ronde River.
T. 4 N., R. 41 E., secs. 1, 2, 3, 4, and 8, all; those parts of secs. 5, 6, and 7 south and east of Grande Ronde River.
T. 5 N., R. 41 E.,
Sec. 26, lot 2;
Sec. 27, lots 4 and 5;
Sec. 32, lot 5;
Sec. 33, lots 4, 5, 7, 9, 10, 11, and 12, NE¼SE¼;
Sec. 34, lots 1 and 3, S½NW¼, NE¼, S½;
Sec. 35, lots 3, 4, and 5, SE¼NW¼, W½NW¼, S½;
Sec. 36, lots 3, 4, 7, and 9, SW¼SW¼.

It is not intended by this order to give a national-forest status to any publicly-owned lands which have not hitherto had such a status, or to change the status of any publicly-owned lands which have hitherto had national-forest status.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

JANUARY 31, 1947.

[F. R. Doc. 47-1350; Filed, Feb. 12, 1947; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 18A, Rev., Amdt. 5]

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172), is hereby further amended by adding a paragraph (g) to § 500.75 as follows:

§ 500.75 *Exemptions.* • • •

(g) Carload freight consisting of a complete order when such carload freight moves first by water on the high seas to a port in the United States and is transshipped therefrom by rail in a single car.

This Amendment 5 to General Order ODT 18A, Revised, shall become effective on February 12, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 10th day of February 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-1376; Filed, Feb. 12, 1947; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

APACHE MIGRATORY WATERFOWL REFUGE, ARIZONA

CROSS REFERENCE: For order affecting the tabulation contained in § 11.1, see Public Land Order 343 under Title 43, *infra*, revoking Executive Order 7678, which reserved certain lands for the Apache Migratory Waterfowl Refuge, Arizona, later redesignated as the Apache National Wildlife Refuge by Proclamation 2416.

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8114]

JULIUS SCHMEISZ

In re: Estate of Julius Schmeisz, deceased. File No. D-66-95; E. T. sec. 1805.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Bela V. Schmeisz and Katalin Gorodi, and each of them, in and to the Estate of Julius Schmeisz, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Bela V. Schmeisz, Hungary.
Katalin Gorodi, Hungary.

That such property is in the process of administration by the Treasurer of the City of New York as Depositary, acting under the judicial supervision of the Surrogate's Court, County of New York, State of New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1383; Filed, Feb. 12, 1947; 8:51 a. m.]

[Vesting Order 8029]

METAKAY REALTY CORP.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That all of the issued and outstanding capital stock of Metakay Realty Corporation, a corporation organized under the laws of the State of New York and a business enterprise within the United States, consisting of 40 shares of $100 par value common stock, evidenced by Certificate No. 1 and registered in the name of William F. Wund, is owned by Martha Buhring, formerly Martha Brunjes, and is evidence of ownership and control of Metakay Realty Corporation;

2. That Martha Buhring, formerly Martha Brunjes, whose last known address is Osterholz, Scharmbeck, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

and it is hereby determined:

3. That Metakay Realty Corporation is controlled by the person named in subparagraph 2 hereof, or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

4. That to the extent that Metakay Realty Corporation and the person named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 40 shares of $100 par value common stock of Metakay Realty Corporation, more fully described in the subparagraph 1 hereof, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise is hereby undertaken, to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1377; Filed, Feb. 12, 1947; 8:50 a. m.]

[Vesting Order 8100]

HENRY MEYER

In re: Estate of Henry Meyer, deceased. File D-28-1609; E. T. sec. 359.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Meyer, Minna Meyer Kondke, Anna Meyer Kloot (Klooth), Margarettha (Margaretha) Meyer Bremer, Maria Meyer and Peter Meyer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $8,549.76 in the possession and custody of the County Treasurer of Wabasha County, Minnesota, Depositary, which was deposited to the credit of the persons named in subparagraph 1 hereof on May 4, 1946 pursuant to the order of the Probate Court of Wabasha County, Minnesota entered on April 25, 1946 in the matter of the estate of Henry Meyer, deceased, subject to payment of any lawful fees and disbursements of the County Treasurer of Wabasha County, Minnesota, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by County Treasurer of Wabasha County, Minnesota, as Depositary, acting under the judicial supervision of the Probate Court of Wabasha County, Minnesota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1382; Filed, Feb. 12, 1947; 8:51 a. m.]

[Vesting Order 8121]

PAUL KAPFF

In re: Stock owned by Paul Kapff. F-28-1024-A-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Kapff, whose last known address is Lindenstrasse 12, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of $100.00 par value preferred capital stock of Missouri Pacific Railroad Company, Missouri Pacific Building, St. Louis 3, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by certificate number 045603, registered in the name of Martin Gerok, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon, and

b. One hundred and fifty (150) shares of no par value common capital stock of American Ice Company, 535 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 18733 and 019587, for 100 shares and 50 shares respectively, registered in the name of Hurley & Co., and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1378; Filed, Feb. 12, 1947; 8:50 a. m.]

[Vesting Order 8146]

JEAN PHILIPP UZELINO

In re: Stock and bank account owned by Jean Philipp Uzelino, also known as Jean Uzelino. F-28-23358-D-2, F-28-23358-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jean Philipp Uzelino, also known as Jean Uzelino, whose last known address is Flonheim in Rheinhessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Nineteen (19) shares of $50 par value capital stock of The Pennsylvania Railroad Company, Broad Street Station Building, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered N366874 for ten (10) shares and N366875 for nine (9) shares, and registered in the name of Jean Uzelino, together with all declared and unpaid dividends thereon,

b. Fifteen (15) shares of $50 par value capital stock of The Pennsylvania Railroad Company, Broad Street Station Building, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered N303968 for ten (10) shares and N312065 for five (5) shares, and registered in the name of Jean Philipp Uzelino, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation owing to Jean Philipp Uzelino, also known as Jean Uzelino, by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a special interest account, Account Number 2151, entitled Jean Philipp Uzelino, maintained at the branch office of the aforesaid bank located at 571 West 181st Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1380; Filed, Feb. 12, 1947; 8:51 a. m.]

[Vesting Order 8147]

DEUTSCHE ZENTRALGENOSSENSCHAFTSKASSE

In re: Bank account, stock and bonds owned by Deutsche Zentralgenossenschaftskasse, also known as Preussische Zentralgenossenschaftskasse. F-28-1030-E-3, F-28-4377-A-2, F-28-1030-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Zentralgenossenschaftskasse, also known as Preussische Zentralgenossenschaftskasse, the last known address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Deutsche Zentralgenossenschaftskasse, also known as Preussische Zentralgenossenschaftskasse, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Preussische Zentralgenossenschaftskasse, and any and all rights to demand, enforce and collect the same,

b. One (1) St. Louis-San Francisco Railway Company Prior Lien 4% Gold Bond, Series A, of $250.00 face value, bearing the number Y 7777, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

c. Five (5) shares of $100.00 par value cumulative preferred capital stock of Missouri Pacific Railroad Company, Missouri Pacific Building, St. Louis, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by certificate number 077816, registered in the name of Egger & Co, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

d. Eleven (11) shares of $10.00 par value common capital stock of North American Company, 60 Broadway, New York 4, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered M 31380 and M 31379, for eight (8) and three (3) shares, respectively, registered in the name of Egger & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon, and

e. Twelve (12) Deutsche Landesbank-enzentrale Aktiengesellschaft First Mortgage Secured Gold Sinking Fund Bonds, Series A, each of $1,000.00 face value, bearing the numbers M 422A, M 423A, M 424A, M 667A, M 938 A, M 939A, M 1468A, M 3607A, M 3608A, M 3869A, M 3870A and M 4813A, which bonds are presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1381; Filed, Feb. 12, 1947; 8:51 a. m.]

[Vesting Order 8174]

ELSA VON MASSENBACH

In re: Stock owned by Elsa von Massenbach, also known as Baroness Elsa von Massenbach. F-28-1671-D-1, F-28-1671-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa von Massenbach, also known as Baroness Elsa von Massenbach, whose last known address is Hohenzollernstrasse 7, Bad Reichenhall, Oberbayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred fifty (150) shares of $100 par value 7% cumulative preferred capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered D193797 for one hundred (100) shares and C624153 for fifty (50) shares, and registered in the name of Elsa Von Massenbach, together with all declared and unpaid dividends thereon, and

b. Two hundred ten (210) shares of $100 par value preferred capital stock of The Atchison, Topeka and Santa Fe Railway Company, Topeka, Kansas, a corporation organized under the laws of the State of Kansas, evidenced by certificates numbered 99657 and 99658 for one hundred (100) shares each and X162525 for ten (10) shares, and registered in the name of Baroness Elsa von Massenbach, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1384; Filed, Feb. 12, 1947; 8:51 a. m.]

[Vesting Order 8147]

KATHERINE LANGMAACK

In re: Bank account and stock owned by Katherine Langmaack. F-28-12932-A-1, F-28-12932-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Langmaack, whose last known address is Peter Str. 20, Elmshorn, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Katherine Langmaack, by Wells Fargo Bank & Union Trust Co., 4 Montgomery Street, San Francisco, California, arising out of an agency account, Account Number 3159, entitled Miss Katherine Langmaack, and any and all rights to demand, enforce and collect the same, and

b. Forty-eight (48) shares of no par value common capital stock of Richfield Oil Corporation, 555 South Flower Street, Los Angeles 13, California, a corporation organized under the laws of the State of Delaware, evidenced by certificate number LA018543, registered in the name of

Katherine Langmaack, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General,

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1379; Filed, Feb. 12, 1947; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Water Power Designation 10]

ROGUE RIVER, OREGON

POWER SITE CANCELATION 90

Water Power Designation No. 10, approved April 27, 1917, as affects lands in Oregon hereinafter described is hereby canceled:

WILLAMETTE MERIDIAN

T. 36 S., R. 3 W.,
Sec. 1, lot 1 and SW¼SE¼.

The areas described aggregate approximately 41.46 acres.

(39 Stat. 218)

Dated: December 19, 1946.

THOMAS B. NOLAN, *Acting Director.*

Approved: January 17, 1947.

C. GERARD DAVIDSON, *Assistant Secretary.*

[F. R. Doc. 47-1346; Filed, Feb. 12, 1947; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1558]

MISSISSIPPI VALLEY STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

By order dated May 20, 1946 (5 A. D. 363), made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), rates and charges were prescribed for the respondent. By order dated September 25, 1946 (5 A. D. 683), certain modifications in the rates and charges of the respondent were made.

By a petition filed on February 6, 1947, the Mississippi Valley Stock Yards requested a modification of the Secretary's orders referred to above to permit it to file a supplement to its tariff increasing certain of its rates and charges for stockyard services as follows:

YARDAGE CHARGES

Yardage on all classes of original receipts and resales in Commission Division:

	Proposed increased rates (cents per head)	Existing rates (cents per head)
Cattle	55	40
Calves	36	33
Hogs	20	18
Livestock consigned direct to packers:		
Cattle	27	25
Calves	18	17
Hogs	9	8

No request was made for any other increase or modification in the other rates and charges of the respondent.

The effect of the proposed modifications, set out above, if granted, would be to increase the revenues of the respondent, and, it appears that public notice should be given to all interested persons, of the request of the respondent so as to afford all interested persons, including patrons of the respondent, an opportunity to manifest their desire to be heard on the matter.

Therefore, notice is hereby given to the public and to all interested persons of the request of the respondent for the purpose of affording said respondent and all other interested persons, including patrons of the respondent, an opportunity to be heard upon the matters covered in the petition.

All interested persons who desire to be heard shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within fifteen (15) days from the date of the publication of this order.

Copies hereof shall be served on the respondent.

Done at Washington, D. C., this 7th day of February 1947.

[SEAL] H. E. REED, *Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 47-1368; Filed, Feb. 12, 1947; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-669]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF OPINION 147

FEBRUARY 10, 1947.

Notice is hereby given that, on February 7, 1947, the Federal Power Commission issued its Opinion No. 147, adopted January 17, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1373; Filed, Feb. 12, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1051, et al.]

MID-CONTINENT AIRLINES, INC., ET AL.; KANSAS CITY-MEMPHIS-FLORIDA CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of applications of Mid-Continent Airlines, Inc., et al., for certificates and amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding, now assigned to be heard on February 18, 1947, is hereby postponed to be heard on February 24, 1947, 10:00 a. m., (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Ave., N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., February 7, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-1353; Filed, Feb. 12, 1947; 8:49 a. m.]

[Docket No. 2898]

EASTERN AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Eastern Air Lines, Inc., for amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, to redesignate certain intermediate points on routes Nos. 5 and 6.

Notice is hereby given that hearing in the above-entitled matter in which Eastern requests the redesignation of the intermediate point Greensboro, N. C., as Greensboro-High Point, the intermediate point Beaumont, Texas, as Beaumont-Port Arthur, on route No. 5, and the intermediate point Raleigh, N. C., as Raleigh-Durham, on routes Nos. 5 and 6, is assigned to be held on February 28, 1947, at 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave., N. W., Washington, D. C., before Examiner Richard A. Walsh.

Dated Washington, D. C., February 10, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-1391; Filed, Feb. 12, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 675]

UNLOADING OF SODA ASH AND CLAY AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of February A. D. 1947.

It appearing, that 3 cars containing soda ash and clay at New Orleans, La., on the Louisiana & Arkansas Railway Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Soda ash and clay at New Orleans, La., be unloaded.* The Louisiana & Arkansas Railway Company, its agents or employees shall unload immediately the following cars, containing soda ash and clay, on hand at New Orleans, La., consigned for export:

GN 10089 SP 32315 T&P 70727

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 10, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4, 41 Stat. 476, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1355; Filed, Feb. 12, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 111]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., Feb. 6, 1947, by Simon Siegel Co., of car PFE 31880, apples, now on the Chicago Produce Terminal (off I. C. RR.), to Caruso Fruit Distributors, Albany, N. Y. (Erie-D&H).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1361; Filed, Feb. 12, 1947; 8:47 a. m.]

[S. O. 674]

UNLOADING OF FERTILIZER AT SANTUC, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of February A. D. 1947.

It appearing, that car AA 73812, containing fertilizer at Santuc, South Carolina, on the Southern Railway Company, shipped by Swift Fertilizer Company, Columbia, S. C., has been on hand under load for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Fertilizer at Santuc, S. C., be unloaded.* The Southern Railway Company, its agents or employees, shall unload immediately car AA 73812, loaded with fertilizer, now on hand at Santuc, South Carolina, consigned to C. B. Jeter, Santuc, S. C.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 10, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4, 41 Stat. 476, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1354; Filed, Feb. 12, 1947; 8:46 a. m.]

[S. O. 676]

UNLOADING OF VARIOUS COMMODITIES AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of February A. D. 1947.

It appearing, that 13 cars containing various articles, at New Orleans, Louisiana, on the Louisville and Nashville Railroad Company, have been on hand for an unreasonable length of time, and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Various articles at New Orleans, Louisiana, be unloaded.* The Louisville and Nashville Railroad Company, its agents or employees, shall unload immediately the following cars, loaded with various articles, now on hand at New Orleans, Louisiana, consigned for export:

MP 22327	LN 25562	PLE 1056
ACL 27730	MSTL 24712	PLE 1166
SAL 19736	NYC 57176	NYC 62113
PRR 39232	NYC 68114	NYC 62211
NW 48224		

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 10, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4, 41 Stat. 476, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1356; Filed, Feb. 12, 1947; 8:46 a. m.]

[S. O. 677]

UNLOADING OF VARIOUS COMMODITIES AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of February A. D. 1947.

It appearing, that 7 cars containing various articles at New Orleans, La., on the Gulf, Mobile and Ohio Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered that:

(a) *Various commodities at New Orleans, La., be unloaded.* The Gulf, Mobile and Ohio Railroad Company, its agents or employees shall unload immediately the following cars on hand at New Orleans, La., consigned for export:

SP 43142	TNO 36277	ACL 14379
MILW 66123	CBQ 120914	NYC 65625
LN 22169		

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 10, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4; 41 Stat. 476, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17) 15 (2))

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1357; Filed, Feb. 12, 1947; 8:46 a. m.]

[S. O. 679]

UNLOADING OF EXPORT CARS AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of February A. D. 1947.

It appearing that 14 cars containing various commodities at New Orleans, La., on the New Orleans and Northeastern Railroad Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Export cars at New Orleans, La., be unloaded.* The New Orleans and Northeastern Railroad Company, its agents or employees, shall unload immediately the following cars on hand at New Orleans, La., consigned for export:

MSTL 18242	NYC 64581	NYC 68504
NYC 144034	NYC 63921	PLE 1106
Sou 168653	NYC 68322	PLE 1129
ATSF 171392	CNW 54492	NYC 63040
BS 5555	NYC 62572	

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 10, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, Sec. 4, 41 Stat. 476, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1359; Filed, Feb. 12, 1947; 8:47 a. m.]

[S. O. 680]

UNLOADING OF EXPORT CARS AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of February A. D. 1947.

It appearing, that 19 cars containing various commodities, at New Orleans, Louisiana, on the Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Export cars at New Orleans, Louisiana, be unloaded.* The Texas Pacific-Missouri Terminal Railroad of New Orleans, its agents or employees, shall unload immediately the following cars, now on hand at New Orleans, Louisiana, consigned for export:

NYC 68980	MP 86089	NYC 153863
MKT 74983	TP 70502	LV 76524
PRR 567523	STLBM 20647	PRR 267564
MP 76335	PRR 84538	SLSF 161446
FEC 20676	CNC 9503	CNW 40935
MP 86527	PRR 62985	NYC 177708
LN 98308		

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 10, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4, 41 Stat. 476, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2)).

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1360; Filed, Feb. 12, 1947; 8:47 a. m.]

[S. O. 678]

UNLOADING OF AUTOMOBILES AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of February A. D. 1947.

It appearing, that 2 cars containing automobiles at New Orleans, La., on Texas and New Orleans Railroad Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Automobiles at New Orleans, La., be unloaded.* The Texas and New Orleans Railroad Company, its agents or employees, shall unload immediately cars GA 19806 and SLSF 152741, containing automobiles, now on hand at New Orleans, La., consigned to William Osborn for export.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 10, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, Sec. 4, 41 Stat. 476, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1358; Filed, Feb. 12, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70—1428]

CAROLINA COACH CO. AND ROWAN-CABARRUS BUS LINE, INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of February A. D. 1947.

Carolina Coach Company ("Carolina Coach") a direct subsidiary of Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and Rowan-Cabarrus Bus Line, Incorporated ("Rowan"), a wholly-owned direct subsidiary of Carolina Coach, have filed a joint declaration, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, and certain rules and regulations promulgated thereunder regarding the following transactions:

Carolina Coach is proposing to cause Rowan to be liquidated and dissolved. As of October 31, 1946, the total outstanding securities of Rowan, all owned by Carolina Coach, consisted of 150 shares of capital stock, par value $100 per share. In addition, Carolina Coach owns all of the open account indebtedness of Rowan amounting, at the same date, to $29,929.

Preliminary to the proposed liquidation and dissolution of Rowan all of its open account indebtedness will be cancelled by Carolina Coach and treated as a capital contribution by Rowan. Thereafter Rowan proposes to undertake a program for its complete liquidation to be accomplished by the declaration and payment to Carolina Coach of a liquidating dividend, consisting of all of Rowan's property and assets at the date of the final distribution in liquidation. It is contemplated by the parties that all known liabilities of Rowan will have been satisfied prior to the payment of the liquidating dividend, any liabilities existing at the date of the liquidation are to be assumed by Carolina Coach. Upon the making of this final distribution in liquidation by Rowan, Carolina Coach will surrender the capital stock of Rowan to Rowan for retirement and cancellation, and Rowan will be dissolved in accordance with the laws of the State of North Carolina. The filing contains, among other things, a copy of an order of the Utilities Commission of North Carolina approving the proposed transactions.

The joint declaration was filed on January 3, 1947, and the amendment thereto on January 29, 1947. Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission has not received a request for hearing with respect thereto within the period prescribed in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this joint declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act and subject to the terms and provisions prescribed in Rule U-24 that this joint declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1371; Filed, Feb. 12, 1947; 8:50 a. m.]

Reference

FEB 17 '47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 32

Washington, Friday, February 14, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2716

RED CROSS MONTH, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American National Red Cross, traditional friend and counselor of the serviceman and the veteran, furnishes comfort and renewed hope to our sick and wounded in hospitals and provides morale-building welfare and recreational facilities for our occupation forces abroad as well as a wide range of services to those returning to civilian life in this country; and

WHEREAS the Red Cross, chartered by Congress and equipped by experience to cope with human needs when disaster strikes, performs its errands of mercy with skill and expedition; and

WHEREAS the Red Cross is devoting increased attention to its home-nursing and first-aid programs which are designed through training courses to check the spread of disease and to reduce the frightful toll of accidents; and

WHEREAS this organization is entirely dependent upon the voluntary contributions of the people of the United States in rendering these services, and has estimated that a minimum fund of $60,000,000 will be necessary for the implementation of its philanthropic program in 1947:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America and President of the American National Red Cross, do hereby designate and proclaim the month of March 1947 as Red Cross Month and urge every citizen of this country to respond generously to this essential, humanitarian cause.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of February, in the year of our Lord nineteen hundred and forty-seven and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-1446; Filed, Feb. 12, 1947; 3:22 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 208, Amdt. 1]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.315 *Lemon Regulation 208, as amended*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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(b) *Order.* Lemon Regulation 208 (12 F. R. 768) is hereby amended as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., February 9, 1947, and ending at 12:01 a. m., p. s. t., February 16, 1947, is hereby fixed at 200 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 207 (12 F. R. 768) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1471; Filed, Feb. 13, 1947; 9:13 a. m.]

[Orange Reg. 164, Amdt. 1]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.310 *Orange Regulation 164, as amended*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* Orange Regulation 164 (12 F. R. 915) is hereby amended as follows:

(1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 9, 1947, and ending at 12:01 a. m., p. s. t., February 16, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 900 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached to Orange Regulation 164 (12 F. R. 915) and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch Production and Marketing Administration.

[F. R. Doc. 47-1472; Filed, Feb. 13, 1947; 9:13 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

MILITARY PAYMENT CERTIFICATES

Pursuant to the authority vested in the Secretary of War by section 3 of the act of December 23, 1944 (58 Stat. 921), and by virtue of all other authority vested in the Secretary of War, §§ 306.80 and 306.81, pertaining to military payment certificates, are added as follows:

§ 306.80 *Military payment certificates*—(a) *Use of military payment certificates.* In such areas as the War Department designates, disbursing officers of the United States Army and their agents are authorized to disburse military payment certificates for pay and allowances of authorized personnel, and for all other authorized payments to individuals in and under the Military Establishment.

(b) *Convertibility of military payment certificates.* Disbursing officers of the United States Army and their agents are authorized to exchange dollar instruments for military payment certificates, or military payment certificates for dollar instruments, for persons authorized to be in possession of military payment certificates.

(c) *Transactions between United States disbursing officers.* Disbursing officers of the United States Army and their agents are authorized to exchange dollar instruments for military payment certificates, or military payment certificates for dollar instruments, in transactions with disbursing officers of the United States Navy and their agents; and with such other disbursing officers of the United States Government and their agents as may be authorized specifically by theater commanders.

(d) *Applicability of regulations.* As of the date on which the War Department introduces the use of military payment certificates in any area, transactions in the indigenous currencies of such areas,

and in any other currencies which may later be designated, will be subject to the regulations specified in paragraphs (e) and (f) of this section.

(e) *Prohibition on the acquisition of certain foreign currencies.* Disbursing officers of the United States Army and their agents, wherever stationed, will no longer acquire indigenous currencies of the areas in which military payment certificates are in use, and any other currencies which may later be designated, from the following sources:

(1) United States Army postal officers and their agents.

(2) Officers and crews of vessels operating for or on behalf of War Shipping Administration.

(3) Members of the United States Coast Guard.

(4) Military, naval, and civilian personnel of the United States Government who are not disbursing officers of the United States Government or their agents.

(5) Representatives of quasi-official organizations operating with or for the benefit of the members of the United States Armed Forces.

(6) Personnel of contractors and of authorized non-governmental agencies operating with the Armed Forces of the United States.

(f) *Sale of foreign currencies.* Disbursing officers of the United States Army or their agents, wherever stationed, are authorized to sell foreign currencies, including indigenous currencies of areas in which military payment certificates are in use, and any other designated currencies, for military payment certificates and/or for United States dollar instruments, to military and naval personnel of the United States Government; and to employees of Government and non-Government agencies as specifically authorized by the theater commander.

§ 306.81 *Definitions*—(a) *Types of personnel.* Personnel who fall within the purview of these sections (hereinafter referred to as U. S. authorized personnel) and who may utilize military payment certificates and dollar instruments defined herein, subject to limitations prescribed in paragraph (c) of this section, are:

(1) Military and naval personnel of the United States Government.

(2) Civilians, who are citizens of the United States, employed directly, or indirectly through contractors, by the military and naval establishments.

(3) Civilians, who are citizens of the United States, employed directly by the United States Government, when authorized by the theater commander under the provisions of paragraph (e) of this section.

(4) Dependents of personnel included in subparagraphs (1) and (2), and (3) of this paragraph, but subject to the limitations set forth in paragraph (e) of this section.

(5) Civilians, other than those who are citizens of the country whose currency is legal tender in the area, directly employed by the military and naval establishments, when authorized by the theater commander under the provisions of paragraph (e) of this section.

(6) Civilians, other than those who are citizens of the country whose currency is legal tender in the area, who are employed by quasi-official organizations in and/or under the military and naval establishment and working for the benefit of the members of the Armed Forces of the United States, when authorized by the theater commander under the provisions of paragraph (e) of this section. Examples are the Army Exchange Service and its exchanges; United Service Organizations; American Red Cross Clubs and facilities; unit clubs; enlisted men's and officers' clubs and messes; and the Central Welfare Fund of any given theater.

(7) Personnel attached to the headquarters of any U. S. military or naval unit, who, in the opinion of the theater commander, can best perform their mission by having access to U. S. Army facilities, when specifically authorized by the theater commander under the provisions of paragraph (e) of this section.

(b) *Enemy nationals.* Enemy nationals are specifically excluded from those listed in subparagraphs (5), (6), and (7) of paragraph (a) of this section.

(c) *Military payment certificate.* (1) The military payment certificate is defined as an instrument, denominated in United States dollars or fractions thereof which is the official medium of exchange in all military establishments in areas designated by the War Department.

(2) Military payment certificates will be issued in denominations of 5 cents, 10 cents, 25 cents, 50 cents, $1, $5, and $10.

(d) *U. S. dollar instruments.* U. S. Dollar instruments are defined as follows:

(1) U. S. dollar currency is the currency or coin accepted as legal tender in the United States.

(2) U. S. Treasury checks are the standard dollar checks drawn on the Treasurer of the United States by authorized disbursing officers of the United States.

(3) Traveler's checks are those issued by the American Express Company, the Bank of America National Trust and Savings Association, the Mellon National Bank of Pittsburgh, and the National City Bank of New York.

(4) United States military disbursing officers payment order.

(5) United States Postal money orders and American Express Company money orders.

(e) *Limitations.* (1) The theater commander will be responsible for the determination of those individuals to which the provisions of the regulations of this part will apply within the limits of this section.

(2) The military payment certificate is for use only in U. S. military establishments by U. S. authorized personnel, in accordance with applicable rules and regulations.

(3) Possession of military payment certificates is prohibited unless acquired pursuant to the regulations contained herein and such additional restrictions as may be promulgated by the appropriate theater commander.

(4) Under no circumstances will military payment certificates be accepted from or exchanged for persons other than U. S. authorized personnel, or exchanged after the date designated by the Secretary of War for their acceptance or exchange.

(5) Except in areas where U. S. currency is authorized for disbursement, the use or possession of U. S. currency is prohibited in foreign countries to which these regulations are applicable.

(6) Dependents, as defined in § 306.81 (a) (4) are limited, in transactions with U. S. Army disbursing officers or their authorized agent to the exchange of military payment certificates, or any type of authorized U. S. dollar instruments, for military payment certificates or for foreign currency. Use of military payment orders by dependents will be limited to the cashing of one military payment order not in excess of $200 for dependents overseas requiring funds for incidental traveling expenses in connection with War Department authorized transportation to the U. S.

[WD Cir. 256, 23 Aug 1946] (Sec. 3, 58 Stat. 921; 50 U. S. C. 1705–1707)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1392; Filed, Feb. 13, 1947; 8:53 a. m.]

Chapter V—Military Reservations and National Cemeteries

PART 505—MOTION PICTURE SERVICE

UNITED STATES ARMY MOTION PICTURE SERVICE

Amend the first sentence of § 505.8 (10 F. R. 14594) to read as follows:

§ 505.8 *Admission charge.* Effective February 15, 1947, the charge for admission will be 20 cents for adults and 15 cents for children under 14 years of age. • • •

[AR 210–390, 6 Dec. 1946, as amended by W. D. Cir. 21, 23 Jan. 1947] (R. S. 161; 5 U. S. C.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1424; Filed, Feb. 13, 1947; 8:48 a. m.]

Chapter VII—Personnel

PART 708—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

SERVICE MEDALS

In revision of AR 600–65, December 20, 1946, §§ 708.26 to 708.30, inclusive, 708.33, 708.34, 708.36, 708.40, 708.41, 708.45, 708.51 to 708.58, inclusive, and 708.60 to 708.66, inclusive, are superseded by the following:

Sec.
708.26 Service medals; general.
708.27 Good Conduct Medal.
708.28 Civil War Campaign Medal.
708.29 Indian Campaign Medal.
708.30 Spanish Campaign Medal.
708.31 Spanish War Service Medal.
708.32 Army of Cuban Occupation Medal.
708.33 Army of Puerto Rican Occupation Medal.
708.34 Philippine Campaign Medal.
708.35 Philippine Congressional Medal.
708.36 China Campaign Medal.
708.37 Army of Cuban Pacification Medal.
708.38 Mexican Service Medal.
708.39 Mexican Border Service Medal.
708.40 World War I Victory Medal.
708.41 Army of Occupation of Germany Medal.
708.42 American Defense Service Medal.
708.43 Women's Army Corps Service Medal.
708.44 American Campaign Medal.
708.45 Asiatic-Pacific Campaign Medal.
708.46 European - African - Middle Eastern Campaign Medal.
708.47 World War II Victory Medal.
708.48 Army of Occupation Medal.
708.49 Service ribbons.
708.50 Service stars.
708.51 Arrowheads.
708.52 Miniature medals and appurtenances.
708.53 Miniature service ribbons.
708.54 Lapel button.
708.55 Supply appurtenances.
708.56 Manufacture, sale and illegal possession.

AUTHORITY: §§ 708.26 to 708.56 inclusive, issued under E. O. 8808, E. O. 8809 as amended by E. O. 9323; 34 Stat. 621, 40 Stat. 873, 45 Stat. 500, 47 Stat. 158, 871, 59 Stat. 461; 10 U. S. C. and Sup. 1413, 1413a, 1415a, 1415b, 1416, 1430c; E. O. 8808, June 28, 1941, 3 CFR Cum. Supp., E. O. 8809, June 28, 1941, as amended by E. O. 9323, March 31, 1943, 3 CFR Cum. Supp.

§ 708.26 *Service medals; general*—(a) *Purpose.* The following service medals are awarded to members of the active military service of the United States for performance of specified duty, usually during war or periods of national emergency:

(1) Good Conduct Medal.
(2) Civil War Campaign Medal.
(3) Indian Campaign Medal.
(4) Spanish Campaign Medal.
(5) Spanish War Service Medal.
(6) Army of Cuban Occupation Medal.
(7) Army of Puerto Rican Occupation Medal.
(8) Philippine Campaign Medal.
(9) Philippine Congressional Medal.
(10) China Campaign Medal.
(11) Army of Cuban Pacification Medal.
(12) Mexican Service Medal.
(13) Mexican Border Service Medal.
(14) World War I Victory Medal.
(15) Army of Occupation of Germany Medal.
(16) American Defense Service Medal.
(17) Women's Army Corps Service Medal.
(18) American Campaign Medal.
(19) Asiatic-Pacific Campaign Medal.
(20) European-African-Middle Eastern Campaign Medal.
(21) World War II Victory Medal.
(22) Army of Occupation Medal.

(b) *Character of service required.* Service medals are awarded for honorable active Federal military service only. No service medal will be awarded to any individual who has been dismissed, dishonorably discharged, or deserted subsequent to performance of the specified duty.

(c) *Application.* (1) A member of the Army who is entitled to a service medal may make application to his immediate commanding officer. The commanding officer will forward the application by indorsement direct to The Adjutant General, stating whether the individual's records, including discharge certificate or certificate of service, substantiate the claim.

(2) A former member of the Army who is entitled to a service medal may make application to The Adjutant General, Washington 25, D. C., inclosing a certified or photostatic copy of his discharge certificate or certificate of service.

(3) Service medals will be awarded posthumously to the next of kin in the following order: widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. The next of kin of an individual entitled to a service medal may make application to The Adjutant General, Washington 25, D. C., inclosing a certified or photostatic copy of the individual's discharge certificate or certificate of service, if available.

(4) An individual who is entitled to a service medal for service with the Navy, Marine Corps, or Coast Guard must apply direct to the Chief of Naval Personnel, Navy Department; the Commandant, United States Marine Corps, or the Commandant, United States Coast Guard.

(d) *Supply.* When an application for a service medal has been approved by the Secretary of War, the Commanding Officer, Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania, will issue the medal and appurtenances as follows:

(1) *For persons in the Army.* To immediate commanding officers for distribution to those under their command.

(2) *For others.* Directly to them.

(e) *Record.* Eligibility for and/or award of service medals and clasps, service stars, and arrowheads will be noted in Service Records of enlisted men, on qualification cards, on discharge certificates, and on certificates of service.

(f) *Replacement.* Whenever a service medal and/or appurtenance is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom awarded, it will be replaced without charge to military personnel on active duty, and for others at cost price.

(g) *Exhibitions.* Samples of service medals, clasps, service stars, and arrowheads may be furnished at cost price, plus transportation and packing charges, to museums, libraries, military societies, or other institutions of a public character for exhibition purposes. The sample service medals will be engraved at the expense of the purchaser with the words "For exhibition purposes only."

§ 708.27 *Good Conduct Medal.* Established by Executive Order 8809, June 28, 1941, 3 CFR, Cum. Supp.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is an eagle with wings displayed and inverted standing on a closed book and Roman sword, encircled by the words "Efficiency—Honor—Fidelity." On the reverse is a five-pointed star and a scroll between the words "For Good" and "Conduct," the whole surrounded by a wreath formed by a laurel branch on the left and an oak branch on the right. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a red stripe (1/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), red band (⅝ inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), and red stripe (1/16 inch).

(b) *Requirements.* Exemplary behavior, efficiency, and fidelity in an enlisted status for a period of three continuous years completed after August 26, 1940, or a period of one continuous year between December 7, 1941, and March 2, 1946. During the period of service, the following entries on the Service Record (WD AGO Form 24 or 24A) are required:

(1) All character ratings "excellent," except that a rating "unknown" during part of the period is not disqualifying.

(2) All efficiency ratings "excellent" or "superior," except that a rating "unknown" during part of the period is not disqualifying.

(3) No conviction by court-martial.

(c) *Clasp*—(1) *Description.* The clasp is a bronze bar ⅛ inch in width and 1 5/16 inches in length with loops, one loop for each additional period of required service.

(2) *Requirements.* For each loop on the clasp, a period of three continuous years of service in addition to and under same conditions as paragraph (b) of this section.

§ 708.28 *Civil War Campaign Medal.* Established by WD General Orders 12, 1907.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the head of Lincoln, nearly in profile, facing to the right, surrounded by the words "With malice toward none, with charity for all." On the reverse are the words "The Civil War," and below this the dates "1861–1865," surrounded by a wreath formed by a branch of oak on the left and a branch of olive on the right, the stems joined at the bottom by a conventional knot. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a blue band (11/16 inch) and a gray band (11/16 inch).

(b) *Requirements.* Service between April 15, 1861, and April 9, 1865, or in Texas between April 15, 1861 and August 20, 1866.

§ 708.29 *Indian Campaign Medal.* Established by WD General Orders 12, 1907.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a mounted Indian facing to the right, wearing a war bonnet, and carrying a spear in his right hand. Above the horseman are the words "Indian Wars," and below, on either side of a buffalo skull, the circle is completed by arrowheads, conventionally arranged.

On the reverse is a trophy, composed of an eagle perched on a cannon suported by crossed flags, rifles, an Indian shield, spear, and quiver of arrows, a Cuban machete, and a Sulu kriss. Below the trophy are the words "For Service." The whole is surrounded by a circle composed of the words "United States Army" in the upper half and thirteen stars in the lower half. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a red stripe (¼ inch), black stripe (3/16 inch), red band (½ inch), black stripe (3/16 inch), and red stripe (¼ inch).

(b) *Requirements.* Service in any of the following campaigns

(1) Southern Oregon, Idaho, northern California, and Nevada between 1865 and 1868.

(2) Against the Commanches and confederate tribes in Kansas, Colorado, Texas, New Mexico, and Indian Territory between 1867 and 1875.

(3) Modoc War between 1872 and 1873.

(4) Against the Apaches in Arizona in 1873.

(5) Against the Northern Cheyennes and Sioux between 1876 and 1877.

(6) Nez Perce War in 1877.

(7) Bannock War in 1878.

(8) Against the Northern Cheyennes between 1878 and 1879.

(9) Against the Sheep-Eaters, Piutes, and Bannocks between June and October, 1879.

(10) Against the Utes in Colorado and Utah between September, 1879 and November, 1880.

(11) Against the Apaches in Arizona and New Mexico between 1885 and 1886.

(12) Against the Sioux in South Dakota between November 1890 and January 1891.

(13) Against hostile Indians in any other action in which United States troops were killed or wounded between 1865 and 1891.

§ 708.30 *Spanish Campaign Medal.* Established by WD General Orders 5, 1905.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a conventional castle with the addition of two round-corner towers within a circle composed of the words "War with Spain" in the upper half and in the lower half the date "1898" at the bottom, with a branch of the tobacco plant on the left and a stalk of sugarcane on the right. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in width composed of a yellow stripe (⅛ inch), blue band (⅜ inch), a yellow band (⅜ inch), blue band (⅜ inch), and yellow stripe (⅛ inch).

(b) *Requirements.* Service ashore in or on the high seas en route to any of the following countries:

(1) Cuba between May 11, 1898, and July 17, 1898.

(2) Puerto Rico between July 24, 1898, and August 13, 1898.

(3) Philippine Islands between June 30, 1898, and August 16, 1898.

§ 708.31 *Spanish War Service Medal.* Established by act of Congress July 9, 1918.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a sheathed Roman sword hanging on a tablet on which is inscribed "For service in the Spanish War." The tablet is surrounded by a wreath. On the reverse is the coat of arms of the United States with a scroll below, all surrounded by a wreath displaying the insignia of the Infantry, Artillery, and Cavalry. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a green stripe (⅛ inch), yellow stripe (¼ inch), green band (⅝ inch), yellow stripe (¼ inch), and green stripe (⅛ inch).

(b) *Requirements.* Service between April 20, 1898, and April 11, 1899, by persons not eligible for the Spanish Campaign Medal.

§ 708.32 *Army of Cuban Occupation Medal.* Established by WD General Orders 40. 1915.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the coat of arms of the Cuban Republic, with wreath and fasces. Around the circumference are the words "Army of Occupation, Military Government of Cuba," and above the shield the dates "1898" and "1902." The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a blue stripe (1/16 inch), red band (⅜ inch), yellow stripe (1/16 inch), blue band (⅜ inch), yellow stripe (1/16 inch), red band (⅜ inch), and blue stripe (1/16 inch).

(b) *Requirements.* Service in Cuba between July 18, 1898, and May 20, 1902.

§ 708.33 *Army of Puerto Rican Occupation Medal.* Established by WD Compilation of Orders, Changes 15, February 4, 1919.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a conventional castle with the addition of two round-corner towers within a circle composed of the words "Army of Occupation, Porto Rico" in the upper half and in the lower half the date "1898" at the bottom, with a branch of the tobacco plant on the left and a stalk of sugarcane on the right. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a red stripe (1/16 inch), blue band (⅜ inch), yellow stripe (1/16 inch), red band (⅜ inch), yellow stripe (1/16 inch), blue band (⅜ inch), and red stripe (1/16 inch).

(b) *Requirements.* Service in Puerto Rico between August 14, 1898, and December 10, 1898.

§ 708.34 *Philippine Campaign Medal.* Established by WD General Orders 5, 1905.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a conventional coconut-palm tree. On the left of it is a lamp of knowledge and on the right the scales of justice. The whole is in a circle composed of the words "Philippine Insurrection," and the date "1899" at the bottom. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a blue stripe (1/16 inch), red band (3/16 inch), blue band (⅝ inch), red band (3/16 inch), and blue stripe (1/16 inch).

(b) *Requirements.* Service in the Philippine Islands under any of the following conditions:

(1) Ashore between February 4, 1899, and July 4, 1902.

(2) Ashore in the Department of Mindanao between February 4, 1899, and December 31, 1904.

(3) In operations against the Pulajanes on Leyte between July 20, 1906, and July 30, 1907, or on Samar between August 2, 1904, and June 30, 1907.

(4) With any of the following expeditions:

(i) Against Pala on Jolo between April and May 1905.

(ii) Against Datu Ali on Mindanao in October 1905.

(iii) Against hostile Moros on Mount Bud-Dajo, Jolo, March 1906.

(iv) Against hostile Moros on Mount Bagsac, Jolo, between January and July, 1913.

(v) Against hostile Moros on Mindanao or Jolo between 1910 and 1913.

(5) In any other action against hostile natives in which United States troops were killed or wounded between February 4, 1899, and December 31, 1913.

§ 708.35 *Philippine Congressional Medal.* Established by act of Congress June 29, 1906.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a group composed of a color bearer holding a flag of the United States and supported by two men with rifles on their shoulders, the three facing the left. The flag extends to the rim between the words "Philippine" and "Insurrection." Below the group is the date "1899." On the reverse are the words "For patriotism, fortitude, and loyalty" in a wreath composed of a branch of pine on the left and a branch of palm on the right, the stems joined by a conventional knot. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a blue stripe (1/16 inch), white stripe (1/16 inch), red stripe (⅛ inch), white stripe (⅛ inch), blue band (⅝ inch), white stripe (⅛ inch), red stripe (⅛ inch), white stripe (1/16 inch), and blue stripe (1/16 inch).

(b) *Requirements.* Service, meeting all the following conditions:

(1) Under a call of the President entered the Army between April 21 and October 26, 1898.

(2) Served beyond the date on which entitled to discharge.

(3) Ashore in the Philippine Islands between February 4, 1899, and July 4, 1902.

§ 708.36 *China Campaign Medal.* Established by WD General Orders 5, 1905.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the Imperial Chinese five-toed dragon with the head in full face in the middle, within a circle composed of the words "China Relief Expedition," with the dates "1900–1901" at the bottom. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a blue stripe (1/16 inch), a yellow band (1¼ inches), and a blue stripe (1/16 inch).

(b) *Requirements.* Service ashore in China with the Peking Relief expedition between June 20, 1900, and May 27, 1901.

§ 708.37 *Army of Cuban Pacification Medal.* Established by WD General Orders 96, 1909.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the coat of arms of the Cuban Republic with wreath and fasces, supported by two American soldiers with rifles, at parade rest. Above the group are the words "Cuban Pacification," below are the dates "1906–1909." The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a red stripe (⅛ inch), white stripe (⅛ inch), blue stripe (⅛ inch) olive-drab band (⅝ inch), blue stripe (⅛ inch), white stripe (⅛ inch), and red stripe (⅛ inch).

(b) *Requirements.* Service in Cuba between October 6, 1906, and April 1, 1909.

§ 708.38 *Mexican Service Medal.* Established by WD General Orders 155, 1917.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the Mexican Yucca plant in flower, with mountains in the background. Above the yucca plant are the words "Mexican Service" in the upper half and in the lower half the dates "1911–1917" arranged in a circle. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a green stripe (⅛ inch), yellow band (⅜ inch), blue band (⅜ inch), yellow band (⅜ inch), and green stripe (⅛ inch).

(b) *Requirements.* Service in any of the following expeditions or engagements:

(1) With the Vera Cruz Expedition in Mexico between April 24, 1914, and November 26, 1914.

(2) With the Punitive Expedition in Mexico between March 14, 1916, and February 7, 1917.

(3) In the following engagements:

(i) Buena Vista, Mexico, December 1, 1917.

(ii) San Bernardino Canon, Mexico, December 26, 1917.

(iii) La Grulla, Texas, January 8 and 9, 1918.

(iv) Pilares, Mexico, March 28, 1918.

(v) Nogales, Arizona, August 27, 1918 or November 1 to 5, 1915.

(vi) El Paso, Texas, and Juarez, Mexico, June 15 and 16, 1919.

(vii) Any other action against hostile Mexicans in which United States troops were killed or wounded between April 12, 1911, and February 7, 1917.

§ 708.39 *Mexican Border Service Medal.* Established by act of Congress July 9, 1918.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a sheathed Roman sword hanging on a tablet on which is inscribed "For service on the Mexican border." The tablet is surrounded by a wreath. The reverse is the same as that of the Spanish War Service Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a green band (7/16 inch), yellow band (½ inch), and green band (7/16 inch).

(b) *Requirements.* Service between May 9, 1916 and March 24, 1917, or with the Mexican Border Patrol between January 1, 1916, and April 6, 1917, by persons not eligible for the Mexican Service Medal.

§ 708.40 *World War I Victory Medal.* Established by WD General Orders 48, 1919.

(a) *Description.* The medal of bronze is 36 millimeters in diameter. On the obverse is a winged Victory standing full length and full face. On the reverse is the inscription "The Great War for Civilization" and the coat of arms of the United States surmounted by a fasces, and on either side the names of the Allied and Associated Nations. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 36 millimeters in width, composed of two rainbows placed in juxtaposition and having the red in the middle, with a white thread along each edge.

(b) *Requirements.* Service between April 6, 1917, and November 11, 1918, or with either of the following expeditions:

(1) American Expeditionary Forces in European Russia between November 12, 1918, and August 5, 1919.

(2) American Expeditionary Forces in Siberia between November 12, 1918, and April 1, 1920.

(c) *Clasp.* Two types of clasps are authorized.

(1) *Battle clasp* — (i) *Description.* The clasp is a bronze bar ⅛ inch in width and 1½ inches in length with the name of the campaign or the words "Defensive Sector," with a star at each end of the inscription. The bar is placed on the suspension ribbon of the medal.

(ii) *Requirements.* Combat service, one clasp for each campaign. The individual must have been actually present for duty under competent orders in the combat zone during the period in which the organization was engaged in combat. For service in an engagement not included in a named campaign, a defensive sector clasp will be awarded, not more than one clasp being awarded to any individual regardless of the number of such engagements.

(iii) *Service star.* Possession of a battle clasp and/or defensive sector clasp is denoted by bronze service stars worn on the service ribbon, one bronze service star for each clasp.

(2) *Service clasp*—(i) *Description.* The clasp is a bronze bar ⅛ inch in width and 1½ inches in length with the name of the country in which the service was performed. The bar is placed on the suspension ribbon of the medal.

(ii) *Requirements.* Service in France, Italy, Siberia, European Russia, or England, or as a member of a crew of a transport sailing between the United States and that country, by persons not eligible for a battle clasp. Only one service clasp will be awarded to any individual.

§ 708.41 *Army of Occupation of Germany Medal.* Established by act of November 21, 1941 (Public Law 322—77th Cong.).

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a profile of General John J. Pershing, facing to the left in uniform of World War I. Around the upper edge are four, five-pointed stars, on the left the inscription "General John J. Pershing," and on the right an unsheathed sword point up within a laurel wreath with the years "1918" and "1923." On the reverse is an eagle with wings displayed and inverted standing on Castle Ehrenbreitstein within a circle composed of the words "U. S. Army of Occupation of Germany" and three, five-pointed stars. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a blue stripe (1/16 inch), red stripe (1/16 inch), white stripe (3/16 inch), (black band (¾ inch), white stripe (3/16 inch), red stripe (1/16 inch), and blue stripe (1/16 inch).

(b) *Requirements.* Service in Germany or Austria-Hungary between November 12, 1918, and July 11, 1923.

§ 708.42 *American Defense Service Medal.* Established by Executive Order 8808 (6 F. R. 3209).

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a female Grecian figure symbolic of defense, holding in her sinister hand an ancient war shield in reverse and her dexter hand brandishing a sword above her head, and standing upon a conventionalized oak branch with four leaves. Around the top is the lettering "American Defense." On the reverse is the wording "For service during the limited emergency proclaimed by the President on September 8, 1939 or during the unlimited emergency proclaimed by the President on May 27, 1941" above a seven-leaved spray. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a golden yellow stripe (3/16 inch), blue stripe (1/24 inch), white stripe (1/24 inch), red stripe (1/24 inch) golden yellow band (¾ inch), red stripe (1/24 inch), white stripe (1/24 inch), blue stripe (1/24 inch), and golden yellow stripe (3/16 inch).

(b) *Requirements.* Service between September 8, 1939, and December 7, 1941, under orders to active duty for a period of 12 months or longer.

(c) *Foreign service clasp*—(1) *Description.* The clasp is a bronze bar ⅛ inch in width and 1½ inches in length with the words "Foreign Service," with

a star at each end of the inscription. The bar is placed on the suspension ribbon of the medal.

(2) *Requirements.* Service outside the continental limits of the United States, including service in Alaska, as a member of a crew of a vessel sailing ocean waters, or as a member of an operating crew of an airplane participating in regular and frequent flights over ocean waters.

(3) *Service star.* Possession of a foreign service clasp is denoted by a bronze service star worn on the service ribbon.

§ 708.43 *Women's Army Corps Service Medal.* Established by Executive Order 9365 (8 F. R. 10651).

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the head of Pallas Athene in profile facing right, superimposed on a sheathed sword crossed with oak leaves and a palm branch within a circle composed of the words "Women's" in the upper half, and in the lower half "Army Corps." on the reverse, within an arrangement of 13 stars, is a scroll bearing the words "For service in the Women's Army Auxiliary Corps" in front of the letters "U S" in lower relief at the top and perched on the scroll is an eagle with wings elevated and displayed, and at the bottom, the dates "1942–1943." The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of an old gold stripe (⅛ inch), moss-tone green band (1⅛ inches), and old gold stripe (⅛ inch).

(b) *Requirements.* Service in both the Women's Army Auxiliary Corps between July 20, 1942, and August 31, 1943, and the Women's Army Corps between September 1, 1943, and September 2, 1945.

§ 708.44 *American Campaign Medal.* Established by Executive Order 9265 (7 F. R. 9106).

(a) *Description.* A medal of bronze to be 1¼ inches in diameter, of a design to be approved. The medal will be suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a blue stripe (3/16 inch), white stripe (1/16 inch), black stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), blue stripe (3/16 inch), dark blue stripe (1/32 inch), white stripe (1/32 inch), red stripe (1/32 inch), blue stripe (3/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), black stripe (1/16 inch), white stripe (1/16 inch), and blue stripe (3/16 inch).

(b) *Requirements.* Service within the American Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) On permanent assignment outside the continental limits of the United States.

(2) Permanently assigned as a member of a crew of a vessel sailing ocean waters for a period of 30 days.

(3) Permanently assigned as a member of an operating crew of an airplane actually making regular and frequent flights over ocean waters for a period of 30 days.

(4) Outside the continental limits of the United States in a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(5) In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(6) Within the continental limits of the United States for an aggregate period of 1 year.

(c) *Boundaries of the American Theater*—(1) *Eastern boundary.* From the North Pole, south along the 75th meridian west longitude to the 77th parallel north latitude thence southeast through Davis Strait to the intersection of the 40th parallel north latitude and the 35th meridian west longitude, thence south along the meridian to the 10th parallel north latitude, thence southeast to the intersection of the Equator and the 20th meridian west longitude, thence south along the 20th meridian west longitude to the South Pole.

(2) *Western boundary.* From the North Pole, south along the 141st meridian west longitude to the east boundary of Alaska, thence south and southeast along the Alaska boundary to the Pacific Ocean, thence south along the 130th meridian to its intersection with the 30th parallel north latitude, thence southeast to the intersection of the Equator and the 100th meridian west longitude to the South Pole.

(d) *Service star* — (1) *Description.* The service star is a bronze five-pointed star 3/16 inch in diameter. The service star is placed on the suspension ribbon of the medal or on the service ribbon.

(2) *Requirements.* Service in the antisubmarine campaign within the American Theater while assigned, or attached, to and present for duty with a unit during the period in which it participated in combat.

§ 708.45 *Asiatic-Pacific Campaign Medal.* Established by Executive Order 9265 (7 F. R. 9106).

(a) *Description.* A medal of bronze to be 1¼ inches in diameter of a design to be approved. The medal will be suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of an orange stripe (3/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), orange stripe (¼ inch), blue stripe (1/32 inch), white stripe (1/32 inch), red stripe (1/32 inch), orange stripe (¼ inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), and orange stripe (3/16 inch).

(b) *Requirements.* Service within the Asiatic-Pacific Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) On permanent assignment.

(2) In a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(3) In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(c) *Boundaries of the Asiatic-Pacific Theater*—(1) *Eastern boundary.* Coincident with the western boundary of the American Theater (§ 708.44 (c) (2))

(2) *Western boundary.* From the North Pole, south along the 60th meridian east longitude to its intersection with the east boundary of Iran, thence south along the Iran boundary to the Gulf of Oman and the intersection of the 60th meridian east longitude, thence south along the 60th meridian east longitude, to the South Pole.

(d) *Service star*—(1) *Description.* See § 708.44 (d) (1) for bronze service star. A silver service star is worn in lieu of five bronze service stars.

(2) *Requirements.* Combat service within the Asiatic-Pacific Theater, one bronze service star for each campaign. The individual must meet any of the following conditions:

(i) Assigned, or attached, to and present for duty with a unit during the period in which it participated in combat.

(ii) Under orders in the combat zone and in addition meets any of the following requirements:

(*a*) Awarded a combat decoration.

(*b*) Furnished a certificate by a commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(*c*) Served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor).

(*d*) Aboard a vessel other than in a passenger status and furnished a certificate by the home port commander of the vessel that he served in the combat zone.

(iii) Was an evadee or escapee in the combat zone or recovered from a prisoner of war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be accorded credit for the time spent in confinement or while otherwise in restraint under enemy control.

(e) *Arrowhead*—(1) *Description.* The arrowhead is a bronze replica of an Indian arrowhead ¼ inch in height and ⅛ inch in width.

(2) *Requirements.* Participation in a combat parachute jump, combat glider landing, or amphibious assault landing within the Asiatic-Pacific Theater under either of the following conditions:

(i) Made a combat parachute jump or combat glider landing into enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

(ii) Went ashore in the assault waves in an amphibious landing on enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

§ 708.46 *European - African - Middle Eastern Campaign Medal.* Established by Executive Order 9265 (7 F. R. 9106).

(a) *Description.* A medal of bronze to be 1¼ inches in diameter of a design to be approved. The medal will be suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a brown stripe (3/16 inch), green stripe (1/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), green stripe (¼ inch), blue stripe (1/32 inch), white stripe (1/32 inch), red stripe (1/32 inch), green stripe (¼ inch), white stripe (1/16 inch), black stripe 1/16 inch), white stripe (3/16 inch), and brown stripe (3/16 inch).

(b) *Requirements.* Service within the European - African - Middle Eastern Theater between December 7, 1941, and November 8, 1945, under any of the following conditions:

(1) On permanent assignment.

(2) In a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(3) In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(c) *Boundaries of the European-African-Middle Eastern Theater*—(1) *Eastern boundary.* Coincident with the western boundary of the Asiatic-Pacific Theater (§ 708.45 (c) (2)).

(2) *Western boundary.* Coincident with the eastern boundary of the American Theater (§ 708.44 (c) (1)).

(d) *Service star*—(1) *Description.* Same as § 708.45 (d) (1).

(2) *Requirements.* Service within the European - African - Middle Eastern Theater, one bronze service star for each campaign (AR260–10). The individual must meet any of the following conditions:

(i) Assigned, or attached, to and present for duty with a unit during the period in which it participated in combat.

(ii) Under orders in the combat zone and in addition meets any of the following requirements:

(*a*) Awarded a combat decoration.

(*b*) Furnished a certificate by a commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(*c*) Served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor).

(*d*) Aboard a vessel other than in a passenger status and furnished a certificate by the home port commander of the vessel that he served in the combat zone.

(iii) Was an evadee or escapee in the combat zone or recovered from a prisoner of war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be accorded credit for the time spent in confinement or while otherwise in restraint under enemy control.

(e) *Arrowhead* — (1) *Description.* Same as 708.45 (e) (1).

(2) *Requirements.* Participation in a combat parachute jump, combat glider landing, or amphibious assault landing within the European-African-Middle Eastern Theater under either of the following conditions:

(i) Made a combat parachute jump or combat glider landing into enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

(ii) Went ashore in the assault waves in an amphibious landing on enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

§ 708.47 *World War II Victory Medal.* Established by act July 6, 1945 (Public Law 135—79th Cong.).

(a) *Description.* The medal of bronze is 36 millimeters in diameter. On the obverse is a figure of Liberation standing full length with head turned to dexter looking to the dawn of a new day, right foot resting on a war god's helmet with the hilt of a broken sword in the right hand and the broken blade in the left hand, the inscription "World War II" horizontally placed immediately below center. On the reverse are the inscriptions "Freedom from fear and want" and "Freedom of speech and religion" separated by a palm branch, all within a circle composed of the words "United States of America—1941–1945." The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a double rainbow in juxtaposition (⅜ inch), white stripe (1/32 inch), red band (9/16 inch), white stripe (1/32 inch), and double rainbow in juxtaposition (⅜ inch).

(b) *Requirements.* Service between December 7, 1941 and December 31, 1946, both dates inclusive.

§ 708.48 *Army of Occupation Medal.* Established by section I, WD General Orders 32, 1946.

(a) *Description.* A medal of bronze to be 1¼ inches in diameter of a design to be approved. The medal will be suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a white stripe (3/16 inch), black band (½ inch), red band (½ inch), and white stripe (3/16 inch).

(b) *Requirements.* Service for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger status, or temporary duty) while assigned, or permanently attached, to any of the following Armies of Occupation:

(1) Army of Occupation of Germany, Austria, or Italy between May 9, 1945, and a terminal date to be announced later (service between May 9, 1945, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945) under either of the following conditions:

(i) In Germany, Austria, or Italy (Compartment of Venezia Giulia E Zara or Province of Udine only).

(ii) With a unit during the period for which it has been designated in War Department general orders as a part of the Army of Occupation of Germany, Austria, or Italy.

(2) Army of Occupation of Japan or Korea between September 3, 1945, and a terminal date to be announced later (service between September 3, 1945, and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945) under either of the following conditions:

(i) In Japan (four main islands of Hokkaide, Honshu, Shikoku, and Kyushu and the surrounding smaller islands of the homeland, the Ryukyu islands and the Bonin-Volcano Islands only), or Korea.

(ii) With a unit during the period for which it has been designated in War Department general orders as a part of the Army of Occupation of Japan or Korea.

(c) *Occupation clasp*—(1) *Description.* The clasp is a bronze bar ⅛ inch in width and 1½ inches in length with the word "Germany" or "Japan." The bar is placed on the suspension ribbon of the medal.

(2) *Requirements.* Service with an Army of Occupation in Europe for the "Germany" clasp or with an Army of Occupation in the Far East for the "Japan" clasp.

§ 708.49 *Service ribbons*—(a) *Description.* The service ribbon is a strip of ribbon identical with that from which the service medal is suspended and ⅜ inch in length.

§ 708.50 *Service stars*—(a) *Description.* The service star is a bronze or silver five-pointed star 3/16 inch in diameter. A silver service star is worn in lieu of five bronze service stars.

§ 708.51 *Arrowheads*—(a) *Description.* The arrowhead is a bronze replica of an Indian arrowhead ¼ inch in height and ⅛ inch in width.

§ 708.52 *Miniature service medals and appurtenances*—(a) *Description.* Miniature service medals and appurtenances are replicas of the corresponding service medals and appurtenances, on a scale of ½.

(b) *Wearing.* Miniature service medals with miniature appurtenances are worn attached to a bar or chain on the left lapel of military and civilian evening clothes only.

§ 708.53 *Miniature service ribbons*—(a) *Description.* Miniature service ribbons are replicas of corresponding service ribbons, on a scale of ½.

(b) *Wearing.* Miniature service ribbons with miniature appurtenances are worn attached to a bar or chain on civilian clothes only.

§ 708.54 *Lapel buttons*—(a) *For all service medals except Victory Medals.* The lapel button is 21/32 inch in width and ⅛ inch in length, in colored enamel, being a reproduction of the service ribbon. Miniature appurtenances may be placed on lapel buttons.

(b) *For World War I Victory Medal.* The lapel button is a five-pointed star 5/8 inch in diameter on a wreath with the letters "U S" in the center. For persons wounded in action, the lapel button is of silver, for all others, of bronze.

(c) *For World War II Victory Medal*—(1) *No lapel button is authorized.* The honorable service lapel button is worn in lieu of a lapel button for the World War II Victory Medal.

(2) *Description of honorable service lapel button.* The gold-color metal lapel button consists of a dexter eagle with wings displayed perched within a ring composed of a chief and thirteen vertical stripes; the dexter wing of the eagle is behind the ring, the sinister wing is in front of the ring.

(3) *Requirements for honorable service lapel button.* Service between September 8, 1939, and December 31, 1946, both dates inclusive.

(d) *Wearing.* Lapel buttons may be worn on civilian clothes only.

§ 708.55 *Supply of appurtenances.* (a) Only the following appurtenances will be supplied by the War Department:

(1) Service stars.
(2) Arrowheads.
(3) Clasps.
(4) Service ribbons.
(5) Lapel button for World War I Victory Medal.
(6) Honorable service lapel button (in lieu of a lapel button for World War II Victory Medal).

(b) An initial issue of the above appurtenances will be made with the corresponding service medals. Replacements for military personnel on active duty will be supplied to commanding officers on requisition in the usual manner. Replacements for others will be made at cost price upon request to The Adjutant General, Washington 25, D. C.

(c) The following appurtenances for service medals will not be issued or sold by the War Department:

(1) Miniature service medals and appurtenances.
(2) Miniature service ribbons.
(3) Lapel buttons, except the lapel button for the World War I Victory Medal and the honorable service lapel button.

§ 708.56 *Manufacture, sale, and illegal possession.* Sections 107.1 to 107.8, inclusive, 10 CFR, prescribe:

(a) Restrictions on manufacture and sale of service medals and appurtenances by civilians.

(b) Penalties for illegal possession and wearing of service medals and appurtenances.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1420; Filed, Feb. 13, 1947; 8:51 a. m.]

PART 709—PRESCRIBED SERVICE UNIFORM

RECISSION OF CERTAIN SECTIONS

Sections 709.38a, 709.41 to 709.54, inclusive, and 709.58, 709.58a and 709.58b are hereby rescinded. The regulations contained in the above mentioned sections are now contained in Part 708, Chapter VII, 10 CFR.

[AR 600-65, 20 Dec. 1946] (34 Stat. 621, 40 Stat. 873, 41 Stat. 973, 45 Stat. 500; 10 U. S. C. 1413a, 1413, 1414, 1415a, 1415 (b); E. O. 8808, June 28, 1941, 3 CFR Cum. Supp., E. O. 8809, June 29, 1941, as amended by E. O. 9323, March 31, 1943, 3 CFR Cum. Supp.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1419; Filed, Feb. 13, 1947; 8:51 a. m.]

TITLE 15—COMMERCE

Chapter V—Weather Bureau, Department of Commerce

PART 502—ORGANIZATION

FIELD STATIONS

Section 502.17 *Field stations* (11 F. R. 177A—335, 336) is amended as indicated below:

1. In Region 1 change "Rochester, Va." to "Rochester, N. Y."; add "Cape Henry, Va."; delete "Columbiaville, N. Y."; "Whiteface Mountain, N. Y."; "Putnam, Conn."; "Woodward, Pa."

2. In Region 2 add "Columbus, Ga."; "Winston-Salem, N. C."; delete "Butler, Ga."; "Dunnellon, Fla."; "Monteagle, Tenn."

3. In Region 3 delete "Centerville, Ind."

4. In Region 4 add "Clayton, N. M."; "Lubbock, Tex."; "Victoria, Tex."; delete "Brinkley, Ark."; "Burrwood, La."; "Tyler, Tex."; "Waynoka, Okla."

5. In Region 5 add the word "Airport" after "Lincoln, Nebr.", second entry.

6. In Region 6 add "Honolulu, T. H., Airport".

7. In Region 7 add "Helena, Mont., Airport"; "Kelso, Wash."; "Lewiston, Idaho"; "Seattle, Wash., Airport"; "Stevenson, Wash."; "Yakima, Wash., Airport"; delete "Burley, Idaho"; "Port Townsend, Wash."

(Sec. 3, 26 Stat. 653, sec. 803, 52 Stat. 1014, secs. 7, 8, 54 Stat. 1235, 1236, Pub. Law 296, 79th Cong., Pub. Law 370, 79th Cong., sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244, Pub. Law 691, 79th Cong.; 15 U. S. C. 311-313, 49 U. S. C. 603; secs. 7, 8, Reorg. Plan IV, 3 CFR Cum. Supp.)

[SEAL] F. W. REICHELDERFER,
Chief of Bureau.

Approved:

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-1418; Filed, Feb. 13, 1947; 8:51 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

PART 751—ORGANIZATION DESCRIPTION, INCLUDANG DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING NATIONAL HOUSING ADMINISTRATOR

1. Section 751.1a is hereby amended to read as follows:

§ 751.1a *Designation of Acting National Housing Administrator.* (a) Pursuant to section 12 of Executive Order 9070 of February 24, 1942 (7 F. R. 1529). I hereby designate the officials of the National Housing Agency hereinafter named and in the order in which they are named to act in my place and stead with the title of "Acting Administrator" with all the powers, duties, and rights conferred upon me by said Executive Order, any other Executive Order, the Lanham Act (54 Stat. 1125), or any other act of Congress, in the event of my absence, illness, or inability to act, and all such powers, duties, and rights are hereby delegated to such officials in such order and for such period as I may be absent from Washington, D. C., or unable to perform my official functions.

(b) The following named officials, and designated in the following order, shall have authority to act as "Acting Administrator" but no official shall have authority to act as "Acting Administrator" unless all those whose names appear before his are absent from their official post and unable to act.

(1) William K. Divers, First Assistant Administrator.
(2) B. T. Fitzpatrick, General Counsel.
(3) Assistant Administrator for Administration.

(E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

Issued this 7th day of February 1947.

RAYMOND M. FOLEY,
National Housing Administrator.

[F. R. Doc. 47-1385; Filed, Feb. 13, 1947; 8:54 a. m.]

Chapter VIII—Office of Housing Expediter

[Premium Payments Reg. 2 as Amended Feb. 12, 1947, Incl. Int. 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SOFTWOOD PLYWOOD

Purpose and findings. This general regulation is issued to stimulate additional production of softwood plywood by providing for premium payments with respect to peeler logs consumed in additional production of softwood plywood above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which premium payments may be obtained. This regulation is issued pursuant to the authority of the "Veterans' Emergency Housing Act of 1946."

All available means of increasing the supply of softwood plywood for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration, the Expediter finds that premium payments with respect to peeler logs are temporarily necessary to increase the supply of softwood plywood and to stimulate such additional production with greater rapidity, economy and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.
(a) Definitions.
(b) Eligibility.
(c) Establishment of quota.
(d) Application for quota.
(e) Rate and computation of premium payment.
(f) Claim for payment.
(g) Payment.
(h) Records.
(i) Official interpretations.
(j) Special provision for veneer mills.
(k) Termination.
(l) Effective date.

§ 805.2 *Softwood plywood*[1]—(a) *Definitions.* As used in this section:

(1) "Plywood company" means any persons who manufactures plywood at least 50 percent of which is in construction and door panel grades. For purposes of this section a "veneer mill" which is owned by a plywood company, or which has contracted to supply all of its output to a plywood company (or companies), shall be considered a part of the plywood company (or companies).

(2) "Veneer mill" means any person who manufactures wood veneer.

(3) "Log supplier" means any person who supplies peeler logs to a plywood company or veneer mill.

(4) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(5) "Plywood" means a panel of one or more veneers laminated by use of a bonding agent, made of any species of softwood (other than pine) and produced west of the crest of the Cascade Mountains.

(6) "Peeler logs" means only the following species and grades of peeler logs: Douglas fir, Nos. 1, 2 and 3 peeler.

(7) "Plywood production" means the amount of plywood produced using as the unit of measurement one thousand square feet on a 3/8" rough basis.

(8) "New producer" means, with respect to a plant which prior to the effective date of this section was not operated for the production of plywood, a person who operates such plant after the effective date of this section, and who did not operate, prior to the effective date of this section, any plant for the production of plywood.

(9) "Month" means calendar month and "quarter" means three consecutive calendar months: *Provided, however,* Any plywood company on whom this provision works a hardship may apply, by letter, to the Expediter, Washington, D. C., for authorization to submit its application for quota and claims for payments beginning with the claim for June 1946 on the basis of a stipulated fiscal month and/or stipulated fiscal quarter. With respect to a plywood company which has received such authorization, this section shall become effective on the first day of its fiscal month, beginning after June 1, 1946, and shall terminate on the date on which this section terminates as to other plywood companies.

(10) "Claim" means a claim for premium payments filed pursuant to this section, and shall include a claim for liquidation payment filed under paragraph (e) (4).

(11) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946, or his duly authorized representative.

(12) "OHE" means the Office of the Housing Expediter.

(b) *Eligibility.* Any plywood company may file claims for premium payments under this section if it meets both of the following conditions:

(1) It produces plywood during the period covered by the claim in excess of quota. This condition, however, does not apply to claims for premium payments for June 1946.

(2) It pays its log suppliers a premium of $7.50 per thousand feet logscale for peeler logs delivered to it. A plywood company may appoint an agent to pay premiums for peeler logs purchased for the account of the plywood company, if such company, by letter, requests and receives authorization for such agency from the Expediter. Such authorizations may cover payments by agents to log suppliers on or after June 1, 1946. The letter requesting such authorization shall specify the name and address of the agent and shall be addressed to the Expediter, c/o CPA, Portland, Oregon. For purposes of this section, a plywood company which produces its own logs shall be considered to have paid a premium of $7.50 per thousand feet logscale for all peeler logs it itself has produced and consumed in the manufacture of plywood.

(c) *Establishment of quota.* (1) With respect to a plywood company which produced plywood for at least three months during the period January through May 1946, the quota shall be the lower of the following as approved and accepted by the Expediter: (i) Actual production during the first three months in the period from January through May 1946, in which production was maintained for at least 15 operating days, or (ii) Productive capacity for the same three months computed on a two-shift six-day week basis. In the case of a company which produced plywood in more than one plant, the lower of (i) and (ii) above shall be found for each plant of the company and the quota shall be the total for all plants. (2) With respect to any other plywood company, the quota shall be determined by the Expediter: *Provided, however,* That no quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of producer's selling price) of the total output of such producer. (3) Where the Expediter finds that production of a plywood company during a three month claim period or during the October-November claim period has been interrupted due to unusual circumstances beyond the control of the company, the quota for such claim period may be adjusted by the Expediter.

(d) *Application for quota.* Every person who wishes to receive premium payments under this section shall file an application for quota on prescribed forms. All applications shall be filed with the Expediter, c/o CPA, Portland, Oregon, in accordance with instructions on the forms.

(e) *Rate and computation of premium payment*—(1) *For June 1946.* If a plywood company has been assigned a quota, the amount payable for production during June 1946, shall be $7.50 per thousand feet logscale for all peeler logs consumed in the manufacture of plywood during June 1946. If, however, the plywood company's production of plywood during the quarter commencing July 1, 1946, does not equal or exceed 125 percent of its quota, the amount payable for June 1946 will be recomputed by applying the reduced rate of premium payments applicable to the quarter beginning July 1, 1946. This rate will be determined in accordance with paragraph (e) (2) (ii) of this section. In such a case, the overpayment for June 1946 will be subject to recovery or set-off.

(2) *For three-month periods beginning July 1, 1946.* (i) If production of plywood during the quarter was 25 percent or more in excess of quota, plywood companies will be paid $7.50 per thousand feet logscale for peeler logs consumed in the manufacture of plywood during the quarter. (ii) If production of plywood during the quarter was in excess of quota, but less than 25 percent above it, plywood companies will be paid at the rate of $0.30 for each 1-percent increase in plywood production above quota with respect to each thousand feet logscale of peeler logs consumed in the manufacture of plywood during the quarter.

EXAMPLE: The X Company produces 20 percent more plywood than its quota. In producing this plywood, the X Company consumes 2,000,000 feet logscale of peeler logs. Since the production of plywood is 20 percent above quota, the rate of payment would be $0.30 for each one percent or $6.00 per thousand feet logscale of peeler logs. Applying this $6.00 to the 2,000,000 feet logscale of peeler logs it is found that the amount of premium payments is $12,000.

(iii) If production of plywood during the quarter was not above quota, no payment will be made.

(3) *For the period beginning October 1, 1946 and ending November 30, 1946.* (i) If production of plywood during this period was 25 percent or more in excess of two-thirds of quota, plywood companies will be paid $7.50 per thousand feet logscale for peeler logs consumed in the manufacture of plywood during this period.

(ii) If the production of plywood during this period was in excess of two-thirds of quota, but less than 25 percent above it, plywood companies will be paid at the rate of $0.30 for each 1 percent increase in plywood production above two-thirds of quota with respect to each thousand feet logscale of peeler logs consumed in the manufacture of plywood during this period.

(iii) If production of plywood during this period was not above two-thirds of quota no payment will be made.

NOTE: Former subparagraph (3) redesignated as (4), new (3) added as of Nov. 29, 1946.

(4) *Liquidation settlement.* A liquidation payment, based upon the net increase in inventory of peeler logs between inventory on hand on June 1, 1946, and the inventory on hand on November 30, 1946, will be paid plywood companies at such rate and on such terms and con-

[1] Formerly § 714.2 of Chapter VII.

ditions as the Expediter may deem proper. In the event there is a net decrease in inventory of peeler logs between the inventory on hand on June 1, 1946, and the inventory on hand on November 30, 1946, an amount equal to $7.50 per thousand feet logscale of the net amount of such decrease shall be subject to recovery or set-off.

(f) *Claim for payment.* Plywood companies shall file their claims for payment in the following manner. (1) Each claim for payment shall be filed on prescribed forms in accordance with instructions on the forms. These forms may be obtained from and shall be filed with the Reconstruction Finance Corporation Loan Agency at Portland, Oreg. (2) Claims for the month of June, 1946, shall be filed no later than October 31, 1946. (3) For the three-month period beginning July 1, 1946, plywood companies shall file claims no later than the end of the month following the period covered by the claim. Such claims shall be filed on a monthly or quarterly basis. A claim for the first month of the quarterly period may be filed if production of the plywood company during the month has equaled or exceeded 125 percent of one-sixth of its quota; and a claim for the second month or for the first two months of the quarterly period may be filed if the total production of the plywood company during the two months has equaled or exceeded 125 percent of one-half of its quota. (4) Any plywood company which files a claim for June, 1946, must file a quarterly claim for the quarter beginning July 1, 1946; and any plywood company which files a claim for any month or two-month period in the quarter beginning July 1, 1946, must file a claim for such quarter.

(5) For the two-month period beginning October 1, 1946, plywood companies shall file claims no later than February 28, 1947.

(6) No claim under this section shall be assignable except as a part of bona fide transfer of the plywood company to a legal successor.

NOTE: Former subparagraph (5) redesignated as (6), new (5) added as of Nov. 29, 1946.

(g) *Payment*—(1) *Review by RFC.* In reviewing claims, RFC will determine whether such claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted: *Provided, however,* That with respect to claims for premiums with respect to the two-month period beginning October 1, 1946, and claims for liquidation payments, RFC may require that bond be furnished in form and amount satisfactory to it before making payment thereon. Preliminary acceptance and payment of claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may (i) Require that bond be furnished in form and amount satisfactory to it before making further payments, or (ii) suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims for payment, RFC will forward copies to the Expediter for verification and such investigation or audit as he may deem appropriate. (ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall, upon demand by RFC, refund the overage to RFC, together with interest thereon at the rate of 4 percent per annum calculated from the date of such overpayment to the date repayment is made to the RFC or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(4) *Monthly payments.* Any payments made by RFC on account of any month or two-month claim shall be considered an advance payment on the claim for the quarterly period including such months, and shall be subject to recovery or set-off in the event the amount found payable on the quarterly claim is less than the amount of such advance payment.

(5) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a company, and such company shall upon demand refund to RFC any payment on such claim, if the Expediter finds that the company: (i) has failed to comply with any of the requirements of this section, or (ii) has failed to comply with directives, orders or regulations of CPA or OHE on plywood, or has sold plywood at prices in excess of the ceiling prices established by the applicable OPA regulations or orders, or (iii) has failed to maintain production of peeler logs from its own timber holdings at the level which obtained during the period on the basis of which the quota was established or the corresponding quarter of 1945, whichever is higher.

(h) *Records.* Every company shall prepare and preserve for inspection for a period of not less than two years after the date of termination of this section, all books, records and other documents which furnish information in support of its application for quota and claims for payment. The Expediter, or his designated agents shall have the right at any time to make such examinations and audits of the books, records and other documents as may be necessary to verify the representations in the company's application for quota and claims for payment, or as may be required by the Expediter.

(i) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of OHE, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(j) *Special provisions for veneer mills.* (1) Any veneer mill which is neither owned by a plywood company nor is under contract to supply all of its output to a plywood company (or companies) may obtain premium payments under this section if it complies with all of the following conditions:

(i) It files an application on a prescribed form with the Expediter, c/o CPA, Portland, Oregon, and receives authorization to pay its log suppliers a premium for peeler logs, which authorization may cover payments on or after June 1, 1946.

(ii) It delivers part of its peeler logs, either in the form of veneer or as peeler logs, to a plywood company (or companies) for which a quota has been approved under paragraph (c). Such delivery of veneer or peeler logs must be made during the period for which the claim for payment is filed.

(iii) Pursuant to authorization by the Expediter, it pays its log suppliers for peeler logs a premium of $7.50 per thousand feet logscale.

(iv) Its current purchases of logs are in line with its purchases of logs during the corresponding months of 1945.

(2) The amount of premium payable to a veneer mill shall be $7.50 per thousand feet logscale for all peeler logs delivered to it with respect to which it has during the period of its authorization from the Expediter paid a premium of $7.50 per thousand feet logscale, *Provided,* That:

(i) If, during the period for which a claim for payment is filed, the proportion of peeler log purchases to total log purchases exceeds that obtaining during the first quarter of 1946, a veneer mill may be paid only on that amount of its peeler log purchases which, in relation to total log purchases, does not exceed the first quarter of 1946 ratio of peeler log purchases to total log purchases.

(ii) No premium shall be payable with respect to peeler logs which were delivered to a plywood company.

(iii) No premium shall be payable with respect to peeler logs on which payment was previously made pursuant to a monthly claim.

(3) A consolidated claim for payment covering the period June 1 through November 30, 1946, shall be filed on form OHE 2–4 with the RFC Loan Agency, Pittock Block, Portland 5, Oregon, by February 28, 1947. In preparing this form, follow the revised instructions therefor, which may be obtained from the RFC Loan Agency.

(4) In addition to this paragraph, only the following provisions of this section shall apply to veneer mills; paragraphs (a), (f) (1), (f) (6), (g) (1), (g) (2), (g) (3), (g) (5), (h), (i), (k) and (l).

(k) *Termination.* This section shall terminate on March 31, 1947: *Provided, however,* That the following paragraphs of this section, as amended, shall terminate as of November 30, 1946: (b), (c), (d), (e) (1), (e) (2), (e) (3), (f), (g) (4), (j). Such termination of these paragraphs shall not preclude the filing of claims accrued on or before November 30, 1946, and such claims shall be dealt with in accordance with the provisions of this section in the same manner as if these paragraphs had not been terminated.

(l) *Effective date.* This section as amended shall become effective as of Nov. 29, 1946.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(Pub. Law 388, 79th Cong.)

Issued this 12th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

APPLICABILITY OF REGULATION TO PEELER BLOCKS

If a peeler block, which is a trade term used to describe peeler logs of less than 16 feet in length, is of the species and grade indicated in paragraph (a) (6), it comes within the definition of a peeler log, since paragraph (a) (6) contains no requirements pertaining to the length of peeler logs. (Issued July 18, 1946.)

[F. R. Doc. 47-1436; Filed, Feb. 12, 1947; 10:21 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Local Board Memorandum No. 197–E, Issued 2/13/47]

PART 671—LOCAL BOARD MEMORANDA

FILING AND DISPOSAL OF FORMS RECEIVED FROM THE ARMED FORCES

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 671.197–e *Filing and disposal of forms received from the Armed Forces*—(a) *General.* The Selective Service System has received from the Army, the Navy, the Marine Corps, and the Coast Guard, several types of individual reports and notices of separation for persons discharged or transferred to a reserve component. From April 1941 to the latter part of 1943, a card prescribed by the Selective Service System, Report of Separation (DSS Form 167), was completed by the military services. Since the latter part of 1943, the forms prescribed by the branch of military service concerned have been used, some concurrently with DSS Form 167. Information with respect to separation from the armed forces of a cobelligerent nation is furnished by the accomplishment of a Certificate of Separation (DSS Form 501). Reports received on DSS Form 501 have been held at National Headquarters, but are now being processed for forwarding to local boards. Reproductions of the forms prescribed by the Armed Forces will be found in the appendix to the Handbook, Veterans Assistance Program.[1] It should be noted that variants to the major forms, carrying a suffix to the form numbers, are not illustrated. The instructions contained in this section, supplemented by pertinent Form Disposal Instructions, will govern the filing and disposal of all the various types of reports and notices of separation. It is the desire of this Headquarters that the Report of Separation (DSS Form 167) and the Certificate of Separation (DSS Form 501) be treated as documents analagous to the Armed Forces reports and notices of separation currently in use.

(b) *Filing instructions.* All copies of reports and notices of separation, regardless of form or content, in the possession of the Selective Service System, shall be filed in the Cover Sheet (DSS Form 53) of each registrant concerned, with the following exceptions: (1) Reports or notices of separation for veterans who are not registrants of the local board having possession of such documents, but whose reported address places such registrants under its jurisdiction, and (2) reports or notices of separation for women veterans of the armed forces. Footnotes to Form Disposal Instructions for Report of Separation (DSS Form 167) and for Certificate of Separation (DSS Form 501) require that "Forms which cannot be identified with a registrant of the local board will be filed together at the end of the file of Registration Cards (DSS Form 1)". A footnote to Form Disposal Instructions for reports and notices of separation prescribed by the Armed Forces requires that "Forms which cannot be identified with a registrant of a local board and those for women veterans will be filed in a separate folder in the General File". All reports of separation received on DSS Form 167 and on DSS Form 501 included in the exception specified in subparagraphs (1) and (2) of this paragraph shall be paced in alphabetical order and filed by the local board at the end of the file maintained for the Registration Card (DSS Form 1), as an adjunct thereto in the identification of nonregistrants. All reports and notices of separation on the various forms prescribed by the Armed Forces included in the exceptions specified in subparagraphs (1) and (2) of this paragraph, shall be placed in alphabetical order and filed in the General File of the local board. The folders used for the filing of reports and Notices of Separation on forms prescribed by the Armed Forces should be of uniform size within each State, and the contents arranged in a similar manner within each local board so as to permit of ready consolidation at a later date should such action be authorized.

(c) *Reports and notices of separation formerly considered confidential.* Paragraph 3 of Part II of Local Board Memorandum No. 183, as amended July 29, 1944,[1] imposed certain restrictions on the use of reports of separation. Some States, previously, or as a result of such restrictions, created confidential files at State Headquarters or at local boards, containing reports of separation for certain persons separated by reason of physical disability. This restriction on the use of reports of separation was deleted from Local Board Memorandum No. 183,[1] by an amendment effective April 5, 1946. All board of registration copies of reports and notices of separation heretofore filed in confidential files at State Headquarters and local boards will be removed therefrom and filed in the cover sheet of the registrant concerned or in a separate folder as provided in paragraph (b) of this section.

(d) *Home Address Report (DSS Form 166) and Certificate of Enrollment (DSS Form 500).* The Armed Forces advise the Selective Service System of the enlisting or commissioning of certain male persons by means of a Home Address Report (DSS Form 166). Similar information with respect to the armed forces of cobelligerent nations is furnished by the accomplishment of a Certificate of Enrollment (DSS Form 500). Reports received on DSS Form 500 have been held at National Headquarters, but are now being processed for forwarding to local boards. Within the respective States DSS Form 166 has heretofore been filed in a manner similar to that for Report of Separation (DSS Form 167). Form Disposal Instructions for Home Address Report (DSS Form 166) are included with those for Report of Separation (DSS Form 167) and are similar in nature, requiring that DSS Form 166 shall be filed in the cover sheet unless the form relates to a veteran who is not a registrant of the local board, but whose reported address places him under its jurisdiction. In the later case this form will be filed at the end of the file maintained for the Registration Card (DSS Form 1), and may be filed separately in alphabetical order or may be matched and integrated with DSS Form 167 and filed together therewith, at the discretion of the State Director. Certificate of Enrollment (DSS Form 500) shall be filed in the same manner as is above prescribed for the filing of Home Address Report (DSS Form 166).

(e) *Disposal.* Form Disposal Instructions for the above records will be found in the Form Manual.[1] Cognizance has been taken of the fact that no actual destruction can be accomplished with respect to any forms mentioned herein. It is felt by this Headquarters that these records are of sufficient importance to justify the retention of all copies, even though some duplication of record content will result. (54 Stat. 885, as amended; 50 U. S. C. and Supp. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47–1422; Filed, Feb. 13, 1947; 8:51 a. m.]

[1] Not filed with the Division of the Federal Register.

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat.

177, 58 Stat. 827, 59 Stat. 658, Public Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directive 39, Revocation]

PRIORITIES ACTION BY THE VETERANS' ADMINISTRATION

Section 903.153, *Directive 39*, is revoked effective February 15, 1947. This revocation does not affect the validity of any ratings which were assigned under the directive before February 15, 1947. Such ratings may continue to be applied or extended, and orders bearing them must be accepted and filled in accordance with the Priorities Regulations.

Issued this 13th day of February 1947.

W. J. KERLIN,
Director,
Bureau of Priorities.

[F. R. Doc. 47-1495; Filed, Feb. 13, 1947; 11:26 a. m.]

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directive 41, Revocation]

PREFERENCE RATING AUTHORITY OF THE ARMY AND NAVY MUNITIONS BOARD AND MARITIME COMMISSION

Section 903.154, *Directive 41*, is revoked effective February 15, 1947. This revocation does not affect the validity of any ratings which were assigned under the directive before February 15, 1947. Such ratings may continue to be applied or extended, and orders bearing them must be accepted and filled in accordance with the Priorities Regulations.

Issued this 13th day of February 1947.

W. J. KERLIN,
Director,
Bureau of Priorities.

[F. R. Doc. 47-1494; Filed, Feb. 13, 1947; 11:26 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, as Amended Feb. 13, 1947]

RESTRICTED PRIORITIES ASSISTANCE

§ 944.49 *Priorities Regulation 28*—(a) *Purpose of this regulation.* This regulation describes the very limited scope of priorities assistance which will be granted in the future. It is designed to cover only the brief period of time which is expected to exist before all such priorities assistance will end.

In line with the announced policy of restoring normal buyer-seller relations as soon as possible, the issuance of CC ratings will be limited to cases of non-deferrable need for the military services, the U. S. Maritime Commission, the Veterans' Administration, or the Atomic Energy Commission, cases in connection with the Veterans' Emergency Housing Program, cases of public emergency and a few other exceptional situations mentioned below. CC ratings will no longer be granted for production materials, MRO, capital equipment or construction materials or equipment for the purpose of starting or maintaining any individual plant or business at a minimum economic rate, or to alleviate individual hardship. CC ratings for export will be granted under this regulation only in rare cases falling under the rules explained in paragraph (d).

In view of the revised terms of the regulation itself drastically curtailing the assignment of CC ratings for all materials, most of the former directions to this regulation which contained similarly restrictive provisions for certain materials, have been revoked as no longer necessary. Provisions in directions which imposed a limit on the quantity of CC rated orders for certain materials which a supplier had to schedule for shipment are in paragraph (e). The directions still in effect are listed at the end of this regulation.

Priorities Regulation 28A, under which special assistance was formerly granted for textile yarn and fabric, has also been revoked. Assistance for these materials from now on will be granted only under the very limited conditions of this regulation.

(b) *Exceptional cases when CC ratings may be assigned.* (1) If all the conditions of paragraph (b) (2) below are met, CC ratings may be granted in the following limited cases:

(i) Where an essential item is needed in an emergency for the Army, Navy, the U. S. Maritime Commission, the Veterans' Administration or the Atomic Energy Commission to meet the requirements of their most urgent projects. In these cases a recommendation for approval by designated officials located in the Washington headquarters of these agencies is required; or

(ii) Where an item is needed under the following conditions:

(a) To maintain at current levels essential community utility services, or to provide essential utility services to new housing projects; or

(b) In an emergency to eliminate an imminent or existing serious hazard to the life, health or safety of a large number of people; or,

(iii) Where an item is required in connection with the Veterans' Emergency Housing Program under the following conditions (no ratings will be issued for the purchase of specialized machinery or for an item to be incorporated in construction):

(a) To maintain or increase the production of a building material or product which is determined to be in critically short supply; or

(b) For capital equipment (except for site preparation equipment) which is a bottleneck in the production or erection of housing accommodations. (CC ratings will be assigned only after CPA has obtained the recommendation of the Office of the Housing Expediter.)

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), a CC rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraphs (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *How to apply for a CC rating.* Applications for a CC rating under this regulation for uses in the United States, its territories and possessions should be made on Form CPA-541A addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR-28. Since CC ratings will no longer be given to support a minimum economic rate of production or to give special help to small business or the business needs of veterans, no questions on Form CPA-541A need be answered which were designed for such cases. For example, Questions 7b, 13, and 16 on Form CPA-541A (as revised 4-23-46) may be left unanswered. On the other hand, supporting data required by Item 14 is of major importance and should clearly show how the application qualifies under paragraph (b) above.

(d) *CC ratings for export*—(1) *For Canada.* In the case of materials for export to Canada applications should be filed with the Priorities Officer of Canada, Ottawa, Canada and will be handled on the same basis as United States applications.

(2) *Other exports.* In the case of other exports, upon demonstration that a rating is required CC ratings may be assigned for procurement in this country of minimum quantities of materials necessary to the restoration, development and maintenance of foreign sources of supplies vitally needed in this country; or in other exceptional cases for reasons of public policy. Applications for such ratings should be made to the Office of International Trade, Department of Commerce, Washington 25, D. C., on Form CPA-541A. Applications which are approved by that office will be forwarded to the Civilian Production Administration for processing in accordance with this paragraph.

(e) *Limit on required acceptance of CC ratings for certain products.* For the products listed below CC ratings which have been assigned in the past might take an undue proportion of a producer's limited supply. To avoid this unfair impact, no manufacturer of any of these items need accept or fill a CC rated order for any such item if it would cause him to deliver on CC rated orders in any calendar month more than 50% of his total deliveries of that item in that month on all orders, both rated and unrated:

(1) The following items of textile machinery:

(i) Women's full fashioned hosiery machinery (30 and 32 section machines only).

(ii) Button sewer machine units.

(iii) Buttonhole machinery.

(iv) 36" high post sewing machines.

(2) The following items of bottling equipment for non-alcoholic beverages:

(i) Filler-Crowners, with rated capacity of 75 cases and under per hour.

(ii) Carbonators, with rated capacity of 300 gallons and under per hour.

(iii) Bottle Washers (Soakers) with rated capacity of 120 cases and under per hour.

(3) The following miscellaneous items:

(i) Cylinders for low-pressure gas (20 lb. and 100 lb. sizes only).

(f) *Existing CC ratings remain valid.* Nothing in this amendment of Priorities Regulation 28 affects the validity of CC ratings granted before then. All orders bearing such CC ratings as well as those with CC ratings assigned under this amended regulation must be accepted and filled in accordance with the Priorities Regulations.

(g) *Effective date.* This amendment of Priorities Regulation 28 shall be effective February 15, 1947.

Issued this 13th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

DIRECTIONS TO PR 28

The following directions to PR 28 are still in effect (February 13, 1947):

Direction 6—Use of CC ratings for trucks.

Direction 18—CC ratings for iron castings and steel.

Direction 20—Restrictions on use of ratings for equipment to establish veterans in business.

[F. R. Doc. 47-1493; Filed, Feb. 13, 1947; 11:25 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1086]

A. L. WIESE AND FRED PERSCHAU

A. L. Wiese and Fred Perschau of Glencoe, Minnesota, in April, 1946, jointly commenced construction of a commercial building, at Glencoe, Minnesota, 41 feet thereof on the property of A. L. Wiese, and 29 feet thereof on the property of Fred Perschau. Application for permission to construct the same was made to Civilian Production Administration on April 16, 1946, the cost being estimated at $20,000. This application, under date of May 2, 1946, was denied for the reason that a portion of the proposed building contained a second floor which was to consist of two apartments. A second application for authority to construct was made May 5, 1946, the cost being estimated at $16,500, the proposed second floor apartments being eliminated. A. L. Wiese and Fred Perschau in wilful violation of said authorization, constructed the exterior of the second story in violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1086 *Suspension Order No. S-1086.* (a) Neither A. L. Wiese or Fred Perschau, their successors or assigns, or any other person shall do any further construction work on the second floor of the building owned by them and located at Glencoe, Minnesota, including completing, putting up or altering of any portion of said second floor unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) A. L. Wiese or Fred Perschau shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve A. L. Wiese or Fred Perschau, their successors or assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1492; Filed, Feb. 13, 1947; 11:25 a. m.]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 5, as Amended Feb. 13, 1947]

WHERE APPLICATIONS SHOULD BE FILED

§ 4700.6 *Supplement 5 to Veterans' Housing Program Order 1*—(a) *What this supplement does.* This supplement tells where applications for authorization under Veterans' Housing Program Order 1 to do construction, repair work or other work restricted by VHP-1 should be filed.

(b) *Applications to be filed under regulations of the Housing Expediter.* (1) Applications for the construction of the following kinds of new structures in which 50% or more of the floor space is to be used for residential purposes should be filed under the Housing Permit Regulation of the Housing Expediter (see paragraph (b) (4) below):

(i) Any building, structure or other construction item to be used for family housing purposes, whether occupied all year round or seasonally, and any apartment hotel, boarding house, rooming house, dormitory or other residential accommodations occupied for substantial periods of time, whether by single persons or by families, including also all subsidiary buildings, structures or construction items (whether restricted by VHP-1 or not) on residential property, such as garages, tool sheds, greenhouses, piers, swimming pools, walls, fences, bulkheads, wells and the like. This includes applications for family housing accommodations, either one family houses or apartments, and permanent residential quarters for individuals, whether these are to be built and owned by private individuals, corporations, public organizations or educational or other institutions. It also includes applications for the erection of prefabricated houses, the permanent installation of trailers and the like. This paragraph does not include summer or winter camps or hotels, overnight guest houses, tourist cabins or other accommodations for transients. Restaurants, laundry rooms and toilet facilities built in connection with tourist cabins and trailer camps are not covered by this paragraph.

(ii) Dormitories, and living facilities such as dining halls built and to be used exclusively in connection with a new dormitory, and subsidiary buildings for trailer camps such as laundry rooms, toilet facilities and the like, when they are built by an educational institution or a public organization and dormitories built under the sponsorship of an educational organization. "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning. "Public organization" means the United States government, a state, county, city, town, village or other municipal government, or an agency, instrumentality or authority of such a governing body.

(iii) Farm houses and other residential accommodations on farms, and bunkhouses for transient farm labor.

Paragraph (b) (1) does not include accommodations, the primary purpose of which is non-residential, such as wards or rooms for patients or inmates in hospitals, mental hospitals, insane asylums, orphanages, old people's homes, police barracks or cell blocks in jails. It also does not include housing accommodations constructed by or for the account of the U. S. Army or Navy.

(2) Regardless of the primary purpose for which a structure as a whole is or is to be used, applications for construction, alterations, additions or repairs in the structure should be filed under regulations of the Housing Expediter if 50% or more of the floor space involved in the proposed work will be used for residential purposes of the kinds described above.

(3) Applications for amendments to projects approved under Priorities Regulation 33 or Housing Expediter Priori-

ties Regulation 5 should be filed in accordance with those regulations.

(4) In general new applications for work covered by paragraphs (b) (1) and (b) (2) should be made on OHE Form 14–56 and filed with the appropriate State or District Office of the Federal Housing Administration, except that (i) applications covering dwelling accommodations or bunkhouses for transient farm labor located on a farm should be filed with the appropriate County Agricultural Conservation Committee, (ii) applications by educational institutions or by public organizations for any kind of residential accommodations to be built by them, and applications for single person residential accommodations to be built or converted under the sponsorship of an educational institution, should be filed with the appropriate Regional Office of the Federal Public Housing Authority and, (iii) applications to construct or erect experimental housing accommodations or to obtain materials for experimental or testing purposes in connection with housing accommodations should be filed with the Technical Office of the Administrator of the National Housing Agency.

(5) Under paragraphs (b) (1) and (b) (2) the amount of floor space to be used for residential purposes and the amount to be used for other purposes will determine where the application is to be filed. In computing floor area for these purposes, hallways and other public spaces should be excluded from the computation. Basement space should also be excluded even though used for storage space for stores or for apartments, except where all or part of the basement is used for an apartment or rooms for living purposes, or for selling or exhibition space for a store, or for a commercial garage which is open to the public.

(c) [Deleted Dec. 24, 1946.]

(d) *Applications to be filed with the Civilian Production Administration:* All applications for authorization under VHP–1 for construction not covered by paragraph (b) should be filed on Form CPA–4423 with the appropriate CPA District Construction Office.

(e) [Deleted Dec. 24, 1946.]

Issued this 13th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1491; Filed, Feb. 13, 1947; 11:25 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 22, Amdt. 1]

PART 8322—PRICING AND DISTRIBUTION POLICY FOR CONSUMER GOODS

War Assets Administration Regulation 22, November 30, 1946, entitled "Pricing and Distribution Policy for Consumer Goods" (11 F. R. 14106) is hereby amended in the following respects:

1. Section 8322.4 (c) is amended to read as follows:

(c) Negotiated sales may be used by the disposal agency for any one or more reasons set forth in the subparagraphs hereunder: *Provided, however,* That whenever negotiated sales are used, the disposal agency shall prepare and file in writing a full justification of the desirability or necessity for using this method of sale and such sales shall not be consummated except with the approval of a reviewing authority. Such sales may be made:

(1) When the proposed purchasers can perform certain functions necessary to make the property salable, such as repairing, rehabilitating, sorting, grading, or testing, more economically and effectively than the disposal agency or others;

(2) When the property is such a hazard to health and property as to require immediate disposition;

(3) When the property will spoil or deterioriate so rapidly as to jeopardize any disposal unless immediately sold;

(4) When the property is to be sold to a foreign government by or at the request of the State Department;

(5) When the property remains in inventory after a full and adequate offering has been made by competitive bid as provided in § 8322.13 of this part;

(6) When the disposal agency makes a written finding that the property is (i) of so special a nature or manufacture or limited use that only one or a few purchasers would be interested in the acquisition and (ii) that an offering of such property by competitive bidding would prejudice the monetary return to the Government if all such bids were subsequently rejected.

2. Section 8322.11 (d) is amended to read as follows:

(d) Commercial exporters, foreign governments acting through duly accredited agents in the United States, and foreign commercial firms acting through their duly accredited agents in this country shall be permitted to participate on the same level as wholesalers in fixed price sales.

3. Section 8322.12 is amended by adding a new paragraph (c) to read as follows:

(c) When the disposal agency makes a written finding that the property is (i) of so special a nature or manufacture or limited use that only one or a few purchasers would be interested in the acquisition and (ii) that an offering of such property by competitive bidding would prejudice the monetary return to the Government if all such bids were subsequently rejected.

4. Section 8322.13 (a) is amended by changing the first sentence thereof to read as follows:

Whenever the competitive bid method of sale is employed, an upset price may be established in appropriate cases representing the tentative estimate of the disposal agency as to what may be the fair value of the property.

(Surplus Property Act of 1944 as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This amendment shall become effective February 6, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 29, 1947.

[F. R. Doc. 47–1486; Filed, Feb. 13, 1947; 10:29 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 01—ORGANIZATION

CENTRAL AND BRANCH OFFICES

Correction

In Federal Register Document 47–1019, appearing at page 795 of the issue for Tuesday, February 4, 1947, the first paragraph should read: "Sections 01.7, 01.50 and 01.60 to 01.72, inclusive, are amended to read as follows:

The section beginning at the bottom of the first column on page 802 should be designated "§ 01.65".

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 19—TRANSPORTATION OF MAILS

MAILS FOR ALASKA

Correction

In Federal Register Document 47–909, appearing on page 705 of the issue for Friday, January 31, 1947, § 19.5 should be designated as "§ 19.4a".

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

CONTENTS OF APPLICATIONS

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on this 6th day of February 1947;

Whereas, it appears that the Commission's practice of accepting and acting on FM applications which do not specify particular FM frequencies is in variance with § 1.304 of the Commission's rules and regulations; and

Whereas, the practice is a desirable one since it leaves the Commission free to assign channels in such a manner so as to achieve the most effective utilization of FM frequencies;

It is hereby ordered, That § 1.304 be amended to read as follows:

§ 1.304 *Contents of applications.* Each application (unless otherwise directed) shall be specific with regard to frequency or frequencies, power, hours of operation, equipment, location of the station, and other information required by the application forms.[1] An application for broadcast facilities in the standard, FM or television bands shall be limited to one frequency and an application for radio station construction permit or license requesting alternate facilities will not be accepted.

The public notice and procedure required by section 4 of the Administrative Procedure Act are hereby found to be unnecessary. Since this amendment creates an exemption from existing Commission rules and regulations, this order is hereby made effective immediately.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–1397; Filed, Feb. 13, 1947; 8:53 a. m.]

Upon further consideration of the provisions of Service Order No. 661 (11 F. R. 14711), and good cause appearing therefor: *It is ordered,* That:

Service Order No. 661 be, and it is hereby, amended by substituting the following paragraph (g) of § 95.661, *Export food from Pacific Northwest restricted,* for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., April 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–1410; Filed, Feb. 13, 1947; 8:55 a. m.]

PART 3—RADIO BROADCAST SERVICES

ORDER ADOPTING AMENDMENTS

The following corrections should be made on Page 925 of the February 8, 1947 issue of the FEDERAL REGISTER:

1. Column 1, the last line should read: "Station No. 3—0.59 mv/m."

2. Column 2, lines 29 and 30 should read: "1.21 mv/m limitation, under the above provision they are nevertheless included."

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–1448; Filed, Feb. 13, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 661, Amdt. 1]

PART 97—ROUTING OF TRAFFIC

EXPORT FOOD FROM PACIFIC NORTHWEST RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of February A. D. 1947.

[1] Applications for FM facilities filed before July 1, 1947, need not specify a particular frequency unless the applicants are directed to do so by the Commission.

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

RAILWAY LESSOR COMPANY ANNUAL REPORT FORM E

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of February A. D. 1947.

The matter of Annual Reports from Lessors to Steam Railways being under consideration:

It is ordered, That the order of January 28, 1946, In the Matter of Annual Reports from Lessors to Steam Railway Companies (§ 120.14, Title 49, Code of Federal Regulations) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1946, and subsequent years, as follows:

§ 120.14 *Form prescribed for lessors to steam railways.* All lessors to Steam Railway Companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, shall file under oath an annual report for the year ended December 31, 1946, and for each succeeding year until further order, in accordance with Annual Report Form E (Railway Lessor Companies) which is hereby approved and made a part of this section.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates. (24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 916; 49 U. S. C. 20 (1)–(8))

NOTE: The reporting requirement of this Order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–1411; Filed, Feb. 13, 1947; 8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service; Department of Interior

Subchapter C—National Wildlife Refuges: Individual Regulations

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

LACASSINE NATIONAL WILDLIFE REFUGE, LOUISIANA; FISHING

The following supersedes § 25.532 approved April 6, 1942, as amended November 26, 1942 (7 F. R. 2914, 10820).

§ 25.532 *Lacassine National Wildlife Refuge, Louisiana; fishing.* Commercial and non-commercial fishing in accordance with the State laws of Louisiana is permitted during the daylight hours in all waters of the Lacassine National Wildlife Refuge, in accordance with the following provisions:

(a) Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Louisiana. Entry on or use of the refuge for any purpose is covered by the regulations for the administration of National Wildlife Refuges dated December 19, 1940 (5 F. R. 5284; 50 CFR Cum. Supp., Part 12), as amended and strict compliance therewith is required.

(b) During periods of waterfowl concentrations, or other wildlife concentrations, fishing may be closed on such areas of the refuge, as, in the judgment of the officer in charge, such limitations or restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting. (45 Stat. 1224; 16 U. S. C. 715i; Reorganization Plan No. II, 53 Stat. 1433; 5 U. S. C. 133t note)

RUDOLPH DIEFFENBACH,
Acting Director.

[F. R. Doc. 47–1423; Filed, Feb. 13, 1947; 8:47 a. m.]

[1] Filed as part of the original document.

PROPOSED RULE MAKING

FEDERAL TRADE COMMISSION

[16 CFR, Chapter I]

[File No. 21-400]

VERTICAL TURBINE PUMP INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C. on the 11th day of February 1947.

Notice is hereby given that a Trade Practice Conference for the Vertical Turbine Pump Industry will be held by the Federal Trade Commission at the Stevens Hotel, Michigan Boulevard and Seventh Street, Chicago, Illinois, on Friday, March 7, 1947, beginning at 10 a. m., Central Standard Time. The industry for which such conference is scheduled is engaged in manufacturing selling, or distributing vertical turbine pumps or parts therefor. All persons, concerns, and organizations engaged in such business are invited to attend or be represented at the conference and to take part in the proceedings. The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses in the manufacture, sale, or distribution of products of this industry may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-1416; Filed, Feb. 13, 1947; 8:50 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket Nos. 1932, 1890]

NORTHEAST AIRLINES, INC.

NOTICE OF HEARING

In the matter of the motion of Northeast Airlines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for amendment and modification of order entered December 6, 1946, fixing and determining temporary fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its entire system.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 14, 1947, at 10 a. m. (eastern standard time) in the Foyer of the Auditorium, Commerce Building, 14th and Constitution Avenue, Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., February 10, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-1417; Filed, Feb. 13, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6913]

WLEU BROADCASTING CORP.

ORDER TO SHOW CAUSE

In re application of WLEU Broadcasting Corporation (WLEU), Erie, Pennsylvania, Docket No. 6913. File No. BP-4115, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of February 1947;

The Commission having under consideration (1) the record of the hearing, held at Washington, D. C., on January 3-7, 1946, in the above-entitled application of WLEU Broadcasting Corporation, requesting a construction permit to change the broadcast facilities of Station WLEU, Erie, Pennsylvania, from 1450 kc, with 250 watts power, unlimited time, to 1260 kc, with 1 kw power night and 5 kw power day, to install a directional antenna for night use, to install a new transmitter, and to change transmitter location; (2) a petition filed December 21, 1945, by WLEU Broadcasting Corporation requesting the Commission to issue an order to show cause why the license of Presque Isle Broadcasting Company authorizing the operation of Station WERC, Erie, Pennsylvania, on 1230 kc, with 250 watts power, unlimited time, should not be modified to specify operation on 1450 kc, with 250 w power, unlimited time, and to consolidate the hearing on said order to show cause with the hearing on the above-entitled application of WLEU Broadcasting Corporation; and (3) an opposition to the petition for the issuance of an order to show cause, filed December 27, 1945, by Presque Isle Broadcasting Company (WERC);

It appearing that the above-entitled application of WLEU Broadcasting Corporation is contingent upon the removal of Station WERC, Erie, Pennsylvania, from the frequency 1230 kc to the frequency 1450 kc; and that Presque Isle Broadcasting Company (WERC) was a party to the said hearing heretofore held in the above-entitled application of WLEU Broadcasting Corporation (WLEU);

It further appearing that the simultaneous operation of Station WERC on the frequency 1230 kc, and of Station WLEU, as proposed, at Erie, Pennsylvania, would be inconsistent with the Commission's Standards of Good Engineering Practice; that the operation of Station WLEU, as proposed, might result in the addition of new primary broadcast service to a substantial population and area in and around Erie, Pennsylvania; and that the public interest, convenience, and necessity might be better served by assigning the frequency 1260 kc to WLEU Broadcasting Corporation (WLEU) and the frequency 1450 kc to Presque Isle Broadcasting Company (WERC), both at Erie, Pennsylvania;

It is ordered, That the said petition filed by WLEU Broadcasting Corporation (WLEU) be, and it is hereby, granted; that, pursuant to section 312 (b) of the Communications Act of 1934, as amended, opportunity be, and it is hereby, afforded Presque Isle Broadcasting Company, licensee of Station WERC, Erie, Pennsylvania, to show cause at a hearing before the Commission to be held at its offices in Washington, D. C., on the 17th day of March, 1947, at 10 a. m., why the broadcast license issued to said Presque Isle Broadcasting Company (WERC) should not be modified so as to specify the use by it of the frequency of 1450 kc at Erie, Pennsylvania, in lieu of the frequency of 1230 kc; and that WLEU Broadcasting Corporation (WLEU) be, and it is hereby, made a party to this proceeding:

It is further ordered, That the above-ordered hearing to show cause be, and it is hereby, consolidated with the hearing on the above-entitled application of WLEU Broadcasting Corporation (WLEU) heretofore held at Washington, D. C., on January 3-7, 1946.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47—1398; Filed, Feb. 13, 1947; 8:52 a. m.]

[Docket No. 8072]

MISSION BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Eugene J. Roth, tr/as Mission Broadcasting Company (KONO), San Antonio, Texas, Docket No. 8072, File No. BP-4329, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the present facilities of Station KONO at San Antonio, Texas, from 1400 kc, to 860 kc, to increase power from 250 watts to 1 kw, 5 kw-LS, to change transmitter location, and to install a directional antenna for night use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding, to which § 1.857 of the Commission's rules and regulations shall not be applicable, with the application of Roy Hofheinz and W. N. Hooper, a partnership, d/b as Texas Star Broadcasting Company (File No. BP-5591; Docket No. 8079), requesting a permit to construct a new standard broadcast station to operate on 860 kc, with 5 kw power days and 1 kw nighttime, using a directional antenna at night, at San Antonio, Texas, at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate station KONO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KONO as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KONO as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KONO as proposed would involve objectionable interference with Cuban station CMBL at Havana, or with either of the Mexican stations XEMO at Tijuana, Baja California, or XEUN, Mexico, D. F., or any other existing foreign broadcast station as defined in the North American Regional Broadcasting Agreement, and the nature and extent of any such interference.

6. To determine whether the operation of station KONO as proposed would involve objectionable interference with the services proposed in the pending application of Felix H. Morales (File No. BP-5397) requesting a permit to construct a new standard broadcast station to operate on 850 kc, with 1 kw power, daytime only, at Houston, Texas, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of station KONO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1400; Filed, Feb. 13, 1947; 8:52 a. m.]

[Docket Nos. 5893, 6161, 5361, 6144, 5778, 6145, 7065, 7309, 7481, 8099, 8100]

WOAX, INC. (WTNJ), ET AL.

ORDER TO SHOW CAUSE AND DESIGNATION OF APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WOAX, Incorporated (WTNJ), Trenton, New Jersey, Docket No. 5893, File No. B1-R-186, for renewal of license; WOAX, Incorporated (WTNJ), Trenton, New Jersey, Docket No. 6161, File No. B1-ML-1084, for modification of license; The City of Camden (WCAM), Camden, New Jersey, Docket No. 5361, File No. B1-R-168, for renewal of license; The City of Camden (WCAM), Camden, New Jersey, Docket No. 6144, File No. B1-ML-1069, for modification of license; Radio Industries Broadcast Company (WCAP), Asbury Park, New Jersey, Docket No. 5778, File No. B1-R-181, for renewal of license; Radio Industries Broadcast Company (WCAP), Asbury Park, New Jersey, Docket No. 6145, File No. B1-ML-1070, for modification of license; Camden Broadcasting Company, Camden, New Jersey, Docket No. 7065, File No. B1-P-4173; Independence Broadcasting Company (WHAT), Philadelphia, Pennsylvania, Docket No. 7309, File No. B2-P-4435; Ranulf Compton, d/b as Radio WKDN, Camden, New Jersey, Docket No. 7481, File No. B1-P-4617, for construction permits; Valley Broadcasting Corporation, Allentown, Pennsylvania, Docket No. 8099, File No. BP-4790, for construction permit; WOAX, Incorporated (WTNJ), Trenton, New Jersey, Docket No. 6161, File No. B1-ML-1084; The City of Camden (WCAM), Camden, New Jersey, Docket No. 6144, File No. B1-ML-1069; Radio Industries Broadcast Company (WCAP), Asbury Park, New Jersey, Docket No. 6145, File No. B1-ML-1070; Independence Broadcasting Company (WHAT), Philadelphia, Pennsylvania, Docket No. 7309, File No. B2-P-4435; Foulkrod Radio Engineering Company (WTEL), Philadelphia, Pennsylvania, Docket No. 8100; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of February 1947;

The Commission having under consideration (1) its Proposed Decision and Supplemental Proposed Decision (B-224) issued October 17, 1945, and September 5, 1946, respectively, proposing to grant the application of Radio Industries Broadcasting Company (WCAP) for renewal of license and modification of license and to deny the applications of the City of Camden (WCAM) and WOAX, Inc. (WTNJ) for renewal and modication of their respective licenses; (2) its proposed decision (B-293) issued October 31, 1946, proposing to grant the application of Ranulf Compton d/b as Radio WKDN for a new standard broadcast station at Camden, New Jersey, to be operated on 800 kc, 1 kw, daytime only, and denying the applications of Camden Broadcasting Company and Independence Broadcasting Company (WHAT) for use of these facilities in Camden and Philadelphia, respectively; (3) the application of Valley Broadcasting Corporation (File No. BP-4790) for a new standard broadcast station at Allentown, Pennsylvania, to be operated on 790 kc with 1 kw power, unlimited time; and (4) the petition of Valley Broadcasting Company requesting reconsideration and further hearing on the proposed grant of the application of Ranulf Compton d/b as Radio WKDN; and

Whereas, The City of Camden (WCAM) and WOAX, Inc. (WTNJ) have filed exceptions to the decision proposing to deny their applications and oral argument was heard thereon before the Commission on December 27, 1946; and

Whereas, Camden Broadcasting Corporation and Independence Broadcasting Company (WHAT) have filed exceptions to the decision proposing to deny their respective applications and to grant the application of Ranulf Compton d/b as Radio WKDN, and oral argument was heard thereon before the Commission on December 27, 1946; and

Whereas, Stations WCAP, the only station in Asbury Park, New Jersey, WCAM, the only station in Camden, New Jersey, and WTNJ, one of two stations in Trenton, New Jersey, now operate on 1310 kc, under a time-sharing arrangement and Stations WHAT and WTEL, Philadelphia, operate on 1340 kc under a time-sharing arrangement which does not permit operation during that portion of the day when WCAM is in operation because of the mutual interference which would be caused thereby; and

Whereas, it appears to the Commission that as a result of these time-sharing arrangements, the communities served by the respective stations do not now have adequate local service; and

Whereas, it appears that, in the event the licenses of Stations WTNJ and WCAM should be renewed, a more fair and equitable distribution of facilities among the communities involved might be obtained by modification of the respective licenses of these stations as follows:

WCAM, Camden, from 1310 kc, 500 w (S-WCAP, WTNJ) to 1340 kc, 250 w, unlimited.

WTNJ, Trenton, from 1310 kc, 500 w (S-WCAM, WCAP) to 1300 kc, 250 w, daytime only.

WCAP, Asbury Park, from 1310 kc, 500 w (S-WCAM, WTNJ), to 1310 kc, 250 w, unlimited.

WTEL, Philadelphia, from 1340 kc, 100 w (S-WHAT) to 860 kc, 250 w, daytime only.

WHAT, Philadelphia, from 1340 kc, 100 w (S-WTEL) to 800 kc, 1 kw, daytime only; and

Whereas, the operation of Station WHAT at Philadelphia, Pennsylvania, on 800 kc might result in mutual interference with the proposed station of Valley Broadcasting Company operating on 790 kc at Allentown, Pennsylvania;

Now, therefore, it is ordered, That, pursuant to section 312 (b) of the Communications Act of 1934, as amended, WOAX, Inc., the City of Camden, Radio Industries Broadcasting Company, Independence Broadcasting Company, and Foulkrod Radio Engineering Company show cause at a hearing to be held in Washington, D. C., at 10:00 o'clock a. m. on March 10, 1947, why the licenses of their respective stations, if they are renewed, should not be modified as follows: WCAM to operate on 1340 kc, 250 w, unlimited time; Station WTNJ to operate on 1300 kc, 250 w, daytime only; WCAP to operate on 1310 kc, 250 w, unlimited time; Station WHAT to operate on 800 kc with 1 kw power, daytime only; and WTEL to operate on 860 kc, 250 w, daytime only; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of Valley Broadcasting Corporation be, and it is hereby designated for hearing in a consolidated proceeding with the aforesaid proceeding under section 312 (b) of the act, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether a more fair, efficient and equitable distribution of radio service would be accomplished by a grant of the application of Valley Broadcasting Corporation or by the following plan of allocation of facilities to the following stations: WCAM, 1340 kc, 250 w, unlimited time; WTNJ, 1300 kc, 250 w, daytime only; WCAP, 1310 kc, 250 w, unlimited time; WHAT, 800 kc, 1 kw, daytime only; WTEL, 860 kc, 250 w, daytime only; and

It is further ordered, That the two above-entitled pending proceedings be, and the same are hereby consolidated and designated for further hearing with the hearing ordered herein, pursuant to section 312 (b) of the act, and the hearing upon the application of Valley Broadcasting Corporation.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1399; Filed, Feb. 13, 1947; 8:52 a. m.]

[Docket No. 8079]

TEXAS STAR BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Roy Hofheinz and W. N. Hooper, a partnership, d/b as Texas Star Broadcasting Company, San Antonio, Texas, Docket No. 8079, File No. BP-5591, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 860 kc, with 5 kw power days and 1 kw nighttime using a directional antenna at night, at San Antonio, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding, to which § 1.857 of the Commission's rules and regulations shall not be applicable, with the application of Eugene J. Roth, tr/as Mission Broadcasting Company (File No. BP-4329; Docket No. 8072), requesting a construction permit to change the present facilities of station KONO at San Antonio, Texas, to 860 kc, with 5 kw power days and 1 kw nighttime, using a directional antenna at night, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any exsiting broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with Cuban station CMBL at Havana, or with either of the Mexican stations XEMO at Tijuana, Baja California, or XEUN, Mexico, D. F., or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of any such interference.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Felix H. Morales (File No. BP-5397), requesting a permit to construct a new standard broadcast station to operate on 850 kc, with 1 kw power, daytime only, at Houston, Texas, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KTHT at Houston, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

9. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1401; Filed, Feb. 13, 1947; 8:52 a. m.]

[Docket Nos. 7598, 7950, 7951]

RADIO STATION KTBS ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John C. McCormack, Allen D. Morris, Prentiss E. Furlow, and George D. Wray, a partnership d/b as Radio Station KTBS (KTBS), Shreveport, Louisiana, Docket No. 7598, File No. B3-P-4720; Jas. G. Ulmer and Jas. G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB), Tyler, Texas, Docket No. 7950, File No. B3-P-4769, for construction permits; Hugh J. Powell (KGGF), Coffeyville, Kansas, Docket No. 7951, File No. B4-MP-2021, for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application of John C. McCormack, Allen D. Morris, Prentiss E. Furlow, and George D. Wray, a partnership, d/b as Radio Station KTBS, requesting a construction permit to change the present facilities of station KTBS at Shreveport, Louisiana, to 710 kc, 5 kw power nighttime, 10 kw power daytime, unlimited time, employing directional antenna day and night, and also having under consideration a petition by said applicant requesting that said application be designated for hearing in the consolidated proceeding involving the other two applications named above;

It appearing, that the Commission on November 7, 1946, designated for hearing in a consolidated proceeding the applications of Jas. G. Ulmer, and Jas. G. Ulmer, Jr., d/b as East Texas Broadcasting Company (File No. B3-P-4769; Docket No. 7950) requesting a construction permit to change the present facilities of station KGKB at Tyler, Texas, to 690 kc, 1 kw power nighttime, 5 kw power daytime, unlimited time, employing a directional antenna day and night, and Hugh J. Powell (File No. B4-MP-2021; Docket No. 7951) requesting modification of a construction permit so as to operate station KGGF at Coffeyville, Kansas, on 690 kc, 5 kw power nighttime, 10 kw power daytime, employing a directional antenna, said consolidated proceeding being set for hearing on February 20, 1947, at Washington, D. C.;

It is ordered, That said petition be, and it is hereby, granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Radio Station KTBS (Docket No. 7598) be, and it is hereby, designated for hearing in the above consolidated proceeding, set for February 20, 1947, at Washington, D. C., upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station KTBS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KTBS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KTBS as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KTBS as proposed would involve objectionable interference with the services proposed in the pending application of East Texas Broadcasting Company (File No. B3-P-4769; Docket No. 7950), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KTBS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of November 7, 1946, designating for hearing in a consolidated proceeding the said applications of East Texas Broadcasting Company (File No. B3-P-4769; Docket No. 7950) and Hugh J. Powell (File No. B3-MP-2021; Docket No. 7951) be, and they are hereby, amended to include said application of Radio Station KTBS (File No. B3-P-4720; Docket No. 7598).

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1402; Filed, Feb. 13, 1947; 8:52 a. m.]

MARSHALL ELECTRIC CO.

PROPOSED TRANSFER OF CONTROL OF STATION [1]

The Commission hereby gives notice that on February 3, 1947 there was filed with it an application (B-TC-530) for its consent under section 310 (b) of the Communications Act (47 U. S. C. A. 310) to the proposed transfer of control of Marshall Electric Company (licensee of AM Station KFJB), Marshalltown, Iowa, from Joseph F. Rosenfield, John Ruan, Robert Root, and Kenneth Durham to Times-Republican Printing Company. The arrangements for transfer of control of the above station are based upon agreements between the parties pursuant to which the selling stockholders proposed to sell all the issued and outstanding capital stock (a total of 200 shares of common voting $100 par value stock is issued and outstanding out of a total of 500 shares of $100 par value common voting stock authorized) for a total of $75,000, $25,000 to be paid within five days after the approval of the transfer of said stock by the Federal Communications Commission, the balance of $50,000 to be paid in 5 yearly installments of $10,000 each with interest at 4% per annum. Further details as to the arrangements between the parties and concerning the application may be determined from an inspection of the papers which are on file with the Commission in Washington, D. C.

On July 25, 1946 the Commission adopted Rule 1.388 (known as Rule 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by the applicants at the time of the filing of their application (February 3, 1947) that starting February 3, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation in Marshalltown, Iowa in conformity with the above rule.

In accordance with the procedure set forth in said rule, no action will be had upon the application for a period of 60 days from February 3, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract. (Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1403; Filed, Feb. 13, 1947; 8:51 a. m.]

[1] Section 1.321, Part I, Rules of practice and procedure.

BOSTON HERALD-TRAVELER

GRANT OF EXPERIMENTAL RELAY PRESS COMMUNICATION SYSTEM

The Commission today granted applications of the Boston Herald-Traveler Corporation for authority to construct and operate, experimentally, a new relay press radio communication system. The system is comprised of a land station, installed in the newsroom of the Boston Herald-Traveler, and a mobile unit, installed in an automobile used by reporters. The land station will be used to dispatch orders and instructions to the reporters, and the mobile station will be used for transmitting news material to the newsroom. The stations will be operated to determine the practicability and efficiency of radio communication for accurate and instantaneous reporting in urban areas.

Under the present rules for non-experimental use of relay press stations, only low-powered portable and mobile equipment may be used and the use of such stations is limited to isolated areas where telephone and other means of communication are unavailable. Because of these restrictions little progress has been made in development of the relay press radio service.

The Commission is now authorizing the use of radio by more and more industries and commercial enterprises. In keeping with this expansion of the use of radio it appears that a more flexible, usable radio service should be afforded to the press. It is, accordingly, expected that the reports of the experimentation conducted by the stations of the Boston Herald-Traveler will aid the Commission in formulating new rules to provide better service for newspapers and press associations. Considerable additional information relative to maximum use of relay press frequencies, interference problems which may arise from use of the stations in urban areas, and many other operating features is needed before appropriate rules can be adopted.

Newspapers or press associations desiring to apply for authority to transmit on an experimental basis messages to

and from mobile units and newspaper offices may secure application forms and instructions from the Secretary, Federal Communications Commission, Washington 25, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1404; Filed, Feb. 13, 1947; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5391]

ERVIN UNGER AND DOLORES UNGER

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of February A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, February 27, 1947, at ten o'clock in the forenoon of that day (e. s. t.), in Room 3050, Federal Building, 9th and Market Streets, Philadelphia, Pennsylvania.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of all testimony and evidence and, after all intervening procedure as required by law, the trial examiner will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-1421; Filed, Feb. 13, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 110]

RECONSIGNMENT OF CELERY AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 6, 1947, by Fry Distributing Co., of car SFRD 33139, celery, now on the Chicago and North Western Ry., to Edward Rosenberg, Flint, Mich. (Grand Trunk).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1408; Filed, Feb. 13, 1947; 8:55 a. m.]

[S. O. 681]

UNLOADING OF CARS AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of February A. D. 1947.

It appearing that 22 cars containing various commodities at New Orleans, La., on the Illinois Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Cars at New Orleans, Louisiana, be unloaded.* The Illinois Central Railroad Company, its agents or employees, shall unload immediately the following cars, now on hand at New Orleans, Louisiana, for transhipment:

Initial and No.

PRR 474469	MP 65108
ATSF 125674	KCS 25136
PRR 121850	CSW 20037
CNWW 44311	MP 23651
SFRD 36010	GHW 61686
PRR 471300	GN 48497
IC 29059	PRR 37189
IC 37172	CBQ 167275
IC 27055	SOU 177210
GW 14041	MILW 702004
ERIE 51030	CBQ 16613

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 13, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1405; Filed, Feb. 13, 1947; 8:54 a. m.]

[S. O. 682]

UNLOADING OF MACHINERY AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of February A. D. 1947.

It appearing that one car containing machinery, at New Orleans, Louisiana, on the Louisville and Nashville Railroad Company, has been on hand for an unreasonable length of time, and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Machinery at New Orleans, Louisiana, be unloaded.* The Louisville and Nashville Railroad Company, its agents or employees, shall unload immediately car CNJ 85946, loaded with machinery, now on hand at New Orleans, Louisiana, consigned for export.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 13, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1406; Filed, Feb. 13, 1947; 8:54 a. m.]

[S. O. 683]

UNLOADING OF COMMODITIES AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of February A. D. 1947.

It appearing, that 2 cars containing refrigerator units and machinery at New Orleans, La., on Texas and New Orleans Railroad Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that,

Commodities at New Orleans, La., be unloaded. (a) The Texas and New Orleans Railroad Company, its agents or employees, shall unload immediately cars PM 82873 and C&NW 50342, containing refrigerator units, and engines and machinery, respectively, now on hand at New Orleans, La., consigned for transshipment.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 13, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1407; Filed, Feb. 13, 1947; 8:54 a. m.]

[S. O. 396, Special Permit 112]

RECONSIGNMENT OF VEGETABLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 7, 1947, by Justman Frankenthal Co., of car PFE 50619, vegetables, now on the Chicago Produce Terminal to Justman Frankenthal Co., New York, N. Y. (Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1409; Filed, Feb. 13, 1947; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1436]

NEW BEDFORD GAS AND EDISON LIGHT CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 7th day of February 1947.

New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, New Bedford Gas and Edison Light Company ("New Bedford"), having filed a joint application, as amended, pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

New Bedford proposes to issue and sell 3,750 additional shares of its common capital stock of the par value of $25 per share, at a price of $66⅔ per share. The proceeds from the sale of such stock are to be used for the payment of $250,000 on its long-term promissory notes. The holders of its presently outstanding 213,696 shares of common capital stock are entitled to purchase their proportionate share of the 3,750 additional shares proposed to be issued and sold. New England, as the holder of 207,376 shares (97.04%) of such capital stock, has indicated that it will purchase its proportionate share of the additional shares to be issued at the price of $66⅔ per share. In the event any of the holders of the remaining 6,320 shares of outstanding capital stock do not subscribe for their proportionate share, New Bedford will offer such unsubscribed for shares for sale at public auction. New England states it will bid $66⅔ per share for such unsubscribed for shares at such auction.

Such joint application, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application, as amended, be granted, and deeming it appropriate to grant the request of applicants that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be, and the same hereby is, granted, and that the

proposed transactions may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1393; Filed, Feb. 13, 1947; 8:53 a. m.]

[File No. 54-151]

COMMONWEALTH & SOUTHERN CORP. (DEL.) AND SOUTHERN INDIANA GAS AND ELECTRIC CO.

NOTICE OF FILING OF AMENDED PLAN, ORDER REOPENING RECORD, AND RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of February A. D. 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and Southern Indiana Gas and Electric Company ("Southern Indiana"), a public utility subsidiary of Commonwealth, having on October 29, 1946, filed an application for approval of a plan pursuant to section 11 (e) of the act providing for retirement of a portion of the outstanding preferred stock of Commonwealth through an exchange offer of the common stock of Southern Indiana held by Commonwealth, and for the approval of incidental and related transactions, including certain charter amendments by Southern Indiana; and the Commission having on November 6, 1946, issued its notice of filing and order for hearing (Holding Company Act Release No. 6983) summarizing the principal provisions of said Plan and application and ordering a hearing thereon; and hearings having been held upon said Plan and application and the record in these proceedings having been closed on January 7, 1947;

Notice is hereby given that on February 3, 1947, Commonwealth filed an Amended Plan, as an amendment to said application, providing in effect for the retirement of a portion of the outstanding preferred stock of Commonwealth through an exchange offer of all of the common stock of Southern Indiana and part of the common stocks of Consumers Power Company ("Consumers") and Ohio Edison Company ("Ohio Edison"), public utility subsidiaries of Commonwealth. Applicants have designated sections 6 (a), 7, 11 (e), 12 (c) and 12 (d) of the act and Rules U-42, U-44 and U-50 thereunder as applicable to the particular transactions proposed in said application and Amended Plan.

All interested persons are referred to said application and Amended Plan which are on file in the offices of the Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

1. Commonwealth proposes to offer to exchange for each two shares of its outstanding cumulative Preferred Stock, $6 Series, up to and including 400,000 shares of said stock, the following:

3 shares of the no par common stock of Consumers,

2 shares of the $8 par common stock of Ohio Edison, and

2 shares of the no par common stock of Southern Indiana.

As of January 1, 1947 Commonwealth had outstanding 1,441,247 shares of Preferred Stock, $6 Series, with a stated value of $100 per share, and a voluntary and involuntary liquidating value of $100 per share plus accrued and unpaid dividends aggregating $24.50 per share (after giving effect to a dividend of $3 per share previously declared but not paid until January 13, 1947). The amount payable upon redemption is $110 per share plus accrued and unpaid dividends.

2. The proposed Plan of exchange is voluntary and no stockholder would be required to accept the offer.

3. Under the proposed Plan, the offer of exchange would be mailed to the registered holders of the Preferred Stock of Commonwealth pursuant to the geographic mailing schedule maintained by the United States Post Office Department, and the offer would remain open for a period of at least 15 days after the final date of such mailing or until such earlier date as 400,000 shares of the Preferred Stock of Commonwealth have been deposited for exchange. If less than 400,000 shares of the Preferred Stock shall have been deposited for exchange by said date, it is proposed that the offer may be extended for an additional period or periods, not exceeding 15 days in the aggregate.

4. The Plan provides that deposits by the holders of Preferred Stock of Commonwealth will be accepted in the order of receipt and that the offer of exchange will be limited to 400,000 shares of such Preferred Stock. Any deposit which would result in exceeding such limit would be subject to appropriate reduction. Commonwealth reserves the right to reject all deposits if less than 300,000 shares of its Preferred Stock are deposited for exchange.

5. The Plan further provides that the offer of exchange may be accepted by depositing the certificates for the shares of Preferred Stock to be exchanged, together with the completed form of acceptance of offer of exchange prescribed by Commonwealth, in either of the following ways: (a) By deposit with the Exchange Agent, Bankers Trust Company, Corporate Trust Department, 16 Wall Street, New York 15, New York; or (b) by deposit with any bank or trust company or any securities broker or dealer, acting as agent for the stockholder: *Provided*, That such deposit shall be considered an acceptance of the offer of exchange prior to its receipt by the Exchange Agent only if a telegram from such bank, trust company, broker or dealer, substantially in the form set forth in the instructions on the reverse of the form of acceptance of offer of exchange, shall have been received by the Exchange Agent prior to 9:00 a. m. on the day following the last day of the period during which the offer remains open and if the deposited documents in proper form shall have been received by the Exchange Agent not later than noon of the sixth day after the last day of the period during which the offer remains open. In such cases, for the purpose of determining the order in which deposits are received, the filing times shown in the date lines of telegrams received by the Exchange Agent shall govern without regard to differences in time zones.

All shares so deposited for exchange will be deemed to have been deposited for the account of Commonwealth and subject to acceptance by it in New York. Preferred Stock deposited for exchange would be deposited irrevocably and no holder of such stock would have a right to withdraw stock once deposited. Depositing stockholders will receive a nontransferable receipt evidencing the deposit of their shares.

6. According to the Plan, the Exchange Agent will deliver to the holders of Preferred Stock of Commonwealth whose shares have been accepted for exchange, as soon as practicable after the close of the final period for such acceptance, certificates for the shares of the common stocks of Consumers, Ohio Edison and Southern Indiana distributable in exchange. The shares of Preferred Stock accepted for exchange would be cancelled and retired in accordance with applicable provisions of the General Corporation Law of Delaware.

7. The Plan proposes that certificates for an odd number of shares of the Preferred Stock of Commonwealth may be deposited for exchange and there would be returned to the owner of such shares a certificate for one share of the Preferred Stock of Commonwealth at the time of the delivery of the certificates for the shares of the common stocks of Consumers, Ohio Edison and Southern Indiana distributable in exchange.

8. The consummation of the Plan is subject to the condition that the Commission shall find the Plan, as submitted or as modified by Commonwealth, necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby and that the order of the Commission approving the Plan shall contain the recitals required by sections 371 (f) and 1808 (f) of the Internal Revenue Code.

9. Commonwealth reserves the right to withdraw the Plan of exchange (a) if a final order of the Commission is not effective in sufficient time so that the Plan of exchange may be consummated prior to June 7, 1947 or (b) at any time prior to the first day on which the offer of exchange is mailed to the holders of Preferred Stock of Commonwealth.

10. Prior to the mailing of the offer of exchange, Southern Indiana proposes to amend its charter so as to provide that (a) whenever and as often as four quarterly dividends payable on its preferred stock of any series shall be in default in whole or in part, the holders of its preferred stock shall have the exclusive right, voting separately and as a class, to vote for and elect the smallest number of directors which shall constitute a majority of the then authorized number of directors of the company, and (b) in all elections of directors, each stockholder entitled to vote shall have cumulative voting rights. The applicants request that prior to issuance of the final order on the Plan of exchange, the Commission issue a preliminary order authorizing Southern Indiana to amend its charter in the respects set forth in this paragraph.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that notice be given and a hearing be held on the Amended Plan filed by Commonwealth to afford all interested persons an opportunity to be heard with respect thereto; and

It further appearing to the Commission that the records heretofore concluded in proceedings designated as File Numbers 70-1322 and 70-1267 and relating, among other things, to the issuance of additional common stock by Consumers and Ohio Edison, respectively, contain evidence that may have a bearing upon the issues presented by the Amended Plan, and that a substantial saving of time and expense will result if the evidence adduced in said proceedings is used in connection with the consideration of the issues raised in the instant proceeding:

It is ordered, That all of the record in the proceedings designated as File Nos. 70-1322 and 70-1267 be, and hereby is, incorporated into the record of the instant proceeding subject, however, and without prejudice to the Commission's right, upon its own motion or the motion of any interested participant, to strike such portion of the record in respect of said prior proceedings as may be deemed incompetent or irrelevant to the issues raised in the instant proceeding.

It is further ordered, That the record herein be reopened and that the hearing herein be reconvened, before the trial examiner heretofore designated, on March 4, 1947, at 11 a. m., e. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated at that time by the hearing room clerk in Room 318.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the Amended Plan and application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the Amended Plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

2. Whether the proposal by Commonwealth to dispose of shares of the common stock of Consumers, Ohio Edison and Southern Indiana meets the applicable provisions of sections 12 (d) and 12 (f) of the act and Rules U-44 and U-50 thereunder.

3. Whether the proposal by Commonwealth to acquire for retirement shares of its outstanding Preferred stock meets the applicable provisions of section 12 (c) of the act and Rule U-42 thereunder.

4. Whether it is necessary to impose any term or condition with respect to servicing arrangements, interlocking officers and directors, and other intercompany relationships or transactions, to ensure that Southern Indiana shall cease to be a subsidiary, directly or indirectly of Commonwealth.

5. Whether the fees, commissions, or other remunerations to be paid in connection with the proposed transactions are reasonable.

6. Whether the proposed accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles.

7. What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person who has not heretofore entered his appearance and who desires to be heard in connection with this proceeding or proposes to intervene herein shall file with the Secretary of the Commission on or before February 28, 1947 his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the reconvened hearing by mailing a copy of this notice and order by registered mail to Commonwealth, Consumers, Ohio Edison, Southern Indiana, the Public Service Commissions of Michigan and Indiana, the Ohio Public Utilities Commission, the Pennsylvania Public Utility Commission, the Federal Power Commission, and to all participants who have appeared in this proceeding, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Commonwealth shall give further notice of this hearing to all of its preferred and common stockholders (insofar as their identity is known or available to Commonwealth), by mailing to each of said persons at his last known address, at least ten days prior to the date of this hearing, a statement setting forth in brief (a) a summary of the exchange offer, (b) the time, date and place of the hearing and (c) that the applicant may modify the offer of exchange by amendment without further communication to stockholders, unless otherwise ordered by the Commission or unless information with respect thereto is requested by individual stockholders. Such statement shall be submitted to the Commission for review prior to mailing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1396; Filed, Feb. 13, 1947; 8:53 a. m.]

[File No. 70-1439]

PLYMOUTH COUNTY ELECTRIC CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of February 1947.

New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, Plymouth County Electric Company ("Plymouth County"), having filed a joint application, as amended, pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

Plymouth County proposes to issue and sell 2,518 additional shares of its $25 par value common capital stock at a price of $31.25 per share. The proceeds from the sale of such stock, plus treasury cash, are to be used for the payment of its long-term promissory notes amounting to $79,500. New England, as the holder of all the presently outstanding 63,682 shares of the common capital stock of Plymouth County, will purchase the additional 2,518 shares at the price of $31.25 per share.

Such joint application, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application, as amended, be granted, and deeming it appropriate to grant the request of applicants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be, and the same hereby is, granted, and that the proposed transactions may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1395; Filed, Feb. 13, 1947; 8:53 a. m.]

[File No. 70-1438]

CAPE AND VINEYARD ELECTRIC CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 7th day of February 1947.

New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, Cape & Vineyard Electric Company ("Cape & Vineyard"), having filed a joint application, as amended, pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

Cape & Vineyard proposes to issue and sell 3,000 additional shares of its $25 par value common capital stock at a price of $50 per share. The proceeds from the sale of such stock are to be used for the partial payment of its long-term promissory notes amounting to $161,250, leaving $11,250 of such notes outstanding. New England, as the holder of all of the presently outstanding 59,000 shares of the common capital stock of Cape & Vineyard, will purchase the 3,000 additional shares at the price of $50 per share.

Such joint application, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application, as amended, be granted, and deeming it appropriate to grant the request of applicants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be, and the same hereby is, granted, and that the proposed transactions may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1394; Filed, Feb. 13, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8045]

ELSIE GROTE

In re: Mortgage Participation Certificate No. 90042, Guarantee No. 208065, issued to Elsie Grote by Bond & Mortgage Guarantee Company. File No. F-28-5930; E. T. sec. 5064.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All rights and interest evidenced by a Mortgage Participation Certificate No. 90042, issued and guaranteed by Bond and Mortgage Guarantee Company under Guarantee No. 208065, and the right to the transfer and possession of any and all instruments evidencing such rights and interest,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Elsie Grote, Germany.

That such property is in the process of administration by John K. Wallace, Karl Propper and Felix A. Muldoon, as Trustees under a Declaration of Trust dated April 15, 1937 executed pursuant to a Plan of Reorganization for Series 208065 mortgage investments, acting under the judicial supervision of the Supreme Court, Bronx County, State of New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1425; Filed, Feb. 13, 1947; 8:48 a. m.]

[Vesting Order 8112]

ANTON PFEIFFER

In re: Estate of Anton Pfeiffer, deceased. File D-28-10352; E. T. sec. 14740.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophia Pfeiffer and Rosa Janowsky, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Anton Pfeiffer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harold E. Pammel, as executor, acting under the judicial supervision of the District Court of the United States for the District of Columbia, Holding Probate Court;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1426; Filed, Feb. 13, 1947; 8:48 a. m.]

[Vesting Order 8122]

KOFA (AMERICAN DRUG CO.) FEDERAL, INC.

In re: Stock of Kofa (American Drug Co.) Federal, Inc., U. S. A., Shanghai, China, owned by H. W. Pflug.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. W. Pflug, whose last known address is Asperg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Six hundred and ninety-two (692) shares of $100. Chinese currency par value common capital stock of Kofa (American Drug Company) Federal, Inc., Shanghai, China, a corporation organized pursuant to the terms of the China Trade Act of 1922, of the United States of America, evidenced by certificate numbers 138 to 145, inclusive, registered in the name of H. W. Pflug, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1427; Filed, Feb. 13, 1947; 8:49 a. m.]

[Vesting Order 8135]

AMERICAN BOSCH CORP.

In re: Stock of American Bosch Corporation, dividends thereon and stock of General Equipment Corporation beneficially owned by Robert Bosch, G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found in Vesting Order Number 7940, dated January 3, 1947 that Robert Bosch, G. m. b. H., Stuttgart, Germany, is a national of a designated enemy country (Germany);

2. It is hereby found that the property described as follows:

(a) 832 shares of capital stock of American Bosch Corporation, a corporation organized under the laws of the State of New York, which are registered in the name of Cobb and Company, c/o the New York Trust Company and deposited in a blocked account designated as an "Agency Custodian Account" in the name of "N. V. Administratiekantoor voor Internationale Belegging, Amsterdam, Holland" with the New York Trust Company, 100 Broadway, New York, New York,

(b) That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, New York, arising out of a demand deposit account constituting a portion of the aforesaid "Agency Custodian Account" entitled "N. V. Administratiekantoor voor Internationale Belegging, Amsterdam, Holland," which represents deposits made in said bank account on and since April 1942 on account of dividends (after the deduction of the United States Government withholding tax) declared and paid on the above described 832 shares of capital stock of the American Bosch Corporation, and any and all rights to demand, enforce, and collect the same; and

(c) All of the issued and outstanding capital stock of General Equipment Corporation, c/o Frank P. McFeely, 44 Wall Street, New York, New York, a corporation organized under the laws of the State of Delaware, consisting of 10 shares of $100 per value common stock which are registered in the name of N. V. Administratiekantoor voor Internationale Belegging, Amsterdam, Holland,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid Robert Bosch, G. m. b. H., a national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1428; Filed, Feb. 13, 1947; 8:49 a. m.]

[Vesting Order 8148]

ADOLPH ABSON

In re: Estate of Adolph Abson, deceased. File D-57-405; E. T. sec. 13692.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Abramovitz, whose last known address is Roumania, is a resident of Roumania and a national of a designated enemy country (Roumania);

2. That the sum of $250.00 was paid to the Alien Property Custodian by Irwin Kurtz, Executor of the Estate of Adolph Abson, deceased;

3. That the said sum of $250.00 was property payable or deliverable to, or claimed by the aforesaid national of a designated country (Roumania);

4. That the said sum of $250.00 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Irwin Kurtz, Executor of the Estate of Adolph Abson, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Roumania);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by, acceptance thereof on October 1, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942,

3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1429; Filed, Feb. 13, 1947; 8:49 a. m.]

[Vesting Order 8165]

WILLIAM AND BERTHA BAUER

In re: Bank account, bond and stocks owned by William Bauer and Bertha Bauer. F-28-2061-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Bauer and Bertha Bauer whose last known address is Wartestrasse 11, Weisbaden, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to William Bauer and Bertha Bauer, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account entitled William and/or Bertha Bauer, and any and all rights to demand, enforce and collect the same,

b. One Kingdom of Denmark 30 year external gold 5½% bearer bond due August 1, 1955, of $500.00 face value, bearing the number D-711, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto, and

c. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of William Bauer and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William Bauer and Bertha Bauer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate No.	Number of shares	Par value	Type of stock
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	Delaware	E147-871	20	$10	Common.
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	N9720 P17441 P17442	100 18 2	None	Do. Do. Do.
The Baltimore & Ohio RR. Co., Baltimore, Md.	Maryland and Virginia	A514894	28	100	Do.
Bethlehem Steel Corp., 100 West 10th St., Wilmington, Del.	Delaware	A516728 S47010	2 6	100 100	Do. 7 percent Cumulative preferred.

[F. R. Doc. 47-1431; Filed, Feb. 13, 1947; 8:49 a. m.]

[Vesting Order 8166]

ADA M. BRAMBEER ET AL.

In re: Stock owned by Ada M. Brambeer, W. Jungs, Helene Middledorpf, Otto Rennau and Mrs. Ella Von Sichart. F-28-1330-D-1, F-28-23881-D-1, F-28-23882-D-1, F-28-23883-D-1, F-28-23884-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are as set forth opposite each name in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Fifty-eight (58) shares of $100 par value 7% cumulative preferred capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by the certificates listed in Exhibit A, registered in the names of and owned by the persons listed therein in the amounts appearing opposite each name; together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name of registered owner	Last known address	Certificate No.	Number of shares
Ada M. Brambeer.	Sonnenbergerstrasse 46, Wiesbaden, Germany.	E74539 E74540 E74541 E74542	10 10 10 10
W. Jungs	Knauminer Str. 10, Charlottenburg, Berlin, Germany.	C251019	1
Helene Middeldorff.	c/o Bank E. Hiemann, on Bine, Breslau, Germany.	C557135	2
Otto Rennau	Frankfurt, Germany.	C783571	10
Mrs. Ella Von Sichart.	Eichendorffstrasse 59, Breslau, Germany.	C556437	

[F. R. Doc. 47-1432; Filed, Feb. 13, 1947; 8:49 a. m.]

Reference FEB 17 '47

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter IV—Production and Marketing Administration (Crop Insurance)

[Amdt. 4]

PART 418—WHEAT CROP INSURANCE

INSURANCE CONTRACTS COVERING 1947, 1948 AND 1949 CROP YEARS

The Wheat Crop Insurance Regulations for Insurance Contracts Covering the 1947, 1948 and 1949 Crop Years (11 F. R. 5531, 5645, 6816, 14607), are hereby amended as follows:

Paragraph (m) (2) of § 418.87 is amended to read:

§ 418.87 *Meaning of terms.* • • • (m) • • •

(2) In Kitson and Traverse Counties, Minnesota, Prairie and Roosevelt Counties, Montana, Golden Valley and Ramsey Counties, North Dakota, and Brown and Pennington Counties, South Dakota, "insurance unit" means all farm land considered for crop insurance purposes to be located in the county, which is under the same ownership and which is operated by one person, in which the insured has an interest as a wheat producer at the time of seeding: *Provided, however,* That, in the case of cash rented land, the lessee shall be considered as the owner: *Provided further,* That all or any part of such land which is designated on the county crop insurance map as "non-insurable" shall not constitute an insurance unit or any part thereof and shall not be considered in any manner whatsoever under the insurance contract, except as provided in §§ 418.69 (b) and 418.89: *Provided further,* That in any year of the contract if the insured shares in one thousand acres or more of wheat on land which otherwise would be one insurance unit, such land may be divided into a number of insurance units not exceeding by more than one the number of full thousands of acres of wheat seeded, if, immediately after seeding wheat, the insured (i) reports the wheat acreage on each insurance unit separately and files with the acreage report a legal description of each insurance unit or a plat map showing the boundaries of all insurance units and (ii) the Corporation approves the area to be included in each insurance unit.

(Secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73, 835, 58 Stat. 918; 7 U. S. C., and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on February 12, 1947.

[SEAL] E. D. BERKAW, *Secretary, Federal Crop Insurance Corporation.*

Approved: February 12, 1947.

CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-1475; Filed, Feb. 14, 1947; 8:50 a. m.]

[Amdt. 2]

PART 416—CORN CROP INSURANCE

PREMIUMS AND INDEMNITIES FOR YIELD INSURANCE IN KENT COUNTY, MD.

The 1947 Corn Crop Insurance Regulations (11 F. R. 13135) are hereby amended by adding the following new section:

§ 416.146 *Premiums and indemnities for yield insurance in Kent County, Maryland.* Notwithstanding any other provisions of this subpart, for the purpose of determining the cash amount of premiums and indemnities in the case of yield insurance in Kent County, Maryland, the cash equivalent price per bushel shall be $1.00. Settlement of any indemnity in said county shall be made in cash only, and no certificate of indemnity will be issued.

(Secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73, 835, 58 Stat. 918; 7 U. S. C., and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on February 12, 1947.

[SEAL] E. D. BERKAW, *Secretary, Federal Crop Insurance Corporation.*

Approved: February 12, 1947.

CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-1473; Filed, Feb. 14, 1947; 8:50 a. m.]

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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[Amdt. 1]

PART 416—CORN CROP INSURANCE

MEANING OF TERMS

The 1947 Corn Crop Insurance Regulations (11 F. R. 13135) are hereby amended as follows:

Paragraphs (f) and (n) of § 416.137 are amended to read:

§ 416.137 *Meaning of terms.* • • •

(f) "Coverage per acre" means (1) in case of yield insurance, the insured percentage of the average yield, or (2) in the case of investment insurance, the amount of investment insurance per acre determined by the Corporation pursuant to § 416.133 for the level of insurance shown on the approved application.

• • • • •

(n) "Insured percentage" means, in the case of yield insurance, the percentage of the average yield per acre covered by the insurance contract.

(Secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73, 835, 58 Stat. 918; 7 U. S. C., and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on February 12, 1947.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: February 12, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1476; Filed, Feb. 14, 1947; 8:50 a. m.]

[Amdt. 3]

PART 419—COTTON CROP INSURANCE REGULATIONS FOR THE 1947 AND SUCCEEDING CROP YEARS

CAUSES OF LOSS INSURED AGAINST

The Cotton Crop Insurance Regulations for the 1947 and Succeeding Crop Years (11 F. R. 8761, 9067, 13576, 13577) are hereby amended as follows:

Section 419.9 is amended by striking out the period at the end of the last sentence, inserting a colon in lieu thereof, and adding the following:

§ 419.9 *Causes of loss insured against.* • • • *Provided, however,* That the contract shall not cover loss in any year due to the shortage of irrigation water on any farm where the Corporation determines that the total acreage of all crops planted on the farm which require irrigation is in excess of that which could be irrigated properly, assuming normal conditions throughout the period when the cotton crop will require irrigation, with the supply of irrigation water which could be reasonably expected at the time the cotton is planted: *Provided, further,* That in areas where a part of the cotton is normally irrigated and a part is not normally irrigated, the acreage of cotting which shall be insured on an irrigated basis in any year shall not exceed that acreage which could be irrigated in a normal year with the facilities available.

(Secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73, 835, 58 Stat. 918; 7 U. S. C., and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on February 12, 1947.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: February 12, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1474; Filed, Feb. 14, 1947; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 82]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.330 *Grapefruit Regulation 82*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 17, 1947, and ending at 12:01 a. m., e. s. t., March 3, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1));

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used in this section, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1528; Filed, Feb. 14, 1947; 8:46 a. m.]

[Orange Reg. 111]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.332 *Orange Regulation 111*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 17, 1947, and ending at 12:01 a. m., e. s. t., March 3, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. No. 2, as such grade is defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1), if more than one-half of the surface in the aggregate is affected with discoloration;

(ii) Any container of oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Grade (as such grade is defined in the aforesaid amended United States standards) unless at least sixty-five percent (65%), by count, of the total quantity of oranges in such containers meet the requirements of U. S. No. 1 grade (as such grade is defined in the aforesaid amended United States standards) and each of the remainder of the oranges meets all other requirements of the aforesaid U. S. Combination Grade;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the aforesaid amended United States standards;

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(v) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(vi) Any Temple oranges, grown in the State of Florida, which grade U. S. No. 3 or lower than U. S. No. 3, as such grades are defined in the aforesaid amended United States standards.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1531; Filed, Feb. 14, 1947; 8:47 a. m.]

[Tangerine Reg. 63]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.331 *Tangerine Regulation 63*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 17, 1947, and ending at 12:01 a. m., e. s. t., March 3, 1947, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Tangerines, issued by the United States Department of Agriculture, effective September 29, 1941, as amended); or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1532; Filed, Feb. 14, 1947; 8:46 a. m.]

[Lemon Reg. 209]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.316 *Lemon Regulation 209*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 16, 1947, and ending at 12:01 a. m., P. s. t., February 23, 1947, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: February 9, 1947. Regulation No. 209. 12:01 a. m. Feb. 16, 1947, to 12:01 a. m. Mar. 2, 1947, inclusive]

Handler	Prorate base percent
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.961
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.503
Consolidated Citrus Growers	.000
Corona Plantation Co	.277
Hazeltine Packing Co	1.270
Leppla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H., Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers, Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.395
Ventura Pacific Co	1.473
Total A. F. G	5.879
Arizona Citrus Growers	.045
Desert Citrus Growers Co., Inc	.005
Mesa Citrus Growers	.052
Elderwood Citrus Association	.052
Klink Citrus Association	.819
Lemon Cove Association	.804
Glendora Lemon Growers Association	1.344
La Verne Lemon Association	.692
La Habra Citrus Association	1.406
Yorba Linda Citrus Association	.760
Alta Loma Heights Citrus Association	.980
Etiwanda Citrus Fruit Association	.392
Mountain View Fruit Association	.816
Old Baldy Citrus Association	1.403
Upland Lemon Growers Association	4.076
Central Lemon Association	1.416
Irvine Citrus Association	1.462
Placentia Mutual Orange Association	.615
Corona Citrus Association	.219
Corona Foothill Lemon Co	1.194
Jameson Co	.431
Arlington Heights Fruit Co	.441
College Heights Orange and Lemon Association	1.850
Chula Vista Citrus Association	.975
El Cajon Valley Citrus Association	.526
Escondido Lemon Association	5.165
Fallbrook Citrus Association	2.968
Lemon Grove Citrus Association	.517
San Dimas Lemon Association	1.945
Carpinteria Lemon Association	2.106
Carpinteria Mutual Citrus Association	2.585
Goleta Lemon Association	2.748
Johnston Fruit Co	5.611
North Whittier Heights Citrus Association	1.678
San Fernando Heights Lemon Association	2.801
San Fernando Lemon Association	1.925
Sierra Madre-Lamanda Citrus Association	1.594
Tulare County Lemon and Grapefruit Association	1.316
Briggs Lemon Association	.442
Culbertson Investment Co	.575
Culbertson Lemon Association	.775
Fillmore Lemon Association	1.394
Oxnard Citrus Association No. 1	2.438
Oxnard Citrus Association No. 2	2.991
Rancho Sespe	.530
Santa Paula Citrus Fruit Association	2.691
Saticoy Lemon Association	3.969
Seaboard Lemon Association	4.183
Somis Lemon Association	2.122
Ventura Citrus Association	1.130
Limoneira Co	.886
Teague-McKevett Association	.383
East Whittier Citrus Association	1.156
Leffingwell Rancho Lemon Association	.424
Murphy Ranch Co	1.044
Whittier Citrus Association	.802
Whittier Select Citrus Association	.672
Total C. F. G. E	84.341
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	1.326
Escondido Co-operative Citrus Association	.735
Glendora Co-operative Citrus Association	.101
Index Mutual Association	.490
La Verne Co-operative Citrus Association	1.435
Libbey Fruit Packing Co	.008
Orange Co-operative Citrus Association	.557
Pioneer Fruit Co	.052
Tempe Citrus Co	.000
Ventura Co. Orange and Lemon Association	2.581
Whittier Mutual Orange and Lemon Association	.303
Total M. O. D	7.588
Abbate, Charles Co., The	.000
Atlas Citrus Packing Co	.005
California Citrus Groves, Inc., Ltd	.023
El Modena Citrus, Inc	.000
Evans Brothers Packing Co., Riverside	.158
Evans Brothers Packing Co., Sentinel Butte Ranch	.000
Foothill Packing Co	.000
Harding & Leggett	.376
Orange Belt Fruit Distributors	1.179
Potato House, The	.000
Raymond Bros	.042
Rooke, B. G., Packing Co	.019
San Antonio Orchard Co	.174
Sun Valley Packing Co	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.216
Western States Fruit & Produce Co	.000
Total Independents	2.192

[F. R. Doc. 47-1530; Filed, Feb. 14, 1947; 8:46 a. m.]

[Orange Reg. 165]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.311 *Orange Regulation 165*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 16, 1947, and ending at 12:01 a. m., P. s. t., February 23, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,100 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Orange Regulation Period No. 165, 12:01 a. m. Feb. 16, 1947, to 12:01 a. m. Feb. 23, 1947 inclusive. All oranges other than Valencia oranges. Prorate District No. 2]

Handler	Prorate base percent
Total	100.0000
A. F. G. Alta Loma	.3428
A. F. G. Fullerton	.0475
A. F. G. Orange	.0628
A. F. G. Redlands	.3512
A. F. G. Riverside	.8619
Corona Plantation Co	.9929
Hazeltine Packing Co	.1056
Signal Fruit Association	.7390
Azusa Citrus Association	.9749
Azusa Orange Co., Inc	.1355
Damerel-Allison Co	1.2092
Glendora Mutual Orange Association	.5389
Irwindale Citrus Association	.3546
Puente Mutual Citrus Association	.0485
Valencia Heights Orchards Association	.2285
Glendora Citrus Association	.8014
Glendora Heights O. and L. Growers Association	.1517
Gold Buckle Association	3.4229
La Verne Orange Association, The	3.5595
Anaheim Citrus Fruit Association	.0625
Anaheim Valencia Orange Association	.0170
Eadington Fruit Co., Inc	.3127
Fullerton Mutual Orange Association	.2664
La Habra Citrus Association	.1490
Orange Co. Valencia Association	.0261
Orangethorpe Citrus Association	.0243
Placentia Co-op. Orange Association	.0566
Yorba Linda Citrus Association, The	.0268
Alta Loma Heights Citrus Association	.3911
Citrus Fruit Growers	.7378
Cucamonga Citrus Association	.6281
Etiwanda Citrus Fruit Association	.2235
Mountain View Fruit Association	.1608
Old Baldy Citrus Association	.4383
Rialto Heights Orange Growers	.4666
Upland Citrus Association	2.2619
Upland Heights Orange Association	.9339
Consolidated Orange Growers	.0311
Garden Grove Citrus Association	.0214
Goldenwest Citrus Association, The	.0913
Olive Heights Citrus Association	.0426
Santa Ana-Tustin Mutual Citrus Association	.0285
Santiago Orange Growers Association	.1650
Tustin Hills Citrus Association	.0333
Villa Park Orchards Association, Inc., The	.0387
Bradford Brothers, Inc	.2324
Placentia Mutual Orange Association	.1865
Placentia Orange Growers Association	.2579
Call Ranch	.6252
Corona Citrus Association	.7364
Jameson Co	.3866
Orange Heights Orange Association	.8923
Break & Son, Allen	.2794
Bryn Mawr Fruit Growers Association	1.0810
Crafton Orange Growers Association	1.3624
E. Highlands Citrus Association	.4204
Fontana Citrus Association	.4405
Highland Fruit Growers Association	.6736
Krinard Packing Co	1.6081
Mission Citrus Association	.7934
Redlands Coop. Fruit Association	1.7506
Redlands Heights Groves	0.9151
Redlands Orange Growers Association	1.1831
Redlands Orangedale Association	.9713
Redlands Select Groves	.5503
Rialto Citrus Association	.5650
Rialto Orange Co	.3698
Southern Citrus Association	.9858
United Citrus Growers	.7523
Zilen Citrus Co	1.0670
Arlington Heights Fruit Co	.4312
Brown Estate, L. V. W	1.7749
Gavilan Citrus Association	1.6644
Hemet Mutual Groves	.3383
Highgrove Fruit Association	.6860
McDermont Fruit Co	1.7724
Mentone Heights Association	.7848
Monte Vista Citrus Association	1.1357
National Orange Co	.8550
Riverside Heights Orange Growers Association	1.2724
Sierra Vista Packing Association	.6958
Victoria Avenue Citrus Association	2.3375
Claremont Citrus Association	.9931
College Heights Orange and Lemon Association	1.0329
El Camino Citrus Association	.5189
Indian Hill Citrus Association	1.1644
Pomona Fruit Growers Association	2.0777
Walnut Fruit Growers Association	.4633
West Ontario Citrus Association	1.5614
El Cajon Valley Citrus Association	.3755
Escondido Orange Association	.5557
San Dimas Orange Growers Association	1.2274
Covina Citrus Association	1.4525
Covina Orange Growers Association	.5018
Duarte-Monrovia Fruit Exchange	.4939
Ball & Tweedy Association	.1133
Canoga Citrus Association	.0691
North Whittier Heights Citrus Association	.1149
San Fernando Fruit Growers Association	.3058
San Fernando Heights Orange Association	.3373
Sierra Madra Lamanda Citrus Association	.2439
Camarillo Citrus Association	.0097
Fillmore Citrus Association	1.2542
Ojai Orange Asssociation	1.0011
Piru Citrus Association	1.1470
Santa Paula Orange Association	.1133
Tapo Citrus Association	.0109
East Whittier Citrus Association	.0167
Whittier Citrus Association	.3123
Whittier Select Citrus Association	.0599
Anaheim Cooperative Orange Association	.0560
Bryn Mawr Mutual Orange Association	.4806
Chula Vista Mutual Lemon Association	.1465
Escondido Cooperative Citrus Association	.1009
Euclid Avenue Orange Association	2.1074
Foothill Citrus Union, Inc	.0845
Fullerton Cooperative Orange Association	.0536
Garden Grove Orange Cooperative	.0388
Glendora Cooperative Citrus Association	.0867
Golden Orange Groves, Inc	.4103
Highland Mutual Groves, Inc	.4193
Index Mutual Association	.0040
La Verne Cooperative Citrus Association	2.4482
Olive Hillside Groves, Inc	.0315
Orange Cooperative Citrus Association	.0495
Redlands Foothill Groves	2.1525
Redlands Mutual Orange Association	1.0436
Riverside Citrus Association	0.2159
Ventura County Orange and Lemon Association	.4050
Whittier Mutual Orange and Lemon Association	.0490
Babijuice Corp. of California	.3497
Banks Fruit Co	.2560
California Fruit Distributors	.0382
Cherokee Citrus Co., Inc	1.1025
Chess Co., Meyer W	.3527
Evans Brothers Packing Co	.7244
Gold Banner Association	1.9195
Granada Hills Packing Co	.0228
Granada Packing House	1.0298
Hill, Fred A	.7132
Inland Fruit Dealers, Inc	.2125
Orange Belt Fruit Distributors	2.4735
Panno Fruit Co., Carlo	.1276
Paramount Citrus Association	.2411
Riverside Growers, Inc	.4594
San Antonio Orchards Association	1.2797
Snyder & Sons Co., W. A	.9289
Torn Ranch	.0484
Verity & Sons Co., R. H	.1024
Wall, E. T	1.5871
Western Fruit Growers, Inc., Redlands	2.6161
Yorba Orange Growers Association	.0336

[F. R. Doc. 47-1529; Filed, Feb. 14, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51627]

PART 3—DOCUMENTATION OF VESSELS

EXEMPTION FROM DOCUMENTATION

Section 3.5 (a) (2) and (3), customs regulations of 1943 (19 CFR, Cum. Supp., 3.5 (a) (2) and (3)), is amended to read as follows:

§ 3.5 *Vessels exempt from documentation.* (a) * * *

(2) Canal boats, barges, or other boats used in whole or in part on canals or on the internal waters of a State, without sail or internal motive power of their own, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(3) Barges or boats without sail or internal motive power of their own plying in whole or in part on inland rivers or lakes of the United States, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(R. S. 161, 18 Stat. 31, 21 Stat. 44, secs. 2, 3, 23 Stat. 118, 119; 5 U. S. C. 22, 46 U. S. C. 2, 3, 332, 336; sec. 102, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: February 10, 1947.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1445; Filed, Feb. 14, 1947; 8:51 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Expediter Priorities Reg. 5, Incl. Ints. 1-4, as Amended, Feb. 13, 1947]

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Par.
(a) What this section provides.
(b) [Deleted Feb. 13, 1947.]

APPLICATIONS

(c) Kinds of applications approved.
(d) Restrictions on applicant.

CONSTRUCTION

(e) Use of HH rating.
(f) Posting of placards or signs.
(g) Construction inspection.

HOLDING FOR RENT

(h) Housing required to be held for rent.

MAXIMUM SALES PRICES AND RENTS

(i) Maximum sales prices and rents.

PREFERENCES FOR VETERANS

(j) Preferences for veterans.

NOTICES OF RESTRICTIONS

(k) Notices of restrictions. (Deeds and advertisements.)

OTHER PROVISIONS

(l) Prohibition against transfer of authorization.
(m) Appeals.
(n) Amendments to applications.
(o) Definitions.
(p) Communications.
(q) Violations and enforcement.
(r) Reports.

§ 803.5 *Authorization and priorities assistance for housing—(a) What this section provides.* This section, (Housing Expediter Priorities Regulation 5), was the method by which the Housing Expediter provided priorities assistance under the Veterans' Emergency Housing Program on applications filed from September 10, 1946 until December 24, 1946. During that period it was also the method by which persons who wished to construct, repair, make additions to, alter, install fixtures in, improve, or convert housing accommodations restricted by Civilian Production Administration's Veterans' Housing Program Order 1 could apply for authorization under that order when the work was to be done on structures used for residential purposes. Applications under the regulation were made to the National Housing Agency or an agency acting for it under a delegation. On December 24, 1946, this system of applications was superseded by requests for permits under the Housing Permit Regulation. A person who has received authorization or a preference rating for the construction of any building under this section (HEPR 5) may surrender his authorization and apply for a permit as provided in the Housing Permit Regulation if he has not yet begun construction of such building. If a permit is granted, the provisions of this section shall be inapplicable with respect to construction begun after December 24 and covered by the permit, and the approved application will be amended or cancelled to exclude such construction therefrom. The provisions of this section remain applicable to all housing accommodations built, altered, completed or repaired hereunder. This includes all housing accommodations which have been authorized hereunder upon which construction has begun on or before December 24, 1946, and all housing accommodations started after December 24, 1946, unless the applicant properly surrendered his authorization in accordance with the Housing Permit Regulation. Such construction, subject to the conditions of this section, may continue to receive priorities assistance, and the applicant and succeeding owners will be subject to the provisions of this section as long as it remains in effect. Requests for changes in applications approved under this section which do not involve additional dwelling units shall be made in accordance with the provisions of this section.

(b) [Deleted Feb. 13, 1947.]

APPLICATIONS

(c) *Kinds of applications approved.* Applications for authorization under Civilian Production Administration's Veterans' Housing Program Order 1 or for priorities assistance under this section, or both, have been approved when made by persons in the following categories:

(1) A veteran wishing to build, complete, alter, or repair a house for his occupancy as owner.

(2) A person wishing to build or complete family dwelling accommodations (or convert dwellings or other structures into family dwelling accommodations) to which veterans will be given preference in selling or renting.

(3) A person wishing priorities assistance to complete dwelling accommodations under construction on March 26, 1946, not eligible for authorization under the preceding subparagraph.

(4) A person wishing to reconstruct (or build on another site in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster if the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant.

(5) A person wishing to re-erect a dwelling which is required to be moved because the land on which it is located has been or is in the process of being acquired by eminent domain. An application submitted under this subparagraph is not subject to the provisions of paragraphs (i), (j), and (k) of this section unless the dwelling is to be re-erected for sale or for rent.

(6) A person wishing authorization to make repairs or alterations to dwelling accommodations necessary in order to maintain them in a habitable condition or to return them to a habitable condition, or to make a summer home habitable for year-round or winter occupancy by a veteran, or to provide space for additional persons who are either veterans or members of the immediate family of the applicant, or both.

(7) A producer of a scarce material or product needed for the construction or production of dwelling accommodations, facilities or materials or needed for public health or safety, wishing to construct, repair, or alter dwelling accommodations which are necessary to increase or maintain the production of the scarce material or product, and which are to be held for rent to employees of the industry producing the scarce material or product.

(8) A person wishing to construct, repair, or alter a farm dwelling, such construction, repair, or alteration, being necessary to increase or maintain the production of essential food products.

(9) An educational institution (or a person under its sponsorship) or a public organization wishing to construct, repair, or alter a dormitory or other single-person housing facility for student veterans.

(10) A person wishing to construct or erect dwelling accommodations for experimental or testing purposes or to obtain materials for other experimental or testing purposes. Such dwelling accommodations are not subject to paragraphs (i), (j), and (k) of this section unless sold or rented for dwelling purposes.

(d) *Restrictions on applicant.* An applicant who constructs, completes, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, unless he has obtained prior written approval for a change from the agency which approved the original application.

CONSTRUCTION

(e) *Use of HH rating.* The HH rating assigned for dwelling accommodations may be used only to obtain materials of the kinds listed on Schedule A to Civilian Production Administration's Priorities Regulation 33 and only to obtain the minimum quantities of such materials which are needed for the dwelling accommodations as described and approved in the application. All materials obtained by using the HH rating shall be used only in the construction of the dwelling accommodations as described and approved in the application and attachments thereto. Schedule A to Civilian Production Administration's Priorities Regulation 33 explains how the rating may be applied to a purchase order, who may use the rating to obtain materials, when it expires and how it may be extended under certain circumstances. An applicant who has failed to comply with the requirements of the next paragraph may not use an HH rating under this section.

(f) *Posting of placards or signs.* Upon approval of an application for new construction or conversions under this section, a placard or placards was sent to the applicant indicating that the dwelling accommodations are being built under the Veterans' Emergency Housing

Program. If the application was approved under paragraph (c) (2) or (c) (9) of this section, the applicant must insert the application serial number in the placard or placards, legibly and permanently, and must post a placard in front of each separate residential building on the site in a conspicuous location within 5 days after the time construction is begun and must continue to post the placard until completion of the building. Unless all the accommodations in the building have been sold or rented to veterans in accordance with paragraph (j), the applicant must continue to post the placard for 60 days after completion in the case of offer for sale or 30 days afterwards in the case of offer for rent. As soon as any residential accommodation is completed, the builder must insert, legibly and permanently, the appropriate rent and sales price, not in excess of those specified in the application as approved. The applicant may post a project sign instead of posting the placards sent to him. If he chooses to use a project sign, he must post at least one sign having the approximate dimensions of 3 feet by 5 feet or more in a conspicuous location on the site of each project. Such a sign must contain the same information that is required on placards as provided above and all provisions applying to placards, apply to signs posted instead of placards.

(g) *Construction inspection.* Some applications have been approved under this section pursuant to provisions that the dwellings built thereunder must comply with all or part of the "HH Minimum Property Requirements". When the Federal Housing Administration has approved an application for authorization or priorities assistance for such a dwelling, it transmits to the applicant three postal cards (HH Form No. 1010) for use by him in reporting construction progress. The applicant shall properly fill out each card received by him and mail it at the stage of construction indicated below to the State or District Office of the Federal Housing Administration where his application was approved. The first card shall be mailed when construction has begun. The second card shall be mailed when the dwelling has been enclosed and roofed, structural framing completed and exposed, and roughing-in of heating, plumbing, and electric work installed and visible for inspection. The third card shall be mailed when the dwelling has been substantially completed. The Federal Housing Administration will make an inspection of the dwelling upon receipt of the second postal card referred to above and a second inspection upon receipt of the third postal card. These are for the purpose of determining whether the construction conforms to the plans, outline specifications, and other exhibits made a part of the application. Inspections under the National Housing Act, where applicable, may be made in place of the inspections provided in this paragraph. An applicant who has failed to fill out and mail each card as required by this paragraph may not use an HH rating under this section and may not sell or rent the dwelling involved until such card has been filled out and mailed to the State or District Office of the Federal Housing Administration where his application was approved.

HOLDING FOR RENT

(h) *Housing required to be held for rent.* If an application as approved contains a statement or otherwise indicates that a dwelling or an apartment will be held for rent, the original applicant and any subsequent owner shall hold the dwelling or apartment for rent as long as this section remains in effect (but not later than December 31, 1947). However, the structure may be sold (at not more than the maximum sales price if specified in the application) to any person for investment purposes. In such case the purchaser shall not occupy the dwelling or apartment but shall hold it for rent in accordance with this section. Any subsequent owner of dwelling accommodations approved under paragraph (c) (7) of this section shall continue to hold them for rent to the persons described in that paragraph.

MAXIMUM SALES PRICES AND RENTS

(i) *Maximum sales prices and rents*—(1) *General.* The restrictions on sales prices and rents contained in this paragraph must be observed as long as this section remains in effect. They apply to sales prices and rents for dwellings of the kinds described below when built or converted under this section.

The restrictions on sale prices contained in this section do not apply to property being sold in the course of judicial or statutory proceedings in connection with foreclosures and do not prohibit any subsequent sale of such property at or below the amount of the sale price in such proceedings.

In the case of any dwelling unit provided by converting a structure in a Defense Rental Area established pursuant to the Emergency Price Control Act of 1942, as amended, the maximum rent specified in the application as approved is not the authorized amount at which the dwelling may be rented as the rents for converted units must be determined by the Office of Temporary Controls (Office of Price Administration).

Approval of a proposed sales price or rent under this section should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes.

Within 30 days of any sale, by the applicant or a subsequent owner, of any dwelling accommodations for which a maximum sales price has been established under this section, the seller shall fill out in triplicate a sales report form (NHA form 14–39). The seller shall file the original and one signed copy of this form with the local Area Rent Office of the Office of Temporary Controls (Office of Price Administration). If the dwelling accommodations are not in an area under OTC rent control, the seller shall send the original and one signed copy of the form to the nearest OTC Area Rent Office.

For requirements on filing a rent registration form, see OPA Rent Regulation for Housing.

(2) *One-family dwellings.* (i) An applicant or subsequent owner must not sell a one-family dwelling built or converted under this section, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(ii) No person shall rent a one-family dwelling unit built or converted under this section for more than the maximum rent specified in the applicaiton as approved. If no rent was specified in the application for a dwelling built under this section, the person wishing to rent the dwelling may request the agency with which the application was filed to set a rent. This will be done on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set. After the first renting of the dwelling in an area under Federal rent control, the request to set or approve a rent should not be made as described above, but should be made to the OTC Area Rent Office or, in the District of Columbia to the Administrator of Rent Control.

(3) *Two-family dwellings.* (i) An applicant or subsequent owner must not sell a two-family dwelling built or converted under this section, including land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(ii) No person shall rent an apartment in a two-family dwelling built or converted under this section for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a part of a two-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been submitted to and approved in writing by the agency which approved the original application. No person shall sell such accommodations for more than such maximum sales price.

(4) *Multiple-family dwellings.* No person shall rent an apartment in a multiple-family dwelling built or converted under this section for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a multiple-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been submitted to and approved in writing by the agency which approved the original application. No person shall sell such accommodations for more than such maximum sales price.

(5) *Dormitories.* As long as this section remains in effect, no person (whether the applicant or any other person) shall rent accommodations in a

dormitory or other housing facility built or converted under this section for more than the maximum rent specified in the application as approved.

(6) *Requests for increases in sales prices or rents because of increased costs.* An applicant may apply by letter in triplicate to the agency with which the application was filed for an increase in the maximum sales price or maximum rent approved in the application before title to the dwelling has passed or before it is initially rented. The increase will not be approved unless it can be shown that he has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial application, or unless it can be shown that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it unreasonable to require him to sell or rent at the price or rent approved in the application. No increase in sales price or rent will be granted in excess of the increase in construction costs, or a proper proportion thereof in the case of rent, or the increase in operating costs, as the case may be.

(7) *Requests for increases in sales prices or rents because of improvements.* If he has made major structural changes or improvements (not including ordinary maintenance and repair) to the dwelling which would warrant an increase, a subsequent owner or any owner-occupant of a dwelling built or converted under this section may apply for an increase in the sales price or rent specified in the application. Such an application should be made by a letter in triplicate, or by such form as may be prescribed, to the agency with which the original application was filed. No increase will be granted in excess of the cost of such changes or improvements, or a proper proportion thereof in the case of a requested increase in rent. Moreover, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to an amount more than $80 a month will be granted except where unusual hardship would result to the applicant for the increase. If an increase in rent is needed because of subsequent changes or improvements, and the accommodations have previously been rented and are in a Defense Rental Area established pursuant to the Emergency Price Control Act of 1942, as amended, the owner should apply to the Area Rent Office of the Office of Temporary Controls (OPA) for an increase (or in the District of Columbia, to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the local office of the agency with which the application was filed. Upon the filing of this copy of the instrument granting the increase, the new rent granted becomes the maximum rent under this section. The right to apply for any increase in the sales price or rent specified in the application shall have no effect upon the authorized sales price or rent until the increase has been approved in writing in accordance with this section. (Under Civilian Production Administration's Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

(8) *Tie-in sale.* It shall be a violation of this section to condition a sale or rent upon the purchase of, or the agreement to purchase, any commodity, service or property interest, except where this section specifically permits the consideration paid for such commodity, service, or property interest to be included in or added to the maximum sales price or maximum rent.

PREFERENCES FOR VETERANS

(j) *Preferences for veterans*—(1) *General.* This paragraph tells how preferences will be given under this section to veterans in the initial or any subsequent sale or rental as long as this section remains in effect. Although these preferences for veterans are limited to the periods specified below, the restrictions of paragraph (i) of this section on sales prices and rent continue as long as this section remains in effect. The preferences for veterans provided by this paragraph do not apply to sales in the course of judicial or statutory proceedings in connection with foreclosures. Sales subsequent to such sales, however, are subject to the provisions of this paragraph. The provisions of this paragraph do not apply to dwellings for which neither a maximum sales price nor a maximum rent were required to be stated in the application or established under this section, or to dwellings approved on applications under paragraph (c) (7) of this section, or to the initial occupancy of a dwelling or an apartment in it approved under this section for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwelling.* (i) An applicant who has built or converted a one-family dwelling under this section must publicly offer it for sale or for rent to veterans for their own occupancy at or below the maximum sales price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a one-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If a one-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant) at or below the maximum rent specified for the apartment in the application as approved.

(3) *Two-family dwellings.* (i) An applicant who has built or converted a two-family dwelling under this section must publicly offer it for sale or the apartments in it for rent to veterans for their own occupancy at or below the maximum sales price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a two-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If an apartment in a two-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant) at or below the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) An applicant who has built or converted a multiple-family dwelling under this section must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans for their own occupancy at or below the maximum rent specified in the application as approved.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this section to any person other than a veteran unless he has publicly offered the apartment for rent to veterans for at least 30 days (or during construction and for 30 days after completion) at or below the maximum rent specified in the application as approved. However, an owner or his building service employee may reside in such a multiple-family dwelling if the accommodations to be occupied by him do not exceed in floor space a normal one-family unit in the structure, and if the space so occupied does not exceed 15% of the floor space of the structure used for residential purposes.

(5) *Dormitories.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans and their dependents otherwise eligible to occupy the dwelling accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to nonveterans if it makes available to veterans an equivalent number of

similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

NOTICES OF RESTRICTIONS

(k) *Notices of restrictions—(1) Deeds.* The applicant and every person who has acquired title to a dwelling (whether completed or not) approved under paragraph (c) (1), (2) or (9) of this section must, as long as this section remains in effect, include a statement in the following form in any deed, conveyance, or other instrument by which the dwelling is sold, transferred, or mortgaged to any other person:

The building on the premises hereby sold, transferred or mortgaged was built (converted) under Housing Expediter Priorities Regulation 5 (Application Serial No. ——). Under that regulation a limit is placed on either the sales price or the rent for the premises, or both, and preferences are given to veterans of World War II in selling or renting. The premises must also be held for rent if the application as approved under that regulation contains a statement to that effect. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent owner will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Housing Expediter Priorities Regulation 5 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby sold, transferred, or mortgaged.

(2) *Advertisements.* The applicant and every subsequent owner, and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraph (c) (1), (2) or (9) of this section are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent) at or below $-------- (insert maximum sales price or rent) only to veterans, during construction and for 60 (30 in case of rent) days after completion (or for the next 60 days in case of subsequent sale or 30 days in case of subsequent rent).

OTHER PROVISIONS

(l) *Prohibition against transfer of authorization.* No person to whom an authorization has been given or an HH rating has been assigned shall transfer the authorization or rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the agency with which the original application was filed. He should attach to his application a statement from the former applicant (or his representatives) joining in the request for the granting of the authorization or the assignment of the rating to the new applicant.

(m) *Appeals.* Any person affected by this section who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from any provisions of this section should be filed with the appropriate local office of the Federal Housing Administration or other agency with which the application was filed.

(n) *Amendments to applications.* An applicant may apply to the agency which approved his application for an amendment to it, *Provided*, That such amendment does not involve the construction of additional dwelling units. The request for an amendment should be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the application as amended and approved.

(o) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations. This includes charges paid by the tenant for tenant services specified on the application and charges paid by the tenant for garage as specified on the application. However, it does not include charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. The total charges for tenant services will not be approved if more than $3 per room per month. The charge for garage will not be approved if more than $10 per month, and will be allowed only for multiple-family dwellings.

Any payment, contribution, or investment required of or made by a tenant, or prospective tenant, of the dwelling unit in connection with a mutual ownership or similar plan, shall be considered as part of the maximum rent. This is so whether such payment, contribution or investment be made as a lump sum or in several amounts or whether it be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise.

Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of any dwelling accommodations heretofore or hereafter constructed under this section, shall be considered a part of the maximum rent. However, if the rental of furniture in dwelling accommodations was voluntarily requested by a tenant, any payments for furniture pursuant to an agreement entered into with such tenant prior to December 13, 1946 (or any payments by a subsequent tenant for furniture in such dwelling accommodations), need not be included in the maximum rent.

(3) The term "maximum shelter rent" means the maximum rent, less charges for tenant services and garage.

(4) "Maximum sales price" means the total consideration paid (including any charge made a condition to the sale) by the buyer for the dwelling accommodations with accompanying land and improvements. The only items which are excluded are those incidental charges, such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community where such accommodations are located, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. (Such incidental charges may not be charged in the first sale unless enumerated in the application as approved.)

Any payment, contribution, or investment required of or made by an occupant or prospective occupant, other than a tenant of the dwelling unit, in connection with a mutual ownership, stock company, or other group plan, shall be considered as part of the maximum sales price. This is so whether such payment be made as a lump sum or in several amounts or whether such payment be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise. (See paragraph (l) (3) and (4) of this section with respect to sales prices for interests in multiple-family or two-family dwellings.)

(5) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(6) "One-family dwelling" means a building designed for occupancy by one family and to be occupied, rented, or sold as a unit, including a detached or semi-detached house or a row house, but not including an apartment house or a two-family "one-over-one" house or a farm-house.

(7) "Two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a unit, not including semi-detached or row houses covered by the preceding subparagraph (6).

(8) "Multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families, not including semi-detached or row houses covered by paragraph (o) (6), or (o) (7) of this section.

(9) "Begun construction" means to have physically incorporated at the site, materials which will be an integral part of the construction.

(10) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) "HH Minimum Property Requirements" shall be the same as the "Property Standards", "Minimum Construction Requirements", and "Minimum Requirements for Rental Housing", as established for the area and amended from time to time by the Federal Housing Administration under the National Housing Act, insofar as they apply to the structure itself and its water supply and sewage disposal systems, or as modified by rulings or standards issued by the National Housing Agency on special methods of construction or substitute materials. The "HH Minimum Property Requirements" will be made available in all State and District Offices of the Federal Housing Administration.

(12) "Public organization" means a governing body such as the United States Government, a state, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(13) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(14) "This section" means this regulation, Housing Expediter Priorities Regulation 5.

(p) *Communications.* All communications concerning this section should be addressed to the office of the agency to which the application was submitted.

(q) *Violations and enforcement—(1) General.* The maximum sales price, rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or rent of any dwelling accommodations at a price or rent in excess of the maximum sales price or the maximum rent applicable to such sale or rent under the provisions of this section, or to solicit or attempt to offer, or agree to make any such sale or rent.

(2) *Suit by purchaser for overcharge.* If any person sells housing accommodations in excess of the maximum amount authorized for such accommodations under this section, the person who buys such accommodations may, within one year from the date of the sale, bring an action or suit for the amount by which the consideration exceeded the maximum authorized selling price, plus reasonable attorney's fees and costs as determined by the court.

(3) *Suit by Housing Expediter for restitution.* If the person who may bring such action has not previously done so, the Housing Expediter (or the department, agency, or officer as he shall direct) may bring an action or suit to compel restitution of the amount by which the consideration exceeded the maximum authorized selling price.

(4) *Penalties.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who wilfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) relating to priorities assistance for housing, may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(r) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; Title III 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

Issued this 13th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

PUBLIC OFFERING

Paragraph (j) of Housing Expediter Priorities Regulation 5 provides generally that the owner of dwelling accommodations constructed under the regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If, however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent and then sells or rents to a nonveteran, the owner has violated the regulation. (Issued October 31, 1946.)

INTERPRETATION 2

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (j) of Housing Expediter Priorities Regulation 5 sets forth the preference which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (l) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be publicly offered for sale or rent to veterans of World War II (as defined in HEPR 5) during construction and for 60 days after completion if offered for sale, or during construction and for 30 days after completion if offered for rent. In case of subsequent sales or rentals the accommodations must again be offered to veterans for a period of 60 days if offered for sale or 30 days if offered for rent. The requirements that housing accommodations be offered for 60 or 30 days does not prevent the offeror accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules:

(a) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move to another town. The veteran must publicly offer the house to other veterans of World War II for 60 days. He must not charge more than $7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by FHA. However, if any customary brokerage fees are paid for services rendered in connection with this subsequent sale, whether paid by the buyer or the seller, they may be added to the sales price.

(b) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder publicly offered the dwelling to veterans during construction and for 60 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for $7,500. The non-veteran now wishes to sell the house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of $7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this subsequent sale, whether paid by the buyer or the seller, they may be added to the sales price.

(c) A one-family dwelling was built under the regulation. A maximum sales price of $7,500 was approved but no rent was stated in the application. The builder, instead of selling the dwelling at once, decided to rent it. The builder must apply to FHA for approval of a maximum rent before he rents the building.

(d) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than $63, whether he rents to a veteran or a non-veteran unless the FHA authorizes an increase.

(e) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder, leased it to a non-veteran for $63 a month, no veteran having applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than $63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(f) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than $63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than $63 a month.

(g) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than $63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans. (Issued November 15, 1946.)

[Interpretation 3 deleted February 13, 1947]

INTERPRETATION 4

CHARGES IN EXCESS OF MAXIMUM SALES PRICE REQUESTED BECAUSE OF INCIDENTAL CHARGES, EXTRAS, OR ADDITIONAL CONSTRUCTION

Under paragraph (i) of Housing Expediter Priorities Regulation 5 a seller must not require a purchaser, as a condition to the sale of a house authorized under that Regulation, to buy or agree to buy any commodity, service or property interest, except where the regulation specifically permits the charges for the commodity, service or property interest to be added to the maximum sales price. Under paragraph (o) items which may be added are those incidental charges, such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. (Such incidental charges may not be made in the first sale unless enumerated in the application as approved.) This means that, except for such customary incidental charges, the seller must offer the dwelling accommodations to the purchaser at or below the approved maximum sales price and free from charges and extras. The following examples illustrate the effect of this general rule:

1. *Abstract fees, title insurance and financing charges.* It is permissible for the purchaser to pay the abstract fees and title insurance over and above the maximum sales price and to pay incidental charges (such as fire insurance, title insurance, mortgagee's appraisal fees, and future taxes) in connection with financing a particular purchase if these charges are not made a condition to the sale. If it is customary in the community for the buyer to assume these incidental charges and they have been actually incurred for services rendered, he may even be required to pay them as a condition to the sale. (Such incidental charges may not be made in the first sale unless enumerated in the application as approved). In connection with financing, the purchaser must be given an opportunity to purchase the dwelling for cash at or below the approved maximum sales price and to finance the purchase in any way he desires.

2. *Previously incurred charges.* Charges which have been incurred by the builder before the sale of the dwelling must not be charged the purchaser in addition to the maximum sales price. A request that a prospective purchaser pay such charges for prior services would be necessarily making the charges a condition to the sale. Charges of this kind include accumulated taxes before the date of sale, interest before the sale, prepayment penalties in connection with a builder's loan, fees for survey of site, and fire and liability insurance before the sale.

3. *Charges for additional construction or for equipment or fixtures not specified in the application.* The builder must publicly offer the dwelling described in his application at or below the approved maximum sales price. He may not under his authorization do any additional construction in connection with the authorized construction over and above what is specified in his application, except where he gets written approval from the agency which approved the original application. He must not increase his sales price above the original approved maximum sales price by reason of any such additional construction or added equipment, except where the increased price has been approved in writing by the agency which approved the original application.

A person who has bought a house built under Housing Expediter Priorities Regulation 5 and who has made improvements to the house (authorization for such improvements may be required by VHP–1) must not charge more than the approved maximum sales price for the house if he sells it, unless he has obtained permission for the increased charge from the agency which approved the original application. [Issued February 3, 1947]

[F. R. Doc. 47–1524; Filed, Feb. 13, 1947; 3:54 p. m.]

[Housing Permit Regulation, as Amended Feb. 13, 1947]

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION FOR HOUSING

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APPLICATIONS

(c) Persons eligible.
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(f) Approval of applications.
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(h) Construction standards and limitations.
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(j) Maximum rents.

PREFERENCES FOR VETERANS

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(l) Definitions.

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(o) Appeals.
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(q) Communications.
(r) Violations and enforcement.
(s) Reports.

§ 806.1 *Authorization for housing*—(a) *General*—(1) *What this section provides.* This section, Housing Permit Regulation, is issued in accordance with the Veterans' Emergency Housing Program for 1947. The section provides for giving specific authorization under the Civilian Production Administration (Office of Temporary Controls) Veterans' Housing Program Order 1 to veterans and certain other persons who wish to construct, repair, make additions to, alter, install fixtures in, improve, or convert housing accommodations. Such authorization will be given in the form of a construction permit.

This section explains:

(i) Who may apply for a construction permit.

(ii) How to apply.

(iii) The conditions upon which applications for permits will be approved.

(iv) The conditions which will be imposed on the applicant and succeeding owners while this section is in effect.

(2) *Effect of this section on approved priority applications.* New authorizations and priority ratings under Housing Expediter Priorities Regulation 5 will not be issued after the effective date of this section (December 24, 1946). However, this section does not apply to or affect applications or dwelling accommodations heretofore approved under Civilian Production Administration (OTC) Priorities Regulation 33 or Housing Expediter Priorities Regulation 5. Any requests for changes in applications approved under those regulations which do not involve additional dwelling units shall be made in accordance with CPA Priorities Regulation 33 or Housing Expediter Priorities Regulation 5, whichever is applicable. However, if a person is authorized to use an HH rating under either of those regulations but has not begun the construction of all the dwellings approved in his application, he may return his approved application to the Federal Housing Administration (or in appropriate cases to the Federal Public Housing Authority) and apply for a permit in accordance with this section for the construction of the dwellings on which construction has not begun. If the permit is granted, the provisions of this section shall be applicable to such construction instead of the provisions of the regulation under which his priority application was approved, and his priority application will be amended to exclude the construction for which the permit is granted. However, such a person is not required to obtain a permit under this section, but may elect to use the HH rating and authorization originally granted, subject to the provisions of the regulation under which it was granted.

(b) *Housing construction covered by this section.* (1) The following kinds of construction, alteration, or repair are included in this section where the application and construction qualify under paragraphs (c) through (h) or relief is granted on appeal under paragraph (o):

(i) The construction of any building in which 50% or more of the floor space involved is to be used for residential purposes except where the purpose is primarily for the accommodation of transients or overnight guests. Construction which is covered includes subsidiary buildings on residential property where used for residential purposes, such as private garages, tool sheds, piers, greenhouses and the like, and includes dining halls and other essential residential accommodations used entirely as part of dormitory or other single-person accommodations also covered by the application. Farmhouses and other farm living accommodations and bunkhouses for transitory farm labor are included under this subparagraph. Housing of the War and Navy Departments, summer or winter camps, and hotels or tourist cabins primarily for transients and overnight guests, are not included.

(ii) Additions, alterations, or repairs to a building where 50% or more of the floor area involved in the proposed additions, alterations, or repairs will be used for dwelling accommodations of the kinds described above.

(2) Construction not included in this section is under the jurisdiction of the Office of Temporary Controls (Civilian Production Administration). Also, if a project under this section involves construction, additions, alterations, or repairs of which more than 25% is nonresidential, a recommendation will be obtained from the Office of Temporary Controls (CPA) as to the essentiality of the non-residential part of the work.

APPLICATIONS

(c) *Persons eligible.* Applications for a construction permit under this section may be made by the following:

(1) *Veteran.* A veteran who wishes to build, complete, alter, or repair a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner. The cost of any alteration or repair of any house under this subparagraph may not exceed $10,000.

(2) *Builder for veterans.* A person who wishes to build or complete family dwelling accommodations (or convert dwellings or other structures into family dwelling accommodations) to which veterans will be given preferences in selling or renting as provided in this section. (Any applicant, although not a veteran, may initially occupy a dwelling unit in a two-family or multiple dwelling owned by him and constructed under this section.)

(3) *Non-veteran building for own occupancy.* A person who wishes to build a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

(4) *Disaster.* A person who wishes to reconstruct (or build on another site, in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster. Such a person is eligible only if the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant. Any application under this subparagraph must be made not later than 6 months after such destruction or damage.

(5) *Repairs or alterations to make a house habitable or to provide space for additional persons.* A person who wishes authorization to make repairs or alterations to dwelling accommodations necessary in order (i) to maintain them in a habitable condition or to return them to a habitable condition, or (ii) to make a summer home habitable for winter occupancy by a veteran, or (iii) to provide space for additional persons who are either veterans or members of the immediate family of the applicant. If space for additional persons is provided, under subdivision (iii), the estimated cost of the construction shall not exceed $1500 per person. In the event that such additional space is vacated, the applicant or a subsequent owner or other person must not, while this section is in effect, rent it to any person other than a member of his immediate family or a veteran, unless it has been publicly offered for rent to veterans for at least 30 days on the same or more favorable terms.

(6) *Educational institution or public organization.* An educational institution (or a person under its sponsorship) or a public organization which wishes to construct, repair, or alter a dormitory or other single-person housing facility (or to repair or alter any dwelling accommodations) for student veterans. An application for new construction under this paragraph (c) (6) will not be approved if the maximum rent proposed is more than the amount charged for comparable accommodations in the area. If the application is made by a person under the sponsorship of an educational institution, the application must be accompanied by a letter from that institution which (i) requests that the application be approved, (ii) states that there is not a sufficient number of available rooms in the community for its student veterans, and (iii) represents that the institution will refer student veterans to the proposed accommodations as long as this section is in effect. Accommodations provided by persons under the sponsorship of an educational institution must be made available during the institution's school year only to student veterans and their dependents referred by the institution.

(7) *Experimental housing.* A person who wishes to construct or erect dwelling accommodations for experimental or testing purposes, where the proposed work is determined by the Technical Office of the Office of the Administrator of the National Housing Agency to be essential to the Veterans' Emergency Housing Program.

(d) *Filing applications.* Applications for construction permits under this section should be made on OHE Form 14–56, and filed with the appropriate State or District Office of the Federal Housing Administration, except that:

(1) Applications by educational institutions, or persons under their sponsorship, or by public organizations (whether under paragraph (c) (6) or other paragraph of this section) should be filed with the appropriate Regional Office of the Federal Public Housing Authority.

(2) Applications to construct or erect dwelling accommodations for experimental or testing purposes should be filed with the Technical Office of the Office of the Administrator of the National Housing Agency.

(e) *Plans and specifications.* When an application is made in which a maximum rent is required to be stated, as provided by paragraph (j) (2), plans and outline specifications shall be attached to and made a part of such application.

(f) *Approval of applications.* The application for a permit may be approved if (1) the conditions and requirements in paragraphs (c) through (e) of this section have been met, and (2) the proposed rents, where required to be stated, are reasonably related to the proposed accommodations. Upon approval, a copy of the approved application will be given to the applicant and will constitute his construction permit.

(g) *Restrictions on applicants.* An applicant who constructs, completes, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, unless he has obtained prior written approval for a change from the agency with which his application was filed.

CONSTRUCTION

(h) *Construction standards and limitations*—(1) *Suitability for year-round occupancy.* No person shall build or convert any dwelling accommodations under this section except accommodations which are suitable and intended for year-round occupancy.

(2) *Maximum floor area.* No person shall build or convert any dwelling accommodations under this section in which the total calculated floor area of any dwelling unit exceeds 1,500 square feet. Calculated area comprises the square foot area of spaces above basement or foundation including utility rooms, vestibules, halls, closets, stair wells and interior chimneys and fire places. It does not include garages, unfinished attics, open porches, attached terraces, balconies and projecting fire places or chimneys outside the exterior walls. Measurements are taken to the outside surfaces of exterior walls. In a half story, measurements are taken to the outside surfaces of exterior walls or partitions enclosing the areas, but any area where the ceiling height is less than five feet is not included.

(3) *Bathroom fixtures.* No person shall install in any dwelling or apartment constructed, converted or altered under this section any bathroom fixtures which will result in the dwelling or apartment having more such fixtures than are normally required for one bathroom.

(4) *Subsidiary structures.* The granting of a permit under this section constitutes authorization only (i) to construct, convert, alter or repair the dwellings specified in the application, and (ii) in connection with the construction of new residential accommodations, to construct subsidiary sanitary facilities, garage space, tool sheds, walls and fences.

(i) *Posting of placards or signs.* When permits are granted for new construction or conversions under paragraphs (c) (2) or (c) (6) of this section, the applicants must post either placards or signs as explained in this paragraph.

(1) *Placards.* When such permits are granted, a placard or placards will be sent

to the applicant indicating that the dwelling accommodations are being built for veterans under the Veterans' Emergency Housing Program. If the permit covers the construction of dwelling accommodations to be rented, the placard will contain a space for the maximum rent. If the applicant posts a placard or placards, he must insert the application serial number legibly and permanently. Such a placard must be posted in a conspicuous location in front of each separate residential building within five days after the time construction is begun and must continue to be posted until completion of the building. Unless all the accommodations in the building have been sold or rented to veterans, the applicant must continue to post the placard for 60 days after completion of the building in the case of offer for sale or 30 days afterwards in the case of offer for rent. In the case of such offer for rent, the applicant, upon completion of construction, must legibly and permanently insert the appropriate rent, not in excess of the amount specified in the application as approved.

(2) *Signs.* If the applicant elects to post a project sign in lieu of the placards sent to him, he must post a sign having the approximate dimensions of three by five feet (or greater) in a conspicuous location on the site of each project. Such a sign much contain the same information and be posted during the same period as is required under subparagraph (1) of this paragraph in the case of placards.

RENTS

(j) *Maximum rents*—(1) *General.* The restrictions on rents contained in this paragraph apply to all new dwelling accommodations built under this section for which a proposed maximum rent must be stated under subparagraph (2) of this paragraph. These restrictions must be observed as long as this section is in effect. Proposed rents, where required, will not be approved under this section unless they are reasonably related to the proposed accommodations. However, approval of a proposed rent should not be considered as a representation by the processing agency that the rent represents the value of the dwelling or apartment for other purposes.

After the first renting of the dwelling in an area under Federal rent control, the request to approve a change in rent should be made to the Area Rent Office established pursuant to the Emergency Price Control Act of 1942, as amended, or in the District of Columbia to the Administrator of Rent Control. Any changed rent granted becomes the maximum rent under this section.

(2) *Proposed rent to be stated in application.* In case of an application for a permit to construct new family dwellings or apartments to be offered for rent, the proposed maximum rent and maximum shelter rent must be stated for each such dwelling or apartment. In case of an application for a permit to construct new single-person dwellings, the proposed maximum rent to be charged each person must be stated. Maximum rents and shelter rents must be stated for every new dwelling or apartment in a proposed two-family dwelling, multiple-dwelling, or housing facility designed for occupancy by single persons. However, maximum rents or shelter rents need not be stated for construction in disaster cases under paragraph (c) (4) of this section.

(3) *Maximum rent which may be approved.* No maximum shelter rent exceeding $80 per month may be approved for a dwelling or apartment under this section unless the average of all shelter rents approved in the application for dwellings in a single project is $80 per month or less.

(4) *Maximum rent not to be exceeded.* No person shall rent a family or single-person dwelling or apartment for which a proposed maximum rent or maximum shelter rent has been specified in the application as approved, for more than the rent as approved.

(5) *Requests for increases in rents because of increased costs.* An applicant may apply by letter in triplicate or such form as may be prescribed to the agency with which the application was filed for an increase in the maximum rent approved in the application before the dwelling is initially rented. The increase will not be approved unless it can be shown (i) that the applicant has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial application, or (ii) that he will incur additional or increased costs in operation over which he has no control, and that these additional or increased costs of construction or operation will make it unreasonable to require him to rent at the amount approved in the application. No increase in rent will be granted unless reasonably related to the increase in construction costs or the increase in operating costs.

(6) *Requests for increases in rents because of improvements.* If a subsequent owner or any owner-occupant of a dwelling (except a dwelling which has been previously rented and which is located in a Defense Rental Area established under the Emergency Price Control Act of 1942, as amended, or in the District of Columbia), built under this section has made major structural changes or improvements (not including ordinary maintenance or repair) to the dwelling which would warrant an increase in the rent specified in the application, he may apply for the increase to the agency with which the original application was filed. Such application should be made by a letter in triplicate or by such form as may be prescribed. No increase will be granted unless it is reasonably related to the cost of such changes or improvements. Moreover, no increase in shelter rent of any dwelling will be granted to an amount more than $80 a month unless (i) the average of all shelter rents approved in the original application, as amended, for dwellings in a single project will be $80 a month or less or (ii) unusual hardship would result to the applicant if the increase is not granted. (Under CPA Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

PREFERENCES FOR VETERANS

(k) *Preferences for veterans*—(1) *Family dwellings.* If a family dwelling or apartment built or converted under this section is being offered for sale or rent, the owner (whether the applicant or any subsequent owner) or any other person must not sell, rent or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale or rent, as the case may be, to veterans for their own occupancy. In the case of sale, this offer must be made to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant). In the case of rent, this offer must be made to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant). An applicant who has built or converted a family dwelling or apartment approved for rent or sale under this section must, for these periods of time, publicly offer it for sale or for rent to veterans for their own occupancy. No person may sell or rent or otherwise dispose of a dwelling or apartment built or converted under this section to a person other than a veteran on terms or at a price more favorable than offered to veterans during the time a public offering must be made to veterans under this subparagraph. However, this subparagraph does not apply to:

(i) Dwellings or apartments approved in disaster cases under paragraph (c) (4) of this section;

(ii) The initial occupancy of a dwelling or apartment built or converted under this section for the occupancy of the applicant or the continued occupancy of his tenant;

(iii) The occupancy of an apartment in a two-family or multiple dwelling structure by the owner of the entire structure;

(iv) Sales in the course of judicial or statutory proceedings in connection with foreclosures (sales subsequent to such judicial or statutory sales are subject to the provisions of this subparagraph (1)); or

(v) The occupancy of a dwelling or apartment by a building service employee which does not exceed 15 percent of the residential floor space of the structure or project.

(2) *Dormitories or other single-person housing facilities.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans and their dependents otherwise eligible to occupy the dwelling accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to non-veterans if it makes available to veterans an equivalent number of similar or better accommodations in other dormitories at rents not higher than the rents specified in the application as approved. It may also make 15 percent of the residential floor space of any dormitory or dormitory project available to building service employees.

DEFINITIONS

(l) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations. This includes charges paid by the tenant for tenant services specified on the application and charges paid by the tenant for garage as specified on the application. However, it does not include charges for the rental of furniture or charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges for gas or electricity will be made.

The total charges for tenant services will not be approved if more than $3 per room per month. The charge for garage will not be approved if more than $10 per month, and will be allowed only for multiple-family dwellings.

(3) "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage.

(4) "Person" means an individual, corporation, partnership, association, public organization, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "One-family dwelling" means a building designed for occupancy by one family and to be occupied, rented, or sold as a unit, including a detached or semi-detached house or a row house, but not including an apartment house or a two-family "one-over-one" house.

(6) "Two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a unit, not including semi-detached or row houses covered by subparagraph (5) of this paragraph.

(7) "Multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families, not including semi-detached or row houses covered by subparagraphs (5) or (6) of this paragraph.

(8) "Project" means construction authorized on a single site or contiguous sites except for streets, roads and alley ways.

(9) "Begun construction" means to have physically incorporated at the site materials which will be an integral part of the construction.

(10) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) "Public organization" means a governing body such as the United States Government, a State, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(12) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(13) "This section" means this Housing Permit Regulation.

OTHER PROVISIONS

(m) *Advertisements.* The applicant and every subsequent owner and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraph (c) (1), (2), (3), or (6) of this section are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent at $_____). It is being offered for sale (for rent) only to veterans during construction and for 60 (30 in case of rent) days after completion (or for 60 days in case of subsequent sale or 30 days in case of subsequent rent).

(n) *Prohibition against transfer of permits.* No person to whom a permit has been given shall transfer it to any other person and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the agency with which the original application was filed. He should attach to his application a statement from the former applicant (or his representative) joining in the request for the granting of the permit to the new applicant.

(o) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. In addition, any person whose application has been denied in whole or in part as a result of an interpretation of the section which he considers to be incorrect may file an appeal. An appeal shall be in the form of a letter in triplicate and should be filed with the appropriate local office of the Federal Housing Administration or other agency with which applications may be filed under this section. The letter must state clearly the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship, or the denial action appealed from, as the case may be.

(p) *Amendments to applications.* Any applicant may apply to the agency which granted his permit for an amendment to it. The request for an amendment should be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the permit as amended and approved. However, if the request for an amendment requires additional buildings or dwelling units not included in the original permit, a new application should be filed on OHE Form 14–56 covering the new units.

(q) *Communications.* All communications concerning this section should be addressed to the local office of the Federal Housing Administration or other appropriate agency indicated in paragraph (d) of this section.

(r) *Violations and enforcement*—(1) *General.* The veterans' preference, maximum rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a rental of any dwelling accommodations at a rent in excess of the maximum rent applicable to such rental under the provisions of this section, or to solicit or attempt, offer, or agree to make any such rental. It shall also be unlawful for any such person to condition a rental of any dwelling accommodations upon the purchase of, or agreement to purchase, any commodity, service or property interest, except tenant services specified on the application, the rental of furniture or an investment interest in the accommodations.

The restrictions in paragraph (k) of this section apply to the builder and subsequent owners of all dwelling accommodations constructed in violation of VHP 1. However, this does not relieve the builder of any penalty to which he may be subject by reason of the violation of VHP 1.

(2) *Penalties.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who willfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) or the Veterans' Emergency Housing Act of 1946 relating to the construction or disposition of dwelling accommodations may have his permit revoked or sus-

pended and may be denied the right to obtain any permit in the future and may be prohibited from making or obtaining deliveries of, or from using any materials or facilities suitable for housing construction.

(s) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

Issued this 13th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-1525; Filed, Feb. 13, 1947; 3:54 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1084]

J. C. NICHOLS

J. C. Nichols of 1823 Vine Avenue, Covina, California, as owner, began the construction of a $13,000.00 one-story concrete block building at 400-402 West Garvey Avenue, West Covina, California, for use as a market and an appliance store. Construction was begun on August 29, 1946, and thereafter carried on without written authorization from the Civilian Production Administration and despite the previous denial of authorization therefor by the Civilian Production Administration on July 30, 1946. The beginning and carrying on of this construction, subsequent to March 26, 1946, at an estimated cost in excess of $1,000, constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1084 *Suspension Order No. S-1084.* (a) Neither J. C. Nichols, his successors or assigns, nor any other person, shall do any further construction on the premises located at 400-402 West Garvey Avenue, West Covina, California, including the putting up, alteration or completion of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) J. C. Nichols shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve J. C. Nichols, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 14th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1580; Filed, Feb. 14, 1947; 11:22 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 23, as Amended Dec. 20, 1946, Amdt. 1]

DISPOSAL OF EDUCATIONAL EQUIPMENT BY GOVERNMENT DISPOSAL AGENCIES

Direction 23 to Priorities Regulation 13 is amended in the following respects:

(1) Paragraph (b) (1) is amended by substituting a comma and the words "Housing Expediter Certificates, or orders from the Veterans' Administration for its orthopedic appliance or medical rehabilitation shop retraining programs)" for the words "or holders of Housing Expediter Certificates)" in the seventh line of the paragraph.

Issued this 14th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1580; Filed, Feb. 14, 1947; 11:22 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[3d Rev. RO 3,[1] Amdt. 16 to Supp. 1]

SUGAR

Supplement 1 to Third Revised Ration Order 3 is amended in the following respect:

Item 29 of section 3.1 is amended to read as follows:

Ration period	Stamp valid during ration period	Weight value of stamp
No. 29 (Jan. 1, 1947 through Mar. 31, 1947).	Sugar ration book and book 4, spare stamp 53.	5

[1] 11 F. R. 166.

This amendment shall become effective February 19, 1947.

Issued this 14th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

The Office of Price Administration is the agency established to assist the Temporary Controls Administrator in the administration of this program. To expedite the answering of inquiries regarding this document, they should be directed to the Commissioner, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., or the appropriate field office in your vicinity.

[F. R. Doc. 47-1582; Filed, Feb. 14, 1947; 11:34 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 36]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 6.2 is amended by adding a new paragraph (e) to read as follows:

(e) Notwithstanding the provisions of paragraph (b) of this section, Spare Stamp No. 53, received in accordance with this order by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of five pounds of sugar through April 15, 1947 and if Spare Stamp 53 is surrendered to a depositor, it shall be valid for deposit in his account through April 25, 1947.

2. Section 6.4 (b) is amended by inserting after the first sentence of the paragraph a sentence to read as follows:

Only stamps of the same weight value may be pasted on any one gummed sheet.

This amendment shall become effective February 19, 1947.

Issued this 14th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 36 to Third Revised Ration Order 3

Present regulations. The present regulations provide that stamps which have been validated for sugar and which have been received in accordance with this order by a registering unit which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of sugar if such stamp is surrendered or transferred to another registering unit or a primary distributor within a month after the close of the ration period assigned to such stamp. A stamp surrendered to a depositor shall be valid for deposit in his account for a period of a month and ten days after

[1] 11 F. R. 177, 14281.

the close of the ration period assigned to such stamp.

Proposed amendment. This amendment provides that Spare Stamp No. 53, received by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of five pounds of sugar through April 15, 1947. If Spare Stamp 53 is surrendered to a depositor, it shall be valid for deposit in his account through April 25, 1947.

Reason for amendment. On and after April 1, 1947 sugar stamps for consumer use will be validated for ten pounds of sugar each instead of five pounds each. Increasing the value of sugar ration stamps from five pounds to ten pounds each is necessary since the number of stamps remaining in the Sugar Ration Books which are now issued to returned service personnel, new babies and as replacements, if designated for five pounds each, would not provide enough stamps for consumer and home-canning use much past the middle of 1947. Since it now appears likely that it will be necessary to continue sugar rationing at least through most of 1947 and since the expense of printing and distributing a new ration book at this time is prohibitive from a budgetary standpoint, it is necessary to designate the remaining stamps which are available for consumer use for ten pounds of sugar each.

On January 1, 1947 Spare Stamp 53 was validated for five pounds of sugar for consumer use for the period from January 1, 1947 through April 30, 1947. However, to avoid the confusion to the trade and to the banks which would result if both stamps of five and ten pound denominations were in the rationing system for any length of time, this order is being amended to provide that Spare Stamp 53 will expire for consumer use on March 31, 1947 instead of April 30, 1947 and to provide that if such stamps are received by a non-depositing registering unit it may transfer or surrender such stamps through April 15, 1947 or if such stamps are received by a depositor, such stamps must be deposited in its ration bank account not later than April 25, 1947.

The Office of Price Administration is the agency established to assist the Temporary Controls Administrator in the administration of this program. To expedite the answering of inquiries regarding this document, they should be directed to the Commissioner, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., or the appropriate field office in your vicinity.

[F. R. Doc. 47-1583; Filed, Feb. 14, 1947; 11:34 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 37]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

Section 17.7 is added to read as follows:

SEC. 17.7 *Application for base or adjustment in base by persons who invested in productive equipment for use in making products for designated agencies.* (a) Any person who used sugar or sugar-containing products in the manufacture of products for delivery to a designated agency as defined in section 13.1 and any other agency or activity which was a designated agency for the purpose of replacement and who invested in productive equipment for such purposes between April 20, 1942 and January 1, 1946 may apply for a base or an adjustment in base. (A person who made a sugar-containing product to be used by another person in products to be delivered to designated agencies may apply.)

(b) Application shall be made on OPA Form R-380 and the applicant must give all of the information required by the form. The application must be filed:

(1) At the Sugar Branch Office for the place where the industrial user establishment is registered if the application is for an adjustment in base of a registered industrial user establishment;

(2) With the Sugar Branch Office serving the area in which the applicant's establishment is located if:

(i) He does not have a registered establishment and the application covers only one establishment;

(ii) He has one establishment already registered and wishes to register separately the establishment for which application is made. (If the applicant desires to register more than one establishment and desires to register them separately, a separate application should be filed for each such establishment.)

(3) With the Sugar Branch Office serving the area in which the applicant's principal office is located, if:

(i) The application covers more than one establishment and the applicant desires to register such establishments together; or

(ii) If he has more than one establishment already registered and they are registered together; or

(iii) If he has one establishment already registered and wishes to register the establishment for which application is made with it.

(c) A transferee of an establishment in which an investment had been made in productive equipment between April 20, 1942 and January 1, 1946 for the purpose and under the conditions required by paragraph (a) may not apply under this section unless:

(1) He obtained the establishment by inheritance or will and the previous owner was eligible under the provisions of paragraph (a); or

(2) He is a member of the immediate family of the transferor who was eligible under the provisions of paragraph (a). (A member of the immediate family of the transferor includes father, mother, son, daughter, wife, husband, brother or sister); or

(3) The change in ownership is only as to the form of the business organization but the same parties both in interest and in number have the establishment at the time of application; or

(4) One or more of the owners of the establishment at the time of application for an adjustment is a person who had an ownership interest in the establishment continuously from the time when an investment in productive equipment had been made for the purpose and under the conditions required by paragraph (a) to the date of application. Such person may obtain an adjustment to the extent of that interest. (Thus, if 50% interest in the establishment was subsequently sold to another person only 50% of the adjustment computed under paragraph (c) may be granted.

(5) At the date of transfer, or subsequent thereto, the establishment was using sugar or sugar-containing products in the manufacture of products for delivery to a designated agency under contract or order from such agency.

(d) The following persons are not eligible to apply for a base or an adjustment in base under this section:

(1) A person who prior to January 1, 1945 used jams, jellies, preserves, marmalades or fruit butters in making the the product, or who made jams, jellies, preserves, marmalades or fruit butters unless he invested after that date in productive equipment for designated agency production;

(2) A person who used a sugar-containing product for which a provisional allowance may be obtained in making the product or who makes a product or a sugar-containing product for which a provisional allowance may be obtained; or

(3) A person who makes or uses bulk sweetened condensed milk in containers over one gallon.

NOTE: A person who did not produce products for delivery to designated agencies but merely packaged products may not apply under this section.

(e) From the information given on the form the capacity or additional capacity acquired for producing sugar-containing products for delivery to designated agencies will be computed. (For the purposes of this computation, "capacity" means the maximum amount in units, i.e., cases, pounds, of products that could be produced per hour on the appropriate date using all of the equipment normally used for the production of such product in the way such equipment was used on that date. In determining capacity of machinery the manufacturer's rated capacity should be used where available.) The following formula, adjusted for each individual case, will be used in compuffing the base or adjustment in base to be granted under this section:

(1) The capacity (as defined above) times the sugar content equals the capacity in pounds of sugar per hour;

(2) The capacity of sugar in pounds per hour times the number of hours per normal work week in 1941 for that industry times 52 equals the capacity of the plant in pounds of sugar per year;

(3) Capacity of the plant in pounds of sugar per year times the figure representing the lowest percent of operation

[1] 11 F. R. 177, 14281.

of a substantial number of firms in the industry equals the base or adjustment in base to be granted.

Example 1: Candy manufacturer. The Sweet Candy Company, a registered industrial user, producers of hard candy, reports a capacity in pounds per hour of 500 pounds as of April 20, 1942. Due to additional equipment installed after that date to take care of a contract with the Army, the capacity of the plant is reported as 800 pounds per hour as of January 1, 1947. Figures submitted by the company show a sugar content in the candy produced of 60%. In determining the amount of adjustment to which the company may be entitled the following computation is made:

1. Increased capacity—300 pounds (800 lbs. minus 500 lbs.) times 60% (sugar content)—equals 180 pounds sugar capacity per hour.

2. 180 lbs. times 2080 hours (40 hours × 52 weeks) equals 374,400 lbs. (capacity of plant in lbs. of sugar per year).

3. 374,400 times 50% (industry factor) equals 187,200 lbs., the amount of adjustment to be granted to the Sweet Candy Company.

Example 2: Bottler. In October, 1943, the Wet Beverage Company invested in bottling equipment and started in business producing beverages for the Navy. They report the capacity of the plant as of January 1, 1947 as 150 cases per hour. Figures submitted by the company show a sugar content of 1½ pounds per case. In determining the amount of base to which the Wet Beverage Company may be entitled, the following computation is made:

1. 150 cases per hour times 1½ lbs. per case equals 225 lbs. sugar capacity per hour.

2. 225 lbs. times 2080 hours (40 hours × 52 weeks) equals 468,000 lbs. capacity of plant in lbs. of sugar per year.

3. 468,000 lbs. times 30% (industry factor) equals 140,000 lbs., the amount of base to be granted to the Wet Beverage Company.

NOTE: A similar formula is used when the industrial user acquired capacity or additional capacity for using sugar-containing products, rather than sugar, in producing products for designated agency delivery.

(f) Population increase adjustments under section 2.3 may not be granted to persons receiving either a base or an adjusted base under this section. An industrial user who has been receiving a population increase adjustment under section 2.3 for the class of products for which an adjustment is granted under this section may not continue to receive such population increase adjustment for that class of products.

(g) A Sugar Branch Office may not act on an application filed under this section but must send the application, together with all other information received, including the entire file, to the Regional Office for decision.

(h) No adjustment granted under the provisions of this section shall be effective prior to April 1, 1947.

This amendment shall become effective February 21, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 37 to Third Revised Ration Order 3

During the war years, many manufacturers who had not been in the business of manufacturing sugar-containing products before April 20, 1942, the date on which sugar rationing began, invested in sugar-using equipment and commenced manufacturing sugar-containing products in order to supply the armed forces and other designated agencies with such products. Other industrial users who had been in business prior to April 20, 1942, made investments in sugar-using equipment during the war years for the purpose of increasing their productive capacity in order to fulfill war contracts they had made with the armed forces and other designated agencies. In either case, these manufacturers received sugar for this purpose from the designated agency involved free of the rationing system.

The termination of the war contracts with these designated agencies has resulted in curtailment or complete cessation of operations by such industrial users as ex-quota sugar is not available to them. Many of these manufacturers had been urged by the armed forces and other designated agencies to produce for war purposes and, in some instances, had even been assured they would be able to obtain sugar upon the termination of their war contracts. Since it now appears that sugar rationing will be necessary longer than had been anticipated, it is recognized that great hardship would be imposed upon both these types of producers unless they were given relief.

This amendment is designed to provide a sugar base or adjustment in base for such persons comparable to bases granted persons who invested in productive equipment during the base period. Experience in the operation of that program, the pre-rationing investment adjustment program, has indicated that the method used therein has met the considerations of equity and fairness and will likewise serve to alleviate hardship in the types of cases this amendment covers.

The Office of Price Administration is the agency established to assist the Temporary Controls Administrator in the administration of this program. To expedite the answering of inquiries regarding this document, they should be directed to the Commissioner, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., or the appropriate field office in your vicinity.

[F. R. Doc. 47-1581; Filed, Feb. 14, 1947; 11:34 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 25—MEDICAL

HOSPITALIZATION AND DOMICILIARY CARE

1. Paragraph (c) (2) of § 25.6047 *Eligibility for hospital treatment or domiciliary care of persons discharged or retired from military or naval service* is amended to read as follows:

(2) Domiciliary care for persons enumerated in subparagraph (1) of this paragraph, when suffering from a permanent disability or tuberculosis or neuropsychiatric ailment and who are incapacitated from earning a living and who have no adequate means of support. If a member is discharged on his own request it will be presumed he no longer regards himself as incapacitated from earning a living and his request will be complied with. Under such circumstances he will not be furnished hospitalization or domiciliary care until the expiration of three months from the date of such discharge, except when requiring readmission in a medical emergency.

2. A new subparagraph (3) is added to § 25.6047 (d) as follows:

(3) If a member is discharged on his own request it will be presumed he no longer regards himself as incapacitated from earning a living and his request will be complied with. Under such circumstances he will not be furnished hospitalization or domiciliary care until the expiration of three months from the date of such discharge, except when requiring readmission in a medical emergency. (60 Stat. 908; 38 U. S. C. 739)

(Sec. 1, 44 Stat. 826, sec. 1–4, 45 Stat. 947 and 948, sec. 1–3, 46 Stat. 496, sec. 6, 7, 1, 29, 48 Stat. 9, 285, 301, 525, 49 Stat. 729, 730; 36 U .S. C. 122, 38 U. S. C. 612, 621, 622, 662, 664, 706, 707 and Sup. 730; 54 Stat. 885, 50 U. S. C. 301–318, 43 U. S. C. 707, 10 U. S. C. A. 487a; Joint Resolution No. 96)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

FEBRUARY 14, 1947.

[F. R. Doc. 47-1449; Filed, Feb. 14, 1947; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

PART 144—CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

Correction

In Federal Register Document 47-917, appearing at page 807 of the issue for Tuesday, February 4, 1947, the first table under § 144.09 (g) should be designated "Figure 144.09 (d)".

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For an exception to certain provisions of § 500.72, see Part 520 of this chapter, *infra.*

[Gen. Permit ODT 18A–1A, Amdt. 2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, item numbered 25 of General Permit ODT 18A–1A, as amended (9 F. R. 117, 12 F. R. 401), is hereby amended to read as follows:

§ 520.493 *Loading of certain carload freight.* • • •

25. *Cement, lime, mortar mix, plaster or stucco.* In packages, straight or mixed carloads, when consigned to dealers for stock, may be loaded to a weight not less than 60,000 pounds: *Provided,* That the provisions of this item numbered 25 shall not apply to more than one shipment made by the same consignor to the same consignee at the same destination point during any calendar month.

This Amendment 2 to General Permit ODT 18A–1A shall become effective February 13, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 11th day of February 1947.

J. M. JOHNSON,
Director, Office of Defense Transportation.

[F. R. Doc. 47-1447; Filed, Feb. 14, 1947; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

OKEFENOKEE NATIONAL WILDLIFE REFUGE, GEORGIA

1. Section 27.698 (50 CFR 27.698) is revised to read as follows:

§ 27.698 *Okefenokee National Wildlife Refuge, Georgia; public use area.* Persons may, without permit, enter and temporarily use for boating, nature study, photography and other recreational purposes such areas of the refuge as may be designated for said purposes by the Officer in Charge by suitable posting and shall observe such special regulations and conditions as may be prescribed by the Officer in Charge of the refuge, copies of which shall be posted on the refuge and available at refuge headquarters.

Entry on and use of the refuge for any purpose is covered by the regulations for the administration of National Wildlife Refuges dated December 19, 1940 (5 FR 5284; 50 CFR, Cum. Supp., Part 12), as amended and strict compliance therewith is required.

Persons desiring to enter areas of the refuge not designated as Public Use Areas may be issued a permit by the Officer in Charge or his authorized representative, which permit may require the employment of an accredited guide or such other conditions as the Officer in Charge may deem necessary for the safety of the individual and the protection of wildlife on the refuge.

2. A new regulation to be known as § 27.698a is hereby inserted following § 27.698, to read as follows:

§ 27.698a *Okefenokee National Wildlife Refuge, Georgia; fishing.* Non-commercial fishing, in accordance with the State laws of Georgia, is permitted during the daylight hours on all waters designated by posting as Public Use Areas within the Okefenokee National Wildlife Refuge, and in other areas when entry is authorized by permit, in accordance with the following provisions:

Each fisherman must comply with the applicable State fishing laws and regulations and must have on his person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing on the designated waters of the refuge.

During periods of waterfowl or other wildlife concentrations, fishing may be closed on such areas of the refuge as, in the judgment of the Officer in Charge, such limitations or restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting.

Live bait shall not be used for fishing, and no minnows shall be taken for bait in any of the waters of the refuge.

(Sec. 84, 43 Stat. 98, sec. 10, 45 Stat. 1224, sec. 401, 49 Stat. 383; 18 U. S. C. 145, 16 U. S. C. 715i, 715s; Reorg. Plans Nos. II, III, 3 CFR Cum. Supp.)

RUDOLPH DIEFFENBACH,
Acting Director.

[F. R. Doc. 47-1435; Filed, Feb. 14, 1947; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 802]

WAGES AND SUGARCANE PRICES IN HAWAII FOR 1947

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (50 Stat. 885), as amended, notice is hereby given that public hearings will be held in the Territory of Hawaii as follows:

At Honolulu, on the Island of Oahu, on February 25, 1947, at 9:30 a. m., in the Court Room of the United States District Court for the Territory of Hawaii, in the Federal Building at Honolulu; and

At Hilo, on the Island of Hawaii, on February 27, 1947, at 9:30 a. m., in the Court Room of the United States District Court for the Territory of Hawaii at Hilo.

The purpose of the hearings is to receive evidence likely to be of assistance to the Secretary in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane during the calendar year 1947 on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1947 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane, and the terms and conditions of contracts between laborers and producers of sugarcane.

Such hearings, after being called to order at the time and places mentioned above, may for convenience be adjourned to such other place in the same city as the presiding officers may designate, and may be continued from day to day within the discretion of the presiding officers.

Samuel Shapiro and Will N. King are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Issued this 11th day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1439; Filed, Feb. 14, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 61]

LISTING OF PILOTS AND DISPATCHERS IN AIR CARRIER OPERATING CERTIFICATE

PROPOSED ELIMINATION OF REQUIREMENT

Part 61 of the Civil Air Regulations requires that first pilots and dispatchers be listed in the air carrier operating certificate of the air carrier which they serve. This requirement makes it necessary to amend the air carrier operating certificates almost daily to provide for such listings. The required additions to or deletions from the air carrier operat-

ing certificates impose an undue amount of paper work upon the Administrator and the air carriers, and it is therefor proposed to amend the Civil Air Regulations to eliminate the frequent amendment of the air carrier operating certificates and to provide equivalent airmen records.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives public notice that the Bureau will propose to the Board an amendment to Part 61 of the Civil Air Regulations as follows:

1. Elimination of the requirement that pilots and dispatchers be listed in the air carrier operating certificate from §§ 61.511, 61.513, 61,552, 61.554, 61.7100, and 61.7803 (c) (4).

2. Amendment of § 61.50 to read as follows:

§ 61.50 *Airmen utilization.* No scheduled air carrier shall utilize any dispatcher or flight crew member in scheduled air transportation until such airman has met the appropriate qualifications and requirements prescribed by the Civil Air Regulations.

3. Addition of a new § 61.500 to read as follows:

§ 61.500 *Airmen records.* Each scheduled air carrier shall maintain such current records of dispatchers and flight crew members utilized by the air carrier in scheduled air transportation at such points on its routes as the Administrator may designate. These records shall contain such information concerning the qualifications of each airman as the Administrator may prescribe. No scheduled air carrier shall utilize in scheduled air transportation any dispatcher or flight crew member unless records are maintained for such airmen as required herein.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON,
Director.

[F. R. Doc. 47-1438; Filed, Feb. 14, 1947; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 53]

[Docket No. FDC 47]

CANNED TOMATOES; DEFINITION AND STANDARD OF IDENTITY

NOTICE OF HEARING

In the matter of proposals to amend the definition and standard of identity for canned tomatoes.

Notice is hereby given that the Administrator of the Federal Security Agency, upon application of a substantial portion of the interested industry, stating reasonable grounds therefor, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will hold a public hearing commencing at 10 o'clock in the morning of March 20, 1947, in Room 5545, Social Security Building, Independence Avenue and Fourth Streets, SW, Washington, D. C., upon proposals to amend § 53.40 (a) (4) (21 CFR Cum. Supp. 53.40) to provide for the use of additional optional calcium salts for firming tomatoes, and § 53.40 (b) (21 CFR Cum. Supp. 53.40) to provide for label statement of such optional ingredients.

Mr. Bernard D. Levinson hereby is designated as presiding officer to conduct the hearing, in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Administrator for initial decision.

The hearing will be conducted in accordance with the rules of practice provided therefor.

In lieu of oral testimony, interested persons may submit affidavits to the presiding officer at the Social Security Building, Federal Security Agency, Independence Avenue and Fourth Street, SW, Washington, D. C., at any time prior to the hearing. Such affidavits should be submitted in quintuplicate. Every interested person will be permitted, in accordance with the above-mentioned rules of practice, to examine all affidavits submitted and to file counter-affidavits with the presiding officer.

At the hearing evidence will be restricted to testimony and exhibits that are relevant and material to the issue contained in the proposals.

The proposal is subject to adoption, rejection, amendment, or modification by the administrator, in whole or in part, as the evidence adduced at the hearing may require.

Dated: February 12, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-1434; Filed, Feb. 14, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8149]

EMMA ASBECK

In re: Estate of Emma Asbeck, deceased. File D-28-10741; E. T. sec. 15144.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Anna Volkmann, Werner Volkmann, Elfriede Volkmann and Renate Volkmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the lawful husband, name unknown, of Mrs. Anna Volkmann, heirs, names unknown, according to the laws of succession of the State of California, of Mrs. Anna Volkmann, and such other person, name unknown, who was the lawful wife of Werner Volkmann at the time of Emma Asbeck's death and the issue of Renate Volkmann, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Emma Asbeck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by J. H. Roberts, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

5. That to the extent that the above named persons and the lawful husband, name unknown, of Mrs. Anna Volkmann, heirs, names unknown, according to the laws of succession of the State of California, of Mrs. Anna Volkmann, such other person, name unknown, who was the lawful wife of Werner Volkmann at the time of Emma Asbeck's death, and the issue of Renate Volkmann, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1430; Filed, Feb. 13, 1947; 8:49 a. m.]

[Vesting Order 8176]

JENNIE WILLMS

In re: Bonds owned by and debts owing to Jennie Willms. F-28-25677-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jennie Willms, whose last known address is Folmhusen, Ostfriesland, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) United States Savings Bonds, Series A, due May 1945, each of $100 face valuc, bearing the numbers C261825, C261826 and C261827, registered in the name of Miss Jennie Willms and presently in the custody of VanEman & Mulder, Parkersburg, Iowa, together with any and all rights thereunder and thereto,

b. That certain debt or other obligation owing to Jennie Willms, by VanEman & Mulder, Parkersburg, Iowa, in the amount of $400, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Jennie Willms, by R. H. Mulder, Parkersburg, Iowa, in the principal amount of $250, evidenced by a promissory note, in the principal sum of $250, due October 13, 1948, issued by R. H. Mulder, Parkersburg, Iowa, and presently in the custody of VanEman & Mulder, Parkersburg, Iowa, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1433; Filed, Feb. 13, 1947; 8:50 a. m.]

[Vesting Order 8116]

LEWINSKY RETZLAFF & CO., AND SIEGMUND PINCUS

In re: Bank accounts owned by Lewinsky Retzlaff & Co. and Siegmund Pincus. F-28-1026-E-1, F-28-6639-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lewinsky Retzlaff & Co., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Siegmund Pincus, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Lewinsky Retzlaff & Co., by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Lewinsky Retzlaff & Co., and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Siegmund Pincus, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Siegmund Pincus, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1450; Filed, Feb. 14, 1947; 8:50 a. m.]

[Vesting Order 8138]

H. BISCHOFF & CO. ET AL.

In re: Bank accounts owned by H. Bischoff & Co., T. Jomachiya and Konishi & Co., Ltd.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. Bischoff & Co., the last known address of which is Baumwollboerse 201, Bremen, Germany, is a partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That T. Jomachiya, whose last known address is Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That Konishi & Co., Ltd., the last known address of which is 56 Nakano-

shima, 2-Chome Kitaku, Osaka, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

4. That the property described as follows: Those certain debts or other obligations owing to H. Bischoff & Co., T. Jomachiya and Konishi & Co., Ltd., by Chemical Bank & Trust Company, 165 Broadway, New York, New York, arising out of the accounts described in Exhibit A attached hereto and by reference made a part hereof, maintained at the branch office of the aforesaid bank located at Lexington Avenue and 49th Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, H. Bischoff & Co., the aforesaid national of a designated enemy country (Germany), and T. Jomachiya and Konishi & Co., Ltd., the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1, 2, and 3 hereof are not within a designated enemy country, the national interest of the United States requires that the person named in subparagraph 1 be treated as a national of a designated enemy country (Germany) and the persons named in subparagraphs 2 and 3 be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property deseribed above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Owner of Account and Title of Account

H. Bischoff & Co.; H. Bischoff & Co. Account, subject to the authorization of the Alien Property Custodian.

T. Jomachiya; T. Jomachiya Account, subject to the authorization of the Alien Property Custodian.

Konishi & Co., Ltd.; Konishi & Co., Ltd., Account, subject to the authorization of the Alien Property Custodian.

[F. R. Doc. 47-1451; Filed, Feb. 14, 1947; 8:51 a. m.]

[Vesting Order 8140]

LUDWIG GARTNER

In re: Bank account owned by Ludwig Gartner. F-28-916-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Gartner, whose last known address is Steinbach am Donnersberg, Rheinpfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ludwig Gartner, by Citizens State Bank, Jewell, Kansas, arising out of a checking account, entitled Ludwig Gartner, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1452; Filed, Feb. 14, 1947; 8:51 a. m.]

[Vesting Order 8142]

ALOIS SCHELL

In re: Bank account owned by Alois Schell. F-28-26127-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alois Schell, whose last known address is Building No. 59, Rothenbuch i/Spessart, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Alois Schell, by The First National Bank of Chicago, Dearborn, Monroe, and Clark Streets, Chicago, Illinois, arising out of a savings account, Account Number 1,369,932, entitled Alois Schell, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1453; Filed, Feb. 14, 1947; 8:51 a. m.]

[Vesting Order 8143]

STANDARD BRAID & PRODUCE CO. OF JAPAN

In re: Bank account owned by Standard Braid & Produce Co. of Japan. F-39-1624-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Standard Braid & Produce Co. of Japan, the last known address of which is Kobe, Japan, is a partnership organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Standard Braid & Produce Co. of Japan, Kobe, Japan, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a commercial deposit entitled Standard Braid & Produce Co. of Japan, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1454; Filed, Feb. 14, 1947; 8:51 a. m.]

[Vesting Order 8144]

R. TANAKA

In re: Bank account owned by R. Tanaka. F-39-4809-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That R. Tanaka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to R. Tanaka, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a checking account entitled R. Tanaka, maintained at the branch office of the aforesaid bank located at Fillmore, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1455; Filed, Feb. 14, 1947; 8:52 a. m.]

[Vesting Order 8150]

GEORGE BERROTH

In re: Estate of George Berroth, deceased. File D-28-10386; E. T. sec. 14776.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Berroth, Katharina Preifs, Kirth Langler, Miram Stang, Christian Berroth, Karoline Schon, Regina Glaiber, Katharina Widder, Mina Schifferdecker, Rosa Rathel, Arma Zapple, and Mathaus Zriegel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of George Berroth, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Mary R. Oldendorf, as administratrix, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1456; Filed, Feb. 14, 1947; 8:52 a. m.]

[Vesting Order 8151]

DIEDRICH BORCHERS

In re: Estate of Diedrich Borchers, also known as John Borchers, deceased. File D-28-10739; E. T. sec. 15156.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adele Wehrmann, Johann Borchers, Alma Borchers Van Otte, Adele

Borchers Gartner, Sophie Harfst and Gesiene Kroger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of George Borchers, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Diedrich Borchers, also known as John Borchers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Mary Borchers, as Administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Mateo;

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown, of George Borchers, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1457; Filed, Feb. 14, 1947; 8:52 a. m.]

[Vesting Order 8152]

BOND AND MORTGAGE GUARANTEE CO.

In re: Declaration of Trust dated July 22, 1937, executed pursuant to a Plan of Reorganization for Series 212578, Certificate Number 127396. File No. F-28-5820; E. T. sec. 4785.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All rights and interests evidenced by Mortgage Participation Certificate Number 127396 issued and guaranteed by Bond and Mortgage Guarantee Company, Series 212578, and the right to the transfer and possession of any and all instruments evidencing such rights and interests,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Emmy Renn, Germany.

That such property is in the process of administration by John K. Wallace, Karl Propper and Felix A. Muldoon, 75 Maiden Lane, New York, New York, as Trustees under a Declaration of Trust dated July 22, 1937, executed pursuant to a Plan of Reorganization for Series 212578, mortgage investments approved by an Order of the Supreme Court of the State of New York, County of the Bronx, acting under the judicial supervision of the Supreme Court of the State of New York, County of the Bronx.

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1458; Filed, Feb. 14, 1947; 8:52 a. m.]

[Vesting Order 8154]

JULIANNA JUDITH MALONYAY

In re: Estate of Julianna Judith Malonyay, also known as Julianna J. Molonyay and Julianna Malonyay, deceased. File D-34-698; E. T. sec. 8652.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Pottyondy, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Julianna Judith Malonyay, also known as Julianna J. Molonyay and Julianna Malonyay, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by Public Administrator of New York County, New York, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1459; Filed, Feb. 14, 1947; 8:52 a. m.]

[Vesting Order 8155]

JOSEPH MALY

In re: Estate of Joseph Maly, deceased. File D-17-237; E. T. sec. 6589.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Gern, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Joseph Maly, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Frank Stoklasa, Executor, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1460; Filed, Feb. 14, 1947; 8:52 a. m.]

[Vesting Order 8156]

ALBERT MAYER

In re: Estate of Albert Mayer, deceased. File D-28-9687; E. T. sec. 13541.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest, and claim of any kind or character whatsoever of Herman Mayer, Eugene Mayer and Bertha Rader, and each of them in and to the estate of Albert Mayer, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Herman Mayer, Germany.
Eugene Mayer, Germany.
Bertha Rader, Germany.

That such property is in the process of administration by Mary Mayer, surviving administratrix under the will of Albert Mayer, deceased, acting under the judicial supervision of the Court of Probate in Suffolk County, Massachusetts;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1461; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8157]

LOUIS NEUMANN

In re: Estate of Louis Neumann, deceased. D-34-796; E. T. sec. 12085.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shirolta Neumann Roth, Margaret Neumann, Elizabeth Neumann, Olga Neumann, Goldie Neumann, Zoltan Neumann, and Molvina (Malvina) Waldman, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That the sum of $220.00 was paid to the Alien Property Custodian by Adolph Neumann, Administrator of the Estate of Louis Neumann, deceased;

3. That the said sum of $220.00 was property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Hungary);

4. That the said sum of $220.00 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Adolph Neumann, Administrator of the Estate of Louis Neumann, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 22, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1462; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8167]

ANDREAS GOETZ

In re: Bank account owned by Andreas Goetz. F-28-22961-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Andreas Goetz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Ridgewood Savings Bank, Myrtle & Forest Avenues, Ridgewood, New York, arising out of a savings account, Account Number 46678, entitled John Goetz in trust for Andreas Goetz, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Andreas Goetz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1463; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8168]

RUDOLF GRUNHAGEN

In re: Bank account owned by Rudolf Grunhagen. F-28-5702-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Grunhagen whose last known address is Amsel Strasse 2, Hamburg 22, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Rudolf Grunhagen by Seaboard Trust Company, 95 River Street, Hoboken, New Jersey arising out of a savings account, Account Number 27204, entitled Rudolf Grunhagen, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1464; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8169]

ANTON HILCHENBACH AND JOHANNA HILCHENBACH

In re: Bank accounts owned by Anton Hilchenbach and Johanna Hilchenbach. F-28-25765-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Hilchenbach and Johanna Hilchenbach, whose last known address is Stotzheim Bei, Euskirchen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anton Hilchenbach and Johanna Hilchenbach, by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a compound interest account, Account Number AF2713, entitled Anton Hilchenbach and/or Johanna Hilchenbach, maintained at the branch office of the aforesaid bank located at 1512 First Avenue, New York 21, New York, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Anton Hilchenbach and Johanna Hilchenbach, by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a regular checking account, entitled Anton Hilchenbach and/or Johanna Hilchenbach, maintained at the branch office of the aforesaid bank located at 1512 First Avenue, New York 21, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1465; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8170]

THEODORA HOLLENDER

In re: Bank account owned by Theodora Hollender, also known as Dorothea Theodora Hollender, Dorothea Hollender or Theodore Hollender. F-28-6559-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodora Hollender, also known as Dorothea Theodora Hollender, Dorothea Hollender or Theodore Hollender, whose last known address is Bayrenther Strasse 34, Berlin W-62, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Theodora Hollender, also known as Dorothea Theodora Hollender, Dorothea Hollender or Theodore Hollender by Bronx County Trust Company, 2804 Third Avenue, New York 55, New York, arising out of an account entitled Theodora Hollender, and any and all

rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1466; Filed, Feb. 14, 1947; 8:53 a. m.]

[Vesting Order 8171]

KALLE & Co. A. G.

In re: Debt owing to Kalle & Co. Aktiengesellschaft. F-28-296-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kalle & Co. Aktiengesellschaft, the last known address of which is Wiesbaden-Biebrich, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Kalle & Co. Aktiengesellschaft, by General Aniline & Film Corporation, 230 Park Avenue, New York, New York, in the amount of $718.71, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1467; Filed, Feb. 14, 1947; 8:54 a. m.]

[Vesting Order 8172]

THERESE LANGE

In re: Bank accounts owned by Therese Lange. F-28-27992-E-1, F-28-27992-E-2, F-28-27992-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Therese Lange, whose last known address is Meldorf, I/Holstein, Norderstr 1, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. That certain debt or other obligation of The Bank for Savings in the City of New York, 280 Fourth Avenue, New York 10, New York, arising out of a savings account, Account Number 749,478, entitled Therese Lange in trust for niece, Maria Louise Klevesahl, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Central Savings Bank in the City of New York, 4th Avenue at 14th Street, New York, New York, arising out of a savings account, Account Number 1,185,228, entitled Therese Lange in trust for Louise Klevesahl, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Therese Lange, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1468; Filed, Feb. 14, 1947; 8:54 a. m.]

[Vesting Order 7731, Amdt.]

GESTMUNDER BANK

In re: Mortgage certificates owned by Gestmunder Bank. F-28-22962-A-1.

Vesting Order 7731, dated September 25, 1946, is hereby amended as follows and not otherwise:

By deleting clause b from subparagraph 2 of said Vesting Order and substituting therefor the following:

b. One (1) New York Title and Mortgage Corporation series N85 5½% guaranteed first mortgage certificate, of $3,000 face value, bearing number 429 and presently in the custody of Hans Utsch & Co., 42 Broadway, New York, New York, together with any and all rights thereunder and thereto.

All other provisions of said Vesting Order 7731 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1469; Filed, Feb. 14, 1947; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F. R. 7125). The special learner certificate issued to the following company under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See Regulations, Part 522, § 522.6f3.

Central Iowa Telephone Company, K Street, Forest City, Iowa; effective January 30, 1947, expiring January 29, 1948.

Regulations, Part 522—Regulations Applicable to the Employment of Learners (*supra*).

Colette Manufacturing Company, Santurce, Puerto Rico; Hairnet Industry; as follows:

Four (4) learners, Covering elastics; and four (4) learners, Examining; at not less than 16½ cents an hour for the first 160 hours, not less than 25 cents an hour for the second 160 hours, and not less than 27½ cents an hour for every hour thereafter;

Two (2) learners, Machine-Knotting; at not less than 16½ cents an hour for the first 120 hours, not less than 25 cents an hour for the second 120 hours, and not less than 27½ cents an hour for every hour thereafter;

Eight (8) learners, Hand-Knotting; and twelve (12) learners, Knitting; at not less than 16½ cents an hour for the first 240 hours, not less than 25 cents an hour for the second 240 hours, and not less than 27½ cents an hour for every hour thereafter;

Ten (10) learners, Spooling; at not less than 16½ cents an hour for the first 320 hours, not less than 25 cents an hour for the second 320 hours, and not less than 27½ cents an hour for every hour thereafter;

Ten (10) learners, Warping; at not less than 16½ cents an hour for the first 400 hours, not less than 21 cents an hour for the second 400 hours, not less than 25 cents an hour for the third 400 hours, and not less than 27½ cents an hour for every hour thereafter;

effective January 13, 1947, expiring June 13, 1947.

Zekaria Brothers, Puerta de Tierra, San Juan, Puerto Rico; Machine Embroidering; fifty (50) learners, in operation of machine embroidering at not less than 18 cents an hour for the first 240 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period; effective January 23, 1947, expiring January 22, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 6th day of February 1947.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 47-1437; Filed, Feb. 14, 1947; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6014]

INTERNATIONAL POWER CO. ET AL.

NOTICE OF ORDER TERMINATING AUTHORIZATION TO EXPORT ELECTRIC ENERGY TO CANADA

FEBRUARY 12, 1947.

In the matter of International Power Company, St. Croix Electric Company, Canadian Cottons, Ltd.; Docket No. IT-6014.

Notice is hereby given that, on February 11, 1947, the Federal Power Commission issued its order entered February 11, 1947, terminating authorization to export electric energy to Canada in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1444; Filed, Feb. 14, 1947; 8:50 a. m.]

[Docket No. IT-5995]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

FEBRUARY 12, 1947.

Notice is hereby given that, on February 11, 1947, the Federal Power Commission issued its order entered February 10, 1947, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1443; Filed, Feb. 14, 1947; 8:50 a. m.]

OFFICE OF TEMPORARY CONTROLS

Office of Price Administration

CONSOLIDATION OF CERTAIN SUGAR BRANCH OFFICES IN ATLANTA REGION

Under authority conferred upon Regional Administrators by Reorganization Instruction No. 57, it is ordered:

1. *Discontinuance of Sugar Branch Offices.* The Jacksonville, Florida and Nashville, Tennessee Sugar Branch Offices of Region IV are hereby ordered discontinued as of the 15th day of February, 1947.

2. *Extension of Sugar Branch Office jurisdiction.* The Miami, Florida Sugar Branch Office located in Miami, Florida, shall include within its jurisdiction effective as of the 15th day of February, 1947, the following counties, lying within the State of Florida:

Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Putnam, St. Johns, Santa Rosa, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, Washington.

The Memphis, Tennessee Sugar Branch Office located in Memphis, Tennessee, shall include within its jurisdiction effective as of the 15th day of February, 1947, the following counties, lying within the State of Tennessee:

Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Cheatham, Claiborne, Clay, Cooke, Cumberland, Davidson, DeKalb, Fentress, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, Macon, McMinn, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Smith, Sullivan, Sumner, Trousdale, Unicoi, Union, Van Buren, Warren, Washington, White, Williamson, Wilson.

3. *Transfer of duties, powers, and functions.* All duties, powers, functions, and authority of the offices discontinued are transferred, effective as of the 15th day of February 1947, to the offices given jurisdiction over the territory of the closed office.

4. *Saving provisions*—(a) *Actions with reference to discontinued Sugar Branch Offices.* From and after the effective date of this order, the provisions of any price or rationing regulation, amendment or order, heretofore or hereafter issued by the Price Administrator, Regional Administrator, District Director, or Regional Sugar Executive, which require or authorize action to be taken by any said discontinued sugar branch offices or by the branch directors of such offices, or require or authorize any person to file or send any application, letter, report, or other document, or to have any other communication with such branch sugar offices or directors, or require or authorize any person to perform any other act by reference to such branch sugar offices or directors, shall, for all purposes, mean the Miami or Memphis Sugar Branch Office, as the case may be.

(b) *Orders issued by discontinued Sugar Branch Offices.* This order shall have no retroactive effect with regard to any determinations, orders, decisions, and other acts heretofore made or done by any executives, offices, or employees of any said discontinued sugar branch offices; and all determinations, orders, decisions, and other acts heretofore made, done, or issued by any said discontinued sugar branch office shall continue and remain in full force and effect until further notice.

5. *Effective date.* This order shall become effective February 15, 1947. Issued January 15, 1947.

JAMES P. DAVIS,
Acting Regional Administrator.

[F. R. Doc. 47-1442; Filed, Feb. 14, 1947; 8:50 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-1, Amdt. 1]

TANK CARS FOR TRANSPORTATION OF SULFURIC ACID AND AMMONIUM NITRATE SOLUTION

ALLOCATION FOR USE

Since the issuance of Special Allocation Order ODT R-1 on January 23, 1947, (12 F. R. 564), it has been determined that three of the commercial companies named in Appendix A of that order have arranged with the War Department for the return to the War Department of the number of Class ICC 103A or ARA 3 tank cars shown opposite their respective names in Appendix A of Special Allocation Order ODT R-1. The three companies are Royster Guano Co., Norfolk, Virginia, Solvay Process Co., New York, New York, and U. S. Rubber Co., New York, New York. The War Department has advised the Office of Defense Transportation that the total number of tank cars to be made available to it by other commercial companies named in Appendix A of Special Allocation Order ODT R-1 may be reduced therefore from 190 to 130. The War Department has further advised the Office of Defense Transportation that as Class ICC 103A or ARA 3 tank cars which it has leased to the Spencer Chemical Company, Kansas City, Missouri, are returned to the War Department, the number of tank cars required from commercial companies named in Appendix A of Special Allocation Order ODT R-1 may be reduced accordingly. To enable the Spencer Chemical Company to release to the War Department the Class ICC 103A or ARA 3 tank cars which said company has under lease from the War Department, General American Transportation Corporation, Chicago, Illinois, has agreed to forthwith lease to said Spencer Chemical Company approximately 46 tank cars of an aggregate capacity of not less than 345,000 gallons, provided the furnishing of such cars to said Spencer Chemical Company will fully discharge the responsibility of said General American Transportation Corporation under Special Allocation Order ODT R-1. The release of such War Department tank cars by the Spencer Chemical Company will reduce the number of tank cars to be made available to the War Department by commercial companies named in Appendix A of Special Allocation Order ODT R-1 to a total of 84. An equitable distribution among the commercial companies shown in Appendix A of such reduced number of tank cars permits eliminating from said Appendix A the names of commercial companies leasing fewer than three Class ICC 103A or ARA 3 tank cars from the War Department.

In view of the foregoing and pursuant to Title III of the Second War Powers Act, as amended, Executive Order 8989, as amended, and Executive Order 9729, Special Allocation Order ODT R-1 is hereby amended as shown in Revised Appendix A and Revised Appendix B attached hereto and by changing the figures 318 and 190 where they appear in the order to read 249 and 84 respectively.

This Amendment 1 to Special Allocation Order ODT R-1 shall become effective on February 12, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658; Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 12th day of February 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

REVISED APPENDIX A

Commercial companies having class ICC 103A or ARA 3 tank cars under lease from War Department	Number of cars under lease	Minimum aggregate gallonage capacity of cars to be furnished War Department
Agro Phosphate Co., Norwalk, Calif.	4	7,500
American Agricultural Chemical Co., 50 Church Street, New York 7, N. Y.	3	7,500
American Zinc Lead & Smelting Co., 1600 Paul Brown Bldg., St. Louis, Mo.	10	30,000
Blockson Chemical Co., Joliet, Ill	5	15,000
Cotton Producers Co., P. O. Box 163, Atlanta, Ga	6	15,000
Davison Chemical Co., 20 Hopkins Place, Baltimore, Md	15	37,500
E. I. DuPont de Nemours Co., Wilmington, Del	82	210,000
General Chemical Co., 61 Broadway, New York, N. Y.	25	67,500
Monsanto Chemical Co., St. Louis, Mo.	4	7,500
Ozark Chemical Co., Tulsa 1, Okla	7	15,000
Pittsburgh Coal & Chemical Co., Grant Bldg., Pittsburgh, Pa.	6	15,000
Shell Chemical Co., Shell Bldg., San Francisco, Calif.	13	30,000
Southern Acid & Sulphur Co., Rialto Bldg., St. Louis, Mo.	30	75,000
Standard Wholesale & Phosphate Co., Baltimore, Md	24	60,000
Swift & Co. (Plant Food Co.) 219 Wainwright Bldg., Norfolk, Va.	3	7,500
Tennessee Corp., 61 Broadway, New York, N. Y.	12	30,000
Totals	249	630,000

REVISED APPENDIX B

Companies owning 1,000 or more tank cars	Number of tank cars owned	Number of and minimum aggregate gallonage capacity of cars to be made available[1]	
		Number	Aggregate gallonage capacity
Union Tank Car Co., 228 North LaSalle St., Chicago, Ill.	38,532	46	345,000
Shippers Car Line, 30 Church Street, New Yrok, N. Y.	9,676	12	90,000
Sinclair Refining Co., 630 Fifth Avenue, New York, N. Y.	6,106	8	60,000
North American Car Corp., 327 South LaSalle St., Chicago, Ill.	4,596	5	37,500
Shell Oil Co., Inc., 50 West 50th St., New York, N. Y.	2,081	3	22,500
Mid-Continent Petroleum Co., Box 381, Tulsa, Okla.	2,141	3	22,500
Mexican Petroleum Co., 122 East 42d Street, New York, N. Y.	1,752	2	15,000
Gulf Oil Corp., P. O. Box 1166, Pittsburgh, Pa.	1,529	2	15,000
Tidewater Associated Oil Co., 17 Battery Place, New York, N. Y.	1,409	2	15,000
Cities Service Oil Co., 70 Pine Street, New York 5, N. Y.	1,400	1	7,000
Totals	69,222	84	630,000

[1] Subject to provisos contained in paragraph numbered 2.

[F. R. Doc. 47-1470; Filed, Feb. 14, 1947; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1431]

WISCONSIN HYDRO ELECTRIC CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of February 1947.

Notice is hereby given that an application or declaration (or both) and amendments thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Wisconsin Hydro Electric Company ("Wisconsin Hydro"), a public utility company and a subsidiary of Eastern Minnesota Power Corporation, a registered holding company.

Notice is further given that any interested person may, not later than February 24, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application or declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 24, 1947, such application or declaration, as filed or as amended, or any of the transactions proposed therein, may be granted or may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said filing, as amended, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized below:

Wisconsin Hydro proposes to borrow on April 1, 1947, the sum of $1,750,000 from the Harris Trust and Savings Bank of Chicago, Illinois. The loan will be evidenced by an unsecured note of Wisconsin Hydro bearing interest at 3% annum payable at any time, without premium, upon 3 days' written notice and maturing October 1, 1947. Wisconsin Hydro has paid to the bank the sum of $4,375, being ¼ of 1% of the principal amount of the loan, as a commitment fee for said loan. The proceeds of said proposed loan, if made, will be applied, together with treasury funds, to pay the principal and interest to April 1, 1947, of the Company's First Mortgage Bonds bearing 5% interest due October 1, 1947, outstanding in the principal amount of $2,077,000.

Wisconsin Hydro states that the proposed borrowing from the Harris Trust and Savings Bank is not subject to the jurisdiction of the Wisconsin Public Service Commission.

Wisconsin Hydro further states that it expects to issue, prior to October 1, 1947, long-term bonds and serial notes, the proceeds of which will be applied to the payment of the aforesaid proposed temporary borrowing, and that it will file for authorization by this Commission of the issuance of such bonds and serial notes.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1440; Filed, Feb. 14, 1947; 8:50 a. m.]

[File Nos. 54-120, 59-34]

NEW ENGLAND GAS AND ELECTRIC CORP. ET AL.

SUPPLEMENTAL ORDER APPROVING ALTERNATE PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of February 1947.

In the matter of New England Gas and Electric Corporation, File No. 54-120; New England Gas and Electric Association et al., File No. 59-34.

The Commission having, by order dated June 24, 1946, approved the Amended Plan under section 11 (e) of the Public Utility Holding Company Act of 1935 for the recapitalization of New England Gas and Electric Association ("New England"), a registered holding company, and related transactions; and said Amended Plan having been approved by the United States District Court for the District of Massachusetts by Order dated July 17, 1946; and

New England having filed a further application, pursuant to section 11 (e) of the act and other applicable sections thereof, for approval of an Alternate Plan for the recapitalization of New England and related transactions so that New England, upon approval of the Alternate Plan by the Commission, may, at its election, subject to the entry of the requisite enforcement order by the District Court of the United States, proceed with the carrying out of the Alternate Plan or of said Amended Plan; and

New England having requested the Commission, pursuant to section 11 (e) of the act, to apply to a court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms of the provisions of the Alternate Plan; and

The Commission having issued its notice of filing and order for hearing on said Alternate Plan, and having directed that copies of said notice of filing and order for hearing and copies of the Alternate Plan be mailed by New England to each of the holders of its outstanding securities (insofar as the identity of such security holders was available or known to New England); and copies thereof having been mailed by New England to all its security holders, notice having been given to all interested persons, a public hearing having been held, at which hearing security holders of New England and other interested persons were afforded an opportunity to be heard; and

General Public Utilities Corporation ("GPU"), a registered holding company, having requested approval of the acquisition by it of new common shares of New England to be received by GPU in exchange for its holdings of $5.50 preferred shares of New England pursuant to the terms of the Alternate Plan; and

The Commission having considered the record in the matter and having made and filed its findings and opinion herein;

It is ordered, Pursuant to section 11 (e) of the act and other applicable provisions of the act, that the Alternate Plan be, and hereby is, approved, subject to the conditions contained in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan, the transactions incident thereto and the consummation thereof, and, in the event that neither the Alternate Plan nor the Amended Plan is consummated, with reasonable promptness, to enter such further orders as it may deem appropriate under section 11 (b) (2) of the act without further proceedings.

It is further ordered, That jurisdiction be, and hereby is, reserved to the Commission to take such steps as may be appropriate, after notice and opportunity for hearing, at any time prior to the entry by the United States District Court of an order enforcing the Alternate Plan, to vacate or modify this order and to secure consummation of the Amended Plan, should it appear to the Commission that the Amended Plan approved by order of the Commission dated June 24, 1946 has become feasible.

It is further ordered, That jurisdiction be, and hereby is reserved over the following additional matters: (1) To pass upon certain necessary amendments with respect to the terms of the new securities to be issued; (2) the reasonableness of the price to be paid for securities; the terms of the offering thereof, the underwriters' spread and the fees and expenses in connection therewith; (3) the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the Alternate Plan and the Amended Plan and the transactions incident thereto; and (4) the accounting treatment in connection with the carrying out of the Alternate Plan.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court, pursuant to the provisions of section 11 (e) and in accordance with subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the Alternate Plan.

It is further ordered, That this order shall not be operative to authorize the consummation of the transactions proposed in the Alternate Plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said Alternate Plan.

It is further ordered, That the application of General Public Utilities Corporation, pursuant to section 10 of the act, in respect of the acquisition by it of new common shares of New England to be received by it in exchange for its holdings of $5.50 preferred shares of New England pursuant to the terms of the Alternate Plan, be, and hereby is, granted, subject to the conditions contained in Rule U-24.

It is further ordered, That the transactions specified and itemized below, all as provided by the Alternate Plan, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act:

(1) The issue and sale by New England of $22,425,000 principal amount of its sinking fund collateral trust bonds plus 77,625 cumulative preferred shares, and the application of the proceeds of such sale (together with such additional cash as may be necessary) to the retirement, at par and accrued interest to a date to be fixed by it, of the debentures of New England presently outstanding;

(2) The allocation by New England of 766,776 common shares to the holders of the present $5.50 Dividend Series Preferred Shares in exchange therefor at the rate of 8 common shares for each present preferred share held plus the transferable right to subscribe for 5 additional shares of common at $9 per share plus the nontransferable right to subscribe for a maximum of 20 additional shares of common, to the extent the same may be available for allocation after exercise of transferable rights, at $9 per share, as set forth in the Plan.

(3) The issue by New England of such number of common shares as may be:

(a) Necessary to fulfill subscriptions by the holders of rights; or

(b) Sold at not less than par to provide $4,312,500 or such part thereof as may be necessary.

(4) The payment by New England of $1,944,550 to Utilities Investing Trust and the Trustee of the Estate of Associated Gas and Electric Corporation, Debtor; and the cancellation of all the presently outstanding $7 Second Preferred and Common Shares of New England which are now held by Utilities Investing Trust; and the execution by New England on the one hand and the Trustees of the Estates of Associated Gas and Electric Company and Associated Gas and Electric Corporation, Debtors, NY PA NJ Utilities Company, Associated Utilities Corporation, Gas and Electric Associates and Utilities Investing Trust on the other of mutual releases of claims; all as required by the Plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1441; Filed, Feb. 14, 1947; 8:49 a. m.]

Reference

THE NATIONAL ARCHIVES

FEB 19 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 34

Washington, Tuesday, February 18, 1947

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51628]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

INCOMPLETE CLEARANCE; CUSTOMS REGULATIONS WAIVED

Pursuant to the authority vested in me by sections 4197 and 4200 of the revised statutes, as amended (46 U. S. C. 91, 92), as modified by section 102 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), compliance with section 4.74 (f) of the Customs Regulations of 1943 is hereby waived until further notice.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: February 10, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1519; Filed, Feb. 17, 1947; 8:54 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO GENERAL FIELD OFFICE OFFICIALS

Section 603.3 (11 F. R. 177A-908) is hereby amended, effective February 19, 1947, by adding paragraph (d) thereto as follows:

§ 603.3 *Delegations to General Field Office Officials.* • • •

(d) *The Insular Representative of the General Field Office is authorized:* (1) To exercise, in connection with administration of the San Juan, Puerto Rico Area Office and the development and management of all projects under the jurisdiction of said area office, the powers set forth in paragraph (c) of § 603.4.

(2) To execute, within budgetary limitations, contracts for necessary supplies, equipment, and office space for the San Juan office.

(3) To exercise the powers delegated to Assistant Directors for Development and Reutilization (see § 603.2 (d)) in connection with the location of suitable buildings in Puerto Rico and the Virgin Islands to facilitate the development of veterans' housing under Title V of the Lanham Act, including the search for buildings and the determination of suitability.

(4) To approve all construction change orders (on other than Title V housing) within an amount not to exceed 2% of the total of any construction contract.

(5) To approve and sign Work or Change Orders to Title V Contracts if the amount involved is more than $500 but not in excess of $2,500.

(6) To approve lump sum subcontracts if the amount is in excess of $500 but not over $2,500, *Provided*, Costs are within the ceilings furnished.

(7) In conformance with VHP-1 and all applicable directives of the National Housing Agency and the Civilian Production Administration, to approve, deny, or process for appeal, all applications for authority to construct, and to extend priorities assistance in Puerto Rico.

(8) To approve development contracts and agreements between local authorities and third parties: *Provided*, Such an agreement is not detrimental to the value of the project: *And provided further*, That it does not exceed 1% of the amount of the total development cost and that the aggregate of all such contracts shall not exceed 5% of the total development cost.

(9) To approve management contracts and agreements between local housing authorities and third parties, within approved budgets and operating program. (50 Stat. 888, 54 Stat. 1125; 42 U. S. C. 1501, 1521)

Approved: February 11, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-1526; Filed, Feb. 17, 1947; 8:55 a. m.]

Chapter VIII—Office of Housing Expediter

[Housing Expediter Premium Payments Reg. 1, as Amended Jan. 23, 1947, Amdt. 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

STRUCTURAL CLAY PRODUCTS

Section 805.1 (Housing Expediter Premium Payments Regulation No. 1) is amended as follows:

(Continued on p. 1105)

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By deleting paragraph (j) and substituting therefor a new paragraph reading as follows:

(j) *Termination.* This section shall terminate on February 28, 1947. Such termination shall not preclude the filing of claims for payments during March, 1947, on account of production made during the month of February, 1947. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

Issued and effective this 14th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-1589; Filed, Feb. 14, 1947; 3:54 p. m.]

[Housing Expediter Premium Payments Reg. 10, as Amended Jan. 23, 1947, Amdt. 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SAND-LIME BRICK

Section 805.10 (Housing Expediter Premium Payments Regulation No. 10) is amended as follows:

By deleting paragraph (k) and substituting therefor a new paragraph reading as follows:

(k) *Termination.* This section shall terminate on February 28, 1947. Such termination shall not preclude the filing of claims for payments during March, 1947, on account of production made during the month of February, 1947. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

Issued and effective this 14th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-1590; Filed, Feb. 14, 1947; 3:54 p. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 6—RULES OF PROCEDURE FOR EMERGENCY BOARDS OF INQUIRY

The following rules for the conduct of proceedings by Emergency Boards of Inquiry are hereby issued, pursuant to the authority vested in me by R. S. 161 (5 U. S. C. 22) and the act of March 4, 1913 (37 Stat. 736; 5 U. S. C. 619).

Sec.
6.1 Appointment of Emergency Boards of Inquiry.
6.2 Hearing to be public.
6.3 Participation by board in the hearing.
6.4 Participation by parties in the hearing.
6.5 Stenographic records.
6.6 Rules of evidence.
6.7 Facilities available to board.
6.8 Requests for the production of evidence.
6.9 Adjournment of hearing to permit direct negotiation.
6.10 Settlement of issue by agreement between parties.
6.11 Question as to extent of board's authority.
6.12 Findings of fact and recommendations.

AUTHORITY: §§ 6.1 to 6.12, inclusive, issued under R. S. 161, 37 Stat. 736; 5 U. S. C. 22, 619.

§ 6.1 *Appointment of Emergency Boards of Inquiry.* Emergency Boards of Inquiry may be appointed by the Secretary of Labor in connection with any labor dispute whenever in his judgment the interest of industrial peace may require it to be done.

§ 6.2 *Hearing to be public.* Whenever such a board has been appointed it shall hold a public hearing on the merits of the dispute, unless the parties agree to present their case in writing. The record made at such hearing shall include all documents, statements, exhibits, and briefs, which may be submitted, together with the stenographic record. The parties shall have the right to attend the hearing with such persons as they desire, and the hearing shall be open to any other person who wishes to attend, including representatives of the press and radio. The board shall have authority to make whatever reasonable rules are necessary for the conduct of an orderly public hearing. The board may, with the consent of the parties, exclude persons other than the parties at any time when the expeditious settlement of the dispute so requires.

§ 6.3 *Participation by board in the hearing.* The board may, on its own initiative, at such hearing, call witnesses and introduce documentary or other evidence, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

§ 6.4 *Participation by parties in their hearing.* The interested parties or their representatives shall be given reasonable opportunity: (a) To be present in person at every stage of the hearing; (b) to be represented adequately; (c) to present orally or otherwise any material evidence relevant to the issues; (d) to ask questions of the opposing party or a witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that such questions have no material bearing on the credibility of that party or witness or on the issues in the case; (e) to present to the board oral or written argument on the issues.

§ 6.5 *Stenographic records.* An official stenographic record of the proceedings shall be made. A copy of such record shall be available for inspection by the parties, and copies may be purchased by the parties from the court reporter.

§ 6.6 *Rules of evidence.* The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

§ 6.7 *Facilities available to board.* The board may during the proceedings consult with the office of the Secretary of Labor or his designated agents for the purpose of obtaining information pertaining to any wage or salary issue. (Such information may include information in the possession of other governmental agencies.)

Emergency Boards shall be serviced, including the making available of personnel and facilities of the Department,

through the office of the Director of the United States Conciliation Service.

§ 6.8 *Requests for the production of evidence.* The board does not have the power of subpoena. It may request the parties to produce any evidence it deems revelant to the issues but such evidence must be obtained upon the voluntary compliance of the parties.

§ 6.9 *Adjournment of hearing to permit direct negotiation.* Where, in the opinion of the board, the parties should make further efforts to settle an issue by collective bargaining or where the parties agree to do so, the board may recess the hearing to allow the parties to resume direct negotiations for as long a period as they may mutually agree upon or until a date specified by the board for reconvening of the hearing. Whenever possible, the board shall, at the time of the recess, notify the parties of the date when the board will reconvene with the parties. If it is not possible to give such notice at the time of recess, the parties shall be given at least five days advance notice of this date of reconvening, unless the exigencies of the situation require shorter notice.

§ 6.10 *Settlement of issue by agreement between parties.* If during the proceedings an agreement is reached between the parties with respect to the issues in dispute they shall be requested to execute a statement in writing to that effect.

§ 6.11 *Question as to extent of board's authority.* If during the proceedings a question arises as to the extent of the authority of the board to inquire into the facts, or as to the interpretation of the order of the Secretary setting up the board, the board may recess the hearing and consult with the Secretary or his designated agent for the purpose of obtaining clarification.

§ 6.12 *Findings of fact and recommendation by the board.* (a) After the conclusion of the hearing the board shall submit to the Secretary an original and six copies of its findings of fact and recommendations, unless the parties in the meantime have settled the dispute or agreed to submit it to arbitration.

(b) The time for filing findings of fact and recommendations may not be extended except upon consent of the Secretary.

Signed at Washington, D. C., this 20th day of January 1947.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 47-1523; Filed, Feb. 17, 1947; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Revocation of Direction 20]

DISPOSAL OF CERTAIN SURPLUS MATERIALS FOR USE IN MAKING MEN'S SUITS AND OVERCOATS

Direction 20 to Priorities Regulation 13 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under the direction. Also this revocation does not relieve any person who has obtained material with a certification under the direction from the obligation of using the material which he has obtained with the certification only in accordance with its terms.

Issued this 17th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1610; Filed, Feb. 17, 1947; 11:32 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Revocation of Schedule 120]

POTASH

Section 3293.1120 *Schedule 120 to General Allocation Order M-300,* is hereby revoked. This revocation does not affect any liabilities incurred for violation of this Schedule, or of any actions taken by the Civilian Production Administration under it.

Issued this 17th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1609; Filed, Feb. 17, 1947; 11:32 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1300—PROCEDURE

[Rev. Procedural Reg. 1, Amdt. 12]

PROCEDURE FOR THE ISSUANCE, ADJUSTMENT, AMENDMENT, PROTEST AND INTERPRETATION OF MAXIMUM PRICE REGULATIONS

Section 55 of Revised Procedural Regulation 1 is amended in the following respects:

1. The words, "nearest district office," appearing in the fifth line of paragraph (a) are deleted, and in their place are substituted the words, "appropriate regional office."

2. Paragraph (a) is redesignated as paragraph (a) (1) and a new subparagraph (2) is added to read as follows:

(2) *Interpretations with respect to decontrolled commodities.* No official interpretation will be issued with respect to any regulation or order covering a commodity that is no longer under price control, except upon the request of persons involved in enforcement proceedings or current investigations, or upon the request of any federal, state or local government agency. Such requests must be addressed to the General Counsel, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., and must, in addition to fulfilling all the requirements of sub-paragraph (1) above, clearly identify the enforcement proceeding or investigation involved or in the case of a request by a government agency, explain why the request is made.

3. Paragraph (b) is amended to read as follows:

(b) *Interpretations to be written; authorized officials.* Official interpretations shall be given only in writing. Interpretations with respect to commodities still under price control shall be signed by the Temporary Controls Administrator or by one of the following officers of the OPA: The Commissioner, the General Counsel, any Associate or Assistant General Counsel of the Sugar Department, any Legal Branch Chief of the Sugar Department, or any Regional Sugar Attorney. All other official interpretations may be signed only by the Commissioner or the General Counsel.

4. Paragraph (c) is amended to read as follows:

(c) *Revocation or modification of interpretation.* Any official interpretation, whether of general application or otherwise, may be revoked or modified by a publicly announced statement by any official authorized to announce such interpretations of general application or by a statement or notice by the Commissioner or General Counsel published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the General Counsel, or in the case of commodities still under price control, by any Associate or Assistant General Counsel, or by any Legal Branch Chief of the Sugar Department. An official interpretation addressed to a particular person by a Regional Sugar Attorney may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the attorney who issued it or his successor.

This amendment shall become effective February 17, 1947.

Issued this 17th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-1612; Filed, Feb. 17, 1947; 11:35 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City Area,[1] Amdt. 85 (§ 1388.1281)]

HOUSING IN NEW YORK CITY AREA

Section 1 (b) (6) of the rent regulation for housing in the New York City defense-rental area is amended to read as follows:

(6) *Resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1, 1947, to September 30, 1947, inclusive.

Effective: February 17, 1947.

Issued: February 17, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 35 to the Rent Regulation for Housing in the New York City Defense-Rental Area

By this amendment the provision which created an exception in the case of the City of Long Beach from the resort housing exemption with reference to multiple-unit buildings, is eliminated in view of the fact that the conditions which necessitated the exception no longer exist.

In the judgment of the Price Administrator, this amendment is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendment unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of this amendment compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-1613; Filed, Feb. 17, 1947; 11:35 a. m.]

[1] 11 F. R. 4016, 4583, 5542, 5824, 8149, 8163, 10659, 12094, 14190, 14572.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR-47-6]

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

SUBPART C—ANCHORAGE AND RESTRICTED AREAS

Pursuant to the authority contained in section 1, Title II, of the Espionage Act approved June 15, 1917, 40 Stat. 220 as amended by the act of November 15, 1941, 55 Stat. 763 (50 U. S. C. 191, 191c), and by virtue of Proclamation 2412, June 27, 1940 (3 CFR Cum. Supp.), the regulations for the Security of Ports and Control of Vessels in the Navigable Waters of the United States are amended as follows, which shall become effective upon the date of publication of this order in the FEDERAL REGISTER:

FIRST NAVAL DISTRICT

1. Section 6.1-27 *Narragansett Bay, Naval Torpedo Station Torpedo Testing Area,* is canceled.

FIFTH NAVAL DISTRICT

2. Paragraphs (1) and (2) of § 6.5-15 are repealed, and the following paragraph (1) is substituted in lieu thereof:

§ 6.5-15 *Chesapeake Bay; Lynnhaven Roads, anchorage grounds*—(1) *Anchorage L-A, naval anchorage.* Beginning at a point 5,350 yards, 308° true from Cape Henry Light, a line thence 10,350 yards, 288° true; thence 1,820 yards, 203° true; thence 6,140 yards, 108° true; thence 1,350 yards, 173°30′ true; thence 4,525 yards, 108° true; thence 3,075 yards, 005° 30′ true to the point of beginning.

NOTE: This anchorage is reserved primarily for the use of naval vessels, but in the absence of the fleet, the Captain of the Port may, in his discretion, permit it to be used by merchant vessels. Movement of vessels through the area will not be restricted.

3. A new § 6.5-30 is added to read as follows:

§ 6.5-30 *York River, Virginia; naval anchorages*—(a) *The anchorage grounds*—(1) *Anchorage Y-1, naval anchorage.* The area enclosed by lines drawn as follows: Beginning at a point 700 yards, 018° true from Tue Marshes Light; thence 900 yards, 359° true; thence 4,090 yards, 255° true; thence 6,000 yards, 270°30′ true; thence 450 yards, 180° true; thence 2,300 yards 115° true; thence 3,690 yards, 083° true; thence 4,340 yards, 075° true to the point of beginning.

(2) *Anchorage Y-2, naval anchorage.* The area enclosed by lines drawn as follows: Beginning at a point 2,650 yards, 302° true from Gloucester Point Light, a line thence 500 yards, 047° true; thence 2,700 yards, 317° true; thence 2,960 yards, 302° true; thence 2,140 yards, 316° true; thence 500 yards, 226° true; thence 2,270 yards, 136° true; thence 2,850 yards, 122° true; thence 2,660 yards, 136° true to the point of beginning.

(b) *The regulations.* These anchorages are exclusively for the use of naval vessels and, except in cases of emergency, no other vessel shall anchor in the above described areas without permission from the local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorages will not be restricted.

4. Sections 6.5-137 (b) (1) and 6.5-137 (b) (5) (*a*) are amended to read as follows:

§ 6.5-137 *Patuxent River, Maryland, restricted areas* • • •

(b) *The regulations*—(1) *Distance from military establishments.* Except in the gut off the tip of Point Patience, no craft shall approach closer than 75 yards to beaches, shore line, or piers of Naval Mine Warfare Test Station and Naval Air Station property. Civilian craft shall not approach rafts, barges, and platforms closer than 100 yards.

• • • • • •

(5) *Seaplane landing area.* • • •

(*a*) Will be confined to areas not less than 75 yards nor more than 500 yards from the beaches of the Air Center.

5. A new § 6.5-270 is added to read as follows:

§ 6.5-270 *James River, Skiffes Creek, Virginia, restricted area*—(a) *The area.* A restricted area, for use of the War Department, located in James River, Virginia, off the entrance to Skiffes Creek, is hereby established. The area is enclosed within the following boundaries: Beginning at a point lying 650 yards, 015° true from Deep Water Shoals Light structure, extending thence 555 yards, 090° true; thence 1,650 yards, 018° true; thence 760 yards, 270° true; thence 1,590 yards, 190° true to the point of beginning.

(b) *The regulations.* (1) The above area is for the use of vessels of the War Department. No other vessels or craft shall enter the area, except as provided in subparagraph (3).

(2) Vessels anchored in the area shall be anchored so as not to obstruct the arc of visibility of Deep Water Shoals Light.

(3) Nothing in these regulations shall prevent the setting of fish traps within the area, under permits granted by the War Department, nor shall the passage of fishing vessels to and from authorized traps be unreasonably interfered with or restricted.

6. Section 6.5-295 *Albemarle Sound; intracoastal waterway, target danger areas,* is amended by cancelling subparagraph (2) (*Target No. 8*) of paragraph (a).

7. Section 6.5-305 *Pamlico Sound, Hancock and Slocum Creeks, prohibited area,* is cancelled.

8. Section 6.5-325 *Maryland-Virginia Seacoast, Sinepuxent and Chincoteague Bays, target danger areas,* is amended by cancelling subparagraph (3) (*Target No. 28*) of paragraph (a).

SIXTH NAVAL DISTRICT

9. Section 6.6-7 *Waters of the Cape Fear River, North Carolina, restricted area,* is cancelled.

TENTH NAVAL DISTRICT

10. A new § 6.10-50 is added to read as follows:

§ 6.10-50 *Vieques Sound, Puerto Rico, explosive anchorages and ammunition handling berths*—(a) *The anchorages*—(1) *Anchorage No. 1 (explosives).* The circular area of 2,000 yards radius about the center, located at 18°11′12″ North Latitude, 65°33′12″ West Longitude, is designated an Explosive Anchorage and Ammunition Handling Berth.

(2) *Anchorage No. 2 (explosives).* The circular area of 2,000 yards radius about the center, located at 18°11′48″ North Latitude, 65°26′06″ West Longitude, is designated an Explosive Anchorage and Ammunition Handling Berth.

(b) *The regulations.* No vessel or craft shall enter or remain in the above designated areas while occupied by vessels having on board explosives or other dangerous cargo. These regulations will be enforced by the Commandant, Tenth Naval District and the Captain of the Port, San Juan, Puerto Rico.

TWELFTH NAVAL DISTRICT

11. Section 6.12–5 is amended by changing subparagraphs (13) and (26) of paragraph (a) and by changing paragraph (b) to read as follows:

§ 6.12–5 *General anchorage areas for San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisan Bay, New York Slough and San Joaquin River, California*—(a) *General anchorages.* * * *

(13) *Anchorage No. 13 (explosives).* The circular area having a radius of 1,000 feet about a white buoy used to mark the location of this anchorage, the center of which is 2,000 yards 038° true from the most northerly extremity of California Point. The circular zone, 2,000 feet wide, partially surrounding this Explosives Anchorage No. 13, is forbidden anchorage and shall not be used as anchorage by any vessels. The additional area included by a 2,000 yard radius is to be vacated when the anchorage is occupied by a vessel handling explosives and having on board 3,000 tons or more of explosives which will or may explode en masse.

* * * * *

(26) *Suisun Bay; Anchorage No. 26 (general).* The area on the west side of Suisan Bay adjacent east and northeast of the city of Benecia within the boundaries: The northeast edge of the Southern Pacific Bridge from the north shore to the first siren; thence 550 yards, 077½° true; thence 6650 yards, 035° true; thence 2,100 yards, 044° true; thence 314° true to the shore and along the shore to the point of beginning.

* * * * *

(b) *The regulations and special limitations*—(1) *Anchorage No. 1.* Except as described below in this paragraph, this anchorage is a temporary anchorage reserved for the use of vessels entering port while undergoing examination by quarantine, customs or immigration authorities. Upon completion of these examinations vessels shall promptly move out of this anchorage. Yachts may anchor in that portion of this area lying south of a line between Anita Rock Buoys and the northern extremity of Pier 45; west of Steiner Street extended; and east of Lyon Street extended. No permanent moorings shall be placed in the above described area.

(2) *Anchorage No. 5.* Vessels may anchor in this anchorage immediately adjacent to the channel to Richmond Inner Harbor; *Provided, however,* That ships obstructing the said channel must move from their positions immediately if and when the fairway is required by vessels navigating the channel.

(3) *Anchorage No. 7.* Vessels are not authorized to remain anchored in this anchorage for a period exceeding 24 hours without special permission from the Captain of the Port. Permission is not required to anchor in this anchorage for a period of less than 24 hours.

(4) *Anchorage No. 10.* (i) This anchorage is for the use of public vessels of the United States, but may be used by yachts when not required for use by public vessels.

(ii) All yachts making use of this anchorage shall be prepared to move immediately upon notice, should the anchorage be required for public vessels.

(iii) With the permission of the Captain of the Port, permanent yacht moorings may be placed within this anchorage, not more than 900 feet from the shore and not outside the limiting lines of the anchorage.

(5) *Anchorage No. 11.* This anchorage is reserved for the exclusive use of vessels and seaplanes of the United States Navy.

(6) *Anchorage No. 12.* This anchorage is reserved for the use of vessels of the United States or foreign navies and for other public vessels of the United States. With the permission of the Captain of the Port this anchorage may be used temporarily by vessels other than public vessels, but vessels availing themselves of this privilege must hold themselves in readiness to shift berth immediately upon receiving notice to do so.

(7) *Anchorages Nos. 13, 14, 19–A, 22 and 23.* (i) These anchorages are for the use of vessels loaded with, loading, or unloading explosives, and these anchorages shall not be used by any other vessels.

(ii) Subdivision (i) of this subparagraph is not intended to prohibit lighters and barges from tying up alongside of ships for the transfer of cargo.

(iii) The circular zones 1500 feet wide surrounding the Explosives Anchorages Nos. 14 and 19–A are forbidden anchorages and no vessel shall anchor therein.

(iv) Except as provided in subdivision (ii) of this subparagraph, vessels carrying explosives or other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, shall be anchored within Anchorages Nos. 13, 14, 15, 16, 19–A, 22, and 23 only.

(v) Whenever any water craft, while carrying explosives and not fitted with mechanical power, anchors in Anchorages Nos. 13, 14, or 19–A, the Captain of the Port may require the attendance of a tug when, in his judgment, such action is deemed necessary.

(8) *Anchorages Nos. 15 and 16.* (i) These anchorages are for the purpose of storage of explosives.

(ii) Barges and vessels shall be anchored so as not to approach one another closer than 500 feet.

(iii) All barges using these anchorages for storage purposes shall anchor with two or more anchors.

(iv) The Captain of the Port may authorize the placing of moorings within these areas, provided these moorings be so placed that barges at one mooring shall at all times be not less than 500 feet from barges at an adjacent mooring.

(v) The square zones 1,500 feet wide surrounding Explosives Storage Anchorages Nos. 15 and 16 are forbidden anchorages and no vessel shall anchor therein.

(9) *Anchorage No. 26.* Vessels other than those under Federal supervision shall not go alongside or in any manner moor to any Government owned vessel, mooring buoy, or pontoon boom, their anchor cables, or any of their appendages. Vessels other than those under Federal supervision shall not obstruct or interfere in any manner with the mooring, unmooring, or servicing of vessels owned by the United States.

12. Section 6.12–125 (a) is amended to read as follows:

§ 6.12–125 *Benicia Arsenal restricted area; Carquinez Strait and Suisun Bay at Benicia, California*—(a) *The area.* The area in Carquinez Strait and Suisun Bay at Benicia, California, is hereby defined and established as a restricted area: Beginning at the North Siren on the Southern Pacific Bridge, Suisun Bay, California, running thence 1375 yards, 232½° true; thence 1075 yards, 314° true to a point on the shore 1850 yards, 268½° true from the North Siren; thence along the shore to the Southern Pacific Bridge and along the Southern Pacific Bridge to the point of beginning.

13. A new § 6.12–152 is added to read as follows:

§ 6.12–152 *Naval Operating Area in Monterey Bay, California*—(a) *The area.* An area in Monterey Bay is established as an operating area for Navy Minecraft operations, as follows: The area enclosed within the line starting at the stack in about 36°58'06" North Latitude, 121°54'06" West Longitude, thence 6 miles, 230° true; thence 7.5 miles, 140° true; thence 050° true to the beach; thence along the beach to the starting point.

(b) *The regulations.* This area will be used for training in various phases of mine warfare operations. During the period from August 1st to February 15th each year, no operations shall be carried on which will involve placing any obstructions in the water nor shall any operations be carried on at night. During the period from February 16th to July 31st each year, operations may be carried on which will involve laying exercise mines and other moored or bottom obstructions. In each case when moored or bottom obstructions are laid a notice to mariners shall be issued giving notice of the approximate location within the operating area.

THIRTEENTH NAVAL DISTRICT

14. Section 6.13–125 *Columbia River, Oregon, Slough Anchorage,* is cancelled.

(40 Stat. 220, as amended, 55 Stat. 763; 50 U. S. C. 191, 191c; Proc. 2412, June 27, 1940, 3 CFR Cum. Supp.)

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

Approved: February 12, 1947.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 47–1520; Filed, Feb. 17, 1947; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communication Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

TEMPORARY PROCEDURE FOR EXPEDITING STANDARD BROADCAST APPLICATIONS

CROSS REFERENCE: For public notice concerning temporary expediting procedure for standard broadcast applications (§ 1.373, 11 F. R. 177A–415, 13973), see F. R. Doc. 47–1545 under Federal Communications Commission in the Notices section, *infra.*

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 115—DESTRUCTION OF RECORDS OF CARRIERS BY PIPE LINES

PRESERVATION OF OTHER RECORDS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of February A. D. 1947.

The matter of regulations to govern the destruction of records of pipe line carriers being under consideration pursuant to provisions of section 20 of the Interstate Commerce Act, as amended; and,

It appearing that the "Regulations to Govern the Destruction of Records of Carriers by Pipe Lines, Issue of 1943," as prescribed by order dated November 25, 1942, should be modified for proper administration of the act; and,

It further appearing that this proposed modification was initiated prior to the effective date of the Administrative Procedure Act and that, under the provisions of section 12 of that act, publication of a general notice of the modification as proposed rule making, as contemplated by section 4 of the same act, was not necessary. It is ordered, that:

1. The following paragraph (c) be added to § 115.2 *Preservation of other records; special permission to destroy* (49 CFR, Cum. Supp.):

(c) Pipe line companies may be granted authority to preserve photographic copies of certain records in lieu of original records or other copies specified in the regulations in this part. Application for such authority shall be filed in the form of a letter which shall describe the particular records intended to be preserved by this method and the process to be used.

2. This order shall be effective March 17, 1947.

3. A copy of this order shall be served upon every carrier by pipe line and upon every trustee, receiver, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(35 Stat. 648, 54 Stat. 918; 49 U. S. C. 20 (7) (b))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–1487; Filed, Feb. 17, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

United States Coast Guard

[33 CFR, Ch. I; 46 CFR, Ch. I]

[CGFR 47–8]

MERCHANT MARINE COUNCIL PUBLIC HEARING

NOTICE OF PROPOSED CHANGES IN REGULATIONS

1. The Merchant Marine Council will hold a public hearing in Room 8205, Coast Guard Headquarters, 13th and E Streets NW., Washington, D. C., on March 26, 27, and 28, 1947. The meetings will convene at 9:30 a. m. and the agenda for this hearing is as follows:

March 26—Marine engineering regulations and material qualifications. Welding electrode specifications.

March 27—Casualty and accident investigations. Suspension and revocation proceedings. Great Lakes pilot rules. Dangerous cargo regulations. Termination of approval of equipment (York-Shipley boilers).

March 28—Use of liquefied petroleum gases on vessels other than passenger vessels.

2. The proposed changes in the regulations together with the authorities for making such changes are described generally in the following paragraphs. Copies of the proposed changes in the regulations have been mailed to persons and organizations who have expressed an active interest in the subjects under consideration. Copies of any of the proposed regulations may be obtained from the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., so long as they are available. Comments may be submitted in writing prior to the public hearing, or orally or in writing at the hearing. All comments received will be considered before recommending any changes to the Commandant, U. S. Coast Guard. (R. S. 4405, 4417a, and 4472, as amended; 46 U. S. C. 375, 391a, and 170; sec. 4, Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 238)

MARINE ENGINEERING REGULATIONS AND MATERIAL SPECIFICATIONS

3. The regulations in 46 CFR, Parts 51 to 57, inclusive (Subchapter F—Marine Engineering), are being revised and brought up to date so that the regulations and specifications will reflect the experiences gained through wartime operations. In general, the changes are intended to clarify the existing regulations, effect editorial changes, and bring the regulations into closer agreement with the requirements of the American Bureau of Shipping and the boiler and unfired pressure vessel codes of the American Society of Mechanical Engineers and the standards of the American Society for Testing Materials, as well as to incorporate numerous recommendations proposed by boiler manufacturers, marine engineers, and others. It is intended that any amendments adopted by the Commandant will be made effective 90 days after publication in the FEDERAL REGISTER.

4. The regulations in 46 CFR, Part 51, covering material specifications are being revised to bring them into substantial agreement with the latest standards of the American Society for Testing Materials and the American Society of Mechanical Engineers. It is proposed to add three new specifications covering carbon steel bolting material, now in 46 CFR 51.16b–1 to 51.16b–14, inclusive; copper alloy plate, now in 46 CFR 51.21–1 to 51.21–9, inclusive; and flange and fire box steel plates, now in 46 CFR 51.22–1 to 51.22–11, inclusive. The specifications which are proposed to be revised are as follows:

(a) Marine boiler steel plate; 46 CFR 51.2–1 to 51.2–10, inclusive.

(b) Steel bars and shapes; 46 CFR 51.5–1 to 51.5–10, inclusive.

(c) Lap-welded and seamless steel and lap-welded iron boiler tubes; 46 CFR 51.9–1 to 51.9–16, inclusive.

(d) Electric-resistance-welded steel and open-hearth iron boiler and superheater tubes; 46 CFR 51.9a–1 to 51.9a–18 inclusive.

(e) Seamless steel boiler tubes for high pressure service; medium-carbon seamless steel boiler and superheater tubes; carbon-molybdenum alloy-steel boiler and superheater tubes; 46 CFR 51.10–1 to 51.10–18, inclusive.

(f) Steel pipe; 46 CFR 51.11–1 to 51.11–9, inclusive.

(g) Welded and seamless steel pipe; 46 CFR 51.11a–1 to 51.11a–19, inclusive.

(h) Electric-resistance-welded steel pipe; 46 CFR 51.11b–1 to 51.11b–19, inclusive.

(i) Welded wrought-iron pipe; 46 CFR 51.12–1 to 51.12–10, inclusive.

(j) Seamless brass pipe; 46 CFR 51.13–1 to 51.13–14, inclusive.

(k) Seamless copper pipe; 46 CFR 51.14–1 to 51.14–10, inclusive.

(l) Steel forgings; 46 CFR 51.15–1 to 51.15–14, inclusive.

(m) Alloy-steel bolting material; 46 CFR 51.16–1 to 51.16–8, inclusive.

(n) Carbon and alloy-steel nuts for high temperature service; 46 CFR 51.16a–1 to 51.16a–9, inclusive.

(o) Steel castings; 46 CFR 51.17–1 to 51.17–13, inclusive.

(p) Malleable iron castings; 46 CFR 51.19–1 to 51.19–17, inclusive.

(q) Bronze castings; 46 CFR 51.20–1 to 51.20–10 inclusive.

5. The other proposed regulations for 46 CFR, Parts 51 to 57, inclusive (Subchapter F—Marine Engineering), will amend 46 CFR 51.1–7, tension tests; 46 CFR 51.1–13, stamping plates and specimens; 46 CFR 52.1–1, definition of pressure vessel; 46 CFR 52.5–3, computations and detail requirements of pressure vessel heads; 46 CFR 52.6–4, computations of openings and reinforcements; 46 CFR 52.13–5, 52.14–1 to 52.14–6, inclusive, safety valves and relief valves; 46 CFR 52.15–2, 52.15–6, 52.15–11, and 55.19–10 (j), boiler mountings and attachments; 46 CFR 52.16–1 to 52.16–7, inclusive, evaporators, heaters, traps, separators, pressure vessels, and miscellaneous appliances; 46 CFR 53.17–3, damper installations; 46 CFR 54.18–2, testing and inspection of new boilers; 46 CFR 54.18–5, inspection of mountings and attachments; 46 CFR 54.18–12, unfired pressure vessels; 46 CFR 55.19–3, detailed requirements re piping systems; 46 CFR 55.19–6, Class I, piping, Table P–1, piping stresses; 46 CFR 55.19–8, flange standards and methods of attachment; 46 CFR 55.19–9, bolting in piping systems; 46 CFR 56.20–1 to 56.20–19, inclusive, fusion welding; 46 CFR 57.21–1 to 57.21–23, inclusive, re forms, welding, repairs, and brazing. The intent of these proposed changes is to clarify existing regulations, effect editorial changes and bring the regulations into closer agreement with the requirements of the American Bureau of Shipping and the standards of the American Society for Testing Materials and the American Society of Mechanical Engineers as well as to incorporate recommendations proposed by boiler manufacturers, marine engineers, and others.

6. The authority for regulations on marine engineering and material specifications is in R. S. 4405, 4417a, 4418, 4426, 4429–4434, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1026, and sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 50 U. S. C. 1275; and Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

WELDING ELECTRODE SPECIFICATIONS

7. As the result of the study made on the problem of structural failures in the hulls of merchant vessels by the board appointed by the Secretary of the Navy to investigate design and construction practices, certain recommendations and corrective steps were indicated in the report. Two of the steps recommended were new electrode specifications and corresponding reclassification of listed brands. Two new specifications are proposed to be added to 46 CFR, Subchapter Q—Specifications; one as a specification for electrodes (covered), welding, medium steel, for merchant vessels (46 CFR, Subpart 164.700), and the other as a specification for electrodes (covered), welding, molybdenum alloy steel for merchant vessels (46 CFR, Subpart 164.701).

8. At present there are three different sets of specifications intended to classify electrodes for ship construction purposes, which are promulgated by the American Bureau of Shipping, the U. S. Navy, and the U. S. Coast Guard. In order to streamline the approval of electrodes intended for use in the construction of merchant vessels and equipment subject to inspection by the Coast Guard, a new approval procedure has been agreed upon by the American Bureau of Shipping, the U. S. Navy, and the U. S. Coast Guard. The electrodes will be tested in a Naval Laboratory and the tests will be witnessed by a surveyor of the American Bureau of Shipping, which agency will prepare a list of approved electrodes for public circulation. The Coast Guard will make no separate listing of welding electrodes, but will accept the welding electrodes listed on this new American Bureau of Shipping's list.

9. The new specifications proposed are intended to implement this new arrangement for welding electrode approvals. The new specifications refer to the Navy specifications for all types of electrodes included therein. In addition, three types of welding electrodes are permitted and the testing of these three types will be made according to the American Welding Society—American Society for Testing Materials specifications. The listing of welding electrodes for all types of ship construction will be identical except for certain brands permitted for certain limited applications on merchant ship construction. The specifications include three principal additions to the currently effective American Welding Society-American Society for Testing Materials specifications, which are X-ray tests, humidity tests, and a standard color marking to designate the different classes of welding electrodes. The X-ray examination of the welds is intended to improve the general soundness of the welds. Electrodes capable of depositing superior weld metal under tests will obviously give superior welds under ordinary operating conditions. The humidity test is intended to cull out those welding electrodes which might deteriorate too quickly in storage. The standard color marking for different classes of welding electrodes is intended to reduce confusion because at present there is no uniform system by which different types of electrodes can be distinguished and various manufacturers have adopted distinguishing marks which have created confusion when intermingled with welding electrodes of other brands. The Navy specifications include these three principal additions which have already been widely adopted by industry. The American Bureau of Shipping's approved list of welding electrodes includes all electrodes currently approved by either the U. S. Navy or the American Bureau of Shipping. It is intended to permit all brands and types of electrodes on this list until evidence is received from laboratory work that certain electrodes do not comply with the proposed specifications.

10. It is proposed to amend 46 CFR 37.2–5, 37.2–7, 59.15, 60.12, and 76.18, regarding welding in construction of lifeboats, life rafts, etc., in order to make proper editorial references to proposed welding electrode specifications. The regulation in 56 CFR 56.20–3a, regarding the approval of welding electrodes or welding rods will be canceled.

11. The authority for regulations on welding electrode specifications is in R. S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, 4488, 4491, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 391a, 392, 404, 407, 408, 411, 412, 463a, 481, 489, 50 U. S. C. 1275; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

CASUALTY AND ACCIDENT INVESTIGATIONS

12. The temporary wartime rules for casualty and accident investigations in 46 CFR 136.100 to 136.112, inclusive, were based in part on a waiver of certain requirements of 46 U. S. C. 239 (R. S. 4450). It is necessary that the regulations and procedures be revised to comply with the changes in the statutes made by Reorganization Plan No. 3 of 1946 (11 F. R. 7875) and the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 238). The proposed regulations will cancel the regulations in 46 CFR, Parts 136 and 137, which were suspended by the waiver of the Commandant, U. S. Coast Guard, dated August 26, 1942, 7 F. R. 6778, and will revise the regulations in 46 CFR 136.100 to 136.112, inclusive. Only the minimum changes in regulations have been made in this part to comply with the new statutory requirements, and the present regulations will be reissued in modified form as new regulations. The proposed regulations will separate insofar as possible procedural requirements from substantive requirements and will provide definite procedures for Marine Boards of Investigations which will replace the "A", "B", and "C" Boards formerly required by 46 U. S. C. 239. However, where a marine casualty or accident is not a major marine casualty only an investigating officer will perform the functions formerly made by one of the boards required by 46 U. S. C. 239. The proposed regulations also contain new regulations regarding disclosure of records, persons in service of Coast Guard, depositions, construction of rules and rules of evidence, and computation of time.

13. The authority for regulations on casualty and accident investigations is in R. S. 4450, as amended, 46 U. S. C. 239; the Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 238; and Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

SUSPENSION AND REVOCATION PROCEEDINGS

14. The rules for suspension and revocation proceedings dealing with licenses and certificates issued by the Coast Guard or its predecessors to merchant marine personnel were also contained in the temporary wartime rules for casualty and accident investigations in 46 CFR 136.100 to 136.112, inclusive. The Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 238), and Reorganization Plan No. 3 of 1946 (11 F. R. 7875) require that the regulations and procedures be revised and modified. Only the minimum changes in the present rules have been made in this part to comply with the new statutory requirements. It is proposed to revise the requirements in 46 CFR 136.100 to 136.112, inclusive, regarding suspension and revocation proceedings, and to transfer such regulations to 46 CFR, Part 137, which will contain the rules for suspension and revocation proceedings only. These regulations will be issued as new regulations. The proposed regulations will require the use of examiners to conduct the hearings in suspension and revocation proceedings who will have the authority to make a final decision subject to an appeal to the Commandant, U. S. Coast Guard. This is in accordance with present regulation in 46 CFR 4.05–3, published in the FEDERAL REGISTER November 30, 1946 (11 F. R. 13970). The proposed regulations cover the requirements for investigating officers, preliminary investigations, hearings and responsibility of examiners. There have also been added rules regarding disclosure of records, definitions, depositions, construction of rules and rules of evidence, taking of official notice of facts by examiners, submission of briefs, proposed findings and conclusions, and disqualification of examiner.

15. The authority for rules on suspension and revocation proceedings is in R. S. 4450, as amended, 46 U. S. C. 239; Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 238; and Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

GREAT LAKES PILOT RULES

16. Upon a petition of the Lakes Carriers' Association proposed changes in the Pilot Rules for the Great Lakes will be considered. The proposed changes deal with regulations in 33 CFR, Part 322. The recommendations made are to improve the Pilot Rules for the Great Lakes and cover the following pilot rules:

(a) Defintions and risk of collision (33 CFR 322.02).

(b) Signals and rules of the road (33 CFR 322.1, 322.4 to 322.8, inclusive, 322.10, and 322.13).

(c) Distress signals (33 CFR 322.15).

17. The authority for Pilot Rules for the Great Lakes is in section 3, 28 Stat. 649, 33 U. S. C. 243, and Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

DANGEROUS CARGO

18. It is proposed to amend 33 CFR 6.25 entitled, "Authority to load, unload, or transport Class A explosives," by adding a new regulation requiring that the present application for a permit to load explosives submitted to the Captain of the Port shall be accompanied with a preliminary dangerous cargo stowage plan and detailed manifest of other dangerous cargo proposed to be loaded on board the vessel. The permit to load explosives will be granted after a satisfactory loading and stowage plan has been approved by the Captain of the Port. The authority for this regulation is in section 1, Title II of the Espionage Act, approved June 15, 1917, 40 Stat. 220, as amended by the act of November 15, 1941, 55 Stat. 763, 50 U. S. C. 191, 191c, and Proclamation No. 2412, dated June 27, 1940, 3 CFR Cum. Supp.

19. It is proposed to amend the present regulation in 46 CFR 146.24–15 regarding liquid chlorine in bulk by adding specific authority in 46 CFR 146.24–15 (j) for the customary operational practice of the carrier to replace relief valves whenever he deems it to be necessary for safety and to delete the requirement in 46 CFR 146.24–15 (k), regarding sea cocks of an approved design for the purpose of sinking the barge in the event of an emergency, since it is agreed that sinking the barge may be more hazardous than controlling any leaks. The authority for this regulation is in R. S. 4472, as amended, 46 U. S. C. 170, and Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

TERMINATION OF APPROVAL OF EQUIPMENT

20. The termination of approval of the York-Shipley heating boilers, models M–500, M–800, M–1200, M–1500, and HW–250 will be considered because these types of boilers are no longer being manufactured. In the proposed termination of approval it is intended that any of these types of boilers now in use may be continued in service so long as they are in good and serviceable condition. The authority for terminating this approval is in R. S. 4405, 4417a, 4429–33, and 4491, as amended, 49 Stat. 1544, 46 U. S. C. 367, 375, 391a, 407–411, 489, and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

USE OF LIQUEFIED PETROLEUM GASES ON VESSELS OTHER THAN PASSENGER VESSELS

21. The Merchant Marine Council at a public hearing held October 22, 1946, in accordance with the announcement published in the FEDERAL REGISTER, dated September 27, 1946 (11 F. R. 11014), received comments concerning the use of liquefied petroleum gases for cooking and heating purposes when considering proposed regulations to be added to the Tank Vessel Regulations in 46 CFR, Part 34, and proposed minor amendments to regulations in 46 CFR 61.25 (g), 77.24 (g), 95.24 (g), and 114.25 (g), covering cargo vessels. Because of the rapid increase in the use of liquefied petroleum gases and proposed studies to be made by various organizations, the Merchant Marine Council decided to postpone final recommendations on the proposed amendments until further study of the subject was made and additional suggestions could be received.

22. The proposed regulations for using liquefied petroleum gases for cooking and heating purposes on vessels other than passenger vessels are based on the comments and suggestions made at the public hearing held by the Merchant Marine Council and the study made since October 22, 1946. The new regulations cover the use of liquefied petroleum gases on tank vessels and revise and amend the regulations in 46 CFR 61.25, 77.24, 95.24, and 114.25 applicable to cargo vessels. If the regulations are adopted, it is intended that they will be made effective 90 days after the date of publication of the document in the FEDERAL REGISTER.

23. The authority for regulations on use of liquefied petroleum gases on vessels other than passenger vessels is in R. S. 4405, 4417, 4417a, 4418, 4426, 4427, and 4491, as amended, 35 Stat. 428, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 391, 391a, 392, 395, 404, 405, 463a, 489, 50 U. S. C. 1275; and Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

Dated: February 13, 1947.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 47–1521; Filed, Feb. 17, 1947; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 8050]

MULTIPLE OWNERSHIP OF BROADCAST STATIONS

ORDER CONTINUING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of January 1947:

The Commission having scheduled oral argument in the above entitled proceeding for February 7, 1947, before the Commission en banc; and

It appearing, that public interest, convenience and necessity would be served by a continuance thereof;

It is ordered, That the oral argument in the above entitled proceeding be and it is hereby continued until February 24, 1947, at 10 o'clock a. m. at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–1546; Filed, Feb. 17, 1947; 8:49 a. m.]

[47 CFR, Part 3]

MULTIPLE OWNERSHIP RULES[1]

PRE-HEARING CONFERENCE FOR ORAL ARGUMENT

FEBRUARY 10, 1947.

A further pre-hearing conference for the oral argument on Multiple Ownership Rules, (now scheduled for February 24, 1947) will be held on Monday, February 17, 1947, at 10:00 a. m. in Room 1146, New Post Office Building. All persons expecting to appear at the oral argument, including persons who did not attend the first pre-hearing conference, which was held on January 31, 1947, are invited to attend. The Commission's staff has prepared a tabulation of television and FM broadcast stations, existing and proposed, which have overlapping service areas and some degree of common control. A limited number of copies of this tabulation are available at the Commission to persons interested in participating in the oral argument on the Multiple Ownership Rules.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE
Secretary.

[F. R. Doc. 47–1547; Filed, Feb. 17, 1947; 8:50 a. m.]

[1] 11 F. R. 447, 450.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JANUARY 30, 1947.

1. Pursuant to the authority delegated to me by the Secretary of the Interior (43 CFR 4.275 (a) (39), 11 F. R. 9080), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), for leasing, as hereinafter indicated, the following described public lands in the Los Angeles, California, land district, embracing 676.47 acres:

SMALL TRACT CLASSIFICATION NO. 105

CALIFORNIA NO. 43

For all of the purposes mentioned in the act except camp and business site purposes.

San Bernardino Meridian

T. 1 S., R. 9 E.,
Sec. 4, lots 7, 8, 9 and 10;
Sec. 11, lots 2, 5, 6, 7 and 8;
Sec. 14, lots 3, 4, 5, 6 and 7, SE¼NW¼, E½SW¼.

2. The lands lie at the base of the Pinto Mountains approximately 2,300 feet above sea level, and are located in San Bernardino County, about a mile and a half to five miles south and southeast of Twentynine Palms. They are accessible by automobile over dirt roads or trails. An electric power line has been extended to Twentynine Palms, and telephone service is available. In addition to clothing and grocery stores, restaurants, hotels and tourist homes, two modern schools, churches, movies and other facilities are available at Twentynine Palms.

3. Water for the entire area is obtained from ground water supplies. Water has been obtained from wells throughout the area which range in depth from 30 to 275 feet. Water from developed wells is sold and delivered locally. This is a common practice in this vicinity and is often the cheapest and most desirable method of obtaining culinary water.

4. Pursuant to § 257.8 of the Code of Federal Regulations (43 CFR, Cum. Supp., Part 257, as amended by Circ. 1613, Feb. 27, 1946), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 3:12 p. m. on April 30, 1946, and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

5. As to the land not covered by the applications referred to in paragraph 4, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on April 3, 1947. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on April 3, 1947, to close of business on July 2, 1947, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at or after 3:12 p. m. on April 30, 1946, together with those presented at 10:00 a. m. on March 14, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 3, 1947, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous nonpreference-right filings.* Applications under the small tract act by the general public filed at or after 3:12 p. m. on April 30, 1946, together with those presented at 10:00 a. m. on June 13, 1947, shall be treated as simultaneously filed.

6. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

7. All applications for the lands referred to in paragraphs 4 and 5, which shall be filed in the District Land Office at Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

8. Lessees under the small tract act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Director, Bureau of Land Management, improvements which under the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of five years, at an annual rental of $5 payable yearly in advance.

9. The land will be leased in tracts of approximately 5 acres, or aliquot parts thereof, each being approximately 330 by 660 feet, or aliquot dimensions thereof. The tracts should conform in description with the rectangular system of surveys as one compact unit, the lands covered by applications referred to in paragraph 5 having the longest dimension extending in an east-west direction.

10. Preference right leases referred to in paragraph 4 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract is made to conform to the areas and dimensions specified above.

11. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, however, the Acting Manager is authorized to accept applications for the remaining 5-acre tract or aliquot parts thereof extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified above.

12. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

THOS. C. HAVELL,
Acting Assistant Director.

[F. R. Doc. 47–1527; Filed, Feb. 17, 1947; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1191]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 19, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 35F Chaffee	$82,000
Idaho 4V Bonner	265,000
Illinois 43P Pulaski	700,000
Indiana 53L Steuben	50,000
Kentucky 55P Henderson-Union	105,000
North Carolina 55G Craven	97,000
Pennsylvania 13P Tioga	68,000
Virginia 37H Nansemond	124,000
Washington 18M Spokane	200,000
Wisconsin 35M Richland	50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–1496; Filed, Feb. 17, 1947; 8:51 a. m.]

[Administrative Order 1192]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 20, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 17P Prowers	$110,000
Georgia 20M Troup	375,000
Iowa 52L Howard	290,000
Missouri 12L Pemiscot	440,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 47–1497; Filed, Feb. 17, 1947; 8:50 a. m.]

[Administrative Order 1193]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 20, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
South Dakota 3H Clay	$396,000
South Dakota 12H Minnehaha	404,000
South Dakota 19C Turner	332,000
South Dakota 26B Gregory	1,100,000
South Dakota 28B McCook	269,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 47–1498; Filed, Feb. 17, 1947; 8:50 a. m.]

[Administrative Order 1194]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 23, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 75H Lamar	$96,000
Michigan 28U Presque Isle	50,000
Nebraska 65G Wayne District Public	260,000
Nebraska 66F Nebraska District Public	330,000
Nebraska 81M Cornhusker District Public	636,000
Texas 70H Hamilton	230,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 47–1499; Filed, Feb. 17, 1947; 8:50 a. m.]

[Administrative Order 1195]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 31, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 52H Ripley	$320,000
Nebraska 63K Stanton District Public	220,000
Tennessee 28C Paris Public	685,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47–1500; Filed, Feb. 17, 1947; 8:50 a. m.]

[Administrative Order 1196]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 31, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Iowa 83A Cedar Rapids	$5,000,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47–1501; Filed, Feb. 17, 1947; 8:50 a. m.]

[Administrative Order 1197]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 31, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Virginia 28P Lancaster	$461,000
Virginia 38G Loudoun	138,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47–1502; Filed, Feb. 17, 1947; 8:50 a. m.]

[Administrative Order 1198]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Washington 49A Ione District Public	$140,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47–1503; Filed, Feb. 17, 1947; 8:50 a. m.]

[Administrative Order 1199]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 8, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 81L Towns	$100,000
Illinois 40M Macoupin	125,000
Indiana 18F Rush	160,000
Iowa 3K Plymouth	315,000
Minnesota 32N Fillmore	450,000
Oklahoma 26N Harmon	67,000
Tennessee 21K Franklin	810,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–1504; Filed, Feb. 17, 1947; 8:49 a. m.]

[Administrative Order 1200]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 9, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 32D La Plata	$500,000
Kentucky 18K Meade	705,000
Michigan 44L Grand Traverse	56,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47–1505; Filed, Feb. 17, 1947; 8:49 a. m.]

[Administrative Order 1201]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 9, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 27H Ouachita	$433,000
Georgia 83K Jackson	82,000
North Dakota 22C Bottineau	310,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47–1506; Filed, Feb. 17, 1947; 8:49 a. m.]

[Administrative Order 1202]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 15, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for

loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Iowa 2H Sioux	$260,000
Iowa 82C Monroe	290,000
Kentucky 30L Shelby	220,000
Michigan 26X Ingham	50,000
Pennsylvania 6T Indiana	99,000
Vermont 7P Orleans	50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1507; Filed, Feb. 17, 1947; 8:49 a. m.]

[Administrative Order 1203]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 15, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Arizona 17B Graham	$292,500

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1508; Filed, Feb. 17, 1947; 8:49 a. m.]

[Administrative Order 1204]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 15, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 81G Sullivan	$115,000
Missouri 26H Ralls	262,000
Missouri 36G Audrain	150,000
South Carolina 35K Abbeville	40,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1509; Filed, Feb. 17, 1947; 8:49 a. m.]

[Administrative Order 1205]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 16, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Virginia 11Z Rockingham	$250,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1510; Filed, Feb. 17, 1947; 8:49 a. m.]

[Administrative Order 1206]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 17, 1947.

Inasmuch as Edisto Electric Cooperative, Inc., has transferred certain of its properties and assets to Palmetto Electric Cooperative, Inc., and Palmetto Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America of Edisto Electric Cooperative, Inc., arising from loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 659, dated January 23, 1942, by changing the project designation appearing therein as "South Carolina 23 Dorchester (South Carolina 15 Aiken)" in the amount of $12,714.88 (originally allocated as "South Carolina 15 Aiken" under Administrative Order No. 130, dated August 30, 1937), to read "South Carolina 23 Dorchester (South Carolina 15 Aiken)" in the amount of $8,525.88 and "South Carolina 40G Hampton" in the amount of $4,189.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1511; Filed, Feb. 17, 1947; 8:49 a. m.]

[Administrative Order 1207]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 22, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 97E Dooly	$975,000
Iowa 50F Lyon	175,000
Ohio 41K Licking	210,000
Oklahoma 35B Haskell	297,000
South Dakota 18C Clark	125,000
Tennessee 32D Hickman	620,000
Texas 92H Bandera	65,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1512; Filed, Feb. 17, 1947; 8:49 a. m.]

[Administrative Order 1208]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 22, 1947.

Northwestern Electric Cooperative, Inc., on November 2, 1946, transferred certain of its properties and assets to Tri-County Electric Cooperative, Inc., and Tri-County Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America of Northwestern Electric Cooperative, Inc. arising from loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended. Therefore, I hereby amend:

(a) Administrative Order No. 706, dated May 19, 1942, by changing the project designation appearing therein as "Oklahoma 2031B1 Woodward" in the amount of $440,000 to read "Oklahoma 2031B1 Woodward" in the amount of $335,000 and "Oklahoma 34B Texas" in the amount of $105,000;

(b) Administrative Order No. 1183, dated December 3, 1946, by changing the project designation appearing therein as "Oklahoma 34B Texas" to read "Oklahoma 34C Texas."

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1513; Filed, Feb. 17, 1947; 8:49 a. m.]

[Administrative Order 1209]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 22, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
North Dakota 19S Grand Forks	$800,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1514; Filed, Feb. 17, 1947; 8:48 a. m.]

[Administrative Order 1210]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 27, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 25L Pueblo	$145,000
Kentucky 27L Boyle	270,000
Michigan 20F Delta	200,000
Michigan 42G Mason	25,000
Nebraska 88D Perkins	430,000
Oklahoma 27K Bryan	363,000
South Carolina 41D York	175,000
Wyoming 21C Carbon	393,000

[SEAL] CARL HAMILTON,
Acting Administrator.

[F. R. Doc. 47-1515; Filed, Feb. 17, 1947; 8:48 a. m.]

[Administrative Order 1211]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 29, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Arizona 20A Pima	$600,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1516; Filed, Feb. 17, 1947; 8:48 a. m.]

[Administrative Order 1212]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 29, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
North Dakota 20H Grand Forks	$2,500,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1517; Filed, Feb. 17, 1947; 8:48 a. m.]

[Administrative Order 1213]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kentucky 51E Hardin	$300,000
Missouri 19N Boone	300,000
Tennessee 31D McNairy	330,000
Texas 63K Navarro	50,000
Texas 91H San Patricio	250,000
Texas 104G Mitchell	100,000
Virginia 22V Caroline	92,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-1518; Filed, Feb. 17, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

WJZM, CLARKSVILLE, TENN.[1]

PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on February 3, 1947 there was received an application (B-AL-580) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of Standard Broadcast Station WJZM, Clarksville, Tennessee from William Kleeman to a partnership doing business as Campbell and Sheftall composed of Elmer T. Campbell and John Parry Sheftall.

The proposal to assign the license arises out of a contract of January 14, 1947 pursuant to which Kleeman agrees to sell to Campbell and Sheftall all the physical assets, good-will, and contracts pertaining to WJZM for a total consideration of $95,000 in cash or $100,000 to be paid over a period of time as follows: $40,000 in cash and the remainder in six equal installments to be paid over a period of six years and to be evidenced by six promissory notes bearing interest at the rate of 4% per annum payable annually. Further information as to the arrangements may be found with the application and associated papers on file in the offices of the Commission.

Pursuant to § 1.321 adopted July 25, 1946 the Commission was advised at the time the application was filed (February 3, 1947) that beginning February 7, 1947, notice of the application would be inserted in a local paper of general circulation in conformity of said rule. No action will be had upon the application for a period of 60 days from February 7, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1555; Filed, Feb. 17, 1947; 8:50 a. m.]

[1] Section 1.321, Part I, Rules of practice and procedure.

CLASS B FM BROADCAST STATIONS

RECAPITULATIVE LIST OF CHANGES IN TENTATIVE ALLOCATION PLAN OF SEPTEMBER 3, 1946

FEBRUARY 4, 1947.

The following is a recapitulative list of changes to date in the Tentative Allocation Plan of September 3, 1946 (11 F. R. 11223), for Class B FM broadcast stations.

General area	Channels	
	Delete	Add
Birmingham, Ala.		223
Selma, Ala.	223	252
Wilmington, Del.		232
Washington, D. C.	221	246
Atlanta, Ga.		224, 231
Griffin, Ga.	224	
Clinton, Iowa	279	254
Winchester, Ky.	278	233
Battle Creek, Mich.	273	234
Grand Rapids, Mich.	234	273
Oneonta, N. Y.		237
Statesville, N. C.		243
Winston-Salem, N. C.	243	
Elk City, Okla.	238, 240	230, 232
Oklahoma City, Okla.	257, 259	238, 240
Tulsa, Okla.		257, 259
Pottsville, Pa.		267
Reading, Pa.	232	
Pampa, Tex.	232	236
San Antonio, Tex.		256
Front Royal, Va.		221
Richmond, Va.	246	
Huntington, W. Va.		278
Fond du Lac, Wis.	280	252
Madison, Wis.	252	280

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1553; Filed, Feb. 17, 1947; 8:49 a. m.]

STANDARD BROADCAST APPLICATION

TEMPORARY EXPEDITING PROCEDURE

FEBRUARY 7, 1947.

In the Commission's public notice of January 8, 1947, providing for the establishment of a temporary expediting procedure for standard broadcast applications the Commission declared that the formula to be followed by the Commission in determining the order in which the various channels would be considered would be announced shortly after February 7, 1947.

In general, the Commission has determined that wherever possible in processing line 2 the time that work will begin with respect to the several channels will be governed by the oldest application on file for the channels in question. Appropriate announcements will be issued to applicants from time to time as to when the informal conferences will begin with respect to the channels on which they have applications.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1545; Filed, Feb. 17, 1947; 8:49 a. m.]

[Docket Nos. 8081, 8054, 7503]

LEDGER PUBLISHING CO., INC., ET AL.

ORDER ADVANCING HEARING DATE

In re: Application of Ledger Publishing Company, Inc., Lakeland, Florida, Docket No. 8081, File No. BP-5602; Lyle Van Valkenburgh, St. Petersburg, Florida, Docket No. 8054, File No. BP-5547; Clearwater Radio Broadcasters, Inc., Clearwater, Florida, Docket No. 7503, File No. BP-4650; for construction permits.

The Commission having scheduled a hearing upon the above-entitled applications for February 24 and 25, 1947, at St. Petersburg, and Clearwater, Florida; and

It appearing, that an advancement of the date of said hearing would be in the public interest, convenience and necessity;

It is ordered, This 7th day of February 1947, that the date of hearing upon the above-entitled applications be and it is hereby, advanced to 10:00 o'clock a. m. Monday, February 17, 1947 at Clearwater, Florida; 10:00 o'clock a. m. Tuesday, February 18, 1947 at St. Petersburg, Florida; and 10:00 o'clock a. m. Wednesday, February 19, 1947 at Lakeland, Florida.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1554; Filed, Feb. 17, 1947; 8:50 a. m.]

[Docket No. 8086]

PIEDMONT BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of Piedmont Broadcasting Company, Greenville, South Carolina, for construction permit; Docket No. 8086, File No. B3-P-5307.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 910 kc, 1 kw power, daytime only, at Greenville, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues;

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WJHL, Johnson City, Tennessee, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of John J. Powell, tr/as Carolina Broadcasters (B3–P–5476), Anderson, South Carolina or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WJHL, Incorporated, licensee of Station WJHL, Johnson City, Tennessee, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1552; Filed, Feb. 17, 1947; 8:50 a. m.]

[Docket Nos. 8095, 8096]

WESTERN NEW YORK BROADCASTING CO. AND JOHN J. LAUX

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Edwin R. Sanders and Thaddeus Podbielniak, a partnership, d/b as Western New York Broadcasting Company, Kenmore, New York, Docket No. 8095, File No. BP–5579; and John J. Laux, Niagara Falls, New York, Docket No. 8096, File No. BP–5628; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration the above-entitled application of Edwin R. Sanders and Thaddeus Podbielniak, a partnership, doing business as Western New York Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1080 kc, with 1 kw power, daytime only, at Kenmore, New York and the above-entitled application of John J. Laux requesting the same facilities at Niagara Falls, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicants, and the partners of the partnership applicant, to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1550; Filed, Feb. 17, 1947; 8:49 a. m.]

[Docket Nos. 8091, 8092]

RADIO ANTHRACITE, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Radio Anthracite, Inc., Pottstown, Pennsylvania, Docket No. 8091, File No. BP–5582; and Charles M. Meredith, Silverdale, Pennsylvania. Docket No. 8092, File No. BP–5625; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration the above-entitled application of Radio Anthracite, Inc., requesting a construction permit for a new standard broadcast station to operate on 1370 kc, with 1 kw power, daytime only, at Pottstown, Pennsylvania, and the above-entitled application of Charles M. Meredith, requesting the same facilities at Silverdale, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicants and the officers, directors and stockholders of the corporate applicant to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1548; Filed, Feb. 17, 1947; 8:49 a. m.]

[Docket Nos. 8093, 8094]

LITCHFIELD COUNTY RADIO CORP. AND NEW CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of the Litchfield County Radio Corporation, Torrington, Connecticut, Docket No. 8093, File No. BP–5448; and Louis Lasaponara tr/as New City Broadcasting Company, Torrington, Connecticut, Docket No. 8094, File No. BP–5630; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration the above-entitled applications requesting a construction permit for new standard broadcast station to operate on 1170 kc, with 1 kw power, daytime only, at Torrington, Connecticut.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicants, and the officers, directors and stockholders of the corporate applicant, to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1549; Filed Feb. 17, 1947; 8:49 a. m.]

[Docket 8097, 8098]

RENO NEWSPAPERS, INC., AND VOICE OF NEVADA'S CAPITAL

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Reno Newspapers, Inc., Reno, Nevada, Docket No. 8097, File No. BP–5426, and Ralph Morgali, tr/as The Voice of Nevada's Capital, Carson City, Nevada, Docket No. 8098, File No. BP–5654; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration the above-entitled application of Reno Newspapers, Inc., requesting a construction permit for a new standard broadcast station to operate on 1450 kilocycles, with 250 watts power, unlimited time, at Reno, Nevada, and the above-entitled application of Ralph Morgali, tr/as The Voice of Nevada's Capital, requesting the same facilities at Carson City, Nevada;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicants and of the officers, directors and stockholders of the corporate applicant to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1551; Filed, Feb. 17, 1947; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–270]

PIKE COUNTY LIGHT & POWER CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 12, 1947.

Notice is hereby given that, on February 12, 1947, the Federal Power Commission issued its order entered February 11, 1947, dismissing application for certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–1477; Filed, Feb. 17, 1947; 8:53 a. m.]

[Docket No. G–639]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 12, 1947.

Notice is hereby given that, on February 12, 1947, the Federal Power Commission issued its findings and order entered February 11, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–1478; Filed, Feb. 17, 1947; 8:52 a. m.]

[Project No. 637]

WASHINGTON WATER POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r), that The Washington Water Power Company has made application for amendment of license for major Project No. 637 requesting that Article 13 of the license for the project be changed to allow the average rate of draft of 1,000 cubic feet per second

ond, as provided therein, to be exceeded beginning April 1, in each year; *Provided*, That the increase in draft will not prevent the surface of Chelan Lake, in Chelan County, Washington, from reaching and maintaining elevation 1096, or above, for the period June 30 to August 15 of each year: *And provided*, Following August 15, in each year, withdrawals from storage will be limited to amounts which will maintain lake levels above elevation 1092 until September 15.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before March 20, 1947, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1522; Filed, Feb. 17, 1947; 8:54 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-477]

FUELANE CORP.

CONSENT ORDER

Fuelane Corporation of Liberty, New York, is charged by the Civilian Production Administration with violating Veterans' Housing Program Order 1 by beginning construction shortly after November 10, 1946, of a building in Windsor, Vermont, which was estimated to cost between $10,000.00 and $12,000.00, and which has an approximate square foot floor area of 6200 square feet. This building was intended to be used for storage and warehouse facilities for the distribution of liquefied petroleum gas. Fuelane Corporation had filed application for construction of the masonry and foundation work of this building with the Civilian Production Administration in Burlington, Vermont, on November 4, 1946, and this application was denied by the Civilian Production Administration on November 14, 1946. However, construction of the masonry and foundation work for the building continued until about December 13, 1946.

Fuelane Corporation admits the violation as charged but denies that it was wilful and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Fuelane Corporation, the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Fuelane Corporation, its successors or assigns, nor any other person shall do any further construction on the building located about one mile North of Windsor Village on Highway 5 in Windsor Township, Vermont, including the putting up, completing, or installing fixtures or mechanical equipment in the structure unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Fuelane Corporation shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for authority to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Fuelane Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 17th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1611; Filed, Feb. 17, 1947; 11:32 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 113]

RECONSIGNMENT OF APPLES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 8, 1947, by M. Rosen Co., of car FGE 14387, apples, now on the Baltimore and Ohio R. R., to C. E. Merrill Co., New York, N. Y. (B&O-Erie Del'y.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1488; Filed, Feb. 17, 1947; 8:51 a. m.]

[S. O. 396, Special Permit 114]

RECONSIGNMENT OF PEARS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 8 to 10, 1947, by S. Denison, of car FGE 36000, pears, now on the C., B. & Q. R. R., to Victor Joseph Co., New York, N. Y. (Erie), account railroad error in reconsigning.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1489; Filed, Feb. 17, 1947; 8:51 a. m.]

[S. O. 396, Special Permit 115]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 10, 1947, by Mexican Produce Co., of car PFE 32839, tomotaes, now on the P. R. R., to Enola, Pa. (P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1490; Filed, Feb. 17, 1947; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1312]

STANDARD GAS AND ELECTRIC CO.

ORDER TO SHOW CAUSE WHY EXTENSION SHOULD BE GRANTED

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of February 1947.

The Commission having previously, by order entered August 8, 1941, directed that Standard Gas and Electric Company (Standard Gas) divest itself of its holdings in certain subsidiaries, including Mountain States Power Company, and the time for compliance with such order having expired;

The Commission on August 22, 1946, having issued its order (Holding Company Act Release No. 6856) in the above matter permitting to become effective pursuant to Rule U-23 a declaration, as amended, filed by Standard Gas regarding the sale pursuant to Rule U-50 of the 140,614 shares of common stock of Mountain States Power Company, without par value, owned by Standard Gas, the effectiveness of which order terminated pursuant to Rule U-24 sixty days after date thereof without declarant having offered said stock for sale;

The Commission on December 12, 1946, having issued its order (Holding Company Act Release No. 7061) in the above matter permitting to become effective pursuant to Rule U-23, an amended declaration regarding the proposed sale by Standard Gas of 140,614 shares of common stock of Mountain States Power Company, without par value, owned by Standard Gas, which declaration contemplated that such sale would be consummated within 60 days from the effective date thereof, or on or prior to February 10, 1947, as required by Rule U-24;

Standard Gas having now requested that the Commission issue a supplemental order extending for a period of an additional 30 days the time within which such sale may be made pursuant to such amended declaration;

The Commission having considered said request, and being of the opinion that the declarant should show cause why such request should be granted, and that an opportunity for hearing should be afforded for that purpose;

It is hereby ordered, That a hearing shall be held at 10 a. m., e. s. t. on the 18th day of February, 1947, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318, at which time declarant shall show cause why such extension should be granted.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial examiner under the Commission's rules of practice.

It appearing appropriate that in view of the foregoing date for hearing a short extension of time should be permitted within which declarant may effectuate such sale;

It is further ordered, That an extension of time be and is hereby granted for the effectuation of such sale pursuant to said amended declaration until February 21, 1947.

It is further ordered, That jurisdiction be and hereby is reserved to enter an order further extending such time, without futher application therefor, in the event that prior to February 21, 1947, Standard Gas shall have advertised for bids for the sale of such stock.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order, by registered mail, to Standard Gas and Electric Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1485; Filed, Feb. 17, 1947; 8:51 a. m.]

[File No. 1-123]

BROWN-FORMAN DISTILLERS CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of February A. D. 1947.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the $4.00 Cumulative Preferred Stock, No Par Value, of Brown-Forman Distillers Corporation. The application alleges that (1) the listing of this security on the New York Curb Exchange had been approved by the Exchange subject to the condition of submission of evidence of satisfactory distribution of the security; (2) of the 9,844½ shares of this security issued, 7,300⅗ shares were issued to the Chairman of the Board of the issuer and 54 shares to a director of the issuer; (3) the balance of 2,489⅗ shares were issued to only 51 public stockholders; (4) the public distribution of this security is not such as would warrant the admission of this security to dealings on the New York Curb Exchange; and (5) the rules of the New York Curb Exchange with respect to the striking of a security from listing and registration have been complied with.

Upon receipt of a request, prior to March 10, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1481; Filed, Feb. 17, 1947; 8:52 a. m.]

[File No. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO. ET AL.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of February 1947.

In the matter of the United Light and Power Company, the United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, respondents, File No. 59-17; the United Light and Power Company and its subsidiary companies, respondents, File No. 59-11; the United Light and Power Company, applicant, File No. 54-25.

The Commission having by order dated April 5, 1943 approved the joint application (designated as Application No. 14) of The United Light and Power Company ("Power") and The United Light and Railways Company ("Railways") filed pursuant to sections 11 (b) and 11 (e) of the Public Utility Holding Company Act of 1935, concerning a plan for the completion of the liquidation and dissolution of Power and providing, among other things, for the distribution by Power of all the outstanding common stock of Railways among the preferred and common stockholders of Power; the Commission having having by said order reserved jurisdiction to pass upon the reasonableness of all counsel fees pending final determination of the amounts thereof, upon consummation of the said plan as modified and upon completion of the record with respect to said fees; and the liquidation and dissolution of Power having been duly consummated;

The record having been completed by the filing of a supplement to said Application No. 14 together with other information concerning the fees of counsel for services rendered in connection with said plan and in connection with an application (designated as Application No. 14A), filed by said Power and Railways regarding a proposed interim distribution of the common stock of Railways to the preferred stockholders of Power, which application was denied by order dated

October 25, 1944; and the amount of such fees being as follows:

Davies, Richberg, Beebe, Busick & Richardson	$40,000
Sidley, Austin, Burgess & Harper (formerly Sidley, McPherson, Austin & Burgess)	35,000
Miles, Walsh, O'Brien & Morris	250
Southerland, Berl & Potter	250
	$75,500

It appearing to the Commission that such fees are not unreasonable under the circumstances of these proceedings;

It is ordered, That the jurisdiction heretofore reserved with respect to counsel fees be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1479; Filed, Feb. 17, 1947; 8:52 a. m.]

[File No. 31-375]

MIDDLE WEST UTILITIES COMPANY OF CANADA LIMITED

ORDER EXTENDING ORDER OF EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of February A. D. 1947.

The Commission, by order of May 24, 1939, having granted to Middle West Utilities Company of Canada Limited and its subsidiaries, direct and indirect subsidiaries, respectively, of The Middle West Corporation, a registered holding company, temporary exemption from certain specified portions of the Public Utility Holding Company Act of 1935, pursuant to sections 3 (a) (5) and 3 (b) thereof; and

The Commission, upon application, having extended the period of such exemption by orders issued from time to time, the latest of such orders, issued on December 21, 1945, having provided that the exemption granted therein shall expire on December 31, 1946 without prejudice, however, to the right of Middle West Utilities Company of Canada Limited to apply on behalf of it and its subsidiary companies for an extension of the time during which such exemption shall be effective; and

Middle West Utilities Company of Canada Limited now having filed an application for a further extension of the time during which said order of May 24, 1939 shall be effective; and

The Commission having considered such application and the record herein, and it appearing that no substantial changes have occurred in the condition of the applicant and its subsidiaries since the issuance of said order of December 21, 1945 and that the granting of a further extension of said order of May 24, 1939 would not be detrimental to the public interest or the interest of investors or consumers:

It is ordered, That the time during which said order of exemption, issued on May 24, 1939, shall be effective, be, and the same hereby is, extended until December 31, 1947, without prejudice, however, to the right of Middle West Utilities Company of Canada Limited to apply on behalf of its and its subsidiary companies for a further extension of the time during which such order shall be effective or to the right of Middle West Utilities Company of Canada Limited to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1484; Filed, Feb. 17, 1947; 8:51 a. m.]

[File No. 70-1421]

TEXAS UTILITIES CO. AND AMERICAN POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of February A. D. 1947.

Notice is hereby given that a joint application-declaration and amendments thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, a registered holding company, and American's wholly-owned registered holding company subsidiary, Texas Utilities Company ("Texas Utilities"). Applicants-declarants deem sections 6 (a), 7, 9, 10 and 12 (f) of the act applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 18, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 18, 1947, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Texas Utilities proposes to amend its charter to change its presently authorized and outstanding 2,001,000 shares of common stock without nominal or par value, all of which are owned by American, to 4,000,000 shares of common stock without nominal or par value but without any change in the aggregate stated value, said 4,000,000 shares to be issued to American in exchange for its presently held shares of Texas Utilities.

Texas Utilities further proposes to amend its charter in the following respects:

(a) To increase its authorized capital stock to 40,000,000 shares without nominal or par value.

(b) To provide for preemptive rights to stockholders with respect to any offering of common stock, or security convertible into common stock, for money, other than with respect to a public offering of such shares.

(c) To authorize the Board of Directors to sell, exchange or otherwise dispose of any property not essential to the conduct of its corporate business.

(d) To authorize the corporation to sell, exchange or otherwise dispose of all or an essential portion of its property upon the vote of a majority of the Board of Directors and a majority of the aggregate number of shares outstanding and entitled to vote.

(e) To provide that statutes passed in the future affecting the rights of the company or its stockholders shall be applicable to the company upon the vote of the holders of a majority of shares of the outstanding stock.

Applicants-declarants state that the reclassification of shares held by American is proposed in order to facilitate the sale of 15% of the stock of Texas Utilities by American in accordance with a plan for the retirement of American's preferred stock pending before this Commission. The remaining amendments, it is stated, are for the purpose of providing for authorized but unissued capital stock in connection with possible future financings, and to insure appropriate flexibility in future management.

The applicants-declarants request that the order to be issued with respect to the reclassification of Texas Utilities stock, the surrender by American of its presently held shares, and the issuance of new shares of Texas Utilities stock to American conform with the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

The joint application-declaration requests that the Commission's order granting the application and permitting the declaration herein to become effective be issued as promptly as shall be practicable and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1480; Filed, Feb. 17, 1947; 8:52 a. m.]

[File No. 70-1429]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND DEDHAM AND HYDE PARK GAS CO.

ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of February 1947.

The Commission having, on January 29, 1947, issued its order in the above entitled matter, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, permitting, among other things, Dedham and Hyde Park Gas Company to issue and sell to Massachusetts Mutual Life Insurance Company $125,000 principal amount of 3½% Serial Notes, Series A, due 1961, at 102¼, such notes to be dated October 1, 1946 and mature October 1, 1961; and

Dedham and Hyde Park Gas Company having requested the Commission to enter an order permitting a proposed change in the issue and maturity dates of the above-described 3½% Serial Notes so that such notes may be dated February 1, 1947 and mature February 1, 1962; and

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers to grant said request;

It is therefore ordered, That the Commission's order of January 29, 1947 entered in the above-entitled matter be, and hereby is, modified only to the extent necessary to permit Dedham and Hyde Park Gas Company to issue the above-described notes to be dated February 1, 1947 and mature February 1, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1483; Filed, Feb. 17, 1947; 8:52 a. m.]

[File No. 70-1441]

KENTUCKY UTILITIES CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of February 1947.

Notice is hereby given that Kentucky Utilities Company ("Kentucky"), a holding company and a public utility subsidiary of The Middle West Corporation, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935. Applicant designates the third sentence of section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 20, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized below:

Kentucky proposes to issue and sell to eleven specified banks its unsecured 2½% Serial Notes in various principal amounts, aggregating $5,500,000 principal amount, said notes to be payable in equal semi-annual installments beginning May 1, 1947 with a final payment on November 1, 1956. Each of said banks has represented that its purchase of such notes will be for investment and not for resale or distribution. Expenses in connection with the proposed issuance, to be paid by Kentucky, are estimated at $3,000. The net proceeds, together with other funds as required, will be used to redeem all of Kentucky's outstanding 4½% sinking fund mortgage bonds, aggregating $5,406,000 in principal amount and maturing February 1, 1955. The redemption price will be at 102% of principal amount as provided by the terms of the said sinking fund mortgage bonds.

Kentucky states that the Public Service Commission of Kentucky and the Tennessee Railroad and Public Utility Commission have jurisdiction over the proposed issuance of notes and that copies of the orders of such commissions relating to such issuance will be filed herein by amendment.

The applicant requests that the Commission's order granting said application be issued on or before February 24, 1947 and become effective immediately upon issuance so that the proposed notes may be issued on or about February 28, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1482; Filed, Feb. 17, 1947; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8139]

ELSE EICHMAN

In re: Bank accounts, stock and bond owned by Else Eichman. F-28-1443-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Eichman, whose last known address is 64 Rickmers Street, Dresden-Dobritz, Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the property described as follows:

a. That certain debt or other obligation owing to Else Eichman, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an income account, entitled Else Eichman, maintained at the branch office of the aforesaid bank located at 11 Broad Street, New York, New York, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Else Eichman, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a principal account, entitled Else Eichman, maintained at the branch office of the aforesaid bank located at 11 Broad Street, New York, New York, and any and all rights to demand, enforce and collect the same,

c. One (1) Southern Railway Company First Consolidated Mortgage Bond, of $1,000 face value, bearing the number 50360, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto, and

d. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered as indicated in said Exhibit A, beneficially owned by Else Eichman, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Description of shares of stock	Certificate No.	Registration of certificate
Burns Bros., 11 West 42d St., New York, N. Y.	New York	10 shares of no par value common capital stock.	C927	Mrs. Else Eichman.
Endicott Johnson Corp., Sales Bldg., Endicott, N. Y.	do	12 shares of $100 par value cumulative preferred capital stock.	P0557	Do.
		40 shares of $50.00 par value common capital stock.	N092673	Do.
International Paper Co., 220 East 42d St., New York, N. Y.	do	10 shares of $15 par value common capital stock.	NC02968	Do.
Gimbel Bros., Inc., 1275 Broadway, New York, N. Y.	do	12 shares of no par value cumulative preferred capital stock.	0171	Else Eichman.
Standard Gas & Electric Co., 231 South La Salle St., Chicago, Ill.	Delaware	10 shares of no par value prior cumulative $7 preference capital stock.	NM01731	Do.
American Water Works & Electric Co., Inc., 50 Broad St., New York 4, N. Y.	do	50 shares of no par value common capital stock.	C086270	Mrs. Else Eichman.

[F. R. Doc. 47-1543; Filed, Feb. 17, 1947; 8:54 a. m.]

[Supp. Vesting Order 8153]

WALTHER FAUSTEN

In re: Trust under the will of Walther Fausten, deceased. File D-28-6463; E. T. sec. 3394.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Rudolf Fausten, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Walther Fausten, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the National Bank of Germantown and Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Rudolf Fausten, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1533; Filed, Feb. 17, 1947; 8:53 a. m.]

[Vesting Order 8158]

MATHILDE PLOETZ

In re: Estate of Mathilde Ploetz, deceased. File D-28-10079; E. T. sec. 14338.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Ploetz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $717.44 was paid to the Alien Property Custodian by Edward L. Witt, Executor of the Estate of Mathilde Ploetz, deceased;

3. That the said sum of $717.44 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 25, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1534; Filed, Feb. 17, 1947; 8:53 a. m.]

[Vesting Order CE 361]

COST AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN WASHINGTON AND OREGON COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Jaan Kasendorf	Estonia	Estate of August Kasendorf, deceased, Circuit Court, State of Oregon, for the County of Multnomah; No. 51-208.	$11.00
		Item 2	
Miina Kasendorf	do	Same	11.00
		Item 3	
Anna Mikli	do	Same	11.00
		Item 4	
Leena Suurthal	do	Same	11.00
		Item 5	
Liisa Kasendorf	do	Same	11.00
		Item 6	
Edgar Eglite	Latvia	Estate of Anton Eglite, deceased, in the Superior Court of the State of Washington, in and for the County of King; No. 85400.	31.00
		Item 7	
Martha Eglite	do	Same	10.00
		Item 8	
Kristine Darzin	do	Same	20.00
		Item 9	
Heirs within Yugoslavia, names unknown, of Risto Milicevic, deceased.	Yugoslavia	Estate of Risto Milicevic, deceased, in the Superior Court of the State of Washington, in and for the County of King; No. 83149.	190.00
		Item 10	
Mise Pavlak	do	Estate of George Pavlak, also known as George Pavlak, deceased, Circuit Court, State of Oregon, for the County of Multnomah; Department of Probate No. 53-239.	33.00
		Item 11	
Spasenija Glumac	do	Estate of Yanko Glumac, also known as John Glumac, deceased, Circuit Court, State of Oregon, for the County of Multnomah; No. 46-929	27.00
		Item 12	
Brother, sister, and descendants of deceased brothers and sisters, within Yugoslavia, names unknown, of Sam J. Berberovich, deceased.	do	Estate of Sam J. Berberovich, also known as Simo John Berberovich, deceased, Circuit Court, State of Oregon, for the County of Multnomah; Department of Probate No. 5888.	48.00
		Item 13	
Margaret Pulles	Luxemburg	Estate of John Pulles, deceased, Superior Court of the State of Washington, in and for the County of King, No. 85071.	89.00

[F. R. Doc. 47-1544; Filed, Feb. 17, 1947; 8:54 a. m.]

[Vesting Order: 8159]

ADELE PRYLL

In re Estate of Adele Pryll, deceased. File No. D-28-9941; E. T. sec. No. 14094.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Erwin Pollini, Martha Mueller, Henny Stueckrath, and Erich Steuckrath, and each of them, in and to the Estate of Adele Pryll, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Erwin Pollini, Germany.
Martha Mueller, Germany.
Henny Stueckrath, Germany.
Erich Stueckrath, Germany.

That such property is in the process of administration by Richard G. Pohl, as Administrator, c. t. a. of the Estate of Adele Pryll, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1535; Filed, Feb. 17, 1947; 8:53 a. m.]

[Vesting Order 8160]

MARYE SAKIKAWA

In re: Guardianship estate of Marye Sakikawa, a minor. File D-39-5273; E. T. sec. 15267.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marye Sakikawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Guardianship Estate of Marye Sakikawa, a minor, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan);

3. That such property is in the process of administration by Charles T. Byrne, as Guardian de bonis non, acting under the judicial supervision of the County Court of Adams County, State of Colorado;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1536; Filed, Feb. 17, 1947; 8:53 a. m.]

[Vesting Order 8161]

AUGUST WEGNER

In re: Estate of August Wegner, deceased, D-28-10105; E. T. sec. 14379.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erika Steinman and Ernest Mayer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $511.00 was paid to the Alien Property Custodian by Arthur H. Latzke, Administrator of the Estate of August Wegner, deceased;

3. That the said sum of $511.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 22, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1537; Filed, Feb. 17, 1947; 8:53 a. m.]

[Vesting Order 8173]

ALBERT STRASSER

In re: Bank account owned by Albert Strasser, F-28-22576-E-1 and F-28-22576-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Strasser, whose last known address is Bartenbach bei Goeppingen, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of South Bergen Savings and Loan Association, 271 Valley Boulevard, Wood-Ridge, New Jersey, arising out of a savings account, Account Number 20885, entitled Helene Dietz Estate or Albert Strasser, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1538; Filed, Feb. 17, 1947; 8:53 a. m.]

[Vesting Order 8175]

GRACE WILLMS

In re: Bonds owned by and debts owing to Grace Willms. F-28-25676-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Grace Willms, whose last known address is Folmhausen, Ostfriesland, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) United States Savings Bonds, Series A, due May, 1945, each of $100 face value, bearing the numbers C261822, C261823 and C261824, registered in the name of Miss Grace Willms and presently in the custody of Van-Eman & Mulder, Parkersburg, Iowa, together with any and all rights thereunder and thereto,

b. That certain debt or other obligation owing to Grace Willms, by Van-Eman & Mulder, Parkersburg, Iowa, in the amount of $400, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Grace Willms, by R. H. Mulder, Parkersburg, Iowa, in the principal amount of $250, evidenced by a promissory note, in the principal sum of $250, due October 13, 1948, issued by R. H. Mulder, Parkersburg, Iowa, and presently in the custody of VanEman & Mulder, Parkersburg, Iowa, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1539; Filed, Feb. 17, 1947; 8:54 a. m.]

[Vesting Order 8178]

GEORGE LEINECKER

In re: Trust under Will of George Leinecker, deceased. File D-28-4065; E. T. sec. 13970.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Mayr, Crispen Nieblich, Elsie Heinlein and Ernst Gotz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Ernst Gotz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of George Leinecker, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Harry H. Holbert, Esq., 205 East 85th Street, New York, New York, as Surviving Trustee, acting under the judicial supervision of the Surrogate's Court, Bronx, New York, State of New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Ernst Gotz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931)

Executed at Washington, D. C., on February 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1540; Filed, Feb. 17, 1947; 8:54 a. m.]

[Vesting Order 8179]

ELSIE PATAKE

In re: Estate of Elsie Patake, also known as Elsie Pataki, deceased. File D-34-836; E. T. sec. 13456.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Kunos and Landor Kunos, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That the brothers and sisters, names unknown, of Joseph Patake, deceased, and Children, names unknown, of Rose Adasz, deceased, who there is reasonable cause to believe are residents of Hungary, are nationals of a designated enemy country (Hungary);

3. That the sum of $700 was paid to the Alien Property Custodian by Marie J. Rose, Executrix of the Estate of Elsie Patake, also known as Elsie Pataki, deceased;

4. That the said sum of $700.00 was property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Hungary);

5. That the said sum of $700.00 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Marie J. Rose, Executrix of the Estate of Elsie Patake, also known as Elsie Pataki, acting under the judicial supervision of the Probate Court of Kane County, Geneva, Illinois;

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof; the brothers and sisters, names unknown, of Joseph Patake, deceased; and the children, names unknown, of Rosa Adasz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on June 6, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1541; Filed, Feb. 17, 1947; 8:54 a. m.]

[Vesting Order 8180]

ANNA NIKLAS SCHWEIZER

In re: Bank account and Treasury Certificates of Indebtedness owned by Anna Niklas Schweizer. F-28-8698-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Niklas Schweizer, whose last known address is Wuerttemberg, Germany, is a resident of Germany and

a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anna Niklas Schweizer, by The Central Trust Company, Fourth and Vine Streets, Cincinnati 1, Ohio, arising out of a demand deposit account, entitled Anna Niklas Schweizer, and any and all rights to demand, enforce and collect the same, and

b. Three (3) 7/8% United States Treasury Certificates of Indebtedness, of $1000.00 face value, bearing the numbers 7592, 7593 and 16094, and presently in the custody of The Central Trust Company, Fourth and Vine Streets, Cincinnati 1, Ohio, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1542; Filed, Feb. 17, 1947; 8:54 a. m.]

Reference

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TITLE 3—THE PRESIDENT

PROCLAMATION 2717

ENUMERATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 12 (i) of the joint resolution of Congress approved November 4, 1939, provides in part as follows (54 Stat. 11; 22 U. S. C. 452 (i)):

The President is hereby authorized to proclaim upon recommendation of the [National Munitions Control] Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section • • •

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, and in the interest of the foreign-affairs functions of the United States, hereby declare and proclaim that the articles listed below shall, on and after February 20, 1947, be considered arms, ammunition, and implements of war for the purposes of section 12 of the said joint resolution of Congress:

CATEGORY I

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons; machine-gun mounts;

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1), (2), and (3) above, and cartridge cases or bullets for such ammunition; shells and projectiles, filled or unfilled, for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains; armor plate and turrets for such vehicles.

CATEGORY II

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate and turrets for such vessels.

CATEGORY III

(1) Aircraft (piloted), both heavier and lighter than air, unassembled, assembled or dismantled: (a) classified from the standpoint of military security; or (b) especially designed for warlike purposes; or (c) having a weight empty greater than 35,000 pounds;

(2) Non-piloted aircraft and guided missiles, unassembled, assembled or dismantled;

(3) Any part, component, accessory, or device, of or pertaining to an aircraft either heavier or lighter than air, whether shipped alone or in an unassembled or assembled aircraft: (a) which is classified from the standpoint of military security; or (b) which (1) is not in general use in commercial aircraft and (2) is either especially designed for warlike purposes or adaptable substantially to increase the efficiency or performance of aircraft used for warlike purposes.

CATEGORY IV

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

CATEGORY V

(1) Livens projectors, flame throwers, and fire-barrage projectors;

(2) a. Mustard gas (dichlorethyl sulphide);

b. Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine);

c. Methyldichlorarsine;

d. Diphenylchlorarsine;

e. Diphenylcyanarsine;

f. Diphenylaminechlorarsine;

g. Phenyldichlorarsine;

h. Ethyldichlorarsine;

i. Phenyldibromarsine;

j. Ethyldibromarsine;

k. Phosgene;

l. Monochlormethylchlorformate;

m. Trichlormethylchlorformate (diphosgene);

n. Dichlordimethyl ether;

o. Dibromdimethyl ether;

p. Cyanogen chloride;

q. Ethylbromacetate;

r. Ethyliodoacetate;

s. Brombenzylcyanide;

t. Bromacetone;

u. Brommethylethyl ketone.

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FEDERAL REGISTER

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[2] P. L. O. 348.

CATEGORY VI

(1) Propellent powders;
(2) High explosives as follows:
a. Nitrocellulose having a nitrogen content of more than 12.20%;
b. Trinitrotoluene;
c. Trinitroxylene;
d. Tetryl (trinitrophenol methyl nitramine or "tetranitromethylaniline");
e. Picric acid;
f. Ammonium picrate;
g. Trinitroanisol;
h. Trinitronaphthalene;
i. Tetranitronaphthalene;
j. Hexanitrodiphenylamine;
k. Pentaerythritetetranitrate (penthrite or pentrite);
l. Trimethylenetrinitramine (hexogen or T_4);
m. Potassium nitrate powders (black saltpeter powder);
n. Sodium nitrate powders (black soda powder);
o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

Effective February 20, 1947, this proclamation shall supersede Proclamation 2549, dated April 9, 1942.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 14th day of February in the year of our Lord nineteen hundred and forty-seven and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-1626; Filed, Feb. 17, 1947; 3:39 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[Supp. Announcement 6]

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

Effective 6:00 p. m., e. s. t., February 13, 1947, and until otherwise announced, the export differential applicable under the Terms and Conditions of Cotton Sales for Export Program, dated April 22, 1946 (§§ 295.1 to 295.26), as amended (11 F. R. 4515, 4645), shall be 2 cents per pound of cotton, gross unpatched weight.

(Sec. 32, 49 Stat. 774, as amended, sec. 21 (c), 58 Stat. 776; 7 U. S. C. and Sup. 612c, et seq., 50 U. S. C., App. Sup., 1630c)

Dated this 13th day of February 1947.

[SEAL]

JESSE B. GILMER,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 47-1565; Filed, Feb. 18, 1947; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter XXI—Organization, Functions, and Procedure

PART 2100—OFFICE OF THE SECRETARY

GENERAL FUNCTIONS

Effective February 1, 1947, § 2100.10, Part 2100 of Title 7, issued September 11, 1946 (11 F. R. 177A-234), is hereby amended to read as follows:

§ 2100.10 *General.* The functions of the Department of Agriculture and the methods by which they are channeled to and determined by the Office of the Secretary are described in the succeeding sections of this subpart and in the statements of functions and procedures of the various agencies in the Department of Agriculture that are contained in this chapter, in Chapters IV (Federal Crop Insurance Corporation) and VI (Soil Conservation Service) of Title 7, in Chapters I (Farm Credit Administration, II (Production and Marketing Administration—Commodity Credit), III (Farm Security Administration), and IV (Rural Electrification Administration) of Title 6, Chapter I (Commodity Exchange Authority (including Commodity Exchange Commission) Department of Agriculture) of Title 17, and in Chapters II (Forest Service) and IV (National Forest Reservation Commission) of Title 36. (Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244)

Issued this 13th day of February 1947.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1576; Filed, Feb. 18, 1947; 9:02 a. m.]

PART 2322—COMPLIANCE AND INVESTIGATION BRANCH

ORGANIZATION; FUNCTIONS AND PROCEDURE

Effective February 1, 1947, Part 2322 of Title 7 issued September 11, 1946 (11 F. R. 177A-283), is hereby amended to read as follows:

SUBPART A—ORGANIZATION

Sec.
2322.1 Central Office.
2322.2 Field offices.
2322.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2322.10 Compliance and investigational activities.

AUTHORITY: §§ 2322.1 to 2322.10, inclusive, issued under sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244.

SUBPART A—ORGANIZATION

§ 2322.1 *Central Office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, and consists of the Office of the Director, Accounting Investigations Division, Cost Investigations Division, and General Investigations Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs, and supervises the execution of the policies, programs, and activities of the Production

and Marketing Administration assigned to the Branch.

(c) *Divisions.* The divisions are as follows:

(1) *Accounting Investigations Division.* Plans, directs, and conducts audits of books and records (i) in connection with alleged or apparent violations of War Food Orders; (ii) of contractors and other vendors, other than fiscal audits incident to the disbursement of Federal funds; and (iii) of food processors for the purpose of determining eligibility for, or fraud in connection with, payments made or to be made under subsidy programs.

(2) *Cost Investigations Division.* Examines books and records of Government contractors and other processors and manufacturers to obtain cost data and determine factors affecting costs and profits; conducts general analytical and interpretative surveys of manufacturers' operating and accounting data and vendors' reports; and analyzes Government contractors' statements with respect to contracts involving modification, renegotiation, and termination, and conducts cost investigations in connection therewith.

(3) *General Investigations Division.* With respect to the functions of the Production and Marketing Administration relating to War Food Orders, procurement, sales, subsidy, price support, school lunch, surplus property disposal, crop insurance, agricultural adjustment and conservation, and regulatory programs: Receives, analyzes, and evaluates complaints and assigns apparent violations for investigation; plans and directs compliance surveys and spot checks to determine character and extent of compliance with orders and regulations; and conducts investigations of alleged or apparent violations incident to the operation of Production and Marketing Administration programs.

§ 2322.2 *Field offices.* Offices are located at 261 Fifth Avenue, New York, New York; 5 South Wabash Avenue, Chicago, Illinois; 1013 Glenn Building, Atlanta, Georgia; 220 Santa Fe Building, Dallas, Texas; and 461 Market Street, San Francisco, California. Under the general direction of the Director, these field offices direct, coordinate, and conduct all compliance and investigational activities of the Branch within the respective field-office areas.

§ 2322.3 *Availability of information and records.* Any person desiring information or desiring to make submittals or requests with respect to the programs and functions of the Branch should address: The Director, Compliance and Investigation Branch, Production and Marketing Administration, Washington 25, D. C. The records of the Branch are available for examination subject to the restrictions set forth in the rules and designation of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2322.10 *Compliance and investigational activities.* With respect to War Food Order, procurement, sales, subsidy, price support, school lunch, crop insurance, surplus property disposal, agricultural adjustment and conservation, and regulatory programs administered by the Production and Marketing Administration, the Branch conducts investigations (including accounting investigations) of alleged or apparent violations; conducts audits of books and records of food processors and other claimants in connection with subsidy programs, and of war contractors and other vendors (other than fiscal audits incident to the disbursement of Federal funds); examines books and records of war contractors and other processors and manufacturers to obtain cost data and determine factors affecting costs and profits; conducts general analytical and interpretative surveys of manufacturers' operating and accounting data and vendors' reports; analyzes contractors' statements with respect to contracts involving modification, renegotiation, and termination, and conducts cost investigations incident thereto.

Issued this 13th day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1578; Filed, Feb. 18, 1947; 9:02 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Production and Marketing Administration (Livestock Branch)

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Packers and Stockyards Act, 1921 (42 Stat. 159; 7 U. S. C. § 181 et seq.), as amended, and the Administrative Procedure Act (60 Stat. 237), the rules of practice appearing in Title 9, Chapter II, Part 202, Cumulative and 1943 Supplements to the Code of Federal Regulations, are hereby amended as follows:

1. By striking § 202.2 (o) and substituting in lieu thereof the following:

§ 202.2 *Definitions.* • • •

(o) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington 25, D. C.

2. By striking § 202.2 (p) and substituting in lieu thereof the following:

(p) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

3. By striking § 202.2 (q) and substituting in lieu thereof the following:

(q) The term "examiner's report" (presiding officer's report) means the examiner's report to the Secretary, and includes the examiner's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions and orders submitted by the parties.

4. By amending the second and last paragraph of § 202.3 (b) to read as follows:

§ 202.3 *Institution of proceedings.* • • •

(b) *Investigation and disposition of informal complaints.* • • •

If the statements in the informal complaint and the investigation thereunder seems to warrant such action and in any case, except one of wilfulness or one in which public health, interest, or safety otherwise requires, prior to the institution of a disciplinary proceeding which may result in the suspension or revocation of a license, the Administrator, in an effort to effect an amicable or informal adjustment of the matter, shall give written notice to the person complained against of the facts or conduct concerning which complaint is made and shall afford such person an opportunity within a reasonable time fixed by the Administrator to demonstrate or achieve compliance with the applicable requirements of the act and regulations promulgated thereunder.

5. By amending § 202.8 (a) to read as follows:

§ 202.8 *Examiners*—(a) *Assignment.* No examiner shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or marriage to any party to the proceeding, or (3) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the moving paper or in the development of the evidence to be introduced therein.

6. By amending § 202.8 (c) to read as follows:

(c) *Conduct.* The examiner shall conduct the proceeding in a fair and impartial manner, and save to the extent required for the disposition of ex parte matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

7. By amending § 202.8 (e) to read as follows:

(e) *Who may act in the absence of the examiner.* In case of the absence of the examiner or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise directed by the Secretary, be assigned to any other examiner.

8. By amending § 202.9 to read as follows:

§ 202.9 *The answer*—(a) *Filing and service.* Within 20 days after service of the moving paper, the respondent shall file, in triplicate, with the hearing clerk, an answer, signed by the respondent or his attorney: *Provided*, That the Secretary may order that the hearing be held without answer or other pleading. The answer shall be served upon the complainant, and any other party

of record, in the manner provided in § 202.22.

(b) *Contents—Failure to file.* Such answer shall (1) contain a statement of the facts which constitute the grounds of defense,and shall specifically admit, deny, or explain each of the allegations of the moving paper unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the moving paper. The answer may contain a waiver of hearing.

Failure to file an answer to or plead specifically to any allegation of the moving paper shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the moving paper shall constitute a waiver of hearing. Upon such admission of facts, the examiner, without further investigation or hearing, shall prepare his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the moving paper. Unless the parties have waived service of the examiner's report, it shall be served upon them in the manner provided in § 202.22. The parties shall be given an opportunity to file exceptions to the report, to file briefs in support of such exceptions, and to make oral argument thereon before the Secretary. Any request to make oral argument before the Secretary must be filed in the manner and within the time provided in § 202.19.

9. By amending § 202.16 (b) to read as follows:

§ 202.16 *The examiner's report.* • • •

(b) *Proposed findings of fact, conclusions, and order.* Within ten (10) days after receipt of notice that the transcript has been filed, each party may file with the hearing clerk proposed findings of fact, conclusions, and order, based solely on the record, and a brief in support thereof.

10. By amending § 202.16 (c) to read as follows:

(c) *Examiner's report.* The examiner, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare upon the basis of the record and shall file with the hearing clerk, his report, a copy of which shall be served upon each of the parties.

11. By amending the first sentence of § 202.20 (a) to read as follows:

§ 202.20 *Preparation and issuance of order*—(a) *Preparation of order.* As soon as practicable after the receipt of the record from the hearing clerk, or, in case oral argument was had, as soon as practicable thereafter, the Secretary, upon the basis of and after due consideration of the record, shall prepare his order in the proceeding which shall include findings, conclusions, order, and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions and orders submitted by the parties not theretofore ruled upon. • • •

12. By amending § 202.21 (a) (2) to read as follows:

§ 202.21 *Applications for reopening hearings; for rehearings or reargument of proceedings, or of reconsideration of orders*—(a) *Petition requisite.* • • •

(2) *Petitions to reopen hearings.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing. Every such petition shall be served by the hearing clerk on the other parties to the proceeding.

13. By amending § 202.25 (a) to be read as follows:

§ 202.25 *Examiners*—(a) *Assignment.* No examiner shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding; or (2) is related within the third degree by blood or marriage to any party to the proceeding.

14. By striking the words "tentative order" wherever the same appear in §§ 202.29 (a) and 202.29 (c) (2), and substituting in lieu thereof the words "examiner's report."

15. By amending §202.33 (c) to read as follows:

§ 202.33 *The examiner's report.* • • •

(c) *The examiner's report.* Within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, the examiner, with the assistance of and after consultation with such employees of the Department as may be assigned for the purpose, shall prepare, upon the basis of the record, and shall file with the hearing clerk, a report.

16. By amending § 202.35 to read as follows:

§ 202.35 *Exceptions.* Within 20 days after receipt of the examiner's report, the parties may file exceptions thereto. Any party who desires to take exception to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring to the relevant pages of the transcript, and proposing a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the examiner at the hearing, as set out in § 202.11 of this part, upon which the party wishes to rely, referring, where relevant, to the pages of the transcript. A party, if he files exceptions, or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, he shall be deemed to have waived such oral argument.

17. By amending § 202.36 to read as follows:

§ 202.36 *Transmittal of record and issuance of order*—(a) *Transmittal of record.* The hearing clerk, immediately following the expiration of the time allowed for filing exceptions to the examiner's report, shall transmit to the Secretary the record of the proceeding. Such record shall include: the pleadings; motions and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any statements filed under the shortened procedure; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the examiner's report and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

(b) *Argument before Secretary.* The provisions of § 202.19 shall be applicable in rate proceedings.

(c) *The final order.* The Secretary thereafter will issue his final order in the proceeding, a copy of which shall be served upon each of the parties.

18. By adding the following paragraph at the end of § 202.37 (a) (4):

§ 202.37 *Applications for reopening hearings; for rehearings or reargument of proceedings, or for reconsideration of orders, or for modification or vacation of orders*—(a) *Petition requisite.* • • •

(4) *Petition to modify or to vacate orders.* • • •

Notice of every such petition of modification which involves an increase of rates and charges lawfully prescribed by the Secretary or new rates and charges for services not theretofore covered by order shall be published in the FEDERAL REGISTER. The contents of the notice shall conform to the requirements contained in the last sentence of § 202.23 (a).

19. By adding § 202.59 as follows:

§ 202.59 *Amendment to rules governing reparation proceedings.* Whenever the term "examiner" is used in § 202.39 to § 202.58, both inclusive (which are the rules applicable to reparation proceedings), or in any section or paragraph incorporated by reference or referred to in said sections, such term shall be deemed to mean "presiding officer" insofar as reparation proceedings are concerned.

20. By adding a new subheading and section as follows:

RULES APPLICABLE TO ALL PROCEEDINGS

§ 202.60 *Hearings before Secretary.* The Secretary may act in the place and stead of an examiner or presiding officer in any proceeding hereunder. When he so acts, the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions, and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided*, That he may issue

a tentative order, in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

21. By striking the word "suggested" wherever it appears in §§ 202.17 (i), 202.18, 202.33 (b), 202.33 (c), 202.52 (b), 202.52 (c), 202.53 (a), 202.54, and 202.55 (b), and substituting in lieu thereof the word "proposed."

NOTE: Unless otherwise ordered, all proceedings initiated under the Packers and Stockyards Act and pending on December 11, 1946, shall be conducted and concluded in accordance with the applicable rules of practice in effect at the time the proceedings were instituted.

(42 Stat. 159, as amended, Pub. Law 404, 79th Cong., 60 Stat. 237; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 13th day of February 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1574; Filed, Feb. 18, 1947; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-260]

PART 142—RADIO RECEIVING SET MANUFACTURING INDUSTRY

PROHIBITION OF SPECIFIC TYPES OF ADVERTISEMENTS OR REPRESENTATIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 14th day of February 1947.

The Federal Trade Commission today issued the following statement interpreting Rule 3 (k) (§ 142.3 (k), 16 CFR, Cum. Supp.) of the Trade Practice Rules for the Radio Receiving Set Manufacturing Industry, promulgated July 22, 1939:

§ 142.3 *Specific types of advertisements or representations among those prohibited.* * * *

(k) * * *

Under Rule 3 (k) of the Trade Practice Rules for the Radio Receiving Set Manufacturing Industry and in the light of the decision of the Court in Zenith Radio Corporation v. Federal Trade Commission, 7 Cir., 143 F. 2d 29, the Commission considers it improper to include rectifiers in the tube count in representations that a set contains a designated number of tubes or is of a designated tube capacity.

The Commission does not regard it as improper, where the advertisement prominently and conspicuously states the actual tube capacity of a radio set (computed without inclusion of rectifiers or other devices which do not perform the recognized and customary function of radio receiving set tubes in the detection, amplification and reception of radio signals) for such advertisement also to contain a further statement to the effect that the set in addition contains a rectifier, provided such is true and the advertisement as a whole or in any part involves no misrepresentation or deception. Illustration of such expression as descriptive of a set containing eight tubes computed in accordance with the above and a rectifier is as follows:

An Eight Tube Set: This set in addition contains a rectifier.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-1586; Filed, Feb. 18, 1947; 8:47 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

CALIFORNIA

CROSS REFERENCE: For order affecting the tabulation contained in § 501.1, see Public Land Order 348 under Title 43, *infra*, which revokes Public Land Order 146 withdrawing public lands in California for use of the War Department for military purposes.

Chapter VI—Organized Reserves

PART 602—RESERVE OFFICERS TRAINING CORPS

INSTITUTION AND UNITS

In § 602.121 (11 F. R. 9007, 9791, 11985, 13297, 12 F. R. 64) the following Class MS ROTC schools are converted to and redesignated as Class MI ROTC schools effective July 1, 1947; and the following Class MI ROTC schools are converted to and redesignated as Class JCMI ROTC schools, effective the beginning of the 1947-48 school year:

§ 602.121 *Institutions and units.*

	Class	Units
Second Army Area		
. . .	.	.
Fishburne Military School, Waynesboro, Va.	MI	J
. . .	.	.
Third Army Area		
. . .	.	.
Oak Ridge Military Insitute, Oak Ridge, N. C.	MI	J
. . .	.	.
Gordon Military College, Barnesville, Ga.	JCMI	J
. . .	.	.
Fifth Army Area		
. . .	.	.
St. Thomas Military Academy, St. Paul, Minn.	MI	J
. . .	.	.
Kemper Military Schools, Boonville, Mo.	JCMI	J
. . .	.	.
Wentworth Military Academy, Lexington, Mo.	JCMI	J
. . .	.	.

[G. O. 2, 3 Jan. 1947 and G. O. 9, 20 Jan. 1947] (39 Stat. 191, 192, 41 Stat. 776-778; 10 U. S. C. 381, 382, 389, 441)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1591; Filed, Feb. 18, 1947; 9:02 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission)

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURE OF THE COMMODITY EXCHANGE AUTHORITY

SUBPART A—ORGANIZATION

Sec.
140.1 Central office.
140.2 Field offices.
140.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURE

140.10 Functions and procedure.

AUTHORITY: §§ 140.1 to 140.10, inclusive, issued under sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244.

SUBPART A—ORGANIZATION

§ 140.1 *Central office*—(a) *General.* The principal office of the Commodity Exchange Authority is located at Washington, D. C., in the South Agriculture Building, and consists of the Office of the Administrator, Compliance and Trade Practice Division, License and Rules Division, Segregated Funds Division, and Trading and Reports Division.

(b) *The Administrator.* Under the general direction of the Secretary of Agriculture, the Administrator formulates, directs, and supervises the execution of the policies governing the activities of the Commodity Exchange Authority; administers and is responsible for the enforcement of the Commodity Exchange Act, the orders of the Commodity Exchange Commission, and the orders and regulations of the Secretary of Agriculture promulgated under the Commodity Exchange Act. The Administrator has final authority to issue calls and requests for information in connection with the administration of the Commodity Exchange Act, as provided in regulations promulgated thereunder (17 CFR, Supps., Parts 1-11).

(c) *Divisions.* The divisions are as follows:

(1) *Compliance and Trade Practice Division.* Investigates complaints and apparent violations of the Commodity Exchange Act; examines trade practices; recommends formal proceedings against violators; presents results of investigations to, and cooperates with, the Solicitor's Office of the Department of Agriculture and the Department of Justice in hearings and prosecutions; and develops evidence and presents testimony in administrative and court proceedings.

(2) *License and Rules Division.* Designates commodity exchanges as contract markets; registers futures commission merchants and floor brokers; and examines and reviews currently the rules of contract markets.

(3) *Segregated Funds Division.* Plans, directs, and conducts audits of books and records (i) of futures commission merchants to assure proper segregation of customers' margins and accruing equities; and (ii) of futures commission merchants, floor brokers, and traders to assure compliance with reporting requirements and position and trading limits; assists in investigation of violations and trade practices; and analyzes financial statements of futures commission merchants.

(4) *Trading and Reports Division.* Compiles, summarizes and analyzes statistical and factual material relating to day-to-day activities on contract markets; Prepares summary and statistical reports for administrative use and publications; and reviews current market information.

§ 140.2 *Field offices.* Offices are located at 602 New York Cotton Exchange Building, New York, New York; 1200 Board of Trade Building, Chicago, Illinois; 854 Board of Trade Building, Kansas City, Missouri; 510 Grain Exchange Building, Minneapolis, Minnesota; and 306 New Orleans Cotton Exchange Building, New Orleans, Louisiana. Under the general direction of the Administrator, these field offices direct, coordinate, and conduct all activities of the Commodity Exchange Authority incident to the administration of the Commodity Exchange Act within respective field office areas.

§ 140.3 *Availability of information and records.* Any person desiring information or desiring to make submittals or requests with respect to the activities of the Commodity Exchange Authority should address: The Administrator, Commodity Exchange Authority, U. S. Department of Agriculture, Washington 25, D. C. The records of the Authority are available for examination subject to the restrictions set forth in the rules and designation of records issued by the Secretary of Agriculture (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURE

§ 140.10 *Commodity Exchange Act.* (a) The basic objective of the Commodity Exchange Act (42 Stat. 998, as amended; 7 U. S. C. 1-17a) is to protect and facilitate commerce in commodities designated by the act that are the subject of transactions involving the sale thereof on boards of trade (commodity exchanges) for future delivery and known as "futures." These commodities are: wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs, Irish potatoes, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, and soybean meal.

(b) The functions and procedures of the Commodity Exchange Authority under this statute are designed to prevent price manipulation and corners; prevent dissemination of false and misleading crop and market information to influence prices; protect hedgers and other users of the commodity futures markets against cheating, fraud, and manipulative practices; insure the benefits of membership privileges on contract markets to cooperative associations of producers; insure trust-fund treatment of margin moneys and equities of hedgers and other traders and prevent the misuse of such funds by brokers; and provide information to the public regarding trading operations on contract markets.

(c) The Commodity Exchange Authority receives and considers applications of commodity exchanges for designation as contract markets preliminary to final decision by the Secretary. Applicants denied designation by the Secretary may appeal to the Commodity Exchange Commission (42 Stat. 1001; 7 U. S. C. 8). Inquiries concerning procedure to be followed by commodity exchanges in filing applications for designation as contract markets should be addressed to the Administrator.

(d) The Commodity Exchange Authority reviews rules of contract markets to determine conformity with statutory requirements; receives and considers applications for registration as futures commission merchants and as floor brokers, and prepares certificates of registration issued by the Secretary (49 Stat. 1495; 7 U. S. C. 6f) (17 CFR Supp., §§ 1.7-1.16). Application forms may be procured from the central office of the Commodity Exchange Authority or from any field office thereof.

(e) The Commodity Exchange Authority enforces limits on speculative transactions and commitments established by the Commodity Exchange Commission; reviews crop and market news and reports; analyzes cash-commodity transactions; cooperates with control committees of contract markets; observes floor trading; investigates alleged and apparent violations of the act; conducts special trade practice audits and surveys; investigates contract market delivery practices and procedures; audits books and records of futures commission merchants, floor brokers, and traders; analyzes futures commission merchants' financial statements; conducts analyses and appraisals of futures trading, cash-futures relationships, and price movements; and compiles and publishes reports and other informational material relating to operations on commodity exchanges.

(f) Substantive rules promulgated pursuant to the Commodity Exchange Act are set forth in Parts 1 to 11, Chapter I, Title 17 of the Code of Federal Regulations. Procedural rules are published as Part O, Chapter I, Title 17, CFR.

Issued this 13th day of February 1947, effective as of February 1, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1575; Filed, Feb. 18, 1947; 9:02 a. m.]

PART 149—ORGANIZATION, FUNCTIONS AND PROCEDURES OF COMMODITY EXCHANGE COMMISSION

SUBPART A—ORGANIZATION

Section 149.1, Subpart A, Part 149, Chapter I, Title 17, Code of Federal Regulations (11 F. R. 177A-390), is amended, effective as of February 1, 1947.

By striking therefrom "Production and Marketing Administration, United States Department of Agriculture (7 CFR 2322.1 (a))" and inserting in lieu thereof "United States Department of Agriculture (17 CFR 140.1 (a))."

(Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244).

Issued this 13th day of February, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture,
Chairman.

[F. R. Doc. 47-1577; Filed, Feb. 18, 1947; 9:02 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314, 45 U. S. C. 228j), Part 203 of the Regulations of the Railroad Retirement Board under such act (20 CFR and Cum. Supp. Part 203) is completely revised and Part 209, §§ 209.00, 209.12, Part 210, § 210.2, Part 214, §§ 214.3, 214.7, Part 216, §§ 216.1, 216.3, and Part 217, § 217.2 of the regulations are amended to read as follows:

PART 203—EMPLOYEES UNDER THE ACT

Sec.
203.1 Statutory provision.
203.2 General definition of employee.
203.3 When an individual is in service of an employer.
203.4 When service is compensated.
203.5 Service outside the United States.
203.6 Age, citizenship and other factors.
203.7 Local lodge employee.

AUTHORITY: §§ 203.2 to 203.7, inclusive, (with the exceptions in parenthesis following sections affected) issued under secs. 1, 10, 50 Stat. 308, 314 as amended; 45 U. S. C. 228a, 228j.

§ 203.1 *Statutory provision.*

The term "employee" means (1) any individual in the service of one or more employers for compensation, (2) any individual who is in the employment relation to one or more employers, and (3) an employee representative. The term "employee" shall include an employee of a local lodge or division defined as an employer in sub-section (a) only if he was in the service of or in the employment relation to a carrier on or after the enactment date. The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined section 1 (a) who before or after the enactment date was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, as amended, and any individual who is regularly assigned

to or regularly employed by such officer or official representative in connection with the duties of his office.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

An individual is in the service of an employer whether his service is rendered within or without the United States if (i) he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation, or a method of computing the monthly compensation for such service is provided in section 3 (c). *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable in which case the Board may prescribe such other formula as it finds to be equitable, and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation. *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date.

§ 203.2 *General definition of employee.* An individual shall be an employee whenever (a) he is engaged in performing compensated service for an employer or (b) he is in an employment relation to an employer, or (c) he is an employee representative, or (d) he is an officer of an employer.

§ 203.3 *When an individual is performing service for an employer.* The legal relationship of employer and employee is defined by the act. Thus, an individual is performing service for an employer if:

(a) He is subject to the right of an employer, directly or through another, to supervise and direct the manner in which his services are rendered; or

(b) In rendering professional or technical services he is integrated into the staff of the employer; or

(c) He is rendering personal services on the property used in the operations of the employer and the services are integrated into those operations.

These provisions are controlling irrespective of whether the service is performed on a part-time basis, and, with respect to paragraph (a) of this section, irrespective of whether the right to supervise and direct is exercised.

§ 203.4 *When service is compensated.* Service shall be "compensated" if it is performed for compensation, as that term is defined in Part 222 of this chapter: *Provided, however,* That service prior to September 1941, of a station employee whose duties consisted of or included the carrying of passengers' hand baggage and otherwise assisting passengers at passenger stations shall be considered compensated service although the individual's remuneration was, in whole or in part, in the form of tips. (For the effect of compensation of less than $3.00 per month earned after December 31, 1936, for service to a local lodge or division of a railway-labor-organization employer, see Part 222 of this chapter.) (Secs. 3, 10, 50 Stat. 311, 314 as amended by secs. 2, 209, Pub. Law 572, 79th Cong., 45 U. S. C. 228c, 228j)

§ 203.5 *Service outside the United States.* (a) An individual shall not be an employee by reason of rendition of service to an employer other than a local lodge or division, or a general committee of a railway-labor-organization employer, not conducting the principal part of of its business in the United States except while engaged in performing service for it in the United States.

(b) An individual shall not be an employee by reason of rendition of service to a local lodge or division, unless:

(1) All, or substantially all the individuals constituting the membership of such local lodge or division are employees of an employer conducting the principal part of its business in the United States; or

(2) The headquarters of such local lodge or dvision is located in the United States.

(c) An individual shall not be an employee by reason of rendition of service to a general committee of a railway-labor-organization employer, unless:

(1) Such individual is representing a local lodge or division all, or substantially all, of whose members are employees of an employer conducting the principal part of its business in the United States or the headquarters of such local lodge or division is located in the United States; or

(2) All or substantially all, the individuals represented by such a general committee are employees of an employer conducting the principal part of its business in the United States; or

(3) Such an individual acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer; *Provided, however,* That if the office or headquarters of such general chairman or assistant general chairman is not located within the United States he will not be an employee unless 10 per cent or more of his remuneration for service as general chairman or assistant general chairman is creditable as compensation, the creditable compensation to be computed according to the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, or according to a formula to be prescribed by the Board if the mileage formula is inapplicable.

§ 203.6 *Age, citizenship and other factors.* The age, citizenship or residence of an individual, or his designation as other than an "employee" shall not be controlling in determining whether or not such individual is an employee within the meaning of the act, except that an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required by the laws of the place where the service is performed to employ, in whole or in part, citizens or residents thereof and the laws in force therein on August 29, 1935, shall be deemed to have been in force at all times prior to that date, and in no case shall the years of service include any service after the end of the calendar year in which the individual attains the age of sixty-five and after June 30, 1937. (Secs. 1, 10, 50 Stat. 308, 314 as amended, 45 U. S. C. 228a, 228j)

§ 203.7 *Local lodge employee.* An individual who, prior to January 1, 1937, shall have rendered service to a local lodge or division of a railway labor organization included as an employer under section 1 (a) of the act, shall be an employee with respect to such service to such local lodge or division only if he was on August 29, 1935, in the service of or in an employment relation to an employer which was a carrier. An individual who, subsequent to December 31, 1936, shall have rendered service to a local lodge or division of a railway labor organization included as an employer under section 1 (a) of the act, shall be an employee with respect to such service to such local lodge or division only with respect to such service as was preceded by service, or an employment relation, on or after August 29, 1935, to an employer which was a carrier. (For

the effect of compensation less than $3.00 per month earned after December 31, 1936, for service to a local lodge or division of a railway-labor-organization employer, see Part 222 of this chapter.) (Secs. 1, 10, 50 Stat. 308, 314 as amended; 45 U. S. C. 228a, 228j)

PART 209—MILITARY SERVICE

§ 209.00 *Statutory provision.*

(a) For the purposes of determining eligibility for an annuity and computing an annuity, including a minimum annuity, there shall also be included in an individual's years of service, within the limitations hereinafter provided in this section, voluntary or involuntary military service of an individual within or without the United States during any war-service period, including such military service prior to the date of enactment of this amendment: *Provided, however,* That such military service shall be included only subject to and in accordance with the provisions of subsection (b) of section 3, in the same manner as though military service were service rendered as an employee: *Provided further,* That an individual who entered military service prior to a war-service period shall not be regarded as having been in military service in a war-service period with respect to any part of the period for which he entered such military service.

(b) For the purpose of this section and section 202, as amended, an individual shall be deemed to have been in "military service" when commissioned or enrolled in the active service of the land or naval forces of the United States and until resignation or discharge therefrom; and the service of any individual in any reserve component of the land or naval forces of the United States, while serving in the land or naval forces of the United States for any period, even though less than thirty days, shall be deemed to have been active service in such force during such period.

(c) For the purpose of this section and section 202, as amended, a "war-service period" shall mean (1) any war period, or (2) with respect to any particular individual, any period during which such individual (i) having been in military service at the end of the war period, was required to continue in military service, or (ii) was required by call of the President, or by any Act of Congress or regulation, order, or proclamation pursuant thereto, to enter and continue in military service, or (3) any period after September 7, 1939, with respect to which a state of national emergency was duly declared to exist which requires a strengthening of the national defense.

(d) For the purpose of this section and section 202, as amended, a "war period" shall be deemed to have begun on whichever of the following dates is the earliest: (1) the date on which the Congress of the United States declared war; or (2) the date as of which the Congress of the United States declared that a state of war has existed; or (3) the date on which war was declared by one or more foreign states against the United States; or (4) the date on which any part of the United States or any territory under its jurisdiction was invaded or attacked by any armed force of one or more foreign states; or (5) the date on which the United States engaged in armed hostilities for the purpose of preserving the Union or of maintaining in any State of the Union a republican form of government.

(e) For the purpose of this section and section 202, as amended, a "war period" shall be deemed to have ended on the date on which hostilities ceased.

(f) Military service shall not be included in the years of service of an individual unless, prior to the beginning of his military service in a war service period and in the same calendar year in which such military service began, or in the next preceding calendar year, the individual rendered service for compensation to an employer or to a person service to which is otherwise creditable under this act, or lost time as an employee for which he received remuneration, or was serving as an employee representative.

(g) A calendar month in which an individual was in military service which may be included in the individual's years of service or service period, as the case may be, shall be counted as a month of service: *Provided, however,* That no calendar month shall be counted as more than one month of service.

(i) In the event military service is or has been used as the basis or as a partial basis for a pension, disability compensation, or any other gratuitous benefits payable on a periodic basis under any other act of Congress, any annuity under this act or the Railroad Retirement Act of 1935, which is based in part on such military service and is with respect to a calendar month for all or part of which such pension or other benefit is also payable, shall be reduced with respect to that month by the proportion which the number of years of service, by which such military service increases the years of service, or the service period, as the case may be, bears to the total years of service, or by the aggregate amount of such pension or other benefit with respect to that month, whichever would result in the smaller reduction.

(j) Any department or agency of the United States maintaining records of military service, at the request of the Board, shall certify to the Board, with respect to any individual, the number of months of military service which such department or agency finds the individual to have had during any period or periods with respect to which the Board's request is made, the date and manner of entry into such military service, and the conditions under which such service was continued. Any department or agency of the United States which is authorized to make awards of pensions, disability compensation, or any other gratuitous benefits or allowances payable, on a periodic basis or otherwise, under any other act of Congress on the basis of military service, at the request of the Board, shall certify to the Board, with respect to any individual, the calendar months for all or part of which any such pension, compensation, benefit, or allowance is payable to, or with respect to, the individual, the amounts of any such pension, compensation, benefit, or allowance, and the military service on which such pension, compensation, benefit, or allowance is based. Any certification made pursuant to the provisions of this subsection shall be conclusive on the Board: *Provided,* That if evidence inconsistent with any such certification is submitted, and the claim is in the course of adjudication or is otherwise open for such evidence, the Board shall refer such evidence to the department or agency which made the original certification and such department or agency shall make such recertification as in its judgment the evidence warrants. Such recertification, and any subsequent recertifications, shall be conclusive, made in the same manner, and subject to the same conditions as an original certification.

(k) No person shall be entitled to an annuity, or to an increase in an annuity, based on military service unless a specific claim for credit for military service is filed with the Board by the individual who rendered such military service, and in no case shall an annuity, or an increase in an annuity, based on military service begin to accrue earlier than sixty days prior to the date on which such claim for credit for military service was filed with the Board nor before October 8, 1940: *Provided,* That this subsection shall not be construed to prevent payment of annuities with respect to accruals, not based on military service prior to the date on which an annuity based on military service began to accrue.

(l) An individual who, before the ninety-first day after the date on which this amendment of section 4 is enacted was awarded an annuity under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, but who had rendered military service which, if credited, would have resulted in an increase in his annuity, may, notwithstanding the previous award of an annuity, file with the Board an application for an increase in such annuity based on his military service. Upon the filing of such application, if the Board finds that the military service thus claimed is creditable and would result in an increase in the annuity, the Board, notwithstanding the previous award, shall recertify the annuity on an increased basis in the same manner as though the provisions making military service creditable had been in effect at the time of the original certification subject, however, to the provisions of subsection (k) of this section. If the annuity previously awarded is a joint and survivor annuity, the increased annuity shall be a joint and survivor annuity of the same type, the actuarial value of the increase to be computed as of the effective date of the increase: *Provided, however,* That if on the date the increase begins to accrue the individual has no spouse for whom the election of the joint and survivor annuity was made, the increase on a single life basis shall be added to the individual's annuity.

(n) In addition to the amount authorized to be appropriated in subsection (a) of section 15 of this act, there is hereby authorized to be appropriated to the Railroad Retirement Account for each fiscal year, beginning with the fiscal year ending June 30, 1941, (i) an amount sufficient to meet the additional cost of crediting military service rendered prior to January 1, 1937, and (ii) an amount found by the Board to be equal to the amount of the total additional excise and income taxes which would have been payable during the preceding fiscal year under Subchapter B of Chapter 9 of the Internal Revenue Code, as amended, with respect to the compensation, as defined in such Subchapter B, of all individuals entitled to credit under the Railroad Retirement Acts, as amended, for military service after December 31, 1936, if each of such individuals, in addition to compensation actually earned, had earned such compensation in the amount of $160 in each calendar month in which he was in such military service during such preceding fiscal year and such taxes were measured by all such compensation without limitation as to amount earned by any individual in any one calendar month. The additional cost of crediting military service rendered prior to January 1, 1937, shall be deemed to be the difference between the actuarial value of each annuity based in part on military service and the actuarial value of the annuity which would be payable to the same individual without regard to military service. In calculating these actuarial values, (1) whenever the annuity based in part on military service begins to accrue before age 60, the annuity without regard to military service shall be valued on the assumption of deferment to age 60, and whenever the annuity based in part on military service is awarded under subsection 2 (a) of section 2 (a), the annuity without regard to military service shall be valued on the assumption of deferment to age 65; and (2) all such actuarial values shall be calculated as of the date on which the annuity based on military service begins to accrue and shall not thereafter be subject to change. All such actuarial calculations shall be based on the Combined Annuity Table of Mortality and all calculations in this subsection shall take into account interest at the rate of 3 per centum per annum compounded annually. The Railroad Retirement Board, as promptly as practicable after the enactment of this amendment, and

thereafter annually, shall submit to the Bureau of the Budget estimates of such military service appropriations to be made to the account, in addition to the annual estimate by the Board, in accordance with subsection (a) of section 15 of this act, of the appropriation to be made to the account to provide for the payment of annuities, pensions and death benefits not based on military service. The estimate made in any year with respect to military service rendered prior to January 1, 1937, shall be based on the cost, as determined in accordance with the above provisions, of annuities awarded or increased on the basis of such military service up to the close of the preceding fiscal year and not previously appropriated for, and shall take into account interest from the date the annuity began to accrue or was increased to the date or dates on which the amount appropriated is to be credited to the Railroad Retirement Account. In making the estimate for the appropriation for military service rendered after December 31, 1936, the Board shall take into account any excess or deficiency in the appropriation or appropriations for such service in any preceding fiscal year or years, with interest thereon, resulting from an overestimate or underestimate of the number of individuals in creditable military service or the months of military service.

(o) Section 4, as herein amended shall be effective as of October 8, 1940. No rights shall be deemed to have accrued under section 4 which would not have accrued had this act amending section 4 been enacted on October 8, 1940.

§ 209.12 *War service period.* (a) A war service period includes, with respect to any individual:

(1) Any period during which the individual was required by call of the President, or by any act of Congress or regulation, order, or proclamation pursuant thereto, to enter and continue in military service, and

(2) Any period of military service in a war period, providing the individual entered military service in such war period, and

(3) Any period of military service immediately following a war period, whether or not such service was entered upon voluntarily, and prior to discharge from such service or reenlistment therein, providing the individual entered military service in such war period,

(4) Any period after September 7, 1939, with respect to which a state of national emergency was duly declared to exist which requires a strengthening of the national defense.

(b) *War period.* A war period begins on the date on which the Congress of the United States declared war, or on the date as of which the Congress of the United States declared a state of war to have existed, or on the date on which war was decared by one or more foreign states against the United States, or on the date on which any part of the United States or any territory under its jurisdiction was invaded or attacked by any armed force of one or more foreign states, or on the date on which the United States engaged in armed hostilities for the purpose of preserving the Union or of maintaining in any State of the Union a republican form of government, whichever date is the earliest. A war period ends on the date on which hostilities shall have ceased.

(1) *Spanish American War.* The war period of the Spanish American War began April 21, 1898 and ended August 13, 1898.

(2) *Philippine Insurrection.* The war period of the Philippine Insurrection began February 4, 1899 and ended April 27, 1902.

(3) *World War I.* The war period of the World War began April 6, 1917 and ended November 11, 1918.

(4) *World War II.* The war period of World War II began December 7, 1941 and ended December 31, 1946. (Sec. 10, 50 Stat. 314 as amended; 45 U. S. C. and Sup. 228c, 228j)

PART 210—EXECUTION AND FILING OF AN APPLICATION FOR AN ANNUITY

§ 210.2 *Application to be filed.* (a) No individual, irrespective of his qualifications, shall receive an annuity unless he has, on or before the date of his death, either (1) filed with an office of the Board a duly executed application, upon such form as the Board may from time to time prescribe, or (2) delivered for the purpose of transmission to the Board's main office in Chicago, Illinois, such a duly executed application to any field agent of the Board specifically authorized by a Regional Director to receive custody thereof in the district where delivery is made: *Provided, however,* That a claim or application filed with the Social Security Board, whether before or after the adoption of this section, for a lump sum payment under section 204 (a) of Title II of the Social Security Act, as approved August 14, 1935, or for primary insurance benefits under section 202 (a) of the Social Security Act, as amended August 10, 1939, based in whole or in part on service with an employer under the Railroad Retirement Act, which service had not at the time of such filing been determined by the Board to be with an employer, shall be considered an application for an annuity duly filed with the Railroad Retirement Board.

(b) Where an individual has notified the Board in writing of his intention or desire to file an application for an annuity, but has been deterred to his detriment by action of the Board or of its employees from filing an application upon the form prescribed by the Board, such writing of the individual, if subsequently supplemented by an application duly executed upon the prescribed form, shall be considered by the Board as a proper and sufficient application within the meaning of paragraph (a) of this section: *Provided, however,* That:

(1) The action of the Board or of its employees in deterring the individual from filing an application on the prescribed form shall have consisted of:

(i) Failure to advise the individual properly as to the necessity for filing an application on such prescribed form; or

(ii) Failure to furnish the individual with the appropriate application form; or

(iii) Furnishing of correct information that under an existing ruling (which was subsequently reversed during the individual's lifetime) entitlement was precluded; *And further provided,* That:

(2) The individual, upon being correctly advised by the Board as to the necessity for filing an application on the prescribed form, or as to a changed ruling affecting his entitlement, and/or upon being supplied with such prescribed form, shall file said form with the Board during his lifetime and within three months after the date on which such correct advice was given him and/or such form was mailed to him (whichever is the later), or within such additional time as the Board may deem reasonable. (For regulations governing applications for Insurance Annuities and Lump Sums for Survivors, see Part 237 of this chapter.) (Secs. 2, 10, 50 Stat. 310, 314; 45 U. S. C. 228b, 228j)

PART 214—ANNUITY BEGINNING DATE

§ 214.3 *Beginning date in month of applicant's sixtieth or sixty-fifth birthday.* When an individual is not eligible for an annuity until the attainment of age sixty or sixty-five the annuity cannot begin to accrue prior to the day on which the required age is attained, except that an individual who is eligible for the annuity described in § 208.7 of this chapter in the same month in which he attains age sixty-five may have his annuity begin without reduction as of the first day of such month.

§ 214.7 *Effect of service performed through or after designated beginning date*—(a) *By individuals whose eligibility is not based upon disability.* If such an individual renders compensated service to any person, whether or not an employer, through or after the designated beginning date but prior to relinquishment of rights in accordance with Part 216 of this chapter, his annuity cannot begin to accrue earlier than the date following the last date of such compensated service. If the individual renders such compensated service after having relinquished rights in accordance with Part 216 of this chapter the beginning date of the annuity shall not be affected but no annuity shall be payable with respect to any month in which such service is performed if it is within the terms of Part 217 of this chapter.

(b) *Individuals whose eligibility is based upon permanent disability for regular employment.* If such an individual renders compensated service to any person, whether or not an employer, through or after the designated beginning date, such fact must be reconciled with the claim of permanent disability for any regular and gainful employment before eligibility for such a disability annuity is established. Where, however, it is shown that the individual, notwithstanding his rendition of compensated service is disabled, the following shall apply:

If all the individual's compensated service ended before the filing date of his annuity application or if the individual's compensated service continued through such filing date the annuity cannot begin to accrue earlier than the date following the last day of such compensated service. (For the effect of a return to service after accrual, see Parts 208 and 217 of this chapter.)

(c) *An individual whose eligibility is based upon permanent disability for work in his "regular occupation."* If an individual renders compensated service through or after the designated beginning date to any person, whether or not an employer, in his regular occupation or in any occupation for which the same occupational disability standards have been established, such fact must be reconciled with the claim of permanent disability for work in his regular occupation. Where, however, it is shown that an individual, notwithstanding his rendition of compensated service in any occupation, is permanently disabled for work in his regular occupation the following shall apply:

If all the individual's compensated service to any person, whether or not an employer, ended before the filing date of his annuity application or if the individual's compensated service to any person, whether or not an employer, continued through such filing date, the annuity cannot begin to accrue earlier than the date following the last day of compensated service to any such person. (For the effect of a return to service after accrual see Parts 208 and 217 of this chapter.) (Secs. 2, 10, 50 Stat. 310, 314, as amended; 45 U. S. C., 228b, 228j)

PART 216—RELINQUISHMENT OF RIGHTS

§ 216.1 *Statutory provision.*

An annuity shall be paid only if the applicant shall have relinquished such rights as he may have to return to the service of an employer and of the person by whom he was last employed; but this requirement shall not apply to the individuals mentioned in subdivision 4 and subdivision 5 of subsection (a) prior to attaining age sixty-five.

§ 216.3 *Relinquishment of rights in case of disability annuity.* In the case of an individual whose eligibility for an annuity is based upon permanent disability for any regular and gainful employment or upon permanent disability for work in his regular occupation, an annuity is payable prior to age sixty-five even though he retains rights to return to service until age sixty-five, *Provided, however,* That such individual shall upon attainment of age sixty-five establish that he has in accordance with this part relinquished in the manner and to the extent required in the case of an age annuity any rights which he may have to return to service; otherwise payment of his annuity shall not be made for any calendar month in which he becomes or is sixty-five years of age or over until such individual so relinquishes such rights. (Secs. 2, 10, 50 Stat. 310, 314 as amended; 45 U. S. C. 228b, 228j)

PART 217—LOSS OF ANNUITY FOR ANY MONTH BY REASON OF COMPENSATED SERVICE

§ 217.2 *Loss of annuity for month in which compensated service is rendered.* (a) If an individual in receipt of an annuity renders compensated service he shall not be paid an annuity with respect to any month in which such service is rendered to:

(1) An employer;

(2) Any person whether or not an employer by whom he was most recently employed when his annuity begins to accrue;

(3) Any person with whom he held, at the time the annuity begins to accrue, any rights to return to service;

(4) Any person with whom he ceased service in order to have his annuity begin to accrue.

(Secs. 2, 10, 50 Stat. 310, 314 as amended; 45 U. S. C. 228b, 228j)

Dated: February 11, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-1560; Filed, Feb. 18, 1947; 8:56 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-45]

PART 51—CANNED VEGETABLES: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED GREEN BEANS AND CANNED WAX BEANS

In the matter of fixing and establishing definitions and standards of identity and standards of quality for canned green beans and canned wax beans.

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and upon the basis of evidence of record at the hearing held pursuant to the notice issued on April 9, 1946 (11 F. R. 3754), and upon consideration of exceptions filed to the proposed order issued by the Acting Federal Security Administrator on October 18, 1946 (11 F. R. 12584), the following order is hereby promulgated:

DEFINITIONS AND STANDARDS OF IDENTITY

Findings of fact. 1. Canned green beans is the food the principal component of which is succulent pods of the green bean plant. In preparation for canning, the pods are stemmed and may be sliced lengthwise or cut transversely. Water is added to aid in processing. Generally salt and sometimes sugar are used as seasoning ingredients. Dextrose is also suitable for this purpose. The food is sealed in a container and processed by heat to prevent spoilage.

2. Stems are cut from the pods by special machines, the proper operation of which removes the stems from substantially all such pods. These machines are somewhat less effective when the pods are small.

3. Prior to canning, the pods or transversely cut pieces of pod frequently are segregated into lots of approximately uniform diameter. This also is done by special machines. Each lot is designated as a certain "sieve size", the numbers ranging from 1 to 6 as the diameter increases.

4. Whole pods are packed either parallel to the sides of the container or without arrangement. Pods sliced lengthwise, or cut transversely into pieces, are packed without arrangement. Each type of pack gives the finished food special characteristics which are sufficiently distinct for consumers to differentiate between them and to purchase different types of pack for different purposes.

5. When whole green beans are packed parallel to the sides of the container, the pods are straight and orderly in appearance and a greater drained weight is generally attained than when they are packed without arrangement. The phrase "Whole—Vertical Pack" generally appears on the label of such packs. Pieces of pods 2¾ inches in length or longer are considered whole pods for some purposes.

6. In a special type of vertically packed whole green beans the pods are cut off at both ends to achieve substantial uniformity in length. This type of pack is known as "Asparagus Style".

7. When whole green beans are packed without arrangement the drained weight is generally less than for the "Vertical Pack" and the pods are not straight and uniform in appearance. At the present time it is customary to label this pack as "Whole."

8. Canned green beans sliced lengthwise have a characteristic appearance. This type of pack is designated on the label as "Sliced Lengthwise" or "French Style". The existing regulations also permit the use of the terms "Shoestring" and "Julienne" but these terms have fallen into disuse.

9. In another type of pack of canned green beans, the pods are cut transversely into pieces less than 2¾ inches long. The length of the cut pieces varies with different packers. The cutting is done by a special machine with knives spaced at regular intervals. The end pieces may be considerably shorter than the center cuts. Many packers remove the shorter end pieces to achieve uniformity.

10. The existing definition and standard of identity for canned green beans provides that pods cut transversely into pieces be labeled "Cut" irrespective of length. When the pieces are so short as to acquire a characteristic appearance by reason of their short length it is to the consumers' interest to be advised of this fact. Pieces less than ¾ inch in length fall in this category and the dividing line between "Cuts" and "Short Cuts" may reasonably be set at this point. For packs in which substantially all the pieces are less than ¾ inch in length a label statement "Short Cut" or "Short Cuts", or in lieu thereof the word "Cut" or "Cuts" modified by a statement of the approximate length of such pieces, furnishes consumers with this information.

11. The existing definition and standard of identity for canned green beans makes no provision for mixtures of optional forms of green bean ingredients. Differentiating between "Cuts" and "Short Cuts" makes it necessary to provide for mixtures of such optional green bean ingredients and it is reasonable to make provision for all mixtures of optional green bean ingredients. A descriptive label designation for each mixture is: "Mixture of ———", the blank being filled in with the combination of the names "Whole", "Sliced Lengthwise", "Cut" or "Cuts", and "Short Cut" or "Short Cuts", designating the optional ingredients present, and arranged in the order of predominance, if any, by weight of such ingredients. In cutting pods into

pieces less than 2¾ inches but not less than ¾ inch long, a certain number of shorter end pieces are always obtained. These can be removed by special machines but such machines are not available in all canneries. When no other pieces shorter than ¾ inch are added it is reasonable to use the designation "Cut" or "Cuts" on the label.

12. In the existing definition and standard of identity for canned green beans the names "Stringless Green Beans" and "Green Stringless Beans" are recognized as synonyms for "Green Beans". Some green beans which are canned are not stringless and these terms are thus not necessarily synonymous with "Green Beans."

13. Canned wax beans is the food the principal component of which is prepared from succulent pods of the wax bean plant. In all other respects the facts set forth in findings 1 to 11, inclusive, are applicable to canned wax beans.

14. In the existing definition and standard of identity for canned wax beans the name "Stringless Wax Beans" is given as a synonym for "Wax Beans". Some wax beans which are canned are not stringless and this term is thus not necessarily synonymous with "Wax Beans".

15. The record contains no evidence of the use of citric acid or vinegars for lowering the pH of canned green or canned wax beans to aid in processing by heat, or of any present or future need for these ingredients, nor any evidence of use or present or future need for spices or vinegars for seasoning canned green or canned wax beans.

Conclusions. On the basis of the evidence of record and of the foregoing findings of fact, it is concluded that the following regulations fixing and establishing definitions and standards of identity for canned green beans and for canned wax beans will promote honesty and fair dealing in the interest of consumers.

Wherefore, *it is ordered*, That § 52.990 of Title 21, Code of Federal Regulations, Cum. Supp., be amended by deleting therefrom all references to canned green beans or green stringless beans or stringless green beans and canned wax beans or stringless wax beans.

It is further ordered, That there be established specific definitions and standards of identity for canned green beans and canned wax beans, as follows:

§ 51.10 *Canned green beans; identity; label statement of optional ingredients.* (a) Canned green beans is the food prepared from stemmed, succulent pods of the green bean plant, and water. It may be seasoned with salt, sugar, or dextrose, or any two or all of these. The pods are prepared in one or more of the following forms:

(1) Whole pods, or tranversely cut pods not less than 2¾ inches in length.

(2) Pods sliced lengthwise.

(3) Pods cut transversely into pieces less than 2¾ inches in length but not less than ¾ inch in length, with or without shorter end pieces resulting therefrom.

(4) Pieces of pods less than ¾ inch in length.

Any such form is an optional ingredient. Mixtures of two or more optional ingredients may be used. The food is sealed in a container and so processed by heat as to prevent spoilage.

(b) (1) When optional ingredient in paragraph (a) (1) of this section is used the label shall bear the word "Whole". If the pods are packed parallel to the sides of the container the word "Whole" shall be preceded or followed by the words "Vertical Pack", except that when the pods are cut at both ends and are of substantially equal lengths, the words "Asparagus Style" may be used in lieu of the words "Vertical Pack".

(2) When optional ingredient in paragraph (a) (2) of this section is used the label shall bear the words "Sliced Lengthwise" or "French Style".

(3) When optional ingredient in paragraph (a) (3) of this section is used the label shall bear the word "Cut" or "Cuts".

(4) When optional ingredient in paragraph (a) (4) of this section is used the label shall bear the words "Short Cut" or "Short Cuts" or "____ Inch Cut" or "____ Inch Cuts", the blank to be filled in with the fraction of an inch which denotes the approximate length of the pieces.

(5) When a mixture of two or more of the optional ingredients in paragraphs (a) (1) to (a) (4), inclusive, of this section is used the label shall bear the statement "Mixture of ____", the blank being filled in with the combination of the names "Whole", "Sliced Lengthwise", "Cut" or "Cuts", and "Short Cut" or "Short Cuts", designating the optional ingredients present, and arranged in the order of predominance, if any, by weight of such ingredients.

(c) Wherever the name "Green Beans" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the green beans and the designation of the length of cut may so intervene.

§ 51.15 *Canned wax beans; identity; label statement of optional ingredients.* (a) Canned wax beans conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for canned green beans by § 51.10 (a) and (b), except that it is prepared from stemmed, succulent pods of the wax bean plant.

(b) Wherever the name "Wax Beans" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by § 51.10 (b) shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the wax beans and the designation of the length of cut may so intervene.

QUALITY

Findings of fact. 1. The quality of canned green and canned wax beans is judged by consumers primarily on the basis of (1) eating quality and (2) appearance.

2. The appearance of canned green and canned wax beans is marred by the presence of units having blemished areas. These areas vary widely, some being hardly noticeable, while others are of such size that the average consumer will discard the units so blemished. When the aggregate blemished area on a unit is not more than the area of a circle ⅛ inch in diameter it generally escapes the notice of both consumers and canners. Units having aggregate blemished areas larger than that are generally regarded as blemished. The presence of more than 12 blemished units per 12 ounces of drained weight so lowers the quality of these foods that their labels should bear a statement of substandard quality.

(3) The appearance of canned green and canned wax beans is marred by the presence of very short units, such as short and pieces sifted from regular cuts, unless all units are short. Except where substantially all the units are less than ¾ inch in length the presence in 12 ounces drained weight of more than 60 units which are less than ½ inch in length so lowers the quality that a statement of substandard quality should be required. This finding is not applicable when the optional bean ingredient is pods sliced lengthwise (§ 51.10 (a) (2)).

4. The appearance of canned green and canned wax beans is marred by the presence of extraneous vegetable matter. In canning an effort is made to eliminate extraneous matter, but due to accidents, and sometimes to carelessness, leaves, pieces of the vine, detached stems, etc., occasionally get into the cans of the finished food. Since the inclusion of extraneous matter is generally accidental and the amount variable, it is advisable to examine a fairly large sample of canned green or canned wax beans to determine its significance. It is reasonable to require that the label bear a statement of substandard quality when there is more than 0.6 ounce of extraneous vegetable matter per 60 ounces of drained weight.

5. The appearance and also the eating quality of canned green beans and canned wax beans is adversely affected by the presence of unstemmed units, that is, units to which remain attached all or part of the stem that connects the pod with the vine. In good canning practice an effort is made to remove stems as completely as possible, but this is done by machines which do not always effect a complete removal of the stems from all of the pods. These machines are least effective with small pods. It is impracticable to set separate limits based on different sieve sizes of green and wax beans, but a limit of 6 unstemmed units per 12 ounces drained weight is a reasonable over-all limit for all sizes. Beyond this limit the food is of substandard quality.

6. The eating quality of canned green and canned wax beans depends largely on certain characteristics of the pods. Generally, the small, immature pods are more desirable. With increasing maturity the pods become larger and the seeds more prominent. Finally the pods lose their succulence and become thin, fibrous and woody. The undesirable effects of increasing maturity, however, do not develop with strict uniformity in all varieties of green and wax beans.

7. Most varieties of green and wax beans develop large seeds as they approach maturity. Large seeds are generally mealy, have tough skins and thus make for poor eating quality. Often there are considerable numbers of seed or pieces of seed loose in the can, marring the appearance of the canned green or canned wax beans. Various methods for utilizing the percentage of seed as a measure of quality have been proposed. Each is subject to some objection. The two methods most likely to show accurately the conditions which render canned green and canned wax beans of low quality are (1) to determine the percent by weight of loose seed and pieces of seed, and (2) to determine the percent by weight of seed or pieces of seed in pods trimmed to remove portions from which seed have become separated. When the percent of seed in the trimmed pods is greater than 15 percent, or when loose seed and pieces of seed exceed 5 percent of the drained weight, the product is of substandard quality. It is impracticable to apply these tests to green or wax beans sliced lengthwise.

8. Tough strings are objectionable in canned green or canned wax beans. The relative toughness of the strings is of great importance, and in order to define a tough string a method for testing strings for toughness is necessary. A reasonably satisfactory method in use for several years provides for attaching a ½ pound weight to the string, suspending this weight by the string and classing as tough those strings which sustain the weight for 5 seconds or more. Since strings are not of equal toughness throughout their entire length, the test should be applied at the toughest portion.

In general the proportion of bean pods which have tough strings is greater the larger the sieve size of the pods, and by picking the beans frequently it is possible to keep the proportion of the larger sieve sizes low, and hence to keep the proportion of tough strings low. Present conditions make it extremely difficult in harvesting to avoid getting in the pickings a considerable proportion of number 4 and 5 sieve size pods, but it is not unreasonably difficult to keep relatively low the proportion of number 6 sieve size pods (pods $^{27}/_{64}$ inch or more in diameter). Where canned green beans or canned wax beans include pods or pieces of pods $^{27}/_{64}$ inch or more in diameter and the number of tough strings is greater than 12 per 12 ounces drained weight, they are of such low quality that it is reasonable to require the label to bear a declaration of substandard quality.

9. The amount of woody or fibrous material in the pods increases as maturity advances, lowering the eating quality of canned green and canned wax beans. A chemical method of analysis has been developed to determine the amount of this objectionable fibrous material in the pods from which the seeds have been removed. The details of the method are contained in finding 10. When the fibrous material of the deseeded pods of canned green or canned wax beans, as determined by this method, exceeds 0.15 percent of the drained weight of such pods the eating quality is so impaired that the label should bear a statement of substandard quality.

10. A practicable method for determining whether canned green or canned wax beans are of substandard quality is as follows:

(1) Distribute the contents of the container over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. In case the material consists of the optional ingredient specified in paragraph (a) (3) or a mixture of two or more of the optional ingredients specified in paragraphs (a) (1) to (a) (4), inclusive, of § 51.10, count and record, but do not remove, all units each of which is less than ½ inch long. Divide the number of units which are less than ½ inch long by the drained weight recorded in (1) and multiply by 12 to obtain the number of such units per 12 ounces drained weight.

From the drained material select a representative sample of 3½ to 4 ounces, weigh and record its weight in ounces for use in (5). However, in case the drained material does not include pods or pieces of pods $^{27}/_{64}$ inch or more in diameter it is unnecessary either to weigh the representative sample or to separate and test the strings as directed in (5). After the representative sample has been selected, cover the material remaining to prevent evaporation and reserve for further examination under (7).

(3) From the representative sample selected in (2) segregate and reserve for (7) the extraneous vegetable matter (including any stems completely detached from pods or pieces of pods). Then segregate the loose seed and, except in the case of pods sliced lengthwise, reserve for (10) the loose seed so segregated (as here used and in subsequent paragraphs of this method, the word seed means seed and pieces of seed). Count and record as unstemmed units those pods and pieces of pods to which any portion of the connecting stem is attached. Detach stems and discard. Count and record but do not remove the blemished units. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle ⅛ inch in diameter.

NOTE: In the case of pods sliced lengthwise the removal of loose seed in (3) and of the seed from the pods in (4) is only for the purpose of preparing sample for fiber determination in (5) and (6). No trimming of pods, or weighing of seed, as directed in (4) need, therefore, be done.

(4) From the pods in (3) trim off, as far as the end of the space formerly occupied by seed, any portions of pods from which seed have become separated. Remove and discard any seed from the trimmings and reserve the trimmings for (5). Weigh and record the weight of the trimmed pods. Deseed the trimmed pods and reserve the deseeded pods for (5). Collect the seed on a sieve of mesh fine enough to retain them, and so distribute them that any liquid drains away. Weigh the seed, divide by the weight of the trimmed pods and multiply by 100 to obtain percent by weight of seed in the trimmed pods.

(5) If, pursuant to (2), it is unnecessary to separate and test the strings, weigh and record the weight of the deseeded pods and proceed to (6); otherwise separate the strings from the deseeded pods segregated in (4) and promptly test as follows:

Fasten clamp, weighted to ½ pound, to one end of the string, grasp the other end with the fingers (a cloth may be used to aid in holding the string), and lift gently. Count the string as tough if it supports the ½ pound weight for at least 5 seconds. If the string breaks before 5 seconds, test such parts into which it breaks as are ½ inch or more in length and if any such part of the string supports the ½ pound weight for at least 5 seconds count the string as tough. Divide the number of tough strings by the weight of the sample recorded in (2) and multiply by 12 to obtain the number of tough strings per 12 ounces drained weight. Return both the broken and the unbroken strings, which were separated for testing, to the pods from which they were separated and add any trimmings reserved in (4). Weigh and record as the weight of deseeded pods for use in (6).

(6) Transfer the deseeded pods, strings, and trimmings weighed in (5) to the metal cup of a malted milk stirrer and crush. Wash material adhering to the crushing instrument back into cup with 200 cc of boiling water. Bring mixture to a boil and add 25 cc of 50 percent (by weight) sodium hydroxide solution. (If foaming is excessive a piece of paraffin may be added.) Boil for 5 minutes then stir for an additional 5 minutes with a malted milk stirrer capable of a no-load speed of at least 7200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1. Transfer the material from the cup to a previously weighted 30-mesh monel metal screen having a diameter of about 4 inches and side walls about 1 inch high, and wash with a stream of warm water until washings are clear and free from alkali.[1] Dry the screen and

[1] Washing may be quickly accomplished by moving screen back and forth under a slow running tap of warm water, taking care to prevent washing any fibrous material over the sides of the screen.

fibrous material for 2 hours at 100° C., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the weight of deseeded pods recorded in (5) and multiply by 100 to obtain the percent of fibrous material in the deseeded pods.

(7) Examine the drained material reserved in (2), counting and recording the number of blemished units for (8), and the number of unstemmed units for (9). Remove the extraneous vegetable matter (including detached stems), combine with similar matter reserved in (3), and retain for (11). Reserve the remaining drained material for (10).

(8) Add to the number of blemished units recorded in (7), the number of blemished units recorded in (3). Divide the sum by the drained weight recorded in (1) and multiply by 12 to obtain the number of blemished units per 12 ounces of drained weight.

(9) Add together the number of unstemmed units recorded in (7) and in (3). Divide the sum by the drained weight recorded in (1) and multiply by 12 to obtain the number of unstemmed units per 12 ounces of drained weight.

(10) From the drained material reserved in (7), except in the case of pods sliced lengthwise, segregate the loose seed, add to the loose seed reserved in (3), and weigh. Divide this weight by the drained weight recorded in (1) and multiply by 100 to obtain the percent of loose seed in the drained weight.

(11) If the drained weight recorded in (1) was less than 60 ounces, drain and weigh as directed in (1), the contents of additional containers until a total of not less than 60 ounces drained material is obtained. From this additional drained material segregate the extraneous vegetable matter (including detached stems) and combine it with the similar matter reserved in (7). Weigh the combined extraneous vegetable matter, divide by the total weight of drained material examined and multiply by 60 to obtain the weight of extraneous vegetable matter per 60 ounces of drained weight.

11. When canned green or canned wax beans fall below the standard of quality, a label statement which fairly and accurately informs the consumer of that fact is the general statement of substandard quality specified in § 10.2 (a) 21 CFR, Cum. Supp.

Conclusions. On the basis of the evidence of record and the foregoing findings of fact, consideration having been given to and due allowance made for the differing characteristics of the several varieties of green and wax beans, it is concluded that the promulgation of the following regulations fixing and establishing standards of quality for canned green beans and for canned wax beans will promote honesty and fair dealing in the interest of consumers.

§ 51.11 *Canned green beans; quality; label statement of substandard quality.* (a) The standard of quality of canned green beans is as follows:

When tested by the method prescribed in paragraph (b) of this section:

(1) In the case of cut beans (§ 51.10 (a) (3)) and mixtures of two or more of the optional ingredients specified in § 51.10 (a) (1) to (a) (4), inclusive, not more than 60 units per 12 ounces drained weight are less than ½ inch long.

(2) The trimmed pods contain not more than 15 percent by weight of seed and pieces of seed.

(3) In case there are present pods or pieces of pods $\frac{25}{64}$ inch or more in diameter, there are not more than 12 strings per 12 ounces of drained weight which will support ½ pound for 5 seconds or longer.

(4) The deseeded pods contain not more than 0.15 percent by weight of fibrous material.

(5) There are not more than 12 blemished units per 12 ounces of drained weight. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle ⅛ inch in diameter.

(6) There are not more than 6 unstemmed units per 12 ounces of drained weight.

(7) The combined weight of loose seed and pieces of seed is not more than 5 percent of the drained weight. This provision does not apply in case the green bean ingredient is pods sliced lengthwise (§ 51.10 (a) (2)).

(8) The combined weight of leaves, detached stems, and other extraneous vegetable matter is not more than 0.6 ounce per 60 ounces of drained weight.

(b) Canned green beans shall be tested by the following method to determine whether they meet the requirements of paragraph (a) of this section:

(1) Distribute the contents of the container over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. In case the material consists of the optional ingredient specified in paragraph (a) (3) or a mixture of two or more of the optional ingredients specified in paragraphs (a) (1) to (a) (4), inclusive, of § 51.10, count and record, but do not remove, all units each of which is less than ½ inch long. Divide the number of units which are less than ½ inch long by the drained weight recorded in (1) and multiply by 12 to obtain the number of such units per 12 ounces drained weight.

From the drained material select a representative sample of 3½ to 4 ounces, weigh and record its weight in ounces for use in (5). However, in case the drained material does not include pods or pieces of pods $\frac{25}{64}$ inch or more in diameter it is unnecessary either to weigh the representative sample or to separate and test the strings as directed in (5). After the representative sample has been selected, cover the material remaining to prevent evaporation and reserve for further examination under (7).

(3) From the representative sample selected in (2) segregate and reserve for (7) the extraneous vegetable matter (including any stems completely detached from pods or pieces of pods). Then segregate the loose seed and, except in the case of pods sliced lengthwise, reserve for (10) the loose seed so segregated (as here used and in subsequent paragraphs of this method, the word seed means seed and pieces of seed). Count and record as unstemmed units those pods and pieces of pods to which any portion of the connecting stem is attached. Detach stems and discard. Count and record but do not remove the blemished units. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle ⅛ inch in diameter.

NOTE: In the case of pods sliced lengthwise the removal of loose seed in (3) and of the seed from the pods in (4) is only for the purpose of preparing sample for fiber determination in (5) and (6). No trimming of pods, or weighing of seed, as directed in (4) need, therefore, be done.

(4) From the pods in (3) trim off, as far as the end of the space formerly occupied by seed, any portions of pods from which seed have become separated. Remove and discard any seed from the trimmings and reserve the trimmings for (5). Weigh and record the weight of the trimmed pods. Deseed the trimmed pods and reserve the deseeded pods for (5). Collect the seed on a sieve of mesh fine enough to retain them, and so distribute them that any liquid drains away. Weigh the seed, divide by the weight of the trimmed pods and multiply by 100 to obtain percent by weight of seed in the trimmed pods.

(5) If, pursuant to (2), it is unnecessary to separate and test the strings, weight and record the weight of the deseeded pods and proceed to (6); otherwise separate the strings from the deseeded pods segregated in (4) and promptly test as follows:

Fasten clamp, weighted to ½ pound, to one end of the string, grasp the other end with the fingers (a cloth may be used to aid in holding the string), and lift gently. Count the string as tough if it supports the ½ pounds weight for at least 5 seconds. If the string breaks before 5 seconds, test such parts into which it breaks as are ½ inch or more in length and if any such part of the string supports the ½ pound weight for at least 5 seconds count the string as tough. Divide the number of tough strings by the weight of the sample recorded in (2) and multiply by 12 to obtain the number of tough strings per 12 ounces drained weight. Return both the broken and the unbroken strings, which were separated for testing, to the pods from which they were separated and add any trimmings reserved in (4). Weigh and record as the weight of deseeded pods for use in (6).

(6) Transfer the deseeded pods, strings, and trimmings weighed in (5) to the metal cup of a malted milk stirrer and crush. Wash material adhering to the crushing instrument back into cup with 200 cc of boiling water. Bring mixture to a boil and add 25 cc of 50 percent (by weight) sodium hydroxide solution. (If foaming is excessive a piece of paraffin may be added.) Boil for 5 minutes, then stir for an additional 5 minutes with a malted milk stirrer capable of a no-load speed of at least 7200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1. Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about 4 inches and side walls about 1 inch high, and wash with a stream of warm water until washings are clear and free from alkali.[2] Dry the screen and fibrous material for 2 hours at 100° C., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the weight of deseeded pods recorded in (5) and multiply by 100 to obtain the percent of fibrous material in the deseeded pods.

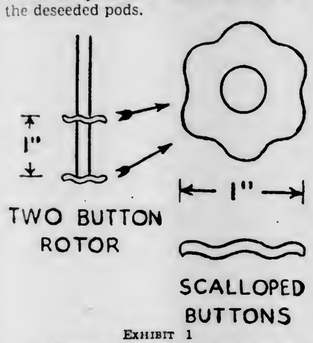


EXHIBIT 1

(7) Examine the drained material reserved in (2), counting and recording the number of blemished units for (8), and the number of unstemmed units for (9). Remove the extraneous vegetable matter (including detached stems), combine with similar matter reserved in (3), and retain for (11). Reserve the remaining drained material for (10).

(8) Add to the number of blemished units recorded in (7), the number of blemished units recorded in (3). Divide the sum by the drained weight recorded in (1) and multiply by 12 to obtain the number of blemished units per 12 ounces of drained weight.

(9) Add together the number of unstemmed units recorded in (7) and in (3). Divide the sum by the drained weight recorded in (1) and multiply by 12 to obtain the number of unstemmed units per 12 ounces of drained weight.

(10) From the drained material reserved in (7), except in the case of pods sliced lengthwise, segregate the loose seed, add to the loose seed reserved in (3), and weigh. Divide this weight by the drained weight recorded in (1) and multiply by 100 to obtain the percent of loose seed in the drained weight.

[2] Washing may be quickly accomplished by moving screen back and forth under a slow running tap of warm water, taking care to prevent washing any fibrous material over the sides of the screen.

(11) If the drained weight recorded in (1) was less than 60 ounces drain and weigh as directed in (1) the contents of additional containers until a total of not less than 60 ounces drained material is obtained. From this additional drained material segregate the extraneous vegetable matter (including detached stems) and combine it with the similar matter reserved in (7). Weigh the combined extraneous vegetable matter, divide by the total weight of drained material examined and multiply by 60 to obtain the weight of extraneous vegetable matter per 60 ounces of drained weight.

(c) If the quality of the canned green beans falls below the standard of quality prescribed by paragraph (a) of this section the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter (21 CFR, Cum. Supp., 10.2 (a)), in the manner and form therein specified.

§ 51.16 *Canned wax beans; quality; label statement of substandard quality.* (a) The standard of quality for canned wax beans is that prescribed for canned green beans by § 51.11 (a) and (b).

(b) If the quality of canned waxed beans falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified by § 10.2 (a) of this chaper (21 CFR, Cum. Supp., 10.2 (a)), in the manner and form therein specified.

Effective date. The regulations hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

Dated: February 13, 1947.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 47-1587; Filed, Feb. 18, 1947; 10:18 a. m.]

PART 52—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

CANNED GREEN BEANS AND CANNED WAX BEANS

CROSS REFERENCE: For an amendment to § 52.990 see Part 51 of this chapter, *supra*.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 201—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

ENUMERATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

CROSS REFERENCE: For revision of Proclamation noted in § 201.41, enumerating arms, ammunition, and implements of war, see Proclamation 2717 under Title 3, *supra*.

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

[Bulletin 85]

PART 3—MEMBERS OF BANKS

PROCEDURE IN CONNECTION WITH REMOVAL FROM MEMBERSHIP

Notice having been given pursuant to 24 CFR 8.3 (c), of a proposed amendment (11 F. R. 14580) of 24 CFR 3.7 (c), said amendment is hereby adopted effective February 19, 1947, as follows:

§ 3.7 *Withdrawal and removal from membership.* • • •

(c) *Procedure for removal.* Adjudications pursuant to section 6 (i) of the Federal Home Loan Bank Act, in connection with the removal of Bank members, will be determined in accordance with, and follow the requirements of, the provisions of the Administrative Procedure Act, as now or hereafter amended. All such hearings are determined under the provisions of the Administrative Procedure Act to be of such a character that either the filing or publication of notice of any such hearing would be in conflict with the public interest since they involve the operations of financial institutions.

(Secs. 6 (i), 17, 47 Stat. 729, 736, sec. 12, Pub. Law 404, 60 Stat. 244; 12 U. S. C. 1426, 1437; E. O. 9070, Feb. 24, 1942, 3 CFR, Cum. Supp.)

Dated: February 14, 1947.

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 47-1593; Filed, Feb. 18, 1947; 10:18 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

FEBRUARY 12, 1947.

On December 14, 1946, notice of intention to amend §§ 130.130 and 130.131 was published in the daily issue of the FEDERAL REGISTER (11 F. R. 14329). Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or arguments within 30 days from date of publication of the notice. No communications, written or oral, having been received within the prescribed period, the said sections are hereby amended as hereinafter set forth and are hereby promulgated:

§ 130.130 *Basic assessment.* Pursuant to the acts of Congress approved August

1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U. S. C. 385, 387), the basic rate of assessment of operation and maintenance charges against the irrigable lands under the Blackfeet Indian irrigation project, Montana, for the calendar year 1947 and until further order, is hereby fixed at $1.25 per acre per annum for the delivery of water, on an application basis, of not to exceed 1½ acre feet per acre during each irrigation season.

§ 130.131 *Excess water assessment.* Additional water may be delivered in excess of 1½ acre feet per acre per annum at the rate of $0.75 per acre foot, or fraction thereof. (38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U. S. C. 385, 387)

WILLIAM ZIMMERMAN,
Acting Commissioner.

[F. R. Doc. 47-1568; Filed, Feb. 18, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1077, Stay of Execution]

GROVER D. KING

Grover D. King, 1821 West Whittier Boulevard, Whittier, California, is appealing from the provisions of Suspension Order No. S-1077, issued January 29, 1947, and has requested a stay on the ground that irreparable harm would be done his business if the suspension order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the suspension order be stayed as to the following veterans' housing enterprises, pending final determination of the appeal or until further order by the Chief Compliance Commissioner:

By King & Marter—FHA Projects Nos. 66-122-013315 and 66-122-013316, situated on Eastern Avenue, East Los Angeles, Calif.

By Grover D. King—FHA Project No. 88-122-00929, situated on Whittier Boulevard, Whittier, Calif.

In view of the foregoing: *It is hereby ordered*, That: The provisions of Suspension Order No. S-1077, issued January 29, 1947, are hereby stayed as to the following veterans' housing enterprises, pending final determination of the appeal or until further order by the Chief Compliance Commissioner:

By King & Marter—FHA Projects Nos. 66-122-013315 and 66-122-013316, situated on Eastern Avenue, East Los Angeles, Calif.

By Grove D. King—FHA Project No. 88-122-00929, situated on Whittier Boulevard, Whittier, Calif.

Issued this 17th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1659; Filed, Feb. 18, 1947; 11:34 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1079, Stay of Execution]

T. R. JOHNSON

T. R. Johnson, 235 South Dock Street, Sharon, Pennsylvania, has filed a petition for a stay from the provisions of Suspension Order No. S-1079, issued January 31, 1947 and effective February 7, 1947. The Chief Compliance Commissioner has directed that the provisions of the suspension order be stayed subject to reinstatement, pending a rehearing, or until further order by the Chief Compliance Commissioner. In view of the foregoing: *It is hereby ordered*, That:

The provisions of Suspension Order No. S-1079, issued January 31, 1947 and effective February 7, 1947, are hereby stayed subject to reinstatement, pending a rehearing, or until further order by the Chief Compliance Commissioner.

Issued this 17th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1660; Filed, Feb. 18, 1947; 11:34 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1087]

J. J. MELLINGER

J. J. Mellinger of 119 West Ada Street, Glendora, California, as owner, on or about June 27, 1946, began and thereafter carried on the construction of a ten unit motel and residence structure at 1533 Huntington Drive, Monrovia, California, at an estimated cost of $27,500, in spite of denial of his application and supplemental application on April 29 and May 31, 1946, respectively, by the Civilian Production Administration to construct the project. The carrying on of this construction constituted a wilful violation of Veterans' Housing Program Order 1, and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1087 *Suspension Order No. S-1087.* (a) Neither J. J. Mellinger, his successors or assigns, nor any other person shall do further construction on the premises located at 1533 Huntington Drive, Monrovia, California, including completing, putting up, or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) J. J. Mellinger shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve J. J. Mellinger, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 18th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1661; Filed, Feb. 18, 1947; 11:34 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1094]

BROADMOOR HOTEL, INC. AND PLATT ROGERS, INC.

Broadmoor Hotel, Inc., of Colorado Springs, Colorado, is a corporation which operates a large hotel at Broadmoor near Colorado Springs, Colorado. Platt Rogers, Inc., is a corporation with its principal office in Pueblo, Colorado, and was employed by Broadmoor Hotel, Inc., as contractor. On September 30, 1946, without authorization from Civilian Production Administration, they began and thereafter carried on construction of a large garage building size 222 feet by 69 feet located on Lake Avenue near the Broadmoor Hotel at a cost of $45,000. The beginning and carrying on of such construction without authorization from the Civilian Production Administration was a grossly negligent violation of Veterans' Housing Program Order No. 1 and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1094 *Suspension Order No. S-1094.* (a) Neither Broadmoor Hotel, Inc., nor Platt Rogers, Inc., their successors or assigns, nor any other person, shall do any further construction on the garage building size 222 by 69 feet located on Lake Avenue opposite the Broadmoor Hotel in Broadmoor near Colorado Springs, Colorado, including the putting up, completing or altering of the structure, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Broadmoor Hotel, Inc., and Platt Rogers, Inc., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Broadmoor Hotel, Inc., or Platt Rogers, Inc., their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 18th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1662; Filed, Feb. 18, 1947; 11:34 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1095]

JOHN A. HARNEY

John A. Harney, Ogalala, Nebraska, in September, 1946, began and thereafter carried on construction of a garage and salesroom building, size 60 x 100 feet, located on U. S. Highway No. 30 at the west edge of Ogalala, Nebraska, without authorization from the Civilian Production Administration. The estimated cost of such construction was $25,000. The beginning and carrying on of such construction was in violation of Veterans' Housing Program Order No. 1 and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1095 *Suspension Order No. S-1095.* (a) Neither John A. Harney, his successors or assigns, nor any other person, shall do any further construction on the garage and salesroom building located on U. S. Highway No. 30 at the west edge of Ogalala, Nebraska, including completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) John A. Harney shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve John A. Harney, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 18th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1663; Filed, Feb. 18, 1947; 11:34 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1096]

SINGER SEWING MACHINE CO. AND PAUL M. NEWSTROM AND WARREN BEAMAN

Singer Sewing Machine Company is a corporation which among other things operates retail stores for the sale of its products. Newstrom-Davis & Company is a partnership composed of Paul M. Newstrom and Warren Beaman and was employed by Singer Sewing Machine Company as contractor. On August 12, 1946, they began and thereafter carried on remodeling, alterations and construction in a store building at 305 North Commercial Street, in Trinidad, Colorado, costing $4,000 without authorization from the Civilian Production Administration and in violation of Veterans' Housing Program Order No. 1. This violation has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1096 *Suspension Order No. S-1096.* (a) Neither Singer Sewing Machine Company, a corporation, nor Paul M. Newstrom and Warren Beaman, doing business as Newstrom-Davis & Company, their successors and assigns, nor any other person, shall do any further construction on the premises located at 305 North Commercial Street, Trinidad, Colorado, including completing the remodeling or alterations or construction therein, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Singer Sewing Machine Company, a corporation, and Paul M. Newstrom and Warren Beaman, doing business as Newstrom-Davis & Company, shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Singer Sewing Machine Company, a corporation, Paul M. Newstrom and Warren Beaman, doing business as Newstrom-Davis & Company, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 18th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1664; Filed, Feb. 18, 1947; 11:35 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1300—PROCEDURE

[Rev. Procedural Regulation 3, as Amended Feb. 17, 1947]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS, AND INTERPRETATIONS UNDER RENT REGULATIONS

Pursuant to the authority of the Emergency Price Control Act of 1942, as amended (Pub. Laws 421 and 729, 77th Cong., 2d Sess.; Pub. Law 383, 78th Cong., 2d Sess.; Pub. Laws 108 and 548, 79th Cong., 1st and 2d Sess.), and Executive Order 9809 (11 F. R. 14281), Revised Procedural Regulation No. 3—Procedure for the Protest and Amendment of Maximum Rent Regulations and Adjustment Under such Regulations—is hereby revised and amended and the following rules are prescribed for adjustments, amendments, protests, and interpretations under maximum rent regulations:

Sec.
1300.201 Purposes of this regulation.

SUBPART A—LANDLORDS' PETITIONS; AND TENANTS' APPLICATIONS

1300.202 Right to file petition.
1300.203 Method of filing, form, and contents.
1300.204 Joint petitions, consolidation.
1300.205 Tenants' applications for decrease in maximum rents.
1300.206 Investigation by the rent director.
1300.207 Action by rent director on his own initiative.
1300.208 Action by the rent director on petitions for adjustment or other relief.

Tenants' and Landlords' Applications for Review of Rent Director's Action on Petitions for Certificates Relating to Eviction

1300.209 Tenants' and landlords' applications for review in cases concerning certificates relating to eviction.
1300.210 Tenant and landlord as parties in application for review proceedings.
1300.211 Service of orders, objections and evidence upon parties.
1300.212 Action on tenants' and landlords' applications for review in cases concerning certificates relating to eviction.
1300.213 Oral hearings.

Landlords' Applications for Review of Rent Director's Action in all Other Cases

1300.214 Landlords' applications for review in cases not concerning certificates relating to eviction.
1300.215 Action on applications for review.
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SUBPART B—PETITION FOR AMENDMENT

1300.217 Right to file petition.
1300.218 Place for filing petitions for amendment; form and contents.
1300.219 Joint petitions for amendment.
1300.220 Action by the Administrator on petition.

SUBPART C—PROTESTS

General Provisions

1300.221 Right to protest.
1300.222 Time and place of filing protests.
1300.223 Tenants' and landlords' protests filed prior to February 19, 1947, in cases concerning certificates relating to eviction.
1300.224 Filing of tenants' protests as suspending certificate relating to eviction.
1300.225 Stay of landlord's obligation to refund.
1300.226 Form of protest.
1300.227 Assignment of docket number.
1300.228 Protest and evidential material not conforming to this regulation.
1300.229 Joint protests.
1300.230 Consolidation of protests.
1300.231 Amendment of protest and presentation of additional evidence.
1300.232 Special provisions in proceedings where protest is directed against order issued pursuant to § 1300.212 of this regulation.
1300.233 Action by the Administrator on protest.
1300.234 Basis for determination of protest.

Contents of Protests and Supporting Materials

1300.235 Contents of protests.
1300.236 Affidavits or other written evidence in support of protests.
1300.237 Receipt of oral testimony.
1300.238 Submission of brief.

Material in Support of the Regulation or Order Protested

Sec.
1300.239 Incorporation of material into the record by the Administrator.
1300.240 Other written evidence in support of the maximum rent regulation or order.
1300.241 Receipt of oral testimony in support of the regulation or order.

Boards of Review

1300.242 Right to consideration by a board of review.
1300.243 Composition of boards of review.
1300.244 Where boards of review hear oral argument.
1300.245 Notice of consideration by board of review.
1300.246 Waiver of right to consideration in whole or part in protest proceedings not concerning certificates relating to eviction.
1300.247 Waiver of right to consideration in whole or in part in protest proceedings concerning certificates relating to eviction.
1300.248 Hearing of oral argument.
1300.249 Action by boards of review at conclusion of their consideration of a protest.
1300.250 Action by Administrator after receipt of board of review's recommendations.

Determination of protest

1300.251 Opinion denying protest in whole or in part.
1300.252 Suspensions and stays.
1300.253 Treatment of protest as petition for amendment or for adjustment or other relief.

SUBPART D—INTERPRETATIONS

1300.254 Interpretations.
1300.255 Requests for interpretations: Form and contents.
1300.256 Interpretation to be written: Authorized officials.
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SUBPART E—MISCELLANEOUS PROVISIONS AND DEFINITIONS

1300.258 Witness fees.
1300.259 Contemptuous conduct.
1300.260 Continuance or adjournment of hearing.
1300.261 Subpoenas.
1300.262 Filing of notices, etc.
1300.263 Service of papers.
1300.264 Action by representative.
1300.265 Secretary: Office hours.
1300.266 Confidential information, inspection of documents filed with Secretary.
1300.267 Appearance of Office of Price Administration employees and former employees before the Office of Price Administration.
1300.268 Definitions.
1300.269 Amendment of this regulation.

AUTHORITY: §§ 1300.201 to 1300.269, inclusive, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Laws 108 and 548, 79th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; E. O. 9599, 10 F. R. 10155; E. O. 9651, 10 F. R. 13487; E. O. 9697, 11 F. R. 1691; E. O. 9809, 11 F. R. 14281.

§ 1300.201 *Purposes of this regulation.* It is the purpose of this regulation to prescribe and explain the procedure of the Office of Price Administration, Office of Temporary Controls, in making various kinds of determinations in connection with the establishment of maximum rents and the issuance of certificates relating to eviction.

(a) Subpart A deals with petitions for adjustment and other relief, provided for by the maximum rent regulations. An adjustment in maximum rent or any other relief can be granted only if the applicable maximum rent regulation contains specific provision for the adjustment or other relief sought.

(b) Subpart B deals with petitions for amendment. A petition for amendment may be filed by any person who is affected by a maximum rent regulation and who desires a change of general applicability in the provisions of the regulation itself. It is the appropriate document to be filed when a person does not wish to file a formal statutory protest or is not entitled to do so because he is not subject to the regulation as defined in § 1300.221 of this regulation.

(c) Subpart C deals with protests. The nature and function of protests are set forth in general in the introduction to Subpart C, preceding § 1300.221.

(d) Subpart D explains the way in which interpretations of the meaning or effect of provisions of maximum rent regulations are given by officers or employees of the Office of Price Administration, Office of Temporary Controls.

(e) Subpart E contains miscellaneous provisions, and definitions.

SUBPART A—LANDLORDS' PETITIONS; AND TENANTS' APPLICATIONS

§ 1300.202 *Right to file petition.* A petition for adjustment or other relief may be filed by any landlord subject to any provision of a maximum rent regulation who requests such adjustment or relief pursuant to a provision of the maximum rent regulation authorizing such action.

§ 1300.203 *Method of filing, form, and contents.* A petition for adjustment or other relief provided for by a maximum rent regulation shall be filed with the rent director of the Office of Price Administration, Office of Temporary Controls, for the defense-rental area within which the housing accommodations involved are located. Petitions shall be filed upon forms prescribed by the Administrator and pursuant to instructions stated on such forms and may be accompanied by affidavits or other documents setting forth the evidence upon which the petitioner relies in support of the facts alleged in his petition.

§ 1300.204 *Joint petitions, consolidation.* Two or more landlords may file a joint petition for adjustment or other relief where the grounds of the petition are common to all landlords joining therein. A joint petition shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one landlord. A landlord's petition may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. Whenever the rent director deems it necessary or appropriate, he may order the filing of separate petitions or he may consolidate separate petitions presenting common questions which can be determined expeditiously in one proceeding.

§ 1300.205 *Tenants' applications for decreases in maximum rents.* Tenants' applications for decreases in maximum rents provided for by section 5 of the rent regulations shall be filed with the rent director for the defense-rental area within which the housing accommodations involved are located. The application for decrease in maximum rent shall be filed on forms prescribed by the Administrator. Action thereon shall be within the discretion of the rent director and the procedure shall be the same as in proceedings in the cases specified in § 1300.207 of this regulation.

§ 1300.206 *Investigation by the rent director.* Upon the commencement of a proceeding provided for by §§ 1300.202, 1300.205, or 1300.207 of this regulation, the rent director may make such investigation of the facts, hold such conferences, and require the filing of such reports, evidence in affidavit form or other material relevant to the proceeding, as he may deem necessary or appropriate for the proper disposition of the proceeding.

§ 1300.207 *Action by rent director on his own initiative.* In any case where the rent director pursuant to the provisions of a maximum rent regulation, deems it necessary or appropriate to enter an order on his own initiative, he shall, before taking such action, serve a notice upon the landlord of the housing accommodations involved stating the proposed action and the grounds therefor. The proceeding shall be deemed commenced on the date of issuance of such notice.

§ 1300.208 *Action by the rent director on petitions for adjustment or other relief.* (a) Upon receipt of a petition for adjustment or other relief, and after due consideration, the rent director may either:

(1) Dismiss any petition which fails substantially to comply with the provisions of the applicable maximum rent regulation or of this regulation; or

(2) Grant or deny in whole or in part, any petition which is properly pending before him; or

(3) Notice such petition for oral hearing to be held in accordance with § 1300.216 of this regulation; or

(4) Provide an opportunity to present further evidence in affidavit form, in connection with such petition.

(b) Where the petition requests a certificate relating to eviction pursuant to section 6 (b) of the rent regulations, a copy of the landlord's petition and all supporting documents shall be served by the rent director upon the tenant of the housing accommodations concerned and the tenant shall be provided an opportunity to present objections or other written evidence prior to entry of any final order on the petition. A copy of such final order shall be served by the rent director upon the tenant.

(c) An order entered by a rent director upon a petition for adjustment or other relief, or an order entered by a rent director on his own initiative, shall be effective and binding until changed by further order and shall be final subject only to application for review or protest as provided in § 1300.209 or § 1300.214, and §§ 1300.221, and following. An order entered by a rent director may be revoked or modified at any time upon due notice to all persons subject to such order.

Tenants' and Landlords' Applications for Review of Rent Director's Action on Petitions for Certificates Relating to Eviction

Introduction. The Supreme Court of the United States has ruled in Parker v. Fleming, 67 Sup. Ct. ———, that tenants of housing accommodations are entitled to administrative and judicial review of orders granting certificates relating to eviction pursuant to section 6 (b) of the rent regulations.

The following provisions concerning tenants' and landlords' applications for review, and those in §§ 1300.221, and following, pertaining to tenants' and landlords' protests, set forth the exclusive procedures for obtaining administrative review of orders concerning certificates relating to eviction. Landlords' applications for review of orders of a rent director other than those determining a petition for a certificate relating to eviction pursuant to section 6 (b) of the rent regulations are governed by §§ 1300.214 and 1300.215 of this regulation.

§ 1300.209 *Tenants' and landlords' applications for review in cases concerning certificates relating to eviction.* (a) Any tenant occupying housing accommodations as to which a certificate relating to eviction has been issued by order of a rent director pursuant to section 6 (b) of the rent regulations may file with the rent director a tenant's application for review of such determination by the Regional Administrator for the region in which the defense-rental area office is located. An original and three (3) copies of such application, prepared upon a form prescribed by the Administrator, and pursuant to instructions stated on such form, shall be filed with the rent director.

(b) Any landlord whose petition for a certificate relating to eviction pursuant to section 6 (b) of the rent regulations has been dismissed or denied in whole or in part by the rent director may file an application for review of such determination by the Regional Administrator for the region in which the defense-rental area office is located. Such application shall be made on a form prescribed by the Administrator, and prepared and filed in the same manner as that provided for tenants' applications for review in paragraph (a), above.

(c) Upon the filing of an application for review, as provided in paragraphs (a) or (b), above, the rent director shall forward the record of the proceedings, with respect to which such application is filed, to the appropriate Regional Administrator, and the application shall then be assigned a docket number. The Regional Administrator shall cause one copy of the application for review and all supporting documents to be served upon the landlord when the application is made by the tenant, or one copy upon the tenant when the application is made by the landlord.

(d) Applications for review may be filed within ninety (90) days after the date of issuance of the determination to be reviewed (or before May 21, 1947 with respect to determinations made on or prior to February 19, 1947): *Provided, however,* That where the tenant seeks to have the order of the rent director suspended pending review of the determination by the Regional Administrator, the tenant's application for review shall be filed within thirty (30) days after the date of issuance of the determination to be reviewed (or before March 22, 1947 with respect to determinations made on or prior to February 19, 1947). An application for review which is not filed within the applicable ninety (90) day period ordinarily will be dismissed unless special circumstances are shown therein to justify a late filing.

(e) Upon the filing of a tenant's application for review within the thirty (30) day period specified in paragraph (d), above, the order granting the certificate relating to eviction shall be deemed suspended automatically, and shall remain suspended until such suspension is terminated by the Regional Administrator as provided in this paragraph, or as provided for in paragraph (f) below. The Regional Administrator may at any time suspend the order under review where the circumstances indicate that grounds for revocation or modification of such order may be present. The Regional Administrator may also at any time prior to his determination of the tenant's application for review, or upon final disposition thereof, direct that the suspension provided for in this paragraph shall be terminated where such application is frivolous, dilatory, or not made in good faith.

(f) Where the tenant's application for review is denied in whole or in part by the Regional Administrator and the Regional Administrator has not at the time of, or prior to, such denial, terminated the suspension provided for in paragraph (e) above, the suspension shall not terminate until the expiration of thirty (30) days after entry of the order of denial of the tenant's application.

(g) Where the Regional Administrator's final order grants in whole or in part a landlord's application for review, the effectiveness of the order shall be deemed suspended automatically for a period of thirty (30) days after entry of such order.

(h) The suspension of a certificate relating to eviction or of any order granting such certificate, pursuant to this regulation, shall take effect for all purposes and notwithstanding that the waiting period prescribed in terms in the certificate has expired.

§ 1300.210 *Tenant and landlord as parties in application for review proceedings.* (a) Upon the filing and service of an application for review in cases concerning certificates relating to eviction, in accordance with the provisions of § 1300.209 of this regulation, both the tenant and the landlord shall be deemed parties to such proceedings.

(b) Where the application is made by the tenant, the landlord shall have a period of fifteen (15) days from date of service upon him of the tenant's application within which to present objections or other written evidence; and where the application for review is made by the landlord, the tenant shall have a similar period after service upon the tenant of such application within which to file objections and other written evidence in support of the determination to be reviewed.

§ 1300.211 *Service of orders, objections and evidence upon parties.* (a) Copies of all orders in the proceedings shall be served by the Regional Administrator upon both parties.

(b) An original and two (2) copies of all objections or written evidence to be presented by either party shall be filed with the Regional Administrator and should be plainly legible.

(c) All documents filed by either party after the filing of an application for review shall contain on the first page thereof the following: (1) A statement that the document being filed is either in support of or in objection to the application for review, (2) the docket number of the application for review, (3) the name and post office address of the party filing the document, and the address of the housing accommodations involved, and (4) a statement that the party is the landlord or tenant.

§ 1300.212 *Action on tenants' and landlords' applications for review in cases concerning certificates relating to eviction.* Upon the filing of an application for review in accordance with § 1300.209 of this regulation, and after due consideration, the Regional Administrator may affirm, revoke, or modify, in whole or in part, the determination of the rent director sought to be reviewed and may enter such order as is necessary or proper. In any case where an application for review does not conform in a substantial respect to the requirements of this regulation, the Regional Administrator may dismiss such application. An order entered by a Regional Administrator upon an application for review may be revoked or modified at any time upon due notice to the parties subject to such order and shall be subject to protest as provided in § 1300.221, and following, of this regulation.

§ 1300.213 *Oral hearings.* Oral hearings may be requested by either party. The granting of such requests and oral hearings shall be governed by the provisions of § 1300.216 of this regulation. Notice of oral hearing shall be served upon all parties to the proceeding.

Landlords' Applications for Review of Rent Director's Action in All Other Cases

§ 1300.214 *Landlords' applications for review in cases not concerning certificates relating to eviction.* (a) Any landlord whose petition for adjustment or other relief, except a petition for a certificate relating to eviction, has been dismissed or denied in whole or in part by the rent director, or any landlord subject to an order entered by the rent director on his own initiative may file with the rent director an application for re-

view of such determination by the Regional Administrator for the region in which the defense-rental area office is located: *Provided*, That any landlord subject to an order entered under section 5 (d) of any maximum rent regulation or subject to an order entered by the rent director under § 1300.207 of this regulation, may either apply for review of such order as provided in this section, or may protest any provision of such order as provided in §§ 1300.221, and following, of this regulation. An application for review shall be filed in triplicate upon forms prescribed by the Administrator and pursuant to instructions stated on such forms. Upon the filing of an application for review of such determination, the rent director shall forward the record of the proceedings, with respect to which such application is filed, to the appropriate Regional Administrator.

(b) Applications for review may be filed within ninety (90) days after the date of issuance of the determination to be reviewed. An application for review which is not filed within the specified time ordinarily will be dismissed unless special circumstances are shown to justify a later filing.

(c) Where the effect of a rent director's order is to require a landlord to make a refund to the tenant in accordance with the provisions of section 4 (e), 4 (j), or 5 (b) (3) of the Rent Regulation for Housing, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, section 4 (e) or 5 (b) (3) of the Rent Regulation for Housing in the New York City Defense-Rental Area, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area section 4 (b), 4 (f), or 5 (b) (3) of the Rent Regulation for Housing in the Miami Defense-Rental Area, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area or section 4 (e), 4 (i) or 5 (b) (3) of the Rent Regulation for Housing in the Atlantic County Defense-Rental Area, the obligation to refund shall be stayed if the landlord, within thirty days after the date of issuance of said order, duly files an application for review together with a refund transmittal memorandum directed to the Regional Budget and Finance Officer on forms prescribed by the Administrator, accompanied by a certified check or money order in the amount of the refund payable to the U. S. Treasurer, and such additional information and documents as may be required. The money so deposited shall be distributed pursuant to the order of the Regional Administrator.

§ 1300.215 *Action on applications for review.* Upon the filing of an application for review in accordance with § 1300.214 of this regulation, and after due consideration, the Regional Administrator may affirm, revoke, or modify, in whole or in part, the determination of the rent director sought to be reviewed and may enter such order as is necessary or proper. In any case where an application for review does not conform in a substantial respect to the requirements of this regulation, the Regional Administrator may dismiss such application. An order entered by a Regional Administrator upon an application for review shall be effective and binding until changed by further order and shall be final subject only to protest as provided in § 1300.221, and following, of this regulation. An order entered by a Regional Administrator upon an application for review may be revoked or modified at any time upon due notice to the applicant.

If the effect of the order of the rent director is to require a refund of rent to the tenant under section 4 (e), 4 (j), or 5 (b) (3) of the Rent Regulation for Housing, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, section 4 (e) or 5 (b) (3) of the Rent Regulation for Housing in the New York City Defense-Rental Area, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area, section 4 (b), 4 (f) or 5 (b) (3) of the Rent Regulation for Housing in the Miami Defense-Rental Area, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area or section 4 (e), 4 (i) or 5 (b) (3) of the Rent Regulation for Housing in the Atlantic County Defense-Rental Area, the modification or revocation of said order by the Regional Administrator as it affects the refund, shall be retroactive if a stay has been obtained pursuant to § 1300.214.

§ 1300.216 *Oral hearings*—(a) *Requests for oral hearing.* Any petitioner or applicant may request an oral hearing. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence and briefs will not permit the fair and expeditious disposition of the petition or application. In the event that an oral hearing is ordered, notice thereof shall be served on the petitioner or applicant not less than five days prior to such hearing. The time and place of hearing shall be stated in the notice. A presiding officer will be appointed with all necessary powers to conduct the hearing. Any such oral hearing may be limited in such manner and to such extent as deemed appropriate to the expeditious determination of the proceeding.

(b) *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the appropriate regional office or defense-rental area office.

SUBPART B—PETITION FOR AMENDMENT

§ 1300.217 *Right to file petition.* A petition for amendment may be filed at any time by any person subject to or affected by a provision of a maximum rent regulation. A petition for amendment shall propose an amendment of general applicability and shall be granted or denied on the merits of the amendment proposed. The denial of a petition for amendment is not subject to protest or judicial review under the act.

§ 1300.218 *Place for filing petitions for amendment; form and contents.* A petition for amendment shall be filed with the Secretary, Office of Price Administration, Office of Temporary Controls, Washington, D. C. One original and four copies of the petition and of all accompanying documents and brief shall be filed. Each copy shall be printed, typewritten, mimeographed, or prepared by a similar process and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented. Every such petition shall be designated "Petition for Amendment" and shall contain, upon the first page thereof, the name of the defense-rental area and the number and date of issuance of the maximum rent regulation to which the petition relates, and the name and address of the petitioner. The petition shall specify the manner in which the petitioner is subject to or affected by the provision of the maximum rent regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition shall be accompanied by affidavits setting forth the evidence upon which the petitioner relies in his petition.

§ 1300.219 *Joint petitions for amendment.* Two or more persons may file a joint petition for amendment, where the amendments proposed are identical or substantially similar. Joint petitions shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one person. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint petitions, he may treat such joint petitions as several, and, in any event, he may require the filing of relevant material by each individual petitioner.

§ 1300.220 *Action by the Administrator on petition.* In the consideration of any petition for amendment, the Administrator may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more petitions for amendment, the Administrator may consolidate such petitions.

SUBPART C—PROTESTS

Introduction. Subpart C deals with protests. A protest is the means provided by Section 203 (a) of the Act for landlords to make formal objections to a maximum rent regulation or order, and for both landlords and tenants to make formal objections to individual orders involving certificates relating to eviction. Neither landlord nor tenant may file a protest in a case involving a certificate relating to eviction unless an application for review of the order pertaining to such certificate has been determined in whole or in part adversely to such party by the Regional Administrator pursuant to §§ 1300.209 to 1300.212, inclusive, of this regulation. Ordinarily, the filing of a protest is also a prerequisite to obtaining judicial review by the Emergency Court of Appeals of the validity of a rent regulation or order. The other method available to landlords, only, to obtain judicial review is the filing of a complaint in the Emergency Court of Appeals after obtaining special leave to do so in an enforcement proceeding pursuant to section 204 (c) of the act.

Subpart C also contains provisions for consideration of protests by boards of review in accordance with section 203 (c) of the act. A protestant is entitled to consideration of his objections by a board of review if he files a protest in accordance with the provisions of this regulation, making a specific request for consideration by a board of review in accordance with § 1300.235 (b) of this regulation. Where the protest involves an order concerning a certificate relating to eviction, either party to such proceeding is entitled to such consideration upon specific request therefor in accordance with § 1300.235 (b) or (c) of this regulation.

General Provisions

§ 1300.221 *Right to protest.* (a) Any tenant or landlord subject to an order issued under § 1300.212 of this regulation may file a protest in the manner set forth below. An order issued by a Regional Administrator under § 1300.210 of Revised Procedural Regulation No. 3 (now § 1300.215 of this regulation) upon a landlord's application for review in a case involving a certificate relating to eviction shall, for the purposes of this regulation, be deemed an order issued pursuant to § 1300.212 of this regulation.

(b) Any landlord subject to any provision of a maximum rent regulation, or of an order issued under § 1300.215 of this regulation, or of an order entered under section 5 (d) of any maximum rent regulation, or of an order entered by the rent director under § 1300.207 of this regulation, may file a protest in the manner set forth below.

(c) For the purposes of this regulation, a tenant is subject to an order issued under § 1300.212 of this regulation so long as he occupies the housing accommodations with which that order deals: *Provided, however*, That any tenant who has a protest pending of the nature referred to in § 1300.223 (a) of this regulation shall be deemed subject to the order protested.

(d) A landlord is subject to a provision of a maximum rent regulation or of an order only if such provision prohibits or requires action by him.

(e) Any protest filed by a tenant or a landlord not subject to the provision protested, or otherwise not in accordance with the requirements of this regulation, may be dismissed by the Administrator.

§ 1300.222 *Time and place of filing protests.* (a) Any protest against the provisions of a maximum rent regulation may be filed at any time after the issuance thereof.

(b) The Act provides no specific time limit for filing a protest against an order issued under § 1300.212 or § 1300.215 of this regulation, or of an order entered under section 5 (d) of any maximum rent regulation, or of an order entered by the rent director under § 1300.207 of this regulation. However, as the United States Emergency Court of Appeals has stated in its opinion in the case of R. E. Schanzer, Inc., v. Bowles, 141 F. 2d 262 (1944), if the filing of a protest is unduly delayed, the defense of laches (unreasonable delay) may be available to the Administrator. There will ordinarily be no reason why a protest against an order of the kind specified in this paragraph, affecting only an individual, cannot be filed promptly after the issuance of such order. Accordingly, if a protest is not filed within ninety (90) days after the date of issuance of such order, (or before May 21, 1947 in the case of an order issued prior to February 20, 1947 pursuant to § 1300.212 of this regulation) the Administrator ordinarily will regard the delay as unreasonable and will dismiss the protest unless special circumstances are shown to justify the delay.

(c) Protests shall be filed with the Secretary of the Office of Price Administration, Office of Temporary Controls, Washington 25, D. C. A copy of the protest shall also be filed with the appropriate Regional Administrator or rent Director as provided in § 1300.226 of this regulation.

§ 1300.223 *Tenants' and landlords' protests filed prior to February 19, 1947, in cases concerning certificates relating to eviction.*

(a) If prior to February 19, 1947, a protest was filed by a tenant in occupancy against an order granting a certificate relating to eviction, and such protest has not been dismissed, or the order dismissing the protest has been set aside, the landlord shall be made a party to the proceeding and such protest shall be determined by the Administrator on the merits in accordance with procedures consistent with those provided in this regulation for processing protests filed on or after February 19, 1947.

(b) If prior to February 19, 1947, a protest was filed by a landlord against an order denying an application for review of an order of a rent director denying in whole or part a landlord's petition for a certificate relating to eviction, and such protest has not been disposed of by final order of the Administrator, the Administrator shall cause the tenant in occupancy to be made a party to the protest proceedings and the protest shall be processed in accordance with procedures consistent with those provided in this regulation for processing protests filed on or after February 19, 1947.

§ 1300.224 *Filing of tenants' protests as suspending certificate relating to eviction.* (a) If a tenant files a protest against an order issued pursuant to § 1300.212 of this regulation within thirty (30) days after entry of such order, and the certificate relating to eviction has been suspended pursuant to paragraphs (f) or (g) of § 1300.209 of this regulation the certificate shall remain suspended during the protest proceedings.

(b) In cases where the § 1300.212 order against which the tenant's protest is directed was issued prior to February 19, 1947, such order shall be deemed and remain suspended during the protest proceedings if the protest is filed prior to March 22, 1947.

(c) In all cases where a tenant's protest of the nature referred to in paragraph (a) of § 1300.223 of this regulation is pending, the certificate relating to eviction shall be deemed, and remain, suspended automatically during the protest proceedings.

(d) If the tenant's protest or objections are dilatory, frivolous, or not made in good faith the Administrator may at any time terminate the suspension provided for in paragraphs (a), (b) and (c), above, and in paragraphs (a) and (b) of § 1300.252 of this regulation. The Administrator may, at any time, suspend the certificate relating to eviction or the order granting such certificate if the circumstances indicate that revocation or modification of such certificate may be warranted.

(e) The suspension of a certificate relating to eviction or of any order granting such certificate, pursuant to this regulation, shall take effect for all purposes and notwithstanding that the waiting period prescribed in terms in the certificate has expired.

§ 1300.225 *Stay of landlord's obligation to refund.* (a) Where the Rent Director has entered an order under § 1300.207 of this regulation, the effect of which is to require a landlord to make a refund to a tenant in accordance with the provisions of section 4 (e), 4 (j), or 5 (b) (3) of the Rent Regulation for Housing, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, section 4 (e) or 5 (b) (3) of the Rent Regulation for Housing in the New York City Defense-Rental Area, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area, section 4 (b), 4 (f) or 5 (b) (3) of the Rent Regulation for Housing in the Miami Defense-Rental Area, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area or section 4 (e), 4 (i) or 5 (b) (3) of the Rent Regulation for Housing in the Atlantic County Defense-Rental Area, the obligation to refund shall be stayed if the landlord within thirty days after the date of issuance of said order duly files a protest against said order, together with a refund transmittal memorandum directed to the Regional Budget and Finance Officer on forms prescribed by the Administrator accompanied by a certified check or money order in the amount of the refund payable to the United States Treasurer, and such additional information and documents as may be required. The money so deposited shall be distributed pursuant to the order of the Administrator.

(b) Compliance with that portion of a Regional Administrator's order which specifies the manner in which the money

deposited pursuant to § 1300.214 (c) be distributed to a tenant, shall be stayed if the landlord, within thirty days after the date of issuance of said order, duly files a protest in the manner herein set forth. In such event, the money so deposited shall be distributed pursuant to the order of the Administrator.

(c) Compliance with that portion of an order, issued by the Administrator upon the determination of a protest which specifies the manner in which the money deposited pursuant to paragraph (a) herein or § 1300.214 (c) shall be distributed to a tenant, shall be stayed if the protestant, within thirty days after the date of issuance of said order files a complaint in the United States Emergency Court of Appeals in accordance with section 204 (a) of the Emergency Price Control Act of 1942, as amended, objecting to the provisions of the rent director's or regional administrator's order which require the refund. In such event the money so deposited shall be distributed by order of the Administrator in a manner consistent with the ultimate disposition of the proceedings.

(d) If, within thirty days after entry of a judgment or order, interlocutory or final, by the United States Emergency Court of Appeals in a proceeding described in paragraph (c) herein, a petition for a writ of certiorari is filed in the Supreme Court of the United States, the distribution of the money deposited pursuant to paragraph (a) herein or § 1300.-214 (c) shall be stayed, and the funds shall thereafter be distributed by order of the Administrator in a manner consistent with the ultimate disposition of the proceedings.

§ 1300.226 *Form of protest.* (a) Every protest shall be clearly designated "protest" and shall contain upon the first page thereof (1) the name of the protestant and of the defense-rental area for which the maximum rent regulation or order protested was issued, (2) a statement whether the protest is against a maximum rent regulation or order, (3) the date of issuance and the name or number of such maximum rent regulation or order, (4) a statement that a copy of the protest and all accompanying documents and briefs has been filed with the Regional Administrator or the Rent Director where such action is required by paragraph (c) or (d) of this section, and (5) where the protest is directed by a tenant or landlord to an order issued under § 1300.212 of this regulation, the full names and addresses of the landlord and tenant.

(b) One original and five copies of the protest and of all accompanying documents and briefs shall be filed with the Secretary of the Office of Price Administration, Office of Temporary Controls, Washington 25, D. C.

(c) In cases where the protest is directed against an order issued pursuant to § 1300.212 or § 1300.215 of this regulation, an additional copy of the protest, accompanying documents and briefs, shall be filed with the Regional Administrator issuing the order being protested.

(d) In cases where the protest is directed against either an order entered under section 5 (d) of any maximum rent regulation, or an order entered by the rent director under § 1300.207 of this regulation, and an application for review has not been filed, an additional copy of the protest, accompanying documents and briefs, shall be filed with the rent director issuing the order being protested.

(e) Each copy of the protest, accompanying documents and briefs, shall be printed, typewritten, mimeographed or prepared by similar process and should be plainly legible. Copies shall be double-spaced except that quotations shall be single-spaced and indented.

§ 1300.227 *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the information specified in § 1300.226 of this regulation.

§ 1300.228 *Protest and evidential material not conforming to this regulation.* In any case where a protest or evidential material does not conform, in a substantial respect, to this regulation, the Administrator may dismiss such protest, or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the protest.

§ 1300.229 *Joint protests.* Two or more landlords, or tenants, may file a joint protest. Joint protests shall be filed and determined in accordance with the rules governing the filing and determination of protests filed severally. A joint protest shall be verified in accordance with § 1300.235 (a) (7) of this regulation by each protestant. A joint protest may be filed only where at least one ground is common to all persons joining in it. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by each individual protestant.

§ 1300.230 *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests, the Administrator may consolidate such protests.

§ 1300.231 *Amendment of protest and presentation of additional evidence.* In general, all of the objections upon which a protestant intends to rely in the protest proceedings must be clearly stated in the protest when it is filed, and all of the evidence which the protestant wishes to offer in support of the protest must be filed at the same time. Exceptions to this rule are stated in §§ 1300.236 (b) and 1300.237 relating to evidence not subject to protestant's control and the submission of oral testimony. A protestant may, however, be granted permission to amend his protest so as to state additional objections or to present further evidence in connection therewith upon a showing of reasonable excuse for failure to present such objections or evidence at the time the protest was first filed. The permission will be granted only if, in the judgment of the Administrator, it will not unduly delay the completion of the proceedings on the protest.

§ 1300.232 *Special provisions in proceedings where protest is directed against order issued pursuant to § 1300.212 of this regulation.* (a) Upon the filing of a protest against an order issued pursuant to § 1300.212 of this regulation, the Secretary of the Office of Price Administration, Office of Temporary Controls, shall cause one copy of the protest and accompanying documents to be served upon the landlord, if the tenant is the protestant, or one copy upon the tenant if the landlord is the protestant. The party so served shall be known as the "respondent." Both the protestant and the respondent shall then be parties to such proceedings.

(b) The respondent shall have a period of thirty (30) days from the date of service of the protest by the Secretary within which to present objections and written evidence, to request a hearing for the receipt of oral testimony or assistance in obtaining evidence and to submit a brief, as provided for in §§ 1300.237, 1300.236 and 1300.238 of this regulation, and to request consideration of the protest by a board of review, as provided for in § 1300.242. An original and five (5) copies of such objections, evidence, or request shall be filed in affidavit form with the Secretary of the Office of Price Administration, Office of Temporary Controls, Washington (25), D. C. Each document filed by either party after the filing of the protest shall (1) contain the docket number assigned to the protest proceedings, and (2) shall conform to the requirements of § 1300.226 of this regulation.

(c) Copies of orders issued by the Administrator during the protest proceedings shall be served upon both landlord and tenant.

§ 1300.233 *Action by the Administrator on protest.* (a) Within a reasonable time after the filing of any protest in accordance with this revised procedural regulation, but in no event more than thirty days after such filing, the Administrator shall:

(1) Grant or deny such protest in whole or in part;

(2) Notice such protest for hearing of oral testimony in accordance with §§ 1300.237 or 1300.241 of this regulation;

(3) Notice such protest for hearing of oral argument by a board of review in accordance with § 1300.245;

(4) Provide an opportunity to present further evidence in connection with such protest. Within a reasonable time after the presentation of such further evidence, the Administrator may notice such protest for hearing of oral testimony in accordance with subparagraph (2) of this section, notice the protest for hearing of oral argument by a board of review in accordance with subparagraph (3) of this section, include additional material in the record of the proceedings on the protest in accordance with §§ 1300.239 and 1300.240 of this regulation, or take such other action as may be appropriate to the disposition of the protest.

(b) Notice of any such action taken by the Administrator shall be served upon

the protestant, and, where the protest is directed against an order issued pursuant to § 1300.212 of this regulation, upon both the protestant and the respondent.

(c) Where the Administrator has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.

§ 1300.234 *Basis for determination of protest*—(a) *Record of the proceedings.* The factual basis upon which a protest is determined is to be found in the record of the proceedings. This record consists of the following:

(1) The designation of the defense-rental area, the rent declaration, and the maximum rent regulation involved;

(2) The protest and evidential material properly filed with the Secretary, in accordance with §§ 1300.232 and 1300.235 to 1300.237, inclusive, of this regulation;

(3) If the protest is against an order, the evidence and all documents in proceedings had in connection therewith;

(4) Materials incorporated into the record of the proceedings under §§ 1300-.239 and 1300.240 of this regulation;

(5) Oral testimony taken in accordance with §§ 1300.237 and 1300.241 of this regulation;

(6) All orders and opinions issued in the proceedings.

(b) *Facts of which the Administrator has taken official notice.* The above-listed documents may contain, as provided by section 203 (b) of the Act, statements of economic data and other facts of which the Administrator has taken official notice, including facts found by him as a result of reports filed and studies and investigations made pursuant to section 202 of the Act.

(c) *Briefs and arguments.* Briefs and oral arguments submitted or presented in accordance with this regulation are, of course, considered in the determination of a protest. They are, however, not a part of the record of the proceedings and are not included in the transcript of protest proceedings which is filed, in case of appeal, with the Emergency Court of Appeals.

Contents of Protests and Supporting Materials

§ 1300.235 *Contents of protests*—(a) *What each protest must contain.* Every protest shall set forth the following:

(1) The name and the post office address of the protestant, the manner in which the protestant is subject to the provision of the maximum rent regulation or order protested, and the location, by post office address or otherwise, of all housing accommodations involved in the protest;

(2) The name and post office address of any person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Office of Price Administration, Office of Temporary Controls, relating to the protest shall be sent;

(3) A complete identification of the provision or provisions protested, citing the number of the maximum rent regulation or order, the section or sections thereof to which objection is made, and the date of issuance thereof;

(4) A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered;

(5) A clear and concise statement of all facts alleged in support of each objection;

(6) A statement of the relief requested by the protestant, including, if the protestant requests modification of a provision of the maximum rent regulation, the specific changes which he seeks to have made in the provision;

(7) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the protestant personally, or, if a partnership, by a partner, or, if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant shall specify which of the facts are alleged and known to be true and which are alleged on information and belief.

(b) *Consideration by a board of review upon request by protestant.* A protestant who wishes his protest considered by a board of review must specifically so request. If he also wishes to offer oral argument, he must so state, indicating the order of his preference as to (1) argument before a full board in Washington, D. C., or (2) argument before a subcommittee of the board at the nearest Regional Office or elsewhere as requested. A simple request for consideration of the protest by a board of review, without more, will be construed as a request for consideration without oral argument. § 1300.244 of this regulation sets forth the considerations which will be determinative in the decision as to where oral argument may be heard. The request for consideration by a board of review must be made either in the protest or in an amendment thereto filed within fifteen days of the date the protest is filed. Such an amendment shall be deemed filed within the fifteen day period if it is received by the Secretary, Office of Price Administration, Office of Temporary Controls, Washington, D. C., no later than the fifteenth day after the protest was filed. Further provisions with respect to proceedings before a board of review are to be found in §§ 1300.242 to 1300.250, inclusive, of this regulation.

(c) *Consideration by a board of review at request of respondent in cases concerning certificates relating to eviction.* The respondent in proceedings where the protest is directed against an order issued pursuant to § 1300.212 of this regulation may request consideration of the protest by a board of review and oral argument, as provided for in paragraph (b), above, by filing such request within thirty (30) days after service of the protest upon respondent.

§ 1300.236 *Affidavits or other written evidence in support of protests.* Every protestant shall file together with his protest the following:

(a) Affidavits setting forth in full all the evidence the presentation of which is subject to the control of the protestant and upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance, the affiant shall state in detail the sources of his information: *Provided,* That on a protest of an order, the evidence and all documents in proceedings had in connection therewith shall be a part of the record on protest and need not be filed by the protestant.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest. Such statement shall be accompanied by an application for assistance by way of subpoena, interrogatories, or otherwise, in, obtaining the documentary evidence or the evidence of persons not subject to protestant's control, showing in every instance what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify them with sufficient particularity to enable them to be identified for purposes of production.

A similar application may be made by the respondent in protest proceedings involving an order issued pursuant to § 1300.212 of this regulation.

§ 1300.237 *Receipt of oral testimony.* (a) In most cases, evidence in protest proceedings will be received only in written form. Experience in the consideration of protests has demonstrated that this procedure is most conducive to the fair and expeditious disposition of protests. However, the protestant in any case, and the respondent in protest proceedings involving an order issued pursuant to § 1300.212 of this regulation, may request the receipt of oral testimony. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the protest.

(b) In the event that the Administrator orders the receipt of oral testimony, notice shall be served on the protestant, and on the respondent, if any, not less than five (5) days prior to the receipt of such testimony, which notice shall state the time and place of the hearing and the name of the presiding officer designated by the Administrator.

(c) A stenographic report of any hearing of oral testimony shall be made, a copy of which shall be available during business hours in the Office of the Secretary.

§ 1300.238 *Submission of brief.* The protestant may file with his protest and accompanying evidential material, and the respondent, if any, may file with his objections or written evidence, a brief in support of his objections. An original and five (5) copies of such brief shall be submitted separately, distinct from the protest and evidential material.

Material in Support of the Regulation or Order Protested

§ 1300.239 *Incorporation of material into the record by the Administrator.* The Administrator shall incorporate into the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the protestant, and upon the respondent, if any, and the protestant and the respondent shall be given a reasonable opportunity to present further evidence.

§ 1300.240 *Other written evidence in support of the maximum rent regulation or order.* (a) Any person affected by the provisions of a maximum rent regulation, or of an order issued thereunder, may at any time after the issuance of such regulation or order submit to the Administrator a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum rent regulation or order in question, and may be accompanied by affidavits and other data in written form. Each such supporting statement shall conform to the requirements of § 1300.-236 (a) of this regulation.

(b) In the event that a protest has been, or is subsequently, filed against a provision of a maximum rent regulation or order in support of which a statement has been submitted, the Administrator may include such statement in the record of the proceedings taken in connection with such protest. If such supporting statement is incorporated into the record and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.241 *Receipt of oral testimony in support of the regulation or order.* Ordinarily, material in support of the maximum rent regulation or order protested, like material in support of protests, will be received in the protest proceeding only in written form. Where, however, the Administrator is satisfied that the receipt of oral testimony is necessary to the fair and expeditious disposition of the protest, he may, on his own motion, direct such testimony to be received. In that event, the oral testimony will be taken in the manner provided in § 1300.237 of this regulation.

Boards of Review

§ 1300.242 *Right to consideration by a board of review.* Under section 203 (e) of the act, a protest filed after September 1, 1944, must, upon the protestant's request, be considered by a board of review before it can be denied in whole or in part. Similar consideration will be given upon request of the respondent in protest proceedings involving an order issued pursuant to § 1300.212 of this regulation.

Consideration of the record in protest proceedings by a board of review is undertaken for the purpose of reconsidering the provision or provisions of the maximum rent regulation or order protested and recommending action relative thereto to the Administrator. A board of review considers the protest upon the basis of the record which has been developed in the proceedings. Protestant, and the respondent, if any, are accorded an opportunity to present oral argument to a board upon the basis of the objections raised and the evidence in the record, and are guided by the explanatory statement of the issues in the notice of consideration by a board of review. § 1300.234 of this regulation explains the nature of the record in the proceedings. § 1300.235 (b) and (c) explain the nature of such a request and state the time within which it must be filed.

§ 1300.243 *Composition of boards of review.* A board of review is composed of one or more officers or employees of the Office of Price Administration, Office of Temporary Controls, designated by the Administrator to review the record of the proceedings on a particular protest and make recommendations to him as to its disposition. The number of members constituting a board will be determined in the light of the scope and complexity of the issues presented. When a board consists of more than one member, ordinarily at least one member shall be selected who has been directly responsible for the formulation or administration of the maximum rent regulation or order protested. The protestant, and the respondent in protest proceedings involving an order issued pursuant to § 1300.212 of this regulation, will be advised of the membership of a board considering the protest and, if the board consists of more than one member, of the member selected to preside, in the notice of consideration by a board provided for in § 1300.245. When necessitated by incapacity of a member or other good cause, the Administrator may make substitutions in the membership of the board as originally constituted.

§ 1300.244 *Where boards of review hear oral argument.* A board of review consisting of more than one member will ordinarily hear oral argument at the National Office in Washington, D. C., and only in exceptional cases and for good cause shown will the full board hold hearings elsewhere. A board consisting of only one member may hear argument at a Regional Office or elsewhere. Where it has been requested that oral argument be heard at some other place than the National Office and where the board consists of more than one member, a subcommittee thereof may be designated to hear argument at the place requested or at some other convenient place. A request for oral argument without specifying preference as to place of argument will be construed as a request for oral argument at the National Office in Washington, D. C.

§ 1300.245 *Notice of consideration by board of review.* Before denial in whole or in part of any protest as to which consideration by a board of review has been requested in accordance with § 1300.235 (b) or (c) of this regulation, which request has not subsequently been waived, notice of consideration by a board of review will be sent by registered mail to the protestant, and to the respondent in protest proceedings involving an order issued pursuant to § 1300.212 of this regulation. Sending of the notice marks a close of the evidential record in the proceedings. The notice will indicate the issues thought to be determinative and may serve as a guide in planning oral argument. The notice of consideration shall contain, or be accompanied by, the following items, as nearly as the circumstances permit:

(a) Information identifying the protest, including the maximum rent regulation or order being protested and the docket number;

(b) A list of the documents comprising the record of the proceeding;

(c) A brief statement of the issues involved;

(d) A statement of the time (which shall not be less than seven days from the date of the mailing of the notice) and place where the board of review or a subcommittee thereof will hear oral argument;

(e) A list of persons comprising the board of review which is thereby appointed to consider the protest, with their official titles and a designation of the presiding member if the board of review is composed of more than one person.

§ 1300.246 *Waiver of right to consideration in whole or part in protest proceedings not concerning certificates relating to eviction.* A protestant who has properly requested consideration by a board of review in accordance with § 1300.235 (b) may, if he so desires, waive his right to consideration by a board. A protestant who has requested both consideration by and oral argument before a board of review, or subcommittee thereof, may waive his right to oral argument only, or he may waive both oral argument and consideration by a board. Such waiver shall be in writing and shall constitute a part of the record of proceedings on the protest. Failure of a protestant to appear at a hearing of oral argument, which he has not waived in accordance with the foregoing, at the time and place specified in the notice of consideration shall, unless a reasonable excuse is shown, also constitute waiver of his right to consideration by a board. Unexcused failure to appear at a hearing of oral argument shall be noted on the record of proceedings. A waiver by less than all of a group of joint protestants shall not affect the rights of a protestant who has made no waiver.

§ 1300.247 *Waiver of right to consideration in whole or in part in protest proceedings concerning certificates relating to eviction.* In cases where the protest is directed against an order issued pursuant to § 1300.212 of this regulation, and either protestant or the respondent has requested consideration by a board of review in accordance with § 1300.235 (b) or § 1300.235 (c) of this regulation, both parties shall have the right to such consideration. Either the protestant or the respondent may waive his right to oral argument before a board of review as provided for in § 1300.246 of this regulation. Where only one party has waived oral argument, the board of review shall proceed to hear oral argument by the other party. The board shall, in any event, give consideration to the protest, unless both parties have waived their rights thereto as provided in § 1300.246.

§ 1300.248 *Hearing of oral argument.* (a) Argument before a board of review shall ordinarily be limited to one hour except for good cause shown. Where the magnitude of the issues involved warrants more extended discussion or where the protestants, or respondents, in a protest proceeding involving an order issued pursuant to § 1300.212 of this regulation, are numerous, the board may extend or limit the time of each in its discretion. A board may exclude specific argument deemed to be irrelevant to the objections set forth in the protest or unsupported by any evidence in the record. Hearings of argument will be open to the public. Where argument is to be heard by a board of review consisting of more than one member, a majority of such board shall constitute a quorum for the purpose of hearing argument. Presentation of oral argument may be accompanied by submission of a brief.

(b) A stenographic report of all hearings of oral argument by boards of review or subcommittees thereof shall be taken. The report will be transcribed at the direction of the board if a transcription is desired to facilitate consideration of the protest. The report will ordinarily be transcribed if the argument is heard by a subcommittee of a board. If the report is transcribed a copy shall be available in the Office of the Secretary, Office of Price Administration, Office of Temporary Controls, Washington, D. C. Any protestant, or respondent, who wishes a copy of the report may obtain it by requesting the reporter at the hearing to make a copy for him and paying the cost thereof.

§ 1300.249 *Action by boards of review at conclusion of their consideration of a protest.* Within a reasonable time after the hearing of oral argument or after the closing of the record, if such argument has been waived, a board of review shall submit its recommendations in writing to the Administrator as to the disposition of the protest. The recommendations of a majority of the members of a board shall constitute the recommendations of the board, but the disagreement of any member with the recommendations shall be expressly noted. The protestant, and the respondent, if any, will be advised of the recommendations of the board in an appendix to the Administrator's opinion disposing of the protest or closing the docket. Copies of these documents, containing the board's recommendations, will be sent to the protestant and such respondent by registered mail. A board of review shall have authority to recommend to the Administrator that the protest be granted or denied in whole or in part. If it is the opinion of the board that the record in the proceedings should be expanded, it may refer the record of the proceedings to the Administrator in order that the Administrator may consider permitting the amendment of the protest or the receipt of additional evidence. Records will, however, be reopened only in very exceptional circumstances and where the requirements of § 1300.231 can be met.

§ 1300.250 *Action by Administrator after receipt of board of review's recommendations.* After receipt of a board of review's recommendations as to the disposition of the protest, the Administrator shall, within a reasonable time, grant or deny the protest in whole or in part.

Determination of protest

§ 1300.251 *Opinion denying protest in whole or in part.* In the event that the Administrator denies any protest in whole or in part, the protestant, and the respondent, if any, shall be informed of any economic data or other facts of which he takes official notice, the grounds upon which such decision is based, and (if the protest has been considered by a board of review) the recommendations of a board of review and, if any recommendation of such a board has been rejected, the reason for rejection. Any order entered in such protest proceedings shall be effective from the date of its issuance unless otherwise provided in such order, or in this regulation.

§ 1300.252 *Suspensions and stays.* (a) If, in protest proceedings concerning an order issued pursuant to § 1300.212 of this regulation, the certificate relating to eviction is in suspension pursuant to § 1300.224 of this regulation, and the final order of the Administrator denies the tenant's protest in whole or in part, or if the final order of the Administrator grants the landlord's protest in whole or in part, the certificate shall be deemed suspended for a further period of thirty (30) days from the date of receipt of the final order by the tenant. If the tenant files a complaint against such order in the United States Emergency Court of Appeals in accordance with section 204 (a) of the Emergency Price Control Act of 1942, as amended, the certificate shall be deemed suspended until entry of the final judgment of that Court and for a period of thirty (30) days thereafter. If within that period the tenant files a petition for certiorari to review such judgment in the Supreme Court of the United States, the certificate shall be deemed suspended until ultimate disposition of the proceeding. Where, pursuant to a judgment of that Court or of the Emergency Court of Appeals the proceeding is remanded to the Administrator, the certificate shall remain suspended during the further proceedings before the Administrator.

(b) Where, upon complaint filed by the landlord in the Emergency Court of Appeals pursuant to section 204 (a) of the Statute against an order involving a certificate relating to eviction, the determination complained of is set aside in whole or in part, or the proceedings remanded to the Administrator, the certificate shall be deemed suspended in the same manner provided for in paragraph (a) of this section as if the tenant had been the complainant.

(c) If the effect of the order of the rent director or regional administrator is to require a refund of rent to the tenant under section 4 (c), 4 (j), or 5 (b) (3) of the Rent Regulation for Housing, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, section 4 (c) or 5 (b) (3) of the Rent Regulation for Housing in the New York City Defense-Rental Area, section 4 (b) of the Rent Regulation for Transient Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area, section 4 (b), 4 (f) or 5 (b) (3) of the Rent Regulation for Housing in the Miami Defense-Rental Area, section 4 (b) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area or section 4 (c), 4 (i) or 5 (b) (3) of the Rent Regulation for Housing in the Atlantic County Defense-Rental Area, the modification or revocation of said order by the Administrator as it affects the refund shall be retroactive if a stay has been obtained pursuant to § 1300.225 of this regulation.

§ 1300.253 *Treatment of protest as petition for amendment or for adjustment or other relief.* Any protest filed against a provision of a maximum rent regulation may, in the discretion of the Administrator, be treated not only as a protest but also as a petition for amendment of the regulation protested, or as a petition for adjustment or other relief pursuant thereto, when the facts produced in connection with the protest justify such treatment.

SUBPART D—INTERPRETATIONS

§ 1300.254 *Interpretations.* An interpretation given by the Administrator or an officer of the Office of Price Administration, Office of Temporary Controls, with respect to any provision of the Act or any maximum rent regulation or order thereunder, will be regarded as official only if such interpretation was requested and issued in accordance with §§ 1300.255 to 1300.257, inclusive, of this regulation. Action taken in reliance upon and in conformity with an official interpretation and prior to any revocation or modification thereof or to any superseding thereof by regulation, order or amendment, shall constitute action in good faith pursuant to the provision of the Act, or of the regulation or order to which such official interpretation relates. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which,

it is given unless issued as an interpretation of general applicability.

§ 1300.255 *Requests for interpretations: Form and contents.* Any person desiring an official interpretation of the Emergency Price Control Act of 1942, as amended, or of any maximum rent regulation or order thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as practicable, state the names and post office addresses of the persons and the location of the housing accommodations involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his requests shall so indicate and shall state the official or office to whom his previous request was addressed. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

§ 1300.256 *Interpretation to be written: Authorized officials.* Official interpretations shall be given only in writing, signed by the Administrator, or by one of the following officers of the Office of Price Administration, Office of Temporary Controls: the commissioner, the general counsel, any associate or assistant general counsel, any regional attorney, any regional rent attorney, any chief attorney for a State or district or defense-rental area office, and any district rent attorney: *Provided*, That interpretations of general applicability shall be given only by the Administrator, the commissioner, the general counsel, or any associate or assistant general counsel.

§ 1300.257 *Revocation or modification of interpretations.* Any official interpretation, whether of general applicability or otherwise, may be revoked or modified by a publicly announced statement by any official authorized to give interpretations of general applicability or by a statement or notice by the Administrator, commissioner or general counsel published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the commissioner, general counsel or any associate or assistant general counsel. An official interpretation addressed to a particular person by a regional attorney, a regional rent attorney, or a chief rent attorney for a defense-rental area office may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the attorney who issued it or by his successor.

SUBPART E—MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 1300.258 *Witness fees.* Witnesses summoned to give testimony shall be paid the fees and mileage specified by section 202 (f) of the Act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.

§ 1300.259 *Contemptuous conduct.* Contemptuous conduct at any hearing shall be ground for exclusion from the hearing.

§ 1300.260 *Continuance or adjournment of hearing.* Any hearing may be continued or adjourned to a later date or a different place by announcement at the hearing by the person who presides.

§ 1300.261 *Subpoenas.* Subpoenas may require the production of documents or the attendance of witnesses at any designated place. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person or leaving a copy at his regular place of business or abode and by tendering to him the fees and mileage specified in section 202 (f) of the Act. When the subpoena is issued at the instance of the Administrator, fees and mileage need not be tendered. Any person 18 years of age or over may serve a subpoena. The person making the service shall make an affidavit thereof describing the manner in which service is made, and return such affidavit on or with the original subpoena forthwith to the Secretary. In case of failure to make service, the reasons for the failure should be stated on the original subpoena.

§ 1300.262 *Filing of notices, etc.* All notices, reports, registration statements, and other documents which a landlord is required to file, pursuant to the provisions of any maximum rent regulation, shall be filed with the appropriate defense-rental area office and shall be deemed filed on the date received by said office unless otherwise provided in such maximum rent regulation or in this regulation: *Provided*, That any such notice, report, registration statement or other document properly addressed to and received by said office shall be deemed filed on the date of the postmark.

§ 1300.263 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served, or by mail, or by telegraph. When service is made personally or by leaving a copy at the residence or principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service. When service is by unregistered mail, an affidavit that the document has been mailed shall be proof of service. In any proceeding under § 1300.207 or in any proceeding to revoke or modify an order, any notice, order or other process or paper directed to the person named as landlord on the registration statement filed pursuant to section 7 of the applicable maximum rent regulation at the mailing address given thereon, or, where a notice of change of identity has been filed pursuant to said section 7, to the person named as landlord and at the address given in the notice of change in identity most recently theretofore filed, shall constitute notice to the person who is then the landlord.

§ 1300.264 *Action by representative.* Any action which by this regulation is required of, or permitted to be taken by a landlord or, in cases concerning certificates relating to eviction, by a tenant, may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord or the tenant has authorized to represent him. Such authority shall be given by written power of attorney where the action is in connection with an application for review, a petition for amendment, or a protest. In such cases the power of attorney, signed by the landlord, or by the tenant, as the case may be, shall be filed at the time action on his behalf is taken.

§ 1300.265 *Secretary; office hours.* The Office of the Secretary, Office of Price Administration, Office of Temporary Controls, Washington, D. C., shall be open on week days, except Saturdays, from 9 a. m. to 5 p. m. and shall be closed on Saturdays. Any person desiring to file any papers, or to inspect any documents filed with such office at any time other than the regular office hours stated, may file a written application with the Secretary, requesting permission therefor.

§ 1300.266 *Confidential information, inspection of documents filed with Secretary.* Protests and all papers filed by protestants and respondents in connection therewith are public records, open to inspection in the Office of the Secretary upon such reasonable conditions as the Secretary may prescribe. Except as provided above, confidential information filed with the Office of Price Administration, Office of Temporary Controls, will not be disclosed, unless the Administrator determines the withholding thereof to be contrary to the interests of the national defense and security.

§ 1300.267 *Appearance of Office of Price Administration employees and former employees before the Office of Price Administration.* Appearance of Office of Price Administration employees and former employees in a representative capacity before the Office of Price Administration, Office of Temporary Controls, shall be governed by the provisions of Procedural Regulation No. 14.

§ 1300.268 *Definitions.* As used in this regulation, unless the context otherwise requires, the term:

(a) "Act" means the Emergency Price Control Act of 1942, as amended by the Stabilization Act of 1942 (Pub. Laws 421 and 729, 77th Cong., 2d Sess.), the Stabilization Extension Act of 1944 (Pub. Law 383, 78th Cong., 2d Sess.), the Stabilization Extension Act of 1945 (Pub. Law 108, 79th Cong., 1st Sess.) and the Price Control Extension Act of 1946 (Pub. Law 548, 79th Cong., 2d Sess.).

(b) "Administrator" means The Temporary Controls Administrator or such person or persons as he may appoint or designate to carry out any of the duties delegated to him.

(c) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(d) "Maximum rent regulation" means any regulation establishing a maximum rent.

(e) "Maximum rent" means the maximum rent established by any maximum rent regulation or order for the use of housing accommodations within any defense-rental area.

(f) "Date of issuance," with respect to a maximum rent regulation, means the date on which such maximum rent regulation is filed with the Division of the Federal Register.

(g) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(h) "Protestant" means a person subject to any provision of a maximum rent regulation or order who files a protest in accordance with section 203 (a) of the Act.

(i) "Landlord" includues an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(j) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(k) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishing, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(l) "Defense-rental area" means the District of Columbia and any area designated by the Administrator as an area where defense activities have resulted or threaten to result in an increase in the rents for housing accommodations inconsistent with the purposes of the Act.

(m) "Rent director" means the person designated by the Administrator as director of any defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the rent director by the Administrator.

(n) "Regional Administrator" means the person designated by the Administrator as administrator of any regional office established by the Office of Price Administration, Office of Temporary Controls, or such person or persons as may be designated to carry out any of the duties delegated to the Regional Administrator by the Administrator.

§ 1300.269 *Amendment of this regulation.* Any provision of this regulation may be amended or revoked by the Administrator at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.

This revised procedural regulation, as amended, shall become effective February 19, 1947.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-1627; Filed, Feb. 17, 1947; 4:23 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

ANNOUNCEMENT OF CONFERENCES PURSUANT TO TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

CROSS REFERENCE: For announcement of conferences pursuant to temporary expediting procedure for standard broadcast applications (§ 1.373, 11 F. R. 177A-415, 13973), see F. R. Doc. 47-1588 under Federal Communications Commission in the Notices section, *infra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

WITHDRAWING PUBLIC LANDS IN NEW MEXICO FOR USE OF STATE DEPARTMENT IN CONNECTION WITH RIO GRANDE CANALIZATION PROJECT

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see Public Land Order 349 under this title, which takes precedence over but does not modify the order of April 8, 1935, of the Secretary of the Interior, establishing New Mexico Grazing District No. 4.

[Circular 1635]

PART 181—PUBLIC LAND RIGHTS OF SOLDIERS AND SAILORS

RIGHTS OF MINOR VETERANS OF WORLD WAR II IN CONNECTION WITH PUBLIC LANDS

Part 181 of Title 43 of the Code of Federal Regulations is amended by adding thereto a new section as follows:

§ 181.41 *Rights of minor veterans of World War II under the homestead laws.* Pursuant to the act of June 25, 1946 (60 Stat. 308), a person who has served or may serve in the military or naval forces of the United States for a period of at least 90 days during World War II and is honorably discharged, and who is under 21 years of age, is entitled to the benefits, rights and privileges, with respect to homestead entries and applications, conferred by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. Sup. 279–283) and the regulations contained in §§ 181.36–181.40. (Sec. 5, 58 Stat. 748; 43 U. S. C. Sup. 283)

FRED W. JOHNSON,
Acting Director.

Approved: Feb. 11, 1947.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-1559; Filed, Feb. 18, 1947; 8:49 a. m.]

Appendix—Public Land Orders

[Public Land Order 348]

CALIFORNIA

REVOKING PUBLIC LAND ORDER 146 OF JULY 8, 1943 WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order 146 of July 8, 1943, withdrawing the following-described public lands for the use of the War Department for military purposes is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 20 E.,
sec. 8;
sec. 17, N½.

The areas described aggregate 960 acres.

The lands are subject to the order of June 4, 1930, of the Secretary of the Interior, withdrawing certain lands for reclamation purposes.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 10, 1947.

[F. R. Doc. 47-1556; Filed, Feb. 18, 1947; 8:49 a. m.]

[Public Land Order 349]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF STATE IN CONNECTION WITH RIO GRANDE CANALIZATION PROJECT

By virtue of the authority vested in the President by section 1 of the act of May 13, 1924, c. 153, 43 Stat. 118, as amended by the act of August 19, 1935, c. 561, 49 Stat. 660, and pursuant to the act of August 29, 1935, c. 805, 49 Stat. 961, the act of June 4, 1936, c. 500, 49 Stat. 1463, and Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of State in connection with the Rio Grande Canalization Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 S., R. 2 W.,
Sec. 4, SW¼.

The area described contains 160 acres.

This order shall take precedence over but not modify the order of April 8, 1935 of the Secretary of the Interior establishing New Mexico Grazing District No. 4, so far as such order affects the above-described land.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 12, 1947.

[F. R. Doc. 47-1557; Filed, Feb. 18, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S. O. 684]

NEW YORK HARBOR LIGHTERAGE RESTRICTIONS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of February A. D. 1947.

It appearing, that the movement of import and export freight through the Port of New York is overtaxing the lighterage facilities and causing a shortage of lighterage equipment in that port, and that certain steamship companies are delaying lighters at shipside and under other conditions thereby aggravating the shortage of lighterage equipment; in the opinion of the Commission an emergency requiring immediate action exists in the lighterage limits of the Port of New York, it is ordered, that:

§ 95.684 *New York Harbor lighterage restrictions*—(a) *Definitions.* (1) The term "common carrier" as used herein means a common carrier by railroad subject to Part I of the Interstate Commerce Act.

(2) The term "lighterage" as used herein means a service performed by a common carrier by the use of a special type of equipment to ferry or float freight from points on shore to vessels within the lighterage limits of the Port of New York.

(b) *Notice required for lighterage service.* No common carrier, or its lighterage agent, operating in the Port of New York, shall accept an order for lighterage delivery of freight (except perishable) to a steamship within the lighterage limits of the Port of New York when such order requires or requests lighterage delivery before the expiration of 48 hours from the hour of receipt of such order in the railroad's lighterage office.

(c) (1) *Appointment of agent to restrict lighterage.* G. C. Randall, 30 Vesey Street, New York (7), New York, is hereby designated and appointed as Agent of the Interstate Commerce Commission and vested with authority to restrict lighterage service within the lighterage limits of the Port of New York in accordance with the following directions:

(2) *Directions to agent.* The agent is hereby directed to prohibit by order any common carrier operating in the Port of New York from performing any further lighterage delivery on orders previously accepted and from accepting any further orders for delivery of freight in lighterage service to a specific steamship when such steamship as of 7:00 a. m., on any week day has held five (5) or more loaded or partially loaded lighterage vessels longer than forty-eight (48) hours (Sundays and holidays excluded) for two (2) consecutive days (Sundays and holidays excluded), providing such equipment was placed on the date and time specified in the lighterage order. When such equipment is placed in advance of a specified time, time will be computed from the date specified in the lighterage order.

(3) *Agent's orders to be vacated.* Any order issued by the agent in compliance with directions of subparagraph (2) hereof shall be cancelled by the agent as of 7:00 a. m., of any day, the number of loaded or partially loaded railroad lighterage boats held over 48 hours has been reduced below 5 for the specific vessel involved.

(4) *Copies of orders to be furnished.* Copies of all orders and vacations of orders issued by the said agent shall be mailed daily to the Director of the Bureau of Service, Interstate Commerce Commission, Washington (25) D. C.

(d) *Effective date.* This order shall become effective at 7:00 a. m., February 17, 1947.

(e) *Expiration date.* This order shall expire at 7:00 a. m., April 17, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10) (17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1569; Filed, Feb. 18, 1947; 8:47 a. m.]

NOTICES

COMMITTEE FOR RECIPROCITY INFORMATION

[DA-359]

TRADE-AGREEMENT NEGOTIATIONS WITH AUSTRALIA, BELGIUM, BRAZIL, CANADA, CHILE, CHINA, CUBA, CZECHOSLOVAKIA, FRANCE, INDIA, LEBANON (SYRO-LEBANESE CUSTOMS UNION), LUXEMBOURG, NETHERLANDS, NEW ZEALAND, NORWAY, UNION OF SOUTH AFRICA, UNION OF SOVIET SOCIALIST REPUBLICS, UNITED KINGDOM

SUPPLEMENTARY LIST OF PRODUCTS

Closing date for submission of briefs, March 18, 1947. Closing date for application to be heard, March 18, 1947. Public hearings open, March 20, 1947.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, with regard to the supplementary list of products announced by the Secretary of State on this date in connection with trade agreement negotiations with the countries listed above, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, March 18, 1947. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held, beginning at 10 a. m. on March 20, 1947, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, when supplemental oral statements will be heard with regard to the products contained in the supplementary list.

Ten copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 18th day of February 1947.

Issued: February 14, 1947.

Effective: February 18, 1947.

[SEAL] EDWARD YARDLEY,
Secretary.

[F. R. Doc. 47-1592; Filed, Feb. 18, 1947; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1894014]

NEVADA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

FEBRUARY 11, 1947.

Departmental Order approved May 31, 1946, revoked Departmental Orders of April 21, 1923, and December 11, 1941, insofar as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Colorado River Storage Project, Nevada, and provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on April 15, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 16, 1947, to July 14, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 27, 1947, to April 15, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 15, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from June 25, 1947, to July 14, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 14, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Carson City, Nevada.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 62 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 2, 3, and 4;
Sec. 9, NW¼SE¼;
Secs. 21 to 28, inclusive, and 33 to 36, inclusive.
T. 21 S., R. 63 E.,
Sec. 31.
T. 22 S., R. 63 E.,
Secs. 5 to 8, inclusive, and 17 to 20, inclusive;
Sec. 21, W½.

The areas described aggregate 16,262.84 acres. Part of the lands are patented, and portions are withdrawn from all forms of appropriation by Executive Order No. 8927 of October 29, 1941.

The lands are of desert character, broken and hilly in topography. The soils are sandy and gravely, with considerable amounts of rocks.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 47-1558; Filed, Feb. 18, 1947; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

ANNOUNCEMENT OF CONFERENCES

FEBRUARY 13, 1947.

Pursuant to the Commission's Public Notice of January 8, 1947, entitled "Temporary Expediting Procedure for Standard Broadcast Applications," and as provided for therein, the following schedule of informal engineering conferences, is announced for the week of February 17 through 22, 1947:

Monday, Feb. 17	Tuesday, Feb. 18	Wednesday, Feb. 19
Kc.	*Kc.*	*Kc.*
630	1250	1140
680	1190	1270
1380	600	1410
740	1530	1420
1310	590	1480
Thursday, Feb. 20	**Friday, Feb. 21**	**Saturday, Feb. 22**
Kc.	*Kc.*	*Kc.*
580	910	790
1170	950	660
1290	1060	1070
1330	1250	1360
1600	1300	1580

Attorneys and engineers representing applicants on the above-specified channels should appear in Room 7454, New Post Office Building, Washington, D. C., at 10 a. m. on the date specified, prepared to participate in the conference concerning the channel in which they are interested. In the event such representative of adjacent channel applicants, or of existing station licensees, desire to participate in any of the foregoing conferences they should address a written request to the Secretary of the Commission specifying their interest in the conference and the reasons for their participation.

Further conferences, pertaining to the above-specified channels, will, if necessary, be scheduled and announced at the initial conferences provided for herein. No additional public notice, insofar as such conferences are concerned, is contemplated, although a public announcement of additional initial conferences pertaining to other channels, will be made in the immediate future.

The Commission desires to stress the urgent necessity for the attendance of representatives of applicants for the above-specified frequencies at the conference involving their applications. Failure to attend will be construed as indicating that such applicants do not desire to participate in the expediting plan and, although their applications will be considered in connection with the other applications concerned, they will not be accorded the amendment privileges provided for in the Public Notice of January 8, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1588; Filed, Feb. 18, 1947; 9:02 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-604]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 13, 1947.

Upon consideration of the application filed December 16, 1946, in Docket No. G-604 by Cities Service Gas Company, a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amend-

ed, authorizing the construction and operation of a positive meter setting at a point on Applicant's 4-inch pipeline in the Southwest quarter (SW¼) of Section 3, Township 26 North, Range 13 East, Washington County, Oklahoma, for the sale of natural gas to D. M. Tyler for resale, and authorizing the construction and operation of a positive meter setting at a mutually convenient point to Applicant and Suburban Gas Company on Applicant's four-inch pipeline in the Northwest Quarter (NW¼) of Section 33, Township 27 North, Range 13 East, Washington County, Oklahoma, for the sale of natural gas to Suburban Gas Company for resale.

It appearing to the Commission that:

(a) The construction and operation of the aforesaid described facilities by Applicant are for the purpose of transporting natural gas to the aforesaid named purchasers.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 C. F. R. 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 11, 1947, Volume 12, page 202.

The Commission therefore orders that:

(A) Pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 28th day of February 1947, at 9:30 a. m. (e. s. t.) in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceeding: *Provided, however*, That if no request to be heard, or protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 13, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1567; Filed, Feb. 18, 1947; 8:48 a. m.]

[Docket No. IT-5971]

SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER CONFIRMING AND APPROVING RATE SCHEDULE

FEBRUARY 13, 1947.

Notice is hereby given that, on February 13, 1947, the Federal Power Commission issued its order entered February 13, 1947, confirming and approving rate schedule in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1566; Filed, Feb. 18, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-664]

STANDARD SILVER-LEAD MINING CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of February A. D. 1947.

The New York Curb Exchange having filed an application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 thereunder, to strike from listing and registration on that Exchange the Common Stock, $1.00 Par Value, of Standard Silver-Lead Mining Company;

A hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion and pursuant to section 12 (d) of said act:

It is ordered, That the application be, and hereby is, granted: *Provided*, That the striking of this security from listing and registration shall not become effective until thirty days from the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1562; Filed, Feb. 18, 1947; 8:48 a. m.]

[File No. 7-931]

PUBLICKER INDUSTRIES INC.

FINDINGS AND ORDER EXTENDING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of February A. D. 1947.

In the matter of application by the Philadelphia Stock Exchange for unlisted trading privileges in Publicker Industries Inc., Common Stock, $5.00 Par Value, File No. 7-931.

The Philadelphia Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the $5.00 Par Value Common Stock of Publicker Industries Inc.

A public hearing has been held after appropriate notice.

The Commission, being duly advised, finds:

(1) That this security is listed and registered on the New York Stock Exchange; that out of a total of 2,048,800 shares outstanding, members of the Philadelphia Stock Exchange and trust companies in the vicinity of that Exchange held 24,638 shares of this security on September 30, 1946 for 569 different shareholders, and that in the vicinity of this Exchange there were 3,210 transactions involving 232,641 shares from October 1, 1945 until September 30, 1946;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly, it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to the $5.00 Par Value Common Stock of Publicker Industries Inc. be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1561; Filed, Feb. 18, 1947; 8:48 a. m.]

[File Nos. 54-132, 70-1149, 70-1150, 70-1419]

ENGINEERS PUBLIC SERVICE CO. ET AL.

ORDER AMENDING SUPPLEMENTAL FINDINGS AND OPINION AND ORDER OF JANUARY 8, 1947

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of February A. D. 1947.

In the Matter of Engineers Public Service Company, File No. 54-132; El Paso Electric Company, File No. 70-1149; Gulf States Utilities Company, File No. 70-1150; Virginia Electric and Power Company, File No. 70-1419.

The Commission on December 4, 1946, having issued findings and opinion with respect to the section 11 (e) plan filed by Engineers Public Service Company ("Engineers"), and having on January 8, 1947, issued supplemental findings and opinion and order approving said plan as amended;

The Commission having found in said supplemental findings and opinion that the plan as amended meets the applicable standards of the Public Utility Holding Company Act of 1935 and that, if in the course of securing court approval and enforcement of said plan it should appear that protracted litigation might ensue over the question of the

amount payable to the preferred stockholders, and thereby impede expeditious enforcement of the plan and compliance with the act, it would be in conformity with said act and the Commission's findings and opinion to separate the contested issue from the uncontested issues and consummate the uncontested portion of the plan and that ample latitude exists in the plan and in the powers of the enforcement court to approve the plan with an appropriate escrow arrangement which will achieve that result; and

Engineers having subsequently indicated that, in the event such an escrow is established, it has been advised by tax counsel that the present order approving the amended plan may not contain adequate provisions and recitals to satisfy the requirements for tax exemption in Supplement R and sections 371 and 1808 (f) of the Internal Revenue Code, and Engineers having requested that such provisions and recitals be made and incorporated into our order; and

The Commission finding that such provisions and recitals are appropriate; *It is ordered*, That:

1. The portion of the supplemental findings and opinion of January 8, 1947, appearing as the second full paragraph at page 6 of Holding Company Act Release No. 7119, is amended to read as follows:

> We do not agree that any such amendment is necessary at this time. There is considerable question whether the eventuality on which the contention is based will occur at all. Should the plan be approved by the District Court, it is conjectural whether further appeals will be undertaken in view of the delay involved and the consequent substantial expense to the company which expense would, of course, ultimately be borne by the common stockholders. We believe that prompt payment of the full amount which we have found due the preferred will most expeditiously accomplish compliance with the Act. However, should the objecting stockholders continue their objections and indicate an intention to appeal any order of approval by the District Court, it is clearly desirable, in order to avoid the possibility of unnecessary delay in carrying out the uncontested portion of the plan until the controversy with respect to the additional payments is determined, that some arrangement should be made to separate the uncontested from the contested issues. In such event, to achieve expeditious compliance with the Act and fairness to the persons affected, it would be appropriate for Engineers to make prompt payment of $100 per share and accrued dividends to the preferred in order to stop the accrual of further dividends, and to set up an escrow arrangement, along the lines suggested in our previous Opinion, to protect the interests of the various groups and to enable the company to go forward with the uncontested portion of the plan. As indicated in our previous Opinion, such an escrow would have to be large enough to assure payment not only of the amount in issue but of an additional amount to provide the preferred "for the period of the escrow a return on the amount in escrow which is measured by the return which would have been received by it if the stock remained outstanding." This can be accomplished through the establishment of an escrow in cash of $4,000,000 as suggested in our former Opinion, and through such incidental changes in the program for carrying out the plan which such escrow entails.[9] Establishment of such an escrow and the incidental changes which such an escrow arrangement would require, would be fair and equitable to the persons affected by the plan and would be necessary and appropriate to effectuate the provisions of Section 11 (b).
>
> Accordingly, if it appears during the course of the enforcement proceeding that it is likely that some holder or holders of Engineers common stock will contest the right of the preferred stockholders to receive in respect of their stock any amount in excess of $100 per share and accrued dividends, and Engineers indicates that it, therefore, desires to follow the alternative method of effectuating the plan through the use of an escrow, with such incidental changes which an escrow involves, such alternative shall be deemed the method approved by the Commission for effectuating the plan. We do not believe that it would be necessary to return the case to the Commission in order to set up such an escrow or to make the incidental changes which the establishment of the escrow involves. Such escrow and such incidental changes would be established in accordance with our order herein, under Court supervision, and our counsel before the Court are authorized to present to the Court the Commission's views concerning whether the form of escrow and the incidental changes conform to the standards set forth herein, in our former Opinion and in our Order.
>
> We conclude that it is unnecessary to amend the plan further at this time since it is at least questionable whether an escrow will be needed at all and since the matter can be raised and dealt with in Court, if and when the need arises.[9a] However, in view of the possibility that the alternative escrow procedure may be followed in effectuating the plan, our order approving the plan shall be phrased in the alternative and contain the necessary provisions and recitals to satisfy the requirements of the Internal Revenue Code in the event that an escrow is established.

[9] As stated in our former Opinion under the heading, "Escrow Provision" (Holding Company Act Release No. 7041, at p. 36), the escrow, if established, should provide for the deposit by Engineers with the Escrow Agent of $4,000,000 in cash for the purpose of (1) providing for payment to the preferred stockholders of an amount equal to the redemption premiums on the shares of their respective series, or such lesser amount as shall finally be determined to be payable to them, with interest thereon for the period of delay at rates determined in respect of each series of preferred stock on the yield basis stated in our former Opinion and (2) providing for the payment of fees and expenses incurred or to be incurred under the plan, which fees and expenses are subject to the approval of the Commission. Briefly stated, the principal incidental changes in the program resulting from the establishing of an escrow are that the preferred stockholders who exchange their shares of preferred stock for Gulf States common stock will be given credit on such exchange to the extent of $100 per share plus accrued dividends and the deposit for the preferred stockholders who do not so exchange will be $100 per share and accrued dividends, with provision, in both such cases, for the payment in cash of additional amounts equal to the redemption premiums on the shares of their respective series, or such lesser amount, as shall finally be determined to be payable to them, with interest thereon as aforesaid."

[9a] We do not understand that the plan would permit the proposed deposit in trust of the full amount to relieve Engineers of any further responsibilities to the preferred if the payment to the preferred of the amounts deposited were the subject of a stay. Any such provision would obviously be unfair unless there were assurance that the preferred would receive adequate compensation for any delay in payment to them.

2. Our order of January 8, 1947, approving the amended plan is amended to read as follows:

(a) The sixth full paragraph of said order is amended to read:

> The Commission having found that the amended plan of reorganization is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby, and the Commission having further found that said declarations, as amended, should be permitted to become effective, and the Commission having further found that, if there appears to be a likelihood of litigation beyond the District Court with regard to the right of the preferred stockholders of Engineers to receive in respect of their stock any amount in excess of $100 per share and accrued dividends, it is advisable, in order to avoid possibility of delay in the carrying out of the whole plan until such controversy is determined, to provide for escrowing such additional amount, plus appropriate compensation for the delay in payment of any additional amount found to be due and payable, to await the outcome of any such litigation and to make the incidental changes in the program for carrying out the amended plan which such an escrow entails, and that in such circumstances such escrow and changes in the program are necessary and appropriate to effectuate the provisions of section 11 (b) and are fair and equitable to the persons affected thereby;

(b) The said order is amended by substituting a semicolon for the period at the end of the subparagraph numbered VIII appearing at the end of said order and adding the following:

> *Provided, however*, That if counsel for Engineers, in the course of the enforcement proceeding and at any time before the approval of the amended plan by the United States District Court, shall state to the District Court that Engineers has determined that it appears likely that some holder or holders of Engineers' common stock will litigate beyond the District Court the payment to the Engineers preferred stockholders of any amount in addition to $100 per share and accrued dividends and that Engineers accordingly desires to follow the alternative method of effectuating the plan through the use of an escrow, then counsel for the Commission shall present to said District Court a form of proposed decree or order of said Court, setting forth a proposed escrow agreement and the incidental changes in the program which the establishment of the escrow involves, and in such event (a) all references in this amended order to the amended plan shall be deemed to be to the amended plan as affected by the establishment of such escrow and the making of such incidental program changes, (b) the references to warrants in subparagraphs I through IV above shall be deemed to be to warrants providing for assigning to the Engineers $5 preferred stock, $5.50 preferred stock and $6 pre-

ferred stock, a value of $100 per share plus accrued dividends to the expiration date of the warrant and providing that any holder of Engineers preferred stock who surrenders his stock in exchange for Gulf States common stock will, in respect of such surrendered shares, have the right to receive the same amount which holders of such preferred stock not so surrendering their stock will receive in addition to $100 per share plus accrued dividends if any such amount is finally determined to be payable, and (c) subparagraphs II and IV above shall be deemed to read as follows:

II. Pursuant to the provisions of the above mentioned warrants, Engineers will transfer and deliver Gulf States common stock to those persons who exercise said warrants before the expiration date thereof, and upon such exercise the holders of said warrants will either (1) pay Engineers $11.50 for each share of Gulf States common stock so acquired, or (2) deliver to Engineers in exchange for said Gulf States common stock whole shares of Engineers preferred stock on the basis of equivalent values, assigning $11.50 per share for each share of Gulf States common stock, and $100 plus accrued dividends to the expiration date of the warrant for each share of Engineers preferred stock; *Provided*, That, on the basis of the relative values above stated, the value of the whole shares of Engineers preferred stock to be exchanged under the warrants will not exceed the value of the shares of Gulf States common stock which the warrant holder is entitled to and intends to acquire, and to the extent that the value of such shares of Engineers preferred stock exchanged for Gulf States common stock under said warrants is less than the value of such shares of Gulf States common stock to which the warrant holder is entitled and intends to acquire, the difference will be paid by the warrant holder to Engineers in cash. Any holder of Engineers preferred stock who surrenders his stock in exchange for Gulf States common stock will, in respect of such surrendered shares, have the right to receive the same amount which holders of such preferred stock not so surrendering their stock will receive in addition to $100 per share plus accrued dividends if any such amount is finally determined to be payable.

• • • • •

IV. After completion of the disposition of the Gulf States common stock, Engineers will

(a) Deposit in trust, for the benefit of Engineers preferred stockholders who have not surrendered their preferred stock in exchange for Gulf States common stock, with a solvent bank or trust company an amount equal to $100 per share plus accrued dividends to the date of such deposit, in respect of each such share; and

(b) Deposit with a solvent bank or trust company in escrow the sum of $4,000,000 in cash, pursuant to the provisions of an escrow agreement which provides, among other things,

(i) For payment to holders of preferred stock of Engineers, in addition to the $100 per share and accrued dividends to be allowed on exchange for Gulf States common stock or to be deposited in trust as above provided in respect of shares not so exchanged, of $5 per share in respect of each share of $5 preferred stock and $10 per share in respect of each share of $5.50 preferred stock and $6 preferred stock, plus in each case an amount equal to simple interest on the amount so paid at a rate per annum equal to 4.76% in the case of $5 preferred stock, 5% in the case of $5.50 preferred stock and 5.45% in the case of $6 preferred stock from the date of said escrow agreement to the date of such payment, upon delivery to the escrow agent of an opinion of independent counsel to the effect (1) that the District Court of the United States for the District of Delaware in Civil Action No. 995 has entered a decree or order approving the amended plan, including the payment to holders of Engineers preferred stock of the amount, above specified, equal to the respective redemption premiums on their shares with interest as aforesaid and directing its enforcement, (2) that no holder of Engineers common stock has made timely appeal from such decree or order, or in the alternative, that a holder or holders of Engineers common stock has made such timely appeal but that the appellate court or courts have approved said decree or order approving the amended plan entered by said District Court as aforesaid, and (3) that such decree or order has become final as against the holders of Engineers common stock and is no longer subject to appeal by them;

(ii) For payment to the Engineers preferred stockholders of the amounts specified in said final order and, upon delivery to the escrow agent of a certified copy of an order of the Commission or an order or decree of the United States District Court or any appellate court directing or permitting the distribution to the holders of preferred stock of some part of the amount deposited in escrow, but less than the amounts specified in subdivision (i) above, together with an opinion of independent counsel that such order or decree has become final and is not subject to appeal;

(iii) For payment of certain fees, compensation, remuneration and expenses pursuant to order of the Commission and for repayment to Engineers of amounts not payable to preferred stockholders or for fees, compensation, remuneration or expenses.

Such amounts will be deposited in cancellation of all of the Engineers preferred stock. The holders of Engineers preferred stock who have not surrendered the same in exchange for Gulf States common stock will surrender such stock to the trustee above mentioned against payment of the amounts deposited in trust in accordance with subdivision (a) above in respect of their shares, and all holders of Engineers preferred stock will receive so much of the said $4,000,000 as may be determined to be payable to them in accordance with said escrow agreement.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1563; Filed, Feb. 18, 1947; 8:48 a. m.]

[File No. 70-1453]

SOUTHERN CALIFORNIA WATER CO. AND AMERICAN STATES UTILITIES CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of February A. D. 1947.

Notice is hereby given that an application and declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by American States Utilities Corporation ("American States"), a registered holding company, and its subsidiary, Southern California Water Company ("Southern"). Sections 6 (a), 7, 9 (a), and 12 (e) of the act and Rules U-50, U-62 and U-100 have been designated as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 24, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application and declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 24, 1947, said application and declaration as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application and declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Southern, by appropriate corporate action, proposes to amend its Articles of Incorporation (pursuant to a stipulation filed in a proceeding before this Commission regarding an issuance and sale of preferred stock (File No. 70-1282)) to provide for certain restrictions on common stock dividends unless certain minimum ratios of common stock equity to total capitalization are maintained.

Southern further states that it is informed by its counsel that to impose such restrictions may effect such a change in the presently existing terms of its common stock as would constitute an issuance of new securities in exchange, share for share, for the outstanding common shares. It, therefore, requests the Commission to permit the issuance by Southern and the acquisition by American States of 61,932 shares of Southern's common stock in exchange, share for share, for an equal number of presently outstanding common shares, all of which are owned by American States.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1564; Filed, Feb. 18, 1947; 8:47 a. m.]

Reference

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

FEB 21 47

FEDERAL REGISTER

VOLUME 12 NUMBER 36

Washington, Thursday, February 20, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 900—GENERAL REGULATIONS UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the Administrative Procedure Act (60 Stat. 237), the rules of practice and procedure, as amended (7 CFR Supps., 900.1 et seq., 11 F. R. 7737), issued under the Agricultural Marketing Agreement Act of 1937, as amended, are hereby further amended as follows:

1. Delete paragraph (d) from § 900.2 *Definitions* and insert in lieu thereof the following:

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

2. Delete from § 900.2 (l) the words "Office of the Solicitor,"

3. Amend § 900.2 (m) to read as follows:

(m) The term "presiding officer" means the examiner conducting a proceeding under the act.

4. Amend the last sentence of paragraph (a) of § 900.3 *Proposals* to read as follows: "If the investigation and consideration lead the Assistant Administrator to conclude that the proposed marketing agreement or marketing order will not tend to effectuate the declared policy of the act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial."

5. Amend the second sentence of § 900.4 (a) to read as follows:

§ 900.4 *Institution of proceeding*—(a) *Filing and contents of the notice of hearing.* • • • The notice of hearing shall contain a reference to the authority under which the marketing agreement or marketing order is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed marketing agreement or marketing order or a description of the subjects and issues involved and shall state the industry, area, and class of persons to be regulated, the time and place of such hearing, and the place where copies of such proposed marketing agreement or marketing order may be obtained or examined.

6. Amend § 900.6 (a) to read as follows:

§ 900.6 *Presiding officers*—(a) *Assignment.* No presiding officer who has any pecuniary interest in the outcome of a proceeding shall serve as presiding officer in such proceeding.

7. Delete from § 900.6 (b) the words "assigned to him by the Solicitor,".

8. Amend § 900.6 (c) to read as follows:

(c) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

9. Add a new paragraph at the end of § 900.6 to read as follows:

(d) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

10. Amend § 900.7 to read as follows:

§ 900.7 *Motions and requests*—(a) *General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the presiding

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[1] See undesignated paragraph following § 102.674 in Title 22.

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officer or may be stated orally and made a part of the transcript.

Except as provided in § 900.15 (b) such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 900.10 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The presiding officer may in his discretion submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

11. Amend the third sentence of § 900.8 (d) (1) to read as follows:

§ 900.8 *Conduct of the hearing.* • • • (d) *Evidence*—(1) *In general.* • • • Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

12. Delete § 900.8 (d) (3) and renumber § 900.8 (d) (4), (5), (6) and (7) as § 900.8 (d) (3), (4), (5) and (6), respectively.

13. Delete from § 900.8 (d) (4) (heretofore § 900.8 (d) (5)) the parenthetical words "(including affidavits)."

14. Amend § 900.8 (d) (5) (heretofore § 900.8 (d) (6) to read as follows:

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific or commercial fact of established character: *Provided*, That interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

15. Amend § 900.9 (b) to read as follows:

§ 900.9 *Oral and written arguments.* • • •

(b) *Briefs, proposed findings and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the marketing agreement or marketing order. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the presiding officer, as hereinbefore provided in § 900.8 (d), he shall include in the brief a concise statement concerning each such objection, referring where practicable, to the pertinent pages of the transcript.

16. Amend the heading and the first sentence of § 900.10 to read as follows:

§ 900.10 *Certification of the transcript.* The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the hearing clerk with such other information as may be necessary.

17. Amend § 900.12 to read as follows:

§ 900.12 *Assistant Administrator's recommended decision*—(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions the Assistant Administrator shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Assistant Administrator's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor: (2) A ruling upon each proposed finding or conclusion submitted by interested persons, and (3) An appropriate proposed marketing agreement or marketing order effectuating his recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision the Assistant Administrator shall give notice thereof, and opportunity to file exceptions thereto, to all interested persons in the same manner as provided in § 900.4 (relating to the giving of notice of the hearing). Within a period of time specified in such notice (to be fixed by the Assistant Administrator, but not to exceed 20 days) after the filing of the recommended decision with the hearing clerk, any interested person may then file with the hearing clerk exceptions to the Assistant Administrator's proposed marketing agreement or marketing order, or both, as the case may be, and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript and may suggest appropriate changes in the proposed marketing agreement or marketing order.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

18. Amend § 900.13 to read as follows:

§ 900.13 *Submission to Secretary.* Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed; the Assistant Administrator's recommended decision, if any, and such exceptions as may have been filed.

19. Add a new § 900.13a to read as follows:

§ 900.13a *Decision by Secretary,* (a) After due consideration of the record, the Secretary shall render a decision.

(b) Such decision shall become a part of the record and shall include (1) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, (2) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record, (3) a ruling upon each exception filed by interested persons and (4) either (i) a denial of the proposal to issue a marketing agreement or marketing order or (ii) a marketing agreement and, if the findings upon the record so warrant, a marketing order, the provisions of which shall be set forth directly or by reference, regulating the handling of the commodity or product in the same manner and to the same extent as such marketing agreement, which order shall be complete except for its effective date and any determinations to be made under § 900.14 (b) or § 900.14 (c): *Provided*, That such marketing order shall not be executed, issued, or made effective until and unless the Secretary determines that the requirements of § 900.14 (b) or § 900.14 (c) have been met.

20. Amend § 900.14 to read as follows:

§ 900.14 *Execution of marketing agreement and issuance of marketing order*—(a) *Execution of marketing agreement.* If the Secretary has approved a marketing agreement, as provided in § 900.13a, the Assistant Administrator shall cause copies thereof to be distributed for execution by the handlers eligible to become parties thereto. If and when such number of the handlers as the Secretary shall deem to be sufficient shall have executed the marketing agreement, the Secretary shall execute the same, and notice of its effective date shall be mailed by the hearing clerk to each person signatory thereto. A marketing agreement shall be effective and binding upon any party thereto even though such party may not have received the notice provided for in this paragraph, or the hearing clerk may have failed to mail such notice.

(b) *Issuance of marketing order with marketing agreement.* Whenever, as provided in paragraph (a) of this section, the Secretary executes a marketing agreement, and handlers also have executed the same as provided in section 8c (8) of the act, he shall, if he finds that it will tend to effectuate the purposes of the act, issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 900.13a: *Provided*, That the issuance of such order shall have been approved or favored by producers as required by section 8c (8) of the act.

(c) *Issuance of marketing order without marketing agreement.* If, despite the refusal or failure of handlers to sign the marketing agreement, as provided in section 8c (8) of the act, the Secretary, with the approval of the President, makes the determinations required under section 8c (9) of the act, the Secretary shall issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 900.13a.

(d) *Effective date of marketing order.* No marketing order shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary, upon good cause found and published with the order, fixes an earlier effective date therefor: *Provided*, That no marketing order shall become effective as to any person sought to be charged thereunder before either (1) it has been filed with the Division of the Federal Register, or (2) such person has received actual notice of the issuance and terms of the marketing order.

(e) *Notice of issuance.* After issuance of a marketing order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given in the same manner as hereinbefore provided in § 900.4 (relating to the giving of notice of hearing).

21. Amend § 900.15 (b) to read as follows:

§ 900.15 *Filing; extensions of time; effective date of filing; and computation of time.* • • •

(b) *Extensions of time.* The time for the filing of any document or paper required or authorized by the foregoing provisions of this subpart to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Assistant Administrator (after the record is so certified by the presiding officer but before it is transmitted to the Secretary), or by the Secretary (after the record is transmitted to the Secretary) upon request filed, and if, in the judgment of the presiding officer, Assistant Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

22. Add a new § 900.18 to read as follows:

§ 900.18 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final decision in the proceeding: *Provided,* That he may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

23. Delete § 900.51 (d) and insert the following in lieu thereof:

§ 900.51 *Definitions.* • • •

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

24. Delete from § 900.51 (m) the words "Office of the Solicitor,".

25. Amend § 900.51 (n) to read as follows:

(n) The term "presiding officer" means the examiner conducting a proceeding under the act.

26. Amend § 900.51 (o) to read as follows:

(o) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order and (3) rulings on findings, conclusions and orders submitted by the parties.

27. Add a new paragraph at the end of § 900.51 to read as follows:

(p) The term "petition" includes an amended petition.

28. Amend § 900.52 (c) to read as follows:

§ 900.52 *Institution of proceeding.* • • •

(c) *Application to dismiss petition—(1) Filing, contents, and responses thereto.* If the Assistant Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of paragraph (b) of this section, or is not filed in good faith, or is filed for purposes of delay, he may, within 30 days after the filing of the petition, file with the hearing clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such application shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the application to the Secretary for his consideration.

(2) *Decision by Secretary.* The Secretary, after due consideration, shall render a decision upon the application, stating the reasons for his action. Such decision shall be in the form of an order and shall be filed with the hearing clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Assistant Administrator. Any such order of the Secretary shall be a final order: *Provided,* That within 20 days following the service upon the petitioner of a copy of an order of the Secretary dismissing the petition, or any portion thereof, on the ground that it does not substantially comply in form and content with the act or with paragraph (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Referral to presiding officer.* The Secretary may, in his discretion, refer any application made under this section to the presiding officer for preliminary consideration and report, and, in a proper case, for the taking of evidence: *Provided,* That the provisions of §§ 900.60 to 900.65, inclusive, shall be applicable to the reception of such evidence, if any; the form, content, and filing of such report; the allowance of exceptions thereto; and transmittal of the record to the Secretary.

(4) *Oral argument.* Unless a written application for oral argument is filed by a party with the hearing clerk not later than the time fixed for filing papers in opposition to the application, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary or the presiding officer, as the case may be.

29. Add a new § 900.52a to read as follows:

§ 900.52a *Answer to petition*—(a) *Time of filing.* Within 30 days after the filing of the petition, the Assistant Administrator shall file an answer thereto: *Provided,* That if an application to dismiss the petition, in whole or in part, is made pursuant to § 900.52 (c), the answer shall be filed within 15 days after the filing of an order of the Secretary denying the application or granting the application with respect to only a portion of the petition. The answer shall be filed with the hearing clerk who shall cause a copy thereof to be served promptly upon the petitioner.

(b) *Contents.* The answer shall specify which of the material allegations of fact or of law in the petition are controverted and which are not controverted. The answer also may contain affirmative allegations of fact constituting separate defenses and statements of objections to the sufficiency of the whole or any part of the petition.

30. Add a new § 900.52b to read as follows:

§ 900.52b *Amended pleadings.* At any time before the close of the hearing the petition or answer may be amended, but the hearing shall, at the request of the adverse party, be adjourned or recessed for such reasonable time as the presiding officer may determine to be necessary to protect the interests of the parties. Amendments subsequent to the first amendment or subsequent to the filing of an answer may be made only with leave of the presiding officer or with the written consent of the adverse party.

31. Amend § 900.55 to read as follows:

§ 900.55 *Presiding officers*—(a) *Assignment.* No presiding officer who has any pecuniary interest in the outcome of the proceeding, or who has participated in any investigation preceding the institution of the proceding, shall serve as presiding officer in such proceeding.

(b) *Conduct.* The presiding officer shall conduct the proceeding in a fair and impartial manner and shall not discuss ex parte the merits of the proceeding with any person who is or who has been connected in any manner with the proceeding in an advocative or investigative capacity.

(c) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer shall have power to:

(1) Rule upon motions and requests;

(2) Adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Issue subpenas, under the facsimile signature of the Secretary, requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence;

(5) Examine witnesses and receive evidence;

(6) Take or order, under the facsimile signature of the Secretary, the taking of depositions;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Consolidate hearings upon two or more petitions pertaining to the same order;

(10) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(d) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(e) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

32. Delete from § 900.56 *Consolidated hearings* the words "the Solicitor or"

33. Delete from paragraph (a) *Time and place* of § 900.60 *Oral hearings before presiding officer,* the words "The Solicitor or the presiding officer" and insert, in lieu thereof, the words "The presiding officer."

34. Amend the first sentence of § 900.61 (a) to read as follows:

§ 900.61 *Depositions*—(a) *Procedure in lieu of deposition.* Before any party may have testimony taken by deposition, said party shall, if practicable, submit to the other party an affidavit which shall set forth the facts to which the witness would testify, if the deposition should be taken. • • •

35. Delete from paragraph (b) *Suggested findings of fact, conclusions and orders* of § 900.64 *The presiding officer's report* and § 900.65 *Transmittal of record,* the word "suggested" wherever it appears and insert, in lieu thereof, the word "proposed."

36. Amend § 900.64 (c) to read as follows:

(c) *Presiding officer's report.* The presiding officer, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the record, and shall file with the hearing clerk, his report, a copy of which (together with notification of the date fixed by the presiding officer for the filing of exceptions thereto) shall be served by the hearing clerk upon each of the parties.

37. Amend paragraph (b) *Service; proof of service* of § 900.69 *Filing; service; extensions of time; effective date of filing and computation of time* by deleting the proviso therein and by deleting from the final sentence the words "or post office receipt."

38. Amend § 900.69 (c) to read as follows:

(c) *Extensions of time.* The time for the filing of any documents or papers required or authorized in this subpart to be filed may be extended upon (1) a written stipulation between the parties, or (2) upon the request of a party, by the presiding officer before the transmittal of the record to the Secretary, or by the Secretary at any other time if, in the judgment of the Secretary or the presiding officer, as the case may be, there is good reason for the extension.

39. Add a new § 900.70, reading as follows:

§ 900.70 *Applications for interim relief*—(a) *Filing the application.* A person who has filed a petition pursuant to § 900.52 may by separate application filed with the hearing clerk apply to the Secretary for an order postponing the effective date of, or suspending the application of, the marketing order or any provision thereof, or any obligation imposed in connection therewith, pending final determination of the proceeding.

(b) *Contents of the application.* The application shall contain a statement of the facts upon which the relief is requested, including any facts showing irreparable injury. The application must be signed and sworn to by the petitioner and any facts alleged therein which are not within his personal knowledge shall be supported by affidavits of a person or persons having personal knowledge of such facts or by proper documentary evidence thereof.

(c) *Answer to application.* Immediately upon receipt of the application, the hearing clerk shall transmit a copy thereof, together with all supporting papers, to the Assistant Administrator, who shall, within 20 days, or such other time fixed by the Secretary, after the filing of the application file an answer thereto with the hearing clerk.

(d) *Contents of answer.* The answer shall contain a statement of the objections, if any, of the Assistant Administrator to the application for interim relief, and may be supported by affidavits and documentary evidence.

(e) *Transmittal to Secretary.* Upon receiving the answer of the Assistant Administrator or upon the expiration of the time for filing the answer, the hearing clerk shall transmit to the Secretary for his decision all papers filed in connection with the application.

(f) *Hearing and oral argument.* The Secretary may, in his discretion, permit oral argument or the taking of testimony in connection with such application. However, unless written request therefor is filed with the hearing clerk prior to the transmittal of the papers to the Secretary, the parties shall be deemed to have waived oral argument and the taking of testimony.

(g) *Decision by Secretary.* The Secretary may grant or deny the application. Any action taken by the Secretary shall be in the form of an order filed with the hearing clerk and shall contain a brief statement of the reasons for the action taken. The hearing clerk shall cause copies of the order to be served upon the parties.

40. Add a new § 900.71 to read as follows:

§ 900.71 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided,* That he may issue a tentative order in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

41. Delete from paragraph (k) of § 900.101 *Definitions,* the words "Office of the Solicitor."

NOTE: Unless otherwise ordered all proceedings initiated under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601, et seq.) and pending on December 11, 1946, shall be conducted and concluded in accordance with the applicable rules of practice in effect at the time the proceedings were instituted.

(48 Stat. 37, 49 Stat. 760, 50 Stat. 246, 248; sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244, 7 U. S. C. 608c (15) (A), 610 (c), 671)

Done at Washington, D. C., this 14th day of February 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: February 17, 1947.

HARRY S. TRUMAN,
President of the United States.

[F. R. Doc. 47-1652; Filed, Feb. 19, 1947; 8:52 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

PART 1596—FOOD IMPORTS

STATEMENT OF POLICY RE ISSUANCE OF IMPORT AUTHORIZATIONS UNDER WAR FOOD ORDER NO. 63 FOR COPRA AND COCONUT OIL

Pursuant to the authority vested in me under the provisions of War Food Order No. 63, as amended (12 F. R. 459) and in order to assure equitable distribution of available supplies of imported copra and coconut oil, it is hereby declared to be the policy of the United

States Department of Agriculture to issue or deny the issuance of import authorizations for copra and coconut oil from the Philippines and the Netherlands Indies under said War Food Order No. 63 as provided herein.

§ 1596.5 *Statement of policy re issuance of import authorizations for copra and coconut oil from the Philippines and the Netherlands Indies under War Food Order No. 63*—(a) *Conditions of issuance.* A permit for the importation, for domestic consumption, of not more than 10,000 tons of copra from the Philippines and the Netherlands Indies will be granted, upon application, to any oil seed crusher who crushed copra prior to the publication of this section. A permit for the importation, for domestic consumption, of coconut oil from the Philippines and Netherlands Indies, in a quantity specified by the applicant for the permit, will be granted to any importer who imported coconut oil prior to publication of this section, upon his application and the submission of evidence satisfactory to the Administrator of War Food Order No. 63, that the importer can obtain the specified quantity of such coconut oil in the Philippines and the Netherlands Indies.

After a permit has been issued under this section to any person for the importation of copra or coconut oil for domestic consumption and the commodity to be imported under this section has been purchased abroad, such person may obtain a new permit for further importations of copra or coconut oil from the Philippines and the Netherlands Indies upon the submission of evidence satisfactory to the Administrator of War Food Order No. 63, that the commodity covered by the preceding permit has been purchased abroad.

Permits for the trans-shipment of copra and coconut oil from the Philippines and the Netherlands Indies in bond through the United States to specified foreign destinations will be granted to any person upon the submission of evidence satisfactory to the Administrator of War Food Order No. 63 that the quantity of such copra and coconut oil is within the limits of the allocations made by the International Emergency Food Council for the country of destination.

(b) *Procedure.* Applications for import permits under this section for copra and coconut oil may be made by properly executing and filing with the Administrator of War Food Order No. 63, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Form WFO 63–2, obtainable from said Order Administrator.

(c) *Petition for relief from hardship.* Any person (including, but not limited to, any person who does not have a history of previous crushing of copra or previous importation of coconut oil) who considers that the policy and procedure set forth in this section work an exceptional or unreasonable hardship on him may file a petition for relief with the Administrator of War Food Order No. 63, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any lawful action with reference to such petitions which is consistent with the authority delegated to him by the Administrator of the Production and Marketing Administration, United States Department of Agriculture. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Administrator of the Production and Marketing Administration. After said review, the Administrator of said Administration may take such lawful action as he deems appropriate, which action shall be final.

(d) *Effective date.* The policy and procedure set forth in this section shall be effective during the first three months of 1947. (Sec. 2 (a), 54 Stat. 676, as amended; 50 U. S. C. App. Supp. 1152 (a); E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp., E. O. 9579, June 29, 1945, 3 CFR, 1945 Supp.)

Issued this 14th day of February 1947.

F. R. BURKE,
Acting Assistant Administrator for the Administrator.

[F. R. Doc. 47-1608; Filed, Feb. 19, 1947; 8:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF BAUDETTE MUNICIPAL AIRPORT, BAUDETTE, MINNESOTA, AS A TEMPORARY AIRPORT OF ENTRY FOR ALIENS

Section 110.3 *Designated ports of entry by aircraft,* Chapter I, Title 8, Code of Federal Regulations is hereby amended by inserting "Baudette, Minn., Baudette Municipal Airport" between "Akron, Ohio, Municipal Airport" and "Bellingham, Wash., Bellingham Airport" in the list in § 110.3 (b) of temporary airports of entry for aliens.

Notice of the proposed designation of the Baudette Municipal Airport as a temporary airport of entry for aliens was published in the FEDERAL REGISTER dated December 13, 1946 (11 F. R. 14284, 14291), pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238). The designation shall be considered as having become effective on January 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reasons that (1) the public convenience will be served by making the immigration facilities available at once; (2) no representations in opposition to the designation have been received; and (3) the designation for customs purposes has been made effective on January 1, 1947 (12 F. R. 381). The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with immigration requirements.

(Sec. 7 (d), 44 Stat. 572; 49 U. S. C. 177 (d), sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV)

TOM C. CLARK,
Attorney General.

Recommended: January 23, 1947.

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 47-1618; Filed, Feb. 19, 1947; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-28]

PART 101—DIRECTION AND ORGANIZATION OF FOREIGN SERVICE

PART 102—PERSONNEL ADMINISTRATION

PART 104—ADMINISTRATION

MISCELLANEOUS AMENDMENTS

1. Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 302 of the Foreign Service Act of 1946 (60 Stat. 1001), the Foreign Service Regulations comprising Part 102 of Title 22 of the Code of Federal Regulations are amended by adding the following sections:

§ 102.661 *Class-to-class promotion of staff officers and employees.* A staff officer or employee may be promoted to a vacant position in a higher class at the same or at a higher rate of salary in accordance with the conditions specified below:

(a) *Service.* No staff officer or employee may be promoted unless he has served six months in the class from which promotion is to be made. Ordinarily promotions are made only to the next higher class. However, an employee may be promoted to any class for which he possesses the requisite qualifications.

(b) *Efficiency.* No staff officer or employee may be promoted unless his services meet the standards required for the efficient conduct of the work of the Foreign Service.

(c) *Qualifications.* No staff officer or employee may be promoted unless he has demonstrated that he possesses the qualifications stipulated in the standards for promotion issued by the Director General of the Foreign Service. Promotions to positions for which qualification standards have not been established may be effected if the officer or employee is otherwise qualified, on the basis of his work experience, training, and demonstrated capacity for performing the duties and responsibilities of the position in question.

(d) *Advance approval required for promotions.* Until such time as progress in the implementation of the Foreign Service Act permits a greater degree of decentralization of administration, all class-to-class promotions of staff officers and employees will continue to require advance approval of the Department of State.

(e) *Recommendations for class promotion.* A recommendation for class promotion shall be accompanied by a memorandum containing a description of the duties of the position to which promotion is being made and a statement of the pertinent qualifications of the person nominated for the promotion.

(f) *Effective date of class promotion.* A class promotion shall become effective on the first day of the pay period next following the date of its approval by the Department. (Sec. 641, Foreign Service Act of 1946)

§ 102.669 *In-class promotion of staff officers and employees.* In-class promotions of staff officers and employees shall be allowed subject to the conditions specified below:

(a) *Periodic in-class promotion.* The salary of a staff officer or employee who is paid on a per annum basis and whose salary is not at the highest rate in his class shall be increased to the next higher rate within his class at the beginning of the pay period following completion of 12 months of service since the date of appointment to the class or since the date of the last salary increase, provided he has a current efficiency rating of "Good" or better. The adjustments in salary rates made under authority of section 1105 of the Foreign Service Act of 1946 (60 Stat. 1034) or under the authority of the Federal Employees Pay Act of 1946 (60 Stat. 216) shall not be considered salary increases for the purposes of this section.

(b) *Procedure in effecting in-class promotion.* The Department will prepare a copy of Form FS–349 on each officer or employee at the time he becomes eligible for an in-class promotion and submit it to the principal officer before the effective date of such promotion. The promotion will be made on the effective date indicated on Form FS–349 if the services of the officer or employee meet the standards required for the efficient conduct of the work of the Foreign Service. If, in the opinion of the principal officer, the services of the officer or employee do not meet the established standards, he will return Form FS–349, with an appropriate explanation, to the Department.

(c) *Promotion of persons appointed after previous Governmental service.* Notwithstanding the provisions of paragraph (a) of this section, a person appointed as a Staff officer or employee who was formerly employed in the Foreign Service or any other Government agency at a salary above the minimum rate provided for the class to which he is appointed, may immediately be promoted to any salary rate above the minimum but not in excess of the rate nearest the salary rate which he was receiving in his previous position in another Government agency or in the Foreign Service. (Sec. 642, Foreign Service Act of 1946.)

§ 102.674 *Credit for military service and Merchant Marine service toward class and in-class promotions.* A staff officer or employee who has left his position to enter the armed forces or the Merchant Marine, and who has returned to his position after a separation under honorable conditions from active duty in the armed forces or satisfactory service in the Merchant Marine shall receive credit for such service toward in-class promotions and promotions from class to class.

2. The following sections of the Foreign Service Regulations contained in Title 22 of the Code of Federal Regulations are hereby superseded:

Part 101—§§ 101.8, 101.9, 101.11–101.13;
Part 104—§ 104.10.

(R. S. 161, sec. 302, Pub. Law 724, 79th Cong., 60 Stat. 1001; 5 U. S. C. 22)

This regulation is effective as of November 13, 1946.

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Deputy Assistant Secretary For Administration.

FEBRUARY 14, 1947.

[F. R. Doc. 47-1651; Filed, Feb. 19, 1947; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1088]

WRIGHT & COMPANY, INC.

Wright and Company, Inc., a corporation, of St. Louis, Missouri, in September, 1946, began construction of a commercial building at 6121 Delmar Boulevard in St. Louis, Missouri, without authorization from the Civilian Production Administration at an estimated cost of about $13,500. Due to structural changes in the building, the estimated cost thereof exceeded $15,000. On October 8, 1946, the Civilian Production Administration denied authorization on Form CPA–4423 to construct said building at an estimated cost of $25,000. In spite of said denial, Wright and Company, Inc., continued the construction of said building. The beginning and carrying on of such construction was in violation of Veterans' Housing Program Order No. 1 and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1088 *Suspension Order No. S–1088.* (a) Neither Wright and Company, Inc., its successors or assigns, nor any other person shall do any further construction on the building located at 6121 Delmar Boulevard, St. Louis, Missouri, including completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Wright and Company, Inc., shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Wright and Company, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 19th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION.
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1698; Filed, Feb. 19, 1947; 11:13 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order No. S–1099]

SUPERIOR BOAT & MILL CO.

S. W. Drake is an individual doing business as Superior Boat and Mill Company at 3900 North Broadway, St. Louis, Missouri. On November 6, 1946, without authorization from the Civilian Production Administration, he began the construction of a building to be used for manufacturing purposes at 4837 North Broadway, St. Louis, Missouri, which was estimated to cost in excess of $6,000. The size of the building was 40 feet by 100 feet and the cost thereof was in excess of the small job allowance of $1,000 for buildings having less than 10,000 square feet floor area. This construction was in violation of Veterans' Housing Program Order No. 1 and has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1099 *Suspension Order No. S–1099.* (a) Neither S. W. Drake, doing business as Superior Boat and Mill Company, his or its successors or assigns, nor any other person, shall do any further construction on the premises located at 4837 North Broadway, St. Louis, Missouri, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) S. W. Drake shall refer to this order in any application or appeal he may file with the Civilian Production Administration relating to the above premises.

(c) Nothing contained in this order shall be deemed to relieve S. W. Drake, doing business as Superior Boat and Mill

Company, or otherwise, his or its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 19th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1697; Filed, Feb. 19, 1947; 11:13 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2297]

PART 4—DELEGATIONS OF AUTHORITY

FUNCTIONS RELATING TO SURPLUS REAL PROPERTY

Order No. 2268 (11 F. R. 13267) is revoked and § 4.278 is amended, effective immediately, to read as follows:

§ 4.278 *Functions relating to surplus real property.* In accordance with the Surplus Property Act of October 3, 1944 (58 Stat. 765, 50 U. S. C. App. Sup. 1611), as amended, with regulations issued thereunder by the War Assets Administrator, the Bureau of Land Management is authorized and directed to act as the Department's disposal agency with respect to surplus real property in the continental United States, and in the territories and island possessions of the United States. The Director of the Bureau of Land Management may exercise the following powers and authority within the limits specified in the paragraph below as to any surplus real property including surplus personal property to be used or disposed of with surplus real property which has been assigned to the bureau for disposition under the said act and regulations: to execute deeds, conveyances, leases, permits, contracts, and other documents necessary or appropriate in the course of the administration and disposition of such property. The authority herein conferred shall apply to transfers without consideration made in accordance with the applicable provisions of the act and regulations including the provisions requiring approval of such transfers by the War Assets Administrator; to execute certificates of compliance in accordance with the priority provisions of the act and regulations; to delegate any of the powers described above to any employee of the Bureau of Land Management subject to any rules which the Secretary may prescribe. The Director shall keep the Secretary currently advised of any redelegation of power.

The authority delegated herein is subject to the following limitations: before the execution of any deed for property in a territory or island possession of the United States, the proposal for conveyance of the property shall be submitted to the Director, Division of Territories and Island Possessions for his endorsement. The powers and authority delegated herein shall not extend to the execution of any deed or conveyance for which a consideration of $100,000 or more is to be paid unless the conveyance is based upon a priority claim.

(Sec. 8, 58 Stat. 768, 50 U. S. C. App. Sup. 1617)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

FEBRUARY 11, 1947.

[F. R. Doc. 47-1595; Filed, Feb. 19, 1947; 8:48 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

Section 50.1 (11 F. R. 177A-194) is amended, effective immediately, to read as follows:

§ 50.1 *Purpose.* The Bureau of Land Management administers the federal laws relating to the public domain, which comprises at this time approximately three-quarters of a billion acres in the continental United States and its territories and island possessions. As the manager of the public domain, the Bureau administers the mining, mineral leasing and homestead laws, supervises the federal range, conducts surveys, classifies lands as to proper uses, and in general is responsible for matters involving the public lands. The basic objectives of the Bureau are the conservation, proper utilization and disposal of the natural resources of the public domain. It also has jurisdiction over minerals in certain acquired lands. In addition, the Bureau acts as a disposal agency for surplus real property in the United States and in its territories and island possessions assigned to it by the War Assets Administration. (Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

FEBRUARY 11, 1947.

[F. R. Doc. 47-1595; Filed, Feb. 19, 1947; 8:48 a. m.]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For authorization of the Bureau of Land Management to act as the Department's disposal agency with respect to surplus real property in the continental United States, and in the Territories and Island Possessions of the United States, and of the Director of the Bureau of Land Management to exercise certain powers and authority, see § 4.278 of this title, *supra.*

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71-85—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

HANDLING CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th of February A. D. 1947.

It appearing, that pursuant to section 233 of the Transportation of Exposives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that by notice dated November 22, 1946, these proposals were circulated among all parties of record, specifying the changes proposed for our approval;

It further appearing, that in said notice it was stated that it is desired that comments concerning the merits or deficiencies of this proposal be submitted to the Commission in writing within 30 days from the date of the notice; otherwise the Commission may proceed to investigate and determine the matters involved, or may suspend action pending formal hearing;

It further appearing, that amendments to section 589 to the aforesaid regulations as set forth in provisions made part hereof are necessary;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

PART 4—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL FREIGHT (CFR 80)

Superseding and amending all of sec. 589 (*Handling cars*), orders of Aug. 16, 1940, Feb. 26, 1942, Oct. 28, 1942, and April 13, 1943, to read as follows:

589 HANDLING CARS

Definitions

As used in this section, the term:

(1) "Person" means any individual, partnership, corporation, association, joint stock company, business trust or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity;

(2) "Railroad" means any person engaged in transportation as a common carrier by rail and includes its agents or employees;

(3) "Engine" means any locomotive, propelled by any form of energy, used by a railroad;

(4) "Freight car" means any vehicle used for the transportation of property by rail;

(5) "Passenger car" means any vehicle used for the transportation of passengers by rail;

(6) "Combination car" means any vehicle used for the transportation of both property and passengers by rail;

(7) "Occupied caboose" means any vehicle used by railroad employees, caretakers, or others authorized to ride therein;

(8) "Freight train" means one or more engines coupled with one or more freight cars and with or without an occupied caboose;

(9) "Passenger train" means one or more engines coupled with one or more passenger cars carrying passengers;

(10) "Mixed train" means one or more engines coupled with freight and passenger cars;

(11) "Placarded car" shall be construed to embrace also any car which under these regulations is required to be placarded.

Placards on Cars

(a) (1) A car requiring car certificates and "Explosives", "Dangerous", or "Poison Gas" placards under the provisions of these regulations shall not be transported unless such freight car is at all times placarded and certificated as required by these regulations.

(a) (2) At points where trains stop for inspection of equipment, changes of engines, cabooses, or crews, cars placarded "Explosives" and adjacent cars shall be inspected; such cars shall continue in movement only when inspection shows them to be in condition for safe transportation.

Switching Cars Containing Explosives or Poison Gas

(b) (1) A car placarded "Explosives" or placarded "Poison Gas" shall not be cut off while in motion. No car moving under its own momentum shall be allowed to strike any car placarded "Explosives", or placarded "Poison Gas". No freight car placarded "Explosives" or placarded "Poison Gas" shall be coupled into with more force than is necessary to complete the coupling.

(b) (2) When transporting a car placarded "Explosives" in terminals, yards, side tracks, or sidings, such cars shall be separated from the engine by at least one non-placarded car.

(b) (3) Closed cars placarded "Explosives" shall have doors closed before they are moved.

Switching of Cars Containing Dangerous Articles

(c) (1) In switching operations where use of hand brakes is not necessary, a placarded loaded tank car, or a draft which includes a placarded loaded tank car shall not be cut off until the preceding car or cars clear the ladder track and the draft containing the placarded loaded tank car, or a placarded loaded tank car shall in turn clear the ladder before another car is allowed to follow.

(c) (2) In switching operations where hand brakes are used, it shall be determined by trial that a car placarded "Dangerous" or that a car occupied by a rider in a draft containing a car placarded "Dangerous" has its hand brakes in proper working condition before it is cut off.

Placement of Freight Cars Containing Explosives, in Yards, on Sidings, or Sidetracks

(d) (1) Cars placarded "Explosives" shall be so placed that they will be safe from all danger of fire. Freight cars placarded "Explosives" shall not be placed under bridges or overhead highway crossings, nor in or alongside of passenger sheds or stations.

Notice to Crews of Cars Containing Explosives in Train

(e) (1) At all terminals or other places where trains are made up, the railroad shall execute a consecutively numbered notice showing the location in the freight train of every car placarded "Explosives". A copy of such notice shall be delivered to the train and engine crew and a copy thereof showing delivery to the train and engine crew shall be kept on file by the railroad at each point where such notice is given. At points other than terminals where train or engine crews are changed, the notice shall be transferred from crew to crew.

Position in Train of Cars Containing Explosives

(f) (1) In a train either at rest or during transportation thereof, a car placarded "Explosives" shall, when the length of the train permits, be not nearer than the sixteenth car from the engine or occupied caboose; and shall, when the length of the train will not permit them to be so placed, be as near as possible to the middle of the train.

(f) (2) In a freight train or mixed train either at rest or during transportation thereof, a car placarded "Explosives" or a placarded loaded tank car shall not be next to:

1. Occupied passenger car.
2. Occupied combination car.
3. Engine.
4. Car placarded "Poison Gas".
5. Wooden under-frame car.
6. Loaded flat car.
7. Open-top car when any of the lading extends or protrudes above or beyond the ends or sides thereof.
8. Car equipped with automatic refrigeration of the gas-burning type.
9. Car containing lighted heaters, stoves, or lanterns.
10. Car loaded with live animals or fowl, occupied by an attendant.
11. Car placarded "Dangerous".

Position in Train of Loaded Placarded Tank Cars

(g) (1) In a train either at rest or during transportation thereof, a placarded loaded tank car shall not, when the length of the train permits, be nearer than the sixth car from the engine or occupied caboose, but in no instance nearer than the second car in such train unless the entire train consists of such cars.

Position in Train of Cars Placarded "Poison Gas" or Containing Poison Liquids Class A

(h) (1) In a train either at rest or during transportation, a car placarded "Poison Gas" or containing poison liquid Class A shall not be next to other freight cars placarded "Explosives" or cars placarded "Dangerous".

Position in Train of Cars Placarded "Explosives" and "Poison Gas" or Containing Poison Liquids When Occupied by Cars Carrying Gas Handling Crews

(i) (1) A car placarded "Poison Gas" or containing poison liquids Class A in drums, tanks or bombs, or a car placarded both "Explosives" and "Poison Gas" shall at all times be next to and ahead of the car occupied by gas handling crews, when accompanying such car.

Cars Containing Explosives or Poison Gas and Tank Cars Placarded "Dangerous" in Passenger or Mixed Trains

(j) (1) Cars containing explosives, Class A, poison gases or liquids, Class A, and tank cars requiring "Dangerous" placards shall not be transported in a passenger train. Such cars may be transported in mixed trains, but only between points between which freight train service is not operated.

(j) (2) Cars containing explosives, Class A, poison gases or liquids, Class A, and tank cars placarded "Dangerous" shall not be transported next to occupied cabooses or cars carrying passengers in mixed trains.

(j) (3) When a car containing explosives, Class B, or dangerous articles other than explosives requiring labels (not including Class A poison gases or liquids) is moved in a mixed train and such car is not occupied by an employee of the carrier, placards must be applied to the car as required by these regulations.

It is further ordered, That this order shall become effective on May 15, 1947, and shall remain in full force and effect until further order of the Commission;

And it is further ordered, That a copy of this order shall be served upon all parties of record herein; and notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register. (41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 18 U. S. C. 383, 49 U. S. C. and Sup. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1602; Filed, Feb. 19, 1947; 8:46 a. m.]

[S. O. 684, Corr.]

PART 95—CAR SERVICE

NEW YORK HARBOR LIGHTERAGE RESTRICTIONS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of February A. D. 1947.

It appearing, that the movement of import and export freight through the Port of New York is overtaxing the lighterage facilities and causing a shortage of lighterage equipment in that Port, and that certain steamship companies

are delaying lighterage vessels at shipside and under other conditions thereby aggravating the shortage of such equipment; in the opinion of the Commission an emergency requiring immediate action exists in the lighterage limits of the Port of New York, it is ordered, that:

§ 95.684 *New York harbor lighterage restrictions*—(a) *Definitions.* (1) The term "common carrier" as used in this section means a common carrier by railroad subject to Part I of the Interstate Commerce Act.

(2) The term "lighterage" as used in this section means a service performed by a common carrier by the use of a special type of equipment to ferry or float freight from points on shore to vessels within the lighterage limits of the Port of New York.

(b) *Notice required for lighterage service.* No common carrier, or its lighterage agent, operating in the Port of New York, shall accord lighterage delivery of freight (except perishable) to a steamship within the lighterage limits of the Port of New York when the lighterage order requires or requests lighterage delivery before the expiration of forty-eight (48) hours from the hour of receipt of such order in the railroad's lighterage office.

(c) (1) *Appointment of agent to restrict lighterage.* G. C. Randall, 30 Vesey Street, New York (7), New York, is hereby designated and appointed as agent of the Interstate Commerce Commission and vested with authority to restrict lighterage service within the lighterage limits of the Port of New York in accordance with the following directions:

(2) *Directions to agent.* The agent is hereby directed to prohibit by order any common carrier operating in the Port of New York from performing any further lighterage delivery on orders previously accepted and from accepting any further orders for delivery of freight in lighterage service to a specific steamship when such steamship as of 7:00 a. m., on any week day has held five (5) or more loaded or partially loaded lighterage vessels longer than forty-eight (48) hours (Sundays and holidays excluded) for two (2) consecutive days (Sundays and holidays excluded), providing such equipment was placed on or after the date and time specified in the lighterage order. When such equipment is placed in advance of a specified time, time will be computed from the date specified in the lighterage order.

(3) *Agent's orders to be vacated.* Any order issued by the agent in compliance with directions of subparagraph (2) of this paragraph shall be cancelled by the agent as of 7:00 a. m., of any day, the number of loaded or partially loaded railroad lighterage vessels held over forty-eight (48) hours has been reduced below five (5) for the specific steamship.

(4) *Copies of orders to be furnished.* Copies of all orders and vacations of orders issued by the said agent shall be mailed daily to the Director of the Bureau of Service, Interstate Commerce Commission, Washington (25) D. C.

(d) *Effective date.* This section shall become effective at 7:00 a. m., February 17, 1947.

(e) *Expiration date.* This section shall expire at 7:00 a. m., April 17, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1604; Filed, Feb. 19, 1947; 8:45 a. m.]

[S. O. 82, Amdt. 3]

PART 96—JOINT USE OF TERMINALS

JOINT USE OF TERMINALS AT LOUISVILLE, KY., FOR LIVESTOCK

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of February, A. D. 1947.

Upon further consideration of the provisions of Service Order No. 82 (8 F. R. 8515), as amended (11 F. R. 8451, 9452), and good cause appearing therefor: it is ordered, that:

Section 96.3 *Joint use of terminals at Louisville, Ky., for livestock,* of Service Order No. 82, as amended, be, and it is hereby, further amended by adding the following paragraph:

This section, as amended, shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 17, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10–17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1603; Filed, Feb. 19, 1947; 8:45 a. m.]

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 23, 1947, and it shall vacate and supersede Amendment No. 2 to Service Order No. 82 on the effective date hereof; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1606; Filed, Feb. 19, 1947; 8:46 a. m.]

[S. O. 648, Amdt. 4]

PART 95—CAR SERVICE

PERMIT REQUESTED FOR BULK GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of February, A. D. 1947.

Upon further consideration of Service Order No. 648 (11 F. R. 14171), as amended (11 F. R. 14245, 14523; 12 F. R. 754), and good cause appearing therefor: it is ordered, that:

Section 95.648 *Permit required for bulk grain,* of Service Order No. 648, be and it is hereby, further amended by substituting the following paragraph (d) (2) for paragraph (d) (2) thereof:

(d) *Appointment of agents.* • • •

(2) The following permit agents are hereby designated and appointed by the Interstate Commerce Commission for the purpose of accepting applications and issuing the permits required by paragraph (b) of this section:

Permit agent	Address	Station
H. H. Foreman	552 New Customhouse, Denver 2, Colo.	Denver, Colo.
E. R. Weimer	302 U. S. Courthouse, Kansas City, Mo.	Atchison, Copeland, Dodge City, Hutchinson, Salina, Newton, Topeka, Wellington, Whitewater, and Wichita, Kans.; Kansas City and St. Joseph, Mo.
J. E. Youngman	908 New Federal Bldg., St. Louis, Mo.	St. Louis and Sikeston, Mo.
L. A. Denison	4158 U. S. Post Office, Omaha, Nebr.	Fremont, Lincoln, Nebraska City, and Omaha, Nebr.; Council Bluffs, Iowa.
C. T. Aspelmier, J. G. Harris	505 Burt Bldg., Dallas, Tex.	Alva, Blackwell, Enid, Thomas and Woodward, Okla., Amarillo, Dallas, Fort Worth, Greenville and Plainview, Tex.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 17, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10–17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1603; Filed, Feb. 19, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 904]

HANDLING OF MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO A PROPOSED AMENDMENT

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791), notice is hereby given of the filing with the hearing clerk of this report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture with respect to a marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.). Interested parties may file exceptions to this report with the Hearing Clerk, Room 0306, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 20th day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The proceeding was initiated by the Production and Marketing Administration as a result of requests received from cooperative associations of producers and from handlers of milk in the Boston milk shed.

A public hearing was held at St. Johnsbury, Vermont, on February 1 and 2, 1946, and continued at Boston, Massachusetts, on February 4–9, February 15–16, and March 11–13, 1946.

Several proposals for amendments were discussed at the hearing and recommendations have been made with respect to each of these proposals except those pertaining to service payments to cooperative associations and a time limit on market administrator's audits. This report contains conclusions and recommendations with respect to the service payments to cooperative associations. It is concluded from the study of the record that a time limit on market administrator's audits should not be adopted until a more complete study of its implications can be made and presented at a hearing.

The order includes a plan for payments to all qualified cooperative associations of 1.5 cents per hundredweight on all milk subject to the provisions of Order No. 4 which is marketed by them on behalf of their members. There is provided an additional payment of 5 cents per hundredweight on milk which is received from producers by operating cooperatives and which is sold as Class I milk to proprietary handlers, with certain limitations.

A group of large proprietary handlers proposed that this plan of payments to cooperative associations be reconsidered in its entirety, with a reexamination of the basis for the payments, the need for such payments, and their effectiveness in encouraging sound cooperatives. They maintained that: (1) Basic market supply and demand conditions are the reverse of those in 1940 and 1941 when payments were started, (2) cooperative handlers are not serving the market in the manner that they promised in 1940, (3) special payments to cooperatives are encouraging duplication of plants and excess capacity rather than efficiency, (4) payments to cooperatives represent a competitive advantage for cooperatives, (5) Federal tax exemptions are more than sufficient to encourage the growth of cooperatives, (6) cooperative handlers are now financially able to operate without the payments.

The proprietary handlers argued that at present there is intense competition for milk from producers, with no possibility in the immediate future of any producers being without a market. Market statistics were quoted to show that proprietary handlers, as well as cooperative handlers, provide a reservoir of milk supply for the market and have to have standby facilities for handling Class II milk on a seasonal basis.

There was evidence submitted by both proprietary handlers and cooperatives showing that Class I milk supplied to proprietary handlers by cooperative handlers is charged to handlers at the Class I price plus operating and administrative costs for handling, transportation, and selling. The handlers contended that cooperatives were not entitled to compensation from the market pool for maintaining standby facilities and a reservoir of milk for sale to proprietary handlers in the short season, since proprietary handlers perform the same service without compensation from the pool and the cooperatives collect for the cost of this service from the handlers to whom they sell the milk.

The evidence in the record indicates that the operating cooperatives in the market have not in recent years been obliged to exercise with such vigor their activities in selling milk and maintaining producer bargaining power. Notably the present day cooperative has not been burdened with the difficulties arising from surplus milk production. The cooperative associations have enjoyed the superior bargaining position of a seller of a short commodity. This economic condition has removed the necessity for certain cooperative expenditures.

The operating cooperatives did not defend the present payments of 5 cents per hundredweight on Class I sales to proprietary handlers. One group proposed that there be substituted for the present plan of payments to operating cooperatives a new plan providing for a payment to each qualified operating cooperative at the rate of 2.5 cents per hundredweight of milk received from producers, except that in the case of an operating cooperative maintaining certain city facilities for distributors and selling its Class I milk exclusively to distributors, the rate should be 3.5 cents per hundredweight of milk received from producers. Another operating cooperative proposed the 2.5 cent rate be paid on all milk of operating cooperatives which met certain standards.

The group of operating cooperatives stated that the new plan was designed to make the rates and basis of payment conform with current and prospective marketing conditions and problems.

From all of the evidence submitted at the hearing and arguments contained in briefs which were subsequently filed, it is concluded that the present plan for payments to operating cooperatives should be revised substantially. The present payments of 5 cents per hundredweight to operating cooperatives on Class I milk sold to proprietary handlers should be eliminated. This portion of the payments was attacked sharply by proprietary handlers and even by one large operating cooperative. This basis for making payments was not recommended by any person. Any payments made to an operating cooperative should be on the basis of a specified rate per hundredweight on milk received from producers by such cooperative.

One large bargaining association in the milk shed rested its case on the premise that the only purpose for which payments to cooperatives from the market pool can be justified is to distribute equitably among producers the cost of services performed by the cooperatives for the benefit of all producers in the market. This association maintained that by its very nature a bargaining association which is worthy of recognition or of qualification to receive payments from the pool, must benefit all producers in carrying out its purposes. Such an association enables producers collectively and intelligently to market their product. In its bargaining activities, the association operates to improve marketing conditions to members and nonmembers alike. It seeks to insure the highest possible rates to all producers. Under a market-wide pool the only way in which a bargaining association can obtain a higher rate to its members for their milk is through efforts to maintain the blended price to all producers at a higher level.

Each of the three bargaining associations in the Boston milk shed which are presently qualified to receive payments from the pool submitted evidence to show that in the present and past hearings they had prepared and presented evidence which furnished an adequate basis for constructive amendments to the order. The operating cooperatives maintained that they provided substantially the same services as those provided by bargaining cooperatives and that, fur-

thermore, they offered another service in the maintenance of plant facilities.

One large operating cooperative and one large bargaining cooperative stressed the fact that individual cooperatives perform varying degrees of service for the market in the bargaining and in the operating field. The record indicates some of the differences but does not establish clearly a basis for differentiating between cooperative associations which would be eligible for the higher or lower rates. The bargaining association which proposed the varying schedule suggested that all rates be kept low if the differences could not be established. These two cooperative associations proposed that rates ranging from ¾ cent to 1½ cents per hundredweight be established for bargaining activities. In view of the lack of basis for establishing such a schedule at this time and the range of only ¾ cent which was suggested, it is concluded that the rate to be paid all cooperative associations for bargaining services should be one cent per hundredweight.

The operating cooperatives maintained that they do assist to a somewhat greater extent than the bargaining associations in the maintenance of producer bargaining power in milk marketing and they showed that the cost of such services was more than bargaining services alone. The maintenance of such producer bargaining power is in the interest of all producers and does benefit all producers. It is recommended that the plan of payments be changed so that the rate to each qualified operating cooperative will be 2 cents per hundredweight on milk received from producers by the cooperative, and so that the rate to each qualified bargaining association will be one cent per hundredweight on milk received from its members by handlers other than the qualified operating cooperatives.

Payment to a bargaining association should be on the basis of a specified rate per hundredweight on milk received from its members by handlers other than qualified operating cooperatives. This change in the basis of computing the payments will afford a more equitable distribution of the payments among cooperatives.

There was conflicting testimony in the hearing record as to the desirability of specifically restricting the purposes for which cooperatives could use the money received in the form of these payments from the pool. The present provisions in this section of the order require each qualified cooperative to make reports to the market administrator, as required by him, with respect to the use of these payments and with respect to the performance of any service or function which is set forth for them as a basis for such payment. It is concluded that this requirement is sufficient for this purpose.

One bargaining association proposed the elimination of the requirement that the payment rate from the pool to a bargaining association must be matched by payments to the association by its members. This requirement is not necessary. An association could not meet the standards necessary for qualification if it did not have an income from the milk of its members equal to at least one cent per hundredweight on such milk. Accordingly, this requirement should be eliminated from this section.

It was proposed also that the requirement that a claim must be filed each month by each association be eliminated and that there should be substituted therefor a provision that the market administrator shall make payments to qualified associations based upon handlers' reports, subject to verification of the receipts and other items on which the amount of such payment is based. This policy would result in the same final payments to associations with less administrative effort on the part of both associations and the market administrator. Handlers' reports are adequate for the purpose of determining the amount of payments under the proposed provisions. Accordingly, the propcsal should be adopted.

With the claim procedure in effect it has been necessary to delay complete settlement of original payments to cooperatives for a given delivery period to the end of the second month after the delivery period, and to retain temporarily in reserve more funds than would be necessary with the claim provision eliminated. With the elimination of the claim procedure it is practical to provide that the regular monthly payments to qualified cooperative associations be made on or before the twenty-fifth day after the end of the delivery period to which they apply, at the same time and in the same manner in which handlers' payments from the pool for the same delivery period are made. A provision to this effect should be added to this section of the order and the reserve for such payments should be reduced accordingly.

The Dairy Branch proposed an amendment which would provide clearly that the obligation on the part of a handler to make authorized member deductions for a cooperative association should apply to those producers whose deliveries are the basis for payments to the association from the pool under this section. This proposal is related to the problems raised because of membership in two bargaining associations by the same producer. The handler's obligation to make payments to the association should be restricted to those producers whose milk is the basis alsc for payments from the pool to the association.

A number of minor changes in the provisions and wording of the section were proposed principally by the market administrator. Such changes, largely for clarification, and none of which materially change the current application of the order or the operations thereunder, should be adopted.

The following proposed amendments to the order, as amended, are recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because the proposals applicable to it would be the same as those contained in the order, as amended, and as proposed here to be further amended.

Proposed Amendments

1. In § 904.9 (b), delete subparagraphs (5) and (6), and substitute therefor the following and insert a new subparagraph (7):

(5) Subtract the total amount of cooperative payments required by § 904.11 (b);

(6) Divide by the total quantity of milk for which a value is determined pursuant to subparagraph (1) of this paragraph;

(7) Subtract not less than four cents nor more than five cents for the purpose of retaining a cash balance in connection with the payments set forth in § 904.10 (b) (2). This result shall be known as the basic blended price for milk containing 3.7 percent butterfat.

2. Delete § 904.11 and substitute therefor the following:

§ 904.11 *Payments to cooperative associations*—(a) *Application and qualification for cooperative payments.* Any cooperative association of producers duly organized under the laws of any State may apply to the Secretary for a determination that it is qualified to receive cooperative payments in accordance with the provisions of this section. Upon notice of the filing of such an application, the market administrator shall set aside for each delivery period, from the funds provided by handlers' payments to the market administrator pursuant to § 904.10, such amount as he estimates is ample to make payment to the applicant, and hold it in reserve until the Secretary has ruled upon the application. Each association shall be entitled to receive such payments from the effective date of its qualification, if the Secretary determines that it meets all of the following requirements.

(1) It conforms to the requirements relating to character of organization, voting, dividend payments, and dealing in products of nonmembers, which are set forth in the Capper-Volstead Act and in the State laws under which the association is organized.

(2) It operates as a responsible producer-controlled marketing association exercising full authority in the sale of the milk of its members.

(3) It systematically checks the weights and tests of milk which its members deliver to plants not operated by the association.

(4) It guarantees payment to its members for milk delivered to plants not operated by the association.

(5) It maintains, either individually or together with other qualified associations, a competent staff for dealing with marketing problems and for providing information to its members.

(6) It constantly maintains close working relationships with its members.

(7) It collaborates with similiar associations in activities incident to the maintenance and strengthening of collective bargaining by producers and the operation of a plan of uniform pricing of milk to handlers.

(8) It is in compliance with all applicable provisions of this order.

(b) *Cooperative payments.* On or before the twenty-fifth day after the end of each delivery period, each qualified association shall be entitled to receive a cooperative payment from the funds provided by handlers' payments to the market administrator pursuant to § 904.10. The payment shall be made under the conditions and at the rates specified in this paragraph, and shall be subject to verification of the receipts and other items upon which such payment is based.

(1) Each qualified association shall be entitled to payment at the rate of one cent per hundredweight on the milk which its producer members deliver to the plant of a handler other than a qualified association; except on milk delivered by a producer who is also a member of another qualified association, and on milk delivered to a handler who fails to make applicable payments pursuant to § 904.10 (b) (2) and § 904.12 within 10 days after the end of the month in which he is required to do so.

(2) Each qualified association shall be entitled to payment at the rate of two cents per hundredweight on milk received from producers at a plant operated by that association.

(c) *Reports relating to cooperative payments.* Each qualified association shall, upon request by the market administrator, make reports to him with respect to its use of cooperative payments and its performance in meeting the requirements set forth as the basis for such payments, and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) *Suspension of cooperative payments.* Whenever there is reason to believe that an association is no longer meeting the qualification requirements, the market administrator shall, upon request by the Secretary, suspend cooperative payments to it, and shall give the association written notice of the suspension. Such suspended payments shall be held in reserve until the Secretary has, after notice and opportunity for a hearing, ruled upon the performance of the association.

(e) *Deductions from payments to members.* (1) Each association which is entitled to receive cooperative payments on milk which its producer members deliver to a handler other than a qualified association may file a claim with the handler for amounts to be deducted from the handler's payments to such members. The claim shall contain a list of the producers, an agreement to indemnify the handler in the making of the deductions, and a certification that that association has an unterminated membership contract with each producer, authorizing the claimed deduction.

(2) In making payments to his producers for milk received during the delivery period, each handler shall make deductions in accordance with the association's claim, and shall pay the amount deducted to the association within 25 days after the end of the delivery period.

This report filed at Washington, D. C., this 14th day of February 1947.

F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-1607; Filed, Feb. 19, 1947; 8:45 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of Public Debt

[1947 Dept. Circ. 801]

SEVEN-EIGHTHS PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C–1948

OFFERING OF CERTIFICATES

FEBRUARY 17, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated ⅞ percent Treasury Certificates of Indebtedness of Series C–1948, in exchange for Treasury Certificates of Indebtedness of Series C–1947, maturing March 1, 1947. Approximately $1,000,000,000 of the maturing certificates will be retired on cash redemption.

II. *Description of certificates.* 1. The certificates will be dated March 1, 1947, and will bear interest from that date at the rate of ⅞ percent per annum, payable with the principal at maturity on March 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including $25,000 will be allotted in full, and subscriptions for amounts over $25,000 will be allotted to all holders on an equal percentage basis, but not less than $25,000 on any one subscription. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before March 1, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C–1947, maturing March 1, 1947, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1628; Filed, Feb. 19, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8198]

HENKEL & CIE., A. G.

In re: Stock and bank accounts owned by Henkel & Cie., A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henkel & Cie., G. m. b. H., the last known address of which is Dusseldorf, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Uma, A. G. is a corporation organized under the laws of Switzerland,

whose principal place of business is located at Chur, Switzerland, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by the aforesaid Henkel & Cie., G. m. b. H., and is a national of a designated enemy country (Germany);

3. That Henkel & Cie., A. G. is a corporation organized under the laws of Switzerland, whose principal place of business is located at Basle, Switzerland, and all of whose capital stock is or, since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid Uma, A. G., and is a national of a designated enemy country (Germany);

4. That Henkel & Cie., A. G., Konsortial-Fonds, located at Basle, Switzerland, is an asset of and controlled by the aforesaid Henkel & Cie., A. G., and is a national of a designated enemy country (Germany);

5. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A and presently in the custody of the banks named in Exhibit A, together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations of the banks listed in Exhibit B, attached hereto and by reference made a part hereof, arising out of the blocked accounts whose titles are set forth in Exhibit B, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Henkel & Cie., A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Description of issue and name in which shares are registered	Name of custodian bank	Number of shares	Certificate Nos.
No par value common capital stock of Allied Chemical & Dye Corp., 61 Broadway, New York, N. Y., a New York corporation, registered in the name of Salkeld & Co.	Bankers Trust Co., 16 Wall St., New York, N. Y.	1,000	128596, 128661, 128634, 128673, 128688, 128743, 128756/9 for 100 shares each.
No par value common capital stock of Hercules Powder Company, Wilmington, Delaware, a Delaware corporation, registered in the name of Salkeld & Co.	....do	10,000	9830/42, 10072, 10157, 10160, 10163, 10165, 10168/9, 10927/8, 11568/80, 16519, 16532/3, 16546/8, 36467/516 for 100 shares each.
No par value common capital stock of Mathieson Alkali Works, Inc., 60 East 42d St., New York, N. Y., a Virginia corporation, registered in the name of Salkeld & Co.	....do	16,100	36435/6, 36438/76, 36479, 37681/8, 37727/8, 37832/5, 37853, 37859/1, 37906, 37710/8, 38081/6, 38402/3, 38490/1, 38901/3, 38966, 38994/7, 39002/3, 39037, 39043, 39045/6, 39049/50, 39093/512, 39096/7, 39610/2, 39618/22, 39626, 39635, 39724/8, 39752/5, 39774/9, 39781/6, 39890/5, 39816/7, 40126, 41538, 37816/8 for 100 shares each.
No par value common capital stock of The Procter & Gamble Co., Gwynne Bldg., Cincinnati, Ohio, an Ohio corporation, registered in the name of Salkeld & Co.	....do	11,300	146216 and 168541 for 50 shares each; 45296/312, 45321/7, 47447/12, 47813/4, 48359/61, 48382/3, 48744/5, 48784/5, 48811/2, 48920, 48934, 48921, 48924, 48928/34, 48944/8, 48956/60, 48966, 48993/7, 49022, 49130, 49141, 49197, 49257/60, 49767/8, 49773/7, 49786, 49830/7, 49845/6, 49850, 49868, 49870/80, 49884/5, 49922, 49927, 49947, 49948/9, 49962/3, 49974/5, 50003/4, 50037, 50050/1, 50071/2, 50128/9, 50177, 50193, 50206, 50230, 50244, 50258/9, 50290, 50294, 50353/7, 50358, 53373, 57360, 57239/40, 57256/9, 57347/50, 57409/10 for 100 shares each.
No par value $4.50 cumulative preferred capital stock of E. I. duPont de Nemours & Co., 1007 Market St., Wilmington, Del., a Delaware corporation, registered in the name of Zink & Co.	Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	1,000	K21031/40 for 100 shares each.
No par value common capital stock of Colgate-Palmolive-Peet Co., 105 Hudson St., Jersey City, N. J., a Delaware corporation, registered in the name of Zink & Co.	....do	5,000	NC75712/20, NC75722/62 for 100 shares each.
$10 par value common capital stock of Monsanto Chemical Co., St. Louis, Mo., a Delaware corporation, registered in the name of Schmidt & Co.	....do	1,000	N17173, 17198/9, 17167, 16802, 16754/6, 16627, 16614 for 100 shares each.
$10 par value common capital stock of American Cyanamid Co., 30 Rockefeller Plaza, New York, N. Y., a Maine corporation, registered in the name of Charles, Frederic & Co.	Irving Trust Co., 1 Wall St., New York, N. Y.	4,000	7205/14 for 100 shares each.
$10 par value 5-percent cumulative preference capital stock of American Cyanamid Co., 30 Rockefeller Plaza, New York, N. Y., a Maine corporation, registered in the name of Charles, Frederic & Co.	....do	1,700	2518, 1778/83, 1664/8, 786/9 for 100 shares each.
$20 par value common capital stock of E. I. duPont de Nemours & Co., 1007 Market St., Wilmington, Del., a Delaware corporation, registered in the name of Charles, Frederic & Co.	....do	3,600	181216/17, 183221, 185555/6, 188408, 186499/503, 180100, 179987, 180218, 179511, 175018, 187216/7, 182899, 183189, 181165, 181877, 185872, 175073/5, 179892, 179498, 179177, 174895/7 for 100 shares each.
No par value common capital stock of The Procter & Gamble Co., Gwynne Bldg., Cincinnati, Ohio, an Ohio corporation, registered in the name of Charles, Frederic & Co.	....do	6,000	43806/44005, 43810/19, 43793/802, 43748/52, 41931/40, 43770/1, 43771/5, 43779/83 for 100 shares each.
No par value common capital stock of The Procter & Gamble Co., Gwynne Bldg., Cincinnati, Ohio, an Ohio corporation, registered in the name of Wiley & Co.	Manufacturers Trust Co., 55 Broad St., New York, N. Y.	6,000	NY 55586/55645 for 100 shares each.
No par value common capital stock of Westvaco Chlorine Products Corp., 405 Lexington Ave., New York, N. Y., a Delaware corporation, registered in the name of Wiley & Co.	....do	3,000	C 10967/10996 for 100 shares each.
$20 par value common capital stock of E. I. duPont de Nemours & Co., 1007 Market St., Wilmington, Del., a Delaware corporation, registered in the name of Egger & Co.	The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y. (branch at 11 Broad St., New York, N. Y.).	400	478541 and 478952 for 50 shares each; 188089, 188948 and 191779 for 100 shares each.

EXHIBIT B

Name and Address of Bank and Title of Blocked Account

Bankers Trust Co., 16 Wall St., New York, N. Y., Rotterdamsche Bankvereeniging, Sub account Henkel & Cie, Rotterdam, The Netherlands.

Guaranty Trust Co., of New York, 140 Broadway, New York, N. Y., Rotterdamsche Bankvereeniging, N. V. Rotterdam, Claimant: Henkel & Cie A. G., Konsortial Fonds.

Irving Trust Co., 1 Wall St., New York, N. Y., Rotterdamsche Bankvereeniging, N. V. General Ruling 11A, "Identified" Account, Rotterdam, Holland.

Manufacturers Trust Co., 55 Broad St., New York, N. Y., Rotterdamsche Bankvereeniging, N. V. Rotterdam, for Beneficial Int. of Henkel & Cie, A. G., Basle, Switzerland.

The Chase National Bank, of the City of New York, 18 Pine St., New York, N. Y., Rotterdamsche Bankvereeniging, N. V. Separate Blocked Account as one in which a national

of Germany, Switzerland and The Netherlands has an interest.

The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y., (branch at 11 Broad Street, New York, N. Y.), Rotterdamsche Bankvereeniging, N. V. Clients a/c Rotterdam, Holland.

[F. R. Doc. 47-1646; Filed, Feb. 19, 1947; 8:57 a. m.]

[Vesting Order 8145]

AKIRA UMEMOTO ET AL.

In re: Debts owing to Akira Umemoto and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Japan and a national of a designated enemy country (Japan);

2. That each corporation, partnership, association or other business organization whose name and last known address is set fort inh Exhibit A, is a corporation, partnership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations owing to the individuals or organizations listed in Exhibit A, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, as described opposite the names of said individuals and organizations in Exhibit A, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and last known address of creditor	Description of debt	Amount as of Dec. 31, 1945	APC File No.	Name and last known address of creditor	Description of debt	Amount as of Dec. 31, 1945	APC File No.
Akira Umemoto, Tokyo, Japan.	Fixed deposit certificate No. 68376.	$50.00	F-39-5202-E-1.	Sugizo Fujioka, Shinamimura, Japan.	Commercial checking account entitled Sugizo Fujioka.	$1,424.95	D-39-2938-E-1.
	Fixed deposit certificate No. 67658.	100.60			Fixed deposit certificate No. 69274.	2,082.70	
	Fixed deposit certificate No. 67902.	257.61		Daisuke Hozumi, also known as D. Hozumi, Tokyo, Japan.	Demand deposit certificate No. 61406.	17.18	F-39-5202-E-1.
Mitsue Kamemoto, Azatenii, Japan.	Fixed deposit certificate No. 69012.	303.00	D-39-5558-E-1.		Temporary receipts account entitled D. Hozumi.	4,100.00	
Harumi Okasaki, Japan...	Commercial account entitled Harumi Okasaki.	19.59	D-39-9967-E-1.	H. Hori, Japan.....	Temporary receipts account entitled H. Hori.	4,200.00	F-39-5221-E-1.
	Special deposit entitled Harumi Okasaki.	532.58			Temporary receipts account entitled H. Hori.	7.30	
Haruye Kakishita, Motowaki, Japan.	Cashiers check No. 70767....	41.48	D-39-5513-E-1.	K. Umekawa, Japan.....	Temporary receipts account entitled K. Umekawa.	3,300.00	F-39-5215-E-1.
Kika Kiyota, Japan.....	Fixed deposit certificate No. 69246.	910.82	D-39-2171-E-1.	Masuji Okumoto, Hiroshima, Japan.	Fixed deposit certificate No. 69508.	270.00	F-39-5209-E-1.
The One Hundredth Bank, Ltd., Tokyo, Japan.	Commercial, General Ledger, "Correspondents A/C due to Correspondents."	53,673.36	F-39-650-E-17.	Itsuo Okida, also known as Harry Itsuo Okida and as Itsuo Harry Okida, Hiroshima, Japan.	Fixed deposit certificate No. 69559.	1,000.00	F-39-5208-E 1.
	Temporary receipt account entry dated June 28, 1941.	71.73					
	Temporary receipt account entry dated July 15, 1941.	71.75		Suyehiko Okawa, Kumamoto, Japan.	Fixed deposit certificate No. 69182.	100.00	F-39-5207-E-1.
Shuzi Suzuki, also known as G. S. Suzuki, Fusedamura, Japan.	Commercial checking account entitled G. S. Suzuki.	926.88	D-39-12048 E-1.	H. Furuya, Japan.....	Temporary receipts account entitled H. Furuya.	2,845.91	F-39-5541-E-1.
Shinkichi Yamada, Kanayama, Japan.	Demand deposit certificate No. 69679.	100.00	F-39-5205-E-1.	K. Kato, Japan.....	Temporary receipts account entitled K. Kato.	1,195.57	F-39-5547 E-1.
	Fixed deposit certificate No. 69662.	100.00		S. Kimura, Japan.....	Temporary receipts account entitled S. Kimura.	153.75	F-39-5551-E-1.
K. Urata, Japan.....	Cashiers check No. 70786	200.00	F-39-5204-E 1.	Jusaku Kishiyama, Japan	Fixed deposit certificate No. 69585	700.00	F-39-5552-E-1.
	Cashiers check No. 70787....	300.00		K. Maeda, Japan.....	Temporary receipts account, entitled K. Maeda	365.91	F-39-5558-E-1.
S. Takesaki, Kochi-Ken, Japan.	Commercial checking account entitled S. Takesaki.	270.71	F-39-5197-E-1.	T. Maeda, Japan.....	Temporary receipts account, entitled T. Maeda	491.38	F-39-5559-E-1.
Kazuo Takimoto, Japan...	Commercial checking account entitled Kazuo Takimoto.	2,798.34	F-39-5196-E-1.	I. Matsumoto, Japan.....	Temporary receipts account, entitled I. Matsumoto	129.43	F-39-5561-E-1.
Taimei Industrial Company, Ltd., Tokyo, Japan.	Suspense account, entitled Taimei Industrial Co., Ltd.	137.87	F-39-5194-E-1.	T. Matsumoto, Japan.....	Temporary receipts account, entitled T. Matsumoto	1,346.59	F-39-5562-E-1.
Teruko Satow, Tokyo, Japan.	Commercial checking account entitled Teruko Satow.	175.00	F-39-5192-E-1.	M. Nakamura, Japan.....	Commercial checking account, entitled M. Nakamura	633.46	F-39-5563-E-1.
	Fixed deposit certificate No. 69721.	300.00		M. Sawada, Japan.....	Temporary receipts account, entitled M. Sawada	129.09	F-39-5575-E-1.
Takao Kobayashi, Oaza-Kitakago, Japan.	Commercial checking account entitled Takao Kobayashi.	130.87	F-39-5180 E-1.	K. Shiroyama, Japan.....	Temporary receipts account, entitled K. Shiroyama	104.43	F-39-5578-E-1.
I. Kondo, Japan.....	Commercial checking account entitled I. Kondo.	48.04	F-39-5179-E-1.	Y. Yamashiro, Japan.....	Temporary receipts account, entitled Y. Yamashiro	45.91	F-39-5579-E 1.
Shigeo Morioka, Hototsuya, Japan.	Demand deposit certificate No. 69655.	538.25	F-39-5171-E-1.	K. Wakayama, Japan.....	Temporary receipts account, entitled K. Wakayama	51.43	F-39-5583-E-1.
Fumiye Fujimoto, Japan.	Fixed Deposit Certificate No. 69035.	600.00	F-39-5543-E-1.	George Y. Wada, Japan..	Fixed deposit certificate No. 67069.	1,000.00	F-39-5584 E 1.
Kinkei Nishibata, Wakayama, Japan.	Demand Deposit Certificate No. 61892.	500.00	D-39-17130-E-1.		Fixed deposit certificate No. 67069.	1,000.00	
Asatoro Yoshioka, Japan.	Fixed Deposit Certificate No. 69510.	1,010.00	D-39-12778-E-1.		Fixed deposit certificate No. 68099.	400.00	

EXHIBIT A—Continued

Name and last known address of creditor	Description of debt	Amount as of Dec. 31, 1945	APC File No.
Tadashi Ito, Japan	Suspense account, entitled Tadashi Ito.	$153.75	D-39-4924-E-1.
S. Nishi, Japan	Temporary receipts account, entitled S. Nishi.	4,595.91	D-39-15555-E-1.
Minoru Hashimoto, Japan.	Commercial checking account, entitled Minoru Hashimoto.	1,054.00	D-39-18433-E-1.
Nobuaki Oyama, Japan	Fixed deposit certificate No. 69448.	510.00	D-39-18588-E-1.
	Fixed deposit certificate No. 69542.	271.77	
Y. Yamamoto, Japan	Temporary receipts account, entitled Y. Yamamoto.	145.57	F-39-3741-E-1.
Kazuo Doiuchi, Japan	Demand deposit certificate No. 61682.	450.00	D-39-18826-E-1.
	Fixed deposit certificate No. 69512.	50.00	
Hiroshi Yamakawa, Japan.	Fixed deposit certificate No. 68998.	200.00	F-39-4190-E-1.
	Fixed deposit certificate No. 69119.	51.51	
Yasuda Bank, Ltd., also known as The Yasuda Bank, Ltd., Tokyo, Japan.	Commercial, general ledger, "Correspondents A/C due to Correspondents."	2,114.02	F-39-754-E-6.
T. Yagi, Japan	Commercial checking account, entitled T. Yagi.	6,700.00	D-39-591-E-1.
Kenichiro Suga, Japan	Commercial checking account, entitled Kenichiro Suga.	506.58	F-39-5577-E-1.
Ken Nakazawa, Japan	Commercial checking account, entitled Ken Nakazawa.	171.87	F-39-5570-E-1.
K. Masuda, Japan	Temporary receipts account, entitled K. Masuda.	186.85	F-39-5560-E-1.
Yoshio Kobayashi, also known as Y. Kobayashi, Japan.	Commercial checking account, entitled Y. Kobayashi.	161.64	F-39-5533-E-1.
Takeko Rikumaru, Japan.	Fixed deposit certificate No. 63892.	60.00	F-39-5374-E-1.
Kenji Nakauchi, Japan	Commercial checking account, entitled Kenji Nakauchi.	130.63	D-39-15533-E-1.
Kinichi Tada, Japan	Commercial checking account, entitled Kinichi Tada.	215.09	D-39-12707-E-1.
Toworu Ozasa, Japan	Commercial checking account, entitled Dr. Toworu Ozasa.	410.97	D-39-10147-E-1.
	Cashier's check No. 70761, dated Nov. 29, 1941.	2.00	
Soichi Itoh, Japan	Commercial checking account, entitled Soichi Itoh.	4,650.24	D-39-5399-E-1.
Seiichi Hamaguchi, Japan.	Demand certificate of deposit No. 61698.	$180.00	D-39-3452-E-1.
T. Matsuda, Japan	Temporary receipts account, entitled T. Matsuda.	1,970.91	F-39-5176-E-2.
W. Kitagawa, also known as W. A. Kitagawa, Japan.	Commercial checking account, entitled W. Kitagawa.	164.11	F-39-37-E-2.
	Commercial checking account, entitled W. A. Kitagawa.	9,186.45	
Junichi Fujinaka, Japan	Fixed deposit certificate No. 68903.	1,345.70	F-39-5785-E-1.
Hakaru Inasako, Japan	Fixed deposit certificate No. 68498.	1,327.84	D-39-19025-E-1.
Matsuko Kawabata, also known as Matsue Kawabata, Japan.	Fixed deposit certificate No. 69385.	3,060.30	D-39-5885-E-1.
Shigeyoshi Kawabata, Japan.	Fixed deposit certificate, No. 69305.	786.28	D-39-19024-E-1.
Koichiro Kawahara, also known as K. Kawahara, Japan.	Commercial checking account entitled K. Kawahara.	284.43	D-39-15279-E-1.
Katsuyuki Matsumoto, Japan.	Fixed deposit certificates Nos.:		D-39-19022-E-1.
	68920	232.30	
	69375	90.00	
	69504	84.50	
Masami Matsumoto, Japan.	Fixed deposit certificate No. 69168.	200.00	D-39-7061-E-1.
Hiroshi Matsumoto, also known as Roy H. Matsumoto, Japan.	Fixed deposit certificate No. 69555.	200.00	D-39-19023-E-1.
Yosaburo Muramatsu, Japan.	Fixed deposit certificate No. 52372.	164.04	D-39-19028-E-1.
Kahei Miyake, Japan	Demand deposit certificate No. 61620.	150.00	F-39-5786-E-1.
Hisa Yazaki, Japan	Fixed deposit certificate No. 69570.	1,672.17	D-39-669-E-1.
Hatsujiro Shijo, Japan	Fixed deposit certificate No. 69290.	509.04	D-39-19027-E-1.
Satako Tamai, Japan	Fixed deposit certificates Nos.:		D-39-19026-E-1.
	69623	407.05	
	69547	1,000.00	
Hiroshi Yamamoto, Japan.	Fixed deposit certificate No. 67045.	204.00	F-39-4784-E-1.
Tsugio Murahashi, Japan.	Fixed deposit certificate No. 68831.	599.94	D-39-18594-E-2.
Takito Yamaguma, Japan.	Commercial checking account entitled Takito Yamaguma.	4,464.25	D-39-18832-E-1.
	Special deposits account entitled Takito Yamaguma.	327.12	
Yatsuka Miyakojda, Tottori-Ken, Seihaku-Gun, Amari-Ko, Japan.	Fixed deposit certificate No. 68575.	2,964.63	F-39-5170-[illegible]

[F. R. Doc. 47-1639; Filed, Feb. 19, 1947; 8:57 a. m.]

[Vesting Order 7998]

KEIKO TESHIROGI ET AL.

In re: Debts owing to Keiko Teshirogi and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That each corporation, partnership, association or other business organization whose name is set forth in Exhibit A, each of whose last known address is Japan, is a corporation, partnership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations owing to the individuals or organizations listed in Exhibit A, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, as described opposite the names of said individuals and organizations in Exhibit A, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name of creditor	Description of debt	Amount as of Dec. 31, 1945	APC File No.
Keiko Teshirogi	Fixed deposit account No. 69083.	$247.15	D-39-1348-E-1.
Heiji Hoshino also known as R. Hoshino.	Commercial checking account entitled R. Hoshino.	455.03	D-39-1931-E-2.
H. Tanisawa	Traveler's letter of credit No. A 2455, issued Sept. 28, 1940.	1,872.14	F-39-5198-E-1.
Futaba Ishii, also known as Mrs. Chuchei Ishii and as F. Ishii.	Fixed deposit account No. 69094.	156.66	D-39-5165-E-2.
Yuji Hirota, also known as Y. Hirota.	Commercial checking account, entitled Y. Hirota.	90.19	F-39-5220-E-1.
Shigeru Takahashi, also known as S. Takahashi.	Commercial checking account, entitled S. Takahashi.	1,049.65	F-39-5195-E-1.
Yuzo Sato, also known as Y. Sato.	Commercial checking account, entitled Y. Sato.	283.29	F-39-5191-E-1.
Yoshiyuki Akiyama	Commercial checking account, entitled Yoshiyuki Akiyama.	61.37	F-39-5189-E-1.
Masayuki Hashizume, also known as M. Hashizume.	Commercial checking account, entitled M. Hashizume.	219.37	F-39-5186-E-1.
Shigeo Imai	Commercial checking account, entitled Shigeo Imai.	441.85	F-39-5184-E-1.
Kazuyoshi Inagaki	Commercial checking account, entitled Kazuyoshi Inagaki.	849.93	F-39-5183-E-1.
Kozo Kaito, also known as K. Kaito.	Fixed deposit accounts Nos.:		F-39-5181-E-1.
	8943	104.44	
	8971	104.44	
	8982	153.30	
	8986	104.44	
	9036	741.98	
Masao Maruyama, also known as M. Maruyama.	Commercial checking account, entitled M. Maruyama.	696.99	F-39-5178-E-1.
Genji Matsuda, also known as G. Matsuda.	Fixed deposit account No. 50213.	511.00	F-39-5177-E-1.
T. Matsuda	Demand certificate of deposit No. 8180.	700.00	F-39-5176-E-1.
Hiroshi Fuji, also known as H. Fuji.	Commercial checking account, entitled Fuji Transfer Co., by Hiroshi Fuji.	364.73	D-39-3922-E-1.
Kaneyo Motokane and Yoshiaki Motokane.	Fixed deposit account No. 69013.	3,030.00	F-39-5172-E-1.
Keizo Muraoka	Demand certificate of deposit No. 8163.	52.60	F-39-5168-E-1.
Hisao Matsuo	Commercial checking account, entitled Hisao Matsuo.	51.11	D-39-17040-E-1.
Teiji Fujima	Fixed deposit account No. 9876.	2,022.00	F-39-45-E-1.
	Commercial checking account, entitled Teiji Fujima.	1,688.34	
Oswald Welker	Commercial checking account, entitled Oswald Welker.	133.66	F-28-1706-E-1
Kaoru Nakashima	Commercial checking account, entitled Kaoru Nakashima.	$70.03	F-39-4470-E-1.
Heiji Kato	Commercial checking account, entitled Heiji Kato.	90.34	F-39-4068-E-1.
Shunzo Kurata, also known as S. Kurata.	Commercial checking account, entitled S. Kurata.	159.72	F-39-3740-E-1.
Tomitaro Kasai, also known as T. Kasai.	Fixed deposit account No. 5	406.73	F-39-1086-E-1.
Jiro Kozai	Demand deposit account No. 8501.	50.00	F-39-5637-E-1.
Taminosuke Miyachi, also known as T. Miyachi.	Commercial checking account, entitled T. Miyachi.	72.14	F-39-2647-E-1.
Yasuto Otani	Fixed deposit account No. 8604.	1,000.00	F-39-2285-E-1.
Mitaro Fujita	Fixed deposit account No. 69650.	1,516.50	F-39-2194-E-1.
Dai-Ichi Ginko, Ltd., also known as The Dai-Ichi Ginko, Ltd.	Commercial account, entitled The Dai-Ichi Ginko, Ltd.	5,029.80	F-39-304-E-8.
Domei News Agency and/or Yoshiyuki Akiyama.	Commercial checking account, entitled Domei News Agency.	506.99	F-39-3044-E-1.
Gentaro Ono	Fixed deposit account No. 69664.	1,000.00	D-39-9727-E-1.
Aki Matsuoka	Commercial checking account, entitled Aki Matsuoka.	339.16	D-39-17776-E-1.
Tomoyuki Omori	Fixed deposit account No. 68846.	158.35	D-39-15447-E-1.
Nakaichiro Fujiwara	Fixed deposit account No. 8947.	4,625.00	F-39-5187-E-1.
Takahiko Wakabayashi, also known as T. Wakabayashi.	Commercial checking account, entitled T. Wakabayashi (private a/c).	8.94	F-39-1936-E-1.
	Commercial checking account, entitled T. Wakabayashi (official a/c).	6,660.27	
The One Hundredth Bank, Ltd.	Commercial account, entitled The One Hundredth Bank, Ltd.	11,015.95	F-39-650-E-15.
Soichi Uno, also known as S. Uno.	Commercial checking account, entitled S. Uno.	9,513.06	D-39-12872-E-1.
Ume Ikeda, also known as U. Ikeda.	Commercial checking account, entitled U. Ikeda.	7,409.71	D-39-1062-E-1.
Haruo Aoki, also known as H. Aoki.	Commercial checking account, entitled H. Aoki.	6,911.49	D-39-2319-E-1.
Yusuyuki Doi, also known as Y. Doi.	Commercial checking account, entitled Y. Doi.	7,554.21	D-39-2735-E-1.
Yasuda Bank, Ltd., also known as The Yasuda Bank, Ltd.	Commercial account, entitled The Yasuda Bank, Ltd.	5,529.92	F-39-754-E-8.
S. Nogami	Travelers Letter of Credit No. A 2454, issued Sept. 22, 1940	1,273.84	F-39-5216-E-1.

[F. R. Doc. 47-1629; Filed, Feb. 19, 1947; 8:59 a. m.]

[Vesting Order 8019]

KIKUYE HAMASAKI

In re: Debts owing to Kikuye Hamasaki., F-39-5225-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kikuye Hamasaki, whose last known address is Wakayama-ken, Higashi-muro-gun, Tahara-mura, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to Kikuye Hamasaki, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the total amount of $1,202.00, as of December 31, 1945, arising out of Fixed Deposit Certificate Number 69041, in the face amount of $202.00, and Fixed Deposit Certificate Number 69040, in the face amount of $1,000.00, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1630; Filed, Feb. 19, 1947; 8:58 a. m.]

[Vesting Order 8020]

YOSHITARO HATORI

In re: Debt owning to Yoshitaro Hatori. D-39-4518-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshitaro Hatori, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yoshitaro Hatori, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $8,952.07, as of December 31, 1945, arising out of a commercial checking account, entitled Yoshitaro Hatori, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1631; Filed, Feb. 19, 1947; 8:58 a. m.]

RUDOLPH WALDMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Rudolph Waldman, Hartford, Conn.	126	205 (7 F. R. 8669)	U. S. Letters Patent No. 2,302,079.	Washington, D. C.

Executed at Washington, D. C., on February 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1647; Filed, Feb. 19, 1947; 8:56 a. m.]

[Vesting Order 8022]

YASUHISA MATSUDAIRA

In re: Debt owing to Yasuhisa Matsudaira, also known as Y. Matsudaira. F-39-5175-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Yasuhisa Matsudaira, also known as Y. Matsudaira, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yasuhisa Matsudaira, also known as Y. Matsudaira, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $184.26, as of December 31, 1945, arising out of a commercial checking account, entitled Y. Matsudaira, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1632; Filed, Feb. 19, 1947; 8:58 a. m.]

[Vesting Order 8023]

MORINOSUKE OKAWA

In re: Debt owing to Morinosuke Okawa. D-39-9973-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Morinosuke Okawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Morinosuke Okawa, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $5,785.46, as of December 31, 1945, arising out of a commercial checking account, entitled Morinosuke Okawa, together with any and all accruals therto, and any all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1633; Filed, Feb. 19, 1947; 8:58 a. m.]

[Vesting Order 8025]

YUTAKA TAKASE

In re: Debt owing to Yutaka Takase, also known as Y. Takase. D-39-13137-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yutaka Takase, also known as Y. Takase, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yutaka Takase, also known as Y. Takase, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, % State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $10,753.27, as of December 31, 1945, arising out of a commercial checking account, entitled Y. Takase, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1634; Filed, Feb. 19, 1947; 8:58 a. m.]

BATES MANUFACTURING CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Bates Manufacturing Co., West Orange, N. J.	A-367	671 (8 F. R. 5004)	United States Letters Patent No. 1,895,409.	Washington, D. C.

Executed at Washington, D. C., on February 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1648; Filed, Feb. 19, 1947; 8:56 a. m.]

[Vesting Order 8027]

T. UGAYA

In re: Debt owing to T. Ugaya. F-39-5201-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Ugaya, who there is reasonable cause to believe is a subject of Japan and a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to T. Ugaya, by the Superintendent of Banks of the State of California and Liquidator of Yokohama Specie Bank, Ltd., Los Angeles Office, % State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $265.33, as of December 31, 1945, arising out of Fixed Deposit Certificate Number 64580, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1635; Filed, Feb. 19, 1947; 8:58 a. m.]

[Vesting Order 8028]

TEICHI YAMAMOTO

In re: Debt owing to Teichi Yamamoto. D-39-12939-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teichi Yamamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Teichi Yamamoto, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $1,000.00, as of December 31, 1945, arising out of a commercial checking account, entitled Teichi Yamamoto, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1636; Filed, Feb. 19, 1947; 8:58 a. m.]

1. That Teichi Yamamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Teichi Yamamoto, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $4,727.81, as of December 31, 1945, arising out of a commercial checking account, entitled Teichi Yamamoto, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1636; Filed, Feb. 19, 1947; 8:58 a. m.]

CELANESE CORP. OF AMERICA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Celanese Corporation of America, New York, N. Y.	A-420	201 (8 F. R. 625)	United States Letters Patent No. 1,880,067.	Washington, D. C.

Executed at Washington, D. C., on February 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1649; Filed, Feb. 19, 1947; 8:56 a. m.]

[Vesting Order 8124]

MITSUHIRO MOTOYOSHI

In re: Debt owing to Mitsuhiro Motoyoshi, also known as M. Motoyoshi. D-39-7865-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsuhiro Motoyoshi, also known as M. Motoyoshi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Mitsuhiro Motoyoshi, also known as M. Motoyoshi, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $16 827.27, as of December 31, 1945, arising out of a commercial checking account, entitled M. Motoyoshi, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, subject to all rights of Ira Lillick, if any, in and to the aforesaid debt or other obligation arising by virtue of an instrument of assignment from said Mitsuhiro Motoyoshi, also known as M. Motoyoshi, to said Ira Lillick, dated June 4, 1942,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1637; Filed, Feb. 19, 1947; 8:58 a. m.]

[Vesting Order 8127]

NIPPON MINING CO., LTD.

In re: Debt owing to The Nippon Mining Company, Limited, also known as Nippon Mining Company.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Nippon Mining Company, Limited, also known as Nippon Mining Company, the last known address of which is 1-Chome, Tamuracho, Shiba, Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to The Nippon Mining Company, Limited, also known as Nippon Mining Company, by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $12,500.00, as of January 11, 1947, arising out of an account entitled Temporary Receipts, Blocked Accounts Nippon Mining Company, Tokyo, Japan, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1638; Filed, Feb. 19, 1947; 8:58 a. m.]

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1638; Filed, Feb. 19, 1947; 8:58 a. m.]

PETROLITE CORP. LTD.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting Order No.	Property	Location
Petrolite Corp., Ltd., New York, N. Y.	A-267	201 (8 F. R. 625)	U. S. Letters Patent No. 2,000,018.	Washington, D. C.

Executed at Washington, D. C., on February 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1650; Filed, Feb. 19, 1947; 8:56 a. m.]

[Vesting Order 8184]

STEPHAN M. CHAVDAROFF

In re: Estate of Stephan M. Chavdaroff, deceased. File No. D-11-62; E. T. sec. no. 6287.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Krum Chavdaroff, Ivan Chavdaroff, and each of them, in and to the estate of Stephan M. Chavdaroff, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Bulgaria, namely,

Nationals and Last Known Addresses

Krum Chavdaroff, Bulgaria.
Ivan Chavdaroff, Bulgaria.

That such property is in the process of administration by Francis J. Mulligan, Public Administrator of the County of New York, as Administrator c. t. a. under the Will of Stephan M. Chavdaroff, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Bulgaria);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1640; Filed, Feb. 19, 1947; 8:57 a. m.]

[Vesting Order 8185]

IDA B. DAY

Estate of Ida B. Day, deceased. File D-28-10172; E. T. sec. 14483.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Schaefer, Karl Schaefer, Frederick Schaefer, Minna Stumm and Otto Dieterle, husband of Elise Dieterle, deceased, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Ida B. Day, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William Schaefer, Esq., as Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1641; Filed, Feb. 19, 1947; 8:57 a. m.]

[Vesting Order 8186]

DR. ALEXANDER POTCHINCOFF

In re: Mortgage Participation Certificates Nos. 3 and 4 in Series 101,549 issued to Dr. Alexander Potchincoff by Lawyers Mortgage Company. File D-7-489; E. T. sec. 5277.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Alexander Potchincoff, whose last known address is Bulgaria, is a resident of Bulgaria and a national of a designated enemy country (Bulgaria);

2. That all rights and interests evidenced by Mortgage Participation Certificates Nos. 3 and 4, issued by the Lawyers Mortgage Company under Guaranteed First Mortgage, Series 101,-549, and the right to the transfer and possession of any and all instruments evidencing such rights and interests, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Bulgaria);

3. That such property is in the process of administration by John K. Wallace, Karl Propper and Felix A. Muldoon, as Trustees, acting under the judicial supervision of the Supreme Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Bulgaria).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1642; Filed, Feb. 19, 1947; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SAN LUIS VALLEY PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 23, 1947.

Pursuant to the authority delegated by Department Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry, under the first form withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 2 E.,
Sec. 14, N½, N½SW¼, SW¼SW¼, N½SE¼, SW¼SE¼;
Sec. 24, NE¼, NE¼NW¼, SW¼, NE¼SE¼, E½NW¼SE¼, NW¼NW¼NW¼SE¼, E½NW¼NW¼SE¼, NE¼NE¼SW¼SE¼, W½NW¼SW¼SE¼, SW¼SW¼SE¼, SW¼SE¼SW¼SE¼, N½SE¼SE¼, NE¼SW¼SE¼SE¼, N½SE¼SE¼SE¼, SE¼SE¼SE¼SE¼;
Sec. 25, SW¼NW¼NE¼NE¼, SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, NW¼NE¼, S½NE¼, W½, SE¼.
T. 39 N., R. 3 E.,
Secs. 1 to 12 and 15 to 21, incl., all.
T. 40 N., R. 3 E.,
Sec. 21, N½, SW¼N½SE¼, SW¼SE¼;
Sec. 22, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 23, NE¼, E½NW¼, S½;
Sec. 31, all.
T. 39 N., R. 3½ E.,
Secs. 1 and 12, all.

The above areas aggregate 15,209.68 acres.

MICHAEL W. STRAUS,
Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

JANUARY 29, 1947.

THOS. C. HAVELL,
Acting Assistant Director.

[F. R. Doc. 47-1596; Filed, Feb. 19, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2002]

PIONEER AIR LINES, INC.

NOTICE OF HEARING

In the matter of the petition of Pioneer Air Lines, Inc., (formerly Essair, Inc.) under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order temporarily fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its route No. 64.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 21, 1947, 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave. NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated: Washington, D. C., February 17, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1617; Filed, Feb. 19, 1947; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7162, 7991, 7992, 7993, 7994, 7995]

LOUISIANA BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Roy Hofheinz and W. N. Hooper, d/b as Louisiana Broadcasting Company, New Orleans, La., Docket No. 7162, File No. BP-4260; Bayou Broadcasting Company, Incorporated, Baton Rouge, Louisiana, Docket No. 7991, File No. BP-5453; Patroon Broadcasting Company, Inc., Albany, New York, Docket No. 7992, File No. BP-4611; Texhoma Broadcasting Company, Durant, Oklahoma, Docket No. 7993, File No. BP-5112; East-West Broadcasting Company, Fort Worth, Texas, Docket No. 7994, File No. BP-4524; Western Waves, Inc., Seattle, Washington, Docket No. 7995, File No. BP-5060; for construction permits and petition of Josh Higgins Broadcasting Company (KXEL) Waterloo, Iowa, for continuation of exclusive nighttime assignment on 1540 kc to Station KXEL, Docket No. 7996.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration a petition filed by the applicant Patroon Broadcasting Company, on January 13, 1947, requesting that its above-entitled application for construction permit for a new standard broadcast station at Albany, New York, to operate on the frequency 1540 kc, with 10 kw power, unlimited time, employing a directional antenna, be reconsidered and granted without a hearing and an opposition thereto filed by Josh Higgins Broadcasting Company (KXEL); and

It appearing, that the application of Patroon Broadcasting Company and the remaining foregoing matters involve common issues concerning the use of the frequency 1540 kc. for nighttime operation in the United States and the manner in which allocation of stations on that frequency would best serve the public interest and contribute to an equitable distribution of facilities in accordance with the provisions of section 307 (b) of the Communications Act of 1934, as amended; and

It further appearing, that a grant of the petitioner's application without a hearing as requested may prejudice the rights and interests of the remaining parties in the above-consolidated hearing as well as prevent the Commission from making a proper determination of the allocation problem involved;

It is ordered, That the said petition of Patroon Broadcasting Company, Inc., requesting reconsideration and grant of its application without a hearing be, and it is hereby, denied.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1622; Filed, Feb. 19, 1947; 8:48 a. m.]

[Docket Nos. 7749, 8082]

SAN FERNANDO VALLEY BROADCASTING CO. AND KENNETH O. TINKHAM

ORDER SCHEDULING HEARING

In re: Application of San Fernando Valley Broadcasting Company, San Fernando, California, Docket No. 7749, File No. BP-4657; Kenneth O. Tinkham, San Fernando, California, Docket No. 8082, File No. BP-5600; for construction permits.

It appearing, that on January 30, 1947 the Commission designated the above-entitled applications for a consolidated hearing; and that no date has as yet been set for the hearing; and

It further appearing, that public interest, convenience and necessity would be served by scheduling the above-entitled proceeding for Monday, February 24, 1947, at San Fernando, California;

It is ordered, This 7th day of February 1947, that the consolidated hearing in the above-entitled proceeding be, and it is hereby, scheduled for 10:00 o'clock a. m. Monday, February 24, 1947, at San Fernando, California.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1624; Filed, Feb. 19, 1947; 8:47 a. m.]

[Docket No. 7802]

PURITAN BROADCASTING SERVICE, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of Puritan Broadcast Service, Inc., Lynn, Massachusetts, for construction permit; Docket No. 7802, File No. BP-5117.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station at Lynn, Massachusetts, to operate on 1360 kc, with 250 w power, daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Puritan Broadcast Service, Inc. be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WFEA, Manchester, New Hampshire and WDRC, Hartford, Connecticut or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Bristol Broadcasting Company, Inc. (WOCB) (BP-4588) West Yarmouth, Massachusetts, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, especially in respect to the assignment of Class IV stations to regional channels.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1619; Filed, Feb. 19, 1947; 8:48 a. m.]

[Docket Nos. 7933, 7934]

MERCER BROADCASTING CO. AND MOUNTAIN BROADCASTING SERVICE

ORDER TRANSFERRING PLACE OF HEARING

In re: Application of Mercer Broadcasting Company, Princeton, West Virginia, Docket No. 7933, File No. BP-4955; Mountain Broadcasting Service, Princeton, West Virginia, Docket No. 7934, File No. BP-5386; for construction permit.

The Commission having scheduled a consolidated hearing on the above-entitled applications for Thursday, February 13, 1947, at Princeton, West Virginia; and

It appearing, that public interest, convenience and necessity will be served by holding the said consolidated hearing in Washington, D. C., instead of Princeton, West Virginia;

It is ordered, This 7th day of February, 1947, on the Commission's own motion that the said consolidated hearing upon the above-entitled applications be, and it is hereby transferred from Princeton, West Virginia, to Washington, D. C., to be held on the same date as now scheduled.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1623; Filed, Feb. 19, 1947; 8:47 a. m.]

[Docket Nos. 8090, 7162, 7991, 7992, 7993, 7994, 7995, 7996]

GALVESTON BROADCASTING CO. (KGBC) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of James W. Bradner, Jr. tr/as The Galveston Broadcasting Company (KGBC), Galveston, Texas, Docket No. 8090, File No. BP-5663; Roy Hofheinz and W. N. Hooper d/b as Louisiana Broadcasting Company, New Orleans, Louisiana, Docket No. 7162, File No. BP-4260; Bayou Broadcasting Company, Incorporated, Baton Rouge, Louisiana, Docket No. 7991, File No. BP-5453; Patroon Broadcasting Company, Inc., Albany, New York, Docket No. 7992, File No. BP-4611; Texhoma Broadcasting Company, Durant, Oklahoma, Docket No. 7993, File No. BP-5112; East-West Broadcasting Company, Fort Worth, Texas, Docket No. 7994, File No. BP-4524; Western Waves, Inc., Seattle, Washington, Docket No. 7995, File No. BP-5060; for construction permits and petition of Josh Higgins Broadcasting Company (KXEL), Waterloo, Iowa, for continuation of exclusive nighttime assignment on 1540 kc. to station KXEL, Docket No. 7996.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration a petition, filed on January 28, 1947, by James W. Bradner, Jr., tr/as The Galveston Broadcasting Company (permittee of Station KGBC) requesting (1) that his above-entitled application (File No. BP-5663) for a construction permit to change the operating assignment of Station KGBC, at Galveston, Texas, from 1540 kc with 1 kw power, daytime only, to 1540 kc with power of 1 kw days, 250 w nights, unlimited time, and to install a directional antenna for use at night, be designated for hearing in the above-consolidated proceeding, and (2) that the hearing date thereof be postponed for 30 days; and

It appearing, that the Commission on December 5, 1946, ordered the above-entitled applications, all requesting the frequency 1540 kc, unlimited time, as follows: Louisiana Broadcasting Company, with 50 kw power, using directional antenna, at New Orleans, Louisiana; Bayou Broadcasting Company, Inc., with 250 w power, at Baton Rouge, Louisiana; Patroon Broadcasting Company, Inc., with 10 kw power, using directional antenna, at Albany, New York; Texhoma Broadcasting Company, with 250 w power, at Durant, Oklahoma; East-West Broadcasting Company, with 10 kw power, at Fort Worth, Texas; and Western Waves, Inc., with 50 kw power, using directional antenna, at Seattle, Washington and the above-entitled petition of Josh Higgins Broadcasting Company (KXEL), to be heard in a consolidated proceeding; and that the said hearing is currently set for February 17, 1947, at Washington, D. C.; and

It further appearing, that petitioner's application involves common issues, with the foregoing matters, concerning the use of the frequency 1540 kc for nighttime operation in the United States and the manner in which allocation of stations on that frequency would best serve the public interest and contribute to an equitable distribution of facilities in accordance with the provisions of section 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That the said petition of James W. Bradner, Jr., tr/as The Galveston Broadcasting Company, insofar as it requests consolidation of its application (File No. BP-5663), be, and it is hereby, granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of James W. Bradner, Jr., tr/as The Galveston Broadcasting Company, be, and it is hereby, designated for hearing in the above consolidated hearing, currently scheduled for February 17, 1947, upon the following issues.

1. To determine the technical, financial and other qualifications of the applicant to construct and operate Station KGBC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KGBC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of the program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KGBC as proposed would involve objectionable interference with any existing broadcast station, including the present interference free service area of Station KXEL, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations; or would involve objectionable interference with broadcast service authorized in a foreign country pursuant to the provisions of International Agreements to which the United States is a party.

5. To determine whether the operation of Station KGBC as proposed would involve objectionable interference with the services proposed in any or all of the other applications in this consolidated proceeding or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station GKBC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine what allocation of stations on the frequency 1540 kc would best serve the public interest and best contribute to an equitable distribution of facilities in accordance with section 307 (b) of the Communications Act of 1934, as amended, and § 3.25 (e) of the Commission's rules.

8. To determine which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated December 5, 1946, designating the above matters for hearing in a consolidated proceeding be, and is hereby, amended to include the application of James W. Bradner, Jr. tr/as The Galveston Broadcasting Company (KGBC)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1621; Filed, Feb. 19, 1947; 8:48 a. m.]

[Docket Nos. 8103, 7768]

FRANK E. DUHME AND FLORIDA WEST COAST BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Frank E. Duhme, St. Petersburg, Florida, Docket No. 8103, File No. BP-5677; Worth H. Kramer, tr/as Florida West Coast Broadcasting Company, Tampa, Florida, Docket No. 7768, File No. BP-4780; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration the above-entitled application of Frank E. Duhme, requesting a permit to construct a new standard broadcast station to operate on 1300 kc, with 1 kw power, unlimited time, using a directional antenna at night, at St. Petersburg, Florida, and also having under consideration a petition by said applicant requesting that his said application be designated for hearing in a consolidated proceeding with the other application named above; and

It appearing, that the commission, on August 7, 1946, designated for hearing the application of Worth H. Kramer, tr/as Florida West Coast Broadcasting Company (File No. BP-4780, Docket No. 7768), requesting a permit to construct a new standard broadcast station to operate on 1300 kc, with 1 kw power, daytime only, at Tampa, Florida, said hearing being presently scheduled for February 20, 1947 at Washington, D. C.; and

It further appearing, that said application of Frank E. Duhme was received by the Commission on January 31, 1947;

It is ordered, That said petition of Frank E. Duhme be, and it is hereby, granted, and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Frank E. Duhme be, and it is hereby, designated for hearing in a consolidated proceeding, to which § 1.857 of the Commission's rules and regulations shall not be applicable, with the said application of Worth H. Kramer, tr/as Florida West Coast Broadcasting Company, on February 20, 1947, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Worth H. Kramer, tr/as Florida West Coast Broadcasting Company (File No. BP-4780, Docket No. 7768), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of August 7, 1946, designating for hearing said application of Worth H. Kramer, tr/as Florida West Coast Broadcasting Company, be, and it is hereby, amended to include the said application of Frank E. Duhme, to change issue No. 1 of said order to read as issue No. 1 stated above, and to add as issue No. 6 of said order issue No. 7 stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1620; Filed, Feb. 19, 1947; 8:48 a. m.]

EVERGREEN BROADCASTING CORP. (LICENSEE OF STANDARD BROADCAST STATION KEVR), SEATTLE, WASH.[1]

PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on February 5, 1947 there was filed with it an application (BAL-584) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of Evergreen Broadcasting Corporation (licensee of Standard Broadcast Station KEVR), Seattle, Washington from said Evergreen Broadcasting Corporation to Western Waves, Inc. The arrangements for assignment of license of the above station are based upon a contract dated January 24, 1947 under the terms of which Evergreen Broadcasting Corporation agrees to sell to Western Waves, Inc. the entire station assets and properties of KEVR for a total consideration of $190,000 payable as follows: $10,000 upon the execution of the contract; $100,000 within 10 days after KEVR's license has been assigned to Western Waves, Inc.; $30,000 within 6 months after the KEVR assignment has been approved by the Commission, and $50,000 together with accrued interest at 4% on the unpaid balance within one year after the approval of the assignment by the Commission. The purchase price includes payments that will be made on that part of KEVR's equipment on which unpaid balances are due. Both Evergreen Broadcasting Corporation and A. W. Talbot, owner of the entire issued stock of the corporation, have guaranteed the title that will be conveyed. Further details as to the arrangements between the parties and concerning the application may be determined from an inspection of the papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946 the Commission adopted Rule 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by applicants by letter dated February 5, 1947 that starting on February 6, 1947 notice of the filing of the application would be inserted in a local newspaper of general circulation in Seattle, Washington in conformity with the above rule.

In accordance with the procedure set out in said rule no action will be had upon the application for a period of 60 days from February 6, 1947 within which time other persons desiring to apply for the facilities may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1625; Filed, Feb. 19, 1947; 8:47 a. m.]

[1] Section 1.321, Part I, Rules of practice and procedure.

FEDERAL POWER COMMISSION

[Docket No. G-856]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER FIXING DATE FOR HEARING AND CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING

FEBRUARY 13, 1947.

Upon consideration of the application of Kansas-Nebraska Natural Gas Company, Inc., filed pursuant to section 7 of the Natural Gas Act, as amended;

It appears to the Commission that:

(a) Kansas-Nebraska Natural Gas Company, Inc. ("Applicant"), a Kansas corporation engaged in the transportation and sale of natural gas in the States of Kansas and Nebraska filed on February 7, 1947, an application for a certificate of public convenience and necessity for authority to acquire, maintain and operate the following facilities, to-wit:

(i) A certain gas pipe line consisting of approximately 29,502 feet of 16-inch and 692 feet of 12¾-inch pipe, extending from a point in the Northeast Quarter of Section 5, Township 25 South, Range 35 West; thence southwesterly to a point approximately in the center of Section 22, Township 25 South, Range 36 West; all in Kearny County, Kansas;

(ii) Together with an 8-inch meter run in the northeast corner of said Section 5; a tract of one acre in the northeast corner of said Section 5, and certain improvements thereon.

(b) The above facilities are to be acquired as of May 13, 1946 and are now owned by Kansas Natural Gas, Inc.

(c) Applicant proposes to pay $75,256.82 for the above facilities from current funds and will assume as of and from and after May 13, 1946, all obligations of Kansas Natural Gas, Inc. with respect to and connected with the aforesaid facilities; that no increase in total revenues is expected to accrue from the acquisition; and that total fixed charges and operating expenses will be increased.

(d) The proposed acquisition is related to and should be consolidated for hearing with the proceedings now set for hearing to wit: Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-806; The Fin-Ker Oil and Gas Production Company, Docket No. G-352; The Tri-County Gas Company, Docket No. G-325; and Kansas Natural Gas, Inc., Docket No. G-494.

The Commission orders that:

(A) Pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on the 4th day of March 1947 at 10:00 a. m. in Room 204, Main Postoffice Building, Wichita, Kansas.

(B) The hearings in proceedings, Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-856; Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-806; The Fin-Ker Oil and Gas Production Company, Docket No. G-352; The Tri-County Gas Company, Docket No. G-325; and Kansas Natural Gas, Inc., Docket No. G-494 now set for hearing at the same time and place to wit: the 4th of March at 10:00 a. m. in Room 204, Main Postoffice Building, Wichita, Kansas, be and the same hereby are consolidated for hearing.

(C) Interested State Commissions may participate as provided by rule (18 CFR 1.8 and 1.37 (b)) of the Commission's rules of practice and procedure.

Date of issuance: February 17, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1601; Filed, Feb. 19, 1947; 8:49 a. m.]

[Docket No. G-234]

BORDER PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 17, 1947.

Notice is hereby given that, on February 14, 1947, the Federal Power Commission issued its findings and order entered February 13, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1614; Filed, Feb. 19, 1947; 8:46 a. m.]

[Docket No. G-805]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 17, 1947.

Notice is hereby given that, on February 14, 1947, the Federal Power Commission issued its findings and order entered February 13, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1615; Filed, Feb. 19, 1947; 8:46 a. m.]

[Docket No. G-823]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 17, 1947.

Notice is hereby given that, on February 17, 1947, the Federal Power Commission issued its findings and order entered February 13, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1616; Filed, Feb. 19, 1947; 8:45 a. m.]

[Docket No. G-858]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 13, 1947.

Notice is hereby given that on February 4, 1947, The Ohio Fuel Gas Company, an Ohio corporation with its principal place of business at Columbus, Ohio, filed with the Federal Power Commission an application, pursuant to section 7 of the Natural Gas Act, as amended, for: (1) A certificate of public convenience and necessity for authority to construct and operate about 90 miles of 20-inch O. D.

gas transmission pipe line located in Lawrence, Gallia, Jackson, Vinton, Hocking and Fairfield Counties, Ohio, extending from near the Village of Burlington, Ohio, about two miles to South Point Compressor Station and from there about 88 miles to Crawford Compressor Station, substantially paralleling and replacing an existing 18-inch pipe line, designated by the company as Line R–300, between South Point and Lick compressor stations and replacing several smaller lines between Lick and Crawford compressor stations; additions to South Point Compressor Station in Fayette Township, Lawrence County, Ohio, consisting of two 600-horsepower gas engine compressor units and modifications and additions to auxillary equipment, for the transportation and sale of natural gas; and (2) permission and approval permitting the abandonment upon completion of the above-described facilities of the existing line, designated by the company as Line R–300, of approximately 41 miles between South Point and Lick compressor stations, about 150 miles of various sizes lines ranging from four inches to 18 inches between Lick and Crawford compressor stations and Lick Compressor Station.

Applicant states that it is anticipated that about 63 miles of the required 20-inch transmission pipe line can be secured during 1947, and that the delivery schedule will be such as to permit initiation of pipe line construction in June 1947 and completion by December 15, 1947. The remaining 27 miles of pipe line, together with the additions to the South Point Compressor Station, will be completed in 1948. The existing pipe line facilities between South Point and Crawford compressor stations and Lick Compressor Station can be withdrawn from service upon completion of the new 20-inch line in 1948, but physical removal from the ground will probably not be completed until the spring of 1949.

Applicant further states that the facilities herein proposed are necessary for the rendition of adequate and continued service to applicant's present markets and customers; that they are not for the protection or benefit of any particular markets or group of customers; and neither is it contemplated that additional markets will be served. The total capital cost of the facilities to be constructed is estimated at $3,655,620, to be financed by Columbia Gas and Electric Corporation.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and further to specify whether it desires a conference, the creation of a board, or a concurrent hearing as defined in said rule and the reasons for such request.

The application of The Ohio Fuel Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1585; Filed, Feb. 18, 1947; 8:50 a. m.]

[Docket No. G-857]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 13, 1947.

Notice is hereby given that on February 3, 1947, United Fuel Gas Company, a West Virginia corporation with its principal place of business at Charleston, West Virginia, a subsidiary of Columbia Gas and Electric Corporation, filed with the Federal Power Commission an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, for authority to construct and operate the following facilities, to wit:

(a) 10 miles of 20-inch O. D. gas transmission pipe line, extending from a tap on the Tennessee Gas and Transmission Company pipe line, near Ceredo, West Virginia, northwest to the Ohio River;

(b) A multiple river crossing across the Ohio River, terminating near Burlington, Ohio, to connect with a pipe line to be constructed by The Ohio Fuel Gas Company, an affiliate, extending from near Burlington, Ohio, to Ohio Fuel's South Point Compressor Station, a distance of approximately two miles; and

(c) A measuring station and office on the south bank of the Ohio River near Ceredo, West Virginia.

Applicant states that the above facilities to be constructed will increase the capacity of its transmission facilities to permit the delivery of an additional 51,000 Mcf of natural gas per day to The Ohio Fuel Gas Company. The estimated total over-all capital cost of the proposed facilities is $743,000, to be financed by Columbia Gas & Electric Corporation.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and, further, to specify whether it desires a conference, the creation of a board, or a concurrent hearing as defined in said rule, and the reasons for such request.

The application of United Fuel Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1584; Filed, Feb. 18, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 672-A]

UNLOADING OF BEER AT COLUMBIA, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of February A. D. 1947.

Upon further consideration of Service Order No. 672 (12 F. R. 855), and good cause appearing therefor: it is ordered, that:

(a) Service Order No. 672, *Beer at Columbia, S. C., on A. C. L. RR., be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., February 17, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 484, secs. 4, 10, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1605; Filed, Feb. 19, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 116]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 11, 1947, by E. L. Oliver, of car PFE 62326, tomatoes, now on the Chicago Produce Terminal, to Aaron Rosenthal, New York, N. Y. (P. RR.), account extreme weather.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1570; Filed, Feb. 18, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 117]

RECONSIGNMENT OF POTATOES AT LEXINGTON, KY.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Lexington, Ky., February 11, 1947, by National Produce Co., of car FGE 20023, potatoes, now on the Louisville and Nashville RR., to O. F. Young, Asheville, N. C. (L. & N.-Sou.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of February, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1571; Filed, Feb. 18, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 118]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 11, 1947, by Gust Relias, of car PFE 96770, tomatoes, now on the Chicago Produce Terminal, to Atlantic Commission Co., Milwaukee, Wis. (C&NW), account extreme weather.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1572; Filed, Feb. 18, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 119]

RECONSIGNMENT OF APPLES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 12, 1947, by M. Rosen Co., of car WFE 61941, apples, now on the Baltimore and Ohio RR., to C. E. Merrill Co., New York, N. Y. (B&O–Erie del'y).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1573; Filed, Feb. 18, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1442]

FLORIDA POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of February A. D. 1947.

Notice is hereby given that a joint declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's electric utility subsidiary, Florida Power & Light Company ("Florida"). Declarants designate sections 6 (a) (2), 7 and 12 (c) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 24, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 24, 1947 said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Florida proposes to amend its charter in the following respects: (a) to change its presently outstanding 2,500,000 shares of common stock without nominal or par value, all of which are owned by American, to 2,000,000 shares of common stock without nominal or par value, but without any change in the aggregate stated value, said 2,000,000 shares to be issued to American in exchange for its presently held shares of Florida; (b) to increase its authorized capital stock to 20,000,000 shares without nominal or par value; (c) to provide for preemptive rights to stockholders with respect to any offering of common stock, or security convertible into common stock, for money, other than with respect to a public offering of such shares; (d) to provide that the consideration received by the company from the issuance and sale of any additional shares of common stock without par value, shall be entered in the capital stock account; (e) to provide for cumulative voting for the holders of

shares of common stock; (f) to delete all references to preferred stock in the present charter; (g) to increase the number of directors from 5 to 9; (h) to provide that certificates of stock of the corporation may be signed by certain designated officers.

Declarants request that the Commission's order permitting the declaration herein as amended to become effective be issued as promptly as may be practicable and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1699; Filed, Feb. 19, 1947; 8:46 a. m.]

[File No. 70-1451]

NORTH AMERICAN CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of February 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by The North American Company. Declarant designates section 12 (d) of the act and Rules U-43 and U-44 promulgated under the act as applicable to the proposed transaction.

Notice is further given that any interested person may not later than February 19, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter said declaration as filed or as amended may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act Any such request should be addressed: Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed which are summarized below:

The North American Company proposes to pay on April 1, 1947, a dividend to its holders of common stock of record on March 3, 1947. Such dividend will be payable in the common stock of Pacific Gas and Electric Company having a par value of $25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of the common stock of The North American Company outstanding. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company, but, in lieu thereof, cash will be paid at the rate of forty-two cents for each 1/100 of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price of $42 per share as of February 7, 1947, the date on which the proposed dividend was declared. The North American Company estimates that the payment of the above-mentioned dividends will involve the distribution of not more than 75,000 shares of the 210,798 shares of common stock of Pacific Gas and Electric Company owned by it and use of not more than $560,000 of cash, and that the payment of such dividend will result in a charge of approximately $2,900,000 to earned surplus.

The North American Company has requested that the Commission enter an order permitting said declaration to become effective on or before February 21, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1598; Filed, Feb. 19, 1947; 8:46 a. m.]

[File No. 70-1457]

NATIONAL GAS & ELECTRIC CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of February A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to section 7 of the Public Utility Holding Company Act of 1935, by National Gas & Electric Corporation, a registered holding company.

Notice is further given that any interested person may, not later than February 26, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 26, 1947, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

On August 8, 1946, this Commission entered its Findings, Opinion and Order (File No. 70-1317) wherein it approved, among other things, the issuance and sale by National Gas & Electric Corporation of its six month Notes in the aggregate principal amount of $2,100,000 at an interest rate of 1¾% per annum, pursuant to a loan agreement, to Continental Illinois National Bank and Trust Company of Chicago, Girard Trust Company of Philadelphia and The Continental Bank and Trust Company of New York. Such loan agreement provided that the Notes might be renewed for an additional six month period at the same interest rate (1¾%) upon payment by National Gas & Electric Corporation of a fee of ¼ of one per cent of the principal amount so renewed.

National Gas & Electric Corporation proposes to renew the above mentioned Notes, pursuant to the loan agreement, for an additional six month period, beginning February 20, 1947, at the interest rate of 1¾% per annum upon payment of a fee of ¼ of one per cent of the principal amount so renewed. The company states that the aggregate principal amount of such notes proposed to be renewed is $1,100,000.

Section 7 of the act has been designated as being applicable to the proposed transaction and the company requests that the Commission's order permitting the declaration to become effective be issued at the earliest date possible and that it becomes effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1600; Filed, Feb. 19, 1947; 8:46 a. m.]

Reference

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET

FEB 25 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 37

1934 OF THE UNITED STATES

Washington, Friday, February 21, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—TEMPORARY CIVIL SERVICE REGULATIONS

TRANSITION PROMOTIONS, TRANSFERS AND REAPPOINTMENTS

Paragraph (d) (1) of § 27.16 (11 F. R. 1431, 2435, 7929) is amended to read as follows:

§ 27.16 *Transition promotions, transfers, reappointments.* • • •

(d) *Reappointment.* (1) A former employee to whom this section applies may be reappointed within 30 days of separation without prior approval of the Commission, subject to the conditions prescribed by paragraph (c) of this section for inter-agency transfer: *Provided,* That this period may be extended to 90 days in the case of an employee who proves by a certificate signed by the head of a liquidated agency by which he was last employed, that he had been required by the exigencies of the service to serve continuously in active duty during the final two months of the agency's operations and through the final date of its legal existence.

(Sec. 3 E. O. 9691, Feb. 4, 1946, 11 F. R. 1381)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION, H. B. MITCHELL, *President.*

[F. R. Doc. 47-1677; Filed, Feb. 20, 1947; 8:45 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 9—PRICE SUPPORT OF AGRICULTURAL COMMODITIES

CHICKENS AND TURKEYS

Public announcement has heretofore been made (7 F. R. 9986, 9 F. R. 4837, 11 F. R. 2651), pursuant to the provisions of section 4 (a) of the act approved July 1, 1941 (55 Stat. 498) as amended by the act of October 2, 1942 (56 Stat. 768), and the act of February 28, 1944 (58 Stat. 105), that it was necessary to encourage the expansion of the production of certain agricultural commodities, including turkeys. The Secretary of Agriculture in accordance with such act, hereby announces a change in the aforesaid announcements with respect to turkeys by limiting the period of each year in which purchases will be made, and the following statement of the commodities and level of price support is hereby substituted for the provision in the announcements heretofore made:

§ 9.3 *Chickens and turkeys.* Chickens (excluding chickens weighing less than 3½ pounds live weight and all broilers) and turkeys (with purchases of turkeys of the 1947 crop limited to the period October 1947 through January 1948 and purchases of the 1948 crop limited to the period October 1948 through December 1948): 90 percent of the parity price, but in no event less than specified prices to be announced from time to time. (Sec. 4 (a), 55 Stat. 498, as amended, 15 U. S. C. Sup. 713a-8)

Done at Washington, D. C. this 17th day of February 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-1657; Filed, Feb. 20, 1947; 8:46 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 718—SET-OFF ORDER

AGRICULTURAL ADJUSTMENT PAYMENTS

This order is issued pursuant to the authority vested in the Secretary of Agriculture by the item entitled "Payments for Agricultural Adjustment" contained in the Supplemental Appropriation Act, fiscal year 1936, 49 Stat. 1116, as amended; by sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590g–590q); by the item entitled "Price Adjustment Payment to Cotton Producers" contained in the Third Deficiency Appropriation Act, fiscal year 1937, 50 Stat. 762, as amended and modified; by Title III of the Sugar Act of 1937, as amended (7 U. S. C. 1131–1137); by sections 303 and 372 (c) of Title III and by Title IV of the

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter A—Administrative Provisions

[FCA Order 446]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORITY, AND DESIGNATION OF ORDER OF PRECEDENCE, OF DEPUTY INTERMEDIATE CREDIT COMMISSIONER, ASSISTANT INTERMEDIATE CREDIT COMMISSIONER, AND ASSISTANT DEPUTY INTERMEDIATE CREDIT COMMISSIONER TO ACT AS INTERMEDIATE CREDIT COMMISSIONER IN ABSENCE OF LATTER

Section 3.31 (9 F. R. 191) of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 3.31 *Authority, and designation of order of precedence, of Deputy Intermediate Credit Commissioner, Assistant Intermediate Credit Commissioner, and Assistant Deputy Intermediate Credit Commissioner to act as Intermediate Credit Commissioner in the absence of the latter.* Arthur C. Sullivan, Deputy Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner is unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

Martin H. Uelsmann, Assistant Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner and Deputy Intermediate Credit Commissioner Arthur C. Sullivan are unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

Franklin D. Van Sant, Assistant Deputy Intermediate Credit Commissioner, is

respect to which there has been failure to comply with the terms.

(f) Any account or renewal thereof arising from the loan operations of the Farmers Home Administration (or predecessor agency) of Farm Credit Administration (1) becomes finally due on or after July 1, 1939, and (2) has not been finally settled by such creditor agency within a period of two years thereof, and, at the expiration of such two-year period, (i) the debtor is not a client of and does not have a current loan from such creditor agency (except for collection purposes), and (ii) such creditor agency considers a request for set-off in such case to be in the interest of its program.

(g) The United States or a corporation all the stock of which is owned by the United States has secured a judgment against the debtor which remains unsatisfied.

(h) A person is indebted to the Regional Agricultural Credit Corporation of Washington, D. C., on a limited liability advance made in furtherance of food production, and has failed to pay to the corporation, pursuant to written agreement, the amount paid or allowed to him as payments from funds appropriated by section 32 of Public Law No. 320, 74th Congress, under the 1943 Agricultural Conservation Program: *Provided, however,* That any such set-off shall be limited to the amount paid or allowed as aforesaid.

§ 718.2 *Conditions of set-offs.* The following provisos shall apply in making set-offs, except that only paragraph (c) of this section shall apply to the case designated in § 718.1 (d) and paragraph (e) of this section shall not apply to the case designated in § 718.1 (h):

(a) Request for set-off shall be on Form AAA-402, "Request for Set-Off against Payments under Programs Administered by the Field Service Branch," and all the information required by such form must be included. Section II, "Certification," must be signed by an authorized representative of the department, establishment, or independent agency of the Government requesting the set-off. Requests for set-offs by agencies of the Government not within the Department of Agriculture coming within paragraph (g) of § 718.1 shall be submitted on Form AAA-396, "Request and Certification to the Field Service Branch for Allowance of Set-Off Pursuant to Classification (g) of the Order Governing Set-offs Revised by the Secretary of Agriculture August 18, 1939." Form AAA-396 may also be used by bureaus within the Department to file requests for set-offs coming within paragraph (g) of § 718.1.

(b) The amount of the indebtedness shall be stated separately as (1) principal and (2) interest (where applicable) computed to the date indicated on the request. If the creditor agency desires that additional interest be computed on the principal, a factor (daily or monthly) shall be furnished for computing such interest. The amount to be set off shall not exceed the principal sum(s) owed by the debtor and the interest charges computed (in accordance with the procedure governing the program under which the indebtedness arose) to the date of preparation of the application for payment against which the set-off is to be made.

(c) Whenever a set-off is to be effected by means of a direct settlement, the amount of the indebtedness, insofar as this order is concerned, shall be reduced at the time the voucher is transmitted to the Claims Division of the General Accounting Office by the amount of payment administratively certified subject to deduction.

(d) In no case shall a payment be withheld for the purpose of making a set-off subsequent to the initial administrative certification for payment of the voucher.

(e) In no case shall any department, independent agency, bureau, or administration, other than the Field Service Branch of the Production and Marketing Administration, or corporation all the stock of which is owned by the United States, communicate with any officer or employee of any County Agricultural Conservation Association, or other association, or committee of producers, with a view to securing the set-off, or with a view to the withholding of any check issued pursuant to any of the above-cited acts which may be in, or come into, his or their hands awaiting delivery to the payee: *Provided, however,* That with respect to cases coming within paragraph (g) of § 718.1 inquiry may be made at the office of the County Agricultural Conservation Association as to whether the judgment-debtor has filed with respect to a particular crop year an intention to participate in one or more of the programs administered by the Field Service Branch.

(f) Forms AAA-396 and AAA-402 executed by bureaus, administrations, or corporations within the Department of Agriculture, shall be filed with the applicable State offices of the Production and Marketing Administration. Forms AAA-396 and AAA-402 executed by agencies of the Government not within the Department of Agriculture shall be filed with the Director of the Field Service Branch, or, with the prior approval of the Director, may be filed with the applicable State office.

§ 718.3 *Priority of set-offs.* Irrespective of the time of recordation on the register of indebtedness in the office of the county agricultural conservation association, any claim to the right of set-off made by the Department of Agriculture shall have priority over any claim to such right made by any other department, independent agency, or establishment of the Government, and claims within the Department of Agriculture shall be satisfied in the following order of priority, namely: Field Service Branch, Sugar Branch, Commodity Credit Corporation, Federal Crop Insurance Corporation, Farmers Home Administration, and Farm Credit Administration.

§ 718.4 *Manner of notice.* The head of any department, independent agency, or establishment of the Government, including any administration or bureau of the Department of Agriculture, desiring that set-offs be made in any cases coming within the terms of this part, shall give written notice to that effect to the Director of the Field Service Branch in order that the necessary procedure may be established and approved by him. The Director of the Field Service Branch is hereby authorized to revise such existing forms and to issue such new forms and procedures as may be required from time to time for the proper administration of this part.

§ 718.5 *Effect of this part.* This part supersedes the Revised Order Governing Set-Offs entered by the Secretary of Agriculture May 8, 1937 (as revised October 20, 1943).

Done at Washington, D. C., this 17th day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1658; Filed, Feb. 20, 1947; 8:45 a. m.]

Sec.
718.1 Cases in which set-offs applicable.
718.2 Condition of set-offs.
718.3 Priority of set-offs.
718.4 Manner of notice.
718.5 Effect of this part.

AUTHORITY: §§ 718.1 to 718.5, inclusive, issued under 49 Stat. 1116, 1148, 50 Stat. 762, 909, 52 Stat. 45, 65, 70, 819, 60 Stat. 237; 16 U. S. C. 590g–590q, 7 U. S. C. and Sup. 1131 1137, 1303, 1372 (c), 1401–1407.

§ 718.1 *Cases in which set-offs applicable.* Subject to the provisos contained in § 718.2, set-offs shall be made, but limited to, the following cases, except that the chief of any creditor agency within the Department of Agriculture, or his authorized representative, may waive or subordinate the right of the creditor agency to a set-off of all or a part of the indebtedness if he deems such action in the interests of the program administered by such agency:

(a) The debtor has committed a fraud against the United States, or there is evidence establishing material misrepresentation of fact, in securing a loan from the United States, without which fraudulent act or material misrepresentation the loan would not have been made or would have otherwise been made in a smaller amount.

(b) A person is indebted to the Federal Crop Insurance Corporation for any unpaid premium payable to it under the terms of a crop insurance contract or on account of his having received an indemnity payment in excess of that finally determined to be due.

(c) A person who is indebted to the Farmers Home Administration has failed to use the borrowed funds for the purposes specified in the written loan document, or has, in bad faith, disposed of property covered by a mortgage, deed of trust, or lien instrument given to secure the loan.

(d) A person is indebted to the Field Service Branch, Production and Marketing Administration, or to any other agency of the Department of Agriculture by reason of any payments certified on vouchers or on sight-drafts by the Production and Marketing Administration State Offices or by the County Agricultural Conservation Associations.

(e) A person is indebted to the Commodity Credit Corporation in connection with a loan or purchase agreement with

Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1372 (c), 1401–1407); by the Price Adjustment Act of 1938, Title V of Public Law 122, 75th Congress, 52 Stat. 819, and by subsequent statutes authorizing payments to farmers. Its purpose is to state the conditions under which certain debts of persons owing to the Government of the United States on account of the indebtedness due and unpaid to any department, establishment, or independent agency of the Government, any corporation all the stock of which is owned by the United States, or any bureau, administration, or corporation in the Department of Agriculture, will be set off against any payments which may be payable to such persons under any of said statutes, consistent with protecting the interests of the United States and effectuating the purposes of said statutes.

hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of the Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner, Deputy Intermediate Credit Commissioner Arthur C. Sullivan, and Assistant Intermediate Credit Commissioner Martin H. Uelsmann are unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

(Sec. 80 (b), 48 Stat. 273; 12 U. S. C. 638 (b); E. O. 6084, Mar. 27, 1933, 6 F. R. 1.1 (m))

[SEAL] I. W. DUGGAN, *Governor.*

FEBRUARY 17, 1947.

[F. R. Doc. 47-1679; Filed, Feb. 20, 1947; 8:45 a. m.]

Subchapter F—Banks for Cooperatives

[FCA Order 447]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATE ON CONTINENTAL COMMODITY LOANS

Section 70.81 (8 F. R. 12037) of Title 6 of the Code of Federal Regulations is hereby amended, effective March 1, 1947, to read as follows:

§ 70.81 *Interest rate on Continental Commodity Loans.* Except as specified in § 70.81–50, and except as provided in this section with respect to the Berkeley Bank for Cooperatives, the rate of interest on all loans upon the security of commodities made on or after February 24, 1939, by any district bank for cooperatives, the Central Bank for Cooperatives, or from the Revolving Fund authorized by the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, for the purposes specified in section 7 (a) (1) of that act, shall be $1\frac{1}{2}$ per centum per annum. The rate of interest on all such loans made on or after March 1, 1947, by the Berkeley Bank for Cooperatives shall be $1\frac{3}{4}$ per centum per annum.

(Secs. 34, 41, 48, Stat. 262, 264, sec. 11, 49 Stat. 316; 12 U. S. C. 1134c, 1134j, 1141f)

[SEAL] I. W. DUGGAN, *Governor.*

FEBRUARY 17, 1947.

[F. R. Doc. 47-1680; Filed, Feb. 20, 1947; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE

Chapter I—Monetary Offices, Department of the Treasury

[1947 Dept. Circ. No. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING JANUARY 1, 1947

JANUARY 1, 1947.

§ 129.10 *Calendar year 1947—(a) Quarter beginning January 1, 1947.* Pursuant to section 522, Title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning January 1, 1947, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, Title IV, of the Tariff Act of 1930.

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Brazil	Cruzeiro	$0.2025	Decree law of Oct. 6, 1942, established the cruzeiro as the unit of currency, replacing the milreis. Conversion of notes into gold suspended Nov. 22, 1930.
Canada and Newfoundland	Dollar	1.0631	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5714	Present gold content of .56424 grams of gold 9/10 fine established by law of Nov. 19, 1938, effective Nov. 30, 1938. Obligation to sell gold suspended Sept. 24, 1931.
Cuba	Peso	1.0000	Gold content of .9873 gram 9/10 fine established by Law No. 244 of May 22, 1934, and confirmed by Law No. 410 of Aug. 10, 1934.
Egypt	Pound (100 piasters)	8.3692	Conversion of notes into gold suspended Sept. 21, 1931.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Great Britain	Pound sterling	8.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Guatemala	Quetzal	1.0000	Decree No. 204 of Dec. 10, 1945, defined the monetary unit as 15 $\frac{21}{29}$ grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Nicaragua	Cordoba	1.6633	Embargo on gold exports Nov. 13, 1931.
Panama	Balboa	1.0000	U. S. money principal circulating medium.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Rumania	Leu	.0101	Exchange control established May 18, 1932.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of South Africa	Pound	8.2397	Conversion of notes into gold suspended Dec. 28, 1932.
Union of Soviet Socialist Republics	Ruble	.1981	On basis of 5.6807 rubles per gram of fine gold.
Uruguay	Peso	.6583	Present gold content of 0.58508 grams fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914, exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 25, 28 Stat. 552, sec. 403, 42 Stat. 17, sec. 522, 42 Stat. 974, sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[F. R. Doc. 47-1681; Filed, Feb. 20, 1947; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 555—ACQUISITION BY PUBLIC AGENCIES FOR PUBLIC AIRPORT PURPOSES OF LANDS OWNED OR CONTROLLED BY THE UNITED STATES

COVENANTS IN INSTRUMENTS OF CONVEYANCE

Acting pursuant to the authority vested in me by section 16 of the Federal Airport Act (Pub. Law No. 377, 79th Cong., 60 Stat. 170), I hereby amend Part 555 of the regulations of the Administrator of Civil Aeronautics, as follows:

By amending § 555.11 (a) (1) (12 F. R. 145) to read as follows:

§ 555.11 *Covenants, reservation clause, and reverter clause in instruments of conveyance.* (a) • • •

(1) *Covenants.* The Administrator will request the inclusion in the instrument of conveyance of such covenants as he may deem necessary in the specific case involved to assure that the lands requested will be used for the operation, or the development and operation, of a public airport, and in addition, a covenant to the effect that any subsequent transfer will be subject to all the covenants, conditions and limitations contained in said instrument of conveyance.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Pub. Law No. 377, 79th Cong., 60 Stat. 170)

[SEAL] T. P. WRIGHT, *Administrator of Civil Aeronautics.*

[F. R. Doc. 47-1665; Filed, Feb. 20, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and 59 Stat. 658, Public Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 3293—CHEMICALS

[General Allocation Order M-300, Appendices A, B and C, as Amended Feb. 20, 1947]

CHEMICAL AND ALLIED PRODUCTS

Appendices A, B and C of General Allocation Order M-300, § 3293.1000, are amended to read as follows:

APPENDIX A—ALLOCATION USING FORMS CPA-2945 AND CPA-2946

NOTE: Appendix A amended February 20, 1947.

No Materials Scheduled

APPENDIX B—ALLOCATION USING SUPPLIERS' FORM CPA-2947 WITH CUSTOMERS' USE CERTIFICATES

NOTE: Appendix B amended February 20, 1947.

Material	Schedule	Suppliers' filing date (CPA-2947)	Small order exemption per allocation period (or other specified period).—No certificate required	Report on Form CPA-3442	Initial allocation date and allocation period
(1)	(2)	(3)	(4)	(5)	(6)
Streptomycin	119 (issued 2-21-46)	20th	None (no certificates required).	On Form CPA-2947.	3-1-46; month.

APPENDIX C—ALLOCATION USING FORM CPA-2947 FOR SUPPLIERS WITH CUSTOMERS' FORM CPA-2945 FOR LARGE ORDERS AND USE CERTIFICATES FOR INTERMEDIATE ORDER

NOTE: Appendix C amended February 20, 1947.

Material	Schedule	Customers' applications	
		On Form CPA-2945, filing date and quantities per allocation period from all suppliers	Use certificate quantities per allocation period from all suppliers
(1)	(2)	(3)	(4)
Phenolic resin molding compounds.	121 (issued 8-6-46)	5th	None.

Small order exemption per allocation period (or other specified period)	Suppliers' filing date (CPA-2947)	Report on Form CPA-3442	Initial allocation date and allocation period
(6)	(6)	(7)	(8)
50 pounds	10th	None	8-1-46; month.

Issued this 20th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1732; Filed, Feb. 20, 1947; 11:34 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—TREATMENT OF MAIL MATTER RECEIVED FROM FOREIGN COUNTRIES INVOLVING THE CUSTOMS REVENUE

JOINT REGULATIONS ADOPTED BY SECRETARY OF TREASURY AND POSTMASTER GENERAL GOVERNING TREATMENT OF MAIL MATTER RECEIVED FROM FOREIGN COUNTRIES INVOLVING CUSTOMS REVENUE

In § 22.16 *Postmasters to collect duty and forward same to customs officer* (39 CFR, 10 F. R. 748, 11 F. R. 849) make the following changes:

Amend paragraph (d) to read as follows:

(d) Customs officers issuing mail entries shall review their records of such entries weekly and promptly request postmasters on form 3439 to account for entries not returned within 30 days after the date of issuance thereof accompanied by the duty or proper evidence of exemption from duty. Should the postmaster fail to make proper accounting within a reasonable time, the facts shall be reported to the Chief Inspector, Post Office Department, Washington, D. C., for investigation, unless the accountable sum involved is $10 or less and the report of the postmaster or other circumstances indicate to the collector that an investigation by the chief inspector is not warranted. In the case of delinquencies arising at ports of entry other than headquarters ports, the report to the chief inspector shall be made through the headquarters port. The chief inspector shall promptly advise the collector of customs of the result of the investigation.

(R. S. 161, 396, secs. 304, 309; 42 Stat. 24, 25, Sec. 498, 46 Stat. 728; 5 U. S. C. 22, 369, 19 U. S. C. 1498)

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[SEAL] ROBERT E. HANNEGAN,
Postmaster General.

[F. R. Doc. 47-1656; Filed, Feb. 20, 1947; 8:46 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 14—ALLOWANCES TO FILIPINO TRAINEES

Sec.
14.1 Definitions.
14.2 Allowances.
14.3 Additional provisions.

AUTHORITY: §§ 14.1 to 14.3, inclusive, issued under secs. 305, 311 (c) and (d), 60 Stat. 136, 139; 50 U. S. C., App. Sup. 1785, 1791.

§ 14.1 *Definitions.* As used in this part, terms shall have the following meanings:

(a) *Program.* The program carried on by and under the supervision of the Surgeon General of the Public Health Service (hereinafter referred to as the Service) for the training of Filipinos in public health methods and administration pursuant to the provisions of sections 305 and 311 (c) and (d) of the Philippine Rehabilitation Act of 1946.

(b) *Trainee.* A person receiving training or instruction under the program.

(c) *Baggage.* Public property, or private property to be used exclusively for official business, and wearing apparel needed by a trainee while engaged in travel or in receiving training, together with the necessary containers.

(d) *Excess baggage.* Baggage in excess of the weight or of a size greater than that carried free by persons engaged in transportation.

§ 14.2 *Allowances.* A trainee shall receive allowances with respect to the following:

(a) *Transportation.* First-class accommodations on steamship, airplane, railway, or other means of conveyance, from his home in the Philippines to the first place at which he is to study or receive training, and from such place, or other place to which he has been authorized to go, to his home; and reimbursement for necessary taxi fares.

(b) *Per diem in lieu of subsistence.* (1) Per diem of $7.00, in lieu of subsistence and all incidental expenses, including gratuitous fees, et cetera, while traveling to and from the United States (except for the period spent on sea-going vessels); while on authorized or emergency stop-overs; and while in a travel status within the United States, which status shall terminate on the day a trainee arrives at the first place where he is to study or receive training and shall recommence on the day he leaves that place, or other place to which he has been authorized to go, to return to his home.

(2) Per diem of $3.50, unless another rate not to exceed $7.00 is authorized, in

lieu of subsistence and all incidental expenses including gratuitous fees, and the cost of steamer chairs, rugs and cushions, et cetera, while traveling on sea-going vessels outside the continental limits of the United States.

(c) *Baggage charges.* Reimbursement, upon presentation of receipts, or shipping charges for baggage, as follows:

(1) If travel is performed by air, for excess baggage not to exceed 50 pounds in weight, when shipped as excess baggage or by air express.

(2) If travel is performed by means other than air, for a total of 250 pounds in weight, including all baggage carried free.

(d) *Additional allowance.* An allowance of $25 for the first month or fraction thereof while engaged in traveling from his home to the United States, commencing on the day of departure, in addition to all other allowances.

(e) *Books and equipment.* Not to exceed $100 for books, equipment and related incidental expenses.

(f) *Tuition.* Actual tuition costs and related fees. Payment of such costs and fees shall be made by the Service directly to the institution or facility concerned upon presentation of an itemized voucher countersigned by the trainee.

(g) *Clothing.* Not to exceed $200 for winter clothing not normally worn by a trainee but necessary to enable him to participate in the program, upon prior individual authorization.

(h) *Travel.* For travel from one place of study or training to another, or for travel in furtherance of study or training, lowest first-class transportation available on a common carrier; or reimbursement for expenses not exceeding the minimum cost of such transportation; and, in either event, reimbursement for necessary taxi fares.

(i) *Maintenance.* An amount to be fixed individually for each trainee, but not to exceed $180 per month, beginning with the day upon which a trainee arrives at his first place of study or training, and not to exceed twelve months of study or training. The allowance authorized by this paragraph shall be payable in semimonthly installments.

§ 14.3 *Additional provisions.* The foregoing provisions shall be subject to the following:

(a) *Computation of fractional days.* In computing per diem, allowances, and other payments which may become payable to a trainee, fractional days shall be counted as full days, the status at the end of the calendar day determining the status for the whole day.

(b) *Emergency or additional authorization.* Any emergency or additional payment deemed necessary under the program, if allowable under existing law, may be authorized whether or not specifically provided for in this part.

(c) *Cancellation.* If, in the judgment of the Surgeon General or his authorized representative, a trainee has not maintained a satisfactory record of performance, or has otherwise become unfit to receive training or instruction, his training or instruction shall be terminated and he shall not thereafter receive any further allowances under paragraphs (e), (f), (g), (h), or (i) of § 14.2.

Effective date. The provisions of this part shall become effective upon the date of their publication in the FEDERAL REGISTER.

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved: February 18, 1947.

WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 47-1690; Filed, Feb. 20, 1947, 8:46 a. m.]

PROPOSED RULE MAKING

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 19]

[Docket No. FDC-46]

STANDARDS OF IDENTITY FOR CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

NOTICE OF HEARING

In the matter of proposals to amend the definitions and standards of identity for cheddar cheese, washed curd cheese, and colby cheese and to establish definitions and standards of identity for other cheeses, processed cheeses, cheese foods, cheese spreads, and related foods.

Notice is hereby given that the Administrator of the Federal Security Agency on his own initiative, in accordance with the provisions of sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046, 1055; 21 U. S. C. 341, 371) will hold a public hearing commencing at 10 o'clock in the morning of April 8, 1947 in Room 5541 Social Security Building, Independence Avenue between Third and Fourth Streets Southwest, Washington, D. C., for the purpose of receiving evidence upon the basis of which regulations may be promulgated amending the definitions and standards of identity for cheddar cheese, washed curd cheese, and colby cheese, and establishing reasonable definitions and standards of identity for cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese, granular cheese for manufacturing, swiss cheese, swiss cheese for manufacturing, brick cheese, brick cheese for manufacturing, muenster cheese, edam cheese, gouda cheese, blue mold cheese, camembert cheese, limburger cheese, monterey cheese, high moisture jack cheese, provolone cheese, parmesan cheese, monte cheese, modena cheese, romano cheese, asiago fresh cheese, asiago medium cheese, asiago old cheese, gorgonzola cheese, cook cheese, hard cheese, semi-soft cheese, soft ripened cheese, noekkelost cheese, pasteurized process cheese, pasteurized process cheese with fruits, vegetables, and meats, pasteurized process pimento cheese, pasteurized process cheese foods, pasteurized process cheese foods with fruits, vegetables, and meats, pasteurized process cheese spreads, pasteurized process cheese spreads with fruits, vegetables, and meats, cold pack cheese, cold pack cheese foods, cold pack cheese foods with fruits, vegetables, and meats, and other related foods if the evidence so indicates.

Edward E. Turkel is hereby designated presiding officer to conduct the hearing, in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Administrator for initial decision.

The hearing will be conducted in accordance with the rules of practice provided therefor.

At the hearing evidence will be restricted to testimony and exhibits that are relevant and material to the issues contained in the proposals.

Proposed regulations, embodying in part suggestions of members of the affected industry, are set forth below. These proposals are subject to adoption, rejection, amendment, and modification, in whole or in part, as the evidence of record adduced at the hearing may require.

Proposed amendments to the definitions and standards of identity of cheddar cheese, cheese; washed curd cheese, soaked curd cheese; colby cheese: For convenience a definition and standard of identity for each of these foods which includes the proposed amendments follows. The proposed changes are set forth in brackets.

§ 19.500 *Cheddar cheese, cheese; identity.* (a) Cheddar cheese, cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section, [or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used]. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of this section.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. [Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk.] Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semi-solid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote [and regulate] the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. [A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.]

[In case the milk used is not pasteurized, the curd made therefrom after being pressed into forms is held in storage at a temperature of not less than 35° F. for not less than ____ days. The pressed curd may be coated with paraffin or other similar material, but such paraffin or other similar material is not colored red or green.]

(c) Determine moisture by the method prescribed [on page 336, § 22.124 under "Moisture-Official"] and milk fat by the method prescribed [on page 337, § 22.130 under "Fat-Official"], of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", [Sixth Edition, 1945]. Subtract the percent of moisture found from 100; divide the remainder into the percent of milk fat found; the quotient multiplied by 100 shall be considered to be the percent of milk fat contained in the solids.

(d) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, [concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Cheddar cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm portion shows a phenol equivalent of more than ____ micrograms when tested by the method of Sanders and Sager as published in "Journal of Dairy Science," November 1946 Vol. XXIX No. 11, pages 737–749.]

§ 19.505 *Washed curd cheese, soaked curd cheese; identity.* (a) Washed curd cheese, soaked curd cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section, [or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used]. It contains not more than 42 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized, and which may be warmed, is subjected to the action of harmless lactic-acid producing bacteria, present in such milk or added thereto. [Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk.] Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semi-solid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote [and regulate] the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. [A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.]

[In case the milk used is not pasteurized, the curd made therefrom after being pressed into forms is held in storage at a temperature of not less than 35° F. for not less than ____ days. The pressed curd may be coated with paraffin or other similar material, but such paraffin or other similar material is not colored red or green.]

(c) Determine moisture by the method prescribed [on page 336, § 22.124 under "Moisture-Official"] and milk fat by the method prescribed [on page 337, § 22.130 under "Fat-Official"], of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", [Sixth Edition, 1945]. Subtract the percent of moisture found from 100; divide the remainder into the percent of milk fat found; the quotient multiplied by 100 shall be considered to be the percent of milk fat contained in the solids.

(d) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, [concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Cheddar cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm portion shows a phenol equivalent of more than ____ micrograms when tested by the method of Sanders and Sager published in "Journal of Dairy Science," November 1946 Vol. XXIX No. 11 pages 737–749.]

§ 19.510 *Colby Cheese; Identity.* (a) Colby cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, [or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used]. It contains not more than 42 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. [Purified calcium chloride may be added in a quantity of not more than .02 percent (calculated as anhydrous calcium chloride) of the weight of such milk.] Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semi-solid mass. The mass is so cut, stirred and heated with continued stirring, as to promote [and regulate] the separation of whey and curd. A part of the whey is drained off and the curd is cooled by adding water, the stirring being continued so as to prevent the pieces of curd from matting. The curd is drained, salted, stirred, further drained, and pressed into forms.

[A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.]

In case the milk used is not pasteurized, the curd made therefrom after being pressed into forms is held in storage at a temperature of not less than 35° F. for not less than ____ days. The pressed curd may be coated with paraffin or other similar material but such paraffin or other similar material is not colored red or green.]

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, [concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes or at a time and temperature equivalent thereto in phosphatase destruction. Colby cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm shows a phenol equivalent of more than ____ micrograms when tested by the method of Sanders and Sager published in "Journal Dairy Science," November 1946, Vol. XXIX No. 11, pages 737–749.]

Suggested definitions and standards for other cheeses for which standards have not herctofore been adopted, follow:

§ 19.502 *Cheddar cheese for manufacturing; identity.* (a) Cheddar cheese for manufacturing is the food prepared by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and

physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture and its solids contain not less than 50 percent of milk fat as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semi-solid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used. The cheese is coated with green colored paraffin.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

§ 19.507 *Washed curd cheese for manufacturing; identity.* (a) Washed curd cheese for manufacturing is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 42 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be warmed is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semi-solid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, cooled in water, and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred, and pressed into forms.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used. The cheese is coated with green colored paraffin.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

§ 19.512 *Colby cheese for manufacturing; identity.* (a) Colby cheese for manufacturing is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure provided the chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 40 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be warmed is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semi-solid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The curd is then cooled by adding water, the stirring being continued so as to prevent the pieces of curd from matting. The curd is drained, salted, stirred, further drained, and pressed into forms.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used. The cheese is coated with green colored paraffin.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

§ 19.535 *Granular cheese, stirred curd cheese; identity.* (a) Granular cheese, stirred curd cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semi-solid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off. The curd is then alternately stirred and drained to prevent matting and to remove whey from curd. The curd is then salted, stirred, drained, and pressed into forms. A harmless enzyme preparation containing one or more of the following enzymes may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used. In case the milk used is not pasteurized the curd made therefrom after being pressed into forms is held in storage at a temperature of not less than 35° F. for not less than _____ days. The pressed curd may be coated with paraffin or other similar material, but such paraffin or other similar material is not colored red or green.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Granular cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm portion shows a phenol equivalent of more than ____ micrograms when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946, Vol. XXIX No. 11 pages 737–749.

§ 19.537 *Granular cheese for manufacturing, stirred curd cheese for manufacturing; identity.* (a) Granular cheese for manufacturing, stirred curd cheese for manufacturing is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semi-solid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off. The curd is then alternately stirred and drained to prevent matting and to remove whey from curd. The curd is then salted, stirred, drained, and pressed into forms. A harmless enzyme preparation containing one or more of the following enzymes may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used. The cheese is coated with green colored paraffin.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

§ 19.540 *Swiss cheese, gruyere cheese; identity.* (a) Swiss cheese, gruyere cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It is characterized by a mild somewhat sweetish flavor, and has holes or "eyes" developed throughout the entire cheese. It contains not more than 43 percent moisture and its solids contain not less than 45 percent milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be clarified, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Harmless propionic-acid-producing bacteria may be added. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semi-solid mass. After coagulation the mass is divided into smaller portions and so handled by stirring, heating, dilution with water or salt brine, or salting, as to promote and regulate the separation of whey and curd. The curd is transferred to hoops or forms and pressed until the desired shape and firmness are obtained. The cheese is then salted by immersing the cheese in brine from 2 to 4 days, followed by the addition of salt to the surface of the cheese during the curing period (or by other salting methods giving same results). The cheese is held at a temperature of about 50° to 60° F. until it is not less than 10 days old, after which it is held at a higher temperature of about 75° F. until it is at least 30 days old, during which time the so-called "eyes" form. It is then held at a lower temperature for further aging, or until the cheese is at least 60 days old. Salt may be added to the cheese at any time.

When pasteurized milk is used, a harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

§ 19.542 *Swiss cheese for manufacturing, gruyere cheese for manufacturing; identity.* (a) Swiss cheese for manufacturing, gruyere cheese for manufacturing, conforms to the definition and standard of identity for swiss cheese prescribed by § 19.540, except that, either the holes known as "eyes" have not developed throughout the entire cheese, or it has been held for 42 days but not for 60 days at a temperature of not less than 35° F., or differs in both these ways.

It is coated with a green colored paraffin.

§ 19.545 *Brick cheese; identity.* (a) Brick cheese is the food prepared by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. Brick cheese is made in rectangular or loaf form and each cheese weighs not less than 4 nor more than 6 pounds. It contains not more than 43 percent of moisture and its solids contain not less than 50 percent of milk fat, as determined by the methods described in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semi-solid mass. After coagulation the mass is divided into smaller portions and so handled by stirring, heating, dilution with water or salt brine, or salting as to promote and regulate the separation of whey and curd. When the desired curd is produced it is transferred to forms permitting drainage of the whey. During drainage the curd may be pressed and turned. After drainage the curd is removed from the forms and is usually salted, although salt may be applied at any time in the making or curing process. It is then cured under suitable conditions until ready for marketing.

A harmless enzyme preparation, containing one or more of the following enzymes may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added may not exceed 0.1 percent of the weight of the milk used.

In case the milk used is not pasteurized, the curd made therefrom after being shaped into forms is held in storage at a temperature of not less than 35° F. for not less than _____ days. The shaped curd may be coated with paraffin or other similar material, but such paraffin or other similar material is not colored red or green.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Brick cheese shall be deemed to have been made from pasteurized milk if 0.25 gm shows a phenol equivalent of more than _____ micrograms when tested by the method of Sanders and Sager published in "Journal of Dairy Science," November 1946 Vol. XXIX No. 11 pages 737–749.

§ 19.547 *Brick cheese for manufacturing; identity.* Brick cheese for manufacturing conforms to the definition and standard of identity prescribed for Brick Cheese by § 19.545 except that pasteurized milk is not used, and it is colored with green colored paraffin.

§ 19.550 *Muenster cheese; identity.* (a) Muenster cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. Muenster cheese is made

in cylindrical form and weighs not less than 4 nor more than 6 pounds. It contains not more than 44 percent of moisture and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (b) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid producing bacteria, present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semi-solid mass. After coagulation the mass is divided into smaller portions and so handled by stirring, heating, dilution with water or salt brine, or salting as to promote and regulate the separation of whey and curd. When the desired curd is produced, it is transferred to forms permitting drainage of the whey. During drainage the curd may be pressed and turned. After drainage the curd is removed from the forms and is usually salted, although salt may be applied at any time in the making or curing process. It is then cured under suitable conditions until ready for marketing.

A harmless enzyme preparation, containing one or more of the following enzymes may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

In case the milk used is not pasteurized, the curd made therefrom after being shaped into forms is held in storage at a temperature of not less than 35° F. for not less than ____ days.

The shaped curd may be coated with paraffin or other similar material, but such paraffin or other similar material is not colored red or green.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Muenster cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm shows a phenol equivalent of more than ____ micrograms when tested by the method of Sanders and Sager as published in "Journal of Dairy Science," November 1946, Vol. XXIX No. 11 pages 737–749.

§ 19.555 *Edam cheese; identity.* (a) Edam cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent moisture and its solids contain not less than 40 percent milk fat as determined by the methods prescribed in paragraph (c) of § 19.500. Edam cheese is made in ball or loaf shape in sizes not to exceed 10 pounds. The surface is colored red.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Harmless artificial coloring may be added. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semi-solid mass. After coagulation the mass is divided into smaller portions and so handled by stirring, heating, dilution with water or salt brine, or salting, as to promote and regulate the separation of whey and curd. When the desired curd is produced it is transferred to forms permitting drainage of the whey. During drainage the curd may be pressed and turned. After drainage the curd is removed from the forms and is usually salted, although salt may be applied at any time in the making or curing process. It is then cured under suitable conditions until ready for marketing.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.10 percent of the weight of the milk used.

In case the milk used is not pasteurized, the curd made therefrom after being shaped into forms is held in storage at a temperature of not less than 35° F. for not less than _____ days.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Edam cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than _____ micrograms when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946, Vol. XXIX, No. 11, pages 737–749.

§ 19.560 *Gouda cheese; identity.* (a) Gouda cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent of moisture and its solids contain not less than 40 percent of milk fat as determined by the methods prescribed in paragraph (c) of § 19.500. Gouda cheese is made in ellipsoid shape, in sizes not exceeding 5 pounds in weight. The surface is colored red.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Harmless artificial coloring may be added. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semi-solid mass. After coagulation the mass is divided into smaller portions and so handled by stirring, heating, diluting with water or salt brine, or salting, as to promote and regulate the separation of whey and curd. When the desired curd is produced it is transferred to forms permitting drainage of the whey. During drainage the curd is removed from the forms and is usually salted, although salt may be applied at any time in the making or curing process. It is then cured under suitable conditions until ready for marketing.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

In case the milk used is not pasteurized, the curd made therefrom, after being shaped into forms, is held in storage at a temperature of not less than 35° F. for not less than __ days.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Gouda cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than __ micrograms when tested by the method of Sanders and Sager as published in "Journal of Dairy Science," November 1946, Vol. XXIX, No. 11, pages 737–749.

§ 19.565 *Blue mold cheese, blue cheese; identity.* (a) Blue mold cheese, blue cheese, is the food prepared from milk by the process set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It is characterized by visible blue green mold distributed throughout the cheese body. It contains not more than 45 percent moisture and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) The milk used in the manufacture of blue mold cheese may be pasteurized and may be homogenized, or the fat may be separated and homogenized and then recombined, but in case the milk used is sheeps' milk or goats' milk, or a mixture of these, or a mixture of one or both these with cows' milk, it is pasteurized. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk. The fat may be bleached by the use of benzoyl peroxide, or a mixture of one part of benzoyl peroxide by weight and not more than six parts of potassium alum or calcium sulphate and magnesium carbonate. In no case does the amount of benzoyl peroxide exceed 0.002 percent of the weight of milk used. The milk is then subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Sufficient rennet is added to set the milk to a semi-solid mass. After the curd has reached the desired degree of firmness, it is divided into smaller portions. The curd may remain in the whey until the proper condition is reached, after which the curd is removed from the whey and placed in forms. At some time during the manufacturing process, a culture of the penicillium group mold is added. The cheese is salted either by the use of dry salt and/or brine. The cheese is then perforated and cured until ready for sale.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

In case the milk used consists entirely of cows' milk and is not pasteurized, the curd therefrom, after being shaped into forms, is held in storage at a temperature of not less than 35° F. for not less than _____ days.

(c) For the purposes of this section:

(1) The word "milk" means cows', goats' or ewes' milk, or any mixture of them.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or nonfat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Blue mold cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm shows a phenol equivalent of more than _____ micrograms when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946. Vol. XXIX, No. 11, pages 737–749.

§ 19.570 *Camembert cheese; identity.* (a) Camembert cheese is a soft cheese with a characteristic rind formed by the growth of typical white mold, with or without harmless ripening organisms, which produces a characteristic flavor. Camembert cheese is prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section, is used. Its solids contain not less than 50 percent of milk fat, as determined by the method prescribed in paragraph (c) of § 19.500.

(b) Milk, which is pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Harmless artificial coloring may be added. Purified calcium chloride may be added in a quantity of not more than .02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semi-solid mass. After coagulation the mass is divided into smaller portions and so handled by stirring, heating, dilution with water or salt brine, or salting, as to promote the separation of whey and curd. When the desired curd is produced it is transferred to forms permitting drainage of the whey. After drainage the curd is removed from the forms and is usually salted, although salt may be added at any time in the making or curing process. At some time in the process mold spores of a typical white penicillium are added. The cheese is held under suitable conditions for the spores to germinate and for the mold to develop upon the surface of the cheese. Curing progresses from the outer surface toward the center of the cheese. When this has advanced to a desirable point the cheese is packaged in suitable materials.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of this enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

In case the milk used is not pasteurized, the curd made therefrom, after being shaped into forms, is held in storage at a temperature of not less than 35° F. for a period of not less than ____ days.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Limburger cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than ____ micrograms when tested by the method of Sanders and Sager as published in "Journal of Dairy Science," November 1946 Vol. XXIX No. 11 pages 737–749.

§ 19.575 *Limburger cheese; identity.* (a) Limburger cheese is a surface ripened, semi-soft cheese with a strong characteristic odor and taste, prepared by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 50 percent of moisture and its solids contain not less than 50 percent of milk fat as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semi-solid mass. After coagulation, the mass is divided into smaller portions and so handled by stirring, heating, dilution with water or salt brine, or salting as to promote the separation of whey and curd. When the desired curd is produced it is transferred to forms permitting drainage of the whey. After drainage the curd is removed from the forms and is usually salted, although salt may be applied at any other time in the making or curing process. The cheese is then cured under suitable conditions to promote the development of the characteristic biological curing agents upon the surface.

A harmless enzyme preparation containing one or more of the following enzymes may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

In case the milk used is not pasteurized, the curd made therefrom, after being shaped into forms, is held in storage at a temperature of not less than 35° F. for a period of not less than ____ days.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Limburger cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than ____ micro-

grams when tested by the method of Sanders and Sager as published in ____ "Journal of Dairy Science," November 1946 Vol. XXIX No. 11, pages 737–749.

§ 19.580 *Monterey cheese; identity.* (a) Monterey cheeese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided,* The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 44 percent moisture and its solids contain not less than 50 percent fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semi-solid mass. The mass is divided into smaller portions and so handled by stirring, heating, diluting with water or salt brine, or salting, as to promote and regulate the separation of whey and curd. The curd is then placed in muslin or sheeting cloths and formed into a ball, and pressed. The cloths are removed the following day and the cheese is placed on trucks or racks and turned frequently to prevent checking and to form a rind. The cheese may then be paraffined with clear or colored paraffin, but the color is not red or green, or it may be dipped in vegetable oil. Rice flour may then be sprinkled on the surface.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

In case the milk used is not pasteurized, the curd made therefrom, after being shaped into forms, is held in storage at a temperature of not less than 35° F. for not less than ____ days.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Monterey cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than ______ micrograms when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946, Vol. XXIX No. 11, pages 737–749.

§ 19.585 *High moisture jack cheese; identity.* (a) High moisture jack cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided,* The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains more than 44 percent but not more than 50 percent moisture and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semi-solid mass. The mass is divided into smaller portions and so handled by stirring, heating, diluting with water or salt brine, or salting, as to promote and regulate the separation of whey and curd. The curd is then placed in muslin or sheeting cloths and formed into a ball, and pressed. The cloths are removed the following day and the cheese is placed on trucks or racks and turned frequently to prevent checking and to form a rind. The cheese may then be paraffined with clear or colored paraffin, but the color is not red or green, or may be dipped in vegetable oil. Rice flour may then be sprinkled on the surface.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

In case the milk used is not pasteurized, the curd made therefrom, after being shaped into forms, is held in storage at a temperature of not less than 35° F. for not less than __ days.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. High moisture jack cheese shall be deemed not to have been made from pastuerized milk if a 0.25 gm portion shows a phenol equivalent of more than ____ micrograms when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946, Vol. XXIX No. 11, pages 737–749.

§ 19.590 *Provolone cheese, pasta filata cheese; identity.* (a) Provolone Cheese, pasta filata cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided,* The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It is characterized by a stringy curd texture. It contains not more than 45 percent of moisture and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Rennet paste or an extract of rennet paste is added in sufficient quantity to set the milk to a semi-solid mass. The mass is cut, stirred and heated so as to promote lactic-acid-development and to regulate the separation of the whey from the curd. The mass is heated and the whey is drained from the curd. To attain the proper degree of elasticity, the curd is then cut, matted in the vat or kettle, milled, immersed in hot water, kneaded, stretched and pulled, until it is smooth and free from lumps and brittleness, cut to size, and molded into characteristic forms and shapes. During the molding operation the mass is kept sufficiently warm to cause proper sealing of the surface. Thereafter the cheese is immersed in cold water for firming. It is then salted in brine, and may be encased in ropes or twine, and is dried. The cheese may be subjected to the action of natural hardwood smoke until a smoked flavor is developed. It is cured until at least 60 days old. At some time prior to 60 days from the date of manufacture, each cheese is paraffined by dipping all surfaces in liquified paraffin. The paraffin is not colored red or green.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, symase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Provolone cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than ____ micrograms when tested by the method of Sanders

and Sager, as published in the "Journal of Dairy Science," November 1946 Vol. XXIX No. 11 pages 737–749.

§ 19.595 *Parmesan cheese, reggiano cheese; identity.* (a) Parmesan cheese, reggiano cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided,* The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. The cheese is characterized by a granular texture, a mellow nutty flavor, and a rind which is hard, resistant, and brittle. It grates readily. It contains not more than 32 percent of moisture and its solids contain not less than _____ percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Rennet is added in sufficient quantity to set the milk to a semi-solid mass. The mass is cut and heated while being stirred. The cutting of the curd during the stirring and heating process is continued until the particles are no larger than wheat kernels. The final cooking temperature is approximately 125° F. The curd is allowed to precipitate to the bottom of the kettle or vat, then removed, drained for a short time, and then packed in hoops and pressed. About 3 days after pressing, the cheese is brine salted for a period of at least one day for each two pounds of cheese in the loaf, or dry salted for a period of at least three days for each two pounds of cheese in the loaf. After salting, the cheese is held on shelves in a cool ventilated room until at least 14 months old. During this period the cheese is frequently turned, buffed and rubbed with vegetable oil. The rind of the cheese may be coated or artificially colored, but is not colored red or green.

A harmless enzyme preparation containing one or more of the following enzymes may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, surcase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

§ 19.600 *Monte cheese; identity.* (a) Monte cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided,* The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. The cheese is characterized by a grainy texture, a moderately sharp flavor, and a rind which is hard, resistant and brittle. It grates readily. It contains not more than 32 percent of moisture and its solids contain not less than 24 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added, in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Harmless artificial coloring may be added. Rennet paste or extract of rennet paste is added in sufficient quantity to set the milk to a semi-solid mass. The mass is cut and heated while being stirred. The cutting of the curd while stirring and heating is continued until the particles are no larger than wheat kernels. The final cooking temperature is approximately 125° F. The cut curd is allowed to settle to the bottom of the kettle or vat, then removed, drained for a short time, and then packed in hoops and pressed. About 3 days after pressing, the cheese is brine salted for a period of at least one day for each two pounds of cheese in the loaf, or dry salted for a period of at least three days for each two pounds of cheese in the loaf. After salting, the cheese is held on shelves in a cool ventilated room until at least 8 months old. During this period the cheese is frequently turned, buffed, and rubbed with vegetable oil.

A harmless enzyme preparation containing one or more of the following enzymes may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solid content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

§ 19.605 *Modena cheese; identity.* Modena Cheese conforms to the definition and standard of identity prescribed for Monte Cheese by § 19.600 except that rennet is used, the fat content of its solids is not less than 20 percent and it is cured for not less than 12 months.

§ 19.610 *Romano cheese; identity.* (a) Romano cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided,* The chemical and physical properties of the finished cheese are the same as when the method set forth in paragraph (b) of this section is used. The cheese is characterized by a granular texture, piquant flavor, and a hard, resistant and brittle rind. It grates readily. It contains not more than 34 percent moisture and its solids contain not less than 38 percent milk fat as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Rennet paste or an extract of rennet paste is added in sufficient quantity to set the milk to a semi-solid mass. The mass is cut and heated while being stirred. The cutting of the curd during the stirring and heating process is continued until the particles are no larger than corn kernels. The final cooking temperature is approximately 120° F. The curd is allowed to settle to the bottom of the kettle or vat and is then removed from the kettle, drained for a short time, and then packed in cloth lined hoops or in forms and pressed. It is then salted by immersing in brine for about 24 hours. The cheese is then removed to a dry room where it is held for 2 or 3 days until the surface is dry. The cheese is then rubbed with salt, washed at intervals of from 3 to 6 days. During this time the cheese may be perforated with needles. The loaves are then washed, dried, and held on shelves for periods of at least 5 months for 5 to 7 pound loaves; 8 months for 7 to 12 pounds loaves; 10 months for loaves weighing over 12 pounds. During this curing period the cheese is regularly turned, scraped, and may be rubbed with vegetable oil. Prior to shipping, the cheese may be coated, but such coating is not colored red or green.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk, ewes' milk, goats' milk, or any mixture thereof.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

§ 19.615 *Asiago fresh cheese; identity.* (a) Asiago fresh cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided,* The chemical and physical properties of the finished cheese are the same as when the method set forth in paragraph (b) of this section is used. It contains not more than 39 percent moisture and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected

to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Rennet is added in sufficient quantity to set the milk to a semi-solid mass. The mass is cut, stirred and heated so as to promote lactic-acid development and to permit separation of the whey from the curd. The mass is heated, after which the curd is drained from the whey. When the curd is sufficiently firm, it is removed from the kettle or vat, drained for a short time and then packed in hoops for pressing. After pressing, the cheese is salted in brine and moved to a cool well-ventilated room where it is held on shelves until at least 60 days old. The surface of the cheese during this curing period is occasionally rubbed with vegetable oil.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Asiago fresh cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than ------ micrograms when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946 Vol. XXIX No. 11 pages 737–749.

§ 19.620 *Asiago medium cheese; identity.* Asiago medium cheese conforms to the definition and standard of identity for Asiago fresh cheese prescribed by § 19.615 except that it contains not more than 35 percent moisture and its solids contain not less than 45 percent milk fat and it is cured not less than six months.

§ 19.625 *Asiago old cheese; identity.* Asiago old cheese conforms to the definition and standard of identity for Asiago fresh cheese prescribed by § 19.615 except that it contains not more than 32 percent moisture, its solids contain not less than 42 percent milk fat, and it is cured for not less than one year.

§ 19.630 *Gorgonzola cheese; identity.* (a) Gorgonzola cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure, providing, the chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 42 percent moisture and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) The milk is pasteurized. It may be homogenized, or the fat of such milk may be separated and homogenized and then recombined. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk. The fat may be bleached by the use of benzoyl peroxide, or a mixture of one part of benzoyl peroxide by weight and not more than 6 parts of potassium alum or calcium sulfate and magnesium carbonate. In no case does the amount of benzoyl peroxide exceed 0.002 percent of the weight of milk used. The milk is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Sufficient rennet is added to set the milk to a semi-solid mass. After the curd has reached the desired degree of firmness it is divided into smaller portions. These remain in whey until proper condition is reached. They are then removed from whey and placed in forms. At some time during this procedure a culture of penicillium glaucum is added. The cheese is salted either by use of dry salt and/or brine. The cheese is then perforated and cured until ready for sale.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cows', goats' or ewes' milk, or any mixture of them.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes or at a time and temperature equivalent thereto in phosphatase destruction. Gorgonzola cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than -- micrograms when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946 Vol. XXIX No. 11 pages 737–749.

§ 19.635 *Cook cheese, koch kaese; identity.* (a) Cook cheese, koch kaese is the food prepared from skim milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 80 percent moisture, and its solids contain not less than ---- percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Skim milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet may be added to aid in setting the milk to a semi-solid mass. The mass is cut, stirred and heated with continued stirring so as to separate the curd. The whey is drained from the curd and the curd cured in trays for two to three days, depending on the temperature. It is then heated in a kettle to a temperature of not less than 180° F. until the hot curd drops from a ladle with a consistency like honey. The cheese is run into packages and cooled. Milk fat, salt or caraway seed or a mixture thereof may be added.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) A 0.25 gm portion of cook cheese shows a phenol equivalent of not more than ---- micrograms when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946, Vol. XXIX, No. 11, pages 737–749.

§ 19.650 *Hard cheese; identity.* (a) The cheeses for which definitions and standards of identity are prescribed by this section are hard cheeses for which specifically applicable definitions and standards of identity are not prescribed by another section of the regulations of this part. They are made from milk by the procedure set forth in paragraph (b) of this section, and contain not more than 39 percent of moisture, and their solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk. Harmless coloring may be added. The milk is set into a semi-solid mass by the addition of sufficient rennet or by other means. After coagulation the mass is divided into small portions and so handled as to promote and regulate the separation of the curd from the whey. The whey is drained to a greater or less extent, from the curd, and the curd is collected and shaped. It may be salted, and may be placed in forms, and may be pressed. It is cured until ready for marketing. At any time during manufacture a harmless enzyme preparation containing one or more of the following enzymes may be added: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

In case the milk used is not pasteurized, the curd made therefrom is held in storage at a temperature of not less than 35° F. for not less than ----- days. The shaped curd may be coated with paraffin or other similar material but such coating is not colored red or green.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk, and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. A hard cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than --- micrograms, when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946 Vol. XXIX No. 11 pages 737–749.

(d) The name of each hard cheese for which a definition and standard of identity is prescribed by this section is "Hard Cheese" preceded or followed by (1) the specific common or usual name of such hard cheese, if such name has become generally recognized therefor; or (2) if no such name has become so recognized, an arbitrary or fanciful name which is not false or misleading in any particular.

§ 19.655 *Semi-soft cheese; identity.* (a) The semi-soft cheeses for which definitions and standards of identity are prescribed by this section are semi-soft cheeses for which specifically applicable definitions and standards of identity are not prescribed by another section of the regulations of this part. They are made from milk by the procedure set forth in paragraph (b) of this section and contain more than 39 percent but not more than 50 percent of moisture, and their solids contain not less than 50 percent of milk fat, as determined by methods prescribed by paragraph (c) of § 19.500.

(b) Milk is pasteurized and is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk. Harmless coloring may be added. The milk is set into a semi-solid mass by the addition of sufficient rennet or by other means. After coagulation the mass is divided into small portions and so handled as to promote and regulate the separation of the curd from the whey. The whey is drained, to a greater or less extent, from the curd, and the curd is collected and shaped. It may be salted, and may be placed in forms, and may be pressed. It is cured until ready for marketing. At any time during manufacture a harmless enzyme preparation containing one or more of the following enzymes may be added: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

In case the milk used is not pasteurized, the curd made therefrom is held in storage at a temperature of not less than 143° F. for not less than ---- days. The shaped curd may be coated with paraffin or other similar material but such coating is not colored red or green.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk, and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. A semi-soft cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than ---- micrograms, when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946, Vol XXIX No. 11, pages 737–749.

(d) The name of each semi-soft cheese for which a definition and standard of identity is prescribed by this section is "Semi-Soft Cheese" preceded or followed by (1) the specific common or usual name of such semi-soft cheese, if such name has become generally recognized therefor; or (2) if no such name has become so recognized, an arbitrary or fanciful name which is not false or misleading in any particular.

§ 19.660 *Soft ripened cheese; identity.* (a) The soft ripened cheeses for which definitions and standards of identity are prescribed by this section are soft ripened cheeses for which specifically applicable definitions are not prescribed by another section of the regulations of this part. They are made from milk by the procedure set forth in paragraph (b) of this section, and their solids contain not less than 50 percent of milk fat, as determined by the method prescribed in paragraph (c) of § 19.500.

(b) Milk is pasteurized and is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the milk. Harmless coloring may be added. The milk is set into a semi-solid mass by the addition of sufficient rennet or by other means. The mass is divided into small portions and so handled as to promote and regulate the separation of the curd from the whey. The whey is drained, to a greater or less extent, from the curd, and the curd is collected and shaped. It may be salted, and may be placed in forms, and may be pressed. Soft ripened cheese is cured under suitable conditions for the development of biological curing agents upon the surface which aid in bringing about a progressive curing or softening of the curd from the outside surface of the cheese toward the center. At any time during manufacture a harmless enzyme preparation containing one or more of the following enzymes may be added: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk, and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. A soft ripened cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than -- micrograms, when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946, Vol. XXIX, No. 11 pages 737–749.

(d) The name of each soft-ripened cheese for which a definition and standard of identity is prescribed by this section is "Soft Ripened Cheese" preceded or followed by (1) the specific common or usual name of such soft ripened cheese, if such name has become generally recognized therefor; or (2) if no such name has become so recognized, an arbitrary or fanciful name which is not false or misleading in any particular.

§ 19.665 *Noekkelost cheese, kuminost cheese; identity.* (a) Noekkelost cheese, kuminost cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section, or by another procedure: *Provided*, The chemical and physical properties of the finished cheese are the same as when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent of moisture and its solids contain not less than 20 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500. It is made in loaf shape and each cheese weighs more than 5 and less than 7 pounds. It may be coated with paraffin or other similar material but such paraffin or other similar material is not colored red or green.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto. Harmless artificial coloring may be added. Purified calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such milk. Sufficient rennet is added to set the milk to a semi-solid mass. After coagulation the mass is divided into smaller portions and so handled by stirring, heating, diluting with water or salt brine, or salting, as to promote and regulate the separation of whey and curd. When the desired curd is produced it is transferred to forms permitting drainage of the whey. During drainage the curd is removed from the forms and is usually salted, although salt may be applied at any time in the making or curing process. It is then cured

under suitable conditions until ready for marketing. At some time during the manufacturing process there is added not less than 1½ ounces of spices per one hundred pounds of cheese. The spices added are two or more of the following in any combination: Caraway, clove, cumin.

A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin. The solids content of the enzyme preparation added does not exceed 0.1 percent of the weight of the milk used.

In the case the milk used is not pasteurized, the curd made therefrom, after being shaped in forms, is held in storage at a temperature of not less than 35° F. for not less than ____ days.

(c) For the purposes of this section:

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk, concentrated skim milk and/or non-fat dry milk solids.

(3) Milk shall be deemed to have been pasteurized if it has been held at a time and temperature of not less than 143° F. for a period of not less than 30 minutes, or at a time and temperature equivalent thereto in phosphatase destruction. Noekkelost cheese shall be deemed not to have been made from pasteurized milk if a 0.25 gm portion shows a phenol equivalent of more than ____ micrograms, when tested by the method of Sanders and Sager, as published in "Journal of Dairy Science," November 1946 Vol. XXIX No. 11 pages 737–749.

§ 19.750 *Pasteurized process cheese; identity; label statement of optional ingredients.* (a) Pasteurized process cheese is a food prepared by comminuting and mixing one or more individual cheeses of the same or two or more varieties, except cream cheese and neufchatel cheese, into a homogeneous, plastic mass with the aid of heat, and with or without the addition of water, salt, and harmless coloring. For the purposes of this section cheddar cheese for manufacturing, washed curd cheese for manufacturing, and colby cheese for manufacturing, swiss cheese for manufacturing, and granular cheese for manufacturing, shall be regarded as cheddar cheese, washed curd cheese, colby cheese, and swiss cheese, and granular cheese, respectively.

One or a mixture of two or more of the following named emulsifying agents, subparagraphs (1) to (8) inclusive, may be used but the total weight thereof is not more than 3 percent of the total weight of the finished pasteurized process cheese:

(1) Disodium or dipotassium phosphate.
(2) Sodium metaphosphate.
(3) Sodium or potassium citrate.
(4) Sodium tartrate.
(5) Rochelle salt.
(6) Trisodium phosphate.
(7) Sodium pyrophosphate, acid.
(8) Tetrasodium pyrophosphate.

One or a mixture of two or more of the following named acids, (9) to (13) inclusive, may be used in such quantity that the pH of the finished cheese is not less than 4.5:

(9) Lactic acid.
(10) Citric acid.
(11) Acetic acid.
(12) Hydroxy acetic acid.
(13) Phosphoric acid.

Sweet cream may be used in such quantity that the weight of the fat therefrom is less than 5% of the weight of the finished pasteurized process cheese.

During mixing all ingredients are heated for not less than ------ minutes at not less than ------° F.

Pasteurized process cheese may be smoked, or it may contain substances prepared by condensing or precipitating wood smoke. It may contain spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of a cheese or aged cheese of any variety.

(b) When tested for phosphatase by the method of Sanders and Sager ("Journal of Dairy Science," November 1946, Vol. XXIX, No. 11, pages 737–749), the phenol equivalent of 0.25 gm of pasteurized process cheese is less than 5 micrograms.

(c) Unless a definition and standard of identity specifically applicable to a pasteurized process cheese is prescribed by another paragraph of this section or another section of the regulations in this part:

(1) The moisture content of a pasteurized process cheese made from a single variety of cheese is not more than 1 percent greater than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for such variety of cheese in such regulations, but, in case of washed curd cheese or colby cheese is not more than 40 percent, and in no case is more than 43 percent, except that the moisture content of pasteurized process Swiss cheese (Gruyere cheese) is not more than ____ percent, and the moisture content of pasteurized process Limburger cheese is not more than 51 percent; the fat content of its solids is not less than the minimum so prescribed for such variety of cheese but in no case is less than 47 percent, except that the fat content of the solids of Swiss cheese (Gruyere cheese) is not less than _____ percent.

(2) The moisture content of a pasteurized process cheese made from two or more varieties of cheese is not more than 1 percent greater than the arithmetical average of the maximum moisture contents so prescribed for such varieties of cheeses, but in case of mixtures of washed curd cheese and colby cheese or mixtures of cheddar cheese with one or both of these the moisture content is not more than 40 percent and in no case is the moisture content of a pasteurized process cheese made from a mixture of two or more cheeses more than 43 percent; its fat content, on a dry basis, is not less than the arithmetical average of the minimum fat contents so prescribed but in no case is less than 47 percent. If it is made from two varieties of cheese the weight of each is not less than 25 percent of the total weight of both and if from three or more varieties the weight of each is not less than 15 percent of the total weight of all; except that the weight of limburger cheese or blue cheese may be not less than 10 percent of such total weight where two varieties are used and not less than 5 percent where more than two varieties are used.

(d) Moisture and fat are determined by the methods prescribed in § 19.500 (c).

(e) (1) If it is made from a single variety of cheese its name is "Pasteurized Process ------ Cheese", the blank being filled in with the name of such variety of cheese.

(2) If it is made from two or more varieties of cheese its name is "Pasteurized Process ------ and ------ Cheese", the blanks being filled in with the names of such varieties of cheese in order of predominance by weight.

(3) Where the cheese ingredients of a pasteurized process cheese is cheddar cheese, washed curd cheese, colby cheese, or granular cheese, or any mixture of these, and its moisture content is not more than 40 percent and the fat content of its solids not less than 50 percent, it may be called "Pasteurized Process American Cheese".

(f) (1) If it is smoked the word "smoked" precedes or follows the name of the pasteurized process cheese.

(2) If it contains an optional ingredient prepared by condensing or precipitating wood smoke its label shall bear the words "Contains ------", the blank being filled with the common name of such ingredient.

(3) If it contains spice the label shall bear the word "Spiced" or "Spice Added" or "With Added Spice", or in lieu of the word "Spice" the common name of the spice.

(4) If it contains flavoring the label shall bear the words "Flavoring (or "Artificial Flavoring", if such be used) Added" or "With Added Flavoring" (or "Artificial Flavoring", if such be used) or in lieu of the term "Flavoring" or "Artificial Flavoring" the common name of the flavoring or artificial flavoring.

(5) Wherever the name of the food appears on the label of the pasteurized process cheese so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.755 *Pasteurized process cheese with fruits, vegetables and meats; identity; label statement of optional ingredients.* (a) A pasteurized process cheese with fruits, vegetables, and meats is a food which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for pasteurized process cheeses by § 19.750, except that it contains one or any mixture of the following ingredients:

(1) Any properly prepared cooked, canned or dried fruit,

(2) Any properly prepared cooked, canned or dried vegetable.

(3) Any properly prepared cooked or canned meat.

(Evidence will be taken as to need for special requirements as to the use of fruits, vegetables and meats) and its moisture content may be 1 percent more, and the fat content of its solids 1 percent less, than the limits for moisture and fat prescribed for the corresponding pasteurized process cheese without fruits, vegetables, and meats.

(b) (1) The name of a pasteurized process cheese made with fruits, vegetables, and meats is "Pasteurized Process ------- Cheese With -------", the first blank being filled in with the name or names of varieties of cheese in order of predominance by weight and the second blank with the common name or names of any fruits, vegetables, or meats used in order of predominance by weight.

(2) For the purposes of this section cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, Swiss cheese for manufacturing, and granular cheese for manufacturing shall be regarded as cheddar cheese, washed curd cheese, colby cheese, and Swiss cheese, and granular cheese, respectively.

(3) Where the cheese ingredient is cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of these, and the moisture content is not more than 41 percent and fat content of solids not less than 49 percent, the food may be called "Pasteurized Process American Cheese With ------", the blank being filled in with the name or names of any fruits, vegetables, and meats used.

§ 19.760 *Pasteurized process pimento cheese, pasteurized process pimiento cheese; identity.* Pasteurized process pimento cheese, pasteurized process pimiento cheese conforms to the definition and standard of identity and is subject to label requirements for optional ingredients for pasteurized process cheese with fruits, vegetables, and meats, except that the name specified is "Pasteurized Process Pimento Cheese" or "Pasteurized Process Pimiento Cheese" the cheese ingredient is cheddar cheese, cheddar cheese for manufacturing, washed curd cheese, washed curd cheese for manufacturing, colby cheese, colby cheese for manufacturing, granular cheese, granular cheese for manufacturing, or any combination of these; the moisture content is not more than 41 percent and the fat content of its solids is not less than 49 percent; the only fruit, vegetable or meat ingredient is pimentos or pimientos, and the finished food contains not less than 0.2 percent of the solids of such pimentos or pimientos.

§ 19.765 *Pasteurized process cheese foods; identity.* (a) A pasteurized process cheese food is a food prepared by comminuting and mixing with the aid of heat one of the optional cheese ingredients specified in paragraph (b) of this section with one or more of the optional dairy foods specified in paragraph (c) of this section into a homogeneous, plastic mass with or without water, salt, and coloring. The cheese ingredient constitutes not less than 51 percent by weight of the finished food. One or two or more of the optional emulsifying substances listed in paragraph (d) of this section may be used in such quantity that the total weight of emulsifying substances does not exceed 3 percent of the weight of the finished food. One or a mixture of two or more of the acids listed in paragraph (e) of this section may be used to adjust the pH to not less than 4.5. One or a mixture of two or more of the sweetening agents listed in paragraph (f) of this section may be used for seasoning. A pasteurized process cheese food may be smoked or it may contain an ingredient prepared by condensing or precipitating wood smoke. It may contain spice or flavoring other than any which singly or in combination with other ingredients simulate the flavor of a cheese or aged cheese of any variety.

(b) The cheese ingredient referred to in paragraph (a) of this section is:

(1) One or more cheeses of the same variety,

(2) A mixture of two or more cheeses of different varieties, but if two varieties are used the weight of each is not less than 25 percent of the total weight of both and if three or more varieties are used, the weight of each is not less than 15 percent of the total weight of all; except that the weight of limburger cheese or blue cheese may be not less than 10 percent of the total weight of cheeses where two varieties are used and not less than 5 percent where more than two varieties are used.

(c) The optional dairy foods referred to in paragraph (a) of this section are cream, milk, skim milk, or whey, or any of these foods from which part of water has been removed.

(d) The emulsifying substance referred to in paragraph (a) of this section is:

(1) Disodium or dipotassium phosphate.
(2) Sodium metaphosphate.
(3) Sodium or potassium citrate.
(4) Sodium tartrate.
(5) Rochelle salt.
(6) Trisodium phosphate.
(7) Sodium pyrophosphate, acid.
(8) Tetra sodium pyrophosphate.

(e) The acids referred to in paragraph (a) are:

(1) Lactic acid.
(2) Citric acid.
(3) Acetic acid.
(4) Hydroxy acetic acid.
(5) Phosphoric acid.

(f) The sweetening agents referred to in paragraph (a) of this section are:

(1) Dextrose.
(2) Sucrose.
(3) Maltose.
(4) Corn sirup solids.
(5) Lactose.
(6) Hydrolyzed lactose.

(g) During mixing all ingredients are heated for not less than ------ minutes at a temperature of not less than ------° F. When tested for phosphatase by the method of Sanders and Sager ("Journal of Dairy Science," November 1946, Vol. XXIX, No. 11, pages 737–749), the phenol equivalent of 0.25 gm of pasteurized process cheese food is less than ------ micrograms.

(h) A pasteurized process cheese food contains not more than 44 percent moisture and not less than 23 percent milk fat, as determined by methods prescribed in paragraph (c) of § 19.500.

(i) The common names of the optional ingredients specified in paragraphs (b), (c), (d), (e), and (f) of this section shall appear on the label when used. When spice, flavoring, artificial flavoring, coloring, or artificial coloring is used, the label shall bear a statement of that fact or in lieu thereof the names of such ingredients. If a pasteurized process cheese food is smoked the name is preceded or followed by the word "Smoked." If an optional ingredient prepared by condensing or precipitating wood smoke is used, the label shall bear the common name of such ingredient.

(j) Evidence will be taken as to whether shape or form of pasteurized processed cheese foods shall be restricted.

(k) Whenever the name of the food appears on the label of a pasteurized process cheese food so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.770 *Pasteurized process cheese foods with fruits, vegetables, and meats; identity; label statement of optional ingredients.* (a) A pasteurized process cheese food with fruits, vegetables, and meats is a food which conforms to the definition and standard of identity and is subject to requirements for label statements of optional ingredients prescribed for pasteurized process cheese foods by § 19.765, except that it contains one or any mixture of the following ingredients.

(1) Any properly prepared cooked, canned, or dried fruit,

(2) Any properly prepared cooked, canned, or dried vegetable,

(3) Any properly prepared cooked or canned meat.

(Evidence will be taken as to need for special requirements on the use of any fruits, vegetables, and meats) and its moisture content is not more than 45 percent and its milk fat content not less than 22 percent.

(b) The name of a pasteurized process cheese food with fruits, vegetables, or meats, is "Pasteurized Process Cheese Food With ------", the blank being filled in with the name of fruits, vegetables, and meats used.

§ 19.775 *Pasteurized process cheese spreads; identity; label statement of optional ingredients.* (a) A pasteurized process cheese spread is a food which conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for Pasteurized Process Cheese Foods by § 19.765, except that it contains more than 44 percent but not more than 65 percent of moisture and its fat content is not less than 20 percent; and it may contain one or a mixture of two or more of the water-

retaining substances named in paragraph (b) of this section in a quantity not to exceed 0.8 percent of the weight of the finished food; and when one or more of such water-retaining substances is used, the common name or names shall appear on label along with names of optional ingredients stated on label in conformity with requirements of § 19.765.

(b) The water-retaining ingredients referred to in paragraph (a) of this section are:

(1) Carob bean gum.
(2) Gum karaya.
(3) Gum tragacanth.
(4) Gelatin
(5) Carboxymethyl cellulose.
(6) Algin.
(7) Guar gum.
(8) Carrageenin.
(9) Oat gum.

§ 19.780 *Pasteurized process cheese spreads with fruits, vegetables, and meats; identity; label statement of optional ingredients.* (a) A pasteurized process cheese spread with fruits, vegetables, and meats is a food which conforms to the definition and standard of identity and is subject to requirements for label statement of optional ingredients prescribed for pasteurized process cheese spreads by § 19.775, except that it contains one or any mixture of the following:

(1) Any properly prepared cooked, canned or dried fruit,

(2) Any properly prepared cooked, canned or dried vegetable,

(3) Any properly prepared cooked or canned meat; and

(b) The name of a pasteurized process cheese spread with fruits, vegetables, and meats is "Pasteurized Process Cheese Spread with ------", the blank being filled in with the name of the fruits, vegetables, and meats used.

§ 19.785 *Cold pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.* (a) Cold pack cheese, club cheese, comminuted cheese, is the food prepared by comminuting and mixing without the aid of heat one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese, into a homogeneous mass with or without water, salt and coloring. The cheeses used were made from pasteurized milk or were held for not less than ------ days at a temperature of not less than ----° F. If made from two varieties of cheese the weight of each is not less than 25 percent of the total weight of both; if made from three or more varieties the weight of each is not less than 15 percent of the total weight of all; except that the weight of limburger cheese or blue cheese may be not less than 10 percent of such total weight where two varieties of cheese are used and not less than 5 percent where more than two varieties are used. Cold pack cheese may be smoked, or it may contain as an optional ingredient a substance prepared by condensing or precipitating wood smoke.

(b) (1) The moisture content of a cold pack cheese made from a single variety of cheese is not more than the maximum moisture content prescribed for such variety by a definition and standard of identity in this part, if any there be; if there is no applicable definition and standard of identity or if such standard contains no provision as to maximum moisture content, no water is used in the preparation of the cold pack cheese. The fat content of its solids is not less than the minimum fat so prescribed for such variety of cheese.

(2) The moisture content of a cold pack cheese made from two or more varieties of cheese is not more than the arithmetical average of the maximum moisture contents prescribed for such varieties by definitions and standards of identity in this part, if any there be, but in no case is more than 42 percent; and the fat content of its solids is not less than the arithmetical average of the fat contents so prescribed but in no case less than 48 percent.

(3) Moisture and fat are determined by the methods prescribed therefor in § 19.500 (c).

(c) (1) The name of a cold pack cheese is "Cold Pack ------ Cheese", or "------ Club Cheese", or "Comminuted ------ Cheese", the blank being filled in with the name or names of cheeses used in order of predominance by weight if any.

(2) If a cold pack cheese is smoked the word "Smoked" precedes or follows the prescribed name.

If an optional ingredient prepared by condensing or precipitating wood smoke is used, the label shall bear the words "Contains ------", the blank being filled in with the name of the substance used.

§ 19.790 *Cold pack cheese foods; identity; label statement of optional ingredients.* A cold pack cheese food conforms to the definition and standard of identity and is subject to requirements for label statements of optional ingredients prescribed for Pasteurized Process Cheese Foods by § 19.765, except that cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, and granular cheese for manufacturing are not used; and heat is not used in its preparation.

§ 19.795 *Cold pack cheese foods with fruits, vegetables, and meats; identity; label statement of optional ingredients.* (a) A cold pack cheese food with fruits, vegetables, and meats conforms to the definition and standard of identity and is subject to requirements for label statement of optional ingredients prescribed for pasteurized process cheese foods with fruits, vegetables, and meats by § 19.770, except that cheddar cheese for manufacturing, washed curd cheese for manufacturing, and colby cheese for manufacturing, and granular cheese for manufacturing are not used and heat is not used in mixing.

(b) The name of a cold pack cheese food with fruits, vegetables, and meats, is "Cold Pack Cheese Food With ------", the blank being filled in with the name or names of fruits, vegetables, and meats used.

Dated: February 18, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-1689; Filed, Feb. 20, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8187]

KARL REICHERT

In re: Estate of Karl Reichert, deceased. File D-28-10706; E. T. sec. 15064.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Benz and Mrs. Lina Tegtmeier, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Karl Reichert, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Karl Reichert, Jr., Denison, Iowa, as Administrator w. w. a., acting under the judicial supervision of the District Court of the State of Iowa, Crawford County;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1643; Filed, Feb. 19, 1947; 8:57 a. m.]

[Vesting Order 8188]

ROBERT E. WEGENER

In re: Estate of Robert E. Wegener, deceased. File D-28-10046; E. T. sec. 14258.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Waldemar R. G. Lischke and Elvira F. E. Lischke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the surviving issue, names unknown, of Waldemar R. G. Lischke and the surviving issue, names unknown, of Elvira F. E. Lischke, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Robert E. Wegener, deceased, and in and to the Trust created under the Will of Robert E. Wegener, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by C. A. Schneider, as Executor, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

and it is hereby determined:

5. That to the extent that the above named persons and the surviving issue, names unknown, of Waldemar R. G. Lischke, and the surviving issue, names unknown, of Elvira F. E. Lischke, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1644; Filed, Feb. 19, 1947; 8:57 a. m.]

[Vesting Order 8189]

DAIKICHI YAMACHIKA

In re: Estate of Daikichi Yamachika, deceased. File D-39-18974; E. T. sec. 15592; H-407.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Kimiyo Sato and Hideo Yamachika, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Daikichi Yamachika, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan);

3. That such property is in the process of administration by Takeo Yamachika, as Administrator, acting under the judicial supervision of the Circuit Court, First Judicial Circuit, Territory of Hawaii;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1645; Filed, Feb. 19, 1947; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2801]

FLORIDA AIRWAYS, INC.[1]

NOTICE OF HEARING

In the matter of the petition of Florida Airways, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order temporarily fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its route No. 75.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 24, 1947, 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave. NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated Washington, D. C., February 18, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1678; Filed, Feb. 20, 1947; 8:47 a. m.]

[Docket No. SA-140]

ACCIDENT AT DENVER, COLO.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 59486 which occurred at Denver, Colorado, on February 14, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Friday, February 21, 1947, at 9:30 a. m. (local time) in Room 337, Post Office Building, 18th and Stout Streets, Denver, Colorado.

Dated at Washington, D. C., February 17, 1947.

[SEAL] R. W. CHRISP,
Presiding Officer.

[F. R. Doc. 47-1675; Filed, Feb. 20, 1947; 8:45 a. m.]

[1] Formerly Thomas E. Gordon, d. b. a. Orlando Airlines.

FEDERAL TRADE COMMISSION

[Docket No. 5411]

AR-EX COSMETICS, INC., AND JULIUS B. KAHN

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of February A. D. 1947.

In the matter of Ar-Ex Cosmetics, Inc., a corporation, and Julius B. Kahn, individually and as an officer of said corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, April 2, 1947, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-1676; Filed, Feb. 20, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 120]

RECONSIGNMENT OF GRAPEFRUIT AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 13, 1947, by Wm. G. Roe & Son, of car PFE 45051, grapefruit, now on the Pennsylvania R. R., to Wm. G. Roe & Son, New York, N. Y. (P. R. R.), account of railroad error.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1669; Filed, Feb. 20, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 121]

RECONSIGNMENT OF GRAPEFRUIT AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., Feb. 14, 1947, by Gentile Bros., of car MDT 7111, grapefruit, now on the Mo. Pac. R. R., to Cincinnati, O. (Sou)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1670; Filed, Feb. 20, 1947; 8:46 a. m.]

[No. 29677]

MINIMUM RATES ON RAIL TRAFFIC BETWEEN NORTH AND SOUTH

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 11th day of February A. D. 1947.

The Commission having under consideration the matter of tariff minimum rates on all interterritorial class-rate traffic between the North and the South, both carload and less carload, applicable to the transportation by railroad and partly by railroad and partly by water, in interstate or foreign commerce, of various commodities, and the reasonableness and otherwise lawfulness of such minimum rates, including the propriety of the border points selected to govern their application:

It is ordered, That the Commission, upon its own motion, enter upon an investigation into and concerning the reasonableness and otherwise lawfulness of such tariff minimum rates on interterritorial class-rate traffic between the North and the South, both carload and less carload, which have been established by the carriers, or have been prescribed or approved by the Commission, or result from decisions of the Commission, with a view to determining whether such tariff minimum rates, or any of them, are in violation of any provision of the Interstate Commerce Act, and of making such findings and entering such order or orders as may be warranted;

It is further ordered, That all common carriers by railroad and by water operating within official classification territory and southern classification territory or between those territories, subject to the Interstate Commerce Act, be, and they are hereby, made respondents to this proceeding;

It is further ordered, That a copy of this order be served upon each of the respondents to this proceeding and that notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter direct.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1666; Filed, Feb. 20, 1947; 8:46 a. m.]

[S. O. 685]

UNLOADING OF WHISKY AT COLUMBIA, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of February A. D. 1947.

It appearing, that car CBQ 29367, containing whisky at Columbia, South Carolina, on the Southern Railway Company, shipped by Cherokee Distilling Company, Louisville, Ky., has been on hand under load for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that;

(a) *Whisky at Columbia, S. C., be unloaded.* The Southern Railway Company, its agents or employees, shall unload immediately car CBQ 29367, loaded with whisky, now on hand at Columbia, South Carolina, consigned to shipper's order, notify Richland wholesale liquor dealers.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 18, 1947 and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice of expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1667; Filed, Feb. 20, 1947; 8:46 a. m.]

[S. O. 686]

UNLOADING OF DIPPER LIPS AT SEATTLE, WASH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of February A. D. 1947.

It appearing, that car C&NW 69897, containing dipper lips, at Seattle, Washington, on the Union Pacific Railroad Company, shipped by American Manganese Division, Oakland, Calif., has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Dipper lips at Seattle, Wash., be unloaded.* The Union Pacific Railroad Company, its agents or employees, shall unload immediately car C&NW 69897, containing dipper lips, on hand at Seattle, Washington, consigned care of Alaskan Steamship Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 17, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1668; Filed, Feb. 20, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-137, 59-58, 70-1178]

MIDLAND UTILITIES CO. ET AL.

SUPPLEMENTAL ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of February 1947.

In the matters of Midland Utilities Company, File No. 54-137; Indiana Service Corporation, File No. 59-58; American Gas and Electric Company, File No. 70-1178.

Midland Utilities Company, a registered holding company, having filed an application and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and other applicable sections of the act for approval of an amended plan of corporate simplification of its subsidiary, Indiana Service Corporation, such plan providing, in general, for the recapitalization of Indiana Service Corporation, resulting in a new issue of common stock and the sale of that common stock to American Gas and Electric Company, an unaffiliated registered holding company, the proceeds of such sale to be allocated among certain classes of existing securities of Indiana Service which are to be cancelled; and

The Commission by order dated December 18, 1946 having approved said amended plan and granted and permitted to become effective applications and declarations with respect to the related transactions; and

Indiana Service Corporation having requested the Commission to enter an order supplemental to its order dated December 18, 1946, conforming to the pertinent provisions and requirements of section 1808 (f) of the Internal Revenue Code and containing the recitals, specifications, itemizations and orders required of said section 1808 (f);

It is found, recited and ordered, That, pursuant to and in exercise of the power and authority vested in the Commission by section 11 (b) of the Public Utility Holding Company Act of 1935, (1) all the steps and transactions involved in the consummation of the amended plan, as amended, and particularly those specified and itemized in subdivisions (i) to (iii), both inclusive, of section (2) below, are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized, approved and directed; (2) the securities which are ordered to be issued, transferred and exchanged under and in accordance with the amended plan, as amended, are specified and itemized as follows:

(i) The issuance and transfer of 200,000 shares of new common stock without par value and having a stated value of $20.00 per share, in accordance with the terms and provisions contained in the amended plan, as amended;

(ii) The cancellation, retirement and replacement by the said 200,000 shares of new common stock of the following outstanding securities of Indiana Service Corporation, all in accordance with the amended plan, as amended, to-wit:

(a) $2,739,000 principal amount of demand notes, together with all interest accrued thereon, which, under the amended plan, as amended, is to be cancelled in part by the payment of, and in an amount equal to, the entire portion of the purchase price allocable to Midland Utilities Company and without consideration as to the balance;

(b) 13,706 shares of 7% cumulative preferred stock of the par value of $100.00 per share, together with all dividends accumulated thereon;

(c) 16,622 shares of 6% cumulative preferred stock of the par value of $100.00 per share, together with all dividends accumulated thereon;

(iii) The cancellation and retirement of the 738,000 shares of presently outstanding common stock of Indiana Service Corporation without par value and having a stated value of $10.00 per share, with no new securities to be issued in lieu thereof, all in accordance with the amended plan, as amended;

and (3) such issuance, transfer and exchange shall be made in obedience to, and in accordance with, this supple-

mental order and the order of this Commission, dated December 18, 1946, in the above-entitled matters.

It is further ordered, That this order is supplemental to and a part of the said order of this Commission issued herein under date of December 18, 1946, and that they shall stand as and be a part of the same order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1653; Filed, Feb. 20, 1947; 8:47 a. m.]

[File No. 54-51]

NATIONAL POWER AND LIGHT CO. ET AL.

NOTICE OF FILING OF PLAN AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of February A. D. 1947.

In the matter of National Power & Light Company, Lehigh Valley Transit Company, Lehigh Valley Transportation Company, Easton Transit Company, Easton & South Bethlehem Transportation Company, File No. 54-51, (Application No. 10, Part B).

The Commission having on August 23, 1941 entered an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 requiring that the existence of National Power & Light Company ("National"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, be terminated and that said company be dissolved and requiring further that National proceed with due diligence to submit to the Commission a plan or plans for its prompt dissolution pursuant to section 11 (b) (2) of the act; and

National having filed an application for approval of a "Plan Dated as of May 7, 1942 for Compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935", which plan and amendments thereto outlined a program for the dissolution of National and proposed, among other things, such revisions and adjustments in accounts and capital structure of Lehigh Valley Transit Company ("Transit"), "as may be deemed necessary"; and

The Commission having on November 9, 1942 entered an order pursuant to section 11 (c) of the act requiring National, among other things, to amend its aforementioned plan of May 7, 1942 to set forth the extent and manner in which it is proposed that Transit (a) restate its plant, surplus, capital and other accounts so as to segregate, dispose of or eliminate write-ups and intangibles in such plant account; (b) set up adequate reserves for depreciation of plant and property; (c) make such other accounting adjustments as may be deemed necessary to meet the requirements of the act and (d) revise and simplify its capital structure and take such other steps as may be deemed necessary to effectuate a fair and equitable redistribution of voting power among its security holders.

Notice is hereby given that National, its subsidiary, Transit, and Transit's wholly owned operating subsidiaries, Lehigh Valley Transportation Company ("Lehigh"), Easton Transit Company ("Easton"), and Easton & South Bethlehem Transportation Company ("Bethlehem"), have filed pursuant to section 11 (e) of the act a joint application designated herein as Application No. 10, Part B. All interested persons are referred to said documents which are on file in the offices of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

1. Transit will retire all of its $4,915,000 principal amount of outstanding Refunding and Improvement Mortgage 5% Bonds due 1960, and redeemable prior thereto at 110, at not in excess of the principal amount thereof plus accrued interest thereon, through the use of Treasury cash, the proceeds from the proposed sale of its holdings of Pennsylvania Power & Light Company 4½% Preferred Stock, as described in paragraph 4 below, and the proceeds from the prior sale of the Allentown generating station and related properties to Pennsylvania Power & Light Company.

2. Transit has issued and outstanding 98,491 shares (exclusive of 1103 shares reacquired and held in treasury) of 5% Preferred Stock of the par value of $50 per share. 98,350 shares of such stock are held by National and 141 shares are held by the public. Accumulated and unpaid dividends on this stock, as of September 30, 1946, amounted to $78.71 per share, aggregating $7,752,211 of which $7,741,094 is applicable to shares held by National, and $11,117 to shares held by the public. Transit proposes to discharge all claims with respect to the preferred stock and arrearages thereon, and to retire such stock by (a) exchanging the 98,350 shares of such stock held by National for 545,610 shares of new common stock of a par value of $4 per share; and (b) paying the holders of the publicly held preferred stock cash in the amount of $90 per share.

3. Transit has outstanding 58,709 shares (exclusive of 1,238 shares reacquired and held in treasury) of common stock of the par value of $50 per share. 58,255 shares of such stock are owned by National, and 454 shares are owned by the public. National will surrender to Transit for cancellation its shares of the latter's common stock. The owners of the publicly held common stock of Transit will receive in exchange therefor Transit's new common stock on a share for share basis.

4. Transit will sell at the best price obtainable therefor its holding of 13,769 shares of Pennsylvania Power & Light Company 4½% Preferred Stock, the proceeds from such sale to be used in the retirement of Transit's outstanding bonds as described in paragraph 1 above.

5. Lehigh, Easton and Bethlehem will be merged with Transit, such mergers to be effected in whole or in part prior to consummation of the plan or to be left in whole or in part to be done after consummation of the plan.

6. Transit proposes to restate its property account to eliminate therefrom approximately $7,260,000 which is stated to be the excess of the carrying value of Transit's property over its estimated historical cost. Transit will create a "Reserve for Proposed Railway Abandonments and Possible Loss on Investments" in the amount of approximately $3 800,000. In making the foregoing adjustments Transit will utilize its earned surplus and capital surplus created by the transactions described in paragraphs 2 and 3 above.

7. National proposes to distribute to its common stockholders the 545,610 shares of new common stock of Transit to be issued under the plan.

The Commission is requested in the event it approves the plan to apply to an appropriate District Court of the United States for an order of enforcement.

The plan states that its consummation is subject to receipt of a closing agreement or ruling as to the tax consequences to National and Transit, which agreement or ruling shall be satisfactory to National and Transit. National and Transit request that the order approving the plan recite that the relevant transactions of the plan are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, within the meaning and requirements of the Internal Revenue Code, as amended including section 1808 (f) and Supplement R thereof.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder to find after notice and opportunity for hearing that the plan, as submitted, or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act, and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that a hearing be held upon the amended plan to afford all interested persons an opportunity to be heard with respect thereto;

It is ordered, That a hearing under the applicable provisions of the act and the rules thereunder be held on March 3, 1947, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by Rule XVII of the rules of practice on or before March 3, 1947.

It is further ordered, That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the plan and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

(1) Whether the plan, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) (2) of the act, and constitutes an appropriate step in compliance with the order of this Commission dated August 23, 1941 thereunder.

(2) Whether the proposed retirement of the bonds of Transit at a price not in excess of the principal amount thereof is fair and equitable to the holders of such bonds.

(3) Whether the proposed payment of $90 per share to the holders of Transit's publicly held preferred stock in full satisfaction of their claims is fair and equitable to the holders of such stock.

(4) Whether the issuance of new common stock as proposed in the plan is fair and equitable to the holders of the present common stock of Transit.

(5) Whether the proposed acquisitions and security issuances meet the applicable standards of the act, particularly sections 7, 10 and 12 thereof.

(6) Whether the accounting adjustments proposed to be made by Transit are appropriate, and whether any other accounting adjustments should be made in connection with the proposed transactions.

(7) Whether the plan, as filed, or as modified, makes appropriate provision for the payment of expenses, fees and remuneration in connection with the reorganization, in what amounts such expenses, fees and remuneration should be paid, and the fair and equitable allocation thereof.

(8) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers, and consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modification should be required to be made therein and what terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That notice of this hearing be given to Electric Bond and Share Company, National, Transit, Lehigh, Easton and Bethlehem, the Public Utility Commission of the State of Pennsylvania, the Interstate Commerce Commission, and the Lehigh Valley Trust Company as trustee under Transit's Refunding and Improvement Mortgage, by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That Transit shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order for hearing at his last known address at least ten days prior to date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1654; Filed, Feb. 20, 1947; 8:47 a. m.]

[File Nos. 54-142, 59-84]

AMERICAN WATER WORKS AND ELECTRIC CO., INC., ET AL.

ORDER APPROVING MODIFIED PLANS

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pa., on the 17th day of February 1947.

In the matters of American Water Works and Electric Company, Inc., American Water Works Company, Inc. (formerly American Communities Company), Community Water Service Company, Ohio Cities Water Corporation, West Penn Railways Company, The West Penn Electric Company, File No. 54-142; American Water Works and Electric Company, Inc., and Subsidiary Companies, File No. 59-84.

American Water Works and Electric Company, Incorporated (American), a registered holding company, having filed with the Commission plans under section 11 (e) of the act proposing, among other things, (i) that substantially all of the water works business of American's holding company system be segregated from the electric, gas, transportation and other businesses conducted by such system through the placing of the ownership of the system's security interests in such water works business in a separate water works holding company system, (ii) that the corporate structure of this water works holding company system be simplified through the elimination of two intermediate water works holding companies, and (iii) that, upon the completion of such segregation, American be dissolved and liquidated; and American having made application for approval of such plans under section 11 (e), in which application certain of American's subsidiary companies, namely American Water Works Company, Inc. (Waterworks Holding Company), Community Water Service Company (Community), Ohio Cities Water Corporation (Ohio Cities), West Penn Railways Company (Railways), and The West Penn Electric Company (West Penn Electric) have joined as parties; and

The Commission having instituted a proceeding under sections 11 (b) (1) and 11 (b) (2) of the act directed to American and its subsidiary companies, and such proceeding having been consolidated with the foregoing proceeding pursuant to section 11 (e); and

The Commission having issued its notice of filing and notice of and order for hearing in said consolidated proceedings, notice of such hearing having been duly given to all interested persons, public hearings having been held and all such persons having been given an opportunity to be heard with respect to all matters pertaining to said proceedings, briefs having been filed, and the Commission having issued on December 23, 1946 its findings and opinion (Holding Company Act Release No. 7091) finding that certain modifications should be made in such plans as filed and that, if so modified, such plans would be fair and equitable and would be approved and allowing a period of 30 days for the filing of appropriate amendments thereto; and

American having filed, on January 22, 1947, modified plans, dated January 21, 1947; notice of the filing thereof having been given to all interested parties; and the Commission having this day issued its supplemental findings and opinion with respect to said plans as amended; and

American having requested that the order of the Commission approving such modified plans conform to the requirements of, and contain the recitals, specification and itemization required by, Supplement R and section 1808 (f) of the Federal Internal Revenue Code and section 270-c (10) of the Tax Law of the State of New York;

I. *It is hereby ordered and recited*, Pursuant to section 11 (e) of the act, that the plans, dated and filed herein by American on February 21, 1946, as modified on January 21, 1947, including Plan I, parts 1 and 2, and Plan II, and all steps and transactions involved in the consummation thereof, including all issues, transfers, sales, exchanges, conversions, expenditures, payments, loans, investments, contributions, assumptions, deposits, acquisitions, receipts, purchases, distributions, deliveries, retirements, cancellations and offerings, be and they hereby are found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and necessary or appropriate to the simplification of the American holding company system and in all respects fair and equitable to the persons affected thereby. Accordingly, the modified plans are approved, subject to the terms and conditions set forth in section V of this order.

II. *It is further ordered*, Without prejudice to the generality of the provisions of section I of this order, that the following transactions set forth in part 1 of Plan I are approved and authorized by the Commission, subject to the terms and conditions set forth in section V of this order:

(1) The sale, transfer and delivery by Railways to American of the 53 shares of Common Stock of American owned by Railways and the purchase thereof by American for the sum of $1,219 in cash;

(2) The transfer and delivery by American to Waterworks Holding Company, as a contribution to the capital or paid-in surplus of said Company, of the 5,000 shares of Preferred Stock and $175,000 principal amount of open-account indebtedness of Waterworks Holding Company owned by American; and the receipt and retirement of such indebtedness and shares of Preferred Stock and corresponding reduction of

its capital by Waterworks Holding Company;

(3) The amendment by Waterworks Holding Company of its charter so as to provide for an authorized capital stock consisting of 5,000,000 shares of Common Stock of the par value of $5 each; the conversion of the 6,000 shares of Common Stock, without par value, of Waterworks Holding Company, owned by American, into the same number of shares of Common Stock of the par value of $5 each; and the transfer and delivery to Waterworks Holding Company of certificates for such shares without par value and the issue and delivery to American of certificates for such shares of the par value of $5 each in connection therewith;

(4) The payment by Waterworks Holding Company of its bank loan of $160,000;

(5) The issue by Waterworks Holding Company of $15,000,000 principal amount of its Ten-Year 3% Collateral Trust Bonds and the sale and delivery thereof to John Hancock Mutual Life Insurance Company for a consideration equal to the principal amount of such bonds, together with interest accrued thereon to the delivery date;

(6) The sale, transfer and delivery by American to Waterworks Holding Company of the stocks and securities of and long-term advances to the waterworks companies specified in Exhibit A to this order and of the 4,471 shares of $7 Cumulative First Preferred Stock of Community, now owned by American; and the payment by Waterworks Holding Company of the consideration therefor specified in step 6 of said part 1, which consideration is to consist of cash (in an amount determined as provided in said step 6) and the assumption of the liabilities of American (exclusive of income tax liabilities) related to the assets so transferred (including the guaranty by American of the payment of the principal of and interest on the $726,000 principal amount of First Mortgage 5½% Gold Bonds, Series A, of Monongahela Valley Water Company) and may include the issue, sale and delivery by Waterworks Holding Company to American of Subscription Warrants described in said step 6 to purchase to total of 2,343,105 shares of Common Stock of Waterworks Holding Company;

(7) The distribution, transfer and delivery by American to the holders of record of shares of its Common Stock, without the surrender by such stockholders of the shares of such Common Stock held by them, of any Subscription Warrants issued by Waterworks Holding Company as provided in paragraph (6) above; the receipt, upon such distribution, by such stockholders of such Subscription Warrants entitling them to purchase one share of Common Stock of Waterworks Holding Company for each share of Common Stock of American held by them, respectively; the exercise of such Subscription Warrants by such stockholders by the purchase of shares of Common Stock of Waterworks Holding Company; and the sale, transfer and delivery of Subscription Warrants of foreign stockholders as specified in step 7 of said part 1 for the account of such stockholders;

(8) The offering by Waterworks Holding Company to the holders of the 12,369 outstanding shares of $7 Cumulative First Preferred Stock of Community owned by others than Waterworks Holding Company of the privilege of exchanging their shares for shares of Common Stock of Waterworks Holding Company having a market value, as defined in the plans, at the time of Exchange equal to the sum of $180 per share of Community Preferred Stock, plus $7 per share of such Preferred Stock per annum from October 31, 1945 to the final date for making such exchanges and minus the amount per share of any dividends paid on such Preferred Stock during such period; the offering by Waterworks Holding Company to the holders of the 228,055 outstanding shares of Common Stock of Community owned by others than Waterworks Holding Company of the privilege of exchanging their shares for shares of Common Stock of Waterworks Holding Company at the rate of 1/20th of one share of common stock of Waterworks Holding Company for each share of Common Stock of Community; and the exchange by such public holders of such Preferred and Common Stock of Community of their stock for shares of Common Stock (and/or scrip certificates therefor) of Waterworks Holding Company and the transfer and delivery of their certificates to Waterworks Holding Company for the purpose of effecting such exchanges;

(9) The offering by Waterworks Holding Company to the holders of the 2,257 outstanding shares of $6 Cumulative Preferred Stock, Series A, of Ohio Cities owned by others than Community of the privilege of exchanging their shares for shares of Common Stock of Waterworks Holding Company having a market value, as defined in the plans, at the time of exchange equal to the sum of $159 per share of Ohio Cities Preferred Stock, plus $6 per share of such Preferred Stock per annum from October 31, 1945, to the final date for making such exchanges and minus the amount per share of any dividends paid on such Preferred Stock during such period; and the exchange by such public holders of such Preferred Stock of Ohio Cities of their stock for shares of Common Stock (and/or scrip certificates therefor) of Waterworks Holding Company, and the transfer and delivery of their certificates to Waterworks Holding Company for the purpose of effecting such exchanges;

(10) The issue by Waterworks Holding Company and the delivery to the persons entitled thereto of shares of its Common Stock (and scrip certificates therefor of the character described in step 8 of part 1 in settlement of fractional share interests) upon exercise of the Subscription Warrants specified in paragraph (6) above, upon exchange for shares of $7 Cumulative First Preferred Stock and Common Stock of Community and $6 Cumulative Preferred Stock, Series A, of Ohio Cities as specified in paragraphs (8) and (9) above, upon sale to underwriters pursuant to competitive bidding as provided in step 10 of said part 1, and with respect to scrip certificates as provided in step 8 of said part 1; and

(11) The loan by Waterworks Holding Company to Community of the sum of $2,600,000 in cash and the issue and delivery by Community to Waterworks Holding Company of its demand promissory notes bearing interest at the rate of 3% per annum to evidence such loan; and the application by Community of such funds to the payment in full of its outstanding promissory note in like amount.

III. *It is further ordered*, Without prejudice to the generality of the provisions of section I of this order, that the following transactions set forth in part 2 of plan I are approved and authorized by the Commission, subject to the terms and conditions set forth in section V of this order:

(1) The issue, sale and delivery by Waterworks Holding Company to Community and the acquisition thereof by Community, at the initial public offering price of shares of such stock issued to underwriters under step 10 of part 1, of such number of shares of Common Stock of Waterworks Holding Company (and scrip certificates therefor) as may be required for distribution by Community to its public Common Stockholders pursuant to paragraph (2) below; the loan by Waterworks Holding Company to Community of cash in an amount sufficient, together with other available funds of Community, to provide for the cash payments to public Preferred stockholders of Community pursuant to paragraph (2) below; and the issue and delivery by Community to Waterworks Holding Company of its demand promissory note bearing interest at the rate of 3% per annum to evidence such loan;

(2) The dissolution and liquidation of Community; the investment by Community as a contribution to the capital or as paid-in surplus of its subsidiary companies, prior to such dissolution, of all open-account indebtedness owing by such companies to Community; and, pursuant to such liquidation, (i) the distribution to the holders of the $7 Cumulative First Preferred Stock of Community (other than Waterworks Holding Company), of cash in an amount equal to $180 per share of such Preferred Stock, plus $7 per share of such Preferred Stock per annum from October 31, 1945 to the final date for making exchanges of such Preferred Stock pursuant to paragraph (8) of section II of this order and minus the amount per share of any dividends paid on such Preferred Stock after October 31, 1945, and (ii) the distribution to the holders of the Common Stock of Community (other than Waterworks Holding Company) of shares of Common Stock (and/or scrip certificates therefor) of Waterworks Holding Company at the rate of 1/20th of 1 share of Common Stock of Waterworks Holding Company for each share of Common Stock of Community together with any dividends paid on such shares of Common Stock of Waterworks Holding Company subsequent to the initial date for making exchanges of Common Stock of Community pursuant to paragraph (8) of section II of this order and prior to the liquidation of Community; the assumption by Waterworks Holding Company of any remaining obligations and liabilities of Community; the transfer and delivery by Waterworks Holding Company and the acquisition by Community of all indebtedness and stock of Community held by Waterworks Holding Company and the transfer and delivery by Community, in exchange therefor, and the acquisition by Waterworks Holding Company of all remaining assets of Community. The assets of Community so to be acquired by Waterworks Holding Company will consist of the stocks of subsidiary companies of Community specified in Exhibit B to this order. Such distribution to the public Preferred and Common stockholders of Community shall be in full satisfaction of all rights of such stockholders and, upon such dissolution, such public Preferred and Common stockholders shall cease to have any rights or interests in Community or its assets or any rights or interests whatsoever except the right to receive such distributions with respect to the shares of stock of Community held by them;

(3) The loan by Community to Ohio Cities of cash in an amount sufficient, together with other available funds of Ohio Cities, to provide for the cash payments to public Preferred stockholders of Ohio Cities pursuant to paragraph (4) below; and the issue and delivery by Ohio Cities to Community of its demand promissory notes bearing interest at the rate of 3% per annum to evidence such loans;

(4) The dissolution and liquidation of Ohio Cities, and, pursuant to such liquidation, the distribution to the holders of the $6 Cumulative Preferred Stock, Series A, of Ohio Cities (other than Community) of cash in an amount equal to $159 per share of such Preferred Stock, plus $6 per share of such Preferred Stock per annum from October 31, 1945 to the final date for making exchanges of such Preferred Stock pursuant to paragraph (9) of section II of this order and minus the amount per share of any dividends paid on such Preferred Stock after October 31, 1945; the assumption by Community of any remaining obligations and liabilities of Ohio Cities; the transfer and delivery by Community and the acquisition by Ohio Cities of all indebtedness and shares of stock of Ohio Cities held by Community and the transfer and delivery by Ohio Cities, in exchange therefor, and the acquisition by Community of all remaining assets of Ohio Cities. The assets of Ohio Cities so to be acquired by Community will consist of the stocks of subsidiary companies of Ohio Cities specified in Exhibit C to this order. Such distribution to the public Preferred stockholders of Ohio Cities shall be in full satisfaction of all rights of such stockholders and, upon such dissolution, such public Preferred stockholders of Ohio Cities shall cease to have any rights or interests in Ohio Cities or its assets or any rights or interests whatsoever except the right to receive such distribution with respect to the shares of stock of Ohio Cities held by them.

IV. *It is further ordered*, Without prejudice to the generality of the provisions of section I of this order, that the following transactions set forth in plan II are approved and authorized by the Commission, subject to the terms and conditions set forth in section V of this order:

(1) The dissolution of American and the liquidation of its affairs in accordance with paragraphs (2) through (6) below;

(2) The payment and retirement by American, at their principal amounts and accrued interest, of its notes to banks outstanding in the aggregate principal amount of $10,000,000;

(3) The retirement by American of all of its $6 Series, First Preferred Stock, of which 199,868 shares are outstanding with the public, and, pursuant to such retirement, the distribution to the holders of such Preferred Stock, in cancellation of such stock, of the amount which they are entitled to receive upon the liquidation of American pursuant to plan II, as finally determined by an order of the Commission or a decision of a court having jurisdiction, which distribution is to be effected as follows:

(a) If the amount to which the preferred stockholders are so entitled shall have been finally so determined by the Commission or a court prior to the date fixed for the distribution, American will distribute, on such distribution date, to the preferred stockholders, in cash, the full amount to which they are entitled as so determined; or

(b) If the amount to which the Preferred stockholders are so entitled shall not have been finally so determined by the Commission or a court prior to the date fixed for the distribution, American will distribute, on such distribution date, to the preferred stockholders (i) an amount in cash equal to $100 per share, plus accrued and unpaid dividends thereon to such distribution date, and (ii) a certificate evidencing the obligation of American to pay in cash to such preferred stockholders, or their assigns, such additional amount, if any, as it may later be finally so determined that the preferred stockholders are entitled to receive; and, if certificates are to be so distributed, the issue thereof by American and the deposit by American in escrow with a bank or trust company, as security for the payment of the amounts, if any, which may become payable upon such certificates and of expenses in connection with such escrow and payment, cash or demand non-interest bearing promissory notes of West Penn Electric in the aggregate principal amount of $2,200,000. The making of such delivery to and deposit with such bank or trust company shall be in full cancellation and satisfaction of the Preferred Stock and, upon the making thereof, all rights of the preferred stockholders as such shall terminate except the right to receive from such bank or trust company the cash and certificates, if any, so delivered and deposited with respect to the shares of Preferred Stock held by them, and from and after such distribution date dividends as such as the Preferred stock shall cease to accrue. The amendment by American of plan II so as to provide for such method of retirement of its $6 Series, First Preferred Stock and the approval of the plan, as so amended, by the Commission shall be without prejudice to the right of American by appropriate proceedings to contest any order of the Commission or decision of a court which shall determine that such preferred stockholders are entitled, upon the liquidation of American, to receive an amount in excess of $100 per share plus accrued and unpaid dividends thereon;

(4) The sale, transfer and delivery by American of all of the 6,000 shares of Common Stock of Waterworks Holding Company owned by American.

(5) The lending by American to West Penn Electric, upon West Penn Electric's promissory notes, but without interest, of such amount of cash held by American as its Board of Directors shall determine from time to time to be in excess of the amounts required to effectuate the liquidation of American, including the retirement of the debt and Preferred Stock of American as provided in paragraphs (2) and (3) above; the investment, transfer and delivery by American, prior to its final liquidation, as a contribution to the capital or as paid-in surplus of West Penn Electric, and the acquisition thereof by West Penn Electric, of any cash then held by American (including its right in any escrow fund provided under paragraph (3) above) together with all indebtedness of West Penn Electric owed by it to American and all shares of stock of West Penn Electric (other than Common Stock) then held by American; and the assumption by West Penn Electric of all remaining liabilities of American up to the amount of the capital contribution so made; and

(6) The distribution by American, in completion of its liquidation, after effecting the transactions set forth in paragraphs (2) through (5) above and after the liabilities of American have been determined and liquidated or otherwise provided for, to the holders of its Common Stock and in exchange therefor of all shares of Common Stock of West Penn Electric then held by American.

V. *It is further ordered* That the foregoing approvals and authorizations are subject to the following terms and conditions:

(1) That the authority hereby conferred shall be subject to the terms and conditions prescribed in Rule U-24.

(2) That the proposed issuance and sale of common stock by Waterworks Holding Company shall not be consummated until the results of the competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof;

(3) That jurisdiction is generally reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropri-

ate in connection with said plans, as modified, the transactions incident thereto and the consummation thereof, and to take such further action as it may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and that jurisdiction is specifically reserved to consider and determine the following matters;

(a) The reasonableness and appropriate allocation of all fees, expenses, and other remunerations incurred or to be incurred in connection with said plans, as modified, and the transactions incident thereto;

(b) The terms and provisions of any application or declaration that may be filed by American concerned with a proposal to eliminate from plan I the issuance by Waterworks Holding Company of transferable subscription warrants;

(c) The terms and provisions of the proposed sale by American, pursuant to plan II, of 6,000 shares of common stock of Waterworks Holding Company;

(d) The terms and provisions of any and all promissory notes to be issued by any of the subsidiaries of American in connection with the carrying out of plans I and II;

(e) The material and methods that may be used in connection with any solicitations of the public holders of the capital stocks of Community or the preferred stock of Ohio Cities in connection with plan I;

(f) The terms and provisions of any escrow agreement that may be entered into in the effectuation of plan II;

(g) The terms and provisions of any distribution to the common stockholders of American of the common stock of West Penn Electric (or any successor company to West Penn Electric);

(4) That the transactions provided in sections II and III of this order shall be effected within the period of four months following the date on which this order, or any order of a court enforcing the plans, becomes final in accordance with law, and the transactions provided in section IV of this order shall be effected within the period of six months following such date, which periods may be extended by supplemental order or orders of the Commission upon appropriate application by American, except that the transactions specified in paragraphs (5) and (6) of section IV of this order may be effected at such later date or dates as may be required in order to permit the liabilities of American to be determined and liquidated or otherwise provided for prior to effecting such transactions;

It is further ordered, That this order shall not be operative to authorize the consummation of any of the transactions proposed in the modified plans until an appropriate United States District Court shall, upon application thereto, enter an order enforcing such modified plans.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

EXHIBIT A

Stocks, securities and long-term advances to be transferred to Waterworks Holding Co. by American (see note)

	Par value per share	Number of shares
COMMON STOCKS		
The Alexandria Water Co	$50	4,000
Alton Water Co	No par	16,000
Armstrong Water Co	No par	30,000
The Ashtabula Water Works Co	No par	5,000
Atlantic County Water Co. of New Jersey	$25	4,380
The Birmingham Water Works Co	$100	25,017
The Butler Water Co	$30	8,430
City Water Co. of Chattanooga	$85	20,000
Clinton Water Works Co	$100	3,210
Commonwealth Water & Light Co	No par	10,000
The Connellsville Water Co	$50	7,120
Davenport Water Co	No par	25,000
East St. Louis & Interurban Water Co	$100	47,500
Huntington Water Corp	No par	10,000
Joplin Water Works Co	No par	10,000
Kokomo Water Works Co	$70	2,000
City Water Works Co. of Merrill, Wis	$100	1,250
Monmouth Consolidated Water Co	No par	26,000
Monongahela Valley Water Co	$100	2,500
The Morgantown Water Co	No par	24,000
Muncie Water Works Co	$35	7,500
The City of New Castle Water Co	$100	7,217
The Scroton Water Co	$25	7,485
North Little Rock Water Co	No par	5,000
Ocean County Water Co	No par	7,245
Old Dominion Water Corp	No par	8,000
Richmond Water Works Corp	$10	37,500
The St. Joseph Water Co	No par	40,000
South Pittsburgh Water Co	$10	349,767
The Terre Haute Water Works Corp	$10	66,100
Texarkana Water Corp	No par	5,200
The Warren Water Co	$50	7,480
Water Works Service Co., Inc	$100	1,500
The Wichita Water Co	$100	22,720

	Annual dividend rate	Par value per share	Number of shares
PREFERRED STOCKS			
The Ashtabula Water Works Company	6%	$100	2,500
Atlantic County Water Co. of New Jersey	6%	$100	1,000
Huntington Water Corp	6%	$100	1,697
Joplin Water Works Co	6%	$100	31
Monmouth Consolidated Water Co	$7	No par	1,831
The City of New Castle Water Co	6%	$100	3,897

LONG-TERM DEBT

	Principal amount
The Ashtabula Water Works Co., Ten-Year 5% Note (dated Mar. 1, 1938; due Mar. 1, 1948)	$140,000
Joplin Water Works Co., Ten-Year 5% Notes (dated Dec. 1, 1937, due Dec. 1, 1947)	107,000
North Little Rock Water Co., Twenty-Year 5% Debentures (dated June 15, 1937; due June 15, 1957)	75,000
The Warren Water Co., Gold Mortgage Bonds (5%; dated July 1, 1908; due July 1, 1948)	79,000
	401,000

LONG-TERM ADVANCES

The Alexandria Water Co	$170,000
Alton Water Co	26,000
The Ashtabula Water Works Co	101,000
Atlantic County Water Co. of New Jersey	160,000
The Bernardis Water Co	80,500
The Butler Water Co	133,000
Clinton Water Works Co	71,000
The Connellsville Water Co	70,000
Davenport Water Co	300,000
East St. Louis & Interurban Water Co	430,000
Huntington Water Corp	278,000
Joplin Water Works Co	200,000
Monmouth Consolidated Water Co	456,000
Monongahela Valley Water Co	151,000
The Morgantown Water Co	99,000
The City of New Castle Water Co	140,000
The Scroton Water Co	42,000
North Little Rock Water Co	68,000
Ocean County Water Co	$170,000
Old Dominion Water Corp	387,000
South Pittsburgh Water Co	270,000
The Wichita Water Co	868,000
	4,289,500

NOTE: The stocks, securities and long-term advances to be transferred to Waterworks Holding Company by American pursuant to step 6 of part 1 of plan I will be as set forth above in this Exhibit A except as follows:

1. The 1,250 shares of common stock of the par value of $100 per share of City Water Works Company of Merrill, Wisconsin, are subject to a contract on the part of said City to purchase such shares. If such sale is made prior to effecting said step 6, such shares will not be included in the stocks so to be transferred.

2. Prior to effecting said step 6, American may, in normal course of its business, make additional long-term advances to subsidiary companies listed in this Exhibit A or certain of the long-term advances listed herein may be repaid in whole or in part. The long-term advances to be transferred pursuant to such step 6 will be all those owed to American by subsidiary companies listed in this Exhibit A on the date of such transfer

EXHIBIT B

Stocks to be acquired by Waterworks Holding Company from Community

	Annual dividend rate	Par value per share	Number of shares
COMMON STOCKS			
The Cairo Water Co		No par	7,500
The Citizens Water Co. of Washington, Pa		No par	10,000
Greenwich Water System, Inc		No par	100,000
Lexington Water Co		No par	10,000
The Marion Water Co		No par	5,000
The Ohio Cities Water Co		No par	5,500
Pennsylvania State Water Corp		No par	60,000
Peoria Water Works Co		No par	5,000
Preferred stocks: The Cairo Water Co	7%	$100	1,500

EXHIBIT C

Stocks to be acquired by Community from Ohio Cities

	Par value per share	Number of shares
Common stocks:		
The Marion Water Co	No par	5,000
The Ohio Cities Water Co	No par	5,500

[F. R. Doc. 47-1655; Filed, Feb. 20, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-173]

EQUITABLE GAS CO.

NOTICE OF ORDER AUTHORIZING IN PART AND DENYING IN PART GROUPING OF NATURAL GAS PLANT FOR EXPENSE ACCOUNTING PURPOSES

FEBRUARY 18, 1947.

Notice is hereby given that, on February 17, 1947, the Federal Power Commission issued its order entered February 13, 1947, authorizing in part and denying in part the grouping of natural gas plant for expense accounting purposes in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1672; Filed, Feb. 20, 1947; 8:45 a. m.]

[Docket No. G-783]

CENTRAL NEW YORK POWER CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 18, 1947.

Notice is hereby given that, on February 18, 1947, the Federal Power Commission issued its findings and order entered February 13, 1947, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1673; Filed, Feb. 20, 1947; 8:46 a. m.]

[Docket No. G-853]

HOME GAS CO. ET AL.

NOTICE OF APPLICATION

FEBRUARY 17, 1947.

In the matter of Home Gas Company, The Manufacturers Light and Heat Company, Cumberland and Alleghany Gas Company and Natural Gas Company of West Virginia. Docket No. G-853.

Notice is hereby given that on January 27, 1947, Home Gas Company (Home), a New York corporation, authorized to do business in the States of New York and Pennsylvania; The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, authorized to do business in the States of Pennsylvania, Ohio and West Virginia; Cumberland and Alleghany Gas Company (Cumberland), a West Virginia corporation, authorized to do business in the States of West Virginia and Maryland; and Natural Gas Company of West Virginia (Natural Gas Company), a West Virginia corporation, authorized to do business in the States of West Virginia, Ohio and Pennsylvania, all hereinafter sometimes referred to as Applicants, and all having a principal place of business at Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicants to construct, acquire, retire, replace, sell and operate certain natural gas facilities subject to the jurisdiction of the Commission.

The facilities proposed to be constructed, acquired, retired, replaced, sold and operated by each of the Applicants are described as follows:

By Home Gas Company

Job. No.

1. Construct approximately five miles of 14-inch O. D. gas transmission line beginning at a point on the existing pipe lines of Home in Deer Park Town, Orange County, New York, near the town of Port Jervis, and extending southwestward to the New York bank of the Delaware River;
2. Construct a portion of the Delaware River crossing in Orange County, New York, by installing therein one 10-inch and one 12-inch pipe line from the north bank of the river to a point in midstream defined as the New York-Pennsylvania state boundary;

By The Manufacturers Light and Heat Company

Job No.

3. Construct the balance of said Delaware River crossing in Pike County, Pennsylvania, by installing therein one 10-inch and one 12-inch line from the mid-point of said stream, where Home's construction ends, to the south bank of said river in Westfall Township, Pike County, Pennsylvania; also install one 10-inch and one 12-inch gas line across the Lehigh River in Northampton County, Pennsylvania, and the Schuylkill River in Montgomery and Chester Counties, Pennsylvania;
4. Construct approximately 125 miles of 14-inch O. D. gas transmission line commencing at the south bank of the Delaware River in Westfall Township, Pike County, Pennsylvania, and extending southwestward to a point on the Washington Farm east of Coatesville, West Bradford Township, Chester County, Pennsylvania, at which point it will form a junction with Manufacturers' existing two 8-inch lines No. 138 and an existing 20-inch line No. 1278;
5. Install a gas measuring station, with the necessary structure, on the south side of the Delaware River in Westfall Township, Pike County, Pennsylvania;
6. Install three 118 horsepower rotary compressors near the community of Millway, Warwick Township, Lancaster County, Pennsylvania;
7. Construct 3.2 miles of 20-inch O. D. gas transmission line in North Fayette Township, Alleghany County, Pennsylvania, from a point of connection with Line No. 1 on the Sam Walker Farm in a westerly direction to connect with 16-inch line No. 1360 on the Moore Farm;
8. Install four 130-horsepower compressors at the Hickory Mixing Station in Mount Pleasant Township, Washington County, Pennsylvania;
9. Install compressors totaling 900 horsepower at the proposed Brinker Compressor Station on the Haag Farm in Fairfield Township, Columbiana County, Ohio;
10. Install storage measuring station at the proposed Brinker Compressor Station;
11. Install an inter-company measuring station at the proposed Brinker Compressor Station;
12. Replace the present 500-pound working pressure pipe, valves and fittings in Brinker Storage Field in Fairfield and Elk Run Townships, Columbiana County, Ohio, with 1,000-pound working pressure material;
13. Dismantle and retire from operation the 360-horsepower compressor station at the existing Brinker Compressor Station in Salem Township, Columbiana County, Ohio;
14. Dismantle the storage measuring station at the existing Brinker Compressor Station;
15. Dismantle the inter-company measuring station at the existing Brinker Compressor Station;
16. Retire all pipe, valves and fittings in the Brinker Storage Field;
17. Purchase 10.5 miles of 8-inch transmission line No. 6023 in Fairfield and Unity Townships, Columbiana County, Ohio, from the Natural Gas Company of West Virginia;
18. Install an inter-company measuring station for the community of New Waterford, Columbiana County, Ohio, at the junction between the New Waterford 2-inch line in Unity Township, Columbiana County, Ohio, and the 8-inch line No. 6023;

Job No.

19. Construct 1,400 feet of 12-inch transmission line in West Finley Township, Washington County, Pennsylvania, and Sandhill District, Marshall County, West Virginia, between Manufacturers' Majorsville Compressor Station and the United Fuel Gas Company's 16-inch line known as the Cedarville line;
20. Purchase the northerly 7,300 feet of the Cedarville 16-inch gas transmission line located in Sandhill District, Marshall County, West Virginia, from the United Fuel Gas Company;
21. Install two additional 600 horsepower and one additional 300 horsepower compressors at the Majorsville Compressor Station in West Finley Township, Washington County, Pennsylvania, and install two 500 pound working pressure cylinders on an existing engine at that location;
22. Install a 1,000 pound working pressure storage measuring station at the Majorsville Compressor Station;
23. Replace with 1,000 pound working pressure equipment, all pipe, valves and fittings, with the exception of well lines, in the Majorsville Storage Field in West Finley Township, Washington County and Richhill Township, Greene County, Pennsylvania, and Sandhill and Webster Districts, Marshall County, West Virginia, as the existing equipment is only suitable for a maximum 500 pound working pressure;
24. Dismantle the existing 500 pound working pressure storage measuring station at the Majorsville Compressor Station;
25. Retire all pipe, valves and fittings, except well lines, in Majorsville Storage Field;
26. Dismantle a portion of the main compressor station building at Majorsville;
27. Dismantle a portion of gas piping, coolers and cylinders at Majorsville Compressor Station;
28. Install two 100 horsepower compressors at the Cross Creek Compressor Station, Jefferson Township, Washington County, Pennsylvania;
29. Dismantle one 30 horsepower gas engine-driven compressor at the Cross Creek Compressor Station for transfer to the Majorsville Compressor Station;
30. Install a regulator and inter-company measuring station, with necessary structure, in Southampton Township, Somerset County, Pennsylvania, north of Mount Savage, Maryland;

By Cumberland and Alleghany Gas Company

31. Construct 2.2 miles of 6-inch gas transmission line between the Pennsylvania-Maryland State line and the community of Mount Savage, Allegany County, Maryland;

By Natural Gas Company of West Virginia

32. Install five 125 horsepower rotary compressors at the proposed Minerva Compressor Station in Paris Township, Stark County, Ohio, and three 125 horsepower rotary compressors at the proposed Sebring Compressor Station in Butler Township, Columbiana County, Ohio, both of which stations will be located between the Canton and Bolivar gas fields in Stark and Tuscarawas Counties, Ohio, and the Brinker Compressor Station;
33. Sell 10.5 miles of 8-inch line No. 6023 to Manufacturers, which line is located in Fairfield and Unity Townships, Columbiana County, Ohio, and extends from the Ohio-Pennsylvania State line in a westerly direction to the Brinker Storage Field.

Applicants state that the facilities involved in Jobs 1–5, inclusive, will enable

Manufacturers to deliver gas to Home at the eastern portion of the latter's pipeline system, increasing the total quantity of gas delivered to Home by an estimated 10,000 Mcf per day in 1948 and 30,000 Mcf per day in 1951; that the additional gas to be delivered to Home will come from Atlantic Seaboard Corporation; that the facilities involved in Job 6 will enable Manufacturers to pump 10,500 Mcf of gas per day at a delivery pressure of 200 pounds at Coatesville, Pennsylvania, in 1948, for redelivery to Home at Port Jervis, New York; and following 1948, the facilities will be used to increase the pressure of the gas Manufacturers proposes to send westward from Coatesville; that the facilities proposed in Job 7 will connect a 20-inch pipe line of Manufacturers with its 16-inch pipe line near Groveton, Pennsylvania, and will allow Manufacturers to serve United Natural Gas Company with Big Inch gas, and will enable Manufacturers to operate its 20-inch pipe line (No. 1,570) from the West Virginia State line to Ellwood City, Pennsylvania, as a high pressure line, required to help meet increased demands in the Beaver Valley area, pending the installation of 22 miles of 20-inch pipe line authorized in Docket No. G-737; that the facilities proposed in Job 8 will increase the pressure in Manufacturers' 12-inch pipe line No. 135 to allow more coke oven gas to be pumped from Manufacturers' Neville Island Compressor Station into Manufacturers' general transmission system at the Hickory Mixing Station; that the facilities proposed in Jobs 9-16, inclusive, are necessary to increase the storage capacity of the Brinker Storage field from 1,160,000 Mcf, as of February 1, 1947, to 6,095,000 Mcf as of February 1, 1951; that the daily deliverability of this storage field is expected to increase from 3,300 Mcf, as of February 1, 1947, to 7,700 Mcf, as of February 1, 1948, and to 24,200 Mcf, as of February 1, 1951; the Brinker Compressor Station is proposed to be relocated two miles east of the present station because the water supply at the present location is not sufficient to supply the proposed larger station; that the purchase of the pipe line in Job 17 is proposed to enable Manufacturers to transport natural gas to Brinker Storage field from its Elwood City Compressor Station, and from the storage field to the Beaver Valley area, and that the line is no longer of any value to the seller, Natural Gas Company, (Natural Gas Company seeks permission to make this sale in Job 33), due to depleting supplies of local gas; that because of the sale of the facilities in Job 17, Manufacturers will sell to Natural Gas Company the gas requirements to serve New Waterford, Ohio, requiring the construction of the proposed facilities in Job 18; that the proposed facilities in Job 19-27, inclusive, are necessary to increase the storage capacity of the Majorsville Storage Field from 5,854,000 Mcf, as of February 1, 1947, to 14,144,000 Mcf, as of February 1, 1951, and the daily deliverability from the storage field is expected to increase from 8,800 Mcf in 1947 to 24,000 Mcf in 1948 and to 57,000 Mcf in 1951, and in addition the purchase of the 7,300 feet of pipe line from United Fuel Gas Company (Job 20) will eliminate a rental charge for the use of that line; that the changes proposed in Jobs 28 and 29 are in the interest of providing proper size equipment for the economic operation of the Cross Creek Compressor Station, and will allow the 300 H. P. engine to be transferred to the Majorsville Compressor Station; that the facilities proposed in Jobs 30 and 31 will enable Manufacturers to sell and deliver gas to Cumberland to meet the latter's increased requirements in Mount Savage, Maryland; that the facilities and operations proposed in Job 32 will enable Natural Gas Company to deliver 5,000 Mcf of gas daily to Manufacturers for storage in the Brinker Storage field in the summertime and for redelivery of gas from the storage field to Natural Gas Company in the wintertime.

Applicants estimate the net total over-all cost of the proposed facilities is $6,762,691. Cumberland and Natural Gas Company will finance the construction proposed by them ($29,450 and $32,525, respectively) from their own funds. Manufacturers and Home will borrow their total over-all capital costs ($6,503,751 and $196,965, respectively) from the Columbia Gas & Electric Corporation. The facilities to be purchased from United Fuel Gas Company and Natural Gas Company will be purchased at original cost less a calculated depreciation. United Fuel Gas Company has joined in the instant application to the extent necessary to secure Commission approval for the sale to Manufacturers of the 7,300 feet of 16-inch line hereinbefore referred to.

Applicants state that the proposed construction, acquisition and changes are for the purpose of serving existing customers of the Applicants and are not extensions of facilities into new markets not heretofore served by Applicants. Applicants recite that the requirements of the Applicants and their associated companies of the Pittsburgh group on a winter peak day in 1948 are estimated to be 393,000 Mcf, of which 351,000 Mcf are requirements of the Pittsburgh division and 42,000 Mcf are requirements of the Binghampton division; and the estimated requirements of the Applicants and their associated companies of the Pittsburgh group on a winter peak day in 1951 total 445,000 Mcf, of which 393,000 Mcf are requirements of the Pittsburgh division and 52,000 Mcf are requirements of the Binghampton division.

Any interested State Commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Home Gas Company, The Manufacturers Light and Heat Company, Cumberland and Allegheny Gas Company, and Natural Gas Company of West Virginia is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946,) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining, specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1674; Filed, Feb. 20, 1947; 8:46 a. m.]

[Project No. 1965]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that South Carolina Electric & Gas Company, of Columbia, South Carolina, has made application for preliminary permit for proposed major Project No. 1965 on the Saluda River, in Richland and Lexington Counties, South Carolina, consisting of a concrete dam with gated spillway and a concrete powerhouse with installed capacity of approximately 26,810 horsepower to be located about 1 mile above the mouth of the river and to develop as much as practical of the fall in the river below Lake Murray (Project No. 516). The power is to be transmitted 1.5 miles to a large substation of the applicant.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before March 27, 1947, to the Federal Power Commission, at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1671; Filed, Feb. 20, 1947; 8:45 a. m.]

Reference

THE NATIONAL ARCHIVES
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FEDERAL REGISTER

VOLUME 12 NUMBER 38

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9827

APPOINTMENT OF THE MEMBERS AND THE ALTERNATE MEMBER OF A MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF MAJOR WAR CRIMINALS IN GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. I hereby designate Carrington Tanner Marshall, formerly Chief Justice of the Supreme Court of the State of Ohio, James Tenney Brand, Associate Justice of the Supreme Court of the State of Oregon, and Mallory B. Blair, formerly Associate Justice, Court of Civil Appeals, State of Texas, as the members, and Justin Woodward Harding, Esq., of the Bar of the State of Ohio, as the alternate member, of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis. Such members and alternate member may, at the direction of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned.

2. The members and the alternate member herein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes.

3. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the members and the alternate member herein designated in the performance of their duties and may assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as may be requested for the purpose. Personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses to which they may be entitled by reason of their military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 21, 1947.

[F. R. Doc. 47-1776; Filed, Feb. 21, 1947; 11:46 a. m.]

EXECUTIVE ORDER 9828

TRANSFERRING THE SURPLUS PROPERTY OFFICE OF THE DEPARTMENT OF THE INTERIOR TO THE WAR ASSETS ADMINISTRATION

WHEREAS the War Assets Administrator, pursuant to the provisions of the Surplus Property Act of 1944, as amended, has by Regulation No. 1, as revised, effective February 23, 1947, designated the War Assets Administration as the disposal agency for all personal property located in the territories and possessions of the United States for which the Department of the Interior has heretofore been the disposal agency:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes of the United States, including Title I of the First War Powers Act, 1941 (55 Stat. 838), and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. The Surplus Property Office of the Department of the Interior is hereby

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transferred to the War Assets Administration.

2. All records and funds (including all unexpended balances of appropriations, allocations, and other available funds) of the Surplus Property Office of the Department of the Interior which are used primarily in the administration of the functions, powers, and duties of the Department of the Interior as a disposal agency under the Surplus Property Act, all property (including office equipment) purchased with such funds, all contracts and other valid obligations of such office relating primarily to the administration of such functions, powers, and duties, and all personnel of such office engaged primarily in the administration of such functions, powers, and duties, as the Secretary of the Interior and the War Assets Administrator shall jointly determine, shall be transferred to the War Assets Administration for use in connection with the exercise and performance of such functions, powers, and duties. Such measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the purposes and provisions of this paragraph shall be carried out in such manner as the Director of the Bureau of the Budget may direct and by such agencies as he may designate.

3. The Department of the Interior and the War Assets Administration shall supply and render, each to the other, materials, supplies, equipment, work, and services in accordance with section 7 of the act of May 21, 1920, as amended (31 U. S. C. 686), to the extent and for such period after the effective date hereof as may be mutually agreeable to the Secretary of the Interior and the War Assets Administrator in order to facilitate the purposes of this order.

4. The War Assets Administrator may in his discretion terminate the office transferred by paragraph 1 hereof as a separate organizational entity within the War Assets Administration.

5. This order shall become effective February 23, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 21, 1947.

[F. R. Doc. 47-1775; Filed, Feb. 21, 1947; 11:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 601—OFFICERS RESERVE CORPS

ORGANIZED RESERVE CORPS, EXCEPT GENERAL OFFICERS

Sections 601.1 to 601.7, inclusive, are hereby rescinded and the following §§ 601.1 to 601.9 are substituted therefor:

Sec.
601.1 General.
601.2 Appointment.
601.3 Sections of the Officers Reserve Corps.
601.4 Physical examination.
601.5 Annual physical examination.
601.6 Length of appointment.
601.7 Appointments or enlistments not not made from certain classes.
601.8 Action by The Adjutant General.
601.9 Age-in-grade and service-in-grade.

AUTHORITY: §§ 601.1 to 601.9, inclusive, issued under sec. 37, 39 Stat. 189, 40 Stat. 73, sec. 3, 48 stat. 939; 10 U. S. C. 353.

§ 601.1 *General.* Whenever the term "Organized Reserve Corps" appears herein, it includes the personnel and units of the Officers' Reserve Corps, the Enlisted Reserve Corps, and the Organized Reserves as provided for in the National Defense Act of 1916, as amended.

§ 601.2 *Appointments.* (a) All persons appointed officers in the Organized Reserve Corps will be commissioned in the Army of the United States under the authority contained in section 37 of the National Defense Act.

(b) At the time of issuance of orders for relief from active duty all officers in the Army of the United States except officers of the Regular Army, active or retired, will be offered appointments in the Officers' Reserve Corps for an initial period of 5 years in the highest grade held at the time of relief from active duty subject to the following provisions:

(1) All male commissioned officers of the Army of the United States except active or retired Regular Army officers, who have not attained their sixtieth birthday, found physically qualified for general service, limited service, or general service with waiver, who have served honorably, and who have not been separated for unsatisfactory service, are eligible for appointment with the following exceptions:

(i) Commissioned officers of the National Guard of the United States who do not hold a higher temporary grade in the Army of the United States.

(ii) Commissioned officers of the Officers' Reserve Corps who do not hold a higher temporary grade in the Army of the United States.

(2) Officers who are eligible for promotion to the next higher grade and who are promoted in the Army of the United States, are thereby removed from the above categories (subparagraphs (1) (i) and (ii) of this paragraph) and are eligible for appointment in the higher grade.

(3) Officers eligible for appointment in the Officers' Reserve Corps under the provisions stated in this section, who have not accepted or who do not accept appointment at the time of relief from active duty may apply to The Adjutant General for appointment: *Provided,* Such applications are made prior to July 1, 1947, or within 6 months from date of relief from active duty, whichever is later.

(4) Officers listed in subparagraphs (1) (i) and (ii) of this paragraph will be commissioned in the Officers' Reserve Corps at any time after completion of terminal leave and within the time limits specified in subparagraph (3) of this paragraph upon application to The Adjutant General for such appointment.

§ 601.3 *Sections of the Officers' Reserve Corps are:*

(a) Adjutant General's Department Reserve, AG-Res.
(b) Air Reserve, Air-Res.
(c) Armor Reserve,[3] Arm-Res.
(d) Army Security Reserve, AS-Res.
(e) Cavalry Reserve, Cav-Res.
(f) Chaplain Reserve,[1] Ch-Res.
(g) Chemical Corps Reserve, Cml-Res.
(h) Coast Artillery Corps Reserve, CA-Res.
(i) Corps of Engineers Reserve, Engr-Res.
(j) Corps of Military Police Reserve, MP-Res.
(k) Field Artillery Reserve,[3] FA-Res.
(l) Finance Department Reserve, Fin-Res.
(m) Infantry Reserve, Inf-Res.
(n) Judge Advocate General's Department Reserve,[1] JAG-Res.
(o) Medical Department Reserve: [2]
(1) Dental Corps Reserve, Dent-Res.
(2) Medical Administrative Corps Reserve, MA-Res.
(3) Medical Corps Reserve, Med-Res.
(4) Pharmacy Corps Reserve, Ph-Res.
(5) Sanitary Corps Reserve, Sn-Res.
(6) Veterinary Corps Reserve, Vet-Res.
(p) Military Intelligence Reserve, MI-Res.
(q) Ordnance Department Reserve, Ord-Res.
(r) Quartermaster Corps Reserve, QM-Res.
(s) Signal Corps Reserve, Sig-Res.
(t) Staff and Administrative Reserve, SA-Res.
(u) Transportation Corps Reserve, TC-Res.

§ 601.4 *Physical examination.* Approved War Department policies relating to the postwar Organized Reserve Corps provide that the physical standards for officers and enlisted men of the Organized Reserve Corps will be those prescribed in current Army Regulations

[1] Officers only.
[2] Enlistments will be in the Medical Department Reserve. Appointments of officers in appropriate sections only.
[3] Includes tank destroyer personnel who may choose either Armor Reserve or Field Artillery Reserve.

and War Department directives. Waivers of physical defects will be authorized only to the extent prescribed for the Regular Army.

§ 601.5 *Annual physical examination of officers*—(a) *Annual physical examination.* An examination of a type and scope as prescribed in current War Department letters of instruction will be made on all officers in the active Reserve.

(b) *By whom made.* The physical examination for officers of the Organized Reserve Corps will be made by a board composed of an equal number of medical officers of the Regular Army and reserve components designated by the major command having administrative jurisdiction.

§ 601.6 *Length of appointment.* Appointments in every case will be for a period of 5 years, but an appointment in force at the outbreak of war or made in war-time will continue in force until 6 months after the termination of the war, should the 5-year period covered by the appointment terminate prior to that time.

§ 601.7 *Appointment or enlistments not made from certain classes.* No person in any of the following-named classes will be a member of the Organized Reserve Corps.

(a) Commissioned officers of the Regular Army.

(b) Cadets, United States Military Academy.

(c) Midshipmen, United States Naval Academy, and cadets, United States Coast Guard Academy.

(d) Persons on either the active or the reserve list of the Navy, Marine Corps, National Guard, National Guard of the United States, Coast Guard, Public Health Service, and Coast and Geodetic Survey.

§ 601.8 *Action by The Adjutant General.* Upon receipt of the report of the examining board approved by the major command recommending appointment; assignment to the Inactive Reserve from the Active Reserve; reassignment to the Active Reserve; or separation from the Organized Reserve Corps, The Adjutant General will accomplish the appointment or take other appropriate action.

§ 601.9 *Age-in-grade and service-in-grade*—(a) *General.* A mandatory age-in-grade, and a length of service-in-grade provision, as prescribed by the War Department, will be adopted, insuring appropriate age for the actual assignment of every officer. Exceptions to this policy in the case of officers with wartime service will be given due consideration.

(b) *Interim policy, maximum, age-in-grade.* (1) During such period as may be required to reorganize the reserve components, and in any event not to extend beyond 1 January 1951, the assignment of all officers of the Organized Reserve Corps will be limited by those ages set forth below. Assignment will be terminated upon reaching the following birthdays:

Assignment	2d Lt.	1st Lt.	Capt.	Maj.	Lt. Col.	Col.
Army Air Forces units and qualified Air Reserve Officers necessary for balanced Air Reserve Force	31	36	41	44	47	49
All other Air Reserve Officers	36	41	46	49	52	54
Army Ground Forces (including AGF service troops)	30	35	42	47	52	55
All others in the Organized Reserve Corps	40	43	46	51	55	60

(2) No candidate will be given an assignment, who is less than 21 or more than 60 years old; nor, except for Army Air Forces, unless his age is such that he can serve at least 1 year before assignment would be terminated by the age limitation for each grade as set forth above. For the Army Air Forces no candidate for assignment to a unit as second lieutenant shall be more than 27; as first lieutenant, more than 32; as captain, more than 37; as major, more than 40; as lieutenant colonel, more than 43; as colonel, more than 45.

(c) All officers of the Active Reserve will, upon reaching the statutory retirement age, be transferred to the Inactive Reserve.

[WD Cir. 356, Dec. 3, 1946]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1713; Filed, Feb. 21, 1947; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-36-A]

PART 51—CANNED VEGETABLES: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED PEAS

Correction

In Federal Register Document 47-1248, appearing on page 950 of the issue for Tuesday, February 11, 1947, paragraph (6) of § 51.0 (f) should read:

(6) If one or more of the optional ingredients named in paragraph (c) (7) of this section is used the label shall bear the statement "Traces of _____ added" the blank to be filled in with the names of the ingredients used; but in lieu of such statement the label may bear the statement "Traces of alkalis added".

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 611—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM; POLICY

DEFINITION OF TERMS

Section 611.1 (b) (12 F. R. 208) is amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 611.1 *Definition of terms.* • • •

(b) *Gross rent.* The term "gross rent" means "contract rent" plus the estimated average monthly (or weekly, if rent is on a weekly basis) cost to the tenant of utilities not provided by the project; except that the term does not include the estimated cost of ice or refrigeration energy when not included in contract rent.

(50 Stat. 888; 42 U. S. C. 1401-30)

Approved: February 17, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-1691; Filed, Feb. 21, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 419]

PART 629—PHYSICAL EXAMINATION

PREPARATION OF RECORDS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend subparagraph (4) of paragraph (a) of § 629.3 to read as follows:

§ 629.3 *Preparing records for a group ordered to report for preinduction physical examination.* (a) • • •

(4) Assemble and attach to the registrant's Report of Physical Examination and Induction (DSS Form 221) the prepared Original and Copy of the Certificate of Fitness (DSS Form 218); any waiver of disqualification, order terminating civil custody, Alien's Personal History and Statement (DSS Form 304) bearing the armed forces' endorsement of acceptability for military service; all records available bearing upon the medical, social, and educational history of such registrant; and all other information that should be considered by the armed forces in determining the fitness of the registrant for military service.

(54 Stat. 885, as amended; 50 U. S. C. and Sup. 310)

The foregoing amendment to the Selective Service Regulations shall be effective within the Continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 15, 1947.

[F. R. Doc. 47-1720; Filed, Feb. 21, 1947; 8:51 a. m.]

[Local Board Memorandum 187, Issued: 10-14-43, as amended: 2-21-47]

PART 671—LOCAL BOARD MEMORANDA

MINISTERS OF RELIGION AND STUDENTS PREPARING FOR THE MINISTRY

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record.

§ 671.187 *Ministers of religion and students preparing for the ministry*—(a) *Ministers of religion*—(1) *Classification of ministers of religion in Class IV-D.* (i) The exemption of ministers of religion is a mandatory provision of the Selective Training and Service Act of 1940, as amended. Section 5 (d) of the act provides that:

> Regular or duly ordained ministers of religion, • • • shall be exempt from training and service (but not from registration) under this act.

(ii) This provision is implemented by § 622.44 of the Selective Service Regulations (9 F. R. 5202) which provides:

> Class IV-D: Minister of religion or • • •
>
> (a) In Class IV-D shall be placed any registrant:
>
> (1) Who is a regular minister of religion, or
>
> (2) Who is a duly ordained minister of religion, or
>
> • • • • •
>
> (b) A "regular minister of religion" is a man who customarily preaches and teaches the principles of religion of a recognized church, religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion; and who is recognized by such church, sect, or organization as a minister.
>
> (c) A "duly ordained minister of religion" is a man who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect, or religious organization, to teach and preach its doctrines and to administer its rites and ceremonies in public worship; and who customarily performs those duties.

(2) *The general policy of our country.* The exemption of ministers of religion from general military duty has been a policy in this country since early colonial times. They were specifically exempt by the draft acts of 1917 and 1918, and the history of the legislative action of 1940 indicates that it was the desire of the Congress to follow in general the provisions made during World War I. At one time it was said on the floor of the Senate that it was understood "there was in the committee a unanimity of opinion in favor of exempting actual ministers of the gospel who were actually performing ministerial and religious duties." One senator referred to the exemption as "necessary and justifiable." A separate vote was taken on section 5 (d) of the act in the Senate where it was offered as an amendment and it was adopted, after debate, by a vote of 60-10. The issue did not come before the House of Representatives for separate discussion or vote.

(3) *Determination of classification.* Whether a registrant is to be classified in Class IV-D as a minister of religion must be determined in each individual case by the local board of jurisdiction, subject to such appeals as are provided in the act and in the Selective Service Regulations.

(4) *Waiving a ministerial classification.* Nothing in this section shall be construed as preventing any registrant from waiving recognition of his status as a minister of religion and not insisting upon classification in Class IV-D for exemption from training and service under the act.

(5) *Information required of a resident.* Where a registrant claims exemption through the making of a statement or the presentation of information purporting to show that he is in fact a minister of religion, additional information general or specific, may be requested by the local board. However, in view of the fact that the exemption is a statutory provision of the Act, no particular form of document is specified for the presentation of evidence in such a case.

(6) *Persons who are considered to be ministers of religion.* One who performs certain religious and ministerial functions in accordance with the organizational and doctrinal policies of a recognized church or religious organization is a minister of religion whether commonly called a minister, priest, rabbi, missionary, overseer, or by another appropriate designation, and whether he is directly in touch with a congregation or is assigned to administrative or other work by his denomination. A minister of religion can be recognized best through his position and work in his church.

(i) Through the regular performance of the religious and ministerial duties of a historical office of leadership in a recognized church or religious organization, a registrant may qualify for classification in Class IV-D and exemption from training and service under the act. Such a type of ministry tends toward the single ministry serving a congregation, but must not be thought of as excluding a multiple ministry where more than one is fully engaged in the work of a congregation or where the duties of leadership have been rather equally divided among a few, as has long been recognized with regard to the counsellors of the Mormon Church. Because both practice and necessity require such clergy of some churches to support themselves either partially or wholly some will be found to be engaged in secular employment. In such event the actual and customary performance of ministerial tasks rather than any question regarding the secular employment should be the controlling factor in determining the man's classification.

(ii) Through the demonstration of a singular devotion of his life to a special service in a recognized church or religious organization, a registrant may qualify for classification in Class IV-D and exemption from training and service under the act. In this special type of ministry the men are found to have been assigned to special religious tasks which are ecclesiastically approved by their respective churches. This ministry is exemplified by the lay brothers of the Roman Catholic Church, the Christian day school teachers of certain of the Lutheran denominations, and the pioneers of the Jehovah's Witnesses. When otherwise qualified, a showing that such a man is performing his religious and ministerial duties to the substantial or complete exclusion of secular employment should be accepted as conclusive in determining the registrant's classification.

(7) *Organizations which are considered to be recognized churches.* The term "recognized church, religious sect, or religious organization" may be applied to any organization of persons for religious worship, whether under the name of church, ecclesia, company, meeting, mission, station, or other appropriate designation, which has a separate membership or congregation. The term may be made to include organizations of an ethical character which people regularly attend instead of and for the same general purposes as a more commonly recognized church. The term "denomination" is applied to the general overhead organization into which local churches are combined, and to groups of independent and federated churches. However, a single local institution should be considered to be a recognized church or religious organization when it is generally accepted as such within the community, without regard necessarily to a wider recognition.

(8) *Certain recognized churches and some of their ministers.* Because of the unusual nature of the organization and work of certain religious bodies, National Headquarters has been asked from time to time to make predeterminations relating to the question of whether a particular group comes within the purview of the exemption provisions as a recognized church or religious organization and to assist in determining the general and usual duties of various offices within such churches. No complete list of such recognized churches has been issued nor is the issuance of such contemplated. However, brief statements regarding a few recognized churches are included herein. Additional information regarding these or other organizations will be furnished upon the request of any agency of the Selective Service System. The following organizations have been predetermined by National Headquarters to be "recognized churches, religious sects, or religious organizations" and the named officials of the respective churches are thought to qualify for classification as ministers of religion where found to be performing the usual duties of such offices, although this is not an exclusive list and is not to be interpreted as indicating that a particular organization not listed is not a recognized church or that a particular office not listed is not an office of ministry:

(i) *Salvation Army.* Commissioned officers of the Salvation Army are consecrated to their religious beliefs and the commissions which they hold constitute in effect an ordination. Their position in their denomination entitles them to be considered duly ordained ministers of religion.

(ii) *Roman Catholic Church.* Catholic brothers have made profession of the vows required of them by their respective religious orders, such as poverty, chastity, obedience, etc., and are said to devote all of their time to the work of their communities or congregations. Moreover, when the act was being discussed in the Congress it was made clear that it was intended to include such in the purview of the statutory exemption provision. In view of this they are considered regular ministers of religion.

(iii) *Jehovah's Witnesses (Watchtower Bible and Tract Society).* In this church the company servants hold the position of leadership in handling the affairs of the local unit or company. The servants to the brethren are traveling evangelists supervising different regions as direct representatives of the society. Pioneers, special pioneers and members of the Bethel Family are said to have consecrated their lives to their church and to devote all or substantially all of their time in the work of their church. When such are found to be performing the religious and ministerial duties of their offices as indicated they qualify as ministers of religion.

(iv) *Church of Christ, Scientist.* First and second readers, Christian Science lecturers, Christian Science wartime ministers and readers and Christian Science practitioners whose names appear in the Christian Science Journal as being recognized or certified practitioners are considered regular ministers of religion while serving during a designated term in such offices.

(v) *Evangelical Lutheran Synod of Missouri, Ohio, and other States.* Teachers in the Christian day schools of this church are considered regular ministers of religion if they have undertaken to devote their lives to the furtherance of the religious beliefs of the church, if they have been called by a congregation and assigned to teach in a parochial school in a manner similar to that in which the pastor of the congregation is called and if they are regarded by other members of the church in the same manner in which regular ministers of religion are regarded.

(vi) *Evangelical Lutheran Joint Synod of Wisconsin and other States.* Christian day school teachers of this church are to be considered in exactly the same manner as is provided above regarding similar teachers of the Evangelical Lutheran Synod of Missouri, Ohio and other States.

(vii) *Jewish congregations.* In exceptional instances where cantors perform virtually all of the functions normally performed by rabbis in Jewish congregations, including the giving of advice upon specific questions of Jewish law, the preaching of sermons, the teaching and expounding of the law, and the congregations regard them as their spiritual leaders, they are considered regular ministers of religion.

(viii) *Volunteers of America.* The commissioned officers of this denomination are duly ordained and commissioned after due preparation and a satisfactory examination. They customarily preach and teach the principles of religion in accordance with the prescribed form of worship recognized by the organization. Therefore, they are ministers of religion.

(ix) *Church of Jesus Christ of Latter Day Saints (Mormon).* Those who have been ordained in the Melchizadek Priesthood of this church and who function in the capacities listed are considered regular ministers of religion, so long as they hold any of these positions; the first presidency of three men, the presiding patriarch or quorum of twelve apostles, the first seven presidents of seventies, the presiding bishopric of the church of three men, the president and two counsellors of each stake, the bishop and two counsellors of each ward, the president and two counsellors of each independent branch, the president of each dependent branch, the president of each mission, and those men who have been ordained as elders of seventies and who hold formal certificates as missionaries.

(x) *Seventh-day Adventist Church.* This church looks upon its colporteur evangelists as engaged in a vocation comparable to the gospel ministry. When registrants are actively engaged in a bona fide manner in full-time work of this nature and file evidence of possession of colporteur's licenses or colporteur's credentials, they are considered ministers of religion. When the teachers in the day schools of this church are shown to have given their lives and are devoting their lives to the religious activities of their church, they too are considered to be regular ministers of religion.

(b) *Students preparing for the ministry*—(1) *Classification of students preparing for the ministry in Class IV–D.* (i) Section 622.44 (a), Selective Service Regulations (9 F. R. 5202, 10 F. R. 12600) provides as follows:

> In Class IV–D shall be placed any registrant:
>
> * * * * *
>
> (3) Who is a student preparing for the ministry in a theological or divinity school which has been recognized as such for more than one year prior to the date of enactment of the Selective Training and Service Act of 1940 (September 16, 1940), or
>
> (4) Who has been accepted for admittance to a theological or divinity school referred to in subparagraph (3) of this section and who, under the general direction of such theological or divinity school, is pursuing in another institution a full-time course of study required by the theological or divinity school in which he has been accepted for admittance and who has been formally accepted as a candidate for the ministry by the highest authority governing ordination of a recognized church, religious sect, or religious organization.

(ii) Section 5 (d) of the Selective Training and Service Act of 1940, as amended, provides for the exemption from training and service of students preparing for the ministry in theological or divinity schools recognized by such for more than one year prior to the date of the enactment of the act. This statutory provision is embodied in subparagraph (3) of § 622.44 (a) (9 F. R. 5202) as above quoted. Since preliminary training for the ministry in certain religious denominations is undertaken in high schools, colleges, and similar institutions rather than in schools which may be termed theological or divinity schools, provision is made in subparagraph (4) of § 622.44 (a) (10 F. R. 12600) for the classification in Class IV–D, under certain conditions, of registrants who are taking a pretheological course in "another institution."

(2) *Student preparing for the ministry.* (i) In order to qualify for classification in Class IV–D as a student preparing for the ministry, a man must be pursuing in good faith a full-time course of study for which credit will be given toward the completion of his training in the school which he attends, and it must be evident that he is preparing himself to become a regular or duly ordained minister of religion. The course of study may be carried on in the theological or divinity school or in another institution. Where carried on in another institution, the student's course of study must be under the general direction of the theological or divinity school in which he has been accepted.

(ii) The "full-time" nature of the course of study is established when the student is carrying a course similar to that normally designed in schools to occupy the full academic interest of a student. It would be similar to the type of course pursued by a student in order to complete a so-called four-year college course leading to the Bachelor's degree in eight semesters with a normal load of approximately sixteen hours of recitation per week. In a high school it would normally be equivalent to four class recitation periods per day. If a student is making satisfactory progress toward the completion of his course of study, a moderate amount of outside employment does not render the course less than "full-time."

(iii) A student classified in Class IV–D who has completed a required pretheological course and who has matriculated in a recognized theological or divinity school should be retained in Class IV–D if he is scheduled to enter upon active classroom work in such school with the next entering class.

(3) *Students in theological or divinity schools; information required.* In the case of any registrant who claims to be a student preparing for the ministry in a recognized theological or divinity school, the local board shall classify the registrant in accordance with the information submitted without specific requirement as to its form.

(4) *Students who have been accepted for admittance to theological or divinity schools; information required.* In the case of a registrant who claims to be a student preparing for the ministry who has been accepted for admittance to a recognized theological or divinity school and who is pursuing in another institution under the direction of such theological or divinity school a full-time course of study required by the theological or divinity school, the local board shall require the following information:

(i) A statement of the registrant that he is preparing for and intends to enter into the ministry of a recognized church, religious sect, or religious organization.

(ii) A statement of the highest authority governing ordination of a recognized church, religious sect, or religious organization that it is in need of ministers of religion and that the registrant has been formally accepted as a candidate for the ministry.

(iii) A statement of a recognized theological or divinity school that the registrant has been accepted for admittance to such theological or divinity school and that he is pursuing under the general direction of such theological or divinity school on a full-time basis a course of study required by the theological or divinity school.

(5) *Predeterminations concerning schools made by the Director of Selective Service.* A local board, a State Director of Selective Service, or another agency of the Selective Service System may desire, in certain cases, to request the Director of Selective Service to make a predetermination as to whether a theological or divinity school was recognized as such for more than one year prior to September 16, 1940. All such requests should be forwarded to the Director of Selective Service through the State Director of Selective Service.

(6) *List of recognized theological or divinity schools.* The Director of Selective Service has predetermined that certain theological or divinty schools were recognized as such for more than one year prior to September 16, 1940. A list of these recognized schools is set forth in Appendix A to this section. This list will be revised from time to time as other predeterminations are made by the Director of Selective Service. This list does not include a number of theological or divinity schools which undoubtedly would be eligible to receive a favorable predetermination by the Director of Selective Service if a request were made for such a predetermination. The fact that a particular theological or divinity school does not appear on this list should not be taken to mean that it is not a recognized theological or divinity school.

LEWIS B. HERSHEY,
Director.

APPENDIX A—LIST OF RECOGNIZED THEOLOGICAL OR DIVINITY SCHOOLS

A. M. Chesbrough Seminary, North Chill, N. Y.
Abilene Christian College, Abilene, Tex.
Alfred University, School of Theology, Alfred, N. Y.
Allentown Bible Institute, School of Theology, Allentown, Pa.
Alma College, Alma, Calif.
Alma White College and Zarephath Bible Seminary (an entity in two units).
(1) Alma White College, Zarephath, N. J.
(2) Zarephath Bible Seminary, Zarephath, N. J.
American Baptist Theological Seminary, Whites Creek Pike, Nashville, Tenn.
American Bible Institute, Paterson, N. J.
Anderson College and Theological Seminary, Anderson, Ind.
Andover Newton Theological School, Newton Centre, Mass.
Apostolic Bible Institute, St. Paul, Minn.
Apostolic College, Tulsa, Okla.
Asbury College, Wilmore, Ky.
Asbury Theological Seminary, Wilmore, Ky.
Ashland College, Theological Seminary, Ashland, Ohio.
Assumption Abbey School, Richardton, N. Dak.
Atlanta Christian College, Atlanta, Ga.
Atlantic Christian College, Department of Religion, Wilson, N. C.
Atlantic Union College, South Lancaster, Mass.
Augsburg Theological Seminary, Minneapolis, Minn.
Augustana Theological Seminary, Rock Island, Ill.
Augustinian College, Washington, D. C.
Augustinian Seminary of the Order of St. Augustine, Staten Island, N. Y.
Austin Presbyterian Theological Seminary, Austin, Tex.
Bangor Theological Seminary, Bangor, Maine.
Baptist Bible Seminary, Johnson City, N. Y.
Benedict College, School of Theology, Columbia, S. C.
Benedictine Mission Seminary, Newton, N. J.
Berean Bible Institute, San Diego, Calif.
Berkeley Baptist Divinity School, Berkeley, Calif.
Berkeley Divinity School, New Haven, Conn.
Beth-Medrosh Govoha of America, Lakewood, N. J.
Bethany Biblical Seminary, Chicago, Ill.
Bethany Lutheran College, Mankato, Minn.
Bethany Peniel College, Bethany, Okla.
Bethel College, North Newton, Kans.
Bethel College, Theological Seminary, McKenzie, Tenn.
Bethel Theological Seminary, St. Paul, Minn.
Beulah College, Upland, Calif.
Beulah Heights Bible Institute, Atlanta, Ga.
Bexley Hall, The Divinity School of Kenyon College, Gambier, Ohio.
Bible Baptist Seminary, Fort Worth, Tex.
Bible Holiness Seminary, School of Religion, Owosso, Mich.
Bible Institute of Los Angeles, Los Angeles, Calif.
Bible Institute of Pennsylvania, Philadelphia, Pa.
Bible Standard Training School, Eugene, Oreg.
Biblical Seminary in New York, New York, N. Y.
Bishop College, Marshall, Tex.
Bishop Payne Divinity School, Petersburg, Va.
Black Hills Bible Institute, Newcastle, Wyo.
Bloomfield College and Seminary, Bloomfield, N. J.
Bob Jones College, Cleveland, Tenn.
Boise Gospel Tabernacle and Bible School, Boise, Idaho.
Bonebrake Theological Seminary, Dayton, Ohio.
Boston University School of Theology, Boston, Mass.
Butler University, School of Religion, Indianapolis, Ind.
California Concordia College, Oakland, Calif.
Calvin Seminary, Grand Rapids, Mich.
Campbell College, E. W. Lampton Theological Seminary, Jackson, Miss.
Cascade College, Portland, Oreg.
Cathedral College of the Immaculate Conception, Brooklyn, N. Y.
Catholic Priests' Seminary, Las Vegas, N. Mex.
Catholic University of America, Basselin Foundation, Washington, D. C.
Catholic University of America, School of Sacred Theology, Washington, D. C.
Cedarville Theological Seminary, Cedarville, Ohio.
Central Baptist Theological Seminary, Kansas City, Kans.
Central Bible Institute, Springfield, Mo.
Central College, McPherson, Kans.
Central Yeshiva Tomchei Tmimim Lubavitz, Brooklyn, N. Y.
Chapman College, Whittier, Calif.
Chicago Evangelistic Institute, Chicago, Ill.
Chicago Lutheran Theological Seminary, Maywood, Ill.
Chicago Theological Seminary, Chicago, Ill.
Christ the King Seminary, St. Bonaventure, Allegany, N. Y.
Christian Brothers Institute, Santa Maria on Hudson, West Park, N. Y.
Church Divinity School of the Pacific, Berkeley, Calif.
Church of God Bible Training School, Sevierville, Tenn.
Cincinnati Bible Seminary, Cincinnati, Ohio.
Cistercian Monastery of Our Lady of the Valley, Valley Falls, R. I.
Clear Creek Mountain Preachers' Bible School, Pineville, Ky.
Cleveland Bible College, Cleveland, Ohio.
Colegio Adventista de las Antillas, Santa Clara, Cuba.
Colegio Adventista del Plata, Puiggari, F. C. E., Entre Rios, Argentina, South America.
Colgate-Rochester Divinity School, Rochester, N. Y.
College of St. Albert the Great, Oakland, Calif.
College of the Bible, Lexington, Ky.
Colorado Springs Bible Training School and Christian Academy, Theological Department, Colorado Springs, Colo.
Columbia Bible College, Columbia, S. C.
Columbia Theological Seminary, Decatur, Ga.
Conception Seminary, Conception, Mo.
Concordia College, Fort Wayne, Ind.
Concordia College, Milwaukee, Wis.
Concordia College, St. Paul, Minn.
Concordia Collegiate Institute, Bronxville, N. Y.
Concordia Seminary, St. Louis, Mo.
Concordia Teachers College, River Forest, Ill.
Concordia Teachers College, Seward, Nebr.
Concordia Theological Seminary, Springfield, Ill.
Conroe Normal and Industrial College, Conroe, Tex.
Crosier Preparatory Seminary, Onamia, Minn.
Crozer Theological Seminary, Chester, Pa.
Culver-Stockton College, Canton, Mo.
Dallas Theological Seminary and Graduate School of Theology, Dallas, Tex.
Dasher Bible School, Valdosta, Ga.
David Lipscomb College, Nashville, Tenn.
Davidic-Levitical Institute, Waco, Tex.
De La Salle College, Washington, D. C.
De La Salle Normal School, Lafayette, La.
De Mazenod Scholasticate, San Antonio, Tex.
Denver Bible School, Denver, Colo.
Dickerson Theological Seminary, Allen University, Columbia, S. C.
Discalced Carmelite Monastery, Hubertus, Wis.
Divine Heart College, Donaldson, Ind.
Divine Savior Seminary, Lanham, Md.
Divinity School of the Protestant Episcopal Church, Philadelphia, Pa.
Dr. Martin Luther College, New Ulm, Minn.
Dominican House of Studies, River Forest, Ill.
Don Bosco College, Newton, N. J.
Drake University, College of the Bible, Des Moines, Iowa.
Drew University, Drew Theological Seminary, Madison, N. J.
Du Bose Memorial Church Training School, Monteagle, Tenn.
Dujarie Hall, Notre Dame, Ind.
Duke University, Divinity School, Durham, N. C.
Duns Scotus College, Detroit, Mich.
Eastern Baptist Theological Seminary, Philadelphia, Pa.
Eastern Bible Institute, Green Lane, Pa.
Eastern Mennonite School, Harrisonburg, Va.

Eastern Nazarene College, Wollaston Park, Quincy, Mass.
Eden Seminary, Webster Grove, Mo.
Elim Bible Institute, Hornel, N. Y.
Emmanuel Missionary College, Berrien Springs, Mich.
Emory University, Candler School of Theology, Emory University, Ga.
Epiphany Apostolic College, Newburgh, N. Y.
Episcopal Theological School, Cambridge, Mass.
Erskin Theological Seminary, Due West, S. C.
Evangelical Lutheran Seminary of Capitol University, Columbus, Ohio.
Evangelical School of Theology, Reading, Pa.
Evangelical Seminary of Puerto Rico, Rio Piedras, P. R.
Evangelical Theological Seminary, Naperville, Ill.
Eymard Seminary, Suffern, N. Y.
Faith Bible School, Mitchell, S. Dak.
Faith Theological Seminary, Wilmington, Del.
Findlay College, Winebrenner Graduate School of Divinity, Findlay, Ohio.
Foreign Mission Seminary of Holy Cross, Washington, D. C.
Fort Wayne Bible Institute, Fort Wayne, Ind.
Franciscan Missionary Brothers of the Sacred Heart, St. Joseph Monastery, Eureka, Mo.
Franciscan Novitiate, Teutopolis, Ill.
Frankfort Pilgrim College, Frankfort, Ind.
Free Church Bible Institute and Seminary, Chicago, Ill.
Freed-Hardeman College, Henderson, Tenn.
Fundamental Bible Institute, Los Angeles, Calif.
Gammon Theological Seminary, Atlanta, Ga.
Garrett Biblical Institute, Evanston, Ill.
General Theological Seminary, New York, N. Y.
George Pepperdine College, Los Angeles, Calif.
Glad Tidings Bible Institute, San Francisco, Calif.
Glencliffe High School, Garrison, N. Y.
God's Bible School, School of Theology, Cincinnati, Ohio.
Gordon College of Theology and Missions, Boston, Mass.
Goshen College, Goshen, Ind.
Grace Bible Institute, Omaha, Nebr.
Grace Theological Seminary, Winona Lake, Ind.
Grand Seminary of Montreal, Montreal, Canada.
Grand View College, Theological Seminary, Des Moines, Iowa.
Great Lakes Bible Institute, Zion, Ill.
Great Lakes College, Department of Divinity, Detroit, Mich.
Greek Orthodox Theological School, Pomfret Center, Conn.
Hannibal-La Grange College, School of Theology, Hannibal, Mo.
Harding College, Searcy, Ark.
Hartford Seminary Foundation, Hartford, Conn.
Harvard Divinity School, Cambridge, Mass.
Hebrew Theological College, Chicago, Ill.
Hebrew Union College, Cincinnati, Ohio.
Helderberg College, Somerset West, Cape Province, South Africa.
Holmes Bible College, Greenville, S. C.
Holy Angels Collegiate Institute, Buffalo, N. Y.
Holy Cross College, School of Theology, Canon City, Colo.
Holy Cross College, Washington, D. C.
Holy Cross Novitiate, North Dartmouth, Mass.
Holy Cross Preparatory Seminary, Dunkirk, N. Y.
Holy Cross Seminary, Notre Dame, Ind.
Holy Family Mission House, St. Louis, Mo.
Holy Ghost Missionary College, Cornwells Heights, Pa.
Houghton College, Houghton, N. Y.
Howard College, Birmingham, Ala.
Howard Payne College, Brownwood, Tex.
Howard University, School of Religion, Washington, D. C.
Huntington College Theological Seminary, Huntington, Ind.
Iliff School of Theology, Denver, Colo.
Immaculate Conception Monastery, Hastings, Nebr.
Immaculate Conception Monastery, Troy, N. Y.
Immaculate Conception Novitiate, Congregation of Marian Fathers, Stockbridge, Mass.
Immaculate Conception Seminary, Huntington, N. Y.
Immaculate Conception Seminary, Oconomowoc, Wis.
Immanuel Lutheran College, Theological Seminary, Greensboro, N. C.
Institute Biblico Las Delicias, Caripe, Estado Monagas, Venezuela, South America.
Jacksonville College, Jacksonville, Tex.
Jarvis Christian College, Hawkins, Tex.
Jewish Institute of Religion, New York, N. Y.
Jewish Theological Seminary of America, New York, N. Y.
Johnson Bible College, Kimberlin Heights, Tenn.
Johnson C. Smith University, School of Theology, Charlotte, N. C.
Juvenat Des Peres Maristes, Sillery, Quebec, Canada.
Kansas City Bible College, Kansas City, Mo.
Kansas City College and Bible School, Overland Park, Kans.
Kentucky Christian College, Grayson, Ky.
Kittrell College, Theological Department, Kittrell, N. C.
L. I. F. E. Bible College, Los Angeles, Calif.
Lancaster School of the Bible, Lancaster, Pa.
LaSalette Missionary College, Hartford, Conn.
LaSalette Seminary, Enfield, N. H.
LaSalle Institute, Glencoe, Mo.
LaSierra College, Arlington, Calif.
Latin American Bible Institute, Ysleta, Tex.
Lincoln University Theological Seminary, Lincoln University, Pa.
Little Seminary of St. Joseph and the Little Flower, Buffalo, N. Y.
Livingston College, Hood Theological Seminary, Salisbury, N. C.
Loras College, Dubuque, Iowa.
Los Angeles Baptist Theological Seminary, Los Angeles, Calif.
Los Angeles College, Los Angeles, Calif.
Los Angeles Jewish Academy, Los Angeles, Calif.
Los Angeles Pacific College, Bible College, Los Angeles, Calif.
Louisiana College, Pineville, La.
Louisville Presbyterian Theological Seminary, Louisville, Ky.
Lourdes Junior Seminary, Albuquerque, N. Mex.
Luther Theological Seminary, St. Paul, Minn.
Lutheran Bible School, Fergus Falls, Minn.
Lutheran Theological Seminary, Gettysburg, Pa.
Lutheran Theological Seminary, Mount Airy, Philadelphia, Pa.
Lutheran Theological Seminary, Thiensville, Wis.
Lutheran Theological Southern Seminary, Columbia, S. C.
Lynchburg College, Lynchburg, Va.
Manhattan Bible College, Manhattan, Kans.
Manresa Hall, Port Townsend, Wash.
Marianist Preparatory, Beacon, N. Y.
Marion College, Divinity School, Marion, Ind.
Marist College, Washington, D. C.
Marist Novitiate, Staten Island, N. Y.
Maryhurst Normal, Kirkwood, Mo.
Mary Immaculate Seminary, Northampton, Pa.
Maryknoll Apostolic College, Clarks Summit, Pa.
Maryknoll Junior Seminary, Mountain View, Calif.
Marynook, Novitiate of the Marianists, Galesville, Wis.
Maryvale Seminary, Bedford, Mass.
Maryville College, Maryville, Tenn.
Mater Dolorosa Seminary, Hillside, Ill.
McCormick Theological Seminary, Chicago, Ill.
Meadville Theological School, Chicago, Ill.
Mesifta Talmudical Seminary, Brooklyn, N. Y.
Mesivtha Tifereth Jerusalem Rabbinical Seminary, New York, N. Y.
Messiah Bible College, Grantham, Pa.
Metropolitan Bible Institute, North Bergen, N. J.
Metropolitan Bible School, Waukesha, Wis.
Midwest Bible and Missionary Institute, St. Louis, Mo.
Milford Novitiate, Milford, Ohio.
Miltonvale Wesleyan College, Theological Department, Miltonvale, Kans.
Milwaukee Bible Institute Milwaukee, Wis.
Minnesota Bible College, Minneapolis, Minn.
Mission House Theological Seminary, Plymouth, Wis.
Missionary Bible College, Tabor, Iowa.
Missionary Medical Institute, Toronto, Canada.
Missionary Training Institute, Nyack, N. Y.
Mizpah Bible Institute, Bayamon, P. R.
Montezuma Seminary, Montezuma, N. Mex.
Mont La Salle Novitiate, Napa, Calif.
Montfort Preparatory Seminary, Bay Shore, N. Y.
Mont-Sacre-Coeur, Granby, Province of Quebec, Canada.
Moody Bible Institute, Chicago, Ill.
Moravian Theological Seminary, Bethlehem, Pa.
Moreau Seminary, Notre Dame, Ind.
Morehouse College, School of Religion, Atlanta, Ga.
Morris Brown College, Turner Theological Seminary, Atlanta, Ga.
Morris College, Department of Religion, Sumter, S. C.
Mother of Good Counsel Novitiate, New Hamburg, N. Y.
Mt. Angel Seminary, St. Benedict, Oreg.
Mount Carmel College, Niagara Falls, Ontario, Canada.
Mount Saint Alphonsus Theological Seminary, Esopus, N. Y.
Mount Saint Francis Pre-Seminary, Mount Saint Francis, Ind.
Mount St. John, Dayton, Ohio.
Mount St. Mary's Seminary, Emmitsburg, Md.
Mount Saint Mary's Seminary of the West, Norwood, Ohio.
Mount St. Michael's, Spokane, Wash.
Mount Zion Bible School, Ava, Mo.
Mountain View Bible School, Didsbury, Alberta, Canada.
Multnomah School of the Bible, Portland, Oreg.
Nashotah House, Nashotah, Wis.
National Bible Institute, New York, N. Y.
National Bible Institute, Oregon, Ill.
Nazarene Theological Seminary, Kansas City, Mo.
Nazareth Hall, St. Paul, Minn.
Ner Israel Rabbinical College, Baltimore, Md.
New Brunswick Theological Seminary, New Brunswick, N. J.
New England School of Theology, Brookline, Mass.
New Melleray Abbey, Peosta, Iowa.

New Orleans Baptist Theological Seminary, New Orleans, La.
New Tribes Institute, Chicago, Illinois, and Fouts Springs, Stonyford, Colusa County, Calif.
New York University, Department of Religious Education, New York, N. Y.
Norbertine Novitiate, Madison, Wis.
North American Baptist Seminary, Rochester, N. Y.
North Central Bible Institute, Minneapolis, Minn.
North Park College and Theological Seminary, Chicago, Ill.
Northern Baptist Theological Seminary, Chicago, Ill.
Northwest Bible Institute, Seattle, Wash.
Northwest Bible Training School, Caldwell, Idaho.
Northwest Christian College, Eugene, Oreg.
Northwest Nazarene College, Nampa, Idaho.
Northwestern College, Watertown, Wis.
Northwestern Lutheran Theological Seminary, Minneapolis, Minn.
Northwestern Theological Seminary and Bible Training School, Minneapolis, Minn.
Notre Dame Seminary, New Orleans, La.
Novitiate of Capuchin Franciscans, Wilmington, Del.
Novitiate of Our Lady of Grace, Colebrook, N. H.
Novitiate of St. Francis Xavier, Sheridan, Oreg.
Novitiate of St. Isaac Jogues, Wernersville, Pa.
Novitiate of St. Stanislaus, "Shadowbrook," Lenox, Mass.
Novitiate of St. Vincent de Paul, Billeriac Centre, Mass.
Novitiate of the Alexian Brothers, Signal Mountain, Tenn.
Novitiate of the Assumptionist Fathers, Bergerville, Quebec, Canada.
Novitiate of the Congregation of the Sacred Hearts and the Perpetual Adoration of the Most Blessed Sacrament, Fairhaven, Mass.
Novitiate of the Franciscan Fathers, San Miguel, Calif.
Novitiate of the Immaculate Heart of Mary, Tewksbury, Mass.
Novitiate of the Oblates of St. Francis De Sales, Childs, Md.
Oakwood College, Huntsville, Ala.
Oberlin College, Graduate School of Theology, Oberlin, Ohio.
Oblate Fathers' College, Natick, Mass.
Oblate Scholasticate, Washington, D. C.
Oblate Seminary, Bucksport, Maine.
Oklahoma Baptist University, Shawnee, Okla.
Olivet Nazarene College, Kankakee, Ill.
Omaha Bible Institute, Omaha 5, Nebr.
Open Bible Institute, Des Moines, Iowa.
Ouachita College, Arkadelphia, Ark.
Our Lady of Carey Seminary, Carey, Ohio.
Our Lady of Gethsemani Seminary, Trappist, Ky.
Our Lady of Martyrs Tertianship, Auriesville, N. Y.
Our Lady of Providence Seminary, Warwick Neck, R. I.
Our Lady of the Angels Seminary, Cleveland, Ohio.
Pacific Bible College, Huntington Park, Calif.
Pacific Bible College, Portland, Oreg.
Pacific Bible Seminary, Long Beach, Calif.
Pacific College, Newberg, Oreg.
Pacific School of Religion, Berkeley, Calif.
Pacific Union College, Angwin, Calif.
Pallottine College, Milwaukee, Wis.
Pallottine Mission House, Jessup, Md.
Pasadena College, Pasadena, Calif.
Passionist Preparatory Seminary, St. Louis, Mo.
Passionist Retreat, St. Paul, Kans.
Payne Theological Seminary, Wilberforce University, Wilberforce, Ohio.
Payne University, Theological Department, Birmingham, Ala.
People's Bible School, Greensboro, N. C.
Philadelphia School of the Bible, Philadelphia, Pa.
Phillips University, College of the Bible, Enid, Okla.
Phoenix Baptist Bible Institute, Phoenix, Ariz.
Pious Society of St. Paul, Staten Island, N. Y.
Pittsburgh-Xenia Theological Seminary, Pittsburgh, Pa.
Pontifical College, Josephinum, Worthington, Ohio.
Practical Bible Training School, Bible School Park, N. Y.
Prairie Bible Institute, Inc., Three Hills, Alberta, Canada.
Princeton Theological Seminary, Princeton, N. J.
Providence Bible Institute, Providence, R. I.
Providence College, Providence, R. I.
Quigley Preparatory Seminary, Chicago, Ill.
Rabbi Isaac Elchanan Theological Seminary, New York, N. Y.
Rabbinical College of Tolshe, Cleveland, Ohio.
Rabbinical Seminary of America, Brooklyn, N. Y.
Redemptorist Mission House, Glenview, Ill.
Reformed Presbyterian Theological Seminary, Pittsburgh, Pa.
Sacred Heart Juniorate, Watertown, Wis.
Sacred Heart Mission Seminary, Geneva, Ill.
Sacred Heart Novitiate, Fort Monroe, Va.
Sacred Heart Novitiate, Los Gatos, Calif.
Sacred Heart Preparatory, Harrisville, R. I.
Sacred Heart Seminary, Detroit, Mich.
Sacred Heart Seminary, Fort Wayne, Ind.
Sacred Heart Seminary, Melrose Park, Ill.
Sacred Heart Seminary, Shelby, Ohio.
Sacred Heart Seminary, Washington, D. C.
St. Albert's Preparatory College, Middletown, N. Y.
St. Ambrose College, Ecclesiastical Department, Davenport, Iowa.
St. Andred-on-Hudson, Novitiate and House of Classical Studies of Society of Jesus, Poughkeepsie, N. Y.
St. Andrew's Seminary, Rochester, N. Y.
St. Anselm's College, Manchester, N. H.
St. Anselm's Priory, Washington, D. C.
St. Anthony Novitiate, Angola, Ind.
St. Anthony-on-Hudson, Rensselaer, N. Y.
St. Anthony's Apostolic School, San Antonio, Tex.
St. Anthony's Monastery, Marathon, Wis.
St. Anthony's Seminary, Catskill, N. Y.
St. Anthony's Seminary, Santa Barbara, Calif.
St. Augustine's Seminary, Toronto, Canada.
St. Bede College, Peru, Ill.
St. Benedict's College, Atchison, Kans.
St. Bernard Abbey and College, St. Bernard, Ala.
St. Bernard's Seminary, Brighton, Mich.
St. Bernard's Seminary, Rochester, N. Y.
St. Bonaventure Minor Seminary, Sturdevant, Wis.
St. Bonaventure Monastery, Detroit, Mich.
St. Bonaventure's Convent, Washington, D. C.
St. Charles College, Catonsville, Md.
St. Charles College, Grand Coteau, La.
St. Charles College-Seminary, Columbus, Ohio.
St. Charles Seminary, Carthagena, Ohio.
St. Clement's Mission House, Novitiate House for Lay Brothers, Ephrata, Pa.
St. Columban's Preparatory Seminary, Silver Creek, N. Y.
St. Columban's Seminary, St. Columbans, Nebr.
St. Edmunds Juniorate, Swanton, Vt.
St. Edward's Seminary, Kenmore, Wash.
St. Edwards Seminary, Seattle, Wash.
St. Felix Capuchin Monastery and Novitiate, Huntington, Ind.
St. Fidelis Monastery, Victoria, Kans.
St. Fidelis Seminary, Herman, Pa.
St. Francis Preparatory, Biddeford, Maine.
St. Francis Seminary, Loretto, Pa.
St. Francis Seminary, Mount Healthy, Cincinnati, Ohio.
St. Francis Seminary, Staten Island, N. Y.
St. Francis Seraphic Seminary, Lowell, Mass.
St. Gregory Seminary, Mount Washington, Cincinnati, Ohio.
St. Gregory's Abbey and College, Shawnee, Okla.
St. Henry's Preparatory Seminary, Belleville, Ill.
St. Hyacinth's Seminary, Granby, Mass.
St. John Cantius Seminary, St. Louis, Mo.
St. John de Matha College and Novitiate, Hyattsville, Md.
St. John's Home Missions Seminary, Little Rock, Ark.
St. John's Lutheran College, Winfield, Kans.
St. John's Seminary, Camarillo, Calif.
St. John's Seminary, Graymoore, N. Y.
St. John's Seminary, San Antonio, Tex.
St. John's Theological Seminary, Eastview, Ontario, Canada.
St. John's University, Collegeville, Minn.
St. Joseph Juniorate, Peabody, Mass.
St. Joseph Juniorate of the Marist Brothers, Tyngsboro, Mass.
St. Joseph of Holy Cross, Valatie, N. Y.
St. Joseph Seminary, Teutopolis, Ill.
St. Joseph's Apostolic School, Watertown, N. Y.
St. Joseph's College, Collegeville, Ind.
St. Joseph's College, Kirkwood, Mo.
St. Joseph's College, Moutain View, Calif.
St. Joseph's College, Princeton, N. J.
St. Joseph's College, Westmont, Ill.
St. Joseph's Friary, Cohoes, N. Y.
St. Joseph's Friary, Saranac Lake, N. Y.
St. Joseph's House of Studies, Metuchen, N. J.
St. Joseph's Novitiate, Rolling Prairie, Ind.
St. Joseph's Priory, Somerset, Ohio.
St. Joseph's Seminary, Cleveland, Ohio.
St. Joseph's Seminary, Grand Rapids, Mich.
St. Joseph's Seminary, St. Benedict, La.
St. Joseph's Seminary, Washington, D. C.
St. Joseph's Seminary and College (a legal entity in two units):
(1) Cathedral College, New York, N. Y.
(2) St. Joseph's Seminary, Yonkers, N. Y.
St. Joseph's Seminary of Trois-Rivieres, Trois-Rivieres, Province of Quebec, Canada.
St. Joseph's Seraphic Seminary, Callicoon, N. Y.
St. Lawrence College, Mt. Calvary, Wis.
St. Lawrence Convent and Novitiate, Mount St. Lawrence, Boulder Grange, Becket, Mass.
St. Lawrence University, Theological School, Canton, N. Y.
St. Louis Preparatory Seminary, St. Louis, Mo.
St. Martin's College, Lacey, Wash.
St. Mary of the Lake Seminary, Mundelein, Ill.
St. Mary's College, Ilchester, Md.
St. Mary's College, North East, Pa.
St. Mary's College, St. Mary, Ky.
St. Mary's College, St. Marys, Kans.
St. Mary's Manor, South Langhorne, Pa.
St. Mary's Mission House, Techny, Ill.
St. Mary's Monastery, Morristown, N. J.
St. Mary's Seminary, Lemont, Ill.
St. Mary's Seminary, Randolph, Vt.
St. Mary's Seminary, Roland Park, Baltimore, Md.
St. Mary's University, LaPorte, Tex.
St. Meinrad's Abbey, St. Meinrad, Ind.
St. Michael's Mission House, Conesus, N. Y.
St. Michael's Passionist Monastery, Union City, N. J.
St. Patrick's Seminary, Menlo Park, Calif.
St. Paul Bible Institute, St. Paul, Minn.
St. Paul Seminary, St. Paul, Minn.
St. Paul's College, Concordia, Mo.
St. Paul's Mission House, Epworth, Iowa.
St. Paul's Monastery, Detroit, Mich.
St. Peter's Novitiate, Mission, Tex.
St. Peter's Seminary, London, Canada.
St. Procopius College, Lisle, Ill.

St. Robert's Hall, Pomfret Center, Conn.
St. Rose Priory, Springfield, Ky.
St. Stanislaus Novitiate, Cleveland, Ohio.
St. Stanislaus Seminary, Florissant, Mo.
St. Stephen's Seminary, Honolulu, T. H.
St. Thomas Seminary, Denver, Colo.
St. Tikhen Theological Seminary, South Canaan, Pa.
St. Viator Novitiate, Bourbonnais, Ill.
St. Vincent Archabbey, Latrobe, Pa.
St. Vincent's College, Cape Girardeau, Mo.
St. Vincent's Seminary, Germantown, Philadelphia, Pa.
St. Vladimir's Orthodox Theological Seminary, New York, N. Y.
St. Cyril and Methodius (Polish) Seminary and St. Mary's College, Orchard Lake, Mich.
Salvation Army Training College, Atlanta, Ga.
Salvation Army Training College, New York, N. Y.
Salvatorian Seminary, St. Nazianz, Wis.
San Francisco Theological Seminary, San Anselmo, Calif.
San Jose Bible College, San Jose, Calif.
Savonarola Seminary of the Polish National Catholic Church of America, Scranton, Pa.
Seabury-Western Theological Seminary, Evanston, Ill.
Seattle Pacific College, Seattle, Wash.
Selma University, Theological Department, Selma, Ala.
Seminario Conciliar de San Ildefonso, San Juan, P. R.
Seminarie St. Charles-Borromee, Sherbrooke, Quebec, Canada.
Seminary of Mary Immaculate, Garrison, N. Y.
Seminary of Our Lady of Angels, Niagara Falls, N. Y.
Seminary of Our Lady of Holy Cross, North Easton, Mass.
Seminary of Our Lady of La Salette, Altamont, N. Y.
Seminary of Thibar, Tunisia, North Africa.
Seminary St. Croix, St. Lawrence, Quebec, Canada.
Servite Fathers Novitiate, Milwaukee, Wis.
Seton Hall Divinity School, South Orange, N. J.
Shaw University, School of Religion, Raleigh, N. C.
Simmons University, Louisville, Ky.
Simpson Bible Institute, Seattle, Wash.
South-Eastern Bible Institute, Atlanta, Ga.
Southeastern Bible School, Birmingham, Ala.
Southern Baptist Theological Seminary, Louisville, Ky.
Southern Bible College, Milford, Tex.
Southern California Bible College, Pasadena, Calif.
Southern Methodist University, School of Theology, Dallas, Tex.
Southern Missionary College, Collegedale, Tenn.
Southwestern Baptist Theological Seminary, Seminary Hill, Tex.
Southwestern Bible Institute, Waxahachie, Tex.
Southwestern Junior College, Kenne, Tex.
Spring Arbor Seminary and Junior College, Spring Arbor, Mich.
Spring Hill College, Spring Hill, Ala.
Starr King School for the Ministry, Berkeley, Calif.
Sumner Institute of Linguistics, Inc., Glendale, Calif.
Suomi College, Hancock, Mich.
Tabor College, Hillsboro, Kans.
Temple University, School of Theology, Philadelphia, Pa.
Texas Christian University, Brite College of the Bible, Fort Worth, Tex.
Theological Seminary of the Evangelical and Reformed Church, Lancaster, Pa.
Theological Seminary of the Reformed Episcopal Church, Philadelphia, Pa.
Trevecca Nazarene College, Nashville, Tenn.
Trinity Seminary and Bible Institute, Minneapolis, Minn.
Trinity Theological Seminary, Blair, Nebr.
Tufts College School of Religion, Tufts College, Mass.
Ukrainian Catholic Seminary, Stamford, Conn.
Union Baptist Seminary, New Orleans, La.
Union Bible Seminary, Westfield, Ind.
Union College, Lincoln, Nebr.
Union Theological Seminary, New York, N. Y.
Union Theological Seminary, Richmond, Va.
University of Chicago Divinity School, Chicago, Ill.
University of Dubuque, Theological Seminary, Dubuque, Iowa.
University of Southern California, School of Religion, University Park, Los Angeles, Calif.
University of the South, The School of Theology, Sewanee, Tenn.
Vanderbilt University, School of Religion, Nashville, Tenn.
Virginia Theological Seminary, Alexandria, Va.
Virginia Theological Seminary and College, Theological Department, Lynchburg, Va.
Virginia Union University, Richmond, Va.
Wadhams Hall, Ogdensburg, N. Y.
Walla Walla College, College Place, Wash.
Wartburg Theological Seminary, Dubuque, Iowa.
Washington Baptist Seminary, Washington, D. C.
Washington Missionary College, Takoma Park, Md.
Wesleyan Methodist College of Central, Central, S. C.
Wessington Springs College, Theological Department, Wessington Springs, S. Dak.
West Baden College, West Baden Springs, Ind.
Western Baptist Theological Seminary, Portland, Oreg.
Western Seminary, Kansas City, Mo.
Western Territorial Training College, San Francisco, Calif.
Western Theological Seminary, Fremont, Nebr.
Western Theological Seminary, Holland, Mich.
Western Theological Seminary, Pittsburgh, Pa.
Western University, Bishop Williams School of Religion, Quindaro, Kans.
Westminister Theological Seminary, Chestnut Hill, Philadelphia, Pa.
Westminister Theological Seminary, Westminister, Md.
Weston College, Weston, Mass.
Wheaton College, Wheaton, Ill.
Whitefriars Hall, Washington, D. C.
William Booth Memorial Training College, Chicago, Ill.
William Penn College, Oskaloosa, Iowa.
Winona Lake School of Theology, Winona Lake, Ind.
Wittenberg College, Hamma Divinity School, Springfield, Ohio.
Woodstock College, Woodstock, Md.
Xaverian College, Silver Spring, Md.
Yale University Divinity School, New Haven, Conn.
Yankton College School of Theology, Yankton, S. Dak.
Yavne Jewish Theological Academy, Brooklyn, N. Y.
Yeshiva Beth Joseph Rabbinical Seminary, Brooklyn, N. Y.
Yeshiva Rabbi Chaim Berlin, Brooklyn, N. Y.
Yeshivath Chachmey Lublin, Detroit, Mich.
Ysleta College, El Paso, Tex.
Zion Bible Institute, East Providence, R. I.

[F. R. Doc. 47-1721; Filed, Feb. 21, 1947; 8:51 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1091]

JOSEPH SHAFFER

Joseph Shaffer, Rural Route 2, Independence, Missouri, on July 12, 1946, without authorization from the Civilian Production Administration, began the construction of a filling station building costing in excess of $1,000 and four double tourist cabins costing in excess of $200 each, located on the north side of Highway 24 at the Northeast corner of the intersection with Highway 71 by-pass in Jackson County, Missouri, although his application for such construction was denied by the Civilian Production Administration on July 10, 1946. Thereafter, on January 9, 1947, authorization on Form CPA-4423 was issued to Joseph Shaffer on behalf of his son, Thomas Shaffer, who is a veteran of World War II, to complete the filling station to be operated by Thomas Shaffer and to complete one cabin as the residence of said veteran, Thomas Shaffer. The beginning and carrying on of construction of three double cabins not specifically authorized by the Civilian Production Administration was in violation of Veterans' Housing Program Order No. 1 and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1091 *Suspension Order No. S-1091.* (a) Neither Joseph Shaffer, his successors or assigns, nor any other person, shall do any construction on the premises located on the north side of Highway 24 at the northeast corner of the intersection with Highway 71 by-pass in Jackson County, Missouri, including completing, putting up, or altering of structure thereon, except the filling station and cabin which were authorized on Form CPA-4423 on January 9, 1947, referred to above, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Joseph Shaffer shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph Shaffer, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 21st day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1773; Filed, Feb. 21, 1947; 11:22 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1093]

LOUIS HAGES & NICK REGAS AND LLOYD SMALLING

Louis Hages and Nick Regas are partners operating a tavern and dance hall known as Toddle Inn at 3793 St. Clair Avenue, East St. Louis, Illinois. Lloyd Smalling was employed by them as contractor. On August 12, 1946, without authorization from the Civilian Production Administration, they began construction of an addition to the tavern at the above location to cost in excess of $6,000. Nick Regas and Lloyd Smalling knew that such construction could not be begun or carried on without authorization from the Civilian Production Administration and the beginning and carrying on of such construction without authorization constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1093 *Suspension order No. S-1093.* (a) Neither Louis Hages, Nick Regas or Lloyd Smalling, their successors or assigns, nor any other person, shall do any construction on the premises located at 3793 St. Clair Avenue, East St. Louis, Illinois, including completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Louis Hages, Nick Regas, and Lloyd Smalling shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Louis Hages, Nick Regas, or Lloyd Smalling, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 21st day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1774; Filed, Feb. 21, 1947; 11:22 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[3d Rev. RO 3,[1] Amdt. 17 to Supp. 1]

SUGAR

Supplement 1 to Third Revised Ration Order 3 is amended in the following respect:

Section 5.1 is amended by adding paragraph (t) to read as follows:

(t) Application for a base or an adjustment in base by war producers who invested in productive equipment for use in making products for designated agencies (OPA Form R-380 (2-47)) referred to in section 17.7.

OPA Form R-380 (2-47)

FORM APPROVED BUDGET BUREAU NO. 08-R1786

This Form May Be Reproduced Without Change

UNITED STATES OF AMERICA
OFFICE OF TEMPORARY CONTROLS
OFFICE OF PRICE ADMINISTRATION

Application for a base or an adjustment in base by war producers who invested in productive equipment for use in making products for designated agencies.

(Pursuant to Third Revised Ration Order 3)

Name of establishment

Address—Number and street

City, postal zone number, State

Name of owner

If registered industrial user, give sugar branch office where registered:

INSTRUCTIONS

Who May Use This Form

Use this form if you are a manufacturer who used sugar or sugar-containing products during the eligible period, in producing a particular class of product for a designated agency, provided that:

(1) You invested in productive equipment between January 1, 1945, and January 1, 1946, for the production of jams, jellies, and preserves or between April 20, 1942, and January 1, 1946, for all other types of production.

Do not use this form if you are an industrial user who is applying for an adjustment because of unrepresentative base use of sugar resulting from an investment prior to April 20, 1942. Form R-365 or R-373 is used for that type of application.

Where to File Applications

File your application (original only) with the Sugar Branch Office serving the area in which your establishment is located. If you have more than one establishment and wish to register them together, file your application with the Sugar Branch Office serving the area in which your principal business office is located. If you do not wish to register them together, file a separate application for each at the Sugar Branch Office serving the area in which each establishment is located. In case of a multiple operation, separate applications should be filed for each operation regardless of manner of registration of establishments.

If you are a registered industrial user, file this application with the Sugar Branch Office where your registration (OPA Form R-1200) is on file. If you have multiple establishments registered together or registered separately your application must be filed with the OPA Office or Offices with which you are registered.

USE OF SUGAR OR SUGAR-CONTAINING PRODUCTS IN THE PRODUCTION OF MORE THAN ONE CLASS OF FINISHED PRODUCT

Fill out a separate application for each "class of finished product" produced at your establishment for which you are applying for an adjustment or assignment of a sugar base. For example, if you produce both candy and ice cream, you must file separate applications for your candy operation and for your ice cream operation.

Explanation of Terms

1. *Designated Agency.*—Means a government agency or activity, e. g., Army, Navy; or a private activity, e. g., Red Cross or U. S. O. for their overseas use, which was permitted to issue sugar to a person either by way of advance or replacement for the purpose of producing the products acquired by that agency.

2. *Sugar.*—For definition of sugar refer to Section 25.1 of TRRO 3.

3. *Sugar Containing Products.*—Examples of such products are baking mix, syrup, fondant, and chocolate coating which are purchased by many manufacturers and used in producing baked goods, soft drinks, candy, and other finished products.

4. *Class of Finished Product.*—This term as used in this form has reference to the products produced within a specific class of product (or use) as listed in Schedule I of the R-1200 Registration of Industrial Users and as stated in the industrial user section of Third Revised Ration Order 3.

5. *Type of Finished Product.*—This term as used in this form, has reference to individual products within a class of products. Examples of types of products are bread, rolls, cakes, and pie within the "bakery" class; hard candy, marshmallows, and creams within the "candy" class; ice cream and sherbet within the "ice cream" class.

6. *Operations.*—The terms "operations," as well as "business," "establishment," and "production" wherever used in this form have reference to the operation in which you use "sugar" or "sugar-containing products" to produce the "class of finished product" covered by this form.

7. *Eligible Period.*—This term used in this form has reference to the period Jan. 1, 1945 to Jan. 1, 1946 for jam, jelly, and preserve operations and April 20, 1942 to Jan. 1, 1946 for all other types of operation. Productive equipment ordered, acquired, or installed during this period may be considered as an investment made in productive equipment during the eligible period.

PART I—GENERAL

1 If you are not a registered industrial user of sugar, state the total annual sugar "base" that you are requesting to produce the class of finished products covered by this application ..... lbs.

NOTE: The "base" is not the amount of sugar you will receive if your application is approved. It is the figure from which your allotments will be computed, as established in the Sugar Rationing Regulations.

2 If you are a registered industrial user of sugar, answer (a), (b), and (c).

3 State the registered sugar base for the class of products covered by this application ..... lbs.

b State the amount of the adjustment requested for such class of products ..... lbs.

c As a registered industrial user, have you received an adjustment in your original sugar base? YES ☐ NO ☐

If "Yes," give Amount ..... Date Granted .....

Reason .....

[1] 11 F. R. 166.

PART I—GENERAL—Continued

3 Have you used sugar or sugar-containing products in manufacturing products for a designated agency? Yes ☐ No ☐

a If "Yes," give the date of last contract or order prior to January 1, 1946, and the name of the agency.

(Date of Contract) (Agency)

b If you operated as a sub-contractor give the name of the contractor and date of last order prior to January 1, 1946.

(Name of Contractor) (Date of last order)

NOTE: Submit photostatic or certified copies of contract or delivery receipt. Sub-contractor will attach letter from contractor or any other type of evidence in proof of delivery.

4 State class or classes of manufacturing operations you are engaged in (e. g., Bakery, Bottling, Candy Manufacturer, etc.)

a If you are engaged in more than one class of manufacturing operation, state which class is covered by this application.

5 Check appropriate type of business organization applicable to your manufacturing operation as of April 20, 1942, or date you commenced operations if such date was after April 20, 1942.
☐ Corporation ☐ Partnership
☐ Proprietorship ☐ Other (specify)

a Has there been any change in the type of business organization indicated by you above or its ownership since April 20, 1942, or the date you commenced operations if such date was after April 20, 1942. Yes ☐ No ☐

If "Yes," follow the instructions in the NOTE below:
NOTE: Furnish the information (1), (2), or (3), whichever is applicable, on a separate sheet identified as "Item 5 (a)." (If you are filing applications with respect to more than one class of products, this information need be furnished only once.)

a (1) If you checked "Proprietorship" in Item 5, list name of owner. If this individual proprietorship was subsequently changed to a partnership or a corporation, or was transferred to another individual proprietorship, partnership, or corporation, set forth the facts in full. In the case of a proprietorship state name of owner; if partnership state names of partners; if corporation state title of corporation. State the full particulars for each change, and list dates of each change.
(2) If you checked "Partnership" in Item 5, list names of partners. If there has been a change in the interest of any of the partners, state date of change, names of persons concerned and extent of interest of each before and after the change. If type of business organization changed to an individual proprietorship follow instruction (1).
(3) If you checked "Corporation" in Item 5, list title of the corporation. If the corporation was subsequently dissolved, the business being transferred to one or more of the stockholders, explain fully. Or, if the corporation transferred the business to another corporations, partnership, or individual, follow instructions in (1).

6 If you used sugar-containing products during the eligible period, give the names of such products.

(Example: Cake mix, beverage syrup, ice cream mix, etc. Do not include bulk condensed milk, jams, jellies, preserves and marmalades, canned and frozen fruits, canned meat and fish, and other items made with sugar granted on a provisional allowance basis.)
NOTE: Attach letters from the manufacturers of the above sugar-containing products showing the percentage which the weight of the sugar used is of the weight of the sugar-containing products which they shipped you during the eligible period. Identify each letter by marking "Item 6."

7 What percentage of your production was institutional (merchandise produced and sold for consumption on your premises)? ------%

8 In what percentage of your production did you use sugar granted on a provisional allowance basis? ------%

PART II

9 Report the productive capacity of your plant as of April 20, 1942 and as of January 1, 1946 in pounds per hour of each type of finished product produced by you as of such dates, as called for in the table below.
Bottlers will state capacity in terms of cases per hour using manufacturers rated capacities.
Doughnut manufacturers will state capacity in terms of dozens of doughnuts per hour using manufacturers rated capacity.
Example: Assuming that your oven and other equipment are used for manufacturing bread, rolls, and sweet goods the capacity would be determined as follows:
Step 1.—Compute in pounds the maximum amount of bread that you could produce per hour using all the equipment normally used by you for the production of bread.
Step 2.—Make similar computations for rolls and sweet goods.
Step 3.—List separately the results obtained in Steps (1) and (2) as your capacity for the production of bread, rolls, and sweet goods.

Column 1.—List types of products produced, e. g., candy manufacturers show hard candy, caramels, creams, etc.
Jam, Jelly, and Preserve Manufacturers.—Use Columns 2 (a), 2 (b), and 2 (c).
Column 2 (a).—Fill in this column only if you are a registered user of sugar.
Column 2 (b).—State productive capacity per hour based on equipment in use January 1, 1946.
Column 2 (c).—State productive capacity per hour based on equipment in use as of date of application.
All Other Manufacturers.—Use Columns 3 (a), 3 (b), and 3 (c).
Column 3 (a).—Fill in this column only if you are a registered user of sugar.
Column 3 (b).—State productive capacity per hour based on equipment in use January 1, 1946.
Column 3 (c).—State productive capacity per hour based on equipment in use as of date of application.

PLANT CAPACITY IN POUNDS PER HOUR

Type of finished product	For jam, jelly, and preserves manufacturers			For all other industrial users		
	Jan. 1, 1945	Jan. 1, 1946	Present capacity	April 20, 1942	Jan. 1, 1946	Present capacity
(1)	2 (a)	2 (b)	2 (c)	3 (a)	3 (b)	3 (c)

Attach separate sheet if necessary, using above columnar headings, and identify as "Item 9."

10 Report each piece of major productive equipment used in actual production of finished products in your plant as of April 20, 1942 and each piece of major productive equipment ordered, acquired or installed after that date but prior to January 1, 1946. Jam, jelly, and preserve operators will report equipment in use as of January 1, 1945 and subsequently ordered, acquired or installed.
The following lists illustrate some of the types of recognized equipment and the types which are not recognized in determining productive capacity.

	Recognized equipment	Equipment not recognized
Bakery	Ovens, cake mixers, dough dividers, etc.	Proofers, bread coolers, steam boxes, etc.
Beverage and syrup	Washers, filling machines.	Refrigeration equipment, water filters.
Candy	Batch rollers, kettles, enrobers, etc.	Drying rooms, compartments or similar devices.
Ice cream	Freezers.	Hardening rooms.

Column 1.—List each piece of major equipment. Since it will be necessary to show the capacity in pounds per hour of each piece of equipment when producing each type of finished product, the data for one piece of equipment should be completed for all columns, using as many lines as there are types of finished product, before proceeding to the next piece of equipment.
Column 2.—Enter a description of each piece of equipment listed in Column 1, as for example, "(Make) 15 Tray" oven, "(Make) Cooking Kettle" 4 quarts, "(Make) Filler" 40 spout.
Columns 3, 4, and 5.—For equipment which was in production in your plant as of April 20, 1942, write the notation "in use as of April 20, 1942" across these three columns. For equipment ordered, acquired or installed after April 20, 1942, but prior to January 1, 1946, enter the dates ordered, acquired, and installed in the appropriate columns.
Jam, jelly, and preserve operators will show equipment in use as of January 1, 1945, by noting "in use as of January 1, 1945." For equipment ordered, acquired, and installed after January 1, 1945, but prior to January 1, 1946, enter the date in the appropriate columns.
Column 6.—Enter the capacity in number of pounds of finished products per hour for each type of finished product for which the particular piece of equipment was used.
Bottlers will state capacity in terms of cases per hour using manufacturers rated capacity.
Doughnut Manufacturers will state capacity in terms of dozens of doughnuts per hour using manufacturers rated capacity.
Column 7.—List the types of finished products for which you listed capacity data in Column 6.
Column 8.—Enter a check mark in this column opposite each piece of equipment you listed in Column 1 which has been disposed of.
NOTE: Bottlers will list only washers and fillers. Doughnut Manufacturers will list only frying kettles and frying machines. Jam, Jelly, and Preserve Manufacturers will list only cookers and fillers. Dry Mix and Syrup Manufacturers will, in addition to information requested below, state the pounds or gallons per batch and the time involved in producing a batch.

Type of equipment (1)	Description of equipment (2)	Date ordered (3)	Date acquired (4)	Date installed (5)	Capacity in pounds per hour (6)	Type of finished product (7)	Equipment disposed of (check) (8)

Attach separate sheet if necessary, using above columnar headings, and identify sheet as "Item 10."
NOTE: Attach original invoices, certified or photostatic copies thereof to substantiate purchase or acquisition of equipment which was ordered, acquired or installed during the "eligible period" and in production as of January 1, 1946. Invoices dated after January 1, 1946 must be accompanied by original order or photostatic copy thereof. Attach letters from suppliers of all equipment acquired indicating manufacturer's rated capacity of each piece of equipment when used to produce the types of product for which the equipment was used during the representative month reported in Items 13 and 14. If the capacity which you reported in the table in Item 10 disagrees with the capacity reported by the supplier of the equipment, attach a further statement explaining the difference. Identify these attachments by marking each "Item 10."

11 Do you still own and intend to operate all the equipment listed in Item 10 (Other than that checked in Column 8)? Yes ☐ No ☐

If not, explain fully----------

12 Submit separate "Flow Sheets" as of April 20, 1942 and as of January 1, 1946.

If you are not a registered industrial user of sugar submit a "Flow Sheet" as of January 1, 1946.

The Flow Sheet may be a rough sketch and should cover the following: (1) Class of finished product (e. g., Bread, Rolls, Cake, Hard Candy, Creams, Marshmallows, Ice Cream, Sherbet, etc.); (2) Major equipment used in producing such product; show equipment in sequence of use; (3) capacity in pounds per hour of each piece of equipment when handling each type of product. Unusual situations should be explained, e. g., a candy manufacturer may indicate that his finished product (creams) is composed of 75% centers and 25% chocolate coating.
NOTE: Bottlers and Doughnut Manufacturers will not submit Flow Sheets. Jam, jelly, and preserve operators will submit Flow Sheets as of January 1, 1945 and as of January 1, 1946.

EXAMPLES

Capacity in pounds per hour as of April 20, 1942, for each type of product produced

	Mixer	Divider	Rounder	Moulder	Make-up table	Oven	Plant capacity (same as item 9)
	☐→	☐→	☐→	☐→	☐→	☐→	☐
Bread	1,000	1,200	1,200	1,200	------	800	800
Sweet goods	1,000	1,800	1,800	------	1,050	850	850

EXAMPLES—continued

Capacity in pounds per hour as of January 1, 1946, for each type of product produced

	Mixer	Divider	Rounder	Moulder	Make-up table	Oven	Plant capacity (same as item 9)
	☐→	☐→	☐→	☐→	☐→	☐→	☐
Bread	1,000	1,200	1,200	1,200	------	1,600	1,000
Sweet goods	1,000	1,800	1,800	------	1,050	1,100	1,000

13 Give your total designated agency and civilian production in pounds during a representative period. (Include products not containing sugar, e. g., a pickle manufacturer will give his total pounds of production of all pickles and relishes including sours, dills, and sweets.)

Representative period ---------- (Month, year) Pounds----------

NOTE: Bottlers and Doughnut Manufacturers will not fill in Item 13, but are referred to (a) and (b) below.

a Doughnut manufacturers:

i Give the total designated agency and civilian production in dozens during a representative period.

Representative period ---------- (Month, year) Dozens of doughnuts----------

ii Give the total number of hours spent in producing doughnuts during the period selected.

Hours----

Chapter XXIII—War Assets Administration

TRANSFER OF SURPLUS PROPERTY OFFICE FROM DEPARTMENT OF INTERIOR

CROSS REFERENCE: For transfer of the Surplus Property Office of the Department of the Interior to the War Assets Administration, see Title 3, Executive Order 9628, *supra*.

Chapter XXV—Department of the Interior, Disposal of Surplus Property

TRANSFER OF SURPLUS PROPERTY OFFICE TO WAR ASSETS ADMINISTRATION

CROSS REFERENCE: For transfer of the Surplus Property Office of the Department of the Interior to the War Assets Administration, see Title 3, Executive Order 9628, *supra*.

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 210]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.317 *Lemon Regulation 210*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., February 23, 1947, and ending at 12:01 a. m., p. s. t., March 2, 1947, is hereby fixed at 300 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 20th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1747; Filed, Feb. 21, 1947; 10:11 a. m.]

[Orange Reg. 166]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.312 *Orange Regulation 166*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., February 23, 1947, and ending at 12:01 a. m., p. s. t., March 2, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 950 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(4) As used herein, "handled," "handler," and "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 20th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Corr. to Amdt. 37]

SUGAR

Section 17.7 (c) (3) in Amendment 37 to Third Revised Ration Order 3 is corrected to read as follows:

The reference to "January 1, 1947" in Example 1 and in Example 2 is corrected to read "January 1, 1946."

Issued this 21st day of February 1947.

J. W. FOLLIS,
Acting Temporary Controls Administrator.

[F. R. Doc. 47-1778; Filed, Feb. 21, 1947; 11:45 a. m.]

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b	Bottlers		
	Enter in the table below your total designated agency and civilian production of all bottled beverages (including beverages containing no sugar such as "soda") for a representative period.		
	Representative period ..... (Month, year)		
	Bottle size	Number of cases	
14	State the total number of pounds of each of the following items you used during the representative month indicated in Item 13.		
		Pounds	
	Bulk-refined type sugar (sucrose)		
	Corn sugar, corn syrup, molasses, and honey		
	Sugar-containing products. (Set below each type of sugar containing product and number of pounds used)		

NOTE—If additional space is needed for listing sugar-containing products, attach a separate sheet and identify as "Item 14."

I certify that the above statements are true and correct to the best of my knowledge and belief.

Sign here ..... (Date)
(Name of applicant)

A willfully false certification is a criminal offense

TO BE FILLED IN BY OPA FIELD OFFICES

Application received by Sugar Branch Office ..... (Date)

Application received in Regional Office ..... (Date)

This amendment shall become effective February 21, 1947.

Issued this 21st day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-1779; Filed, Feb. 21, 1947; 11:45 a. m.]

PRORATE BASE SCHEDULE

(Orange Regulation No. 166)

12:01 a. m. Feb. 23, 1947 to 12:01 a. m. Mar. 2, 1947

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base percent*
Total	100.0000
A. F. G. Alta Loma	.3432
A. F. G. Fullerton	.0475
A. F. G. Orange	.0629
A. F. G. Redlands	.3515
A. F. G. Riverside	.8476
Corona Plantation Company	.9939
Hazeltine Packing Company	.1058
Signal Fruit Assn	.7397
Azusa Citrus Assn	1.0309
Azusa Orange Co., Inc	.1696
Damerel-Allison Company	1.2104
Glendora Mutual Orange Assn	.5405
Irwindale Citrus Assn	.3550
Puente Mutual Citrus Assn	.0485
Valencia Heights Orchards Assn	.2288
Glendora Citrus Assn	.8051
Glendora Heights O. & L. Grs. Assn	.1518
Gold Buckle Assn	3.4264
La Verne Orange Assn., The	3.3372
Anaheim Citrus Fruit Assn	.0625
Anaheim Valencia Orange Assn	.0170
Eadington Fruit Co., Inc	.3131
Fullerton Mutual Orange Assn	.2666
La Habra Citrus Assn	.1492
Orange Co., Valencia Assn	.0261
Orangethorpe Citrus Assn	.0243
Placentia Coop. Orange Assn	.0567
Yorba Linda Citrus Assn., The	.0268
Alta Loma Heights Citrus Assn	.3915
Citrus Fruit Growers	.7386
Cucamonga Citrus Assn	.6287
Etiwanda Citrus Fruit Assn	.2238
Mountain View Fruit Assn	.1609
Old Baldy Citrus Assn	.4387
Rialto Heights Orange Growers	.4670
Upland Citrus Assn	2.2642
Upland Heights Orange Assn	.9849
Consolidated Orange Growers	.0312
Garden Grove Citrus Assn	.0214
Goldenwest Citrus Assn., The	.0914
Olive Heights Citrus Assn	.0426
Santa Ana-Tustin Mutual Citrus Assn	.0285
Santiago Orange Growers Assn	.1652
Tustin Hills Citrus Assn	.0333
Villa Park Orchards Assn., Inc., The	.0388
Bradford Brothers, Inc	.2327
Placentia Mutual Orange Assn	.1866
Placentia Orange Growers Assn	.2581
Call Ranch	.6239
Corona Citrus Assn	.7759
Jameson Company	.3543
Orange Heights Orange Assn	.8933
Break & Son, Allen	.2797
Bryn Mawr Fruit Growers Assn	1.0820
Crafton Orange Growers Assn	1.3809
E. Highlands Citrus Assn	.4209
Fontana Citrus Assn	.4409
Highland Fruit Growers Assn	.6789
Krinard Packing Company	1.6278
Mission Citrus Assn	.7942
Redlands Coop. Fruit Assn	1.7523
Redlands Heights Groves	.9266
Redlands Orange Growers Assn	1.1844
Redlands Orangedale Assn	.9722
Redlands Select Groves	.5508
Rialto Citrus Assn	.5656
Rialto Orange Company	.3702
Southern Citrus Assn	.9911
United Citrus Growers	.7531
Zilen Citrus Company	1.0411
Arlington Heights Fruit Co	.4217
Brown Estate, L. V. W	1.7767
Gavilan Citrus Assn	1.6661
Hemet Mutual Groves	.3386

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base percent*
Highgrove Fruit Assn	0.6867
McDermont Fruit Company	1.7531
Mentone Heights Assn	.7857
Monte Vista Citrus Assn	1.1467
National Orange Company	.8558
Riverside Heights Orange Growers Assn	1.2737
Sierra Vista Packing Assn	.6965
Victoria Ave. Citrus Assn	2.3350
Claremont Citrus Assn	.9941
College Heights O. & L. Assn	1.0339
El Camino Citrus Assn	.5295
Indian Hill Citrus Assn	1.1436
Pomona Fruit Growers Assn	2.0827
Walnut Fruit Growers Assn	.4658
West Ontario Citrus Assn	1.5529
El Cajon Valley Citrus Assn	.3780
Escondido Orange Assn	.5562
San Dimas Orange Growers Assn	1.2304
Covina Citrus Assn	1.4501
Covina Orange Growers Assn	.5021
Duarte-Monrovia Fruit Exchange	.4508
Ball & Tweedy Assn	.1135
Canoga Citrus Assn	.0591
N. Whittier Heights Citrus Assn	.1150
San Fernando Fruit Growers Assn	.3061
San Fernando Heights Orange Assn	.3377
Sierra Madre Lamanda Citrus Assn	.2440
Camarillo Citrus Assn	.0098
Fillmore Citrus Assn	1.3683
Ojai Orange Assn	1.0022
Piru Citrus Assn	1.1482
Santa Paula Orange Assn	.1133
Tapo Citrus Assn	.0110
East Whittier Citrus Assn	.0167
Whittier Citrus Assn	.3126
Whittier Select Citrus Assn	.0600
Anaheim Coop. Orange Assn	.0560
Bryn Mawr Mutual Orange Assn	.4858
Chula Vista Mutual Lemon Assn	.1466
Escondido Coop. Citrus Assn	.1011
Euclid Avenue Orange Assn	2.1094
Foothill Citrus Union, Inc	.0846
Fullerton Coop. Orange Assn	.0537
Garden Grove Orange Coop	.0385
Glendora Coop. Citrus Assn	.0900
Golden Orange Groves, Inc	.4106
Highland Mutual Groves, Inc	.4198
Index Mutual Assn	.0040
La Verne Coop. Citrus Assn	2.4506
Olive Hillside Groves, Inc	.0000
Orange Coop. Citrus Assn	.0496
Redlands Foothill Groves	2.1547
Redlands Mutual Orange Assn	1.0136
Riverside Citrus Assn	.4024
Ventura County O. & L. Assn	.2162
Whittier Mutual O. & L. Assn	.0490
Babijuice Corp. of California	.3500
Banks Fruit Co	.2563
California Fruit Distrs	.0502
Cherokee Citrus Co., Inc	1.1011
Chess Co., Meyer W	.3530
Evans Brothers Packing Co	.6982
Gold Banner Assn	1.9165
Granada Hills Packing Co	.0228
Granada Packing House	.9942
Hill, Fred A	.7140
Inland Fruit Dealers, Inc	.2126
Orange Belt Fruit Distrs	2.4760
Panno Fruit Co., Carlo	.1167
Paramount Citrus Assn	.2558
Riverside Growers, Inc	.4678
San Antonio Orchards Assn	1.2810
Snyder & Sons Co., W. A	1.0368
Torn Ranch	.0484
Verity & Sons Co., R. H	.1026
Wall, E. T	1.5887
Western Fruit Grs., Inc., Redlands	2.6187
Yorba Orange Growers Assn	.0337

[F. R. Doc. 47-1746; Filed, Feb. 21, 1947; 10:11 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[G. O. 60, Supp. 10]

PART 299—RULES AND REGULATIONS, FORMS AND CITIZENSHIP REQUIREMENTS

SUBPART B—SALES OF WAR-BUILT VESSELS

§ 299.26 *Spare parts and vessel equipment, stores, fresh water, and fuel.* The United States Maritime Commission will provide and equip all vessels sold under the act both to citizens and non-citizens, unless otherwise agreed, in accordance with the following:

(a) *Machinery spare parts*—(1) *Except for vessels sold "as is".* Except for vessels sold "as is", the American Bureau of Shipping requirements, outstanding as of the date of the contract of sale, for on board machinery spare parts as contained in their publication, "Rules for Building and Classing Steel Vessels", will be met by the Commission.

The cost with respect to supplying deficiencies or repairing or renewing damaged parts already on board, shall be borne,

(i) On sales to citizens of the United States, in full by the Commission.

(ii) On sales to non-citizens, 50% by the Commission and 50% by the purchaser.

(2) *Vessels sold "as is".* For vessels sold "as is", the Commission will not comply with the American Bureau of Shipping requirements for machinery spare parts to the extent of insuring that the parts are actually aboard the vessels, but will, as to all such requirements outstanding as of the date of the contract of sale, grant an allowance based upon the estimated cost of supplying deficiencies or repairing or renewing damaged parts already on board, within the limits of section 3 (d) of the Merchant Ship Sales Act of 1946,

(i) On sales to citizens of the United States, equal to such estimated cost.

(ii) On sales to non-citizens, equal to 50% of such estimated cost.

(3) *Spare parts list.* For ready reference there is attached a listing of the American Bureau of Shipping required spare parts for steam reciprocating engines, steam turbines, internal combustion engines, boilers, machinery for refrigerated vessels, and for electrically driven vessels.

(b) *Allowance list items, consumable stores, fresh water, and fuel*—(1) *Construction of "unbroached".* For the purpose of this section, the following provisions shall apply in respect to the term "unbroached":

(i) *Unbroached consumable stores except subsistence stores.* In general, any item of consumable stores, which at the time of inventory may be given a condition valuation of 100% by the Commission's standards, i. e. that the item has not been used and has not lost any of its original value through age, rust, decay, or improper stowage, shall be considered unbroached. With respect to the con-items normally supplied to vessels in bulk shall be considered first on the basis of condition and if meeting the above qualifications, the quantities as found shall be considered as unbroached. With respect to items normally packaged in small quantities of nominal value they shall be considered as broached where the containers have been opened and contents partially consumed.

(ii) *Unbroached subsistence stores.* All subsistence stores which are in 100% condition by the Commission's standards, as set forth in subdivision (i) of this subparagraph, shall be considered unbroached, regardless of whether stored in original packages or containers or whether part of the original amounts have been consumed.

(2) *Vessels in operation.* As to vessels in operation, the Commission assumes no obligation on sales to either citizens or non-citizens for delivery of vessels to purchasers fully equipped with items of an allowance list nature, expendables, or consumable stores (Spare machinery parts will be furnished as prescribed in paragraph (a) of this section). In this respect the vessels will be sold "as is", with the Commission neither adding or removing any such items, except as provided in paragraph (c) of this section. However, purchasers will be required to pay to the Commission an amount reflecting the full value, as indicated by the prevailing rate at the port where delivery is being made, for all unbroached consumable stores, fresh water, and fuel.

(3) *Vessels from the reserve fleet or inactive status.* As to vessels sold out of the reserve fleet or from inactive status, the Commission, when such vessels have been stripped of expendable equipment, will undertake to re-equip the vessels at its expense in accordance with the appropriate minimum standard allowance lists attached entitled "Standard Allowance List for Reoutfitting EC2, Z–ET1, VC2, C1, C2, C3, C4, R2, T2 and T3 Class Vessels sold under the Merchant Ship Sales Act of 1946" and "Standard Allowance List for Reoutfitting N3 and T1 Class Vessels sold under the Merchant Ship Sales Act of 1946." These allowances lists provide, in general, those minimum items of equipment and material necessary for the berthing of officers and crew, for the operation of pantries and galleys, and for instruments necessary for the safe navigation of the vessel. The Commission will not assume any obligations over and beyond those set forth in this paragraph on inoperative vessels. Purchasers will be required to pay to the Commission an amount reflecting the full value, as indicated by the prevailing rate at the port where delivery is being made, for all unbroached consumable stores, fresh water, and fuel.

(c) *Removal of excesses.* Items in the category of propellers, tailshafts, sections of line shafting, pinions and reduction gears for main propulsion units, bearings where found in quantity (except roller and ball types), rotors and rotating elements for turbines, and complete spare machinery components where in excess of American Bureau of Shipping requirements, will be removed. As to other items, where vessels are found to be stocked in excess of American Bureau of Shipping requirements or in excess of the standard allowance lists attached, such excesses will not be removed except where it is found that specific items or parts are of high intrinsic value or are in very short supply, thereby justifying the Commission's incurring expenditures for their removal and storage.

(d) *Procedure*—(1) *Deficiencies in machinery spare parts.* Within five days after a purchaser signs a contract of sale or an addendum to an existing contract of sale, involving the purchase of a vessel, or (if the vessel is at sea on the date of such signing or makes a voyage other than under bareboat charter to the purchaser after such signing) within five days after the return of the vessel to the United States port of final discharge, whichever is the later, the purchaser of such vessel shall furnish to the Local Head, Inventory Section, Operating Contracts Division, at the port nearest that of the vessel, a list of deficiencies in machinery spare parts within the limits of paragraph (a) of this section. The Local Head, Inventory Section, shall verify whether or not such parts are on board. He shall promptly notify the purchaser in writing of the disapproval of such list or any portion thereof. Upon approval of such list or any portion thereof, he shall

(i) Except for a vessel sold "as is," forward such approved list to the nearest District Purchasing Officer, Procurement Division, who shall obtain and deliver to such vessel such required spare parts.

(ii) For a vessel sold "as is," proceed as set forth in subparagraph (3) of this paragraph.

(2) *Parts in need of repair.* Within five days after a purchaser signs a contract of sale or an addendum to an existing contract of sale, involving the purchase of a vessel, or (if the vessel is at sea on the date of such signing or makes a voyage other than under bareboat charter to the purchaser after such signing) within five days after the return of the vessel to the United States port of final discharges, whichever is later, the purchaser of such vessels shall furnish to the Local Manager, Maintenance and Repair Division, at the port nearest that of the vessel, a list of damaged machinery spare parts, within the limits of paragraph (a) of this section. Such Local Manager shall verify whether or not such parts are damaged as alleged. He shall promptly notify the purchaser in writing of the disapproval of such list or any portion thereof. Upon approval of such list or any portion thereof, he shall

(i) Except for a vessel sold "as is," arrange, consistent with existing Maintenance and Repair Division requirements and instructions, for the effecting of the necessary repairs. If the expenditures for such repairs will exceed the cost of replacing any of the damaged parts, such Local Manager shall furnish to the nearest District Purchasing Officer, Procurement Division, a list of such damaged parts to be replaced as deficiencies in the manner prescribed in subparagraph (1) (i) of this paragraph.

(ii) For a vessel sold "as is", proceed as set forth in subparagraph (3) of this paragraph.

(3) *Allowance for deficiencies in and repairs of machinery spare parts for vessels sold "as is".* In the case of a vessel sold "as is", upon approval of the purchaser's list of deficiencies in machinery spare parts, or any portion thereof, pursuant to subparagraph (1) of this paragraph, the Local Head, Inventory Section, Operating Contracts Division, shall furnish to the Local Manager, Maintenance and Repair Division, an estimate of the cost of supplying such approved deficiencies. Such Local Manager, upon approval of the purchaser's list of damaged machinery spare parts, or any portion thereof, pursuant to subparagraph (2) of this paragraph, shall furnish to the Director, Maintenance and Repair Division, an estimate of the cost of repairing such damaged parts, and the estimate of the cost of supplying deficiencies. The Director, Maintenance and Repair Division, shall furnish such estimates to the Director, Division of Large Vessel Sales so that allowances in accordance with paragraph (a) (2) of this section may be determined.

(4) *Allowance list items, consumables, and expendables*—(i) *Operating vessels.* When an operating vessel is sold, the Local Head, Inventory Section, Operating Contracts Division, at the port nearest to that of the vessel, shall make a full inventory consistent with the provisions of paragraph (b) (2) of this section, and shall prepare an estimate of the value, at rates prevailing at such vessel's port of delivery, for all the unbroached consumable stores, fresh water, and fuel aboard the vessel, which estimate shall be furnished by the Chief, Inventory Section, Operating Contracts Division, to the Director, Division of Large Vessel Sales, who shall be responsible for carrying out the provisions of paragraph (b) (2) of this section.

(ii) *Vessels from the reserve fleet or inactive status.* When a vessel is sold out of the reserve fleet or inactive status, the Local Head, Inventory Section, Operating Contracts Division, United States Maritime Commission, at the port nearest to that of the vessel, shall make a full inventory consistent with the provisions of paragraph (b) (3) of this section and shall check and compare such inventory against the allowance lists attached. He shall furnish the nearest District Purchasing Officer the resulting list of deficiencies. Such Purchasing Officer shall obtain and deliver to such vessel such allowance list items.

The Local Head, Inventory Section, shall prepare an estimate of the value, at rates prevailing at such vessel's port of delivery, of all the unbroached consumable stores, fresh water and fuel aboard the vessel, which estimate shall be furnished by the Chief, Inventory section, Operating Contracts Division, to the Director, Division of Large Vessels Sales, who shall be responsible for carrying out the provisions of paragraph (b) (3) of this section with respect to consumable stores, fresh water and fuel. (60 Stat. 41)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

NOVEMBER 7, 1946.

LIST OF AMERICAN BUREAU OF SHIPPING SPARE PARTS AND EQUIPMENT FOR EACH OCEAN GOING VESSEL

STEAM RECIPROCATING ENGINES

Two (2) crosshead bearing bolts and nuts.
Two (2) crankpin bearing bolts and nuts.
Two (2) main bearing bolts and nuts.
One (1) set of piston rings where common rings are used.
Twenty-five (25) percent of piston springs.
Six (6) follower ring studs and nuts.
Six (6) cylinder cover studs and nuts.
Six (6) valve chest cover studs and nuts.
One (1) set of bearing pads for one single-collar type thrust bearing where fitted.
One (1) set of bolts for each size coupling.
One (1) set of propeller studs, if of special material.
One (1) set of valves for one feed pump.
One (1) set of valves for one bilge pump.
A set of bearing gauges.
Assorted bolts, nuts, and shim material.
Bar and plate steel in various sizes.
No spare parts are required for auxiliaries which are fitted in duplicate when such duplication is in excess of that required by the rules.

STEAM TURBINES

One (1) set of springs for governor, relief, and maneuvering valves.
One-half (½) set of packing rings, or segments, with springs for each gland so fitted.
Five (5) percent of bolts, or studs, and nuts of each size fitted in joints of turbine and gear casings.
One (1) set of thrust pads or rings, also springs where fitted for each size turbine thrust bearing.
Assorted shims and liners where fitted.
One (1) set of bolts and nuts for each size for turbine rotor, pinion, and gear bearings.
Spare bearing bushings sufficient to replace all the bushings on any one turbine rotor, pinion and gear having sleeve type bearings or complete assemblies consisting of outer and inner races and cages complete with rollers or balls where these types of bearings are used.
One (1) set of coupling bolts of each size, for one coupling.
One (1) set of bearings pads for one single collar type main thrust bearing where fitted.
One (1) set of studs, when made of special material, for one propeller.
Two (2) thermometers for the lubricating oil system.
One (1) set of valves for one feed pump.
One (1) set of valves for the bilge pump.
One (1) set of valves for one lubricating oil pump.
Assorted bolts, nuts and shim material.
Bar and plate steel in various sizes.
No spare parts required for auxiliaries which are fitted in duplicate when such duplication is in excess of that required by the Rules.

INTERNAL COMBUSTION ENGINES

Spares for Main Propelling Machinery

One (1) engine cylinder head complete with valves, cages, springs, etc.
One (1) piston complete with rings, etc.
One (1) set of parts liable to damage or wear for the piston cooling, arrangement of one cylinder.
One (1) set of bearings pads for one single collar type main thrust bearing where fitted.
One (1) set of studs, when made of special material, for one propeller.

Additional Spares for Main Engines and Spares for Auxiliary Engines

One (1) set of valves for one (1) cylinder complete with cages, springs, etc.
Twenty-five (25) percent of fuel valve needles.
One (1) set of piston rings for one piston.
One (1) set of main bearing brasses complete with bolts and nuts.
One (1) set of crankpin bearing brasses complete with bolts and nuts.
One (1) set of crosshead bearing brasses complete with bolts and nuts, when fitted or one wrist pin bushing where trunk pistons are used.
Where reduction gears are used there shall also be provided spare bearing bushings sufficient to replace all the bushings on any one piston and gear having sleeve type bearings, or complete assemblies consisting of outer and inner races, and cages complete with rollers or balls where these types of bearings are used.
One (1) complete set of the parts liable to damage or wear for the fuel oil pumps.
One (1) complete set of rings for each size piston of air compressors and scavenging air pumps.
One (1) set of bolts or studs of each size for one cylinder cover or the engines and air compressors.
One (1) set of coupling bolts of each size for one coupling.
Twenty-five (25) per cent of each size of special gaskets and packing, at least one of each size.
One (1) set of templates and gauges for adjusting gear and aligning main bearings
A sufficient length of each size of pipe used for injection air, starting air and injection oil lines to replace the longest section of pipe.
Asserted bolts, nuts, pipe flanges and pipe couplings.
At least one (1) set of valves of each type and size for all transfer pumps, fuel oil pumps, lubricating oil pumps, cooling water pumps and bilge pumps.
No spare parts are required for auxiliaries which are fitted in duplicate when such duplication is in excess of that required by the rules.

BOILERS

One (1) set of springs for one safety valve of each size.
Twelve (12) gauge glasses with packings per boiler if of the round gauge glass type.
Two (2) gauge glasses per boiler and one (1) frame for each two boilers if of the flat gauge glass type.
One-half (½) set of plain grate bars for one boiler (coal burning).
One (1) strainer basket of each size for fuel oil system.
Twenty-five (25) per cent of burner atomizer units for oil-fired boilers.
One (1) standard boiler presure gauge or gauge testing apparatus.
Five (5) per cent of each size and kind of tube for one fire-tube boiler.
Five (5) per cent of the tubes for one water tube boiler.
The number of each size and location in the boiler are to be as approved in connection with the design in each case.
Tube stoppers for twelve (12) generator, economizer and superheater tubes of each kind and size.
Necessary tools for operations.

REFRIGERATING MACHINERY—REEFER CARGO VESSELS

(a) When duplicate machinery units are fitted so that each unit is separately connected to two or more refrigerated compartments, one set of spare gear will be required as follows:

One (1) crankshaft, complete, with eccentric sheaves or one-half shaft where interchangeable.
One (1) cover of each pattern for compressors, except where forged steel cover or screwed plugs are fitted.
One (1) piston and rod with nuts, complete of each pattern, for steam cylinders and compressors.
One (1) valve spindle and nut of each pattern.
One (1) pair of main bearing bushings complete.

Two (2) main bearing bolts.
One (1) set of piston rod and connecting rod bolts and bushings.
One (1) cylinder cover of each type for the steam cylinders.
One (1) eccentric strap and rod, complete, of each pattern.
Main and cut-off valves for steam cylinder.
One (1) coupling for each type of compressor piston rod.
One (1) set of suction and delivery valves, complete with springs and casings, required for one compressor cylinder of each type and, in addition, 6 springs of each type.
One (1) set of metallic packing rings, if used, for compressors.
One (1) oil pump complete.
One (1) circulating pump bucket and rod, or one impeller and shaft of each type.
One (1) set of suction and delivery valves for each type of circulating pump.
One (1) rod of each type for steam and water ends of piston brine pumps.
One (1) cylinder cover of each type for piston brine pumps.
One (1) impeller and shaft of each type for centrifugal brine pumps.
One (1) set of coupling bolts of each type for centrifugal brine pumps.
One (1) gas regulating valve, complete, if made of cast iron; one rod and cone if of mild steel.
One (1) distributing and one (1) collecting piece of each pattern, except where they are of forged steel.
Assorted valves, cocks, flanges and fittings.
Blocks for making all leather packing.
Two (2) spare gauges with pressure and temperature scales and a sufficient supply of mercury thermometers.
Assorted lengths and bends of piping, together with flanges, couplings and screwing appliances.
A supply of assorted bolts, nuts, studs, packings, joint rings, compressor rings and leathers.

(b) In cases where independent cooling water pumps are not fitted and the cooling water is supplied by auxiliary pumps, spare piston rings, pumps valves and rods are to be carried.

(c) Where independent surface condensers, with air, water, circulating and feed pumps, are fitted and there are no connections to the main engine pumps, the following additional spare gear is to be carried:
One (1) crankshaft, complete with eccentric sheaves.
One (1) piston rod, complete of each pattern.
One (1) set of piston rings of each pattern for steam cylinders.
One (1) eccentric strap and rod of each pattern.
One (1) pump bucket and rod, complete of each pattern.
One (1) set of connecting rod and cross head bolts and nuts.
One (1) set of valves for each pump.
Six (6) tubes and twenty-four (24) ferrules for the condenser.

(d) Where connections to the main engine pumps are provided in cases otherwise similar to that of the foregoing sub-paragraph (c) the spare required will be as follows:
One (1) pump bucket and rod, complete, of each pattern.
One (1) set of connecting rod and cross-head bolts and nuts.
One-half (½) set of valves for each pump.

(e) Spare gear required for vessel engaged in voyage of not more than three days' duration should be as follows:
One (1) piston of each type, complete, for steam and compressor cylinders.
One (1) piston of each type, complete with nuts for steam and compressor cylinders.
One (1) valve and rod of each type, complete with nuts.
One (1) eccentric strap and rod of each type.
One (1) set of connecting rod brasses, complete with bolts and nuts, of each type.
One (1) set of main bearing brasses, complete with bolts and nuts, of each type.
One (1) set of suction and delivery valves, complete with springs and casings, of each type.
One (1) set of piston rings for steam and water ends of each type of brine pump.
Blocks for making all leather packings.
One (1) spare gauge with pressure and temperature scales.
Assorted lengths and bonds of piping, together with flanges, couplings and screwing appliances.
A supply of assorted bolts, nuts, studs, packings, joint rings, compressor rings and leathers.

(f) Spares required for electric motors are as follows:
One (1) spare armature, complete with commutator and shaft, for each type of motor fitted.
One (1) spare field coil of each kind and size for direct current motors.
Two (2) spare coils for synchronous motors.
One-fourth set of rotor coils for form-wound induction motors.
One-fourth set of armature coils for synchronous and induction motors.

NOTE: Alternating-current motors with multiple windings require no spare coils.

One (1) complete brush holder and springs, stud insulation and set of brushes for each type and size fitted.
One (1) set of arc-rupturing and interlock contacts and springs for each circuit breaker, contractor, relay, etc., up to eight similar sets, beyond that one set for each four.
Two (2) fuses for each fuse installed if renewable fuses are used, then five renewals for each fuse and two cases for each size fuse.
One (1) trip coil for each size and type installed.
One (1) set of fingers, burning contacts, and springs where fitted, for each controller up to four similar sets.
One (1) shunt coil for each size and type installed.
One (1) resister of each capacity used plus one additional for every four up to four similar resisters.
One (1) bearing lining of each kind and size with oil rings, where fitted.
One (1) set of studs and nuts for main bearings, assorted bolts, studs and nuts, screws, necessary tools, etc.

NOTE: The spares as noted in the foregoing are minimum requirements. Where installations require more than six circulating fans additional spares should be carried as approved for each such case.

(g) Where other than electric motors are used for driving fans, the spare gear is to be specially submitted to the Bureau for approval.

ELECTRICAL

Coils: One (1) spare field coil of each kind and size for direct-current generators and motors.
Two (2) spare field coils for synchronous motors and salient-pole synchronous generators.
One-fourth set of rotor coils for form-wound induction propulsion motors.
One-fourth set of armature coils for synchronous and induction propulsion motors.
Exception: Alternating-current motors with multiple windings require no spare coils.
Bearings: One (1) bearing lining of each kind and size with oil rings, where fitted, for generator and motors.
Brushes and Holders: One (1) complete brush holder with three spare springs, stud insulation and set of brushes for each type and size, where fitted for generators and motors.

No spare parts are required for auxiliaries which are fitted in duplicate when such duplication is in excess of that required by the rules.

STANDARD ALLOWANCE LIST FOR REOUTFITTING EC2, Z-ET1, VC2, C1, C2, C3, C4, R2, T2 AND T3 CLASS VESSELS SOLD UNDER THE MERCHANT SHIP SALES ACT OF 1946

NAVIGATION INSTRUMENTS

Item No.	Description	Quantity
1	Barometers, aneroid	1
2	Chronometer	1
3	Clinometer	2
4	Clocks, 6" dial, nonstriking	6
5	Clocks, 8½" dial, nonstriking (engine room)	1
6	Clocks, 6" dial, striking (wheelhouse)	1
7	Divider, compass, 6"	1
8	Dividers, 5¾"	2
9	Glass, chart reading, 4"	1
10	Glass, compass reading	1
11	Horn, fog, mechanical	1
12	Hygrometer, wet and dry bulb with humidity chart	1
13	Leads, sounding, 7-lb	1
14	Leads, sounding, 9-lb	1
15	Leads, sounding, 14-lb	2
16	Leads, sounding, 30-lb. deep sea	1
17	Lines, lead, deep sea, 1" circ., size 10, 120 fathoms with reel	2
18	Lines, lead, cotton braided, ¾" circ. size 8", 25 fathoms	2
19	Megaphone, 15"	1
20	Megaphone, 30"	1
21	Protractor, course, transparent	2
22	Rules, Parallel, 18" graduated	1
23	Thermometers, copper frame, −20° to +130° Fahrenheit 12" size (mercurial)	2
24	Thermometers, shiphold, −20° to +130° Fahrenheit 12" size	3

MOORING APPLIANCES

1	Line, spring; 1" diameter, grade 4, 6 x 24, improved plow steel wire, with 6' 0" diameter eye spliced in one end only. Total length to be 65 fathoms overall after spliced eye is produced	2

FLAGS

1	Ensign, U. S. 5' x 8'	1
2	Ensign, U. S. 8' x 12'	1
3	Flags, International Code, complete set consisting of one set alphabets, size no. 2 (4 ft. 6 in. x 5 ft. 6 in.), one set numerals, size no. 2 (3 ft. 9 in. x 12 ft. 9 in.), one answering pennant, size no. 2 (3 ft. 9 in. x 12 ft. 9 in.), one set repeaters (first, second and third), and two code books (Volumes I and II)	1
4	Flags, International Code; size no. 1 (6 ft. 6 in. x 8 ft. 0 in.) of letters, "B", "G", "H", "P", "Q", and "Y"—each	1
5	Flags, ship's code letter: Complete set consisting of four letters in set (4 ft. 6 in. x 5 ft. 6 in.)	1
6	Flags, semaphore; type I; size 15 in. x. 15"; red and yellow	2
7	Flags, semaphore; type II, size 15 in. x. 15 in.; blue and white	2
8	Shapes, day, 24 in. diameter, black	3

EMERGENCY RIOT EQUIPMENT

1	Irons, hand (handcuffs)—pair	1

OFFICE EQUIPMENT

1	Typewriters, elite—11", 18", or 26"	1
2	Typewriters, Navy telegraphic, 11" (radio room)	1

STANDARD ALLOWANCE LIST FOR REOUTFITTING EC2, Z-ET1, VC2, C1, C2, C3, C4, R2, T2 AND T3 CLASS VESSELS SOLD UNDER THE MERCHANT SHIP SALES ACT OF 1946—Con.

LIVING AND BERTHING EQUIPMENT

Officers, Approximately—18

Item No.	Description	Quantity
1	Blankets	36
2	Cloths, table	36
3	Covers, mattress	20
4	Covers, pillow	42
5	Curtains, shower	12
6	Felts, table; flannel	6
7	Pillow cases, white	108
8	Sheets, white	108
9	Spreads, day; green momie cloth	24
10	Towels, bath	108
11	Towels, face; huck	108

Petty Officers and Crew, Approximately 36 With 4 extras—40

12	Blankets, gray	84
13	Counterpanes, cotton; blue and white	84
14	Covers, mattress	42
15	Covers, pillow	42
16	Pillow cases; white	120
17	Sheets, white	240
18	Towels, bath	240
19	Towels, face	240

Galley and Pantry Linen

20	Towels, service (glass and pantry)	120

Miscellaneous Linen

21	Aprons, cooks'	12
22	Bags, laundry	12
23	Coats, messmen's	24
24	Coats, cooks'	18

All Locations

25	Mats, door; cocoa	12
26	Life preservers, merchant type, approved by classification requirements	68

Officers and Crew

27	Pillows, chicken feather, 2½ lb., officers	42
28	Pillows, chicken feather, 3½ lb., crew and hospital berth	42
29	Mattresses, innerspring; officers (or one per berth)	18
30	Mattresses, cotton felt; crew and hospital (or one per berth)	40

MESSING EQUIPMENT

Officers' Mess—Tableware

1	Forks	48
2	Knives	48
3	Spoons, medium	36
4	Spoons, tea	48

Officers' Mess—Chinaware

5	Bowls, grapefruit and cereal	24
6	Bowls, sugar, with cover; round	6
7	Cups, coffee or tea	36
8	Cups, egg	12
9	Dishes, celery	6
10	Dishes, vegetable, oval (bakers'), 5¾"	36
11	Dishes, vegetable, oval (bakers'), 10"	6
12	Pitchers, cream, handled, 8 oz	8
13	Pitchers, hall boy	6
14	Plates, bread and butter, 6¼"	36
15	Plates, breakfast; 8 in	24
16	Plates, dessert, 7⅛ in	36
17	Plates, dinner, 9 in	36
18	Plates, soup, rim deep, 9 in	30
19	Platters, oval; 9⅜ in	12
20	Platters, oval, 13¼ in	4
21	Pots, mustard; 4 oz	4
22	Saucers, coffee	36
23	Saucers, fruit, 5¼ in	36
24	Spoons, mustard; bone or plastic, approx. 4¾ in	6

STANDARD ALLOWANCE LIST FOR REOUTFITTING EC2, Z-ET1, VC2, C1, C2, C3, C4, R2, T2 AND T3 CLASS VESSELS SOLD UNDER THE MERCHANT SHIP SALES ACT OF 1946—Con.

MESSING EQUIPMENT—continued

Glassware

Item No.	Description	Quantity
25	Bottles, water	17
26	Cruets, oil and vinegar	12
27	Glasses, fruit juice	36
28	Glasses, iced tea	36
29	Glasses, water	72
30	Pitchers, water, 56 oz. capacity	8
31	Shakers, pepper, 3½ in. high	12
32	Shakers, salt, 3½ in. high	12

Petty Officers' and Crew's Mess—Chinaware

33	Bowls, soup or cereal	48
34	Bowls, sugar, round	10
35	Cups, egg	12
36	Dishes, vegetable	8
37	Mugs, coffee	84
38	Pitchers, hall boy	8
39	Plates, dessert, 7⅛ in	84
40	Plates, dinner, 9 in	84
41	Plates, soup, rim deep, 9 in	48
42	Platters, oval, 13¼ in	8
43	Pots, mustard	6
44	Saucers, fruit, 5¼ in	84

Petty Officers' and Crew's Mess—Flatware

45	Forks, table	60
46	Knives	60
47	Spoons, medium	60
48	Spoons, tea	84

Miscellaneous Equipment

49	Bells, dinner	1

Galley and Pantry Gear

50	Boards, bread, size 16" x 22" x ¾"	1
51	Bowls, beating, retinned, 16 in. diameter	1
52	Bowls, mixing, retinned, 22 in. diameter	1
53	Boards, meat-cutting, size, 18" x 24" x 3"	1
54	Boxes, bread	2
55	Broiler, range	2
56	Brushes, butcher block	1
57	Canisters, grocers' 10 lb. capacity	4
58	Cans, garbage or ash, with cover	5
59	Choppers, meat and food	1
60	Cleavers, market	1
61	Colanders, retinned, 7 qt. capacity	1
62	Colanders, retinned, 22 qt. capacity	1
63	Corers, apple, T-shape	1
64	Corkscrews	3
65	Cutters, biscuit or cake, 2½ in	1
66	Cutters, doughnut, 3 in	1
67	Dippers, 1 qt. capacity	1
68	Dippers, 1½ qt. capacity	1
69	Dredges, flour	1
70	Dredges, sugar	1
71	Forks, cooks'	2
72	Funnels, 1 qt. capacity	1
73	Graters, half round	1
74	Graters, square	1
75	Griddles, cast iron	1
76	Hooks, meat; "S" type	48
77	Ice picks	6
78	Kettles, sponge	1
79	Knives, bread	2
80	Knives, cooks'	2
81	Knives, grapefruit	2
82	Knives, paring	4
83	Knives, scraping	1
84	Ladles, retinned, 3¼ oz. capacity	2
85	Ladles, retinned, 7 oz. capacity	4
86	Ladles, retinned, 12¼ oz. capacity	1
87	Ladles, retinned, 24 oz. capacity	1
88	Mashers, potato	1
89	Measures, 1 qt. capacity	1
90	Openers, can; mechanical	1
91	Pails, garbage, with cover, 7 gallon capacity	4

STANDARD ALLOWANCE LIST FOR REOUTFITTING EC2, Z-ET1, VC2, C1, C2, C3, C4, R2, T2 AND T3 CLASS VESSELS SOLD UNDER THE MERCHANT SHIP SALES ACT OF 1946—Con.

MESSING EQUIPMENT—continued

Galley and Pantry Gear—Continued

Item No.	Description	Quantity
92	Pans, baking, steel	3
93	Pans, roll; sheets	4
94	Pans, bread, pullman, with cover	18
95	Pans, dish, round, 21 qt. capacity	1
96	Pans, dish, round, 35 qt. capacity	2
97	Pans, fry, 6½ in. diameter	6
98	Pans, fry, 9⅜ in. diameter	3
99	Pans, fry, 11⅛ in. diameter	1
100	Pans, fry, deep, 20½ in. top diameter	2
101	Pans, muffin, 12 cups to pan	6
102	Pans, roasting, 24" x 18" x 3½"	4
103	Pans, sauce, 2-qt. capacity	2
104	Pans, sauce, with cover, 8-qt. capacity	1
105	Pans, sauce, with cover, 13½-qt. capacity	1
106	Pans, sauce, with cover, 10-qt. capacity	1
107	Pans, sauce, shallow, with cover, 12-qt. capacity	2
108	Peels, wood (cracker peel)	1
109	Pins, rolling	1
110	Plates, pie	24
111	Pots, sauce, 21-qt. capacity	2
112	Pots, sauce, 30-qt. capacity	2
113	Pots, stock, with cover, 9 gal	1
114	Pots, stock, with cover and faucet, 9-gal. capacity	1
115	Saws, meat, frame, butchers'	1
116	Scales, household	1
117	Scoops, grocers'	1
118	Scrapers, dough	1
119	Sieves, flour, wood rim	1
120	Sieves, puree	1
121	Skimmers, 4-in. blade	2
122	Skimmers, 6¼-in. blade	1
123	Spoons, cooking, perforated	2
124	Spoons, cooking, 15¼ in. solid	4
125	Spoons, cooking, 17 in	2
126	Steels, butchers'	1
127	Strainers, china-cap, retinned	1
128	Strainers, tea, 2½ in	1
129	Tongs, ice, steel	2
130	Trays, serving, 14¼" x 18¼" x 1⅛"	4
131	Turners, cake, 4¼ in. blade	1
132	Turners, egg, perforated blade, 3¼ in	2
133	Whips, egg; 12 in	1
134	Whips, egg; 15 in	1
135	Whips, egg; balloon, 14 in	1

STANDARD ALLOWANCE LIST FOR REOUTFITTING N3 AND T1 CLASS VESSELS SOLD UNDER THE MERCHANT SHIP SALES ACT OF 1946

NAVIGATION INSTRUMENTS

Item No.	Description	Quantity
1	Barometers, aneroid	1
2	Chronometer	1
3	Clinometer	2
4	Clocks, 6" dial, nonstriking	6
5	Clocks, 8½" dial, nonstriking (engine room)	1
6	Clocks, 6" dial, striking (wheelhouse)	1
7	Divider, compass, 6"	1
8	Dividers, 5¾"	2
9	Glass, chart reading 4"	1
10	Glass, compass reading	1
11	Horn, fog, mechanical	1
12	Hygrometer, wet and dry bulb with humidity chart	1
13	Leads, sounding, 7 lbs	1
14	Leads, sounding, 9 lbs	1
15	Leads, sounding, 14 lbs	2
16	Leads, sounding, 30 lb. deep sea	1
17	Lines, lead, deep sea, 1" circ., size 10, 120 fathoms, with reel	2
18	Lines, lead, cotton braided, ¾" circ. size 8" 25 fathoms	2

STANDARD ALLOWANCE LIST FOR REOUTFITTING N3 AND T1 CLASS VESSELS SOLD UNDER THE MERCHANT SHIP SALES ACT OF 1946—Con.

NAVIGATION INSTRUMENTS—continued

Item No.	Description	Quantity
19	Megaphone, 15"	1
20	Megaphone, 30"	1
21	Protractor, course, transparent	2
22	Rules, parallel, 18" graduated	1
23	Thermometers, copper frame, −20° to +130° Fahrenheit, 12" size (mercurial)	2
24	Thermometers, shiphold, −20° to +130° Fahrenheit, 12" size	3

MOORING APPLIANCES

1	Line, spring; 1" diameter, grade, 4, 6, x 24, improved plow steel wire, with 6' 0" diameter eye spliced in one end only. Total length to be 65 fathoms overall after spliced eye is produced	2

FLAGS

1	Ensign, U. S. 5' x 8'	1
2	Ensign, U. S. 8' x 12'	1
3	Flags, International Code, complete set consisting of one set alphabets, size No. 2 (4 ft. 6 in. x 5 ft. 6 in.), one set numerals, size No. 3, (3 ft. 9 in. x 12 ft. 9 in.), one answering pennant, size No. 2, (3 ft. 9 in. x 12 ft. 9 in.), one set repeaters, (first, second, and third) and two code books (Volumes I and II)	1
4	Flags, International Code; size No. 1 (6 ft. 6 in. x 8 ft. 0 in.) of letters, "B", "G", "H", "P", "Q", and "Y" each	1
5	Flags, ship's code letter; Complete set consisting of four letters in set (4 ft. 6 in. x 5 ft. 6 in.)	1
6	Flags, semaphore; type I; size 15 in. x 15 in.; red and yellow	2
7	Flags, semaphore; type II, size 15 in. x 15 in.; blue and white	2
8	Shapes, day, 24 in. diameter, black	3

EMERGENCY RIOT EQUIPMENT

1	Irons, hand (handcuffs) pair	1

OFFICE EQUIPMENT

1	Typewriters elite—11", 18" or 26"	1
2	Typewriters, Navy telegraphic, 11" (radio room)	1

LIVING AND BERTHING EQUIPMENT

Officers, Approximately—11

1	Blankets	24
2	Cloths, table	36
3	Covers, mattress	12
4	Covers, pillow	24
5	Curtains, shower	12
6	Felts, table; flannel	6
7	Pillow cases, white	72
8	Sheets, white	72
9	Spreads, day, green momie cloth	12
10	Towels, bath	72
11	Towels, face, huck	72

Petty Officers and Crew, Approximately 22 With 4 extras—26

12	Blankets, gray	54
13	Counterpanes, cotton, blue and white	72
14	Covers, mattress	30
15	Covers, pillow	30
16	Pillow cases; white	72
17	Sheets, white	144
18	Towels, bath	144
19	Towels, face	144

Galley and Pantry Linen

20	Towels, service (glass and pantry	120

STANDARD ALLOWANCE LIST FOR REOUTFITTING N3 AND T1 CLASS VESSELS SOLD UNDER THE MERCHANT SHIP SALES ACT OF 1946—Con.

LIVING AND BERTHING EQUIPMENT—con.

Miscellaneous Linen

Item No.	Description	Quantity
21	Aprons, cooks'	12
22	Bags, laundry	12
23	Coats, messmen's	24
24	Coats, cooks'	18

All Locations

25	Mats, door; cocoa	8
26	Life preservers, merchant type, approved by classification requirements	38

Officers and Crew

27	Pillows, chicken feather, 2½ lb., officers'	24
28	Pillows, chicken feather, 3½ lb., crew and hospital berth	27
29	Mattresses, innerspring; officers' (or 1 per berth)	11
30	Mattresses, cotton felt; crew and hospital (or 1 per berth)	23

MESSING EQUIPMENT

Officers' Mess—Tableware

1	Forks	24
2	Knives	24
3	Spoons, medium	24
4	Spoons, tea	24

Officers' Mess—Chinaware

5	Bowls, grapefruit and cereal	18
6	Bowls, sugar, with cover; round	4
7	Cups, coffee or tea	24
8	Cups, egg	6
9	Dishes, celery	3
10	Dishes, vegetable, oval (bakers') 5¾ in	18
11	Dishes, vegetable, oval (bakers') 10 in	3
12	Pitchers, cream, handled, 8 oz	3
13	Pitchers, hall boy	3
14	Plates, bread and butter, 6¼ in	24
15	Plates, breakfast, 8 in	18
16	Plates, dessert, 7⅛ in	24
17	Plates, dinner, 9 in	24
18	Plates, soup, rim deep, 9 in	18
19	Platters, oval, 9⅜ in	6
20	Platters, oval, 13¼ in	3
21	Pots, mustard; 4 oz	4
22	Saucers, coffee	24
23	Saucers, fruit; 5¼ in	24
24	Spoons, mustard, bone or plastic, approx. 4¾ in	6

Glassware

25	Bottles, water	12
26	Cruets, oil and vinegar	8
27	Glasses, fruit juice	36
28	Glasses, iced tea	36
29	Glasses, water	72
30	Pitchers, water, 56 oz. capacity	3
31	Shakers, pepper, 3½ in. high	6
32	Shakers, salt, 3½ in. high	6

Petty Officers' and Crew's Mess—Chinaware

33	Bowls, soup or cereal	24
34	Bowls, sugar, round	6
35	Cups, egg	6
36	Dishes, vegetable	4
37	Mugs, coffee	48
38	Pitchers, hall boy	4
39	Plates, dessert, 7⅛ in	48
40	Plates, dinner, 9 in	48
41	Plates, soup, rim deep, 9 in	48
42	Platters, oval, 13¼ in	4
43	Pots, mustard	3
44	Saucers, fruit, 5¼ in	48

Petty Officers' and Crew's Mess—Flatware

45	Forks, table	30
46	Knives	30
47	Spoons, medium	30
48	Spoons, tea	42

STANDARD ALLOWANCE LIST FOR REOUTFITTING N3 AND T1 CLASS VESSELS SOLD UNDER THE MERCHANT SHIP SALES ACT OF 1946—Con.

MESSING EQUIPMENT—continued

Miscellaneous Equipment

Item No.	Description	Quantity
49	Bells, dinner	1

Galley and Pantry Gear

50	Boards, bread, size 16" x 22" x ¾"	1
51	Bowls, beating, retinned, 16 in. diameter	1
52	Bowls, mixing, retinned, 22 in. diameter	1
53	Boards, meat-cutting, size 18" x 24" x 3"	1
54	Boxes, bread	2
55	Broiler, range	2
56	Brushes, butcher block	1
57	Canisters, grocers'—10 lb. capacity	4
58	Cans, garbage or ash, with cover	5
59	Choppers, meat and food	1
60	Cleavers, market	1
61	Colanders, retinned, 8 qt. capacity	1
62	Colanders, retinned, 22 qt. capacity	1
63	Corers, apple, "T"-shape	1
64	Corkscrews	2
65	Cutters, biscuit or cake, 2½ in	1
66	Cutters, doughnut, 3 in	1
67	Dippers, 1 qt. capacity	1
68	Dippers, 1½ qt. capacity	1
69	Dredge, flour	1
70	Dredge, sugar	1
71	Forks, cooks'	2
72	Funnels, 1 qt. capacity	1
73	Graters, half round	1
74	Graters, square	1
75	Griddles, cast iron	1
76	Hooks, meat; "S"-type	48
77	Ice picks	6
78	Kettles, sponge	1
79	Knives, bread	2
80	Knives, cooks'	2
81	Knives, grapefruit	2
82	Knives, paring	4
83	Knives, scraping	1
84	Ladles, retinned, 3¼ oz. capacity	2
85	Ladles, retinned, 7 oz. capacity	4
86	Ladles, retinned, 12¼ oz. capacity	1
87	Ladles, retinned, 24 oz. capacity	1
88	Mashers, potato	1
89	Measures, 1 qt. capacity	1
90	Openers, can; mechanical	1
91	Pails, garbage, with cover, 7-gallon capacity	4
92	Pans, baking steel	3
93	Pans, roll; sheets	4
94	Pans, bread, pullman, with cover	18
95	Pans, dish, round 21-qt. capacity	1
96	Pans, dish, round, 35-qt. capacity	2
97	Pans, fry, 6½-in. diameter	6
98	Pans, fry, 9¾-in. diameter	3
99	Pans, fry, 11 1/16-in. diameter	1
100	Pans, fry, deep, 20½-in. top diameter	2
101	Pans, muffin, 12 cups to pan	6
102	Pans, roasting, 24" x 18" x 3½"	4
103	Pans, sauce, 2-qt. capacity	2
104	Pans, sauce, with cover, 8-qt. capacity	1
105	Pans, sauce, with cover, 13½-qt. capacity	1
106	Pans, sauce, with cover, 10-qt. capacity	1
107	Pans, sauce, shallow, with cover, 12-qt. capacity	2
108	Peels, wood (cracker peel)	1
109	Pins, rolling	1
110	Plates, pie	24
111	Pots, sauce, 21-qt. capacity	2
112	Pots, sauce, 30-qt. capacity	2
113	Pots, stock, with cover, 9 gal	1
114	Pots, stock, with cover and faucet, 9-gal. capacity	1
115	Saws, meat, frame, butchers'	1
116	Scales, household	1
117	Scoops, grocers'	1
118	Scrapers, dough	1
119	Sieves, flour, wood rim	1

STANDARD ALLOWANCE LIST FOR REOUTFITTING N3 AND T1 CLASS VESSELS SOLD UNDER THE MERCHANT SHIP SALES ACT OF 1946—Con.

MESSING EQUIPMENT—continued

Galley and Pantry Gear—Continued

Item No.	Description	Quantity
120	Sieves, puree	1
121	Skimmers, 4 in. blade	2
122	Skimmers, 6¼ in. blade	1
123	Spoons, cooking, perforated	2
124	Spoons, cooking, 15¼ in. solid	4
125	Spoons, cooking, 17 in	2
126	Steels, butcher's	1
127	Strainers, china-cap, retinned	1
128	Strainers, tea; 2½ in	1
129	Tongs, ice; steel	2
130	Trays, serving, 14¼" x 18¼" x ⅛"	4
131	Turners, cake, 4¼ in. blade	1
132	Turners, egg, perforated blade, 3¼ in	2
133	Whips, egg; 12 in	1
134	Whips, egg, 15 in	1
135	Whips, egg; balloon, 14 in	1

[F. R. Doc. 47-1714; Filed, Feb. 21, 1947; 8:51 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[4th Rev. S. O. 104, Amdt. 3]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of February A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 104 (11 F. R. 2189), as amended (11 F. R. 3952, 9039), and good cause appearing therefor, it is ordered, that:

Section 95.304, *Substitution of refrigerator cars for box cars*, of Fourth Revised Service Order No. 104, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) in lieu of paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of the Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 21, 1947; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1707; Filed, Feb. 21, 1947; 8:50 a. m.]

[S. O. 436, Amdt. 4]

PART 95—CAR SERVICE

REMOVAL AND RETURN OF EMPTY REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of February A. D. 1947.

Upon further consideration of Service Order No. 436 (11 F. R. 815), as amended (11 F. R. 1627, 4039, 9453), and good cause appearing therefor, it is ordered, that:

Section 95.436 *Removal and return of empty refrigerator cars*, of Service Order No. 436, as amended, be, and it is hereby, further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 23, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1706; Filed, Feb. 21, 1947; 8:49 a. m.]

[S. O. 394, Amdt. 9]

PART 95—CAR SERVICE

FREE TIME ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of February A. D. 1947.

Upon further consideration of Service Order No. 394 (10 F. R. 15008), as amended (10 F. R. 15073, 15354; 11 F. R. 408, 1627, 1992, 2277, 4039, 9453), and good cause appearing therefor, it is ordered, that:

Section 95.394 *Free time on refrigerator cars*, of Service Order No. 394, as amended, be, and it is hereby, further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 7:00 a. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 25, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1709; Filed, Feb. 21, 1947; 8:50 a. m.]

[S. O. 396, Amdt. 4]

PART 95—CAR SERVICE

PERISHABLES; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of February A. D. 1947.

Upon further consideration of Service Order No. 396 (10 F. R. 15008), as amended (11 F. R. 1627, 4038, 9453), and good cause appearing therefor; it is ordered, that:

Section 95.396 *Perishables; restrictions on reconsigning*, of Service Order No. 396, as amended, be, and it is hereby, further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 25, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1705; Filed, Feb. 21, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 7]

REGULATIONS UNDER THE INCOME TAX CONVENTION AND PROTOCOL BETWEEN THE UNITED STATES AND THE UNITED KINGDOM

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32, 26 U. S. C. 62).

PART 7—TAXATION PURSUANT TO TREATIES

SUBPART—UNITED KINGDOM; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1944

Regulations affecting the taxation of nonresident aliens who are residents of the United Kingdom and foreign corporations managed and controlled in the United Kingdom under the income tax convention and protocol between the United States and the United Kingdom, proclaimed by the President of the United States on July 30, 1946.

Sec.

7.512 Introductory.
1.513 Applicable provisions of the Internal Revenue Code.
7.514 Scope of the convention.
7.515 Definitions.
7.516 Scope of convention with respect to determination of "industrial or commercial profits."
7.517 Control of a domestic enterprise by a United Kingdom enterprise.
7.518 Income from operation of ships and aircraft.
7.519 Exemption from, or reduction in rate of, United States tax in the case of dividends, interest, royalties, natural resource royalties, and real property rentals.
7.520 Government wages, salaries, pensions, and similar remunerations.
7.521 Compensation for labor or personal services.
7.522 Pensions and life annuities.
7.523 Capital gains.
7.524 Dividends and interest paid by a United Kingdom corporation.
7.525 United Kingdom corporations; exemption from Federal taxation with respect to accumulated profits or undistributed income.
7.526 Visiting professors or teachers.
7.527 Remittances.
7.528 Credit against United States tax liability for income tax paid or deemed to have been paid to the United Kingdom.
7.529 Adjustment of tax liability of nonresident aliens who are residents of the United Kingdom and of United Kingdom corporations.
7.530 Reciprocal administrative assistance.
7.531 Information to be furnished in due course.
7.532 Information in specific cases.

§ 7.512 *Introductory.* The income tax convention between the United States and the United Kingdom of Great Britain and Northern Ireland, signed April 16, 1945, and supplementary protocol, signed at Washington on June 6, 1946, both of which were proclaimed by the President of the United States on July 30, 1946, and effective (for the purposes of United States income and excess profits taxes) for taxable years beginning on or after January 1, 1945 (hereinafter referred to as the convention), provide as follows:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the United States of America: The Federal income taxes, including surtaxes and excess profits taxes (hereinafter referred to as United States tax).

(b) In the United Kingdom of Great Britain and Northern Ireland: The income tax (including surtax), the excess profits tax and the national defense contribution (hereinafter referred to as United Kingdom tax).

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting Party subsequently to the date of signature of the present Convention or by the government of any territory to which the present Convention is extended under Article XXII.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "United Kingdom" means Great Britain and Northern Ireland, excluding the Channel Islands and the Isle of Man.

(c) The terms "territory of one of the Contracting Parties" and "territory of the other Contracting Party" means the United States or the United Kingdom as the context requires.

(d) The term "United States corporation" means a corporation, association or other like entity created or organized in or under the laws of the United States.

(e) The term "United Kingdom corporation" means any kind of juridical person created under the laws of the United Kingdom.

(f) The terms "corporation of one Contracting Party" and "corporation of the other Contracting Party" mean a United States corporation or a United Kingdom corporation as the context requires.

(g) The term "resident of the United Kingdom" means any person (other than a citizen of the United States or a United States corporation) who is resident in the United Kingdom for the purposes of United Kingdom tax and not resident in the United States for the purposes of United States tax. A corporation is to be regraded as resident in the United Kingdom if its business is managed and controlled in the United Kingdom.

(h) The term "resident of the United States" means any individual who is resident in the United States for the purposes of United States tax and not resident in the United Kingdom for the purposes of United Kingdom tax, and any United States corporation and any partnership created or organized in or under the laws of the United States, being a corporation or partnership which is not resident in the United Kingdom for the purposes of United Kingdom tax.

(i) The term "United Kingdom enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom.

(j) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of the United States.

(k) The terms "enterprise of one of the Contracting Parties" and "enterprise of the other Contracting Party" mean a United States enterprise or a United Kingdom enterprise, as the context requires.

(l) The term "permanent establishment" when used with respect to an enterprise of one of the Contracting Parties means a branch, management, factory or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the Contracting Parties shall not be deemed to have a permanent establishment in the territory of the other Contracting Party merely because it carries on business dealings in the territory of such other Contracting Party through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the Contracting Parties maintains in the territory of the other Contracting Party a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one Contracting Party has a subsidiary corporation which is a corporation of the other Contracting Party or which is engaged in trade or business in the territory of such other Contracting Party (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(2) For the purposes of Articles VI, VII, VIII, IX and XIV a resident of the United Kingdom shall not be deemed to be engaged in trade or business in the United States in any taxable year unless such resident has a permanent establishment situated therein such taxable year. The same principle shall be applied, mutatis mutandis, by the United Kingdom in the case of a resident of the United States.

(3) In the application of the provisions of the present Convention by one of the Contracting Parties any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Party relating to the taxes which are the subject of the present Convention.

ARTICLE III

(1) A United Kingdom enterprise shall not be subject to United States tax in respect of its industrial or commercial profits unless it is engaged in trade or business in the United States through a permanent establishment situated therein. If it is so engaged, United States tax may be imposed upon the entire income of such enterprise from sources within the United States.

(2) A United States enterprise shall not be subject to United Kingdom tax in respect of its industrial or commercial profits unless it is engaged in trade or business in the United Kingdom through a permanent establishment situated therein. If it is so engaged, United Kingdom tax may be imposed upon the entire income of such enterprise from sources within the United Kingdom: *Provided*, That nothing in this paragraph shall affect any provisions of the law of the United Kingdom regarding the imposition of United Kingdom excess profits tax and national defence contribution in the case of inter-connected companies.

(3) Where an enterprise of one of the Contracting Parties is engaged in trade or business in the territory of the other Contracting Party through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment, and the profits so attributed shall, subject to the law of such other Contracting Party, be deemed to be income from sources within the territory of such other Contracting Party.

(4) In determining the industrial or commercial profits from sources within the territory of one of the Contracting Parties of an enterprise of the other Contracting Party, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the territory of the former Contracting Party by such enterprise.

ARTICLE IV

Where an enterprise of one of the Contracting Parties, by reason of its participation in the management, control or capital of an enterprise of the other Contracting Party, makes with or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would but for those conditions have accrued to one of the enterprises but by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

(1) Notwithstanding the provisions of Articles III and IV of the present Convention, profits which an individual (other than a citizen of the United States) resident in the United Kingdom or a United Kingdom corporation derives from operating ships documented or aircraft registered under the laws of the United Kingdom, shall be exempt from United States tax.

(2) Notwithstanding the provisions of Articles III and IV of the present Convention, profits which a citizen of the United States not resident in the United Kingdom or a United States corporation derives from operating ships documented or aircraft registered under the laws of the United States, shall be exempt from United Kingdom tax.

(3) This Article shall be deemed to have superseded, on and after the first day of January 1945, as to United States tax, and on and after the 6th day of April, 1945, as to United Kingdom tax, the arrangements relating to reciprocal exemption of shipping profits from income tax effected between the Government of the United States and the Government of the United Kingdom by exchange of Notes dated August 11, 1924, November 18, 1924, November 26, 1924, January 15, 1925, February 13, 1925, and March 16, 1925, which shall accordingly cease to have effect.

ARTICLE VI

(1) The rate of United States tax on dividends derived from a United States corporation by a resident of the United Kingdom who is subject to United Kingdom tax on such dividends and not engaged in trade or business in the United States shall not exceed 15 percent: *Provided*, That such rate of tax shall not exceed five percent if such resident is a corporation controlling, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends received from its own subsidiary corporations. Such reduction of the rate to five percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(2) Dividends derived from sources within the United Kingdom by an individual who is (a) a resident of the United States, (b) subject to United States tax with respect to such dividends, and (c) not engaged in trade or business in the United Kingdom, shall be exempt from United Kingdom surtax.

(3) Either of the Contracting Parties may terminate this Article by giving written notice of termination to the other Contracting Party, through diplomatic channels, on or before the thirtieth day of June in any year after the year 1945, and in such event paragraph (1) hereof shall cease to be effective as to United States tax on and after the first day of January, and paragraph (2) hereof shall cease to be effective as to United Kingdom tax on and after the 6th day of April, in the year next following that in which such notice is given.

ARTICLE VII

(1) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness) derived from sources within the United States by a resident of the United Kingdom who is subject to United Kingdom tax on such interest and not engaged in trade or business in the United States, shall be exempt from United States tax; but such exemption shall not apply to such interest paid by a United States corporation to a corporation resident in the United Kingdom controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

(2) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness) derived from sources within the United Kingdom by a resident of the United States who is subject to United States tax on such interest and not engaged in trade or business in the United Kingdom, shall be exempt from United Kingdom tax; but such exemption shall not apply to such interest paid by a corporation resident in the United Kingdom to a United States corporation controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

ARTICLE VIII

(1) Royalties and other amounts paid as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulae, trademarks, and other like property, and derived from sources within the United States by a resident of the United Kingdom who is subject to United Kingdom tax on such royalties or other amounts and not engaged in trade or business in the United States, shall be exempt from United States tax.

(2) Royalties and other amounts paid as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulae, trade-marks, and other like property, and derived from sources within the United Kingdom by a resident of the United States who is subject to United States tax on such royalties or other amounts and not engaged in trade or business in the United Kingdom, shall be exempt from United Kingdom tax.

(3) For the purposes of this Article the term "royalties" shall be deemed to include rentals in respect of motion picture films.

ARTICLE IX

(1) The rate of United States tax on royalties in respect of the operation of mines or quarries or of other extraction of natural resources, and on rentals from real property or from an interest in such property, derived from sources within the United States by a resident of the United Kingdom who is subject to United Kingdom tax with respect to such royalties or rentals and not engaged in trade or business in the United States, shall not exceed 15 percent: *Provided*, That any such resident may elect for any taxable year to be subject to United States tax as if such resident were engaged in trade or business in the United States.

(2) Royalties in respect of the operation of mines or quarries or of other extraction of natural resources, and rentals from real property, or from an interest in such property, derived from sources within the United Kingdom by an individual who is (a) a resident of the United States, (b) subject to United States tax with respect to such royalties and rentals, and (c) not engaged in trade or business in the United Kingdom, shall be exempt from United Kingdom surtax.

ARTICLE X

(1) Any salary, wage, similar remuneration, or pension, paid by the Government of the United States to an individual (other than a British subject who is not also a citizen of the United States) in respect of services rendered to the United States in the discharge of governmental functions, shall be exempt from United Kingdom tax.

(2) Any salary, wage, similar remuneration, or pension, paid by the Government of the United Kingdom to an individual (other than a citizen of the United States who is not also a British subject) in respect of services rendered to the United Kingdom in the discharge of governmental functions, shall be exempt from United States tax.

(3) The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Parties for purposes of profit.

ARTICLE XI

(1) An individual who is a resident of the United Kingdom shall be exempt from United States tax upon compensation for personal (including professional) services performed during the taxable year within the United States if (a) he is present within the United States for a period or periods not exceeding in the aggregate 183 days during such taxable year, and (b) such services are performed for or on behalf of a person resident in the United Kingdom.

(2) An individual who is a resident of the United States shall be exempt from United Kingdom tax upon profits, emoluments or other remuneration in respect of personal (including professional) services performed within the United Kingdom in any year of assessment if (a) he is present within the United Kingdom for a period or periods not exceeding in the aggregate 183 days during that year, and (b) such services are performed for or on behalf of a person resident in the United States.

(3)[1] The provisions of this Article shall not apply to the compensation, profits, emoluments or other remuneration of public entertainers such as stage, motion picture or radio artists, musicians and athletes.

[1] Paragraph (3) of Article XI was deleted by the Protocol approved June 6, 1946.

ARTICLE XII

(1) Any pension (other than a pension to which Article X applies), and any life annuity, derived from sources within the United States by an individual who is a resident of the United Kingdom shall be exempt from United States tax.

(2) Any pension (other than a pension to which Article X applies), and any life annuity, derived from sources within the United Kingdom by an individual who is a resident of the United States shall be exempt from United Kingdom tax.

(3) The term "life annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

ARTICLE XIII

(1) Subject to section 131 of the United States Internal Revenue Code as in effect on the first day of January, 1945, United Kingdom tax shall be allowed as a credit against United States tax. For this purpose, the recipient of a dividend paid by a corporation which is a resident of the United Kingdom shall be deemed to have paid the United Kingdom income tax appropriate to such dividend if such recipient elects to include in his gross income for the purposes of United States tax the amount of such United Kingdom income tax.

(2) Subject to such provisions (which shall not affect the general principle hereof) as may be enacted in the United Kingdom, United States tax payable in respect of income from sources within the United States shall be allowed as a credit against any United Kingdom tax payable in respect of that income. Where such income is an ordinary dividend paid by a United States corporation, such credit shall take into account (in addition to any United States income tax deducted from or imposed on such dividend) the United States income tax imposed on such corporation in respect of its profits, and where it is a dividend paid on participating preference shares and representing both a dividend at the fixed rate to which the shares are entitled and an additional participation in profits, such tax on profits shall likewise be taken into account in so far as the dividend exceeds such fixed rate.

(3) For the purposes of this Article, compensation, profits, emoluments and other remuneration for personal (including professional) services shall be deemed to be income from sources within the territory of the Contracting Party where such services are performed.

ARTICLE XIV

A resident of the United Kingdom not engaged in trade or business in the United States shall be exempt from United States tax on gains from the sale or exchange of capital assets.

ARTICLE XV

Dividends and interest paid on or after the first day of January 1945 by a United Kingdom corporation shall be exempt from United States tax except where the recipient is a citizen of or a resident of the United States or a United States corporation.

ARTICLE XVI

A United Kingdom corporation shall be exempt from United States tax on its accumulated or undistributed earnings, profits, income or surplus, if individuals who are residents of the United Kingdom control, directly or indirectly, throughout the last half of the taxable year, more than 50 percent of the entire voting power in such corporation.

ARTICLE XVII

(1) The United States income tax liability for any taxable year beginning prior to January 1, 1936 of any individual (other than a citizen of the United States) resident in the United Kingdom, or of any United Kingdom corporation, remaining unpaid on the date of signature of the present Convention, may be adjusted on a basis satisfactory to the United States Commissioner of Internal Revenue: *Provided*, That the amount to be paid in settlement of such liability shall not exceed the amount of the liability which would have been determined if:

(a) The United States Revenue Act of 1936 (except in the case of a United Kingdom corporation in which more than 50 percent of the entire voting power was controlled, directly or indirectly, throughout the latter half of the taxable year, by citizens or residents of the United States), and

(b) Articles XV and XVI of the present Convention, had been in effect for such year. If the taxpayer was not, within the meaning of such Revenue Act, engaged in trade or business in the United States and had no office or place of business therein during the taxable year, the amount of interest and penalties shall not exceed 50 percent of the amount of the tax with respect to which such interest and penalties have been computed.

(2) The United States income tax unpaid on the date of signature of the present Convention for any taxable year beginning after the thirty-first day of December 1935 and prior to the first day of January 1945 in the case of an individual (other than a citizen of the United States) resident of the United Kingdom, or in the case of any United Kingdom corporation shall be determined as if the provisions of Articles XV and XVI of the present Convention had been in effect for such taxable year.

(3) The provisions of paragraph (1) of this Article shall not apply:

(a) Unless the taxpayer files with the Commissioner of Internal Revenue on or before the thirty-first day of December 1947 a request that such tax liability be so adjusted and furnishes such information as the Commissioner may require; or

(b) In any case in which the Commissioner is satisfied that any deficiency in tax is due to fraud with intent to evade the tax.

ARTICLE XVIII

A professor or teacher from the territory of one of the Contracting Parties who visits the territory of the other Contracting Party for the purpose of teaching, for a period not exceeding two years, at a university, college, school or other educational institution in the territory of such other Contracting Party shall be exempted by such other Contracting Party from tax on his remuneration for such teaching for such period.

ARTICLE XIX

A student or business apprentice from the territory of one of the Contracting Parties who is receiving full-time education or training in the territory of the other Contracting Party shall be exempted by such other Contracting Party from tax on payments made to him by persons within the territory of the former Contracting Party for the purposes of his maintenance, education or training.

ARTICLE XX

(1) The taxation authorities of the Contracting Parties shall exchange such information (being information available under the respective taxation laws of the Contracting Parties) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade secret or trade process.

(2) As used in this Article, the term "taxation authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his authorized representative; in the case of the United Kingdom, the Commissioners of Inland Revenue or their authorized representatives; and, in the case of any territory to which the present Convention is extended under Article XXII, the competent authority for the administration in such territory of the taxes to which the present Convention applies.

ARTICLE XXI

(1) The nationals of one of the Contracting Parties shall not, while resident in the territory of the other Contracting Party, be subjected therein to other or more burdensome taxes than are the nationals of such other Contracting Party resident in its territory.

(2) The term "nationals" as used in this Article means:

(a) In relation to the United Kingdom, all British subjects and British protected persons, from the United Kingdom or any territory with respect to which the present Convention is applicable by reason of extension made by the United Kingdom under Article XXII; and

(b) In relation to the United States, United States citizens, and all persons under the protection of the United States, from the United States or any territory to which the present Convention is applicable by reason of extension made by the United States under Article XXII;

and includes all legal persons, partnerships and associations deriving their status as such from, or created or organized under, the laws in force in any territory of the Contracting Parties to which the present Convention applies.

(3) In this Article the word "taxes" means taxes of every kind or description, whether national, Federal, state, provincial or municipal.

ARTICLE XXII

(1) Either of the Contracting Parties may, at the time of exchange of instruments of ratification or thereafter while the present Convention continues in force, by a written notification of extension given to the other Contracting Party through diplomatic channels, declare its desire that the operation of the present Convention shall extend to all or any of its colonies, overseas territories, protectorates, or territories in respect of which it exercises a mandate, which impose taxes substantially similar in character to those which are the subject of the present Convention. The present Convention shall apply to the territory or territories named in such notification on the date or dates specified in the notification (not being less than sixty days from the date of the notification) or, if no date is specified in respect of any such territory, on the sixtieth day after the date of such notification, unless, prior to the date on which the Convention would otherwise become applicable to a particular territory, the Contracting Party to whom notification is given shall have informed the other Contracting Party in writing through diplomatic channels that it does not accept such notification as to that territory. In the absence of such extension, the present Convention shall not apply to any such territory.

(2) At any time after the expiration of one year from the entry into force of an extension under paragraph (1) of this Article, either of the Contracting Parties may, by written notice of termination given to the other Contracting Party through diplomatic channels, terminate the application of the present Convention to any territory to which it has been extended under paragraph (1), and in such event the present Convention shall cease to apply, six months after the date of such notice, to the territory or territories named therein, but without affecting its continued application to the United States, the United Kingdom or to any other territory to which it has been extended under paragraph (1) hereof.

(3) In the application of the present Convention in relation to any territory to which it is extended by notification by the United States or the United Kingdom references to the "United States" or, as the case may be, the "United Kingdom" shall be construed as references to that territory.

(4) The termination in respect of the United States or the United Kingdom of the present Convention under Article XXIV or of Article VI shall, unless otherwise expressly agreed by both Contracting Parties, terminate the application of the present Convention or, as the case may be, that Article to any territory to which the Convention has been extended by the United States or the United Kingdom.

(5) The provisions of the preceding paragraphs of this Article shall apply to the Channel Islands and the Isle of Man as if they were colonies of the United Kingdom.

ARTICLE XXIII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

(2) Upon exchange of ratifications, the present Convention shall have effect

(a) As respects United States tax, for the taxable years beginning on or after the first day of January 1945;

(b) (i) As respects United Kingdom income tax, for the year of assessment beginning on the 6th day of April 1945 and subsequent years; (ii) as respects United Kingdom surtax, for the year of assessment beginning on the 6th day of April 1944 and subsequent years; and (iii) as respects United Kingdom excess profits tax and national defence contribution, for any chargeable accounting period beginning on or after the first day of April 1945 and for the unexpired portion of any chargeable accounting period current at that date.

ARTICLE XXIV

(1) The present Convention shall continue in effect indefinitely but either of the Contracting Parties may, on or before the 30th day of June in any year after the year 1946, give to the other Contracting Party, through diplomatic channels, notice of termination and, in such event, the present Convention shall cease to be effective

(a) As respects United States tax, for the taxable years beginning on or after the first day of January in the year next following that in which such notice is given;

(b) (i) As respects United Kingdom income tax, for any year of assessment beginning on or after the 6th day of April in the year next following that in which such notice is given; (ii) as respects United Kingdom surtax, for any year of assessment beginning on or after the 6th day of April in the year in which such notice is given; and (iii) as respects United Kingdom excess profits tax and national defense contribution, for any chargeable accounting period beginning on or after the first day of April in the year next following that in which such notice is given and for the unexpired portion of any chargeable accounting period current at that date.

(2) The termination of the present Convention or of any Article thereof shall not have the effect of reviving any treaty or arrangement abrogated by the present Convention or by treaties previously concluded between the Contracting Parties.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Washington, in duplicate, on the 16th day of April, 1945.

For the Government of the United States of America:

E. R. STETTINIUS, Jr.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HALIFAX.

PROTOCOL

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to conclude a supplementary Protocol modifying in certain respects the Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income which was signed at Washington on April 16, 1945,

Have agreed as follows:

ARTICLE I

Paragraph (3) of Article XI of the Convention of April 16, 1945, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income shall be deemed to be deleted and of no effect.

ARTICLE II

This Protocol, which shall be regarded as an integral part of the said Convention, shall be ratified and the instruments of ratification thereof shall be exchanged at Washington.

In witness whereof the undersigned Plenipotentiaries, being authorized thereto by their respective Governments, have signed this Protocol and have affixed thereto their seals.

Done at Washington, in duplicate, this sixth day of June, 1946.

For the Government of the United States of America:

JAMES F. BYRNES,
Secretary of State,
of the United States of America.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

JOHN BALFOUR,
His Majesty's Envoy Extraordinary and Minister Plenipotentiary in Washington.

§ 7.513 *Applicable provisions of the Internal Revenue Code.* The Internal Revenue Code provides in part as follows:

CHAPTER 1—INCOME TAX

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SEC. 22. GROSS INCOME

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(b) Exclusions from Gross Income. The following items shall not be included in gross income and shall be exempt from taxation under this chapter:

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(7) Income exempt under treaty. Income of any kind, to the extent required by any treaty obligation of the United States;

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SEC. 62. RULES AND REGULATIONS

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

Pursuant to section 62 of the Internal Revenue Code, and other provisions of the internal revenue laws, the following regulations, which are designated as §§ 7.514 to 7.532, are hereby prescribed and all regulations inconsistent herewith are modified accordingly.

§ 7.514 *Scope of the convention.* The primary purposes of the convention, to be accomplished on a reciprocal basis, are to avoid double taxation upon major items of income derived from sources in one country by persons resident in the other country, and to exchange fiscal information complementary to other provisions of the convention, including those relating to avoidance of double taxation.

The specific classes of income from sources within the United States exempt under the convention from United States tax for taxable years beginning on or after January 1, 1945, are:

(a) Industrial and commercial profits of a United Kingdom enterprise having no permanent establishment in the United States (Article III);

(b) Income derived by a nonresident alien who is a resident of the United Kingdom, or by a United Kingdom corporation, from the operation of ships documented or aircraft registered, under the laws of the United Kingdom (Article V);

(c) Interest and royalties (including film rentals) derived by a nonresident alien who is a resident of the United Kingdom or by a foreign corporation managed and controlled in the United Kingdom if such alien or corporation (1) is subject to United Kingdom tax upon such interest or royalties, and (2) has no permanent establishment in the United States (but such exemption does not apply to interest paid to such foreign corporation controlling the corporation paying such interest) (Articles VII and VIII);

(d) Compensation and pensions paid by the United Kingdom to individuals (other than a citizen of the United States who is not also a British subject) for services rendered to the United Kingdom in the discharge of its governmental functions (Article X);

(e) Compensation for personal services derived by a nonresident alien who is a resident of the United Kingdom if (1) such alien is present in the United States for a period or periods not exceeding 183 days during the taxable year, and (2) such services are performed for, or on behalf of, a person resident in the United Kingdom (Article XI);

(f) Pensions (other than pensions paid by the Government of the United States) and life annuities derived by nonresident alien individuals residing in the United Kingdom (Article XII);

(g) Gains from the sale or exchange of capital assets by a nonresident alien who is a resident of the United Kingdom or by a foreign corporation managed and controlled in the United Kingdom, if such alien or corporation has no permanent establishment in the United States (Article XIV);

(h) Dividends and interest paid on or after January 1, 1945, by a corporation

organized under the laws of the United Kingdom to a nonresident alien or foreign corporation (Article XV);

(i) Remuneration derived from teaching in the United States for a period of not more than two years by a professor or teacher who is from the territory of the United Kingdom, but who is temporarily present in the United States (Article XVIII);

(j) Remittances from sources within the United Kingdom received in the United States by a nonresident alien individual who is from the territory of the United Kingdom but who is temporarily present in the United States for the purpose of education, or training, such remittances being for the purpose of his maintenance, education, or training (Article XIX).

The convention also reduces to 15 percent the rate of tax otherwise imposed upon dividends, natural resource royalties and rentals from real property, derived by a nonresident alien who is resident in the United Kingdom or by a foreign corporation managed and controlled in the United Kingdom if such alien or corporation meets the tests of liability to United Kingdom tax and absence of permanent establishment in the United States set out in paragraph (c) of this section with respect to exemption in the case of interest and royalties.

As to exemption from withholding of the tax at the source in the case of interest, royalties, pensions and life annuities and reduction in the rate of tax from 30 percent to 15 percent in the case of dividends, natural resource royalties, and rentals arising from real property, see Treasury Decision 5532 (26 CFR 7.500 to 7.511).

The convention does not affect the liability to United States income taxation of subjects of the United Kingdom who are residents of the United States except that such individuals are entitled to the benefits of Article X (relating to United Kingdom Government salaries and the like), of Article XIII (1) (relating to credit for United Kingdom income tax), and of Article XXI (relating to equality of taxation). Except as provided in Article X with respect to a citizen of the United States who is also a British subject and in Article XIII relating to the credit for income tax, the convention does not affect taxation by the United States of a citizen of the United States or of a domestic corporation, even though such citizen is resident in the United Kingdom and such corporation is managed and controlled in the United Kingdom. The convention has general application to foreign corporations managed and controlled in the United Kingdom even though such corporations are not organized under the laws of the United Kingdom, but, in the case of corporations organized under the laws of the United Kingdom but managed and controlled outside the United Kingdom, the provisions of Articles V, XV and XVI are applicable.

§ 7.515 *Definitions.* As used in §§ 7.512 to 7.532, inclusive, unless the context otherwise requires, the terms defined in the convention shall have the meanings so assigned to them. Any term used in §§ 7.512 to 7.532, inclusive, which is not defined in the convention, but which is defined in the Internal Revenue Code shall be given the definition contained therein unless the context otherwise requires.

As used in §§ 7.512 to 7.532, inclusive:

(a) The term "permanent establishment" means a branch, management, factory, mine, oil well, farm, timberland, plantation, workshop, warehouse, office, or other fixed place of business. The fact that a foreign corporation managed and controlled in the United Kingdom has a domestic subsidiary corporation, or a foreign subsidiary corporation having a branch in the United States, does not of itself constitute either subsidiary corporation a permanent establishment of the parent United Kingdom enterprise. The fact that a United Kingdom enterprise has business dealings in the United States through a bona fide commission agent, broker, or custodian, acting in the usual course of his business as such, or maintains in the United States an office or other fixed place of business used exclusively for the purchase of goods or merchandise, does not mean that such United Kingdom enterprise has a permanent establishment in the United States. If, however, a United Kingdom enterprise carries on business in the United States through an agent who has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or if it has an agent who maintains within the United States a stock of merchandise from which he regularly fills orders on behalf of his principal, then such enterprise shall be deemed to have a permanent establishment in the United States. However, an agent having power to contract on behalf of his principal but only at fixed prices and under conditions determined by the principal does not constitute a permanent establishment of such principal. The mere fact that an agent (assuming he has no general authority to contract on behalf of his employer or principal) maintains samples or occasionally fills orders from incidental stocks of goods maintained in the United States will not constitute a permanent establishment within the United States. The mere fact that salesmen, employees of a United Kingdom enterprise, promote the sale of their employer's products in the United States or that such enterprise transacts business in the United States by means of mail-order activities, does not mean such enterprise has a permanent establishment therein. The term "permanent establishment" as used in the convention implies the active conduct therein of a business enterprise. The mere ownership, for example, of timberlands or a warehouse in the United States by a United Kingdom enterprise does not mean that such enterprise has a permanent establishment therein. As to the effect of the maintenance of a permanent establishment within the United States upon exemption from United States tax in the case of interest and royalties and reduction in the rate of United States tax in the case of dividends, natural resource royalties, and rentals arising from real property, see § 7.519.

(b) The term "enterprise" means any commercial or industrial undertaking whether conducted by an individual, partnership, corporation, or other entity. It includes such activities as manufacturing, merchandising, mining, processing, and banking. It does not include the rendition of personal services. Hence, a nonresident alien who is a resident of the United Kingdom and who renders personal services is not, merely by reason of such services, engaged in an enterprise within the meaning of the convention and his liability to United States tax is not affected by Article III of the convention.

(c) The term "United Kingdom enterprise" means an enterprise carried on by any person (including an individual and foreign corporation, whether or not a corporation organized under the laws of the United Kingdom, which is managed and controlled in the United Kingdom but not including a United States citizen or domestic corporation) who is a resident of the United Kingdom, regardless of whether such enterprise is carried on within or without the United Kingdom.

(d) The term "resident of the United Kingdom" means any nonresident alien (including an individual, fiduciary and partnership) resident in the United Kingdom for the purposes of United Kingdom income tax, and any foreign corporation managed and controlled from within the United Kingdom but not engaged in trade or business within the United States.

(e) The term "industrial and commercial profits", means profits arising from industrial, commercial, mercantile, manufacturing, and like activities of a United Kingdom enterprise as defined in this section. Such term does not include rentals, royalties, interest, dividends, fees, compensation for personal services, nor gains derived from the sale or exchange of capital assets. Such enumerated items of income are not governed by the provisions of Article III of the convention but are subject to the rules elsewhere set forth in the convention and in §§ 7.512 to 7.532, inclusive.

§ 7.516 *Scope of convention with respect to determination of "industrial or commercial profits"*—(a) *General.* Article III of the convention adopts the principle that an enterprise of one of the contracting parties shall not be taxable in the territory of the other contracting party upon its industrial or commercial profits unless it has a permanent establishment in the territory of the latter party. Hence, a United Kingdom enterprise is subject to United States tax upon its industrial and commercial profits to the extent of such profits from sources within the United States only if it has a permanent establishment within the United States. From the standpoint of Federal income taxation, the article has application only to a United Kingdom enterprise and to the industrial and commercial income thereof from sources within the United States. It has no application, for example, to compensation for labor or personal services performed in the United States nor to income derived from real property located in the United States, including rentals and royalties therefrom, nor to gains from the sale or disposition of such property, nor to interest, dividends, royalties, other fixed or determinable annual or periodical income and gains derived from the sale or exchange of capital assets.

(b) *No United States permanent establishment.* A nonresident alien individual who is a resident of the United Kingdom or a foreign corporation managed and controlled in the United Kingdom, having no permanent establishment in the United States is not, for taxable years beginning on or after January 1, 1945, subject to United States income tax upon industrial and commercial profits from sources within the United States. For example, if such United Kingdom enterprise sells, in 1946, merchandise, such as leather goods, porcelain, textiles, or liquors, through a bona fide commission agent or broker in the United States acting in the ordinary course of his business as such agent or broker, the resulting profits are, under the terms of Article III of the convention, exempt from United States income tax. Likewise no permanent establishment exists if such enterprise, through its sales agents in the United States, secures orders for its products, the sales being made in the United Kingdom.

(c) *United States permanent establishment.* A nonresident alien (including a nonresident alien individual, fiduciary and partnership) who is a resident of the United Kingdom or a foreign corporation managed and controlled in the United Kingdom, having a permanent establishment in the United States, is subject to tax upon industrial and commercial profits from sources within the United States to the same extent as are nonresident aliens and foreign corporations engaged in trade or business therein. In the determination of the income taxable to such alien or foreign corporation all industrial and commercial profits from sources within the United States shall be deemed to be allocable to the permanent establishment in the United States. Hence, for example, if a United Kingdom enterprise having a permanent establishment in the United States sells in the United States, through a commission agent therein goods produced in the United Kingdom, the resulting profits derived from United States sources from such transactions are allocable to such permanent establishment even though such transactions were carried on independently of such establishment. In determining industrial and commercial profits no account shall be taken of the mere purchase of merchandise within the United States by the United Kingdom enterprise. The industrial or commercial profits of the permanent establishment shall be determined as if the establishment were an independent enterprise engaged in the same or similar activities and dealing at arm's length with the enterprise of which it is a permanent establishment.

§ 7.517 *Control of a domestic enterprise by a United Kingdom enterprise.* Article IV of the convention provides, in effect, that if a United Kingdom enterprise by reason of its control of a domestic enterprise imposes on such latter enterprise conditions different from those which would result from normal business relations between independent enterprises, the accounts between the enterprises may be adjusted so as to ascertain the true net income of each enterprise. The purpose is to place the controlled domestic enterprise on a tax parity with an uncontrolled domestic enterprise by determining, according to the standard of an uncontrolled enterprise, the true net income from the property and business of the controlled enterprise. The basic objective of the article is that if the accounting records do not truly reflect the net income from the property and business of such domestic enterprise the Commissioner of Internal Revenue may intervene and, by making such distributions, apportionments, or allocations as he may deem necessary of gross income or deductions of any item or element affecting net income as between such domestic enterprise and the United Kingdom enterprise by which it is controlled or directed, determine the true net income of the domestic enterprise. The provisions of § 29.45-1 of this chapter (Regulations 111), shall, insofar as applicable, be followed in the determination of the net income of the domestic business.

§ 7.518 *Income from operation of ships and aircraft.* The income derived from the operation of ships documented, or aircraft registered, under the laws of the United Kingdom by a nonresident alien who is a resident of the United Kingdom or by a corporation, association, or other like entity created under the laws of the United Kingdom, is, for taxable years beginning or or after January 1, 1945, exempt from United States income tax under the provisions of Article V of the convention. It is immaterial for the purpose of the exemption whether such corporation is managed and controlled in the United Kingdom.

§ 7.519 *Exemption from, or reduction in rate of, United States tax in the case of dividends, interest, royalties, natural resource royalties, and real property rentals*—(a) *Dividends, natural resource royalties, and rentals from real property*—(1) *General.* The tax imposed by the Internal Revenue Code in the case of dividends, natural resource royalties, and rentals arising from real property (including leasehold and other interest in such property), received in any taxable year beginning on or after January 1, 1945, from sources within the United States by (i) a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of the United Kingdom, or (ii) a foreign corporation (whether or not created under the laws of the United Kingdom) which is managed and controlled in the United Kingdom, is limited to 15 percent under the provisions of Article VI (1) (relating to dividends) and Article IX (1) (relating to natural resource royalties and rentals from real property) of the convention if such alien or corporation:

(a) Is subject to United Kingdom tax on such dividends, natural resource royalties and rentals, and

(b) At no time during the taxable year in which such dividends, natural resource royalties and rentals were so derived, was engaged in trade or business within the United States.

For the purposes of Articles VI, VII, VIII, IX and XIV of the convention, the nonresident alien or foreign corporation is not deemed to be engaged in trade or business within the United States unless such alien or foreign corporation has a permanent establishment situated therein at some time in the taxable year in which the income is derived. See Article II (2) of the convention. Thus, if a nonresident alien who is a resident of the United Kingdom, performs personal services within the United States during the calendar year 1946, has no permanent establishment within the United States at any time during such year, and is subject to United Kingdom tax upon dividends derived by him from United States sources in that year, he is entitled to the reduced rate of tax with respect to such dividends, as provided in Article VI (1) of the convention, even though by reason of his having rendered personal services within the United States he is engaged in trade or business therein in that year within the meaning of section 211 (b) of the Internal Revenue Code. If, for example, A, a nonresident alien who is a resident of the United Kingdom, derives in 1946, $5,000 compensation for such personal services and his only other income from sources within the United States consists of dividends, the dividends are subject to tax at the rate not to exceed 15 percent and his earned income is subject to normal tax and surtax without taking the dividends into account in determining the tax on such earned income.

In any case, however, in which a nonresident alien or a foreign corporation derives from sources within the United States in any taxable year beginning on or after January 1, 1945, royalties from the operation of mines, quarries, or other extraction of natural resources or rentals from real property situated within the United States and is entitled to the reduced rate of 15 percent prescribed in Article IX of the convention, such alien or foreign corporation may for such taxable year elect instead to be subject to Federal income tax as if such alien or corporation were engaged in trade or business within the United States by reason of having a permanent establishment therein. Such election shall be made by so signifying on the return for such year. The election so signified shall be irrevocable for the taxable year for which such election is made. In such a case a return may be filed by the nonresident alien or foreign corporation even though the sole income of such alien or corporation from sources within the United States is fixed or determinable annual or periodical income upon which the tax has been fully satisfied at the source and there exists no necessity for the filing of the return except for the purposes of securing the benefits of

Article IX of the convention. See § 29.217–2 of this chapter (Regulations 111).

(2) *Dividends paid by a United States subsidiary corporation.* Under the proviso of Article VI (1) of the convention, dividends paid by a domestic corporation to its foreign parent corporation are subject to tax at the rate of only 5 percent if (i) such foreign corporation controls, directly or indirectly, at the time the dividend is paid 95 percent or more of the voting power in such domestic corporation, (ii) not more than 25 percent of the gross income of the domestic corporation paying the dividend consists of dividends and interest (other than dividends and interest paid to such domestic corporation by its own subsidiary corporations, if any), and (iii) the relationship between such domestic corporation and such foreign corporation has not been arranged or maintained primarily with the intention of securing such reduced rate of 5 percent.

Thus, for example, the X Corporation is a domestic corporation, 97 percent of the entire voting stock of which is controlled by the Y Company, Ltd., a foreign corporation managed and controlled in the United Kingdom, not having a permanent establishment in the United States at any time during the calendar year 1946, and subject to United Kingdom tax with respect to any dividends received by it or credited to its account in the United States. The X Corporation makes its income tax returns on the calendar year basis and throughout each of the years 1943, 1944, and 1945 derived not more than 25 percent of its gross income from interest and dividends from corporations not controlled by it. The relationship between the X Corporation and the Y Company, Ltd., is a relationship arranged and maintained without reference to the reduced rate of tax on dividends provided in the proviso in Article VI (1) of the convention. A dividend was paid by the X Corporation to the Y Company, Ltd., on July 1, 1946. The reduced rate of tax of 5 percent is applicable to such dividend.

(b) *Interest and royalties*—(1) *General.* Interest (other than interest paid by a subsidiary corporation to its United Kingdom parent corporation, as explained in subparagraph (2) of this paragraph), whether on bonds, securities, notes, debentures or any other form of indebtedness (including interest on obligations of the United States and on obligations of instrumentalities of the United States) and royalties for the privilege of using copyrights, patents, designs, secret processes and formulae, trade-marks, and other like property (including film rentals) received in any taxable year beginning on or after January 1, 1945, from sources within the United States by (i) a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of the United Kingdom, or (ii) a foreign corporation (whether or not organized under the laws of the United Kingdom) which is managed and controlled in the United Kingdom, are exempt from United States tax under the provisions of Articles VII and VIII of the convention if such alien, or corporation:

(*a*) Is subject to United Kingdom tax on such interest or royalty, and

(*b*) At no time during the taxable year in which such interest or royalty was so derived, had a permanent establishment situated within the United States.

Such interest and royalties are, therefore, not subject to the withholding provisions of the Internal Revenue Code.

(2) *Interest paid by subsidiary corporation to its United Kingdom parent corporation.* Article VII (1) of the convention provides in part that the exemption from United States tax of interest paid to residents of the United Kingdom shall not apply to interest paid by a domestic corporation to a foreign corporation managed and controlled in the United Kingdom if such foreign corporation controls more than 50 percent of the voting power of all classes of stock of such domestic corporation.

(c) *Beneficiaries of an estate or trust.* A nonresident alien who is a resident of the United Kingdom and who is a beneficiary of a domestic estate or trust, shall be entitled to the exemption, or reduction in the rate of tax, as the case may be, provided in Articles VI, VII, VIII, IX and XIV of the convention with respect to dividends, interest, royalties, natural resource royalties, rentals from real property and capital gains to the extent such item or items are included in his distributive share of income of such estate or trust if he is taxable in the United Kingdom on such income and is not engaged in trade or business in the United States through a permanent establishment. In such case such beneficiary must, in order to be entitled to the exemption or reduction in the rate of tax, execute Form 1001–UK or Form 1001A–UK (modified to show dividends where applicable) and file such form with the fiduciary of such estate or trust in the United States.

In any case in which dividends, interest, royalties, rents or the like are derived from United States sources by a United Kingdom estate or trust any beneficiary of such estate or trust who is not a resident of the United Kingdom is not entitled to any exemption under the convention with respect to such income included in his distributive share of the income of the estate or trust.

§ 7.520 *Government wages, salaries, pensions, and similar remunerations.* Under Article X of the convention any salary, wage, similar remuneration, or pension, paid in taxable years beginning on or after January 1, 1945, by the Government of the United Kingdom for services rendered such Government (whether within or without the United States) in the discharge of its governmental functions by any individual who is not a citizen of the United States, is exempt from Federal income tax. For the purposes of the exemption an individual is treated as not a citizen of the United States if he or she has the dual status of being a citizen of the United States as well as being a subject of the United Kingdom. Thus, if A, a United States citizen, marries a British subject and assumes the status of a British subject by reason of such marriage without relinquishing her United States citizenship and performs personal services in the United States for the Government of the United Kingdom, the compensation for such services is excluded from gross income. As to the taxation, generally, of compensation of alien employees of foreign governments see section 116 (h) of the Internal Revenue Code § 29.116–2 of this chapter (Regulations 111). The exemption granted by Article X of the convention does not apply to compensation for services rendered incident to the carrying on of any trade or business by the United Kingdom.

§ 7.521 *Compensation for labor or personal services.* Article XI provides, upon a reciprocal basis, that a nonresident alien who is a resident of the United Kingdom is, for taxable years beginning on or after January 1, 1945, exempt from Federal income tax upon compensation (regardless of amount of such compensation) for personal (including professional) services performed during the taxable year within the United States if for such taxable year:

(a) Such alien is temporarily present in the United States for a period or periods not exceeding 183 days during such taxable year, and

(b) Such services are performed for or on behalf of a person resident in the United Kingdom.

As to who is a resident of the United Kingdom, see § 7.515 (d). As to the source of compensation for labor or personal services see section 119 (a) (3), Internal Revenue Code.

§ 7.522 *Pensions and life annuities.* Under the provisions of Article XII of the convention, pensions (other than pensions paid by the United States) and life annuities derived from sources within the United States by a nonresident alien individual who is a resident of the United Kingdom are exempt from Federal income tax for taxable years beginning on or after January 1, 1945. The term "life annuities" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make payments in consideration of payments made for such obligation.

§ 7.523 *Capital gains.* Under Article XIV of the convention, when read in association with Article II (2) of the convention, gains from the sale or exchange of capital assets by a nonresident alien individual who is a resident of the United Kingdom or by a foreign corporation managed and controlled in the United Kingdom are, for taxable years beginning on or after January 1, 1945, exempt from Federal income tax unless such alien or corporation has a permanent establishment in the United States. As to what constitutes capital assets, see section 117, Internal Revenue Code. As to what constitutes a permanent establishment see § 7.515. If A, a nonresident alien individual who is a resident of the United Kingdom, performs personal services within the United States during the calendar year 1946 for a domestic employer, he is engaged in trade or business within the United States in such taxable year. Section 211 (b), Internal Revenue Code. He carries on in that year no other business activity within the United States other than certain securities transactions upon a domestic stock exchange and maintained no office or other fixed place of business within the United States at any time during such year. A is not subject to Federal income tax upon his capital gains, if any, realized from his securities transactions. Likewise, a foreign corporation managed and controlled in the United Kingdom selling its products manufactured in the United Kingdom through a resident commission agent or broker in the United States and having certain securities transactions within the United States as its only other business activity therein is exempt from United States tax upon those capital gains, if any, arising from the securities transactions within the United States.

§ 7.524 *Dividends and interest paid by a United Kingdom corporation.* A dividend paid by a foreign corporation constitutes in whole or in part income from sources within the United States and hence is subject to tax in the hands of a nonresident alien or foreign corporation, if 50 percent or more of the gross income of the foreign corporation paying such dividend is derived from sources within the United States during the period prescribed by the statute. Section 119 (a) (2) (B), Internal Revenue Code, and § 29.119–3 (b) of this chapter (Regulations 111). Interest paid by a resident foreign corporation constitutes in its entirety income from sources within the United States, and hence is subject to tax in the hands of a nonresident alien individual or foreign corporation, if 20 percent or more of the gross income of the foreign corporation paying such interest is derived from sources within the United States during the period prescribed by the statute. Section 119 (a) (1) (B), Internal Revenue Code, and § 29.119–2 (b) of this chapter (Regulations 111).

Under the provisions of Article XV of the convention, dividends and interest paid by a corporation created under the laws of the United Kingdom to any nonresident alien or to any foreign corporation, whether or not such alien is a resident of the United Kingdom and whether or not such foreign corporation is organized under the laws of the United Kingdom, are, for taxable years beginning on or after January 1, 1945, not subject to Federal income tax regardless of whether the corporation paying such dividends or interest is a resident foreign (as to the United States) corporation and regardless of the percentage of its gross income derived from sources within the United States.

§ 7.525 *United Kingdom corporations; exemption from Federal taxation with respect to accumulated profits or undistributed income.* Section 102 of the Internal Revenue Code imposes (in addition to other taxes imposed by Chapter 1 of such Code) a graduated income tax or surtax upon any domestic or foreign corporation formed or availed of to avoid the imposition of the individual surtax upon its shareholders or the shareholders of any other corporation through the medium of permitting earnings or profits to accumulate instead of dividing or distributing them. Such tax, however, does not apply in the case of personal holding companies as defined in section 501 of the Internal Revenue Code nor to foreign personal holding companies as defined in Supplement P (section 331) of such Code. Section 500 of the Internal Revenue Code imposes (in addition to the taxes imposed by Chapter 1 of such code) a graduated income tax or surtax upon corporations classified as personal holding companies, regardless of whether or not they are formed or availed of to accumulate earnings or profits for the purpose of avoiding surtax upon shareholders.

Under the provisions of Article XVI of the convention corporations organized under the laws of the United Kingdom are, for taxable years beginning on or after January 1, 1945, subject to neither the tax imposed by section 102 of the Internal Revenue Code nor the tax imposed by section 500 of such code if more than 50 percent of the entire voting power in such corporation is controlled directly or indirectly throughout the last half of the taxable year by nonresident alien individuals who are residents of the United Kingdom. To come within the scope of the exemption, the prescribed proportion of the stock of the United Kingdom corporation concerned must be so owned at all times throughout the last half of the taxable year in which the taxable status of the corporation is involved. In determining the ownership of the voting stock of the United Kingdom corporation, the provisions of §§ 29.503 (a)–1 to 29.503 (a)–7, inclusive, and § 29.503 (b)–1 of this chapter (Regulations 111), shall, in so far as not inconsistent with the convention, be applicable in the administration of the provisions of the convention.

§ 7.526 *Visiting professors or teachers.* Under Article XVIII of the convention, an alien individual who is from the territory of the United Kingdom, but who is temporarily present within the United States for the purposes of teaching, lecturing, or instructing, at any university, college, school, or other educational institution situated within the United States, is, for a period not exceeding two years from the date of his arrival in the United States, exempt for taxable years beginning on or after January 1, 1945, from Federal income tax on remuneration received for such services. It shall be deemed that such alien coming to the United States for the purposes indicated has, for a period of not more than two years immediately succeeding the date of his arrival within the United States for such purposes, the tax status of a nonresident alien in the absence of proof of his intention to remain indefinitely in the United States.

§ 7.527 *Remittances.* Under Article XIX of the convention nonresident alien individuals who are from the territory of the United Kingdom but who are temporarily present in the United States for the purposes of study or for acquiring business experience or training are exempt, for taxable years beginning on or after January 1, 1945, from Federal income tax upon amounts representing remittances from sources within the United Kingdom for the purposes of their maintenance, education, and training.

§ 7.528 *Credit against United States tax liability for income tax paid or deemed to have been paid to the United Kingdom.* For the purpose of avoidance of double taxation, Article XIII of the convention provides that there shall be allowed on the part of the United States, in accordance with section 131 of the International Revenue Code as in effect on the first day of January, 1945, for taxable years beginning on or after January 1, 1945, against the United States income and excess profits tax liability a credit for United Kingdom taxes.

In determining the credit under section 131 of the Internal Revenue Code, in any case in which a taxpayer receives a dividend from a foreign corporation managed and controlled in the United Kingdom it shall be deemed that such taxpayer has paid to the United Kingdom, the United Kingdom income tax at the rate appropriate to such dividend, if such taxpayer elects to include in his gross income an amount equivalent to such United Kingdom income tax in addition to the amount of the dividend otherwise included in gross income.

Thus, if such foreign corporation declares during the taxable year 1945 a gross dividend of which the taxpayer's share is $1,000, and the standard rate of United Kingdom income tax in 1945 is 50 percent and such corporation is not entitled to any "relief" from the payment of the standard rate of tax because of any Dominion income tax paid by it, there is deducted at the source of such corporation incident to the payment of the dividend of $1,000 the sum of $500, leaving a net amount of $500 actually received by the taxpayer. If the taxpayer elects to include the entire amount of $1,000 in his gross income, the amount of $500, representing the United Kingdom income tax deemed to have been paid, is allowable as a credit under section 131 of the Internal Revenue Code, subject to the limitations provided in that section. If, however, the foreign corporation is entitled to "relief" for Dominion income tax paid by it so that the amount of tax deducted from the gross dividend is the net United Kingdom income tax (representing the standard tax reduced by the relief for Dominion income tax) the amount of such net United Kingdom tax is the amount allowable as a credit against the United States income tax under the provisions of section 131 of the Internal Revenue Code, subject to the limitations provided in that section provided the taxpayer elects to include in his gross income, in addition to the amount of the dividend received by him, the net United Kingdom tax appropriate to the dividend. See §§ 29.131–1 to 29.131–8 inclusive, of this chapter (Regulations 111).

The net United Kingdom tax is also the basis of the credit in the case of a divi-

dend paid by such corporation subsequent to 1945 even though the tax required to be deducted from such dividend must be determined without taking into account any reduction by reason of "relief" from double taxation to which the corporation paying such dividend may be entitled. Thus, for example, a foreign corporation managed and controlled in the United Kingdom derives all of its income from sources within a British Dominion which imposes an income tax at an effective rate of 20 percent. On July 1, 1946, it pays a dividend, the gross amount of which in the case of A, a United States citizen shareholder resident in the United States, is $1,000. The amount of tax required to be withheld by the corporation is $450 or a rate of 45 percent applied to the gross amount of the dividend and A receives a net dividend of $550. However, the corporation in the payment of its United Kingdom income tax received a credit against the rate of 45 percent for the 20 percent tax paid to the Dominion. Hence the net United Kingdom rate is 25 percent which, applied to the gross dividend of $1,000, equals $250 which constitutes the United Kingdom income tax appropriate to the dividend. In such case, if A elects to take a credit for the United Kingdom tax appropriate to the dividend, he must include in gross income the amount of $550 plus $250, or $800, the sum of $250 being the basis of the resulting credit under the provisions of section 131, Internal Revenue Code.

Assume that a domestic corporation owns stock in a foreign corporation managed and controlled in the United Kingdom (hereinafter referred to as the first United Kingdom corporation), that the first United Kingdom corporation has as its sole income dividends received from a second United Kingdom corporation and that such second United Kingdom corporation derives all its income from sources within the X British Colony which imposes upon such second United Kingdom corporation tax at the rate of 20 percent of its income. Both the first and second United Kingdom corporations are subject to tax imposed by the United Kingdom. However, in the imposition of such tax upon the second United Kingdom corporation, there is allowed under United Kingdom law against the United Kingdom standard tax of 45 percent a credit of 20 percent imposed by the X Colony and hence such corporation pays United Kingdom tax at the rate of 25 percent. The second British corporation is deemed under United Kingdom law to have paid the 25 percent United Kingdom tax with respect to the dividends paid by it and, in turn, the first United Kingdom corporation is deemed to have paid United Kingdom tax of 25 percent with respect to such dividends. When, therefore, dividends are received by the domestic corporation from the first United Kingdom corporation, such domestic corporation will for the purposes of the credit under section 131 be deemed to have paid United Kingdom tax of 25 percent. Such domestic corporation may elect to include in its gross income the amount of United Kingdom tax thus deemed to have been paid and to claim credit for such tax under the provisions of section 131 of the Internal Revenue Code.

§ 7.529 *Adjustment of tax liability of nonresident aliens who are residents of the United Kingdom and of United Kingdom corporations.* Article XVII (1) of the convention confers upon the Commissioner of Internal Revenue authority to adjust the tax liability for taxable years beginning prior to January 1, 1936, of any nonresident alien individual who is a resident of the United Kingdom and of any corporation organized under the laws of the United Kingdom (whether or not such corporation is managed and controlled in the United Kingdom) in any case in which such tax liability remained unpaid on April 16, 1945 (the date of signature of the convention). Such provisions, however, will not apply unless:

(a) The taxpayer files with the Commissioner of Internal Revenue on or before December 31, 1947, a request that such tax liability be so adjusted and a sworn statement showing for each year involved and for such other years as the Commissioner of Internal Revenue may require, (1) by items and classes of income the amounts of dividends, interest, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical income, gains, profits, and income derived from sources within the United States; (2) the business transactions, if any, carried on in the United States by or in behalf of the taxpayer during each of such years; and (3) such further information as the Commissioner of Internal Revenue may require in the particular case; and

(b) The Commissioner of Internal Revenue is satisfied that the additional income tax involved did not arise by reason of fraud with intent to evade the tax on the part of the taxpayer concerned.

In any case in which the Commissioner of Internal Revenue deems it appropriate to exercise the authority thus conferred, the resulting tax liability for any such year or years may not exceed the amount of the liability which would be determined had the following been given effect for such year or years:

(1) The Revenue Act of 1936 (but this does not apply in the case of a United Kingdom corporation in which more than 50 percent of the entire voting power was controlled, directly or indirectly, through the latter half of the taxable year for which the liability is being determined by citizens or residents of the United States);

(2) Article XV of the convention, exempting from United States tax dividends and interest paid by a United Kingdom corporation to nonresident aliens or foreign corporations; and

(3) Article XVI of the convention, exempting United Kingdom corporations from the tax imposed by the United States with respect to accumulated or undistributed earnings, profits, income, or surplus.

In any case in which the Commissioner of Internal Revenue has exercised his authority to apply the provisions of Article XVII (1) of the convention, if the taxpayer was not engaged in trade or business within the United States and had no office or place of business therein during the taxable year involved, the aggregate amount of interest and penalties may not exceed 50 percent of the amount of the tax with respect to which such interest and penalties have been computed.

Article XVII (2) of the convention provides that the Federal income tax liability for taxable years beginning after December 31, 1935, and prior to January 1, 1945, which remains unpaid on April 16, 1945, the date of signature of the convention, in the case of any nonresident alien individual, a resident of the United Kingdom, or of any United Kingdom corporation, shall be determined under the United States internal revenue law properly applicable thereto, except that Articles XV (relating to exemption from United States tax of dividends and interests paid by a United Kingdom corporation) and XVI (relating to exemption of a United Kingdom corporation from United States tax with respect to accumulated earnings or profits) of the convention shall be treated as being in effect for such years. (See §§ 7.524 and 7.525.)

§ 7.530 *Reciprocal administrative assistance.* By Article XX of the convention, the United States and the United Kingdom adopt the principle of exchange of such information as is necessary to the administration of the provisions of the convention or for the prevention of fraud or for the detection of practices which are aimed at reduction of the revenues of either Contracting Party but not including information which would disclose any trade secret or trade process. Pursuant to such principle, every United States withholding agent shall make and file with the collector, in duplicate, an information return on Form 1042D, in addition to the withholding return, Form 1042, for the calendar year 1946 and each subsequent calendar year, with respect to: (a) Dividends from which a tax of 15 percent was withheld from persons whose addresses are in the United Kingdom (5 percent in the case of dividends falling within the scope of the proviso of Article VI (1) of the convention); (b) real property rentals and natural resource royalties from which a tax of 15 percent was withheld from persons whose addresses are in the United Kingdom; (c) royalties and like amounts and interest from which no tax was withheld from persons whose addresses are in the United Kingdom; and (d) all other fixed or determinable annual or periodical income paid to persons whose addresses are in the United Kingdom.

The information and correspondence relative to exchange of information may be transmitted directly by the Commissioner of Internal Revenue to the Commissioners of Inland Revenue.

§ 7.531 *Information to be furnished in due course.* In accordance with the provisions of Article XX of the convention the Commissioner of Internal Revenue will forward to the Commissioners of Inland Revenue as soon as practicable after the close of the calendar year 1946, and of each calendar year thereafter during which the convention is in effect, the names and addresses of all persons whose addresses are within the United Kingdom and who derived from sources within the United States dividends, interest, rents, royalties, salaries, wages, pensions, annuities, or other fixed or determinable annual or periodical profits and income, showing the amounts of such items of income in the case of each addressee. For these purposes the transmission to the Commissioners of Inland Revenue of information return Form 1042D as provided in § 7.530 for the calendar year 1946, and subsequent calendar years, shall constitute compliance with the provisions of Article XX of the convention and of §§ 7.512 to 7.532 inclusive.

§ 7.532 *Information in specific cases.* Under the provisions of Article XX of the convention and upon request of the Commissioners of Inland Revenue, the Commissioner of Internal Revenue shall furnish to the Commissioners of Inland Revenue any information (other than information that would disclose any trade secret or trade process) available to or obtainable by the Commissioner of Internal Revenue relative to the tax liability of any person under the revenue laws of the United Kingdom in any case in which such information is necessary to the administration of the provisions of the convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance.

[SEAL] JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

[F. R. Doc. 47-1725; Filed, Feb. 21, 1947; 8:57 a. m.]

[26 CFR, Parts 30 and 35]

CONSTRUCTIVE AVERAGE BASE PERIOD NET INCOME

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62), as made applicable by section 729 (a) of the Internal Revenue Code (54 Stat. 989, 26 U. S. C. 729 (a)).

Regulations 109 (26 CFR, Part 30) and Regulations 112 (26 CFR, Part 35) are amended as follows:

PARAGRAPH 1. Section 30.722-2 (b), as amended by Treasury Decision 5415, approved November 3, 1944 (26 CFR 30.722-2 (b)), is further amended by striking out the last sentence of subparagraph (1) and inserting in lieu thereof the following: "In a proper case, however, growth may be recognized in arriving at the fair and just amount representing normal earnings if, and to the extent that, such recognition is reasonable and consistent with the conditions and limitations of section 722."

PAR. 2. Section 35.722-2 (b), as amended by Treasury Decision 5415, approved November 3, 1944 (26 CFR 35.-722-2 (b)), is further amended by striking out the last sentence of subparagraph (1) and inserting in lieu thereof the following: "In a proper case, however, growth may be recognized in arriving at the fair and just amount representing normal earnings if, and to the extent that, such recognition is reasonable and consistent with the conditions and limitations of section 722."

[SEAL] JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

[F. R. Doc. 47-1724; Filed, Feb. 21, 1947; 8:58 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 927]

MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDMENT TO RULES AND REGULATIONS

Pursuant to the provisions of § 927.4 (b) of Order No. 27, as amended (7 CFR, 1945 Supp., 927.1 et seq.), and as further amended effective October 1, 1946 (11 F. R. 11115), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) notice is hereby given of a public meeting to be held on February 25, 1947 at 10:00 a. m., e. s. t., at the office of the Market Administrator, 205 East 42nd Street, New York, New York, for consideration of a proposed amendment to the rules and regulations which were issued under said order, as amended, effective on November 1, 1945 (10 F. R. 13095) and were amended effective on February 1, 1947 (12 F. R. 457).

The proposed amendment to be considered at said public meeting consists of the following proposed changes:

1. Changes in section 2 (c) and related provisions:

(a) By the Association of Ice Cream Manufacturers of New York State:

Amend section 2 (c) (1) by adding at the end thereof: "except as provided in subsection (n) (3)."

Amend section 2 (c) (2) and (3) by adding at the end of each subsection "except as provided in subsection (n) (3) and (jj) (7)."

Amend section 2 (n) (3) to read as follows:

(3) Frozen deserts or homogenized mixtures, 2.5 percent; *Provided*, That a deduction not to exceed 1 percent shall be permitted in the event that the total butterfat accounted for at the plant is greater than the total butterfat to be accounted for.

Amend section 2 (jj) (7) to read as follows:

(7) Frozen deserts and homogenized mixtures, 2 percent; *Provided*, That a deduction not to exceed 1 percent shall be permitted in the event that the total butterfat accounted for at the plant is greater than the total butterfat to be accounted for.

(b) By the Market Administrator:

Change the reference to the orders in section 2 (c) (1) from § 927.8 (e) (2) (iii) to § 927.9 (h) (2) (iii).

2. Changes in section 2 (o):

(a) By the Market Administrator:

Add a sentence as follows: "In the event that the receipts of butterfat in products deducted at this point are greater than the remaining plant loss, deduct such excess butterfat from the products in which the handler claims to have used such butterfat." Add similar provisions to pargaraphs (aa) and (dd) if such provisions appear necessary.

3. Changes in section 2 relating to the assignment of butterfat in frozen cream:

(a) By the Market Administrator:

(1) Amend section 2 (d) by inserting the term "frozen cream" between the terms "sour cream" and "plain condensed milk".

(2) Reconsider the allowable plant loss on the use of frozen cream (section 2 (v)) and the method of accounting for this allowable plant loss.

(3) Add two new paragraphs between paragraphs (x) and (y) of section 2 as follows:

First paragraph:

Deduct the remaining butterfat in the opening inventories or received in the form of frozen cream from butterfat in closing inventories of cream held in a frozen condition.

Second paragraph:

Deduct the remaining butterfat in opening inventories or received in the form of frozen cream from butterfat leaving the plant in the form of cream in a frozen condition.

4. Changes in section 2 (cc):

(a) By Crowley's Milk Co., Inc.:

Revise section 2 (cc) to read as follows:

(cc) Deduct butterfat received in the form of cream pro rata from remaining butterfat leaving the plant or in the closing inventories at the plant in the form of cream, sour cream, frozen cream, frozen desserts, homogenized mixtures, cream cheese, butter, and, to the extent that cream or frozen cream is used in the manufacture of such products, from butterfat leaving the plant or in the closing inventories at the plant in the form of milk, Class II-A cultured or flavored milk drinks, plain condensed milk, evaporated milk, sweetened condensed milk, milk powder, ice cream powder, malted milk powder, candy products, or Class III cheese.

5. Changes in section 2 (pp) and related subjects:

(a) By Milk Dealers' Association of Metropolitan New York, Inc.:

Amend section 2 (pp) by adding the words "or Class II–B" after words "or Class II–A" whenever they occur in this paragraph.

(b) By Association of Ice Cream Manufacturers of New York State:

Amend section 2 (pp) to include "Class II–B".

(c) By the Market Administrator:

(1) Classification of butterfat deducted pursuant to (cc) may be interchanged with the classification of butterfat deducted pursuant to (nn) from the same products covered by (cc) or with the classification of butterfat in the receipts from dairy farmers classified on the basis of the products covered by (cc). Classification of butterfat deducted pursuant to (q) may be interchanged with the butterfat deducted pursuant to (nn) from the same products covered by (q) or with the classification of butterfat in receipts from dairy farmers classified on the basis of the products covered by (q): *Provided*, That in both instances the quantity of butterfat so interchanged shall not exceed any quantity necessary in order to avoid payments pursuant to § 927.9 (h) of the orders. Such interchange shall be between one or more classes on which payments pursuant to § 927.9 (h) of the orders might be made and the class which contains the largest quantity of butterfat. In the event that the latter class does not contain sufficient quantities of butterfat for the purpose of interchanging, other classes in the order of the amounts of butterfat shall be used.

(2) Insert in section 3 (b) the following subparagraph between subparagraphs (2) and (3):

Classes of butterfat remaining after the assignments pursuant to (2) of this paragraph may be interchanged with classes of butterfat remaining after the assignments pursuant to (d) (3) of this section which are based on the products covered by section 2 (q).

(3) Insert in section 3 (c) the following subparagraph between subparagraphs (2) and (3):

Classes of butterfat remaining after the assignments pursuant to (2) of this paragraph may be interchanged with classes of butterfat remaining after the assignments pursuant to (d) (3) of this section which are based on the products covered by section 2 (cc).

(4) Insert in section 3 (d) the following subparagraph between subparagraphs (3) and (4):

Classes of butterfat remaining after the assignments pursuant to (3) of this paragraph may be interchanged with classes of butterfat remaining after the assignments pursuant to (b) (2) and (c) (2) of this section in accordance with the provisions of (b) (3) and (c) (3) of this section.

6. Changes in section 4:

(a) By Association of Ice Cream Manufacturers of New York State:

Clarify section 4 so that inventories of frozen deserts and homogenized mixtures which have been classified below Class II–B shall not be reclassified in a higher class unless and until actually used in such higher class, notwithstanding that such inventories may have been held longer than the period prescribed in § 927.4 (a) (2) of Order No. 27.

(b) By the Market Administrator:

Change section 4 to deduct butterfat in inventories held more than a month from butterfat leaving the plant before deducting from butterfat in closing inventories at the plant.

7. Changes in section 5 (a):

(a) By United Milk Products Co.:

Clearly recognize butterfat tests specifically reported by the first handler on the sales of fluid whole milk to the second handler instead of designating the first handler's monthly average butterfat test uniformly on all of the first handler's shipments of fluid whole milk.

(b) By Milk Dealers' Association of Metropolitan New York, Inc.:

Amend section 5 (a) by adding the following: "Specific butterfat tests will be deemed to be absent unless the handler's records show that the following number of tests have been made by a duly licensed tester:

Product and Number of Tests Required

Butter (salted or unsalted): 1 out of every 3 batches.

Cream (regardless of where sold): 1 test each day for each run of cream of different butterfat content.

Homogenized mixtures (including chocolate): 1 test each week if formula remains unchanged.

Condensed milk (plain and sweetened): 1 test each day of operation.

8. Changes in section 5 (c) and related subjects:

(a) By Association of Ice Cream Manufacturers of New York State:

Amend section 5 (c) to insert in subsection (1) after the words "homogenized mixtures" the words "or other mixtures containing butterfat"; and to make corresponding insertions in subsection (2).

(b) By Milk Dealers' Association of Metropolitan New York, Inc.:

Amend section 5 (c) (3) by adding the words "or other milk product" after the words "milk or cream."

(c) By the Market Administrator:

In the event that the proposal of the Milk Dealers' Association of Metropolitan New York, Inc. in regard to amending section 5 (c) (3) is adopted, a provision should be made in section 2 for the assignment of milk received or in the opening inventories in the form of "other milk product" to butterfat leaving the plant or in the closing inventories at the plant or in the form of "cultured or flavored milk drinks" containing less than 3 percent butterfat.

(d) By Milk Dealers' Association of Metropolitan New York, Inc.:

Establish in section 5 of the rules and regulations a method of determining butterfat in products embraced in the definition "other concentrated milk products."

Consideration should also be given to establishing, probably in section 2 in (jj) any operating loss for the manufacture of liquid hemo.

9. Addition to the rules and regulations relating to "storage cream payments":

(a) By Milk Dealers' Association of Metropolitan New York, Inc.:

Add a new section clarifying and specifying the method of handling storage cream payments.

(b) By the Market Administrator:

Pro rate butterfat received in the form of frozen cream on which storage cream payments might be applicable to all assignments of butterfat received at the plant or in the opening inventories at the plant in the form of frozen cream.

Interested persons will be afforded an opportunity to participate in the meeting through submission of written data, views, or arguments, and to present the same orally.

Copies of the said rules and regulations which became effective on November 1, 1945, of the said amendment which became effective on February 1, 1947, and of the proposed amendment thereto, may be procured from the Market Administrator, 205 East 42d Street, New York, New York, or may be there inspected.

Issued this 7th day of February 1947.

[SEAL] C. J. BLANFORD,
Market Administrator, New York Metropolitan Milk Marketing Area.

[F. R. Doc. 47–1719; Filed, Feb. 21, 1947; 8:51 a. m.]

[7 CFR, Part 944]

[Docket No. AO–105–A4]

QUAD CITIES MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT AND MARKETING ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737), as amended, notice is hereby given of a hearing to be held at the Council Chambers, City Hall, Rock Island, Illinois, beginning at 10 a. m., c. s. t., February 27, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the marketing order, as amended, regulating the handling of milk in the Quad Cities milk marketing area (9 F. R. 3278). Such proposed amendments have not received the approval of the Secretary of Agriculture.

The amendments, which have been proposed by the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, and with respect to which evidence will be received at the said hearing, are as follows:

1. Delete the provisions of § 944.1 (f) and substitute in lieu thereof the following:

(f) "Handler" means any person, except as provided otherwise herein or in § 944.8 (b), who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area. This definition shall include a cooperative association with respect to the milk of any producer which it causes to be delivered to a plant from which milk is disposed of as Class I milk in the marketing area, or which it causes to be diverted from a plant from which milk is disposed of as Class I milk in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area. However, this definition shall not apply to any person determined by the Secretary to be a handler under another Federal milk marketing order issued pursuant to the act with respect to milk disposed of by such person in this marketing area as Class I milk and which was not purchased or received from producers, associations of producers, or handlers under this order.

2. Add, at the end of § 944.6, a new paragraph reading as follows:

(e) *Sales in marketing area by handler under another Federal milk marketing order.* If any person who is not a handler under this order, but who is determined by the Secretary to be a handler under another Federal milk marketing order issued by the Secretary pursuant to the act, disposes of milk or cream in this marketing area as Class I milk or Class II milk and such milk or cream was not purchased or received from producers, associations of producers, or handlers subject to this order, he shall pay to the market administrator for this marketing area an amount equal to the difference, if any, between the price provided therefor pursuant to § 944.4 (a) (1) or (2) of this order and the price which such person is required to pay by the applicable terms of the other Federal milk marketing order to which he is subject.

3. Make such other changes as may be required to make the entire tentatively approved marketing agreement, as amended, and the marketing order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement, as amended, and of the marketing order, as amended, now in effect, may be procured from the Market Administrator, 335 Post Office Building, Rock Island, Illinois, or from the Hearing Clerk, Room 0306 South Building, Washington 25, D. C., or may be there inspected.

Dated: February 19, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47–1723; Filed, Feb. 21, 1947; 8:58 a. m.]

[7 CFR, Part 970]

[Docket No. AO 174–A2]

CLINTON, IOWA, MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT AND MARKETING ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737), as amended, notice is hereby given of a public hearing to be held at the Council Chambers, City Hall, Clinton, Iowa, beginning at 10:00 a. m., c. s. t., February 28, 1947, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Clinton, Iowa, marketing area (7 CFR, 1944 Supp., 970.1 et seq.; 11 F. R. 2915). Such proposed amendments have not received the approval of the Secretary of Agriculture.

The amendments with respect to which evidence will be received at the said hearing are as follows:

Amendment proposed by the Clinton Cooperative Milk Producers Association, Inc., Clinton, Iowa:

1. Delete § 970.4 (a) (1) and substitute therefor the following:

(1) For Class I milk—the price shall be the price for Class II milk for such delivery period, plus $1.00 per hundredweight.

2. Amend § 970.4 by adding as follows:

(e) *Out of area sales.* With respect to milk disposed of in a market regulated by another Federal order, the price shall be the price provided pursuant to paragraph (a) (1) of this section or the price determined by the market administrator to be paid for milk of equivalent use in the area where sold, whichever is higher.

Amendments proposed by the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture:

3. Amend § 970.1 (f) by adding, at the end thereof, a new sentence reading as follows: "However, this definition shall not include any person determined by the Secretary to be a handler under another Federal milk marketing order issued pursuant to the act with respect to milk or cream disposed of by such person in this marketing area as Class I milk and which was not purchased or received from producers, associations of producers, or handlers under this order."

4. Add, at the end of § 970.6, a new paragraph reading as follows:

(b) *Sales in marketing area by handler under another Federal milk marketing order.* If any person who is not a handler under this order, but who is determined by the Secretary to be a handler under another Federal milk marketing order issued by the Secretary pursuant to the act, disposes of milk or cream in this marketing area as Class I milk and such milk or cream was not purchased or received by him from producers, associations of producers, or handlers subject to this order, he shall pay to the market administrator for this marketing area an amount equal to the difference, if any, between the price provided therefor pursuant to § 970.4 (a) (1) of this order and the price which such person is required to pay by the applicable terms of the other Federal milk marketing order to which he is subject.

5. Make such other changes as may be required to make the entire tentatively approved marketing agreement, as amended, and the marketing order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement, as amended, and of the marketing order, as amended, now in effect, may be procured from the Market Administrator, 335 Post Office Building, Rock Island, Illinois, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0306 South Building, Washington 25, D. C., or may be there inspected.

Dated: February 19, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47–1722; Filed, Feb. 21, 1947; 8:58 a. m.]

DEPARTMENT OF COMMERCE

Administrator of Civil Aeronautics

[14 CFR, Part 501]

AIRCRAFT REGISTRATION CERTIFICATES

PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in sections 308 and 501 of the Civil Aeronautics Act of 1938 as amended (52 Stat. 973, 986, 1005, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 521) the Administrator of Civil Aeronautics is considering the revision, as hereinafter proposed, of Part 501 of the regulations of the Administrator.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision, shall forward the same to the Director, Aircraft and Components Service, Civil Aeronautics Administration, Washington 25, D. C., not later than the 15th day after the publication of this notice in the FEDERAL REGISTER.

The proposed revised Part 501 is as follows:

PART 501—AIRCRAFT REGISTRATION CERTIFICATES

Sec.
501.1 Scope.
501.2 Application.
501.3 Issuance of registration certificate.
501.3a New or previously unregistered aircraft.
501.3b Previously registered aircraft.

Sec.
501.4 Effective date.
501.5 Transferability.
501.6 Duration.
501.7 Display.
501.8 Invalidation.
501.9 Surrender.
501.10 Notice of change of address.

AUTHORITY: §§ 501.1 to 501.10, inclusive, issued under 52 Stat. 973, 986, 1005, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 521.

§ 501.1 *Scope.* Except as provided in Part 502 of the regulations of the Administrator of Civil Aeronautics with respect to Dealers' Aircraft Registration Certificates, the requirements for aircraft registration certificates shall be as prescribed in this part.

§ 501.2 *Application.* Application for the registration of an aircraft shall be made upon the applicable form prescribed (and furnished) by the Administrator.

§ 501.3 *Issuance of registration certificate.*

§ 501.3a *New or previously unregistered aircraft.* A registration certificate will be issued by the Administrator for aircraft not previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended: *Provided,* That the applicant: (a) Mails or delivers a duly executed application for registration to the Administrator [1] accompanied by the required registration fee;[2] (b) certifies that applicant is a citizen of the United States;[3] and (c) submits with the application proof satisfactory to the Administrator that the applicant is the owner of such aircraft.

[1] Effective November 15, 1946, the Administrator issued a new Form ACA 500 with complete instruction for the execution of each part on the back of the form. Each transfer of aircraft ownership effected subsequent to November 15, 1946, and registration of the aircraft in the new owner's name will be accomplished by using the new Form ACA 500.

[2] *Registration fee.* Section 651.31 (c) (1) of the regulations of the Administrator of Civil Aeronautics reads as follows:

(1) Effective November 15, 1946, aircraft registration other than Dealers' Aircraft Registration will be accomplished by the use of Form ACA 500 (revised). This form contains three parts: Part A, Registration Certificate; Part B, Application for Registration; and Part C, Bill of Sale.

(i) *Application and fee.* The applicant for such registration certificate will execute the original and duplicate of Part A and Part B, retain the original of Part B in the aircraft as a temporary registration for 60 days, and mail all duplicates of Parts A, B, and C together with the original of Part A and a registration fee of $5.00 to the Director, Aircraft and Components Service, Attention: Certification and Recordation Section, Civil Aeronautics Administration, Washington 25, D. C.

[3] As defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended, "Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory or Possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

§ 501.3b *Previously registered aircraft.* A registration certificate will be issued by the Administrator for aircraft previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended, if the applicant: (a) Mails or delivers a duly executed application for registration to the Administrator [1] accompanied by the required registration fee [2]; (b) certifies that applicant is a citizen of the United States [3]; and (c) submits with the application for registration a conveyance which meets the requirements prescribed in Part 503 of the regulations of the Administrator of Civil Aeronautics, evidencing applicant's ownership of the aircraft; and (d) the conveyance submitted with the above application establishes in the recordation system of the Administrator, title to the aircraft in the applicant: *Provided,* That this requirement shall not be applicable to contracts of conditional sale in which the seller is the recorded owner of the aircraft.

§ 501.4 *Effective date.* An aircraft will be deemed to be registered upon the date the documents required by §§ 501.3a and 501.3b, whichever is applicable, are delivered to an authorized inspector of the Administrator or mailed to the Administrator.

§ 501.5 *Transferability.* A registration certificate is not transferable.[1]

§ 501.6 *Duration.* Upon application for registration made upon the prescribed form, an aircraft may be operated for a period of sixty (60) days pending registration by the Administrator.[2] The registration and the certificate issued by the Administraor pursuant thereto shall remain in effect indefinitely unless suspended or revoked: *Provided,* That such registration and certificate shall immediately expire on the date: (a) The aircraft is registered under the laws of any foreign country; or (b) the registration of the aircraft is cancelled at the written request of the owner; or (c) the aircraft is totally destroyed or scrapped; or (d) the ownership of the aircraft is transferred.

§ 501.7 *Display.* The registration certificate issued for any aircraft shall be carried at all times in such aircraft and shall be presented upon request of any duly authorized representative for the Administrator,[3] or any state or municipal official charged with enforcing local laws or regulations involving Federal compliance.

§ 501.8 *Invalidation.* Any registration of an aircraft shall be null and void if at the time of registration: (a) The aircraft was registered under the laws of any foreign country; (b) the person registered as owner was not the true and lawful owner of the aircraft; (c) the person registered as owner was not a citizen of the United States; or the interest of such person in the aircraft was created by any transaction not entered into in good faith, but for the purpose of avoiding, with or without the knowledge of the registered owner, the provision of the Civil Aeronautics Act of 1938, as amended, prohibiting the registration of an aircraft in the name of a person not a citizen of the United States.

§ 501.9 *Surrender.* Upon the suspension, revocation, expiration or invalidation of a registration certificate, the owner of the aircraft shall, upon request, surrender such certificate to any authorized representative of the Administrator.

§ 501.10 *Notice of change of address.* The registered owner of any aircraft shall notify the Administrator immediately of any change of address.

(Secs. 308, 501, 52 Stat. 973, 986, 1005, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 521)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-1694; Filed, Feb. 21, 1947; 8:47 a. m.]

[14 CFR, Part 502]

DEALERS' AIRCRAFT REGISTRATION CERTIFICATES

PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in sections 308 and 501 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 986, 1005, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 521) the Administrator of Civil Aeronautics is considering the revision, as hereinafter proposed, of Part 502 of the regulations of the Administrator of Civil Aeronautics.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision, shall forward the same to the Director, Aircraft and Components Service, Civil Aeronautics Administration, Washington 25, D. C., not later than the 15th day after the publication of this notice in the FEDERAL REGISTER.

Part 502, Dealers' Aircraft Registration Certificates, was adopted for the following purposes: (a) To facilitate the operation, demonstration, and merchandising of aircraft moving in the ordinary trade channels from the manufacturer, distributor, or dealer to the ultimate purchaser without imposing upon the manufacturer, distributor, or dealer the burden of obtaining an individual registration certificate for such aircraft with each transfer of title as required under the registration provisions of Part 501 of the regulations of the Administrator of Civil Aeronautics, and (b) to permit manufacturers to conduct required production flight tests. A dealers' aircraft registration certificate is valid only for aircraft owned by the person to whom such certificate was issued and is an alternate form for the registration of civil aircraft from that prescribed by Part 501. Persons engaged in the business of manufacturing, distributing or selling aircraft, upon application, may obtain one or more dealers' aircraft registration certificates issued under the provisions of this part. If such manufacturer, distributor, or dealer wishes to obtain an aircraft registration certificate other than a dealers' aircraft registration certificate, registration shall be accomplished as prescribed in Part 501. This part, as revised herein, differs from the original Part 502 in that it grants to bonafide distributors and dealers of used aircraft the same privilege to obtain and utilize dealers' aircraft registration certificates as was granted to manufacturers, distributors, and dealers of new aircraft under the original Part 502.

The proposed revised Part 502 is as follows:

PART 502—DEALERS' AIRCRAFT REGISTRATION CERTIFICATES

Sec.
502.1 General.
502.2 Application.
502.3 Requirements.
502.4 Limitations.
502.4a Operation.
502.4b Transfer of ownership.
502.5 Rules.
502.5a Display.
502.5b Duration.
502.5c Transferability.
502.6 Notice.

AUTHORITY: §§ 502.1 to 502.6, inclusive, issued under 52 Stat. 973, 986, 1005, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 521.

§ 502.1 *General.* The following regulations in this part are prescribed for the registration of aircraft by persons engaged in the business of manufacturing, distributing, or selling of aircraft.

§ 502.2 *Application.* Application for a dealer's aircraft registration certificate shall be made upon a form prescribed by the Administrator and shall be accompanied by the required registration fee.[1]

§ 502.3 *Requirements.* To be eligible for a dealers' aircraft registration certificate an applicant shall be a citizen of the United States [2] with an established place of business located in the United States or any territory or possession of the United States, engaged in the following activities:

(a) The manufacture of aircraft, or

(b) The distribution or sale of new aircraft under authority of a franchise, license, letter of authority, agreement, or other arrangement from the manufacturer or his authorized agent, or

(c) The distribution or sale of used aircraft to ultimate purchasers through ordinary trade channels.

§ 502.4 *Limitations.*

§ 502.4a *Operation.* (a) A dealers' aircraft registration certificate shall be valid for the operation of an aircraft only by a person to whom such certificate was issued or by his duly authorized agent or employee.

(b) A dealers' aircraft registration certificate is valid only for an aircraft owned by a person to whom such certificate was issued and which is being operated, (1) in the ordinary trade channels between any two of the following persons: The manufacturer, the distributor, the dealer, or the purchaser from any of such persons, (2) for demonstration purposes necessary to the sale of such aircraft, or (3 to conduct required production flight tests.

§ 502.4b *Transfer of ownership.* Whenever the ownership of an aircraft is transferred to a person who is not the possessor of a valid dealers' aircraft registration certificate, the purchaser shall make application for registration of the aircraft in his name in accordance with the provisions of Part 501 of the regulations of the Administrator of Civil Aeronautics prior to the operation of the aircraft.[3]

§ 502.5 *Rules.*

§ 502.5a *Display.* The dealers' aircraft registration certificate shall be carried in the aircraft when operated by the person to whom the certificate was issued, or by his authorized agent or employee.

§ 502.5b *Duration.* A dealers' aircraft registration certificate shall expire one year from the date of issuance thereof.

§ 502.5c *Transferability.* A dealer's aircraft registration certificate is not transferable.

§ 502.6 *Notice.* The holder of a dealers' registration certificate shall notify the Administrator immediately of any change which affects his status as a citizen of the United States as defined in section 1 (13) of the Civil Aeronautics Act of 1938, or other change of the conduct of his business which affects his eligibility for a dealers' aircraft registration certificate.

[1] *Registration fee.* Section 651.31 (c) (2) (i) of the regulations of the Administrator of Civil Aeronautics reads in part as follows:

(i) *Application and fee.* Application is made on a form, "Application for Issuance of Dealers' Aircraft Registration Certificate(s)" (ACA-1706) • • •. An application containing current data must be submitted each time certificates are requested and may cover as many certificates as are desired at that time. This application is obtained from, and is submitted to, the Aircraft and Components Branch of the Regional Office for the area in which the applicant's business is located. A fee of $5.00 is charged for the first certificate, and $1.00 for each additional or subsequent certificate, issued to the same dealer. Certificates are valid for twelve months from date of issuance. Duplicates will not be issued.

[2] As defined by section 1 (13) of the Civil Aeronautics Act of 1938 as amended, "Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

[3] Upon the transfer of the ownership of the aircraft to a person who is not the possessor of a valid dealers' registration certificate, the parties to the sale will execute the new form ACA 500 in accordance with the instructions on the reverse side thereof. The portion marked "Part B" shall be retained in the aircraft and will entitle the purchaser to operate the aircraft for 60 days pending registration in his name by the Administrator.

(Secs. 308, 501, 52 Stat. 973, 986, 1005, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 521)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-1695; Filed, Feb. 21, 1947; 8:48 a. m.]

[14 CFR, Part 503]

RECORDATION OF AIRCRAFT OWNERSHIP

PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 986, 1006, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 523), the Administrator of Civil Aeronautics is considering the revision, as hereinafter proposed, of Part 503 of the regulations of the Administrator.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision, shall forward the same to the Director, Aircraft and Components Service, Civil Aeronautics Administration, Washington 25, D. C., not later than the 15th day after publication of this notice in the FEDERAL REGISTER.

The proposed revised Part 503 is as follows:

PART 503—RECORDATION OF AIRCRAFT OWNERSHIP

Sec.
503.1 Scope.
503.2 Definitions.
503.3 Eligibility of conveyances.
503.4 Limitations.

AUTHORITY: §§ 503.1 to 503.4, inclusive, issued under 52 Stat. 973, 986, 1006, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 523.

§ 503.1 *Scope.* The regulations contained in this part are prescribed for recordation of conveyances affecting the title to, or interest in, any aircraft registered under the provisions of the Civil Aeronautics Act of 1938, as amended, and of Part 501 or Part 502 of the regulations of the Administrator of Civil Aeronautics.

§ 503.2 *Definitions.* As used in this part, "conveyance" means a bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, aircraft.

§ 503.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It is executed upon the form prescribed by the Administrator for such type of conveyance, or upon a form deemed by the Administrator to be its equivalent; and

(b) It is accompanied by a duly executed application for registration and the required registration fee, and complies with the other provisions of either § 501.3a or § 501.3b of this chapter, whichever is applicable, of the regulations of the Administrator: *Provided,* That, this paragraph shall not apply

board of directors and other managing officers

one of its possessions.

aircraft registration certificates issued

conveyances affecting an interest in, but not title to, the aircraft; and

(c) It affects an aircraft currently registered under the terms of the Civil Aeronautics Act of 1938, as amended; and

(d) It states the interest in the aircraft of the person by whom such conveyance is made or given, or in the case of a contract of conditional sale, the interest of the vendor; and, except in cases where the conveyor is the record title holder of such aircraft in the records of the Administrator, it is accompanied by a bill or bills of sale or similar instrument or instruments establishing title to such aircraft in the conveyor; and

(e) It states the interest transferred by the conveyance; and

(f) It is accompanied by the required recordation fee: [1] *Provided*, That this paragraph shall not apply to any conveyance accomplished by a bill of sale or similar instrument transferring title to an aircraft to the purchaser; and

(g) It is acknowledged before a Notary Public or other officer authorized by law of the United States, or a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgement of deeds.

§ 503.4 *Limitations.* No mortgage or similar conveyance affecting an interest in, but not title to, aircraft, will be accepted by the Administrator for recording against any aircraft for which there is outstanding a Certificate of Ownership [2] unless such Certificate of Ownership is submitted to the Administrator for cancellation with such conveyance: *Provided*, That, in the event of the loss or destruction of such Certificate of Ownership, the owner shall submit in lieu thereof an affidavit or other proof satisfactory to the Administrator that such certificate has been lost or destroyed.

(Secs. 308, 503, 52 Stat. 973, 986, 1006, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 523)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-1696; Filed, Feb. 21, 1947; 8:48 a. m.]

[1] Section 651.53 of Part 651 of the regulations of the Administrator of Civil Aeronautics reads as follows:

§ 651.53 A conveyance may be recorded by submitting the original document together with a check or money order in the amount of $5.00, payable to The Treasurer of the United States, to the Director, Aircraft and Components Service, Washington 25, D. C. No fee is required for the recording of a satisfaction of a lien.

[2] Section 651.31 (c) (1) (i) of Part 651 of the regulations of the Administrator of Civil Aeronautics reads as follows:

(1) Effective November 15, 1946, Certificates of Ownership (Form ACA 1160) will not be issued by the Administration * * *

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8191]

LENA ARNET

In re: Bank account and certificate of participating interest in mortgage owned by Lena Arnet, also known as Lena Arnet Feldkirchner. F-28-750-E-1, F-28-750-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lena Arnet, also known as Lena Arnet Feldkirschner, whose last known address is Karlsruhe, Westmarkstrasse 15, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Lena Arnet, also known as Lena Arnet Feldkirschner, by The Fulton National Bank of Lancaster, Penn Square, Lancaster, Pennsylvania, arising out of a savings account, account number 10515, entitled Lena Arnet, and any and all rights to demand, enforce and collect the same, and

b. One (1) Certificate of Participating Interest in Mortgage, issued by Lancaster Lodge #299, Loyal Order of Moose of the World, of $1,100.00 face value, bearing the number 7, registered in the name of Lena Arnet, and presently in the custody of Northern Bank and Trust Company, 138 North Queen Street, Lancaster, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1682; Filed, Feb. 20, 1947; 8:45 a. m.]

[Vesting Order CE 362]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN COURTS OF MONTANA AND CALIFORNIA

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Haldor Graue	Norway	Estate of Mons Graue, deceased, District Court of the Fourth Judicial District of the State of Montana, in and for the County of Missoula; No. A-4008.	$116
		Item 2	
Martha Graue	do	Same	116
		Item 3	
Peter Graue	do	Same	116
		Item 4	
Albertina Pehrsson	Denmark	Estate of Joseph Ekman, deceased, in the District Court of the 13th Judicial District of the State of Montana, in and for the County of Big Horn.	30
		Item 5	
Mrs. Axel Lamm	do	Same	30
		Item 6	
Emanuel Mehr	Poland	Estate of Albert L. Mehr, also known as Albert Louis Mehr, also known as A. L. Mehr, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 21967.	230

[F. R. Doc. 47-1683; Filed, Feb. 20, 1947; 8:45 a. m.]

[Dissolution Order 43]

CARSCH, INC.

Whereas, by Vesting Order No. 2320, dated October 4, 1943 (8 F. R. 16338, December 4, 1943), there were vested all the issued and outstanding shares of the capital stock of Carsch, Inc., a New York corporation; and

Whereas, by said Vesting Order No. 2320, there were also vested the claims of Carl Schlemper against Carsch, Inc., and it has been determined that those claims amount in the aggregate to $31,497.42; and

Whereas, Carsch, Inc., has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and except the claims in the amount of $31,497.42, formerly owned by Carl Schlemper and vested as set forth above; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a consent to dissolution having accordingly been filed with the Secretary of State of the State of New York;

Hereby orders that the officers and directors of Carsch, Inc. (to-wit, Francis J. Carmody, President and Director, N. S. Watts, Secretary and Director, and Robert Kramer, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Carsch, Inc.; and

Further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of the vested claims in the amount of $31,497.42 described above, second, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further*, That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, that all actions taken and acts done by the said officers and directors of Carsch, Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 12th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1684; Filed, Feb. 20, 1947; 8:45 a. m.]

[Dissolution Order 44]

FERROSTAAL, INC.

Whereas, by Vesting Order Number 2026, dated August 21, 1943 (8 F. R. 16800, December 15, 1943), there were vested all the issued and outstanding shares of the capital stock of Ferrostaal, Inc., a New York corporation; and

Whereas, Ferrostaal, Inc., has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim if any as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a certificate of Dissolution having been issued by the Secretary of State of the State of New York;

Hereby orders, that the officers and directors of Ferrostaal, Inc. (to wit, Robert Kramer, President and Director, Francis J. Carmody, Secretary and Director, and Martin S. Watts, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Ferrostaal, Inc.; and

Further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets

thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States, as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation in file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, that all actions taken and acts done by the said officers and directors of Ferrostaal, Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 12th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1685; Filed, Feb. 20, 1947; 8:45 a. m.]

[Dissolution Order 45]

GOSHO SALES CORP.

Whereas, by Vesting Order Number 656, dated January 9, 1943 (8 F. R. 2450, February 26, 1943), there were vested 100 of the 500 issued and outstanding shares of the capital stock of Gosho Sales Corporation, a New York corporation; and

Whereas, pursuant to Dissolution Order Number 31, dated March 14, 1946 (11 F. R. 3048, March 22, 1946), the remaining 400 of the 500 issued and outstanding shares of the capital stock of Gosho Sales Corporation were acquired by assignment from Gosho Company, Inc.; and

Whereas, Gosho Sales Corporation, has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim if any as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

Hereby orders, that the officers and directors of Gosho Sales Corporation (to wit, Henry S. Sellin, President and Director, Robert Kramer, Secretary and Director, and Stanley B. Reid, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Gosho Sales Corporation; and

Further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owned by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *And provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the manner and form prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, that all actions taken and acts done by the said officers and directors of Gosho Sales Corporation, pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 12th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1686; Filed, Feb. 20, 1947, 8:45 a. m.]

[Dissolution Order 47]

ROSENTHAL CHINA CORP.

Whereas, by Vesting Order No. 931, dated February 22, 1943, (8 F. R. 3266, March 17, 1943), there were vested all the issued and outstanding shares of the capital stock of Rosenthal China Corporation, a New York corporation; and

Whereas, Rosenthal China Corporation has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except possible claims for taxes owing by the corporation, and such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that, its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

Hereby orders, that the officers and directors of Rosenthal China Corporation (to wit, Stanley B. Reid, President and Director, Robert Kramer, Vice-President and Director, Henry S. Sellin, Secretary and Director, Francis J. Carmody, Treasurer and Director, and M. S. Watts, Director, and their successors, or any of them), continue the proceedings for the dissolution of Rosenthal China Corporation; and

Further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state and local taxes and fees owned by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the manner and form prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, that all actions taken and acts done by the said officers and directors of Rosenthal China Corporation, pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 12th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1688; Filed, Feb. 20, 1947; 8:46 a. m.]

[Dissolution Order 46]

H. MOLSEN & CO.

Whereas, by Vesting Order No. 183, dated September 28, 1942, (7 F. R. 9360, November 13, 1942), there were vested 29 of the 30 issued and outstanding shares of the capital stock of H. Molsen & Company, a Texas corporation; and

Whereas, H. Thoelken, the registered owner of the one remaining share of the issued and outstanding shares of capital stock of H. Molsen & Company, on August 1, 1944, surrendered and assigned said share to the corporation, which share is now carried as Treasury stock on the books; and

Whereas, H. Molsen & Company has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except possible claims for taxes owing by the corporation, and such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and except claims in the amounts set forth below totalling $8,907.48, representing accounts payable to nationals of foreign countries other than designated enemy countries:

Liabilities—Foreign (Non-Enemy)

Juan Boada, Barcelona, Spain	$14.00
Jacques Claesens, Ghent, Belgium	2,217.71
Claesens A/C Nouvelle Orleans, Ghent, Belgium	161.45
Claesens A/C Filatures et Lissages Reunis, Ghent, Belgium	107.84
Cook & Thorp, Ltd., Manchester, England	2,274.26
Gilderman & Zover, Enschede, Holland	228.32
Luis Jover, Barcelona, Spain	153.85
N. V. Gebroeders Jamink, Enschede, Holland	101.57
N. V. Katoen Import En Export Maatschappij, Rotterdam, Holland	131.93
M & R De Monchy, N. V., Rotterdam, Holland	1,235.08
N. V. Roessingh & Co., Amsterdam, Holland	187.85
S. J. Spanjaard, N. V., Enschede, Holland	1,657.46
J. Templeman, Enschede, Holland	175.00
F. L. Vandriessche & Co., Ghent, Belgium	174.73
Fratelli Zerollo, Inc., Liverpool, England	30.64
Fratelli Zerollo, Inc., Rotterdam, Holland	55.49

and except claims in the amounts set forth below totalling $175.23, representing accounts payable to nationals of a designated enemy country:

Liabilities—Foreign (Enemy)

Dabig, Bremen, Germany	$30.00
Hagel & Heyden controlling A/C, Bremen, Germany	14.98
Marking & Werner, Prag, Germany	129.05
Roohlig & Co., Bremen, Germany	1.20
Total Foreign Enemy Liabilities	175.23

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of Texas;

Hereby orders, that the officers and directors of H. Molsen & Company (to wit, Henry S. Sellin, President and Director, Stanley B. Reid, Vice-President and Director, and Robert Kramer, Secretary, Treasurer and Director and their successors, or any of them), continue the proceedings for the dissolution of H. Molsen & Company; and

Further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay each of the above-mentioned accounts payable to nationals of foreign countries other than designated enemy countries, and each of the above-mentioned accounts payable to nationals of a designated enemy country which shall not have been previously vested by the Attorney General of the United States, into separate accounts in any bank or banks deposits of which are insured by the Federal Deposit Insurance Corporation. Each of the said accounts shall be entitled substantially as follows: "(Name of Account), subject to the authority of the Attorney General of the United States." The said accounts shall be made expressly subject to the following conditions and a certified copy of this Order shall be furnished to the bank or banks at the time said accounts are opened:

(I) Withdrawals shall be made from the accounts only:

(i) On the signature of an authorized representative of the particular national of a foreign or designated enemy country, as the case may be, in conformity with a suitable authorization of the Attorney General of the United States, his delegate or supervisor,

(ii) On the signature of an authorized representative of the Attorney General of the United States, his delegate or supervisor, or

(iii) In any other manner which may be directed by the Attorney General of the United States, his delegate or supervisor.

(II) Statements shall be rendered in accordance with the usual practice of the bank or banks to "(Name of Account), subject to the authorization of the Attorney General of the United States" care of the Department of Justice, Office of Alien Property, Washington 25, D. C., or as may otherwise be directed by the Attorney General of the United States, his delegate or supervisor.

(III) The bank or banks are hereby authorized to charge their customary and usual service charges including charges in payment or reimbursement for interest due; cable, telegraph or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, account carrying charges, notary and protest fees, and charges for reference books, photostats, credit reports, transcripts or statements, registered mail insurance, stationery and supplies, checkbooks, and other similar items.

The payment of the said sums as herein directed into such accounts shall to the extent thereof be a full acquittance and discharge for all purposes of the obligations of H. Molsen & Company.

(d) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in payment of any claims against the corporation which the Attorney General

of the United States may then have vested, second, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, that all actions taken and acts done by the said officers and directors of H. Molsen & Company, pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 12th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1687; Filed, Feb. 20, 1947; 8:46 a. m.]

[Vesting Order 8200]

HENRY LEONHARDY

In re: Stock, claims and bank account owned by Henry Leonhardy.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Leonhardy, whose last known address is Nuremberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock of United Brush Manufactories, described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Henry Leonhardy, and presently in the custody of Karl Pauli, 322 Fingerboard Road, Staten Island 5, New York, in Safe Deposit Box No. 2032, Irving Safe Deposit Company, 233 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Henry Leonhardy, and presently in the custody of Manufacturers Trust Company, 55 Broad Street, New York, New York, together with all declared and unpaid dividends thereon,

c. That certain debt or other obligation owing to Henry Leonhardy, by Manufacturers Trust Company, 55 Broad Street, New York, New York, arising out of a cash custodian account, entitled Henry Leonhardy, and any and all rights to demand, enforce and collect the same, and

d. All those debts or other obligations owing to Henry Leonhardy, by United Brush Manufactories, 116 Wooster Street, New York, New York, including particularly but not limited to that sum of money on deposit with Bank of Yorktown, 568 Eighth Avenue, New York, New York, is a blocked account, entitled Blocked Account (German) United Brush Manufactories, Dividends H. Leonhardy, and to a portion of the sum of money on deposit with The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in a dividend account, entitled United Brush Manufactories, maintained at the branch office of the aforesaid bank located at Broadway and Prince Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Description of stock	Certificate No.	Number of shares
United Brush Manufactories, 116 Wooster St., New York 16, N. Y.	New York	No par value common capital stock.	N18	1,0[illegible]
		$100 par value class A first preferred 5 percent capital stock.	N34	2[illegible]
		$10 par value class B first preferred 5 percent capital stock.	N31	2[illegible]
		$10 par value second preferred capital stock.	N5	1[illegible]
American Telephone & Telegraph Co., 195 Broadway, New York 7, N. Y.	do	$100 par value capital stock	AN3615 JN32956 NM4969 NQ39524	1[illegible] 5[illegible] 5[illegible] 1[illegible]
Consolidated Edison Co. of New York, Inc., 4 Irving Pl., New York, N. Y.	do	No par value common capital stock.	30745	5[illegible]
General Electric Company, 1 River Rd., Schenectady, N. Y.	do	do	NYD96756 NYD189877 NYD287474	2[illegible] 6[illegible] 2[illegible]
New York Central RR. Co., 230 Park Ave., New York 17, N. Y.	do	No par value capital stock	L250101	6[illegible]
Radio Corp. of America, 30 Rockefeller Plaza, New York 20, N. Y.	Delaware	No par value common capital stock.	W. O. 73633	1[illegible]
Standard Plate Glass Co.	do	$100 par value prior preferred capital stock.	N. Y. O. 27	5[illegible]
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	No par value common capital stock.	P. 7056	5[illegible]

[F. R. Doc. 47-1718; Filed, Feb. 21, 1947; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-784]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF AMENDMENT TO APPLICATION

FEBRUARY 17, 1947.

Notice is hereby given that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation having its principal offices at Kansas City, Missouri, and Chicago, Illinois, and authorized to do business in the States of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio and Michigan, filed with the Federal Power Commission on January 16, 1947, an amendment to its application filed September 19, 1946, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of certain facilities hereinafter described.

Applicant in its original application sought authorization pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate one additional 1,600 horsepower compressor unit and appurtenant equipment at each of the following compressor stations presently existing on its gas transmission pipeline system: Greensburg, Haven and Olpe in the State of Kansas; Houstonia and Centralia in the State of Missouri; Pleasant Hill in the State of Illinois, and Montezuma in the State of Indiana; and one additional 1,000 horsepower compressor unit and appurtenant equipment at the Louisburg Compressor Station in the State of Kansas.

Applicant, by its amendment to its application of September 19, 1946, amends its original project by seeking authorization to construct and operate one 2,400 horsepower compressor unit and appurtenant equipment at each of two existing compressor stations, namely, Centralia Compressor Station and Pleasant Hill Compressor Station, in lieu of the 1,600 horsepower compressor unit and appurtenant equipment sought to be constructed and operated at each of said stations in the original application. No other changes from the original application are proposed in the amended application.

Applicant states that since the filing of its original application it learned that certain compressor units having a rated capacity of 2,400 horsepower were being produced and early delivery thereof could be obtained; that in light of the availability of such new type units, it reexamined its stand-by requirements at each of the stations located on its pipeline system and concluded that the installation of a 2,400 horsepower unit at Centralia Compressor Station and at Pleasant Hill Compressor Station would best serve its stand-by needs, make for economy of operation and provide more adequate relief than the 1,600 horsepower units included in the original application.

Applicant estimates that the over-all capital cost of the facilities, as amended, will be approximately $2,785,000.[1]

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application, as amended, of Panhandle Eastern Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application, as amended, shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[1] The over-all capital cost of the facilities as proposed in the original application was estimated to be $2,685,000.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1692; Filed, Feb. 21, 1947; 8:47 a. m.]

[Docket No. G-855]

MEMPHIS NATURAL GAS CO. AND KENTUCKY NATURAL GAS CORP.

NOTICE OF APPLICATION

FEBRUARY 17, 1947.

Notice is hereby given that on January 30, 1947, a joint application was filed with the Federal Power Commission by Memphis Natural Gas Company ("Memphis"), a Delaware corporation with its principal place of business at Memphis, Tennessee, and Kentucky Natural Gas Corporation ("Kentucky"), a Delaware corporation with its principal place of business at Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Memphis to purchase the gas system and related physical assets of Kentucky and thereafter to operate the same, and authorizing Kentucky to sell such gas system and related physical assets.

The natural-gas pipeline system of Memphis extends from the Lisbon and Monroe Fields in Louisiana across a portion of Arkansas and Mississippi to Memphis, Tennessee, and other points in western Tennessee. The natural-gas pipeline system of Kentucky lies in Kentucky, Indiana and Illinois. Its main transmission line commences approximately 25 miles north of Terre Haute, Indiana, at a point of connection with the pipeline system of Panhandle Eastern Pipe Line Company, and extends in a southerly direction across the States of Indiana and Kentucky and into Tennessee, to a point near Mitchellville, where connection is made with the pipeline system of Tennessee Gas and Transmission Company. Several branch pipelines extend from Kentucky's main pipeline above-described, which receive natural gas into the system, deliver natural gas to other utilities and serve various communities at wholesale. One of such branch lines extends into the State of Illinois, and two others across the Indiana-Kentucky boundary at two points on the Ohio River.

Memphis proposes to acquire by purchase from Kentucky, and Kentucky proposes to sell to Memphis, the gas plant and related physical assets owned by Kentucky, at the net book value thereof, which the application states coincides with original cost depreciated and was at December 31, 1946, $4,957,488.39. It is proposed that the consideration for said sale is to be the following: 272,345 shares of Memphis $5.00 par value common capital stock at book value of $7.18754 per share at December 31, 1946, $1,957,488.39; and $3,000,000 principal amount of 3¼ per cent Memphis debenture notes, at par, making a total of $4,957,488.39.

The application recites that the proposed purchase by Memphis will have no effect upon the service being rendered by either Memphis or Kentucky and that it is the intention of Memphis to continue the services presently being rendered by both applicants; that there will be no change in the method of operating the facilities proposed to be acquired; that Memphis will adopt and continue to charge the present rates of Kentucky. The application further recites that it is believed that each system operating alone is too small to get the benefit of diversity in sales, volume of sales, spreading of overhead, reduction in cost of purchases and financing; that integration, corporately, is a first and essential step to bring to the public the full benefits of the combined operations; and that the consolidation will make possible a plan to later connect the two systems.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and further to specify whether it desires a conference, the creation of a board, or a joint or concurrent hearing as defined in said rule and the reasons for such request.

The application of Memphis and Kentucky is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the Rule of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1699; Filed, Feb. 21, 1947; 8:48 a. m.]

[Docket No. G-353]

MICHIGAN CONSOLIDATED GAS CO.

ORDER POSTPONING HEARING

FEBRUARY 18, 1947.

It appearing to the Commission that:

(a) On January 7, 1947, the Commission ordered that the public hearing in this matter, theretofore set for January 15, 1947, be postponed to February 24, 1947;

(b) Good cause exists for further postponing the date of hearing as hereinafter provided;

The Commission orders that: The public hearing in this matter now set for February 24, 1947, be and the same is hereby postponed to April 14, 1947, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: February 18, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1710; Filed, Feb. 21, 1947; 8:50 a. m.]

[Docket Nos. G-210, G-661, G-688, G-693]

MICHIGAN CONSOLIDATED GAS CO. ET AL.

ORDER POSTPONING HEARING

FEBRUARY 18, 1947.

Michigan Consolidated Gas Company v. Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation, Docket No. G-210; City of Detroit, a Municipal Corporation, and County of Wayne, a Municipal Corporation, both of the State of Michigan v. Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company, Docket No. G-661; in the matters of Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company, Docket No. G-688; Panhandle Eastern Pipe Line Company, Docket No. G-693.

It appearing to the Commission that:

(a) On January 7, 1947, the Commission ordered that the public hearing in the above-entitled matters theretofore set for January 16, 1947, be postponed to February 25, 1947;

(b) Good cause exists for further postponing the date of hearing as hereinafter provided;

The Commission orders that: The public hearing in the above-entitled matters now set to commence on February 25, 1947, be and the same is hereby postponed to April 15, 1947, commencing at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Date of issuance: February 18, 1947.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1712; Filed, Feb. 21, 1947; 8:50 a. m.]

[Docket No. G-606]

TENNESSEE GAS AND TRANSMISSION CO. AND CHICAGO CORP.

ORDER FURTHER POSTPONING HEARING

FEBRUARY 18, 1947.

It appearing to the Commission that:

(a) On November 5, 1946, the Commission ordered that a public hearing in the above-docketed matter be held commencing on January 20, 1947, and by subsequent orders postponed the date of such hearing to February 24, 1947.

(b) Good cause exists for further postponing the date of hearing as hereinafter provided.

The Commission orders that: The public hearing in the above-docketed matter is hereby postponed to April 21, 1947, commencing at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: February 18, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1711; Filed, Feb. 21, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 122]

RECONSIGNMENT OF APPLES AT PORTLAND, OREG.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Portland, Oregon, December 26, 1946, by Di Giorgio Fruit Corporation, of car FGE 36597, apples, on the Great Northern Ry. Co., to Di Giorgio Fruit Corporation, San Francisco, Calif. (GN-WP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1708; Filed, Feb. 21, 1947; 8:50 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-478]

OSCAR W. DUPUIS

CONSENT ORDER

Oscar W. Dupuis, of 62 Coolidge Street, Sherborn, Massachusetts, sometime in May or June 1946, began construction of a summer cottage located on Brunswick Street, Humarock Beach, Scituate, Massachusetts, at a cost of approximately $3,500. Oscar W. Dupuis is charged by the Civilian Production Administration with having commenced construction of this summer cottage without authorization from the Federal Housing Administration, which construction was not permitted under any exemption provided for in the VHP Order 1; and Oscar W. Dupuis is further charged by the Civilian Production Administration with having continued construction after receiving a warning telegram dated August 28, 1946, and a stop-telegram dated November 4, 1946. This construction constituted a violation of VHP-1 and a violation of an order of the Civilian Production Administration.

Oscar W. Dupuis admits the violation as charged and consents to the issuance of this order.

Wherefore, upon the agreement and consent of Oscar W. Dupuis, The Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) The temporary suspension order issued by the Civilian Production Administration by telegram dated November 4, 1946, addressed to Oscar W. Dupuis, 62 Coolidge Street, Sherborn, Massachusetts, is hereby revoked.

(b) Neither Oscar W. Dupuis, his successors or assigns, nor any other person shall do any further construction on the summer cottage located at Brunswick Street, Humarock Beach, Scituate, Massachusetts, unless hereafter specifically authorized in writing by the Federal Housing Administration and the Civilian Production Administration.

(c) Oscar W. Dupuis shall refer to this order in any application or appeal which he may file with the Federal Housing Administration for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Oscar W. Dupuis, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the date of issuance.

Issued this 21st day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION, By J. JOSEPH WHELAN, *Recording Secretary.*

[F. R. Doc. 47-1772; Filed, Feb. 21, 1947; 11:22 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-971]

MONSANTO CHEMICAL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of February A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5.00 Par Value, of Monsanto Chemical Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to March 4, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1700; Filed, Feb. 21, 1947; 8:48 a. m.]

[File No. 7-972]

KAISER-FRAZER CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of February A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of Kaiser-Frazer Corporation, a security listed and registered on the Detroit Stock Exchange, Los Angeles Stock Exchange, New York Curb Exchange, and San Francisco Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to March 4, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1701; Filed, Feb. 21, 1947; 8:48 a. m.]

[File No. 70-1450]

CONTINENTAL GAS & ELECTRIC CORP. AND KANSAS CITY POWER & LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of February 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Continental Gas & Electric Corporation ("Continental"), a registered holding company, and its subsidiary, Kansas City Power & Light Company ("Kansas City"). Applicants-declarants designate sections 6, 7, 9, 10 and 12 (f) of the Act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 24, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application-declaration, as filed or as amended, may be granted and become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Continental presently owns all the outstanding common stock of Kansas City consisting of 525,000 shares without par value, having a stated value of $24,380,000. Kansas City proposes to issue and sell and Continental proposes to purchase an additional 172,000 shares of common stock of Kansas City, presently authorized and unissued, for a cash consideration of $3,500,000. Continental proposes to use treasury funds in making such purchase. The proceeds from the sale of the new common stock will be added to the working capital of Kansas City and will be used for construction of needed facilities. The proposed purchase and sale of common stock is in fulfillment of a commitment heretofore made by Continental in connection with the issuance and sale by Kansas City in December 1946 of bonds, notes, and preferred stock (Holding Company Act Release No. 7017).

Applicants-declarants request that the Commission's order be issued as soon as possible and become effective upon the issuance thereof in order to permit consummation of the transactions on or before March 1, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1702; Filed, Feb. 21, 1947; 8:49 a. m.]

[File No. 70-1448]

IOWA-ILLINOIS GAS AND ELECTRIC CO. AND UNITED LIGHT AND RAILWAYS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 13th day of February 1947.

Notice is hereby given that a joint application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Iowa-Illinois Gas and Electric Company ("Iowa-Illinois") and its parent, The United Light and Railways Company ("Railways"), a registered holding company. The applicant and declarants have designated sections 6 (b), 9, 10, 12 (c) and 12 (f) of the act and Rules U-42 and U-50 thereunder as applicable to the proposed transactions.

All interested parties are referred to said application and declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Iowa-Illinois proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $22,000,000 principal amount of First Mortgage Bonds, ____%, Series due 1977, to be issued under an Indenture of Mortgage and Deed of Trust and a Supplemental Indenture to be dated as of March 1, 1947. The interest rate on said bonds (to be a multiple of ⅛%) and the price to be received by Iowa-Illinois (to be not less than 100% but not in excess of 102¾% of the principal amount) are

to be determined by the competitive bidding. In addition, Iowa-Illinois proposes to issue and sell and Railways proposes to purchase 35,000 authorized but unissued shares of common stock of Iowa-Illinois having a par value of $100 per share for a cash consideration of $3,500,000. In consummating the purchase of the common stock of Iowa-Illinois, Railways proposes to utilize all of the net proceeds ($274,096) it received from the sale in 1946 of 2,436 shares of the 5% Cumulative Convertible Preferred Stock of International Paper Company.

The application states that a portion of the proceeds of the sale of the new bonds will be used to pay the principal amount of Iowa-Illinois' outstanding mortgage debt (in connection with the redemption thereof) consisting of $10,578,000 principal amount of 6% bonds and $5,422,000 principal amount of 5½% bonds. The redemption premiums aggregating $425,783 on the 6% and 5½% bonds which are callable at 103% and 102%, respectively, and accrued interest to the date of redemption on both series of bonds, estimated at $62,193, will be paid out of the general funds of the company. Of the balance of the proceeds of the sale of the new bonds, an amount estimated at $168,000 will be used to pay the expenses of the issuance and sale of the new bonds and the redemption of the bonds referred to hereinabove; $5,000,000 will be deposited with trustee under the indenture securing the new bonds subject to withdrawal against 60% of the cost or fair value to the company (whichever is less) of net property additions subsequent to February 28, 1947; and the remainder will be added to Iowa-Illinois' general funds for the construction and acquisition of additional property.

The entire proceeds from the sale of the common stock of Iowa-Illinois will be added to the general funds of Iowa-Illinois to be used for the construction and acquisition of additional property.

It is requested that the Commission issue an order with respect to the use by Railways of the net proceeds of the sale in 1946 of the stock of International Paper Company authorizing and directing such expenditure and conforming to the requirements of, and containing the recitals specified in, sections 371 (b), 371 (f) and 373 (a) and 1808 (f) of the Internal Revenue Code.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application and declaration, and that said application and declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said application and declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on February 26, 1947 at 10:00 a. m., e. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before February 24, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issue and sale of the new bonds and of the common stock are exempt from the provisions of sections 6 (a) and 7 of the act pursuant to section 6 (b) thereof, and, if not, whether said issue and sale meet with the requirements of section 7 of the act.

2. Whether the proposed issue and sale of bonds and of common stock in the amounts of $22,000,000 and $3,500,000, respectively, and the proposed increase in the amount of bonds and common stock to be outstanding are necessary or appropriate to the economical and efficient operation of the business of Iowa-Illinois.

3. Whether the terms and conditions of the issue and sale of bonds and common stock are detrimental to the public interest or to the interests of investors or consumers.

4. Whether the indenture securing the proposed bonds contains adequate protective provisions for the benefit of security holders.

5. Whether the fees, commissions and other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

6. Whether the proposed acquisition by Railways of the common stock of Iowa-Illinois meets the applicable requirements of section 10.

7. Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform with sound accounting principles and meet the standards of the act.

8. What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicants and declarants herein, the Illinois Commerce Commission and the Federal Power Commission; and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1704; Filed, Feb. 21, 1947; 8:49 a. m.]

[File No. 70-1426]

PUBLIC SERVICE CO. OF NEW MEXICO

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of February A. D. 1947.

Public Service Company of New Mexico, a public utility subsidiary of Federal Light & Traction Company, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935 regarding the following proposed transaction:

Public Service Company of New Mexico proposes to borrow $1,000,000 from Irving Trust Company and to issue in evidence thereof its promissory note with a maturity of nine months and bearing interest at the rate of 2% per annum. The proceeds from such note are to be used for the purpose of temporarily financing additional construction in the territory served by the company.

The application states that such note will constitute approximately 11% of the principal amount and par value of other outstanding securities of Public Service Company of New Mexico and the applicant requests authorization, pursuant to the first sentence of section 6 (b) of the act, to issue such note. The company represents that no State commission has jurisdiction over the proposed transaction.

Said application having been filed on December 27, 1946 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and for the protection of investors or consumers to grant such application;

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and hereby is, granted and shall become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1703; Filed, Feb. 21, 1947; 8:49 a. m.]

FEB 26 47

Reference

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 NUMBER 39

Washington, Tuesday, February 25, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9829

EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER NO. 9177 OF MAY 30, 1942, TO THE UNITED STATES ATOMIC ENERGY COMMISSION

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), and in the interest of the internal management of the Government, I hereby extend the provisions of Executive Order No. 9177 of May 30, 1942 (7 F. R. 4195), to the United States Atomic Energy Commission; and, subject to the limitations contained in that order, I hereby authorize the United States Atomic Energy Commission to perform and exercise all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation by that order.

This order shall be applicable to articles entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 21, 1947.

[F. R. Doc. 47-1780; Filed, Feb. 21, 1947; 2:21 p. m.]

EXECUTIVE ORDER 9830

AMENDING THE CIVIL SERVICE RULES AND PROVIDING FOR FEDERAL PERSONNEL ADMINISTRATION

By virtue of the authority vested in me by the Constitution, by section 1753 of the Revised Statutes (5 U. S. C. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, it is hereby ordered as follows, effective May 1, 1947:

PART I—ORGANIZATION FOR PERSONNEL ADMINISTRATION

Organization for personnel administration in the executive branch of the Federal Government is hereby prescribed as follows:

§ 01.1 *Responsibility for personnel management.* Personnel management is a primary responsibility of all who plan, direct, or supervise the work of Federal employees. Personnel management methods should be consistent for the Government as a single employer and yet be sufficiently flexible to meet the diversified conditions in the Federal service.

§ 01.2 *Civil Service Commission responsibilities under this order.* (a) The Commission shall be responsible to the President for the proper application of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes and Executive orders imposing responsibilities on the Commission.

(b) The Commission shall exercise and provide leadership in personnel matters throughout the Federal service, and in the discharge of this responsibility shall, whenever practicable, consult Federal agencies.

(c) The Commission shall develop and promulgate standards, applicable to the competitive service and designed to protect and promote its efficiency, for the reinstatement or reemployment of former Federal employees, and for the promotion, demotion, reassignment, and transfer of present employees. The Commission shall also define the restoration rights of persons who left the Federal service to enter the armed forces of the United States in such a manner as to give full effect to section 8 of the Selective Training and Service Act.

(d) The Commission shall prescribe procedures to be followed by agencies in connection with removals, demotions, and suspensions in the competitive service which will insure equitable and uniform treatment to employees against whom adverse action is proposed.

(e) The Commission shall, when consistent with law and with the economical and efficient administration of the Government, delegate to the agencies its authority to act in personnel matters in accordance with standards issued by the Commission.

(f) The Commission shall maintain an adequate system of inspection to determine that equitable and sound application of statutes, Executive orders, regula-

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tions and standards relating to personnel management is being carried out by the agencies. Whenever the inspection indicates failure on the part of an agency to adhere to established policies, regulations and standards, the Commission shall take such action as may be appropriate to bring about adherence thereto. In this connection, the Commission may suspend or revoke any delegation of its authority.

(g) The Commission shall in the exercise of its personnel functions give all practicable assistance to international organizations in which the United States participates, to the Puerto Rico civil service board, and to such Federal, Territorial, State, or local agencies as shall request its cooperation and offer like cooperation, including, when appropriate, the sharing of any necessary expenses. Under such regulations as may be jointly agreed upon, the Commission shall conduct or join with such agencies in conducting examinations or other personnel functions. In its discretion, the Commission may certify eligibles from appropriate registers maintained by the Puerto Rico civil service board, Federal or Territorial boards, or civil service boards of State and local agencies, if such boards agree, and the Commission finds that the requirements of law concerning appointments to the competitive service have been met. If such boards so desire, they may, upon agreement with the Commission, certify eligibles from appropriate registers maintained by the Commission.

§ 01.3 *Agency responsibilities for personnel management.* (a) The head of each agency, in accordance with applicable statutes, Executive orders, and rules, shall be responsible for personnel management in his agency. To assist and advise him in carrying out this responsibility he shall maintain or establish such office or division of personnel as may be required. He shall designate a director of personnel or other similarly responsible official to be in charge of such office or division. Such director or other official shall represent the head of the agency in personnel matters, subject to his instructions.

(b) The head of each agency shall provide for the cooperation of his agency with the Civil Service Commission in the conduct of personnel matters.

(c) Authority for the conduct of personnel matters within each agency should be delegated to the extent compatible with provisions of law and with economical and efficient administration to those officials responsible for planning, directing, and supervising the work of others. The exercise of such delegated authority shall be subject to policies, rules, regulations and standards established by the head of the agency, and shall be subject to appropriate review and inspection.

(d) The head of each agency shall remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment will promote the efficiency of the service.

§ 01.4 *Committees of expert examiners and boards of examiners.* (a) In order to promote the effective recruitment and placement of persons for the Federal service, the departmental and field service resources of the Federal agencies may be utilized to the extent permitted by law. After consulting the agency or agencies concerned, the Commission may establish in the departmental service committees of examiners, expert in their respective fields, for scientific, professional, or technical positions, and in the field service, boards of examiners for any position. If such a position is peculiar to an agency, the committee or board shall be composed of not less than three qualified officers or employees of the agency concerned. If such a position exists in more than one agency, the committee or board shall be composed of not less than three qualified officers or employees of the agencies concerned.

(b) The work of the committees or boards referred to in this section shall be under the direction and supervision of the Commission in connection with the execution of the Civil Service Act, Rules, and Regulations.

(c) The duties performed by the members of such committees or boards shall be considered part of their official duties and adequate time shall be allowed for their performance by the agency in which they are employed.

(d) Where qualified examiners are not readily available in the Federal service, and to the extent permitted by law, the Commission or the agency concerned may designate and compensate individuals outside the service especially qualified by experience and training to serve as examiners,

§ 01.5 *Federal Personnel Council.* (a) The Council of Personnel Administration shall hereafter be known as the Federal Personnel Council and shall be continued within the Civil Service Commission.

(b) The membership of the Council shall consist of a chairman, the director of personnel or official responsible for personnel matters in each agency subject to the Civil Service Rules, one additional member designated by the Director of the Bureau of the Budget, and such additional member or members as the Commission shall designate.

(c) The Chairman of the Council shall be appointed by the Civil Service Commission after consultation with the Council and shall serve as a member of the staff of the Commission.

(d) The purpose of the Council, functioning as an advisory body, shall be to promote through study and discussion the application, interpretation, and development of personnel policies and practices. Its findings and recommendations shall be submitted to the Commission and may be submitted to the President or to other Federal agencies.

(e) Where there are substantial concentrations of Federal agencies in a geographical area, subsidiary councils may be established and maintained as recommended by the Council and approved by the Commission. The membership of such councils shall consist of the heads of field establishments in such areas or their designated representatives and of the designated representatives of the Commission.

PART II—CIVIL SERVICE RULES

The Civil Service Rules are hereby amended to read as follows:

RULE I—COVERAGE OF THESE RULES

§ 1.1 *Positions and employees affected by these Rules.* (a) These Rules shall apply to all positions in the competitive service. As used in these Rules, the words "competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service," or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches of the Federal Government and in the Government of the District of Columbia which are specifically made subject thereto by statute. Whenever there is a doubt the Commission shall determine whether a position is in the competitive service.

(b) Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status. A competitive status shall mean a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service Rules and Regulations for such noncompetitive actions. A competitive status shall be acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service Rules.

RULE II—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

§ 2.1 *Competitive examinations and eligible registers.* (a) The Commission shall be responsible for open, competitive examinations for admission to the competitive service which will fairly test the relative capacity and fitness of the persons examined for the position to be filled. The Commission is authorized to establish standards with respect to citizenship, age, education, training and experience, suitability, and physical and mental fitness, and for residence or other requirements which applicants must meet to be admitted to or rated in examinations.

(b) In addition to the names of persons who qualify in competitive examinations, the names of persons who lost eligibility on a probational register because of service in the armed forces subsequent to May 1, 1940, and the names of persons having a competitive status whom the Commission determines should be given further certification may also be entered at such places on appropriate registers and under such conditions as the Commission may prescribe.

§ 2.2 *Apportionment.* Subject to such modifications as the Commission finds to be necessary in the interest of good administration, appointments to positions in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population.

§ 2.3 *Probational and temporary appointments.* (a) Persons selected from eligible registers for other than temporary appointment shall be required to serve a probationary period under such terms and conditions as the Commission may prescribe.

(b) The Commission may determine the types, duration and conditions of war service and other temporary appointments, and may prescribe the method for replacing persons holding such appointments.

RULE III—ACQUISITION OF A COMPETITIVE STATUS

§ 3.1 *Classes of persons who may acquire status.* (a) A person may acquire a competitive status by probational appointment through competitive examination, or by statute, Executive order, or this Rule.

(b) Subject to such noncompetitive examination time limits, or other requirements as the Commission may prescribe, the following classes of persons may acquire a competitive status:

(1) Any person holding a permanent position when it is placed in the competitive service by statute or Executive order or is otherwise made subject to competitive examination.

(2) Any person entitled to veteran preference who establishes the present existence of a service-connected disability of not less than ten percent, or any person entitled to wife or widow preference under the Veterans' Preference Act, when such person is serving under a war service indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year.

(3) Any disabled veteran who, in a manner satisfactory to the Commission, has completed a course of training in the executive branch of the Government prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943 (57 Stat. 43).

(4) Any employee who has served at least two years in the immediate office of the President or on the White House Staff and whose transfer to a competitive position is requested by any agency.

(5) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving, provided recommendation for status is made prior to expiration of the register on which his name appears.

(6) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving, provided he was appointed to a competitive position prior to the date such position was placed under the War Service Regulations and stood higher on such register than another eligible who received an original probational appointment therefrom.

(7) An employee who has served at least one year under an appointment not limited to one year or less and has received an eligible rating in an open competitive examination appropriate for the position occupied: *Provided*, That the lowest rating reached in the regular order of certification does not exceed his rating by more than five points: *Provided further*, That such employee is about to be replaced as a result of certification by the Commission. A nonveteran employee may not be granted status until all preference eligibles standing higher on the register have been given appropriate consideration under the Veterans' Preference Act.

§ 3.2 *Appointment without competitive examination in rare cases.* (a) Subject to receipt of satisfactory evidence of the qualifications of the person to be appointed, the Commission may authorize an appointment in the competitive service without competitive examination whenever it finds:

(1) That the duties or compensation of the position are such, or that qualified persons are so rare, that, in the interest of good civil service administration, the position cannot be filled through open competitive examination; or

(2) That it is essential to the program in which he is engaged to retain in the service a person who was serving in a highly specialized scientific, professional, or administrative position during the war period and prior to March 7, 1946, the effective date of the Temporary Civil Service Regulations.

(b) Any subsequent vacancy in such position shall not be filled without competitive examination except upon express prior approval of the Commission in accordance with this section. Detailed statements of the reasons for the noncompetitive appointments made under this section shall be made a part of the records of the Commission and shall be published in its annual reports. Any person heretofore or hereafter appointed under this section may acquire a competitive status upon completion of at least one year of satisfactory service and compliance with such requirements as the Commission may prescribe.

RULE IV—GENERAL PROVISIONS

§ 4.1 *Prohibition against political activity.* Persons in the executive branch shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates, but such persons shall not use their official authority or influence for the purpose of interfering with an election or affecting the result thereof. Persons occupying positions in the competitive service shall not take any active part in political management or in political campaigns except as may be provided by or pursuant to statute.

§ 4.2 *Attempting to secure withdrawal from competition.* The Commission is authorized to take such disciplinary action as it deems appropriate whenever it finds that any person has influenced another person to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment.

§ 4.3 *Method of filling vacancies.* In his discretion an appointing officer may fill any position by appointment through the competitive system from a certificate of eligibles issued under authority of the Commission, or by promotion, demotion, reassignment, transfer, reinstatement or restoration in accordance with the Civil Service Regulations. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness and without regard to political or religious affiliations, marital status, or race.

§ 4.4 *Personnel reports.* Each agency shall report to the Commission, in such manner and at such times as the Commission may prescribe, such personnel information as it may request relating to positions and officers and employees in the competitive service or excepted from the competitive service by statute or Executive order, whether permanent, indefinite, temporary, or subject to contract.

RULE V—REGULATIONS, INVESTIGATION AND ENFORCEMENT

§ 5.1 *Regulations.* (a) The Commission is authorized and directed to promulgate and enforce such regulations as may be necessary to carry out the provisions of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes or Executive orders imposing responsibilities on the Commission.

(b) The Commission is authorized, whenever there shall be practical difficulties and unnecessary hardships in complying with the strict letter of its regulations, to grant a variation from the strict letter of the regulations if the spirit of the same is complied with and the efficiency of the Government and the integrity of the competitive service are protected and promoted: *Provided*, That whenever such a variation is made from the regulations the Commission shall record in the minutes of its proceedings (1) the particular practical difficulty or hardship, (2) what is permitted in lieu of what is required by regulation, (3) the circumstances which protect or promote the efficiency of the Government and the integrity of the competitive service, and (4) a statement limiting the application of the variation to the continuation of the conditions which gave rise to the variation: *Provided further*, That similar variations shall be granted whenever similar conditions exist. All minutes approved under authority of this section shall be published in the Commission's annual reports.

§ 5.2 *Authority of the Commission to make investigations.* The Commission may make appropriate investigations to secure enforcement of the Civil Service Act, Rules, and Regulations, including investigation of the qualifications and suitability of applicants for positions in the competitive service. It may authorize appointments conditioned upon a subsequent determination that the requirements of law or the Civil Service Rules and Regulations have been met.

§ 5.3 *Officers and employees to furnish testimony.* All officers and employees in the executive branch, and applicants or eligibles for positions therein, shall give to the Commission or its authorized representatives all information and testimony in regard to matters inquired of arising under the Civil Service Act, Rules, and Regulations. Whenever required by the Commission, such persons shall subscribe such testimony and make oath or affirmation thereto before an officer authorized by law to administer oaths.

§ 5.4 *Authority of the Commission to issue instructions as to discipline or separation.* Whenever the Commission finds that an appointment has been made in violation of the Civil Service Act, Rules, or Regulations, or that any employee subject thereto has violated such Act, Rules, or Regulations or is holding a position in violation thereof, it is authorized, after giving due notice and opportunity for explanation to the employee and the agency concerned, to certify the facts to the proper appointing officer with specific instructions as to discipline or dismissal.

§ 5.5 *Withholding salary.* If the appointing officer fails to carry out the instructions of the Commission issued under § 5.4 of this Rule, the Commission shall certify the facts to the head of the agency concerned. If the head of the agency fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall notify the Comptroller General of the United States and no payment or allowance shall be made of the salary or wages accruing to the employee concerned after such notification.

RULE VI—EXCEPTIONS FROM THE COMPETITIVE SERVICE

§ 6.1 *Positions excepted from the competitive service.* (a) Because of their confidential or policy-determining character, or because it is not practicable to make appointments thereto through competitive examination, the positions named in Schedules A and B, set out in § 6.4 of this Rule shall be excepted from the competitive service. The Commission may, upon the request of an agency, determine that similar positions also should be excepted from the competitive service. Upon publication in the FEDERAL REGISTER of its determination excepting such positions from the competitive service, appointment thereafter may be made to such positions in the same manner as under Schedules A and B (§ 6.4). At the end of each fiscal year the Commission shall submit to the President for review a list of the positions which it has excepted from the competitive service under this section during such year.

(b) Appointments to positions in Schedule A (§ 6.4 (a)) may be made without examination by the Commission.

(c) Appointments to positions in Schedule B (§ 6.4 (b)) shall be subject to such noncompetitive examination as the Commission may prescribe.

(d) Appointment under either Schedule A or B (§ 6.4) shall not confer a competitive status. Final decision as to whether the duties of a particular position are such that appointment to it is authorized under Schedule A or B (§ 6.4) shall rest with the Commission. The Commission, with the concurrence of the agency concerned, may revoke in whole or in part any paragraph of Schedule A or B (§ 6.4): *Provided*, That such revocation shall be published in the FEDERAL REGISTER.

(e) An appointing officer in his discretion may fill any position in Schedule A or B (§ 6.4) or any position excepted from the competitive service by statute in the same manner as competitive positions are filled.

(f) Whenever any position in Schedule A or B (§ 6.4) is occupied by a person having a competitive status, he shall be separated from such position only in accordance with the provisions of this order and the Civil Service Rules and Regulations. Whenever any position excepted from the competitive service by statute is occupied by a person having a competitive status he shall not be entitled to the protection against separation provided by such Rules and Regulations.

§ 6.2 *Assignment of excepted employees.* Any person appointed without competitive examination to a position in Schedule A or B (§ 6.4), or to a position excepted from the competitive service by statute, shall not be assigned to the work of a position in the competitive service without prior approval of the Commission.

§ 6.3 *Requirements of the Veterans' Preference Act.* The regulations issued by the Commission pursuant to section

11 of the Veterans' Preference Act shall apply to positions listed in Schedule A and B (§ 6.4) and positions excepted from the competitive service by statute.

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* The following positions are those excepted from the competitive service to which appointments may be made without examination by the Commission, and constitute Schedule A of the Civil Service Rules:

(1) *Entire Executive Civil Service.*

(i) Chaplains.

(ii) Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.

(iii) Positions to which appointments are made by the President without confirmation by the Senate.

(iv) Attorneys.

(v) Chinese, Japanese, and Hindu interpreters.

(vi) Any position in which the appointee will receive compensation aggregating not more than $720 per annum, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission. All such employment shall be reported on the regular reports of personnel action; and in addition, unless payment is at a per annum rate of $720 or less, the total service rendered and its distribution shall be shown on reports submitted at the end of each calendar year; if separation occurs prior to the close of a calendar year, report should be submitted at the time of separation. Additional employment of the appointee by another agency, under similar conditions, shall be subject to the prior approval of the Commission.

(vii) Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in subdivisions (viii) and (ix) of this subparagraph, and except the following:

(*a*) All positions in Hawaii;

(*b*) Positions in the Immigration and Naturalization Service, Department of Justice, in Canada and Mexico;

(*c*) Positions in the Bureau of Customs, Treasury Department, in foreign countries, in Puerto Rico and in the Virgin Islands.

(viii) Positions on the Isthmus of Panama, except: accountant, architect, architectural designer, bookkeeper, calculating machine operator, chemist, clerk (paying more than $150 in U. S. currency per month), custodian, dietitian, draftsman, employee counselor, medical technician, personnel aide, personnel assistant, pharmacist, physician, play-ground director, statistician, stenographer, storekeeper, surgeon, trained nurse, typist, and harbor personnel of the Quartermaster Corps, War Department.

(ix) Positions in Alaska, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Persons formerly appointed under this subdivision may be reinstated to positions in Alaska with the approval of the Commission.

(x) Temporary, part-time, or intermittent employments of mechanics, skilled laborers, and tradesmen on construction or repair work in places where there is no local board of examiners of the Civil Service Commission for the employing establishment, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Seasonal employments of a recurring nature are not authorized under this subdivision.

(xi) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(xii) Positions without compensation provided such appointments meet the requirements of applicable laws relating to compensation.

(xiii) Professional, scientific and technical experts for temporary, part-time or intermittent employment for consultation purposes.

(xiv) Unskilled laborers at any city, locality or establishment where the Labor Regulations were not in effect on July 1, 1941. The Commission, with the concurrence of the department or agency concerned, may include within the competitive civil service unskilled laborer positions at any such city, locality, or establishment.

(xv) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) *State Department.* (i) Five special assistants to the Secretary of State.

(ii) All positions under international commissions, congresses, conferences, and boards, except the International Joint Commission; the International Boundary Commission, United States, and Mexico; and the International Boundary Commission, United States, Alaska, and Canada.

(iii) Chief and Assistant Chief of the Foreign Service Buildings Office.

(iv) Two private secretaries or confidential assistants to the Secretary of State.

(v) One private secretary or confidential assistant to the Under Secretary of State, the Counselor, the Assistant Secretaries of State, the Legal Advisers, and other officials of the Department holding the rank of Assistant Secretary of State.

(vi) One chauffeur for the Secretary of State.

(vii) Gage readers employed part-time or intermittently by the International Boundary Commission, United States and Mexico at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(viii) Temporary field employees of the International Boundary Commission, United States, Alaska, and Canada, such as instrument men, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days a year.

(3) *Treasury Department.* (i) Two private secretaries or confidential assistants to the Secretary of the Treasury, and one to each Assistant Secretary of the Treasury, and one to the Under Secretary of the Treasury.

(ii) Special employees in the field service of the Bureau of Narcotics; and special employees for temporary detective work in the field service of the Bureau of Internal Revenue under the appropriation for detecting and bringing to trial and punishment persons violating the internal revenue laws. Appointments under this subdivision shall be limited to persons whose services are required because of individual knowledge of violations of the law, and such appointments shall be continued only so long as the personal knowledge possessed by the appointee of such violation makes his services necessary. This exemption from competition is for special and unusual cases only and report shall be made to the Commission by letter as soon as the appointment is made.

(iii) Bureau of Customs: Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(iv) Coast Guard: Lamplighters.

(v) Five assistants to the Secretary of the Treasury.

(vi) Receivers of insolvent national banks and other financial institutions which are filled by appointment by the Comptroller of the Currency and whose salaries are paid directly from the funds of insolvent institutions.

(vii) One assistant to the Under Secretary of the Treasury.

(viii) Until December 31, 1947, positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, in the Office of the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(ix) Until December 31, 1947, positions of State Director and Deputy State Director of the U. S. Savings Bonds Division.

(4) *War Department.* (i) Two private secretaries or confidential assistants to the Secretary of War and one to each Assistant Secretary of War.

(ii) One chauffeur for the Secretary of War.

(iii) Transportation Corps: Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(iv) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(v) Student assistant positions under the Office of the President, Mississippi River Commission, concerned with scientific engineering investigations when filled by the appointment of students in attendance at colleges and universities of recognized standing, *Provided*, That substantial contributions to the investigations are made by such colleges or universities in money, services, advice, or materials, or in the use of buildings, laboratories, equipment, facilities, or otherwise. Such employment may be continued under this authority only so long as the appointee is a bona fide student in a particular college or university and receives academic credit toward a degree for the work he is performing: *And provided*, That appointments to such positions will not exceed fifteen in number at any particular time, and will be for a period not to exceed nine months.

(vi) Land appraisers employed in the Engineer Department on a temporary or indefinite basis for specific projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Department are required for successful results.

(vii) Caretakers of abandoned military reservations or of abandoned or unoccupied military posts when the positions are filled by retired noncommissioned officers or enlisted men.

(viii) Civilian professors, instructors, teachers, hostesses, chapel organist and choirmaster at the United States Military Academy, West Point, New York, and librarian when filled by an officer of the Regular Army retired from active service, except teachers at the Children's School.

(ix) During the emergency declared by the President to exist on May 27, 1941, all positions in the War Department on the Isthmus of Panama.

(x) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(xi) Messenger boys employed on the Alaska Communications System.

(xii) Internes (medical and dental) in Army hospitals.

(xiii) During the emergency declared by the President to exist on May 27, 1941, positions in the Army Motion Picture Service and positions of hostess and librarian under the Special Services Division, War Department, assigned to Army posts.

(xiv) Civilian deans and professors at the Army Air Forces Institute of Technology, Wright Field, Dayton, Ohio.

(5) *Navy Department.* (i) Two private secretaries or confidential assistants to the Secretary of the Navy, one to each Assistant Secretary of the Navy and one to the Under Secretary of the Navy.

(ii) Professors, instructors, and teachers in the United States Naval Academy.

(iii) Positions the duties of which are of a quasi-naval character and involve the security of secret or confidential matter, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(iv) Positions of orderly at the United States Naval Home when filled by the appointment of beneficiaries of the Home.

(v) Technical or professional consultants or advisors, at entrance rate of P-5 or its equivalent and above, employed for not to exceed six months a year.

(vi) One chauffeur for the Secretary of the Navy.

(vii) Caretakers or guards employed at closed or decommissioned facilities of the Navy Department. Appointments under this subdivision shall not extend beyond six months, except with the prior approval of the Commission.

(6) *Department of Justice.* (i) Director and three assistant directors of prisons.

(ii) Two private secretaries or confidential assistants to the Attorney General, and one to each of the following: Assistant to the Attorney General, Solicitor General, Assistant Solicitor General, and each Assistant Attorney General.

(iii) One chauffeur for the Attorney General.

(iv) Eight positions in the immediate office of the Attorney General in addition to those excepted under subdivision (ii) of this subparagraph.

(v) Members of the Board of Parole.

(vi) All positions in the Federal Bureau of Investigation.

(vii) One private secretary to the Commissioner of Immigration and Naturalization.

(viii) Federal Prison Industries, Inc.: The Commissioner of Industries.

(ix) Three Deputy Commissioners of Immigration and Naturalization.

(x) Deputy United States Marshals paid on a fee basis.

(xi) Positions of bailiff in the United States courts.

(7) *Post Office Department.* (i) Two private secretaries or confidential assistants to the Postmaster General, one to each Assistant Postmaster General, and one to the Solicitor of the Post Office Department.

(ii) One private secretary or confidential assistant to the head of each bureau (or office) in the Post Office Department in Washington, D. C., who is appointed by the President.

(iii) Clerks in fourth class post offices.

(iv) One chauffeur for the Postmaster General.

(v) Four special assistants to the Postmaster General.

(vi) Substitute rural carriers.

(vii) Special delivery messengers in second, third, and fourth class post offices.

(viii) Unskilled laborers employed as janitors and cleaners in small postal units in leased quarters at a compensation less than $1,700 per annum.

(ix) The Solicitor of the Post Office Department.

(x) Fourth class postmasters in the Hawaiian Islands.

(xi) One private secretary to the Executive Assistant to the Postmaster General.

(8) *Department of the Interior.* (i) Two private secretaries or confidential assistants to the Secretary of the Interior and one to each Assistant Secretary of the Interior.

(ii) One chauffeur for the Secretary of the Interior.

(iii) Office of the Secretary: One assistant to the Secretary.

(iv) Engineers, geologists, economists, architects and appraisers in a consulting or advisory capacity for temporary, part-time, or intermittent employment. Employments under this subdivision shall not exceed 120 working days a year unless prior permission is given by the Commission for the extension of an additional 120 days. This time limit does not apply to consultants on reclamation work authorized by the act of February 28, 1929, as amended.

(v) Positions in the Bureau of Indian Affairs, Washington, D. C., and in the field, when filled by the appointment of Indians who are of one-fourth or more Indian blood.

(vi) One private secretary or confidential assistant to the head of each bureau in the Interior Department who is appointed by the President, and one each to the Governors of Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(vii) All positions in the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin.

(viii) Agricultural extension agents and home demonstration agents employed in field positions in the Indian Service, the work of which is financed jointly by the Indian Service and cooperating persons, organizations or governmental agencies outside the Federal service.

(ix) Office of the Secretary: Six special agents in the Office of Field Representatives to investigate fraudulent entries and other matters of a criminal nature.

(x) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department, subject to the approval of the Commission.

(xi) Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of the Interior.

(xii) Housekeepers in the Indian Service at a gross salary not in excess of entrance rate of grade CPC-1 or its equivalent.

(xiii) Agents in the Fish and Wildlife Service and the Bureau of Land Management employed in field positions, the work of which is financed jointly by the Interior Department and cooperating persons or organizations outside the Federal service.

(xiv) Positions in the field service of the Fish and Wildlife Service concerned with scientific fishery investigations when filled by the appointment of students at colleges and universities of recognized standing: *Provided*, That substantial contributions to the investigations are made by such college or universities in money, services, or materials or in the use of buildings, laboratories, equipment, or facilities or otherwise. Such employments may be continued under this authority only so long as the appointee is a bona fide student at the particular college or university and receives academic credit toward a degree for the work which he is performing for the Fish and Wildlife Service.

(xv) Office of the Secretary: Director and Assistant Director of the Division of Power.

(xvi) Office of the Secretary: One private secretary or confidential assist-

ant to the Director of the Division of Power.

(xvii) National Power Policy Committee: The General Counsel.

(xviii) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond six months without the prior approval of the Commission.

(xix) Temporary, intermittent or seasonal field assistants in forestry, range management, soils, engineering, and with surveying parties, for not to exceed 180 working days a year.

(xx) Puerto Rico Reconstruction Administration: One Administrator and one Head Administrative Officer.

(xxi) Three members of the Federal Petroleum Board.

(xxii) Office of Indian Affairs: The Executive Director of the Indian Arts and Crafts Board.

(xxiii) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 120 working days a year.

(xxiv) Bonneville Power Administration: The Administrator.

(xxv) Division of Territories and Island Possessions: The Director of the Division.

(xxvi) Territory of Hawaii: One Hawaiian House Representative.

(xxvii) Virgin Islands: The Administrator of St. Croix, V. I.

(xxviii) Office of the Secretary: Six field representatives whose duties are of a confidential nature.

(9) *Department of Agriculture.* (i) (*a*) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service.

(*b*) Local agents, except veterinarians, employed temporarily outside of Washington in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(*c*) Positions the duties of which require a speaking knowledge of one of the Indian languages.

In making appointments under this subdivision, a full report shall be submitted immediately by the Department to the Commission setting forth the name, designation, and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties, in such detail as to indicate clearly that the appointment is properly made under one of the above classes. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

(ii) One chauffeur for the Secretary of Agriculture.

(iii) Two private secretaries or confidential assistants to the Secretary of Agriculture, one to the Under Secretary of Agriculture, and one to each Assistant Secretary of Agriculture.

(iv) Student assistants whose salaries shall not aggregate more than $832 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employments under this subdivision shall not exceed 180 working days a year.

(v) Four assistants to the Secretary in the Office of the Secretary of Agriculture.

(vi) Any local veterinarian employed on a fee basis or a part-time basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(vii) The Solicitor of the Department of Agriculture.

(viii) Technical or professional consultants or advisers at salaries equivalent to entrance rate of grade P–5 or higher employed for not to exceed 180 working days a year.

(ix) Temporary seasonal field assistants in grades SP–1 through SP–5 for not to exceed 120 working days a year.

(x) Temporary, intermittent or seasonal clerical, crafts, protective and custodial positions in the field service of the Department of Agriculture at places other than civil service regional headquarters, paying not to exceed entrance rate of CAF–4 or its equivalent, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(xi) Temporary or seasonal caretakers at temporarily closed camps or improved areas. Such appointments shall not extend beyond a period of six months without prior approval of the Commission's regional director.

(xii) Owner-operators of equipment who are residents in the area of employment for periods not to exceed 180 actual working days in any one calendar year.

Bureau of Agricultural Economics. (xiii) Temporary, intermittent field enumerators and supervisors at salaries not exceeding entrance rate of CAF–5 or its equivalent, for not to exceed 180 working days a year.

Farm Credit Administration. (xiv) One private secretary or confidential assistant each to the Governor of the Farm Credit Administration, the Land Bank Commissioner, the Intermediate Credit Commissioner, the Production Credit Commissioner, and the Cooperative Bank Commissioner.

(xv) Positions in the Federal Intermediate Credit Banks, the Production Credit Corporations, the Federal Land Banks, the Banks for Cooperatives, and positions filled by joint officers and employees for these institutions.

(xvi) Positions in the Regional Agricultural Credit Corporations, joint stock land bank receivers, and petitions in receiverships, and national farm loan association receivers and conservators.

(xvii) Temporary, intermittent and seasonal collectors at grades not higher than CAF–5 for not to exceed 180 working days a year.

Commodity Credit Corporation. (xviii) Members of the Board of Directors.

(xix) The President, two Vice Presidents, and one assistant to the President.

Rural Electrification Administration. (xx) One Deputy Administrator.

Forest Service. (xxi) Temporary forest workers employed for not to exceed 180 working days a year, such employment to be with headquarters other than in forest supervisor and regional offices unless employed primarily for fire prevention or suppression activities.

(xxii) Temporary, intermittent or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest, subject to approval by the Commission.

Production and Marketing Administration. (xxiii) The Director, Assistant Directors, Regional Directors, and State Directors of the Field Service Branch.

(xxiv) Members of State Committees of the Field Service Branch.

(xxv) Farmer fieldmen and farmer fieldwomen in the Field Service Branch to interpret and explain and supervise farm programs.

(xxvi) Temporary, intermittent and seasonal employees in the Field Service Branch to check allotments whose aggregate employment shall not exceed 120 working days a year.

(xxvii) Farmer fieldmen of the Federal Crop Insurance Corporation.

(xxviii) The Administrator, two Deputy Administrators, three Assistant Administrators, assistants to the Administrator, at salaries equivalent to entrance rate of CAF–13 or higher, ten experts at salaries equivalent to entrance rate of CAF–13 or higher, for the duration of the war; two private secretaries to the Administrator, and one chauffeur for the Administrator.

(xxix) Loss adjustors employed locally on an intermittent basis to handle adjustments in crop losses under the Federal Crop Insurance Act for not to exceed 120 working days a year.

Farmers' Home Administration. (xxx) The Deputy Administrator and three Assistant Administrators.

(xxxi) State and county committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(10) *Executive Office of the President.* (i) Bureau of the Budget: One private secretary or confidential assistant each to the Director and Assistant Director.

(11) *Department of Commerce.* (i) Two private secretaries or confidential assistants to the Secretary of Commerce, and one to each Assistant Secretary of Commerce.

(ii) One private secretary or confidential assistant to the head of each bureau in the Department of Commerce who is appointed by the President.

(iii) One chauffeur for the Secretary of Commerce.

(iv) Student assistants in the National Bureau of Standards whose salaries shall not exceed a rate of $832 a year each while employed. Only bona fide students at high schools or colleges of recognized standing pursuing technical or scientific courses shall be eligible for appointment under this subdivision. Appointments shall not exceed six months in any one calendar year, except in especially meritorious cases, and then only upon prior approval of the Commission. Appointments under this subdivision shall be reported to the Commission in such form as the Commission may prescribe.

(v) Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of Commerce.

(vi) Office of the Secretary of Commerce: Six assistants to the Secretary.

(vii) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey as may be authorized by the Commission after consultation with the Department of Commerce. Appointments to such positions shall not exceed eight months in any one calendar year.

(viii) Caretakers and helpers at magnetic and seismological observatories outside continental United States.

(ix) Caretakers and light attendants employed on emergency landing fields and other air navigation facilities.

(x) One private secretary or confidential assistant to the Administrator of the Civil Aeronautics Administration.

(xi) Agents to take and transmit meteorological observations in connection with airways, whose duties require only part of their time, and whose compensation does not exceed $135 a month.

Weather Bureau. (xii) Agents employed in field positions the work of which is financed jointly by the Department of Commerce and cooperating persons, organizations, or governmental agencies outside the Federal service.

In making appointments under this subdivision, a full report shall be submitted immediately by the Weather Bureau to the Commission, setting forth the name, designation and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties in such detail as to indicate clearly that the appointment is properly made under the above subdivision. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

Bureau of the Census. (xiii) Supervisors, assistant supervisors, and supervisors' clerks and enumerators in the field service for temporary, part-time, or intermittent employment for not to exceed one year. Such appointments may be extended for not to exceed one year with the express prior approval of the Commission.

(xiv) Employments of individuals, firms, or corporations for not to exceed one year for special statistical studies and statistical compilations, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292), *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(xv) Special agents employed in collecting cotton statistics.

Inland Waterways Corporation. (xvi) The President, the Vice Presidents, and the Secretary-Treasurer of the Corporation.

(xvii) All members of the Advisory Board.

(xviii) All positions under the Warrior River Terminal Company.

(xix) All unlicensed personnel on vessels operated by the Corporation.

(xx) Wharf laborers.

(12) *Interstate Commerce Commission.* (i) One private secretary or confidential assistant to each commissioner.

(13) *Department of Labor.* (i) Commissioners of conciliation in labor disputes whenever in the judgment of the Secretary of Labor the interests of industrial peace so require.

(ii) Office of the Secretary: Three special assistants to the Secretary.

(iii) One private secretary or confidential assistant to the head of each bureau in the Department of Labor who is appointed by the President.

(iv) Two private secretaries or confidential assistants to the Secretary of Labor, one to the Under Secretary of Labor, and one to each Assistant Secretary of Labor.

(v) One chauffeur for the Secretary of Labor.

(vi) Member, Wage Adjustment Board (Labor Representative).

(vii) Member, Wage Adjustment Board (Industry Representative).

(viii) Member, Wage Adjustment Board (Public Representative).

(14) *General Accounting Office.* (i) One private secretary or confidential assistant to the Comptroller General.

(ii) Two assistants to the Comptroller General.

(15) *Board of Governors, Federal Reserve System.* (i) All positions.

(16) *The Tax Court of the United States.* (i) One private secretary and two technical assistants for each Judge of the Court.

(ii) Until December 31, 1947, a Clerk of the Court and a Chief Deputy Clerk.

(iii) One administrative assistant to the Presiding Judge.

(17) *Federal Loan Agency; Reconstruction Finance Corporation.* (i) A Secretary to the Corporation, two assistants to the Secretary, five assistant Secretaries, a Treasurer, two assistants to the Treasurer, and four assistant Treasurers.

(ii) Two private secretaries or confidential assistants to each of the following: the Federal Loan Administrator; the Chairman of the Board of Directors. One private secretary or confidential assistant to each of the following: each Member of the Board of Directors (other than the Chairman); the Secretary of the Corporation; the Treasurer of the Corporation; the General Counsel.

(iii) One assistant, and twelve special assistants, to the Board of Directors, and one assistant to each member of the Board of Directors.

(iv) Six administrative assistants and two junior administrative assistants in the Office of the Board of Directors.

(v) Six special representatives (field).

(vi) Four chauffeurs for the Chairman and members of the Board of Directors.

(vii) All directors, trustees, and officers (President, Vice President, General Counsel, Assistant General Counsel, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer) of subsidiary or affiliated corporations.

(viii) Any position when the incumbent thereof is serving as director or officer of any subsidiary or affiliated corporation.

(ix) One General Counsel, one Special Counsel, and six Assistant General Counsels.

(x) A Chief Accountant.

(xi) Division Chiefs of the following Divisions: Auditing, Agency, Examining, Railroad, Self-Liquidating, Statistical and Economic, and Information.

(xii) Section Chiefs of the following Sections of the Self-Liquidating Division: Public Agency, Mining, Bond Service, and Drainage and Irrigation.

(xiii) Six Assistant Chiefs and three Administrative Assistants in the Examining Division.

(xiv) Two special examiners in the Railroad Division.

(xv) Not to exceed 32 positions of Loan Agency Manager and 36 positions of Assistant Loan Agency Manager.

(xvi) Inventory custodians, watchmen, caretakers, and laborers engaged in the care and preservation of property held by the Corporation or its subsidiaries as security for loans, or property to which title has been acquired by the Corporation or its subsidiaries.

(xvii) Positions of Executive Director of the following offices: Office of Defense Plants, Office of Metals Reserve, Office of Defense Supplies, Office of Rubber Reserve.

(xviii) Chief Administrative Officer of the Price Adjustment Board.

(18) *Veterans' Administration.* (i) Five special assistants to the Administrator.

(ii) One private secretary or confidential assistant to the Administrator.

(iii) Positions in Veterans' Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if, in the opinion of the Veterans' Administration, the duties can be satisfactorily performed by such members.

(19) *Federal Security Agency.* (i) Two private secretaries or confidential assistants to the Administrator of the Federal Security Agency.

National Office of Vital Statistics. (ii) Supervisors, assistant supervisors, and supervisors' clerks and enumerators in the field service for temporary, part-time, or intermittent employment for not to exceed one year.

Public Health Service. (iii) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subdivision shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(iv) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(v) All positions in leprosy, yellow fever, and psittacosis investigation stations.

(vi) Trainees in cancer research.

(vii) Positions concerned with problems in preventive medicine financed or participated in by the Federal Security Agency and a cooperating State, county, municipality, incorporated organization, or an individual, in which at least one-half of the expense is contributed by the cooperating agency either in salaries,

quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(viii) Professional, technical, or scientific specialists when employed on a fee basis or part-time basis as consultants in connection with problems in preventive medicine, subject to the prior approval of the Commission.

(ix) Internes and externes (medical and dental) and student nurses.

St. Elizabeths Hospital. (x) Visiting physicians and organist.

Food and Drug Administration. (xi) Professional, technical or scientific specialists when employed intermittently for short periods, not to exceed a total of 60 days in any one year, as members of the Standards Committee for duty in connection with the formulation of definitions and standards of identity and quality for food products, or as consultants upon problems in their specialized fields having to do with the enforcement of the Food, Drug, and Cosmetic Act.

Freedmen's Hospital. (xii) Pupil nurses, internes, and externes (medical and dental), student dietitians, and resident physicians.

(20) *Central Intelligence Group.* (i) All positions.

(21) *U. S. Maritime Commission.* (i) All positions on Government-owned ships operated by the U. S. Maritime Commission.

(ii) Twelve positions of Director of Division.

(iii) One assistant to each member of the Commission and two assistants to the Chairman of the Commission.

(iv) Ten special assistants to the United States Maritime Commission.

(v) The Secretary of the Commission.

(vi) The General Counsel.

(vii) One private secretary or confidential assistant to each Commissioner and to the General Counsel.

(viii) The Executive Director.

(ix) The Financial Assistant to the Chairman.

(22) *Federal Power Commission.* (i) One private secretary and one confidential assistant to each Commissioner.

(ii) A Secretary to the Commission.

(iii) Consultants, experts and special counsel whose employments and compensation are fixed by contract within the limits of special funds appropriated by Congress for this purpose.

(23) *Securities and Exchange Commission.* (i) One private secretary or confidential assistant to each member of the Commission.

(ii) A Solicitor.

(iii) Director of Trading and Exchange Division, Director of Public Utilities Division, Director of Corporation Finance Division, and Director of Investment Companies Division.

(iv) One Chief Accountant.

(v) One assistant to the Chairman.

(24) *National Railroad Adjustment Board.* (i) One private secretary or confidential assistant to each member of the Board.

(25) *National Capital Park and Planning Commission.* (i) Architectural or engineering consultants, land appraisers and land purchasing officers for temporary, intermittent, or part-time service.

(26) *Federal Deposit Insurance Corporation.* (i) Two special assistants, private secretaries, or confidential assistants to each member of the Board of Directors.

(ii) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(27) *Federal Trade Commission.* (i) Seven Chiefs of Division.

(28) *National Capital Housing Authority.* (i) The Executive Officer.

(29 *United States Soldiers' Home.* (i) All positions.

(30) *Federal Works Agency.* (i) Agents employed in field positions the work of which is financed jointly by the Federal Works Agency and cooperating persons, organizations, or governmental agencies outside the Federal service.

In making appointments under this subdivision, a full report shall be submitted immediately by the Federal Works Agency to the Commission, setting forth the name, designation and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties in such detail as to indicate clearly that the appointment is properly made under this subdivision. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

Office of the Administrator. (ii) Two expert assistants to the Administrator.

Public Buildings Administration. (iii) The Commissioner of Public Buildings.

(iv) One private secretary or confidential assistant to the Commissioner.

Public Roads Administration. (v) The Commissioner of Public Roads.

(vi) One private secretary or confidential assistant to the Commissioner.

(31) *Federal Communications Commission.* (i) A Secretary to the Commission.

(ii) One private secretary or confidential assistant to each Commissioner.

(iii) A General Counsel and three Assistant General Counsels.

(iv) A Chief Engineer and three Assistant Chief Engineers.

(v) A Chief Accountant and three Assistant Chief Accountants.

(32) *United States Tariff Commission.* (i) The Secretary of the Commission and one private secretary or confidential assistant to each Commissioner.

(33) *Railroad Retirement Board.* (i) Two members of the Actuarial Advisory Committee to be selected by the Board, one from recommendations made by representatives of the employees, and one from recommendations made by the carriers.

(ii) Two members of each District Board which may be established by the Railroad Retirement Board, one member to be appointed from recommendations made by the representatives of the employees, and one from recommendations made by the carriers.

(34) *Civil Aeronautics Board.* (i) A Secretary to the Board.

(ii) A General Counsel and two Assistant General Counsels.

(iii) Two permanent expert consultants.

(iv) Professional, technical and scientific consultants for temporary, part-time or intermittent employment for periods not to exceed six months in any one calendar year, but such employment may be extended for an additional six months with the approval of the Commission.

(v) A Chief Trial Examiner and an Assistant Chief Trial Examiner.

(vi) Examiners employed on a temporary, part-time, or intermittent basis for periods not to exceed four months in any calendar year.

(vii) One confidential assistant to each member of the Board.

(viii) A Director and two Assistant Directors of the Economic Bureau and a Director and Assistant Director of the Safety Bureau.

(35) *National Labor Relations Board.* (i) One private secretary or confidential assistant to each member of the Board.

(36) *Government Printing Office.* (i) One private secretary or confidential assistant to the Public Printer.

(37) *Export-Import Bank of Washington.* (i) Two private secretaries or confidential assistants to the Chairman of the Board of Directors and one to each member of the Board.

(ii) The President, three Vice-Presidents, the Treasurer, the Secretary.

(iii) Chiefs of the following Divisions: Legal, Economic, Examining, Engineering, and Private Capital.

(38) *War Assets Administration.* (i) Temporary field positions concerned with the inspection, inventory, pricing, sale, and shipping of surplus property at the site of the property.

(ii) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(39) *National Housing Agency. Federal Home Loan Bank Administration.* (i) One Deputy Commissioner.

(ii) One Executive Assistant and one Assistant to the Commissioner.

(iii) One private secretary or confidential assistant to the Commissioner.

(iv) One General Counsel and one assistant to the General Counsel in charge of financial matters and matters of financial policy referred to the Legal Department.

(v) One Financial Adviser.

Federal Home Loan Bank System. (vi) The Governor and three Deputy Governors of the Federal Home Loan Bank System.

(vii) One assistant to the Governor.

(viii) One Associate General Counsel.

Federal Savings and Loan Insurance Corporation. (ix) One General Manager and two Deputy Managers.

(x) One Associate General Counsel.

(xi) All field positions concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

Home Owners' Loan Corporation. (xii) One General Manager and two Deputy General Managers.

(xiii) One Associate General Counsel.

Federal Housing Administration. (xiv) Five Assistant Commissioners, two special assistants to the Commissioner, and five Zone Commissioners.

(xv) An Executive Secretary of the Administration.

(xvi) Two private secretaries or confidential assistants to the Commissioner.

(xvii) One chauffeur to the Commissioner.

(xviii) A General Counsel.

(xix) One assistant to the Commissioner on public relations.

(xx) Sixty-five field directors (State, District, and Territorial).

Federal Public Housing Authority. (xxi) One private secretary or confidential assistant to the Commissioner.

Schedule B

(b) *Schedule B.* The following positions are those excepted from the competitive service to which appointments may be made after such noncompetitive examination as the Commission shall prescribe, and constitute Schedule B of the Civil Service Rules:

(1) *Interior Department.* (i) Any competitive position at an Indian school when filled by the wife of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

(ii) Twelve field representatives to act as the immediate and confidential representatives of the Commissioner of Indian Affairs, subject to such evidence of qualifications as the Commission may prescribe after consultation with the Commissioner of Indian Affairs.

(2) *National Housing Agency. Federal Public Housing Authority.* (i) Administrative or custodial positions in the field service of the Federal Public Housing Authority relating to the management or maintenance of Federal low-rent housing projects when, in the opinion of the Commission, appointment through competitive examination is impracticable: *Provided,* That no position shall be filled under this paragraph unless it is clearly demonstrated that the best interests of the service will be served thereby.

Federal Housing Administration. (ii) A Technical Director; a Land Planning Director; a Director of Research and Statistics.

(iii) A Comptroller.

(iv) Two land use planners.

(3) *Department of Commerce.* (i) Not to exceed six specialists who may be employed in the United States for the purpose of promoting the foreign and domestic commerce of the United States.

(4) *War Department.* (i) Positions of military storekeeper in the Signal Service at Large when filled by retired noncommissioned officers of the Signal Corps.

(ii) Any position outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of War the best interests of the service so require.

(iii) Positions assigned exclusively to Army Communications Intelligence activities.

(5) *District of Columbia Government.* (i) Surgeons of the Police and Fire Departments of the District of Columbia.

(6) *Federal Trade Commission.* (i) Not to exceed five special experts.

(7) *State Department.* (i) Specialists in foreign relations, political, economic, and financial, whose proposed compensation is fixed at entrance rate of grade P–3 or higher, and whose training and experience along the lines of their proposed duties meet the standard minimum qualifications set up in open competitive examinations for positions in the professional service for corresponding grades.

(ii) Persons formerly employed abroad as United States diplomatic or consular officers of career or foreign-service officers of career for the period of at least four years, for service in the Department of State as administrative officers or executive advisors in positions comparable in salary with the associate professional grade or higher.

(iii) Positions of professional and technical specialists in the fields of health and sanitation, food supply, education and transportation, in grade P–5 or its equivalent, in the Institute of Inter-American Affairs and the Inter-American Educational Foundation, Incorporated, when filled by the appointment of persons who have served in such positions in the Federal service in foreign countries.

(8) *Navy Department.* (i) Positions assigned exclusively to Navy Communications Intelligence Activities.

(ii) Any position outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of the Navy the best interests of the service so require.

(9) *Post Office Department.* (i) One postal rate expert.

(10) *Federal Power Commission.* (i) A General Counsel and two Assistant General Counsels.

(ii) A Chief Examiner and a Chief Engineer.

(iii) Five regional engineers.

(iv) A chief and an assistant chief of the following bureaus: Bureau of Accounts, Finance and Rates, Bureau of Power.

(11) *Department of Agriculture.* (i) Commodity Credit Corporation: Technical or professional consultants or advisers, at salaries equivalent to entrance rate of grade P–5 or higher, for periods not to exceed 18 months.

(ii) Farm Credit Administration: The Deputy Governor, Deputy Commissioners and Assistant Commissioners, the Director and Assistant Director of the Regional Agricultural Credit Division, and the Director of the Mortgage Corporation Service Section.

(iii) Farm Credit Administration: Special field representatives who serve as Vice Presidents of the Federal Farm Mortgage Corporation.

(12) *National Capital Housing Authority.* (i) Architectural or engineering consultants, construction supervisors, landscape planners, surveyors and related positions for temporary, intermittent or part-time service.

(13) *Department of Justice.* (i) National Training School for Boys: Assistants to cottage officers when filled by the appointment of bona fide students at colleges or universities at salaries not in excess of $720 per annum, subject to the approval of the Commission.

(ii) Special experts employed on a temporary basis for specific litigation or other legal work in which technical knowledge of particular industries, or knowledge of other highly technical matters not possessed by regular employees of the Department, is required for successful results. Such temporary employment shall be only for such time as is required to complete the specific assignment for which the original appointment was approved.

PART III

The following Executive orders are hereby revoked:

No. 279 of November 29, 1904.
No. 283 of December 8, 1904.
No. 294 of February 15, 1905.
No. 314 of March 30, 1905.
No. 458 of June 13, 1906.
No. 715 of November 22, 1907.
No. 983 of November 30, 1908.
No. 1065 of April 21, 1909.
No. 1153 of January 12, 1910.
No. 2357 of April 11, 1916.
No. 3108 of June 30, 1919.

Unnumbered order of June 2, 1920, concerning reinstatement of persons nearing retirement age.

No. 4523 of October 18, 1926.
No. 5924 of September 20, 1932.

Unnumbered order of February 19, 1934, concerning negotiations for transfer.

No. 7915 of June 24, 1938.
No. 7916 of June 24, 1938.
No. 7975–A of September 16, 1938.
No. 8083 of April 10, 1939.
No. 8179 of June 21, 1939.
No. 8214 of July 25, 1939.
No. 8257 of September 21, 1939.
No. 8283 of November 9, 1939.
No. 8300 of December 12, 1939.
No. 8423 of May 28, 1940.
No. 8425 of May 29, 1940.
No. 8467 of July 1, 1940.
No. 8564 of October 8, 1940.
No. 8587 of November 7, 1940.
No. 8705 of March 5, 1941.
No. 8707 of March 10, 1941.
No. 8760 of May 27, 1941.
No. 8894 of September 8, 1941.
No. 8937 of November 7, 1941.
No. 9004 of December 30, 1941.
No. 9027 of January 16, 1942.
No. 9052 of February 6, 1942.
No. 9200 of July 16, 1942.
No. 9239 of September 8, 1942.
No. 9298 of February 2, 1943.
No. 9333 of April 19, 1943.
No. 9394 of November 4, 1943.
No. 9405 of December 17, 1943.
No. 9503 of November 27, 1944.
No. 9538 of April 13, 1945.
No. 9579 of June 30, 1945.
No. 9598 of August 17, 1945.
No. 9619 of September 19, 1945.
No. 9644 of October 19, 1945.
No. 9653 of November 1, 1945.
No. 9668 of December 28, 1945.
No. 9688 of January 31, 1946.
No. 9691 of February 4, 1946.
No. 9733 of June 4, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 24, 1947.

[F. R. Doc. 47–1826; Filed, Feb. 24, 1947; 12:08 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

Effective May 1, 1947, the regulations under this chapter are revised as follows:

1. With the exception of §§ 12.301 to 12.314 of Part 12, Parts 1 to 20, inclusive, and Parts 24, 27, 50, 51, 52, 55 and 91 are revoked.

2. Sections 12.301 to 12.314 of Part 12 are redesignated Part 20, §§ 20.1 to 20.14. The following redesignation of parts is also made: Part 25 to Part 24; Part 26 to Part 25; Part 28 to Part 26; Part 29 to Part 27; Part 30 to Part 28; Part 53 to Part 29; Part 54 to Part 30; Part 56 to Part 31; Part 60 to Part 01; Part 61 to Part 02.

3. Parts 21, 22 and 23 remain the same.

4. New Parts 1 to 10 inclusive and new Part 32 are added. Contents of revised Chapter 1 are as follows:

Part

01 Organization and official records of the Commission.
02 Functions of the Commission.
1 Coverage.
2 Appointment through the competitive system.
3 Acquisition of a competitive status.
4 General provisions.
5 Regulations, investigation and enforcement.
6 Exceptions from the competitive service.
7 Reinstatement.
8 Promotion, reassignment and transfer.
9 Separations and demotions.
10 Special transitional procedures.
20 Retention preference regulations for use in reductions in force.
21 Appointment to positions excepted from the competitive service.
22 Appeals of preference eligibles under the Veterans' Preference Act of 1944.
23 Political activity of State employees; rules of practice.
24 Formal education requirements for appointment to certain scientific, technical and professional positions.
25 Federal employees' pay regulations.
26 Transfer of personnel to public international organizations in which the United States Government participates.
27 Establishment of maximum stipends for positions in Government hospitals filled by student or resident trainees.
28 Official personnel folder.
29 Retirement.
30 Annual and sick leave regulations.
31 Efficiency ratings boards of review.
32 Awards to Federal employees for meritorious suggestions and for exceptional or meritorious service.

PART 01—ORGANIZATION AND OFFICIAL RECORDS OF THE COMMISSION

THE COMMISSION AND STAFF ACTIVITIES

Sec.
01.1 The Commission.
01.2 Executive Director and Chief Examiner.
01.3 Executive Assistant to the Commissioners.
01.4 Chief, Field Operations.
01.5 Chief Law Officer.
01.6 Information Division.
01.7 Veterans' Service Section.
01.8 Board of Appeals and Review.

OPERATING ACTIVITIES

01.9 Examining and Placement Division.
01.10 Personnel Classification Division.
01.11 Investigations Division.
01.12 Retirement Division.
01.13 Service Record Division.
01.14 Medical Division.
01.15 Inspection Division.

FIELD ACTIVITIES

01.16 Regional Offices.
01.17 Boards of United States Civil Service Examiners.

ADVISORY COMMITTEES

01.18 Federal Personnel Council.

PUBLIC RECORDS

01.19 Availability of Official Records.
01.20 Availability of final opinions and orders.

AUTHORITY: §§ 01.1 to 01.20, inclusive, issued under sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633.

THE COMMISSION AND STAFF ACTIVITIES

§ 01.1 *The Commission.* (a) The Commission is composed of three Commissioners appointed by the President, by and with the consent of the Senate, and removable by him. One member is designated by the President to be President of the Commission. The Commissioners, not more than two of whom may be adherents of the same political party, make final decisions on matters of policy, organization and administration within the Commission. They also serve, through the Liaison Officer for Personnel Management, as advisers to the President in personnel matters.

(b) The Commissioners in some cases act as a quasi-judicial body in reviewing and making final determinations on appeals of individuals and agencies from decisions made by officials of the Commission, and from certain decisions by officials of other agencies.

§ 01.2 *Executive Director and Chief Examiner.* The Executive Director and Chief Examiner is the chief technical and administrative official of the Commission. He has authority to take final action on matters covered by established policy and regulations. On other matters on which the Commissioners themselves make the final determination he reviews the recommendations prepared by the various divisions of the Commission and submits advisory opinions and recommendations. He represents the Commission in conferences and negotiations with representatives of other Government agencies, interpreting the regulations and policies of the Commission to officials and advising them in personnel policies and major personnel problems.

§ 01.3 *Executive Assistant to the Commissioners.* The Executive Assistant to the Commissioners presents to the Commission for action cases handled in the divisions; advises Members of Congress, Government officials and others on civil-service matters; performs special assignments at the direction of the Commission, and handles other administrative functions.

§ 01.4 *Chief, Field Operations.* The Chief, Field Operations, supervises the operations and procedures of the Commission's regional offices and coordinates their work with the divisions of the central office.

§ 01.5 *Chief Law Officer.* The Chief Law Officer advises the Commission, the Executive Director and Chief Examiner and division chiefs on legal questions pertinent to Commission policies and operations. He is responsible for drafting or reviewing drafts of legislation, Executive orders and regulations. He adjudicates appeals of veteran preference eligibles that are filed under the Veterans' Preference Act of 1944. He is responsible for the enforcement of the statutes and civil service rules relating to political activity of Federal and State employees. With respect to State employees he authorizes and is responsible for the investigation of complaints, the filing of charges, where the report of investigation so warrants, and the presentation of the Commission's side of the case before the hearing examiner when hearings are held. With respect to Federal employees he authorizes and is responsible for the investigation of complaints, the filing of proposed orders, where the report of investigation so warrants, and, in cases in which no hearing is held, recommending final decision to be made.

CROSS REFERENCE: For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

§ 01.6 *Information Division.* The Information Division furnishes to newspapers and magazines information regarding the Commission and the Federal civil service; prepares articles on these subjects for encyclopedias and other reference books; reviews manuscripts on these subjects which are submitted by publishing concerns or by individual writers; prepares informational booklets; prepares radio scripts and other public-address material; answers oral and written inquiries from the public regarding (a) the general activities of the Commission and (b) opportunities for employment in the Federal service; compiles the "Official Register of the United States".

§ 01.7 *Veterans' Service Section.* The Veterans' Service Section serves at the Commission's staff unit concerning policies and procedures with respect to the employment and reemployment of veterans; preferences granted veterans in Federal employment; legislation affecting the employment of veterans in the Federal service; and the maintenance of good public relations with veterans, veterans organizations, government agencies, legislative bodies and the public generally. Information may be obtained from and requests and submittals may be made to the Central Office in Washington or any one of its fourteen regional offices. These matters may be presented in any general written form.

§ 01.8 *Board of Appeals and Review.* (a) The Board of Appeals and Review in the Central Office of the Commission was created by official action of the Commission November 26, 1930. The Board has four members, one of whom, designated the Chairman, is the chief

administrative officer of the Board. Only three members act on any one case. The Board has jurisdiction to entertain appeals on any matter adversely affecting eligibility, rights and/or interests arising under any law (except cases arising under sec. 12 (a) of the Hatch Act of August 2, 1939, as amended July 19, 1940, 53 Stat. 1147, 54 Stat. 767, 18 U. S. C. 61 e), rule or regulation administered by the Commission: *Provided*, That the matter previously has been finally acted upon and decided at the highest reviewing level in the division or office (departmental or field) having original jurisdiction. The Board, however, has jurisdiction to entertain appeals from the initial adverse action in ratings in postmaster examinations, adverse decisions on actual residence in postmaster and rural carrier examinations, findings by the Fourth Regional Branch Office in Washington, D. C., of unsuitability for Federal employment, adverse decisions on claims for benefits under the several retirement acts administered by the Commission, and appeals involving alleged discrimination because of race, creed, color or national origin.

(b) In those cases where the adverse action on appeal was taken by the Executive Director and Chief Examiner or by the Commissioners, and in appeals from the findings and recommendations of the Chief Law Officer or a regional director in cases arising under section 14 of the Veterans' Preference Act of 1944, the Board processes, analyzes, and submits the case with its recommendation to the Commissioners who make the final decision on the appeal.

(c) Laws, rules, regulations, matters of Commission policy, examination specifications, standards of rating, and standards of classification are not subject to appeal.

(d) Appeals are not required to be in any particular form and should be directed to the Chairman, Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C.

CROSS REFERENCE: For Rules of Practice in cases arising under section 12 (a) of the Hatch Act, see Part 23 of this chapter.

For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

OPERATING ACTIVITIES

§ 01.9 *Examining and Placement Division*—(a) *Organization.* Responsibility for the functions connected with recruitment, examining and certification for positions in the departmental service in Washington, D. C., and for certain field positions, when public announcement to that effect is made, is vested in the Chief of the Examining and Placement Division and his staff. The Chief of the Division is also responsible for recommending to the Commission necessary changes in policies and practices regarding recruitment, examining and certification.

The operating sections of the divisions with their responsibilities and functions are as follows:

(1) *The Clerical Placement and Services Section.* This section prepares and distributes publicity for examination announcements on a nation-wide basis, receives and reviews applications for such examinations (except those announced on behalf of Regional Offices or Boards of U. S. Civil Service Examiners in the field), rates machine-scored examinations, prepares and maintains lists of eligibles for all positions in the departmental service in Washington, D. C. (except those handled by Committees of Expert Examiners), issues certificates of eligibles therefrom and audits the agencies' selections from such certificates. It maintains an information center for public inquiries regarding civil service examinations and answers other questions regarding Federal employment. In addition the section arranges for examinations for admission to the United States Military and Naval Academies, when requested, as a courtesy to Members of Congress to aid them in making selections for appointments thereto and administers examinations for the foreign service of the State Department.

This section and the other sections of the division are subdivided into examining units which deal specifically with particular types of examinations. The responsibilities of examining units are as follows:

(i) Surveys agencies for anticipated needs for employees in the occupational fields with which the unit is concerned.

(ii) Plans recruiting programs in advance of needs.

(iii) Prepares standards for examinations for all positions in its field in the Federal service and noncompetitive standards for transfer, promotion and reinstatement and for positions under Schedule A and B where necessary. (Schedule A is a list of positions to which departments and agencies may make appointments without competitive examinations; Schedule B is a list of positions to which departments and agencies may make appointments as a result of noncompetitive examination.)

(iv) Passes on qualifications for Schedule A and B appointments in its occupational fields if necessary and advises for qualifications for transfer, promotion and reinstatement.

(v) Cooperates with the Commissioners of the District of Columbia in observing the agreement regarding filling of positions in the District of Columbia Government.

(vi) Determines qualifications necessary to fill positions for which no register is appropriate and prepares a certificate of eligibles for such positions.

(vii) Acts or recommends action on agency objections or passing over of veterans, based on qualifications.

(2) *The Physical Science Placement Section.* This section comprises the examining units having responsibilities similar to those set forth above, with respect to positions in the engineering and allied fields, the physics, chemistry and related occupational areas and in the industrial and skilled trades. The Postal Examining Unit of this section performs all the functions of the examination program from the announcement of the examination to the audit of certificate.

(3) *The Social Science and Personnel Management Section.* This section comprises the examination units having responsibilities with respect to positions in the fields of social services, economics, accounting and allied occupations and the various phases of administrative management. The section also maintains a Personnel Management Advisory Service for the benefit of the agencies.

(b) *Delegations of authority*—(1) *To the division.* With respect to the functions set forth above the Examining and Placement Division has over-all responsibility for the development of plans and programs and for the establishment of procedures and standards applying both to regional offices (including Boards of U. S. Civil Service Examiners) and the Central Office (including Committees of Expert Examiners). It has direct operating responsibility for the recruiting, examining and placement programs in the departmental service in Washington, D. C., except insofar as any functions connected with these activities have been delegated to Committees of Expert Examiners as explained below.

(2) *By the division*—(i) *To Regional Offices.* Development of assembled examination material for field examinations under the jurisdiction of the Regional Offices or Boards of U. S. Civil Service Examiners, in the absence of appropriate standardized examination material; preparation of examining standards (specifications) for field positions, in the absence of approved specifications; modification of examination specifications by agreement with representatives of the agency (in the absence of a specific prohibition).

(ii) *To departments and agencies.* Certain phases of the review of applications involving acceptability from the standpoint of legal requirements for Federal service, for example, proof of citizenship, proof that the requirement limiting the number of members of the same family who may be employed in the Federal service has been met, proof of military service and honorable discharge in case of five point veterans; audit of declaration of appointees; determination of experience, training or educational qualification for transfer, reinstatement or promotions (under standards and with limitations prescribed by the Commission).

(iii) *To committees of expert examiners.* Where a Committee-type examination is involved, ratings of hand scored assembled or unassembled examination papers; securing of corroborative information regarding experience; handling of appeals on ratings of other than machine scored examinations; preparation and maintenance of registers of eligibles; certification of eligibles and audit of report on certificates (except actions on objections and passing over).

(iv) *To the District of Columbia government by agreement between the District of Columbia Commissioners and the Civil Service Commission.* Authority to effect appointments to lower grade positions in the District of Columbia Government in the absence of local eligibles on the Commission's registers (without audit of qualifications by the Commission).

(c) *Method of securing and source of information.* (1) For positions under the jurisdiction of the central office,

whether Commission controlled or committee type, questions may be addressed in writing to the United States Civil Service Commission, Washington 25, D. C. Inquirers may call in person at the Information Office maintained by the Examining and Placement Division at 7th and F Street, N. W. Such inquiries may concern Civil Service examinations, that is, for what positions applicants may apply, how and where to file applications, what qualifications are required, etc.; requirements for veterans' preference, citizenship and age; ratings; employment opportunities in the Federal service during the periods preceding the establishment of appropriate registers for the majority of positions; types of written examinations, methods of rating, contents and form of questions, etc. The information available to the general public is restricted to that published in the examination announcement and the accompanying sample questions, if any, so that the secrecy of the examination materials may be preserved.

(2) Complaints should be in writing and should be addressed to the United States Civil Service Commission, Washington 25, D. C. Examples of types of complaints:

(i) Complaints regarding publicity given, admission to or conduct of central office examinations.

(ii) Complaints with regard to discrimination because of race, color or religious or political affiliations in connection with central office examinations.

(iii) During the period in which agencies are authorized to handle recruiting, examining and placement for positions under their jurisdiction pending establishment of a register appropriate to the particular position, complaints with regards to agency noncompliance with the policy and procedures established by the Commission for agency guidance, so far as positions in the departmental service are concerned.

(iv) Complaints of veterans with regard to agency action in passing over their names for positions in the departmental services. Such complaints may be presented by the veteran or his authorized agent either in writing, addressed to the United States Civil Service Commission, Washington 25, D. C., or to the Commission's Information and Interview Office, 7th and F Streets NW. In either case the Commission's action is limited to the authority granted by the Veterans' Preference Act of 1944 to present to the veteran or his authorized representative a copy of the agency's reasons for passing over his name and the Commission's recommendation to the agency with respect to the sufficiency of the reasons.

(3) Appeals from ratings assigned as a result of examination are handled originally in the unit that assigned the rating. Appeals in writing from Commission-controlled examinations for positions in the departmental service (identified by the name of the United States Civil Service Commission, Washington, D. C., as the issuing agency on the notice of rating (CSC Form 4008 or equivalent form) should be addressed to the United States Civil Service Commission, Washington 25, D. C. Appeals in person should be addressed to the examiner-in-charge of the appropriate examining unit.

Appeals from committee-type examinations for positions in the departmental service (identified by the name of the issuing agency, other than the Commission, preceded by the words "Committee of Expert Examiners" on the Notice of Rating, (CSC Form 4008 or equivalent form), should be presented in writing to the Committee on Expert Examiners concerned at the agency named in the Notice of Rating or equivalent form.

Appeals from the final decisions rendered by the Examining and Placement Division or the Committee of Expert Examiners should be submitted in writing to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D. C.

§ 01.10 *Personnel Classification Division*—(a) *Organization.* The Personnel Classification Division is organized into five sections the functions of which are as follows:

(1) *Washington Section.* (i) Investigates the duties and responsibilities of positions in the departmental service within the scope of the Classification Act of 1923, as amended (5 U. S. C. 661ff.), and allocates them to services, grades, and classes.

(ii) Conducts classification surveys of organizations in the departmental service.

(iii) Postaudits for compliance with Commission's requirements, reports of vice changes, additional identical positions, and combined position descriptions submitted by Federal Agencies.

(iv) For the duration of the emergency, considers and makes recommendations on position classification appeals in the departmental service.

(v) Processes all classification sheets, appeals and requests for reconsideration before and after allocation decisions have been made.

(2) *Standards and Special Studies Section.* (i) Prepares and issues class specifications and statements of allocation standards under the Classification Act and Executive Order No. 9512; and gives technical supervision to the standards development work of the regional offices.

(ii) Prepares and revises the Handbook of Occupational Groups and Series of Classes.

(iii) Advises on all problems in which classification standards are involved.

(iv) Makes special studies on classification or compensation problems of the Government service.

(v) Prepares Departmental Circulars, Commission Letters and technical memoranda dealing with allocation standards, class titles, and the establishment or revision of classes.

(3) *Efficiency Ratings Administration Section.* (i) Establishes efficiency rating systems applicable to all employees in the field and departmental services compensated under the pay scales of the Classification Act of 1923 as amended and cooperates with agencies in their administration of the uniform efficiency rating system.

(ii) Administers the Board of Review program including the preparation and promulgation of regulations and procedures governing efficiency rating appeals, and provides chairmen for such boards.

(iii) Reviews and recommends decisions on agency requests for approval of proposed action, in the field or departmental service, to reduce in salary, demote, or separate employees on the basis of "Fair" or "Unsatisfactory" efficiency ratings.

(iv) Establishes uniform reduction in force procedures; reviews proposed reductions in force and considers appeals from such action in the departmental service.

(v) Reviews and approves grievance procedures proposed by the Federal agencies.

(vi) Prepares regulations and procedures dealing with (a) periodic within-grade salary advancements and (b) additional within-grade advancements as rewards for superior accomplishment. Preaudits, for compliance with regulations, proposed rewards submitted by departments or agencies. On the basis of plans approved by the Commission, recommends delegation, and when necessary revocation of delegation, of authority to heads of departments and agencies for prior approval of these rewards. Postaudits all actions by departments to insure compliance with the regulations. Compiles an annual consolidated report for presentation to the Congress.

(4) *Field Section.* (i) Gives technical supervision to the work of regional officials in making postaudit reviews of field allocations for conformance with standards issued by the Commission.

(ii) Inspects the work of the regional classification divisions for compliance with established policies and procedures, understanding of the various classification programs, and operating effectiveness; and follows up on delays or inadequacies.

(iii) Issues instructions to regional offices on classification policies, procedures and practices; assists regional offices in the installation of new classification programs or procedures; develops methods and materials for training field classification staffs; and performs other field supervisory functions assigned by the Chief of Division.

(iv) Advises agencies on general problems relative to classification and compensation of position in the field service.

(v) Under the authority and conditions prescribed in section 401 of the Federal Employees Pay Act of 1945 (59 Stat. 295), conducts studies to recommend the establishment of higher minimum rates of pay for particular classes of positions within the ranges of pay fixed by the Classification Act of 1923.

CROSS REFERENCE: For regulations under the Federal Employees Pay Act of 1945, see Part 25 of this chapter.

(vi) Recommends maximum stipends for positions in hospitals, hospital clinics or medical or dental laboratories owned or operated by the Federal Government primarily for training purposes which are excluded from the Classification Act of 1923, as amended, by Executive Order No. 9750.

CROSS REFERENCE: For regulations establishing maximum stipends for trainees in Government hospitals, see Part 27 of this chapter.

(vii) Prepares or reviews regulations, Departmental Circulars, Commission Letters, and/or chapters of the Federal Personnel Manual and the Commission's Manual dealing with any phase of Federal position classification or pay administration that does not pertain directly to functions of the Efficiency Ratings Administration Section.

(viii) Conducts studies and recommends other action preliminary to future expansion of classification to the field service in accordance with title II of the act (Ramspeck) of November 26, 1940 (54 Stat. 1212, 5 U. S. C. 681).

(5) *Administrative Section.* (i) Makes continuing studies to eliminate duplication of work, unnecessary procedures and practices and to see that available personnel is used to best advantage.

(ii) Provides classification information to departmental position classifiers and to the general public.

(iii) Receives all requests for personnel or for other proposed personnel changes within the Division, prepares necessary forms for transmittal to the Budget and Finance and Personnel Divisions; maintains leave records for the Division.

(iv) For administrative purposes within the Division, maintains records of encumbrances from the Division allotment for personnel services and prepares reports on the status of the allotment.

(v) Performs the usual service function for the Division, including supervision of mail and files and the stenographic force, compilation of production reports, timekeeping, furnishing of supplies, equipment, etc.

(vi) Prepares general correspondence not pertaining to the work of the several sections.

(b) *Delegation of authority.* (i) The authority for making initial decisions on matters within the purview of the Personnel Classification Division, except as specified in subparagraph (ii) of this paragraph, is vested in the Chief of Division, subject to appeal to the Commission.

(ii) Final decisions on efficiency rating appeals are, by statute, made by the efficiency rating Board of Review for the agency in which the appeal arises and are not reviewable by the Commission.

(c) *Method of securing and source of information.* (1) Information regarding functions of the Personnel Classification Division, including appeals from allocation actions of the Commission in central government offices, may be obtained in the Washington, D. C., area by writing or calling the Personnel Classification Division. In the field the appropriate regional office of the Commission may be contacted for such information. Inquiries regarding individual field allocations which are finally determined by the agency concerned should be addressed to such agency.

(2) Requests for review of efficiency ratings should be made in writing to the Chairman, Board of Review of the agency in which the appellant is employed, c/o U. S. Civil Service Commission, Washington 25, D. C.

§ 01.11 *Investigations Division*—(a) *Organization.* The Commission's investigative activities may be divided into three major types:

(1) Investigations of the qualifications of candidates for Federal employment.

(2) Investigations to determine the facts when a preference eligible alleges that he has been denied any of the rights guaranteed him under the Veterans' Preference Act of 1944.

(3) Investigations arising out of the administration of the Merit System involving violations of the Civil Service Act and Rules.

For the purpose of carrying out these investigative functions the Investigations Division is divided into the following sections:

(i) *Field Inspection and Training Section.* This section inspects the work of the regional investigations division and assists regional offices in installing new procedures and in the training of personnel.

(ii) *Rating Section.* This section makes recommendations and renders advisory opinions with respect to cases referred by other divisions of the Commission, regional offices and other departments and agencies. It rates cases at the request of the Executive Director and Chief Examiner or the Chief of the division and develops rating standards and procedures for use of the regional offices.

(iii) *Administrative Section.* This section performs the necessary personnel and administrative work of the division.

(iv) *Procedures and Control Section.* This section prepares and issues instructions of a technical nature for investigators and raters. It maintains a master index and control records of all regional offices cases as well as master bar and flag records.

(v) *Confidential Information Section.* This section maintains confidential files of reports of investigations and makes them available to individuals and agencies that have a legitimate and valid reason for seeking information therein. (For information as to what records are available and to whom they are available see § 01.19.)

(b) *Delegation of authority*—(1) *To regional offices.* Regional directors are authorized to initiate investigations into the qualifications of applicants for certain specified positions. Investigations of applicants for all other positions must have the prior approval of the Commission. Regional directors are authorized to handle appeals of veterans under the Veterans' Preference Act of 1944 that arise in their region and to initiate investigations where the facts so warrant. Investigations into alleged violation of the Civil Service Act and rules must have the prior approval of the Commission.

CROSS REFERENCE: For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

(2) *To departments and agencies.* Authority is delegated to departments and agencies to conduct character and loyalty investigations where the nature of the positions to be filled is such that the agency reasonably requires its own investigations; where the agency maintains investigative facilities established for purposes other than undertaking personnel investigations but finds it desirable to undertake personnel investigations in order to afford maximum use of such facilities; and where the requirements of the agency become so great that the funds or facilities of the Commission are inadequate to meet the needs. Such investigations are to be conducted in accordance with standards set by the Commission. The Commission reserves the right to audit actions taken under this delegated authority and to inspect and review individual cases to determine compliance with the standards that have been established.

(c) *Method of securing and source of information.* Information in the files of the Investigations Division is considered confidential.

§ 01.12 *Retirement Division*—(a) *Organization.* The Retirement Division is charged with responsibility for interpreting and administering the Civil Service Retirement Act of May 22, 1920 (41 Stat. 614), as amended (5 U. S. C. 691–738), The Canal Zone Retirement Act of March 2, 1931 (46 Stat. 1471), as amended (48 U. S. C. 1371) and the Alaska Railroad Retirement Act of June 29, 1936 (49 Stat. 2017), as amended (5 U. S. C. 745). Jurisdiction over the administration of the Act of May 29, 1944 (58 Stat. 257), is also vested in the division. This act provides for the payment of annuities to United States citizen employees (or to their unremarried widows under prescribed conditions) who served on the Isthmus of Panama during the construction period of the Panama Canal from May 4, 1904 to March 31, 1914, inclusive, who were not included in the recognition and the benefits accorded by the act of March 4, 1915 (38 Stat. 1190).

CROSS REFERENCE: For regulations relative to retirement, see Part 29 of this chapter.

The operating sections of the division are as follows:

(1) *Annuity Section.* This section adjudicates claims for annuity under the acts administered by the Retirement Division. It examines service credit applications and makes decisions with respect to the service credits to which present or former employees are entitled. It examines agency requests for the retention of employees beyond retirement age and makes recommendations thereon to the President. It maintains records of all annuitants retired on disability and orders the annual medical examinations as required.

(2) *Death Claims Section.* This section adjudicates claims filed by the beneficiaries, legal representatives or next of kin of deceased employees or annuitants for the accrued annuities, the unexpended balance or the accumulated deductions in the retirement funds. It adjudicates claims in behalf of former employees who are incompetent for ac-

cumulated deductions to their credit, examines designation of beneficiary forms and maintains a file of such forms.

(3) *Refund Section.* This section adjudicates refund claims filed by former employees for the refund of deductions made from their salaries and to their credits in the retirement funds.

(4) *Fiscal Section.* This section prepares schedules and vouchers covering payments on all retirement claims. It prepares periodic financial statements, receives and records cash, check or money order remittances of voluntary deposits, accepts and records payments from employees covering the purchase of service credit or redeposit of amount withdrawn, maintains the individual annuity award accounts and the individual retirement accounts on all separated employees.

(5) *Agency Accounting Section.* This section conducts studies of the procedures used and practices followed by agencies in the maintenance of retirement accounts, makes periodic inspections of the retirement records in the agencies, posts and maintains the retirement accounts for employees of first class post offices, advises and instructs officials and employees in the agencies who are assigned to and are responsible for the agency retirement work.

(6) *Accounting Systems and Report Analysis Section.* This section studies the accounting system in the division and recommends changes and improvements when they are necessary, studies financial statements and reports to determine the adequacy of the accounts and reports the effectiveness of the protection afforded, assists in the installation of retirement accounting systems in the agencies.

(7) *Office of the Legal Adviser.* This office renders advisory decisions and interpretations of the retirement laws and decisions of the Comptroller General and of the Attorney General, prepares cases for submission to the Board of Appeals and Review, to the Attorney General or to the Comptroller General, collaborates in the preparation and trial of suits arising under the retirement laws, prepares drafts of bills and reports on proposed legislation concerning retirement, and drafts rules and regulations with respect to the administration of the Retirement laws.

(8) *Office of the Actuary.* This office conducts actuarial studies, periodic valuations of retirement funds and longevity investigations of annuitants. It recommends improvements and simplifications in retirement systems and policies, prepare the annual retirement report and other special tables and similar types of aids to facilitate the speedy and economical performance of retirement activities.

(9) *Office of the Chief of Technical Studies.* This office studies and coordinates the civil service retirement system with other federally administered or public employee systems. It conducts technical insurance studies of the various provisions of the retirement act, prepares analyses of these studies, plans insurance and retirement programs designed to provide for complete protection and conducts long range economic studies of the effect of changing coverage and characteristics of the coverage of retirement systems and their economic and administrative implications.

(10) *Board of Actuaries.* The Board of Actuaries is composed of three actuaries, appointed by the Commission, one of whom is the Government actuary. It is the Board's duty to report annually upon the actual operations of the Retirement Act, to recommend such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, to make a valuation of the Civil Service, the Canal Zone and the Alaska Railroad Retirement and Disability Funds at intervals of five years or oftener if the Commission deems it necessary and to prepare such tables as may be required by the Commission for the purpose of computing annuities.

(b) *Delegation of authority.* The Commission with the concurrence of the Comptroller General of the United States (letters B–45488, dated November 11, 1944 and March 24, 1945) has approved a temporary plan for the duration of the emergency, unless terminated prior thereto, whereby local disbursing officers of the War Department, under certain conditions, are authorized to issue checks in payment of amounts due as refunds of civil service retirement deductions to former civilian employees of the War Department. The responsibility for making refunds of retirement deductions so authorized is lodged with local certifying officers of civilian pay rolls and applies only when the following conditions exist:

(1) The employee must have received an original appointment in the War Department on July 1, 1942, or subsequent thereto.

(2) The employee must have been officially separated on July 1, 1945 or subsequent thereto.

(3) The employee must have had no prior Federal or military service other than the period of employment in the specific installation and must have had no break in service during the period of employment at the installation for which the local retirement refund is being paid.

(4) The employee must not be indebted to the Federal Government for any reason according to the records of the installation.

Computations or refund payments are made in accordance with instructions approved by the Commission and copies of paid vouchers with supporting documents are transmitted to the Retirement Division for audit recording and filing.

(c) *Method of securing and source of information.* Decisions of the Retirement Division may be appealed to the Board of Appeals and Review through the Retirement Division. Appeals should be in writing and should show the name and post office address of the appellant, his retirement claim number, the date and substance of the action from which the appeal was taken and the full reason for the appeal. They must generally be filed within six months from the date the notice of final action was mailed.

Questions on retirement matters should be submitted by Federal employees to their Personnel Director.

§ 01.13 *Service Record Division*—(a) *Organization.* The Service Record Division has over-all responsibility for the administration and enforcement of rules and regulations governing the reporting of personnel transactions; maintenance of service records; according of competitive civil service status; determination of status of positions and status of present and former Federal employees and of compliance by Commission or agency officials with the procedural and legal requirements for effective personnel actions under the civil service rules and regulations.

The operating sections of the division are as follows:

(1) *Audit Section.* This section receives and inspects reports of personnel actions. It initiates corrective action on the enforcement of Civil Service Rules and other authorities governing appointments and personnel changes, inspects reports of separation to determine whether the reasons or circumstances shown appear to require debarment or flagging, maintains records showing currently the condition of the apportionment determines adequacy of proof of date of birth, reports cases of apparent dual employment to the Comptroller General and authorizes extension of suspensions.

(2) *Correspondence Section.* This section replies to inquiries and complaints regarding treatment in the Federal service, promotions, demotions, forced resignations, suspensions or removals, hours of duty, leave, assignment to duty, dual employment, payment for services rendered, overtime, deductions from salary for war bonds, subsistence allowance and travel. It also answers inquiries concerning rights under the Selective Service Act and reemployment benefits provided by regulations of the Commission.

(3) *Postal Section.* This section maintains complete records of employees in the field service of the Post Office Department, audits all personnel actions involving such employees, initiates corrective action where needed, maintains substitute rolls in accordance with the order of seniority of appointment and in general performs the other functions of the Audit Section with reference to employees in the field service of the Post Office Department.

(4) *Records Section.* This section maintains service records of present and former Federal employees and processes and files reports of personnel action.

(5) *Status Section.* This section receives agency recommendations for conferring of competitive status on Federal employees, acts on requests for promotion, transfer and reinstatement requiring prior approval of the Commission, post audits reports of reinstatements not requiring prior approval of the Commission, acts on agency recommendations in connection with non-competitive appointments under Schedule B of the Civil Service rules, furnishes information to agencies and individuals regarding their status for reinstatement, transfer, classification.

(b) *Delegation of authority.* Regional directors are authorized to pass on requests for reinstatement, transfer, promotion and reassignment to field positions in cases where the prior approval of the Commission is required. Regional directors are authorized to consider and act upon requests for extension of suspensions when the request is presented by a field officer of an agency who has authority to initiate such action.

(c) *Method of securing and source of information.* Decisions of the Service Record Division may be appealed to the Board of Appeals and Review.

Federal employees should submit questions to their Personnel office. Others may secure information by writing to the Commission or by calling at the Commission's office.

§ 01.14 *Medical Division*—(a) *Organization.* The Medical Division, created by the Commission in 1940 through unification of its previously diversified medical activities is under the immediate supervision of a Medical Director. Primarily, it is charged with responsibility (under the administrative direction and through the office of the Executive Director and Chief Examiner in all cases) for: Advising the Commission, in cooperation with the Examining and Placement Division, on all matters pertaining to physical standards for entrance or reinstatement into the Government service. In conjunction with the Retirement Division criteria are set up for separation from the service by reason of disability preventing satisfactory performance of duty. It is also responsible for the processing and disposing of all types of cases in the above categories which are referred by other divisions for comment or action as well as rendering opinions and advice on any other medical matters pertaining to Federal employment concerning which information may be requested by the Board of Appeals and Review or other officials of the Commission.

Other activities include the conducting of research programs throughout the Civil Service Regions for the purpose of determining appropriate physical standards for the various positions; carrying out studies of the performance of the physically impaired as compared to the able bodied; administering the program recommended by the Coordinating Committee for the Placement of the Physically Handicapped.

The operating sections of the Division are as follows:

(1) *Office of the Medical Director.* This office has the over-all administration of the Division's activities in the central office, including the handling of appeals in connection with certain types of cases. Also, through the offices of the Chief of Field Operations and the Executive Director and Chief Examiner, the Medical Director transmits to the various Regional Directors such information, instructional material and technical advice as may be necessary for the effective functioning of the medical officers assigned to their Regions. A member of the staff is detailed to the function of maintaining liaison with the various regional medical officers which may require travel to the Regional offices.

(2) *Consultative Service Section.* This section formulates physical requirements for entrance into the competitive civil service and prepares guides based thereon for the use of the appointing officers in the various agencies; devises schematic outlines for necessary physical examinations of both applicants and employees; reviews medical certificates exhibiting questionable conditions not covered by specific instructions and renders advisory services to appointing officers relative to the employability of applicants and the physical fitness of employees to continue in their post of duty, particularly with respect to nervous and mental conditions, communicable diseases, heart disease, and diabetes.

Within the section is a unit for the specialized handling of physically impaired applicants (emphasis on veterans) who offer unusual placement problems. This Unit is charged with the duties of devising broad schemes for the effective utilization of the remaining capabilities of impaired individuals as well as conducting interviews in specific cases.

(3) *Disability Retirement Section.* This section receives from the Retirement Division such applications for retirement as are based on claims of total disability for useful and efficient service; arranges for and authorizes physical examinations of applicants except in cases where sufficient evidence has already been presented by Federal medical officers or establishments; after securing adequate medical evidence, passes on the merits of applications and takes medical action of rejection or allowance; arranges for annual medical examinations or secures pertinent information in lieu thereof, in cases of retired employees (annuitants) whose cases have not been made permanent; supervises, by use of liaison facilities through the Office of the Medical Director, the initial medical processing in the regional offices of applicants residing within those areas; furnishes to the Retirement Division, through the office of the Medical Director, such technical advice pertaining to retirement matters in general as may be requested.

(4) *Examining Section.* This section in accordance with general procedures established by the Examining and Placement Division, examines and rates applications for professional and subprofessional positions in the medical and related fields in such agencies or establishments as are not otherwise provided for; renders advisory services to agencies regarding educational and experience standards in connection with the above positions; supervises and assists Committees of Expert Examiners in the conducting of examinations and the rating of applications in the medical and related fields; assists the Medical Director in making recommendations to the Personnel Division relative to the filling of medical officer and related positions within the Commission; receives and processes applications from cadet nurses who desire to complete their training in Federal hospitals under the provisions of the Cadet Nurse Act.

(b) *Method of securing and source of information.* Information in the files of the Medical Division is available to individuals and agencies in accordance with the regulations of the Commission set out in § 01.19.

§ 01.15 *Inspection Division.* The Inspection Division has been established to perform the following functions: To inspect and review in the offices of the various agencies the carrying out of the various personnel operations that have been delegated and to secure adherence to the required standards and procedures; to assist departments and agencies in adhering to the policies, standards and procedures prescribed by the Commission for the administration of delegated authority; to inspect and review the operations of Boards of Civil Service Examiners and Committees of Expert Examiners, to evaluate their effectiveness, to report on the carrying out of their functions and to secure adherence to the required standards and procedures; to present to the Commission current and accurate information as to the scope, content, effectiveness and equity of agency personnel management programs; to recommend to the Commission necessary changes in policies and practices to better personnel management in the Federal service; to improve agency personnel programs by rendering personnel management advisory service and serving as a clearing house for the exchange of information among agencies on the most efficient and economical personnel management policies, procedures and practices.

FIELD ACTIVITIES

§ 01.16 *Regional Offices*—(a) *Organization.* In the interest of economy and efficiency in administration of the field service, the Commission has divided the United States into fourteen regions. The activities of each region center in a regional office, located in a principal city within the region. A Regional Director is in charge of each Regional Office.

Each Regional Office supervises civil service activities within its area, in accordance with policies and procedures established by the Commission, furnishes information to the public, and announces regional and local examinations to fill positions under the jurisdiction of the region.

The functions of the regional office are performed under the regional director by Divisions and staff officials such as the following:

Budget and Fiscal Officer.
Personnel Officer.
Regional Examining and Placement Division.
Regional Classification Division.
Regional Investigations Division.
Medical Officer.
Regional Veterans Federal Employment Representative.
Examiner for Appeals under section 14 of the Veterans' Preference Act of 1944.
Personnel Management Advisor.

The location of regional offices, branch regional offices, and offices of Commission representatives outside the continental United States are as follows:

REGION, HEADQUARTERS, AND TERRITORY SERVED

1—Post Office and Courthouse Building, Boston 9, Mass. Maine, New Hampshire, Ver-

mont, Massachusetts, Rhode Island, Connecticut.

2—Federal Building, Christopher Street, New York 14, N. Y. New York, New Jersey.

3—Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa. Pennsylvania, Delaware.

4—Nissen Building, Winston-Salem 3, N. C. Maryland, Virginia, West Virginia, North Carolina, District of Columbia. Branch Regional Office: Tariff Commission Building, Seventh and F Streets NW., Washington 25, D. C. District of Columbia. Maryland: Counties of Calvert, Charles, Montgomery, Prince Georges, St. Mary's. Virginia: Arlington, Caroline, Clarks, Fairfax, Fauquier, King George, Lancaster, Loudoun, Northumberland, Prince William, Richmond, Spottsylvania, Stafford, Westmoreland.

5—New Post Office Building, Atlanta 3, Ga. South Carolina, Georgia, Florida, Alabama, Tennessee, Puerto Rico, Virgin Islands.

6—Post Office and Courthouse Building, Cincinnati 2, Ohio. Ohio, Indiana, Kentucky.

7—New Post Office Building, Chicago 7, Ill. Wisconsin, Michigan, Illinois.

8—Post Office and Customhouse Building, St. Paul 1, Minn. Minnesota, North and South Dakota, Nebraska, Iowa.

9—New Federal Building, St. Louis 1, Mo. Kansas, Missouri, Oklahoma, Arkansas.

10—Customhouse Building, New Orleans 16, La. Mississippi, Louisiana.

11—437 Central Building, 810 Third Avenue, Seattle 4, Wash. Montana, Oregon, Idaho, Washington, Territory of Alaska.

12—129 New Appraisers Building, 630 Sansome Street, San Francisco 11, Calif. California, Nevada, Arizona, Territory of Hawaii. Branch Regional Offices: 506 Post Office and Courthouse Building, Los Angeles 12, Calif: California: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara. Federal Building, Honolulu 2, T. H. Territory of Hawaii.

13—New Customhouse Building, Denver 2, Colo. Colorado, New Mexico, Utah, Wyoming.

14—210 South Harwood, Dallas 1, Tex. Texas.

REPRESENTATIVES OUTSIDE CONTINENTAL UNITED STATES

Hawaii (Subsidiary to Twelfth Region) Branch Regional Office, 12th U. S. Civil Service Region, Federal Building, Honolulu 2, T. H.

Puerto Rico (Under supervision of Director, 5th Region, insofar as employment under U. S. Government is concerned)—Chairman, Puerto Rico Civil Service Commission, San Juan, P. R.

Canal Zone—Secretary, Board of U. S. Civil Service Examiners, Balboa Heights, C. Z.

In order to provide closer supervision and render more effective service, regional directors may, as necessary from time to time, station representatives in smaller key cities to facilitate administration of civil service activities in areas within the region.

(b) *Delegation of authority.* Regional directors have general authority over civil service matters arising within their region. Specific grants of authority have been referred to in connection with the description of the functions of the divisions of the Commission set out above. Their decisions may be appealed to the Commission, through the Board of Appeals and Review in the same manner as decisions of the various divisions of the Commission may be appealed.

(c) *Method of securing and source of information.* Individuals residing in the states that are included within any region may secure information by writing to or calling at the Regional or Branch Regional Office. Information is also obtainable at Boards of U. S. Civil Service Examiners. (See § 01.17.)

§ 01.17 *Boards of United States Civil Service Examiners*—(a) *Organization*—(1) *Boards located at Federal establishments other than in the Post Office Department.* Wherever considered administratively advisable, Boards are established by the regional director in agreement with the head of the establishment and are composed of officers and employees of the establishment or establishments served by the board.

For positions under their jurisdiction, such boards announce examinations, receive and rate applications, establish registers, certify names to appointing officers, approve the appointments made from names submitted, and perform other functions delegated by the regional director.

All activities of these boards are performed in accordance with current standards and instructions of the Commission. The extent of authority to be delegated to individual boards is determined by the regional director and is not uniform for all boards.

(2) *Boards located at first and second class post offices.* Boards of United States Civil Service Examiners have been established in each city which has a first or second class post office.

These boards publicize examinations announced by the Commission's central office, the regional office, and by Boards located at other Federal establishments. They also furnish general information to the public and conduct assembled examinations.

Regional directors may delegate other special functions to these boards within the limits of the policies established by the Commission.

(b) *Delegation of authority.* Boards of Examiners located in Federal establishments other than the post office can take final action on any matters delegated by the regional director. Requests for a review of rating and appeals from the action of any board in any mattter properly before it, are first considered and decided by the board. In the event of an adverse decision further appeal may be made to the regional office.

(c) *Method of securing and source of information.* General information on civil service matters and employment opportunities can be secured from the Board of U. S. Civil Service Examiners at any first or second class post office. Such information is available also at the regional or branch office of the Commission or at the offices of its representatives outside continental United States.

Where more detailed and specific information is desired which is not available at the office of a Board of U. S. Civil Service Examiners, this information may be obtained by communicating with the regional or branch office.

Listed below are the places where the public may secure information and submit requests relating to specific civil service matters.

(1) *Open competitive examinations.* (i) To keep informed of pending examinations, the bulletin board and examination announcements at any first or second class post office may be consulted. A copy of any examination announcement may be inspected but extra copies are not always available for distribution. In a city in which there is a regional or branch regional office, that office may also be contacted for information.

(ii) To secure a copy of the announcement the office having immediate jurisdiction over the examination as shown in the announcement under the heading "Where to file application" may be contacted.

(iii) The examination announcement contains full details about the requirements, the specific application forms and the location of the office where the required application forms should be filed. Application forms are available at first and second class post offices, except in cities where regional offices of the Commission are located, in which case they may be obtained from the regional office. In branch office cities, application forms may also be obtained from such offices.

(2) *Examinations under section 10 of the Veterans' Preference Act of 1944.* (i) Persons granted ten-point preference under section 2 (1), (2) and (3) of the Veterans' Preference Act of 1944 may apply for examination as provided in section 10 of the same act.

CROSS REFERENCE: For regulations relating to appeals of preference eligible under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

(ii) For information concerning examinations which may be reopened, The Executive Secretary of the Board of U. S. Civil Service Examiners at the establishment where employment is desired or the regional or branch office of the Commission may be contacted.

(3) *Acceptance of delayed applications after the closing date.* Persons entitled to five-point military preference under section 2 (4) of the Veterans' Preference Act of 1944, and citizens who served beyond the continental limits of the United States with a Federal agency or international organization in which the U. S. Government participates, may, under certain conditions, file delayed applications.

(4) *Restoration to the list of eligibles of honorably discharged veterans under Executive Orders 9733 and 8937.* Requests for restoration should be made to the office which maintained the list of eligibles. The address of this office can be obtained from the notice of rating which the applicant received.

(5) *Requests for a review of examination rating.* A request for a review of a rating received may be made to the office which assigned the original rating as shown on the notice of rating.

(6) *Complaints on discrimination.* Complaints involving alleged discrimination on the grounds of race, creed, color, or national origin may be made to the regional director.

(7) *Reduction in force appeals.* Appeals involving alleged violation of reduction in force regulations based on section 12 of the Veterans' Preference Act of 1944 may be made to the regional office of the Commission.

(8) *Suitability appeals.* Appeals from applicants rated ineligible because they were not found suitable for government employment should be addressed to the office which assigned the rating, as shown on the notice of rating.

(9) *Appeals under section 14 of the Veterans' Preference Act.* Appeals under section 14 of the Act may be filed with the regional office.

(10) *Competitive status under Executive Order 9598 of August 17, 1945.* Requests for the benefits of this order should be submitted individually by letter to the office of the Commission which authorized the basic appointment. Requests are ordinarily submitted by the current employing agency, but may be acted upon if submitted by the agency in which the employee received his basic appointment.

(11) *Passing over preference eligibles.* Records of the Commission's findings in determining the sufficiency of the reasons submitted by an agency for passing over a preference eligible are available at the office of the Commission which maintains the register. The records will be made available to the veteran eligible or his designated representative upon request as provided in section 8 of the Veterans' Preference Act.

(12) *Restoration under section 8 of the Selective Service and Training Act.* Whenever a misunderstanding occurs between a veteran and his former employing agency as to restoration rights, the case may be submitted by the veteran for final determination to the regional office.

(13) *Requests for reinstatement.* Requests should be submitted to the appointing officer of the office in which the vacancy is to be filled.

(14) *Requests for transfer:* Requests should be submitted to the appointing officer of the office in which the vacancy is to be filled.

ADVISORY COMMITTEES

§ 01.18 *Federal Personnel Council.* The Council of Personnel Administration was established in February, 1939, under Executive Order No. 7916, June 24, 1938. The Council was placed within the Commission under Executive Order No. 8467, July 1, 1940. The name of the Council was changed to Federal Personnel Council and its functions redefined by Executive Order 9830, February 24, 1947.

The Council is set up to improve Federal personnel administration through common understanding and effort, to meet the personnel needs of the service by developing standards and practices sufficiently uniform for the Government as a single employer and yet flexible enough to provide for the great differences in the character and conditions of work. The Council serves as a clearing house where directors of personnel develop plans and spread throughout the service information about practices, and where representatives of the Commission and of the Bureau of the Budget meet regularly with the personnel directors to consult with them and to discuss and interpret the policies, programs and procedures which are in the course of development.

The Council's work is carried on by members assisted by a small staff through weekly meetings of the entire Council and by standing and special committees. The actions of the Council are put into effect in various ways. Recommendations are made to the President and to the Civil Service Commission, Bureau of the Budget and other appropriate agencies. Much of the Council's work results in practical suggestions or agreements on improved personnel methods which are carried out by departments and agencies themselves. Field personnel councils have been authorized by the Commission and established under the supervision of the Commission's Regional Directors or their Representatives. The field councils are composed of officers responsible for personnel administration in their agency in the area designated by the regional director. They have the same object and function along similar lines as the Federal Personnel Council.

The Federal Personnel Council is located at 1626 K Street NW., Washington 25, D. C.

PUBLIC RECORDS

§ 01.19 *Availability of official records.* (a) Official records of the Commission are generally regarded as confidential except that upon request by any person decision will be made in each case as to the part of the record which may be disclosed or made available to him.

(1) *Examination records.* Under this heading are included application forms filed in connection therewith. When the Commission's work load will permit copies of applications or a résumé of the pertinent information desired will be furnished an applicant.

(2) *Medical records.* Medical information furnished to the Commission as "fully confidential" is not given out. Instead the inquirer is referred to the source of information.

Medical information not secured in confidence may be disclosed under the following circumstances:

(i) The name of the examining physician is not to be disclosed without his consent.

(ii) An applicant (or his authorized agent) may be informed of the reasons for the action taken on his medical certificate only to the extent necessary to enable him to correct defects or to seek medical advice or treatment. No information is given where it is of such a nature as to make it inadvisable to release it as, for example, in case of mental disability or other serious diseases, the knowledge of which might prove injurious to the physical health of the applicant. Occasionally information that should not be given to the applicant may upon his authorization be given in confidence to his attending physician or to a hospital as an aid in diagnosis or treatment. If the applicant is already aware of the contents of the medical certificate it is not regarded as confidential as far as he or his authorized agent is concerned.

(iii) Information derived from a medical certificate is not disclosed to individuals or organizations (legal firms, insurance companies, employment agencies, etc.) not concerned unless the applicant gives his consent, or unless the Commission finds that it is in the public interest to do so.

(iv) Information officially requested by a Federal agency other than the employing agency, such as the Veterans' Administration, may be furnished as confidential, except fully confidential material furnished for the use of the Commission only.

(v) Exact or photostatic copies of medical certificates are usually furnished in confidence to other Federal agencies when requested. They are not furnished to other inquirers or to the applicant himself except under unusual circumstances. In such cases there is furnished a statement of the defects found or a statement that the certificate discloses no defects. The selection of medical facts to be disclosed is made by a medical officer of the Commission.

(vi) Copies of medical surveys that have been obtained from the Veterans' Administration are by law confidential. The Veterans' Administration reserves the legal right to make decisions regarding the disclosure of information contained in its medical surveys to the veteran concerned. No information is furnished by the Commission except upon authorization in each individual case from the Veterans' Administration.

(vii) Information received from State hospitals is treated as fully confidential. Disclosure of information received from other hospitals or private institutions is governed by the condition under which the information was furnished to the Commission.

(viii) Medical statements from Selective Service Boards are required only when the Commission's medical director determines that the statement is necessary. Such statements are kept strictly confidential.

(3) *Service records.* Records comprised under this heading are the employment records of present and former Federal employees. Such records are disclosed only to the individuals themselves upon request and to proper agency officials as required in connection with application for or employment in the Federal service.

(4) *Reports of investigations.* (i) Complete information contained in investigative reports is made available to properly identified investigative representatives of the Federal Bureau of Investigation, the Treasury Department, the Office of Naval Intelligence, the Military Intelligence Service, the Provost Marshal General's office, the Post Office Inspection Service, the Immigration and Naturalization Service and the State Department. Such reports are made available with the understanding that the information contained therein will be treated with the same confidence as information developed by representatives of the agencies themselves and that sources of the Commission's information will not be revealed outside the investigative agency.

(ii) Regional Directors, Chiefs of regional investigation divisions, the Chief of the central office Investigations Division, and the Director of Personnel (with respect to requests relating to employees of the Commission) are authorized to permit inspection of reports by properly identified representatives of the above agencies.

(iii) Analytical memoranda and other memoranda indicating actions or decisions reached as the result of the report of investigation are removed from the files before they are made available. Upon request the representatives may be advised of the Commission's final decision.

(iv) Upon showing a legitimate need for information contained in investigative files representatives of other Federal agencies are furnished an oral summary of the facts developed by investigation. Upon request the representatives may be advised of the Commission's final decision.

(v) Regional Directors, Chiefs of regional investigation divisions, the Chief of the central office Investigations Division and the Director of Personnel (with respect to requests relating to employees of the Commission) or officials designated by them are authorized to furnish oral summaries.

(vi) Information regarding cases in which investigative or rating action is pending is not furnished to Federal agencies other than those to which complete investigative reports are available.

(vii) Information contained in bar and flag files is strictly a confidential matter with the Commission and is for the official use of the Commission only. It is the policy of the Commission not to give out publicly any information that a particular individual has a bar or flag record.

(5) *Retirement records.* (i) Disclosure of information from the files, records, reports and other papers and documents pertaining to a retirement claim is made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

(ii) The name or address of a beneficiary designated by an employee or an annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(iii) Such information as may properly be disclosed to a claimant personally shall in the event of his death be disclosed upon proper request to the duly appointed representative of his estate or to such person as may be designated by such representative or to a duly designated beneficiary or to the claimant's next of kin.

(iv) Copies of documents or other records desired by or in behalf of parties to a suit may be furnished to the court on an order of the court or subpena duces tecum.

(v) The address of a claimant as shown by the Commission's record may be furnished to duly constituted police or court officials upon proper requests or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(vi) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal or other publicly recognized charitable or social security administrative agency.

(vii) All records or documents officially required by any department or agency of the United States Government or by Senators and Representatives of the United States in their capacity as Members of Congress may be furnished in response to a proper request.

(viii) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government, copies of reports of examining surgeons, reports from the War Department or copies of records of other departments and other confidential matters will not be furnished.

(6) *Personnel classification records.* Classification specifications and statements of allocation standards are available for public inspection at the Commission's central, regional and branch offices.

§ 01.20 *Availability of final opinions and orders.* Cases in which the Commission formulates final opinions and orders within the meaning of the Administrative Procedure Act are those involving decisions in retirement death claims and in cases of alleged political activity on the part of officers or employees of a State or local Government whose principal employment is in connection with an activity financed in whole or in part by Federal funds (Section 12 (a), Act of August 2, 1939, as amended). Final opinions or orders issued by the Commission's Retirement Division in retirement death claims will be available for public inspection at the Retirement Division in the Commission's central office. Final opinions or orders issued by the Board of Appeals and Review in retirement death claims will be available for public inspection at the Board of Appeals and Review in the Commission's central office and in the Commission's regional offices. Final orders in political activity cases involving officers or employees of State or local Governments will be available for public inspection at the office of the Chief Law Officer in the Commission's central office and in the Commission's regional offices. (For addresses of regional offices see § 01.16.)

PART 02—FUNCTIONS OF THE COMMISSION

Sec.
02.1 In general.
02.2 Examining applicants for employment in the competitive civil service.
02.3 Retirement.
02.4 Enforcement of the Civil Service Act and Rules.
02.5 Enforcement of other statutes.
02.6 Notice of proposed rule making.

AUTHORITY: §§ 01.1 to 02.6, inclusive, issued under sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633.

§ 02.1 *In general.* The Commission's primary function is to serve as the central personnel agency for the Federal Government. In so doing, it holds examinations to test the fitness of applicants for positions in the competitive civil service of the United States; conducts investigations into the character and suitability of successful applicants; certifies the names of qualified persons in response to requests from appointing officers in the various agencies; establishes standards for reinstatement, promotion and transfer of Federal employees; and in general enforces the Civil Service Act and the Civil Service Rules relating to the employment and the conduct of Federal employees. In addition the Commission is charged with the functions of administering the Classification Act of 1923 as amended, which provides for the classification of positions according to duties and responsibilities; of administering an efficiency rating system for Federal employees; of maintaining service records of employees in the executive civil service; of administering the Civil Service Retirement Act, the Canal Zone Retirement Act, the Panama Canal Construction Annuity Act and the Alaska Railroad Retirement Act; of administering the Veterans Preference Act of 1944; and of enforcing the provisions of the Hatch Political Activities Act which prohibits political activity on the part of employees of State or local governments participating in Federally financed projects.

CROSS REFERENCE: For regulations relative to retirement, see Part 29 of this chapter.

Inasmuch as most of these functions pertain to the internal management of the Federal Government they are not set out in full in this part. Federal employees who are affected by their operations may generally obtain information or answers to their questions from their personnel office. Insofar as their operations affect persons outside the Federal service they are explained in the sections that follow.

§ 02.2 *Examining applicants for employment in the competitive civil service.*—(a) *Announcement of examinations.* From data on net personnel requirements for positions in Washington, D. C., and in the field which are filled by the central office of the Commission, determination is made by the Commission as to what examinations will be held and which examinations will be given priority in announcement. In preparing to hold an examination the Commission and the agency or agencies in which the positions exist prepare a statement of the duties of the position and reach agreement as to the qualifications required for the satisfactory performance of these duties and the method of examining, including such factors as age, physical requirements, written tests, experience, training or education necessary. (Education may be prescribed only when the Commission has determined and made public its reasons for so doing, that the duties of a position of a scientific, professional or technical nature cannot be satisfactorily performed by an individual who has not met the specific educational requirements prescribed for the position.) The Commission then issues an announcement of the examination in which it incorporates the information needed by the applicant as to the requirements for the position, the method of examination, the location and salary of the position and the conditions of employment. Examination announcements may be given publicity by display and by newspaper publicity in the area from which applicants are accepted for the examination, and, when feasible, by publication in periodicals normally

read by persons engaged in the occupations related to the position for which examination is announced.

(b) *Applications.* The examination announcement specifies the application forms to be filed by the applicant and indicates the period during which applications will be accepted. The application forms specified in the announcement may generally be obtained from the Secretary, Board of U. S. Civil Service Examiners, at any first- or second-class post office, or from the Commission's central, regional, or branch regional offices. However, application Form 9, required for rural carrier and fourth class postmaster, and application Form 10, required for first-, second-, and third-class postmaster, may be obtained only from the post office for which the examination is announced, during the time an announcement for the position is open, or from the Examining and Placement Division, Civil Service Commission, Washington 25, D. C.

Applications for an examination which are received after the closing date specified in the announcement are cancelled and returned to the applicant unless he is eligible for a reopened or delayed examination or has been granted the privilege of filing for a position for which there is no open announcement, as in the case of displaced career employees or those former status employees who failed of restoration after military service, service in the merchant marine or war transfer.

(c) *Examinations.* Applicants for assembled examinations are notified of the time, place and date to report for examination and are supplied any additional forms necessary. These forms are collected at the time of the written examination and become a part of the examination file. At the time of the written examination each competitor fills in a "declaration sheet" carrying an identifying number which is placed on each answer sheet used by the competitor during the examination. The identity of the competitors is maintained secret by keeping the applications, related forms, and the declaration sheets entirely separate from the answer sheets until the rating has been completed, after which the answer sheets are matched with the declaration sheets and the applications and related forms.

(d) *Ratings.* Examinations are rated on a scale of 100. The examination announcement specifies the relative weights given to each part of the examination. In general nonpreference competitors must obtain a rating of 70 for eligibility; 5-point preference competitors, a rating of 65; and 10-point preference competitors, a rating of 60. After rating of the written examination, the applications of eligibles are reviewed to ascertain that they meet the legal requirements for Federal employment and the age and physical requirements listed in the announcement and have proved legal or voting residence if the position is in the apportioned service. Failure to meet requirements renders the applicant ineligible; failure to prove residence permits the eligible to be considered only for the non-apportioned service. If the announcement of a written examination specifies that the competitors must show prescribed experience or training (which may represent a minimum qualification, or may be rated and incorporated in the final rating, according to the terms of the announcement) the application papers of the acceptable eligibles are reviewed to ascertain that the experience or training requirements are met, and the competitors failing to meet the minimum requirements are declared ineligible.

Applications filed for unassembled examinations are first reviewed to ascertain that the applicant meets the legal requirements for Federal employment, the age and physical requirements specified in the announcement and has proved legal or voting residence if the position is in the apportioned service. Applications not canceled during this review, are then rated on the basis of experience, training or education shown by the applicant which is pertinent to the position for which he is being examined, in accordance with a predetermined rating schedule which fixes the credit to be assigned for various grades of the required experience. To attain eligibility a competitor must meet the minimum requirements for the position as stated in the examination announcement. When necessary, the Commission may request the applicant to supply the additional detailed information necessary to evaluate his qualifications.

(e) *Register of eligibles.* From the applications and related papers of persons eligible under the terms of the announcement the list of eligibles, known as the register, is prepared. A register card is completed for each eligible and a permanent index card and notice of rating prepared for each competitor.

The register of eligibles is arranged in such manner that the provisions of section 7 of the Veterans' Preference Act of 1944, of Executive Order 9733 and of the apportionment (section 2 of the Civil Service Act, March 3, 1871, 16 Stat. 514; 5 U. S. C. 631) are observed in certification from the top of the register. Existing registers are combined with the newly established register, when, in the judgment of the Commission, it is expedient to do so. Names of persons whose eligibility for probational appointment was restored under the provisions of Executive Order 8937 and Executive Order 9733 are also entered on the new register, if the period of extended eligibility to which they are entitled has not already expired.

Eligibles are requested to inform the Commission of any changes in availability, and may be suspended from the register during a period of unavailability, with the privilege of restoration upon notification to the Commission at any time during the life of the register. Eligibles who decline offers of appointment without a reasonable explanation may be suspended from the register. Eligibles on the central office register may be transferred to a register maintained in a field office of the Commission, and vice versa: *Provided,* The following conditions are met:

(1) An appropriate register is maintained by the receiving office.

(2) The requirements stated in the examination announcement for both offices concerned are the same.

(3) When the transfer is from a register for the non-apportioned service to one for the apportioned service, the eligible must prove legal or voting residence for 1 year prior to the submission of proof.

(4) If the register to which transfer of eligibility is requested is subject to a zone of certification provision, the eligible must be a resident of such zone of certification.

(5) On certain field registers the eligible must be merely a resident of the area in which the examination was publicized.

(6) Transfer is not permitted from a register established from an announcement which closed later than the comparable announcement in the office to which transfer is desired.

(7) Transfer of eligibility is subject to the approval of the receiving office.

(f) *Certification of eligibles.* If an agency desires to fill a vacancy by original appointment and it has been notified by the Commission that a register of eligibles has been established for probational appointment to such position, the Personnel Director of the agency, or his authorized representative, forwards to the Commission a request for the name of eligibles from which to select new personnel. If, upon receipt of the request in the central office, it is decided that the existing register is appropriate, eligibles in sufficient number to permit the appointing officer to consider three eligibles for each vacancy are listed from the top of the register and the list, known as a "certificate of eligibles", is furnished to the agency, together with the applications of such eligibles. If a study of the request indicates that certification in regular order from the register would not provide persons properly qualified to fill the vacancy, selective certification may be made. This can be done in two ways: (1) by reviewing all eligibles on the register to locate those having the special qualifications required to perform the duties of the position; or (2) rerating the eligibles on the most nearly appropriate registers on the basis of a special rating schedule which emphasizes the importance of the special qualifications required. In either case, the resulting eligibles are listed in the order of rating as augmented by veteran preference (and in accordance with the apportionment list if the positions are in the apportioned service) and the certificate forwarded to the appointing officer for his consideration.

(g) *Selections from certificates.* The appointing officer is required to make selection in accordance with the rule of three (see section 8 of the Veterans' Preference Act of 1944). If the appointing officer passes over a veteran eligible and tentatively selects a non-veteran he is required to furnish to the Commission reasons for his action, which are subject to review by the Commission. (Section 8 of the Veterans' Preference Act of 1944.) The appointing officer is not permitted to appoint a non-preference eligible, tentatively selected, in place of a preference eligible passed over, until he has received

the Commission's opinion as to the sufficiency of his reasons for passing over the veteran. (If the appointing officer leaves a vacancy open for the selection of the preference eligible passed over, he may appoint the non-preference eligible.) If the Commission disagrees with the agency's reasons it requires the agency to submit any additional evidence in support of its action in passing over the veteran or a statement that there is no additional evidence in the case. In either event, the agency may, upon receiving a response to its second submission, appoint the non-preference eligible. The Commission is not empowered by the Veterans' Preference Act of 1944 to force the agency to appoint a veteran passed over by the agency without sufficient reason; however, it is directed by that act to furnish copies of the agency's reasons and its opinions of such reasons to the veteran or his authorized representative upon request.

The appointing officer, during the course of an interview with an eligible certified by the Commission, or in connection with any pre-employment check of an eligible's references, may receive information about the eligible which he believes would have disqualified the eligible from certification had the Commission been in possession of the information at the time the certificate was issued. In such cases, the appointing officer offers an objection to the eligible, and tentatively selects an eligible who would not have been within reach for consideration otherwise. He may not appoint such eligible selected out of order until the Commission has notified him whether the objection is sustained by the Commission. If the objection is sustained, the agency may appoint the eligible tentatively selected; if the objection is not sustained, the agency must reconsider the eligible to whom objection was offered. If the Commission lowers the rating of an eligible or declares him ineligible as the result of investigation following a sustained objection, the eligible is notified.

Since the regulations of the Commission do not require an appointing officer to give an eligible more than 3 considerations for the same position, a record of the certifications accorded each eligible is maintained on his record card, and, the number of considerations accorded the eligible as a result of each certification is recorded. If an eligible declines an offer of appointment, or fails to reply to the appointing officer's offer of appointment or inquiry as to availability, Form 1078, "Notice of Suspension of Eligibility" is sent to the eligible, informing him that if he does not reply to the questions with regard to the conditions under which he will accept an offer of appointment his name will be suspended from the register until such time as he notifies the Commission of his availability. If the agency's correspondence with the eligible is returned undelivered, the central office records are checked to insure that the correspondence was properly addressed; if so, the eligible is regarded as unavailable until he communicates with the Commission.

§ 02.3 *Retirement*—(a) *Filing death claims.* When an employee or an annuitant dies leaving any amount to his credit in the Retirement and Disability Funds it is the Commission's function to pay such amount to the person or persons who have a rightful claim to it. Such claims are handled as follows:

(1) The claimant must obtain a copy of Civil Service Commission Form 3000 either from the Retirement Division, or from the office in which deceased was last employed and complete it in accordance with the instructions contained therein. The completed form and supporting papers must be sent direct to the Retirement Division. There must be submitted with the application a certified copy of the public record showing the death of the employee or annuitant unless such death occurred while the employee was in the armed forces outside the continental United States. In the latter case the branch of the armed forces in which deceased was serving must be stated.

(2) A claim filed by or for a person who was designated by the deceased as beneficiary should be accompanied by the duplicate copy of the form on which such beneficiary was designated (Form 2806–1).

(3) If the application is filed by an executor, administrator, guardian, or committee, a certified copy of the court order showing such appointment must be submitted.

(4) If no beneficiary has been designated by deceased and no executor or administrator has been or will be appointed the claim should be filed by the legal heir or heirs under the laws of the State in which the deceased was domiciled.

(5) The application must be signed in the presence of two witnesses who must certify as to the identity of the person filing the claim.

(6) Upon examination of the application and the supporting documents the Commission adjudicates the claim.

§ 02.4 *Enforcement of the Civil Service Act and rules*—(a) *Discrimination.* Complaints by applicants who have been denied employment because of marital status, race or for political or religious reasons should be submitted in writing with all available evidence to the office of the Commission that has jurisdiction over filling the positions involved. The Commission investigates the allegation and notifies the appellant of the finding made. If a finding of a discrimination is made the Federal agency involved is notified and directed to take appropriate corrective action.

§ 02.5 *Enforcement of other statutes*—(a) *Hatch Political Activities Act.* Section 12 (a) of the Hatch Act prohibits political activity on the part of officers and employees of State and local governments whose principal employment is in connection with an activity financed in whole or in part by Federal funds. In exercising its function of enforcing this prohibition the Commission:

(1) Receives complaints alleging political activity.

(2) If the complaint so warrants, conducts an investigation.

(3) On the basis of the investigation issues a letter of charges.

(4) Reviews the answer to the letter of charges and either closes the case or conducts a formal hearing.

(5) Issues a final order embodying its findings as a result of the hearing.

(6) In the event of an appeal to the United States District Court, prepares the record for certification to the court and by arrangement with the Department of Justice represents the Government in the proceedings before the District Court.

CROSS REFERENCE: For the rules of practice under section 12 (a) of the Hatch Political Activities Act see Part 23 of this chapter.

§ 02.6 *Notice of proposed rule making.* Rules pertaining to the internal management of the Commission or of the Federal Government will be adopted and amended without prior notice or public participation. The procedure to be followed in the formulation of other rules will vary with the nature of the rule, the extent of public interest therein and the practicality of giving public notice. Details of the procedure to be followed will be incorporated in each notice of proposed rule making.

PART 1—COVERAGE

CIVIL SERVICE RULE I

Sec.
1.1 Positions and employees affected by these Rules.

REGULATIONS UNDER CIVIL SERVICE RULE I

1.101 Coverage of the Commission's regulations.

AUTHORITY: §§ 1.1 to 1.101, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE I

NOTE: Text of Civil Service Rule I is contained in E. O. 9830, Title 3, *supra*.

REGULATIONS UNDER CIVIL SERVICE RULE I

§ 1.101 *Coverage of the Commission's regulations.* Except as otherwise indicated in the part concerned, the regulations in this chapter shall apply to all positions and persons subject to the Civil Service Rules.

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

CIVIL SERVICE RULE II

Sec.
2.1 Competitive examinations and eligible registers.
2.2 Apportionment.
2.3 Nature of appointment.

REGULATIONS UNDER CIVIL SERVICE RULE II

2.101 Examinations.
2.102 Competition restricted to veterans.
2.103 Qualifications of applicants.
2.104 Disqualifications of applicants.
2.105 Delayed filing of applications by veterans and persons serving overseas.
2.106 Competitive rating.
2.107 Eligible registers.
2.108 Termination of eligibility.
2.109 Certification for appointment.
2.110 Apportionment.
2.111 Selection for appointment.
2.112 Appointments may be subject to investigation.
2.113 Probational appointment.
2.114 Temporary appointment.

AUTHORITY: §§ 2.1 to 2.114, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE II

NOTE: Text of Civil Service Rule II is contained in E. O. 9830, Title 3, *supra*.

REGULATIONS UNDER CIVIL SERVICE RULE II

§ 2.101 *Examinations.* (a) Examinations for original appointment shall be competitive except that noncompetitive examinations may be authorized when sufficient competent persons do not compete. Examinations for promotion, reassignment, transfer and reinstatement may be noncompetitive.

§ 2.102 *Competition restricted to veterans.* (a) Competition in examinations for the following positions is restricted by law to veterans as long as they are available: Guard, Elevator Operator, Messenger, and Custodian. It shall be the responsibility of each agency to restrict competition to veterans whenever, under delegated authority, it makes appointments to these positions.

(b) Until five years following the official termination of World War II competition in examinations for the following positions is restricted by Executive order to veterans as long as they are available: Correctional officer, Bureau of Prisons, Department of Justice; Veterans' relations adviser, Office of Price Administration; Assistant Contact Officer, Contact Officer, Contact Representative, and Senior Contact Representative, Veterans' Administration.

(c) Positions, examinations for which have been restricted to veterans under paragraphs (a) and (b) of this section, may not be filled by appointment, reappointment, reinstatement, promotion, transfer or reassignment of a nonveteran as long as three or more qualified veterans are available for filling the position, except that a nonveteran employee may be promoted, transferred, or reassigned to a restricted position covered by the same generic title as the position in which he is presently serving.

§ 2.103 *Qualifications of applicants.* (a) Persons admitted to competitive examinations must be citizens of or owe allegiance to the United States. However, citizens of the Republic of Panama may be admitted to examinations for employment by the Panama Canal and the Panama Railroad Company, and until June 30, 1947, citizens of the Republic of the Philippines may be admitted to any examinations.

(b) When a veteran is rated in examinations where experience is an element of qualifications he shall be credited with time spent in the armed forces of the United States either: (1) As an extension of time spent in the position in which employed immediately prior to his entrance into such forces; or (2) On the basis of the actual duties performed therein; or both. Time spent in the armed forces shall be credited according to the method that will be of more benefit to the veteran.

§ 2.104 *Disqualifications of applicants.* (a) An applicant may be denied examination and an eligible may be denied appointment for any of the following reasons:

(1) Dismissal from employment for deliquency or misconduct.

(2) Physical or mental unfitness for the position for which applied.

(3) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.

(4) Intentional false statements or deception or fraud in examination or appointment.

(5) Refusal to furnish testimony as required by § 5.3 of Rule V.

(6) Habitual use of intoxicating beverages to excess.

(7) Reasonable doubt as to loyalty to the United States Government.

(8) Any legal or other disqualification which makes the applicant unfit for the service.

§ 2.105 *Delayed filing of applications by veterans and persons serving overseas.* (a) A ten-point veteran may file application at any time for any position he may specify for which there is an existing register, or a register about to be established, or to which any probational appointment has been made within the preceding three years. Examinations under this section shall be held not later than the quarterly period succeeding that in which the applications were filed.

(b) Applications for an examination for probational appointment will be accepted after the closing date of such examination from the persons described below, subject to the conditions specified:

(1) Any person who was unable to file application for an examination or to appear for any assembled test because of service in the armed forces of the United States, or because of hospitalization continuing for not more than one year following discharge from such forces. He may also file application for any examination announced within 120 days of his separation from the armed forces or hospitalization. Application from such person may be filed while in the armed forces or during hospitalization but must be filed within 120 days of honorable separation from such forces or from hospitalization and prior to the expiration of the register established as a result of the examination. A person serving in the armed forces or undergoing hospitalization will not be certified for appointment until he notifies the Commission that he will soon be available for appointment.

(2) Any citizen who was unable to file application for an examination or to appear for any assembled test because of foreign service with a Federal agency or an international organization in which the U. S. Government participates. He may also file application for any examination announced within 120 days of his return from foreign service. Application from such person may be filed while in foreign service but must be filed within 120 days of his return from foreign service and prior to expiration of the register established as a result of the examination. The applicant must certify, in his application or in a supporting statement, the facts which justify acceptance of his application under this subparagraph. He must show the Federal agency or international organization in which employed in foreign service, and the exact date of departure for and return from foreign service. "Foreign service" as used herein shall be service other than in the United States proper, Hawaii, Alaska, Puerto Rico, the Virgin Islands, and the Canal Zone.

(3) Any person who meets the conditions of subparagraph (1) of this paragraph and leaves the armed forces to enter foreign service with a Federal agency, or an international organization in which the U. S. Government participates, and thus meets the conditions of subparagraph (2) of this paragraph, may file application within 120 days of his return from foreign service for examinations that closed either while he was in the armed forces or while he was in foreign service. Application must be filed prior to the expiration of the register established as a result of such examination.

§ 2.106 *Competitive rating.* (a) The subjects in examinations shall be given such relative weights as the Commission may prescribe. A scale of 100 shall be used and all competitors who meet the minimum entrance requirements and are rated 70 or more, including preference points, shall be eligible for appointment.

§ 2.107 *Eligible registers.* (a) The names of persons who qualify in competitive examinations shall be entered on appropriate registers in the order of their ratings, as may be augmented by veteran preference, subject to apportionment, residence, or other requirements of law or the Commission's regulations.

(b) When an eligible register has been established as the result of open competitive examination the names of the following classes of persons may be entered thereon provided they have a competitive status:

(1) Persons who have a legal right to restoration but fail to be restored to their former positions after service in the armed forces or the Merchant Marine of the United States;

(2) Persons who were transferred with reemployment rights but fail to be reemployed;

(3) Persons declared eligible by the Commission after appeal from separation under section 14 of the Veterans' Preference Act;

(4) Persons who, because of reduction in force, have been, or are about to be separated or furloughed for 30 days or more: *Provided*, That such persons may not have their names entered on more than two registers under this section.

(5) Veterans who have been furloughed or separated without delinquency or misconduct, or who have resigned from the service, and applied for reentry of their names on such register.

Application for entrance on a register under this paragraph must be filed within 90 days of separation or failure of restoration or reemployment. Applicants shall be examined under the same standards used in the open competitive examination and their names shall be entered on the register in the order prescribed by paragraph (a) of this section.

(c) (1) Veterans who were in the armed forces of the United States subse-

quent to May 1, 1940, and for that reason lost eligibility on a register during a period that the register was used for probational appointment, shall have their names entered on the appropriate successor register if they:

(i) Have been honorably separated from the armed forces;

(ii) Are still qualified to perform the duties of the position for which the register is used; and

(iii) Make application for entrance on the register within 90 days after separation from active service or from hospitalization continuing after discharge for a period of not more than one year.

Such persons shall be restored to the successor register, for the life of such register, in accordance with their former ratings as augmented by preference points, except as provided in subparagraph (2) of this paragraph.

(2) Persons who establish eligibility for entrance on a successor register in accordance with subparagraph (1) of this paragraph, shall have their names entered at the top of the appropriate group on the successor register if another person standing lower on the register on which their names formerly appeared was given a probational appointment from such register. For the purpose of determining the appropriate group all 10-point veterans including such restored veterans, will be considered as one group, and all other eligibles including such restored 5-point veterans, as another group. However, for professional and scientific positions for which the basic entrance salary is over $3,000 per annum, all eligibles will be considered as one group.

(3) Persons who meet the conditions for entrance on a successor register in accordance with subparagraph (1) of this paragraph shall have their names listed for certification for probational appointment if no successor register exists and another person standing lower on the register on which their names formerly appeared was given a probational appointment from such register.

§ 2.108 *Termination of eligibility.* (a) Elegibility on any register shall be terminated under the following conditions:

(1) By acceptance of appointment of other than temporary duration from such register.

(2) By action of the Commission terminating the eligibility of all eligibles on such register: *Provided*, That the eligibility of the following classes of persons shall not be terminated in less than one year unless a new register is established on the basis of more exacting requirements which have been determined to be more appropriate for the position concerned:

(i) Veterans entered on the register as a result of examination under section 10 of the Veterans' Preference Act, or of favorable determination of an appeal from dismissal or furlough, or application for restoration after furlough or separation without delinquency or misconduct, or resignation.

(ii) Eligibles entered on the register because of failure to receive mandatory reemployment after military or merchant marine service or transfer.

(iii) Eligibles restored to the register after separation because of reduction in force.

§ 2.109 *Certification for appointment.* (a) Upon receipt of a request for certification of eligibles, there shall be certified from the top of the appropriate register a sufficient number of names to permit the appointing officer to consider three eligibles in connection with each vacancy.

(b) Where no register exists appropriate as a whole for certification for filling a particular request, there may be certified selectively from the most nearly appropriate existing register, in the order of their ranking, the names of persons who are adequately qualified for the particular position to be filled. The Commission may, however, when appropriate, rerate the eligibles on the register on the basis of the particular requirements of the position.

(c) In order to fill existing vacancies in appropriate positions, and to require displacement of temporary and war service appointees who do not have eligibility for permanent retention, the Commission shall certify for probational appointment:

(1) Veterans who qualify in examinations under section 10 of the Veterans' Preference Act and who are entitled to 10-point preference and priority in certification under that statute; and

(2) Veterans entitled to priority in certification under § 2.107 (c) (3) because of lost opportunity for probational appointment due to military service.

(d) Certification shall be made without regard to sex unless the appointing officer, in accordance with the right conferred upon him by law, requests eligibles of a given sex.

§ 2.110 *Apportionment.* (a) Certifications for appointment in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain, as nearly as the conditions of good administration warrant, the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population. However, certification in the following cases shall be made without regard to the apportionment, and appointments in such cases shall be excluded from the apportionment figures:

(1) Certification of veterans.

(2) Certification for appointment to the following positions in all agencies:

(i) Positions in headquarters offices which are located outside the metropolitan area of Washington, D. C.

(ii) Positions in the professional and scientific service for which the entrance salary is over $3,000 per annum.

(iii) Positions in the clerical, administrative and fiscal service classified at Grade 14 and above.

(iv) Apprentice positions in the recognized trades and skilled occupations.

(v) Artisan and helper positions in all trades and skilled occupations, and all phases of the graphic and map reproduction arts that require trade knowledge and manual skill and effort in their performance. However, positions that require only clerical, technical, or professional knowledge in their performance are not excluded from the apportionment.

(vi) Positions of operating engineman, fireman, oiler, general helper, laborer, foreman of laborers, gardener, grounds keeper, animal keeper, chauffeur, truck driver, and telephone operator.

(3) Certification for appointment to all positions in the following agencies:

(i) The Government Printing Office.

(ii) Agency field offices in the metropolitan area of Washington, D. C.

§ 2.111 *Selection for appointment.* (a) An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from among the highest three eligibles available for appointment on the certificate. For the second vacancy he shall make selection from among the three highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled in like manner. An appointing officer may pass over without further consideration any eligible (1) who has been considered for three separate appointments from the same or different certificates, or (2) to whose certification for the particular position he has made an objection which has been sustained by the Commission for any of the reasons stated in § 2.104.

(b) The following procedure shall be followed when an appointing officer passes over a veteran and tentatively selects a nonveteran:

(1) He shall file with the Commission his reasons in detail and in writing for passing over the veteran.

(2) The Commission shall determine the sufficiency or insufficiency of such reasons and notify the appointing officer of its findings.

(3) If the reasons are sufficient the nonveteran tentatively selected may be appointed.

(4) If the reasons are insufficient and the appointing officer still desires to appoint the nonveteran he shall submit:

(i) More detailed information concerning his reasons for passing over the veteran; or

(ii) A statement that he has no more information in support of his selection of the nonveteran.

(5) The nonveteran tentatively selected may not be legally appointed, except as provided herein, until the appointing officer has received the Commission's notice concerning his second statement.

(6) When a certificate has been issued for filling several vacancies a nonveteran may be appointed to one or more of the vacancies prior to receipt of the Commission's findings provided the appointing officer holds open one of the vacancies for further consideration of the veteran in case the reasons for passing him over are found insufficient. Where a seniority system of promotion is established by law, such appointment shall be made on a temporary basis until the vacancy held open is filled by probational appointment.

(7) A copy of the appointing officer's reasons and the Commission's findings shall, upon request, be sent to the veteran or his designated representative.

(c) If, upon certification, reasons deemed sufficient by the Commission for passing over a veteran's name shall three times have been given by appointing officers, certification of his name for appointment will thereafter be discontinued, prior notice of which shall be sent to the veteran.

§ 2.112 *Appointments may be subject to investigation.* (a) In the following types of appointments investigation designed to further establish the individual's qualifications may be made at any time within one year of the personnel action and removal may be ordered by the Commission if such investigation discloses that the individual is disqualified for Federal employment, and all such appointments shall be considered as subject to this condition:

(1) Original probational.

(2) Reappointments.

(3) Reinstatements.

(4) Temporary appointments pending establishment of a register.

(5) Temporary appointments which exceed or are extended beyond six months.

(6) Inter-agency transfers.

(7) Conversions from excepted, war service indefinite, or temporary indefinite positions to competitive positions.

§ 2.113 *Probational appointment.* (a) A person selected for other than temporary appointment shall be given a probational appointment. The first year of service under this appointment shall be a probationary period. The agency shall utilize the probationary period as fully as possible to determine the fitness of each employee and shall terminate his services during such period if he fails to demonstrate fully his qualifications for continued Federal employment.

(b) The following service will be counted toward completion of the probationary period:

(1) Service in the armed forces of the United States during a national emergency when the employee entered such service during his probationary period.

(2) All continuous service under war service indefinite appointment or temporary appointment rendered immediately preceding probational appointment, or acquisition of status under § 3.1 (b) (2), (5) and (7) of Rule III, which was in the same line of work and in the same agency as the position to which probationally appointed or in which status is acquired.

(c) A probationer voluntarily or involuntarily separated from the service without delinquency or misconduct may be restored to the register of eligibles for the remainder of any period of eligibility thereon whenever in the opinion of the Commission he is suitable and eligible for further Federal employment.

§ 2.114 *Temporary appointment*—(a) *Pending establishment of register.* Whenever there are no eligibles upon a register appropriate for filling a vacancy, and the public interest requires that the vacancy be filled before eligibles can be certified, the Commission may authorize temporary appointment. Such appointment shall continue only for such period as may be necessary to make appointment through certification, and in no case, without prior approval of the Commission, shall extend beyond thirty days from the date of the receipt by the appointing officer of a certification of three or more eligibles.

(b) *Pending full certification.* Whenever there are fewer than three eligibles on any appropriate register for a position in which a vacancy exists, the Commission shall certify for consideration for probational appointment those eligibles who are on the register. If the appointing officer shall elect not to make probational appointment from such certification, the vacancy may be filled by temporary appointment pending establishment of a register but the appointing officer will be required to give reasons for passing over a veteran on the certificate.

(c) *Job employment.* When there is work of a temporary character, at the completion of which the services of an additional employee will not be required, a temporary appointment may be made with the prior authority of the Commission for a period not to exceed 6 months. Such temporary appointment shall be made through certification from the Commission's eligible registers unless there are no available eligibles. Such temporary appointment may be extended only if there are no eligibles available for the additional period or after an adequate showing that such extension is necessary to complete the job of work for which the person was originally employed. The Commission may restrict certification for temporary job employment to eligibles that are immediately available because of residence or other conditions.

(d) *Temporary substitutes in Post Offices.* When, in the Post Office Service, the quota of substitutes is filled but the Post Office Department has authorized the appointment of additional substitutes for temporary work of indefinite duration, the Commission will, upon request of the Postmaster, certify eligibles, and selection shall be made, in the same manner as for probational appointment. However, the person selected shall not obtain a competitive status by such appointment, but shall be considered a temporary employee.

(e) *Agency authority to make temporary appointments.* Subject to the conditions specified, the Commission hereby delegates authority to agencies to make:

(1) Emergency appointments without examination in cases of extreme emergency where positions must be filled without delay, and where time does not permit the securing of prior authority of the Commission. Such emergency appointments may not continue for more than 30 days and may not be extended by the agency without the prior approval of the Commission.

(2) Temporary appointments pending establishment of a register, or for job employment as defined in paragraph (c) of this section, until the agencies have been notified that certification for filling particular positions should be secured from the Commission. In making such appointments the agencies shall:

(i) Give preference first to qualified ten-point veterans, second, to qualified five-point veterans, and third, to qualified former Federal employees. (Upon establishment before the Commission that this order of preference has not been followed in any case, the person appointed may be removed); and

(ii) Determine that the applicant meets the qualifications standards prescribed by the Commission for the position applied for.

(f) *Limitations on rights of temporary appointees.* Persons serving under appointments under this section may not be transferred between agencies and shall not be regarded as occupying permanent positions for the purpose of withingrade salary advancements under section 7 of the Classification Act of March 4, 1923, as amended, and shall not by virtue of such appointments be subject to the Civil Service Retirement Act.

CROSS REFERENCE: For regulations governing withingrade salary advancements, see Part 25 of this chapter.

PART 3—ACQUISITION OF A COMPETITIVE STATUS

CIVIL SERVICE RULE III

Sec.

3.1 Classes of persons who may acquire status.

3.2 Appointment without competitive examination in rare cases.

REGULATIONS UNDER CIVIL SERVICE RULE III

3.101 Incumbents of positions brought into the competitive service.

3.102 Certain persons entitled to veteran preference.

3.103 Disabled veterans who have completed a training course.

3.104 Employees who have served in the office of the President or on the White House staff.

3.105 Employees who have been reached on a register.

3.106 Employees reached on a register prior to the War Service Regulations.

3.107 Employees serving in competitive positions without competitive status.

AUTHORITY: §§ 3.1 to 3.107, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE III

NOTE: Text of Civil Service Rule III is contained in E. O. 9830, Title 3, *supra*.

REGULATIONS UNDER CIVIL SERVICE RULE III

§ 3.101 *Incumbents of positions brought into the competitive service.* (a) When the Commission has determined, upon request of the agency, that one of the following situations exists, a person occupying a position when it is brought into the competitive service may be appointed at that time to such position, and may acquire a competitive status therein subject to the requirements of this section:

(1) A permanent excepted position has been brought into the competitive service by statute, Executive order, or revocation of a paragraph of Schedules A or B in accordance with § 6.1 (a) of Rule VI.

(2) The Postmaster General has issued an order for the advancement of any post office from the fourth class to a higher class, or for the consolidation

of any post office with one in which the employees are in the competitive service.

(3) The Federal Government has taken over a public or private enterprise, or an identifiable unit thereof, and continues its functions on a permanent basis, and the Commission concurs with the agency concerned that the employees involved may be retained.

(b) In order to acquire a competitive status under this section an employee must:

(1) Be recommended by the agency in which employed.

(2) Have rendered six months of satisfactory active service in the position that is brought into the competitive service, or in the civilian executive branch of the Government immediately prior to the effective date of the change in status of the position, and continued to serve in such position for sixty days thereafter. In determining this time period the following may be substituted for active service: (i) Active service in the armed forces of the United States; (ii) The period during which an employee's name is carried on the United States employee compensation rolls for disability; and (iii) Leave without pay when granted for educational purposes under Pub. Law 16, 78th Cong., approved March 24, 1943 (57 Stat. 43); Pub. Law 113, 78th Cong., approved July 6, 1943 (57 Stat. 374); and Pub. Law 346, 78th Cong., approved July 22, 1944, 58 Stat. 284 (Servicemen's Readjustment Act of 1944), or because of personal illness of the employee (including maternity leave) after all sick leave has been exhausted.

(3) Pass such examination as the Commission may prescribe. Any law, Executive order, civil service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

(c) Any person appointed under paragraph (a) of this section who fails to meet the requirements for acquisition of a competitive status may, in the discretion of the agency concerned and with the approval of the Commission, be retained in the position occupied at the time his position is brought into the competitive service without acquiring a competitive status, but may not be promoted or transferred to any other competitive position.

(d) A former incumbent of a position which has been brought into the competitive service who left such position in order to perform active service in the armed forces of the United States between May 1, 1940, and the date of the official termination of World War II may acquire a competitive status provided:

(1) His position was brought into the competitive service during his service in the armed forces;

(2) He has been released from the armed forces under honorable conditions;

(3) He is recommended for reinstatement by the same or some other agency;

(4) He meets the requirements of paragraph (b) of this section.

(e) In order to acquire a competitive status any person who was given a war-service indefinite appointment upon the date his position was brought into the competitive service under one of the situations described in paragraph (a) of this section shall meet the following conditions:

(1) His Federal position has become permanent, and he has remained continuously employed in the same agency since such appointment; or

(2) His position in a public or private enterprise has become a permanent position, and he has remained continuously employed in the same establishment since his appointment; and

(3) He must have entered on duty in the Federal agency or public or private enterprise prior to March 16, 1942 for positions in the service generally, or October 23, 1943, for positions in the field service of the Post Office Department; and

(4) He must meet the requirements of paragraph (b) of this section.

(f) Any person who was given a war-service indefinite appointment upon the date his position was brought into the competitive service under one of the situations described in paragraph (a) of this section and who entered on duty subsequent to March 16, 1942 for positions in the service generally, or October 23, 1943, for positions in the field service of the Post Office Department, shall be subject to displacement, or retention if qualified, as war-service appointees in accordance with § 10.112 (a) of this chapter.

§ 3.102 *Certain persons entitled to veteran preference.* (a) Any person who establishes the present existence of a service-connected disability of not less than ten per cent, or any person entitled to wife or widow preference under the Veterans' Preference Act, when such person is serving under a war-service indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year, may acquire a competitive status subject to the following requirements:

(1) The employee shall have served satisfactorily in, and been recommended by the agency concerned. However, the Commission may request an agency to determine whether or not it will recommend the employee for status under this section and shall assume that recommendation has been made unless the agency makes an adverse recommendation within thirty days of receipt of the Commission's request.

(2) If the employee has not satisfactorily completed one year of service he will be required to serve a one-year probationary period. All continuous service in the same line of work as the position in which status is acquired may be counted toward completion of such probationary period.

(3) He must pass such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

§ 3.103 *Disabled veterans who have completed a training course.* (a) When a disabled veteran shall have completed a course of training prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943, 57 Stat. 43, (Pub. Law 16, 78th Cong.), he may be appointed to the position for which the training was received provided the Commission determines that such training is adequate for the performance of the duties of the position. Such veteran may, upon recommendation of the agency concerned, acquire a competitive status upon passing such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

§ 3.104 *Employees who have served in the office of the President or on the White House staff.* (a) Any employee who has served at least two years in the immediate office of the President or on the White House staff may acquire a competitive status subject to the following requirements:

(1) His transfer to the competitive service must be requested by an agency.

(2) He must pass such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment will also disqualify an applicant for acquisition of a competitive status.

§ 3.105 *Employees who have been reached on a register.* (a) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving may acquire a competitive status subject to the following requirements:

(1) He has been continuously employed since his name was reached on such register.

(2) He is recommended for a competitive status, prior to expiration of the register on which his name appears, by the agency in which he was employed when his name was reached.

(b) Such employee will be required to serve a one-year probationary period which shall begin to run from the date he was reached for certification.

(c) A non-veteran employee may not be granted status under this section until all veterans standing higher on the register have been given appropriate consideration under the Veterans' Preference Act.

§ 3.106 *Employees reached on a register prior to the War Service Regulations.* (a) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving may acquire a competitive status subject to the following requirements:

(1) He was appointed to a competitive position for other than temporary job-employment lasting one year or less prior to the date such position was placed under the War Service Regulations.

(2) He has been continuously employed since his appointment and is recommended for a competitive status by the agency in which he is employed.

(3) He stood higher on such register than another eligible who received an original probational appointment therefrom.

§ 3.107 *Employees serving in competitive positions without competitive status.* (a) An employee who has served at least one year under an appointment not limited to one year or less and has received an eligible rating in an open competitive examination appropriate for the position occupied may acquire a competitive status subject to the following conditions:

(1) The Commission is about to require displacement of such employee by certification from the register;

(2) The lowest rating reached in the regular order of certification does not exceed his rating by more than five points.

(b) Where ten-point veterans are placed at the top of the register no person other than a ten-point veteran may be granted status under this section until all ten-point veterans standing higher on the register have been appointed or have been given appropriate consideration under the Veterans' Preference Act.

(c) In no event shall a non-veteran be granted status under this section until all veterans standing higher on the register have been appointed or have been given appropriate consideration under that act.

(d) In determining the required one-year of service, military service may be included when such service was an interruption of the employee's present civilian service.

PART 4—GENERAL PROVISIONS

CIVIL SERVICE RULE IV

Sec.
4.1 Prohibition against political activity.
4.2 Attempting to secure withdrawal from competition.
4.3 Method of filling vacancies.
4.4 Personnel reports.

REGULATIONS UNDER CIVIL SERVICE RULE IV

Prohibition Against Political Activity

4.101 Investigations.
4.102 Investigation by correspondence.
4.103 Proposed order.
4.104 Hearing.
4.105 Final order.
4.106 Penalties.
4.107 Reemployment.

Withdrawal From Competition

4.201 Attempting to secure withdrawal from competition.

Definitions

4.301 Definitions.

AUTHORITY: §§ 4.1 to 4.301, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE IV

NOTE: Text of Civil Service Rule IV is contained in E. O. 9830, Title 3, *supra*.

REGULATIONS UNDER CIVIL SERVICE RULE IV

Prohibition Against Political Activity

§ 4.101 *Investigations.* (a) Investigations of cases involving charges of prohibited political activity on the part of an officer or employee (both hereinafter comprehended within the term "employee") subject to the provisions of § 4.1 of Rule IV shall be conducted jointly by representatives of the Commission and of the agency where the individual is employed, unless either the Commission or the agency signifies that it will be unable to participate in the investigation. The Commission shall be notified of any complaint of political activity received by an agency and shall be given an opportunity to cooperate in any investigation that the agency may decide to make. Likewise, the Commission will not proceed with any investigation until the agency has been notified and has been given an opportunity to participate.

(b) During the course of the investigation the employee shall be afforded an opportunity to make a statement, either personally or in writing, before the investigator, and shall be allowed to furnish names of witnesses who will support the statements he has made to the investigator.

§ 4.102 *Investigation by correspondence.* (a) In case the complaint involves a political activity violation that may be established by record evidence, the investigation may be conducted by correspondence. In such cases, the accused employee will be given an opportunity to furnish in writing any statement or information that he may desire and the employing agency will be furnished a copy of the letter directed to such accused employee allowing him the opportunity to furnish a statement.

§ 4.103 *Proposed order.* (a) When the Commission reaches the conclusion that a violation of § 4.1 of Rule IV has been established by the investigation, it shall issue a proposed order. This order, which shall include a statement of the charges against the employee and of the information in support thereof, shall be sent to the employee by registered mail, and he shall be allowed 15 days from the date of service to respond thereto in writing. A copy of this order shall also be sent to the agency in which the individual is employed. With his reply to the proposed order, the employee may request a hearing as hereinafter provided.

§ 4.104 *Hearing.* (a) The granting of a hearing shall not be a matter of right but shall be within the discretion of the Commission. No hearing shall be authorized in cases where the employee has admitted a violation or where a violation is established by indisputable record evidence.

(b) Hearings shall be held before a Hearing Examiner designated by the Commission and shall be at the Commission's office in Washington, D. C., unless the Commission shall order that the hearing be held elsewhere. All testimony shall be under oath or affirmation. The employee may appear personally or by or with counsel. Counsel appearing shall have been admitted to practice before the Commission in accordance with Rule 4 of the rules of practice under the act of August 2, 1939 as amended (§ 23.4 of this chapter).

(c) The hearing shall be of the limited scope necessitated by the Commission's lack of the power of subpena in proceedings under § 4.1 of Rule IV. Because of the absence of that authority, it cannot undertake to conduct said hearing as a proceeding de novo, or to have evidence introduced therein in support of the charges against the respondent. Owing to the lack of subpena power, evidence in support of charges must be limited to information given voluntarily. Such information is obtained upon an understanding of confidential treatment. Consequently, evidence supporting the charges cannot be introduced at the hearing. The hearing shall be unilateral, that is, it shall be only for the presentation of evidence on behalf of the employee in rebuttal of the charges disclosed by the proposed order. Counsel for the Commission may cross-examine witnesses.

(d) It shall be within the discretion of the Hearing Examiner to permit, and fix the time for, filing of briefs. The proceedings at the hearing will not be reported, unless the Commission shall so direct; but the employee shall have the privilege of himself having the evidence taken stenographically. If the proceeding is not taken by a reporter on behalf of the Commission, the employee and Commission counsel shall submit a summary thereof to the Hearing Examiner within a time fixed by him. Any disagreement concerning the contents of the summary shall be resolved by the Examiner, and the parties may file written exceptions. The summary and any exceptions shall be certified by the Hearing Examiner and shall become a part of the record.

§ 4.105 *Final order.* (a) The Commission's final order shall be based on the entire record of the case, including the report of the investigation, the reply of the employee to the proposed order, and in cases where a hearing has been granted, the report of the Hearing Examiner. If the employee does not reply to the proposed order within 15 days from the date of service, a final order shall be based on the report of investigation alone.

(b) The final order shall contain a statement of the charges that have been substantiated and shall prescribe the penalty to be imposed. Copies of the final order shall be served on the respondent and on the agency wherein the individual is employed.

§ 4.106 *Penalties.* (a) Since violations of § 4.1 of Rule IV are by law violations also of section 9 (a) of the Hatch Act, the penalty required by that act must of necessity be imposed. The employee must be immediately removed from the position or office held and may not again be employed in such position or office. If the appointing officer fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall certify the facts to the head of the agency concerned for proceedings for withholding salary in accordance with § 5.5 of Rule V.

(b) When the Commission directs the removal of an employee for a violation of § 4.1 of Rule IV, and the Hatch Act, the penalty laid down in § 4.106 (a) shall be applied, even where the agency reports that the individual has been removed, on grounds other than a violation

of § 4.1 of Rule IV and the Hatch Act. Such individual may not again be employed in the position from which he was removed. The provisions of § 4.107 regarding reemployment in positions other than the one from which removal was effected shall also apply.

(c) The above procedure shall apply also where an employee has resigned from his position or office prior to the Commission's determination that he had violated § 4.1 of Rule IV, and the Hatch Act.

§ 4.107 *Reemployment.* (a) An employee removed for violation of § 4.1 of Rule IV may be reemployed in accordance with the provisions of the regulations in this chapter in any position for which he can qualify other than one the salary or compensation of which is payable under the same appropriation as the position from which removed: *Provided*, That in all cases involving a finding that a Federal employee has engaged in prohibited political activity, the Commission shall consider the matter from a suitability standpoint and shall establish a definite period of debarment applicable to the employee for all Federal positions within the Commission's jurisdiction.

Withdrawal From Competition

§ 4.201 *Attempting to secure withdrawal from competition.* (a) Applicants for competitive examination, or eligibles on any register, or officers or employees in the executive branch, shall not directly or indirectly persuade, induce, or coerce, or attempt to persuade, induce, or coerce any prospective applicant, applicant, or eligible to withhold filing application or to withdraw from competition or eligibility for positions in the competitive service for the purpose of either improving or injuring the prospects for appointment of any such applicant or eligible. The penalty for violation of this section by applicants or eligibles shall be cancellation of application or eligibility, as the case may be, and such other penalty as the Commission may deem appropriate.

Definitions

§ 4.301 *Definitions.* (a) As used in the regulations in this chapter:

(1) "Agency" means any executive department or independent establishment of the Federal Government, including a Government owned and controlled corporation, and any portion of the legislative and judicial branches and of the Government of the District of Columbia insofar as they have positions subject to the Civil Service rules and regulations.

(2) "Appointing officer" means a person having power by law, or by lawfully delegated authority, to make appointments.

(3) "Armed forces" means the armed forces of the United States.

(4) "Competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service" or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches and of the District of Columbia Government which are specifically made subject thereto by statute. Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status.

(5) "Competitive status" means a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service rules and regulations for such noncompetitive actions. A competitive status is acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service rules.

(6) "Continuous service" means an active duty status but may include a break in service of not more than 30 calendar days.

(7) "Demotion" means a change from one position to another position of lower grade or lower minimum salary during continuous service within the same agency.

(8) "Metropolitan area of Washington, D. C." means the area so defined by the Bureau of the Census, and includes the District of Columbia, and Alexandria City, Arlington County, and part of Fairfax County, Virginia, and parts of Montgomery and Prince Georges Counties, Maryland.

(9) "Military service" means active service in the armed forces of the United States.

(10) "Promotion" means a change from one position to another position of higher grade or higher minimum salary during continuous service within the same agency.

(11) "Reassignment" means a change, without promotion or demotion, from one position to another position in a different line of work (such as from clerk to stenographer, chauffeur to guard, etc.) or in the same line of work (such as from clerk-searcher to clerk-recorder) or in service (such as subprofessional to clerical, administrative and fiscal) during continuous service within the same agency.

(12) "Removal" means separation from the service on charges of delinquency or misconduct, or because the employee's capacity is not sufficient to justify his retention in the service.

(13) "Rule" means Civil Service rule.

(14) "Suspension" means a temporary non-pay status and absence from duty required by the appointing officer for disciplinary reasons, or for other reasons pending inquiry.

(15) "Temporary indefinite" means temporary pending establishment of a register.

(16) "Transitional period" means the period from the revocation of the War Service Regulations to the establishment of registers of sufficient eligibles for probational appointment, or to the time particular positions can be filled by persons having a competitive status without the establishment of a register, as may be determined by the Commission.

(17) "Transfer" means a change of position during continuous Federal service from one agency to another, or within the same agency from one official headquarters to another or from one organizational unit to another.

(18) "Veteran" means a person entitled to preference under the Veterans' Preference Act of 1944, including a person entitled to wife or widow preference under that act.

(19) "War Service Regulations" means the regulations issued by the Commission pursuant to Executive Order No. 9063 of February 16, 1942, as amended, and in effect from March 16, 1942 to March 7, 1946.

PART 5—REGULATIONS; INVESTIGATION AND ENFORCEMENT

CIVIL SERVICE RULE V

Sec.
5.1 Regulations.
5.2 Authority of the Commission to make investigations.
5.3 Officers and employees to furnish testimony.
5.4 Authority of the Commission to issue instructions as to discipline or separation.
5.5 Withholding salary.

AUTHORITY: §§ 5.1 to 5.5, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE V

NOTE: Text of Civil Service Rule V is contained in E. O. 9830, Title 3, *supra*.

REGULATIONS UNDER CIVIL SERVICE RULE V

NOTE: No regulations have been issued under Civil Service Rule V.

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL SERVICE RULE VI

Sec.
6.1 Positions excepted from the competitive service.
6.2 Assignment of excepted employees.
6.3 Requirements of the Veterans' Preference Act.
6.4 Lists of positions excepted from the competitive service.

REGULATIONS UNDER CIVIL SERVICE RULE VI

6.101 Regulations for the administration and enforcement of the Veterans' Preference Act in connection with positions excepted from the competitive service.

AUTHORITY: §§ 6.1 to 6.101, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE VI

NOTE: Text of Civil Service Rule VI is contained in E. O. 9830, Title 3, *supra*.

REGULATIONS UNDER CIVIL SERVICE RULE VI

§ 6.101 *Regulations for the administration and enforcement of the Veterans' Preference Act in connection with positions excepted from the competitive service.* (a) The regulations issued by the Commission pursuant to section 11 of the Veterans' Preference Act of 1944 for the administration and enforcement of the provisions of that act in connection with positions excepted from the competitive service shall be followed by agencies with respect to positions listed in Schedules A and B of the rules (§ 6.4 of Rule VI) and positions excepted from the competitive service by statute.

CROSS REFERENCE: For regulations governing appointment to positions excepted from the competitive service, see Part 21 of this chapter. For regulations governing appeals of preference eligibles under the Veterans' Preference Act, see Part 22 of this chapter.

PART 7—REINSTATEMENT

Sec.
7.101 General requirements for reinstatement of persons who have competitive status.
7.102 Extension of time limits after certain types of employments.
7.103 Commission approval required for certain reinstatements.
7.104 Agency authority for reinstatement.

AUTHORITY: §§ 7.101 to 7.104, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 7.101 *General requirements for reinstatement of persons who have competitive status.* (a) A person having a competitive status at the time of separation from the Federal service may be reinstated subject to the following requirements:

(1) Reinstatement must be made within one year of separation if the period of service was less than two years, within two years if the period of service was two years or more but less than three years, within three years if the period of service was three years or more but less than four years, within four years if the period of service was four years or more but less than five years, and without time limitation if the period of service was five years or more.

(2) If separated during his probationary period, reinstatement must be made within one year of separation; but such reinstatement may be made only in the same agency and in the same type of position, grade, and locality, and shall be subject to completion of probation.

(3) Veterans may be reinstated without regard to any time limitations specified in this section.

(4) The qualifications standards of the Commission for promotion or reassignment to the position must be met.

(5) The applicant must be eligible under the apportionment quota restrictions of § 2.110 of this chapter unless he is a veteran or has previously served in the apportioned service. However, the Commission may, upon request of the agency, waive the apportionment when the reinstatement is in the interest of good administration.

§ 7.102 *Extension of time limits after certain types of employments.* (a) The period of eligibility for reinstatement of any person with a competitive status who left his position and within thirty days entered on duty in one of the following described employments, shall begin to run from the date of termination of continuous and satisfactory service in such employment:

(1) An excepted position in the executive branch of the Government.

(2) A position in the judicial branch of the Government or in the executive or judicial branches of the insular possessions of the United States.

(3) The legislative branch of the Government.

(4) The service of an international governmental organization, or of a Territorial, State, county, municipal or foreign government in a position in which he has acquired valuable training and experience for the position to be filled.

(5) A training course in any educational institution of recognized standing when the Commission finds that he has acquired valuable training or experience for the position to be filled.

(6) Compulsory service on work of national importance under civilian direction as required by the Selective Training and Service Act.

§ 7.103 *Commission approval required for certain reinstatements.* (a) A certificate by the Commission authorizing the reinstatement must be obtained by any agency when:

(1) A waiver of the apportionment is requested in the interest of good administration.

(2) A former employee eligible under § 7.102 is proposed for reinstatement.

(3) The person proposed for reinstatement was removed for cause from his last position in the Federal or District of Columbia Government, or when his removal was made at the specific request of the Commission for any of the reasons stated in § 2.104 of this chapter.

(b) Prior approval of the qualifications of the person proposed for reinstatement must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which reinstatement is proposed.

(2) The Commission has not issued qualifications standards for such position unless reinstatement is to be made to a position in the same (or lower) grade in the same line of work as a position previously held in the Federal service.

§ 7.104 *Agency authority for reinstatement.* (a) The Commission hereby delegates authority to agencies to reinstate any person who meets the requirements of § 7.101 except where a certificate of the Commission is required by § 7.103 (a). However, prior approval of qualifications must be obtained in cases falling under § 7.103 (b).

(b) The Commission may disapprove any reinstatement, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

PART 8—PROMOTION, REASSIGNMENT, AND TRANSFER

Sec.
8.101 General requirements for promotion, reassignment, and transfer of employees who have competitive status.
8.102 Commission approval required for certain promotions, reassignments, and transfer.
8.103 Agency authority for promotion, reassignment, or transfer.
8.104 Status and tenure unchanged.

AUTHORITY: §§ 8.101 to 8.104, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 8.101 *General requirements for promotion, reassignment, and transfer of employees who have competitive status.* (a) An employee having a competitive status may be promoted, reassigned, or transferred subject to the following requirements:

(1) The qualifications standards of the Commission for promotion or reassignment to the position must be met.

(2) An employee serving in a position in the clerical, administrative and fiscal service classified at Grade 7 or a comparable or higher salary level, who has served continuously in the field or nonapportioned service of an agency for at least the three years immediately preceding, may be transferred, promoted, or reassigned to an apportioned position in the same agency without regard to the apportionment. In all other transfers, promotions, or reassignments the employee must be eligible under the apportionment quota restrictions of § 2.110 of this chapter unless he is a veteran or has previously served in the apportioned service. However, the Commission may, upon request of the agency, waive the apportionment when the transfer, promotion, or reassignment is in the interest of good administration.

(3) He must complete the probationary period in the new position if he is promoted, reassigned, or transferred before completion of probation.

§ 8.102 *Commission approval required for certain promotions, reassignments, and transfers.* (a) A certificate by the Commission authorizing the promotion, reassignment, or transfer must be obtained by an agency when a waiver of the apportionment is necessary and requested in the interest of good administration.

(b) Prior approval of the qualifications of the employee proposed for promotion, reassignment, or transfer must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, reassignment, or transfer is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment or transfer is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

§ 8.103 *Agency authority for promotion, reassignment, or transfer.* (a) The Commission hereby delegates authority to agencies to promote, reassign, or transfer an employee who meets the requirements of § 8.101 except where a certificate of the Commission is required by § 8.102 (a). However, prior approval of qualifications must be obtained in cases falling under § 8.102 (b).

(b) The Commission may disapprove any promotion, reassignment, or transfer, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

§ 8.104 *Status and tenure unchanged.* (a) The status or tenure of an employee will not be changed by promotion, re-

assignment, or intra-agency transfer under this part. No time limit administratively placed on an appointment by inter-agency transfer shall affect the employee's right to permanent tenure in the agency in which employed unless he was transferred to a position with a time limitation of six months or less.

PART 9—SEPARATIONS AND DEMOTIONS

Sec.
9.101 Agency responsibility for separation or demotion of employees.
9.102 Procedure in separating or demoting permanent and indefinite employees.
9.103 Procedure in separating employee serving a probationary or trial period.
9.104 Procedure in separating temporary employees.
9.105 Authority of Commission to investigate separations.
9.106 Effect of removal on future employment.
9.107 Suspensions.

AUTHORITY: §§ 9.101 to 9.107, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 9.101 *Agency responsibility for separation or demotion of employees.* (a) The employing agency shall remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment will promote the efficiency of the service. The grounds for disqualification of an applicant for examination stated in § 2.104 of this chapter shall be included among those constituting sufficient cause for removal of an employee.

(b) The discretion vested in the appointing officer to remove employees under his jurisdiction, or to take other disciplinary action, is subject only to the following restrictions:

(1) Employees serving under other than a probational or temporary appointment in the competitive service shall not be removed, or demoted except for such cause as will promote the efficiency of the service and in accordance with the procedure prescribed in § 9.102.

(2) Discrimination shall not be exercised in removals or demotions because of an employee's religious opinions or affiliations, or because of his marital status or race, or except as may be required by law, because of his political opinions or affiliations.

(3) Like penalties shall be imposed for like offenses whenever removals or demotions are made, or when other disciplinary actions are taken.

§ 9.102 *Procedure in separating or demoting permanent and indefinite employees.* (a) One of the following procedures shall be followed in connection with the removal, involuntary separation (other than retirement for age or disability), furlough in excess of 30 days, or demotion of any permanent or war service indefinite employee in the competitive service unless he is serving a probational or trial period. The procedural requirements of this section shall not apply to any person serving under temporary appointment, or whose removal is requested by the Commission under § 5.4 of Rule V.

(1) *Charges preferred against nonveteran employees.* Prior to separation or demotion for cause, the agency shall notify the employee in writing of the action proposed to be taken. This notice shall set forth specifically and in detail the charges preferred against him. The employee shall be allowed a reasonable time for personally answering such charges in writing and for furnishing affidavits in support of his answer. He shall not, however, be entitled to an examination of witnesses nor a trial or hearing except in the discretion of the agency. If the employee answers the charges, his answer must be considered by the agency. If, upon consideration of the evidence, the agency determines that the removal or other action is warranted, the employee shall be notified in writing of the reasons for the action taken and its effective date. Copies of the charges, notice of hearing (if any), answer, reasons for removal or other action, and of the notice of action taken shall be made a part of the records of the department or agency concerned.

(2) *Removal or other actions affecting veterans.* The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed in connection with the removal, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation of any veteran.

(3) *Separations or reductions in compensation required by official efficiency ratings.* The instructions promulgated by the Commission for the administration of the Uniform Efficiency Rating System required by section 9 of the Classification Act of 1923, as amended, shall be followed whenever the dismissal or reduction in compensation of an employee is based on the official efficiency rating assigned to him under that system.

(4) *Reduction in force.* The Retention Preference Regulations for use in reductions in force promulgated by the Commission pursuant to section 12 of the Veterans' Preference Act (Part 20 of this chapter) shall be followed whenever the employee's separation or furlough in excess of 30 days is caused by a reduction in force.

(5) *Demotion for administrative reasons.* A nonveteran whose demotion is proposed for administrative reasons shall be notified in writing of the reasons why his demotion will promote the efficiency of the service and of his right to appeal his demotion to the head of the agency concerned through the grievance procedures adopted by the agency. The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed whenever a veteran's demotion is proposed for administrative reasons.

§ 9.103 *Procedure in separating employee serving a probationary or trial period.* (a) Any person serving a probationary or trial period shall be given a full and fair trial in the performance of the duties of the position to which appointed. If the performance of his duties or his conduct is not satisfactory to the agency his services shall be terminated by notifying him in writing of the reasons for his separation and of its effective date. The Retention Preference Regulations (Part 20 of this chapter) shall be followed whenever a probationer's separation is caused by reduction in force.

§ 9.104 *Procedure in separating temporary appointees.* (a) A person serving under a temporary appointment may be separated at any time upon notice in writing from the appointing officer.

§ 9.105 *Authority of Commission to investigate separations.* (a) Except as required by section 14 of the Veterans' Preference Act, the Commission shall not investigate or review the sufficiency of the reasons for removal, reassignment, or reduction in rank or compensation of an employee.

(b) The Commission may investigate the removal, reassignment, or demotion of an employee when such employee establishes a prima facie case that:

(1) The procedure prescribed by the Commission under § 9.102 (a) (1) has not been followed; or

(2) The removal, reassignment, or demotion was made for political reasons, except as may be required by law, or for religious reasons, or resulted from discrimination because of marital status or race.

§ 9.106 *Effect of removal on future employment.* (a) An employee who has been removed on charges shall not solely for that reason be ineligible for further employment in the competitive service. His suitability for further employment will be determined by the Commission upon receipt of an official request for his reinstatement or when he files application for an examination.

§ 9.107 *Suspensions.* (a) The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed whenever a veteran is suspended for more than 30 days unless he is serving a probationary or trial period. Any nonveteran may be suspended for a period not to exceed 90 days pending action under § 9.102 (a) (1) or for disciplinary reasons. The period of suspension may be extended beyond 90 days with the prior consent of the Commission. The reasons for suspension shall at the time of the suspension be filed in the records of the department or agency concerned.

PART 10—SPECIAL TRANSITIONAL PROCEDURES

Sec.
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AUTHORITY: §§ 10.101 to 10.113, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 10.101 *Method of filling vacancies.* (a) (1) Until agencies have been notified by the Commission that the procedures provided in the regulations in this part for the transitional period may no longer be used for particular positions, a vacancy may be filled by any person eligible under this part or by a temporary appointment pending establishment of a register in accordance with § 2.114 (e) of this chapter. A vacancy in any position for which such notice has been issued shall be filled only by a person having a competitive status or by selection for probational appointment from an eligible register.

(2) The requirements of Parts 7 and 8 of this chapter must be followed whenever a vacancy is filled by a person having a competitive status.

(b) The authority to fill vacancies by temporary appointment, or by persons eligible under this part, may be suspended by the Commission whenever, in accordance with § 2.109 (c) of this chapter, it certifies to an agency the name of veterans examined under section 10 of the Veterans' Preference Act or entitled to priority in certification because of lost opportunity for probational appointment due to military service.

§ 10.102 *Reappointment of war service indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), any former employee who served under a war service indefinite appointment at any time during his last continuous service may be reappointed within 30 days of separation if he meets the qualifications standards of the Commission for promotion or reassignment to the position: *Provided*, That this period may be extended to 90 days in the case of an employee who proves by a certificate signed by the head of a liquidated agency by which he was last employed that he had been required by the exigencies of the service to serve continuously in active duty during the final two months of the agency's operations and through the final date of its liquidation.

§ 10.103 *Promotions, reassignment, and transfer of war service indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), any employee who, during his current continuous service, has served under a war service indefinite appointment may be promoted, reassigned, or transferred if he meets the qualifications standards of the Commission for promotion or reassignment to the position.

§ 10.104 *Promotion, reassignment, and transfer of temporary indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), an employee serving under temporary indefinite appointment may be promoted, reassigned, or transferred only within the same agency. Such employee must meet the qualifications standards of the Commission for promotion or reassignment to the position.

§ 10.105 *Agency authority to make promotions, reassignments; transfers and reappointments during the transitional period.* (a) The Commission hereby delegates authority to agencies to promote, reassign, transfer, or reappoint any employee who meets the requirements of this part. However, prior approval of the qualifications of the person proposed for promotion, reassignment, transfer, or reappointment must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, reassignment, transfer, or reappointment is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment, transfer, or reappointment is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

(b) The Commission may disapprove any promotion, reassignment, transfer, or reappointment, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

§ 10.106 *Tenure under this part.* (a) The tenure of an employee will not be changed by promotion, reassignment, transfer, or reappointment under this part unless he is assigned to a position with a time limitation of six months or less. However, an employee who has served under war service indefinite appointment and then received an excepted appointment shall be considered as having a war service appointment when promoted, reassigned, transferred, or reappointed under this part.

§ 10.107 *Status and tenure of persons having competitive status who were transferred or reappointed under the War Service or Temporary Civil Service Regulations.* (a) No employee who was transferred from a probational or permanent civil service appointment during the period the War Service Regulations or the Temporary Civil Service Regulations were in effect shall by reason of such transfer, lose his right to permanent tenure. No time limit administratively placed on the appointment to the position to which transferred without his consent shall affect the employee's rights to permanent tenure in the agency by which employed.

(b) Any employee who, on or after March 16, 1942, (or in the case of the Post Office field service, on or after October 23, 1943) was appointed or reappointed (or whose appointment was automatically converted to a war service appointment) under the War Service Regulations without break in service of 30 calendar days or more after satisfactory service and separation from a probational or permanent Civil Service appointment, shall be entitled to the same benefits he would have had under reinstatement under the Civil Service rules. Such an employee has permanent tenure and competitive status in the agency in which employed unless he was appointed or reappointed with a time limitation of one year or less. An employee reappointed under the Temporary Civil Service Regulations will have the same civil service status and tenure in the agency to which reappointed as he had in the agency in which he last served unless he was reappointed with a time limitation of six months, or less.

§ 10.108 *Statutory restoration after military service.* (a) Any civilian employee of the executive branch of the Government who has left or leaves a position (other than a temporary position) in order to perform active service in the armed forces of the United States shall be restored to the position he left, or if that position does not exist, to a position of like seniority, status, and pay. Restoration shall be made within 30 days of application for reemployment. In order to be entitled to restoration under this section the employee shall (1) have been honorably separated from the armed forces; (2) be qualified to perform the duties of the position; and (3) make application for reemployment within 90 days after he is relieved from active service, or from hospitalization continuing after discharge for a period of not more than one year.

(b) Failure of the agency to act within the 30-day period will not affect the employee's right to restoration. The employee's tenure with the agency will determine whether he left other than a temporary position. The fact that the last position the returning veteran held through promotion or reassignment carried a time limitation will not of itself affect his right to be restored to that position or one of like seniority, status, and pay.

§ 10.109 *Regulatory restoration after military service.* (a) Any civilian employee in the competitive service who has left or leaves a temporary position in order to perform active service in the armed forces of the United States shall be reemployed either in the position he left, or one of like seniority, status, and pay in the same geographical locality in which formerly employed, so long as such a position is occupied by an employee with lower retention preference. His reemployment shall be subject to the following requirements: The employee shall (1) have been honorably separated from the armed forces; (2) be qualified to perform the duties of the position; (3) make application for reemployment within 90 days after he is relieved from active service, or from hospitalization continuing after discharge for a period of not more than one year; and (4) have

been serving under an appointment not limited to one year or less when he entered the armed forces. Reemployment under this section shall be made within 30 days of application but shall not require the removal through reduction in force of any employee with higher retention preference, nor extend the limitation placed on the employee's original appointment.

(b) Failure of the agency to act within the 30-day period will not affect the employee's right to reemployment. The fact that the last position the returning veteran held through promotion or reassignment carried a time limitation will not of itself affect his right to be restored to that position or one of like seniority, status, and pay.

(c) Any person who, in order to perform active service in the armed forces of the United States, has left or leaves a position in a public or private enterprise (other than a temporary position limited to one year or less) which was or is subsequently taken over by the Federal Government shall be entitled to reemployment in accordance with this section. Upon such reemployment he shall be entitled to all the benefits accorded other employees taken over by the Government.

§ 10.110 *Restoration in another agency.* (a) In lieu of restoration in the agency he left, any person who meets the conditions of §§ 10.108 or 10.109 for restoration after service in the armed forces may be reemployed under this section in any other agency, in that agency's discretion, in any position for which he meets the qualifications standards of the Commission for promotion or reassignment to such position. The prior approval of the Commission for such reemployment shall be required only when:

(1) It is desired to make an exception to the qualifications standards for the position to which reemployment is proposed;

(2) The Commission has not issued qualifications standards for such position unless reemployment is to be in a position in the same (or lower) grade in the same line of work as a position previously held in the Federal service.

(b) Any person reemployed under this section may, to the extent consistent with law, be extended all of the benefits that he would have received if he had been restored in the agency he left to enter the armed forces. Reemployment under this section of a person having regulatory restoration rights shall not extend the limitation placed on his original appointment.

§ 10.111 *Reemployment benefits after transfer.* (a) Any person, except one who was holding a temporary position, who was transferred by the Commission with reemployment rights under authority of Executive Order No. 8973 or 9067 or War Manpower Commission Directive No. X, shall be entitled to the rights specified in paragraph (b) of this section if he:

(1) Gives the agency in which he has reemployment rights 30 days' advance written notice of his intent to exercise his reemployment rights and that he has secured the consent of the agency in which he is employed, or upon appeal, of the Commission, to the exercise of such rights: *Provided*, That such notice may not be withdrawn by the employee without forfeiture of his rights under this section. If furloughed or separated from the activity to which transferred, he shall give such advance notice not later than 40 days after such furlough or separation. In any event, such notice shall be given not later than six months after the end of World War II as officially determined.

(2) Is still qualified to perform the duties of the position.

(b) Any person meeting the requirements of paragraph (a) of this section shall be entitled to the following rights:

(1) If his transfer was to another Federal agency, he shall be entitled to 30 days' notice from the agency to which he was transferred, prior to the termination of his services with such agency, unless such termination is for cause.

(2) He shall be reemployed within 30 days of his application in the same agency and to the maximum extent practicable, in the same locality, in his former position, or in a position of like seniority, status, and pay, in such manner, to the extent consistent with law, that he does not lose any of the rights or benefits to which he would have been entitled had he not been transferred or released: *Provided*, That such a position then exists that is not held by a person having higher retention preference.

(c) In the event of the transfer of any employee under a series of transfers, all of which were with reemployment rights, such reemployment rights shall continue to be applicable only to the agency from which the employee was originally transferred.

(d) An employee who was transferred within the Government service with reemployment rights, or an employee who was transferred with reemployment rights from a Government position for employment in an essential activity conducted by a public or private enterprise, and who, while employed in the agency or enterprise to which transferred, enters active service with the armed forces of the United States, shall be entitled to the same reemployment rights with respect to the Government position from which he was transferred as those to which he would have been entitled had he entered active military or naval service while employed in such Government position.

(e) A person initially appointed for the duration of the war who was transferred with reemployment rights will not be required to be reemployed at the cessation of the war (as officially determined) in the agency in which he was originally employed.

(f) Whenever an agency is considering filling any position by promotion from within the agency, it may give the same consideration to a former employee who has transferred from that agency with reemployment rights therein as he would have received if he still occupied the position he left. Such a former employee may be selected for the promotion, and, if he is not authorized to return at that time to the position to which promotion is made, his reemployment rights at the time application is made for reemployment in the agency shall be applicable to the position to which promotion was made during his absence.

(g) The regulations issued by the Commission pursuant to Executive Order No. 9721 of May 10, 1946 (Part 26 of this chapter), authorizing the transfer with reemployment rights of civilian employees of the executive branch of the Government to public international organizations in which the United States Government participates, shall be followed in connection with such transfers.

§ 10.112 *Replacement of War Service and temporary appointees.* (a) Upon the establishment of appropriate registers of eligibles through either restoration under § 2.107 (c) of this chapter of persons who lost opportunity for probational appointment because of military service, or entrance of the names of ten-point veterans under section 10 of the Veterans' Preference Act, or competitive examination, or when the Commission determines that positions can be filled by promotion, transfer, reassignment or reinstatement of persons having a competitive status without the necessity of establishing an appropriate register, the Commission shall require the displacement of persons occupying positions in the competitive service who do not have permanent tenure. The displacement of such persons shall be made in the following order:

(1) War-service and other temporary appointees who have not qualified in the appropriate examination.

(2) All other war-service and all other temporary appointees unless they are reached and selected for probational appointment, or acquire a competitive status in accordance with § 3.1 (b) (7) of Rule III.

(b) The Commission shall determine the duration of war-service appointments, but no such appointment may extend beyond the six months period following the official termination of World War II unless specifically authorized by the Commission.

§ 10.113 *Release requirements for appointment, reappointment, reinstatement, or transfer under the regulations in this chapter.* (a) A release shall be required before effecting an appointment, reappointment, reinstatement, or transfer under the regulations in this chapter of a person who is serving, or has served within 30 days, in another agency. This provision shall not apply to a person who is serving, or last served, under an appointment limited to six months or less.

(b) Such release may be granted by the agency of present or last employment or, upon appeal, by the Commission. An official notice of actual or impending separation because of reduction of force or an official notice of furlough shall constitute a release.

(c) An agency shall not deny a release except on the grounds of undue jeopardy to the operations of the agency and in no event shall a release be denied where to do so would constitute undue personal hardship to the applicant. Whenever a release is denied by an agency the applicant shall be advised in writing of the reasons for denial and of his right to appeal to the appropriate office of the Commission. Such appeals shall be in writing and accompanied by the notice of denial by release by the agency.

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

Sec.

20.1 Extent of part.
20.2 Definitions.
20.3 Retention preference; classification.
20.4 Completion of employee records.
20.5 Determination of competitive area.
20.6 Special rule relating to consolidations and mergers.
20.7 Compilation of retention register.
20.8 Sequence of selection.
20.9 Actions.
20.10 Notice to employees.
20.11 Reports to the Commission.
20.12 Special rules on liquidation.
20.13 Appeals.
20.14 Actions disapproved by the Commission.

AUTHORITY: §§ 20.1 to 20.14, inclusive, issued under sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861.

§ 20.1 *Extent of part.* The regulations in this part establish degrees of retention preference and uniform rules for reductions in force. They apply to all civilian employees in the executive branch of the Federal Government, and in the municipal government of the District of Columbia, except those whose appointments are required to be approved by the Senate, and those who are appointed by the President of the United States.

§ 20.2 *Definitions.* For the purpose of the regulations in this part definitions are given for words, terms, and phrases as follows:

(a) "Reduction in force" means the involuntary separation from the rolls of a department, or furlough in excess of thirty days, of one or more employees in order to reduce personnel. Reduction of personnel may have to be made because of lack of funds, personnel ceilings, reorganization, decrease of work, to make a position available for a former employee with established reemployment or restoration rights, or for other reasons. However, the term does not apply to (1) termination of temporary appointments limited to one year or less, (2) retirement of employees, or (3) separations for unsatisfactory service.

(b) "Retention groups" and "subgroups" means classes of employees entitled to the same degree of retention preference on the basis of tenure of employment and veteran preference.

(c) "Retention credits" are credits for length of service and efficiency ratings in determining retention order in each retention subgroup. They are computed by allowing one point for each full year of Federal Government service plus five points for an "Excellent" efficiency rating, three points for a "Very Good" efficiency rating, and one point for a "Good" efficiency rating. This paragraph shall be effective with respect to notices in reductions in force issued on and after September 15, 1946, or, with respect to individual agencies, at any date prior thereto at the option of the agency: *Provided*, That, with respect to ungraded positions under the Navy Department this paragraph shall be effective on October 15, 1946.

(d) "Federal Government service" means the total of all periods of service eligible for consideration for civil service retirement purposes, without regard to whether the employee is eligible or will be eligible actually to receive retirement benefits. All active military service is counted whether or not veteran preference is given therefor or whether it is eligible to be considered for civil service retirement purposes. Total service shall consist only of full years of creditable service, but fractions of a year shall be considered in arriving at the total.

(e) "Efficiency rating" means (1) for employees paid under the compensation schedules of the Classification Act of 1923 as amended or of Executive Order No. 6746, the current official efficiency rating under the Uniform Efficiency Rating System; and (2) for other employees the current efficiency rating under an efficiency rating system which is in general compliance with the uniform system.

Administratively adopted efficiency rating systems not in general compliance with the uniform system may be used for determining retention credits with the prior approval of the Commission.

(f) "Veteran preference employee" means an employee entitled to veteran preference under the Veterans' Preference Act of 1944.

(g) "Department" means an entire executive department, parent organization with constituent agencies, independent establishment, government-owned or government-controlled corporation of the Federal Government, the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the executive branch of the Federal Government created by Act of Congress or Executive order.

(h) "Governmental entity" means a department, bureau of a department, parent organization, constituent agency, independent establishment, entire field installation, regional office, or field station, an operating department of the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the Federal Government created by Act of Congress or Executive order.

(i) "Competitive area" means a governmental entity; a combination of governmental entities, or that part of a governmental entity for which approval has been secured from the Commission, within which employees of a competitive level are considered to be in competition.

(j) "Competitive level" means all positions in the same grade of the same service, trade, or profession (although they may have different titles or different pay rates), in which interchange of personnel is feasible.

§ 20.3 *Retention preference; classification.* For the purpose of determining relative retention preference in reductions in force, employees shall be classified according to tenure of employment in competitive retention groups and subgroups, as follows:

Group A: All employees who have met all requirements for indefinite retention in their present positions. With respect to positions subject to the Civil Service Act and rules, this includes all employees currently serving under absolute or probational civil service appointments or who were appointed, reappointed, transferred or promoted from absolute or probational civil service appointments to war service indefinite or trial period appointments without a break in service of thirty days or more. With respect to positions excepted from the Civil Service Act and rules, this includes all employees currently serving under appointments without time limitation.

A–1 Plus during one-year period after return to duty, as required by law.

A–1 With veteran preference unless efficiency rating is less than "Good".

A–2 Without veteran preference unless efficiency rating is less than "Good".

A–3 With veteran preference where efficiency rating is less than "Good".

A–4 Without veteran preference where efficiency rating is less than "Good".

Group B: All employees serving under appointments limited to the duration of the present war or for the duration of the war and not to exceed six months thereafter, or otherwise limited in time to a period in excess of one year, except those specifically covered in Groups A and C.

B–1 With veteran preference unless efficiency rating is less than "Good".

B–2 Without veteran preference unless efficiency rating is less than "Good".

B–3 With veteran preference where efficiency rating is less than "Good".

B–4 Without veteran preference where efficiency rating is less than "Good".

Group C: All employees serving under appointments specifically limited to one year or less, all non-citizen employees serving within the continental limits of the United States, all employees continued beyond the automatic retirement age, and all annuitants appointed under section 2 (b) of the Civil Service Retirement Act, as amended.

C–1 With veteran preference unless efficiency rating is less than "Good".

C–2 Without veteran preference unless efficiency rating is less than "Good".

C–3 With veteran preference where efficiency rating is less than "Good".

C–4 Without veteran preference where efficiency rating is less than "Good".

§ 20.4 *Completion of employee records.* (a) Departments and governmental entities are responsible for maintaining current records of information necessary for determining retention preference of employees.

If these records are incomplete, they shall be supplemented by written statements from employees, supported by a signed certificate substantially as follows:

I certify that the information submitted herewith is true, correct, and complete to the best of my knowledge and belief.

(b) Employees who have served continuously without a break in service of thirty days or more in positions subject to the Civil Service Act and rules since before March 16, 1942 (October 23, 1943, in the field service of the Post Office Department):

(1) Are in Group A unless appointed under authority of Executive Order Nos. 8257, 8564, or 8458 (former Civil Service Rule VIII), or new Civil Service Rule II and the Commission's regulations there-

under (§ 2.114 of this chapter), and have not acquired a civil service status.

(2) Are in Group B if appointed under authority of Executive Order Nos. 8257, 8564, or 8458 (former Civil Service Rule VIII) or new Civil Service Rule II and the Commission's regulations thereunder (§ 2.114 of this chapter), unless they acquired a civil service status under Executive Order Nos. 8833 or 8952, or the Commission's Departmental Circular 457 or 517, in which case they are in Group A.

(c) Employees appointed after March 16, 1942 (October 23, 1943, in the field service of the Post Office Department), initially or reappointed after a break in service of thirty days or more are in Group B unless:

(1) They are currently holding appointments definitely limited to one year or less—in which case they are in Group C.

(2) They are occupying positions excepted from the Civil Service Act and rules and not limited in duration—in which case they are in Group A.

(d) Whenever a department is unable to obtain from its records or from an employee information as to his classified (competitive) civil service status or length of service necessary to establish his retention preference standing, under the above rules, the Commission, upon the receipt of a request on Standard Form No. 66, will supply the information, if available, from its records.

§ 20.5 *Determination of competitive area.* The area in which a reduction in force is made should be a governmental entity as defined in § 20.3 (h).

No reduction in force affecting employees in retention groups A or B shall be made in any smaller competitive area in Washington, D. C., or vicinity, without obtaining prior approval from the Central Office of the Commission, or elsewhere without securing prior approval from the appropriate regional or branch office of the Commission. Approval will be given if the proposed competitive area is large enough to prevent the loss of highly efficient employees, to allow true competition to exist, and to protect the high retention preference of group A employees. Consideration will be given to the extent of the competitive level or levels to be affected, whether the proposed competitive area has independence of operation, work functions, and personnel administration (although policies may be established in higher department levels), whether the staff of the proposed competitive area is separately organized and clearly distinguishable from other units of the governmental entity, and whether it is within local commuting distance of other units of the governmental entity.

If there is doubt as to the size and scope of competitive areas, or if it is desired to establish competitive areas smaller than governmental entities as a standard practice for reductions in force, departments shall submit proposed plans of such competitive areas to the Central Office of the Commission. When approved, subsequent clearance with the Commission will not be necessary unless (a) a proposed competitive area does not conform to the plan, (b) reorganization has affected the plan, or (c) there has been a change in the facts upon which the plan was originally based.

§ 20.6 *Special rule relating to consolidations and mergers.* Before any reduction in force is made as the result of the transfer of any or all of the functions of one department to another continuing department, all veteran preference employeees and all retention group A employees assigned to any such function shall be transferred to such continuing department.

§ 20.7 *Compilation of retention register.* Whenever there is to be a reduction in force there shall first be determined the competitive level or levels to be affected. Each employee whose official position is in such a competitive level shall be considered in competition in his retention group in any reduction in force, whether he is in a duty or leave status, pay or nonpay status, or actually engaged on work in another department, another competitive area, or in another competitive level; excluding only those in the active military service of the United States or in the Merchant Marine.

A retention register shall be compiled for each competitive level in which a reduction in force is to be made, showing the names of all employees in competition by retention groups and subgroups. It shall be arranged in sequence showing subgroup A–1 plus with highest retention preference, followed in order by subgroups A–1, A–2, A–3, A–4, B–1, B–2, B–3, B–4, C–1, C–2, C–3, and C–4. Within each subgroup in retention groups A and B where some but not all employees may be affected by the reduction in force, names shall be arranged in sequence according to retention credits, with higher retention preference accorded to those with a greater number of retention credits. No computations of retention credits are necessary for employees in any retention subgroup which will not be affected by the reduction in force, in any subgroup where all of the employees are to be separated, or in retention group C. For this purpose, the employee records shall be reviewed and brought up to date with respect to length of service, efficiency ratings, and other particulars regarding which changes have occurred since the records were last made current.

This register shall be maintained in the order specified for inspection by employees, and shall at all times be available for inspection by representatives of the Commission.

§ 20.8 *Sequence of selection.* Within each competitive level, action must be taken to eliminate all employees in lower subgroups before a higher subgroup is reached, and within each subgroup of retention groups A and B, action must be taken concerning all employees with a lower number of retention credits before an employee with a higher number of retention credits is reached, except as provided below. Action may be taken at administrative discretion within any subgroup of retention group C. Whenever two or more employees are tied for position in retention group A or B, the ties shall be broken first by considering half years of service in excess of total years for which retention credits were granted, and then by giving consideration to such matters as official conduct, or established administrative policy.

In unusual situations, an employee performing necessary duties which cannot be taken over by any other available employee with higher retention preference without undue interruption to the activity involved, may be retained, although employees with higher retention preference may be affected. A written statement of the reasons for such exceptions shall be made for inspection by employees adversely affected and for review by representatives of the Commission.

When a reduction in force is necessary only because of a curtailment in funds from which excepted employees are paid, only employees in excepted positions shall be considered in competition for the reduction in force.

Seasonal employees shall be considered in competition only with other seasonal employees in reductions in force.

Employees serving on a when-actually-employed (WAE) basis shall be considered in competition only with other when-actually-employed employees in reductions in force.

No discrimination shall be exercised, threatened or promised in any reduction in force against or in favor of any employee because of race, sex or marital status, or his political or religious opinions or affiliations.

§ 20.9 *Actions.* Employees who cannot be retained in their positions because of a reduction in force shall be separated, except as provided below. Such actions may be effective at different times within 90-day periods, each 90-day period being considered as a separate reduction-in-force program, and may be made effective without the prior approval of the Commission.

(a) *Exceptions; furloughs.* Where the reduction in force is the result of a temporary condition which is not expected to continue for more than one year, employees reached for action may, in lieu of being separated, be furloughed for a period not to exceed the unexpired portion of the period of appointment and in no case shall it exceed one year: *Provided*, That notice of furlough to employees in subgroups A–1 and A–2 with competitive status shall conform to the one-year notice rule under § 20.10. In the event that vacancies are to be filled in positions in the competitive level and competitive area from which such employees have been furloughed, such employees shall be given the opportunity to return to duty before any original appointments are made to such positions: *Provided, however*, That since no position in the agency may be filled by original appointment of a person, or by the promotion, reassignment, or transfer of a retention group B or C employee if the agency has employees in subgroup A–1 or A–2 with competitive status on leave or furlough due to reduction in force who are available and qualified to fill the position without undue interruption to the activity, such status employees in subgroup A–1 or A–2 shall be considered for such positions. Offer of recall to duty in positions of the competitive level and competitive area from which furloughed shall be made in the order of retention preference of furloughed employees.

(b) *Exceptions; statutory retention.* Whenever an employee in Subgroup A–1 plus is reached for action in a reduction in force, he shall be placed in some other position of like seniority, status, and pay elsewhere in the department, and, wherever possible, at the same geographical location.

(c) *Exceptions; status employees.* No employee in retention group A–2, A–3 or A–4 with competitive status and serving in a position subject to the Civil Service Act may be separated or furloughed in a reduction in force if there is a position subject to the Civil Service Act in the department in any other competitive area or competitive level within the geographic area, which may reasonably be expected to continue for one year or more, not filled by a retention group A employee which he could fill without undue interruption to the activity involved unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay, if necessary, or (2) he has reemployment rights to a position in another department. Subject to the other requirements set forth above, agencies shall consider such group A–2 employee with competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–2 shall be made prior to the expiration of the first sixty days of nonduty status.

(d) *Exceptions; veterans preference employees.* No employee in subgroup A–1 with competitive status and serving in a position subject to the Civil Service Act may be separated or furloughed in a reduction in force if there is a position subject to the Civil Service Act in the department in any other competitive area or competitive level within the geographic area which may reasonably be expected to continue for one year or more not filled by an employee in subgroup A–1 which he could fill without undue interruption to the activity involved, unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary, or (2) he has reemployment rights in another department. Subject to the other requirements set forth above, agencies shall consider such veteran preference career employee in group A–1 with competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–1 shall be made prior to the expiration of the first sixty days of nonduty status.

(e) *Exceptions; war service employees with veteran preference.* No employee in subgroup B-1 may be separated or furloughed in a reduction in force from a position subject to the Civil Service Act if there is another position subject to the Civil Service Act in the department at the same geographical location in any other competitive area or competitive level which may reasonably be expected to continue for one year or more not filled by an employee in retention group A or subgroup B-1 which he could fill without undue interruption to the activity involved, unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary, or (2) he has reemployment rights in another department.

(f) *Actions concerning displaced employees.* Additional actions necessary in connection with employees displaced, as a result of transfers or reassignments under paragraphs (b), (c), (d) and (e) of this section shall be determined on the basis of their retention preference in their respective competitive areas and competitive levels.

§ 20.10 *Notice to employees.* An employee in group A–1 or A–2 with competitive status affected by a reduction in force shall be given an individual notice in writing one year before the action becomes effective. His one-year notice period shall be composed of, whenever possible, at least 30 days in an active duty status; a non-duty status with pay for the duration of his leave, if any; and the balance of the year in a furlough or leave without pay status. Exceptions to this rule are authorized when the employee requests separation in lieu of furlough, or when the agency as a whole is liquidating, in which case the notice period shall terminate as of the day the agency is finally liquidated.

Each employee, except those in subgroups A–1 or A–2 with competitive status, affected by reduction in force shall be given an individual notice in writing at least 30 days before the action becomes effective. Where it is not possible to continue the employee in an active-duty status for the period specified in the notice, he shall have the greatest possible notice before he is relieved from active duty and shall thereafter be carried on the rolls for the remainder of the period. If the period of active duty after the notice is given and the period of accrued leave total less than thirty days, the employee shall be carried in a nonpay status for the remainder of the 30-day period. Notices to employees shall inform them of:

(a) The nature and effective date of the action,

(b) The proper office of the organization where he may examine a copy of these regulations and inspect the retention register and records,

(c) His right to appeal the proposed action to the Commission (departmental employees in the Washington area to the Central Office and others to the appropriate regional or branch office) within ten days from the receipt, and

(d) The procedure for exercising any restoration or reemployment rights he may have, and the channels (departmental and field) through which he may apply for other government employment.

§ 20.11 *Reports to the Commission.* As soon as employees are notified of the proposed action, and within the 10-day period allowed for the filing of appeals, a report shall be submitted to the appropriate office of the Commission of each reduction in force program. Such report shall include:

(a) The competitive area and competitive level in which the reduction in force is to be made,

(b) The retention subgroup and credit point above which employees will be retained in each competitive level, the names of any employees below such point who are retained, and the reasons for their retention,

(c) The period in which the reduction in force is to be completed,

(d) The total number of employees separated or furloughed, and

(e) A certification of compliance with the regulations.

§ 20.12 *Special rules on liquidation.* Whenever it has been determined that all functions and all positions in an entire department, an entire governmental entity, or an entire competitive area are to be abolished within a specified time period, actions may be taken in regard to individual employees at different dates at administrative discretion; except that no employee with veteran preference shall be separated before an employee without veteran preference where their positions are immediately interchangeable: *And provided further*, That notices to group A–1 and A–2 employees with competitive status shall be made to conform to the notice requirements of § 20.10.

NOTE: A mere limitation of authority to a specified date in the law which establishes, authorizes, or extends an agency is not a sufficient basis for the application of the provisions of this section.

In such cases, the employees of the particular department, entity, or competitive area shall be given individual notices in writing containing a statement of the law, Executive order, or authority which requires the liquidation of the department, governmental entity, or competitive area, and the time period in which the liquidation is to be accomplished, and informing them of their rights to appeal to the Commission if they feel that there has not been compliance with the provisions of the regulations in this part. The notices shall also inform employees of their rights to retention on the rolls for at least thirty days, or if a group A–1 or A–2 employee with competitive status, for the period provided for in § 20.10, of the procedures necessary to exercise any reemployment rights they may have to positions in other departments, governmental en-

tities, or competitive areas, and of the procedures necessary to secure other employment.

A report of all liquidation programs shall be made to the Commission which shall include (a) a copy of the law, Executive order, or other authority for the liquidation of the department, governmental entity, or competitive area; (b) a certificate that no employee with veteran preference is being separated in advance of any employee without veteran preference where their positions are immediately interchangeable; and (c) a list of all retention group A employees with classified (competitive) civil service status who have not been transferred or assigned to other positions. This report shall be submitted within ten days after the first individual notices of separation are given to the employees affected.

Where it is necessary to liquidate a major activity which is not an entire competitive area, or which is a part of two or more competitive areas, the Commission will consider a request to establish such activity as a competitive area for the purpose of such liquidation.

§ 20.13 *Appeals.* Any employee who feels that there has been a violation of his rights under the regulations in this part may appeal to the appropriate office of the Civil Service Commission within 10 days from the date he received his notice of the action to be taken. This time limit may be extended only upon a showing by the employee that circumstances beyond his control prevented him from filing his appeal within the prescribed 10 days. In order that employees may be informed of the facts on which action is based they shall have the right to examine a copy of these regulations and to inspect the retention register and records on which their names appear, including statements of reasons for passing over employees with lower standing on the retention list. Each appeal should set forth whether it is based upon an error in the records, an incorrect efficiency rating, violation of the rules of selection, restriction of the competitive area or competitive level, disregard of a specified right under the law or regulations, or denial of right to examine regulations, retention register, or records.

The question of an incorrect efficiency rating presented in a reduction in force appeal will be considered by the Commission only where the employee has made use of such appellate procedures as were provided by his agency for the administrative review of the rating at issue during such time limits as these procedures were available, or in the case of an employee in a position subject to the Classification Act, as amended, where he appealed such rating to the appropriate board of review established under the authority of section 9 of such act. However, appeals will be accepted by the Commission in any case where adverse actions are proposed to be taken too soon to permit diligent use of efficiency rating appeal procedures, where because of the urgency of the case it is impracticable to await the decision under the administrative review or board of review procedures, where employees were misinformed as to their rights under such procedure, or where coercive measures were employed to prevent recourse to such procedures.

§ 20.14 *Actions disapproved by the Commission.* Whenever the Commission, as the result of a decision on the appeal of an employee, disapproves the action taken under the regulations in this part, the head of the department or governmental entity shall restore the employee to active duty.

With respect to reductions in force outside the Washington, D. C., area, the decision of the Commission's regional director is the decision of the Commission on appeals.

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM THE COMPETITIVE SERVICE

Sec.

21.1 Extent of regulations.
21.2 Persons entitled to military preference.
21.3 Receipt of applications; uniform treatment.
21.4 Qualifications of applicants.
21.5 Examination of applicants.
21.6 Maintenance of employment lists.
21.7 Selection and appointment.
21.8 Reappointment.
21.9 Promotion; qualifications.
21.10 Removal, suspension, furlough, or demotion of preference employees.
21.11 General provisions.

AUTHORITY: §§ 21.1 to 21.11, inclusive, issued under sec. 11, 58 Stat. 390; 5 U. S. C., Sup., 860.

§ 21.1 *Extent of regulations*—(a) *Positions covered.* The regulations in this part shall apply to all positions (1) in the executive branch of the Federal Government that are excepted from the competitive service; (2) in any temporary or emergency establishment, agency, bureau, administration, project, and department created by acts of Congress or Presidential Executive order which are excepted from the provisions of the Civil Service Act of January 16, 1883; and (3) in the civil service of the District of Columbia. Positions excepted from the competitive service include all positions excepted from the provisions of the Civil Service Act of January 16, 1883, by statute or Executive order, including positions listed in Part 8 of this chapter, positions which may be filled by persons under personal service contract, and positions in Government owned or controlled corporations. The civil service of the District of Columbia includes all positions in the Government of the District of Columbia, and positions under the Board of Education and the Board of Library Trustees of the District of Columbia.

(b) *Applicability.* The provisions of the regulations in this part respecting the examination, rating, and selection for appointment of applicants are required to be followed whenever a qualified person entitled to preference under § 21.2 applies for consideration for appointment. Such provisions may be followed, in the discretion of the agency, in making appointments when no preference applicant applies.

§ 21.2 *Persons entitled to military preference*—(a) *Five-point preference.* In actions taken under the regulations in this part, honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), shall be entitled to that military preference hereinafter referred to as five-point preference.

(b) *Ten-point preference.* In actions taken under the regulations in this part, the following persons shall be entitled to that military preference hereinafter referred to as ten-point preference:

(1) Honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States and who have established the present existence of service-connected disability or receipt of compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department;

(2) The wives of honorably discharged service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil service appointment; and

(3) The unmarried widows of honorably discharged deceased ex-servicemen who had served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

(c) *Definition.* As used in this section "honorably discharged" shall mean any separation from active duty in any branch of the armed forces under honorable conditions. A transfer to inactive status, a transfer to retired status, the acceptance of a resignation, or the issuance of a discharge will be considered as covered by the above definition if such separation was under honorable conditions.

§ 21.3 *Receipt of applications; uniform treatment.* Each agency shall establish definite rules regarding the acceptance of applications for employment in positions covered by the regulations in this part. Such rules shall be made of record in the agency and shall be uniformly applied to all persons who meet the conditions of such rules. Information regarding the rules shall be furnished upon request.

§ 21.4 *Qualifications of applicants*—(a) *Standards.* Prior to making appointments to positions under the regulations in this part the agency shall establish standards for eligibility such as those relating to experience and training, citizenship, age, physical condition, etc., which standards shall relate to the duties to be performed. The establishment of standards relating to groups of positions or to a specific position may be delegated to the appropriate administrative level or subdivision of the agency and may be amended or modified from time to time in accordance with the needs of the locality in which the position is located, but the agency shall determine that all standards established are in conformity with the regulations in this part.

Any such standard shall be made a matter of record in the appropriate office of the agency and information concerning the standards for any position shall

be furnished upon request. The qualifications standards effective for each position shall be applied uniformly to all applicants for such position except for such waivers as are provided under the regulations in this part for persons entitled to preference.

No minimum educational requirement will be included in qualification standards except those for such scientific, technical, or professional positions the duties of which the agency decides cannot be performed by a person who does not have such education. The agency shall make a part of its records its reasons for such decision. A statement of the reasons shall be furnished upon request.

The qualification standards established for each position shall include:

(1) A provision for the waiver by the agency of any requirements as to age, height, and weight for any applicant entitled to preference under the regulations in this part whenever such requirements are not essential to the performance of the duties of the position; and

(2) A provision for the waiver by the agency of any physical requirements for any applicant entitled to preference under the regulations in this part whenever the agency finds, after giving due consideration to the recommendation of any accredited physician, that such applicant is physically able to discharge the duties of the position.

(b) *Disqualifications.* In the standards established by the agency or the appropriate office of the agency, it may be provided that certain factors will disqualify applicants for employment. These may include among others, the following: (1) Dismissal from the service for delinquency or misconduct; (2) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (3) intentional false statements as to any material fact, or deception or fraud in connection with an application; (4) habitual use of intoxicating beverages to excess; (5) a reasonable doubt as to loyalty to the Government of the United States; (6) any legal disqualification for appointment; (7) lack of United States citizenship.

§ 21.5 *Examination of applicants*—(a) *Rating.* The agency may provide for an evaluation of the qualifications of all applicants for a position, who are available under §§ 21.3 and 21.4 at any time prior to appointment being made to such position. Numerical ratings shall be assigned on a scale of 100 and all applicants rated 70 or more shall be eligible for appointment: *Provided*, That no numerical ratings need be assigned whenever all qualified applicants will be offered immediate appointment: *Provided further*, That whenever there is an excessive number of applicants, only a sufficient number of the highest qualified applicants to meet the anticipated needs of the agency within a reasonable length of time need be given numerical ratings; in such cases the agency shall adopt procedures which will insure consideration of all preference applicants in the order in which they would have been considered if all applicants had been assigned numerical ratings. To the earned numerical ratings of applicants entitled to five-point preference, five points shall be added and to the earned numerical ratings of applicants entitled to ten-point preference, ten points shall be added. A notice of the rating assigned shall be furnished upon request.

No consideration shall be given the application of any non-preference applicant, nor shall such application be rated, for the positions of elevator operator, messenger, guard and custodian as long as qualified applicants entitled to preference are available for such position.

Whenever experience is a factor in determining eligibility, an applicant entitled to five-point or ten-point preference under the regulations in this part shall be credited with time spent in the military or naval service of the United States when the position for which he is applying is similar to that he held immediately prior to his entrance into the military or naval service; credit shall also be given such applicant for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

§ 21.6 *Maintenance of employment lists*—(a) *Establishment of lists.* All applicants assigned eligible numerical ratings in accordance with § 21.5 shall have their names entered on either (1) the appropriate reemployment list or (2) the appropriate regular employment list. The names of all such applicants shall be entered on said lists in accordance with their ratings, except that the names of applicants entitled to five- or ten-point preference under the regulations in this part shall be entered on such lists in accordance with their respective augmented ratings, and the name of a preference applicant shall be entered ahead of all others having the same rating: *Provided*, That except on lists of applicants for professional and scientific positions for which the basic entrance salary is over $3,000 per annum, the names of applicants entitled to ten-point preference under the regulations in this part shall be placed at the top of the appropriate lists.

(b) *Reemployment list.* The reemployment list will consist of the names of former employees of the agency who are to be considered for future employment, and shall, in any case, include the following:

(1) The names of former employees of the agency entitled to preference under the regulations in this part who have been furloughed or separated without delinquency or misconduct and who apply for reemployment; and

(2) The names of any former employees of the agency entitled to preference under the regulations in this part who are found by the Commission, in accordance with § 21.10, to have been unjustifiably dismissed from the agency.

(c) *Regular employment list.* Eligible applicants assigned numerical ratings who are not entered on the agency reemployment list shall be entered on the regular employment list.

(d) *Order of consideration.* (1) The names of all applicants who are assigned eligible numerical ratings for a given position shall, except as provided below for professional and scientific positions for which the basic entrance salary is over $3,000 per annum, be considered either in Order A or in Order B, below:

Order A. (i) The names of qualified applicants entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.

(ii) The names of all other qualified applicants entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.

(iii) The names of all other qualified applicants on the agency's reemployment lists in the order of their numerical ratings.

(iv) The names of all other qualified applicants in the order of their numerical ratings.

Order B. (i) The names of qualified applicants entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.

(ii) The names of all other qualified applicants on the agency's reemployment list, in the order of their numerical ratings.

(iii) The names of all other qualified applicants entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.

(iv) The names of all other qualified applicants, in the order of their numerical ratings.

(2) The names of all applicants assigned numerical eligible ratings for professional and scientific positions for which the basic entrance salary is over $3,000 per annum shall be considered in the following order:

(i) The names of applicants on the agency's reemployment list, in the order of their numerical ratings.

(ii) The names of all other applicants, in the order to their numerical ratings.

§ 21.7 *Selection and appointment*—(a) *Selection.* In making appointments from employment lists the agency shall make selection for appointment to each vacancy from not more than the highest three names available for appointment in the order provided in § 21.6 (d): *Provided*, That the agency need not accord eligibles on the agency reemployment list the preferential consideration provided in that section for such eligibles if such list contains the names of less than three applicants entitled to preference under the regulations in this part: *Provided further*, That the agency need not consider any applicant who has previously been considered three times, nor any preference applicant who has been disqualified under the provisions of paragraph (b) of this section. The second and any additional vacancies shall be filled in like manner.

(b) *Passing over a preference applicant.* Whenever an agency in making a selection of a non-preference applicant in accordance with paragraph (a) of this section passes over the name of a prefer-

ence applicant who, under § 21.6 (d), is entitled to prior consideration, it shall record its reasons for so doing. A copy of such reasons shall, upon request, be sent to the preference applicant or his designated representative.

When, in making appointments to a position, an agency has on three occasions passed over the name of a preference applicant and recorded its reasons for so doing, consideration of his name for such position may thereafter be discontinued.

§ 21.8 *Reappointment*—(a) *Persons granted preference.* A former civilian employee of the executive branch of the Federal government or the District of Columbia government who is entitled to preference under the regulations in this part may be reappointed to a position covered by the regulations in this part without regard to the names of qualified applicants on the agency reemployment list or regular employment list.

§ 21.9 *Promotion; qualifications.* In determining qualifications for promotion with respect to employees entitled to five- or ten-point preference under the regulations in this part, any requirements as to age, height, and weight shall be waived provided any such requirement is not essential to the performance of the duties of the position. After due consideration has been given to the recommendation of any accredited physician, the physical requirements shall be waived in the case of any such employee provided he is found physically able to discharge efficiently the duties of the position for which promotion is proposed.

§ 21.10 *Removal, suspension, furlough, or demotion of preference employees.* This section shall apply to permanent and indefinite employees entitled to five- or ten-point preference under the regulations in this part but shall not apply to (a) employees during their first year of current continuous Federal or District of Columbia service, or (b) employees appointed for periods specifically limited to one year or less.

Any employee subject to this section who is proposed for involuntary discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation, shall have at least thirty days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action. Such employee shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting. Such appeal shall be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided*, That, such employee shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with rules and regulations of the Commission. After investigation and consideration of the evidence submitted, the Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of the same to the appellant or his designated representative: *Provided further*, That the Commission may declare any such employee who may have been dismissed or furloughed without pay to be eligible for entry of his name on the agency reemployment list established under § 21.6 (b).

§ 21.11 *General provisions*—(a) *Exceptions.* (1) No provisions of the regulations in this part shall apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the Senate.

(2) The provisions of the regulations in this part relating to examination and appointment shall not apply to (i) positions filled under the Civil Service rules or the War Service regulations in the same manner as competitive positions are filled; or (ii) reemployment in the agency of former employees in accordance with reemployment rights acquired by reason of service in the armed forces or the merchant marine, or by reason of transfer under Executive Order Nos. 8973, 9067, or 9243 (3 CFR Cum. Supp.), or Directive X of the War Manpower Commission (7 F. R. 7298, 11050; 9 F. R. 3534).

(b) *Procedural modifications.* In view of the circumstances and conditions surrounding employment in the following classes of positions the agency concerned will not be required to apply to such positions the apppointment procedures of the regulations in this part: *Provided*, That the principles of veteran preference shall be followed as far as administratively feasible and the reasons for his nonselection shall be furnished upon request to any qualified and available preference applicant:

(1) Positions filled by persons appointed without compensation or at a compensation of $1.00 per annum;

(2) Positions outside the continental limits of the United States and outside the Territories of Hawaii and Puerto Rico when filled by persons resident in the locality, and positions in the Territories of Hawaii and Puerto Rico when compensated in accordance with local prevailing native wage rates;

(3) Positions which the exigencies of the war program demand be filled immediately before lists of qualified applicants can be established or utilized: *Provided*, That appointments to such positions shall be temporary appointments not to exceed one year and may be renewed for one additional year at the discretion of the agency;

(4) Intermittent positions;

(5) Positions paid on a fee basis; and

(6) Such positions as are included in Schedule A (Part 8 of this chapter) and similar types of positions, whenever the Commission agrees with the agency that such position should be included hereunder.

(c) *Special plans.* Any department or agency having positions subject to the regulations in this part may submit to the Commission a system for making appointments which will result in granting to veterans the preference provided for in the Veterans' Preference Act of 1944 but which does not conform to all of the procedural requirements set forth in the regulations in this part: *Provided*, That such a system may not be put into effect until it has received the prior approval of the Commission.

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

Sec.

22.1 Applicability of regulations.
22.2 Notification of proposed actions; charges and opportunity for answer.
22.3 Adverse decisions of administrative officers of agencies.
22.4 Appeals to the Commission.
22.5 Form of appeal.
22.6 Where appeals shall be filed.
22.7 Preliminary consideration of appeals in the Commission.
22.8 Investigations.
22.9 Hearings.
22.10 Decision in the Commission.
22.11 Further appeals to the Commissioners.

AUTHORITY: §§ 22.1 to 22.11, inclusive, issued under secs. 11 and 14, 58 Stat. 387, 5 U. S. C., Sup. 860, 863.

§ 22.1 *Applicability of regulations*—(a) *Coverage.* The regulations in this part shall govern appeals to the Commission by permanent and indefinite preference eligible employees from adverse decisions of administrative officers of the Federal Government and the government of the District of Columbia, more specifically defined hereinafter.

(1) *Employees covered.* Employees affected are permanent and indefinite preference eligible employees who have completed a probationary or trial period in positions under the Civil Service Rules or War Service Regulations, or one year of current continuous employment in positions excepted from the competitive service, in the service of any establishment, agency, bureau, administration, project or department created by acts of Congress or Presidential order or in the service of the District of Columbia. The regulations in this part are not applicable to employees under the legislative or judicial branch of the Government, and employees who were appointed to any positions required to be confirmed by, or made with, the advice and consent of the United States Senate, other than postmasters in offices of the first, second and third classes.

(2) *Preference eligible employees.* The term "preference eligible employees" referred to in this section includes the following persons:

(i) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department;

(ii) The wives of such service-connected disabled ex-servicemen as have

themselves been unable to qualify for any civil service appointment;

(iii) The unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions;

(iv) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions.

Separation under "honorable conditions" means separation from active duty in any branch of the armed forces by transfer to inactive status, transfer to retired status, acceptance of a resignation or the issuance of a discharge, if such separation was under honorable conditions.

(3) *Adverse decisions which may be appealed.* Appeals may be made from the decisions of administrative officers in cases of discharges, suspensions for more than thirty (30) days, furloughs without pay and reduction in rank or compensation for reasons other than reduction in force which are covered by reduction in force regulations.

(b) *Appeals involving efficiency ratings.* The regulations in this part are applicable in cases of adverse decisions based on efficiency ratings, but the Commission will not consider the correctness of any efficiency rating which is appealable to a Board of Review established under the provisions of section 9 of the Classification Act of 1923, as amended. The correctness of an efficiency rating which is not appealable to a Board of Review will not be considered unless the employee has made use of his agency's administrative appellate procedures, if provided by the agency, in any case where adverse action is proposed to be taken too soon to permit diligent use of administrative appellate procedures, it is impracticable to await the decision under the administrative appellate procedures, the employee was misinformed of his rights under such procedures, coercive measures were used to prevent recourse to such procedures, or the employee presents satisfactory reasons for not resorting to such procedures.

(c) *Appeals not governed by the regulations in this part.* The regulations in this part are not applicable to decisions of the Commission relative to applications, examinations, promotions, transfers, reinstatements, reappointments, classifications and other civil service proceedings, nor to actions of administrative officers which are taken under instructions from the Commission in cases in which the Commission has jurisdiction. Appeals in such cases will continue to be entertained by the Commission in accordance with its established administrative procedures.

(d) *Notice in reduction in rank or compensation resulting from Commission's position allocation decisions.* Preference eligible employees who are to be reduced in grade or rank as a result of the Commission's position allocation decisions shall be given at least thirty (30) days' advance written notice, stating any and all reasons, specifically and in detail, for such proposed action.

§ 22.2 *Notification of proposed actions; charges and opportunity for answer*—(a) *Advance written notice of thirty days.* No employee covered by the regulations in this part shall be discharged, suspended for more than thirty (30) days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the employee whose discharge, suspension for more than thirty (30) days, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty (30) days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action.

(b) *Reasonable time to answer.* A reasonable time shall be allowed employees for answering personally and in writing, charges and notifications of proposed adverse actions, and for furnishing affidavits in support of such answers, and the reasonable time required shall depend on all the facts and circumstances of each case, and be sufficient in all cases to afford the employee ample opportunity to prepare answers and secure affidavits.

(c) *Status of an employee during period of advance notice.* The advance written notice which is required when a proposed adverse action is sought by an employing agency shall be submitted to the employee at least thirty (30) days before the effective date of such proposed action, and during such thirty (30) day period the employee shall continue in an active duty status; but in cases of furlough without pay due to unforeseeable circumstances such as sudden breakdowns in equipment, acts of God or emergencies requiring immediate curtailment of activities, advance notice shall not be necessary.

In exceptional cases where the circumstances are such that the retention of the employee in an active duty status during the thirty (30) day period may result in damage to Government property, would be otherwise detrimental to the interests of the Government, or would be injurious to the employee, his fellow workers or the general public, and the employee cannot during such period be temporarily assigned to duties in which these conditions would not exist, he shall be placed on annual leave, provided he has sufficient annual leave to his credit to cover the required period, and otherwise, suspended for such period or periods during the thirty (30) days as the circumstances warrant: *Provided*, That a certificate is filed by the administrative officer in the records of the employing agency setting forth the specific circumstances in such exceptional cases. The reasonableness of such exceptions, including suspensions, will be considered in connection with the entire case in the event that the employee subsequently appeals from the final adverse decision reached by the administrative officer.

(d) *Notice and answer in efficiency rating cases.* In cases where it is proposed to take adverse action against an employee on the basis of an efficiency rating, the employee shall be given the advance notice in writing of the proposed action at least thirty (30) days before the effective date, and said notice shall allow the employee a reasonable time for answer and to object to the proposed action and show cause why it should not be taken. This right of advance notification does not affect the right of the employee to appeal for a review of his efficiency rating to a Board of Review established under the provisions of section 9 of the Classification Act of 1923, as amended.

§ 22.3 *Adverse decisions of administrative officers of agencies.* Adverse decisions by administrative officers following notifications of proposed adverse actions, charges and answers of employees, shall be in writing, dated and submitted to the employee promptly after such decisions have been made. The employee should at the same time be advised of his right to appeal the decision to the Civil Service Commission. If delay in submitting an appeal to the Commission occurs because the employee has not been so advised this fact shall be considered good cause shown for failure to file the appeal within the prescribed period of thirty (30) days after receipt of notice of the adverse decision as provided in § 22.4, but shall not otherwise affect the adjudication of the appeal.

§ 22.4 *Appeals to the Commission*—(a) *Right to appeal.* After receipt by the employee of notice of an adverse decision such employee may, as a matter of right, appeal to the Commission immediately or within a reasonable time thereafter. The Commission will not entertain a request for consideration or review of any action under section 14 of the Veterans' Preference Act of 1944 prior to the receipt by the employee from the administrative officer of the adverse decision making effective the discharge, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation.

(b) *Time limit for filing appeals.* (1) Thirty (30) days from the date of receipt of notice of an adverse decision shall be considered a reasonable time to prepare and submit an appeal under this regulation, but the Commission may, in its discretion, and where good cause is shown for failure to file the appeal within the prescribed period, consider appeals submitted after the expiration of thirty (30) days.

(2) Nothing in this section shall affect the right of an employee to appeal an adverse decision occurring between the time of the effective date of the Veterans' Preference Act of 1944 (June 27, 1944) and the date of the promulgation of the regulations in this part: *Provided*, That such an appeal is made to the Commission within six months after the effective date of the regulations in this part, unless good cause is shown for fail-

ure to file the appeal within the prescribed period.

§ 22.5 *Form of appeal*—(a) *Contents.* The appeal of the employee to the Commission shall be in writing and (1) shall set forth in detail all the facts and circumstances of the adverse decision; (2) shall be accompanied by copies of charges, answer, affidavits in support of answer, and notice of the adverse decision, and by such documentary evidence in support of the appeal as the employee may wish to submit; (3) shall state whether the employee desires to make a personal appearance or an appearance through or accompanied by a representative designated by him before a representative of the Commission; (4) shall be supported by acceptable evidence of entitlement to preference and (5) shall set forth detailed information regarding the employee's status, such as the date and nature of appointment and whether the employee has completed a probationary or trial period or one year of current continuous employment in the civil service of the Federal government or District of Columbia, and any other data bearing on whether the employee is within the purview of the regulations in this part.

§ 22.6 *Where appeals shall be filed.* Appeals from employees in the Departmental Service in Washington, D. C. and the metropolitan area shall be submitted to the Chief Law Officer, United States Civil Service Commission, Washington 25, D. C.; appeals from employees in the Field Service in Washington, D. C. and the metropolitan area shall be submitted to the Manager, Branch Regional Office, Fourth U. S. Civil Service Region, Washington 25, D. C., and appeals from employees outside of these areas shall be submitted to the Director of the appropriate Civil Service Region or Manager of any Branch Regional Office.

§ 22.7 *Preliminary consideration of appeals in the Commission.* When an appeal is received it will be examined for the purpose of determining whether or not it is within the scope of Public Law 359 and the regulations in this part. If the determination is that it is not, the employee will be so advised and informed as to the basis for such determination. Thereafter the employee or his designated representative may make request for reconsideration of this determination and may submit evidence and make representations in support of his request. The record will then be considered and the employee or his designated representative advised as to the decision reached. If it is found to be an appeal within the purview of Public Law 359 and the regulations in this part it will be docketed for investigation and adjudication and the employee or his designated representative and the employing agency will be so advised.

§ 22.8 *Investigations*—(a) *When made.* Investigations will be made as necessary, to develop all the facts and circumstances relative to the adverse decision and to obtain necessary copies of the official record, charges, answer, decision and the reasons therefor, and pertinent testimony of witnesses.

(b) *Manner of taking testimony.* Testimony of witnesses will be by affidavit, without any pledge of confidence, but where it is impracticable to obtain testimony under oath from a witness such statement will be obtained, without any pledge of confidence, from the witness as the circumstances will permit, and such weight will be given to the unsworn testimony as the record will warrant: *Provided, however,* That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, testimony and evidence will be obtained under a pledge of confidence and the source of the information secured will not be divulged.

(c) *Information obtained discussed with agency and with employee.* The evidence submitted by the employee in connection with his appeal will be discussed by the investigator of the Commission with the administrative officer who made the decision and other proper officials of the employing agency concerned, and such officials shall be requested to state their side of the case. Similarly, the employee should be informed of the information furnished by the officials of the agency and given the opportunity to insert his side of the case into the record of investigation: *Provided, however,* That in cases where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, only such information should be furnished either party as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

§ 22.9 *Hearings*—(a) *Right to appear personally or by representative.* The appellant shall have the right to appear personally or through or accompanied by a designated representative in connection with his appeal and if an appellant has expressed the desire for such a personal appearance arrangements will be made for a hearing at a stage of the proceedings agreed upon between the appellant and the regional office or the office of the Chief Law Officer, as the case may be.

(b) *Notice of hearings and where scheduled.* The hearing will be scheduled at Washington, D. C., or at any regional office or branch regional office and notifications thereof transmitted to the appellant or his designated representative and to the employing agency, advising the latter that it may participate, and informing both parties of a right to produce evidence and witnesses.

(c) *How conducted.* Hearings will be conducted by a representative of the Commission in an informal manner with an opportunity afforded for the introduction of evidence, including testimony and statements by the appellant and his designated representative and witnesses and representatives of the employing agency and witnesses, and for the cross-examination of witnesses: *Provided, however,* That where the adverse action of the administrative officers with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the appellant will be accorded such hearing as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

(d) *Admission of evidence.* Rules of evidence will not be strictly applied during hearings, but the Commission representative in charge of the hearing shall use reasonable discretion to exclude irrelevant testimony.

(e) *Testimony taken under oath; record of hearing; not open to public.* The testimony at hearings shall be under oath. When the Chief Law Officer or the Regional Director, as the case may be, directs that the hearing be recorded stenographically, a complete verbatim report of the hearing shall be made stenographically. In other cases the hearing examiner will make suitable notes of the relevant portions of the testimony and at the conclusion of the hearing will summarize these notes and when agreed to in writing by all parties concerned the summary will constitute the report of the hearing. If the examiner and the parties cannot agree on the summary the parties shall be permitted to submit in writing exceptions to any part of the summary which they question and such exceptions will be considered in connection with the making of the finding and recommendation. Hearings will not be open to the general public or the press and attendance shall be limited to persons having a direct connection with the appeal.

(f) *Appearance of witnesses.* The Commission does not have the power of subpoena and appellants and their designated representatives, and employing agencies, will be required to make their own arrangements for the appearance of witnesses.

(g) *Transcripts of hearing.* Copies of transcripts of hearing will not be furnished.

§ 22.10 *Decision in the Commission*—(a) *By whom made; contents.* The decision on the appeal shall be made by the Chief Law Officer or the regional office, as appropriate, in a formal finding, consisting of an analysis of the evidence, the reasons for the conclusions reached and a recommendation for action to be taken by the employing agency concerned: *Provided, however,* That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the case will, after investigation and hearing, be referred to the Loyalty Rating Board of the Commission in Washington, D. C., for consideration and recommendation to the Commissioners for their decision. The contents of the formal finding on such loyalty aspects in cases under section 14 will not contain information which will be inconsistent with the pledge of confidence attached to testimony and evidence in such cases.

(b) *Copy of decision furnished appellant and agency; appeal to Commissioners.* Copies of the analysis, conclusions and recommendation shall be furnished to the employing agency and to the appellant or his designated representative, and both parties shall be notified of the right of a further appeal to the Commissioners of the U. S. Civil Service Commission, Washington 25, D. C.

(c) *Report by agencies to Commission of action taken or proposed to be taken on finding favorable to employee.* When the finding and recommendation is that the employee be restored to his position, or is otherwise favorable to the employee, the employing agency will, at the time the finding and recommendation is transmitted to it, be requested to report to the Chief Law Officer, the regional office or the Loyalty Rating Board, as the case may be, within seven (7) days of the receipt of such finding and recommendation, regarding the action taken or proposed to be taken by the employing agency.

§ 22.11 *Further appeals to the Commission*—(a) *Time limit for filing.* An appeal may be made by the employee from a decision of the Chief Law Officer or Regional Office (and of the Commissioners in loyalty cases) to the Commissioners, the United States Civil Service Commission, within thirty (30) days of the date of receipt of notification of the decision. An appeal may be made to the Commissioners by the employing agency within seven (7) days of the date of receipt of such notification.

(b) *Referred to Board of Appeals and Review.* Appeals under this regulation shall be referred to the Board of Appeals and Review of the Commission in Washington, D. C., for appropriate action and recommendation to the Commissioners.

(c) *Hearing before Board of Appeals and Review.* The Board of Appeals and Review shall review the record and in its discretion grant hearings with an opportunity for the production of evidence and cross-examination of witnesses.

(d) *Final appeal is to the Commissioners.* Decisions on appeals to the Commissioners will be transmitted to the appellant or his designated representative and the employing agency concerned with notifications to both parties that no further appeals will be entertained as to the particular case unless new and material evidence is submitted.

(e) *Further appeals.* The Commissioners may in their discretion, when in their judgment such action appears warranted by the circumstances, entertain a further appeal at the request of the appellant or his designated representative or of the employing agency, and may grant a hearing before them. In connection with such reopened appeal both parties to the proceeding shall be accorded opportunity to make written representations and to participate in any hearing which may be held.

PART 23—POLITICAL ACTIVITY OF STATE EMPLOYEES; RULES OF PRACTICE

Sec.
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Sec.
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AUTHORITY: §§ 23.1 to 23.22, inclusive, issued under sec. 12 (d), 54 Stat. 767; 18 U. S. C. 61*l*.

CROSS REFERENCE: For regulations governing political activity of Federal government employees, see Part 4 of this chapter.

§ 23.1 *The Commission*—(a) *Offices.* The principal office of the Commission is at Washington, D. C.

All communications to the Commission must be addressed to United States Civil Service Commission, Washington 25, D. C., Attention, Chief Law Officer, unless otherwise specifically directed.

(b) *Hours.* The office is open on each business day from 8:45 a. m. to 5:15 p. m.

(c) *Proceedings.* The Commission may, by one or more of its members or by such examiners as it may designate, conduct any inquiry or hearing necessary to its duties in any part of the United States.

§ 23.2 *Executive officer.* The Executive Director and Chief Examiner is the executive officer of the Commission, and has legal custody of its papers, records, and property; and all orders of the Commission shall be signed by the Executive Director and Chief Examiner, or such other person as may be authorized by the Commission.

§ 23.3 *Service.* Letters of charges, orders, and other processes of the Commission shall be served by the Chief Law Officer of the Commission by registered mail, by registering and mailing a copy thereof addressed to the officer or employee charged with the violation and to the State or local agency employing such person.

When service is not accomplished by registered mail, letters of charges, orders, or other processes of the Commission may be served by anyone duly authorized by the Commission, or by an examiner of the Commission.

(a) By delivering a copy of the document to the person to be served, and/or to an officer of the State or local agency; or

(b) By leaving a copy thereof at the principal office or place of business of such person and/or State or local agency.

The return post-office receipt for said letter of charges, order, or other process registered and mailed as aforesaid, or the verified return by the person serving such letter of charges, order, or other process setting forth the manner of said service, shall be proof of the service of the document.

§ 23.4 *Appearance.* Any individual who is a party to any proceedings before the Commission may appear for himself or by an attorney at law possessing the requisite qualifications, as hereinafter set forth, to practice before the Commission. Any State or local agency may appear or be represented by an attorney at law possessing the requisite qualifications, as hereinafter set forth, to practice before the Commission.

Attorneys at law in good standing who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Commission.

A written application for admission to practice before the Commission is required. A writtten notice of appearance on behalf of a specific party or parties in the particular proceeding shall be submitted by attorneys desiring to appear for such specific party or parties. Upon receipt of such notice, application forms for admission to practice before the Commission will be furnished. Any attorney, practicing before the Commission or desiring so to practice, who, in the judgment of the Commission does not possess the requisite qualifications to represent others, or who is lacking in character, integrity, or proper professional conduct, may be disbarred or suspended from practicing before the Commission; and the Commission or its examiners shall have the right to suspend immediately any attorney for contumacy, contempt, or misconduct during the course of any proceeding.

No former officer, examiner, attorney, clerk, or other former employee of this Commission shall appear as attorney or counsel for or represent any party in any proceeding resulting from any investigation, the files of which came to the personal attention of such former officer, examiner, attorney, clerk, or other former employee during the term of his service or employment with the Commission.

§ 23.5 *Documents.* Documents required to be filed with the Commission in any proceeding shall be filed with the Chief Law Officer of the Commission.

(a) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(b) *Copies.* Five copies of documents other than correspondence shall be filed except as otherwise specifically required by these rules.

(c) *Form.* It is requested that documents not printed be typewritten on one side of paper only, letter or legal size, double or triple spaced, with ample margin.

The originals of all documents, whether printed or typewritten, shall be signed in ink by the duly authorized attorney, or if an interested party is appearing without counsel, by the interested party.

§ 23.6 *Letter of charges.* When the Commission has reason to believe that there is a violation of the law over which the Commission has jurisdiction, the Commission shall, by registered mail, send to the officer or employee charged

with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation, which instrument shall be known as a letter of charges.

§ 23.7 *Answers.* In the case of a desire to contest the proceedings, the respondent or respondents shall, within fifteen (15) days from the day the letter of charges is served, file with the Commission an answer to the letter of charges; or within thirty (30) days if the officer or employee and/or the local agency is in a Territory or possession of the United States of America.

Such answers shall contain a concise statement of the facts which constitute the ground of defense. The respondent shall specifically admit or deny or explain each of the facts alleged in the letter of charges, unless respondent is without knowledge, in which case respondent shall so state. Five (5) copies of answers shall be furnished the Commission at the time of filing the original answer. All answers and copies thereof shall be signed by the respondent or by his attorney at law and shall show the office and post-office address of the signer.

Failure of the respondent to file an answer and the copies thereof within the time above provided shall be deemed to authorize the Commission, without further notice to respondent, to proceed in the regular course on the charges set forth in the letter of charges. If respondent desires to waive hearing on the allegations of fact set forth in the letter of charges and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the letter of charges to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said letter of charges and to have authorized the Commission, without further evidence or other intervening procedure, to find such facts to be true, and, if in the judgment of the Commission, such facts admitted constitute a violation of the law as charged in the letter of charges, to make and serve findings of facts, and to thereupon make an order, if the violation so warrants, for the removal of the officer or employee, and to notify such officer or employee and the appropriate State or local agency of such determination.

Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief or in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of the law charged in the letter of charges.

§ 23.8 *Notice of hearing.* After the filing of answer or other appropriate response, the Commission shall fix a time and place for a hearing and shall, by registered mail, send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice of the time and place of hearing.

§ 23.9 *Motions.* Motions before the Commission or the hearing examiner shall state briefly the purpose thereof, and all supporting affidavits, records, and other papers, except such as have been previously filed, shall be filed with the motions and clearly referred to therein.

Motions in any proceeding before a hearing examiner which relate to the introduction or striking of evidence shall be made to the hearing examiner and shall be ruled on by the hearing examiner. No exception is necessary to the ruling of the hearing examiner to preserve the objection before the Commission or appellate courts.

§ 23.10 *Continuances and extensions of time.* Except as otherwise expressly provided by law, the Commission or its examiners, for cause shown, may extend any time limits prescribed for filing any papers, except time for filing appeal, which is fixed by statute, and may continue or adjourn any hearing. A hearing before a hearing examiner shall begin at the time and place ordered by the Commission, but thereafter may be adjourned from time to time by the hearing examiner or the Commission.

Applications for continuances and extensions of time shall be made prior to the expiration of the time prescribed by these rules, and must be accompanied by an affidavit showing exceptional circumstances.

§ 23.11 *Hearings of complaints.* All hearings before the Commission or hearing examiners on letters of charges issued by the Commission shall be public unless otherwise ordered by the Commission.

Hearings shall be stenographically reported by the official reporter of the Commission and a transcript thereof shall be made which shall be a part of the record of the proceeding. The record made shall be the sole official record. Transcripts will be supplied to a respondent or respondents (or to the public) by the official reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

§ 23.12 *Hearing examiners.* When evidence is to be taken in a proceeding upon a letter of charges issued by the Commission, a hearing examiner may be designated for that purpose by the Commission.

It shall be the duty of the hearing examiner to complete the taking of evidence with all due dispatch.

The hearing examiner is charged with the duty of conducting a fair and impartial hearing and of maintaining order in form and manner consistent with the dignity of the Commission. He will note on the record any disregard by counsel for his rulings on matters of order and procedure, and where he deems it necessary shall make special written report thereof to the Commission. In the event that counsel for the Commission or counsel for any respondent shall be guilty of disrespectful, disorderly, or contumacious language or conduct in connection with any proceeding, the hearing examiner may suspend the proceeding and submit to the Commission his report thereon together with his recommendation as to whether any rule should be issued to show cause why any such counsel should not be suspended or disbarred pursuant to § 23.4 or other appropriate action as provided under section 12, subsection (d) of the Hatch Political Activity Act. A copy of such hearing examiner's report shall be furnished to any counsel upon whose language or conduct such report is made, and the Commission will take disciplinary action after an opportunity for hearing has been accorded such counsel.

§ 23.13 *Subpenas.* Subpenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing may be issued by the Commission or any member thereof. Application therefor must be made in writing either to the Chief Law Officer or to the presiding hearing examiner.

Subpenas for the production of documentary evidence will be issued only upon application in writing to the Commission or the presiding hearing examiner. The application must specify as exactly as possible the documents desired, and show their competency, relevancy, and materiality. An application by a respondent shall be verified by oath or affirmation.

In case of disobedience to a subpena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof (sec. 12 (d) of the act of August 2, 1939, as amended).

§ 23.14 *Witnesses.* Witnesses shall be examined orally, except that for good and exceptional cause for departing from the general rule the Commission may permit their testimony to be taken by a deposition.

Witnesses summoned by the Commission shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witnesses whose depositions are taken for the Commission, and the persons taking such depositions, shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

§ 23.15 *Evidence*—(a) *Documentary.* Where relevant and material matters offered in evidence are embraced in a document containing other matters not material or relevant and not intended to be put in evidence, such immaterial or irrelevant parts shall be excluded and shall be segregated insofar as practicable.

(b) *Objections.* Objections to the evidence before a commissioner or a hearing examiner shall be in short form, stating the grounds of objection relied upon, and the transcript shall not include argument or debate thereon, except as ordered by the Commission or hearing examiner. Rulings on such objections shall be a part of the transcript. No exception to the ruling is necessary to preserve the rights of the parties in an appeal to the Commission or in the appellate court.

§ 23.16 *Depositions.* The Commission may order evidence to be taken by deposition in any proceeding or investigation pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having the power to administer oaths or affirmations.

Unless notice be waived, no deposition shall be taken except after reasonable notice to the parties.

Any party desiring to take the deposition of a witness shall make application in writing, setting out the reasons why such deposition should be taken and stating the time when, the place where, and the name and post-office address of the person before whom it is desired the deposition be taken; the name and post-office address of the witness, and the subject matter or matters concerning which the witness is expected to testify.

If good cause be shown, the Commission will make and serve upon the parties or their attorneys an order wherein the Commission shall name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place and the person before whom the deposition is to be taken so specified in the Commission's order may or may not be the same as those named in said application to the Commission.

The testimony of the witness shall be reduced to writing by the officer before whom the deposition is taken or under his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the officer. After the deposition has been so certified, it shall, together with four additional copies thereof made by such officer or under his direction, be forwarded by such officer under seal, in an envelope addressed to the Commission at its office, Washington 25, D. C. Such deposition, unless otherwise ordered by the Commission for good cause shown, shall be filed in the record in said proceeding and a copy thereof supplied to the party upon whose application said deposition was taken or his attorney.

Depositions shall be typewritten on one side of paper only; letter or legal size; left margin 1½ inches; right margin 1 inch.

§ 23.17 *Admissions of fact and genuineness of documents.* At any time after answer has been filed the hearing attorney for the Commission may serve upon any respondent, or counsel for a respondent may serve upon the Commission's hearing attorney, a written request for admission of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in such documents. Copies of documents shall be delivered with the request unless copies have already been furnished. Each of the matters on which an admission is so requested shall be deemed admitted, unless within a period designated within the request, not less than ten (10) days after service thereof, or within such further time as the Commission or the hearing examiner may allow on motion and notice, the party so served serves upon the party making the request a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny those matters.

Service required hereunder may be made upon a respondent either by registering and mailing or by delivering a copy of the documents to be served to the respondent or his attorney or by leaving a copy at the principal office or place of business of either. Service upon the Commission's hearing attorney may be either by registering and mailing or delivering a copy of the documents to be served to such attorney.

§ 23.18 *Hearing examiner's preliminary report.* Except as stated in the next paragraph, the hearing examiner shall, as promptly as practicable after the receipt by him of the complete stenographic transcript of all testimony in a proceeding, make his preliminary report upon the evidence. He shall also transmit copies of this report to attorneys who appeared in the proceeding, and individually to any respondent unrepresented by counsel.

A hearing examiner's report is not a report of finding of the Commission. The preliminary report, like the final report hereinafter mentioned, is advisory only and is not binding upon the Commission.

§ 23.19 *Briefs.* At the conclusion of a hearing, the examiner shall prescribe the time and other directions for filing of briefs on behalf of parties to the hearing, if any party desires to submit a brief. The time within which initial briefs are to be filed, shall be calculated from the date of service upon the parties of copies of the examiner's preliminary report: *Provided*, That for good cause stated at the conclusion of the hearing, the examiner may eliminate the filing and service of a preliminary report: *Provided further*, That any interested party may apply in writing to the Commission for modification of any of the examiner's rulings concerning reports and briefs. Five copies of briefs shall be filed.

§ 23.20 *Hearing examiner's final report.* After expiration of the time for filing briefs, the hearing examiner, as promptly as practicable, shall re-examine the record, including the briefs, and shall make a final report to the Commission. If, in any instance, the recommendations of the final report shall so vary from the tentative recommendations of the preliminary report, that the Commission deems that notice and further opportunity to be heard should be given to the parties, it will so order and provide.

§ 23.21 *The decision.* Upon receipt of the hearing examiner's final report, the Commission shall review the report and shall make its own findings and determine whether any violation has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall, by registered mail, notify such officer or employee and the appropriate State or local agency of such determination. The Commission may, if the circumstances warrant, refer the case back to the hearing examiner for the purpose of obtaining additional evidence.

§ 23.22 *Appeal.* Appeal procedure is prescribed in section 12 (c) of the act of August 2, 1939, as amended by the act of July 19, 1940. This subsection is as follows:

(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within thirty days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C. 1934 edition, title 28, secs. 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effec-

time and place of hearing.

of any relevant matters of fact set forth the hearing examiner's final report, the order shall thereupon become final and

tive as to such party in the same manner as if such provision had not been enacted.

PART 2—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Sec.
24.1 Medical officer; all grades.
24.2 Dentist; all grades.
24.3 Veterinarian; all grades.
24.4 Consultant in education; all grades.
24.5 Student nurse, St. Elizabeths hospital.
24.6 Graduate nurse, general staff duty or psychiatric duty.
24.7 Graduate nurse (trainee).
24.8 Agronomist (field operations), P–1, Soil Conservation Service.
24.9 Soil scientist (field operations), P–1, Soil Conservation Service.
24.10 Dietitians.
24.11 Physical training, Veterans' Administration.
24.12 Teacher; all grades.
24.13 Navy Department, instructor, school activities, schools at Quantico, Va., Lejeune, N. C., and Patuxent River, Md.
24.14 Office of Indian Affairs, teacher, community school; elementary; junior and senior high school; home economics, junior and senior high school; agriculture, junior and senior high school.
24.15 Range conservationist, P–1, Department of Agriculture.
24.16 Social worker (psychiatric and medical) Veterans' Administration, SP–6 and SP–7.
24.17 Agronomist (research), P–1, Department of Agriculture, Bureau of Plant Industry.
24.18 Office of Education.
24.19 Forester, P–1, Department of Agriculture.
24.20 Psychiatric social worker, P–1, War Department, Fort Storey, Virginia.
24.21 Range conservationist (ecology), P–1, Department of Agriculture.
24.22 Biologist (land management), P–1, Soil Conservation Service.
24.23 Clinical psychologist, P–2 through P–5, in Veterans' Administration hospitals and outpatient clinics and in U. S. Public Health Service Clinics.
24.24 Land classification specialist, grades P–1 and P–2, Bureau of Reclamation, Department of the Interior.
24.25 Educational consultant, grades P–7 and P–8, Army Air Forces.
24.26 Educational retraining.
24.27 Pharmacist, P–1 through P–4.
24.28 Chemist.
24.29 Physicist, P–1 through P–8.
24.30 Engineer, trainee, SP–3, SP–4, SP–5.
24.31 Geologist.
24.32 Bacteriologist, P–1, P–2, P–3 (option, agricultural).
24.33 Engineering positions involving highly technical research, design or development, or similar functions.
24.34 Instructor, academic subjects, apprentice schools, Navy Department.
24.35 Geophysicist, P–2 through P–6.
24.36 Junior professional assistant.
24.37 Occupational therapist, P–1 and above.
24.38 Physical therapist, P–1 and above.
24.39 Mathematician, P–2 through P–8, where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties.
24.40 Instructor, meteorology, P–2, through P–5.
24.41 Human biologist, P–7.
24.42 U. S. Coast Guard Academy.

AUTHORITY: §§ 24.1 to 24.42, inclusive, issued under sec. 5, 58 Stat. 388; 5 U. S. C., Sup., 854.

§ 24.1 *Medical officer; all grades*—(a) *Duties.* With responsibilities proportionate to the grade, appointees perform professional duties as doctors of medicine in hospitals, in dispensaries or in the field. As examples of the work performed: Conduct physical examinations, give anesthetics, perform minor surgical operations, assist in major operations, change dressings, supervise care of patients, and diagnose and treat diseases; including the administration of parenteral medication, administer first aid, give first aid instructions, supervise a ward or other hospital or dispensary clinic, serve as Officer of the Day in hospitals, determine whether government employees have tuberculosis or other disease in a communicable form.

(b) *Knowledge and training requisite for performance of duties.* A thorough understanding of the human body, its anatomy, its physiology, and its reactions to drugs; a thorough understanding of the symptoms of disease, the causes of disease and the treatment; a thorough understanding of the principles and procedures in the practice of all branches of medicine are necessary.

(c) *Method of obtaining basic knowledge and training.* It is a well-recognized fact that persons desiring to become physicians or doctors of medicine must obtain their education in a medical school of approved standing. There are no other sources in which knowledge necessary to provide for the health and welfare of the individual can be obtained.

§ 24.2 *Dentist; all grades*—(a) *Duties.* Appointees perform dental operations either under supervision or independently according to assignment. As examples of the work performed: In a large hospital or in a dental clinic make an examination of the oral cavity and independently or in consultation with dental specialists in the higher grades in the more unusual cases, make diagnoses of gums or pathological conditions and give treatment or perform dental operations as required; take, develop, and interpret X-ray films, make dental examinations, aid in medical diagnoses, and instruct, advise and assign dental interns, dental assistants, mechanics or others; make dental reports, requisition equipment, medicine and supplies, and act especially on the dental disabilities for compensation purposes or make dental ratings and authorize treatment.

(b) *Knowledge and training requisite for performance of duties.* Applicants must have an understanding of the anatomy and physiology of the mouth and the relation of mouth conditions to the rest of the body; the types of diseases affecting the mouth, gums and teeth; and the cure of such diseases. They must understand thoroughly safe and approved methods for treating teeth and gums and for removing damaged or diseased teeth. They must know all the proper methods for filling of teeth, making of crowns, inlays, and all other related repairs on teeth. They must be able to repair mouth fractures and dental damages resulting from accident or wounds incurred in war.

(c) *Method of obtaining basic knowledge and training.* The knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by attending and completing a full four-year course in a dental school of recognized standing.

§ 24.3 *Veterinarian; all grades*—(a) *Duties.* The duties of this position include ante-mortem and post-mortem inspection of food animals and inspection of food products; administration of tests for disease, control and eradication of disease, sanitary inspection of establishments and plants. Appointees inspect dairies, make milk sanitation surveys, and advise state and local health departments on proper methods of milk sanitation for the United States Public Health Service. As examples of the work performed: Makes primary ante-mortem and post-mortem inspection of meat producing animals; detect diseases and/or other abnormal conditions; assist in enforcing sanitary requirements in meat-preparing establishments by making preliminary examinations or diagnoses and supervise the handling and preparation of meat and its products. Make preliminary inspection of cattle, sheep, swine, and other livestock in stockyards, and in the field for contagious, infectious and communicable diseases. Assist in the testing of cattle and other animals for tuberculosis, and the mallein testing of horses for glanders. Draw samples of blood from horses and other animals and prepare such material for shipment to a laboratory for serological and other examinations. Supervise the dipping of cattle and sheep in officially permitted solutions and the immunization of swine and other animals to prevent and control communicable diseases; make tests of dipping solutions to maintain them in a proper strength. Assist in the inspection of animals used in licensed biological establishments and in supervising the production of anti-hog cholera virus and serum for carrying out preliminary inspection, making preliminary diagnoses, and conducting the technique upon the results of which the decision of a superior is based. Organize and conduct animal disease control and eradication in small areas, such as one or more counties of a State, involving cooperative tuberculosis testing, tick or scabies eradication, or hog cholera control. Make scientific investigation of internal parasites of domesticated or wild animals; prescribe medical treatment of affected animals and determine the value of treatment and prophylactic methods.

(b) *Knowledge and training requisite for performance of duties.* The field of veterinary medicine and surgery is as complicated as that of human medicine and surgery and requires as intensive an education including intensive clinical experience. Veterinarians must have a full and complete knowledge of the anatomy, physiology, biochemistry, and functioning of the animal body. They must know all the various types of approved medicines and the effects on the animal body. They must be capable of recognizing animal disease and of correcting such disease.

(c) *Method of obtaining basic knowledge and training.* The knowledge required for the performance of the duties described in paragraph (a) of this section can be obtained only by attending and completing a full four-year course in an approved school of veterinary medicine. There are no other sources from which an individual may obtain this basic knowledge and training.

§ 24.4 *Consultant in education, all grades*—(a) *Duties.* The duties of educational consultants or specialists consist of advising school administrators, supervisors, boards of education, or other official school or community groups concerning technical phases of educational programs; providing assistance in planning curriculum content and methods of teaching; and advising local officials in the application of approved educational methods to their individual school and to their community problems.

(b) *Knowledge and training requisite for performance of duties.* Thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written material and instructional methods related to the specialized fields; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school or the community as a whole.

In addition, experience in research, teaching, or administration of educational programs is required for most positions; the length, scope, nature, and quality of the experience varies with the grade of the position involved.

(c) *Method of obtaining basic knowledge and training.* The method by which the basic knowledge and training can be acquired is by successfully completing, in a college or university of recognized standing, a full, four-year course leading to a bachelor's degree, and, in adddition, specialized study and training in the principles and methods of education. By such training the student learns under competent instructors, is guided in his reading and in his evaluation of materials read. He has access to well-stocked scientific libraries and to well-equipped laboratories; he is given an opportunity to observe various materials and methods of instruction in operation, and, in a controlled and supervised setting, can experiment for himself under professional guidance. The literature in the field of education and related fields is so voluminous that an individual cannot master it on his own initiative or by random study. Without this basic college training an individual cannot recognize significant social data or draw valid conclusions.

The duties of an educational consultant require more than usual knowledge in the educational and subject-matter fields, as well as leadership ability.

§ 24.5 *Student nurse, St. Elizabeths Hospital*—(a) *Duties.* The student attends classes which include theoretical study in the following subjects: Anatomy, physiology, microbiology, chemistry, psychology, sociology, social problems in nursing, introduction to medical sciences, pharmacology and therapeutics nutrition, foods, cookery, diet therapy, medical and surgical nursing, obstetrical nursing, nursing of children, psychiatric nursing. Classes are attended at which demonstration in the nursing care of patients for various types of diseases and conditions are given by nurse instructors. The students practice and return the demonstration to the instructors before being permitted to carry out any procedures on patients. Students then carry out the less complicated procedure on a specially assigned patient under close supervision of war instructors. As students gain more skill in carrying out nursing procedures and techniques they are then given more advanced nursing procedures in which they assume more responsibility in the nursing care of patients.

(b) *Knowledge and training requisite for performance of duties.* The student nurse is considered as a student in the same manner as a student who is learning to be a teacher, dentist, physician, or preparing for any other profession. The course requires three years and consists of a probationary term of six months, a freshman term of six months, a junior term of twelve months, and a senior term of twelve months. Completion of four years of high school, or its equivalent, with the subjects stated in paragraph (c) of this section is the minimum education necessary for a student entering a basic course in nursing.

The requirements of applicants for enrollment in the school of nursing at St. Elizabeths Hospital are necessary to meet the standards set by the District of Columbia Board of Nurse Examiners. Boards of Nurse Examiners are established by law and govern the standards for admission to accredited schools of nursing. If a school of nursing does not meet the standards, it loses accreditation. Nurses graduating from such schools are not eligible for registration as Graduate Professional Nurses, and would not be eligible to practice as such in the District of Columbia or in the States. In order to maintain its accredited standing, the exact requirements specified by the Board of Nurse Examiners for schools of nursing in the District of Columbia are necessary for entrancee as Student Nurse.

(c) *Method of obtaining basic knowledge and training.* To meet the standards set by the District of Columbia Board of Nurse Examiners, the Commission has determined that applicants must have been graduated from an accredited high school giving a four-year course. They must have completed at least 16 units of study, including: 4 units of English; 2 units of high-school mathematics; 2 units of science; preferably including general science, and a second science such as some form of chemistry or physics (home economics units do not constitute acceptable science units); and 2 units of social studies (1 unit must be United States history, except that one-half unit of civics may be substituted for one-half unit of United States history). (1 unit of study means one 36- to 40-week school year of study, five 40- to 60-minute class periods a week.)

§ 24.6 *Graduate nurse, general staff duty or psychiatric duty*—(a) *Duties.* Under supervision of the head nurse to perform general nursing duty or psychiatric nursing duty in the wards of hospitals which include the following: Administering or assisting in administering treatments and medications as prescribed by the medical staff; bathing critically ill patients, taking temperature, pulse, and respiration of patients, feeding patients, if necessary; supervising and instructing non-professional staff who give any type of nursing care to patients; charting and recording care and treatments given patients; performing duties requiring special training and experience; performing related duties as assigned which are of a professional nursing nature.

(b) *Knowledge and training requisite for performance of duties.* To qualify for Graduate Nurse the Commission has determined an applicant must have the following minimum requirements:

(1) Graduation from a recognized school of nursing requiring a residence of at least two years in a hospital having a daily average of 50 bed patients or more; or where the course includes not less than six months' resident affiliation with a general hospital having a daily average of not less than 75 bed patients, or where the graduate has successfully completed a resident postgraduate course of not less than six months' duration in general nursing in a hospital having a daily average of not less than 50 bed patients.

(2) Registration as Graduate Nurse in a State or Territory of the United States, or the District of Columbia.

(c) *Method of obtaining basic knowledge and training.* Graduate Nurses are to be employed in hospitals operated by the Army, Navy, Veterans' Administration, U. S. Public Health Service and the Indian Service, and to a very large extent, the patients will be ex-servicemen and women in need of the best of medical care. The medical directors of the various Federal agencies have confirmed the requirements stated in paragraph (b) of this section as being the minimum training for the effective performance of the duties of the nursing positions.

§ 24.7 *Graduate Nurse (Trainee)*—(a) *Duties.* Graduate nurses appointed to these positions will receive a period of special supervised training ordinarily of 6 months' duration in hospitals operated by Federal agencies, following which, if they prove satisfactory, they may be promoted to the position of Graduate Nurse (General Staff Duty or Psychiatric Duty).

(b) *Knowledge and training requisite for performance of duties.* To qualify for Graduate Nurse (Trainee), the Commission has determined an applicant must have the following minimum qualifications:

(1) Graduation from a full course in a recognized school of nursing requiring a residence of at least two years.

(2) Registration as Graduate Nurse in a State or Territory of the United States, or the District of Columbia.

(c) *Method of obtaining basic knowledge and training.* The Graduate Nurse (Trainee) position is established in order to utilize services of Graduate Nurses who have not had training in a hospital having a daily average of 50 bed patients. The medical directors of the various Fed-

eral agencies have confirmed the requirements contained in paragraph (b) of this section as being the minimum training necessary for the effective performance of the duties of Graduate Nurse (Trainee).

§ 24.8 *Agronomist (field operations), P–1, Soil Conservation Service*—(a) *Duties.* The duties of an agronomist are, under supervision, to maintain and make preliminary interpretation of technical records of grass and legumes under scientific tests, including their climatic resistance, disease susceptibility, augmentation, germination and purity, and their response to environmental conditions of soil conservation culture; to plan crop rotations in accordance with proper land capabilities; to develop tentative pasture management plans in accordance with proper land capabilities, rotation with other crops, with the type and amount of livestock, with available irrigation facilities, and with any accessory pasture; to make chemical analyses tests of soils to determine their calcium and magnesium requirements for the production of any specific crop and to assist in developing a liming and/or fertilization program for the various crops and pastures produced; to take proper soil samples or to teach others the proper techniques of soil sampling for chemical determinations for nitrogen, phosphorus, potash and minor elements; to develop a strip cropping pattern for crop production in accordance with land capabilities, crops produced, and surface relief; to assist in developing a contour system of crop production designed in accordance with all other practices in soil and water conservation; to assist in developing a soil management system for commercial fruit production that will be in harmony with technical water disposal systems needed for the site, with biological, organic and inorganic components of the soil; to design and supervise the installation of proper vegetative engineering work in support of structural engineering installation; to aid in the development of land use capability tables and charts for his immediate area; and to supervise the technical phases of harvesting grass and legume seed, cleaning, seeding, and cultivating.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisites for the successful performance of the duties of agronomist, include a thorough knowledge of the supporting sciences upon which agronomy is based, as well as intensive training in agronomy itself and an intimate working knowledge of the theory and application of the scientific agronomic principles employed in technical soil conservation practices.

(c) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of an agronomist is through the successful completion in a college or university of recognized standing of the subjects specified below:

2 courses in chemistry.

3 courses in any one or in any combination of plant physiology, plant pathology, entomology, or bacteriology.

3 courses in any one or in any combination of principles of feeding livestock, animal husbandry, range management, principles of dairying, or poultry culture.

8 courses in farm crops, soils, or plant breeding of which at least 4 courses shall be in farm crops.

The student receives in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as an agronomist, and works in well equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through a careful correlation of such material through directed classroom study and reading.

CROSS REFERENCE: For justification relative to Agronomist (Research) Department of Agriculture, Bureau of Plant Industry, see § 24.17.

§ 24.9 *Soil scientist (field operations), P–1, Soil Conservation Service*—(a) *Duties.* The duties of a soil scientist are, under supervision, to perform work in field mapping; to make physical land surveys involving identification of: inherent soil characteristics in the soil profiles such as the proportions and composition of the textual separates, nature and stability of the structural aggregates, properties with respect to soil consistence, conditions of oxidation and reduction, and amount and nature of organic matter, all as a basis for classifying the effective depth of plant root feeding zone, the amount of water and the nutrients available for plant growth; types of parent rock and soil material; geomorphic relationships including the differentiation of concave and convex land surfaces and slopes in relation to differences in soil and in susceptibility to erosion that have significance in use and management of land; losses of soil by accelerated erosion, distinguishing between those of wind and water; water table conditions both temporary and permanent; amount and toxicity of soluble salts; character and significance of stoniness, surface soil crusting, etc.; also to take soil samples; to write soil profile and land area descriptions; to assist in interpretation of physical land factors for the development of land capability classification; and to assist in preparing land use and management recommendations and applying such recommendations to the land.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which soil science is based, as well as intensive training in soil science itself, and an intimate working knowledge of the theory and application of the scientific principles employed in technical soil conservation practices.

(c) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of soil scientist is through the successful completion in a college or university of recognized standing of the subjects specified below:

2 courses in advanced chemistry.

2 courses in plant science or bacteriology.

4 courses in either soil science or earth science, or in any combination of earth science and soil science.

The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a soil scientist, and works in well equipped chemistry, bacteriology, and soil science laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

§ 24.10 *Dietitians*—(a) *Student*—(1) *Duties.* The duties of a student dietitian consist of individual and class participation in an advanced and technical training course under the guidance and direction of an instructor in dietetics and the immediate supervision of graduate dietitians. In this course the student receives classroom instruction and on-the-job training in the field of dietetics. This involves the preparation and analysis of menus; studying and analyzing food specifications, studying methods of food preparation, serving, and storage; supervision of regular and special diet service and all phases of food preparation including special diets; contacting patients regarding diets; conducting diabetic and other special diet classes; and performing other duties incident to the administration of a hospital dietary department.

(2) *Knowledge and training requisite for performance of duties.* Since the training course for student dietitians is only 12 months in length it is necessary that persons entering this advanced course have already acquired a knowledge of the physical and social sciences upon which the field of dietetics is based. To comprehend the information and practical training presented in the course, students must have, and be able to apply, a knowledge of the physiology and digestive processes of the human body; the nutritional requirements of individuals of varying ages and occupations; the special diet requirements of persons suffering from a variety of diseases; bacteriological principles as applied to food spoilage and sanitation; and a background of the organization and administration of a hospital dietary department.

The Commission has determined that the duties of the position of Student Dietitian are such that they cannot be performed by a person who does not have 36 semester hours of study in a college or university of recognized standing provided that this study has included: 12 semester hours in chemistry (to include general, organic, and biochemistry); 6 semester hours in biology (to include human physiology and bacteriology); 6 semester hours in foods (to include food preparation and meal planning); 6 semester hours in nutrition and diet in disease; 6 semester hours in institution management (to include quantity cookery, and organization and management).

(3) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a student dietitian is through the completion of the courses outlined in subparagraph (2) of this paragraph. The student receives, in such courses, competent instruction in the technical and theoretical subjects that she will have to apply as a dietitian, and works in well-equipped chemistry, physiology, bacteriology, foods, and nutrition laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. Requisite studies other than the biological and physical sciences represent information from such a variety of fields that the student cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

(b) *Staff (SP–5 and P–1)*—(1) *Duties.* With varying degrees of responsibility at the different grade levels, a dietitian performs or supervises the performance of other dietitians in the following duties: Planning and supervising the preparation and serving of therapeutic diets, charting components and measurements daily for conformance with type of diet prescribed by the doctors; conferring with physicians, and patients regarding prescribed diets, and instructing patients in the composition and preparation of discharge diets as required; planning and supervising the preparation and serving of the basic diet for patients and hospital personnel; compiling periodic analyses for conformance with standards of the agency; making annual budget estimates of food and allotments; determining the kind and amount of food to be procured; serving as a member of the board of awards on contracts for perishable food items; requisitioning dietary supplies and equipment; overseeing the care and sanitation of equipment, and work and storage areas; specifying the work assignments of dietary employees; interviewing and selecting applicants for nontechnical employment in the dietary department; formulating in-service training courses for food handlers; and performing related duties as assigned.

(2) *Knowledge and training requisite for performance of duties.* The duties of a dietitian require that she be able to apply in her daily work a knowledge of the physiology and digestive processes of the human body; the nutritional requirements of individuals of varying ages and occupations; the special diet requirements of persons suffering from a variety of diseases; bacteriological principles as applied to food spoilage and sanitation; and the organization and administration of a hospital dietary department.

The Commission has determined that the duties of dietitians at all levels are such that they cannot be performed by a person who does not have 36 semester hours of study in a college or university of recognized standing: *Provided*, That this study has included: 12 semester hours in chemistry (to include general, organic, and biochemistry); 6 semester hours in biology (to include human physiology and bacteriology); 6 semester hours in foods (to include food preparation and meal planning); 6 semester hours in nutrition and diet in disease; 6 semester hours in institution management (to include quantity cookery, and organization and management). The possession of a bachelor's degree in dietetics or institutional management from a college or university of recognized standing will be accepted as meeting the educational requirement for these positions.

(3) *Method of obtaining basic knowledge and training.* The Commission has determined that the only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a dietitian is through the completion of the courses outlined in subparagraph (2) of this paragraph. The individual receives, in such courses, competent instruction in the technical and theoretical subjects that she will have to apply as a dietitian, and works in well-equipped chemistry, physiology, bacteriology, foods, and nutrition laboratories. The scientific information thus obtained cannot be acquired by individual study or through practical experience because the necessary facilities for laboratory experimentation are not available. Requisite studies other than the biological and physical sciences represent information from such a variety of fields that the individual cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

(c) *Head (SP–6 and P–2).*

(d) *Assistant (SP–7 and P–3).*

(e) *Chief (SP–8 and P–4).*

NOTE: The provisions of paragraph (b) of this section are applicable to paragraphs (c), (d), and (e) of this section.

§ 24.11 *Physical training, Veterans' Administration*—(a) *Physical Director, P–2, formerly SP–6 (Revised)*—(1) *Duties.* The duties of a physical director are to direct the physical activities and the carrying out of therapy, both general and that prescribed for certain patients (neuropsychiatric); to promote athletic activities by forming teams and instructing the players; to direct indoor and outdoor classes in gymnasium ward work according to program; to conduct calisthenics in ward classes; to maintain equipment used in the work. This position exists only in Veterans' Administration Facilities.

(2) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the performance of these duties described in subparagraph (1) of this paragraph include knowledge of formal and informal exercise activities and their therapeutic application to specific and general treatment of the various types and needs of hospital patients—remedial and corrective exercises for general hospital patients, re-socializing exercises for psychotic patients, formal graduated exercises for regressed psychotic patients. The duties of the position require ability to observe intelligently the physical and mental reactions of patients and to make discerning reports to the medical staff so that an effective treatment program can be formulated and carried out.

(3) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of physical director is through the successful completion of at least:

(i) 16 semester hours in physical education in a school of physical education, a college, university, or teacher training institution of recognized standing, including:

4 semester hours in anatomy, physiology, hygiene, or kinesiology;

4 semester hours in psychology, tests and measurements, or education;

4 semester hours in physical fitness, therapeutic or corrective exercise, or physiology of exercise;

4 semester hours in methods of physical education, organization and administration of physical education, recreational leadership, or techniques and fundamentals of sports.

In addition, at least 2 years of responsible experience in any one or any combination of the following types of experience:

Planning, supervising, or conducting athletic activities or therapeutic exercise for hospital patients;

Administering, supervising, or teaching physical education in schools or colleges;

Supervising physical activities or athletic programs in camps, clubs, community playgrounds, or settlement houses;

Service in or for the armed forces in physical fitness or athletic programs.

(ii) Completion of the requirements for graduation from a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education, including at least 16 semester hours of work in the subjects listed in subdivision (i) of this subparagraph. In addition, at least 1 year of responsible experience in any one or any combination of the types of experience listed in subdivision (i) of this subparagraph.

(iii) Any time-equivalent combination of subdivisions (i) and (ii) of this subparagraph above: *Provided*, That at least 16 semester hours of work in the subjects listed in subdivision (i) of this subparagraph have been successfully completed. In any such combination, 1 year of study in a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education may be substituted for each 4 months of experience. For 1 year of the required experience, applicants may substitute 1 year of graduate study in a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education. This

study must be in addition to that used for meeting the basic educational requirement.

(b) *Assistant Physical Director, P–1*—(1) *Duties.* The assistant physical director acts as full assistant to the physical director, P–2, acting in his absence and assists in initiating and executing a full program of calisthenics, athletics, and games for all patients for whom these activities are prescribed; planning and organizing physical exercise activities suited to the various types of neuropsychiatric patients; instructing, supervising, and directing hospital attendants assigned to assist in this work; interviewing patients, consulting with physicians, and reporting observation of patients' behavior reactions as helpful material for diagnosis and prescription for treatment; cooperating with the chiefs of all adjunct therapies in the promotion of group therapy; supervising the planning, building and upkeep of playing courts, athletic fields, bowling alleys, gymnasiums, swimming pools and other space allotted for physical exercise activities; arranging exhibitions and competitive sports events with outside organizations; preparing and submitting records, reports, etc., relative to the operation of this work.

(2) *Educational requirement.* Since this position is substantially identical although less responsible in nature than the duties of physical director, P–2, Veterans' Administration, the Commission has determined that the educational requirement established for physical director, P–2, covered in paragraph (a) (2) of this section, be the same for assistant physical director, P–1.

§ 24.12 *Teacher; all grades*—(a) *High School and special subjects*—(1) *Duties.* The duties of high school and special subject teachers consist of imparting basic knowledge of one or more subject matter fields of social, economic, vocational or cultural value to the student; training the student in effective, impartial thinking in the medium of a special subject; making use of the best methods of accomplishing these results; directing appropriate extra-curricular interests.

(2) *Knowledge and training requisite for performance of duties.* Knowledge of various subject-matter fields; understanding of mental and physical characteristics of various age groups; knowledge of and skill in applying effective methods and techniques of instruction; and ability to evaluate the adequacy of methods employed.

In addition, experience in teaching is required for higher grade positions; the length, nature and extent of responsibility varies with the grade of the position.

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing, including, or supplemented by relevant courses in educational psychology, theory and methods courses in the field of subject-matter specialization, and practice teaching. During his training the student works under competent instructors; has access to well stocked libraries and to well equipped laboratories; and receives actual practice in teaching. The literature in most vocational and cultural subjects and in the field of education is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(b) *Elementary teachers*—(1) *Duties.* The duties of elementary teachers consist of organizing and conducting classroom teaching; teaching elementary school subjects in such a way as to lay a broad foundation for later learning; training in habits of thinking; and evaluating results.

(2) *Knowledge and training requisite for performance of duties.* Knowledge of (i) mental and physical characteristics of various age groups, (ii) (accepted methods of classroom management, (iii) various subject-matter fields, and (iv) effective methods and techniques of instruction to meet a wide variety of needs of individual pupils as well as of groups; ability to apply such methods and techniques and to evaluate results.

(3) *Method of obtaining basic knowledge and training.* The method by which this fundamental knowledge of methods of classroom instruction can be obtained is in regularly organized teacher training departments of colleges or universities of recognized standing. In such institutions prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses and a system of supervised practice teaching. During his training the student works under competent instructors; has access to well stocked libraries and well equipped laboratories; and learns a variety of methods and techniques which have been demonstrated as effective. The literature in the field of education is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(c) *Teacher (academic subjects), Veterans' Administration facilities*—(1) *Duties.* The duties of this position are to teach an academic subject or a combination of such subjects to enlisted men in reconditioning centers.

(2) *Knowledge and training requisite for performance of duties.* To qualify for this work, applicants must have had at least 1 year of responsible experience in teaching academic subjects. Experience in teaching one or more subjects such as English, language, journalism, science, mathematics, history, above the elementary school level, may be offered to meet this requirement.

In addition, applicants must have successfully completed a full 4-year course of study leading to a bachelor's degree in a college, university, or teacher-training institution of recognized standing, with major study in education, including at least one course in practice teaching, provided that an additional year of the experience described above may be substituted for the required course in practice teaching. For this position applicants showing 12 semester hours in education will be accepted as having major study in education.

(Twelve semester hours in education are the requirements in some States for secondary teaching certificates, and twelve semester hours are all that are required by the New England and Southern accrediting associations.)

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing.

(d) *Training specialist, War Department*—(1) *Duties.* The duties of the position of training specialist are the duties of a teacher position, and consist of teaching non-English speaking persons, illiterates, and slow learners in the Army who do not meet the standards of literacy established by the Army; preparing daily lessons, classroom exercises, and maintaining necessary class records; helping maladjusted trainee by means of frequent conferences and by special tutoring and securing the aid of the personnel consultant in cases of pronounced maladjustment; and assisting the trainee in Army indoctrination.

(2) *Knowledge and training requisite for performance of duties*—(i) *Education.* Applicants must have completed at least a 3-year course in a college, university or teacher-training institution of recognized standing with major study in education including at least one course in methods of teaching reading, provided that an additional year of the experience described below may be substituted for the required course in methods of teaching reading.

(ii) *Experience.* At least 2 years' experience in any one or in any combination of the following:

(*a*) Teaching non-English speaking persons;
(*b*) Teaching illiterates;
(*c*) Teaching remedial reading classes;
(*d*) Teaching backward children;
(*e*) Teaching grades 1, 2, or 3 in elementary schools.

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing.

(e) *Instructor (academic subjects), CAF–6, War Department Reconditioning Centers.*

(f) *Secondary school teacher, P–1, War Relocation Authority.*

(g) *Elementary school teacher, SP–4, War Relocation Authority.*

NOTE: The provisions of paragraph (b) of this section are applicable to paragraphs (c), (f), and (g) of this section.

§ 24.13 *Navy Department, instructor, school activities, schools at Quantico, Va., Lejeune, N. C., and Patuxent River, Md.*—(a) *Principal, P–3*—(1) *Duties.* Serves as head of school; in this capacity, organizes and administers educational programs; advises on teacher selection; assigns teachers; supervises classroom procedures and instructional techniques; encourages faculty participation in programs of curriculum improvement; promotes extra-curricular activities; requisitions and assigns school supplies; prepares the school budget; maintains records; and performs such other duties as may be assigned.

(2) *Knowledge and training requisite for performance of duties.* The duties of an instructor, school activities, require that he be thoroughly familiar with the effective methods and techniques of instruction. He must be able to develop standards of instruction, to evaluate the effectiveness of the various methods used; and to offer constructive criticism concerning teaching methods and materials used by the classroom teachers under his supervision. In addition, he must know the basic principles of educational planning, organization, and management.

The enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of Naval personnel from one assignment to another. In order that the pupils may be able to transfer their credits, the schools must meet the requirements of the Board of Education of the State in which they are located. Among these requirements is the provision that the principals must be properly certified. The following educational qualifications for certification of secondary school principals and superintendents in the States of Maryland, North Carolina, and Virginia are required:

MARYLAND

Superintendent and high school principal:
(i) Bachelor's degree.
(ii) Professional requirements—1 year of graduate work.
(*a*) For superintendent—In education, including school administration, supervision, and methods of teaching.
(*b*) For high school principal—advanced study related to high school branches and approximately two-thirds in education, including high school methods, supervision and administration.

NORTH CAROLINA

Superintendent and principal:
(i) Hold or be qualified to hold class A teacher's certificate.
(ii) Master's degree.
(iii) Professional requirements:
(*a*) Superintendent—18 semester hours in education, including—

The curriculum	2
Supervision	2
General administration	2
School finance	2

(*b*) Principal—12 semester hours in education, including—

The curriculum	2
Supervision	2
High school administration	2
Elementary school administration	2

VIRGINIA

High school principal (two options):
(i) Collegiate professional certificate and two years of successful teaching experience. (A collegiate professional certificate is granted to those who have a bachelor's degree from an accredited institution and have completed 18 semester hours in education.)
(ii) Collegiate certificate and three years of successful teaching experience. (A collegiate certificate is a four-year non-renewable certificate issued to those who have a bachelor's degree but have not completed 18 semester hours in education.)

Superintendent:
(i) Master's degree.
(ii) Professional requirements—15 semester hours in education, including graduate courses in educational administration and finance.

(3) *Method of obtaining knowledge and training required.* It is believed that the requisite knowledge and training can be acquired only in regularly organized teacher training departments of colleges and universities. In such institutions prevailing theories and practices of instruction have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses which are presented by competent instructors. During his training the student is guided in his study and reading by persons who know the literature in the field and who are therefore able to help him select from the mass of available professional literature that which is significant. He is given an opportunity to observe various materials and methods of instruction, and he undergoes assignments in practice situations and receives constructive criticism concerning his methods of dealing with them.

(b) *High School Teacher, P–1 and P–2*—(1) *Duties.* Under supervision, organizes and conducts curriculum activities in a particular subject-matter field or related fields in a high school; prepares instructional materials; instructs by means of discussions, demonstrations, and group activities; devises and administers tests or measurements of pupils' development; counsels and guides students to facilitate their adjustment; suggests revisions or modifications of the curriculum and techniques to adapt the education program to available facilities and to the personal characteristics of the students; and, as assigned, engages in other activities designed to lead the students into well-adjusted citizenship.

(2) *Knowledge and training requisite for performance of duties.* The Commission has approved education as a requirement for the position of teacher according to § 24.12 (a) (2).

(3) *Method of obtaining basic knowledge and training.* Inasmuch as the enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of naval personnel from one assignment to another, children must be prepared to take up their work in any school in any State to which they may be transferred. The schools must therefore meet requirements for approval from the State Board of Education in which they are located. There is reciprocity between the States in the acceptance of students from an approved or certified school. The educational qualifications for this position are the current requirements of the State in which the position is located.

(c) *Elementary Teacher, P–1*—(1) *Duties.* Under supervision, plans, organizes, and directs the activities of elementary classes in government operated schools; provides instructional material for purposeful activities; instructs by means of group activities, demonstrations and discussions; plans or suggests modifications in curriculum as necessitated by changing needs; and, as assigned, engages in other activities designed to lead the students into well-adjusted citizenship.

(2) *Knowledge and training requisite for performance of duties.* The Commission has approved education as a requirement for the position of teacher according to § 24.12 (a) (2).

(3) *Method of obtaining basic knowledge and training.* Inasmuch as the enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of naval personnel from one assignment to another, children must be prepared to take up their work in any school in any State to which they may be transferred. The schools must therefore meet requirements for approval from the State Board of Education in which they are located. There is reciprocity between the States in the acceptance of students from an approved or certified school. The educational qualifications for this position are the current requirements of the State in which the position is located.

§ 24.14 *Office of Indian Affairs, Teacher, community school; elementary, junior and senior high school; home economics, junior and senior high school; agriculture, junior and senior high school*—(a) *Duties.* Under general supervision to serve as teacher in an Indian school. Indian schools do not follow prescribed courses of study. Teachers are expected to draw upon the environment and upon their own general practical experience for much of the material for their educational program. Emphasis is placed upon free and spontaneous use of English, upon group discussions, and other informal processes. Teachers in Indian schools associate constantly with Indians, and it is necessary that they have a full appreciation of the Indian viewpoint and Indian culture, including native arts and crafts, music, and religious ceremonials. Indian service teachers are expected to be not only teachers in the usual sense, but to be active participants in the community in which they work and exercise educational leadership. They must be conversant with problems of rural economy and eager to elevate and dignify rural life.

The primary objectives of Indian schools are: To give students an understanding and appreciation of their own tribal lore, art, music, and community organization; to teach students through their own participation in school and government to become constructive citizens of their communities; to aid students in analyzing the economic resources of their reservation and in planning more effective ways of utilizing these resources for the improvement of standards of living; to teach, through actual demonstration, intelligent conservation of natural resources; to give students first-hand experience in livestock management, use of native materials in housing and clothing, in subsistence gardening, cooperative marketing, farm mechanics, and whatever other vocational skills are needed to earn a livelihood in the region; to develop better health habits, improved sanita-

tion, and higher standards of diet with a view to prevention of trachoma, tuberculosis, and infant diseases; to give students an understanding of the social and economic world immediately about them and to aid them in achieving some mastery over their environment; and to serve as a community center in meeting the social and economic needs of the community.

(b) *Knowledge and training requisite for performance of duties.* For teacher, community school (elementary), SP–4, applicants must have successfully completed two full years of study in a college, university, or teacher training institution of recognized standing.

For teacher, community school (junior and senior high school), SP–5, applicants must have successfully completed a full four-year course leading to a bachelor's degree in a college, university, or teacher training institution of recognized standing.

For teacher, community school (home economics, junior and senior high school), SP–5, applicants must have successfully completed a full four-year course leading to a bachelor's degree with major study in home economics in a college, university, or teacher training institution of recognized standing.

For teacher, community school (agriculture, junior and senior high school), SP–6, applicants must have successfully completed two full years of study in an agricultural college of recognized standing and in addition must have had two years of practical farming experience.

(c) *Substitution.* Additional study successfully completed in an agricultural college of recognized standing may be substituted year for year for the required practical farming experience.

§ 25.15 *Range conservationist, P–1, Department of Agriculture*—(a) *Duties.* Under supervision, but with individual responsibility for applying the fundamental scientific principles in the solution of range conservation problems, performs specific duties such as the following:

(1) Classifies and maps forage types, involving the identification of important forage and other native plants; secures basic information on the location and nature of the forage resources; evaluates the condition of the range in relation to the ecological stages of plant succession and determines whether it is progressing or retrogressing; determines proper rates of stocking and suitable grazing periods and systems of management based on utilization standards and the growth requirements of forage plants; and ascertains the need for range reseeding, rodent control, water development, eradication of noxious plants, and other range improvements required for the improvement and conservation of the range.

(2) Compiles and analyzes such data, and in correlation with information on the economic factors affecting management, prepares tentative recommendations and assists in the development of conservation or range management plans, requiring familiarity with grazing management practices and structural improvements, the conditions under which they are suitable, and the cost of their installation.

(3) Prepares information on feeding of domestic livestock on the basis of the nutritional requirements of animals and the local availability of feedstuffs; makes utilization surveys and instructs ranch operators in their use; evaluates the effectiveness of conservation practices and assists farmers and ranchers in establishing and maintaining such practices; keeps records and prepares preliminary reports and other informational material relative to the conservation and management of range lands.

(b) *Knowledge and training requisite for performance of duties.* Range conservation is the application of a number of separate, but related sciences in the physical, biologic, and economic fields. It embraces a body of scientific principles regarding plants and animals, both as individuals and as they are affected by other plants, animals, climate and other factors influencing their existence, growth and production on the range. Range management is closely related to plant ecology and animal husbandry, and these in turn are based on certain fundamental plant and animal sciences. Therefore, knowledge and training requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which range conservation is based, as well as intensive training in range conservation itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a range conservationist is through the completion in a college or university of recognized standing, the courses specified below:

1 course in each of the following: Plant ecology, plant physiology, soils, elementary surveying, and systematic botany or plant taxonomy.

4 courses in range management (any combination of general range management; range utilization and maintenance; range history and laws; range surveys; range or ranch economics; range plants).

3 courses in animal husbandry (any combination of animal nutrition and feeding; breeds and breeding; livestock management; market classes of livestock; livestock production).

3 courses in any one or in any combination of agronomy, general botany, silviculture, forest management, wildlife management, or zoology.

All of the above courses must have been acceptable for credit toward the completion of a standard 4-year curriculum leading to a bachelor's degree in agriculture, animal husbandry, botany, forestry, science, or range management.

The possession of a bachelor's degree from a college or university of recognized standing with a minimum of 20 semester hours in range management or plant ecology or in a combination of these two subjects, or with a minimum of 10 semester hours in a combination of these subjects and 10 semester hours in a combination of animal husbandry, pasture management, botany, agronomy, or forestry will be accepted as meeting the educational requirements for this position.

The student receives, in such courses, competent instructions in the technical and theoretical subjects that he will have to apply as a range conservationist. Teaching staffs keep up-to-date on the most recent developments in their respective fields, and are in position to give instruction in basic scientific principles of range conservation which have been repeatedly tested and confirmed. The student has access to pertinent reference materials and works in well-equipped laboratories. The Commission is of the opinion that the scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and it is believed the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.16 *Social worker (psychiatric and medical), Veterans' Administration, SP–6 and SP–7.* (These positions have been reallocated to P–2, P–3, and P–4; effective July 1, 1945).—(a) *Duties.* The duties of a social worker (psychiatric and medical) with the Veterans' Administration are to assist veterans who are suffering from physical or emotional illness. In collaboration with the physician, the social worker promotes the veteran's best response to treatment by recognizing and alleviating emotional and social problems that threaten the recovery of the veteran and thus prolong the necessity for treatment. When the veteran's personal adjustment is threatened by the nature of his emotional or physical handicap or by social circumstances and relationships, the social worker helps the veteran to develop resources within himself and the capacity for utilizing existing resources to overcome handicaps and to attain maximum self-reliance and independence. The social worker participates in diagnostic, trial visit, and discharge staff meetings, and in conferences with individual physicians. At such meetings the social worker presents the social data necessary to the medical profession in making vital decisions regarding the lives of disabled veterans.

Social workers (psychiatric and medical) assist veterans in planning their future activities following the period of hospitalization in order that the transition from hospital life to community life may be facilitated. A determination is made as to the social factors, personal circumstances, or community attitudes that are likely to prevent the carrying out of the health measures recommended by the doctors, and assistance is given to the veteran in order to prevent rehospitalization. In carrying out this responsibility it is necessary for the social worker to interpret to social and health agencies and other organizations within the community, the health problems of individual veterans and to cooperate with such agencies in utilizing their resources in advancing the rehabilitation of veterans.

(b) *Knowledge and training requisite for performance of duties.* In order to

give adequate service to physically and emotionally handicapped veterans, the social worker must have a knowledge of basic medical information including symptoms of disease and accepted forms of treatment; medical terminology; and the principles of psychosomatic medicine. There must be a knowledge of the field of psychopathology, including the structure of the various psychotic or neurotic personalities, motivations of human behavior, and the clinical study and treatment of neurotic and psychotic individuals.

The social worker must have a knowledge of and skill in judgment in applying the principles and methods of social case work. The social worker must have training in interpreting technical medical or psychiatric information in such a way as to make it intelligible to patients, their families, and other lay persons. Moreover, a knowledge of the differentiation between the functions of psychologists, psychiatrists, physicians, nurses, and other medical personnel concerned with the case of the patient is necessary.

In order to prepare communities for receiving the disabled veteran and helping him to make a normal adjustment, it is necessary for the social worker to have a knowledge of the aims and methods of urban and rural community organization; and the ability to develop within local communities a sense of their social responsibility to the returning veteran who is mentally or physically handicapped. This entails understanding of such centers of community activity as social, fraternal, and industrial organizations, school centers, and community health facilities.

(c) *Method of obtaining knowledge and training required.* The Commission is of the opinion that the only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a social worker with the Veterans Administration, is through the completion of one year of training in an accredited school of social work including supervised field work and courses in psychiatric or medical information. The student receives, in such training, competent instruction in the technical and theoretical subjects that will have to be applied as a social worker. A definite part of the training period is devoted to supervised practice in a controlled setting. During this field work period, the student acquires ability in applying the skills and techniques necessary for dealing with people who may not be so adjusted as to conduct themselves in a socially acceptable manner. This necessitates the development of a concept of acceptance of individuals, a recognition of their rights, and of their potentialities for change. The student works in a social welfare or health agency of acceptable standards with a limited number of selected cases; is trained in techniques of psychiatric interviewing and social case recording; participates in case conferences with psychiatrists, psychologists, and highly skilled social workers; and throughout the period works directly under a case work supervisor especially selected by the school. The scientific knowledge and skill obtained cannot be acquired by individual study because the necessary facilities and supervision are not available. Requisite studies represent information from such a variety of fields that an individual cannot cover the material except through the careful correlation of directed classroom study and reading with the supervised field work.

§ 24.17 *Agronomist (Research), P–1 Department of Agriculture, Bureau of Plant Industry*—(a) *Duties.* The duties of a research agronomist are, under supervision, to conduct experiments on one or more of the following problems concerned in crop production or improvement:

(1) The effect of cultural practices and rotation sequences on soil moisture, nitrate accumulation, availability of soil nutrients, and the effect of these and allied factors on the growth, yield, composition, and nutritive value of crops under varying soil and climatic conditions as determined by physical, chemical, and biological tests;

(2) The effect of rate, date, method of seeding, fertilization, and other factors on the growth, time of maturity, yield, and nutritive value of crops or crop varieties as determined by physical and chemical tests;

(3) The effect of applying irrigation water to crops in varying amounts and under differing physiological conditions of the plants and degrees of approach to the wilting coefficient of the soil on yields and nutritive values;

(4) The effect of method, time of beginning, frequency of cultivation, shading, and other effects of competitive crops, and the rate, frequency and kinds of chemical herbicides applied on the physiological reactions of the weeds, and on the storage of carbohydrate and protein reserves in the roots of perennial weeds, the relation of these reserves to the rejuvenation, growth, and reproduction of perennial noxious weeds, and the development of weed control practices based on all these relationships;

(5) The development by self fertilization and selection of inbred lines of corn or alfalfa and hybrids between these lines, or of new varieties of other crop plants by hybridization and selection, which possess specific genetic characteristics valuable in improving these crop plants such as (i) resistance to the diseases of the crops involved (smuts of corn, sorghum, small grains and grasses, etc., rusts of small grains and grasses, and the root rot and leaf diseases of all crops); (ii) resistance to insects attacking the particular crop, (aphids, stalk borers, hessian fly, root borers, chinch bugs, etc.); (iii) resistance to stalk breaking and lodging; and (iv) plant, physiological, and yield characteristics which contribute to adaptation of the new hybrid or variety for a given region or locality;

(6) The genetic analysis of plant materials in order to determine the proper crosses for obtaining desired combinations of desired characteristics in improved hybrids or varieties;

(7) Field tests of hybrids, varieties, fertilizers, and other field practices, using appropriate experimental designs so that data can be analyzed statistically, and by analysis of variance and other appropriate statistical methods obtain data on relative yields and other factors necessary to determine values for farm use;

(8) The production and maintenance of foundation seed stocks of improved inbred lines, parent single crosses, and improved varieties for distribution to farmers, and growing such seed stocks under conditions necessary for each crop which insures absence of contamination by physical mixture or foreign pollen in order to insure genetic purity and integrity of type.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisites for the successful performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which agronomy is based, as well as intensive training in agronomy itself and an intimate working knowledge of the theory and application of the scientific agronomic principles employed in technical crop production or improvement.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of agronomist are such that they cannot be performed by a person who does not have the following: 6 courses in crops, including crop breeding or genetics; 2 courses in soils; 2 courses in advanced chemistry; 1 course in physics; 1 course in plant physiology; 1 course in plant pathology; and 1 course in entomology.

The possession of a bachelor's degree in agronomy, or in agronomy and soils combined, will be accepted as evidence that the applicant has met the above requirements.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of an agronomist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as an agronomist. He attends seminars and lectures, has access to a scientific library, and works in well-equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subjects.

CROSS REFERENCE: For Agronomist (Field Operations), Soil Conservation Service, see § 24.8.

§ 24.18 *Office of Education*—(a) *Education specialist, P–4 through P–8*—(1) *Educational requirements.* Completion of a full four year course in a college or university of recognized standing which must have included, or have been supplemented by, major study in education or in the particular field in which the duties as a specialist are to be performed.

(2) *Duties.* The duties of educational consultants or specialists consist of advising school administrators, supervisors, boards of education, or other official school or community groups concerning technical phases of educational programs; providing assistance in planning curriculum content and methods of teaching; and advising local officials in the application of approved educational methods to their individual school and to their community problems.

(3) *Knowledge and training requisite for performance of duties.* Thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written material and instructional methods related to the specialized fields; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school or the community as a whole.

In addition, except for positions in the P–1 grade, experience in research, teaching, or administration of educational programs is required for most positions; the length, scope, nature, and quality of the experience varies with the grade of the position involved.

(4) *Method of obtaining basic knowledge and training.* The only method known to the Commission by which the basic knowledge and training can be acquired is by successfully completing, in a college or university of recognized standing, a full, four-year course leading to a bachelor's degree, and, in addition, specialized study and training in the principles and methods of education. By such training the student learns under competent instructors, is guided in his reading and in his evaluation of materials read. He had access to well-stocked scientific libraries and to well-equipped laboratories; he is given an opportunity to observe various materials and methods of instruction in operation, and in a controlled and supervised setting, can experiment for himself under professional guidance. The literature in the field of education and related fields is so voluminous that an individual cannot master it on his own initiative or by random study. Without this basic college training on individual cannot recognize significant social data or draw valid conclusions.

The duties of an educational consultant require more than usual knowledge in the educational and subject-matter fields, as well as leadership ability.

(b) *Director, Division of School Administration (Assistant Commissioner)*—(1) *Duties.* The director, Division of School Administration (Assistant Commissioner), works under the general direction of the U. S. Commissioner of Education with full responsibility for nation-wide leadership in formulating developing, and executing the program of the Division of School Administration in the U. S. Office of Education, and the policies and plans for its most effective operation.

These responsibilities are carried through in such ways as the following: establishing cooperative arrangements with State and local educational authorities and with other agencies in planning and conducting essential studies of such problems as State participation in the financing of local school districts, legislation governing school textbooks, improved plans for school housing in rural areas, pupil transportation as a State responsibility, and business management in State departments of education and in county and city school systems; planning and conducting conferences, workshops, and training institutes; directing national surveys and studies and preparing reports and bulletins based on such studies; exercising national leadership in the improvement of school administration; and otherwise enabling the Office of Education to serve as a national clearing house of information on matters of State, county, and city school administration.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major work in school administration.

(c) *Director, Division of Secondary Education (Assistant Commissioner), P–8*—(1) *Duties.* Works under the general direction of the United States Commissioner of Education with full responsibility for nation-wide leadership in formulating, developing and executing the program of the Division of Secondary Education in the United States Office of Education and the policies and plans for its most effective operation. The divisional objective is to assist State and local authorities in promoting and improving the secondary school programs of the nation in the fields of organization and supervision, teacher training and instructional problems in the various subjects of instruction in secondary schools.

These responsibilities are carried through in such ways as the following: to analyze the need for and establish adequate research programs for the collection and interpretation of facts and information which will aid in the improvement of secondary education programs; to establish and effectuate cooperative arrangements with and through State and local educational authorities and with other agencies in planning and conducting essential studies of problems that lie within the purview of the Division's interests and functions (for example, analyzing and reporting trends in the development of the curriculum for secondary schools of the nation; instructional problems of secondary education as they relate to large and small high schools; urban and rural high schools, and high schools for white and negro youth); to provide expert and impartial consultative and field service in connection with the over-all Divisional program; to identify, describe, and evaluate innovational programs and practices; to cooperate with State boards or institutions in the administration of federal funds when and as required by law; to provide for and maintain liaison with officials of governmental and non-governmental agencies and organizations whose programs involve or are related to the constituent fields of work of the Division; to plan and conduct conferences, institutes and workshops, and address State, national and other organizations; to be responsible for the preparation of bulletins, reports and other published material covering all phases of Divisional activities; and otherwise to serve as a national clearing-house of information on secondary education.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in the field of secondary education.

(d) *Chief, Instructional Problems, P–7, Division of Secondary Education—Duties.* The chief, instructional problems, is responsible for exercising national leadership in the improvement of programs of instruction in secondary schools; formulates and directs national studies revealing current problems, objectives, and outcomes of instruction in English, foreign languages, social sciences, health and physical education, and other subject fields; arranges for leadership of conferences and training institutes; provides for various field services; establishes and maintains liaison with officials of governmental and non-governmental agencies and organizations concerned with secondary-school instructional problems; and directs the preparation for publication of manuscripts, reports, and articles reflecting the findings and developments in this field.

The specialist for social sciences and geography and the specialist for science assist the chief, instructional problems, in carrying out the duties and responsibilities described above.

Specifically, the specialist for social sciences and geography is concerned with secondary-school instructional problems in the social sciences (history, sociology, political science, economics, and geography), such as: the emphasis is to be given in social science instruction as a result of the new global geographical concepts due to more rapid means of communication and transportation; the organization of materials of instruction for developing ideals and attitudes for citizenship in a world society; the development of criteria to be used in evaluating the effectiveness of instruction; and the translation of a knowledge of political science into functioning civic activities on the part of students.

The specialist for science is concerned with secondary-school instructional problems in the natural sciences (physics, biology, chemistry, general science, geology, meteorology, aeronautics, gardening, floriculture, and other applications of the natural sciences), such as: the determination of the elements of the aeronautical sciences to be included in science courses; the differentiation of materials and methods of instruction in the natural sciences for students expecting to complete their formal schooling with high school graduation and for other students looking forward to collegiate specialization in sciences; and the relation of teaching of natural science in rural high schools to rural life and environment.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in education, including courses in the teaching or supervision of secondary-school subjects.

(e) *Specialist for Social Sciences and Geography, P–6, Division of Secondary Education.*

(f) *Specialist for Science, P–6, Division of Secondary Education.*

NOTE: The provisions of paragraph (d) of this section are applicable to paragraphs (e) and (f) of this section.

(g) *Chief, Instructional Problems, P–7, Division of Elementary Education*—(1) *Duties.* The chief, instructional problems, is responsible for exercising national leadership in the improvement of instructional materials and methods in elementary schools; formulates and directs national studies revealing current problems, objectives, and outcomes of instruction in reading, history, geography, physical education, safety education, science, music, art, mathematics, and other subject fields; arranges for leadership of conferences and training institutes; provides for various field services; establishes and maintains liaison with officials of governmental and non-governmental agencies and organizations concerned with elementary school instructional problems; and directs the preparation for publication of manuscripts, reports, and articles reflecting the findings and developments in this field.

The specialist, health instruction and physical education, is responsible for promoting and assisting in the development of improved programs of health instruction and physical education in the elementary schools; serves as a consultant to school superintendents, members of school boards, officials of teacher-training institutions, State departments of education, and professional organizations of teachers on instructional problems in the teaching of health and physical education, including problems such as: making effective use of information gained from school health examinations, determining the physiological knowledge desirable as a basis for health and physical education at various ages and grade levels, and developing and utilizing visual aids to health instruction.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in education, including courses in the teaching or supervision of elementary school subjects.

(h) *Specialist, health instruction and physical education, P–6, Division of Elementary Education.*

NOTE: The provisions of paragraph (g) of this section are applicable to this paragraph.

(i) *Chief, European Educational Relations, P–7, Division of International Educational Relations*—(1) *Duties.* The chief, European educational relations, is responsible for planning, developing, and directing a program for the further development of relationships to improve understanding and appreciation between the schools, school systems, colleges, universities, and other educational agencies of the United States and those of European countries; formulates and directs field studies of education in European countries; participates in formulating plans, policies, and programs for educational relations between the United States and European countries; provides expert consultative assistance to officials of State departments of education, school systems, colleges, universities, and other educational institutions in the United States and to school and college officials of European countries on educational matters; administers programs of exchange of professors, teachers, and students between the schools, colleges, and universities of the United States and those of European countries; directs the preparation and exchange between the United States and European countries of instructional materials for use in schools and colleges; and establishes and maintains liaison with other governmental and non-governmental agencies and organizations with respect to programs of educational relations with European countries.

(2) *Knowledge and training requisite for performance of duties.* The duties to

be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school adminstration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes that the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in comparative education or related courses basic to the understanding of European educational relations, such as: international relations, contemporary European history or political science, and social anthropology.

§ 24.19 *Forester, P–1, Department of Agriculture*—(a) *Duties.* Under immediate supervision, but with individual responsibility for applying the fundamental scientific principles involved, participates in the management or administration of forest lands or in research thereon by performing the following duties:

(1) Classifies and maps topographic features, areas of different soil and site qualities, forest types and condition classes; collects field data and computes growth of trees and yield of timber; collects data and information on markets, prices, and costs of logging and manufacturing applicable to individual timber tracts; prepares preliminary timber appraisals, management plans, and recommendations for silvicultural treatment of forests;

(2) Administers small timber sales on national forests, or assists farmers and others in the sale of timber from small forested areas; selects and marks trees for removal in accordance with established practices and policies; scales, measures, and grades logs and other forest products, and inspects cutover areas for compliance with the terms of the sale;

(3) Assists in the preparation and application of plans for the prevention and control of forest fires, tree disease epidemics, and outbreaks of forest insects;

(4) Classifies and maps areas as to soil, erosion, and cover conditions and prepares recommendations for planting or otherwise revegetating barren or open areas; selects aud times for collection of tree seeds; tests tree seeds for quality and germination; inspects the work of foremen in tree nurseries; trains planting crews and inspects their work; examines plantations and prepares reports thereon with recommendations as to future treatment;

(5) Makes measurements or observations on resources other than timber, such as forage, water, wildlife, and recreational values, on specified areas and assists in the preparation and application of correlated multiple use plans of management.

(b) *Knowledge and training requisite for performance of duties.* The Forest Service carries on specialized technical research for the whole field of forestry, not only on the national forests but also on land administered by other government agencies and on private land under a large and diversified ownership. The professional forester therefore, must be trained to perform skilled duties of a professional and scientific nature in managing and caring for forest areas. He must be able to diagnose and prescribe for the numerous diseases peculiar to forest trees, and to identify and eradicate the various insect pests, rodents, etc., in his area. Forest fires are such a universal threat to the forests of the country that special training in the principles governing their inception, spread, detection, and control is essential to professional status as a forester. Inasmuch as the national forests are valuable as grazing areas for livestock, and are also the home of vast numbers of wild game, the forester is concerned in the application of a number of separate, but related sciences in the physical, biologic, and economic fields. Forest management embraces a body of scientific principles regarding plants and animals, and the factors influencing their existence, growth, and production. Therefore, knowledge requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which forestry is based, as well as intensive training in forestry itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of forester are such that they cannot be performed by a person who does not have the following: one course in dendrology or taxonomic botany; one course in forest ecology, silvics, or plant physiology; five courses in any combination of forest mensuration, silviculture, forest planting, or forest management; three courses in any one or in any combination of forest entomology, forest pathology, or forest fire protection; three courses in wood technology and forest utilization; two courses in any one or in any combination of forest economics, forest finance, forest valuation, or forest history, policy, and law; one course in range management or wildlife management; one course in soil science, forest soils, or geology; two courses in any one or in any combination of plane surveying and mapping, topographic surveying and mapping; or forest improvements.

All of the above courses must have been acceptable for credit toward the completion of a standard four-year curriculum leading to a bachelor's degree in forestry, science, wildlife management or range management.

The possession of a bachelor's degree in forestry from a college or university of recognized standing will be accepted as meeting the educational requirements for this position.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a forester is through the completion of the courses listed above. The student receives, in such courses, competent instructions in the technical and theoretical subjects that he will have to apply as a forester. Teaching staffs keep up-to-date on the most recent developments in their respective fields and are in position to give instruction in basic scientific principles of forestry which have been repeatedly tested and confirmed. The student has access to pertinent reference material, and works in well-equipped laboratories. The scientific information thus obtained cannot be secured by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.20 *Psychiatric social worker, P–1, War Department, Fort Story, Virginia.* This position is substantially identical to the position of social worker (psychiatric) in the Veterans Administration described in § 24.16. The Commission has determined that the same educational requirement, that is, one year of training in an accredited school of social work to include supervised field work and courses in psychiatric or medical information, be included in the requirements for psychiatric social worker, War Department, Fort Story, Virginia.

§ 24.21 *Range conservationist (Ecology), P–1, Department of Agriculture*—(a) *Duties.* Under the immediate supervision of conservationists of higher grade but with individual responsibility for applying the fundamental scientific principles involved and for the accuracy of tests, observations, and measurements made, performs specific duties such as the following:

Assists in the conducting of research in the management, use, and improvement of forested and other range lands, including the laying out of experimental plots for studying ecological changes on the range in response to use by domestic livestock and game; the intensive mapping of such plots involving the identification of plants thereon; the collection of data on growth and utilization of range plants and their physiological response to grazing, under different soil and climatic conditions; the laying out, planting, and recording of success in establishment of reseeded forage species on experimental plots; the compilation and preliminary analysis of data resulting from such studies; the preparation of preliminary drafts of reports or portions thereof; and the performance of related duties as assigned.

(b) *Knowledge and training requisite for performance of duties.* The research problems involved in range conservation deal with an extremely complex set of relationships involving soil, water, climate, plants and animals. The range conservationist is concerned in the application of a number of separate, but related sciences in the physical, biologic, and economic fields. Range management is closely related to plant and animal ecology, and embraces a body of scientific principles regarding plants and animals, and the factors influencing their existence, growth and production on the range. Therefore, knowledge and training requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which range conservation is based, as well as intensive training in range conservation itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of range conservationist (ecology) are such that they cannot be performed by a person who does not have the following: Seven courses in any combination of range management, plant ecology, pasture management, wildlife management, silviculture, forest management, animal ecology or animal husbandry, provided two courses in plant ecology or one course in plant ecology and one course in range management are shown; one course in plant physiology; two courses in systematic botany, plant taxonomy or agrostology; two courses in any one or in any combination of soil science, agronomy, or geology. All of the above courses must have been acceptable for credit toward the completion of a standard four year curriculum leading to a bachelor's degree in biology, botany, zoology, agronomy, or forestry.

The possession of a bachelor's degree from a college or university of recognized standing with a minimum of 20 semester hours in plant ecology, range ecology, or forest ecology or in any combination thereof, or with a minimum of 10 semester hours in plant ecology and 10 semester hours in any one or in any combination of plant physiology, systematic botany, soil science, geology, range management, pasture management, agronomy, forestry, or animal husbandry will be accepted as meeting the educational requirements for this position.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a range conservationist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a range conservationist. Teaching staffs keep up-to-date on the most recent developments in their respective fields, and are in position to give instruction in basic scientific principles of range conservation which have been repeatedly tested and confirmed. The student has access to pertinent reference material and works in well-equipped laboratories. The scientific information thus obtained cannot be secured by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.22 *Biologist (Land Management), P–1, Soil Conservation Service*—(a) *Duties.* The duties of a biologist are, under supervision, to assist with the planning and application of soil and water conservation practices requiring a special knowledge of biology and ecology; to appraise the interrelations of plants and animals as they affect soil and water conservation and land use; to assist with the ecological use of plants and animals, especially native species, in accordance with the capabilities of the land, particularly on eroded and waste areas unfit for tilled crops, pasture, or woodland; to identify and evaluate species of insects, birds, mammals and other animals, populations of which are influenced by the establishment of soil and water conservation practices and to suggest methods of reducing injurious organisms, especially by ecological methods; to prepare information on ecological aspects of soil and water conservation, including relation of conservation practices to populations of both beneficial and harmful wild plants, insects and other invertebrates, as well as rodents, predators, big game and other mammals; to assemble biological data useful in determining the effectiveness of conservation practices and to work with and assist farmers and ranchers with the use of ecological knowledge essential to the successful establishment and maintenance of such practices; to keep records and prepare reports and other informational material relative to biological and ecological aspects of soil and water conservation and land use; and to perform related duties.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the successful performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which biology is based, as well as intensive training in biology itself. The work of the biologist requires an intimate knowledge of living things and of environmental conditions—organic and inorganic, physical and biotic. It demands particularly familiarity with environmental conditions as they result from past and present use of the land, and appreciation of the relationship between such conditions and living things. Particularly important is an understanding of the interrelationships between wild plants and animals and the practices being applied to the land in order to achieve soil and water conservation. The biologist must possess a fundamental knowledge of the life histories, habits, and habitats of plants, birds, mammals, and other animals, and of plant and animal communities as dynamic forces of value in land management.

(c) *Method of obtaining basic knowledge and training.* The Commission has decided that the duties of the position of biologist are such that they cannot be performed by a person who does not have the following:

Twelve courses in biology, botany, zoology, or ecology which has included at least 4 courses in entomology, herpetology, ichthyology, mammalogy, or wildlife management;

Two courses in soil science or earth science or in any combination thereof;

Two courses in any one or in any combination of agriculture, horticulture, forestry, or range management.

The possession of a bachelor's degree from a recognized college or university with a major in biology including 12 or more courses in any combination of 3 or more of the following will be accepted as meeting the educational requirement for this position: ecology, botany, zoology, entomology, herpetology, ichthyology, ornithology, mammalogy, wildlife management, agriculture, forestry, range management.

In the field of biology a great deal of scientific, technical, and applied knowledge is available in the educational institutions of the country which offer courses in the biological sciences. The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a biologist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a biologist. He attends seminars and lectures, has access to a scientific library, and works in well equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the Commission is of the opinion that the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.23 *Clinical Psychologist P–2 through P–5 in Veterans Administration hospitals and out patient clinics and in U. S. Public Health Service clinics*—(a) *Duties.* Appointees to these positions apply psychological principles and techniques to the diagnosis and treatment of maladjusted individuals. With a degree of responsibility appropriate to the grade, they administer and interpret psychometric tests of intelligence, achievement, vocational aptitude, or personality, or use other diagnostic techniques; confer with psychiatrists, physicians, social workers, and professional staff members; contact representatives of schools or other institutions or individuals to secure information as a basis for diagnosis; carry out psychotherapeutic treatment as affected by the psychiatrists; perform psychological research in the field of mental health; promote public relations by radio and personal addresses; collaborate in the preparation of informational material; perform related work as assigned. At the higher levels also direct and supervise a clinical psychological program.

(b) *Knowledge and training requisite for performance of duties.* A thorough knowledge is required of the fundamental and supporting arts and sciences upon which psychology is based as well as intensive training in psychology and psychopathology. In order to make appropriate application of tests in a variety of situations involving maladjusted individuals, to analyze and interpret results of such tests in the light of available psychiatric, medical, social, and educational data, and to make recommendations for treatment of maladjusted individuals, it is essential that the clinical psychologist have knowledge of human behavior, of neurotic and psychotic variants, of basic medical information and terminology, and of the social forces that affect the development of the individual. In addition to the knowledge required, the clinical psychologist must have command of specialized techniques of measurement, of observation, and of interpretation of data.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of clinical psychologist at all levels are such that they cannot be performed by a person who does not have, in addition to the experience required for the various levels, at least 10 courses in psychology in a college or university of recognized standing, including

Two courses in abnormal psychology, clinical psychology, mental hygiene, or personality adjustment;

Two courses in clinical techniques such as individual testing, interviewing, or the case study method;

Two courses in differential psychology or tests and measurements (educational, vocational, psychological, personality, attitude), or statistics;

One course in human biology, neurology, or physiological psychology; and

Three courses in general, experimental, child, adolescent, social, animal, or systematic psychology or additional courses listed in the foregoing paragraphs.

Completion of all requirements for the Ph. D. degree in psychology will be accepted as meeting this educational requirement.

The Commission is of the opinion that the only satisfactory method by which persons may obtain the basic knowledges and skills is through the training given at recognized colleges and universities. Through such training, the student receives competent instruction in both the theoretical and the practical aspects of the subject matter that he will later apply as a clinical psychologist. Such scientific knowledge and skill cannot be acquired by individual study because the necessary facilities and supervision are not available. Requisite studies include pertinent information from a variety of fields which are so voluminous that the student could not cover the material effectively on his own initiative or by random study.

§ 24.24 *Land Classification Specialist, Grades P–1 and P–2, Bureau of Reclamation, Department of the Interior.*

NOTE: The provisions of § 24.9 are applicable to this section.

§ 24.25 *Educational Consultant, Grades P–7 and P–8, Army Air Forces.*

NOTE: The provisions of § 24.4 are applicable to this section.

§ 24.26 *Educational Retraining, Veterans' Administration*—(a) *Instructor, SP–6.*

(b) *Instructor-Supervisor, SP–8.*

(c) *Instructor-Supervisor, P–2.*

(d) *Chief, P–3.*

NOTE: The statement showing justification for educational requirements for Teachers, All Grades (see § 24.12), is applicable to the position listed above.

NOTE: The provisions of § 24.12 are applicable to this section.

§ 24.27 *Pharmacist P–1 through P–4*—(a) *Educational requirement.* Applicants must hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator, and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia.

(b) *Justification of educational requirements.* Section 5, 59 Stat. 676; 38 U. S. C., Sup., 15d, an act to establish a Department of Medicine and Surgery in the Veterans' Administration, provides that a person to be eligible for appointment in the Department of Medicine and Surgery as a pharmacist must "hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia."

By authority of 59 Stat. 675; 38 U. S. C., Sup., 15–15n, the Administrator of the Veterans' Administration has established minimum qualifications for professional pharmacists' positions in that agency to include a degree in pharmacy or an equivalent degree from a four year standard college course. In view of the almost identical nature of duties of pharmacists wherever found it is not believed that different requirements may reasonably be established for pharmacists in Government agencies other than the Veterans' Administration.

§ 24.28 *Chemist*—(a) *Grade P–1*—(1) *Educational requirements.* Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; and in addition, sufficient appropriate experience which, when combined with the required 30 hours in chemistry, will give the applicant the substantial equivalent of a 4-year college course.

In either subdivision (i) or (ii) of this subparagraph above, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition any two of the following: (*a*) Advanced Inorganic Chemistry; (*b*) Biochemistry; (*c*) Organic Chemistry; (*d*) Physical Chemistry.

(2) *Duties.* The statements in subparagraphs (3) and (4) of this paragraph are with reference to those positions in chemistry of a highly involved technical nature having to do with original research in chemistry of a very difficult fundamental character or in other duties of comparable scope or scientific difficulty.

Appointees perform these duties in connection with a wide variety of chemical projects necessitating scientific research of more than ordinary difficulty and requiring a knowledge of other sciences connected with such chemical investigations.

(3) *Knowledge and training requisite for performance of duties.* These positions are characterized by investigations in new, untried and unfamiliar chemical fields. Incumbents must have aptitude for and training in the methods of original research coupled with scientific curiosity, decided ability to discover new methods or compounds or to do work necessitating the use of new instruments and the adoption of unusual means. In order to perform these duties and so that there be less likelihood of failure in them incumbents must have received broad training which has furnished a very adequate comprehensive and preferably an exceptional background and foundation in Chemistry, Physics, Mathematics and related sciences. They must have a thorough knowledge of recent accomplishments in the field of chemistry and a thorough knowledge of modern literature in chemistry and its related sciences. They must also have been trained in the use of written language and be fitted for advancement into more responsible and exacting positions.

(4) *Method of obtaining basic knowledge and training.* The only place to obtain broad reliable training in the fundamentals of the various sciences involved of the level and extent required for the proper performance of these duties is in a college or university of recognized standing where a full staff of competent instructors are available and where adequate laboratory facilities exist and suitable standards for completeness of the program and thoroughness of the methods of instructions are maintained.

(b) *Grades, P–2 through P–8*—(1) *Educational requirements.* Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours plus additional appropriate experience or education which, when combined with the 30 semester hours in chemistry, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subdivisions (i) or (ii) of this subparagraph, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition, any two of the following: (*a*) Advanced Inorganic Chemistry; (*b*) Biochemistry; (*c*) Organic Chemistry; (*d*) Physical Chemistry. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in chemistry at a college or university of recognized standing.

(2) *Restrictions of certification for highly technical positions.* For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in chemistry in a college or university of recognized standing.

(3) *Duties.* The duties of the P–2 to P–8 chemist are: to perform, conduct, plan, or direct scientific investigative, developmental, or fundamental research work in one or more of the specialized fields of chemistry; to collect, examine, and interpret scientific data; to coordinate assignments and programs; to prepare budget estimates for specified research programs; and to perform related duties as assigned.

(i) Those positions in chemistry requiring, as a positive requirement, formal education to the extent only of 30 semester hours of college study in chemistry supplemented by appropriate experience or education are characterized as follows:

The solution of specific problems of limited scope which does not involve the application of all the principles of the scientific fields related to chemistry—in general, problems where a broad viewpoint or training is not necessarily required; conducting important chemical analyses of material; directing the standardization and testing of well-known types of equipment or instruments; developing modifications of standard procedures, tests, techniques, etc.; making literature surveys of the field; and preparing, editing, and reviewing technical reports on the results of the work performed in the field of professional chemistry.

(ii) Those positions requiring the successful completion of four years of college or university training in chemistry are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of chemistry and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts to the development of new processes, techniques, devices or products.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(4) *Knowledge and training requisite for performance of duties.* The minimum amount of formalized training required for the successful performance of the duties described in subparagraph (3) (i) of this paragraph consists of the completion of 30 semester hours of study in chemistry in a college or university of recognized standing. This study represents essentially the fundamental body of knowledge of the science of chemistry. It includes courses in the principal fields of chemistry (analytical, inorganic, organic, and physical) which are required to furnish the basic knowledge for any type of professional work in chemistry. In addition, it is supplemented by laboratory training in the application of the scientific principles involving the use of apparatus and equipment, and skills essential to work in chemistry. A familiarity with scientific literature, especially the methods by which such literature is compiled, classified, indexed and made available is also a necessary part of such education. And finally, the training will include experience in preparing technical reports in which it is necessary to organize material logically, to make clear distinctions between theory and facts, to make precise and unambiguous statements and to draw conclusions that are useful and fully warranted by experimental results.

The minimum amount of training required for the successful performance of the duties described in subparagraph (3) (ii) of this paragraph is the competition of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 30 semester hours of study in chemistry. Such a college course consists of laboratory work (including the use of complex apparatus) lectures, recitations, seminars, and selected reading in chemistry and other fields given under competent instruction and guidance. Such a curriculum is planned and integrated so as to provide a sound and comprehensive training not only in chemistry but in related subjects such as physics, mathematics, biology, engineering, etc. Training in the fundamentals of other fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(5) *Method of obtaining basic knowledge and training.* Subparagraphs (1)–(4) of this paragraph contain statements of the minimum knowledge and training required to carry on successfully professional work in two broad areas in the field of chemistry. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(6) *Justification of educational requirement.* The world of today is conscious that it is living in an atomic age and the people of the United States are aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal Government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences, during World War II, have been outstanding and of major importance. Particularly is this true of the field of chemistry in all of its branches and further advances will depend on the number of highly qualified and properly trained chemists who are competent to explore the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated scientific research in a specialized field of chemistry must of necessity possess the fundamental scientific knowledge characteristic of their own field and in addition that of certain allied fields in order that they may successfully attack these complex problems with which they are faced.

Private industry doing research in chemistry has long recognized the necessity for broadly trained men for professional chemists' positions who are well-grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in the science, and in many instances a doctor of philosophy degree with specialization in a particular field is demanded.

§ 24.29 *Physicist, P–1 through P–8*—(a) *Educational requirements.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in physics. This study must have included courses in physics consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; or

(2) Courses in physics, in a college or university of recognized standing, con-

sisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in physics will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subparagraph (1) or (2) of this paragraph, the courses must have included a fundamental course in general physics and in addition any two of the following: (i) Electricity and magnetism; (ii) heat; (iii) light; (iv) mechanics; (v) modern physics; (vi) sound. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in physics at a college or university of recognized standing.

NOTE: For those positions involving highly complicated or fundamental scientific research or similar difficult duties, certification may be restricted to those eligibles who show the successful completion of a full college education in physics in a college or university of recognized standing.

(b) *Duties.* (1) Those positions in physics requiring, as a positive requirement, formal education to the extent only of 24 semester hours of college study in physics supplemented by appropriate experience or education are characterized as follows:

The solution of specific problems of limited scope which do not involve the application of all the principles of the scientific fields related to physics—in general; problems where a broad viewpoint or training is not necessarily required; conducting important physical tests of material and scientific instruments; directing the standardization and testing of well known types of equipment or instruments; developing modifications of standard procedures, tests, techniques, etc.; making literature surveys of the field; and preparing, editing, and reviewing technical reports on the results of the work performed in the field of professional physics.

(2) Those positions requiring the successful completion of four years of college or university training in physics are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of physics and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts to the development of new processes, techniques, devices or products.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of formalized training required for the successful performance of the duties described under paragraph (b) (1) of this section consists of the completion of 24 semester hours of study in physics in a college or university of recognized standing. This study represents essentially the fundamental body of knowledge of the science of physics. It includes courses in the principal fields of physics (heat, light, sound, mechanics, electricity and magnetism) which are required to furnish the basic knowledge for any type of professional work in physics. In addition, it is supplemented by laboratory training in the application of the scientific principles involving the use of apparatus and equipment, and skills essential to work in physics. A familiarity with scientific literature, especially the methods by which such literature is compiled, classified, indexed and made available is also a necessary part of such education. And finally, the training will include experience in preparing technical reports in which it is necessary to organize material logically, to make clear distinctions between theory and facts, to make precise and unambiguous statements and to draw conclusions that are useful and fully warranted by experimental results.

The minimum amount of training required for the successful performance of the duties described in paragraph (b) (2) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 24 semester hours of study in physics. Such a college course consists of laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in physics and other fields given under competent instruction and guidance. Such a curriculum is planned and integrated so as to provide a sound and comprehensive training not only in physics but in related subjects such as chemistry, mathematics, biology, engineering, etc. Training in the fundamentals of other fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledges, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtainining basic knowledge and training.* Paragraphs (a) – (d) of this section contain statements of the minimum knowledge and training required to carry on successfully professional work in two broad areas in the field of physics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.30 *Engineer, Trainee, SP–3, SP–4, SP–5*—(a) *Education requirement.* Applicants must have graduated from an accredited high school and must have successfully completed the following high school work:

English	3 units
Algebra	1 unit
Plane geometry	1 unit
Solid geometry	½ unit
History	1 unit

(b) *Duties.* The duties of an Engineer Trainee position will consist of a combination of (1) on the job training at Wright Field, Dayton, Ohio, and (2) scholastic training in Engineering at a university designated by the Air Matériel Command.

(c) *Knowledge and training requisite for performance of duties.* The applicant must be qualified to meet the university entrance requirements in order to enroll for scholastic training in Engineering. Graduation from an accredited high school and completion of the courses listed in the education requirement are required for admission into an engineering course at a college or university of recognized standing. The education prescribed above is therefore necessary for the adequate performance of the duties listed for the Engineer Trainee position.

§ 24.31 *Geologist*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, including courses in geology consisting of lectures, recitations and appropriate practical laboratory and field work totaling at least 30 semester hours; or

(2) Courses in geology, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory and field work totaling at least 30 semester hours plus additional appropriate experience or education which when combined with the 30 semester hours in geology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subparagraph (1) or (2) of this paragraph, the 30 semester hours must include or have been supplemented by any five of the following: (i) Physiography; (ii) structural geology; (iii) geophysics; (iv) mineralogy; (v) petrology; (vi) optical mineralogy; (vii) economic geology (metals, non-metals or fuels); (viii) ground water geology; (ix) invertebrate paleontology; (x) stratigraphy; (xi) sedimentation; (xii) map interpretation; (xiii) field geology.

(b) *Duties.* Appointees conduct or assist in professional geological work in one or more of the specialized fields of geology. This work usually involves scientific research of more than ordinary difficulty and requires a knowledge of the fundamental principles of other sciences connected with such geological investigations. In the higher grades in addition to performing difficult and responsible individual work many of these geologists occupy administrative and supervisory positions, planning the work of a group of geologists, or reviewing and directing the activities of lower grade geologists or assistants. The duties performed and the responsibilities assumed will vary with and be commensurate with the grade of the position.

Typical duties of geologists include: Making maps showing the location and character of rock formations, mineral deposits, ore deposits, underground water, etc., recording factual data about each and sampling systematically for laboratory study; examining and making generic and specific identification of fossil material requiring a knowledge of paleontology, systematic classification, the structure and evolution of various classes of organisms and the principles of nomenclature; making investigations of sedimentation resulting from accelerated soil erosion; classifying sedimentary deposits; preparing technically comprehensive and scientifically and economically sound reports including such items as the compilation of accurate maps from field triangulation, cadastral surveys and aerial photographs using photogrammetric and other methods; constructing cross sections, three-dimensional diagrams, charts and tables illustrative of observed, inferred or computed subsurface relationships of rock formations involved in folds, or offset by the several kinds of faults or cut by intersecting dikes or mineral bearing veins; the analysis, appraisal and summation of various kinds of geologic data.

(c) *Knowledge and training requisite for performance of duties.* For the successful performance of the duties described in paragraph (a) of this section, the geologist needs a basic general knowledge of the principles of stratigraphy, sedimentation, structural geology, paleontology, ore deposition, and mineralogy; and a specialized knowledge of the following: The various types of sedimentary, igneous and metamorphic rocks; the rank and grade of coals; the porosity and permeability of rocks as potential reservoirs of oil and of underground water; the distinctive structural features and paragenesis of ore veins; the criteria for the evalution of unconformities, the geomorphic cycles that have sculptured the landscape and their correlation with Tertiary and Quaternary sediments; the processes of erosion and sedimentation; the applications of mathematics and the physical and biological sciences to geological problems.

(d) *Methods of obtaining basic knowledge and training.* The only place to obtain broad reliable training in the fundamentals of the various sciences involved of the level and extent required for the proper performance of the duties described in paragraph (b) of this section is in a college or university of recognized standing where a full staff of competent instructors are available and where adequate laboratory facilities exist and suitable standards for completeness of the program and thoroughness of the methods of instructions are maintained.

§ 24.32 *Bacteriologist, P–1, P–2, P–3, (option, agricultural)*—(a) *Educational requirement.* Applicants must have successfully completed, in a college or university of recognized standing, courses consisting of lectures, recitations, and appropriate laboratory work totaling at least twenty semester hours in either bacteriology or in any combination of bacteriology, biology and biochemistry which includes at least ten semester hours in bacteriology.

(b) *Duties.* Appointees conduct or assist in scientific, investigative or fundamental research work in one or more of the specialized fields of bacteriology. This work involves the careful collection of scientific data and the examination, study and interpretation of this data requiring a knowledge of the fundamental principles of Bacteriology and related sciences and the ability to apply them. The work also necessitates a knowledge of and ability to apply laboratory methods and techniques and requires familiarity with the apparatus and instruments used.

With supervision received and responsibilities carried varying in accordance with the grade occupied, appointees study, describe and identify organisms which are responsible for: the deterioration and spoilage of foodstuffs, the changes in and the improvement or degradation of soils, the precipitation from solution of valuable chemicals, etc. They work out details for carrying out plans and programs. They supervise the work of laboratory aides and technicians engaged in bacteriological examinations. They observe, tabulate, and study results and they write reports describing the work and discussing the results.

(c) *Knowledge and training requisite for performance of duties.* The science of Bacteriology includes the study of the properties of bacteria as living animal or plant organisms capable of producing beneficial or harmful effects on other organisms directly or by means of substances resulting from their growth or metabolic processes. Such study involves investigation of the physical and chemical changes that accompany the growth, development and degradation of the species and therefore demands a knowledge of the related sciences of Biology, Chemistry and Physics. The laboratory techniques of the latter sciences as well as those used in bacteriological examination such as methods of bacterial culture, development of strain virility, and the isolation of friendly bacteria, etc., is in turn demanded in order to solve the problems of the sciences. Closely supervised training and knowledge of specialized equipment and its use can only be obtained in institutions that have been thoroughly investigated and found to possess competent instructors, adequate resources, and the essential scientific laboratory equipment.

(d) *Method of obtaining basic knowledge and training.* The technical knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by attending and completing courses in a recognized college, university or medical school.

§ 24.33 *Engineering positions involving highly technical research, design or development, or similar functions*—(a) *Educational requirement.* Applicants must have successfully completed a full college course in engineering.

(b) *Duties.* Professional engineering positions which require the successful completion of four years of college or university training are those positions "involving highly technical research, design and development or similar functions", the duties of which include the performance of such functions as the following:

(1) A critical investigation requiring a high level of intelligence and a sound knowledge of fundamental scientific concepts, principles, and terminology and having for its aim the discovery of new facts or principles, the interpretation of new knowledge or the more complete interpretation of facts already known, or the revision of accepted conclusions, theories, and laws in the light of newly discovered facts; or

(2) The application of known complex scientific laws, facts and discoveries, in new and untried ways to develop new or improved processes, techniques, methods of production, devices, or products; or

(3) In general those scientific activities of an extremely complex nature in which new methods are devised, or new and advanced contributions to knowledge are developed.

(c) *Knowledge and training requisite for performance of duties.* It is widely recognized that improvement in, and the safeguarding of, the health, security, and welfare of the nation and the modernization and safe and adequate design of large and complicated engineering structures is dependent upon the quality and extensiveness of the scientific and engineering research and development activities of the nation. These problems are recognized as of such vital importance to the activities and existence of the nation that the Federal government, through its various departments and agencies, is required by Congress to engage in scientific research and development.

In their infancy scientific and engineering research were of necessity concerned with the discovery of the simpler and more elementary facts, laws and processes of nature. However, so much has now been learned about the facts, laws, materials and processes of nature, and so complex are the concepts and tools of modern science and engineering that personnel engaged today in carrying out highly technical scientific and engineering research, design, or development and similar functions must possess special qualifications if their work is to be productive and in step with the times.

The more successful establishments throughout the country now require of applicants for research and similar scientifically exacting positions at least a bachelor's degree and frequently a doctorate in scientific subjects. Because of the complexity of scientific knowledge, concepts and specialized tools required for satisfactory achievement in modern

engineering research, design and development, and because of the difficulty of acquiring proficiency in the scientific fields, agencies of the Federal government must have for certain positions in scientific work, personnel who have a sound fundamental knowledge in the sciences and the ability to apply this theoretical knowledge to the interpretation of data gathered in the fields of research or to the production or development of new processes, devices or techniques.

(d) *Method of obtaining basic knowledge and training.* Positions in the engineering field as defined in paragraph (b) of this section require the completion of a full four year course in engineering in a college or university of recognized standing to insure technical knowledge and training of the level and extent required for the proper performance of these duties. In the professional schools of such institutions a student receives competent instruction and guidance in the technical and theoretical subjects that he will have to apply in his profession. He attends seminars and lectures, has access to scientific libraries and works in well equipped laboratories provided by the professional schools. In these schools prevailing practices have undergone analysis and those found to be most effective have been organized into relevant courses of instruction. Through training received in the professional schools the student receives competent instruction in specialized fields and is expertly guided in his selection of readings from available literature which is so voluminous that no individual could master it by random study. The required studies represent information from a variety of fields and the student cannot cover the material except through supervised courses of study designed to provide a comprehensive understanding of the subject.

§ 24.34 *Instructor, Academic Subjects, Apprentice Schools, Navy Department.*

NOTE: The provisions of § 24.12 are applicable to this section.

§ 24.35 *Geophysicist, P–2 through P–6*—(a) *Educational requirements.* For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in a pertinent field in a college or university of recognized standing.

(b) *Duties.* The duties of the P–2 to P–6 geophysicist are: (1) Planning, directing, and making geophysical observations in the field or at fixed stations, interpreting the results, preparing charts, tabulations, and securing other scientific information required in observations for interpretations, designing or assisting in constructing specialized operatives and equipment for use in connection with geophysical investigations; (2) conducting or assisting in geophysical prospecting, explorations, or other geophysical observations; (3) making reports, and preparing articles for publication.

These positions involving the duties described in subparagraphs (1)–(3) of this paragraph and requiring the successful completion of four years of pertinent college or university training are characterized as follows:

(i) Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of geophysics and the related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

(ii) The application, in new ways, of known complex scientific laws and facts to the development of new techniques or devices.

(iii) The coordination and planning of a broad research program requiring the combined efforts of several specialists in different scientific fields, in which the leader of the program must have a thorough understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of training required for the successful performance of the duties described in paragraph (b) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing including a minimum of 30 semester hours credit in either geology, mathematics, physics, geophysics, engineering, or closely allied subjects, or any combination thereof. Such college courses include laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in various fields all given under competent instruction and guidance. Such curricula are planned and integrated so as to provide a sound and broad training in related scientific fields. Training in the fundamentals of various related scientific fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a bread understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional complex research work in the field of geophysics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(e) *Justification.* All people throughout the world today are conscious that they are living in a rapidly moving world and the people of the United States are particularly aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various physical sciences, during World War II, have been outstanding and of major importance. This is especially true in the field of geophysics and many of the advances in the allied sciences have been useful in the field of geophysics. Further advances will depend on the number of highly qualified and properly trained geophysicists who are competent to explore the particular phase of the work on which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge from all fields, so that persons engaged in highly complicated scientific research in geophysics must of necessity possess the fundamental scientific knowledge characteristic of their own field and in addition that of certain allied fields in order that they may successfully attack those complex problems with which they are faced.

§ 24.36 *Junior Professional Assistant*—(a) *Educational requirements*—(1) *Mathematician.* Mathematicians will perform or assist in performing mathematical calculations and computations incident to investigative, developmental and research work in the scientific fields such as engineering, physics, astronomy, etc. These duties include mathematical and statistical analyses of observational data, computation of scientific tables, preparation of graphs and charts, writing scientific reports and practical computations on engineering and scientific problems involving higher mathematics. This work requires a thorough knowledge of basic mathematics such as trigonometric equations, differentiation, integration, solution of differential equations, development and application of formulea, etc. as well as familiarity with other related scientific fields.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in mathematics. This study must have included courses in mathematics consisting of lectures and recitations totaling at least 24 semester hours, and courses in the physical sciences (engineering, physics, geology, astronomy, chemistry, etc.) totaling 12 semester hours.

(ii) Courses in mathematics, in a college, or university of recognized standing, consisting of lectures and recitations totaling at least 24 semester hours; plus additional appropriate experience or education in scientific fields which when combined with the 24 semester hours in mathematics will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course prescribed under (i) above. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional experience in the mathematical or statistical analysis of observational data in the physical or biological sciences which provided a working knowledge of the theory and application of mathematical principles.

Research experience in such fields as physics, chemistry, engineering, biology, etc. which involved the evaluation of reports and the organization of experimental data. Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included analytic geometry, differential calculus, integral calculus and in addition, any four of the following: (*a*) trigonometry, (*b*) theory of equations, (*c*) vector analysis, (*d*) statistics, (*e*) higher algebra (beyond elementary college algebra), (*f*) differential equations, (*g*) advanced differential calculus, (*h*) advanced integral calculus.

(2) *Physicist.* Physicists will conduct or assist in conducting scientific investigative, developmental or fundamental research work in one or more of the specialized fields of physics; and collect, examine, and interpret data relative to any assigned project or specific problem in a specialized field of physics. These duties require a working knowledge of the basic laws, concepts, and terminology of physics which includes the fundamental phenomena of electricity and magnetism; geometrical and physical optics; the thermal properties of matter as related to mechanical applications, molecular motion and radiation; the nature, propagation and detection of sound waves; mechanics; radioactivity and nuclear transformation; and the theory and application of methods of precise measurements in physics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in physics. This study must have included courses in physics consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; or

(ii) Courses in physics, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in physics will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific publications.

Research experience in such fields as physics, chemistry, engineering or biology, which included the analysis of data and the preparation of reports.

Work in physics of a professional grade such as described in the duties of positions to be filled from this examination.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included a fundamental course in general physics and in addition any two of the following: (*a*) electricity and magnetism, (*b*) heat, (*c*) light, (*d*) mechanics, (*e*) modern physics, (*f*) sound.

(3) *Chemist.* Chemists will conduct or assist in conducting scientific investigative developmental or fundamental research work in one or more of the specialized fields of chemistry. This involves highly technical operations, the use of complex apparatus and the application of the scientific principles of the fundamental branches of chemistry and other related scientific fields to the solution of chemical problems. The duties include the collection, examination, and interpretation of scientific data and require a thorough knowledge of the laws, concepts, and theories of chemistry and other related sciences, nomenclature, measurements, methodology and the ability to apply this knowledge in the laboratory.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; plus additional appropriate experience or education which, when combined with the 30 semester hours in chemistry, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature.

Research experience in such fields as physics, chemistry, engineering or biology, which included the analysis of data and the preparation of reports.

Chemical work of professional grade, such as that described in the duties of the positions filled from this examination.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition, any two of the following: (*a*) advanced inorganic chemistry; (*b*) biochemistry; (*c*) organic chemistry; (*d*) physical chemistry.

(4) *Metallurgist.* Metallurgists will conduct or assist in conducting scientific investigative, developmental or fundamental research work in metallurgy; collect, examine and interpret metallurgical data; design, construct, install or operate metallurgical equipment. These duties require a working knowledge of the basic laws, concepts, techniques, and terminology of recovery or process metallurgy which includes extractive processes such as grinding of ores, sedimentation, roasting, smelting, flotation, leaching, crystallization, precipitation, and electrolysist of metallic salts and physical or adaptive metallurgy which includes adaptive processes such as casting, rolling, hammer forging, drawing, spinning, die-casting, welding, and heat treating. This work requires a knowledge of thermodynamics, stoichiometry, electrochemistry, mineralogy of ores, phase relationships in alloys, the effect of heat and forming processes on crystalline structure, X-ray analysis, microscopic metallography, and methods of testing ores, metals, and metal alloys.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in metallurgy or metallurgical engineering. This study must have included courses in metallurgical subjects consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; or

(ii) Courses in metallurgical subjects, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours; plus additional appropriate experience or education, which when combined with the 20 semester hours in metallurgical subjects, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course.

The following are types of experience which will be accepted in combination

with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature dealing with matters closely related to the field of metallurgy.

Research experience in such fields as physics, chemistry or engineering which included the analysis of data and the preparation of reports.

Metallurgical work of professional grade such as that described in the duties of the positions to be filled from the examination, or related work of a subprofessional grade.

In either subdivision (i) or (ii) of this subparagraph the courses must have included at least 3 of the following:

(*a*) Physical metallurgy; (*b*) metallurgy of iron and steel; (*c*) metallurgy of non-ferrous metals; (*d*) metallography; (*e*) mineral dressing; (*f*) electrometallurgy; (*g*) process metallurgy.

(5) *Geographer.* Geographers will perform or assist in performing professional work in the field of geography; perform related cartographic work including the compilation and the analyzing of geographic data; assist in studies and researches relating to industrial and commercial geography, soils, soil erosion and land utilization mapping, climatology, vegetation distribution, and allied fields; prepare reports on the geography (physical, economic, social, and political) of specified areas; and assist in the establishment and use of map collections.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree. This study must have included or been supplemented by courses in geography consisting of lectures and recitations totaling at least 24 semester hours. Study in closely allied fields such as geology, archaeology, cartography, etc., may be included in the 24 semester hours of geography provided the applicant shows at least 15 hours in purely geographic subjects; or

(ii) Courses in geography, in a college or university of recognized standing, consisting of lectures and recitations totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in geography will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. Study in closely allied fields such as geology, archaeology, cartography, etc., may be included in the 24 semester hours of geography, provided the applicant shows at least 15 hours in purely geographic subjects. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Library or field research dealing with the collection and analysis of geographic of closely allied data.

Assisting in editing, abstracting, or translating documents, scientific literature and preparing reports relating to geography, or closely allied fields such as geology, or meteorology, etc.

Experience gained in such positions as geographic aid, scientific aid in geology, air intelligence specialist, or cartographer.

Subprofessional or higher grade experience in the field of oceanography, nautical science, air navigation, and other related fields.

(6) *Textile technologist.* Textile technologists will conduct, or assist in conducting, scientific investigative, developmental, production, or fundamental research work in textile technology. These duties include work in such branches of textile technology as yarn and fabric manufacturing, processing, and utilization; textile chemistry; fiber technology; determination of the physical characteristics of textiles and textile fibers. All of these duties involve the collection, examination, and interpretation of scientific and operating data and require a knowledge of the scientific laws and concepts underlying textile processing, manufacturing, designing, and utilization.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in textile technology. This study must have included courses in textile technology consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; or

(ii) Courses in textile technology, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; plus additional appropriate experiences or education which, when combined with the 20 semester hours in textile technology, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of technology or engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature dealing with textiles and related matters.

Research experience in such fields as physics, chemistry, engineering, or biology, which included the analysis of data and the preparation of scientific reports.

Technological work of professional grade, such as the duties of the position shown above, or professional and subprofessional work in related duties.

(7) *Archivist.* Archivists will analyze, evaluate, and appraise government records for the purpose of determining which ones are of historical value. They may be responsible for classifying the documents and for preparing index cards containing a brief summary of the contents of the material. Their duties may also include reference and research work to locate information requested by specialists in various fields who are engaged in identifying, classifying and preserving documentary materials.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, including or supplemented by 12 semester hours in U. S. history and 18 semester hours in any one or in any combination of the following: (*a*) history; (*b*) political science; (*c*) sociology; (*d*) economics; (*e*) public administration; or

(ii) Courses in a college or university of recognized standing as described in (i) above; plus additional appropriate education or experience which, when combined with the 12 semester hours in U. S. history and 18 semester hours in the other above-mentioned subjects, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to meet this requirement:

Experience as an archivist in a Federal, State, church, business, or other archives.

Experience as a records analyst engaged in the management and retirement of non-current records in a Government agency.

Responsible experience in the Historical Records Survey.

(8) *Economist.* Economists will conduct elementary professional economic research, including the evaluation and briefing of expository data, the appraisal and compilation of statistical data, and the preparation of tentative economic reports on some phase of a major economic problem.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree, in a college or university of recognized standing, with 24 semester hours in economics and 3 semester hours in statistics.

(ii) Courses consisting of 24 semester hours in economics and 3 semester hours in statistics, in a college or university of recognized standing; plus additional appropriate experience or education which when combined with these courses, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible clerical experience in the appraisal of economic data (not of a statistical nature), and the preparation of economic outlines, briefs and reports.

Progressively responsible clerical experience in the appraisal of economic data, both expository and statistical; the compilation of appropriate statistical data; and the preparation of economic outlines, briefs and reports.

(9) *Statistician.* Statisticians will conduct elementary professional statistical research including the use, under guidance, of technical statistical method; the initial appraisal of statistical measures; and the preparation and interpretation of tables, charts and graphs.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, leading to a bachelor's degree, in a college or university of recognized standing, with 20 semester hours in statistics; or 30 semester hours of college work consisting of a combination including 6 semester hours in statistics and 24 semester hours in any one of the following: (*a*) economics; (*b*) agricultural economics; (*c*) sociology; (*d*) political science; (*e*) social service; (*f*) education; (*g*) psychology; (*h*) home economics; (*i*) biology; (*j*) public health; (*k*) agriculture; (*l*) mathematics; (*m*) engineering; (*n*) physics.

(ii) Courses as given under (i) above; plus additional appropriate experience or education which, when combined with these courses, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible clerical experience in (*a*) use of frequency distributions; (*b*) calculation of measures of central tendency, measures of variation and skewness, or index numbers; (*c*) graphic analysis, time series analysis or correlation analysis under the direction of a professional statistician.

Progressively responsible experience in planning statistical surveys; processing statistical data, including the collection, compilation, verification and appraisal of consistency of numerical data; and analyzing statistical data.

(10) *Agricultural bacteriologist.* Agricultural bacteriologists will assist in performing research or other professional or scientific work in the field of bacteriology, including the study of micro-organisms in agricultural products, such as dairy products, food and foodstuffs, textiles and soils. These duties require a working knowledge of the basic principles, concepts and terminology of bacteriology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in biological science including not less than 6 semester hours in bacteriology.

(ii) Courses in biological science in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 hours of which not less than 6 are in bacteriology; plus additional appropriate experience or education which, when combined with the 20 semester hours prescribed, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical experience in a biological science laboratory.

Teaching bacteriology courses.

(11) *Agricultural economist.* Agricultural economists will assist in research or other scientific or professional works in the field of agricultural economics, applying basic economic laws and principles in connection with the collection of agricultural data and will assist in the preparation of reports on farm policies and on the production and distribution of agricultural commodities. These duties require a working knowledge of the basic principles, concepts and terminology of agricultural economics and a knowledge of the application of statistics to economic research.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree in a college or university of recognized standing with a major in agricultural economics. Study leading to a major in the closely allied fields of general economics, political science or sociology may be substituted for a part of the courses usually taken in obtaining a major in agricultural economics provided the applicant shows at least 12 semester hours in agricultural economics and 3 semester hours in statistics.

(ii) Courses in agricultural economics in a college or university of recognized standing, consisting of lectures and recitations totaling 21 semester hours in agricultural economics and 3 semester hours in statistics plus additional appropriate experience or education which when combined with the 21 semester hours in agricultural economics and 3 semester hours in statistics will total 4 years of education and experience and will give the applicant the substantial equivalent of a 4-year college course. Study in the closely allied fields of general economics, political science or sociology may be included in the 21 semester hours in purely agricultural economic subjects and 3 semester hours in statistics.

The following is a type of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible experience in the collection and preliminary analysis of statistical and narrative economic data in the agricultural fields, such as production, distribution, prices and income.

(12) *Agronomist.* Agronomists will perform research or other scientific or professional work in the field of agronomy. They will assist in crop adaptation surveys; develop field survey reports, identify soil types; advise on use of fertilizer and other soil amendments; assist in developing suitable crop rotations; identify weeds and crop seeds; supervise the production of elite and other types of improved farm crop seeds; assist in research projects such as crop improvement, breeding and disease resistance programs. These duties require a working knowledge of the basic principles, concepts and terminology of agronomy, crop genetics, cultivation, fertilization and rotation.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in agronomy, or

(ii) Courses in plant science and agronomy in a college or university of recognized standing consisting of lectures and recitations and laboratory work totaling at least 30 semester hours including 10 semester hours in farm crops, 6 semester hours in soils, and 4 semester hours in animal husbandry; plus additional apropriate experience or education which when combined with the 30 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible technical experience on a farm growing hybrid corn or similar class of seed commercially.

Responsible agronomic experience on a college or other experiment station.

(13) *Animal husbandman.* Animal husbandmen will assist in research or other professional or scientific work in the care, breeding and feeding of domestic animals, other than dairy animals, and in the investigation of the effect of environment on animal products. These duties require a working knowledge of the basic principles, concepts and terminology of animal husbandry, animal nutrition and animal production.

Applications must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in animal husbandry, or:

(ii) Courses in animal husbandry, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours in animal husbandry plus additional appropriate education or experience which when combined with the prescribed courses will total four years of education and experience and give the applicant the substantial equivalent of a four-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience with an experimental group of farm or ranch animals.

Responsible experience with a large commercial group of farm or ranch animals.

(14) *Aquatic biologist.* Aquatic biologists will assist in research or other scientific, or professional work in the study of life history, habits, classification, and economic relations of aquatic organisms and fish, particularly those forms of importance to industry. These duties require a working knowledge of the basic principles, concepts and terminology of

aquatic biology, economic biology, fish conservation and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in biological science including 6 semester hours in the biology of aquatic organisms.

(ii) Courses in biology in a college or university of recognized standing consisting of lectures and recitations totaling 30 semester hours in biology, including at least 6 semester hours in the biology of aquatic organisms; plus additional appropriate experience or education which when combined with the 30 semester hours in biology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in aquatic biology or closely related fields.

Research experience in aquatic biology or related fields.

Other work in aquatic biology of a professional nature.

(15) *Biologist (Wildlife).* Wildlife biologists will assist in the performance of research or other scientific or professional work in the investigation of the distribution, habits, life history and classification of birds, mammals and other animal life and their relation to agriculture and other interests. These duties require a working knowledge of the basic principles, concepts and terminology of zoology and botany.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in biology including at least 10 semester hours in zoology;

(ii) Courses in biology in a college or university of recognized standing consisting of lectures, recitations and laboratory work, totaling 30 semester hours of which at least 10 must have been in zoology and 10 in botany; plus additional appropriate experience or education which when combined with the 30 semester hours in biology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical laboratory work in biology dealing with some phase of wildlife.

Responsible experience in the field in making surveys of wildlife habits and foods.

(16) *Botanist.* Botanists will assist the planning and execution of field and laboratory work in botanical research or other scientific or professional work in the field of botany, including the making of observations, and the collection, examination and statistical analysis of data. They will assist in identification and description of plants and seeds, and the investigation of their distribution, habits of growth and economic value. These duties require a working knowledge of the basic principles, concepts and terminology of botany.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in botany.

(ii) Courses in botany in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate experience which when combined with the 20 semester hours in botany will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provides a means of obtaining a working knowledge of the theory and application of the scientific principles of a botanical science.

Experience in abstracting, editing, or translating reports or scientific literature in botany or closely related fields. Research experience in botany or related fields.

Work in botany of a professional grade, such as described in the typical duties of the positions to be filled from this examination.

Teaching botany.

(17) *Dairy husbandman.* Dairy husbandmen will assist in research or other professional or scientific work in the breeding, nutrition and management of dairy cattle. These duties require a working knowledge of the basic principles, concepts and terminology of dairy husbandry, dairy animal nutrition and animal production.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in dairy husbandry, or in animal husbandry including at least one course in dairy husbandry.

(ii) Courses in dairy husbandry and animal husbandry in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the 20 hours in dairy and animal husbandry will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience in the breeding, nutrition and management of a large pure bred or commercial dairy herd.

Responsible experience in the breeding, nutrition and management of a college or experiment station dairy herd.

(18) *Dairy manufacturing specialist.* Dairy manufacturing specialists will assist in performing research or other professional or scientific work in the development and introduction of improved methods in the manufacture or processing of milk and milk products. These duties require a working knowledge of the principles, concepts and terminology of dairy practice, milk testing, the manufacture of dairy products, and dairy economics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in dairy manufacturing, or;

(ii) Courses in dairy manufacturing in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling not less than 20 semester hours plus additional appropriate experience or education which when combined with the 20 semester hours in dairy manufacturing will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience in the following:

Laboratory analysis and research of milk and milk products.

State or municipal inspection of creameries.

Butter maker, cheese maker, ice cream maker or processor of whole milk in a large commercial milk plant.

(19) *Entomologist.* Entomologists will assist in field and laboratory research or other scientific or professional work on the control of insects affecting crops or on the utilization of beneficial insects. They will make field collections and tentative identifications of insects, breed and care for insects under laboratory conditions; test fumigants and other insecticides, apply treatments and assemble and summarize results in report form. These duties require a working knowledge of the basic principles, concepts and terminology of zoology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in entomology or in zoology including at least one course in entomology; or

(ii) Courses in entomology or in entomology and zoology combined in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate education or experience which when combined with the 20 semester hours in entomology or entomology and zoology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in entomology and closely related fields.

Research experience in entomology or related fields.

Work in entomology of a professional nature.

(20) *Farm management supervisor.* Farm management supervisors advise on or perform technical or other professional work in the field of farm management involving the extension of credit and the supervision of operators of family type farms. The duties of this position require a practical working knowledge of the basic principles, concepts and terminology of farm management, farm credit, and crop and livestock management.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree in a college or university of recognized standing with a major in farm management, or in other fields within agricultural economics, or in agronomy, animal husbandry, or agricultural engineering; or

(ii) Courses in farm management or one of the other agricultural sciences acceptable toward a degree in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 40 semester hours, including at least one course in each of the following groups: (*a*) farm management, agricultural finance, or other fields within agricultural economics; (*b*) soils; (*c*) crops; (*d*) animal, dairy or poultry husbandry, including feeds and feeding or animal nutrition; (*e*) horticulture or agricultural engineering; plus additional appropriate experience or education which, when combined with the 40 semester hours of course work outlined above, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical experience in the fields of rural rehabilitation work, vocational agriculture, soil conservation or agricultural extension.

Experience involving responsibility for the operation or management of a farm.

(21) *Geneticist.* Geneticists will assist in research or other scientific or professional work in the field of plant or animal genetics, including breeding programs and investigation of the inheritance of economically important characteristics such as yield and resistance to disease and insects, and other similar activities. They will assist in related cytogenetical and cytotaxonomic studies. These duties require a working knowledge of the basic principles, concepts and terminology of genetics in relation to plant and animal breeding.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in a biological science with six semester hours in genetics including cytogenetics.

(ii) Courses in biological science with a minimum of six semester hours in genetics and cytogenetics in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the prescribed 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in genetics or closely related fields.

Research experiences in genetics or related fields.

Work in genetics of a professional nature.

(22) *Home economist.* Home economists perform research or other scientific or professional work in the field of home economics. They will provide homemaking education and guidance to farm families; perform laboratory research in one or more specialized areas of home economics; carry on statistical or economic studies of family economics, food consumption, or nutritional status. These duties require a working knowledge of the principles, concept and terminology of home economics, home management, family economic problems, foods and nutrition, textiles and clothing, economics, sociology and statistics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a degree with a major in home economics; or

(ii) Courses in home economics in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 24 semester hours plus additional appropriate education or experience which when combined with the 24 semester hours in home economics will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted as meeting the 4-year requirement:

Teaching home economics.

Experience as a laboratory assistant in a research laboratory engaged in research related to the field of home economics.

Experience as the supervisor of a quantity food service.

Participation in statistical or economic research related to the field of home economics.

Technical experience in home demonstration work with farm families.

(23) *Horticulturist.* Horticulturists will assist in the performance of research or other scientific or professional work in horticulture, including the collection examinations and statistical analysis of data and the introduction and testing of fruits, vegetables and ornamental plants. The duties of this position require a working knowledge of the basic principles, concepts and terminology of horticulture, plant science and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in horticulture (olericulture, pomology or floriculture).

(ii) Courses in horticulture, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 10 semester hours and at least 10 semester hours in plant sciences including plant physiology; plus additional appropriate education or experience which when combined with the 20 semester hours in horticulture and plant science will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory or field work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in horticulture or closely related fields.

Research experience in horticulture or related fields.

Work in horticulture of a professional nature.

(24) *Plant pathologist.* Plant pathologists will assist in the performance of research or other scientific or professional work in the field of plant pathology, including investigations of the cause, characteristics, and control, or prevalence and distribution of specific plant diseases and their relation to planting, cultivation, transportation, and storage methods. The duties of this position require a working knowledge of the basic principles, concepts and terminology of botany, plant science, and plant pathology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in botany or plant science including at least 10 semester hours in plant pathology.

(ii) Courses in botany or plant science totaling at least 20 semester hours with a minimum of 10 semester hours of plant pathology in a college or university of recognized standing consisting of lectures, recitations and laboratory work plus additional appropriate experience or education which when combined with the 20 semester hours prescribed will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in plant pathology or closely related fields.

Research experience in plant pathology or related fields.

Work in plant pathology of a professional grade, such as described in the duties of the positions to be filled from this examination.

(25) *Plant physiologist.* Plant physiologists will assist in the performance of research or other scientific or professional work in plant physiology, including studies of the effect of toxic substances, soil and nutritional conditions upon plant growth and maturity and of conditions affecting the storage life of fruits and vegetables. The duties of this position require a working knowledge of the principles, concepts and terminology of botany, plant science and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in botany or plant science with a minimum of 10 semester hours of plant physiology.

(ii) Courses in plant science totaling at least 20 semester hours including at least 10 semester hours of plant physiology in a college or university of recognized standing consisting of lectures, recitations and laboratory work; plus additional appropriate education or experience which when combined with the 20 semester hours in plant science will total 4 years of education or experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in plant physiology or closely related fields.

Research experience in plant physiology or related fields.

Work in plant physiology of a professional grade, such as described in the duties of the positions to be filled from this examination.

(26) *Poultry husbandman.* Poultry husbandmen will assist in research or other professional or scientific work in the care, breeding and feeding of poultry and in the investigation of the effect of environment on poultry products. The duties of this position require a working knowledge of the principles, concepts and terminology of animal husbandry, poultry husbandry, animal nutrition, and animal breeding.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a degree with a major in poultry husbandry or in animal husbandry including at least one course in poultry husbandry; or,

(ii) Courses in poultry husbandry or poultry husbandry and animal husbandry combined, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling 20 semester hours plus additional appropriate education or experience which when combined with the prescribed courses will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience with an experimental poultry flock.

Responsible experience with a large commercial poultry flock or hatchery.

(27) *Soil conservationist.* Soil conservationists advise on or perform technical or other professional and scientific work in the field of soil conservation, involving farm planning and soil or water conservation practices. The duties of this position require a practical working knowledge of the basic principles, concepts and terminology of water conservation, sound land use, and control and prevention of soil erosion.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in soil conservation or one of the other agricultural sciences; or,

(ii) Courses in soil conservation or one of the other related agricultural sciences acceptable toward a degree in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 40 semester hours, including at least one course in each of the following groups: (*a*) soils or soil conservation; (*b*) woodland management, plant ecology or economic biology; (*c*) farm crops and pasture management; (*d*) feeds and feeding or animal nutrition; (*e*) farm or range management or agricultural economics; (*f*) farm drainage, hydraulics, hydrology or plane surveying; plus additional appropriate experience or education which when combined with the 40 semester hours will total 4 years of education or experience and give the applicant the substantial equivalent of a 4-year college course in agricultural science.

Applicants for positions in range country must show at least one course in range management.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical experience in the fields of soil conservation, agricultural extension or rural rehabilitation work.

(28) *Soil scientist.* Soil scientists will assist in research or other scientific or professional work in the field of soil science including making soil classification surveys, recommending soil management treatments; assuming major responsibility for elementary soil tests and analyses. The duties of this position require a working knowledge of the basic principles, concepts and terminology of soil science.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in soils or closely related subjects (agronomy, physical geography, geology (not economic)); or,

(ii) Courses in soils or closely related subjects (agronomy, physical geography, geology (not economic)), in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate experience or education which when combined with the 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year course.

The following are types of qualifying experience which will be acceptable in combination with education to complete the 4-year requirement:

Responsible experience with a soil survey crew.

Responsible experience in a soils laboratory.

Teaching experience in soils.

(29) *Zoologist (Parasitology).* Zoologists will assist in performing research or other professional or scientific work in the field or laboratory relating to parasites and parasitic diseases of domestic animals, fur-bearing animals and poultry. The duties of this position require a working knowledge of the basic principles, concepts and terminology of zoology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in zoology including at least one course in parasitology; or,

(ii) Courses in zoology and parasitology, in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the prescribed 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

Applicants must show at least one course in parasitology or 6 months' technical experience working with animal parasites.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional grade laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles involved in operations of a zoological laboratory.

Research or technical experience in parasitology or closely related fields.

(b) *Restriction of certification for highly technical positions.* For positions involving highly technical research, design or development, or similar functions, certification may be restricted to eligibles who show the successful completion of a full college course in the appropriate option.

(c) *Duties.* The options selected for the current Junior Professional Assistant examination are of highly specialized nature, having to do with original research, design or development or other functions of comparable scope or difficulty.

Appointees perform professional work in the appropriate specialized field or option in connection with (1) the study, collection, investigation, classification, analysis, preservation and interpretation of data, documents, exhibits or publications in one or more of the social or physical sciences, or (2) a wide variety of projects requiring the use or development of technical equipment, laboratory apparatus, chemical compounds and solutions, other scientific instruments, or research methods and devices.

(d) *Knowledge and training requisite for performance of duties.* The Junior Professional Assistant positions are at the entrance level to a career in the scientific and professional service. Appointees must have an understanding of the fundamental important basic principles, methods and skills required in the appropriate scientific or professional field, and they must be equipped with considerable specialized knowledge if they are to deal in an effective manner with the varied and diversified problems to be encountered. This may only be obtained through instruction and training where an adequate comprehensive and preferably an exceptional background and foundation in the appropriate scientific or professional field is furnished. A thorough knowledge of the literature of the scientific or professional field is essential together with the ability to understand and make use of that which has been written. Incumbents must, to a marked degree, be fitted to advance into more responsible, more technical and more exacting positions.

(e) *Method of obtaining basic knowledge and training.* The professional and scientific knowledge and training, of the level and extent required for the proper performance of these duties, can be obtained only by attending and completing major study in the appropriate option at a college or university of recognized standing, where a full staff of competent instructors and adequate library, laboratory and other research facilities are available and where suitable standards regarding completeness of program and attainment of proficiency may be enforced.

§ 24.37 *Occupational Therapist, P–1 and above*—(a) *Educational requirement.* Applicants must show graduation from schools of occupational therapy approved by the American Medical Association.

(b) *Duties.* Occupational therapists work under medical supervision administering occupational therapy treatments to patients in Government hospitals involving programs in functional treatment for physical disabilities such as orthopedic conditions, fractures, lacerations, amputations, nerve injuries, plastic surgery and neuro-psychosis disabilities; keeping daily records of treatments, work and progress of each patient under treatment, planning and executing projects in trades, industries, agriculture, crafts, habit, training, etc. In the higher grades, occupational therapists, in addition to administering occupational therapy, direct the work of occupational therapists of lower grades. The duties performed and the responsibilities assumed vary with and are proportionate to the grade of the position.

(c) *Knowledge and training requisite for performance of duties.* The field of occupational therapy has developed to such an extent that the scope which it now encompasses is very dissimilar to that after World War I. Occupational Therapy has progressed to such an extent that detailed study is necessary to learn the application of arts and crafts and trades and industries in the treatment of injured and disabled patients. These occupations are utilized not to amuse the patients or to give recreation, but are to be used as a means of treatment. As directed by the Medical Officer, the occupational therapist instructs the patient in occupations in order to regain, for example, flexion of the fingers, or to loosen adhesions in a stiff joint such as the knee joint.

Occupational Therapists must learn anatomy, kinesiology, physiology, normal and abnormal psychology, and basic arts and crafts. They must be instructed how to apply the occupations in the treatment of patients. They must learn thoroughly what treatments may be given and how to give them; they must learn what they must not do. They must fully understand the indications and contra-indications for occupational therapy treatment to a particular patient. The Occupational Therapists must be trained to recognize symptoms of over-exercise or fatigue or certain functional difficulties which may be developed in a patient under treatment. This knowledge can only be obtained in properly equipped schools with capable instructors.

The teaching of arts and crafts and trades and industries under occupation therapy programs differs from the manner in which such things are taught to enable persons to learn a trade. The emphasis on the type of work done for this and the type of work assigned to a particular individual is different, that is, the objective is fundamentally therapy for the patient.

(d) *Method of obtaining basic knowledge and training.* The Administrator of Veterans Affairs, acting under authority vested in him by 59 Stat. 675; 38 U. S. C., Sup., 15–15n, has prescribed the educational requirements set forth in paragraphs (a)–(c) of this section for occupational therapists in the Veterans' Administration. The desirability of having uniform requirements for occupational therapist positions for all Government agencies plus the fact that the technical knowledge required for the performance of the duties listed in paragraphs (a)–(c) of this section can be obtained only by attending and completing a full course in an approved school of occupational therapy justify the prescribed educational requirements.

§ 24.38 *Physical Therapist, P–1 and above* — (a) *Educational requirement.* Applicants must show graduation from schools of physical therapy approved by the American Medical Association, or, if graduation was prior to 1936, graduation from schools of physical therapy approved by the American Physical Therapy Association.

(b) *Duties.* Physical therapists administer under medical supervision physical therapy in its special branches including massage, electrotherapy, actinotherapy, hydrotherapy, and remedial exercise; keep a daily work record of the progress of the patients under treatment.

As examples of work performed as Physical Therapists: Give general and local massage; give or supervise active, passive, or resistive exercise; administer ultraviolet ray and electrotherapy; give thermotherapy, hydrotherapy, and mechanotherapy; watch temperature and length of treatment and take the necessary precautions to protect the patient from heat, prolonged cold, etc.; keep clinic in order; make daily, weekly, and monthly reports of progress of patients; keep apparatus in order. In the higher grades, physical therapists, in addition to administering physical therapy, direct the work of physical therapists of lower grades. The duties performed and the responsibilities assumed vary with and are proportionate to the grade of the position.

(c) *Knowledge and training requisite for performance of duties.* During the last twenty years, the field of Physical Therapy has progressed to such an extent that the Physical Therapy duties, as now required, cannot compare to those of World War I and the years immediately following that time. Physical Therapy treatments are exacting and also dangerous if not performed by persons with adequate knowledge of the indications and contra-indication for such treatments and the symptoms of patients under treatment. The equipment is varied and consists of a large number of different types of more or less intricate apparatus which must be thoroughly understood in order to give adequate treatments safely. Improper treatment, in extreme cases, can result in the death of the patient, or, when using heat through water or electrical apparatus, it can result in stubborn burns which are

very difficult to heal and which may seriously handicap the patient in the endeavor to bring him back to health.

(d) *Method of obtaining basic knowledge and training.* The Administrator of Veterans' Affairs, acting under authority vested in him by 59 Stat. 675; 38 U. S. C., Sup., 15–15n has prescribed the above educational reqquirements for physical therapists in the Veterans' Administration. The desirability of having uniform requirements for physical therapist positions for all Government agencies plus the fact that the technical knowledge required for the performance of the duties listed above can be obtained only by attending and completing a full course in an approved school of physical therapy justify the prescribed educational requirements.

§ 24.39 *Mathematician P–2 through P–8 where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties*—(a) *Educational requirement.* The successful completion of a four-year course in a college or university of recognized standing leading to a bachelor's have included courses in mathematics degree in mathematics. This study must consisting of lectures and recitations totaling at least 24 semester hours and in addition courses in the physical sciences (engineering, physics, geology, astronomy, chemistry, etc.) totaling 12 semester hours. The courses must have included analytical geometry, differential calculus, integral calculus and in addition any 3 of the following: Theory of Equations, Vector Analysis, Statistics, Higher Algebra (beyond elementary college algebra), Differential Equations, Advanced Differential Calculus, Advanced Integral Calculus.

(b) *Duties.* The duties of the P–2 to P–8 mathematician are: performing, conducting, planning, or directing mathematical work involving calculations and computations incident to investigative, developmental and research work in the scientific fields such as engineering, physics, astronomy, etc.; collecting, examining and interpreting scientific data; coordinating assignments and programs; planning mathematical procedures for scientific field trips; preparing reports and manuals, and editing or preparing articles for publication.

Those positions requiring the successful completion of four years of college or university training are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of mathematics and related sciences and having for its objective the development of new or improved methods of analysis, the development or extension of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex mathematical laws and facts to the development of new techniques or devices.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the mathematical principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, and general welfare is apparent. The Congress of the United States has recognized the vital necessity for such scientific research and developmental work and has authorized through appropriations the spending of large sums of money for varied and important research programs. These programs are carried on by the various departments and agencies of the Federal government and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences during World War II have been outstanding and of major importance. Especially in the fields of physical science and of engineering have these advances been dependent upon and interrelated to mathematics in all its branches. Mathematics is an indispensable tool in expressing basic laws and concepts in these fields, in interpreting experimental data, in extending old or establishing new concepts of matter and energy, and in establishing basic hypotheses for experimental work in new fields. Further advances in the physical sciences and in engineering will depend on the number of highly qualified and properly trained mathematicians who are competent to explore from a mathematical standpoint the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated mathematical computations in a specialized field must of necessity possess the fundamental knowledge characteristic of mathematics and in addition that of pertinent allied fields in order that they may successfully attack complex problems.

Private industry requiring mathematicians for research positions has long recognized the necessity for broadly trained men for professional mathematics positions who are well grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in mathematics and, in many cases, a higher degree with specialization in a particular field is demanded.

(d) *Method of obtaining the basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional research work in the field of mathematics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.40 *Instructor, Meteorology P–2 through P–5*—(a) *Educational requirement.* All applicants must have successfully completed a resident course of study in Weather Forecasting Theory at a military school or college, or a curriculum of study which included or has been supplemented by at least 20 semester hours of study consisting of laboratory work in synoptic meteorology and forecasting, and fundamental courses in synoptic and dynamic meteorology at a college or university of recognized standing.

(b) *Duties.* With varying degrees of responsibility commensurate with the grades indicated, to instruct military personnel in one or more of the following subjects: Surface Charts and Weather Forecasting, Auxiliary Charts and Diagrams, Air Mass Analysis, Synoptic Meteorology, Dynamic Meteorology, Limited Data Analysis, World Geography and Climatology, Extended and Long Range Forecasting, Weather Station Operation, Staff Weather Subjects, Oceanography, Applied Micro-Meteorology, Tropical Meteorology, Anomalous Radar Propagation, In-Flight Weather Observation, and other related subjects, in accordance with a definite instructional program, or prescribed course of study; to prepare or assist in preparing material for instruction; and to perform related duties as assigned.

(c) *Knowledge and training requisite for performance of duties.* The advances in the field of meteorology have been largely the result of the application of the laws and concepts of the physical sciences to the solution of the problems of meteorology. A knowledge of the pertinent physical sciences is indispensable in interpreting observational data, in designing and improving the instruments used in making scientific observations, and in extending old or developing new concepts and theories used in forecasting weather. Further advances in meteorology must depend on the number of highly qualified and properly trained meteorologists who are competent to explore the field and make further applications of the new developments in the physical sciences to the science of meteorology. Instructors, therefore, must be fully qualified to teach such technical subjects to those who will be engaged in gathering and interpreting meteorological data.

In order to perform successfully these Instructor duties the applicant must have a knowledge and training in weather forecasting at the full professional level. This knowledge and training can be obtained in either of the following ways: (1) Through four years of experience in meteorology at either a professional or subprofessional level supplemented by the successful completion of a resident course in Weather Forecasting Theory, or (2) Through the successful completion of a four year college course with a major in the physical sciences such as physics, meteorology, mathematics, chemistry, or engineering, including or supplemented by the successful completion of a course of training in Weather Forecasting Theory.

It is not believed that a knowledge of weather forecasting at the full professional level can be acquired without at least some formal training at the professional level. In order to complete a course in Weather Forecasting Theory a knowledge of physics and mathematics is necessary. The necessary background to weather forecasting cannot be obtained without at least some formal educational training in these subjects.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional work in the field of meteorology. The only method by which such professional knowledge and training may be acquired is by attending a college or military school or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.41 *Human Biologist, P–7*—(a) *Educational requirement.* Applicants must show the successful completion of a full college course in a college or university of recognized standing with courses totaling at least 20 semester hours credit in either (1) physiology or, (2) a combination of biophysics, biochemistry and physiology which includes at least 10 semester hours credit in physiology.

(b) *Duties.* The human biologist plans, directs and coordinates research programs in environmental biology to determine the kind and degree of man's physiological responses to all variations of environmental stresses to which he may be subjected upon a world wide scale, as these responses are related to his protection against or adaptation to such stresses. Directs the activities of scientists, working principally in research in biophysics, biochemistry, physiology and anthropology to determine man's physiological responses to varying kinds and degrees of environment and how these are modified by such factors as occupation, racial background, anthropological type, age, preconditioning to extreme environmental changes, mental attitudes, etc., to determine the capacities and limitations of the human body in coping with adverse environments, the causes and effects of the environment upon man and possible compensations. Coordinates research programs under his direction with those being conducted elsewhere within the organization to determine the clothing, clothing assemblies, and other specialized types of equipment which will provide maximum protection against and resistance to destructive environmental forces and to analyze and evaluate the elements of environment and develop formula for their correlation with the physical and human biological problems being studied.

(c) *Knowledge and training requisite for performance of duties.* The duties of this position call for research in environmental effects on a much greater scale than has been done previously. The incumbent of the position must have a broad, extensive background in physiology or in a combination of physiology, biology, bichemistry and biophysics. The training must have been such as to demonstrate ability to develop and direct research programs of sound, practical scope.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully the duties of the position. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.42 *U. S. Coast Guard Academy*—(a) *Instructor of Electrical Engineering, P–4*—(1) *Educational requirement.* Applicants must have successfully completed a 4-year course of study leading to a bachelor's degree in engineering or physics in a college or university of recognized standing.

(2) *Duties.* The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in electrical engineering including alternating and direct current machines and circuits and engineering electronics. Under the supervision of the head of the engineering department he will prepare daily assignments, using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom and laboratory instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in education methods so that cadets may receive a knowledge of fundamental concepts and techniques in electrical engineering and develop analytical ability which will enable them to perform the duties of commissioned officers of the Coast Guard.

(3) *Justification of educational requirement.*

NOTE: Justification for Instructor of Electrical Engineering P–4 is the same as the justification for Teacher, All Grades (see § 24.12).

(b) *Instructor of Mathematics, P–4*—(1)—*Educational requirement.* Applicants must have successfully completed a 4-year course of study leading to a bachelor's degree with study in mathematics or civil engineering in a college or university of recognized standing.

(2) *Duties.* The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in mathematics and surveying and related subjects including plane and spherical trigonometry, analytical geometry, plane and hydrographic surveying, differential and integral calculus and analytical mechanics. Under the supervision of the heads of the departments of mathematics and civil engineering he will prepare daily assignments using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in educational methods so that cadets may receive a knowledge of fundamental concepts and techniques and develop analytical ability which will enable them to perform the duties of commissioned officers in the Coast Guard.

(3) *Justification of educational requirement.*

NOTE: Justification for Instructor of Mathematics, P–4 is the same as the justification for Teacher, All Grades (see § 24.12).

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

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AUTHORITY: §§ 25.101 to 25.508, inclusive, issued under sec. 605, 59 Stat. 304; 5 U. S. C., Sup., 945. Additional authority is noted in parentheses following provisions affected.

SUBPART A—OVERTIME PAY REGULATIONS

EXTENT OF REGULATIONS

§ 25.101 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.102.

§ 25.102 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishments;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, except that § 25.143 (d) shall be applicable to such employees whose basic rate of compensation is fixed on an annual or monthly basis;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (57 Stat. 45, 50 U. S. C., App., Sup., 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police, and

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company.

DEFINITIONS

§ 25.121 *Basic workweek for full-time officers and employees.* "Basic workweek" for full-time officers and employees means the forty-hour workweek established pursuant to § 25.131.

§ 25.122 *Administrative workweeks.* (a) "Administrative workweek" means a period of seven consecutive calendar days.

(b) "Regularly scheduled administrative workweek" for full-time officers and employees means the period within an administrative workweek, established pursuant to § 25.131, when such officers and employees are required to be on duty regularly.

§ 25.123 *Basic rate of compensation.* (a) "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work, but inclusive of (1) any salary differential for duty outside the continental United States, or in Alaska, and (2) the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928, 45 Stat. 193, 5 U. S. C. 75a.

(b) Hereafter for all pay computation purposes basic per annum rates of compensation established by or pursuant to law shall be regarded as payment for employment during fifty-two basic workweeks of forty hours.

§ 25.124 *Irregular or occasional overtime duty.* "Irregular or occasional overtime duty" means hours of employment not scheduled in the regularly scheduled administrative workweek.

REGULATIONS TO BE PRESCRIBED BY HEADS OF DEPARTMENTS AND AGENCIES

§ 25.131 *Establishment of basic workweek and regularly scheduled administrative workweek.* (a) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, shall, with respect to each group of full-time employees to whom this subpart applies, establish by regulation:

(1) A basic workweek of forty hours in length which shall not extend over more than six of any seven consecutive days. Except as provided in paragraph (b) of this section, such regulation shall specify the calendar days constituting the basic workweek and, for each of such calendar days, the number of hours of employment included within the basic workweek.

(2) A regularly scheduled administrative workweek which shall consist of the forty-hour basic workweek established in accordance with paragraph (a) (1) of this section, plus such period of overtime work as will be regularly required of each group of employees. Except as provided in paragraph (b) of this section, the periods of time included in such regularly scheduled administrative workweek which do not constitute a part of the basic workweek shall be identified by calendar days and by number of hours per day for purposes of leave and overtime pay administration.

(b) Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek may be established as the basic workweek; and all additional hours of officially ordered or approved duty within the administrative workweek shall be treated as overtime.

(c) In the case of employees whose work includes periods during which they are required to remain on duty and render "stand-by service" at or within the confines of their stations, the length of the regularly scheduled administrative workweek, for the purpose of this subpart, shall be the total number of regularly schedules hours of duty per week, including all such "stand-by" time except that allowed for sleep and meals by regulation of the department or independent establishment, agency, or corporation.

§ 25.132 *Compensatory time off for irregular or occasional overtime duty.* Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, may, with respect to officers and employees to whom this subpart applies, prescribe regulations for the granting of compensatory time off from duty, in lieu of overtime compensation, for irregular or occasional duty in excess of forty hours in any administrative workweek, to those per annum employees requesting such compensatory time off from duty.

OVERTIME WORK AND OVERTIME COMPENSATION

§ 25.141 *Overtime compensation authorized.* (a) Officers or employees to whom this subpart applies shall be paid overtime compensation, computed as provided in § 25.143, for all hours of employment officially ordered or approved in excess of forty hours in any administrative workweek, including irregular or occasional overtime duty.

(b) In accordance with administrative regulations which may be issued pursuant to § 25.132, any per annum employee may request compensatory time off, in lieu of overtime pay, for irregular or occasional duty in excess of forty hours in any administrative workweek. In case no such regulations are issued, or if under such regulations compensatory time off for such irregular or occasional overtime duty is not specifically requested by the employee it shall be paid for in money when due.

(c) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, may delegate to any officer or employee authority to order or approve overtime in excess of any that may be included in the regularly scheduled administrative workweek. No such excess overtime shall be ordered or approved except in writing by an officer or employee to whom such authority has been specifically delegated by the head of the department or independent establishment or agency, or Government-owned or controlled corporation.

§ 25.142 *Computation of overtime employment.* The computation of the amount of overtime employment of an officer or employee shall be subject to the following conditions:

(a) *Leave with pay.* Absence from duty on authorized leave with pay under the annual and sick leave acts of March 14, 1936, as amended, during the time when an employee would otherwise have been required to be on duty during the basic workweek (including authorized absence on legal holidays, non-work days established by Executive or administrative order, and days of compensatory time off provided for in §§ 25.132 and 25.141 (b)) shall be considered to be employment and shall not have the effect of reducing the amount of overtime compensation to which the employee may be entitled during an administrative workweek. Leave of absence with pay under the acts cited shall not be charged for any absence which does not occur during the forty hours prescribed as the basic workweek.

(b) *Leave without pay.* For any period of leave-without-pay within an employee's basic 40-hour workweek, an equal period of service performed outside the basic workweek, but during the same administrative workweek, must be substituted and paid for at the rate applicable to his basic workweek, before any remaining periods of service can be paid for at the overtime rate.

(c) *Absence during overtime periods.* Except as expressly authorized by law, as in the case of jury duty under the act of June 29, 1940 (54 Stat. 689), and except to the extent authorized while the employee is in official travel status, no overtime period shall be counted in computing overtime compensation unless the employee performs actual duty during such period or is taking the compensatory time off provided for in §§ 25.131 and 25.141 (b). For employees in official travel status but not performing actual duty, no overtime period shall be paid for at overtime rates unless it falls within the regularly scheduled administrative workweek.

(d) *Night or holiday duty.* Extra holiday compensation paid under Subpart D of this part shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs. Hours of night or holiday duty shall be included in determining for overtime pay purposes the total number of hours of employment within the same administrative workweek. Any extra compensation for night or holiday duty shall not, however, be included in any basic rate in computing overtime compensation under this part.

(e) *Service subject to other overtime statutes.* Overtime services for which overtime compensation is paid under any of the following statutes shall not form a basis for overtime employment under this part: Act of February 13, 1911, as amended (19 U. S. C. 261, 267) involving inspectors, storekeepers, weighers, and other customs officers and employees; act of July 24, 1919 (41 Stat. 241; 7 U. S. C. 394) involving employees engaged in enforcement of Meat Inspection Act; act of June 17, 1930, as amended (19 U. S. C. 1450, 1451, 1452) involving customs officers and employees; act of March 2, 1931 (46 Stat. 1467; 8 U. S. C. 109a and 109b) involving inspectors and employees, Immigration and Naturalization Service; act of May 27, 1936, as amended (52 Stat. 345; 46 U. S. C. 382b) involving local inspectors of steam vessels and assistants, U. S. shipping commissioners, deputies and assistants, and customs officers and employees; act of March 23, 1941 (55 Stat. 46; 47 U. S. C., Sup. 154 (b) (2)) involving certain inspectors of the Federal Communications Commission; act of June 3, 1944 (58 Stat. 269) involving customs officers and employees.

§ 25.143 *Computation of overtime compensation.* (a) For employees whose basic compensation is at a rate less than $2,980 per annum, the overtime hourly rate shall be one and one-half times the basic hourly rate of compensation: *Provided*, That in computing such overtime compensation for per annum employees, the basic hourly rate of compensation shall be determined by dividing the basic per annum rate by two thousand and eighty (2080).

(b) For employees whose basic compensation is at a rate of $2,980 per annum or more, the overtime hourly rate shall be in accordance with and in proportion to the following schedule, subject to the limitation contained in paragraph (c) of this section:

Basic rate of compensation per annum:	*Overtime rate of compensation per 416 overtime hours*
$2,980.00	$894.000
$3,021.00	890.852
$3,146.40	881.223
$3,271.80	871.595
$3,397.20	861.967
$3,522.60	852.338
$3,648.00	842.710
$3,773.40	833.081
$3,898.80	823.453
$4,024.20	813.624
$4,149.60	804.196
$4,275.00	794.567
$4,400.40	784.939
$4,525.80	775.310
$4,651.20	765.682
$4,776.60	756.053
$4,902.00	746.425
$5,027.40	736.797
$5,152.80	727.168
$5,278.20	717.540
$5,403.60	707.911
$5,654.40	688.654
$5,905.20	669.397
$6,144.60	651.016
$6,384.00	632.634
$6,440.00 and over	628.334

NOTE: In the foregoing schedule the overtime rate for 416 overtime hours for any basic rate of compensation in excess of $2,980 per annum is computed by subtracting from $894, 7.6782 per centum of the amount by which such basic rate is in excess of $2,980 per annum with the condition that the rate for 416 overtime hours for all salaries of $6,440 or more shall be $628.334.

(c) Notwithstanding the provisions of paragraph (b) of this section, the overtime compensation payable to any officer or employee to whom this subpart applies shall, with respect to any pay period, be limited to such rate as will not cause his aggregate compensation for such pay period to exceed a rate of $10,000 per annum: *Provided, however*, That any such officer or employee who was receiving overtime compensation on June 30, 1945, and whose aggregate rate of compensation on such date was in excess of $10,000 per annum may receive overtime compensation at such rate as will not cause his aggregate rate of compensation for any pay period to exceed the aggregate rate of compensation he was receiving on June 30, 1945, until he ceases to occupy the office or position he occupied on such date or until the overtime hours of work in his administrative workweek are reduced by action of the head of his department or independent establishment or agency, or Government-owned or controlled corporation, and when such overtime hours are reduced such rate of overtime compensation shall be reduced proportionately.

(d) Employees whose basic rate of compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose shall be entitled to overtime pay in accordance with the provisions of section 23 of the act of March 28, 1934 (48 Stat. 522, 5 U.S.C. 673c). The rate of compensation for each hour of overtime employment of any such employee shall be computed as follows:

(1) If the basic rate of compensation of the employee is fixed on an annual

basis, divide such basic rate of compensation by two thousand eighty (2080) and multiply the quotient by one and one-half; and

(2) If the basic rate of compensation of the employee is fixed on a monthly basis, multiply such basic rate of compensation by twelve to derive a basic annual rate of compensation, divide such basic annual rate of compensation by two thousand eighty (2080) and multiply the quotient by one and one-half.

(e) Whenever, for the purpose of computing overtime pay under this sub-part it is necessary to convert a basic monthly or annual rate to a basic weekly, daily or hourly rate the following rules shall govern:

(1) A monthly rate shall be multiplied by 12 to derive an annual rate:

(2) An annual rate shall be divided by 52 to derive a weekly rate:

(3) A weekly rate shall be divided by 40 to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

SUBPART B—PERIODIC WITHIN-GRADE SALARY ADVANCEMENT REGULATIONS

EXTENT OF REGULATIONS

§ 25.201 *Officers and employees to whom this subpart applies.* This subpart applies to all officers and employees, except those who are appointed by the President, by and with the advice and consent of the Senate, who (a) are compensated on a per annum basis, (b) occupy permanent positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, and (c) have not reached the maximum rate of compensation for the grade in which their positions are respectively allocated.

DEFINITIONS

§ 25.221 *Permanent positions.* "Permanent positions" means positions other than those designated as temporary by law and other than those established for definite periods of one year or less. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions in which employees are serving definite probationary or trial periods under Civil Service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions. Positions filled by temporary appointment under the Temporary Civil Service Regulations are temporary for the purpose of this subpart.

§ 25.222 *Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended.* "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended", means positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

§ 25.223 *Equivalent increase in compensation.* (a) "Equivalent increase in compensation" means any increase or increases in basic compensation which in total, at the time such increase or increases are made, are equal to or greater than the smallest compensation increment in the lowest grade in which the employee has served during the time period of twelve or eighteen months, as the case may be.

(b) The following, among others, are not "equivalent increases in compensation":

(1) Increases in basic rates of compensation provided by section 405 of the Federal Employees Pay Act of 1945, or section 2 of the Federal Employees Pay Act of 1946;

(2) Rewards for superior accomplishment as provided in sections 403 and 404 of the Federal Employees Pay Act of 1945;

(3) Increases as the result of the establishment of a new minimum rate for any class of positions in accordance with section 401 of the Federal Employees Pay Act of 1945; or

(4) An increase upon restoration of an employee to the grade and salary from which he was previously reduced or demoted, when the restoration is the result of a decision of a statutory efficiency rating board of review, a reduction-in-force appeal, the reallocation of his position to its former grade on appeal, or an appeal under section 14 of the Veterans' Preference Act of 1944.

§ 25.224 *Current efficiency.* "Current efficiency" means the official efficiency rating on record appropriate for within-grade salary advancement purposes, in accordance with the uniform efficiency-rating system.

§ 25.225 *War transfer.* "War transfer" means any transfer authorized by the Commission under Executive Order Nos. 8973 of December 12, 1941, or 9067 of February 20, 1942, War Manpower Commission Directive No. X, or War Service Regulation IX, under conditions entitling the employee to reemployment in his former position or a position of like seniority, status, and pay; civilian employment in occupied countries subject to the provisions of Executive Order No. 9711 of April 11, 1946; or employment with public international organizations subject to the provisions of Executive Order No. 9721 of May 10, 1946.

§ 25.226 *Satisfactory record on war transfer.* "A satisfactory record on war transfer" means a record or finding that the transferred employee has been furloughed or terminated without cause such as would reflect on his suitability for reemployment in the Federal service, from the position to which transferred; or that his services have been satisfactory and his termination was not the result of delinquency or misconduct.

§ 25.227 *Service in the merchant marine.* "Service in the merchant marine" means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, War Shipping Administration, service as an enrollee in the United States Maritime Service on active duty, and, to such extent as said Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator.

§ 25.228 *Certificate of satisfactory service in the merchant marine.* "Certificate of satisfactory service in the merchant marine" means the certificate issued by the War Shipping Administrator pursuant to the act of June 23, 1943, 57 Stat. 162, 50 U. S. C., Sup. 1471–1475, providing reemployment rights for persons who leave their positions to serve in the merchant marine.

COMPUTATION OF PERIODS OF SERVICE

§ 25.231 *Service to be credited.* In computing the periods of service required for within-grade salary advancements there shall be credited to such service:

(a) Continuous civilian employment in any branch (legislative, executive, or judicial), executive department, independent establishment or agency, or corporation of the Federal Government or in the municipal government of the District of Columbia.

(b) Time elapsing on annual, sick, or other leave with pay.

(c) Leave without pay and furlough, not to exceed in total the equivalent of twenty-two eight-hour days in the basic forty-hour workweeks, within the period of service required for one periodic within-grade advancement.

(d) Service rendered prior to absence due to involuntary separation, or due to furlough or leave without pay, where no single period of such absence is in excess of twelve months.

(e) Service rendered prior to absence due to resignation, where no single period of such absence is in excess of thirty calendar days.

(f) Service in the armed forces, in the merchant marine, or on war transfer subject to the following conditions: The employee must have (1) left his position to enter the armed forces or the merchant marine, or to comply with a war transfer, (2) been separated under honorable conditions from active duty in the armed forces, or have received a certificate of satisfactory service in the merchant marine, or have a satisfactory record on war transfer, and (3) been restored, reemployed, or reinstated in any permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, under regulations of the Commission which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or any other administrative procedure having a similar purpose with respect to employees not subject to civil service rules and regulations. Any person entitled to be credited with service under this paragraph shall also be entitled to credit not more than twelve, eighteen or thirty months, as the case may be, for civilian employment prior to leaving his position to enter the armed forces or the merchant marine, or to comply with a war transfer.

(g) In the case of an employee whose name appeared on a list of eligibles between May 1, 1940 and March 16, 1942, and who, after meeting necessary conditions, received probational appointment under the provisions of any Executive order or regulations of the Commission covering situations in which an eligible lost his opportunity for probational appointment because of military service in World War II, time elapsing since the earliest date on which an eligible standing lower on the same list of eligibles received a probational appointment therefrom.

(h) In the case of an employee who applied for restoration, reappointment or reemployment within the period, provided by statute or regulation, of 90 calendar days after honorable discharge from the military service or from hospitalization continuing for a period of not more than one year after such discharge, and who has been restored, reappointed or reemployed as a result of such application, the total period of time elapsing between the termination of military service or release from hospitalization continuing thereafter, and entrance on duty in his civilian position if such period does not exceed 120 calendar days. However, if entrance on civilian duty has been delayed so that such period is in excess of 120 calendar days, only the first 120 calendar days of such period may be credited. This paragraph shall be effective December 5, 1946 and shall apply to all computations of within-grade salary increases made after that date.

In the case of an employee exercising reemployment rights under the terms of Executive Order No. 9711, April 11, 1946 (11 F. R. 4081), not to exceed a total period of 120 calendar days of time elapsing between release from military service and acceptance of civilian employment in occupied territories under the Military Government authorities of the United States, and time elapsing between termination of such employment and the exercise of his reemployment rights in accordance with Executive Order No. 9711.

CONDITIONS OF ELIGIBILITY FOR PERIODIC WITHIN-GRADE SALARY ADVANCEMENT

§ 25.241 *Eligibility requirements and effective date.* Officers and employees to whom this subpart applies shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period (including July 1, 1945) following the completion of (1) each twelve months of service if such officers or employees are in grades in which the compensation increments are less than $200 per annum or (2) each eighteen months of service if such officers or employees are in grades in which the compensation increments are $200 or more, subject to the following conditions:

(a) That no equivalent increase in compensation from any cause was received during such period:

(b) That an officer or employee shall not be advanced unless his current efficiency rating is "Good" or better than "Good";

(c) That the service and conduct of such officer or employee are certified by the head of the department or independent establishment or agency, or Government-owned or controlled corporation, or such official as he may designate, as being otherwise satisfactory.

If at the end of the time period of twelve or eighteen months, an employee's total leave without pay and furlough is in excess of that creditable under § 25.231 (c), he must serve in a pay status an additional number of basic-workweek days and hours equal to such excess, to complete the service required for advancement.

§ 25.242 *Exceptions.* Conditions of § 25.241 (b) and (c) shall not apply upon the return to duty of any officer or employee (a) who, while serving under permanent, war service, temporary, or any other type of appointment, left his position to enter the armed forces or the merchant marine, or to comply with a war transfer, (b) who has been separated under honorable conditions from active duty in the armed forces, or has received a certificate of satisfactory service in the merchant marine, or has a satisfactory record on war transfer, and (c) who, under regulations of the Commission, which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or under any other administrative procedure having a similar purpose with respect to officers and employees not subject to civil service rules and regulations, is restored, reemployed, or reinstated in a permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, in which he would otherwise be eligible for within-grade salary advancement under this part.

EFFECT OF EFFICIENCY-RATING CHANGES

§ 25.251 *Effect of efficiency-rating changes.* In the event a change or adjustment is made in an officer's or employee's current efficiency rating, either by administrative action or as the result of a review and determination by a board of review in accordance with the provisions of section 9 of the Classification Act of 1923, as amended, the employee's eligibility for salary advancement shall be determined according to the efficiency rating as changed or adjusted and other conditions of the salary advancement plan, and any periodic within-grade salary advancement to which he may be entitled shall be made effective as of the date he would have received the advancement had no error been made in the original rating.

SUBPART C—NIGHT PAY DIFFERENTIAL REGULATIONS

EXTENT OF REGULATIONS

§ 25.301 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.302.

§ 25.302 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishments;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (57 Stat. 45, 50 U. S. C. App. 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police;

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company;

(k) Employees of the Bureau of Engraving and Printing who are entitled to a night pay differential under the act of July 1, 1944 (58 Stat. 648, 31 U. S. C. 180); and

(l) Employees who are entitled to additional compensation for night work under any provision of law other than section 301 of the Federal Employees Pay Act of 1945.

DEFINITIONS

§ 25.321 *Basic rate of compensation.* "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work but inclusive of (a) any salary differential for duty outside the continental United States, or in Alaska, and (b) the value of

quarters, subsistence, and other maintenance allowances under sec. 3 of the act of March 5, 1928, 45 Stat. 193, 5 U. S. C. 75a.

§ 25.322 *Regularly scheduled tour of duty.* "Regularly scheduled tour of duty" means the regularly scheduled administrative workweek for full-time employees prescribed in accordance with § 25.131. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which such employees are required to be on duty regularly.

§ 25.323 *Night work.* "Night work" means that part of a regularly scheduled tour of duty which falls between 6 o'clock p. m. and 6 o'clock a. m.

§ 25.324 *Night pay differential.* "Night pay differential" means the ten percent increase over the officer's or employee's basic rate of compensation, authorized by section 301 of the Federal Employees Pay Act of 1945, as amended.

NIGHT WORK AND PAYMENT OF NIGHT DIFFERENTIAL

§ 25.331 *Night pay differential authorized.* Any officer or employee to whom this subpart applies shall be entitled to a night pay differential amounting to 10 percent of his basic rate of compensation as additional compensation for all hours of night work, computed in accordance with § 25.332.

§ 25.332 *Computation of night pay differential.*—(a) *Absence on leave or holidays, or in travel status.* Payment of a night pay differential is not authorized during any period when the officer or employee is in a leave status or is excused from duty on a holiday or other non-workday; but it is authorized when compensatory time off "earned" by night work is taken during the night hours of the employee's regularly scheduled tour of duty, and for all night hours of the employee's regularly scheduled tour of duty while he is in official travel status, whether performing actual duty or not.

(b) *Relation to overtime and holiday pay.* Payment of a night pay differential shall be in addition to any extra overtime or holiday compensation paid in accordance with Subpart A or Subpart D. The night pay differential shall not be included in the basic rate or compensation in computing any overtime or holiday compensation to which the officer or employee may be entitled.

(c) *Temporary assignment to different tour of duty.* The payment of the night pay differential is authorized for night work performed when an employee is assigned temporarily to a regularly scheduled tour of duty other than his own regular tour of duty.

(d) *Computation of rate of night pay differential.* Whenever it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate for the purpose of computing the amount of the night pay differential, the following rules shall govern:

(1) A monthly rate shall be multiplied by 12 to derive an annual rate;

(2) An annual rate shall be divided by 52 to derive a weekly rate;

(3) A weekly rate shall be divided by 40 to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

SUBPART D—REGULATIONS GOVERNING PAY FOR HOLIDAY DUTY

EXTENT OF REGULATIONS

§ 25.401 *Employees to whom this subpart applies.* This subpart shall apply to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.402.

§ 25.402 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes," approved March 24, 1943 (57 Stat. 45, 50 U. S. C., App. Sup., 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police; and

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company.

DEFINITIONS

§ 25.421 *Basic rate of compensation.* "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work but inclusive of (a) any salary differential for duty outside the continental United States, or in Alaska, and (b) the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928 (45 Stat. 193, 5 U. S. C. 75a).

IDENTIFICATION OF HOLIDAYS

§ 25.431 *Holidays.* The following days shall be holidays:

(a) Subject to the provisions of paragraph (b) of this section, the 1st day of January; the 22d day of February; the 30th day of May; the 4th day of July; the first Monday in September; the 11th day of November; the fourth Thursday in November; and Christmas Day.

(b) When any such day falls on a Sunday, Executive Order No. 9586 of October 3, 1945 requires that the following Monday shall be observed as a holiday in lieu thereof subject to the following exceptions:

(1) In the case of employees whose regularly scheduled basic work-week includes both the Sunday and the Monday involved, either day, as determined by the head of the department, agency, or corporation concerned, but not both days, shall be treated as a holiday.

(2) In the case of employees whose regularly scheduled basic work-week includes the Sunday but not the Monday involved, only the Sunday shall be treated as a holiday.

(c) Any day designated as a holiday by Executive order.

EXTRA PAY FOR HOLIDAY DUTY

§ 25.441 *Rate of holiday pay.* (a) Any officer or employee who is assigned to duty on a holiday shall be compensated for such duty at the rate of twice his regular rate of basic compensation, *Provided,*

(1) That such hours of holiday duty fall within his basic workweek of forty hours.

(2) That such doubled rate of compensation shall be paid for not to exceed eight hours of duty on a holiday.

(3) That such doubled rate of compensation shall be in lieu of his regular rate of basic compensation.

(4) That such doubled rate of compensation shall be in addition to any extra compensation for night duty payable under Subpart C; but the night pay differential shall not be included in the basic rate of compensation in computing pay for holiday duty.

(b) An officer or employee who is excused from duty because of a holiday falling within his basic 40-hour workweek shall be entitled to only his basic rate of compensation for that day.

(c) An officer or employee who is assigned to duty on a holiday falling outside of his 40-hour basic workweek (an overtime day) shall be entitled only to the overtime compensation payable in accordance with Subpart A for such duty, plus any extra compensation for night duty payable under Subpart C or other authority.

(d) An officer or employee who is excused from duty because of a holiday falling outside of his 40-hour basic workweek shall not be entitled to any compensation for that day.

§ 25.442 *Computation of holiday pay.* Whenever it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate for the purpose of computing the amount of extra pay for holidays, the following rules shall govern:

(a) A monthly rate shall be multiplied by twelve to derive an annual rate;

(b) An annual rate shall be divided by fifty-two to derive a weekly rate;

(c) A weekly rate shall be divided by forty to derive an hourly rate; and

(d) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

§ 25.443 *Overtime.* (a) The extra pay for holidays authorized by § 25.441 shall not be included in the basic rate of compensation in computing any overtime compensation to which the officer or employee may be entitled.

(b) Such extra pay shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs, and notwithstanding such extra pay, the number of hours of duty on a holiday shall be included in determining for overtime pay purposes the total number of hours of employment performed in the same administrative workweek.

(c) The number of regularly scheduled hours of duty on a holiday falling within the employee's 40-hour basic workweek on which the employee is excused from duty shall be included as a part of the 40-hour basic workweek for overtime pay computation purposes.

SUBPART E—REGULATIONS FOR GRANTING ADDITIONAL WITHIN-GRADE SALARY ADVANCEMENTS AS REWARDS FOR SUPERIOR ACCOMPLISHMENT

§ 25.501 *Extent of regulations; officers and employees to whom this subpart applies.* This subpart applies to any officer or employee, except those in positions required to be filled by appointments by the President, by and with the advice and consent of the Senate who (a) is compensated on a per annum basis; (b) occupies a permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended; (c) has not reached the maximum rate of compensation for the grade of his position; and (d) who merits consideration for an award as a result of superior accomplishment.

§ 25.502 *Definitions.* (a) "Department" means any executive department or independent establishment or agency, including Government-owned or Government-controlled corporations, and the municipal government of the District of Columbia.

(b) "Permanent positions" means positions other than those designated as temporary by law and other than those established for a definite period of one year or less. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions in which employees are serving definite probationary or trial periods under civil service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions.

(c) "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended," means positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Civil Service Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

(d) "Superior accomplishment" means sustained work performance of a high degree of efficiency, the initiation and development of a suggestion which increases efficiency or brings about substantial economies in the public service, or a special service of an outstanding nature, which meets the standards of the Commission for recognition as the basis for a reward in the form of an additional salary advancement.

(e) "Additional advancement" means within-grade salary advancement as a reward for superior accomplishment as distinguished from a periodic within-grade salary advancement under section 402 of the Federal Employees Pay Act of 1945.

§ 25.503 *Conditions of eligibility for additional advancements.* The granting of each additional advancement shall be subject to the following conditions:

(a) It must be made within the limit of available appropriations;

(b) It must be based on superior accomplishment which conforms with standards promulgated by the Commission; and

(c) No more than one additional advancement may be made to any officer or employee within each of the time periods prescribed in section 402 of the Federal Employees Pay Act of 1945.

§ 25.504 *Prior approval by the Commission.* Approval of the Commission must be secured prior to making any additional advancement effective, unless approval of such advancement is made under authority delegated in accordance with the regulations in this subpart.

§ 25.505 *Departmental plans for awarding additional advancements.* Each department which desires authority to approve additional advancements as rewards for superior accomplishment shall submit a plan to the Commission (a) providing for a systematic review of the work performance of employees, (b) proposing a simple, orderly procedure for the selection of employees to be awarded additional advancements for superior accomplishment, (c) indicating the representatives of the head of the department proposed to be authorized to approve such advancements, (d) providing procedures for reporting additional advancements to the Commission, and (e) proposing a method of publication of the plan to all employees. Such plans shall not become effective until approved by the Commission, and no approved plan shall be revised or amended without the prior approval of the Commission. Subject to the foregoing provisions, any such departmental plan may be revised or amended from time to time as circumstances may require.

§ 25.506 *Delegation of authority to approve additional advancements.* Effective until November 1, 1945, the Commission hereby delegates authority to the head of each department, or his designated representatives, to approve additional advancements as rewards for superior accomplishment which conforms with standards promulgated for that purpose by the Commission. This authority will terminate on November 1, 1945, if no departmental plan has been approved prior to that date. Upon the approval of a departmental plan as provided in the foregoing section, the Commission hereby delegates authority to the head of the department, and to his designated representatives operating under such plan, to approve additional advancements as rewards for superior accomplishment which conforms with the standards promulgated for that purpose by the Commission.

§ 25.507 *Suspension or withdrawal of authority.* The Commission may suspend or withdraw the authority to approve additional advancements delegated in the regulations in this subpart, whenever, after post-audit of actions taken under such authority, it finds that (a) additional advancements are being approved which do not conform with the Commission's standards, (b) provisions of the departmental plan are not being followed, or (c) adequate statements supporting such additional advancements are not being received by the Commission.

§ 25.508 *Reports to be furnished to the Commission.* Additional within-grade salary advancements as rewards for superior accomplishment shall be reported to the Commission with such supporting information as it may prescribe.

PART 26—TRANSFER OF PERSONNEL TO PUBLIC INTERNATIONAL ORGANIZATIONS IN WHICH THE UNITED STATES GOVERNMENT PARTICIPATES

Sec.
26.1 Persons who may be transferred.
26.2 Definitions.
26.3 Submission of request.
26.4 Approval of transfer.
26.5 Separation from service.
26.6 Filling vacancy.
26.7 Acquisition of status.
26.8 Reemployment.
26.9 Report to the Commission.
26.10 Appeals to the Commission.
26.11 Effective date.

AUTHORITY: §§ 26.1 to 26.11, inclusive, issued under sec. 5, E. O. 9721, 11 F. R. 5209.

§ 26.1 *Persons who may be transferred.* The following persons may be given consideration for transfer under Executive Order 9721;

(a) Employees of any agency or department in the executive branch of the Federal Government who are serving under (1) probational or permanent civil service appointments, or (2) war service indefinite appointments regardless of

whether a trial period has been completed.

(b) Former employees of such an agency or department who (1) are serving in a public international organization, (2) have served continuously in such organization since May 10, 1946, and (3) left war service indefinite or probational or permanent civil service appointments to take their present employment.

§ 26.2 *Definitions.* (a) "Public international organization" is one designated by the President pursuant to the Act of December 29, 1945 (59 Stat. 669).

(b) "Terminated without prejudice" means separation from the public international organization to which transferred under Executive Order 9721, either voluntarily or involuntarily under circumstances which do not reflect on the transferee's suitability for further Federal employment.

NOTE: For list of public international organizations, see Executive Orders 9698, 9751 and 9823.

(c) "Consent of the head of the department or agency concerned" means the specific consent of the head of the department or agency or his designated representative for the employee's or former employee's transfer under Executive Order 9721. A general release for employment elsewhere or a release granted other than for the specific purpose of transfer under Executive Order 9721 shall not be construed as "consent" under Executive Order 9721.

§ 26.3 *Submission of request.* A request for the transfer of an employee or former employee under Executive Order 9721 shall be submitted by the public international organization in writing directly to the agency or department in which such employee is serving or last served.

§ 26.4 *Approval of transfer.* The head of the department or agency concerned or his designated representative shall, if he determines to consent to transfer under Executive Order 9721, give such consent in writing and address it to the requesting public international organization. The letter of consent shall specifically mention that consent is given under Executive Order 9721. A copy of the letter of consent shall be placed in the agency personnel files, and a copy shall be delivered to the transferee. The agency or department concerned may set the date on which the consent becomes valid.

§ 26.5 *Separation from service.* Upon transfer under Executive Order 9721 the employee shall be separated and his "separation by transfer under Executive Order 9721" shall be reported to the Commission on the regular report of personnel changes.

§ 26.6 *Filling vacancy.* The appointment, reassignment, promotion, or transfer of an employee to fill a vacancy created by the transfer of an employee under Executive Order 9721 shall be limited to the return of the specific employee transferred under the order; except that this section shall not apply in any case where the provisions of section 4 of the order are made applicable to a former employee of a Federal agency serving with a public international organization at the time of issuance of the order, and where the position he left in the agency had already been filled prior to the time the provisions of section 4 of the order were made applicable to him.

§ 26.7 *Acquisition of status.* Any employee who is transferred from a war service indefinite appointment under Executive Order 9721 and who meets the other conditions for acquisition of competitive status under section 2 of Executive Order 9721 shall be deemed to have acquired such status provided those conditions are met on or before May 10, 1949. Determination of satus will be made by the Commission on request of a Federal agency or the transferee. Unless all conditions precedent to acquisition of competitive status under section 2 of Executive Order 9721 have been met on or before May 9, 1949, no rights accrue under that section. Determination that such conditions were so met may be made after that date.

§ 26.8 *Reemployment.* An employee transferred under Executive Order 9721 must meet the following conditions in order to have a right to reemployment under that order:

(a) He must have been serving under a probational or permanent civil service appointment prior to such transfer or he must have met the conditions for acquisition of a competitive status under section 2 of the order. When reemployment rights depend on acquisition of status under section 2 of the order, request for such determination shall be presented to the Commission by the agency concerned promptly after receipt of application for reemployment, unless such determination was made theretofore.

(b) He must have been terminated without prejudice by the public international organization to which transferred within three years of the date of his separation for transfer to such international organization or within three years of the date of Executive Order 9721, whichever is later;

(c) He must apply for reemployment to his former agency or department (or its successor) within 90 days of his termination by such international organization.

(d) He must be qualified physically to perform the duties of his former position or one of like seniority, status and pay.

Upon meeting the conditions for reemployment under Executive Order 9721, the transferee's former agency or department (or its successor) shall reemploy him within 30 days of his application for reemployment. Such reemployment shall be in the employee's former position or in a position of like seniority, status and pay.

Upon reemployment under Executive Order 9721, an employee shall be given the seniority and, to the extent consistent with law, the pay to which he would have been entitled had he remained continuously with the agency in his former position. He shall be considered as having competitive status and tenure and shall be given full credit for completion of probation for service in the international organization since acquisition of status. Any sick leave to his credit at the time of his separation for transfer under the order shall be recredited to him.

§ 26.9 *Report to the Commission.* (a) A transfer under Executive Order 9721 shall be reported to the Commission on the regular report of personnel changes. In any case where the provisions of the Executive order are, with the consent of the Federal agency in which he was formerly employed, made applicable to a former employee of the agency, the action shall be reported as a transfer effective as of the date the employee left the Federal agency to take employment with the public international organization.

(b) A reemployment under Executive Order 9721 shall be reported to the Commission on the regular report of personnel changes.

§ 26.10 *Appeals to the Commission.* There shall be no appeal to the Commission from a denial by the head of the agency or department or his designated representative of transfer under the order. The Commission shall make final decision as to the acquisition of status of an employee under section 2 of the order. An employee transferred under the order who has been denied reemployment may appeal to the Commission, and the Commission shall make final determination of his right to reemployment under the order.

§ 26.11 *Effective date.* This part shall be effective as of May 10, 1946.

PART 27—ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Sec.
27.1 Maximum stipends prescribed.
27.2 Stipends under existing agreements with trainees.
27.3 Stipends of trainees assigned to Federal hospitals as affiliates.
27.4 Exclusion of other trainee positions and establishment of maximum stipends.
27.5 Extent of regulations.
27.6 Inquiries.

AUTHORITY: §§ 27.1 to 27.6, inclusive, issued under E. O. 9750, 11 F. R. 7649, 3 CFR, 1946 Supp.

§ 27.1 *Maximum stipends prescribed.* In accordance with the provisions of Executive Order No. 9750 effective at the close of business on July 13, 1946, the following maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind) for medical and dental interns and residents-in-training, student nurses, student dietitians, student physical therapists, and student occupational therapists, except as otherwise provided in § 27.2, are hereby approved:

Medical and Dental Interns and Residents

Gallinger and Freedmen's Hospitals:	
First year approved post graduate training	$1,600
Second year approved post graduate training	1,900
Third year approved post graduate training	2,200
Fourth year approved post graduate training	2,500
Fifth year approved post graduate training	3,400
Sixth year approved post graduate training	4,150
All other Federal hospitals:	
First year approved post graduate training	2,200
Second year approved post graduate training	2,400
Third year approved post graduate training	2,700
Fourth year approved post graduate training	3,000
Fifth year approved post graduate training	3,400
Sixth year approved post graduate training	4,150

NOTE: Maximum stipends for Panama Canal and Panama Railroad are 25 percent above these rates.

Dietitian interns (student dietitians)—one year approved post graduate training	$1,470
Physical therapy interns (student physical therapists)—one year approved post graduate training	1,470
Student nurses—St. Elizabeth's hospital:	
First year training	775
Second and third year training, maximum total for two years	1,225

NOTE: The maximum total stipend of $1,225 for the second and third years is effective only so long as student nurses at St. Elizabeth's hospital are assigned during these years to affiliated hospitals for one year of training with no compensation other than maintenance.

Freedmen's hospital—Total for three year training	$2,825

NOTE: This maximum stipend is effective only so long as student nurses at Freedmen's hospital pay $200 or more for tuition and related expenses for which they would not be charged at other Federal hospitals.

All other Federal hospitals:	
First year training	$775
Second year training	865
Third year training	985

Occupational therapy interns (student occupational therapists)—approved clinical training in affiliation with an approved school of occupational therapy, $122.50 a month.

§ 27.2 *Stipends under existing agreements with trainees.* Stipends (total amounts paid, including maintenance allowances and other payments in kind) under existing agreements with trainees, which are in excess of maximums in the above schedules, are hereby approved as maximums for the duration of training under such agreements to the extent that the amount of any such maximums does not exceed the basic pay rate under such agreement including the value of maintenance allowance and other payments in kind: *And provided,* That statements of the terms of such agreements, with schedules of stipends and allowances, are filed with the Commission before September 1, 1946.

§ 27.3 *Stipends of trainees assigned to Federal hospitals as affiliates.* Trainees at non-Federal hospitals assigned to Federal hospitals as affiliates for part of their training shall receive no stipend from the Federal hospital other than any maintenance provided.

§ 27.4 *Exclusion of other trainee positions and establishment of maximum stipends.* Requests for approval by the Commission of exclusions from the provisions of the Classification Act of 1923, as amended, of other positions filled by persons employed on a student-training or resident-training basis assigned or attached to a hospital, clinic, or medical or dental laboratories, as provided in section 1 of Executive Order 9750, and for approval of maximum stipends not provided in § 27.1 or § 27.2, should be submitted promptly to the Commission with full supporting information.

§ 27.5 *Extent of regulations.* Maximum stipends provided in § 27.1 or § 27.2 apply to any "hospital, clinic, or medical or dental laboratories, owned or operated by the Federal Government (including any agency or instrumentality of the Federal Government, and including the District of Columbia)", unless rates of compensation are otherwise provided by law.

§ 27.6 *Inquiries.* Inquiries concerning this part may be directed, in Washington, D. C., to the Field Section, Personnel Classification Division, telephone extension 651, and, in the field, to the appropriate regional or branch regional office.

PART 28—OFFICIAL PERSONNEL FOLDER

Sec.
28.1 Designation of agency representative.
28.2 Designation of Official Folder.
28.3 Consolidation and standardization of content of folder.
28.4 Transfer of the Official Personnel Folders between agencies.
28.5 Requests for information about employees whose folders have been transferred to other agencies.
28.6 Official Personnel Folder upon reemployment in Federal service.
28.7 Exceptions.
28.8 How to order the Official Personnel Folder.
28.9 Standard Form No. 63, Request for Personnel Data and Leave Transcripts.
28.10 Requests for further information.
28.11 Specifications for Official Personnel Folder.

AUTHORITY: §§ 28.1 to 28.11, inclusive, issued under sec. 3, E. O. 9784, Sept. 25, 1946, 11 F. R. 10909, 3 CFR, 1946 Supp.

§ 28.1 *Designation of agency representatives.* Each agency will designate one or more representatives to work with the Commission in putting the plan into effect.

The name (or names) of the representative designated by the agency, his location in the organization and telephone number, should be furnished by letter not later than March 3, 1947, to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 28.2 *Designation of official folder.* Only one Official Personnel Folder will be maintained for each active employee, and it will contain the records necessary to comprise his complete service record. The Official Personnel Folder will be maintained at the point of maximum utilization. Designation of this point will be made by the agencies not later than April 1, 1947.

§ 28.3 *Consolidation and standardization of content of folder.* As rapidly as resources permit, steps will be taken to make the personnel folder of each active employee a complete working record in line with the Commission's specifications.

Folders which are transferred to other agencies, and new folders which are established, must conform to the standard specifications.

§ 28.4 *Transfer of the Official Personnel Folders between agencies*—(a) *Manner of transfer.* Beginning April 1, 1947, whenever an employee is transferred to another agency, or to another organization within the same agency (if the Official Personnel Folder is maintained by a different office), the employing agency will, upon the employee's entrance on duty, furnish the appropriate personnel office of the releasing agency with a copy of Standard Form 50, "Notification of Personnel Action," which records the transfer action and indicates the official date on which the transfer became effective. Extra single copies of Standard Form 50 for this purpose can be obtained from the Government Printing Office. The releasing agency or office, within 3 days of receipt of its copy of Standard Form 50, will transmit the Official Personnel Folder to the new agency or office, and arrange for transmittal of the leave record.

(b) *Purging of folder.* Prior to transfer, all material except that listed in the Commission's specifications for material to be filed on the right, or permanent, side of the folder will be removed from the official folder. Duplicate records and material listed as temporary may be disposed of in accordance with regular procedure for disposal of records.

Such material will be removed only by the releasing agency. The receiving agency will retain all papers which have been transmitted in the folder.

(c) *Materials to be transferred.* The material included in the Commission's specifications on the right, or permanent, side of the personnel folder constitutes the employee's official record of service and, as such, is required to be transferred. Agencies may, but are not required to, release or transfer confidential material. In making a decision as to whether confidential material should be transferred, agencies should consider that such material is being transferred to another branch of the Federal Government where it will continue to be maintained as confidential.

(d) *Record of transfer.* Upon transmittal of the Official Personnel Folder to another agency, the releasing agency will record the name of the employee and the name and location of the agency to which the file is being transferred, together with the date of its transfer. Whenever possible, agencies should utilize for this purpose an appropriate existing record such as an employee record card. If such a record is not available, a card may be established recording the transfer.

§ 28.5 *Requests for information about employees whose folders have been transferred to other agencies.* Requests for information regarding an employee who has transferred should be forwarded for reply to the office or agency to which the employee transferred.

§ 28.6 *Official personnel folder upon reemployment in Federal service.* When a former Federal employee is reemployed, the employing agency should request his personnel folder, by letter, from the personnel office of the agency in which he was last employed.

§ 28.7 *Exceptions.* Officers located outside of the continental United States may, in the discretion of the agency, be exempted from the use of the standard Official Personnel Folder and the regulations in this part.

§ 28.8 *How to order the Official Personnel Folder.* The Official Personnel Folder is procurable from the Treasury Department, Procurement Division, in Washington, D. C., and its Regional Supply Centers. In ordering, refer to the Official Personnel Folder, Stock No. 53-F-4643.

§ 28.9 *Standard Form No. 63, Request for Personnel Data and Leave Transcripts.* Effective April 1, 1947, agencies will no longer use Standard Form No. 63 to verify the effective date of transfers and to obtain information for use in determining eligibility for periodic pay increases. This form will be abolished.

The official date on which the transfer has become effective will be obtained from the copy of Standard Form 50 which is sent the employing agency; promotion and other personnel information will be obtained from the Official Personnel Folder when received.

§ 28.10 *Requests for further information.* Inquiries with regard to the Official Personnel Folder should be made in writing to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 28.11 *Specifications for Official Personnel Folder*—(a) *Type of folder.* Letter size, kraft, heavy weight, individual reinforced tab (approximately ⅔ cut right of center), contents secured with built-in metal fasteners at top of back flap and bottom of front flap. Material to be filed on permanent (or right hand) side of folder to be punched and fastened at top of sheet. Material to be filed on temporary (or left hand) side to be punched and fastened at bottom of sheet. White or buff colored labels shall be used for identifying the folder, with the employee's last name first, followed by his first name and middle initials, if any, and date of birth expressed as month, day and year, that is, Oct. 30/26, followed by identfication number, if any. The name on the employee's personnel folder shall correspond to his name on the rolls of the agency. The following information will be printed on the front of the folder: Official Personnel Folder

(b) *Permanent records.* On right side in chronological order, with latest paper on top, file permanent records affecting employee's status: Application for Federal Employment (earliest and latest form completed), Standard Forms 57, 58, 60, Civil Service Form 3821; Notification of Personnel Action, Standard Form 50; Request for Personnel Action, if used as the official appointing document, or as the employee's resignation; Oath of Office, Affidavit and Declaration of Appointee, Standard Form 61; Veterans Preference Forms, Civil Service Forms 2842 and 2842a; Evidence of Satisfactory Military Service (this should not include the certificate of discharge which is returned to the employee); Report of completion of character or loyalty investigation; Official letters of commendation or reprimand; Resignation; Notice of retirement, Standard Form 37; Report of Efficiency Rating, Standard Form 51; Records of completion of training courses; Civil Service Examination papers; Transcript of court order, in case of separation for legal incompetence; Employee's Notice of Injury or Occupational Disease, Bureau of Employees' Compensation Form C. A. 1; Notification of approval of application for disability retirement, Civil Service Form 3170; Official Death Notice. The forms referred to by number include forms superseded by or superseding the forms listed, or agency forms serving the same purpose.

(c) *Temporary records.* On left side in chronological order, with the latest paper on top, file records of temporary value. In general, these are documents leading to a formal action but not constituting a record of it nor making a substantial contribution to the employee's service record. Dispose of these papers on transfer of employee to another agency or upon separation. The list that follows is intended as a guide for current personnel operations and not as a request for the creation of any records not normally used: Request for Personnel Action (except where used as the official appointing document or contains the employee's resignation); Requests for authority and Commission's approval; Required records for employment of minors; Letters of Release; Letters of reference and responses to inquiries; Conduct Reports for Pay Increase (Periodic); Advance Notices of personnel actions for such actions as demotion, pay increase, furlough, reduction in force, termination of appointment, etc.; Notices of proposed retirement; All Personal Debt Correspondence; Deferment and Draft Correspondence; Miscellaneous Correspondence; Application for Reemployment (after Military Service or War Transfer Leave Without Pay); Bureau of Employees' Compensation Forms, except Form C. A. 1.

PART 29—RETIREMENT

Sec.
29.1 Administration.
29.2 Evidence.
29.3 Applications.
29.4 Time for filing applications.
29.5 Disability retirement; medical examination.
29.6 Effective date of retirement.
29.7 Computation of interest.
29.8 Military service.
29.9 Designation of beneficiary.
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29.11 Disclosure of information.
29.12 Joint and survivorship annuities.
29.13 Making of voluntary deposits.
29.14 Purchase of additional annuity.
29.15 Appeals.
29.101 Basic records.
29.102 Maintenance of individual retirement account.
29.103 Certifying officers; signature cards.
29.104 Retirement deductions.
29.105 Tontine; based on pay status in calendar month.
29.106 Reemployed annuitants.
29.107 Reports of retirement fund transactions.
29.108 Set-off on account of indebtedness to the Government.

AUTHORITY: §§ 29.1 to 29.15, inclusive, issued under sec. 17, 46 Stat. 478; 5 U. S. C. 709, §§ 29.101 to 29.108, inclusive, issued under sec. 12 (a), 46 Stat. 476, 5 U. S. C. 724.

§ 29.1 *Administration.* (a) The Commission shall have charge of the adjudication of all claims arising under the retirement laws, and of all matters directly or indirectly concerned with such adjudication.

(b) In the adjudication of claims arising under the retirement laws, the Commission shall consider and take appropriate action on counterclaims filed by the Government as set-offs against amounts in the retirement fund involved, and shall likewise consider and take appropriate action in adjusting illegal salary payments in violation of laws pertaining to dual service, subject to final decision by the Comptroller General.

(c) The Commission shall maintain a control account for each department and independent establishment; for this purpose, departments and establishments shall make reports of appointments and separations and annual summaries of retirement fund transactions.

§ 29.2 *Evidence.* (a) (1) Civil Service Commission Form 2806 (Retirement Account) shall be the basic record for action on all claims for annuity or refund, and those pertaining to decreased employees or annuitants.

(2) Form 2806 shall contain a record of all service creditable under the Retirement Act, civil and military, and a record of all retirement deductions made, showing the beginning and ending dates of each period covered by such deductions. Whenever practicable in certifying service for which deductions were not made, the aggregate basic salary earned and the amount of tontine involved, by fiscal years, shall be shown. Any change of date or salary on the service history side, or in the first three columns of the fiscal side, of Form 2806 shall be certified. Any leave in excess of 6 months in a calendar year shall be noted.

(3) Immediately upon the absolute separation of an employee for any reason (or upon interdepartmental transfer), Form 2806 shall be completed to date, certified as to its correctness, and, after proper entry therefrom has been made on the "Register of Separations", sent to the Civil Service Commission. In no case shall the retirement record card be held in a department or establishment awaiting the receipt of a claim.

(b) When loss or destruction or incompleteness of records in the Government offices concerned is shown, a request shall be made through the Commission to the General Accounting Office for such data as may be deemed necessary for a proper determination of the rights of the claimant. When the required information cannot be developed by any official record, inferior or secondary evidence then becomes admissible and should be requested.

§ 29.3 *Applications.* (a) All applications under the Retirement Act shall be filed with the Commission and shall be made on such forms as may be prescribed by the Commission.

(b) Applications for annuity and for retirement on account of total disability, except disability applications filed by a department or establishment, must be executed before two identifying witnesses.

(c) Applications for the payment of accumulated deductions, or of accrued annuity and/or unexpended balance, must be executed before an officer authorized to administer oaths for general purposes, whose seal must be affixed thereto. If such officer does not have a seal and is not required by law to use one, his official character, signature, and term of office must be certified under the official seal of the proper State, county, or city officer. Administrative officers having authority to administer oaths for administrative purposes only are not qualified to administer oaths to applicants. Applications for refund shall be executed before two identifying witnesses.

§ 29.4 *Time for filing applications.* (a) An application for annuity on account of age may be filed shortly before or at any time after the employee reaches the requisite retirement age, but such application should not be filed more than 30 days in advance of reaching retirement age. In cases of optional retirement, the application must be executed before the actual date of separation.

(b) An application for immediate or deferred annuity on account of voluntary or involuntary separation from the service will not be considered if filed before the employee's separation.

(c) An application for retirement on account of disability must be executed by the employee prior to the applicant's separation from the service or within 6 months thereafter. This time limitation may be waived by the Commission in the cases of employees who are found to have been mentally incompetent at date of separation or within 6 months thereafter, the application in such cases to be filed with the Commission within one year from the date of restoration of any such person to competency or the appointment of a fiduciary, whichever is the earlier.

Request or order by the department or other governmental agency for retirement of an employee for disability must be filed prior to the employee's separation from service. If application for disability retirement is submitted upon an inappropriate form, or upon an appropriate form inadequately or incompletely executed, within 6 months from date of separation from the service, such application may be accepted as an informal claim provided the claimant immediately or within a reasonable time thereafter submits a properly executed application upon the appropriate form.

§ 29.5 *Disability retirement; medical examination.* (a) When an applicant for retirement on account of total disability has established a prima facie case and no legal grounds for rejection exist, such applicant shall be ordered to appear for a medical examination before a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commission. When the application is accompanied by a report of examination already made by a medical officer of the United States, it may not be necessary to require another examination.

(b) The order for annual examination by the Commission shall direct the annuitant to be medically examined within 30 days from and after the anniversary of the date on which he was retired upon annuity for disability. This provision, however, may be modified so that the annual medical examination may take place within 30 days from and after the expiration of one year from the date of the last medical examination.

(c) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered and has been restored to an earning capacity which would permit him to be appointed to an appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position. In no case shall the continued payment of the annuity exceed one year from the date of the medical examination showing recovery. If the annuitant shall be reemployed in the Government service within the one year, the annuity shall be discontinued at the close of the day preceding the date of such reemployment.

(d) The Commission, where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, may, in the exercise of its authority, waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired.

(e) If the evidence shows that the disability is permanent in character, further examination shall not be ordered, unless warranted, and the annuitant shall be notified accordingly.

§ 29.6 *Effective date of retirement.* (a) When an employee reaches retirement age, either on the first day of a month, or on any other day within a month, his annuity shall commence on the first day of the succeeding month. In such cases the employee will not be subject to automatic separation until the end of the month in which such age is attained, and credit for service shall be given for the period between the date of reaching retirement age and the beginning date of annuity.

(b) When an employee retires on account of disability, the annuity shall commence on the first day of the month succeeding the termination of pay status, or on the first day of any subsequent month, as the case may warrant. In such cases, credit for service may be given for the period between the termination of pay status and the beginning date of annuity if the employee is carried on the rolls of the department during such time.

(c) In cases of optional retirement, the annuity shall commence on the first day of the month following separation; in cases of discontinued service retirement, the annuity payments shall begin the first of the month following attainment of age 62, or date of separation, whichever is the later, if the employee resigned from service or was discharged for cause; if the separation was involuntary, not by removal for cause on charges of misconduct or delinquency, the individual may receive an annuity to begin the first of the month following attainment of age 62, or the first day of the month following separation beyond that age, or he may elect to receive a reduced annuity beginning the first of the month following attainment of age 55, or following separation if beyond that age.

§ 29.7 *Computation of interest.* (a) The commercial method, that is, computation on the basis of 30 days to the month, is adopted. Interest will be computed for the actual time involved in each case, but whenever applicable the rule of average will obtain.

(b) In all cases, interest shall be allowed on current deductions, deposits, and redeposits at the rate of 4 percent, compounded annually, through all periods of service. When an officer or employee subject to the Retirement Act is transferred to a position wherein he does not retain his retirement status, and is entitled to refund of deductions with interest, the interest will terminate with the last day of service in the former position; and when an employee becomes absolutely separated from the service before serving five years, interest on deductions will terminate with the last day in service. A fractional part of a month in the total service in any fiscal year shall be disregarded, and no interest shall be allowed unless the service covered by the refund aggregates more than one year. After an employee has completed five years or more of creditable service, interest shall be allowed at the rate of 3 percent, compounded on June 30 of each year, during periods of separation from and after January 24, 1942. No interest will be allowed beyond the date of last separation unless a period of ninety days has elapsed from date of such separation to date of approval of refund claim. If an employee who reaches retirement age at any time during a month is continued in service to the end of the month, interest shall be allowed to the end of the month.

(c) Service credit deposits and redeposits made by potential annuitants separated from service after serving at least five years will draw interest at the rate of 3 percent, compounded annually,

during the separation period until beginning date of annuity.

(d) Interest at the rate of 3 percent, compounded annually, shall be allowed on voluntary deposits during periods of employment, and, after the employee has completed at least five years' service and acquired a retirement status under the act of January 24, 1942, during periods of separation until refunded or beginning date of annuity.

§ 29.8 *Military service.* (a) Periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States which do not form the basis for pension, retired pay, or compensation under any law shall be included in crediting service under the Retirement Act.

(b) An applicant for annuity who is in receipt of benefits on account of his term of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States, may elect to surrender said benefits and to have the service upon which they are based added to his period of civil service for the purpose of obtaining a greater benefit in the form of annuity. Should it appear upon the adjudication of a claim for annuity that the claimant will benefit by the inclusion of military or naval service, and the relinquishment of benefits based thereon, he shall be so advised and permitted to exercise the right of election.

§ 29.9 *Designation of beneficiary.* (a) The designation, change, or revocation of beneficiary shall be in writing on the prescribed Form 2806–1, signed and acknowledged in the presence of two witnesses personally acquainted with the designator, neither of whom shall be named as beneficiary, and must be received in the Commission prior to the death of the designator.

(b) Any person, firm, corporation, or legal entity may be named as beneficiary.

(c) A revocation or change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary. Alterations or insertions restricting the right to change or revoke a designation cannot be given any force or effect. No change or revocation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by the regulations of this part shall have any force or effect.

(d) Where a writing, other than Form 2806–1, signed by the designator and duly witnessed by two persons, is received in the Commission prior to the death of the designator, in which a clear and unambiguous revocation or change of designation of beneficiary is made in substantially the same manner as that provided on Form 2806–1, and the designator dies without confirming the change or revocation by the execution of the prescribed Form 2806–1, the revocation or change shall be given the same effect as if executed on Form 2806–1: *Provided however*, That the Commission shall, upon receipt of said writing, forward a blank Form 2806–1, to the designator at the last address furnished by him for confirmation on that form of the previous writing which shall become null and void if (1) death occurs 60 days after the filing of the first form, and (2) if no confirmation is received on said Form 2806–1 within said period.

(e) A designation of beneficiary or a change or revocation of beneficiary may be made only by an employee subject to the act whose name is borne on the rolls of the department or independent establishment at the time of execution thereof, or by an annuitant, actual or potential.

§ 29.10 *Designation of agent.* In the case of a claim for amount due a deceased employee or annuitant where no beneficiary has been named and no executor or administrator has been appointed, but claim is made by next of kin, and if there be more than one entitled thereto, it shall be permissible for the others to designate the one who makes the claim to act as agent to receive their distributive shares.

§ 29.11 *Disclosure of information.* (a) (1) Files, records, reports, and other papers and documents pertaining to any claim filed with the Civil Service Commission, whether pending or adjudicated, will be deemed confidential and privileged, and no disclosure thereof will be made except as provided herein.

(2) Disclosure of information from the files, records, reports, and other papers and documents shall be made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

Determination as to when disclosure of information would be injurious to the physical or mental welfare of a claimant will be made by the Medical Division.

(3) By "a duly authorized representative of a claimant" is meant any person who has satisfied the Commission of his authority to act.

(4) The name or address of a beneficiary designated by an employee or annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(5) Such information as may properly be disclosed to a claimant personally shall, in the event of his death, be disclosed upon proper request to the duly appointed representative of his estate, or to such person as may be designated by such representative, or to a duly designated beneficiary. Where no representative of the claimant's estate has been appointed, the claimant's next of kin shall be recognized as the representative of his estate.

(6) Where copies of documents or other records are desired by or in behalf of parties to a suit, whether in a court of the United States or in any other court, such copies shall be furnished to the court only, and on an order of the court or subpoena duces tecum, addressed to the President, U. S. Civil Service Commission, requesting the same.

(7) Where a process of a United States court or other court requires the production of documents or records contained in the retirement files of a claimant, such documents will be produced in the court out of which the process has issued. Where original records are produced, they must remain at all times in the custody of a representative of the Civil Service Commission, and if offered or received in evidence, permission should be obtained to substitute a copy so that the original record may remain intact in the file.

(8) The address of a claimant as shown by the Civil Service Commission records may be furnished to duly constituted police or court officials upon proper request or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(9) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal or other publicly recognized charitable or social-security administrative agency.

(10) Subject to the limitation regarding name or address of a beneficiary, all records or documents official required by any department or other agency of the United States Government shall be furnished in response to a proper request, and Senators and Representatives of the United States in their capacity as Members of Congress of the United States shall be furnished for their official use with such records, documents or other information as may be requested for such use.

(11) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government; copies of reports of examining surgeons; reports from the War Department; or copies of records of other departments and other confidential matters, will not be furnished.

(b) Certificates of discharge, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, birth or baptismal records, family records, personal letters, diaries, and other personal papers or articles which may have been filed in a claim, shall, when no longer needed in the settlement of such claim, be returned to the persons entitled thereto upon written request therefor; and whenever papers so returned constitute part of the material and essential evidence in a claim, photostat or other copies of the same, or of such parts thereof as may appear to possess evidential value, shall be retained in the case.

§ 29.12 *Joint and survivorship annuities.* (a) The option to receive joint and survivorship annuity may be exercised only by employees retiring under the age or optional provisions of the Retirement Act. This applies to annuities purchased by voluntary deposits as well as the regular annuities.

(b) Any natural person may be designated as survivor annuitant under the joint and survivorship option. No more than one person may be named as survivor annuitant. The designation of a contingent survivor annuitant will not be accepted, and any such designation shall be null and void.

(c) Communication of the choice of option shall be made over the signature of the applicant on Form 3001 for use in filing claim for annuity. Receipt of a communication as set forth in this paragraph shall constitute prima facie evidence of the existence of all the elements of an election. Whenever such prima facie evidence becomes conclusive or is confirmed as hereinafter provided, an election shall have been made.

(d) Upon receipt of such communication, the Commission will advise the individual of the nature of the transaction, giving full details with respect thereto, and will solicit his confirmation of the existence of all the elements of an election. Upon receipt of such confirmation on Form 3001–A, an election shall be established as having been made as of the effective date of retirement, provided more than 30 days has elapsed from such effective date, but no such election shall be considered as having been conclusively established prior to final adjudication of the claim by the Commission.

(e) In the event of death of the designated survivor annuitant or for other good cause shown prior to final adjudication of the claim by the Commission, a new survivor annuitant may be substituted or the employee may change his election of the type of annuity selected.

(f) In any case in which an election has been conclusively established pursuant to the regulations under this section, the election, including the designation of survivor annuitant, cannot be revoked or changed.

(g) The death of a designated survivor annuitant subsequent to the final adjudication of the claim, shall not operate to cancel the election, and payments to the former employee shall continue as though the death had not occurred.

(h) Annuity payments to the survivor annuitant shall become effective on the day following the death of the former employee.

(i) The conclusive establishment of an election to receive a joint and survivorship annuity shall cancel any designation of beneficiary previously made by the employee, and any annuity accrued and unpaid at the date of death of the former employee shall be payable to the survivor annuitant named under said election.

(j) Proof of date of birth of the designated survivor annuitant shall be required prior to the adjudication of the annuity claim in all cases of election to receive joint and survivorship annuity.

§ 29.13 *Making of voluntary deposits.* (a) The option to make voluntary contributions to the civil-service retirement and disability fund for the purchase of additional annuity shall be limited to those employees serving within the purview of the Retirement Act and shall be made on the form prescribed by the Commission.

(b) No voluntary contributions shall be accepted from an employee who has failed to redeposit a refund required by section 12 (b) of the act of May 29, 1930, as amended, and/or who is otherwise indebted to the civil-service retirement and disability fund.

(c) Each voluntary contribution shall be made in the amount of $25.00 or multiple thereof, not to exceed 10 per-

cent of aggregate annual basic salary, pay, or compensation received since August 1, 1920, by money-order, draft, or check made payable to the Civil Service Commission, Washington, D. C.

(d) Voluntary contributions may be withdrawn only in case of transfer to a position wherein the member does not retain his status under the Retirement Act, absolute separation from the service prior to becoming eligible for retirement on annuity, or death.

(e) The Retirement Division of the Civil Service Commission shall maintain the record and account of voluntary contributions of each employee exercising the option to make such contributions.

§ 29.14 *Purchase of additional annuity.* (a) Voluntary contributions may be used to purchase only such types of annuity as are specifically defined by the act of May 29, 1930, as amended by the act of August 4, 1939.

(b) Any employee retiring under the provisions of the act of May 29, 1930, as amended, who has made voluntary contributions in the Civil Service Retirement and Disability Fund as authorized by Section 4 of the act of August 4, 1939, may purchase therewith at the time of retirement any one of the following types of annuity:

(1) Life annuity providing for return of unexpended principal; or,

(2) Increased annuity with forfeiture of unexpended principal; or

(3) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death annuity in equal amount to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement; or,

(4) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death one-half of such reduced annuity to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement.

(c) Any natural person may be designated as beneficiary under paragraph (b) (3) or (4) of this section.

(d) The annuity values based upon the mortality tables submitted by the Board of Actuaries on November 24, 1939, are hereby approved for use in computing annuities based on voluntary contributions made under the provisions of the act of August 4, 1939, in the same way and manner as they are used in computing regular annuities.

NOTE: Information concerning the mortality tables referred to in paragraph (d) of this section may be obtained from the Retirement Division, Civil Service Commission, Washington, D. C.

§ 29.15 *Appeals.* (a) An appeal may be taken to the Civil Service Commission, from the final action or order of the Retirement Division affecting the rights or interest of any person or of the United States under the civil-service retirement law, except as provided in this section.

(b) Appeals must be filed by a claimant or a duly accredited representative, but no appeal shall lie to the Commission's Board of Appeals and Review until action has been completed by the Retirement Division. An appeal taken in behalf of a claimant by or through a representative who is not recognized by the Commission, or whose recognition has been canceled, shall not be entertained.

(c) (1) Except as hereinafter ordered, the time for filing an appeal shall be not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(2) In applications for disability retirement made by a department or establishment of the Government the time for filing an appeal shall be not later than 30 days from date of receipt of notice of final action or order.

(3) In cases of disability annuitants who are found upon medical examination to have recovered, the time allowed for filing an appeal shall be no later than 90 days from the date of final notice of proposed discontinuance of annuity.

(4) In simultaneously contested claims, where one is allowed and one rejected, the time allowed for the filing of an appeal shall be not later than 60 days from the date of receipt of the notice of the Commission's action by the claimant to whom the action is adverse. Upon the filing of an appeal all parties, other than the appellant, whose interests may be adversely affected by the decision shall be notified by registered letter of the filing of the appeal and of the substance thereof and allowed 30 days from the date of the receipt of such notice within which to file brief or argument in answer thereto before the papers are forwarded to the Board of Appeals and Review. The return of a registered letter unclaimed, containing notice, addressed to the last known post-office address, shall constitute sufficient evidence of notice.

(d) Each appeal shall show the name and post-office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) In proceedings before the Commission in which it shall be decided that a party has no right to appeal or that said appeal may not be entertained under the provisions of this section, such party may apply to the Commissioners for an order directing the Retirement Division to forward the record to the Board of Appeals and Review. Such application shall be in writing and shall fully and specifically set forth the grounds upon which the request is based. If upon consideration the application is granted, jurisdiction shall vest in the Board of Appeals and Review to dispose properly of the case.

(f) The mandate of the decision by the Board of Appeals and Review shall be carried into effect within 60 days from the date of the receipt of notice of the decision by the Retirement Division (except as hereinafter provided), unless the decision shall sooner be recalled. A

proper explanation of the decision rendered shall be mailed to the appellant and/or his duly authorized representative by the Board of Appeals and Review.

(g) In any case involving conflicting claims of two or more parties wherein the time allowed for appeal is limited to 60 days, there shall be a stay of execution of the decision of the Board of Appeals and Review until the expiration of the period of 30 days within which a motion for reconsideration may be filed.

(h) No appeal will be considered by the Civil Service Commission to review the decisions of the Secretary of the Interior prior to July 21, 1930, or of the Administrator of Veterans' Affairs prior to September 1, 1934, on civil-service retirement cases except where upon the basis of newly discovered material evidence, the case has been reconsidered by the Retirement Division. In the latter event, the provisions of this section shall apply.

§ 29.101 *Basic records*—(a) *Records to be kept.* The administrative offices of the departments and independent agencies shall initiate and maintain as hereinafter provided a retirement record system which will furnish all required information for each employee subject to the provisions of the Civil Service Retirement Act, and which shall form the basic record for all retirement purposes. The basic record shall consist of an individual retirement account for each employee and an annual summary of retirement fund transactions. (Supported by an adjustment register when necessary.)

(b) *Individual account.* The individual retirement account, Civil Service Commission Form 2806, shall be established for each employee in the Government service who is subject to the provisions of the Civil Service Retirement Act, and shall be maintained by the employing department or agency. The retirement account (supplemented by the designation of beneficiary, Form 2806–1, maintained in the Retirement Division of the Civil Service Commission) shall be the basic record from which the rights of individuals under the Retirement Act shall be determined, and shall be used to support all payments from the Civil Service Retirement and Disability Fund. Each retirement account shall contain the following detailed information and such other data as may from time to time be deemed essential by the Civil Service Commission to a proper determination of rights under the Retirement Act:

(1) Present name of employee and reference to any other name under which service was rendered.

(2) Date of birth.

(3) Sex.

(4) Race. ("W"—white, "C"—colored and "O"—other) (If available.)

(5) All periods of employment. (For the duration of the present emergency, due to the inability of most war agencies to maintain currently, and to supply completed retirement account cards (Form 2806), all known periods of Federal employment will be posted. Prior government employment may be noted as "Not Verified". Employment within the agency shall be certified as to completeness and accuracy.)

(6) Reference to all periods of military or naval service claimed.

(7) All periods of leave in excess of six months in the aggregate in any calendar year—in computing excess leave, all periods of annual and sick leave, leave without pay and furloughs shall be included.

(8) A complete accumulative record of retirement deductions covering service in the agency by fiscal years, including deposits and redeposits for service credit.

(9) Citation as to vouchers and appropriations involved in any adjustment of illegal dual service.

§ 29.102 *Maintenance of individual retirement account*—(a) *Standard abbreviations.* All appointments, separations and changes in status, etc., shall be recorded on the retirement account in accordance with the standard abbreviations for personnel changes as outlined in Civil Service Form No. 2822, Revised.

(b) *Posting retirement deductions, deposits and redeposits.* At the end of each fiscal year the total retirement deductions taken from the salary or compensation, the amount of tontine included therein (see § 29.105), and the resulting net credit for the year, shall be posted from the payroll posting media for each employee to the appropriate columns on the fiscal side of his retirement account, the previous year's balance brought forward and the total credit entered.

In like manner there shall be entered on a separate line any deposit or redeposit made for the purchase of service credit or any collection of retirement deductions not currently withheld in prior fiscal years. Where the collection for service credit is made through the Civil Service Commission notice thereof on Form No. 3055 will be furnished to the department or agency concerned, which shall record the collection in accordance with the instructions contained in the notice.

The beginning date of deductions for each period of service shall be shown in the "remarks" column on the fiscal side of the retirement account card. Example: "Ded. began 9–1–38."

In no case shall voluntary deposits made under the provisions of section 4 of the Act of August 4, 1939, be entered on Form 2806. The record and account of voluntary deposits under that Act shall be maintained by the Retirement Division of the Civil Service Commission.

(c) *Posting service record.* Those agencies which maintain the service history side of the retirement account shall record all appointments, changes in status, changes in salary or rate of pay, and any other pertinent information on the service history side of the card in the appropriate columns. Those agencies which maintain only the fiscal record will record the date and kind of appointment, the designation and office of employment in the space provided in the upper right hand corner on the fiscal side of the card. In either type of record there shall also be shown any leave of absence in excess of six months in the aggregate in any calendar year, it being borne in mind that the provisions of section 5 of the Retirement Act with regard to exclusion of leave in excess of six months in computing annuitable service applies to the calendar year and not to the fiscal year. Example: "Excess leave 1938; annual 26 days, sick 30 days, without pay 150 days."

When establishing a record the agency shall also enter on the card whatever information is available within the agency—for example, information in the employee's application for employment—as to prior unverified service in other agencies. This statement of prior service in other agencies shall be noted "not verified."

When furnishing the record of an employee compensated on a w. a. e. (when actually employed) basis, the total number of days on which he was in a pay status shall be clearly indicated by calendar years. Where employment was on a regular per diem or per hour basis it shall be shown whether the service was on the basis of a 365-day year; 313-day year; 261-day year, or other period.

(d) *Use of margins.* All entries shall be kept within the lines ruled on the card if possible, and nothing written in the margins, particularly the right and left margins. If necessary a second line shall be used instead of the margins. (In using the record it is frequently perforated in the margin to be bound in the file, which may obliterate any entry in the margin or cause it to be obscured from view.)

(e) *Changes and erasures.* Any change or erasure of date, salary or cause of separation on the service history side of Form 2806, or any change or erasure of date in column 1 or of amount in columns 2 or 3 on the fiscal side shall be noted and initialed by the countersigning or certifying officer, or person designated by him, as near as possible to the item corrected. Certification shall occupy as little space as possible, and shall show the date, salary amount, or cause of separation to which changed. Small rubber stamps are desirable. The following or similar forms shall be used: "Date changed to 4–16–38." "Amt. changed to $1860." "Cause of separation changed to Res."

(f) (1) *Completion and furnishing of record upon separation.* Immediately upon the separation of an employee from the service of any department or agency the retirement account shall be completed to date, and the cause and date of separation recorded. The account shall then be certified as to its correctness, proper entry therefrom made on the register of separations as provided in paragraph (c) of § 29.107, and forwarded at once to the Civil Service Commission, together with any claim that may be on file at that time. In no case shall the retirement account be held in a department or agency awaiting the receipt of a claim.

(2) In recording a separation the facts in each individual case shall be given briefly, but in sufficient detail for the Commission to determine whether the separation was voluntary or involuntary, and if involuntary, whether for misconduct or delinquency within the meaning and intent of the Retirement Act. In any case where separation occurs for reasons other than voluntary (resignation) a brief but clear statement of the facts shall be recorded on the retirement account, or a written statement in appropriate form attached thereto when forwarded to the Commission. (It is necessary to consider not merely the form in which the separation was accomplished, but the conditions which induced the result. As generally used for retirement purposes the term "voluntary" denotes a separation from the service at the desire and for the convenience of the employee, while the term "involuntary" contemplates a separation for administrative reasons, such as lack of work, reduction of force, or a separation against the will or without the consent of the employee.)

(3) Not less than six months preceding eligibility for retirement (age), or whenever an employee requests optional retirement, a letter shall be directed to the Civil Service Commission, Retirement Division, listing the employee's unverified prior service in other agencies. The Commission will then obtain verification of this service and forward it to the requesting agency. An application for disability retirement, when submitted to the Retirement Division of the Civil Service Commission, must be accompanied by a letter listing the employee's unverified prior service in other agencies.

(4) When an employee is dropped for retirement on account of disability the date on which pay ceased shall be shown under "remarks" on the fiscal side of his retirement account card.

(5) When an employee is separated by death the 5% of salary to date of death shall be included in his retirement account in accordance with General Accounting Office Regulation No. 54, Supplement No. 9, dated May 27, 1936. No retirement deductions shall be withheld from lump sum payments in lieu of accumulated or accrued annual leave under the act of December 21, 1944 (Public Law 525). If the employee was in a non-pay status at the time of death the period involved shall be stated. The claim for refundment of retirement deductions is separate and distinct from the claim for residue of salary, and shall not be held pending settlement of the claim for residue of salary unless there is some question as to the amount due.

(g) *Certification of record.* Certification shall be made on the line next following the last entry on the fiscal side of the card, but it shall also cover the data shown on the service history side as indicated in the following form of certification:

Deductions and service certified correct.

(Signature and title of designated official.
Date)

(See § 29.103.)

(h) *Accounts with various funds maintained separately.* Accounts for the Civil Service Retirement and Disability Fund, the Canal Zone Retirement and Disability Fund and the Alaska Railroad Retirement and Disability Fund are maintained separately. Amounts deducted for the different funds shall not be consolidated on the employee's retirement account. When an employee goes from a position within the purview of one law to a position within the purview of another law the second office shall not take up in its accounts the amount of retirement deductions to the employee's credit when he left the former position. In such cases the employee concerned should obtain a refund of the retirement deductions taken while in the first position, and if he so desires, he may make application for the purchase of service credit under the act covering his new position.

§ 29.103 *Certifying officers; signature cards.* Certification as to the correctness of retirement records shall be made by officials regularly designated by the head of the department or agency. The Retirement Division of the Civil Service Commission shall be furnished with duly authenticated signature cards in triplicate on Retirement Form 3420 for each designated official. The heads of the various departments and agencies shall promptly advise the Commission of any change in certifying officers.

§ 29.104 *Retirement deductions*—(a) *Coverage.* The Retirement Act requires that retirement deductions shall be taken currently from the compensation of each employee coming within the purview thereof.

Retirement deductions shall be taken from the basic salary, pay or compensation of all appointive officers and employees in or under the executive, judicial, and legislative[1] branches of the United States Government who are not subject to another retirement system for such personnel, except heads of executive departments and agencies and employees excluded by Executive order. The same is true with respect to all officers and employees of the municipal government of the District of Columbia not subject to another retirement system for such persons.

(b) *Employees excluded by Executive order with certain exceptions.* Employees given temporary appointments for 1 year or less, certain employees paid on a when-actually-employed basis without regular tour of duty, contract and fee-basis employees, etc., were excluded by Executive Order 9154 dated May 1, 1942. This order as amended by Executive Order 9824, January 28, 1947, reads as follows:

(1) Employees in the following classifications of Federal personnel in the Executive branch of the Government are hereby excluded from the operation of the said Retirement Act, unless eligible for retirement benefits by continuity of service, by reinstatement, or otherwise:

(a) Employees whose expected service will be for brief periods but not to exceed one year.

(b) Employees paid by the hour, day, month, or year when actually employed, whose employment is periodic, part-time, or recurrent and for whom a regular tour of duty is not contemplated.

(c) Employees and consultants paid on a contract or fee basis.

(d) Employees paid on a piece-work basis, except when serving under regular or permanent appointment.

(e) Cooperative employees not wholly under the control of the Federal Government and not otherwise subject to the Civil Service Retirement Act.

(f) Officers and employees without compensation or with nominal compensation of $12.00 or less per annum.

(g) Intermittent alien employees engaged on work outside the continental limits of the United States.

(h) Member and patient employees in Government hospitals or homes.

(i) Employees serving under temporary appointments pending final determination of their eligibility for permanent or indefinite appointment.

(j) Acting postmasters, clerks in fourth-class post offices, substitute rural carriers, and special-delivery messengers at second-, third-, and fourth-class post offices.

(k) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946, Public Law 724, 79th Congress (added by E. O. 9824).

(2) The Civil Service Commission is authorized to determine the applicability of the above classifications to specific officers and employees or groups of officers and employees in the Executive branch of the Government.

(3) This order shall be effective as of January 24, 1942, except that it shall not be so construed as to defeat any retirement rights of officers and employees acquired before the date of this order.

By the terms of the order, employees in any of the categories listed therein have a retirement status if they are eligible for retirement benefits by continuity of service, by reinstatement, or otherwise. Such employees continue under the system until they become absolutely separated from the Government service or are transferred to a position under another Federal retirement system.

§ 29.105 *Tontine; based on pay status in calendar month.* The phrase "major fraction thereof" as used in section 12 (a) of the Retirement Act has reference to the major fraction of the calendar month. The retention of $1 is predicated upon the receipt of salary, pay or compensation, from which retirement deductions have been withheld, and tontine during a calendar month is determined on a pay status when making and accounting for retirement deductions.

There is no separate tontine fund. The total deductions for the calendar month less the sum of $1 shall be credited to the employee's individual account whenever the employee is in a pay status for more than one-half of such month. If an employee is in a pay status for the major fraction of a calendar month and the total retirement deductions covering such month amount to less than $1, the total amount deducted shall be recorded as a credit to the retirement fund without any credit to the employees' individual account. An employee who is on the rolls in a pay status for one-half month or less shall receive credit in his individual account for the full amount of retirement deductions taken for such period.

[1] Certain legislative employees have the right of election to come under the system. (50 Stat. 512; 56 Stat. 13)

§ 29.106 *Reemployed annuitants.* When an annuitant receiving annuity under any provision of the Retirement Act is reemployed, the Commission shall be immediately informed of that fact, and advised as to the date of reemployment and whether such reemployment is of a permanent or temporary nature. This is imperative in order to prevent concurrent payment of annuity and salary.

§ 29.107 *Reports of retirement fund transactions*—(a) *Reports to be submitted.* In addition to the individual retirement account, each department or independent agency shall maintain a register of employees appointed thereunder, a register of employees separated therefrom, and a register of adjustments, and shall submit annually a summary of retirement fund transactions. The annual summary of retirement fund transactions, Form 2807–2, shall be submitted as soon as possible after the close of each fiscal year, accompanied by a register of adjustments on Form 2807–1, where adjustments of prior reports are necessary. Such records shall be made in duplicate, the original forwarded to the Commission and the carbon retained by the office maintaining the record. In the event a department finds it expedient to maintain its individual retirement accounts in the various bureaus and submit its reports accordingly, the procedures prescribed shall apply to such bureaus in the same manner as to a department or independent agency.

(b) *Register of appointments.* A register of appointments shall be maintained on Form 2807, or acceptable substitute, recording the unrefunded deductions to the credit of the employees appointed during the year as shown on any individual retirement accounts (Form 2806) received for such employee. (If no individual retirement account is received, no entry on the appointment register is necessary.) If Form 2807 is used no entry shall be made in columns 2, 3, and 4. The name of the employee shall be entered in column 1 and the amount of unrefunded retirement deductions to his credit at the time of appointment as shown by his individual account shall be entered in column 5. The total of all entries in column 5 for the fiscal year shall be used to support the entry "Register of Appointments" on the annual summary and must be in agreement therewith.

(c) *Register of separations.* A register shall be maintained on Form 2807, or acceptable substitute, of all separations during the fiscal year. When Form 2807 is used as a register of separations the name of the employee separated shall be entered in column 1 and the total deductions remaining to the credit of the employee at separation as shown by the last entry on his individual account shall be entered in column 5. (Columns 2, 3, and 4 may be used by those offices which desire to so record the information regarding current deductions.) In no case shall tontine be included in the net credit of the employee, either on his retirement account or on the register of separations, regardless of the cause of separation. The final total of column 5 shall be used to support the entry "Register of separations" on the annual summary, and must be in agreement therewith. In case of transfer from one bureau to another in the same department no entry shall be made on either the appointment or separation register unless the accounts are maintained and reports submitted by bureaus as specified in paragraph (a) of this section.

(d) *Register of adjustments.* The register of adjustments (Form 2807–1) is prescribed to provide an adequate medium for posting in the control accounts any corrections of prior reports. Any correction of individual retirement accounts necessitating a change in any of the amounts shown on a previous annual summary of retirement fund transactions shall be noted on the register of adjustments so as to show the name of the employee concerned, any increase or decrease in gross deductions or tontine and the resulting net increase or decrease in the net balance of the employee's individual account in each case, together with a citation as to the fiscal year in which the error occurred. The character of the error in each case shall be recorded in the explanation column of the register in sufficient detail to afford a basis for the proper bookkeeping entry. When an adjustment of the account is occasioned by an adjustment of the retirement fund, the explanation shall include citations of the appropriation symbols of the accounts affected, and the dates and numbers of vouchers or other documents used as posting media. It is preferable that increases be shown in black and decreases in red, but any other distinct method will be acceptable. The final result of the net deductions column shall be used to support the fourth item on the annual summary, and shall be in agreement therewith.

(e) *Annual summary of retirement fund transactions.* The annual summary of retirement fund transactions (Form 2807–2) has been prescribed to provide a uniform method of summarizing retirement fund transactions. For the present the first and second columns will be used only in reporting items 6, 7, and 8.

The summary for each fiscal year shall bring forward in the third column the balance at the close of the preceding fiscal year as shown by the last entry on the summary submitted for that year. Item 2, "Register of appointments" shall be posted from the register of appointments and shall agree therewith. The total adjustments of prior fiscal year reports shall be posted in the third column under item 4. Under item 6 "Current fiscal year payroll deductions" there shall be entered in the first column all deductions taken on the payroll during the fiscal year for credit to the retirement fund; the amount of tontine included therein shall be entered in column 2, and the net credit extended to column 3. Under item 7 there shall be entered in the first column the sum of all amounts submitted by employees for the purchase of service credit, including items posted to the employees' individual retirement accounts from information furnished by the Commission on Form 3055, for the current year. The amount of tontine included therein shall be entered in the second column and the net amount extended to the third column. Items 6 and 7 shall be totaled for all three columns under item 8. These totals shall agree with the total current year's postings to the individual retirement accounts of employees, including the accounts of employees separated during the year.

Any adjustment for the current fiscal year which cannot be properly taken care of under some fiscal year item may be entered under item 9, in which event a separate adjustment register shall be submitted to cover this item. The total as shown on the register of separations shall be entered under item 12 as a deduction from the total to be accounted for, and the balance brought down under item 13, which item shall agree with the aggregate of balances on the individual accounts of employees still on the rolls at the close of the fiscal year for which the report is submitted.

§ 29.108 *Set-off on account of indebtedness to the Government.* It is incumbent upon the Civil Service Commission when adjudicating claims for retirement credits due former employees to make proper set-offs from the total amounts due, for repayment to the appropriation or appropriations involved, of any unliquidated amounts chargeable to such employees on account of advance payments for unearned annual or sick leave, overpayment of salary, or other indebtedness to the Government.

In filing claims for reimbursement on account of overdrawn leave the agencies concerned shall execute Form 3037 (Statement of Account of Overdrawn Annual and/or Sick Leave) in duplicate. In all cases involving withholding tax the amount of tax deductions included in the overpayment shall be entered directly below the space provided for gross indebtedness so that the form will show the total amount due the appropriation, the amount of tax reductions, and the balance for recovery from the retirement fund. The report shall show whether the amount of tax deductions has been taken up as Internal Revenue Collections or is being held in a special deposit account, in which case the special deposit account shall be fully identified. In each case involving withholding tax one copy of Form 3037 shall be forwarded to the General Accounting Office, Claims Division, at the same time the claim against the retirement fund is forwarded to the Commission. In all other cases both copies shall be forwarded to the Commission. Claims forwarded to the Commission should be attached to Form 2806 whenever possible.

Claims for set-off on account of indebtedness to the Government for reasons other than overdrawn leave shall be submitted to the Commission in letter form, in duplicate, setting forth all pertinent facts in the case, including the amount to be recovered and the symbol and title of the appropriation to be credited.

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

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AUTHORITY: §§ 30.101 to 30.602, inclusive, issued under sec. 7.1, E. O. 9414, 3 CFR 1944 Supp.

SUBPART A—DEFINITIONS

§ 30.101 *Definitions.* (a) "Employee" and "employees" include officer and officers, respectively.

(b) "Permanent employees" are those appointed without limitation as to length of service, or for definite periods in excess of one year, or for the "duration of the job," or for the duration of the present war and for six months thereafter; and those who, although paid only when actually employed, are continuously employed or required to be available for duty for a period of not less than one month, as distinguished from part-time or intermittent employees.

(c) "Temporary employees" are those appointed for definite periods of time not exceeding 1 year.

(d) "Accumulated leave" means the unused leave remaining to the credit of the employee at the close of any calendar year.

(e) "Court leave" means leave for attending court as a witness on behalf of the United States or the government of the District of Columbia, or for jury duty.

(f) "Medical certificate" means a written statement signed by a registered practicing physician or other practitioner, certifying to the period of disability of the patient while he was undergoing professional treatment.

(g) "Month of service" means a period in a pay status covering a full calendar month or beginning on any date of a calendar month and ending at the close of business of the preceding date in the next calendar month.

(h) "Contagious disease" means a disease ruled as subject to quarantine as defined by the health authorities having jurisdiction.

SUBPART B—ANNUAL LEAVE

§ 30.201 *Accrual of annual leave.* Annual leave shall be credited to employees as follows:

(a) Permanent employees shall be credited with leave at the rate of 1 day per bi-weekly pay period; or, the total credit for any calendar year may be given at the beginning of the calendar year in which it accrues. The minimum credit for leave shall be 4 hours, and additional credits shall be in multiples thereof.

(b) Temporary employees shall be credited with leave of 2½ days for each month of service.

(c) Because of the difference in crediting leave to temporary and permanent employees the following method shall be followed in crediting leave when a temporary appointment is converted to a permanent appointment prior to the end of the service month: Service as a permanent employee shall be counted as temporary service for the purpose of completing the month of service. Leave shall thereafter be credited as a permanent employee.

§ 30.202 *Accumulated annual leave.* Accumulated annual leave may be carried forward for use in succeeding years until it totals not exceeding 60 days: *Provided*, That during the period of the present emergency 30 days additional leave may be accumulated: *Provided further*, That when accumulated leave equals or exceeds 60 days, further increase in accumulated leave shall be limited to 15 days in any succeeding years.

§ 30.203 *Grant of annual leave.* Annual leave shall be granted to an employee at such times as the heads of the departments and agencies may prescribe: *Provided*, That an employee who is to be placed on furlough in contemplation of separation by reduction of force shall be granted immediately prior to furlough, upon his request, any annual leave to which he is entitled. Permanent employees during the first year of service shall not be granted leave in excess of the amount accrued to their credit. Temporary employees shall not be granted leave until immediately prior to the end of the month in which it is earned. The minimum charge for annual leave shall be one hour, and additional leave shall be charged in multiples of one hour.

§ 30.204 *Court leave.* When an employee is absent from duty and in attendance in court as a witness in behalf of the United States or the Government of the District of Columbia, or for jury duty in any State court or court of the United States, the absence from duty shall not be charged against annual leave but should be recorded as "court leave."

SUBPART C—SICK LEAVE

§ 30.301 *Accrual of sick leave.* (a) Permanent employees shall be credited with sick leave at the rate of 1¼ days per month, which may be credited at the beginning of the calendar month, or at the beginning of the first pay period following the first day of the calendar month. The minimum credit for sick leave shall be one hour, and additional credits shall be in multiples thereof.

(b) Temporary employees shall be credited with 1¼ days of sick leave for each month of service.

(c) Sick leave accruing during any month of service shall be available at any time during that or any subsequent month.

§ 30.302 *Accumulated sick leave.* Unused sick leave shall be cumulative and available for future use: *Provided*, That the balance to the credit of the employee at the end of any month shall not exceed 90 days.

§ 30.303 *Grant of sick leave.* Sick leave shall be granted to employees when they are incapacitated for the performance of their duties by sickness, injury, or pregnancy and confinement, or for medical, dental or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee, or when, through exposure to contagious disease, the presence of the employee at his post of duty would jeopardize the health of others. The minimum charge for sick leave shall be 1 hour, and additional leave shall be charged in multiples of 1 hour.

§ 30.304 *Notification of superior.* An employee who is absent on account of sickness shall notify his supervisor as early as practicable on the first day of such absence, or as soon thereafter as possible. Failure to give such notice may result in the absence being charged to annual leave or leave without pay, as the circumstances may justify. Requests for sick leave for medical, dental, or optical examination or treatment shall be submitted for approval prior to the beginning of the leave.

§ 30.305 *Application for sick leave.* Written application on the prescribed form for grant of sick leave shall be filed within 2 days after the employee returns to duty. In no case shall a medical certificate be required to support the application for periods of absence of 3 days or less. For periods of absence in excess of 3 work days the application must be supported by a medical certificate, or other evidence administratively acceptable, which must be filed within 15 days after return to duty: *Provided*, That in lieu of a medical certificate, a signed statement of the employee indicating the nature of the illness and the reason why a medical certificate is not furnished may be accepted whenever it is unreasonable to obtain such certificate because of a shortage of physicians, remoteness of locality, or because the circumstances surrounding the employee's illness do not require the services of a physician. The

agency shall determine administratively whether the statement of the employee in lieu of a medical certificate shall be considered sufficient evidence to support the request for sick leave. All applications for sick leave for medical, dental, or optical examination or treatment shall be supported by a certificate of the employee that he has received such examination or treatment and shall include the name and address of the physician, dentist, or other practitioner visited and the date and hour of visit.

§ 30.306 *Sickness during annual leave.* When sickness occurs within a period of annual leave and lasts 5 or more consecutive work days, the period of illness may be charged as sick leave and the charge against annual leave reduced accordingly. Application for such substitution of sick leave for annual leave shall be made within 2 days after return to duty and shall be supported by a medical certificate, or other evidence administratively acceptable to the same extent as provided in § 30.305.

§ 30.307 *Sick leave advanced.* In cases of serious disability or ailments, and when the exigencies of the situation so require, sick leave may be advanced to permanent employees not in excess of 30 days: *Provided*, That no advances of sick leave shall be made to any employee unless the absence from duty on account of illness is for a period, or periods, of 5 or more consecutive work days; that every application for advance leave shall be supported by a medical certificate; that the total of such advances shall be charged against sick leave subsequently credited. Sick leave may be advanced irrespective of whether the employee has annual leave to his credit.

§ 30.308 *Sick leave not advanced.* Sick leave shall not be advanced to an employee holding a limited appointment, or one expiring on a specified date, in excess of the total sick leave that would accrue during the remaining period of such appointment.

SUBPART D—GENERAL PROVISIONS

§ 30.401 *Change in hours of duty.* Whenever the number of hours of duty in an employee's work day is permanently changed the leave standing to his credit shall be converted to the proper number of hours based upon the new work day.

§ 30.402 *Leave-with-pay status.* (a) Leave shall accrue to an employee while in a leave-with-pay status, provided he returns to duty, or provided that failure to return to duty is due to death, disability (evidence of which shall be supported by an acceptable medical certificate), retirement for disability, or reduction in force.

(b) Employees who entered military, naval or merchant marine service between January 13 and December 21, 1944, and who are restored in accordance with statutory provisions after such service may be credited with leave accrued during the period of terminal leave granted immediately prior to entry into active military, naval, or merchant marine service.

§ 30.403 *Nonpay status.* Whenever a permanent employee's absence in a nonpay status totals the equivalent of the base-pay hours in 1 bi-weekly pay period, the credits for annual leave shall be reduced 1 day and for sick leave ⅝ day for each such period. The total deductions in sick leave credits on account of nonpay status in any one calendar year shall not exceed 15 days: *Provided*, That when an employee absent because of injury received in line of duty requests to be carried on leave-without-pay, he shall, upon his return to duty, receive credit for accrued leave covering the period for which he was paid disability compensation by the Employees' Compensation Commission.

§ 30.404 *Days for which leave charged.* Leave shall be charged only for absence upon days which an employee would otherwise work and receive pay and shall be exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all nonwork days established by Federal statute or by Executive or administrative order: *Provided*, That when a holiday is declared by general administrative orders to be a work day, an employee who absents himself from work without permission that day shall be subject to a deduction of 1 day's pay.

§ 30.405 *Absences of less than 30 minutes.* Under ordinary circumstances unavoidable or necessary absence from duty not in excess of 30 minutes, and tardiness, shall be excused for adequate reasons, or handled administratively by requiring additional work, or by a charge against any compensatory time which the employee may have to his credit as a result of overtime previously worked. In the event that this privilege is abused such absences, and tardiness, shall be handled administratively by a charge against annual leave, or by disciplinary action.

§ 30.406 *Separation of employees indebted for unearned leave.* In case of the separation of an employee who is indebted for unearned leave, the employee shall refund the amount paid him for the period of such excess, or deduction therefor shall be made from any salary due him. This section shall not apply in cases of death, retirement for disability, or reduction of force, or in case an employee is unable to return to duty because of disability, evidence of which shall be supported by an acceptable medical certificate.

§ 30.407 *Leave without pay.* Leave without pay may be granted to an employee for a period not exceeding 12 months regardless of whether he has leave standing to his credit: *Provided*: That an employee absent because of injuries received in line of duty may be carried on leave without pay for the period for which he is paid disability compensation by the Employees' Compensation Commission.

§ 30.408 *Transfer from permanent to permanent position.* When a permanent employee is appointed, reappointed, or transferred to another position as a permanent employee, with no break in service or a break of less than 90 days, his leave account shall be disposed of as follows:

(a) If the position is within the purview of the leave acts of March 14, 1936, the leave account shall be certified to the employing agency for credit or charge to the employee.

(b) If the position to which he is appointed, reappointed, or transferred is not within the purview of the leave acts of March 14, 1936, the employee shall be furnished with a statement of his sick leave account and if he is subsequently appointed, reappointed, or transferred to a position within the purview of such acts, with no break in service or a break of less than 90 days, the leave shown to be due shall be credited to his account.

(c) Any person who was appointed, reappointed, or transferred prior to January 1, 1945, to a position not within the purview of the leave acts of March 14, 1936, who is or has been appointed, reappointed, or transferred to a position within the purview of such acts with no break in service, or with a break of less than 30 days if the reappointment occurred between December 31, 1944, and March 1, 1946, or less than 90 days if the reappointment occurred on or after March 1, 1946, shall be credited with leave shown to be due.

§ 30.409 *Transfer from permanent to temporary position.* When a permanent employee is appointed, reappointed, or transferred to a temporary position with no break in service, or a break of less than 90 days, his leave account shall be disposed of as follows:

(a) If the position is in the same agency he shall be credited with such leave as may be due him or charged with any unliquidated leave which may have been advanced.

(b) If the position is in a different agency he shall be furnished with a statement of his leave account and if subsequently he becomes a permanent employee of the same or a different agency with no break in service, or a break of less than 90 days, the leave shown to be due shall be credited to his account: *Provided*, That in the discretion of the agency to which transferred, the leave shown to be due him may be credited to him in the temporary position.

§ 30.410 *Temporary employees who become permanent.* Temporary employees who subsequently become permanent employees either in the same or a different agency, with no break in service or a break of less than 90 days, shall be credited with such leave as may be due them.

§ 30.411 *Restoration of veterans.* (a) Any permanent employee who leaves or has left a position to enter military, naval, or merchant marine service, and is or has been reemployed as a permanent employee within 120 days after his release from military, naval, or merchant marine service, shall be entitled to such leave as remained to his credit.

(b) Any permanent employee who is or has been restored to a position as a result of appeal under section 14 of the Veterans' Preference Act of 1944, or as a result of formal appeal under any other authority or procedure; shall be entitled to any annual or sick leave which remained to his credit upon separation.

SUBPART E—ADMINISTRATION

§ 30.501 *Responsibility for administration.* The heads or governing bodies of the various governmental agencies to which this part applies shall be responsible for the proper administration of this part so far as they pertain to employees under their respective jurisdictions, and they shall maintain an account of leave for each employee in accordance with methods prescribed by the General Accounting Office.

§ 30.502 *Employees who have uncommon tours of duty.* The head or governing body of any governmental agency which has employees who work 24-hour shifts, or other uncommon tours of duty, is authorized to promulgate supplemental regulations consistent with the regulations in this part for administering leave for such employees.

§ 30.503 *Employees outside the continental United States.* Nothing in this part shall be construed to prevent the continuance of any leave differential existing prior to January 1, 1936, for the benefit of employees of the Federal Government stationed without the continental limits of the United States. However, any department may, if it so desires, apply the regulations in this part to employees' stationed without the continental limits of the United States, subject to the continuance of such leave differential.

SUBPART F—EMPLOYEES EXCEPTED

§ 30.601 *Employees excepted.* (a) Teachers and Librarians of the public schools of the District of Columbia.

(b) Officers and employees of the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama.

(c) Temporary employees engaged on construction work at hourly rates.

(d) The Postmaster General and officers and employees in or under the Post Office Department, except those serving in the departmental service and in the Mail Equipment Shops.

(e) Employees not required to be continuously employed during regular tour of duty, such as (1) per diem or per hour employees engaged in an emergency who may be employed for more than one 7- or 8-hour shift within 24 hours during the emergency; (2) part-time or intermittent employees; (3) persons engaged under contract; (4) employees engaged temporarily for less than a month on a piece-price basis; (5) employees who are paid at hourly rates but who are not engaged on construction work, such as mechanics, skilled laborers, and others engaged in various services on maintenance, repair, clean-up work, etc., where employment is more or less intermittent and not on a regular and continuous basis; (6) consultants employed and paid on the basis of "when actually employed"; and (7) employees paid on a fee basis, such as physicians, surgeons, and other consultants.

(f) Alien and native labor employed outside the continental limits of the United States: *Provided*, That the head or governing body of any governmental agency which employs alien and native labor outside the continental limits of the United States may promulgate regulations governing the granting of leave to such employees.

§ 30.602 *D. C. Police and Fire Departments.* The regulations in this part relating to sick leave shall not apply to officers and members of the Police and Fire Departments of the District of Columbia other than civilian personnel.

PART 31—EFFICIENCY RATINGS BOARDS OF REVIEW

Sec.
31.1 Establishment.
31.2 Jurisdiction and number.
31.3 Members.
31.4 Appeals.
31.5 Appeal period when efficiency rating is "unsatisfactory."
31.6 Hearings.
31.7 Decisions.
31.8 Extent of regulations.
31.9 Effective date of regulations.

AUTHORITY: §§ 31.1 to 31.9, inclusive, issued under 42 Stat. 1490, as amended; 5 U. S. C. 669.

§ 31.1 *Establishment.* There shall be established in each department and independent establishment having positions and employees subject to section 9 of the Classification Act of 1923, as amended, one or more boards of review for the purpose of considering and passing upon the merits of efficiency ratings assigned to such employees.

§ 31.2 *Jurisdiction and number.* The head of each department or independent establishment shall determine the number and jurisdiction of boards of review to be established within his department or establishment, subject to the approval of the Civil Service Commission. The jurisdiction of each board of review shall be specific and shall be exclusive of that of any other such board.

§ 31.3 *Members.* (a) Each board of review shall be composed of three members, and there shall be an alternate member provided for each principal member who shall serve during the absence of such principal member or when the principal member is unable to serve for any other reason and who shall succeed the principal member in the event that he is unable to serve to the end of his term of office. Where necessary in the interest of good administration, and in order to expedite the consideration of cases, an additional alternate member may be designated for each principal member. Members of boards of review and alternate members shall be appointed or designated for terms expiring June 30 subsequent to their appointment or designation: *Provided*, That they may continue to serve until their successors are appointed or designated.

(b) One member of each board of review and alternates to such member (to be known as department member and alternate department members) shall be designated by the head of the department or establishment served by such board.

(c) Another member of each board of review and alternates to such member (to be known as employee member and alternate employee members) shall be designated by election, to be held between April 1 and July 1 of each calendar year for the term beginning on July 1 of such year, by the employees whose efficiency ratings are under the jurisdiction of the board in such manner as shall be determined by the Civil Service Commission. Upon the request of the head of a department or establishment or of ten percent of the employees whose efficiency ratings are subject to review by a board of review, the Civil Service Commission may order an election for employee members and alternate employee members at a different time or may authorize the definite or indefinite postponement of the regular annual election.

(d) Chairmen and alternate chairmen for the boards of review shall be designated by the Civil Service Commission.

(e) All members of boards of review and all alternate members shall be officers or employees of the executive branch of the Federal government: *Provided, however*, That in the case of boards of review serving agencies not in the executive branch, such members and alternate members (except chairmen and alternate chairmen) shall be appointed or elected from the branch of government to which such agencies respectively belong.

§ 31.4 *Appeals.* Each appeal from an efficiency rating shall be submitted in writing to the chairman of the appropriate board of review within ninety days of the date that notice of such rating was delivered to the employee. Boards of review may waive this requirement for good and sufficient reasons, as in cases (a) where it appears that appellants were not in a position to make an appeal within the ninety-day period, (b) where employees elected to avail themselves of the grievance procedures in their own departments or establishments before proceeding with appeals under these regulations, or (c) where new evidence is discovered after the close of the ninety-day period which would have a bearing on the decision concerning the appeal. On the request of the Civil Service Commission, certified in writing, efficiency ratings which require the dismissal, demotion, or reduction in salary of employees subject to the approval of the Civil Service Commission under section 9 of the Classification Act of 1923 as amended shall be considered by boards of review in the same manner as if appealed by such employees.

§ 31.5 *Appeal period when efficiency rating is "unsatisfactory".* When an employee who has completed his probational or trial period and whose efficiency rating is "unsatisfactory" appeals his rating to the appropriate Board of Review, created under the provisions of section 9 of the Classification Act of 1923, as amended, within 15 days after receiving notice of the rating, action based on the efficiency rating shall be withheld pending the outcome of the appeal.

§ 31.6 *Hearings.* Hearings conducted on efficiency-rating appeals and certified cases shall be on as informal a basis as possible and yet permit the presentation of all information necessary to ascertain the correctness of the rating in question or the rating which should be as-

signed the employee. An oral hearing may be waived by the appellant, or employee whose rating is certified for review, and the board of review may thereupon proceed to a consideration of the case on the basis of written evidence submitted by the parties. Stenographic reports of oral hearings shall be required only when it is determined by the unanimous vote of the board that they are necessary to the best interests of the Government and employee. In all proceedings before boards of review, each employee whose efficiency rating is under consideration shall be entitled to have a representative of his own selection; and at oral hearings each appellant or employee whose rating is certified for review shall be entitled to appear with his representative. The appellant, or employee whose rating is certified for review, and his representative, and such representatives of the department or establishment as are designated by the head thereof, shall be afforded an opportunity to submit orally or in writing any information deemed by the board of review to be pertinent to the case, and shall be afforded an opportunity to hear or examine, and to reply to, information submitted to such board by other parties.

§ 31.7 *Decisions.* After ascertaining the pertinent facts in each case, the board of review shall proceed to determine such adjustment in the efficiency rating as it deems proper, or sustain the efficiency rating appealed from without change. Decisions shall be made by a majority vote. Notices of decisions of boards of review shall be communicated to the heads of the departments or independent establishments and to the appellants, and employees whose ratings are certified for review, in writing and shall contain summary statements of the facts on which the decisions are based. Copies of the decisions of the boards shall also be forwarded to the Civil Service Commision.

§ 31.8 *Extent of regulations.* The regulations in this part apply with full force and effect to the administration of efficiency rating boards of review in the departmental service. Until such time as the Civil Service Commission, after consultation with heads of departments and independent establishments, decides that it is practicable to extend the foregoing provisions in their full force and effect to the field services, efficiency-rating appeals from employees in the field services may be made to boards of review established in and for the departmental headquarters of said field services for adjudication on the basis of evidence submitted in writing.

§ 31.9 *Effective date of regulations.* The regulations in this part supersede the regulations in Executive Order No. 8748 of May 1, 1941, and in Executive Order No. 9155 of May 1, 1942, and shall be effective immediately, except that the provision in § 31.3 authorizing members of boards of review to serve until their successors are appointed or designated shall be effective retroactively to July 1, 1941.

PART 32—AWARDS TO FEDERAL EMPLOYEES FOR MERITORIOUS SUGGESTIONS AND FOR EXCEPTIONAL OR MERITORIOUS SERVICE

Sec.
32.1 Eligibility for awards.
32.2 Amount of awards.
32.3 Determination of awards; dissemination of suggestions.
32.4 Reports to Bureau of the Budget.
32.5 Awards of certificates, medals or other emblems.
32.6 Time limitations.
32.7 Suggestions which represent part of normal duties.
32.8 Limitation of awards.
32.9 Waiver of further claim by recipient.
32.10 Effective date.

AUTHORITY: §§ 32.1 to 32.10, inclusive, issued under sec. 14, Pub. Law 600, 79th Cong.

§ 32.1 *Eligibility for awards.* Any civilian officer or employee of a department (as the word "department" is defined in section 18 of the said act of August 2, 1946) who makes a suggestion, in such form and manner as his department shall require, which is adopted for use in the department on or after August 2, 1946, and, in the judgment of the department head or other duly authorized authority in the department, has resulted or will result in improvement or economy in the operations of the department by way of monetary savings, increased efficiency, conservation of property, improved employee-working conditions, better service to the public, or otherwise, shall be eligible for consideration for a cash award. A former civilian officer or employee (or his estate) shall be similarly eligible for awards for such suggestions made while in the service of the department.

§ 32.2 *Amount of awards.* Whenever a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be based on the amount of the annual estimated saving in the first year of operation in accordance with the following table, unless for special reasons the head of the department shall determine, subject to the limitations prescribed in the said act, that a different amount is justified:

Savings	*Awards*
$1–$1,000	$10 for each $200 of savings with a minimum of $10 for any adopted suggestion.
$1,000–$10,000	$50 for the first $1,000 of savings, and $25 for each additional $1,000 of savings.
$10,000–$100,000	$275 for the first $10,000 of savings, and $50 for each additional $10,000 of savings.
$100,000 or more	$725 for the first $100,000 of savings, and $100 for each additional $100,000 of savings; provided that (with the exception of the War and Navy Departments) the maximum award for any one suggestion shall not exceed $1,000.

§ 32.3 *Determination of awards; dissemination of suggestions.* When a suggestion is adopted primarily upon the basis of improvement in the operations or services of the department, the department shall determine the amount of the award commensurate with the benefits anticipated from the suggestion. Whenever the head of a department believes that a suggestion he has adopted would benefit the Government service generally, he may report it to the Director of the Bureau of the Budget for dissemination to all departments.

§ 32.4 *Reports to Bureau of Budget.* At the end of each fiscal year each department shall report to the Director of the Bureau of the Budget the number of employee suggestions submitted, the number of such suggestions adopted, the total amount of cash awards, and the total amount of estimated annual savings.

§ 32.5 *Awards of certificates, medals or other emblems.* A department may provide for the purchase and award of appropriate certificates, medals, or other emblems, in honorary recognition of service which is determined by the head of the department to be exceptional or meritorious.

§ 32.6 *Time limitations.* No award shall be paid for any suggestion which is not adopted for use within five years from the date the suggestion is received by the department. Any department may, in its discretion, change the designated period of five years to a less period of time.

§ 32.7 *Suggestions which represent part of normal duties.* No award shall be paid to any officer or employee for any suggestion which represents a part of the normal requirements of the duties of his position.

§ 32.8 *Limitation of awards.* The total of cash awards paid during any fiscal year in any department (except the War and Navy Departments) shall not exceed $25,000. Cash awards and expenses for honorary recognition for exceptional or meritorious service may be paid from the appropriation for the activity primarily benefiting or may be distributed among appropriations for activities benefiting as the head of the department determines.

§ 32.9 *Waiver of further claim by recipient.* A cash award shall be in addition to the regular compensation of the recipient, and the acceptance of such cash award shall constitute an agreement that the use by the United States of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

§ 32.10 *Effective date.* This part shall be effective as of August 2, 1946.

NOTE: Part 32 was previously issued as Executive Order 9817, dated December 31, 1946, 12 F. R. 57.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION.
H. B. MITCHELL,
President.

[F. R. Doc. 47-1805; Filed, Feb. 24, 1947; 11:14 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 131, Termination]

PART 1430—SUGAR

TERMINATION OF DIRECT CONSUMPTION SUGAR DISTRIBUTION CONTROL

War Food Order No. 131, as amended (10 F. R. 7131, 8685), is hereby terminated.

This order shall become effective at 12:01 a. m., e. s. t., February 19, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 131, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087)

Issued this 19th day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1731; Filed, Feb. 24, 1947; 8:46 a. m.]

[WFO 141, Amdt. 5]

PART 1468—GRAIN

USE OF GRAIN BY DISTILLERS, BREWERS, AND MIXED FEED MANUFACTURERS

War Food Order No. 141, as amended (11 F. R. 2217, 3997, 14065), is hereby further amended to read as follows:

§ 1468.11 *Use of grain for beverage spirits, malt beverages, and mixed feed*—(a) *Definitions.* (1) "Distiller" means any person engaged in the business of manufacturing alcohol or alcoholic beverages or spirits by any process which includes distillation.

(2) "Brewer" means any person engaged in the business of manufacturing malt beverages.

(3) "Mixed feed manufacturer" means any person engaged in the commercial manufacture of mixed feed.

(4) "Ethyl alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or process produced, having a proof of 160 degrees or more; but does not include those substances commonly known as whisky, brandy, rum or gin, or other spirits produced at registered distilleries or fruit distilleries operated under Bureau of Internal Revenue Regulations 4 and 5.

(5) "Butyl alcohol" means that substance known as butyl alcohol or hydrated oxide of butyl, derived by fermentation.

(6) "Malt beverages" means beer, ale, stout, porter, near-beer, and similar beverages produced by alcoholic fermentation of malted grain with hops or hop products, and with or without other food products.

(7) "Wheat" means all classes of wheat and includes whole grain, grits, flakes, and starch material derived from wheat.

(8) "Wheat products" means sugars and sirups derived in whole or in part from wheat.

(9) "Milling quality wheat" means wheat of all classes, except Red Durum, which grades number 3 or better, or which grades number 4 or number 5 on test weight only.

(10) "Rice" means all classes of rice including whole grain, grits, flakes, and starch material derived from rice.

(11) "Rice products" means sugars and sirups derived in whole or in part from rice.

(12) "Screenings milled rice (class XIV)," or "brewers milled rice (class XV)" means those classes of rice as defined in the "United States Standards for Milled Rice" (11 F. R. 9840), as now in effect or hereafter amended.

(13) "Use," with respect to the use of wheat or rice by a brewer, means to infuse into a mash, and with respect to the use of wheat products or rice products by a brewer, to introduce into a brew.

(14) "Quota period" means any 3-month period beginning March 1, June 1, September 1, or December 1.

(15) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(16) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture.

(b) *Use of grain by distillers.* (1) No distiller shall use wheat or wheat products in the manufacture of distilled spirits for beverage purposes or in the manufacture of ethyl alcohol or butyl alcohol.

(2) No distiller shall use rye in the manufacture of ethyl alcohol or butyl alcohol.

(3) No distiller shall, during any calendar month, use rye in the manufacture of distilled spirits for beverage purposes in excess of the greatest quantity computed under either subdivisions (i) or (ii) of this subparagraph:

(i) Ninety percent of the average monthly amount of rye used by such distiller during December 1946 and January 1947: *Provided, however,* That no distiller shall use rye in excess of fifteen percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes during any month; or

(ii) Six percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes during such month by each distilling plant operated by such distiller: *Provided, however,* That the minimum monthly allocation of rye for each distilling plant operated by such distiller shall be 2,000 bushels; *Provided, further,* That such minimum monthly allocation shall in no case exceed fifteen percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes by such distilling plant during such month.

Each distiller's total allocation of rye, or any part of such allocation, computed in accordance with either of the above formulae, may, during the month for which such allocation is in effect, be used in any distilling plant operated by such distiller.

(c) *Use of grain by brewers.* (1) No brewer shall use wheat or wheat products in the manufacture of malt beverages.

(2) No brewer shall use rice or rice products in the manufacture of malt beverages: *Provided,* That any brewer may, during any quota period, use screenings milled rice (class XIV), and products thereof, and brewers milled rice (class XV), and products thereof, in a total quantity not in excess of 100 percent of the quantity of rice and rice products used by such brewer in the manufacture of malt beverages during the quota period commencing with that month in 1945 which corresponds with the first month of the particular current quota period.

(d) *Use of wheat for mixed feed or grain mixtures.* (1) No mixed feed manufacturer shall use milling quality wheat in the manufacture of mixed feed: *Provided, however,* That any mixed feed manufacturer located in the States of Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, or Washington, or in that part of the State of Montana which is on or south of the main line of the Chicago, Milwaukee, St. Paul & Pacific Railroad or west of the Continental Divide may, during any calendar quarter, use milling quality wheat in the manufacture of mixed feed in a quantity not in excess of 40 percent of the quantity of grain so used by such manufacturer during the corresponding calendar quarter of 1945.

(2) No person shall use milling quality wheat for making any mixture of grains for sale as an ingredient in the manufacture of mixed feed.

(e) *Records and reports.* (1) Every distiller shall, within ten (10) days after the close of each calendar month, mail to the Order Administrator a report showing (i) amounts and kinds of grain used for the distillation of spirits for beverage purposes, and (ii) amounts and kinds of grain used for other purposes.

(2) Every person subject to this section shall, for at least two years or for such period of time as the Administrator may designate, maintain an accurate record of his transactions in grain, grain products, malted grain, malt sirup, and mixed feed.

(3) The Administrator shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Audits and inspections.* The Administrator shall be entitled to make such audits or inspections of the books, records, and other writings, premises, or stocks of grain, grain products, malted grain, malt sirup, alcoholic beverages, malt beverages, and mixed feed of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or ad-

ministration of the provisions of this section.

(g) *Petition for relief from hardship.* Any person affected by this section who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator obtain a review of such action by the Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

(h) *Violations.* Any person who violates any provision of this section may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using grain, grain products, malted grain, malt sirup, alcohol, alcoholic beverages or spirits, malt beverages, or mixed feed. Any person who wilfully violates any provision of this section is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this section.

(i) *Delegation of authority.* The administration of this section and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this section, are hereby delegated to the Administrator. The Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this section.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this section shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 141, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(k) *Territorial scope.* This section shall apply within the forty-eight (48) States and the District of Columbia.

(l) *Effective date; War Food Orders 66 and 144 terminated.* This amendment shall become effective at 12:01 a. m., e. s. t., March 1, 1947, and shall supersede in all respects War Food Order No. 66 and War Food Order No. 144, which are hereby terminated. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 66, War Food Order No. 141, or War Food Order No. 144, all provisions of said orders shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1943, 3 CFR, 1945 Supp.)

Issued this 20th day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1745; Filed, Feb. 24, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 708—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

TIME LIMITS

Rescind § 708.4 and substitute the following:

§ 708.4 *Time limits.* (a) Except as provided in § 708.2 (h) (2) (iii), and in paragraph (b) of this section, no decoration shall be issued to any person after more than 3 years from the date of the act or service justifying the award thereof nor unless a recommendation was submitted through official channels at the time of the distinguished act or service or within 2 years thereafter.

(b) Decorations may be awarded as an exception to the general provisions of paragraph (a) of this section, when the acts or services justifying the award were performed between 7 December 1941 and 31 December 1946, both dates inclusive, providing, a recommendation is submitted through official channels prior to 1 July 1947. [AR 600-45, 22 Sep. 1943 as amended by WD Cir. 19, 21 Jan. 1947] (40 Stat. 871, 10 U. S. C. 1409)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1743; Filed, Feb. 24, 1947; 8:45 a. m.]

Chapter IX—Transport

PART 903—TRANSPORTATION OF INDIVIDUALS

MISCELLANEOUS AMENDMENTS

Part 903 is amended in the following respects:

1. Section 903.4 is rescinded and the following substituted therefor:

§ 903.4 *Enlisted persons upon retirement*—(a) *Transportation.* There is no authority of law for issuing a transportation request to an enlisted person upon retirement for any distance for which the law provides that such person receive travel pay at the rate of 5 cents per mile. For sea travel involved in travel between place of retirement and place to which travel is authorized, only transportation in kind shall be allowed for such sea travel, subject to paragraph (b) of this section; *Provided,* That such person may not select as a residence a foreign country and receive transportation thereto.

(b) *Time limit*—(1) *General.* Except as provided in subparagraph (2) of this paragraph, a period ending 1 year after the termination of the wars in which the United States is now engaged or 1 year after the effective date of retirement, whichever is later, is fixed for military reasons as the time during which transportation in kind authorized in paragraph (a) of this section, may be furnished for the commencing of sea travel of retired enlisted persons.

(2) *Exception; hospitalization.* If the individual is confined in a hospital undergoing medical treatment on the effective date of retirement and continuously therefrom in hospitals during the fixed period specified in subparagraph (1) of this paragraph, or beyond, the transportation in kind for sea travel may be furnished for such travel commencing within 60 days from the date of discharge from such medical treatment: *Provided,* That the application for transportation in kind is supported by a statement of the responsible medical officer certifying as to said extent of medical treatment. If transportation in kind is furnished by commercial vessel the original statement, annotated with the serial numbers of the transportation requests issued, will be sent by the transportation officer to the disbursing officer designated to pay the carrier's bill. A copy of the statement will be retained with the transportation officer's copy of the transportation request. No other copies of the statement are necessary.

2. Section 903.5a is added as follows:

§ 903.5a *Cadets discharged from the United States Military Academy.* Cadets of the United States Military Academy upon being discharged from the service are not entitled to mileage, but are entitled to transportation in kind from the academy to their home, except that a cadet discharged for physical disability while in a hospital under orders is entitled to transportation in kind from the hospital to his home (1 Comp. Gen. 356), and that a cadet who is in a status of leave of absence from the United States Military Academy awaiting the result of a re-examination, and who is found deficient upon re-examination and ordered to be discharged, may be furnished transportation in kind from the point at which he receives notice of discharge to his home; *Provided,* That the cost of such transportation in kind is no greater than that from West Point, New York to his home. [AR 55-120, 26 April 1943 as amended by WD Cir. 26, 29 Jan. 47] (R. S. 161, 56 Stat. 364; 5 U. S. C. 22, 37 U. S. C. Sup. 112)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1744; Filed, Feb. 24, 1947; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 653, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1097]

HOFFMAN LITHOGRAPHING CO.

Melvin V. Hoffman, d/b/a Hoffman Lithographing Company, Buffalo, N. Y., a veteran, on December 10, 1946, pursuant to Direction 20, PR 28, applied for and received on Form CPA-541A, Case Number 105037, a CC Rating for the purchase of a Harris Offset Press at a cost of $20,000. This authorization was given in reliance on the statements in the application and accompanying letter indicating to the Civilian Production Administration that the returned veteran had been formerly in the printing business and was acquiring equipment for a new business but did not disclose that the veteran had returned in May 1944, and had thereafter become and now is a partner, with a 30% interest, in the family printing business, a going concern. The consequences of the misleading statements contained in the application and accompanying letter caused the issuance of the authorization by mistake. In view of the foregoing, it is hereby ordered that:

§ 1010.1097 *Suspension Order No. S-1097.* (a) Authorization to apply a CC Rating for a Harris Offset Press at a cost of $20,000, granted on Form CPA 541A, Case Number 105037, to Melvin V. Hoffman is hereby revoked.

Issued this 24th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1821; Filed, Feb. 24, 1947; 11:30 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1098]

ALVIN PFISTER AND S. J. GRIMMER

Alvin Pfister, who resides at 2917 Greer Avenue, St. Louis, Missouri, and S. J. Grimmer, who resides at Breese, Illinois, on October 12, 1946, without authorization from the Civilian Production Administration, as partners and owners began the construction of a building to be used as a night club and tavern, size 32 feet by 80 feet, to cost in excess of $10,000 located on U. S. Highway 50 immediately west of the town of Fairview, Illinois. This construction was in violation of Veterans' Housing Program Order No. 1 and has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1098 *Suspension Order No. S-1098.* (a) Neither Alvin Pfister nor S. J. Grimmer, their successors or assigns, nor any other person, shall do any construction on the premises owned by them on U. S. Highway 50 immediately west of the town of Fairview, Illinois, including completing, putting up, or altering any structure located thereon unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Alvin Pfister and S. J. Grimmer shall refer to this order in any application which they may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Alvin Pfister and S. J. Grimmer, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1822; Filed, Feb. 24, 1947; 11:30 a. m.]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 2, Revocation]

GENERAL RESTRICTIONS ON HARDWOOD LUMBER

Veterans' Housing Program Order 2 is revoked effective March 1, 1947. This revocation does not affect any liabilities incurred for violation of this order, or of any actions taken by the Civilian Production Administration under it.

Issued this 24th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1823; Filed, Feb. 24, 1947; 11:30 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[Rev. Gen. RO 18,[1] Amdt. 1 to Supp. 1]

DISTRIBUTION OF BASES TO FORMER MEMBERS OF THE ARMED FORCES

Schedule I of Supplement 1 to Revised General Ration Order 18 is amended to read as follows:

[1] 11 F. R. 7576.

SCHEDULE I—INDUSTRIAL USERS

Group of products	Maximum consumer size container permitted (ounces)	Maximum annual base permitted (number of pounds of sugar)
1. Bread and rolls only	.....	12,800
2. General baking products (excluding bread and rolls)	.....	28,200
3. Ice cream, ices, sherbets, frozen custards (excluding mixes used for any of these products)	.....	40,000
4. Bottled beverages (nonalcoholic)	.....	80,000
5. Candy	.....	31,300
6. Caramel popcorn	.....	16,600
7. Mayonnaise to be packed in containers of one quart or less	.....	600
8. Salad dressing to be packed in containers of one quart or less	.....	1,200
9. Baking mixes	16	78,200
10. Fruit compote	18	20,000
11. Gelatins, puddings, powdered desserts:		
(a) in powder form	8	80,000
(b) in prepared form	16	80,000
12. Insecticides	(1)	1,200
13. Jams, jellies, marmalades, preserves, fruit butters	32	80,000
14. Meat spreads	32	1,500
15. Peanut butter	16	6,000
16. Pharmaceuticals:		
(a) cough drops	3	25,000
(b) cough syrups	(1)	9,200
(c) general	(1)	1,400
17. Sauces (for meat, fish, poultry, etc.)	14	9,800
18. Spaghetti, macaroni, and noodle products packed in sauce	20	14,000
19. Stews (brunswick, etc.)	24	3,500
20. Flavoring extracts	8	80,000
21. Glaced fruit:		
(a) baking type	32	80,000
(b) candy	16	31,300
22. Pickles, relishes, etc.	22	80,000
23. Shredded sweetened coconut	8	58,000
24. Syrups:		
(a) Table, except chocolate	32	80,000
(b) Chocolate	16	80,000
(c) Concentrated (liquid or powder)	8	80,000
25. Other (specify) (consumer sizes for direct consumer use only)	(1)	(2)

[1] No restriction.
[2] To be determined by Washington office.

This amendment shall become effective February 24, 1947.

Issued this 24th day of February 1947.

J. W. FOLLIN,
Acting Temporary Controls Administrator.

[F. R. Doc. 47-1814; Filed, Feb. 24, 1947; 11:20 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

CARRIERS BY PIPELINE ANNUAL REPORT FORM P

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 11th day of February A. D. 1947.

The matter of annual reports from carriers by pipeline being under consideration:

It is ordered, That the order of December 22, 1944, in the matter of Annual Re-

ports from Carriers by Pipeline (49 CFR, 120.61) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1946, and subsequent years, as follows:

§ 120.61 *Form prescribed for carriers by pipeline.* Each carrier by pipeline subject to the provisions of section 20, Part I of the Interstate Commerce Act, shall file under oath an annual report for the year ended December 31, 1946, and for each succeeding year until further order, in accordance with Annual Report Form P (Carriers by Pipeline) which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

[1] Filed as part of the original document.

(24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)–(8))

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–1730; Filed, Feb. 24, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192–23.32]

LAREDO MUNICIPAL AIRPORT, LAREDO, TEX.

NOTICE OF PROPOSED DESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to designate the Laredo Municipal Airport, Laredo, Texas, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such designation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury*

FEBRUARY 18, 1947.

[F. R. Doc. 47–1742; Filed, Feb. 24, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8190]

PETER ALT ET AL.

In re: Certificates of indebtedness and claim owned by Peter Alt and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Alt, Maria Brandt, also known as Marie Brandt, Wilhelm Alt, Elizabeth Schreitz, William F. Alt, Hettwich Alt, also known as Hettwick Alt, and Friederich Alt, also known as Frederick Alt, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) United States of America Certificates of Indebtedness, of a total face value of $8,000,000, bearing the numbers 2250, 1849, 1893 and 1781, of the face value of $5,000.00, $1,000.00, $1,000.00 and $1,000.00, respectively, presently in the custody of St. Louis Union Trust Company, St. Louis 2, Missouri, in an account, entitled Agent for Heirs of Henry A. Alt, Deceased—T. D. 13701, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation of St. Louis Union Trust Co., St. Louis 2, Missouri, arising out of an account, entitled Agent for Heirs of Henry A. Alt, Deceased—T. D. 13701, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1715; Filed, Feb. 21, 1947; 8:51 a. m.]

[Vesting Order 8195]

JULIUS FLEISCHER

In re: Bank account owned by Julius Fleischer. F–28–14546–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Fleischer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Julius Fleischer, by The United States National Bank of Portland, Broadway at 6th and Stark Streets, Portland, Oregon, arising out of a savings account, Account Number 264811, entitled Julius Fleischer, National of Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1716; Filed, Feb. 21, 1947; 8:51 a. m.]

[Vesting Order 8197]

MARIA GERONNE ET AL.

In re: Stock owned by Maria Geronne and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the following persons whose names and last known addresses are hereinafter set forth:

Name and Address

Maria Geronne, Frankfort a/Main, Germany.
Gisela Courth, Berlin-Friedenau, Germany.
Irmgard Krawielitzki, also known as Irmgard Kravilitzki, Elbing, Germany.
Hela Schellenberg, Germany.
Hildegard Schellenberg, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Otto Geronne, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Fifteen (15) shares of $100.00 par value common capital stock of The Baltimore and Ohio Railroad Company, Baltimore and Charles Streets, Baltimore 1, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by certificate number A 205262, registered in the names of Clara Geronne, Otto Gerenne, Maria Geronne and Karl Courth, heirs of Theodor Schmitz, deceased, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1750; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8194]

CATHERINE CARSTENSEN

In re: Participation certificate, depositary receipt and bank account owned by Catherine Carstensen, also known as Katherine Carstensen. F–28–25224–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Catherine Carstensen, also known as Katherine Carstensen, whose last known address is 16 Schleswig Lollfuss, Schleswig-Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain Participation Certificate No. 63 of The Pine Grove, Inc., 39 South La Salle Street, Chicago 3, Illinois, issued to Catherine Carstensen, and presently in the custody of Aetna State Bank, 2375 Lincoln Avenue, Chicago 14, Illinois, which certificate represents five (5) shares of the capital stock of The Pine Grove, Inc., a corporation organized under the laws of the State of Illinois, and any and all rights thereunder and thereto,

b. That certain depositary receipt, issued by James Maltman to Aetna State Bank, 2375 Lincoln Avenue, Chicago 14, Illinois, presently in the custody of Aetna State Bank, which receipt was issued for one (1) First Mortgage Bond of The Thomas Building, Inc., of $500.00 face value, bearing the number 34, registered in the name of Catherine Carstensen, and any and all rights in, to and under the same, and

c. That certain debt or other obligation owing to Catherine Carstensen, also known as Katherine Carstensen, by Aetna State Bank, 2375 Lincoln Avenue, Chicago 14, Illinois, arising out of a savings account, Account Number 52166, entitled Mrs. Catherine Carstensen, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended:

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1716; Filed, Feb. 21, 1947; 8:51 a. m.]

1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1717; Filed, Feb. 21, 1947; 8:51 a. m.]

[Vesting Order 8192]

WILHELM BRAUN ET AL.

In re: Bank accounts owned by Wilhelm Braun, Harry Braun, also known as Heinrich Braun and as Henry Braun, August Braun, Charles Braun, also known as Carl Braun and as Karl Braun, and Lina Lapp. F-28-9374-C-1, F-28-9374-E-1, F-28-9370-C-1, F-28-9370-E-1, F-28-9367-C-1, F-28-9367-E-1, F-28-9368-C-1, F-28-9368-E-1, F-28-14895-C-1, F-28-14895-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Braun, Harry Braun, also known as Heinrich Braun and as Henry Braun, August Braun, Charles Braun, also known as Carl Braun and as Karl Braun, and Lina Lapp, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed below, by The Ninth Bank and Trust Company, Front and Norris Streets, Philadelphia 25, Pennsylvania, in the amounts and evidenced by certificates of deposit numbered as set forth opposite each name, issued by the aforesaid bank and presently in the possession of Arno P. Mowitz, Attorney, 420 Walnut Street, Philadelphia 2, Pennsylvania:

National	Amount	Certificate No.
Wilhelm Braun	$794.49	230
	6.43	259
Harry (Heinrich) Braun	794.49	228
	6.43	257
August Braun	794.49	229
	6.43	258
Charles (Karl) Braun	794.49	227
	6.43	256
Lina Lapp	794.49	231
	6.43	260

and any and all rights to demand, enforce and collect the aforementioned debts or other obligations and any and all rights in, to and under the aforementioned certificates of deposit,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1748; Filed, Feb. 24, 1947; 8:45 a. m.]

[Vesting Order 8193]

LUISE BUEHLER ET AL.

In re: Bank accounts owned by Luise Buehler, also known as Louise Buehler; Paul Wiedenhoeft, also known as Paul Wedenhoft; Margarete Rosemann, also known as Gertrude Roseman; Bertha Rosemann, also known as Bertha Roseman and Berta Rosemann; and Anna Marie Rosemann, also known as Marion Roseman. F-28-9410-E-½, F-28-27741-E-1, F-28-27744-E-1, F-28-27745-E-1, F-28-27746-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are as set forth in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons named in Exhibit A by Commonwealth Bank, Dime Building, Detroit, Michigan, arising out of the accounts described in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and Last Known Address of Creditor and Description of Account

Luise Buehler, also known as Louise Buehler, Karlsruhe, Germany: Checking account number C 22195, entitled Luise Buehler; checking account number C 13788, entitled Luise Buehler.

Paul Wiedenhoeft, also known as Paul Wedenhoft, Berlin, Germany: Checking account number C 22026, entitled Paul Wiedenhoeft.

Margarete Rosemann, also known as Gertrude Roseman, Regenwalde, Pommerania, Germany: Checking account number C 22024, entitled Gertrude Roseman.

Bertha Rosemann, also known as Bertha Roseman and Berta Rosemann, Regenwalde, Pommerania, Germany: Checking account number C 22023, entitled Bertha Roseman.

Anna Marie Rosemann, also known as Marion Roseman, Regenwalde, Pommerania, Germany: Checking account number C 22025, entitled Marion Roseman.

[F. R. Doc. 47-1749; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8196]

MINNA FRENZEL

In re: Bank account owned by Minna Frenzel. F-28-28044-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Frenzel, whose last known address is Leipzig, Germany, is a national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Minna Frenzel, by the Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a Savings Account, Account Number 1,099,556, entitled Minna Frenzel, maintained at the Fourteenth Street Office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1751; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8201]

KATHARENA MEYER

In re: Check owing to Katharena Meyer. F-28-25446-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katharena Meyer, whose last known address is Annveeler by Landau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Katharena Meyer, by The Boatmen's National Bank of Saint Louis, St. Louis, Missouri, in the amount of $500.00, as of January 14, 1947, evidenced, by a cashier's check in the sum of $500.00 payable to Katharena Meyer, dated August 20, 1942, issued by The Boatmen's National Bank of Saint Louis, by J. W. Schwaig, Assistant Cashier, and presently in the custody of The Boatmen's National Bank of Saint Louis, St. Louis, Missouri, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid check.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1753; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8199]

ANGELINA AND JOHANNA KEUHLERS

In re: Debts owing to Angelina Keuhlers and Johanna Keuhlers. F-28-24826-A-1, F-28-24827-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Angelina Keuhlers and Johanna Keuhlers, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Angelina Keuhlers, by Van Eman & Mulder, Parkersburg, Iowa, including particularly but not limited to a portion of the sum of money on deposit with Parkersburg State Bank, Parkersburg, Iowa, in an account, entitled Van Eman & Mulder Trust Fund Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Angelina Keuhlers, a national of a designated enemy country (Germany);

3. That the property described as follows:

All those debts or other obligations owing to Johanna Keuhlers, by Van Eman & Mulder, Parkersburg, Iowa, including particularly but not limited to a portion of the sum of money on deposit with Parkersburg State Bank, Parkersburg, Iowa, in an account, entitled Van Eman & Mulder Trust Fund Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johanna Keuhlers, a national of a designated enemy country (Germany).

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1752; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8204]

VERA VON WERTHERN

In re: Debt owing to Vera Von Werthern. F-28-14849-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vera Von Werthern, whose last known address is Luisenstrasse 17A Naumburg Saale, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Vera Von Werthern, by The Cleveland Trust Company, 916 Euclid Avenue, Cleveland 1, Ohio in the amount of $5,405.54, as of December 19, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1756; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8205]

CHOJI YAMAGA

In re: Bank account owned by Choji Yamaga. F-39-5724-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Choji Yamaga, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Choji Yamaga, by Irving Trust Company, 350 Fifth Avenue, New York 1, New York, arising out of a checking account, entitled Choji Yamaga, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan).

end it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1757; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8202]

CHARLOTTE RAYKOWSKI ET AL.

In re: Bank accounts owned by Charlotte Raykowski, Elizabeth Hellmis and Peter Hellmis. F-28-11735-E-1, F-28-25361-E-1, F-28-25360-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Raykowski, Elizabeth Hellmis and Peter Hellmis, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed below, by The Union Bank & Trust Company of Los Angeles, Los Angeles, California, arising out of Term Savings Accounts, numbered and entitled in the manner set forth opposite each name below, maintained at the aforesaid bank;

Name of national	Account No.	Title of account
Charlotte Raykowski	81386	Charlotte Raykowski
Elizabeth Hellmis	81667	Elizabeth Hellmis
Peter Hellmis	81666	Elizabeth Hellmis as guardian of Peter Hellmis.

and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1754; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8208]

KARL KITTELBERGER AND LISALOTTE WASCHMUTH

In re: Interests in real property, property insurance policies and claim owned by Karl Kittelberger and Lisalotte Waschmuth, also known as Lisalotte Waschmuth.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Kittelberger and Lisalotte Washmuth, also known as Lisalotte Waschmuth, whose last known address is Braunshweig, Oelper, Celler-Herrsstrasse 3, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property describe as follows: a. All right, title, interest and estate, both legal and equitable, of the persons named in subparagraph 1 hereof, in and to the real property, situated in Montgomery County, Arkansas, and in the City of Hot Springs, Garland County, Arkansas, particularly described in Exhibits A, B and C, attached hereto and by reference made a part hereof, and in and to all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1 hereof in and to the following property insurance policies:

Fire Insurance Policy No. 227 P5135, issued by the Pacific Fire Insurance Company, New York, New York, in the name of Estate of Robert H. Kittelberger, in the amount of $1,500.00, which policy expires October 29, 1948;

Fire Insurance Policy No. 270 P5135, issued by the Pacific Fire Insurance Company, New York, New York, in the name of Estate of Robert H. Kittelberger, in the amount of $1,500.00, which policy expires December 13, 1949;

Fire Insurance Policy No. S 285, issued by the American Eagle Fire Insurance Company, New York, New York, in the name of Estate of Robert H. Kittelberger, in the amount of $3,000.00, which policy expires December 13, 1949, and

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof by Ray S. Smith, 909 Central Avenue, Hot Springs, Arkansas, arising out of rents collected on the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany), and is property which is in partition proceedings and which is payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

The South half (S½) of the Southeast quarter (SE¼) of Section thirty-one (31), Township Two (2) South (S), Range twenty-six (26) West (W) containing eighty (80) acres in Montgomery County, Arkansas.

EXHIBIT B

The fractional North one-half (N½) of the North half (N½) of Section Six (6), Township Three (3) South (S), Range twenty-six (26) West (W), containing one hundred eight (108) acres in Montgomery County, Arkansas.

EXHIBIT C

A part of Lot Four (4), Block One Hundred Three (103), U. S. Hot Springs Reservation as surveyed, mapped and platted by the U. S. Hot Springs Commissioners and more particularly described as follows:

Beginning at a point on the line between said Lot Four (4) and Hawthorne Street that is eighteen (18) feet from the Southwest (SW) corner of said Lot Four (4), and running Northerly (N) along the said dividing line between Lot Four (4) and Hawthorne Street ninety-four and seven-tenths (94.7) feet more or less to a point that is eighty-eight (88) feet from the Northwest (NW) corner of said Lot Four (4); thence Northeasterly (NE) across said Lot Four (4) to a point on the dividing line of Lots Four (4) and Five (5) that is ninety-two (92) feet from Quapaw Avenue; thence Southeasterly (SE) along said dividing line eighty-six (86) feet more or less to a point that is eighteen (18) feet from the Southeast (SE) corner of said Lot Four (4); thence Southwesterly (SW) across said Lot Four (4) to the point of beginning.

[F. R. Doc. 47-1758; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8203]

LINA SEHL

In re: Bank account owned by Lina Sehl, also known as Lina Sehl Laudenbach. F-28-26117-E-1, F-28-26117-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Sehl, also known as Lina Sehl Laudenbach, whose last known address is Oberursel in Taunus, Hohenmarkstrasse 24, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Lina Sehl, also known as Lina Sehl Laudenbach, by The First National Trust and Savings Bank of San Diego, San Diego, California, arising out of a savings account, Account Number 86463, entitled Lina Sehl, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1755; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8210]

EMILIE BAUER

In re: Estate of Emilie Bauer, deceased. File No. D-28-2033; E. T. sec. 11506.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Bauer and Adolph Bauer, whose last known address is Ger-

many, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the wife and issue of Adolph Bauer, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Emilie Bauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Herbert B. Ehrmann, 80 Federal Street, Boston, Massachusetts, as Executor, acting under the judicial supervision of the Suffolk County Probate Court, Boston, Massachusetts;

and it is hereby determined;

5. That to the extent that the above named persons and the wife and issue of Adolph Bauer, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consulation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1759; Filed, Feb. 24, 1947; 8:47 a. m.]

JACKSON & PERKINS CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions.

Claimant	Claim No.	Vesting order No.	Property	Location
Jackson & Perkins Co., Newark, N. Y.	A-143 and A-144.	1028 (8 F. R. 4205)...	U. S. Patent Applications S. N. 464,556 and 464,557.	Washington, D. C.

Executed at Washington, D. C., on February 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1765; Filed, Feb. 24, 1947; 8:47 a. m.]

[Vesting Order 8233]

TINA NICKELSEN AND SOPHIE PAULSEN

In re interests in real property, bank account and claim owned by Tina Nickelson and Sophie Paulsen.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tina Nickelsen, whose last known address is Hamburg, Germany, and Sophie Paulsen, whose last known address is Bredstedt, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-third interest in real property, situated in the County of Merced, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. That certain debt or other obligation of Bank of Newman, Newman, California, arising out of an account entitled "Bertha Hansen, Trustee for Tina Nickelsen and Sophie Paulsen", and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation, owing to Tina Nickelsen and Sophie Paulsen, by Bertha Hansen, Newman, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Beginning at a point 3444.4 feet west from the southeast corner of Section 25, Township 6 South, Range 9 East, M., D. B. & M., thence west 714 feet; thence North 1220.17 feet; thence East 714 feet; thence South 1220.17 feet to the point of beginning; save and excepting a right of way 30 feet wide over the south side of said land for the purpose of a county road, condemned by order of the Board of Supervisors of Merced County, January 28, 1875, recorded in Book 1 of Road Registers at page 40.

[F. R. Doc. 47-1764; Filed, Feb. 24, 1947; 8:47 a. m.]

EMIL ZIPPER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Emil Zipper, Santa Monica, Calif.	A-191 to 193, inclusive.	201 (8 F. R. 625), 205 (7 F. R. 8669), 666 (8 F. R. 5047).	U. S. Letters Patent Nos. 1,959,764; 2,242,986; and 2,376,889.	Washington, D. C.

Executed at Washington, D. C., on February 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1766; Filed, Feb. 24, 1947; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F. R. 7125):

The special learner certificate(s) issued to the following company(ies) under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., 1 learner if the exchange employs 8 operators or less, 2 learners if the exchange employs from 9 to 18 operators, etc. See regulations, Part 522, § 522.083.

Iowa Telephone Company, West Bend, Iowa; effective February 10, 1947, expiring February 9, 1948.

Southland Telephone Company, Atmore, Alabama; effective February 13, 1947, expiring February 12, 1948.

West Iowa Telephone Company, Anita, Iowa; effective February 11, 1947, expiring February 10, 1948.

Regulations, Part 522—Regulations Applicable to the Employment of Learners:

Puerto Rico Mills, Inc., Puerta de Tierra, Puerto Rico; full-fashioned hosiery, forty-seven (47) learners in the following operations:

a. (4 learners) seaming; at not less than 15 cents an hour for the first 480 hours, not less than 22½ cents an hour for the second 480 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period;

b. (8 learners) legging, (2 learners) looping, (16 learners) topping, (3 learners) footing; at not less than 15 cents an hour for the first 480 hours, not less than 18¾ cents an hour for the second 480 hours, not less than 22½ cents an hour for the third 480 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period;

c. (1 learner) winding, (3 learners) final inspection, (1 learner) foot inspection, (1 learner) leg inspection, (8 learners) mending; at not less than 15 cents an hour for the first 240 hours, not less than 22½ cents an hour for the second 240 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period;

effective February 6, 1947, expiring February 5, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 17th day of February 1947.

ISABEL FERGUSON, *Authorized Representative of the Administrator.*

[F. R. Doc. 47-1738; Filed, Feb. 24, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7503, 8054]

CLEARWATER RADIO BROADCASTERS, INC. AND LYLE VAN VALKENBURGH

ORDER SCHEDULING HEARING

In re: Application of Clearwater Radio Broadcasters, Inc., Clearwater, Florida, Docket No. 7503, File No. B3-P-4650; Lyle Van Valkenburgh, St. Petersburg, Florida, Docket No. 8054, File No. B3-P-5547; for construction permit.

The Commission having under consideration a petition filed January 22, 1947 by Clearwater Radio Broadcasters, Inc., Clearwater, Florida requesting the Commission to schedule an early hearing date in the proceeding upon its above-entitled application;

It is ordered, This 31st day of January 1947, that the petition be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, scheduled for Monday 10:00 o'clock a. m. February 24, 1947 at Clearwater, Florida, and 10:00 o'clock a. m. Tuesday, February 25, 1947 at St. Petersburg, Florida.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1741; Filed, Feb. 24, 1947; 8:45 a. m.]

[Docket No. 8110]

CHESAPEAKE AND POTOMAC TELEPHONE CO. OF VIRGINIA

ORDER INSTITUTING INVESTIGATION AND SETTING FORTH HEARING DATE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1947;

It appearing, that on January 20, 1947 and on February 11, 1947, The Chesapeake and Potomac Telephone Company of Virginia filed revised tariff schedules effective February 20, 1947 and March 13, 1947 respectively, resulting in increased charges for interstate message telephone service in the Washington Metropolitan Area, between certain points in the State of Virginia and certain points in the State of Maryland; said tariff schedules being designated as follows:

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA

Tariff F. C. C. No. 15

4th Revised Page No. 5.
5th Revised Page No. 5.
11th Revised Page No. 7.
12th Revised Page No. 7.

It further appearing, that said tariff schedules effect new increased charges for telephone communications in interstate commerce; that no evidence in justification of such increased charges has been presented to this Commission; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules, insofar as they result in new increased charges for interstate message telephone service in the Washington Metropolitan Area should be postponed pending hearing and decision on the lawfulness of such new charges, or regulations and practices resulting in such increased charges;

It is ordered, That, pursuant to sections 204 and 205 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the above-cited tariff schedules, insofar as they provide for increased charges for the telephone service above described;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff schedules, insofar as they effect increased charges for interstate message telephone service in the Washington Metropolitan Area

be, and they are hereby, suspended until May 20, 1947, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in said tariff schedules, or in the regulations, charges, or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, an investigation be, and the same is hereby, instituted, into the lawfulness of the rates, charges, regulations, practices and services of The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of Baltimore City and The Chesapeake and Potomac Telephone Company (operating in the District of Columbia) for and in connection with interstate message telephone service in the Washington Metropolitan Area;

It is further ordered, That in the event a decision as to the lawfulness of the charges and regulations herein suspended has not been made during the suspension period and said charges and regulations go into effect, The Chesapeake and Potomac Telephone Company of Virginia shall, until further order of the Commission, keep account of all amounts charged, collected or received by reason of such increased charges and regulations; that said carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and shall file with this Commission a report on or before the 10th day of each calendar month, commencing June 10, 1947, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of Baltimore City and The Chesapeake and Potomac Telephone Company be, and they are hereby, made parties respondent to this proceeding; and that copies hereof be served thereon;

It is further ordered, That a copy of this order shall also be served upon the State Corporation Commission of the Commonwealth of Virginia, the Public Service Commission of Maryland, the Public Utilities Commission of the District of Columbia and the National Association of Railroad and Utilities Commissioners and these agencies be, and they are hereby given leave to intervene and participate fully in the proceedings herein.

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 25th day of March 1947 beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.; and that the Commission's Telephone Committee, consisting of Commissioners Paul A. Walker, Ray C. Wakefield, and C. J. Durr, or any member or members thereof, are hereby authorized to preside at the hearings, and otherwise to conduct the proceedings herein; and said Committee shall prepare an initial decision as described in subsection (c) of § 1.851 of the Commission's rules and regulations;

It is further ordered, That the proceeding herein be, and it is hereby consolidated with the proceeding in Docket No. 8112.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to these proceedings.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1739; Filed, Feb. 24, 1947; 8:45 a. m.]

[Docket No. 8112]

CHESAPEAKE AND POTOMAC TELEPHONE CO. OF BALTIMORE CITY

ORDER INSTITUTING INVESTIGATION AND SETTING FORTH DATE FOR HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 14th day of February, 1947;

It appearing, that on February 11, 1947, The Chesapeake and Potomac Telephone Company of Baltimore City filed revised tariff schedules effective March 13, 1947, resulting in increased charges for interstate message telephone service in the Washington Metropolitan Area, between certain points in the State of Maryland and certain points in the State of Virginia; said tariff schedules being designated as follows:

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF BALTIMORE CITY

Tariff F. C. C. No. 15

4th Revised Page No. 5.
11th Revised Page No. 7.

It further appearing, that said tariff schedules effect new increased charges for telephone communications in interstate commerce; that no evidence in justification of such increased charges has been presented to this Commission; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules, insofar as they result in new increased charges for interstate message telephone service in the Washington Metropolitan Area should be postponed pending hearing and decision on the lawfulness of such new charges, or regulations and practices resulting in such increased charges;

It is ordered, That, pursuant to sections 204 and 205 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the above-cited tariff schedules, insofar as they provide for increased charges for the telephone service above described;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff schedules, insofar as they affect increased charges for interstate message telephone service in the Washington Metropolitan Area be, and they are hereby, suspended until June 13, 1947, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in said tariff schedules, or in the regulations, charges, or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, an investigation be, and the same is hereby, instituted, into the lawfulness of the rates, charges, regulations, practices and services of The Chesapeake and Potomac Telephone Company of Baltimore City, The Chesapeake and Potomac Telephone Company of Virginia and The Chesapeake and Potomac Telephone Company (operating in the District of Columbia) for and in connection with interstate message telephone service in the Washington Metropolitan Area;

It is further ordered, That in the event a decision as to the lawfulness of the charges and regulations herein suspended has not been made during the suspension period and said charges and regulations go into effect, The Chesapeake and Potomac Telephone Company of Baltimore City shall, until further order of the Commission, keep account of all amounts charged, collected or received by reason of such increased charges and regulations; that said carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and shall file with this Commission a report on or before the 10th day of each calendar month, commencing July 10, 1947, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Chesapeake and Potomac Telephone Company of Baltimore City, The Chesapeake and Potomac Telephone Company of Virginia, and The Chesapeake and Potomac Telephone Company be, and they are hereby, made parties respondent to this proceeding; and that copies hereof be served thereon;

It is further ordered, That a copy of this order shall also be served upon the Public Service Commission of Maryland, the State Corporation Commission of the Commonwealth of Virginia, the Public Utilities Commission of the District of Columbia and the National Association of Railroad and Utilities Commissioners and these agencies be, and they are hereby given leave to intervene and participate fully in the proceedings herein;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 25th day of March, 1947, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.; and that the Commission's Telephone Committee, consisting of Commissioners Paul A. Walker, Ray C. Wakefield, and C. J. Durr, or any member or members thereof, are hereby authorized to preside at the hearings, and otherwise to conduct the proceedings herein; and said Committee shall prepare an initial decision as described in subsection (c) of § 1.851 of the Commission's rules and regulations;

It is further ordered, That the proceeding herein be, and it is hereby consolidated with the proceeding in Docket No. 8110.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to these proceedings.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1740; Filed, Feb. 24, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-403]

THE OHIO FUEL GAS CO.

NOTICE OF ORDER ALLOWING RATE SCHEDULE TO TAKE EFFECT

FEBRUARY 20, 1947.

Notice is hereby given that, on February 19, 1947, the Federal Power Commission issued its order entered February 18, 1947, allowing rate schedule to take effect in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1735; Filed, Feb. 24, 1947; 8:45 a. m.]

[Docket No. G-521]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF ORDER GRANTING PETITION TO WITHDRAW APPLICATION

FEBRUARY 20, 1947.

Notice is hereby given that, on February 19, 1947, the Federal Power Commission issued its order entered February 18, 1947, granting petition to withdraw application in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1734; Filed, Feb. 24, 1947; 8:46 a. m.]

[Docket No. G-838]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION

FEBRUARY 18, 1947.

Notice is hereby given that on February 3, 1947, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, having its principal place of business in Pittsburgh, Pennsylvania, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural gas facilities and to sell natural gas to the Westmoreland Gas Company, all subject to the jurisdiction of the Commission, described as follows:

Approximately 120 feet of 2- and 3-inch pipe together with metering and regulating facilities at a point on Applicant's system in Paruco Park Realty Company Plan, Jeannette, Westmoreland County, Pennsylvania.

Applicant states it proposes to sell gas to the Westmoreland Gas Company, serving approximately 190 domestic customers in a small section of Jeannette, Pennsylvania, in an area adjoining Applicant's territory; that the Westmoreland Gas Company has three gas wells, ordinarily producing sufficient gas for that company's needs, being insufficient however to meet the requirements of the company in excessive cold spells.

Applicant states that during such times the Westmoreland Gas Company is unable to take care of the service requirements of its customers. The Applicant will sell to it at prevailing domestic rates for that area which are on file with the Commission.

Applicant further states that gross revenues from the sale of gas to the Westmoreland Gas Company will be $424.45 per year and its total operating expenses for the facilities constructed before income taxes will be $392.71 per year.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of The Manufacturers Light and Heat Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1736; Filed, Feb. 24, 1947; 8:45 a. m.]

[Docket No. G-854]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

FEBRUARY 18, 1947.

Notice is hereby given that on January 27, 1947, Atlantic Seaboard Corporation (Applicant or Atlantic), a Delaware corporation, having its principal place of business in Charleston, West Virginia, and Virginia Gas Transmission Corporation (Applicant or Virginia Gas), a Virginia corporation, having its principal place of business in Charleston, West Virginia, filed a joint application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicants to construct and operate certain natural gas facilities, subject to the jurisdiction of the Federal Power Commission, and described as follows:

Construction by the Atlantic Seaboard Corporation. (1) A 3200 HP Compressor Station in the vicinity of Flat Top, Mercer County, West Virginia, on the main 20-inch transmission pipe line of Atlantic Seaboard Corporation;

(2) Approximately 185 miles of 24-inch O. D. gas transmission line extending from the Cobb Compressor Station of United Fuel Gas Company near Clendenin, West Virginia, to the Virginia-West Virginia state line at which point connection will be made with the portion of the 24-inch O. D. gas transmission line for which authorization is sought herein by Virginia Gas Transmission Corporation;

(3) Approximately 8 miles of 24-inch O. D. gas transmission line commencing at the point of juncture with that portion of pipe line sought to be certificated herein by Virginia Gas Transmission Corporation on the Maryland-Virginia State line and extending to Rockville, Maryland, at a point of connection with an existing 20-inch gas transmission line of Atlantic Seaboard Corporation;

(4) A quintuple river crossing of approximately 2,371 feet over the Potomac River, near Rockville, Maryland;

(5) A measuring station at the West Virginia-Virginia State line;

(6) Installation of additional measuring and regulating equipment at the Rockville Measuring Station.

Construction by Virginia Gas Transmission Corporation. (1) Installation of two additional 800 hp. gas engine compressing units at Bickers Compressor Station on its existing main 20-inch transmission line;

(2) Approximately 75 miles of 24-inch o. d. gas transmission line extending from West Virginia-Virginia State line through Frederick, Shenandoah, Clarke, Loudon and Fairfax Counties, Virginia, to the Virginia-Maryland State line;

(3) A measuring and regulating station in Fairfax County, Virginia, near the Virginia-Maryland State line.

Applicants in support of their application state these facilities are necessary to maintain adequate and continuous service to Applicants' present markets, including the increased requirements of Washington Gas Light Company, and to furnish a part of the requirements of

The Manufacturers Light and Heat Company (Manufacturers) and Home Gas Company (Home); that the present capacity of Atlantic's existing 20-inch transmission line at Rockville, Maryland, after supplying Applicants' customers in West Virginia and Virginia, is 68,400 Mcf per day, sufficient to supply the estimated requirements of Washington Gas Light Company and the Lukens Steel Company (the latter on a curtailed basis) during the winter of 1946–47, with no excess capacity to meet any increases in peak-day requirements for such customers. Further, it is stated that Manufacturers has notified Atlantic that it is unable to return the amount of gas which it has taken from Atlantic during the past six months pursuant to an exchange agreement (Atlantic FPC Rate Schedule No. 25), under which emergency requirements of either company could be secured from the other, but it desires to purchase such natural gas from Atlantic, and to continue receiving gas under the exchange agreement at rates approved by the Federal Power Commission. In this connection Atlantic avers it is unable to supply any natural gas to Manufacturers on Atlantic's peak days, but is able to deliver varying amounts on other days.

The application states Manufacturers and Home have advised Atlantic that they are concurrently filing with the Federal Power Commission an application for authorization to construct a transmission line from a point near Coatesville, Pennsylvania, to Port Jervis, New York, and that Home desires to purchase gas from Atlantic at the Maryland-Pennsylvania state line, which gas will be transported through such proposed line. Atlantic states that it has advised Home that due to inadequate transmission facilities it would not be able to deliver gas to Home at such point during Atlantic's peak days in the winters of 1946–47 or 1947–48, but could deliver varying amounts on other days, and could deliver peak-day gas requirements upon the completion of the construction of facilities made the subject of this application.

The application recites that the proposed facilities in conjunction with Applicants' present facilities would enable them to supply the increased estimated requirements of Washington Gas Light Company, Manufacturers, and Home, and assure an added safety factor to the supply of gas to the Washington area as well as to the Applicants' other markets.

The estimated over-all capital cost of the proposed facilities will be $18,629,000, of which $13,570,000 is estimated to be the cost of facilities to be constructed by Atlantic, and $5,059,000 is estimated to be the cost of facilities to be constructed by Virginia Gas. To complete the project it is estimated that Atlantic will require $450,000 of additional cash in 1947 and Virginia Gas will require $380,000 of additional cash, and for that part of the project to be completed in 1948, Atlantic will require approximately $12,000,000 and Virginia Gas will require approximately $4,400,000, all of which will be furnished or caused to be furnished by Columbia Gas and Electric Corporation under a financing arrangement, the nature and terms of which will be subject to the approval of the Securities and Exchange Commission.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceedings, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1737; Filed, Feb. 24, 1947; 8:45 a. m.]

[Docket No. IT-6030]

PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF ORDER DISCLAIMING JURISDICTION UNDER FEDERAL POWER ACT

FEBRUARY 20, 1947.

Notice is hereby given that, on February 19, 1947, the Federal Power Commission issued its order entered February 18, 1947, disclaiming jurisdiction under Federal Power Act in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1733; Filed, Feb. 24, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 687]

UNLOADING OF CARS AT SEATTLE, WASH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of February A. D. 1947.

It appearing, that 2 cars, containing pipe and boilers, at Seattle, Washington, on the Northern Pacific Railway Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered that:

(a) *Cars at Seattle, Wash., be unloaded.* The Northern Pacific Railway Company, its agents or employees, shall unload immediately cars Erie 14157 and P&LE 43484, containing pipe and boilers, respectively, on hand at Seattle, Washington, consigned care of Alaskan Steamship Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 21, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1729; Filed, Feb. 24, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-43, 70-1176, 70-1177]

GREAT LAKES UTILITIES CO. ET AL.

ORDER APPROVING PLAN GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE SUBJECT TO RESERVATION OF JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 19th day of February A. D. 1947.

In the matter of Great Lakes Utilities Company, File No. 54-43; Great Lakes Utilities Company, Ohio Gas, Light & Coke Company, File No. 70-1176; Great Lakes Utilities Company, Paxton Gas Company, and Allied Gas Company, File No. 70-1177.

The Commission having instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to Great Lakes Utilities Company ("Great Lakes"), a registered holding company, and its subsidiaries; and said proceedings having been consolidated with those relating to a plan and amendments thereto filed by Great Lakes pursuant to section 11 (e) of the act for compliance with sections 11 (b) (1) and 11 (b) (2) of the act (Holding Company Act Release No. 3243) and with proceedings related thereto (Holding Company Act Release No. 6235);

The plan filed by Great Lakes having provided, among other things, for the extension of the maturity date of Great Lakes' outstanding First Lien Collateral Trust Gold Bonds, 5½% Series, due 1942, for the sale of assets of Great Lakes and for the application of the proceeds of the sale to the payment of principal and interest on Great Lakes' bonds and necessary expenses and the distribution of the remaining assets of Great Lakes, if any, to Great Lakes' stockholders and for the subsequent dissolution of Great Lakes;

The Commission and the District Court of the United States for the Eastern District of Pennsylvania having approved the section 11 (e) plan and amendments thereto; Great Lakes having sold substantially all of its assets and, in accordance with the plan heretofore approved by the Commission and the District Court, having deposited with the Trustee under the indenture securing Great Lakes' bonds sufficient funds to satisfy the claim of the bondholders for principal and interest in full; the remaining assets of Great Lakes now consisting principally of cash and of the common stock of Allied Gas Company ("Allied"), formerly Rochelle Gas Company, which pursuant to the approval of this Commission, acquired the physical properties and assets of a former and now dissolved subsidiary of Great Lakes, Paxton Gas Company;

Great Lakes having filed in the consolidated proceedings pursuant to section 11 (e) a plan dated as of August 1, 1946 (hereinafter referred to as the "amendment") which is designed to implement its plan of dissolution heretofore approved by the Commission and the District Court and to effectuate compliance with section 11 (b); such amendment proposing, among other things, the payment by Great Lakes of its current liabilities, the distribution of all of the common stock of Allied pro rata to the holders of the outstanding Voting Trust Certificates for common stock of Great Lakes, the contribution by Great Lakes of its remaining assets to the capital of Allied and for the subsequent dissolution of Great Lakes;

Great Lakes having requested the Commission, upon its approval of the amendment, to apply to the District Court of the United States for the Eastern District of Pennsylvania for an order approving and enforcing said amendment;

Public hearings having been held on the amendment in the consolidated proceedings after appropriate notice thereof and the Commission having considered the record and having issued its findings and opinion, and having found that said amendment is necessary to effectuate the provisions of secton 11 (b) of the act and is fair and equitable to the persons affected thereby:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder that said amendment be, and the same hereby is, approved and that the applications and declarations regarding the various transactions involved in said amendment be, and the same hereby are, granted and permitted to become effective, respectively, subject to the reservation of jurisdiction to take such action as the Commission may deem necessary or appropriate in connection with the amendment and to secure compliance by Great Lakes' system with section 11 (b) of the act in the event the amendment is not enforced as provided therein;

It is further ordered, That this order shall not be operative to authorize any of the proposed transactions involved in the amendment nor the consummation of the amendment in any respect until an appropriate District Court of the United States shall have entered an order enforcing said amendment pursuant to an application duly made by the Commission for that purpose.

Great Lakes having requested that the Commission's order shall conform to the requirements of sections 371 (a), 373 (a), and 1808 (f) of the Internal Revenue Code, as amended and contain the recitals, specifications and itemizations described in sections 371 (f) and 1808 (f) thereof;

It is ordered and recited, That the transactions proposed in the aforesaid amendment to be effected by Great Lakes and Allied, including those hereinafter described and recited, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The distribution and exchange by Great Lakes (to the holders of the outstanding Voting Trust Certificates representing the entire outstanding 150,780 shares of Common stock of Great Lakes of the par value of $1.00 each) of the entire issued and outstanding 10,052 shares of Common Stock of Allied of the par value of $10 each on the basis of one share of said Common Stock of Allied in respect of each 15 shares of Common Stock of Great Lakes (represented by Voting Trust Certificates as aforesaid), such distribution, transfer and exchange to be made against the surrender, for cancellation, of the aforesaid Voting Trust Certificates representing shares of Common Stock of Great Lakes;

(b) The exchange, delivery, and surrender for cancellation of (1) the outstanding Voting Trust Certificates representing the entire outstanding shares of Common Stock of Great Lakes referred to in (a) above, and (2) said outstanding shares of Common Stock of Great Lakes; and

(c) The issuance, distribution, delivery, exchange and subsequent surrender of scrip certificates representing fractional shares of Common Stock of Allied; such scrip to be issued and distributed to the holders of the Voting Trust Certificates (representing Common Stock of Great Lakes) entitled thereto, pursuant to the terms and provisions of the Plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1726; Filed, Feb. 24, 1947; 8:46 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of February A. D. 1947.

In the matter of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company and its subsidiary companies, respondents, File No. 59-3; and Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

Electric Bond and Share Company (Bond and Share), a registered holding company, having filed a declaration pursuant to the provisions of section 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding the following transactions:

Bond and Share proposes to issue and sell to thirteen banks promissory notes in an aggregate principal amount not to exceed $30,000,000, bearing interest at the rate of 1¾% per annum and maturing two years after the date of issue. The proceeds of such notes together with treasury cash and cash realized by Bond and Share from the sale of common stock of American Gas and Electric Company and Pennsylvania Power & Light Company will be used for the payment of $70 per share to Bond and Share's preferred stockholders in accordance with the provisions of Bond and Share's Plan II-A, as amended.

Bond and Share requests that the order of the Commission approving the proposed transactions contain findings and recitations conforming to the provisions and requirements of section 1808 (f) of the Internal Revenue Code, as amended.

Said declaration having been filed on February 5, 1947 and notice of filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having

received a request for hearing with respect to said declaration within the period specified in such notice or otherwise, and not having ordered a hearing thereon; and

The declarant having requested that the Commission's order permitting the declaration to become effective be issued as soon as possible and become effective forthwith so that the company may be in a position to expedite the consummation of its Plan II–A, as amended; and

The Commission finding that the requirements of section 7 of the act are satisfied and that no adverse findings are necessary therein and deeming it appropriate in the public interest and in the interest of investors or consumers that said declaration be permitted to become effective immediately:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

It is further ordered, That the transactions proposed in said declaration, including, but without limitation, the issuance by Bond and Share of the said promissory notes aggregating not to exceed $30,000,000 in principal amount, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–1723; Filed, Feb. 24, 1947; 8:46 a. m.]

[File Nos. 70–1404, 1408]

NORTHERN NATURAL GAS CO. AND KANSAS POWER AND LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of February 1947.

In the matter of Northern Natural Gas Company, File No. 70–1404; The Kansas Power and Light Company, File No. 70–1408.

Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company, having filed an application and amendments thereto, pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("the Act"), and The Kansas Power and Light Company ("Kansas Power"), a public utility company (both companies being subsidiaries of North American Light & Power Company, a registered holding company, and of The North American Company, also a registered holding company), having filed a declaration and amendment thereto pursuant to sections 12 (f) and 12 (g) of the act and Rules U-43 and U-44 thereunder with respect to the following transactions:

Northern Natural proposes to acquire from Kansas Power for a price of $88,138.32, less adjustments and depreciation from December 31, 1945 to the date of conveyance, certain transmission facilities consisting of branch pipe lines, town border stations and measuring stations used in the transmission of gas to Kansas Power's distribution system under an existing exchange agreement, all of which facilities are located in the State of Kansas. Kansas Power will deposit the proceeds from the sale with the Harris Trust and Savings Bank, Trustee, to be held or used in accordance with the terms of a Mortgage and Deed of Trust dated July 1, 1939 and a Supplemental Indenture thereto of the same date.

This acquisition and sale is part of a plan whereby it is proposed to terminate the existing gas exchange agreement between Northern Natural and Kansas Power. In lieu of such gas exchange agreement, Kansas Power proposes to purchase gas, under Northern Natural's standard town border gas sales contract, for retail sale in the towns of Ashland, Belpre, Beverly, Bushton, Claflin, Coldwater, Delphos, Englewood, Greensburg, Holyrood, Lorraine, Macksville, Miltonvale, Protection and Tescott, Kansas. The other towns now served by Kansas Power with gas received from Northern Natural under the existing exchange agreement will be served by Kansas Power from its own pipe line facilities. The proposed agreement further provides that Northern Natural will sell to Kansas Power a volume of gas not to exceed 200,000,000 cubic feet annually to be delivered at the Ellinwood, Kansas tap line connection with Northern Natural.

The State Corporation Commission of the State of Kansas entered its order on September 4, 1946 approving the application of Kansas Power concerning the disconnection of facilities and the discontinuance of delivery of gas by Kansas Power to Northern Natural. The application of Northern Natural states that no state commission has jurisdiction over the proposed transaction with respect to Northern Natural. Kansas Power has submitted an application to the Federal Power Commission for authority to abandon and remove certain facilities under consideration herein. An application for a certification of public convenience and necessity with respect to the acquisition of facilities and the abandonment of certain metering facilities herein discussed has been filed by Northern Natural with the Federal Power Commission. The Federal Power Commission has not yet entered its order in connection with either of these applications and nothing herein contained shall be construed in any way as binding upon or limiting the authority of that Commission.

Said application and said declaration, as amended, having been duly filed and notice of said filings having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said filings, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application and said declaration, as amended, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application and said declaration, as amended, be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and hereby is, granted forthwith and said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–1727; Filed, Feb. 24, 1947; 8:46 a. m.]

Reference FEB 27 47

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 12 NUMBER 40

Washington, Wednesday, February 26, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9831

ABOLISHING THE BOARD OF WAR COMMUNICATIONS

By virtue of the authority vested in me by the Constitution and statutes, including the Communications Act of 1934 (48 Stat. 1104, as amended; 47 U. S. C. 606), and as President of the United States, and in the interest of the internal management of the Government, it is hereby ordered as follows:

1. The Board of War Communications, established as the Defense Communications Board by Executive Order No. 8546 of September 24, 1940, is abolished, and all property and records thereof are transferred to the Federal Communications Commission.

2. Executive Orders Nos. 8546 of September 24, 1940, 8960 of December 6, 1941, 8964 of December 10, 1941, 9089 of March 6, 1942, and 9183 of June 15, 1942, are revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 24, 1947.

[F. R. Doc. 47–1687; Filed, Feb. 25, 1947; 11:56 a. m.]

EXECUTIVE ORDER 9832

PRESCRIBING PROCEDURES FOR THE ADMINISTRATION OF THE RECIPROCAL TRADE AGREEMENTS PROGRAM

By virtue of the authority vested in me by the Constitution and statutes, including section 332 of the Tariff Act of 1930 (46 Stat. 698) and the Trade Agreements Act approved June 12, 1934, as amended (48 Stat. 943; 59 Stat. 410), in the interest of the foreign affairs functions of the United States and in order that the interests of the various branches of American production shall be effectively safeguarded in the administration of the trade-agreements program, it is hereby ordered as follows:

PART I

1. There shall be included in every trade agreement hereafter entered into under the authority of said act of June 12, 1934, as amended, a clause providing in effect that if, as a result of unforeseen developments and of the concession granted by the United States on any article in the trade agreement, such article is being imported in such increased quantities and under such conditions as to cause, or threaten, serious injury to domestic producers of like or similar articles, the United States shall be free to withdraw the concession, in whole or in part, or to modify it, to the extent and for such time as may be necessary to prevent such injury.

2. The United States Tariff Commission, upon the request of the President, upon its own motion, or upon application of any interested party when in the judgment of the Tariff Commission there is good and sufficient reason therefor, shall make an investigation to determine whether, as a result of unforeseen developments and of the concession granted on any article by the United States in a trade agreement containing such a clause, such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of like or similar articles. Should the Tariff Commission find, as a result of its investigation, that such injury is being caused or threatened, the Tariff Commission shall recommend to the President, for his consideration in the light of the public interest, the withdrawal of the concession, in whole or in part, or the modification of the concession, to the extent and for such time as the Tariff Commission finds would be necessary to prevent such injury.

3. In the course of any investigation under the preceding paragraph, the Tariff Commission shall hold public hearings, giving reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. The procedure and rules and regulations for such in-

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FEDERAL REGISTER

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vestigations and hearings shall from time to time be prescribed by the Tariff Commission.

4. The Tariff Commission shall at all times keep informed concerning the operation and effect of provisions relating to duties or other import restrictions of the United States contained in trade agreements heretofore or hereafter entered into by the President under the authority of said act of June 12, 1934, as amended. The Tariff Commission, at least once a year, shall submit to the President and to the Congress a factual report on the operation of the trade-agreements program.

PART II

5. An Interdepartmental Committee on Trade Agreements (hereinafter referred to as the Interdepartmental Committee) shall act as the agency through which the President shall, in accordance with section 4 of said act of June 12, 1934, as amended, seek information and advice before concluding a trade agreement. In order that the interests of American industry, labor, and farmers, and American military, financial, and foreign policy, shall be appropriately represented, the Interdepartmental Committee shall consist of a Commissioner of the Tariff Commission and of persons designated from their respective agencies by the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. The chairman of the Interdepartmental Committee shall be the representative from the Department of State. The Interdepartmental Committee may designate such subcommittees as it may deem necessary.

6. With respect to each dutiable import item which is considered by the Interdepartmental Committee for inclusion in a trade agreement, the Tariff Commission shall make an analysis of the facts relative to the production, trade, and consumption of the article involved, to the probable effect of granting a concession thereon, and to the competitive factors involved. Such analysis shall be submitted in digest form to the Interdepartmental Committee. The digests, excepting confidential material, shall be published by the Tariff Commission.

7. With respect to each export item which is considered by the Interdepartmental Committee for inclusion in a trade agreement, the Department of Commerce shall make an analysis of the facts relative to the production, trade, and consumption of the article involved, to the probable effect of obtaining a concession thereon, and to the competitive factors involved. Such analysis shall be submitted in digest form to the Interdepartmental Committee.

8. After analysis and consideration of the studies of the Tariff Commission and the Department of Commerce provided for in paragraphs 6 and 7 hereof, of the views of interested persons presented to the Committee for Reciprocity Information (established by Executive Order 6750, dated June 27, 1934, as amended by Executive Order 9647, dated October 25, 1945), and of any other information available to the Interdepartmental Committee, the Interdepartmental Committee shall make such recommendations to the President relative to the conclusion of trade agreements, and to the provisions to be included therein, as are considered appropriate to carry out the purposes set forth in said act of June 12, 1934, as amended. If any such recommendation to the President with respect to the inclusion of a concession in any trade agreement is not unanimous, the President shall be provided with a full report by the dissenting member or members of the Interdepartmental Committee giving the reasons for their dissent and specifying the point beyond which they consider any reduction or concession involved cannot be made without injury to the domestic economy.

PART III

9. There shall also be included in every trade agreement hereafter entered into under the authority of said act of June 12, 1934, as amended, a most-favored-nation provision securing for the exports of the United States the benefits of all tariff concessions and other tariff advantages hereafter accorded by the other party or parties to the agreement to any third country. This provision shall be subject to the minimum of necessary exceptions and shall be designed to obtain the greatest possible benefits for exports from the United States. The Interdepartmental Committee shall keep informed of discriminations by any country against the trade of the United States which cannot be removed by normal diplomatic representations and, if the public interest will be served thereby, shall recommend to the President the withholding from such country of the benefit of concessions granted under said act.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 25, 1947.

[F. R. Doc. 47-1886; Filed, Feb. 25, 1947; 11:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 5—SURPLUS PROPERTY DISPOSAL

MISCELLANEOUS AMENDMENTS

Sections 5.103–02, 5.303–01, 5.307–10, 5.501–03, 5.502–03, 5.504–04, 5.506–03, 5.507–04, 5.508–04, 5.602–02, 5.604–05, 5.607–01 and 5.608–02 of Chapter I, Title 6, Code of Federal Regulations are hereby amended, and a new § 5.602–023 is hereby added to Chapter I, Title 6, Code of Federal Regulations so that said amended and added sections will read as follows:

§ 5.103–02 *Definitions; regulations of War Assets Administrator.* The following definitions are contained in WAA revised Regulation 5 and are adopted for the purposes of the regulations in this part:

(a) "Administration" means the War Assets Administration.

(b) "Administrator" means the War Assets Administrator.

(c) "Continental United States" means the 48 States and the District of Columbia.

(d) "Former owner" means the person from whom the real property was acquired by the Government.

(e) "Nonprofit institution" means any scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, any hospital or similar institution, and any volunteer fire company, (1) which is supported in whole or in part through the use of funds derived from taxation by the United States, its territories or possessions, or by any State or political subdivision thereof, or (2) which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(f) "Educational institution" means any school, school system, library, college, university, or other similar institution, organization, or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution.

(g) "Offer" means a written offer to purchase surplus real property or a written application by a Government agency or a State or local government requesting that such property be held for disposal to it.

(h) "Owner-operator" means a person who will personally operate and cultivate agricultural land to earn a livelihood rather than lease it to a tenant.

(i) "Priority" means the right of a person, subject to stated conditions and limitations, to purchase surplus real property to the exclusion of other persons.

(j) "Public-health institution" means any hospital, board, agency, institution, organization, or association, which is organized for the primary purpose of carrying on medical, public health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution.

(k) "Real property" means any interest, owned by the United States or any Government agency, in real property, of any kind, wherever located, but does not include the public domain, or such lands withdrawn or reserved from the public domain as the War Assets Administration determines are suitable for return to the public domain for disposition under the general land laws. It is not limited to the definition thereof as contained in section 23 of the act.

(l) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (1) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (2) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (3) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing.

(m) "State or local government" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(n) "Veteran" means any person who served in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. "Veterans released" from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from "active" to "inactive."

(o) "War housing" means real properties improved with housing structures, acquired or constructed by the Government subsequent to September 8, 1939, either (1) for the purpose of housing servicemen, war workers, and their families, or (2) by the use of funds earmarked or appropriated for the housing of persons engaged in national defense activities, and their families.

(p) "Own" business enterprise of a veteran means one of which more than fifty (50) percent of the invested capital thereof is beneficially, and not merely nominally or formally, owned by a veteran or veterans, or one of which more than fifty (50) percent of the net income thereof beneficially, and not merely nominally or formally, accrues to a veteran or veterans.

(q) "Small business" as used herein with respect to a veteran, means a veteran's own small business and may include any commercial, agricultural, or industrial enterprise or group of enterprises under common ownership or control, which does not at the date of purchase of surplus real property hereunder have more than five hundred (500) employees, or any such enterprise which, by reason of its relative size and position in its industry, is determined by the disposal agency to be a small business. The disposal agency may in its discretion apply either or both criteria in determining whether or not the applicant is a small business.

§ 5.303–01 *Assumption of custody and control of property.* Upon the filing of a declaration of surplus real property, the War Assets Administration shall work out with the owning agency mutually satisfactory arrangements for the as-

sumption by the Administration of the custody and control of, and accountability for, the property covered by such declaration. After assumption of custody and control of the property, the Administration shall be responsible for the care and handling of such property pending its disposition or pending its assignment, in whole or in part to another disposal agency. When surplus real property is assigned to the Farm Credit Administration as disposal agency, the district supervisor shall promptly work out by agreement with the appropriate regional office of the WAA mutually satisfactory arrangements for the disposal agency's assumption of the physical custody and control of, and accountability for, the property covered by the declaration of assignment. This acceptance of accountability should be signed by the district vice president of the Federal Farm Mortgage Corporation.

§ 5.307–10 *Additional notice.* If the disposal agency decides to permit priority holders who have not exercised their priorities during the priority period to submit offers after such period has expired, such additional notice may be given to priority holders as the disposal agency shall deem proper.

§ 5.501–03 *Time and method of exercise of priority by Government agencies.* Government agencies shall have a period of ten (10) days in which to exercise their priorities after the date notice of availability is first published, as provided in § 5.307–02, or the date on which notice of availability is mailed to them, as provided in § 5.307–08. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the priority holder files a written statement of its desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those that have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a Government agency shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay (or that a transfer without reimbursement or transfer of funds is authorized by law), the length of time, if any, needed to acquire funds to purchase the property, all pertinent facts pertaining to the needs of applicant for the property and that the property is being acquired for its own use and not for transfer or disposition. If the applicant shall require time to obtain funds, or authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such an application containing such a statement, the disposal agency shall forward a copy of the same to the WAA. The Administrator will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude such purchase and will advise the disposal agency and the applicant of such determination. During the time thus allowed, the property may not be disposed of except where the priority period has expired and applicant's price is less than the fair value and either a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

§ 5.502–03 *Time and method of exercise of State and local government priorities.* State and local governments shall have a period of ten (10) days in which to exercise their priority after the date notice of availability is first published, as provided in § 5.307–02. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase, accompanied by an appropriate deposit if funds are available at the time for this purpose, it being in the discretion of the district office to determine the amount and whether funds are available. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the State or local government files a written statement of its desire to acquire the property on one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those who have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a State or local government shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay for the property, and the length of time, if any, needed to acquire funds to purchase the property. The application shall show in detail the contemplated use of the property and set forth that the property is being acquired to fulfill, in the public interest, its legitimate needs. If the applicant shall require time to obtain funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such application containing such a statement the disposal agency shall forward a copy of the same to the WAA. The Administrator will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude the purchase and will advise the disposal agency and the applicant of such determination. During the time thus allowed, the property may not be disposed of except when the priority period has expired and applicant's price is less than the current market value and a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

§ 5.504–04 *Extent of tenant's priority.* The priority of a tenant not exercised during the priority period shall expire upon the termination of such period; provided the disposal agency may, in its discretion, permit a tenant to make an offer after the priority period has ended, as set forth in § 5.602–023. The priority of a tenant is limited to the particular property as described in 32 CFR Supps. 8305.11 (a) (4), and no assignment or transfer of a tenant's priority shall be recognized. The provisions of 32 CFR 8305.11 (c) shall apply to the exercise of a tenant's priority.

§ 5.506–03 *Time and method of exercise of veteran's priority.* To exercise this priority a veteran or the spouse and children of a deceased serviceman must within the ninety (90) days after publication of the notice required by the regulations in this part or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof: *Provided*, That the disposal agency may in its discretion permit veterans, or the spouse and children of deceased servicemen, to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period as set forth in § 5.602–023. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the veteran's priority with respect to any and all tracts of the project. Where an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a veteran files a written statement of his desire to acquire the property. As soon as the necessary information becomes available, a veteran who has filed such an offer or statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.507–04 *Time and method of exercise of owner-operators' priority.* To exercise this priority, an owner-operator must within the ninety (90) days after publication of the notice required by the regulations in this part or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof, *Provided*, That the disposal agency may in its discretion permit owner-operators to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period as set forth in § 5.602–023. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the owner-operator's priority with respect to any and all tracts of the project. Where an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if an owner-operator files a written statement of his desire to acquire the property. As soon as the necessary information becomes available, an owner-operator who has filed such an offer or statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.508–04 *Time and method of exercise of nonprofit institutions' priority.* Nonprofit institutions shall have a period of ten (10) days after notice of availability is first published in which to exercise their priority with respect to other than section 23 real property and shall have a period of ninety (90) days from the date notice of availability is first published in which to exercise their priority with respect to section 23 real property. Within the applicable period, a nonprofit institution shall file a written offer to purchase or statement of desire to acquire the property, accompanied by such deposit as the disposal agency may require. The written offer or statement shall show in detail the contemplated use of the property, and set forth that the property is being acquired to fulfill, in the public interest, the legitimate needs of the offeror. Such an offer or statement, even if restricted by its terms to a specifically identified tract, shall preserve the nonprofit institution's priority with respect to any and all tracts of the project. When an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a nonprofit institution files a written statement of its desire to acquire the property. As soon as the necessary information becomes available, a nonprofit institution which has filed such a statement shall be notified in writing and given fifteen (15) days or, in the case of section 23 real property, the remainder of the priority period if that is longer, within which to make an offer.

§ 5.602–02 *Offers to purchase.* (a) During the applicable priority period, the project manager shall receive offers from priority and nonpriority prospective buyers. However, no offer shall be accepted during any priority period except in the following cases:

(1) Where an immediate transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, or

(2) Where an immediate transfer is requested by the National Housing Administrator pursuant to Public Law 292, 79th Congress, and no application has been received from another Government agency offering the maximum priority price and showing a greater need for the property, or

(3) Where surplus section 23 real property is to be advertised for 90 days and a Government agency or State or local government exercises its priority within the prescribed 10-day period, the offer of the Government agency or State or local government may be accepted after the 10-day period and before the termination of the 90-day period, or

(4) Where a former owner exercises his priority to acquire surplus section 23 real property and no offer has been submitted by a Government agency or State or local government at its maximum price within the prescribed 10-day period of priority for such claimants.

(b) Offers by Government agencies, and offers by State and local governments where funds are not available, shall be made as provided in §§ 5.501–03 and 5.502–03. All other offers shall be made on the "Offer to Purchase" form accompanied by a reasonable earnest money deposit ordinarily not less than 10 percent of the purchase price, in the form of cash, certified check, or post office money order payable to the Treasurer of the United States. Submission of offers to purchase by anyone entitled to priority shall not preclude any other party from submitting an offer.

§ 5.602–023 *Failure to exercise priority in time.* The disposal agency may, in its discretion, permit priority holders to make offers after the priority period has ended, and offers may be considered on the same basis as if they had been submitted during the priority period. Such action by the disposal agency, however, shall not be construed as extending the priority period and such offers may not be accepted to the prejudice of a timely and acceptable offer from another priority offeror. Notice shall be given as provided in § 5.307–10.

§ 5.604–05 *Veteran's affidavit of eligibility.* When the district office is ready to accept a veteran's offer, but before the acceptance is executed, the veteran shall be required to submit an affidavit to the effect that he served in the active military or naval services of the United States on or after September 16, 1940, and prior to the termination of World War II, and has been discharged or released from such service under honorable conditions; that he has not prior to the date of the affidavit purchased under a right of priority a tract or unit of surplus real property pursuant to section 23 of the Surplus Property Act of 1944; that in exercising his right of priority as a veteran, he is acting in his own right and behalf and not on behalf of, or as agent, attorney in fact, or trustee of, or in any representative or fiduciary capacity for, another, and that the property applied for is for the applicant's own personal use for agricultural or residential purposes or to enable him to establish or maintain his own small business enterprise, indicating the particular contemplated use. If the intended use is for his own small business enterprise, it will be necessary to obtain additional factual information in order that the disposal agency may determine if the applicant's own small business comes within the definitions set forth in § 5.103–02 (p) and (q). Before the affidavit is accepted from the veteran, he shall be informed of the substance of the provisions of section 26 of the Surplus Property Act of 1944.

§ 5.607–01 *Obtaining offers and acceptance of offers.* After all offers from priority holders have been processed, a list of remaining properties shall be prepared and sales negotiated by the project manager in the manner and upon the basis determined to be to the best interest of the Government. At the discretion of the district office additional notices may be published at this time in newspapers or such other publicity given to the availability of property as may be deemed advisable. Notice should be sent to individuals who have expressed a desire to purchase or who have submitted an offer at some period. Depending upon circumstances, sales may be made on the basis of sealed bids, auctions, or private negotiations. In any event offers must be accepted on the basis of the highest obtainable bid provided that no sale shall be made at a price which is less than 75 percent of the current market value as established by appraisal until such offer has been reviewed and approved by the WAA unless the price offered is the maximum price which may be charged the purchaser. At this time sales may be made to the general public, including any former priority holders. The offers to purchase will be processed and handled in the same manner as indicated in previous sections of these regulations relating to offers from priority holders. If equal acceptable offers are received from two or more nonpriority offerors, selection shall be made by lot unless otherwise authorized by the Administrator.

§ 5.608–02 *Notices in cases of nonperformance by successful bidders.* If performance of the contract of a successful bidder is not completed or if the Government agency or State or local government fails to complete its acquisition of the property after having it held for the time allotted by the WAA all those who made unsuccessful offers during the priority period or any time allowed thereafter shall be notified by mail that if they renew their offers within fifteen (15) days from the date of mailing the notice, they will be reconsidered on the same basis on which they would have been considered had the offer accepted not been received in the first instance; *Provided*, That any case in which, after acceptance of an offer by the disposal agency, the offeror requests more time for completion of the purchase then the disposal agency is willing to grant shall be submitted to the central office for transmittal to the War Assets Administration.

The foregoing amendments have been approved by the Secretary of Agriculture.

(58 Stat. 765, 50 U. S. C. App. Supp. 1611; WAA Regs. 1 and 5; 32 CFR Parts 8301, 8305; Order of the Sec. of Agric. 10 F. R. 4647)

[SEAL] I. W. DUGGAN,
Governor.

[F. R. Doc. 47–1794; Filed, Feb. 25, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51632]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVERS OF CERTAIN NAVIGATION LAWS RESCINDED

FEBRUARY 19, 1947.

Treasury decision 51296 and 51303 dated August 11 and August 31, 1945,

respectively, waiving compliance with certain navigation laws, rescinded.

Upon the written recommendation of the Secretary of the Navy and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U. S. C. App., Supp. 635), as extended by the Act of June 29, 1946 (Public Law 475, 79th Congress), I hereby rescind:

(a) The order of the Acting Secretary of the Treasury dated August 11, 1945 (T. D. 51296), waiving compliance with the provisions of section 434 of the Tariff Act of 1930, as amended (19 U. S. C. 1434), to the extent necessary to exempt United States Navy transports carrying commercial passengers from the requirement for making entry upon arrival in ports of the United States from foreign ports upon certain conditions specified in that order; and

(b) The order of the Acting Secretary of the Treasury dated August 31, 1945 (T. D. 51303), waiving compliance with the provisions of section 4197 of the Revised Statutes, as amended, and the act of April 29, 1902, as amended (46 U. S. C. 91, 95), to the extent necessary to permit vessels of the United States Navy when transporting commercial cargo or commercial passengers to depart from ports in the United States for foreign ports or ports in noncontiguous territory of the United States without delivering to the collector of customs of the district from which such vessels are about to depart a manifest of all the cargo on board the vessel and without obtaining from the collector a clearance for the vessel and her cargo.

This order shall become effective at midnight, March 22, 1947.

(Sec. 501, 56 Stat. 180, as amended; 50 U. S. C. App. Sup. 635)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1787; Filed, Feb. 25, 1947; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

[Amdt. 304]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodity is hereby added to the list of commodities:

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
800700	Coal-tar products: Coal-tar pitch.	L. ton...	100	25

2. The following commodity is hereby deleted from the list of commodities:

Dept. of Comm. Sched. B No.	Commodity
	Steel mill products:
606500	Malleable iron screwed pipe fittings over 150 lb. pressure, only.

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective immediately except that, with respect to the commodities added to the list of commodities, it shall become effective on February 28, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: February 19, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-1782; Filed, Feb. 25, 1947; 8:53 a. m.]

[Amdt. 305]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodity:

Dept. of Comm. Sched. B No.	Commodity
	Wheel tractors, new:
788600	4-plow, Model DW-10, only.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: February 19, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-1781; Filed, Feb. 25, 1947; 8:53 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-976, Reinstatement and Amdt.]

R. G. ROBBINS LUMBER CO., INC.

R. G. Robbins Lumber Company, Inc., a corporation with offices located at 319 Southwest Washington Street, Portland, Oregon, engaged in business as an office wholesaler, was suspended on October 7, 1946 by Suspension Order No. S-976. It appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on October 22, 1946. The appeal has been considered by the Chief Compliance Commissioner who has denied the appeal, directed that the stay be terminated, and the suspension order reinstated and amended. In view of the foregoing: *It is hereby ordered*, That:

Section 1010.976, Suspension Order No. S-976, issued September 27, 1946 and effective October 7, 1946, be and hereby is reinstated as of February 25, 1947; the stay of execution directed by the Chief Compliance Commissioner on October 22, 1946, be and hereby is revoked as of February 24, 1947; and the suspension order be and hereby is amended by substituting the following paragraphs (a) and (h) for the present paragraphs (a) and (h):

(a) For a period beginning February 25, 1947 and extending to and including May 10, 1947, R. G. Robbins Lumber Company, Inc., shall not place certified orders or extend rated orders for housing construction lumber, regardless of the delivery date named in any purchase order on which certification may be used or to which ratings may be extended.

(h) This order shall take effect on the 25th day of February 1947.

Issued this 14th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1883; Filed, Feb. 25, 1947; 11:13 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-2000]

JOSEPH SANTOSUOSSO

Joseph Santosuosso, 3346 Fulton Road, Cleveland, Ohio, on or about November 1, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction involving the alteration and remodeling of a commercial storeroom used as a bar and restaurant, located at 3346 Fulton Road, Cleveland, Ohio, the estimated cost of which construction was in excess of $1,000.00. The beginning of construction and the carrying on of construction as aforesaid constituted a grossly negligent violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.2000 *Suspension Order No. S-2000.* (a) Neither Joseph Santosuosso, his successors or assigns, nor any other person shall do any further construction on the alteration and remodeling of the structure used as a bar and restaurant and located at 3346 Fulton Road, Cleveland, Ohio, including completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Joseph Santosuosso shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph Santosuosso, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 25th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1884; Filed, Feb. 25, 1947; 11:13 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-2001]

EDOUARD E. AND KATHLEEN M. ROBERT

Edouard E. and Kathleen M. Robert, husband and wife, as owners, on March 1, 1946, were assigned Preference Rating HH by the Federal Housing Administration on Form CPA-4386, Project Serial No. 6-125-75, for acquisition of material under the provisions of PR-33, to construct a five-room single family dwelling at Brockway, Lake Tahoe, California. On April 8, 1946, authorization was granted them by the Civilian Production Administration, but without priorities assistance, to construct at the same location three one and a half story structures consisting of two apartments each. Instead of construction of the five-room single family dwelling as authorized, the owners began and are continuing construction of a story and a half building containing two apartments and a service station without authorization of the Civilian Production Administration in violation of Veterans' Housing Program Order No. 1. Lumber in the amount of 74,000 board feet, acquired by application to suppliers of the Preference Rating HH granted as above stated, has been used in the construction of all four structures and so far as three of them are concerned, in violation of PR-33 and without authorization of the Civilian Production Administration. These violations have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.2001 *Suspension Order No. S-2001.* (a) Authorization on Form CPA-4386, Project Serial No. 6-125-75, dated March 1, 1946, to Edouard E. and Kathleen M. Robert, to apply Preference Rating HH in purchasing the minimum quantity of materials in accordance with PR-33 in the construction of a five-room single family dwelling at Brockway, Lake Tahoe, California, is hereby revoked.

(b) Neither Edouard E. nor Kathleen M. Robert, their successors or assigns, nor any other person shall do any further construction on the story and a half building, containing two apartments and service station, above mentioned, at Brockway, Lake Tahoe, California, including completing, putting up or altering said structure until and unless hereafter specifically authorized in writing by the Civilian Production Administration.

(c) Nothing contained in this order shall be deemed to relieve Edouard E. and Kathleen M. Robert, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 25th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1885; Filed, Feb. 25, 1947; 11:13 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Corr. to Amdt. 37]

SUGAR

Correction

In Federal Register Document 47-1778, appearing on page 1228 of the issue for Saturday, February 22, 1947, the date in the file line at the end of the document should be "Feb. 21, 1947".

Chapter XV—Board of War Communications

ABOLISHMENT OF BOARD

CROSS REFERENCE: For abolishment of the Board of War Communications, and transfer of all property and records thereof to the Federal Communications Commission, see Executive Order 9831 under Title 3, *supra*.

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[G. O. 60, Supp. 10]

PART 299—RULES AND REGULATIONS, FORMS AND CITIZENSHIP REQUIREMENTS

SUBPART B—SALES OF WAR-BUILT VESSELS

Correction

In Federal Register Document 47-1714, appearing at page 1230 of the issue for Saturday, February 22, 1947, the second sentence of § 299.26 (b) (1) (i) should read: "With respect to the contents of opened packages and containers, items normally supplied to vessels in bulk shall be considered first on the basis of condition and if meeting the above qualifications, the quantities as found shall be considered as unbroached."

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 7424]

PART 3—RADIO BROADCAST SERVICES

NON-COMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1947;

Whereas, on March 7, 1946, the Commission issued its proposed rules and regulations for the non-commercial educational FM broadcast service, allowing 60 days for the public to submit comments and suggestions in regard thereto, and thereafter on April 10, 1946, in response to a request of the National Association of Educational Broadcasters, further extended the time for public consideration of the proposed rules and regulations from May 7, 1946, to June 6, 1946; and

Whereas, the Commission has received comments and suggestions since the publication regarding the proposed rules and regulations and,

Whereas, the Commission has given careful consideration to all such suggestions and comments,

Now, therefore, it is ordered, That §§ 3.501 to 3.591, inclusive, of the Commission's rules and regulations governing non-commercial educational FM broadcast stations as set forth below be, and they are hereby adopted, effective the 1st day of April 1947.

It is further ordered, That the designation contained in Part 3 of the Commission's rules and regulations reading "Subpart D—Rules Governing Television Broadcast Stations" be, and it hereby is amended to read as follows: "Subpart E—Rules Governing Television Broadcast Stations."

SUBPART D—RULES GOVERNING NON-COMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

CLASSIFICATION OF STATIONS AND ALLOCATION OF FREQUENCIES

Sec.
3.501 Channels available for assignment.
3.502 State-wide plans.
3.503 Operation and service.
3.504 Channel, power and service area.
3.505 Standards of Good Engineering Practice.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

3.511 Application for noncommercial educational FM broadcast stations.
3.512 Full disclosures.
3.513 Installation or removal of apparatus.
3.514 Period of construction.
3.515 Forfeiture of construction permits; extension of time.

Sec.
3.516 Equipment tests.
3.517 Program tests.
3.518 Normal license period.
3.519 License, simultaneous modification and renewal.
3.520 Renewals of license.
3.521 Temporary extension of station licenses.
3.522 Repetitions—Applications.
3.523 Assignment or transfer of control.

RULES RELATING TO EQUIPMENT

3.551 Transmitter power.
3.552 Frequency monitor.
3.553 Modulation monitor.
3.554 Required transmitter performance.
3.555 Auxiliary transmitter.
3.556 Alternate main transmitters.
3.557 Changes in equipment and antenna system.

RULES RELATING TO TECHNICAL OPERATION

3.561 Operating schedule.
3.562 Experimental operation.
3.563 Station inspection.
3.564 Station license, posting of.
3.565 Operation requirements.
3.566 Facsimile broadcasting and multiplex transmission.
3.567 Operating power; how determined.
3.568 Modulation.
3.569 Frequency tolerance.
3.570 Inspection of tower lights and associated control equipment.

OTHER RULES RELATING TO OPERATION

3.581 Logs.
3.582 Logs, retention of.
3.583 Logs, by whom kept.
3.584 Log form.
3.585 Correction of logs.
3.586 Rough logs.
3.587 Station identification.
3.588 Mechanical records.

REBROADCAST

3.591 Rebroadcast.

AUTHORITY: §§ 3.501 to 3.591, inclusive, issued under secs. 4 (i), 303 (b), 303 (c), 303 (e), 303 (f), 303 (j), 48 Stat. 1066, 1082; 47 U. S. C. 154 (i), secs. 303 (c), 303 (e), 303 (f), 303 (j).

SUBPART D—RULES GOVERNING NON-COMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

CLASSIFICATION OF STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.501 *Channels available for assignment.* The channels available for noncommercial educational FM broadcasting are listed in the table below, together with numerical designations for convenience:

Frequency (mc.)	*Channel No.*
88.1	201
88.3	202
88.5	203
88.7	204
88.9	205
89.1	206
89.3	207
89.5	208
89.7	209
89.9	210
90.1	211
90.3	212
90.5	213
90.7	214
90.9	215
91.1	216
91.3	217
91.5	218
91.7	219
91.9	220

§ 3.502 *State-wide plans.* In considering the assignment of a channel for a noncommercial educational FM broadcast station, the Commission will take into consideration the extent to which each application meets the requirements of any state-wide plan for noncommercial educational FM broadcast stations filed with the Commission: *Provided,* That such plans afford fair treatment to public and private educational institutions, urban and rural, at the primary, secondary, higher, and adult educational levels, and appear otherwise fair and equitable.

§ 3.503 *Operation and service.* The operation of, and the service furnished by noncommercial educational FM broadcast stations shall be governed by the following:

(a) A noncommercial educational FM broadcast station will be licensed only to a non-profit educational organization and upon showing that the station will be used for the advancement of an educational program.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of their respective state departments of education shall be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of state departments of education and/or recognized regional and national educational accrediting organizations shall be taken into consideration.

(b) Each station may transmit programs directed to specific schools in a system or systems for use in connection with the regular courses as well as routine and administrative material pertaining thereto and may transmit educational, cultural and entertainment programs to the public.

(c) Each station shall furnish a nonprofit and noncommercial broadcast service. No sponsored or commercial program shall be transmitted nor shall commercial announcements of any character be made. A station shall not transmit the programs of other classes of broadcast stations unless all commercial announcements and commercial references in the continuity are eliminated.

§ 3.504 *Channel, power and service area.* In making an assignment of the channel, operating power, and service area of each noncommercial educational FM broadcast station, the Commission will consider all relevant factors including: (a) The area served by the applicant's existing educational facilities; (b) the channel, power, and service area proposed in the application; and (c) the provisions of any statewide plan on file with the Commission, which meets the requirements of § 3.502.

§ 3.505 *Standards of Good Engineering Practice.* The Standards of Good Engineering Practice Concerning FM Broadcast Stations shall be applicable to noncommercial educational FM broadcast stations. Applicants for stations in this service having an effective radiated power in excess of 1 kw shall determine the antenna height above average terrain and the extent of their 1,000 uv/m and 50 uv/m contours by the method prescribed in section 2E (2) of the standards.

Applicants for stations in this service having an effective radiated power of 1 kw. or less shall determine the antenna height above the average terrain by the method prescribed in section 2E (1) of the standards.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.511 *Application for noncommercial educational FM broadcast stations.* Each applicant for a construction permit for a new noncommercial educational FM broadcast station, change in facilities of any existing noncommercial educational FM broadcast station, or noncommercial educational FM broadcast station license or modification of license shall file with the Commission in Washington, D. C., two copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new noncommercial educational FM broadcast station, Form FCC No. 340 should be filed; for a noncommercial educational FM license, Form FCC No. 341 [1] should be filed; and for modification of a noncommercial educational FM license or for change in facilities of an existing noncommercial educational FM broadcast station Form FCC No. 342 [1] should be filed.

§ 3.512 *Full disclosures.* Each application shall contain full and complete disclosures with regard to all matters and things required to be disclosed by the application forms.

§ 3.513 *Installation or removal of apparatus.* Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.514 *Period of construction.* Each construction permit will specify a maximum of eight months from the date of granting thereof as the time within which construction of the station shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. Each construction permit shall bear the date of the Commission's action authorizing the issuance of the construction permit. Where a conditional grant is ordered, the construction permit shall be dated as of the time when all conditions have been satisfied.

§ 3.515 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as

[1] Will be issued by the Commission at a later date. Appropriate forms to be employed may be obtained from the Commission on request.

the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application [2] for extension of time within which to construct a station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 3.516 *Equipment tests.* (a) Upon completion of construction for a noncommercial educational FM broadcast station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and Standards of Good Engineering Practice concerning FM broadcast stations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 30 days: *Provided,* That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience and necessity.

§ 3.517 *Program tests.* (a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and Standards of Good Engineering Practice concerning FM broadcast stations, and after application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided,* That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or § 3.516 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.518 *Normal license period.* All noncommercial educational FM broadcast station licenses will be issued so as to expire at the hour of 3 a. m. e. s. t., and will be issued for a normal license period of 1 year.

§ 3.519 *License, simultaneous modification and removal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.520 *Renewals of license.* (a) Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 343).

(b) Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.521 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing noncommercial educational FM license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.522 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new noncommercial educational FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until after the final disposition of such appeal.

§ 3.523 *Assignment or transfer of control.* Application for consent to assignment of a noncommercial educational FM construction permit or license or for consent to voluntary transfer of control of a corporation holding a noncommercial educational FM construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) and Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

RULES RELATING TO EQUIPMENT

§ 3.551 *Transmitter power.* The rated power and the operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broacast Stations.

§ 3.552 *Frequency monitor.* The licensee of each noncommercial educational FM broadcast station shall have in operation at the transmitter an approved frequency monitor independent of the frequency control of the transmitter. For detailed requirements thereof see Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.553 *Modulation monitor.* The licensee of each noncommercial educational FM broadcast station shall have in operation at the transmitter an approved modulation monitor. For detailed requirements thereof see Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.554 *Required transmitter performance.* The construction, installation, operation, and performance of the noncommercial educational FM broadcast transmitter system shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.555 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of a broadcast station, a license therefor may be issued: *Provided,* That:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be placed into immediate operation at any time for the following purposes:

[2] Form FCC No. 701.

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification [3] work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed five days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) of this section is satisfactory. A record shall be kept of the time and result of each test.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.556 *Alternate main transmitters.* The licensee of a noncommercial educational FM broadcast station may be licensed for alternate main transmitters provided that a technical need [4] for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of the Standards of Good Engineering Practice concerning FM Broadcast Stations.

§ 3.557 *Changes in equipment and antenna system.* Licensees of noncommercial educational FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made: (1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) Specific authority, upon filing formal application (Form FCC No. 342) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(c) Specific authority, upon filing informal request therefor, is required for a change in the indicating instruments installed to measure transmitter power output, except by instruments of the same maximum scale reading and accuracy.

(d) Other changes, except as above provided for in this section or in the Standards of Good Engineering Practice Concerning FM Broadcast Stations, may be made at any time without the authority of the Commission; *Provided*, That the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.561 *Operating schedule.* Noncommercial educational FM broadcast stations are not required to operate on a regular schedule and no minimum number of hours of operation is specified; but the hours of actual operation during a license period shall be taken into consideration in considering the renewal of noncommercial educational FM broadcast licenses wherever it appears that the channels available for such stations are insufficient to meet the demand.

§ 3.562 *Experimental operation.* The period between 12:00 midnight, and 6 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any noncommercial educational FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

§ 3.563 *Station inspection.* The licensee of any noncommercial educational FM broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.564 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.565 *Operator requirements.* If the transmitter power rating is 1 kilowatt or less, one or more licensed radiotelephone second class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof. If the transmitter power rating is in excess of 1 kilowatt, one or more licensed radiotelephone first class operators shall be on duty. The original license (or Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.[5]

§ 3.566 *Facsimile broadcasting and multiplex transmission.* Transmission of simplex facsimile on FM channels may be permitted upon application to the Commission. The Commission may grant experimental authority to a noncommercial educational FM broadcast station for the multiplex transmission of facsimile or other signals and aural broadcast programs, provided that the transmission of facsimile or other signals does not reduce the quality of the aural program, and that a filter or other additional equipment is not required for receivers not equipped to receive facsimile or other signals.

§ 3.567 *Operating power; how determined.* The operating power, and the requirements for maintenance thereof, of each noncommercial educational FM broadcast station shall be determined by the methods prescribed in the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.568 *Modulation.* The percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent or more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.569 *Frequency tolerance.* The center frequency of each noncommercial educational FM broadcast station shall be maintained within 2000 cycles of the assigned center frequency.

§ 3.570 *Inspection of tower lights and associated control equipment.* The licensee of any noncommercial educational FM broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

[3] This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.365.

[4] Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

[5] For additional information regarding operator licenses see section 13 of the Commission's rules.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

OTHER RULES RELATING TO OPERATION

§ 3.581 *Logs.* The licensee of each noncommercial educational FM broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log: (1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced.

If the program is of network origin, its source shall be indicated.

If the broadcast is under the auspices of an institution or organization other than the licensee, its name shall be noted.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program service begins and ends.

(3) An entry of each interruption to the carrier wave, its cause and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Transmission line current or voltage.

(iii) Frequency monitor reading.

(5) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 3.570 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Time notice was given to Airways Communications Station (C. A. A.) of any tower light failure not corrected within thirty minutes.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection (required at least once each three months):

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 3.582 *Logs, retention of.* Logs of noncommercial educational FM broadcast stations shall be retained by the licensee for a period of 2 years.

§ 3.583 *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.584 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.585 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.586 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.587 *Station identification.* (a) A licensee of a noncommercial educational FM broadcast station shall make at least the following station identification announcements (call letters and location): (1) At the beginning and ending of each time of operation; and (2) within 2 minutes of each hour and each half hour during operation; *Provided:*

(b) Such identification announcement need not be made on the hour or half hour when to make such announcement would interrupt a single continuous program of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the continuity, and at the conclusion of the program.

(c) In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.

§ 3.588 *Mechanical records.* Each program broadcast, except when designed specifically for in-school listening, which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program; *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony, concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof; *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.591 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program [6] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a remote pick-up broadcast station or studio transmitter link is not considered a rebroadcast. In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

(b) The licensee of a non-commercial educational FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States Standard, FM, non-commercial educational, or international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[7] [8]

[6] As used in this section, program includes any complete program or part thereof.

[7] The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[8] See § 3.503 (c).

(c) No licensee of a non-commercial educational FM broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.*

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1783; Filed, Feb. 25, 1947; 8:54 a. m.]

[Order 102-A]

PART 13—COMMERCIAL RADIO OPERATORS

IN THE MATTER OF CANCELLATION OF OPERATION OF AERONAUTICAL AND AERONAUTICAL FIXED STATIONS USING RADIOTELEGRAPHY BY CERTAIN OPERATORS HOLDING RADIOTELEPHONE OPERATOR LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1947;

The Commission having under consideration the proposed cancellation of its Order No. 102, dated June 16, 1942; and

It appearing that on October 31, 1946 the Commission duly published, and also distributed, a notice of proposed rule making proposing that Order No. 102 (11 F. R. 13540) be cancelled; and

It further appearing that the period in which interested parties were afforded an opportunity to submit comment expired on November 15, 1946 and during that period the Commission received no comment in opposition to the proposed cancellation; and

It further appearing that it is in the public interest, convenience or necessity that Commission Order No. 102 (7 F. R. 4619) be cancelled, and that authority for the cancellation of that order is contained in sections 303 (l) and (r) of the Communications Act of 1934, as amended;

It is ordered, That Commission Order No. 102 be and the same is hereby cancelled.

It is further ordered, That after the effective date of this order no person shall operate any aeronautical or aeronautical fixed station using radio telegraphy except in accordance with the provisions of § 13.61 of the Commission's rules governing commercial radio operators.

This order shall take effect on March 25, 1947.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1786; Filed, Feb. 25, 1947; 8:54 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS FROM AND WITHIN OFFICIAL CLASSIFICATION TERRITORY

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520, *infra*.

[Gen. Permit ODT 1, Rev.-10, Amdt. 2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS FROM OFFICIAL CLASSIFICATION TERRITORY

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, *It is hereby ordered*, That the expiration date provided in General Permit ODT 1, Revised-10, as amended (11 F. R. 12364, 14598), be changed to May 1, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 21st day of February 1947.

HOMER C. KING, *Deputy Director of the Office of Defense Transportation.*

[F. R. Doc. 47-1796; Filed, Feb. 25, 1947; 8:46 a. m.]

[Gen. Permit ODT 1, Rev.-11, Amdt. 2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS WITHIN OFFICIAL CLASSIFICATION TERRITORY

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8689, as amended, and Executive Order 9729, *It is hereby ordered*, That the expiration date provided in General Permit ODT 1, Revised-11, as amended (11 F. R. 12364, 14598), be changed to May 1, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 21st day of February 1947.

HOMER C. KING, *Deputy Director of the Office of Defense Transportation.*

[F. R. Doc. 47-1795; Filed, Feb. 25, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8211]

MARIA BRAUN

In re: Estate of Maria Braun, also known as Marie Braun, deceased. File 017-20939.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Klaus, Weiner Klaus, Karl Medefind, Franz Medefind and Bridget Muller, nee Braun, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown of Franz Medefind, who there is a reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Maria Braun, also known as Marie Braun, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William F. Simpson, as executor, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the above named persons, and the issue, names unknown, of Franz Medefind, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1760; Filed, Feb. 24, 1947; 8:47 a. m.]

[Vesting Order 8212]

LEO H. BROWN

In re: Trust under the last will and testament of Leo H. Brown, deceased. File No. D-34-83; E. T. sec. 1606.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsover of Miklos Eckstein, Bözsi Markovits, Karolyn Stark, Zoltan Braun, a/k/a Israel Zoltan Braun, Paula Grunfeld, Sandor Grunfeld, Kapi Grunfeld, Margit Grunfeld and Frieda Grunfeld, and each of them, in and to the trust under the will of Leo H. Brown, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Miklos Eckstein, Hungary.
Bözsi Markovits, Hungary.
Karolyn Stark, Hungary.
Zoltan Braun, also known as Israel Zoltan Braun, Hungary.
Paula Grunfeld, Hungary.
Sandor Grunfeld, Hungary.
Kapi Grunfeld, Hungary.
Margit Grunfeld, Hungary.
Frieda Grunfeld, Hungary.

That such property is in the process of administration by the Clinton Trust Company, as substituted trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1761; Filed, Feb. 24, 1947; 8:47 a. m.]

[Vesting Order 8213]

MARIA BUHLMAIER

In re: Estate of Maria Buhlmaier, deceased. File No. D-28-10398; E. T. sec. 14802.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Margaret Schaub and Centa Kriegenhofer a/k/a Caenta Kreehoefer, and each of them, in and to the estate of Maria Buhlmaier, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Margaret Schaub, Germany.
Centa Kriegenhofer, a/k/a Caenta Kreehoefer, Germany.

That such property is in the process of administration by Joseph Buhlmaier, as Executor, acting under the judicial supervision of the Hudson County Surrogates Court, Jersey City, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1762; Filed, Feb. 24, 1947; 8:47 a. m.]

UNEEDA NOTIONS MANUFACTURERS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimants	Claim No.	Vesting order No.	Property	Location
Rudolph Grodetzky and Paul Schleissner doing business as Uneeda Notions Manufacturers, New York, N. Y.	3316	676 (8 F. R. 5039)	U. S. Letters Patent No. 2,068,195.	Washington, D. C.

Executed at Washington, D. C., on February 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1790; Filed, Feb. 25, 1947; 8:54 a. m.]

[Vesting Order 8214]

JOHN P. KORN

In re: Estate of John P. Korn, deceased. File No. D-28-10699; E. T. sec. 15041.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

* By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.591 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for the express purpose by United States Government radio stations.

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Korn, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the wife and issue, names unknown of Henry Korn, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John P. Korn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John C. Korn, 137 Mortimer Avenue, Rutherford, New Jersey; Mary S. Korn, 224 Carmita Avenue, Rutherford, New Jersey; and George J. A. Korn, 192 Carmita Avenue, Rutherford, New Jersey, as co-executors, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

and it is hereby determined:

5. That to the extent that the above named person and the wife and issue, names unknown of Henry Korn, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1763; Filed, Feb. 24, 1947; 8:47 a. m.]

[Vesting Order 8232]

SUMITOMO BANK, LTD.

In re: Claim owned by The Sumitomo Bank, Limited. F-39-184-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Sumitomo Bank, Limited, the last known address of which is Osaka, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Osaka, Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to The Sumitomo Bank, Limited, by The Sumitomo Bank of Hawaii, P. O. Box 1200, Honolulu, T. H., totaling $56,550.89, as of December 31, 1945, evidenced by Receiver's Liability No. 11980-E and Supervisor's Liability No. 12061, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1789; Filed, Feb. 25, 1947; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1993881]

COLORADO

RESTORATION ORDER NO. 1178 UNDER FEDERAL POWER ACT

FEBRUARY 14, 1947.

Pursuant to the determination of the Federal Power Commission (DA-247, Colorado) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR § 4.275 (16), 11 F. R. 9080), *It is ordered as follows:*

The land hereinafter described, which was withdrawn by Department order of February 24, 1925, creating Power Site Classification No. 88, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on April 18, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 19, 1947, to July 18, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 30, 1947 to April 18, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 19, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 19, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 29, 1947 to July 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 19, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their application with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Denver, Colorado.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 2 S., R. 79 W., sec. 19, lots 31 and 32.

The area described contains 5.20 acres. These lots are mountainous in character and have a second to third rate soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-1767; Filed, Feb. 25, 1947; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 484]

PENNSYLVANIA-CENTRAL AIRLINES CORP.

NOTICE OF HEARING

In the matter of the motion of Pennsylvania-Central Airline Corporation under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order fixing and determining temporary fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its entire system.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 26, 1947, at 10 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, 14th and Constitution Ave. NW., Washington, D. C., before Examiner Frank A. Law, Jr.

Dated at Washington, D. C., February 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1788; Filed, Feb. 25, 1947; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

ANNOUNCEMENT OF CONFERENCES

FEBRUARY 19, 1947.

Pursuant to the Commission's public notice of January 8, 1947, entitled "Temporary Expediting Procedure for Standard Broadcast Applications" (12 F. R. 326), and as provided for therein, the following schedule of informal engineering conferences, is announced for the week of February 24 through 28, 1947:

Monday, Feb. 24	Tuesday, Feb. 25	Wednesday, Feb. 26	Thursday, Feb. 27	Friday, Feb. 28
Kc.	Kc.	Kc.	Kc.	Kc.
860	560	690	1080	920
1340	1030	810	1370	1400
1590	.....	1540	1550	1130

Attorneys and engineers representing applicants on the above specified channels should appear in Room 7454, New Post Office Building, Washington, D. C., at 10 A. M., on the date specified, prepared to participate in the conference concerning the channel in which they are interested. Such representatives of adjacent channel applicants, or of existing station licensees, desiring to participate in any of the foregoing conferences, may also appear at the time and place indicated and take part therein.

Further conferences, pertaining to the above specified channels, will, if necessary, be scheduled and announced at the initial conferences provided for herein. No additional public notice, insofar as such conferences are concerned, is contemplated.

The Commission desires to stress the urgent necessity for the attendance of representatives of applicants for the above specified frequencies at the conference involving their applications. Failure to attend will be construed as indicating that such applicants do not desire to participate in the expediting plan and, although their applications will be considered in connection with the other applications concerned, they will not be accorded the amendment privileges provided for in the public notice of January 8, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1784; Filed, Feb. 25, 1947; 8:54 a. m.]

TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

ANNOUNCEMENT OF CONFERENCES

FEBRUARY 19, 1947.

In the announcement of conferences to be held under the Temporary Expediting Procedure for Standard Broadcast Applications, as listed in Public Notice 4860 dated February 19, 1947, the frequencies 1500 and 1540 kc were inadvertently included and should be deleted. Conferences will not be held as scheduled on these two frequencies.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1785; Filed, Feb. 25, 1947; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-851]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

FEBRUARY 19, 1947.

Notice is hereby given that on February 3, 1947, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Texas, Oklahoma and Kansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following facilities:

(1) Approximately 34,000 feet of 6-inch pipe line, together with the necessary appurtenant equipment, beginning at R. Olsen Oil Company's Ott #1 gas well located in the southwest quarter of the southeast quarter of Section 4, Township 21 North, Range 9 West, Major County, Oklahoma, and extending in a southeasterly direction to a point of connection with Applicant's existing 14-inch main gas transmission pipe line in the southeast quarter of Section 31, Township 21 North, Range 8 West, Garfield County, Oklahoma.

(2) A measuring and regulating station to be installed at or near the R. Olsen Oil Company's Ott #1 well in Section 4, Township 21 North, Range 9 West, Major County, Oklahoma.

(3) Two corrugated iron structures to be installed at the location set out in subparagraph (2) above, to house the measuring and regulating equipment.

Applicant recites that no new service is proposed to be rendered by Applicant with the new facilities, and that all such new facilities are to be used to transport gas from the wellhead of the Ott #1 well into Applicant's main pipe line for use in rendering service to Applicant's existing customers. Applicant states that it has a gas-purchase contract covering production from the Ott #1 well.

Applicant states that the Ott #1 well was recently drilled and that further development of the area is contemplated, which will ultimately provide additional gas for transportation through the proposed facilities in addition to that which can be obtained from the well already completed. It is further stated that the discovery of this additional source of supply in the area of the Ott #1 well and its connection to Applicant's main pipe line will provide gas which can be delivered through Applicant's existing facilities in the general area in which cur-

tailments of deliveries occurred during the current heating season of 1946–1947, and the additional gas made available from this source will enable Applicant to supplement its present declining sources of supply and assist it in meeting its present market requirements.

Applicant estimates that the maximum amount of gas which will be delivered through the proposed facilities on the peak day of any year will be approximately 15,000 Mcf, and that the minimum quantity to be delivered in any one day will be approximately 2,000 Mcf. The maximum capacity of the proposed facilities will be approximately 15,000 Mcf per day.

Applicant estimates that the over-all capital cost of construction of all of the facilities above enumerated will total approximately $43,105, to be financed from its funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Consolidated Gas Utilities Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–1777; Filed, Feb. 25, 1947; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5068]

NATIONAL ASSOCIATION OF BLOUSE MANUFACTURERS, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1947.

In the matter of National Association of Blouse Manufacturers, Inc., an incorporated association, its officers, members of its Board of Directors, and members: Abraham Rosenthal, President; Sidney Heller, 1st Vice President; William Schneider, 2d Vice President; Emil Adelaar, Secretary; Benjamin H. Lerner, Executive Director; officers of said association; Amil Adelaar, Lou Brecher, Morris Cederbaum, Nathan Cumsky, Marcus Helitzer, Alfred Kolodny, Leo Levy, Samuel Mitchell, Sam Nadler, Vincent Sica, Herman Steinfeld, Albert Weiner, members of the Board of Directors of said association. Opera Dress and Blouse, Inc., a corporation, Sidney Heller Co., Inc., a corporation, William Schneider, trading as Vanity Blouse and Sportswear, a corporation, Adelaar Bros., Inc., a corporation, Venida Blouse Corp., a corporation, Morris Cederbaum, trading as Abalene Blouse and Sportswear, a corporation, Helitzer Brothers & Company, Inc., a corporation, Blousecraft Co., Inc., a corporation, Mitchell & Weber, Inc., a corporation, National Blouse Corporation, a corporation, Sica Brothers, Inc., a corporation, Steinfeld Blouse and Sportswear, a corporation, Crysler Products Corp., a corporation, New York Mfg., Corp., a corporation, Sports Guild, Inc., a corporation, Society Sportswear, Inc., a corporation, Tuxedo Blouse Co., Inc., a corporation and Variety Blouse & Sportswear, Inc., a corporation, representative members of said association. Greater Blouse, Skirt & Neckwear Contractors Association, Inc., a corporation, its officers and Board of Directors: Joseph Aigen, President, Charles Bader, M. Finkelstein, William Monticelli, Vice Presidents, Jack Levine, Secretary, Abraham Ormut, Treasurer, officers and members of the Board of Directors, and representative members of said association. Blouse and Waist Makers Union, Local 25 an unincorporated association and its officers, executive committee, and members; Charles Kreindler, Manager; Carrie Franco, Chairman; officers and Bertha Bookspoon, Lee Bashoff, Josephine Conti, Betty Epstein, Winifred Gittens, Betty Kramer, Irene Lazare, Esther Lehman, Mae Monachelli, Edna Haynes, Matilda Pinsker, Minnie Rubenstein, Ethel Siegel, Alex Sosne, William Podnos, members of the Executive Committee, and representative members of said union.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Webster Ballinger, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, February 26, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 1252, 1440 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47–1791; Filed, Feb. 25, 1947; 8:46 a. m.]

[Docket No. 5441]

STERLING DRUG, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Webster Ballinger, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, March 4, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 560, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record, in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47–1792; Filed, Feb. 25, 1947; 8:46 a. m.]

[Docket No. 5312]

BENSON AND HEDGES

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, March 11, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 505, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47–1793; Filed, Feb. 25, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1241]

STANDARD GAS AND ELECTRIC CO.

ORDER PERMITTING AMENDED DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of February 1947.

Standard Gas and Electric Company (Standard Gas), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, filed on December 30, 1946, its Amendment No. 7 and thereafter its Amendments No. 8 and 9 to its declaration filed pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 (the act) regarding the proposed modification of the terms and conditions with respect to the payment of the purchase price of $850,000 to be paid to Standard Gas under the Company's proposed sale to Theodore E. Shepard of the following securities: (a) 50 000 shares of the par value of $100 (money of the United States of America) per share, of the capital stock of Empresa de Servicios Publicos de Los Estados Mexicanos, S. A., a Mexican corporation (Empresa), consisting of 15,000 shares described as "Fully Paid Shares" and the remaining 35,000 shares described as "Assessable Series" (40% assessed and paid), and (b) a claim for indebtedness held by Standard Gas against Empresa in the principal sum of $428,495.48 (payable in United States currency), without interest. The said 50,000 shares of capital stock are all of the issued and outstanding shares of capital stock of Empresa and, together with the said claim of indebtedness, constitute the entire investment of Standard Gas in that company which conducts a public utility business in the States of Sonora and Sinaloa, Mexico.

Standard Gas, under the provisions of its Amendments No. 7, 8 and 9, now proposes that the payment of the purchase price for said securities shall be represented in part by a note executed and delivered by the purchaser to Standard Gas, in lieu of payment of the full purchase price in cash, as provided for in the original agreement of sale dated February 15, 1946, between the parties. Standard Gas proposes that under the terms of a Supplemental Agreement dated December 16, 1946, modifying the provisions of the original contract of sale dated February 15, 1946, as previously modified, the sum of $600,000 (representing the balance of the purchase price, after applying $258,000 earnest money heretofore paid by the proposed buyer to Standard Gas) shall be paid as follows: $170,000 cash to be paid by the buyer to Standard Gas at time of closing (plus interest due under the contract of sale as supplemented by Supplemental Agreements, between the parties, extending the date of closing, dated July 29, 1946 and October 10, 1946), and the execution and delivery to Standard Gas by the buyer of his note in the amount of $430,000 to be dated as of the date of closing, which note shall be payable as follows: $80,000 principal amount on or before March 31, 1947, and $350,000 principal amount on or before December 31, 1947, with interest thereon at the rate of 3% per annum, payable March 31, 1947, June 30, 1947, September 30, 1947 and December 31, 1947.

Standard Gas represents that the proposed sale of the securities, and the acceptance by Standard Gas of the note of the purchaser in the amount of $430,000, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and requests that the Commission, in its order permitting the declaration, as amended, to become effective, find that said sale and the acceptance of said note are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and make the specifications and itemizations necessary in order that the provisions of sections 371 (b), 371 (e) and 1808 (f) of the Internal Revenue Code shall be applicable.

Said Amendments 7, 8 and 9 having been filed on December 30, 1946, January 29, 1947, and February 3, 1947, respectively, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said amended declaration, as further amended, within the period specified in such notice, or otherwise, and the Commission not having ordered a hearing thereon; and the declarant having requested that the Commission issue its order permitting said amended declaration, as further amended, as soon as practicable; and

The Commission finding that the requirements of section 12 (d) and Rule U-44 are satisfied, that no adverse findings are necessary thereunder and that the request of the declarant that action upon the amended declaration, as further amended, be accelerated should be granted; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers to permit said amended declaration, as further amended, to become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed by Rule U-24 that said amended declaration, as further amended, be, and the same is hereby, permitted to become effective forthwith.

It is further ordered, and the Commission finds, That the sale by Standard Gas and Electric Company of its entire investment in Empresa de Servicios Publicos de Los Estados Mexicanos, S. A. (a corporation organized under the laws of the Republic of Mexico), consisting of (a) 50,000 shares, par value $100 per share, of the capital stock of said company and divided into: 15,000 shares described as "Fully Paid Series" and 35,000 shares described as "Assessable Series" (40% assessed and paid), and (b) a claim for indebtedness held by Standard Gas and Electric Company against the latter company in the principal sum of $428,495.48 (payable in United States currency) without interest, to Theodore E. Shepard for $858,000, and the acceptance by Standard Gas of a note executed by the purchaser in the amount of $430,000, with interest thereon at the rate of 3% per annum, representing the payment of the balance of the purchase price due Standard Gas from Theodore E. Shepard under an Agreement of Sale dated February 15, 1946 and Supplemental Agreement thereto dated December 16, 1946, is in accordance with and in obedience to the order of this Commission dated August 8, 1941, which order found that the divestment by Standard Gas and Electric Company of its interest in Empresa was necessary and appropriate for the purpose of bringing about compliance with section 11 (b) (1) of said act; and the said 50,000 shares of common stock of Empresa are hereby specified and itemized as being included in the holdings of securities named in said order dated August 8, 1941.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–1768; Filed, Feb. 25, 1947; 8:52 a. m.]

[File No. 70-1454]

MIDDLE WEST CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of February 1947.

Notice is hereby given that The Middle West Corporation ("Middle West"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935. Declarant designates section 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 27, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after said date said declaration, as filed or as amended, may be made effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized below:

Middle West proposes to pay to its subsidiary, Kentucky Utilities Company ("Kentucky"), $1,500,000 as a contribution to its Common Stock capital. The declaration states that, subject to the approval of the Commission, an equal par amount of Common Stock of Kentucky will be issued to Middle West as a part of a comprehensive refinancing plan of Kentucky which Kentucky expects to file shortly with the Commission.

Kentucky proposes to use the funds received from Middle West to finance in part an extensive construction program calling for the expenditure in 1947 in excess of $6,000,000, and states that it requires $500,000 of these funds by March 1, 1947, and an additional $1,000,000 from March 1 to June 1, 1947. Accordingly, the declarant requests that the Commission's order making the declaration effective be issued prior to March 1, 1947.

The declaration states that no state commission has jurisdiction over the proposed contribution by Middle West of $1,500,000 to Kentucky Utilities Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1771; Filed, Feb. 25, 1947; 8:52 a. m.]

[File No. 70-1455]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of February 1947.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), a registered holding company and an electric and gas utility company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935. Delaware has designated sections 6 and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration and amendment, which are on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Delaware proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, 50,000 shares of ----% Cumulative Preferred Stock of a Par Value of $100 per share. Said 50,000 shares of new Preferred Stock shall be in addition to the presently outstanding 40,000 shares of 4% Cumulative Preferred Stock, of a Par Value of $100 per share. The dividend rate and the price to the company for the new Preferred Stock will be determined by competitive bidding, except that the invitation for bids will specify that the dividend rate shall be a multiple of one-twentieth of one percent and shall not exceed 4% per annum, and that the price to the company shall not be less than $100 per share nor more than $102.75 per share plus accrued dividends, if any.

The proceeds from the proposed sale of Preferred Stock will be used to finance capital expenditures proposed to be made by Delaware during 1947 and to reimburse the treasury of the company for capital and other expenditures made since October 1943.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to said application-declaration, as amended, and that said application-declaration, as amended, shall not be granted nor permitted to become effective except pursuant to further order of the Commission;

It is ordered, That a hearing, under the applicable provisions of the act and rules thereunder, be held at 10 a. m., e. s. t. on March 6, 1947, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in room 318. At such hearing cause shall be shown why said application should be granted and said declaration permitted to become effective.

It is further ordered, That Allen MacCullen, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration, as amended, and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether or not the proposed issue and sale of Preferred Stock is for the purpose of financing the business of the declarant as a public utility company;

(2) Whether the proposed Preferred Stock is reasonably adapted to the earning power and the security structure of Delaware and its issuance and sale is necessary and appropriate to the economical and efficient operation of the business or businesses in which Delaware is engaged;

(3) Whether or not the fees, commissions, or other remunerations to be paid in connection with the issue, sale or distribution of said Preferred Stock are reasonable;

(4) Whether or not the terms and conditions of the issue and sale of Preferred Stock are detrimental to the public interest or the interests of investors or consumers;

(5) Whether or not the proposed accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles;

(6) Whether or not there will have been compliance with Rule U-50 promulgated under the act;

(7) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before March 4, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Delaware Power & Light Company and the Secretary of the State of Delaware, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1769; Filed, Feb. 25, 1947; 8:52 a. m.]

[File No. 70-1460]

UNION PRODUCING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of February A. D. 1947.

Notice is hereby given that an application and declaration have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Union Producing Company ("Union"), a wholly-owned subsidiary of United Gas Corporation ("United"), which is a subsidiary of Electric Power & Light Corporation, a registered holding company. Union designates sections 9 (a) (1), 12 (c) and Rule U-42 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 28, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 28, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application and declaration, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Union proposes to redeem for cash on or about March 25, 1947, $1,000,000 principal amount of its 6% Debentures due March 1, 1952, in accordance with the provisions thereof, at principal amount and accrued interest thereon to date fixed for such redemption. Union has presently outstanding $38,000,000 of said 6% Debentures, all of which are owned by United. The Debentures are pledged and held as collateral under the provisions of the Mortgage and Deed of Trust securing United's First Mortgage Bonds. The filing states that United has advised Union that it proposes to transfer the $1,000,000 principal amount to be paid to the Trustee by Union to the Sinking Fund provided in said Mortgage as a credit against current requirements in accordance with the provisions of said Mortgage.

Union requests that the Commission's order granting the application and permitting the declaration to become effective be issued as promptly as may be practicable and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1770; Filed, Feb. 25, 1947; 8:52 a. m.]

Reference

FEB 28 47

THE NATIONAL ARCHIVES
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VOLUME 12 NUMBER 41

Washington, Thursday, February 27, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Rural Electrification Administration, Department of Agriculture

PART 400—ORGANIZATION, FUNCTIONS AND PROCEDURES

ORGANIZATION

Effective February 15, 1947, Part 400 of Title 6, issued September 11, 1946 (11 F. R. 177A-294 to 296, inclusive), is hereby amended as follows:

1. By deleting all of paragraph (h) of § 400.1 and substituting therefor a new paragraph (h) to read as follows:

§ 400.1 *Central organization.* • • •

(h) *Information Services Division.* Assists borrowers in member education work. Coordinates agency's educational program and provides assistance to other divisions in the preparation of educational material. Provides a consulting service to the agency on matters related to cooperative functioning. Disseminates information to borrowers and general public concerning condition and progress of rural electrification.

2. By deleting all of paragraph (f) of § 400.4 and substituting therefor a new paragraph (f) to read as follows:

§ 400.4 *Delegations of final authority.* • • •

(f) Authority has been delegated to Chief, Engineering Division (in addition to Deputy Administrator and Assistant Adminstrator).

(1) To approve construction contract amendments.

(2) To approve agreements involving less than three hundred dollars ($300) to move poles to avoid physical interference with telephone lines.

(3) To approve borrower's selection of engineer.

(4) To approve borrower's selection of architect.

(R. S. 161, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 22)

Issued this 21st day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1818; Filed, Feb. 26, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[38-AAA-2 Rev.]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

PUBLICATION, NOTICE AND ADMINISTRATIVE REVIEW OF MARKETING QUOTAS

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act of 1938, as amended (52 Stat. 62, 63, 64, 66; 55 Stat. 92; 7 U. S. C. and Sup., 1361-1368, 1375 (b)), and the Administrative Procedure Act (60 Stat. 237), these regulations are hereby made, prescribed, and published, to be in force and effect until amended or superseded by regulations hereafter made.

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AUTHORITY: §§ 711.1 to 711.35, inclusive, issued under 52 Stat. 62, 63, 64, 66, 55 Stat. 92, 60 Stat. 237, 7 U. S. C. and Sup., 1361–1368, 1375 (b).

DEFINITIONS

§ 711.1 *Definitions.* As used in the regulations in this part:

(a) The term "Act" means the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31; 7 U. S. C. and Sup., 1281–1407).

(b) The term "Secretary of Agriculture" means the Secretary of Agriculture of the United States.

(c) The term "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D. C.

(d) The term "review committee" means the review committee appointed by the Secretary of Agriculture pursuant to section 363 of the act.

(e) The terms "State Committee," "county committee," and "community committee" mean the committees selected pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C., Sup., 590h (b)).

(f) The term "acreage allotment" means an acreage allotment established under Title III of the act.

(g) The term "quota" means a marketing quota established under Title III of the act, and, for purposes of review, shall be deemed to include the acreage allotment, normal yield or actual yield established or determined in connection therewith.

(h) The term "application" means an application for review of a quota under section 363 of the act.

PUBLICATION OF ACREAGE ALLOTMENTS AND QUOTAS AND NOTICE OF QUOTAS

§ 711.2 *Publication.* (a) Immediately upon the establishment of acreage allotments and of quotas for any commodity, the county committee shall prepare a list or other compilation containing the information specified in §§ 711.3 and 711.4.

(b) A copy of the list or other compilation so prepared shall be posted for not less than thirty days in a conspicuous place in the county (or in each local administrative area in the county if the county is divided into two or more local administrative areas) and shall be permanently kept freely available for public inspection in the office of the county committee.

§ 711.3 *List of other compilation of acreage allotments.* The list or other compilation shall contain the following information relating to acreage allotments:

(a) The acreage allotment for each farm or, in the case of rice, for each producer; or, if after considering the eligibility for an allotment of a farm or a producer it has been determined that no acreage allotment is to be established for such farm or such producer, the word "none" shall be inserted as the amount of the acreage allotment.

(b) The identification of the farm by giving the name of the owner or operator of the farm and the serial number thereof; in the case of rice, the name and serial number of the producer shall be given.

(c) The calendar year or crop for which such acreage allotment is made.

§ 711.4 *List or other compilation of quotas.* The list or other compilation shall contain the following information relating to quotas:

(a) The acreage allotment, if any, for each farm or, in the case of rice, for each producer; or, if after considering the eligibility for an allotment of a farm or a producer it has been determined that no acreage allotment is to be established for such farm or such producer, the word "none" shall be inserted as the amount of the acreage allotment.

(b) The normal yield per acre for each farm wherever applicable.

(c) The quota for each farm or, in the case of rice, for each producer, expressed insofar as practicable in applicable units, such as pounds, bales, barrels or bushels; or, if after considering the eligibility for an allotment of a farm or a producer it has been determined that no quota is to be established for such farm or such producer, the word "none" shall be inserted as the amount of the quota.

(d) The identification of the farm by giving the name of the owner or operator of the farm and the serial number thereof; in the case of rice, the name and serial number of the producer shall be given.

(e) The marketing year, or the crop, whichever is applicable, for which such quota is effective.

§ 711.5 *Notice of acreage allotments and quotas.* (a) Immediately upon the establishment of quotas for any commodity, the county committee shall mail a written notice thereof to the producer, in the case of rice, and to the operator of the farm, in the case of any other commodity. If, after considering the eligibility for an acreage allotment of a farm or a producer, it has been determined that no quota is to be established for such farm or such producer, the notice shall contain the word "none" as the amount of the quota. A notice to the operator of the farm shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant or sharecropper are interested in the farm for which this quota is established," and such notice shall constitute notice to all such persons. The notice shall contain the information required by §§ 711.3 and 711.4 for publication. The notice shall contain also, on the face or back thereof, a brief reference to, or statement of, the procedure whereby application for review of the quota may be made.

(b) A copy of each notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice, certified by the secretary of the county committee as true and correct, shall be furnished without charge to any person interested in the farm in respect to which the quota is established.

§ 711.6 *Other regulations.* The provisions of §§ 711.2 through 711.5 may be supplemented by regulations issued by the Secretary of Agriculture in respect to acreage allotments or quotas for any specific commodity.

APPLICATION FOR REVIEW OF QUOTAS

§ 711.7 *Manner and time of filing application for review.* An application shall be in writing and addressed to, and filed with, the secretary of the county committee from which the notice of quota was received. The application shall be filed within fifteen days after the date of mailing of the notice.

§ 711.8 *Contents of application.* The application shall be accompanied by the original mailed notice of the quota sought to be reviewed, or by a copy of such notice certified as true and correct by the secretary of the county committee, and shall contain:

(a) The date of the application.

(b) The correct full name and full address of the applicant.

(c) A statement of the amount of quota which it is claimed should have been established; or if the quota depends upon a farm marketing excess, the amount of such excess which it is claimed should have been determined.

(d) A brief statement of each ground upon which the application is based.

(e) The signature of the applicant.

§ 711.9 *Record of applications.* The secretary of the county committee shall make a notation on each application of the date of the receipt thereof by him and give such application an identification number.

§ 711.10 *Insufficient and untimely applications.* If the secretary of the county committee finds that any application filed (a) is not in substantial compliance with the provisions of § 711.8, or (b) is not made within the period fixed for the filing of applications, as provided in § 711.7, he shall so notify the applicant in writing by depositing the notice, accompanied by a copy of the regulations of this part, in the United States mails, registered and addressed to the applicant at his last known address. In the case of an insufficient application filed within the period fixed for the filing of applications, the applicant may, within fifteen days after the date of mailing of the notice aforesaid, file with such secretary an amended application containing the matter specified in § 711.8. Any such application shall be retained for appropriate action by the review committee.

§ 711.11 *Clerk to review committee.* The Secretary of the county committee shall act as clerk to the review committee, unless and until some other person shall have been designated by the county committee as clerk to the review committee. The county committee may designate a person other than the secretary of the county committee to act as clerk to the review committee. If not already an employee, the person so designated shall thereby become an employee of such county committee. Immediately upon such designation, the county committee shall notify the State committee thereof. In the event of such designation, the secretary of the county committee shall transmit to the person so designated any and all applications received by him and all papers and information relating thereto.

§ 711.12 *Transmission of information.* The clerk to the review committee shall furnish to the State committee such information pertaining to applications filed with him as the State committee may require.

THE REVIEW COMMITTEE

§ 711.13 *Eligibility for review committee.* Any farmer who is, or who is eligible under the articles of association of county associations (ACP–71)[1] to become, a member of any county or community committee shall be eligible to serve on review committees to hear applications for review of quotas established in counties or communities which are adjacent to or near the county or community, as the case may be, for which he is a committeeman or eligible to become a committeeman. The eligibility hereby declared shall be subject at all times to the provisions of §§ 11.14 through 711.21. No farmer who is a member of a county or community committee of, or whose legal residence is in, one State shall be eligible to serve on a review committee in any other State.

§ 711.14 *Establishment of review committee.* Three eligible farmers shall be designated to serve on a review committee for a county, a group of counties, a community, or group of communities, and of the farmers so designated one shall be named chairman and another vice-chairman of such committee. In the absence of the chairman, the vice-chairman shall perform the duties and exercise the powers of the chairman, and in the absence of both the chairman and the vice-chairman, the other regular member shall, as acting chairman, perform the duties and exercise the powers of the chairman. No review committee shall include any member of the county or community committee through which was determined any matter relating to any quota for the review of which the review committee is established. Subject to the provisions of this section and of § 711.13, the same farmer may be designated to serve on more than one review committee. Not more than three additional eligible farmers may be designated as alternate members of the review committee to serve in the event of the absence of any regular members thereof or in case of any vacancies in such committee, but not more than two such alternates may serve concurrently. The alternates shall be called upon for service in the order of their designation, except that where a hearing will be unduly delayed by this procedufe the person acting as chairman may call upon the alternate who is the most readily available for service.

§ 711.15 *Vacancies on review committee.* Subject to the requirements of eligibility set forth in §§ 711.13 and 711.14, a farmer shall be designated to fill any vacancy occurring in any review committee. Where a single vacancy occurs after a hearing is begun and before the final determination, the remaining two members of the review committee shall henceforth constitute an entire review committee for the purposes of such hearing. If more than one such vacancy occurs, or if the two remaining members of the review committee cannot agree upon a determination, there shall be a new hearing, after the filling of the vacancy, by the entire review committee of three members.

§ 711.16 *Manner of designation.* The designations mentioned in §§ 711.14 and 711.15 with respect to a review committee and the area for which the review committee shall serve shall be made in writing by the Secretary of Agriculture and notice of such designation shall be sent to (a) the farmer so designated, (b) the clerk to the review committee and (c) the State committee.

§ 711.17 *Time of designation.* Any designation may be made before, during, or after the period during which applications are required to be filed.

§ 711.18 *Period of designation.* A review committee shall serve for a period of one calendar year and shall hear applications for review of quotas established for the area served by the review committee and which become effective during the calendar year for which the review committee is designated: *Provided*, That the review committee may serve for a longer period than one year where necessary to conclude proceedings begun during such year.

§ 711.19 *Reservation of powers of Secretary of Agriculture.* Notwithstanding any of the foregoing provisions, the Secretary of Agriculture shall have the continuing power to revoke or suspend any designation made pursuant to the provisions of the regulations in this part, and, subject to the provisions of the act, to make such other designation as he may deem proper.

§ 711.20 *Effect of changes in review committee.* Nothing contained in the foregoing provisions relating to any vacancy or revocation or suspension of designation, and nothing done pursuant to such provisions, shall be construed as affecting the validity of any prior hearing conducted or determination made in accordance with the regulations in this part, in which the member of the review committee, whose place has become vacant, participated, or as affecting in any way any court proceeding which may be instituted, pursuant to the provisions of the act, for the review of such determination.

§ 711.21 *Compensation.* The members of a review committee designated in accordance with the provisions above shall receive the same compensation as that received by the members of the county committee through which were established the quotas sought to be reviewed. The payment of such compensation shall be governed by instructions issued by the Production and Marketing Administration of the Department of Agriculture. The members of a review committee shall not be entitled to receive compensation for services as members of such committee for more than thirty days in any one year. Reimbursement for travel expenses shall be made at such rates and under such conditions as may be prescribed by the Production and Marketing Administration of the Department of Agriculture.

HEARING AND DETERMINATION

§ 711.22 *Place of hearing.* The place of hearing shall be in the office of the county committee through which the quota sought to be reviewed was established, or such other appropriate place in the county as may be designated by the review committee.

[1] 7 CFR 713.

§ 711.23 *Notice of hearing.* As soon as practicable after its establishment, the review committee shall arrange with the clerk to the review committee for the appointment of the time and the designation of the place for hearing on applications. Notice of the hearing shall be given by such clerk. The notice shall be in writing and shall specify the time, place and nature of the hearing. The notice shall also contain a statement of the statutory authority for the hearing and a statement that the application will be heard by the review committee duly appointed for the State and county in which the applicant's farm is located. Such notice shall be given to the applicant by depositing the same, at least ten days prior to the time appointed for the hearing, in the United States mails, registered and addressed to the applicant at his last known address. The appropriate State and county committees shall also be notified in writing of such hearing. A copy of all such notices shall be kept and recorded by such clerk.

§ 711.24 *Time and place of hearing and continuance thereof.* Such hearing shall be held at the time and place set forth in the notice of hearing, or in any subsequent notice amending or superseding the prior notice, but may, without notice other than an announcement at the hearing by the chairman of the review committee, be continued from day to day or adjourned to a different place in the county or to a later date or to a date and place to be fixed in a subsequent notice to be issued in the manner provided in §§ 711.22 and 711.23. In the event a full committee of three is not present, those members present, or in the absence of the entire committee, the clerk, shall postpone the hearing: *Provided, however*, That at the request or with the consent of the applicant a hearing conducted by two members of the review committee, one of whom shall be a regular member, shall be deemed to be a regular hearing of the review committee as to such case, and the determination made by such members shall constitute the determination of the review committee.

§ 711.25 *Conduct of hearing*—(a) *Open to public.* Except as otherwise provided in the regulations of this part, each hearing shall take place before the entire review committee and shall be presided over by the chairman of such committee. The hearing shall be open to the public and shall be conducted in a fair and impartial manner and in such a way as to afford the applicant, members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture, and all persons appearing on behalf of such parties, reasonable opportunity to give and produce evidence relevant to the determination of the quota for the applicant.

(b) *Consolidation of hearings.* Wherever practicable, two or more applications relating to the same commodity and the same farm shall be consolidated and heard at the same time on the same record.

(c) *Representation.* The applicant and the Secretary of Agriculture may be represented at the hearing. The county committee shall be present or represented at the hearing.

(d) *Order of procedure.* At the commencement of the hearing, the chairman of the review committee shall read the pertinent portions of the application for review filed by the applicant and shall then require the county committee or its representative to answer orally or in writing the material allegations contained in the application in a manner which will fully inform the applicant of the issues of fact and law in dispute. Such answer shall be made a part of the record of the hearing. If the applicant asserts and shows to the satisfaction of the review committee that he has not been informed of the county committee's position in time to afford him adequate opportunity to prepare and present his case, the review committee shall continue the hearing, without notice other than announcement thereof at the hearing, for such period of time as will afford the applicant reasonable opportunity to meet the issues of fact and law involved. After answer by the county committee and following such continuance, if any, as may be granted by the review committee, evidence shall be received with respect to the matters relevant to the quota under review in such order as the chairman of the review committee shall prescribe.

(e) *Submission of evidence.* The burden of proof shall be upon the applicant as to all issues of fact raised by him. Each witness shall, before proceeding to testify, be sworn, after which he shall give such information respecting his appearance as the review committee may request. The review committee shall confine the evidence to pertinent matters and shall exclude irrelevant, immaterial, or unduly repetitious evidence. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be concluded within such reasonable time as may be determined by the review committee.

(f) *Transcript of testimony.* The review committee shall provide for the taking of such notes at the hearing as will enable it to make a summary of the testimony received at the hearing, and a transcript of such summary shall be made. The testimony received at the hearing shall be reported verbatim and a transcript thereof made if (1) the applicant requests such transcript and provides for its preparation and for the payment of the expense thereof, or (2) the State committee requests that such transcript be made and provides therefor. Immediately upon the completion of any such verbatim transcript, three legible copies thereof shall be furnished to the review committee without charge.

(g) *Written arguments and proposed findings.* The review committee shall permit the applicant, the members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture to file written arguments and proposed findings of fact and conclusions, based on the evidence adduced at the hearing, for the consideration of the review committee within such reasonable time after the conclusion of the hearing as may be prescribed by the review committee. Such written arguments and proposed findings shall be filed in triplicate with the clerk to the review committee.

§ 711.26 *Withdrawal of applications.* An application may be withdrawn upon the written request of the applicant. Any application so withdrawn shall be endorsed "Dismissed at the Request of the Applicant." This endorsement shall be made by the clerk to the review committee if the withdrawal takes place before the hearing and by the chairman of the review committee if the withdrawal takes place after the hearing has begun.

§ 711.27 *Nonappearance of applicant.* If, at the time of the hearing, the applicant is absent and no appearance is made on his behalf, the review committee shall, after a lapse of such period of time as it may consider proper and reasonable, have the name of the absent applicant called in the hearing room. If, upon such call, there is no response, and no appearance on behalf of such applicant, the review committee may thereupon close the hearing as to such applicant, and, without further proceedings in the case, make an order dismissing the application, or continue the hearing to a later date.

§ 711.28 *Amendments.* Upon due application, and within the discretion of the review committee, the right of amendment of the application and of all procedural documents in connection with any hearing, shall be granted upon such reasonable terms as the review committee may deem right and proper.

§ 711.29 *Reopening hearing.* The review committee (a) on its own motion, or upon due application therefor, may, within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee, reopen the hearing for the purpose of taking additional evidence or of adding any relevant matter or document, and (b), upon application by or on behalf of the Secretary of Agriculture made for any purpose within a period of sixty days from the date of mailing to the applicant of a copy of the determination of the review committee, shall reopen the hearing.

§ 711.30 *Determination by review committee.* (a) The review committee shall make an order dismissing without further hearing any insufficient application or any application which was not filed within the period required for the filing of applications.

(b) As soon as practicable after hearing on any sufficient application, and after consideration of the entire record of the proceedings, the review committee shall make a determination upon the application. If it is determined by the

review committee that the application should be denied, the review committee shall so indicate. If it is determined that the application should be granted in whole or in part, the review committee shall establish the quota which it finds to be proper. Each determination made by the review committee shall be in writing, shall contain specific findings of fact and conclusions, together with the reasons or basis therefor, and shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing. The determination shall also show the review committee's rulings upon the proposed findings and conclusions filed by the applicant. The concurrence of two members of the review committee shall be sufficient to make a determination. The written determination shall contain such subscription by each member of the review committee as will indicate his concurrence therein or his dissent therefrom. In all cases the review committee shall consider only such matters as, under the applicable provisions of the act and regulations of the Secretary of Agriculture thereunder, are required or permitted to be considered by the county committee in the establishment of the quota sought to be reviewed. In case of an increase in the quota, the review committee shall specifically state in the determination in what respect, if any, the county committee has failed properly to apply the act and regulations of the Secretary of Agriculture thereunder. If such increase is based upon evidence not available to the county committee, the findings of the review committee shall so indicate.

§ 711.31 *Service of determination.* A copy of the determination, or of any order dismissing the application, as provided in §§ 711.27 or 711.30, certified by the clerk to the review committee as a true and correct copy of the signed original, shall be served upon the applicant by depositing the same in the United States mails, registered and addressed to the applicant at his last known address. The copy of the determination or order shall contain at the top thereof the following statement: "To all persons who as operator, landlord, tenant or sharecropper are interested in the farm for which this quota is established," and such statement shall constitute notice to all such persons. The clerk to the review committee shall make a notation on the original determination or order of the date and place of such mailing. The clerk to the review committee forthwith shall forward a copy of such determination or order to the Hearing Clerk, to the chairman of the State committee, and to the chairman of the county committee.

§ 711.32 *The record.* The record of the proceedings shall be prepared by the clerk to the review committee and shall consist of the following:

(a) All procedural documents in the case under review, including the application and written notice of hearing and any other written notice in connection with the application.

(b) Copies of such pertinent proclamations, announcements, general regulations, and apportionments, national, State, or county, issued by the Secretary of Agriculture in respect to acreage allotments and marketing quotas for the commodity in question, as may be presented at the hearing by or on behalf of the Secretary of Agriculture.

(c) The answer of the county committee to the allegations contained in the application, which may be summarized by the review committee if the answer is given orally.

(d) The transcript of the testimony made in accordance with the regulations in this part, to which shall be annexed any documentary evidence received at the hearing. The review committee shall make such corrections in any verbatim transcript made as will make the text conform to the correct meaning. The corrections shall be made in such manner as will not obscure the original text of the transcript. In each case which is followed by the institution by the applicant of proceedings in court for a review of the determination of the review committee, the record shall include a copy of the notice of the designation of the members of the review committee, and a copy of the regulations in this part.

(e) Any written arguments or proposed findings of fact and conclusions which may have been filed in connection with the hearing.

(f) The written determination of the review committee.

(g) A list of all papers included in the record, and a certificate by the clerk to the review committee, stating that such record is true, correct and complete.

Any interested person desiring a copy of the record or any part thereof shall be entitled to same upon application to the clerk to the review committee and upon payment of the actual cost of supplying such copy.

COURT PROCEEDINGS

§ 711.33 *Court proceedings; duty of review committee.* (a) The review committee is required, by section 365 of the act, upon the institution of any suit against the review committee for the purpose of reviewing its determination upon any application for review, to certify and file in court a transcript of the record upon which the determination was made, together with the findings of fact made by the review committee. Any suit for review is required to be instituted by the applicant within fifteen days after a notice of the review committee's determination is mailed to him by registered mail. Such suit may be instituted in the United States District Court or in any court of record of the State having general jurisdiction, sitting in the county or the district in which the applicant's farm is located. The bill of complaint in such proceeding may be served by delivering a copy thereof to any member of the review committee.

(b) Upon the institution of such suit, the clerk to the review committee shall immediately send a telegram addressed to the Hearing Clerk, United States Department of Agriculture, Washington, D. C. The telegram shall state the name of the plaintiff, the name of the court in which the suit is instituted, and the time within which appearances must be made in such suit in behalf of the review committee. Any member of the review committee served with papers in such suit shall forward such papers to the clerk to the review committee, who shall in turn forward them to the Hearing Clerk. No member of the review committee shall appear or permit any appearance in his behalf or in behalf of the review committee, or take any action in respect to the defense of such suit, except in accordance with the instructions from or on behalf of the Secretary of Agriculture.

FORMS AND CUSTODY AND INSPECTION OF RECORDS

§ 711.34 *Forms and custody and inspection of records.* (a) The forms required in connection with the publication, notice and review of acreage allotments and quotas shall be prescribed by the Secretary of Agriculture. The following forms prescribed under review regulations heretofore issued, 38–AAA–2 (3 F. R. 1749), are hereby prescribed for use in connection with the review of acreage allotments or quotas becoming effective during the calendar year 1947, and the references in such forms to the Review Regulations, 38–AAA–2, shall be construed to mean these regulations and the references in such forms to sections 300, 301, 513, Article III, and Article V of the Review Regulations, 38–AAA–2, shall be construed as references to §§ 711.7, 711.8, 711.30, 711.7 to 711.12, inclusive, and 711.22 to 711.32, inclusive, respectively, of the regulations in this part: Form No. 38–AAA–3, Application for Review of Farm Marketing Quota; Form No. 38–AAA–4, Notice of Untimely Filing; Form No. 38–AAA–5, Notice of Insufficiency; Form No. 38–AAA–7, Order of Dismissal; Form No. 38–AAA–8, Determination of Review Committee.

(b) The clerk to the review committee shall carefully keep and preserve a record of all applications and of all proceedings relating to the review of such applications.

(c) The Hearing Clerk shall maintain a file of all records, documents and papers specifically required by these regulations to be sent to such clerk.

(d) All records, documents, and papers referred to in paragraphs (b) and (c) of this section shall be available for public inspection at the office of the clerk to the review committee and the office of the Hearing Clerk, respectively.

RESCISSION OF PRIOR REVIEW REGULATIONS

§ 711.35 *Rescission of prior regulations.* The regulations in this part shall supersede the marketing quota review regulations, 38–AAA–2, issued July 13, 1938 (3 F. R. 1749), as amended December 16, 1938 (3 F. R. 3029), October 11, 1940 (5 F. R. 4062), March 8, 1941 (6 F. R. 1353), and June 27, 1941 (6 F. R. 3163).

Done at Washington, D. C., this 21st day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47–1815; Filed, Feb. 26, 1947; 8:46 a. m.]

PART 725—BURLEY AND FLUE-CURED TOBACCO

APPORTIONMENT OF NATIONAL MARKETING QUOTA FOR BURLEY TOBACCO; 1947–1948

The purpose of this proclamation is to apportion among the several States the national marketing quota for Burley tobacco for the 1947–1948 marketing year proclaimed on October 1, 1946 (11 F. R. 11441), in accordance with the provisions of section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. Prior to the apportionment of such quota among the several States, public notice of the proposed action was given (11 F. R. 14249) in accordance with the Administrative Procedure Act (60 Stat. 237). The views and recommendations of Burley tobacco growers and other interested persons have been duly considered, within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended, in apportioning the quota among the several States.

In view of the fact that Burley tobacco growers are now preparing plant beds, purchasing fertilizer, and preparing the land on which tobacco will be transplanted, it is hereby determined and found that this proclamation should, and the same hereby shall, become effective upon publication in the FEDERAL REGISTER in order that the national marketing quota, as apportioned among the several States and converted into the State acreage allotments, may be apportioned among farms and the operators notified of their farm acreage allotments and marketing quotas as soon as it is administratively possible to do so.

§ 725.308 *Apportionment of the national marketing quota for Burley tobacco for the 1947–48 marketing year among the several States.* The national marketing quota proclaimed in § 725.306 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of said act, as follows:

State and Acreage Allotment

Alabama	89
Arkansas	94
Georgia	66
Illinois	29
Indiana	11,089
Kansas	377
Kentucky	302,554
Missouri	5,780
North Carolina	10,827
Ohio	14,389
Oklahoma	6
Pennsylvania	6
South Carolina	9
Tennessee	77,896
Virginia	13,035
West Virginia	3,672
Reserve[1]	2,211
Total	442,129

[1] Acreage reserved for establishing allotments for farms upon which no Burley tobacco has been grown during the past five years.

(52 Stat. 46, 47; 53 Stat. 1261; 56 Stat. 121; 7 U. S. C. and Sups. 1312 (a), 1313 (a), 1313 (g))

Done at Washington, D. C., this 21st day of February 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47–1817; Filed, Feb. 26, 1947; 8:46 a. m.]

Chapter XXI—Organization, Functions and Procedure

PART 2100—OFFICE OF THE SECRETARY

INFORMATION AND RECORDS

Section 2100.3 *Availability of information and records.* (11 F. R. 177A–233), is amended as follows:

1. By amending paragraph (a) (5) to read as follows:

(a) *Confidential records.* • • •

(5) Records of audits other than information with respect thereto authorized by the Secretary of Agriculture or the Board of Directors of Corporations to be made available and other than records of audits included under paragraph (b) (2) (e) of this section.

2. By amending the first sentence of paragraph (b) to read as follows:

(b) *Records of limited availability.* The records enumerated below are of limited availability and information contained therein shall not be disclosed, nor shall a copy thereof be furnished, except in proper cases upon requests from Federal official sources or as specifically provided: • • •

3. By adding after subdivision (d) of paragraph (b) (2) the following subdivision (e):

(e) Records and reports of audits, parts thereof, or information with respect thereto in connection with contractual relations under the jurisdiction of the Production and Marketing Administration, may be made available to the contractor or person whose activities form the basis of the audit, and in the case of audits in connection with the national school lunch program, may be made available also to State Educational Agencies.

(R. S. 161; 5 U. S. C. 22)

Issued this 21st day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47–1816; Filed, Feb. 26, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

NEW MEXICO AND MONTANA

CROSS REFERENCES: For orders affecting the tabulation contained in § 501.1, see Public Land Orders 350 and 352 under Title 43, *infra*, revoking certain public land orders withdrawing public lands in New Mexico and Montana for use of the War Department.

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 260—APPEALS WITHIN THE BOARD

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j), Part 260 of the regulations of the Railroad Retirement Board under such act; (4 F. R. 1477; 6 F. R. 4684; 7 F. R. 776; and 8 F. R. 5701) is revised by Board Order 47–33 dated January 28, 1947, to read as follows:

Sec.
260.1 Initial decisions by the Bureau of Retirement Claims.
260.2 Appeal from an initial decision of the Bureau of Retirement Claims.
260.3 Final appeal from a decision of the Appeals Council.
260.4 Determination of date of filing of appeal.

AUTHORITY: §§ 260.1 to 260.4, inclusive, issued under sec. 10, 50 Stat. 314, 45 U. S. C. and Sup. 228j.

§ 260.1 *Initial decisions by the Bureau of Retirement Claims.* (a) Claims will be adjudicated and initial decisions made by the Bureau of Retirement Claims upon the basis of the application, the evidence submitted by the applicant, and evidence otherwise available. Adjudication and initial decision will be in accordance with instructions issued by the board.

(b) Notice of an initial decision shall be communicated by the Bureau of Retirement Claims to the applicant in writing within thirty days after such decision is made.

§ 260.2 *Appeal from an initial decision of the Bureau of Retirement Claims.* (a) Every applicant shall have a right to appeal to the Appeals Council from any initial decision of the Bureau of Retirement Claims by which he claims to be aggrieved. The Appeals Council shall consist of three members, one of whom shall be named by the Board as Chairman.

(b) Appeal from an initial decision of the Bureau of Retirement Claims shall be made by the execution and filing of the appeal form prescribed by the Board. Such appeal must be filed with the Appeals Council within one year from the date upon which notice of the initial decision is mailed to the applicant at the address furnished by him.

(c) The right to further review of an initial decision of the Bureau of Retirement Claims shall be forfeited unless formal appeal is filed in the manner and within the time prescribed in this part.

(d) In the event that the applicant makes informal complaint without taking formal appeal, which complaint is not eliminated by explanation of the basis of the initial decision of the Bureau of Retirement Claims, the Appeals Council shall endeavor to ascertain, by correspondence or conference with the applicant, whether he takes issue with any point of fact or law involved in the initial decision of the Bureau of Retirement Claims, and, if so, whether the applicant desires to take a formal appeal

to the Appeals Council. In the latter event, he shall be supplied with the appeal form prescribed by the Board, which form shall be duly executed and filed before the applicant is considered to have made an appeal.

(e) The appellant, or his representative, shall be afforded full opportunity to present further evidence upon any controversial question of fact, orally or in writing or by means of exhibits; to examine and cross-examine witnesses; and to present argument in support of the appeal. If, in the judgment of the Appeals Council, evidence not offered by the appellant is available and relevant and is material to the merits of the claim, the Appeals Council shall obtain such evidence upon its own initiative. The Appeals Council shall protect the record against scandal, impertinence and irrelevancies, but the technical rules of evidence shall not apply.

(f) In the development of appeals, the Appeals Council shall have power to hold hearings, require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations.

(g) All oral evidence presented at any hearing shall be reduced to writing. All evidence presented by the appellant and all evidence developed by the Appeals Council shall be preserved. Such evidence, together with a record of the arguments, oral or written, and the file previously made in the adjudication of the claim, shall constitute the record for decision of the appeal. After an appeal form is filed, the completion of the record shall be initiated by the inclusion therein of the file made in the adjudication of the claim; the compilation of the record shall be kept up to date by the prompt addition thereto of all parts of the record subsequently developed. The entire record at any time during the pendency of an appeal shall be available for examination by the appellant or his representative.

(h) Upon completion of the record, the Appeals Council shall render decision thereon as soon as practicable, and within thirty days after the making thereof, such decision shall be communicated to the appellant in writing. Decision by two or more members of the Council shall be the decision of the Council.

§ 260.3 *Final appeal from a decision of the Appeals Council* (a) Every appellant shall have a right to a final appeal to the Railroad Retirement Board from any decision of the Appeals Council by which he claims to be aggrieved.

(b) Final appeal from a decision of the Appeals Council shall be made by the execution and filing of the final appeal form prescribed by the Board. Such appeal must be filed with the Board within four months from the date upon which notice of the decision by the Appeals Council is mailed to the appellant at the address furnished by him. As used in this part, a month shall be considered to have elapsed between any date and the date corresponding thereto in the next succeeding month.

(c) The right to further review of a decision of the Appeals Council shall be forfeited unless formal final appeal is filed in the manner and within the time prescribed in this part.

(d) Upon final appeal to the Board, the appellant shall not have the right to submit additional evidence: *Provided, however*, That, if upon final appeal to the Board, the Board finds that new or better evidence is available, the Board may obtain such evidence, in which event the appellant shall be advised with respect to such evidence and given an opportunity to submit rebuttal evidence and argument: *And provided further*, That in the event that pursuant to the preceding proviso material evidence is developed which tends to show facts contrary to those found by the Appeals Council, or, in the event that the appellant shows that he is ready to present to the Appeals Council, the claim may be referred back to the Appeals Council. Thereupon the Appeals Council shall receive such new evidence as may be offered, develop new or better evidence if available, affording the appellant appropriate opportunity to submit rebuttal evidence and argument, include a transcript of all evidence in the record, and transmit the entire record to the Board together with its recommendation to the Board for final decision.

(e) The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before final appeal to the Board, with such additions as may be made pursuant to this section. Further argument will not be permitted except upon a showing by the appellant that he has arguments to present which for valid reasons he was unable to present at an earlier stage, and in cases in which the Board requests further elaboration of the appellant's arguments. In such cases, the further argument shall be submitted orally or in writing, as the Board may indicate in each case, and shall be subject to such restrictions as to form, subject matter, length and time as the Board may indicate to the appellant.

§ 260.4 *Determination of date of filing of appeal.* In determining whether an appeal has been made in accordance with the regulations in this part, the date of filing of a duly executed appeal form prescribed by the Board shall be the date of receipt at an office of the Board or the date of delivery for the purpose of transmission to the Board's main office in Chicago, Illinois, to any field agent specifically authorized by a Regional Director to receive custody thereof in the district where delivery is made, whichever date is earlier.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-1803; Filed, Feb. 26, 1947; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-45]

PART 51—CANNED VEGETABLES: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED GREEN BEANS AND CANNED WAX BEANS

Correction

In Federal Register Document 47-1587, appearing at page 1137 of the issue for Wednesday, February 19, 1947, the following changes are made:

1. In the third column on page 1138, the fourth line of paragraph 3 should read: "short end pieces sifted from regular cuts,".

2. In the third column on page 1139, the seventeenth line of subparagraph (6) should read: "cup to a previously weighed 30-mesh".

3. In the third column on page 1140, the third line of subparagraph (5) should read: "weigh and record the weight of the de-"; and the sixth line of the following paragraph should read: "if it supports the ½ pound weight for".

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.1 *Designation of Acting Housing Expediter.* William E. O'Brien is hereby designated to act as Housing Expediter during my absence on February 24 and 25, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1946, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period. (E. O. 9820, Jan. 11, 1947, 12 F. R. 205)

Issued this 21st day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-1806; Filed, Feb. 26, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[State Director Advice 345, Issued 2/26/47]

PART 672—STATE DIRECTOR ADVICES

DEFERMENT FOR NAVAL RESERVE OFFICERS' TRAINING CORPS AND NAVAL AVIATION COLLEGE PROGRAM

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 672.345 *Deferment for Naval Reserve Officers' Training Corps and Naval Aviation College Program.* (a) Public Law 729, 79th Congress, provides for a new naval officer candidate training program, the chief components of which are the Naval Reserve Officers' Training Corps and the Naval Aviation College Program.

(b) In accordance with the provisions of Public Law 729, nationwide competitive examinations for candidates within the age group 17 through 20 were conducted in January 1947 to choose candidates for matriculation into courses of study under such program to commence in September 1947. No candidate who will reach the age of 21 by July 1, 1947, will be accepted.

(c) The Navy Department has indicated that the competitive examinations will be scored by February 15, 1947. Candidates who qualify will be notified by the Officer Procurement Division of the Bureau of Naval Personnel on a form designated as NROTC and NACP Notification to Successful Candidates, NAVPERS-922 (NEW 12-46). Between February 15, 1947, and May 15, 1947, successful candidates will be enlisted in the Naval Reserve, after which they will be entitled to classification in Class I-C.

(d) Between February 15, 1947, and May 15, 1947, candidates who receive the NROTC and NACP notification to successful candidates and who are registrants of an age liable for military service, will present this notice to their local boards, unless they are otherwise entitled to deferment. It is requested that the most serious deferment consideration be given during this period to candidates ages 19 through 20 who are registrants, and who present such notification of qualification to their local boards.

(e) The Bureau of Naval Personnel will advise the Director of Selective Service of the names of any candidates who are dropped from either component of this program. The Director of Selective Service will in turn notify the State Directors in such instances.

(54 Stat. 885 as amended; 50 U. S. C. and Sup. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-1828; Filed, Feb. 26, 1947; 8:45 a. m.]

Chapter XXIV—Department of State, Disposal of Surplus Property and Administration of Lend-Lease [1]

[FLC Reg. 8, Amdt. 1 to Order 6]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES

The President has informed the Secretary of State that many items of surplus property excepted by Order 6 (Departmental Regulation 108.39, 12 F. R. 397) from the importation prohibition of § 8508.15 of FLC Regulation 8 (Departmental Regulation 108.30, 11 F. R. 13423) have now ceased or will during the coming months cease to be in critically short supply and urgently needed for reconversion in the United States. The President has requested the Secretary of State to take such steps as are necessary to terminate on October 1, 1947 the period during which the items covered by Order 6 may be imported into the United States without regard to the importation prohibition and to remove at this time certain items from the list covered by the order.

It is hereby ordered, That FLC Regulation 8, Order 6, with Schedule A attached thereto be and is hereby amended as follows:

1. Items appearing on Schedule A may be imported into the United States only if they are in transit to a point in the United States on or before October 1, 1947. For the purpose of this order "in transit to a point in the United States" shall mean that the property involved is afloat, or is covered by an on-board ocean bill of lading to a point in the United States, or has been delivered to and accepted by a rail, truck or air carrier for transportation to a point within the United States.

2. The items appearing on Schedule A are subject to removal at any time. In the event of such removal prior to October 1, 1947, items so removed are not excepted from the importation prohibition of § 8508.15 of FLC Regulation 8 if the purchase by the importer, or his consignor, of those items was made subsequent to the effective date of the removal order. Items purchased by the importer, or his consignor, prior to the effective date of the order removing those items from Schedule A will not be affected by the importation prohibition of § 8508.15 of FLC Regulation 8 if such items are placed in transit to a point in the United States, as defined above, within ninety days of the effective date of the removal order, provided that such ninety-day period does not extend beyond October 1, 1947.

3. The following items are hereby removed from Schedule A and are not excepted from the importation prohibition of § 8508.15 of FLC Regulation 8 unless they were purchased by the importer, or his consignor, prior to the effective date of this order and are in transit to a point in the United States, as defined above, on or before May 27, 1947: *Provided, however*, That items purchased pursuant to Bid Invitation No. BE-3 of the Field Commissioner for Canada and North Atlantic Areas of the Office of the Foreign Liquidation Commissioner, issued January 20, 1947 and supplemented by Addendum No. 1 on February 5, 1947, shall not be affected by the provisions of this paragraph. No item on Schedule A as published January 18, 1947 (12 F. R. 397) which is purchased pursuant to Bid Invitation BE-3 is subject to the importation prohibition of § 8508.15 if in transit to a point in the United States on or before October 1, 1947:

Automotive and transportation equipment:
- Automobiles: passenger.
- Automotive maintenance shop equipment: such as auto jacks and lifts, brake servicing machines, motor testing equipment, valve grinders, etc.
- Automotive parts.
- Batteries: storage, automotive.
- Tire chains: passenger and truck.
- Trucks: all sizes, new and used (including jeeps).

Building materials and equipment:
- Fittings for copper water tube.
- Pipe coverings: molded: for low pressure steam and water piping: 4" and under.
- Pipe fittings and unions: screwed: 150 lb. SWP, malleable iron and 125 lb. SWP, gray cast iron: sizes 4" and under.
- Pumps: condensation and vacuum heating: up to 1,000 lbs. per hour.

Construction machinery and equipment:
- Cranes: tractor-mounted, wheel-mounted and truck-mounted.
- Crane attachments for earthmoving: shovel fronts, draglines, clamshell buckets, etc.
- Ditchers and trenchers.
- Graders: road: drawn.
- Scrapers: carry type: motorized and drawn, 6 cubic yards and larger.
- Tractor attachments in excess of one per tractor.

Electrical equipment and supplies:
- Circuit breakers: all capacities and voltages.
- Generator sets: portable and stationary, diesel driven, 50 kw. and up.
- Motors: fractional hp., a. c., standard specifications except those of ⅛ to ⅓ hp., inclusive.
- Motors: standard specifications, a. c. and universal types, 110, 220 and 440 v., 60 cycles.
- Pole line hardware: all types.
- Switchgear: all capacities and voltages.

Machinery and allied equipment:
- Belting: conveyor.
- Belting: farm machinery types.
- Boring mills: horizontal and vertical.
- Diesel power units: 70 to 250 hp.
- Engines and hoists: logging, 100 to 300 hp. (donkey engines).
- Lathes: standard engine types.
- Milling machines, horizontal: plain and universal.
- Milling machines: small die cutting types.
- Presses: all types and sizes.
- Pumps: deep well.
- Refrigeration equipment: heavy industrial and commercial.
- Refrigeration equipment: repair and replacement parts.
- Sawmills: portable.
- Tractors: wheel types, 10-35 DBHP.
- Water purification equipment: including tanks, softening, chlorinating and filtering equipment.

Professional and scientific apparatus, equipment and supplies:
- Dental supplies.

This order shall become effective February 27, 1947.

(58 Stat. 765, 59 Stat. 533, Pub. Law, 375, 79th Cong., 60 Stat. 168, Pub. Law 584, 79th Cong., 60 Stat. 754; 50 U. S. C. App. Supp. 1611)

[SEAL] GEORGE C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-1824; Filed, Feb. 26, 1947; 8:47 a. m.]

[1] Formerly Department of State, Disposal of Surplus Property.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

ORGANIZATION

AUTHORITY OF REGIONAL ADMINISTRATORS; LAND REGIONS AND REGIONAL HEADQUARTERS

Under authority of section 403 (e) of the President's Reorganization Plan No. 3 of 1946; *It is ordered:*

(a) The regional administrator for each region shall have immediate supervision over the work of the district land offices and all other field offices in his region.

(b) All authority formerly vested in the regional field examiners, the regional cadastral engineers and the regional graziers by Departmental or Bureau orders is hereby transferred to and hereafter shall be exercised by the regional administrators.

(c) All regulations of the Bureau of Land Management containing provisions which conflict with the foregoing will be amended as soon as possible so as to conform thereto.

PART 50—ORGANIZATION AND PROCEDURE

The following text is substituted for §§ 50.30 and 50.31:

§ 50.30 *Supervision.* The headquarters organization of the Bureau of Land Management, in addition to formulating policies and programs concerning the public lands, and administering the eastern region, has immediate supervision over the work of the regional administrators.

§ 50.31 *Land regions; regional administrators.* There are seven land regions, as follows:

(a) Washington, Oregon and Idaho, with headquarters at Portland, Oregon.

(b) California and Nevada, with headquarters at San Francisco, California.

(c) Utah and Colorado, with headquarters at Salt Lake City, Utah.

(d) Montana, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Iowa, and Missouri, with headquarters at Billings, Montana.

(e) Arizona, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, with headquarters at Albuquerque, New Mexico.

(f) All the remaining States, with headquarters at Washington, D. C.

(g) Alaska, with headquarters at Anchorage.

The regional administrator for each region, to the extent of the authority delegated to him, is responsible for the management, protection and disposal of the public lands in his region and has immediate supervision over the work of the district land offices and all other field offices in his region.

(Sec. 403, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

FRED W. JOHNSON,
Director.

Approved: February 21, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-1797; Filed, Feb. 26, 1947; 8:45 a. m.]

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

WYOMING GRAZING DISTRICT NO. 4

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see Public Land Order 351 under this chapter, *infra*, which revokes Executive Order 3263 temporarily withdrawing certain lands in Wyoming Grazing District No. 4 pending a determination as to what portion thereof, if any, would be needed as a landing field for aeroplanes in connection with national forest fire patrol purposes.

Appendix—Public Land Orders

[Public Land Order 350]

NEW MEXICO

REVOKING PUBLIC LAND ORDER 18 OF JULY 29, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS PRACTICE BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 18 of July 29, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing the hereinafter-described public land for the use of the War Department as a practice bombing range, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 18 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 18, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 18, 1947, to July 18, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 29, 1947, to April 18, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 18, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 18, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 28, 1947, to July 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 18, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 S., R. 24 E.,
sec. 27.

The area described contains 640 acres.
This is typical desert land, fairly level in topography.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 14, 1947.

[F. R. Doc. 47-1798; Filed, Feb. 26, 1947; 8:48 a. m.]

[Public Land Order 351]

WYOMING

REVOCATION OF EXECUTIVE ORDER 3263 OF APRIL 28, 1920

By virtue of the authority contained in section 1 of the act of June 25, 1910 c. 421, 36 Stat. 847 (U. S. C. Title 43, sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 3263, of April 28, 1920 temporarily withdrawing the E½ and SW¼ sec. 19, T. 24 N., R. 119 W., 6th P. M., Wyoming, pending a determination as to what portion thereof, if any, would be needed as a landing field for aeroplanes in connection with national forest fire patrol purposes, is hereby revoked.

The lands are nearly level and semi-arid in character, supporting native desert vegetation. They are within Wyoming Grazing District No. 4.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 21, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 21, 1947, to July 21, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 1, 1947, to April 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 21, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 21, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 1, 1947, to July 21, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 21, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Evanston, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Evanston, Wyoming.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 17, 1947.

[F. R. Doc. 47-1799; Filed, Feb. 26, 1947; 8:48 a. m.]

[Public Land Order 353 [1]]

ALASKA

WITHDRAWING PUBLIC LANDS FOR PROTECTION OF WATER SUPPLY FOR CITY OF FAIRBANKS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described area are hereby withdrawn from all forms of appropriations under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for the protection of the water supply for the City of Fairbanks:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
sec. 26, E½NW¼ and NE¼SW¼.

The area described contains 120 acres.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

FEBRUARY 18, 1947.

[F. R. Doc. 47-1801; Filed, Feb. 26, 1947; 8:47 a. m.]

[Public Land Order 352]

MONTANA

REVOKING IN PART PUBLIC LAND ORDER 83 OF JANUARY 23, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS MANEUVER AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 83 of January 23, 1943, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands for the use of the War Department as a maneuver area, which was revoked in part by Public Land Order No. 223 of April 10, 1944, is hereby revoked so far as it affects the hereinafter-described public lands.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 83 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 21, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 21, 1947, to July 21, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlements rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 1, 1947, to April 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 21, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 21, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 1, 1947, to July 21, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 21, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satis-

[1] For notice for filing objections to this order, see Interior Department, Bureau of Land Management, in Notices section, *infra*.

factory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Great Falls, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Great Falls, Montana.

The lands affected by this order are described as follows:

PRINCIPAL MERIDIAN

T. 10 N., R. 4 W.,
sec. 17, lots 3, 6, 7, 8, 14, 15 and 16.

The areas described aggregate 31.10 acres.

The lands are rolling in topography, lying at an elevation of approximately 4,100 feet.

Lot 4, containing 3.21 acres, was erroneously described as public land in Public Land Order No. 83. It was patented June 28, 1923.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 17, 1947.

[F. R. Doc. 47-1800; Filed, Feb. 26, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 260, Amdt. 6]

PART 95—CAR SERVICE

SALTING OF ICE ON CARS OF CITRUS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of February A. D. 1947.

Upon further consideration of the provisions of Service Order No. 260 (9 F. R. 14547), as amended (10 F. R. 4818; 11 F. R. 8452, 13639; 12 F. R. 48, 128), and good cause appearing therefor: It is ordered, that:

Section 95.260 *Salting of ice on cars of citrus* of Service Order No. 260, as amended, be, and it is hereby, further amended by adding the following exception to paragraph (a) thereof:

Exception. The provisions of this order, during the effectiveness of this amendment, shall not apply to the salting, at regular icing stations en route, with not to exceed three percent (3%) salt, of ice in the bunkers of refrigerator cars, shipped from any origin in the State of Florida, loaded with straight carloads of tangerines, or loaded with mixed carloads of tangerines and other citrus fruit providing tangerines comprise fifty percent (50%) or more of the lading.

Effective date. This amendment shall become effective at 12:01 a. m., February 24, 1947.

Expiration date. This amendment shall expire at 11:59 p. m., May 15, 1947.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1807; Filed, Feb. 26, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 941]

[Docket No. AO-101-A6]

HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq.; 10 F. R. 11971, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Hotel Stevens, Chicago, Illinois, beginning at 10:00 a. m., c. s. t., March 5, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Chicago, Illinois, milk marketing area (11 F. R. 9606). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Pure Milk Association:

1. Delete § 941.1 (e) and substitute therefor the following:

(e) "Approved plant" means any plant which is approved by any health authority for the receiving of milk which may be disposed of as Class I milk, as defined in § 941.4, in the marketing area, except if such plant has been suspended as a pool plant pursuant to § 941.6.

2. Add at the end of § 941.1 (g) the following:

(g) This definition shall not include any person who sells the larger percentage of Class I milk handled by him in a marketing area under any other milk marketing agreement or order issued under the act where such person is a handler subject to such other milk marketing agreement or order.

By the Dairy Branch, Production and Marketing Administration:

3. Amend § 941.4 (a) (2) by adding after the words "fluid cream" the following: "frozen cream, other cream frozen, plastic cream, or any cream product similar to the products here named,"

4. Amend § 941.4 (a) (2) by including the counties of Stark, Marshall, Woodford, Livingston, Ford, and Iroquois in the State of Illinois, and the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, and Sullivan in the State of Indiana in the "surplus milk manufacturing area."

5. Amend § 941.4 (a) (3) by adding to such paragraph the following:

Such utilization shall be substantiated by daily production records:

(i) If the unapproved plant makes available to the market administrator adequate daily records of its total milk receipts and the utilization or disposition thereof, but intermingles its receipts of fluid milk or fluid cream from an approved plant with its other receipts and is therefore unable to account for the utilization of the receipts from an approved plant, such fluid milk shall be allocated on a daily basis as substantiated by production records to the amount of butterfat used in Class III milk products, in Class IV milk products, and in Class II milk products, respectively, and the balance, if any, shall be allocated to the amount of fluid milk in Class I milk products, and such fluid cream shall be allocated on a daily basis as substantiated by production records to the amount of butterfat used in Class IV milk products, in Class III milk products, in Class II milk products, and in Class I milk products, respectively;

(ii) If the unapproved plant does not make available to the market administrator adequate daily records of its total milk receipts and the utilization or disposition thereof, but does make available to the market administrator adequate records of utilization on a monthly basis, the fluid milk received from an approved plant shall be allocated to the amount of fluid milk used in Class I milk products, then to the amount of butterfat used in Class II milk products, in Class III milk products, and in Class IV milk products, respectively, as shown by such production records, and the fluid cream received from an approved plant shall be allocated to the amount of butterfat used in Class II milk products, in Class III milk products, in Class IV milk products, and in Class I milk products, respectively, as shown by such production records; and

(iii) If adequate records of utilization are not available the milk shall be classified pursuant to § 941.4 (c).

6. Amend § 941.4 (c) (3) (ii) by adding after the word "tests" the following: "(in the case of flavored milk and flavored milk drinks the average fat test including test of chocolate ingredients)."

7. Amend (2), (3), (4), and (5) of § 941.4 (f) by changing the designations thereof to (3), (4), (5), and (6), respectively, and adding as (2) the following: "Subtract from the remaining pounds of milk in each class the pounds of milk obtained from frozen cream and utilized during the delivery period in such class."

By the Associated Milk Dealers Inc.:

8. Delete (1) and (2) of § 941.4 (b) and substitute therefor the following:

(1) Class I milk shall be all milk disposed of in the form of fluid milk, excluding bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments, but including bulk milk disposed of to hotels, restaurants, and other retail food establishments, and all milk not accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk, except skim milk, disposed of in the form of flavored milk and flavored milk drinks, and all milk, the butterfat from which is disposed of in the form of sweet or sour cream, cottage cheese, buttermilk, frozen cream, ice cream, and ice cream mix.

9. Delete § 941.4 (b) (4) (iii) and substitute therefor the following:

(iii) Actual shrinkage, but in an amount not to exceed one-half percent of total pounds of butterfat received directly from producers plus 2 percent of the total pounds of butterfat in bulk fluid milk, bulk fluid skim milk, or bulk fluid cream received at an approved plant or platform from all sources: *Provided*, That such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

10. Delete § 941.4 (e) (6) (vi) and substitute therefor the following:

(vi) Determine the maximum number of pounds of butterfat shrinkage in Class IV milk by multiplying by 2 percent the pounds of butterfat in bulk fluid milk, bulk fluid skim milk, or bulk fluid cream received at an approved plant or platform from all sources, and adding such amount to the result obtained by multiplying by one-half percent the pounds of butterfat received directly from producers: *Provided*, That the pounds determined pursuant to this subdivision shall be zero if records of utilization satisfactory to the market administrator are not available.

By the Pure Milk Association:

11. Delete (1) and (2) of § 941.5 and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus 70 cents, except that during the delivery periods of May and June the price shall be the basic formula price plus 50 cents, and during the delivery periods of August, September, October, and November the price shall be the basic formula price plus $1.00.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus 32 cents, except that during the delivery periods of August, September, October, and November the price shall be the basic formula price plus 60 cents.

By the Consolidated Badger Cooperative, the Wisconsin Cooperative Dairies, the Fox River Valley Cooperative Creamery, the Columbus Milk Products Cooperative, the St. Croix Valley Cooperative Dairies, West Depere Cooperative Creamery, Ladysmith Milk Producers Cooperative Association, the Lake to Lake Dairy Cooperative, the Dairyland Cooperative Association, the Barron Cooperative Creamery, and the Kaukauna Cooperative Dairy (hereinafter referred to as Consolidated Badger Cooperative et al.):

12. Amend § 941.5 (a) (3) to read as follows:

(3) *Class IV milk.* Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, less 1 cent and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (i) add 3¾ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound or (ii) subtract 3¾ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for a Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the Class IV price shall be subject to the following adjustments: Add 3¾ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound, or subtract 3¾ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

13. Delete § 941.5 (b) and substitute therefor the following:

(b) *Class prices.* Subject to the appropriate location adjustment credits set forth in (c) of this section, each handler, at the time and in the manner set forth in § 941.8, shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this paragraph:

(1) *Class I milk.* The price for Class I milk shall be the average of the basic formula prices for the preceding month and the current month, plus 70 cents.

(2) *Class II milk.* The price for Class II milk shall be the average of the basic formula price for the current month and the preceding month plus 32 cents, except that during the delivery periods of May and June of each year the price for that portion of Class II milk used in frozen cream shall be the average of the basic formula price for the current month and the preceding month, plus 20 cents.

(3) *Class III milk.* The price for Class III milk shall be the same as the basic formula price for the current month.

(4) *Class IV milk.* The price for Class IV milk shall be the same as the price computed pursuant to (a) (3) of this section.

14. Amend § 941.5 (c) (2) by adding thereto the following proviso:

Provided, That if any handler can prove to the market administrator that the LCL freight rate approved by the Interstate Commerce Commission, or the State authorities having the power to fix intrastate rail rates for the movement of cream in forty quart cans from the shipping point for the plant where such milk is received from producers to the marketing area, is in excess of the allowance herein provided, such actual freight rate shall be allowed such handler on Class II milk.

By the Associated Milk Dealers, Inc.:

15. Amend § 941.5 (a) (1) by adding the following manufacturing plants to the list of such plants appearing in said sections:

Borden Co., Dixon, Ill.
Carnation Co., Oregon, Ill.
Libby, McNeil & Libby Co., Morrison, Ill.
Dean Milk Co., Pecatonica, Ill.
Amboy Milk Products Co., Amboy, Ill.

16. Amend (1) and (2) of § 941.5 (b) to read:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus 70 cents, except that during the period from April 16 through July 15 the price for Class I milk shall be the basic formula price plus 45 cents.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus 32 cents, except that during the period from April 16 through July 15 the price for Class II milk shall be the basic formula price plus 20 cents.

17. Amend § 941.5 (c) to read:

(c) *Location adjustment credit to handlers.* (1) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant or platform (i) which is moved in the form of fluid milk or fluid skim milk from such approved plant or platform to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class I milk but did not move in the manner described in (i) of this subparagraph or in (2) (i) of this subparagraph, shall be 2½ cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles by rail or highway, whichever is shorter, from the City Hall in Chicago.

(2) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid cream from such approved plant to a plant engaged in the bottling of fluid milk or cream or in the manufacturing of ice cream or ice cream mix, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class II milk but did not move in the manner described in (1) (i) of this paragraph or in (i) of this subparagraph shall be ¾ cent per hundredweight of milk equivalent for each 15 miles or fraction thereof that such approved plant is located more than 70 miles by rail or highway, whichever is shorter, from the City Hall in Chicago.

18. Amend § 941.5 by adding a new paragraph (e) to read as follows:

(e) If any handler has purchased or received from any producer, during any delivery period, milk having an average butterfat content, other than 3.5 percent, such handler, in making the payments pursuant to paragraph (a) of this section to such producer shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent not more than 4 cents per hundredweight.

By the Beatrice Foods Company:

19. Amend § 941.5 by adding paragraph (e) as follows:

(e) *Sales outside the marketing area.* The price to be paid by a handler for Class I milk disposed of outside of marketing area 41, shall be the price, as ascertained by the market administrator, which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of.

For the purpose of this section, milk produced and sold in cities operating under ordinances complying with regulations of the U. S. Public Health Service or under regulations of equal requirements shall be classed as Grade A milk.

By the Ice Cream Manufacturers' Association of Cook County:

20. Amend § 941.5 (b) (2) to read as follows:

(2) *Class II milk.* The price per hundredweight for Class II milk shall be the price determined pursuant to paragraph (b) of this section (for Class III milk) plus a premium of 32 cents for the months of July to the following March, both inclusive, and a premium of 20 cents during the months of April, May, and June: *Provided, however,* That as to purchases during April, May, and June, any handler who shall certify that such purchases are for frozen cream storage shall be entitled to a reduction of 17 cents per hundredweight. Any handler who shall receive such reduction shall be liable under the provisions of § 941.8 (g) for the amount thereof as to any frozen cream used before the following July 15th or used at any time for other than a Class II use.

By the Pure Milk Association:

21. Amend § 941.6 to read as follows:

§ 941.6 *Application of provisions.*—(a) *Handlers who are also producers.* No provision hereof shall apply to a handler whose sole sources of supply are receipts from his own production and from other handlers, except that such handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) *Pool plants.* Any approved plant which meets the requirements of this section shall be designated as a pool plant until such designation is suspended pursuant to paragraph (2) hereof.

(1) *Requirements.* A pool plant must utilize as Class I or Class II milk on its own premises or dispose of such milk to a plant engaged in the distribution of Class I or Class II milk in the marketing area the minimum percentages of fluid milk or butterfat specified by the market administrator. The requirements of a pool plant shall be determined by the market administrator. The market administrator shall call a meeting of handlers and cooperative associations after at least three (3) days notice of such meeting has been mailed by the market administrator to handlers and cooperative associations. At such meeting consideration shall be given to the desirable percentage of utilization of milk received from producers during the delivery period immediately following the month in which such meeting is held. Following such meeting, and not later than the 25th day of the month during which held, the market administrator shall mail to all handlers operating pool plants an announcement of his determination of the desirable percentage of utilization of milk received from producers during the next delivery period. Such determination shall include a statement setting forth the minimum percentage of milk received from producers to be utilized as Class I or Class II milk or disposed of to a plant engaged in the distribution of Class I or Class II milk in the marketing area. In order to facilitate meeting the requirements of this paragraph, from time to time the market administrator shall notify all handlers and cooperative associations by letter of the handlers reporting to him a desire to buy fluid milk or fluid cream, and of the handlers reporting to him a desire to sell fluid milk or fluid cream.

(2) *Suspension.* Any plant which fails to meet the requirements of (1) hereof shall be suspended as a pool plant during the delivery periods of February, March, April, May, June, and July next following. However, if the handler operating such plant during the delivery period or periods in which the violation occurred notified the market administrator of a desire to dispose of fluid milk or fluid cream and thereafter did not receive sufficient requests to purchase all of such milk or cream, such plant shall not be suspended. The burden of proving insufficient requests to purchase milk or cream shall be upon the handler. Offers to sell such milk or cream must be upon terms and conditions prevailing in the area where such plant is located. Suspension shall become effective upon notice by the market administrator to the handler operating the plant whenever the market administrator finds on the basis of available information, that the handler did not meet the requirements provided for in (1) hereof. Sections 941.4 through 941.14 hereof shall not apply to any handler with respect to any milk which is received at a plant that is suspended as a pool plant during the period of the suspension.

(c) *Payment for milk received from sources determined as other than from producers or other handlers.* The market administrator in computing the value of milk for each handler pursuant to § 941.7 shall add an amount determined by multiplying the pounds of milk purchased or received from sources determined as other than producers or other handlers by the difference between the value of such milk pursuant to its allocation in § 941.4 (f) (3) and the value of such milk at the price for Class IV milk. This provision shall not apply if such handler can prove to the market administrator that such milk was used for purposes which did not violate any regulations issued by the various health authorities in the marketing area, and that such milk was not obtained from a plant that has been suspended as a pool plant pursuant to (b) (2) of this section.

(d) *Announcement by the market administrator.* The market administrator shall publicly announce the name of any handler who fails to meet the requirements of (b) (1) hereof.

(e) *Payment for overrun.* The market administrator in computing the value of milk for each handler pursuant to § 941.7 shall add an amount determined by multiplying the pounds of overrun pursuant to § 941.4 (e) (7) by the appropriate price pursuant to its allocation in § 941.4 (f) (4).

By the Dairy Branch, Production and Marketing Administration:

22. Amend § 941.6 by adding as paragraph (d) the following:

(d) *Butterfat in skim milk.* A handler may claim butterfat in skim milk disposed of to others or used in the manufacture of dairy products by including the butterfat content of such skim milk in his report or otherwise notifying the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent per hundredweight of skim milk as the butterfat content of such skim milk. In the event the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective. Classification of such butterfat shall be determined pursuant to § 941.4.

By the Pure Milk Association:

23. Amend § 941.7 (b) (3) by adding thereto the following:

(i) Subtract an amount equal to the milk equivalent of Class II butterfat utilized as frozen cream, multiplied by the difference between the Class II and Class IV prices for the current delivery period from the total pool value; and

(ii) Add the amount subtracted under (i) above with respect to any frozen cream used in Class II products during the current delivery period.

By the Consolidated Badger Cooperative et al.:

24. Amend § 941.8 (b) as follows:

(b) *Location adjustment to producers.* In making payment to producers pursuant to (a) (2) of this section, handlers shall deduct per hundredweight with respect to all milk purchased or received from producers, at a plant located more than 70 miles by rail or highway (whichever is the shorter), from the City Hall in Chicago, Illinois, the amount specified as follows:

	Cents per hundredweight
(1) Within 70.1 to 85 miles	1½
Within 85.1 to 100 miles	3
Within 100.1 to 115 miles	4½
Within 115.1 to 130 miles	6

For each 15 miles, or part thereof, beyond 130 miles from the City Hall in Chicago, Illinois, an additional ½ cent per hundredweight: *Provided, however,* That in the event the accumulated deductions from producers as provided herein effective from the first day of the period for which this provision becomes applicable is in excess of the allowances provided for in § 941.5 (c) (by an amount in excess of $50,000) the market administrator shall give public notice that the location adjustment to producers shall, for succeeding reporting periods, be as follows:

	Cents per hundredweight
(2) Within 70.1 to 85 miles	1
Within 85.1 to 100 miles	2
Within 100.1 to 115 miles	3
Within 115.1 to 130 miles	4

For each 15 miles or part thereof beyond 130 miles from the City Hall in Chicago, Illinois, an additional ¼ cent per hundredweight: *And provided further,* That said rate shall continue in effect until the accumulated excess of deductions from producers over allowances to handlers has been reduced to $25,000 or less, in which event schedule (b) (1) shall be applicable for the succeeding delivery periods, until the proviso clause in (b) (1) of this section becomes applicable.

By the Dairy Branch, Production and Marketing Administration:

25. Amend § 941.9 (a) by adding the following phrase "a sum not exceeding 2 cents per hundredweight" the words ", or such lesser amount as the Secretary may prescribe," and delete from such paragraph the words "the exact sum to be determined by the market administrator, subject to review by the Secretary."

26. Delete § 941.9 (b).

By the Dairy Branch, Production and Marketing Administration:

27. Delete from § 941.10 (a) the words "or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary" and substitute therefor the words "or such lesser amount as the Secretary may prescribe,".

General proposals by the Dairy Branch, Production and Marketing Administration:

28. Make such other changes as may be required to make the entire marketing agreement or order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the market administrator, 1425 Field Building, 135 South LaSalle Street, Chicago, Illinois, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-1846; Filed, Feb. 26, 1947; 8:46 a. m.]

[7 CFR, Part 965]

[Docket No. AO-166-A7]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at Hotel Sinton, 4th and Vine Sts., Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., March 3, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and order, as amended, regulating the handling of milk in the Cincinnati, Ohio, milk marketing area (9 F. R. 825, 9 F. R. 9880, 10 F. R. 7607, 11 F. R. 7331, 11 F. R. 9670, 11 F. R. 14011). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By The K. I. O. Milk Producers Association, Inc., and The Milk Producers' Union, Inc.:

1. Delete from § 965.6 (a) (1) the figure "$1.15" and substitute therefor the figure "$1.30."

2. Delete from § 965.6 (a) (2) the figure "$0.70" and substitute therefor the figure "$0.85."

3. Establish a floor under the prices for Class I milk and Class II milk at cost of production.

By The Cooperative Pure Milk Association:

4. Delete § 965.6 (a) (1) and (2) and substitute therefor the following:

(1) The price for Class I milk shall be the price for Class III milk plus $1.30: *Provided,* That such price shall not be less than $5.00.

(2) The price for Class II milk shall be the price for Class III milk plus $0.85: *Provided,* That such price shall not be less than $4.55.

By the Avondale Dairy, G. H. Berling, Inc., George Bosse, Cedar Hill Farms, The Coors Bros. Company, J. H. Fielman Dairy Co., August Hinnenkamp Dairy, John C. Mandery & Son, Hyde Park Dairy, J. Weber Dairy, Wilson Dairy and H. Woebkenberg:

5. Amend § 965.6 (a) by adding a new subparagraph (4) as follows:

(4) In the case of Class III milk disposed of as butter, the price per hundredweight shall be the average price per pound of 92 score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk was received, plus 2 cents, multiplied by 4. In the event that the total receipts of milk, excepting emergency milk, by all handlers from producers and new producers during the delivery period, as ascertained by the market administrator from reports submitted by handlers pursuant to § 965.4 (a), are less than 125 percent of the total quantity of milk disposed of as Class I and Class II milk by such handlers computed pursuant to § 965.5, the price set forth above shall apply to a quantity of milk disposed of as butter but not to exceed 10 percent of such Class I and Class II milk.

By the Wilson Dairy Products:

6. Amend § 965.6 (c) in such a manner that the average price (blend of Class I, Class II, and Class III milk values) for any handler never will exceed the price for Class I milk computed pursuant to (a) (1) of this section.

General proposals by the Dairy Branch, Production and Marketing Administration:

7. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, as amended, now in effect, may be procured from the Market Administrator, 152 E. 4th Street, Cincinnati 2, Ohio, or from the Hearing Clerk, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1947.

E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-1847; Filed, Feb. 26, 1947; 8:46 a. m.]

[7 CFR, Part 969]

[Docket No. AO-172-A2]

HANDLING OF MILK IN SUBURBAN CHICAGO, ILL., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Hotel Stevens, Chicago, Illinois, beginning at 10:00 a. m., c. s. t., March 3, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, milk marketing area (11 F. R. 11126). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Lake County Milk Dealers' Association, Inc.:

1. Amend § 969.1 (b) to read as follows:

(b) "Suburban Chicago, Illinois, Marketing Area", hereinafter called "Marketing Area" means all of the territory geographically included within the City of Barrington in Lake County, the Townships of Dundee, Elgin, St. Charles, Geneva, Batavia and Aurora in Kane County, Cook, DuPage and Will Counties, Illinois, except territory lying within the corporate limits of the cities and villages of Chicago, Evanston, Wilmette, Kenilworth, Winetka, Glencoe, and Oak Park, in the State of Illinois, and that a separate Federal Marketing Order be established for all of the territory geographically included within the Townships of North, Calumet, and Hobart, in Lake County, Indiana, and that the Federal Marketing Order for this territory when established embody the present Order No. 69 (11 F. R. 11126) together with the amending proposals herewith submitted.

2. Amend § 969.1 (i) to read as follows:

(i) "Grade A Milk" means fluid milk labeled Grade A.

3. Amend § 969.1 (j) to read as follows:

(j) "Grade B Milk" means fluid milk not labeled Grade A.

By the Committee for Order 69 Handlers:

4. Amend § 969.4 (b) to read as follows:

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of fluid milk (excluding bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments, which do not distribute fluid milk), including bulk milk disposed of to hotels, restaurants, and other retail food establishments, and all milk not accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk, except skim milk, disposed of in the form of flavored milk and flavored milk drinks, and all milk the butterfat from which is disposed of in the form of sweet or sour cream, cottage cheese, and buttermilk.

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those specified in Class II and Class IV, and all bulk milk and bulk cream disposed of to bakeries, soup companies, and candy manufacturing establishments, which do not distribute fluid milk.

By the Dairy Branch, Production and Marketing Administration:

5. Amend § 969.4 (f) by changing the designation of subparagraph (6) to (7) and adding a new provision as subparagraph (6) to read as follows:

(6) If after making the applicable deductions pursuant to subparagraphs (1) to (5), inclusive, (i) the amount of Class I milk is greater than the amount of milk received from producers plus the 3.5 percent milk equivalent of butterfat overrun, if any, and none of the butterfat received from producers has been allocated to Class II milk, Class III milk, or Class IV milk, the amount of Class I milk allocated to producers shall be equal to the amount of milk received from producers plus the 3.5 percent milk equivalent of the butterfat overrun, (ii) the amount of Class I milk plus the 18 percent cream equivalent of the butterfat in the remaining Class II milk, Class III milk, and Class IV milk is greater than the amount of milk received from producers plus the 3.5 percent milk equivalent of butterfat overrun, if any, the difference shall be subtracted from the amount of Class I milk. The adjusted Class I milk pounds shall be used in completing the computation of the handler's obligation to producers.

6. Amend (e) (3) (ii) of § 969.4 by adding after the word "tests" the following: "(in the case of flavored milk and flavored milk drinks the average fat test including test of chocolate ingredients)".

By the Lake County Milk Dealers Association, Inc.:

7. Amend § 969.4 (b) (1) and (2) to read as follows:

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of fluid milk (excluding bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments, which do not distribute fluid milk), including bulk milk disposed of to hotels, restaurants, and other retail food establishments, and all milk not accounted for as Class II milk, Class III milk, Class IV milk, or Class V milk.

(2) Class II milk shall be all milk, except skim milk, disposed of in the form of flavored milk and flavored milk drinks, and all milk the butterfat from which is disposed of in the form of sweet or sour cream, cottage cheese, and buttermilk.

8. Amend § 969.4 (b) by adding subparagraph (5), as follows:

(5) Class V milk shall be all milk in excess of the actual and complete requirements of each handler as follows: Whenever any handler shall give the Pure Milk Association and/or the Market Administrator not less than twenty-four hours' notice to dispose of all milk above the actual and complete requirements of such handler and the Pure Milk Association shall fail to accept delivery of such milk or the Market Administrator shall fail to instruct the handler where such milk should be disposed of, and which milk the handler takes into his plant on account of the failure of the Pure Milk Association to accept delivery or the failure of the Market Administrator to instruct as to the disposition of such milk, then such milk shall become Class V milk.

9. Amend § 969.4 (b) (4) (iii) to read as follows:

(iii) Actual shrinkage, but in an amount not to exceed ½ percent of the total pounds of butterfat received directly from producers plus 2½ percent of the total pounds of butterfat in bulk fluid milk, bulk fluid skim milk, or bulk fluid cream received at a plant as described in § 969.1 (f) from all sources which were not disposed of in bulk to a plant as described in § 969.1 (f) or to a plant not meeting such description: *Provided*, That such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

By the Pure Milk Association:

10. Amend subparagraphs (1) and (2) of § 969.5 (b) to provide for the following premiums above the basic formula price:

	Grade A	Grade B
(1) Class I milk		
January through April	$0.70	$0.60
May and June	.50	.40
July	.70	.60
August through November	1.00	.90
December	.70	.60
(2) Class II milk		
January through July	.32	.22
August through November	.60	.50
December	.32	.22

By the Committee for Order 69 Handlers:

11. Amend § 969.5 by adding a new paragraph (g) as follows:

(g) *Out of area milk.* (1) The price to be paid by a handler for Class I milk disposed of outside of Marketing Area 69, shall be the price, as ascertained by the market administrator which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of.

(2) For the purpose of this section, milk produced and sold in cities operating under ordinances complying with regulations of the United States Public Health Service, or under regulations of equal requirements shall be classed as Grade A milk.

12. Amend § 969.5 (a) (3) to read as follows:

(3) The price per hundredweight computed from the following formula: Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and make the following adjustment: Add 3½¢ per hundredweight for each full ½ cent that the price per pound of nonfat dry milk solids is above 5 cents, or subtract 3½ cents per hundredweight for each full ½ cent that the price per pound of nonfat dry milk solids is below 5 cents. For the purpose of determining this adjustment the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, as published by the United States Department of Agriculture for the Chicago area during such delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available at the time such average price was determined for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, for such delivery period, the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago during such delivery period as published by the United States Department of Agriculture and the adjustment to be made as follows: Add 3½ cents per hundredweight for each full ½ cent that such price is above 6 cents, or subtract 3½ cents per hundredweight for each full ½ cent that such price is below 6 cents.

13. Amend subparagraphs (1) and (2) of § 969.5 (b) to read as follows:

(1) *Class I milk.* (i) The price for Grade A Class I milk shall be the basic formula price plus 70 cents, except that during the delivery periods of April, May, and June the price for Grade A Class I milk shall be the basic formula price plus 45 cents; (ii) the price for Grade B Class I milk shall be the basic formula price plus 50 cents, except that during the delivery periods of April, May, and June the price for Grade B Class I milk shall be the basic formula price plus 25 cents.

(2) *Class II milk.* (ii) The price for Grade B Class II milk shall be the basic formula price plus 12 cents.

By the Lake County Milk Dealers Association, Inc.:

14. Amend § 969.5 (a) (3) to read as follows:

(3) The price per hundredweight computed from the following formula: Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and making the following adjustment: Add 3½ cents per hundredweight for each full ½ cent that the price per pound of nonfat dry milk solids is above 5½ cents, or subtract 3½ cents per hundredweight for each full ½ cent that the price per pound of nonfat dry milk solids is below 5½ cents. For the purpose of determining this adjustment the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, as published by the United States Department of Agriculture for the Chicago area during such delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available at the time such average price was determined for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, for such delivery period, the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago during such delivery period as published by the United States Department of Agriculture and the adjustment to be made as follows: Add 3½ cents per hundredweight for each full ½ cent that such price is above 7½ cents or subtract 3½ cents per hundredweight for each full ½ cent that such price is below 7½ cents.

15. Amend § 969.5 (b) by adding a new subparagraph (5), as follows:

(5) *Class V milk.* The price of Class V milk shall be the net price actually received, f. o. b. the handler's plant, less twenty (20) cents per hundredweight as and for the handling charge thereof.

By the Lake County Milk Dealers Association, Inc.:

16. Amend § 969.6 by adding a new paragraph (c), as follows:

(c) If a handler operates a plant (or plants) from which both Grade A milk and Grade B milk is disposed of in the marketing area, the market administrator shall compute a separate milk value for milk utilized in each grade.

By the Dairy Branch, Production and Marketing Administration:

17. Amend § 969.6 by adding a new paragraph (c), as follows:

(c) *Butterfat in skim milk.* A handler may claim butterfat in skim milk disposed of to others or used in the manufacture of dairy products by including the butterfat content of such skim milk in his report or otherwise notifying the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use .06 percent per hundredweight of skim milk as the butterfat content of such skim milk. In the event the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective. Classification of such butterfat shall be determined pursuant to § 969.4.

By the Committee for Order 69 Handlers:

18. Amend § 969.6 (b) to read as follows:

(b) *Uniform prices of handler of both Grade A milk and Grade B milk.* If a handler operates both a plant (or plants) from which only Grade A milk is disposed of in the marketing area and a plant (or plants) from which only Grade B milk is so disposed of, even though such plant (or plants) are located within the same building, the market administrator shall compute a separate milk value and uniform price for milk so disposed of from each type of plant.

By the Lake County Milk Dealers' Association, Inc.:

19. Amend § 969.8 (b) to read as follows:

(b) *Butterfat differential to producers.* For each one-tenth of 1 percent of average butterfat content above or below 3.5 percent in milk received from any producer or association of producers during the delivery period, the uniform price paid to such producer or association of producers shall be plus or minus, as the case may be, four cents.

By the Dairy Branch, Production and Marketing Administration:

20. Amend § 969.9 by adding the following phrase "an amount not exceeding 4 cents per hundredweight" the words ", or such lesser amount as the Secre-

tary may prescribe," and delete from such section the words "the exact sum to be determined by the market administrator, subject to review by the Secretary."

By the Dairy Branch, Production and Marketing Administration:

21. Delete from § 969.10 (a) the parenthetical phrase "(or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary)" and substitute therefor the words ", or such lesser amount as the Secretary may prescribe,".

General proposals by the Lake County Milk Dealers' Association, Inc.:

22. Petitioners respectfully petition that any and all other sections of the Order No. 69 as amended, to which the proposals of amendment herewith submitted are in any way related, be likewise amended and changed insofar as changes and amendments become necessary because of the amendments herein proposed.

By the Dairy Branch, Production and Marketing Administration:

23. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

It is hereby determined that an emergency exists which requires a period of notice less than 15 days and that the notice provided for herein is deemed to be reasonable under the attendant circumstances.

[7 CFR, Part 974]

[Docket No. AO-358-A1]

HANDLING OF MILK IN TRI-STATE MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Hotel Neil House, Columbus, Ohio, beginning at 10:00 a. m., e. s. t., March 4, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Tri-State milk marketing area (11 F. R. 12926). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Dairy Branch, Production and Marketing Administration:

1. Review for the purpose of determining whether it should be modified or deleted, the following language in § 972.1 (h) (suspended effective November 1, 1946, by order of the Secretary): "or (2) having its entire dairy farm supply of milk produced under health requirements equivalent to those applicable to dairy farm supplies of a plant(s) described under (1) of this paragraph and moving 50 percent or more of its total receipts of skim milk and butterfat to the latter plant(s)."

By the Huntington Interstate Milk Producers Association, Scioto County Milk Producers Association, Marietta Cooperative Milk Producers Association, and Athens Milk Sales, Inc.:

2. Delete § 972.5 (b) and substitute therefor the following:

(b) *Class I milk prices.* Subject to the provisions of (e), (f), (g), and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk, shall be the basic formula price

dence with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Columbus, Ohio, milk marketing area (11 F. R. 1081, 9424). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

a. In § 974.1; by the Dairy Branch, Production and Marketing Administration:

1. Delete § 974.1 (e) and substitute therefor the following:

(e) "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the delivery period on a route(s), wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

2. Add at the end of § 974.1 the following paragraphs:

(l) "Route" means a delivery route (including a plant store) on which milk, skim milk, buttermilk, or flavored milk drink is distributed in fluid form to a

4. After the figure "7" in § 974.2 (c) (7) and before the word "on" insert in parenthesis the letter "I". Delete the semicolon after the word "association" at the end of this paragraph and add the following:

(ii) On or before the 12th day of each month, report to each cooperative association for the preceding month with respect to each handler the percent of utilization in each class of milk of producers as qualified in accordance with §974.9 (b);

c. In § 974.3; by the Dairy Branch, Production and Marketing Administration:

5. Delete (b) (1) of § 974.3 and substitute therefor the following:

(b) (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

d. In § 974.4; by Allen Milk Company, et al:

6. In § 974.4 (b) (2) convert the semicolon to a period and delete "or (ii) used to produce cottage cheese," and in § 974.4 (b) (3) strike out the word "or" before the word "frozen," convert the period at the end of said subparagraph to a comma and add "or cottage cheese."

7. In § 974.4 (b) (4), strike out all of the present language after the semicolon following the word "feeding" in (ii) and insert in lieu thereof the following:

(iii) All skim milk and butterfat con-

(1) Subtract from the total pounds of butterfat in Class IV milk (other than butterfat used in butter making), the pounds of butterfat shrinkage allowed pursuant to (b) (4) (iv) of this section;

(2) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to (d) of this section;

(3) Subtract from the remaining pounds of butterfat in Class I milk, the smaller of the following:

(i) The pounds, if any, by which the butterfat in milk received from producers is less than 115 percent of the total pounds of butterfat in such handler's Class I milk; or

(ii) The pounds of butterfat in other source milk received;

(4) Subtract from the pounds of butterfat in other source milk, the pounds deducted pursuant to (3) of this paragraph;

(5) Subtract from the pounds of butterfat remaining in each class, after making the deductions pursuant to (1), (2), and (3) of this paragraph, in series beginning with the lowest-priced utilization, the pounds of butterfat remaining in other source milk after making the deduction pursuant to (4) of this paragraph;

(6) Add to the remaining pounds of butterfat in Class IV milk (other than butterfat used in butter making), the pounds subtracted pursuant to (1) of this paragraph; or if the remaining pounds of butterfat in all classes exceed

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the market administrator, 1425 Field Building, 135 South LaSalle Street, Chicago, Illinois, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-1845; Filed, Feb. 26, 1947; 8:46 a. m.]

[7 CFR, Part 972]

[Docket No. AO-177-A3]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at LaFayette Hotel, Gallipolis, Ohio, begining at 10:00 a. m., e. s. t., March 5, 1947, for the purpose of receiving evidence with respect to proposed amend-

	Huntington district plants	Other plants
May and June	$1.15	$0.95
July, August, March, and April	1.25	1.05
September, October, November, December, January, and February	1.40	1.20

3. Delete § 972.5 (c) and substitute therefor the following:

(c) *Class II milk prices.* Subject to the provisions of (c), (f), (g), and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk, shall be the basic formula price determined pursuant to (a) of this section plus the following amounts for the delivery periods indicated:

	Huntington district plants	Other plants
May and June	$0.85	$0.65
July, August, March, and April	.95	.75
September, October, November, December, January, and February	1.10	.90

By the Dairy Branch, Production and Marketing Administration:

4. Review, for the purpose of determining whether it should be modified, or deleted, the language of § 972.8 (g), which reads as follows (suspended effec-

tion plus the following amounts for the delivery periods indicated:

with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, as amended, now in effect, may be procured from the Market Administrator, 527 First Huntington National Bank Building, Box 1149, Huntington 1, West Virginia, or from the Hearing Clerk, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1947.

[SEAL] E. A MEYER,
Assistant Administrator.

[F. R. Doc. 47-1848; Filed, Feb. 26, 1947; 8:45 a. m.]

[7 CFR, Part 974]

[Docket No. AO 176-A2]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supp., 901 et seq., 10 F. R. 11791, 11 F. R. 7737), as amended, notice is hereby given of a hearing to be held at the Virginia Hotel, Third and Gay Streets, Columbus, Ohio, beginning at 10:00 a. m., e. s t., March 10, 1947, for the purpose of receiving evi-

wholesale or retail stop(s), including a State or municipal institution, other than a fluid milk plant(s) or milk manufacturing plant(s).

(m) "Producer-handler" means a producer who is also a handler, but who receives no milk from other producers: *Provided*, That such person shall be considered as a handler only for the purposes of §§ 974.3 (b) (1), 974.4 (d) (1) (ii), and 974.4 (d) (2) (ii).

By Allen Milk Company, Derrerfield Farms Dairy, Diamond Milk Products, Distelhorst Milk Company, Fairmont Creamery Company, Farmers Cooperative Dairy, H. L. Gabel & Sons Dairy, Home Producers Milk Company, Isaly's, Inc., A. Keller & Son Dairy, McClish Dairy Products, Mar Ber Farms, Model Dairy Products, Pailet Milk Company, Pestel Milk Company, Richer Dairy Products, Scioto Valley Dairy & Ice Cream Co., The Borden Company, Timmons Dairy, Westerville Creamery Company, Wetherell Dairy, and Young's Dairy, hereafter referred to as Allen Milk Company, et al.:

3. Add at the end of § 974.1 the following paragraph:

(o) "Market pool handler" means a handler who disposes of 25% or more of his receipts of milk from producers and other handlers as Class I milk during each delivery period. The market administrator shall determine if a handler is a market pool handler within this definition upon the basis of the reports for each delivery period.

b. In § 974.2; by the Central Ohio Cooperative Milk Producers, Inc.:

tained in inventory variation; and (iv) actual plant shrinkage for each delivery period which shall be deemed to be the total actual plant shrinkage from the beginning of the calendar year to the close of the delivery period less shrinkage previously allowed during said year, but the total shrinkage from the beginning of said year to the close of the delivery period shall not exceed 2½ percent, respectively, of the total receipts of skim milk or butterfat during the calendar year not including skim milk or butterfat transferred directly from other handlers' plants.

8. In § 974.4 (d) (1) (iii) before the word "statement" insert the word "sworn." After the word "buyer" strike out "and the seller." After the word "milk" which follows "Class IV," strike out "and that such utilization may be audited at the receiving plant."

9. In § 974.4 (d) (2) (iii), before the word "statement" insert the word "sworn" and after the word "by" strike out "the seller and." After the word "milk" following "class IV," strike out "and that such utilization may be audited at the receiving plant."

10. Strike out all of paragraph (f) of § 974.4 and insert in lieu of the present provisions of said paragraph the following, which shall include a new paragraph designated (g):

(f) *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations in the order specified shall be the pounds in each class allocated to milk received from producers:

the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest priced utilization.

(g) *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed in (f) of this section.

By the Dairy Branch, Production and Marketing Administration:

11. Delete § 974.4 (d) (1) (ii) and substitute therefor the following:

(ii) As Class I milk if transferred to a producer-handler.

12. Delete § 974.4 (d) (2) (ii) and substitute the following therefor:

(ii) As Class II milk if transferred to a producer-handler.

e. In § 974.5; by Allen Milk Company, et al.:

13. Strike out all of the provisions of § 974.5 (a) and insert in lieu thereof the following:

§ 974.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I milk, Class II milk, and Class III milk prices.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk, Class II milk, and Class III milk provided in this section shall be the average of the two prices determined pursuant to (1) and (2) of this paragraph.

(1) The price per hundredweight resulting from the following formula:

(i) Multiply by 6 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(2) The price per hundredweight computed by the market administrator in accordance with the following formula: From the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period, subtract 3.5 cents, add 20 percent, and multiply the resulting amount by 3.5; *Provided*, That such price shall be increased by the amount resulting from the following computation: from the average of the carlot prices per pound of nonfat dry milk solids, roller and spray process, f. o. b. manufacturing plants, as published by the Department of Agriculture for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period, deduct 5.5 cents, multiply by 8.5, and multiply such net amount pursuant to this proviso by 0.965.

By the Central Ohio Cooperative Milk Producers, Inc.:

14. Delete the provisions (b), (c), and (d) of § 974.5 and insert in lieu thereof the following:

(b) *Class I milk prices.* Subject to the provisions of (f) of this section, the minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk or butterfat in producer milk received which is classified as Class I milk, shall be determined from the following schedule:

When the basic formula price computed pursuant to (a) of this section is:	The price per hundredweight for skim milk and butterfat in Class I shall be:		
	Skim milk	Butterfat	3.5 percent milk
Under $2.75	$1.089	$70.00	$3.501
$2.75 or over, but under $3.00	1.141	75.00	3.726
$3.00 or over, but under $3.25	1.193	80.00	3.951
$3.25 or over, but under $3.50	1.245	85.00	4.176
$3.50 or over, but under $3.75	1.297	90.00	4.402
$3.75 or over, but under $4.00	1.349	95.00	4.627

Provided, That when the basic formula price is $4.00 or more, the price per hundredweight for skim milk and butterfat, respectively, shall be the price associated with the "$3.75 or over, but under $4.00" range in the basic formula price plus $0.052 and $5.00, respectively, for each successive 25 cent range in the basic formula price.

(c) *Class II milk prices.* Subject to the provisions of (f) of this section, the minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class II milk, shall be determined as follows:

The prices per hundredweight for skim milk and butterfat, respectively, shall be the prices determined by (b) of this section less $0.052 and $5.00.

(d) *Class III milk prices.* The minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class III, shall be determined as follows:

The prices per hundredweight for skim milk and butterfat, respectively, shall be the prices determined by (b) of this section less $0.125 and $7.00: *Provided*, That the prices per hundredweight of skim milk and butterfat in Class III milk shall be not less, respectively, than the prices per hundredweight of skim milk and butterfat (other than in butter) in Class IV milk.

By Derrerfield Farms Dairy, Fairmont Creamery Company, Farmers Co-op, Isaly's, Inc., McClish Dairy, Pailet Milk Company, Richer Dairy Products, Scioto Valley Dairy and Ice Cream Co., The Borden Company, and Westerville Creamery:

15. Strike out all of the provisions of § 974.5 (b), (c), and (d) and insert in lieu thereof the following:

(b) *Class I milk prices.* Subject to the provisions of (f) of this section, the minimum prices per hundredweight to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk or butterfat in producer milk received which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(1) For the delivery periods of April, May, and June, add $0.85 to the basic formula price; for the delivery periods of October, November, and December, add $1.20 to the basic formula price; for all other delivery periods add $1.00 to the basic formula price.

(2) The price of butterfat shall be the sum obtained in (1) of this paragraph, multiplied by 18.75.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

(c) *Class II milk prices.* Subject to the provisions of (f) of this section, the minimum prices per hundredweight to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class II milk, shall be as follows, as computed by the market administrator:

(1) For the delivery periods of April, May, and June add $0.25 to the basic formula price; for the delivery periods of October, November, and December add $0.60 to the basic formula price; for all other delivery periods add $0.40 to the basic formula price.

(2) The price of butterfat shall be the sum obtained in (1) of this paragraph, multiplied by 18.75.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

By Allen Milk Company, et al.:

16. In § 974.5 (g) (1), after the first colon, insert the following:

Provided, however, If the same or similar subsidy, or other similar payment, is being made by any Federal agency in connection with any milk classified under this order, no adjustment shall be made;

17. In § 974.5 (g) (2) strike out the word "or" which appears between "Class I milk" and "Class II milk" as they appear therein the first time and insert in lieu thereof a comma and after "Class II milk" as it appears therein, the first time, insert ", Class III milk or Class IV milk."

Strike out the word "or" which appears between "Class I milk" and "Class II milk" where said terms are used the second time and insert in lieu thereof a comma and after "Class II milk" as it appears the second time insert ", Class III milk or Class IV milk."

Strike out the word "or" which appears between "Class I milk" and "Class II milk" as they appear the third time and insert in lieu thereof a comma and after "Class II milk" as it appears the third time insert ", Class III milk or Class IV milk."

f. In § 974.6; by Allen Milk Company, et al.:

18. In § 974.6 (c) (1) strike out the semicolon at the end thereof and add the following: "and except those who are not market pool handlers;".

19. Add a subparagraph to paragraph (c) of § 974.6 by striking out the word

"and" at the end of subparagraph (4) and inserting the following:

(5) Subtracting for each of the delivery periods of April, May, and June, beginning in 1948, an amount representing 25 cents per hundredweight of milk received from producers by the handlers and adding, for each of the delivery periods of October, November, and December, one-third of the aggregate amount so subtracted; and

20. Renumber subparagraph (5) as subparagraph (6) in paragraph (c) of § 974.6.

By the Central Ohio Cooperative Milk Producers, Inc.:

21. Delete from § 974.6 (c) the term "4 percent" wherever it appears and substitute therefor the term "3.5 percent."

By Dairy Branch, Production and Marketing Administration:

22. Delete from § 974.6 (a) the following proviso: "*Provided*, That if such handler received milk, skim milk, or cream from a handler who received no producer milk other than that of his own production and disposed of the skim milk or butterfat contained therein as other than in the lowest-priced use of the receiving handler, there shall be added an amount equal to the difference between (1) the value of such skim milk or butterfat at the price of such lowest-priced use and (2) the value computed in accordance with its class use."

By Allen Milk Company, Diamond Milk Products, Distelhorst Milk Company, H. L. Gabel & Son Dairy, Home Producers Milk Company, A. Keller & Son Dairy, Mar Ber Farms, Model Dairy Products, Pestel Milk Company, Timmons Dairy, Wetherell Dairy, and Young's Dairy:

23. Amend the provisions of §§ 974.6 and 974.7 so as to provide for an individual-handler pool, instead of for a market-wide pool, and make such other changes as may be required to make the entire order conform with this proposal.

g. In § 974.7; by Allen Milk Company, et al.:

24. In § 974.7 (a) after the word "each" as it appears therein the second time and before the word "handler" as it appears therein the first time, insert "market pool."

25. In paragraph (c) of § 974.7, after the word "each" as it appears the second time and before the word "handler" as it appears therein the first time, insert "market pool."

26. Add paragraph (g) to § 974.7, said paragraph (g) to read as follows:

(g) On or before the 15th day after the end of each delivery period each handler who is not a market pool handler shall make payment to each producer for the milk received from such producer, an amount computed by multiplying such milk by not less than the price per hundredweight determined by the market administrator, pursuant to paragraph (a) of § 974.6, to be the average price based upon the non-market pool handler's utilization of milk, subject to the butterfat differential computed pursuant to (f) of this section.

h. In § 974.8; by the Dairy Branch, Production and Marketing Administration:

27. Delete § 974.8 and substitute therefor the following:

§ 974.8 *Expense of Administration.* As his pro rata share of the expense incurred pursuant to § 974.2 (c) (3) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat in (1) producer milk and (2) other source milk at a fluid milk plant.

i. In § 974.9; by Dairy Branch, Production and Marketing Administration:

28. Delete § 974.9 (a) and substitute therefor the following:

§ 974.9 *Marketing services*—(a) *Deductions.* Except as set forth in (b) of this section each handler shall deduct from the payments pursuant to § 974.7 (a) 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all producer milk received (except such handler's own production), and shall pay such deduction to the market administrator on or before the 12th day after the delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information. Such services to be performed by the market administrator or by an agent engaged by and responsible to him.

j. In § 974.12; by Allen Milk Company, et al.:

29. Include a new section to be designated § 974.12 and renumber present §§ 974.12 and 974.13 so that they will be §§ 974.13 and 974.14, respectively. Said new section to read as follows:

Whenever, under the terms of this order, it is necessary to compute, express, or report quantities in terms of weight, the standard of weights of the Bureau of Dairy Industry, United States Department of Agriculture, shall be used.

By the Dairy Branch, Production and Marketing Administration:

30. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-1849; Filed, Feb. 26, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 8089 [1]]

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

The Commission having scheduled a hearing upon the above-entitled application for March 4, 1947 at Washington, D. C.; and

It appearing, that the majority of the industry consulting engineers who wish to participate in the above-entitled matter are scheduled to attend an engineering meeting in New York on March 3 through 6, 1947; and

It appearing further, that public interest, convenience and necessity will be served by a continuance of said hearing;

It is ordered, This 21st day of February 1947, on the Commission's own motion, that the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m. Friday March 7, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1804; Filed, Feb. 26, 1947; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Chapter I]

[File No. 21-403]

DOLL AND STUFFED TOY INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 24th day of February 1947.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Doll and Stuffed Toy Industry at the Hotel McAlpin, 34th Street and Broadway, New York, N. Y., on March 24, 1947, beginning at 10:00 a. m., eastern standard time. The industry is that engaged in the manufacture, sale, or distribution of dolls and stuffed toys of various kinds and types, and parts and accessories therefor, including wigs, articles of doll clothing, and other parts or accessories. All persons or concerns engaged in such business are invited to attend or be represented at the conference and take part in the proceedings. The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-1827; Filed, Feb. 26, 1947; 8:45 a. m.]

[1] 12 F. R. 936.

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 48]

K. MIKIMOTO, INC.

Whereas, by Vesting Order Number 106, dated August 17, 1943 (7 F. R. 7057, September 5, 1942), there were vested all the issued and outstanding shares of the capital stock of K. Mikimoto, Inc., a New York corporation; and

Whereas, by Supplemental Vesting Order Number 3637, dated May 15, 1944 (9 F. R. 5352, May 19, 1944), there were vested the interests of the following nationals of a designated enemy country, Japan, to wit, J. Seo, M. Kuki, S. Tanabe and I. Okada, represented on the books and records of K. Mikimoto, Inc., as accounts and notes payable, and it has been determined that certain claims in favor of J. Seo totalling $8,058.63, certain claims in favor of M. Kuki totalling $5,403.32, certain claims in favor of S. Tanabe totalling $2,758.10 and a certain claim in favor of I. Okada in the amount of $1,817.84 were thereby vested; and

Whereas, K. Mikimoto, Inc., has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and except claims formerly of J. Seo in the amount of $8,058.63, claims formerly of M. Kuki in the amount of $5,403.32, claims formerly of S. Tanabe in the amount of $2,758.10, and a claim formerly of I. Okada in the amount of $1,817.84, all of which have been vested as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of K. Mikimoto, Inc. (to wit, Francis J. Carmody, President and Director, Henry S. Sellin, Treasurer and Director, Stanley B. Reid, Secretary and Director, Francis J. Foley, Director, Martin S. Watts, Director, and Robert Kramer, Director, and their successors or any of them), continue the proceedings for the dissolution of K. Mikimoto, Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation, second, in satisfaction of the claims of the Attorney General of the United States in the principal amounts of $8,058.63, $5,403.32, $2,758.10, and $1,817.84 as hereinbefore described, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of K. Mikimoto, Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 19th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1842; Filed, Feb. 26, 1947; 8:47 a. m.]

[Dissolution Order 49]

STEFFENS, JONES & CO., INC.

Whereas, by Vesting Order Number 214, dated October 3, 1942 (7 F. R. 9056, November 6, 1942), amended December 29, 1942 (8 F. R. 200, January 5, 1943), there were vested all the issued and outstanding shares of the capital stock of Steffens, Jones & Co., Inc., a New York corporation; and

Whereas, by said Vesting Order No. 426, there were also vested all the right, title, interest and claim of Dr. Robert F. Lachmann, Hamburg, Germany, and Julius Lachmann, Hamburg, Germany, in and to all indebtedness owing to them by Steffens, Jones & Co., Inc., and it has been ascertained that certain claims in favor of Dr. Robert Lachmann and Julius Lachmann aggregating $48,736.74 were thereby vested; and

Whereas, by Subordination Order No. 3, executed July 12, 1943, the officers and directors of Steffens, Jones & Co., Inc., were directed to subordinate the vested claims in the name of Dr. Robert F. Lachmann and Julius Lachmann to the claims of other creditors of, and claimants against Steffens, Jones & Co., Inc.; and

Whereas, Steffens, Jones & Co., Inc., has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and except a balance still unpaid of the claims formerly of Dr. Robert Lachmann and of Julius Lachmann which have been vested and subordinated as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having accordingly been filed with the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Steffens, Jones & Co., Inc. (to wit, Stanley B. Reid, President and Director, Robert Kramer, Secretary and Director, and Edward W. Hardy, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Steffens, Jones & Co., Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied, first, in satisfaction of the unpaid balance of the vested claims described above and in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Steffens, Jones & Co., Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein; and further orders, that to the extent that the provisions of this order are inconsistent with the provisions of Subordination Order No. 3 executed July 12, 1943, the provisions of this Order shall govern.

Executed at Washington, D. C. this 19th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1843; Filed, Feb. 26, 1947; 8:48 a. m.]

[Vesting Order 8134]

INTERNATIONAL MORTGAGE AND INVESTMENT CORP.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found and determined by Vesting Order 352, dated November 11, 1942, that International Mortgage and Investment Corporation, a New York corporation, is a business enterprise within the United States and a national of a designated enemy country (Germany);

2. It is hereby found: (a) That 92 preferred shares and 138 common shares of the issued and outstanding capital stock of International Mortgage and Investment Corporation, are registered in the names of the following persons in the number appearing opposite each name and are evidence of an interest in International Mortgage and Investment Corporation:

Certificate No.	Name	Number of shares	
		Preferred	Common
P0252	Sheppherd & Co.	57	
C0339, C451	do		138
P0220-1	Hallgarten & Co.	35	
Total		92	138

b. That 138 common shares, represented by Certificates Nos. CO339 and C451, and 57 preferred shares, represented by Certificate No. PO252, are beneficially owned by Deutsche Kredit u. Handelsgesellschaft A. G., and 35 preferred shares, represented by Certificates Nos. PO220-1, are beneficially owned by Naptha S. A.;

c. That Deutsche Kredit u. Handelsgesellschaft A. G., the last known address of which is Jaegerstrasse 63, Berlin, W8 Germany, is a corporation organized under the laws of Germany which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

d. That Wilhelm Ellinger whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

e. That all of the issued and outstanding stock of Naptha, S. A., a company organized under the laws and maintaining its principal place of business in Luxembourg, is owned by Wilhelm Ellinger;

and it is hereby determined:

3. That Naptha, S. A. is controlled by Wilhelm Ellinger or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

4. That to the extent that the persons named in subparagraphs 2b, c, d and e hereof, are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 92 shares of $100 par value preferred stock and 138 shares of no par value common stock of International Mortgage and Investment Corporation, more fully described in subparagraph 2a hereof, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1829; Filed, Feb. 26, 1947; 8:46 a. m.]

SHELL DEVELOPMENT CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Shell Development Co., San Francisco, Calif.	804	68 (7 F. R. 6181)...	U. S. Letters Patent No. 2,348,832.	Washington, D. C.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1844; Filed, Feb. 26, 1947; 8:48 a. m.]

[Vesting Order 8207]

ANNA BRUEMMER

In re: Bank account and personal property owned by Anna Bruemmer, also known as Anna Brummer. F-28-3325-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Bruemmer, also known as Anna Brummer whose last known address is No. 48 In Affaltern near Augsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The Trust Company of New Jer-

sey, 35 Journal Square, Jersey City, New Jersey, arising out of a savings account, Account Number 65255, entitled William J. Topken, Attorney in fact for Anna Brummer, maintained at the branch office of the aforesaid bank located at Bergenline Avenue at 32nd Street, Union City, New Jersey, and any and all rights to demand, enforce and collect the same, and

b. That certain set of diamond earrings presently in the custody of William J. Topken, in a safe deposit box numbered 907, entitled William J. Topken, as attorney-in-fact for Anna Brummer, in the Union City Branch of The Trust Company of New Jersey, Union City, New Jersey,

is property, within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Bruemmer, also known as Anna Brummer the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1830; Filed, Feb. 26, 1947; 8:46 a. m.]

[Vesting Order 8215]

ELIZABETH M. LAISE

In re: Estate of Elizabeth M. Laise, deceased. File No. D-28-10133; E. T. sec. 14426.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elizabeth Berrisch, Frieda Berrisch, Lotte Wolf, Grete Ebeling and Fritz Wolf, and each of them, in and to the Estate of Elizabeth M. Laise, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address
Elizabeth Berrisch, Germany.
Frieda Berrisch, Germany.
Lotte Wolf, Germany.
Grete Ebeling, Germany.
Fritz Wolf, Germany.

That such property is in the process of administration by H. David Zerman, Jacob Levine and Imgard Killinger, as Co-Executors, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1831; Filed, Feb. 26, 1947; 8:46 a. m.]

[Vesting Order 8217]

FREDERICK W. MULLER

In re: Trust u/w of Frederick W. Muller, deceased. File D-28-8539; E. T. sec. 10112.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lena Seitz, Luise Fengler, Albert Fengler, Gertrude Fengler, and Erna Fengler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Luise Fengler, who there is a reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Frederick W. Muller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Eleanor P. Lyon and Daniel Levy, as trustees, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown, of Luise Fengler, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1832; Filed, Feb. 26, 1947; 8:46 a. m.]

[Vesting Order 8226]

MASAO ARAKI ET AL.

In re: Bank accounts owned by Masao Araki and others. F-39-636-E-1, F-39-1146-E-2, F-39-5713-E-1 through F-39-5723-E-1, F-39-2836-E-1, F-39-2960-E-1, F-39-3507-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to the persons named in Exhibit A, attached hereto and by reference made a part hereof, by The Sumitomo Bank of Hawaii, P. O. Box 1200, Honolulu, T. H., as described in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name of Depositor, Type of Bank Account and Receiver's Liability No.
Araki, Masao, savings, 756.
Fukushima, Tatsu, savings, 1404.
Ishii, Matsusaburo, certificate of deposit, 11290.
Kameoka, Keitaro, certificate of deposit, 11337.
Masuda, Yoshio, certificate of deposit, 11453.
Nagao, Chika, savings, 5724.
Nishiba, Kikuyo, savings, 11035.
Nishikawa, Ushi, savings, 6508.
Okahashi, H. (also known as Okahashi Hayashi), demand deposit, 425.
Osaki, Masao, savings, 7307.
Sugamura, Mrs. Y. (also known as Sugamura Yoshiko), checking, 330.
Takamoto, Jitsu or Takamoto, Gentaro, savings, 8813.
Uejio, Takiyo, savings, 9850.
Wakimoto, T., savings, 10096.
Watanabe, Mitsushige, demand deposit, 440.
Yoshida, Mungo, savings, 10845.

[F. R. Doc. 47-1833; Filed, Feb. 26, 1947; 8:46 a. m.]

[Vesting Order 8229]

E. FINDEL AND RICKE FINDEL

In re: Bank account, bonds and deposit receipt owned by E. Findel and Ricke Findel. F-28-4472-E-1, F-28-4472-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That E. Findel and Ricke Findel, whose last known addresses are Koesterbergerstrasse 6, Blankenese Bei, Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to E. Findel and/or Ricke Findel, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a clean credit deposit account, account number 656 FF, entitled E. Findel and/or Ricke Findel, and any and all rights to demand, enforce and collect the same,

b. Three (3) Cuba Northern Railways Company First Gold 5½% Series of 1942 Bonds, of $1,000.00 face value, bearing the numbers 2670, 2671 and 2672, presently in the custody of Bankers Trust Company, New York, New York, together with any and all rights thereunder and thereto, and that certain deposit receipt, issued by Bankers Trust Company for the above-described bonds, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, and any and all rights in, to and under the aforementioned deposit receipt, and

c. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Number of bonds and description of issue	Maturity date	Face value	Numbers
Nine (9) Mortgage Bank of Chile, 6% percent guaranteed sinking fund bonds.	June 30, 1961	$1,000	M14190, M14191, M14192, M14193, 9325, 4015, 10865, 10866, 10800.
Eight (8) Republic of Peru, external sinking fund 6 percent (National loan) first series bonds.	Dec. 1, 1960	1,000	M14743, 886, 887, 888, 889, 890, 24863, 28464.
Five (5) State of Rio Grande do Sul external sinking fund, 6 percent bonds.	June 1, 1968	1,000	M3001, M3002, M3003, M3004, M3005.

[F. R. Doc. 47-1835; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8228]

FRIEDA AUF DER MAUER

In re: Bank account owned by Frieda Auf der Mauer, also known as Frieda A. D. Mauer. F-28-28087-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Auf der Mauer also known as Frieda A. D. Mauer, whose last known address is Kamen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Frieda Auf der Mauer, also known as Frieda A. D. Mauer, by The Manufacturers National Bank of Detroit, 151 West Fort Street, Detroit, Michigan, arising out of a savings account, Account Number 22859, entitled Frieda A. D. Mauer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid

national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1834; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8230]

JOHANNE GUENTHER

In re: Debt owing to Johanne Guenther. F-28-8142-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanne Guenther, whose last known address is Oberstdorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to Johanne Guenther by Savannah Bank & Trust Company, P. O. Box 489, Savannah, Georgia, evidenced by two checks numbered 98088 dated November 14, 1939, and 98687 dated February 1, 1940, in the amounts of $45.00 and $20.00, respectively, drawn by the Savannah Bank & Trust Company on Chase National Bank of New York, payable to Bankhouse J. H. Stein of Cologne, Germany, for account of Johanne Guenther, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1836; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8231]

HARTMAN HECKER

In re: Debt owing to and bonds owned by Hartman Hecker. F-28-25378-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hartman Hecker, whose last known address is Lehnhausen, Port Frankenberg, Eder Land, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hartman Hecker, by The Pennsylvania Company for Insurances on Lives and Granting Annuities, S. E. Corner 15th and Chestnut Streets, Philadelphia, Pennsylvania, in the amount of $156.87, as of November 12, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, owned by Hartman Hecker, and presently in the custody of The Pennsylvania Company for Insurances on Lives and Granting Annuities, S. E. Corner 15th and Chestnut Streets, Philadelphia, Pennsylvania, together with any and all rights thereunder and thereto, and

c. One Certificate of Deposit for Erlanger Theatre First Mortgage 4.4 Coupon Bonds, bearing the number 436, and presently in the custody of The Pennsylvania Company for Insurances on Lives and Granting Annuities, S. E. Corner 15th and Chestnut Streets, Philadelphia, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name of issuer	Type of bond	Certificate No.	Face value
The United States of America.	United States of America savings bond, series G.	3523014	$1,000
		352308	1,000
		1810274	500
		1457506	1,000
		1457507	1,000
		602079	500
		4350548	1,000
		4350549	1,000
		4350550	1,000
		696508	5,000
		4750899	1,000
		4750900	1,000
Do	United States of America 2½ percent Treasury bond.	5532	1,000
		5533	1,000
		5534	1,000
Do	United States of America 2 percent Treasury bond.	46402, 68325	1,500
		84236	1,000

[F. R. Doc. 47-1837; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8236]

WILHELM LUEDEKING

In re: Bank account owned by Wilhelm Luedeking. F-28-12875-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Luedeking, whose last known address is Herforderstrasse 17, Bad Salzuflen, i. Lippe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Western Bank & Trust Company, Cincinnati 1, Ohio, arising out of a trust account, entitled The Western Bank and Trust Company, Trustee under agreement with Otto Luedeking dated June 12, 1936, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm Luedeking, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1840; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8237]

WILLIAM BLIESNER

In re: Estate of William Bliesner, deceased. File D-28-11219; E. T. sec. 15580.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edward Bliesner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of William Bliesner, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Max Bliesner, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1841; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8234]

EXPORTKREDITBANK A. G.

In re: Stock owned by Exportkreditbank A. G. F-28-180-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank A. G., whose last known address is Kanonierstrasse 17-20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: a. Five (5) shares of $100.00 par value 6% Preferred capital stock of Chicago, Rock Island & Pacific Railway Company, 129 Van Buren Street, Chicago, Illinois, a corporation organized under the laws of the States of Illinois and Iowa, evidenced by certificate number D49195, registered in the name of Wiley & Company, a nominee of Manufacturers Trust Company, 55 Broad Street, New York 15, New York, and presently in the custody of the aforesaid Manufacturers Trust Company, in an account entitled Export Kredit Bank A. G., Berlin, Special Customers Account, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1838; Filed, Feb. 26, 1947; 8:47 a. m.]

[Vesting Order 8235]

HERMAN HERZOG

In re: Bank accounts owned by the personal representatives, heirs, next of kin, legatees and distributees of Herman Herzog, deceased. F-28-8287-E-1, F-28-8287-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees, and distributees of Herman Herzog, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Hamburg Savings Bank, 1451–3 Myrtle Avenue, Brooklyn, New York, arising out of a savings account, Account Number 64475, entitled Herman Herzog, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The Prudential Savings Bank, Broadway & Vernon Avenue, Brooklyn 21, New York, arising out of a savings account, Account Number 45,965, entitled Herman Herzog, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Herman Herzog, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Herman Herzog, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1839; Filed, Feb. 26, 1947; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 353,[1] WITHDRAWING PUBLIC LANDS FOR THE PROTECTION OF THE WATER SUPPLY FOR THE CITY OF FAIRBANKS, ALASKA

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order 353, of February 18, 1947, withdrawing the E½NW¼, NE¼SW¼ of sec. 26, T. 1 S., R. 1 W., F. M., Alaska, for the protection of the water supply for the City of Fairbanks, Alaska, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

FEBRUARY 18, 1947.

[F. R. Doc. 47-1802; Filed, Feb. 26, 1947; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

By an order issued on November 19, 1926, pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181, et seq.), rates and charges were prescribed for respondents. On July 29, 1941, and June 18, 1946, the order of November 19, 1926, was modified, and, as so modified, has been extended from time to time and is still in effect.

By a petition filed on February 13, 1947, the respondents have requested that the existing schedule of rates and charges prescribed by the order of June 18, 1946, be amended to include in said schedule of rates and charges the changes shown in Exhibit A attached to their said petition, which changes are as follows:

[1] See Title 43, Appendix, *supra*.

DEFINITIONS

6. Bulls, are uncastrated animals of the bovine species weighed in drafts, the average weight of the animals being more than 700 pounds.

SECTION A

SELLING CHARGES

	Existing rates (per head)	Proposed rates (per head)
Calves:		
Consignments of more than 1 head:		
First 15 head in each consignment	$0.35	$0.40
Each head over 15 in each consignment	.25	.30
The charge on each car of calves shall not exceed $24 per single deck and $40 per double deck.		
Cattle:		
Each head over 15 in each consignment	.65	.70
Bulls		1.25

SECTION B

SELLING CHARGES

	Existing rates (cents per head)	Proposed rates (cents per head)
Hogs:		
1 head and 1 head only	40	50
Consignments of more than 1 head:		
First 10 head in each consignment	28	30
Next 15 head in each consignment	28	28
Each head over 25 in each consignment	22	24

SECTION D

SELLING CHARGES

Resales

60 percent of the rates named in Sections A, B, C.

SECTION E

SELLING CHARGES

Subsequent Reports and Accounts of Sales

A charge of 25 cents shall be made for subsequent reports necessary on subject or crippled animals.

SECTION F

BUYING CHARGES

Stocker and Feeder Cattle

For purchasing stocker and feeder cattle and/or calves, $19 per 36-foot car, and $21 per 40-foot car. (Order for railroad car to determine rate.) When necessary to purchase and pick up a car from more than 2 agencies, 50c per additional agency over 2, maximum additional charge $3.

For purchasing stocker and feeder cattle and/or calves to be driven or hauled out, the rate shall be 75 cents per head on cattle and 40 cents per head on calves, with a maximum charge of $19, and 22,000 pounds shall be considered as the maximum weight to be purchased at this maximum rate.

When necessary to purchase and pick up an order from more than 2 agencies, 50 cents per additional agency over 2, maximum additional charge $3.

Stocker and Feeder Bulls

$1.25 per head. (Maximum rates do not apply to bulls.)

Cattle for Immediate Slaughter

For purchasing cattle and/or calves for immediate slaughter $15 per car. When

necessary to purchase and pick up a car from more than 2 agencies, 50 cents per additional agency over 2, maximum additional charge $3.

For purchasing cattle and/or calves for immediate slaughter to be driven or hauled out, the rate shall be 75 cents per head on cattle, and 40 cents per head on calves, with a maximum charge of $15 for each 22,000 pounds. When necessary to purchase and pick up an order from more than 2 agencies, 50 cents per additional agency over 2, maximum additional charge $3.

Slaughter Bulls

$1.25 per head. (Maximum rates do not apply to bulls.)

When cattle and/or calves are purchased for immediate slaughter for outside packers by their own buyers, market agencies merely clearing such transactions, $6.25 per car.

SECTION G

BUYING CHARGES

Other Hogs

For purchasing hogs other than stockers and feeders $12 per single deck and $15 per double deck car.

For purchasing each 120 head or fraction thereof of hogs on one order to be driven or hauled out, the rates to be determined as follows: 25 cents per head, up to and including 60 head, with a maximum charge of $12; and 25 cents per additional head above 60, with a maximum of $15, up to and including each 120 head.

The proposed modifications set out above, if granted, would have the effect of increasing the revenues accruing to respondents, and, it appears that public notice should be given to all interested persons of the request of respondents so as to afford all interested persons, including patrons of respondents, an opportunity to be heard in the matter, should they so desire.

Therefore, notice is hereby given to the public and to all interested persons of the filing of said petition for modification.

All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within fifteen (15) days from the date of the publication of this notice.

Copies hereof shall be served upon the respondents.

Done at Washington, D. C., this 21st day of February 1947.

[SEAL] H. E. REED,
Director,
Livestock Branch.

[F. R. Doc. 47-1851; Filed, Feb. 26, 1947; 8:45 a. m.]

[P. & S. Docket No. 425]

SIOUX CITY STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on December 13, 1934, issued an order prescribing reasonable rates and charges for stockyard services rendered by the respondent.

Upon petitions for modification filed by respondent, this order has been modified from time to time.

By petition filed on February 17, 1947, the respondent has requested certain increases in its rates and charges, as follows:

Yardage	Present rates (per head)	Proposed rates (per head)
Cattle:	*Cents*	*Cents*
Rail	42	50
Truck	40	50
Direct	21	25
Resale Commission division	42	50
Calves (400 pounds or under):		
Rail	30	35
Direct	15	17½
Resale Commission division	30	35
Hogs:		
Rail	15	19
Truck	15	19
Direct	7½	9½
Resale Commission division	15	19
Sheep:		
Rail	9	13
Direct	4½	6½
Resale Commission division	9	13
Horses: Rail	40	50

The proposed increases, if granted, are calculated to result in additional gross revenue to respondent and, therefore, public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification.

All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 21st day of February 1947.

[SEAL] H. E. REED,
Director, Livestock Branch.

[F. R. Doc. 47-1850; Filed, Feb. 26, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8067, 8068]

MIDLAND BROADCASTING CO. AND FRED JONES RADIOCASTING AND TELEVISION CO.

ORDER CONTINUING HEARING

In re application of Midland Broadcasting Company, Kansas City, Missouri, Docket No. 8067, File No. BP–5154; and Fred Jones, C. A. Vose, Streeter B. Flynn, and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, Docket No. 8068, File No. BP–5404, for construction permits.

The Commission having under consideration a motion filed February 20, 1947 by the Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma requesting a 30-day continuance in the consolidated hearing upon the above-entitled applications which is presently scheduled for March 3, 1947 at Washington, D. C.;

It is ordered, This 21st day of February 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m. Wednesday, April 2, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1853; Filed, Feb. 26, 1947; 8:45 a. m.]

[Docket No. 7952]

KANSAS BROADCASTING, INC. (KANS)

ORDER CONTINUING HEARING

In re application of Kansas Broadcasting, Inc. (KANS), Wichita, Kansas, File No. BP–5159, Docket No. 7952, for construction permit.

The Commission having under consideration a petition filed February 12, 1947 by Kansas Broadcasting, Inc. (KANS), Wichita, Kansas requesting an indefinite continuance in the hearing upon its application for construction permit (File No. BP–5159, Docket No. 7952) which is presently scheduled for March 7, 1947 at Washington, D. C.;

It is ordered, This 21st day of February 1947, that the petition be, and it is hereby, granted: and the said hearing upon the above-entitled application be, and it is hereby, continued without date until further order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1852; Filed, Feb. 26, 1947; 8:45 a. m.]

[Docket Nos. 6805, 7977, 8069]

FEDERAL PUBLICATIONS, INC., ET AL.

ORDER CONTINUING HEARING

In re application of Federal Publications, Inc., Lansing, Michigan, Docket No. 7977, File No. BP–5385; Saginaw Broadcasting Company, Saginaw, Michigan, Docket No. 8069, File No. BP–5578; and Booth Radio Stations, Inc., Saginaw, Michigan, Docket No. 6805, File No. BP–4088; for construction permits.

The Commission having under consideration a joint petition filed February 20, 1947 by the above-entitled applicants requesting a 30-day continuance in the further hearing upon their applications for construction permits which is presently scheduled for February 21, 1947 at Washington, D. C.;

It is ordered, This 21st day of February 1947, that the petition for continuance be, and it is hereby, granted; and the said further hearing upon the above-entitled applications be, and it is hereby,

continued to 10:00 a. m. Wednesday March 26, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1854; Filed, Feb. 26, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 123]

RECONSIGNMENT OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 18, 1947, by L. D. Goldstein Fruit & Produce Corp., of cars ART 21855 and FGE 38378, tomatoes, now on the Pennsylvania RR., to L. D. Goldstein Fruit & Produce Corp., Baltimore, Md. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1808; Filed, Feb. 26, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 124]

RECONSIGNMENT OF GRAPES AT DES MOINES, IOWA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Des Moines, Iowa, February 20, 1947, by Home Fruit Co., of car WFEX 67231, now on the C. B. & Q. R.R., to Robert L. Berner Co., Chicago, Ill. (I. C.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1809; Filed, Feb. 26, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 125]

RECONSIGNMENT OF ORANGES AND ONIONS AT WATERLOO, IOWA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Waterloo, Ia., February 20, 1947, by Hoxie Fruit Co., of cars PFE 61038 and WFEX 67231, oranges and onions, respectively, now on the Chicago Great Western RR.: PFE 61038 to Western Grocery Co., Mason City, Iowa (CGW); and WFEX 67231 to Robert L. Berner Co., Chicago, Ill. (I. C.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1811; Filed, Feb. 26, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 127]

RECONSIGNMENT OF ORANGES AT CINCINNATI, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Cincinnati, Ohio, February 20, 1947, by Gentile Bros., of car ART 17400, oranges, now on the C., N. O. & T. P. Ry., to Wm. Sean & Co., Columbus, Ohio (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1812; Filed, Feb. 26, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 128]

RECONSIGNMENT OF LETTUCE AND CARROTS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., February 20, 1947, by Gerstein Co., of car PFE 62313, lettuce and carrots, now on the C., R. I. & P. RR., to Barnett Gerstein Co., Chicago, Ill. (Wab.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1813; Filed, Feb. 26, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2210]

CARIBBEAN-ATLANTIC AIRLINES, INC.

NOTICE OF HEARING

In the matter of the petition of Caribbean-Atlantic Airlines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its route No. 59.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 27, 1947, 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave., N. W., Washington, D. C., before Examiner Richard A. Walsh.

Dated: Washington, D. C., February 20, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-1819; Filed, Feb. 26, 1947; 8:48 a. m.]

[Docket No. 2366]

ALL AMERICAN AVIATION, INC.

NOTICE OF HEARING

In the matter of the application of All American Aviation, Inc., for a temporary amendment of its certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001, of the said act, that a hearing in the above-entitled proceeding is assigned to be held on March 3, 1947, at 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave. NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated: Washington, D. C., February 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-1820; Filed, Feb. 26, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. DI-175]

NANTAHALA POWER AND LIGHT CO.

NOTICE OF FINDING OF THE COMMISSION

FEBRUARY 24, 1947.

Notice is hereby given that, on February 20, 1947, the Federal Power Commission issued its finding entered February 18, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1825; Filed, Feb. 26, 1947; 8:48 a. m.]

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees, and distributees of Herman Herzog, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Hamburg Savings Bank, 1451-3 Myrtle Avenue, Brooklyn, New York, arising out of a savings account, Account Number 64475, entitled Herman Herzog, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The Prudential Savings Bank, Broadway & Vernon Avenue, Brooklyn 21, New York, arising out of a savings account, Account Number 45,965, entitled Herman Herzog, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Herman Herzog, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Herman Herzog, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1839; Filed, Feb. 26, 1947; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 353,[1] WITHDRAWING PUBLIC LANDS FOR THE PROTECTION OF THE WATER SUPPLY FOR THE CITY OF FAIRBANKS, ALASKA

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order 353, of February 18, 1947, withdrawing the E½NW¼, NE¼SW¼ of sec. 26, T. 1 S., R. 1 W., F. M., Alaska, for the protection of the water supply for the City of Fairbanks, Alaska, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

FEBRUARY 18, 1947.

[F. R. Doc. 47-1802; Filed, Feb. 26, 1947; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

By an order issued on November 19, 1926, pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181, et seq.), rates and charges were prescribed for respondents. On July 29, 1941, and June 18, 1946, the order of November 19, 1926, was modified, and, as so modified, has been extended from time to time and is still in effect.

By a petition filed on February 13, 1947, the respondents have requested that the existing schedule of rates and charges prescribed by the order of June 18, 1946, be amended to include in said schedule of rates and charges the changes shown in Exhibit A attached to their said petition, which changes are as follows:

[1] See Title 43, Appendix, *supra*.

DEFINITIONS

6. Bulls, are uncastrated animals of the bovine species weighed in drafts, the average weight of the animals being more than 700 pounds.

SECTION A

SELLING CHARGES

	Existing rates (per head)	Proposed rates (per head)
Calves:		
Consignments of more than 1 head:		
First 15 head in each consignment	$0.35	$0.40
Each head over 15 in each consignment	.25	.30
The charge on each car of calves shall not exceed $24 per single deck and $30 per double deck.		
Cattle:		
Each head over 15 in each consignment	.55	.70
Bulls		1.25

SECTION B

SELLING CHARGES

	Existing rates (cents per head)	Proposed rates (cents per head)
Hogs:		
1 head and 1 head only	40	50
Consignments of more than 1 head:		
First 10 head in each consignment	28	30
Next 15 head in each consignment	28	28
Each head over 25 in each consignment	22	24

SECTION D

SELLING CHARGES

Resales

60 percent of the rates named in Sections A, B, C.

SECTION E

SELLING CHARGES

Subsequent Reports and Accounts of Sales

A charge of 25 cents shall be made for subsequent reports necessary on subject or crippled animals.

SECTION F

BUYING CHARGES

Stocker and Feeder Cattle

For purchasing stocker and feeder cattle and/or calves, $19 per 36-foot car, and $21 per 40-foot car. (Order for railroad car to determine rate.) When necessary to purchase and pick up a car from more than 2 agencies, 50¢ per additional agency over 2, maximum additional charge $3.

For purchasing stocker and feeder cattle and/or calves to be driven or hauled out, the rate shall be 75 cents per head on cattle and 40 cents per head on calves, with a maximum charge of $19, and 22,000 pounds shall be considered as the maximum weight to be purchased at this maximum rate.

When necessary to purchase and pick up an order from more than 2 agencies, 50 cents per additional agency over 2, maximum additional charge $3.

Stocker and Feeder Bulls

$1.25 per head. (Maximum rates do not apply to bulls.)

Cattle for Immediate Slaughter

For purchasing cattle and/or calves for immediate slaughter $15 per car. When

necessary to purchase and pick up a car from more than 2 agencies, 50 cents per additional agency over 2, maximum additional charge $3.

For purchasing cattle and/or calves for immediate slaughter to be driven or hauled out, the rate shall be 75 cents per head on cattle, and 40 cents per head on calves, with a maximum charge of $15 for each 22,000 pounds. When necessary to purchase and pick up an order from more than 2 agencies, 50 cents per additional agency over 2, maximum additional charge $3.

Slaughter Bulls

$1.25 per head. (Maximum rates do not apply to bulls.)

When cattle and/or calves are purchased for immediate slaughter for outside packers by their own buyers, market agencies merely clearing such transactions, $6.25 per car.

SECTION G

BUYING CHARGES

Other Hogs

For purchasing hogs other than stockers and feeders $12 per single deck and $15 per double deck car.

For purchasing each 120 head or fraction thereof of hogs on one order to be driven or hauled out, the rates to be determined as follows: 25 cents per head, up to and including 60 head, with a maximum charge of $12; and 25 cents per additional head above 60, with a maximum of $15, up to and including each 120 head.

The proposed modifications set out above, if granted, would have the effect of increasing the revenues accruing to respondents, and, it appears that public notice should be given to all interested persons of the request of respondents so as to afford all interested persons, including patrons of respondents, an opportunity to be heard in the matter, should they so desire.

Therefore, notice is hereby given to the public and to all interested persons of the filing of said petition for modification.

All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within fifteen (15) days from the date of the publication of this notice.

Copies hereof shall be served upon the respondents.

Done at Washington, D. C., this 21st day of February 1947.

[SEAL] H. E. REED,
Director,
Livestock Branch.

[F. R. Doc. 47-1851; Filed, Feb. 26, 1947; 8:45 a. m.]

[P. & S. Docket No. 425]

SIOUX CITY STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on December 13, 1934, issued an order prescribing reasonable rates and charges for stockyard services rendered by the respondent. Upon petitions for modification filed by respondent, this order has been modified from time to time.

By petition filed on February 17, 1947, the respondent has requested certain increases in its rates and charges, as follows:

Yardage	Present rates (per head)	Proposed rates (per head)
	Cents	*Cents*
Cattle:		
Rail	42	50
Truck	49	50
Direct	21	25
Resale Commission division	42	50
Calves (400 pounds or under):		
Rail	30	35
Direct	15	17½
Resale Commission division	30	35
Hogs:		
Rail	15	19
Truck	18	19
Direct	7½	9½
Resale Commission division	15	19
Sheep:		
Rail	9	13
Direct	4½	6½
Resale Commission division	9	13
Horses: Rail	40	50

The proposed increases, if granted, are calculated to result in additional gross revenue to respondent and, therefore, public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification.

All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 21st day of February 1947.

[SEAL] H. E. REED,
Director, Livestock Branch.

[F. R. Doc. 47-1850; Filed, Feb. 26, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8067, 8068]

MIDLAND BROADCASTING CO. AND FRED JONES RADIOCASTING AND TELEVISION CO.

ORDER CONTINUING HEARING

In re application of Midland Broadcasting Company, Kansas City, Missouri, Docket No. 8067, File No. BP-5154; and Fred Jones, C. A. Vose, Streeter B. Flynn, and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, Docket No. 8068, File No. BP-5404, for construction permits.

The Commission having under consideration a motion filed February 20, 1947 by the Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma requesting a 30-day continuance in the consolidated hearing upon the above-entitled applications which is presently scheduled for March 3, 1947 at Washington, D. C.;

It is ordered, This 21st day of February 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m. Wednesday, April 2, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1853; Filed, Feb. 26, 1947; 8:45 a. m.]

[Docket No. 7952]

KANSAS BROADCASTING, INC. (KANS)

ORDER CONTINUING HEARING

In re application of Kansas Broadcasting, Inc. (KANS), Wichita, Kansas, File No. BP-5159, Docket No. 7952, for construction permit.

The Commission having under consideration a petition filed February 12, 1947 by Kansas Broadcasting, Inc. (KANS), Wichita, Kansas requesting an indefinite continuance in the hearing upon its application for construction permit (File No. BP-5159, Docket No. 7952) which is presently scheduled for March 7, 1947 at Washington, D. C.;

It is ordered, This 21st day of February 1947, that the petition be, and it is hereby, granted: and the said hearing upon the above-entitled application be, and it is hereby, continued without date until further order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1852; Filed, Feb. 26, 1947; 8:45 a. m.]

[Docket Nos. 6805, 7977, 8069]

FEDERAL PUBLICATIONS, INC., ET AL.

ORDER CONTINUING HEARING

In re application of Federal Publications, Inc., Lansing, Michigan, Docket No. 7977, File No. BP-5385; Saginaw Broadcasting Company, Saginaw, Michigan, Docket No. 8069, File No. BP-5578; and Booth Radio Stations, Inc., Saginaw, Michigan, Docket No. 6805, File No. BP-4088; for construction permits.

The Commission having under consideration a joint petition filed February 20, 1947 by the above-entitled applicants requesting a 30-day continuance in the further hearing upon their applications for construction permits which is presently scheduled for February 21, 1947 at Washington, D. C.;

It is ordered, This 21st day of February 1947, that the petition for continuance be, and it is hereby, granted; and the said further hearing upon the above-entitled applications be, and it is hereby,

continued to 10:00 a. m. Wednesday March 26, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1854; Filed, Feb. 26, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 123]

RECONSIGNMENT OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 18, 1947, by L. D. Goldstein Fruit & Produce Corp., of cars ART 21855 and FGE 38378, tomatoes, now on the Pennsylvania RR., to L. D. Goldstein Fruit & Produce Corp., Baltimore, Md. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1808; Filed, Feb. 26, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 124]

RECONSIGNMENT OF GRAPES AT DES MOINES, IOWA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Des Moines, Iowa, February 20, 1947, by Hoxie Fruit Co., of car SFRD 3676, grapes, now on the C., R. I. & P. RR., to Robert L. Berner Co., Chicago, Ill. (CRI&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1809; Filed, Feb. 26, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 125]

RECONSIGNMENT OF ORANGES AND ONIONS AT WATERLOO, IOWA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Waterloo, Ia., February 20, 1947, by Hoxie Fruit Co., of cars PFE 61038 and WFEX 67231, oranges and onions, respectively, now on the Chicago Great Western RR.: PFE 61038 to Western Grocery Co., Mason City, Iowa (CGW); and WFEX 67231 to Robert L. Berner Co., Chicago, Ill. (I. C.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1810; Filed, Feb. 26, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 126]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 20, 1947, by Gust Relias, of car PFE 44003, tomatoes, now on the Wabash RR., to M. Degaro Co., Cincinnati, Ohio (C&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1811; Filed, Feb. 26, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 127]

RECONSIGNMENT OF ORANGES AT CINCINNATI, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Cincinnati, Ohio, February 20, 1947, by Gentile Bros., of car ART 17400, oranges, now on the C., N. O. & T. P. Ry., to Wm. Sean & Co., Columbus, Ohio (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1812; Filed, Feb. 26, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 128]

RECONSIGNMENT OF LETTUCE AND CARROTS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., February 20, 1947, by Barnett Gerstein Co., of car PFE 62313, lettuce and carrots, now on the C., R. I. & P. RR., to Barnett Gerstein Co., Chicago, Ill. (Wab.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1813; Filed, Feb. 26, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2210]

CARIBBEAN-ATLANTIC AIRLINES, INC.

NOTICE OF HEARING

In the matter of the petition of Caribbean-Atlantic Airlines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its route No. 59.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 27, 1947, 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave., N. W., Washington, D. C., before Examiner Richard A. Walsh.

Dated: Washington, D. C., February 20, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1819; Filed, Feb. 26, 1947; 8:48 a. m.]

[Docket No. 2366]

ALL AMERICAN AVIATION, INC.

NOTICE OF HEARING

In the matter of the application of All American Aviation, Inc., for a temporary amendment of its certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001, of the said act, that a hearing in the above-entitled proceeding is assigned to be held on March 3, 1947, at 10:00 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Ave. NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated: Washington, D. C., February 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1820; Filed, Feb. 26, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. DI-175]

NANTAHALA POWER AND LIGHT CO.

NOTICE OF FINDING OF THE COMMISSION

FEBRUARY 24, 1947.

Notice is hereby given that, on February 20, 1947, the Federal Power Commission issued its finding entered February 18, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1825; Filed, Feb. 26, 1947; 8:48 a. m.]

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 42

Washington, Friday, February 28, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subdivisions (i), (ii), and (iii) of § 904.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said section, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "4.77," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of March 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and March 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond March 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Greater Boston, Massachusetts milk marketing area.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of § 904.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said section, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "4.77," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of March 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of February 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-1880; Filed, Feb. 27, 1947; 8:46 a. m.]

PART 934—MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subdivisions (i), (ii), and (iii) of § 934.6 (a) (1) of the order and the entire table contained subdivision (iv) of said section, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.21," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of March 1947, and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and March 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond March 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Lowell-Lawrence, Massachusetts, milk marketing area.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of § 934.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said section, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.21," be and they hereby are sus-

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FEDERAL REGISTER

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pended with respect to all milk subject to the provisions of the order during the month of March 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of February 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-1882; Filed, Feb. 27, 1947; 8:46 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. The entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "4.58," does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of March 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and March 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond March 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the New York metropolitan milk marketing area.

It is therefore ordered, That the entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "4.58," be and it hereby is suspended with respect to all milk subject to the provisions of the order during the month of March 1947.

(48 Stat. 31, 670, 675; 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 21st day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1879; Filed, Feb. 27, 1947; 8:46 a. m.]

PART 947—MILK IN FALL RIVER, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subparagraphs (1), (2), and (3) of § 947.4 (a) of the order and the entire table contained in subparagraph (4) of said section, with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.52," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of March 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and March 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond March 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Fall River, Massachusetts, milk marketing area.

It is therefore ordered, That subparagraphs (1), (2), and (3) of § 947.4 (a) of the order and the entire table contained in subparagraph (4) of said section, with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.52," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of March 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of February 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-1880; Filed, Feb. 27, 1947; 8:45 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions, and Procedures

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

TRANSPORTATION CORPS

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, paragraph (b) of § 2.151 (11 F. R. 177A-791, 14012, 14509, 12 F. R. 219) is amended as follows:

Change the headnotes of paragraphs (b) (6) and (b) (9); delete paragraph (b) (19), and where the word "Group" appears in the headnotes of the subparagraphs of § 2.151 (b) substitute the word "Division" as follows:

§ 2.151 *The Transportation Corps.*
• • •
(b) *Organization.* • • •
(6) *Training and Organization Division.* • • •
(9) *Research and Engineering Division.* • • •
(19) *Industrial Mobilization Planning Group.* [Deleted.]

(R. S. 161, secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1869; Filed, Feb. 27, 1947; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Amdt. 20-5]

PART 20—PILOT CERTIFICATES

AERONAUTICAL KNOWLEDGE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 18th day of February 1947.

The repeal of § 43.52 (b) of Part 43 of the Civil Air Regulations has made the reference to this section contained in § 20.24 of Part 20 incorrect.

The Board finds that an amendment to § 20.24 is required to remove this inconsistency and that the notice and procedures provided for in paragraphs (a) and (b) of section of the Administrative Procedure Act are unnecessary.

Now, therefore: Effective April 1, 1947, § 20.24 of the Civil Air Regulations is amended to read as follows:

§ 20.24 *Aeronautical knowledge.* Applicant for a powered aircraft or glider rating shall have passed the written examination prescribed in § 43.51 (a) of this chapter within the preceding 24 calendar months. (52 Stat. 984, 1007, 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1872; Filed, Feb. 27, 1947; 8:45 a. m.]

[Regs., Amdt. 43-8]

PART 43—GENERAL OPERATION RULES

STUDENT PILOT REQUIREMENTS FOR FIRST SOLO FLIGHT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 18th day of February 1947.

Part 43 of the Civil Air Regulations now requires that a student pilot pass a written examination on pertinent provisions of Part 43 and those provisions of Part 60 of the Civil Air Regulations dealing with contact flight rules prior to engaging in solo flight outside of a local flying area designated by his instructor.

The Civil Aeronautics Board finds that requiring a student pilot to pass such an examination prior to engaging in any solo flight will increase safety in flying; that a change in the Civil Air Regulations requiring such an examination prior to first solo flight is a minor change, since its only effect is to advance the date for complying with an existing examination requirement; and that the public notice and procedures provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary.

Now, therefore: Effective April 1, 1947, Part 43 of the Civil Regulations is amended as follows:

1. By amending § 43.51 to read as follows:

§ 43.51 *Requirements for first solo.* A student pilot shall not operate an aircraft in solo flight until:

(a) He has passed a written examination on pertinent provisions of Part 43 and those of Part 60 dealing with contact flight rules.

(b) He has been found competent by a flight instructor to make such flight and authority therefor has been endorsed by such instructor on the student pilot certificate, and

(c) He has been given instruction in recovery from stalls and spins, if such solo flight is made in a spinnable aircraft.

2. By repealing paragraph (b) of § 43.52 *Flight area limitations.*

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-1871; Filed, Feb. 27, 1947; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO REGIONAL OFFICE OFFICIALS

Section 603.2 is hereby amended, effective upon publication in the FEDERAL REGISTER, by adding paragraph (m) thereto as follows:

§ 603.2 *Delegations to regional office officials.* • • •

(m) *Delegation of authority to the Special Assistant (Veterans' Emergency Housing Program) to the Director of Region II.* The Special Assistant (Veterans' Emergency Housing Program) to the Director of Region II is delegated the authority to exercise those powers, duties and responsibilities set forth in paragraph (d) (3) of this section.

(E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Approved: February 24, 1947.

[SEAL] D. S. MYER, *Commissioner.*

[F. R. Doc. 47-1864; Filed, Feb. 27, 1947; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN-CONTAINING DRUGS

PACKAGING OF PENICILLIN OINTMENT

By virtue of authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, as amended by 59 Stat. 463; 21 U. S. C., Sup. 357), the regulations for the certification of batches of penicillin-containing drugs (11 F. R. 12136), as amended, are hereby further amended by deleting the word "one" in line eight of paragraph (b) of § 146.26 *Penicillin ointment*, and substituting the word "two" therefor.

This order, which provides for a change in the packaging requirements of penicillin ointment, shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of penicillin ointment under the revised packaging requirements.

(Sec. 507, 52 Stat. 1040, as amended, 59 Stat. 463; 21 U. S. C., Sup. 357)

Dated: February 21, 1947.

[SEAL] WATSON B. MILLER, *Administrator.*

[F. R. Doc. 47-1888; Filed, Feb. 27, 1947; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 270—ORGANIZATION, FUNCTIONS AND PROCEDURES OF THE BUREAU OF ACCOUNTS

ORGANIZATION

FEBRUARY 24, 1947.

1. Section 270.1 *Central organization* (11 F. R. 177A-89 of Part 270, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America is hereby amended by deleting in paragraph (d) the phrase "21 regional offices in the several Federal Reserve districts" and substituting in lieu thereof the phrase "22 regional offices in the several Federal Reserve districts."

2. Section 270.2 *Field organization* (11 F. R. 177A-89) of Part 270, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America is hereby amended by adding to the list of regional disbursing offices set forth therein the regional office at Birmingham, Alabama.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

A. L. M. WIGGINS, *Acting Secretary of the Treasury.*

[F. R. Doc. 47-1892; Filed, Feb. 27, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

[Amdt. 306]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodity:

Dept. of Comm. Sched. B No.	*Commodity*
968000	Metal beverage crowns made of tinplate.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. and Sup. App. 701, 702; E. O. 9630, Sept. 27, 1945, 3 CFR, 1945 Supp.)

Dated: February 24, 1947.

FRANCIS MCINTYRE, *Deputy Director for Export Control, Commodities Branch.*

[F. R. Doc. 47-1890; Filed, Feb. 27, 1947; 8:45 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 26]

DISPOSAL OF LIQUEFIED PETROLEUM GAS TANK CARS BY WAR ASSETS ADMINISTRATION

The following direction is issued pursuant to Priorities Regulation 13:

(a) *Purpose of this direction.* A critical shortage has developed in pressure tank cars suitable for the transportation of liquefied petroleum gas. It is imperative to maintain as many cars as possible in the transportation of such gas on which the public in many areas of the country is dependent for heating and cooking. In addition, the expected production of new liquefied petroleum gas tank cars has not been reached. 423 of these cars, ICC type 105-A-300 W, owned by the Army have been or are about to be declared surplus to its needs. This direction controls the disposal of these surplus tank cars by the War Assets Administration in accordance with dispositions determined by the Office of Defense Transportation to be in the best public interest.

(b) *Disposal of certain pressure tank cars by War Assets Administration.* The War Assets Administration is hereby directed to dispose of the liquefied petroleum gas tank cars listed on Schedule A below, subject to financial arrangements satisfactory to it, only to the persons and in the quantities as designated in writing by the Office of Defense Transportation.

(c) *Expiration date.* This direction expires on March 31, 1947.

Issued this 27th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION, By J. JOSEPH WHELAN, *Recording Secretary.*

SCHEDULE A

SERIAL NUMBERS OF TANK CARS COVERED BY THIS DIRECTION

USQX 12140 to 12157 inclusive	18
USQX 12159 to 12183 inclusive	25
USQX 12185 to 12190 inclusive	6
USQX 12192 to 12239 inclusive	48
USQX 12300 to 12301 inclusive	2
USQX 12303 to 12339 inclusive	37
USQX 12341 to 12363 inclusive	23
USQX 12365 to 12375 inclusive	11
USQX 12377 to 12382 inclusive	6
USQX 12400 to 12524 inclusive	125
USQX 12600 to 12601 inclusive	2
USQX 12612 and 12617 inclusive	2
USQX 12628 to 12629 inclusive	2
USQX 12634 to 12639 inclusive	6
USQX 12645 to 12650 inclusive	6
USQX 12654 and 12656 inclusive	2
USQX 12658 to 12674 inclusive	17
USQX 12690 to 12774 inclusive	85
Total	423

[F. R. Doc. 47-1949; Filed, Feb. 27, 1947; 11:12 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

MISCELLANEOUS AMENDMENTS

The following changes are authorized to amend the regulations relating to the organization and functions of the naval establishment (11 F. R. 177A-159):

1. In § 26.12a (a) at the end of the last sentence of the second paragraph delete "34 USC 621."

2. In § 26.12a (l) in the last sentence, change the comma after the word "files" to a period and delete "and for the issuance of Savings Bonds."

3. In § 26.12a (m) (2) at the end of the first sentence, change the period to a comma and add "and the issuance of Savings Bonds."

4. In § 26.18 (a) add the following: "The Fleet Marine Force is a force of combined arms comprising land, air, and service elements of the U. S. Marine Corps which is integral with the U. S. Fleet. It has the status of a type command and is organized, trained, and equipped for the seizure or defense of advance naval bases or for the conduct of limited amphibious or land operations essential to the prosecution of a naval campaign. This Force is presently divided into Fleet Marine Force, Pacific, under the command of Commander in Chief, Pacific Fleet, and the Fleet Marine Force, Atlantic, under command of the Commander in Chief, Atlantic Fleet."

(Secs. 3, 12 Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] JAMES FORRESTAL, *Secretary of the Navy.*

[F. R. Doc. 47-1891; Filed, Feb. 27, 1947; 8:47 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Bureau of Federal Supply, Department of the Treasury

PART 5—ORGANIZATION AND PROCEDURES

MISCELLANEOUS AMENDMENTS

The regulations in this part (11 F. R. 177A-98) are hereby amended as follows:

1. In § 5.1 *Central organization* paragraphs (c) and (h) are amended, and a sentence is added at the end of paragraph (e), as follows:

§ 5.1 *Central organization.* • • •

(c) *Stores Branch.* Arranges for the receipt, storage and issue of supplies, materials and equipment for use by the Executive agencies in Washington, D. C., and the receipt, warehousing and issue of supplies, materials and equipment for use by Executive agencies in the areas served by the Supply Centers at the locations hereafter referred to; stores and issues solid and liquid fuels for use by the Federal Government and the District of Columbia Government in Washington, D. C., and vicinity; operates a furniture repair shop, an automobile repair shop and a typewriter repair shop.

• • • • • •

(e) *Standards Branch.* • • • Inspects supplies, materials and equipment received by the Bureau and investigates complaints with respect to purchases by Executive agencies from Bureau stock or under Bureau contracts for compliance with specifications and contract conditions.

• • • • • •

(h) *Treasury Department Price Adjustment Board.* In accordance with regulations and policies prescribed by the War Contracts Price Adjustment Board, the Treasury Department Price Adjustment Board, headed by a chairman and consisting of four members, three of whom represent the Treasury Department and one of whom represents the Office of Temporary Controls, renegotiates under the authority of the Renegotiation Act (50 U. S. C. App., Sup. 1191) such war contractors holding contracts from the Bureau of Federal Supply, War and Navy Departments, U. S. Maritime Commission, War Shipping Administration and Reconstruction Finance Corporation as are assigned to it by the War Contracts Price Adjustment Board and formulates suitable recommendations for the final approval of the Director, Bureau of Federal Supply.

2. Section 5.2 *Field organization* is revised to read as follows:

§ 5.2 *Field organization.* The field organization is composed of several Supply Centers, some with branches, each headed by a Manager. Each office is responsible for effectively carrying out the activities and responsibilities of the Bureau within the areas assigned to it, following for these purposes the directives, policies and procedures established by the Washington Office. Field office activities include procuring, inspecting, storing, issuing and delivering supplies, materials and equipment to Executive agencies within the assigned area and, in addition, acting as liaison with such agencies to improve and develop centralized procurement and distribution within such assigned areas; inspecting, expediting, storing and transporting supplies, materials and equipment purchased by the Washington Office for special procurement programs; performing administrative functions incident to its field activities, including maintenance of accounts, preparation and certification of vouchers, auditing of invoices and other documents, and performing necessary service functions required in its activities.

(a) *Supply Centers; headquarters and areas.* The headquarters and areas served, as defined in paragraph (b) of this section, of the Supply Centers are as follows:

(1) New York, New York: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York and Pennsylvania. A Branch Supply Center is located at Boston, Massachusetts.

(2) Cleveland, Ohio: Indiana, Kentucky, Ohio and West Virginia.

(3) Chicago, Illinois: Illinois, Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.

(4) Atlanta, Georgia: Alabama, Florida, Georgia, Mississippi, South Carolina and Tennessee.

(5) Fort Worth, Texas: Arkansas, Louisiana, Oklahoma and Texas.

(6) Kansas City, Missouri: Iowa, Kansas, Missouri and Nebraska.

(7) Denver, Colorado: Colorado, New Mexico, Utah and Wyoming.

(8) San Francisco, California: Arizona, California, Nevada, Hawaii and the Philippine Islands. A Branch Supply Center is located at Los Angeles, California.

(9) Seattle, Washington: Idaho, Montana, Oregon, Washington and Alaska.

(10) Washington, D. C. Such functions as are ordinarily performed by a field office are performed by the Washington Office for Delaware, Maryland, North Carolina and Virginia and the District of Columbia, Puerto Rico and the Virgin Islands.

(b) *"Areas served" defined.* Areas served by Supply Centers and the Washington Office in its field activities are the geographical areas specified as well as areas within the most economical transportation cost from each such office. The latter areas are set out in the Bureau of Federal Supply Stock Catalog, copies of which are available at all offices.

3. In § 5.3 *Delegations of final authority*, paragraphs (a) (2), (b), the first sentence of (e), and paragraph (j) are amended to read as follows:

§ 5.3 *Delegations of final authority.*

• • •

(a) *Contracts and agreements.*

• • •

(2) Field offices:

(i) Not exceeding $100,000 for UNRRA or Lend-Lease purposes: Manager of Supply Center, New York, New York.

(ii) Not exceeding $25,000: all Managers of Supply Centers.

(iii) Not exceeding $10,000, for procurement purposes: Managers of Branch Supply Centers; Chiefs, Purchase and Stores Divisions; Chiefs, Purchase Sections.

(iv) Not exceeding $1,000, for procurement purposes: Purchasing Officers.

(b) *War powers functions.* Performance and exercise of functions and powers of the Secretary of the Treasury under section 201 of the First War Powers Act, 1941, and Executive Order 9023 (50 U. S. C. App., Sup., 611): Director, Bureau of Federal Supply; Assistant Director; Special Assistant to the Director;

Deputy Director Purchase Branch; Managers of Supply Centers.

* * * * *

(e) *Surplus property disposal.* Donations or abandonment where it is found that surplus personal property has no reasonable prospect of sale for any purpose, including sale as scrap, salvage or otherwise, or that the estimated cost of its care, handling and disposition would exceed the estimated proceeds of sale for any purpose: Assistant Director; Managers of Supply Centers. * * *

* * * * *

(j) *Newspaper advertising.* Authority to authorize the publication in a newspaper of any advertisement, notice or proposal, pursuant to sec. 12, Pub. Law 600, 79th Cong. (60 Stat. 809): Director, Bureau of Federal Supply.

4. In § 5.101 *Contracts* paragraph (f) *Term contracts,* substitute "Federal Supply Schedule" for "General Schedule of Supplies."

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] CLIFTON E. MACK, *Director.*

Approved: February 21, 1947.

E. H. FOLEY, JR., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-1893; Filed, Feb. 27, 1947; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE, KENTUCKY; FISHING

Section 26.503 is revised to read as follows:

§ 26.503 *Kentucky Woodlands National Wildlife Refuge, Kentucky; fishing.* Fishing in accordance with the State laws of Kentucky is permitted in all waters within the Kentucky Woodlands National Wildlife Refuge, in accordance with the following provisions:

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All fishermen must comply with all State fishing laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a federal permit for non-commercial or sport fishing in any refuge waters and for commercial fishing in Kentucky Lake only. A permit issued by the officer in charge is required for commercial fishing in all waters of the refuge except Kentucky Lake.

The use of motorboats, except those powered by electric motors, is prohibited in all refuge waters except Kentucky Lake.

During periods of waterfowl concentrations, or other wildlife concentrations fishing may be limited either to bank fishing, to boat fishing, or may be closed on such areas of the refuge as, in the judgment of the officer in charge of such limitations or restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting and shall be available at the refuge headquarters. (Sec. 84, 35 Stat. 1104 as amended; 18 U. S. C. 145)

Dated: February 19, 1947.

CLARENCE COTTAM, *Acting Director.*

[F. R. Doc. 47-1870; Filed, Feb. 27, 1947; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 188, Amdt. 8]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of February A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (10 F. R. 15175) as amended (11 F. R. 1626, 1992, 3605, 4038, 7043, 9453, 10092), and good cause appearing therefor, *It is ordered,* That:

Revised Service Order No. 188, (49 CFR § 95.334), as amended, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 7:00 a. m., July 1, 1947, unless otherwise modified, changed suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., February 28, 1947; that a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1877; Filed, Feb. 27, 1947; 8:46 a. m.]

[S. O. 648, Amdt. 5]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR BULK GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of February A. D. 1947.

Upon further consideration of Service Order No. 648 (11 F. R. 14171), as amended (11 F. R. 14245, 14523; 12 F. R. 754, 1168), and good cause appearing therefor, it is ordered, that:

Section 95.648 *Permit required for bulk grain,* of Service Order No. 648, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) (2) for paragraph (d) (2) thereof:

(d) *Appointment of agents.* * * *

(2) The following permit agents are hereby designated and appointed by the Interstate Commerce Commission for the purpose of accepting applications and issuing the permits required by paragraph (b) of this section:

Permit agent	Address	Station
H. H. Foreman	552 New Custom House, Denver 2, Colo.	Denver, Colo.
E. R. Weimer	302 U. S. Court House, Kansas City, Mo.	Atchison, Hutchinson, Salina, Newton, Topeka, Whitewater, Wichita, Kansas; Kansas City and St. Joseph, Mo.
J. E. Youngman	938 New Federal Bldg., St. Louis, Mo.	St. Louis, Mo.
L. A. Denison	415B U. S. Post Office, Omaha, Nebr.	Fremont, Nebraska City and Omaha, Nebr.; Council Bluffs, Iowa.
C. T. Aspelmier, J. G. Harris.	405 Burt Bldg., Dallas, Tex.	Alva, Blackwell, Enid, and Thomas, Okla.; Amarillo, Dallas, Fort Worth, Greenville and Plainview, Tex.

It is further ordered, that this amendment shall become effective at 12:01 a. m., February 25, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1873; Filed, Feb. 27, 1947; 8:46 a. m.]

[S. O. 129, Amdt. 3]

PART 95—CAR SERVICE

BODY ICE IN REFRIGERATOR CARS; REMOVAL BY CONSIGNEE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of February A. D. 1947.

Upon further consideration of the provisions of Service Order No. 129 (8 F. R. 7778), as amended (11 F. R. 8451, 14328), and good cause appearing therefor, it is ordered, that:

Section 95.310 *Body ice in refrigerator cars; removal by consignee,* of Service Order No. 129, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Expiration date.* This section, as amended, shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, this amendment shall become effective at 12:01 a. m., March 5, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1875; Filed, Feb. 27, 1947; 8:45 a. m.]

[4th Rev. S. O. 180, Amdt. 10]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of February A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F. R. 14970) as amended (11 F. R. 1626, 1991, 3605, 4038, 6983, 9453, 10092, 11707, 12395), and good cause appearing therefor, *It is ordered,* That:

Fourth Revised Service Order No. 180 (49 CFR § 95.330), as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 7:00 a. m., July 1, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., February 28, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service, and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1874; Filed, Feb. 27, 1947; 8:46 a. m.]

[S. O. 624, Amdt. 5]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of February A. D. 1947.

Upon further consideration of Service Order No. 624 (11 F. R. 12183), as amended (11 F. R. 13792, 14272; 12 F. R. 48, 775), and good cause appearing therefor, it is ordered, that:

Section 95.624 *Movement of grain to terminal elevators by permit,* of Service Order No. 624, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 7:00 a. m., June 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 1, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-1876; Filed, Feb. 27, 1947; 8:45 a. m.]

Chapter II—Office of Defense Transportation

[Gen. Permit ODT 1, Rev.-11, Amdt. 2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS WITHIN OFFICIAL CLASSIFICATION TERRITORY

Correction

In Federal Register Document 47-1796, appearing on page 1374 of the issue for Wednesday, February 26, 1947, the reference to "Executive Order 8689" should read: "Executive Order 8989".

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-859]

MEMPHIS NATURAL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 20, 1947.

Notice is hereby given that on February 7, 1947, an application was filed with the Federal Power Commission by Memphis Natural Gas Company ("Applicant"), a Delaware corporation with its principal place of business at Memphis, Tennessee, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain facilities hereinafter described.

The present natural-gas pipeline system of Applicant extends from the Lisbon and Monroe fields in Louisiana across a portion of Arkansas and Mississippi to Memphis, Tennessee, and other points in western Tennessee.

The facilities which Applicant seeks authorization to construct and operate are described as follows:

Part A. A 24-inch natural-gas transmission pipeline commencing at a point in the East Texas Gas Fields and extending in a general northeasterly direction for a distance of approximately 669 miles to a point of connection with the natural-gas system of Louisville Gas and Electric Company, southeast of Louisville, Kentucky. The proposed pipeline will cross the Mississippi River near Memphis, where a connection will be made with Applicant's present system. Other connections will be made in West Tennessee with Applicant's present system at points of crossing. A connection will also be made with the main system of Kentucky Natural Gas Corporation ("Kentucky"), an affiliate of Applicant, at a point in Hopkins County, Kentucky, near Madisonville.

Part B. (a) A 24-inch natural-gas transmission pipeline extending from the terminus of the "Part A" facilities at Louisville, in a general northeasterly direction, for a distance of approximately

290 miles, to a point near Clarington, Ohio.

(b) Three compressor stations located along the route of the proposed Part A and Part B pipe lines, at respective points in Arkansas, Mississippi, and Kentucky, having a total installed capacity of 20,000 horsepower.

Part C. (a) A 24-inch natural-gas transmission pipe line extending from the Ohio terminus of the Part B facilities in a general northeasterly direction, for a distance of approximately 57 miles to a point in Greene County, Pennsylvania, approximately 25 miles south of Pittsburgh.

(b) Additional compressor stations and facilities located along the route of the proposed Part A, Part B, and Part C pipe lines at respective points in Louisiana, Arkansas, Mississippi, Tennessee, Kentucky, and Ohio, having 30,000 horsepower of additional compressor capacity.

Applicant proposes to begin construction of the Part A facilities as soon after the issuance of the requested certificate as materials can be secured; to complete the construction of such facilities during 1949; upon completion of the Part A facilities, to commence work on the Part B and Part C facilities; and, if possible, to construct the latter facilities within one year thereafter.

The application recites that the Part A facilities are intended to deliver 100,000 Mcf. of gas per day initially; that the Part A and Part 5 facilities when completed will have a delivery capacity of 220,000 Mcf. of gas per day; that the Part A, Part B and Part C facilities when completed will have a delivery capacity of 295,000 Mcf. of gas per day. Applicant proposes that a portion of the gas to be delivered by such facilities shall be used to meet requirements of the present customers of Applicant and Kentucky; and that the remainder thereof shall be delivered at Louisville, to systems in the Appalachian area, and at other communities along the route of the proposed line.

The application recites that Applicant's present system is now delivering its full capacity; that such capacity is not adequate for the pressing and rapidly growing needs of the Memphis Light, Gas and Water Division; and that Applicant, even for its present system, is faced with the necessity of constructing an additional loop to its present pipelines to Monroe Field, or else building a new line directly from Memphis to the East Texas Gas Fields.

The application further recites that by a pending application before the Commission "in the matter of Memphis Natural Gas Company and Kentucky Natural Gas Corporation," Docket No. G-855, Applicant seeks authorization for the corporate and organization integration of Applicant and Kentucky, and that the application in the instant matter seeks authorization for the physical interconnection of the two systems; that the present major sources of supply to the system of Kentucky are the Panhandle Eastern Pipe Line Company system on the north thereof, and the Tennessee Gas and Transmission Company system on the south; that the growing load on the Kentucky system makes it desirable and necessary that Kentucky have an independent and direct line to the source of supply under its own control; that the extension of the proposed line north and east from the connection with the Kentucky system is in response to demands for an additional gas supply for Louisville and for the Appalachian markets; that Louisville now receives its natural-gas requirements from Kentucky-West Virginia Gas Company and Tennessee Gas and Transmission Company; that the estimated requirements of Louisville exceed the amount it can now or may expect to receive from all present sources; that the proposed line is planned to supplement the present and proposed outside supply of gas in the States of Ohio, Pennsylvania and New York; that gas is being offered for sale and connections are proposed to be made to gas systems along the line close to the major markets in the Appalachian area; and that there are indications that the available capacity of the proposed line in such area will be fully utilized.

It is further recited in the application that agreements covering an assured supply of natural gas for the program proposed will be presented to the Commission at or before the hearing upon the application.

It appears from the application that the estimated total over-all cost of the facilities proposed to be built, including materials and supplies, is as follows: Part A, $32,300,000; Part B, $20,000,000; Part C, $11,000,000.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and further to specify whether it desires a conference, the creation of a board, or a concurrent hearing as defined in said rule and the reasons for such request.

The application of Memphis is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1865; Filed, Feb. 27, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 129]

RECONSIGNMENT OF ORANGES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 22, 1947, by J. Earle Roberts, of car FGE 21368, oranges, now on the PRR to MGR Co., New York, N. Y. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1878; Filed, Feb. 27, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1394]

FEDERAL WATER AND GAS CORP. AND NEW YORK WATER SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 21st day of February A. D. 1947.

Notice is hereby given that an application and declaration, and an amendment thereto, have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Federal Water and Gas Corporation ("Federal"), a registered holding company, and its subsidiary company, New York Water Service Corporation ("New York"). The applicant-declarant designates sections 10 and 12 as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 28, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application and declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application and declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commision may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application and declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Federal proposes to sell to New York for the consideration of $1,000 in cash a note in the unpaid principal amount of $227,960 issued by South Bay Consolidated Water Company, Inc. ("South Bay"), a direct subsidiary of New York. Interest on said note is subordinate to the payment of dividends on the preferred stock of South Bay; interest arrears on said note amounted to $209,425 on September 30, 1946, and preferred stock dividend arrears amounted to $916,461.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1855; Filed, Feb. 27, 1947; 8:47 a. m.]

[File No. 70-1326]

CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of February A. D. 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a subsidiary of Central Public Utility Corporation, also a registered holding company.

All interested persons are referred to said document, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Consolidated proposes to sell at competitive bidding, pursuant to Rule U-50, the presently authorized and outstanding Capital Stock of Maine Public Service Company ("Maine"), consisting of 150,000 shares of common stock, par value $10 per share, all of which, with the exception of five directors' qualifying shares, are owned by Consolidated. All of said shares have been pledged by Consolidated. All of said shares have been pledged by Consolidated under a Bank Loan Agreement between Consolidated and certain banks dated as of November 15, 1945, securing notes of Consolidated dated November 29, 1945, and due November 29, 1948. The proceeds of the sale of Maine's stock will be deposited under the above mentioned Bank Loan Agreement in connection with the release of the Capital Stock of Maine from pledge thereunder, and will be applied towards payment of the principal of said notes of Consolidated.

Consolidated has designated, as applicable to the proposed sale, section 12 (d) of the act and Rules U-44 and U-50 promulgated thereunder. Consolidated has requested that the Commission's order herein include recitals and specifications conforming to the requirements of section 371 and 1808 of the Internal Revenue Code, as amended.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said application-declaration, and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said application-declaration under the applicable provisions of the act and rules of the Commission thereunder be held on March 7, 1947, at 11:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that date, the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose shall preside at the hearing. Each officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention be directed at the hearing to the following matters and questions:

(1) Whether the proposed sale and the terms and conditions thereof are appropriate in the public interest and the interests of investors and consumers;

(2) Whether the accounting entries proposed to be made by Consolidated in connection with the proposed transactions are consistent with sound accounting principles and conform to the standards of the act and the rules promulgated thereunder;

(3) Whether the fees, commissions and other remuneration to be paid directly or indirectly in connection with the proposed transactions are reasonable; and

(4) Generally, whether the proposed transactions comply with all of the applicable provisions and requirements of the act and rules and regulations promulgated thereunder, and whether it is necessary or appropriate in the public interest or for the protection of investors and consumers, or to prevent the circumvention of any provisions of the act or of the rules, regulations or orders thereunder to impose terms or conditions in connection with any of the proposed transactions.

It is further ordered, That notice of said hearing is hereby given to Consolidated and to all interested persons, said notice to be given to Consolidated by registered mail and to all other persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on our mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of a copy of this notice and order in the FEDERAL REGISTER.

It is requested that any person desiring to be heard in the proceedings shall file with the Secretary of the Commission on or before March 3, 1947, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1857; Filed, Feb. 27, 1947; 8:47 a. m.]

[File No. 70-1458]

INTERSTATE POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of February A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Interstate Power Company ("Interstate"), a registered holding company, and a subsidiary of Ogden Corporation, a registered holding company. Declarant designates sections 6 and 7 of the act and Rule U-23 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 4, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the

office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Interstate proposes to issue and sell two collateral promissory notes, each in the principal amount of $400,000, bearing interest at the rate of 1¾% annually payable semi-annually, and maturing on December 1, 1947; one of said notes is to be sold to The Chase National Bank of the City of New York, and the other to Manufacturers Trust Company, New York. Interstate also proposes to issue $800,000 principal amount of its First Mortgage Gold Bonds, 5% Series, due January 1, 1957, which bonds are to serve as collateral for the $800,000 aggregate principal amount of notes. Interstate represents that said 5% bonds will be issued under the indenture securing Interstate's presently issued and outstanding 5% bonds due 1957, upon certification to the trustee under said indenture of certain property additions which have not heretofore been certified as a basis for authentication and issuance of bonds. The filing states that the proceeds of the proposed issue and sale of securities will be applied toward the financing of Interstate's construction program and to restore current working funds which have been reduced below normal requirements in order to finance new construction.

A plan for the reorganization of Interstate was approved under section 11 (e) of the act by the Commission on January 24, 1947 (Holding Company Act Release Nos. 7143 and 7159), and enforcement proceedings are pending with respect thereto in the District Court of the United States for the District of Delaware. The filing further states that it is expected to retire the aforesaid notes, as well as $600,000 aggregate principal amount of notes issued and sold to the aforesaid banks on December 2, 1946 (Holding Company Act Release No. 7001), out of the proceeds of the sale of securities to be issued upon consummation of the aforesaid plan.

The declarant requests that the Commission's order be issued herein on or before March 15, 1947, and become effective forthwith, in view of its urgent need of the funds to be obtained from the aforesaid financing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1856; Filed, Feb. 27, 1947; 8:47 a. m.]

[File No. 70-1421]

TEXAS UTILITIES CO. AND AMERICAN POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of February A. D. 1947.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, a registered holding company, and American's registered holding company subsidiary, Texas Utilities Company ("Texas Utilities"), having filed a joint application-declaration and amendments thereto pursuant to sections 6 (a), 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Texas Utilities proposes to amend its charter to change its presently authorized and outstanding 2,001,000 shares of common stock without nominal or par value, all of which are owned by American, to 4,000,000 shares of common stock without nominal or par value but without any change in the aggregate stated value, said 4,000,000 shares to be issued to American in exchange for its presently held shares of Texas Utilities.

Texas Utilities further proposes to amend its charter in the following respects: (a) to increase its authorized capital stock to 40,000,000 shares without nominal or par value; (b) to provide for preemptive rights to stockholders with respect to any offering of common stock, or security convertible into common stock, for money, other than with respect to a public offering of such shares; (c) to authorize the Board of Directors to sell, exchange or otherwise dispose of any property not essential to the conduct of its corporate business; (d) to authorize the corporation to sell, exchange or otherwise dispose of all or an essential portion of its property upon the vote of a majority of the Board of Directors and a majority of the aggregate number of shares outstanding and entitled to vote; and (e) to provide that statutes passed in the future affecting the rights of the company or its stockholders shall be applicable to the company upon the vote of the holders of a majority of shares of the outstanding stock.

Applicants-declarants have requested that the order of the Commission granting the application and permitting the declaration to become effective conform to the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

The application-declaration having been filed December 18, 1946, and amendments thereto having been filed on January 2, 1947 and February 6, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application as amended within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant the request of applicants-declarants that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

It is further ordered, That the reclassification of the outstanding common stock of Texas Utilities from 2,001,000 shares of common stock without nominal or par value, all of which are owned by American, to 4,000,000 shares of common stock without nominal or par value but without any change in the aggregate stated value thereof and the issuance of the said 4,000,000 shares to American in exchange for its presently held shares of Texas Utilities is a preliminary step toward compliance with the order of this Commission dated August 22, 1942, directing the dissolution of American, and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1859; Filed, Feb. 27, 1947; 8:46 a. m.]

[File No. 70-1440]

MIDDLE WEST CORP. AND CONSOLIDATED ELECTRIC AND GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of February A. D. 1947.

The Middle West Corporation ("Middle West") and Consolidated Electric and Gas Company ("Consolidated"), both registered holding companies, having filed an application and declaration pursuant to sections 9 (a), 10, and 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder with respect to the following transactions:

Consolidated and Middle West propose to acquire $600 par value and $200 par value, respectively, of the capital stock of a new corporation which will be organized in Michigan with an initial authorized capital stock of 5,000 shares, par value $10 per share. Consolidated also proposes to advance to the newly organized company such sums as it may require to defray its organization and preliminary expenses. The contemplated transaction is a preliminary step in a program whereby the newly organized company will issue and sell securities and use the proceeds therefrom, in part, to acquire from Consolidated and Middle West their respective security holdings in three public utility companies operating in Michigan, two being subsidiaries of Consolidated and the other being a subsidiary of Middle West.

The application and declaration relate solely to advances and the acquisition of said capital stock; and

Such application and declaration having been filed on January 15, 1947, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application and declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the act and that the transactions involved have the tendency required by section 10 (c) (2), and that the requirements of section 12 (b) and Rule U-45 are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application and declaration be granted and permitted to become effective;

The Commission deeming it appropriate to grant the request of applicants and declarants that the order become effective immediately upon the issuance thereof;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and rules thereunder that the application and declaration be and the same hereby are granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1858; Filed, Feb. 27, 1947; 8:46 a. m.]

[File No. 70-1456]

BUFFALO NIAGARA ELECTRIC CORP., AND THE NIAGARA FALLS POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of February 1947.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Buffalo Niagara Electric Corporation ("Buffalo"), a subsidiary of Niagara Hudson Power Corporation, which, in turn, is a subsidiary of The United Corporation, a registered holding company, and The Niagara Falls Power Company ("Niagara"), a subsidiary of Buffalo.

Notice is further given that any interested person may, not later than February 25, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application, which is on file in the offices of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Buffalo proposes to sell to Niagara certain water rights consisting of the right to take 262.6 cubic feet per second of water from the Hydraulic Basin of Niagara in the City of Niagara Falls. The water rights are presently owned by Buffalo and leased to Niagara which utilizes such rights exclusively for the generation of hydro-electric power.

The consideration for the conveyance and the release from certain obligations now required to be performed by Niagara is $728,415.48, an amount equivalent to the original cost of the water rights, as recorded on the books of Buffalo.

The proposed transaction was approved by the Public Service Commission of the State of New York on February 5, 1947.

The applicants designate section 12 (d) of the act and Rule U-44 thereunder as being applicable to the transactions embraced in the joint filing and request that the Commission's order granting the application become effective within fifteen days from the date of filing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1860; Filed, Feb. 27, 1947; 8:46 a. m.]

[File No. 70-1451]

NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of February 1947.

The North American Company, a registered holding company, has filed a declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") and the general rules and regulations promulgated thereunder, regarding a proposal to pay on April 1, 1947, a dividend to its holders of common stock of record on March 3, 1947, payable in the common stock of Pacific Gas and Electric Company, having a par value of $25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of the outstanding common stock of The North American Company. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company, but, in lieu thereof, cash will be paid at the rate of forty-two cents for each 1/100 of a share of stock of Pacific Gas and Electric Company, this rate being based on the market price of approximately $42 per share as of February 7, 1947, the date on which the proposed dividend was declared.

The declaration having been filed on February 7, 1947, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The North American Company having requested that the Commission issue its order on or before February 21, 1947, permitting said declaration to become effective; and

The Commission finding that the requirements of section 12 (d) of the act and Rules U-43 and U-44 thereunder are satisfied, that no adverse findings are necessary thereunder, and that action upon said declaration should be accelerated, and the Commission deeming it appropriate in the public interest and in the interest of investors to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1861; Filed, Feb. 27, 1947; 8:45 a. m.]

[File No. 70-1445]

PHILADELPHIA GAS WORKS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of February 1947.

The Philadelphia Gas Works Company, a subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the issue and sale to three Philadelphia banks of 2% promissory notes at their principal amount as follows:

	Dated on or about—	Principal amount
The Pennsylvania Co. for Insurances on Lives and Granting Annuities	Mar. 1, 1947 Aug. 31, 1947	$1,000,000 1,000,000
The Corn Exchange National Bank & Trust Co.	Mar. 1, 1947 Aug. 31, 1947	625,000 625,000
The First National Bank of Philadelphia	Mar. 1, 1947 Aug. 31, 1947	375,000 375,000
Total		4,000,000

pany subsidiary of Electric Bond and applicants-declarants that the order be-

other being a subsidiary of Middle West.

Said notes are to be due in equal instalments, payable quarter annually, beginning on December 1, 1947, and are to mature August 31, 1952. Applicant is to pay, in addition to interest at the rate of 2% on the unpaid principal, a stand-in charge of ¼ of 1% per annum from ten days after receiving necessary regulatory authority until the money is actually received from the banks. The notes may be prepaid without premium provided such prepayment is not by means of other borrowing or refinancing, in which event the premium shall be ¼ of 1% per annum of the amount of such prepayments to the maturity date.

The proceeds of said notes are to be used to make property additions to the municipal gas works of Philadelphia, which The Philadelphia Gas Works Company operates under lease.

Said construction and financing having been authorized by an ordinance of the Council of the City of Philadelphia, which ordinance was approved by the Mayor of Philadelphia on January 20, 1947, and the Pennsylvania Public Utility Commission having, by order dated February 10, 1947, approved the proposed issuance and sale of notes;

Said application having been filed on January 28, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interests of investors and consumers that said application be granted;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1862; Filed, Feb. 27, 1947; 8:45 a. m.]

[File Nos. 54-120, 59-34]

NEW ENGLAND GAS AND ELECTRIC ASSN.

CORRECTION TO FINDINGS AND OPINION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of February 1947.

In the matters of New England Gas and Electric Association, File No. 54-120; New England Gas and Electric Association et al., File No. 59-34.

The Commission by order dated February 11, 1947, having approved the alternate plan for recapitalization of New England Gas and Electric Association (New England) filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and having made and filed its findings and opinion therein; and

Said findings and opinion stating on page 4 of the mimeographed release (Holding Company Act Release No. 7181) that "New England will offer for sale $22,425,000 principal amount of Sinking Fund Collateral Trust Bonds, Series A, having an interest rate not in excess of 3¼%;" and

It appearing to the Commission that by Amendment No. 2 (filed January 13, 1947) to its application New England intended and did amend its alternate plan so as to provide that the rate of interest to be paid on the bonds to be issued under the alternate plan should be determined by competitive bidding and that the terms of the bidding should not include any ceiling interest rate; and

It appearing to the Commission that its findings and opinion in this matter should be corrected to give effect to the said amendment;

It is ordered, That the findings and opinion in this matter be, and hereby are, corrected by deleting from page 4 of the said mimeographed release the words "having an interest rate not in excess of 3¼" so that the sentence will read as follows: "New England will offer for sale $22,425,000 principal amount of Sinking Fund Collateral Trust Bonds, Series A, having an interest rate to be determined by competitive bidding;".

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1863; Filed, Feb. 27, 1947; 8:45 a. m.]

[File Nos. 70-731, 70-1265]

STANDARD POWER AND LIGHT CORP.

ORDER NOT PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of February A. D. 1947.

Standard Power and Light Corporation, a registered holding company, having filed a declaration under section 12 (d) of the Public Utility Holding Company Act of 1935 regarding the sale of 1,160,000 shares of common stock of Standard Gas and Electric Company now owned by it, such sales to be either private or to be made in the open or the over-the-counter market as exempt transactions as defined by the Securities Act of 1933 in such amounts and at such times as may be determined by the board of directors of Standard Power and Light Corporation and subject to authorization by its stockholders; and

A public hearing having been held after appropriate notice, oral argument having been heard and the Commission having considered the record and having this day issued its findings and opinion herein;

It is ordered, That said declaration be, and the same hereby is, not permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1866; Filed, Feb. 27, 1947; 8:45 a. m.]

[File Nos. 70-1422, 70-1423]

STANDARD GAS AND ELECTRIC CO. AND OKLAHOMA GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of February 1947.

The Commission having, by order entered January 22, 1947, granted certain applications and permitted to become effective certain declarations with respect to the sale by Standard Gas and Electric Company ("Standard") of its holdings of 750,000 shares of the common stock of Oklahoma Gas and Electric Company ("Oklahoma Gas"), pursuant to the competitive bidding requirements of Rule U-50, and, simultaneously with such sale, the issue and sale by Oklahoma Gas of an additional issue of 140,000 shares of its common stock, also pursuant to the competitive bidding requirements of Rule U-50; and

Oklahoma Gas having filed an amendment herein, deleting the provision previously in effect under which said additional issue of 140,000 shares of its common stock would be sold simultaneously with the proposed sale by Standard of its holdings of the common stock of Oklahoma Gas, and Oklahoma Gas having advised the Commission in said amendment that it proposes to publish a public invitation for bids to purchase said additional issue of 140,000 shares of its common stock and, on March 4, 1947, to open such bids and having requested that the Commission enter an order permitting said declaration as so amended to become effective forthwith, and it appearing that such an order may appropriately be entered at this time;

It is hereby ordered, That said applications and declarations, as so amended, be, and the same are hereby, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject to the further condition that the proposed sales of shares of common stock of Oklahoma Gas shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1866; Filed, Feb. 27, 1947; 8:45 a. m.]

[File No. 70-1462]

LOUISIANA POWER & LIGHT CO. AND ELECTRIC POWER & LIGHT CORP.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of February A. D. 1947.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"), a public utility subsidiary of Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Electric have filed joint applications and declarations with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 6 (a), 7, 9 (a), 12 (c), and 12 (f) of the act and Rules U-42, U-43 and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said applications and declarations which are on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Louisiana proposes to offer to the holders of its 59,422 shares of outstanding $6 preferred stock the right to exchange such stock share for share for a new issue of ----% cumulative preferred stock having a par value of $100 a share, the dividend rate to be supplied by amendment. All shares of the outstanding preferred stock not so exchanged will be called at the redemption price of $110 a share plus accrued dividends to the date of redemption. Louisiana also proposes to sell to Electric, the holder of all of Louisiana's outstanding common stock, and Electric proposes to acquire, for cash, such additional shares of common stock at its stated value of $5 a share as may be required to provide Louisiana with funds in connection with the redemption of its outstanding preferred stock. The plan for retiring the outstanding preferred stock is to become automatically effective if 75% or more of such stock is offered for exchange, but Louisiana reserves the right to make the plan effective, with the consent of Electric, if less than 75% is offered for exchange. Louisiana proposes also to make certain amendments to its certificate of incorporation in connection with carrying out the proposed transactions.

In effectuating the plan of exchange, Louisiana proposes to select a dealer manager to manage the exchanges. Every Louisiana dealer who is a member of the National Association of Security Dealers will be invited to become a member of the dealer group to effectuate exchanges.

Louisiana applies for exemption from the competitive bidding provisions of Rule U-50, and Louisiana and Electric request that the Commission's order be entered as promptly as may be feasible.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said joint applications and declarations and that the said joint applications and declarations shall not be granted or become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said joint applications and declarations under the applicable provisions of the act and the rules of the Commission thereunder be held on March 10, 1947, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing is to be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of said joint applications and declarations, and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the preferred and common stocks to be issued are reasonably adapted to the earning power and security structure of Louisiana and are necessary or appropriate to the economical and efficient operation of the business in which Louisiana is engaged.

(2) Whether the issuance of such securities is solely for the purpose of financing the business in which Louisiana is engaged, or for the purpose of refinancing, exchanging or discharging an outstanding security of the company.

(3) Whether the terms and conditions of the issue or sale of said securities are detrimental to the public interest or the interest of investors or consumers.

(4) Whether the terms and conditions of the proposed exchange offer are fair and reasonable and appropriate in the public interest and the interest of investors and consumers.

(5) Whether the consideration, fees, commissions, or other remuneration to be paid in connection with the proposed transactions are reasonable.

(6) Whether Electric may appropriately acquire additional common stock of Louisiana in the manner proposed and whether such acquisitions would be in conformity with the applicable provisions of section 10 of the act.

(7) Whether the program proposed by Louisiana would involve in effect issuance of the new preferred stock at a substantial premium and, if so, whether such new preferred stock may appropriately be issued.

(8) Whether the accounting entries to be made in connection with the proposed transactions are adequate and in accordance with sound accounting practices.

(9) Whether the requested exemption from the competitive bidding provisions of Rule U-50 is appropriate in the public interest and the interest of investors and consumers, and if so, whether such exemption should be granted prior to the entry of any orders with respect to the principal transactions.

(10) Whether, in the event that the applications and declarations shall be granted and permitted to become effective, it is necessary or appropriate to impose any terms or conditions to assure compliance with the standards of the act or in the public interest or for the protection of investors or consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions, and that matters pertinent to the questions in paragraph (9) be first considered at such hearing.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before March 7, 1947 his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to the Louisiana Public Service Commission, Louisiana Power & Light Company and Electric Power & Light Corporation; and that notice of said hearing be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1867; Filed, Feb. 27, 1947; 8:45 a. m.]

[File No. 70-1443]

HARTFORD GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of February 1947.

The Hartford Gas Company ("Hartford"), a subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following transaction:

Hartford proposes to issue and sell for cash at principal amount to six banks and insurance companies an aggregate of $2,000,000 principal amount of 2⅝% First Mortgage Bonds, due February 1,

ruary 11, 1947, having approved the al-

herein;

8:45 a. m.]

1972. The net proceeds of the sale of the bonds are to be used to provide funds for the enlargement of Hartford's gas manufacturing plant, for new business extensions, and for the repayment of bank borrowings which were expended for such improvements. Hartford has requested that the proposed issue and sale of securities be excepted from the competitive bidding requirements of Rule U-50, and that it be permitted to consummate the proposed transaction immediately upon approval thereof.

Such application, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the proposed issue and sale of bonds has been approved by the Public Utility Commission of the State of Connecticut and that in the particular circumstances of this case it is appropriate in the public interest and in the interests of investors and consumers to grant applicant's request for an exception from the competitive bidding requirements of Rule U-50 with respect to the proposed sale of bonds, and that the application, as amended, should be granted so as to permit immediate consummation of the proposed transaction;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be, and the same hereby is, granted, and that the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1869; Filed, Feb. 27, 1947; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8216]

J. F. WM. MEYER

In re: Trust under the Will of J. F. Wm. Meyer, deceased. File D-28-2508; E. T. sec. 3648.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marichen Meyer, August Meyer, Hermann (Herman) Kieselhorst, Sophia Engman, Hannilori Kieselhorst, Rosemarin Kieselhorst, Marguerite Engman, Magdalena Engman, Ruth Engman, and Kate Kieselhorst, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of J. F. Wm. Meyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Roetzel Jochems, as trustee, acting under the judicial supervision of the Probate Court of Sedgwick County, Wichita, Kansas;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1894; Filed, Feb. 27, 1947; 8:45 a. m.]

[Vesting Order 8218]

ANTONINA PACHOWIAK

In re: Estate of Antonina Pachowiak, deceased. File D-28-10363; E. T. sec. 14753.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martin Pachowiak and Kasmir Pachowiak, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Martin Pachowiak, and the issue, names unknown, of Kasmir Pachowiak, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Antonina Pachowiak, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Joseph A. Harty, as executor, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Martin Pachowiak, and the issue, names unknown, of Kasmir Pachowiak, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1895; Filed, Feb. 27, 1947; 8:45 a. m.]

[Vesting Order 8219]

JACOB SCHERB

In re: Estate of Jacob Scherb, deceased. File D-28-9423; E. T. sec. 12589.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Scherb, also known as John Scherb, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Jacob Scherb, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 and 2 hereof, and each of them, in and to the estate of Jacob Scherb, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John T. Dempsey, Administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the above named person and the personal representatives, other than the aforesaid John T. Dempsey, heirs, next of kin, legatees and distributees of Jacob Scherb, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1896; Filed, Feb. 27, 1947; 8:45 a. m.]

[Vesting Order 8220]

KATE SCHEUNERT

In re: Estate of Kate Scheunert, deceased. File D-28-11263; E. T. sec. 15620.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Kirsch, Louisa Kirsch Feirabend, Mrs. Gertrud Meissner, Elvira Maluke, Hildegard Handke, Walter Handke and Emil Scheunert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Kate Scheunert, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by A. Teichert, Jr., as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the above-named persons are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1897; Filed, Feb. 27, 1947; 8:46 a. m.]

[Vesting Order 8224]

EMIL STAUDE

Estate of Emil Staude, deceased. File D-28-10868; E. T. sec. 15280.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Dix, Walter Dix, Oswin Grube, Kurt Grube, Ernst Grube, Karl Grube, Fritz Grube, Traudel Jahne, Aneliese Winkler, Gudrun Winkler, Ursula Spitzner, Harrie Spies, Aventina Spies, Anneliese Gruner, Karl Heinz Staude, Helmut Fuchs, Ilse Fuchs, Kurt Staude, Willie Staude, Paul Staude, Frieda Reichert, Lothar Wollner, Renata Wollner, Isolda Leithold, Jutta Leithold, Sigrid Leithold, Christa Golditz, Rolph Hemmann, Hanie Grimm, Werner Grimm and Selma Beck, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Gunter Seiler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 and 2 hereof, and each of them, in and to the estate of Emil Staude, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Albert Stadler, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown, of Gunter Seiler, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1898; Filed, Feb. 27, 1947; 8:46 a. m.]

[Vesting Order 8238]

ANNA M. KRAATZ

In re: Estate of Anna M. Kraatz, deceased. File No. 017-20992.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Adelmann, Max Adelmann, Bertha Geiger, Paula Fikensher and Anna Liese Geiger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown of Gustav Adelmann; the issue, names unknown of Max Adelmann; the issue, names unknown of Bertha Geiger; the issue, names unknown of Paula Fikensher; and the issue, names unknown of Anna Liese Geiger, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna M. Kraatz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William B. Levet, as Executor of the Estate of Anna M. Kraatz, deceased, acting under the judicial supervision of the Surrogate's Court, Westchester County, State of New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown of Gustav Adelmann, the issue, names unknown of Max Adelmann, the

issue, names unknown of Bertha Geiger, the issue, names unknown of Paula Fikensher and the issue, names unknown of Anna Liese Geiger, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1899; Filed, Feb. 27, 1947; 8:46 a. m.]

[Vesting Order 8239]

JOHN LEMKAU

In re: Estate of John Lemkau, deceased. File No. D-28-10866; E. T. sec. 15277.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Klaus Lemkau, Peter Lemkau, Heinery Lemkau, Sophia Bardenhogen, Maria Strade, Magareta Stuck, whose last known addresses are Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of John Lemkau, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by May Clare, 3529 Bruckner Boulevard, Bronx, New York, as executrix, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1900; Filed, Feb. 27, 1947; 8:46 a. m.]

[Vesting Order 8242]

ANDREW BELLON

In re: Estate of Andrew Bellon, deceased. File D-28-11436; E. T. sec. 15667.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Bellon, Louise Ruhl, Friedrich Walter, and Friederike Bellon, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Andrew Bellon, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Mortimer N. Eastburn, as executor, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1901; Filed, Feb. 27, 1947; 8:46 a. m.]

[Vesting Order 8246]

ANGELO FREDIANI

In re: Estate of Angelo Frediani, also known as A. Frediani, deceased. File D-38-486; E. T. sec. 5505.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Cesira Buchignanni, Francisca Giannini and Rosa La' Zzarini, whose last known address is Italy, are residents of Italy and nationals of a designated enemy country (Italy);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Angelo Frediani, also known as A. Frediani, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Italy);

3. That such property is in the process of administration by Eva M. Keithley, as administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47—1902; Filed, Feb. 27, 1947; 8:46 a. m.]

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[1] P. L. O. 359.
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[10] P. L. O. 351.
[11] P. L. O. 335.
[12] P. L. O. 19.
[13] P. L. O. 337.
[14] See Title 35, Part 5.
[15] P. L. O. 267.
[16] P. L. O. 336.
[17] P. L. O. 356.
[18] P. L. O. 17.
[19] See undesignated paragraph following § 102.674 in Title 22.
[20] E. O. 9831.
[21] E. O. 9816.
[22] P. L. O. 358.
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[30] P. L. O. 341.
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[32] P. L. O. 350.
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Washington, Saturday, March 1, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit Corporation)

[Cotton Form 1, Amdt. 1 to 1946 C. C. C.]

PART 256—COTTON LOANS

CHANGES IN AREAS SERVED BY FEDERAL RESERVE BANKS

Section 256.113, *Federal Reserve Banks* (11 F. R. 10751), is amended effective November 1, 1946, as follows:

1. The Federal Reserve Bank of Atlanta, Georgia, will serve the state of Alabama.

2. The Memphis Branch, Federal Reserve Bank of St. Louis, Missouri, will serve all counties in the state of Arkansas.

This amendment releases the Birmingham Branch, Federal Reserve Bank of Atlanta, and the Little Rock Branch, Federal Reserve Bank of St. Louis from responsibility for handling transactions under the 1946 cotton loan program. Documents relating to Alabama loans will henceforth be handled by the Federal Reserve Bank of Atlanta, and those relating to the counties in Arkansas originally assigned to Little Rock will be handled by the Memphis Branch, Federal Reserve Bank of St. Louis.

(Par. (b), Article Third of Charter, Commodity Credit Corporation; sec. 7 (a) 49 Stat. 4, as amended, sec. 302, 52 Stat. 43, sec. 4 (a) 55 Stat. 498, 56 Stat. 768, sec. 8, 56 Stat. 767, 58 Stat. 643; 15 U. S. C., Sup. 713 (a), 713a–8, 7 U. S. C. 1302, 50 U. S. C. App. Sup. 968)

Dated this 25th day of February 1947.

[SEAL] JESSE B. GILMER, *President.*

[F. R. Doc. 47-1924; Filed, Feb. 28, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 26—GRAIN STANDARDS

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR OATS

By virtue of the authority vested in the Secretary of Agriculture by the United States Grain Standards Act, 1916, as amended (39 Stat. 482, 485, 54 Stat. 765; 7 U. S. C. 71 et seq.), official grain standards of the United States for oats and amendments thereto (7 CFR and Cum. Supp. 26.251) were promulgated and became effective after the required public notice had been given.

Notice of a proposed amendment to be effective not later than July 1, 1947, if promulgated, was published in the FEDERAL REGISTER on January 22, 1947 (12 F. R. 446). The notice stated that the proposed amendment is to provide a better description on certificates for oats by establishing an additional special grade to be known as "Medium Heavy" oats. The notice also stated that hearings would be held at Minneapolis, Omaha and Chicago at specified places and specified times to provide interested persons an opportunity to present their views and opinions orally with respect to the desirability of the promulgation of the proposed amendment. In addition, the notice stated that written views, data or arguments of interested persons might be submitted to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than February 20, 1947.

The hearings were held at the times and places specified in the notice and material submitted in writing was received. Information secured at the hearings and written data submitted together with other information available in the United States Department of Agriculture have been considered and it has been determined that an amendment should be promulgated.

Therefore, effective June 1, 1947, the official grain standards of the United States for oats are amended by inserting a new section to read as follows:

§ 26.253a *Special grade; medium heavy oats*—(a) *Definition.* Medium heavy oats shall be oats of any class of grades Nos. 3, 4, and Sample grade which have a test weight per bushel of 30 pounds or more but less than 35 pounds.

(b) *Grades.* Medium heavy oats shall be graded and designated according to the grade requirements of the standards otherwise applicable and there shall be added to, and made a part of, the grade

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designation, preceding the name of the class, the words "Medium Heavy."

(39 Stat. 482, 485, 54 Stat. 765; 7 U. S. C. 71 et seq.)

Issued this 25th day of February 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-1915; Filed, Feb. 28, 1947; 8:47 a. m.]

Chapter IX—Production and Marketing Agreements and Orders)

[Tangerine Reg. 64]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.334 *Tangerine Regulation 64*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 3, 1947, and ending at 12:01 a. m., e. s. t., July 31, 1947, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Tangerines, issued by the United States Department of Agriculture, effective September 29, 1941, as amended); or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack (as such pack in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1946; Filed, Feb. 28, 1947; 8:46 a. m.]

[Grapefruit Reg. 83]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.333 *Grapefruit Regulation 83*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 3, 1947, and ending at 12:01 a. m., e. s. t., March 10, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1));

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used in this section "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1945; Filed, Feb. 28, 1947; 8:47 a. m.]

[Lemon Reg. 211]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.318 *Lemon Regulation 211*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m. P. s. t., March 2, 1947, and

ending at 12:01 a. m., P. s. t., March 9, 1947, is hereby fixed at 300 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: Feb. 23, 1947. Regulation 211, 12:01 a. m. Mar. 2, 1947, to 12:01 a. m. Mar. 16, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.865
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.371
Consolidated Citrus Growers	.000
Corona Plantation Co	.260
Hazeltine Packing Co	.975
Leppla-Pratt, Produce Distributors Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers, Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.369
Ventura Pacific Co	1.519
Total A. F. G	5.359
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.037
Klink Citrus Association	.808
Lemon Cove Association	.722
Glendora Lemon Growers Association	1.351
La Verne Lemon Association	.839
La Habra Citrus Association	1.750
Yorba Linda Citrus Association, The	.849
Alta Loma Heights Citrus Association	.895
Etiwanda Citrus Fruit Assciation	.495
Mountain View Fruit Association	.693
Old Baldy Citrus Association	1.338
Upland Lemon Growers Association	3.985
Central Lemon Association	1.372
Irvine Citrus Association	1.690
Placentia Mutual Orange Association	.596
Corona Citrus Association	.281
Corona Foothill Lemon Co	1.222
Jameson Company	.479
Arlington Heights Fruit Co	.400
College Heights Orange & Lemon Association	2.043
Chula Vista Citrus Association, The	1.039
El Cajon Valley Citrus Association	0.441
Escondido Lemon Association	4.650
Fallbrook Citrus Association	2.507
Lemon Grove Citrus Association	.455
San Dimas Lemon Association	2.309
Carpinteria Lemon Association	2.044
Carpinteria Mutual Citrus Association	2.417
Goleta Lemon Association	2.811
Johnston Fruit Co	5.805
North Whittier Heights Citrus Association	1.439
San Fernando Heights Lemon Association	2.550
San Fernando Lemon Association	1.647
Sierra Madre-Lamanda Citrus Association	1.672
Tulare County Lemon & Grapefruit Association	1.185
Briggs Lemon Association	.687
Culbertson Investment Co	.639
Culbertson Lemon Association	.906
Fillmore Lemon Association	1.533
Oxnard Citrus Association No. 1	2.695
Oxnard Citrus Association No. 2	3.075
Rancho Sespe	.731
Santa Paula Citrus Fruit Association	2.500
Saticoy Lemon Association	3.373
Seaboard Lemon Association	4.597
Somi's Lemon Association	2.313
Ventura Citrus Association	1.164
Limoneira Co	1.317
Teague-McKevett Association	.440
East Whittier Citrus Association	1.103
Leffingwell Rancho Lemon Association	.543
Murphy Ranch Co	1.059
Whittier Citrus Association	1.023
Whittier Select Citrus Association	.782
Total C. F. G. E	85.346
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	1.401
Escondido Co-Op. Citrus Association	.730
Glendora Co-Op. Citrus Association	.179
Index Mutual Association	.533
La Verne Co-Op. Citrus Association	1.517
Libbey Fruit Packing Co	.006
Orange Co-Op. Citrus Association	.408
Pioneer Fruit Co	.042
Tempe Citrus Co	.000
Ventura Co. Orange and Lemon Association	2.284
Whittier Mutual Orange and Lemon Association	.312
Total M. O. D	7.412
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.033
California Citrus Groves, Inc., Ltd	.000
El Modena Citrus, Inc	.000
Evans Bros. Packing Co.:	
Riverside	.172
Sentinel Butte Ranch	.057
Foothill Packing Co	.240
Granada Packing House	.000
Harding & Leggett	.147
Orange Belt Fruit Distributors	.912
Potato House, The	.000
Raymond Bros	.000
Rooke, B. G., Packing Co	.003
San Antonio Orchard Co	.114
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.205
Western States Fruit & Produce Co	.000
Total Independents	1.883

[F. R. Doc. 47-1968; Filed, Feb. 28, 1947; 8:50 a. m.]

[Orange Reg. 112]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATIONS OF SHIPMENTS

§ 933.335 *Orange Regulation 112*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 3, 1947, and ending at 12:01 a. m., e. s. t., March 10, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. No. 2, as such grade is defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1), if more than one-half of the surface in the aggregate is affected with discoloration;

(ii) Any container of oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Grade (as such grade is defined in the aforesaid amended United States standards) unless at least sixty-five percent (65%), by count, of the total quantity of oranges in such container meet the requirements of U. S. No. 1 grade (as such grade is defined in the aforesaid amended United States standards) and each of the remainder of the oranges meets all other requirements of the aforesaid U. S. Combination Grade;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the aforesaid amended United States standards;

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(v) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(vi) Any Temple oranges, grown in the State of Florida, which grade U. S. No. 3 or lower than U. S. No. 3, as such grades are defined in the aforesaid amended United States standards.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1947; Filed, Feb. 28, 1947; 8:46 a. m.]

[Grapefruit Reg. 43]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA; AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.304 *Grapefruit Regulation 43*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., March 2, 1947, and ending at 12:01 a. m., P. s. t., March 30, 1947, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade, as such grades are defined in the U. S. Standards for California and Arizona Grapefruit, issued by the United States Department of Agriculture, effective March 15, 1941; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any such grapefruit (*a*) which are of a size smaller than $3\frac{11}{16}$ inches in diameter, or (*b*) which are of a size larger than $4\frac{11}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said U. S. Standards for California and Arizona Grapefruit: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{5}{16}$ inches in diameter and larger; or

(iii) From the State of California or the State of Arizona to any point outside thereof in Canada, any such grapefruit (*a*) which are of a size smaller than $3\frac{5}{16}$ inches in diameter, or (*b*) which are of a size larger than $4\frac{11}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said U. S. Standards for California and Arizona Grapefruit: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{5}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{5}{16}$ inches in diameter and larger.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1948; Filed, Feb. 28, 1947; 8:46 a. m.]

[Orange Reg. 167]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.313 *Orange Regulation 167*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 2, 1947, and ending at 12:01 a. m., P. s. t., March 9, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1150 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(4) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Orange Regulation No. 167. 12:01 a. m. Mar. 2, 1947, to 12:01 a. m. Mar. 9, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.3456
A. F. G. Fullerton	.0476
A. F. G. Orange	.0629
A. F. G. Redlands	.3521
A. F. G. Riverside	.8490
Corona Plantation Co	.9955
Hazeltine Packing Co	.1059
Signal Fruit Association	.7684
Azusa Citrus Association	1.0325
Azusa Orange Co., Inc	.1699
Damerel-Allison Co	1.2123
Glendora Mutual Orange Association	.5483
Irwindale Citrus Association	.3556
Puente Mutual Citrus Association	.0485
Valencia Heights Orchards Association	.2292
Glendora Citrus Association	.8063
Glendora Heights O. & L. Growers Association	.2076
Gold Buckle Association	3.4318
La Verne Orange Association, The	3.3425
Anaheim Citrus Fruit Association	.0626
Anaheim Valencia Orange Association	.0170
Eadington Fruit Co., Inc	.3136
Fullerton Mutual Orange Association	.2671
La Habra Citrus Association	.1494
Orange Co., Valencia Association	.0261
Orangethorpe Citrus Association	.0237
Placentia Coop. Orange Association	.0567
Yorba Linda Citrus Association, The	.0269
Alta Loma Heights Citrus Association	.3921
Citrus Fruit Growers	.7398
Cucamonga Citrus Association	.6297
Etiwanda Citrus Fruit Association	.2241
Mountain View Fruit Association	.1612
Old Baldy Citrus Association	.4394
Rialto Heights Orange Growers	.4494
Upland Citrus Association	2.2679
Upland Heights Orange Association	.9864
Consolidated Orange Growers	.0312
Garden Grove Citrus Association	.0215
Goldenwest Citrus Association, The	.0915
Olive Heights Citrus Association	.0427
Santa Ana-Tustin Mutual Citrus Association	.0286
Santiago Orange Growers Association	.1654
Tustin Hills Citrus Association	.0334
Villa Park Orchards Association, Inc., The	.0388
Bradford Brothers, Inc	.2331
Placentia Mutual Orange Association	0.1726
Placentia Orange Growers Association	.2970
Call Ranch	.6124
Corona Citrus Association	.7772
Jameson Co	.3549
Orange Heights Orange Association	.8946
Break & Son, Allen	.2802
Bryn Mawr Fruit Growers Association	1.0837
Crafton Orange Growers Association	1.3832
E. Highlands Citrus Association	.4215
Fontana Citrus Association	.4416
Highland Fruit Growers Association	.6800
Krinard Packing Co	1.6360
Mission Citrus Association	.7955
Redlands Coop. Fruit Association	1.7551
Redlands Heights Groves	.9281
Redlands Orange Growers Association	1.1862
Redlands Orangedale Association	.9738
Redlands Select Groves	.5517
Rialto Citrus Association	.5665
Rialto Orange Co	.3708
Southern Citrus Association	.9917
United Citrus Growers	.7542
Zilen Citrus Co	1.0429
Arlington Heights Fruit Co	.4223
Brown Estate, L. V. W	1.7796
Gavilan Citrus Association	1.6952
Hemet Mutual Groves	.3391
Highgrove Fruit Association	.6879
McDermont Fruit Co	1.7559
Mentone Heights Association	.7869
Monte Vista Citrus Association	1.1485
National Orange Co	.8572
Riverside Heights Orange Growers Association	1.2757
Sierra Vista Packing Association	.6976
Victoria Ave. Citrus Association	2.3387
Claremont Citrus Association	.9957
College Heights O. & L. Association	1.0356
El Camino Citrus Association	.5303
Indian Hill Citrus Association	1.1455
Pomona Fruit Growers Association	2.1036
Walnut Fruit Growers Association	.4791
West Ontario Citrus Association	1.5654
El Cajon Valley Citrus Association	.3765
Escondido Orange Association	.5571
San Dimas Orange Growers Association	1.0662
Covina Citrus Association	1.4285
Covina Orange Growers Association	.5029
Duarte-Monrovia Fruit Exchange	.4516
Ball & Tweedy Association	.1136
Canoga Citrus Association	.0692
N. Whittier Heights Citrus Association	.1152
San Fernando Fruit Growers Association	.3066
San Fernando Heights Orange Association	.3382
Sierra Madre Lamanda Citrus Association	.2445
Camarillo Citrus Association	.0097
Fillmore Citrus Association	1.3705
Ojai Orange Association	1.0038
Piru Citrus Association	1.1500
Santa Paula Orange Association	.1135
Tapo Citrus Association	.0110
East Whittier Citrus Association	.0167
Whittier Citrus Association	.3131
Whittier Select Citrus Association	.0601
Anaheim Coop. Orange Association	.0562
Bryn Mawr Mutual Orange Association	.4865
Chula Vista Mutual Lemon Association	.1468
Escondido Coop. Citrus Association	0.1013
Euclid Avenue Orange Association	2.1128
Foothill Citrus Union, Inc	.1536
Fullerton Coop. Orange Association	.0538
Garden Grove Orange Coop	.0386
Glendora Coop. Citrus Association	.6901
Golden Orange Groves, Inc	.4113
Highland Mutual Groves, Inc	.4204
Index Mutual Association	.0000
La Verne Coop. Citrus Association	2.4546
Olive Hillside Groves, Incorporated	.0000
Orange Coop. Citrus Association	.0496
Redlands Foothill Groves	2.1581
Redlands Mutual Orange Association	1.0153
Riverside Citrus Association	.3795
Ventura County O. & L. Association	.2165
Whittier Mutual O. & L. Association	.0491
Babijuice Corp. of California	.3566
Banks Fruit Co	.2567
California Fruit Distributors	.0572
Cherokee Citrus Co., Inc	1.0131
Chess Co., Meyer W	.3536
Evans Brothers Packing Co	.7330
Gold Banner Association	1.9196
Granada Hills Packing Co	.0228
Granada Packing House	.9510
Hill, Fred A	.7151
Inland Fruit Dealers, Inc	.2187
Orange Belt Fruit Distributors	2.4458
Panno Fruit Co., Carlo	.1168
Paramount Citrus Association	.2563
Riverside Growers, Inc	.4018
San Antonio Orchards Association	1.2912
Snyder & Sons Co., W. A	.7759
Torn Ranch	.0485
Verity & Sons Co., R. H	.1234
Wall, E. T	1.5912
Western Fruit Growers, Inc., Redlands	2.8828
Yorba Orange Growers Association	.0337

[F. R. Doc. 47-1969; Filed, Feb. 28, 1947; 8:50 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

CONSIDERATION, ADJUSTMENT AND SETTLEMENT OF CLAIMS FOR RELIEF BY CONTRACTORS AGAINST WAR DEPARTMENT

Pursuant to the authority vested in the Secretary of War by the act of August 7, 1946, Public Law 657, 79th Congress (hereinafter referred to as the "Act"), and Executive Order No. 9786 dated October 5, 1946 (hereinafter referred to as the "Executive order"), the following regulations set forth in § 306.85 are hereby prescribed to govern the consideration, adjustment and settlement of claims for relief by contractors against the War Department under the provisions of the act and the Executive order.

§ 306.85 *Claims for relief by contractors.* (a) There is hereby constituted in the Office of the Under Secretary of War a board to be known as "War Contract Hardship Claims Board" (hereinafter referred to as the "board"), to consider, adjust, and settle equitable claims of contractors, including subcontractors and materialmen performing work or furnishing supplies or services to the contractor or another subcontractor, for losses (not including diminution of anticipated profits) incurred between September 16, 1940, and August 14, 1945, without fault or negligence on their part in the performance of such contracts or subcontracts. The board shall consist of five members, one of whom shall be designated as president of the board. There will also be a recorder. The Under Secretary of War shall recommend appointees for membership on the board and for recorder and shall nominate the president of the board. Appointments will be made by the Secretary of War. Upon request of the Under Secretary of War, The Judge Advocate General is authorized to assign to the board one or more judge advocates as trial attorneys or examiners, and if and when deemed necessary by the Under Secretary of War and upon his request, The Judge Advocate General also may assign an officer or civilian attorney as general counsel.

(b) The board created by paragraph (a) of this section is hereby designated the central authority within the War Department to consider, adjust, and settle all claims of contractors under the act and the Executive order; to make or approve the settlement of any such claim in each case in which the War Department is the war agency considering the claim; to grant in whole or in part, or to withhold, for the War Department approval of that part of any proposed settlement by any other agency considering the claim, which relates to contracts or subcontracts of the War Department and to make any and all determinations and findings for the War Department required by the act and the Executive order with respect to each claim. Except for any reconsideration which the board may in its discretion grant, any approval, finding, determination or settlement by the board shall be final, subject only to the provisions of section 6 of the act. The board shall have all powers necessary and incident to the proper performance of its duties as set forth in this section and shall adopt its own methods of procedure and rules and regulations for its conduct.

(c) Claims under the act and the Executive order filed with the War Department will be examined, reviewed and verified by the technical service, which includes for the purpose of this regulation the Army Air Forces, under whose contracts or subcontracts the loss is claimed. When a claim is made with respect to contracts or subcontracts of more than one technical service the claim shall be examined, reviewed and verified by the technical service under whose contracts and subcontracts the largest claim for loss is made. In the event a claim is filed with other than the chief of a technical service or the chief of the technical service with which the claim is filed determines that another technical service has a primary interest in the consideration thereof the claim will be forwarded immediately to the president of the board for appropriate assignment. The receiving office in transmitting the claim to the board will transmit also any information in its possession bearing upon the claim. In the event the chief of the technical service which is examining, reviewing and verifying a claim determines that the claim also is of interest to another war agency a copy of the claim will be transmitted to the board, with a statement of the reason for such transmission, for appropriate referral and coordination.

(d) Upon receipt of a claim the technical service will transmit a copy of the claim to the Chief of Finance and request that the claim be transmitted to the General Accounting Office for verification of the list of contracts and subcontracts set forth therein as required by section 301 of the Executive order. The Chief of Finance will transmit such request for verification to the General Accounting Office. Upon receipt of information from the General Accounting Office, the Chief of Finance will advise the technical service concerned with respect to the information obtained from the General Accounting Office.

(e) In addition to such verification by the General Accounting Office as is required by section 301 of the Executive order, all claims under the act will be examined, reviewed and verified by the appropriate technical service or services to the extent that the chief of the technical service in his discretion determines necessary for an adequate consideration of the claim under the act and the Executive order. The chief of the technical service is authorized to arrange directly with the Chief of Finance for any necessary audit of claims. Request for audit will not be made by the chief of the technical service unless preliminary examination by him indicates that the claim appears to fall within the scope of the act and Executive order. Upon completion of such review and consideration as the chief of the technical service may deem adequate for the purposes of the act and the Executive order the chief of the technical service will transmit the original of the claim together with his recommendation as to the disposition thereof and a statement of the basis of such recommendation to the board. He also will designate one or more members of his legal staff as trial attorneys or examiners for processing the claim through his office and before the board. The board will consider the claim and the recommendation and statement by the chief of the interested technical service and approve such adjustment and settlement of the claim as it determines appropriate under the act and the Executive order. The board may direct such further action by the technical service as it deems necessary to the final disposition of the claim.

(f) When the board approves the settlement of a claim, in whole or in part, it will notify the interested technical service of its decision and the technical service will request the Chief of Finance to advise the General Accounting Office of the proposed settlement as approved and request that it be notified of any claims against the claimant. The Chief of Finance will transmit such advice as to the proposed settlement and request for information as to claims to the General Accounting Office. Upon receipt of advice from the General Accounting Office with respect to information available in that office concerning indebtedness the Chief of Finance will notify the technical service of any such indebtedness reported by the General Accounting Office and of any other indebtedness shown by War Department records. If any discrepancies appear between the records of the General Accounting Office and the War Department records as to the verification of contracts and subcontracts, or any indebtedness of the claimant, the technical service will advise the Chief of Finance thereof, who will communicate with the General Accounting Office with respect thereto advising the technical service concerned as to the results thereof. In the case of denial of a claim the board will notify the claimant and the interested technical service of its decision immediately.

(g) Approved claims which involve indebtedness reported by the General Accounting Office, or any other indebtedness shown on the records of the War Department, will be made the subject of an appropriate communication to the Chief of Finance prepared by the technical service concerned, together with a full report of all such indebtedness, which will be transmitted by the Chief of Finance to the General Accounting Office for necessary set-off or other appropriate action. When Certificate of Settlement on such claims, issued by the General Accounting Office and requiring payment, is received in the Office of the Chief of Finance, it will be forwarded to the Finance Officer, United States Army, Washington, D. C., for payment in the usual way. Approved claims which do not involve set-off by the General Accounting Office on account of indebtedness will be vouchered on Standard Form 1034 prepared by the technical service concerned and certified by a duly authorized certifying officer of such service, supporting same with the original of the approved award of the board and of the settlement agreement and release. Said voucher, supported as indicated above, will be forwarded through the Chief of Finance to the Finance Officer, United States Army, Washington, D. C., for payment. [WD Memo. 734–50–1, Feb. 7, 1947] (Pub. Law 657, 79th Cong., 60 Stat. 902; E. O. 9786, Oct. 5, 1946, 11 F. R. 11553)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1923; Filed, Feb. 28, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719;

E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, as Amended Feb. 28, 1947]

VETERANS' EMERGENCY HOUSING PROGRAM

§ 944.54 *Priorities Regulation 33*—(a) *What this regulation does.* Priorities Regulation 33 was the method by which the Civilian Production Administration provided general priorities assistance for the Veterans' Emergency Housing Program on applications filed before September 10, 1946. It was also the method by which persons who wished to do construction work restricted by VHP–1 could apply for authorization under that order when the work was to be done on structures used for residential purposes. Applications under the regulation were made to the National Housing Agency or an agency acting for it under a delegation. On and after December 24, 1946, all new applications in connection with housing accommodations have been filed under the Housing Permit Regulation or other applicable regulation of the Housing Expediter.

The provisions of Priorities Regulation 33, as amended, apply to all housing accommodations built under an approved application on Form CPA–4386 or Form CPA–4387.

(b) [Deleted Feb. 28, 1947.]

(c) On approval of an application, a copy of the application bearing a project serial number and a placard or placards are sent to the builder.

(1) If the application covered the construction, completion or conversion of dwelling accommodations to which veterans of World War II and members of the Armed Forces would be given preference in selling or renting, or if the application covered the construction, conversion or alteration by an educational institution or public organization of a dormitory or other group housing facility for veterans of World War II and members of the Armed Forces, the placard contained a statement that the accommodations were to be rented or sold to veterans or members of the Armed Forces and spaces for the maximum sales price or rent and the project serial number. The builder must insert in the placard or placards clearly, legibly and permanently the project serial number. The builder must set up a placard in front of each separate residential building on the project site in a conspicuous location within 5 days after construction has started and must keep the placard there until completion of the building; and, unless all the accommodations in the building have been sold or rented to veterans of World War II or members of the Armed Forces, in accordance with paragraph (h), for 30 days after completion (for 60 days after completion in the case of accommodations approved after August 6, 1946, which are being offered for sale). As soon as construction is completed, the builder must insert in the placard for that unit the appropriate rent and sales price, not in excess of those specified in the application as approved. The applicant may post a project sign instead of posting the placards sent to him. If he chooses to use a project sign, he must post a sign having the approximate dimensions of 3′ x 5′ or more in a conspicuous location on the site of the project. Such a sign must contain the same information that is required on placards as provided above and all provisions applying to placards, apply to signs posted instead of placards.

(2) If the application does not fall within paragraph (c) (1), the builder need not post any placard.

(d) Paragraph (c) of Schedule A to PR–33 contains the provisions concerning the use of HH ratings formerly in paragraph (d) of this regulation.

(e) *Construction of the project.* A builder who constructs, converts, alters, or repairs housing accommodations under this regulation must do the work in accordance with the description given in the application, except where he has obtained written approval for a change from the agency which approved the original application.

(f) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the CPA, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Maximum sales prices and rents*—(1) *General.* The restrictions on sales prices and rents contained in this paragraph (g) must be observed so long as this regulation remains in effect. They apply to dwellings of the kinds described below when built or converted under this regulation. Except as provided in the Housing Permit Regulation, dwellings or other housing accommodations covered by approved applications under this regulation are considered to have been built or converted under this regulation when the priorities assistance assigned has been used to get materials for the accommodations or when the construction of the accommodations could not have been done under VHP–1 without the authorization granted by the approval of the application. The restrictions on sales prices do not apply to judicial or statutory foreclosure sales of a dwelling and do not prohibit any subsequent sale of the dwelling at or below the amount of the foreclosure sale. The restrictions on sales prices and rents apply to all sales and leases, whether made to veterans of World War II or to other persons. It is a violation of this regulation to condition a sale or rent on the purchase of or the agreement to purchase any commodity, service or property interest except where this regulation specifically permits the consideration paid for the commodity, service or property interest to be included in or added to the maximum sales price or maximum rent. Approval of a proposed sales price or rent should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes. In the case of remodelling or rehabilitation, the Office of Price Administration may reduce the maximum rent specified in the application, unless prior approval of the rent has been obtained from that agency.

(2) *One-family dwelling.* (i) A "one-family dwelling" means a building designed for occupancy by one family and to be occupied, rented or sold as a unit, including a detached or semi-detached house or a row house but not including an apartment house or a two-family "one-over-one" house.

(ii) A builder must not sell a one-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or by the purchaser.

(iii) No other person shall sell a one-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus normal and customary brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder) whether paid by previous sellers or purchasers.

(iv) No person shall rent a one-family dwelling built or converted under this regulation for more than the maximum rent specified in the application as approved. If no rent is specified in the application, the person wishing to rent the dwelling may request the Federal Housing Administration to set a rent on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set.

(3) *Two-family dwellings.* (i) A "two-family dwelling" means a building designed for occupancy by two families which will be sold as a unit, not including semi-detached or row houses covered by paragraph (g) (2).

(ii) A builder must not sell a two-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or the purchaser.

(iii) No other person shall sell a two-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder), whether paid by previous sellers or purchasers.

(iv) No person shall rent an apartment in a two-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) A "multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(5) *Dormitories and group housing facilities.* No person (whether the builder or any other person) shall rent accommodations in a dormitory or other group housing facility built under this regulation for more than the maximum shelter rent specified in the application as approved.

(6) *Maximum rent and maximum shelter rent.* "Maximum rent" means the total consideration paid by the tenant for the accommodations including charges paid by the tenant for tenant services specified on the application and including charges paid by the tenant for garage as specified on the application, but excluding charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage. Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of dwelling accommodations built or altered under this regulation must be considered as a part of the maximum rent. However, if the rental of furniture was requested by a tenant in connection with a dwelling accommodation covered by a lease entered into with the tenant before December 13, 1946, the amount paid for furniture in connection with the lease or with a later renting of that dwelling accommodation need not be included in the maximum rent.

(7) *Requests for increases in sales prices and rents by builders.* A builder may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application before the house is sold (i. e., before title has passed) or initially rented. The application will not be approved unless he can show that he has incurred or will incur additional or increased costs in the construction over which he had, or has, no control, or if he can show that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it unreasonable for him to sell or rent at the price or rent specified in the application. No increase in sales price or rent will be granted in excess of the increase in construction cost, or a proper proportion of it, or the increase in operating cost, as the case may be.

(8) *Requests for increases in sales prices or rents by subsequent owners.* An owner of a dwelling built under this regulation, other than the builder, may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application if the subsequent owner has made improvements to the dwelling which would warrant an increase. No increase will be granted in excess of the cost of construction of the improvement, or a proper proportion of it in the case of a requested increase in rents. However, no increase in sales price to an amount more than $10,000 (or $17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to more than $80 a month will be granted, except on appeal where unusual hardship would result. If an increase in rent is needed because of subsequent improvements, and the accommodations have previously been rented and are in a Defense Rental Area established by the Office of Price Administration, the owner should apply to the Area Rent Office of the Office of Price Administration for an increase (or in the District of Columbia to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the appropriate office of the Federal Housing Administration. Upon the filing of this copy with the Federal Housing Administration, the new rent granted becomes the maximum shelter rent under this regulation. (Note: Under Veterans' Housing Program Order 1 it may be necessary to get authorization to make these alterations.)

(h) *Preferences for veterans of World War II and members of the Armed Forces*—(1) *General.* This paragraph tells how preferences must be given under this regulation to veterans of World War II and members of the Armed Forces as long as this regulation remains in effect. As used in this regulation, "veterans of World War II and members of the Armed Forces" (sometimes referred to in this regulation as "veterans" or as "veterans of World War II") include the following: (i) A person who has been on active service in the U. S. Army, Navy, Coast Guard or Marine Corps or in the U. S. Merchant Marine during World War II (i. e., on or after September 16, 1940) and who was discharged or released under conditions other than dishonorable; (ii) a person who is serving in the U. S. Army, Navy, Coast Guard, Marine Corps or in the U. S. Merchant Marine; (iii) the spouse of a member of the Armed Forces who died in service during World War II or the spouse of a deceased veteran of World Wor II, if the spouse is living with a child or children of the deceased; or (iv) a citizen of the United States who served in the Armed Forces of an allied nation during World War II. The preference for veterans and members of the Armed Forces provided by this paragraph (h) do not apply to judicial or statutory foreclosure sales. Sales subsequent to a foreclosure sale, however, are subject to the provisions of this paragraph. The requirements of this paragraph apply to the original sales or leases and to later sales and leases, as long as this regulation remains in effect. The provisions of paragraph (h) do not apply to dwellings for which neither a maximum sales price nor a maximum rent is established under this regulation and do not apply to dwellings approved for the purpose of increasing or maintaining the production of scarce materials or products, or to the initial occupancy of a dwelling or an apartment in it approved under this regulation for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwellings.* (i) A builder who has built or converted a one-family dwelling under this regulation must, during construction and for 30 days after completion (or 60 days after completion if the application was approved after August 6, 1946, and the dwelling is being offered for sale), publicly offer it for sale or for rent at or below the approved maximum sales price or the approved maximum rent to veterans of World War II and members of the Armed Forces for their own occupancy, and he must not sell or rent it to any other person unless he has made such an offer.

(ii) If a one-family dwelling built or converted under this regulation is being offered for sale, the person offering it for sale must not sell or otherwise dispose of it to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered it for sale to such veterans for at least 30 days (or 60 days if the dwelling was built or converted under an authorization approved after August 6, 1946) at or below the approved maximum sales price.

(iii) No person shall rent a one-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the dwelling for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the initial offering by the builder) at or below the approved maximum rent.

(3) *Two-family dwellings.* (i) A builder who has built or converted a two-family dwelling under this regulation must publicly offer it for sale or the apartments in it for rent at or below the maximum sales price or the maximum rent specified in the application, as approved, to veterans of World War II and members of the Armed Forces for their own occupancy. This public offering must continue during construction and for 30 days afterwards in the case of rentals, and in the case of sales if the application was approved before August 7, 1946. It must last during construction and for 60 days after completion in the case of sales of dwellings built or converted under an application approved after August 6, 1946.

(ii) If a two-family dwelling built or converted under this regulation is being offered for sale, the person offering it for sale must not sell or otherwise dispose of it to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered it for sale to such veterans for at least 30 days (or 60 days if the dwelling was built or converted under an authorization approved after August 6, 1946) at or below the approved maximum sales price.

(iii) No person shall rent an apartment in a two-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the initial offering by the builder) at or below the approved maximum rent.

(4) *Multiple-family dwellings.* (i) A builder who has built or converted a multiple-family dwelling under this regulation must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans of World War II and members of the Armed Forces for their own occupancy at or below the maximum rent given in the application as approved.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days after completion in the case of the initial offering of the builder) at or below the approved maximum rent.

(5) *Dormitories and group housing facilities.* A builder who has built or converted a dormitory or other group housing facility under this regulation must make the accommodations available exclusively for veterans of World War II and members of the Armed Forces and their dependents otherwise eligible to occupy the accommodations, except that if an educational institution builds a dormitory under this program it may make available to non-veterans 40% of the accommodations in the dormitory if it makes available to veterans of World War II an equivalent number of similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

(i) *Notices in advertisements and deeds.* (1) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect a builder who has used the HH rating to get materials for a dwelling, or who could not, under Veterans' Housing Program Order 1, have built or converted the dwelling without approval under this regulation and every other person who has acquired title to such a dwelling (whether completed or not) must include a statement in substantially the following form in any deed, conveyance or other instrument by which the dwelling is sold, transferred or mortgaged to any other person:

> The building on the premises hereby conveyed was built (converted) under Priorities Regulation 33 (Builder's Serial No. —). Under that regulation a limit is placed on either the sales price or the rent for the premises or both and preferences are given to veterans of World War II or members of the Armed Forces in selling or renting. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent purchaser will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Priorities Regulation 33 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby conveyed.

(2) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect the builder and every subsequent owner, and their agents and brokers, must include in any advertisement printed or published in which accommodations built under Priorities Regulation 33 are offered for sale or for rent, the following statements:

> Built under Veterans' Emergency Housing Program.
> Held for sale (rent) to veterans of World War II for 60 (30) days.
> Sales price (rent per month) $——.

(j) *Transfer of ratings forbidden.* No person to whom an HH rating has been assigned shall transfer the rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason a builder wishes to abandon a project and another builder wishes to continue with the project, the new builder should apply to the appropriate FHA office, attaching to his application a letter from the former builder or the representatives of the former builder joining in the request for the assignment of ratings to the new builder.

(k) *Appeals.* Any person affected by this regulation or a direction to it who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from a provision of this regulation should be filed with the local office of the Federal Housing Administration or other appropriate agency. An appeal from a schedule or direction to this regulation, unless expressly stated otherwise, should be filed by letter in duplicate addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Direction or Schedule to PR-33.

(l) *Amendments and supplemental applications.* A builder may apply to the agency which approved his application for an amendment to it. If the amendment covers changes in the specifications of the proposed dwelling or dwellings or changes in the proposed sales price or rent (see paragraph (g) (6)), or a change in the construction schedule of a project involving several buildings, the request for an amendment may be made by letter in triplicate. If the request for an amendment is granted, the provisions of this regulation apply to the application as amended. If the request for an amendment requires additional buildings or dwelling units not included in the original application, a new application on Form NHA 14-56 covering the new units should be filed.

(m) *Communications.* All communications about this regulation should be addressed to the appropriate State or District Office of the Federal Housing Administration or other appropriate agency. Communications about Schedules A and B or directions to the regulation should, unless specifically directed otherwise, be addressed to the Civilian Production Administration, Washington 25, D. C., or to the appropriate Civilian Production Administration Construction Field Office.

(n) *Violations.* Any person who wilfully violates any provision of this regulation or who, in connection with this regulation, wilfully conceals a material fact or furnishes false information to any Department or Agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

PUBLIC OFFERING

Paragraph (h) of Priorities Regulation 33 provides generally that the owner of dwelling accommodations constructed under the Regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If, however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a non-veteran, the owner has violated the regulation. (Issued October 31, 1946.)

INTERPRETATION 2

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (h) of Priorities Regulation 33 sets forth the preferences which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (g) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be offered for sale or for rent to veterans of World War II (as defined in PR 33) during construction and for 30 days after completion or for 30 days in case the house or apartment is later sold or rented again. Where a one or two family house which was authorized after August 6, 1946 is to be sold, it must be offered to veterans during construction and for 60 days after completion or for 60 days in case of a later sale. The requirement that a house or apartment be offered for 60 or 30 days does not prevent the offeror from accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules. (In the illustrations it is assumed that the authorization was issued after August 6, 1946. If approval had been given on or before August 6, 1946, the 60 day figures below would be 30 days.)

(1) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move. The veteran must publicly offer the house to other veterans of World War II for 60 days. The veteran must not charge more than $7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by the Federal Housing Administration. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(2) A one-family dwelling was built under the regulation, with a maximum sales price of $7,500. The builder publicly offered the dwelling to veterans during construction and for 30 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for $7,500. The non-veteran now wishes to sell the house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of $7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(3) A one-family dwelling was built under the regulation. A maximum sales price of $7,500 was approved, but no rent was stated in the application. The builder, instead of selling the dwelling at once, decides to rent it. He must apply to the Federal Housing Administration for approval of a maximum rent before he rents the dwelling.

(4) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than $63, whether he rents to a veteran or a non-veteran unless the Federal Housing Administration authorizes an increase.

(5) A one-family dwelling was built under the regulation, having a maximum rent of $63 a month and a maximum sales price of $7,500. The builder rented it to a non-veteran for $63 a month, no veterans having applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than $63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(6) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than $63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than $63 a month.

(7) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than $63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans.

(8) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of $63. The builder wishes to sell the building to be operated as a co-operative apartment house. The builder cannot do this unless the Federal Housing Administration grants him an appeal from the requirement that he must publicly offer the apartments for rent to veterans during construction and for 30 days after completion.

See also Interpretation 1 to Priorities Regulation 33 which defines and explains the requirements of the regulation which concern public offering to veterans. (Issued November 15, 1946.)

INTERPRETATION 3

CHARGES IN EXCESS OF MAXIMUM SALES PRICE REQUESTED BECAUSE OF INCIDENTAL CHARGES, EXTRAS, OR ADDITIONAL CONSTRUCTION

Under paragraph (g) of Priorities Regulation 33 a seller must not require a purchaser, as a condition for the sale of a house, to buy or agree to buy any commodity, service, or property interest, except where the regulation specifically permits the charges for the commodity, service, or property interest to be added to the maximum sales price. This means that the seller must offer the dwelling accommodations to the purchaser at or below the approved maximum sales price and free from incidental charges and extras. The following examples illustrate the effect of this general rule:

1. *Abstract fees and title insurance.* The purchaser may pay the customary abstract fees and title insurance over and above the maximum sales price, unless the purchaser is required to take these services when he does not want them.

2. *Financing charges.* The purchaser may pay customary incidental charges (such as fire insurance, title insurance, mortgagee's appraisal fees, and future taxes) in connection with financing the purchase of a dwelling, if the purchase of these services is not made a condition to the sale. The purchaser must be given an opportunity to purchase the dwelling for cash at or below the approved maximum price and to finance the purchase himself in any way he desires. The seller cannot require the purchaser to finance the purchase through a particular lending institution.

3. *Previously incurred charges.* Charges which have been incurred by the builder before the sale of the dwelling must not be charged the purchaser in addition to the maximum sales price. A request that a prospective purchaser pay such charges for prior services would be making the charges a condition to the sale. Charges of this kind include accumulated taxes before the date of sale, interest before the sale, prepayment penalties in connection with a builder's loan, fees for survey of site and liability and fire insurance before the sale.

4. *Charges for additional construction or for equipment or fixtures not specified in the application.* The builder must publicly offer the building described in the application at or below the approved maximum sales price. He may not, under his authorization, do any additional construction in connection with the authorized construction over and above what is specified in the application, except where he gets written approval from the agency which approved the original application. He must not increase his sales price above the approved maximum sales price by reason of any such additional construction or added equipment, except where the increased price has been approved in writing by the agency which approved the original application.

A person who has bought a house built under Priorities Regulation 33 and who has made improvements to the house (authorization under VHP-1 may be required for such improvements) must not charge more than the approved maximum sales price for the house if he sells it, unless he has obtained permission for the increased charge from the agency which approved the original application (this will usually be given, where appropriate, in connection with the application for authorization under VHP-1 to make the improvements). (Issued February 3, 1947.)

[F. R. Doc. 47-1989; Filed, Feb. 28, 1947; 11:15 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1103]

KIMBALL BROS.

A. J. Kimball and G. C. Kimball, partners, d/b/a Kimball Brothers, at 256 South Saginaw Street, Pontiac, Michigan, about November 23, 1946, without authorization of the Civilian Production Administration began and thereafter carried on construction, at an estimated cost of $10,000, of a structure at 631 Oakland Avenue, Pontiac, Michigan, for use in the servicing of farm tractors and farm implements and for supplying repair parts therefor. This was a violation of Veterans' Housing Program Order No. 1, and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1103 *Suspension Order No. S-1103.* (a) Neither A. J. Kimball nor G. C. Kimball, individually or d/b/a Kimball Brothers, their successors and assigns, nor any other person shall do any further construction on the structure at 631 Oakland Avenue, Pontiac, Michigan, including putting up, completing or altering the structure, unless hereafter

authorized in writing by the Civilian Production Administration.

(b) A. J. Kimball and G. C. Kimball, d/b/a Kimball Brothers, shall refer to this order in any application or appeal which they may file with the Civilian Production Administration or any other duly authorized Governmental agency for priorities assistance or authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve A. J. Kimball and G. C. Kimball, individually or d/b/a Kimball Brothers, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1996; Filed, Feb. 28, 1947; 11:16 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1104]

UNITED STATES FIDELITY & GUARANTY CO.

United States Fidelity and Guaranty Co., a corporation, 75 William Street, New York, N. Y., made application on September 12, 1946, on Form CPA-4423, for authorization to do certain construction in repairing and making alterations upon the structure to be used as an office building at 100 Maiden Lane, New York City, at an estimated cost of $50,000, which was denied on September 24, 1946. About October 1, 1946, it began and carried on construction, repairs and alterations upon the aforesaid structure at an estimated cost in excess of $25,100, despite the denial of authorization by the Civilian Production Administration. This was a wilful violation of Veterans' Housing Program Order No. 1, and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1104 *Suspension Order No. S-1104.* (a) Neither United States Fidelity and Guaranty Co., a corporation, its successors and assigns, nor any other person shall do any further construction on the premises located at 100 Maiden Lane, New York City, N. Y., including completing the remodeling, repairs or alterations or construction therein, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) United States Fidelity and Guaranty Co., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve the United States Fidelity and Guaranty Co., its successors and assigns, from any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1997; Filed, Feb. 28, 1947; 11:16 a. m.]

PART 3283—LUMBER AND LUMBER PRODUCTS

[Limitation Order L-358, Revocation]

SOFTWOOD PLYWOOD

Section 3283.149 *Limitation Order L-358,* is revoked effective March 31, 1947. This revocation does not affect any liabilities incurred for the violation of the order, or of actions taken by the Civilian Production Administration under it.

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1991; Filed, Feb. 28, 1947; 11:15 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Limitation Order L-359, Revocation]

LUMBER, MILLWORK AND HARDWOOD FLOORING

Section 3285.153 *Limitation Order L-359,* is revoked effective March 31, 1947. This revocation does not affect any liabilities incurred for the violation of the order, or of actions taken by the Civilian Production Administration under it. After March 31, 1947 deliveries of Douglas Fir and Western Pine shop lumber will be subject to Veterans' Housing Program Order 5. Nothing in this revocation affects the validity of ratings applied or extended for lumber prior to April 1, 1947.

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1992; Filed, Feb. 28, 1947; 11:15 a. m.]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 5]

DELIVERY RESTRICTION ON DOUGLAS FIR AND WESTERN PINE SHOP LUMBER

There is a shortage in the supply of Douglas Fir and Western Pine shop lumber for defense, for private account and for export. Douglas Fir and Western Pine shop lumber are suitable for the manufacture of millwork needed for the construction and completion of housing accommodations in rural and urban areas and for construction and repair of essential farm buildings. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 4700.18 *Veterans' Housing Program Order 5*—(a) *Definitions.* For the purpose of this order:

(1) "Sawmill" means: (i) a person operating any mill or plant, stationary or portable, that produces Douglas Fir or Western Pine lumber. The term includes a person who has Douglas Fir and Western Pine logs manufactured into lumber by a sawmill, except a person who has less than 5,000 feet a quarter of his own logs sawed into lumber for his own use; (ii) a person operating any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of Douglas Fir and Western Pine logs and lumber which it receives.

(2) "Distributor" means any person who buys and stocks Douglas and Western Pine lumber for resale as lumber. The term "distributor" also includes any establishment owned or operated by a sawmill where Douglas Fir and Western Pine lumber is sold. A distributor who has two or more distinct and separate yards must for the purpose of this order, consider each yard a "distributor".

(3) "Millwork" means only sash, windows, doors, interior and exterior frames for the foregoing, combination doors and garage doors; storm sash and storm doors; window, sash and door screens; porch columns, louvres and newels; standing interior trim for doors and windows and cased openings; crown, bed, cove, brick, screen, panel, band and cornice mouldings; quarter, half and full rounds; window and door steps; nosing, screen, sash, sill and frame stock; hook strip, corner and glass bead; chair, porch and hand rails; shelf cleat; panel strips; stools and aprons; lattice; drip cap and water table; back band, cap trim, floor and base mouldings; astragals, and baluster stock; mantels; built-in kitchen cabinets, medicine cases, china cabinets, ironing boards and linen closets.

(4) "Cut-stock manufacturer" means a person who supplies from his production plant stock surfaced 2-sides, cut to approximate net sizes for the manufacture of doors, sash, check rail and plain rail windows, exterior frames and inside jambs. Cut-stock for doors, windows and sash consists of stock cut to approximate net sizes S2S and not further machined for stiles, rails, bars, muntins, meeting rails and facings for door stiles. Cut-stock for frame parts consists of stock cut to approximate net sizes S2S and not further machined for pulley stiles, blind and parting stops, outside casings, sills, drip cap and brick mould.

(b) *Sawmills.* Sawmills must sell only to millwork or cut-stock manufacturers or distributors, or to persons who certify in writing that they will sell to millwork or cut-stock manufacturers, 85 percent of all 8/4" and thinner Douglas Fir and Western Pine shop, including No. 3 clears, produced in any quarter.

(c) *Distributors.* A distributor must sell only to millwork or cut-stock manufacturers, or persons who certify in writing that they will sell to millwork or cut-stock manufacturers, 85 percent of all 8/4" and thinner Douglas Fir and Western Pine shop, including No. 3 clears, received in any quarter.

(d) *Miscellaneous*—(1) *Applicability of regulations.* Except as otherwise required by this order, Priorities Regulations 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this order.

(2) *Appeals.* An appeal from the provisions of this order should be made by mailing a letter in triplicate to the Civilian Producton Administration, Forest Products Division, Washington 25, D. C., Ref.: VHP 5.

(3) *Effective date.* This order shall become effective April 1, 1947.

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1990; Filed, Feb. 28, 1947; 11:15 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 111 (§ 1388.1181)]

HOUSING

The application of the rent regulation for housing is terminated in a portion of the Phoenix-Salt River Valley defense-rental area, in a portion of the Yuma defense-rental area, in a portion of the Ft. Huachuca defense-rental area, in a portion of the Prescott-Flagstaff defense-rental area, in a portion of the Tucson defense-rental area, in a portion of the Lassen County defense-rental area, in a portion of the San Diego defense-rental area, in a portion of the Panama City defense-rental area, in a portion of the Columbia, South Carolina, defense-rental area, in a portion of the Corpus Christi defense-rental area, in a portion of the Ogden defense-rental area, and in a portion of the Waco defense-rental area, and consequently the above-named portions of areas are decontrolled and Items 13, 14, 15, 16, 17, 28, 37, 62, 278, 309, 332 and 334a of Schedule A of the rent regulation for housing are amended to read as follows:

Name of Defense-Rental Area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(13) Ft. Huachuca	Arizona	Cochise and in Santa Cruz County the portion within the corporate limits of the city of Nogales.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(14) Phoenix-Salt River Valley	do	In Gila County, the portion bounded on the north, west, and south by Crook National Forest, and on the east by San Carlos Indian Reservation; and Maricopa County, except the portion lying west of the west line of Range 2 West, Gila and Salt River Meridian; lying north of the north line of Township 3, North, Gila and Salt River Base Line; and lying south of the south line of Township 2, south, Gila and Salt River Base Line.	do	Dec. 1, 1942	Jan. 15, 1943
(15) Prescott-Flagstaff	do	Coconino and in Yavapai County, Townships 13 and 14 North, Range 2 West, Gila and Salt River Base and Meridian, including the city of Prescott.	do	Oct. 1, 1942	Nov. 15, 1942
(16) Tucson	do	That portion of the County of Mohave south of the Colorado River	do	Nov. 1, 1943	Dec. 15, 1943
(17) Yuma	do	In Pima County, the portion lying east of the Papago Indian Reservation.	do	Dec. 1, 1942	Jan. 15, 1943
(28) Lassen County	California	In Yuma County, the portion lying west of the west line of Range 21 West, Gila and Salt River Meridian.	do	do	Do.
(37) San Diego	do	In Lassen County, the portion consisting of Township 29 North Range 12 East, Township 29 North Range 11 East, Township 30 North Range 12 East, and Township 30 North Range 11 East, Mt. Diablo Base and Meridian.	do	Nov. 1, 1942	Dec. 16, 1942
(62) Panama City	Florida	In San Diego County, the portion lying west of San Bernardino Meridian.	Jan. 1, 1941	June 1, 1942[1]	July 15, 1942
	do	Bay	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	do	Gulf	do	Dec. 1, 1942	Jan. 15, 1943
(278) Columbia, S. C.	South Carolina	Aiken County, except Townships of Chinquepin, Giddy Swamp, Hopewell, McTier, Millbrook, Rocky Grove, Rocky Springs, Shaws, Silverton, Sleepy Hollow, Tabernacle, and Windsor.	do	Oct. 1, 1942	Nov. 15, 1942
		Lexington and Richland	do	Nov. 1, 1942	Jan. 14, 1943
		Sumter	do	Dec. 1, 1942	Jan. 15, 1943
		Florence	do	May 1, 1943	June 15, 1943
(309) Corpus Christi	Texas	San Patricio and Nueces, except the town of Port Aransas	do	Aug. 1, 1942	Sept. 15, 1942
	do	Bee and Kleberg	do	Nov. 1, 1943	Dec. 15, 1943
(332) Waco	do	McLennan	do	Aug. 1, 1942	Sept. 15, 1942
(334a) Ogden	Utah	Box Elder except the portion lying north of the north boundary of Township 12 North and west of the west boundary of Range 3 West, Salt Lake Base and Meridian.	do	Oct. 1, 1942	Nov. 15, 1942
	do	Davis and Weber	do	Aug. 1, 1942	Sept. 15, 1942

[1] For the portion of the County of San Diego, other than the Judicial Townships of Encinitas, National, and San Diego in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland National Forest, and which remains under control after March 1, 1947, the effective date is July 1, 1942.

This amendment shall become effective March 1, 1947.

Issued this 28th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 111 to the Rent Regulation for Housing and Amendment 103 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

By these amendments the application of the rent regulations is terminated in a portion of the Phoenix-Salt River Valley defense-rental area in Arizona, consisting of:

1. The portion of Maricopa County lying west of the west line of Range 2 West, Gila and Salt River Meridian; lying north of the north line of Township 3 North, Gila and Salt River Base Line; and lying south of the south line of Township 2 South, Gila and Salt River Base Line and,

2. Gila County, except the portion bounded on the north, west, and south by Crook National Forest, and on the east by San Carlos Indian Reservation.

The application of the regulations is also terminated in a portion of the Fort Huachuca defense-rental area in Arizona, consisting of Santa Cruz County, except the portion within the corporate limits of the City of Nogales; in a portion of the Prescott-Flagstaff defense-rental area in Arizona, consisting of Yavapai County, except Townships 13 and 14 North, Range 2 West, Gila and Salt River Base and Meridian, including the City of Prescott; in a portion of the Tucson defense-rental area in Arizona, consisting of Pima County, except the portion lying east of the Papago Indian Reservation; in a portion of the Yuma defense-rental area in Arizona, consisting of Yuma County, except the portion lying west of the west line of Range 21 West, Gila and Salt River Meridian; in a portion of the Lassen County defense-rental area in California, consisting of Lassen County except Township 29 North Range 12 East, Township 29 North Range 11 East, Township 30 North Range 12 East, and Township 30 North Range 11 East, Mt. Diablo Base and Meridian; in a portion of the San Diego defense-rental area in California, consisting of the portion of San Diego County lying east of the San Bernardino Meridian; in a portion of the Panama City defense-rental area in Florida, consisting of Franklin County; in a portion of the Columbia, South Carolina defense-rental area, consisting of Calhoun

[1] 11 F. R. 12055, 13028, 13309, 14013, 14189, 14572; 12 F. R. 229.

County and the Townships of Silverton and Sleepy Hollow in Aiken County; in a portion of the Corpus Christi defense-rental area in Texas, consisting of the Town of Port Aransas in Nueces County; in a portion of the Waco defense-rental area in Texas, consisting of Coryell County; and in a portion of the Ogden defense-rental area in Utah, consisting of Morgan County and the portion of Box Elder County lying north of the north boundary of Township 12 North and west of the west boundary of Range 3 West, Salt Lake Base and Meridian.

The application of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is terminated in a portion of the Charleston, South Carolina defense-rental area, consisting of Colleton County.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-2000; Filed, Feb. 28, 1947; 11:47 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts,[1] Amdt. 103 (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES, AND MOTOR COURTS

The application of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is terminated in a portion of the Ft. Huachuca defense-rental area, in a portion of the Phoenix-Salt River Valley defense-rental area, in a portion of the Prescott-Flagstaff defense-rental area, in a portion of the Tucson defense-rental area, in a portion of the Yuma defense-rental area, in a portion of the Lassen County defense-rental area, in a portion of the San Diego defense-rental area, in a portion of the Panama City defense-rental area, in a portion of the Charleston, South Carolina defense-rental area, in a portion of the Columbia, South Carolina defense-rental area, in a portion of the Corpus Christi defense-rental area, in a portion of the Ogden defense-rental area, and in a portion of the Waco defense-rental area, and consequently the above-named portions of areas are decontrolled and items 13, 14, 15, 16, 17, 28, 37, 62, 277, 278, 309, 332 and 334a of Schedule A of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts are amended to read as follows:

Name of Defense-Rental Area	State	County or counties in Defense-Rental Areas under rent regulation for transient hotels, residential hotels, etc.	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(13) Ft. Huachuca	Arizona	Cochise and in Santa Cruz County the portion within the corporate limits of the city of Nogales.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(14) Phoenix-Salt River Valley	do	In Gila County, the portion bounded on the north, west, and south by Crook National Forest, and on the east by San Carlos Indian Reservation; and Maricopa County, except the portion lying west of the west line of Range 2 West, Gila and Salt River Meridian; lying north of the north line of Township 3, North, Gila and Salt River Base Line; and lying south of the south line of Township 2, South, Gila and Salt River Base Line.	do	Dec. 1, 1942	Jan. 15, 1943
(15) Prescott-Flagstaff	do	Coconino and in Yavapai County, Townships 13 and 14 North, Range 2 West, Gila and Salt River Base, and Meridian, including the city of Prescott.	do	Oct. 1, 1942	Nov. 15, 1942
		That portion of the County of Mohave south of the Colorado River	do	Nov. 1, 1943	Dec. 15, 1943
(16) Tucson	do	In Pima County, the portion lying east of the Papago Indian Reservation.	do	Dec. 1, 1942	Jan. 15, 1943
(17) Yuma	do	In Yuma County, the portion lying west of the west line of Range 21 West, Gila and Salt River Meridian.	do	do	Dec.
(28) Lassen County	California	In Lassen County, the portion consisting of Township 29 North Range 12 East, Township 29 North Range 11 East, Township 30 North Range 12 East, and Township 30 North Range 11 East, Mt. Diable Base and Meridian.	do	Nov. 1, 1942	Dec. 16, 1942
(37) San Diego	do	In San Diego County, the portion lying west of the San Bernardino Meridian.	Jan. 1, 1941	June 1, 1942[1]	July 15, 1942
(62) Panama City	Florida	Bay	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	do	Gulf	do	Dec. 1, 1942	Jan. 15, 1943
(277) Charleston, S. C.	South Carolina	Charleston and Dorchester	do	Aug. 1, 1942	Sept. 15, 1942
	do	Beaufort	do	Apr. 15, 1943	May 30, 1943
(278) Columbia, S. C.	do	Aiken County, except the Townships of Chinquepin, Giddy Swamp, Hopewell, McTier, Millbrook, Rocky Grove, Rocky Springs, Shaws, Silverton, Sleepy Hollow, Tabernacle, and Windsor.	do	Oct. 1, 1942	Nov. 15, 1942
	do	Lexington and Richland	do	Nov. 1, 1942	Jan. 14, 1943
	do	Sumter	do	Dec. 1, 1942	Jan. 15, 1943
	do	Florence	do	May 1, 1943	June 15, 1943
(309) Corpus Christi	Texas	San Patricio and Nueces, except the Town of Port Aransas	do	Aug. 1, 1942	Sept. 15, 1942
	do	Bee and Kleberg	do	Nov. 1, 1943	Dec. 15, 1943
(332) Waco	do	McLennan	do	Aug. 1, 1942	Sept. 15, 1942
(334a) Ogden	Utah	Box Elder except the portion lying north of the north boundary of Township 12 North and west of the west boundary of Range 3 West, Salt Lake Base and Meridian.	do	Oct. 1, 1942	Nov. 15, 1942
	do	Davis and Weber	do	Aug. 1, 1942	Sept. 15, 1942

[1] For the portion of the County of San Diego, other than the Judicial Townships of Encinitas, National, and San Diego in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland National Forest, and which remains under control after March 1, 1947, the effective date is July 1, 1942.

This amendment shall become effective March 1, 1947.

Issued this 28th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 111 to the Rent Regulation for Housing and Amendment 103 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses, and Motor Courts

By these amendments the application of the rent regulations is terminated in the portion of the Phoenix-Salt River Valley defense-rental area in Arizona, consisting of:

1. That portion of Maricopa County lying west of the west line of Range 2 West, Gila and Salt River Meridian; lying north of the north line of Township 3 North, Gila and Salt River Base Line; and lying south of the south line of Township 2 South, Gila and Salt River Base Line and,

2. Gila County, except the portion bounded on the north, west, and south by Crook National Forest, and on the east by San Carlos Indian Reservation.

[1] 11 F. R. 13032, 13056, 13305, 14013, 14187.

The application of the regulations is also terminated in a portion of the Ft. Huachuca defense-rental area in Arizona, consisting of Santa Cruz County, except the portion within the corporate limits of the City of Nogales; in a portion of the Prescott-Flagstaff defense-rental area in Arizona, consisting of Yavapai County, except Townships 13 and 14 North, Range 2 West, Gila and Salt River Base and Meridian, including the City of Prescott; in a portion of the Tucson defense-rental area in Arizona, consisting of Pima County, except the portion lying east of the Papago Indian Reservation; in a portion of the Yuma defense-rental area in Arizona, consisting of Yuma County, except the portion lying west of the west line of Range 21 West, Gila and Salt River Meridian; in a portion of the Lassen County defense-rental area in California, consisting of Lassen County except Township 29 North, Range 12 East, Township 29 North, Range 11 East, Township 30 North, Range 12 East, and Township 30 North, Range 11 East, Mt. Diablo Base and Meridian; in a portion of the San Diego defense-rental area in California, consisting of the portion of San Diego County lying east of the San Bernardino Meridian; in a portion of the Panama City defense-rental area in Florida, consisting of Franklin County; in a portion of the Columbia, South Carolina defense-rental area, consisting of Calhoun County and the Townships of Silverton and Sleepy Hollow in Aiken County; in a portion of the Corpus Christi defense-rental area in Texas, consisting of the Town of Port Aransas in Nueces County; in a portion of the Waco defense-rental area in Texas, consisting of Coryell County; and in a portion of the Ogden defense-rental area in Utah, consisting of Morgan County and the portion of Box Elder County lying north of the north boundary of Township 12 North and west of the west boundary of Range 3 West, Salt Lake Base and Meridian.

The application of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is terminated in a portion of the Charleston, South Carolina defense-rental area, consisting of Colleton County.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-2001; Filed, Feb. 28, 1947; 11:47 a. m.]

Chapter XXV—Surplus Property Office, Department of the Interior

PART 9050—ESTABLISHMENT OF SURPLUS PROPERTY OFFICE

Chapter 25, Surplus Property Office, Department of the Interior, and Part 9050, Establishment of Surplus Property Office (11 F. R. 12307) are revoked as of February 23, 1947.

(R. S. 161, 5 U. S. C. 22; E. O. 9828, Feb. 21, 1947, 12 F. R. 1215)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

FEBRUARY 21, 1947.

[F. R. Doc. 47-1905; Filed, Feb. 28, 1947; 8:45 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

EXCLUDING CERTAIN TRACTS OF LAND FROM CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM TO ENTRY

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see Public Land Order 355 under Title 43, *infra*, excluding certain tracts of land from the Chugach and Tongass National Forests and restoring them to entry.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 354[1]]

ALASKA

REVOKING PUBLIC LAND ORDER 34 OF AUGUST 25, 1942, AND AMENDATORY EXECUTIVE ORDER 9526 OF FEBRUARY 28, 1945, SO FAR AS IT REFERS TO THAT ORDER AND RESERVING LAND FOR USE OF ALASKA RAILROAD

By virtue of the authority contained in the act of March 12, 1914, 38 Stat. 305, 307, U. S. C. Title 48, sec. 303, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 34, of August 25, 1942, withdrawing the following-described public land for the use of the War Department and amendatory Executive Order No. 9526 of February 28, 1945, so far as it refers to Public Land Order No. 34, are hereby revoked:

Block 20 including the 20-foot alley therein in Anchorage Town Site as shown on the plat of survey approved September 10, 1915, by the Commissioner of the General Land Office.

The land hereby released is reserved under the jurisdiction of the Interior Department for the use of the Alaska Railroad.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

FEBRUARY 19, 1947.

[F. R. Doc. 47-1906; Filed, Feb. 28, 1947; 8:45 a. m.]

[Public Land Order 355]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM TO ENTRY

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., Title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as home sites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Chugach and Tongass National Forests as hereinafter, indicated and restored, subject to valid existing rights, including rights based on occupancy by the natives of Alaska, to entry under the applicable public-land laws:

[1] For notice for filing objections to this order see F. R. Doc. 47-1907, Interior Department, Bureau of Land Management in Notices section, *infra*.

CHUGACH NATIONAL FOREST

U. S. Survey No. 2533, lot "F", 3.17 acres; latitude 60°21'28" N., longitude 149°21'20" W. (Homesite No. 61, Lakeview Group);

TONGASS NATIONAL FOREST

U. S. Survey No. 2388, lot "A", 4.79 acres; latitude 58°24'48" N., longitude 134°42'00" W. (Homesite No. 386, Tee Harbor Group);

U. S. Survey No. 2391, lot "CC", 3.35 acres; approximate latitude 58°23'30" N., longitude 134°38'00" W. (Homesite No. 640, Triangle Group);

U. S. Survey No. 2402, lot 33, 0.69 acres; latitude 55°18'00" N., longitude 131°31'40" W. (Homesite No. 766, Herring Cove-Mountain Point Group);

U. S. Survey No. 2412, lot 21, 4.55 acres; latitude 57°23'00" N., longitude 134°24'15" W. (Homesite No. 742, Hood Bay Group);

U. S. Survey No. 2461, lot "D", 4.88 acres; latitude 56°45'28" N., longitude 132°53'00" W. (Homesite No. 245, Scow Bay-Mountain Point Group);

U. S. Survey No. 2554, lot "S", 1.90 acres; latitude 55°28'24" N., longitude 131°47'35" W. (Homesite No. 721, Clover Pass Group);

U. S. Survey No. 2589, lot 11, 4.47 acres; approximate latitude 56°25'00" N., longitude 132°20'00" W. (Homesite No. 715, Wrangell Group);

U. S. Survey No. 2589, lot 17, 2.63 acres; latitude 56°24'00" N., longitude 132°20'30" W. (Homesite No. 745, Wrangell Group);

On the Sawmill Section of the Sitka Highway, approximately 6 miles southeast of Sitka where Sawmill Creek empties into Silver Bay; 4.56 acres; approximate latitude 57°03'00" N., longitude 135°13'00" W. (Homesite No. 704);

At the junction of South Tongass Highway and the Herring Bay Wood Road, 1.20 acres; approximate latitude 55°20'00" N., longitude 131°32'00" W. (Homesite No. 712.)

WARNER W. GARDNER,
Assistant Secretary of the Interior.

FEBRUARY 20, 1947.

[F. R. Doc. 47-1908; Filed, Feb. 28, 1947; 8:45 a. m.]

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

Chapter I—Division of Territories and Island Possessions, Department of the Interior

PART 21—GENERAL REGULATIONS APPLICABLE TO SALES OF SURPLUS PERSONAL PROPERTY

Part 21, General Regulations Applicable to Sales of Surplus Personal Property (11 F. R. 7192) is revoked as of February 23, 1947.

(R. S. 161; 5 U. S. C. 22; E. O. 9828, Feb. 21, 1947, 12 F. R. 1215)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

FEBRUARY 21, 1947.

[F. R. Doc. 47-1904; Filed, Feb. 28, 1947; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAY ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 20th day of February A. D. 1947.

The matter of annual reports from steam railway companies and switching and terminal companies of Class I and Class II being under consideration:

It is ordered, That the order dated February 7, 1946, In the Matter of Annual Reports from Steam Railway Companies and Switching and Terminal Companies of Class I and Class II (49 CFR, 120.11) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1946, and subsequent years, as follows:

§ 120.11 *Form prescribed for large and medium steam railways.* All steam railway companies and switching and terminal companies of Class I and Class II subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1946, and for each succeeding year until further order in accordance with Annual Report Form A (Large and Medium Steam Roads and Switching and Terminal Companies), which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31, of the year following the one to which it relates. (24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)–(8))

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–1914; Filed, Feb. 28, 1947; 8:46 a. m.]

PART 120—ANNUAL, SPECIAL, OR PERIODICAL REPORTS

FILING OF CONSOLIDATED STATISTICAL STATEMENTS WAIVED

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of February A. D. 1947.

The matter of consolidated statistical statements to be filed by steam railway companies which have annual railway operating revenues of $10,000,000 or more, as required by order dated December 18, 1941, prescribing § 120.11a *Supplement to form prescribed for large and medium steam roads*, as amended by order dated August 31, 1942 (49 CFR, Cum. Supp., 7 F. R. 226, 7180), being under consideration; and,

It appearing that, due to the backlog of work accumulated during the war period in the accounting departments of the interested carriers, the Accounting Division of the Association of American Railroads requested that the filing of such consolidated statistical statements be waived for the year ended December 31, 1946.

It is ordered, That the requirements of the order of December 18, 1941, as amended, relating to consolidated statistical statements are herby waived for the year ending December 31, 1946; and,

It is further ordered, That said order of December 18, 1941, as amended, shall in all other respects remain in full force and effect.

(24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)–(8))

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–1913; Filed, Feb. 28, 1947; 8:46 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51636]

SOUTH ATLANTIC STEAMSHIP LINE, INC.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

FEBRUARY 25, 1947.

House flag and funnel mark of South Atlantic Steamship Line, Inc., registered in accordance with § 3.81 (a), Customs Regulations of 1943.

The Commissioner of Customs, by virtue of the authority vested in him by section 7 of the Act of May 28, 1908 (U. S. C., title 46, sec. 49), as modified by section 102, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), and in accordance with § 3.81 (a) of the Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the South Atlantic Steamship Line, Inc., described below:

(a) *House flag.* The house flag is a triangular pennant having a white field. The hoist is 4 feet in height; the fly is 6 feet. Along the upper and lower sides of the pennant, there run yellow stripes 7 inches in width. Inside these stripes, there are blue stripes, which are also 7 inches in width, parallel with the yellow stripes.

(b) *Funnel mark.* The funnel mark is to appear on a funnel of a yellow color. The mark consists of a black band 3 feet in width at the top of the funnel, below which are a yellow band 4 feet in width, a blue band 2 feet in width, a white band 2 feet in width, and a blue band 2 feet in width.

Colored scale replica drawings of the house flag and of the funnel mark described above are on file with the Division of the Federal Register.

W. R. JOHNSON, *Commissioner of Customs.*

[F. R. Doc. 47–1916; Filed, Feb. 28, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8221]

HENRY SCHNITTGER

In re: Estate of Henry Schnittger, deceased. File No. D–28–10384; E. T. sec. 14774.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Ida Moneta, Lena Skeba, Wilhelm Schnittger and Meta Denef, and each of them, in and to the Estate of Henry Schnittger, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Ida Moneta, Germany.
Lena Skeba, Germany.
Wilhelm Schnittger, Germany.
Meta Denef, Germany.

That such property is in the process of administration by Maria Schlosser, as administratrix of the Estate of Henry Schnittger, deceased, acting under the judicial supervision of the Surrogate's Court of Nassau County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1925; Filed, Feb. 28, 1947; 8:47 a. m.]

[1] Filed with the original document.

[Vesting Order CE 366]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NORTH DAKOTA, MONTANA, AND ILLINOIS COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interest in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Gjore O. Stadheim	Norway	Estate of Inga S. Rumbaugh, deceased, County Court of Adams County, N. Dak.	$4,000.00	Royal Norwegian Consulate, Minneapolis, Minn.	$21.00
		Item 2			
Jenny O. Stadheim	do	Same	4,000.00	do	21.00
		Item 3			
Mrs. Anna Bredke	do	Same	500.00	do	5.00
		Item 4			
Olaf O. Stadheim	do	Same	500.00	do	5.00
		Item 5			
Anna Elise Juul	do	Estate of Charles G. Johnson, deceased, in the District Court of Thirteenth Judicial District, Yellowstone County, Mont.; File No. 3299.	1,218.45	do	130.00
		Item 6			
Hjalmar Helman	do	Estate of Edward Helman, deceased, County Court of Milwaukee County, Wis.; File No. 234; 382.	577.36	Royal Norwegian Consulate, Chicago, Ill.	20.00
		Item 7			
Sons of Johan Helman, (names unknown) by his first marriage.	do	Same	577.36	do	20.00
		Item 8			
Aase Guldbrandsen	do	Estate of Gertrude Schjoldager, deceased, Probate Court of Cook County, Ill.; File No. 45–P–2573; 440; 155.	493.13	do	41.00
		Item 9			
Inger Margherete Larvik	do	Same	493.13	do	41.00

[F. R. Doc. 47–1933; Filed, Feb. 28, 1947; 8:48 a. m.]

[Vesting Order CE 364]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings,

costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Italo Caprani	Italy	Estate of Beniamino Caprani, deceased, in the Superior Court of the State of California, in and for the County of Alameda; No. 69580.	(1)	Bank of America, National Trust and Savings Association, 1200 Broadway, Oakland, Calif., Trustee.	$36.00
		Item 2			
Adele Podesta Salvi	do	Estate of Edoardo Podesta, also known as Edward Podesta, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 82726.	$2,631.39	Bank of America, National Trust and Savings Association, 300 Montgomery St., San Francisco, Calif., Executor.	18.00
		Item 3			
Esterina Podesta Gambuti	do	Same	2,631.39	Same	18.00
		Item 4			
Adriana Bruenn	do	In the Matter of the Guardianship of the Estates of Adriana Bruenn and Enrico Bruenn, Minors, in the Superior Court of the State of California, in and for the County of Alameda; No. 49104.	(2)	William A. Reeves, 1465 Fruitvale Ave., Oakland, Calif.	24.00
		Item 5			
Enrico Bruenn	do	Same	(2)	Same	24.00
		Item 6			
Miroba Nobili Davis	do	Estate of Clemente David, deceased, in the Superior Court of the State of California, in and for the County of Siskiyou; No. 3128.	(3)	Felix J. Kunz, Administrator, Fort Jones, Calif.	60.00
		Item 7			
Enrichetta di Ventura	do	Estate of Lorenzo Ventura, also known as Lawrence Ventura, also known as L. Ventura, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 89956.	1,156.48	Bank of America, National Trust and Savings Association, 300 Montgomery St., San Francisco, Calif., Executor.	13.00
		Item 8			
Giovanni de Ventura	do	Same	1,156.48	Same	13.00
		Item 9			
Dominic Laurenti	do	Estate of Giuseppe Laurenti, also known as G. Laurenti, also known as Joseph Laurenti, also known as J. Laurenti, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 84,887.	(4)	Same	26.00

[1] Income and principal of Trust u/w of Beniamino Caprani, deceased. [2] Approximately $236.00 and real property. [3] Approximately $650.85. [4] Approximately $2,530.80.

[F. R. Doc. 47-1931; Filed, Feb. 28, 1947; 8:48 a. m.]

[Bar Order No. 1]

DEBT CLAIMS

ORDER FIXING BAR DATE FOR FILING

In accordance with section 34 (b) of the Trading with the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order 9788, June 1, 1947, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of debtors, any of whose property was vested in or transferred to the Alien Property Custodian or the Attorney General between December 18, 1941, and December 31, 1946, inclusive.

Forms to be used in filing claims and information concerning debtors may be obtained upon request made to the Office of Alien Property, Washington 25, D. C.

Executed at Washington, D. C., this 25th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1937; Filed, Feb. 28, 1947; 8:49 a. m.]

[Vesting Order CE 365]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action of proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meanings prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Luigi Paiosa	Italy	Estate of Giuseppe Paiosa, also known as Joseph Paiosa, also known as Joe Paiosa, deceased, in the Superior Court of the State of California, in and for the County of Humboldt; No. 8841.	$11.00
		Item 2	
Benjamin Paiosa	do	Same	11.00
		Item 3	
Pietro Paiosa	do	Same	11.00
		Item 4	
Giovanni Paiosa	do	Same	11.00
		Item 5	
Marietta Tonossi	do	Estate of Giuseppe Tonossi, deceased, in the Superior Court of the State of California, in and for the County of Contra Costa; No. 11917.	14.00
		Item 6	
Giovanni Tonossi	do	Same	5.00
		Item 7	
Polonia Maccagno	do	Same	10.00
		Item 8	
Attilio Cantoni	do	Estate of Antonio Cantoni, deceased, in the Superior Court of the State of California, in and for the County of Santa Cruz; No. 10009.	19.00
		Item 9	
Gina Cantoni	do	Same	19.00
		Item 10	
Chiara Trabucco Sanguinetti	do	Estate of Ernest B. Sanguinetti, deceased, in the Superior Court of the State of California, in and for the County of San Joaquin; No. 18253.	37.00
		Item 11	
Maria Denegri	do	Same	5.00
		Item 12	
Messene Lenzi	do	Estate of Lorenzo Caprili, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 92172.	19.00
		Item 13	
Adreana Triglia	do	Same	19.00

[F. R. Doc. 47-1932; Filed, Feb. 28, 1947; 8:48 a. m.]

[Vesting Order 8222]

LOUISE SEGHORN

In re: Estate and trust under the Will of Louise Seghorn, deceased. File No. D-28-9611; E. T. sec. 13311.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Borchers Bischoff, Anna Siems, Heinrich Borchers, also known as Henrich Borchers, Eilert Borchers, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Anna Borchers Bischoff, the issue, names unknown, of Eilert Borchers, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate and trust under the will of Louise Seghorn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Howard Savings Institution, 768 Broad Street, Newark 1, New Jersey, and Christian Seghorn, Hight Street, Stirling, New Jersey, co-executors and co-trustees, acting under the judicial supervision of the Morris County Surrogate's Court, Morristown, New Jersey;

and it is hereby determined:

5. That to the extent that the above-named persons and the issue, names unknown, of Anna Borchers Bischoff, and the issue, names unknown, of Eilert Borchers, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1926; Filed, Feb. 28, 1947; 8:47 a. m.]

[Vesting Order CE 368]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interest in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Laura Saviano or Pulcidoria	Italy	Estate of Michele F. Saviano, also known as Michael Saviano, deceased, Surrogate's Court, Kings County, N. Y.; Docket No. 1754-1944.	$3,500.00	Albert M. Yuzzolino, Executor, 270 Broadway, New York, N. Y.	$78.00
		Item 2			
Carlo Saviano or Pulcidoria	do	Same	3,500.00	Same	78.00
		Item 3			
Gabriela Saviano or Pulcidoria	do	Same	3,500.00	Same	78.00
		Item 4			
Marchesa Paola Pulcidoria	do	Same	1,500.00	Same	33.00
		Item 5			
Orphanage Ravetti (Orfanotrofio Ravetti).	do	Estate of Helen Antoinette, also known as Helen Antonette, deceased, Surrogate's Court, Nassau County, Mineola, N. Y.	1,000.00	Emile F. Antonette, Executor, 301 East 40th St., New York, N. Y.	33.00
		Item 6			
Lucia Campilii D'Amice	do	Estate of Domenico Campilii, deceased, Surrogate's Court, Orange County, N. Y.	2,794.24	Treasurer of the County of Orange, Goshen, N. Y.	41.00
		Item 7			
Antoinette Redes Caruso	do	Estate of Vincenzo Redesi, also known as Vincent Redesi, also known as Vincent Redes, deceased, Surrogate's Court, Queens County, N. Y.; Docket No. 208-1945.	555.00	Antonio Redes, Administrator, 34-04 57th St., Woodside, Long Island, N. Y.	28.00
		Item 8			
Rosalie Redes	do	Same	555.00	Same	28.00
		Item 9			
Joseph De Benedetto	do	Estate of Annunzia De Benedetto, also known as Annunzia D'Agnello, deceased, Surrogate's Court, Queens County, N. Y.; Docket No. P-3167-1944.	200.00	Michele Di Benedetto, Executor, 104-12 46th Ave., Corona, Long Island, N. Y.	19.00
		Item 10			
Mary De Benedetto	do	Same	200.00	Same	19.00
		Item 11			
Michelino De Benedetto	do	Same	328.00	Same	32.00

[F. R. Doc. 47-1935; Filed, Feb. 28, 1947; 8:48 a. m.]

[Vesting Order 8298]

CHUO FIRE AND ACCIDENT INSURANCE CO. LTD. AND MANNHEIM INSURANCE CO.

In Re: Rights and interests of Chuo Fire and Accident Insurance Company, Limited, and Mannheim Insurance Company under Final Decree of the United States District Court, Southern District of New York, in the matter of the petition of Kabushiki Kaisha Kawasaki Zosenjo et al., for limitation of liability.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mannheim Insurance Company is a corporation organized under the laws of Germany, having its principal place of business in Mannheim, Germany, and is a national of a designated enemy country (Germany);

2. That Chuo Fire and Accident Insurance Company, Limited, is a corporation organized under the laws of Japan, having its principal place of business in Tokyo, Japan, and is a national of a designated enemy country (Japan);

3. That the property described as follows: All rights and interests created in Chuo Fire and Accident Insurance Company, Limited, and Mannheim Insurance Company, and each of them, under and by virtue of a final decree of the United States District Court, Southern District of New York, dated July 29, 1941, in the matter of The Petition of Kabushiki Kaisha Kawasaki Zosenjo, Owner, and Kawasaki Kisen Kabushiki Kaisha, Bareboat Charterer of the Steamship Venice Maru for Limitation of Liability under the Fire Statute of 1851, including, particularly, but not limited to, the rights to enter into stipulations as to amounts receivable under said final decree, to receive such amounts and to enter satisfactions of judgment therefor,

is property within the United States owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, or which is evidence of ownership or control by, the aforesaid nationals of designated enemy countries (Japan and Germany), is an interest in a ship or vessel of the aforesaid nationals of designated enemy countries (Japan and Germany) and is property which is in libel proceedings and is payable or deliverable to, or claimed by, the aforesaid nationals of designated enemy countries (Japan and Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, viz: (Germany) and (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, subject, however, to the liens of Bingham, Englar, Jones & Houston, 90 John Street, New York 7, New York, against the amounts receivable by Chuo Fire & Accident Insurance Company, Ltd. and Mannheim Insurance Company under and by virtue of the decree identified in subparagraph 3 hereof, such liens being in the sum of $1,159.42 against the amount so receivable by Chuo Fire & Accident Insurance Company, Ltd. and in the sum of $251.89 against the amount so receivable by Mannheim Insurance Company, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1929; Filed, Feb. 28, 1947; 8:47 a. m.]

BAGPAK, INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Bagpak, Inc., New York, N. Y.	A-119 and 120.	201 (8 F. R. 625).....	U. S. Letters Patent Nos. 1,988,705 and 1,997,285.	Washington, D. C.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1903; Filed, Feb. 27, 1947; 8:46 a. m.]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for the past infringement thereof, be returned as follows, after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published—	Property
Arnold Janowitz, New York, N. Y. Claim No. A-291.	11 F. R. 1731, Dec. 31, 1946.	Property described in the first paragraph of Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 2,148,624, to the extent owned by claimant immediately prior to the vesting thereof.
Paul Nickelsberg, Springfield, Mass. Claim No. 4062.	do	Property described in the first paragraph of Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 2,230,365, to the extent owned by claimant immediately prior to the vesting thereof.
Franz, Schatzky, New York, N. Y. Claim No. A-322.	do	Property described in the first paragraph of Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 2,270,753, to the extent owned by claimant immediately prior to the vesting thereof.
Arthur M. Seligmann, Newark, N. J. Claims Nos. A-292, A-293, A-294, A-300 and 5495.	do	Property described in the first paragraph of Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent Nos. 1,745,272, 1,745,273, 1,745,564, 1,615,597, 1,870,295, 1,968,318, and 2,014,701, to the extent owned by claimant immediately prior to the vesting thereof.
Delamere Co., Inc., Jersey City, N. J. Claim No. A-389.	11 F. R. 14732, Dec. 31, 1946.	Property described in the first paragraph of Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 1,836,999, to the extent owned by claimant immediately prior to the vesting thereof.
Norbert Bernheimer, Waterville, Maine. Claim No. A-313.	do	Property described in the first paragraph of Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 2,140,653, to the extent owned by claimant immediately prior to the vesting thereof.
Max Jacoby, New York, N. Y. Claim No. A-197.	do	Property described in the first paragraph of Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 2,231,580, to the extent owned by claimant immediately prior to the vesting thereof.
Inter-Allied Patent Corp., New York, N. Y. Claim No. A-268.	12 F. R. 90, Jan. 4, 1947.	Property described in the first paragraph of Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 2,083,067, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1936; Filed, Feb. 28, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 688]

UNLOADING OF LUMBER AT PORTLAND, OREG.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of February A. D. 1947.

It appearing, that 9 cars, containing lumber, at Portland, Oreg., on the Northern Pacific Terminal Company of Oregon, its agents or employees, shall unload immediately cars

WP 2349	SPS 32054
CBQ 91331	SPS 31786
SPS 32018	NYC 618960
PRR 358812	WP 2431
SOU 117035	

containing lumber, on hand at Portland, Oreg., consigned care of Lidell and Clarke, Inc.

(a) *Cars at Portland, Oreg., be unloaded.* The Northern Pacific Terminal Company of Oregon, its agents or employees, shall unload immediately cars

containing lumber, on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

[Return Order 4]

ARNOLD JANOWITZ ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 28, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a), and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1912; Filed, Feb. 28, 1947; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[2092919]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 21, 1947.

Departmental Order approved June 21, 1946, revoked Departmental Order of February 28, 1946, insofar as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Missouri River Project, Montana, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on April 25, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 26, 1947, to July 25, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 6, 1947, to April 25, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 26, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 26, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 6, 1947, to July 25, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 26, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Great Falls, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Great Falls, Montana.

The lands affected by this order are described as follows:

PRINCIPAL MERIDIAN

T. 8 N., R. 1 E.,
Sec. 2, W½SW¼.
T. 9 N., R. 1 E.,
Sec. 18, SW¼NE¼, NW¼, and S½;
Sec. 20, S½NE¼, NW¼NW¼, S½NW¼, and N½SW¼;
Sec. 34, NW¼NW¼.
T. 9 N., R. 1 W.,
Sec. 1, SW¼NE¼, S½NW¼, and SE¼.

The areas described aggregated 1,200 acres. The lands are generally rolling to hilly in character.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-1909; Filed, Feb. 28, 1947; 8:45 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 354[1] WITHDRAWING PUBLIC LANDS FOR THE USE OF ALASKA RAILROAD

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order 354, of February 19, 1947, withdrawing Block 20 including the 20-foot alley therein in Anchorage Town Site, Alaska, as shown on the plat of survey approved September 10, 1915 by the Commissioner of the General Land Office, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

FEBRUARY 19, 1947.

[F. R. Doc. 47-1907; Filed, Feb. 28, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6024]

FLORIDA POWER CORP.

ORDER POSTPONING HEARING

FEBRUARY 25, 1947.

Upon consideration of the petition for continuance filed on February 10, 1947, by Florida Power Corporation for a postponement of hearing in the above-entitled matter for a period of ninety (90) days from March 3, 1947; and

It appearing to the Commission that: Good cause has been shown for a postponement as hereinafter ordered;

[1] See Title 43, Appendix, *supra.*

The Commission orders that: The hearing in the above-entitled matter now set for March 3, 1947, be and the same is hereby postponed to May 6, 1947, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Date of issuance: February 25, 1947.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1922; Filed, Feb. 28, 1947; 8:47 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-479]

JOSEPH E. BUEHLER

CONSENT ORDER

Joseph E. Buehler of Miami, Florida, is charged by the Civilian Production Administration with violation of Veterans' Housing Program Order No. 1 in that subsequent to March 26, 1946 and on or about September 22, 1946, he began construction of a one-story concrete block stucco structure located at 3022 N. W. 62d Street, Miami, Florida, size 30 ft. x 40 ft., to be used in the manufacturing of cigars, at an estimated cost of $8,500.00 which was afterwards enlarged and extended to include a two-story structure, size 36 ft. x 90 ft., with apartments located on the second floor thereof, and at an estimated cost for the whole structure as altered of approximately $21,742.27. The estimated cost of the original structure was within the $15,000.00 exemption for industrial structures used for manufacturing; however, after the estimated cost of said structure as altered and extended exceeded the exemption, construction thereof was carried on without authorization from the Civilian Production Administration, and until a stop violation telegram was dispatched to the contractor, Buell C. Rollins, on January 31, 1947. The sum of $14,745.00 was expended in materials and labor which was incorporated into said structure to and including January 31, 1947.

Joseph E. Buehler admits the violation as charged and does not desire to contest the same and has consented to the issuance of this order. Joseph E. Buehler asserts, however, that the violation which he admits was not wilful or intentional.

Wherefore, upon the agreement and consent of Joseph E. Buehler, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither Joseph E. Buehler, his successors and assigns, nor any other person shall do any further construction on the premises herein described or any part thereof located at 3022 N. W. 62d Street, Miami, Florida, including the putting up, completing or altering of any structure located on said premises except or unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) The issuance of this consent order shall be without prejudice to the consideration on its merits of application for authorization to complete construction of the structures covered by this order.

(c) Joseph E. Buehler shall refer to this order in any application or appeal which he may file with the Civilian Production Administration.

(d) Nothing contained in this order shall be deemed to relieve Joseph E. Buehler, his successors and assigns from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1993; Filed, Feb. 28, 1947; 11:16 a. m.]

[C-481]

WILLIE E. PARNELL

CONSENT ORDER

Willie E. Parnell, doing business as Parnells Restaurant, Mayport, Florida, is charged by the Civilian Production Administration with violation of Veterans' Housing Program Order No. 1, as issued and amended by the Civilian Production Administration, in that subsequent to March 26, 1946, and on or about November 30, 1946, he began and carried on the construction of a commercial building to be used as a restaurant located at the corner of Ocean and Henry Streets, Mayport, Florida, at an estimated cost of $6,000.00 without the same having been authorized by the Civilian Production Administration. Construction of said building was begun and carried on until January 15, at which time the matter was investigated by a Compliance Investigator of the Civilian Production Administration, and on said date there had been incorporated into said building, material and labor in the approximate sum of $4,400. On February 20, 1947, a hearing was had in said case before a Compliance Commissioner of the Civilian Production Administration, which was upon charges contained in a charging letter dispatched to Willie E. Parnell on February 14, 1947.

Willie E. Parnell admits the violation as charged and does not desire to contest the same and has consented to the issuance of this order. Willie E. Parnell asserts, however, that the violation which he admits was not wilful or deliberate.

Wherefore, upon the agreement and consent of Willie E. Parnell, the Regional Compliance Director, and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither Willie E. Parnell, his successors or assigns, nor any other person, shall do any further construction on the premises herein described or any part thereof located at the corner of Ocean and Henry Streets, Mayport, Florida, including the putting up, completing or altering of any structure located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) The issuance of this consent order shall be without prejudice to the consideration on its merits of application for authorization to complete construction of the structure covered by this order.

(c) Willie E. Parnell shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Willie E. Parnell, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1994; Filed, Feb. 28, 1947; 11:16 a. m.]

[C-482]

ACE LUMBER & SUPPLY CO., INC.

CONSENT ORDER

Ace Lumber & Supply Co., Inc., a New York corporation with its principal office and place of business at 32–02 Astoria Boulevard, Long Island City (2), New York, is engaged in the business as a lumber distributor, among other things. It is charged by the Civilian Production Administration, with violating Direction 1 to Priorities Regulation 33 and Priorities Regulations 1 and 3 in that as a lumber distributor it placed certified orders for delivery of housing construction lumber during the periods February 1 to April 30, and June 1 to September 30, 1946, inclusive, for amounts in excess of the amounts authorized and in that it failed to keep and preserve accurate and complete records of the details of its transactions and its inventories of the materials to which the rules, regulations and orders of the Civilian Production Administration apply. Ace Lumber & Supply Co., Inc., admits the violations as charged, does not desire to contest the same, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Ace Lumber & Supply Co., Inc., the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Until the 31st day of March, 1947, Ace Lumber & Supply Co., Inc., its successors and assigns, shall not place or apply or extend an HH rating on orders for delivery during the first quarter of 1947 of housing construction lumber.

(b) Until the 31st day of March, 1947, Ace Lumber & Supply Co., Inc., its successors and assigns, shall sell or deliver housing construction lumber, to the extent of 125,000 board feet, only on rated orders accepted by it for delivery in the first quarter of 1947. Ace Lumber & Supply Co., Inc., represents that it has an inventory at present of 125,000 board feet of housing construction lumber. It is agreed that Ace Lumber & Supply Co., Inc., placed certified orders in excess of the amount authorized, for 176,954 board feet of housing construction lumber.

(c) Ace Lumber & Supply Co., Inc., its successors and assigns, shall keep and preserve accurate and complete records of the details of each transaction to which Limitation Order L–359 and other rules, regulations and orders of the Civilian Production Administration apply, as required by § 944.15 of Priorities Regulation 1.

(d) Nothing contained in this order shall be deemed to relieve Ace Lumber & Supply Co., Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1995; Filed, Feb. 28, 1947; 11:16 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–975]

SCRANTON ELECTRIC CO.

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of February A. D. 1947.

In the matter of application by the Philadelphia Stock Exchange for unlisted trading privileges in Scranton Electric Company, common stock, $5.00 par value.

The Philadelphia Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 for permission to extend unlisted trading privileges to the $5.00 Par Value Common Stock of Scranton Electric Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that out of a total of 1,214,000 shares outstanding, members of the Philadelphia Stock Exchange held 80,960 shares of this security on December 31, 1946 for 815 different shareholders, and that in the vicinity of this Exchange there were 5,577 transactions involving 628,231 shares from April 1, 1946 to December 31, 1946;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to the $5.00 Par Value Common Stock of Scranton Electric Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–1910; Filed, Feb. 28, 1947; 8:46 a. m.]

[File No. 70–1433]

DALLAS POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of February A. D. 1947.

Notice is hereby given that a declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Dallas Power & Light Company ("Dallas"), an electric utility subsidiary of Texas Utilities Company, a registered holding company subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company. Declarant designates sections 6 (a) (2) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 3, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after March 3, 1947, said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration as amended which is in file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Dallas proposes to amend its charter in the following respects: (1) to provide for a dividend restriction on common stock whereby not more than 75% of the earnings available to the common stock may be paid out as dividends thereon when the ratio of common stock equity to total capitalization is between 20% and 25% of total capitalization, and not more than 50% of such earnings may be paid out as dividends when the ratio of common stock equity to total capitalization falls below 20%; (2) to grant holders of common stock preemptive rights with respect to any offering of common stock or any security convertible into common stock for money, other than by a public offering of such shares; (3) to provide that the consideration received for the issuance and sale of additional common stock without nominal or par value be entered in the capital stock account; (4) to increase the authorized common stock from 273,000 shares without nominal or par value to 2,500,000 shares without nominal or par value; and (5) to expressly confer on the company or its Board of Directors certain additional powers with respect to the borrowing of money, mortgaging of the company's property and purchase and sale of its own securities.

The declaration requests that the Commission's order permitting the declaration herein as amended to become effective be issued as promptly as may be practicable and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–1911; Filed, Feb. 28, 1947; 8:46 a. m.]

Reference

MAR 6 '47

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 12 NUMBER 44

Washington, Tuesday, March 4, 1947

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PRODUCTION AND CULTIVATION OF SUGARCANE IN LOUISIANA DURING 1947

Pursuant to the provisions of section 301 (b) of the Sugar Act of 1937, as amended, and after investigation and due consideration of the evidence obtained at the hearing held in New Iberia, Louisiana, on July 1, 1946, the following determination is hereby issued:

§ 802.24z *Fair and reasonable wage rates for persons employed in the production and cultivation of sugarcane in Louisiana during the calendar year 1947.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production and cultivation of sugarcane in Louisiana during the calendar year 1947, if all persons employed on the farm during that period in the production and cultivation of sugarcane shall have been paid in full for all such work and shall have been paid wages therefor as follows:

(a) Wages in cash at rates agreed upon between the producer and laborer but in no case less than the following:

(1) *On a time basis.* For all work except as otherwise specified:

Adult males, per 9-hour day	$2.60
Adult females, per 9-hour day	2.15
Tractor drivers, per 9-hour day	3.25
Teamsters, per 9-hour day	2.60
Workers between 14 and 16 years of age, per 8-hour day	1.95

For a working day longer or shorter than 9 hours for adult workers (or shorter than 8 hours for workers between 14 and 16 years of age) the rate shall be in proportion to the applicable rate prescribed above. (Maximum employment per day for workers 14 to 16 years of age is 8 hours.)

(2) *On a piece rate basis.* The rate for all classes of work performed on a piece rate basis shall be as agreed upon between the producer and laborer: *Provided, however,* That the average earnings for the time involved on each separate unit of work for which a piece rate is agreed upon shall be not less than the applicable daily or hourly rate provided under subparagraph (1) of this section.

(b) *General provisions.* (1) In addition to the foregoing, the producer shall furnish to the laborer without charge the customary perquisites such as a habitable house, a suitable garden plot with facilities for its cultivation, pasturage for livestock, medical attention, and similar incidentals.

(2) The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) Notwithstanding the foregoing provisions of this section, the requirements of section 301 (b) of the said act shall be deemed to have been met with respect to work performed from January 1, 1947, to the date of this determination, if cash wages are paid therefor in amounts not less than the rates determined, pursuant to said act, for the period from February 6, 1946, to the end of the calendar year 1946. (Sec. 301, 50 Stat. 909; 7 U. S. C. 1131)

Issued this 26th day of February 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47–1942; Filed, Mar. 3, 1947; 8:48 a. m.]

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE PRICES FOR 1946–47 CROP OF PUERTO RICAN SUGARCANE

Pursuant to the provisions of section 301 (d) of the Sugar Act of 1937, as amended, the determination of "Fair and Reasonable Prices for the 1946–47 Crop of Puerto Rican Sugarcane", issued December 19, 1946, § 802.42l *Fair and reasonable prices for the 1946–47 crop of Puerto Rican sugarcane* (11 F. R. 14609), is hereby amended:

1. By deleting that portion of the last sentence of paragraph (c) which reads, "• • • charge for storing or insuring sugar through December 31, 1947, nor any • • •".

(Continued on next page)

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FEDERAL REGISTER

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2. By adding to paragraph (d) the following subparagraph:

(4) When payment is made by delivery of sugar as in paragraph (a) or (b) of this section, the producer-processor shall (i) store and insure (or agree to store and insure) all such sugar until the end of the calendar year free of charge to the grower (except that the grower shall bear a proportionate share of any charges arising out of the necessity of utilizing outside storage facilities) and (ii) share (or agree to share) with the producer, on a pro rata basis, all ocean shipping facilities available to the producer-processor.

(Sec. 301, 50 Stat. 910; 7 U. S. C. 1131)

Issued this 26th day of February 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-1944; Filed, Mar. 3, 1947; 8:48 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63-21]

PART 1596—FOOD IMPORTS

PARTIAL REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (12 F. R. 459), Appendix A is revised by deleting the following item therefrom:

Food	Commerce import class No.
Tung oil (China wood oil)	2241.000

This revision shall become effective at 12:01 a. m., e. s. t., February 28, 1947.

(E. O. 9280, sec. 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 27th day of February 1947.

C. C. FARRINGTON,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 47-1966; Filed, Mar. 3, 1947; 8:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 501—RULES OF PROCEDURE

TIME FOR FILING CLAIMS

Section 501.5 (General Order No. 21) is hereby amended to read as follows:

§ 501.5 *Time for filing claims*—(a) *Title claims.* (1) Notices of Claim for return of any property or interest seized by, vested in, or transferred to the Attorney General of the United States or his predecessor, the Alien Property Custodian under the Trading with the Enemy Act, as amended, shall be filed within two years from the seizure, vesting, or transfer of the property or interest in respect of which the claim is made, or within two years from August 8, 1946, whichever is later, computed in accordance with section 33 of the Trading with the Enemy Act.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, if no such notice of claim is filed prior to July 1, 1947, with respect to any property or interest vested in or transferred to the Attorney General of the United States, or his predecessor, the Alien Property Custodian, between December 18, 1941, and December 31, 1946, inclusive, or the net proceeds thereof, the Attorney General is authorized, under section 34 of the act, to pay debts owed by the person who owned such property or interest immediately prior to such vesting or transfer, out of money included in, or received as net proceeds from the sale, use, or other disposition of, such property or interest, after deduction for expenses and taxes pursuant to section 34 (g) of the act.

(b) *Debt claims.* (1) Claims asserting any debt owed by the person who owned any property or interest immediately prior to its vesting in or transfer to the Attorney General of the United States or his predecessor, the Alien Property Custodian, on or after December 18, 1941, shall be filed with the Office of Alien Property within the time fixed by the Attorney General of the United States in accordance with section 34 of the Trading with the Enemy Act. Under section 34 (a) of the act any time fixed for the filing of any debt claims may be extended in respect of any or all debtors covered thereby; and at least sixty (60) days notice thereof will be given by publication in the FEDERAL REGISTER.

(2) Bar Order No. 1 (12 F. R. 1448) has fixed June 1, 1947, as the date after which the filing of debt claims shall be barred in respect of debtors who owned any property or interest immediately prior to its vesting in or transfer to the Attorney General of the United States or his predecessor, the Alien Property Custodian, between December 18, 1941, and December 31, 1946, inclusive.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Sup. App. 1, 616, E. O. 9142, Apr. 21, 1942, E. O. 9193, July 6, 1942, 3 CFR Cum. Supp., E. O. 9725, May 16, 1946, 11 F. R. 5381; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 27th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47-1965; Filed, Mar. 3, 1947; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—OFFICE OF THE SECRETARY, AND BUREAUS, DIVISIONS, AND OFFICES PERFORMING CHIEFLY STAFF AND SERVICE FUNCTIONS

SUBPART A—ORGANIZATION

In F. R. Doc. 47-989, appearing at page 771 of the issue for February 1, 1947, the reference to "Tax Legislative Council" in the last sentence of § 1.4 (a) should read "Tax Legislative Counsel".

STEPHEN J. SPINGARN,
Assistant General Counsel.

[F. R. Doc. 47-2029; Filed, Mar. 3, 1947; 8:45 a. m.]

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

CERTAIN COUNTRIES GENERALLY LICENSED

MARCH 4, 1947.

Amendment to General License No. 94 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.94 (General License No. 94) is hereby amended to read as follows:

§ 131.94 *General License No. 94; certain countries generally licensed*—(a) *Blocked countries generally licensed subject to certain conditions.* A general license is hereby granted licensing all blocked countries and nationals thereof (excepting the following countries and nationals thereof: Portugal, Spain, Sweden and Tangier) to be regarded as if such countries were not foreign countries designated in the order, *Provided*, That

(1) Any property in which on the effective date hereof any of the following had an interest: (i) any blocked country (including countries licensed hereby) or person therein; or (ii) any other partnership, association, corporation, or other organization, which was a national of a blocked country (including countries licensed hereby) by reason of the interest of any such country or person therein; or

(2) Any income from such property accruing on or after the effective date hereof shall continue to be regarded as property in which a blocked country or national thereof has an interest and no payment, transfer, or withdrawal or other dealing with respect to such property shall be effected under, or be deemed to be authorized by, this paragraph.

(b) *Transactions under other licenses authorized without regard to certain restrictions.* With respect to property subject to the proviso of paragraph (a) of this section, any transaction not involving any excepted country or national thereof which is authorized under any license (other than §§ 131.1, 131.1a, 131.4, 131.27 and 131.30a (General Licenses Nos. 1, 1A, 4, 27 and 30A) or any other license to the extent that it merely authorizes transfers between blocked accounts of the same person or changes in the form of property held in a blocked account) may be effected without regard to any terms of such license relating to the method of effecting such transaction.

(c) *Certain other transactions authorized.* This license also authorizes any transaction which could be effected under § 131.53 (General License No. 53) if the countries licensed hereby were members of the generally licensed trade area: *Provided*, That this paragraph shall not be deemed to authorize any payment, transfer, or withdrawal, or other dealing with respect to any property which is subject to the proviso of paragraph (a) of this section.

(d) *General Ruling No. 17 not waived with regard to certain countries.* This license shall not be deemed to waive the requirements of General Ruling No. 17 with respect to blocked property held in any account maintained in the name of any bank or other financial institution located in Switzerland or Liechtenstein, unless such property has been certified under paragraph (1) of § 131.95 (General License No. 95).

(e) *Applicability of license to nationals of countries licensed hereby who are also nationals of excepted countries.* Paragraphs (a) and (b) of this section shall not apply with respect to any national of a country licensed hereby who is also a national of any excepted country, *Provided, however,* That for the purpose only of this license the following shall be deemed not to be nationals of an excepted country:

(1) Any individual residing in a country licensed hereby;

(2) Any partnership, association, corporation, or other organization, organized under the laws of a country licensed hereby.

(f) *Definition.* As used in this license, the term "excepted country" shall mean any country excepted in paragraph (a) of this section.

(g) *Effective date.* The effective date of this general license shall be December 7, 1945, except that it shall be October 5, 1945 as to France, November 20, 1945 as to Belgium, November 30, 1946 as to Switzerland and Liechtenstein and December 31, 1946 as to Germany and Japan.

(h) *Restrictions of General Ruling No. 11A.* Attention is directed to the special restrictions contained in General Ruling No. 11A pertaining to dealings in certain property in which there is any interest of Germany or Japan or certain nationals thereof.

(Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., and 1945 Supp.; Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47–1920; Filed, Mar. 3, 1947; 8:47 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PROPERTY CERTIFIED BY GOVERNMENTS OF SPECIFIED COUNTRIES

Amendment to General License No. 95 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of The Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.95 (General License No. 95) is hereby amended as follows:

1. Paragraph (c) (paragraph (3) of General License No. 95) thereof is amended to read as follows:

§ 131.95 *Property certified by governments of specified countries* • • •

(c) *Application of license to certain nationals of countries specified in this section.* This license shall not apply with respect to any national of a country specified herein who is a national of another foreign country designated in the order and not specified in this section, *Provided, however,* That for the purposes only of this license the following shall be deemed nationals only of a country specified in this section:

(1) Any individual residing in a country specified herein;

(2) Any partnership, association, corporation, or other organization, organized under the laws of a country specified in this section.

2. The following paragraph is added after paragraph (d) (paragraph (4) of General License No. 95) thereof:

(e) *Restrictions of General Ruling No. 11A.* Attention is directed to the special restrictions contained in General Ruling No. 11A pertaining to dealings in certain property in which there is any interest of Germany or Japan or certain nationals thereof.

(Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., and 1945 Supp., Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47–1918; Filed, Mar. 3, 1947; 8:47 a. m.]

APPENDIX A TO PART 131—GENERAL RULINGS UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REGULATIONS LIMITING DEALINGS IN OR WITH RESPECT TO CERTAIN GERMAN AND JAPANESE PROPERTY

MARCH 4, 1947.

Amendment to General Ruling No. 11A under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Part 131 Appendix A, General Ruling No. 11A is hereby amended to read as follows:

(1) *Special restrictions on dealings in certain German and Japanese property.* Except as authorized by a license expressly referring to this general ruling, the transfer, or withdrawal of, or other dealings in, or the exercise of any right, power or privilege with respect to, or the effecting of any payment or transfer of credit involving, any property in the United States on December 31, 1946 in which on that date any of the following had any interest, or any income from such property accruing on or after December 31, 1946, is hereby prohibited:

(a) The Government of Germany or Japan, an any agent, instrumentality, or representative of either Government;

(b) Any individual who is a citizen or subject of Germany or Japan and who at any time on or since January 1, 1945 has been within the territory of any country against which the United States has declared war (Germany, Italy, Japan, Bulgaria, Hungary and Rumania);

(c) Any partnership, association, corporation, or other organization which is organized under the laws of, or which at any time on or since January 1, 1945 has had its principal place of business in, any territory of Germany or Japan;

(d) Any partnership, association, corporation, or other organization which is organized under the laws of any foreign country other than Germany or Japan and which is a national of Germany or Japan by reason of the interest therein of any Government or person specified in subparagraphs (a), (b), or (c) of this paragraph.

(2) *Continued applicability of certain general licenses and general rulings.* The following general licenses and general rulings shall continue applicable notwithstanding the provisions of paragraph (1) of this general ruling:

(a) § 131.1 (General License No. 1);
(b) § 131.2 (General License No. 2) only with respect to payment or reimbursement for normal service charges (as therein defined) other than interest due;
(c) § 131.5 (General License No. 5);
(d) § 131.27 (General License No. 27);
(e) § 131.29 (General License No. 29) only with respect to §§ 131.2, 131.5 and 131.27 (General Licenses Nos. 2, 5 and 27);
(f) § 131.30 (General License No. 30);
(g) § 131.30a (General License No. 30A);
(h) General Ruling No. 16;
(i) General Ruling No. 19.

(3) *Continued applicability of certain specific licenses.* Any specific license conferring generally licensed national status on any person shall continue applicable, notwithstanding the provisions of paragraph (1) of this general ruling.

(4) *Definitions.* As used herein:

(a) The term "property" shall have the meaning prescribed in § 130.2 (c) of this chapter.

(b) The term "transfer" shall have the meaning prescribed in paragraph (5) (a) of General Ruling No. 12.

(Sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., and 1945 Supp.; Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47–1917; Filed, Mar. 3, 1947; 8:47 a. m.]

APPENDIX B TO PART 131—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

CERTAIN COMMUNICATIONS WITH GERMANY AND JAPAN AND CERTAIN ACTS EXEMPTED FROM GENERAL RULING NO. 11

MARCH 4, 1947.

Revocation of Public Circular No. 34 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Part 131 Appendix B, Public Circular No. 34, issued January 2, 1947, is hereby revoked.

(Sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., and 1945 Supp.; Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47–1921; Filed, Mar. 3, 1947; 8:47 a. m.]

APPENDIX B TO PART 131—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

COMMUNICATIONS AND TRANSACTIONS WITH OR BY ENEMY NATIONALS

MARCH 4, 1947.

Amendment to Public Circular No. 25 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Part 131, Appendix B, Public Circular No. 25 is hereby amended to read as follows:

(1) *Communications and transactions with or by enemy nationals exempted from General Ruling No. 11 under certain conditions.* There are hereby exempted from the prohibitions contained in paragraphs (1) and (2) of General Ruling No. 11:

(a) Any trade or communication with an enemy national;

(b) Any act or transaction involving any trade or communication with an enemy national;

(c) Any financial, business, trade, or other commercial act or transaction by or on behalf of an enemy national:

Provided, however, That the exemption herein granted shall not apply to any transaction which is prohibited by the order or General Ruling No. 11A or by any other ruling or regulation (other than General Ruling No. 11) issued by the Secretary of the Treasury pursuant to section 5 (b) of the Trading with the Enemy Act, as amended, unless such transaction is licensed by the Secretary of the Treasury. A license authorizing any prohibited transaction will not require a waiver of General Ruling No. 11.

(2) *General License No. 32 not applicable to certain remittances.* The provisions of § 131.32 (General License No. 32) shall not be deemed to authorize any remittance to any citizen or subject of any country against which the United States has declared war (Germany, Italy, Japan, Bulgaria, Hungary and Rumania) who is within any such country.

(3) *Attention directed to rules of Office of Alien Property.* Attention is directed to § 501.6–2 of the rules of procedure of the Office of Alien Property (Regulation 2 under General Order No. 6), which requires that when legal notice is sent to enemy countries, a copy must in certain cases be sent to the Office of Alien Property.

(Sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389 Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., and 1945 Supp.; Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47–1919; Filed, Mar. 3, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Schedule A as Amended March 3, 1947]

Section 944.54a *Schedule A to Priorities Regulation 33,* is amended to read as follows:

There is a shortage in the supply of the materials and facilities listed in paragraph (b) of this schedule for defense, for private account and for export. These materials and facilities are suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. The allocation of, and the establishment of priorities for the delivery of, these materials and facilities in the manner, upon the conditions and to the extent provided in this schedule and other applicable regulations, orders, directives, schedules and directions of the Civilian Production Administration and of the Housing Expediter are necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 944.54a *Schedule A to Priorities Regulation 33*—(a) *Establishment of allocation and priorities system.* Priorities for the delivery of the materials and facilities listed in paragraph (b) of this schedule are hereby established, and they may be allocated, under the Veterans' Emergency Housing Act of 1946, as provided in this schedule and in other orders, regulations, directions, schedules and directives of the Civilian Production Administration. These priorities consist in general of HH and HHH ratings. The method by which these ratings may be applied and other provisions concerning their use are set forth in paragraph (c) of this schedule. The effect of these ratings shall be the effect provided in applicable regulations of the Civilian Production Administration (including Priorities Regulations 1 and 3, schedules and directions to Priorities Regulation 33, and orders in the "L" series). In addition, some of these applicable regulations provide for "certified" and "authorized" orders for some of these materials under certain conditions. The terms and conditions under which these ratings will be assigned and the conditions and requirements imposed upon the use of materials obtained by means of these ratings and upon housing accommodations constructed or manufactured from such materials are set forth in Housing Expediter Priorities Regulation 5, Priorities Regulation 33 and in other applicable regulations of the Civilian Production Administration and the Housing Expediter.

(b) *List of short materials.* The materials and facilities for which priorities are established by this schedule are listed below. The listing includes only residential types of the items mentioned. The fact that a residential type may also be suitable for nonresidential use does not take it out of the "residential" class.

MATERIALS AND FACILITIES SUBJECT TO HH RATINGS

A. Lumber Materials

1. Flooring, hardwood (all grades).
2. Lumber, housing construction (softwood—flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, lath and shop.) (After April 1, 1947 this will not include Douglas fir and Western pine shop which will be controlled by VHP 5).
3. Millwork.

4. Plywood, construction (softwood) (Interior (moisture resistant): ¼" and ⅜" sanded or 5/16" and 7/16" unsanded wallboard; ¼" and ⅜" sanded or 5/16" and 7/16" unsanded sound oneside plypanel; 5/16", ⅜", ½" and ⅝" sheathing; and Exterior: ¼" and ⅜" sanded or 5/16" and 7/16" unsanded sound oneside plypanel).

B. Electrical Wiring Materials

1. *Cable, metallic or nonmetallic sheathed.
2. Lighting fixtures, not including portable lamps.
3. Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.
4. Service entrance equipment (of the following kinds only: (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).
5. Wiring devices (of the following kinds only: (a) Sockets, lampholders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet, switch and receptacle boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).

C. Hardware Materials

1. Builders hardware (of the following types only: (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).
2. *Nails (ferrous, of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

D. Masonry Materials

1. Brick, common and face, clay.
2. Brick, sand lime.
3. Concrete block and brick.
4. Cement, portland (all types, including high early strength, limestone, slag, and sulfate resistant).
5. Tile, common and face, structural.

E. Plumbing and Heating Supplies

1. Bathtubs (steel, cast iron).
2. Boilers, low pressure, for heating and hot water.
3. Controls, temperature and combustion, for heating and hot water.
4. Fittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets.
5. Furnace pipes, fittings, and duct work.
6. Furnaces, floor, wall.
7. Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter).
8. Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
9. Lavatories.
10. Oil burners, domestic.
11. Pipe, bituminized fibre, for drains and sewers.
12. Pipe, sewer, clay.
13. Pipe, soil, cast iron, and fittings for such pipe.
14. *Pipe, steel and wrought iron, black and galvanized, sizes ⅜" to 4" inclusive, standard weight.
15. *Pipe fittings, screwed (of the following kinds only: (a) Gray cast recessed drainage, 2" and under; (b) gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) malleable fittings, including unions, 2" and under (150 lbs. S. W. P.)).
16. *Pipe nipples, steel and wrought iron, black and galvanized, sizes ⅜" to 4" inclusive, in lengths 6" and less, made from standard weight pipe.
17. Radiation, convector and cast iron, including accompanying metal enclosures and grilles.
18. Range boilers.
19. Registers and grilles for heating systems.
20. Stokers, domestic.
21. Stoves and ranges for cooking and heating, including space heaters.
22. Tanks, septic.
23. Tanks, oil and water storage, capacity 550 gallons or less.
24. *Tubing, copper—types K, L, M—sizes ⅜" to 3" inclusive.
25. Tubing fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).
26. Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
27. Water heaters.

F. Prefabricated Housing

1. Prefabricated houses, sections, and panels (as defined in Direction 8 to PR 33).

G. Structural Materials (Metal)

1. Doors and frames, hollow metal and kalamein.
2. *Fabricated reinforcing rod and mesh.
3. Joists, bar, steel.
4. Structural shapes, steel and aluminum, fabricated or cut to length.
5. Window sash and frames, metal (of the following types only: casements; double hung windows; basement windows).

H. Wall and Roof Materials

1. Asbestos-cement flat sheets, ¼" thick or less. This does not include electrical and insulation grades.
2. Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board".
3. Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.
4. Gypsum lath (gypsum products especially made for use as a plaster base).
5. Lime, finishing.
6. Papers, building and sheathing (of the following kinds only: (a) Asphalt sheathing paper; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin, and house sheathing paper); (e) slaters felt weighing approximately 25 lbs. per 500 square-feet roll.
7. Plaster, hardwall (gypsum plaster—basic, ready-mixed and gauging—made for use in applying base or finish coats to lathed interior walls).
8. Plaster base (metal lath and accessories for metal lath).
9. *Sheet, copper. (A person authorized to use an HH rating may use it for this material only if (1) he is going to use the material in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28): flashings; gutters and downspouts; shower pans; termite shields.)
10. *Sheet, flat galvanized steel, 23 gauge or lighter. (A person authorized to use an HH rating may use it for this material only if (1) he is going to use it in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28 or Order M-21): flashings; furnace pipes, fittings, and duct work; gutters and downspouts; termite shields.)
11. Shingles (asbestos-cement, asphalt, slate, wood).
12. *Stucco mesh (woven or welded wire).

I. Miscellaneous Building Materials

1. Cabinets, metal, attachable or built-in types for kitchens or bathrooms.
2. Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastic; (d) asphalt tile; (e) rubber tile).
3. Gutters and downspouts.
4. Insect screen cloth, metal or plastic.
5. Lead, caulking.
6. Paints, house, exterior—ready mixed, paste, semi-paste, and lead-in-oil. This is limited to primers, under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints and exterior enamels. This is also limited to lead-in-oil in 12½-lb. and larger containers and to the other paints in 1-gal. and larger containers.
7. Weatherstripping, metal.

*See paragraph (v) of Schedule B to PR 33 for special rule regarding HHH and HH rated orders for items marked with an asterisk (*) in the above list.

(c) *Use of HH and HHH ratings.* The general rules for applying HH ratings are set forth below, together with certain provisions concerning the use of these ratings by builders. These rules apply to the use of HHH ratings except when otherwise provided by Direction 11 to Priorities Regulation 33 or other applicable regulations. Except as specifically provided elsewhere, these rules also apply to the use of HH ratings by prefabricators and trailer manufacturers. Additional rules applicable to HHH ratings and other related priorities assistance are set forth in Direction 11 to Priorities Regulation 33.

(1) *Kinds and quantities of materials.* The HH rating may be used only to get materials of the kinds listed in paragraph (b) of this schedule. The HH rating may not be used to get more than the minimum quantities of those materials needed to complete the housing accommodations for which the rating was assigned, in accordance with the description given in the application as approved. In some cases applicants may be limited to specific quantities of particular materials. In such cases the HH rating may not be used to get more than the specific quantities approved. The HH rating may not be applied to purchase orders for greater quantities of materials than the applicant is authorized to get. Persons authorized to use the HH rating may not place duplicate orders totalling more than the authorized minimum quantities, even though they plan to cancel one of the orders later.

(2) *Restriction on time of delivery.* A person placing an HH rated order must not specify delivery dates on purchase orders for rated materials more than 30 days before the time they are to be incorporated in the project. This provision applies to materials ordered with an HH rating, instead of the usual rule in Priorities Regulation 32. Furthermore, he must not place rated purchase orders for materials in which delivery is specified later than during the third full calendar month after the calendar month during which the purchase order is placed.

(3) *Expiration of rating.* The right to use the HH rating for a project expires 90 days after the issuance of the rating, unless the builder has begun construction on the project by physically incorporating at the site of the project materials which will be an integral part of the construction. If the builder has not begun construction within this time, he must unrate all orders for materials for the project to which he has applied the HH rating. If the application covers a number of different buildings, the right to use the rating for materials going into any individual building expires unless that particular building has been started within the 90 day period. However, he may apply by letter in triplicate to the agency which granted his application for an extension of the starting date, showing why he was unable to begin construction in accordance with his original application and giving his revised starting date. If the request for an extension is approved, he need not unrate his orders but he must postpone the delivery dates so as to comply with paragraph (c) (2) of this schedule. The provisions of this paragraph (c) (3) do not apply to prefabricators and house trailer manufacturers, since their authorizations are granted on a calendar-quarter basis.

(4) *Use of rating.* The applicant must not use an HH rating or give others the right to use it before his application has been approved. After approval, the HH rating may be used to get materials by the applicant or by contractors or subcontractors doing all or any part of the construction work for the applicant. Applicants, contractors and sub-contractors using the rating and their officers and agents must comply with all applicable provisions of this and other pertinent regulations. The applicant may authorize contractors and sub-contractors, and contractors may authorize subcontractors, to use the rating assigned to the applicant, by using a certificate in substantially the following form:

VETERANS' EMERGENCY HOUSING PROGRAM

Application Serial Number------

You are hereby authorized to use the HH rating to obtain material of the kinds listed on Schedule A to Civilian Production Administration Priorities Regulation 33 which are required for the housing accommodations located at ---------- (give location). Your use of this rating is subject to the provisions of applicable regulations.

Authorized user of rating

A contractor to whom an HH rating has been assigned by the Army or the Navy for military housing may authorize his subcontractors, to use that rating, by using the certificate as set out above in this paragraph but without the caption "Veterans' Emergency Housing Program" and the "Application Serial Number."

(5) *Certificates.* The HH rating may be applied to a purchase order by a person authorized to use the rating only by placing on the order the certificate specified for him below (the certificates set out in Priorities Regulations 3 and 7 may not be used):

VETERANS' EMERGENCY HOUSING PROGRAM*

Application Serial Number------*

I certify to the U. S. Government that an HH rating has been assigned for the materials covered by this order. The materials will be used only for housing accommodations, as authorized. The housing accommodations are at----------**

(Give location.)

Purchaser.

Purchase orders already placed with the certificates previously specified in this Schedule or in Directions 8 and 13 to PR 33 need not be re-certified. Printed and other prepared forms of those previous certificates may continue to be employed until they are used up.

(d) *Violations.* Any person who wilfully violates any provision of any rule, regulation or order of the Civilian Production Administration dealing with the priorities assistance and allocations established by this schedule, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnished false or misleading information to the Civilian Production Administration and any person who obtains a delivery or an allocation of materials or facilities or a preference rating by means of a material and wilfully false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of materials and facilities of the kinds listed in paragraph (b) of this schedule and may be deprived of further priorities assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code, under the Second War Powers Act or under the Veterans' Emergency Housing Act of 1946.

Issued this 3d day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2039; Filed, Mar. 3, 1947; 11:19 a. m.]

*Contractors using HH rating assigned by the Army or Navy should substitute the following caption, without an application serial number: "MILITARY HOUSING."

**Prefabricators need not include statement about location.

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Schedule B as Amended Mar. 3, 1947]

HOW DISTRIBUTORS OF BUILDING MATERIALS HANDLE RATINGS

PURPOSE AND SCOPE OF SCHEDULE B

Par.
(a) What this schedule does.

DEFINITIONS

(b) Definitions.

EXTENSION OF RATINGS

(c) What "extension" of ratings means.
(d) HHH and HH ratings are not extendible by manufacturers.
(e) When HHH and HH ratings are extendible.
(f) Special rule for "certified-HH" ratings.

SET-ASIDE PROVISIONS

(g)-(k) [Revoked Dec. 31, 1946.]

"CEILING" PROVISIONS

(l) Purpose of "ceiling".
(m) Operation of "ceiling".
(n) Ceilings for materials for which HHH and HH ratings are not extendible.
(o) Ceilings for materials for which HHH and HH ratings are extendible.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) Minimum percentage for users.
(q) Special rule for nails.
(r) Exclusion of certain quantities in figuring ceilings.
(s) Inclusion of direct shipments in figuring ceilings.

OTHER SPECIAL PROVISIONS

(t) Rated orders must be accepted.
(u) Manufacturer's scheduling for HHH, HH, and CC ratings.
(v) Materials for which manufacturers need not accept any HHH or HH rated orders.
(w) Refusal of outside-area orders.
(x) Applicability of this schedule to AAA rated orders.

RECORDS

(y) Records.

MISCELLANEOUS PROVISIONS

(z) Communications.
(aa) [Revoked Dec. 31, 1946.]

PURPOSES AND SCOPE OF SCHEDULE B

§ 944.54b *Schedule B to Priorities Regulation 33*—(a) *What this schedule does.* This Schedule B explains special rules for the handling of rated orders (AAA; MM; HHH; HH and CC) by people who sell most of the building materials listed in Schedule A to Priorities Regulation 33. (Schedule A lists the building materials for which HH ratings can be used by builders and other authorized persons and tells how they use these ratings.)

NOTE: Former 2d and 3d undesignated subparagraphs of paragraph (a) deleted March 3, 1947.

When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

The provisions of this Schedule B apply to HHH ratings since they are to be treated exactly the same as HH ratings except in one respect—the HHH rating has a higher priority than the HH rating. The provisions of this Schedule B apply

to "certified-HH" ratings only where specifically mentioned below. This is because there are special rules for certified-HH ratings, as explained in Direction 11 to PR-33.

Beginning April 1, 1947, this Schedule will apply to the "Lumber Materials" group on Schedule A to PR 33. Until then, the Schedule does not apply to those materials since they are covered by other orders (L-358 and L-359) which will remain in effect up to that date.

This Schedule also does not apply to deliveries of any "prefabricated houses, sections, and panels." They are covered by Direction 8 to PR 33.

DEFINITIONS

(b) *Definitions.* For the purposes of this schedule:

(1) "Distributor" means any of the following:

(i) A person (including, but not limited to, wholesalers, jobbers, dealers) who sells to users.

(ii) A retail outlet (including, but not limited to, the following: mail order houses, department stores, hardware stores, appliance stores, appliance sales departments of public utility companies, etc.)

(iii) A manufacturer's factory branch sales offices which sell to users.

(iv) A manufacturer (to the extent that he sells directly to users and not through factory branch sales offices).

(v) Any sawmill, any manufacturer of construction plywood (softwood), millwork, or hardwood flooring and any person who buys and stocks construction plywood (softwood), millwork, or hardwood flooring for resale or housing construction lumber for resale as such. Where two or more separate and distinct sales yards are operated, each yard must be considered a "distributor." (For the purposes of Schedule B, this paragraph (v) is the only definition for distributors of the materials mentioned in it.)

(2) "User" means any person who buys for use instead of for resale. This includes, but is not limited to, the following:

(i) A builder, prefabricator, or house trailer manufacturer.

(ii) A person buying from a retail outlet.

(iii) A person buying for a structure, property, or installation owned, occupied, or managed by him.

(iv) A person who installs what he sells (such as a plumbing contractor, wiring contractor, etc.) The performance of such service as the mere connecting of a stove to an existing gas line in a structure does not constitute "installing" for the purpose of this definition.

EXTENSION OF RATINGS

(c) *What "extension" of ratings means.* Some of the new provisions of this schedule involve the matter of "extension" of ratings. This matter is explained in Priorities Regulation 3, but a brief generalized explanation is as follows (this is merely explanatory and its application to particular materials depends on the various provisions in the schedule).

In general, people may place rated orders in one of two ways (the distinction between the two is important):

(1) *By "application."* When a rating is used by a person to whom it was originally issued (or by a person he has authorized to use it), he is "applying" it to his supplier.

(2) *By "extension."* When a person receives a rated order from a customer and passes the rating on to his supplier, he is "extending" the rating. The cases in which HHH and HH ratings may be extended are explained below.

(d) *HHH and HH ratings are not extendible by manufacturers.* HHH and HH ratings are never extendible by manufacturers (as such).

(e) *When HHH and HH ratings are extendible.* In general, distributors and other suppliers may not extend HHH and HH ratings. However, they may extend such ratings for certain materials, subject to certain conditions. In these cases, the ratings may be extended by them to get the material to be delivered on the rated orders involved. The procedure for extending ratings is explained in Priorities Regulation 3.

(1) *Limited extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers except manufacturers (as such):

Nails.
Pipe, steel and wrought iron.
Pipe fittings (cast and malleable).
Pipe nipples, steel and wrought iron.
Sheet, copper.
Sheet, galvanized steel.
Tubing, copper.
Tubing (copper) fittings.

(2) *Complete extendibility.* For the following materials,[1] HHH and HH ratings may be extended to suppliers, including manufacturers (as such):

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural clay.

(f) *Special rule for certified-HH ratings.* "Certified-HH" ratings may be issued, under Direction 11 to PR 33, for the following materials, for use in FPHA projects: building board, cast iron soil pipe, and gypsum board. A "certified-HH" rating is extendible to suppliers, including manufacturers.

SET-ASIDE PROVISIONS

(g)-(k) [Revoked Dec. 31, 1946.]

"CEILING" PROVISIONS

(l) *Purpose of "ceiling."* In general, rated orders must be accepted and filled in accordance with the basic priorities rules of Priorities Regulation 1. One of those rules is that rated orders must be accepted and filled in preference to unrated or lower rated orders. The "ceiling" provisions of this Schedule modify that basic rule by putting a limit on the amount of his supply a person has to use in filling rated orders.

It is not necessary to hold any supply in expectation of receiving rated orders.

(m) *Operation of "ceiling."* A person who is required to fill rated orders for a Schedule A material does not have to use more than his "ceiling" amount to fill such orders. (AAA rated orders are an exception to this rule. While amounts delivered on AAA orders may be charged against the ceiling, a person may not refuse to fill a AAA rated order merely on the ground that it will exceed his ceiling.)

The distributor may set his own unit of measure in figuring the ceiling. Ordinarily, the customary way of billing the material in the industry should be used, such as units on things like stoves, pounds for insulated copper wire, square feet for screen cloth, etc.

The figuring and application of ceilings depend on whether or not HHH and HH ratings are extendible for the particular material involved. The following paragraphs (n) and (o) explain this in more detail.

(n) *Ceilings for materials for which HHH and HH ratings are not extendible.* In the case of materials for which HHH and HH ratings are not extendible, the ceiling applies to the distributor only. He is to figure his ceiling as follows (this does not apply to the "extendibility" materials listed in paragraphs (e) (1) and (2) above):

(1) *Most materials.* Except for the "Lumber Materials" group covered by paragraph (n) (2) below, the ceiling is 75% of the distributor's deliveries of the particular material to users during the month.

(2) *Lumber materials.* In the case of any of the following materials[1], after March 31, 1947, a distributor need not use more than the specified percentage of the quantity he produces or receives in any quarter to fill rated orders:

	Percent
Hardwood flooring	75
Housing construction lumber	50
Millwork	75
Construction plywood (softwood)	50

(o) *Ceilings for materials for which HHH and HH ratings are extendible.* In the case of materials for which HHH and HH ratings are extendible, the figuring and application of ceilings depend on whether or not these ratings are extendible to the manufacturer.

(1) *Percentage ceiling for "complete-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to a manufacturer, the percentage ceiling applies to him. His ceiling is 75% of the total amount scheduled for production during the month. This applies to the materials listed in paragraph (e) (2).

(2) *Percentage ceiling for "limited-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to any supplier except a manufacturer (as such), the percentage ceiling applies to the supplier who gets his supply from the manufacturer (as such). The supplier's ceiling is 75% of the total quantity delivered by him during the month. This applies to the materials listed in paragraph (e) (1).

(3) *General ceiling for other suppliers of "extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible, the ceiling for any distributor or other supplier who extends the rating is generally the amount he gets by extending those ratings. He must redeliver these (or equivalent) amounts on the orders bearing the ratings he extended. Generally, the amounts he gets without extending ratings (i. e., "free supply") need not be used to fill rated orders.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) *Minimum percentage for users.* Where a person normally sells both to users and to persons buying for resale, he must continue to sell to both those classes of customers. The portion he sells to users must be at least as large, percentage-wise, as the portion he has usually sold to that class of customers in the past. He may sell more than that percentage to users and should do so when it will help the Veterans' Emergency Housing Program. While this percentage requirement is an exception from the rules of Priorities Regulation 1, the other rules of that regulation apply to his handling of rated orders from users.

(q) *Special rule for nails.* The former special rule for apportioning sales of nails between users and persons buying for resale is revoked. Instead, the apportioning rule of paragraph (p) now applies to nails,[1] as well as to the other materials in Schedule A to PR 33.

(r) *Exclusion of certain quantities in figuring ceilings.* In the case of materials for which a distributor's ceiling is based on deliveries to users, his ceiling figuring does not have to include amounts delivered to persons who are not users if those deliveries are made in conformity with paragraph (p) above. (This rule does not apply to any materials for which HHH and HH ratings are extendible, as listed in paragraph (e) above.)

For instance, where a manufacturer of sinks makes some deliveries directly to users, those deliveries are subject to this Schedule and he is a "distributor" with respect to them. However, the ceiling provisions of this Schedule do not apply to the rest of his deliveries, if they are not made to users.

Also, where a person delivers to a distributor, the ceiling provisions do not apply to the person making the delivery for those quantities but do apply to the person who receives them. This is an example of the rule. If a distributor delivers 100 sinks during a month, he would normally be required to deliver up to 75 (75% of 100) on rated orders, if received. If, however, he legitimately delivers 40 of the 100 to another distributor, then he need apply the ceiling provisions to 60 sinks only and deliver up to 45 (which is 75% of 60) on rated orders, if received.

However, in these cases he must make a complete record of the transaction and adjust the records which he is required to keep under paragraph (y) accordingly.

(s) *Inclusion of direct shipments in figuring ceilings.* A distributor must include any direct shipments which he arranges to have made by his supplier directly to his customer for his own account. These kinds of shipments count against the distributor's ceiling, and the distributor must handle these shipments just as if the material had actually been delivered from his stock. It is the distributor's job to make arrangements with the manufacturer so that these shipments the manufacturer makes are in accordance with those that the distributor can make under this schedule.

OTHER SPECIAL PROVISIONS

(t) *Rated orders must be accepted.* A person required to accept rated orders under this schedule must not turn down a rated order merely because he does not have the material ordered in stock or because it would exceed his ceiling. He must accept the order, and keep it on hand to fill it as soon as possible (subject to the ceiling provisions), and he must tell his customer how soon he expects to be able to fill it.

(u) *Manufacturer's scheduling for HHH, HH, and CC ratings.* When a manufacturer receives, and is required to accept, any rated order, including an HHH, HH or CC rated order (by extension or by application), he must schedule it as required by Priorities Regulation 1.

(v) *Materials for which manufacturers need not accept any HHH or HH rated orders.* (1) For the following materials[1], HHH and HH rated orders may not be served on a manufacturer and have no effect on him (see paragraph (v) (3) below):

Cable
Fabricated reinforcing rod and mesh
Nails
Pipe, steel and wrought iron
Pipe, fittings (cast and malleable)
Pipe nipples, steel and wrought iron
Sheet, copper
Sheet, galvanized steel
Stucco mesh
Tubing, copper

These items have been marked with an asterisk in Schedule A to PR 33.

(2) For any of the following materials,[1] a manufacturer who sells to dealers directly (and not through factory branch sales offices) need not accept HHH and HH rated orders from a dealer even if the dealer has been authorized to use such a rating as a subcontractor:

Asphalt tile floor covering
Boilers, low pressure
Controls, temperature and combustion
Furnaces, floor, wall
Furnaces, warm air
Oil burners, domestic

(3) Subparagraphs (v) (1) and (v) (2) above do not mean, by implication, that HHH and HH rated orders may be served on manufacturers for the Schedule A materials not mentioned. This question is controlled by other rules (Priorities Regulation 1 and other applicable regulations). The special rules in those subparagraphs merely mean that, for the materials mentioned, HHH and HH rated orders may not be served on the manufacturers involved even if other applicable rules might otherwise permit that.

(w) *Refusal of outside-area orders.* A producer or other supplier may refuse to accept an HHH or HH rated order for any material listed below for delivery by him in any area to which he has not delivered it in the five years preceding receipt of this order. A new producer or dealer may not apply this basis for refusal to accept such rated orders for delivery in his local trading area. This paragraph applies to the following materials:[1]

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural, clay.

(x) *Applicability of this schedule to AAA rated orders.* This schedule does not limit acceptance of AAA rated orders or deliveries on AAA rated orders.

RECORDS

(y) *Records.* Each person entitled to apply a ceiling under this Schedule must keep records in such a way that, upon request of authorized government representatives, he can show for each material, how much he delivered with or without ratings, separately, after the material was put on Schedule A.

These various records must be kept so that each rated purchase order placed with him can be easily identified. (These record requirements are in addition to those of Priorities Regulation 1.)

MISCELLANEOUS PROVISIONS

(z) *Communications.* All communications about this Schedule should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Schedule B to PR 33.

(aa) [Revoked Dec. 31, 1946.]

Issued this 3d day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—[Deleted Dec. 31, 1946.]

[F. R. Doc. 47-2040; Filed, Mar. 3, 1947; 11:19 a. m.]

[1] When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1108]

FARRAL BROS. THEATER

George Farral and John Farral, d/b/a Farral Brothers Theater, Box 86, Erie, Illinois, after March 26, 1946, began construction of a theater on North Street, Erie, Illinois, at an estimated cost in excess of $1,000, and thereafter carried on such construction although application for authorization to construct such structure was denied by the Civilian Production Administration. Carrying on of said construction after an application for authorization had been denied constituted a wilful violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing it is hereby ordered that:

§ 1010.1108 *Suspension Order No. S–1108.* (a) Neither George Farral or John Farral, d/b/a Farral Brothers Theater, their successors or assigns, nor any other person shall do any construction on the premises located on North Street, Erie, Illinois, including the putting up, completing or altering of any structure located thereon, unless specifically authorized in writing by the Civilian Production Administration.

(b) George Farral and John Farral, d/b/a Farral Brothers Theater, shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve George Farral and John Farral, d/b/a Farral Brothers Theater, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–2042; Filed, Mar. 3, 1947; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1107]

NUNZI MANGIERI ET AL.

Nunzi Mangieri, Frank Mangieri, Tony Mangieri and Angelo Vericella, 359 East Third Street, Galesburg, Illinois, were tenants of a building, Route 150, Galesburg, Illinois, in which they operated a tavern. On August 14, 1946, said building was destroyed by fire. On September 19, 1946 they filed with the Civilian Production Administration on Form 4423 an application to construct a building on a plot of ground approximately 1.2 acres in the Southwest Corner of the Northwest Quarter of Section 3, Township 11 North, Range 1, East of the 4 P. M., Knox County, Illinois, in which application they represented that they were the owners of the building destroyed by fire. Such representation was false and misleading and knowingly and wilfully made. The furnishing of this false and misleading information subjected Nunzi Mangieri, Frank Mangieri, Tony Mangieri and Angelo Vericella to the administrative action provided for by the provisions of Section 944.18 of Priorities Regulation 1. In view of the foregoing, it is hereby ordered that:

§ 1010.1107 *Suspension Order No. S–1107.* (a) The authorization granted to Nunzi Mangieri, Frank Mangieri, Tony Mangieri and Angelo Vericella on Form CPA–4423, dated December 4, 1946, is hereby revoked.

(b) Neither Nunzi Mangieri, Frank Mangieri, Tony Mangieri or Angelo Vericella, nor any other person, shall do any construction on the premises known as a plot of ground approximately 1.2 acres in the Southwest Corner of the Northwest Quarter of Section 3, Township 11 North, Range 1, East of the 4 P. M., Knox County, Illinois, including the putting up, completing or altering of any structure located thereon, unless specifically authorized in writing by the Civilian Production Administration.

(c) Nunzi Mangieri, Frank Mangieri, Tony Mangieri and Angelo Vericella shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Nunzi Mangieri, Frank Mangieri, Tony Mangieri and Angelo Vericella from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–2041; Filed, Mar. 3, 1947; 11:20 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1112]

JOHN CHORNEY

John Chorney, Platea, Pennsylvania, on or about June 7, 1946 began the construction of a combination commercial and residential building on the West Side of Route 18, Elk Creek Township, south of Platea, Pennsylvania, at an estimated cost of $6,500 without authorization of the Civilian Production Administration or other duly authorized governmental agency. The beginning and carrying on of this construction without authorization subsequent to March 26, 1946 constituted a wilful violation of Veterans' Housing Program Order No. 1 of the Civilian Production Administration. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1112 *Suspension Order No. S–1112.* (a) Neither John Chorney, his successors or assigns, nor any other person shall do any construction on the premises of John Chorney located on the West Side of Route 18, Elk Creek Township, south of Platea, Pennsylvania, including the putting up, completing or altering of any structure located thereon, unless specifically authorized in writing by the Civilian Production Administration or other duly authorized governmental agency.

(b) John Chorney shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or other duly authorized governmental agency for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve John Chorney, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–2043; Filed Mar. 3, 1947; 11:20 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[3d Rev. RO 3,[1] Amdt. 19 to Supp. 1]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Supplement 1 to Third Revised Ration Order 3 is amended in the following respect:

Section 2.2 is amended to read as follows:

SEC. 2.2 *Percentage to be used in determining allowance for manufacturers of bulk sweetened condensed milk as provided in Article XXIV.* (a) Percentage of sugar base for each calendar month commencing on and after November 1, 1946 and through February 1947:

Bulk sweetened condensed milk in containers of more than one gallon---- 100

(b) Percentage of sugar base for each calendar month commencing on and after March 1, 1947:

Bulk sweetened condensed milk in containers of more than one gallon------ 110

This amendment shall become effective March 1, 1947.

Issued this 28th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[1] 11 F. R. 166.

Rationale Accompanying Amendment No. 19 to Supplement 1 to Third Revised Ration Order 3

Proposed amendment. This amendment raises the percentage factor used in determining the monthly maximum allowances for manufacturers of bulk sweetened condensed milk from 100 to 110. The new factor is to be applied in determining such allowances for each calendar month commencing March 1, 1947.

Reason for amendment. Latest production data available indicates that there has been an unusual increase in milk production during the early part of 1947.

Since the present factor to be used in determining maximum allowances for the manufacture of bulk sweetened condensed milk is based on a seasonal milk production pattern during previous years, the factor is raised from 100% to 110% in order to provide for a greater utilization of milk solids resulting from the present abnormal milk supply.

[F. R. Doc. 47–2005; Filed, Feb. 28, 1947; 4:31 p. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 145, Amdt. 1]

PART 4003—SUBSIDIES: SUPPORT PRICES

1946 CORN LOAN PROGRAM

The Secretary of Agriculture has submitted a recommendation that the program under which Commodity Credit Corporation makes loans available to producers of 1946-crop corn, as approved by the Director of the Office of War Mobilization and Reconversion in Directive 145, on November 18, 1946 (11 F. R. 13696), be amended to provide for the making of loans on shelled corn and to change the closing date for loans to producers in angoumois moth infestation areas from May 31, 1947 to March 31, 1947.

After careful consideration, I hereby find that the proposed amendment is necessary to enable producers to retain stocks on farms for feeding purposes and to stabilize the farm price of corn. Therefore, Directive 145 is amended by the addition of the following paragraph to § 4003.17c *Corn loan program, 1946 crop.*

The Department of Agriculture is authorized and directed, in carrying out the 1946 corn loan program, to make such loans available on shelled corn as well as on ear corn, and to establish March 31, 1947, as the closing date for loans to producers in angoumois moth infestation areas.

(56 Stat. 765, 58 Stat. 632, 642, 784, 59 Stat. 306, Pub. Law 548, 79th Cong; 15 U. S. C. Sup. 713a–8 and note, 50 U. S. C. App. Sup. 901–903, 921–925, 961–971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871, E. O. 9328, Apr. 8, 1943, 8 F. R. 4681, E. O. 9599, Aug. 18, 1945, 10 F. R. 10155, E. O. 9651, Oct. 30, 1945, 10 F. R. 13487, E. O. 9697, Feb. 14, 1946, 11 F. R. 1691, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929, E. O. 9762, July 25, 1946, 11 F. R. 8073, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 26th day of February 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47–1941; Filed, Mar. 3, 1947; 8:48 a. m.]

Chapter XXIV—Department of State, Disposal of Surplus Property and Administration of Lend-Lease

[DR 108.41; FLC Reg. 8, Amdt. 1 to Order 6]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES

Correction

In Federal Register Document 47–1824, appearing on page 1391 of the issue for Thursday, February 27, 1947, the bracket headnote should read as set forth above.

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

TONTO NATIONAL FOREST; ORDER FOR REMOVAL OF TRESPASSING BURROS

Whereas a number of burros are trespassing and grazing on land in the Tonto National Forest in the State of Arizona; and

Whereas these burros are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat., 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in the Tonto National Forest is issued:

Temporary closure from livestock grazing.[1] (a) The following-described area within the Tonto National Forest is hereby closed for the period March 1, 1947 to May 31, 1947, to the grazing of burros, excepting those that are lawfully grazing on or crossing such land pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding or pack animals by persons traveling over such land:

The Southeast part of Allotment No. 57, which contains approximately 40,000 acres, bounded by Salt River on the South, the Hughes Allotment drift fence from Apache Lake to Four Peaks on the East, by Boulder Creek (which heads near Four Peaks and enters Cottonwood Wash at Cottonwood Camp) and the Cottonwood Camp-Rio Verde Road on the North, and by Jones Canyon,, which is approximately 1½ miles east of the Bush Highway, on the West. All in unsurveyed Townships 3 and 4 North, Ranges 8, 9, and 10, East, Gila and Salt River Meridian.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such burros shall be given by posting notices in public places or advertising in newspaper of general circulation in the locality in which the Tonto National Forest is located.

(30 Stat. 35, 33 Stat. 628; 16 U. S. C. 472, 551)

Done at Washington, D. C., this 26th day of February 1947. Witness my hand and the Seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47–1943; Filed, Mar. 3, 1947; 8:48 a. m.]

[1] This affects tabulation contained in 36 CFR, § 261.50.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 17—MONEY-ORDER SYSTEM

INTERNATIONAL MONEY-ORDER SERVICE

1. Amend § 17.51 *Establishment of international money-order service,* by designating the present undesignated paragraph as paragraph (a) and by adding paragraphs (b) and (c), to read as follows:

(b) The maximum amount for which a single money order may be drawn is $100, but more than one order for that amount can be purchased on the same day. However, the limit for a single order payable in Honduras is $10, and only one order for that amount may be purchased on any one day by one remitter in favor of the same payee.

(c) The amounts of money orders payable in Great Britain and Northern Ireland are paid by means of new orders, reissued at the London exchange office. The order form will therefore be marked "Canceled" and sent with the advice and coupon to the New York exchange office. However, money orders payable in Ireland, (Eire, formerly the Irish Free State), the Union of South Africa, New Zealand, New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia are paid on the original order forms, and these documents will be handed to the remitters for transmission to the payees.

2. Amend § 17.55 *Exchange offices,* by adding a new paragraph (c), to read as follows:

(c) (1) There is shown below a list of the countries with which the United States has an exchange of money orders at the present time on the international basis.

Argentina.
Australia (Commonwealth of) consisting of—
New South Wales.
Queensland.
South Australia.
Tasmania.
Victoria.
Western Australia.
Belgium.
Brazil.
Chile.
Colombia.
Costa Rica.
Czechoslovakia.
Finland.
France.
Great Britain and Northern Ireland.
Greece.
Guatemala.
Honduras.
Hungary.
Iceland.
Ireland (Eire).
Lebanon.
Luxembourg.
Mexico.
New Zealand.
Palestine.
Peru.
Salvador.
Surinam.
Syria.
Union of South Africa (consisting of)—
Cape of Good Hope.
Natal and Zululand.
Orange Free State.
The Transvaal.
Uruguay.
Yugoslavia.

(2) Other places and countries to which money orders can again be sent through the intermediary of other countries are Gibraltar, British Somaliland, the Azores, Madeira, Mozambique, and Angola, but they cannot now be sent to Borneo, Burma, and the Channel Islands.

(3) Money-order service with the British Solomon Islands is conducted through the intermediary of New South Wales, but the only post office at which United States international money orders can be paid there now is Honiara, Guadalcanal. (R. S. 4027, 4028, sec. 1, 25 Stat. 654; 39 U. S. C. 711, 712)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-1940; Filed, Mar. 3, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

ATOMIC ENERGY COMMISSION

[Title 11, Ch. I]

SOURCE MATERIAL

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 28, 1947.

Pursuant to section 5 (b) of the Atomic Energy Act of 1946 (Public Law 585, 79th Congress, 60 Stat. 755–ff) and to section 4 (a) of the Administrative Procedure Act of 1946 (Public Law 404, 79th Congress), notice is hereby given of intention to formulate a regulation for the licensing of transfers of "source material" as defined in the Atomic Energy Act of 1946. Such regulation will prescribe conditions upon transfer, delivery, receipt of possession and of title to, and exports of source material, after removal from its place of deposit in nature.

Interested persons are hereby given opportunity to participate in formulation of the proposed regulation by submitting their views and other relevant information in writing to the Atomic Energy Commission, P. O. Box 42, Station F, New York 16, N. Y., within seven (7) days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated at Washington, D. C., this 28th day of February 1947.

By order of the Commission.

CARROLL L. WILSON,
General Manager.

[F. R. Doc. 47-2028; Filed, Mar. 3, 1947; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the following proposal submitted by the Control Committee and the Plum Commodity Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, as the agencies to administer the terms and provisions thereof with respect to plums:

That commencing with the marketing season beginning April 1, 1947, each shipment of plums into, in, or through either of the following regions in the State of California be regarded as directly burdening, obstructing, or affecting interstate or foreign commerce in plums:

(a) The San Francisco-Sacramento region, consisting of Marin County, Sacramento County, Contra Costa County, Alameda County, San Mateo County, and San Francisco County; and

(b) The Los Angeles-San Diego region, consisting of Ventura County, Los Angeles County, Orange County, and San Diego County.

All persons who desire to submit data, views, or arguments with respect to such proposal shall file the same with the Hearing Clerk, United States Department of Agriculture, Room 0308, South Building, Washington 25, D. C., not later than the close of business on the fifteenth day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "plums" and "marketing season" shall have the same meaning as is given to each such term in the amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Issued this 27th day of February 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1967; Filed, Mar. 3, 1947; 8:45 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-9]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4470, 4471, 4481, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167, 1028, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 392, 404, 463, 463a, 464, 474, 481, 489, 526–526t, 50 U. S. C. 1275), sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals and terminations of approvals are prescribed:

BUOYANT APPARATUS

Buoyant apparatus, 20-person capacity, 6' x 4' x 8" pine decking with copper tanks, Dwg. No. G-305-S, dated January 2, 1947, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. This approval supersedes the approval by the former Bureau of Marine Inspection and Navigation published in Bureau of Marine Inspection and Navigation Bulletin No. 243, dated January 2, 1936, for 18-person buoyant apparatus, Dwg. No. G-305, dated November 27, 1935, which is hereby terminated.

Buoyant apparatus, 5-person capacity, 5'2" x 2'8" elliptical shape, 0'7" diameter hollow aluminum, flush net platform, Dwg. No. 3135, dated September 30, 1946, Alt. February 4, 1947, manufactured by Welin Davit & Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. A-325, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2, not carrying passengers for hire, manufactured by Evr-Klean Manufacturing Company, 2301 Madison Ave., St. Louis 6, Mo.

Approval No. B-366, 13" x 17" x 2" rectangular buoyant cushion, 24 ounces kapok, Dwg. No. L-204, dated January 18, 1947, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Necessities Limited, P. O. Box 2148, Greenville, S. C.

Approval No. B-367, 14" x 14" x 2" seat, 18 ounces kapok, 14" x 14" x 2" back, 18 ounces kapok, double kapok buoyant cushion, Dwg. Nos. 4007, dated February 7, 1947, and 4006, dated February 9, 1947; Approval No. B-368, 14" x 18" x 2" rectangular kapok buoyant cushion, 22 ounces kapok, Dwg. No. 5051, dated February 8, 1947; Approval No. B-369, 12" x 48" x 2" rectangular kapok buoyant cushion; 51 ounces kapok, Dwg. No. 5052, dated February 8, 1947, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire; manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

FIRE INDICATING AND ALARM SYSTEM

Improved fire detector thermostat, marine type, 135° F. rating, open-circuit type, Dwg. No. M-2001, Alt. O, submitted by Improved Fire Detector Corp., 2023 West Lexington Street, Baltimore 23, Md. This approval supplements the approval published in the FEDERAL REGISTER November 1, 1944 (9 F. R. 13018). The references to "Alt. C" in the approval published in the FEDERAL REGISTER of November 1, 1944, is an error and should be "Alt. O.".

GAS MASKS AND BREATHING APPARATUS

Willson Type WUG-N1 universal gas mask, Bureau of Mines Approval No. BM-1432, consisting of BM-1432 canister, BM-1432 timer, BM-1432 harness, and BM-1423 facepiece, Willson Cat. P. 35, dated April 15, 1943, manufactured by Willson Products, Inc., Reading, Pa.

Willson Type WUG-N2 universal gas mask, Bureau of Mines Approval No. BM-1433, consisting of BM-1433 canister, BM-1432 timer, BM-1432 harness, and BM-1423 facepiece, Willson Cat. P. 35, dated April 15, 1943, manufactured by Willson Products, Inc., Reading, Pa.

Willson Type WIG-C1 ammonia gas mask, Bureau of Mines Approval No. BM-1425, consisting of BM-1425 canister, BM-1423 facepiece, and BM-1423 canister harness, Willson Cat. P. 36, dated April 15, 1943, manufactured by Willson Products, Inc., Reading Pa.

Chemox Oxygen Breathing Apparatus, 45 minutes, M. S. A. Assembly Dwg. A 1212-1 and A 1212-2, Bureau of Mines Approval No. BM-1307, manufactured by Mine Safety Appliances Co., Braddock, Thomas and Meade Streets, Pittsburgh 8, Pa.

LIFEBOAT

28' x 10' x 4' steel hand-propelled lifeboat, 67-person capacity, general arrangement Dwg. No. G-246-D, dated May 1, 1946, and revised August 13, 1946, submitted by C. C. Galbraith & Son, Inc., New York, N. Y.

LIFEBOAT COMPASS

Eriksen Stellar compensating compass (modified), Model 1A (wood box), and Model 2A (bakelite box), Assembly Dwg. No. G-112-7, dated October 24, 1946, submitted by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

WINCH

Landley Type WE-5 electric boat winch for use with mechanical davits fitted with wire rope not greater than ½ inch in diameter, working load 6000 pounds at the drums (3000 pounds per fall) with not more than 5 wraps of the falls on the drum, general arrangement Dwg. No. 1029-D, dated May 1, 1942, as revised June 16, 1942, submitted by the Landley Company, Inc., New York, N. Y.

CONDITIONS OF APPROVAL AND TERMINATION OF APPROVAL

The above approvals shall be effective upon the date of publication of this document in the FEDERAL REGISTER.

The termination of approval made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment made before the effective date of termination of approval may be used so long as it is in good and serviceable condition.

Dated: February 26, 1947.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 47-1957; Filed, Mar. 3, 1947; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 5]

GASTON DESAGNAT

Having considered the claim set forth below and having approved the Vested Property Claims Committee's determinations and allowance with respect thereto, which are incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determinations and allowance,[1] including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned as follows, after adequate provision for conservatory expenses:

Claimant and claim number	Notice of intention to return published—	Property
Gaston Desagnat, New York, N. Y., Claim No. A-414.	12 F. R. 198, January 11, 1947.	Property described in paragraph 3 of Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to U. S. Letters Patent Nos. 1,930,740, 1,976,986, 2,019,398, 2,066,964, Re. 21,285 and Re. 21,313, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

DONALD C. COOK,
Director.

[F. R. Doc. 47-1964; Filed, Mar. 3, 1947; 8:46 a. m.]

[Vesting Order 8223]

ELIZABETH B. SIEBE

In re: Estate of Elizabeth B. Siebe. File D-28-10387; E. T. sec. 14777.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Annie Hochsprung, Mathilda Graeber and Elsa Fortmann, and each of them, in and to the Estate of Elizabeth B. Siebe, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Annie Hochsprung, Germany.
Mathilda Graeber, Germany.
Elsa Fortmann, Germany.

That such property is in the process of administration by Frieda Siebe Stauf, and Wells Fargo Bank and Union Trust Company, as Co-executors, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

[1] Filed as part of the original document.

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1927; Filed, Feb. 28, 1947; 8:47 a. m.]

[Vesting Order 8240]

OTTO ROHM, JR., AND MARIANNE VON THUN-HOHENSTEIN

In re: Bank accounts and claim owned by Otto Rohm, Jr., and Marianne von Thun-Hohenstein.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Rohm, Jr., and Marianne von Thun-Hohenstein, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Otto Rohm, Jr., and Marianne von Thun-Hohenstein, by Otto Haas, 222–224 Washington Square, Philadelphia, Pennsylvania, in the amount of $30,570.41, as of May 6, 1941, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Frankford Trust Company, Philadelphia, Pennsylvania, arising out of a time account, entitled Mr. Otto Haas (Time Account) Washington Square, Philadelphia, Pennsylvania, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Frankford Trust Company, Philadelphia, Pennsylvania, arising out of a checking account, entitled Mr. Otto Haas, Trustee, Checking Account, 222–224 Washington Square, Philadelphia, Pennsylvania, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otto Rohm, Jr., and Marianne von Thun-Hohenstein, the aforesaid nationals of a designated enemy country;

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1961; Filed, Mar. 3, 1947; 8:46 a. m.]

[Vesting Order 8225]

HEDWIG E. WAELDE

In re: Estate of Hedwig E. Waelde, deceased, File No. D-28-10558; E. T. sec. 14959.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Alfred Waelde and Anna Waelde, and each of them in and to the Estate of Hedwig E. Waelde, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Alfred Waelde, Germany.
Anna Waelde, Germany.

That such property is in the process of administration by Bessie N. Page, Administratrix, acting under the judicial supervision of the Probate Court, Suffolk County, Massachusetts;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1926; Filed, Feb. 28, 1947; 8:47 a. m.]

[Vesting Order 8182]

LUDWIG GIESS

In re: Bond and mortgage, property insurance policy, trust receipt, checks and claim owned by Ludwig Giess.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Giess, whose last known address is Elm Strasse 21, Hamburg-Harburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. A mortgage executed on May 2, 1932, by Josephine R. Glashoff to Albert M. Friedenberg, and recorded on May 11, 1932, in the Office of the Register of the County of Kings, State of New York, in Liber 7768 of Mortgages, Page 104, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes and bonds and other instruments evidencing such obligations,

b. All right, title and interest of Ludwig Giess, in and to Fire Insurance Policy No. CJ528578, issued by the Liverpool, London & Globe Insurance Company, Ltd., 150 William Street, New York, New York, to Josephine R. Glashoff, which policy expires on May 11, 1949,

c. A participating interest in a mortgage evidenced by Trust Receipt No. 2319, Guaranty No. 267337, dated June 20, 1939, of Title Guarantee & Trust Company, New York, New York, now in possession of the Attorney General of the United States, which participating interest is in the face amount of $325.00, and any and all rights to demand, enforce and collect the obligation secured by the aforesaid participating interest and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of the aforesaid trust receipt,

d. Those certain debts or other obligations, owing to Ludwig Giess, evidenced by checks drawn on the Title Guarantee & Trust Company, 176 Broadway, New York, New York, payable to the said Ludwig Giess and which checks are now in possession of the Attorney General of the United States, and which checks are identified in Exhibit A attached hereto and by reference made a part hereof, including particularly but not limited to the right to possession and presentation for collection and payment of the aforesaid checks, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Ludwig Giess, by Title Guarantee & Trust Company, 176 Broadway, New York, New York, arising out of an account entitled "Ludwig Giess", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a to 2-e above, inclusive, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Check No.	Date	Amount
140322	Jan. 6, 1942	$6.58
143781	Feb. 2, 1942	3.20
148188	Mar. 3, 1942	2.90
153857	May 2, 1942	6.16
160528	July 1, 1942	6.20
163965	Aug. 4, 1942	3.10
168952	Oct. 1, 1942	5.65
175671	Dec. 9, 1942	6.03
182286	Feb. 4, 1943	6.10
188574	June 17, 1943	1.66
194106	June 18, 1943	11.82
202276	Aug. 7, 1943	6.00

[F. R. Doc. 47-1959; Filed, Mar. 3, 1947; 8:45 a. m.]

[Vesting Order 8270]

WILLIAM SPRICK

In re: Bank account and stock owned by William Sprick. F-28-23646-E-1, F-28-23646-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Sprick, whose last known address is Stelle im Luneburgischen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of First State Bank, Healy, Kansas, arising out of a checking account, entitled H. S. Jennison, Agent for William Sprick, a national of Germany, Stelle im Luneburgischen, Germanie, Blocked, and and any all rights to demand, enforce and collect the same, and

b. Eight (8) shares of $100.00 par value common capital stock of First State Bank, Healy, Kansas, a corporation organized under the laws of the State of Kansas, evidenced by certificate number 36, registered in the name of William Sprick, a citizen and national of Germany, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William Sprick, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1962; Filed, Mar. 3, 1947; 8:46 a. m.]

[Vesting Order 8181]

ANNA BUSCHER AND DIEDRICH JACHENS

In re: Bond and mortgage and interest in property insurance policy owned by Anna Buscher and Diedrich Jachens.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Buscher, whose last known address is Drawitz bei Potsdam, Germany, and Diedrich Jachens, whose last known address is Burgamm bei Bremman, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: a. A mortgage executed on March 1, 1922, by Joseph Blaustein and Sadie Blaustein, his wife, to United Trust Company, as trustee under the last will and testament of John A. Sharp, deceased, and recorded in the Office of the Register of Kings County, New York, on March 17, 1922, in Liber 5084 of mortgages, at Page 183, which was assigned by the United States Trust Company, as trustee under the last will and testament of John A. Sharp, deceased, to John H. Jachens, by assignment, dated February 24, 1925, and recorded in the Office of the Register of Kings County, New York, on March 3, 1925, in Liber 5996 of Mortgages, at Page 4, which mortgage is presently in the possession of the Attorney General of the United States, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, including particularly the right to possession of the aforesaid mortgage, and all notes, bonds and other instruments evidencing such obligations, and

b. All right, title and interest of the persons named in subparagraph 1 in and to Fire Insurance Policy No. 370533, issued by The Great American Insurance Company, New York, New York, insuring the premises subject to the mortgage described in subparagraph 2a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2a and and 2b above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1958; Filed, Mar. 3, 1947; 8:45 a. m.]

[Vesting Order CE 363]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Antonia Anzalone Rsla	Italy	Estate of Lilly Arnone, also known as Lilia Arnone, Lella Arnone, Lelia Arnone, Lillian Arnone, Lily Arnone, Lena Rosalie Arnone, Rosalie Arnone, Rosalie Anzalone Arnone, Lilly Anzalone and Lillian Anzalone, deceased, Surrogate's Court, Kings County, N. Y.; Index No. 4667-1944.	$10.80
		Item 2	
Salvatore Anzalone	do	Same	10.80
		Item 3	
Felice Anzalone	do	Same	10.80
		Item 4	
Francesca Anzalone	do	Same	10.80
		Item 5	
Pasquale Anzalone	do	Same	10.80
		Item 6	
Vittorio Cagnacci	do	Estate of Marcello Cagnacci, deceased, Surrogate's Court, Kings County, N. Y.; Docket No. 1508/46.	23.00
		Item 7	
Dorina Cagnacci	do	Same	23.00
		Item 8	
Giuseppina Cagnacci	do	Same	23.00
		Item 9	
Marietta Margherita Cagnacci	do	Same	28.00
		Item 10	
Giuseppe Cavo	do	Estate of Pasquale Cavo, deceased, Surrogate's Court, New York County, N. Y.; Docket No. P-595-1945.	21.00
		Item 11	
Francesca Moglia	do	Same	21.00
		Item 12	
Maria Semini	do	Same	21.00
		Item 13	
Angelo Laneri	do	Estate of Angelo Laneri, deceased, Surrogate's Court, Bronx County, N. Y.; Docket No. 1521-A-1945.	16.00
		Item 14	
Desolina Laneri	do	Same	16.00
		Item 15	
Luigi Serrati	do	Estate of Meriggio Serrati, deceased, Surrogate's Court, Kings County, N. Y.; Docket No. 9629-1945.	24.00
		Item 16	
Cristina Serrati	do	Same	24.00
		Item 17	
Raffaela Di Grazia	do	Estate of Vincenzo Di Grazia, deceased, Surrogate's Court, Queens County, N. Y.; Docket No. 5559-1944.	17.00
		Item 18	
Domenico Di Grazia	do	Same	17.00
		Item 19	
Irene Gillio	do	Estate of Firmine Domaine, deceased, Surrogate's Court, New York County, N. Y.; Docket No. P-656-1946.	14.00
		Item 20	
Andre Domaine	do	Same	14.00
		Item 21	
Marion Hodgskin	do	Estate of T. Ellett Hodgskin, deceased, Surrogate's Court, Kings County, N. Y.; Docket No. 7686-1945.	68.00
		Item 22	
Royal Archaeological Museum, also known as Institute of Etruscan Studies.	do	Estate of Elisa Akerly Richardson, deceased, Surrogate's Court, Kings County, N. Y.; Docket No. P-7348-1943.	83.00

[F. R. Doc. 47-1930; Filed, Feb. 28, 1947; 8:48 a. m.]

[Vesting Order CE 367[

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN MICHIGAN AND OHIO COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp. 503.6).

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Michelina Cisrla Sauro	Italy	Estate of Cresenzo Sauro, deceased, Probate Court, County of Marquette, Mich.	$39.00
		Item 2	
Angelo Michele Sauro	do	Same	33.00
		Item 3	
Mrs. Carl Jensen	Denmark	Estate of Niels Isaac Olsen, deceased, Probate Court, County of Wayne, Mich.; No. 320,877.	13.00
		Item 4	
Lars Peter Olsen	do	Same	13.00
		Item 5	
Mrs. Jenstine Nielsen	do	Same	13.00
		Item 6	
John (Jan) Guzek	Poland	Estate of Walter Guzek, also known as Wladislaw Guzek, deceased, Probate Court, Cuyahoga County, Ohio; No. 334,366.	19.00
		Item 7	
Anna Guzek Zera	do	Same	19.00
		Item 8	
Albert Wojtkowiak	do	Estate of Antonina Wojtkowiak, deceased, Probate Court, Wayne County, Mich.; No. 325-410.	26.00

[F. R. Doc. 47-1934; Filed, Feb. 28, 1947; 8:48 a. m.]

[Vesting Order 8183]

FLORENCE D. UHDE

In re: Real property, bond and mortgage, interests in bonds and mortgages, checks, securities, claims, bank account and interests in property insurance policies owned by Florence D. Uhde.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Florence D. Uhde, whose last known address is 37 Marcus Allee, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the Borough of Manhattan, City, County and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. A mortgage executed on November 10, 1922, by Mini Distelhaim to Florence D. Uhde, and recorded on November 11, 1922, in the Office of the Register of New York County, New York, in Liber 3317 of Mortgages, at Page 117, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

c. An undivided one-fourth interest in a mortgage executed on June 18, 1925, by Elizabeth Schindler to Farmers' Loan and Trust Company, and recorded on July 22, 1925, in the Office of the Register of New York County, New York, in Liber 3607 of Mortgages, at Page 287, and any and all obligations secured by said interest in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

d. An undivided one-half interest in a mortgage executed on April 12, 1906, by Cecelia Haft to Lawyers Title Insurance and Trust Company, and recorded on April 13, 1906, in the Office of the Register of Kings County, New York, in Liber 84 of Mortgages, at Page 177, and any and all obligations secured by said interest in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

e. All right, title and interest of Florence D. Uhde, in and to the property insurance policies particularly described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the premises subject to the mortgages described in subparagraphs 2-c and 2-d hereof, including particularly but not limited to the claim of Florence D. Uhde against Norwich Union Fire Insurance Society, Ltd., arising by reason of

the damage by fire on January 6, 1945, to the premises subject to the mortgage referred to in Paragraph 2-d hereof and insured by Norwich Union Fire Insurance Society, Ltd., under Fire Insurance Policy No. 31706, and the right to enforce and collect such claim,

f. That certain debt or other obligation owing to Florence D. Uhde by the Superintendent of Insurance of the State of New York, as liquidator of Lawyers Mortgage Company arising out of a guaranty of a certain mortgage, which is designated on the books of the Superintendent of Insurance of the State of New York as Claim Number 69064 and any and all rights to demand, enforce and collect the same,

g. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, to Florence D. Uhde, arising out of an account entitled Florence D. Uhde, and any and all rights to demand, enforce and collect the same,

h. These certain securities owned by Florence D. Uhde, particularly described in Exhibit C, attached hereto and by reference made a part hereof, held in Blocked Account No. 10743, at City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all accruals thereon, and

i. Two (2) checks or other credit instruments, drawn by the Treasurer of the United States and by the Lawyers Mortgage Company, respectively, particularly described in Exhibit D, attached hereto and by reference made a part hereof, and presently in the custody of Carl Petrasch, Mount Kisco, New York, and any and all rights in, to and under, including particularly, but not limited to, possession and presentation for collection and payment, of the aforesaid checks or other credit instruments, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b to 2-i hereof, inclusive.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that lot or parcel of land, situate, lying and being in the Borough of Manhattan, of the City of New York, in the County and State of New York, bounded and described as follows:

Beginning at a point on the southerly side of Rivington Street distant 49'1" westerly from the southwesterly corner of Rivington Street and Mangin Street; running thence southerly parallel with Mangin Street and part of the distance through a party wall 75'; thence westerly and parallel with Rivington Street 25'; thence northerly and parallel with Mangin Street 75' to the southerly side of Rivington Street; thence easterly along the southerly side of Rivington Street 25' to the point or place of beginning. Be the said several dimensions more or less.

EXHIBIT B

Property Insurance Policies in Possession of City Bank Farmers Trust Company, 22 William Street, New York, New York

Fire Insurance Policy No. 938233 of the Union Assurance Society, Ltd., issued to the City Bank Farmers Trust Company, assured, on the building located at 24 East 80th Street, Brooklyn, New York, in the amount of $10,000.00, expiring January 14, 1948.

Fire Insurance Policy No. F349318 of the Sun Insurance Office, Ltd., issued to the City Bank Farmers Trust Company, assured, on the building located at 24 East 80th Street, Brooklyn, New York, in the amount of $38,000.00, expiring March 13, 1947.

Liability Policy No. GLPL745400, Certificate No. 1073 of the Employers Liability Assurance Corporation, issued to the City Bank Farmers Trust Company, assured, on the building located at 24 East 80th Street, Brooklyn, New York, in the amounts of $100,000.00/500,000.00, expiring February 1, 1949.

Property Insurance Policies in Possession of Lawyers Mortgage Corporation, 135 Broadway, New York, New York.

Fire Insurance Policy No. 31706 of the Norwich Union Fire Insurance Society, Ltd., issued to the Estate of Anthony Jireck, assured, on the building located at 466-15th Street, Brooklyn, New York, in the sum of $20,000.00, expiring July 20, 1948; loss if any under this policy is payable to Alice Petrasch and Florence D. Uhde.

EXHIBIT C

Certificate No. WB1788, dated May 23, 1935, of The Industrial Company of America, registered in the name of King & Co., and representing an option to purchase 20 shares of common stock of The Industrial Company of America at $155 per share,

Certificate No. WB1689, dated February 14, 1935, of The Industrial Company of America, registered in the name of King & Co., and representing an option to purchase 30 shares of common stock of The Industrial Company of America at $155 per share,

Voting Trust Certificate, No. 17872, dated November 1, 1943, for 11 shares of $5 par value stock of Lawyers Mortgage Corporation, issued to Florence D. Uhde, together with all declared and unpaid dividends thereon,

Certificate of Indebtedness No. 916, dated November 15, 1922, of the South Carolina Gas and Electric Company, in the amount of $690.00, issued to Florence D. Uhde, and any and all rights to demand, enforce and collect the same, and

16⅓₀ shares $10.00 par value capital stock of Rueter and Company, evidenced by Certificate No. 105 for ⅓₀th share, registered in the name of Farmers' Loan and Trust Company, Trustee for Florence D. Uhde, Certificate No. 99 for ²⁄₃₀ths share and Certificate No. 98 for 16 shares, each registered in the name of Florence D. Uhde, together with all declared and unpaid dividends thereon.

EXHIBIT D

Checks in the possession of Carl Petrasch, residing at Mount Kisco, New York, which are payable to Florence D. Uhde:

Check No. 961-215 of the Treasurer of the United States, dated April 24, 1940, made payable to Florence D. Uhde in the amount of $480.95.

Check No. GH No. V 69064 of the Lawyers Mortgage Company, dated July 20, 1942, made payable to Florence D. Uhde, in the amount of $52.92.

[F. R. Doc. 47-1960; Filed, Mar. 3, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1450]

CONTINENTAL GAS & ELECTRIC CORP. AND KANSAS CITY POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of February 1947.

Kansas City Power & Light Company ("Kansas City"), a subsidiary of Continental Gas & Electric Corporation ("Continental"), a registered holding company and in turn a subsidiary of The United Light and Railways Company, and Continental having filed a joint application-declaration pursuant to sections 6, 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder regarding the issuance and sale by Kansas City and the acquisition by Continental of an additional 172,000 shares of common stock of Kansas City without par value for a cash consideration of $3,500,000 for the purpose of financing the construction of facilities by Kansas City; and

Said joint application-declaration having been filed on February 6, 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing thereon within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and request having been made for accelerated action upon the joint application-declaration; and

The Commission finding with respect to said joint-application that the requirements of the applicable sections of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary thereunder, and that action upon said joint application-declaration should be accelerated; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant and permit said application-declaration to become effective; such action, however, to be without prejudice to the Commission's subsequent consideration and determination of any of the issues in the pending section 11 proceedings with respect to Continental and The United Light and Railways Company;

It is hereby ordered, Effective forthwith, pursuant to Rule U-23 and the applicable provisions of the act, that the joint application-declaration be and the same hereby is granted and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1938; Filed, Mar. 3, 1947; 8:47 a. m.]

[File Nos. 52-24, 70-1258]

MIDLAND REALIZATION CO. ET AL.

ORDER RELEASING JURISDICTION OVER TERMS OF INVITATION FOR BIDS AND FORM OF BID AND STOCK PURCHASE AGREEMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of February 1947.

In the matter of Midland Realization Company, Midland Utilities Company, File No. 52-24; The Middle West Corporation, File No. 70-1258.

Midland Realization Company ("Realization"), a registered holding company, and its subsidiary, Midland Utilities Company ("Utilities"), also a registered holding company, having jointly filed a post effective amendment to a modified plan of reorganization pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 ("act") and section 222 of the Bankruptcy Act, as amended, relating to the direct liquidation of the two companies; and

The Middle West Corporation ("Middle West"), also a registered holding company, as the holder of shares of capital stock of Realization, having filed applications-declarations to permit it to acquire from time to time, pursuant to said post effective amendment to the modified plan, securities to be distributed by Realization and to permit it to dispose of, from time to time, all or any part of such acquired securities; and

The Commission having, by its order of July 17, 1946, among other things, granted and permitted to become effective applications-declarations regarding the sale of the common stock of Northern Indiana Public Service Company held by Realization, Utilities, and Middle West, pursuant to the requirements of Rule U-50 and subject to a reservation of jurisdiction, among other things, over the terms of the invitations for bids and the form of bid and stock purchase agreement; and such documents having been filed; and

The Commission having examined the said documents, and it appearing that the jurisdiction so reserved may properly be released:

It is hereby ordered, That the jurisdiction heretofore reserved over the terms of the invitation for bids, the form of bid, and the stock purchase agreement with respect to the sale of the common stock of Northern Indiana Public Service Company be, and the same hereby is, released, and the jurisdiction heretofore reserved with respect to the other matters specified in said order of July 17, 1946, be, and the same hereby are, in all respects continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1939; Filed, Mar. 3, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 130]

RECONSIGNMENT OF PEARS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 24, 1947, by M. Rosen Co., of car PFE 61323, pears, now on the B. & O. RR., to New York, N. Y. (B&O—Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1950; Filed, Mar. 3, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 131]

RECONSIGNMENT OF APPLES AT COLUMBUS, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Columbus, Ohio, February 24, 1947, by Sanzone Palmisano Company, of car FGE 20112, apples, now on the Baltimore and Ohio Railroad, to Sanzone Palmisano Company, Cincinnati, Ohio (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1951; Filed, Mar. 3, 1947; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-866]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER FIXING DATE FOR HEARING

Upon consideration of the application of Kansas-Nebraska Natural Gas Company, Inc., filed pursuant to section 7 of the Natural Gas Act, as amended;

It appears to the Commission that:

(a) Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation engaged in the transportation and sale of natural gas in the States of Kansas and Nebraska, filed on February 18, 1947, an application for a certificate of public convenience and necessity authorizing the construction, maintenance and operation of the following facilities, to wit:

A certain gas pipeline approximately 47 miles in length extending from a connection with the existing pipelines of Applicant at or near the City of Cambridge, in Furnas County, Nebraska; thence in a generally northerly and northeasterly direction into and through the County of Frontier, in said State, and thence northerly into and through the County of Dawson, in said State, to a point of connection with the existing 6-inch pipeline of Applicant at or near the town of Cozad, in the last mentioned county.

(b) The aforesaid facilities are to consist of approximately 30 miles of new so-called 6-inch invasion or government surplus pipe, approximately 2 miles of new 6⅝-inch pipe and approximately 15 miles of reclaimed and reconditioned 6⅝-inch pipe. By means of this pipeline Applicant proposes to move approximately 6,000 Mcf of natural gas per day into the Platte River Valley in the State of Nebraska.

(c) The aforesaid application was filed as an emergency application for a temporary certificate so that construction could be commenced as soon as weather conditions permit. It is claimed imperative to the interest of the farm-

ing element in the State of Nebraska and the general welfare of the State itself, that the proposed line be placed in service as soon as possible.

(d) Applicant states that the additional gas is necessary for the use of alfalfa dehydrating plants now connected and several additional plants to be connected, the construction of which has been announced or is in prospect, and to maintain adequate service to its domestic customers in the State of Nebraska.

(e) Applicant estimates the total overall capital cost of the proposed pipeline construction to be approximately $230,200 and states that it has on hand and paid for all the necessary materials except items aggregating about $40,000, most of which are in transit and the cost thereof will be met out of current funds.

(f) Hearings are now set for March 4, 1947, at Wichita, Kansas, on other applications for certificates of public convenience and necessity filed by Applicant and it is reasonable and good cause exists by reason of the aforesaid allegations that this application be set for hearing immediately.

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the sixth day of March 1947, at 10:00 a. m., in District Court Room, Main Post Office Building, Wichita, Kansas, concerning the matters of fact and law presented by the application filed in the above-entitled proceeding.

(B) Interested State commissions may participate, as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 26, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1952; Filed, Mar. 3, 1947; 8:49 a. m.]

[Project No. 1956]

LYLES FORD TRI-COUNTY POWER AUTHORITY

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

FEBRUARY 27, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C., 791-825r), that Lyles Ford Tri-County Power Authority, of Union, South Carolina, has applied for preliminary permit for proposed Project No. 1956 on the Broad and Congaree Rivers, in Chester, Fairfield, Laurens, Lexington, Newberry, Richland, and Union Counties, South Carolina, consisting of three developments known respectively as the Blairs and Frost Shoals units on the Broad River, and Columbia Regulating Dam on the Congaree River and appurtenant hydroelectric facilities.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted on or before March 27, 1947, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1956; Filed, Mar. 3, 1947; 8:49 a. m.]

[Docket Nos. G-852, G-685 and G-694]

UNION GAS SYSTEM, INC.

ORDER CONSOLIDATING PROCEEDINGS FOR HEARING AND FIXING DATE THEREOF

Upon consideration of the following applications filed pursuant to section 7 of the Natural Gas Act, as amended, it appears to the Commission that:

(a) Union Gas System, Inc., a Kansas corporation with its principal place of business at Independence, Kansas filed on January 27, 1947, Docket No. G-852, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition of the facilities of Union Gas System, Inc., a Delaware corporation, consisting of a pipeline system extending in general from northern Oklahoma north in Kansas to Burlington, Kansas, and extending east and west from approximately Cedar Vale, Kansas, to Altamont, Kansas, and the operation of such facilities for the transportation of natural gas in rendering the same service as performed by Union Gas System, Inc., the Delaware corporation.

(b) Union Gas System, Inc., a Delaware corporation, filed on November 29, 1945, Docket No. G-685, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the transportation of natural gas in interstate commerce by means of facilities not heretofore used in such transportation in the counties of Chautauqua and Montgomery, in the State of Kansas and to construct and operate facilities for the interconnection of its pipeline system with the pipeline system of Cities Service Gas Company, east of Sedan, Kansas. Temporary authorization to operate the facilities was granted by the Commission on November 26, 1946.

(c) Union Gas System, Inc., a Delaware corporation, filed on January 14, 1946, Docket No. G-694, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the transportation of natural gas in interstate commerce at some future time by means of facilities not heretofore used in such transportation, which facilities were to be acquired from The Independent Industrial Gas Company and The Veeder Supply and Development Company, Delaware corporations, consisting of facilities in and extending north and east from Coffeyville, Kansas.

(d) The foregoing applications are related and should be consolidated for hearing.

The Commission orders that:

(A) The aforesaid proceedings, Docket Nos. G-852, G-685 and G-694 involving applications of Union Gas System, Inc., be and the same hereby are consolidated for hearing.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 10, 1947, at 10 a. m., c. s. t., in Room 519, United States Court House, Kansas City, Missouri, concerning the matters of fact and law asserted in the applications filed in the aforesaid proceedings.

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: February 26, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1953; Filed, Mar. 3, 1947; 8:49 a. m.]

[Docket No. G-553]

KENTUCKY NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 27, 1947.

Notice is hereby given that, on February 26, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1954; Filed, Mar. 3, 1947; 8:49 a. m.]

[Docket No. G-586]

KENTUCKY NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 27, 1947.

Notice is hereby given that, on February 26, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1955; Filed, Mar. 3, 1947; 8:49 a. m.]

Reference

MAR 6 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 1934 NUMBER 45

Washington, Wednesday, March 5, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2718

"I AM AN AMERICAN DAY", 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the rise of the United States of America to a place of eminence among nations in less than two centuries has been greatly enhanced by the migration to its shores of pioneering, freedom-loving peoples; and

WHEREAS the political life-blood of the Nation is annually renewed by the coming of voting age of more than two million native-born young men and women; and

WHEREAS the combined talents, skills, service, and loyalty of these mingled native-born and foreign-born peoples have brought us victoriously through the greatest of all wars; and

WHEREAS in the teamwork of democracy the requisites for good citizenship are not place of birth or race or religious belief; but character, education, cooperation, and loyalty; and

WHEREAS the stupendous task of all men in this new age is to strive to remove from the world the age-old curse of warfare, and to advance the cause of freedom and brotherhood:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the Congress in Public Resolution 67, approved May 3, 1940, do hereby designate Sunday, May 18, 1947, as "I Am an American Day," and do set aside that day as a public occasion for the honoring of American citizenship by giving special recognition to those who have become naturalized as citizens during the past year and to the young people who have during the year assumed full responsibilities of citizenship by coming of age.

And I urge Federal, State, and local officials and patriotic, civic, and educational organizations to plan and hold, on or about May 18, exercises designed to help our citizens better to understand their privileges and responsibilities as participants in our representative democracy, to the end that world peace and domestic felicity may be attained and perpetuated.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of March in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL] HARRY S. TRUMAN

By the President:

G. C. MARSHALL, *Secretary of State.*

[F. R. Doc. 47-2051; Filed, Mar. 3, 1947; 12:08 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of Secretary of Agriculture

PART 7—PRICE DECONTROL AND RECONTROL

CERTIFICATION OF AGRICULTURAL COMMODITIES NO LONGER IN SHORT SUPPLY

Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and particularly by section 1A (e) (1) of said act as added by the Price Control Extension Act of 1946, I hereby certify to the Temporary Controls Administrator that modifications in the certification of commodities in short supply (§ 7.50 *Certification of agricultural commodities in short supply*), made on September 1, 1946, as amended (11 F. R. 9669, 11349, 13135, 14063, 12 F. R. 60, 12 F. R. 825), should be and the same hereby are, made as follows:

The following commodities are determined to be no longer in short supply:

Skim milk including all food or feed products thereof.
Gum turpentine.
Fresh and frozen fish of the following species: Maine sardines, tuna, yellowtail, bonito, other tuna-like fish, and pilchards.

(Pub. Law 548, 79th Cong.)

Done this 27th day of February 1947.

[SEAL] N. E. DODD, *Acting Secretary of Agriculture.*

[F. R. Doc. 47-1988; Filed, Mar. 4, 1947; 8:57 a. m.]

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FEDERAL REGISTER

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PART 306—CLAIMS AGAINST THE UNITED STATES

CLAIMS COGNIZABLE UNDER FEDERAL TORT CLAIMS ACT

A new section is added to Part 306 to read as follows:

§ 306.29 *Claims cognizable under the Federal Tort Claims Act for damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of military personnel or civilian employees of the War Department or of the Army while acting within the scope of their office or employment*—(a) *Scope.* Subject to exclusions set forth in paragraph (c) of this section, the act and this section provide the exclusive authorization and procedure whereby the Secretary of War, or his designee, may consider, ascertain, adjust, determine and settle claims for $1,000 or less, accruing on or after January 1, 1945, on account of damage to or loss of property, or on account of personal injury or death, caused in the United States or its territorial possessions by the negligent or wrongful act or omission of military personnel or civilian employees of the War Department or of the Army while acting within the scope of their employment.

(1) Nothing contained in the act or the regulations set forth in this section, abridges the existing legal authority of the Secretary of War to consider, ascertain, adjust, determine, settle, or pay any claim on account of damage to or loss of property or on account of personal injury or death, in cases where such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under the act and this section.

(2) The provisions of the act do not apply to:

(i) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid; or based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(ii) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(iii) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(iv) Any claim for which a remedy is provided by the act of March 9, 1920 (46 U. S. C. 741–752, inclusive) or the act of March 3, 1925 (46 U. S. C. 781–790, inclusive), relating to claims or suits in admiralty against the United States.

(v) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act, as amended.

(vi) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(vii) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(viii) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse or process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(ix) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(x) Any claim arising out of the combatant activities of the military forces during the time of war.

(xi) Any claim arising in a foreign country.

(xii) Any claim arising from the activities of the Tennessee Valley Authority.

(b) *Claims in excess of $1,000.* The War Department does not have legal authorization to consider administratively claims in excess of $1,000 which are otherwise cognizable under the act. The claimant's remedy, if any, in such cases is by suit in the United States District Court for the district wherein the claimant is resident or wherein the act or omission complained of occurred, including the United States District Courts for the Territories and possessions of the United States.

(c) *Acts or omissions*—(1) *Military personnel and civilian employees.* Military personnel and civilian employees whose acts or omissions may give rise to claims within the scope of the act and the regulations set forth in this section, include members of the military forces of the United States and persons acting on behalf of the War Department in an official capacity, temporarily or permanently in the service of the United States whether with or without compensation.

(2) *Scope of employment.* Acts or omissions of military personnel and civilian employees may give rise to claims payable under the provisions of the regulations set forth in this section, only if such acts or omissions occur while such military personnel or civilian employees are acting within the scope of their employment. Activities of military personnel and civilian employees in the course of which such acts or omissions may occur are ordinarily within the scope of employment if the performance thereof is directed, or if of a kind the performance of which is expressly or impliedly authorized, or if the purpose is, at least in part, to serve the Government.

(3) *Proximate cause.* Claims against the War Department for $1,000 or less, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of military personnel or civilian employees while acting within the scope of their employment, are payable according to this section only where the circumstances are such that the United States, if a private person, would be liable to the claimant under the law of negligence of the place where the act or omission occurred. Acts or omissions involving a lack of reasonable care will be the basis of claims payable under the local law of most jurisdictions. If the proximate cause of the accident or incident is the act or omission of persons other than military personnel or civilian employees, as defined in subparagraph (1) of this paragraph, the claim will not be payable, as a general rule, under local law. If the proximate cause of the accident or incident is the joint or concurrent tortious act or omission of military personnel or civilian employees and of one or more persons other than the claimant, his agent, or employee, the claim will be considered, and determined necessarily, under the local law pertaining to joint tort-feasors. Acts or omissions constituting a mere condition without the existence of which the accident or incident could not have occurred, and which are not the proximate cause thereof, will not constitute a proper basis for finding of liability under the applicable local law as a general rule. For example, the mere violation of certain statutory laws or ordinances providing standards of safety may be declared to be negligence (per se), but such violations will not constitute the basis of liability under local laws generally unless the unlawful acts or omissions are deemed a proximate cause of the accident or incident in that jurisdiction.

(d) *Contributory negligence.* The law of the place where the act or omission occurred will be followed in determining whether contributory negligence is present under the facts of the accident or incident, and also in ascertaining the effect of contributory negligence as a bar to the claim under consideration. Contributory negligence will constitute an absolute bar to a claim under applicable local law in practically all jurisdictions. The doctrine of comparative negligence is recognized in few places.

(e) *Claims of subrogees.* (1) Settlement of claims not exceeding $1,000 will be made solely with the insured rather than with the insurer or with both the insured and insurer, in cases of damage, loss, destruction, injury, or death, covered by insurance. No inquiry will be made into the relative interests between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount approved will be made in the name of and to the insured. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, insurance policy provisions, or other satisfactory documentary evidence.

(2) The principles set forth in subparagraph (1) of this paragraph, with respect to subrogation arising from insurance contracts, are applicable to all cases of subrogation.

(3) Although a claim filed in the name of a subrogee may not be considered by the War Department under this section pertaining to the settlement of claims for $1,000 or less, the substantive rights of the subrogee will be determined when properly presented in accordance with the law of the place where the negligent or wrongful act or omission of the Government employee, while acting within the scope of his office or employment, occurred.

(f) *Statute of limitations.* (1) Claims for $1,000 or less, against the United States, cognizable under the act and the regulations set forth in this section, must be presented in writing to the War Department within 1 year after such claim accrued or within 1 year after August 2, 1946, the date of enactment of the act, whichever is later.

(2) A suit may be filed pursuant to the act if brought within 1 year after such claim accrued or within 1 year after the date of enactment of this act, whichever is later. In the event that a claim for a sum not exceeding $1,000 is presented to the War Department, the time to institute a suit under the act shall be extended for a period of 6 months from the date of mailing of notice to the claimant by the War Department with respect to the final disposition of the claim, or for a period of 6 months from the date of withdrawal of the claim from the War Department.

(g) *Acceptance of award.* (1) The acceptance by the claimant of any award, compromise, or settlement made pursuant to the act and this section shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employees of the War Department whose act or omission gave rise to the claim.

(2) An acceptance agreement and general release will be required of and signed by the claimant, or claimants, as a condition precedent to payment under the act and this section in all cases except where the claim is for property damage only, and is approved in the amount claimed, and the report of claims officer shows affirmatively that no persons were injured or killed in the accident or incident giving rise to the claim for property damage.

(h) *Attorneys' fees.* (1) The Secretary of War or his designee, making an award pursuant to the act and this section, may, as a part of the award, determine and allow reasonable attorneys' fees, which, if the amount awarded is $500 or more, shall not exceed 10 per centum of the sum approved, and shall be paid to the attorney representing the claimant, out of, but not in addition to, the amount of the award. The limitation of 10 per centum will not apply when the award is less than $500.

(2) Attorneys' fees may be fixed under subparagraph (1) of this paragraph, only on written request of either the claimant or his attorney.

(i) *Injury or death of military personnel or civilian employees.* (1) Claims on account of personal injury or death of military personnel of the War Department incurred in line of duty will not be considered administratively under the provisions of this section.

(2) Claims on account of personal injury or death of civilian employees of the War Department, to whom the Federal Employees' Compensation Act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751), as amended, is applicable, will not be considered administratively under the provisions of this section.

(3) Claims for medical, hospital and burial expenses, on account of injury or death of military personnel or civilian employees of the War Department or of the Army, will be first considered under the provisions of §§ 707.1–707.9 of Chapter VII and AR 40–505 (Medical Attendance—General Provisions), §§ 707.40–707.46 and AR 40–510 (Dental Attendance), or §§ 306.50–306.53 and AR 30–1830 (Burial Expenses); claims of civilian employees not within the provisions of AR 40–505, 40–510, or 30–1830, may be within the jurisdiction of the United States Employees' Compensation Commission under the provisions of the act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751), as amended (§ 306.17 (b) and AR 25–25).

(j) *Approval or disapproval of claims.* Subject to appeal to the Secretary of War, claims under the provisions of this section may be approved or disapproved, in whole or in part, by the Chief, Claims and Litigation Group, Office of The Judge Advocate General, Washington 25, D. C. (See Subtitle A, Part 2, §§ 2.101 to 2.106, inclusive, 11 F. R. 177A–780.)

(k) *Appeal.* (1) Upon disapproval of a claim in whole or in part by the approving authority, the claimant will be notified in writing of the action taken and the reason therefor; and he will in such notice be advised of his right to appeal, stating in such appeal the grounds relied on, to the Secretary of War, through the authority disapproving the claim, within 30 days after the receipt by the claimant of such notification. An appeal will be considered as having been taken seasonably if mailed or delivered within 30 days after the receipt by the claimant of such notification. No notice of the right to appeal is necessary if the full amount claimed is approved for payment.

(2) The action of the approving authority in approving or disapproving a claim in whole or in part will be final and conclusive for all administrative purposes unless the claimant appeals in writing to the Secretary of War as herein provided.

(l) *Conditions of payment.* Prior to payment by the War Department of any claim within the provisions of the act and this section, each of the following conditions must be fulfilled:

(1) The amount of the damage, loss, or destruction, or the amount payable on account of personal injury or death, must be determined in accordance with the law of the place where the negligent act or omission occurred.

(2) The payment must not exceed $1,000.

(3) Claims by subrogees will not be recognized except as an element of the subrogor's claim.

(4) The claim must be presented within 1 year after the occurrence of the accident or incident out of which the claim arises or within 1 year after August 2, 1946, the date of enactment of the act, whichever is later.

(5) Negligence or wrongful act of the claimant, constituting a proximate cause, bars a claim in most jurisdictions. However, the effect of contributory negligence on the part of the claimant as a bar to his claim must be determined in each instance in accordance with the law of the place where the act or omission occurred.

(6) The claim must be approved as provided in paragraph (j) of this section, or, on appeal, by the Secretary of War.

(7) The claimant must accept, in writing, in full satisfaction and final settlement:

(i) The amount approved for personal injury or wrongful death, even though equal to amount claimed.

(ii) The amount approved for property damage or loss if less than the amount claimed.

(iii) The amount approved for property damage or loss equal to amount claimed when personal injury or death resulted also from the accident or incident giving rise to the claim for property damage, even though no claim is filed on account of the personal injury or death.

(8) Claims payable under the provisions of Article of War 105 (see § 306.25 and AR 25–80) are not payable under the provisions of this section.

(9) Claims payable under the provisions of AR 25–25 (see §§ 306.12 to 306.21) are not payable under the provisions of this section.

(10) Foreign claims payable under the provisions of AR 25–90 (see § 306.26) are not payable under the provisions of this section.

(11) Personnel claims payable under the provisions of AR 25–100 (see § 306.27) are not payable under the provisions of this section.

(12) Claims for personal injury or death of military personnel or civilian employees incident to their service are not payable under the provisions of this section.

(m) *Superseded provisions.* With respect to claims for $1,000 or less, and otherwise cognizable under the act and this section, the Federal Tort Claims Act (Pub. Law 601, 79th Cong.) repeals all provisions of law, and this section supersedes other regulations, authorizing the War Department to consider, ascertain, adjust, determine, settle, or pay such claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any military personnel or civilian employee of the War Department while acting within the scope of his office or employment. The act and this section provide the exclusive procedure whereby these claims for $1,000 or less, predicated on negligence, may be processed. See paragraph (a) of this section. [AR 25–70, Jan. 1, 1947] (Title IV, Pub. Law 601, 79th Cong.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47–2004; Filed, Mar. 4, 1947; 8:57 a. m.]

Chapter VII—Personnel

PART 701—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Rescind paragraphs (k) and (l) of § 701.30 and substitute the following therefor:

§ 701.30 *Enlistments and reenlistments in the Regular Army pursuant to the act of June 1, 1945, as amended by the Armed Forces Voluntary Recruitment Act of 1945.* • • •

(k) *Grades in which enlisted; former enlisted men and individuals with no prior service.* Applicants for enlistment or reenlistment in the Regular Army will be enlisted in the grades specified in this paragraph:

(1) Provided enlistment is accomplished on or after January 1, 1947.

(i) Individuals honorably discharged from the Army of the United States (including Regular Army) may enlist in the Regular Army in the grade held at time of discharge, permanent or temporary, whichever is higher, provided they enlist for a 3-year period within 20 days from the date of last discharge.

(ii) Individuals who have had satisfactory active service in the Army of at least 6 months, and who enlist within 20 days after the date of discharge from active service, if not eligible to enlist in a higher grade under the provisions of subdivision (i) of this subparagraph will be enlisted in grade six (private first class).

(2) Certain former enlisted men who have not enlisted in the Regular Army, and who are not eligible to enlist therein in a grade higher than the seventh grade under the provisions of subparagraph (1) of this paragraph, may be enlisted in grades commensurate with their prior training and experience.

(3) All other applicants, except as authorized in paragraph (l) of this section will be enlisted in grade seven (private).

(l) *Grades in which enlisted; former officers, warrant officers, and flight officers.* (1) An applicant for enlistment whose last period of active service in the Army was in the status of commissioned officer, warrant officer, or flight officer, whose release from such status was under honorable conditions and who enlists for a 3-year period within 20 days from date of release from active service (date of release from active service is, for this purpose, the last day of terminal leave granted) will be enlisted in grade one except as follows:

(i) On and after July 1, 1947 an applicant for enlistment whose last period of active service was in the status of a commissioned officer, warrant officer, or flight officer, if enlistment for assignment to Army Air Forces is desired, will be enlisted in grades to be prescribed by the Commanding General, Army Air Forces.

(ii) On and after July 1, 1947, in addition to the exception cited in subdivision (i) of this subparagraph, an applicant for enlistment whose last period of service in the Army was in the status of a commissioned officer, whose basic Arm at time of separation was Air Corps; flight officer; or warrant officer of classification number 8 (MOS 4902—Technical Supply Officer, Air), 12 (MOS 8219—Weather Officer), 13 (MOS 8502—Aerial Photographic Officer), 15 (MOS 4823—Aircraft Engineering Officer), 16 (MOS 4822—Armament and Chemical Officer, Aviation), 17 (MOS 4825—Bombsight Maintenance Officer), or 28 (MOS 0200—Communications Officer, Air Corps), if enlistment for assignment other than Army Air Forces is desired will be enlisted in a grade to be prescribed by the appropriate army commander or chief of the administrative or technical service concerned. (This paragraph does not apply to commissioned officers of other arms and services or warrant officers, of any classification other than those listed in this subparagraph on duty with Army Air Forces.)

(2) An applicant for enlistment whose last period of active service in the Army was in the status of commissioned officer, warrant officer, or flight officer, whose release from such status was under honorable conditions, and who is not eligible to enlist in the Regular Army under the provisions of subparagraph (1) of this paragraph may be enlisted in grades commensurate with his prior training and experience.

(3) The provisions of this paragraph and the fact that no further change in this policy is contemplated will be brought immediately to the attention of all officers, warrant officers, and flight officers on active duty, except Regular Army officers.

[WD Cir. 31, Feb. 4, 1947] (41 Stat. 765, Pub. Law 72, 79th Cong., as amended by Pub. Law 190, 79th Cong.; 10 U. S. C. 42)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47–2006; Filed, Mar. 4, 1947; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41–4]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

SCHEDULED AIR CARRIER APPROACH AND LANDING LIMITATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1947.

Recent airline accident experience indicates that § 41.432 is inadequate to prevent low approaches under marginal weather conditions because this section is effective only when the Weather Bureau reports a "measured ceiling." When weather conditions are critical, ceilings reported as "measured" are only a small percentage of the total. The problem of instrument approach procedures and weather minimums as correlated with existing air navigation facilities is now being given joint study by the air carriers, the Administrator, and the Board; and it is anticipated that within the next few months such procedures and minimums may be modified to the extent that further change of § 41.432 may be desirable. In the meantime, immediate changes are required in order to provide for safer operations.

The Board finds that the public interest requires a revision of § 41.432 of the Civil Air Regulations, that such revision should be made effective immediately, and that compliance with paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is impracticable.

Now, therefore, effective February 21, 1947, § 41.432 of the Civil Air Regulations is amended to read as follows:

§ 41.432 *Approach and landing limitations.* No instrument approach procedure shall be executed or landing made at an airport when the latest U. S. Weather Bureau weather report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47–2003; Filed, March 4, 1947; 8:57 a. m.]

[Regs., Serial No. 386]

PART 224—TARIFFS

FILING, POSTING AND PUBLISHING OF TARIFFS BY AIR CARRIERS AND FOREIGN AIR CARRIERS

Amendment No. 4 of § 224.1 of the Economic Regulations.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of February 1947.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a) thereof, and for the purpose of implementing section 403 (a) thereof; and finding that notice and public procedure are unnecessary because the general public is not affected and only minor and technical amendment of a regulation is involved; and finding that such amendment is required in order to insure performance of obligations assumed by the United States in treaties, conventions, and agreements with other countries, and that this fact constitutes good cause for making such amendment effective without delay; hereby makes and promulgates the following regulation:

Effective February 26, 1947, § 224.1 of the economic regulations is amended by adding thereto a new paragraph (t) reading as follows:

§ 224.1 *Filing, posting and publishing of tariffs by air carriers and foreign air carriers.* • • •

(t) *Statement of filing with foreign governments.* Every air carrier tariff, supplement, or revised page containing rates or rules which by treaty, convention, or agreement entered into between any foreign country and the United States are required to be filed with that foreign country, shall include a statement substantially as follows:

The rates, fares, charges, classifications, rules, regulations, practices, and services provided herein have been filed in each country in which filing is required by treaty, convention, or agreement entered into between that country and the United States, in accordance with the provisions of the applicable treaty, convention, or agreement.

(52 Stat. 984, 992, as amended; 49 U. S. C. 425a, 483b)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47–2002; Filed, Mar. 4, 1947; 8:57 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51637]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

WOOL-BEARING SHEEPSKINS

Section 10.77, Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.77), is amended to read as follows:

§ 10.77 *Skins bearing wool as fur skins.* (a) The following types of lambskins may be classified as fur skins under paragraph 1681, Tariff Act of 1930,[1] without special supporting evidence:

Astrekhan.	Krimmer.
Bagdad.	Moire.
Bessarabian.	Mosul.
Bombay.	Multan.
Broadtail.	Persian.
Caracul.	Salzfells.
Chekiang.	Shiraz.
Chinese.	Southwest African.
Indian.	Tsining.
Karakul.	

(b) If any skins, other than the above-named lambskins, bearing wool or hair of a kind described in paragraph 1101 or 1102, Tariff Act of 1930, as amended, are claimed to be more specifically provided for as fur skins in paragraph 1681 of that act, the importer shall file in connection with the entry an affidavit that the skins are to be used for no other purpose than as fur skins, and free entry shall be dependent upon a report of the appraiser that no substantial part of the wool or hair on the skins can economically be removed otherwise than as an unsought residue and used or disposed of in competition with pulled or clipped wool, and that they are suitable for use, without removing the wool or hair from the skins, in the manufacture or trimming of clothing, driving gloves, or other articles in which the imported skins will be used as furs. (Par. 1681: sec. 201, 46 Stat. 677, sec. 624, 46 Stat. 759; 19 U. S. C. 1201, 1624)

Insofar as the foregoing amendment will require the assessment of duty on merchandise of a kind now being classified under paragraph 1681, Tariff Act of 1930, it shall be effective only with respect to merchandise entered for consumption after the expiration of 30 days after the publication of the amendment in the weekly Treasury Decisions.

An investigation has established that at and immediately prior to the passage of the Tariff Act of 1930 the types of lambskins named in paragraph (a) of the amended § 10.77 were commercially known in the United States as fur skins and were chiefly used in this country for fur purposes. The investigation further disclosed that since 1936 certain importers have found it profitable to use, and have used, for fur purposes types of sheep and lamb skins which were not in fact fur skins but could be made suitable for fur use under prevailing market conditions by the removal of substantial quantities of valuable wool. This wool is a valuable byproduct in the processing of the skins for fur purposes, rather than an unsought residue, and is sold in our markets in competition with pulled or clipped wool. Although a practice has been established of classifying such skins under paragraph 1681 because the primary use of such imported skins was for fur purposes, the Bureau is now satisfied that this practice was incorrect because such skins were neither commercially known nor chiefly used as fur skins at or before the passage of the Tariff Act of 1930.

The mere fact that wool-bearing sheepskins are to be used without the separation of the wool from the skin does not preclude the classification of such skins under paragraph 1101 or 1102, Tariff Act of 1930, and the Bureau is satisfied that kinds chiefly used shortly before the passage of the tariff act in the manufacture of powder puffs, dusters, and automobile polishers are classifiable under one of those provisions, insofar as the wool is concerned (T. D. 46035 and Abstract 1553 (N)). The use of wool-bearing sheepskins in the manufacture of floor coverings does constitute a fur use, and skins chiefly so used shortly before the passage of the act are classifiable under paragraph 1681 (T. Ds. 37221 and 48177).

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: February 25, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1999; Filed, Mar. 4, 1947; 8:57 a. m.]

[1] "Furs and fur skins, not specially provided for, undressed." (Tariff Act of 1930, par. 1681 (free list), 19 U. S. C. 1201).

TITLE 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

PART 206—ORGANIZATION, FUNCTIONS AND PROCEDURES OF THE BUREAU OF NARCOTICS

DELEGATION OF AUTHORITY AND PROCEDURE WITH RESPECT TO OPIATES

1. The following new paragraph is added at the end of § 206.3 (11 F. R. 177A-71):

§ 206.3 *Delegations by the Secretary to the Commissioner of Narcotics.* • • •

(f) Authority to conduct any hearing to determine the addiction-forming or addiction-sustaining liability of any drug, as described in section 1 of the act of March 8, 1946 (Pub. Law 320, 79th Cong.); and to make, prescribe and issue, with the approval of the Secretary of the Treasury, all necessary rules and regulations for carrying out the provisions of section 1 of said act of March 8, 1946. (Sec. 1, Pub. Law 320, 79th Cong.; 60 Stat. 38)

2. The following new paragraph is added at the end of § 206.7 (11 F. R. 177A-72):

§ 206.7 *Rules.* • • •

(e) Any person interested in the determination whether a drug (as defined in the Federal Food, Drug and Cosmetic Act, 21 U. S. C. 321 (g)) has an addiction-forming or addiction-sustaining liability similar to morphine or cocaine for the purpose of a finding whether it is an opiate as defined in section 1 of the act of March 8, 1946 (Pub. Law 320, 79th Cong.; 60 Stat. 38) will be accorded opportunity to be heard, by the Commissioner of Narcotics, Washington 25, D. C., pursuant to hearing regulations published in Part 207 (§§ 207.1–207.3) of this chapter, *infra*. (Sec. 1, Pub. Law 320, 79th Cong.; 60 Stat. 38)

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1970; Filed, Mar. 4, 1947; 8:56 a. m.]

[T. D. 38]

PART 207—DELEGATION ORDERS AND HEARING RULES UNDER THE ACT OF MARCH 8, 1946

Sec.
207.1 Delegation of authority, re opiates.
207.2 Hearing; notice.
207.3 Procedural rules.

AUTHORITY: §§ 207.1 to 207.3 inclusive, issued under section 1, Public Law 320, 79th Congress, 68 Stat. 38.

§ 207.1 *Delegation of authority (re opiates).* There are hereby conferred and imposed upon the Commissioner of Narcotics, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers and duties conferred or imposed upon said Secretary by section 1 of Public Law 320, 79th Congress (60 Stat. 38) so far as such rights, privileges, powers and duties relate to:

(a) The conducting of any hearing to determine the addiction-forming or addiction-sustaining liability of any drug as defined in the act.

(b) The making, prescribing, and issuing, with the approval of the Secretary of the Treasury, of all necessary rules and regulations for carrying out the provisions of section 1 of Public Law 320, 79th Congress (60 Stat. 38).

§ 207.2 *Hearing; notice.* (a) For the purpose of carrying out the provisions of section 1 of Public Law 320, 79th Congress (60 Stat. 38), due notice shall be given, and opportunity for a public hearing to all interested parties shall be afforded to determine whether any drug as defined in the Federal Food, Drug and Cosmetic Act (21 U. S. C. 321 (g)) has an addiction-forming or addiction-sustaining liability similar to morphine or cocaine. The Commssioner of Narcotics, hereinafter designated as the Commissioner, is authorized to conduct a hearing at a time and place to be announced in the notice.

(b) Not less than 20 days prior to the date set for a hearing, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice setting forth the date, time and place of the proposed hearing. The notice shall also identify the drug upon which evidence will be heard to determine its addiction-forming or addiction-sustaining liability. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the particular drug shall furnish written notice to the Commissioner of Narcotics, Washington 25, D. C., not later than 20 days from the date notice of hearing is published in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received by the Commissioner within such period of 20 days, no hearing shall be held, but the Commissioner shall proceed to make a recommendation based upon the result of pharmacologic tests of the drug. This recommendation, together with a report of the results of pharmacologic tests upon which it is based, shall be transmitted promptly to the Secretary of the Treasury for a finding as to the addiction-forming or addiction-sustaining liability of the drug as compared to morphine or cocaine.

§ 207.3 *Procedure.* (a) If written notice of a desire to be heard is received by the Commissioner within the prescribed period of 20 days, the hearing will be held in accordance with the original notice. Evidence, both documentary and oral, will be received, and argument will be heard, on the question whether the particular drug has an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, but all such evidence shall be based upon the result of pharmacologic tests of the drug.

(b) The Commissioner shall prepare a report containing the substance of all evidence adduced, including copies of documentary evidence, the arguments presented, and any briefs submitted and shall transmit the same, with his recommendation, to the Secretary of the Treasury within 30 days from the date of conclusion of the hearing. All persons who were parties to the hearing shall, at the same time, be notified of the Commissioner's recommendation.

(c) Within ten days from the date of receipt of the Commissioner's recommendation, the Secretary of the Treasury shall make his finding, and if he finds that the drug has an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, he shall transmit such finding to the President for proclamation. If he finds that the drug has no such addiction-forming or addiction-sustaining liability, he shall so notify the Commissioner who shall communicate this finding to all persons who were parties to any hearing held under this section.

Sections 207.1 to 207.3, inclusive, shall take effect on the date of publication in the FEDERAL REGISTER.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1693; Filed, Mar. 4, 1947; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, as Amended March 4, 1947]

Sec.
944.1 Purpose and scope of this regulation; definitions.
944.2 Rules for acceptance and rejection of rated orders.
944.3 Report to Civilian Production Administration of improperly rejected orders.
944.4 Assignment of preference ratings.
944.4a Cancellation of preference ratings
944.5 Sequence and description of preference ratings
944.6 Doubtful cases.
944.7 Sequence of filling rated orders.
944.8 Delivery or performance dates.
944.9 Report to Civilian Production Administration of improper delay of orders
944.10 Effect of other regulations and orders.
944.10a Effect of revocation of orders and regulations.
944.11 Use or disposition of material acquired with priorities assistance.
944.12 Intra-company deliveries.
944.13 Scope of regulations and orders.
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§ 944.1 *Purpose and scope of this regulation; definitions.* This regulation states the basic rules of the Civilian Production Administration which apply to all business transactions unless they are covered by more specific regulations or orders of the Civilian Production Administration which are inconsistent with this regulation. It includes transactions which are not subject to priority control in any other way than by this regulation. The following definitions apply for purposes of this regulation and any other regulation or order of the Civilian Production Administration, unless otherwise indicated.

(a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(b) [Deleted Oct. 1, 1945.]

(c) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

§ 944.1b [Deleted Oct. 1, 1945.]

§ 944.2 *Rules for acceptance and rejection of rated orders.* Every order bearing a preference rating must be accepted and filled regardless of existing contracts and orders except in the following cases:

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery on equal or higher rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the War Production Board or Civilian Production Administration has directed him to fill for that material or for a product which he makes out of it.

(b) A person must not accept a rated order (except an AAA or RRR order) for delivery on a date which can be met only by using material which was specifically produced for delivery on another rated order, and which is completed or is in production and scheduled for completion within 15 days.

(c) If a person, when receiving a rated order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a low rated order just because he expects to receive conflicting higher rated orders in the future, nor because he would for any reason prefer to have higher ratings.

(d) If a person receives a rated order which is not required by § 944.8 to bear a specific delivery date and which he cannot fill promptly, he must accept it as long as he expects to be able to fill it within a reasonable time, unless he makes a consistent practice of not carrying a backlog and rejecting orders which cannot be promptly filled. He may treat different classes of customers differently in this respect, but only if there is a reasonable basis for the distinction. For example, he may make a regular practice of rejecting unfillable orders from all retailers but holding for backlog orders from all industrial customers.

(e) A rated order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against rated orders, or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. (When a person who has a rating asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on that rating, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of rated orders received by him after making the quotation and before he receives the firm order from the person making the inquiry.)

(For status of OPA ceiling prices under this section see Interpretation 2. For rule covering types of sales and types of purchases see Interpretation 3.)

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to

whom the order is offered has not usually made or performed, and in addition if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years, except on "special sales" as permitted in Priorities Regulation 13. If he has, but the rated order would take more than the excess over his own needs, he may not reject the rated order unless filling it would interfere with equal or higher rated orders already on hand, or orders which the War Production Board or Civilian Production Administration has directed him to fill, for the material or for a product which he makes out of it.

(4) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(For types of contracts which must be deferred see Interpretation 1b. For rule as to deferment of orders on steel, copper and aluminum producers, see Direction 11.)

(f) Any person who fails or refuses to accept an order bearing a preference rating shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(g) Some orders of the Civilian Production Administration provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order of the Civilian Production Administration. In addition, the Civilian Production Administration may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this § 944.2, except that he may insist upon compliance with regularly established prices and terms of payment.

§ 944.3 *Report to Civilian Production Administration of improperly rejected orders.* When a rated order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

§ 944.4 *Assignment of preference ratings.* Preference ratings may be assigned to contracts, orders or deliveries by means of preference rating certificates, or by rules, regulations or orders of the Civilian Production Administration assigning ratings to particular orders or deliveries or to specified classes of orders or deliveries. Such ratings may be assigned to accepted contracts or orders, and also to orders which have not been placed or accepted at the time the rating is applied for. Ratings are also assigned by certain governmental agencies, authorized by the Civilian Production Administration, to their own purchase orders or contracts. In some cases the Civilian Production Administration will raise or lower ratings already assigned and in that event the rules of Priorities Regulation 12 (§ 944.33) apply. Specific orders may also be issued as to particular deliveries or as to the use of particular facilities, without assigning ratings thereto.

§ 944.4a *Cancellation of preference ratings.* If a preference rating which has been assigned to a named person is revoked, he must immediately, in the case of each order to which he has applied the rating either cancel the order or inform his supplier that it is no longer to be treated as rated. If a regulation or order of the Civilian Production Administration which assigns a rating to a class or group of persons without naming them individually, is revoked they may not apply the rating to orders placed after the revocation. Orders to which they have already applied the rating for delivery within three months after the revocation remain validly rated, but, in the case of each order which they have placed for delivery after three months from that date, they must either cancel the order or withdraw the rating. If any person receives notice from his customer or otherwise that the customer's order is no longer rated or that the customer's order is cancelled, he must immediately withdraw any extensions of the rating which he has made to any order placed by him for more than $25 worth of material. The Civilian Production Administration may specify different rules for the treatment of outstanding ratings at the time it revokes them.

(For the rules about transferring preference ratings when contracts are assigned, see Interpretation 5.)

§ 944.5 *Sequence and description of preference ratings.* (a) Preference ratings in order of precedence are: (1) AAA and RRR which are of equal value; (2) MM; (3) HHH; (4) CC, HH and RR, which are of equal value. The conditions under which each of these ratings are generally assigned is given in paragraph (b) below.

(b) The above preference ratings are generally assigned as follows:

(1) The AAA rating may be assigned in emergencies under existing procedures until March 31, 1947; and the RRR rating may be assigned before or after March 31 in extreme emergencies and where a RR rating would be inadequate. Some of the AAA ratings outstanding at the end of March 1947 will expire at that time under the terms of Priorities Regulation 35.

(2) The MM rating has in the past been assigned by the Army and Navy and other military and governmental agencies in accordance with provisions of Directive 41 and other CPA Directives issued from time to time. These Directives have been revoked and no additional MM ratings will be assigned in the future, either by CPA or by other military and governmental agencies. Revocation of these Directives did not affect the validity of any ratings which were assigned under them before their revocation. However some of these ratings will expire at the end of March 1947, under the terms of Priorities Regulation 35.

(3) The CC rating may be assigned until March 31, 1947, as described in Priorities Regulation 28; and the RR rating may be assigned before or after the end of March as described in Supplement I to that regulation. That regulation and supplement describe the limited conditions under which the CPA may assign the CC or RR ratings. Many of the CC ratings outstanding at the end of March 1947 will expire at that time under the terms of Priorities Regulation 35.

(4) The HHH and HH ratings were assigned for housing under the rules explained in Priorities Regulation 33. These ratings are not affected in any way by Priorities Regulation 35.

(c) The rules for the extension of the above ratings are explained in Priorities Regulation 3.

§ 944.6 *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any order, the matter is to be referred to the Civilian Production Administration for determination, with a statement of all pertinent facts.

§ 944.7 *Sequence of filling rated orders.* (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date (determined as explained in § 944.8). If this is not possible for any reason, he must give precedence to higher over lower rated orders and to all rated over unrated orders. However, material specifically produced for a rated order may not be used to fill a higher rated order (except AAA or RRR) subsequently received if the material is completed or is in production and scheduled for completion within 15 days. A low rated order bearing an earlier delivery or performance date must be filled before a higher rated order bearing a later delivery or performance date if it is possible to fill both of them on the required dates.

(b) As between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. As between conflicting orders received with the same preference rating on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(c) If a rated order or the rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop to put other rated orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated order on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

(For the effect of changes in customers orders, see Direction 1 to this regulation. For further explanations of paragraph (b) see Interpretation 1c. For an explanation of how to determine the date on which a purchase order is received, see Interpretation 12.)

§ 944.8 *Delivery or performance dates.* (a) Every rated order placed after March 18, 1944, must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an unrated order. The words "immediately" or "as soon as possible" or other words to that effect, are not sufficient for this purpose. There are three exceptions to this rule, where a rated order need not bear a required delivery or performance date as long as it is understood that delivery or performance is required as soon as practicable or customary: (1) Orders placed with or by persons who normally take physical delivery of the item ordered to hold it in stock for resale; (2) orders for not more than $100; (3) orders rated AAA or RRR.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to § 944.7, shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(c) If after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, owing to the receipt of higher rated orders or for other reasons, he must promptly notify the customer, telling him approximately when he expects to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

§ 944.9 *Report to Civilian Production Administration of improper delay of orders.* When delivery or performance of a rated order is unreasonably or improperly delayed, the customer may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

§ 944.10 *Effect of other regulations and orders.* Specific allocations or other directions of the Civilian Production Administration for delivery of material or the use of facilities must be complied with regardless of ratings, unless otherwise specified. If restrictions under two or more regulations or orders of the Civilian Production Administration apply to the same subject matter, the most restrictive controls unless otherwise expressly provided. Rated orders are not exempt from restrictions on the amount of materials that may be made or delivered unless expressly so stated.

§ 944.10a *Effect of revocation of orders and regulations.* (a) When an order or regulation of the Civilian Production Administration is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) All directions, authorizations, production or delivery schedules and other instruments addressed to named persons pursuant to any order or regulation which was revoked before October 1, 1945, are revoked on October 1, 1945. Whenever an order or regulation of the CPA is revoked on or after October 1, 1945, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation. Any material which was obtained by means of any such revoked direction, authorization, allocation, etc., may be used or disposed of only as permitted under paragraph (b) of § 944.11.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the War Production Board or Civilian Production Administration remain in effect after revocation of such orders and regulations, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for relief to the Chief Compliance Commissioner, Civilian Production Administration, Washington 25, D. C.

§ 944.11 *Use or disposition of material acquired with priorities assistance.* (a) Any person who gets material with priorities assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a preference rating (AAA, RRR, MM, HHH, CC, HH or RR) allocation, specific direction, or any other action of the War Production Board or Civilian Production Administration. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) below must be observed: (1) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priorities assistance was given (for example, when the priorities assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or purchase order is cancelled); (2) when the material was obtained by means of a rating in the AA series or a CMP allotment, or by means of any order, regulation, rating, allocation, specific direction or other action of the WPB or CPA which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the CPA.

(b) A material or product subject to paragraph (a) (1) or (2) above may be used or disposed of only as follows:

(1) If the holder acquired or made the material or product for use and not for sale or resale and is not regularly engaged in the business of selling it, a proposed sale by him is a special sale covered by Priorities Regulation 13 and he may sell or transfer it only as provided in that regulation.

(2) If the proposed sale is not a special sale described by paragraph (b) (1), the holder may sell as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the Civilian Production Administration. This is true of all such sales of any material including scrap.

(3) The holder may, within the limitations of paragraph (f) of Priorities Regulation 32 (inventory restriction on processing), use the material or product himself in any manner or for any purpose as long as he complies with all applicable CPA orders and regulations. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

§ 944.12 *Intra-company deliveries.* When any rule, regulation or order of the Civilian Production Administration prohibits or restricts deliveries of any material by any person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(For rule as to effect of inventory and small order provisions on separate operating units of same company see Interpretation 8.)

§ 944.13 *Scope of regulations and orders.* All regulations and orders of the Civilian Production Administration (including directions, directives and other instructions) apply to all subsequent

transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of Civilian Production Administration orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided. Regulations and orders do not apply to transactions in the Philippine Islands unless they specifically state that they do. Exports and deliveries of material to be exported may be made regardless of any CPA order or regulation restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

(For applicability of certain restrictions in CPA orders to exports, see Interpretation 18.)

§ 944.13a *Defense against claims for damages.* No persons shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any rule, regulation or order of the Civilian Production Administration, notwithstanding that any such rule, regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

§ 944.14 *Inventory restrictions.* No person may deliver or receive into inventory more of any material than is permitted under Priorities Regulation 32. That regulation takes the place of the rules formerly in this section.

§ 944.14a *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the Civilian Production Administration.

§ 944.15 *Records.* Each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of rated orders (or other orders required by the Civilian Production Administration to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by Civilian Production Administration officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions, he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Photographic copies of records may be kept. See Interpretation 6.)

§ 944.16 *Audit and inspection.* All records required to be kept by this regulation or by any rule, regulation or order of the Civilian Production Administration shall, upon request, be submitted to audit and inspection by its duly authorized representatives.

§ 944.17 *Reports.* Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The rules on filing reports are explained in Priorities Regulation 8.

§ 944.18 *Violations.* Any person who violates any provision of this regulation or any other rule, regulation or order of the Civilian Production Administration, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the Civilian Production Administration, and any person who obtains a delivery, an allocation of material or facilities, or a preference rating by means of a material and wilful, false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of material or using facilities under priority or allocation control and may be deprived of further priorities assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. sec. 80), or under the Second War Powers Act (Public No. 507, 77th Congress, March 27, 1942).

§ 944.19 *Appeals for relief in exceptional cases.* Any person who considers that compliance by himself or another with a rule or regulation or order of the Civilian Production Administration would work an exceptional and unreasonable hardship on him may appeal for relief. The rules for the filing and handling of appeals are given in Priorities Regulation 16.

§ 944.20 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the Civilian Production Administration shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1A: Revoked August 28, 1945.

INTERPRETATION 1B

TYPES OF EXISTING CONTRACTS WHICH MUST BE DEFERRED

Section 944.2 of Priorities Regulation 1, as amended, makes compulsory the acceptance and filling of rated orders for any material, "regardless of existing contracts and orders". The "existing contracts" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced. Preference ratings are applicable to facilities as well as materials.

Examples of such "existing contracts" which must be subordinated to higher rated orders are (1) arrangements whereby a producer, regularly engaged in producing a given product for sale to others, leases a portion of his plant, or the whole of it for a relatively short period, as a going concern to one of his customers and operation is continued under the producer's management and with the producer's regular personnel; and (2) arrangements whereby such a producer, in lieu of buying raw materials and selling the product, accepts raw materials belonging to a customer for processing pursuant to a toll agreement or similar undertaking. If the deliveries to be made to such customer carry a preference rating, the sequence of deliveries as compared with deliveries to other persons placing orders with the producer is to be determined as provided in § 944.7 of Priorities Regulation No. 1. (Issued Mar. 18, 1944.)

INTERPRETATION 1C

SEQUENCE OF DELIVERIES AND PRODUCTION FOR RATED ORDERS

The provisions of § 944.7 (b) of Priorities Regulation No. 1, as amended, with respect to the sequence of deliveries bearing the same preference rating, are applicable only in cases where different deliveries bearing the same preference rating cannot be made on schedule. If material supply and available facilities permit deliveries bearing the same rating to be made on schedule, Regulation No. 1 does not have any particular effect on the sequence of production for such deliveries. Where it is necessary to choose between deliveries bearing the same preference ratings, delivery to the customer from whom the order was first received with the rating is to be preferred and production schedules must be adjusted accordingly. For example, suppose a rated order is received from one customer in January for August delivery and another order bearing the same rating is received from a second customer in June calling for July delivery. If both deliveries cannot be made on schedule, the second customer is not permitted to get the material away from the first customer. The producer must defer production on the second order to the extent necessary to make delivery on the first order on the August delivery date. If, on the other hand, both deliveries can be made on schedule, it is not necessary to produce or make delivery on the first customer's order ahead of that of the second. (Issued Mar. 18, 1944.)

INTERPRETATION 1D: Revoked June 28, 1945.

INTERPRETATION 1E

ARMY INCLUDES PANAMA CANAL—NAVY INCLUDES COAST GUARD

(a) The definition of defense orders formerly appearing in § 944.1 (b) has been deleted since a blanket rating of AA-5 is no longer assigned to such orders. However, any reference to the Army without any other definition in any order of the Civilian Production Administration also applies to the Panama Canal, and a reference to the Navy, to the Coast Guard. (Issued Oct. 1, 1945.)

INTERPRETATION 2

REGULARLY ESTABLISHED PRICES

(a) *Acceptance of orders at regularly established prices.* (1) An order bearing a preference rating may not be rejected on the ground that the price is below the regularly established price, if the purchaser offers the OPA ceiling price, if any.

(2) Section 944.2 of Priorities Regulation 1 makes the acceptance of rated orders mandatory except in the several situations specified in the section. The only exception dealing with price is contained in paragraph (e) (1) which states that a rated order need not be accepted "if the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment."

(3) "Regularly established prices" cannot be higher than OPA ceiling prices, if any. They may, however, be lower. (Issued Mar. 18, 1944.)

(4) However, when no OPA ceiling price is applicable "a regularly established price" is the price the seller, when the rated order was received, is offering the material for sale to the class of purchasers to which the person who placed the rated order belongs and for delivery at the time the rated order requests. As explained in § 944.2, there can be no discrimination in price against a rated order, or between rated orders of different customers of the same general class.

(b) *Effect of increase in price after a rated order is accepted.* (1) In establishing new price levels, there must be no discrimination against rated orders, or between the rated orders of customers in the same class.

(2) If, after a rated order is accepted the seller's regularly established price increases as to all customers in the class to which the person who placed the rated order belongs, or if the OPA ceiling price, if any, is increased, the seller must still treat such order as a rated order if the purchaser is willing to meet the increased price.

(3) A seller must not remove the rated order from his shipping schedule until he has given the buyer adequate notice of his intention to do so and the buyer has had adequate time (in any case not less than seven days) to agree to the new price.

(4) This interpretation is not intended to affect any questions of liability of the seller for failure to deliver at the earlier price. (Issued July 2, 1946.)

INTERPRETATION 3

REJECTION OF RATED ORDERS FOR FAILURE TO MEET ESTABLISHED PRICES AND TERMS

(a) Section 944.2 of Priorities Regulation 1 states that every order bearing a preference rating must be accepted and filled with certain exceptions listed in the section. One exception is where a buyer does not "meet regularly established prices and terms of sale or payment". This exception applies to a seller who receives a rated order for quantities which are less than the minimum which he regularly sells. For example, a manufacturer who has been selling only in carload lots may reject a rated order for a less than carload lot.

This exception applies similarly to a person who regularly sells only in multiples of a specified quantity and receives a rated order for a number which is not a multiple of that quantity. For example, a manufacturer who regularly sells his product only in standard shipping packages containing one dozen receives a rated order for 40. He may fill the whole order or he may fill it to the extent of 36 and reject it for 4.

A further problem arises when a manufacturer receives such an order with split ratings. For example, suppose the manufacturer who sells his product only in standard shipping packages of a dozen receives an order for 30 rated MM and 20 rated CC. In such a case the general rule is that amounts in excess of a multiple of the standard shipping package ordered at higher ratings may be included with amounts ordered at lower ratings if the manufacturer wishes to adhere to his standard shipping package and not fill the order as received. He may then, in the case supposed, treat the order as one for 24 items rated MM and 24 rated CC and reject it for 2 of the items. Of course, he may fill the order as placed if he prefers to do so; but, if he does not he must fill it as illustrated above.

(b) The exception also applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels.

(c) The exception applies to a manufacturer who receives a rated order which, together with orders on hand, totals less than his minimum production run of a product which is mass produced and cannot be filled from inventory. It makes no difference that he has regularly sold in quantities as small as that ordered. For example, suppose a manufacturer's minimum production run is 1,000 units, but he has regularly sold in lots of 10 units. At a time when he has none of the particular product in inventory and no orders on hand, he receives a rated order for 600 units. He may reject the order. If, however, he has on hand a previously accepted order for 400 units, he would be required to accept the order for 600 units.

(d) It should be noted that paragraph (e) of § 944.2 in which the above exception appears includes the requirement that "there must be no discrimination in such case against rated orders, or between rated orders of different customers." This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders from other customers. However, if a manufacturer or wholesaler has an exclusive distributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly. (Issued Oct. 1, 1945.)

INTERPRETATION 4: Revoked October 1, 1945.

INTERPRETATION 5

EFFECT OF ASSIGNMENT OF A RATED ORDER OR CONTRACT ON SEQUENCE OF DELIVERY

When a rated contract is assigned, the rating remains applicable to the contract as assigned if, but only if, the assignee uses the material covered by the contract for substantially the same purpose for which the rated contract was placed.

Examples. (1) The Navy places a rated order with A and A extends the rating to B. Later the Navy and A cancel the contract and the Navy enters into a new contract with C for delivery of the same product at the same time and applies the same rating to it. A assigns to C his contract with B. The rating which A had extended to B remains valid as of the time it was extended by A, and B must honor it in making delivery to C.

(2) A steel mill places an order for a repair part rated CC. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a CC rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The Civilian Production Administration assigns a rating on a Form WPB 541A to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer. The rating does not apply to the delivery to the second producer since it was assigned by the Civilian Production Administration only for the purpose of filling a specific need shown by the first textile producer. (Issued Oct. 1, 1945.)

INTERPRETATION 6

MICROFILM RECORDS

Records required to be kept by § 944.15 of Priorities Regulation No. 1 or by any other order or regulation of the Civilian Production Administration may be kept in the form of microfilm or other photographic copies instead of the originals. (Issued Aug. 14, 1943.)

INTERPRETATION 7: Revoked August 28, 1945.

INTERPRETATION 8

EFFECT OF INVENTORY AND SMALL ORDER PROVISIONS ON SEPARATE OPERATING UNITS OF THE SAME COMPANY

(a) If an individual plant, branch store, division or other operating unit normally keeps separate inventory from the rest of the corporation or firm, inventory restrictions in Civilian Production Administration orders and regulations apply to it separately. Thus, although another unit may have exceeded an inventory limit, this does not prevent a unit which has not exceeded it from acquiring additional inventory within the limit.

(b) Likewise, if an order of the Civilian Production Administration provides an exemption for small purchases, an operating unit which normally buys separately need not consider purchases made by other units

in determining whether it comes within the exemption.

(c) It may happen that the same operating unit will be treated separately for purposes of inventory restrictions but not for purposes of small order exemptions. For example, if a distributor purchases centrally for direct shipment to several outlets which keep separate inventories, the outlets are treated separately for purposes of inventory restrictions but the central purchasing agency must include all its purchases in determining whether a transaction comes within a small order exemption.

(d) This interpretation applies only in cases where a contrary rule is not expressly stated in the applicable Civilian Production Administration order or regulation. Also it only applies where the regular business practice of the unit in question is to keep a separate inventory or to buy separately. It does not apply if the regular practice has been changed just for the purpose of coming within this interpretation. (Issued Nov. 22, 1944.)

INTERPRETATION 9: Revoked March 18, 1944.

INTERPRETATION 10

EFFECT OF CANCELLATION OF A PURCHASE ORDER ON DIRECTIVE REQUIRING ITS IMMEDIATE PRODUCTION

In many instances, the Civilian Production Administration has issued directives to producers and manufacturers requiring them to produce particular orders ahead of their normal place on the producers' or manufacturers' schedules. Typical of such directives are directives requiring them to produce certain orders by a given date, regardless of the effect of doing so on the production of other orders. If and when the particular orders are cancelled, the directives lose all effect. This is so since the reason for issuing the directives, namely, the urgent need for a particular product, no longer exists when the order for the product has been cancelled. (Issued Oct. 1, 1945.)

INTERPRETATION 11

PLACING AND ACCEPTANCE OF ORDERS FOR FUTURE DELIVERY CONDITIONED ON REMOVAL OF CPA RESTRICTIONS

(a) Some orders and regulations of the Civilian Production Administration forbid the placing or acceptance of purchase orders for certain materials or products unless the purchase orders bear specified preference ratings, or unless they are accompanied by special authorization or unless they meet some other condition. Such provisions do not, however, prohibit the placing or acceptance of a purchase order which by its express terms, is not to be filled until after removal of such restrictions by the Civilian Production Administration.

(b) A manufacturer may not, of course, schedule such orders for production or place material in production to fill such orders until after the applicable CPA restriction is removed. He may order materials needed to fill such orders, but his own orders must call for delivery at a future time when the material can be received under Priorities Regulation 32. Also, if he is ordering a material which is itself subject to a restriction on placing or accepting of orders, that purchase order must as well be conditioned on the removal of the restriction.

(c) [Deleted Oct. 1, 1945.]

(d) [Deleted Nov. 13, 1944.]

(Issued Oct. 1, 1945.)

INTERPRETATION 12

DATE ON WHICH PURCHASE ORDER IS RECEIVED

(a) Section 944.7 (b) provides that between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. Some questions have arisen as how to fix the date when the order was "received", due to the fact that occasionally specifications are not sent to the manufacturer with the customer's order. The word "order" as used in § 944.7 (b) means a purchase order accompanied by specifications in sufficient detail to enable the manufacturer to put the product in production. Not until such specifications have been furnished is there an "order". The date on which such specifications are furnished to the manufacturer is the date on which the order is "received". This date, and not the date on which the order without specifications was first received by the manufacturer, controls the position the order takes in the manufacturer's schedule.

For example, where an engine manufacturer on February 1st receives a rated order for fifty engines for July delivery but the customer does not, until March 1st, furnish the specifications as to carburetors, pumps, or other equipment, necessary before the engines can be put into production, March 1st is the date the "order was received" for the purposes of § 944.7 of Priorities Regulation No. 1.

(b) With respect to unrated orders which are subsequently rated, the order is not "received" for the purposes of § 944.7 until the supplier receives the application or extension of the rating properly certified. The date of the rated order is not retroactive to the time the original unrated order was placed. Similarly, where an order originally rated in the AA series became unrated after September 30, 1945, the subsequent application or extension of a AAA, MM or CC rating to the order does not relate back to the time the order was originally rated. (Issued Dec. 11, 1945.)

INTERPRETATION 13

APPLICABILITY OF ORDERS AND REGULATIONS TO USED OR SECOND-HAND MATERIALS AND PRODUCTS

(a) Every order or regulation of the Civilian Production Administration applies to materials and products in used or second-hand form (other than scrap) to the same extent as to new items, unless the order or regulation or a published interpretation of it expressly states otherwise.

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 14

SUMMARY OF CPA CONTROLS REGARDING IDLE OR EXCESS INVENTORIES

(a) *Purpose of this interpretation.* This interpretation summarizes some of the important rules on what to do when you have materials or products which are idle or excess in your inventory because of a termination or cut-back in your war contracts or other changes in your operations. These are not new rules on this subject, nor are they necessarily complete, but they are intended to be convenient references to rules which are now effective in CPA orders and regulations. As these orders and regulations are revised from time to time, you should be sure to look at the latest copies.

(b) *General rule.* The general rule is that if you got a material or product by using a preference rating, or other WPB or CPA priorities assistance, you must if possible use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This is the rule of § 944.11 (a) of Priorities Regulation 1, which also states the conditions under which physical segregation of inventory is not required. Two exceptions to this rule, i. e., when the material or product can no longer be used for the original purpose, or when the rating or other assistance has been revoked, are explained in paragraphs (a) (1) and (2) of § 944.11.

Disposition or Use of Excess

(c) *In general.* If you have a termination cut-back, or other reduction in your operations, it may be impossible to use the material or product for the purpose for which the priorities assistance was given. In this case, or if the rating or other assistance has been revoked, you may dispose of it as explained in paragraphs (b) (1) and (b) (2) of § 944.11 of PR-1, or you may use it as explained generally in paragraph (b) (3) of that section. These rules are summarized in paragraphs (d) and (e) below.

(d) *Disposition*—(1) *Special sales.* If you want to sell the excess material or product to someone else, and you acquired or made it for your own use and you do not sell it in the regular course of your business, you should look at Priorities Regulation 13 for the rules governing such "special sales". These include special sales as scrap (other than plant generated scrap). Also, all sales of surplus materials or products by Government agencies are special sales.

(2) *Other sales.* If the sale of the particular material or product, including scrap, is not a special sale, it is permitted as long as you comply with all requirements of CPA orders and regulations which apply to the material or product you are selling. For example, you are usually required to accept rated orders and observe the sequence of preference ratings; and if the material or product may be sold or scrapped only on specific CPA authorization as described in the applicable order or regulation, you must do what the order says.

(e) *Use—Must be in compliance with applicable CPA orders.* If you want to use the excess material or product, you must always comply with all applicable CPA orders and regulations governing its use, inventory, etc., and you may have to appeal if the intended use is not a permitted use. To find out what orders or regulations are applicable to the particular material or product, it may be helpful to look at the CPA publication, "Products and Priorities," or you can ask your nearest CPA field office.

(2) [Deleted Dec. 11, 1945.]

(3) [Deleted Oct. 1, 1945.]

(4) [Deleted Dec. 11, 1945.]

(f) [Deleted Oct. 1, 1945.]

(g) *Special provision for transfer among war contractors.* If you have a war contract which has been terminated or modified, and another contractor is producing similar products for the same procuring agency, he may be able to receive excess materials (from you, your suppliers, or the procuring agency) in excess of inventory limits. This is permitted when authorized by the procuring agency to the extent described in Direction 1 to Priorities Regulation 32. This direction covers both the inventory exceptions necessary to receive excess materials of this kind, and also the sale or exchange of the materials.

Bringing Inventory Back to Normal

(h) *Inventory limitations.* If the termination or cut-back results in your having a bigger inventory than you need, the mere possession of it is not prohibited as long as the particular material or product was properly acquired. This is explained in Interpretation 5 to Priorities Regulation 32. However, you may not receive further deliveries of the particular material or product held in excess, nor may you fabricate above permitted inventory levels, except as provided in the applicable regulations or orders. The general inventory rules are in Priorities Regulation 32, and specific inventory limits on particular materials or products or relating to particular classes of persons are indicated in Tables 1 and 2 of that regulation. In general, upon any reduction in operations, outstanding orders for the items which constitute an excessive inventory must be promptly adjusted, or, if necessary, cancelled. However, certain further deliveries may be received to the extent permitted by paragraph (h) of Priorities Regulation 32, and special items may be received as permitted by that paragraph and by Direction 3 to that regulation. A limited inventory exception in the case of items bought on special sales is provided in PR-13.

(i) *Cancelling ratings.* In cutting back or cancelling orders as described above you will probably have to cancel your ratings to the extent described in § 944.4a of PR-1. (Issued Dec. 11, 1945.)

INTERPRETATION 15: Revoked August 28, 1945.

INTERPRETATION 16

APPLICABILITY OF PRIORITY RULES TO SUPPLIERS OF COMPLETE PRODUCTS AND PARTS FOR THE COMPLETE PRODUCTS

(a) *Applicability of rules regarding acceptance of orders.* A person who supplies parts for a complete product, as well as the complete product itself, may not accept an order for the complete products calling for delivery on a date which would interfere with delivery of equal or higher rated orders for parts which he has already accepted. In other words, he must comply with the rules in § 944.2 of Priorities Regulation 1 in accepting orders for complete products and orders for parts only. Thus if he gets a rated order for complete products calling for delivery on June 1, 1945, and cannot fill this order without using parts which are required for delivery on an equal or higher rated parts order previously accepted, calling for delivery on June 1, 1945, he may not accept the order for the complete products. In such a case, he must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date.

(b) [Deleted Oct. 1, 1945.]

(c) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 17: Revoked August 28, 1945.

INTERPRETATION 18

APPLICABILITY OF CERTAIN RESTRICTIONS IN CPA ORDERS TO EXPORTS

The last sentence of § 944.13 (formerly Priorities Regulation 15) does not in any way relax restrictions in limitation or conservation orders in so far as they apply to manufacture within the United States or to the maintenance of inventory within the United States. The only effect of the sentence is to lift such restrictions as may be based upon the size of an inventory maintained in a foreign country or on a use (including use for manufacture) which is to take place in a foreign country.

Of course, no orders of the Civilian Production Administration directly limit the size of inventory or the manner of use of an article in a foreign country. Nevertheless, there are some orders which, in the absence of this provision in § 944.13, might impose such limitations indirectly. Orders which provide that a person may not sell a particular material if he knows or has reason to believe that the purchaser will, upon receipt, have an inventory exceeding some stated amount or use the material for a particular purpose would, in the absence of this provision, prevent certain sales by subjecting sellers to possible liability even though the inventory existed or the use occurred in a foreign country. § 944.13 has the effect of relieving sellers of such liability in the limited situation described.

Furthermore, it is only restrictions which are expressed as based upon size of inventory or manner of use which are affected by this section. Where an order requires administrative action, such as an allocation or an express authorization, that requirement is not waived and must be met before the material can be delivered, acquired or used. (Issued Dec. 11, 1945.)

INTERPRETATION 19

PRESERVATION OF RECORDS AFTER REVOCATION OF APPLICABLE ORDERS

Section 944.15 of Priorities Regulation 1 requires the keeping and preservation for at least two years of certain records relating to transactions under CPA orders and regulations. This requirement does not lapse upon the expiration or revocation of the applicable order or regulation and the two year period must be counted from the date the transaction occurs. The reference in the section to rules, regulations or orders of the Civilian Production Administration includes reference to any regulations or orders of its predecessor, the War Production Board, whether or not they expired or were revoked before the establishment of the Civilian Production Administration. (Issued Jan. 17, 1946.)

DIRECTIONS TO PR 1

The following directions to PR 1 are still in effect (July 24, 1946):

1. Changes made by customers in orders placed with manufacturers.

2. Transfer of title in financing rated orders.

9. Use of ratings or authorizations for machine tools or other facilities when related military procurement programs or contracts are cancelled or cut back.

11. Special rules for placing and scheduling rated orders for steel, copper and aluminum.

12. Use by ship chandlers and other ship suppliers of materials obtained by means of ratings assigned on WPB-646.

13. Emergency suspension of outstanding ratings for iron and steel.

14. Steel drums for manufacturers of corn syrup for famine relief.

[F. R. Doc. 47-2098; Filed, Mar. 4, 1947; 11:27 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, as Amended March 4, 1947]

§ 944.23 *Priorities Regulation 3*—(a) *Purpose of this regulation.* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all. In general this regulation should be consulted before using a rating whether it was gotten directly from the Civilian Production Administration or from a customer.

(b) *Definitions.* For the purposes of this regulation:

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1.

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the Civilian Production Administration or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating. A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also when any governmental agency which is authorized by the Civilian Production Administration rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating. A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs, that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a Civilian Production Administration order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When AAA, RRR or MM ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of AAA, RRR or MM preference ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) [Deleted Oct. 1, 1945.]

(2) When a person has received a AAA, RRR or MM rated order for the delivery of material, he may extend the AAA, RRR, or MM rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on an AAA, RRR or MM rated order, he may extend the AAA, RRR or MM rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the AAA, RRR or MM rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the AAA, RRR or MM rating may be extended to get only the amount necessary

to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

(4) A person to whom a rating of AAA, RRR or MM has been applied or extended to get material may not extend that AAA, RRR or MM rating to get any material for his own plant improvement expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use.

(d-1) *CC and RR ratings may not ordinarily be extended.* CC and RR ratings may not be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item or to get containers or closures needed to pack the item. A distributor, warehouse, retailer, or other person who resells the item without further fabrication may extend the CC and RR rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

However, when a person has received a CC rated order for the delivery of textile fabric (cotton, rayon, or wool, or their blends), he may extend the CC rating to get the fabric which he will deliver on that order, or the unfinished fabric which he will deliver on it after finishing, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the rating is extended for gray fabric to fill an order for finished fabric, it may include the portion of the gray fabric which would normally be consumed or converted into scrap or by-products in the course of finishing. If a person has made delivery of textile fabric, or has converted gray fabric into finished fabric which he has delivered on a CC rated order, he may extend the CC rating to replace it in his inventory: *Provided*, That if after delivering the fabric he still has a practicable working minimum inventory, he may not extend the CC rating to replace the fabric delivered; and if by making the delivery his inventory is reduced below this minimum, the CC rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any fabric ordered to replace inventory must be made of the same textile fiber (or combination of such fibers), and of the same type of construction and approximate weight as the fabric which such person delivered.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on List A attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) [Deleted Oct. 1, 1945.]

(3) [Deleted Oct. 1, 1945.]

(f) *Use of ratings for services*—(1) *Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services. For example, ratings may be used to get a repair job done in a repair shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services.* There are only three situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose.* If the Civilian Production Administration assigns a rating to a named person to get specified services he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* Any rating which may be applied to the delivery of specific repair parts or materials may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended.* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7. He may use the standard certification set out in that regulation, or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the Civilian Production Administration that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

_____
(Name of Purchaser)

_____
(Address)

By _____
(Signature and Title of Duly Authorized Officer)

_____
(Date)

The person who receives the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable Civilian Production Administration order.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the Civilian Production Administration for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis; otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the Civilian Production Administration which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraph (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to any Civilian Production Administration preference ratings:

Automobiles, passenger.

Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry.

a. Antioxidants (gum inhibitors) for motor fuels.

b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.

c. Chemical additives and compound bases for hypoid gear oils.

d. Synthetic catalysts for oil cracking operation.

e. Synthetic catalysts for cumene and codimer manufacture.

f. Synthetic catalysts for petroleum isomerization operations.

g. Synthetic catalysts for petroleum sweetening operations.

Coal.

Coke.

Communications services.

Electric energy.

Gas manufactured combustible, of the type generally distributed by utilities.

Gas, natural.

Lead.

Petroleum, including only the following products:

(1) Liquefied petroleum gas: propane, propylene, butanes, butenes, or any combination or dilution thereof commonly known as liquefied petroleum gas.

(2) Aviation gasoline: any liquid fuel (including components thereof), except Diesel fuel, used for aircraft propulsion which meets current provisional or permanent United States Army or Navy specifications for aircraft fuels.

(3) Motor fuel: any liquid fuel (including components thereof) suitable for use in the propulsion of motor vehicles or motor boats.

(4) Naphtha: any liquid petroleum fraction or derivative commonly known as naphtha, including that cut of gasoline or kerosene classified as naphtha: *Provided*, That the term naphtha shall not include any toluene fraction of Kauri-butanol value of 85 Kauri-butanol number or higher, or any aromatic petroleum solvent, as defined in General Preference Order M-150, as amended.

(5) Insecticide base: any liquid petroleum fraction or derivative used as or suitable for use as a base or carrier for the active chemical ingredients of an insecticide, germicide or deodorant.

(6) Fuel oil: any liquid petroleum fraction or derivative commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5, or 6, Bunker "C" fuel oil, Diesel fuel, kerosene, range oil, gas, oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(7) Lubricating oil: any liquid petroleum fraction or derivative regardless of the extent processed, (1) which is used for or is suitable for lubrication, including, but not limited to, cutting, drawing, processing, soluble, transformer and white oils, and (2) which does not contain in excess of 50% by weight of additives or compounds.

(8) Lubricating grease: any lubricant manufactured from petroleum and a soap, organic salt or ester of any fatty oil or fatty acid.

(9) Asphalt: asphalt of petroleum origin and all asphaltic products of petroleum origin, including road oils.

(10) Micro-crystalline wax: any solid hydrocarbon mixture, commonly known as micro-crystalline wax (amorphous wax, petroleum wax) but not including paraffin wax defined as a solid hydro-carbon mixture having a melting point between 110° F. to 155° F. (ASTM-D-87) and a maximum kinematic viscosity of 5.74 centistokes at 210° F (ASTM-D445-42T), wholly derived by low temperature solidification and expression, or by solvent extraction, from that portion of crude petroleum known as paraffin distillate.

(11) Petrolatum: any semi-solid hydrocarbon mixture, plastic and unctuous, commonly known as petrolatum or petroleum jelly, regardless of the extent processed.

(12) Mineral oil polymers: any resinous product produced by the polymerization of mixtures of unsaturated hydrocarbons (either the solid resin or solvent extended product); but not including polystyrene, polyisobutylene, polyethylene, butadiene, or the copolymers of such materials.

Steam heating, central.

Ice.

Tobaccos.[1]

Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible and including their by-products and residues (whether resulting from refining, distillation saponification, pressing or settling).[1]

Sulfated, sulfonated, and sulfurized fats and oils.

Tall oil.[1]

Wool grease.[1]

Soap (other than metallic).[1]

Fatty acids.[1]

Food for human or animal consumption.[1]

Glycerine.[1]

Water.

[1] Subject to War Food Order 71 (formerly FD Regulation No. 1) of the War Food Administration.

Low and high temperature fractional distillation equipment for gas and gasoline analysis.

Wood pulp.

LIST B: Deleted Oct. 1, 1945.

INTERPRETATION 1

Interpretation 1 of Priorities Regulation 3 [Revoked Nov. 17, 1943.]

INTERPRETATION 2

EFFECT OF LIST A ON UNFILLED ORDERS

The restrictions on the use of ratings for the items on List A apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Oct. 1, 1945.)

INTERPRETATION 3: Revoked Oct. 1, 1945.

INTERPRETATION 4: Revoked Oct. 1, 1945.

INTERPRETATION 5

RESTRICTIONS OF OTHER ORDERS

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (e) relate only to the items which appear on the list. When any other order of the Civilian Production Administration restricts the use of preference ratings to obtain any product or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23).

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number, the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate.

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23), that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer, the certificate should say so explicitly. (Issued Sept. 8, 1943.)

INTERPRETATION 7: Revoked Oct. 1, 1945.

INTERPRETATION 8: Revoked Oct. 1, 1945.

INTERPRETATION 9: Revoked Oct. 1, 1945.

INTERPRETATION 10

USE OF RATING TO OBTAIN LEASED MACHINERY

(a) A preference rating which has been assigned for the delivery of an item of machinery or equipment may be used to lease the equipment as long as the following conditions are fulfilled:

(1) The lease must be a long-term semi-permanent arrangement where both parties contemplate the comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease was for one year, with provision for renewal

at the end of each year, and both parties expected that the lease would be renewed from time to time. However, the rating could not be used to obtain a machine for a month's use.

(2) If the rating is limited by specific dollar amount it may be used only to lease machinery or equipment whose fair market value is no greater than the amount specified.

(b) If the instrument assigning the ratings specifies a lease rather than a purchase, it is not necessary to comply with the above conditions. (Issued Oct. 1, 1945.)

INTERPRETATION 11: Revoked Oct. 1, 1945.

INTERPRETATION 12

RECORDS OF EXPORTERS

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. However, such persons must keep any copies of the export licenses which are returned to them for their files. (Issued August 24, 1945.)

INTERPRETATION 13

TIME LIMIT ON USE OF RATINGS

(a) Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) [Deleted Oct. 1, 1945.]

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship) it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

(b) The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may apply or extend his rating. However, a rating properly applied or extended on an order served upon a supplier within the time limit of the above rules, but not accepted by him, remains valid with that supplier where the failure to accept the rated order was a violation of a CPA regulation or order. This does not permit the rating to be used on any other purchase orders not placed within the proper time limit.

(c) The periods of time stated in (a) above for the use of ratings do not mean that deliveries on rated orders must be made within those periods. The delivery dates which may be requested are controlled by § 944.8 of Priorities Regulation 1, and any other applicable limitations, such as those in Priorities Regulation 32 controlling inventories. The rules for scheduling and making deliveries on rated orders are in Priorities Regulation 1 and other applicable orders or regulations. All validly rated orders must be scheduled and filled under those rules, unless the orders or ratings are cancelled. (Issued Dec. 13, 1946.)

INTERPRETATION 14: Revoked Apr. 23, 1945.

INTERPRETATION 15

REFERENCES IN LIST A TO ORDERS WHICH HAVE BEEN REVOKED

In many items on List A of Priorities Regulation 3 reference is made to specific WPB orders or schedules for a definition of the specific items covered by the lists. Sometimes the order or schedule referred to is revoked without any change in the listing on List A. When one of these orders or schedules is revoked, the listing of the item on List A, nevertheless, remains in full force and effect, and the item as listed on List A has the same meaning as before the revocation of the order. (Issued Oct. 1, 1945.)

[F. R. Doc. 47-2097; Filed, Mar. 4, 1947; 11:27 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 35]

REVISED PRIORITIES RATING SYSTEM

Explanation and scope

(a) Explanation.
(b) Ratings valid after March 1947.
(1) Certain ratings remain valid.
(2) Ratings which expire (some may be re-rated).
(3) New RR and RRR ratings effective at once.
(c) General description of revised rating system.
(1) RRR for extreme emergencies only.
(2) RR for VEHP and V. A. construction program.
(3) RR equivalent to CC, and RRR to AAA.
(d) When and how certain old ratings may be converted to a new rating.
(1) Producers of building products listed in PR-28, Table 1.
(2) No AAA may be converted to RRR by holder.
(3) Other persons not authorized to re-rate.
(4) How to apply for and use a new rating to replace an old one.
(5) New ratings date back to former one.
(e) Transition period.
(1) CC and other ratings may still be issued through March.
(2) Extendibility not affected while ratings remain effective.
(3) All old ratings unaffected through March.
(4) Certain old ratings to be disregarded after March.
(5) Notice of expiration need not be given by customer.
(f) Reports.
List A—List of "Construction Items".
List B—"Steel Items".

§ 944.56 *Priorities Regulation 35*—(a) *Explanation.* In furtherance of the announced policy of restoring normal buyer-seller relations as soon as possible, the rating assistance which will be given after the end of March 1947 will be even more limited than that now provided. As explained in Supplement I of Priorities Regulation 28 (being issued simultaneously with this regulation), after that time priorities assistance will in general be given only in a very limited class of cases which support the objectives of the Veterans Emergency Housing Program.

Preference ratings, issued by CPA and by other government agencies, have assisted not only housing but top military programs and general industrial reconversion. After March 31, rating assistance will be given, in general, only in support of the housing program, and to aid the Veterans Administration Construction Program, and the ratings that were issued for other reasons will expire. This will be done with the minimum dislocation: for example, it will not be necessary to disturb the ratings outstanding for the purchase of building materials or building products on Schedule A or Priorities Regulation 33 since these ratings (mostly HH) are directly related to the housing program. However, the rating symbols AAA, MM, and CC have been used for other materials for both housing and other purposes. Where necessary in order to identify those ratings for other materials, which will be used and continue in effect in support of the housing program after the end of March, new symbols will be assigned.

This regulation explains which outstanding ratings remain valid after March and which ratings will expire at the end of March. It also explains the new rating symbols and their effect, and the mechanics of the transition for the few cases where the holder of an old rating may be permitted to change to the new.

This regulation applies to preference ratings only. It does not affect any other priorities or allocation instruments.

There will also be changes in other regulations and orders of the Civilian Production Administration. It may not be practical to make all such changes before this regulation is published, and if there is any inconsistency between this regulation and any other CPA regulation or order, this one controls unless the other expressly states the contrary.

(b) *Ratings valid after March, 1947.* (1) Valid HHH and HH ratings are not affected in any way by this regulation. Valid AAA, MM, and CC ratings issued for the purchase of any building materials or products listed in Schedule A of Priorities Regulation 33 are not revoked and remain in effect in accordance with the rules under which they were issued, except that they may not be used and will not be effective for the purchase of steel for delivery after March 31, 1947. A list of the materials and products, as listed in Schedule A of PR-33, referred to hereafter in this regulation as "construction items", is appended as List A for convenient reference, and the forms and shapes of steel are shown in List B.

(2) At the end of March 1947 all AAA, MM, and CC ratings for any material or product, other than a construction item, shall expire. However, certain of these may be re-rated with one of the new ratings under the procedures described in paragraph (d) below.

(3) The new RR and RRR ratings described in (c) below will be effective during March 1947 and thereafter, for any materials for which issued. The purposes for which they will be issued will of course be limited, as explained in this regulation and in Supplement I to Priorities Regulation 28.

(c) *General description of revised rating system.* AAA, MM, and CC ratings will not be issued after March 31, 1947, and except for those continued in effect under paragraph (b) (1) above for the purchase of construction items, will be replaced by the following:

(1) The new RRR rating, which may be assigned by CPA only in extreme emergencies, and where an RR rating would be inadequate.

(2) The new RR rating, which may be asigned by CPA after March 1, 1947, under the conditions stated in Supplement I to Priorities Regulation 28; or which in some cases may be converted from an old rating by the persons and under the conditions described in subparagraph (d) (1) below.

(3) The new RR rating is equivalent to CC, and the new RRR rating is equivalent to AAA, under the rules stated in Priorities Regulation 1, 3 and other general priorities regulations.

(d) *When and how certain old ratings may be converted to a new rating.* (1) Any producer who has been assigned and is entitled to use an AAA, MM or CC rating to get any item needed to maintain or increase his production of a critical building product listed in Table 1 of Priorities Regulation 28, may rate or re-rate to RR his purchase order for such item (except for steel) if still needed for this purpose. This must be done by furnishing the supplier the following statement, in time for him to receive it by the end of March, 1947: "Authorized RR rating under PR-35".

This statement must be made in addition to the certificate required by Priorities Regulation 3, and may not be waived by the seller. Persons giving the statement must use the material covered by it only as stated, and it will constitute a representation to the seller and to CPA that the buyer is entitled to rate or re-rate the purchase order to RR under the terms of this subparagraph (d) (1).

If the purchase order has already been placed, so that the statement cannot be put on it, the purchaser may give the statement to his supplier by letter or telegram, with the addition of sufficient information to clearly identify the previously placed order, and the exact materials covered by the statement.

A supplier who receives this statement may extend the RR rating only in accordance with the rules in Priorities Regulation 3 governing the extension of RR ratings.

(2) No AAA rating may be re-rated RRR by use of the statement described above. A person wishing an AAA rating to be re-rated RRR must apply to CPA.

(3) A person entitled to use an AAA, MM, and CC rating which will expire at the end of March, and who is not permitted to re-rate his order with the certificate described above, may apply to CPA for a new rating, if he can meet the conditions stated in Supplement I to PR-28.

(4) Applications to CPA for a new RR rating to replace a CC rating may be made on Form CPA-541-A by marking it "Re-rating Request PR-35", stating the previous case number and date of issuance of the old rating certificate. A request for re-rating of an MM or AAA preference rating may be made to CPA by letter or telegram, marked "Ref. FR-35", and identifying the previous case. In either instance explain fully why a re-rating is necessary in support of the housing program or the Veterans' Administration Construction Program. If a new rating is granted, it may be used by forwarding the rating certificate required by PR-3, to the supplier together with any additional information needed to enable the person receiving it to know exactly the items re-rated, the old and new rating, and the original purchase order referred to.

(5) Any rated order which is re-rated RR or RRR before April 1, 1947 shall be treated by the person with whom the order was placed as if it had carried the new rating at the time the original rated order was received by him. In view of the expiration of many ratings at the end of March, persons entitled to use an RR or RRR rating may be able to get earlier delivery after that time than possible before the expiration of the old ratings.

(e) *Transition period.* (1) Until March 31, 1947, CPA may continue to issue CC ratings under the conditions stated in PR-28. AAA ratings may continue to be assigned until that time under existing procedures. Beginning April 1, 1947, no new AAA, MM, or CC ratings will be issued by CPA for any purpose.

(2) Those ratings which remain in effect until the end of March may continue to be extended until that date, in accordance with Priorities Regulation 3 and other applicable rules.

(3) All orders rated AAA, MM, or CC which do not meet the conditions of (b) (1) above will become unrated at the end of March 1947, unless re-rated to RR or RRR during March. However, all outstanding ratings are unaffected during March, and suppliers must continue to accept and fill such orders in accordance with Priorities Regulation 1 and other applicable rules.

(4) Any unfilled purchase order with an AAA, MM, or CC rating for the delivery of any material except construction items, which is in the hands of a supplier and has not been re-rated RR or RRR by the end of March 1947, shall be treated by him as unrated after that date. This includes ratings on orders which were originally accepted and scheduled for delivery by the end of March, but which, due to circumstances beyond the supplier's control, are delayed beyond that date in delivery.

(5) It is not necessary for any person to cancel a rating which has been applied or extended to his purchase order if the rating expires at the end of March under the terms of this regulation.

(f) *Reports.* The reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

CONSTRUCTION ITEMS

This lists the same materials and facilities in Schedule A to Priorities Regulation 33, paragraph (b), as amended from time to time. It is appended here for convenience only, and if there should be any inconsistency, Schedule A to PR-33 shall be controlling.

A. Lumber Materials

1. Flooring, hardwood (all grades).
2. Lumber, housing construction (softwood—flooring, ceiling, siding partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, lath and shop).
3. Millwork.
4. Plywood, construction (softwood) (Interior (moisture resistant): ¼" and ⅜" sanded or 5/16" and 7/16" unsanded wallboard; ¼" and ⅜" sanded or 5/16" and 7/16" unsanded sound one side plypanel; 5/16", ⅜", ½" and ⅝" sheathing; and Exterior; ¼" and ¾" sanded or 5/16" and 7/10" unsanded sound one side plypanel).

B. Electrical Wiring Materials

1. Cable, metallic or nonmetallic sheathed.
2. Lighting fixtures, not including portable lamps.
3. Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.
4. Service entrance equipment (of the following kinds only): (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).
5. Wiring devices (of the following kinds only: (a) Sockets, lampholders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet, switch and receptacle boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).

C. Hardware Materials

1. Builders hardware (of the following types only: (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).
2. Nails (ferrous, of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

D. Masonry Materials

1. Brick, common and face, clay.
2. Brick, sand lime.
3. Concrete block and brick.

4. Cement, portland (all types, including high early strength, limestone, slag, and sulfate resistant).
5. Tile, common and face, structural.

E. Plumbing and Heating Supplies

1. Bathtubs (steel, cast iron).
2. Boilers, low pressure, for heating and hot water.
3. Controls, temperature and combustion, for heating and hot water.
4. Pittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets.
5. Furnace pipes, fittings, and duct work.
6. Furnaces, floor, wall.
7. Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter).
8. Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
9. Lavatories.
10. Oil burners, domestic.
11. Pipe, bituminized fibre, for drains and sewers.
12. Pipe, sewer, clay.
13. Pipe, soil, cast iron, and fittings for such pipe.
14. Pipe, steel and wrought iron, black and galvanized, sizes ⅜" to 4" inclusive, standard weight.
15. Pipe fittings, screwed (of the following kinds only: (a) Gray cast recessed drainage, 2" and under; (b) gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) malleable fittings, including unions, 2" and under (150 lbs. S. W. P.)).
16. Pipe nipples, steel and wrought iron, black and galvanized, sizes ⅜" to 4" inclusive, in lengths 6" and less, made from standard weight pipe.
17. Radiation, convector and cast iron, including accompanying metal enclosures and grilles.
18. Range boilers.
19. Registers and grilles for heating systems.
20. Stokers, domestic.
21. Stoves and ranges for cooking and heating, including space heaters.
22. Tanks, septic.
23. Tanks, oil and water storage, capacity 550 gallons or less.
24. Tubing, copper—types K, L, M—sizes ⅜" to 3" inclusive.
25. Tubing, fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).
26. Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
27. Water heaters.

F. Prefabricated Housing

1. Prefabricated houses, sections, and panels (as defined in Direction 8 to PR-33).

G. Structural Materials (Metal)

1. Doors and frames, hollow metal and kalamein.
2. Fabricated reinforcing rod and mesh.
3. Joists, bar, steel.
4. Structural shapes, steel and aluminum, fabricated or cut to length.
5. Window sash and frames, metal (of the following types only: casements; double hung windows; basement windows).

H. Wall and Roof Materials

1. Asbestos-cement flat sheets, ¼" thick or less. This does not include electrical and insulation grades.
2. Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board".
3. Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.
4. Gypsum lath (gypsum products especially made for use as a plaster base).
5. Lime, finishing.
6. Papers, building and sheathing (of the following kinds only: (a) Asphalt sheathing paper; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin, and house sheathing paper); (e) slaters felt weighing approximately 25 lbs. per 500 square-feet roll.
7. Plaster, hardwall (gypsum plaster-basic, ready-mixed and gauging-made for use in applying base or finish coats to lathed interior walls).
8. Plaster base (metal lath and accessories for metal lath).
9. Sheet, copper.
10. Sheet, flat galvanized steel, 23 gauge or lighter.
11. Shingles (asbestos-cement, asphalt, slate, wood).
12. Stucco mesh (woven or welded wire).

I. Miscellaneous Building Materials

1. Cabinets, metal, attachable or built-in types for kitchens or bathrooms.
2. Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastic; (d) asphalt tile; (e) rubber tile).
3. Gutters and downspouts.
4. Insect screen cloth, metal or plastic.
5. Lead, caulking.
6. Paints, house, exterior—ready mixed, paste, semi-paste, and lead-in-oil. This is limited to primers, under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints and exterior enamels. This is also limited to lead-in-oil in 12½-lb. and larger containers and to the other paints in 1-gal. and larger containers.
7. Weatherstripping, metal.

LIST B

FORMS AND SHAPES OF STEEL

Steel:
- Bars, Cold-Finished.
- Bars, Hot-Rolled or Forged.
- Ingots, Billets, Blooms, Slabs, Die Blocks, Tube Rounds, Sheet Bars, Tin Bar, and Skelp.
- Pipe, including Threaded Couplings of the type normally supplied for Threaded Pipe.
- Plates, all Plates (including Rolled Armored Plate in the form and shape to which it is rolled by the Steel Mill and prior to any subsequent fabrication), and including Nickel Clad and Stainless Clad.
- Rail and Track Accessories.
- Sheet and Strip.
- Steel Castings (rough as cast).
- Steel Forgings (rough as forged).
- Structural Shapes and Piling.

LIST B—Continued

FORMS AND SHAPES OF STEEL—continued

Steel—Continued.
- Tinplate, Terneplate, and Tin Mill Black Plate.
- Tubing.
- Wheels, Tires, and Axles.
- Wire Rods, Wire and Wire Products.

[F. R. Doc. 47-2094; Filed, Mar. 4, 1947; 11:27 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Table I]

CRITICAL BUILDING PRODUCTS

The following table is issued pursuant to Priorities Regulation 28:

(a) *Introduction.* Priorities Regulation 28 provides for assistance to maintain or increase production of building materials or products which are determined to be in critical short supply.

This table lists the building products which the Civilian Production Administration has determined to be in such tight supply that they are serious threats to the Housing Program. Preference ratings assigned by CPA under this provision will, in general, be limited to assistance needed by producers or manufacturers to maintain or increase their production of the products listed. The extent of the rating assistance available is indicated in this Table.

(b) *General rules.* (1) Ratings may be assigned to a person producing an item listed in Column I to get maintenance, repair and operating supplies (MRO) which he needs for the production of that item.

(2) The list of building products in Column I includes only residential types of the items mentioned.

(3) No rating will be issued for steel for delivery after March 31, 1947.

(c) *Explanation of table.*

Column I—Critical Building Products. Column I lists the building materials or products determined critical for which ratings may be granted to maintain or increase production.

Column II—Production Materials. If the word "yes" appears in Column II ratings may be assigned to the person producing the item listed in Column I to get production materials needed to make that item. Where the applicant regularly sells materials as maintenance, repair or operating supplies for the items he makes, ratings may also be assigned to him for such supplies or for materials needed to make them.

Column III—Capital Equipment. (1) If the word "yes" appears in Column III, ratings may be assigned to the person producing the item listed in Column I to get capital equipment which will result in a substantial increase in production of that item or is needed to replace present operating equipment. Ratings, however, will not be assigned for the purchase of specialized machinery or equipment designed and made solely for the production of a critical building product listed in Column I.

(2) If the word "yes" is followed by "replacement only" ratings will be assigned only to replace non-repairable or obsolete capital equipment with new equipment of the same approximate rated capacity for the purpose of maintaining production, but not to provide for new or expanded production.

Critical building products (of residential types only)	Production materials	Capital equipment (except specialized machinery)
Asbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement).	No	Yes.
Asphalt and tarred roofing products (smooth surfaced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, mineral surfaced insulation board, laminated asphalt felt and mastic core type boards, saturated felts, dry roofing felts, and saturated or coated sheathing papers).	No	Yes.
Bathtubs	Yes	Yes.
Boilers, low pressure for residential heating.	Yes	Yes.[1]
Builders' hardware, of the following kinds only: (a) Butts, hinges and hasps; (b) Door locks and lock trim; (c) Sash, screen and shelf hardware; (d) Night latches and deadlocks; (e) Spring hinges; (f) Sash balances and sash pulleys.	Yes	Yes.[1]
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).	No	Yes.
Cast iron soil pipe and fittings	Yes	Yes.
Cast iron pressure pipe	Yes	Yes.[1]
Cement, portland	No	Yes.[1]
Clay sewer pipe and fittings	No	Yes.
Electric service equipment and branch circuit overload protective devices of the following kinds suitable for housing construction: (a) Service swatches—limited to 100 amperes capacity or less, (b) Meter mounting devices, such as meter pans, meter sockets, meter troughs and meter boxes, (c) Enclosures for branch circuit overload protective devices limited to 8 circuits or less.	Yes	Yes.[1]
Finishing Lime	No	Yes.
Furnace pipe-fittings and duct work	Yes	Yes.[1]
Furnaces, warm air, (including floor and wall furnaces) gas, oil or coal fired only.	Yes	Yes.[1]
Gypsum board and gypsum lath	No	Yes.
Insect screen cloth	Yes	Yes.[1]
Lavatories	Yes	Yes.
Logs	No	Yes.
Lumber, not further manufactured than by sawing, resawing, passing lengthwise through a standard planing machine, cross-cutting to length and working, but not including the production of any establishment known in the trade as a "distribution yard", engaged in either retail or wholesale business, even though it may process lumber on special orders from customers.	No	Yes.
Millwork	No	Yes.[1]
Plywood, softwood	No	Yes.
Radiation (Convector and cast iron) including enclosures and grilles for extended surface convector.	Yes	Yes.[1]
Registers and grilles for heating systems.	Yes	Yes.[1]
Veneer, softwood	No	Yes.
Water closet bowls and tanks	Yes	Yes.
Windows and frames, metal	Yes	Yes.
Wiring devices (electrical) of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types—lighting fixtures and portable lamps not included. (A lampholder consists of a socket and a housing (generally one piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event the appurtenances are not part of the lampholder itself), (2) Convenience receptacles (outlets), (3) Toggle switches—types designed specifically for tools and appliances not included, (4) Wall and face plates, (5) Outlet and switch (or receptacle) boxes, types suitable for residential use, including covers, hangers, supports and clamps. This only includes outlet boxes of 5-inch size or smaller, and switch (or receptacle) boxes commonly known as "gem" boxes, (6) Box connectors for residential-type metallic or non-metallic sheathed cable.	Yes	Yes.[2]

[1] Replacement only.
[2] Except phenolic resin molding compound; see Schedule 121 to Order M-300.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2095; Filed, Mar. 4, 1947; 11:27 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Supp. I]

PRIORITIES ASSISTANCE AFTER MARCH 31, 1947

(a) *Purpose of this supplement.* This supplement describes the conditions under which RR preference ratings may be granted by the Civilian Production Administration. The issuance of CC ratings will be discontinued by the end of March 1947, as explained in Priorities Regulation 35 being issued simultaneously with this supplement.

In furtherance of the announced policy of restoring normal buyer-seller relations as soon as possible, the rating assistance which will be given after the end of March will be even more limited than that now provided for in Priorities Regulation 28.

After that time, such assistance will in general be given only in three classes of cases in support of the objectives of the Veterans Emergency Housing Program and to aid the Veterans Administration Construction Program, as indicated in paragraph (b) below.

(b) *Exceptional cases when RR ratings may be assigned.* (1) Where an item (other than those listed in (c) below) is required in connection with the Veterans Emergency Housing Program or Veterans Administration Construction Program and all of the conditions of paragraph (b) (2) below are met, RR ratings may be granted in the following cases (except that no rating will be issued under (i) or (ii) below for the purchase of specialized machinery, site preparation equipment, or for an item to be incorporated in construction at the site):

(i) To maintain or increase the production of a building product which is determined by CPA to be in critically short supply (such products will customarily be listed in Table I of Priorities Regulation 28); or

(ii) For capital equipment which is a bottleneck in the production or erection of new housing accommodations, or is a bottleneck in the erection of a Veterans Administration Construction Project; or

(iii) Where an item is needed to provide essential utility services to new housing accommodations, or to a Veterans Administration Construction Project.

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), an RR rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *Materials for which informal assistance, but not RR ratings, may be given.* No RR ratings will be assigned under the regulation for steel, pig iron, gypsum liner paper, or phenolic resin molding compounds.

CPA may be able to locate sources in a position to ship such materials without a rating for any applicant who meets the conditions in paragraph (b) above.

(d) *Applications and authorizations.* Applications for a rating under this supplement should be made in accordance with paragraph (c) of Priorities Regulation 28.

Where applications have been or are filed under Priorities Regulation 28, but meet the more restrictive conditions stated in this supplement, RR ratings may be issued beginning immediately, instead of CC ratings. Applications filed under Priorities Regulation 28, but not meeting the conditions stated in this supplement will be considered under that regulation, even though any CC rating which may be issued may expire at the end of March, as explained in Priorities Regulation 35. After March, no further CC ratings will be issued.

(e) *Existing CC ratings.* Nothing in this supplement affects the validity or duration of CC ratings granted before April 1, 1947. Rules concerning the termination of certain CC and other ratings at the end of March 1947 are stated in Priorities Regulation 35.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2096; Filed, Mar. 4, 1947; 11:27 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1111]

FLOYD GEARHART

Floyd Gearhart, R. D. #3, Indiana, Pa., on or about October 1, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction involving the building of a new commercial garage and service station building on North Fourth Street, Indiana, Pa., at an estimated cost of $7,000. This construction was carried on by Floyd Gearhart subsequent to his denial for permission to do the construction, and with full knowledge of the order, and he, therefore, must be considered guilty of wilfully violating Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1111 *Suspension Order No. S-1111.* (a) Neither Floyd Gearhart, his successors or assigns, nor any other person shall do any further construction on

his premises on North Fourth Street, Indiana, Pa., including completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) Floyd Gearhart shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Floyd Gearhart, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION.
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2099; Filed, Mar. 4, 1947; 11:28 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 12, Revocation]

PART 8312—ALUMINUM SCRAP

Surplus Property Administration Regulation 12, October 2, 1945, as amended March 23, 1946, entitled "Aluminum Scrap", (10 F. R. 12559; 11 F. R. 3302) is hereby revoked and rescinded. This revocation of this part shall become effective March 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MARCH 1, 1947.

[F. R. Doc. 47-2093; Filed, Mar. 4, 1947; 11:13 a. m.]

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

Chapter I—Division of Territories and Island Possessions, Department of the Interior

PART 1—ORGANIZATION AND PROCEDURE

ALASKA-SEATTLE SERVICE OFFICE

Section 1.25 of Part 1 of Chapter I (12 F. R. 69) is hereby amended, to read as follows:

§ 1.25 *Alaska-Seattle Service Office.* The Alaska-Seattle Service Office of the Department of the Interior at Seattle, Washington, is under the general supervision of the Division of Territories and Island Possessions. This office is responsible for managing and operating the motorship "North Star"; issues Alaska Railroad passes; obtains foreign-line transportation passes for Government officials and employees; serves the Alaska Native Service in connection with dependent Indian children sent to the States for medical attention; recruits employees for the Alaska Railroad; handles the receipt and distribution of freight for the Alaska Native Service; purchases supplies for agencies of the Federal Government in Alaska; acts as agent for native cooperative stores, buying their supplies, and selling for their benefit such items as reindeer meat and hides, furs and ivories; reviews requests for benefit of settlers' rates and fares to Alaska, and makes settler-rate authorizations when warranted; circulates information on homesteading in Alaska; issues requests-for-transportation to and from Alaska as well as to and from other points, and arranges for transportation, reservations, and hotel-lodging accommodations for employees of the Alaska Native Service, the Alaska Road Commission, and the Alaska Railroad, and for visiting officials; and performs miscellaneous services for Interior agencies operating in Alaska.

(Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244)

OSCAR L. CHAPMAN.
Acting Secretary of the Interior.

FEBRUARY 26, 1947.

[F. R. Doc. 47-1972; Filed, Mar. 4, 1947; 8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

HUNTING IN WHEELER NATIONAL WILDLIFE REFUGE, ALABAMA

Section 25.964 (50 CFR 1943 Supp.) is revised to read as follows:

§ 25.964 *Wheeler National Wildlife Refuge, Alabama; hunting.* Until further notice squirrels, rabbits, and quail may be taken on the lands of the Wheeler National Wildlife Refuge, Alabama in accordance with the State laws and regulations, and under such special regulations and conditions as may be prescribed by the Officer in Charge of the refuge, copies of which shall be posted on the refuge and available at refuge headquarters.

(43 Stat. 98, 45 Stat.1222; 18 U. S. C. 145. 16 U. S. C. 715i; sec. 4 (f), Reorg. Plan No. II, 3 CFR, Cum. Supp.)

CLARENCE COTTAM.
Acting Director.

[F. R. Doc. 47-1971; Filed, Mar. 4, 1947; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 516]

RECORD OF HOURS WORKED BY UNSUPERVISED EMPLOYEES ENGAGED IN PULPWOOD OPERATIONS

ADMINISTRATOR'S DETERMINATION REGARDING PROPOSED AMENDMENT

After due notice published in the FEDERAL REGISTER (11 F. R. 6145, 7779) public hearings were held on June 10, 1946 and on August 1, 1946, before William B. Grogan designated by me for the purpose of receiving evidence and hearing argument with respect to whether a proposed amendment to the record-keeping regulations, Part 516, of this Chapter, relating to recording of hours worked by unsupervised employees engaged in woods operations on pulpwood, published in the FEDERAL REGISTER on April 19, 1946 (11 F. R. 4343), should be adopted by the Administrator and, if not, whether any alternative amendment concerning the subject matter should be adopted. On November 7, 1946 the presiding officer made his report and recommended that the proposed amendment to the record-keeping regulations should not be adopted.

Notice of opportunity to all interested parties to file with the Administrator written statements in support of or in opposition to the report and recommendation of the presiding officer was published in the FEDERAL REGISTER on December 10, 1946 (11 F. R. 14212). The entire record, including the report and recommendation of the presiding officer, was made available for examination by interested parties. Pursuant to the notice, statements in support of and in opposition to the report and recommendation were filed with me, and made part of the record.

I have examined the entire record and on the basis of that record have concluded that the adoption of the proposed amendment may lead to confusion and misunderstanding as to its purpose and effect and result in hampering the enforcement of the act. I therefore hereby determine not to amend the record-keeping regulations as proposed.

Signed at New York, New York, this 27th day of February 1947.

L. METCALFE WALLING.
Administrator.

[F. R. Doc. 47-1998; Filed, Mar. 4, 1947; 8:56 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8297]

ERNST SPRICK

In re: Bank account and stock owned by Ernst Sprick, F-28-8528-E-1, F-28-8528-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Sprick, whose last known address is Stelle im Luneburgischen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of First State Bank, Healy, Kansas, arising out of a checking account, entitled H. S. Jennison, Agent for Ernst Sprick, a national of Germany, Stelle im Luneburgischen, Germanie, Blocked, and any and all rights to demand, enforce and collect the same, and

b. Eight (8) shares of $100.00 par value common capital stock of First State Bank, Healy, Kansas, a corporation organized under the laws of the State of Kansas, evidenced by certificate number 35, registered in the name of Ernst Sprick, a citizen and national of Germany together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1963; Filed, Mar. 3, 1947; 8:46 a. m.]

[Vesting Order 7756]

WALTER KAHMANN

In re: The undivided one-half interest of Walter Kahmann in, Patent Number 1,965,525.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Walter Kahmann, whose last known address is Wismar, Germany is a resident of Germany and a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Walter Kahmann;

3. That the property described as follows: An undivided one-half interest which stands of record in the United States Patent Office in the name of Walter Kahmann in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor and Title
1,965,525; 7-3-34; Ernst Karl Roscher, railway car for transporting passenger carrying automobiles and similar vehicles or articles;

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation, or government for past infringement thereof to which the owner of such one-half interest is entitled,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on September 26, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 47-2007; Filed, Mar. 4, 1947; 8:46 a. m.]

[Vesting Order 7757]

GEORG HEIDEMANN AND MONTGOMERY WARD & CO., INC.

In re: Interests of Georg Heidemann in an agreement with Montgomery Ward & Company, Inc., dated March 18, 1937.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Georg Heidemann, whose last known address is Hoppegarten, near Berlin, Germany, is a resident of Germany and a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Georg Heidemann;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Georg Heidemann by virtue of an agreement dated March 18, 1937 (including all modifications thereof and supplements thereto, if any) by and between Dr. Otto Bernhard, acting as agent and attorney-in-fact for Georg Heidemann, on the one hand, and Montgomery Ward & Co., Incorporated, on the other, which agreement relates, among other things, to United States Letters Patent Number 1,979,545.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or

in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 26, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 47-2008; Filed, Mar. 4, 1947; 8:46 a. m.]

[Vesting Order 7934]

A. ATMANSPACHER

In re: Trademark Registration No. 264,475, owned by A. Atmanspacher of Ehrenfriedersdorf, Germany.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. Atmanspacher is a business organization organized under the laws of, and maintaining its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property described as follows:

(a) The trademark registered in the United States Patent Office and the registration thereof identified as follows:

Reg. No., Date, Registrant and Character of Goods

264,475; 11/26/29; A. Atmanspacher, Ehrenfriedersdorf, Saxony, Germany; boots and shoes of leather, rubber or textile material or combinations of these materials;

together with

(b) The good will of the business in the United States and all its possessions to which said trademark is appurtenant,

(c) Any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment),

(d) Any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trademark and registration thereof,

(e) All accrued royalties payable or held with respect to such trademark and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of, or is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 24, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2009; Filed, Mar. 4, 1947; 8:46 a. m.]

[Vesting Order 8080]

HELENE MORGENSTEIN

In re: Real property and property insurance policies owned by Helene Morgenstein, also known as Helene Morgenstern and Helene Morgenstein Colditz.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Morgenstein, also known as Helene Morgenstern and Helene Morgenstein Colditz, whose last known address is Colditz, Sachsea, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property descibed as follows:

a. Real property, situated in the Town of Darlington, County of Darlington and State of South Carolina, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Helene Morgenstein, also known as Helene Morgenstern and Helene Morgenstein Colditz, in and to Fire Insurance Policy No. 1338, insuring the property described in subparagraph 2-a hereof, issued by the Pacific Fire Insurance Company, New York, New York, in the name of "D. D. Witcover, as Executor of the Will of G. O. Mertz," which policy is in the amount of $2,200.00, and expires on March 9, 1947, and

All right, title and interest of Helene Morgenstein, also known as Helene Morgenstern and Helene Morgenstein Colditz, in and to Fire Insurance Policy No. OC 735664, insuring the property described in subparagraph 2-a hereof, issued by the Dixie Fire Insurance Company, Greensboro, North Carolina, in the name of "D. D. Witcover, as Executor of the Will of G. O. Mertz" which policy is in the amount of $1,900.00, and expires on September 7, 1947,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that tract or lot of land lying, being and situate in the Town of Darlington in the County and State aforesaid one and $^{51}/_{100}$ acres more or less and bounded on the northwest by Broad Street, on which street said lot has a front of $91^{1}/_{2}$ ft. more or less, on southwest by lands of M. A. Reeves, on the southeast by a ditch and on the northeast by lands of M. C. Willis and A. W. Welling and has such corners, shapes and distances as is represented on a plat of the same made by Geo. W. Earle, C. E. on 5th of March 1869 and hereunto attached and being Lot marked No. 3 on said plat.

[F. R. Doc. 47-2010; Filed, Mar. 4, 1947; 8:47 a. m.]

[Vesting Order 8162]

GEORGE HANNEMANN AND ANDREAS MUNZINGER

In re: Interests in real property, property insurance policy and claim owned by George Hannemann and Andreas Munzinger.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Hannemann, whose last known address is Biberach, T. R. Waldserstr, Wurtemberg, Germany, and Andreas Munzinger, whose last known address is Wekhof, Post Kupferzelle, c/o Ohrongen, Wurtemberg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided two-fifths interest in real property, situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1, in and to Fire Insurance Policy No. 685079, issued in the name of the Estate of Katie Hannemann, deceased, by Fire Association of Philadelphia, Philadelphia, Pennsylvania, in the amount of $2,000.00, insuring the premises described in subparagraph 2-a hereof and expiring April 8, 1947, and

c. That certain debt or obligation owing to the persons named in subparagraph 1 by Fred Lutz, 1428 E. Johnson Street, Philadelphia, Pennsylvania, and John Kuhn, Jr., 547 W. Olney Avenue, Philadelphia, Pennsylvania, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that certain lot or piece of ground with the two story brick messuage or tenement thereon erected lying and being in the Thirty-eighth Ward of the City of Philadelphia. Situate on the East side of Gratz Street at the distance of One Hundred and sixty-six feet Southward from the South side of Somerset Street. Containing in front or breadth on said Gratz Street Fifteen feet and extending of that width in length or depth Eastward between lines at right angles to the said Gratz Street Forty-eight feet to a certain Four feet wide alley extending Northward to the said Somerset Street.

Together with the free and common use right liberty and privilege of the aforesaid alley as and for a passage way and water course at all times hereafter forever.

[F. R. Doc. 47-2011; Filed, Mar. 4, 1947; 8:47 a. m.]

[Vesting Order 8163]

ANTON MICHEL

In re: Interest in real property and claim owned by Anton Michel.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Michel, whose last known address is Dragos Uoda No. 40, in Temesvar Mehala, Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That the property described as follows:

a. An undivided one-half interest in real property, situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. That certain debt or other obligation owing to Anton Michel, by George Preisack, 4634 Oldenburg Avenue, St. Louis, Missouri, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Rumania);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Property situated on the east side of Etting Street, at a distance of 162' northward from the north side of Flora Street, in the 29th Ward of the City of Philadelphia, State of Pennsylvania, containing in front or breadth at the said Etting Street 13' 6" and extending eastward of that width between lines at right angles to said Etting Street, 37' to a certain 3' wide alley, leading from Flora Street to Stiles Street, known and numbered as 1225 North Etting Street.

[F. R. Doc. 47-2012; Filed, Mar. 4, 1947; 8:47 a. m.]

[Vesting Order 8164]

AMPI-BUDD PRESSWERK G. M. B. H. ET AL.

In re: Interests of Ambi-Budd Presswerk G. m. b. H. in an agreement between the Budd International Corporation of Philadelphia, Pennsylvania, Ambi-Budd Presswerk G. m. b. H. of Berlin-Johannisthal and the Societe des Automobiles Peugeot of Paris, France, dated November 23, 1934.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ambi-Budd Presswerk G. m. b. H. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All interests and rights created in Ambi-Budd Presswerk G. m. b. H. by virtue of an agreement dated November 23, 1934 (including all modifications thereof and supplements thereto, if any) by and between Budd International Corporation, Ambi-Budd Presswerk G. m. b. H. and Societe des Automobiles Peugeot, and any and all rights to demand, enforce and collect any and all obligations due said Ambi-Budd Presswerk G. m. b. H. under and by virtue of said agreement,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evi-

dence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2013; Filed, Mar. 4, 1947; 8:47 a. m.]

[Vesting Order 8209]

HEINRICH SIEGEL ET AL.

In re: Interest in real property and property insurance policies owned by Heinrich Siegel, Wilhelm Siegel, Carl Siegel, also known as Carl Heinz Siegel, and Anna Liese Siegel.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Siegel, Wilhelm Siegel, Carl Siegel, also known as Carl Heinz Siegel and Anna Liese Siegel, whose last known addresses are Oldenburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half interest in real property situated in the Borough and County of Queens, City and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons named in subparagraph 1, in and to the following insurance policies, which are in the possession of John Uffelmann, 3070 Coddington Avenue, Bronx 61, New York:

Fire Insurance Policy No. C.3647, issued by the Northwestern National Insurance Company of Milwaukee, Wisconsin, in the amount of $3,000.00, in the name of "Estate of Anna Uffelmann, John C. Uffelmann, Executor", which policy insures the property described in Exhibit A hereof and expires January 10, 1949.

Fire Insurance Policy No. C.3535, issued by the Northwestern National Insurance Company of Milwaukee, Wisconsin, in the amount of $6,500.00, in the name of "Estate of Anna Uffelmann, John C. Uffelmann, Executor", which policy insures the property described in Exhibit A hereof and expires November 1, 1948,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that certain lot or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Fourth Ward of the Borough and County of Queens, City and State of New York, bounded and described as follows:

Beginning at a point on the westerly side of 109th Street, distant 111 feet northerly from the corner formed by the intersection of the westerly side of 109th Street with the northerly side of Roanoke Avenue; running thence westerly and parallel with Roanoke Avenue, one hundred and nine one-hundredths (100.09) feet; thence northerly and parallel with 109th Street, twenty (20) feet; thence easterly and again parallel with Roanoke Avenue and part of the distance through a party wall, one hundred and nine one-hundredths (100.09) feet to the westerly side of 109th Street and thence southerly along the westerly 109th Street, twenty (20) feet to the point or place of Beginning.

Together with an easement and right of way for the uses and purposes of a private driveway, as well as for the purposes of light and air over the northerly three and fifty one-hundredths (3.50) feet of the premises adjoining the premises above described on the south to a depth of eighty (80) feet and this easement and right of way shall enure to the benefit of any owner in fee of the premises above described.

Subject, however, to an easement and right of way for the uses and purposes of a private driveway, as well as for the purposes of light and air, in favor of any owner in fee of the premises adjoining the premises above described on the south over the southerly three and fifty one-hundredths (3.50) feet of the premises above described to a depth of eighty (80) feet.

Said premises being known as and by the street No. 104-66 109th Street, Richmond Hill.

[F. R. Doc. 47-2014; Filed, Mar. 4, 1947; 8:47 a. m.]

[Vesting Order 8241]

LEVI ADLER

In re: T/W of Levi Adler, deceased. File D-28-1241; E. T. sec. 10318.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Siegfried Kugelmann, Leopold Kugelmann and Elsie Mandelstein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of Leopold Kugelmann, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under Item Sixth of the will and codicil of Levi Adler, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above-named persons and the children of Leopold Kugelmann, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2015; Filed, Mar. 4, 1947; 8:47 a. m.]

[Vesting Order 8243]

GEORGE BOSENBERG

In re: Estate of George Bosenberg, deceased. File D-28-10499; E. T. sec. 14927.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Meyer and Henry Bosenberg, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs-at-law, next of kin, distributees, legatees and personal representatives, names unkown, of Marie Meyer, and the heirs-at-law, next of kin, legatees, distributees and personal representatives, names unknown, of Henry Bosenberg, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of George Bosenberg, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John C. von Glahn, as executor, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the above-named persons and the heirs-at-law, next of kin, legatees, distributees and personal representatives, names unknown, of Marie Meyer, and the heirs-at-law, next of kin, legatees, distributees and personal representatives, names unknown, of Henry Bosenberg, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2016; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8245]

RICHARD EHLERS

In re: Estate of Richard Ehlers, deceased. File D-28-11136; E. T. sec. 15541.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Hillenstedt, Ernst Hillenstedt, Alma Hasselbrink (geb. Hillenstedt), Grete Kroger (geb. Hillenstedt) and Dora Hillenstedt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Richard Ehlers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Anna Dippe, as Administratrix, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2017; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8247]

INGWER E. FRIEDRICHSEN

In re: Estate of Ingwer E. Friedrichsen, deceased. File D-28-10769; F-28-23665-E-1; E. T. sec. 15202.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ingeborg Friedrichsen Bolz, Johannes Friedrichsen, Bernhard Friedrichsen, Marie Lahs, also known as Marie Friedrichsen, Dorathea Schneid and Irma Baierlein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Ingwer E. Friedrichsen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Martin Friedrichsen, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2018; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8248]

EUGENIA L. V. GEISENHEIMER

In re: Estate of Eugenia L. V. Geisenheimer, deceased. File No. 017-21018.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Madeleine Weidenmueller in and to the Estate of Eugenia L. V. Geisenheimer, deceased, is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Madeleine Weidenmueller, Germany.

That such property is in the process of administration by William Bianchi as Executor of the Estate of Eugenia L. V. Geisenheimer, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2019; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8255]

HELENE METKA

In re: Mortgage Participation Certificate No. 81,787 in Series No. 206,570 issued to Helene Metka by Title Guaranty and Trust Company. File No. F-28-7222; E. T. sec. 4229.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All rights and interests evidenced by Mortgage Participation Certificate No. 81,787, originally issued by Title Guaranty and Trust Company and guaranteed by Bond and Mortgage Guaranty Company under mortgage No. 206,570, and the right to the transfer and possession of any and all instruments evidencing such rights and interests,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Helene Metka, Germany.

That such property is in the process of administration by Felix A. Muldoon, Karl Propper & John K. Wallace, acting as Trustees under a Declaration of Trust, dated April 27, 1937, under the judicial supervision of the Supreme Court, Bronx County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2020; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8263]

CHARLOTTE BADENHOOP AND ALWINE SCHNEEMANN

In re: Debts owing to Charlotte Badenhoop and Alwine Schneemann. F-28-8354-A-1, F-28-8355-A-1, F-28-25967-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Badenhoop and Alwine Schneemann whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Charlotte Badenhoop by Pacific States Savings and Loan Company and/or the Building and Loan Commissioner, 745 Market Street, San Francisco, California, evidenced by one Pass Book Investment Certificate issued by the Pacific States Savings and Loan Company, bearing the number PB 37432, and registered in the name of Charlotte Badenhoop, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto,

b. That certain debt or other obligation owing to Alwine Schneemann by Pacific States Savings and Loan Company and/or the Building and Loan Commissioner, 745 Market Street, San Francisco, California, evidenced by one Pass Book Investment Certificate issued by the Pacific States Savings and Loan Company, bearing the number PB 37431, and registered in the name of Alwine Schneemann, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto, and

c. Those certain debts or other obligations owing to Charlotte Badenhoop and Alwine Schneemann by the Pacific States Savings and Loan Company and/or the Building Commissioner, 745 Market Street, San Francisco, California, evidenced by three Full Paid Investment Certificates issued by the Pacific States Savings and Loan Company, bearing the numbers FP-10117, FP-13772, and FP-13773, and registered in the name of Oscar Snowman, deceased, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2021; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8264]

BODEN & HAAC

In re: Debts owing to Boden & Haac, F-28-9313-C-1, F-28-9313-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Boden & Haac, the last known address of which is Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: a. That certain debt or other obligation owing to Boden & Haac, by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, in the amount of $154.65, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Boden & Haac, by Esteve Brothers & Co., Inc., P. O. Box 2129, Dallas, Texas, arising out of loss in weight claims and quality allowances on cotton shipments prior to June 14, 1941, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2022; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8265]

EXPORTKREDITBANK A. G.

In re: Bank accounts owned by Exportkreditbank A. G. F-28-180-E-10, F-28-180-E-12, F-28-180-E-13, F-28-180-E-16, F-28-180-E-18.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank A. G., whose last known address is Kanonierstrasse 17-20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Exportkreditbank A. G., by The Marine Trust Company of Buffalo, Buffalo, New York, arising out of a demand checking account, entitled Export Kreditbank A. G., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Exportkreditbank A. G., by The First National Bank of Boston, 67 Milk Street, Boston, Massachusetts, arising out of a checking account entitled Exportkreditbank Aktiengesellschaft, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Exportkreditbank A. G., by The National Shawmut Bank of Boston, 40 Water Street, Boston 6, Massachusetts, arising out of a dollar deposit account entitled Exportkreditbank A. G., and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Exportkreditbank A. G., by Bank of America National Trust and Savings Association, 360 Montgomery Street, San Francisco, California, arising out of a bank account entitled Exportkreditbank A. G., Berlin, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation owing to Exportkreditbank A. G., by Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, arising out of a banking account, entitled Exportkreditbank Aktiengesellschaft, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2023; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8266]

TSURUNOSUKE HONDA

In re: Claim owned by Tsurunosuke Honda. F-39-5779-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsurunosuke Honda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tsurunosuke Honda, by Pacific Bank, P. O. Box 1200, Honolulu, T. H., in the amount of $132.50, as of December 31, 1945, evidenced by a time certificate of deposit, and identified by Receiver's Liability No. 1861, entitled Tsurunosuke Honda, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2024; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8267]

S. KAJITA

In re: Debt owing to S. Kajita. F-39-5226-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Kajita, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to S. Kajita, by Apple Growers Association, Hood River, Oregon, in the amount of $1,126.26, as of December 31, 1945, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2025; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8269]

LINA SCHAEFER

In re: Bank account owned by Lina Schaefer. F-28-17770-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Schaefer, whose last known address is Waldeck, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of United States Trust Company, 30 Court Street, Boston 1, Massachusetts, arising out of a Savings Account, Account Number 26763, entitled Joseph Kruger, atty. for Lina Schaefer maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lina Schaefer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2026; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8332]

HERMAN MARTENS ET AL.

In re: Bond and mortgage owned by Herman Martens, Anna Martens and Anna Brunjes.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Martens, Anna Martens and Anna Brunjes, whose last known addresses are Ebersdorf, Amt Bremervorde, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: A mortgage executed on February 10, 1913, by Nachman Firestone and Clara Firestone, his wife, to Lawyers Title Insurance and Trust Company, and recorded on February 11, 1913, in the Office of the Register of the County of Kings, State of New York, in Liber 3331 of Mortgages at page 492, and thereafter assigned through mesne assignments by Thomas E. Rogers, Executor of the Estate of Peter Martens, also known as Peters Martens, deceased, to Herman Martens, Anna Martens and Anna Brunjes, by assignment dated August 1, 1933, and recorded on November 10, 1938, in the Office of the Register of the County of Kings, State of New York, in Liber 8305 of Mortgages at Page 424, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2027; Filed, Mar. 4, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2666]

UNITED AIR LINES, INC.

NOTICE OF HEARING

In re notice of intention of United Air Lines, Inc., to engage in air transportation to and from Twin Falls, Idaho, an intermediate point on Route No. 1 through the use of the Gooding Municipal Airport, filed with the Board by United Air Lines, Inc., pursuant to §§ 238.3 and 238.5 of the Economic Regulations of the Board. The Board (14 CFR, Supps., 238.3 and 238.5) pursuant to said §§ 238.3 and 238.5, served upon United an order to appear at a public hearing to show cause why the use of the Gooding Municipal Airport for the purpose of serving Twin Falls, Idaho, should not be disapproved. (Order Serial No. E-123, dated Nov. 21, 1946.)

Notice is hereby given that the said public hearing be and it is hereby assigned to be held on March 5, 1947, at 10 a. m. (eastern standard time) in the Foyer of the Auditorium, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. A. Law, Jr.

Without limiting the scope of the issues presented by said proceeding, particular attention will be directed to the following matters and questions:

Whether service to Twin Falls, Idaho, through the use of the Gooding Municipal Airport, resulting in service to Gooding by United, would adversely effect the public interest?

Notice is further given that any person, other than parties and interveners of record as of February 28, 1947, desiring to be heard in this proceeding file with the Board on or before March 5, 1947, a statement setting forth the issues of fact or law he desires to controvert.

Dated at Washington, D. C., February 28, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-2038; Filed, Mar. 4, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-819]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 27, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1983; Filed, Mar. 4, 1947; 8:56 a. m.]

[Docket No. G-835]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 27, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1984; Filed, Mar. 4, 1947; 8:56 a. m.]

[Docket No. G-811]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 27, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1985; Filed, Mar. 4, 1947; 8:57 a. m.]

[Docket No. G-821]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 27, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1986; Filed, Mar. 4, 1947; 8:57 a. m.]

[Docket No. G-829]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 27, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1987; Filed, Mar. 4, 1947; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 132]

RECONSIGNMENT OF APPLES AT ST. PAUL, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Paul, Minnesota, February 26, 1947, by C. M. Kopp Company, of car WFE 61117, apples, now on the Great Northern Ry., to Furr Food Stores, Inc., Amarillo, Texas (CRI&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1979; Filed, Mar. 4, 1947; 8:56 a. m.]

[S. O. 396, Special Permit 133]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, February 26, 1947, by Gust Relias, of car PFE 64709, tomatoes, now on the Chicago Produce Terminal (CRI&P), to Strazulla Brothers, Cleveland, Ohio (NKP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-1980; Filed, Mar. 4, 1947; 8:56 a. m.]

[S. O. 396, Special Permit 134]

RECONSIGNMENT OF POTATOES AT NORTH PLATTE, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies

to the reconsignment at North Platte, Nebr., February 26, 1947, by National Produce Co., of car PFE 45265, potatoes, now on the Union Pacific RR., to National Produce Co., Chicago, Ill. (U.P.-C.B.&Q.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1981; Filed, Mar. 4, 1947; 8:56 a. m.]

[S. O. 396, Special Permit 135]

RECONSIGNMENT OF CAULIFLOWER AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 26, 1947, by Simon Siegel Co., of car BREX 75693, cauliflower, now on the Chicago Produce Terminal, to Simon Siegel Co., Philadelphia, Pa. (P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1982; Filed, Mar. 4, 1947; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1312]

STANDARD GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER EXTENDING TIME FOR SALE OF SHARES OF COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of February 1947.

The Commission on December 12, 1946, having issued its order (Holding Company Act Release No. 7061) in the above matter permitting to become effective pursuant to Rule U-23, an amended declaration regarding the proposed sale pursuant to Rule U-50 by Standard Gas and Electric Company of 140,614 shares of common stock of Mountain States Power Company, without par value, owned by Standard Gas and Electric Company, which declaration contemplated that such sale would be consummated within 60 days from the effective date thereof, or on or prior to February 10, 1947, as required by Rule U-24;

Standard Gas and Electric Company having requested that the Commission issue a supplemental order extending for a period of an additional 30 days the time within which such sale may be made pursuant to such amended declaration:

A hearing having been held on February 18, 1947, with respect to said matter pursuant to an order dated February 11, 1947, issued by the Commission directing declarant to show cause why such extension should be granted; and declarant having represented that it proposes to receive bids for the purchase of said stock on March 10, 1947, and to deliver said stock to the successful bidder or bidders on March 17, 1947; and having requested that such extension of time be granted to March 18, 1947 within which to consummate said sale; and

The Commission having considered the record and deeming it appropriate and in the public interest and in the interest of investors and consumers that an extension of time to March 18, 1947, within which to sell said stock, should be granted;

It is hereby ordered, That the time within which the proposed sale by Standard Gas and Electric Company of the 140,614 shares of common stock of Mountain States Power Company, without par value, owned by Standard Gas, pursuant to the provisions of the order of the Commission dated December 12, 1946, be and the same is hereby extended to March 18, 1947, subject to all the terms and conditions prescribed by said order of the Commission dated December 12, 1946.

By the Commission.

[SEAL] ORVAL L. DU BOIS,
Secretary.

[F. R. Doc. 47-1976; Filed, Mar. 4, 1947; 8:56 a. m.]

[File No. 70-1468]

DETROIT EDISON CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of February 1947.

Notice is hereby given that The Detroit Edison Company ("Detroit Edison"), a public-utility subsidiary of The United Light and Railways Company, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 regarding the issuance to its common stockholders of a common stock dividend of ten (10) percent upon its presently outstanding common stock. Declarant designates sections 6 (a) and 7 of the act as being applicable to the proposed transaction.

All interested persons are referred to said declaration which is on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Detroit Edison proposes to issue 636,130 shares of its presently authorized but unissued common stock, having a par value of $20 per share, as soon as practicable and to distribute such stock to its common stockholders in the ratio of one share for each ten shares held. Where the amount of stock issuable for such dividend would be less than one full share, the declarant proposes to issue scrip certificates in lieu thereof, such scrip certificates to be exchangeable for full shares during a period of two (2) years from a date thirty (30) days subsequent to the record date of the stock dividend. At the expiration of such period, the declarant will sell the number of shares of its common stock equal to the amount of scrip certificates then outstanding and thereafter for an additional period of four (4) years, the declarant will pay to each bearer of scrip certificates, upon surrender thereof, his proportion of the net proceeds of such sale.

The declarant proposes to transfer from its earned surplus account to its capital stock account an amount of $12,722,600, representing the par value of the shares to be issued. As of December 31, 1946, this entry would have had the effect of reducing declarant's earned surplus from $32,223,898.95 to $19,501,298.95.

The purpose of the transaction is stated to be a permanent capitalization of a portion of the earned surplus of the declarant heretofore permanently invested in its business. The Michigan Public Service Commission, the state commission of the State in which Detroit Edison is doing business, has issued an order permitting the proposed stock issuance.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to the matters set forth in said declaration and that said declaration should not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on March 12, 1947 at 10:00 a. m., e. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before March 10, 1947 a written request relative thereto as provided by Rule XVII of the commission's rules of practice.

It is further ordered, That Allen MacCullen or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed common stock dividend meets the applicable standards of sections 7 and 12 (c) of the act.

2. Whether the terms and conditions of the proposed common stock issue are detrimental to the public interest or the interest of investors or consumers.

3. Whether the terms and conditions of the proposed issuance of scrip are fair and reasonable and in the public interest and in the interest of investors and consumers, and whether the proposed exchange offer and payment for scrip meet the applicable standards of section 12 (c) of the act.

4. Whether the fees and expenses to be paid in connection with the proposed transaction are for necessary services and are reasonable in amount.

5. Whether the proposed accounting treatment of the transaction is proper and in conformity with sound accounting principles.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the declarant, The United Light and Railways Company, the Michigan Public Service Commission and the City of Detroit; and that notice of said hearing be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1973; Filed, Mar. 4, 1947; 8:55 a. m.]

[File No. 70-1420]

NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of February 1947.

The North American Company, a registered holding company, having filed a declaration and application, and amendments thereto, pursuant to sections 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-44 and U-50 promulgated thereunder with respect to the sale of its holdings of 41,000 shares of the capital stock of The St. Louis County Gas Company (being all of such stock issued and outstanding) to Laclede Gas Light Company, a non-affiliate, for a cash consideration of $11,250,000, subject to certain adjustments, and the use of the entire proceeds of this sale for the prepayment, without premium, of a portion of The North American Company's Bank Loan Notes of Series G presently outstanding in the principal amount of $26,375,000, in accordance with the terms of such Notes and for the consideration specifically designated therein; and

The North American Company having requested that the sale of the aforesaid shares of capital stock be exempt from the competitive bidding requirements of Rule U-50, and that said declaration and application be permitted to become effective and granted forthwith; and

The North American Company having requested that this Commission find that the sale of the 41,000 shares of capital stock of The St. Louis County Gas Company is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and make the specifications and itemizations necessary in order that the provisions of Supplement R of Chapter I and section 1808 (f) of Chapter 1I of the Internal Revenue Code, as amended, shall be applicable; and

A public hearing having been held upon such matters after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declaration of The North American Company, as amended, be, and the same is hereby, permitted to become effective forthwith, and that the request for exemption for the sale of 41,000 shares of capital stock of The St. Louis County Gas Company from the competitive bidding requirements of Rule U-50 be, and the same is hereby, granted, subject, however, to compliance with the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

It is further ordered, And the Commission finds that the proposed sale and transfer by The North American Company of the 41,000 shares of capital stock of The St. Louis County Gas Company (represented by certificates numbers 15, 16, 21, 35, 44, 47, 49, 50, 65, A-10, A-11, A-12, A-13, A-16, A-17, A-18, A-20 and A-21) authorized and permitted by this order is in accordance with and in obedience to the order of this Commission dated April 7, 1945, and that said proposed sale by The North American Company is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1974; Filed, Mar. 4, 1947; 8:55 a. m.]

[File No. 70-1442]

FLORIDA POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of February A. D. 1947.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's electric utility subsidiary, Florida Power & Light Company ("Florida") having filed a joint declaration and amendment thereto pursuant to sections 6 (a) (2), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Florida proposes to amend its charter in the following respects; (a) to change its presently outstanding 2,500,000 shares of common stock without nominal or par value, all of which are owned by American, to 2,000,000 shares of common stock without nominal or par value, but without any change in the aggregate stated value, said 2,000,000 shares to be issued to American in exchange for its presently held shares of Florida; (b) to increase its authorized capital stock to 20,000,000 shares without nominal or par value; (c) to provide for preemptive rights to stockholders with respect to any offering of common stock, or security convertible into common stock, for money, other than with respect to a public offering of such shares; (d) to provide that the consideration received by the company from the issuance and sale of any additional shares of common stock without par value, shall be entered in the capital stock account; (e) to provide for cumulative voting for the holders of shares of common stock; (f) to delete all references to preferred stock in the present charter; (g) to increase the number of directors from 5 to 9; (h) to provide that certificates of stock of the corporation may be signed by certain designated officers.

The declaration having been filed on January 24, 1947, the amendment thereto having been filed on February 7, 1947, notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, as amended, that the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest practicable date:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1975; Filed, Mar. 4, 1947; 8:55 a. m.]

[File Nos. 54-75, 70-726]

COMMONWEALTH AND SOUTHERN CORP. (DEL.)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of February 1947.

Notice is hereby given that a declaration-application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company. Applicant designates sections 11 and 12 (c) of the act and Rule U-46 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 10, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration-application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration-application as filed or as amended, may be permitted to become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa.

All interested persons are referred to said declaration-application, which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of $3 per share or an aggregate of $4,323,741 on the outstanding shares of its preferred stock. The dividend was declared on February 21, 1947 and is payable on the 28th day after the date of the order of this Commission permitting such payment of such dividend to stockholders of record at the close of business on the 14th day after the date of such order. The Commission action requested in the pending application is similar in substance to the Commission action requested in three applications approved by the Commission in 1943, four applications approved in 1944, four applications approved in 1945, and four approved in 1946, covering proposed distributions to preferred stockholders.

The applicant requests that the Commission's order be issued herein on or before March 11, 1947 and become effective forthwith so that Commonwealth may pay the proposed dividend not later than April 8, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1977; Filed, Mar. 4, 1947; 8:56 a. m.]

[File No. 70-1441]

KENTUCKY UTILITIES CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of February 1947.

Kentucky Utilities Company ("Kentucky"), a holding company and a public utility subsidiary of The Middle West Corporation, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, paticularly section 6 (b) thereof, with respect to the following transactions:

Kentucky proposes to issue and sell to eleven specified banks its unsecured 2½% Serial Notes in various principal amounts, aggregating $5,500,000 principal amount, said notes to be payable in equal semi-annual installments beginning May 1, 1947 with a final payment on November 1, 1956. Each of said banks has represented that its purchase of such notes will be for investment and not for resale or distribution. Expenses in connection with the proposed issuance, to be paid by Kentucky, are estimated at $3,000. The net proceeds, together with other funds as required, will be used to redeem all of Kentucky's outstanding 4½% sinking fund mortgage bonds, aggregating $5,406,000 in principal amount and maturing February 1, 1955. The redemption price will be at 102% of principal amount as provided by the terms of the said sinking fund mortgage bonds.

Said application having been filed on January 20, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the Public Service Commission of Kentucky and the Railroad and Public Utilities Commission of Tennessee have each, by appropriate order, approved the issuance of securities by Kentucky, as described above; and the Commission further finding with respect to the application, as amended, that the applicable requirements of the act, particularly section 6 (b) thereof, are met, and that it is appropriate in the public interest and in the interests of investors and consumers that said application, as amended, be granted, and deeming it appropriate to grant the request of applicant that the order become effective at an early date;

It is hereby ordered, Effective forthwith, pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the said application, as amended, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1978; Filed, Mar. 4, 1947; 8:56 a. m.]

Reference

MAR 10 '47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

FEDERAL REGISTER

VOLUME 12 NUMBER 46

Washington, Thursday, March 6, 1947

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 10, Amdt. 23]

PART 1432—RICE

SET-ASIDE REQUIREMENTS AND RESTRICTIONS ON DISTRIBUTION AND MILLING OF RICE

War Food Order No. 10, as amended (11 F. R. 10649, 13144, and 14646, and 12 F. R. 347 and 702), is hereby further amended by striking § 1432.1 (c) (1) and substituting in lieu thereof the following:

(1) Deliveries in any calendar month by any miller to persons other than governmental agencies of brown and milled rice for shipment to Puerto Rico, the Virgin Islands, and Hawaii, and exports of brown and milled rice in any calendar month by any miller to Cuba, and other exports of brown and milled rice in any calendar month by any miller under a license issued pursuant to the act of July 2, 1940, as amended (50 U. S. C. App. 701 et seq.), may be credited against the set-aside requirements of paragraph (b) (1) of this section for such month in a total amount not exceeding 40 percent of the total quantity of brown and milled rice milled by such miller during such month.

Effective date. This amendment shall be effective as of 12:01 a. m., e. s. t., March 1, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken under the provisions of War Food Order No. 10, as amended prior to said date, all such provisions shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 2 (a), 54 Stat. 676, as amended; 50 U. S. C. App. and Sup. 1152 (a); E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 28th day of February 1947.

[SEAL] N. E. DODD, *Acting Secretary of Agriculture.*

[F. R. Doc. 47-2044; Filed, Mar. 5, 1947; 8:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

ENDORSEMENT OF PASSPORTS

FEBRUARY 17, 1947.

The following amendments to Title 8, Chapter I, Code of Federal Regulations, are hereby prescribed:

PART 108—RECORDING OF ARRIVALS, DEPARTURES, AND REGISTRATIONS

1. Paragraph (a) of § 108.3 *Immigrants; Forms 257a, 257b and 257d; action at time of entry* (11 F. R. 9982) is amended by deleting the last two sentences, which read: "When an alien admitted on presentation of Forms 257a, 257b, and 257d is in possession of a passport as that term is defined in § 176.101 (e) of this chapter, the admitting immigrant inspector shall place an endorsement in such passport showing the date and place of admission, status and section of law under which admitted, date to which admitted, visa application number, and bond if exacted. In classes of cases where fixing a period of time of admission is prohibited by regulations, the term 'duration of existing status' shall be used."

2. The following section is added:

§ 108.9 *Endorsement of passports.* (a) When an alien admitted temporarily to the United States is issued a Form 257a or Form I-94 or when an alien is admitted permanently on presentation of a Form 256a or a permit to reenter the United States, the admitting immigrant inspector shall stamp any passport presented by the alien (as the term passport is defined in § 176.101 (e) of this chapter) to show the word "Admitted" and the date and place of admission: *Provided*, That the provisions of Part 125 of this chapter shall be followed as to the endorsement of passports presented by aliens admitted as students under the provisions of subsection (e) of section 4 of the Immigration Act of 1924 (43 Stat. 155; 8 U. S. C. 204 (e)).

(b) If an alien admitted temporarily to the United States is granted an exten-

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FEDERAL REGISTER

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sion of the period of his original admission, no notation to that effect shall be placed in any passport he possesses but he shall be advised in the notice of such extension that he should keep such notice with his passport.

PART 110—PRIMARY INSPECTION AND DETENTION

Section 110.30 *Visitors and traders; notation to be made on passports* (8 CFR 3.30, 8 CFR Cum. Supp. 110.30) is revoked.

PART 118—ALIENS IN TRANSIT

Section 118.3 *Transits; notation to be made on passports* (8 CFR 6.3, 8 CFR Cum. Supp. 118.3) is revoked.

PART 123—FOREIGN GOVERNMENT REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

Section 123.3 *Admission* (11 F. R. 2965) is amended by deleting the last sentence, which reads: "The facts of the admission of an alien under the provisions of this part shall be endorsed by the immigrant inspector in any passport or similar official document held by the alien and presented by him in connection with his admission."

PART 164—PERMIT TO REENTER THE UNITED STATES

Section 164.7 *Disposition at port of entry* (11 F. R. 5108) is amended by deleting paragraph (b), which reads:

(b) When an alien admitted on a permit to reenter is in possession of a passport, the passport shall be stamped and signed by the admitting officer to show the date and place of admission and the number of the permit.

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150; 8 U. S. C. 102, 222, 458, 727; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., Ch. IV); 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: February 27, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-2059; Filed, Mar. 5, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions and Procedures

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE AND OFFICE OF DIRECTOR OF CIVILIAN MARKSMANSHIP

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of 11 June 1946, § 2.54 pertaining to the location of the National Board for the Promotion of Rifle Practice and Director of Civilian Marksmanship, and paragraph (m) of § 2.56 pertaining to appointment of executive officer, are hereby rescinded and the following substituted therefor:

§ 2.54 *Location.* The Offices of the Executive Officer of the National Board for the Promotion of Rifle Practice and Director of Civilian Marksmanship are located in the Pentagon, Washington 25, D. C. (Mailing address Room 3A-348.)

§ 2.56 *Functions of Director of Civilian Marksmanship.* * * *

(m) It has been the practice since 1925 to appoint the same officer to serve both as Executive Officer of the National Board and the Director of Civilian Marksmanship. Colonel T. F. Wessels, Inf., is presently assigned to these duties, with Lt. Col. Eugene S. Hicker, Inf., as assistant.

(39 Stat. 648, Pub. Law 404, 79th Cong., 60 Stat. 237; 32 U. S. C. 182)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-2055; Filed, Mar. 5, 1947; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 97-1]

PART 97—RULES OF PRACTICE GOVERNING SAFETY CASES ARISING UNDER SECTIONS 602 AND 609 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED, AND PETITIONS FOR WAIVERS OF CIVIL AIR REGULATIONS

WITHDRAWAL OF COMPLAINT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of February 1947.

Effective March 1, 1947, Part 97 of the Civil Air Regulations is amended by adding thereto immediately following § 97.18 a new section numbered § 97.18a as follows:

§ 97.18a *Withdrawal of complaint.* A complaint may be withdrawn by the Administrator of Civil Aeronautics, as plaintiff, at any time prior to the issuance of an initial decision in the proceeding as provided for in §§ 97.22 and 97.23, by filing with the Board an original and two copies of a formal Notice of Withdrawal of Complaint stating the reasons for such action, together with a signed statement that a copy thereof has been mailed to the defendant, and the proceeding shall thereupon be deemed terminated without further action of the Board. (Secs. 205 (a), 1001, 1002, 52 Stat. 984, 1017, 1018, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 49 U. S. C. 425 (a), 641, 642)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2036; Filed, Mar. 5, 1947; 8:46 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 525—NOTICE OF CONSTRUCTION OR ALTERATION OF STRUCTURES ON OR NEAR CIVIL AIRWAYS

CONSTRUCTION OF LANDING AREAS

In accordance with the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) and pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 1101 of said act (52 Stat. 986, 1026, 54 Stat. 1233; 49 U. S. C. 458, 671), I hereby amend Part 525 of the Regulations of the Administrator of Civil Aeronautics by adding the following new § 525.10, to become effective upon the 31st day after publication hereof in the FEDERAL REGISTER:

§ 525.10 *Construction of landing areas.* Any person who engages in the construction of a landing area, as defined in § 525.3, any boundary of which will be within 5 miles of the nearest boundary of an existing landing area shall give notice thereof to the Administrator of Civil Aeronautics.

Basis and purpose. The construction of a landing area within 5 miles of an existing landing area may constitute a hazard to the navigation of aircraft in air commerce, unless proper notice of such construction is given to all airmen and the traffic pattern for such landing area is coordinated with that of the existing landing area. To accomplish such notice and coordination, the Administrator of Civil Aeronautics must be notified of the construction of any landing area and any boundary of which will be located within 5 miles of an existing landing area.

(52 Stat. 986, 1026, 54 Stat. 1233; 49 U. S. C. 458, 671)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-2056; Filed, Mar. 5, 1947; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5462]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CALIFORNIA MARINE CURING & PACKING CO. ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the sale and distribution of sardines, tonno, mackerel, tuna, and other sea-food products in commerce, paying or granting, directly or indirectly, to any buyer, anything of value as a commission or brokerage, or any compensation, allowance, or discount

in lieu thereof, upon purchases made for such buyer's own account; prohibited. (Sec. 2 (c), 48 Stat. 1527; 15 U. S. C., 13 (c)) [Cease and desist order, California Marine Curing & Packing Co. et al., Docket 5462, February 13, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of February A. D. 1947.

In the Matter of California Marine Curing & Packing Co., a Corporation; and Max Joseph Gorby, Individually and as President and Director, Jack Gorby, Individually and as Vice President and Director, and Anna Gorby, Individually and as Secretary-Treasurer and Director, of California Marine Curing & Packing Co.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer of the respondents, which answer admits all the material allegations of fact set forth in said complaint and waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of subsection (c) of section 2 of an act of Congress entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (Robinson-Patman Act):

It is ordered, That the corporate respondent, California Marine Curing & Packing Co., a corporation, and its officers, and the individual respondents, Max Joseph Gorby, Jack Gorby, and Anna Gorby, individually and as officers and directors of the corporate respondent, and their respective agents, representatives, and employees, directly or through any corporate or other device in connection with the sale and distribution of sardines, tonno, mackerel, tuna, and other sea-food products in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Paying or granting, directly or indirectly, to any buyer, anything of value as a commission or brokerage, or any compensation, allowance, or discount in lieu thereof, upon purchases made for such buyer's own account.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-2057; Filed, Mar. 5, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 20 to Supp. 1]

SUGAR

Supplement 1 to Third Revised Ration Order 3 is amended in the following respect:

Section 2.1 is amended to read as follows:

SEC. 2.1 *Allotment percentages for industrial users.*

	Percentage of sugar base (for the quarterly allotment period commencing January 1, 1947)	Percentage of sugar base (for the quarterly allotment periods commencing on or after April 1, 1947)
1. Bread and other bakery products	60	75
2. Baking mixes, including batters	60	75
3. Breakfast cereals; and cereal paste products, such as spaghetti and macaroni	60	75
4. Ice cream; ices; sherbertes; frozen custards; and mixes used for these purposes	60	75
5. Condensed milk in containers of one gallon or less; cheese; other dairy products not included in other items; frozen eggs; and sugared egg yolks	60	75
6. Bottled beverages (alcoholic and non-alcoholic); flavoring and coloring extracts; fountain syrups; drink mixes; brandied fruits; maraschino cherries; fountain fruits; pickled fruits and vegetables; relishes	60	75
7. Mayonnaise and salad dressing	60	75
8. Products fried in fat (except bakery products) such as nuts, potato chips	60	75
9. Candy; chocolate; cocoa; chewing gum	60	75
10. Sandwiches	60	75
11. Dehydrated and dried soup and soup mixes	60	75
12. Canned and bottled foods (not included in other items); table syrup		
13. Experimental, educational demonstration and testing purposes	60	75
14. Pharmaceuticals (internal); allergy foods; vitamin oils; cough drops	120	120
15. Pharmaceuticals (external)	120	120
16. All other classes; food	60	75
17. All other classes; non-food	60	75
18. Jams, jellies, preserves, marmalades and fruit butters	55	75

This amendment shall become effective March 10, 1947.

Issued this 5th day of March 1947.

PHILIP B. FLEMING, *Temporary Controls Administrator.*

[F. R. Doc. 47-2142; Filed, Mar. 5, 1947; 11:44 a. m.]

[1] 11 F. R. 166.

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS

IMPOUNDING OF ANIMALS

Part 2 is amended by adding a new § 2.64, reading as follows:

§ 2.64 *Impounding of animals.* (a) Livestock and dogs trespassing on any lands of the United States in a National Park Service area may be impounded by the superintendent or custodian in charge and shall be disposed of in accordance with state statutes insofar as the same may be applicable. In the absence of applicable state statutes the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served upon him, and in the event of his failure to remove the impounded animal within five (5) days from delivery of such notice, it will be sold or otherwise disposed of as hereinafter prescribed.

(c) If the owner is unknown, no sale or other disposition of the animal shall be made until at least fifteen (15) days have elapsed from the date that a notice of the impounding is first published in a newspaper of general circulation in the county in which the trespass occurs and posted at the county courthouse.

(d) Regional directors, superintendents, and custodians are hereby authorized to order the publication of such notices in newspapers by direct transmittal to the publisher of the standard form of advertising order approved by the Comptroller General.

(e) The notice shall state when and where the animal was impounded; shall describe it by brand or earmark, or both, or, in the absence of such distinguishing marks, by such other means as are necessary reasonably to identify such animal; shall specify the time and place it will be offered at public sale to the highest bidder in default of redemption by the owner on or before that date; and shall reserve the right of the official conducting the sale to reject any and all bids so received.

(f) Prior to such sale, the owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for capturing, advertising, pasturing, feeding, and impounding, and the amount of damage to any National Park Service property injured or destroyed by or through such trespass. Upon the sale of any animal in accordance with this regulation, the regional director, superintendent, or custodian shall issue a certificate of sale.

(g) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is in an amount less than the amount of the claim of the United States or of the officer's appraised value of the animal, whichever is the lesser amount, such animal may, in the discretion of the superintendent or custodian be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the United States if of value for that purpose.

(h) In determining the claim of the Government in all livestock trespasses on National Park Service areas, the value of forage consumed shall be computed at the daily, weekly, monthly, or yearly commercial rates prevailing in the locality for the class of livestock found in trespass. In addition, the claim shall include damages to National Park Service property injured or destroyed by trespassing livestock and dogs, the expenses incurred in impounding, sale, or other disposition of such animals, and the pro rata salary of Service employees for the time spent and the expenses incurred in and about the investigations, reports, and settlement or prosecution of the case.

(i) When the amount received in the sale of the animal either at auction or private sale, or when the appraised value of the animal in case it is converted to the use of the Government, is insufficient to meet the amount of the Government's claim, or when it is necessary to destroy the impounded animal without benefit to the Government, the facts shall be fully reported to the Director for appropriate action to obtain full satisfaction of the Government's claim. (Secs. 1 and 3, 39 Stat. 535, 16 U. S. C. 1, 3)

Issued this 21st day of February 1947.

[SEAL] WARNER W. GARDNER, *Assistant Secretary of the Interior.*

[F. R. Doc. 47-2034; Filed, Mar. 5, 1947; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter A—Organization

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

DUTIES OF SAFETY DIRECTOR

Section 1.4 (f) (11 F. R. 177A-114), is amended as follows:

The text of present paragraph (f) is designated as subparagraph (1), and a new subparagraph (2) is added to read as follows:

§ 1.4 *Office of the Postmaster General.* • • •

(f) *Chief Clerk and Director of Personnel.* (1) • • •

(2) The duties of the Safety Director are set forth as follows and apply to the Departmental and Field Services and he shall function through the responsible bureaus and offices of the Department:

Maintain staff supervision and direction of the safety organization and program; establish and maintain accident prevention and occupational health policies and procedures; establish standards and methods to effectuate the safety policies and procedures; develop standards and specifications for safety organizations and programs; analyze and determine aptness of the accident prevention and occupational health programs prepared by each bureau and office in relation to the accident and occupational health experience and other needs of each of the bureaus and offices; correlate all safety programs with the established standards of the Department and coordinate these programs with the safety program of the Postal Establishment; make periodic evaluations of the progress and effectiveness of the safety program and organization of the bureaus and offices and initiate remedial action where indicated; establish procedures to insure the proper integration and application of safety engineering techniques and practices in: operations, methods, and lay-out planning—buildings, facilities, and equipment designs and specifications—training activities—instruction and operating manuals; provide technical assistance on accident prevention, occupational health, sanitation, fire protection and prevention; establish and maintain a complete program for the development and training of safety personnel; establish standard uniform accident report forms and procedures for accident investigation, reporting and analysis; develop and maintain such analyses, trends, and forecasts as are essential to provide the Postmaster General, bureau heads, and supervisory personnel with periodic reports on the accident and occupational health experience and the attendant costs; establish effective media for currently informing supervisory personnel on all aspects of the Department's Safety problems and progress of the programs; establish criteria and standards for the preparation, selection and utilization of visual-aids and educational literature; establish service requirements for the use and purchase of personal protective equipment, appliances, and materials; correlate the safety program with the Department's public information program.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 31 U. S. C. 45, 49)

[SEAL] J. M. DONALDSON, *Acting Postmaster General.*

[F. R. Doc. 47-2035; Filed, Mar. 5, 1947; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

YAKIMA PROJECT, WASHINGTON, ROZA DIVISION

CROSS REFERENCE: For public notice opening public land to entry and announcing availability of water thereto in Yakima Project, Washington, Roza Division, see Bureau of Reclamation, Department of Interior, in Notices section, *infra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71–85—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of February A. D. 1947.

It appearing that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles:

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

PART 2—LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Superseding and amending commodity list, section 4, order August 16, 1940, as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
(Add) *Alkaline caustic liquids, n. o. s.	Cor. L	244, 249	White	10 gallons.
(Add) *Boiler compound liquid	do	244, 249	do	Do.
(Cancel) Hydrogen peroxide (hydrogen dioxide) containing over 7.41 percent (25 volume) H_2O_2	do	244, 266	do	1 gallon.
(Add) Hydrogen peroxide (hydrogen dioxide) containing over 8 percent H_2O_2 strength by weight	do	244, 266	do	Do.
(Add) Lithium hydride	Inf. S	(1)	Yellow	25 pounds.
(Add) Lithium silicon	do	(1)	do	Do.
(Add) Nonliquefied hydrocarbon gas	Inf. G	302, 303	Red	300 pounds.
(Add) *Water treatment compound, liquid	Cor. L	244, 249	White	10 gallons.

[1] No exemption 266.

PART 3—REGULATIONS APPLYING TO SHIPPERS

1. Superseding and amending paragraph (b) (2), section 31 (*Qualifications, maintenance and use of tank cars and tank motor vehicles*), order October 14, 1943, to read as follows:

(b) (2) For repairs to forge-welded tanks of ICC–105A series, or fusion-welded tanks of ICC–W classes, or equip-

ment therefor, requiring welding, the owner of the tank, or party authorized by the owner, must secure approval of such repairs from the Association of American Railroads' committee on tank cars. Fusion welds for repairs must be performed, inspected, and tested in the manner described by currently effective specification for the class of tank concerned, or the specification under which the tank was originally constructed. X-raying and stress relieving are required and must be done in an approved manner. Caulking of welded points is prohibited. Tanks must be retested, as prescribed in section 31 (f), before being returned to service. For repairs to forge-welded tanks of ICC–105A series, or fusion-welded tanks of ICC–W classes involving hot or cold working of the shell to restore contours as near as practicable to original design and construction, the owner of the tank or party authorized by the owner, must render a detailed report of such repairs to the Secretary, Mechanical Division, Association of American Railroads.

2. Superseding and amending paragraph (h) (3), section 62 (*Packing and weight fulminate of mercury, wet*), order August 16, 1940, to read as follows:

(h) (3) Spec. 5 or 5B, metal barrels or drums, Spec. 17H metal drums (single-trip), or Spec. 10B, wooden barrels or kegs, with inside container which must be:

3. Superseding and amending paragraph (m) (3), section 62 (*Packing and weight nitrosoguanidine, wet*), order August 16, 1940, to read as follows:

(m) (3) Spec. 5 or 5B, metal barrels or drums, Spec. 17H metal drums (single-trip), or Spec. 10B, wooden barrels or kegs, with inside container which must be:

4. Superseding and amending paragraph (b) (4), section 110 (*Inflammable liquid with flash point above 20° to 80° F.*), order August 16, 1940, to read as follows:

(b) (4) *Spec. 17E, or 17H.* Metal drums (single-trip).

5. Superseding and amending paragraph (d) (11), section 110 (*Viscous inflammable liquids*), order June 29, 1945, to read as follows:

(d) (11) *Spec. 17E, or 17H.* Metal drums (single-trip).

6. Superseding and amending paragraph (c), section 117 (*Rubber cement*), order October 28, 1942, to read as follows:

(c) *Spec. 17E, or 17H.* Metal drums (single-trip).

7. Superseding and amending paragraph (b), section 153 (*Inflammable solids and oxidizing materials*), order November 4, 1946, to read as follows:

(b) Liquid or solid organic peroxides, except hydrogen peroxide (see section 244 (a)), acetyl benzoyl peroxide, and benzoyl peroxide, in an inside container not over 1 pint or 1 pound capacity, not more than one such container in an outside package, securely packed with incombustible cushioning in strong outside container, are exempt from specification packaging, marking and labeling requirements unless otherwise provided, for transportation by rail freight, rail express or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

8. Superseding and amending paragraph (e), section 156 (*Packing barium peroxide*), order August 16, 1940, to read as follows:

(e) *Spec. 17E, 17H, or 37D.* Metal drums (single-trip.)

9. Superseding and amending paragraph (c), section 160 (*Packing calcium chlorite and sodium chlorite*), order August 16, 1940, to read as follows:

(c) *Spec. 6A, 6B, or 6C.* Metal barrels or drums.

(d) *Spec. 17E, 17H, or 37D.* Metal drums (single-trip).

10. Superseding and amending section 160A, order January 25, 1945, to read as follows:

(a) Calcium hypochlorite compounds, dry, containing more than 8.80 percent available oxygen (39 percent available chlorine) must be packed in specification containers as follows:

(b) *Spec. 6A, 6B, or 6C.* Metal barrels or drums.

(c) *Spec. 17E, 17H, 37D, 37E, or 37F.* Metal drums (single-trip).

(d) Outside packages containing inside containers of glass or metal not over five pounds capacity each are exempt from these regulations.

11. Superseding and amending paragraph (c), section 163 (*Packing chlorate of soda, chlorate of potash, and other chlorates*), order August 16, 1940, to read as follows:

(c) *Spec. 17E, 17H, 37D, 37E, or 37F.* Metal drums (single-trip).

12. Superseding and amending paragraph (c), section 164 (*Packing chromic acid*), order August 16, 1940, to read as follows:

(c) *Spec. 17E, 17H, 37D, or 37E.* Metal drums (single-trip).

13. Superseding and amending paragraph (c), section 166 (*Packing cobalt resinate, precipitated, calcium resinate, and calcium resinate fused*), order August 16, 1940, to read as follows:

(c) *Spec. 17E, 17H, 37D, 37E, 37F, or 37G.* Metal drums (single-trip).

14. Superseding and amending paragraph (c), section 173 (*Packing inflammable solids and oxidizing materials etc.*), order August 16, 1940, to read as follows:

(c) *Spec. 17E, 17H, 37D, 37E, or 37F.* Metal drums (single-trip).

15. Superseding and amending paragraph (d), section 175 (*Packing lacquer base, or lacquer chips, dry*), order August 16, 1940, to read as follows:

(d) *Spec. 17E, 17H, or 37D.* Metal drums (single-trip).

16. Superseding and amending paragraph (f), section 184 (*Packing nitrocellulose or collodion cotton, wet, etc.*), order August 16, 1940, to read as follows:

(f) *Spec. 17E, or 17H.* Metal drums (single-trip).

17. Superseding and amending paragraph (d), section 187 (*Packing peroxide of sodium*), order August 16, 1940, to read as follows:

(d) *Spec. 17E, 17H, or 37D.* Metal drums (single-trip).

18. Superseding and amending paragraph (d), section 188 (*Packing phosphoric anhydride*), order August 16, 1940, to read as follows:

(d) *Spec. 17E, 17H, or 37D.* Metal drums (single-trip).

19. Superseding and amending paragraph (d), section 204 (*Packing sodium hydrosulfite*), order August 16, 1940, to read as follows:

(d) *Spec. 17E, 17H, 37D, 37E, or 37F.* Metal drums (single-trip).

20. Superseding and amending paragraph (a) (1), section 206 (*Packing sodium or potassium, metallic, etc.*), order November 4, 1946, to read as follows:

(a) (1) Sodium or potassium, metallic, lithium hydride, lithium silicon, must be packed in specification containers as follows:

21. Superseding and amending paragraph (a) (4), section 206 (*Packing sodium of potassium, metallic, etc.*), order August 16, 1940, to read as follows:

(a) (4) *Spec. 17E, 17H, or 37D.* Metal drums (single-trip) authorized only for sodium which must be fused solid in the container.

22. Superseding and amending paragraph (b) (4), section 207 (*Packing sulfide of sodium or sulfide of potassium, fused or concentrated, when ground*), order August 16, 1940, to read as follows:

(b) (4) *Spec. 17E, 17H, 37D, 37E, 37F, or 37G.* Metal drums (single-trip).

23. Superseding and amending paragraph (c), section 213A (*Packing zinc ammonium nitrite*), order August 16, 1940, to read as follows:

(c) *Spec. 17E, 17H, or 37D.* Metal drums (single-trip). Gross weight not over 300 pounds.

24. Superseding and amending paragraph (b), section 242 (*Packing bottles containing acid or other corrosive liquids, etc.*), order August 16, 1940, to read as follows:

(b) When bottles containing acid or other corrosive liquids are cushioned by incombustible absorbent material and securely packed in tightly closed metal containers, except hydrofluoric acid which must be packed in a container other than a metal container, they may be packed with other articles. This exception does not apply to nitric or perchloric acids, or hydrogen peroxide exceeding 52 percent strength by weight, which must not be packed in the same outside container with any other article under any circumstances.

25. Amending section 245, order August 16, 1940, as follows (add):

(u) Hydrogen peroxide over 52 percent strength by weight.

26. Superseding and amending paragraph (d), section 247 (*Packing acetyl chloride, antimony pentachloride, benzoyl chloride, etc.*), order August 16, 1940, to read as follows:

(d) *Spec. 1A, 1C, or 1D.* Glass carboys in boxes or kegs (not permitted for tin tetrachloride, anhydrous).

27. Superseding and amending paragraph (b), section 248 (*Packing acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid*), order August 16, 1940, to read as follows:

(b) *Spec. 1A, or 1D.* Boxed carboys. (For spent sulfuric acid only.)

28. Amending section 249, order August 16, 1940, as follows: (*Alkaline corrosive liquids, n. o. s., etc.*) (add):

(d) (1) *Spec. 17E, or 17H.* Metal drums (single trip). Authorized only for liquid boiler compounds or liquid water treatment compounds.

29. Superseding and amending paragraph (c), section 254A (*Packing chromic acid solution*), order March 31, 1941, to read as follows:

(c) *Spec. 17E, or 17H.* Metal drums (single-trip) not over 5 gallons capacity.

30. Amending section 255 (*Packing dimethyl sulfate*), order August 16, 1940, as follows (add):

(e) *Spec. 103A.* Tank cars.

31. Superseding and amending paragraph (c) section 260A (*Packing ethyl chloroformate and methyl chloroformate*), order April 19, 1946, to read as follows:

(c) *Spec. 1A.* Boxed carboys. Glass bottles having nominal capacity of 3 gallons also authorized when packed and tested in accordance with requirements of Spec. 1A; necks must be protected during shipment.

32. Superseding and amending paragraph (b) section 262 (*Packing hydrobromic acid*), order August 16, 1940, to read as follows:

(b) *Spec. 1A, 1C, or 1D.* Carboys in boxes, barrels or kegs.

33. Superseding and amending paragraph (c) (2), section 265 (*Packing hydrofluosilicic acid*), order August 16, 1940, to read as follows:

(c) (2) *Spec. 1A, 1C, or 1D.* Carboys, boxed or in kegs, for which the use of rubber stoppers and gaskets is also authorized.

34. Superseding and amending all of section 266 (*Packing hydrogen peroxide, etc.*), orders August 16, 1940, November 8, 1941, October 28, 1942, and January 23, 1946, to read as follows:

266 (a) (1) Hydrogen peroxide containing over 52 percent H_2O_2 strength by weight must be packed in specification containers as follows:

(a) (2) *Spec. 15A, 15B, 15C, 16A, or 19A.* Wooden boxes with inside containers consisting of glass bottles not over 1 quart capacity each; bottles must have vented closure and must be packed in a metal container vented at bottom packed in another metal container vented at top; cushioning material shall be used between glass bottle and inner container and between inner and outer metal containers; cushioning material shall be vermiculite or equivalent in an amount at least 10 times the volume of the hydrogen peroxide shipped and shall be wet with at least 10 percent water by volume to which has been added a stabilizing agent.

(a) (3) *Spec. 42D.* Aluminum drums with vented closure in top head; not over 30 gallons capacity; side openings not permitted. Closure must be sealed to prevent removal in transit and top head plainly marked "Keep This End Up" or "Keep Plug Up To Prevent Spillage". For shipments other than carload or truckload lots loaded by consignor and unloaded by consignee drums must be of design and venting arrangement approved by the Bureau of Explosives.

(b) (1) Hydrogen peroxide containing not over 52 percent H_2O_2 strength by weight may also be packed in specification containers as follows:

(b) (2) *Spec. 15A, 15B, 15C, 16A, or 19A.* Wooden boxes with glass or earthenware inside containers of not more than 1 gallon capacity each. Inside containers must be well cushioned. All material used for cushioning must be incombustible mineral matter, such as whiting, mineral wool, infusorial earth, asbestos, or sifted ashes. Cushioning of inside containers in outside wooden boxes by means of elastic packing, such as wooden strips or large corks fastened securely in position, is authorized if the completed package will pass the swing test prescribed for boxed carboys in spec. 1A.

(b) (3) *Spec. 34B.* Aluminum carboys.

(b) (4) *Spec. 42D.* Aluminum drums with vented closure in top head; not over 30 gallons capacity. Closure must be sealed to prevent removal in transit and top head plainly marked "Keep This End Up" or "Keep Plug Up To Prevent Spillage." Aluminum drums already in service for the transportation of this material, manufactured prior to April 24, 1934, and of at least equal strength and efficiency thereto, may be continued in use until further order of the Commission.

(b) (5) *Spec. 42E.* Aluminum drums (single-trip).

(c) (1) Hydrogen peroxide containing over 8 percent H_2O_2 strength by weight and not exceeding 37 percent may also be packed in specification containers as follows:

(c) (2) *Spec. 1A.* Glass carboys. The cushioning must be incombustible mineral material, elastic wooden-strip packing, or large elastic cushions such as corks fastened securely in position. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited. The carboy stoppers must be vented so as to prevent accumulation of internal pressure; use of cork gasket impregnated with paraffin is authorized.

(c) (3) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(c) (4) *Spec. 1D.* Boxed glass carboys of not over 6.5 gallons nominal capacity. Means shall be provided so that accumulated pressure in bottle shall not exceed 10 pounds per square inch gauge at 130° F., or shall vent at a pressure not to exceed 10 pounds per square inch gauge. The cushioning must be incombustible mineral material, elastic wood-strip packing, or large elastic cushions such as corks fastened securely in position. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited.

(d) (1) Hydrogen peroxide containing over 8 percent H_2O_2 strength by weight and not exceeding 10 percent may also be packed in specification containers as follows:

(d) (2) *Spec. 10A.* Wooden barrels, paraffin-lined.

(e) (1) Hydrogen peroxide not exceeding 52 percent H_2O_2 strength by weight not subject to these regulations when shipped in tank cars or tank motor vehicles.

(e) (2) Hydrogen peroxide exceeding 52 percent H_2O_2 strength by weight may also be shipped in tank cars or tank motor vehicles subject to these regulations provided that such shipments are for ultimate use by the War or Navy Departments of the United States Government. Tank cars and tank motor vehicles must be of design and venting arrangement approved by the Bureau of Explosives.

35. Amending section 267 (*Packing mixed acid (nitric and sulfuric acid) nitrating acid*), order August 16, 1940, as follows (add):

(a) (6) (b) *Spec. 1D.* Boxed glass carboys of not over 6.5 gallons nominal capacity; authorized only for mixed nitric and sulfuric acid, containing not over 17 percent nitric acid and containing at least 33 percent water; means shall be provided so that accumulated pressure in bottle shall not exceed 10 pounds per square inch gauge at 103° F., or shall vent at a pressure not to exceed 10 pounds per square inch gauge. Cushioning must be incombustible mineral material, elastic wood-strip packing, or large elastic cushions such as cork, fastened securely in position. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited.

36. Superseding and amending paragraph (c), section 269 (*Packing perchloric acid, etc.*), order August 16, 1940, to read as follows:

(c) *Spec. 1A, 1C, or 1D.* Carboys, boxed or in kegs.

37. Superseding and amending paragraph (d) (1), section 302 (*Refrigerating machines, etc.*), order January 23, 1946, to read as follows:

(d) (1) Refrigerating machines of the self-contained type containing not over 50 pounds of gas, refrigerating machines of the remote-control type consisting of separate units shipped separately and each containing not over 25 pounds weight of gas, or other similar apparatus assembled for shipment containing not over 15 pounds weight of gas or liquid for their operation, under the following conditions:

38. Superseding and amending paragraph (n) (2), section 303 (*Liquefied petroleum gas*), order December 31, 1946, to read as follows:

(n) (2) *Spec. 3, 3A, 3B, 3E, 4, 4A, 4B, 4B240X, 4B240FLW, 25, 26, or 38.* Cylinders authorized under sec. 303 (p) (2) to 303 (p) (6) may be used.

NOTE: Because of the present emergency and until further order of the Commission, non-ICC specification containers used for liquefied petroleum gases prior to June 15, 1943, under laws, rules, or regulations of the States in which they are located, and so long as they are maintained in safe transportation condition, are authorized for use in the transportation of those gases by common, contract, or private carrier by motor vehicle, in intrastate commerce only, within those States. All other requirements of the Commission for such transportation must be complied with. This authority does not apply to cargo tanks of tank motor vehicles.

39. Amending paragraph (p), section 303 (*Qualification and maintenance of cylinders*), order August 16, 1940, as follows (add):

(p) (1) (k) For ICC–40 cylinders the service pressure is 200 pounds.

40. Amending paragraph (p) (14), section 303 order August 16, 1940, to read as follows (add):

(p) (14) (n) Cylinders made in compliance with specification ICC–4B used exclusively in non-corrosive gas service and protected externally by suitable corrosion resisting coatings, (such as galvanizing, painting, etc.), may be retested decennially instead of quinquennially, or, such cylinders may be subjected to an internal hydrostatic presure equal to at least 2 times the marked service pressure without determination of expansions (see note), but this type of test must be repeated quinquennially after expiration of the first ten-year period. When subjected to this latter test cylinders must be carefully examined under test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

NOTE: Cylinders tested by the modified hydrostatic method shall be marked after each retest with the date of test as otherwise required but followed by the symbol S; for example, 8–46S indicating retest by the modified method in August, 1946.

41. Amending paragraph (q) (1) table, section 303 (*Compressed gases in tank cars and motor vehicles*), order August 16, 1940, as follows (add):

Name of gas	Maximum permitted filling density (see note 1)	Required type of tank car, note 2
Argon	Note 5	ICC–107A.
Nitrosyl chloride	124	ICC–105A300W. Note 17.

NOTE 17: Before an ICC–105A300W tank car may be used for the transportation of nitrosyl chloride, the following requirements must be met: Tanks must be made of or clad with a metal not subject to rapid deterioration by the lading; all appurtenances, such as manhole covers, venting, loading and discharge valves, safety valves, check valves, and eduction pipes, must be made of metal not subject to rapid deterioration by the lading; cork must be used as an insulating material.

42. Superseding and amending paragraph (q) (1) note 16, section 303 (*Compressed gases in tank cars and motor vehicles*), order August 22, 1945, to read as follows:

NOTE 16: All parts of valves and safety devices in contact with contents of tank must be of a metal or other material suitably treated if necessary, which will not cause formation of any acetylides.

43. Superseding and amending paragraph (q) (1) note 7, section 303 (*Compressed gases in tank cars and motor vehicles*), order November 4, 1946, to read as follows:

NOTE 7: Before any ICC–107A tank car may be used for shipments of hydrogen or nonliquefied hydrocarbon gas the following requirements must be met: Each tank must be equipped with one or more safety devices of approved type and discharge area, the discharge outlet of each safety device must be connected to a manifold having an unobstructed discharge area of at least one and one-half times the total discharge area of the safety devices connected to the manifold; all manifolds must be connected to a single common header having an unobstructed discharge outlet pointing upward and extending above top of the car; the header and the header outlet must each have an unobstructed discharge area at least equal to the total discharge area of the manifolds connected to the header; the header outlet must be equipped with an approved ignition device which will instantly ignite any hydrogen or nonliquefied hydrocarbon gas discharged through the safety devices.

44. Amending section 354 (*Arsenical compounds n. o. s., arsenate of lead, calcium arsenate, etc.*), order August 16, 1940, as follows (add):

(e) (1) Arsenical compounds n. o. s. containing not more than 6 percent arsenic of which not more than 0.25 percent is water soluble must be packed in specification containers as follows:

(e) (2) As prescribed in sections 354 (b), (c), or (d).

(e) (3) *Spec. 44B.* Paper bags with two added inside thicknesses of No. 1 Kraft paper, one sheet having a Mullen test of 50 and the other sheet having a Mullen test of 40. Net weight not over 50 pounds each.

(f) Multi-wall paper bags having combined strength of 360 pounds, Mullen or Cady test, or equivalent, are authorized, upon demonstration and proof of satisfactory tests to representative of the Bureau of Explosives. Bags so approved must be marked "ICC–44BX."

45. Superseding and amending paragraph (f), section 356 (*Packing carbolic acid (phenol), not liquid*), order August 16, 1940, to read as follows:

(f) *Spec. 17E, or 17H.* Metal drums (single-trip). Net weight not over 450 pounds.

46. Superseding and amending paragraph (c) (1), section 361 (*Packing poisonous solids as defined in section 350, etc.*), order August 16, 1940, to read as follows:

(c) (1) *Spec. 17E, 17H, or 37D.* Metal drums (single-trip). Gross weight not over 300 pounds.

APPENDIX TO PART 3—SHIPPING CONTAINER SPECIFICATIONS

1. Superseding and amending paragraph 4, Spec. 1A (*Capacity and marking of carboys*), order August 16, 1940, to read as follows:

4. *Capacity and marking of carboy.* Containers 5 to 13 gallons are classed as carboys; glass bottles having nominal capacity of 3 gallons also authorized when boxed in accordance with the requirements for carboys having 5 gallon capacity. Must be permanently marked to indicate maker and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

2. Amending Spec. 3B, order August 16, 1940, as follows (add):

23. Acceptance not authorized under paragraph 23.

3. Amending Spec. 3BN, order August 16, 1940, as follows (add):

23. Acceptance not authorized under paragraph 23.

4. Amending Spec. 3C, order August 16, 1940, as follows (add):

23. Acceptance not authorized under paragraph 23.

5. Amending Spec. 3D, order August 16, 1940, as follows (add):

23. Acceptance not authorized under paragraph 23.

6. Amending Spec. 3E, order August 16, 1940, as follows (add):

23. Acceptance not authorized under paragraph 23.

7. Amending Spec. 4, order August 16, 1940, as follows (add):

23. Acceptance not authorized under paragraph 23.

8. Amending Spec. 4A, order August 16, 1940, as follows (add):

23. Acceptance not authorized under paragraph 23.

9. Amending Spec. 4C, order August 16, 1940, as follows (add):

23. Acceptance not authorized under paragraph 23.

10. Superseding and amending paragraph 2, Spec. 5A (*Rated capacity*), order August 16, 1940, to read as follows:

2. *Rated capacity as marked, see paragraph 11 (c).* Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 gallon; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 1 gallon.

11. Superseding and amending paragraph 9 (b), Spec. 5A (*Closures*), order August 16, 1940, to read as follows:

(b) *Closing part (plug, cap, plate, etc.) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

12. Superseding and amending paragraph 14, Spec. 5A (*Leakage test*), order August 16, 1940, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

13. Superseding and amending paragraph 14, Spec. 5 (*Leakage test*), order April 13, 1943, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

14. Superseding and amending paragraph 14, Spec. 5B (*Leakage test*), order April 13, 1943, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

*This does not apply to cap seal over a closure which complies with all requirements.

15. Superseding and amending paragraph 14, Spec. 5D (*Leakage test*), order January 23, 1946, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removal head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

16. Superseding and amending paragraph 14, Spec. 5F (*Leakage test*), order August 16, 1940, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 100 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

17. Superseding and amending paragraph 14, Spec. 5L (*Leakage test*), order July 14, 1942, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 5 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

18. Superseding and amending paragraph 14, Spec. 6A (*Leakage test*), order April 13, 1943, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

19. Superseding and amending paragraph 14, Spec. 6B (*Leakage test*), order April 13, 1943, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

20. Superseding and amending paragraph 14, Spec. 6C (*Leakage test*), order April 13, 1943, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

21. Superseding and amending paragraph 4, Spec. 15D (*Handles*), order April 19, 1946, to read as follows:

4. *Handles.* Containers may be provided with suitable handles at discretion of shipper. Handles must be of dimensions specified herein, consisting of horizontal strips or cleats extending across top of each side or each end; handles which do not project 3 inches beyond the vertical edges of the container must be mounted to leave at least 7/16 inch open space between handle and box, or be at least ¾ inch thick, or be of cross section at least equal to cleats required for single-cleated boxes of corresponding size and gross weight. Extension of cleats or side boards is acceptable for projecting handles.

Authorized gross weight, maximum (pounds):	*Handles, minimum cross section (inches)*
100	½ x 1¾
150	½ x 2⅜
200	⅝ x 2½
300	⅝ x 3½
400	13/16 x 3½

22. Superseding and amending paragraph 6 (b), Spec. 16B (*Handles*), order August 16, 1940, to read as follows:

6. (b) *Handles.* Containers may be provided with suitable handles at discre-

tion of shipper. When used, they must be securely fastened along tops of sides under wires and project 3 inches or be mounted on end cleats; extensions of side boards acceptable; dimensions as follows:

Authorized gross weight, not over (pounds):	*Handles minimum cross section** *(inches)*
150	½ x 2½
200	⅝ x 2½
315	⅝ x 3½
400	13/16 x 3½

*Also ridge reinforcing battens when prescribed.

23. Superseding and amending paragraph 14, Spec. 17C (*Leakage test*), order April 13, 1943, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representatives of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removal head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

24. Superseding and amending Spec. 17E, order August 16, 1940, to read as follows:

(Cancel): Removal head containers which will pass all required tests are authorized.
(Add): Removable head containers not authorized.

25. Superseding and amending part of paragraph 7, Spec. 17E (*Parts and dimensions*), order August 16, 1940, to read as follows:

(Cancel): *20 gauge authorized for containers not of the full open head type.
(Add): *20 gauge authorized.

26. Superseding and amending paragraph 9 (c), Spec. 17E (*Closures*), order August 16, 1940, to read as follows:

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over 5/16 inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place. *Provided*, That for containers having a capacity of 12 gallons and less the seat (flange, etc.) for plug, or cap, must have two or more complete threads and plug, or cap, must have sufficient length of thread to engage two threads when screwed home with gasket in place.

27. Superseding and amending paragraph 14, Spec. 17E (*Leakage test*), order April 13, 1943, to read as follows:

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch for containers over 12 gallons capacity and at least 5 pounds for others. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

28. Amending order August 16, 1940, as follows (add):

SPECIFICATION 17H—STEEL DRUMS

Single Trip Container (Removable Head)

Containers must comply with specification 5A except as follows (paragraph references are to specification 5A):

5. (b) and (c) and 6. These paragraphs do not apply.

7. *Parts and dimensions.* As follows:

Marked capacity not over (gallons)	Type of container	Minimum thickness in the black (gage U. S. standard)			Rolling hoops		
						Minimum	
		Body sheet	Bottom head sheet	Removable head sheet	Type	Size (gage or inch)	Weight (pounds per foot)
5	St. side	24	24	20	None	----------	----------
30	----do	18	18	18	(1)	----------	----------
55	----do	18	18	*14	(1)	----------	----------

[1] Rolled or swedged in hoops.
[2] Each drum must have three rolled or swedged in hoops, one to be placed in the body near the top curl.
*16 gage authorized provided there are one or more additional hoops in the body near top curl, and provided there are one or more corrugations in the cover near the periphery.

8. *Convex heads.* Convex (crowned) heads, not extending beyond level of chime, required for drums of 25 gallons capacity or over; minimum convexity of ⅜ inch required.

9. (a) *Closures.* Adequate to prevent leakage; gaskets required.

9. (b) Drums over 5 gallons capacity must be closed by means of 12 gage bolted ring with drop forged lugs, one of which is threaded, and having ⅝ inch bolt and nut. 5 gallon drums must be of lug type closure with cover having at least 16 lugs. Equally efficient types of closures are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives.

9. (c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over 5/16 inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place. *Provided*, That for containers having a capacity of 12 gallons and less the seat (flange, etc.) for plug, or cap, must have two or more complete threads and plug, or cap, must have sufficient length of thread to engage two threads when screwed home with gasket in place.

9. (d) and (e) These paragraphs do not apply.

11. (a) *ICC–17H.* This mark shall be understood to certify that the container complies with all specification requirements. The letter STC; located just below or above the ICC mark to indicate "single trip container."

13. (a) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

13. (b) Hydrostatic pressure test of 15 pounds per square inch sustained for 5 minutes.

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch for containers over 12 gallons capacity and at least 5 pounds for others. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

29. Superseding and amending paragraph 13, Spec. 17X (*Leakage test*), order March 31, 1941, to read as follows:

13. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

30. Superseding and amending paragraph 12, Spec. 42B (*Leakage test*), order August 16, 1940, to read as follows:

12. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

31. Superseding and amending paragraph 12, Spec. 42D (*Leakage test*), order August 16, 1940, to read as follows:

12. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 10 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested.

32. Amending order August 16, 1940, as follows (Add):

SPECIFICATION 42E—ALUMINUM DRUMS

Single-trip container

Container must comply with Specification 42B except as follows (paragraph references are to specification 42B):

2. Rated capacity as marked, see paragraph 9. 55 gallons; actual capacity shall be rated capacity plus at least 2 percent.

3. *Composition.* Body and heads of aluminum alloy 52S. Plastic closure plugs authorized if suitably resistant to action of lading.

6. (a) *Parts and dimensions.* To be of 14 B & S gauge (.064").

6. (b) Rolled or swedged in rolling hoops required.

7. (a) *Closures.* Of screw-thread type or secured by screw-thread device; openings over 2.3 inches not authorized; suitable gaskets required; head openings only permitted. Vented closing devices of type approved by the Bureau of Explosives are authorized when specified by the purchaser.

8. *Head rings.* Must be of 14 B&S gauge (.064") tack-welded to each head.

9. (a) *ICC–42E.* This mark shall be understood to certify that the container complies with all specification requirements. The letters STC; located just below or above the ICC mark to indicate "single-trip container".

10. *Size of marking (minimum).* 1 inch high.

12. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 10 pounds per square inch. Leakers shall be rejected or repaired and retested.

33. Superseding and amending paragraph 16 (g), Spec. 105A300 (*Marking*), order August 16, 1940, to read as follows:

(g) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in paragraphs 16 (c) and 16 (d). This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows: "Water capacity—000000 pounds."

34. Superseding and amending paragraph 20 (g), Spec. 104A (*Marking*), order August 16, 1940, to read as follows:

(g) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in paragraphs 20 (c) and 20 (d). This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows: "Water capacity—000000 pounds."

35. Superseding and amending paragraph 20 (j), Spec. 104A–W (*Marking*), order August 16, 1940, to read as follows:

(j) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in paragraphs 20 (c) and 20 (d). This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows: "Water capacity—000000 pounds."

36. Superseding and amending paragraph 20 (j), Spec. 105A300–W (*Marking*), order August 16, 1940, to read as follows:

(j) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in paragraphs 20 (c) and 20 (d). This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows: "Water capacity—000000 pounds."

37. Superseding and amending paragraph 20 (j), Spec. 105A400W (*Marking*), order August 16, 1940, to read as follows:

(j) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in paragraphs 20 (c) and 20 (d). This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows: "Water capacity—000000 pounds".

38. Superseding and amending paragraph 20 (j), Spec. 105A500–W (*Marking*), order August 16, 1940, to read as follows:

(j) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in paragraphs 20 (c) and 20 (d). This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows: "Water capacity—000000 pounds".

39. Superseding and amending paragraph 20 (j), Spec. 105A600–W (*Marking*), order August 16, 1940, to read as follows:

(j) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in paragraphs 20 (c) and 20 (d). This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows: "Water capacity—000000 pounds".

40. Superseding and amending paragraph 22, Spec. 3A, order July 21, 1945, December 7, 1945, and August 19, 1946, to read as follows:

22. *Additional type.* Cylinders made of steel commercially known as 4130X, NE–8630, 9115, 9125, 9115X, 9125X, or intermediate manganese, with yield point over 70 percent of tensile strength are also authorized when made in full compliance with the requirements of Specification 3AA.

PART 5—REGULATIONS APPLYING TO CARRIERS BY RAIL EXPRESS

1. Superseding and amending paragraph (a), section 655 (*Handling packages*), order November 8, 1941, to read as follows:

(a) In handling packages containing explosives or other dangerous articles, care must be taken to prevent them from falling or from being broken. They must not be thrown, dropped, or rolled. Packages bearing the marking "This side up" as required by these regulations must be so handled and loaded.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after May 24, 1947, and shall be observed until further order of the Commission;

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after date of service hereof;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176; 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2048: Filed, Mar. 5, 1947; 8:45 a. m.]

PART 95—CAR SERVICE

[S. O. 551, Amdt. 2]

HAMPTON ROADS, VA., COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of February A. D. 1947.

Upon further consideration of Service Order No. 551 (11 F. R. 7897), as amended (11 F. R. 14469), and good cause appearing therefor: It is ordered, that:

Section 95.551 *Hampton Roads, Va., coal; appointment of agent,* of Service Order No. 551 be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Agent to control coal at Hampton Roads, Va., ports.* H. B. Smith, Bureau Manager, Hampton Roads Coal Emergency Committee, 616 Royster Bldg., Norfolk, Va., is hereby designated and appointed agent of the Interstate Commerce Commission and, subject to the direction and supervision of the Director, Bureau of Service, vested with authority to control the use of railroad cars for transporting coal to be transshipped by vessels at Hampton Roads, Va., ports or to be stored in yards shown in Trunk Line Tariff Bureau Tariff No. 139–C, I. C. C. No. A–751, supplements thereto or reissues thereof.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 1, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–2045; Filed, Mar. 5, 1947; 8:45 a. m.]

PART 95—CAR SERVICE

[S. O. 648, Amdt. 6]

PERMIT REQUIRED FOR BULK GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of February A. D. 1947.

Upon further consideration of Service Order No. 648 (11 F. R. 14171), as amended (11 F. R. 14245, 14523; 12 F. R. 754, 1168, 1420), and good cause appearing therefor: it is ordered, that:

Section 95.648 *Permit required for bulk grain,* of Service Order No. 648, be, and it is hereby, further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 10, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–2046; Filed, Mar. 5, 1946; 8:45 a. m.]

[S. O. 689]

PART 97—ROUTING OF TRAFFIC

RETURNING EMPTY REFRIGERATOR CARS THROUGH CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of February A. D. 1947.

It appearing, that the Belt Railway Company of Chicago and the Indiana Harbor Belt Railroad Company in return movement are engaging in the practice of returning the identical empty refrigerator car to the railroad from which it was received under load with perishable traffic, thus causing additional switching resulting in delay to the movement of such empty refrigerator cars; in the opinion of the Commission an emergency requiring immediate action exists in the Chicago Switching District, it is ordered, that:

§ 97.689 *Returning empty refrigerator cars through Chicago, Ill.* (a) The Belt Railway Company of Chicago and the Indiana Harbor Belt Railroad Company shall transport, move, or switch, and deliver an equal number of return empty refrigerator cars to each line haul railroad as were received from each line haul railroad in loaded movement as ordered by this Commission's Refrigerator Car Agent C. W. Taylor, 59 East Van Buren Street, Chicago, Illinois, regardless of ownership or markings of particular cars, and without regard to the railroad from which such empty cars were received in loaded movement.

(b) *Application.* The provisions of this section shall apply to interstate and foreign commerce.

(c) *Rules, regulations and practices suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this section, is hereby suspended.

(d) *Effective date.* This section shall become effective at 12:01 a. m., March 1, 1947.

(e) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Belt Railway Company of Chicago and the Indiana Harbor Belt Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–2049; Filed, Mar. 5, 1947; 8:45 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

APPLICATION FORMS

§ 201.12 *Application forms.*[1] • • •

The Copyright Office will issue commencing March 6, 1947, a revised Form U[2] for the notice of use of music on mechanical instruments and the acknowledgment of the receipt of the notice of use.

(Sec. 53, 35 Stat. 1085; 17 U. S. C. 53)

SAM B. WARNER, *Register of Copyrights.*

Approved: February 28, 1947.

LUTHER H. EVANS, *Librarian of Congress.*

[F. R. Doc. 47–2053; Filed, Mar. 5, 1947; 8:45 a. m.]

[1] 37 CFR, 11 F. R. 7346, 11706.

[2] Filed as part of original document.

NOTICES

DEPARTMENT OF STATE

[Public Notice DA 385]

CERTAIN MOTOR VEHICLES BELONGING TO FORMER GERMAN GOVERNMENT

RELINQUISHMENT OF CONTROL

By virtue of the authority vested in me by Executive Order 9760 (11 F. R. 7999), as amended by Executive Order 9788 (11 F. R. 11981), and pursuant to law (R. S. 161; 5 U. S. C. 22), the undersigned, after appropriate investigation and consultation, deeming it necessary in the national interest:

Hereby waives his authority to exercise control and supervision over four automobiles which are the property of the former German Government, described as:

One Horch 7-passenger sedan, 1939, Model 951, Serial 952–584 5620, Engine 852–147, Title A–11180, Chassis 952584, together with spare parts, now stored on the premises of the former German Embassy at Washington;

One Buick 61 sedan, 1938, Serial 13333234, Engine 6–3485072, Title A–34903, now stored on the premises of the former Japanese Embassy at Washington; title registered with the Department of Vehicles and Traffic, District of Columbia, in the name of the Legation of Switzerland;

One Buick 51 sedan, 1941, Serial 34134516, Engine 54327678, Title A–34904, now stored on the premises of the former Japanese Embassy at Washington; title registered with the Department of Vehicles and Traffic, District of Columbia, in the name of the Legation of Switzerland;

One Ford 91A station wagon, 1939, Engine 18–5059415, Title A–33671, now stored on the premises of the former Japanese Embassy at Washington; title registered with the Department of Vehicles and Traffic, District of Columbia, in the name of the Legation of Switzerland;

relinquishes his custody of such property to the Office of Alien Property of the Department of Justice and authorizes a notification in writing to the Office of Alien Property of the action taken hereby.

This release shall become effective on the date of publication in the FEDERAL REGISTER of a vesting order issued by the Office of Alien Property covering the property described herein.

In connection herewith reference is made to the antepenultimate paragraph of Department of State Public Notice DA 170 of July 26, 1946 (General Supervisory Order) (11 F. R. 8372).

[SEAL] G. C. MARSHALL, *Secretary of State.*

FEBRUARY 28, 1947.

[F. R. Doc. 47–2054; Filed, Mar. 5, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8256]

LOUISE MOZER

In re: Estate of Louise Mozer, deceased. File No. D–28–2333; E. T. sec. No. 3115.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Emilie Drechsel, in and to the estate of Louise Mozer, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Emilie Drechsel, Germany.

That such property is in the process of administration by Louise Utzinger, as Administratrix, C. T. A., of the estate of Louise Mozer, deceased, acting under the judicial supervision of the Somerset County Orphans' Court, Somerville, New Jersey;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–2060; Filed, Mar. 5, 1947; 8:46 a. m.]

[Vesting Order 8257]

ISAAC PFEIFFER

In re: Trust u/w of Isaac Pfeiffer, deceased. File No. D–28–6647; E. T. sec. 4879.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Goldine Hecht, Jettchen Hecht, Rosalie Hecht, and each of them, in and to the trust created under the will of Isaac Pfeiffer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Goldine Hecht, Germany.
Jettchen Hecht, Germany.
Rosalie Hecht, Germany.

That such property is in the process of administration by The Chase National Bank of the City of New York, and Max Fleischhacker, Co-Trustees, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–2061; Filed, Mar. 5, 1947; 8:46 a. m.]

[Vesting Order 8258]

HENRY W. SAUERMANN

In re: Estate of Henry W. Sauermann, deceased. File D–28–8751; E. T. sec. 10708.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adam Doerfel, Albin Wild, Berta Wild Schirmann, Freda Wild Langmeier, Emma Gruener, Marie Frieda Gress, Charlotte Buettner, Johann Buettner, Hermann Sauermann, Hans Gluth and Heinrich Gluth, whose last

known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Buettner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Henry W. Sauermann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Central National Bank and Trust Company, successor to the Middletown Trust Company, as Administrator, acting under the judicial supervision of the Court of Probate, District of Middletown, Connecticut;

and it is hereby determined:

5. That to the extent that the above named persons and the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Buettner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*.

[F. R. Doc. 47-2062; Filed, Mar. 5, 1947; 8:46 a. m.]

[Vesting Order 8289]

OTTO BENGSCH

In re: Bank account owned by Otto Bengsch. F-28-20517-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Bengsch, whose last known address is Entin, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a savings account, Account Number 66,064, entitled Otto Bengsch in trust for Ingrid Bengsch, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otto Bengsch, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*.

[F. R. Doc. 47-2065; Filed, Mar. 5, 1947; 8:46 a. m.]

[Vesting Order 8268]

CHRISTINA NATSCHEFF

In re: Stock, a bond, an open account, and a bank account owned by Christina Natscheff, also known as Christina Margaret Natscheff and as C. M. Natscheff. F-28-5384, F-28-5384-A-1, F-28-5384-D-1 through D-15, F-28-5384-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christina Natscheff, also known as Christina Margaret Natscheff and as C. M. Natscheff, whose last known address is Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Christina Natscheff, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation owing to Christina Natscheff, by Hawaiian Trust Company, Limited, Honolulu 2, T. H., arising out of an open account, in the amount of $3,589.03, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Christina Natscheff, by Bishop National Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a blocked savings account, Number 13012, entitled Christina Natscheff, and any and all rights to demand, enforce and collect the same, and

d. First Federal Savings and Loan Association of Hawaii obligation, of $5,000 face value, bearing the certificate number I-368 registered in the name of Christina Natscheff, Dresden, Germany, presently in the custody of Hawaiian Trust Company, Limited, Honolulu 2, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*.

EXHIBIT A

(Stock owned by Christina Natscheff)

Name of company	Number of shares	Certificate No.	Type	Par value
Alexander & Baldwin, Ltd.	10	A-364	Common	$20
Hawaiian Commercial & Sugar Co., Ltd.	23	HO1879	do	25
American Factors, Limited	121	7937	do	20
Bishop National Bank of Hawaii at Honolulu	20	1238	do	20
Honolulu Rapid Transit Co., Ltd.	65	4346	do	10
Ewa Plantation Co.	44	11046	do	20
Honolulu Gas Company, Ltd.	9	2361	do	20
	1	3573		
	1	4481		
	2	5045		
	13			
Honolulu Oil Corp.	15	111577	Capital	(1)
Pepeekeo Sugar Co.	12	1371	Common	20
Mutual Telephone Co.	86	10554	do	10
	34	11510		
	26	12565		
	7	14508		
	30	20109		
	183			
Oahu Railway & Land Co.	66	3673	do	20
San Carlos Milling Co., Limited	33	11556	do	8
Waialua Agricultural Co., Ltd.	15	H10165	do	20
	3	H01471		
Hawaiian Pineapple Co., Ltd.	1	HC08936	do	(1)
Oahu Sugar Co., Ltd.	10	25573	do	20
Commonwealth Edison Co.	10	N055577	Capital	25
	5	N057949		
Canadian Pacific Ry. Co.	44	L385810	Common	25
Hawaiian Sugar Co.	26	4467	Capital	(?)

(1) Without par value.
(2) Unknown.

[F. R. Doc. 47-2063; Filed, Mar. 5, 1947; 8:46 a. m.]

[Vesting Order 8291]

MARGARETHE KOHLER

In re: Bank account owned by Margarethe Kohler, F-28-3230-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarethe Kohler, whose last known address is c/o Mr. Spielberg, Forsthaus Polsfeld, Post Sangerhausen Land, Bezirk Halle, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Margarethe Kohler, by City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of a custodian account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*.

[F. R. Doc. 47-2066; Filed, Mar. 5, 1947; 8:46 a. m.]

[Vesting Order 8294]

ANNY SCHMITZ

In re: Bank account and stock owned by Anny Schmitz, also known as Mrs. Ernst Schmitz and as Mrs. Ernest Schmitz. F-28-5175-E-1 and F-28-5175-D-1-12.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anny Schmitz, also known as Mrs. Ernst Schmitz and as Mrs. Ernest Schmitz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anny Schmitz, also known as Mrs. Ernst Schmitz and as Mrs. Ernest Schmitz, by Underwriters Trust Company, 50 Broadway, New York, New York, arising out of a checking account, entitled Mrs. Ernst Schmitz, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate Nos.	Registered in name of—
Diamond T Motor Car Co., 4401 West 26th St., Chicago 23, Ill.	Illinois	$2.00	Common	50	N05663	Mrs. Anny Schmitz.
The Electric Storage Battery Co., Allegheny Ave. and 19th St., Philadelphia 32, Pa.	New Jersey	No par	do	10	NY0102308	Do.
The Greyhound Corp., 2600 Board of Trade Bldg., Chicago 4, Ill.	Delaware	No par	do	10	45772	Do.
The Greyhound Corp., 2600 Board of Trade Bldg., Chicago 4, Ill.	do	No par	do	10	54063	Do.
American Machine & Foundry Co., 511 Fifth Ave., New York, N. Y.	New Jersey	No par	do	10	31501	Do.
S. S. Kresge Co., 2727 Second Blvd., Detroit 32, Michigan.	Michigan	10.00	do	10	CL-174609	Do.
The May Department Stores Co., 6th and Olive Sts., St. Louis 1, Mo.	New York	10.00	do	10	062437	Do.
General Electric Co., 1 River Rd., Schenectady 5, N. Y.	do	No par	do	10	NYD-685270	Anny Schmitz.
United Air Lines, Inc., 5959 South Cicero Ave., Chicago 38, Ill.	Delaware	10.00	do	30	CTF 66377	Do.
American Water Works & Electric Co., Inc., 50 Broad St., New York, N. Y.	do	No par	do	100	C125051	Mrs. Anny Schmitz.
Savage Arms Corp., 60 East 42d St., New York, N. Y.	do	5.00	do	40	CTF 191	Anny Schmitz.
R. J. Reynolds Tobacco Co., Winston-Salem, N. C.	New Jersey	10.00	do	10	BJ-344805	Mrs. Anny Schmitz.
Sunshine Mining Co., 115 North 2d St., Yakima, Wash.	Washington	.10	do	10	NO 15313	Mrs. Anny (Mrs. Ernest Schmitz) Schmitz.

[F. R. Doc. 47-2069; Filed, Mar. 5, 1947; 8:47 a. m.]

[Vesting Order 8292]

AUGUST H. LOMB

In re: Debts owing to and bank account owned by August H. Lomb. F-28-6512-C-1/2, F-28-6512-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August H. Lomb, whose last known address is Falkensteinerstrasse 4, Frankfurt a/M, Germany, is a resident of Germany and a national of a designated enemy country Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to August H. Lomb, by Bausch & Lomb Optical Company, 635 St. Paul Street, Rochester, New York, in the amount of $2,641.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. Those certain debts or other obligations owing to August H. Lomb, by Bausch & Lomb Optical Company, 635 St. Paul Street, Rochester, New York, in the aggregate amount of $1,672.01, as of January 11, 1947, evidenced by certain dividend checks, in the aggregate amount of $1,672.01, presently in the custody of Lincoln Rochester Trust Company, 183 East Main Street, Rochester, New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, together with any and all rights in, to and under, including particularly the rights to possession of, the aforesaid dividend checks,

c. That certain debt or other obligation owing to August H. Lomb, by Bausch & Lomb Optical Company, 635 St. Paul Street, Rochester, New York, in the amount of $11,632.39, as of January 11, 1947, evidenced by a certain check, in the amount of $11,632.39, presently in the custody of Lincoln Rochester Trust Company, 183 East Main Street, Rochester, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid check, and

d. That certain debt or other obligation owing to August H. Lomb, by Lincoln Rochester Trust Company, 183 East Main Street, Rochester, New York, arising out of a checking account entitled August H. Lomb, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2067; Filed, Mar. 5, 1947; 8:47 a. m.]

[Vesting Order 8293]

ANNA SCHLODERER AND GEORGE SCHLODERER

In re: Bank account owned by Anna Schloderer and George Schloderer. F-28-28088-E-1, F-28-28089-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schloderer and George Schloderer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: a. That certain debt or other obligation owing to Anna Schloderer, by The National Bank of Commerce of Seattle, Second Avenue at Spring Street, Box 1885, Seattle 11, Washington, arising out of a savings account, Account Number 16206, entitled Anna Schloderer, maintained at the branch office of the aforesaid bank located at Bellingham, Washington, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to George Schloderer, by The National Bank of Commerce of Seattle, Second Avenue at Spring Street, Box 1885, Seattle 11, Washington, arising out of a savings account, Account Number 16207, entitled George Schloderer, maintained at the branch office of the aforesaid bank located at Bellingham, Washington, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2068; Filed, Mar. 5, 1947; 8:47 a. m.]

[Dissolution Order 51]

KANEMATSU TRADING CORP.

Whereas, by Vesting Order Number 189, dated September 28, 1942 (7 F. R. 8815, October 30, 1942), there were vested all of the issued and outstanding shares of the capital stock of Kanematsu Trading Corporation, a New York corporation; and

Whereas, Kanematsu Trading Corporation has been substantially liquidated under the supervision of the undersigned;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid except possible claims for taxes and fees owed by or accruing against the corporation, and except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a certificate of dissolution having been issued by the Secretary of State of the State of New York:

hereby orders that the officers and directors of Kanematsu Trading Corporation (to wit, Francis J. Carmody, President and Director, Robert Kramer, Secretary and Director, and Martin S. Watts, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Kanematsu Trading Corporation; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *And provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto, as well as in the form and manner therein designated; and further orders, that all actions taken and acts done by the said officers and directors of Kanematsu Trading Corporation, pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 27th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2074; Filed, Mar. 5, 1947; 8:47 a. m.]

[Vesting Order CE 369]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Ondina Bagnara	Italy	Estate of Giulio Troncossi, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 24735.	$50.00
		Item 2	
Guisippina Troncossi	do	Same	5.00
		Item 3	
Dominica Troncossi	do	Same	5.00
		Item 4	
Primo Troncossi	do	Same	5.00
		Item 5	
Sante Troncossi	do	Same	5.00
		Item 6	
Emilio Troncossi	do	Same	5.00
		Item 7	
Achille Cervelli	do	Estate of Felice Cervelli, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 86273.	18.00
		Item 8	
Adelina Cervelli Bartolli	do	Same	9.00
		Item 9	
Marianina Bianchini	do	Same	9.00
		Item 10	
Domenico Ciucci	do	Estate of Alfonso Ciucci, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 95583.	46.00
		Item 11	
Domenico Giannini	do	Estate of Lorenzo Giannini, deceased, in the Superior Court of the State of California, in and for the County of Mendocino; No. 6880.	33.00
		Item 12	
Bernardo Mazzotti	do	Estate of Settimo Mazzotti, deceased, in the Superior Court of the State of California, in and for the County of Sonoma; No. 19473.	15.00
		Item 13	
Luigi Mazzotti	do	Same	15.00
		Item 14	
Carmine Tognarl	do	Same	15.00
		Item 15	
Children of ——— Mazzotti, deceased brother of Settimo Mazzotti.	do	Same	15.00
		Item 16	
Maria Revelli	do	Estate of Guglielmo Revelli, also known as Guglielmo Ravelli, also known as G. Revelli, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 91728.	39.00
		Item 17	
Nieces and nephews, within Italy, of Giovanni Monteverde.	do	Estate of Giovanni Monteverde, deceased, in the Superior Court of the State of California, in and for the County of San Joaquin, No. 16571.	46.00
		Item 18	
John Doe Tufo	do	Estate of Rosa Tufo Presto, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco.	15.00
		Item 19	
Richard Doe Tufo	do	Same	15.00
		Item 20	
Jane Doe Tufo	do	Same	15.00
		Item 21	
Alfredo Mori	do	Estate of Umberto Mori, deceased, in the Superior Court of the State of California, in and for the County of Santa Clara; No. 28550.	18.00
		Item 22	
Giustina Mori	do	Same	18.00
		Item 23	
Antonio Mori	do	Same	18.00
		Item 24	
Heirs, legatees and devisees of Maria De Martini, deceased.	do	Estate of Frank De Martini, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 59710.	10.00
		Item 25	
Celestina De Martini	do	Same	10.00
		Item 26	
Giuseppe De Martini	do	Same	10.00

[F. R. Doc. 47-2072; Filed, Mar. 5, 1947; 8:47 a. m.]

[Dissolution Order 50]

ALBEKO SHOE MACHINERY CORP.

Whereas, by Vesting Order No. 1260, dated April 20, 1943 (8 F. R. 6742, May 22, 1943), there were vested 50 of the 100 issued and outstanding shares of $100 par value common capital stock of Albeko Shoe Machinery Corporation, a New York corporation; and

Whereas, the remaining 50 shares of issued and outstanding $100 par value common capital stock are owned by Herman Schwabe, a citizen of the United States; and

Whereas, by said Vesting Order No. 1260 there were also vested all right, title and interest of Albeko Schuhmaschinen, G. m. b. H., Albeko Schuhmaschinen A. G., Albeko Kommandit Gesellschaft fur Artikel der Schuhindustrie Ahlborn & Company and Maschinenfabrick Moenus A. G., and each of them in and to all obligations owing to them, or to any of them, by Albeko Shoe Machinery Corporation, and it has been determined that certain claims in the total amount of $19,254.78 were thereby vested; and

Whereas, the Albeko Shoe Machinery Corporation is indebted to the Attorney General of the United States, as successor to the Alien Property Custodian, for monies advanced or services rendered to or on behalf of the corporation; and

Whereas, Albeko Shoe Machinery Corporation is insolvent and has been substantially liquidated; and

Whereas, the said Herman Schwabe, owner of all the unvested issued and outstanding capital stock of Albeko Shoe Machinery Corporation, has agreed to the application of its assets to the outstanding claims against it;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims as the Attorney General of the United States has for monies advanced or services rendered to or on behalf of the corporation; and except the claims formerly of Albeko Schuhmaschinen G. m. b. H., Albeko Schuhmaschinen A. G., Albeko Kommandit Gesellschaft fur Artikel der Schuhindustrie Ahlborn & Company, and Maschinenfabrik Moenus A. G., in the total amount of $19,254.78 and which were vested as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved and that its assets be distributed, and a certificate of dissolution having been issued by the Secretary of State of the State of New York;

Hereby orders that the officers and directors of Albeko Shoe Machinery Corporation (to wit: Robert Kramer, President and Director, Francis J. Carmody, Secretary and Director, and M. S. Watts, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Albeko Shoe Machinery Corporation; and further orders that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

a. They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the said corporation and the dissolution thereof; and

b. They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

c. They shall then pay over, transfer, assign, and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of such claims as he may have for monies advanced or services rendered to or on behalf of the corporation, and second in pro rata satisfaction of the vested claims against the corporation in the amount of $19,254.78, as hereinbefore described; and

further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against the said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States as above set forth; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; and *Provided, further,* That any such claim shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the officers and directors of Albeko Shoe Machinery Corporation pursuant to this order and the directions contained therein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 24th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2073; Filed, Mar. 5, 1947; 8:47 a. m.]

[Vesting Order 8295]

RICHARD SCHOERMER

In re: Bank account owned by Richard Schoermer. F-28-1837-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Schoermer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Richard Schoermer, by Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a Checking Account, entitled Richard Schoermer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2070; Filed, Mar. 5, 1947; 8:47 a. m.]

[Vesting Order 8296]

SHINICHI SERA ET AL.

In re: Stock owned by Shinichi Sera and others. D-39-1076, F-39-1544-D-1, F-39-1545-D-1, F-39-5661-D-1, F-39-3715-D-1, F-39-2962-D-1, F-39-1725-D-1, F-39-2642-A-1, D-1, F-39-2934-D-1, F-39-1551-D-1, F-39-1018-A-1, D-1, D-39-144-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: 1,050 shares of $10 par value common capital stock of International Theatrical Company, Ltd., College Walk, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed

below, registered in the names of and owned by the persons listed below, in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Shinichi Sera	683	100
Tosaburo Wakatake	815	400
Tameji Nojima	28	300
Heihachiro Dan	631	50
Shigeru Asato	26	50
Susumu Kuchi	778	50
Minezo Sera	314	20
Kinya Tanji	140	10
Shoso Kawakami	27	30
Hiroshi Motoshige	578	10
Minato Michoka	84	10
	175	10
	224	10

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2071; Filed, Mar. 5, 1947; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice No. 10]

YAKIMA PROJECT, WASHINGTON,
ROZA DIVISION

PUBLIC NOTICE OPENING PUBLIC LAND TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER THEREFOR

FEBRUARY 1, 1947.

1. *Public land for which water is available and for which entry may be made.* In pursuance of the act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, announcement is hereby made that upon proper payment of water-rental charges being made, and execution of a recordable contract as required below, water will be furnished upon a rental basis in the irrigation season of 1947 and thereafter until further notice, and that entry may be made in accordance with this notice, beginning on April 1, 1947, for the following described farm units which are shown on approved farm unit plats on file in the Yakima project office, Bureau of Reclamation, Federal Building, Yakima, Washington, and in the District Land Office at Spokane, Washington:

WILLAMETTE MERIDIAN, WASHINGTON

Order of unit in drawing	Description			Total irrigable acreage
	Township 11 North, Range 20 East			
	Section	Farm unit		
1	12	A	E½SE¼	37.3
	Township 10 North, Range 21 East			
	Section	Farm unit		
2	2	K	N½NW¼, E½SW¼NW¼	75.6
	Township 11 North, Range 21 East			
	Section	Farm unit		
3	26	A	Lot 4, SE¼SE¼	49.8
4		B	Lot 3, SW¼SE¼	44.2
	Township 10 North, Range 22 East			
	Section	Farm unit		
5	2	A	Lot 5	40.6
6		B	Lot 6	41.4
7	4	A	Lot 7	59.1
8		B	Lot 6	50.6
9		C	Lot 5	58.8
10	6	B	Lot 2	34.3
	Township 9 North, Range 23 East			
	Farm			
	Section unit			
11	2	A	Lot 5	50.4
12		B	Lot 6	49.4
	Township 10 North, Range 23 East			
	Farm			
	Section unit			
13	6	A	Lot 3, SE¼NW¼	56.8
14		B	Lot 4, SW¼NW¼	49.8
	Township 9 North, Range 24 East			
	Farm			
	Section unit			
15	6	A	Lots 1, 2	66.7
16		B	S½NE¼	78.1
17	14	A	Lot 1	64.6
18		B	Lot 2	80.9
19		C	Lot 3	48.5
20		D	Lot 4	60.9
21		E	Lot 5	59.4
	Township 9 North, Range 26 East			
	Farm			
	Section unit			
22	4	A	Lot 5	101.8
23		B	Lot 6	90.3
24		C	Lot 7	78.5
25		D	Lot 8	75.2
26	6	A	Lot 9	91.2
27	18	A	Lot 7	76.7
	Township 10 North, Range 26 East			
	Farm			
	Section unit			
28	26	A	S½SW¼, SW¼SE¼	69.9

2. *Limit of acreage for which entry may be made or water secured.* The area of public land in each entry represents the acreage which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, and is fixed at the amounts shown upon the said farm unit plats for the respective farm units thereon. The maximum limit of area for which water rental application may be made for lands in private ownership shall be 160 acres of irrigable land for each landowner.

3. *Qualifications required by the Reclamation Law.* Pursuant to the provisions of subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702, 43 U. S. C. 433), minimum qualifications as to character, industry, health, farm experience and operating capital have been established which, in the opinion of the local examining board, are necessary to insure the success of an entryman on the land. Applicants must meet these minimum qualifications in order to receive further consideration for entry. These qualifications are:

(a) *Character and industry.* Each entryman must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct and a bona fide intent to engage in farming as an occupation. Persons named as references in paragraph 17 of the farm application blank should be responsible individuals (not relatives) who are personally acquainted with the applicant and who are willing and able to disclose full information as to the applicant's qualifications for entry on a reclamation farm unit.

(b) *Health.* Each entryman must be in such physical condition as will enable him to engage in farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable should attach to his application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(c) *Farm experience.* Each entryman must have had at least two years' full-time farming experience acquired subsequent to the applicant's fifteenth birthday. Two years of study in agricultural courses in an accredited agricultural college or two years of responsible technical work in agriculture which may contribute toward knowledge of the successful operation of a farm may be credited as one year of farming experience. No more than one year's experience may be credited from such source. No advantage will accrue from farming experience on irrigated land. Applicants must furnish three written statements signed by a county agent, Farmers' Home Administration county supervisor, AAA county chairman, an officer of any local farm organization or other comparable persons who have personal knowledge of the applicant's farm experience or have verified it to their satisfaction as required in paragraph 18 of the farm application blank. Women applicants should describe fully the farm activities in which they have participated and the relation of agricultural courses they have taken to farm operation and management.

(d) *Capital.* Each entryman must possess at least $3,000 in operating capital or equivalent property such as livestock and farm machinery owned by the applicant and deemed by the examining board to be useful on the farm. Adequate credit will be considered when substantiated by a certified statement from the credit source, outlining the amount which will be lent to the applicant and the terms of the loan. In any event, credit will be considered only if the terms of repayment will not, in the opinion of the board, interfere with the development of a farm unit.

In addition, in order to qualify for entry on project lands, applicants must not hold or own, within any Federal Reclamation Project, irrigable land for which construction charges payable to the United States have not been fully paid. Proofs of conformity with this requirement need not be furnished, but a check of project land will be made to determine eligibility of applicants before awards of farm units are made.

4. *Principal qualifications required by homestead law.* The homestead laws require that an entryman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Entrywomen who are married must be heads of families. (Except veterans of World War II, all entrymen must be twenty-one years of age, or the head of a family, and entrywomen must be twenty-one years of age and the head of a family. The act of June 25, 1946, removes the age requirement for both men and women who are veterans but does not affect the homestead requirement that entrywomen who are married must be the heads of families.) Proofs of such status must be submitted with the applications of married women.

(c) Must not own more than 160 acres of land in the United States (certain exceptions are allowed).

(d) Must not have exhausted the right to make homestead entry on public land by prior exercise of this right.

Full information concerning homesteading qualifications may be obtained from the District Land Office at Spokane, Washington, or the Bureau of Land Management, Washington, D. C.

5. *Preference right of veterans of World War II*—(a) *Nature of preference.* Pursuant to the provisions of the act of Congress of September 27, 1944 (58 Stat. 747), and the act of June 25, 1946 (Public Law 440, 79th Congress), a preference right of application for a period of ninety days will be given to persons who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least ninety days during World War II and who are honorably separated or discharged therefrom; *Provided, however,* That they must be qualified to enter public land under the homestead laws and must also possess the qualifications as to industry, experience, character, capital and physical fitness required of all entrymen by this notice. This right extends to the widow of a veteran of World War II, and to the guardian of his or her minor orphan child or children. The commencement of the United States' participation in World War II shall be deemed, for purposes of this notice, to be December 8, 1941.

(b) *What constitutes an honorable discharge.* An honorable discharge within the meaning of the Act of September 27, 1944 (58 Stat. 747) shall mean:

(1) The separation of a veteran from the service by means of an honorable discharge or a discharge under honorable conditions,

(2) The transfer of a veteran from active duty to a reserve or retired status prior to the termination of the war,

(3) The ending of the period of war service by reason of the termination of the war, even though the person remains in the service of the armed forces of the United States.

(c) *Submission of proof.* All applicants for farm units who claim veterans' preference must attach to their applications a photostatic, certified or authenticated copy of an official document of their respective branch of the service which clearly indicates an honorable separation or discharge or transfer to a reserve or retired status.

Farm applications of veterans eligible under terms of this paragraph will be considered as filed simultaneously if received prior to 2:00 p. m. on April 1, 1947, and will be considered in accordance with paragraph 9 below. Applications of veterans received after 2:00 p. m. on April 1, 1947, but prior to 90 days thereafter, will be filed in the order received and will be considered only if there are farm units yet unentered after all applications from qualified veterans received prior to 2:00 p. m., April 1, 1947, have been considered.

6. *General entry.* On and after July 1, 1947, if the farm units described in paragraph 1 above, or any of them, shall remain unentered, the said farm unit shall be subject to entry under this notice by any person having the necessary qualifications.

(a) All applications filed prior to July 1, 1947, by persons who are not entitled to preference rights as veterans, under paragraph 5 hereof, will be received and all applications of such persons so received prior to 2:00 p. m. of that date will be held and treated as simultaneously filed and will be considered as having been filed at 2:00 p. m., July 1, 1947. If more than one such application has been received on July 1, 1947, at 2:00 p. m., the right to make entry for such farm units shall be determined in accordance with paragraphs 3, 4, and 9, of this notice.

(b) If award is not made of all farm units to the applicants at that time, any applications filed after 2:00 p. m., July 1, 1947, will be considered by the board in the order in which they are filed.

7. *When and how to apply for a farm unit*—(a) *Application blanks.* Any person desiring to acquire any of the said public land must fill out the farm application blank which is attached to this notice. Additional blanks may be obtained from the Yakima Project Office, Federal Building, Yakima, Washington; the Regional Director, Bureau of Reclamation, Post Office Box No. 937, Boise, Idaho, or the Commissioner's Office, Bureau of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the farm application blank except that a preference choice of farm units shall not be authorized and need not be listed.

(b) *Filing of applications and proofs.* An application for a farm unit listed in this notice must be filed with the Project Superintendent, Bureau of Reclamation, Federal Building, Yakima, Washington, in person or by mail or otherwise. No advantage will accrue to an applicant presenting his application in person rather than by mail. Such applications must be accompanied by proof of veterans' status, farm experience, and married women's proofs of their status as the heads of families.

8. *Examining Board.* An Examining Board of three members, including the Superintendent of the Yakima Project who will act as Secretary of the Board, has been approved by the Commissioner of Reclamation to consider the fitness of each applicant to undertake the development and operation of a farm on the Yakima Project. Careful investigation shall be made to verify the statements and representations made by the applicants to the end that no misunderstanding may prevail, either regarding the applicant's fitness or his appreciation of the problem before him. Any falsification or fraudulent representation at any time will automatically disqualify the applicant from further consideration. Each action of the Board with respect to any individual applicant is subject to appeal to the Director of Region I, Bureau of Reclamation, Boise, Idaho. Such appeals must be filed in the office of the Project Superintendent, Yakima, Washington, within ten days of receipt of notice of any action by the Board with respect to his application. The Superintendent will forward such appeals promptly to the Regional Director.

9. *Showing of applicants and selection of entrymen.* Farm application blanks filed by persons claiming veterans' preference prior to 2:00 p. m., April 1, 1947, will be treated as simultaneously filed, and the Examining Board will dispose of them as follows:

(a) If the applicant fails to make a prima facie case, that is, an examination of the application discloses that the applicant is unqualified in respect to the requirements prescribed herein, the application shall be rejected, and the applicant notified thereof, by registered mail with return receipt requested, and of his right to appeal to the Regional Director.

(b) After the expiration of the appeal period fixed in paragraph 8 above, and in the absence of any pending appeals, the Board shall conduct a drawing from among the remaining qualified candidates for the award of farm units. The first name drawn shall be the first selection for the first farm unit as listed in paragraph 1 above, the second name drawn shall be the first selection for the second unit on the list, and this process shall continue until a first selection has been made for all farm units listed herein. The names of 28 additional applicants shall then be drawn, as alternates, in the order of their drawing, but without designation for any specific units.

(c) After completion of the process of drawing, the applicants whose names are drawn shall be closely investigated to determine the authenticity and reliability of the information and proofs offered by them. This investigation may include a personal appearance before the Board of Examiners, if the board determines

that this is necessary. Those applicants first drawn shall have prior right of entry on the particular units for which drawn if this examination proves satisfactory. They shall have no prior right of entry for any other farm unit. Applicants whose names were drawn as alternates will be offered the right of entry to any unit which may not be entered by the first selected applicant. Such units will be offered, in the order in which they become available, to the alternates in the order drawn and alternates will be ineligible for any further consideration after being offered right of entry to a single unit.

10. *Notification of selection and rejection.* (a) After the completion of the selection process and the determination of all appeals, the Board shall notify the 28 selected applicants, by registered mail with return receipt requested, of his or her selection. With such notice, the Board shall enclose a formal acceptance of the farm unit awarded. This form must be executed by the applicant and returned to the office of the Project Superintendent, Bureau of Reclamation, Federal Building, Yakima, Washington, within 10 days from receipt of the said notice. Upon receipt by the Project Superintendent of the acceptance, executed by the applicant before the expiration of the said ten-day period, the Secretary of the Examining Board shall furnish to each such selected applicant by registered mail, unless delivery is made in person, a certificate stating that his or her qualifications to enter public lands, as required by subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702), have been passed upon and approved by that Board. Such certificate, a copy of which will be forwarded by the Secretary of the Board to the District Land Office at Spokane, Washington, immediately upon the issuance thereof, must be attached by the applicant to his homestead application, together with a copy of his acceptance of the farm unit, when he files such application at the District Land Office. Such homestead application must be made within 15 days from the date of receipt by the applicant of said certificate. Failure to make application for homestead entry within the period specified herein will render the application subject to rejection.

(b) The Secretary of the Board shall also advise each alternate by registered mail, with return receipt requested, of his or her selection and the order of priority as an alternate.

(c) The Farm Application Blanks of all other applicants shall be held for further consideration and if any farm units are still available and unentered when the first list of alternates is exhausted, a second list of alternates shall be drawn and the process in paragraph 9 (c) repeated. After all farm units have been entered, the Board shall notify all remaining applicants that the farm units described in paragraph 1 have been entered and that, consequently, their applications must be held for rejection.

11. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

12. *Water rental charges.* The minimum water rental charges for the irrigation season of 1947 (from April 1 to October 31) will be $2 per acre for the irrigable area of each legal subdivision for which water service is requested and such charges will entitle the water user to two acre-feet of water per irrigable acre. Additional water, if available, will be furnished at the following rates:

Third acre-foot per acre	$1.40
Fourth acre-foot per acre	1.85
Fifth acre-foot per acre	2.30
Sixth and additional acre-feet per acre	2.75

All water rental charges must be paid to the Roza Irrigation District in advance of the delivery of water and the full amount of the charges for two acre-feet of water should be paid promptly as soon as the area of land in a farm unit to be irrigated in 1947 has been determined in order to avoid any delay in the delivery of water. The water rental charges are intended to reimburse the United States for the operation and maintenance of project works and will be continued as the operation and maintenance charges levied by the District when payment of construction charges has been commenced. All such charges shall be subject to the penalties and provisions for cancellation and collection provided in section 6 of the act of August 13, 1914 (38 Stat. 686), as amended by section H of section 4 of the act of December 5, 1924 (43 Stat. 703, 43 U. S. C. 478, 494).

13. *Contracts with the Roza Irrigation District and recordable agreement required.* (a) The lands involved in this notice are included in the Roza Irrigation District which has agreed:

(1) By contract dated December 13, 1935, a copy of which is available for inspection in the project office, Bureau of Reclamation, Federal Building, Yakima, Washington, to pay the charges due to the United States in connection with construction of the irrigation works for the Roza Division of the Yakima Project and the annual costs of the operation and maintenance of such works and to collect the necessary funds for that purpose from the landowners and entrymen of the District by the levy of assessments or the collection of toll charges.

(2) By contract dated July 8, 1921, as amended by supplemental contract dated April 15, 1935, copies of which are also available for inspection in the project office, to pay to the United States for storage of Yakima River water in the reservoirs of the United States, and releases designed to serve the irrigation needs of the District, the further sum of $2,500,000 and to collect the necessary funds for this purpose from the landowners and entrymen of the District by the levy of assessments or the collection of toll charges.

(b) Each applicant for entry in order to receive water will also be required to execute and deliver a recordable contract as required under Article 28 of the said contract of December 13, 1935. (The recordable contract is designed to prevent land speculation based upon increased value of the land resulting from irrigation.) It provides that in case of the sale of the land by the entryman, a portion of the sale price over and above the appraised value shall be applied on the construction charges against the land which is being sold.

Each applicant for entry, in making such application, agrees to be bound by the provisions of the repayment contract with the Roza Irrigation District dated December 13, 1935, as amended, and with the storage contract dated July 8, 1921, as amended, and entrymen filing applications under this notice are expected to read and become familiar with the said contracts.

14. *Payment of construction charges.* Construction and storage charges will be paid by the water users in accordance with the terms of the contracts between the United States and the Roza Irrigation District. Payment of construction and storage charges for land entered pursuant to this notice shall commence at such time as the Secretary of the Interior shall announce by appropriate supplemental notice. By the terms of the existing contracts, repayment of the total cost of construction and storage chargeable to the Roza Division of the Yakima Project shall be paid to the United States by the Roza Irrigation District (which embraces lands herein described) within 40 years from the date of the supplemental notice, announcing the estimated or actual cost, if then ascertainable, to be repaid. The current estimate of the cost of construction and storage chargeable to the Roza Division is $19,077,500. On the basis of this estimate and an estimate of 72,000 irrigable acres within the District, each irrigable acre of land within the Roza Irrigation District will be required to bear, in addition to the cost of operation and maintenance, an average construction and storage cost of approximately $265.

15. *Reservation of rights-of-way for county, State, and Federal highways and access roads.* Rights-of-way are reserved for county, State, and Federal highways and access roads to the farm units shown on said plats along section lines and other lines shown in red on the farm plats, said right-of-way being in general 30 feet in width on each side of said lines for county roads, 20 feet each side of said lines for access roads, and not to exceed 50 feet on each side of said lines for State and Federal highways.

16. *Reservation of rights-of-way for telephone, electric transmission, water and sewer lines and water-treating and pumping plants.* Rights-of-way are reserved for Government-owned telephone, electric transmission, water and sewer lines and water-treating and pumping plants, as now constructed, and the Secretary reserves the right to locate such other government-owned facilities over and across the farm units above described, as hereafter in his opinion may be necessary for the proper construction, operation or maintenance of said project.

17. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management, otherwise the homestead applications will be rejected or the homestead entry or entries cancelled.

18. *Settler assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases, on a reimbursable basis, in development of farm units, including clearing and rough leveling the land, roughing in of farm irrigation and surface drainage systems beyond the farm turnout.

19. *Effect of relinquishment.* In the event that any entry of public land shall be relinquished prior to 2:00 p. m., July 1, 1947, the lands so relinquished shall be subject to entry in accordance with paragraphs 5 and 9 of this notice. In the event that any entry of public land shall be relinquished subsequent to 2:00 p. m., July 1, 1947, and at any time prior to actual proving up of the land through necessary residence, cultivation and other homestead requirements, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2:00 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with the procedure described in paragraph 9 of this notice.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 47-1597; Filed, Mar. 5, 1947; 10:13 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6041]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

FEBRUARY 28, 1947.

Notice is hereby given that on February 28, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Kentucky, Louisiana, New Mexico and Texas with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of $850,000 additional principal amount of First Mortgage Bonds, Series A, 3%, to be dated November 1, 1946, and to be due November 1, 1969, to be issued by applicant under its Indenture of Mortgage and Deed of Trust to City National Bank and Trust Company of Chicago, Trustee, dated as of November 1, 1944, as to be supplemented by Supplemental Indenture to be dated as of March 1, 1947. The purpose of the issuance of the bonds is the reimbursement of the treasury of the applicant for expenditures for the construction, completion, extension or improvement of facilities, and for repayment of outstanding bank loans; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 21st day of March 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2052; Filed, Mar. 5, 1947; 8:46 a. m.]

[Docket No. G-830]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 28, 1947, the Federal Power Commission issued its findings and order entered February 27, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2031; Filed, Mar. 5, 1947; 8:45 a. m.]

[Docket No. G-831]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 27, 1947.

Upon consideration of the application filed December 23, 1946, in Docket No. G-831, by The Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal place of business at Columbus, Ohio, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission: A regulator and measuring station on Applicant's 4-inch transmission pipeline H-101 in the southern part of York Township, Morgan County, Ohio.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of delivering and selling natural gas to Deavertown Oil and Gas Company for resale in Deavertown, Ohio; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 24, 1947 (12 F. R. 506);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 17th day of March 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceedings: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 28, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2030; Filed, Mar. 5, 1947; 8:45 a. m.]

[Docket No. IT-6025]

CONNECTICUT POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING MERGER OF FACILITIES

FEBRUARY 28, 1947.

Notice is hereby given that, on February 28, 1947, the Federal Power Commission issued its order entered February 27, 1947, authorizing and approving merger of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2032; Filed, Mar. 5, 1947; 8:45 a. m.]

[Docket No. IT-6039]

KANSAS POWER AND LIGHT CO.

NOTICE OF ORDER TO SHOW CAUSE

FEBRUARY 28, 1947.

Notice is hereby given that, on February 28, 1947, the Federal Power Commission issued its order entered February 27, 1947, to show cause in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2033; Filed, Mar. 5, 1947; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5222]

REMBRANDT STUDIO ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of February A. D. 1947.

In the matter of Eugene D. Petrey, individually and as a copartner, trading as Rembrandt Studio and Goldcraft Portrait Studio; Dorothy T. Petrey, individually and as a copartner, trading as Rembrandt Studio and Goldcraft Portrait Studio; Theodore Rosenberg, also known as "Ted" Rose, individually and trading as Rembrandt Studio; Ben Scheffman, individually and trading as Rembrandt Studio; Nicola Brozilla, individually and trading as Rembrandt Studio; and B. B. Bishop, individually and trading as Rembrandt Studio.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Henry P. Alden, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, March 10, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 332, Federal Trade Commission Building, Washington, D. C.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-2058; Filed, Mar. 5, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 136]

RECONSIGNMENT OF ORANGES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 28, 1947, by Andrews Brothers of California, of car PFE 51476, oranges, now on the C., M., St. P. & P. Ry., to I. Cohen & Sons, Pittsburgh, Pa. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-2047; Filed, Mar. 5, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-154]

UNITED CORP.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of February 1947.

The United Corporation, a registered holding company, having filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935, proposing action described as necessary to effectuate the provisions of section 11 (b) of the act, and for the approval of incidental and related transactions; and the Commission having issued, on January 28, 1947 a notice of filing and order for hearing on such plan and said order having designated March 4, 1947 as the date for public hearing on said plan; and

The United Corporation having requested that the hearing in this matter be postponed for a period of one week because of inability of certain witnesses to be present at the hearing as scheduled; and

The Commission having considered such request and deeming it appropriate that it should be granted and that the hearing be postponed to March 12, 1947:

It is ordered, That the hearing in this matter previously scheduled for March 4, 1947, be, and hereby is, postponed to March 12, 1947 at the same time and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2037; Filed, Mar. 5, 1947; 8:46 a. m.]

Reference MAR 10 '47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 47

Washington, Friday, March 7, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

The regulations under this part which were revised February 24, 1947, effective May 1, 1947 (12 F. R. 1336), are further revised as follows:

Sec.
29.1 Administration.
29.2 Evidence.
29.3 Applications.
29.4 Time for filing applications.
29.5 Disability retirement; medical examination.
29.6 Effective date of retirement.
29.7 Computation of interest.
29.8 Military service.
29.9 Designation of beneficiary.
29.10 Designation of agent.
29.11 Disclosure of information.
29.12 Joint and survivorship annuities.
29.13 Making of voluntary deposits.
29.14 Purchase of additional annuity.
29.15 Appeals.
29.101 Basic records.
29.102 Maintenance of individual retirement account.
29.103 Certifying officers; signature cards.
29.104 Retirement deductions.
29.105 Tontine; based on pay status in calendar month.
29.106 Reemployed annuitants.
29.107 Reports of retirement fund transactions.
29.108 Set-off on account of indebtedness to the Government.

AUTHORITY: §§ 29.1 to 29.15, inclusive, issued under sec. 17, 46 Stat. 478; 5 U. S. C. 709; §§ 29.101 to 29.108, inclusive, issued under sec. 12 (a), 46 Stat. 476, 5 U. S. C. 724.

§ 29.1 *Administration.* (a) The Commission shall have charge of the adjudication of all claims arising under the retirement laws, and of all matters directly or indirectly concerned with such adjudication.

(b) In the adjudication of claims arising under the retirement laws, the Commission shall consider and take appropriate action on counterclaims filed by the Government as set-offs against amounts in the retirement fund involved, and shall likewise consider and take appropriate action in adjusting illegal salary payments in violation of laws pertaining to dual service, subject to final decision by the Comptroller General.

(c) The Commission shall maintain a control account for each department and independent establishment; for this purpose, departments and establishments shall make reports of appointments and separations and annual summaries of retirement fund transactions.

§ 29.2 *Evidence.* (a) (1) Civil Service Commission Form 2806 (Retirement Account) shall be the basic record for action on all claims for annuity or refund, and those pertaining to deceased employees or annuitants.

(2) Form 2806 shall contain a record of all service creditable under the Retirement Act, civil and military, and a record of all retirement deductions made, showing the beginning and ending dates of each period covered by such deductions. Whenever practicable in certifying service for which deductions were not made, the aggregate basic salary earned and the amount of tontine involved, by calendar years, shall be shown. Any change of date or salary on the service history side, or in the first three columns of the fiscal side, of Form 2806 shall be certified. Any leave without pay in excess of 6 months in a calendar year shall be noted.

(3) Immediately upon the absolute separation of an employee for any reason (or upon interdepartmental transfer), Form 2806 shall be completed to date, certified as to its correctness, and, after proper entry therefrom has been made on the "Register of Separations", sent to the Civil Service Commission. In no case shall the retirement record card be held in a department or establishment awaiting the receipt of a claim.

(b) When loss or destruction or incompleteness of records in the Government offices concerned is shown, a request shall be made through the Commission to the General Accounting Office for such data as may be deemed necessary for a proper determination of the rights of the claimant. When the required information cannot be developed by any official record, inferior or secondary evidence then becomes admissible and should be requested.

§ 29.3 *Applications.* (a) All applications under the Retirement Act shall be filed with the Commission and shall be made on such forms as may be prescribed by the Commission.

(b) Applications for annuity and for retirement on account of total disability, except disability applications filed by a

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department or establishment, must be executed before two identifying witnesses.

(c) Applications for the payment of accumulated deductions, or of accrued annuity and/or unexpended balance, must be executed before two witnesses who must certify to the identity of the person filing the claim. Applications for refund shall be executed before two identifying witnesses.

§ 29.4 *Time for filing applications.* (a) An application for annuity on account of age may be filed shortly before or at any time after the employee reaches the requisite retirement age, but such application should not be filed more than 30 days in advance of reaching retirement age. In cases of optional retirement, the application must be executed before the actual date of separation.

(b) An application for immediate or deferred annuity on account of voluntary or involuntary separation from the service will not be considered if filed before the employee's separation.

(c) An application for retirement on account of disability must be executed by the employee prior to the applicant's separation from the service or within 6 months thereafter. This time limitation may be waived by the Commission in the cases of employees who are found to have been mentally incompetent at date of separation or within 6 months thereafter, the application in such cases to be filed with the Commission within one year from the date of restoration of any such person to competency or the appointment of a fiduciary, whichever is the earlier.

Request or order by the department or other governmental agency for retirement of an employee for disability must be filed prior to the employee's separation from service. If application for disability retirement is submitted upon an inappropriate form, or upon an appropriate form inadequately or incompletely executed, within 6 months from date of separation from the service, such application may be accepted as an informal claim provided the claimant immediately or within a reasonable time thereafter submits a properly executed application upon the appropriate form.

§ 29.5 *Disability retirement; medical examination.* (a) When an applicant for retirement on account of total disability has established a prima facie case and no legal grounds for rejection exist, such applicant shall be ordered to appear for a medical examination before a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commission. When the application is accompanied by a report of examination already made by a medical officer of the United States, it may not be necessary to require another examination.

(b) The order for annual examination by the Commission shall direct the annuitant to be medically examined within 30 days from and after the anniversary of the date on which he was retired upon annuity for disability. This provision, however, may be modified so that the annual medical examination may take place within 30 days from and after the expiration of one year from the date of the last medical examination.

(c) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered and has been restored to an earning capacity which would permit him to be appointed to an appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position. In no case shall the continued payment of the annuity exceed one year from the date of the medical examination showing recovery. If the annuitant shall be reemployed in the Government service within the one year, the annuity shall be discontinued at the close of the day preceding the date of such reemployment.

(d) The Commission, where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, may, in the exercise of its authority, waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired.

(e) If the evidence shows that the disability is permanent in character, further examination shall not be ordered, unless warranted, and the annuitant shall be notified accordingly.

§ 29.6 *Effective date of retirement.* (a) When an employee reaches retirement age, either on the first day of a month, or on any other day within a month, his annuity shall commence on the first day of the succeeding month. In such cases the employee will not be subject to automatic separation until the end of the month in which such age is attained, and credit for service shall be given for the period between the date of reaching retirement age and the beginning date of annuity.

(b) When an employee retires on account of disability, the annuity shall commence on the first day of the month succeeding the termination of pay status, or on the first day of any subsequent month, as the case may warrant. In such cases, credit for service may be given for the period between the termination of pay status and the beginning date of annuity if the employee is carried on the rolls of the department during such time.

(c) In cases of optional retirement, the annuity shall commence on the first day of the month following separation; in cases of discontinued service retirement, the annuity payments shall begin the first of the month following attainment of age 62, or date of separation, whichever is the later, if the employee resigned from service or was discharged for cause; if the separation was involuntary, not by removal for cause on charges of misconduct or delinquency, the individual may receive an annuity to begin the first of the month following attainment of age 62, or the first day of the month following separation beyond that age, or he may elect to receive a reduced annuity beginning the first of the month following attainment of age 55, or following separation if beyond that age.

§ 29.7 *Computation of interest.* (a) The commercial method, that is, computation on the basis of 30 days to the month, is adopted. Interest will be computed for the actual time involved in each case, but whenever applicable the rule of average will obtain.

(b) In all cases, interest shall be allowed on current deductions, deposits, and redeposits at the rate of 4 percent, compounded annually, through all periods of service. When an officer or employee subject to the Retirement Act is transferred to a position wherein he does not retain his retirement status, and is entitled to refund of deductions with interest, the interest will terminate with the last day of service in the former position; and when an employee becomes absolutely separated from the service before serving five years, interest on deductions will terminate with the last day in service. A fractional part of a month in the total service in any calendar year shall be disregarded, and no interest shall be allowed unless the service covered by the refund aggregates more than one year. After an employee has completed five years or more of creditable service, interest shall be allowed at the rate of 3 percent, compounded on December 31 of each year, during periods of separation from and after January 24, 1942. No interest will be allowed beyond the date of last separation unless a period of ninety days has elapsed from date of such separation to date of approval of refund claim. If an employee who reaches retirement age at any time during a month is continued in service to the end of the month, interest shall be allowed to the end of the month.

(c) Service credit deposits and redeposits made by potential annuitants separated from service after serving at least five years will draw interest at the rate of 3 percent, compounded annually, during the separation period until beginning date of annuity.

(d) Interest at the rate of 3 percent, compounded annually, shall be allowed on voluntary deposits during periods of employment, and, after the employee has completed at least five years' service and acquired a retirement status under the act of January 24, 1942, during periods of separation until refunded or beginning date of annuity.

§ 29.8 *Military service.* (a) Periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States which do not form the

basis for pension, retired pay, or compensation under any law shall be included in crediting service under the Retirement Act.

(b) An applicant for annuity who is in receipt of benefits on account of his term of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States, may elect to surrender said benefits and to have the service upon which they are based added to his period of civil service for the purpose of obtaining a greater benefit in the form of annuity. Should it appear upon the adjudication of a claim for annuity that the claimant will benefit by the inclusion of military or naval service, and the relinquishment of benefits based thereon, he shall be so advised and permitted to exercise the right of election.

§ 29.9 *Designation of beneficiary.* (a) The designation, change, or revocation of beneficiary shall be in writing on the prescribed Form 2806–1, signed and acknowledged in the presence of two witnesses personally acquainted with the designator, neither of whom shall be named as beneficiary, and must be received in the Commission prior to the death of the designator.

(b) Any person, firm, corporation, or legal entity may be named as beneficiary.

(c) A revocation or change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary. Alterations or insertions restricting the right to change or revoke a designation cannot be given any force or effect. No change or revocation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by the regulations of this part shall have any force or effect.

(d) Where a writing, other than Form 2806–1, signed by the designator and duly witnessed by two persons, is received in the Commission prior to the death of the designator, in which a clear and unambiguous revocation or change of designation of beneficiary is made in substantially the same manner as that provided on Form 2806–1, and the designator dies without confirming the change or revocation by the execution of the prescribed Form 2806–1, the revocation or change shall be given the same effect as if executed on Form 2806–1: *Provided however*, That the Commission shall, upon receipt of said writing, forward a blank Form 2806–1, to the designator at the last address furnished by him for confirmation on that form of the previous writing which shall become null and void if (1) death occurs 60 days after the filing of the first form, and (2) if no confirmation is received on said Form 2806–1 within said period.

(e) A designation of beneficiary or a change or revocation of beneficiary may be made only by an employee subject to the act whose name is borne on the rolls of the department or independent establishment at the time of execution thereof, or by an annuitant, actual or potential.

§ 29.10 *Designation of agent.* In the case of a claim for amount due a deceased employee or annuitant where no beneficiary has been named and no executor or administrator has been appointed, but claim is made by next of kin, and if there be more than one entitled thereto, it shall be permissible for the others to designate the one who makes the claim to act as agent to receive their distributive shares.

§ 29.11 *Disclosure of information.* (a) (1) Files, records, reports, and other papers and documents pertaining to any claim filed with the Civil Service Commission, whether pending or adjudicated, will be deemed confidential and privileged, and no disclosure thereof will be made except as provided herein.

(2) Disclosure of information from the files, records, reports, and other papers and documents shall be made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

Determination as to when disclosure of information would be injurious to the physical or mental welfare of a claimant will be made by the Medical Division.

(3) By "a duly authorized representative of a claimant" is meant any person who has satisfied the Commission of his authority to act.

(4) The name or address of a beneficiary designated by an employee or annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(5) Such information as may properly be disclosed to a claimant personally shall, in the event of his death, be disclosed upon proper request to the duly appointed representative of his estate, or to such person as may be designated by such representative, or to a duly designated beneficiary. Where no representative of the claimant's estate has been appointed, the claimant's next of kin shall be recognized as the representative of his estate.

(6) Where copies of documents or other records are desired by or in behalf of parties to a suit, whether in a court of the United States or in any other court, such copies shall be furnished to the court only, and on an order of the court or subpoena duces tecum, addressed to the President, U. S. Civil Service Commission, requesting the same.

(7) Where a process of a United States court or other court requires the production of documents or records contained in the retirement files of a claimant, such documents will be produced in the court out of which the process has issued. Where original records are produced, they must remain at all times in the custody of a representative of the Civil Service Commission, and if offered or received in evidence, permission should be obtained to substitute a copy so that the original record may remain intact in the file.

(8) The address of a claimant as shown by the Civil Service Commission records may be furnished to duly constituted police or court officials upon proper request or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(9) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal or other publicly recognized charitable or social-security administrative agency.

(10) Subject to the limitation regarding name or address of a beneficiary, all records or documents officially required by any department or other agency of the United States Government shall be furnished in response to a proper request, and Senators and Representatives of the United States in their capacity as Members of Congress of the United States shall be furnished for their official use with such records, documents or other information as may be requested for such use.

(11) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government; copies of reports of examining surgeons; reports from the War Department; or copies of records of other departments and other confidential matters, will not be furnished.

(b) Certificates of discharge, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, birth or baptismal records, family records, personal letters, diaries, and other personal papers or articles which may have been filed in a claim, shall, when no longer needed in the settlement of such claim, be returned to the persons entitled thereto upon written request therefor; and whenever papers so returned constitute part of the material and essential evidence in a claim, photostat or other copies of the same, or of such parts thereof as may appear to possess evidential value, shall be retained in the case.

§ 29.12 *Joint and survivorship annuities.* (a) The option to receive joint and survivorship annuity may be exercised only by employees retiring under the age or optional provisions of the Retirement Act. This applies to annuities purchased by voluntary deposits as well as the regular annuities.

(b) Any natural person may be designated as survivor annuitant under the joint and survivorship option. No more than one person may be named as survivor annuitant. The designation of a contingent survivor annuitant will not be accepted, and any such designation shall be null and void.

(c) Communication of the choice of option shall be made over the signature of the applicant on Form 3001 for use in filing claim for annuity. Receipt of a communication as set forth in this paragraph shall constitute prima facie evidence of the existence of all the elements of an election. Whenever such prima facie evidence becomes conclusive or is confirmed as hereinafter provided, an election shall have been made.

(d) Upon receipt of such communication, the Commission will advise the individual of the nature of the transaction, giving full details with respect thereto, and will solicit his confirmation of the existence of all the elements of an election. Upon receipt of such confirmation on Form 3001–A, an election shall be established as having been made as of the effective date of retirement, provided more than 30 days has elapsed from such effective date, but no such election shall be considered as having been conclusively established prior to final adjudication of the claim by the Commission.

(e) In the event of death of the designated survivor annuitant or for other good cause shown prior to final adjudication of the claim by the Commission, a new survivor annuitant may be substituted or the employee may change his election of the type of annuity selected.

(f) In any case in which an election has been conclusively established pursuant to the regulations under this section, the election, including the designation of survivor annuitant, cannot be revoked or changed.

(g) The death of a designated survivor annuitant subsequent to the final adjudication of the claim, shall not operate to cancel the election, and payments to the former employee shall continue as though the death had not occurred.

(h) Annuity payments to the survivor annuitant shall become effective on the day following the death of the former employee.

(i) The conclusive establishment of an election to receive a joint and survivorship annuity shall cancel any designation of beneficiary previously made by the employee, and any annuity accrued and unpaid at the date of death of the former employee shall be payable to the survivor annuitant named under said election.

(j) Proof of date of birth of the designated survivor annuitant shall be required prior to the adjudication of the annuity claim in all cases of election to receive joint and survivorship annuity.

§ 29.13 *Making of voluntary deposits.* (a) The option to make voluntary contributions to the civil-service retirement and disability fund for the purchase of additional annuity shall be limited to those employees serving within the purview of the Retirement Act and shall be made on the form prescribed by the Commission.

(b) No voluntary contributions shall be accepted from an employee who has failed to redeposit a refund required by section 12 (b) of the act of May 29, 1930, as amended, and/or who is otherwise indebted to the civil-service retirement and disability fund.

(c) Each voluntary contribution shall be made in the amount of $25.00 or multiple thereof, not to exceed 10 percent of aggregate annual basic salary, pay, or compensation received since August 1, 1920, by money-order, draft, or check made payable to the Civil Service Commission, Washington, D. C.

(d) Voluntary contributions may be withdrawn only in case of transfer to a position wherein the member does not retain his status under the Retirement Act, absolute separation from the service prior to becoming eligible for retirement on annuity, or death.

(e) The Retirement Division of the Civil Service Commission shall maintain the record and account of voluntary contributions of each employee exercising the option to make such contributions.

§ 29.14 *Purchase of additional annuity.* (a) Voluntary contributions may be used to purchase only such types of annuity as are specifically defined by the act of May 29, 1930, as amended by the act of August 4, 1939.

(b) Any employee retiring under the provisions of the act of May 29, 1930, as amended, who has made voluntary contributions in the Civil Service Retirement and Disability Fund as authorized by section 4 of the act of August 4, 1939, may purchase therewith at the time of retirement any one of the following types of annuity:

(1) Life annuity providing for return of unexpended principal; or,

(2) Increased annuity with forfeiture of unexpended principal; or

(3) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death annuity in equal amount to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement; or,

(4) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death one-half of such reduced annuity to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement.

(c) Any natural person may be designated as beneficiary under paragraph (b) (3) or (4) of this section.

(d) The annuity values based upon the mortality tables submitted by the Board of Actuaries on November 24, 1939, are hereby approved for use in computing annuities based on voluntary contributions made under the provisions of the act of August 4, 1939, in the same way and manner as they are used in computing regular annuities.

§ 29.15 *Appeals.* (a) An appeal may be taken to the Civil Service Commission, from the final action or order of the Retirement Division affecting the rights or interest of any person or of the United States under the civil-service retirement law, except as provided in this section.

(b) Appeals must be filed by a claimant or a duly accredited representative, but no appeal shall lie to the Commission's Board of Appeals and Review until action has been completed by the Retirement Division. An appeal taken in behalf of a claimant by or through a representative who is not recognized by the Commission, or whose recognition has been canceled, shall not be entertained.

(c) (1) Except as hereinafter ordered, the time for filing an appeal shall be not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(2) In applications for disability retirement made by a department or establishment of the Government the time for filing an appeal shall be not later than 30 days from date of receipt of notice of final action or order.

(3) In cases of disability annuitants who are found upon medical examination to have recovered, the time allowed for filing an appeal shall be no later than 90 days from the date of final notice of proposed discontinuance of annuity.

(4) In simultaneously contested claims, where one is allowed and one rejected, the time allowed for the filing of an appeal shall be not later than 60 days from the date of receipt of the notice of the Commission's action by the claimant to whom the action is adverse. Upon the filing of an appeal all parties, other than the appellant, whose interests may be adversely affected by the decision shall be notified by registered letter of the filing of the appeal and of the substance thereof and allowed 30 days from the date of the receipt of such notice within which to file brief or argument in answer thereto before the papers are forwarded to the Board of Appeals and Review. The return of a registered letter unclaimed, containing notice, addressed to the last known post-office address, shall constitute sufficient evidence of notice.

(d) Each appeal shall show the name and post-office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) In proceedings before the Commission in which it shall be decided that a party has no right to appeal or that said appeal may not be entertained under the provisions of this section, such party may apply to the Commissioners for an order directing the Retirement Division to forward the record to the Board of Appeals and Review. Such application shall be in writing and shall fully and specifically set forth the grounds upon which the request is based. If upon consideration the application is granted, jurisdiction shall vest in the Board of Appeals and Review to dispose properly of the case.

(f) The mandate of the decision by the Board of Appeals and Review shall be carried into effect within 60 days from the date of the receipt of notice of the decision by the Retirement Division (except as hereinafter provided), unless the decision shall sooner be recalled. A proper explanation of the decision rendered shall be mailed to the appellant and/or his duly authorized representative by the Board of Appeals and Review.

(g) In any case involving conflicting claims of two or more parties wherein the time allowed for appeal is limited to 60 days, there shall be a stay of execution of the decision of the Board of Appeals and Review until the expiration of the period of 30 days within which a motion for reconsideration may be filed.

(h) No appeal will be considered by the Civil Service Commission to review the decisions of the Secretary of the Interior prior to July 21, 1930, or of the Administrator of Veterans' Affairs prior to September 1, 1934, on civil-service retirement cases except where upon the basis of newly discovered material evidence, the case has been reconsidered by the Retirement Division. In the latter

event, the provisions of this section shall apply.

§ 29.101 *Basic records*—(a) *Records to be kept.* The administrative offices of the departments and independent agencies shall initiate and maintain as hereinafter provided a retirement record system which will furnish all required information for each employee subject to the provisions of the Civil Service Retirement Act, and which shall form the basic record for all retirement purposes. The basic record shall consist of an individual retirement account for each employee and an annual summary of retirement fund transactions. (Supported by an adjustment registered when necessary.)

(b) *Individual account.* The individual retirement account, Civil Service Commission Form 2806, shall be established for each employee in the Government service who is subject to the provisions of the Civil Service Retirement Act, and shall be maintained by the employing department or agency. The retirement account (supplemented by the designation of beneficiary, Form 2806–1, maintained in the Retirement Division of the Civil Service Commission) shall be the basic record from which the rights of individuals under the Retirement Act shall be determined, and shall be used to support all payments from the Civil Service Retirement and Disability Fund. Each retirement account shall contain the following detailed information and such other data as may from time to time be deemed essential by the Civil Service Commission to a proper determination of rights under the Retirement Act:

(1) Present name of employee and reference to any other name under which service was rendered.

(2) Date of birth.

(3) Sex.

(4) All periods of employment. (For the duration of the present emergency, due to the inability of most war agencies to maintain currently, and to supply completed retirement account cards (Form 2806), all known periods of Federal employment will be posted. Prior government employment may be noted as "Not Verified". Employment within the agency shall be certified as to completeness and accuracy.)

(5) Reference to all periods of military or naval service claimed.

(6) All periods of leave without pay in excess of six months in the aggregate in any calendar year—in computing excess leave, all periods of annual and sick leave, leave without pay and furloughs shall be included.

(7) A complete accumulative record of retirement deductions covering service in the agency by calendar years.

(8) Citation as to vouchers and appropriations involved in any adjustment of illegal dual service.

§ 29.102 *Maintenance of individual retirement account*—(a) *Standard abbreviations.* All appointments, separations and changes in status, etc., shall be recorded on the retirement account in accordance with the standard abbreviations for personnel changes as outlined in Civil Service Form No. 2822, Revised.

(b) *Posting retirement deductions, deposits and redeposits.* At the end of each calendar year the total retirement deductions taken from the salary or compensation, the amount of tontine included therein (see § 29.105), and the resulting net credit for the year, shall be posted from the payroll posting media for each employee to the appropriate columns on the fiscal side of his retirement account, the previous year's balance brought forward and the total credit entered.

The beginning date of deductions for each period of service shall be shown in the "remarks" column on the fiscal side of the retirement account card. Example: "Ded. began 9–1–38."

In no case shall voluntary deposits made under the provisions of section 4 of the Act of August 4, 1939, be entered on Form 2806. The record and account of voluntary deposits under that Act shall be maintained by the Retirement Division of the Civil Service Commission.

(c) *Posting service record.* Those agencies which maintain the service history side of the retirement account shall record all appointments, changes in status, changes in salary or rate of pay, and any other pertinent information on the service history side of the card in the appropriate columns. Those agencies which maintain only the fiscal record will record the date and kind of appointment, the designation and office of employment in the space provided in the upper right hand corner on the fiscal side of the card. In either type of record there shall also be shown any leave of absence without pay in excess of six months in the aggregate in any calendar year, it being borne in mind that the provisions of section 5 of the Retirement Act with regard to exclusion of leave in excess of six months in computing annuitable service applies to the calendar year and not to the fiscal year.

When establishing a record the agency shall also enter on the card whatever information is available within the agency—for example, information in the employee's application for employment—as to prior unverified service in other agencies. This statement of prior service in other agencies shall be noted "not verified."

When furnishing the record of an employee compensated on a w. a. e. (when actually employed) basis, the total number of days on which he was in a pay status shall be clearly indicated by calendar years. Where employment was on a regular per diem or per hour basis it shall be shown whether the service was on the basis of a 365-day year; 313-day year; 261-day year, or other period.

(d) *Use of margins.* All entries shall be kept within the lines ruled on the card if possible, and nothing written in the margins, particularly the right and left margins. If necessary a second line shall be used instead of the margins. (In using the record it is frequently perforated in the margin to be bound in the file, which may obliterate any entry in the margin or cause it to be obscured from view.)

(e) *Changes and erasures.* Any change or erasure of date, salary or cause of separation on the service history side of Form 2806, or any change or erasure of date in column 1 or of amount in columns 2 or 3 on the fiscal side shall be noted and initialed by the countersigning or certifying officer, or person designated by him, as near as possible to the item corrected. Certification shall occupy as little space as possible, and shall show the date, salary, amount, or cause of separation to which changed. Small rubber stamps are desirable. The following or similar forms shall be used: "Date changed to 4–16–38." "Amt. changed to $1860." "Cause of separation changed to Res."

(f) (1) *Completion and furnishing of record upon separation.* Immediately upon the separation of an employee from the service of any department or agency the retirement account shall be completed to date, and the cause and date of separation recorded. The account shall then be certified as to its correctness, proper entry therefrom made on the register of separations as provided in paragraph (c) of § 29.107, and forwarded at once to the Civil Service Commission, together with any claim that may be on file at that time. In no case shall the retirement account be held in a department or agency awaiting the receipt of a claim.

(2) In recording a separation the facts in each individual case shall be given briefly, but in sufficient detail for the Commission to determine whether the separation was voluntary or involuntary, and if involuntary, whether for misconduct or delinquency within the meaning and intent of the Retirement Act. In any case where separation occurs for reasons other than voluntary (resignation) a brief but clear statement of the facts shall be recorded on the retirement account, or a written statement in appropriate form attached thereto when forwarded to the Commission. (It is necessary to consider not merely the form in which the separation was accomplished, but the conditions which induced the result. As generally used for retirement purposes the term "voluntary" denotes a separation from the service at the desire and for the convenience of the employee, while the term "involuntary" contemplates a separation for administrative reasons, such as lack of work, reduction of force, or a separation against the will or without the consent of the employee.)

(3) Not less than six months preceding eligibility for retirement (age), or whenever an employee requests optional retirement, a letter shall be directed to the Civil Service Commission, Retirement Division, listing the employee's unverified prior service in other agencies. The Commission will then obtain verification of this service and forward it to the requesting agency. An application for disability retirement, when submitted to the Retirement Division of the Civil Service Commission, must be accompanied by a letter listing the employee's unverified prior service in other agencies.

(4) When an employee is dropped for retirement on account of disability the date on which pay ceased shall be shown under "remarks" on the fiscal side of his retirement account card.

(5) When an employee is separated by death the 5% of salary to date of death shall be included in his retirement account in accordance with General Accounting Office Regulation No. 54, Supplement No. 9, dated May 27, 1936. No retirement deductions shall be withheld from lump sum payments in lieu of accumulated or accrued annual leave under the act of December 21, 1944 (Public Law 525). If the employee was in a non-pay status at the time of death the period involved shall be stated. The claim for refundment of retirement deductions is separate and distinct from the claim for residue of salary, and shall not be held pending settlement of the claim for residue of salary unless there is some question as to the amount due.

(g) *Certification of record.* Certification shall be made on the line next following the last entry on the fiscal side of the card, but it shall also cover the data shown on the service history side as indicated in the following form of certification:

Deductions and service certified correct.
Signature and title of designated official.
Date----------
(See § 29.103.)

(h) *Accounts with various funds maintained separately.* Accounts for the Civil Service Retirement and Disability Fund, the Canal Zone Retirement and Disability Fund and the Alaska Railroad Retirement and Disability Fund are maintained separately. Amounts deducted for the different funds shall not be consolidated on the employee's retirement account. When an employee goes from a position within the purview of one law to a position within the purview of another law the second office shall not take up in its accounts the amount of retirement deductions to the employee's credit when he left the former position. In such cases the employee concerned should obtain a refund of the retirement deductions taken while in the first position, and if he so desires, he may make application for the purchase of service credit under the act covering his new position.

§ 29.103 *Certifying officers; signature cards.* Certification as to the correctness of retirement records shall be made by officials regularly designated by the head of the department or agency. The Retirement Division of the Civil Service Commission shall be furnished with duly authenticated signature cards in triplicate on Retirement Form 3420 for each designated official. The heads of the various departments and agencies shall promptly advise the Commission of any change in certifying officers.

§ 29.104 *Retirement deductions*—(a) *Coverage.* The Retirement Act requires that retirement deductions shall be taken currently from the compensation of each employee coming within the purview thereof.

Retirement deductions shall be taken from the basic salary, pay or compensation of all appointive officers and employees in or under the executive, judicial, and legislative [1] branches of the United States Government who are not subject to another retirement system for such personnel, except employees excluded by Executive order. The same is true with respect to all officers and employees of the municipal government of the District of Columbia not subject to another retirement system for such persons.

(b) *Employees excluded by Executive order with certain exceptions.* Employees given temporary appointments for 1 year or less, certain employees paid on a when-actually-employed basis without regular tour of duty, contract and fee-basis employees, etc., were excluded by Executive Order 9154 dated May 1, 1942. This order as amended by Executive Order 9824, January 28, 1947, reads as follows:

(1) Employees in the following classifications of Federal personnel in the Executive branch of the Government are hereby excluded from the operation of the said Retirement Act, unless eligible for retirement benefits by continuity of service, by reinstatement, or otherwise:

(a) Employees whose expected service will be for brief periods but not to exceed one year.

(b) Employees paid by the hour, day, month, or year when actually employed, whose employment is periodic, part-time, or recurrent and for whom a regular tour of duty is not contemplated.

(c) Employees and consultants paid on a contract or fee basis.

(d) Employees paid on a piece-work basis, except when serving under regular or permanent appointment.

(e) Cooperative employees not wholly under the control of the Federal Government and not otherwise subject to the Civil Service Retirement Act.

(f) Officers and employees without compensation or with nominal compensation of $12.00 or less per annum.

(g) Intermittent alien employees engaged on work outside the continental limits of the United States.

(h) Member and patient employees in Government hospitals or homes.

(i) Employees serving under temporary appointments pending final determination of their eligibility for permanent or indefinite appointment.

(j) Acting postmasters, clerks in fourth-class post offices, substitute rural carriers, and special-delivery messengers at second-, third-, and fourth-class post offices.

(k) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946, Public Law 724, 79th Congress (added by E. O. 9824).

(2) The Civil Service Commission is authorized to determine the applicability of the above classifications to specific officers and employees or groups of officers and employees in the Executive branch of the Government.

(3) This order shall be effective as of January 24, 1942, except that it shall not be so construed as to defeat any retirement rights of officers and employees acquired before the date of this order.

By the terms of the order, employees in any of the categories listed therein have a retirement status if they are eligible for retirement benefits by continuity of service, by reinstatement, or otherwise. Such employees continue under the system until they become absolutely separated from the Government service or are transferred to a position under another Federal retirement system.

§ 29.105 *Tontine; based on pay status in calendar month.* The phrase "major fraction thereof" as used in section 12 (a) of the Retirement Act has reference to the major fraction of the calendar month. The retention of $1 is predicated upon the receipt of salary, pay or compensation, from which retirement deductions have been withheld, and tontine during a calendar month is determined on a pay status when making an accounting for retirement deductions.

There is no separate tontine fund. The total deductions for the calendar month less the sum of $1 shall be credited to the employee's individual account whenever the employee is in a pay status for more than one-half of such month. If an employee is in a pay status for the major fraction of a calendar month and the total retirement deductions covering such month amount to less than $1, the total amount deducted shall be recorded as a credit to the retirement fund without any credit to the employee's individual account. An employee who is on the rolls in a pay status for one-half month or less shall receive credit in his individual account for the full amount of retirement deductions taken for such period.

§ 29.106 *Reemployed annuitants.* When an annuitant receiving annuity under any provision of the Retirement Act is reemployed, the Commission shall be immediately informed of that fact, and advised as to the date of reemployment and whether such reemployment is of a permanent or temporary nature. This is imperative in order to prevent concurrent payment of annuity and salary.

§ 29.107 *Reports of retirement fund transactions*—(a) *Reports to be submitted.* In addition to the individual retirement account, each department or independent agency shall maintain a register of employees appointed thereunder, a register of employees separated therefrom, and a register of adjustments, and shall submit annually a summary of retirement fund transactions. The annual summary of retirement fund transactions, Form 2807–2, shall be submitted as soon as possible after the close of each calendar year, accompanied by a register of adjustments on Form 2807–1, where adjustments of prior reports are necessary. Such records shall be made in duplicate, the original forwarded to the Commission and the carbon retained by the office maintaining the record. In the event a department finds it expedient to maintain its individual retirement accounts in the various bureaus, annual summaries of retirement fund accounts shall be consolidated into one summary before submission to the Commission.

(b) *Register of appointments.* A register of appointments shall be maintained on Form 2807, or acceptable substitute, recording the unrefunded deductions to the credit of the employees appointed during the year as shown on any individual retirement accounts (Form 2806) re-

[1] Certain legislative employees have the right of election to come under the system. (50 Stat. 512; 56 Stat. 13.)

ceived for such employee. (If no individual retirement account is received, no entry on the appointment register is necessary.) If Form 2807 is used, no entry shall be made in colums 2, 3, and 4. The name of the employee shall be entered in column 1 and the amount of unrefunded retirement deductions to his credit at the time of appointment as shown by his individual account shall be entered in column 5. The total of all entries in column 5 for the calendar year shall be used to support the entry "Register of Appointments" on the annual summary and must be in agreement therewith.

(c) *Register of separations.* A register shall be maintained on Form 2807, or acceptable substitute of all separations during the calendar year. When Form 2807 is used as a register of separations the name of the employee separated shall be entered in column 1 and the total deductions remaining to the credit of the employee at separation as shown by the last entry on his individual account shall be entered in column 5. (Columns 2, 3, and 4 may be used by those offices which desire to so record the information regarding current deductions.) In no case shall tontine be included in the net credit of the employee, either on his retirement account or on the register of separations, regardless of the cause of separation. The final total of column 5 shall be used to support the entry "Register of separations" on the annual summary, and must be in agreement therewith. In case of transfer from one bureau to another in the same department no entry shall be made on either the appointment or separation register unless the accounts are maintained and reports submitted by bureaus as specified in paragraph (a) of this section.

(d) *Register of adjustments.* The register of adjustments (Form 2807–1) is prescribed to provide an adequate medium for posting in the control accounts any corrections of prior reports. Any correction of individual retirement accounts necessitating a change in any of the amounts shown on a previous annual summary of retirement fund transactions shall be noted on the register of adjustments so as to show the name of the employee concerned, any increase or decrease in gross deductions or tontine and the resulting net increase or decrease in the net balance of the employee's individual account in each case, together with a citation as to the calendar year in which the error occurred. The character of the error in each case shall be recorded in the explanation column of the register in sufficient detail to afford a basis for the proper bookkeeping entry. When an adjustment of the account is occasioned by an adjustment of the retirement fund, the explanation shall include citations of the appropriation symbols of the accounts affected, and the dates and numbers of vouchers or other documents used as posting media. It is preferable that increases be shown in black and decreases in red, but any other distinct method will be acceptable. The final result of the net deductions column shall be used to support the fourth item on the annual summary, and shall be in agreement therewith.

(e) *Annual summary of retirement fund transactions.* The annual summary of retirement fund transactions Form 2607–2) has been prescribed to provide a uniform method of summarizing retirement fund transactions. For the present the first and second columns will be used only in reporting item 6.

The summary for each calendar year shall bring forward in the third column the balance at the close of the preceding calendar year as shown by the last entry on the summary submitted for that year. Item 2, "Register of appointments" shall be posted from the register of appointments and shall agree therewith. The total adjustments of prior fiscal year reports shall be posted in the third column under item 4. Under item 6 "Current calendar year payroll deductions" there shall be entered in the first column all deductions taken on the payroll during the calendar year for credit to the retirement fund; the amount of tontine included therein shall be entered in column 2, and the net credit extended to column 3. The totals in column 6 shall agree with the total current year's postings to the individual retirement accounts of employees, including the accounts of employees separated during the year.

Any adjustment for the current calendar year which cannot be properly taken care of under some calendar year item may be entered under item 9, in which event a separate adjustment register shall be submitted to cover this item. The total as shown on the register of separations shall be entered under item 12 as a deduction from the total to be accounted for, and the balance brought down under item 13, which item shall agree with the aggregate of balances on the individual accounts of employees still on the rolls at the close of the calendar year for which the report is submitted.

§ 29.108 *Set-off on account of indebtedness to the Government.* It is incumbent upon the Civil Service Commission when adjudicating claims for retirement credits due former employees to make proper set-offs from the total amounts due of any unliquidated amounts chargeable to such employees on account of advance payments for unearned annual or sick leave, overpayment of salary, or other indebtedness to the Government.

In filing claims for reimbursement on account of overdrawn leave the agencies concerned shall execute Form 3037 (Statement of Account of Overdrawn Annual and/or Sick Leave) in duplicate. In all cases involving withholding tax the amount of tax deductions included in the overpayment shall be entered directly below the space provided for gross indebtedness so that the form will show the total amount due the appropriation, the amount of tax reductions, and the balance for recovery from the retirement fund. The report shall show whether the amount of tax deductions has been taken up as Internal Revenue Collections or is being held in a special deposit account, in which case the special deposit account shall be fully identified. In each case involving withholding tax one copy of Form 3037 shall be forwarded to the General Accounting Office, Claims Division, at the same time the claim against the retirement fund is forwarded to the Commission. In all other cases both copies shall be forwarded to the Commission. Claims forwarded to the Commission should be attached to Form 2806 whenever possible.

Claims for set-off on account of indebtedness to the Government for reasons other than overdrawn leave shall be submitted to the Commission on Form 3037, in duplicate, setting forth all pertinent facts in the case, including the amount to be recovered.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION.
H. B. MITCHELL,
President.

[F. R. Doc. 47–2104; Filed, Mar. 6, 1947; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 932—MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

Sec.
932.0 Findings and determinations.
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AUTHORITY: §§ 932.0 to 932.15, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.

§ 932.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601, et seq.), and the rules of practice and procedure covering the formulation of marketing agreements and marketing orders, as amended (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737), a public hearing was held August 20 to 24, 1946, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. It is hereby found upon the basis of evidence introduced at such hearing in addition to the other findings made prior to or at the time of the original issuance of said order and of each amendment thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth), that:

(1) The order regulating the handling of milk in the said marketing area, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Fort Wayne, Indiana, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices set forth in the said order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found that a pro rata assessment on handlers at a rate not to exceed four cents per hundredweight with respect to all receipts by the handler, during each delivery period, of producer milk (including the handler's own production), and of other source milk classified as Class I milk and Class II milk pursuant to § 932.4 (b)(1)(i) and (2) of this order, will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such assessment is approved.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in the processing, distributing, or shipping the milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by this order, as amended, and as hereby further amended, which is marketed within the Fort Wayne, Indiana, marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the aforesaid order, as amended, is approved or favored by at least two-third of the producers who, during the determined representative period (November, 1946), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That such handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 932.1 *Definitions.* The following terms mean:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 932.5 and § 932.8.

(d) "Market administrator" means the agency described in § 932.2.

(e) "Person" means any individual, partnership, corporation, association, or any other business unit.

(f) "Fort Wayne, Indiana, marketing area," hereinafter called the "marketing area," means all territory within the corporate limits of Fort Wayne, Indiana, and all territory within 4 miles of the corporate limits of Fort Wayne, Indiana, except the territory within the corporate limits of New Haven, Indiana.

(g) "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

(h) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and (2) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(i) "Route" means a delivery (including at a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

(j) "Handler" means:

(1) Any person, including any cooperative association, who operates a milk plant from which a route is operated wholly or partially within the marketing area;

(2) Any cooperative association which operates a milk plant at which milk is received from producers; or

(3) Any cooperative association with respect to:

(i) Milk caused by it to be delivered from producers' farms to a plant(s) described under subparagraph (1) of this paragraph, for which milk such association is authorized to receive payment; or

(ii) Milk of producers caused to be diverted on its account from a plant(s) described under subparagraph (1) of this paragraph or from a plant(s) operated by it, to a nonhandler's plant.

(k) "Producer" means any person, except a producer-handler, having certification issued by the appropriate health authority in the marketing area to produce milk for disposition within the marketing area in the form of fluid milk.

(l) "Nonhandler" means any person other than a handler who operates a milk processing or distributing plant from which no route is operated within the marketing area.

(m) "Producer milk" means milk produced by one or more producers under the conditions set forth in paragraph (k) of this section.

(n) "Other source milk" means (1) all skim milk and butterfat except that in producer milk and in any nonfluid milk product received and disposed of in the same form, and (2) all skim milk and butterfat transferred by a producer-handler to any handler.

(o) "Producer-handler" means any person who produces milk but receives no milk from producers and operates a route extending into the marketing area.

§ 932.2 *Market administrator*—(a) *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this part:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 932.9:

(i) The cost of his bond and of the bonds of his employees,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under § 932.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to

such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 932.3, or (ii) payments pursuant to §§ 932.8, 932.9, 932.10, or 932.11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them, to each handler to whom the cooperative sells milk. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(9) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class pursuant to § 932.5, and

(ii) On or before the 11th day after the end of such delivery period, the uniform price computed pursuant to § 932.7 and the butterfat differential computed pursuant to § 932.8; and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

§ 932.3 *Reports, records and facilities.*—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such delivery period of (i) producer milk, (ii) skim milk and butterfat in any form from any other handler, and (iii) other source milk; and the sources thereof;

(2) The product pounds of milk products received from any nonhandler and disposed of in the same form;

(3) The utilization of all receipts required to be reported under subparagraphs (1) and (2) of this paragraph; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show (i) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions and charges involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to (1) the receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form; (2) the weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled; (3) payments to producers and cooperative associations; and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 932.4 *Classification.*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section:

(b) *Class of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(i) Disposed of in fluid form as milk, skim milk, buttermilk, or flavored milk or flavored milk drink (except as provided in subparagraphs (3) (ii) and (iii) of this paragraph; and

(ii) Not specifically accounted for as any item included under subdivision (i) of this subparagraph or as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as (i) cream or as any mixture containing cream and milk, or skim milk (not including ice cream mix disposed of pursuant to subparagraph (3) (iv) of this paragraph) containing not less than 6 percent of butterfat, and (ii) eggnog.

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce a milk product other than any of those specified in subparagraphs (1) (i) or (2) of this paragraph;

(ii) Dumped or disposed of for livestock feed as skim milk, flavored milk, flavored milk drink, or buttermilk;

(iii) Disposed of as bulk skim milk to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form;

(iv) Disposed of as ice cream mix to a commercial processor;

(v) In actual plant shrinkage of producer milk computed pursuant to paragraph (c) of this section, but not in excess of 2 percent thereof; and

(vi) In actual plant shrinkage of other source milk computed pursuant to paragraph (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(2) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) of this paragraph between producer milk and other source milk after deducting receipts from other handlers.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (g) (1) (iii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization;

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(3) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to a nonhandler's plant unless, except as provided in subparagraph (4) of this paragraph, (i) the handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transaction occurred, (ii) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section; and

(4) As Class I milk if transferred or diverted in the form of milk to a nonhandler's plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by shortest highway distance as determined by the market administrator.

(f) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(g) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(i) Subtract plant shrinkage of skim milk pursuant to paragraph (b) (3) (v) of this section from the total pounds of skim milk in Class III milk;

(ii) Subtract, in the case of a handler which is a cooperative association operating a plant from which no route is operated wholly or partially within the marketing area, from the pounds of skim milk remaining in each class, in series beginning with the lowest-priced available use, the pounds of skim milk received in producer milk by such cooperative association but not to exceed 15 percent of the total quantity of producer milk marketed for its members by such association;

(iii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available use, the pounds of skim milk in other source milk;

(iv) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to paragraph (e) of this section;

(v) Add the quantity subtracted pursuant to subdivision (ii) of this subparagraph to the remaining pounds of skim milk in the appropriate class (based on the uses from which such subtraction was made); and

(vi) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subdivision (i) of this subparagraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced available use.

(2) Allocate classified butterfat to producer milk according to the method prescribed in subparagraph (1) of this paragraph for skim milk.

(3) Determine the weighted average butterfat test of the remaining Class I milk, Class II milk, and Class III milk computed pursuant to subparagraphs (1) and (2) of this paragraph.

§ 932.5 *Minimum prices.*—(a) *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by this section shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content determined by the market administrator pursuant to subparagraphs (1), (2), or (3) of this paragraph, computed to the nearest tenth of a cent.

(1) The average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Angola, Ind.
Pet Milk Co., Garrett, Ind.
Kraft-Phenix Cheese Corp., Kendallville, Ind.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, add 30 percent thereof, and then multiply by 4.0.

(3) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, subtract three cents, add 20 percent thereof, and then multiply by 4.0; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture during the delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

(b) *Class I milk prices.* Subject to the provisions of paragraphs (e) and (f) of this section, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class I milk, shall be the basic formula price determined pursuant to paragraph (a) of this section, plus the following:

Delivery period:	*Amount*
April, May, and June	$0.60
October, November, and December	.90
All other months	.75

(c) *Class II milk prices.* Subject to the provisions of paragraphs (e) and (f) of this section, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class II milk, shall be the basic formula price determined pursuant to paragraph (a) of this section, plus the following:

Delivery period:	*Amount*
April, May, and June	$0.35
October, November, and December	.65
All other months	.50

(d) *Class III milk prices.* Subject to the provisions of paragraphs (e) and (f) of this section, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class III milk, shall be the same as the basic formula price.

(e) *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified producer milk is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 4.0 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(1) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(2) *Class II milk.* Multiply by 1.25 the average daily wholesale price per pound

of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(3) *Class III milk.* Multiply by 1.15 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(f) *Emergency price provisions.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 932.6 *Application of provisions*—(a) *Producer-handlers.* Sections 932.4, 932.5, 932.7, 932.8, 932.9, and 932.10 shall not apply to a producer-handler.

(b) *Exempt milk.* Milk received by a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

(c) *Milk caused to be delivered by cooperative associations.* A cooperative association shall be deemed to be a handler pursuant to § 932.1 (j) (3) (i), with respect to milk caused by it to be delivered from producers' farms to a plant(s) described in § 932.1 (j) (1), only for the purpose of making such payments to the market administrator as are required of such association pursuant to the proviso of § 932.8 (e).

(d) *Diverted milk.* Producer milk diverted from a handler's plant to a nonhandler's plant shall be deemed to have been received by the handler on whose account such milk was diverted.

§ 932.7 *Determination of uniform price*—(a) *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Provided,* That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 932.3(a), has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 932.4(g)(1)(vi) and (2) by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk, on the basis of 4.0 percent butterfat content, received from producers as follows:

(1) Combine into one total the values computed pursuant to paragraph (a) of this section for all handlers who made the reports prescribed by § 932.3, except those in default of the payments prescribed in § 932.8 (e) for the preceding delivery period;

(2) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to §932.8(f);

(3) Subtract, if the weighted average butterfat test of producer milk represented by the values included under subparagraph (1) of this paragraph is greater than 4.0 percent, or add, if such butterfat test is less than 4.0 percent, an amount computed by: mutiplying the amount by which its weighted average butterfat test varies from 4.0 percent by the butterfat differential computed pursuant to § 932.8 (c), and multiplying the resulting figure by the total hundredweight of such milk;

(4) Divide the resulting amount by the total hundredweight of producer milk represented by the values included in subparagraph (1) of this paragraph; and

(5) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under subparagraph (4) of this paragraph.

(c) *Notification of handlers.* On or before the 11th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (1) the amount and value of his milk in each class and the total thereof; (2) the applicable minimum class prices and uniform price; (3) the amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to § 932.8 (e) and (f); and (4) the amount to be paid by each handler pursuant to §§ 932.8 (a) (1) and (2), 932.9, and 932.10.

§ 932.8 *Payment for milk*—(a) *Time and method of final payment.* Each handler shall make payments, after deducting the amount of the payments made pursuant to paragraph (b) of this section, as follows:

(1) On or before the 15th day after the end of each delivery period, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to subparagraph (2) of this paragraph, at not less than the uniform price for such delivery period pursuant to § 932.7 (b) adjusted by the producer butterfat differential pursuant to paragraph (c) of this section, for all milk received from such producer during such delivery period: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (f) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 13th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association during such delivery period, not less than the value of such milk computed at the minimum class prices provided by § 932.5. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, and Class III milk as determined pursuant to § 932.4 (g).

(b) *Partial payments.* (1) On or before the last day of each delivery period, each handler shall make payment, except as set forth in subparagraph (2) of this paragraph, to each producer, for the milk received from such producer by such handler during the first 15 days of such delivery period, at not less than the uniform price for the preceding delivery period.

(2) On or before the day immediately preceding the last day of each delivery period, each handler shall make payment to a cooperative association, for milk caused to be delivered from producers' farms to such handler by such association during the first 15 days of such delivery period, at not less than the uniform price of the preceding delivery period.

(c) *Producer butterfat differential.* In making payments pursuant to paragraph (a) (1) of this section there shall be added to, or subtracted from, the uniform price for milk of 4.0 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 4.0 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, by 1.15, dividing by 10, and rounding to the nearest tenth of a cent.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (e) of this section and out of which he shall make all payments to handlers pursuant to paragraph (f) of this section.

(e) *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by paragraph (c) of this section: *Provided,* That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the association, in turn, shall pay to the market administrator, on or before the 14th day after the end of each delivery period, the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by paragraph (c) of this section.

(f) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by paragraph (c) of this paragraph, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (e) of this section, § 932.9, § 932.10, and § 932.11: *Provided,* That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the market administrator shall pay, on or before the 15th day after the end of each delivery period, to such association the amount by which the utilization value of such milk is less than its value computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by paragraph (c) of this section: *And provided further,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 932.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 932.2 (c) (4) each handler shall pay the market administrator, on or before the 13th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all receipts within the delivery period of (a) producer milk (including such handler's own production), and (b) other source milk classified as Class I milk pursuant to § 932.4 (b) (1) (i) and Class II milk.

§ 932.10 *Marketing services*—(a) *Marketing service deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 932.8 (a) (1), shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 13th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Marketing service deduction with respect to members of, or producers marketing through, a cooperative association.* In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 932.8 (a) (1) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 13th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 932.11 *Adjustments of accounts*—(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) *Interest on overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 932.8, 932.9, 932.10, or paragraph (a) of this section shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 5th day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 932.12 *Effective time.* The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 932.13 *Suspension or termination*—(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 932.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 932.15 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of February 1947, to be effective on and after the 1st day of April 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Approved: February 28, 1947.

PHILIP B. FLEMING,
Administrator, Office of Temporary Controls.

[F. R. Doc. 47-2092; Filed, Mar. 6, 1947; 8:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

[Gen. Order 34, Reg. 2]

PART 503—SUBSTANTIVE RULES

PROPERTY ACQUIRED ON OR AFTER JAN. 1, 1947

Under the authority of the Trading with the Enemy Act, as amended, and Executive Orders issued thereunder, and pursuant to law, the following regulation is hereby issued:

§ 503.40–2 *Non-applicability of § 503.40 to property acquired on or after January 1, 1947.* (a) No report on Form APC–56 shall be required to be filed pursuant to § 503.40 (General Order No. 34) with respect to any property or interest

(1) Which is initially brought into the United States after December 31, 1946, unless such property or interest represents, directly or indirectly, ownership or control of, or an interest in, any property or interest in the United States on December 31, 1946, or

(2) Which is initially acquired by Germany or Japan or any national thereof after December 31, 1946; *Provided*, That no such property or interest shall be considered initially acquired after December 31, 1946, if such property or interest is, in whole or in part, the income, interest, increment, dividends, or proceeds from, or has been converted from, exchanged for, acquired with the proceeds of, or is in any other way directly or indirectly derived from, any property or interest in the United States in which on December 31, 1946, Germany or Japan, or any national thereof, had any interest.

(b) The definition of terms in § 503.40 shall be applicable to this section.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. App. and Sup. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. this 3d day of March 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47–2128; Filed, Mar. 6, 1947; 8:48 a. m.]

[Gen. Order 20, Reg. 1]

PART 503—SUBSTANTIVE RULES

CONSENT TO TRANSFER OF PROPERTY ACQUIRED AFTER SPECIFIED DATES

Under the authority of the Trading With the Enemy Act, as amended, and Executive orders issued thereunder, and pursuant to law, Regulation No. 1 under § 503.7 (General Order No. 20) is hereby amended to read as follows:

§ 503.7–1 *Consent to transfer of property acquired after specified dates.* (a) For the purposes of paragraph (a) (1) of § 503.7 (General Order No. 20), the Director of the Office of Alien Property, acting for the Attorney General, hereby consents, subject to the provisions of paragraph (b) of this section, to the payment, transfer, or distribution, by a designated person as defined in § 503.7, of any property of any nature whatsoever, except the following:

(1) Property which on December 31, 1946 was located in the United States, or any territory or possession thereof, and in which on that date any of the following had any interest:

(i) The Government of Germany or Japan, or any agent, instrumentality, or representative of either Government;

(ii) A person within Germany or Japan, or a citizen or subject of either country within Italy, Bulgaria, Hungary or Rumania;

(2) Property which on December 7, 1945 was located in the United States, or any territory or possession thereof, and in which on that date any of the following had any interest:

(i) The Government of Italy, Bulgaria, Hungary or Rumania, or any agent, instrumentality, or representative of any of such Governments;

(ii) A person (other than a citizen or subject of Germany or Japan) within Italy, Bulgaria, Hungary or Rumania;

(3) Income from the property described in subparagraph (1) of this paragraph accruing on or after December 31, 1946, or from the property described in subparagraph (2) of this paragraph accruing on or after December 7, 1945.

(b) Any payment, transfer, or distribution pursuant to paragraph (a) of this section may be made only if licensed or otherwise authorized by the Secretary of the Treasury pursuant to the provisions of Executive Order No. 8389, as amended.

(c) For the purpose of this section:

(1) "Person" shall mean any individual, partnership, association or corporation;

(2) "Income" shall include, without limitation, any interest, dividend, increment, proceeds, exchange, conversion, or other derivative, direct or indirect.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. App. and Sup. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 3d day of March 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47–2127; Filed, Mar. 6, 1947; 8:48 a. m.]

[Gen. Order 5, Reg. 1]

PART 503—SUBSTANTIVE RULES

PROPERTY ACQUIRED AFTER SPECIFIED DATES

Under the authority of the Trading with the Enemy Act, as amended, and Executive orders issued thereunder, and pursuant to law, Regulation No. 1 under § 503.20 (General Order No. 5) is hereby amended to read as follows:

§ 503.20–1 *Non-applicability of § 503.20 to property acquired after specified dates.* (a) A designated person, as defined in § 503.20 (General Order No. 5), shall hereafter be required to file a report on Form APC 3 pursuant to § 503.20 only with respect to:

(1) Property which on December 31, 1946 was located in the United States, or any territory or possession thereof, and in which on that date any of the following had any interest:

(i) The Government of Germany or Japan, or any agent, instrumentality, or representative of either Government;

(ii) A person within Germany or Japan, or a citizen or subject of either country within Italy, Bulgaria, Hungary or Rumania;

(2) Property which on December 7, 1945, was located in the United States, or any territory or possession thereof, and in which on that date any of the following had any interest:

(i) The Government of Italy, Bulgaria, Hungary or Rumania, or any agent, instrumentality, or representative of any of such Governments;

(ii) A person (other than a citizen or subject of Germany or Japan) within Italy, Bulgaria, Hungary or Rumania;

(3) Income from the property described in subparagraph (1) of this paragraph accruing on or after December 31, 1946, or from the property described in subparagraph (2) of this paragraph accruing on or after December 7, 1945.

(b) For the purpose of this section:

(1) "Person" shall mean any individual, partnership, association or corporation;

(2) "Income" shall include, without limitation, any interest, dividend, increment, proceeds, exchange, conversion, or other derivative, direct or indirect.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. App. and Sup. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. this 3d day of March 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47–2126; Filed, Mar. 6, 1947; 8:48 a. m.]

TITLE 11—ATOMIC ENERGY

REDESIGNATION OF TITLE

NOTE: Title 11 is redesignated as set forth above. Chapter I thereof is reserved for rules and regulations of the Atomic Energy Commission.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SUSPENSION OF TRADING, WITHDRAWAL AND STRIKING FROM LISTING AND REGISTRATION

The Securities and Exchange Commission deems it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors to amend paragraph (a) (2) of § 240.12d2–1 (Rule X-12D2–1). The amendment eliminates the requirement that an exchange which has suspended a security from trading shall file a statement every two months setting forth the reasons for continuing the suspension, and instead requires such exchange to notify the Commission only in the event of a change in the reasons for the suspension. The amendment further provides for notification by an exchange of the effective date on which a suspended security is restored to trading. The basis and purpose of the amendment are: (1) To relieve exchanges of a reporting requirement which the Commission's experience has proved unnecessary in view of the fact that almost without exception the statements of reasons for continuing the suspensions have been identical with the statement of the reasons for suspending the security initially; and, (2) to assure that the Commission's records will currently reflect that trading has been resumed in a security which has been suspended. The Commission for good cause finds that the notice and public procedure provided for in section 4 (a) and (b) of the Administrative Procedure Act are unnecessary for the reasons that the amendment has no effect on investors or persons other than national securities exchanges, and the net effect on such exchanges is to reduce their reporting requirements. Therefore, the Commission, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12 (d) and 23 (a) thereof, hereby amends paragraph (a) (2) of § 240.12d2–1 (Rule X-12D2–1), effective April 1, 1947, to read as follows:

§ 240.12d2–1 *Suspension of trading, withdrawal, and striking from listing and registration.*[1] (a) • • •

(2) Any such suspension may be continued until such time as it shall appear to the Commission that such suspension is designed to evade the provisions of section 12 (d) (48 Stat. 893; 15 U. S. C. 781 (d)) and the rules and regulations thereunder relating to the withdrawal and striking of a security from listing and registration. During the continuance of such suspension the exchange shall notify the Commission promptly of any change in the reasons for the suspension. Upon the restoration to trading of any security suspended under this section, the exchange shall notify the Commission promptly of the effective date thereof.

(Secs. 12 (d), 23 (a), 48 Stat. 892, 901; 15 U. S. C. 781, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–2079; Filed Mar. 6, 1947; 8:46 a. m.]

[1] Appears as § 240.12d–2 in 17 CFR; designation changed to § 240.12d2–1, Sept. 10, 1938, 17 CFR Cum. Supp. § 240.12d2–1.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.42]

PART 1—ORGANIZATION

PART 2—FUNCTIONS

ESTABLISHMENT OF FOREIGN SERVICE INSTITUTE

Under authority contained in R. S. 161 (5 U. S. C. 22), and in accordance with the provisions of Title VII of the Foreign Service Act of 1946 (60 Stat. 1018), there is hereby established in the Department of State the Foreign Service Institute. Its purpose shall be to improve the skills, broaden the understanding, and develop the abilities of Foreign Service and Department personnel, and other Federal employees requiring instruction in the field of foreign relations, by furnishing extensive and systematic training and by promoting and fostering programs of study incidental to such training.

The Director General of the Foreign Service is authorized to establish an Advisory Committee to serve as a consultative body to the Director of the Foreign Service Institute with respect to the activities thereof.

Accordingly, Title 22, Part 1, § 1.2 (g) (6), and Part 2, § 2.9 (m) (11 F. R. 177A–3 and 177A–5), are amended by changing the lines reading "Division of Training Services" to read, "Foreign Service Institute".

(R. S. 161, sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244; 5 U. S. C. 22)

This regulation shall become effective on the date of its promulgation in the FEDERAL REGISTER.

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47–2075; Filed, Mar. 6, 1947; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M–328, as Amended March 6, 1947]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M–328.*—(a) *Definitions.* As used in this order: (1) The term "textile, clothing and related products" includes the following items:

(i) Animal bristles and hair.

(ii) Clothing, footwear (including safety shoes, hats, gloves, and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber, or fabrics). However, this does not include rubber footwear, professional rubber gloves, or the following items when such items are specifically designed and used to furnish protection against occupational hazards (other than weather):
Asbestos clothing.
Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
Metal mesh gloves, aprons and sleeves.
Other safety leather gloves or mittens, but only if steel-stitched or steel-reinforced.
Plastic and fiber safety helmets.
Safety belts and harnesses.
Safety clothing impregnated or coated for the purposes of making the same resistant against fire, acids or other chemicals or abrasives.
Safety industrial leather clothing other than gloves or mittens.
Safety industrial rubber gloves and hoods, and linemen's rubber gloves and sleeves.

(iii) Cotton, wool and synthetic yarns and blends of the foregoing.

(iv) Woven, felted, knitted and braided fabrics of cotton, wool or synthetic yarns and blends of the foregoing, including but not limited to:
Bedsheets.
Pillow cases.
Blankets.
Towels.
Diapers.
Face cloths.
Table "linens."

(v) Dyestuffs, which means organic coloring matter even though the matter itself appears colorless. The term does not include inorganic pigments extended or otherwise processed with resinates, with dispersing agents, or with other substantially colorless organic material.

(vi) The following metal shoe findings:
Arch supports.
Box toes and caps.
Heel rims and plates.
Heel washers.
Shoe shanks.
Toe rims and plates.
Steel wire shoe nails.

(vii) Hides, skins, furs and leather and products made primarily therefrom.

(viii) Manila, agave, istle, hemp (cannabis sativa), jute, coir yarn and other fibers, suitable for cordage (rope and twine), and cordage products made primarily therefrom.

(ix) Mops.

(x) Slide fasteners.

(xi) Sponges, marine and loofa.

(xii) Textile fibers (animal, vegetable, or synthetic, including curled istle) and products made primarily from textile fibers or textiles. This does not include fabrics after they have been coated or impregnated, fire hose, fire hose jackets, sisal processors' mill waste or sisal bagasse.

(xiii) Steel tacks (except thumb tacks).

(xiv) Synthetic rubber thread and products made therefrom.

(2) "Cotton fabric" means any fabric 12" or more in width woven or braided

from cotton yarn which contains 50% or more by weight of cotton or cotton waste or any combination of the two. The term includes not only fabrics in the grey and yarn dyed fabrics, original mill or regular finish, but also fabrics which have been bleached, Sanforized, dyed or printed; and includes shorts, seconds, remnants or mill ends. The term does not include blankets or blanketing containing 25% or more by weight of wool; or fabrics (other than blankets or blanketing) containing wool produced on the woolen or worsted system.

(3) "Producer," with respect to cotton fabrics, means any person who weaves for his own account, or has woven for his account, any cotton fabric in the forty-eight States or the District of Columbia. A person who weaves cotton fabric for the account of another is not a producer of that fabric for the purpose of this order.

(4) "Rayon fabrics" means any woven or knitted (both circular and warp) fabric, containing less than 25% wool by weight, but of which the remaining fibers are more than 50% of synthetic fiber (filament or spun yarn, or their blends) by weight. For example, a fabric containing 20% wool, 41% rayon, and 39% cotton is a rayon fabric. Except where otherwise indicated, it includes such fabrics, whether grey, original mill, or regular finish, bleached, dyed, printed, or otherwise processed as fabric.

(5) With respect to rayon fabrics, "producer" means any person who weaves or knits rayon fabrics from yarn owned by him, or who has rayon fabrics woven or knitted for his account from yarn owned by him, whether he delivers them in the grey, finished, or partially finished state. If a person supplies yarn to a weaver or knitter for processing on a basis under which a part of the fabric produced from that yarn is to be owned by the yarn supplier, and part by the weaver or knitter, the yarn supplier is the producer of that part of the fabric which he will get, and the weaver or knitter is the producer of the remainder. Where a person supplies yarn to a weaver or knitter in exchange for fabric not made from the yarn supplied, the weaver or knitter is the producer of all of the fabric made from the yarn which he gets in this way, as well as of any other fabric produced by him.

(6) "Finished goods supplier" means any person who finishes, or has finished for his account, rayon fabrics which he owns, whether he produces them in the grey, finished, or partially finished state.

(7) "Cotton textile" means any of the following:

(i) Cotton yarn containing 50% or more by weight of cotton or cotton waste or any combination of the two, spun on roving, ring, tube twister or converted twister spindles, or produced on the woolen system. The term includes grey, bleached, mercerized, colored, glazed or polished yarn, whether single, ply, twisted or braided and including thread, sash cord, rope, twine and cordage (for example, tying, sail or seine twine, and cotton tire cords, including cotton tire cord held together loosely or by one or more picks) or

(ii) Cotton fabric; or

(iii) The following cotton fabric products: Bedsheets, pillow cases, blankets, towels, diapers, face cloths, table "linens", and fish netting.

(b) *CPA may issue directions.* The Civilian Production Administration may issue published directions, or specific directions to individual producers or processors of textile, clothing and related products, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no person shall produce, fabricate, process, deliver or accept delivery contrary to these directions.

The general policy of CPA, however, will be not to issue further directions, published or unpublished, for the manufacture or distribution of textile, clothing, and related products.

These materials are no longer subject to price controls, and most of the former CPA controls over production and distribution have been eliminated. Military requirements were greatly reduced many months ago, and now represent a small part of total consumption. Supplies for industrial, commercial, agricultural and other civilian uses should now be obtainable by persons making adequate and timely efforts to fill their needs, from among the many sources of supply. Even when the most desirable materials may not be readily available, usable substitutes should be obtainable. Some further readjustments between sources of supply and purchasers may occur, but this readjustment might well be delayed, rather than avoided, by additional directions.

In general, therefore, directions will not be issued, unless an unforeseeable emergency should arise, such as that caused by fire, flood, or other disaster, and would clearly cause severe community or other hardship to a large number of people if such action by CPA is not taken.

(c) *Rating ceilings*—(1) *Producers.* No producer need accept or fill MM or CC rated orders which would cause him to deliver during any calendar quarter on such rated orders more of any cotton or rayon fabric than a quantity equal to the percentage, specified in the attached table, applied to a figure equal to his total production of that fabric during the previous calendar quarter (the term "any cotton or rayon fabric" refers to any group of fabrics having the same Item Number in the CPA–658 form indicated).

(2) *Rayon finished goods suppliers.* No finished goods supplier need accept or fill MM or CC rated orders which would cause him to deliver during any calendar quarter on such rated orders more of any rayon fabric than a quantity equal to the percentage, specified in the attached table, applied to a figure equal to his total deliveries of that fabric during the previous calendar quarter (the term "any rayon fabric" refers to any group of fabrics having the same Item Number in the CPA–658 form indicated).

(3) *General rating ceiling provisions.* The rating ceilings established in this order are separate for each fabric or group of fabrics having the same Item Number, and deliveries on rated orders in excess of one of these ceilings may not be charged against any of the other ceilings. Within the ceiling for the fabrics covered by any Item Number, MM rated orders must be accepted and filled in preference to undelivered orders with CC ratings, in accordance with Priorities Regulation 1, and all other rules of that regulation also apply.

(4) *Kinds of ratings affected.* Paragraphs (c) (1) and (c) (2) above refer to MM and CC rated orders. Orders rated AAA must be accepted and filled regardless of the rating ceiling.

(d) *Information required on rated orders for cotton textiles.* (1) Each person applying or extending a preference rating for any cotton textile shall add to his rating certificate a statement as to the source of the rating substantially as follows:

> This rating has been assigned on Form CPA _____, Serial Number ____ (insert the CPA Form Number and Serial Number; or if the rating was not assigned on a CPA Form, state the source of the rating by specifying the military contract number).

(2) The above requirement does not apply to the United States Army, Navy, or Maritime Commission on their direct purchase orders.

(e) *Restriction on serving ratings on another producer*—(1) *Cotton yarn.* No producer of cotton yarn shall use any preference rating to obtain cotton yarn from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing in writing that his own production is insufficient or unsuitable.

(2) *Cotton fabric.* No producer of cotton fabric shall use any preference rating to obtain cotton fabric from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing in writing that his own production is insufficient or unsuitable.

(f) *Integrated operations.* Requisitions for intra-company deliveries of fabrics from the producing mill shall be treated as if they were purchase orders, for the purposes of this order.

(g) *Applicability of regulations.* Except as otherwise provided in this order or any direction under it, this order and such direction and all transactions affected thereby are subject to all applicable regulations of the Civilian Production Administration.

(h) *Appeals.* (1) Any appeal from the provisions of this order or of any direction to it shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(2) No direction or order relating to textile, clothing or related products (whether or not it refers to Order M–328) shall be deemed to require the furnishing of materials or facilities to the Civilian Production Administration. If a direction or order requires the furnishing of materials or facilities to a contracting agency or to its contractors, or the production of a specified amount of a material or product, or restricts all or part of a person's production or inventory to specified purposes, and if the person affected cannot get firm orders to cover the materials, facilities, production or inventory involved, he may appeal, and the Civilian Production Administration will grant appropriate relief.

(i) *Reports.* Producers of cotton textiles and rayon fabrics shall file reports on Forms CPA–658A, 658B, 658C, and 658E, in accordance with the instructions on those forms. Producers of woven fabrics made on woolen and worsted looms, felt and hat bodies, shall file reports on Form CPA–1420, in accordance with the instructions on that form. These reporting requirements have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(j) *Records.* Each person participating in any transaction to which this order applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and his inventories of the material involved, in accordance with § 944.15 of Priorities Regulation 1.

(k) *Violations and false statements.* Any person who wilfully violates any provision of this order, or any direction under it, or who in connection with this order, or any such direction, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Communications.* All reports to be filed hereunder and communications concerning this order or any direction under it shall, unless otherwise directed, be addressed to the Civilian Production Administration, Textile Division, Washington 25, D. C., Ref. M–328.

(m) *Expiration date.* This order shall expire at the end of March 1947.

Issued this 6th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

RATING CEILING TABLE

Item numbers

Cotton fabrics:	*Ceiling percentage for MM and CC ratings*
Fine cotton goods:	
1, 2, 7, 11–29, 32, 35, 37–39, 42, 43, 45, 47–51 on Form CPA–658C; and 157–159 on Form CPA–658B	5
3–6 on Form CPA–658C	20
33–34 on Form CPA–658C	100
36 on Form CPA–658C	93
All other combed, part combed and fine carded fabrics listed in Form CPA–658C and not elsewhere specified above under the heading "Fine Cotton Goods"	10
Carded grey goods:	
5–12 on Form CPA–658A	5
1–8, 14–17, 19, 21–23, 25, 26, 28, 30–33, 34, 35, 37–39, 40, 42, 55, 63, 64, 66, 73, 75, 102, 110, 122, 123, 128, 131, on Form CPA–658B	2
12, 13, 18, 20, 24, 27, 29, 41, 43, 44–47, 49, 50–54, 56, 59–62, 65, 67, 68, 69, 72, 74, 77, 78, 79, 81, 82, 88–92, 97–101, 103–109, 111–121, 129–130, 133–139, 142, 143, 151–156, 162, on Form CPA–658B	5

RETAIL CEILING TABLE—Continued

Item numbers—Continued

Cotton fabrics—Con. *Carded grey goods*—Con.	*Ceiling percentage for MM and CC ratings*
71, on Form CPA–658B	8
76, on Form CPA–658B	6
80, on Form CPA–658B	50
83, 84, 124–126, 161, on CPA–658B	10
146–148, on Form CPA–658B	7
All other carded cotton woven fabrics reported on Form CPA–658A or B not elsewhere specified above under the heading "Carded Grey Goods"	10
Rayon fabrics: Form CPA–658C (12–19–46).	
Pile, upholstery, and tie fabrics (50 percent or more rayon):	
52—Velvets, plushes, and other pile fabrics	½
53—Upholstery, drapery and tapestry fabrics	½
54—Tie fabrics (shaft and jacquard), yarn dyed	½
55—Tie fabrics (shaft and jacquard), non yarn dyed	
100% filament rayon fabrics—flat fabrics (producers' twist in warp and filling):	
56—Bright Viscose taffetas (including semidull)	2½
57—Pigment viscose taffetas	2½
58—Acetate taffetas	2½
59—Cross-dyed taffetas	5
60—Jersey weaves	5
61—Sharkskins	5
62—Twills and serges, 88 to 140 sley	[1] 5
63—All other twills and serges	5
64—Viscose satins	2½
65—Acetate satins	2½
66—All other flat fabrics	5
100% filament rayon fabrics twisted yarn fabrics (more than producers' twist in warp and/or filling):	
67—Crepe satins (including voile filled)	2½
68—Flat, faille and canton crepes	2½
69—French crepes (voile twist filling)	2½
70—Plied yarn fabrics—plain weaves	5
71—Plied yarn fabrics—fancy weaves	5
72—Marquisettes (leno weave)	1
73—Ninons and voiles (voile twist warp and filling)	1
74—Other sheers (georgettes, triple sheers, etc.)	5
75—All other twisted yarn fabrics	5
100% spun rayon fabrics:	
76—Twills (including serges, gabardines, etc.)	5
77—Ribbed and corded fabrics (poplin, Bedford cord, etc.)	5
78—Challis	5
79—Linen type and flakes	5
80—Plied yarn fabrics (suitings, shirting, etc.)	2½
81—Other 100% spun rayon fabrics	5
Filament and spun rayon fabrics:	
82—Ribbed and corded fabrics (poplins, failles, heng, etc.)	5
83—Shantungs (nub and slub)	5
84—Fujis	5
85—Other filament and spun rayon fabrics	5
Rayon mixtures and blends with fibers—rayon and wool:	
86—Less than 25% wool (51% or more rayon).	
87–92—25% or more wool (other than blankets).	
93A—Filament rayon and cotton other than twills and serges, 88 to 140 sley	5

[1] Rayon twills and serges, 88 to 140 sley, inclusive, are listed above as Item No. 62 if made entirely of rayon, and as Item No. 93B if made with rayon warp and cotton filling.

RETAIL CEILING TABLE—Continued

Item numbers—Continued

Rayon fabrics—Con.	*Ceiling percentage for MM and CC ratings*
Rayon mixtures and blends with fibers—rayon and wool—Con.	
93B—Twills and serges, 88 to 140 sley, incl	[3]
51% or more rayon with fibers other than wool:	
94—Spun rayon and cotton	5
95—Rayon and other fibers	5

NOTE: (1) All references in this table to CPA forms in the 658 series refer to those forms as revised 12/19/46. (2) In transposing the rating ceiling percentages for reference numbers 27 and 28 from Order M–317A, upon the revocation of that order and the simultaneous amendment of Order M–328 on January 14, 1947, it was not intended to change the rating ceiling percentage of 2% for reference number 28, and 5% for reference number 27. Producers may therefore regard the rating ceiling percentages specified for these two reference numbers in this table as amended March 6, 1947, as having been in effect since the previous amendment of this order on January 14, 1947.

DIRECTIONS TO ORDER M–328

All published directions to Order M–328, issued before March 6, 1947, have been revoked.

[F. R. Doc. 47–2229; Filed, Mar. 6, 1947; 11:18 a. m.]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Emergency Housing Program 1, Direction 2, as Amended March 6, 1947]

PREPARING CPA–4423 APPLICATIONS

The following amended direction is issued pursuant to Veterans' Emergency Housing Program 1:

(a) Applications for authorization under Veterans' Housing Program Order 1 to do non-housing construction or repair work restricted by that order are filed on Form CPA–4423. This form requires the applicant to state in item 4 c the estimated cost of processing equipment to be used in the proposed project, excluding reused equipment. In item 5 the applicant is required to state the estimated cost of the project, not including the cost of the land, existing structures and architects' and engineers' fees. The figure in item 5 is to be broken down into two items, the cost of fixtures and building service (mechanical) equipment and the cost of structures, excluding the cost of fixtures and mechanical equipment.

(b) The applicant should enter, under item 4 c the total cost or value of all of the kinds of equipment and machinery listed under paragraph (b) (2) of Supplement 1, except used equipment. The figure entered in item 4 c should also include the total cost or value of the kinds of items listed under paragraph (b) (3) of Supplement 1, (except when they are fixtures) excluding the cost or value of used equipment. These paragraphs list various kinds of processing equipment and various kinds of servicing equipment.

(c) The applicant should enter as the "cost of fixtures and building service (mechanical) equipment" in item 5 the cost or value of all of the items of the kinds described and listed in paragraph (b) (1) of Supplement 1 to VHP–1. This paragraph lists various kinds

of fixtures and plumbing, heating, lighting and ventilating equipment. He should also enter the cost or value of items listed in paragraph (b) (3) when fixtures. The cost of installation of fixtures and items of equipment should be included along with the cost of the fixtures and the equipment. It is not necessary to include the cost of used fixtures and equipment (or the cost of installation) which have been severed from the structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.

(d) The applicant should include as the "cost of structure" in item 5 the cost of the building or buildings, excluding the cost of processing equipment and the cost of fixtures and mechanical equipment. The applicant need not include in this figure the cost or value of materials and labor which do not constitute part of the cost of the construction job under paragraph (g) of Supplement 3 to VHP–1. Paragraph (g) (2) of that supplement lists numerous specific items which may be excluded from the cost of a job under VHP–1.

(e) In reviewing an application to determine whether it should be approved, the Civilian Production Administration relies upon the statements and representations made in the application and in supplementary documents filed with the application. Severe criminal penalties may be imposed for making wilfully false statements or representations in connection with these applications. This imposes upon persons making statements and representations in connection with applications great responsibility for the correctness of these statements and representations. In addition, the granting of the authorization imposes upon the builder and others concerned with the project, the responsibility of carrying out the provisions of the authorization and the representations made. For this reason it is important that each of the statements and representations involved should be made by a person familiar with the facts and responsible for their correctness and truthfulness. Contractors and architects and landlords may be in a position to assume responsibility for the performance of the construction in accordance with the authorization but ordinarily they are not in a position to accept responsibility for the correctness of statements and representations as to the need for the building and the use to which it will be put. The application should be made and signed by the person who is to be responsible for the construction, normally the individual who, or a responsible officer of the corporation which, owns or is to own the building or other structure involved. If the person who signs the application is not personally familiar with the need for the proposed work and therefore is not in a position to assume responsibility for statements and representations with respect to the need for the building and the purpose to which it is to be put, these statements and representations should be made in a letter attached to the application signed by the prospective occupant of the building or a responsible officer of the corporation which is to occupy it, or any other person who is in a position to accept the responsibility for these statements.

(f) If a builder wishes to complete construction of a project on which some work has been done, and on which construction has been stopped, this fact should be stated in the application. The applicant should give, either on the application or in a letter attached to the application, full information about the beginning of the construction, including a statement of the nature and cost of the work previously done and a statement as to when it was done and including also a statement as to the exact nature and the estimated cost of the work required for completion, together with a statement about the circumstances under which construction was stopped, referring particularly to any stop telegram, suspension order, consent order or injunction involved. If the application is approved, authorization will be given only for the work which has not yet been done.

Issued this 6th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2230; Filed, Mar. 6, 1947; 11:18 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Revocation of Direction 32]

COTTON AND RAYON FABRICS FOR PROCESSING IN PUERTO RICO

Direction 32 to Order M-328 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under it.

This revocation does not affect the validity of any ratings which were assigned under the direction before March 6, 1947. However, no person may apply any further CC ratings under the direction.

Any valid ratings applied under Direction 32 may continue to be extended, orders bearing such ratings must still be accepted and filled, and material obtained with these ratings must continue to be used, if possible, for the purpose for which the priorities assistance was given, in accordance with the Priorities Regulations.

Issued this 6th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2231; Filed, Mar. 6, 1947; 11:18 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 39]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

[1] 11 F. R. 177, 14281.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 1.4 (b) (1) is amended to read as follows:

(1) The sugar must be sugar manufactured tax-free under section 402 (d) of the Sugar Act of 1937, except as provided in paragraph (c) (7) of this section.

2. Section 1.4 (c) is amended by adding the following:

(7) If the farm is incorporated, a statement that all of the stock of the corporation owning the farm is held by persons who reside on and manage the farm.

NOTE: Many persons own and operate sugar beet and sugarcane farms which are incorporated. Such persons are not entitled to obtain tax-free sugar under the provisions of section 402 (d) of the Sugar Act of 1937. Nevertheless, for sugar rationing purposes, they are, if they reside on and manage such farms, as entitled to obtain ration-free sugar under section 1.4 as are owners who reside on and manage unincorporated farms.

3. Sections 1.9 and 1.10 are deleted.

4. Section 2.2 (b) is amended by deleting the second sentence and inserting in place thereof the following: "The application must be made on or after the 10th day of the month preceding the beginning of the allotment period but not more than 5 days after the beginning of the allotment period."

5. Section 4.9 (a) is amended by adding the following sentence to read as follows: "Each report, required to be filed under this section, shall be filed in duplicate."

6. Section 4.11 is added to read as follows:

SEC. 4.11 *Certain wholesalers may exchange valid ration stamps and coupons for a ration check.* (a) Any wholesaler, whose ration bank account has been closed under the provisions of section 4.10 of this order and whose supplier will not deliver sugar upon the surrender of ration stamps and coupons properly affixed to gummed sheets, may exchange such ration evidences at the Sugar Branch Office for a ration check.

(b) The Sugar Branch Office shall determine that the ration stamps and coupons have been affixed to gummed sheets as required by this order and shall forward such gummed sheets to the Regional Office. The Regional Office, after verifying the validity of the ration stamps and coupons, shall issue to the wholesaler a ration check not to exceed the total weight value of the ration stamps and coupons surrendered by the wholesaler less the weight value of any stamps and coupons which are found to be invalid or counterfeit.

7. Section 5.6 is amended by changing the words "Director of Sugar Rationing Division" in the title and in the text to read "Deputy Commissioner for Sugar".

8. Section 8.5 (a) is amended by adding a note to read as follows:

NOTE: A Court, however, may require the person obtaining sugar on judicial sale to surrender evidences for such sugar at the time of the sale. The evidences so surrendered shall be given up by the person appointed by the Court to collect the evidences to the appropriate Sugar Branch Office of the Office of Price Administration.

9. Section 8.8 is amended by adding a new paragraph (g) to read as follows:

(g) *Prohibition of sale or purchase of ration evidence or sugar.* The sale or purchase of ration evidences or sugar under the provisions of this section is not permitted. An industrial user may deliver sugar or ration evidences for making an industrial use of such sugar or ration evidences under the provisions of this section only where the production of the product which is permitted under this section is for the benefit or use of the transferor. Thus, a transferee's offer of money or payment of money for ration evidences or sugar to be "tolled" to him in order to increase the production of the transferee's product is not valid under this section.

10. Section 11.2 (d) is amended to read as follows:

(d) No person may use an imported sugar-containing product in the production or manufacture, or in the preparation for service, or other products, except to the extent permitted by this section, unless specifically authorized by the Deputy Commissioner for Sugar of the Office of Price Administration.

11. Section 20.1 (a) is amended to read as follows:

(a) The Deputy Commissioner for Sugar of the Office of Price Administration may, from time to time, issue orders establishing zones for the purpose of this section.

12. Section 20.1 (b), (d), and (f) are amended by substituting the words "Deputy Commissioner" for the word "Director" wherever such word shall appear therein.

13. Section 22.16 (a) is amended by substituting the words "Deputy Commissioner for Sugar" for the words "Deputy Administrator for the Price Department" wherever they appear.

This amendment shall become effective March 10, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Amendment No. 39 to Third Revised Ration Order 3

Present regulations. The present regulations provide that sugarcane or sugar beet growers under certain conditions may receive from a primary distributor without giving up ration evidences limited amounts of sugar under the provisions of section 1.4 provided that the sugar is manufactured tax-free under section 402 (d) of the Sugar Act of 1937.

The present regulations provide that applications for allotments by industrial users must be filed not more than 20 days before and not more than 5 days after the beginning of the allotment period.

Proposed amendment. This amendment provides that persons who own and operate sugarcane and sugar beet farms which are incorporated will be entitled to obtain limited amounts of sugar under the provisions of section 1.4 even though the sugar is not manufactured tax-free under the provisions of section 402 (d) of the Sugar Act of 1937.

This amendment also provides that an application for an allotment by an industrial user must be made on or after the 10th day of the month preceding the beginning of the allotment period but not more than 5 days after the beginning of such period.

The amendment further provides that any wholesaler whose ration bank account has been closed under the provisions of this order and whose supplier will not deliver sugar upon the surrender of ration stamps and coupons properly affixed to gummed sheets may exchange such ration evidences at the Sugar Branch Office for a ration check.

Section 8.5 is clarified by specifically providing that, although sugar may be sold under judicial sale without the surrender of ration evidences, the court may require the person obtaining sugar on a judicial sale to surrender evidences for such sugar at the time of sale. The evidences so surrendered shall be given up to a Sugar Branch Office of the Office of Price Administration.

Section 8.8, the "tolling" section, is clarified by adding a paragraph specifically prohibiting the offer of money or any other valuable consideration by a transferee for the transfer of sugar or ration evidences to be used solely for the benefit of the transferee.

Sections 5.6, 11.2, 20.1 and 22.16 are amended by substituting the words "Deputy Commissioner for Sugar" for the words "Deputy Administrator for Sugar" and "Deputy Administrator for the Price Department".

Reasons for amendment. Under the provisions of section 402 (d) of the Sugar Act of 1937, persons who own and operate a sugar beet or sugarcane farm which has been incorporated are not permitted to obtain tax-free sugar. For the purposes of rationing, the privilege of permitting sugar beet growers to obtain sugar without giving up ration evidences in order to stimulate larger plantings of sugarcane or sugar beets should apply whether the farms on which such persons reside are incorporated or not. This amendment, therefore, will permit incorporated owners of sugar beet and sugarcane farms to obtain limited amounts of sugar under the provisions of section 1.4 provided that they establish that all of the stock of the corporation on the farm is held by persons who reside on and manage the farm in lieu of establishing that the sugar is manufactured tax-free under the provisions of the Tax Act of 1937.

Certain primary distributors have refused to accept stamps and coupons from wholesalers whose ration bank accounts have been closed. Since these wholesalers are no longer permitted to maintain a ration bank account, they cannot acquire sugar except by the surrender of stamps or coupons. If a primary distributor will not accept stamps or coupons from a wholesaler, such wholesaler will be unable to acquire any sugar. This amendment, therefore, will permit these wholesalers to exchange stamps and coupons at a Sugar Branch Office for a ration check.

The "tolling" provisions in section 8.8 were originally incorporated in the sugar order in order to minimize the difficulties of operation, including manpower shortages, transportation difficulties and breakdowns in machinery and equipment of the industrial user who was granted the privilege of tolling. An industrial user is permited to deliver sugar or ration evidences for making an industrial use of such sugar or ration evidences under section 8.8 only where the production of the product is for the benefit of the transferor. The offer of money or other valuable consideration for the transfer of sugar or ration evidences to be used solely for the benefit of the transferee was not intended and is not permitted. This amendment, therefore, specifically prohibits the sale of ration evidences under the "tolling" provisions of the order.

[F. R. Doc. 47-2228; Filed, Mar. 6, 1947; 11:10 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR-47-10]

AMENDMENTS TO REGULATIONS

A notice regarding the proposed changes in the regulations pertaining to licensing and certificating of merchant marine personnel was published in the FEDERAL REGISTER, dated September 27, 1946 (11 F. R. 11014), and a public hearing was held by the Merchant Marine Council on October 22, 1946, at Washington, D. C. All the written and oral comments and suggestions submitted were considered by the Merchant Marine Council and, where practicable, were incorporated into the amendments to the regulations.

The rules and regulations covering licensing and certificating of merchant marine personnel have been heretofore published in 46 CFR, Parts 25, 36, 62, 78, 96, 115, 138, and 155. The Coast Guard published these regulations in one pamphlet entitled, "Rules and Regulations for Licensing and Certificating of Merchant Marine Personnel." Since the publication of this pamphlet in February 1945, it has been found that the administration of rules and regulations pertaining to licensing and certificating of officers and seamen has been more uniform than when these requirements were published in various pamphlets containing the general rules and regulations for vessel inspection. The Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238) also intended that procedural rules should be separated from the substantive rules. Because of this and since it has become necessary to revise the rules and regulations pertaining to licensing and certificating merchant marine personnel to meet peacetime operating conditions, all the existing rules and regulations have been studied and where necessary they have been altered, re-

worded, or changed editorially so that they could all be restated in Subchapter B—Merchant Marine Officers and Seamen and the rules and regulations in 46 CFR, Parts 25, 36, 62, 78, 96, 115, 138, and 155 could be cancelled. Wherever possible, procedural rules have been separated from substantive rules. The changes made in substantive rules and regulations previously published were in accordance with the recommendations of the Merchant Marine Council made after considering the comments and suggestions at the public hearing held October 22, 1946, and no changes have been made in substantive requirements which were not considered then.

By virtue of authority vested in me, the following amendments to the regulations are prescribed and shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER.

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF DECK AND ENGINEER OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

The regulations in 46 CFR, Chapter I, are amended by adding a new Subchapter B, entitled "Merchant Marine Officers and Seamen" and a Part 10 reading as follows (the regulations in this part will be made effective by a proper notice to be published in the FEDERAL REGISTER):

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AUTHORITY: §§ 10.01-1 to 10.25-9, inclusive, issued under R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, 49 Stat. 1544, 53 Stat. 1147, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, as amended (46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 230, 233, 237, 247, 367, 375, 391a, 404, 405, 526f, (50 U. S. C. 1275), and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

SUBPART 10.01—GENERAL

§ 10.01-1 *Basis and purpose of regulations.* By virtue of the authority vested in the Commandant of the Coast Guard under R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, and 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, 49 Stat. 1544, 53 Stat. 1147, sec. 17, 54 Stat. 166, and sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 230, 233, 237, 247, 367, 375, 391a, 404, 405, 526p, 50 U. S. C. 1275; the regulations in this part are prescribed to provide a comprehensive and adequate means of determining the qualifications an applicant must possess in order to be eligible for a license as deck or engineer officer on merchant vessels, for a license to operate motorboats, or for a certificate of registry as staff officer, in accordance with the intent of the statutes and to obtain their correct and uniform administration.

SUBPART 10.02-1—GENERAL REQUIREMENTS FOR ALL DECK AND ENGINEER OFFICERS' LICENSES

§ 10.02-1 *Issuance of licenses.* (a) Applicants for licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license.

(b) After application to an Officer in Charge, Marine Inspection, any person who is found qualified under the requirements set forth in this subchapter shall be issued an appropriate license valid for a term of five (5) years. In appropriate cases a limitation commensurate with the experience of the applicant shall be placed upon the license.

(c) Every person to whom a license is issued shall place his signature and left thumb print thereon, and upon any sheets attached for additional indorsements.

(d) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

§ 10.02-3 *Original license defined.* The first license issued to any person by the Coast Guard shall be considered an original license, when the United States records show no previous issue to such person.

§ 10.02-5 *Requirements for original licenses*—(a) *General.* Before an original license is issued to any person to act in a licensed capacity on inspected vessels of the United States, he shall personally appear before an Officer in Charge, Marine Inspection and present satisfactory documentary evidence of his eligibility in respect to the requirements of this section.

(b) *Minimum age.* Any person who has attained the age of 21 years and is qualified in all other respects shall be eligible for a license except that a license as third mate, third assistant engineer or second class pilot may be granted an applicant who has reached the age of 19 years and who is qualified in all other respects, but no such license may be raised in grade before the holder thereof shall have reached the age of 21 years.

(c) *Citizenship.* No license shall be issued to any person who is not a citizen of the United States, either native-born or fully naturalized. The Officer in Charge, Marine Inspection must be satisfied as to the bona fides of all evidence of citizenship presented, and may reject any evidence that he has reason to believe is not authentic. Acceptable evidence of citizenship is described below in the order of its desirability, except that the first six (6) acceptable methods will be assigned equal weight:

(1) Birth certificate or certified copy.

(2) Naturalized citizens must present a Certificate of Naturalization.

(3) Baptismal certificate or parish record recorded within one year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(5) State Department passport.

(6) A commission in the United States Navy, Marine Corps, Coast Guard, either regular or reserve; or satisfactory documentary evidence of having been commissioned in one of these services subsequent to January 1, 1936, provided such commission or evidence shows the holder to be a citizen.

(7) A continuous discharge book, certificate of identification, or merchant mariner's document issued by the Coast Guard or by the former Bureau of Marine Inspection and Navigation which shows the holder as an American citizen, provided the records indicate that the holder of such continuous discharge book, certificate of identification, or merchant mariner's document produced satisfactory evidence of his citizenship at the time of the issuance of the same.

(8) Delayed certificate of birth. If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth issued under a State's seal, it may be accepted as prima facie evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement.

(9) If no one of the foregoing requirements can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(i) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Washington, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district if residing in the country; also the names of parents, or the names of other persons with whom residing on the date specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; April 1, 1930; and April, 1940. (Records for 1890 are not available.)

(ii) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States, stating citizenship; school records; immigration records; or insurance policies.

(d) *Written application.* The Officer in Charge, Marine Inspection shall require all applicants for original license to make written application upon Coast Guard Form 866.

(e) *Physical examination.* (1) All applicants for an original license shall be required to pass a physical examination given by a medical officer of the United States Public Health Service and present a certificate executed by this Public Health Service Officer to the Officer in Charge, Marine Inspection. This certificate shall attest to the applicant's acuity of vision, color sense, and general physical condition. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination and certification may be made by another reputable physician.

(2) Epilepsy, insanity, senility, acute venereal disease or neurosyphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of an officer at sea are causes for certification as incompetent.

(3) For an original license as master, mate or pilot, the applicant must have either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of the "Stillings" test, but any applicants who fail this test will be eligible if they can pass the "Williams" lantern test.

(4) Applicants for original engineers' licenses shall be examined only as to their ability to distinguish the colors red, blue, green, and yellow. No applicant for original license as engineer shall be disqualified for failure to distinguish colors if any of his required experience is served prior to the effective date of the regulations in this part.

(5) For original license as engineer the applicant must have, either with or without glasses, at least 20/30 vision in one eye and at least 20/50 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other. Any applicant for original license who is possessed of monocular vision, and who has lost the sight of one eye since first obtaining his qualified member of the engine department certificate may be permitted to sit for a license if eligible in all other respects. Vision of at least

20/30 without glasses in the remaining eye shall be required in all such cases.

(6) Persons serving or intending to serve in the Merchant Service are recommended to take the earliest opportunity of ascertaining, through examination by an ophthalmic surgeon, whether their form vision, and color vision where required, is such as to qualify them for service in that profession throughout their sea career: the Public Health Service will give voluntary examinations to such persons requesting same, the color vision test will be by means of the "Stillings" test, or failing that, the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to one of the following stations: Baltimore, Md., Boston, Mass., Buffalo, N. Y., Chicago, Ill., Cleveland, Ohio, Detroit, Mich., Ellis Island, N. Y., Evansville, Ind., Galveston, Tex., Key West, Fla., Los Angeles, Calif., Louisville, Ky., Memphis, Tenn., Miami, Fla., Mobile, Ala., New Orleans, La., New York, N. Y. Norfolk, Va., Pittsburgh, Pa., Portland, Me., Portland, Oreg., Port Huron, Mich., Providence, R. I., Philadelphia, Pa., St. Louis, Mo., San Francisco Calif., Savannah, Ga., Seattle, Wash., Staten Island, N. Y., Vineyard Haven, Mass., and Washington, D. C.

(7) Where an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician, may make recommendations to the Commandant for an exception to these requirements if, in their opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records and reports. In this connection recommendations from agencies of the Federal Government operating Government vessels as well as owners and operators of private vessels, made in behalf of their employees, will be given full consideration as a determining factor in arriving at a decision.

(f) *First Aid Certificate.* No candidate for original license shall be examined until he presents a certificate from the United States Public Health Service that he has passed a satisfactory examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea," or other manual arranged for the purpose and having the approval of the United States Public Health Service.

(g) *Experience or training.* (1) All applicants for original licenses shall present to the Officer in Charge, Marine Inspection, letters, discharges, or other official documents certifying to the amount and character of his experience and the names of the vessels on which acquired. Photostatic or certified copies of the aforementioned evidence may be accepted for purpose of filing with the application. No license shall be considered as satisfactory evidence of any qualifying experience required herein.

(2) No original license shall be issued to any person unless 25% of the required experience has been obtained within the 3 years immediately preceding the date of application. Service in the armed forces of the United States shall not be counted in computing the 3 years.

(3) No original license shall be issued to any naturalized citizen on less experience in any grade or capacity than would have been required of a citizen of the United States by birth.

(4) It is not required that an applicant must have obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(5) No applicant for a license, who is a naturalized citizen, and who has obtained his experience on foreign vessels, shall be given a grade of license higher than that upon which he has actually served while acting under the authority of a foreign license.

(6) Experience in towed barges fitted with sails and rigging is not considered as sail vessel time.

(7) An applicant for original license as pilot may be given credit for experience on motor vessels of a class not subject to inspection by the Coast Guard and not required to carry a licensed master or a licensed pilot.

(h) *Professional examination.* (1) When the amount and character of an applicant's experience is found to be satisfactory and he is eligible in all other respects, the applicant shall be examined in writing by the Officer in Charge, Marine Inspection: *Provided, however,* That upon navigable waters of the United States newly opened to navigation, and where the only pilots obtainable are illiterate Indians or other natives, the fact that such persons can neither read nor write shall not be considered a bar to such Indians or other natives receiving licenses as pilots if they are otherwise qualified therefor.

(2) When the license application of any person has been approved, the Officer in Charge, Marine Inspection, shall give the applicant the required examination as soon as practicable. If applicants for license cannot be examined without material delay by the Officer in Charge, Marine Inspection, of the district in which the application is made, said Officer in Charge, Marine Inspection, shall endeavor, through the Coast Guard District Commander, to arrange for such examination by some other Officer in Charge, Marine Inspection.

(3) Merchant Marine Details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination or the character investigation which is required in the case of original licenses. Merchant Marine Details will therefore not issue regular licenses, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in which a Marine Inspection Office is located in order to exchange it for a permanent license. The temporary permit shall be accepted in a Marine Inspection Office as proof that the bearer has complied with the rules and regulations governing the issuance of licenses except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants. The written examinations are forwarded to the Commandant by Merchant Marine Details, and any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commandant.

(i) *Character check and references.* (1) The Officer in Charge, Marine Inspection, shall require all applicants for original licenses to have written indorsement of a master and engineer of a vessel on which he has served together with one other licensed officer. In the case of applicants for pilots' licenses, the other officer shall be a licensed pilot. Where no sea service is required for a license the applicant may have the indorsement of three reputable persons to whom he is known.

(2) Fingerprint records on Form CG 2515 shall be submitted to the Commandant on each applicant at the same time application for license is made. The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in this type case pending the Commandant's authorization.

(3) The fact that an applicant for an original license is on probation as a result of action under R. S. 4450, as amended, does not itself make such an applicant ineligible, provided he meets all the requirements for such original license. However, an original license issued under those circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this subchapter, however, shall be construed to permit an applicant to be examined for an original license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

§ 10.02-7 *Requirements for raise of grade of license*—(a) *General.* Before any person is issued a license for raise of grade to act on inspected vessels of the United States, he shall personally appear before an Officer in Charge, Marine Inspection, and present satisfactory documentary evidence of his eligibility in respect to the requirements contained herein.

(b) *Surrendering old license.* Upon the issuance of a new license or raise in grade, the applicant shall surrender the old license to the Officer in Charge, Marine Inspection.

(c) *Age requirement.* No license may be raised in grade before the holder thereof shall have reached the age of 21 years.

(d) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting raise of grade of license, require the applicant to make written application upon the Coast Guard Form 866.

(e) *Physical requirements.* (1) No license as master, mate, or pilot shall be raised in grade except upon the official certificate of a medical officer of the United States Public Health Service that the color sense of the applicant is normal. Applications for raise in grade of engineer's licenses shall not be subjected to such examination. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination and certification may be made by another reputable physician. The test for color vision shall be by means of the "Stillings" test, or failing that, by means of the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same. See § 10.02-5 (e) (5) for a list of stations.

(2) In the event it is found that an applicant for raise of grade of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of an officer at sea, he shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency in such respects. Nothing herein contained shall debar an applicant who has lost the sight of one eye from securing a raise of grade of his license: *Provided,* He is qualified in all other respects; *And provided,* That his vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(f) *Experience or training.* (1) Applicants for raise of grade of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character, and citizenship before they are entitled to a raise of grade of license. Every licensed officer who has not to date established beyond doubt that he is a citizen of the United States should promptly take all necessary steps to secure this evidence before requesting a raise of grade of license.

(2) Applicants for raise in grade of license shall present to the Officer in Charge, Marine Inspection, letters, discharges, or other official documents certifying to the amount and character of his experience and the names of the vessels on which acquired. Photostatic or certified copies of the aforementioned evidence may be accepted for purpose of filing with the application.

(3) No raise of grade of license shall be granted to any applicant unless 25% of the required sea service shall have been served within 3 years immediately preceding the date of application. Service in the armed forces of the United States shall not be counted in computing the 3 years.

(4) No sea service acquired prior to the issuance of the license held shall be accepted as any part of the service required for raise in grade.

(5) No license for raise of grade shall be issued to any naturalized citizen on less experience in any grade than would have been required of a citizen of the United States by birth.

(6) The fact that an applicant for a raise in grade of license is on probation as a result of action under R. S. 4450, as amended, does not itself make such an applicant ineligible, provided he meets all the requirements for such raise in grade. However, a raise in grade of license issued under these circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this part, however, shall be construed to permit an applicant to be examined for a raise in grade of license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

(g) *Professional examination.* (1) When the amount and character of an applicant's experience for raise of grade is found to be satisfactory and he is eligible in all other respects, he shall be examined in writing by an Officer in Charge, Marine Inspection: *Provided, however,* That upon waters of the United States newly opened to navigation, and where the only pilots obtainable are illiterate Indians or other natives, the fact that such persons can neither read nor write shall not be considered a bar to such Indians or other natives receiving a raise in grade of license as pilot if they are otherwise qualified therefor.

(2) Examinations for raise of grade of licenses may be taken in Coast Guard Merchant Marine Details abroad in accordance with § 10.02-5 (h).

§ 10.02-9 *Requirements for renewal of license.* (a) Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license. Every licensed officer who has not to date established beyond doubt that he is a citizen of the United States should promptly take all necessary steps to secure this evidence before requesting a renewal of his license.

(b) *Application for renewal.* The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except where the applicant would be put to great inconvenience or expense to appear in person or is engaged in a service that necessitates his continuous absence from the United States. In such cases the license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office which issued the license to be renewed:

(1) A letter of transmittal indicating reasons for not appearing in person and stating that to the best of his knowledge no physical incapacity exists.

(2) The oath of office on the form prescribed by the Coast Guard which has been duly executed before a person authorized to administer oaths.

(3) The license to be renewed.

(4) Evidence of citizenship.

(5) Certification by a United States Public Health Service Medical Officer or other reputable physician that color sense is normal in the case of masters', mates', or pilots' renewals. And,

(6) Applicants for renewal of a master's, mate's, or pilot's license shall present evidence of service on the waters for which licensed obtained within the three years next preceding the date of application, or shall present evidence of employment in a position closely related to the operation of vessels within the same three year period.

(c) *Fitness.* No license shall be renewed if title has been forfeited or facts which would render a renewal improper have come to the attention of the Coast Guard.

(d) *Period of grace.* (1) Licenses shall be renewed within 12 months after the date of expiration as shown on the license held, except when an applicant's license has expired beyond the 12 month period of grace during the time of the holder's service with the armed forces or the Merchant Marine. The period of such service following the date of expiration as shown on the license shall be added to the 12 month period of grace.

(2) No license shall be renewed more than 30 days in advance of the date of the expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand, in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(e) *Master's, mate's, or pilot's license.* Every Officer in Charge, Marine Inspection, shall, before renewing an existing license to a master, mate, or pilot who has not been employed on the waters for which he is licensed or who has not been employed in a position closely related to the operation of vessels during the three years next preceding the date of application for renewal, satisfy himself that such licensed officer is thoroughly familiar with the International Rules of the Road or the Pilot Rules Applicable

to the waters for which the applicant is licensed. A written examination may be required for this purpose, or the applicant may be examined orally and a summary of the oral examination placed in the officer's license file.

(f) *Physical requirements.* (1) No license as master, mate, or pilot shall be renewed except upon the official certificate of a medical officer of the United States Public Health Service that the color sense of the applicant is normal. Applicants for renewal of license as engineer shall not be subjected to examination as to ability to distinguish colors.

(2) The test for color vision shall be by means of the "Stillings" test, or failing that, by means of the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same. (See § 10.02–5 (e) (5) for a list of stations.)

(3) In the event an applicant for renewal of license as master, mate, or pilot is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(4) In the event it is found that an applicant for renewal of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of an officer at sea, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(5) Nothing herein contained shall debar an applicant who has lost the sight of one eye from securing a renewal of his license, provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

(6) In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination or certification may be made by another reputable physician.

(g) *Reissue of expired license.* (1) Whenever an applicant shall apply for renewal of his license for the same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to demonstrate adequately the continued professional knowledge of the examinee, except no professional examination will be required provided the license expired during the time of the holder's service with the armed forces or the merchant marine, and there was no reasonable opportunity for renewal. The Officer in Charge, Marine Inspection, may require a written examination for this purpose.

(2) The renewed license shall receive the next higher number of issue of present grade and for the number of issues of all grades.

§ 10.02–11 *Requirements for extension of route.* (a) Whenever any licensed pilot applies to an Officer in Charge, Marine Inspection, for an extension of route over waters within his jurisdiction, he shall make written application on Coast Guard Form 866, and shall be examined in writing on the aids to navigation on such route and upon such other matters as may be deemed necessary and, if found qualified, such extension shall be indorsed upon the applicant's currently valid pilot's license: *Provided, however,* That upon waters of the United States newly opened to navigation, and where the only pilots obtainable are illiterate Indians or other natives, the fact that such persons can neither read nor write shall not be considered a bar to such Indians or other natives receiving extensions of route of licenses as pilots if they are otherwise qualified therefor.

(b) Applicants for extension of route shall present to the Officer in Charge, Marine Inspection, discharges, or letters from the master or other officer under whom they have served, or other satisfactory documentary evidence, certifying to the period of service, name of the vessel, and in what capacity the applicant has served. Photostatic copies of such letters and documents may be accepted for filing with the application.

(c) When an application is made to any Officer in Charge, Marine Inspection, for an extension of route which is outside his jurisdiction he may request the Officer in Charge, Marine Inspection, having jurisdiction to forward a list of questions and subjects for use in examining the applicant. The examination and work of the applicant will be returned to the Officer in Charge, Marine Inspection, having jurisdiction, who, if satisfied that the applicant is qualified and capable, shall grant the authority and advise the other Officer in Charge, Marine Inspection to indorse the license accordingly.

§ 10.02–12 *Pilot of tank vessels not over 150 gross tons.* All propelled tank vessels, regardless of length of tonnage, shall be under the command of a person duly licensed, and since propelled vessels of less than 150 gross tons may be in command of a licensed pilot, the license of a candidate who successfully passes an examination for this purpose shall be indorsed as follows: "Pilot for tank vessels not over ____ gross tons on the water of ____" (the maximum to be inserted is not to exceed 150 gross tons, and the water covered as may be designated by the Officer in Charge, Marine Inspection).

§ 10.02–13 *Sea service as member of armed forces of the United States and on vessels owned by the United States as qualifying experience.* (a) Sea service as a member of the armed forces of the United States will be accepted as qualifying experience for an original, raise in grade, or extension of route of license. Such service will be subject to evaluation to determine its equivalence to the sea service required on merchant type vessels, and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. An applicant may be permitted to omit the examination for intermediate grades of license if his experience is of such character as to qualify him for a higher, or the highest, grade of license. The regulations governing the licensing of merchant marine personnel which are in effect on the date an applicant presents himself for examination shall be applicable in all cases.

(b) When any person who has served in a civilian capacity as commanding officer, master, mate, engineer, or pilot, etc., of any vessel owned and operated by the United States, in any service, in which a license as master, mate, engineer, or pilot was not required at the time of such service applies for an examination for license, the Officer in Charge, Marine Inspection, shall forward the application, together with his comments, to the Commandant for evaluation.

(c) For raise of grade of license service on United States light vessels propelled by machinery shall be considered as one-half experience to that obtained on vessels subject to the inspection laws of the United States.

§ 10.02–15 *Lifting of limitations.* (a) If any Officer in Charge, Marine Inspection, is satisfied by the documentary evidence submitted that an applicant is entitled by experience and knowledge to an increase in the scope of his license, he may change any limitations which he may have previously placed upon the license.

(b) No Officer in Charge, Marine Inspection, may change on any license a limitation which he did not place thereon before full information regarding the reason for the limitation is obtained from the Officer in Charge, Marine Inspection, responsible for the same and the applicant has made up any deficiency in the experience required.

(c) No limitation on any license may be changed before the applicant has made up any deficiency in the experience prescribed for the license desired and passed the necessary examination.

§ 10.02–17 *Indorsement of master's or mate's license as pilot.* Whenever a master or mate desires to act in the double capacity of master and pilot, or mate and pilot, and furnishes the necessary documentary evidence of his qualifications, the Officer in Charge, Marine Inspection, shall indorse such pilot routes on the license after the applicant has satisfactorily completed the required written examination.

§ 10.02–19 *Reexaminations and refusal of licenses.* (a) Any applicant for license or indorsement who has been duly examined and refused may come before the same Officer in Charge, Marine Inspection, for reexamination at any time thereafter that may be fixed by such Officer in Charge, Marine Inspection, but such time shall not be less than 1 month from the date of his last failure. In the case of another failure, he will not be reexamined until after a lapse of at least 6 months from date of last failure.

(b) A candidate who has been duly examined and refused a license by an Officer in Charge, Marine Inspection, shall not be examined by any other Officer in Charge, Marine Inspection, until 1 year has elapsed from the date of the last refusal without the sanction of the Officer in Charge, Marine Inspection, that refused the applicant.

(c) If the Officers in Charge, Marine Inspection, refuse to grant an applicant the license applied for, they shall furnish him a statement setting forth the cause of their refusal.

§ 10.02–21 *Laws, general rules and regulations, and pilot rules to be furnished licensed officers.* Every master, mate, pilot, and engineer of vessels shall, when receiving an original license, a renewed license, or a raise of grade of license, be furnished by the inspectors with a copy of the Laws Governing Marine Inspection, and a copy of the General Rules and Regulations for vessel inspection prescribed by the Commandant, and every master, mate, and pilot of vessels and motorboat operator shall, when receiving an original license, a renewed license, or a raise of grade of license be furnished by the inspectors with a copy of the Rules of the Road and the Pilot Rules applicable to the waters for which their licenses have been issued.

§ 10.02–23 *Issuance of duplicate license.* (a) Whenever a person to whom a license has been issued loses his license, he shall report such loss to an Officer in Charge, Marine Inspection, who shall issue a duplicate license after receiving from such person a properly executed affidavit giving satisfactory evidence of such loss, and a record of the license from the Marine Inspection Office where it was issued. Such license shall be issued as a duplicate by the addition to the following typewritten indorsement, "This license replaces License Number ____ issued at ____ on the above date," as well as the port and date of the duplicate issue. The duplicate license, issued for the unexpired term, shall have the same force and effect as the lost license.

(b) When a person reports the loss of his license, or when it is discovered that any license or license form has been stolen from a Marine Inspection Office or when such lost or stolen licenses are recovered, the Officer in Charge, Marine Inspection, shall immediately report the loss, theft, or recovery to the Commandant giving a description of the license and all facts incident to its loss, theft, or recovery.

§ 10.02–25 *Parting with license.* If the holder of any license granted to a master, mate, engineer, or pilot, voluntarily parts with it or places it beyond his personal control by pledging or depositing it with any other person for any purpose, he may be proceeded against in accordance with the provisions of R. S. 4450, as amended, looking to a suspension or revocation of his license.

§ 10.02–29 *Suspension and revocation of licenses.* (a) When the license of any master, mate, engineer, or pilot is revoked such license expires with such revocation and any license of the same type subsequently granted to such person shall be considered in the light of an original license except as to number of issue.

(b) No person whose license has been suspended or revoked shall be issued another license except upon approval of the Commandant.

(c) When a license which is about to expire is suspended, the renewal of such license may be withheld until the expiration of the period of suspension.

§ 10.02–33 *Right of appeal.* Whenever any person directly interested in or affected by any decision or action of any Officer in Charge Marine Inspection, shall feel aggrieved by such decision or action with respect to the issuance of a license or a certificate, he may appeal therefrom to the District Coast Guard Commander having jurisdiction. A like appeal shall be allowed from any decision or action of the District Coast Guard Commander to the Commandant, whose action shall be final. Such appeals shall be made in writing within 30 days after the date of decision or action appealed from. Pending the determination of the appeal the decision of the Officer in Charge, Marine Inspection, shall remain in effect.

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

§ 10.05–1 *Ocean licenses qualifying for all waters.* Any license issued for service as master or mate on ocean vessels shall qualify the licensee to serve in the same grade on any waters subject to the limitations of the license and without additional indorsement other than for pilot routes as may be required on the particular waters.

§ 10.05–3 *Master of ocean steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as master of ocean steam or motor vessels is:

(1) 1 year's service as chief mate of ocean steam or motor vessels of 1,000 gross tons or over; or,

(2) 1 year's service as chief mate of coastwise steam or motor vessels of 2,000 gross tons or over; or,

(3) 2 years' service as second mate of ocean steam or motor vessels of 1,000 gross tons or over while holding a license as chief mate of such vessels; or,

(4) 2 years' service as second mate of coastwise steam or motor vessels of 2,000 gross tons or over while holding a license as chief mate of such vessels; or,

(5) 1 year's service as master of coastwise steam or motor vessels of 2,000 gross tons or over; or,

(6) 2 years' service as master of ocean or coastwise sail vessels of 700 gross tons or over, for license as master of freight or towing steam or motor vessels of not more than 3,000 gross tons; or,

(7) 3 years' service as master of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes, together with 1 year's service as second mate of ocean steam or motor vessels of 1,000 gross tons or over.

§ 10.05–5 *Master of coastwise steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as master of coastwise steam or motor vessels is:

(1) 1 year's service as chief mate of ocean or coastwise steam or motor vessels; or,

(2) 2 years' service as second mate of ocean or coastwise steam or motor vessels while holding a license as chief mate of ocean or coastwise steam or motor vessels; or,

(3) 2 years' service as master of Great Lakes or lake, bay or sound steam or motor vessels of 500 gross tons or over, except ferry vessels, together with 6 months' service as chief mate or 12 months' service as second mate of ocean or coastwise steam or motor vessels, while holding license as master of such Great Lakes or lake, bay or sound vessels; or,

(4) 5 years' service on ocean or coastwise sail vessels of 200 gross tons or over, 2 years of which service shall have been as master of such vessels, for license as master of coastwise freight and towing vessels of not over 750 gross tons; or,

(5) 1 year's service as a licensed master of ocean or coastwise sail vessels of 700 gross tons or over for a license as master of coastwise freight or towing vessels of not more than 3,000 gross tons; or,

(6) 2 years' service as master or first-class pilot of Great Lakes or lake, bay or sound towing steam or motor vessels of 150 gross tons or over, for license as master of coastwise towing vessels of 750 gross tons or under; or,

(7) 2 years' service as master of steam vessels of 1,000 gross tons or over, except ferry vessels, on the Great Lakes and other lakes, bays, or sounds, for license as master of coastwise vessels on routes not exceeding 300 miles; or,

(8) 2 years' service as a licensed master of steam or motor vessels of 250 gross tons or over, engaged in the ocean or coastwise fisheries, for license as master of coastwise, freight or towing vessels of not more than 750 gross tons; or,

(9) 3 years' service as operator of nondescript power-propelled vessels not carrying passengers for license as master of such vessels not exceeding 100 gross tons: 3 years' service as operator of nondescript power-propelled vessels carrying passengers for license as master of such vessels not exceeding 100 gross tons; on coastwise routes not exceeding 50 miles, and 15 miles offshore.

§ 10.05–7 *Master of ocean or coastwise sail vessels.* (a) The minimum service required to qualify an applicant for license as master of ocean or coastwise sail vessels of over 700 gross tons is:

(1) 5 years' service in the deck department of ocean or coastwise sail vessels of 200 gross tons or over; 1 year of such service shall have been as master of sail vessels of 500 gross tons or over; or,

(2) 2 years' service as master of ocean or coastwise sail vessels of 200 gross tons or over; or,

(3) 2 years' service as mate of ocean or coastwise sail vessels of 500 gross tons or over; or,

(4) 2 years' service as master of ocean or coastwise auxiliary sail vessels of 100 gross tons or over.

§ 10.05–9 *Master of ocean or coastwise steam or motor yachts.* The minimum service required to qualify an applicant for license as master of ocean or coastwise steam or motor yachts requiring licensed officers is 3 years' service in the deck department on ocean or coastwise steam, motor, or sailing yachts, of over 100 gross tons.

§ 10.05–11 *Master, mate, or pilot of steam or motor pilot boats, Puerto Rican, Hawaiian vessels, and steam fishing vessels.* (a) This section shall apply to every applicant for a license as master, mate, or pilot, of steam pilot boats or seagoing motor pilot boats of 300 gross tons or over; or of steam vessels navigating the waters of the whaling grounds in the Alaskan seas; or of steam vessels engaged exclusively in the business of whale fishing; or of steam vessels engaged in the Atlantic, Pacific, or Gulf coast fisheries; or of steam or sail vessels navigating between ports of the Hawaiian Islands; or of steam or sail vessels or seagoing motor vessels of 300 gross tons or over, navigating between ports of the island of Puerto Rico.

(b) For original license as master, at least 3 years' experience in the deck department of such vessels is required.

(c) For original license as mate, at least 2 years' experience in the deck department of such vessels is required.

(d) Any person who has had at least 5 years' experience on sail vessels licensed in the fisheries of the United States, 2 years of which have been as master or mate of such sailing vessels, shall be eligible for a license as master or mate of steam fishing vessels to be employed exclusively in the Atlantic, Pacific, and Gulf coast fisheries.

(e) Any applicant for original license who has had 3 years' experience in the deck department on steam or motor pilot boats or who has had 2 years' experience in the deck department on steam or motor pilot boats and 1 year's experience on sail pilot boats, shall be eligible for license as mate of steam or motor pilot boats of 300 gross tons or over.

(f) Any master's or mate's license issued under this section may be indorsed as pilot on such inland waters on the coasts stated in his license as the appropriate Officer in Charge, Marine Inspection, may find the holder qualified to act on as pilot.

(g) An applicant for a master's license of seagoing vessels propelled by internal combustion engines navigating exclusively in the Coast Guard District covering the Hawaiian Islands shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character, trustworthiness, and ability of the applicant. The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits and, if satisfied by the oral examination or practical demonstration, and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such applicants.

§ 10.05–13 *Master of Great Lakes steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as master of Great Lakes steam or motor vessels is:

(1) 1 year's service as first-class pilot while acting in the capacity of first mate on Great Lakes steam or motor vessels; or,

(2) 5 years' combined service in the deck department of Great Lakes steam, motor, or sail vessels, 1 year of which has been as pilot or first mate; or,

(3) 1 year's service as master of Great Lakes steam or motor vessels of 150 gross tons or under while acting under the authority of a first-class pilot's license, or 2 years' service while acting under the authority of a second-class pilot's license.

(4) 3 years' service as master of barge consorts on the Great Lakes, one year of which service shall have been while holding a license as first-class pilot.

§ 10.05–15 *Master of bays, sounds, and lakes other than the Great Lakes, steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as master of steam or motor vessels on bays, sounds, and lakes other than the Great Lakes is:

(1) 1 year's service as first-class pilot or chief mate of steam or motor vessels on bays, sounds, or lakes other than the Great Lakes; or,

(2) 5 years' combined service in the deck department of sail vessels and vessels propelled by machinery on bays, sounds, or lakes other than the Great Lakes, 1 year of which has been as pilot or chief mate; or,

(3) 1 year's service as master of bays, sounds, and lakes other than the Great Lakes steam or motor vessels of 150 gross tons or under while acting under the authority of a first-class pilot's license, or 2 years' service while acting under the authority of a second-class pilot's license; or,

(4) 5 years' service on bays, sounds, and lakes other than the Great Lakes sail vessels, 1 year of which has been as master; or,

(5) 3 years' service as master of bays, sounds, and lakes other than the Great Lakes sail vessels for license as master of steam or motor vessels; or,

(6) 2 years' service in the deck department of bays, sounds, and lakes other than the Great Lakes steam or motor vessels, 1 year of which shall have been either as wheelsman or in assisting in the navigation of such vessels, while holding a first-class pilot's license for bays, sounds, and lakes other than the Great Lakes, for license as master of steam or motor vessels of 500 gross tons and under navigating all bays, sounds, and lakes other than the Great Lakes.

§ 10.05–17 *Master of river steam or motor vessels.* The minimum service required to qualify an applicant for original license as master of steam or motor vessels navigating rivers exclusively is at least 3 years' service in the deck department of steam or motor vessels: *Provided*, That, 1 year of such service shall have been as licensed mate or pilot of steam or motor vessels, and, 1 year shall have been on river steam or motor vessels.

§ 10.05–19 *Master of ferry steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as master of ferry steam or motor vessels on either the Great Lakes, other lakes, bays, and sounds, or rivers is:

(1) 1 year's service as first-class pilot; or,

(2) 2 years' service as wheelsman or quartermaster while holding a first-class pilot's license; or,

(3) 2 years' service in charge of a steam or motor vessel of 150 gross tons or under while acting under the authority of a pilot's license.

§ 10.05–21 *Master or pilot of steam yachts.* The minimum service required to qualify an applicant for license as master or pilot of steam yachts on either the Great Lakes, other lakes, bays, and sounds, or rivers is 3 years' service in the deck department on board Great Lakes, other lakes, bays, and sounds, or river steam, motor, or sailing yachts.

§ 10.05–23 *Master of passenger barges.* The minimum service required to qualify an applicant for license as master of barges carrying passengers on either the Great Lakes, other lakes, bays, and sounds, or rivers is 3 years' service in the deck department of such vessels.

§ 10.05–25 *Chief mate of ocean steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as chief mate of ocean steam or motor vessels is:

(1) 1 year's service as second mate of ocean steam or motor vessels of 1,000 gross tons or over; or,

(2) 1 year's service as second mate of coastwise steam or motor vessels of 2,000 gross tons or over; or,

(3) 2 years' service as officer in charge of a deck watch on ocean steam or motor vessels of 1,000 gross tons or over while holding a license as second mate of such vessels; or,

(4) 2 years' service as officer in charge of a deck watch on coastwise steam or motor vessels of 2,000 gross tons or over while holding a license as second mate of such vessels; or,

(5) 2 years' service as master of Great Lakes or other lakes, bay, or sound steam or motor vessels of 500 gross tons or over except ferry vessels, together with 1 year's service as officer in charge of a deck watch on ocean steam or motor vessels of 1,000 gross tons or over, or together with 1 year of such service on coastwise steam or motor vessels of 2,000 gross tons or over; or,

(6) 5 years' service in the deck department of ocean or coastwise sail vessels of 200 gross tons or over, 2 years of such service shall have been as master of such vessels, for license as chief mate of ocean freight or towing vessels of not more than 3,000 gross tons; or,

(7) 1 year's service as master of any class of ocean steam or motor vessels of more than 250 gross tons for license as chief mate of ocean freight or towing vessels of not more than 1,500 gross tons.

§ 10.05–27 *Chief mate of coastwise steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as chief mate of coastwise steam or motor vessels is:

(1) 1 year's service as second mate of ocean or coastwise steam or motor vessels of 1,000 gross tons or over; or,

(2) 2 years' service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels of 1,000 gross tons or over while holding license as second mate of ocean or coastwise steam or motor vessels; or,

(3) 1 year's service as master or first-class pilot of Great Lakes or other lakes, bay, or sound steam or motor vessels of 500 gross tons or over, except ferry vessels, together with 1 year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding license as such master or first-class pilot; or,

(4) 2 years' service as master of first-class pilot of Great Lakes or other lakes, bay, or sound towing vessels for license as chief mate of coastwise towing vessels of 750 gross tons or under; or,

(5) 1 year's service as a licensed master or 2 years' service as a licensed mate on ocean or coastwise steam or motor vessels of 250 gross tons or over engaged in the ocean or coastwise fisheries, for license as chief mate of coastwise freight or towing vessels of 1,000 gross tons or under; or,

(6) 5 years' service in the deck department of any ocean or coastwise sail vessel of 100 gross tons or over, 2 years of such service shall have been as master of such vessels, for license as chief mate of freight or towing vessels of 1,000 gross tons or under; or,

(7) 2 years' service as first-class pilot, or 2 years' combined service as master and first-class pilot of steam or motor vessels of 1,000 gross tons or over, except ferry vessels, on the Great Lakes and other lakes, bays, and sounds, for license as chief mate of coastwise vessels on routes not exceeding 300 miles; or,

(8) 3 years' service in the deck department of ocean or coastwise steam or motor vessels for license as chief mate of coastwise steam or motor vessels of not more than 500 gross tons.

§ 10.05–29 *Second mate of ocean steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as second mate of ocean steam or motor vessels is listed in this paragraph. In order to be eligible for an unlimited ocean license, an applicant must have obtained his service on ocean or coastwise vessels of 1,000 gross tons or over.

(1) 1 year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels while holding a license as third mate; or,

(2) 6 months' service as third mate of coastwise steam or motor vessels; or,

(3) 5 years' service in the deck department of ocean or coastwise steam or motor vessels, 2 years of which shall have been as boatswain or quartermaster; or,

(4) 1 year's service as first-class pilot of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean steam or motor vessels of 1,000 gross tons or over, while holding a license as such first-class pilot; or,

(5) 2 years' service as assistant (junior officer of the watch) to the officer in charge of the watch on ocean steam or motor vessels, while holding a license as third mate of such vessels; or,

(6) 4 years' service in the deck department of ocean or coastwise sail vessels of 200 gross tons or over, 1 year of such service shall have been as second mate of such sail vessels.

§ 10.05–31 *Second mate of coastwise steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as second mate of coastwise steam or motor vessels is:

(1) 1 year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels while holding a license as third mate; or,

(2) 5 years' service in the deck department of ocean or coastwise steam or motor vessels, 2 years of which shall have been as boatswain or quartermaster; or,

(3) 1 year's service as first-class pilot of steam or motor vessels of 2,500 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding a license as such first-class pilot; or,

(4) 2 years' service as assistant (junior officer of the watch) to the officer in charge of the watch on ocean steam or motor vessels, while holding a license as third mate of such vessel; or,

(5) 1 year's service as a licensed mate on ocean or coastwise steam or motor vessels of 150 gross tons or over engaged in the fisheries, for license as second mate of towing vessels.

§ 10.05–33 *Third mate of ocean steam or motor vessels.* (a) The minimum service or training required to qualify an applicant for license as third mate of ocean steam or motor vessels is listed in this paragraph. In order to be eligible for an unlimited ocean license, an applicant must have obtained his service on ocean or coastwise vessels of 1,000 gross tons or over.

(1) 3 years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman, boatswain, or quartermaster while holding a certificate as able seaman; or,

(2) 6 months' service as third mate of coastwise steam or motor vessels; or,

(3) Graduation from:

(i) The U. S. Merchant Marine Academy (deck);

(ii) The deck class of a state nautical schoolship established under the authority of an Act of Congress approved 4 March, 1911;

(iii) The U. S. Naval Academy; or,

(iv) The U. S. Coast Guard Academy; or,

(4) Satisfactory completion of the prescribed course (deck) at a U. S. Maritime Service or other Government operated training school, approved by the Commandant, may be accepted as the equivalent of sea service up to a maximum of 4 months, provided the applicant has obtained the additional qualifying experience prior to enrollment; or,

(5) 1 year's service as second-class pilot of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean steam or motor vessels of 1,000 gross tons or over, while holding a license as such second-class pilot; or,

(6) 3 years' service in the deck department of steam or motor vessels on the Great Lakes, other lakes, bays, or sounds, or rivers, together with 1 year's service in the deck department of ocean steam or motor vessels, 6 months of which shall have been as able seaman, boatswain, or quartermaster while holding a certificate as able seaman; or,

(7) 3 years' service in the deck department of steam or motor vessels of 100 gross tons or over engaged in the ocean or coastwise fisheries, together with 6 months' service as able seaman, boatswain, or quartermaster on ocean steam or motor vessels, while holding a certificate as able seaman.

§ 10.05–35 *Third mate of coastwise steam or motor vessels.* (a) The minimum service or training required to qualify an applicant for license as third mate of coastwise steam or motor vessels is:

(1) 3 years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or,

(2) 1 year's service as second-class pilot of steam or motor vessels of 2,500 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding a license as such second-class pilot; or,

(3) 2 years' service in the deck department of steam or motor vessels on the Great Lakes or other lakes, bays, or sounds, together with 2 years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or,

(4) 2 years' service in the deck department of steam or motor vessels of 100 gross tons or over engaged in the ocean or coastwise fisheries, or any sail vessel of 100 gross tons or over, together with 1 year's service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or,

(5) 3 years' service in the deck department of ocean or coastwise steam, motor, or sail vessels of less than 100 gross tons, together with 1 year's service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman.

§ 10.05–37 *Mate of inland or river steam or motor vessels.* The minimum

service required to qualify an applicant for license as mate of Great Lakes, other lakes, bays, or sounds, or river steam or motor vessels is at least 2 years' service in the deck department of steam, motor, or sail vessels, or barge consorts, 6 months of which service shall have been on steam or motor vessels.

§ 10.05–39 *Pilot.* (a) The minimum service required to qualify an applicant for license as pilot of any class, except for special license as pilot of steam vessels of 10 gross tons and under, is:

(1) 1 year's service as quartermaster or wheelsman while holding a second-class pilot's license shall entitled the holder of such license to a license as first-class pilot if he can qualify in all other respects; or,

(2) 3 years' service in the deck department of any vessel; and,

(i) 25 percent of such service shall have been obtained within the 3 years immediately preceding the date of application; and,

(ii) The required service shall include a minimum number of round trips over the particular waters for which the applicant seeks license as pilot as may be fixed by the Officer in Charge, Marine Inspection, having jurisdiction (Experience on motorboats, as defined by statutes, may be accepted by the Officer in Charge, Marine Inspection); and,

(iii) One of the required number of round trips shall have been made within the 6 months immediately preceding the date of application; or,

(3) 2 years' service in the deck department of vessels propelled by machinery, which vessels navigate canals and small lakes like Seneca and Cayuga Lakes in New York State, 1 year of which service shall have been within 2 years immediately preceding the date of application, for a license as pilot of steam vessels of limited tonnage and routes.

(b) Locally employed special pilots may be licensed as pilots of steam vessels of 10 gross tons and under.

§ 10.05–41 *Indorsement of master's or mate's license as pilot or extension of pilot's route.* A master or mate applying for indorsement of his license for authority to act as pilot, or a pilot desiring an extension of route, shall produce proof of experience acquired by a minimum number of round trips over the particular waters for which he seeks such indorsement or extension as may be required by the Officer in Charge, Marine Inspection, having jurisdiction. One of the required number of round trips shall have been made within the 6 months immediately preceding the date of application.

§ 10.05–43 *Examination for license as pilot.* (a) An applicant for license as pilot, or indorsement of master's or mate's license as pilot, or extension of pilot's route shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Pilot rules for the waters desired.

(2) Local knowledge of winds, weather, tides, currents, etc.

(3) Chart sketch of the route and waters applied for showing courses, distances, shoals, aids to navigation, depths of water, and all other important features.

(4) Steering, handling, and maneuvering of steam and motor vessels.

(5) Such other written or oral examination which the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05–45 *Examination for license as deck officer of ocean or coastwise steam or motor vessels.* (a) An applicant for license as deck officer of either ocean or coastwise steam vessels, ocean or coastwise motor vessels of 300 gross tons or over, master of sail vessels of over 700 gross tons, or master of steam or motor yachts, shall pass a satisfactory examination as to his knowledge of the subjects listed in paragraph (b) of this section. Examinations for licenses not incorporated in table 10.05–45 (b) will be of suitable length and scope to determine the applicant's proficiency.

(b) List of subjects required:

TABLE 10.05–45 (b)—SUBJECTS FOR DECK OFFICERS OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS

Subjects	Master					Chief mate			Second mate			Third mate	
	Ocean	Coastwise	Coastwise, limited 300 miles	Sail	Yachts	Ocean	Coastwise	Coastwise, limited 600 miles	Ocean	Coastwise	Coastwise, limited 600 miles	Ocean	Coastwise
1. Latitude by Polaris	X	[1]X		X		X							
2. Latitude by meridian altitude			Sun or star.	Sun	Any body		Sun or star		Sun or star	Sun		Sun	Sun.
3. Latitude by ex-meridian	Any body.	Sun or star.				Sun or star. Any bodies.							
4. Fix or running fix	Any bodies.	Any bodies.[1]											
5. Longitude by position line or time sight.[2]		Sun or star.	Sun or star.	Sun or star.	Any body		Sun or star.		Sun or star.	Sun		Sun	
6. Star identification	X			X		X			X				
7. Deviation of the compass by amplitude.													
8. Deviation of the compass by azimuth	Any body.	Sun or star.	Sun or star.	X		Sun or star.	Sun or star.		Sun or star.	Sun		Sun	Sun.
9. Position finding by dead reckoning—traverse or Mercador sailing.	X	X											
10. Position finding by dead reckoning—great circle, Mecator, traverse, or middle latitude sailing.						X							
11. Great circle sailing	X												
12. Traverse sailing			X	X	X		X		X	X		X	
13. Mercator sailing				X	X		X		X				
14. Middle latitude sailing					X					X		X	
15. Distance off a fixed object and bearings.	X	X	X	X	X	X	X	X	X	X	X	X	X
16. Speed by revolutions		[1]X				X							
17. Practical chart work	X	X	X	X	X	X	X	X	X	X	X	X	X
18. Fuel conservation	X												
19. Instruments and accessories	X	X	X		X	X	X	X	X	X	X	X	X
20. Magnetism, deviation, and compass compensation.	X	X	X	X	X	X							
21. Construction of a deviation table	X	X											
22. Chart navigation	X	X	X	X	X	X	X	X	X	X	X	X	X
23. Chart construction	X	X											
24. Aids to navigation	X	X	X	X	X	X	X	X	X	X	X		
25. Tides and currents, including use of tables.	X	X	X			X							
26. Ocean winds, weather, and currents	X	X		X	X	X							
27. Nautical astronomy							X		X				
28. International and inland rules of the road.	X	X	X	X	X								
29. International rules of the road						X	X	X	X	X	X	X	X
30. Signaling by international code flags, Morse, and semaphore; lifesaving, distress, storm and special signals.	X	X	X	X		X	X	X	X	X	X	X	X
31. Stability and hull construction	X	X	X										
32. Seamanship	X	X	X	X	X	X	X		X	X		X	
33. Temporary repairs to hull and equipment.	X	X	X	X									

See footnotes at end of table.

TABLE 10.05–45 (b)—SUBJECTS FOR DECK OFFICERS OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS—Continued

Subjects	Master					Chief mate			Second mate			Third mate	
	Ocean	Coastwise	Coastwise, limited 300 miles	Sail	Yachts	Ocean	Coastwise	Coastwise, limited 600 miles	Ocean	Coastwise	Coastwise, limited 600 miles	Ocean	Coastwise
34. Sea terms and navigation definitions			X	X		X	X	X	X	X		X	X
35. Stowage and cargo handling		[1]X				X			X			X	
36. Change in draft due to change in density.													
37. Determination of area and volume							X		X				
38. Lifesaving apparatus	X	X	X			X	X	X	X				
39. Use of the breeches buoy in lifesaving.				X									
40. Ship sanitation	X	X				X							
41. General rules and regulations for vessel inspection.	X	X	X			X	X	X	X	X	X	X	X
42. United States navigation laws	X	X	X			X							
43. Such further examination of a non-mathematical character as the officer in charge, marine inspection, may consider necessary to establish the applicant's proficiency.	X	X	X	X	X	X	X	X	X	X	X	X	X

[1] Not to be given applicants for license as master of towing vessels.

[2] Candidates may use any navigational methods they wish in the solution of problems, provided they are correct in principle. Because of the many different methods of computing a position line it is necessary, in order to obtain uniformity in examinations, to require as an answer either the longitude based on the D. R. latitude as solved by time sight or the longitude of the computed point as obtained by any position line method, either with plotting or traverse tables. Computed point is the point at which a perpendicular from the D. R. position (for the instant of the sight) intersects the line of position.

(c) (1) Each applicant for an ocean or coastwise deck license, whether original or raise of grade, shall be required to pass practical tests in signalling. The examination in signalling will consist of an examination in the international flag code, Morse flashing, and semaphore. Candidates will be examined in Morse flashing and semaphore in groups where practicable.

(2) Candidates shall be able to read a signal at sight, so far as to name the flags composing the hoist; know the use of the code pennant, numeral and substitute pennants, the meaning of all the single letter signals and the flags used to indicate the quarantine signals; be required to signal some word or words not included in the vocabulary of the code; and have a good knowledge of the distress signals. Candidates will be required to attain a speed of six words a minute in Morse flashing and eight words a minute in semaphore. The average length of a word is to be five letters. Candidates who wish to prove their higher proficiency may request to be tested at a minimum speed of ten words a minute in Morse flashing and twelve words a minute in semaphore. Such candidates, if successful will have the results of their examination reported on their official files.

(3) A candidate for license who fails in signalling, but passes in every other subject, will be considered to have failed the examination and shall be so reported; but he may at any time within the six months following his first attempt be reexamined in signalling only, and if he then passes he will be granted a license.

§ 10.05–47 *Examination for license as master of Great Lakes steam and motor vessels.* (a) An applicant for license as master of Great Lakes steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Pilot rules.

(2) Deviation by azimuth of the sun.

(3) Deviation by azimuth of Polaris.

(4) Construction of a deviation table by any method:

(i) Azimuth of sun or Polaris.

(ii) Equi-distant bearings of a fixed object.

(iii) Ranges.

(iv) Comparison with a gyro or magnetic compass whose deviation is known.

(5) Distance off by bearings and run.

(6) Distance off by distance-finding stations.

(7) Distance off by visibility of lights.

(8) Speed by revolutions and by observation.

(9) Instruments and accessories used in navigation.

(10) Magnetism, deviation, and compass compensation.

(11) Chart navigation and piloting.

(12) Aids to navigation.

(13) Winds and weather.

(14) Signals; storm, wreck, distress, and special.

(15) Stability and ship construction.

(16) Cargo stowage and handling.

(17) Seamanship.

(18) Temporary repairs to hull and equipment.

(19) Drills and lifesaving apparatus.

(20) Ship sanitation; Rules and Regulations for Vessel Inspection, and Navigation Laws of the U. S.

(21) Ship's business.

(22) General.

(23) Practical chart work.

(24) Such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05–49 *Examination for license as master of bays, sounds, and lakes other than the Great Lakes steam and motor vessels.* (a) An applicant for license as master of bays, sounds, and lakes other than the Great Lakes steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Inland Rules of the Road or Pilot Rules applicable to the waters desired.

(2) Distance off by bearings and run.

(3) Speed by revolutions and by observation of landmarks.

(4) Chart navigation and piloting.

(5) Aids to navigation.

(6) Winds, weather, and current.

(7) Signals; storm, wreck, distress, and special.

(8) Stability and ship construction.

(9) Cargo stowage and handling.

(10) Seamanship.

(11) Temporary repairs to hull and equipment.

(12) Drills and lifesaving apparatus.

(13) Ship sanitation; Rules and Regulations for Vessel Inspection, and Navigation Laws of the U. S.

(14) Ship's business.

(15) General.

(16) Practical chart work.

(17) Such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05–51 *Examination for license as master of river steam or motor vessels.* (a) An applicant for license as master of river steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Duties of masters of river steamers.

(2) Ability to handle the wheel in case of emergency or disaster.

(3) Master's duties and proper method of procedure in case of fire on his vessel.

(4) Proper management of a vessel and crew in case of collision and sinking.

(5) Executive ability generally to manage officers and crew.

(6) General knowledge and ability to navigate steamers with safety to life and property.

(7) Pilot rules governing the navigation of such steamers.

(8) Signals between the pilot house and engine room.

(9) Running, anchor, and signal lights and their proper position on all vessels.

(10) Duties of master in case of fog or stormy weather.

(11) Such other subjects in connection with the navigation of river vessels as the Officer in Charge, Marine Inspec-

tion, may consider necessary to establish the applicant's proficiency.

§ 10.05–53 *Examination for license as master of ferry steam or motor vessels.* An applicant for license as master of ferry steam or motor vessels on either the Great Lakes, other lakes, bays, and sounds, or rivers shall be required to pass satisfactorily an examination of such length and scope as will satisfy the Officer in Charge, Marine Inspection, that the applicant is capable of handling and navigating such vessels.

§ 10.05–55 *Examination for license as master or pilot of yachts on the Great Lakes, other lakes, bays, and sounds, or rivers.* An applicant for license as master or pilot of yachts on either the Great Lakes, other lakes, bays, and sounds, or rivers, shall be required to pass a satisfactory examination as to his knowledge in handling such vessels, and his familiarity with the lights, lighthouses, channels, buoys, obstructions, courses, and distances between certain points in the waters for which he makes application for license. He shall also be examined regarding his knowledge of the pilot rules for such waters, the running and anchor lights, fog signals, the use of the lead, signal bells between engine room and pilot house, the General Rules and Regulations for Vessel Inspection, and such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05–57 *Examination for license as master of passenger barges on the Great Lakes, other lakes, bays, and sounds, or rivers.* An applicant for license as master of passenger barges on the Great Lakes, other lakes, bays, and sounds, or rivers shall be required to pass satisfactorily an examination of such length and scope as will satisfy the Officer in Charge, Marine Inspection, that the applicant is capable of handling the class of vessel for which he desires a license.

§ 10.05–59 *Examination for license as mate of inland or river steam or motor vessels.* An applicant for license as mate of inland or river steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge, experience, and skill in stowage and cargo handling, the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency, his general familiarity with his duties in maintaining discipline and protecting the passengers, and such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05–61 *Evaluation of experience not listed.* When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, but which in the opinion of the Officer in Charge, Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data shall be submitted to the Commandant for evaluation, together with the recommendation of the Officer in Charge, Marine Inspection.

SUBPART 10.10—PROFESSIONAL REQUIREMENTS FOR ENGINEER OFFICERS' LICENSES (INSPECTED VESSELS)

§ 10.10–1 *No restriction as to waters on engineer licenses.* (a) Except as otherwise specified in this part no engineer's license issued on or after the effective date of the regulations in this part shall be restricted as to the waters upon which the engineer may serve, except that such restrictions on any license, when presented for renewal, shall not be changed without the licensee's consent.

(b) The holder of an engineer's license which is restricted as to waters may serve in the capacity and within the limitations in the license upon other waters without special indorsement as follows:

(1) *"Ocean."* This includes coastwise waters; Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(2) *"Coastwise."* This includes the Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(3) *"Great Lakes."* This includes bays, sounds, and lakes other than the Great Lakes, and rivers.

(4) *"Bays, sounds, and lakes other than the Great Lakes."* This includes rivers.

(5) *"Inland waters."* This includes the Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(6) *"Rivers."* This does not include any other type of waters.

§ 10.10–3 *Grade and type of engineer licenses issued, and limitations placed thereon.* (a) Licenses in the grades of chief engineer, first assistant engineer, second assistant engineer, and third assistant engineer authorizing service on steam vessels or on motor vessels or on steam and motor vessels, shall be issued to applicant who qualify therefor.

(b) Engineer's licenses of all grades and types may be subject to such horsepower limitation as the Officer in Charge, Marine Inspection, shall deem appropriate. The horsepower limitations to be placed on a license shall be based on the applicant's qualifying experience; however, in no case shall an applicant's license be limited to a lower horsepower than the highest horsepower on which 25% or more of his experience was obtained. No horsepower limitation shall be placed on a license where all of the applicant's qualifying experience has been on merchant vessels of 2,500 horsepower and over.

§ 10.10–5 *Removal of restriction as to waters upon renewal of engineer's licenses.* Upon the renewal of any engineer's steam license which has been restricted as to waters, the holder shall be allowed the choice of accepting a limitation as to horsepower in lieu of the restriction as to waters. The horsepower limitation shall be determined by the Officer in Charge, Marine Inspection, in accordance with the applicant's experience. The licensee shall be required to agree in writing to such conditions of renewal before the issuance of the license requested.

§ 10.10–7 *Conversion of licenses from gross tonnage to horsepower limitations upon renewal.* (a) Steam or motor engineer's licenses issued for any gross tons on specified waters shall be converted to any horsepower for the same waters, when renewed by an Officer in Charge, Marine Inspection.

(b) Upon renewal of any engineer's license which is limited as to gross tonnage the tonnage shall be converted to horsepower on the new license in the ratio of 3 to 4 (i. e.: 750 gross tons to 1,000 horsepower), except in those cases where an applicant has obtained experience on vessels of greater horsepower than the above ratio would entitle him. In such cases a license of greater horsepower commensurate with the experience obtained may be issued.

§ 10.10–9 *Chief engineer; steam vessels.* (a) The minimum service required to qualify an applicant for license as chief engineer of steam vessels is:

(1) 1 year's service as first assistant engineer of steam vessels; or,

(2) 2 years' service as second assistant or junior first assistant engineer in charge of a watch on steam vessels while holding a license as first assistant engineer of steam vessels; or,

(3) While holding a license as chief engineer of motor vessels, either:

(i) 6 months' service as first assistant engineer of steam vessels;

(ii) 6 months' service as observer chief engineer on steam vessels; or,

(iii) 1 year's service as oiler, watertender, or junior engineer of steam vessels.

§ 10.10–11 *Chief engineer; motor vessels.* (a) The minimum service required to qualify an applicant for license as chief engineer of motor vessels is:

(1) 1 year's service as first assistant engineer of motor vessels; or,

(2) 2 years' service as second assistant or junior first assistant engineer in charge of a watch on motor vessels while holding a license as first assistant engineer of motor vessels; or,

(3) While holding a license as chief engineer of steam vessels, either:

(i) 3 months' service as first assistant engineer of motor vessels;

(ii) 3 months' service as observer chief engineer on motor vessels; or,

(iii) 6 months' service as oiler or junior engineer of motor vessels.

§ 10.10–13 *First assistant engineer; steam vessels.* (a) The minimum service required to qualify an applicant for license as first assistant engineer of steam vessels is:

(1) 1 year's service as second assistant engineer of steam vessels; or,

(2) 2 years' service as third assistant or junior second assistant engineer in charge of a watch on steam vessels, while holding a license as second assistant engineer of steam vessels; or,

(3) While holding a license as first assistant engineer of motor vessels, either:

(i) 6 months' service as second assistant engineer of steam vessels;

(ii) 6 months' service as observer first assistant engineer on steam vessels; or,

(iii) 1 year's service as oiler, watertender, or junior engineer of steam vessels; or,

(4) 3 years' service as oiler, watertender or fireman on steam vessels for a license as first assistant of steam vessels of not more than 1,000 horsepower.

§ 10.10–15 *First assistant engineer; motor vessels.* (a) The minimum service required to qualify an applicant for license as first assistant engineer of motor vessels is:

(1) 1 year's service as second assistant engineer of motor vessels; or,

(2) 2 years' service as third assistant engineer or junior second assistant engineer in charge of a watch on motor vessels, while holding a license as second assistant engineer of motor vessels; or,

(3) While holding a license as first assistant engineer of steam vessels, either:

(i) 3 months' service as second assistant engineer of motor vessels;

(ii) 3 months' service as observer first assistant engineer on motor vessels; or,

(iii) 6 months' service as oiler or junior engineer of motor vessels; or,

(4) 3 years' service as oiler or fireman on motor vessels for a license as first assistant engineer of motor vessels of not more than 1,000 horsepower.

§ 10.10–17 *Second assistant engineer; steam vessels.* (a) The minimum service required to qualify an applicant for license as second assistant engineer of steam vessels is:

(1) 1 year's service as engineer in charge of a watch, while holding a license as third assistant engineer of steam vessels; or,

(2) 2 years' service as assistant engineer to the engineer in charge of a watch, while holding a license as third assistant engineer of steam vessels; or,

(3) While holding a license as second assistant engineer of motor vessels, either:

(i) 6 months' service as third assistant engineer of steam vessels;

(ii) 6 months' service as observer second assistant engineer on steam vessels; or,

(iii) 1 year's service as oiler, watertender, or junior engineer of steam vessels.

§ 10.10–19 *Second assistant engineer; motor vessels.* (a) The minimum service required to qualify an applicant for license as second assistant engineer of motor vessels is:

(1) 1 Year's service as engineer in charge of a watch, while holding a license as third assistant engineer of motor vessels; or,

(2) 2 years' service as assistant engineer to the engineer in charge of a watch, while holding a license as third assistant engineer of motor vessels; or,

(3) While holding a license as second assistant engineer of steam vessels, either:

(i) 3 months' service as third assistant engineer of motor vessels;

(ii) 3 months' service as observer second assistant engineer on motor vessels; or,

(iii) 6 months' service as oiler or junior engineer of motor vessels.

§ 10.10–21 *Third assistant engineer; steam vessels.* (a) The minimum service required to qualify an applicant for license as third assistant engineer of steam vessels is:

(1) 3 years' service in the engine department of steam vessels, 2 years and 6 months of which must have been as fireman, oiler, watertender, or other qualified member of the engine department, and one-third of the required service may have been on motor vessel; or,

(2) 3 years' service as an apprentice to the machinist trade engaged in the construction or repair of marine, locomotive, or stationary engines together with 1 year's service in the engine department of steam vessels as oiler, watertender, or junior engineer, one-third of such service may have been on motor vessels; or,

(3) Graduation from:

(i) The U. S. Merchant Marine Academy (engineering);

(ii) The engineering class of a state nautical schoolship established under the authority of an Act of Congress approved March 4, 1911 (34 U. S. C. 1121);

(iii) The U. S. Naval Academy; or,

(iv) The U. S. Coast Guard Academy; or,

(4) Satisfactory completion of the prescribed course (engineering) at a U. S. Maritime Service or other Government operated training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of four months, provided the applicant has obtained the additional qualifying experience prior to enrollment; or,

(5) Graduation from the marine engineering course of a duly recognized school of technology together with 3 months' service in the engine department of steam vessels, one-third of such service may have been on motor vessels; or,

(6) Graduation from the mechanical or electrical engineering course of a duly recognized school of technology together with 6 months' service in the engine department of steam vessels, one-third of such service may have been on motor vessels; or,

(7) 1 year's service as oiler, watertender, or junior engineer on steam vessels while holding a license as third assistant engineer of motor vessels.

§ 10.10–23 *Third assistant engineer; motor vessels.* (a) The minimum service required to qualify an applicant for license as third assistant engineer of motor vessels is:

(1) 3 years' service in the engine department of motor vessels, 2 years and 6 months of which must have been as fireman, oiler, watertender, or other qualified member of the engine department, and one-third of the required service may have been on steam vessels; or,

(2) 3 years' service as an apprentice to the machinst trade engaged in the construction or repair of marine, locomotive, or stationary engines together with 1 year's service in the engine department of motor vessels as oiler or junior engineer, one-third of such service may have been on steam vessels; or,

(3) Graduation from:

(i) The U. S. Merchant Marine Academy (engineering);

(ii) The engineering class of a state nautical schoolship established under the authority of an Act of Congress approved March 4, 1911 (34 U. S. C. 1121);

(iii) The U. S. Naval Academy; or,

(iv) The U. S. Coast Guard Academy; or,

(4) Satisfactory completion of the prescribed course (engineering) at a U. S. Maritime Service or other Government operated training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of 4 months, provided the applicant has obtained the additional qualifying experience prior to enrollment; or,

(5) Graduation from the marine engineering course of a duly recognized school of technology together with 3 months' service in the engine department of motor vessels, one-third of such service may have been on steam vessels; or,

(6) Graduation from the mechanical or electrical engineering course of a duly recognized school of technology together with 6 months' service in the engine department of motor vessels, one-third of such service may have been on steam vessels; or,

(7) 6 months' service as oiler or junior engineer on motor vessels while holding a license as third assistant engineer of steam vessels.

§ 10.10–25 *Engineers of motor vessels operating in Puerto Rican and Hawaiian waters.* (a) An applicant for an engineer's license of seagoing vessels propelled by internal combustion engines navigating exclusively in the Coast Guard District covering the Hawaiian Islands, or in the Coast Guard District covering the island of Puerto Rico, shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character and ability of the applicant. The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits and, if satisfied by the oral examination or practical demonstration, and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such applicant.

(b) An applicant for an engineer's license of motor vessels operating exclusively in Puerto Rican waters or exclusively in Hawaiian waters shall present evidence of a minimum of 3 years' service on such vessels.

§ 10.10–27 *Service as engine room watch electrician.* An applicant for a raise of grade of engineer's license for steam or motor vessels may substitute service as engine room watch electrician on electric drive steam or motor vessels for other service required. The service shall be accepted on the basis of 2 months as electrician to count as 1 month of the required service for raise of grade of license desired. Service as

electrician shall not be substituted for more than one-half the service required on a license. This service as engine room watch electrician must have been acquired while the applicant was holding the license which is to be raised in grade.

§ 10.10–29 *Evaluation of experience not listed.* When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, but which in the opinion of the Officer in Charge, Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data shall be submitted to the Commandant for evaluation, together with the recommendation of the Officer in Charge, Marine Inspection.

SUBPART 10.15—LICENSING OF OFFICERS FOR UNINSPECTED VESSELS

§ 10.15–1 *Applicability of laws.* All the provisions of R. S. 4131, 4250, 4403, 4405, 4438, 4439, 4440, 4441, 4445, 4446, 4447, 4448, 4449, 4450, 4463, as amended, sec. 2, 23 Stat. 118, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, sec. 3, 40 Stat. 549, and sec. 5, 49 Stat. 1935; 46 U. S. C. 221, 222, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234, 235, 237, 239, 250, 372, 375, 672a; referring to the issuance, duration, renewal, suspension or revocation of licenses of masters, mates, chief engineers and assistant engineers, and the provisions of the following regulations in this subpart shall be applicable to all uninspected vessels to which the Officers' Competency Certificates Convention, 1936, and the Act approved July 17, 1939 (R. S. 4438a; 53 Stat. 1049; 46 U. S. C. 224a) making effective the provisions of the Convention apply.

§ 10.15–3 *Vessels to which regulations apply.* (a) The regulations in this subpart shall apply to masters, chief engineers and watch officers, deck and engineer, on all uninspected vessels, however propelled, navigating the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States whether permanently, temporarily, or provisionally, including yachts, enrolled and licensed, with the exception of:

(1) Ships of war;

(2) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

(3) Wooden ships of primitive build, such as dhows and junks;

(4) Unrigged vessels;

(5) All vessels of less than 200 gross tons.

§ 10.15–5 *Licenses issued and general provisions.* (a) Licenses to officers on uninspected vessels will be issued as follows:

(1) License as master, motor or sail;

(2) License as mate, motor or sail;

(3) License as chief engineer, motor; or,

(4) License as assistant engineer, motor.

(b) Licenses to officers of uninspected vessels shall be limited on their face to uninspected vessels, and shall be issued on the Coast Guard Form 2849.

(c) Licenses as master and mate shall be issued for appropriate route (ocean or coastwise) and with tonnage limitations commensurate with the experience of the applicant.

(d) (1) Licenses to chief engineer and assistant engineer shall be issued with appropriate horsepower limitations commensurate with the experience of the applicant.

(2) The regulations in § 10.10–15 shall govern the conversion of engineers' licenses from gross tonnage to horsepower limitations upon renewal.

(e) Every person to whom a license is issued shall place his signature and left thumbprint thereon, and upon any sheets attached for additional indorsements.

(f) Every master, mate, or engineer who receives a license shall make oath before an Officer in Charge, Marine Inspection, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

§ 10.15–7 *Related authority of licenses for inspected vessels.* A license to act as master, mate, or engineer of inspected vessels will in all cases entitle the holder to act under the limitations of his license on uninspected vessels.

§ 10.15–9 *Sea service as member of the armed forces of the United States as qualifying.* Sea service as a member of the armed forces of the United States will be accepted as qualifying experience for an original or raise in grade of license. Such service will be subject to evaluation to the sea service otherwise required, and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. The applicant may be permitted to omit the examination for the lower grade of license if his experience is of such character as to qualify him for the higher grade of license.

§ 10.15–11 *Lifting of limitations.* Section 10.02–15 shall govern the lifting of limitations on licenses to officers of uninspected vessels.

§ 10.15–13 *Citizenship and age requirements.* (a) No license shall be issued to any person who is not a United States citizen An applicant claiming to be a citizen of the United States shall furnish documentary evidence of his citizenship. Acceptable evidence of citizenship is described in § 10.02–5.

(b) Any citizen who has attained the age of 21 years and is qualified in all other respects shall be eligible for a license: *Provided*, That a license as mate or assistant engineer may be granted to applicants who have reached the age of 19 years and are qualified in all other respects, but no such license may be raised in grade before the holder thereof shall have reached the age of 21 years.

§ 10.15–15 *Reexaminations and refusal of licenses.* Section 10.02–19 shall govern the reexaminations and refusal of licenses to officers of uninspected vessels.

§ 10.15–17 *Issuance of duplicate licenses.* Section 10.02–23 shall govern the issuance of duplicate licenses to officers of uninspected vessels.

§ 10.15–19 *Suspension and revocation of licenses.* Licenses as master, mate, or engineer of uninspected vessels shall be subject to suspension or revocation on the same ground and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of R. S. 4450, as amended (46 U. S. C. 239).

§ 10.15–21 *Laws, general rules and regulations, and pilot rules to be furnished licensed officers.* Every master, mate, or engineer shall, when receiving an original license, a renewal license, or a raise of grade of license, be furnished by the inspectors with a copy of the Laws Governing Marine Inspection and a copy of the General Rules and Regulations for Vessel Inspection prescribed by the Commandant. Every master and mate shall in addition be furnished a copy of the Rules of the Road and pilot rules applicable to the waters for which their licenses have been issued.

§ 10.15–25 *Application and experience required for original or raise of grade of licenses.* (a) Applicants for original or raise of grade of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued such license. Until an applicant meets this mandatory requirement, he is not entitled to be licensed. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license.

(b) Before an applicant for original license (as defined by § 10.02–3) as master, mate, or engineer, or raise of grade of any license may be licensed, the applicant shall make application upon Coast Guard Form 866 and shall present it in person to an Officer in Charge, Marine Inspection. An applicant shall also present discharges and testimonial letters to the Officer in Charge, Marine Inspection, from the masters or chief engineers under whom he has served, or from the owners in the case of applicants who have already served as master or chief engineer, certifying to the name of the vessel, and the amount and character of his experience, and to his ability, character, and habits of life. Photostatic copies of those documents may be accepted for filing with the application.

(c) (1) Fingerprint records on Coast Guard Form 2515 shall be submitted to the Commandant on each application for original license at the same time application is made.

(2) The application of any person may be rejected by the Officer in Charge, Marine Inspection, when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he will be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in the type case pending the Commandant's authorization.

(3) Nothing in the regulations in this part shall be construed to permit an applicant to be examined for an original license or a raise in grade of license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

(d) No original license or raise of grade shall be issued to any applicant unless at least 1 year of his qualifying service shall have been obtained within the 3 years next preceding his application for examination.

(e) Applicants will be informed as soon as possible whether their applications have been accepted or not, and when the application of any person for a license has been approved the applicant shall be given the required examination as soon as practicable.

(f) Licensed officers entitled to raise of grade shall have issued to them new licenses for the grade for which they are found qualified. The license which is raised in grade shall be surrendered to the Officer in Charge, Marine Inspection.

(g) Except for applicants for licenses as masters, mates, chief engineers, and assistant engineers of fishing vessels, certificates from the Public Health Service attesting to the applicant's knowledge of ship sanitation and first aid will be required before the candidates are eligible for original licenses.

§ 10.15–27 *Physical examination required for original and raise of grade of licenses.* Sections 10.02–5 and 10.02–7 governing the physical examination requirements for applicants for original and raise of grade of licenses for inspected vessels shall apply to applicants for original and raise of grade of licenses for uninspected vessels for the same types of licenses.

§ 10.15–29 *Professional requirements for original and raise of grade of licenses.* (a) For license as master or chief engineer, a candidate must have served 4 years at sea, on deck or in the engine room, respectively, of which 1 year must have been as licensed mate or assistant engineer, respectively, except as otherwise provided in the regulations in this Subpart.

(b) For license as mate or assistant engineer, a candidate must have served 3 years at sea, on deck or in the engine room, respectively.

(c) For a license as assistant or chief engineer of motor vessels, two-thirds of the required service must have been served on motor vessels.

(d) It is not required that an applicant must have obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(e) Experience in towed barges fitted with sails and rigging is not considered as sail vessel time.

(f) When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, but which in the opinion of the Officer in Charge, Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data shall be submitted to the Commandant for evaluation, together with the recomendation of the Officer in Charge, Marine Inspection.

§ 10.15–31 *Examination requirements for licenses.*—(a) *General.* The examinations given by the Coast Guard will be practical, not theoretical. They will be written, where possible, and if an oral examination is necessary, it shall be taken down in writing. The examination for licenses limited to fishing vessels shall be oral only.

(b) *Master.* Candidates for license as master will, in addition to the subjects given in the examination for mate, be required to understand and give satisfactory explanations of:

(1) Navigation, including:

(i) Latitude by altitude of Polaris.

(ii) Elementary questions on compass deviation.

(2) Rudimentary seamanship, including:

(i) Meteorology, use and reading of weather bulletins.

(ii) Getting under way.

(iii) Tending vessel at anchor; mooring and unmooring.

(iv) Keeping a ship's head to sea in heavy weather with engines broken down.

(v) How to rig a jury rudder.

(vi) Action to be taken in the event of springing a leak.

(vii) Cast of lead in heavy weather.

(c) *Mate.* Candidates for license as mate will be required to understand and give satisfactory explanations of:

(1) Navigation, including:

(i) Variation, deviation of the compass, and simple methods of determining the deviation by the means of ranges, and by bearings of the sun.

(ii) Use of a chart and the meaning of the various signs and abbreviations thereon; method of determining and laying off compass courses and distances on a chart, and allowing for set and drift; fixing the ship's position by cross bearings of two objects; or by two bearings of the same object.

(iii) The traverse tables and a day's work in its simplest form.

(iv) Determining of latitude by meridian altitude of the sun.

(v) Longitude by position line or by time sight of the sun.

(vi) The use and adjustments of the sextant.

(vii) The use and reading of the aneroid barometer.

(2) Rudimentary seamanship, including:

(i) The use and construction of a sea anchor.

(ii) The marking and use of the lead line.

(iii) Man reported overboard.

(iv) Handling of a vessel's boat in heavy weather.

(v) Elementary first aid.

(3) The Rules to Prevent Collisions of Vessels including both the International Rules and the Pilot Rules for Inland Waters. Particular attention will be given to the steering and sailing rules, although inability to repeat them verbatim will not entail failure, *Provided*, That the candidate understands their full significance, content, and practical application. Models will be used to test the candidate's judgment and ability to act correctly and promptly.

(4) Distress signals and use of line throwing apparatus.

(5) Buoyage system and aids to navigation.

(6) Precautions to be taken against fire, explosions from oil or gas, and spontaneous combustion. Methods of dealing with fire and use of fire extinguishers, handling of vessels after fire is discovered.

(7) Candidates for a sailing ship license will also be asked questions on the taking in and setting of fore and aft sail, and applicable questions relating to the handling of a sail vessel.

(d) *Chief engineer.* A candidate for license as chief engineer, motor, will be required to have an advanced and more complete knowledge of the subjects and problems required for the examination for an assistant engineer.

(e) *Assistant engineer.* A candidate for license as assistant engineer, motor, will be required to understand and give satisfactory explanations of:

(1) The various codes of signals used between the bridge and engine room for working the engine.

(2) The fundamentals of oil, gas, or other internal combustion engines, and also the auxiliary machinery in use on board ship; and to show a practical knowledge of upkeep of, operation of, and repairs to same.

(3) The use of the various gauges, meters, and instruments.

(4) Treatment of a hot bearing and avoidance of same.

(5) The use of fire extinguishing apparatus; precautions to be taken against fire or explosions from oil or gas, precautions to be taken against the formation of explosive gases in oil tanks, bilges, or other unventilated spaces, causes of spontaneous combustion; safe carriage of fuels, and storage of lubricating oils; and methods of dealing with fire.

(6) Properties of the various oils, etc., generally used in internal combustion engines.

§ 10.15–33 *Requirements for renewal of licenses.* Section 10.02–9 shall govern the renewal of licenses to officers of uninspected vessels.

SUBPART 10.20—MOTORBOAT OPERATORS LICENSES

§ 10.20–1 *General application.* (a) The regulations in this subpart apply to all applicants for license to operate motorboats carrying passengers for hire.

(b) All licenses issued to motorboat operators under section 5 of the act of June 9, 1910 (46 U. S. C. 515) permitting the holders to operate or navigate motorboats carrying passengers for hire became null and void on April 24, 1941, by the Motorboat Act of April 25, 1940 (Sec. 19, 54 Stat. 167; 46 U. S. C. 526r).

§ 10.20–3 *General requirements.* (a) Any person who has attained the age of

18 years and is qualified in all other respects, shall be considered eligible for a motorboat operator's license and may be examined by the Coast Guard.

(b) (1) Fingerprint records on Coast Guard Form 2515 shall be submitted to the Commandant on each applicant at the same time application is made for original license.

(2) The application of any person may be rejected by the Officer in Charge, Marine Inspection, when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he will be advised that he may submit a request to the Commandant for a review of his case.

(3) No examination shall be given or temporary permit issued in the case pending the Commandant's authorization.

(c) An applicant for a license as an operator shall submit a sworn application on Coast Guard Form 866 to the Officer in Charge, Marine Inspection. If the applicant's capacity, knowledge, experience, character and habits of life are such as to warrant entrusting him with the duties and responsibilities involved in the operation and navigation of motorboats carrying passengers for hire, a license authorizing him to discharge such duties on any such motorboats for a term of five years shall be issued to him, except that when the applicant is the holder of a currently valid license as master, pilot, or other deck officer, a motorboat operator's license may be granted without requiring a physical or professional examination if recent service under his license can be shown, and such applicant shall not be required to surrender his license as master, pilot, or other deck officer.

(d) Every person to whom a license is issued shall place his signature and left thumb print thereon.

(e) An Officer in Charge, Marine Inspection, may place restriction or limitation upon a license as motorboat operator. Such limitation shall be commensurate with the qualifications of the applicant.

§ 10.20–5 *Professional examinations.* (a) The applicant shall be examined orally concerning his fitness to hold a license as motorboat operator.

(b) (1) The examination will consist of questions on the following:

(i) Regulations governing motorboats, the collision regulations applicable to the waters over which the applicant operates.

(ii) Fire protection and extinguishment.

(iii) Lifesaving equipment.

(iv) The operation of propelling machinery, and, particularly, the safe and proper handling of gasoline motors.

(v) The proper method of operating and navigating motorboats carrying passengers.

(vi) Simple first-aid.

(2) Although applicants will be examined only in the collision regulations applicable to the waters upon which they are operating, it will be incumbent upon them, should they at any time operate on waters for which the collision regulations differ, to familiarize themselves with the appropriate rules.

(c) (1) An applicant for a motorboat operator's license shall not be disqualified by inability to read or write if he is qualified in all other respects and if he possesses extensive experience in the operation of small vessels. Inability to read or write, however, shall be held to disqualify an applicant who is not experienced in operation of motorboats and who is not experienced in the operating of firefighting and lifesaving equipment, and is not thoroughly familiar with the applicable pilot rules.

(2) If the applicant has operated motorboats under the license issued under the act of June 9, 1910, he shall be held to possess the required experience but must qualify in all other respects.

§ 10.20–7 *Physical examination requirements.* (a) (1) An applicant who has not operated a motorboat carrying passengers for hire under authority of a license issued prior to April 25, 1941, shall be examined by a United States Public Health Service Medical Officer or other reputable physician to determine whether he is physically fit to perform the duties required of him and shall include the eyesight, hearing, and physical condition. Epilepsy, insanity, senility, acute venereal disease, neurosyphilis, or badly impaired hearing, eyesight, or color blindness are causes for rejection.

(2) For an original license the applicant must have, either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. Any applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of the "Stillings," or similar, test, but any applicant who fails this test will be eligible if he passes the "Williams" lantern test, but if found color blind no license will be issued except in a case where the applicant shows he has operated motorboats for many years and has particular qualifications, which in the judgment of the Officer in Charge, Marine Inspection, qualifies him to operate a motorboat in daylight only and so restricts the license.

(3) For a renewal of a motorboat operator's license an examination may be required in addition to a certificate of satisfactory color sense. Nothing herein shall debar an applicant who has lost the sight of one eye while holding a license from renewing such license if he is qualified in all other respects and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes. If an applicant for a renewal of license is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(4) Where an applicant is not possessed of the vision, hearing and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with a Public Health Service Medical Officer may make recommendations to the Commandant for an exception to these requirements, if, in their opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records and reports.

(b) An applicant who has operated a motorboat carrying passengers for hire under authority of a license issued prior to April 25, 1941, may be issued an operator's license without further physical examination unless the Office in Charge, Marine Inspection, considers that such examination is necessary in view of apparent disabilities.

§ 10.20–9 *Requirements for renewal.* (a) An operator's license may be renewed by application to an Officer in Charge, Marine Inspection. The presentation of the license to be renewed, together with satisfactory certificate of color sense, shall be considered sufficient evidence upon which to renew a license; unless facts shall have come to the knowledge of the Officer in Charge, Marine Inspection, which would render a renewal improper in the case of a particular applicant.

(b) No license shall be renewed more than 30 days in advance of the date of the expiration thereof, unless there are extraordinary circumstances that shall justify a renewal beforehand in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(c) Whenever an operator shall apply for renewal of his license more than 1 year after the date of its expiration, he shall be required to pass a professional and physical examination of such length and scope as may be required by the Officer in Charge, Marine Inspection, to determine the applicant's continued qualifications.

(d) Where an applicant for renewal would be put to great inconvenience or expense to appear in person before an Officer in Charge, Marine Inspection, the license may be renewed by forwarding the documents required by the regulations in paragraph (a) of this section to the Officer in Charge, Marine Inspection, who issued the license to be renewed.

§ 10.20–11 *Issuance of duplicate license.* Section 10.02–23 shall govern the issuance of duplicate licenses to operators of motorboats.

§ 10.20–13 *Suspension or revocation of license.* Motorboat operators' licenses shall be subject to suspension or revocation on the same grounds and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of R. S. 4450, as amended (46 U. S. C. 239).

SUBPART 10.25—REGISTRATION OF STAFF OFFICERS

§ 10.25–1 *Application of regulations.* The regulations in this subpart shall govern the registration of staff officers for employment on every vessel registered, enrolled, or licensed under the laws of the United States which employs a staff officer, except vessels navigating on bays, sounds, rivers, inland waterways, and lakes other than the Great Lakes, passenger ferries and car ferries navigating on the Great Lakes, fishing vessels, whaling vessels, and yachts.

§ 10.25–3 *Grades of certificates issued.* Staff officers shall be registered in the following grades:

(a) Chief purser.
(b) Purser.
(c) Senior assistant purser.
(d) Junior assistant purser.
(e) Junior assistant purser and pharmacist's mate.
(f) Surgeon.

§ 10.25–5 *Staff department defined.* (a) The staff department shall consist of officers registered under the provisions of the regulations in this subpart, pursers' clerks, and such persons as may be assigned to the senior registered surgeon.

(b) The staff department shall be a separate and independent department composed of a medical division and a purser's division. The medical division shall be under the charge of the senior registered surgeon who shall be responsible solely to the master or, in the absence of the master, to the officer in charge of the vessel.

§ 10.25–7 *General requirements.* (a) The applicant for a certificate of registry shall make a sworn written application on Coast Guard Form 866 in duplicate. This application shall be made to an appropriate Officer in Charge, Marine Inspection, having jurisdiction over a seaport or a Great Lakes port.

(b) The first certificate of registry issued to any person shall be considered an original certificate of registry.

(c) An applicant for certificate of registry must be a citizen of the United States and shall submit satisfactory evidence of citizenship. Acceptable evidence of citizenship is set forth in § 10.02–5.

(d) An applicant for registry and a certificate of registry as staff officer shall not be required to take an examination, but he shall be required to submit with his application satisfactory proof of his good character and of his prior service, including at least two letters of recommendation from present or former employers.

(e) (1) Fingerprint records on Coast Guard Form 2515 shall be submitted to the Commandant on each applicant at the same time application is made.

(2) The application of any person may be rejected by the Officer in Charge, Marine Inspection, when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he will be advised that he may submit a request to the Commandant for a review of his case.

(3) No examination shall be given or temporary permit issued in the case pending the Commandant's authorization.

(f) No certificate of registry as junior assistant purser or junior assistant purser-pharmacist's mate will be issued to any applicant unless he present evidence that he has a commitment of employment as a member of the crew of a United States merchant vessel in a capacity covered by such certificate.

(g) (1) An applicant for registry and a certificate of registry as staff officer shall be in possession of a continuous discharge book or certificate of identification or merchant mariner's document issued as a certificate of identification and shall appear in person before an Officer in Charge, Marine Inspection.

(2) The applicant shall furnish two unmounted, dull finish photographs, 2 inches by 1½ inches, of passport type taken within 1 year of the application. Photographs shall show the full face, at least 1 inch in height, with the head uncovered, and shall be a satisfactory likeness of the applicant. The issuing officer shall affix a photograph to each of the applications and impress his official seal partly over the photograph, after the applicant has in his presence signed the application.

(3) The applicant shall place his fingerprints on each of the applications and his left thumb print on the back of the certificate of registry as staff officer.

(4) A staff officer shall not be required to hold any other certificate of service or efficiency as a condition of service in such capacity on vessels.

(h) An Officer in Charge, Marine Inspection, shall issue a certificate of registry as staff officer to an applicant who has qualified for such certificate and who has made oath or affirmation before him to the truth of the statements contained in the application and that he will faithfully and honestly perform all the duties of his office required of him by law.

(i) Indorsements for a higher grade shall not be made on certificates of registry. An applicant for a higher grade in the staff department shall make application in the same manner as for an original certificate of registry and shall surrender his certificate upon issuance of the new certificate of registry. A person in possession of a certificate of registry as staff officer may serve in a lower grade than that for which he is registered.

(j) Certificates of registry issued to staff officers shall be suspended or revoked in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of R. S. 4450, as amended (46 U. S. C. 239).

(k) No person whose certificate of registry is under suspension or revoked shall be issued another certificate of registry except upon approval of the Commandant. If an applicant for a certificate of registry is currently suffering the suspension or revocation of a license or certificate of service, the certificate of registry for which he applies shall not be issued except upon approval of the Commandant.

(l) Any person whose certificate of registry has been stolen, lost or destroyed shall report that fact to an Officer in Charge, Marine Inspection, as soon as possible, and if a duplicate certificate is desired, a properly executed affidavit on Coast Guard Form 719–E, giving satisfactory evidence of such loss shall be furnished an Officer in Charge, Marine Inspection, along with the one photograph as required in the case of an application for an original certificate. The Officer in Charge, Marine Inspection, shall transmit the affidavit and photograph to Coast Guard Headquarters and the Commandant shall cause to be prepared a certificate which will be similar to the former certificate, bear the same book or identification number as the former certificate and will be marked "Duplicate."

(m) Whenever a certificate of registry is reported to an Officer in Charge, Marine Inspection, as having been stolen, lost, or destroyed, the Officer in Charge, Marine Inspection, shall immediately report the fact by letter to the Commandant giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of any certificate of registry, together with all facts incident to its recovery, and shall forward the recovered certificate to the Commandant.

(n) Staff officers who are members of the Naval Reserve Corps, shall wear on their uniforms such special distinguishing insignia as may be approved by the Secretary of the Navy.

(o) The uniform stripes, decorations, or other insignia shall be of gold braid or woven gold or silver material, and no member of the ship's crew other than such staff officers shall be allowed to wear any uniform with such staff officers' identifying insignia.

§ 10.25–9 *Experience requirements.* (a) The applicant for registry and a certificate of registry as staff officer shall submit evidence of experience as follows:

(1) *Chief purser.* 2 years' service aboard vessels performing duties relating to work in the purser's office.

(2) *Surgeon.* A valid license as physician and surgeon issued under the authority of a State or territory of the United States or the District of Columbia.

(3) *Purser.* 1 year's service aboard vessels performing duties relating to work in the purser's office.

(4) *Senior assistant purser.* 6 months' service aboard vessels performing duties relating to work in purser's office.

(5) *Junior assistant purser.* Previous experience not required.

(6) *Junior assistant purser and pharmacist's mate.* A rating of at least Pharmacist's Mate, First Class, in the U. S. Navy, U. S. Coast Guard, U. S. Maritime Service, or an equivalent rating in the U. S. Army (not less than Technical Sergeant, Medical Department, U. S. A.), and a period of service of at least 1 month in a U. S. Naval, U. S. Marine, or U. S. Army Hospital.

(b) Employment on shore in connection with ship's business may be accepted in lieu of service aboard vessels. Such shore employment shall be accepted in the ratio of 2 months' shore service to count as 1 month's service aboard vessels.

(c) In computing the length of service required of an applicant other than for junior assistant purser-pharmacist's mate, service of 1 season on vessels on the Great Lakes shall be counted as service of 1 year.

(d) In the event an applicant presents other special qualifications which, in the opinion of the Officer in Charge, Marine Inspection, fit him for the duties of a staff officer, other than surgeon and junior assistant purser-pharmacist's mate, the Officer in Charge, Marine Inspection, shall forward full details and description of such qualifications to Coast Guard Headquarters for the decision of the Commandant prior to the registry and issuance of certificate of registry.

PART 12—CERTIFICATION OF SEAMEN

The regulations in 46 CFR, Chapter I, are amended by adding a Part 12 reading as follows (the regulations in this part will be made effective by a proper notice to be published in the FEDERAL REGISTER):

SUBPART 12.01—GENERAL

Sec.
12.01–1 Basis and purpose of regulations.

SUBPART 12.02—GENERAL REQUIREMENTS FOR CERTIFICATION

12.02–3 Where documents are issued.
12.02–5 Form in which documents are issued.
12.02–7 When documents are required.
12.02–9 Application for documents.
12.02–11 General provisions respecting merchant mariner's documents.
12.02–13 Citizenship requirements.
12.02–15 Oath requirement.
12.02–17 Rules for the preparation and issuance of documents.
12.02–19 Suspension or revocation of documents.
12.02–21 Issuance of documents after revocation.
12.02–23 Issuance of duplicate documents.

SUBPART 12.05—ABLE SEAMEN

12.05–1 Certification required.
12.05–3 General requirements.
12.05–5 Physical requirements.
12.05–7 Service or training requirements.
12.05–9 Examination and demonstration of ability.
12.05–11 General provisions respecting merchant mariner's documents indorsed as able seaman.
12.05–13 Certification of able seamen under wartime regulations.

SUBPART 12.10—LIFEBOATMAN

12.10–1 Certification required.
12.10–3 Service or training requirements.
12.10–5 Examination and demonstration of ability.
12.10–7 General provisions respecting merchant mariner's documents indorsed as lifeboatman.

SUBPART 12.15—QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

12.15–1 Certification required.
12.15–3 General requirements.
12.15–5 Physical requirements.
12.15–7 Service or training requirements.
12.15–9 Examination requirements.
12.15–11 General provisions respecting merchant mariner's documents indorsed as qualified member of the engine department.
12.15–13 Certification of qualified member of the engine department under wartime regulations.

SUBPART 12.20—TANKERMAN

12.20–1 General requirements.
12.20–3 Physical requirements.
12.20–5 Examination requirements.

SUBPART 12.25—CERTIFICATES OF SERVICE FOR RATINGS OTHER THAN ABLE SEAMAN OR QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

Sec.
12.25–1 Certification required.
12.25–5 Commitment of employment.
12.25–10 General requirements.
12.25–15 Radio operator.
12.25–20 Food handler.
12.25–25 Members of Merchant Marine Cadet Corps.
12.25–30 Student observers.
12.25–35 Authority of merchant mariner's documents issued as steward, cook, or baker.

AUTHORITY: §§ 12.01–1 to 12.25–35, inclusive, issued under R. S. 4405, 4417a, 4488, and 4551, as amended; Sec. 13, 38 Stat. 1169, as amended by sec. 1, 49 Stat. 1930, secs. 1, 2, 50 Stat. 199, sec. 1, 52 Stat. 753, 55 Stat. 579, 732; sec. 1, 49 Stat. 1544, sec. 7, 49 Stat. 1936 and 55 Stat. 244, as amended. 46 U. S. C. 367, 375, 391a, 481, 643, 672, 672–1, 672–2, 672b, 689; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

SUBPART 12.01—GENERAL

§ 12.01–1 *Basis and purpose of regulations.* By virtue of the authority vested in the Commandant of the Coast Guard under R. S. 4405, 4417a, 4488, and 4551, as amended; sec. 13, 38 Stat. 1169, as amended by sec. 1, 49 Stat. 1930, secs. 1, 2, 50 Stat. 199, sec. 1, 52 Stat. 753, 55 Stat. 579, and 55 Stat. 732; sec. 1, 49 Stat. 1544, sec. 7, 49 Stat. 1936, and 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 481, 643, 672, 672–1, 672–2, 672b, 689; the regulations in this part are prescribed to provide a comprehensive and adequate means of determining the identity or the qualifications an applicant must possess in order to be eligible for certification to serve on merchant vessels of the United States, in accordance with the intent of the statutes and to obtain their correct and uniform administration.

SUBPART 12.02—GENERAL REQUIREMENTS FOR CERTIFICATION

§ 12.02–3 *Where documents are issued.* (a) Certificates of identification, certificates of service, certificates of efficiency, and continuous discharge books are issued to applicants qualifying therefor at any Marine Inspection Office of the Coast Guard during usual business hours. (For addresses of Marine Inspection Offices see 33 CFR 1.10–20.)

(b) (1) Coast Guard Merchant Marine Details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination where required. Merchant Marine Details will therefore not issue regular certificates, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in the United States in which a Marine Inspection Office is located in order to exchange it for a permanent certificate.

(2) The temporary permit shall be accepted in a Marine Inspection Office as proof that the bearer has complied with the rules and regulations governing the issuance of certificates, except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants.

(3) The written examinations are forwarded to the Commandant by Merchant Marine Details, and any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commandant. Any Marine Inspection Office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commandant fully as to the circumstances.

§ 12.02–5 *Form in which documents are issued.* (a) Every certificate of service, certificate of efficiency, or certificate of identification issued or reissued after November 1, 1945, shall be in the form of a merchant mariner's document, Coast Guard Form 2838, and wherever such certificates are mentioned in this part they shall be deemed to include merchant mariner's documents representing such certificates.

(b) Continuous discharge books are issued on Coast Guard Form 719.

§ 12.02–7 *When documents are required.* (a) Every seaman employed on any merchant vessel of the United States of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be issued, at the option of the seaman, a continuous discharge book, a certificate of identification, or merchant mariner's document representing such certificate of identification, which shall be retained by him. This book or certificate of identification or merchant mariner's document will bear a number, and this same number shall be shown on all certificates of service of efficiency issued to the holder of the book or certificate or document. Provisions of this section are not applicable to unrigged vessels except seagoing barges and certain tank barges.

(b) Every seaman, as referred to in paragraph (a) of this section, shall produce a continuous discharge book or certificate of identification or merchant mariner's document representing such a certificate to the United States shipping commissioner before signing Articles of Agreement, and where the seaman is not signed on before a shipping commissioner, one of these documents shall be exhibited to the master of the vessel at the time of his employment. Seamen who do not possess one of these documents may be employed at a foreign port or place.

(c) (1) Every person employed on any merchant vessel of the United States of 100 gross tons and upward, except those navigating rivers exclusively and the smaller inland lakes, below the rank of licensed officer and registered staff officer, shall possess a valid certificate of service, or merchant mariner's document representing such certificate, issued by an Officer in Charge, Marine Inspection.

(2) No certificate of service or efficiency is required of any person below the rank of license officer employed on any unrigged vessel except seagoing barges and certain tank barges.

(3) No certificate of service or efficiency is required of any person below the rank of licensed officer employed on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended (33 U. S. C. 151).

§ 12.02–9 *Application for documents.* (a) An applicant for a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document, shall make written application, in duplicate, on Coast Guard Form 719–b and shall appear in person before an Officer in Charge, Marine Inspection, or other person authorized to issue documents. The placing of fingerprints on the application shall be optional with the seaman. This application may be for as many certificates or ratings as the seaman believes he is qualified. In the case of a seaman applying for his first certificate, other than certificate of identification, the application shall include a request for either a continuous discharge book or a merchant mariner's document representing a certificate of identification, at the option of the applicant.

(b) (1) When the application is submitted for a certificate of identification, certificate of service, certificate of efficiency, merchant mariner's document, or any combination thereof, or a continuous discharge book, the seaman shall furnish three unmounted dull finish photographs of passport type (2 inches by 1½ inches) taken within one year and showing the full face at least one inch in height with head uncovered.

(2) When the application requests a continuous discharge book in addition to a certificate of service or certificate of efficiency or merchant mariner's document one additional photograph shall be furnished.

(c) An applicant for a document where sea service is required shall produce with his application discharges or other documentary evidence of his service, indicating the name of the vessels and dates on which he has had service, in what capacity, and on what waters.

(d) If the applicant possesses a continuous discharge book, certificate of identification, or merchant mariner's document representing such certificate, it shall be exhibited at the time of making application for any other document.

§ 12.02–11 *General provisions respecting merchant mariner's documents.* (a) As provided in § 12.02–5 every certificate of service, certificate of efficiency, or certificate of identification issued or reissued after November 1, 1945, shall be in the form of a merchant mariner's document, Coast Guard Form 2838.

(b) Any licensed officer or unlicensed seaman currently holding, in a valid status, any of the documents listed in paragraph (a) of this section may, upon request and without examination, be issued a merchant mariner's document.

(c) A merchant mariner's document shall be a certificate of service authorizing the holder to serve in any rating indorsed thereon or in any lower rating in the same department or in any rating covered by a general indorsement thereon. If the holder of a merchant mariner's document is qualified to serve in more than one department, the capacities for which he is qualified in each department will be indorsed separately.

(d) (1) A merchant mariner's document issued to a licensed deck officer will be indorsed for, "any unlicensed rating in the deck department except able seaman," and will be a certificate of service authorizing the holder to serve in any unlicensed capacity in the deck department except able-seaman without being required to present his license. If a licensed deck officer qualifies as able seaman the merchant mariner's document will be indorsed, "any unlicensed rating in the deck department including able seaman," and such indorsement will be deemed to include a certificate of efficiency as lifeboatman.

(2) A merchant mariner's document issued to a licensed engineer officer will be indorsed for, "any unlicensed rating in the engine department," and will be a certificate of service authorizing the holder to serve in any unlicensed capacity in the engine department without being required to present his license. If a licensed engineer qualifies as a lifeboatman, the further indorsement, "Lifeboatman," will be placed on the merchant mariner's document.

(e) A merchant mariner's document issued to a staff officer will be indorsed as follows: "See Certificate of Registry." The holder of a certificate of registry as chief purser, purser, senior assistant purser, or junior assistant purser may serve as a purser's clerk without obtaining an indorsement on his merchant mariner's document.

(f) A merchant mariner's document indorsed as able seaman or as lifeboatman shall be a certificate of efficiency as lifeboatman.

(g) Every merchant mariner's document shall be a certificate of identification unless the holder also holds a continuous discharge book. The holder of a certificate of identification in the form issued before November 1, 1945, shall surrender that certificate before he is issued a merchant mariner's document.

§ 12.02–13 *Citizenship requirements.* (a) If an applicant is unable to present acceptable evidence of citizenship, question marks shall be placed to the right of the spaces entitled "Place of Birth" and "Nationality," as they appear in a continuous discharge book or on a certificate of identification or merchant mariner's document. Such question marks will indicate to interested parties that the holder of such documents has not satisfactorily established his citizenship. Any seaman who has been issued a continuous discharge book or certificate of identification or merchant mariner's document containing question marks may at any time produce additional evidence of his citizenship to any Shipping Commissioner or Officer in Charge, Marine Inspection. If the additional evidence produced satisfies the Shipping Commissioner or the Officer in Charge, Marine Inspection, to whom it is presented that the same is acceptable evidence of the citizenship of the seaman, such official may draw lines through the question marks and note the nationality of the seaman in the space provided therefor, attesting the change, or reissue the certificate or document. Whenever such changes are made the official making the change shall immediately thereafter notify the Commandant.

(b) Acceptable evidence of citizenship is set forth in § 10.02–5 of this subchapter.

(c) (1) No documents shall be issued to an enemy alien. The term "enemy alien" shall include the following:

(i) All aliens of the age of 14 years or older who were or are citizens or subjects of Germany or Japan.

(ii) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany or Japan.

(2) The term "enemy alien" shall not include the following:

(i) Former German or Japanese citizens or subjects who, before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German citizens or subjects, became and are citizens of any nation other than Germany or Japan.

(ii) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Registration Act of 1940: *Provided*, That such persons have not at any time voluntarily become German or Japanese citizens or subjects.

(iii) All citizens or subjects of Italy, and all aliens who at present are stateless but who at the time at which they became stateless were citizens or subjects of Italy.

(iv) Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

(3) Should any difficulties arise as to whether or not any person is an enemy alien, such case will be referred to the Commandant together with the date and place of birth and statements regarding the citizenship of the person whose status is in doubt.

§ 12.02–15 *Oath requirement.* An applicant for a certificate of service for a rating other than as able seaman or qualified member of the engine department shall take oath before an Officer in Charge, Marine Inspection, or other officer authorized to give such oath that he will faithfully and honestly perform all the duties required of him by law and carry out all lawful orders of his superior officers on shipboard.

§ 12.02–17 *Rules for the preparation and issuance of documents.* (a) Upon application of any person for a certificate of service or efficiency, or merchant mariner's document, any required examination will be given as soon as practicable.

(b) Upon satisfactory completion of any required examination the Officer in Charge, Marine Inspection, shall issue the appropriate document to the applicant.

(c) Before the delivery of the document the seaman shall affix his signature on the document and shall impress his left thumbprint on the back of the document. When the seaman has no left thumb, the imprint of the right thumb may be used and that fact noted.

(d) A seaman's Social Security number may be indorsed on his document only by the Officer in Charge, Marine Inspection, or the officer or person designated for the purpose of issuing documents, including Shipping Commissioners and Collectors of Customs acting as Shipping Commissioners.

(e) Whenever a certificate or document of any type issued to seamen is reported to an Officer in Charge, Marine Inspection, as having been stolen, lost, or destroyed, the Officer in Charge, Marine Inspection, shall immediately report the fact by letter to the Commandant, giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of any document together with all facts incident to its recovery, and shall forward the recovered document to the Commandant.

(f) Any applicant for a certificate of service or of efficiency who has been duly examined and refused a certificate by an Officer in Charge, Marine Inspection, will not be permitted to make application for reexamination until 30 days have elapsed.

§ 12.02–19 *Suspension or revocation of documents.* Any certificate of service or of efficiency or merchant mariner's document representing such certificate(s) is subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of R. S. 4450, as amended (46 U. S. C. 239).

§ 12.02–21 *Issuance of documents after revocation.* (a) An applicant who has had a certificate or other document revoked and who is applying for certification in the same or any other rating shall state in his application the date of revocation and number or type of the document revoked.

(b) No applicant who has had a certificate or other document revoked will be certificated in the same or any other rating except upon approval of the Commandant.

§ 12.02–23 *Issuance of duplicate documents.* (a) If a seaman loses his continuous discharge book, certificate of identification, or merchant mariner's document representing a certificate of identification, or certificate of discharge by shipwreck or other casualty, he shall be supplied with a reissue of such documents free of charge. The phrase "or other casualty" as used in this section is interpreted to mean any damage to a ship caused by collision, explosion, tornado, wreck or flooding of the ship, such as a tidal wave or a grounding of the ship on a sand bar, or a beaching of the ship on a shore or by fire or other causes in a category with these mentioned.

(b) (1) If a seaman loses his continuous discharge book, certificate of identification, or merchant mariner's document representing a certificate of identification, or certificate of discharge otherwise than by shipwreck, or other casualty, he will be required to pay for a reissue an amount equal to the cost of such book or certificate to the Government, which for the current supply will be as follows:

(i) Reissue continuous discharge book, $1.00.

(ii) Reissue certificate of identification, $0.75.

(iii) Reissue merchant mariner's document, $0.75.

(iv) Reissue certificate of discharge, $0.35.

(v) Each additional reissue certificate of discharge issued to the same man at the same time, $0.05.

(2) Other than as above stated, no additional amount shall be charged or received in connection with the issuance of such reissues.

(3) When payment is made to a Collector or Deputy Collector of Customs, a receipt will be issued on Cat. 1008 and the payments will be scheduled on Standard form 1044, Schedule of Collections, as "Reimbursement for loss of continuous discharge books, etc., Coast Guard" symbol number 134236. These collections are to be listed on a separate schedule from Navigation Fees, and are also to be listed as a separate item on the account current with the title and symbol number as given above.

(4) When the money is collected by a Shipping Commissioner or Officer in Charge, Marine Inspection, he will issue to the seaman a receipt, stating thereon the number of the document issued and the amount collected. The Shipping Commissioner or Officer in Charge, Marine Inspection, will pay over to the Collector of Customs of his port all moneys received from this source, such payment to be made at as early a date as practicable. The Collector will issue a receipt to the Shipping Commissioner or Officer in Charge, Marine Inspection, on Cat. 1008 for the moneys so paid, and the Collector will follow the procedure outlined in the above paragraph in accounting for the moneys so transferred to him.

(c) The seaman shall be required to pay for the reissue document (if payment is required) at the time he makes affidavit and in the event the lost document is found he shall be required to surrender same to the Shipping Commissioner, Collector or Deputy Collector of Customs, or the Officer in Charge, Marine Inspection. If the seaman requests a certificate of identification in lieu of a lost book or vice versa he shall be required to pay for the reissue of the lost document at the time he makes affidavit (if payment is required). When the reissue of document is issued to him he may then exchange the same in accordance with the regular procedure.

(d) A seaman shall be required to furnish one properly executed affidavit on Coast Guard Form 719–E, giving satisfactory evidence of the loss of his documents to the Officer in Charge, Marine Inspection, Shipping Commissioner, Collector of Customs, Deputy Collector of Customs or other authorized person. The affidavit shall be accompanied by one photograph for each reissue of document requested, except no photograph is required for a reissue certificate of discharge. The affidavit and necessary photographs shall be forwarded by the official receiving them to Coast Guard Headquarters and the Commandant will cause to be prepared a duplicate of lost document requested. The duplicate document will be prepared from available records at Coast Guard Headquarters and returned for issuance to the office which forwarded the affidavit. The reissued document will be marked, "duplicate," and will bear the same number as the original book or certificate of identification with the addition of the suffix "D–1" on the first reissue, "D–2" on the second reissue, "D–3" on the third reissue, etc.; such suffix shall then become part of the serial number and shall be recorded in all subsequent records.

(e) Any person whose certificate of service or efficiency has been stolen, lost or destroyed, shall report that fact to an Officer in Charge, Marine Inspection, as soon as possible.

SUBPART 12.05—ABLE SEAMEN

§ 12.05–1 *Certification required.* (a) Every person employed in a rating as able seaman on any United States vessel requiring certificated able seaman, before signing articles of agreement, shall present to the Shipping Commissioner, United States Collector or Deputy Collector of Customs, or master, his certificate as able seaman or his merchant mariner's document indorsed as able seaman.

(b) No certificate as able seaman is required of any person employed on any unrigged vessel except sea-going barges, nor on any tug or towboat on the bays and sounds connected directly with the seas.

(c) No certificate as able seaman is required of any person employed on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas.

§ 12.05–3 *General requirements.* (a) To qualify for certification as able seaman an applicant shall be:

(1) At least 19 years of age;

(2) Pass the prescribed physical examination;

(3) Meet the sea service or training requirements set forth in this part; and

(4) Satisfactorily pass an examination demonstrating his ability as an able seaman and lifeboatman.

(b) Applicants holding old form able seaman or lifeboatman certificates issued prior to the enactment of Public Law 808, Seventy-fourth Congress, June 25, 1936 (46 Stat. 1930), shall surrender such certificates when making application for a new form certificate.

§ 12.05–5 *Physical requirements.* (a) All applicants for a certificate of service as able seaman shall be required to pass a physical examination given by a medical officer of the United States Public Health Service and present to the Officer in Charge, Marine Inspection, a certificate executed by the Public Health Service Officer. Such certificate shall attest to the applicant's acuity of vision, color sense, hearing, and general physical condition. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination and certification may be made by any other reputable physician.

(b) The medical examination for an able seaman is the same as for an original license as a deck officer as set forth in § 10.02–5 of this subchapter. If the applicant is in possession of an unexpired deck license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

§ 12.05–7 *Service or training requirements.* (a) The minimum service or training required to qualify an applicant for certification and the various indorsements as able seaman is listed in this paragraph:

(1) *High seas and inland waters.* (i) "Any waters-unlimited." 3 years' service on deck at sea in ocean, coastwise, or Great Lakes vessels of 100 gross tons or over.

(ii) "Any waters—unlimited." The period of time spent by an applicant successfully completing a course of able seaman's training in a training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of one year of the 3 years required in subdivision (i) of this subparagraph.

(iii) "Any waters—unlimited." Satisfactory completion of 18 months' training in a seagoing training ship approved by the Commandant.

(iv) "Any waters—12 months." 12 months' service on deck at sea in ocean, coastwise, or Great Lakes vessels of 100 gross tons or over. (Holders of certification under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

(v) "Any waters—12 months." Satisfactory completion of a course of training at a U. S. Maritime Service Training Station of at least 9 months, 6 months of which shall have been served aboard a seagoing training vessel. (Holders of certification under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

(2) *Great Lakes and inland waters.* (i) "Great Lakes—18 months' service." 18 months' service on deck at sea in ocean, coastwise, Great Lakes, smaller likes, bays or sounds vessels of 100 gross tons or over. (Holders of certification under this provision may comprise the required number of able seamen on vessels on the Great Lakes and on the smaller lakes, bays, and sounds.) If the seaman possesses the requisite service for certification under subparagraph (1) (iv) of this paragraph, there shall be added "any waters—12 months."

(3) *Tugs and towboats.* (i) "Tugs and towboats—any waters." 18 months' service on deck at sea in vessels operating on oceans, coastwise, Great Lakes, or on the bays and sounds connected directly with the seas.

(4) *Bays and sounds.* (i) "Bays and sounds—12 months, vessels 500 gross tons or under not carrying passengers." 12 months' service on deck at sea in vessels operating on oceans, coastwise, Great Lakes, or on the bays and sounds connected directly with the seas.

(5) *Barges.* (i) "Seagoing barges—12 months." 12 months' service on deck at sea in vessels operating on oceans, coastwise, Great Lakes, or on the bays and sounds connected directly with the seas.

§ 12.05–9 *Examination and demonstration of ability.* (a) Before an applicant is certified as able seaman, he shall prove to the satisfaction of the Coast Guard by oral or written examination and by actual demonstration, his knowledge of seamanship and his ability to carry out effectively all the duties that may be required of an able seaman, including those of a lifeboatman. He shall demonstrate that:

(1) He has been trained in all the operations connected with the launching of lifeboats and life rafts and the use of oars and sail;

(2) He is acquainted with the practical handling of the boats themselves; and

(3) He is capable of taking command of a boat's crew.

(b) The oral or written examination shall consist of questions regarding:

(1) Lifeboats and life rafts, the names of their essential parts, and a description of the required equipment;

(2) The clearing away, swinging out, and lowering of boats and rafts, the handling of boats under oars and sails, including questions relative to the proper handling of a boat in running before a heavy sea, in pulling into a sea, etc.;

(3) The construction and functions of gravity, radial, and quadrantal types of davits;

(4) The applicant's knowledge of nautical terms; boxing the compass, either by degrees or points according to his experience; running lights, passing signals, and fog signals for vessels on the high seas, in inland waters, or on the Great Lakes depending upon the waters on which the applicant has had services; and distress signals; and,

(5) The applicants' knowledge of commands in handling the wheel by obeying orders passed to him as "wheelsman," and knowledge of the use of engine room telegraph or bell-pull signals.

(c) In the actual demonstration, the applicant shall show his ability by taking command of a boat and directing the operation of clearing away, swinging out, lowering the boat into the water, and acting as coxswain in charge of the boat under oars. He shall demonstrate his ability to row by actually pulling an oar in the boat. He shall also demonstrate knowledge of the principal knots, bends, splices, and hitches in common use by actually making them.

§ 12.05–11 *General provisions respecting merchant mariner's documents indorsed as able seaman.* (a) The holder of a merchant mariner's document indorsed for the rating of able seaman may serve in any of the following unlicensed ratings in the deck department without obtaining an additional indorsement: boatswain, quartermaster, lookout, cadet, carpenter, storekeeper, master-at-arms, fire patrolman, watchman, and winch driver. The holder of a document indorsed for the rating of able seaman may serve in any unqualified rating in the deck department without obtaining an additional indorsement.

(b) A merchant mariner's document indorsed as able seaman will also be considered a certificate of efficiency as lifeboatman without further indorsement.

(c) This type of document will describe clearly the type of able seaman certificate which it represents, e. g.: able seaman—any waters; able seaman—any waters, 12 months; able seaman—Great Lakes, 18 months; able seaman—on freight vessels 500 gross tons or less on bays or sounds, and on tugs, towboats, and barges on any waters.

§ 12.05–13 *Certification of able seamen under wartime regulations.* Any person who has been certified as able seaman under wartime regulations and whose certificate or document is stamped "Unless sooner invalidated this certificate shall expire six months after the termination of the war" shall be permitted to be employed in the capacities indicated on his certificate until such certificate is revoked or suspended or until six months after the date the President or Congress declares World War II officially terminated. A seaman who can produce documentary evidence of sufficient service to comply with the peacetime sea service requirements may be issued a merchant mariner's document on which the restrictive marking is omitted: *Provided*, He surrenders for cancellation the original certificate or merchant mariner's document bearing the marking and that he is qualified in all other respects.

SUBPART 12.10—LIFEBOATMAN

§ 12.10–1 *Certification required.* Every person employed in a rating as lifeboatman on any United States vessel requiring certificated lifeboatmen shall produce a certificate as lifeboatman or merchant mariner's document indorsed as lifeboatman or able seaman to the shipping commissioner, United States collector of deputy collector of customs, or master before signing articles of agreement. No certificate of efficiency as lifeboatman is required of any person employed on any unrigged vessel, except seagoing barges.

§ 12.10–3 *Service or training requirements.* (a) An applicant, to be eligible for certification as lifeboatman must meet one of the following requirements:

(1) At least 1 year's sea service in the deck department, or at least 2 years' sea service in the other departments of ocean, coastwise, Great Lakes, and other lakes, bays, or sounds vessels.

(2) Graduation from a schoolship approved by and conducted under rules prescribed by the Commandant.

(3) Satisfactory completion of basic training by a Cadet of the United States Merchant Marine Cadet Corps.

(4) Satisfactory completion of 3 years' training at the U. S. Naval Academy or the U. S. Coast Guard Academy including two training cruises.

(5) Satisfactory completion of a course of training approved by the Commandant, and served aboard a training vessel.

(6) Successful completion of a training course approved by the Commandant, such course to include a minimum of 30 hours' actual lifeboat training: *Provided*, That the applicant produces evidence of having served a minimum of 3 months at sea aboard ocean or coastwise vessels.

§ 12.10–5 *Examination and demonstration of ability.* (a) Before a lifeboatman's certificate may be granted the applicant must prove to the satisfaction of the Coast Guard that he has been trained in all the operations connected with launching lifeboats and life rafts and the use of oars and sail; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service. An oral examination and practical demonstration of ability may be required.

(b) The oral examination shall consist of questions regarding:

(1) The construction of lifeboats and life rafts, the names of their different parts, and a description of the equipment required;

(2) The construction and functions of the gravity, radial and round-bar types of davits;

(3) Clearing away, swinging out, and lowering boats and rafts;

(4) Handling boats under oars and sails; and

(5) Nautical terms used in connection with launching and handling life boats.

(c) The practical examination shall consist of a demonstration of the applicant's ability to carry out the orders incident to launching lifeboats, and the use of the boat's sail, and to row.

§ 12.10–7 *General provisions respecting merchant mariner's documents indorsed as lifeboatman.* A merchant mariner's document indorsed as able seaman shall be considered as the equivalent of a certificate as lifeboatman or an indorsement as lifeboatman and it shall be accepted as a certificate as lifeboatman wherever required by law or regulation.

SUBPART 12.15—QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

§ 12.15–1 *Certification required.* (a) Every person employed in a rating as qualified member of the engine department on any United States vessel requiring certificated qualified members of the engine department shall produce a certificate as qualified member of the engine department to the shipping commissioner, United States collector or deputy collector of customs, or master before signing articles of agreement.

(b) No certificate as qualified member of the engine department is required of any person employed on any unrigged vessel, except seagoing barges.

§ 12.15–3 *General requirements.* (a) A qualified member of the engine department is any person below the rating of licensed officer and above the rating of coal passer or wiper, who holds a certificate of service as such qualified member of the engine department issued by the Coast Guard or predecessor authority.

(b) For purposes of administering the regulations in this part the rating of "assistant electrician" is considered a rating not above that of coal passer or wiper, but equal thereto.

§ 12.15–5 *Physical requirements.* (a) An applicant for a certificate of service as a qualified member of the engine department shall present a certificate of a medical officer of the United States Public Health Service, or other reputable physician attesting that his eyesight, hearing, and physical condition are such that he can perform the duties required of a qualified member of the engine department.

(b) The medical examination for qualified member of the engine department is the same as for an original license as engineer, as set forth in § 10.02–5 of this subchapter, except that the exemption regarding monocular vision granted to engineers does not apply. If the applicant is in possession of an unexpired license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

(c) An applicant holding a certificate of service for a particular rating as qualified member of the engine department and desiring certification for another rating covered by this same form of certificate may qualify therefor without a physical examination unless the Officer in Charge, Marine Inspection, finds that the applicant obviously suffers from some physical or mental infirmity to a degree that would render him incompetent to perform the ordinary duties of a qualified member of the engine department. In this event the applicant shall be required to undergo an examination to determine his competency.

§ 12.15–7 *Service or training requirements.* (a) An applicant for a certificate of service as qualified member of the engine department shall furnish the Coast Guard proof that he possesses one of the following requirements of training or service:

(1) 6 months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required to have such certificated men, or in the engine department of tugs or towboats operating on the high seas or Great Lakes, or on the bays or sounds directly connected with the seas; or,

(2) Graduation from a schoolship approved by and conducted under rules prescribed by the Commandant; or,

(3) Satisfactory completion of a course of training approved by the Commandant, and served aboard a training vessel; or,

(4) Graduation from the U. S. Naval Academy or the U. S. Coast Guard Academy.

§ 12.15–9 *Examination requirements.* (a) Applicants for certification as qualified members of the engine department in the ratings of oiler, watertender, fireman, deck engineer, refrigerating engineer, junior engineer, electrician, and machinist shall be examined orally or in writing on the subjects listed in paragraph (b) of this section. The applicant's general knowledge of the subjects must be sufficient to satisfy the examiner that he is qualified to perform the duties of the rating for which he makes application.

(b) List of subjects required:

TABLE 12.15-9 (b)—SUBJECTS FOR QUALIFIED MEMBERS OF ENGINE DEPARTMENT

Subjects	Machinist	Refrigerating engineer	Fireman	Watertender	Oiler	Electrician	Junior engineer	Deck engineer
1. Application, maintenance, and use of hand tools and measuring instruments	X	X	X	X	X	X	X	X
2. Uses of babbitt, copper, brass, steel, and other metals	X	X		X	X	X	X	X
3. Methods of measuring pipe, pipe fittings, sheet metal, machine bolts and nuts, packing, etc.	X	X		X	X	X	X	X
4. Operation and maintenance of mechanical remote control equipment	X			X	X	X	X	X
5. Precautions to be taken for the prevention of fire and the proper use of fire fighting equipment	X	X	X	X	X	X	X	X
6. Principles of mechanical refrigeration; and functions, operation, and maintenance of various machines and parts of the systems		X			X		X	
7. Knowledge of piping systems as used in ammonia, freon, and CO_2, including testing for leaks, operation of by-passes, and making up of joints		X					X	
8. Safety precautions to be observed in the operation of various refrigerating systems, including storage of refrigerants, and the use of gas masks and fire fighting equipment	X	X		X	X	X	X	X
9. Combustion of fuels, proper temperature, pressures, and atomization			X	X	X		X	
10. Operation of the fuel oil system on oil burning boilers, including the transfer and storage of fuel oil			X	X	X		X	X
11. Hazards involved and the precautions taken against accumulation of oil in furnaces, bilges, floor plates, and tank tops; flarebacks, leaks in fuel oil heaters, clogged strainers and burner tips	X	X	X	X	X	X	X	
12. Precautions necessary when filling empty boilers, starting up the fuel oil burning system, and raising steam from a cold boiler			X	X	X		X	
13. The function, operation, and maintenance of the various engine room auxiliaries	X	X		X	X	X	X	
14. Proper operation of the various types of lubricating systems	X	X		X	X	X	X	X

TABLE 12.15-9 (b)—SUBJECTS FOR QUALIFIED MEMBERS OF ENGINE DEPARTMENT—Continued

Subjects	Machinist	Refrigerating engineer	Fireman	Watertender	Oiler	Electrician	Junior engineer	Deck engineer
15. Safety precautions to be observed in connection with the operation of engine room auxiliaries, electrical machinery, and switchboard equipment	X	X		X	X	X	X	X
16. The function, operation, and maintenance of the bilge, ballast, fire, freshwater, sanitary, and lubricating systems	X	X		X	X		X	X
17. Proper care of spare machine parts and idle equipment	X	X		X	X	X	X	X
18. The procedure in preparing a turbine, reciprocating, or Diesel engine for standby; also the procedure in securing				X	X		X	
19. Operation and maintenance of the equipment necessary for the supply of water to boilers, the dangers of high and low water and remedial action			X	X	X		X	
20. Operation, location, and maintenance of the various boiler fittings and accessories	X		X	X	X		X	
21. The practical application and solution of basic electrical calculations, (Ohm's law, power formula, etc.)						X	X	X
22. Electric wiring circuits of the various two-wire and three-wire D. C. systems and the various single-phase and polyphase A. C. systems						X	X	X
23. Application and characteristics of parallel and series circuits						X	X	X
24. Application and maintenance of electrical meters and instruments								
25. The maintenance and installation of lighting and power wiring involving testing for, locating and correcting grounds, short circuits and open circuits, and making splices						X	X	X
26. The operation and maintenance of the various types of generators and motors, both A. C. and D. C.						X	X	X
27. Operation, installation, and maintenance of the various types of electrical controls and safety devices						X	X	X
28. Testing and maintenance of special electrical equipment such as telegraphs, telephones, alarm systems, fire detecting systems, and rudder angle indicators						X	X	
29. Rules and Regulations and requirements for installation, repair, and maintenance of electrical wiring and equipment installed aboard ships						X	X	X
30. Such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency	X	X	X	X	X	X	X	X

(c) Applicants for certification as qualified member of the engine department in ratings other than those indicated in table 12.15–9 (b) shall, by written or oral examination, demonstrate sufficient general knowledge of the subjects peculiar to the rating applied for to satisfy the examiner that he is qualified to perform the duties of the rating.

§ 12.15–11 *General provisions respecting merchant mariner's documents indorsed as qualified member of the engine department.* The holder of a merchant mariner's document indorsed with one or more qualified member of the engine department ratings may serve in any unqualified rating in the engine department without obtaining as additional indorsement. This does not mean that an indorsement of one qualified member of the engine department rating authorizes the holder to serve in all qualified member of the engine department ratings. Each qualified member of the engine department rating for which a holder of a merchant mariner's document is qualified must be indorsed separately. When, however, the applicant qualifies for all ratings covered by a certificate as a qualified member of the engine department, the certification may read "QMED—any rating." The ratings are as follows:

(a) Refrigerating engineer.
(b) Oiler.
(c) Watertender.
(d) Fireman.
(e) Deck engineer.
(f) Junior engineer.
(g) Electrician.
(h) Boilermaker.
(i) Machinist.
(j) Pumpman.

§ 12.15–13 *Certification of qualified members of the engine department under wartime regulations.* Any person who has been certified as qualified member of the engine department under wartime regulations and whose certificate or document is stamped "Unless sooner invalidated this certificate shall expire six months after the termination of the war" shall be permitted to be employed in the capacities indicated on his certificate until such certificate is revoked or suspended or until six months after the date the President or Congress declares World War II officially terminated. A seaman who can produce documentary evidence of sufficient service to comply with the peacetime sea service requirements may be issued a merchant mariner's document on which the restrictive marking is omitted, provided he surrenders for cancellation the original certificate or merchant mariner's document bearing the marking and that he is qualified in all other respects.

SUBPART 12.20—TANKERMAN

§ 12.20–1 *General requirements.* (a) Any applicant for a certificate as tankerman who is not licensed as master, mate, pilot or engineer, shall be eligible for certification after he has furnished satisfactory documentary evidence to the Coast Guard that he is trained in, and capable of performing efficiently the necessary operations on tank vessels which relate to the handling of cargo.

(b) Applicants qualifying for certification as tankerman shall be issued a merchant mariner's document indorsed with the rating of tankerman and the kinds or grades of liquid cargo the holder is qualified to handle.

(c) A currently valid license as master, mate, pilot or engineer shall be considered as a certificate as tankerman and the holder may serve as tankerman upon inspected vessels of the United States required to have such certificated tankerman without having a separate certificate as tankerman.

§ 12.20–3 *Physical requirements.* (a) Applicants for certification as tankerman shall present a certificate of a medical officer of the United States Public Health Service, or other reputable physician, attesting that his eyesight, hearing, and physical condition are such that he can perform the duties required of a tankerman.

(b) The medical examination is the same as for an original license as engineer, except that the applicant will be given a color vision test required for a licensed deck officer, as set forth in the regulations in § 10.02–5 of this subchapter. If the applicant is in possession of an unexpired deck license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

§ 12.20–5 *Examination requirements.* Applicants for certification as tankerman must prove to the satisfaction of the Coast Guard by an oral or written examination that he is familiar with the general arrangement of cargo tanks, suction and discharge pipe lines and valves, cargo pumps and cargo hose, and has been properly trained in the actual operation of cargo pumps, all other operations connected with the loading and discharging of cargo, and the use of fire extinguishing equipment.

SUBPART 12.25—CERTIFICATES OF SERVICE FOR RATINGS OTHER THAN ABLE SEAMAN OR QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

§ 12.25–1 *Certification required.* (a) Every person employed in a rating other than able seaman or qualified member of the engine department of United States vessels requiring such certificated persons shall produce a certificate of service for the capacity in which he is employed to the shipping commissioner, United States collector or deputy collector of customs, or master, before signing articles of agreement.

(b) No certificate of service shall be required of any person employed on any unrigged vessel, except seagoing barges, or on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended.

§ 12.25–5 *Commitment of employment.* An applicant for a certificate of service in an entry rating or for an indorsement covering another such rating shall produce satisfactory proof that he has a commitment of employment as a member of the crew of a United States

merchant vessel in a capacity covered by the certificate or indorsement applied for.

§ 12.25–10 *General requirements.* (a) Merchant mariner's documents will be issued without professional examination to applicants for ratings other than able seaman or qualified member of the engine department and the holders thereof may serve in the capacities authorized by appropriate indorsement thereon.

(b) When the holder of a merchant mariner's document has qualified as a food handler, the indorsement of his rating will be followed by the further indorsement "(F. H.)."

§ 12.25–15 *Radio operator.* An applicant for a certificate of service as radio operator shall produce to the Officer in Charge, Marine Inspection, his unexpired license to act in that capacity issued by the Federal Communications Commission.

§ 12.25–20 *Food handler.* No applicant for a rating authorizing the handling of food will be certificated unless he produces a certificate from a medical officer of the United States Public Health Service, or other reputable physician stating that the applicant is free from communicable disease.

§ 12.25–25 *Members of Merchant Marine Cadet Corps.* No ratings other than cadet-midshipman and lifeboatman shall be shown on a merchant mariner's document issued to a member of the U. S. Merchant Marine Cadet Corps. The merchant mariner's document shall also be stamped "Valid only while cadet-midshipman in the U. S. Maritime Commission training program." A merchant mariner's document thus prepared shall be surrendered upon the holder being certificated in any other rating or being issued a license and the rating of cadet-midshipman shall be omitted from any new merchant mariner's document issued.

§ 12.25–30 *Student observers.* Students in technical schools who are enrolled in courses in marine management and ship operations who present a letter or other documentary evidence that they are so enrolled shall be issued a merchant mariner's document as "student observers—any department" and may be signed on ships as such. Students holding these documents or certificates will not take the place of any of the crew, or fill any of the regular ratings.

§ 12.25–35 *Authority of merchant mariner's documents indorsed as steward, cook, or baker.* A merchant mariner's document indorsed for steward, cook, or baker will authorize the holder to serve in any unskilled capacity in the steward's department provided the document is indorsed as food handler.

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 25—REQUIREMENTS FOR ALL MOTORBOATS EXCEPT THOSE OF OVER 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

AUTHORITY: §§ 25.8–1 to 25.8–8, inclusive, issued under R. S. 4405, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 526p; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 25.8–1 to 25.8–8, inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Subpart 10.20 (*supra*).

PART 27—REQUIREMENTS FOR MOTORBOATS AND MOTOR VESSELS OF MORE THAN 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

AUTHORITY: § 27.7–1 issued under R. S. 4405, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 526p; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Section 27.7–1 is cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of this regulation has been transferred to 46 CFR Subpart 10.20 (*supra*).

Subchapter D—Tank Vessels

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

AUTHORITY: Sections 36.1–1 to 36.7–9, inclusive, issued under R. S. 4405 and 4417a, as amended; 46 U. S. C. 375, 391a; sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Part 36 entitled "Licensed Officers and Certificated Men" (§§ 36.1–1 to 36.7–9, inclusive) is cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Parts 10 and 12 *supra.*

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

AUTHORITY: §§ 62.1 to 62.12, inclusive, 62.13 to 62.15 inclusive, 62.29 to 62.58a, inclusive, 62.62 to 62.63 inclusive, 62.100 to 62.103 inclusive, 62.110 to 62.115 inclusive, 62.116 to 62.120 inclusive, 62.130 to 62.131 inclusive, and 62.200 to 62.205 inclusive issued under R. S. 4405, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, and 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, 53 Stat. 1147, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 230, 233, 237, 247, 367, 375, 404, 405, 50 U S. C. 1275; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 62.1 to 62.12 inclusive, 62.13 to 62.15 inclusive, 62.29 to 62.58a inclusive, 62.62 to 62.63 inclusive, 62.100 to 62.103 inclusive, 62.110 to 62.115 inclusive, 62.116 to 62.120 inclusive, 62.130 to 62.131 inclusive, and 62.200 to 62.205, inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Parts 10 and 12 (*supra*).

Subchapter H—Great Lakes: General Rules and Regulations

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

AUTHORITY: §§ 78.1 to 78.12, inclusive, 78.13 to 78.15, inclusive, 78.29 to 78.33, inclusive, 78.35 to 78.38, inclusive, 78.40 to 78.51, inclusive, 78.54a to 78.54b, inclusive, and 78.101 to 78.106, inclusive, issued under R. S. 4405, 4426, 4427, 4438, 4439, 4441, 4442, 4443, and 4447, as amended, sec. 2, 29 Stat. 188, and sec. 1, 34 Stat. 1411, 53 Stat. 1147, as amended; 46 U. S. C. 214, 224, 225, 226, 228, 229, 230, 233, 237, 247, 375, 404, 405; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 78.1 to 78.12, inclusive, 78.13 to 78.15, inclusive, 78.29 to 78.33, inclusive, 78.35 to 78.38, inclusive, 78.40 to 78.51, inclusive, 78.54a to 78.54b, inclusive, and 78.101 to 78.106, inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Parts 10 and 12 (*supra.*)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

AUTHORITY: §§ 96.1 to 96.12, inclusive, 96.13 to 96.15, inclusive, 96.29 to 96.32, inclusive, 96.34 to 96.37, inclusive, 96.39 to 96.50, inclusive, and 96.54 to 96.55, inclusive, issued under R. S. 4405, 4426, 4427, 4438, 4439, 4441, 4442, 4443, 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, as amended; 46 U. S. C. 214, 224, 225, 226, 228, 230, 233, 237, 375, 404, 405; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 96.1 to 96.12 inclusive, 96.13 to 96.15 inclusive, 96.29 to 96.32 inclusive, 96.34 to 96.37 inclusive, 96.39 to 96.50 inclusive, and 96.54 to 96.55 inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Parts 10 and 12 (*supra*).

Subchapter J—Rivers: General Rules and Regulations

PART 115—LICENSED OFFICERS

AUTHORITY: §§ 115.1 to 115.12 inclusive, 115.13 to 115.15 inclusive, 115.28 to 115.31 inclusive, 115.33 to 115.36 inclusive, 115.38 to 115.43 inclusive, 115.47 to 115.51 inclusive issued under R. S. 4405, 4426, 4427, 4438, 4439, 4441, 4442, 4443, 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, as amended; 46 U. S. C. 214, 224, 225, 226, 228, 230, 233, 237, 375, 404, 405; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 115.1 to 115.12 inclusive, 115.13 to 115.15 inclusive, 115.28 to 115.31 inclusive, 115.33 to 115.36 inclusive, 115.38 to 115.43 inclusive, 115.47 to 115.51, inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Part 10 (*supra*).

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

AUTHORITY: §§ 138.1 to 138.8, inclusive, and 138.11 issued under R. S. 4405, 4417a, and 4488, as amended, secs. 1, 7, 49 Stat. 1930, 1936, sec. 1 (j), 50 Stat. 49, as amended; 46 U. S. C. 375, 391a, 481, 643, 672, 669; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 138.1 to 138.8, inclusive, and 138.11 are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR, Part 12 (*supra*).

Subchapter C—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN: REGULATIONS DURING EMERGENCY

AUTHORITY: §§ 155.1 to 155.37, inclusive, issued under R. S. 4405, 4417a, 4426, 4438, 4439, 4440, 4441, 4442, as amended, 49 Stat. 1544; 46 U. S. C. 214, 224, 226, 228, 229, 375, 391a, 404; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 155.1 to 155.37, inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER.

Dated: March 4, 1947.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 47–2103; Filed, Mar. 6, 1947; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

TRANSMISSION OF CALL LETTERS

In the matter of temporary suspension of § 6.37 of the rules and regulations affecting the transmission of call letters.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of February 1947;

The Commission having under consideration the request of the Department of State that communications facilities between the United States and Moscow be maintained on the most rapid and efficient basis possible during the forthcoming sessions of the Council of Foreign Ministers at Moscow, USSR; and

It appearing that the requirements as to hourly identification by transmission of call letters contained in § 6.37 *Call letters, transmission of* (47 CFR Cum. Supp.), of the Commission's rules and regulations may cause certain undesirable delays, particularly where it is sought to use conference circuits between the United States and Moscow during the aforementioned sessions of the Council of Foreign Ministers;

It is ordered, That the provisions of § 6.37 of the Commission's rules and regulations, be, and they are hereby suspended for a period beginning this day and ending fifteen days after the termination of the forthcoming sessions of the Council of Foreign Ministers at Moscow, USSR, insofar as they apply to radiotelegraph stations in the Fixed Public and Fixed Public Services located at or near New York, N. Y. during communication either directly, or via a relay at International Zone, Tangier, with Moscow USSR; *Provided, however*, That any licensee in the Fixed Public or Fixed Public Press Services desiring to avail itself of the benefits of this order shall furnish the Commission, in advance, with a list of the frequencies which will be employed on such circuits to Moscow as well as a schedule of the periods of time during which such frequencies will be employed on circuits between the United States and Moscow.

(Sec. 4 (i), 48 Stat. 1066, sec. 301, 48 Stat. 1081, sec. 303 (p), 48 Stat. 1083, sec. 303 (r), 50 Stat. 191; 47 U. S. C. 154 (i), 301, 303 (p), 303 (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–2101; Filed, Mar. 6, 1947; 8:45 a. m.]

[Docket No. 8073]

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

TRANSMISSION OF CALL LETTERS

In the matter of amendment of § 6.37 of the rules and regulations, affecting the transmission of call letters.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of February 1947:

It appearing, that on January 31, 1947, the Commission duly published a notice of proposed rule making [1] proposing that the requirement of half-hourly identification contained in § 6.37 *Call letters, transmission of* (47 CFR Cum. Supp.) of the Commission's rules be changed to a requirement that such identification be hourly; that the period within which interested parties were afforded an opportunity by the above-mentioned notice to submit comments expired on February 10, 1947; and that no comments in opposition to the proposed revision of this rule have been received; and

It further appearing, that public interest, convenience and necessity requires that stations subject to § 6.37 of the Commission's rules transmit identifying call letters at hourly intervals rather than half-hourly intervals; and

It further appearing, that authority for this amendment is contained in sections 4 (i), 301, 303 (p) and 303 (r) of the Communications Act of 1934, as amended, and that such amendment is for the purpose of relieving a restriction;

It is ordered, That, effective immediately, § 6.37 of the Commission's rules and regulations be, and it is hereby, amended by replacing the words "half-hourly" in the first sentence of the first paragraph thereof with the word "hourly", and by deleting the words "and half hour" in the second sentence of the same paragraph.

(Sec. 4 (i), 48 Stat. 1066, sec. 301, 48 Stat. 1081, sec. 303 (p), 48 Stat. 1083, sec. 303 (r), 50 Stat. 191, 47 U. S. C. 154 (i), 301, 303 (p), 303 (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–2102; Filed, Mar. 6, 1947; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 661, Amdt. 2]

PART 97—ROUTING OF TRAFFIC

EXPORT FOOD FROM PACIFIC NORTHWEST RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of March A. D. 1947.

Upon further consideration of the provisions of Service Order No. 661 (11 F. R. 14711), as amended (12 F. R. 1059), and good cause appearing therefor: it is ordered, that:

Service Order No. 661 be, and it is hereby, further amended by substituting the following paragraphs (a) and (b) of § 95.661, *Export food from Pacific Northwest restricted*, for paragraphs (a) and (b) thereof:

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[1] 12 F. R. 776

§ 95.661 *Export food from Pacific Northwest restricted—(a) Permit required to transport certain foodstuffs.* No common carrier by railroad, subject to the Interstate Commerce Act, serving any point in the States of Oregon, Washington or Idaho (except points on the Union Pacific Railroad Company east of Huntington, Oreg., and except points on the Utah Central Railroad Corporation in Idaho) or Paradise or Troy, Montana, or west thereof, shall supply, or place a railroad freight car for loading canned goods, seeds, peas, beans, flour, grain, grain by-products or grain products consigned to Atlantic ports for export without first obtaining a permit from the permit agent authorizing the furnishing and transportation of such car.

(b) *Diversions or reconsignments prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall execute, or allow or permit to be executed, any order of reconsignment or diversion, or permit rebilling or reshipping of any commodity named in, and originating at, any origin point specified in paragraph (a) hereof, to any Atlantic port for export without first obtaining a permit from the permit agent appointed herein authorizing such diversion, reconsignment, rebilling or reshipment.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 4, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2090; Filed, Mar. 6, 1947; 8:47 a. m.]

[4th Rev. S. O. 104, Amdt. 4]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of February A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 104 (11 F. R. 2189), as amended (11 F. R. 3952, 9039; 12 F. R. 1235), and good cause appearing therefor; it is ordered, that:

Section 95.304 *Substitution of refrigerator cars for box cars* of Fourth Revised Service Order No. 104, as amended, be, and it is hereby, further amended by adding the following paragraph (a) (iii) thereto:

(a) Any common carrier by railroad subject to the Interstate Commerce Act, for transporting: * * *

(iii) Or west-bound shipments in carloads originating in the States of Michigan (lower peninsula only), Indiana (excluding Chicago switching district), Kentucky, Tennessee, or Mississippi, or east thereof, and destined to points in the States of Minnesota, Iowa, Kansas, Oklahoma and Texas, or west thereof, or to Kansas City, Missouri;

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 3, 1947; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2091; Filed, Mar. 6, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

NON-COMMERCIAL EDUCATIONAL BROADCAST STATIONS

FEBRUARY 17, 1947.

The Commission on February 14, 1947, adopted for release new §§ 3.501 to 3.591, inclusive, of Part 3 of the Commission's Rules Governing Standard and High Frequency Broadcast Stations. These new sections relate to Non-Commercial Educational FM Broadcast Service and become effective on April 1, 1947.

Public notice of the rules as proposed was published on March 7, 1946, and the time for submission of comments and suggestions was extended until June 6, 1946. Several of these suggestions have been adopted by the Commission, particularly with respect to proposed §§ 3.503, 3.504, 3.505 and 3.588. Any person who is interested in submitting comments and suggestions regarding these sections, as revised, may file such comments and suggestions within 20 days from the date of this notice and may request oral argument with respect thereto. If comments and suggestions are submitted which warrant the Commission in holding an oral argument, notice of the time and place of such oral argument will be given.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2076; Filed, Mar. 6, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7156, Amdt.]

ANNEMARIE KUECHLER

In re: Bank account owned by Annemarie Kuechler.

Vesting Order Number 7156, dated July 17, 1946, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 of said Vesting Order 7156, and substituting therefor the following:

2. That the property described as follows: That certain debt or other obligation of Emigrant Industrial Saving Bank; 51 Chambers Street, New York, New York, arising out of a savings account, Account Number 1,208,579, entitled Amelia Walsemann for cousin Annemarie Kuchler and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Annemarie Kuechler, the aforesaid national of a designated enemy country (Germany);

All other provisions of said Vesting Order 7156 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2125; Filed, Mar. 6, 1947; 8:45 a. m.]

[Vesting Order 8177]

GEBRUDER EINFALT ET AL.

In re: Patent owned by Gebruder Einfalt and interests of Tipp & Company, Gebruder Einfalt and Schreyer & Company and/or Heinrich Muller in certain agreements relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tipp & Company, Gebruder Einfalt and Schreyer & Company, business organizations organized under the laws of, and maintaining their principal places of business in, Germany, are nationals of a foreign country (Germany);

2. That Heinrich Muller, whose last known address is Germany, is a resident of Germany and a national of a foreign country (Germany);

3. That the property described in subparagraphs 6a, 6e, 6f, 6g, 6h and 6q hereof is property of Gebruder Einfalt;

4. That the property described in subparagraphs 6b, 6c, 6d, 6o and 6p hereof is property of Tipp & Company;

5. That the property described in subparagraphs 6l, 6j, 6k, 6l, 6m, 6n, 6r, 6s and 6t hereof is property of Schreyer & Company and Heinrich Muller;

6. That the property described as follows:

(a) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date, Inventor and Title

2,091,914; 8-31-37; Georg Einfalt; Periodically acting spark generating toy.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Tipp & Company by virtue of an agreement dated July 19, 1937 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc., and Transatlantic Factors, Inc., which agreement, among other things, to United States Letters Patent Number 2,052,228,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor created in Tipp & Company by virtue of an agreement dated July 30, 1937 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc., and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Number 2,115,108,

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Tipp & Co. by virtue of an agreement dated February 7, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc., and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Number 2,103,447,

(e) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gebruder Einfalt; by virtue of an agreement dated May, 1937 and acknowledged June 12 and 14, 1937 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 1,997,512 and 2,104,510,

(f) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gebruder Einfalt, by virtue of an agreement dated June 12, 1937 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,091,914,

(g) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gebruder Einfalt, by virtue of an agreement dated June 29, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,195,083,

(h) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor created in Gebruder Einfalt, by virtue of an agreement dated February 7, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates among, other things, to United States Letters Patent No. 2,106,424,

(i) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated December 2, 1936 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc., Heinrich Muller, Schreyer & Co. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,001,625 and is subject to the provisions of an agreement dated September 4, 1936 between Louis Marx & Company, Inc., and Transatlantic Factors, Inc., and an agreement between Louis Marx & Company, Inc., Heinrich Muller, Schreyer & Co., and Transatlantic Factors, Inc., dated September 25, 1936, and a letter from Transatlantic Factors, Inc., Heinrich Muller and Schreyer & Co. to Louis Marx & Company, Inc., dated September 25, 1936,

(j) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated February 7, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc., and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 2,112,408; 2,115,315; 2,133,038; and 2,147,949.

(k) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated February 7, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,144,461,

(l) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated February 7, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,188,739,

(m) All interests and rights (including all royalties and other monies payable or held with respect to such interests

and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated May 20, 1939 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates among other things, to United States Letters Patent No. 1,959,493,

(n) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated April 1940 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things to United States Letters Patent Nos. 1,738,604 and 1,793,121,

(o) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Tipp & Co. by virtue of an agreement dated October 28, 1936 (including all modifications thereof and supplements thereto, including, but not by way of limitation, a letter dated October 6, 1937 from Tipp & Co. to Transatlantic Factors, Inc.) by and between Tipp & Co. and Transatlantic Factors, Inc., which agreement relates among other things to United States Letters Patent No. 2,052,228.

(p) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Tipp & Co. by virtue of an agreement dated October 28, 1936 (including all modifications thereof and supplements thereto, including, but not by way of limitation, a letter dated October 6, 1937 from Tipp & Co. to Transatlantic Factors, Inc.) by and between Tipp & Co. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,115,108.

(q) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gebruder Einfalt by virtue of an agreement dated April 14, 1938 (including all modifications thereof and supplements thereto, if any) by and between Gebruder Einfalt and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 1,997,512; 2,106,424; 2,091,914; 2,195,083; and 2,104,510,

(r) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated April 8, 1936 (including all modifications thereof and supplements thereto, if any) by and between Schreyer & Co. and/or Heinrich Muller and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,001,625,

(s) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement evidenced by a letter from Schreyer & Co. to Transatlantic Factors, Inc., dated May 15, 1939 (including all modifications thereof and supplements thereto, if any) by and between Schreyer & Co. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 2,112,408; 2,115,315; 2,133,038; 2,147,949; 2,188,739; and 2,144,461, and

(t) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated May 9, 1938 (including all modifications thereof and supplements thereto, if any) by and between Schreyer & Co. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 1,738,604; 1,793,121; and 1,959,493,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2105; Filed, Mar. 6, 1947; 8:45 a. m.]

[Vesting Order 8250]

MARY E. HAUSER

In re: Estate of Mary E. Hauser, deceased. D-28-9105; E. T. sec. 11738.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franceska Reim, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the Child or Children, names unknown of Frederick Koeber, deceased; Child or Children, names unknown of Karl Koeber, deceased; and Child or Children, names unknown of Anna Kern, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $17,492.87 was paid to the Alien Property Custodian by Frieda Hanneman, Executrix of the Estate of Mary E. Hauser, deceased;

4. That the said sum of $17,492.87 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof, and Child or Children, names unknown of Frederick Koeber, deceased; Child or Children, names unknown of Karl Koeber, deceased; and Child or Children, names unknown of Anna Kern, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 12, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2106; Filed, Mar. 6, 1947; 8:47 a. m.]

[Vesting Order 8251]

ELSA INGRISCH

In re: Estate of Elsa Ingrisch, deceased. File D-28-11256; E. T. sec. 15615.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Strassberger, Maria Hartmannsgruber, Joseph Leonhard, Joseph Reitberger and Fanny Schirovsky, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,442.58 was paid to the Attorney General of the United States by Elizabeth Helchinger, Administratrix, of the Estate of Elsa Ingrisch, deceased;

3. That the said sum of $2,442.58 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on November 15, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2107; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8252]

PAULINE JACOBS

In re: Trust u/w of Pauline Jacobs, deceased. File 017-14867.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Uhli, Robert Uhli, and Heinrich Uhli, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Ludwig Uhli, deceased, the Burgomeister or party in charge of Cemetery at Ditzumer Verlaat, Kreis Leer, Ostfriesland, Germany, and the Burgomeister or party in charge of Cemetery at Bad Durkheim, Germany, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Pauline Jacobs, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Robert Bausch, as executor, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Ludwig Uhli, deceased, the Burgomeister or party in charge of Cemetery at Ditzumer Verlaat, Kreis Leer, Ostfriesland, Germany, and the Burgomeister or party in charge of Cemetery at Bad Durkheim, Germany, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2108; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8254]

KIICHIRO KOSAI

In re: Estate of Kiichiro Kosai, deceased. File D-39-6216; E. T. sec. 14676.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ben Kosai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the sum of $1,453.27, in cash, and 2,645 Japanese Yen, was paid to the Attorney General of the United States by Mamie Gregory, Administratrix of the Estate of Kiichiro Kosai, deceased;

3. That the said sum of $1,453.27, in cash, and 2,645 Japanese Yen, is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on January 8, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2109; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8259]

KARL F. STAHL

In re: Estate of Karl F. Stahl, deceased. File D-28-11499; E. T. sec. 15718.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adelheid Grunsky and Nina (Minna) Haas, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subpara-

graph 1 hereof, and each of them, in and to the estate of Karl F. Stahl, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Minneola L. Stahl, as executrix, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2110; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8260]

PHILIPP JACOB VOGEL

In re: Estate of Philipp Jacob Vogel, deceased. File No. F-28-4597; E. T. sec. 5254.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Heinrich Vogel (Brother), Heinrich Vogel (Nephew), Johann Georg Vogel (Nephew), Philipp Jacob Vogel (Nephew) and Carl Alexander Vogel (Nephew), and each of them, in and to the estate of Philipp Jacob Vogel, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Vogel (Brother), Germany.
Heinrich Vogel (Nephew), Germany.
Johann Georg Vogel (Nephew), Germany.
Philipp Jacob Vogel (Nephew), Germany.
Carl Alexander Vogel (Nephew), Germany.

That such property is in the process of administration by President and Directors of The Manhattan Company, as Successor Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2111; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8261]

PHILIPP WIRTH

In re: Estate of Philipp Wirth, deceased and trust for the benefit of Henry R. Wirth and Edith Wirth, his wife. File No. D-28-3869; E. T. sec. 6611.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of Minna Bernhard in and to the Estate of Philipp Wirth, deceased, and all right, title, interest and claim of the Cemetery of Bad Kreuznach in and to the Trust created under the Will of Philipp Wirth, deceased, for the benefit of Henry R. Wirth and Edith Wirth,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Minna Bernhard, Germany.
The Cemetery of Bad Kreuznach, Germany.

That such property is in the process of administration by Charles H. Topping, as Executor and Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2112; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8262]

AMANDUS WITTHOHN

In re: Trust u/w of Amandus Witthohn, deceased. File No. D-28-6646; E. T. sec. 4924.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elsa Ahrens and Paul Waacks, and each of them, in and to the trust created under the will of Amandus Witthohn, deceased, is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elsa Ahrens, Germany.
Paul Waacks, Germany.

That such property is in the process of administration by Edward D. Bryde, Trustee, acting under the judicial supervision of Surrogate's Court, Bronx County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2113; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8271]

SARAH ABRAHAM

In re: Estate of Sarah Abraham, deceased. File D-57-402; E. T. sec. 13513.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob Klinker and Gudel Druckman (Druckmann), whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That the sum of $300.00 was paid to the Alien Property Custodian by Reuben Peltzman, Executor of the Estate of Sarah Abraham, deceased;

3. That the said sum of $300.00 was property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Rumania);

4. That the said sum of $300.00 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Reuben Peltzman, Executor of the Estate of Sarah Abraham, acting under the judicial supervision of the Circuit Court of Jackson County, Kansas City, Missouri;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on July 16, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947:

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2114; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8272]

CARLSTADT MUTUAL LOAN AND BUILDING ASSN. LIQUIDATING CORP. ET AL.

In re: Carlstadt Mutual Loan and Building Association Liquidating Corporation, etc. File No. D-28-2483; E. T. sec. 3974.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Meta Pape in and to the sum of $407.91 now being held for the benefit of Meta Pape, German national, by the South Bergen Savings and Loan Association, pursuant to the provisions of the Final Decree of the Court of Chancery of New Jersey, dated February 27, 1946.

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Meta Pape, Germany.

That such property is in the process of administration by South Bergen Savings and Loan Association, as Depositary, acting under the judicial supervision of the Court of Chancery of New Jersey, State House Annex, Trenton, New Jersey,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2115; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8273]

ALBERT F. DOERMER

In re: Estate of Albert F. Doermer, deceased. File No. D-28-10664; E. T. sec. 15018.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Lina Siedenberg, also known as Lina Block and Sophie Burmester, and each of them, in, to, and against the estate of Albert F. Doermer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Lina Siedenberg, also known as Lina Block, Germany.
Sophie Burmester, Germany.

That such property is in the process of administration by Frederick A. Doermer, as Administrator, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2116; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8276]

WENDELL HAMLIN

In re: Estate of Wendell Hamlin, deceased. File D-28-10407; E. T. sec. 14796.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob Hemmerle, Catherine Bucke and Anna Orth, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Jacob Hemmerle, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Wendell Hamlin, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Wendell Knaebel, Chadwicks, Oneida, New York, as executor, acting under the judicial supervision

of the Surrogate's Court of Oneida County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the children of Jacob Hemmerle, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2117; Filed, Mar. 6, 1947; 8:45 a. m.]

[Vesting Order 8277]

AMALIE HARTJE

In re: Estate of Amalie Hartje, deceased. D-28-10887; E. T. sec. 15349.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Schnulle, Simon Schnulle, Fritz Schnulle, Mrs. Herman Blume, August Schnulle, Wilhelm (William) Schnulle, Miss Augusta Schnulle, Albrecht Schnulle and Sophia Slinkmier, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Amalie Hartje, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Leon C. Ward, County Treasurer, Ogle County, Oregon, Illinois, as depositary, acting under the judicial supervision of the County Court of Ogle County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2118; Filed, Mar. 6, 1947; 8:45 a. m.]

[Vesting Order 8279]

MARY M. LIEBIG

Re: Estate of Mary M. Liebig, deceased. File D-28-9328; E. T. sec. 12327.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Erb and Frank Fickler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Mary M. Liebig, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Joseph F. Callahan, as executor, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2120; Filed, Mar. 6, 1947; 8:45 a. m.]

[Vesting Order 8288]

FRANCES ZEPF

In re: Estate of Frances Zepf, deceased. File D-28-10314; E. T. sec. 14704.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Miller, Sr. and Johanna Miller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Theodor Miller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles M. Heckel, as administrator, acting under the judicial supervision of the Probate Court of Rice County, City of Chase, State of Kansas;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2119; Filed, Mar. 6, 1947; 8:45 a. m.]

[Vesting Order 8280]

THEODOR MILLER

In re: Estate of Theodor Miller, deceased. File D-28-9298; E. T. sec. 12248.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the four children of Rosalie Moser, and their issue, names unknown, and the four children of Gertrude Zepf, and their issue, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Frances Zepf, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frederick B. Conant, Esq., as Executor, acting under the judicial supervision of the Prerogative Court of New Jersey, Trenton, New Jersey;

and it is hereby determined:

4. That to the extent that the four children of Rosalie Moser, and their issue, names unknown, and the four children of Gertrude Zepf, and their issue, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2121; Filed, Mar. 6, 1947; 8:45 a. m.]

[Vesting Order 8309]

MARGUERITE BLASS

In re: Bank accounts, bonds and mortgage certificates owned by Marguerite Blass, also known as Margaretha Blass, as Margarete Blass and as Grete Blass. F-28-801-E-1, F-28-801-E-2, F-28-801-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marguerite Blass, also known as Margaretha Blass, as Margarete Blass and as Grete Blass, whose last known address is Chamberlainstrasse 25, Berlin-Zehlendorf West, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Marguerite Blass, also known as Margaretha Blass, as Margarete Blass and as Grete Blass, by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a clean credit deposit account, entitled Grete Blass, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Marguerite Blass, also known as Margaretha Blass, as Margarete Blass and as Grete Blass, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a checking account, entitled Mrs. Margarete Blass, and any and all rights to demand, enforce and collect the same,

c. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, together with any and all rights thereunder and thereto, and

d. Two (2) New York Title & Mortgage Co. Series F-1 First Mortgage Certificates, each of $10,000 face value, bearing the numbers 9426 and 9486, registered in the name of Grete Blass, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Description of issue	Certificate No.	Face value	Rate of interest (percent)	Due date
Corporate Stock of the City of New York.	7765	$1,000	4½	Nov. 1, 1957
	7979	1,000	4½	Do.
	7980	1,000	4½	Do.
	26843	1,000	4½	Do.
	34256	1,000	4½	Do.
	26422	1,000	4½	Do.
	26423	1,000	4½	Do.
	24859	1,000	4½	Mar. 1, 1962
	24970	1,000	4½	Do.
	24971	1,000	4½	Do.
State of New York Loan.	749	5,000	4	Mar. 1, 1961
	1649	1,000	4	Do.

[F. R. Doc. 47-2122; Filed, Mar. 6, 1947; 8:45 a. m.]

[Vesting Order 8312]

KIYOMO FUJIKAWA

In re: Stock owned by Kiyomo Fujikawa, Tsuruki Okamoto, Hayashige Okamoto and Yoshiko Okamoto. F-39-5780-D-1. F-39-5781-D-1. F-39-5782-D-1. D-39-19016-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyomo Fujikawa, Tsuruki Okamoto, Hayashige Okamoto and Yoshiko Okamoto, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Seventy-two (72) shares of $50 par value common capital stock of Eagle Laundry Company, 228 West First South Street, Salt Lake City, Utah, a corporation organized under the laws of the State of Utah, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Kiyomo Fujikawa	10	5
Do	37	1
Do	61	6
Tsuruki Okamoto	17	10
Do	68	10
Hayashige Okamoto	13	10
Do	33	2
Do	53	3
Do	64	15
Yoshiko Okamoto	102	10

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2123; Filed, Mar. 6, 1947; 8:45 a. m.]

[Vesting Order 8321]

HARRY RICKHOFF

In re: Stock and bank account owned by Harry Rickhoff. F-28-15068-A-1, F-28-15068-C-1, F-28-15068-D-1, F-28-15068-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harry Rickhoff, whose last known address is Neuenhaus, District Bentheim, Prov. Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ninety-three (93) shares of $12.50 par value common capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by certificates numbered E 32051 and F 94859, for 56 and 37 shares, respectively, registered in the name of Harry Rickhoff, and presently in the custody of Mississippi Valley Trust Company, St. Louis, Missouri, in a safekeeping account, entitled Detjen and Detjen, Attorneys in Fact for Harry Rickhoff, together with all declared and unpaid dividends thereon.

b. Eleven (11) shares of $1.00 par value capital stock of Blair & Co., Inc., 44 Wall Street, New York 5, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number SF5981, registered in the name of Harry Rickhoff, and presently in the custody of Mississippi Valley Trust Company, St. Louis, Missouri, in a safekeeping account, entitled Detjen and Detjen, Attorneys in Fact for Harry Rickhoff, together with all declared and unpaid dividends thereon,

c. Ninety-seven (97) shares of no par value common capitol stock of Richfield Oil Corporation, 555 South Flower Street, Los Angeles 13, California, a corporation organized under the laws of the State of Delaware, evidenced by certificate number LA025835, registered in the name of G. Detjen and/or C. W. Detjen, Attorneys in Fact for Harry Rickhoff, and presently in the custody of Mississippi Valley Trust Company, St. Louis, Missouri, in a safekeeping account, entitled Detjen and Detjen, Attorneys in Fact for Harry Rickhoff, together with all declared and unpaid dividends thereon,

d. Two hundred eighty-four and one-half (284½) shares of $2.00 par value capital stock of Transamerica Corp., 100 West Tenth Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered SFM97612 and SFM97613, for 100 shares each, certificate number SFF99342 for 84 shares, and certificate number SF14679, for ½ share, all registered in the name of Harry Rickhoff, and presently in the custody of Mississippi Valley Trust Company, St. Louis, Missouri, in a safekeeping account, entitled Detjen and Detjen, Attorneys in Fact for Harry Rickhoff, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation of Mississippi Valley Trust Company, St. Louis 2, Missouri, arising out of a blocked account, entitled Detjen & Detjen—Blocked Account—as Attorney-in-fact for Harry Rickhoff, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Harry Rickhoff, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2124; Filed, Mar. 6, 1947; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

STOCK DRIVEWAY WITHDRAWAL NO. 88, OREGON NO. 7, REVOKED

The order of the Assistant Secretary of the Interior, dated July 18, 1919, establishing Stock Driveway Withdrawal No. 88, Oregon No. 7, under section 10 of the act of December 29, 1916, 39 Stat. 865, 43 U. S. C., sec. 300, embracing the lands described below is hereby revoked.

WILLAMETTE MERIDIAN

T. 4 N., R. 37 E.,
Sec. 10, lot 1;
Sec. 11, lots 4, 5, 6, and 7;
Sec. 12, lots 1, 2, 3, 4, and N½S½;
Sec. 14, lot 1, NW¼NE¼, and N½NW¼.
T. 5 N., R. 37 E.,
Sec. 25, N½.

The areas described aggregate 1006.02 acres.

All of the lands described above, with the exception of lot 6 sec. 11, T. 4 N., R. 37 E., W. M., are subject to existing withdrawals for power site or power project purposes or are within the Umatilla National Forest.

This order shall become effective immediately as to the leasing for grazing of the lands outside of the national forest and effective at 10:00 a. m. on April 29, 1947 the lands which are within the national forest shall become subject to such application, petition, location or selection as may be authorized by the public land laws.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 29, 1947.

At that time lot 6, sec. 11, T. 4 N., R. 37 E., shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 29, 1947 to July 29, 1947, inclusive, lot 6 above described shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 9, 1947, to April 29, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 29, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 29, 1947, any of the land remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from July 9, 1947, to July 29, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 29, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office, The Dalles, Oregon.

This lot is located on a gradual slope between Blalock Mountain and the Wallowa River. The land is well watered by springs. There is a considerable stand of pine, tamarack, fir, and mountain ash in addition to various types of brush, bunch grass, cheat and other native cover.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

FEBRUARY 25, 1947.

[F. R. Doc. 47-2078; Filed, Mar. 6, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8158, 8159]

HELEN B. SHIELDS ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Helen B. Shields, Frank J. Anderson and the First Trust Company of St. Paul, Trustees: Florence E. Brown and C. R. Bachman, Trustees, and Florence E. Brown, Guardian (Transferors), and Stanley E. Hubbard (Transferee), File No. B4-TC-514, Docket No. 8158; and I. A. O'Shaughnessy et al. and the Thomas Hamm Brewing Company (Transferees), File No. B4-TC-519, Docket No. 8159; for transfer of control of KSTP, Inc. (KSTP), St. Paul, Minnesota.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of February 1947;

The Commission having under consideration the above entitled applications for transfer of control of Station KSTP, St. Paul, Minnesota, and not being satisfied that it is in possession of full information as required by the Communications Act and acting pursuant to section 310 (b) of said act and § 1.321 of the rules of practice and procedure;

It is ordered, That the above entitled applications for transfer of control of Station KSTP, be, and they are hereby designated for hearing before the Commission en banc to be heard in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing on March 13, 1947, upon the following issues:

1. To determine the legal, financial, and other qualifications of each transferee to receive the facilities of KSTP, including the direct or indirect interests of transferees (and parties in interest therein) in other broadcast stations and other business ventures.

2. To obtain full information as to the amount and character of overlapping in service areas, if any, between KSTP and any other station or stations in which transferees (or any parties in interest therein) may have a direct or indirect interest or connection, and whether the application of any such parties may be granted in view of the provisions of § 3.35 of the Commission's rules and regulations.

3. To determine whether KSTP would be used in the furtherance of the other business interests of either transferee or parties in interest therein.

4. To obtain full information as to the arrangements under which the station would be acquired including the price to be paid and effects if any, upon the service, operations, finances, or otherwise.

5. To determine whether the transfer to Hubbard is proposed for the purpose of providing a bona fide broadcast service by the proposed transferee or for the purpose of a retransfer at a higher price.

6. To determine the method and manner of control over KSTP by transferee, Hubbard, including what influence and/or control, if any, over the station would be exercised by Crosley Broadcasting Corporation, or its parent, Aviation Corporation prior to the exercise of the option (of September 21, 1946 between Hubbard and Crosley Broadcasting Corporation) by either of said companies to acquire control of KSTP.

7. To obtain full information with respect to the agreement of November 23, 1927 between KSTP and the St. Paul Association of Commerce granting to the latter certain rights and interests in and to the station, and what effect will be had thereon by transfer of control over the station to either of the proposed transferees.

8. To obtain full information as to the type and character of program service proposed by each party proposing to acquire control including the amount and character of commercial, sustaining, recorded, live talent programs and spot announcements.

9. To obtain full information as to how the station would be staffed and operated and policies to be followed if the application is granted.

10. To determine which, if either, of the pending applications, if granted would better serve public interest.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2077; Filed, Mar. 6, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-699, G-729, G-757, G-747, G-763, G-765]

MID-CONTINENT GAS TRANSMISSION CO. ET AL.

ORDER ADVANCING DATE OF HEARING

In the matters of Mid-Continent Gas Transmission Company, Docket No. G-699; Cities Service Gas Company, Docket Nos. G-729, G-757; Northern Natural Gas Company, Docket Nos. G-747, G-763 and G-765.

It appearing to the Commission that: The public hearing in the above-entitled consolidated proceedings was on February 10, 1947, adjourned by the Trial Examiner to reconvene on March 24, 1947, at 10:00 a. m. in the Council Chamber, City Hall, Kansas City, Missouri.

The Commission finds that: It is desirable and in the public interest to advance the date of reconvening said hearing in these consolidated proceedings from March 24, 1947, to March 19, 1947.

The Commission orders that: The public hearing in these proceedings, heretofore consolidated for purposes of hearing by order dated September 17, 1946, be and it hereby is advanced to reconvene on March 19, 1947, at 10:00 a. m., in the Council Chamber, City Hall, Kansas City, Missouri.

Date of issuance: March 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2100; Filed, Mar. 6, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 690]

UNLOADING OF LUMBER AT PORTLAND, OREG.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of March A. D. 1947.

It appearing, that two cars, containing lumber, at Portland, Oreg., on the Spokane, Portland and Seattle Railway Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an

emergency exists requiring immediate action. It is ordered, that:

(a) *Lumber at Portland, Oreg., on S. P. & S. Ry., be unloaded.* The Spokane, Portland and Seattle Railway Company, its agents or employees, shall unload immediately cars P&LE 48365 and CStPM&O 59967, containing lumber, on hand at Portland, Oreg., consigned care of Lidell and Clark, Inc.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 5, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2089; Filed, Mar. 6, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-5754, 1-342]

RED BANK OIL CO.

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of February A. D. 1947.

A proceeding having been instituted by the Commission pursuant to section 8 (d) of the Securities Act of 1933 with respect to the registration statement of Red Bank Oil Company upon telegraphic notice to the registrant on August 28, 1945, that the registration statement, filed May 31, 1945, appeared to include untrue statements of material facts, omitted to state material facts required to be stated and omitted to state material facts necessary to make the statements therein not misleading;

The proceeding under section 8 (d) of the Securities Act of 1933 by order of August 31, 1945 having been consolidated with a proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 with respect to annual reports filed by the registrant pursuant to section 13 of the Securities Exchange Act of 1934;

Hearings having been held, counsel for the Corporation Finance Division having submitted requested findings, and counsel for registrant having filed no objection to the findings requested with respect to the registration statement, oral argument and a trial examiner's report or other intermediate decision having been waived;

The Commission having duly considered the matters, having made and entered its findings and opinions of January 4, 1946, and January 3, 1947, in the consolidated proceedings, and having this day made and entered its supplemental findings and opinion herein; on the basis of the said several findings made and entered

It is ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Red Bank Oil Company May 31, 1945, under said act be, and the same hereby is, suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2083; Filed, Mar. 6, 1947; 8:46 a. m.]

[File No. 70-1319]

DERBY GAS & ELECTRIC CORP. ET AL.

ORDER RELEASING JURISDICTION WITH RESPECT TO LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of February A. D. 1947.

In the matter of Derby Gas & Electric Corporation, The Derby Gas and Electric Company, The Danbury and Bethel Gas and Electric Light Company, The Wallingford Gas Light Company, File No. 70-1319.

The Commission having by order dated July 29, 1946 (Holding Company Act Release No. 6813) granted and permitted to become effective an application and declaration filed herein by Derby Gas & Electric Corporation ("Derby"), a registered holding company, and its subsidiaries, The Derby Gas and Electric Company, The Danbury and Bethel Gas and Electric Light Company and The Wallingford Gas Light Company, concerning the issuance and sale by Derby of $2,950,000 principal amount of 2¾% Debentures, Series due 1956, and a maximum of 20,166 shares of common stock, the retirement of $2,450,000 principal amount of Derby's 3% Debentures, Series due 1949, and certain inter-company financing between Derby and its subsidiary companies; and the Commission having by said order reserved jurisdiction to consider the reasonableness of legal fees incurred in connection with said transactions, which had been estimated at $26,700; and

An application and amendments thereto have been filed by Derby and its above subsidiary companies requesting the Commission to release jurisdiction over legal fees in the revised aggregate amount of $19,150, and having furnished a statement of the nature and specific amounts of such legal fees, which are as follows:

Simpson Thacher & Bartlett, $15,000; Milbank, Tweed, Hope, Hadley & McCloy, $3,750; Harold E. Drew, $200; and Henry C. Wilson, $200; and

The Commission having considered said application as amended and it appearing that said legal fees are not unreasonable and that jurisdiction in respect thereof should be released;

It is ordered, That jurisdiction reserved in the order heretofore entered herein on July 29, 1946, with respect to the legal fees of Derby and its subsidiary companies be and hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2082; Filed, Mar. 6, 1947; 8:46 a. m.]

[File No. 70-1457]

NATIONAL GAS & ELECTRIC CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of February A. D. 1947.

National Gas & Electric Corporation, a registered holding company, having filed a declaration, as amended, pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the renewal of $1,100,000 aggregate principal amount of its notes, pursuant to a loan agreement, to Continental Illinois National Bank and Trust Company of Chicago, Girard Trust Company of Philadelphia and The Continental Bank and Trust Company of New York, for a six month period, beginning February 20, 1947, at the interest rate of 1¾% per annum upon payment of a fee of ¼ of one per cent of the principal amount so renewed; and

Said declaration having been filed on the 11th day of February, 1947, and an amendment to the said declaration having been filed on February 18, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the Act and the Rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective; and

The declarant having requested that the Commission take appropriate action to accelerate its order herein, and that the order become effective forthwith, and the Commission deeming it appropriate to grant such request;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2080; Filed, Mar. 6, 1947; 8:46 a. m.]

[File No. 31-439]

GREAT NORTHERN GAS CO., LTD.

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of February A. D. 1947.

The Commission having heretofore on December 2, 1938, after a public hearing, ordered that Great Northern Gas Company, Limited, be exempted to the extent specified from certain provisions of the Public Utility Holding Company Act of 1935 applicable to it as a subsidiary company of North Continent Utilities Corporation, a registered holding company; and

The Commission, after subsequent applications by Great Northern Gas Company, Limited, having in its order dated February 20, 1946, extended the time during which such order should be effective to January 31, 1947; and

Great Northern Gas Company, Limited, having on February 24, 1947, filed an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 seeking an extension of the time during which such previous order of this Commission should be effective; and

The Commission having considered such applications and it appearing that the circumstances upon which such original order of exemption was issued still exist and that a further extension of the time during which such order of exemption shall be effective will not be detrimental to the public interest or the interest of investors or consumers;

It is therefore ordered, That the time during which such order of exemption shall be effective be, and hereby is, extended until January 31, 1948, without prejudice to the right of Great Northern Gas Company, Limited, to apply for a further extension of the time during which such order shall be effective and also without prejudice to the right of Great Northern Gas Company, Limited, to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2081; Filed, Mar. 6, 1947; 8:46 a. m.]

[File Nos. 59-29, 54-128, 59-12, 54-51]

PENNSYLVANIA POWER & LIGHT CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of February A. D. 1947.

In the matter of Pennsylvania Power & Light Company, National Power & Light Company and Electric Bond and Share Company, File No. 59-29; Pennsylvania Power & Light Company, National Power & Light Company and Electric Bond and Share Company, File No. 54-128; Electric Bond and Share Company, National Power & Light Company, et al., File No. 59-12; Electric Bond and Share Company, National Power & Light Company, Pennsylvania Power & Light Company, Lehigh Valley Transit Company, The Edison Illuminating Company of Easton, et al., File No. 54-51. Applications 8, 9 and 10.

Notice is hereby given that a supplemental declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by National Power & Light Company ("National"), a registered holding company. Declarant has designated section 12 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 10, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after March 10, 1947 such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to the provisions of a plan approved by the Commission on October 26, 1945, Pennsylvania Power & Light Company (Pennsylvania), then a subsidiary of National, issued to National rights to subscribe to 1,818,700 shares of new common stock of Pennsylvania at $10 per share. National, in turn, through the issuance of warrants, exercisable from December 8 to December 22, 1945, offered such rights to its own common stockholders on a pro-rata basis (the right to purchase ⅓ of a share of the common stock of Pennsylvania for each share of the common stock of National owned). Of the warrants issued to the holders of National's outstanding 5,456,100 shares, warrants issued with respect to 101,903 shares of the common stock of National, entitling the holders thereof to subscribe to approximately 33,968 shares of the common stock of Pennsylvania, were neither exercised nor disposed of. These shares of common stock of Pennsylvania to which such stockholders were entitled to subscribe to were subscribed to by National in accordance with its obligation under the plan and are at present held by National.

National now proposes that there be paid to the holders of record on December 4, 1945 of such 101,903 shares, an amount of $3.341176 per share. This amount has been computed by averaging the closing price of the warrants on the New York Stock Exchange during the period within which such warrants were traded on the Exchange, less a deduction of 20% of such average closing price. The deduction is proposed in order to compensate National for expenses and risks incurred by it in connection with its obligations under the plan to subscribe for any shares of new Pennsylvania common stock not subscribed for by National's stockholders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2084; Filed, Mar. 6, 1947; 8:46 a. m.]

[File No. 30-89]

ARKANSAS-MISSOURI POWER CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of February 1947.

Arkansas-Missouri Power Corporation ("Arkansas") a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 reciting, among other things, that on June 6, 1945, it disposed of its interest in East Missouri Power Company, its former public utility subsidiary, pursuant to order of this Commission dated June 1, 1945 (Holding Company Act Release No. 5845), and further reciting that Arkansas does not now directly or indirectly own, control, or hold with power to vote, any outstanding voting securities of any public utility company or holding company, as defined in the act, and requesting an order finding and declaring that it has ceased to be a holding company; and

Arkansas having filed a Certificate of Notification stating that on January 31, 1947, it transferred all its remaining properties and assets to Arkansas-Missouri Power Company, an Arkansas corporation, pursuant to order of this Commission dated January 29, 1947 (Holding Company Act Release No. 7164); and

A notice of filing with respect to said application having been issued on November 21, 1946, said notice having stated that any interested person may not later than December 16, 1946, request the Commission in writing that a hearing be held on such matter, and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Arkansas has ceased to be a holding company and that its registration as such should cease to be in effect and that it is not necessary to impose any terms or conditions in connection with the termination of such registration:

It is ordered and declared, That Arkansas-Missouri Power Corporation has ceased to be a holding company and that its registration as such shall from the date of entry of this order cease to be effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2088; Filed, Mar. 6, 1947; 8:47 a. m.]

[File No. 70-1454]

MIDDLE WEST CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of February 1947.

The Middle West Corporation ("Middle West"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") and certain rules and regulations thereunder regarding the following transactions:

Middle West proposes to pay to its subsidiary, Kentucky Utilities Company ("Kentucky"), $1,500,000 as a contribution to its common stock capital, and, subject to the further approval of the Commission, to acquire an equal par amount of common stock of Kentucky which will be issued by Kentucky as a part of a comprehensive refinancing plan which the declarant states will be filed shortly with the Commission. It is stated that these funds are necessary to finance in part an extensive construction program by Kentucky calling for cash above its own available funds.

The declaration was filed February 10, 1947. Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission has not received a request for hearing with respect thereto within the period prescribed in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act and subject to the terms and provisions prescribed in Rule U-24 that this declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2085; Filed, Mar. 6, 1947; 8:46 a. m.]

[File No. 70-1456]

BUFFALO NIAGARA ELECTRIC CORP. AND NIAGARA FALLS POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of February 1947.

Buffalo Niagara Electric Corporation ("Buffalo"), a subsidiary of Niagara Hudson Power Corporation, in turn, a subsidiary of The United Corporation, a registered holding company, and The Niagara Falls Power Company ("Niagara"), a subsidiary of Buffalo, having filed a joint declaration, pursuant to Rule U-44 promulgated under the provisions of the Public Utility Holding Company Act of 1935, regarding the sale by Buffalo to Niagara of certain water rights consisting of the right to take 262.6 cubic feet per second of water from the Hydraulic Basin of Niagara in the City of Niagara Falls. The water rights are presently owned by Buffalo and leased to Niagara which utilizes such rights exclusively for the generation of hydro-electric power.

The consideration for the conveyance and the release from certain obligations now required to be performed by Niagara is $728,415.48, an amount equivalent to the original cost of the water rights, as recorded on the books of Buffalo.

The proposed transaction having been approved by the Public Service Commission of the State of New York on February 5, 1947; and

Said declaration having been filed on February 12, 1947, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in such notice or otherwise, and not having ordered a hearing thereon; and

Declarants having requested that the Commission's order permitting the declaration to become effective be issued within fifteen days from the date of filing; and

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that said joint declaration be permitted to become effective immediately;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2086; Filed, Mar. 6, 1947; 8:47 a. m.]

[File No. 30-118]

NORTHEASTERN WATER CO.

ORDER TERMINATING REGISTRATION AS HOLDING COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of February 1947.

Northeastern Water Company (formerly Northeastern Water and Electric Corporation), a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that it has ceased to be a holding company; and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter, and having made and filed its findings and opinion herein; and

The Commission finding that Northeastern Water Company has ceased to be a holding company:

It is ordered and declared, That Northeastern Water Company has ceased to be a holding company and that the registration of said company as a holding company cease to be in effect forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2087; Filed, Mar. 6, 1947; 8:47 a. m.]

Reference

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 12 NUMBER 48

Washington, Saturday, March 8, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2719

ARMY DAY AND ARMY WEEK, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Army of the United States is a bulwark of our country's strength in time of peril and the faithful guardian of our dearly-bought liberty in time of peace, and has since the inception of this Nation stood between our freedom-loving people and all aggressors; and

WHEREAS the soldiers of our Army continue in active service as loyal servants of our democracy, whose purpose is to insure the establishment of justice, tranquillity, and an enduring peace; and

WHEREAS Senate Concurrent Resolution 5, 75th Congress, 1st Session, which was agreed to by the House of Representatives on March 16, 1937 (50 Stat. 1108), provides:

"That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamation to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day":

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, in order that we may give special recognition to our Army, whose soldiers have gallantly secured and guarded our freedom since the founding of the Republic and have heroically sacrificed to bring to the world a lasting peace founded upon justice to all mankind, do hereby proclaim Monday, April 7, 1947, as Army Day, and encourage the observance of the week beginning April 6 and ending April 12, 1947, as Army Week; and I invite the Governors of the several States to issue proclamations for the celebration of this day and this week in such manner as to render appropriate honor to the Army of the United States.

I also remind our citizens that our Army, charged with the responsibility of defending the United States and our territorial possessions and of promoting the firm establishment of peace and good order in the territories of our defeated enemies, can discharge these duties only with the firm support of our people. I therefore urge my fellow countrymen to be mindful of the Army's needs, to the end that our soldiers may not lack the means to perform effectively their continuing tasks and that the hardships of military service in foreign lands may be alleviated in every way possible. There is no means by which we can better honor our heroic dead than by our support of their living comrades who carry on the mission they so nobly advanced.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of March in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL] HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-2325; Filed, Mar. 7, 1947; 12:17 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1946 C. C. C. Corn Bulletin 1 (Loan) and Supp. 1, as Amended]

PART 248—CORN LOANS

SUBPART 1946

This bulletin states the requirements with respect to the 1946 Corn Loan Program formulated by Commodity Credit Corporation and the Production and Marketing Administration. Loans will be made available on corn produced in 1946 (hereinafter referred to as the "commodity") in accordance with this bulletin.

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248.31 Administration of program.
248.32 Availability of loans.
248.33 Approved lending agencies.

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FEDERAL REGISTER

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AUTHORITY: §§ 248.31 to 248.53, inclusive, issued under Article Third, paragraph (b) of the Corporate Charter of Commodity Credit Corporation; sec. 8, 56 Stat. 767 as amended by 58 Stat. 643, 59 Stat. 306; sec. 7 (a), 49 Stat. 4 as amended by 50 Stat. 5, 53 Stat. 510, 55 Stat. 498, 57 Stat. 566, 643, 58 Stat. 105, 59 Stat. 51; 50 U. S. C. App., Sup., 968, 15 U. S. C. Sup. 713 (a).

§ 248.31 *Administration of program.* The program will be administered by the county agricultural conservation committees under the general supervision of the respective State committees. Forms may be obtained from county committees in areas where loans are available, or from the office of the Grain Branch serving the area. State and county committees will determine or cause to be determined the quantity and grade of the commodity and the amount of the loan. All loan documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however,* That the county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee. The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the Grain Branch Office in Chicago to which loan documents may be forwarded for disbursement.

§ 248.32 *Availability of loans*—(a) *Area.* Loans will be made available in all States where farm storage is feasible.

(b) *Time.* Loans will be available from December 1, 1946 through July 31, 1947, except in Angoumois moth infestation areas where loans will be available only through March 31, 1947.

§ 248.33 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the Commodity Credit Corporation has entered into a Lending Agency Agreement (Form PMA-97) or other lending agency agreement prescribed by Commodity Credit Corporation.

§ 248.34 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the commodity in 1946, as landowner, landlord, tenant, or share cropper.

§ 248.35 *Eligible commodity.* Eligible corn shall be merchantable ear or shelled field corn produced in 1946, by an eligible producer, in areas where farm storage is feasible, provided:

(a) (1) The beneficial interest in such corn is and always has been in the eligible producer; or

(2) Such corn was purchased by an eligible producer who will operate a different farm in 1947 from that operated in 1946, and the number of bushels placed under loan is not in excess of the total number of bushels produced by the producer on the farm operated by him in 1946; and

(b) Such corn is merchantable corn which, except for moisture content, grades No. 3 or better (or No. 4 on test weight only) as defined in the Official Grain Standards of the United States, and which has a moisture content not in excess of the following:

Ear corn if tendered for a loan from December 1, 1946, to March 31, 1947, both inclusive	20.5
Ear corn if tendered for a loan from April 1, 1947, to April 30, 1947, both inclusive	17.5
Ear corn if tendered for a loan from May 1, 1947, to July 31, 1947, both inclusive	15.5
Shelled corn if tendered for a loan from June 1, 1947, to July 31, 1947, both inclusive	13.5

Ear corn, otherwise eligible, in areas designated as Angoumois moth infestation areas shall be eligible provided it is tendered for a loan during the period December 1, 1946, to March 31, 1947, both inclusive.

§ 248.36 *Eligible storage.* Eligible storage shall consist of cribs or bins which, as determined by the county committee, are of such substantial and permanent construction as to afford protection against rodents, other animals, thieves, and weather.

The most important factor to be considered in the safe storage of corn is the crib width. Cribs having a width greater than the recommended width for the county will not be considered as safe for storage of corn offered for a loan, unless the moisture content of the corn is less than the applicable permissible moisture content by at least 1 percent for each foot or fraction thereof in excess of the recommended width. In the case of round cribs with center ventilator the distance from the ventilator to the outside wall shall be used as the width, and for round cribs without center ventilator two-thirds of the diameter shall be used as the width.

SCHEDULE OF MAXIMUM CRIB WIDTHS FOR SAFE STORAGE OF CORN

The following crib widths are recommended as the maximum widths for safe storage of corn in the respective areas:

ILLINOIS

6-foot area—Lake and McHenry Counties.
7-foot area—Boone, Carroll, Cook, De Kalb, Du Page, Grundy, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, La Salle, Lee, Ogle, Stephenson, Whiteside, Will, and Winnebago.
8-foot area—All other counties.

INDIANA

6-foot area—Allen, Elkhart, De Kalb, Kosciusko, La Porte, Lagrange, Marshall, Noble, Starke, Steuben, Saint Joseph, and Whitley.
7-foot area—Adams, Benton, Blackford, Carroll, Cass, Clinton, Delaware, Fayette, Franklin, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jasper, Jay, Lake, Madison, Miami, Newton, Porter, Pulaski, Randolph, Rush, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, and White.
8-foot area—All other counties.

IOWA

6-foot area—Allamakee, Clayton, Howard, Winneshiek.
7-foot area—Buchanan, Black Hawk, Bremer, Butler, Cerro Gordo, Chickasaw, Clinton, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Hancock, Jackson, Jones, Kossuth, Mitchell, Osceola, Winnebago, and Worth.
8-foot area—All counties not listed in other three areas.

9-foot area—Adams, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby, and Taylor.

MICHIGAN

6-foot area—All counties.

MINNESOTA

6-foot area—All counties not in 7-foot area.

7-foot area—Brown, Blue Earth, Cottonwood, Faribault, Jackson, Lac qui Parle, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Rock, Watonwan, Redwood, and Yellow Medicine.

MISSOURI

8-foot area—All counties except those in the 9-foot area.

9-foot area—Andrew, Atchison, Bates, Barton, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth.

NEBRASKA

8-foot area—Cedar, Dakota, Dixon, Thurston, and Wayne.

9-foot area—All counties not listed in the other two areas.

10-foot area—Adams, Buffalo, Clay, Chase, Custer, Dawson, Dundy, Fillmore, Franklin, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Kearney, Keith, Lincoln, Merrick, Nuckolls, Phelps, Perkins, Redwillow, Saline, Sherman, Thayer, and Webster.

OHIO

6-foot area—Allen, Ashland, Ashtabula, Carroll, Columbiana, Coshocton, Cuyahoga, Crawford, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Harrison, Henry, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Lucas, Marion, Mahoning, Medina, Morrow, Paulding, Putnam, Portage, Ottawa, Richland, Sandusky, Stark, Seneca, Summit, Trumbull, Tuscarawas, Van Wert, Wayne, Williams, Wood, and Wyandot.

7-foot area—All other counties.

SOUTH DAKOTA

7-foot area—Brookings, Deuel, Grant, Minnehaha, Moody, and Roberts.

8-foot area—Bon Homme, Charles Mix, Clark, Clay, Codington, Davison, Day, Douglas, Hamlin, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Marshall, Miner, Turner, Union, and Yankton.

9-foot area—All other counties.

WISCONSIN

6-foot area—All counties.

ALL OTHER AREAS

The maximum crib width acceptable as safe storage for corn in all other areas shall be the widths as recommended by the county committee of the respective county.

§ 248.37 *Approved forms.* The approved forms constitute the loan documents which govern the rights and responsibilities of the producer and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or in executing any of the loan documents will render him subject to prosecution under the United States Criminal Code.

(a) Approved forms shall consist of producer's notes, (C. C. C. Grain Form A, Revised, or C. C. C. Commodity Form A) secured by chattel mortgages on Forms C. C. C. Grain Form AA, Revised, or C. C. C. Commodity Form AA, respectively.

(b) Note and chattel mortgages must be dated not later than the closing date applicable for loans on such corn, and executed in accordance with the regulations in this part, with State and documentary revenue stamps affixed thereto where required by law. Notes and chattel mortgages executed by an administrator, executor, or trustee will be aceptable only where legally valid.

§ 248.38 *Determination of quantity.* A bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule.

Moisture content percent	*Adjustment factor (percent)*
15.6 to 16.5 both inclusive	98
16.6 to 17.5 both inclusive	96
17.6 to 18.5 both inclusive	94
18.6 to 19.5 both inclusive	92
19.6 to 20.5 both inclusive	90
Above 20.5	No loan

A bushel of shelled corn shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

§ 248.39 *Liens.* The commodity must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the commodity, proper waivers must be obtained.

§ 248.40 *Service fees.* The producer shall pay a service fee of 1.5 cents per bushel on the number of bushels placed under loan or $3.00 whichever is the greater.

§ 248.41 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. Indebtedness owing to Commodity Credit Corporation shall be given first consideration after claims of prior lienholders.

§ 248.42 *Loan rates and settlement values.*—(a) *Loan rates.* The applicable loan rate per bushel of eligible corn for the various States and counties will be the county loan rate at the point of storage, except that loan rate on eligible corn grading "mixed" is 2 cents per bushel less.

State and county rates per bushel are as follows:

Colorado.—All counties $1.13.

Delaware.—All counties $1.30.

Illinois.—Jo Daviess, Mercer, $1.11; Adams, Boone, Bureau, Carroll, Hancock, Henderson, Henry, Knox, La Salle, Lee, McDonough, Marshall, Ogle, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Winnebago, $1.12; Brown, Calhoun, Cass, Champaign, Christian, Coles, De Kalb, De Witt, Douglas, Edgar, Ford, Fulton, Greene, Grundy, Kankakee, Kendall, Livingston, Logan, McHenry, McLean, Macon, Mason, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Tazewell, Vermilion, Woodford, $1.13; Bond, Clark, Cumberland, Du Page, Fayette, Iroquois, Jersey, Kane, Macoupin, Shelby, Will, $1.14; Clay, Clinton, Cook, Crawford, Effingham, Jasper, Jefferson, Lake, Madison, Marion, Wayne, $1.15; Edwards, Franklin, Hamilton, Lawrence, Monroe, Perry, Randolph, Richland, St. Clair, Wabash, Washington, White, $1.16; Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Saline, Union, Williamson, $1.17; Alexander, Pulaski, $1.18.

Indiana.—Benton, Fountain, Jasper, Newton, Vermillion, Vigo, Warren, $1.14; Carroll, Cass, Clay, Fulton, Lake, La Porte, Marshall, Montgomery, Owen, Parke, Porter, Pulaski, St. Joseph, Starke, Sullivan, Tippecanoe, White, $1.15; Boone, Brown, Clinton, Daviess, Elkhart, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Howard, Huntington, Johnson, Knox, Kosciusko, Lagrange, Madison, Marion, Miami, Monroe, Morgan, Noble, Putnam, Shelby, Tipton, Wabash, Whitley, $1.16; Adams, Allen, Bartholomew, Blackford, Decatur, De Kalb, Delaware, Dubois, Fayette, Franklin, Henry, Jackson, Jay, Jennings, Lawrence, Martin, Orange, Pike, Posey, Randolph, Ripley, Rush, Steuben, Union, Vanderburgh, Warrick, Wayne, Wells, $1.17; Clark, Crawford, Dearborn, Floyd, Harrison, Jefferson, Ohio, Perry, Scott, Spencer, Switzerland, Washington, $1.18.

Iowa.—Buena Vista, Ida, Lyon, O'Brien, Osceola, Pocahontas, Sac, $1.06; Audubon, Boone, Calhoun, Carroll, Cerro Gordo, Cherokee, Clay, Crawford, Dickinson, Emmet, Floyd, Greene, Guthrie, Hamilton, Hancock, Humboldt, Kossuth, Monona, Palo Alto, Shelby, Sioux, Webster, Woodbury, Wright, $1.07; Adair, Adams, Bremer, Butler, Cass, Chickasaw, Dallas, Franklin, Fremont, Grundy, Hardin, Harrison, Howard, Jasper, Marshall, Mills, Mitchell, Montgomery, Page, Plymouth, Polk, Pottawattamie, Poweshiek, Ringgold, Story, Taylor, Union, Winnebago, Worth, $1.08; Allamakee, Black Hawk, Buchanan, Clarke, Clayton, Decatur, Fayette, Iowa, Lucas, Madison, Mahaska, Marion, Tama, Warren, Wayne, Winneshiek, $1.09; Appanoose, Benton, Delaware, Dubuque, Jefferson, Johnson, Keokuk, Linn, Monroe, Wapello, Washington, $1.10; Cedar, Clinton, Davis, Henry, Jackson, Jones, Louisa, Muscatine, Scott, Van Buren, $1.11; Des Moines, Lee, $1.12.

Kansas.—Republic, $1.07; Clay, Cloud, Jewell, Marshall, Phillips, Riley, Smith, Washington, $1.08; Brown, Decatur, Dickinson, Doniphan, Geary, Jackson, Mitchell, Nemaha, Norton, Osborne, Ottawa, Pottawatomie, Rooks, Shawnee, Wabaunsee, $1.09; Atchison, Chase, Cheyenne, Douglas, Ellis, Ellsworth, Graham, Jefferson, Lincoln, Lyon, McPherson, Marion, Morris, Osage, Rawlins, Russell, Saline, Sheridan, $1.10; Coffey, Franklin, Johnson, Leavenworth, Wyandotte, $1.11; Allen, Anderson, Bourbon, Linn, Miami, $1.12; all other counties, $1.13.

Kentucky.—Ballard, Carlisle, Crittenden, Fulton, Henderson, Hickman, Livingston, McCracken, Union, $1.21; Breckenridge, Carroll, Daviess, Gallatin, Hancock, Jefferson, Marshall, Meade, Oldham, Trimble, $1.22; Boone, Campbell, Graves, Kenton, Webster, $1.23; Calloway, $1.24; Bracken, Caldwell, Greenup, Hardin, Hopkins, Lewis, Lyon, McLean, Mason, $1.25; Boyd, Bullitt, Christian, Grayson, Henry, Muhlenberg, Ohio, Owen, Pendleton, Shelby, Todd, Trigg, $1.26; Grant, Logan, $1.27; Butler, Carter, Fleming, Franklin, Lawrence, Robertson, $1.28; Larue, Nelson, Simpson, Spencer, Warren, $1.29; Adair, Allen, Anderson, Barren, Bath, Cumberland, Elliott, Green, Harrison, Hart, Marion, Metcalfe, Monroe, Nicholas, Rowan, Scott, Taylor, Washington, Woodford, $1.30; Bourbon, Boyle, Casey, Clark, Clinton, Fayette, Garrard, Jessamine, Johnson, Lincoln, McCreary, Madison, Martin, Menifee, Mercer, Montgomery, Morgan, Pulaski, Russell, Wayne, $1.32; Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Magoffin, Owsley, Perry, Pike, Powell, Rockcastle, Whitley, Wolfe, $1.33.

Maryland.—All counties $1.30.

Michigan.—Berrien, Cass, St. Joseph, Van Buren, $1,16; Allegan, Barry, Branch, Calhoun, Hillsdale, Kalamazoo, Ottawa, $1.17; all other counties, $1.19.

Minnesota.—Nobles, Pipestone, Rock, $1.06; Big Stone, Jackson, Lac qui Parle, Lincoln, Lyon, Murray, Yellow Medicine, $1.07; Blue Earth, Brown, Chippewa, Cottonwood, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Kandiyohi, Martin, Meeker, Mower, Nicollet, Olmsted, Redwood, Renville, Sibley, Steele, Stevens, Swift, Traverse, Wabasha, Waseca, Watonwan, Winona, $1.08; Douglas, Grant, Le Sueur, McLeod, Pope, Rice, Stearns, Wright, $1.09; all other counties, $1.10.

Missouri.—Atchison, Gentry, Grundy, Harrison, Holt, Mercer, Nodaway, Worth, $1.09; Andrew, Buchanan, Caldwell, Clinton, Daviess, De Kalb, Livington, Putnam, $1.10; Adair, Carroll, Charlton, Clay, Jackson, Linn, Macon, Platte, Ray, Schuyler, Sullivan, $1.11; Cass, Clark, Howard, Johnson, Knox, Lafayette, Monroe, Pettis, Randolph, Saline, Scotland, Shelby, $1.12; Audrain, Bates, Benton, Boone, Callaway, Cooper, Henry, Hickory, Lewis, Marion, Montgomery, Morgan, Pike, Ralls, St. Clair, Vernon, $1.13; Camden, Cole, Gasconade, Lincoln, Maries, Miller, Moniteau, Osage, Warren, $1.14; Crawford, Franklin, St. Charles, St. Louis, Washington, $1.15; Jefferson, St. Francois, Ste. Genevieve, $1.16; all other counties, $1.17.

Nebraska.—Antelope, Boone, Knox, Madison, Pierce, $1.05; Boyd, Cedar, Cuming, Garfield, Greeley, Hamilton, Holt, Merrick, Nance, Platte, Polk, Stanton, Thurston, Wayne, Wheeler, York, $1.06; Adams, Buffalo, Burt, Butler, Clay, Colfax, Dakota, Dixon, Dodge, Fillmore, Franklin, Hall, Howard, Kearney, Lancaster, Loup, Nuckolls, Rock, Saunders, Seward, Sherman, Thayer, Valley, Webster, $1.07; Blaine, Brown, Cass, Custer, Dawson, Douglas, Harlan, Jefferson, Keyapaha, Otoe, Phelps, Saline, Sarpy, Washington, $1.08; Cherry, Frontier, Furnas, Gage, Gosper, Hooker, Johnson, Lincoln, Logan, McPherson, Nemaha, Pawnee, Redwillow, Richardson, Thomas, $1.09; Arthur, Chase, Dundy, Grant, Hayes, Hitchcock, Keith, Perkins, $1.10; Deuel, Garden, Sheridan, $1.11; Banner, Box Butte, Cheyenne, Dawes, Kimball, Morrill, Scotts Bluff, Sioux, $1.12.

New Jersey.—All counties, $1.31.

New York.—All counties, $1.33.

North Carolina.—All counties, $1.32.

North Dakota.—Dickey, Richland, Sargent, $1.09; Ranson, $1.10; All other counties, $1.11.

Ohio.—Darke, Defiance, Mercer, Paulding, Preble, Van Wert, Williams, $1.17; Allen, Auglaize, Butler, Fulton, Hamilton, Henry, Miami, Montgomery, Putnam, Shelby, $1.18; Champaign, Clark, Clermont, Clinton, Fayette, Greene, Hancock, Hardin, Logan, Lucas, Union, Warren, Wood, $1.19; Adams, Brown, Crawford, Delaware, Franklin, Highland, Madison, Marion, Ottawa, Pickaway, Pike, Ross, Sandusky, Scioto, Seneca, Wyandotte, $1.20; Ashland, Erie, Fairfield, Hocking, Huron, Jackson, Knox, Lawrence, Licking, Morrow, Richland, Vinton, $1.21; Athens, Coshocton, Gallia, Holmes, Lorain, Medina, Meigs, Morgan, Muskingum, Perry, Wayne, $1.22; Cuyahoga, Guernsey, Noble, Stark, Summit, Tuscarawas, Washington, $1.23; Ashtabula, Belmont, Carroll, Columbiana, Geauga, Harrison, Jefferson, Lake, Mahoning, Monroe, Portage, Trumbull, $1.24.

Pennsylvania.—All counties, $1.30.

South Dakota.—Beadle, Bon Homme, Davison, Hanson, Hutchinson, McCook, Miner, Minnehaha, Sanborn, Turner, Yankton, $1.05; Aurora, Brookings, Clay, Douglas, Hand, Jerauld, Kingsbury, Lake, Lincoln, Moody, $1.06; Brule, Buffalo, Charles Mix, Clark, Codington, Deuel, Grant, Gregory, Hamlin, Hyde, Spink, Union, $1.07; Brown, Day, Edmunds, Faulk, Hughes, Lyman, Marshall, Mellette, Roberts, Sully, Todd, Tripp, $1.08; Armstrong, Bennett, Campbell, Haakon, Jackson, Jones, McPherson, Potter, Stanley, Walworth, Washabaugh, $1.09; Corson, Dewey, Meade, Pennington, Perkins, Shannon, Washington, Ziebach, $1.10; Butte, Custer, Fall River, Harding, Lawrence, $1.11.

Tennessee.—Lake, $1.21; Obion, $1.22; Dyer, Gibson, Lauderdale, Tipton, Weakley, $1.23; Carroll, Crockett, Fayette, Haywood, Henry, Madison, Shelby, $1.24; Chester, Hardeman, Henderson, $1.25; Benton, Cheatham, Decatur, Dickson, Hickman, Houston, Humphreys, McNairy, Montgomery, Perry, Stewart, $1.26; Davidson, Hardin, Lewis, Robertson, $1.27; Maury, Wayne, Williamson, $1.28; Lawrence, Marshall, Rutherford, Sumner, Trousdale, Wilson, $1.29; Bedford, Cannon, Clay, DeKalb, Giles, Jackson, Macon, Overton, Pickett, Putnam, Smith, Warren, White, $1.30; Bledsoe, Coffee, Cumberland, Fentress, Grundy, Lincoln, Moore, Van Buren, $1.31; Anderson, Campbell, Franklin, Marion, Morgan, Rhea, Roane, Scott, Sequatchie, $1.32; Bradley, Claiborne, Grainger, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Meigs, Union, $1.33; Blount, Carter, Cocke, Greene, Johnson, Monroe, Polk, Sevier, Sullivan, Unicoi, Washington, $1.34.

Virginia.—All counties, $1.32.

West Virginia.—Cabell, Mason, $1.25; Jackson, Pleasants, Wood, $1.26; Brooke, Hancock, Marshall, Ohio, Tyler, Wetzel, $1.27; Putnam, Wayne, $1.28; Lincoln, $1.30; All other counties, $1.32.

Wisconsin.—Buffalo, Crawford, Grant, La Crosse, Pepin, Pierce, Richland, Trempealeau, Vernon, $1.10; Chippewa, Dunn, Eau Claire, Iowa, Jackson, Lafayette, Monroe, St. Croix, $1.11; All other counties, $1.13.

Wyoming.—All counties, $1.12.

(b) *Settlement values.* (1) If corn grading No. 3 (or No. 4 on test weight only) is delivered by the producer in satisfaction of the loan credit will be given for the quantity of corn delivered at the loan value (i. e., the amount loaned on the corn at the applicable county loan rate).

(2) *Premiums.* If corn grading higher than No. 3 is delivered by the producer, the credit value shall be the loan value plus premiums as follows:

Grade No. 1—One cent (1¢) per bushel.
Grade No. 2—One-half cent (½¢) per bushel.

(3) *Discounts.* If corn grading lower than No. 3 (except No. 4 on test weight only) is delivered by the producer, the credit value shall be the loan value less the following discounts:

SCHEDULE OF DISCOUNTS FOR YELLOW, WHITE, AND MIXED CORN

Grade No. 4—One cent (1¢) per bushel.
Grade No. 5—Two cents (2¢) per bushel.

SAMPLE GRADE

Minimum test weight (pounds)	Moisture (percent)	Total damaged (percent)	Heat damaged (percent)	Discount rate per bushel (cents)
44	17.5	15.1–19.9	5	3
44	17.5	20.0–24.9	5	4
44	17.5	25.0–29.9	5	6
44	17.5	30.0–34.9	5	8
44	17.5	35.0–40.0	5	10

Any lot of corn which grades "sample" solely on account of stones and/or cinders or which is musty, or which has any commercially objectionable foreign odor, or cockle burrs, or rodent excreta, will be subject to a discount of one (1) cent per bushel. This one cent will be an additional discount if the corn otherwise grades "sample" due to any of the factors shown in the above schedule. Any lot of corn grading "weevily" will be subject to a discount of one-half (½) cent per bushel. This one-half cent discount will be in addition to any discount otherwise applicable.

Discounts will be determined by the Commodity Credit Corporation for all corn grading sour or heating or otherwise not coming within the classification of this schedule of discounts.

(4) If a lower quality or lesser quantity of corn than that stated in section 1 of the chattel mortgage is delivered by the producer and such lower quality or lesser quantity is due to physical loss or damage solely from an external cause other than vermin or conversion by the producer and without the fault or negligence of the producer, a credit value shall be allowed for the number of bushels of corn so lost or damaged equal to the amount of the loan on such corn.

§ 248.43 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 248.44 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the commodity or his remaining interest may be restricted by Commodity Credit Corporation.

§ 248.45 *Safeguarding of the commodity.* The producer is obligated to maintain the farm storage structures in good repair and to keep the commodity in good condition.

§ 248.46 *Insurance.* Commodity Credit Corporation will not require the producer to insure the commodity placed under farm storage loan; however, if the producer does insure such commodity such insurance shall inure to the benefit of Commodity Credit Corporation to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 248.47 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality to farm-stored commodity, except that physical loss or damage occurring solely from an external cause, other than insect infestation or vermin, will unless insured, be assumed by the Corporation provided such loss has occurred without fault, negligence, or conversion on the part of the producer, and the producer has given the county committee immediate notice in writing of such loss or damage, and there has been no fraudulent representation made by the producer in the loan documents or in obtaining a loan.

§ 248.48 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the commodity by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 248.49 *Maturity and satisfaction.* Loans mature on demand but not later

than September 1, 1947. The producer is required to pay off his loan on or before maturity date, or to deliver the mortgaged commodity within 60 days after maturity date. Credit will be given for the total quantity delivered, provided it was stored in the cribs or bins in which the commodity under loan was stored, at the applicable settlement rate, according to grade and/or quality. If the settlement value of the commodity delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the commodity is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to the Corporation, and may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from Commodity Credit Corporation or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the commodity may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 248.50 *Removal of the commodity.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the commodity and sell it, either by separate contract or after pooling it with other lots of the same commodity similarly held. The producer has no right of redemption after the commodity is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. The Commodity Credit Corporation shall have the right to treat a pooled commodity as a reserve supply to be marketed under such sales policies as the Corporation determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 248.51 *Release of the commodity.* A producer may obtain release of the commodity by paying to the holder of the note, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, where Commodity Credit Corporation is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial releases of the commodity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released.

§ 248.52 *Purchase of notes.* Commodity Credit Corporation will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by Commodity Credit Corporation will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to the Corporation and to the county committees on 1940 C. C. C. Form F or such other form as the Corporation may prescribe, of all payments received on producer's notes held by them, and are required to remit promptly to Commodity Credit Corporation an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the Grain Branch office serving the area.

§ 248.53 *Office of Grain Branch.* The address of the Office of the Grain Branch administering this loan program is 208 South LaSalle Street, Chicago 4, Illinois.

Approved: November 18, 1946.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 47-2148; Filed, Mar. 7, 1947; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 84]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.336 *Grapefruit Regulation 84*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 10, 1947, and ending at 12:01 a. m., e. s. t., March 17, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1));

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used in this section, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of March 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-2265; Filed, Mar. 7, 1947; 10:11 a. m.]

[Orange Reg. 113]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.337 *Orange Regulation 113*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 10, 1947, and ending at 12:01 a. m., e. s. t., March 17, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. No. 2, as such grade is defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1), if more than one-half of the surface in the aggregate is affected with discoloration;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the aforesaid amended United States standards;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, acts of 1941 (Florida Laws Annotated § 595.09));

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(v) Any Temple oranges, grown in the State of Florida, which grade U. S. No. 3 or lower than U. S. No. 3, as such grades are defined in the aforesaid amended United States standards.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of March 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-2263; Filed, Mar. 7, 1947; 10:10 a. m.]

[Lemon Reg. 212]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.319 *Lemon Regulation 212*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., March 9, 1947, and ending at 12:01 a. m., p. s. t., March 16, 1947, is hereby fixed at 325 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 211 (12 F. R. 1433) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of March 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-2264; Filed, Mar. 7, 1947; 10:11 a. m.]

[Orange Reg. 168]

PART 966—ORANGES GROWN, CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.314 *Orange Regulation 168*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P s. t., March 9, 1947, and ending at 12:01 a. m., P s. t., March 16, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate Districts Nos. 1 and 2, no movement; and (*b*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1300 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of March 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

PRORATE BASE SCHEDULE

[12:01 a. m. Mar. 9, 1947 to 12:01 a. m. Mar. 16, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.3453
A. F. G. Fullerton	.0509
A. F. G. Orange	.0558
A. F. G. Redlands	.3559
A. F. G. Riverside	.8581
Corona Plantation Co.	1.0061
Hazeltine Packing Co.	.1024
Signal Fruit Association	.7766
Azusa Citrus Association	1.0436
Azusa Orange Co., Inc.	.1716
Damerel-Allison Co.	1.2254
Glendora Mutual Orange Association	.5289
Irwindale Citrus Association	.3594
Puente Mutual Citrus Association	.0491
Valencia Heights Orchards Association	.2316
Glendora Citrus Association	.8150
Glendora Heights O. & L. Growers Association	.2097
Gold Buckle Association	3.4687
La Verne Orange Association, The	3.3784
Anaheim Citrus Fruit Association	.0562
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc.	.3169
Fullerton Mutual Orange Association	.2742
La Habra Citrus Association	.0683
Orange County Valencia Association	.0238
Orangethorpe Citrus Association	.0240
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association, The	.0138
Alta Loma Heights Citrus Association	.3962
Citrus Fruit Growers	.7478
Cucamonga Citrus Association	.6365
Etiwanda Citrus Fruit Association	.2264
Mountain View Fruit Association	.1629
Old Baldy Citrus Association	.4442
Rialto Heights Orange Growers	.4408
Upland Citrus Association	2.2921
Upland Heights Orange Association	1.0557
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0250
Goldenwest Citrus Association, The	.0384
Olive Heights Citrus Association	.0384
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.1672
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, Inc., The	.0393
Bradford Bros., Inc.	.2148
Placentia Mutual Orange Association	0.0000
Placentia Orange Growers Association	.3001
Call Ranch	.6629
Corona Citrus Association	.7895
Jameson Co.	.3586
Orange Heights Orange Association	.9043
Break & Son, Allen	.2831
Bryn Mawr Fruit Growers Association	1.0954
Crafton Orange Growers Association	1.3980
E. Highlands Citrus Association	.4260
Fontana Citrus Association	.4464
Highland Fruit Growers Association	.6873
Krinard Packing Co.	1.4969
Mission Citrus Association	.8040
Redlands Cooperative Fruit Association	1.7739
Redlands Heights Groves	.9327
Redlands Orange Growers Association	1.1990
Redlands Orangedale Association	.9842
Redlands Select Groves	.5483
Rialto Citrus Association	.5726
Rialto Orange Co.	.3747
Southern Citrus Association	1.0024
United Citrus Growers	.7623
Zilen Citrus Co.	.8860
Arlington Heights Fruit Co.	.4856
Brown Estate, L. V. W.	1.7986
Gavilan Citrus Association	1.7134
Hemet Mutual Groves	.3428
Highgrove Fruit Association	.6910
McDermont Fruit Co.	1.6849
Mentone Heights Association	.7953
Monte Vista Citrus Association	1.1608
National Orange Co.	.8664
Riverside Heights Orange Growers Association	1.2579
Sierra Vista Packing Association	.7051
Victoria Avenue Citrus Association	2.3890
Claremont Citrus Association	1.0063
College Heights O. & L. Association	1.0467
El Camino Valley Citrus Association	.5306
Indian Hill Citrus Association	1.1578
Pomona Fruit Growers Association	2.0683
Walnut Fruit Growers Association	.4401
West Ontario Citrus Association	1.5822
El Cajon Valley Citrus Association	.3806
Escondido Orange Association	.5631
San Dimas Orange Growers Association	1.0776
Covina Citrus Association	1.5227
Covina Orange Growers Association	.5683
Duarte-Monrovia Fruit Exchange	.4564
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0700
N. Whittier Heights Citrus Association	.1164
San Fernando Fruit Growers Association	.3099
San Fernando Heights Orange Association	.3668
Sierra Madre Lamanda Citrus Association	.2471
Camarillo Citrus Association	.0098
Fillmore Citrus Association	1.3853
Ojai Orange Association	1.0145
Piru Citrus Association	1.4398
Santa Paula Orange Association	.1147
Tapo Citrus Association	.0111
East Whittier Citrus Association	.0169
Whittier Citrus Association	.3165
Whittier Select Citrus Association	.0241
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.4918
Chula Vista Mutual Lemon Association	.1484
Escondido Cooperative Citrus Association	0.1023
Euclid Avenue Orange Association	2.1355
Foothill Citrus Union, Inc.	.1553
Fullerton Cooperative Orange Association	.0407
Garden Grove Orange Cooperative	.0390
Glendora Cooperative Citrus Association	.0911
Golden Orange Groves, Inc.	.4156
Highland Mutual Groves, Inc.	.4250
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	2.4809
Olive Hillside Groves, Inc.	.0000
Orange Cooperative Citrus Association	.0456
Redlands Foothill Groves	2.1812
Redlands Mutual Orange Association	1.0262
Riverside Citrus Association	.3836
Ventura County O. & L. Association	.3183
Whittier Mutual O. & L. Association	.0000
Babijuice Corp. of California	.4934
Banks Fruit Co.	.2635
California Fruit Distributors	.0495
Cherokee Citrus Co., Inc.	1.0171
Chess Co., Meyer W.	.3872
Evans Brothers Packing Co.	.7094
Gold Banner Association	1.9402
Granada Hills Packing Co.	.0231
Granada Packing House	.7097
Hill, Fred A.	.7228
Inland Fruit Dealers, Inc.	.2110
Orange Belt Fruit Distributors	2.3954
Panno Fruit Co., Carlo	.0712
Paramount Citrus Association	.2045
Riverside Growers, Inc.	.3350
San Antonio Orchards Association	1.3051
Snyder & Sons Co., W. A.	.9295
Torn Ranch	.0490
Verity & Sons Co., R. H.	.1247
Wall, E. T.	1.6084
Western Fruit Growers, Inc., Redlands	2.8319
Yorba Orange Growers Association	.0341

[F. R. Doc. 47-2266; Filed, Mar. 7, 1947; 10:11 a. m.]

TITLE 20—EMPLOYEE'S BENEFITS

Chapter II—Railroad Retirement Board

PART 208—ELIGIBILITY FOR AN ANNUITY

CURRENT CONNECTION WITH RAILROAD INDUSTRY; SELF-EMPLOYMENT

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. 228j), Part 208 of the Regulations of the Railroad Retirement Board under such act (4 F.R. 1477, 12 F.R. 859) is amended by adding § 208.5, as follows:

§ 208.5 *Current connection with the railroad industry; (self-employment).* For the purposes of this part, § 225.8, and Part 237 of this chapter, in determining whether an individual had a "current connection with the railroad industry," self-employment shall not be considered "regular employment." (For statutory provision see Part 237 of this chapter) Sec. 10, 50 Stat. 314; sec. 203, Pub. Law 572 79th Cong., 45 U.S.C. 228j.

Dated: February 28, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-2147; Filed, Mar. 7, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1115]

JOSEPH ZUCKERBERG AND CELIA ZUCKERBERG

Joseph Zuckerberg and Celia Zuckerberg are the owners of a building located at 110-116 Broadway, Providence, Rhode Island, and at that address conduct a business under the name of Arrow Glass and Supply Company. Sometime in July, 1946 Joseph Zuckerberg and Celia Zuckerberg began construction of a cinder block addition to the rear of this building on property owned by them and located at Nos. 2-4-6 Shepard Street, Providence, Rhode Island, at an estimated cost substantially in excess of $1,000, without authorization from the Civilian Production Administration. The beginning and carrying on of this construction without authorization from the Civilian Production Administration constituted a wilful violaton by Joseph Zuckerberg and Celia Zuckerberg, for whom her husband, Joseph Zuckerberg, was acting as agent. This violation diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1115 *Suspension Order No. S-1115.* (a) The temporary suspension order issued against Joseph and Celia Zuckerberg, doing business as Arrow Glass and Supply Company, by telegram dated December 11, 1946, is hereby revoked.

(b) Neither Joseph Zuckerberg nor Celia Zuckerberg, their successors or assigns, nor any other person shall do any further construction on the cinder block addition to the building at 110-116 Broadway, Providence, Rhode Island, which addition itself is numbered 2-4-6 Shepard Street, Providence, Rhode Island, including completing, putting up, or altering of any structure located thereon unless hereafter specifically authorized in writing by the Civilian Production Administration.

(c) The provisions of paragraph (b) shall not apply to such construction as is specifically authorized by the Civilian Production Administration under Serial No. 1-6-752 to prevent deterioration of materials already incorporated into the structure.

(d) Joseph Zuckerberg and Celia Zuckerberg shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(e) Nothing contained in this order shall be deemed to relieve Joseph Zuckerberg and Celia Zuckerberg, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2301; Filed, Mar. 7, 1947; 11:15 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1114]

CHARLES G. IMBURGIA

Charles G. Imburgia, 656 Porter Street, Warren, Ohio, without authorization of the Civilian Production Administration, on or about April 24, 1946 began construction, and thereafter carried on construction from April 24, 1946 to June 13, 1946 and from December 23, 1946 to January 7, 1947, of a commercial building to be used as an automobile repair shop and for storage and sale of used automobiles, located at 2416 Youngstown Road, S. E. Warren, Ohio, the estimated cost of which construction was $13,000. The beginning of construction and the carrying on of construction as aforesaid constituted a grossly negligent violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1114 *Suspension Order No. S-1114.* (a) Neither Charles G. Imburgia, his successors or assigns, nor any other person shall do any further construction on the building located at 2416 Youngstown Road, S. E. Warren, Ohio, including putting up, completing, or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Charles G. Imburgia shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Charles G. Imburgia, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2300; Filed, Mar. 7, 1947; 11:15 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-81, as Amended December 27, 1946, Amdt. 1]

CANS

Section 3270.31 Conservation Order M-81 is hereby amended in the following respects:

1. Paragraph (a) is amended by substituting a comma and the words "or limits can sizes" for the period following the words "sets any quotas" in the 8th line of the paragraph.

2. Paragraph (e) is amended by deleting the words "size and" in the 5th line of the paragraph.

3. Paragraph (f) (1) is amended by deleting the words "sizes or" in the 3d line of the paragraph.

4. Schedule I is amended by deleting the 2d paragraph at the head of the Schedule relating to "Column 2. Can sizes," and by deleting Column 2 and all can sizes indicated thereunder from the body of the schedule.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2299; Filed, Mar. 7, 1947; 11:15 a.m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION; DISALLOWANCE AND AWARDS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 3:

§ 3.1228 *Computation of annual income for the purposes of § 35.013 of this chapter or section 1 (c) of Public No. 198, 76th Congress (Act of July 19, 1939), as amended.* (a) The annual income in any case coming within the purview of § 35.013 of this chapter, or section 1 (c) of Public No. 198, 76th Congress (Act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress, will be computed on the basis of the total annual income for the entire current calendar year. However, where the equities indicate, such annual income may be computed monthly on the basis of the rate of income for the current year. Under any method of calculation the question is whether the actual in-

come for the calendar year exceeds the statutory income limitation. For example:

(1) When a claim is filed and the income for the unexpired portion of the calendar year (from the date the veteran became permanently and totally disabled or, in the case of a widow, from the date of the veteran's death) is proportionately less than the statutory limitation, benefits may be awarded if otherwise in order. (A. D. 609 and A. D. 705.) Likewise, in any case in which pension is payable for a widow and child and the widow's status changes so that she becomes a widow without a child, the widow's income shall be calculated on a proportionate basis for the remaining portion of the calendar year.

(2) Where the income on the date of filing claim exceeds the proportionate rate of the statutory limitation, the claim will be disallowed.

No change in (3) to (5), inclusive.

(6) Where the receipt of a lump sum payment or of several installment payments coming within the definition of the term "annual income," for the purposes of § 35.013 (b) of this chapter, or section 1 (c), of Public No. 198, 76th Congress (Act of July 19, 1939), as amended, results in the disallowance or discontinuance of benefits the payment or restoration of such benefits, if otherwise in order, will be authorized as of the first day of the calendar year following that in which payments were received exceeding the limits fixed by that regulation. (A. D. 454) See § 5.2548 (e) of this chapter. (57 Stat. 554–560)

(b) In determining annual income any payments by the United States Government because of disability or death under laws administered by the Veterans' Administration mustering-out pay and payments under the World War Adjusted Compensation Act, as amended, and the Adjusted Compensation Payment Act, 1936 (Public No. 425, 74th Cong.), will not be considered in determining the amount of "annual income" for the purposes of § 35.013 (b) (1) of this chapter (Public, No. 844, 74th Cong.), or section 1 (c), of Public, No. 198, 76th Congress (Act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress. Overtime compensation or additional compensation to Government employees under Public Law 49, 78th Congress, or amounts payable under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation, which the act expressly provides shall be considered a part of basic compensation, shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the purposes of § 35.013 (b) (1) of this chapter, as amended. For these purposes, however, payments such as family allowances under Public Law 625, 77th Congress (A. D. 521), subsistence allowances under Title II, Public Law 346, 78th Congress (A. D. 718), lump sums or installments of life, disability, accident, health or similar insurance from other sources, compensation paid by the United States Employees Compensation Commission or a State compensation or industrial board or commission, Civil Service retirement annuity, Social Security benefits, Railroad Retirement benefits, proceeds of bequests and inheritances received in the settlement of estates or gifts will be considered as constituting "annual income," *Provided*, That no part of the payments received under an annuity will be considered as annual income until the full amount of the consideration has been received by the annuitant (after which the full amount of such annuity payments will be considered as annual income); That amounts received on endowment insurance will not be considered as "annual income" until the amount paid equals the aggregate premiums; That no part of Federal Old-Age and Survivors Insurance payments or Railroad Retirement benefits received by a former worker will be considered as annual income until the full amount of his personal contribution (as distinguished from amounts contributed by the employer and not by the worker) has been received by him, after which the full amount of the benefits received by the former worker will be considered as annual income; That such benefits received by a widow on the basis of her husband's employment will be considered as annual income; *Provided further*, That property received by inheritance or otherwise will not be considered as "annual income" until such property, or other property acquired in lieu thereof, by exchange or barter, has been converted into cash. Income for the purpose of barring rights to pension will mean total income from sources such as wages, salaries, bonuses (except World War Adjusted Compensation), earnings, emoluments, investments or rents from whatever source derived or income from a business or profession. In computing income, the gross income derived from a business or profession may be reduced by the necessary expenses of carrying on the same, such as cost of goods sold or expenditures for rent, repairs, taxes, upkeep, and other operating expenses. (A. D. 366) (59 Stat. 295, 60 Stat. 216)

(c) The 5 percent deducted from the basic salary of a Civil Service employee as provided in the Civil Service Retirement Act, as amended, income taxes withheld and amounts payable under Public Laws 106 and 390, 79th Congress, other than overtime pay, are to be considered as salary for the purposes of section 30, Public No. 141, 73d Congress, § 35.013 of this chapter, or section 1 (c), of Public No. 198, 76th Congress (Act of July 19, 1939), as amended, i. e., the salary of the employee is not determined by the amount he actually receives in cash, but includes deductions made by virtue of the Civil Service Retirement Act and individual income tax acts. The value of salary received in kind also constitutes income. (Sec. 1, 4, 48 Stat. 8, 9, 53 Stat. 1068–1070, 57 Stat. 554–560; 38 U. S. C. 503, 701, 704)

§ 3.1229 *Discontinuance and restoration of benefits under § 35.10, as amended by reason of Federal employment.* [Canceled March 4, 1947.]

§ 3.1235 *Statutory awards, section 202, World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress.* The statutory awards provided in section 202 of the World War Veterans' Act, 1924, as amended, are payable under section 27 or 28, Title III, Public No. 141, 73d Congress, as follows:

No change in (a).

No change in (b) (1) or (2).

(3) Third paragraph, the additional compensation of $30 monthly for the loss of the use of a creative organ or the additional compensation of $42 monthly for the loss of the use of one or more feet or hands, independent of any other compensation. (Public No. 866, 76th Congress, and Public Law 662, 79th Congress)

(c) Under section 202 (5), an allowance not exceeding $60 per month for a nurse or attendant.

(d) Under section 202 (7), an award of not less than $60 per month to a person shown to have had an active tuberculous disease of a compensable degree which has reached a condition of complete arrest; and compensation under the minimum rating of 25 percent for arrested or apparently cured tuberculosis. (60 Stat. 908)

No change in (e).

(43 Stat. 618, 619, 48 Stat. 524, 54 Stat. 1196; 38 U. S C. 471a, 473, 473a, 476, 478, 480, 722)

SPECIAL MONTHLY COMPENSATION SPECIFIED BY OR FIXED PURSUANT TO PARAGRAPH (B), §§ 35.011 AND 35.012 OF THIS CHAPTER, AS AMENDED BY PUBLIC LAWS 182, 659, 662, 79TH CONGRESS

§ 3.1236 *Special monthly compensation provided by paragraphs (b) (11), §§ 35.011 and 35.012 of this chapter*—(a) *Applicability.* The special monthly compensation provided by paragraphs (b) (11), §§ 35.011 and 35.012 of this chapter, as amended, is applicable but once in any one case, when payable in addition to the compensation provided in paragraphs (b) (1) to (10), §§ 35.011 and 35.012 of this chapter. In other words, if the veteran has suffered the anatomical loss of one eye and one hand his monthly compensation under Public No. 2, 73d Congress, as amended, will be increased by $42 and not by $84 or by $31.50 and not by $63, if the disabilities were incurred in wartime service or peacetime service, respectively. The additional allowance may be based upon an anatomical loss or loss of use included in the requirements for the basic rate. The additional allowances under paragraphs (b) (11), §§ 35.011 and 35.012 of this chapter are now payable in addition to compensation payable under paragraphs (b) (12) to (14), §§ 35.011 and 35.012 of this chapter, and such additional allowance is payable for each anatomical loss, loss of use, or blindness of one eye having only light perception, when existing in addition to the requirements for these basic rates: *Provided*, The total does not exceed $360 in § 35.011 of this chapter cases or $270 in § 35.012 of this chapter cases. For example, a war veteran who has suffered the loss of use of both hands, one foot and one eye (light perception only) will be compensated at $240 plus two allowances of $42 each or $324 under the second part of paragraphs (b) (11), §§ 35.011 and 35.012 of this chapter.

(b) *Helplessness.* (1) The maximum rate, as a result of including helplessness as one of the entitling multiple disabilities, is intended to cover, in addition to obvious losses and blindness, conditions such as transverse myelitis with loss of use of both legs and loss of anal and bladder sphincter control; also the loss of use of two extremities with absolute deafness and nearly total blindness, or with severe multiple injuries producing total disability outside the useless extremities, these conditions being construed as loss of use of two extremities and helplessness.

(2) The rate of $282 provided under paragraphs (b) (13), §§ 35.011 and 35.012 of this chapter, on account of helplessness requiring regular aid and attendance applies only in cases entitled on account of blindness of both eyes. A veteran having suffered the loss, or loss of use of both hands, feet, or one hand and one foot, and having no other compensable disability, will be rated according to the level of amputation or loss of use; entitlement to a higher rate on account of helplessness requiring regular aid and attendance must be based on such need resulting from pathology other than the anatomical loss or loss of use of two extremities; when so based; i. e., upon pathology other than the anatomical loss or loss of use of two extremities, the rate will uniformly be $360 (or $270) monthly.

(c) *Intermediate rates fixed pursuant to law.* The authority contained in paragraphs (b) (16), §§ 35.011 and 35.012 of this chapter, to allow the next higher rate or an intermediate rate will be administered as follows:

(1) With the anatomical loss, or loss of use, of one hand or one foot, and anatomical loss, or loss of use, of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, the rate will be $261 (or $195.75).

(2) With the anatomical loss, or loss of use, of one extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $300 (or $225).

(3) With the anatomical loss, or loss of use, of one hand or one foot, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $282 (or $211.50).

(4) With the requirements for any of the rates provided in paragraphs (b) (12) to (14), §§ 35.011 and 35.012 of this chapter, and additional disability independently ratable at 50% or more, the rate will be intermediate; i. e., half-way, between the rate authorized for the paragraph whose requirements are met, and the next higher rate authorized in paragraphs (b) (13) to (15), §§ 35.011 and 35.012 of this chapter.

(5) With the requirements for any of the rates provided in paragraphs (b) (12) to (14), §§ 35.011 and 35.012 of this chapter, and additional disability independently ratable, apart from any consideration of individual unemployability, at 100%, the rate will be the next higher rate authorized in paragraphs (b) (13) to (15), §§ 35.011 and 35.012 of this chapter.

(6) Other cases in which any of the rates are deemed inadequate will be handled in accordance with § 2.1142 of this chapter.

(d) *Ratings for specific conditions*—(1) *Rating of binocular blindness of different degrees.* (i) With blindness of one eye with 5/200 visual acuity or less, and blindness of the other eye having only light perception, the rate will be $261 (or $195.75).

(ii) With blindness of one eye having only light perception, and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $300 (or $225).

(iii) With blindness of one eye having 5/200 visual acuity or less, and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $282 (or $211.50).

(2) *Rating of blindness of both eyes having no light perception.* The rate under paragraphs (b) (14), §§ 35.011 and 35.012 of this chapter, $318 (or $238.50) per month, will be assigned when there is a total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement.

(3) *Entitlement under paragraphs (b) (15), §§ 35.011 and 35.012 of this chapter.* Entitlement to the maximum rate of $360 (or $270) per month on account of entitlement to two of the rates provided in one or more of paragraphs (b) (12) to (14), §§ 35.011 and 35.012 of this chapter, must be based upon separate and distinct disabilities so entitling.

If the loss, or loss of use of two extremities or being permanently bedridden renders the person helpless, increase to $360 (or $270) per month is not in order on account of this helplessness. Under no circumstances will the combination of "being permanently bedridden" and "being so helpless as to require regular aid and attendance" without separate and distinct anatomical loss, or loss of use of two extremities, or blindness, be taken as entitling to $360 (or $270) per month. The fact, however, that two separate and distinct entitling disabilities, such as anatomical loss or loss of use of both hands and of both feet result from a common etiological agent, for example, one injury, or rheumatoid arthritis, will not preclude entitlement to the maximum rate. (59 Stat. 533, 60 Stat. 904, 60 Stat. 908) (Sec. 1, 48 Stat. 8, 53 Stat. 1070; 38 U. S. C. 701, Ch. 12a)

§ 3.1237 *Additional allowance for nurse or attendant*—(a) *General provisions.* If and while a veteran is so helpless on account of a service-connected compensable condition as to be in need of a nurse or attendant (see §§ 2.1176, 2.1177 and 2.1178 of this chapter), there will be allowed in addition to the compensation payable under Title III, Public No. 141, 73d Congress, the sum of $50 per month on and after March 28, 1934, or $60 per month on or after September 1, 1946, or an increased statutory rate under Public No. 2, 73d Congress, as amended.

(b) *Reductions during hospitalization.* Where a veteran in receipt of additional or increased compensation based upon the need for a nurse or attendant, regular aid or attendance, or frequent and periodical aid or attendance, other than on account of transverse myelitis or paraplegia involving paralysis of both lower extremities together with loss of anal and bladder sphincter control, as a result of severe traumatic lesions of the the spinal cord, is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is being furnished with nursing or attendant's service, the award of compensation will be the amount authorized by the rating decision exclusive of any additional or increased amount on account of the need for a nurse or attendant, regular aid and attendance, or frequent and periodical aid and attendance. (A. D. 201) In the excepted case a uniform rate of $360 (or $270) per month will be maintained, without deduction on account of being furnished aid and attendance in kind. Due to the different additional amount to which veterans may be entitled under Public Law 182, 79th Congress, as amended, on account of helplessness requiring regular aid and attendance, and consequent different amounts of reductions when being furnished regular aid and attendance in kind, when institutionalized by the Veterans' Administration, married, and having dependents, it is necessary to give careful attention to the exact basis of entitlement:

(1) The general rule as to reductions of special monthly compensation of $240 (or $180) per month or more based upon the need for regular aid and attendance when the veteran, married or having dependents, is being furnished nursing or attendant's service while receiving hospital treatment, institutional or domiciliary care by the Veterans' Administration is that reduction will be in the additional amount based upon the need for regular aid or attendance.

(2) In determining the rate of special monthly compensation first consideration will be given to anatomical loss or losses of use of extremities, blindness, having 5/200 visual acuity or less, anatomical loss of both eyes, or being permanently bedridden, and if, based on these considerations, there is entitlement to one of the rates under paragraphs (b) (12), (13) or (14), §§ 35.011 and 35.012 of this chapter, or to two of these rates entitling under paragraphs (b) (15), §§ 35.011 and 35.012 of this chapter, no reduction is in order on account of being furnished nursing or attendant's service. If there is such entitlement based on these enumerated conditions, it is immaterial whether the veteran is also so helpless as to be in need of regular aid and attendance, and no reduction is in order on this account.

(3) It is only when entitlement to the rate under paragraphs (b) (12) singly, §§ 35.011 and 35.012 of this chapter, or with another entitlement to the rate under paragraphs (b) (12), (13), or (14),

§§ 35.011 and 35.012 of this chapter so as to qualify under paragraphs (b) (15), §§ 35.011 and 35.012 of this chapter is based solely upon being so helpless as to be in need of regular aid and attendance; i. e., in the absence of other entitling conditions, that reduction on this account is in order.

(4) The reduction in the case of a veteran entitled only under paragraphs (b) (12), §§ 35.011 and 35.012 of this chapter, on account of helplessness will be in the amount of $102 (or $76.50).

(5) When any veteran is entitled to one of the rates under paragraphs (b) (12), (13) or (14), §§ 35.011 and 35.012 of this chapter, by reason of anatomical losses or losses of use of extremities, blindness, having 5/200 visual acuity or less, or anatomical loss of both eyes, and is also entitled to another rate under paragraphs (b) (12), §§ 35.011 and 35.012 of this chapter on account of being so helpless as to be in need of regular aid and attendance, no condition being considered twice in the determination, the rate of pension while not being maintained and furnished aid and attendance in kind will be $360 (or $270) per month. This amount is subject to reduction to $282 (or $211.50) or $318 (or $238.50) per month according to which the veteran is entitled apart from helplessness. No case will arise in which reduction from $360 to $240 will be in order, for the reason that the condition entitling to the second rate on account of rendering the person helpless will necessarily be totally disabling, thus entitling, if the basic entitlement is under paragraphs (b) (12) or (13), §§ 35.011 and 35.012 of this chapter, to one of the rates specified in the preceding sentence. Note that if the basic entitlement is under paragraphs (b) (14), §§ 35.011 and 35.012 of this chapter the additional disability rendering the person helpless is necessarily ratable at 100%; consequently the rate of pension will be $360 (or $270) per month whether or not being furnished aid and attendance in kind.

(6) In the special case of entitlement under paragraphs (b) (13), §§ 35.011 and 35.012 of this chapter only on account of blindness of both eyes, rendering him so helpless as to be in need of regular aid and attendance, the reduction will be $42 (or $31.50) per month.

(7) Additional pension of $42 (or $31.50) per month under paragraphs (b) (11), §§ 35.011 and 35.012 of this chapter, or on account of 50% disability or 100% disability in excess of the conditions entitling under paragraphs (b) (12), (13) or (14), §§ 35.011 and 35.012 of this chapter is not subject to reduction on account of being furnished nursing or attendant's service.

The reduced rate of compensation in such instances will be effective as of the beginning of the maintenance of the disabled veteran in an institution by the Veterans' Administration. The compensation in all cases contemplated herein is subject to the limitations contained in § 3.1255.

(c) *Resumption of full rate.* In every case where a beneficiary who is receiving an allowance or increased compensation for a nurse or attendant is admitted to a hospital for treatment as a beneficiary of the Veterans' Administration, a report will be forwarded to the rating board, field office, or the central disability board, claims division, veterans claims service, showing the inclusive date of hospital treatment. Where the additional allowance or increased compensation for a nurse or attendant has been properly authorized to patients with amputations, or in those cases wherein the basic condition requiring a nurse or attendant is essentially permanent as defined in Veterans' Administration adjudication procedure, or in terminal cases, a redetermination by the rating board following dehospitalization is not required for reinstatement of this benefit. Upon receipt of the necessary notice that such veteran is no longer being maintained in an institution by the Veterans' Administration, appropriate awards action for the purpose stated above will be accomplished at once and in such instances it will not be necessary to await receipt of the hospital report prior to resuming the additional allowance or increased compensation. In other cases not involving amputations or conditions essentially permanent the additional allowance or increased compensation for a nurse or attendant may be reawarded only upon a determination by the rating board that the veteran concerned is in further need of such services. The additional allowance or increased compensation for nurse or attendant is not to be reinstated for the purpose of applying the provisions of § 2.1009 (e) of this chapter, which are applicable only to the proper running award. Where the veteran is not hospitalized and evidence is received indicating there is no further need for nurse or attendant, the provisions of § 2.1009 (e) of this chapter are for application. (59 Stat. 533, 60 Stat. 908) (Sec. 27, 28, 29, 48 Stat. 524, 525; 38 U. S. C. 471a, 706, 722)

§ 3.1245 *Rates of pay for disability or death the result of training, hospitalization, or medical or surgical treatment under section 31, Public No. 141, 73d Congress, examination under section 12, Public No. 866, 76th Congress, and § 35.017 (d) of this chapter, as amended.* Where the disease, injury, death, or the aggravation of an existing disease or injury resulted from submitting to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, or from training, hospitalization, or medical or surgical treatment awarded under any of the laws granting monetary or other benefits to World War veterans (World War I and World War II), the compensation to be awarded will be determined as follows:

(a) *World War service.* In claims of veterans with World War (I or II) service as defined in Public No. 2, as amended, Public No. 141, 73d Congress, Public No. 344, 74th Congress, or Public No. 304, 75th Congress, and regulations and instructions issued pursuant thereto, the compensation to be awarded will be in accordance with the rates provided in § 35.011 of this chapter, and the Schedule for Rating Disabilities, 1945. (60 Stat. 319)

(b) *Service connection to be direct.* Under section 31, Title III, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and § 35.017 (d) of this chapter, as amended, service connection for additional disabilities incurred in the manner therein specified will be direct. Veterans with disabilities presumptively due to World War I service, who acquire additional disabilities as the result of training, hospitalization, or medical or surgical treatment, or as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War I veterans will be paid benefits for such additional disabilities at 100 percent of the rates provided therefor in the Schedule of Disability Ratings, 1945, and Extensions thereto, if otherwise entitled.

No change in (c).

(54 Stat. 1193, 57 Stat. 43; 38 U. S. C. A. 701)

§ 3.1248 *Continuance of award to child pursuing a course of instruction after it reaches the age of eighteen years.* When an unmarried child of a veteran entitled to disability compensation, pension, or emergency officers retired pay under Public No. 2, Public No. 78, 73d Congress, as amended, or Public No. 141, 73d Congress, as amended by Public Law 144, 78th Congress, is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by it and approved by the Veterans' Administration, payment of an apportioned share of compensation, pension or emergency officers retired pay may be continued or made to, for, or on behalf of the child after it has reached the age of eighteen years, but not after it has reached the age of twenty-one years. (Effective dates of payments to a child after it reaches eighteen years of age and is pursuing a course of instruction—see § 5.2598 of this chapter.) (Sec. 4, 48 Stat. 9; 28 U. S. C. 704)

§ 3.1250 *Reduction or discontinuance of disability compensation or pension.* The effective date of the reduction or discontinuance of awards of disability compensation or pension will be in accordance with the provisions of § 35.012 (c) of this chapter, except as otherwise provided. Reduction or discontinuance because of ceasing school attendance shall be effective upon the last day which the child attended school, but in no event will pension or compensation be paid for a period beyond the day preceding the child's twenty-first birthday. (Secs. 9, 20, 48 Stat. 10, 309; 38 U. S. C. 709, 722)

§ 3.1251 *Failure to report for physical examination.* (a) Upon the failure of a veteran without adequate reason to report for physical examination, requested for disability compensation or pension purposes, the award of disability compensation or pension in course of payment to him will be suspended as of the date of last payment. The reason given for suspension will be "Failure to report for examination." Any award of compensation or pension concurrently being paid to dependents will also be suspended.

(Resumption of payments—See § 3.1266.)

No change in (b).

§ 3.1255 *Reduction when disabled person is in a Veterans' Administration institution or other institution at the expense of the Veterans' Administration. (Section 1, Pub. Law 662, 79 Cong.)* (a) Where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration other than for Hansen's disease, any pension, compensation, or retirement pay otherwise payable other than the additional allowance or increased compensation for aid and attendance shall continue without reduction until the first day of the seventh calendar month following August 1946, or the month of admission of such veteran for treatment or care, whichever is the later. If treatment or care extends beyond that period, the pension, compensation, or retirement pay, if $30 per month or less, shall continue without reduction, but if greater than $30 per month, the pension, compensation, or retirement pay shall not exceed 50 per centum of the amount otherwise payable, or $30 per month, whichever is the greater. The pension, compensation, or retirement pay of any veteran leaving against medical advice or as the result of disciplinary action shall, upon a succeeding readmission for treatment or care, be subject to reduction, as herein provided, from the date of such readmission.

(b) Where any veteran having neither wife, child nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and shall be rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, the pension, compensation or retirement pay for such veteran shall be subject to the provisions of paragraph (a) of this section: *Provided further,* That in any case where the estate of such incompetent veteran derived from any source equals or exceeds $1,500. Further payments of such benefits will not be made until the estate is reduced to $500. Payment will be discontinued effective as of the date of admission or the first day of the month following receipt of evidence showing the estate equals or exceeds $1,500, whichever is later, or in the event of a readmission whereupon the prior admission the payments were discontinued because the veteran had an estate of $1,500, the discontinuance will be effective as of the date of the readmission, or if not so discontinued, the discontinuance will be effective the first day of the month following receipt of evidence showing the estate equals or exceeds $1,500.

(c) Any veteran subject to the provisions of paragraphs (a) and (b) of this section shall be deemed to be single and without dependents in the absence of satisfactory proof to the contrary; and in no event shall increased compensation, pension or retirement pay be granted for any period more than one year prior to the receipt of satisfactory evidence showing that the veteran has a wife, child or dependent parent. In those instances where the required proof of dependents is not of record, statements, on Form 404 or otherwise, as to dependency status, will constitute a prima facie showing thereof. The veteran will be informed of the necessary additional evidence and that in the event it is not submitted within sixty days award will be adjusted on the basis of a veteran without dependents, effective as provided in paragraph (a) of this section. (60 Stat. 908) (Secs. 1, 4, 6, 29, 48 Stat. 9, 285, 525, 57 Stat 554; 36 U. S. C. 122, 38 U. S. C. 704, 706, 727)

§ 3.1256 *Adjustment of award of veteran upon termination of institutionalization by the Veterans' Administration.* (a) Where a veteran whose pension, compensation or retirement pay has been reduced or discontinued as provided in § 3.1255 (a) is discharged from treatment or care upon certification of the officer in charge of the hospital, institution, or home, that maximum benefits have been received, or release is approved, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran is discharged or released from the hospital or institution, and the award will include such additional amount as will equal the total sum by which the pension, compensation or retirement pay has been reduced; when the reduction or discontinuance has been effected pursuant to the provisions of § 3.1255 (b), payment of the amount equal to the amount by which the pension, compensation, or retirement pay was reduced, will be awarded six months following the finding of competency, or in the event treatment or care is terminated by the veteran against medical advice, or as the result of disciplinary action, payment of the amount by which the pension, compensation, or retirement pay was reduced will be awarded the veteran at the expiration of six months after the termination of treatment or care. Where a veteran in the last category is subsequently readmitted and continues such treatment or care until discharged upon certification by the officer in charge of the hospital, institution, or home in which treatment or care was furnished, that maximum benefits have been received or that release is approved, he shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement pay has been reduced under § 3.1255 (a) subsequent to such readmission.

(b) While a veteran is on trial visit or other temporary absence from a Veterans' Administration hospital or center, no adjustment of his award by reason thereof will be made for any period of less than thirty days, inclusive of the day on which he left the institution. If the veteran is discharged without returning to the institution, the award will be adjusted in accordance with paragraph (a) of this section. The report of such absence will be made to the office having custody of the case file in accordance with effective procedure. (60 Stat. 908) (Sec. 29, 48 Stat. 525; 38 U. S. C. 706)

§ 3.1258 *Interpretation of phrase, "Is being furnished hospital treatment."* [Canceled March 4, 1947]

§ 3.1259 *Award not to be reduced when veteran is admitted to facility for examination or observation, for temporary hospitalization for the purposes of Veterans' Administration medical procedures, or for construction of dentures under Veterans' Administration medical procedures where veteran resides in immediate vicinity of facility.* [Canceled March 4, 1947]

§ 3.1265 *Reduction not authorized without reexamination.* The protection afforded by section 28, Public No. 141, 73d Congress, will not be withdrawn and compensation reduced or discontinued by reason of a new evaluation without physical examination, except that a physical examination will not be requested where there is on file a recent report that accurately reflects the current disability, is adequate for rating purposes, and meets the particular requirements of the applicable provisions of the rating schedules. A change in the combined rating incident to rerating from a temporary to a permanent basis (not involving change in the percentage evaluation of any disability) may be effected without reexamination. This requires that evaluation under the 1925 Schedule and awards based thereon in effect April 1, 1946, will be continued until change in physical or mental condition warrants amendment of the 1925 Schedule rating, at which time the rating will be under the 1945 Schedule only, as well as the award based thereon, except when a statutory award or rating under the World War Veterans' Act, 1924, as amended, as restored by Public No. 141, 73d Congress, as amended, is in order, in which event the statutory award or rating will be continued, or made in the manner provided for initial ratings under the 1945 Rating Schedule. It is to be distinctly understood that the application of the foregoing shall not result in a diminution of the compensation being paid on April 1, 1946, in any instance where the changed condition results in a greater degree of disability, whether viewed under the 1925 or 1945 Schedule. (60 Stat. 319)

§ 3.1267 *Resumption of awards discontinued under section 1, Public Law 662, 79th Congress.* Where payments to or in behalf of an incompetent beneficiary have been discontinued pursuant to the provisions of § 3.1255 (b) the award will not be reopened unless and until an accounting is received, disclosing that the estate is reduced to $500 or less, whereupon payments at the rate provided in § 3.1255 (a) will be resumed effective as of the first of the month in which the notice is received; *Provided,* That if the disabled person is discharged from the institution before the estate is reduced to $500, or it is determined that he has a dependent or dependents or for any other reason does not meet the requirements of section 1, Public Law 662, 79th Congress, the award will be re-

opened in accordance with the facts found to exist. In the computation of the $1500 or $500 limitation there will be included money belonging to the disabled person in "Funds Due Incompetent Beneficiaries," in the possession of his fiduciary, if there is one, and/or in the possession of the chief officer of the institution. (60 Stat. 908) (Secs. 4, 6, 29, 48 Stat. 9, 525, 57 Stat. 554; 38 U. S. C. 525, 704, 706, 727)

§ 3.1270 *Readjustment of awards to incompetent veterans under section 1, Public Law 662, 79th Congress.* (a) Where payments of compensation or pension were properly discontinued because the estate of the incompetent veteran equaled or exceeded $3,000 (limitation under section 202 (7)) of the World War Veterans' Act, 1924, as amended) or $1,500, as the case may be, and there exists only a claim against a defunct bank or other institution, or the entire estate is the subject of litigation or consists of investments which have an undetermined value, and there is no income to provide for clothing and other needs and comforts for the veteran, the chief attorney may permit the present guardian to submit a sworn statement setting forth the facts and estimating what the said claim or chose in action would sell for in the open market. If, based upon such showing, the chief attorney is satisfied that the value of the estate, as so determined, does not exceed $500, he will prepare a certificate to that effect and forward it to the proper adjudicating agency in the field, or the central office. Upon receipt of the certificate, the adjudicating agency will award, effective the first day of the month in which the action is taken such payments as are in order.

No change in (b) or (c).

(Secs. 4, 6, 29, 48 Stat. 9, 525; 38 U. S. C. 525, 704, 706)

§ 3.1275 *Payments to whom made.* (a) The disability pension or compensation payable to a minor or a person mentally incompetent under the pension laws, Public No. 2, 73d Congress, Public No. 78, 73d Congress, or Public No. 141, 73d Congress, or the retirement pay to which an incompetent veteran is entitled may be paid to the guardian, curator or conservator, if one is serving, or to the person otherwise legally vested with the care of the beneficiary or his estate, or when payments have been suspended or withheld from a guardian, to a person having actual custody of the minor or incompetent, in accordance with the provisions of section 21 of the World War Veterans' Act, 1924, as amended by Public No. 262, 74th Congress, subject to §§ 3.1276, 3.1310 and 3.1315. However, in any case of an incompetent veteran having no guardian, payment of compensation, pension, or retirement pay may be made in the discretion of the administrator to the wife of such veteran for the use of the veteran and his dependents. (Sec. 2, Pub. Law 144, 78th Cong.)

No change in (b).

(57 Stat. 554; 38 U. S. C. 727)

§ 3.1276 *Institutional awards.* When an incompetent or insane disabled person entitled to disability compensation, pension or retirement pay is a patient in a hospital or institution, payments on his account may be made by means of an institutional award in accordance with the following:

(a) When no guardian has been appointed or when payments to an unsatisfactory guardian have been stopped or suspended. (60 Stat. 908; 57 Stat. 554; 38 U. S. C. 727)

No change in (b) or (c).

(d) In either event, in accordance with the provisions of section 1 (B) of Public Law 662, 79th Congress, there may be paid to the chief officer in behalf of the disabled person up to but not in excess of $30, depending upon the disability rating, per month, or in the event the veteran has dependents and more is payable under his disability rating or there are funds to his credit in "Funds due incompetent beneficiaries," such additional amount as may be needed will be allowed, on the basis of a certification by the chief officer of the hospital or institution with respect to the need and the amount required and a certification by the chief attorney concerned as to the neglect or refusal of the guardian to supply necessary funds. Accordingly, in such cases there may be awarded to the chief officer of the hospital or institution (for definition of chief officer see § 3.1277) as provided in this paragraph, any amount necessary for the disabled person's comforts and desires not included in the regular support, care, treatment, and maintenance of the disabled person provided by the hospital or institution. Any benefits payable on account of the disabled person not paid to the chief officer of the institution or to the guardian or not apportioned to a dependent or dependents will be paid into the "Funds due incompetent beneficiaries." Any excess funds in the hands of the chief officer of an institution other than a Veterans' Administration hospital or center at the end of each accounting period, which he may deem unnecessary for expenditure for the benefit of a disabled person, will be returned to the Veterans' Administration or to the guardian, if one is serving. (60 Stat. 908) (57 Stat. 554; 38 U. S. C. 727)

No change in (e).

§ 3.1281 *Disappearance of incompetent veterans; payment to dependents—(a) Under § 35.01 of this chapter.* Where an incompetent veteran receiving or entitled to receive compensation under either §§ 35.011 or 35.012 of this chapter, disappears or has disappeared and for 90 days or more thereafter his whereabouts remain unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amounts authorized for surviving dependents under §§ 35.011 and 35.012 of this chapter, respectively, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or April 1, 1935 (effective date of revision of § 35.01 of this chapter), whichever is the later; *Provided*, That in no event will the monthly amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance; *Provided further*, That the amounts authorized for surviving dependents of World War veterans under § 35.011 of this chapter will be the amounts authorized by section 14 (a) and (b), Public Law 144, 78th Congress, as amended. The provisions of this paragraph are applicable only to the cases of incompetent veterans receiving or entitled to receive compensation under §§ 35.011 or 35.012 of this chapter.

(b) *Under section 8 of Public No. 304, 75th Congress.* Where an incompetent World War veteran receiving or entitled to receive compensation under Public No. 141, 73d Congress, disappears or has disappeared and for 90 days or more thereafter his whereabouts remain unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amount of compensation payable to dependents of deceased veterans who die from war service-connected disabilities effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or August 16, 1937, whichever is the later. From August 1, 1943, as provided in section 14 (c) of Public Law 144, 78th Congress, the rates for dependents will be those authorized by section 14 (a) of that act, as amended. However, in no event will the amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance. (50 Stat. 660; 38 U. S. C. 727) (57 Stat. 554–560)

(c) *Preparation of awards.* Awards to dependents will be prepared in accordance with effective awards procedure and will bear the notation "Veterans Regulation No. 1 series, Part VI," where compensation is payable under §§ 35.011 or 35.012 of this chapter, or "Section 8 of Public No. 304, 75th Congress," where compensation is payable under Public No. 141, 73d Congress. Apportionment of payments shall be in accordance with § 5.2591 of this chapter.

No change in (d) or (e).

(Secs. 1, 4, 48 Stat. 8, 9, sec. 8, 50 Stat 662, 53 Stat. 1070; 38 U. S. C. 472b, 472e, 701, 704)

§ 3.1285 *Disposition of accrued amounts not paid during lifetime of dependent entitled thereto.* [Canceled March 4, 1947.]

§ 3.1286 *Determination of marital status, custody of child or children, or continuance of dependency.* When in any case wherein compensation, pension, or retirement benefits are being paid, it is deemed necessary to determine the current facts in regard to the marital status of the veteran, custody of child or children, or dependency of parent or parents, the necessary evidence will be requested and, when received, appropriate adjustment will be made in accordance with the facts disclosed pursuant to the provisions of law and the regulations and instructions based thereon. If the necessary information is not received within a reasonable time from the date of request therefor appropriate action will be taken to effect an adjustment on the basis of a single man without dependents, or through a discontinuance of benefits to the payee or payees, wife, child or children, or dependent parent or parents, as may be required by the facts. If the necessary evidence or information is thereafter received within one year from the date of request therefor, a readjustment may be made or the payment of benefits resumed, if otherwise in order, from the effective date of the adjustment or discontinuance previously necessitated by the non-receipt of the desired data. If the necessary evidence or information is not received within one year from the date of request therefor, the adjustment or resumption of payments will not be authorized prior to the date of receipt of the evidence or information. For the applicable rule in cases of institutionalization, see § 3.1255 (c).

§ 3.1296 *Concurrent payment of benefits to same person.* (a) On and after July 13, 1943, the provisions of this paragraph are applicable to all laws administered by the Veterans' Administration. Not more than one award of pension, compensation or emergency officers or regular retirement pay, shall be made concurrently to any person based on his own service. The receipt of pension or compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension or compensation on account of the death or disability of any other person. Pension, compensation or retirement pay on account of his own service shall not be paid while the person is in receipt of active service pay, but the receipt of active service pay shall not bar the payment of pension or compensation on account of the death or disability of any other person. (Sec. 15, Pub. Law 144, 78th Cong.)

(b) For the purposes of § 35.012 (a) of this chapter, as amended by Public, No. 159, 75th Congress (Act of June 23, 1937), and as modified by section 304 of Public, No. 732, 75th Congress (Act of June 25, 1938), compensation shall not be paid concurrently with active duty pay or United States Employees Compensation. Where a naval reservist who is eligible for compensation is also eligible for the benefits of the United States Employees Compensation Act he shall elect which benefit he shall receive.

No change in (c).

(d) New awards of naval allowance under sections 4756 and 4757, Revised Statutes, may not be awarded concurrently with other pensions or compensation. However, this provision does not apply to a continuation of those concurrent awards of naval allowances which were in effect on July 13, 1943 (A. D. 587), nor to renewals or continuation of such prior awards. (A. D. 588) (48 Stat. 8, 9, 525; 38 U. S. C. 366, 503, 701, 704)

§ 3.1299 *Action where veteran returns to active duty status.* Compensation or pension may not be paid concurrently with the receipt of active service pay and where any person in receipt of compensation or pension returns to active duty status with any of the armed forces of the United States, or active service in the United States Coast Guard, benefits will be suspended effective the day preceding re-entrance, if known, or the date of last payment. In the latter instance the correct date on which the veteran reentered active duty status will be ascertained and a corrected Stop (or Suspended) Payment Notice, VA Form 521, or amended award then executed as of the correct date. Where a member of the organized reserves, before entering upon active duty, surrenders or relinquishes the benefit which he is receiving, a Stop (or Suspended) Payment Notice, VA Form 521, will be executed as of the date of last payment. Official information showing the date upon which the veteran actually re-entered active duty will be secured and there will be executed a corrected Stop (or Suspended) Payment Notice of amended award, whichever is in order. When it becomes necessary to discontinue payments of disability compensation, pension, or retirement pay because the veteran has re-entered active military or naval service, the representatives, including duly accredited service organization or attorney of record, will be informed by being furnished copy of the letter to the veteran notifying him of the discontinuance of payments. Payments may be resumed the day following release from active duty, provided the person is otherwise entitled. The determination of service connection upon which the award of benefits was originally made will not be disturbed. The resumption of payment of compensation as to amount, will be at a rate commensurate with the degree of disability found to exist at the time of restoration of the award. The appropriate form of the 3101 Series will be secured and the claim will be adjudicated upon a basis including the pertinent facts in the most recent period of active service. However, in instances where veterans of the military or naval forces also served during the present war and are discharged by reasons other than disability, such as to accept employment in an essential war industry, any examination indicated with reference to the condition for which disability benefits were formerly authorized may be conducted immediately upon presentation of the original discharge certificate. An effort should be made to see that the examination is completed by the time pertinent service data is received, and final adjudication should then be accomplished. A certified copy or abstract of the veteran's discharge certificate will be made and placed in the case file and the original certificate returned to the veteran. If a disability is incurred or aggravated in the second period of service, the benefits payable on account thereof cannot be paid unless a claim therefor is filed. (See § 2.1027 of this chapter.) (48 Stat. 9, 57 Stat. 554–560; 38 U. S. C. 707)

§ 3.1300 *Military and naval retirement pay.* Under existing law, the only prohibitions against receipt of pension, compensation, emergency officers or regular retirement pay by a veteran on account of his own service are: (a) That not more than one award of such benefits shall be made concurrently, and (b) that such benefits shall not be paid while the person is in receipt of active service pay. (See § 3.1296 of this chapter.) Therefore, an officer or enlisted man entitled to retirement with pay (retainer pay is in the nature of reduced retirement pay—A. D. 656), who is also entitled to compensation or pension, may elect which of the benefits he desires to receive. Such election does not bar him from making a subsequent election of the other benefit to which he is entitled. The provisions of section 212, Public No. 212, 72d Congress, as amended, do not apply to compensation or pension, and do not in any way preclude such election. (A. D. 671) This interpretation may be applied retroactively if the claimant was not advised of his rights of election and the effect thereof, but in no event prior to July 13, 1943. Moreover, any person in receipt of regular retirement pay may by filing with the department by which such retired pay is paid a waiver of a part of such retired pay, equal in amount to the pension or compensation to which he is otherwise entitled, receive such pension or compensation concurrently with the balance of his retired pay. (Pub. Law 314, 78th Cong.) However, such a retired person, who on the day of his retirement elected under section 212, Public No. 212, 72d Congress, to take the salary of his civilian office rather than the retired pay to which he would have been entitled but for his appointment to the civilian office, may not receive pension or compensation under Public Law 314, 78th Congress. (A. D. 651) (See Veterans' Administration adjudication procedure) (52 Stat. 1175–1186, 55 Stat. 395; 38 U. S. C. 26b, 853–856)

§ 3.1302 *Right of election.* Where a person has a right to benefits under two or more laws, he may elect to take under any law, regardless of whether it is the greater or lesser benefit, and even though his election results in reducing the benefits of his dependents. Any person who elects to receive monetary benefits under any law, places the right under another law in suspense and may at any time, on election, cause the suspension to be lifted by again electing monetary benefits under the other law.

§ 3.1303 *Right of election between disability compensation or pension and emergency officers retirement pay.* [Canceled March 4, 1947.]

APPORTIONMENTS

§ 3.1310 *Apportionments authorized.* Disability pension, disability compensation, emergency officers retirement pay, and on and after October 17, 1940, service pension and pension for service prior to April 21, 1898, amounting to more than $30 monthly, will be apportioned according to the table provided in § 3.1311, except where otherwise authorized or provided herein.

No change in (a), (b) or (c).

(d) In those cases where an incompetent veteran with a wife, child, or dependent parent, and for whom no guardian or other legal fiduciary has been appointed, is maintained in an institution by the United States or a polit-

ical subdivision thereof, the disability pension payable under § 35.013 of this chapter, unless paid in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents, will be apportioned, if otherwise in order, in accordance with the schedule set out below. Prior to authorizing an apportionment of disability pension as provided herein adequate development will be accomplished for the purpose of determining the need therefor and evidence to establish the marital status, relationship, and dependency in the case of a parent, will be secured. In any case where there is doubt as to the propriety of the contemplated action or where, after all feasibly available evidence is secured, there is doubt as to the marital status or relationship, the case will be submitted, together with a full statement of the pertinent facts, to the director, claims service, branch office, for an advisory opinion or such other action as may be deemed appropriate.

Where there is (are):		
A wife but no child or where all children are in her custody.	Portion to wife	$50.40 monthly.
A child but no wife	Portion to child	$39.60 monthly.
Two or more children but no wife	Portion to children (to be divided equally between them).	$50.40 monthly.
A dependent parent but no wife or child.	Portion for parent	$39.60 monthly.
Two dependent parents but no wife or child.	Portion for parents (to be divided equally between them).	$50.40 monthly.

Any increase in pension by reason of the veteran having attained the age of sixty-five or having been rated permanently and totally disabled and in receipt of pension for a continuous period of ten years or more will be added to the amount allowed the dependents as hereinabove described. There will be paid to the manager, if a Veterans' Administration hospital or center, or such other proper official in charge of the institution any sum remaining unawarded. When the apportionments provided herein are believed to work a hardship upon one or more parties in interest, recourse then may be had to the provisions of § 3.1315 for a special apportionment under the approved procedure relating thereto.

Running awards not consistent with the foregoing provisions will not be automatically reviewed for such purpose but will be adjusted when the particular case otherwise requires award action. (57 Stat. 554, 59 Stat. 623, 60 Stat. 908)

No change in (e).

(Sec. 4, 48 Stat. 9, 509, 54 Stat. 1193, 57 Stat. 43, 58 Stat. 230; 38 U. S. C. 701, 704, 38 U. S. C. A., Ch. 12 note)

§ 3.1311 *Table of apportionments.* No change in (a).

(b) When the wife is living separate and apart from the disabled person, and the child or children are living with her and the wife is entitled to an apportioned share of disability compensation, service pension or emergency officers retirement pay, both on account of herself and the child or children, the benefit as provided in paragraph (a) of this section above will be paid to the wife in one monthly amount on account of herself and such child or children in her custody. (54 Stat. 1193)

(c) Where the evidence of record shows that the veteran and his wife are separated, the whereabouts of the wife is unknown, and all reasonable means to locate the wife have been unsuccessful or where she states in writing that she desires no share of the award, or fails for 90 days or more to respond to correspondence from the Veterans' Administration informing her of her rights, which is not returned unclaimed, there will be no apportionment on her account unless the rating is on a temporary basis, in which event there will be reserved for the wife only that amount authorized by the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, to be paid on her account at such time as her whereabouts may be ascertained. If there are children not in the veteran's custody the award will be apportioned according to the table provided in paragraph (a) of this section on the basis of the disabled person and child or children until such time as the whereabouts of the wife may be ascertained or she expresses a desire to claim her share of the award. In such event the award will be reapportioned on the basis of the disabled person, wife and child or children.

(d) If and while a claimant is rated temporarily disabled, that part of the benefit which is payable to him by virtue of his having a dependent father or mother, or both, will be apportioned and paid directly to the dependent when it appears that the claimant has neglected or refused to contribute to his, her, or their support in substantially the amount which he, she, or they would receive if apportionment were made: *Provided*, That no apportionment will be made where the duly appointed guardian under orders of the court of appointment makes or has made like contribution for the support of the parent or parents. (Sec. 1 (B), Pub. Law 662, 79th Cong.) (59 Stat. 623, 60 Stat. 908) (Sec. 4, 48 Stat. 9, 57 Stat. 43; 38 U. S. C. 701, 704)

(e) [Canceled March 4, 1947.]

§ 3.1312 *Apportionment not authorized.* No change in (a), (b), (c) or (d).

(e) Under § 3.1310 of this chapter, where the monetary benefit payable is $30 monthly, or less. (60 Stat. 908)

No change in (f), (g) or (h).

(Sec. 4, 48 Stat. 9; 38 U. S. C. 704)

§ 3.1315 *Special apportionments.* Where it is clearly shown by competent evidence that the application of the provisions of §§ 3.1276, 3.1310 and 3.1311, or the fact that no apportionment is authorized under § 3.1312, will result in undue hardship upon the disabled person or any one of his dependents and relief can be afforded without undue hardship to the other persons in interest, the complete case file will be forwarded by the authorization officer or the attorney reviewer with appropriate recommendation as to the exact manner of the proposed relief, to the adjudication officer, assistant adjudication officer, or the chief, or assistant chief, claims division, who will determine without regard to the provisions of §§ 3.1276, 3.1310, 3.1311 and 3.1312, the disability pension, service pension, disability compensation or emergency officers retirement pay, which will be apportioned and the exact amount to be apportioned to each individual in interest. Should an appeal from such apportionment be received the case file will be referred to the adjudication officer, assistant adjudication officer, or the chief, or assistant chief, claims division, in order that the special apportionment from which the appeal is taken may be reconsidered in the light of any additional evidence developed in connection with the appeal. When it is found that no change is warranted, VA Form P–8d, properly prepared, will be approved. Thereafter regular appellate procedure will be for application. (Veterans' Administration Board of Veterans' Appeals procedure) (59 Stat. 623) (Sec. 4, 48 Stat. 9, 54 Stat. 1193, 57 Stat. 554, 38 U. S. C. 704, 727)

§ 3.1317 *Discontinuance of apportionments; effective dates.* Where disability pension, disability compensation, service pension or emergency officers retirement pay is apportioned between the veteran and his dependents and payments have been or are being made to the dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the dependent shall be the date of last payment and the award to the veteran will be adjusted accordingly; except that in the event of death, the date of death; divorce, the date preceding the date of divorce; in the case of a child, the date preceding the eighteenth, or twenty-first birthday, or cessation of school attendance, or the date preceding the date of marriage, will be the effective date. Where a minor child of a disabled person being paid apportioned disability compensation, pension or emergency officers retirement pay enters the active military or naval service, such apportioned award will be discontinued as of the date of last payment and, effective as of the next day, such child's apportioned share will be added to the disability compensation, pension or emergency officers retirement pay otherwise payable to the veteran. Where the estranged wife of a disabled veteran is receiving apportioned disability compensation, pension or emergency officers retirement pay in behalf of herself and a minor child and such minor child enters the active military or naval service, the apportioned share for the estranged wife will be continued in the same amount as was payable prior to the child's entry into active service, such increased amount to continue during the child's minority or until the cessation of the condition upon which the apportionment was made. The provisions of the two sentences immediately above are also for application when retirement pay under section 5, Public No. 18, 76th Congress, is apportioned while the veteran is being furnished hospital treatment, institutional or domiciliary care by the United States or any political subdivision thereof. (A. D. 599) (59 Stat. 623) (Sec. 4, 48 Stat. 9, 54 Stat. 1193, 1195, 57 Stat. 554; 38 U. S. C. 49a, 704, 727)

ADJUDICATION UNDER PRIOR LEGISLATION

§ 3.1341 *Rating decisions made and signed prior to March 20, 1933.* Where original claims and claims for increase of pension, compensation, or emergency officers retirement pay, filed prior to March 20, 1933, a favorable rating decision predicated upon the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, has been signed, monetary benefits authorized by such decision may be awarded and paid in accordance with the provisions of such prior laws and the Veterans' Administration issues applicable. (Public No. 78, 73d Congress) (Sec. 20, 48 Stat. 309; 38 U. S. C. 722)

§ 3.1342 *Rating decisions made subsequent to March 20, 1933, but based on evidence received prior to March 20, 1933.* Original claims and claims for increase of pension, compensation or emergency officers retirement pay filed prior to March 20, 1933, may be adjudicated on the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, and monetary benefits awarded and paid in accordance with the provisions of such prior legislation and the Veterans' Administration issues applicable. The condition that a claim may be adjudicated on the "proofs and evidence" received by the Veterans' Administration prior to March 20, 1933, will be met when there was filed with the Veterans' Administration prior to March 20, 1933, proofs and evidence establishing prima facie entitlement to the benefits sought. The condition of law that proofs and evidence necessary to the adjudication of a claim must have been received by the Veterans' Administration prior to March 20, 1933, will be considered as having been met when the only evidence lacking on March 20, 1933, was such as the following, provided that such evidence is of record at the time of the adjudication of the claim:

(a) Letters testamentary, letters of administration, and letters of guardianship.

(b) See § 3.1347.

(c) Official records from the War or Navy Department.

(d) Where an award has been approved and payments of compensation were commenced prior to March 20, 1933, any apportioned or additional compensation withheld pending the receipt of necessary evidence such as proof of relationship may be awarded to the veteran or to the dependents even though such evidence is received after March 20, 1933. However, only one adjudicative action and one appeal may be taken in this class of case. (Public No. 78, 73d Cong.)

§ 3.1347 *Clarifying evidence.* In claims under §§ 3.1341, 3,1342 and 3.1343 where additional evidence is required for the purpose of inquiring into the veracity of a witness or the authenticity of the documentary evidence, the additional evidence may be obtained after March 20, 1933, if the evidence necessary to establish entitlement to the benefits sought was received prior to March 20, 1933. However, any evidence essential to the allowance of the claim or to enlarge the proofs and evidence on file prior to March 20, 1933, may not be considered if not received prior to that date. (A. D. 165) Documentary or other specific proof of relationship or other fact shown prima facie in the record prior to March 20, 1933, received on or after that date will be deemed to constitute an enlargement of the proofs and evidence on file prior to March 20, 1933.

EMERGENCY OFFICERS RETIREMENT CLAIMS

§ 3.1350 *Adjudication of benefits in emergency officers retirement claims.* After a determination as to entitlement or non-entitlement is made by the board of veterans appeals, and after the approval of the necessary award action by the claims division, veterans claims service, claims for emergency officers retirement will be decentralized to the proper regional office or center, except where jurisdiction is vested in central office as provided in § 4.2025 of this chapter, and will thereafter be adjudicated by the adjudication division in the field offices for the purpose of awarding or apportioning emergency officers retirement payments, pension, or compensation; *Provided*, That where denial is made by the board of veterans appeals in its capacity as a body of original jurisdiction in claims for emergency officers retirement pay, decentralization will be effected upon the expiration of a period of one year from the date on which notice of the decision is dispatched to the claimant, if in the meantime an appeal is not filed; and *Provided, further*, That where denial is made by the board of veterans appeals on appeal, decentralization will be withheld for a period of six months from the date on which notice of the decision is sent to the claimant. Payment Card, VA Finance Form 1071, will be retained in central office. (48 Stat. 8)

§ 3.1352 *Protection afforded benefits being paid on March 20, 1933—Payments not limited to $360 per month.* The phrase "entitled to continue to receive retirement pay at the monthly rate now being paid him" contained in section 10, Title I, Public No. 2, 73d Congress, and § 35.05 of this chapter, does not include the additional allowance for nurse or attendant which was being paid the retired officer on March 20, 1933, since such allowance was not a part of the retirement pay. Section 28, Public No. 141, 73d Congress, was not intended nor designed to protect an award for a nurse or attendant to those retired officers who continued to receive retirement pay under section 10, Title I, Public No. 2, 73d Congress. Any retired emergency officer in receipt of retired pay on March 20, 1933, will be deemed to have been in receipt of compensation or pension. That part of Public No. 2, 73d Congress, as amended, providing $360 as the maximum rate of compensation which may be paid for disability, has no application to emergency officers retirement payments. (A. D. 158, 260)

CROSS REFERENCE: Right of election between emergency officers retirement pay, compensation and pension. See § 3.1300.

§ 3.1355 *Physical examinations on emergency officers retirement claims.* Physical examinations in connection with emergency officers retirement claims will be made only upon central office request initiated by the chairman, board of veterans appeals, and communicated to the field station concerned by the chief medical director, department of medicine and surgery: *Provided*, That physical examinations for compensation or pension benefits will be authorized by the adjudication agency having jurisdiction of the claim. (48 Stat. 8)

§ 3.1358 *Public No. 212, 72d Congress, as amended.* No change in (a).

(b) Amounts received by Government employees as overtime compensation or additional compensation under Public Law 49, 78th Congress, or amounts payable under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation, which the act expressly provides shall be considered a part of basic compensation, shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the purposes of section 212, Public No. 212, 72d Congress, as amended. (57 Stat. 75, 59 Stat. 295, 60 Stat. 216.)

(c) A veteran whose emergency officers retirement pay was suspended by reason of this act is entitled to benefits provided by Public Nos. 2 and 141, 73d Congress, without the necessity of filing a new claim, *Provided, however*, That if he has rights to continuation of emergency officers retirement pay under Public No. 2, 73d Congress, he cannot receive other benefits without a specific election.

(R. S. 471, sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 2, 11, 11a, 426, 707; interpret secs. 1, 2, 45 Stat. 735, 736, sec. 10, 48 Stat. 10; 38 U. S. C. 581, 582, 710) Statutes giving special authority are cited in parentheses at the end of affected sections.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

MARCH 4, 1947.

[F. R. Doc. 47-2146; Filed, Mar. 7, 1947; 10:10 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 21—INTERNATIONAL POSTAL SERVICE

GENERAL PROVISIONS POSTAL UNION (REGULAR) MAILS

Insert new § 21.34a to read as follows:

§ 21.34a *Overcharges on international mail matter.* (a) All applications under

the provisions of the law cited in § 6.19 of this chapter for the refund of postage paid on international ordinary, registered, insured, and collect-on-delivery mail returned to sender without service having been rendered shall be addressed to the Second Assistant Postmaster General, International Postal Transport, Washington 25, D. C., accompanied with a full statement of the basis for the refund application. When possible, the portion of the envelope or wrapper showing the names and addresses of the sender and addressee, date of mailing, the amount of postage and fees (if any) paid, Form 2922 in the case of parcel post, and all postal endorsements, particularly the reason for the return of the mail matter, shall be submitted with the application for refund. Postmasters shall not make refunds until instructed by the Department.

(b) The Second Assistant Postmaster General, International Postal Transport, may on requests therefor authorize refunds of fees collected for international return receipts when such receipts or their equivalent are not obtained because of some fault of the Postal Service; and may also authorize refunds of fees for inquiries or complaints, when they were caused by some irregularity of the Postal Service, in connection with international ordinary, registered, insured, or collect-on-delivery mail.

NOTE: Requests for refunds of fees for registration or insurance or for amounts of less than 10 cents will not be considered.

(c) Upon receipt of instructions to make a refund a postmaster shall pay the amount authorized out of the postal receipts in his possession and shall require the person to whom the payment is made to give a receipt therefor in duplicate on a Form 2995 furnished by the Department, which will accompany the Department's instructions. Offices at which Treasury checking accounts for payment of miscellaneous expenditures have been authorized may show the Treasury check number on voucher Form 2995 in lieu of the signature of the payee. The "original" receipt shall be sent promptly to the Second Assistant Postmaster General, International Postal Transport, in the case of all international mail, ordinary, registered, insured and collect-on-delivery; the "duplicate" shall be retained in the post-office files.

(d) All refunds of postage at offices at which Treasury checking accounts for payment of miscellaneous expenditures have been authorized shall be made by Treasury check; at other offices, they shall be made on the basis of cash payments and the receipt of the payee secured on the voucher. Payments should not be made partly by Treasury check and partly on a cash basis. Care should be exercised to see that the name of the payee is shown on the voucher in each case.

(e) Credit for the amount of the refund shall be claimed by the postmaster in the postal account for the quarter in which refund was made. (Sec. 2, 33 Stat. 1091; 39 U. S. C. 300)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2129; Filed, Mar. 7, 1947; 8:45 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

TRANSPORTATION CHARGES FOR CONVEYANCE OF FOREIGN MAIL BY UNITED STATES AIR CARRIERS

Amend § 21.117 *Transportation charges due from foreign countries for the conveyance of their mails by United States air carriers* (11 F. R. 14517) by adding the following:

Between:	*Rate—postal gold francs per gross kilogram*
United States and Ankara, Turkey	52.50
Gander, Newfoundland, and Ankara, Turkey	39.75
Shannon, Ireland, and Ankara, Turkey	20.50
London, England, and Ankara, Turkey	17.00

(Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485)

This amendment shall be effective January 31, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2130; Filed, Mar. 7, 1947; 8:45 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

TRANSPORTATION CHARGES FOR CONVEYANCE OF FOREIGN MAIL BY UNITED STATES AIR CARRIERS

Amend § 21.117 *Transportation charges due from foreign countries for the conveyance of their mails by United States air carriers* (11 F. R. 14517) by adding the following:

Between:	*Rate—postal gold francs per gross kilogram*
United States and Sydney, Australia	76.50
Honolulu and Sydney, Australia	50.50
Canton and Sydney, Australia	32.25
Suva and Sydney, Australia	20.25
Noumea and Sydney, Australia	12.00

(Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485)

This amendment shall be effective January 28, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2131; Filed, Mar. 7, 1947; 8:45 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES

The regulations under the country "Germany" (39 CFR, Part 21, Subpart B—Service to Foreign Countries), as amended (11 F. R. 14517; 12 F. R. 706), are further amended by the additional regulations:

Effective at once, non-commercial printed matter up to a weight limit of 4 pounds 6 ounces, when sent as gifts, may be accepted for mailing to the United States and British Zones of Germany, excluding Berlin.

The term "non-commercial printed matter" may be interpreted as referring to newspapers, news and fashion magazines, books on any subject, sheet music, and periodicals devoted to special fields of interest such as art, medicine, literature, and similar subjects. Individuals in the United States may direct publishers to mail gift printed matter. It is not permissible, however, to send mail-order catalogues, or other printed matter of a commercial nature.

The covers or wrappers of printed matter addressed to the American and British Zones of Germany must be plainly marked "Non-commercial printed matter", and a list of the articles enclosed must be plainly endorsed on or securely attached to the cover.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2132; Filed, Mar. 7, 1947; 8:48 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; ALPHABETICAL LIST

The regulations under the country "Germany" (39 CFR, Part 21, Subpart B—Service to Foreign Countries), as amended (12 F. R. 706), is further amended as follows:

1. Change first sentence of paragraph (a) (12 F. R. 706) to read:

Restricted resumption of mail service to all of Germany. (a) Effective at once ordinary letters weighing not in excess of one pound and non-illustrated post cards may be accepted for transmission either by surface means or air to all of Germany.

2. Change item "Air mail ------ 30 cents half ounce" in paragraph (f) (12 F. R. 706) to read "air mail ------ 15 cents half ounce."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2133; Filed, Mar. 7, 1947; 8:48 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; ALPHABETICAL LIST

Insert the following under "Austria".

AUSTRIA

Regular mails. See Table No. 1, § 21.116 (39 CFR, Part 21, Subpart B—Service to Foreign Countries), for classifications, rates and dimensions. Small packets accepted.
Indemnity. See § 21.105 (39 CFR).
Special delivery. No service.
Money-order service. See page 94, Part I, Postal Guide of 1945.
Dutiable articles (merchandise) prepaid at letter rate. Accepted. (See sec. 3).
Combination packages. Accepted. (See sec. 12).
Air-mail service. Postage rate, 15 cents per one-half ounce. (See § 21.20).
Observations. Communications addressed to persons in Austria may be on business as well as personal or family matters.

The Postal Administration of Austria has advised that the designations "Ostmark", "Gau", "Wien (Deutschland)", "Niederdonau", "Oberdonau", etc., are no longer correct, but that the names "Osterreich (Austria)", "Bundesland", "Wien (Osterreich)", or "Vienna, Austria", "Niederosterreich (Lower Austria)", and "Oberosterreich (Upper Austria)" should be shown in the address of articles destined for those places.

Prohibitions. No list.
Parcel post. (Austria) (See "Observations" below concerning restrictions.)

[Rates include transit charges and surcharges]

Pounds:	*Rate*
1	$0.40
2	.54
3	.71
4	.85
5	.99
6	1.13
7	1.27
8	1.45
9	1.59
10	1.73
11	1.87

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipment: No.
Registration: No.
Insurance: No.
C. O. D.: No.
Exchange offices: New York, Chicago.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Observations. Only one parcel per week may be sent by or on behalf of the same sender to or for the same addressee.

Foodstuffs may be only of such character as to be nonperishable.

The contents of the parcels must be itemized on the customs declaration.

Parcels should bear the full name of the addressee and the complete address, including the Land or Province, when known, city, street and number; also the apartment number if applicable.

Due to many changes of address because of wartime conditions it will probably be impossible to deliver many relief parcels to the original addressees. It may not be practicable to return such parcels to the senders, and postmasters are directed to suggest that senders of relief parcels endorse their parcels to indicate they should be delivered to relief or charitable institutions in the event it is impossible to deliver them to the original addressees.

Prohibitions. No list.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2134; Filed, Mar. 7, 1947; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71–85—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of February 1947.

It appearing that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

APPENDIX TO PART 3—SHIPPING CONTAINER SPECIFICATIONS

Superseding and amending paragraph 22, Specification 4B (*Alloy steel cylinders*), order December 18, 1941, to read as follows:

22. *Additional type.* Cylinders without longitudinal welded seam when made for service pressure at least 240 pounds to not over 500 pounds per square inch are authorized provided the cylinders are made of steel approved by the Bureau of Explosives as suitable for use in the fabrication of this additional type of cylinder and the cylinders comply with this specification with exceptions and additional requirements as follows:

(a) *Exceptions.* (1) Yield point not over 75 percent of tensile strength is acceptable.

(2) Wall thickness is acceptable, subject to the additional requirement specified in paragraph 22 (b) (1), as follows:

Inside diameter of cylinder (inches):	*Minimum wall thickness* (inch)*
15 or less	0.087
over 15 to 16	.092
over 16	.100

*Excluding galvanizing or other protective coating.

(3) Elongation percentages as prescribed in paragraph 16 (a) may be reduced by 2 percent for 2-inch specimens, and 1 percent in other cases, for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per square inch up to the maximum of 80,000 pounds per square inch.

(b) *Additional requirements.* (1) Wall stress at test pressure, as calculated under paragraph 9 (b), must not exceed 50 percent of the minimum tensile strength of the steel.

(2) Ratio of length of cylinder to its diameter must not exceed 3.5 when wall thickness is less than 0.100 inch.

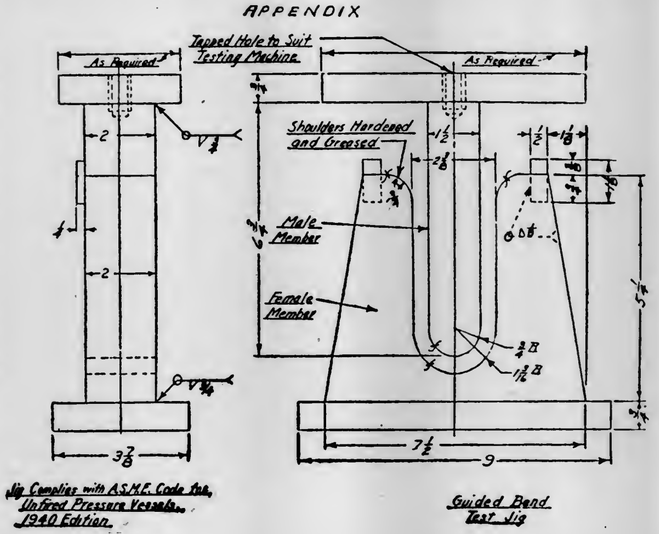
(3) Each cylinder, except when braced throughout, must be thermally stress relieved after all welding operations have been completed and prior to the hydrostatic test.

(4) Weld test specimens must be cut from one cylinder taken at random from each lot of 200 or less cylinders after stress relieving as prescribed and must pass satisfactorily the following tests:

(i) *Tensile test.* Without preparation other than finishing the edges parallel for a distance of approximately 2 inches on each side of the weld, the specimen must be fractured in a tensile test; the unit breaking load must be at least equal to the minimum unit breaking load in the tensile tests made under the requirements of paragraph 15.

(ii) *Guided bend test.* A specimen 1½ inches wide, on which the edges have been machined parallel and rounded with a file, but without other preparation, shall be bent to refusal in the guided bend jig shown in the drawing as an appendix attachment made part hereof. The root of the weld (inside surface of cylinder) shall be located away

APPENDIX



from the ram of the jig. Any specimen which shows a crack exceeding ⅛ inch in any direction upon completion of the test shall be considered unsatisfactory.

(5) All markings must be applied on a plate of ferrous material attached to the top of the cylinder or permanent part thereof: sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must not be attached to the side wall of the cylinders; the plate must be at least $\frac{1}{16}$ inch thick and it must be attached by welding, or by brazing at a temperature of at least 1400° F. throughout all edges of the plate: *Provided*, That marks may be stamped into the metal of top heads having a thickness of not less than 0.087 inch or the valve boss or valve protecting sleeve or similar part permanently attached to the top end of the cylinder: *Provided further*, That marks other than those prescribed in paragraph 19 may be stamped into the foot ring. Stamping of letters, figures or other marks into the metal of the cylinder for any purpose whatever, except as above authorized, is expressly prohibited. The mark prescribed in paragraph 19 (a) must be as follows: ICC–4B***; stars to be replaced by the service pressure and followed by the letter X (for example ICC–240X, etc.).

(6) Reports of manufacture shall include percentage of each alloying element in the steel and shall state that the cylinders are made under the provisions of paragraph 22 of this specification.

(7) Carbon content of steel must not exceed 0.20 percent.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after May 25th, 1947, and shall be observed until further order of the Commission;

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after date of service hereof;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176; 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2050; Filed, Mar. 7, 1947; 8:45 a. m.]

[S. O. 369, Amdt. 9]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of March A. D. 1947.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F. R. 15073; 11 F. R. 639, 2383, 7857, 8453, 10504, 11013, 14522), and good cause appearing therefor, it is ordered, that:

Section 95.369 *Demurrage charges on closed box cars*, of Service Order No. 369, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) (3) for paragraph (c) (3) thereof:

(c) *Application.* * * *

(3) *Export, import, coastwise or intercoastal traffic.* Import, export, coastwise or intercoastal traffic is subject to this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2138; Filed, Mar. 7, 1947; 8:46 a. m.]

[S. O. 653, Amdt. 2]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128), and good cause appearing therefor, it is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) (3) for paragraph (c) (3) thereof:

(c) *Application.* * * *

(3) *Export, import, coastwise or intercoastal traffic.* Except as shown below, import, export, coastwise or intercoastal traffic is subject to this section.

Exemptions. Import, export, coastwise or intercoastal coal, bulk grain or explosives traffic, during the period such traffic is held in cars at ports for transfer to or from vessels or held at United States-Canadian border crossings, is not subject to this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2139; Filed, Mar. 7, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

EVAPORATED MILK

NOTICE OF PROPOSAL TO TERMINATE MARKETING AGREEMENT AND LICENSE FOR EVAPORATED MILK INDUSTRY

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong.) and the authority contained in section 8, Part II, Title I of Act No. 10, 73d Cong. (48 Stat. 34) as amended, and Article XIII of the marketing agreement (Agreement No. 60)[1] for the evaporated milk industry, notice is hereby given that the Secretary of Agriculture is considering a proposal to terminate the aforesaid marketing agreement which was approved and executed by the Secretary of Agriculture May 31, 1935, and the license (License No. 100)[1] for the evaporated milk industry issued by the Secretary of Agriculture May 31, 1935, which licensed certain persons therein described to engage in the marketing in the current of interstate or foreign commerce of evaporated milk, subject to certain terms and conditions stated therein.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination of the aforesaid marketing agreement and license may do so by filing the same in quadruplicate with the Hearing Clerk, Office of the Solicitor, Room 0306, South Building, United States Department of Agriculture, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

[1] Not filed with the Division of the Federal Register.

Issued this 4th day of March 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-2140; Filed, Mar. 7, 1947; 8:46 a. m.]

[7 CFR, Part 904]

[Docket AO 14-A-14]

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

NOTICE OF HEARINGS ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENTS

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a hearing to be held at the City Hall Auditorium, Burlington, Vermont, beginning at 10:00 a. m., e. s. t., March 14, 1947, and at Court Room No. 5, Federal Court Building, Post Office Square, Boston, Massachusetts, beginning at 10:00 a. m., e. s. t., March 17, 1947, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts milk marketing area. The proposals to delete the present formula method of computing Class I prices or to modify such formula by fixing minimum prices below which the formula prices may not go during specified months raise the question of whether the formula method will operate more satisfactorily to maintain Class I prices at a level which will be consistent with the standards set forth in the act if some or all of the price factors contained in the formula are changed. Similarly, the proposals to change the skim milk value and to revise the special adjustments for butter, cheese, and casein, raise questions concerning the appropriate level of all Class II prices and of all the factors used in the computation of such prices. Evidence with respect to these questions will also be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments with respect to which evidence will be received are as follows:

Proposed by E. M. Dwyer:

1. Amend § 904.3 (a) (8) to read as follows:

(8) The term "Producer-handler" means any handler who receives milk of his own production from no farm located more than 80 miles from the State House in Boston and has no receipts from other producers except producer-handlers.

Proposed by the market administrator:

2. Amend § 904.3 (a) (14) by deleting the words "and from plants designated as pool plants under the New York order (Order No. 27, regulating the handling of milk in the New York metropolitan marketing area)."

3. Revise § 904.3 (a) (15) to read as follows:

(15) The term "emergency milk" means that milk received at a regulated plant during an emergency period from a plant which, in the delivery period or in the portion of a delivery period which immediately preceded the beginning of the emergency period was any nonpool plant other than the plant of a producer-handler or a regulated plant at which the sole source of milk supply consisted of receipts from other handlers.

Proposed by Bellows Falls Cooperative Creamery, Inc., Bethel Cooperative Creamery, Inc., Cabot Farmers Cooperative Creamery Company, Inc., Grand Isle County Cooperative Creamery Association, Inc., Granite City Cooperative Creamery Association, Inc., Maine Dairymen's Association, Inc., Manchester Dairy System, Inc., Milton Cooperative Dairy Corporation, New England Dairies, Inc., New England Milk Producers' Association, Northern Farms Cooperative, Inc., St. Albans Cooperative Creamery, Inc., Shelburne Cooperative Creamery Company, United Farmers Cooperative Creamery Association, Inc., and Vermont Cooperative Creamery, Inc.:

4. Amend § 904.6 (a) (1) by deleting the words "from the effective date hereof through February 1947 the price shall not be less than $5.21 per hundredweight;" and substituting therefor the following: "prices by delivery periods shall not be less than the following:

March, April 1947	$5.21
May, June 1947	4.33
July–September 1947	4.77
September 1947–April 1948	5.21

Proposed by Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc.:

5. Amend § 904.6 (a) (1) (iv) by adding the following proviso: *"Provided, however*, That during the year 1947 the Class I price shall not be less than the following: during the months of March and April, $5.21 per hundredweight; during the months of May and June, $4.33 per hundredweight; during the months of July, August, and September, $4.77 per hundredweight; during the months of October, November, December, and January, 1948, $5.21 per hundredweight."

Proposed by Independent Cooperative Association, Inc. and Eastern New York Dairy Cooperative Association, Inc.:

6. Delete § 904.6 (a) (1) and substitute therefor language which provide for a minimum Class I price per hundredweight as follows:

March through June 1947	$4.77
July through October 1947	5.21
November 1947 through January 1948	5.65

Proposed by Vermont Cooperative Creamery, Inc.:

7. Amend § 904.6 (a) (1) to provide for a Class I price of $4.77 per hundredweight in May and June.

8. Provide that 44 cents be placed in a seasonal adjustment fund which would be added one-half to the November pool and one-half to the December pool.

9. Provide that in 1948 and succeeding years the Class I price in April, May and June be held at a 44-cent per hundredweight higher level than it would otherwise be, and that the extra 44 cents be retained in a seasonal adjustment fund and distributed in equal amounts in the October, November, and December pools.

Proposed by David Buttrick Company, H. P. Hood & Sons, Inc., Whiting Milk Company, White Brothers Milk Company, and Lyndonville Creamery Association:

10. Amend § 904.6 (b) (3) by deleting the language up to but not including the table and substituting therefor the following:

(3) Compute and plus amount for the skim milk value as follows:

(i) Compute a price for human food products for the delivery period by averaging all of the wholesale price quotations (using the midpoint in any range as one quotation, published during the period for roller process nonfat dry milk solids in "The Producers' Price Current" under the heading of "other brands, human consumption, carlots, bags or barrels:" *Provided*, That if no such quotations or only nominal quotations are published during the delivery period or if the administrator finds that such quotations as are published are higher than prices received by Boston pool handlers during the period, such administrator shall estimate and use in lieu thereof a comparable price for human consumption roller process nonfat dry milk solids f. o. b. New York in carlots, other brands, using as the basis for such estimate market trends since the previous month, price quotations for known brands, prices reported by other agencies for New York or other markets, and prices actually received by Boston pool handlers for sales during the period.

(ii) Compute a price for animal feed products for the delivery period by averaging all of the wholesale price quotations (using the midpoint in any range as one quotation) published during the period for roller process dry skim milk for animal feed in "The Producers' Price Current" under the heading of "other brands, animal feed, carlots, bags or barrels:" *Provided*, That if no such quotations or only nominal quotations are published during the period or if the market administrator finds that such quotations as are published are higher than prices received by Boston pool handlers during the period, such administrator shall estimate and use in lieu thereof a comparable price for roller process dry skim milk for animal feed, f. o. b. New York in carlots, other brands, using as the basis for such estimate market trends since the previous month, price quotations for known brands, prices reported by other agencies for New York

or other markets, and prices actually received by Boston pool handlers for sales during the period.

(iii) Multiply the prices computed in subdivisions (i) and (ii) of this subparagraph by the applicable percentage indicated for the delivery period in the following table, combine the results, subtract 4 cents, and multiply the remainder by 7.5:

Proposed by Independent Cooperative Association, Inc., and Eastern New York Dairy Cooperative Association, Inc.:

11. Revise § 904.6 (b) (3) so that for the year round the skim milk value is based entirely on nonfat dry milk solids, roller process human food products in barrels as published by the United States Department of Agriculture for New York.

Proposed by Bethel Cooperative Creamery, Inc., Cabot Farmers Cooperative Creamery, Inc., Grand Isle County Cooperative Creamery, Inc., Granite City Cooperative Creamery, Inc., Milton Cooperative Dairy Corporation, New England Dairies, Inc., United Farmers Cooperative Creamery Association, Inc., and Shelburne Cooperative Creamery Company:

12. Amend § 904.6 (b) (3) by deleting the table of varying percentages and providing a computation which is a simple average of nonfat dry milk solids for roller process human food products and for hot roller process animal feed products, and by substituting for published price quotations now used, other quotations which more nearly reflect actual market conditions for dairy products in the Boston milk shed.

Proposed by David Buttrick Company, H. P. Hood & Sons, Inc., Whiting Milk Company, and White Brothers Milk Company:

13. Amend § 904.6 (c) by adding the following proviso as a part of the first sentence: *"Provided*, That the minimum price for Class II milk which is received from producers at country plants and is shipped to city plants in the form of whole fluid milk shall be subject to the differentials shown in Column B: *Provided, however*, That the quantity of Class II milk to which such differentials shall apply in any delivery period shall not exceed 6 percent of such handler's sales of Class I milk during the period: *And provided further*, That such Class II milk shall be considered to have been received at the plants of the handler next nearest to Boston after the plant allocation of Class I milk pursuant to § 904.6 (a) (2)."

Proposed by the market administrator.

14. Delete the first sentence of § 904.6 (c) and substitute therefor the following: "The Class I, Class II, or blended price for any plant at which milk is received from producers is the respective 201–210 mile zone price plus or minus the applicable differential shown in the following table."

15. Amend § 904.6 (c) by deleting the words "New England Joint Tariff M–4" wherever they appear and substituting the words "New England Joint Tariff M–5."

16. Delete the table in § 904.6 (c) and substitute therefor the following:

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B Class I and blend price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
City Plant	+46.0	+20.0
41–50	+12.0	+5.0
51–60	+11.0	+5.0
61–70	+10.5	+5.0
71–80	+9.5	+5.0
81–90	+9.0	+5.0
91–100	+8.5	+5.0
101–110	+8.5	+1.5
111–120	+7.5	+1.5
121–130	+7.5	+1.5
131–140	+6.5	+1.5
141–150	+4.5	+1.5
151–160	+3.0	+0.5
161–170	+3.0	+0.5
171–180	+1.0	+0.5
181–190	+1.0	+0.5
191–200	0	+0.5
201–210	(1)	(1)
211–220	−3.5	0
221–230	−4.0	0
231–240	−4.5	0
241–250	−4.5	0
251–260	−5.5	−0.5
261–270	−6.0	−0.5
271–280	−6.8	−0.5
281–290	−7.0	−0.5
291–300	−8.0	−0.5
301–310	−11.0	−1.0
311–320	−11.0	−1.0
321–330	−12.0	−1.0
331–340	−12.0	−1.0
341–350	−12.5	−1.0
351–360	−12.5	−1.5
361–370	−12.5	−1.5
371–380	−13.0	−1.5
381–390	−13.0	−1.5
391 and over	−13.0	−1.5

(1) No differential.

Proposed by Northern Farms Cooperative, Inc. and Maine Dairyman's Association, Inc.:

17. Amend § 904.6 (e) by deleting the words "April" and "July," and by adding a proviso that, if in the months of April and July the market administrator determines that no outlet for substantial quantities of cream is available, the butter and cheese adjustment provision may be extended to cover the pertinent period in which no such outlet is available.

18. Amend § 904.6 (e) (3) to provide that a handler not be able to account for butterfat in milk received from producers at the butter price when such handler eventually utilizes that butter or equal or similar quantities of butter, regardless of where it was obtained, in ice-cream mix or other dairy products.

Proposed by Bethel Cooperative Creamery, Inc., Cabot Farmers Cooperative Creamery, Inc., Grand Isle County Cooperative Creamery, Inc., Granite City Cooperative Creamery, Inc., Milton Cooperative Dairy Corporation, New England Dairies, Inc., United Farmers Cooperative Creamery Association, Inc., and Shelburne Cooperative Creamery Company:

19. Amend § 904.6 (e) by deleting the words "April, May, June, and July" and adding a proviso in subparagraph (4) as follows: *"Provided*, That with respect to butterfat made into butter during the months of October, November, December, January, and February, the quantity of such butterfat shall be reduced by 5 percent."

20. Amend § 904.6 (e) by eliminating all reference to cheese, and provide a separate cheese adjustment with a price basis similar to that provided for Class IV–B milk under the New York order (Order No. 27, regulating the handling of milk in the New York metropolitan marketing area), such adjustment to apply to butterfat manufactured into cheese in all months of the year, and to include a 5 percent penalty provision for the months of October through February.

21. Amend § 904.6 (e) (3) by adding a proviso as follows: *"Provided*, That butterfat in butter used in the manufacture of some other dairy product shall not be eligible for the adjustment provided in this section, and the value of a handler's milk on which the adjustment has been allowed shall be increased by the amount of said adjustment to the extent that the butter which formed the basis of such adjustment is subsequently used in some other dairy product."

Proposed by Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc.:

22. Delete § 904.6 (f) and any reference to the casein differential wherever it may appear.

Proposed by Milton Cooperative Dairy Corporation:

23. Amend § 904.6 (f) by deleting the words "during the months of April, May, and June" and adding a proviso to subparagraph (2) as follows: *"Provided*, That in case no quotations are published during the delivery period, the computation for the most recent prior delivery period shall be used: *And provided further*, That in the case of any handler with casein on hand made from pool milk, who has registered with the market administrator bona fide offers to sell such casein at current quotations to three or more usual buyers of casein, and as a result bids based on such offers, at less than the offered price, are accepted by the handler, then, to the extent that such selling prices f. o. b. New York basis are less than the computation used for the delivery period in which such casein was made, the value of such handler's milk, for the delivery period in which such sales are consummated, shall be reduced by the amount of casein sold times such price difference."

24. Amend § 904.6 by adding a new paragraph (g) to read as follows:

(g) *Animal feed powder adjustment.* The value of a pool handler's milk computed pursuant to § 904.9 (a) (2) shall be reduced by an amount determined as follows: (1) Compute the difference between the average of quotations for nonfat dry milk solids, human food products, and animal feed products, determined in § 904.6 (b) (3), and multiply such result by 8.3. This result is the animal feed powder differential per hundredweight of skim milk; and (2) multiply the number of hundredweight of skim milk obtained from milk from producers, which was used to make animal feed powder, by the differential determined pursuant to subparagraph (1) of this paragraph.

Proposed by the market administrator:

25. Delete § 904.15 and substitute therefor a new paragraph (g) in § 904.6 to read as follows:

(g) *Emergency changes in formulas for class prices and differentials.* If for any reason a price for any milk product specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described by the order, the market administrator shall substitute a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

Proposed by New England Milk Producers' Association:

26. Amend § 904.7 (a) by adding a new subparagraph (5) to read as follows:

(5) A full description of the basis for, and the method of determining the amount of, any additional payments that may be made to producers pursuant to § 904.10 (k).

27. Amend § 904.7 (d) by adding a new subdivision (iii) to read as follows:

(iii) The net amount of any additional payments made to such producer pursuant to § 904.10 (k)."

Proposed by the market administrator:

28. Delete § 904.7 (c) and substitute therefor the following:

(c) *Reports regarding individual producers.* (1) Within 10 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the name of the plant to which the producer had been delivering immediately prior to starting or resuming deliveries, and it shall state whether or not milk from the farm was delivered to a nonpool plant of the handler (or of any person affiliated with or controlled directly or indirectly by the handler) on more than three days in any one of the months of August to January, inclusive, next preceding the effective date of the report.

(2) Within 5 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

29. Renumber § 904.7 (f) as § 904.7 (g) and insert a new paragraph (f) to read as follows:

(f) *Maintenance of records.* Each handler shall maintain records which will show and summarize all receipts, movements, and disposition of milk and milk products.

Proposed by David Buttrick Company; H. P. Hood & Sons, Inc., Whiting Milk Company, White Brothers Milk Company, Lyndonville Creamery Association, and J. F. McAdams and Brothers, Inc.:

30. Amend § 904.7 by adding a new paragraph (g) to provide a time limit with respect to the retention of records and with respect to re-audits and the issuance of revised billings.

Proposed by David Buttrick Company; H. P. Hood & Sons, Inc., Whiting Milk Company, and White Brothers Milk Company:

31. Amend § 904.8 (c) to provide that the operation of the 3-day provision shall be measured from the date on which the plant first becomes a pool plant of such handler rather than being measured from August 1.

32. Amend § 904.8 (c) to provide that the 3-day provision shall not operate to exclude dairy farmers from the pool in April, May, June, and July because of their milk being delivered to a nonpool plant during the August through January period if such producers were retained on the pay roll if a pool plant and their entire deliveries were reported and credited to the pool as Class I milk.

33. Amend § 904.8 (e) by deleting the words "during the emergency period within the month, whichever is greater" and substituting therefor the words "during that part of the emergency period within the month during which emergency milk is received by such handler, whichever is greater."

Proposed by David Buttrick Company, H. P. Hood & Sons, Inc., Whiting Milk Company, White Brothers Milk Company, and Lyndonville Creamery Association:

34. Amend § 904.8 (d) (2) and (3) by deleting the words "April" and "July."

Proposed by the Market Administrator:

35. Amend § 904.8 (e) (1) by deleting the words "his total supply of milk" and substituting therefor the words "the total volume of milk, flavored milk, skim milk, cultured or flavored skim milk, and buttermilk handled by him."

36. Amend § 904.10 (a) by adding thereto the following sentence: "The provisions of this paragraph shall not apply to any handler who, on or before the 15th day after the end of the delivery period, makes final payment as required by paragraph (b) (1) of this section."

Proposed by New England Milk Producers' Association:

37. Revise § 904.10 (b) (1) to read as follows:

(1) To each producer at not less than the basic blend price per hundredweight, subject to the differentials provided in paragraphs (d) and (e), of this section, and to additional payments, if any, under paragraph (k), of this section, for the quantity of milk delivered by such producer; and

38. Amend § 904.10 by adding a new paragraph (k) as follows:

(k) *Additional payments.* Any handler may make payments to producers in addition to paragraph (b) of this section: *Provided*, That such additional payments shall be made uniformly to all producers delivering milk to such handler: *Provided further*, That any such payments made on the basis of meeting special quality standards shall be made uniformly to all producers delivering milk to such handler which meets such special quality standards: *And provided further*, That such payments shall be in conformity with the additional payment plan of the handler as disclosed in the reports required to be filed pursuant to § 904.7 (a) (5).

39. Amend § 904.10 (d) by adding a proviso as follows: *"Provided*, That any handler during any delivery period, in making payments to producers at any plant for milk of average butterfat content above or below 3.7 percent, may use a butterfat differential not more than 25 percent lower than the differential otherwise provided in this paragraph if such handler notifies the market administrator in advance of his intention to use such lower differential and if such handler uses as the blend price at any such plant a price adjusted to compensate fully for the lower butterfat differential."

Proposed by the market administrator:

40. Revise basis of pooling:

Revise the basis for determining which milk is fully subject to the pricing and payment provisions of the order, set up a method of allocating receipts of "outside milk" to Class II milk, revise the provisions relating to payments to producers through the market administrator, revise the provisions relating to payment of administration expenses, make miscellaneous revisions described herein, and make other changes incidental to and consistent with the other parts of this proposal, so as to produce the methods and results described below.

RECEIPTS FROM PRODUCERS

For any month for which this proposal provides that a given plant be considered as a pool plant, all receipts from dairy farmers at the plant shall be considered as receipts from producers. The only exceptions to this rule are as follows: (1) During the months of April, May, June, and July any milk received at a pool plant from farms from which dairy farmers delivered milk to a nonpool plant of the same handler or an affiliate on more than three days in any any one of the preceding months of August through March shall be considered as receipts from "producers for other markets"; (2) receipts from dairy farmers kept separate from the supply for the marketing area shall not be considered subject to the order. Only receipts from producers shall be considered as pool milk and as fully subject to the pricing and payment provisions of the order.

POOL PLANTS

Pool plant status in flush season. No plant shall be considered a pool plant in any of the months of April through July if it was operated by the handler or an affiliate as a nonpool receiving plant in any of the previous months of August through March. This provision shall take precedence over all other portions of this proposal dealing with the status of plants.

Receiving plants with class I disposition directly to consumers. Any receiving plant from which Class I milk is disposed of directly to consumers in the marketing area shall be considered a pool plant in each month in which the handler's total Class I milk in the marketing area amounts to more than 10 percent of his total receipts of milk, flavored milk, skim milk, cultured or flavored skim milk, and buttermilk at all of his plants from which Class I milk was disposed of in the marketing area.

Receiving plants with no class I disposition directly to consumers. I. Requirements for Acquiring Pool Plant Status in August: A receiving plant from which no Class I milk is disposed of directly to consumers in the marketing

area shall be considered a pool plant in August of each year if all the following requirements are met in the month.

(a) The handler's total Class I milk in the marketing area amounts to more than 10 percent of his total receipts of milk, flavored milk, skim milk, cultured or flavored skim milk, and buttermilk at all of his plants from which Class I milk was disposed of in the marketing area.

(b) The plant in question disposes of milk in the marketing area.

(c) A majority of the dairy farmers delivering to the plant hold certificates of registration issued pursuant to Chapter 94, Section 16, of the Massachusetts General Laws.

(d) The milk inspector of a city or town in the marketing area has issued a milk license to the handler pursuant to Chapter 94, Section 40, of the Massachusetts General Laws, or has indicated in writing that a majority of the dairy farmers delivering to the plant are approved sources of supply for milk for sale in his municipality.

2. Requirements for acquiring pool plant status after August:

(a) Any plant which becomes a receiving plant after August shall be considered a pool plant in the first month in which all the requirements for acquiring pool plant status in August are met.

(b) Any plant as to which the identity of the operating handler changes shall be considered a pool plant in the first month of its operation by the new handler in which all the requirements for acquiring pool plant status in August are met.

(c) Any plant which was a nonpool plant in August shall be considered a pool plant in the first month prior to the following April in which all the requirements for acquiring pool plant status in August are met.

3. Requirement for retaining pool plant status: Any receiving plant which has acquired the status of a pool plant shall continue to be considered a pool plant in each month prior to the following August if milk is disposed of in the marketing area from the plant at least every second month.

4. Requirements for returning to pool plant status:

Any receiving plant which becomes a nonpool plant during any of the months of September through March after having been a pool plant in any month subsequent to the preceding July, shall again be considered a pool plant in any given month prior to the following April in which milk is disposed of in the marketing area from the plant, or was so disposed of in the preceding month.

5. Handlers' option to designate plants as nonpool plants:

Regardless of the provisions of Items 1 to 4 above, any plant from which no Class I milk is disposed of directly to consumers in the marketing area shall not be considered a pool plant in any given month for which the handler files written request with the market administrator not later than the 15th of the preceding month that the plant be considered a nonpool plant.

ALLOCATION OF RECEIPTS OF OUTSIDE MILK

All receipts of nonpool milk, flavored milk, skim milk, cultured or flavored skim milk, and buttermilk at a pool plant or the plant of a producer handler or buyer handler, except such receipts from the plant of a producer handler, a New York pool plant, or a plant at which emergency milk is received directly from dairy farmers, shall be treated as Class II milk regardless of the segregation or the specific use of the product so received.

PRODUCER SETTLEMENT PAYMENTS

Payments on nonpool milk disposed of as Class I milk directly to consumers in the marketing area. Each handler, except a producer handler, whose total Class I milk in the marketing area during the month is not more than 10 percent of his total receipts of milk, flavored milk, skim milk, cultured and flavored skim milk, and buttermilk at all of his receiving plants from which Class I milk was disposed of in the marketing area, shall make a payment to the producer settlement fund if any nonpool milk was disposed of as Class I milk directly to consumers from any such plants. Any handler who becomes subject to the provisions of the preceding sentence in any of the months of August through March shall make a payment to the producer settlement fund if he disposes of nonpool milk as Class I milk directly to consumers in the marketing area in any of the following months of April through July. In each case, the payment shall be at the difference between the applicable Class I and Class II prices, and shall be based on the net quantity of nonpool milk so disposed of directly to consumers, after subtracting any receipts of Class I milk from pool plants.

Payments on outside milk. Each pool handler, producer handler, or buyer handler whose receipts of nonpool milk, flavored milk, skim milk, cultured or flavored skim milk, or buttermilk, except such receipts from the plant of a producer handler, a New York pool plant, or a plant at which emergency milk is received directly from dairy farmers, in any month are in excess of his total Class II milk, after deducting receipts of cream, shall make a payment to the producer settlement fund for such excess quantity at the difference between the applicable Class I and Class II prices.

ADMINISTRATION EXPENSE

Delete the present provisions of § 904.12 and substitute the following:

§ 904.12 *Expense of Administration*—(a) *Basis of payment.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of the regulations of this part. The payment shall be based on the quantities of each of the following which were handled by the handler during the month:

(1) His receipts of milk from pool producers.

(2) His receipts of outside milk.

(3) The quantity of nonpool milk, other than outside milk, disposed of as Class I milk directly to consumers in the marketing area for which the handler is required to make payment to the producer settlement fund.

(b) *Rate of payment.* The rate of payment shall be 2.5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe.

MISCELLANEOUS AND INCIDENTAL

Upon receipt of a proper written request by a handler that any of his plants which was a pool plant in the preceding month be designated as a nonpool plant, the market administrator shall promptly notify the producers delivering to the plant of the filing of the request, and of its effect on their status under the order.

Make such other changes in the order as are incidental to, consistent with, or necessary to effectuate the other portions of this proposal. In § 904.3, delete the term "dairy farmer"; redefine the terms "producer," "handler," pool handler," "pool plant," "city plant," and "country plant"; delete the term "delivery period" and substitute therefor the term "month"; and make such other changes in the section as are necessary or incidental in order to give clear effect to this proposal, including the addition of definitions for "pool producer," "receiving plant," "New York order pool plant," and "outside milk."

Copies of this notice of hearing and of the tentatively approved marketing agreement, as amended, and of the order as amended, now in effect, may be procured from the Acting Market Administrator, Room 746, 80 Federal Street, Boston 10, Massachusetts, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0308 South Building, Washington 25, D. C., or may be there inspected.

Dated: March 5, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-2149; Filed, Mar. 7, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 8070]

AERONAUTICAL RADIO COMMUNICATION SERVICE

ORDER POSTPONING DATE OF ORAL ARGUMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration an informal petition from those persons in attendance at a conference held pursuant to Public Notice No. 4266 (12 F. R. 841) to postpone the oral argument scheduled to be heard before the Commission at its offices in Washington, D. C., on February 28, 1947;

It is ordered, That the oral argument heretofore scheduled to be heard on the above entitled matter on February 28, 1947, be, and it is hereby postponed to 10 a. m., March 10, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2190; Filed, Mar. 7, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NON-BASIC AGRICULTURAL COMMODITIES

READJUSTMENT IN PRODUCTION

Whereas, section 4 of the act of July 1, 1941, as amended (Sec. 4, 55 Stat. 498, sec. 9 (a), 56 Stat. 768; 15 U. S. C., Sup., 713a–8, 50 U. S. C. App., Sup., 969) provides as follows:

(a) Whenever during the existing emergency the Secretary of Agriculture finds it necessary to encourage the expansion of production of any non-basic agricultural commodity, he shall make public announcement thereof and he shall so use the funds made available under section 3 of this act or otherwise made available to him for the disposal of agricultural commodities, through a commodity loan, purchase, or other operation, taking into account the total funds available for such purpose for all commodities, so as to support, during the continuance of the present war and until the expiration of the two-year period beginning with the first day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated, a price for the producers of any such commodity with respect to which such announcement was made of not less than 90 per centum of the parity or comparable price therefor. The comparable price for any such commodity shall be determined and used by the Secretary for the purposes of this section if the production or consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities. Any such commodity loan, purchase, or other operation which is undertaken shall be continued until the Secretary has given sufficient public announcement to permit the producers of such commodity to make a readjustment in the production of the commodity. For the purposes of this section, commodities other than cotton, corn, wheat, tobacco, peanuts, and rice shall be deemed to be non-basic commodities.

Whereas, pursuant to the foregoing provisions of law, public announcement has been made by the Secretary of Agriculture to encourage the expansion of production of the following non-basic commodities: Hogs, eggs, chickens and turkeys, milk and butterfat, dry peas of certain varieties, dry edible beans of certain varieties, soybeans for oil, peanuts for oil, flaxseed for oil, American Egyptian cotton, potatoes and sweet potatoes; and

Whereas, the President has, by Proclamation No. 2714, dated December 31, 1945 (12 F. R. 1), declared that hostilities in World War II have terminated;

Now, therefore, I have determined that the period from the date hereof to December 31, 1948, is sufficient to permit the producers of the commodities named hereinabove to make a readjustment in the production of such commodities, and public announcement is hereby made that the obligation of the Department of Agriculture to support the prices of such commodities at not less than 90 per centum of the parity or comparable prices therefor pursuant to the foregoing provisions of law will terminate on December 31, 1948.

(Sec. 4, 55 Stat. 498, sec. 9 (a), 56 Stat. 768; 15 U. S. C., Sup., 713a–8, 50 U. S. C. App., Sup., 969)

Done at Washington, D. C., this 4th day of March 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2141; Filed, March 7, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7793 and 8007]

ANDERSON BROADCASTING CO. INC. AND CAROLINA BROADCASTERS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Anderson Broadcasting Company, Inc., Anderson, South Carolina, Docket No. 7793, File No. BP–4995; John J. Powell, tr/as Carolina Broadcasters, Anderson, South Carolina, Docket No. 8007, File No. BP– 5476; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new standard broadcast station to operate on 1070 kc, with 1kw power, daytime only, at Anderson, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues;

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2152; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 7924 and 8144]

PIEDMONT BROADCASTING CO. AND HAROLD H. THOMS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Charles B. Britt, Joe H. Britt, Vardry D. Ramseur and John Arthur Ramseur, d/b as Piedmont Broadcasting Company, Greenville, South Carolina, Docket No. 7924, File No. BP–5374; Harold H. Thoms, Spartanburg, South Carolina, Docket No. 8144, File No. BP–5779; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Charles B. Britt, Joe H. Britt, Vardry D. Ramseur and John Arthur Ramseur, d/b as Piedmont Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1440 kc., with 500 w. power, unlimited time, employing a directional antenna at night, at Greenville, South Carolina, and Harold H. Thoms requesting a construction permit for a new standard broadcast station to operate on 1440 kc., with 1 kw. power, unlimited time, employing a directional antenna at Spartanburg, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsc-

quent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2157; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8114, 7598, 7950, 7951]

RADIO ENTERPRISES, INC. (KELD) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Enterprises, Inc. (KELD), El Dorado, Arkansas, John C. McCormack, Allen D. Morris, Prentiss E. Furlow and George D. Wray, Sr., d/b as Radio Station KTBS, Shreveport, Louisiana, Docket No. 8114, File No. BP-5644, Docket No. 7598, File No. BP-4720; James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB), Tyler, Texas, Docket No. 7950, File No. BP-4769; Hugh J. Powell (KGGF), Coffeyville, Kansas, Docket No. 7951, File No. BMP-2021; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1947;

The Commission having under consideration the above-entitled application of Radio Enterprises, Incorporated, requesting a construction permit for a change in frequency and an increas in power of station KELD, El Dorado, Arkansas from 1400 kc, 250 w, unlimited, to 690 kc, 1 kw DA-N, unlimited, and;

It appearing, that the Commission on November 7, 1946, designated for hearing in a consolidated proceeding the applications of James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company, Tyler, Texas (File No. BP-4769, Docket No. 7950) requesting a construction permit to change the facilities of station KGKB, Tyler, Texas, from 1490 kc, 250 w, unlimited time to 690 kc, 1 kw, 5 kw, LS, with directional antenna, and Hugh J. Powell, Coffeyville, Kansas (File No. BMP-2021, Docket No. 7951) requesting modification of construction permit to change the authorized facilities of KGGF (BP-2883) from 690 kc, 1 kw, DA, unlimited, to 690 kc, 5 kw, 10 kw, LS, DA, unlimited time, and;

It further appearing, that the Commission on January 30, 1947, designated for hearing in the said consolidate proceeding the application of Radio Station KTBS (File No. BP-4720, Docket No. 7598) requesting a construction permit to change the facilities of station KTBS, Shreveport, Louisiana, from 1480 kc, 1 kw, U, to 710 kc, 5 kw, 10 kw, LS, DA-2, U, which applications have been assigned for hearing at Washington, D. C., on February 20, 1947;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Radio Enterprises, Inc., be, and it is hereby, designated for hearing in the above consolidated proceedings, § 1.857 of the rules and regulations of the Commission not being applicable, at the time and place hereinabove stated, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KELD as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KELD as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KELD as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KELD as proposed would involve objectionable interference with the services proposed in the other applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KELD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis, which, if any of the applications in this consolidated proceeding should be granted.

It is further ordered, That the aforesaid orders of the Commission dated November 7, 1946 designating the said applications of James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB) (Docket No. 7950) and Hugh J. Powell (KGGF) (Docket No. 7951) for hearing in a consolidated proceeding and the order of the Commission dated January 30, 1947, designating the application of Radio Station KTBS (Docket No. 7598) in said consolidated proceeding, be, and they are hereby, amended to include the said application of Radio Enterprises Inc.

It is further ordered, That the petition filed by Radio Enterprises, Inc., requesting designation of its said application in the aforesaid consolidated proceeding be, and it is hereby, dismissed.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2150; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8115 and 8116]

JACK GROSS BROADCASTING CO. AND BALBOA RADIO CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Jack Gross Broadcasting Company (KFMB), San Diego, California, Docket No. 8115, File No. BP-4415; Balboa Radio Corporation (KLIK), San Diego, California, Docket No. 8116, File No. BP-5622; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application of The Jack Gross Broadcasting Company (KFMB), requesting a construction permit to change the frequency and power from 1450 kc, 250 w, unlimited time, to 550 kc, 1 kw, unlimited time, using a directional antenna, and also having under consideration the application of Balboa Radio Corporation (KLIK), requesting a construction permit to change frequency from 740 kc, 5 kw, unlimited time, using a directional antenna, to 550 kc, 5 kw, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders, to construct and operate the stations as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the stations as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of either station as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of either station as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of either station as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2160; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket No. 8119]

LAKE STATES BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Lake States Broadcasting Company, Milwaukee, Wisconsin, Docket No. 8119, File No. BP-5359; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947:

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1510 kc, 5 kw, unlimited time, using a directional antenna day and night at Milwaukee, Wisconsin;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WAUX, Waukesha, Wisconsin, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WAUK Broadcasting Company, permittee of WAUX, Waukesha, Wisconsin, be, and it is hereby, made a party to this proceeding.

It is further ordered, That in view of the foregoing action, the petition filed by WAUK Broadcasting Company, permittee of WAUX, Waukesha, Wisconsin, requesting that the application of Lake States Broadcasting Company (File No. BP-5359) be designated for hearing, be, and it is hereby, dismissed.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2161; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8120, 8013, 7938]

PACIFICA FOUNDATION ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Pacifica Foundation, Richmond, California, Docket No. 8120, File No. BP-5746; Frank Andrews, Modesto, California, Docket No. 8013, File No. BP-5465; Western Broadcasting Associates, Modesto, California, Docket No. 7938, File No. BP-5336; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application of Pacifica Foundation (File No. BP-5746), requesting a construction permit for a new standard broadcast station to operate on 710 kc, 1 kw, daytime only, at Richmond, California; and

It appearing, that the Commission, on December 17, 1946, designated for hearing in a consolidated proceeding the applications of Frank Andrews (File No. BP-5465, Docket No. 8013), requesting a construction permit for a new standard broadcast station to operate on 730 kc, 250 w, daytime only, at Modesto, California, and Western Broadcasting Associates (File No. BP-5336, Docket No. 7938), requesting a construction permit for a new standard broadcast station to operate on 710 kc, 1 kw, daytime only, at Modesto, California, the hearing to be held at Washington, D. C., on March 5, 1947;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Pacifica Foundation (File No. BP-5746) be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at the time and place aforesaid, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Frank Andrews (File No. BP-5465, Docket No. 8013, and Western Broadcasting Associates (File No. BP-3336, Docket No. 7938), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated December 17, 1947, designating for hearing in a consolidated proceeding the said applications of Frank Andrews and Western Broadcasting Associates, be, and it is hereby, amended to include the above-entitled application of Pacifica Foundation.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2162; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8121 and 8122]

PETALUMA BROADCASTERS AND WALTER L. READ

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Howard R. Elvey, Forrest W. Hughes, Raymond W. Mort, Harold A. Sparks, and John E. Striker, d/b as Petaluma Broadcasters, Petaluma, California, Docket No. 8121, File No. BP-5501; Walter L. Read, Petaluma, California, Docket No. 8122, File No. BP-5762; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications requesting a construction permit for a new standard broadcast station to operate on 1490 kc, 250 w, unlimited time, at Petaluma, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners, and of the individual applicant, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2163; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8124 and 8123]

ISHPEMING BROADCASTING CO. AND GORDON H. BROZEK

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ishpeming Broadcasting Company, Ishpeming, Michigan, File No.: BP-5699, Docket No.: 8124; and Gordon H. Brozek, Marquette, Michigan, File No.: BP-5430, Docket No.: 8123; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Ishpeming Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w, unlimited time, at Ishpeming, Michigan, and of Gordon H. Brozek for a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w, unlimited time, at Marquette, Michigan:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2164; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8126 and 8125]

KEWANEE BROADCASTING CO. AND KNOX BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Danver V. Tolle, Emerson Y. Parks, William M. Liddle, and Walter J. Winship, a partnership d/b as Kewanee Broadcasting Company, Kewanee, Illinois, Docket No. 8126, File No. BP-5777; R. C. Goshorn, L. R. Goshorn, and R. L. Rose, a partnership d/b as Knox Broadcasting Company, Galesburg, Illinois, Docket No. 8125, File No. BP-5761, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Danver V. Tolle, Emerson Y. Parks, William M. Liddle, and Walter J. Winship, a partnership d/b as Kewanee Broadcasting Company, requesting a permit to construct a new standard broadcast station to operate on 1100 kc, with 250 w power, daytime only, at Kewanee, Illinois; and R. C. Goshorn, L. R. Goshorn, and R. L. Rose, a partnership d/b as Knox Broadcasting Company, requesting a permit to construct a new standard broadcast station to operate on 1110 kc, with 1 kw power, daytime only, at Galesburg, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable intereference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2165; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8127, 8128]

W. W. ROARK AND LEONARD B. BROWN

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of W. W. Roark, Kerrville, Texas, Docket No. 8127, File No. BP-5528; Leonard B. Brown, Kerrville, Texas, Docket No. 8128, File No. BP-5767; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications requesting construction permits for new standard broadcast stations to operate on 1230 kc, with 250 w power, unlimited time, at Kerrville, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2166; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket No. 8129]

HARRY WILLARD LINDER

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Harry Willard Linder, St. Cloud, Minnesota, Docket No. 8129, File No. BP-5650; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Max H. Lavine (File No. BP-5678), requesting a permit to construct a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

8. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KWLM at Willmar, Minnesota, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2167; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8135 and 8134]

SPARTANBURG RADIO CO. AND PISGAH BROADCASTING CO. INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Sterling W. Wright and Robert L. Easley, partners, d/b as Spartanburg Radio Company, Spartanburg, South Carolina, Docket No. 8135, File No. BP-5763; Pisgah Broadcasting Company, Inc., Brevard, North Carolina, Docket No. 8134, File No. BP-5671; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Sterling W. Wright and Robert L. Easley, partners, doing business as Spartanburg Radio Company requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Spartanburg, South Carolina, and Pisgah Broadcasting Company, Inc., requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Brevard, North Carolina;

It appearing, that the Commission on September 12, 1946 and December 5, 1946, respectively, designated for hearing in a consolidated proceeding the applications of J. B. Fuqua (File No. BP–5187; Docket No. 7832) requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Greenville, South Carolina and William M. Drace (File No. BP–5434; Docket No. 7988) requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Greer, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Sterling W. Wright and Robert L. Easley, partners, d/b as Spartanburg Radio Company and Pisgah Broadcasting Company, Inc., be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and Regulations not being applicable, with the applications of J. B. Fuqua (File No. BP–5187; Docket No. 7832) and William M. Drace (File No. BP–5434; Docket No. 7988) on February 26, 1947, each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners and applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of J. B. Fuqua (File No. BP–5187; Docket No. 7832), William M. Drace (File No. BP–5434; Docket No. 7988) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders dated September 12, 1946 and December 5, 1946 designating for hearing in a consolidated proceeding the said applications of J. B. Fuqua and William M. Drace, be, and they are hereby, amended to include the said applications of Sterling W. Wright and Robert L. Easley, partners, d/b as Spartanburg Radio Company, and Pisgah Broadcasting Company, Inc., and to include among the issues for hearing, issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–2151; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8136 and 8137]

CENTRAL BROADCASTING, INC. AND PARSONS BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Central Broadcasting, Inc., Independence, Kansas, Docket No. 8136, File No. BP–5751; Tom Potter, d/b as Parsons Broadcasting Company, Parsons, Kansas, Docket No. 8137, File No. BP–5775; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Central Broadcasting, Inc. requesting a construction permit for a new standard broadcast station to operate on 1010 kc, with 250 w power, daytime only at Independence, Kansas and Tom Potter, d/b as Parsons Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1010 kc, with 250 w power, daytime only at Parsons, Kansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–2153; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8138 and 8139]

DR. FRANCISCO A. MARQUEZ AND JACINTO SUGRANES

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Dr. Francisco A. Marquez, Aguadilla, Puerto Rico, Docket No. 8138, File No. BP–5615; Jacinto Sugranes, Ponce, Puerto, Rico, Docket No. 8139, File No. BP–5725; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of Dr. Francisco A. Marquez requesting a construction permit for a new standard broadcast station to operate on 550 kc, with 1 kw power, unlimited time at Aguadilla, Puerto Rico, and Jacinto Sugranes requesting a construction permit for a new standard broadcast station to operate on 550 kc, with 1 kw power, 5 kw local sunset, unlimited time, at Ponce, Puerto Rico;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–2154; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8140 and 8141]

W. W. ROARK AND COLEMAN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of W. W. Roark, Coleman, Texas, Docket No. 8140, File No. BP–5527; R. R. Browning, C. F. Cavanagh, W. A. Powell and Robert D. Browning, d/b as Coleman Broadcasting Company, Coleman, Texas, Docket No. 8141, File No. BP–5794; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time at Coleman, Texas.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–2155; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket No. 8147]

ADELAIDE LILLIAN CARRELL (WBBZ)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Adelaide Lillian Carrell (WBBZ), Ponca City, Oklahoma, Docket No. 8147, File No. BP–5018; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the present facilities of station WBBZ, Ponca City, Oklahoma of 1230 kc, 250 w power, unlimited time to 1280 kc, 5 kw, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the folliwing issues:

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate station WBBZ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WBBZ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WBBZ as proposed would involve objectionable interference with stations KSOK, Arkansas City, Kansas and KSFT, Trinidad, Colorado, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WBBZ as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WBBZ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That The Traveler Publishing Company, licensee of Station KSOK, Arkansas City, Kansas and Trinidad Broadcasting Corporation, licensee of Station KSFT, Trinidad, Colorado, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–2159; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8142 and 8143]

SKY BROADCASTING SERVICE AND LEAVENWORTH BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of A. L. Chilton, Leonore H. Chilton and James Ralph Wood, d/b as Sky Broadcasting Service, Kansas City, Missouri, Docket No. 8142, File No. BP-5373; Alf M. Landon, d/b as Leavenworth Broadcasting Company, Leavenworth, Kansas, Docket No. 8143 File No. BP-5718; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of A. L. Chilton, Leonore H. Chilton and James Ralph Wood, d/b as Sky Broadcasting Service requesting a construction permit for a new standard broadcast station to operate on 1130 kc, with 1 kw power, daytime only at Kansas City, Misosuri and Alf M. Landon, d/b as Leavenworth Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1130 kc, with 1 kw power, daytime only at Leavenworth, Kansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2156; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket Nos. 8145 and 8146]

SAN JOAQUIN BROADCASTERS AND PUBLIC INTEREST BROADCASTERS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of R. K. Wittenberg and R. L. Stoddard, d/b as San Joaquin Broadcasters, Fresno, California, Docket No. 8145, File No. BP-5743; Edward W. McCleery and Frank C. McIntyre, d/b as Public Interest Broadcasters, Madera, California, Docket No. 8146, File No. BP-5785; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications of R. K. Wittenberg and R. L. Stoddard, d/b as San Joaquin Broadcasters requesting a construction permit for a new standard broadcast station to operate on 1230 kc. with 100 w. power, unlimited time at Fresno, California and Edward W. McCleery and Frank C. McIntyre, d/b as Public Interest Broadcasters requesting a construction permit for a new standard broadcast station to operate on 1230 kc. with 250 w. power, daytime only at Madera, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2158; Filed, Mar. 7, 1947; 8:45 a. m.]

[Docket No. 8109]

RCA COMMUNICATIONS, INC.

ORDER ASSIGNING APPLICATION FOR HEARING

In the matter of RCA Communications, Inc. Handling of United States State Department traffic between New York, N. Y., and Washington, D. C.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1947;

It appearing that on January 22, 1947, RCA Communications, Inc., filed a new tariff regulation effective February 22, 1947, relating to the handling of official international telegrams of the United States State Department from New York, N. Y., to Washington, D. C.; said tariff regulation being designated as follows: RCA Communications, Inc., Tariff F. C. C. No. 53, Original Page No. 56A.

It further appearing, that a question is presented as to the lawfulness of said tariff regulation under the provisions of the Communications Act of 1934, as amended, and of Part 61 of the Commission's rules and regulations;

It is ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the above-cited tariff regulation;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff regulation be, and it is hereby suspended, until May 22, 1947, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in said tariff regulation, or in the regulations, charges, or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff regulation herein suspended; that RCA Communications, Inc., be, and it is hereby, made party respondent to this proceeding; and that a copy hereof be served thereon;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing on the 24th day of March 1947, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2189; Filed, Mar. 7, 1947; 8:48 a. m.]

BOOSTER OR SYNCHRONOUSLY-OPERATED AMPLIFIER TRANSMITTERS

APPLICATIONS IN CONNECTION WITH STANDARD BROADCAST STATIONS

FEBRUARY 28, 1947.

The present rules and engineering standards applicable to standard broadcast stations make no provision for the assignment or operation of booster or synchronously-operated amplifier stations. In the past a limited number of authorizations for the operation of such facilities have been granted, consideration being given in each case to factors peculiar to the particular area or station concerned.

The Commission is of the opinion that before it grants any further authorizations of this nature a study should be made of the technical problems involved, and an over-all policy adopted regarding extensions of service of certain classes of stations beyond that normally intended. As an aid to the Commission in the making of this study and the formulation of such a policy, comments and suggestions of those who may be interested are invited. This notice is not in any sense to be regarded as a notice of proposed rule-making, but rather as an invitation to interested parties to assist the Commission in the making of an initial survey, preparatory to its rule-making process.

Until the Commission adopts a rule relating to booster stations, all applications for such stations will be placed in the Commission's pending files, and held without action.

Adopted: February 27, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2188; Filed, Mar. 7, 1947; 8:48 a. m.]

[Docket Nos. 7059, 8150]

MIDWEST BROADCASTING CO. AND RALEIGH M. SHAW

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Midwest Broadcasting Co., Mount Vernon, Ill., Docket No. 7059, File No. BP-3922; Raleigh M. Shaw, Lawrenceville, Ill., Docket No. 8150, File No. BP-5814; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Midwest Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1300 kc, 500 w power, daytime only at Mount Vernon, Illinois and Raleigh M. Shaw requesting a construction permit for a new standard broadcast station to operate on 1300 kc, 1 kw power, daytime only, at Lawrenceville, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine, on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2182; Filed, Mar. 7, 1947; 8:49 a. m.]

[Docket No. 7604]

BEE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re: application of V. L. Rossi and John D. Rossi, d/b as Bee Broadcasting Company, Beeville, Texas, Docket No. 7604, File No. BP-4639; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of February 1947;

The Commission having under consideration the above-entitled application of Bee Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 810 kc, with 250 w power, daytime only, at Beeville, Texas, and also having under consideration a petition filed by A. H. Belo Corporation, licensee of Station WFAA, requesting that the said application be designated for hearing and petitioner made a party thereto, the said petition having been joined in by Carter Publications, Inc., licensee of Station WBAP sharing time with the said WFAA; and

It appearing that the operation as proposed in the said application would involve problems of interference with the said time sharing stations, WFAA and WBAP;

It is ordered, That, the said petition of A. H. Belo Corporation be, and it is hereby, granted and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, which is not subject to the provisions of § 1.857 of the Commission's rules and regulations, at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WFAA and WBAP, or with any other

existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with either of the Mexican stations XEFW, Tampico, Tamaulipas, or station XELO, Juarez, Chihauhua, or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That A. H. Belo Corporation, licensee of Station WFAA, Dallas, Texas, and Carter Publications, Inc., licensee of Station WBAP, Ft. Worth, Texas, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2173; Filed, Mar. 7, 1947; 8:50 a. m.]

[Docket Nos. 7627, 8156]

RADIO PHOENIX, INC., AND JOHN C. MULLENS

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Phoenix, Inc., Phoenix, Arizona, Docket No. 7627, File No. BP-4860; John C. Mullens, Phoenix, Arizona, Docket No. 8156, File No. BP-5449; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Radio Phoenix, Inc., requesting a construction permit for a new standard broadcast station to operate on 910 kc, with 5 kw power, unlimited time, at Phoenix, Arizona, and John C. Mullens, requesting a construction permit for a new standard broadcast station to operate on 920 kc, with 1 kw power, daytime only, at Phoenix, Arizona;

It is ordered, That, pursuant to section 309 (a) of the Commissions Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2183; Filed, Mar. 7, 1947; 8:49 a. m.]

[Docket Nos. 7755, 7756, 8149]

WYANDOTTE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bernard Frant and Louis Glasier, d/b as Wyandotte Broadcasting Co., Wyandotte, Mich., Docket No. 7755, File No. BP-5055; Wyandotte News Company, Wyandotte, Mich., Docket No. 7756, File No. BP-5084; Frederick A. Knorr, Harvey R. Hansen and William H. McCoy, d/b as Suburban Broadcasters (WKMH), Dearborn, Mich., Docket No. 8149, File No. BP-5759; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application of Frederick A. Knorr, Harvey R. Hansen and William H. McCoy, d/b as Suburban Broadcasters, requesting a construction permit to change the facilities of Station WKMH, Dearborn, Michigan, from 1540 kc, 1 kw power, daytime only to 1310 kc, 1 kw power, daytime only, and a petition by said applicant to designate its application for hearing in the above-entitled consolidated proceeding;

It appearing, that the Commission on August 7, 1946, designated for hearing in a consolidated proceeding the applications of Bernard Frant and Louis Glasier, d/b as Wyandotte Broadcasting Company (File No. BP-5055, Docket No. 7755) requesting a construction permit for a new standard broadcast station to operate on 1310 kc, 250 w power, daytime only at Wyandotte, Michigan, and Wyandotte News Company (File No. BP-5084, Docket No. 7756) requesting a construction permit for a new standard broadcast station to operate on 1310 kc, 250 w power, daytime only at Wyandotte, Michigan;

It is ordered, That the petition of Suburban Broadcasters, be, and it is hereby, granted.

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Frederick A. Knorr, Harvey R. Hansen and William H. McCoy, d/b as Suburban Broadcasters be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, to be held on March 17, 1947 at Wyandotte, Michigan, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station WKMH as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WKMH as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WKMH as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WKMH as proposed would involve objectionable interference with the services proposed in the pending applications of Bernard Frant and Louis Glasier, d/b as Wyandotte Broadcasting Company (File No. BP-5505, Docket No. 7755) and Wyandotte News Company (File No. BP-5084, Docket No. 7756) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WKMH as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders dated August 7, 1946, designating for hearing in a consolidated proceeding the said applications of Bernard Frant and Louis Glasier, d/b as Wyandotte Broadcasting Company and Wyandotte News Company, be, and they are hereby, amended to include the application of Frederick A. Knorr, Harvey R. Hansen and William H. McCoy, d/b as Suburban Broadcasters, and to include among the issues for hearing, issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2181; Filed, Mar. 7, 1947; 8:49 a. m.]

[Docket Nos. 7894, 8155]

LINCOLN OPERATING CO. AND SUN COAST BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lincoln Operating Company, Miami, Fla., Docket No. 7874, File No. BP-4903; Sun Coast Broadcasting Corp., Coral Gables, Fla., Docket No. 8155, File No. BP-5811; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Lincoln Operating Company requesting a construction permit for a new standard broadcast station to operate on 1140 kc, 5 kw power night, 10 kw power day, unlimited time, employing a directional antenna at Miami, Florida and Sun Coast Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1130 kc, 1 kw power, daytime only at Coral Gables, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2180; Filed, Mar. 7, 1947; 8:49 a. m.]

[Docket No. 8105, 8106]

RADIO SOUTH, INC. AND JACKSONVILLE BEACH BROADCASTING CO. (WJVB)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio South, Inc., Jacksonville, Fla., Docket No. 8105, File No. BP-5007; Jacksonville Beach Broadcasting Co. (WJVB), Jacksonville Beach, Fla., Docket No. 8106, File No. BP-5584; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1947;

The Commission having under consideration the above-entitled applications of Radio South, Inc., for a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w, unlimited time, at Jacksonville, Florida, and of Jacksonville Beach Broadcasting Company (WJVB) Jacksonville Beach, Florida, to change frequency and hours of operation from 1010 kc, 250 w, daytime only, to 1400 kc, 250 w, unlimited time, the request of both applications being contingent on the granting of the application of Station WMBR, Jacksonville, Florida (File No. BP-3036, Docket No. 7081) to change frequency from 1400 kc, to 1460 kc;

It appearing, that, the Commission on January 8, 1947, granted the said application of Station WMBR, Jacksonville, Florida, to change frequency from 1400 to 1460 kc;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Radio South, Inc. and Jacksonville Beach Broadcasting Company (WJVB) be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to effectuate and carry out the purposes of their applications.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2174; Filed, Mar. 7, 1947; 8:50 a. m.]

[Docket No. 8107]

E. Z. JONES

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of E. Z. Jones, Gainesville, Fla., Docket No. 8107, File No. BP-5516; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time, at Gainesville, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Alachua County Broadcasting Company for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time at Gainesville, Florida (File No. BP-5657), § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2175; Filed, Mar. 7, 1947; 8:50 a. m.]

[Docket No. 8108]

ALACHUA COUNTY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Alachua County Broadcasting Co., Gainesville, Fla., Docket No. 8108, File No. BP-5657; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time, at Gainesville, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of E. Z. Jones for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time, at Gainesville, Florida (File No. BP-5516), § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2176; Filed, Mar. 7, 1947; 8:50 a. m.]

[Docket No. 8132]

ALEXANDRIA RADIO CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Alexandria Radio Corp., Alexandria, Minn., Docket No. 8132, File No. BP-5709; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Alexandria, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Alexandria Broadcasting Corporation (File No. BP-5463) requesting a permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Alexandria, Minnesota, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

8. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KGDE at Fergus Falls, Minnesota the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2170; Filed, Mar. 7, 1947; 8:47 a. m.]

[Docket No. 8028, 8133]

CHEROKEE RADIO CO. AND ROBERT E. LIVERANCE

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Robert E. Liverance, Gaffney, S. C. Docket No. 8028, File No. BP-5264; Cherokee Radio Company, Gaffney, S. C. Docket No. 8133, File No. BP-5768; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled applications requesting construction permits for a new standard broadcast station to operate on 1170 kc, 250 w power, daytime only, at Gaffney, South Carolina;

It is ordered, That, pursuant to Section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and the applicant corporation, its officers, directors, and stockholders, to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2171; Filed, Mar. 7, 1947; 8:47 a. m.]

[Docket No. 8130]

MAX H. LAVINE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Max H. Lavine, St. Cloud, Minnesota, Docket No. 8130, File No. BP-5678; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Harry Willard Linder (File No. BP-5650), requesting a permit to construct a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2168; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket Nos. 8041, 8048]

SOUTHLAND BROADCASTING CORP. AND MARY W. MARTIN

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southland Broadcasting Corp., Miami Beach, Fla., Docket No. 8041, File No. BP-5510; Mary W. Martin, Ft. Lauderdale, Fla., Docket No. 8148; File No. BP-5808; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Southland Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1000 kc., with 250 w. power, daytime only at Miami Beach, Florida and Mary W. Martin requesting a construction permit for a new standard broadcast station to operate on 1000 kc., with 1 kw. power, daytime only at Fort Lauderdale, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in

this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2177; Filed, Mar. 7, 1947; 8:48 a. m.]

[Docket No. 8131]

ALEXANDRIA BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Alexandria Broadcasting Corp., Alexandria, Minn., Docket No. 8131, File No. BP-5463; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Alexandria, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Alexandria Radio Corporation (File No. BP-5709), requesting a permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Alexandria, Minnesota, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2169; Filed, Mar. 7, 1947; 8:47 a. m.]

[Docket 8151, 8152]

WOODWARD M. RITTER AND EMPIRE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Woodward M. Ritter, San Bernardino, Calif., Docket No. 8151, File No. BP-4532; Bernard C. Brennan, d/b as Empire Broadcasting Co., Pomona-Ontario, Calif., Docket No. 8152, File No. BP-5813; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Woodward M. Ritter requesting a construction permit for a new standard broadcast station to operate on 680 kc, 250 w power, daytime only at San Bernardino, California and Bernard C. Brennan, d/b as Empire Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 680 kc, 1 kw power, daytime only at Pomona-Ontario, California.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2178; Filed, Mar. 7, 1947; 8:48 a. m.]

[Docket Nos. 8153, 8154]

FRANCISCO RENTAL CO. AND RIVERSIDE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of O. E. Bohlen and O. L. Bohlen d/b as Francisco Rental Co., Victorville, Calif. Docket No. 8153, File No. BP-5556; Roy M. Ledford and Kenneth A. Johns, d/b as Riverside Broadcasting Co., Riverside, Calif. Docket No. 8154, File No. BP-5807; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of O. E. Bohlen and O. L. Bohlen, d/b as Francisco Rental Company requesting a construction permit for a new standard broadcast station to operate on 960 kc, 5 kw power, daytime only at Victorville, California and Roy M. Ledford and Kenneth A. Johns, d/b as Riverside Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 960 kc, 1 kw power, daytime only at Riverside, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceding, or in any other pending applications for broadcast facilites and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2179; Filed, Mar. 7, 1947; 8:48 a. m.]

[Docket No. 8157]

PRYOR DILLARD

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Pryor Dillard, Raymondville, Tex., Docket No. 8157, File No. BP-5468; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time at Raymondville, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Pryor Dillard be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with the new Mexican station at Matamoros, Tamaulipas, Mexico, operating on 1340 kc or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2184; Filed, Mar. 7, 1947; 8:49 a. m.]

EASTERN RADIO CORP.

PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on February 18, 1947 there was filed with it an application (BTC-533) for its consent under section 310 (b) of the Communications Aact to the proposed transfer of control of Eastern Radio Corporation licensee of WHUM, Reading, Pennsylvania, from G. F. Landon, Betty W. Landon, Lucinda Converse, Dorothy B. Woodall, Patricia Bacon and Max O'Rell Truitt to Humboldt J. Greig, J. P. Greig, T. P. Robinson, and R. G. Magee. The proposal to transfer control arises out of a contract of January 17, 1947, pursuant to which above transferors propose to transfer to above transferees the rights now held by Henry Oliver Rea under an agreement of August 16, 1946, between said Rea and G. F. Landon, Betty Landon, Lucinda Converse, Dorothy Woodall, Patricia Bacon, and Max O'Rell Truitt (providing for the purchase by Rea of their Eastern Radio Corporation's bonds and stock, 60 shares out of 110 common voting $1 par value, 54.5% for a consideration of $52,941.16) for a consideration made up as follows: (1) a cash payment of the original purchase price of $52,941.16; (2) a further cash payment of $3,950 representing reimbursement of the amounts expended by said Henry Oliver Rea in perfecting the original agreement; (3) payment of interest at the rate of 3.4% per annum on the sum of $52,941.16 originally deposited in escrow by said Henry Oliver Rea; (4) the release by one of the transferees Humboldt J. Greig of certain valuable contract rights; (5) an agreement on the part of said transferee, Humboldt J. Greig, to obtain substitute bank credit in the amount of $25,000 for a three year period to enable Eastern Radio Corporation to pay off the loan made by said Henry Oliver Rea as part of the consideration for the original purchase contract. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by letter on February 20, 1947, that starting on February 19, 1947, notice of the filing of the application would be inserted in The Reading Times, a newspaper of general circulation at Reading, Pennsylvania in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from February 19, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract. (Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2186; Filed, Mar. 7, 1947; 8:49 a. m.]

[1] § 1.321, Part I, Rules of practice and procedure (11 F. R. 177A-411, 13973).

[Docket Nos. 8164, 7875, 8038]

KFNF, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KFNF, Inc. (KFNF), Shenandoah, Iowa, Docket No. 8164, File No. BP-5840; Herbert H. Lee, Palmer Dragsten and John E. Hyde, Jr., d/b as Lee-Smith Broadcasting Company, Faribault, Minn., Docket No. 7875; File No. BP-4581; Associated Broadcasters, Inc., Wadena, Minn., Docket No. 8038, File No. BP-5351; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application of KFNF, Inc. (File No. BP-5840), request-

ing a construction permit to change the operating assignment of station KFNF from 920 kc, 500 w, 1 kw–LS, ST–KUSD, to 920 kc, 5 kw, DA–N, ST–KUSD;

It appearing, that the Commission on January 2, 1947, designated for hearing in a consolidated proceeding the applications of Herbert H. Lee, Palmer Dragsten and John E. Hyde, Jr., d/b as Lee-Smith Broadcasting Company (File No. BP–4581; Docket No. 7875) requesting a construction permit for a new standard broadcast station to operate on 920 kc, 1 kw, unlimited time, using a directional antenna day and night, at Faribault, Minnesota, and Associated Broadcasters, Inc. (File No. BP–5351; Docket No. 8038) requesting a construction permit for a new standard broadcast station to operate on 920 kc, 1 kw, unlimited time, using a directional antenna nighttime only, at Wadena, Minnesota, the hearing to be held at Washington, D. C., on March 3, 1947;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of KFNF, Inc. (File No. BP–5840) be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules not being applicable, at the time and place aforesaid upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KFNF as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the operation of station KFNF as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the station as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in the pending applications of Herbert H. Lee, Palmer Dragsten, and John E. Hyde, Jr., d/b as Lee-Smith Broadcasting Company (File No. BP–4581; Docket No. 7875) and Associated Broadcasters, Inc. (File No. BP–5351; Docket No. 8038) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KFNF as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–2172; Filed, Mar. 7, 1947; 8:50 a. m.]

WDAS BROADCASTING STATION, INC.

PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on February 25, 1947, there was filed with it an application (BTC–535) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of WDAS Broadcasting Station, Inc. licensee of AM broadcast Station WDAS, Philadelphia, Pennsylvania from Alexander W. Dannenbaum and Cecile L. Naumburg to William Goldman Theatres, Inc. (Delaware corporation), Goldman Building, 15th and Chestnut Streets, Philadelphia 2, Pa. The proposal to transfer control arise out of a contract of November 6, 1946, pursuant to which the selling stockholders (Alexander W. Dannenbaum and Cecile L. Naumburg) agree to sell all of the 500 shares of common $100 par value voting stock of the licensee of WDAS to William Goldman Theatres, Inc. for a purchase price of $485,000 of which $50,000 has been paid by the purchaser. The balance sale of $435,000 is to be paid by buyers by certified check upon closing designated in the contract as within 20 days of Commission action approving the application. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by applicants on February 25, 1947, that starting on March 4, 1947, notice of the filing of the application would be inserted in The Philadelphia Bulletin, a newspaper of general circulation at Philadelphia, Pennsylvania in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from March 4, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–2185; Filed, Mar. 7, 1947; 8:49 a. m.]

[1] § 1.321, Part I, Rules of practice and procedure (11 F. R. 177A–411, 13973).

RADIO STATION WFIG, INC.

PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on February 17, 1947, there was filed with it an application (BTC–531) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of WFIG, Inc., licensee of WFIG, Sumter, South Carolina, from J. Samuel Brody, T. Douglas Youngblood, and Ruth B. Brody to Hubert D. Osteen, Robert E. Graham, Ernest C. Stroman, Clifton G. Brown, Fulton B. Creech, John Clarke Hughes, William C. McManus, Julius E. Eldridge, William C. Eldridge, S. F. Stoudenmire, Edwin L. Freeman, William G. Blackwell, A. T. Heath, Jr., Bert L. Montague, Simon K. Rowland, George B. Sibert, Maurice B. Morrow, and Jasper H. Lawson. The proposal to transfer control arises out of a contract of January 31, 1947, pursuant to which the following stockholders of WFIG, Inc., will transfer the following shares of stock therein: J. Samuel Brody, 55 shares; T. Douglas Youngblood, 5 shares; and Ruth B. Brody, 20 shares, to the following individuals who will hold the following shares of stock: Hubert D. Osteen, 21 shares; Robert E. Graham, 20; Ernest C. Stroman, 20; Clifton G. Brown, 4; Fulton B. Creech, 1; John Clarke Hughes, 1; William G. McManus, 1; Julius E. Eldridge, 1; William C. Eldridge, 1; S. F. Stoudenmire, 2; Edwin L. Freeman, 1; William G. Blackwell, 1; A. T. Heath, Jr., 1; Bert L. Montague, 1; Simon K. Rowland, 1; George B. Sibert, 1; Maurice B. Morrow, 1; and Jasper H. Lawson, 1 share for a total consideration of $57,061 (this represents a sale value of $713.27 for each of the shares of the common stock presently having a par value of $100 to be sold) plus certain other sums to be determined in accordance with said contract subject to the terms and conditions provided in said contract. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised at the time of the filing of the application on February 17, 1947, that starting on February 20, 1947, notice of the filing of the application would be inserted in The Sumter Daily Item a newspaper of general circulation at Sumter, South Carolina, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from February 20, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–2187; Filed, Mar. 7, 1947; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT–6042]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION

MARCH 4, 1947.

Notice is hereby given that on March 3, 1947, an Application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Northern States Power Company ("Northern 'States"), a corporation organized under the laws of the State of Wisconsin, with its principal business office at Eau Claire, Wisconsin and doing business in the States of Wisconsin and Minnesota, seeking an order authorizing it to merge and consolidate into its own facilities the facilities of the City of Colby, a Wisconsin municipality, consisting of an electric distribution system serving the City of Colby and approximately thirty rural customers adjacent thereto, for a consideration stated in the application to be $55,000 in cash; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 22d day of March 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–2145; Filed, Mar. 7, 1947; 8:47 a. m.]

[Docket No. G–705]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF ORDER ACCEPTING RATE SCHEDULE FOR FILING AND TERMINATING PROCEEDING

MARCH 5, 1947.

Notice is hereby given that, on March 4, 1947, the Federal Power Commission issued its order entered March 4, 1947, accepting rate schedule for filing and terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–2143; Filed, Mar. 7, 1947; 8:46 a. m.]

[Docket No. G–863]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

MARCH 4, 1947.

Notice is hereby given that on February 17, 1947, Mississippi River Fuel Corporation (Applicant), a Delaware corporation having its principal place of business at St. Louis, Missouri, and authorized to do business in the States of Illinois, Missouri, Arkansas and Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate a series of loop lines and additional horsepower to provide an additional loop line from its Perryville, Louisiana, compressor station to St. Louis, Missouri, as follows:

(1) 188.5 miles of 22-inch pipeline;

(2) 2.3 miles of 12-inch pipeline in 4-line manifolds at creek crossings;

(3) 18.5 miles of 10-inch pipeline in 6-line manifolds at river crossings;

(4) Four 1000 H. P. compressor units at Perryville Station;

(5) Four 1000 H. P. compressor units at West Point Station;

(6) Three 1000 H. P. compressor units at Twelve Mile Station.

Applicant states that a certificate of convenience and necessity was issued to it in Federal Power Commission Docket No. G–713, authorizing the installation of partial loops and additional horsepower to increase the deliverable capacity of Applicant's system to 183 million cubic feet per day. The proposed new facilities will consist of a series of partial loops to connect with existing and authorized loop sections along Applicant's original 22-inch pipeline, an extension of the authorized Alton loop line to a point in Granite City, Illinois, and adding horsepower to that existing and authorized at Applicant's compressor stations hereinbefore mentioned.

Applicant proposes to operate the original line and compressor stations at its present pressure limit of 425 pounds per square inch and the new complete loop line and added horsepower at a maximum pressure of 700 pounds per square inch. Applicant recites that the additional facilities involved herein will increase deliverable capacity of its entire system by approximately 83 million cubic feet per day to an estimated total of 266 million cubic feet per day.

Applicant recites that the service proposed to be rendered by Applicant is primarily that of meeting the increased demands of Applicant's existing and authorized customers, both utility customers to which gas is sold for resale, and industrial customers to which gas is sold for direct consumption.

Applicant states that in order to meet the requirements of utility customers it has been necessary to curtail and interrupt its firm direct sale gas customers upon numerous occasions since November 1946, resulting in plant shutdowns of industries in the greater St. Louis area. It is anticipated that the house-heating load of Applicant's utility customers will continue to increase, and large construction programs are under way which will require all types of domestic service. It is asserted that industrial consumers in the whole area served by Applicant are in need of additional gas and on the basis of capacity authorized in Federal Power Commission Docket No. G–713 Applicant will not be able to supply those demands.

Applicant's gas supplies are obtained from the Monroe Field in Louisiana under contracts expiring in 1951, and from the Carthage Field in Texas under a contract recently entered into with United Gas Pipe Line Company. Applicant states that under the terms of the agreement with United Gas Pipe Line Company it can call upon that company to meet Applicant's full requirements, including any deficiency not served by its other producers, for a period of 20 years ending in 1966.

The estimated total over-all cost of the proposed facilities is $10,200,000, not including cost of financing, which Applicant proposes to finance by an issue of common stock, together with loans from financial institutions. No commitment has been made from any financial source for consummating a loan.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Mississippi River Fuel Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining, specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47–2144; Filed, Mar. 7, 1947; 8:46 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C–484]

JOY ACRES, INC.

CONSENT ORDER

Joy Acres, Inc., a New York Corporation located at 257 South Broadway, Nyack, N. Y., is engaged in the real estate business. Murray Stern is President of

said corporation. Joy Acres, Inc. is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about January 3, 1947 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence bungalow approximately 22' x 32' located at Joy Acres, Camp Drive, Valley Cottage, New York; (2) on and after January 3, 1947, it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence bungalow approximately 22' x 32' located at Joy Acres, Camp Drive, Valley Cottages, New York; (3) on or about January 3, 1947, it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence duplex bungalow approximately 30' x 40' located at Joy Acres, Camp Drive, Valley Cottage, New York; (4) on and after January 3, 1947, it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence duplex bungalow approximately 30' x 40' located at Joy Acres, Camp Drive, Valley Cottage, New York.

Joy Acres, Inc. admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Joy Acres, Inc., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Joy Acres, Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at Joy Acres, Camp Drive, Valley Cottage, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Joy Acres, Inc., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joy Acres, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order, or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2302; Filed, Mar. 7, 1947; 11:15 a. m.]

[C-486]

CORNELIUS MORAN AND ERNEST KYLE

CONSENT ORDER

Cornelius Moran and Ernest Kyle formed a partnership for the purpose of operating a bar and grill in Syosset, L. I., N. Y. Cornelius Moran and Ernest Kyle are charged by the Civilian Production Administration with violation of Veterans' Housing Program Order 1 in that (1) on or about September 1, 1946 they began construction, without authorization, and at a cost in excess of $1,000, of a commercial building located at Jackson and Convent Avenues, Syosset, L. I., N. Y.; (2) on and after September 1, 1946 they carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at Jackson and Convent Avenues, Syosset, L. I., N. Y.

Cornelius Moran and Ernest Kyle admit the violations charged and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Cornelius Moran and Ernest Kyle, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Cornelius Moran nor Ernest Kyle, their successors and assigns, nor any other person shall do any further construction on the premises located at Jackson and Convent Avenues, Syosset, L. I., N. Y., including putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Cornelius Moran and Ernest Kyle shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Cornelius Moran and Ernest Kyle, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2304; Filed, Mar. 7, 1947; 11:16 a. m.]

[C-485]

CONGERS REALTY CO.

CONSENT ORDER

Congers Realty Co., a New York Corporation located at 257 South Broadway, Nyack, N. Y., is engaged in the real estate business. Murray Stern is President of said corporation. Congers Realty Co. is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about January 3, 1947 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence bungalow approximately 22' x 32' located at Congers Lake Camp, Prescott Avenue, Congers, N. Y.; (2) on and after January 3, 1947 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence bungalow approximately 22' x 32' located at Congers Lake Camp, Prescott Avenue, Congers, N. Y.; (3) on or about January 3, 1947 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence duplex bungalow approximately 22' x 40' located at Congers Lake Camp, Prescott Avenue, Congers, N. Y.; (4) on and after January 3, 1947 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $400 of a summer residence duplex bungalow approximately 22' x 40' located at Congers Lake Camp, Prescott Avenue, Congers, N. Y.

Congers Realty Co. admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Congers Realty Co., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Congers Realty Co., its successors and assigns, nor any other person shall do any further construction on the premises located at Congers Lake Camp, Prescott Avenue, Congers, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Congers Realty Co. shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Congers Realty Co., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN.
Recording Secretary.

[F. R. Doc. 47-2303; Filed, Mar. 7, 1947; 11:15 a. m.]

[C-487]

SILVER STAR REALTY CORP.

CONSENT ORDER

Silver Star Realty Corp., a New York Corporation located at 2019 W. 5th Street, Brooklyn, N. Y., operates an athletic club for men. S. Salvatori Strazzanti is President of said corporation. Silver Star Realty Corp. is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about November 4, 1946, it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 2407-2409 McDonald Avenue, Brooklyn, N. Y.; (2) on and after November 4, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 2407-2409 McDonald Avenue, Brooklyn, N. Y.

Silver Star Realty Corp. admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Silver Star Realty Corp., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Silver Star Realty Corp., its successors and assigns, nor any other person shall do any further construction on the premises located at 2407-2409 McDonald Avenue, Brooklyn, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Silver Star Realty Corp. shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Silver Star Realty Corp., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2306; Filed, Mar. 7, 1947; 11:16 a. m.]

[C-488]

LESTER LOCKWOOD ENTERPRISES, INC.

CONSENT ORDER

Lester Lockwood Enterprises, Inc., a New York Corporation located at 2577 Bedford Avenue, Brooklyn, N. Y., operates a social club. Lester Lockwood is President of said corporation. Lester Lockwood Enterprises, Inc., is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order in that (1) on or about September 5, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 2577 Bedford Avenue, Brooklyn, N. Y.; (2) on and after September 5, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 2577 Bedford Avenue, Brooklyn, N. Y.

Lester Lockwood Enterprises, Inc. admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Lester Lockwood Enterprises, Inc., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Lester Lockwood Enterprises, Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at 2577 Bedford Avenue, Brooklyn, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Lester Lockwood Enterprises, Inc., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Lester Lockwood Enterprises, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2305; Filed, Mar. 7, 1947; 11:16 a. m.]

[C-489]

TONY GRANDE

CONSENT ORDER

Tony Grande is the operator of a tavern located at Long Branch, New Jersey. He is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about August 27, 1946, he began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located on the southwest corner of Westwood and Morris Avenues, Long Branch, N. J.; (2) on and after August 27, 1946, he carried on construction, without authorization, and at a cost in excess of $1,000, of a commercial building located on the southwest corner of Westwood and Morris Avenues, Long Branch, N. J.

Tony Grande admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Tony Grande, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Tony Grande, his successors and assigns, nor any other person shall do any further construction on the premises located on the southwest corner of Westwood and Morris Avenues, Long Branch, N. J., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Tony Grande shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Tony Grande, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2307; Filed, Mar. 7, 1947; 11:16 a. m.]

[C-490]

ALBERT GREENBERG

CONSENT ORDER

Albert Greenberg of 69 Humboldt Street, Willits, California, is the owner of the premises located at the Northwest corner of Mendocino Street, Willits, California. Mr. Greenberg was constructing a building on the aforesaid premises, 24 x 128 feet of concrete block construction, the estimated cost of construction is $14,500. Mr. Greenberg filed an application on Civilian Production Administration Form 4423 with the Construction Division on May 21, 1946. This application was denied, the denial appealed, and the appeal denied on November 7, 1946, in Washington. Construction was begun on or about November 6, 1946 by the pouring of foundations. This construction is in violation of paragraph (c) (1) of VHP-1, as amended October 7, 1946.

Mr. Greenberg does not desire to contest the charge made and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Albert Greenberg, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Albert Greenberg, his successors or assigns, nor any other person acting in his behalf, shall do any further construction on the premises located on the Northwest corner of Mendocino and Main Streets, Willits, California, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) This order shall be mentioned in connection with any application or appeal for authorization to complete the said structure that may hereafter be filed

with the Civilian Production Administration.

(c) Nothing contained in this order shall be deemed to relieve Albert Greenberg, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2308; Filed, Mar. 7, 1947; 11:16 a. m.]

[C-491]

ERNEST W. MARKHAM

CONSENT ORDER

Ernest W. Markham of Fort Bragg, California, is a general contractor licensed by the State of California. Ernest W. Markham is engaged by Mr. Greenberg to construct a one-story building of concrete block construction on the Northwest corner of Mendocino and Main Streets, Willits, California, the estimated cost of which is $14,500, or $13,500 in excess of the small job allowance, provided for by Supplement 3 to VHP-1, as amended October 7, 1946. To date the sum of $1,600.34 has been expended for materials and $783.25 for labor. This construction is in violation of paragraph (c) (1) of VHP-1, as amended October 7, 1946.

Ernest W. Markham does not desire to contest the charge made, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Ernest W. Markham, the Regional Compliance Director, the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That

(a) Neither Ernest W. Markham, his successors or assigns, nor any other person acting in his behalf, shall do any further construction on the premises located on the Northwest corner of Mendocino and Main Streets, Willits, California.

(b) Nothing contained in this order shall be deemed to relieve Ernest W. Markham, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2309; Filed, Mar. 7, 1947; 11:17 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-98 and 59-87]

WASHINGTON RAILWAY AND ELECTRIC CO. ET AL.

NOTICE OF FILING AMENDMENT TO APPLICATION, ORDER REOPENING PROCEEDINGS AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of March 1947.

In the matter of Washington Railway and Electric Company, File No. 54-98; Washington Railway and Electric Company, The Washington and Rockville Railway Company, of Montgomery County, and their subsidiary companies and The North American Company, File No. 59-87.

Notice is hereby given that Washington Railway and Electric Company (Washington Railway) a registered holding company and a subsidiary of The North American Company, also a registered holding company filed, on March 3, 1947, an amendment to its Amended Plan (File No. 54-98) filed on August 30, 1946 pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the act) for the purpose of simplification of its holding company system. All interested persons are referred to said amendment which is on file in the office of this Commission for a statement of the provisions therein proposed, which may be summarized as follows:

Washington Railway proposes, among other things, to modify the provisions of its Amended Plan so as to provide for: (a) An increase in the number of shares of new Common Stock of its subsidiary Potomac Electric Power Company, (Potomac Electric) proposed to be issued by that company under the provisions of said Amended Plan and (b) an increase in the number of such shares of new Common Stock of Potomac Electric proposed to be delivered to the holders of shares of the outstanding Preferred Stock of Washington Railway upon retirement of said Preferred Stock.

Under the provisions of said amendment, Washington Railway proposes to issue to the holders of its 85,000 outstanding shares of 5% Preferred Stock, par value $100 per share, in lieu of their present holdings, for each share of such stock, (1) one share of new --% Preferred Stock of Potomac Electric, of the par value of $50 per share and having the same terms and provisions, except as to dividend rate, as the 3.60% Preferred Stock described in the Amended Plan; (2) four and one quarter (4¼) (in lieu of 3½ shares as provided for in the Amended Plan) shares of Common Stock of Potomac Electric, having a par value of $10 per share; and (3) accrued dividends upon the 5% Preferred Stock of Washington Railway to the date upon which the Amended Plan, as amended, is declared effective, less the amount of the dividends accruing on the new --% Preferred Stock of Potomac Electric, prior to that date.

The dividend rate on the new Preferred Stock proposed to be issued by Potomac Electric will be 3.60% or such higher rate as may be deemed necessary by Potomac Electric in order to obtain a price to it of not less than $50 per share for the 140,000 shares of such stock proposed to be sold at competitive bidding for the purpose of financing the redemption of the presently outstanding Preferred Stocks of Potomac Electric.

No fractional shares of Common Stock of Potomac Electric will be issued but, in lieu thereof, there will be issued non-dividend bearing, non-voting, scrip certificates in registered form, entitling the holder thereof, in combination with other scrip certificates, to receive, for a period of two years, full shares of Common Stock of Potomac Electric in exchange therefor. At the expiration of such period, Potomac Electric will sell the unissued shares of Common Stock represented by the scrip certificates still outstanding, and will pay the net proceeds proportionately to the holders of the scrip certificates then outstanding.

The number (2,897,500) of shares of the new Common Stock of Potomac Electric proposed to be issued and outstanding under the provisions of the Amended Plan will be increased under the provisions of said amendment by 63,750 additional shares to provide for the proposed increased allocation of such shares of stock to the holders of the 5% Preferred Stock of Washington Railway. The provisions of the Amended Plan for the holders of Common Stock of Washington Railway (including the interests therein which are represented by participating units) are not changed.

Washington Railway requests that the Commission (by order entered as a part of its approval of the liquidation program outlined in the Amended Plan, as amended) permit it in advance of proceedings for court enforcement of said Amended Plan, as amended, and irrespective of said proceedings, to adjust the carrying value of its investment in the Common Stock of Potomac Electric from $9,000,000 to $37,088,478.23 to reflect its underlying book value, exclusive of adjustments to be made by Potomac Electric. Washington Railway states that such accounting adjustment would enable it to sell the holdings of Capital Stock of its subsidiary, Capital Transit Company, in advance of the reclassification of the securities of Potomac Electric, without incurring a capital impairment which would preclude the payment of dividends upon its own (Washington Railway) Preferred and Common Stocks.

Washington Railway represents that it will advise each of its stockholders of record by letter of the proposed modification of the Amended Plan and the date of the hearing to be held with respect to said modification.

The Commission deeming it appropriate that the proceedings herein be reopened and that the hearings heretofore held on January 15, and 16, 1947 on said Amended Plan be reconvened for the purpose of affording an opportunity to all interested persons to present evidence and to be heard in respect to proposed transactions set forth and contained in said amendment filed by Washington Railway on March 3, 1947, amending its Amended Plan; and that appropriate notice thereof be given to all interested parties;

It is ordered, That the proceedings herein held pursuant to section 11 (e) of the act with respect to the Amended Plan (File No. 54-98) filed by Washington Railway on August 30, 1946 be reopened and the hearing be reconvened for the purpose of presenting evidence and the taking of testimony with respect to the matters presented under the provisions of the Amended Plan, as amended by said amendment, filed on March 3, 1947 by Washington Railway.

It is further ordered, That the hearing upon said matters shall be held under the applicable provisions of the act and rules promulgated thereunder on March 12, 1947, at 10 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated at such time by the hearing room clerk in Room 318.

It is further ordered, That, without limiting the scope of the issues presented, particular attention will be directed at such reconvened hearing to the following matters and questions:

1. Whether the treatment proposed to be accorded the Preferred and Common stockholders of Washington Railway under the provisions of the proposed modification of the Amended Plan is fair and equitable.

2. Whether the proposal to increase the number of shares of new Common Stock of Potomac Electric, par value $10 per share, to be issued under the provisions of the Amended Plan, as amended, from 2,897,500 shares to 2,961,250 shares and the issuance of such shares of stock, meets the standards of section 7 of the act and the other applicable provisions of the act and rules and regulations promulgated thereunder.

3. Whether the Amended Plan, as amended, is necessary to effectuate the provisions of section 11 of the act and is fair and equitable to the persons affected thereby; and is in compliance with the Commission's order of April 14, 1942 with respect to The North American Company and its subsidiary companies; and, if not, in what respect said Amended Plan, as amended, should be modified, altered, changed or amended.

4. Whether the request of Washington Railway that it be permitted to increase the carrying value of its investment in the Common Stock of Potomac Electric and to credit earned surplus in order to absorb the probable book loss upon the sale of the Capital Stock of Capital Transit Company by Washington Railway should be granted, or whether such accounting adjustments should be exempted pursuant to Rule U-100 or otherwise from the requirements of the Uniform System of Accounts for Public Utility Holding Companies prescribed by this Commission.

It is further ordered, That Robert P. Reeder or any other hearing officer or hearing officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That any interested representative, agency, authority, or instrumentality of the United States, or any interested State, State commission, State securities commission, municipality or other political subdivision of a State, who has not already entered an appearance herein, shall become a party to those proceedings upon the filing of a written notice of appearance herein, as provided in Rule XVII of the Commission's revised rules of practice. Any other interested person desiring to be heard in connection with these proceedings, who has not already been granted leave to be heard herein, may be granted such leave to be heard in accordance with said Rule XVII, and for that purpose shall file with the Secretary of the Commission, not later than two days prior to the date hereinbefore fixed for the commencement of said hearing, his request or application for that purpose. Such request shall set forth the nature of the applicant's interest in the proceedings, his reasons for requesting leave to be heard, and shall also set forth applicant's position with respect to the allegations hereinbefore set forth and with respect to the issues herein. Any such person desiring to be heard who wishes to raise additional issues not otherwise set forth herein, shall state such additional issues so proposed to be raised in his application, unless for good cause shown he is permitted thereafter to raise such issues.

It is further ordered, That notice of the aforesaid hearing be given to Washington Railway and Electric Company, The North American Company, Potomac Electric Power Company, The Washington and Rockville Railway Company of Montgomery County, Capital Transit Company, Braddock Light & Power Company, Incorporated, Great Falls Power Company, Montgomery Bus Lines, Incorporated, The Glen Echo Park Company, the Public Utilities Commission of the District of Columbia, The Public Service Commission of Maryland, and The State Corporation Commission of Virginia; to all parties who have previously participated in any phase of these proceedings, including the Attorney General, Department of Justice, Washington, D. C., the Administrator, Federal Works Agency, Washington, D. C., The Commissioner of Public Buildings, Washington, D. C., The Director of Procurement, United States Treasury Department, Washington, D. C., the People's Counsel for the District of Columbia, Washington, D. C., National Savings and Trust Company, Washington, D. C., American Security and Trust Company, Washington, D. C., Union Trust Company, Washington, D. C., Washington Loan & Trust Company, Washington, D. C., Norwood B. Orrick, of Venable, Baetjer & Howard, 1409 Mercantile Trust Building, Baltimore, Maryland, and Y. E. Booker, of Alexander Brown & Sons, Washington, D. C.; such notice to each of the foregoing to be given by registered mail; and that notice is also given to the foregoing and to all other persons by publication of this order in the FEDERAL REGISTER and in a general release of this Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2137; Filed, Mar. 7, 1947; 8:45 a. m.]

[File Nos. 59-10, 54-82, 59-39, 54-50, 54-147]

NORTH AMERICAN CO. ET AL.

ORDER GRANTING MOTION AND APPROVING PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 28th day of February 1947.

In the matter of The North American Company, and its subsidiary companies, File No. 59-10; the North American Company, File No. 54-82; North American Light & Power Company, Holding-Company System, and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; Illinois Power Company, File No. 54-147.

The North American Company, a registered holding company, having filed an application on January 6, 1947, for approval of a plan, (designated as Plan I) pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935, and North American Light & Power Company, a registered holding company and subsidiary of The North American Company, having joined in said application, and Illinois Power Company, a registered holding company and subsidiary of North American Light & Power Company, having filed an application on January 9, 1947, for approval of said Plan I in so far as said Plan I relates to the settlement of all claims and counterclaims affecting Illinois Power Company; and

Illinois Power Company having made a motion on January 31, 1947 that the Commission enter a separate order approving (1) the settlement of all claims and counterclaims affecting Illinois Power Company and (2) Plan I in so far only as such plan embodies that settlement; and

A public hearing on said Plan I having been held and the record closed with respect thereto, briefs with respect to said motion of Illinois Power Company having been filed and none of said participants having requested oral argument with respect to said motion; and

The Commission being duly advised and having this day issued its preliminary opinion herein and having in process of preparation a definitive findings and opinion; and

It appearing appropriate in the interests of orderly and expeditious adminis-

tration to sever from said Plan I that portion thereof which relates to the settlement of all claims and counterclaims affecting Illinois Power Company; and

The Commission finding in said preliminary opinion that so much of Plan I as provides for the settlement by The North American Company, North American Light & Power Company, and Illinois Power Company of all claims and counterclaims affecting Illinois Power Company, is necessary to effectuate the provisions of section 11 (b) of said act, and fair and equitable to the persons affected thereby, and further finding that the foregoing determination may be made without prejudice to the jurisdiction of the Commission to determine ultimately the rights of North American Light & Power Company and its various security holders, including The North American Company in these consolidated proceedings;

It is ordered, That the motion of Illinois Power Company for a separate order approving so much of said Plan I as provides for the settlement of all claims and counterclaims affecting Illinois Power Company be and hereby is granted.

It is further ordered, That so much of said Plan I as provides for the settlement of all claims and counterclaims affecting Illinois Power Company as more fully summarized in the preliminary opinion of the Commission issued on this date be and hereby is approved; *Provided, however*, That said portion of Plan I shall not be consummated until approved by an appropriate United States District Court; *And provided further*, That jurisdiction to determine ultimately the rights of North American Light & Power Company and its various security holders, including The North American Company be and hereby is specifically reserved.

It is further ordered, That jurisdiction be and hereby is reserved to enter such other and further orders or to take such other or further action as may be necessary or appropriate in the premises with respect to all of the issues in these consolidated proceedings except as otherwise specifically provided herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2135; Filed, Mar. 7, 1947; 8:45 a. m.]

[File No. 812-481]

MORRIS PLAN CORPORATION OF AMERICA ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of March A. D. 1947.

In the matter of The Morris Plan Corporation of America, The Topeka Morris Plan Company, American General Corporation, File No. 812-481.

Notice is hereby given that The Morris Plan Corporation of America has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order granting exemption from the provisions of section 17 (a) of the act so as to permit the purchase from The Morris Plan Corporation of America by The Topeka Morris Plan Company of 125 shares of the capital stock of The Topeka Morris Plan Company at a price of $360 per share, amounting to a total price of $45,000.

American General Corporation is a closed-end, non-diversified, management investment company and is registered under the Investment Company Act of 1940. American General Corporation owns 61.28% of the voting stock of the applicant, The Morris Plan Corporation of America, which in turn owns 25% of the capital stock of The Topeka Morris Plan Company.

Section 17 (a) (2) of the act prohibits an affiliated person of an affiliated person of a registered investment company from purchasing from any person controlled by such registered investment company any securities except securities of which the seller is the issuer. The applicant has therefore filed an application pursuant to section 17 (b) of the act for an order exempting the proposed transaction from the provisions of section 17 (a) of the act, and the applicant asserts that the proposed transaction meets the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed agreement is fair and reasonable;

(2) Whether the proposed agreement involves overreaching on the part of any person concerned;

(3) Whether the proposed agreement is consistent with the policy of American General Corporation as recited in its registration statement and reports filed under the act;

(4) Whether the proposed agreement is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate;

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on March 20, 1947, at 10:00 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Robert P. Reeder, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned The Topeka Morris Plan Company, The Morris Plan Corporation of America, American General Corporation, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before March 17, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2136; Filed, Mar. 7, 1947; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 State. 839, Pub. Laws 322, 671 79th Cong., 60 Stat. 50, 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8227]

HEDWIG BENSINGER ET AL.

In re: Stock and a bank account owned by Hedwig Bensinger, Richard Bensinger, Hermann Soherr, Annelore Soherr and the personal representatives, heirs, next of kin, legatees and distributees of Anna S. Soherr, deceased. F-28-1860-D-1, D-66-2224-D-1, F-28-1139-D-1, F-28-1140-D-1, F-28-1367-D-1, F-28-1296-D-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Bensinger, Richard Bensinger, Hermann Soherr, and Annelore Soherr, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Anna S. Soherr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Eighty-eight (88) shares of $100.00 par value common capital stock of The Hermann Stursberg Realty Company, a corporation organized under the laws of the State of New York, evidenced by certificate numbered 39 for 25 shares and certificate numbered 105 for 63 shares, registered in the name of Anna S. Soherr, and presently in the custody of The Hermann Stursberg Realty Company, 420 Lexington Avenue, New York 17, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Anna S. Soherr, deceased, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: Eighty (80) shares of $100.00 par value common capital stock of The Hermann Stursberg Realty Company, a corporation organized under the laws of the State of New York, evidenced by the certificates, presently in the custody of The Hermann Stursberg Realty Company, 420 Lexington Avenue, New York 17, New York, listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name, as follows:

Registered owner	Certificate No.	Number of shares
Hedwig Bensinger	41	25
	111	7
Richard Bensinger	97	21
Annelore Soherr	98	13
Hermann Soherr	99	13

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwig Bensinger, Richard Bensinger, Hermann Soherr and Annelore Soherr, the aforesaid nationals of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation of Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, arising out of a checking account, entitled Funds held for the account of Blocked Nationals, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwig Bensinger, Richard Bensinger, Hermann Soherr, Annelore Soherr and the personal representatives, heirs, next of kin, legatees and distributees of Anna S. Soherr, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the above named persons and the personal representatives, heirs, next of kin, legatees and distributees of Anna S. Soherr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2191; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8253]

STEPHEN KELLER

In re: Insurance policy rights owned by Stephen Keller. File D-28-9947; E. T. sec. 14103.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Stephen Keller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Benefit Certificate No. 50845 issued by Catholic Knights of St. George, Branch No. 50, Pittsburgh, Pennsylvania, on the life of Rev. Adolf Keller, deceased, wherein Stephen Keller is the designated beneficiary, and any other benefits and rights of any name or nature whatsoever under or arising out of said contract of insurance which are or were held by Stephen Keller, together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance, is property payable within the United States owned or controlled by, payable or deliverable to, held on behalf of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2192; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8274]

MARY FISHER

In re: Estate of Mary Fisher, sometimes known as Mary Fischer. File D-28-10447; E. T. sec. 14854.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Minna Gemmerich, Mrs. Pauline Heller, Anton Diehl and John Diehl, and each of them, in and to the Estate of Mary Fisher, sometimes known as Mary Fischer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Minna Gemmerich, Germany.
Mrs. Pauline Heller, Germany.
Anton Diehl, Germany.
John Diehl, Germany.

That such property is in the process of administration by Herbert W. Stewart, as Executor, acting under the judicial supervision of the District Court of Montana, Fourth Judicial District, County of Missoula,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2193; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8281]

ERNEST MÖHLE

In re: Estate of Ernest Möhle a/k/a Henry Miller, deceased. File No. D-28-2067; E. T. sec. 2363.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Möhle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1,029.37 was paid to the Alien Property Custodian by Otto Niedermeyer, Executor of the Estate of Ernest Möhle a/k/a Henry Miller, deceased;

3. That the said sum of $1,029.37 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, p yable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on February 12, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2195; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8275]

JOSEPH GERLOWSKI

In re: Estate of Joseph Gerlowski, deceased. File No. D-28-10222; E. T. sec. 14568.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Soscha Gerlowska in and to the Estate of Joseph Gerlowski, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy county, Germany, namely,

National and Last Known Address

Soscha Gerlowska, Germany.

That such property is in the process of administration by Jozef Kazimierz Krasicki, as administrator de bonis non of the Estate of Joseph Gerlowski, deceased, acting under the judicial supervision of the Surrogate's Court, Nassau County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2194; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8282]

DANIEL RASP

In re: Trust u/w of Daniel Rasp, deceased. File D-28-9749; E. T. sec. 13671.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Thrina Shelter, Fritz Rasp, and Luise Rasp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Daniel Rasp, deceased and in and to the trust created under the will of Daniel Rasp, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John M. Schmitz, as Executor acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2196; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8284]

JOHANNA SCHWARTZ

In re: Estate of Johanna Schwartz, deceased. File No. D-34-882; E. T. Sec. No. 14719.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Rosie Schwartz, Bertale (Schwartz) Goldfarb, Alexander Schwartz and Joseph Schwartz, and each of them, in and to the estate of Johanna Schwartz, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Rosie Schwartz, Hungary.
Bertale (Schwartz) Goldfarb, Hungary.
Alexander Schwartz, Hungary.
Joseph Schwartz, Hungary.

That such property is in the process of administration by Abram Mason and Julia Klein, as Executors of the Estate of Johanna Schwartz, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2197; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8286]

ANNA UFFELMANN

In re: Estate of Anna Uffelmann, deceased. File No. D-28-6581; E. T. sec. 5017.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Siegel (husband of Marie Siegel, deceased), Wilhelm Siegel (son of Marie Siegel, deceased), Carl Siegel (son of Marie Siegel, deceased), and Anna Liese Siegel (daughter of Marie Siegal, deceased), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the other heirs at law, next of kin, distributees, executors, administrators and personal representatives, names unknown, of Marie Siegel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna Uffelmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John Uffelmann, as Executor of the Estate of Anna Uffelmann, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the other heirs at law, next of kin, distributees, executors, administrators and personal representatives, names unknown, of Marie Siegel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2198; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8287]

FRIEDA WAHLERS

In re: Estate of Frieda Wahlers, deceased. File D-28-7540; E. T. sec. 7867.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Schroeder, Emma Lohse, Ernst Lohse, Wilhelm Lohse, Hermann Lohse, Karl Adolf Lohse, Hinrich Mangels, Dora Mangels, August Mangels, Rudolf Mangels, Margaret Mangels, Emmie Heins, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Marie Schroeder, issue, names unknown, of Emma Lohse, issue, names unknown, of Ernst Lohse, issue, names unknown, of Wilhelm Lohse, issue, names unknown, of Hermann Lohse, issue, names unknown, of Karl Adolf Lohse, children, names unknown, of Willy Lohse, deceased, issue, names unknown, of Hinrich Mangels, issue, names unknown, of Dora Mangels, issue, names unknown, of August Mangels, issue, names unknown, of Rudolf Mangels, issue, names unknown, of Margaret Mangels, issue, names unknown, of Emmie Heins, children, names unknown, of Lena Mangels, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Frieda Wahlers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by John Schult, as executor, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Marie Schroeder, issue, names unknown, of Emma Lohse, issue, names unknown, of Ernst Lohse, issue, names unknown, of Wilhelm Lohse, issue, names unknown, of Hermann Lohse, issue, names unknown, of Karl Adolf Lohse, children, names unknown, of Willy Lohse, deceased, issue, names unknown, of Hinrich Mangels, issue, names unknown, of Dora Mangels, issue, names unknown, of August Mangels, issue, names unknown, of Rudolf Mangels, issue, names unknown, of Margaret Mangels, issue, names unknown, of Emmie Heins, children, names unknown, of Lena Mangels, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2199; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8299]

ELIZABETH BERTHOLD

In re: Estate of Elizabeth Berthold, a/k/a Elsbeth Berthold, deceased. File No. D-28-10478; E. T. sec. 14898.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Meyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the heirs at law, next of kin, and personal representatives of Elizabeth Berthold, a/k/a Elsbeth Berthold, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Elizabeth Berthold, a/k/a Elsbeth Berthold, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John E. Gleason, 44 Throop Avenue, New Brunswick, New Jersey, as administrator, acting under the judicial supervision of the Middlesex County Orphans' Court, New Brunswick, New Jersey;

and it is hereby determined:

5. That to the extent that the above-named person and the heirs at law, next of kin, and personal representatives of Elizabeth Berthold, a/k/a Elsbeth Berthold, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2200; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8300]

METTA BUCHHOLZ

In re: Estate of Metta Buchholz, deceased. File No. F-28-3217; E. T. sec. 1427.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elisabeth Klunner in and to the estate of Metta Buchholz, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Elisabeth Klunner, Germany.

That such property is in the process of administration by Philip F. Farley, as Ancillary Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2201; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8301]

HULDA DUESTROW

In re: Estate of Hulda Duestrow, deceased. File D-28-11012; E. T. sec. 15421.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Cemetery Association of Mainz, Germany, whose last known address is Germany, is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Hulda Duestrow, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by St. Louis Union Trust Company of St. Louis, Missouri, as Executor, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2202; Filed, Mar. 7, 1947; 8:45 a. m.]

[Vesting Order 8305]

DANIEL EMIL KLEPS

In re: T/W of Daniel Emil Kleps, deceased. File D-28-10181; E. T. sec. 14502.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Sonnenwald, Laura Spohr, and Hugo Kroll, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue of Laura Spohr, names unknown, the issue of Hugo Kroll, names unknown, and issue of Willie Sonnenwald, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Daniel Emil Kleps, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the possession of the American Security and Trust Company of Washington, D. C., as trustee;

and it is hereby determined:

5. That to the extent that the above-named persons and the issue of Laura Spohr, names unknown, issue of Hugo Kroll, names unknown, and issue of Willie Sonnenwald, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2203; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8302]

ANNA EISELE

In re: Estate of Anna Eisele, deceased. File No. D-28-10157; E. T. sec. 14453.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Eisele, Helene Eisele, Elsa Eisele Weimer, Ernest Eisele, Martha Eisele Mayer, Helga Eisele and Gisela Eisele, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Anna Eisele, deceased, is propery payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Max Eisele, as Administrator, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2206; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8303]

MARIE HELVST

In re: Estate of Marie Helvst, deceased. File No. D-28-2219; E. T. sec. 2871.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Anna Brunning and Gretchen Myer, and each of them, in and to the estate of Marie Helvst, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Anna Brunning, Germany.
Gretchen Myer, Germany.

That such property is in the process of administration by Fred Eichmann and Jacob R. Voorhees, as Co-Executors, acting under the judicial supervision of the Somerset County Orphans' Court, Somerville, New Jersey,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2204; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8304]

MAURICE HERSCHKOVITZ

In re: Estate of Maurice Herschkovitz a/k/a Morris Hirsch, deceased. File D-34-856; E. T. sec. 14212.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Herman Herschkovitz and Mrs. Rose Schweiger, whose last known addresses are Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them in and to the estate of Maurice Herschkovitz a/k/a Morris Hirsch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by Max Hirsch, as administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2205; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8306]

JOSEPH MAUSHART

In re: Estate of Joseph Maushart, a/k/a Josef Maushart, deceased. File No. D-28-10790; E. T. sec. 15129.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leo Maushart and Marie Menner Maushart, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Joseph Maushart, a/k/a Josef Maushart, deceased, is property payable or deliverable to, or claimed by, the aforementioned nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frank M. Nicolosi, Public Administrator for Queens County, as Administrator, acting under the

judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2207; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8307]

EDUARD STANGLER

In re: Estate of Eduard Stangler, deceased. File D-28-11440; E. T. sec. 6790.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ottilie Schmidt, Stephanie Langer, Ernestina Janda, Adalia Janda, Wilhelmina Janda, Edmund Janda, Augusta Janda, and Emma Janda, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Eduard Stangler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by J. C. Cassidy, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Snohomish;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2208; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8308]

LOUISE B. WALTER

In re: Estate of Louise B. Walter, deceased. File No. D-28-8949; E. T. sec. 11263.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ruth Merz, Katherine Merz and August Merz, whose last known addresses are Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Louise B. Walter, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Irma Von Rusten, 733 Church Avenue, Brooklyn, New York, as Administratrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined;

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2209; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8310]

VERA DECORDOVA

In re: Currency, coin, debts and stock owned by Vera DeCordova, also known as Vera de Cordova. F-28-25130-C-1, F-28-25130-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vera DeCordova, also known as Vera de Cordova, whose last known address is 10 Gedon Strasse, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Currency and coin in the sum of $7,228.90, held by Edward Horman, 5823 Delor Street, St. Louis 9, Missouri, in a safe deposit box in the officers vault of First National Bank in St. Louis, St. Louis, Missouri.

b. That certain debt or other obligation owing to Vera DeCordova, also known as Vera de Cordova, by St. Louis Crematory & Mausoleum Company, 7600 St. Charles Rock Road, St. Louis County 14, Missouri, in the amount of $4.50, as of April 19, 1946, evidenced by check number 41037, in the sum of $4.50, dated December 15, 1941, issued by St. Louis Crematory & Mausoleum Company, 7600 St. Charles Rock Road, St. Louis County 14, Missouri, and presently in the custody of Edward Horman, 5823 Delor Street, St. Louis 9, Missouri, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid check,

c. That certain debt or other obligation owing to Vera DeCordova, also known as Vera de Cordova, by Philipsburg Mining Company, Security Building, St. Louis 2, Missouri, in the amount of $110.25, as of November 21, 1946, evidenced by check number 53, in the sum of $110.25, dated November 2, 1946, issued by Leigh Wyman, Trustee, Philipsburg Mining Company, Security Building, St. Louis 2, Missouri, and presently in the custody of Edward Horman, 5823 Delor Street, St. Louis 9, Missouri, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid check,

d. Three (3) shares of $25.00 par value cumulative 6% preferred capital stock of St. Louis Crematory & Mausoleum Company, 7600 St. Charles Rock Road, St. Louis County 14, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by certificate number 616, registered in the name of Miss Vera DeCordova, and presently in the custody of Edward Horman, 5823 Delor Street, St. Louis 9, Missouri, together with all declared and unpaid dividends thereon, and

e. Three hundred fifteen (315) shares of $0.10 par value capital stock of Philipsburg Mining Company, Security Building, St. Louis 2, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by certificate number 2850, registered in the name of Vera DeCordova, and presently in the custody of Edward Horman, 5823 Delor Street, St. Louis 9, Missouri, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2210; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8314]

EUGEN HOERNER G. M. B. H.

In re: Debt owing to and bank account owned by Eugen Hoerner, G. m. b. H., also known as Eugene Hoerner, G. m. b. H. F-28-1968-C-1, F-28-1968-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugen Hoerner, G. m. b. H., also known as Eugene Hoerner, G. m. b. H., the last known address of which is Bismarckstrasse 27, Heilbronn a/N, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All those debts or other obligations owing to Eugen Hoerner, G. m. b. H., also known as Eugene Hoerner, G. m. b. H., by Walter C. Cox, 208 S. La Salle Street, Suite 1802-06, Chicago 4, Illinois, including particularly but not limited to a portion of the sum of money on deposit with the City National Bank and Trust Co. of Chicago, 208 S. La Salle Street, Chicago, Illinois, in a bank account, entitled W. C. Cox & Company Special Account, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Eugen Hoerner, G. m. b. H., also known as Eugene Hoerner, G. m. b. H., by Security First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles 54, California, arising out of a Term Savings Account, Account Number 392557, entitled Eugene Hoerner, G. m. b. H., maintained at the Civic Center Branch office of the aforesaid bank located at 110 S. Spring Street, Los Angeles 12, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2218; Filed, Mar. 7, 1947; 8:47 a. m.]

[Vesting Order 8316]

OTTO KELLER AND MARIE STECHER

In re: Bank accounts owned by Otto Keller and Marie Stecher. F-28-11601-C-1, F-28-12295-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Keller and Marie Stecher, whose last known addresses are, respectively, Frauendorf, Germany and Leipnitz, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing by The First National Bank and Trust Company of New Haven, New Haven, Connecticut, arising out of a savings account, Account Number 146,561, entitled Carl F. Bollmann, Atty. for Otto Keller, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing by The First National Bank and Trust Company of New Haven, New Haven, Connecticut, arising out of a savings account, Account Number 146,561, entitled Carl F. Bollmann, Atty. for Marie Stecher, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Otto Keller and Marie Stecher, the aforesaid nationals of a designated enemy country (Germany;

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2211; Filed, Mar. 7, 1947; 8:46 a. m.]

CHRISTIAN HEINRICH HOFSESS

NOTICE OF INTENTION TO RETURN VESTED PROPETRY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Christian Heinrich Hofsess, Paterson, N. J.	5842	5577 (11 F. R. 866)	$128.50	Washington, D. C.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2212; Filed Mar. 7, 1947; 8:46 a. m.

[Vesting Order 8318]

KURHESSISCHE HAUSSTIFTUNG

In re: Stock owned by Kurhessische Hausstiftung. F-28-348-D-3, F-28-348-D-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurhessische Hausstiftung, the last known address of which is Philippsruhe near Hanau, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two hundred (200) shares of $1.00 par value common capital stock of Alleghany Corporation, Equitable Building, Wilmington, Delaware, a corporation organized under the laws of the State of Maryland, evidenced by certificates numbered 107633 and 107634 for one hundred (100) shares each and registered in the name of Kurhessische Hausstiftung, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value $2.50 cumulative prior preferred capital stock of Alleghany Corporation, Equitable Building, Wilmington, Delaware, a corporation organized under the laws of the State of Maryland, evidenced by certificate number 3800 and registered in the name of Kurhessische Hausstiftung, together with all declared and unpaid dividends thereon, and

c. Fifty (50) shares of no par value first preferred capital stock of The American Superpower Corporation, 100 West 10th Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 15587 and registered in the name of Kurhessische Hausstiftung, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2213; Filed, Mar. 7, 1947; 8:46 a. m.]

CELOTEX CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
The Celotex Corp., Chicago, Ill..	1271	201 (8 F. R. 625)...	U. S. Letters Patent Nos. 2,604,545 and 2,172,676.	Washington, D. C.

Executed at Washington, D. C., on March 4, 1947.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2219; Filed, Mar. 7, 1947; 8:47 a. m.]

[Vesting Order 8329]

PAUL HEINSOHN

In re: Estate of Paul Heinsohn, deceased. File No. D-66-1379; E. T. sec. 8662.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine M. L. Heinsohn, widow, and Wilma Mikeska, daughter, whose last known addresses are Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Paul Heinsohn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Public Administrator of New York County, Hall of Records, 31 Chambers Street, New York, New York, as Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2214; Filed, Mar. 7, 1947; 8:46 a. m.]

[Vesting Order 8330]

WASEL MASKARINEC

In re: Estate of Wasel Maskarinec, deceased. File No. D-34-783; E. T. sec. 11878.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Maskarinec, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Wasel Maskarinec, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by Francis J. Mulligan, Public Administrator, 31 Chambers Street, New York, New York, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2215; Filed, Mar. 7, 1947; 8:47 a. m.]

[Vesting Order 8349]

MARY IONESCU GRANDA

In re: Estate of Mary Ionescu Granda, a/k/a Mary Ionescu B. Granda, deceased. File D-57-415; E. T. sec. 14120.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Simion Belmustata, Iovan Belmustata, Anna Odrobot, Gavril Belmustata, Ioan Belmustata, Aurica Belmustata and Mosa Belmustata, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That the sum of $5,592.75 was paid to the Attorney General of the United States by Carl Miller and Peter Marcu, Co-executors of the Estate of Mary Ionescu Granda, a/k/a Mary Ionescu B. Granda, deceased;

3. That the said sum of $5,592.75 was property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Rumania);

4. That the said sum of $5,592.75 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Carl Miller and Peter Marcu, Co-executors of the Estate of Mary Ionescu Granda, a/k/a Mary Ionescu B. Granda, deceased, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 11, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2216; Filed, Mar. 7, 1947; 8:47 a. m.]

[Return Order 6]

PHILIPPINE MFG. CO. AND ARNO BRASCH

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance [1] with respect thereto, which are incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned as follows, after adequate provision for conservatory expenses:

Claimant and claim number, notice of intention to return published, and property

The Philippine Mfg. Company, Manila, P. I., Claims Nos. 4216 to 4221, inclusive, 12 F. R. 427, January 21, 1947; Property described in the first paragraph of Vesting Order No. 295 (7 F. R. 9841, November 26, 1942), relating to U. S. Design Patent Applications Nos. D-95,880, D-95,881, D-95,882, D-95,883, D-95,884 and D-96,297, to the extent owned by claimant immediately prior to the vesting thereof.

Arne Brasch, New York, N. Y. Claims Nos. A-271 and A-304; 12 F. R. 430, January 21, 1947; Property described in the first paragraph of Vesting Order No. 201 (8 F.R. 625, January 16, 1943), relating to U. S. Letters Patent Nos. 1,931,475, 1,957,008, 2,005,021, 2,045,733 and 2,099,327, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

DONALD C. COOK, *Director.*

[F. R. Doc. 47-2217; Filed, Mar. 7, 1947; 8:47 a. m.]

[1] Filed as part of the original document.

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FEDERAL REGISTER

VOLUME 12 NUMBER 49

Washington, Tuesday, March 11, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9833

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, AND CAPITAL STOCK TAX RETURNS BY FEDERAL TRADE COMMISSION

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and in the interest of the internal management of the Government, it is hereby ordered that corporation income, excess-profits, declared value excess-profits, and capital stock tax returns made for the calendar year 1943 and fiscal years ended in the calendar year 1943, and statistical transcript cards prepared by the Bureau of Internal Revenue from the returns included in such classes made for any taxable year ending after June 30, 1943, and before July 1, 1944, shall be open to inspection by the Federal Trade Commission as an aid in executing the powers conferred upon such Commission by the Federal Trade Commission Act of September 26, 1914, 38 Stat. 717, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision [1] relating to the inspection of returns by the Federal Trade Commission, approved by me this date.

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 7, 1947.

[F. R. Doc. 47-2331; Filed, Mar. 7, 1947; 3:59 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers' Home Administration, Department of Agriculture

Subchapter F—Management

PART 353—SALES OF REAL PROPERTY

Part 353, Sales of Real Property, of this subchapter (6 CFR, Ch. III) now contains regulations reflecting policies and procedures applicable to the sale of management projects under Farm Ownership Procedure (Subchapter G—Farm Ownership) prior to November 1, 1946.

NOTE: The following was submitted as a temporary rule of procedure, applicable to the entire Part 353, pending a revision of that part.

Pursuant to the provisions of Public Law 563, 79th Cong., 2d Sess., and the Farmers Home Administration Act of 1946, sales of all project units after October 31, 1946 are being negotiated by the Farmers Home Administration in compliance with the legislative directive to liquidate resettlement projects and rural rehabilitation projects for resettlement purposes, and other similar type enterprises. Applicable procedures and forms heretofore used by the Farm Security Administration were adopted, insofar as consistent with the aforesaid acts, by the Farmers Home Administration pending issuance of new procedures and forms superseding those adopted (11 F. R. 13011; 6 CFR 300.1a). New procedures, including descriptions of revised forms, governing Farmers Home Administration programs are being formalized and currently published in the FEDERAL REGISTER in codified form, and will supersede corresponding material now contained in 6 CFR, Ch. III. Pending formalization of new procedure for sales of real property, the Administrator of the Farmers Home Administration has issued memoranda to field officials and revised forms have been made available, putting into effect the changes listed below, in connection with the sale of all project lands after October 31, 1946, which are capable of disposition as economic farm units in accordance with Title I of the Bankhead-Jones Farm Tenant Act as amended, or otherwise. Part 353, Sales of Real Property, will therefore be considered as modified in accordance with the following requirements: (1) Economic farm units shall be sold or conveyed to present project occupants to whom previous commitments to purchase have been made or who have existing contracts to purchase and to veterans of World War II as provided in Public Law 563, or other persons who meet the eligibility requirements specified in Title I of the Bankhead-Jones Farm Tenant Act as amended; (2) such units are not to exceed 640 acres in any

(Continued on next page)

[1] Title 26, Chapter I, Part 458, *infra*.

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FEDERAL REGISTER

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one sale; (3) only project property which can be developed into an economic family-type farm-management unit with a total value as improved not exceeding the average value of efficient family-type farm-management units in the county or parish, and with the total investment by the purchaser not exceeding the County FO loan limit, both as determined by the Secretary, which unit can be so improved at a cost not to exceed one-third of the earning capacity of the improved unit, shall be determined to be suitable for disposal pursuant to Title I of the Bankhead-Jones Farm Tenant Act. Such units shall be sold first to veterans and project occupants as provided in Public Law 563, 79th Congress, or, if no veteran or occupant is available, to other persons eligible for the benefits of Title I pursuant to section 43 (b) of the Bankhead-Jones Farm Tenant Act. FO loans bearing interest at the rate of three and one-half percent may be made for the acquisition and improvement, but not for the improvement alone, of such units in accordance with FO procedures, except that no portion of the FO loan shall be made for improvements the cost of which exceeds one-third of the earning capacity of the improved unit. Project property not meeting the foregoing requirements shall be determined not to be suitable for disposal in accordance with the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and shall be disposed of as surplus pursuant to section 43 (c) or 43 (d) of the Bankhead-Jones Farm Tenant Act; (4) in sales of economic farm units to eligible persons other than veterans of World War II or present project occupants, the County FHA Committee certification should include a finding that reasonable efforts have been made to offer the property first to veterans of World War II within the area or to eligible project occupants and that such efforts have failed to obtain a veteran or project occupant eligible under Title I of the Bankhead-Jones Farm Tenant Act, as amended.

(Farmers Home Administration Act of 1946, 60 Stat. 1062)

Issued this 27th day of February 1947.

[SEAL] DILLARD B. LASSETER,
Administrator.

Approved: March 5, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2232; Filed, Mar. 10, 1947; 8:46 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL AND PROFESSIONAL POSITIONS

ARCHEOLOGIST AND VETERANS' ADMINISTRATION PSYCHOLOGIST (PERSONAL COUNSELOR)

In the FEDERAL REGISTER of February 25, 1947, Chapter I was revised and certain parts, including Part 25, were redesignated effective May 1, 1947 (12 F. R. 1270, 1302). This amendment to Part 25 is to be carried over on May 1, the effective date of the redesignation.

The following sections are added to this part (redesignated as Part 24 effective May 1, 1947):

§ 25.43 *Archeologist, P–1 to P–4*—(a) *Educational requirement.* (1) Applicants must have completed a four-year course of study in a college or university of recognized standing, including or supplemented by 20 semester hours in anthropology including courses that are acceptable toward a major in anthropology. At least one course in American archeology is required and the training must also have included or been supplemented by at least three months of archeological excavations experience under the direction of a recognized professional archeologist, or

(2) Applicants must have completed 20 semester hours in anthropology including courses that are acceptable toward a major in anthropology. At least one course in American archeology is required. In addition, they must have had three years of education or appropriate experience which when combined with the specialized study described above will give them the equivalent of a four-year college course. This education or experience must have included or been supplemented by at least three months of archeological excavations experience under the direction of a recognized professional archeologist.

(b) *Duties.* Archeological positions in the Federal service are highly specialized. They involve technical aspects of archeological excavations, collection of museum specimens, and dissemination of information in the archeological field. They also involve the coordination of archeological research with various educational programs. Specific duties performed by archeologists include: Archeological excavations, repair and stabilization of ruins, classification and cataloging museum specimens, preparation of reports on archeological subjects, performance of research in archeological problems, and coordination of the activities of the Federal agency with the efforts of Federal, state, and local organizations interested in preservation of important archeological and historical areas.

(c) *Knowledge and training requisite for the performance of duties.* In order to preserve, care for, and interpret the archeological resources of the nation, the archeologist must have a thorough knowledge of archeology and related fields and an understanding of field and laboratory research. The archeologist, in order to perform professional duties satisfactorily, must have a knowledge of all technical aspects of the work. He must be able to secure and present to Federal agencies and to the American public authentic and usable information concerning archeological resources.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a professional archeologist is through training secured in a college or university of recognized standing. The necessary knowledge cannot be gained simply through experience, but requires formal training in method, and formal and comprehensive review under supervision of the principal reports in the field of American Archeology. It also requires specialized and supervised examination of collections of artifacts only available in institutions of learning where courses in the subject are regularly given. Unless an archeologist is properly trained he may do irreparable damage to the resources under consideration.

§ 25.44 *Psychologist (Personal Counselor), P–4, Veterans Administration*—(a) *Educational requirement.* Applicants must have successfully completed the following courses in a college or university of recognized standing:

(1) Two courses in abnormal psychology, clinical psychology, mental hygiene, psychopathology, personality or psychology of adjustment.

(2) One course in clinical techniques including individual testing, interviewing, or the case-study method.

(3) One course in differential psychology or tests and measurements (educational, vocational, psychological, personality, attitude) or statistics (psychological or educational).

(4) A total of six additional courses composed of any combination of the courses mentioned above and courses in human biology, neurology, physiological psychology and general, experimental, child, adolescent, social, animal, systematic or industrial psychology.

Completion of all requirements for the Ph. D. degree in psychology except for a thesis will be accepted as meeting this minimum educational requirement.

(b) *Duties.* Psychologists (Personal Counselor) counsel veterans who during the utilization of Veterans' Administration services for the selection of a vocational objective or in the course of vocational training have personal problems which interfere in their successful vocational rehabilitation. Psychologists (Personal Counselor) confer with Vocational Advisers and Vocational Rehabilitation Training Officers in furthering the vocation rehabilitation of veterans with maladjustments; assist veterans with personal and social maladjustments, using the appropriate therapeutic techniques, with the aim of eliminating their difficulties wherever possible; detect those veterans with serious mental or emotional disturbances and refer them to Veterans Administration Mental Hygiene Clinics or authorized private mental hygiene clinics.

(c) *Knowledge and training requisite for performance of duties.* In order to adequately counsel maladjusted veterans, the Psychologist (Personal Counselor) must have had a specialized technical background of education and experience in the field of psychology. This background should have provided a thorough knowledge of the principles underlying behavior and of psychological and counseling techniques. The Psychologist (Personal Counselor) must possess such technical knowledge in order that he may counsel veterans in the effort to eliminate the problems which have been blocking their vocational adjustment, thereby assisting in their total rehabilitation. Since Psychologists (Personal Counselor) function without professional direction from psychiatrists, they must have sound preparation which will enable them to make decisions as to which maladjusted veterans, had they not been forced into difficult military or combat situations, would have adjusted to civilian situations with a minimum of difficulty and which ones, because of the serious nature of their social and personal problems, should be referred to mental hygiene clinics for more intensive and extensive treatment.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledges and skills required to perform the duties of this position is through the training given at recognized colleges and universities. Through such training, under instructors having extensive specialized training, the student is able to acquire a knowledge of psychological principles and techniques. Under close professional supervision, he learns the psychological techniques appropriate for dealing with the various types of maladjusted individuals either through close observation of, or actual practice with, clinical cases or through study of a wealth of clinical case material. Such scientific knowledge and skill cannot be acquired and integrated through individual study because the necessary supervision and facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subjects. (Sec. 5, 58 Stat. 388; 5 U. S. C., Sup. 854)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-2235; Filed, Mar. 10, 1947; 8:46 a. m.]

PART 26—REGULATIONS UNDER THE FEDERAL EMPLOYEES PAY ACT OF 1945 AS AMENDED BY THE FEDERAL EMPLOYEES PAY ACT OF 1946

ELIGIBILITY REQUIREMENTS AND EFFECTIVE DATE

In the FEDERAL REGISTER of February 25, 1947, Chapter I was revised and certain parts, including Part 26, were redesignated, effective May 1, 1947 (12 F. R. 1270, 1327). This amendment to Part 26, which is effective upon publication in the FEDERAL REGISTER, is to be carried over on May 1, the effective date of the redesignation.

Section 26.241 *Eligibility requirements and effective date* (redesignated as § 25.241 effective May 1, 1947), is amended by the insertion of the following after paragraph (c) thereof:

This certificate of otherwise satisfactory service and conduct shall constitute an affirmative statement that responsible officials have reviewed the service and conduct of the employee and find that he definitely merits the advancement.

In any case where the facts at the time when the advancement would otherwise have been due clearly warranted the approval of the required efficiency rating and the execution of the certificate of otherwise satisfactory service and conduct, but where through administrative error or oversight the efficiency rating or certificate was not approved or executed until after such date, they may be completed as of such date, in which case the increase shall be made effective as of the date the advancement would otherwise have been due.

NOTE: This amendment is intended to eliminate injustices to those employees who merit advancement, but due to administrative error or oversight cannot be advanced because the required efficiency rating was not on record or the certificate of satisfactory service and conduct was not issued at the time when the advancement would otherwise have been due. For this reason the Commission finds that good cause exists for making the amendment effective as of the date of publication in the FEDERAL REGISTER.

(Sec. 605, 59 Stat. 304; 5 U. S. C., Sup. 945)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-2236; Filed, Mar. 10, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 44, as Amended, Termination]

PART 1465—FISH AND SHELLFISH

RESTRICTIONS ON 1946 PACK OF CANNED FISH

War Food Order No. 44, as amended (11) F. R. 3631, 5105, 5439, 7937, 8669), and all war food orders pursuant thereto[1] are hereby terminated effective as of 12:01 a.m., p. s. t., March 9, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken under the aforesaid war food orders, prior to the effective time of the provisions of said war food orders, in effect prior to the effective time hereof, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal. (E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp.; E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 6th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2233; Filed, Mar. 10, 1947; 8:46 a. m.]

Chapter XXI—Organization, Functions and Procedure

PART 2208—OFFICE OF THE SOLICITOR

FIELD ORGANIZATION

Section 2208.2 (11 F. R. 177A-301) is amended to read as follows:

§ 2208.2 *Field organization.* The field work of the Office of the Solicitor is under the supervision of regional attorneys who perform legal services for the Department in the field. The offices are located in the following cities: Atlanta, Ga., Chicago, Ill., Dallas, Tex., Denver, Colo., Lincoln, Nebr., Little Rock, Ark., Philadelphia, Pa., San Francisco, Calif., and San Juan, P. R. (36 Stat. 416; 5 U. S. C. 518)

Issued this 6th day of March 1947.

[SEAL] W. CARROLL HUNTER,
Solicitor.

[F. R. Doc. 47-2262; Filed, Mar. 10, 1947; 8:45 a. m.]

[1] WFO 44-1 as amended.

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 110—PRIMARY INSPECTION AND DETENTION

LOCATION OF BOARDS OF SPECIAL INQUIRY

FEBRUARY 11, 1947.

Part 110, Chapter I, Title 8, Code of Federal Regulations is hereby amended in the following respects:

1. Section 110.1 *Ports of entry for aliens* is amended by placing the following note immediately after the introductory sentences and preceding the list of ports of entry:

NOTE: For explanation of the abbreviation "BSI" appearing in the following lists, see § 110.3a.

2. Section 110.1 is further amended by deleting "Eureka, Calif.", "Hilo, T. H.", "Kahului, T. H.", and "Port Allen. T. H." from the list of Class A ports of entry in District No. 13, and by listing "Eureka, Calif." and "Hilo, T. H." as Class C ports of entry in District No. 13.

3. Section 110.1 is further amended by placing the abbreviation "BSI" immediately after the name of the following ports, or as otherwise indicated:

In District No. 1:
Calais, Maine.
Eastport, Maine.
Fort Fairfield, Maine.
Houlton, Maine.
Jackman, Maine.
Madawaska, Maine.
Van Buren, Maine.
Vanceboro, Maine.
Malone, N. Y.
Ogdensburg, N. Y.
Rooseveltown, N. Y.
Rouses Point, N. Y.
Thousand Island Bridge, N. Y.
Beecher Falls, Vt.
Highgate Springs, Vt.
Newport, Vt.
Norton, Vt.
Richford, Vt.
St. Albans, Vt.
Bangor, Maine.
In District No. 2:
Portland, Maine.
Boston, Mass.
Gloucester, Mass.
New Bedford, Mass.
Providence, R. I.
In District No. 3:
New York, N. Y.
In District No. 4:
Philadelphia, Pa.
In District No. 5:
Baltimore, Md.
Norfolk, Va.
In District No. 6:
Mobile, Ala.
Jacksonville, Fla.
Key West, Fla.
Miami, Fla.
Pensacola, Fla.
Tampa, Fla.
West Palm Beach, Fla.
Savannah, Ga.
New Orleans, La.
San Juan, P. R.
Charleston, S. C.
Charlotte Amalie, St. Thomas, Virgin Islands.
In District No. 7:
Buffalo, N. Y.
Niagara Falls, N. Y.
Rochester, N. Y.
Cleveland, Ohio.
In District No. 8:
Detroit, Mich.
Port Huron, Mich.
Sault Ste. Marie, Mich.
In District No. 9:
Chicago, Ill.
Baudette, Minn.
Duluth, Minn.
International Falls, Minn.
Noyes, Minn.
Pigeon River, Minn.
Warroad, Minn.
Portal, N. Dak.
Green Bay, Wis.
Milwaukee, Wis.
In District No. 10:
Eastport, Idaho.
Sweetgrass, Mont.
Oroville, Wash.
In District No. 12:
Ketchikan, Alaska (The port of Ketchikan includes, among others, the port facilities at Juneau, Sitka, and Wrangell, Alaska; Ketchikan proper BSI; Juneau BSI.)
Skagway, Alaska.
Portland, Oreg.
Bellingham, Wash.
Blaine, Wash.
Lynden, Wash.
Port Angeles, Wash.
Seattle, Wash.
Sumas, Wash.
Tacoma, Wash.
In District No. 13:
San Francisco, Calif.
Honolulu, T. H.
In District No. 14:
Brownsville, Tex.
Corpus Christi, Tex.
Del Rio, Tex.
Eagle Pass, Tex.
Galveston, Tex.
Hidalgo, Tex.
Houston, Tex.
Laredo, Tex.
Port Arthur, Tex.
Rio Grande City, Tex.
Roma, Tex.
In District No. 15:
Douglas, Ariz.
Naco, Ariz.
Nogales, Ariz.
Columbus, N. Mex.
El Paso, Tex.
Presidio, Tex.
In District No. 16:
Calexico, Calif.
San Diego, Calif.
San Pedro, Calif.
San Ysidro, Calif.

4. Section 110.2 *Immigration stations in Canada* is amended by placing the abbreviation "(BSI)" after the name of each station named in that section except "Sydney, British Columbia" and by placing the following note immediately after § 110.2:

NOTE: For explanation of the abbreviation "BSI" appearing in § 110.2, see § 110.3a.

5. The following new section is inserted between § 110.3 and § 110.4:

§ 110.3a *Location of boards of special inquiry.* If a board of special inquiry is located at a port of entry listed in § 110.1 or at an immigration station named in § 110.2, that fact is indicated by the abbreviation "BSI" placed after the name of the port or station. Such boards of special inquiry also serve any of the airports of entry which are listed in § 110.3 and which are located in, or in proximity to, the same city or town. The provisions of §§ 110.1 to 110.3a, inclusive, do not preclude the conducting of examinations by boards of special inquiry which may convene at places other than the ones indicated. (Sec. 17, 39 Stat. 887; 8 U. S. C. 153)

This order shall become effective on the day of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) as to notice of rule making and delayed effective date are inapplicable for the reason that this rule is descriptive of the field organization of the Immigration and Naturalization Service.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV; 8 CFR, 1943 Supp., 90.1)

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

Approved: March 3, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-2239; Filed, Mar. 10, 1947; 8:45 a. m.]

PART 150—ARREST AND DEPORTATION

ISSUANCE OF WARRANTS OF ARREST BY OFFICER IN CHARGE AT HONOLULU

FEBRUARY 11, 1947.

Section 150.3, Chapter I, Title 8, Code of Federal Regulations is amended by adding paragraph (d) as follows:

§ 150.3 *Issuance of warrants of arrest.* • • •

(d) In any case where the officer in charge of District No. 13, with headquarters at San Francisco, California, has authority to issue a warrant for the arrest of an alien in the Territory of Hawaii, the warrant of arrest may be issued by the officer in charge at Honolulu and a copy of the warrant and of all of the evidence in support thereof forwarded immediately to the Central Office and to the officer in charge of the district.

This order shall become effective on the day of publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that this order pertains to organization—more particularly to delegation of authority.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV; 8 CFR, 1943 Supp., 90.1)

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

Approved: March 3, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-2240; Filed, Mar. 10, 1947; 8:45 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 306 are hereby prescribed:

1. Section 306.12 is rescinded and the following substituted therefor:

§ 306.12 *Claims for damage to or loss or destruction of property or for personal injury or death, caused by military personnel or civilian employees, or otherwise incident to noncombat activities, of the War Department or of the Army except those cognizable under the Federal Tort Claims Act*—(a) *General.* Claims, arising on or after May 27, 1941, except claims arising from negligent or wrongful acts or omissions accruing on or after January 1, 1945 and cognizable under Part 2, Federal Tort Claims Act, for damage to or loss or destruction of real or personal property, or for reasonable medical, hospital, or burial expenses actually incurred on account of personal injury or death, caused by military personnel or civilian employees of the War Department or of the Army while acting within the scope of their employment, or otherwise incident to noncombat activities of the War Department or of the Army, including claims for damage to or loss or destruction of registered or insured mail while in the possession of the military authorities even though resulting from criminal acts, claims for damage to or loss or destruction of personal property bailed to the Government, and claims for damage to real property incident to the use and occupancy thereof under a lease, express or implied, or otherwise, and including claims of the foregoing categories arising out of civil works, are payable under the military claims provision provided they do not exceed $1,000.

(b) *Claims payable under prior regulations payable hereunder.* Any claim, not cognizable under Part 2, Federal Tort Claims Act, arising on or after May 27, 1941, formerly payable under provisions of law and regulations now superseded is payable under provisions of the regulations in this part; see, however, § 306.22 for special provisions as to subrogees.

(c) *Application to pending claims.* The provisions of the regulations in this part apply to all claims otherwise within the scope thereof, not heretofore paid, arising out of accidents or incidents oc-

curring on or after May 27, 1941; see, however, § 306.22 (c) as to claims presented prior to July 3, 1943, if subrogation is involved. Claims arising out of accidents or incidents occurring prior to May 27, 1941, but otherwise within the scope of the regulations in this part, will be forwarded with related files and recommendations in triplicate, retaining only a card record thereof, by or through the commanding general of the army or air matériel area within the United States, its territories, and possessions, in which the accident or incident resulting in the claim occurred, or if within a theater of operations outside the continental limits of the United States by or through the command claims service, to The Judge Advocate General, Washington 25, D. C., for appropriate administrative action.

2. Paragraph (c) of § 306.13 is amended as follows:

§ 306.13 *Acts or omissions.* • • •

(c) *Proximate cause.* Claims for damage to or loss or destruction of property or for personal injury or death, proximately caused by willful, negligent, wrongful or otherwise tortious acts or omissions of military personnel or civilian employees acting within the scope of their employment, except those claims accruing on and after January 1, 1945 and cognizable under Part 2, Federal Tort Claims Act, are payable under the provisions of this section. Acts or omissions involving a lack of reasonable care are the usual basis of claims so payable. If the proximate cause of the accident or incident is the act or omission of persons other than military personnel or civilian employees, as defined in paragraph (a) of this section, the claim is not payable. If the proximate cause of the accident or incident is the joint, or concurrent tortious act or omission of military personnel or civilian employees and of one or more persons other than the claimant, his agent, or employee, the claim is payable except to the extent, if any, already paid by or on behalf of such other person or persons.

3. Rescind § 306.14 and substitute the following therefor:

§ 306.14 *Claims*—(a) *Registered and insured mail.* Claims for damages to or loss or destruction of registered or insured mail while in the possession of the military authorities are within the scope of the regulations in this part if caused by military personnel or civilian employees of the War Department or of the Army, even though resulting from criminal acts, or if otherwise incident to noncombat activities of the War Department or of the Army. Claims for damage, loss, or destruction occurring prior to delivery by the Post Office Department (for distribution to the addressee) to authorized military personnel or civilian employees of the War Department or of the Army (e. g., unit, battalion, or regimental mail clerks, and postal officers), but excluding military personnel serving and bonded to the Post Office Department, are not payable under the provisions of the regulations in this part; nor are claims arising after resumption of possession by the Post Office Department (e. g., for the purpose of forwarding to the addressee at a different address) and prior to redelivery to authorized military personnel or civilian employees of the War Department or of the Army charged with distribution to the addressee. "Minimum fee" insured mail carrying no insurance number and not requiring hand-to-hand receipts is not within the scope of this section.

(b) *Bailed personal property.* Claims for damages to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Government under an agreement, express or implied, except those cognizable under Part 2, Federal Tort Claims Act, are payable under the provisions of the regulations in this part even though legally enforceable against the Government as contract claims, unless by express agreement the bailor has assumed the risk of damage, loss, or destruction.

(c) *Use and occupancy of real property.* Claims for damage to real property incident to the use and occupancy thereof by the Government under a lease, express or implied, or otherwise, except those cognizable under Part 2, Federal Tort Claims Act, are payable under the provisions of the regulations in this part even though legally enforceable against the Government as contract claims. Claims for rent of real property are not payable under the regulations in this part.

(d) *Contract claims.* Claims for damage to or loss or destruction of property founded in contract, express or implied, except those under paragraphs (b) and (c) of this section, are normally not payable under the provisions of the regulations in this part. Any claim which is apparently within the provisions of the statute but appears to be founded in contract, express or implied, except claims under paragraphs (b) and (c) of this section, will be forwarded with related files and recommendations in triplicate, retaining only a card record thereof, by or through the commanding general of the army or material area or command claims service to The Judge Advocate General for appropriate administrative action.

(e) *Other noncombat activities.* Claims for damage to or loss or destruction of property, or for personal injury or death, not caused by negligent or wrongful acts or omissions of military personnel or civilian employees of the War Department or of the Army, are payable under the provisions of this paragraph of the regulations in this part if otherwise incident to the noncombat activities of the War Department or of the Army. Claims within the above category include claims for damage or injury arising out of, and which are natural or probable results or incidents of, maneuvers and special field exercises, practice firing of heavy guns, practice bombing, operation of aircraft and antiaircraft, use of barrage ballons, escape of horses, use of instrumentalities having latent mechanical defects not traceable to negligent acts or omissions, movement of combat vehicles or other vehicles designed especially for military use, and use and occupancy of real estate.

4. Rescind § 306.16 and substitute the following:

§ 306.16 *Claims under Foreign Claims Act.* Claims for damage to or loss or destruction of property, or for personal injury or death, arising out of accidents or incidents occurring in foreign countries which are cognizable under the provisions of the Foreign Claims Act (see § 306.26 and AR 25–90) are not within the provisions of the regulations in this part; claims within the scope of that act and which but for the existence thereof would be within the provisions of the regulations in this part will be settled under that act, which has preemptive application. Subject, however, to the foregoing provision, there are no geographical limitations on the scope of application of the regulations in this part; for example, a claim arising in a foreign country which is not cognizable under the Foreign Claims Act because the claimant is not an inhabitant of the foreign country in which the accident or incident occurs may, if the claim is otherwise within the provisions of the regulations in this part, be paid hereunder. Claims, arising in foreign countries, of nationals of a country at war with the United States, or of any ally of such an enemy country, who are inhabitants of foreign countries may not be paid under the provisions of the regulations in this part except as the approving authority or the local military commander determines that the claimants are friendly to the United States.

5. Amend the second sentence of § 306.17 (a) to read as follows:

§ 306.17 *Claims of or pertaining to military personnel or civilian employees*—(a) *Property.* • • • Such claims found not be payable under the provisions of § 306.27 may then be considered under the provisions of the regulations in this part except those cognizable under Part 2, Federal Tort Claims Act. • • •

6. Amend § 306.21 by adding the following sentence at the end of the paragraph:

§ 306.21 *Statute of limitations.* • • • peace is established. For the statute of limitations under Federal Tort Claims Act see § 306.25 (f).

7. Section 306.22 is amended by deleting the period at the end of the fourth sentence of paragraph (a) and inserting the following clause "satisfactory to the approving authority"; the section is further amended by the addition of paragraph (d) to read as follows:

§ 306.22 *Claims of subrogees*—(a) *Included.* • • • Evidence of • • • satisfactory to the approving authority. • • •

(d) In those claims cognizable under Part 2, Federal Tort Claims Act, the rights of subrogees are determined in accordance with the law of the place where the act or omission, out of which the claim arises, occurred.

8. Rescind § 306.23 (b) and substitute the following:

§ 306.23 *Procedure.* • • •

(b) *Conditions of payment.* Prior to payment of any claim within the provisions of the regulations in this part, each of the following conditions must be fulfilled:

(1) The amount of the damage, loss, or destruction, or the amount payable on account of personal injury or death, must be determined.

(2) The payment must not exceed $1,000, but claims in excess of that amount may be reported to Congress for consideration.

(3) Claims by subrogees will not be recognized except as an element of the subrogor's claim.

(4) The claim must normally be presented within 1 year after the occurrence of the accident or incident out of which the claim arises.

(5) Negligence or wrongful act of the claimant, in whole or in part the proximate cause, bars a claim.

(6) The claim must be approved as provided in paragraph 22 or, on appeal, by the Secretary of War.

(7) The claimant must accept, in full satisfaction and final settlement, the amount approved if less than the full amount claimed.

(8) Claims payable under the provisions of Article of War 105 (AR 25–80) are not payable under the provisions of the regulations in this part.

(9) Foreign claims payable under the provisions of AR 25–90 are not payable under the provisions of the regulations in this part.

(10) Personnel claims payable under the provisions of AR 25–100 are not payable under the provisions of the regulations in this part.

(11) Claims of military personnel or civilian employees for personal injury or death incident to their service are not payable under the provisions of the regulations in this part.

(12) Claims payable under the provisions of the Federal Tort Claims Act (WD Bul. 29, 1946) are not payable under the provisions of the regulations in this part.

[AR 25–25, Aug. 2, 1946] (Sec. 1, 57 Stat. 372, as amended by sec. 4, 59 Stat. 225, Pub. Laws 466, 601, 79th Cong.; 31 U. S. C. and Sup. 223b)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-2222; Filed, Mar. 10, 1947; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

APPROVAL OF TRANSACTIONS BY REORGANIZATION COURT

The Securities and Exchange Commission, acting pursuant to the authority conferred upon the Commission by the Public Utility Holding Company Act of 1935, particularly sections 3 (d), 20 (a) and 20 (c) thereof, and deeming such action necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors, hereby amends § 250.49 (c) (Rule U-49 (c)) by substituting a semicolon for the period at the end thereof and adding the following:

§ 250.49 *Certain exemptions granted to non-utility subsidiaries.* • • •

(c) *Transactions approved by a reorganization court.* • • •

Provided further, That this paragraph shall be inapplicable to any subsidiary company which is the subject of reorganization proceedings (or any subsidiary of such subsidiary company within the meaning of section 106 (13) of said Chapter X or of section 2 (a) (8) of the Public Utility Holding Company Act), where such subsidiary company, or any subsidiary thereof, is the issuer of any securities, or is the obligor on any obligations, which have been guaranteed or assumed by any registered holding company.

This amendment to § 250.49 (c) (Rule U-49 (c)) shall become effective 30 days from the date hereof.

NOTE: The above rule was accompanied by the following statement of the Commission:

The Securities and Exchange Commission today announced the amendment of Rule U-49 (c) under the Public Utility Holding Company Act of 1935 by the addition to the rule of the new proviso set forth below. The rule now provides for the exemption from the provisions of the Public Utility Holding Company Act of certain transactions by any non-electric and gas subsidiary company of a registered holding company where any such subsidiary is the subject of reorganization proceedings in a United States court pursuant to Chapter X of the Bankruptcy Act and notice of appearance has been filed by the Commission pursuant to section 208 of that act. The present rule was framed in the belief that in such cases the public interest and the interest of investors would be adequately served through the exercise by the Commission of its advisory functions under the Chandler Act.

The course of the Commission's experience under Rule U-49 (c) has indicated that there are certain circumstances under which the continued existence of this exemption is not in the public interest or the interests of investors or consumers and may hamper the Commission in the discharge of its responsibilities under section 11 (b) of the act as to registered holding companies. There exists situations in which the security structures of registered holding companies and their subsidiaries are entangled in such a manner as to make it necessary for the Commission, in order properly to perform its statutory responsibilities with respect to the corporate structure of a holding company, to exercise jurisdiction over reorganization plans and other transactions by its subsidiary companies although such subsidiaries may not be electric or gas utility companies. The purpose of the amendment is to withdraw the exemption from the type of case in which a registered holding company has guaranteed or assumed securities issued by, or obligations of, any subsidiary of such registered holding company. It is believed that the adoption of this amendment will facilitate performance by the Commission of its statutory duties, particularly under Section 11, with respect to registered holding companies and subsidiary companies affected by this rule.

Appropriate notice and public participation in rule-making procedure in conformity with the requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) and of Rule XIX of the Commission's rules of practice were provided, and the Commission has considered the docket herein and the transcript of argument therein and has this day issued a memorandum of views of the Commission accompanying this action adopting a rule amending § 250.49 (c) (Rule U-49 (c)).

(Secs. 3 (d), 20 (a) and (c), 49 Stat. 810, 833; 15 U. S. C. 79c, 79t)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 28, 1947.

[F. R. Doc. 47-2227; Filed, Mar. 10, 1947; 8:46 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 230—ELECTIONS OF JOINT AND SURVIVOR ANNUITIES

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j), §§ 230.6, 230.13, and 230.14 of Part 230 of the Regulations of the Railroad Retirement Board under such act (4 F. R. 1477; 12 F. R. 468) are revised as follows:

1. Section 230.6 *Confirmation of prima facie evidence* is amended by changing the reference to "§ 208.5 or § 208.10 of these regulations" to "§ 208.7 of this chapter."

2. Section 230.13 *Election to be irrevocable* is amended by changing the reference to "§ 208.15 of these regulations" to "§ 208.7 of this chapter."

3. Section 230.14 *When new election may be made* is amended by changing the reference to "§ 208.15 of these regulations" to "§ 208.7 of this chapter."

(Sec. 10, 50 Stat. 314; 45 U. S. C. 228j)

Dated: March 3, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-2221; Filed, Mar. 10, 1947; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

[T. D. 5550]

PART 171—MISCELLANEOUS REGULATIONS RELATED TO LIQUOR

BASIC PERMIT PROCEDURE

The following amendments of Part 171 are made by virtue of and pursuant to the provisions of the Federal Alcohol Administration Act, as amended (U. S. C., Title 27, Chap. 8), section 3170 of the In-

ternal Revenue Code (53 Stat., part 1), section 161 of the Revised Statutes (U. S. C., Title 5, sec. 22), and the Administrative Procedure Act (Public Law 404, 79th Congress). These amendments are issued without compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act, such requirements being found impracticable and contrary to the public interest in this case for the reason that the immediate issuance of the amendments is necessary for the conduct of proceedings relating to the issuance, amendment, denial, revocation, suspension, and annulment of basic permits as required by the Administrative Procedure Act (Public Law 404, 79th Congress).

1. Paragraph (c) of § 171.4d is revoked.

2. Section 171.4c (26 CFR, Cum. Supp.) and the first paragraph and paragraphs (d) and (e) of § 171.4d (26 CFR, Cum. Supp.) are amended: The amended paragraphs shall read as follows:

§ 171.4c *Delegation of functions.* (a) The power and duty heretofore vested in the Deputy Commissioner of the Bureau of Internal Revenue in charge of the Alcohol Tax Unit and in District Supervisors of the Alcohol Tax Unit, by Treasury Department Order No. 30, dated June 12, 1940, (26 CFR, Cum. Supp. 171.4a), and TD 4982 (26 CFR, Cum. Supp. 171.4a), respectively, to issue, amend, deny, suspend, revoke and annul basic permits under the provisions of the Federal Alcohol Administration Act, are hereby delegated as follows:

(1) The Commissioner of Internal Revenue may issue, amend, deny, suspend, revoke, and annul basic permits;

(2) Any Assistant Commissioner of Internal Revenue, when designated to do so by the Commissioner, upon consideration of appeals and petitions for review, may order the District Supervisor to issue, deny, suspend, revoke, and annul basic permits.

(3) The Deputy Commissioner in charge of the Alcohol Tax Unit, upon consideration of appeals and petitions for review, may order the District Supervisor to issue, deny, suspend, revoke, and annul basic permits;

(4) District Supervisors of the Alcohol Tax Unit may (i) issue, and amend except as to agency-initiated curtailment, basic permits, and (ii) deny applications for initial (original) basic permits and amendments of such permits;

(5) Hearing Examiners may (i) make recommended decisions granting or denying applications for initial (original) basic permits and amendments of such permits, and (ii) render decisions suspending, revoking (in whole or in part), and annulling basic permits.

(b) Where, upon appeal, the decision of an examiner denying, suspending, revoking, or annulling a basic permit, is affirmed, such action shall not supersede the decisions of the examiner and such examiner's decision shall be the final decision.

§ 171.4d *Procedure.* Except as otherwise provided in this section, the procedure prescribed by Regulations 3, Industrial Alcohol, as amended (26 CFR, Part 182), for the issuance, amendment, and denial of permits, issuance of citations, holding of hearings, revocation of permits, and appeals to the Commissioner under Part II of Subchapter C of Chapter 26 of the Internal Revenue Code, is hereby extended to the issuance, amendment, denial, revocation, suspension, and annulment of basic permits under the Federal Alcohol Administration Act, in so far as applicable and in so far as such procedure is not in conflict with the provisions of such act: *Provided*, That the time and place of the hearing shall be fixed by the Commissioner or the District Supervisor, without regard to the limitations specified in Regulations 3 (26 CFR, Part 182), but with due regard to the convenience and necessity of the parties or their representatives: *Provided further*, That such time and place may for good cause be changed thereafter by the examiner. Appeals to the Commissioner from orders denying permits shall be taken in conformity with the procedure applicable to appeals from orders revoking basic permits.

* * * * *

(d) Upon written application, the attendance and testimony of any person, or the production of documentary evidence, in proceedings instituted under this section may be required by personal subpoena (Form 1644) or by subpoena duces tecum (Form 1645). Subpoenas may be issued by the Commissioner, or the hearing examiner, or any person designated by them. Both the application and the subpoena shall set forth the title of the proceedings, the name and address of the person whose attendance is required, the date and place of his attendance, and, if documents are required to be produced, a description thereof; and the application shall set forth sufficient facts to show the relevancy of the testimony and documents.

(e) The Commissioner or the hearing examiner may order the taking of depositions in the proceedings at such time and place as he may designate before a person having the power to administer oaths. The testimony shall be reduced to writing by the person taking the deposition, or under his direction, and the deposition shall be subscribed by the deponent unless the subscribing thereof is waived in writing by the parties. Any person may be subpoenaed to appear and depose and to produce documentary evidence in the same manner as witnesses at hearings.

(R. S. 161, I. R. C. 3170, 53 Stat. 373; 5 U. S. C. 22, 26 U. S. C. 3170)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: March 5, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-2243; Filed, Mar. 10, 1947; 8:46 a. m.]

[T. D. 5551]

PART 182—INDUSTRIAL ALCOHOL

MISCELLANEOUS AMENDMENTS

Pursuant to sections 3114, 3121 (b), and 3176, Internal Revenue Code, and sections 5, 6, 7, 8, 9, 10, and 12 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.), Regulations 3, "Industrial Alcohol" (26 CFR, Part 182), are hereby amended in the following respects:

1. The following sections are amended: §§ 182.220, 182.222, 182.224, 182.225, 182.231, 182.235, 182.238, 182.239, 182.241, 182.242, 182.243, 182.245, 182.247, 182.248 (b), 182.249, 182.250, 182.253, 182.254, 182.255, 182.256, 182.257, 182.258, 182.282 (d), 182.292 (a).

2. The following new sections are added: §§ 182.220a, 182.220b, 182.224a, 182.240a, 182.240b, 182.250a, 182.252a, 182.257a, 182.257b, 182.257c.

The purpose of these amendments is (1) to provide for hearing, or opportunity for hearing, prior to disapproval of applications for permits, and (2) to revise the Bureau's hearing procedure to conform to the provisions of the Administrative Procedure Act.

The effect of the amendments is that:

1. Applicants for permits shall be afforded a hearing, or opportunity for hearing, prior to disapproval of their applications.

2. Where the permit covers an activity of a continuing nature and the permittee has, in accordance with the regulations, filed a timely and sufficient application for renewal of the permit or for a new permit and such application has not been finally acted upon by the Commissioner or the district supervisor before the date of expiration specified in the permit, such permit shall continue in force until final action is taken upon the application.

3. Hearing officers, designated examiners, will be appointed by the Commissioner of Internal Revenue and, in the performance of their duties as examiners, shall be responsible to and subject to the supervision and direction of the Commissioner only.

4. Except as provided in § 182.239 (b), examiners may not discuss facts in issue, and the decision that the permit be revoked, or the proceedings dismissed, will be made by the examiner or the Commissioner, instead of by the district supervisor as heretofore.

5. The permittee or the district supervisor may appeal the decision of the examiner to the Commissioner, but the permittee may apply to the federal court for review of the examiner's decision, as provided by law, without appeal to the Commissioner.

6. Except in cases of wilfulness or where the public interest requires otherwise, the permittee must be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements prior to the issuance of citation for revocation of his permit.

7. The permittee must be afforded an opportunity for the submission of facts, offers of settlement, or proposals of settlement to the district supervisor, or other officer designated by the district supervisor prior to the hearing for revocation of his permit, where time, the nature of the proceeding, and the public interest permit.

8. The Deputy Commissioner in charge of the Alcohol Tax Unit will review the examiner's decision, on appeal or petition for review, unless such Deputy Commissioner engaged in the investigation or prosecution of the case, or the Commissioner of Internal Revenue designates an Assistant Commissioner to review the examiner's decision. In the event the Deputy Commissioner has engaged in the investigation or prosecution of the case, he will in writing so state and refer the case to the Commissioner for appropriate action. The Assistant Deputy Commissioners, Alcohol Tax Unit, may engage in the investigation and prosecution of cases, and may discuss with district supervisors and others, but not the Deputy Commissioners, cases on appeal, or proposed to be appealed, from the decisions of the examiners.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) is impracticable and contrary to the public interest for the reason that the immediate issuance of these rules is necessary for the conduct of proceedings relating to the denial and revocation of basic permits as required by the Administrative Procedure Act (Public Law 404, 79th Congress).

The amended and new sections shall read as follows:

HEARINGS ON DISAPPROVAL OF APPLICATIONS

§ 182.220 *Notice of contemplated disapproval of application.* If upon examination of an application for a basic permit, the district supervisor has reason to believe that the applicant is not entitled to such permit, as provided in §§ 182.282 to 182.302, inclusive, he shall serve notice upon the applicant, setting forth the grounds upon which disapproval of his application is contemplated. Service of notice shall be in accordance with the procedure prescribed in § 182.244 for service of citation. (Sec. 3114, I. R. C.)

§ 182.220a *Application for hearing.* The applicant may file application in writing with the district supervisor, within 15 days after receipt of notice of contemplated disapproval in whole or in part of his application, for a hearing in support of his application. (Sec. 3114, I. R. C.)

§ 182.220b *Non-request for hearing.* If the applicant does not request a hearing within the time specified in § 182.220a, or within such further time as the district supervisor in his discretion may allow, the district supervisor will, by order, disapprove the application, stating the findings which are the basis for his order, and shall furnish an original copy of such order to the applicant. (Sec. 3114, I. R. C.)

§ 182.222 *Proof.* At such hearing the burden of proof shall be on the applicant, but there shall be incorporated in the record of the proceedings the testimony, reports, affidavits, and other documents upon which the district supervisor based his contemplated disapproval of the application. If requested, the applicant shall be permitted to inspect a copy of the record of the proceedings, or furnished with copies thereof upon payment of the costs prescribed in § 182.252a (a). (Sec. 3114, I. R. C.)

§ 182.224 *Hearings.* Hearings on contemplated disapproval of applications shall be governed in so far as applicable by the provisions of §§ 182.226 to 182.259, inclusive: *Provided*, That the examiner who presides at the hearing shall recommend a decision to the district supervisor, who shall make the decision as provided in § 182.224a. (Sec. 3114, I. R. C.)

§ 182.224a *Action by district supervisor.* If the district supervisor, after consideration of the record of evidence taken at the hearing, approves the findings, conclusions, and recommended decision of the examiner, he shall approve or disapprove the application in accordance therewith. If he disapproves such findings, conclusions, and recommeded decision, he shall make such findings and order, as, in his opinion, are warranted by the law and facts of the case. (Secs. 3114, 3170, I. R. C.)

§ 182.225 *Application for reconsideration; appeal to the Commissioner.* Applications for reconsideration of the disapproval of applications for basic permits, and appeals for review of the action of the district supervisor in disapproving applications for basic permits, shall be filed in the manner and within the time specified in §§ 182.255 and 182.257, respectively, and shall be considered in the manner specified in §§ 182.255 (b) and 182.257b. (Sec. 3114, I. R. C.)

BASIC PERMITS

ISSUANCE OF ORIGINAL BASIC PERMITS

§ 182.231 *Duration of permits.* All basic permits issued pursuant to the provisions of the regulations in this part shall remain in force during the calendar year in which issued, unless voluntarily surrendered, revoked, or otherwise terminated, as provided in the regulations in this part, except that any permit issued after August 31 of any calendar year shall expire on December 31 of the succeeding calendar year, unless otherwise provided in the permit: *Provided*, That if the permit covers an activity of a continuing nature and the permittee has, in accordance with the regulations in this part, filed a timely and sufficient application for renewal of the permit or for a new permit and such application has not been finally acted upon by the Commissioner or the district supervisor before the date of expiration specified in the permit, such permit shall continue in force until the application is finally determined: *Provided further*, That permits issued to the United States or any governmental agency thereof, to procure and use tax-free or specially denatured alcohol shall remain in force until surrendered or canceled. (Sec. 3114, I. R. C., secs. 9 (b), 12, Pub. Law 404, 79th Cong.)

EXPIRATION AND TERMINATION

§ 182.235 *Date specified.* All basic permits issued pursuant to the provisions of the regulations in this part shall expire on the date specified therein, except as provided in this part. (Sec. 3114, I. R. C., secs. 9 (b), 12, Pub. Law 404, 79th Cong.)

REVOCATION

§ 182.238 *By whom may be revoked.* The authority and power of revoking basic permits issued pursuant to the provisions of the regulations in this part is conferred upon the Commissioner and upon the hearing examiners appointed pursuant to § 182.239 (a). (Secs. 3114, 3121 (b), 3170, I. R. C., secs. 7, 8, 12, Pub. Law 404, 79th Cong.)

§ 182.239 *Hearing examiners.* There shall preside at the hearing for the taking of evidence, one or more hearing officers designated as examiners. The functions of all officers presiding at hearings or participating in decisions shall be conducted in an impartial manner. Any such officer shall, at any time, withdraw as examiner in any case if he deems himself disqualified; and, upon the filing in good faith of a timely and sufficient affidavit of facts showing personal bias or facts otherwise warranting the disqualification of any such officer, the Commissioner, upon appeal as provided in §§ 182.257, 182.257a, and 182.257b, shall, if the examiner fails to so disqualify himself, determine the matter as a part of the record and decision in the case. If he decides that the examiner should have declared himself disqualified and withdrawn from the case, he will, unless the respondent desires decision on the record as made, remand the record for hearing de novo before another examiner. If the Commissioner should decide against the disqualification of the examiner, the case will be reviewed on its merits as a case on appeal.

(a) *Appointment and responsibility.* The Commissioner shall, in writing, designate and appoint such number of examiners as may be necessary to conduct hearings in the denial of applications for permits and the suspension, revocation, and annulment of permits. The examiners shall be under the administrative control of the Commissioner. They shall be responsible for the conduct of hearings and shall render their decisions as soon as possible after the hearing is closed. Examiners shall also be responsible for the preparation and forwarding of reports of hearings, and the administrative work relating thereto, and, by arrangement with district supervisors and representatives of the Chief Counsel, shall have access to facilities and temporary use of personnel at such times and places as are needed in the prompt dispatch of official business. The examiners shall perform no duties inconsistent with, or which will interfere with, their duties and responsibilities as examiners. Examiners may be assigned duties not inconsistent with the performance of their functions as examiners.

(b) *Separation of functions.* Save to the extent required for the disposition of ex parte matters, as authorized by law, examiners shall not consult any person or party on any fact in issue, unless after notice all parties are permitted to participate; nor shall such officers be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency. To this end, examiners shall be responsible to and subject to the supervision or direction of the Commissioner only. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions for

any agency in any case shall, in that or a factually related case, participate or advise in the examiner's or Commissioner's decision, or in the agency review on appeal as provided in § 182.257b, except as a witness or counsel in the proceedings. The examiner may not informally obtain advice or opinions from the parties or their counsel, or from any officer or employee of the Bureau, as to the facts or the weight or interpretation to be given to the evidence. The examiner may, however, informally, obtain advice on matters of law from officers or employees of the Bureau who were not engaged in the performance of investigative or prosecuting functions in that or a factually related case. This limitation does not apply to the Commissioner, and the examiner may, at any time, consult with and obtain instructions from him on questions of law and policy.

(c) *Hearing powers.* Officers presiding at hearings shall have authority to (1) administer oaths and affirmations, (2) rule upon offers of proof and receive relevant evidence, (3) take or cause depositions to be taken whenever the ends of justice would be served thereby, (4) regulate the course of the hearing, (5) hold conferences for the settlement or simplification of the issues by consent of the parties, (6) dispose of procedural requests or similar matters, (7) render decisions in conformity with § 182.253, and (8) take any other action authorized in this section. (Secs. 3114, 3121 (b), 3170, I. R. C., secs. 5, 7, 8, 11, 12, Pub. Law 404, 79th Cong.)

§ 182.240a *Opportunity for compliance.* Except in cases of willfulness or those in which the public interest requires otherwise, and the district supervisor so finds in his citation or order to show cause, stating his reasons therefor, no permit shall be revoked, unless, prior to the institution of proceedings therefor, facts or conduct warranting such action shall have been called to the attention of the permittee by the district supervisor in writing and the permittee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements. If the permittee fails to meet all the requirements of the law and regulations within such reasonable time as may be specified by the district supervisor, proceedings for revocation of the permit shall be initiated as provided in this part. (Secs. 3114, 3121 (b), 3170, I. R. C., secs. 9 (b), 12 Pub. Law 404, 79th Cong.)

§ 182.240b *Informal settlement.* In all cases in which a permittee is cited to show cause why his permit should not be revoked, he shall be afforded opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, where time, the nature of the proceeding, and the public interest permit. Such submittals should be made to the district supervisor or other designated officer. If proposals of settlement are submitted, and they are considered unsatisfactory, the district supervisor, unless he deems such course inadvisable, shall inform the permittee of any conditions on which the violation may be settled. Where necessary, the date of the hearing may be postponed, pending consideration of such proposals, when they are made in good faith and not for the purpose of delay.

(a) *Notice of contemplated action.* Where the district supervisor believes that the matter may be settled informally, i. e., without formal revocation proceedings, he shall, prior to the issuance of citation, inform the permittee of the contemplated issuance of an order to show cause why his permit should not be revoked, and that he is being given an opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment. The notice should inform the permittee of the charges on which the order to show cause would be based, if issued, and afford him a period of 10 days from the date of the notice, or such longer period as the district supervisor deems necessary, in which to submit proposals of settlement to the district supervisor or other designated officer. Where informal settlement is not reached promptly because of the inaction of the permittee or proposals are made for the purpose of delay, citation shall issue in accordance with § 182.242 and the hearing shall be held in accordance with the regulations in this part.

(b) *Limitation on informal settlement.* Where the evidence is conclusive and the nature of the violation is such as to preclude any settlement short of revocation, or the violation is of a continuing character that necessitates immediate action to protect the public interest, or where the district supervisor believes that any informal settlement of the alleged violation will not insure future compliance with the law and regulations, or in any similar case where the circumstances are such as to clearly preclude informal settlement, and the district supervisor so finds and states his reasons therefor as provided in § 182.240a, he may restrict settlement to that provided for in § 182.248. (Sec. 3114, I. R. C. secs. 5 (b), 12, Pub. Law 404, 79th Cong.)

§ 182.241 *Citation.* All citations for revocation of permits must be signed by the Commissioner or district supervisor, as the cases may be, but the Commissioner or district supervisor may in writing designate any officer under his jurisdiction to sign his name to any citation: *Provided,* That in no event shall an examiner be required to prepare or sign a citation. (Secs. 3114, 3121 (b), 3170, I. R. C. secs. 5 (c), 12, Pub. Law 404, 79th Cong.)

§ 182.242 *Form of citation.* (a) *General.* The citation shall state (1) the time, place, and nature of the hearing; (2) the legal authority and jurisdiction under which the hearing is to be held; and (3) the matters of fact and law asserted. Item (1) shall be stated in accordance with § 182.243; item (2) shall cite the sections of law and regulations relied upon for authority and jurisdiction for the hearing; and item (3) shall set forth fully, in separate paragraphs, the matters of fact and law constituting violations, specifying dates, places, sections of law or regulations violated, etc.

(b) *Form 1430.* Citations, upon complaint of persons other than the Commissioner or district supervisor, shall be issued on Form 1430, "Order to Show Cause Why Permit Should Not Be Revoked, Copy of Complaint Attached," naming the complainant, and there shall be attached thereto a copy of the complaint.

(c) *Form 1430–A.* If revocation proceedings are instituted at the instance of the Commissioner or district supervisor, the order to show cause shall be issued on Form 1430–A, "Order to Show Cause Why Permit Should Not Be Revoked."

(d) *Execution and disposition.* The order, Form 1430 or 1430–A, shall be executed in quintuplicate. The original copy will be served on the permittee, one copy given the examiner designated to conduct the hearing, one copy placed in the official file containing certificate of manner of service, one copy included in the record of the case, and the remaining copy will be placed in the file of such orders maintained in the district supervisor's office. (Secs. 3114, 3121 (b), 3170, I. R. C., secs. 5 (a), 12, Pub. Law 404, 79th Cong.)

§ 182.243 *Time and place of hearing.* The citation shall direct the permittee to appear before a designated examiner at a time and place named therein, to show cause why his permit should not be revoked. The time specified for the hearing shall not be less than 15 days nor more than 30 days from the date on which such citation is served on the permittee, and the designated place of hearing shall be within the same Federal judicial district, and within 50 miles of the place where the acts constituting the violation are alleged to have occurred. In fixing the time and place for the hearing, due regard shall be had for the convenience and necessity of the parties or their representatives, subject to the above statutory limitations. The hearing may be waived by the permittee, or continued for cause or held at another place by agreement, in writing, as provided in §§ 182.248 and 182.249. (Sec. 3114, I. R. C., secs. 5 (a), 12, Pub. Law 404, 79th Cong.)

§ 182.245 *Suspension of withdrawals or transportation.* After citation for revocation of basic permit has been issued, withdrawals of alcohol or specifically denatured alcohol by such permittee may, in the discretion of the district supervisor or Commissioner who issues the citation, be suspended or restricted to the quantity which, together with the quantity then on hand, is necessary to carry on legitimate operations under such permit. The district supervisor may, in restricting the permittee to his legitimate needs, refuse to issue any purchase or withdrawal permit. In the case of carriers, transportation of tax-free or specially denatured alcohol by the carrier may be suspended or restricted to that which is intended for legitimate purposes only. (Secs. 3114, 3121 (b), 3170, I. R. C.)

§ 182.247 *Time of filing agreements or waivers.* Whenever practicable to do so, waivers of the hearing, or agreements changing the place, or postponing the time of the hearing, shall be filed with

the examiner within 10 days after the service of citation, unless the examiner extends such period of time. (Sec. 3114, I. R. C., secs. 7 (b), 12, Pub. Law 404, 79th Cong.)

§ 182.248 *Waiver of hearing.* • • •

(b) *Surrender before citation.* If a permittee surrenders his permit before citation, in any case where the evidence, in the opinion of the district supervisor or Commissioner, warrants citation for revocation, such citation shall be issued and the permittee shall at the same time be notified that he may file a formal waiver, as above provided. Should such formal waiver not be filed after notice, the examiner will proceed with the hearing on citation, as provided for in this part. (Sec. 3114, I. R. C., secs. 7, 12, Pub. Law 404, 79th Cong.)

§ 182.249 *Hearing.* Unless the hearing is waived by the permittee, or postponed, or transferred to another place, by a written agreement signed by the permittee, or his attorney, and the attorney representing the United States and approved and filed by the examiner, or the Commissioner, or unless the hearing is postponed or transferred (subject to the statutory limitations) by order of the examiner, or the Commissioner, for good cause shown by either party, it shall be held at the time and place stated in the citation, by the examiner named in the citation, or any other duly designated and appointed examiner assigned to hold such hearing. (Secs. 3114, 3121 (b), 3170, I. R. C., secs. 7, 12, Pub. Law 404, 79th Cong.)

§ 182.250 *Evidence at hearing.* Except as otherwise provided by statute, the proponent of an order shall have the burden of the proof. Any oral or documentary evidence may be received, but irrelevant, immaterial, or unduly repetitious evidence shall be excluded. No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with reliable, probative, and substantial evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such reasonable cross-examination as may be required for a full and true disclosure of the facts. The examiner shall, at the beginning of the hearing and throughout the proceedings, require that the parties attempt to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to facts concerning which there is no substantial disputes. The evidence introduced at the revocation hearing on behalf of the United States or the permittee may consist of affidavits, depositions, duly authenticated copies of records and documents, and oral testimony of witnesses. Affidavits are not to be used if the personal attendance of the affiant as a witness is reasonably possible, and the examiner may require a showing that the personal attendance of the affiant is not reasonably possible before admitting an affidavit in evidence. When the record is made to show that the personal attendance of the witness is not reasonably possible, or such witness will not execute an affidavit or sign a written statement, the official report of the investigator or inspector of the results of his investigation in that particular regard, including any statements made to him, identified by him as a witness at such hearing, as having been made immediately following the investigation, may be introduced in evidence.

(a) *Further evidence.* Before closing a hearing the examiner shall definitely inquire of each party whether he has any further evidence to offer, which inquiry and the response thereto must be shown in the record. (Sec. 3114, I. R. C., secs. 7 (c), 12, Pub. Law 404, 79th Cong.)

§ 182.250a *Proposed findings and conclusions; exceptions.* Prior to each decision of the examiner, or decision of the Commissioner upon appeal, the permittee shall be afforded a reasonable opportunity to submit (a) proposed findings and conclusions, or (b) exceptions to the decisions of the examiner, and (c) supporting reasons for such exceptions or proposed findings or conclusions. The record shall show the ruling upon each such finding, conclusion, or exception presented. (Sec. 3114, I. R. C., secs. 8 (b), 12, Pub. Law 404, 79th Cong.)

§ 182.252a *Record.* The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision in accordance with § 182.253. Where the decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary. A copy of the record shall be available for inspection by the permittee or his attorney of record during business hours at the office of the examiner or the district supervisor, or copies thereof may be procured upon payment of the costs prescribed in paragraph (a) of this section.

(a) *Cost of copies of record.* Copies of the record desired by the permittee or his attorney of record will be charged for at the lowest prevailing rates charged by public reporters in the region where the hearing is held. Remittance shall be by certified check, cashier's or treasurer's check drawn on a National or State bank or trust company; or postal, bank, express, or telegraph money order, made payable to "Treasurer of the United States." Cash shall not be accepted under any circumstances. The examiner or district supervisor, who furnishes the copy or copies of the record and receives the remittance, shall execute a receipt therefor in duplicate and give the original of the receipt to the person from whom the remittance is received and place the copy in the file of the record. District supervisors shall schedule such remittances and forward them to the proper regional disbursing office for deposit as Miscellaneous Receipts. (Sec. 3114, I. R. C., secs. 7 (d), 12, Pub. Law 404, 79th Cong.)

§ 182.253 *Findings and decision of examiner.* Within a reasonable time after the conclusion of a hearing, the examiner shall render his decision. All decisions shall become a part of the record and shall consist of (a) a brief statement of the issues of fact involved in the hearing; (b) a summary of the evidence offered by both parties; (c) the examiner's findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; and (d) the decision of the examiner. Upon rendering his decision, the examiner shall immediately transmit the entire record of the case, including his decision, to the district supervisor: *Provided,* That the examiner shall send one copy of his decision to the permittee and retain one copy thereof for his files. (Sec. 3114, I. R. C., secs. 8, 12, Pub. Law 404, 79th Cong.)

§ 182.254 *Order revoking permit or dismissing proceedings.* The district supervisor shall make an order revoking the permit or dismissing the proceedings in accordance with the examiner's findings and decision, unless he disagrees with such findings and decision and files a petition with the Commissioner for review thereof, as provided in § 182.257a. If the district supervisor files such petition, he shall withhold issuance of the order, pending the Commissioners' decision, upon receipt of which he shall issue the order in accordance therewith. An original copy of the order of the district supervisor and of the Commissioner upon review, if any, shall be forwarded to the permittee or his attorney of record in the proceedings.

(a) *Notice to Commissioner.* When the district supervisor makes an order revoking a permit, he will furnish a copy of the order to the Commissioner. Should such order be subsequently set aside upon reconsideration, or review by a court of equity, the district supervisor will so advise the Commisisoner. (Secs. 3114, 3121 (b), 3170, I. R. C., secs. 8, 12, Pub. Law 404, 79th Cong.)

§ 182.255 *Reconsideration of order revoking permit*—(a) *Time for filing application.* Within 20 days after an order is made by the district supervisor revoking a basic permit, the permittee may, if he desires, file an application with the examiner for a reconsideration of such order, on one or more of the following grounds:

(1) The order is contrary to law or regulations, or

(2) Is not supported by the evidence, or

(3) Because of newly discovered evidence which the permittee with due diligence, was unable to produce at the hearing.

If the application is based on grounds (1) or (2), the permittee shall specify therein, by reference to the record, in what respects the order is contrary to law or is not supported by the evidence, as the case may be. If the application is based on ground (3), the permittee shall summarize therein the newly discovered evidence and set forth why he was unable to produce such evidence prior to the closing of the record.

(b) *Time of hearing.* The examiner, with whom such application is filed, may hear the application on a date and at a place to be fixed by him, and, after hear-

ing such application, may either affirm the decision of revocation previously made, or may vacate and set aside such decision and dismiss the proceedings or order a new or supplemental hearing of the evidence.

(c) *Permit privileges.* During the period above provided for filing application for reconsideration, and until final decision is rendered after such reconsideration, if such application is filed within the time provided therefor, the permit involved shall continue in force and effect, except as to restrictions on withdrawals or transportation as may be ordered by the Commissioner or district supervisor, as provided in § 182.245. (Secs. 3114, 3121 (b), 3170, I. R. C., secs. 7 (a), 8 (a), 12, Pub. Law 404, 79th Cong.)

§ 182.256 *Proceedings when violation occurs outside of district where permit was issued.* If violations which furnish the basis for proceedings to revoke a permit are alleged to have occurred at a place not within the district where the permit was issued, the citation shall be issued by the district supervisor of the district having jurisdiction of the place where the violation occurred and the hearing shall be held by an examiner assigned to that district, who shall make his findings and decision, as provided in § 182.253.

(a) *Certified transcript of proceedings.* In all such cases, the examiner shall immediately forward a complete and duly certified transcript of the entire record of such proceedings and a copy of his decision to the district supervisor of the district in which the basic permit was issued, who shall take appropriate action in accordance with § 182.254. (Secs. 3114, 3121 (b), 3170, I. R. C., secs. 7 (a), 8 (a), 12, Pub. Law 404, 79th Cong.)

§ 182.257 *Appeal by permittee to the Commissioner.* Appeal to the Commissioner is not required prior to application to the federal court for review of an examiner's decision and the order issued pursuant thereto. However, the Commissioner may, in his discretion, in order to insure uniformity of administrative action, entertain an appeal from an order of revocation of a basic permit, if filed with the district supervisor or Commissioner within 10 days of the date of the final order.

(a) *Petition.* The appeal must set forth facts tending to show action (1) of an arbitrary nature, (2) without reasonable warrant in fact, or (3) contrary to law or regulations. The petition may be filed direct with the Commissioner, but a copy thereof must be filed with the district supervisor.

(b) *Permit privileges.* If such appeal is filed within the required time, the permit involved shall continue in force and effect until the final order by the Commissioner, except as to such restrictions upon withdrawals or transportation as may be imposed by the district supervisor, as provided in § 182.245. (Sec. 3114, I. R. C., secs. 8 (a), 12, Pub. Law 404, 79th Cong.)

§ 182.257a *Petition by district supervisor for review by commissioner.* The Commissioner may, in his discretion, in order to insure uniformity of administrative action, entertain a petition by the district supervisor to review the decision of the examiner. Such petition must set forth facts tending to show action (a) of an arbitrary nature, (b) without reasonable warrant in fact, or (c) contrary to law or regulations, and shall be filed with the Commissioner within 10 days of the date of the examiner's decision of which review is requested. A copy of the petition shall be furnished to the permittee by the district supervisor. (Secs. 3114, 3121 (b), 3170, I. R. C., secs. 8 (a), 12, Pub. Law 404, 79th Cong.)

§ 182.257b *Commissioner's review.* The Commissioner on appeal or petition for review may alter or modify any finding of the examiner and may affirm, reverse, or modify the decision of the examiner, or he may remand the case for further hearing, but the Commissioner will not consider evidence which is not a part of the record. Appeals and petitions for review to the Commissioner shall be considered and decided by the Deputy Commissioner in charge of the Alcohol Tax Unit: *Provided*, That the Deputy Commissioner shall not review the decision of an examiner in any case in which he has engaged in the investigation or prosecution of the case, in which event he shall so state his disqualification in writing and refer the record to the Commissioner for appropriate action: *Provided further*, That the Commissioner may designate an Assistant Commissioner to consider any case instead or in lieu of the Deputy Commissioner: *And provided further*, That the district supervisor may in advance of such appeal discuss the proposal to so appeal, and the facts and law of the case with any of the Assistant Deputy Commissioners, Alcohol Tax Unit, or any other officer or employee of the Treasury Department, except the Deputy Commissioner in charge of the Alcohol Tax Unit.

§ 182.257c *Authority of Commissioner.* As used in §§ 182.238 to 182.258, inclusive, "Commissioner," shall not include the Deputy Commissioner in charge of the Alcohol Tax Unit, unless otherwise indicated. The Commissioner shall have all the authority granted herein to examiners and district supervisors, and may exercise any of their functions. The Commissioner may issue citations, conduct hearings, make initial decisions, and exercise any other function prescribed herein, the same as examiners and district supervisors, and he may of his own motion, in any case, review the decision of the examiner or require the entire record to be certified to him for initial decision. (Secs. 3114, 3170, I. R. C., secs. 5, 7, 8, 12, Pub. Law 404, 79th Cong.)

§ 182.258 *Court review.* If the permittee intends to have an order revoking a permit reviewed on appeal by the federal court, as provided by law, the examiner, or Commissioner, upon request therefor, will have prepared, in triplicate, a complete transcript of the record of the revocation proceedings, including all exhibits introduced at such hearing, the findings of fact and conclusions upon which the revocation was based, all decisions, and the order of revocation.

(a) *Certification.* The examiner or Commissioner, as the case may be, will certify as to the correctness of such transcript of the record and furnish two copies thereof to the permittee or his attorney of record, upon payment of the costs prescribed in § 182.252a (a), and one copy to the attorney who will represent the United States in the review of such case in such court. (Sec. 3114, I. R. C., secs. 10, 12, Pub. Law 404, 79th Cong.)

ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

§ 182.282 *Investigation of applicant.*

* * *

(d) *Disapproval of application.* Where, after hearing or opportunity for hearing, as provided in §§ 182.220 to 182.225, inclusive, the district supervisor finds, from facts sufficient to warrant such findings, that the applicant is not entitled to the confidence of the Department, or is precluded by section 3114 (a), Internal Revenue Code, and § 182.106 (a) from receiving a permit, he shall, without reference to the Commissioner, note his disapproval on all copies of the application with brief statements of his reasons therefor and return to the applicant by registered mail one copy of the disapproved application, together with one set of the supporting documents and all copies of the bond, without action thereon. The district supervisor shall forward one copy of the disapproved application and one set of the supporting documents to the Commissioner, and retain the remaining papers in his file.

§ 182.292 *Disapproval of qualifying documents*—(a) *By Commissioner.* In the case of an industrial alcohol plant, bonded warehouse, or denaturing plant, if the district supervisor finds, after hearing or opportunity for hearing, as provided in §§ 182.220 to 182.225, inclusive, from facts sufficient to warrant such findings, that the applicant has not complied in all respects with the requirements of the law and regulations, or that the situation of the premises is such as would enable the applicant to defraud the United States, or that the application or bond should be disapproved under § 182.282 (e), he will note his recommendation for disapproval on the application, Form 1431, bond, Form 1432–A, and consent, Form 1602 (if any), or indemnity bond, Form 1604, filed in lieu of such consent, and will forward to the Commissioner for final action such copies of the qualifying documents as are required to be so forwarded by the preceding section in the case of recommendation for approval, together with a copy of all inspection reports. Where an application or bond is recommended for disapproval, the district supervisor will furnish the Commissioner with a full statement of the reasons therefor.

* * * * *

(Secs. 3105, 3124 (a) (6), and 3176, I. R. C.)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: March 5, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-2244; Filed, Mar. 10, 1947; 9:23 a. m.]

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5552]

PART 458—INSPECTION OF RETURNS

SUBPART F—INSPECTION OF CERTAIN RETURNS UNDER THE INTERNAL REVENUE CODE

Regulations governing the inspection of income, excess-profits, declared value excess-profits, and capital stock tax returns by the Federal Trade Commission.

§ 458.312 *Inspection of returns by Federal Trade Commission.* (a) Pursuant to the provisions of sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and in the interest of the internal management of the Government, corporation income, excess-profits, declared value excess-profits, and capital stock tax returns made for the calendar year 1943 and fiscal years ended in the calendar year 1943, and statistical transcript cards prepared by the Bureau of Internal Revenue from the returns included in such classes made for any taxable year ending after June 30, 1943, and before July 1, 1944, shall be open to inspection by the Federal Trade Commission as an aid in executing the powers conferred upon such Commission by the Federal Trade Commission Act of September 26, 1914, 38 Stat. 717. The inspection of such returns and cards herein authorized may be made by any officer or employee of the Federal Trade Commission duly authorized by the Chairman of the Federal Trade Commission to make such inspection. Upon written notice by the Chairman of the Federal Trade Commission to the Secretary of the Treasury stating the classes of corporations the returns or transcript cards of which it is desired to inspect, the Secretary and any officer or employee of the Treasury Department, with the approval of the Secretary of the Treasury, may furnish the Federal Trade Commission with any data on such returns or cards or may make the returns or cards available in the office of the Commissioner of Internal Revenue for the taking of such data as the Chairman of the Federal Trade Commission may designate. Any information thus obtained shall be held confidential except to the extent that it shall be published or disclosed in statistical form, provided such publication shall not disclose, directly or indirectly, the name or address of any taxpayer.

(b) This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

A. L. M. WIGGINS,
Secretary of the Treasury.

Approved: March 7, 1947.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 47-2332; Filed, Mar. 7, 1947; 3:59 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 40]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respect:

1. The second sentence of sections 19.1 (b) (1), 19.2 (b), 19.3 (b), 19.4 (b) (1), 19.5 (b) (1), 19.6 (b) (1), 19.7 (b) (1), 19.9 (b) and 19.10 (b) (1) is amended to read as follows: "An application for such provisional allowance for any period may be made at any time from the 10th day of the month preceding such period to the end of that period."

This amendment shall become effective March 10, 1947.

Issued this 7th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 40 to Third Revised Ration Order 3

Present regulations. The present regulations provide that an application for a provisional allowance for any period may be made at any time from fifteen days before to the end of that period.

Proposed amendment. This amendment provides that an application for a provisional allowance for any period may be made at any time from the 10th day of the month preceding such period to the end of that period.

Reason for amendment. Industrial users, who obtain quarterly allotments of sugar under the provisions of this order, may apply for such allotments on and after the 10th day of the month preceding the beginning of the allotment period.

In order that the provisions relating to the time of filing applications by all industrial users may be uniform, this amendment permits provisional allowance users to apply at any time from the 10th day of the month preceding the period for which the provisional allowance is requested to the end of that period.

[F. R. Doc. 47-2334; Filed, Mar. 7, 1947; 4:11 p. m.]

[1] 11 F. R. 177, 14281.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 38]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respect:

1. Section 17.4 is amended to read as follows:

SEC. 17.4 *A registering unit may apply for an adjustment in its permanent allowable inventory.* (a) On or after March 15, 1947, a registering unit may apply for an adjustment in its permanent allowable inventory. Only one application under this section may be made by a registering unit.

(b) Application shall be made on OPA Form R–382 and the applicant must give all of the information required by the form. The application must be filed at the Sugar Branch Office with which the applicant is registered.

(c) If the Sugar Branch Office finds that the applicant is a registered retailer or wholesaler and that the facts stated in the application are true, it shall grant an adjustment as follows:

(1) If the applicant is a registered wholesaler, it shall grant an adjustment equal to 10% of the wholesaler's permanent allowable inventory.

(2) If the applicant is a registered chain retailer (four or more stores registered together), it shall grant an adjustment equal to 30% of the retailer's permanent allowable inventory.

(3) If the applicant is a registered retailer operating less than four stores, it shall grant an adjustment equal to 40% of the retailer's permanent allowable inventory.

(For example, if a registering unit's allowable inventory is 10,000 pounds, an adjustment for 1,000 pounds shall be granted if the applicant is a wholesaler, an adjustment for 3,000 pounds if the applicant is a retail operator of four or more stores registered together, or an adjustment for 4,000 pounds if the applicant is a retail operator of less than four stores).

(4) The Regional Office shall issue a ration check in the amount authorized by the Sugar Branch Office under the provisions of this section. The amount of the check authorized to be issued to a registering unit shall not exceed the amount of the adjustment less the amount of any excess inventory charge, any unpaid loan or unauthorized adjustment outstanding against such registering unit at the time of its application for adjustment.

(5) An adjustment may not be granted under the provisions of this section to any

registering unit against whom there is in operation an administrative suspension order issued under Revised Procedural Regulation No. 4 until the terms of the suspension order have been complied with.

(c) Nothing in this section shall be considered to forgive or excuse any violations by the applicant of this or any other order of the Office of Price Administration, or to affect any action which may be taken by the Office of Price Administration with respect to such violations.

This amendment shall become effective March 14, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 38 to Third Revised Ration Order 3

Present provisions. Wholesalers, chain retailers and retailers have an allowable inventory of sugar and ration evidence to enable them to transfer sugar under rationing regulations.

Proposed amendment. This amendment permits registered wholesalers, chain retailers and retailers to apply on OPA Form R-382 on or after March 15 for adjustments in permanent allowable inventory. The application must be filed at the sugar branch office with which the wholesaler, chain retailer or retailer is registered. The amendment provides that, under certain conditions an adjustment of 10 percent of the permanent allowable inventory will be granted to registered wholesalers, an adjustment of 30 percent to registered chain retailers (those retailers who operate four or more stores registered together) and an adjustment of 40 percent to all other retailers.

Reasons for amendment. The higher levels of rations made possible after April 1, 1947 and the use of ten-pound consumer stamps instead of five-pound stamps make it necessary for wholesalers, chain retailers and retailers to have larger inventories so that they may satisfactorily fulfill the demands of their customers.

The permanent allowable inventories of both chain retailers and other retailers were originally established on an average of one week's sales or transfers. The chain retailer, however, established a combined allowable inventory covering all of his retail stores and in most cases received in addition an adjustment in his permanent allowable inventory to cover his warehouse stocks. The estimated needs of the chain retailer, therefore, are slightly less than those of other retailers.

Wholesalers' allowable inventories were established at the amount of sugar sufficient to cover two weeks' sales or transfers of sugar plus a shipping unit i. e., carload, truckload, etc. in which he normally took delivery.

The adjustment, therefore, to enable them to meet the increased demand is not required to be as large as that for retailers.

It is recognized that the amount of these adjustments does not reflect the apparent impact of a change from a five-pound stamp value to a ten-pound stamp value. However, the granting of the adjustment, even at the level indicated, will result in an increase of 75,000 to 100,000 tons in "invisible" inventories. Accordingly, an equivalent amount is thereby made unavailable for actual use. The amounts of the inventory adjustments, then, are being set at the minimum level at which it is believed the trade will be able to operate satisfactorily and maintain uninterrupted distribution of sugar to consumers and other users, while at the same time the diversion of sugar from use to inventory purposes is held at a minimum.

[F. R. Doc. 47-2353; Filed, Mar. 10, 1947; 11:10 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 18 to Supp. 1]

SUGAR

Supplement 1 to Third Revised Ration Order 3 is amended in the following respects.

Section 4.1 is amended to read as follows:

SEC. 4.1 *Areas which have had a substantial increase in population and the percentage for each such area.* For periods commencing on or after April 1, 1947:

Alabama:		California—Con.		Florida:		Kentucky:	
Baldwin	20	Monterey	40	Alachua	10	Hardin	40
Calhoun	30	Napa	40	Bay	110	Henderson	10
Colbert	10	Orange	30	Bradford	60	Jefferson	15
Etowah	15	Riverside	40	Brevard	30	Louisiana:	
Jefferson	10	Sacramento	20	Broward	20	Beauregard	15
Madison	10	San Bernardino	40	Charlotte	15	Calcasieu	40
Mobile	60	San Diego	80	Clay	20	East Baton Rouge	30
Russell	15	San Francisco	20	Dade	30	Jefferson	30
Talladega	20	San Joaquin	30	De Soto	10	La Salle	15
Arizona:		San Luis Obispo	40	Duval	30	Orleans	15
Apache	20	San Mateo	50	Escambia	40	Rapides	30
Cochise	15	Santa Barbara	20	Franklin	40	St. Bernard	10
Gila	10	Santa Clara	20	Gulf	10	St. Mary	10
Greenlee	20	Santa Cruz	15	Highlands	80	Vermilion	10
Maricopa	30	Solano	160	Hillsborough	20	Vernon	70
Mohave	50	Sonoma	20	Indian River	10	Webster	15
Navajo	15	Stanislaus	40	Lee	30	Maine:	
Pima	40	Tulare	15	Leon	30	Cumberland	10
Pinal	30	Ventura	15	Monroe	50	Sagadahoc	15
Yuma	20	Yolo	20	Okaloosa	40	York	10
Arkansas:		Yuba	40	Okeechobee	10	Maryland:	
Jefferson	15	Colorado:		Orange	20	Anne Arundel	20
Pulaski	15	Arapahoe	15	Palm Beach	15	Baltimore	30
Saline	20	Denver	10	Pinellas	15	Calvert	10
Sebastian	10	Delores	10	Polk	10	Cecil	50
California:		El Paso	30	St. Lucie	20	Charles	20
Alameda	50	Jefferson	10	Sarasota	30	City of Baltimore	15
Butte	15	Lake	15	Volusia	10	Harford	40
Contra Costa	160	Otero	10	Georgia:		Howard	10
Fresno	30	Connecticut:		Bartow	10	Montgomery	30
Glenn	10	Fairfield	10	Bibb	30	Prince Georges	40
Inyo	30	Hartford	10	Camden	20	St. Marys	30
Kern	30	Delaware:		Chatham	30	Michigan:	
Lake	15	New Castle	10	Clarke	15	Bay	10
Lassen	20	Sussex	10	Cobb	50	Berrien	10
Los Angeles	30	District of Columbia	30	Dougherty	20	Calhoun	15
Madera	15			Fulton	10	Ingham	15
Marin	40			Glynn	60	Macomb	30
Mendocino	10			Houston	60	Midland	10
Merced	15			Liberty	30	Monroe	10
				McIntosh	15	Muskegan	15
				Muscogee	50	Oakland	20
				Peach	10	Washtenaw	30
				Polk	10	Wayne	15
				Richmond	20	Mississippi:	
				Stephens	15	Forrest	60
				Thomas	15	Grenada	15
				Whitfield	10	Harrison	30
				Idaho:		Hinds	10
				Ada	10	Jackson	80
				Bannock	10	Lowndes	10
				Elmore	60	Wilkinson	15
				Kootenai	20	Missouri:	
				Valley	15	Boone	20
				Illinois:		Clay	10
				Champaign	10	Phelps	20
				Du Page	10	Pulaski	20
				Lake	15	St. Charles	10
				Madison	20	St. Louis	20
				St. Clair	15	Montana:	
				Winnebago	10	Cascade	10
				Indiana:		Nebraska:	
				Bartholomew	15	Adams	20
				Clark	30	Cheyenne	10
				Fayette	10	Hall	15
				Floyd	10	Lancaster	20
				Lake	10	Sarpy	10
				Marion	10	Nevada:	
				Monroe	10	Clark	120
				Porter	10	Mineral	200
				St. Joseph	10	Washoe	30
				Scott	10	New Jersey:	
				Starke	15	Gloucester	10
				Tippecanoe	15	Middlesex	10
				Vandenburgh	20	Monmouth	15
				Iowa:		Sussex	15
				Des Moines	10	New Mexico:	
				Story	10	Bernalillo	15
				Kansas:		Chavez	40
				Barton	10	Curry	30
				Douglas	10	De Baca	15
				Finney	20	Eddy	30
				Geary	15	Luna	40
				Johnson	80	Otero	30
				Pratt	10	New York:	
				Riley	15	Nassau	10
				Saline	20	Niagara	10
				Sedgwick	30		
				Seward	20		
				Shawnee	30		

[1] 11 F. R. 177.

North Carolina:		Texas—Con.		Washington:		Wisconsin:	
Brunswick	10	Crosby	20	Benton	130	Dane	10
Cabarrus	10	Dallam	30	Clallam	10	Door	20
Craven	30	Dallas	20	Clark	60	Monroe	Zero
Cumberland	40	Dawson	40	Franklin	30	Sauk	15
Durham	10	Dickens	10	Island	20	Wyoming:	
Gaston	10	Ector	50	Jefferson	10	Albany	10
Graham	30	El Paso	Zero	King	30	Laramie	20
Guilford	Zero	Galveston	30	Kitsap	100	Park	15
New Hanover	70	Garza	30	Mason	10	Sweetwater	10
Onslow	40	Hale	15	Okanogan	10	Territory of Alaska	35
Pasquotank	20	Hansford	10	Pierce	20	Territory of Hawaii	30
Ohio:		Harris	20	Spokane	10	Panama Canal Zone	60
Allen	15	Hays	20	Thurston	15		
Clinton	10	Hockley	70	Yakima	15		
Franklin	10	Howard	30	West Virginia:			
Greene	30	Hudspeth	20	Kanawha	20		
Hamilton	10	Hutchinson	40	Mingo	10		
Lake	15	Jefferson	30				
Montgomery	20	Kleberg	20				
Portage	10	Lamb	20				
Stark	10	Lubbock	30				
Summit	10	Lynn	50				
Trumbull	10	McLennan	10				
Warren	10	Martin	20				
Oklahoma:		Matagorda	20				
Cleveland	20	Maverick	20				
Comanche	40	Medina	15				
Oklahoma	10	Midland	40				
Texas	10	Moore	110				
Tulsa	15	Nueces	10				
Oregon:		Oldham	15				
Benton	30	Orange	180				
Clackamas	15	Palo Pinto	10				
Clatsop	15	Pecos	10				
Coos	20	Potter	20				
Crook	30	Reeves	20				
Deschutes	10	Tarrant	30				
Douglas	30	Taylor	30				
Jackson	20	Terry	30				
Jefferson	70	Tom Green	10				
Josephine	30	Travis	15				
Lane	20	Val Verde	20				
Lincoln	20	Victoria	20				
Linn	30	Ward	20				
Multnomah	50	Webb	10				
Tillamook	10	Wichita	10				
Umatilla	15	Utah:					
Washington	15	Carbon	15				
Pennsylvania:		Davis	80				
Delaware	10	Millard	15				
Rhode Island:		Salt Lake	20				
Kent	10	Tooele	60				
Newport	20	Uintah	10				
Washington	15	Utah	30				
South Carolina:		Weber	30				
Beaufort	10	Virginia:					
Charleston	30	Arlington	100				
Dorchester	15	Elizabeth City	50				
Greenville	10	Fairfax	30				
Richland	15	Giles	10				
South Dakota:		Henry	10				
Fall River	20	King George	15				
Pennington	20	Montgomery	20				
Tennessee:		Norfolk	160				
Anderson	50	Nottoway	10				
Blount	15	Prince William	20				
Coffee	40	Princess Anne	30				
Davidson	10	Pulaski	10				
Knox	10	Warwick	210				
Loudon	15	York	30				
Roane	15	Independent Cities:					
Rutherford	10	Alexandria	80				
Shelby	10	Bristol	50				
Sullivan	20	Buena Vista	50				
Texas:		Charlottesville	15				
Bailey	20	Fredericksburg	30				
Bastrop	15	Hampton	60				
Bell	40	Hopewell	20				
Bexar	20	Martinsville	10				
Bowie	20	Newport News	50				
Brazoria	90	Norfolk	40				
Brazos	10	Petersburg	30				
Brewster	20	Portsmouth	30				
Brown	30	Radford	30				
Cameron	10	Richmond	20				
Childress	20	South Norfolk	30				
Cochran	15	Suffolk	20				
Cooke	15	Williamsburg	120				
Cottle	10						

Persons who apply for allotments for the first period of 1947 will be entitled to the population increase effective for that period on March 9, 1947, subject to the deductions for late application provided in section 2.2 (b) of this order.

This amendment shall become effective March 10, 1947.

Issued this 10th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-2354; Filed, Mar. 10, 1947; 11:10 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 21 to Supp. 1]

SUGAR

Supplement 1 to Third Revised Ration Order 3 is amended in the following respect:

Section 3.1 is amended by adding item No. 30 to read as follows:

Ration period	Stamp valid during ration period	Weight value of stamp
No. 30 (April 1, 1947 through September 30, 1947).	Sugar Ration Book and Book 4, Spare Stamp 11.	10

This amendment shall become effective March 10, 1947.

Issued this 10th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-2355; Filed, Mar. 10, 1947; 11:10 a. m.]

[1] 11 F. R. 166.

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 149]

PART 4003—SUBSIDIES: SUPPORT PRICES

PACIFIC NORTHWEST FUELWOOD SUBSIDY PAYMENT PROGRAM

On April 5, 1944, in order to insure the maximum necessary production and distribution of fuelwood, a subsidy payment program was initiated in the Pacific Northwest under section 2 (e) of the Emergency Price Control Act of 1942, as amended, covering excess transportation and handling costs incurred by dealers in stockpiling of sawdust used for fuel. The original program expired on June 30, 1945. However, due to the sharp declines in fuelwood production, the lack of equipment for conversion of wood-burning stoves to other types of heating equipment, and the curtailed production of coal, the fuel supply prospects in the Pacific Northwest remained precarious throughout the year 1945 and continued through the year 1946. Accordingly, on the strong recommendations of the interested government agencies, this program was continued from time to time until June 30, 1946.

Pending the formal renewal of this subsidy and upon the assurance of the government that the subsidy would be renewed, two dealers in the Seattle area undertook to stockpile 5,500 units of sawdust for the purpose of alleviating the acute shortage threatened in that area during the present heating season. The request has therefore been made that these two dealers be compensated for the excess transportation and handling costs incurred in stockpiling 5,500 units of sawdust between July 1, 1946 and September 1, 1946 in cooperation with the government.

Under these circumstances, I find that with respect to the units stockpiled on and after July 1, 1946, and unsold on November 9, 1946, there are no government price restraints in effect and, under the provisions of the Price Control Extension Act of 1946, subsidy payments made in connection therewith are prohibited. However, with respect to the units stockpiled at government request on and after July 1, 1946, and sold prior to November 9, 1946, at OPA maximum prices, I find that no such prohibition exists and such dealers should be compensated for the excess transportation and handling costs incurred.

§ 4003.88 *Pacific Northwest Fuelwood Subsidy Payment Program.* Reconstruction Finance Corporation is directed to make payments, upon certification of the Office of Price Administration, to compensate fuelwood dealers in the Seattle, Washington, area for excess transportation and handling costs incurred in connection with units of sawdust stockpiled between July 1, 1946, and September 1, 1946, and sold prior to November 9, 1946, at prices not to exceed OPA maximum prices. The total amount of such payment shall not exceed $15,000.

(56 Stat. 765, 58 Stat. 632, 642, 784, 59 Stat. 306, Pub. Law 548, 79th Cong.; 15 U. S. C. Sup. 713a-8 and note, 50 U. S. C. App. Sup. 901-903, 921-925, 961-971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871, E. O. 9328, Apr. 8, 1943, 8 F. R. 4681, E. O. 9599, Aug. 18, 1945, 10 F. R. 10155, E. O. 9651, Oct. 30, 1945, 10 F. R. 13487, E. O. 9697, Feb. 14, 1946, 11 F. R. 1691, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929, E. O. 9762, July 25, 1946, 11 F. R. 8073, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 5th day of March, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-2237; Filed, Mar. 10, 1947; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

FEBRUARY 28, 1947.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of February 1947;

It appearing, that the public interest, convenience and necessity will be served by delegating authority to the Secretary of the Commission, or in his absence, the Acting Secretary, upon securing the approval of the General Counsel and Chief Accountant, or their respective nominees, to act upon applications or requests by carriers for extensions of the time prescribed in § 43.51 of the Commission's rules and regulations for the filing of documents specified therein; and

It further appearing, that general notice of proposed rule making is not required herein under the provisions of section 4 of the Administrative Procedure Act; and

It further appearing, that the amendments ordered herein are designed to relieve a restriction in that they will expedite action upon applications or requests for extensions of time within which carriers are required to file documents specified in § 43.51;

It is ordered, That § 1.146 of the Commission's rules and regulations be, and it is hereby, redesignated at § 1.147, and amended to read as follows:

§ 1.147 *Record of actions taken.* All action taken by the Secretary in accordance with §§ 1.141 to 1.146, inclusive, shall be recorded each week in writing and filed in the official minutes of the Commission.

It is further ordered, That a new § 1.146, be, and the same is hereby adopted, reading as follows:

§ 1.146 *Authority delegated to the Secretary upon securing the approval of the Law and Accounting Departments.* The Secretary, or the Acting Secretary, is designated to act upon the following matters upon securing the approval of the General Counsel and Chief Accountant, or their respective nominees:

(a) Applications or requests for extensions of the time prescribed in § 43.51 of the rules and regulations for the filing of documents specified therein.

It is further ordered, That this order shall take effect immediately.

(4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2241; Filed, Mar. 10, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 902]

ORANGES AND GRAPEFRUIT GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the following proposals submitted by the Growers Advisory Committee, established pursuant to Marketing Agreement No. 30, as amended, and Order No. 2, as amended (7 CFR 902.1 et seq.), regulating the handling of oranges and grapefruit grown in the States of California and Arizona:

1. That the Secretary of Agriculture find that the provisions of the aforesaid amended marketing agreement and order no longer tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.);

2. That the Secretary of Agriculture find that the aforesaid Growers Advisory Committee has no funds or property in its possession or under its control and has no liability or outstanding obligations under the said amended marketing agreement and order;

3. That the Secretary of Agriculture terminate the said amended marketing agreement and order regulating the handling of oranges and grapefruit grown in the States of California and Arizona: *Provided*, That such termination shall not affect or waive any right, obligation, duty, or liability under said amended marketing agreement and order, or release or extinguish any violation of said amended marketing agreement and order, or affect or impair any right or remedy of the United States, the Secretary, or any person with respect to any such violation, which has arisen or occurred or which may arise or occur prior to the time that such termination becomes effective;

4. That the Secretary of Agriculture discharge the members of the aforesaid Growers Advisory Committee from any and all obligations and duties which would otherwise accrue upon such termination of said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments concerning such proposals shall file the same with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued this 6th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2234; Filed, Mar. 10, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 5, 10, 11, 16, 17]

[Docket No. 8163]

DISPLAY OF STATION LICENSE AND TRANSMITTER IDENTIFICATION CARDS

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 28, 1947.

In the matter of amendment of § 5.29 of Part 5, amendment of § 10.82 of Part 10, amendment of § 11.42 of Part 11, amendment of § 16.23 of Part 16, and amendment of § 17.123 of Part 17, and deletion of § 10.83 of Part 10, and deletion of § 11.43 of Part 11 of the Commission's rules, for the purpose of: Eliminating the requirement that a photocopy of the station license or a license verification card be available for inspection at each portable or mobile radio unit authorized under a blanket station license covering more than one transmitting unit, and substituting for this requirement the requirement that there be attached to each transmitter unit installed and operated under blanket station authorization an identification tag supplied by the Federal Communications Commission.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed rules and regulations, which are amendments and deletions of existing rules and regulations, are set forth below.

3. The proposed rules are issued under the authority of sections 301 and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person, who is of the opinion that the amendments proposed should not become effective, or should not become effective in the form set forth, may file with the Commission, on or before March 20, 1947, a written statement or brief setting forth his comments. The Commission will consider these written comments before taking any final action regarding the proposed rules; and, if comments are submitted which request or appear to warrant the holding of an oral argument, notice of the time and place of such oral argument will be given all interested parties.

The following sections of the Commission's rules will be affected in the manner indicated: § 5.29, Part 5, amended; § 10.82, Part 10, amended; § 10.83, Part 10, deleted; § 11.42, Part 11, amended; § 11.43, Part 11, deleted; § 16.23, Part 16, amended; § 17.123, Part 17, amended.

Sections 5.29, 10.82, 11.42, 16.23, and 17.123, as amended, will read as follows:

Display of station license and transmitter identification cards. (a) Each mobile or portable station authorization issued by the Commission shall be retained as a permanent part of the station record. An executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be attached to each mobile and each portable transmitter unit operated in this service. The following information shall be entered on the card by the permittee or licensee:

(1) Name of the permittee or licensee;

(2) Station call signal assigned by the Commission;

(3) Exact location of the station records;

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a responsible official thereof.

(b) Each land or fixed station authorization issued by the Commission shall be displayed at the principal control position of that station. At all other control points listed on the station authorization a photocopy of the authorization shall be displayed. In addition, an executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be attached to each transmitter operated at a fixed location when the transmitter is not in view of and readily accessible to the operator at the principal control position.

Approved: February 27, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2242; Filed, Mar. 10, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8249]

JOHN HAUS

In re: Estate of John Haus, deceased. File 017-19274.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Haus, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John Haus, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Germany Society of the City of New York as Executor of the estate of John Haus, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2245; Filed, Mar. 10, 1947; 8:45 a. m.]

[Vesting Order 8311]

KATHERINE L. FLOHR

In re: Claim owned by Katherine L. Flohr. F-28-26556-A-1, F-28-26556-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine L. Flohr, whose last known address is Nordenham, Am/Weser, Germany, is a resident of Germany and a national of the designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Katherine L. Flohr, by Bishop Trust Company, Limited, P. O. Box 2390, Honolulu, T. H., in the amount of $761.26, as of September 24, 1946, arising out of a blocked agency account and representing said national's distributive share of the Alexander Lindsay, Sr., Trust, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2246; Filed, Mar. 10, 1947; 8:45 a. m.]

[Vesting Order 8313]

MASAJIRO FUJIKI

In re: Bank account owned by Masajiro Fujiki. F-39-5239-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masajiro Fujiki, whose last known address is Hyogo-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Masajiro Fujiki, by Bishop National Bank of Hawaii, King-Smith Street Branch, Honolulu, T. H., arising out of a savings account, Account Number 9628, entitled Masajiro Fujiki, and

any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that such person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2247; Filed, Mar. 10, 1947; 8:45 a. m.]

[Vesting Order 8315]

SHOZO KAWAKAMI

In re: Bank account owned by Shozo Kawakami. D-39-144-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shozo Kawakami, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shozo Kawakami, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 155140, entitled Shozo Kawakami, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2248; Filed, Mar. 10, 1947; 8:45 a. m.]

[Vesting Order 8324]

TORAICHI UYEDA ET AL.

In re: Stock owned by Toraichi Uyeda and others. D-39-975-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: 942 shares of $10 par value common capital stock of Hawaii Suisan Kaisha, Ltd., Market Place, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Toraichi Uyeda	146	348
	160	152
	220	382
Jisuke Kagimoto	119	25
	212	19
Iwahei Okamura	68	9
	178	7

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2254; Filed, Mar. 10, 1947; 8:46 a. m.]

[Vesting Order CE 370]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Giovanni Buffo	Italy	Estate of Giuseppe Buffo, deceased, in the Superior Court of the State of California, in and for the County of Santa Clara; No. 25774.	$25.00
		Item 2	
Maddalena Buffo	do	Same	5.00
		Item 3	
Lucia Buffo	do	Same	5.00
		Item 4	
Caterina Buffo	do	Same	5.00
		Item 5	
Giovanni Giacomino	do	Same	5.00
		Item 6	
Caterina Giacomino	do	Same	5.00
		Item 7	
Margherita Giacomino	do	Same	5.00
		Item 8	
Costante Giacomino	do	Same	5.00
		Item 9	
Battista Giacomino	do	Same	5.00
		Item 10	
Lucia G. Giacomino	do	Same	25.00
		Item 11	
Celestina Traverso	do	Estate of Gianbattista Traverso, also known as G. B. Traverso, a missing person, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 93889.	12.00
		Item 12	
Stefano Traverso	do	Same	12.00
		Item 13	
Luigia Traverso	do	Same	12.00
		Item 14	
Paola Traverso	do	Same	12.00
		Item 15	
Emilia Dongo	do	Same	5.00
		Item 16	
Attilio Cassazzo	do	Same	5.00
		Item 17	
Giovanni Cassazzo	do	Same	5.00
		Item 18	
Maria Dondo Calcagno	do	Estate of Filippo Calcagno, deceased, in the Superior Court of the State of California, in and for the County of San Mateo; No. 12523.	23.00
		Item 19	
Francesco Calcagno	do	Same	7.00
		Item 20	
Giovanni Battista Calcagno	do	Same	7.00
		Item 21	
Angiolina Calcagno	do	Same	7.00
		Item 22	
Emma Marconi	do	Estate of Ferdinando Marconi, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. LBP-14462.	14.00
		Item 23	
Alici Tomasi	do	Same	14.00
		Item 24	
Adele Marogna	do	Same	14.00
		Item 25	
Children of Domenica Fasoli, deceased	do	Same	14.00
		Item 26	
Elisa Gambetta	do	Estate of Peter Gambetta, deceased, in the Superior Court of the State of California, in and for the County of Sonoma; No. 15854.	22.00
		Item 27	
Surviving issue of Secondo Gambetto	do	Same	112.00
		Item 28	
Petronilla Brignolo	do	Estate of Firmino Secondo Gay, also known as Firmino Gay, also known as Gay Firmino, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 222033.	32.00
		Item 29	
Letizia Tarrico	do	Estate of Angela Bergna, deceased, in the Superior Court of the State of California, in and for the County of San Francisco; No. 83844.	15.00
		Item 30	
Giuseppina Isella	do	Same	15.00

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 51	
Emily Monaco	Italy	Estate of Clement S. Monaco, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 241896.	$25.00
		Item 52	
Mary Monaco	do	Same	25.00
		Item 53	
Giovanni Garbarino	do	Estate of Luigi Garbarino, also known as Louis Garbarino, also known as L. Garbarino, also known as Luigi Garbolini, deceased, in the Superior Court of the State of California, in and for the County of Sacramento; No. 23254.	61.00
		Item 54	
Davida Zolli	do	Estate of Leslie Zolli, deceased, in the Superior Court of the State of California, in and for the County of Sonoma; No. 14555.	161.00
		Item 55	
Nephew and 2 nieces, names unknown, of Antonio Mlack, deceased.	do	Estate of Antonio Mlack, also known as Antonio Mlock, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 93601.	51.00
		Item 56	
Ernesta Colaianni Petricione	do	Estate of Vincent Colaianni, deceased, in the Superior Court of the State of California, in and for the County of Santa Clara; No. 29491.	65.00

[F. R. Doc. 47-2259; Filed, Mar. 10, 1947; 8:46 a. m.]

[Vesting Order 8317]

KENZI KIMURA

In re: Bank account owned by Kenzi Kimura. D-39-17616-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenzi Kimura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kenzi Kimura, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 156166, entitled "Kenzi Kimura," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2249; Filed, Mar. 10, 1947; 8:45 a. m.]

[Vesting Order 8319]

MASA MIYAI

In re: Bank account owned by Masa Miyai. D-39-6-B-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masa Miyai, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: (a) That certain debt or other obligation owing to Masa Miyai, by Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a savings account, Account Number 309, entitled Nisaku Miyai Trustee for Masa Miyai, maintained at the branch office of the aforesaid bank, King-Smith Street Branch, Honolulu, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Masa Miyai, the aforesaid natfonal of a designated enemy country (Japan):

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2250; Filed, Mar. 10, 1947; 8:45 a. m.]

[Vesting Order 8320]

KENSO ODA

In re: Bank accounts owned by Kenso Oda, also known as Kenzo Oda. D-39-1203-B-1, D-39-1203-C-1, D-39-1203-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenso Oda, also known as Kenzo Oda, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a checking account, entitled Edward M. Kawaguchi, Agent for Kenso Oda, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a checking account, entitled George J. Oda, also known as George Y. Oda, Trustee for Kenso Oda, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a checking account, entitled Misuno Oda, Agent for Kenso Oda, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kenso Oda, also known as Kenzo Oda, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2251; Filed, Mar. 10, 1947; 8:45 a. m.]

[Vesting Order 8322]

ROKUSAN

In re: Debt owing to Rokuzo Takakuwa d. b. a. Rokusan. F-39-1719-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rokuzo Takakuwa d. b. a. Rokusan, whose last known address is Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Rokuzo Takakuwa d. b. a. Rokusan by Shujiro Takakuwa d. b. a. Oinmatsu Shoten, 752 Richards Street, Honolulu, T. H., arising out of an open trade account, in the amount of $2,337.81, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2252; Filed, Mar. 10, 1947; 8:45 a. m.]

[Vesting Order 8323]

TAKA TANAKA

In re: Bank account owned by Taka Tanaka. F-39-943-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Taka Tanaka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Taka Tanaka, by Bishop National Bank of Hawaii, King & Bishop Streets, Honolulu, T. H., arising out of a blocked savings account, Account Number 59058, entitled Taka Tanaka, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2253; Filed, Mar. 10, 1947; 8:46 a. m.]

[Vesting Order 8326]

ROKUICHI SERA

In re: Bank account owned by Rokuichi Sera. F-39-848-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rokuichi Sera, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Rokuichi Sera, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 186856, entitled Rokuichi Sera, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2256; Filed, Mar. 10, 1947; 8:46 a. m.]

[Vesting Order 8325]

KICHITARO SEKIYA

In re: Stock owned by Kichitaro Sekiya, also known as K. Sekiya, and as Kitchitaro Sekiya, and K. Hayashi. F-39-5099-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. 28 shares of $20 par value common capital stock of Wahiawa Garage Company, Limited, Wahiawa, Oahu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Kichitaro Sekiya	111	25
K. Hayashi	86	3

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2255; Filed, Mar. 10, 1947; 8:46 a. m.]

[Vesting Order 8327]

TOMOMATSU YOSHIOKA

In re: Bank account owned by Tomomatsu Yoshioka. D-39-695, D-39-695-B-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomomatsu Yoshioka, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tomomatsu Yoshioka, by Bishop National Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 69553, entitled Ralph H. Yoshioka, Trustee for Tomomatsu Yoshioka, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tomomatsu Yoshioka, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2257; Filed, Mar. 10, 1947; 8:46 a. m.]

[Vesting Order 7767, Amdt.]

HENRY MEYER

In re: Estate of Henry Meyer, deceased. File D-28-10490; E. T. sec. 14903.

Vesting Order Number 7767, dated September 30, 1946, is hereby amended as follows and not otherwise:

By deleting: "All right, title, interest, and claim of any kind or character whatsoever of Friedrich Meyer, Maria Ahlers, Doris Wendt, Grete Footkamp, brother, name unknown of Henry Meyer, deceased, sister, name unknown, of Henry Meyer, deceased"; and

By substituting therefor: "All rights, title, interest, and claim of any kind or character whatsoever of Friedrich Meyer, Maria Ahlers, Doris Wendt, Grete Footkamp, brother name unknown of Henry Meyer, deceased sister, name unknown of Henry Meyer, deceased, and each of them in and to the Estate of Henry Meyer, deceased:

All other provisions of said Vesting Order 7767 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2258; Filed, Mar. 10, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-825]

GAS TRANSPORT, INC.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 5, 1947.

Notice is hereby given that, on March 5, 1947, the Federal Power Commission issued its findings and order entered March 4, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2220; Filed, Mar. 10, 1947; 8:45 a. m.]

[Docket Nos. G-852, G-685 and G-694]

UNION GAS SYSTEM, INC.

ORDER POSTPONING HEARING

MARCH 5, 1947.

Upon consideration of the request of Union Gas System, Inc., filed March 3, 1947, for a postponement of the hearing in the above-entitled matters; and

It appearing to the Commission that: Good cause has been shown for such postponement;

The Commission orders that: The hearing in these matters, which have heretofore been consolidated for the purpose of hearing, now set for March 10, 1947, be and the same is hereby postponed to a time and place to be hereafter determined.

Date of issuance: March 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2238; Filed, Mar. 10, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-120 and 59-34]

NEW ENGLAND GAS AND ELECTRIC ASSN. ET AL.

NOTICE OF FILING AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of March 1947.

In the matters of New England Gas and Electric Association, File No. 54-120; New England Gas and Electric Association et al., File No. 59-34.

Notice is hereby given that New England Gas and Electric Association ("New England"), a registered holding company, has filed a further amendment to its application for approval of an Alternate Plan of recapitalization under section 11 (e) of the Public Utility Holding Company Act of 1935.

All interested persons are referred to the said amendment which is on file in the office of the Commission for a statement of the action therein proposed which is summarized as follows:

The Commission by order dated February 11, 1947, approved the Alternate Plan for recapitalization of New England Gas and Electric Association under section 11 (e) of the Public Utility Holding Company Act of 1935 and other applicable provisions thereof, and reserved jurisdiction to, among other things, entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan, the transactions incident thereto and the consummation thereof, and to pass upon amendments with respect to the term of the new securities to be issued pursuant to the plan. New England has filed an amendment to its application in which it requests that the disposition of the cumulative convertible preferred shares and common shares to be issued pursuant to the terms of the Alternate Plan be exempt from the competitive bidding requirements of Rule U-50 of the general rules and regulations under the act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing in this matter be reconvened with respect to said amendment and that said amendment shall not be granted nor permitted to become effective except pursuant to further order of the Commission.

It is ordered, That the hearing in this matter be reconvened on March 11, 1947 at 2:00 p. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such reconvened hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the said amendment and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether it is appropriate in the public interest and in the interests of investors and consumers to grant New England's request for an exemption from the competitive bidding requirements of Rule U-50 with respect to the proposed preferred and common shares.

2. What terms and conditions, if any, should be prescribed in the public interest or for the protection of investors and consumers in the event that the Commission should grant such request.

It is further ordered, That particular attention be directed at said reconvened hearing to the foregoing matters and questions.

It is further ordered, That any interested person desiring to be heard or otherwise wishing to participate at said reconvened hearing shall file with the Secretary of the Commission, on or before March 10, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid reconvened hearing by mailing a copy of this order by registered mail to New England Gas and Electric Association and to all other parties in the proceedings herein, and that notice of said reconvened hearing shall be given to all other persons by general release of this Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2223; Filed, Mar. 10, 1947; 8:46 a. m.]

[File No. 54-153]

CITIES SERVICE CO.

NOTICE OF FILING OF AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of March 1947.

Cities Service Company ("Cities"), a registered holding company, having on November 21, 1946, filed an application for approval of a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") providing for the simplification of Cities' capital structure; and the Commission having on November 27, 1946, issued a Notice of Filing and Order for Hearing (Holding Company Act Release No. 7024), summarizing the principal provisions of said application and plan and ordering a hearing thereon; and public hearings having been held from time to time upon said application and plan and said hearings having been adjourned subject to the call of the hearing officer:

Notice is hereby given that on February 20, 1947, Cities filed an amended application and amended plan modifying the application and plan heretofore filed.

All interested persons are referred to said amended application and amended plan, which are on file in the offices of the Commission, for a full statement of the transactions therein proposed. Copies of the amended plan may be obtained from Cities Service Company, 60 Wall Street, New York 5, N. Y., upon request. Certain provisions of said amended application and amended plan differing from the original application and plan may be summarized as follows:

1. Under the amended plan, the term of the proposed 3% Sinking Fund Debentures is to be reduced from fifty to thirty years, and the principal amount of said Debentures to be issued is increased from $108,361,950 to $115,246,950, the latter principal amount being equivalent to the aggregate of the call prices applicable to Cities' outstanding preferred and preference stocks as at December 31, 1946. The principal amount of the 3% Sinking Fund Debentures to be issued in exchange for each share of such stocks is as follows:

	Principal amount of debentures to be issued
For every share of preferred stock	$196.50
For every share of preference BB stock	193.50
For every share of preference B stock	19.35

2. The Indenture covering the proposed 3% Sinking Fund Debentures will be amended to include certain protective provisions for the benefit of the Debenture holders, including, as more partic-

ularly described in the Indenture, an earnings coverage requirement with respect to the issuance of additional securities and a provision pursuant to which no cash dividends on the common stock may be paid except out of earned surplus accumulated subsequent to January 1, 1947.

3. The amended plan provides that Cities will pay such fees and expenses for services rendered in connection with the plan as may be allowed by the Commission.

4. The provision contained in the plan, as originally filed, conditioning the effectuation of the plan upon the delivery of consents by 60% or more of the aggregate stated value of the preferred and preference stocks, and the accompanying provision relating to the employment of solicitors to obtain such consents, has been eliminated in the amended plan.

5. Cities has requested the Commission in accordance with the provisions of section 11 (e) of the act to apply to a court of competent jurisdiction to enforce and carry out the terms and provisions of the plan.

Notice is given that any interested person may, not later than March 14, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to the amended application and amended plan, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by such amended application and amended plan which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa. At any time after March 14, 1947, the Commission may issue its order with respect thereto.

It is hereby ordered, That notice of the filing of the amended application and amended plan be given to all persons who have heretofore applied for or who have been granted participation in the proceedings, and to all other persons, said notice to be give by registered mail to all persons who have heretofore applied for or who have been granted participation in the proceedings, and to all other persons by publication of this notice in the FEDERAL REGISTER, and by general release to the press.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2226; Filed, Mar. 10, 1947; 8:46 a. m.]

[File No. 70-1453]

SOUTHERN CALIFORNIA WATER CO. AND AMERICAN STATES UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 3d day of March A. D. 1947.

American States Utilities Corporation ("American States"), a registered holding company, and its subsidiary Southern California Water Company ("Southern"), having filed an application and declaration, as amended, pursuant to sections 7 and 10 of the Public Utility Holding Company Act of 1935 and Rules U-50 and U-62 promulgated thereunder, regarding (1) the amendment to Southern's Articles of Incorporation to provide for certain restrictions of common stock dividends unless certain minimum ratios of common stock equity to total capitalization are maintained; and (2) the issuance by Southern and the acquisition by American States of 61,932 shares of common stock in exchange, share for share, for the same number of outstanding common shares; and

Said application and declaration having been filed on the 28th day of January, 1947 and amendment thereto having been filed on February 27, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Southern having obtained the approval of the Public Utilities Commission of California to issue 61,932 shares of common stock and no other State commissions having informed this Commission that applicable state laws have not been complied with; and

The Commission finding with respect to the application and declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application and declaration, as amended, be granted and permitted to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and rules thereunder, and subject to the terms and conditions prescribed in Rule U-24, that the application and declaration, as amended, be and the same are granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2224; Filed, Mar. 10, 1947; 8:46 a. m.]

[File No. 70-1460]

UNION PRODUCING CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of March A. D. 1947.

Union Producing Company ("Union"), a wholly owned subsidiary of United Gas Corporation ("United"), which is a subsidiary of Electric Power & Light Corporation, a registered holding company, having filed an application and declaration and amendment thereto pursuant to sections 9 (a) (1) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder with respect to the following transactions:

Union proposes to redeem for cash on or about March 25, 1947, $1,000,000 principal amount of its 6% Debentures due March 1, 1952, in accordance with the provisions thereof, at principal amount and accrued interest thereon to date fixed for such redemption. Union has presently outstanding $38,000,000 of said 6% Debentures, all of which are owned by United. The Debentures are pledged and held as collateral under the provisions of the Mortgage and Deed of Trust securing United's First Mortgage Bonds. The filing states that United has advised Union that it proposes to transfer the $1,000,000 principal amount to be paid to the Trustee by Union to the Sinking Fund provided in said Mortgage as a credit against current requirements in accordance with the provisions of said Mortgage.

The application and declaration having been filed on February 14, 1947, the amendment thereto having been filed on February 19, 1947, notice of said filing as amended having been given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transaction hereinabove mentioned satisfies the requirements of the provisions of the act and of the rules thereunder, insofar as they are applicable, and that it is appropriate in the public interest and in the interest of investors and consumers that said application be granted and said declaration be permitted to become effective, and deeming it appropriate to grant the request of Union that the order become effective at the earliest practicable date:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application be, and the same hereby is, granted and that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2225; Filed, Mar. 10, 1947; 8:46 a. m.]

Reference

MAR 12 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 12 NUMBER 50

Washington, Wednesday, March 12, 1947

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[Quarantine 72]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE QUARANTINE

Introductory note. This revision of the quarantine and regulations is made primarily for the purpose of placing the State of Georgia under quarantine on account of the white-fringed beetle and placing under regulation parts of 23 counties in Georgia. Minor additions to the regulated area in several counties of Alabama and Mississippi are made. No changes in the regulated areas of Florida, Louisiana, or North Carolina and no changes in regulated articles are made by this revision.

A public hearing was held September 12, 1946, to consider the advisability of extending the Federal quarantine on account of the white-fringed beetle to include both the State of Georgia and the State of South Carolina. Facts developed and submitted at the hearing demonstrated that white-fringed beetles were well established in many localities within the State of Georgia. Only one infestation is known to occur in a restricted area in the State of South Carolina. This involves a small plot in which nursery stock from an infested nursery in Georgia was planted. All of this nursery stock has been treated under the supervision of Federal and State inspectors in such manner as to render it entirely free of white-fringed beetles and the infested plot, which will be thoroughly treated with insecticides, is being maintained under the surveillance of inspectors to preclude the movement of any soil or other products which might spread the beetle. This area has been thoroughly inspected; however, further inspection is necessary to determine if infestations occur on adjacent or nearby lands. Furthermore, articles from areas in another State where infestation is well established have been transported into several other localities in South Carolina and there is a probability that infestations may be disclosed when seasonal conditions will permit further inspections.

On the basis of facts developed and evidence submitted at the hearing, the State of Georgia is being placed under quarantine at this time while quarantine action with respect to the State of South Carolina is being held in abeyance pending further investigations.

The Secretary of Agriculture has determined that it is necessary further to revise the white-fringed beetle quarantine and regulations supplemental thereto which were last revised effective December 12, 1945, 7 CFR 1945 Supp. 301.72 B. E. P. Q.—Q. 72, in order to place the State of Georgia under quarantine and to make other modifications. The quarantine and regulations are therefore hereby revised to read as follows:

Sec.
301.72 Notice of quarantine.
301.72-1 Definitions.
301.72-2 Regulated areas.
301.72-3 Regulated articles.
301.72-4 Conditions of interstate movement.
301.72-5 Conditions under which certificates and permits may be issued.
301.72-6 Procedure for obtaining certificates or permits; applications.
301.72-7 Cancellation of certificates or permits.
301.72-8 Cleaning of vehicles.
301.72-9 Shipments for experimental or scientific purposes.

AUTHORITY: §§ 301.72 to 301.72-9, inclusive, issued under sec. 8, 37 Stat. 318 as amended by 39 Stat. 1165 and 44 Stat. 250, secs. 1, 3, 33 Stat. 1269, 1270; 7 U. S. C. 141, 143, 161.

§ 301.72 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended, and having held the public hearings required thereunder, the Secretary of Agriculture quarantines the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and North Carolina, to prevent the spread of dangerous infestations of introduced species of the genus Pantomorus, subgenus Graphognathus, commonly known as white-fringed beetles, and under authority contained in the aforesaid Plant Quarantine Act and the Insect Pest Act of March 3, 1905, the Secretary of Agriculture hereinafter prescribes regulations governing the movement of white-fringed beetles and carriers thereof: *Provided*, That the restrictions of this quarantine and of the regulations supplemental hereto with respect

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to the movement of carriers of the white-fringed beetles may be limited to such areas, within the quarantined States, as are hereinafter or may hereafter be designated by the Secretary of Agriculture as regulated areas, adequate, in his judgment, to prevent the spread of the white-fringed beetles, but any such limitations shall be conditioned upon the control by the affected State or States, of the intrastate movement of said insect pests and carriers thereof under the same conditions as apply to their movement from the quarantined States under the then applicable Federal quarantine regulations and upon the enforcement by the affected State or States of such control and sanitation measures with respect to said areas or portions thereof as, in the judgment of the Secretary of Agriculture, are adequate to prevent the intrastate spread therefrom of the said insect infestation.

Hereafter, the following articles shall not be transported by any person, firm, or corporation from any quarantined State into or through any other State or Territory or District of the United States, under conditions other than those prescribed herein or in regulations supplemental hereto or in amendments or modifications thereof: (a) Live white-fringed beetles in any stage of development; (b) soil independently or in connection with nursery stock, plants, or other things; (c) nursery stock and other stipulated plants or plant products; and (d) other articles, as stipulated in § 301.72–3: *Provided*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of said articles, except live white-fringed beetles in any stage of development, making it safe to modify, by making less stringent, the restrictions contained in the supplemental regulations applicable thereto, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

Live white-fringed beetles in any stage of development shall not be transported by any person, firm, or corporation from one State or Territory of the United States or the District of Columbia into another of such places except for scientific purposes under the regulations supplemental hereto, or amendments or modifications thereof.

§ 301.72–1 *Definitions.* For puposes of the regulations supplemental to the white-fringed beetle quarantine the following terms shall have the meanings hereby assigned:

(a) *The pests.* Species of the genus Pantomorus, subgenus Graphognathus, commonly known as white-fringed beetles, in any stage of development.

(b) *Interstate.* From any State, Territory, or District of the United States into or through any other State, Territory, or District of the United States.

(c) *Infested or infestation.* Infested by white-fringed beetles, in any stage of development. (See paragraph (a) of this section.)

(d) *Regulated area.* Any area in a quarantined State designated as regulated in the regulations supplemental to this quarantine or amendments thereof, from which the interstate movement of regulated articles is hereby regulated.

(e) *Infested area.* That portion of the regulated area in which infestation exists, or in the vicinity of which infestation is known to exist under such conditions as to expose the area to infestation by natural spread of beetles, as determined by an authorized inspector.

(f) *Regulated articles.* Products or articles of any character whatsoever, the interstate movement of which from the regulated areas is regulated by this quarantine and the regulations supplemental thereto.

(g) *Nursery stock.* Forest, field, and greenhouse-grown annual or perennial plants, for planting purposes.

(h) *Inspector.* Duly authorized Federal plant-quarantine inspector.

(i) *Certificate.* An approved document issued by an inspector for use on individual containers of regulated articles, authorizing their movement from the regulated areas.

(j) *Master permit.* An approved document issued by an inspector for use with bulk shipments of regulated articles by rail or road vehicle, authorizing their movement from the regulated areas.

(k) *Limited permit.* An approved document issued by an inspector, to allow controlled movement of noncertified articles to designated and authorized destinations for processing or other regulated handling.

(l) *Administrative instructions.* Documents relating to the enforcement of this quarantine issued under the authority of the provisions thereof by the Chief of the Bureau of Entomology and Plant Quarantine.

§ 301.72–2 *Regulated areas.* The following counties, parishes, cities, and towns or parts thereof as described, are designated by the Secretary of Agriculture as regulated areas:

ALABAMA

Baldwin County. Sec. 31, T. 7 S., R. 4 E.; secs. 35 and 36, T. 7 S., R. 3 E.; secs 1, 2, 11, and 12, T. 8 S., R. 3 E.; and secs. 6 and 7, T. 8 S., R. 4 E.

Coffee County. All that part of T. 3 N., R. 20 E., lying in Coffee County.

Conecuh County. W½ T. 5 N., R. 9 E.; and those parts of Tps. 4 and 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., W½ T. 6 N., R. 9 E., and Tps. 7 and 8 N., R. 9 E., lying in Conecuh County.

Covington County. Secs. 30 and 31, T. 2 N., R. 18 E.; S½ T. 2 N., R. 17 E.; E½ T. 1 N., R. 15 E.; Tps. 1 N., Rs. 16, 17 and 18 E.; and all area south thereof to the Alabama-Florida State line; SW¼ and secs. 22, 27, and 34 T. 4 N., R. 18 E., including all the town of Opp; and NE¼ T. 3 N., R. 18 E.

Crenshaw County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E.; and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E

Dallas County. That area included within a boundary beginning on the Southern Ry. where it crosses Bougechitto Creek; thence SW. along the Southern Ry. to Caine Creek; thence SE. along Caine Creek to its intersection with Bougechitto Creek; thence northward along Bougechitto Creek to the starting point; all of Tps. 13 and 14 N., R. 11 E.; and secs. 1, 12, 13, 24, 25, and 36, T. 14 N., R. 10 E.

Escambia County. Secs. 1, 2, 11, 12, 13, 14, 32, 33, and 34, T. 1 N., R. 8 E., including all the town of Flomaton; and the N½ Tps. 3 N., Rs. 6 and 7 E.

Geneva County. Secs. 31, 32, and 33, T. 1 N., R. 19 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 21 and 28, T. 6 N., R. 19 W.; and all that part of T. 3 N., R. 20 E., lying in Geneva County.

Lowndes County. W2 3 T. 14 N., R. 12 E.

Mobile County. That area included within a boundary beginning at the intersection of the Mobile River and the northern boundary of the S1/2 T. 3 S., R. 1 W.; thence west along said northern boundary to Eight Mile Creek; thence southwesterly along Eight Mile Creek to the point of intersection with the range line between Rs. 1 and 2 W.; thence south along said range line to the Mobile City limits at Bolton's Creek; thence following the Mobile city limits easterly to Mobile Bay; thence north along Mobile Bay and Mobile River to the starting point; and all of Blakeley, Pinto, and Ship Islands; also that part of T. 5 S., R. 2 W., lying south of Halls Mill Creek; all of T. 6 S., R. 2 W., except secs. 25, 26, 27, 34, 35, and 36; those parts of Tps. 6 S., Rs. 3 and 4 W., lying south of the old Pascagoula Road; N1/3 T. 7 S., R. 4 W.; and secs. 4, 5, 6, 7, 8, and 9 T. 7 S., R. 3 W.

Monroe County. S1/2 T. 5 N., R. 6 E.; NE1/4 T. 5 N., E1/2 Tps. 6, 7, 8, and 9 N., and SE1/4 T. 10 N., R. 7 E.; Tps. 7, 8, and 9 N., and S1/2 T. 10 N., R. 8 E.; all of T. 9 N., and S1/2 T. 10 N., R. 9 E.; those parts of Tps. 8 and 4 N., R. 6 E., T. 4 N., and S1/2 T. 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., and Tps. 6, 7, and 8 N., R. 9 E., lying in Monroe County.

Montgomery County. That area included within a boundary beginning at a point where a line projecting Lee Street in the city of Montgomery intersects the Alabama River; thence following such line southeast to the Western Ry. of Alabama; thence southwest along the Western Ry. of Alabama to the Montgomery city limits; thence following a straight line due north to the Alabama River; thence southeast along the Alabama River to the point of beginning.

Wilcox County. N1/2 T. 10 N., and all of T. 11 N., R. 9 E.; N1/2 T. 10 N., R. 8 E.; NE1/4 T. 10 N., R. 7 E.; and NE1/4 T. 10 N., R. 10 E.

FLORIDA

Escambia County. All that part lying south of the northern boundary of T. 1 N., including all of the city of Pensacola, and that part of the county north of the southern boundary of T. 5 N., and east of the western boundary of R. 31 W.

Okaloosa County. T 5 N., R. 22 W., and secs. 1, 2, and 3, T. 5 N., R. 23 W., and all lands north of both areas to the Florida-Alabama State line; secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 23 W., including all of the town of Crestview; and secs. 13, 14, 23, and 24, T. 3 N., R. 24 W.

Walton County. Tps. 5 N., Rs. 20 and 21 W., and secs. 31, 32, and 33, T. 6 N., R. 19 W., and all lands north of both areas to the Florida-Alabama State line; Tps. 4 N., Rs. 19 and 20 W., and that portion of T. 3 N., R. 20 W., lying north of U. S. Highway 90.

GEORGIA

Baldwin County. That area included within the corporate limits of the town of Milledgeville.

Ben Hill County. That area bounded on the east by a line parallel to and ½ mile east of the Fitzgerald city limits, on the south by a line parallel to and ½ mile south of the Fitzgerald city limits, on the west by a line parallel to and ½ mile west of the Fitzgerald city limits, on the north by a line parallel to and ½ mile north of the Fitzgerald city limits, and the projections of such lines to their intersections, including all of the city of Fitzgerald.

Bibb County. That area included within the Georgia Militia Districts of East Macon, Godfrey, Vineville, Hazzard, and Howard, and that portion of the Georgia Militia District of Rutland lying east of U. S. Highway No. 41, including all of the city of Macon, and all of Cochran Field Army Air Base.

Bleckley County. That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a circle having a 2½ mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines.

Bulloch County. That area included within a circle having a 2 mile radius and center at the Court House in Statesboro, including all of the town of Statesboro.

Burke County. That area, comprising parts of Georgia Militia Districts No. 60 and No. 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, on the north by Brier Creek, including all of the city of Waynesboro.

Crisp County. That area included within the corporate limits of the city of Cordele.

Dodge County. That area included within land lots numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District, and lots numbers 278, 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District, including all of the city of Eastman.

Emanuel County. That area included within a circle having a one and ½ mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

Houston County. That area included within the Lower Fifth Georgia Militia District, including all of the town of Warner Robins, and all of Warner Robins Field Army Air Base.

Irwin County. That area included within a circle having a ½ mile radius and center at the intersection in Irwinville of Georgia Highway 32 and the Jefferson Davis Memorial State Park Road.

Laurens County. That area bounded on the east by Oconee River, on the south by Long Branch, on the west by a line beginning at the point where Georgia Highway No. 19 crosses Sandy Ford Branch west of Dublin and extended due north and due south to the points of its intersection with the north and south boundaries, and on the north by Hunger and Hardship Creek, including all of the city of Dublin; and that portion of the Georgia Militia District of Harvard included within a circle having a 2½ mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County Lines, including all of that portion of Allentown lying in Laurens County.

Macon County. That area included within the Georgia Militia District of Marshallville, including all of the town of Marshallville.

Monroe County. That area included within the corporate limits of the town of Forsyth.

Montgomery County. That area bounded on the east by the Toombs-Montgomery County line, on the south by Rocky Creek, on the west by Georgia Highway No. 20, and on the north by Swift Creek.

Peach County. That area included within the Georgia Militia District of Fort Valley, including all of the town of Fort Valley.

Screven County. That area included within a circle having a 1¾ mile radius and center at the County Court House in Sylvania, including all of the town of Sylvania.

Toombs County. That area bounded on the east by the east boundaries of Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line and on the north by Swift Creek, including all of the city of Vidalia.

Treutlen County. That area included within the corporate limits of the town of Soperton.

Twiggs County. That portion of the Georgia Militia District of Higgsville included within a circle having a 2½ mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines, including all of those portions of Allentown and Danville lying in Twiggs County.

Washington County. That area included within a circle having a three-mile radius and center at the Sandersville High School, including all of the town of Sandersville.

Wheeler County. That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103, in the Eleventh Land District, including all of the town of Alamo.

Wilkinson County. That portion of the Georgia Militia District of Turkey Creek included within a circle having a 2½ mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines, including all of those portions of Allentown and Danville lying in Wilkinson County.

LOUISIANA

All of Orleans Parish, including the city of New Orleans, and all of St. Bernard Parish.

Iberia Parish. Secs. 24, 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 46, 55, 56, 57, 58, 59, and 60 T. 13 S., R. 6 E.

Jefferson Parish. That part lying north of the township line between Tps. 14 and 15 S.

Plaquemines Parish. That part lying north of the township line between Tps. 15 and 16 S.

Saint Tammany Parish. Secs. 38, 39, and 40 T. 7 S., R. 11 E.; and secs. 40 and 41, T. 8 S., R. 11 E.

Tangipahoa Parish. Secs. 32, 33, and 50 T. 3 S., R. 7 E.; secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E., including all of the town of Amite.

MISSISSIPPI

Covington County. W½ T. 8 N., R. 14 W., and all of T. 8 N., R. 15 W.; S⅔ Tps. 8 N., Rs. 16 and 17 W.; N⅙ T. 7 N., R. 16 W., and that part of N⅙ T. 7 N., R. 17 W., lying in Covington County; T. 7 N., R. 15 W.; E½ T. 6 N., 15 W.; W½ T. 6 N., R. 14 W.; secs. 28, 29, 30, 31, 32, and 33, T. 7 N., R. 14 W., also those parts of NW¼ T. 9 N., R. 16 W. and NE¼ T. 9 N., R. 17 W., lying in Covington County.

Forest County. T. 5 N., R. 14 W.; S½ T. 5 N., R. 13 W., and that part of N⅔ T. 5 N., R. 13 W., lying west of Leaf River; Tps. 3 and 4 N., R. 13 W.; and those parts of Tps. 3 and 4 N., R. 12 W., lying west and south of Leaf River; Tps. 1 and 2 N., R. 12 W.; T. 1 S., R. 12 W.; and E½ T. 1 S., R. 13 W.

Hancock County. Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 5 S., R. 14 W., and Tps. 8 and 9 S., R. 14 W., including all the town of Bay Saint Louis.

Harrison County. That area included within a boundary beginning at the NE. corner sec. 30, T. 4 S., R. 10 W.; thence west along the county line to the NW. corner sec. 30, T. 4 S., R. 12 W.; thence south to the NE. corner sec. 1, T. 5 S., R. 13 W.; thence west to the NW. corner sec. 2, T. 5 S., R. 13 W.; thence south to the NE. corner sec. 27, T. 7 S., R. 13 W.; thence west to the county line or the NW. corner sec. 30, T. 7 S., R. 13 W.; thence south to the Mississippi Sound; thence eastward along the Mississippi Sound to a point of intersection with the Bay of Biloxi; thence westward along the Bay of Biloxi to the SE. corner sec. 16, T. 7 S., R. 9 W.; thence north along the county line to the NE. corner sec, 33, T. 6 S., R. 9 W.; thence west to the NW. corner sec. 32, T. 6 S., R. 10 W.; and thence north to the point of beginning.

Hinds County. E½ T. 6 N., R. 3 W.; and W½ T. 6 N., R. 2 W.

Jackson County. That area included within a boundary beginning at a point where the east line of sec. 19, T. 7 S., R. 5 W., intersects Escatawpa River; thence west along said river to the Pascagoula River; thence south along the Pascagoula River to the township line between Tps. 7 and 8 S.; thence east to the SE. corner sec. 31, T. 7 S., R. 5 W.; thense north to the starting point; all that portion of T. 7 S., R. 9 W., lying in Jackson County; and W⅔ Tps. 7 and 8 S., R. 8 W.

Jefferson Davis County. Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 8 N., R. 19 W.; NE¼ T. 7 N., R. 19 W.; secs. 6, 7, and 18, T. 7 N., R. 18 W., including all the town of Prentiss; S⅔ T. 8 N., R. 18 W.; and that part of N⅙ T. 7 N., R. 17 W., lying in Jefferson Davis County.

Jones County. That part of T. 10 N., R. 11 W., lying in Jones County, except secs. 24, 25, and 36; those parts of Tps. 10 N., Rs. 12 and 13 W., lying in Jones County; all of Tps. 9 N., Rs. 12 and 13 W.; all of T. 9 N., R. 11 W., except secs. 1 and 12; E⅔ and secs. 29, 30, 31, and 32, T. 8 N., R. 12 W.; N⅔ T. 8 N., R. 11 W.; and N½ T. 7 N., R. 12 W.; also secs. 29, 30, 31, and 32, and those parts of secs. 28 and 33 lying west of Leaf River, all in T. 6 N., R. 13 W.; and secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.

Lamar County. That part of T. 1 N., R. 14 W., lying in Lamar County; all of Tps. 2, 3, and 4 N., R. 14 W.; E½ T. 1 N., R. 15 W.; secs. 1 and 2, T. 1 S., R. 15 W.; secs. 6, T. 1 S., R. 14 W., including all the towns of Lumberton and Purvis.

Pearl River County. W½ T. 2 S., R. 15 W.; secs. 3, 4, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 1 S., R. 15 W.; secs. 1, 12, 13, 24, 25, and 36, T. 2 S., R. 16 W.; all of T. 5 S., R. 16 W.; and E½ T. 5 S., R. 17 W.

Rankin County. E½ T. 3 N., R. 2 E.; and all of T. 3 N., R. 3 E.

Simpson County. E⅔ T. 2 N., R. 3 E.; all of T. 2 N., R. 4 E.; N⅙ T. 1 N., R. 4 E.; secs. 29, 30, 31, and 32, T. 1 N., R. 6 E.; secs. 25, 26, 35, and 36, T. 1 N., R. 5 E.; secs. 4, 5, 6, 7, 8, and 9, T. 10 N., R. 17 W.; and secs. 1 and 12, T. 10 N., R. 18 W.

Stone County. W⅓ Tps. 2 and 3 S., R. 11 W.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 4 S., R. 11 W.; E⅓ T. 2 S., R. 12 W.; secs. 3, 4, 5, 8, 9, and 10 T. 2 S., R. 12 W.; E⅓ T. 3 S., R. 12 W.; and secs. 1, 2, 11, 12, 13, 14, 23, and 24, T. 4 S., R. 12 W.

NORTH CAROLINA

Anson County. That area bounded on the east by a due north-south line one mile east of the intersection in Peachland of U. S. Highway No. 74 and the Diamond Hill Road; on the west by a due north-south line intersecting U. S. Highway No. 74 at the point where it crosses Lanes Creek; on the north by a due east-west line 1⅒ miles north of the intersection in Peachland of U. S. Highway No. 74 and the Diamond Hill Road; on the south by a line parallel to the south corporate limits of Peachland ⅒ mile south of such corporate limits; and the projection of such lines to their intersections; also all that area included within the corporate limits of Polkton.

Bladen County. All of the area included within the corporate limits of Bladenboro.

Brunswick County. All of Eagles Island.

Cumberland County. That area included within a boundary beginning at the junction of the Cumberland-Hope Mills Road and the Fayetteville-Dundarrach Road; thence following a line due south to the point of intersection with Rockfish Creek; thence easterly along Rockfish Creek to the point where it is crossed by U. S. Highway No. 301; thence northeasterly along U. S. Highway No. 301 to a point of intersection with a line projected due east from the junction of the Cumberland-Hope Mills Road and the Fayetteville-Dundarrach Road; thence west along said line to the point of beginning.

New Hanover County. All of the city of Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all the town of Winter Park; and all that part of Masonboro Township lying north of the new Sunset Park-Winter Park Road.

Onslow County. An area one mile wide extending from the junction of U. S. Highway No. 17 and U. S. Highway No. 24 west of Jacksonville and following U. S. Highway No. 17 with said Highway as a center line to the eastern boundary of Hoffman Forest, including all the town of Jacksonville; and an area one mile wide beginning at the eastern corporate limits of Jacksonville and extending southeasterly along U. S. Highway No. 24 with said Highway as a center line to Northeast Creek.

Pender County. Townships of Burgaw, Caswell, Long Creek, and Rocky Point; that part of Columbia Township lying south of a straight line constituting a projection eastwardly of the northern boundary line of Caswell Township to its intersection with the northern boundary of Burgaw Township; and that part of Grady Township north of the Long Creek-Montague-Borough Road.

Robeson County. That area bounded on the south by a line ½ mile south of and parallel to the south corporate limits of Parkton; on the west by a line ⅖ mile west of and parallel to the west corporate limits of Parkton; on the north and east by the north and east corporation limit lines, respectively, of Parkton; and the projection of such lines to their intersections.

Union County. All of that area included within the corporate limits of Marshville.

Wayne County. All of Goldsboro Township; that area bounded on the north by a due east-west line ½ mile north of the intersection in Pikeville of the Atlantic Coast Line Railroad and Main Street; on the south by a due east-west line ½ mile south of said intersection; on the east and west by the east and west corporation limit lines, respectively, of Pikeville; and the projection of such lines to their intersections.

§ 301.72–3 *Regulated articles—(a) Prohibited movement.* The movement of live white-fringed beetles in any stage of development from one State or Territory of the United States or the District of Columbia into another of such places, either independently or in connection with any other articles, is prohibited, except as provided in paragraph (b) of § 301.72–9.

(b) *Regulated movement.* Except as provided in administrative instructions, the interstate movement of the following articles from any regulated area is regulated throughout the year.

(1) Soil, sand, gravel, clay, peat, or muck, whether moved independently or in connection with or attached to nursery stock, plants, products, articles, or things.

(2) Compost, manure, moss, and leafmold.

(3) Nursery stock.

(4) Grass sod.

(5) Plant crowns or roots for propagation.

(6) Uncleaned grass, grain, and legume seed.

(7) Potatoes (Irish), when freshly harvested.

(8) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(9) Hay and straw.

(10) Peanuts in shells.

(11) Seed cotton, cottonseed, and baled cotton lint and linters.

(12) Scrap metal and junk.

(13) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(14) Brick, tile, stone, and cinders.

(15) Concrete slabs, pipe, and building blocks.

(16) Implements, machinery equipment, and containers.

§ 301.72–4 *Conditions of interstate movement—(a) Certification required.* Regulated articles shall not be moved interstate from a regulated area to or through any point outside thereof unless accompanied by a valid inspection certificate issued by an inspector: *Provided,* That certification requirements as they relate to part or all of any regulated area or regulated products may be waived during part or all of the year, by the Chief of the Bureau of Entomology and Plant Quarantine, on his finding and giving due notice thereof, in administrative instructions, that the State concerned has promulgated and enforced adequate sanitary measures on and about the premises on which regulated articles originate or are retained, or that adequate volunteer sanitary measures have been applied, or that other control or natural conditions exist which have eliminated the risk of contamination by the pests in any stage of development.

(b) *Use of certificate on shipments.* Unless exempted by administrative instructions, and except as provided in § 301.72–5 (b) for movement of uncertified shipments under limited permits to designated destinations, every container of regulated articles moved interstate from any regulated area shall have securely attached to the outside thereof a certificate issued in compliance with §§ 301.72 to 301.72–9, inclusive, except that in the case of shipments in bulk by rail a master permit attached to the waybill will be sufficient. In the case of shipments in bulk by road vehicle a master permit shall accompany the vehicle and be surrendered to the consignee on delivery.

(c) *Movement within continuous areas not regulated.* No certificates are required for interstate movement of regulated articles when such movement is wholly within continuous regulated areas.

(d) *Articles originating outside the regulated areas.* No certificates are required for the interstate movement of regulated articles originating outside of the regulated areas moving through or from a regulated area, when the point of origin is clearly indicated, when their identity has been maintained, and when the articles are protected, while in the regulated area, in a manner satisfactory to the inspector.

§ 301.72–5 *Conditions under which certificates and permits may be issued—(a) Issuance of certificates and master permits.* Certificates or master permits authorizing the interstate movement of soil, earth, sand, gravel, clay, peat, muck, or compost originating in noninfested parts of the regulated areas, and of all other regulated articles from any part of the regulated areas may be issued upon determination by the inspector that the articles are (1) apparently free from infestation; or (2) have been treated, fumigated, sterilized, or processed under approved methods; or (3) were grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby. Certificates and master permits authorizing the interstate movement of soil, sand, gravel, clay, peat, muck, or compost, originating in an infested area may be issued only when such materials have been treated or handled under methods or conditions approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(b) *Limited permits.* Limited permits may be issued for the movement of noncertified regulated articles to destinations and consignees as may be authorized and designated by the Chief of the Bureau of Entomology and Plant Quar-

antine for processing or other handling. As a condition of such authorization and designation, persons or firms shipping, receiving, or transporting such articles may be required to agree in writing to maintain such sanitary safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of regulated products and cleaning of railway cars, trucks, or other vehicles used in the transportation of such articles as may be required by the inspector.

(c) *Dealer-carrier permit.* As a condition of issuance of certificates or permits for the interstate movement of regulated articles, persons, or firms engaged in purchasing, assembling, exchanging, processing, or carrying such regulated articles originating or stored in regulated areas, may be required to execute a signed agreement stipulating that the permittee will carry out any and all conditions, treatments, precautions, and sanitary measures which may be deemed necessary.

§ 301.72–6 *Procedure for obtaining certificates or permits; applications.* Persons intending to move regulated articles, the certification of which is required, interstate from regulated areas shall make application for certification as far as possible in advance of the probable date of shipment. Applications must show the nature and quantity of articles to be moved, together with their exact location, and if practicable, the contemplated date of shipment. Applicants for inspection may be required to assemble or indicate the articles to be shipped so that they may be readily examined by the inspector.

The United States Department of Agriculture will not be responsible for any cost incident to inspection or treatment other than the services of the inspector.

§ 301.72–7 *Cancellation of certificates or permits.* Certificates or permits issued under these regulations may be withdrawn or canceled and further certification refused whenever, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, the further use of such certificates or permits might result in the dissemination of an infestation.

§ 301.72–8 *Cleaning of vehicles.* When in the judgment of the inspector a hazard of spread of infestation is involved, thorough cleaning of freight cars, trucks, and other vehicles may be required before movement interstate to points outside the regulated areas.

§ 301.72–9 *Shipments for experimental or scientific purposes*—(a) *Articles for experimental or scientific purposes.* Regulated articles other than live white-fringed beetles may be moved interstate for experimental or scientific purposes on such conditions as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

(b) *Beetles for scientific purposes.* Live white-fringed beetles, in any stage of development, may be moved from one State or Territory of the United States or the District of Columbia into another of such places for scientific purposes only under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of white-fringed beetles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

This revision of the quarantine and regulations shall be effective on and after March 15, 1947 and shall supersede the quarantine and regulations issued December 12, 1945. Since the season for shipment of nursery stock is imminent and it is necessary to regulate the movement of nursery stock and other articles from areas infested with the white-fringed beetles and not now regulated, in order to prevent the spread of said insect pest, it is found, upon good cause, that notice and public procedure under the Administrative Procedure Act with respect to extension of the regulated areas in Alabama and Mississippi and certain other changes in the regulations would be contrary to the public interest and that the foregoing quarantine and regulations should be made effective less than 30 days after publication.

Done at Washington, D. C., this 6th day of March 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended, provides that any person who shall violate any of the provisions of this quarantine or regulations pursuant thereto shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding one year, or both such fine and imprisonment in the discretion of the court.

STATE AND FEDERAL INSPECTION

State and Federal regulations for which provision is made in this quarantine are enforced cooperatively by State and Federal authorities. Copies of either the Federal or State quarantine orders may be obtained at the offices of the Bureau of Entomology and Plant Quarantine, P. O. Box 989, Gulfport, Miss., P. O. Box 896, Macon, Ga., or through a White-fringed Beetle Inspector at one of the subsidiary offices, or at one of the following State offices:

GENERAL OFFICES OF STATES COOPERATING

Alabama: Chief, Division of Plant Industry, Montgomery 1.
Florida: Plant Commissioner, State Plant Board, Gainesville.
Georgia: Director of Entomology, State Capitol, Atlanta 3.
Louisiana: State Entomologist, Box 4153, Capitol Station, Baton Rouge 4.
Mississippi: Entomologist, State Plant Board, State College.
North Carolina: State Entomologist, Department of Agriculture, Raleigh.

[F. R. Doc. 47-2311; Filed, Mar. 11, 1947; 8:45 a. m.]

Chapter XIII—Production and Marketing Administration (Surplus Property

[Form PMA-237, 11-15-46]

PART 1701—SALES OF SURPLUS PROPERTY

GENERAL INFORMATION AND CONDITIONS OF SALE

GENERAL INFORMATION

Sec.
1701.1 Nature of property sold.
1701.2 To priority claimants.
1701.3 To others.
1701.4 How to submit requests or offers.

CONDITIONS OF SALE

1701.5 Documents included in contract.
1701.6 Basis of sale.
1701.7 Representation.
1701.8 Payment.
1701.9 Shipping instructions (f. o. b. carrier).
1701.10 Delivery.
1701.11 Transfer of title.
1701.12 Adjustments.
1701.13 Compliance.
1701.14 Officials not to benefit.

AUTHORITY: §§ 1701.1 to 1701.14, inclusive, issued under sec. 21 (a), 58 Stat. 775; 50 U. S. C., App. Sup., 1630 (a).

GENERAL INFORMATION FOR PROSPECTIVE PURCHASERS OF SURPLUS AGRICULTURAL COMMODITIES AND FOODS

§ 1701.1 *Nature of property sold.* The property listed in Surplus Property Sale Announcements of the United States Department of Agriculture (hereinafter referred to as "USDA"), has been declared surplus by owning agencies to USDA for disposal in accordance with Surplus Property Act of 1944 (58 Stat. 775, as amended; 50 U. S. C., App. Sup. 1611 et seq.). The commodities will be sold subject to priorities provided in the regulations (32 CFR Chap. XXIII) of the War Assets Administration (hereinafter referred to as WAA). USDA reserves the right to withdraw all or any part of the property included in any announcement. Prospective purchasers are urged to inspect property.

§ 1701.2 *To priority claimants.* (a) Veterans certified as eligible by WAA, Reconstruction Finance Corporation (for resale) under section 18 (e) of the Surplus Property Act of 1944, State and local governments and instrumentalities thereof for their own use, non-profit institutions whose applications are approved in accordance with procedures prescribed by WAA, and public international organizations for their own use, will be accorded their respective priorities to acquire the property at its fair value pursuant to regulations of the WAA. Educational and public health instrumentalities and non-profit institutions whose applications are approved in accordance with procedures prescribed by WAA may acquire the property at its fair value, less the 40% discount authorized by the regulations of the WAA and USDA if the approval of the application expressly provides for such discount.

(b) A prospective purchaser who is entitled to acquire property on the basis of its fair value will be notified by telegram of the quantity allotted to him and

the definite price which is determined to be fair value as soon as determination as to such quantity and price has been made. If he wishes to buy he shall accept such allotment at such price. Such acceptance must be received by USDA at the address shown on the announcement within 24 hours following the sending of the telegram by USDA, otherwise the request of such purchaser will be deemed withdrawn. If there is no quantity available the prospective purchaser will be notified of that fact by mail.

§ 1701.3 *To others.* Subject to prior sale to holders of priorities under regulations of WAA, the property described in the announcements is offered to the following groups in the order named:

(a) Original vendor or processor.
(b) Vendors or processors of like commodities.
(c) Wholesale food distributors, chain stores, and other such trade groups.
(d) All others.

USDA reserves the right to reject any and all offers in whole or in part.

§ 1701.4 *How to submit requests or offers*—(a) *Priority claimants.* (1) A prospective purchaser who is a holder of a priority under regulations of WAA, in making a request shall indicate the item, lot number, and quantity of the property requested. The request shall contain the Priority Announcement number and specify that it is subject to such Priority Announcement. Requests of State and local governments and instrumentalities thereof shall contain the following certification: "The property listed herein is for the priority claimant's own use and not for transfer or disposition to others." If requests submitted by Reconstruction Finance Corporation (for resale), State and local governments, non-profit institutions and public international organizations are made on a printed form normally used by the requesting agency in the procurement of supplies, a statement should also be made on such form to the effect that any terms or conditions contained therein which are in variance with the terms and conditions of the Priority Announcement or in addition thereto are void and have no effect whatsoever.

(2) A prospective purchaser who is a veteran certified as eligible by WAA, should file with his request the signed original of his certificate of eligibility or indicate that such certificate has been previously submitted.

(3) Non-profit institutions desiring to acquire surplus property at "fair value" as well as educational and public health non-profit institutions and instrumentalities desiring to acquire such property at "fair value less 40%" must establish their eligibility for obtaining property at "fair value" or at "fair value less 40%," as the case may be, in accordance with regulations of WAA.

(b) *Others.* All others shall submit offers by letter or telegram indicating the item, lot number, and quantity on which they are making an offer and the unit price (for instance price per pound, dozen, gallon) bid on each individual item. This offer shall also contain the announcement number and shall specify that the offer is subject to the conditions of such announcement.

(c) *Submission.* All priority requests and commercial offers should be addressed to USDA at the address shown in the announcement. If request by priority holder is made by mail a notation should be placed in the lower left-hand corner of the envelope: "Request under Priority Announcement No. -- Do not open." If offers from others are made by mail, a notation should be placed on the lower left-hand corner of the envelope: "Offer under Announcement No. -- Do not open." The applicable Priority Announcement number or announcement number shall be inserted by the prospective purchaser.

CONDITIONS OF SALE

§ 1701.5 *Documents included in contract.* These conditions of sale, the notification of quantity and fair value by USDA, and the acceptance thereof by the priority purchaser; or these conditions of sale, the offer of a commercial purchaser, and the acceptance by USDA constitute a valid and binding contract which arises when the acceptance is sent. The Surplus Property Sale Announcement issued by USDA is referred to herein as "the announcement."

§ 1701.6 *Basis of sale.* The information as to the commodity stated in the announcement is based on available reports. USDA warrants that it has the right to transfer title to the commodity sold and, if the commodity is a food, that it is fit for human consumption, but makes no other warranty, expressed or implied, by way of description or otherwise, unless the announcement refers to a particular statement as a warranty.

§ 1701.7 *Representation.* After a contract has been made by USDA and a purchaser, no variation from the contract or modification thereof, and no representation made or warranty given by any Federal employee in variance thereof, shall be of any effect, unless it is specified in writing, and it is duly made a part of the contract or constitutes an amendment thereof.

§ 1701.8 *Payment*—(a) *State and local Governments, RFC (for resale), and public international organization.* Billing for the contracted quantity will be made as soon as practicable by USDA after issuance of a "Notice to Release." Payment shall be made within 30 days after date of such billing.

(b) *Others.* (1) The purchaser shall forward a Certified or Cashier's Check, payable to the "Treasurer of the United States" which must be received not later than 10 days from the date of the acceptance. If payment is not received within the time herein prescribed, USDA will consider the purchaser in default and may at its option offer the commodity again for sale. If, as a result of such offer, the commodity is sold for a lesser amount, the defaulting purchaser agrees promptly to reimburse USDA for such deficiency. By such sale, however, USDA shall not be deemed to have waived any other rights it may have.

(2) Payment shall cover the full amount of the purchase, shall be accompanied by an appropriate letter of transmittal in duplicate indicating the check number, amount of check, contract number, name of commodity, and, in case of f. o. b. carrier sales, shipping instructions, and shall be forwarded to the Director, Fiscal Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C.

§ 1701.9 *Shipping instructions (f. o. b. carrier).* When the announcement provides for delivery f. o. b. carrier, State and local governments, RFC (for resale), and public international organizations shall forward adequate shipping instructions, including information as to destination carrier, so that they shall be received by USDA within ten days after date of acceptance. All other purchasers shall furnish adequate shipping instructions, including information as to destination carrier, as a part of their letters transmitting checks in accordance with § 1701.8 (b). If shipping instructions are not received by USDA within the time prescribed, the Government may store the property elsewhere for the account and at the expense of the purchaser.

§ 1701.10 *Delivery*—(a) *Indications in announcement as to method of sale.* The announcement indicates whether particular lots will be delivered on the basis of f. o. b. carrier or transfer of title at present location. The provisions applicable to each of these modes of delivery are detailed herein.

(b) *F. o. b. carrier.* In the case of commodities sold to State and local governments, to RFC (for resale), or to public international organizations, USDA will mail a Notice to Release to the custodian of the commodity as soon as practicable after receipt of shipping instructions. In the case of other purchasers, USDA will mail a Notice to Release to the custodian of the commodity as soon as practicable after receiving payment therefor and shipping instructions. In all cases, a copy of the Notice to Release will be mailed to the purchaser at the time such notice is mailed to the custodian. The Government will deliver the commodity f. o. b. carrier at present location in accordance with purchaser's shipping instructions, freight collect. If shipping instructions provide that the purchaser will pick up the commodity, he shall do so within the ten day period beginning on the sixth calendar day after the mailing of the Notice to Release by USDA. If the purchaser fails to pick up the commodity within such ten day period, the commodity may be delivered f. o. b. carrier, consigned to the purchaser at the address indicated in the contract, freight collect.

(c) *Transfer of title at present location.* In the case of commodities sold to State and local governments, to RFC (for resale), or to public international organizations, USDA will mail a Notice to Release to the custodian of the commodity as soon as practicable. In the case of other purchasers, USDA will mail a Notice to Release to the custodian of the commodity as soon as practicable after receiving payment therefor, as pre-

scribed in § 1701.8 (b). In all cases a copy of the Notice to Release will be mailed to the purchaser who shall, upon receipt thereof, arrange for shipment or continued storage. All handling, loading, storage and other warehouse charges which may accrue prior to the close of business on the fifteenth calendar day after mailing of the Notice to Release shall be for the account of the Government. All handling, loading, storage, and other warehouse charges which may accrue after the close of business of such fifteenth day shall be for the account of the purchaser.

§ 1701.11 *Transfer of title*—(a) *Indications in announcement as to method of sale.* The announcement indicates whether particular lots will be delivered on the basis of f. o. b. carrier or transfer of title at present location. The provisions applicable to transfer of title for each of these modes of delivery are detailed herein.

(b) *F. o. b. carrier.* Title to the property shall pass to the purchaser when the bill of lading is executed by the carrier showing acceptance of the commodity by the carrier. If the Government stores the property elsewhere in accordance with § 1701.9, title shall pass to the purchaser when the property is delivered to such other place of storage.

(c) *Transfer of title at present location.* Title to the commodity will pass to the purchaser at present location at the close of business of the fifteenth day following the mailing of the Notice to Release to the custodian of the commodity or at the time purchaser takes actual possession, whichever is earlier.

§ 1701.12 *Adjustments.* If there is any overage or shortage as between the quantity of the commodity purchased and the quantity delivered, the total purchase price will be adjusted at the unit sale price, and reimbursement to the purchaser in case of shortage, and payment to USDA in case of overage will be made promptly. Claims for shortages must be supported by satisfactory documents showing the variance in the quantity at the time of delivery. In case of total failure to deliver, for reasons beyond the control of USDA or because the commodity is not available for delivery in accordance with the contract, USDA will refund the purchase price to the purchaser. If commodity or any portion thereof is not as warranted, an adjustment will be made at a rate not to exceed the unit sale price. All commodities which are claimed not to comply with the warranty shall be held subject to inspection and disposition instructions by USDA except where local ordinance forbids such holding, in which event purchaser shall submit an official certificate from the local government authorities setting forth the quantity, condition, and disposition of the commodities. In the previously mentioned cases of shortages, total failure to deliver, or failure to meet warranty, USDA shall not be liable beyond the extent specified, but sales shall be subject to such other adjustments (including additional adjustments in cases of shortage, total failure to deliver, or failure to meet warranty) upon the request of the purchaser as the Secretary of Agriculture or his designated representative may in his sole discretion determine to be equitable under the circumstances. Such determinations shall in all cases be final. All claims and requests for adjustment under this paragraph must be presented to USDA within 60 days after transfer of title.

§ 1701.13 *Compliance.* Purchaser agrees to comply with all applicable regulations and directives of the U. S. Food and Drug Administration, Civilian Production Administration, Office of Price Administration, and the Secretary of Agriculture, and all other applicable governmental regulations and directives.

§ 1701.14 *Officials not to benefit.* No member of, or delegate to Congress, or Resident Commissioner shall be admitted to any share or part of the contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the contract if made with a corporation for its general benefit. (R. S. 3741, as amended, 35 Stat. 1109, as amended; 41 U. S. C. 22; 18 U. S. C. 204–6)

Issued this 7th day of March 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator.

[F. R. Doc. 47-2312; Filed, Mar. 11, 1947; 8:45 a. m.]

Chapter XXI—Organization, Functions and Procedure of the Department of Agriculture

Subchapter C—Production and Marketing Administration

PART 2301—OFFICE OF THE ADMINISTRATOR

Paragraph (b), *Surplus property, in* § 2301.13 *Procedures* (11 F. R. 177A–261) is amended by amending the second sentence thereof to read as follows: "Additional policies and procedures governing the disposal of surplus agricultural commodities and surplus foods processed therefrom are issued by the Department of Agriculture (7 CFR Parts 1700 et seq.)."

(Sec. 21 (a), 58 Stat. 775; 50 U. S. C., App. Sup., 1630 (a))

Issued this 7th day of March 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 47-2313; Filed, Mar. 11, 1947; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 97]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF CIVIL AIRWAYS

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee;

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Civil Airways: Green Civil Airway No. 5; Amber Civil Airway No. 4; Red Civil Airways Nos. 1, 6, 13, 19, 33, 37, and 50; and Blue Civil Airway No. 36

1. By amending § 600.10004 to read as follows:

§ 600.10004 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* From the Los Angeles, Calif., radio range station via the Riverside, Calif., radio range station; the intersection of the center lines of the on course signals of the east leg of the Riverside, Calif., radio range and the west leg of the Blythe, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the center lines of the on course signals of the south leg of the Phoenix, Ariz., radio range and the northwest leg of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Tucson, Ariz., radio range and the west leg of the Cochise, N. Mex., radio range; Cochise, N. Mex., radio range station; Rodeo, N. Mex.; radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Memphis, Tenn., radio range station; Jacks Creek, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Nashville, Tenn., radio range and the northwest leg of the Smithville, Tenn., radio range; Smithville, Tenn., radio range station; the intersection of the center lines of the on course signals of the east leg of the Smithville, Tenn., radio range and the west leg of the Knoxville, Tenn., radio range, excluding that portion which lies more than two miles north of the center line of the on course signal of the west leg of the Knoxville, Tenn., radio range between the intersection of the center lines of the on course signals of the east leg of the Smithville, Tenn., radio range and the west leg of the Knoxville, Tenn., radio range and a point thirteen miles west of the Knoxville, Tenn., radio range station; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Va., radio range and the south leg of the Washington, D. C., radio range; a point at latitude 38°41'50", longitude 76°51'47"; the Millville, N. J., radio range station, the intersection of the center lines of the on course signals of the northeast leg of the Millville, N. J., radio range and the southwest leg of the Mitchel Field, N. Y. (Army), radio range; the Mitchel Field, N. Y. (Army), radio range station, the intersection of the center lines of the on course signals of the northeast leg of the Mitchel Field, N. Y. (Army), radio range and the southwest leg of the Boston, Mass., radio range to the intersection of the center lines of the on course signals of the southwest leg of the Boston, Mass., radio range and the southeast leg of the Westfield, Mass., radio range.

2. By amending § 600.10103 *Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.)* to read as follows:

§ 600.10103 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* From the Municipal Airport, Brownsville, Tex., via the Brownsville, Tex., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Brownsville, Tex., radio range and the south leg of the Alice, Tex., radio range; the Alice, Tex., radio range station; the intersection of the center lines of the on course signals of the north leg of the Alice, Tex., radio range, and the south leg of the Alamo radio range, San Antonio, Tex.; the Alamo radio range station, San Antonio, Tex.; the intersection of the center lines of the on course signals of the north leg of the Alamo radio range, San Antonio, Tex., and the southwest leg of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Waco, Tex., radio range and the south leg of the Fort Worth, Tex., radio range; Fort Worth, Tex., radio range station; the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Oklahoma City, Okla., radio range and the southwest leg of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Tulsa, Okla., radio range and the south leg of the Chanute, Kans., radio range; Chanute, Kans., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Chanute, Kans., radio range and the southwest leg of the Kansas City, Mo., radio range; Kansas City, Mo., radio range station; St. Joseph, Mo., radio range station; Omaha, Nebr., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; the Aberdeen, S. Dak., Municipal Airport, the Bismarck, N. Dak., radio range station and the intersection of the center lines of the north leg of the Bismarck, N. Dak., radio range and the southeast leg of the Minot, N. Dak., radio range to the Minot, N. Dak., radio range station.

3. By amending § 600.10200 to read as follows:

§ 600.10200 *Red civil airway No. 1 (Portland, Oreg., to Kansas City, Mo.).* From the Portland, Oreg., radio range station via the intersection of the center lines of the on course signals of the east leg of the Portland, Oreg., radio range and the northwest leg of The Dalles, Oreg., radio range; The Dalles, Oreg., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Boise, Idaho, radio range and the northwest leg of the Burley, Idaho, radio range; the Burley, Idaho, radio range station; Malad City, Idaho, radio range station and the intersection of the center lines of the on course signals of the southeast leg of the Malad City, Idaho, radio range and the north leg of the Fort Bridger, Wyo., radio range to the Fort Bridger, Wyo., radio range station. From the intersection of the center lines of the on course signals of the northwest leg of the Laramie, Wyo., radio range and the northwest leg of the Cheyenne, Wyo., radio range via the Laramie, Wyo., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Laramie, Wyo., radio range and the north leg of the Denver, Colo., radio range. From the Akron, Colo., radio range station via the Salina, Kans., radio range station and the center of the city of McFarland, Kans., to the Kansas City, Mo., radio range station.

4. By amending § 600.10205 *Red civil airway No. 6 (Sinclair, Wyo., to Grand Island, Nebr.)* to read as follows:

§ 600.10205 *Red civil airway No. 6 (Las Vegas, Nev., to Grand Island, Nebr.).* From the intersection of the center lines of the on course signals of the northeast leg of the Las Vegas, Nev., radio range and the southwest leg of the St. George, Utah, VHF radio range via the St. George, Utah, VHF radio range station; the Bryce Canyon, Utah, VHF radio range station; the Hanksville, Utah, VHF radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Hanksville, Utah, VHF radio range and the southwest leg of the Grand Junction, Colo., VHF radio range; the Grand Junction, Colo., VHF radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Grand Junction, Colo., VHF radio range and the southwest leg of the Eagle, Colo., VHF radio range, the Eagle, Colo., VHF radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Eagle, Colo., VHF radio range and the west leg of the Denver, Colo., VHF radio range to the Denver, Colo., VHF radio range station. From the Denver, Colo., radio range station via the Akron, Colo., radio range station and the Hayes Center, Nebr., radio range station to the Grand Island, Nebr., radio range station.

5. By amending § 600.10212 to read as follows:

§ 600.10212 *Red civil airway No. 13 (Sunbury, Pa., to Boston, Mass.).* From the intersection of the center lines of the on course signals of the east leg of the Phillipsburg, Pa., radio range and the southwest leg of the Wilkes-Barre, Pa., radio range via the Wilkes-Barre, Pa., radio range station; Stewart Field, N. Y., radio range station; New Hackensack, N. Y., radio range station; Hartford, Conn., radio range station and the Providence, R. I., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Providence, R. I., radio range and the southwest leg of the Boston, Mass., radio range.

6. By amending § 600.10218 *Red civil airway No. 19 (Dayton, Ohio, to Grand Rapids, Mich.)* to read as follows:

§ 600.10218 *Red civil airway No. 19 (Washington, D. C., to Grand Rapids, Mich.).* From the intersection of the center lines of the on course signals of the west leg of the Front Royal, Va., radio range and the southeast leg of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the intersection of the center lines of the on course signals of the northwest leg of the Morgantown, W. Va., radio range and the west leg of the Pittsburgh, Pa., radio range. From the Dayton, Ohio, radio range station via the Fort Wayne, Ind., radio range station; to the intersection of the center lines of the on course signals of the northwest leg of the Fort Wayne, Ind., radio range and the east leg of the Goshen, Ind., radio range. From the Goshen, Ind., radio range station via the intersection of the center lines of the on course signals of the north leg of the Goshen, Ind., radio range and the southwest leg of the Grand Rapids, Mich., radio range to the Grand Rapids, Mich., radio range station.

7. By amending § 600.10232 *Red civil airway No. 33 (Gordonsville, Va., to Boston, Mass.)* to read as follows:

§ 600.10232 *Red civil airway No. 33 (Richmond, Va., to New Hackensack, N. Y.).* From the Richmond, Va., radio range station via the Gordonsville, Va., radio range station; the Arcola, Va., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Arcola, Va., radio range and the southwest leg of the Allentown, Pa., radio range; the Allentown, Pa., radio range station to the Stewart Field, N. Y., radio range station.

8. By amending § 600.10236 *Red civil airway No. 37 (Texarkana, Ark., to Washington, D. C.)* to read as follows:

§ 600.10236 *Red civil airway No. 37 (Dallas, Tex., to Washington, D. C.).* From the intersection of the center lines of the on course signals of the northwest leg of the Tyler, Tex., radio range and the east leg of the Dallas, Tex., radio range via the Tyler, Tex., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Tyler, Tex., radio range and the west leg of the Shreveport, La., radio range. From the intersection of the center lines of the on course signals of the northeast leg of the Texarkana, Ark., radio range and the southwest leg of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; the Stuttgart, Ark., radio range station to the intersection of the center lines of the on course signals of the east leg of the Stuttgart, Ark., radio range and the west leg of the Memphis, Tenn., radio range. From the Roanoke, Va., radio range station via the Lynchburg, Va., radio range station to the Gordonsville, Va., radio range station. From the intersection of the center lines of the on course signals of the south leg of the Quantico, Va. (Navy), radio range and the southwest leg of the Washington, D. C., radio range via the Quantico, Va. (Navy), radio range station to the intersection of the center lines of the on course signals of the north leg of the Quantico, Va. (Navy), radio range and the northwest leg of the Washington, D. C., radio range, excluding that portion which lies more than two miles west of the center line of the on course signal of the north leg of the Quantico, Va. (Navy), radio range between the range station and the intersection of the north leg of the Quantico, Va. (Navy), radio range and the northwest leg of the Washington, D. C., radio range.

9. By amending § 600.10249 to read as follows:

§ 600.10249 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* From the intersection of the center lines of the on course signals of the east leg of the Galena, Alaska, radio range and the southwest leg of the Tanana, Alaska, radio range via the Tanana, Alaska, radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Tanana, Alaska, radio range and the west leg of the Fairbanks, Alaska, radio range. From the Nenana, Alaska, radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Nenana, Alaska, radio range and the southwest leg of the Fairbanks, Alaska, radio range.

10. By adding new § 600.10259 to read as follows:

§ 600.10259 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.)* From the Oakland, Calif., radio range station via the Stockton, Calif., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Stockton, Calif., radio range and the southeast leg of the Sacramento, Calif., radio range.

11. By amending § 600.10317 to read as follows:

§ 600.10317 *Blue civil airway No. 18 (Philadelphia, Pa., to Burlington, Vt.).* From the intersection of the center lines of the on course signals of the northeast leg of the Philadelphia, Pa., radio range and the southwest leg of the New York, N. Y. (La Guardia), radio range via the intersection of the center lines of the on course signals of the northeast leg of the Philadelphia, Pa., radio range and the southwest leg of the Idlewild, N. Y., radio range; the Idlewild, N. Y., radio range station to the intersection of the center line of the on course signals of the northeast leg of the Idlewild, N. Y., radio range and the east leg of the New York, N. Y. (La Guardia), radio range. From the intersection of the center line of the on course signals of the northwest leg of the New York, N. Y. (La Guardia), radio range and the southwest leg of the New Hackensack, N. Y., radio range via the New Hackensack, N. Y., radio range station, excluding that portion which lies more than two miles west of the center line of the on course signals of the southwest leg of the New Hackensack, N. Y., radio range between a point 25 miles northeast from the intersection of the center line of the on course signals of the northwest leg of the New York, N. Y. (La Guardia), radio range and the southwest leg of the New Hackensack, N. Y., radio range and a point 10 miles south of the New Hackensack, N. Y., radio range; the Albany, N. Y., radio range station to the Burlington, Vt., radio range station.

12. By amending § 600.10335 to read as follows:

§ 600.10335 *Blue civil airway No. 36 (Akron, Colo., to North Platte, Nebr.).* From the Akron, Colo., radio range station to the North Platte, Nebr., radio range station.

13. By amending § 600.10106 to read as follows:

§ 600.10106 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine).* From the Key West, Fla., radio range station via a point at latitude 24°51'20", longitude 80°40'20"; Miami, Fla., radio range station; the intersection of the center lines of the on course signals of the north leg of the Miami, Fla., radio range and the southeast leg of the Melbourne, Fla., radio range; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Savannah, Ga., radio range and the southwest leg of the Charleston, S. C., radio range; Charleston, S. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Charleston, S. C., radio range and the southeast leg of the Florence, S. C., radio range; Florence, S. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Florence, S. C., radio range and the south leg of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; Richmond, Va., radio range station; the intersection of the center lines of the on course signals of the north leg of the Richmond, Va., radio range and the south leg of the Washington, D. C., radio range; the Washington, D. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Washington, D. C., radio range and the southwest leg of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; Newark, N. J., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Newark, N. J., radio range and the northeast leg of the New York, N. Y. (La Guardia), radio range; Hartford, Conn., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Hartford, Conn., radio range and the west leg of the Boston, Mass., radio range; Boston, Mass., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Boston, Mass., radio range and the southwest leg of the Portland, Maine, radio range; Portland, Maine, radio range station; Augusta, Maine, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Augusta, Maine, radio range and the southwest leg of the Bangor, Maine, radio range; Bangor, Maine, radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Bangor, Maine, radio range and the southwest leg of the Millinocket, Maine, radio range; Millinocket, Maine, radio range station; Presque Isle, Maine, radio range; Presque Isle, Maine, radio range station; to the Municipal Airport, Caribou, Maine.

14. By deleting § 600.10404 which reads as follows:

§ 600.10404 *Bismarck, N. Dak., to Minot, N. Dak. civil airway.* From the Municipal Airport, Bismarck, N. Dak., to the Municipal Airport, Minot, N. Dak.

This amendment shall become effective 0001 e. s. t., March 15, 1947.

(Sec. 302, 52 Stat. 985, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 452)

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-2327; Filed, Mar. 11, 1947; 8:46 a. m.]

[Amdt. 151]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS AND RADIO FIXES

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including airport traffic zones and radio fixes, at such points; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee;

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Airway Traffic Control Areas: Amber Civil Airway No. 4; Red Civil Airways Nos. 1, 6, 19, 33, 37, 50, 60. Redesignation of Radio Fixes: Green Civil Airways Nos. 2, 3 and 5; Amber Civil Airways Nos. 4 and 7; Red Civil Airways Nos. 1, 6, 13, 19, 33, 37, and 60; Blue Civil Airways Nos. 4 and 11

1. By amending § 601.1014 *Amber civil airway No. 4 airway traffic control areas (Brownsville, Tex., to Bismarck, N. Dak.)* to read as follows:

§ 601.1014 *Amber civil airway No. 4 airway traffic control areas (Brownsville, Tex., to Minot, N. Dak.).* All of Amber civil airway No. 4.

2. By amending § 601.10201 to read as follows:

§ 601.10201 *Red civil airway No. 1 airway traffic control areas (Portland, Oreg., to Kansas City, Mo.).* All of Red civil airway No. 1 from Portland, Oreg., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Laramie, Wyo., radio range and the north leg of the Denver, Colo., radio range. From the Akron, Colo., radio range station to a line extended at right angles across such airway through a point 25 miles southeast of the Akron, Colo., radio range station; from such line and between the altitudes of 6,500 feet above mean sea level and 8,500 feet above mean sea level to a line extended at right angles across such airway through a point 25 miles west of the Kansas City, Mo., radio range station; from such line to the Kansas City, Mo., radio range station.

3. By amending § 601.10206 *Red civil airway No. 6 airway traffic control areas (Sinclair, Wyo., to Grand Island, Nebr.)* to read as follows:

§ 601.10206 *Red civil airway No. 6 airway traffic control areas (Las Vegas, Nev., to Grand Island, Nebr.).* All of Red civil airway No. 6.

4. By amending § 601.10219 *Red civil airway No. 19 airway traffic control areas (Dayton, Ohio, to Grand Rapids, Mich.)* to read as follows:

§ 601.10219 *Red civil airway No. 19 airway traffic control areas (Washington, D. C., to Grand Rapids, Mich.).* All of Red civil airway No. 19.

5. By amending § 601.10233 *Red civil airway No. 33 airway traffic control areas (Gordonsville, Va., to Boston, Mass.)* to read as follows:

§ 601.10233 *Red civil airway No. 33 airway traffic control areas (Richmond, Va., to New Hackensack, N. Y.).* All of Red civil airway No. 33.

6. By amending § 601.10237 *Red civil airway No. 37 airway traffic control areas (Texarkana, Ark., to Washington, D. C.)* to read as follows:

§ 601.10237 *Red civil airway No. 37 airway traffic control areas (Dallas, Tex., to Washington, D. C.).* All of Red civil airway No. 37.

7. By adding a new § 601.10250 to read as follows:

§ 601.10250 *Red civil airway No. 50 airway traffic control areas (Galena, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 50 between the intersection of the center lines of the on course signals of the northwest leg of the Nenana, Alaska, radio range and the west leg of the Fairbanks, Alaska, radio range and the intersection of the center lines of the on course signals of the southeast leg of the Nenana, Alaska, radio range and the southwest leg of the Fairbanks, Alaska, radio range.

8. By adding a new § 601.10260 to read as follows:

§ 601.10260 *Red civil airway No. 60 airway traffic control areas (Oakland, Calif., to Stockton, Calif.).* All of Red civil airway No. 60.

9. By amending § 601.4002 to read as follows:

§ 601.4002 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; Bozeman, Mont., radio range station; Billings, Mont., radio range station; Miles City, Mont., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; Lone Rock, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; Wixom, Mich., fan type radio marker station or the intersection of the center lines of the on course signals of the north leg of the Romulus, Mich. (Romulus Army Air Field), radio range and the east leg of the Lansing, Mich., radio range; Romulus, Mich. (Romulus Army Air Field), radio range station; Buffalo, N. Y., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Hartford, Conn., radio range and the southeast leg of the Westfield, Mass., radio range; Franklin, Mass., fan type radio marker station or the intersection of the center lines of the on course signals of the northeast leg of the Providence, R. I., radio range and the southwest leg of the Boston, Mass., radio range; Boston, Mass., radio range station.

10. By amending § 601.4003 to read as follows:

§ 601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Elko, Nev., radio range station; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; Cheyenne, Wyo., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Scotts Bluff, Nebr., radio range and the west leg of the North Platte, Nebr., radio range; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Joliet, Ill., radio range station; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; Phillipsburg, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Phillipsburg, Pa., radio range and the south leg of the Williamsport, Pa., radio range; Allentown, Pa., radio range station.

11. By amending § 601.4005 to read as follows:

§ 601.4005 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* Los Angeles, Calif., radio range station; Riverside, Calif., radio range station; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; Tucson, Ariz., radio range station; Rodeo, N. Mex., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Memphis, Tenn., radio range station; Jacks Creek, Tenn., radio range station; Nashville, Tenn., radio range station; Smithville, Tenn., radio range station; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; Doncaster, Md., fan type radio marker station or the intersection of the center lines of the on course signals of the northeast

leg of the Gordonsville, Va., radio range and the south leg of the Washington, D. C., radio range; Brandywine, Md., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Baltimore, Md., radio range and the southwest leg of the Millville, N. J., radio range; the intersection of the center lines of the on course signals of the southeast leg of the Hartford, Conn., radio range and the southwest leg of the Boston, Mass., radio range.

12. By amending § 601.4014 *Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.)* to read as follows:

§ 601.4014 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* Brownsville, Tex., radio range station; Alice, Tex., radio range station; the Alamo radio range station, San Antonio, Tex.; Spring Branch, Tex., fan type radio marker station or the intersection of the center lines of the on course signals of the north leg of the Alamo radio range, San Antonio, Tex., and the southwest leg of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the center lines of the on course signals of the east leg of the Granbury, Tex., radio range and the south leg of the Fort Worth, Tex., radio range; Marietta, Tex., fan type radio marker station or the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; Tulsa, Okla., radio range station; Chanute, Kans., radio range station; St. Joseph, Mo., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station.

13. By amending § 601.4017 to read as follows:

§ 601.4017 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine).* Key West, Fla., radio range station; Miami, Fla., radio range station; Morrison Field, West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; Raleigh, N. C., radio range station; Washington, D. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Washington, D. C., radio range and the west leg of the Baltimore, Md., radio range; Newark, N. J., radio range station; Portland, Maine, radio range station; Augusta, Maine, radio range station; Bangor, Maine, radio range station; Millinocket, Maine, radio range station; Presque Isle, Maine, radio range station.

14. By amending § 601.40201 to read as follows:

§ 601.40201 *Red civil airway No. 1 (Portland, Oreg., to Kansas City, Mo.).* Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Burley, Idaho, radio range station; Laramie, Wyo., radio range station; Salina, Kans., radio range station.

15. By amending § 601.40206 *Red civil airway No. 6 (Sinclair, Wyo., to Grand Island, Nebr.)* to read as follows:

§ 601.40206 *Red civil airway No. 6 (Las Vegas, Nev., to Grand Island, Nebr.).* St. George, Utah, VHF radio range station; Hanksville, Utah, VHF radio range station; Eagle, Colo., VHF radio range station; Akron, Colo., radio range station; Hayes Center, Nebr., radio range station.

16. By amending § 601.40213 to read as follows:

§ 601.40213 *Red civil airway No. 13 (Sunbury, Pa., to Boston, Mass.).* Wilkes-Barre, Pa., radio range station; Stewart Field, N. Y., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Boston, Mass., radio range and the west leg of the Providence, R. I., radio range, Providence, R. I., radio range station.

17. By amending § 601.40219 *Red civil airway No. 19 (Dayton, Ohio, to Grand Rapids, Mich.)* to read as follows:

§ 601.40219 *Red civil airway No. 19 (Washington, D. C., to Grand Rapids, Mich.)* Fort Wayne, Ind., radio range station.

18. By amending § 601.40233 *Red civil airway No. 33 (Gordonsville, Va., to Boston, Mass.)* to read as follows:

§ 601.40233 *Red civil airway No. 33 (Richmond, Va., to Boston, Mass.).* Arcola, Va., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Arcola, Va., radio range and the west leg of the Baltimore, Md., radio range.

19. By amending § 601.40237 *Red civil airway No. 37 (Texarkana, Ark., to Washington, D. C.)* to read as follows:

§ 601.20237 *Red civil airway No. 37 (Dallas, Tex., to Washington, D. C.).* Tyler, Tex., radio range station; Little Rock, Ark., radio range station.

20. By adding § 601.40260 to read as follows:

§ 601.40260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).* Stockton, Calif., radio range station.

21. By amending § 601.40304 to read as follows:

§ 601.40304 *Blue civil airway No. 4 (Boston, Mass., to U. S.-Canadian Border).* Burlington, Vt., radio range station; Concord, N. H., radio range station.

22. By amending § 601.40311 to read as follows:

§ 601.40311 *Blue civil airway No. 11 (Cleveland, Ohio, to Niagara Falls, N. Y.).* Erie, Pa., radio range station.

This amendment shall become effective 0001 e. s. t., March 15, 1947.

(Sec. 308, 52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458)

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-2329; Filed, Mar. 11, 1947; 8:46 a. m.]

[Amdt. 152]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

MISCELLANEOUS AMENDMENTS

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate cancellation of airport approach zones and the establishment of airport traffic zones at such points; and (2) the cancellation of airport approach zones and the establishment of airport traffic zones referred to in (1) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee;

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By deleting from § 601.2000 the following:

Albany, N. Y.: Albany Airport.
Allentown, Pa.: Allentown-Bethlehem Airport.
Altoona, Pa.: Altoona-Blair County Airport.
Augusta, Maine: Augusta Airport.
Baltimore, Md.: Baltimore Municipal Airport.
Bangor, Maine: Dow Field.
Blackstone, Va.: Blackstone A. A. F.
Buffalo, N. Y.: Buffalo Municipal Airport.
Burlington, Vt.: Burlington Airport.
Concord, N. H.: Concord Airport.
Elkins, W. Va.: Elkins Airport.
Erie, Pa.: Port Erie Airport.
Gordonsville, Va.: C. A. A. Int. Field.
Hartford, Conn.: Brainard Field.
Houlton, Maine: Houlton A. A. F.
Lynchburg, Va.: Preston Glenn Airport.
Martinsburg, W. Va.: Shepherd Airport.
Millinocket, Maine: Millinocket Airport.
Montpelier, Vt.: Barre-Montpelier Airport.
Newark, N. J.: Newark Airport.
Newburg, N. Y.: Stewart Field.
Phillipsburg, Pa.: Black Moshannon Airport.
Pittsburgh, Pa.: Pittsburgh-Allegheny County Airport.
Presque Isle, Maine: Presque Isle A. A. F.
Richmond, Va.: Richmond A. A. B.
Roanoke, Va.: Woodrum Field.
Rochester, N. Y.: Rochester Airport.
Syracuse, N. Y.: Syracuse Airport.
Utica, N. Y.: Utica Airport.
Westfield, Mass.: Barnes Airport.
Wilkes-Barre, Pa.: Wilkes-Barre Wyoming Valley Airport.
Williamsport, Pa.: Williamsport Airport.
Acomita, N. Mex.: C. A. A. Int. Field.
Columbus, N. Mex.: C. A. A. Int. Field.
El Morro, N. Mex.: C. A. A. Int. Field
Gage, Okla.: Gage A. A. F.
Las Vegas, N. Mex.: Las Vegas Airport
Little Rock, Ark.: Adams Field.
Monroe, La.: Selman Field.
Navasota, Tex.: C. A. A. Int. Field.
Otto, N. Mex.: C. A. A. Int. Field.
Rodeo, N. Mex.: C. A. A. Int. Field.
Salt Flat, Tex.: C. A. A. Int. Field.
San Antonio, Tex.: San Antonio Municipal Airport (Alamo Field).
Texarkana, Ark.: Texarkana Municipal Airport.
Tucumcari, N. Mex.: Tucumcari Airport.
Waco, Tex.: Blackland A. A. F.
Wichita Falls, Tex.: Sheppard Field (Kell Field).
Wink, Tex.: Wink Airport.

2. By deleting § 601.200108 *Washington, D. C. Airport Approach Zone.*

3. By deleting from § 601.2002 the following:

Harrisburg, Pa.: Harrisburg State Airport.
New York, N. Y.: LaGuardia Airport.
Philadelphia, Pa.: Northeast Philadelphia Airport.
Philadelphia, Pa.: Philadelphia Municipal Airport.
Portland, Me.: Portland Airport.
Providence, R. I.: Hillsgrove A. A. F.
Pulaski, Va.: Pulaski Municipal Airport (Loving Field).
Akron, O.: Akron Airport.
Abilene, Tex.: Abilene Air Terminal.
Alice, Tex.: Alice Airport.
Austin, Tex.: Robert Mueller Airport.
Beaumont, Tex.: Jefferson County Airport.
Corpus Christi, Tex.: Cliff Maus Field.
Galveston, Tex.: Galveston A. A. F.
Lake Charles, La.: Lake Charles A. A. F.
Laredo, Tex.: Laredo A. A. F.
New Orleans, La.: Moisant Airport.
Oklahoma City, Okla.: Will Rogers Field.
Aberdeen, S. Dak.: Aberdeen Airport.
Advance, Mo.: C. A. A. Int. Field.
Burlington, Iowa.: Burlington Airport.
Chanute, Kans.: Chanute Airport.
Colorado Springs, Colo.: Peterson Field.
Columbia, Mo.: Columbia Airport.
Des Moines, Iowa.: Des Moines Airport.
Fort Bridger, Wyo.: C. A. A. Int. Field.
Garden City, Kans.: Garden City Airport.
Grand Island, Nebr.: Grand Island Airport.
Hayes Center, Nebr.: C. A. A. Int. Field.
Huron, S. Dak.: W. W. Howes Airport.
Hutchinson, Kans.: Hutchinson Airport.
Joplin, Mo.: Joplin Airport.
Kansas City, Mo.: Kansas City Municipal Airport.
Kirksville, Mo.: Kirksville Airport.
La Junta, Colo.: La Junta A. A. F.
Lebo, Kans.: C. A. A. Int. Field.
Laramie, Wyo.: General Brees Airport.
North Platte, Nebr.: Lee Bird Field.
Omaha, Nebr.: Omaha Municipal Airport.
Pierre, S. Dak.: Pierre Airport.
Pueblo, Colo.: Pueblo Airport.
Rapid City, S. Dak.: Rapid City A. A. F.
Rock Springs, Wyo.: Rock Springs Airport.
St. Joseph, Mo.: Rosecrans Field.
St. Louis, Mo.: Lambert-St. Louis Municipal Airport.
Springfield, Mo.: Springfield-Green County Airport.
Scottsbluff, Nebr.: Scottsbluff Airport.
Sheridan, Wyo.: Sheridan County Airport.
Sinclair, Wyo.: C. A. A. Int. Field.
Sioux City, Iowa: Sioux City Municipal Airport.
Trinidad, Colo.: Trinidad Airport.
Vichy, Mo.: Vichy Airport.
Watertown, S. Dak.: Watertown Airport.
Wichita, Kans.: Wichita Municipal Airport.
Fort Wayne, Ind.: Smith Airport.

4. By deleting § 601.200303 *Boston, Mass., Airport Approach Zone.*

5. By deleting § 601.200307 *Dallas, Tex., Airport Approach Zone.*

6. By deleting § 601.200308 *Fort Worth, Tex., Airport Approach Zone.*

7. By deleting § 601.200309 *Cheyenne, Wyo., Airport Approach Zone.*

8. By deleting § 601.200315 *Denver, Colo., Airport Approach Zone.*

9. By deleting § 601.200316 *Norfolk, Va., Airport Approach Zone.*

10. By deleting § 601.200331 *Albuquerque, N. Mex., Airport Approach Zone.*

11. By deleting § 601.200332 *Amarillo, Tex., Airport Approach Zone.*

12. By deleting § 601.200333 *Big Spring, Tex., Airport Approach Zone.*

13. By deleting § 601.200334 *El Paso, Tex., Airport Approach Zone.*

14. By deleting § 601.200335 *Houston, Tex., Airport Approach Zone.*

15. By deleting § 601.200336 *Shreveport, La., Airport Approach Zone.*

16. By deleting § 601.200337 *Tulsa, Okla., Airport Approach Zone.*

17. By deleting § 601.200338 *Brownsville, Tex., Airport Approach Zone.*

18. By deleting from § 601.3000 the following:

Abilene, Tex.: Abilene Air Terminal.
Albany, N. Y.: Albany Airport.
Albuquerque, N. Mex.: Kirtland Field.
Alice, Tex.: Alice Airport.
Amarillo, Tex.: English Field (Amarillo A.A.F.).
Augusta, Maine: Augusta Airport.
Austin, Tex.: Robert Mueller Airport.
Baltimore, Md.: Baltimore A.A.F.
Bangor, Maine: Dow Field.
Big Spring, Tex.: Big Spring A.A.F.
Boston, Mass.: Logan Airport.
Brownsville, Tex.: Brownsville Airport.
Buffalo, N. Y.: Buffalo Airport.
Burlington, Vt.: Burlington Airport.
Cheyenne, Wyo.: Cheyenne Airport.
Concord, N. H.: Concord Airport.
Denver, Colo.: Stapleton Air Field (Denver Airport).
Des Moines, Iowa: Des Moines Airport.
Dallas, Tex.: Love Field.
El Paso, Tex.: El Paso Municipal Airport (Ed Anderson Field).
Erie, Pa.: Port Erie Airport.
Fort Worth, Tex.: Meacham Field.
Galveston, Tex.: Galveston A. A. F.
Harrisburg, Pa.: Harrisburg State Airport (New Cumberland N. A. F.).
Hartford, Conn.: Brainard Field.
Houlton, Maine: Houlton A. A. F.
Houston, Tex.: Houston Airport.
Hutchinson, Kans.: Hutchinson Outlying Field No. 1.
Kansas City, Mo.: Kansas City Airport.
Little Rock, Ark.: Adams Field.
Lynchburg, Va.: Preston Glenn Airport.
Millinocket, Maine: Millinocket Airport.
Fort Wayne, Ind.: Smith Field.
Newark, N. J.: Newark A. A. F.
New York, N. Y.: LaGuardia Airport.
Norfolk, Va: Norfolk A. A. F.
North Platte, Nebr.: Lee Bird Field.
Oklahoma City, Okla.: Will Rogers Field.
Omaha, Nebr.: Omaha Airport.
Philadelphia, Pa.: Philadelphia Airport (Southwest).
Pittsburgh, Pa.: Pittsburgh-Allegheny County Airport.
Portland, Maine: Portland Airport.
Presque Isle, Maine: Presque Isle A. A. F.
Providence, R. I.: Hillsgrove A. A. F.
Pueblo, Colo: Pueblo Airport.
Richmond, Va.: Richmond A. A. B.
Rochester, N. Y.: Rochester Airport.
Rock Springs, Wyo.: Rock Springs Airport.
Rome, N. Y.: Rome A. A. F.
St. Louis, Mo.: Lambert-St. Louis Airport.
San Antonio, Tex.: San Antonio Airport (Alamo Field).
Shreveport, La.: Shreveport Airport.
Syracuse, N. Y.: Syracuse Airport.
Tulsa, Okla.: Tulsa Airport-Tulsa A. A. F.
Westfield, Mass.: Barnes Airport.
Waco, Tex.: Blackland A. A. F.
Washington, D. C.: Washington National Airport.
Wichita, Kans.: Wichita Airport.
Wichita Falls, Tex.: Sheppard (Kell) Field.

19. By adding in § 601.3000 *Airport traffic zones within three-mile radius* the following airports:

Allentown, Pa.: Allentown-Bethlehem Airport.
Altoona, Pa.: Altoona-Blair County Airport.
Blackstone, Va.: Blackstone A. A. F.
Gordonsville, Va.: C. A. A. Inter. Field.
Philadelphia, Pa.: Philadelphia Northeast Airport.
Wilkes-Barre, Pa.: Wilkes-Barre Municipal Airport.
Williamsport, Pa.: Williamsport Municipal Airport.
Acomita, N. Mex.: C. A. A. Inter. Field.
Columbus, N. Mex.: C. A. A. Inter. Field.
Corpus Christi, Tex.: Cliff Maus Airport.
El Morro, N. Mex.: C. A. A. Inter. Field.
Engle, N. Mex.: C. A. A. Inter. Field.
Navasota, Tex.: C. A. A. Inter. Field.
Palacios, Tex.: Palacios Airport.
Rodeo, N. Mex.: C. A. A. Inter. Field.
Aberdeen, S. Dak.: Aberdeen Airport.
Chanute, Kans.: Municipal Airport.

20. By adding a new § 601.3001 *Airport traffic zones within a five mile radius* of the following airports:

§ 601.3001 *Airport traffic zones within a five mile radius.*

Bridgeport, Conn.: Bridgeport Municipal Airport.
Elkins, W. Va.: Elkins Airport.
Houlton, Maine: Houlton Airport.
Lynchburg, Va.: Preston Glenn Airport.
Martinsburg, W. Va.: Martinsburg Airport.
Montpelier, Vt.: Barre-Montpelier Airport.
Newburgh, N. Y.: Stewart A. A. F.
New York, N. Y.: LaGuardia Field.
Presque Isle, Maine: Presque Isle A. A. F.
Pulaski, Va.: Loving Field.
Roanoke, Va.: Woodrum Field.
Rome, N. Y.: Rome A. A. F.
Syracuse, N. Y.: Syracuse Municipal Airport.
Westfield, Mass.: Barnes Airport.
Abilene, Tex.: Abilene Air Terminal.
Alice, Tex.: Alice Airport.
Austin, Tex.: Robert Mueller Airport.
Beaumont, Tex.: Jefferson County Airport.
Gage, Okla.: Gage Airport.
Lake Charles, La.: Lake Charles A. A. F.
Las Vegas, N. Mex.: Las Vegas Airport.
New Orleans, La.: Moisant Field.
Oklahoma City, Okla.: Will Rogers Field.
Otto, N. Mex.: C. A. A. Inter. Field.
Salt Flat, Tex.: C. A. A. Inter. Field.
San Antonio, Tex.: Alamo Field.
Santa Fe, N. Mex.: Santa Fe Airport.
Texarkana, Ark.: Texarkana Airport.
Tucumcari, N. Mex.: Tucumcari Airport.
Tyler, Tex.: Pounds Field.
Waco, Tex.: Waco Municipal Airport.
Wichita Falls, Tex.: Sheppard (Kell) Field.
Wink, Tex.: Wink Airport.

21. By adding a new § 601.3002 as described herein:

§ 601.3002 *Airport traffic zones.*

§ 601.3002000 *Albany, N. Y., Airport Traffic Zone.* Within a 5 mile radius of the Albany Municipal Airport and within 2 miles either side of the north course of Albany Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002001 *Augusta, Maine, Airport Traffic Zone.* Within a 5 mile radius of the Augusta State Airport and within 2 miles either side of the southwest course of Augusta Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002002 *Baltimore, Md., Airport Traffic Zone.* Within a 5 mile radius of the Baltimore Municipal Airport and

within 2 miles either side of the south course of Baltimore Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002003 *Bangor, Maine, Airport Traffic Zone.* Within a 5 mile radius of Dow Field and within 2 miles either side of the northwest course of Bangor Radio Range extending to the East Corinth Fan Marker.

§ 601.3002004 *Boston, Mass., Airport Traffic Zone.* Within a 5 mile radius of Logan International Airport, within 2 miles either side of the north course of Boston Radio Range extending to the Peabody Fan Marker and within 2 miles either side of the southwest course of Boston Radio Range extending to the Franklin Fan Marker.

§ 601.3002005 *Buffalo, N. Y., Airport Traffic Zone.* Within a 5 mile radius of the Buffalo Municipal Airport and within 2 miles either side of the northeast course of Buffalo Radio Range extending to the Wolcottsville Fan Marker.

§ 601.3002006 *Burlington, Vt., Airport Traffic Zone.* Within a 5 mile radius of the Burlington Municipal Airport and within 2 miles either side of the northwest course of Burlington Radio Range extending to the Grand Isle Fan Marker.

§ 601.3002007 *Concord, N. H., Airport Traffic Zone.* Within a 5 mile radius of the Concord Municipal Airport and within 2 miles either side of the southeast course of Concord Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002008 *Erie, Pa., Airport Traffic Zone.* Within a 5 mile radius of Port Erie Airport and within 2 miles either side of the southwest course of Erie Radio Range extending to the North Springfield Fan Marker.

§ 601.3002009 *Harrisburg, Pa., Airport Traffic Zone.* Within a 5 mile radius of Harrisburg State Airport and within 2 miles either side of the east and west courses of Harrisburg Radio Range extending 10 miles east and west of the Radio Range Station.

§ 601.3002010 *Hartford, Conn., Airport Traffic Zone.* Within a 5 mile radius of Brainard Field and within 2 miles either side of the southeast course of Hartford Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002011 *Millinocket, Maine, Airport Traffic Zone.* Within a 5 mile radius of Millinocket Municipal Airport and within 2 miles either side of the east course of Millinocket Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002012 *Newark, N. J., Airport Traffic Zone.* Within a 5 mile radius of Newark Municipal Airport and within 2 miles either side of the southwest course of Newark Radio Range extending to the Metuchen Fan Marker.

§ 601.3002013 *Norfolk, Va., Airport Traffic Zone.* Within a 5 mile radius of Norfolk Municipal Airport and within 2 miles either side of the southwest course of Norfolk Radio Range extending to the Deep Creek Fan Marker.

§ 601.3002014 *Philadelphia, Pa., Airport Traffic Zone.* Within a 5 mile radius of Philadelphia Southwest Airport and within 2 miles either side of the west course of Philadelphia Radio Range extending to the Boothwyn Fan Marker.

§ 601.3002015 *Philipsburg, Pa., Airport Traffic Zone.* Within a 5 mile radius of the Philipsburg State Airport and within 2 miles either side of the north course of Philipsburg Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002016 *Pittsburgh, Pa., Airport Traffic Zone.* Within a 5 mile radius of the Allegheny County Airport and within 2 miles either side of the west course of Pittsburgh Radio Range extending to the Cecil Fan Marker.

§ 601.3002017 *Portland, Maine, Airport Traffic Zone.* Within a 5 mile radius of Portland Municipal Airport and within 2 miles either side of the northwest course of Portland Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002018 *Providence, R. I., Airport Traffic Zone.* Within a 5 mile radius of the Theodore Francis Greene Airport (excluding area which would intercept Danger Area in vicinity of Ohio Ledge—Gull Point, R. I.) and within 2 miles either side of the southwest course of Providence Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002019 *Richmond, Va., Airport Traffic Zone.* Within a 5 mile radius of the Richmond Municipal Airport and within 2 miles either side of the southwest course of Richmond Radio Range extending to the Chester Fan Marker.

§ 601.3002020 *Rochester, N. Y., Airport Traffic Zone.* Within a 5 mile radius of the Rochester Municipal Airport and within 2 miles either side of the east course of Rochester Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002021 *Washington, D. C., Airport Traffic Zone.* Within a 5 mile radius of Washington National Airport (excluding that portion which would lie within the Airspace Reservation established by Executive Order #8950 as amended by Executive Order #9153) and within 2 miles either side of the southwest course of Washington Radio Range extending to the Doncaster Fan Marker.

§ 601.3002022 *Albuquerque, N. Mex., Airport Traffic Zone.* Within a 5 mile radius of Kirtland Field and within 2 miles either side of the south course of Albuquerque Radio Range extending to the Peralta Fan Marker.

§ 601.3002023 *Amarillo, Tex., Airport Traffic Zone.* Within a 5 mile radius of English Field and within 2 miles either side of the west course of Amarillo Radio Range extending to the Soncy Fan Marker.

§ 601.3002024 *Big Spring, Tex., Airport Traffic Zone.* Within a 5 mile radius of Big Spring Airport and within 2 miles either side of the west course of Big Spring Radio Range extending to the Stanton Fan Marker.

§ 601.3002025 *Brownsville, Tex., Airport Traffic Zone.* Within a 5 mile radius of Brownsville International Airport (excepting that portion of such circle which lies within Mexico) and within two miles either side of the northwest course of Brownsville Radio Range extending to the Los Fresnos Fan Marker.

§ 601.3002026 *Dallas, Tex., Airport Traffic Zone.* Within a 5 mile radius of Love Field, within 2 miles either side of the south course of Dallas Radio Range extending to the Duncanville Fan Marker, and within two miles either side of the north course of Dallas Radio Range extending to the Dallas Intersection (intersection of the north course of Dallas Radio Range and the northeast course of Fort Worth Radio Range).

§ 601.3002027 *El Paso, Tex., Airport Traffic Zone.* Within a 5 mile radius of El Paso Municipal Airport and within 2 miles either side of the east course of El Paso Radio Range extending to the Hueco Mountain Fan Marker.

§ 601.3002028 *Fort Worth, Tex., Airport Traffic Zone.* Within a 5 mile radius of Meacham Field and within 2 miles either side of the north course of Fort Worth Radio Range extending to the Haslet Fan Marker.

§ 601.3002029 *Galveston, Tex., Airport Traffic Zone.* Within a 5 mile radius of Galveston Airport and within 2 miles either side of the northwest course of Galveston Radio Range extending 3 miles northwest of the Radio Range Station.

§ 601.3002030 *Houston, Tex., Airport Traffic Zone.* Within a 5 mile radius of Houston Municipal Airport and within 2 miles either side of the southeast course of Houston Radio Range extending to the Webster Fan Marker.

§ 601.3002031 *Laredo, Tex., Airport Traffic Zone.* Within a 5 mile radius of Laredo A. A. F. Airport and within 2 miles either side of the northwest course of Laredo Radio Range extending 3 miles northwest of the Radio Range Station excepting that portion of such zone that would lie within Mexico.

§ 601.3002032 *Little Rock, Ark., Airport Traffic Zone.* Within a 5 mile radius of Adams Field and within 2 miles either side of the southeast course of Little Rock Radio Range extending 3 miles southeast of the Radio Range Station.

§ 601.3002033 *Monroe, La., Airport Traffic Zone.* Within a 5 mile radius of Selman Field and within 2 miles either side of the southwest course of Monroe Radio Range extending 4 miles southwest of the Radio Range Station.

§ 601.3002034 *New Orleans, La., Airport Traffic Zone.* Within a 5 mile radius of Moisant International Airport, within 2 miles either side of the west course of New Orleans Radio Range extending to the La Place Fan Marker and within 2 miles either side of the east course of New Orleans Radio Range extending to the boundary of the New Orleans Airport Traffic Zone.

§ 601.3002035 *Ponca City, Okla., Airport Traffic Zone.* Within a 10 mile radius of Ponca City Airport.

§ 601.3002036 *San Angelo, Tex., Airport Traffic Zone.* Within a 10 mile radius of Mathis Field (San Angelo A. A. F.).

§ 601.3002037 *Shreveport, La., Airport Traffic Zone.* Within a 5 mile radius of Shreveport Municipal Airport and within 5 miles either side of the northwest course of Shreveport Radio Range extending to the Dixie Fan Marker.

§ 601.3002038 *Tulsa, Okla., Airport Traffic Zone.* Within a 5 mile radius of Tulsa Airport, within 2 miles either side of the northeast course of Tulsa Radio Range extending to the Verdigris River Fan Marker, within 2 miles either side of the northwest course of Tulsa Radio Range extending to the Skiatook Fan Marker and within 2 miles either side of the southwest course of Tulsa Radio Range extending to the Red Fork Fan Marker.

§ 601.3002039 *Advance, Mo., Airport Traffic Zone.* Within a 3 mile radius of the center of the C. A. A. Inter. Field and within 2 miles either side of the centerline of the south course of Advance Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002040 *Akron, Colo., Airport Traffic Zone.* Within a 3 mile radius of the C. A. A. Inter. Field and within 2 miles either side of the centerline of the north and south courses of Akron Radio Range extending 10 miles north of the Radio Range Station.

§ 601.3002041 *Burlington, Iowa, Airport Traffic Zone.* Within a 5 mile radius of Burlington Municipal Airport and within 2 miles either side of the centerline of the south course of Burlington Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002042 *Casper, Wyo., Airport Traffic Zone.* Within a 5 mile radius of Wardwell Field and within 2 miles either side of the centerline of the east course of Casper Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002043 *Cheyenne, Wyo., Airport Traffic Zone.* Within a 5 mile radius of Cheyenne Municipal Airport, within 2 miles either side of the centerline of the west course of Cheyenne Radio Range extending to the Silver Crown Fan Marker and within 2 miles either side of the centerline of the east course of Cheyenne Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002044 *Colorado Springs, Colo., Airport Traffic Zone.* Within a 5 mile radius of Peterson A. A. F. Airport and within 2 miles either side of the centerline of the north course of Colorado Springs Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002045 *Columbia, Mo., Airport Traffic Zone.* Within a 5 mile radius of Columbia Municipal Airport and within 2 miles either side of the centerline of the west course of Columbia Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002046 *Denver, Colo., Airport Traffic Zone.* Within a 5 mile radius of Stapleton Field, within 2 miles either side of the centerline of the north course of Denver Radio Range extending to the Henderson Fan Marker and within 2 miles either side of the centerline of the south course of Denver Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002047 *Des Moines, Iowa, Airport Traffic Zone.* Within a 5 mile radius of Des Moines Municipal Airport and within 2 miles either side of the centerline of the south course of Des Moines Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002048 *Fort Bridger, Wyo., Airport Traffic Zone.* Within a 3 mile radius of the C. A. A. Inter. Field and within 2 miles either side of the centerline of the east course of Fort Bridger Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002049 *Garden City, Kans., Airport Traffic Zone.* Within a 5 mile radius of Garden City Municipal Airport and within 2 miles either side of the centerline of the north course of Garden City Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002050 *Grand Island, Nebr., Airport Traffic Zone.* Within a 5 mile radius of the Grand Island A. A. F. Airport and within 2 miles either side of the centerline of the north course of Grand Island Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002051 *Hayes Center, Nebr., Airport Traffic Zone.* Within a 3 mile radius of the C. A. A. Inter. Field and within 2 miles either side of the centerline of the west course of Hayes Center Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002052 *Huron, S. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Huron Municipal Airport and within 2 miles either side of the centerline of the southwest course of Huron Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002053 *Hutchinson, Kans., Airport Traffic Zone.* Within a 5 mile radius of the Hutchinson Municipal Airport and within 2 miles either side of the centerline of the south course of Hutchinson Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002054 *Joplin, Mo., Airport Traffic Zone.* Within a 5 mile radius of the Joplin Municipal Airport and within 2 miles either side of the centerline of the north and south courses of Joplin Radio Range extending 10 miles north of the Radio Range Station.

§ 601.3002055 *Kansas City, Mo., Airport Traffic Zone.* Within a 5 mile radius of Kansas City Municipal Airport, within 2 miles either side of the centerline of the north course of Kansas City Radio Range extending to the Linkville Fan Marker and within 2 miles either side of the localizer course (351° outbound) of the Instrument Low Approach System extending 10 miles north of the airport.

§ 601.3002056 *Kirksville, Mo., Airport Traffic Zone.* Within a 3 mile radius of the Kirksville Municipal Airport and within 2 miles either side of the centerline of the southeast course of Kirksville Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002057 *La Junta, Colo., Airport Traffic Zone.* Within a 5 mile radius of the La Junta A. A. F. Airport and within 2 miles either side of the centerline of the northeast course of La Junta Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002058 *Laramie, Wyo., Airport Traffic Zone.* Within a 5 mile radius of General Brees Field and within 2 miles either side of the centerline of the northwest course of Laramie Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002059 *Lebo, Kans., Airport Traffic Zone.* Within a 3 mile radius of the C. A. A. Inter. Field and within 2 miles either side of the centerline of the southeast course of Lebo Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002060 *Lincoln Nebr., Airport Traffic Zone.* Within a 5 mile radius of the Lincoln Municipal Airport and within 2 miles either side of the centerline of the north course of Lincoln Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002061 *Mason City, Iowa, Airport Traffic Zone.* Within a 3 mile radius of the Mason City Municipal Airport and within 2 miles either side of a line 180° true from Mason City Non-directional Radiobeacon extending 10 miles from the Radiobeacon.

§ 601.3002062 *North Platte, Nebr., Airport Traffic Zone.* Within a 5 mile radius of Lee Bird Field and within 2 miles either side of the centerline of the south course of North Platte Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002063 *Omaha, Nebr., Airport Traffic Zone.* Within a 5 mile radius of Omaha Municipal Airport and within 2 miles either side of the centerline of the north course of Omaha Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002064 *Pierre, S. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Pierre A. A. F. Airport and within 2 miles either side of the centerline of the east course of Pierre Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002065 *Pueblo, Colo., Airport Traffic Zone.* Within a 5 mile radius of the Pueblo Municipal Airport and within 2 miles either side of the centerline of the southeast course of Pueblo Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002066 *Rapid City, S. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Rapid City A. A. F. Airport and within 2 miles either side of the centerline of the south and north courses of Rapid City Radio Range extending 10 miles south of the Radio Range Station.

§ 601.3002067 *Rock Springs, Wyo., Airport Traffic Zone.* Within a 5 mile radius of the Rock Springs Municipal Airport and within 2 miles either side of the centerline of the east course of Rock Springs Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002068 *St. Joseph, Mo., Airport Traffic Zone.* Within a 5 mile radius of Rosecrans Field and within 2 miles either side of the south course of St. Joseph Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002069 *St. Louis, Mo., Airport Traffic Zone.* Within a 5 mile radius of the Lambert-St. Louis Municipal Airport and within 2 miles either side of the centerline of the east course of St. Louis Radio Range extending to the Spanish Lake Fan Marker.

§ 601.3002070 *Scottsbluff, Nebr., Airport Traffic Zone.* Within a 3 mile radius of Scottsbluff Municipal Airport and within 2 miles either side of the centerline of the southeast and northwest courses of Scottsbluff Radio Range extending 10 miles southeast of the Radio Range Station.

§ 601.3002071 *Sheridan, Wyo., Airport Traffic Zone.* Within a 5 mile radius of the Sheridan Municipal Airport and within 2 miles either side of the centerline of the southeast course of Sheridan Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002072 *Sinclair, Wyo., Airport Traffic Zone.* Within a 3 mile radius of the C. A. A. Inter. Field and within 2 miles either side of the centerline of the west course of Sinclair Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002073 *Sioux City, Iowa, Airport Traffic Zone.* Within a 5 mile radius of Sioux City Municipal Airport and within 2 miles either side of the centerline of the south course of Sioux City Radio Range extending to the Sloan Fan Marker.

§ 601.3002074 *Springfield, Mo., Airport Traffic Zone.* Within a 5 mile radius of Springfield Municipal Airport and within 2 miles either side of the centerline of the southeast course of Springfield Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002075 *Topeka, Kans., Airport Traffic Zone.* Within a 5 mile radius of Phillip Billard Airport and within the confines of Red Civil Airway No. 1 extending 10 miles east and west of the airport.

§ 601.3002076 *Trinidad, Colo., Airport Traffic Zone.* Within a 3 mile radius of Trinidad Municipal Airport and within 2 miles either side of the centerline of the north course of Trinidad Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002077 *Vichy, Mo., Airport Traffic Zone.* Within a 3 mile radius of Vichy Municipal Airport and within 2 miles either side of the centerline of the southeast and northwest courses of Vichy Radio Range extending 10 miles southeast of the Radio Range Station.

§ 601.3002078 *Watertown, S. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Watertown A. A. F. Airport and within 2 miles either side of the centerline of the east course of Watertown Radio Range extending 10 miles from the Radio Range Station.

§ 601.3002079 *Wichita, Kans., Airport Traffic Zone.* Within a 5 mile radius of Wichita Municipal Airport, within 2 miles either side of the centerline of the north course of Wichita Radio Range extending to the Kechi Fan Marker and within 2 miles either side of the localizer course (192° inbound) of the Instrument Low Approach System extending 10 miles south of the airport.

This amendment shall become effective 0001 e. s. t., March 15, 1947.

(Sec. 308, 52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458)

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-2328; Filed, Mar. 11, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51641]

PART 6—AIR COMMERCE REGULATIONS

REDESIGNATION OF PRESQUE ISLE AIR BASE, PRESQUE ISLE, MAINE, AS AIRPORT OF ENTRY

MARCH 4, 1947.

The Presque Isle Air Base, Presque Isle, Maine, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (44 Stat. 573; 49 U. S. C. 179 (b)), for a period of 1 year from February 20, 1947.

The list of temporary airports of entry in § 6.13 *List of temporary airports of entry*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, is hereby further amended by changing the date of designation opposite the name of this airport to "February 20, 1947."

Notice of the proposed redesignation of this airport as an airport of entry was published in the FEDERAL REGISTER on January 31, 1947 (12 F. R. 754). The redesignation shall be effective on February 20, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress) being dispensed with because the previous designation expires prior to the expiration of 30 days after the publication of this redesignation. The redesignation of this airport is based on a determination that a sufficient need exists to justify such redesignation and the redesignation is for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b), 44 Stat. 572, sec. 611, 58 Stat. 714; 49 U. S. C., Sup., 177 (b))

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-2310; Filed, Mar. 11, 1947; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO CENTRAL AND REGIONAL OFFICE OFFICIALS

1. Section 603.1 (11 F. R. 177A-900) is hereby amended, effective upon publication in the FEDERAL REGISTER, by adding paragraph (u) thereto, as follows:

§ 603.1 *Delegations to Central Office officials.* * * *

(u) *Acting officials.* Such persons as are designated to serve in an acting capacity for Central Office officials of the FPHA whenever they are from time to time absent from duty, are authorized to exercise all the powers, duties and functions, while so acting, that are vested by this section in the officials for whom they act.

2. Section 603.2 (11 F. R. 177A-901) is hereby amended, effective upon publication in the FEDERAL REGISTER, by adding paragraph (n) thereto, as follows:

§ 603.2 *Delegations to Regional Office officials.* * * *

(n) *Acting officials.* Such persons as are designated to serve in an acting capacity for Regional Office officials of the FPHA whenever they are from time to time absent from duty, are authorized to exercise all the powers, duties and functions, while so acting, that are vested by this section in the officials for whom they act.

(E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Approved: March 4, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-2336; Filed, Mar. 11, 1947; 8:47 a. m.]

Chapter VIII—Office of Housing Expediter

[Housing Expediter Premium Payments Reg. 4, Amdt. 2]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

STANDING TIMBER ON STATE OWNED LANDS

Section 805.4 (Housing Expediter Premium Payments Regulation No. 4) is amended as follows:

By deleting paragraph (i) and substituting therefor a new paragraph reading as follows:

(i) *Termination.* This section shall terminate on March 31, 1947. Termination of this section shall not preclude the filing of claims for payment during the month following such termination on account of obligations incurred in employing additional facilities during the immediately preceding month. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

Issued and effective this 11th day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-2389; Filed, Mar. 11, 1947; 10:43 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XV—Board of War Communications

[Order 38]

REVOCATION OF DESIGNATED ORDERS

Whereas, The Board of War Communications has at various times issued orders deemed by the Board to be necessary to the national security and defense and the successful conduct of the war; and

Whereas, In the light of present conditions it appears that such orders and directives of the Board as are still in effect, including Orders 20-B, dated July 2, 1946, and 27-D, dated March 28, 1946, are under present conditions no longer required for such purposes;

Now, therefore, *It is hereby ordered*, That all orders and directives of the Board of War Communications which are still in effect, including Orders No. 20-B, dated July 2, 1946, and 27-D, dated March 28, 1946, be, and the same are hereby, cancelled, effective the date of this order.

BOARD OF WAR COMMUNICATIONS,
CHARLES R. DENNY,
Chairman.

D. E. MCKAY,
Assistant Secretary,
Captain, U. S. Coast Guard.

FEBRUARY 24, 1947.

[F. R. Doc. 47-2326; Filed, Mar. 11, 1947; 8:45 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of Interior

PART 2—GENERAL RULES AND REGULATIONS

PERMITS AND FEES

1. Paragraph (h) of § 2.40 *Permits*, is rescinded.

2. Paragraph (l) of § 2.55 *Fees*, is amended to read as follows:

(l) *Exemptions.* (1) No fee shall be charged residents of Coconino County, Arizona, or Kanab, Utah, entering Grand Canyon National Park, or residents of Washington and Kane Counties, Utah, or residents of that part of Coconino County, Arizona, lying north and west of the Colorado River, entering Zion National Park, or residents of Garfield and Kane Counties, Utah, entering Bryce Canyon National Park, in the conduct of their usual occupation or business.

(2) The fees relating to Sequoia and Kings Canyon National Parks, prescribed in paragraph (k) of this section, shall not be collected in cases where such a collection would interfere with the movement of stock and vehicular traffic without charge to and from national forest lands on either side of the lands added to the General Grant Grove section of Kings Canyon National Park pursuant to Proclamation No. 2411 of June 21, 1940 (54 Stat. 2710), issued pursuant to the act of March 4, 1940 (54 Stat. 41; 16 U. S. C. 80a).

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3.)

Issued this 25th day of February 1947.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-2290; Filed, Mar. 11, 1947; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

COLORADO, IDAHO, NEW MEXICO, OREGON, AND UTAH

CROSS REFERENCE: For additions to the tabulation contained in § 162.1, see the following documents in the Notices section under Department of the Interior, Bureau of Land Management, *infra*. These documents affect lands in grazing districts in the States listed.

	Misc. No.
Colorado	2055622
Idaho	1964426
	2074052
New Mexico	2073331
	2073856
	2114082
	2114214
	2114215
Oregon	2085058
	2114213
	2114217
	2119208
Utah	2073329
	2073855
	2112863

[Circular 1636]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

REGULAR LICENSES AND PERMITS

The following is added as a note to § 161.8 (b):

§ 161.8 *Fees; time of payment; refunds.* * * *

(b) *Regular licenses and permits.* * * *

NOTE: In accordance with the provisions of § 161.8 (b) of the Federal Range Code for Grazing Districts (Circular 1630, December 11, 1946, 11 F. R. 14496), notice is hereby given that effective May 1, 1947, a grazing fee of eight cents per head for cattle and horses and one and three-fifths cents per head for sheep and goats will be charged each regular licensee or permittee for each month of the grazing period covered by the licenses or permit: *Provided*, That the increased rates will not apply where licenses and fee notices have been issued prior to the date of the publication of this notice in the FEDERAL REGISTER. In such instances, the rate of five cents an animal unit month will apply until the next license or fee notice is issued.

This notice will not prevent the fixing of a different fee in appropriate cases, in accordance with the proviso to § 161.8 (b) of the Federal Range Code for Grazing Districts.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

FRED W. JOHNSON,
Director.

Approved: March 3, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-2273; Filed, Mar. 11, 1947; 8:45 a. m.]

[Circular 1637]

PART 240—PUBLIC LAND RECORDS

FEES FOR COPIES MADE BY BUREAU OF LAND MANAGEMENT; REMITTANCES AND FORMS

Section 240.4 (c) contained in Circular 504 (b) approved January 27, 1941, is amended to read as follows:

§ 240.4 *Fees for copies made by the Bureau of Land Management; remittances and forms thereof.* * * *

(c) For tracings, a sum equal to the cost of production thereof. Blue prints 30 cents per square yard.

(R. S. 453, 2478; 43 U. S. C. 2, 1201)

FRED W. JOHNSON,
Acting Director.

Approved: February 27, 1947.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-2274; Filed, Mar. 11, 1947; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR-47-10]

AMENDMENTS TO REGULATIONS

Correction

In Federal Register Document 47-2103, appearing at page 1549 of the issue for Friday, March 7, 1947, the final subchapter, immediately preceding Part 155, should be designated Subchapter O.

Chapter II—United States Maritime Commission

PART 306—GENERAL AGENTS AND AGENTS

[G. O. 56, Supp. 3]

COMPENSATION PAYABLE TO GENERAL AGENTS, AGENTS AND BERTH AGENTS

1. Section 306.172 *Compensation of General Agents and Agents*, is amended,

effective as of January 1, 1946, by striking out paragraphs (e) and (f) and inserting in lieu thereof the following paragraphs:

(e) When a vessel enters an inactive period (see § 306.200 (w) for definition of "inactive vessel"), the compensation provided in paragraphs (a), (b), and (c) of this section shall terminate as of the date and time the vessel started such inactive period, and in lieu thereof, until such vessel again enters active service:

(1) Each General Agent shall be paid for husbanding the vessel, acting as accounting line, and performing related services—$45.00 per day per vessel, and

(2) Each Agent shall be paid for acting as accounting line and performing related services—$50.00 per month per vessel, or pro rata for any portion thereof.

(f) Upon the redelivery or total loss or constructive total loss of a vessel allocated to a General Agent or Agent under a service agreement, the compensation provided in this section shall terminate.

(g) In determining the compensation provided in this section, part days shall be counted as whole days.

2. Section 306.173 *Compensation for port services in continental United States* is amended as follows:

a. Subparagraph (2) of paragraph (a) is amended, effective as of July 1, 1946, and until September 1, 1946, to read:

(2) *Cargoes*—(i) *Intercoastal trade*—(*a*) *General cargo, ad valorem cargo, and mail.* 6% of vessel's revenue outward; 2% of vessel's revenue inward.

(*b*) *Bulk cargo.* 6¢ per manifest ton outward or inward.

(ii) *Other domestic trades*—(*a*) *General cargo, ad valorem cargo, and mail.* 7% of vessel's revenue outward, 3% of vessel's revenue inward.

(*b*) *Bulk cargo.* 6¢ per manifest ton outward or inward, except for coastwise bulk cargo for which compensation shall be 6¢ per manifest ton loaded and discharged (one fee for both operations).

b. Said subparagraph (2) is further amended, effective as of September 1, 1946, to read:

(2) *Cargoes*—(i) *Intercoastal trade*—(*a*) *General cargo, ad valorem cargo, and mail.* 6% of vessel's revenue outward; 2% of vessel's revenue inward.

(*b*) *Bulk cargo.* 6¢ per manifest ton outward or inward.

(ii) *United States, Puerto Rico, and Atlantic-Gulf coastwise trades* — (*a*) *General cargo, ad valorem cargo, and mail.* 7% of vessel's revenue outward; 3% of vessel's revenue inward.

(*b*) *Bulk cargo.* 6¢ per manifest ton outward or inward, except for coastwise bulk cargo for which compensation shall be 6¢ per manifest ton loaded and discharged (one fee for both operations).

(iii) *Pacific coastwise trade.* (*a*) *General cargo, ad valorem cargo, and mail.* 6% of vessel's revenue outward; 2% of vessel's revenue inward.

(*b*) *Bulk cargo.* 6¢ per manifest ton loaded and discharge (one fee for both operations).

c. Subparagraph (2) of paragraph (b) is amended, effective as of July 1, 1946, to read:

(2) *Cargoes*—(i) *General cargo, ad valorem cargo, and mail.* 5% of vessel's revenue outward; 2½% of vessel's revenue inward.

(ii) *Bulk cargo.* 1¼% of vessel's revenue outward or inward.

3. Section 306.175 *Compensation of sub-agents at ports outside of the continental United States* is amended as follows:

a. Paragraph (d) is amended, effective as of January 1, 1946, to read:

(d) *Passengers* (see § 306.200 for definition).

(1) *Commercial passengers.* 5% of vessel's revenue for each passenger embarked; 2% of vessel's revenue for each passenger disembarked.

(2) *Military personnel.* $2.00 for each person embarked, maximum $500.00; $1.00 for each person disembarked, maximum $250.00.

b. Effective as of July 1, 1946, paragraph (d) (2) is revoked.

c. Paragraph (e) is amended, effective as of July 1, 1946, to read:

(e) *Miscellaneous.* If the maximum compensation provided in this section for a port of call amounts to less than $50.00, the sub-agent or branch house may be paid the commercial rate but not in excess of $50.00 for services rendered during such call. Vessels calling for orders, ballast, fuel, and/or to load or discharge cargo transported on a per diem basis—$50.00.

4. Section 306.181 *Compensation of General Agents and Agents* is amended, effective as of January 1, 1946, by striking out paragraphs (e) and (f) and inserting in lieu thereof the following paragraphs.

(e) When a vessel enters an inactive period (see § 306.200 (w) for definition of "inactive vessel"), the compensation provided in paragraphs (a), (b), and (d) of this section shall terminate as of the date and time the vessel started such inactive period, and in lieu thereof, until such vessel again enters active service:

(1) Each General Agent shall be paid for husbanding the vessel, acting as accounting line, and performing related services—$45.00 per day per vessel, and

(2) Each Agent shall be paid for acting as accounting line and performing related services—$50.00 per month per vessel, or pro rata for any portion thereof.

(f) Upon the redelivery or total loss or constructive total loss of a vessel allocated to a General Agent or Agent under a service agreement, the compensation provided in this section shall terminate.

(g) In determining the compensation provided in this section, part days shall be counted as whole days.

5. Section 306.182 *Compensation for port services in continental United States and for services incident to way cargo, passengers, and mail* is amended, effective as of January 1, 1946, by revoking paragraph (b).

6. Section 306.183 is amended, effective as of January 1, 1946, to read:

§ 306.183 *Compensation of sub-agents at ports outside of the continental United States.* (a) Except where a schedule of fees has been approved by the United States Maritime Commission, as compensation for services rendered for the United States, the foreign sub-agent or branch house shall be paid for account of the United States the prevailing commercial rate, but in no event in excess of:

(1) *Where vessel loads or discharges liquid cargo.* $125.00 per port call.

(2) *Where no cargo activity takes place, vessel calls for orders, bunkers, etc.* $50.00 per port call.

(b) As compensation for services rendered by sub-agents or branch houses outside of the continental United States in connection with passengers, dry cargo, or mail, the General Agent or Agent may pay for account of the United States, the prevailing commercial rates for such services, but in no event in excess of the maximum rates set forth in § 306.175 for comparable services in connection with dry cargo vessels.

7. Section 306.186 *Compensation of General Agents* is amended, effective as of January 1, 1946, as follows:

a. Paragraph (a) is amended to read:

(a) Each General Agent shall be paid for husbanding the vessel, acting as accounting line, and performing related services, on the following basis:

	Per day per vessel
Vessels of less than 4,500 G. R. T.	$65
Vessels of 4,500 but less than 8,000 G. R. T.	100
Vessels of 8,000 but less than 11,000 G. R. T.	150
Vessels of 11,000 but less than 14,000 G. R. T.	200
Vessels of 14,000 but less than 17,000 G. R. T.	250
Vessels of 17,000 G. R. T. or over	300

b. Paragraphs (d) and (e) are stricken out and the following paragraphs inserted in lieu thereof:

(d) When a passenger vessel allocated to a General Agent pursuant to a service agreement becomes inactive (see § 306.200 (w) for definition of "inactive vessel"), the compensation provided in paragraphs (a) and (b) of this section shall terminate as of the date and time the vessel became inactive and, in lieu thereof, the General Agent shall be paid for husbanding the vessel, acting as accounting line, and performing related services, a daily fee equal to seventy-five percent (75%) of the rate of compensation provided for the appropriate class of vessel in paragraph (a) of this section. Such reduced basis of compensation shall be paid until the vessel again enters active service.

(e) Upon the redelivery or total loss or constructive total loss of a vessel allocated to a General Agent under a service agreement, the compensation provided in this section shall terminate.

(f) In determining the compensation provided in this section, part days shall be counted as whole days.

8. Section 306.191 *Compensation of General Agents and Agents* is amended, effective as of January 1, 1946, by striking out paragraph (e) and inserting in lieu thereof the following paragraphs:

(e) When a vessel enters an inactive period (see § 306.200 (w) for definition of "inactive vessel"), the compensation provided in paragraphs (a), (b), and (c) of this section shall terminate as of the date and time the vessel started such inactive period, and in lieu thereof, until vessel again enters active service:

(1) Each General Agent shall be paid for husbanding the vessel, acting as accounting line, and performing related services—$45.00 per day per vessel, and

(2) Each Agent shall be paid for acting as accounting line and performing related services—$50.00 per month per vessel, or pro rata for any portion thereof.

(f) Upon the redelivery or total loss or constructive total loss of a vessel allocated to a General Agent or Agent under a service agreement, the compensation provided in this section shall terminate.

(g) In determining the compensation provided in this section, part days shall be counted as whole days.

9. Section 306.200 *Definitions* is amended, effective as of January 1, 1946, as follows:

a. Paragraph (v) is amended to read:

(v) *Port call.* A call at any one or more of the ports listed in the following groups shall be construed to be but one port call in computing the compensation due pursuant to § 306.172 (c).

ATLANTIC COAST DISTRICT

Group I
Portland, Maine.
South Portland.
Yarmouth.

Group II
Belfast, Maine.
Searsport.

Group III
Jonesport, Maine.
Machiasport.

Group IV
Bucksport, Maine.
Lubec.
Cutler.

Group V
Calais, Maine.
Robbinston.

Group VI
Boston, Mass.
East Boston.
South Boston.
Charlestown.
Everett.
Chelsea.
Lynn.
Quincy.
Weymouth.
Revere.

Group VII
Fall River, Mass.
Somerset.

Group VIII
Salem, Mass.
Beverly.
Peabody.

Group IX
Providence, R. I.
East Providence.
Davisville.

Group X
Newport, R. I.
Portsmouth.
Tiverton.
Melville.

Group XI
New London, Conn.
Allyn's Point.
Montville.
Norwich.

Group XII
New York, N. Y.
Bayonne, N. J.
Brooklyn, N. Y.
Cartaret, N. J.
Caven Point, N. J.
Constable Hook, N. J.
Gravesend Bay, N. Y.
Hoboken, N. J.
Jersey City, N. J.
Leonardo, N. J.
Newark, N. J.
New York, N. Y.
Perth Amboy, N. J.
Sewaren, N. J.
Stapleton, N. Y.
Weehawken, N. J.
Yonkers, N. Y.

Group XIII
Philadelphia, Pa.
Chester, Pa.
Marcus Hook, Pa.
Camden, N. J.
Paulsboro, N. J.
Deep Water Point, N. J.
Wilmington, Del.
Lewes, Del.

Group XIV
Baltimore, Md.
Hawkins' Point.
Locust Point.
Sparrows Point.
Port Covington.

ATLANTIC COAST DISTRICT—continued

Group XIV—Con.
Canton.
Curtis Bay.
Fairfield.
Spring Garden.

Group XV
Norfolk, Va.
Portsmouth.
Newport News.
Sewell's Point.

GULF COAST DISTRICT

Group XVI
Tampa, Fla.
Port Tampa.
St. Petersburg.

Group XVII
Mobile, Ala.
Theodore.
Fort Morgan.

Group XVIII
Lake Charles, La.
Rose Bluff.
Lock Port.
West Lake.
Haymark.

Group XIX
New Orleans, La.
Meraux.
Chalmette.
Southport.
Algiers.
Gretna.
Harvey.
Marrero.
Westwego.
Avondale.
Port Sulphur.
Destrehan.
Norco.
Good Hope.
St. Rose.

Group XIX—Con.
Concord.
Baton Rouge.
Braithwaite.

Group XX
Galveston, Tex.
Houston.
Baytown.
Norsworthy.
Galena.
Texas City.

Group XXI
Sabine, Tex.
Sabine Pass.
Magpetco.
Port Arthur.
Atreco.
Smith's Bluff.
Neches.
Beaumont.
Stanolind.
Orange.

Group XXII
Brownsville, Tex.
Port Isabel.

Group XXIII
Corpus Christi, Tex.
Harbor Island.
Ingleside.

PACIFIC COAST DISTRICT

Group XXIV
San Francisco, Calif.
Oakland.
Alameda.
Richmond.
California City.
Redwood City.
Hunter's Point.
Point Costa.
Martinez.
Benecia.
Avon.
Amorco.
Oleum.
Point Molote.
Point San Pablo.
Mare Island.
Crockett.
Selby.
Port Chicago.
Pittsburg.
Antioch.
Bay Point.
Pinole.
Wine Haven.
Vallejo.

Group XXV
Port Ludlow, Wash.
Port Gamble.
Kingston.
Port Madison.
Winslow.
Port Blakely.
Manchester.
Bremerton.
Port Orchard.
Tacoma.

Group XXV—Con.
Olympia.
Seattle.
Point Wells.
Edmonds.
Mukilteo.
Everett.

Group XXVI
Los Angeles, Calif.
Wilmington.
San Pedro.
Long Beach.
El Segundo.

Group XXVII
Vancouver, Oreg.
Portland.

Group XXVIII
Longview, Wash.
Kaloma, Wash.
St. Helens, Oreg.
Panier, Oreg.
Prescott, Oreg.

Group XXIX
Astoria, Oreg.
West Port, Oreg.
Wauna, Oreg.
Bradwood, Oreg.
Knappton, Wash.

Group XXX
Coos Bay, Oreg.
North Bond.
Reedsport.
Port Orford.
Newport.

b. Paragraph (w) is added:

(w) *Inactive vessel.* An "inactive vessel" for the purpose of determining compensation pursuant to §§ 306.172, 306.181, 306.186 and 306.191 is construed to be any vessel that has completed all activities connected with its last inward voyage, i. e. discharge of passengers, cargo and mail, paying off crew from sea articles, and/or completion of voyage repairs, whichever last occurs, and thereafter is in a standby status for a period in excess of thirty (30) days. During the first thirty (30) days in standby status, the vessel is construed to be active, and it is only for the time in excess of such thirty (30) day period that the vessel is an inactive vessel. The inactive status shall terminate upon the commencement of a new outward voyage.

(Sec. 202 of Pub. Law 492, 79th Cong.; 60 Stat. 501)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

FEBRUARY 21, 1947.

[F. R. Doc. 47-2333; Filed, Mar. 11, 1947; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 692]

PART 95—CAR SERVICE

LUMBER; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of March A. D. 1947.

It appearing, that carload shipments of lumber are being held at points in the United States for diversion, reconsignment, or disposition orders, thereby impeding the use, control, supply, movement, distribution, exchange, interchange, and return of cars; the Commission is of opinion an emergency requiring immediate action exists in all sections of this country: It is ordered, that:

§ 95.692 *Lumber; restrictions on holding for diversion, reconsignment or disposition*—(a) *Definition.* The term "lumber" as used in this order means lumber, veneer or forest products as listed in Items 26715 to 27135, inclusive, of Consolidated Freight Classification No. 17, supplements thereto or reissues thereof.

(b) *Holding of cars for diversion, reconsignment, or disposition orders, restricted.* Carload shipments of lumber held in cars for diversion, reconsignment or disposition orders beyond two days (48 hours), exclusive of Sundays and bank holidays, after the first seven a. m. (7:00 a. m.) after notice of arrival of the car at any point prior to delivery at the ultimate destination is sent or given the consignee or party entitled to receive same, and later reforwarded upon request of consignor, consignee, or owner, will be subject to the basis of charges shown in Note 1 of this paragraph.

NOTE 1: The full local or joint (not proportional, reshipping or transshipping) tariff rate to the reforwarding point, plus the

full local or joint (not proportional, reshipping or transshipping) tariff rate from the reforwarding point, in effect on the date of shipment from point of origin, plus all other applicable charges previously or subsequently accruing.

(c) *Application.* (1) The provisions of this section shall apply to intrastate and foreign shipments as well as to interstate shipments transported by any common carrier by railroad subject to the Interstate Commerce Act.

(2) The provisions of this section shall not apply to carload shipments of lumber billed from the primary point of origin prior to the effective date of this section.

(3) This section shall apply to a railroad freight car loaded with lumber stopped for partial unloading at a hold or reconsigning point when the order for the "stop for partial unloading" of such car is received by the carriers subsequent to the arrival of such car at the hold or reconsigning point.

(d) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(e) *Special and general permits.* The provisions of this section shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet exceptional circumstances.

(f) *Effective date.* This section shall become effective at 12:01 a. m., March 21, 1947.

(g) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon all other railroads not parties to that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2315; Filed, Mar. 11, 1947; 8:58 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-5]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

In the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 6th day of February A. D. 1947.

The matter of reprinting rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act being under consideration.

And it appearing, that by order issued on August 3, 1936, the Commission approved and prescribed rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act, as security for the protection of the public, said rules and regulations to be effective from and after November 15, 1936;

And it further appearing, that by orders issued by the Commission on October 28, 1936, and December 10, 1936, the effective date of said rules and regulations was postponed until February 15, 1937, on which date they became effective;

And it further appearing, that since August 3, 1936, the Commission issued supplemental orders dated October 3, 1936, October 28, 1936, December 10, 1936, December 31, 1936, February 13, 1937, January 6, 1938, November 22, 1938, April 3, 1939, March 25, 1940, April 4, 1940, January 18, 1941, April 23, 1941, July 23, 1941, January 23, 1942, and April 18, 1944, approving amendments and additions to or modifications of said rules and regulations;

And it further appearing, that because of numerous requests for copies of our rules and regulations, as amended, extended, or modified; and in order to simplify them for ready reference, it is desirable and appropriate that the original rules and regulations and the amendments and additions thereto be consolidated and published in revised form;

It is ordered, That the rules and regulations prescribed by order of August 3, 1936, as revised and supplemented by subsequent orders, which orders are referred to and made a part hereof be, and they are hereby, published in revised form:

SECTIONS 211 (C) AND 215 OF THE INTERSTATE COMMERCE ACT

§ 211 (c). The Commission shall prescribe reasonable rules and regulations for the protection of travelers or shippers by motor vehicle, to be observed by any person holding a brokerage license, and no such license shall be issued or remain in force unless such person shall have furnished a bond or other security approved by the Commission, in such form and amount as will insure financial responsibility and the supplying of authorized transportation in accordance with contracts, agreements, or arrangements therefor.

§ 215. No certificate or permit shall be issued to a motor carrier or remain in force, unless such carrier complies with such reasonable rules and regulations as the Commission shall prescribe governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, in such reasonable amount as the Commission may require, conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of motor vehicles under such certificate or permit, or for loss or damage to property of others. The Commission may, in its discretion and under such rules and regulations as it shall prescribe, require any such common carrier to file a surety bond, policies of insurance, qualifications as a self-insurer, or other securities or agreements in a sum to be determined by the Commission, to be conditioned upon such carrier making compensation to shippers and/or consignees for all property belonging to shippers and or consignees, and coming into the possession of such carrier in connection with its transportation service. Any carrier which may be required by law to compensate a shipper and/or consignee for any loss, damage, or default for which a connecting motor common carrier is legally responsible shall be subrogated to the rights of such shipper and/or consignee under any such bond, policies of insurance, or other securities or agreements, to the extent of the sum so paid.

The cancellation or expiration of a policy of insurance or other form of security for the protection of the public provided for in these rules or the revocation by the Commission of its approval of any policy of insurance or other form of security without substitution of other security approved by the Commission will under the terms of the foregoing sections of the Interstate Commerce Act, render of no force any certificate, permit, or license in connection with which such security was accepted or approved, and all authority to operate granted by this Commission can be lawfully exercised only so long as the security provided for by sections 211 (c) and 215 of the Interstate Commerce Act, and by rules of this Commission remains in effect.

Sec.

174.1 Surety bond, etc., for property damage, public liability and cargo insurance; common and contract carriers; rule applicable to exemption of transportation.
174.2 Insurance, minimum amounts.
174.3 Combination vehicles.
174.4 Brokers.
174.5 Qualifications.
174.6 Bonds and insurance policies.
174.7 Forms and procedure.
174.8 Insurance companies; authorized.
174.9 Refusal to accept, or revocation by Commission, of surety bond, etc.
174.10 Fiduciaries.

AUTHORITY: §§ 174.1 to 174.10, inclusive, issued under secs. 211, 215, 49 Stat. 554, 557; 49 U. S. C. 311, 315.

§ 174.1 *Surety bond, etc., for property damage, public liability and cargo insurance; common and contract carriers; rule applicable to exemption of transportation.* No motor carrier subject to the provisions of Part II of the Interstate Commerce Act, shall engage in interstate or foreign commerce, and no certificate or permit shall be issued to a motor carrier, or shall remain in force unless and until there shall have been filed with and approved by the Commission a surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreements in not less than the amounts prescribed in § 174.2, conditioned to pay, within the amount of such surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreements any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to Part II, Interstate Commerce Act, or for loss or damage to property of others. Nor shall any common carrier by motor vehicle subject to the provisions of said act engage in interstate or foreign commerce, nor shall any certificate be issued to such carrier, nor remain in force unless and until there shall have been filed with and approved by the Commission a surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreements in not less than the amounts hereinafter prescribed, conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service: *Provided however*, That this requirement shall not apply in connection with the transportation of such commodities as the Commission may from time to time determine should be exempt from such requirement because of their low value and favorable transportation characteristics.

§ 174.2 *Insurance, minimum amounts.* The minimum amounts referred to in § 174.1 are hereby prescribed as follows:

(a) *Motor carriers; bodily injury liability; property damage liability.*

(1) Kind of equipment	(2) Limit for bodily injuries to or death of one person	(3) Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a minimum limit of $5,000 for bodily injuries to or death of one person)	(4) Limit for loss or damage to any one third person not carrying cargo)
Passenger equipment (seating capacity):			
7 passengers or less	$5,000	$15,000	$1,000
8 to 12 passengers, inclusive	5,000	20,000	1,000
13 to 20 passengers, inclusive	5,000	30,000	1,000
21 to 30 passengers, inclusive	5,000	40,000	1,000
31 passengers or more	5,000	50,000	1,000
Freight equipment: All motor vehicles used in the transportation of property	5,000	10,000	1,000

(b) *Motor common carriers; cargo liability.* Security required to compensate shippers or consignees for loss of or damage to property belonging to shippers or consignees and coming into the possession of motor common carriers in connection with their transportation service, (1) for loss of or damage to property carried on any one motor vehicle—$1,000; (2) for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place—$2,000.

§ 174.3 *Combination vehicles.* The following combinations will be regarded as one motor vehicle for purposes of this part, (a) a tractor and trailer or semi-trailer when the tractor is engaged solely in drawing the trailer or semi-trailer, and (b) a truck and trailer when both together bear a single load.

§ 174.4 *Brokers.* No person shall engage in the business of a broker as defined in Part II, Interstate Commerce Act, and no brokerage license shall be issued to any such person nor remain in force unless and until such person shall have furnished a bond or other security approved by the Commission, in an amount of not less than $5,000, and in such form as will insure the financial responsibility of such broker and the supplying of authorized transportation in accordance with the contracts, agreements, or arrangements therefor.

§ 174.5 *Qualifications*—(a) *As a self-insurer.* The Commission will give consideration to and will approve the application of a motor carrier to qualify as a self-insurer if such carrier furnishes a true and accurate statement of its financial condition and other evidence which will establish to the satisfaction of the Commission the ability of such motor carrier to satisfy its obligations for bodily injury liability, property damage liability, or cargo liability without affecting the stability or permanency of the business of such motor carrier.

(b) *Other securities or agreements.* The Commission will also consider applications for approval of other securities or agreements and will approve any such applications if satisfied that the security or agreement offered will afford the security for the protection of the public contemplated by sections 211 (c) and 215 of Part II, Interstate Commerce Act.

§ 174.6 *Bonds and insurance policies.* Each certificate or policy of insurance or surety bond filed with the Commission for approval must be for not less than the full limits of liability required under this part: *Provided, however*, That only corporations may qualify to act as surety. In each case in which the surety on any such bond is a surety company, such company must be one approved by the United States Treasury Department under the laws of the United States and the applicable rules and regulations governing bonding companies.

§ 174.7 *Forms and procedure*—(a) *Forms of endorsements and cancelation notices.* Endorsements for policies of insurance, surety bonds, certificates of insurance and applications to qualify as a self-insurer, or for approval of other securities or agreements, and notices of cancelation all must be in the forms prescribed and approved by the Commission.

(b) *Filing of certificates of insurance and cancelation notices.* Certificates of insurance, surety bonds, and notices of cancelation must be filed with the Commission in triplicate. Upon receipt and approval by the Commission one copy will be stamped "received and approved" and returned to the home office of the insurance or surety company.

(c) *Name of insured.* Insurance policies and surety bonds shall be written in the full and correct name of the individual, partnership, corporation, or other person to whom the certificate, permit, or license is or is to be issued. In case of a partnership all partners shall be named.

(d) *Cancelation notice.* Surety bonds, policies of insurance, endorsements, or certificates of insurance and other securities and agreements shall not be canceled or withdrawn until after thirty (30) days' notice in writing by the insurance company, surety or sureties, motor carrier, broker, or other party thereto, as the case may be, has first been given to the Commission at its office in Washington, D. C., which period of thirty (30) days shall commence to run from the date such notice is actually received at the office of the Commission.

(e) *Motor carriers and brokers; compliance with Part II, Interstate Commerce Act and this part.* Motor carriers and brokers subject to the jurisdiction of this Commission are hereby required to maintain in effect at all times the security for the protection of the public contemplated in sections 211 (c) and 215, of Part II, Interstate Commerce Act, and prescribed by these sections.

§ 174.8 *Insurance companies; authorized*—(a) *State authority.* No policy of insurance (or certificate of insurance in lieu thereof) will be approved by the Commission under this part unless written or issued by an insurance company legally authorized to issue such a policy in each state in which the insured motor carrier is authorized to operate under Part II of the Interstate Commerce Act, and such insurance company fully complies with paragraph (b) of this section: *Provided, however*, That the Commission will approve certificates of insurance from two or more insurance companies, or a certificate of insurance and a surety bond as provided for in § 174.6, in lieu of a certificate of insurance from one company if such certificates, or certificate and surety bond, each provide the prescribed coverage for separate states and collectively provide all the coverage prescribed in this part.

(b) *Financial resources.* Each insurance company must possess the minimum financial resources applicable to it as provided in this paragraph, which minimum will be determined on the basis of the values of assets and liabilities as shown in its financial statements filed with and approved by the insurance department or other insurance regulatory authority of the state of domicile (home state) of such company, except in instances where, in the judgment of the Commission, additional evidence with respect to such values is considered necessary;

(1) Stock corporations must have and maintain minimum policyholders' surplus funds of $200,000, of which paid-in capital shall be not less than $150,000.

(2) Non-stock corporations and other non-stock organizations or associations issuing nonassessable policies of insurance must have and maintain surplus funds (policyholders' surplus) in excess of all liabilities of not less than $200,000.

(3) Non-stock corporations and other non-stock organizations or associations, issuing policies of insurance on an assessable basis only, must have and maintain surplus funds (policyholders' surplus) in excess of all liabilities of not less than $150,000.

(c) *Effective date.* This section shall be effective (1) on April 25, 1944, as to insurance companies which are not now qualified to file certificates of insurance with the Commission, and (2) on June 24, 1944, as to companies which are now qualified to file certificates of insurance with this Commission, except that if any affected company which is now qualified to file certificates of insurance with this Commission shall on or before June 24, 1944, give assurances to this Commission, in writing, of its willingness, apparent ability, and intent, promptly to rearrange its financial affairs so as to qualify, then as to such company, the amended section shall not be effective until October 23, 1944.

§ 174.9 *Refusal to accept, or revocation by Commission, of surety bond, etc.* The Commission may, at any time, refuse to accept or may revoke its approval of any surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreements if, in its judgment, such security does not comply with these sections or, for any reason, fails to provide satisfactory or adequate protection for the public.

§ 174.10 *Fiduciaries* — (a) *"Insured" and "principal" defined.* The terms "insured" and "principal" as used in policies of insurance (or certificates of insurance in lieu thereof), surety bonds, notices of cancelation, rescinders of notices of cancelation, and notices reinstating policies of insurance and surety bonds, issued in connection therewith and filed by or on behalf of motor carriers under these sections, and the endorsements prescribed in this section attached to any such policy of insurance, shall be construed to include not only the motor carrier named in the policy, certificate, bond, endorsement, rescinder or notice, but also (upon compliance with the conditions as to notice hereinafter stated in paragraph (b) of this section) the fiduciary of such motor carrier as defined in § 179.3 of this chapter.

(b) *Coverage of successors.* The coverage of fiduciaries as provided in this section shall attach at the moment of succession if written notice of the succession be given to each insurer or surety of such motor carrier within thirty (30) days from the date upon which such fiduciary shall have succeeded to the operating rights of such motor carrier. It shall be the duty of such fiduciary to give the notice above described but such notice shall be fully effective if it be given by the Interstate Commerce Commission or by any person having an interest in the coverage of such fiduciary.

(c) *Insurance coverage in behalf of fiduciaries to apply concurrently.* The coverage furnished under the provisions of this section on behalf of fiduciaries shall not apply subsequent to the effective date of other insurance, or other security, filed with and approved by the Commission in behalf of such fiduciaries. After the coverage provided in this section shall have been in effect thirty (30) days, it may be canceled or withdrawn within the succeeding period of thirty (30) days by the insurer, the insured, the surety, or the principal upon ten (10) days' notice in writing to the Commission at its office in Washington, D. C., which period of ten (10) days shall commence to run from the date such notice is actually received by the Commission. After such coverage has been in effect for a total of sixty (60) days, it may be canceled or withdrawn only in accordance with § 174.7.

(d) *Effective date.* This section shall become effective on September 1, 1941, and shall apply to all policies of insurance (or certificates of insurance in lieu thereof), surety bonds, notices of cancelation, rescinders of notices of cancelation, and notices reinstating policies of insurance and surety bonds issued in connection therewith, then on file or which may thereafter be filed with the Commission under this part.

And it is further ordered, That notice of this order shall be given to the public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2314; Filed, Mar. 11, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 29]

SALVAGE AND REINSURANCE RECOVERABLE BY CASUALTY AND FIRE INSURANCE COMPANIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the appendix below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

Amending § 29.204–2 of Regulations 111, relating to gross income of insurance companies other than life or mutual and mutual marine insurance companies and mutual fire insurance companies issuing perpetual policies.

Section 29.204–2 of Regulations 111, as amended by Treasury Decision 5387, approved July 1, 1944 (26 CFR 29.204–2), is further amended by adding at the end thereof a new paragraph to read as follows:

For taxable years beginning after December 31, 1946, that part of the deduction for "losses incurred" which represents an adjustment to "losses paid" for "salvage and reinsurance recoverable" shall include all salvage in course of liquidation and all reinsurance in process of collection.

[SEAL] JOSEPH D. NUNAN, JR., *Commissioner of Internal Revenue.*

[F. R. Doc. 47-2330; Filed, Mar. 11, 1947; 8:58 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[50 CFR, Part 1]

PROTECTION OF MIGRATORY BIRDS

NOTICE OF INTENTION TO ADOPT REGULATIONS DESIGNATING AS A CLOSED AREA CERTAIN LANDS IN VICINITY OF EVERGLADES NATIONAL WILDLIFE REFUGE, AND AMENDING REGULATIONS FOR PROTECTION OF MIGRATORY BIRDS

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong.), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, and the act of August 14, 1946 (Public Law 732, 79th Cong.), notice is hereby given that the Secretary of the Interior intends to take the following action:

A. To adopt a regulation designating as an area closed to the taking of migratory birds, at any time, certain lands and waters within, adjacent to, or in the vicinity of the Everglades National Wildlife Refuge, Florida.

B. To adopt a regulation providing for the cooperative development of areas acquired by the United States, through donation, for future use as migratory bird sanctuaries or wildlife refuge areas.

The foregoing regulations are to be promulgated on March 24, 1947, or as soon thereafter as approved by the President, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington, D. C.

OSCAR L. CHAPMAN, *Under Secretary of the Interior.*

MARCH 6, 1947.

[F. R. Doc. 47-2261; Filed, Mar. 11, 1947; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 927]

[Docket No. AO 71-A-12]

NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a hearing to be held at the Utica Hotel, Utica, New York, beginning at 10:00 a. m., e. s. t., March 17, 1947, and at the Commodore Hotel, New York, New York, beginning at 10:00 a. m., e. s. t., March 24, 1947, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Since the proposals to eliminate or to modify the present formula for determining the Class I–A price raise the question of whether or not the formula will more satisfactorily maintain the Class I–A price at a level which will be consistent with the standards sets forth in the act, if some or all of the price factors contained in the formula are changed, evidence will be received at the hearing with respect to any and all factors involved in the establishment of an appropriate Class I–A price. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed amendments with respect to which evidence will be received are as follows:

1. Proposed by Farmers' Union, Northeastern Division:

Amend § 927.2 (d) (6) to read:

(6) Prepare and distribute, monthly a bulletin to all producers and to such other persons as may request it, and timely public announcements and press releases, for the benefit of producers, consumers and handlers such statistics and information concerning the operation of this order, as amended, and including the activities of check testers operating under § 927.6 (e) (2), as do not reveal confidential information.

2. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.2 (d) (10) by substituting the following:

(10) The market administrator shall, from time to time, either upon his own motion or upon the request of any handler, cause inspection to be made of the buildings, facilities and surroundings of the plant and shall notify handlers of his determination as to what constitutes the plant and its equipment. If said inspection is requested by any handler, the market administrator shall notify such handler of his determination within 30 days of such request. Such determination shall be ruling for all purposes hereunder, and any revision in the determination on which handlers have been notified shall be effective not earlier than the date of notice to handlers of such revised determination.

3. Proposed by Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc.:

Amend § 927.2 (d) by adding a new subparagraph (11) as follows:

(11) Upon request of any handler receiving milk from producers, issue a declaratory order stating the classification of milk which such handler proposes to utilize and move as described in such request; *Provided*, That if upon audit by the market administrator of the handlers' utilizations and movements of product it is found that milk received from producers was not utilized and moved as described in such request, the milk shall be classified by the market administrator under the order in accordance with its actual utilization and movement.

4. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.2 (e) (1) by deleting (i) of said section and substituting the following:

(i) The average, for the period beginning with the 25th of the preceding month and ending with the 24th of the current month, of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the Chicago market, plus the addition of one cent to each of such daily prices.

5. Proposed by Rockdale Creamery Corporation:

Amend § 927.2 (e) (1) (ii) and (iii) to read:

(ii) The average for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month of the prices (using the midpoint of any range as one quotation) reported sales of all handlers reporting actual usage for Class V–B milk, for hot roller process dry skim milk or nonfat dry milk solids, other brands, human consumption, carlots, bags, or barrels.

(iii) The average for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month of the prices (using the midpoint of any range as one quotation) reported sales of all handlers reporting actual usage for Class V–B milk, for hot roller process dry skim milk or nonfat dry milk solids, other brands, animal feed, carlots, bags or barrels.

6. Proposed by Farmers' Union, Northeastern Division:

Amend § 927.2 (e) (2) to provide for the announcement of monthly average price of U. S. Grade AA or U. S. 93-score butter on the New York market.

7. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.3 (a) (3) (ii) by adding, at the end of the proviso therein, the following: "or for shipping approved skim milk from such plant."

8. Proposed by Association of Ice Cream Manufacturers of New York State:

Amend § 927.3 (a) (4) (iv) (b) by deleting the last two sentences and substituting therefor the following: "Such specified classes of milk received from producers shall include Classes I–A, II–A, II–B (except cold storage cream); and II–F to the extent that the butterfat in said class is utilized in frozen desserts or homogenized mixtures processed in New York City; *Provided*, That the inclusion of Classes II–B and II–F as set forth herein shall not be mandatory for any period that the health authority of New York City permits use, in frozen desserts or homogenized mixtures, of milk products from sources not approved for shipment of fluid milk. In addition, such specified classes may include all or a part of Class I–C."

9. Proposed by Association of Ice Cream Manufacturers of New York State:

Amend § 927.3 (a) (4) (iv) (c), "*Provided*" clause, by deleting the phrase "set forth in" and substituting "permitted by."

10. Proposed by Production and Marketing Administration: Amend § 927.3 (b) by changing the first proviso therein to read: "*Provided*, That for the months of April, May, or June no plant at which milk was received from dairy farmers during the preceding period of October, November, and December shall be a pool plant on this basis, unless at least 60 percent of such milk was classified in Class I–A and, either directly, or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk:"

11. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.3 (b) by adding the following sentence: "On or before the 14th

day of each month, the market administrator shall make public the name of any plant designated as a pool plant pursuant hereto, together with the name of the owner or operator of said designated plant."

12. Proposed by Association of Ice Cream Manufacturers of New York State:

Amend § 927.4 (a) (2) by inserting after the word "*Provided*" the following: "That in the case of milk held in the form of frozen desserts, there shall be no time limitation for establishing the classification of such milk."

13. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.4 (a) (3) (i) by adding after the words "Class I–A" the following: "except that, in any month in which the Class I–C price is higher than the Class I–A price, milk shipped in the form of milk to or through the marketing area, which is ultimately distributed in an area not regulated by an order of the Secretary, shall be classified as Class I–C;"

14. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.4 (b) by eliminating, in the first proviso, the following words: "prior to the effective date of the first rules and regulations issued hereunder the market administrator may issue temporary rules and regulations without regard to the following procedure, and."

15. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.4 (b) by eliminating the second proviso and by substituting the following: "*Provided further*, That, upon the bona fide request of any handler or handlers, a meeting shall be called pursuant to subparagraph (1) of this paragraph, not later than 30 days after such request, to consider amendments to or revisions of any rules and regulations or any temporary rules and regulations previously issued."

16. Proposed by Association of Ice Cream Manufacturers of New York State:

Amend § 927.4 (c) (5) to change "48 hours" to "7 days."

17. Proposed by New York State Association of Refrigerated Warehouses:

Amend § 927.4 (c) (5) to read:

(5) Class II-B milk shall be all milk, except as set forth in subparagraphs (7), (8), and (9) of this paragraph, the butterfat from which leaves or is on hand at a plant in the form of plain condensed milk, frozen desserts, or homogenized mixtures; or which leaves or is on hand at a plant in the form of cream, which is subsequently held in a licensed refrigerated warehouse at a temperature of zero degrees F. for 28 days, the first 7 of which are to be consecutive, such temperature to be evidenced by charts of a recording thermometer. A fluctuation of not to exceed 5 degrees above zero for not more than any 72-hour consecutive period, will be permitted. Storage rooms in which such cream is held shall at all times be subject to inspection by the milk market administrator to determine the physical presence of the cream and the temperature of the room in which stored. In the event that during the 28-day storage period, a recording thermometer fails to accurately register the temperature of the storage room, the operator of the licensed refrigerated warehouse shall immediately notify the market administrator's office of such failure, and the market administrator may then in his discretion accept accurate temperature records made manually from nonrecording thermometers, when such records are supported by an affidavit from a responsible official of the warehouse.

After the first 7 consecutive days such cream may be moved from one licensed refrigerated warehouse to another: *Provided*, That the market administrator receives notice of such removal within 48 hours thereafter. The temperature in the licensed refrigerated warehouse to which such cream is moved shall be maintained as above stated for the remaining portion of the 28-day period, after the date of removal from the original warehouse in which stored. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 927.9 (c) for the difference between the Class II–B and Class II–A prices for the month in which the II–B classification was claimed on any such milk, if the storage of the cream does not comply with all the requirements of this subparagraph.

18. Proposed by Association of Ice Cream Manufacturers of New York State:

Amend § 927.4 (c) (9) to change the phrase "moved to a plant" to "moved to a plant or warehouse."

19. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.5 (a) by changing subparagraph (1) thereof to read:

(1) For Class I–A milk the price per hundredweight during each month shall be as set forth in the following table: *Provided*, That the Class I–A price, during the months of April, May, and June, 1947, shall be $4.14 per hundredweight; during the months of July, August, and September, 1947, shall not be less than $4.58 per hundredweight:

The average price per pound of butter announced pursuant to §927.2 (e) (1) (i), plus an amount calculated as follows: deduct 4 cents from the average dry skim milk or nonfat dry milk solids quotation per pound, announced pursuant to §927.2 (e) (1) (iv) for the period ending on the 24th of the preceding month, and multiply by 1.8	Class I–A price	
	April through June	July through March
Cents	*Dollars per cwt.*	*Dollars per cwt.*
37.5 or over, but under 37.5	1.94	2.38
37.5 or over, but under 47.5	2.38	2.82
47.5 or over, but under 57.5	2.82	3.26
57.5 or over, but under 67.5	3.26	3.70
67.5 or over, but under 77.5	3.70	4.14
77.5 or over, but under 87.5	4.14	4.58
87.5 or over, but under 97.5	4.58	5.02
97.5 or over, but under 107.5	5.02	5.46

Should the butter-dry skim milk price combination set forth above be 107.5 cents or more, the Class I–A price shall be the price which would result from further extensions of this table at the same rate to cover such butter-dry skim milk price combination.

20. Proposed by Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc.:

Amend § 927.5 (a) (1) by striking out all the words following the word "during" and substituting in place thereof the following words: "March, April, May, and June 1947 shall be $5.10."

21. Proposed by Eastern Milk Producers' Cooperative Association, Inc.:

Amend § 927.5 (a) (1) by striking out all the words following the word "during" and substituting in place thereof the following words: "March, April, May, and June 1947 shall be $5.02."

22. Proposed by Crowley's Milk Producers' Cooperative Association, Inc.:

Amend § 927.5 (a) to provide for a Class I–A price through June 1947 of $5.02 per hundredweight.

23. Proposed by Mutual Co-Operative of Independent Producers, Inc.:

Amend § 927.5 (a) by deleting subparagraph (1) thereof, and substituting therefor a new subparagraph to read as follows:

(1) For Class I–A milk of 3.5 butterfat at the 201–210 mile zone the price per hundredweight during each month shall be as follows: March through June, $5.02; July, $5.46.

24. Proposed by Mutual Co-Operative of Independent Producers, Inc.:

a. Delete subparagraph (1) of § 927.5 (a).

b. The price of Class I milk shall be based upon its cost of production plus a reasonable profit.

c. Such price arrived at as hereinafter set forth shall be announced, after the first announcement for 6-month periods.

d. The cost of production shall be arrived at by a Board of three economists, one each from the State Agricultural Colleges of New York, Pennsylvania, and Vermont, appointed by the dean of the respective colleges for the term of one year. Such Board shall have the power to make studies, surveys, investigations, establish indexes of cost and pursue the methods now in use for arriving at cost figures and to inaugurate new surveys, revisions and examinations at monthly intervals to check trends in production cost. The supply and demand factor shall be given consideration for those months during which heavy production is anticipated, not to exceed three months of each year. The results of such surveys in the States of New York, Pennsylvania, and Vermont shall be the basis upon which the Board shall make a determination as to the monthly Class I price or prices to be paid for the 6-month period following the Board's announcement.

e. Funds for the expenses incurred by each said college in making its studies and surveys, and the expenses of the Board shall be paid, upon certificates of the respective colleges as to the amounts required or expended, from a fund of $100,000 or such sum as may be deemed adequate, withdrawn from the producers' pool on the authority of the producers participating in the pool, given in a referendum on the proposition, and held in trust by the administrator of Order No. 27 under explicit instructions as to its use. Such fund shall be kept to a certain amount by periodical transfers from the pool fund to the trust fund.

f. The results of the studies of cost of production and the processes involved in arriving at cost, the margin of milk above the actual market demands included as Class I, the allowance for profit over production cost and such other information as may be deemed necessary and proper, shall be publicly announced by the Board when the price of Class I milk is announced.

25. Proposed individually by A. G. Eiss, La Fargeville, New York; Anton S. Harrington, Gilboa, New York; Robert Yaun, Livingston Manor, New York; Walter S. Cady, Baldwinsville, New York; Raymond Bach, Canastota, New York; W. and E. Arnold, Granville Summit, Pennsylvania; Michael J. Brock, Greenwich, New York:

That (in substance) the present price formula for Class I–A milk be abandoned and that the price be fixed to return to the producer the cost of production plus a fair and reasonable profit.

26. Proposed by Floyd B. Groff, St. Johnsville, New York:

That the Class I–A price be fixed at $5.25 per hundredweight the year around.

27. Proposed by Ralph C. Archer, Jefferson Valley, New York:

That the Class I–A price be fixed as a percentage of the delivered fluid price and that the delivered price be fixed each month in advance by a committee of milk dealers and farmers.

28. Proposed by the United Dairy Farmers' Division, District 50, United Mine Workers of America, A. F. of L.:

Amend the price provisions of the order pertaining to fluid milk to permit basing of fluid milk price on the cost of production plus a reasonable profit for the dairy farmer. Amend the order to provide that the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture shall at each hearing receive testimony on cost of production of 100 pounds of milk and shall thereafter make an official finding as to such cost of production and shall make that finding public.

29. Proposed by New England Milk Producers' Association:

Amend § 927.5 (a) (4) and § 927.4 (c) (3) to provide that the price for Class I–C milk which is shipped to or distributed in New England markets shall be the price for Class I–A milk.

30. Proposed by the Northern Farms' Cooperative, Inc.

Amend § 927.5 (a) (4) to provide that for Class I–C milk which is delivered to a plant or a purchaser in New England the price shall be the price for Class I–A milk.

31. Proposed by Production and Marketing Administration:

Amend § 927.5 (a) (4) to read:

(4) For Class I–C milk the price during each month shall be the price for Class I–A milk.

32. Proposed by Association of Ice Cream Manufacturers of New York State:

Amend § 927.5 (a) by deleting the "*Provided*" clause from sub-paragraphs (6), (8), and (9).

33. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.5 (a) (8) and (9) by eliminating the provisions in each instance.

34. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.5 (a) (9) by changing the phrase, "subtract 21.5 cents" to read "subtract 25.5 cents."

35. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.5 (a) (11) by substituting therefor the following:

(11) For Class III milk the price during each month for milk delivered directly by producers to plants manufacturing Class III products shall be the average, computed by the market administrator, of prices, as reported to the United States Department of Agriculture, paid during such months to farmers by each of the evaporated milk plants which purchase milk at places listed in this subparagraph and for which prices are reported; for milk originally received from producers at bulk fluid milk plants which is subsequently shipped to a manufacturing plant and there classified as Class III the price shall be the above computed average minus 27 cents per hundredweight of milk.

To these Class III prices shall be added appropriate allowances reflecting difference between freight on case goods (evaporated milk in hermetically sealed cans) and whole milk powder products shipped to the Eastern Seaboard from the middle western production area and from the New York milk shed.

or, as an alternative, substituting the following:

For Class III milk the price during each month for the months of October, November, and December, inclusive, shall be 8 cents higher than the average; for the months of August, September, January, and February shall be equal to the average; and for the other months of the year shall be 10 cents less than the average, as computed by the market administrator, of prices as reported to the United States Department of Agriculture, paid during each month to farmers by each of the evaporated milk plants which purchase milk at places listed in this subparagraph and for which prices are reported.

36. Proposed by Farmers Union, Northeastern Division:

Amend § 927.5 (a) (11) to read as follows:

(11) For Class III milk the price during each month shall be 10 cents higher than the average, computed by the market administrator, of the prices, as reported to the United States Department of Agriculture, paid during such month to farmers by each of the evaporated milk plants which purchase milk at places listed in this subparagraph and for which prices are reported: *Provided*, That in no event shall the Class III price be less than a price computed by the market administrator as follows: To the average price of 92-score butter at wholesale in the Chicago market for such month, as reported by the United States Department of Agriculture, add 30 percent, multiply by 3.5, and add 7 cents.

LOCATION OF EVAPORATED MILK PLANTS

Mt. Pleasant, Mich.	Orfordville, Wis.
Sparta, Mich.	Chilton, Wis.
Hudson, Mich.	New London, Wis.
Wayland, Mich.	Coldwater, Ohio
Coopersville, Mich.	Berlin, Wis.
New Glarus, Wis.	Richland Center, Wis.
Belleville, Wis.	Oconomowoc, Wis.
Greenville, Wis.	Jefferson, Wis.
Manitowoc, Wis.	Delta, Ohio
Black Creek, Wis.	West Bend, Wis.

37. Proposed by Farmers Union, Northeastern Division:

Amend § 927.5 (a) (12) by changing the term "U. S. Grade A or U. S. 92-score" to "U. S. Grade AA or U. S. 93-score."

38. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.5 (a) (12) by eliminating the proviso contained therein.

39. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.5 (a) (13) by eliminating the second proviso contained therein.

40. Proposed by New York State Cheese Manufacturers' Association, Hoffman and Dudo, Chateaugay Cooperative Marketing Association, Lowville Producers' Dairy Cooperative, Inc., and St. Lawrence Creamery Company:

Delete the whole of § 927.5 (a) (13), as amended, and substitute the following:

(13) For Class IV–B milk the price during each month shall be a price computed by the market administrator as follows: From the average of weekly quotations at The Wisconsin Cheese Exchange, Plymouth, Wisconsin, for Cheddars, or in the absence of such quotations for Cheddars, the weekly quotations at The Wisconsin Cheese Exchange for Twins, subtract 3 cents (net figure representing making allowance in excess of whey fat, whey, transportation, and paraffin allowances) and multiply the result by 9.

or, as an alternative, substitute the following:

(13) For Class IV–B milk the price during each month shall be a price computed by the market administrator as follows: From the average of weekly quotations at The Wisconsin Cheese Exchange, Plymouth, Wisconsin, for Cheddars, or in the absence of such quotations for Cheddars, the weekly quotations at The Wisconsin Cheese Exchange for Twins, subtract 2 cents (net figure representing making allowance in excess of whey fat, whey, transportation, and paraffin allowances) and multiply the result by 9. *Provided also*, That from the result thus obtained, 15 cents per hundredweight of milk be subtracted during the months of March, April, May, June, July, August, and September each year.

41. Proposed by Floyd B. Groff, St. Johnsville, New York:

That the order should be changed so that those near New York City do not get twenty or thirty cents per hundredweight more than the rest.

42. Proposed by Rockdale Creamery Corporation:

Amend § 927.7 (a) by deleting subparagraph (5) thereof.

43. Proposed by Farm Bureau and Conservation Committee of the Board of Supervisors of Sullivan County, N. Y.:

Amend § 927.7 (a) (5) to read as follows:

(5) With respect to milk received from producers, deduct 30 cents per hundredweight at plants in the marketing area, and 20 cents per hundredweight at plants located between the marketing area and within one hundred miles of the New York market, and plants located between one hundred and one hundred twenty-five miles from the New York market deduct fifteen cents per hundredweight, and plants between one hundred twenty-five and one hundred thirty-five miles from the New York market deduct ten cents per hundredweight, and plants located between one hundred thirty-five and one hundred forty-five miles from the New York market deduct five cents per hundredweight.

44. Proposed by Production and Marketing Administration:

Amend § 927.8 (a) by adding the following: "*Provided*, That if such payment cannot be made up by the required date because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer-settlement fund, and in the event that a lawful claim is later established, the market administrator shall make such payment from the producer-settlement fund: *Provided further*, That, if, not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the Market Administrator's finding upon verification as provided above, such payment shall be made to the producer-settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed, or until the handler submits proof to the Market Administrator that the required payment has been made to the producer or association of producers, in which latter event the payment shall be refunded to the handler."

45. Proposed by New York State Guernsey Breeders' Cooperative, Inc.:

Amend § 927.8 (c) to read as follows:

(c) *Butterfat differential.* The uniform price shall be plus or minus, as the case may be, for each one-tenth of 1 percent of butterfat content of milk delivered by any producer during any month above or below 3.5 percent, a number of cents per hundredweight carried to the nearest tenth-of-a-cent, computed as follows:

(1) Subtract 2.5 cents from the price of butter computed under § 927.5 (a) (12) and multiply the remainder by .121.

(2) Subtract 2.0 cents from the price of dry skim milk for human consumption computed under § 927.5 (a) (15) and multiply the remainder by .041.

(3) Increase or decrease as the case may be the sum of the two amounts obtained above by the percentage which the uniform price of the average test of all net pooled milk is above or below the value of milk of such test for manufacture into butter and powder. For purposes of this paragraph the butter-powder value of net pooled milk of average test shall be the Class IV–A price for that test of milk plus the Class V–B price per hundredweight of skim milk computed on the basis of prices of powder for human consumption plus ten (10) cents.

or in the alternative by amending § 927.8 (c) to read as follows:

(c) *Butterfat differential.* The uniform price shall be plus or minus, as the case may be, for each one-tenth of 1 percent above or below 3.5 percent of average butterfat content of milk delivered by any producer during any month, an amount which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston Market, as reported by the U. S. Department of Agriculture for the month during which such milk was received from producers, or the last such price reported for a month if no such price is reported for the month during which such milk was received, subtract 1.5 cents and divide the result by 10.

46. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.9 by eliminating therefrom paragraph (f) relating to cooperative payments.

47. Proposed by Rockdale Creamery Corporation:

Amend § 927.9 by deleting paragraph (f) thereof and substituting therefore the following:

(f) Any handler may apply to the Secretary of Agriculture for a determination of its qualifications to receive payments by reason of its arranging for and supplying in times of short supply Class I milk to the marketing area, securing utilization of milk, in times of long supply, in a manner to assure the greatest possible return to all producers, four cents per hundredweight of milk received from producers.

48. Proposed by Farmers' Union, Northeastern Division:

Eliminate § 927.9 (f), cooperative payments.

49. Proposed by Floyd B. Groff, St. Johnsville, N. Y.:

That the order should be changed so that no cooperative can draw any money from the pool.

50. Proposed by Dairymen's League Cooperative Association, Inc.

Strike out paragraph (f) of § 927.9 and substitute in place thereof the following:

(f) *Cooperative payments.* For the purposes of this paragraph, the word "cooperative" means any cooperative association whose members consist of producers, and any federation of such cooperative associations. When applied to a federation of cooperative associations, the words "member" and "patron" mean, respectively, the members and the patrons of the cooperative associations which themselves constitute the members of the federation. Any cooperative may apply to the Secretary for a determination of its qualifications to receive payments pursuant to this paragraph.

After the Secretary has determined any cooperative to be qualified to receive payments pursuant to this paragraph, such cooperative shall, from time to time, as requested by the market administrator, make reports to the market administrator with respect to services rendered to the market and the use of the sums received under this paragraph. Whenever the market administrator has reason to believe that any cooperative qualified by the Secretary is failing to perform the obligations covered by the payments under this paragraph, he shall suspend and hold in reserve such payments, notifying the Secretary and the cooperative of his action and the reasons therefor. Such suspended payments shall be held in reserve until the Secretary has, after hearing, disqualified such cooperative or ruled upon the performance of the cooperative and either ordered the suspended payments to be paid to the cooperative in whole or in part or disqualified the cooperative, in which event the balance of payments held in reserve shall be returned to the producer settlement fund.

The market administrator shall make the payments authorized by this paragraph, or issue credit therefor out of the producer settlement fund on or before the 25th day of each month, subject to verification of the reports upon which such payment is based.

The payments set forth below shall be made to any cooperative determined to conform to the following requirements, provided that no such cooperative, nor any member thereof shall concurrently collect payments under more than one provision of this paragraph.

(i) The cooperative is incorporated, either with or without capital stock;

(ii) Substantially all of the memberships or shares of capital stock carrying rights to vote in the meetings of the corporation are held by persons who produce milk for sale, or by other cooperatives which conform to the provisions of this subparagraph;

(iii) Rights to vote or to be represented in the meetings of the corporation are held by members, including all holders of voting shares of capital stock, either equally or in proportion to their patronage of the corporation;

(iv) Dividends or interest on all forms of capital investment (such as capital stock, certificates of interest and certificates of indebtedness issued to patrons, but not excluding other forms) are limited to 8 per cent per year;

(v) Except in case of cooperatives qualified under subdivision (1) of this section all proceeds from the marketing of milk and all other income, after the deduction of expenses, including depreciation, and after the deduction of reasonable reserves, is distributed annually, or more frequently, either directly or indirectly, to all patrons in proportion to their patronage in the form of (*a*) cash, or (*b*) evidence of capital investment, or (*c*) individual credits to the patrons clearly shown in the records of the corporation or of the cooperatives constituting a federation; *Provided*, That nothing herein contained shall prevent a cooperative from blending the proceeds of its sales in all markets and establishing such differentials as may be permitted under its contract with its producers;

(vi) All the milk of its members and patrons is sold by the cooperative and more milk is handled or sold for members than for non-members;

(vii) The corporation is free from direct or indirect control or domination by any handler other than a cooperative association, either through the furnishing of capital or through any other means or method whatever.

(1) Payment shall be made at the rate of ¾ cent per hundredweight of net pooled milk caused to be delivered by a cooperative to the plant of a handler provided the cooperative is the marketing agent for 60% of the producers delivering to such plants.

(2) Payment shall be made at the rate of 2 cents per hundredweight of net pooled milk reported and collected for by a cooperative that:

(i) Has at least 1,000 members who are producers;

(ii) Sells not more than 75% of its milk in any month to one handler, including its affiliates and subsidiaries;

(iii) Contracts for the sale of no milk in classes other than I and II–A for longer than monthly periods;

(iv) Systematically checks the weights and tests of milk delivered by its members;

(v) Accumulates at a rate of at least 2 cents per hundredweight of milk delivered by its producers, either from payments hereunder or from its producers or from both, funds invested in cash or readily marketable securities or controlling interests in plants approved for receiving milk to be sold in the marketing area, until the total amount equals $1.00 or more per hundredweight of milk delivered by its producers during the next preceding month or the preceding June, whichever is greater;

(vi) Issues and distributes a publication conveying market information to its producers at least once a month;

(vii) Blends the net proceeds of all its sales;

(viii) Has contracts with not less than half of the producers making regular deliveries to each of ten plants;

(ix) Maintains an adequate staff of persons with suitable training and performs educational, legal, statistical, and other services that contribute to the orderly and efficient marketing of milk and to more effective organization of producers for these purposes.

(3) Payments shall be made at the rate of 2 cents per hundredweight of net pooled milk at plants operated by a cooperative which meets all the requirements set forth in (iii), (iv), (vi), and (vii) of paragraph (f) (2) of this section and which accumulates at a rate of at least 2 cents per hundredweight of milk delivered by its producers, either from payments hereunder or from its producers or from both, an investment in plants approved for receiving milk to be sold in the marketing area, until the total amount equals at least 75% of the book value thereof, provided that at no time shall such investment constitute less than 20% of such value.

(4) Payments shall be made at the rate of 4 cents per hundredweight of net pooled milk reported by a cooperative or federation of cooperatives that:

(i) Has at least 2,000 members who are producers;

(ii) Contracts for the sale of no milk in classes other than I and II–A for longer than monthly periods;

(iii) Systematically checks the weights and tests of milk delivered by its members;

(iv) Issues and distributes a publication conveying market information to its producers at least once a month;

(v) Blends the net proceeds of all of its sales;

(vi) Maintains a central sales organization;

(vii) Maintains an adequate staff of persons with suitable training and performs educational, legal, statistical, and other services that contribute to the orderly and efficient marketing of milk and to more effective organization of producers for these purposes;

(viii) Has contracts with not less than half of the producers making regular deliveries to each of ten plants;

(ix) Owns and operates plants approved by a health authority in the marketing area and located at distances greater than 170 miles from New York City, capable of converting into cream and products manufactured from skim milk not less than 35% of the quantity of milk delivered by its members in the preceding June; *Provided*, That no plants hereafter equipped nearer than 225 miles from New York City shall be considered in applying this requirement;

(x) Owns and operates plants, which may include any or all of those described in subparagraph (ix) above, capable of receiving not less than half the quantity of milk delivered by its members in the preceding June;

(xi) Accumulates at a rate of at least 4 cents per hundredweight of milk delivered by its producers, either from payments hereunder or from its producers or from both, an investment in plants approved for receiving milk to be sold in the marketing area, until the total amount equals at least 75% of the book value thereof, provided that at no time shall such investment constitute less than than 20% of such value;

(5) Payments shall be made at the rate of 7 cents per hundredweight of net pooled milk reported by a cooperative that meets all the requirements set forth in subdivisions (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x) and (xi) of paragraph (f) (4) of this section and also the following:

(i) Has at least 10,000 members who are producers;

(ii) Has contracts with not less than half the producers supplying milk to the plants of any handler to whom more than 25% of its sales are made in any month;

(iii) Has capacity in plants operated as described in paragraph (f) (4) (ix) capable of converting into cream and products manufactured from skim milk not less than ten per cent of all the milk in the last June pool below Class I.

51. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.9 (g) by eliminating the words "and was used in Classes II–D, II–E or II–F during the months of July to March, inclusive, or in Class IV–A during the months of January to March, inclusive" and by substituting the words "and was assigned, in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.4 (b) hereof, to Classes II–D, II–E or II–F during the months of July to March, inclusive, or to Class IV–A during the months of January to March, inclusive."

52. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.9 (h) (1) and (2) (ii) by inserting the words "frozen desserts or homogenized mixtures" after the words "plain condensed milk" wherever that product is named.

53. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.9 (h) by striking out, in subparagraph (2) (ii) thereof, immediately following the words "Class V–B prices;", the following: "except as provided in (iv) of this subparagraph" and by inserting this clause at the beginning of § 927.9 (h) (2) (ii).

54. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

If any Board of Health having jurisdiction in the marketing area finds that there is an inadequate supply of milk, cream, plain condensed milk or skim milk (or any one of these four products), declares an emergency and permits the importation of such butterfat or skim milk from sources other than pool plants, no payments shall be made, during the period of such declared emergency, by handlers to producers, through the producer settlement fund, for milk, cultured or flavored milk drinks, cream, plain condensed milk, frozen desserts or homogenized mixtures, or skim milk, which milk or milk product was derived from milk received at some plant from dairy farmers who are not producers.

55. Proposed by Assn. of Ice Cream Manufacturers of N. Y. State:

3. Amend § 927.9 (h) (1) and (2) (ii), (iv) by deleting all references to Class II–B therein.

56. Proposed by Assn. of Ice Cream Manufacturers of N. Y. State:

4. Amend § 927.9 (h) by adding thereto the following subparagraph:

(5) Notwithstanding any foregoing provision of this paragraph (h) of this section, the said paragraph shall be inapplicable to, and no payment shall be made thereunder by handlers to producers with respect to, milk and milk products meeting the provisions of paragraph (h) (1) of this section and used

during any period that a health authority having jurisdiction in the marketing area permits the use thereof.

57. Proposed by Milk Dealers' Association of Metropolitan New York, Inc.:

(20) Amend the order providing for the payment of interest on accounts past due to the producer settlement fund and on monies unlawfully withheld from handlers by the market administrator.

58. Proposed by Production and Marketing Administration:

Amend § 927.5 (a) (15) (and the related price announcement provisions of § 927.2 (e)) to provide for computation of the Class V–B price on the basis of all prices reported by the United States Department of Agriculture for nonfat dry milk solids for human consumption, in carlot sales on the New York market, rather than on the basis of quotations for dry skim milk for animal feed and for human consumption as now provided in § 927.5 (a) (15).

Copies of this notice of hearing and of the tentatively approved marketing agreement, as amended, and of the order, as amended, now in effect, may be procured from the Market Administrator, 205 East Forty-second Street, New York, New York, or from the Hearing Clerk, Office of the Solicitor, U. S. Department of Agriculture, Room 0306 South Building, Washington 25, D. C., or may be there inspected.

Dated: March 7, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-2343; Filed, Mar. 11, 1947; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Ch. I]

[No. 29678]

INCREASED PASSENGER FARES FOR NEW HAVEN RAILROAD

NOTICE OF REASSIGNMENT OF PUBLIC HEARING

MARCH 7, 1947.

By supplemental petition dated January 27, 1947, petitioners ask that this Commission further modify its order of November 13, 1920, in No. 11623, Rates, Fares and Charges of N. Y. C. R. R. Co., 59 I. C. C. 290, as subsequently modified, sufficiently to enable petitioners to establish and maintain the same increases in their basic fares on intrastate traffic between stations on their lines within the State of New York as may be authorized on interstate traffic. This feature of the above-entitled proceeding is hereby assigned for public hearing on March 31, 1947, before Commissioner John L. Rogers and Examiner Burton Fuller at 9:30 o'clock, United States standard time, at the offices of the Interstate Commerce Commission, Washington, D. C.

The public hearing assigned by the Commission's notice of January 30, 1947, at New York, N. Y., on March 27, 1947, with respect to commutation fares, is hereby canceled, and this feature of the above-entitled proceeding is hereby reassigned for public hearing on April 22, 1947, before Commissioner John L. Rogers and Examiner Burton Fuller at 9:30 o'clock a. m., United States standard time, at the Hotel St. George, Clark Street, Brooklyn, New York.

The Commission has received numerous letters with respect to this proceeding. All interested parties are advised that factual data or expressions of opinion pertinent to the issues cannot be considered by the Commission if presented only in the form of letters but must be presented in the form of testimony or other evidence at the public hearings in order to be considered by the Commission.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioners, the Governors and the rate regulatory authorities of the States of New York, Connecticut, Rhode Island, and Massachusetts, and every person who has thus far evidenced an interest therein; and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2319; Filed, Mar. 11, 1947; 8:46 a. m.]

[49 CFR, Ch. I]

[No. 29711]

INCREASED PASSENGER FARES FOR EASTERN RAILROADS

NOTICE OF PETITION ASSIGNED FOR PUBLIC HEARING

MARCH 7, 1947.

By petition dated February 28, 1947, the common carriers by railroad in the eastern district and Pocahontas region listed in the appendix hereto request this Commission to authorize petitioners to increase between stations on their lines their interstate basic one-way passenger fares in coaches by 13.63 percent or to approximately 2.5 cents per mile and in parlor or sleeping cars by 6.06 percent or to approximately 3.5 cents per mile, with a minimum increase of 5 cents, and a minimum one-way fare of 15 cents, to increase such fares between stations on their lines and stations on connecting lines sufficiently to reflect the proposed increases on their lines, and to increase their interstate commutation and other multiple fares by approximately 20 percent in certain instances and by specific amounts in other instances, to cancel commutation and multiple fares in certain instances and to change the regulations affecting such fares in other instances.

Petitioners state that if authority is granted to increase the basic one-way fares as sought in the petition, it is the intention of petitioners, other than those in the New England region, to establish and maintain round-trip fares, as follows:

Daily round-trip fares to be increased generally in proportion with the increases proposed with respect to one-way fares of like class, the basis of the new 3-months' limit round-trip fares to be as follows:

1. *First-class fares.* Rate per mile in each direction to be 3.5 cents (no round-trip reduction) for distances up to 200 miles; for distances from 200 miles to 700 miles (one-way distance), the rate level to be gradually decreased from 3.4 to 3.1 cents at 700 miles or more; the 3.5 cents per mile fare at 199 miles to be protected until it runs out.

2. *Coach fares.* Rate per mile in each direction to be 2.5 cents (no round-trip reduction) for distances up to 200 miles; for distances from 200 miles to 500 miles (one-way distance), the rate level to be gradually decreased from 2.25 cents to 1.9 cents at 500 miles or more; the 2.5 cents per mile fare at 199 miles to be protected until it runs out.

The Commission is further asked to modify its order of February 28, 1936, in No. 26550, Passenger Fares and Charges 214 I. C. C. 174, as subsequently modified, sufficiently to permit the establishment and maintenance of the proposed increased basic fares on interstate traffic, and to modify its orders of November 13, 1920, in No. 11623, Rates, Fares and Charges of N. Y. C. R. R. Co., 59 I. C. C. 290, of November 13, 1920, in No. 11762, Michigan Passenger Fares, 60 I. C. C. 245, of January 10, 1921, in No. 11830, Ohio Rates, Fares and Charges, 60 I. C. C. 78, and of January 11, 1921, in No. 11703, Intrastate Rates within Illinois, 59 I. C. C. 350, as subsequently modified, sufficiently to permit the establishment and maintenance of like increases in the basic fares on intrastate traffic within the States of New York, Michigan, Ohio, and Illinois, respectively, said orders not embracing commutation or other multiple fares.

The Commission is further asked to grant such fourth-section relief as may be necessary to permit the establishment and maintenance of such increased fares, new regulations and cancellations on interstate traffic, and to permit such establishment on one day's notice, without suspension.

The petition above described has been docketed as No. 29711, Increased Passenger Fares; Eastern Railroads, and is assigned for hearing as set forth in the next succeeding paragraph hereof. The basic passenger fares are considered to be sufficiently different from the commutation and other multiple fares as to warrant separate hearings in the best interests of the record, the parties and the Commission.

The petition herein described is assigned for public hearing before Commissioner John L. Rogers and Examiner Burton Fuller on March 31, 1947, 9:30 o'clock a. m., United States standard time, at the offices of the Interstate Commerce Commission, Washington, D. C., with respect to the proposed increased basic fares, and on April 22, 1947, 9:30 o'clock a. m., United States standard time, at the Hotel St. George, Clark St., Brooklyn, N. Y., with respect to commutation and other multiple fares.

The Commisison has received numerous letters with respect to this proceeding. All interested parties are advised that factual data or expressions of opinion pertinent to the issues cannot be considered by the Commission if presented only in the form of letters but must be presented in the form of testimony or other evidence at the public hearings in order to be considered by the Commission.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioners, the Governors and the rate regulatory authorities of the States traversed by petitioners, and every person who has thus far evidenced an interest therein; and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX—LIST OF PETITIONERS

(As to basic fares only, unless otherwise indicated)

The Ann Arbor Railroad Company.
The Baltimore and Annapolis Railroad Company.[1]
Baltimore and Eastern Railroad Company.
The Baltimore and Ohio Chicago Terminal Railroad Company.
The Baltimore and Ohio Railroad Company.[1]
Bangor and Aroostook Railroad Company.
Belfast and Moosehead Lake Railroad Company.
Bessemer and Lake Erie Railroad Company.
Boston and Maine Railroad.[1]
Campbell's Creek Railroad Company.
Canadian National Lines in New England.
Canadian Pacific Railway Lines in Maine.
Canadian Pacific Railway Lines in Vermont.
The Central Railroad Company of New Jersey, Walter P. Gardner, Trustee.
Central Railroad Company of Pennsylvania.
Central Vermont Railway, Inc.
The Champlain and St. Lawrence Railroad Company (Canadian National Railway Company, Lessee).
The Chesapeake and Ohio Railway Company.
Chesapeake and Western Railway.
Chicago, Indianapolis and Louisville Railway Company.
Chicago South Shore and South Bend Railroad.[1]
The Delaware and Hudson Railroad Corporation.[1]
The Delaware, Lackawanna and Western Railroad Company.[1]
Detroit and Mackinac Railway Company.
Detroit, Toledo and Ironton Railroad Company.
The East Broad Top Railroad and Coal Company.
Erie Railroad Company.[1]
Grand Trunk Western Railroad Company.
The Huntingdon and Broad Top Mountain Railroad and Coal Company.
Jamestown, Westfield and Northwestern Railroad Company.
Lackawanna and Wyoming Valley Railroad Company.
Lehigh Valley Railroad Company.[1]
Ligonier Valley Rail Road Company.
The Long Island Rail Road Company.[1]
Maine Central Railroad Company.[1]
Manistee and Northeastern Railway Company.
Maryland and Pennsylvania Railroad Company.
The Monongahela Railway Company.[1]
The New Jersey and New York Railroad Company (Peter Duryee, Trustee).
New Jersey, Indiana & Illinois Railroad Company.
The New York and Long Branch Railroad Company.
The New York Central Railroad Company.[1]
The New York, Chicago and St. Louis Railroad Company.[1]
New York, Ontario and Western Railway Company (Raymond L. Gebhardt and Ferdinand J. Sieghardt, Trustees).
New York, Susquehanna and Western Railroad Company (Henry K. Norton, Trustee).[1]
Norfolk and Western Railway Company.
Oneida & Western Railroad Company.
The Pennsylvania Railroad Company.[1]
Pennsylvania-Reading Seashore Lines.[1]
Pere Marquette Railway Company.
The Pittsburgh and Lake Erie Railroad Company.[1]
Reading Company.[1]
Rutland Railroad Company (William E. Navin and Albert A. Cree, Trustees).
The Staten Island Rapid Transit Railway Company.[1]
The United States and Canada Rail Road Company (Canadian National Railway Company, Lessee).
The Virginian Railway Company.
Wabash Railroad Company.
Waynesburg and Washington Railroad Company.
Western Maryland Railway Company.[1]
Youngstown & Southern Railway Company.

[F. R. Doc. 47-2316; Filed, Mar. 11, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1964426]

IDAHO

RESTORATION ORDER NO. 1150 UNDER FEDERAL POWER ACT

FEBRUARY 28, 1947.

Pursuant to the determination of the Federal Power Commission (DA–372, Idaho) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080), *It is ordered as follows:*

The land hereinafter described, which was withdrawn by Departmental order of February 10, 1943, creating Power Site Classification No. 337, and also included in Power Project No. 1447 on August 4, 1937, for transmission line purposes, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on May 2, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 3, 1947 to August 1, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 13, 1947 to May 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 3, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 13, 1947 to August 1, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code

[1] As to basic, commutation, and multiple fares.

of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

The lands affected by this order are described as follows:

BOISE MERIDIAN

T. 9 S., R. 16 E., sec. 24, lot 1.

The area described contains 31.30 acres.

This land, which is in Grazing District No. 5, lies near the breaks of the Snake River and contains lava rock intermingled with a loam soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2275; Filed, Mar. 11, 1947; 8:46 a. m.]

[Misc. 2034270]

WASHINGTON

RESTORATION ORDER NO. 1191 UNDER FEDERAL POWER ACT

FEBRUARY 28, 1947.

Pursuant to the determination of the Federal Power Commission (DA-95, Washington) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR § 4.275 (16), 11 F. R. 9080); *It is ordered as follows:*

The land hereinafter described, which was withdrawn by Departmental order of December 8, 1944, creating Power Site Classification No. 373, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on May 2, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 3, 1947 to August 1, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 13, 1947, to May 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 3, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from July 13, 1947, to August 1, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Spokane, Washington.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 39 N., R. 33 E., sec. 17, lots 4 and 5.

The area described contains 45 acres.

This land, which is located west of the Sanpoil River, is rough and broken and has a sandy loam soil containing much rock.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2276; Filed, Mar. 11, 1947; 8:46 a. m.]

[Misc. 2035622]

COLORADO

RESTORATION ORDER NO. 1210 UNDER FEDERAL POWER ACT

FEBRUARY 28, 1947.

Pursuant to the determination of the Federal Power Commission (DA-253, Colorado) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080), *It is ordered as follows:*

The land hereinafter described, which was reserved on April 8, 1921, for Power Project No. 163, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on May 2, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 3, 1947 to August 1, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 13, 1947, to May 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 3, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 13, 1947, to August 1, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Denver, Colorado.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 8 S., R. 86 W., sec. 10, N½NE¼SW¼NW¼.

The area described contains 5 acres.

The land which is in Grazing District No. 7, is located near Roaring Fork River and is rough and mountainous with a rocky loam soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2279; Filed, Mar. 11, 1947; 8:47 a. m.]

[Misc. 2062586]

ARIZONA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

MARCH 6, 1947.

Departmental order approved September 26, 1945, revoked Departmental order of August 21, 1909, so far it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Salt River Project, Arizona, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 8, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 9, 1947 to August 7, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 19, 1947 to May 8, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 9, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 8, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 19, 1947 to August 7, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 8, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Secs. 4, 5, 6, 12, 13, and 15.

The areas described aggregate 3,839.12 acres.

The lands are located in Pinal County, Arizona, and lie at elevations between 1,800 and 2,000 feet above sea level in an area which is typically desert.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2289; Filed, Mar. 11, 1947; 8:58 a. m.]

[Misc. 2073329]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 26, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on April 30, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 30, 1947, to July 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 10, 1947, to April 30, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 30, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 30, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 10, 1947, to July 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 30, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be field in the District Land Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Salt Lake City, Utah.

The lands affected by this order are described as follows:

SALT LAKE MERIDIAN

T. 27 S., R. 11 W.,
Sec. 1, N½, SW¼.
T. 40 S., R. 12 W.,
Sec. 4, E½SW¼;
Sec. 9, E½NW¼.

The areas described contain 640 acres, and are in Utah Grazing Districts Nos. 3 and 4.

The land in T. 27 S., R. 11 W., is slightly rolling in character, having a gravelly clay soil. The lands in T. 40 S., R. 12 W., are located on a high mesa in the vicinity of the Zion National Park and the soil is mostly clay.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2288; Filed, Mar. 11, 1947; 8:45 a. m.]

[Misc. 2073855]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 26, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (46 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on April 30, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 30, 1947, to July 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 10, 1947, to April 30, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 30, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 30, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from July 10, 1947, to July 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 30, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Salt Lake City, Utah.

The lands affected by this order are described as follows:

SALT LAKE MERIDIAN

T. 25 S., R. 11 W.,
Sec. 11, N½NE¼ and NE¼NW¼;
Sec. 26, SE¼.

The area described contains 280 acres.

The lands above described are in Utah Grazing District No. 3. The lands are level valley lands, having a sandy loam soil in Millard County, Utah, and are valuable principally for grazing.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2267; Filed, Mar. 11, 1947; 8:45 a. m.]

[Misc. 2073331]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 28, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on May 2, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 2, 1947, to August 1, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from July 12, 1947, to August 1, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on August 1, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 1, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 12, 1947, to August 1, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 1, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 5 S., R. 24 E.,
Sec. 28, S½;
Sec. 29, S½.
T. 25 S., R. 26 E.,
Sec. 17, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 20, E½NE¼, SW¼NE¼.
T. 23 S., R. 27 E.,
Sec. 29, NW¼.
T. 22, S., R. 28 E.,
Sec. 27, E½.

The areas described contain 1,440 acres.

The lands are rolling to level in topography and are valuable chiefly for grazing, and are in New Mexico Grazing District No. 6.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2271; Filed, Mar. 11, 1947; 8:46 a. m.]

[Misc. 2073856]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 26, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on April 30, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 30, 1947, to July 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 10, 1947 to April 30, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 30, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 30, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 10, 1947, to July 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 30, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 14 W.,
Sec. 26, N½NE¼ and NE¼NW¼.

The area described contains 120 acres.

The above described land is in Grazing District No. 2. The land is level to rolling in character and is traversed for two-thirds of its length by a small stream which runs through a valley varying from 200 to 400 yards in width.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2268; Filed, Mar. 11, 1947; 8:45 a. m.]

[Misc. 2074952]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 26, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on April 30, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 30, 1947, to July 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 10, 1947 to April 30, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 30, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 30, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from July 10, 1947, to July 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 30, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

The lands affected by this order are described as follows:

BOISE MERIDIAN

T. 9 S., R. 18 E.,
Sec. 16, NE¼NE¼.
T. 7 S., R. 21 E.,
Sec. 20, E½.

The areas described contain 360 acres.

The lands are in Grazing District No. 5. The lands are rather level in character, lying at an elevation of about 4,000 feet. The land contains outcrops of lava rock.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2269; Filed, Mar. 11, 1947; 8:45 a. m.]

[Misc. 2080874]

COLORADO

RESTORATION ORDER NO. 1211 UNDER FEDERAL POWER ACT

FEBRUARY 28, 1947.

Pursuant to the determination of the Federal Power Commission (DA-256, Colorado) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080); *It is ordered as follows:*

The land hereinafter described, which was withdrawn by Executive order of July 2, 1910, creating Power Site Reserve No. 81, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on May 2, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 3, 1947, to August 1, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirement of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 13, 1947, to May 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 3, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 13, 1947, to August 1, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Denver, Colorado.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 74 W., sec. 28, lot 40.

The area described contains 2.25 acres.

This land is located near Clear Creek and is rocky, hilly, and rough, with a thin sandy loam soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2281; Filed, Mar. 11, 1947; 8:47 a. m.]

[Misc. 2085858]

OREGON

RESTORATION ORDER NO. 1215 UNDER FEDERAL POWER ACT

FEBRUARY 28, 1947.

Pursuant to the determination of the Federal Power Commission (DA-351, Oregon) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080); *It is ordered as follows:*

The land hereinafter described, which was withdrawn by Executive order of July 2, 1910, creating Power Site Reserve No. 26, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on May 2, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 3, 1947, to August 1, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 13, 1947, to May 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 3, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 13, 1947, to August 1, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 15 S., R. 12 E., sec. 1, NE¼SE¼.

The area described contains 40 acres.

This land, which is in Grazing District No. 5, is located near the Deschutes River and is rough, broken and rocky, with shallow loam soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2282; Filed, Mar. 11, 1947; 8:47 a. m.]

[Misc. 2100966]

WYOMING AND MONTANA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

MARCH 3, 1947.

Departmental order approved July 9, 1946, revoked Departmental orders of July 25, 1905, May 2, 1919, February 3, and April 20, 1928, and April 2, 1929, in so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Shoshone Project, Wyoming-Montana, and provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 5, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 6, 1947, to August 4, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 16, 1947, to May 5, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 6, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 5, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 16, 1947, to August 4, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 5, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Cheyenne, Wyoming, and Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications and the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Cheyenne, Wyoming, and Billings, Montana.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 53 N., R. 96 W.,
Secs. 1 to 4, secs. 9 to 15, inclusive, sec. 16, secs. 21 to 26, inclusive, and sec. 27;
Lots 44 to 53, inclusive.
T. 53 N., R. 97 W.,
Sec. 3, W½;
Sec. 4, lots 1, 2, S½NE¼, and SE¼;
Sec. 9, E½ and E½W½;
Sec. 10, NW¼;
Sec. 15, W½SW¼;
Sec. 16;
Sec. 21, lots 1, 2, S½NE¼, and SE¼;
Sec. 22, W½;
Sec. 27, W½SE¼;
Sec. 28, E½;
Lots 39, 44, and 51;
Lots 62–Q, 62–R, 62–S, and 62–T.
T. 54 N., R. 97 W.,
Secs. 31 and 33;
Lots 38–C, 38–D, 38–E, 38–F, 38–K, 38–L, 38–M, and 38–N;
Lots 39 and 45;
Lots 46–C, 46–D, 46–E, 46–F, 46–K, 46–L, 46–M, and 46–N;
Lots 49–C, 49–D, 49–E, 49–F, 49–K, 49–L, 49–M, and 49–N;
Lots 50–A, 50–B, 50–G, 50–H, 50–I, 50–J, 50–O, and 50–P;
Lot 57;
Lots 58–C, 58–D, 58–E, 58–F, 58–K, 58–L, 58–M, and 58–N;
Lots 61–C, 61–D, 61–E, 61–F, 61–K, 61–L, 61–M, and 61–N;
Lots 62–A to 62–P, inclusive;
Lots 64–C, 64–D, 64–E, and 64–F;
Lots 65–A, 65–B, 65–C, lots 65–H to 65–O, and lots 65–R to 65–U, inclusive.
T. 51 N., R. 98 W.,
Secs. 1, 12, 13, 14, 15, and 20;
Sec. 22, lots 34 and 35;
Sec. 23, lot 11;
Secs. 29 to 32, inclusive;
Tracts 39, 51, 53, 56, 59, and 62;
Tracts 63–B, 63–D, 63–F, and tracts 63–H to 63–T, inclusive;
Tracts 64–B, 64–D, 64–F, and tracts 64–H to 64–T, inclusive;
Tracts 65 and 66;
Tracts 67–A to 67–M, inclusive;
Tract 69;
Tracts 70–B, 70–D, 70–F, and tracts 70–H to 70–T, inclusive;
Tracts 71–B, 71–D, 71–F, and tracts 71–H to 71–T, inclusive;
Tracts 72 and 73;
Tracts 75–H and 75–I;
Tracts 76, 77, and 78;
Tracts 79–B, 79–D, 79–F, and tracts 79–H to 79–T, inclusive;
Tracts 80–P, 80–Q, 80–R, 80–S, 80–V, 80–W, 80–X and 80–Y;
Tracts 81–A to 81–D, tracts 81–G to 81–N, and tracts 81–Q to 81–T, inclusive;
Tracts 82–A to 82–D, tracts 82–G to 82–N, and tracts 82–Q to 82–T, inclusive;
Tracts 83–A to 83–D, tracts 83–G to 83–N, and tracts 83–Q to 83–T, inclusive;
Tracts 84–A to 84–D, tracts 84–G to 84–N, and tracts 84–Q to 84–T, inclusive;
Tracts 85–A to 85–D, tracts 85–G to 85–N, inclusive, tracts 85–R, 85–T, and 85–V;
Tracts 86, 87, and 90;
Tracts 91–A to 91–E, inclusive;
Tracts 94, 97, and 98.

T. 52 N., R. 98 W.,
Sec. 35, lots 10, 11, and 20 (part of tract 45);
Sec. 36, lots 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, and 19 (part of tract 45);
Tracts 42–I to 42–P, inclusive;
Tracts 43–I to 43–P, inclusive;
Tracts 44–I to 44–P, inclusive;
Tracts 63–A, 63–C, 63–E, and 63–G;
Tracts 64–A, 64–C, 64–E, and 64–G;
Tracts 64–O and 64–P;
Tracts 70–A, 70–C, 70–E, and 70–G;
Tracts 71–A, 71–C, 71–E, and 71–G;
Tract 75–A;
Tracts 79–A, 79–C, 79–E, and 79–G.
T. 53 N., R. 98 W.,
Secs. 2, 3, 10, 15, 22, and 27;
Lots 40, 41, 42, and 44;
Lots 45–C to 45–J, inclusive;
Lots 46–E to 46–L, inclusive.
T. 54 N., R. 98 W.,
Lots 37, 38, and 39;
Lots 45–A and 45–B;
Lots 46–A to 46–D, inclusive;
Lots 65–D, 65–E, 65–F, 65–G, 65–P, and 65–Q.
T. 57 N., R. 98 W.,
Sec. 4;
Sec. 8, S½;
Sec. 17, SE¼SW¼ and S½SE¼;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 20, N½;
Sec. 30, W½.
T. 58 N., R. 98 W.,
Sec. 20, SE¼SE¼;
Sec. 26, W½;
Secs. 28 and 34.
T. 50 N., R. 99 W.,
Sec. 1, lots 6, 7, 8, 9, 14, 15, 20, 21, 22, 28, 32, 33, 40, and N½SW¼;
Sec. 2, lot 5 (part of tract 86);
Tracts 72 to 75, inclusive;
Tracts 76–A, 76–B, 76–D, and tracts 76–F to 76–R, inclusive;
Tracts 77–B, 77–D, 77–F, and tracts 77–H to 77–T, inclusive;
Tract 85–Q;
Tracts 87–N, 87–P, 87–R, and 87–T;
Tracts 88–P and 88–R.
T. 51 N., R. 99 W.,
Sec. 35, lots 10, 11, 20, and 21 (part of tract 86);
Sec. 36, lots 6 to 9, lots 12 to 19, and lots 22 to 25, inclusive (part of tract 86);
Tracts 46–I to 46–P, inclusive;
Tract 47;
Tracts 48–I to 48–P, inclusive;
Tracts 58–I to 58–P, inclusive;
Tracts 59 to 63, inclusive;
Tracts 64–I to 64–P, inclusive;
Tracts 77–A, 77–C, 77–E, and 77–G;
Tracts 80–T and 80–U;
Tracts 81–E, 81–F, 81–O, and 81–P;
Tracts 82–E, 82–F, 82–O, and 82–P;
Tracts 83–E, 83–F, 83–O, and 83–P;
Tracts 84–E, 84–F, 84–O, and 84–P;
Tracts 85–E, 85–F, 85–O, and 85–P;
Tracts 87–A to 87–M, inclusive, tracts 87–O, 87–Q, and 87–S;
Tracts 88–A to 88–O, inclusive, and tract 88–Q;
Tract 89.
T. 51 N., R. 100 W.,
Sec. 11;
Sec. 12, lots 3, 4, 7, 8, S½SW¼, and W½SE¼;
Sec 13;
Sec. 14, lots 1, 2, and S½NE¼;
Sec. 24;
Sec. 25, lots 3, 4, W½NE¼, and NW¼.
T. 52 N., R. 101 W.,
Sec. 29, SW¼NE¼ and W½;
Sec. 30, E½;
Sec. 31, lots 1, 5, SE¼NE¼, and SE¼;
Sec. 32, W½NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 33, lots 1, 2, 4, NE¼, and E½NW¼;
Sec. 34, lots 1 to 5, inclusive, E½NE¼, and SE¼;
Sec. 35, W½;
Lot 37;
Lot 54.

PRINCIPAL MERIDIAN, MONTANA

T. 9 S., R. 25 E.,
Secs. 22 to 27, inclusive;
Sec. 33, lot 2;
Sec. 34.

The areas described aggregate 71,316.29 acres. Part of the lands are patented and some are included in school sections.

The lands vary considerably in topography, ranging from broken and rolling mountainous land to rolling nearly level in places with some table and bench land intervening. All the lands are fairly well watered from springs and streams which run through the land. The soil, for the most part, may be classified as second- and third-rate fertility, producing such native vegetation as bunch and buffalo grasses and sage.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2272; Filed, Mar 11, 1947; 8:46 a. m.]

[Misc. 2112256]

CALIFORNIA

RESTORATION ORDER NO. 1207 UNDER FEDERAL POWER ACT

FEBRUARY 28, 1947.

Pursuant to the determination of the Federal Power Commission (DA–639, California) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR § 4.275 (16), 11 F. R. 9080), *It is ordered as follows:*

The land hereinafter described, which was withdrawn by Executive order of April 19, 1912, creating Power Site Reserve No. 261, and also included in Power Project No. 284 on July 31, 1922, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on May 2, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 3, 1947, to August 1, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 13, 1947, to May 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 3, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from July 13, 1947, to August 1, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Sacramento, California.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN

T. 5 N., R. 13 E., sec. 1, NE¼SE¼.

The area described contains 40 acres.

This land is rough and mountainous, and has a sandy loam soil with considerable granite rock.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2277; Filed, March 11, 1947; 8:47 a. m.]

[Misc. 2112863]

UTAH

RESTORATION ORDER NO. 1208 UNDER FEDERAL POWER ACT

FEBRUARY 28, 1947.

Pursuant to the determination of the Federal Power Commission (DA–65, Utah) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080); *It is ordered as follows:*

The land hereinafter described, which was withdrawn by Executive order of May 27, 1913, creating Power Site Reserve No. 363, and also included in Power Project No. 290, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on May 2, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 3, 1947, to August 1, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 13, 1947, to May 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 3, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 13, 1947, to August 1, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Salt Lake City, Utah.

The lands affected by this order are described as follows:

SALT LAKE MERIDAN

T. 16 S., R. 7 E., sec. 27, NE¼NE¼.

The area described contains 40 acres.

This land, which is in Grazing District No. 7, is located near Huntington Creek and is rough and mountainous, having a heavy clay loam soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2278; Filed, Mar. 11, 1947; 8:47 a. m.]

[Misc. 2114082]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 28, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on May 2, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 2, 1947, to August 1, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from July 12, 1947, to August 1, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on August 1, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 1, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 12, 1947, to August 1, 1947, inclusive, and all of such applications, together with those presented at 10:00 a. m. on August 1, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Santa Fe, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 5 S., R. 29 E.,
Sec. 27, S½SW¼;
Sec. 28, S½S½;
Sec. 29, S½SE¼;
Sec. 31, W½E½, NE¼NE¼, SE¼SE¼;
Sec. 32, S½SW¼.

The area described contains 640 acres.

The above-described land is in Grazing District No. 6. This land is located in the Da Baca County, New Mexico, 15 miles westerly of Kenna. The land is rolling to hilly in character, having a sandy soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2270; Filed, Mar. 11, 1947; 8:45 a. m.]

[Misc. 2114213]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 26, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on April 30, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 30, 1947, to July 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 10, 1947, to April 30, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 30, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 30, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 10, 1947, to July 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 30, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 22 S., R. 29 E.,
Sec. 12, W½W½.

The area described contains 160 acres.

The lands, located in Oregon Grazing District No. 2, are in Harney County, Oregon. The surface is rolling and quite hilly at an altitude of about 4,200 feet above sea level. These lands are chiefly valuable for grazing purposes.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2285; Filed, Mar. 11, 1947; 8:47 a. m.]

[Misc. 2114214]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 26, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on April 30, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 30, 1947, to July 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 10, 1947, to April 30, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 30, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 30, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from July 10, 1947, to July 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 30, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Santa Fe, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 9 W.,
Sec. 8, SE¼NE¼;
Sec. 9, S½NW¼, containing 120 acres.

The above-described land is in Grazing District No. 1, and is principally valuable for winter grazing use. The land lies on a mesa adjacent to the San Juan River and is of a sandy character supporting a stand of grey sage.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2284; Filed, Mar. 11, 1947; 8:47 a. m.]

[Misc. 2114215]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 26, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on April 30, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 30, 1947, to July 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 10, 1947, to April 30, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 30, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 30, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 10, 1947, to July 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 30, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 S., R. 5 W.,
Sec. 30, lot 4, E½SW¼, SE¼NW¼.

The area described contains 159.78 acres.

The land described is in Grazing District No. 3. The land is level to rolling and hilly in topography, having a light fine sandy soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2286; Filed, Mar. 11, 1947; 8:48 a. m.]

[Misc. 2114217]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 26, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on April 30, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 30, 1947, to July 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 10, 1947, to April 30, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 30, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 30, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 10, 1947, to July 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 30, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Lakeview, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Lakeview, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 38 S., R. 24 E.,
Sec. 18, SW¼SE¼;
Sec. 19, NE¼, NE¼SE¼;
Sec. 20, W½NW¼, SE¼NW¼, SW¼, SW¼SE¼;
Sec. 29, NE¼NW¼, NW¼NE¼, containing 640 acres.

The above-described lands are in Grazing District No. 2, Lake County, Oregon. The lands are in a small valley at an altitude of approximately 5,000 feet and are valuable chiefly for grazing.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2287; Filed, Mar. 11, 1947; 8:48 a. m.]

[Misc. 2119208]

OREGON

RESTORATION ORDER NO. 1213 UNDER FEDERAL POWER ACT

FEBRUARY 28, 1947.

Pursuant to the determination of the Federal Power Commission (DA-347, Oregon) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080); *It is ordered as follows:*

The land hereinafter described, which was reserved on December 28, 1920, for Power Project No. 143, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on May 2, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 3, 1947, to Aug. 1, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 13, 1947, to May 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 3, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 13, 1947, to August 1, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Lakeview, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Lakeview, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 39 S., R. 23 E., sec. 8, NW¼NE¼ and NE¼NW¼.

The area described contains 80 acres.

This land, which is in Grazing District No. 2, is rough, broken and mountainous, with a rocky loam soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2280; Filed, Mar. 11, 1947; 8:47 a. m.]

WYOMING GRAZING DISTRICT NO. 3

SPECIAL RULE WITH RESPECT TO GRAZING PRIVILEGES

Special rule for Wyoming Grazing District No. 3 pursuant to authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315, et seq.) as amended, commonly known as the Taylor Grazing Act, and in accordance with the provisions of section 15 of the Federal Range Code, approved September 23, 1942.

A proper factual showing of its necessity having been made by the regional grazier, and it having been found that local conditions in the Lower Baggs and Shell Creek Units of Wyoming Grazing District No. 3 (Divide) make necessary and desirable the application of a special rule in order to achieve an administration consistent with the purposes of the act, there is hereby established for these units a limit of 600 animal unit months of Federal range grazing privileges, which is the equivalent of six months' use of the Federal range by 100 cattle or horses or 500 sheep or goats, below which no license or permit that is in excess of 600 animal unit months, and that is exercised entirely in these units, will be reduced to reach the grazing capacity of the Federal range in the distribution of grazing privileges among qualified applicants in class 1. No license or permit that is for less than 600 animal unit months and that is exercised entirely in these units will be reduced, and no reduction will be for more than 25 percent.

FRED W. JOHNSON,
Director.

Approved: February 28, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-2283; Filed, Mar. 11, 1947; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1374]

WESTERN AIR LINES, INC.

NOTICE OF HEARING

In the matter of the petition of Western Air Lines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order temporarily fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over routes Nos. 13, 19, 52, 63 and 68.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on March 17, 1947, 10:00 a. m. (eastern standard time), in Room 1508, Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. A. Law, Jr.

Dated at Washington, D. C., March 6, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2298; Filed, Mar. 11, 1947; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6913, 8160]

WLEU BROADCASTING CORP. (WLEU) AND PRESQUE ISLE BROADCASTING CO. (WERC)

ORDER TO SHOW CAUSE

In re application of WLEU Broadcasting Corporation (WLEU) Erie, Pa., Docket No. 6913, File No. BP-4115; for construction permit and modification of broadcast license of Presque Isle Broadcasting Co. (WERC), Erie, Pa., Docket No. 8160, File No. BS-1128.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of February 1947;

The Commission having under consideration (1) the record of the hearing, held at Washington, D. C., on January 3–7, 1946, in the above-entitled application of WLEU Broadcasting Corporation, requesting a construction permit to change the broadcast facilities of Station WLEU, Erie, Pennsylvania, from 1450 kc, with 250 watts power, unlimited time, to 1260 kc, with 1 kw power night and 5 kw power day, to install a directional antenna for night use, to install a new transmitter, and to change transmitter location; (2) a petition filed December 21, 1945, by WLEU Broadcasting Corporation requesting the Commission to issue an order to show cause why the license of Presque Isle Broadcasting Company authorizing the operation of Station WERC, Erie, Pennsylvania, on 1230 kc, with 250 watts power, unlimited time, should not be modified to specify operation on 1450 kc, with 250 w power, unlimited time, and to consolidate the hearing on said order to show cause with the hearing on the above-entitled application of WLEU Broadcasting Corporation; and (3) an opposition to the petition for the issuance of an order to show cause, filed December 27, 1945, by Presque Isle Broadcasting Company (WERC);

It appearing, that the above-entitled application of WLEU Broadcasting Corporation is contingent upon the removal of Station WERC, Erie, Pennsylvania, from the frequency 1230 kc to the frequency 1450 kc; and that Presque Isle Broadcasting Company (WERC) was a party to the said hearing heretofore held in the above-entitled application of WLEU Broadcasting Corporation (WLEU);

It further appearing, that the simultaneous operation of Station WERC on the frequency 1230 kc, and of Station WLEU, as proposed, at Erie, Pennsylvania, would be inconsistent with the Commission's Standards of Good Engineering Practice; that the operation of Station WLEU, as proposed, might result in the addition of new primary broadcast service to a substantial population and area in and around Erie, Pennsylvania; and that the public interest, convenience, and necessity might be better served by assigning the frequency 1260 kc to WLEU Broadcasting Corporation (WLEU) and the frequency 1450 kc to Presque Isle Broadcasting Company (WERC), both at Erie, Pennsylvania;

It is ordered, That the said petition filed by WLEU Broadcasting Corporation (WLEU) be, and it is hereby, granted; that, pursuant to section 312 (b) of the Communications Act of 1934, as amended, opportunity be, and it is hereby, afforded Presque Isle Broadcasting Company, licensee of Station WERC, Erie, Pennsylvania, to show cause at a hearing before the Commission to be held at its offices in Washington, D. C., on the 17th day of March, 1947, at 10 a. m., why the broadcast license issued to said Presque Isle Broadcasting Company (WERC) should not be modified so as to specify the use by it of the frequency 1450 kc at Erie, Pennsylvania, in lieu of the frequency 1230 kc; and that WLEU Broadcasting Corporation (WLEU) be, and it is hereby, made a party to this proceeding;

It is further ordered, That the above-ordered hearing to show cause, to which § 1.857 of the Commission's rules and regulations shall be applicable, be, and it is hereby, consolidated with the hearing on the above-entitled application of WLEU Broadcasting Corporation (WLEU) heretofore held at Washington, D. C., on January 3–7, 1946.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2320; Filed, Mar. 11, 1947; 8:45 a. m.]

[Docket No. 8112]

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF BALTIMORE CITY

ORDER TO SHOW CAUSE

New increased charges for interstate message telephone service in the Washington metropolitan area.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1947;

It appearing, that on February 11, 1947, The Chesapeake and Potomac Telephone Company of Baltimore City filed revised tariff schedules effective March 13, 1947, resulting in increased charges for interstate message telephone service in the Washington Metropolitan Area, between certain points in the State of Maryland and certain points in the State of Virginia; said tariff schedules being designated as follows: "The Chesapeake and Potomac Telephone Company of Baltimore City," Tariff F. C. C. No. 15, 4th Revised Page No. 5; 11th Revised Page No. 7.

It further appearing, that on the 14th day of February 1947, by order served upon The Chesapeake and Potomac Telephone Company of Baltimore City, the Commission, pursuant to section 204 of the Communications Act of 1934, as amended, suspended the operation of the above cited tariff schedules until June 13, 1947, insofar as they effected increased charges for interstate message telephone service in the Washington Metropolitan Area, and upon its own motion ordered a hearing pursuant to sections 204 and 205 of the Communications Act of 1934, as amended, concerning the lawfulness of the above cited tariff schedules, insofar as they provided for increased charges for such telephone service;

It further appearing, that the above order required that during the suspension period, no changes be made in said tariff schedules, or in the regulations, charges or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It further appearing, that pursuant to sections 201 through 205, inclusive, and 403 of the Communications Act of 1934, as amended, the Commission, by said order of February 14, 1947, instituted an investigation into the lawfulness of the rates, charges, regulations, practices, and services of The Cheasapeake and Potomac Telephone Company of Baltimore City, The Chesapeake and Potomac Telephone Company of Virginia, and The Chesapeake and Potomac Telephone Company (operating in the District of Columbia), for and in connection with interstate message telephone service in the Washington Metropolitan Area;

It further appearing, that by the order of February 14, 1947, The Chesapeake and Potomac Telephone Company of Baltimore City, The Chesapeake and Potomac Telephone Company of Virginia, and The Chesapeake and Potomac Telephone Company were made parties respondent to the proceeding, and that the matter was assigned for hearing on the 25th day of March, 1947;

It further appearing, that The Chesapeake and Potomac Telephone Company of Baltimore City has been demanding, collecting, and otherwise making charges for interstate telephone communications between points in the State of Maryland and points in the State of Virginia, in the Washington Metropolitan Area, without having on file with this Commission effective tariff schedules showing such charges, and in disregard of effective tariff schedules on file with the Commission, contrary to the provisions of section 203 of the Communications Act of 1934, as amended;

It further appearing, that The Chesapeake and Potomac Telephone Company of Baltimore City represented to the Commission and to the public by the above cited tariff schedules that the new increased charges for interstate telephone communications between certain points in the State of Maryland and certain points in the State of Virginia would be placed in effect on March 13, 1947, although said company knew that increased charges would be made effective before that date; and that the Commission was thereby misinformed concerning the facts as to when the new increased charges were to become effective, so that it was unable to take timely action in enforcement of the Communications Act;

It further appearing, that The Chesapeake and Potomac Telephone Company of Baltimore City placed in effect the new increased charges for interstate telephone communications between certain points in the State of Maryland and certain points in the State of Virginia, in violation of the above suspension order of the Commission of February 14, 1947, and of Section 204 of the Communications Act of 1934, as amended;

It further appearing, that The Chesapeake and Potomac Telephone Company of Baltimore City failed to file a consecutively numbered supplement to its tariff announcing the suspension of the schedules named in the suspension order of February 14, 1947, as required by § 61.191 of the Commission's rules and regulations;

It further appearing, that in view of the above matters, the proceedings in this docket and the hearing now scheduled herein should, without in any way limiting the scope thereof, include certain issues in addition to those already indicated therefor;

It is ordered, That The Chesapeake and Potomac Telephone Company of Baltimore City, and the following officials of the company: Messrs. H. Randolph Maddox, President; Robert C. McCann, Vice President—Operation; Wilbur H. Collier, Assistant Vice President; Franklin H. Kenworthy, Vice

President and Comptroller; August B. Hancke, Vice President and General Manager; and Truman G. Rumberger, General Commercial Manager; shall appear at the hearing scheduled herein to begin at 10:00 a. m. on the 25th day of March 1947, at the offices of the Commission in Washington, D. C., and give evidence, and show cause, with respect to the apparent violations of the Communications Act of 1934, as amended, and of the Commission's order of February 14, 1947, herein, and regarding the other matters set forth above, as follows:

(1) Why the Commission should not request the Attorney General of the United States to apply to the appropriate district court of the United States for issuance of a writ of mandamus commanding The Chesapeake and Potomac Telephone Company of Baltimore City and its officers, agents and employees to comply with the provisions of the Communications Act of 1934, as amended, particularly sections 203 and 204 thereof, as provided in section 401 (a) of said Act;

(2) Why the Commission, or the United States, by its Attorney General, should not apply to an appropriate district court of the United States for enforcement of the order of the Commission of February 14, 1947, herein through issuance of a writ of injunction or other proper process, mandatory or otherwise, to restrain The Chesapeake and Potomac Telephone Company of Baltimore City, its officers, agents and representatives, from further disobedience of such order, or to enjoin upon it, or them, obedience to the same, as provided in section 401 (b) of the Communications Act of 1934, as amended;

(3) Why the Commission should not request the appropriate district attorney of the United States to institute in the proper court and to prosecute, under the direction of the Attorney General of the United States, all necessary proceedings for the enforcement of the provisions of the Communications Act of 1934, as amended, against The Chesapeake and Potomac Telephone Company of Baltimore City and its officers, agents and representatives, and for punishment of all violations thereof, and particularly the imposition of the penalties provided by section 501 and 502 of the act, as provided in section 401 (c) of said act;

(4) Why a civil suit should not be instituted in the name of the United States pursuant to section 504 of the Communications Act of 1934, as amended, to recover the forfeitures provided for in section 203 (e) of said act;

(5) Why the Commission should not request the Attorney General of the United States or the appropriate district attorney of the United States to institute all necessary proceedings against The Chesapeake and Potomac Telephone Company of Baltimore City and its responsible officers, agents and representatives, for punishment of violation of section 35 (A) of the Criminal Code (18 U. S. Code, section 80), in representing by the above cited tariff schedules filed with the Commission that the effective date of the increased rates would be March 13, 1947, when in truth and fact said company and its officers, agents and representatives knew that rate increases would be made effective prior to that date;

It is further ordered, That this order shall be served upon each of the above named officials of The Chesapeake and Potomac Telephone Company of Baltimore City and upon each of the other parties to this proceeding;

It is further ordered, That at the hearings herein, the issues presented by this order and by the similar order adopted this day in Docket No. 8110, shall take precedence over the matters presented by the orders of February 14, 1947, in this docket and Docket No. 8110.

Notice is hereby given, That § 1.857 of the Commission's rules and regulations is not applicable to these proceedings.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2322; Filed, Mar. 11, 1947; 8:45 a. m.]

[Docket No. 8110]

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA

ORDER TO SHOW CAUSE

New increased charges for interstate message telephone service in the Washington metropolitan area.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1947;

It appearing, that on January 20 and February 11, 1947, The Chesapeake and Potomac Telephone Company of Virginia filed revised tariff schedules effective February 20 and March 13, 1947, respectively, resulting in increased charges for interstate message telephone service in the Washington Metropolitan Area, between certain points in the State of Virginia and certain points in the State of Maryland; said tariff schedules being designated as follows: "The Chesapeake and Potomac Telephone Company of Virginia," Tariff F. C. C. No. 15, 4th Revised Page No. 5; 5th Revised Page No. 5; 11th Revised Page No. 7; 12th Revised Page No. 7;

It further appearing, that on the 14th day of February 1947, by order served upon The Chesapeake and Potomac Telephone Company of Virginia, the Commission, pursuant to section 204 of the Communications Act of 1934, as amended, suspended the operation of the above cited tariff schedules until May 20, 1947, insofar as they effected increased charges for interstate message telephone service in the Washington Metropolitan Area, and upon its own motion ordered a hearing pursuant to sections 204 and 205 of the Communications Act of 1934, as amended, concerning the lawfulness of the above cited tariff schedules, insofar as they provided for increased charges for such telephone service;

It further appearing, that the above order required that during the suspension period, no changes be made in said tariff schedules, or in the regulations, charges or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It further appearing, that, pursuant to sections 201 through 205, inclusive, and 403 of the Communications Act of 1934, as amended, the Commission, by said order of February 14, 1947, instituted an investigation into the lawfulness of the rates, charges, regulations, practices, and services of The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of Baltimore City, and The Chesapeake and Potomac Telephone Company (operating in the District of Columbia), for and in connection with interstate message telephone service in the Washington Metropolitan Area;

It further appearing, that by the order of February 14, 1947, The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of Baltimore City, and The Chesapeake and Potomac Telephone Company were made parties respondent to the proceeding, and that the matter was assigned for hearing on the 25th day of March, 1947;

It further appearing, that The Chesapeake and Potomac Telephone Company of Virginia has been demanding, collecting, and otherwise making charges for interstate telephone communications between points in the State of Virginia and points in the State of Maryland, in the Washington Metropolitan Area, without having on file with this Commission effective tariff schedules showing such charges, and in disregard of effective tariff schedules on file with the Commission, contrary to the provisions of section 203 of the Communications Act of 1934, as amended;

It further appearing, that The Chesapeake and Potomac Telephone Company of Virginia represented to the Commission and to the public by the above cited tariff schedules that the new increased charges for interstate telephone communications between certain points in the State of Virginia and certain points in the State of Maryland would be placed in effect on February 20, 1947, although said company knew that increased charges would be made effective before that date; and that the Commission was thereby misinformed concerning the facts as to when the new increased charges were to become effective, so that it was unable to take timely action in enforcement of the Communications Act;

It further appearing, that The Chesapeake and Potomac Telephone Company of Virginia placed in effect the new increased charges for interstate telephone communications between certain points in the State of Virginia and certain points in the State of Maryland, in violation of the above suspension order of the Commission of February 14, 1947, and of section 204 of the Communications Act of 1934, as amended;

It further appearing, that The Chesapeake and Potomac Telephone Company of Virginia failed to file a consecutively numbered supplement to its tariff announcing the suspension of the schedules named in the suspension order of February 14, 1947, as required by § 61.191 of the Commission's rules and regulations;

It Further Appearing, that in view of the above matters, the proceedings in this docket and the hearing now scheduled herein should, without in any way limiting the scope thereof, include certain issues in addition to those already indicated therefor;

It is ordered, That The Chesapeake and Potomac Telephone Company of Virginia, and the following officials of the company: Messrs. H. Randolph Maddox, President; Robert C. McCann, Vice President—Operation; Wilbur H. Collier, Assistant Vice President; Franklin H. Kenworthy, Vice President and Comptroller; Arthur L. Lambdin, Vice President and General Manager; and Arthur W. Harrison, General Commercial Manager; shall appear at the hearing scheduled herein to begin at 10:00 a. m. on the 25th day of March 1947, at the offices of the Commission in Washington, D. C., and give evidence, and show cause with respect to the apparent violations of the Communications Act of 1934, as amended, and of the Commission's order of February 14, 1947, herein, and regarding the other matters set forth above, as follows:

(1) Why the Commission should not request the Attorney General of the United States to apply to the appropriate district court of the United States for issuance of a writ of mandamus commanding The Chesapeake and Potomac Telephone Company of Virginia and its officers, agents and employees to comply with the provisions of the Communications Act of 1934, as amended, particularly sections 203, and 204 thereof, as provided in section 401 (a) of said act;

(2) Why the Commission, or the United States, by its Attorney General, should not apply to an appropriate district court of the United States for enforcement of the order of the Commission of February 14, 1947, herein, through issuance of a writ of injunction or other proper process, mandatory or otherwise, to restrain The Chesapeake and Potomac Telephone Company of Virginia, its officers, agents and representatives, from further disobedience of such order, or to enjoin upon it, or them, obedience to the same, as provided in section 401 (b) of the Communications Act of 1934, as amended;

(3) Why the Commission should not request the appropriate district attorney of the United States to institute in the proper court and to prosecute, under the direction of the Attorney General of the United States, all necessary proceedings for the enforcement of the provisions of the Communications Act of 1934, as amended, against The Chesapeake and Potomac Telephone Company of Virginia and its officers, agents and representatives, and for punishment of all violations thereof, and particularly the imposition of the penalties provided by sections 501 and 502 of the act, as provided in section 401 (c) of said act;

(4) Why a civil suit should not be instituted in the name of the United States pursuant to section 504 of the Communications Act of 1934, as amended, to recover the forfeitures provided for in section 203 (e) of said act;

(5) Why the Commission should not request the Attorney General of the United States or the appropriate district attorney of the United States to institute all necessary proceedings against The Chesapeake and Potomac Telephone Company of Virginia and its responsible officers, agents and representatives, for punishment of violation of section 35 (A) of the Criminal Code (18 U. S. Code, section 80), in representing by the above cited tariff schedules filed with the Commission that the effective date of the increased rates would be February 20, 1947, when in truth and fact said company and its officers, agents and representatives knew that rate increases would be made effective prior to that date;

It is further ordered, That this order shall be served upon each of the above-named officials of The Chesapeake and Potomac Telephone Company of Virginia, and upon each of the other parties to this proceeding;

It is further ordered, That at the hearings herein, the issues presented by this order and by the similar order adopted this day in Docket No. 8112, shall take precedence over the matters presented by the orders of February 14, 1947, in this docket and Docket No. 8112;

Notice is hereby given, That § 1.857 of the Commission's rules and regulations is not applicable to these proceedings.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2321; Filed, Mar. 11, 1947; 8:45 a. m.]

[Docket No. 8110]

CHESAPEAKE AND POTOMAC TELEPHONE CO. OF VA.

NEW INCREASED CHARGES FOR INTERSTATE MESSAGE TELEPHONE SERVICE IN THE WASHINGTON METROPOLITAN AREA

In the order of February 14, 1947 in the above proceeding, the reference in the third ordering paragraph to section 204 of the Communications Act of 1934, as amended, should have been made to sections 201 through 205, inclusive, and to section 403, of the Communications Act of 1934, as amended.

Dated: February 27, 1947.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2324; Filed, Mar. 11, 1947; 8:45 a. m.]

[Docket No. 8112]

CHESAPEAKE AND POTOMAC TELEPHONE CO. OF BALTIMORE CITY

NEW INCREASED CHARGES FOR INTERSTATE MESSAGE TELEPHONE SERVICE IN THE WASHINGTON METROPOLITAN AREA

In the order of February 14, 1947, in the above proceeding, the reference in the third ordering paragraph to section 204 of the Communications Act of 1934, as amended, should have been made to section 201 through 205, inclusive, and to section 403, of the Communications Act of 1934, as amended.

Dated: February 27, 1947.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2323; Filed, Mar. 11, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 137]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., March 3, 1947, by Innes Brothers, of car NP 92015, potatoes, now on the Chicago, Burlington & Quincy Railroad, to Lago Grape Co., Keokuk, Iowa (CB&Q).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-2318; Filed, Mar. 11, 1947; 8:58 a. m.]

[S. O. 691]

UNLOADING OF MACHINERY STEEL AT PHILADELPHIA, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of March A. D. 1947.

It appearing, that 16 cars containing machinery steel at Philadelphia, Pennsylvania, on the Baltimore and Ohio Railroad Company have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Machinery steel at Philadelphia, Pa., be unloaded.* The Baltimore and

Ohio Railroad Company, its agents or employees, shall unload immediately the following cars, containing machinery steel, now on hand at Philadelphia, Pa., consigned for export;

Wab 14476	PRR 301748
Sou 55053	DRGW 45442
Wab 14732	NYC 633055
B&O 254866	CEI 91403
PLE 46398	NYC 634429
CNW 70357	B&O 252463
TNO 42447	CEI 92757
PRR 356165	CNJ 85299

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 8, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2317; Filed, Mar. 11, 1947; 8:58 a. m.]

OFFICE OF TEMPORARY CONTROLS

Office of Price Administration

[Rev. Gen. Order 59]

DEPUTY COMMISSIONER FOR ENFORCEMENT, OFFICE OF PRICE ADMINISTRATION, REGIONAL ENFORCEMENT EXECUTIVES AND ATTORNEYS IN CHARGE OF REGIONAL BRANCH OFFICES

DELEGATION OF AUTHORITY TO EXECUTE RELEASES OF ADMINISTRATOR'S CLAIM

Pursuant to the authority conferred upon the Temporary Controls Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9809, General Order No. 59 is revised as follows:

(a) The Deputy Commissioner for Enforcement, Office of Price Administration, Office of Temporary Controls, is authorized to execute releases of the Administrator's claim under section 205 (e) of the Emergency Price Control Act, as amended.

(b) Each Regional Enforcement Executive, Office of Price Administration, Office of Temporary Controls, is authorized to execute releases of the Administrator's claim under section 205 (e) of the Emergency Price Control Act, as amended.

(c) Each Attorney in Charge of a Regional Branch Office, Office of Price Administration, Office of Temporary Controls, is authorized, upon the recommendation of the Regional Section Chief or the Branch Office Unit Head in charge of the case involved in the settlement to execute releases of the Administrator's claim under section 205 (e) of the Emergency Price Control Act, as amended.

(d) Any releases executed by the Deputy Commissioner for Enforcement, any Regional Enforcement Executive or by the Attorney in Charge of a Regional Branch Office, pursuant to this delegation of authority, shall have the same force and effect as if executed by the Temporary Controls Administrator.

(e) Nothing in this order shall be construed to limit or affect any similar authority heretofore delegated to any Area Rent Attorney or Area Rent Director.

Issued and effective this 28th day of February 1947.

PHILIP B. FLEMING, *Temporary Controls Administrator.*

[F. R. Doc. 47-2335; Filed, Mar. 11, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-75, 54-152, 59-8, 59-20]

COMMONWEALTH AND SOUTHERN CORP. (DELAWARE) ET AL.

NOTICE OF FILING OF AMENDMENT TO PLAN AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 6th day of March 1947.

In the matter of The Commonwealth & Southern Corporation (Delaware), respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware) and its subsidiary companies, respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75; The Commonwealth & Southern Corporation (Delaware), and The Southern Company, File No. 54-152.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and The Southern Company ("Southern"), a new subsidiary organized by Commonwealth, having on October 21, 1946 filed an application for approval of a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 providing for the transfer to Southern of all of Commonwealth's interest in Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, South Carolina Power Company and Savannah River Electric Company, and for the approval of related transactions; and the Commission having on November 25, 1946 issued its notice of filing and order for hearing (Holding Company Act Release No. 7018) summarizing the provisions of said plan and application and ordering a hearing thereon; and a hearing having been held upon said plan and application and having been adjourned subject to the call of the Trial Examiner:

Notice is hereby given that on February 19, 1947 Southern and Commonwealth jointly filed an amendment to said plan and application. The principal changes made by the amendment in the plan heretofore filed are that (a) the provision that Southern issue debentures or serial notes is elliminated and (b) South Carolina Power Company common stock is not to be transferred to Southern. The amendment also provides for certain changes in accounting treatment, and in addition proposes an agreement by Commonwealth, under certain conditions, to dispose of interests in subsidiary companies, as more specifically summarized hereinafter.

All interested persons are referred to said plan and application, as amended, which are on file in the offices of this Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

1. Commonwealth proposes to transfer to Southern $3,000,000 in cash and all of Commonwealth's interests in the following southern subsidiary companies: Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah River Electric Company. Such interests include (a) all of the outstanding common stocks of such companies and (b) demand notes of Savannah River Electric Company payable in the amount of $1,450,034.30 as at September 30, 1946.

2. In exchange therefor, Southern, which has an authorized capitalization of 15,000,000 shares of common stock with a par value of $5 per share, proposes to issue and deliver to Commonwealth 10,000,000 of such shares including the 200 shares issued in connection with the organization of Southern.

3. Southern proposes to register as a holding company under the Act prior to or concurrently with its acquisition of Commonwealth's interests in the above-stated Southern subsidiary companies.

4. Southern further proposes, after the acquisition of the aforesaid interests, to issue and sell to the public for the best price obtainable, such number of additional shares of its common stock as will produce net cash proceeds to Southern, after the payment of underwriting discounts or commissions, in the amount of $10,000,000. Southern proposes to invest the proceeds from such sale in the common stocks of such of its subsidiary companies as may be determined in supplemental proceedings before the Commission.

5. Southern proposes to record the investment to be acquired by it in Savannah River Electric Company at approximate book value and to record the investments to be acquired in other Southern operating subsidiaries of Commonwealth at amounts, representing the fair values inherent in such investments, as were heretofore determined by the Board of Directors of Southern. The aggregate amount proposed to be recorded in the investment account of Southern is $146,500,000.

Southern further proposes that there shall be appropriated from consolidated net income (before transfer to consolidated earned surplus) to a consolidated general reserve for investments $2,000,000 per year cumulative from the effective date of acquisition by Southern of its proposed subsidiaries. Of such appropriation at least $500,000 per year cumulative from such date shall be made in the corporate accounts of Southern. Southern reserves the right to apply to the Commission at any time, or from time to time, to discontinue any appropriation, corporate or consolidated, in whole or in part.

6. Commonwealth requests that the Commission find the proposed plan, as submitted or as modified, necessary to effectuate the provisions of section 11 (b) and fair and equitable to the persons affected thereby, and also requests that the Commission's order approving the plan contain the recitals required by sections 371 (f) and 1808 (f) of the Internal Revenue Code.

7. Subject to the condition that the transactions proposed are carried out pursuant to an appropriate finding of the Commission to the effect that the electric properties of Alabama Power Company, Georgia Power Company, Mississippi Power Company and Gulf Power Company are retainable under common control as an integrated public utility system under the standards of the act and that the continued existence of Southern as a holding company over such retainable properties is appropriate under such standards and to an order thereon approving the plan,

(a) Commonwealth agrees to dispose or cause the disposition of its direct or indirect interest in all of its subsidiaries other than Alabama Power Company, Georgia Power Company, Mississippi Power Company, Gulf Power Company and Savannah River Electric Company, and agrees that the Commission may enter an appropriate order to such effect under section 11 (b) (1);

(b) Commonwealth (as long as Southern is its subsidiary) and Southern agree to dispose or cause the disposition of their direct or indirect interest in the gas and transportation properties of Alabama Power Company, Georgia Power Company and Gulf Power Company, and agree that the Commission enter an appropriate order to such effect under section 11 (b) (1); and

(c) Commonwealth agrees to dispose of any remaining direct or indirect interest in Southern as soon as possible after the retirement by Commonwealth of its outstanding preferred stock.

Commonwealth and Southern propose to file such applications and declarations as may be necessary or appropriate to the carrying out of said order and the foregoing agreement or any orders of the Commission entered pursuant thereto.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice be given and a hearing be held on the plan, as amended, filed by Southern and by Commonwealth to afford all interested persons an opportunity to be heard with respect thereto:

It is ordered, That the hearing in these consolidated proceedings, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be reconvened, before the Trial Examiner heretofore designated, on March 24, 1947, at 11:00 a. m., e. s. t., at the office of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

It is further ordered, That any person who has not heretofore entered his appearance and who desires to be heard in connection with this proceeding or proposes to intervene herein shall file with the Secretary of the Commission on or before March 20, 1947 his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That notice of said hearing be given by registered mail to Commonwealth, Southern, the Federal Power Commission, the Public Service Commissions of Alabama, Georgia and South Carolina and to the participants at the hearing held on January 15, 1947 in the instant proceedings, and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2291; Filed, Mar. 11, 1947; 8:48 a. m.]

[File No. 1-3069]

A. D. F. Co.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of March A. D. 1947.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Capital Stock, $5.00 Par Value, of A. D. F. Co., which until August 27, 1945 was known as Atlas Drop Forge Company. The application alleges that (1) the issuer on September 4, 1945 sold substantially all of its assets to a wholly-owned subsidiary of Spicer Manufacturing Corporation in consideration of the sum of $1,436,835.47; (2) the issuer ceased manufacturing operations on August 31, 1945; (3) the issuer is in the process of complete and final liquidation; (4) the issuer has distributed to its shareholders two liquidating dividends totalling $13.00 per share; (5) the only remaining assets are approximately $400,000, composed principally of United States Government securities and cash, which would amount to $2.68 per share, subject to certain contingent liabilities in amounts not presently ascertainable; (6) the New York Curb Exchange suspended dealings in this security on January 15, 1947; and (7) the rules of the New York Curb Exchange with respect to the striking of a security from listing and registration have been complied with.

Upon receipt of a request, prior to March 26, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2292; Filed, Mar. 11, 1947; 8:48 a. m.]

[File No. 70-1466]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN LIGHT & TRACTION CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of March 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Michigan Consolidated Gas Company ("Michigan Consolidated"), a gas utility company, and its parent, American Light & Traction Company ("American Light"), a registered

holding company. The applicants-declarants have designated sections 6 (b), 9, 10 and 12 (f) of the act and Rules U-43 and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested parties are referred to the application-declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Michigan Consolidated proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $6,000,000 principal amount of its First Mortgage Bonds, ----% Series due 1969, and it is proposed that the interest rate on the bonds (which shall be a multiple of ⅛ of 1%) and the price to be received by Michigan Consolidated (which price, exclusive of accrued interest, shall not be less than 100% or more than 102¾% of the principal amount of the new bonds) are to be determined by the competitive bidding. Michigan Consolidated also proposes to issue and sell to its parent company, American Light, and American Light proposes to purchase from Michigan Consolidated, an additional 276,805 shares of $14 par common stock for a cash consideration of $3,875,270. In connection with the issuance and sale of the additional common stock, Michigan Consolidated proposes to amend its Articles of Incorporation to increase the authorized number of shares of common stock from 3,000,000 of which there are outstanding 2,768,050, to 3,500,000 of which there will be outstanding 3,044,855.

The application-declaration states that the net proceeds from the sale of the new bonds and stock will be expended in connection with the construction and acquisition of additional property consisting principally of distribution mains and lines and gas-manufacturing equipment, and to reimburse Michigan Consolidated in part for expenditures heretofore made by it from other funds for such purposes. Of the proceeds from the sale of the bonds, $2,500,000 will be deposited with the trustees under the Indentures to be held as a part of the trust estate subject to withdrawal in accordance with provisions of the Indentures. The expense of the issuance and sale of the bonds and common stock are estimated to be $94,000 and $41,000, respectively.

Applicants-declarants state that the issuance of the bonds and common stock is subject to the jurisdiction of The Michigan Public Service Commission and that the necessary authorization from such Commission will be procured before the hearing upon the application-declaration.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors or consumers that a hearing be held with respect to the matter set forth in said application-declaration, and that the application-declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on the application-declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on March 19, 1947 at 10:00 a. m., e. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before March 17, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Willis E. Monty, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issue and sale of the new bonds and of the common stock are exempt from the provisions of sections 6 (a) and 7 of the act pursuant to section 6 (b) thereof, and, if not, whether said issue and sale meet the requirements of section 7 of the act.

2. Whether the terms and conditions of the issue and sale of bonds and common stock are detrimental to the public interest or to the interests of investors or consumers.

3. Whether the indentures securing the proposed bonds contain adequate protective provisions for the benefit of security holders.

4. Whether the fees, commissions and other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

5. Whether the proposed acquisition by American Light of the common stock of Michigan Consolidated meets the applicable requirements of section 10.

6. Whether the proposed transactions meet the requirements of section 12 (f).

7. Whether the accounting entries to be recorded in connection with the proposed transactions are proper, conform with sound accounting principles and meet the requirements of the act.

8. What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicants-declarants herein, the Michigan Public Service Commission and the Federal Power Commission; and that notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER, and by general release of this Commission which shall be distributed to the press.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2294; Filed, Mar. 11, 1947; 8:48 a. m.]

[File No. 70-1433]

DALLAS POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of March A. D. 1947.

Dallas Power & Light Company ("Dallas"), an electric utility subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration and amendment thereto pursuant to sections 6 (a) (2) and 7 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Dallas proposes to amend its charter in the following respects: (1) To provide for a dividend restriction on common stock whereby not more than 75% of the earnings available to the common stock may be paid out as dividends thereon when the ratio of common stock equity to total capitalization is between 20% and 25% of total capitalization, and not more than 50% of such earnings may be paid out as dividends when the ratio of common stock equity to total capitalization falls below 20%; (2) to grant holders of common stock preemptive rights with respect to any offering of common stock or any security convertible into common stock for money, other than by a public offering of such shares; (3) to provide that the consideration received by the company from the issuance and sale of additional common stock without nominal or par value be entered in the capital stock account; (4) to increase the authorized common stock from 273,000 shares without nominal or par value to 2,500,000 shares without nominal or par value; and (5) to expressly confer on the company or its Board of Directors certain additional powers with respect to the borrowing of money, mortgaging the company's property and purchase and sale of its own securities.

The declaration having been filed on January 9, 1947, the amendment thereto having been filed on February 4, 1947, notice of said filing as amended having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing on said declaration within the period specified in such notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration as amended that the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest practicable date:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2293; Filed, Mar. 11, 1947; 8:48 a. m.]

[File No. 70-1431]

WISCONSIN HYDRO ELECTRIC CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 5th day of March A. D. 1947.

Notice is hereby given that an additional amendment to an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Wisconsin Hydro Electric Company ("Wisconsin Hydro"), a public-utility company and a subsidiary of Eastern Minnesota Power Corporation, a registered holding company.

Notice is further given that any interested person may, not later than March 20, 1947, at 5:30 p. m., e. s. t. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application or declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after March 20, 1947, such application or declaration, as filed or as amended, or any of the transactions proposed therein, may be granted or may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said amendment which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Wisconsin Hydro proposes to issue and sell $1,750,000 3⅛% First Mortgage Bonds, due twenty-five years from date, and $250,000 3% Serial Notes, due $50,000 annually for five years after the issuance thereof. The proceeds of the said bonds and notes will be used in payment of the 5% First Mortgage Bonds of Wisconsin Hydro presently outstanding in the principal amount of $2,077,000 which mature October 1, 1947.

Wisconsin Hydro, for reasons stated in its amendment, has requested an exemption from the competitive bidding requirements of Rule U-50 promulgated under the Public Utility Holding Company Act of 1935. It proposes to sell the bonds to Massachusetts Mutual Life Insurance Company, Equitable Life Insurance Company of Iowa, and Modern Woodmen of America, and has arranged with Harris Trust and Savings Bank, Chicago, Illinois, for the purchase of the serial notes. Wisconsin Hydro states that the transactions proposed are subject to the jurisdiction of the Wisconsin Public Service Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2295; Filed, Mar. 11, 1947; 8:49 a. m.]

[File Nos. 70-1422 and 70-1423]

STANDARD GAS AND ELECTRIC CO. AND OKLAHOMA GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER CONCERNING COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of March 1947.

Standard Gas and Electric Company (Standard), a registered holding company, and its public utility subsidiary, Oklahoma Gas and Electric Company (Oklahoma Gas), having filed separate applications and declarations, and amendments thereto, pursuant to sections 6, 7, 11 (b) and 12 (d) of the Public Utility Holding Company Act of 1935 (Act) and Rules U-24, U-44 and U-50 promulgated thereunder, in which it was proposed, among other things, that Standard sell its holdings of 750,000 shares of the Common Stock of Oklahoma Gas and that, simultaneously with such sale, Oklahoma Gas issue and sell an additional issue of 140,000 shares of its Common Stock, both sales to be made pursuant to the competitive bidding requirements of Rule U-50; and

The Commission having by order dated January 22, 1947, granted said applications and permitted said declarations to become effective, subject to the condition, among others, that the proposed sale by Standard and the proposed issue and sale of shares of Common Stock by Oklahoma Gas not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in these proceedings and a further order has been entered by this Commission in the light of the record so completed, jurisdiction being reserved for this purpose; and

The Commission having, by Supplemental order dated February 24, 1947, granted and permitted to become effective an amendment filed by Oklahoma Gas to its application-declaration herein deleting the provision under which the additional issue of 140,000 shares of Common Stock by Oklahoma Gas would be sold simultaneously with the proposed sale by Standard of its holdings of 750,000 shares of the Common Stock of Oklahoma Gas; and

Oklahoma Gas having filed a further amendment dated March 4, 1947 to its application-declaration in which it is stated that in accordance with the permission granted by said Orders of the Commission dated January 22, 1947 and February 24, 1947, it has offered its Common Stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Syndicate headed by—	*Price to Oklahoma Gas (per share)*
The First Boston Corporation	$37.34
Kuhn, Loeb & Co., Harriman, Ripley & Co., Inc., and Smith, Barney & Co	37.07
Merrill Lynch, Pierce, Fenner & Beane	36.78
Lehman Brothers and Blyth & Co., Inc	34.29

The amendment further stating that Oklahoma Gas has accepted the bid of the syndicate headed by The First Boston Corporation, and that the stock will be offered for sale to the public at a price of $39.50 per share, resulting in an underwriters' spread of $2.16 per share; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters;

It is ordered, That jurisdiction heretofore reserved with respect to the results of the competitive bidding for the 140,000 shares of its Common Stock to be sold by Oklahoma Gas be, and it hereby is, released, and that the amendment filed on March 5, 1947, by Oklahoma Gas to its application-declaration herein with respect to the issue and sale of said 140,000 shares of Common Stock, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved with respect to the competitive bidding requirements of Rule U-50 for the proposed sale by Standard of its holding of 750,000 shares of Common Stock of Oklahoma Gas be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2296; Filed, Mar. 11, 1947; 8:49 a. m.]

[File Nos. 54-25, 59-11, 59-17]

UNITED LIGHT AND POWER CO. ET AL.

NOTICE OF FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pa., on the 4th day of March 1947.

In the matter of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, respondents, File No. 5917; The United Light and Power Company and its subsidiary companies, respondents, File No. 5911; The United Light and Power Company, applicant, File No. 54-25.

Notice is hereby given that The United Light and Railways Company ("Railways"), a registered holding company and its subsidiary, American Light & Traction Company ("American Light"), also a registered holding company, have filed a joint application pursuant to the Public Utility Holding Company Act of 1935 regarding the acquisition by American Light of additional shares of common stock of The Detroit Edison Company ("Detroit Edition"), a public-utility subsidiary of American Light. The applicants have designated sections 9 and 10 of the act as being applicable to the proposed transaction.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Detroit Edison has heretofore filed a declaration under the Act (File No. 70-1468) concerning the issuance of 636,130 shares of its common stock as a ten percent dividend on its presently outstanding common stock. The Commission has ordered a hearing thereon to be held on March 12, 1947 (Holding Company Act Release No. 7235). If the stock dividend is paid, American Light, as the holder of 1,289,205 shares of Detroit Edison common stock, would be entitled to receive 128,920 additional shares of such stock plus a scrip certificate for one-half a share. Railways and American Light consent and agree that the additional shares of stock of Detroit Edison, if acquired by American Light, would be held subject to the provisions of section 11 of the act and of the Commission's order of August 5, 1941 requiring Railways and American Light to dispose of their direct and indirect interest in Detroit Edison, to the same extent as though such shares has been owned by American Light at the date of the entry of such order and had been expressly referred to therein.

Notice is further given that any interested person may, not later than March 14, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to the acquisition of the Detroit Edison common stock by American Light, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by the application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after March 14, 1947 the application may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to the act or the Commission may exempt such transaction as provided in Rule U-20 (a) or Rule U-100 thereof.

The applicants request that, if the Commission shall enter an order permitting the declaration of Detroit Edison with respect to the issuance of its common stock dividend to become effective, the order with respect to the instant application be entered concurrently therewith.

It is hereby ordered, That the Secretary of the Commission shall serve by registered mail a copy of this notice on The United Light and Railways Company, American Light & Traction Company, The Detroit Edison Company, the Michigan Public Service Commission, and the City of Detroit.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2297; Filed, Mar. 11, 1947; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8285]

GERTRUDE BLUEMNER TENLLADO ET AL.

In re: Gertrude Bluemner Tenllado vs. Ella Sterzel, et al. File No. D-28-9377; E. T. sec. 12438.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gerda Dreschler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1,342.77 was paid to the Alien Property Custodian by Curt C. Lindauer, Master in Chancery in the matter of Gertrude Bluemner Tenllado vs. Ella Sterzel, et al.;

3. That the said sum of $1,342.77 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on May 2, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2338; Filed, Mar. 11, 1947; 8:45 a. m.]

[Vesting Order CE 371]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Guiseppe Musso	Italy	Estate of Victor Musso, also known as V. Musso, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 100157.	$5.00
		Item 2	
Quintino Musso	do	Same	5.00
		Item 3	
Clara Musso	do	Same	7.00
		Item 4	
Rosa Musso	do	Same	7.00
		Item 5	
Luigi Musso	do	Same	7.00
		Item 6	
Angelo Musso	do	Same	7.00
		Item 7	
Jean Carel	do	Same	10.00
		Item 8	
Anna Barragat	do	Same	10.00
		Item 9	
Olinto Polloni	do	Estate of Italo Polloni, also known as Italo Polloni, deceased, in the Superior Court of the State of California, in and for the County of San Mateo; No. 8630.	7.00
		Item 10	
Narciso Polloni	do	Same	7.00
		Item 11	
Ermando Polloni	do	Same	7.00
		Item 12	
Marfisa Brocchini	do	Same	7.00
		Item 13	
Olga Baccolli	do	Same	7.00
		Item 14	
Battista Burlando	do	Estate of Mary Bertoldo, deceased, in the Superior Court of the State of California, in and for the County of Alameda, No. 86135.	35.00
		Item 15	
Giovanni Bragarzi	do	Estate of Frank Bragazzi, also known as Frank Grigazzi, also known as Francesco Bragazzi, deceased, in the Superior Court of the State of California, in and for the County of Santa Cruz; No. 9650.	20.00
		Item 16	
Emilia Bragazzi	do	Same	20.00
		Item 17	
Michele Menini	do	Same	6.00
		Item 18	
Lina Menini	do	Same	6.00
		Item 19	
Giovanni Briselli	do	Same	6.00
		Item 20	
Secondo Alessio	do	Estate of Guiseppe Alessio, also known as Guiseppe Allessio, deceased, in the Superior Court of the State of California, in and for the County of Santa Clara; No. 25933.	18.00
		Item 21	
Attilio Alessio	do	Same	5.00
		Item 22	
Ricovero di Mendicita	do	Same	5.00
		Item 23	
Do	do	Same	5.00
		Item 24	
Pasqualina Bione	do	Same	5.00
		Item 25	
Luigi DeMattei	do	Estate of Pietro DeMattei, deceased, in the Superior Court of the State of California, in and for the County of Alameda; No. 77341.	13.00
		Item 26	
Eugenia DeMattei	do	Same	13.00
		Item 27	
Virginia DeMattei	do	Same	13.00
		Item 28	
Maria Pussetto	do	Estate of Grato Pussetto, deceased, in the Superior Court of the State of California, in and for the County of San Bernardino; No. 17036.	26.00
		Item 29	
Agnese Pussetto	do	Same	26.00
		Item 30	
Fedelle Pussetto	do	Same	9.00
		Item 31	
Pietro Pussetto	do	Same	9.00

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 32	
Maria de Maria	Italy	Estate of Giacomo Aimar, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 91563.	
		Item 33	
Chiaffredo Aimar	do	Same	
		Item 34	
Stefano Aimar	France	Same	
		Item 35	
Antonio Aimar	do	Same	
		Item 36	
Giovanna Lingua	Italy	Estate of Giuseppe Delfino, deceased, in the Superior Court of the State of California, in and for the County of Contra Costa; No. 12245.	
		Item 37	
Bartolomeo Delfino	do	Same	
		Item 38	
Teresa Mandrile	do	Same	
		Item 39	
Francesca Mandrile	do	Same	
		Item 40	
Maria DaCosta	do	Estate of Anthony DaCosta, deceased, in the Superior Court of the State of California, in and for the County of Calaveras; No. 2171.	
		Item 41	
Giuseppina DaCosta	do	Same	
		Item 42	
Children, names unknown, of Margherita Lagorio	do	Estate of August Lucchetti, deceased, in the Superior Court of the State of California, in and for the County of Sonoma; No. 16586.	
		Item 43	
Children, names unknown, of Antonia Lagorio	do	Same	
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Giulia Dorracini	do	Same	
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Son and daughter, names unknown, of Alemando Bullentini, deceased.	do	Estate of Alemando Bullentini, deceased, in the Superior Court of the State of California, in and for the County of San Mateo, No. 11624.	
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		Item 52	
Giovanni Ferraro	do	Estate of Rocco Ferrero, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 91249.	
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Gianluigi Maltoni	do	Estate of Cesare Orsi, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 248639.	
		Item 54	
Brother, name unknown, of Giovanni Bosero, deceased.	do	Estate of Giovanni Bosero, deceased, in the Superior Court, of the State of California, in and for the City and County of San Francisco; No. 90083.	
		Item 55	
Antoinetta Bergero	do	Estate of Giobatta Bergero, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 93848.	

[F. R. Doc. 47-2260; Filed, Mar. 10, 1947; 8:46 a. m.]

WALTER M. WEIS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., and described below, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Walter M. Weis, 36 W. 44th St., New York, N. Y.	971	Property described in paragraph 1 of Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Patent No. 2,110,518, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2341; Filed, Mar. 11, 1947; 8:45 a. m.]

MAYWOOD CHEMICAL WORKS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., and described below, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Maywood Chemical Works, Maywood, N. J.	A-303	Property described in paragraph 1 of Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Patent Nos. 1,869,493; 1,869,494; 1,869,495; 1,869,496; 1,869,497; 1,869,498; 1,869,499; 1,869,979; 1,869,980; to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on March 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2342; Filed, Mar. 11, 1947; 8:45 a. m.]

[Vesting Order 7686, Amdt.]

JOSEPH SCHMID

In re: Bond owned by and debt owing to Joseph Schmid. F-28-23512-A-1.

Vesting Order 7686, dated September 19, 1946, is hereby amended as follows and not otherwise:

By deleting "registered in the name of Joseph Schmid, Angburger Strasse 8, Neurnberg, Germany," in subparagraph 2-a of said Vesting Order 7686;

By deleting subparagraph 2-b of said Vesting Order 7686, and substituting therefor the following:

(b) That certain debt or other obligation owing to Joseph Schmid, by Union Dime Savings Bank, Sixth Avenue and 40th Street, New York, New York, arising out of a savings account, account number 1,046,842, entitled Joseph Schmid—Clara Schmid, payable to either or survivor, and any and all rights to demand, enforce and collect the same.

All other provisions of said Vesting Order 7686 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2340; Filed, Mar. 11, 1947; 8:45 a. m.]

[Vesting Order 8283]

WALTER SCHOENFELD

In re: Estate of Walter Schoenfeld a/k/a George Walter Schoenfeld, deceased. File D-28-10018; E. T. sec. 14221.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Schoenfeld Grachen, Elizabeth Schoenfeld and Johanna Schoenfeld Werner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $4,635.13 was paid to the Alien Property Custodian by Ella Olson, Executrix of the Estate of Walter Schoenfeld a/k/a George Walter Schoenfeld, deceased;

3. That the said sum of $4,635.13 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined;

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance there on July 31, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2337; Filed, Mar. 11, 1947; 8:45 a. m.]

[Vesting Order 8374]

CARL LUDOWICI

In re: Stock owned by Carl Ludowici. F-28-12869-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Ludowici, whose last known address is Jockgrim (Rheinfalz), Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Eighteen hundred and twelve (1812) shares of $50.00 par value common capital stock of Ludowici-Celadon Company, 104 S. Michigan Avenue, Chicago 3, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by certificates numbered 727 for 675 shares, 749 for 1,125 shares and 753 for 12 shares, and registered in the name of Carl Ludowici, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2339; Filed, Mar. 11, 1947; 8:45 a. m.]

MAR 14 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 51

Washington, Thursday, March 13, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 54—ANNUAL AND SICK LEAVE REGULATIONS

MISCELLANEOUS AMENDMENTS

In the FEDERAL REGISTER of February 25, 1947, Chapter I was revised and certain parts, including Part 54, were redesignated, effective May 1, 1947 (12 F. R. 1270, 1343). These amendments to Part 54 are to be carried over on May 1, the effective date of the redesignation.

Sections 54.305, 54.408, 54.409, and 54.410 (redesignated as §§ 30.305, 30.408, 30.409 and 30.410, effective May 1, 1947) are amended to read as follows:

§ 54.305 *Application for sick leave.* Written application on the prescribed form for grant of sick leave shall be filed within two days after the employee returns to duty. In no case shall a medical certificate be required to support the application for periods of absence of three days or less. For periods of absence in excess of three work days the application must be supported by a medical certificate, or other evidence administratively acceptable, which must be filed within 15 days after return to duty: *Provided*, That in lieu of a medical certificate, a signed statement of the employee indicating the nature of the illness and the reason why a medical certificate is not furnished may be accepted whenever it is unreasonable to obtain such certificate because of a shortage of physicians, remoteness of locality, or because the circumstances surrounding the employee's illness do not require the services of a physician. The agency shall determine administratively whether the statement of the employee in lieu of a medical certificate shall be considered sufficient evidence to support the request for sick leave.

§ 54.408 *Disposition of sick leave account on transfer.* When an employee is appointed, reappointed, or transferred to another position with no break in service, or a break of less than 90 days, his sick leave account shall be disposed of as follows:

(a) If the position is within the purview of the leave acts of March 14, 1936, the sick leave account shall be certified to the employing agency for credit or charge to the employee.

(b) If the position to which he is appointed, reappointed, or transferred is not within the purview of the leave acts of March 14, 1936, the employee shall be furnished with a statement of his sick leave account and if he is subsequently appointed, reappointed, or transferred to a position within the purview of such acts, with no break in service or a break of less than 90 days, the leave shown to be due shall be credited to his account.

§ 54.409 *Disposition of annual leave account on transfer.* When a permanent employee is appointed, reappointed, or transferred to another position as a permanent employee within the purview of the leave acts of March 14, 1936, with no break in service, his annual leave account shall be certified to the employing agency for credit or charge to the employee.

§ 54.410 *Transfer from position not within purview of leave acts to position within purview of leave acts.* Any person who was appointed, reappointed, or transferred prior to January 1, 1945, to a position not within the purview of the leave acts of March 14, 1936, who is or has been appointed, reappointed, or transferred to a position within the purview of such acts with no break in service, or with a break of less than 30 days if the reappointment occurred between December 31, 1944, and March 1, 1946, or less than 90 days if the reappointment occurred on or after March 1, 1946, shall be credited with the leave shown to be due.

(E. O. 9414, Jan. 13, 1944, 3 CFR 1944 Supp.)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-2384; Filed, Mar. 12, 1947; 8:47 a. m.]

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FEDERAL REGISTER

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PART 260—APPEALS WITHIN THE BOARD

In Federal Register Document 47-1803, appearing at page 1389 of the issue for Thursday, February 27, 1947, the following changes are made:

1. In the first column on page 1390, in the eleventh line of § 260.2 (g), the word "completion" should be "compilation".

2. In the second column on page 1390, in the eighteenth line of § 260.3 (d), the following insertion should appear after the word "present": "further material evidence, which for good reason he was not able to present".

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-2352; Filed, Mar. 12, 1947; 8:47 a. m.]

TITLE 29—LABOR

Chapter VIII—Commissioner of Internal Revenue

[T. D. 5553]

PART 1003—PROCEDURE RELATIVE TO DETERMINATION THAT SALARIES OR WAGES SUBJECT TO JURISDICTION OF NATIONAL WAGE STABILIZATION BOARD WERE PAID IN CONTRAVENTION OF ACT OF OCTOBER 2, 1942, AS AMENDED

Part 1003 added to provide procedure to implement the functions transferred to the Treasury Department by section 10 (b) of Executive Order 9809, dated December 12, 1946 (11 F. R. 14281) and vested in the Commissioner of Internal Revenue by this Decision.

On August 28, 1943, the Economic Stabilization Director promulgated amended regulations relating to wages and salaries (8 F. R. 11960) by virtue of the authority vested in the President by the act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (56 Stat. 765), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (57 Stat. 63), and vested in turn by the President in the Economic Stabilization Director under Executive Order 9328, dated April 8, 1943 (8 F. R. 4681). These regulations conferred on the National War Labor Board, subject to the provisions of sections 1, 2, 3, 4 and 8 of Title II of Executive Order 9250, dated October 3, 1942 (7 F. R. 7871) and except as otherwise provided in Executive Order 9299, dated February 4, 1943 (8 F. R. 1669), prescribing regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act, authority to determine under rulings and orders issued by it, whether any (a) wage payments, or (b) salary payments not in excess of $5,000.00 per annum to an employee represented by a duly recognized or certified labor organization, or not employed in a bona fide executive administrative, or professional capacity are made in contravention of the act, or any rulings, orders, or regulations promulgated thereunder. On December 31, 1945 the President promulgated Executive Order 9672 (11 F. R. 221) establishing within the Department of Labor a Board to be known as the National Wage Stabilization Board, and providing that the Board shall have all the present powers, functions, and responsibilities of the National War Labor Board relating to the stabilization of wages and salaries for the purpose of carrying out the objectives authorized and directed by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, in accordance with the policies and procedures provided by Executive orders and regulations issued pursuant to these acts. Executive Order 9672 further provided that the presently effective rules, regulations, procedures, and orders of the National War Labor Board relating to any function vested in the National Wage Stabilization Board shall continue to be effective in accordance with their terms. On December 12, 1946 the President promulgated Executive Order 9809 (11 F. R. 14281) providing that the National Wage Stabilization Board is terminated and that the functions heretofore vested in the Board pursuant to the provisions of section 5 (a) of the Stabilization Act of 1942, as amended, are transferred to the Department of the Treasury.

PARAGRAPH 1. In the exercise of the authority conferred by Executive Order 9809 to determine whether salary or wage payments subject to the jurisdiction of the National Wage Stabilization Board were made in contravention of the act of October 2, 1942, as amended, the Commissioner of Internal Revenue hereby adopts the procedure set out in 29 CFR, Part 1002, Subpart J (T. D. 5416, 9 F. R. 13195).

PAR. 2. For the purposes of this part, the sections of Part 1002, Subpart J (9 F. R. 13195, 10 F. R. 3797), numbered from 1002.36 to 1002.46, inclusive, shall be numbered as follows, and the word "salary" wherever it appears shall be read as "salary or wage":

Sec.
1003.1 Preliminary investigation.
1003.2 Submission of report.
1003.3 Preliminary notice.
1003.4 Final notice.
1003.5 Notice of hearing.
1003.6 Hearing officer.
1003.7 Conduct of hearing.
1003.8 Findings of fact and recommendations.
1003.9 Determination by the Commissioner.
1003.10 Petition for reconsideration.
1003.11 Determination of contravention.

AUTHORITY: §§ 1003.1 to 1003.11, inclusive, issued under E. O. 9809, Dec. 12, 1946, 11 F. R. 14283.

§ 1003.1 *Preliminary investigation.* Upon receipt of information indicating a possible contravention of the act, the Head of the Regional Office, in whose jurisdiction the employer is located, shall institute an investigation. This investigation may be made by a representative of the Salary Stabilization Unit, Internal Revenue Agent or any other employee of the Bureau of Internal Revenue.

If, upon review of the report of investigation, the Head of the Regional Office is satisfied that the salary or wage payments in question were not made in contravention, he shall so notify the employer and refer the case to the Commissioner for review.

§ 1003.2 *Submission of report.* If, upon review of the report of investigation, the Head of the Regional Office believes that the salary or wage payment was made in contravention, he shall submit a report, in detail, to the Commissioner, together with the original report of investigation. The employer, if he so desires, may have a conference in the Regional Office prior to the submission of the report to the Commissioner.

§ 1003.3 *Preliminary notice.* If, upon consideration of the report of the Head of the Regional Office, the Commissioner is satisfied that there is reasonable cause for believing that a salary or wage payment has been made in contravention of the act, a preliminary notice to such effect shall be sent to the employer. Such preliminary notice shall contain a concise statement of the nature of the alleged contravention payment and the employer shall have an opportunity, within the time specified, to submit additional evidence and for conference.

§ 1003.4 *Final notice.* If no reply is received by the Commissioner within the specified time, or the additional evidence, if any is submitted, is not sufficient to warrant any change in the preliminary notice, a final notice shall be sent to the employer by registered mail ordering the employer to show cause why the alleged salary or wage payments shall not be held in contravention of the act. Such notice shall contain a concise statement of the nature of the alleged contravention payments and advise the employer of his right to have a hearing, if one is requested at the time of filing the answer, and that answer, under oath, to the notice shall be made by the employer within the time specified in the final notice. Unless a hearing is requested at the time of filing the answer, the hearing shall be deemed to have been waived. Upon good cause shown, the time for answering the final notice may be extended by the Commissioner.

If no answer is received within the time specified in the final notice, or as extended, a notice of the determination with respect to contravention will be issued by the Commissioner by registered mail.

§ 1003.5 *Notice of hearing.* If a hearing is requested, notice of the hearing shall be sent by registered mail to the employer not less than 15 days prior to the date of the hearing. Such notice shall contain (a) a statement of the time and place of hearing; (b) the name of the hearing officer; (c) a concise statement of the allegations of fact which constitute the basis for the proceeding; (d) a statement that the employer may be represented by counsel and given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charge and (e) a statement informing the employer that failure to appear will not preclude the Commissioner from taking testimony, receiving evidence and making findings and recommendations with respect to the charges.

For good cause shown, the date of the hearing may be postponed.

§ 1003.6 *Hearing officer.* The Commissioner, or the Deputy Commissioner of the Salary Stabilization Unit, may conduct hearings, or may, in writing, authorize some official or employee of the Bureau of Internal Revenue as a hearing officer to conduct and hold hearings and make findings of fact as hereinafter provided.

§ 1003.7 *Conduct of hearing.* Attempt should be made by the parties to stipulate with respect to such facts with which there is no substantial dispute.

The parties shall have every opportunity to present and introduce such evidence as they deem necessary in support of their positions.

The hearing officer shall afford the parties reasonable opportunity for examination of witnesses.

Before closing a hearing, the hearing officer shall inquire of each party whether he has any further evidence to offer.

The hearing officer at his discretion may, at the close of the hearing, allow a short period for presentation of oral argument or for summary of the facts disclosed at the hearing, and may allow briefs to be filed within a period prescribed by him, such period not to exceed 15 days.

The employer may, at his own expense, provide for the taking of a stenographic report of the hearing, in which case a copy shall be furnished without cost to the hearing officer.

§ 1003.8 *Findings of fact and recommendations.* Within a reasonable time after the conclusion of the hearing, the hearing officer shall prepare findings of fact in which he shall state briefly the issues involved and his recommendation. Such findings of fact and recommendation shall be transmitted to the Commissioner and a copy shall be transmitted to the employer.

§ 1003.9 *Determination by the Commissioner.* After consideration of the findings and recommendation of the hearing officer, the Commissioner shall determine whether the salary or wage payments in question were made in contravention of the act. A copy of such determination shall be sent by registered mail to the employer.

§ 1003.10 *Petition for reconsideration.* Within 15 days after the mailing of notice of determination of contravention by the Commissioner, the employer may file with the Commissioner a petition for reconsideration of such determination. This petition may be accompanied by any affidavits or briefs which the employer desires to submit. Within a reasonable time after receiving such request for reconsideration, the Commissioner may affirm, modify or reverse his original determination or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. After consideration of the findings of fact of the second hearing, the Commissioner shall issue his determination as to whether the salary or wage payments were made in contravention of the act.

§ 1003.11 *Determination of contravention.* The Deputy Commissioner of the Salary Stabilization Unit, or any other duly authorized employee of the Bureau of Internal Revenue, may act for the Commissioner in making determinations of contravention, except that if the Deputy Commissioner of the Salary Stabilization Unit is the hearing officer, the determination of contravention shall be made by the Commissioner.

This Treasury Decision shall be effective upon filing for publication with the Federal Register.

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

APPROVED: March 7, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-2369; Filed, Mar. 12, 1947; 8:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[State Director Advice No. 347, Issued: 3/10/47]

PART 672—STATE DIRECTOR ADVICES

CERTIFICATION PLAN

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 672.347 *Local Board Memorandum No. 115; certification plan.* (a) The operation of the certification plan outlined in paragraphs (c) and (d) of § 671.115 (12 F. R. 471) is suspended.

(b) Hereafter, until the expiration of the Selective Training and Service Act of 1940, as amended, the occupational classification of registrants will be accomplished under the provisions of paragraphs (b), (e) and (f) of § 671.115.

(54 Stat. 885, as amended; 50 U. S. C., App. and Sup. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-2387; Filed, Mar. 12, 1947; 8:58 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1138—ANTIMONY

[General Preference Order M-112, as Amended March 12, 1947]

§ 1138.1 *General Preference Order M-112*—(a) *Definitions.* For the purpose of this order "antimony" means and includes:

(1) Ores and concentrates, including beneficiated or treated forms, containing antimony commercially recognized;

(2) Antimony metal, otherwise known as "Regulus" and the element antimony in commercially pure form;

(3) Liquated antimony, sometimes known as "needle antimony", "crude antimony" or "Crudum" which is in any case the result of separating antimony sulphide from antimony ores by fusion, without essential chemical change;

(4) Any alloy containing 50 per cent or more by weight of antimony, as defined in (1), (2), and (3) above;

(5) Antimony oxide which results from the processing of antimony, as defined in (1), (2), (3) and (4) above;

(6) Antimony sulphide (precipitate or synthetic) which results from the processing of antimony, as defined in (1), (2), (3), (4), and (5) above.

(b) *Deliveries, allocations and uses*—(1) *Restrictions on deliveries.* No person shall deliver or accept delivery of antimony without a specific allocation in writing by the Civilian Production Administration, except as follows:

(i) Antimony may be delivered to any person in lots of 224 lbs. (contained antimony), or less, but the total quantity of contained antimony which any person may receive in any calendar month from all sources of supply under this subparagraph shall not exceed 224 lbs.

(ii) Antimony may be delivered to the Office of Metals Reserve, Reconstruction Finance Corporation, or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or to any agent of such corporation.

(2) *Allocations and uses.* The Civilian Production Administration may from time to time allocate and direct the manner and quantity in which antimony shall be delivered or used, including the use of antimony-bearing lead scrap, secondary antimony-bearing lead alloys or any other practicable substitute in lieu of antimony. The Civilian Production Administration may also require any person seeking to place a purchase order for antimony to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(c) *Applications for and reports of antimony.* (1) Applications for an allocation of antimony should be made on Form CPA-2931 to the Civilian Production Administration not later than the 20th day of the month preceding the month in which delivery is requested. Applications for an allocation of antimony for export outside the United States, its territories or possessions or the Dominion of Canada may be made by letter addressed to the Civilian Production Administration furnishing the following information:

(i) The export license number and validation date;

(ii) The country to which the antimony is to be exported;

(iii) The name of the proposed supplier; and

(iv) The quantity allowed to be exported under the license.

Exports of antimony to any country other than Canada are also subject to any export license requirements of the Office of International Trade, Department of Commerce.

No application for an allocation of antimony should be filed if less critical materials obtainable from secondary sources, or substitute materials, are usable by and available to the applicant. Failure by any person to file an application in accordance with this paragraph may be construed as notice to the Civilian Production Administration that such person does not desire an allocation of antimony for the succeeding month.

(2) Any person who on the first day of a calendar month has in his possession or under his control 2240 pounds or more of antimony or who used during the preceding calendar month 2240 pounds or more of antimony shall not later than the 20th day of such month report to the Civilian Production Administration on Form CPA-2931 in accordance with the instructions accompanying such form, regardless of whether or not he seeks an allocation of antimony during the next succeeding month.

(d) *Inventory restrictions.* No person shall knowingly deliver to any person and no person shall accept delivery of any quantity of antimony, if the total inventory in the hands of the person accepting delivery is, or by virtue of acceptance will become, in excess of his reasonably anticipated requirements for permissible uses in the next 30 days, excepting in the case of antimony as defined in paragraph (a) (1) which shall be limited to 45 days. This restriction does not apply to a producer of antimony as defined in paragraph (a).

(e) [Deleted March 12, 1947.]

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals and Communications.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provisions appealed from and stating fully the grounds of appeal. Appeals, reports and all communications concerning this order shall, unless otherwise directed, be addressed to the Tin, Lead and Zinc Branch, Civilian Production Administration, Washington 25, D. C., reference M-112.

(h) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2446; Filed, Mar. 12, 1947; 11:42 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 25]

PRIORITIES ASSISTANCE FOR MERCHANT PIG IRON FOR CAST IRON SOIL PIPE AND CAST IRON SOIL FITTINGS

The following direction is issued pursuant to Priorities Regulation 28:

(a) *What this direction does.* The continued shortage of merchant pig iron, particularly in certain areas, threatens the production of cast iron soil pipe and cast iron soil fittings, critically short for the Veterans Emergency Housing Program. It is necessary to maintain such production at a high level and for this purpose this direction provides for the placing of certified orders for pig iron for the production of cast iron soil pipe and cast iron soil fittings, after March 31, 1947. This direction is necessary in the public interest to promote the National Defense and to effectuate the purposes of the Veterans Emergency Housing Act of 1946.

(b) *Applications and authorizations*—(1) *What foundries may apply.* Only foundries which make cast iron soil pipe or which make both cast iron soil pipe and cast iron soil fittings may apply under this direction for authorization to place a certified order for merchant pig iron.

(2) *When to file application.* Applications should be filed on Form CPA-4570 with the Civilian Production Administration on or before the 15th day of the month preceding the month in which delivery is required, (applications for April will be accepted up to March 20).

(3) *Authorizations.* The Civilian Production Administration upon receipt of an application on Form CPA-4570 may authorize the placing by the applicant of certified orders for merchant pig iron required to make cast iron soil pipe and cast iron soil fittings. Authorizations will be returned to the applicant in time for the applicant to place his orders with the supplier for the required delivery. Such authorizations will not be granted to increase inventories and will only be granted where it is determined that the authorization is necessary to maintain or increase production of cast iron soil pipe and cast iron soil fittings. In making such authorization, CPA will take into account the extent to which the applicant in the production of cast iron soil pipe and cast iron soil fittings conserves pig iron through the use of scrap iron.

(4) *Limitation on use of merchant pig iron obtained on certified orders.* Each foundry must put into production in each month for which it receives authorization not less than the amount of merchant pig iron authorized for that month on Form CPA-4570 to make cast iron soil pipe and cast iron soil fittings.

(c) *Placement of certified orders.* A foundry which receives an authorization on Form CPA-4570 may certify its order on its supplier for merchant pig iron by furnishing with the order, a certificate in substantially the following form, signed as provided in Priorities Reg. 7.

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I have been authorized to place this order for merchant pig iron under Direction 25 to Priorities Regulation 28, serial number -------.

(1) *Restrictions on placing certified orders.* Orders may be certified for delivery only as authorized on Form CPA-4570. Thus they must be certified to the suppliers for the amount and in the month indicated on the form when it is returned by CPA.

(d) *Certified orders must be treated as rated orders.* Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled and delivered accordingly, except that a producer of merchant pig iron need not accept a certified order received after the 25th day of the month preceding the month in which delivery is required, except that April orders must be accepted until March 31. The provisions of Priorities Regulation 1 will apply except to the extent that this direction is inconsistent with them.

(e) *Reports.* Producers of merchant pig iron and foundries making cast iron soil pipe or both cast iron soil pipe and cast iron fittings must furnish such reports as may be required by the CPA from time to time, subject to approval by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

Issued this 12th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2447; Filed, Mar. 12, 1947; 11:42 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Amdt. 20 to Supp. 1, Corr.]

SUGAR

Item 12 of section 2.1 in Amendment No. 20 to Supplement 1 to Third Revised Ration Order 3 is corrected to read as follows:

12. Canned and bottled foods (not included in other items); table syrup	60	75

Issued this 12th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-2445; Filed, Mar. 12, 1947; 11:30 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS

AIRCRAFT

Part 2 is amended by adding a new § 2.63, reading as follows:

§ 2.63 *Aircraft.* The landing of commercial and private aircraft within the national parks and monuments is generally incompatible with the purposes for which the parks and monuments are administered. No person shall land aircraft on land or water, on any Federally-owned area within any national park or monument, except for emergency rescue in accordance with the directions of the officer in charge of the park or monument or where such landing is caused by unforeseeable circumstances beyond the control of such person, other than at one of the following designated landing areas:

(a) *Mount McKinley National Park, Alaska.* (1) McKinley Park Station airport, located in Sections 3 and 4, Town-

ship 14 South, Range 7 West, and Sections 33 and 34, Township 13 South, Range 7 West, Fairbanks Meridian.

(2) The surface of Wonder Lake, located in unsurveyed lands at approximate latitude 63 degrees 28 minutes North, approximate longitude 150 degrees 53 minutes West.

(b) *Death Valley National Monument, California.* Death Valley airport, located in SW¼ Section 1, and NW¼ Section 22, Township 27 North, Range 1 East, San Bernardino Base and Meridian.

(c) *Glacier Bay National Monument, Alaska.* (1) Gustavus Point airport, located in Sections 5, 7, 8, and 9, Township 40 South, Range 59 East, Copper River Meridian.

(2) The waters of Bartlett Cove, Sandy Cove, and Icy Strait in the vicinity of Gustavus Point airport.

(d) *Jackson Hole National Monument, Wyoming.* Jackson airport, located in SE¼SE¼ Section 10, SE¼ and S½SW¼ Section 11, S½ and NW¼ Section 14, NW¼NE¼ and E½NE¼ Section 15, Township 42 North, Range 116 West, 6th Principal Meridian.

(e) *Boulder Dam Recreational Area, Arizona and Nevada.* (1) Boulder City Municipal Field, located in Sections 8, 9, 16, and 17, Township 23 South, Range 64 East, Mt. Diablo Meridian, Nevada.

(2) The entire surface of Lake Mead.

(39 Stat. 535; 16 U. S. C. 3)

Issued this 25th day of February 1947.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-2344; Filed, Mar. 12, 1947; 8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Bureau of Federal Supply, Department of the Treasury

PART 5—ORGANIZATION AND PROCEDURE

Correction

In Federal Register Document No. 47-1893 appearing at page 1419 of the issue for Friday, February 28, 1947, the amending language for § 5.1 should include a reference to the effect that the headnote of paragraph (g) should read *"Government Requirements Division"* and in § 5.3 in the reference to paragraph (j) the amending language should read "paragraph (j) is added".

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[G. O. 56, Supp. 3; WSA Function Series]

PART 306—GENERAL AGENTS AND AGENTS

COMPENSATION PAYABLE TO GENERAL AGENTS, AGENTS AND BERTH AGENTS

Correction

In Federal Register Document 47-2333, appearing at page 1683 of the issue for Wednesday, March 12, 1947, the bracket headnote should read as set forth above.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 369, Amdt. 10]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F. R. 15073; 11 F. R. 639, 2383, 7857, 8453, 10304, 11013, 14522; 12 F. R. 1606), and good cause appearing therefor, it is ordered, that:

Section 95.369 *Demurrage charges on closed box cars*, of Service Order No. 369, as amended, be, and it is hereby, further amended by adding the following paragraph (c) (5) thereto:

(c) *Application.* * * *

(5) *Demurrage charges substituted for charges for storage of freight in closed box cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in closed box cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided in this section.

(ii) In lieu of the charges for storage of freight in closed box cars at or short of ports suspended in subparagraph (5) (i) of this paragraph, the applicable charges for detention of closed box cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs (a) and (b) of this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2359; Filed, Mar. 12, 1947; 8:46 a. m.]

[S. O. 647-C]

PART 95—CAR SERVICE

PRIORITY FOR WHEAT IN PACIFIC NORTHWEST

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

Upon further consideration of Revised Service Order No. 647 (12 F. R. 104), and Service Order No. 647-B (12 F. R. 419), and good cause appearing therefor: It is ordered, that:

Service Order No. 647-B (codified as 49 CFR § 95.647), be, and it is hereby, vacated and set aside.

It is further ordered, that: § 95.647 *Box cars to be used for loading export wheat*, revised Service Order No. 647, be, and it is hereby, amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order and amendment shall become effective at 12:01 a. m., March 8, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Oregon, Washington, Idaho and Montana, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418; 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2358; Filed, Mar. 12, 1947; 8:46 a. m.]

[S. O. 696]

PART 95—CAR SERVICE

PRIORITY FOR EXPORT OF MAINE POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that the President of the United States has instructed various Government agencies to put into effect a number of emergency measures designed to help meet critically urgent needs for foodstuffs in various foreign countries, and that the President has directed that specific preference will be given to the rail movement of essential foods in order promptly to export maximum quantities to the destinations where most needed; that upon representations from the Office of Defense Transportation, and due to the fact that there exists a shortage of refrigerator cars for the movement of this traffic, the Commission is of opinion that an emergency exists in the State of Maine. It is ordered, that:

§ 95.696 *Priority for export of Maine potatoes*—(a) *Priority to be accorded.* All common carriers by railroad subject to the Interstate Commerce Act, serving points located in the State of Maine, shall give preference and priority over all other traffic to supplying or placing not to exceed one hundred fifty (150) refrigerator cars each working day for loading potatoes consigned to the United States Army, Portland, Maine, providing the shipper or consignor obtains a certificate in writing from the agent appointed herein, and further providing the shipper or consignor certifies in writing on the car order that such refrigerator car is intended for the transportation of potatoes pursuant to this section.

(b) *Appointment of agent.* Joseph C. Barr, Smith Bldg., telephone Presque Isle 2-3421, Presque Isle, Maine, is hereby appointed agent for the purpose of issuing certificates in accordance with this section. The agent appointed by this section will be under the direction and supervision of V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, and he shall each day mail to the said director a copy of each certificate issued that day.

(c) *Potatoes not meeting grades.* No common carrier subject to the Interstate Commerce Act shall transport or move a refrigerator car accorded a priority under this order and loaded with potatoes unless or until it has knowledge that the potatoes loaded in the said car are of the grade or grades required by the United States Army.

(d) *Rules suspended.* The operation of all rules, regulations or practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(e) *Effective date.* This section shall become effective at 12:01 a. m., March 11, 1947.

(f) *Expiration date.* This section shall expire at 11:59 p. m., April 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2361; Filed, Mar. 12, 1947; 8:46 a. m.]

[S. O. 653, Amdt. 8]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128), and good cause appearing therefor: It is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by adding the following paragraph (c) (5) thereto:

(c) *Application.* * * *

(5) *Demurrage charges substituted for charges for storage of freight in closed box cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in closed box cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided in this section.

(ii) In lieu of the charges for storage of freight in closed box cars at or short of ports suspended in subparagraph (5) (i) of this paragraph, the applicable charges for detention of closed box cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs (a) and (b) of this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2360; Filed, Mar. 12, 1947; 8:46 a. m.]

[S. O. 697]

PART 95—CAR SERVICE

PRIORITY FOR EXPORT OF RED RIVER VALLEY POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that the President of the United States has instructed various Government agencies to put into effect a number of emergency measures designed to help meet critically urgent needs for foodstuffs in various foreign countries, and that the President has directed that specific preference will be given to the rail movement of essential foods in order promptly to export maximum quantities to the destinations where most needed; that upon representations from the Office of Defense Transportation, and due to the fact that there exists a shortage of refrigerator cars for the movement of this traffic, the Commission is of opinion that an emergency exists in the States of North Dakota and Minnesota. It is ordered, that:

§ 95.697 *Permit for export Red River Valley potatoes*—(a) *Priority to be accoorded.* The Great Northern Railway Company, the Northern Pacific Railway Company and the Minneapolis, St. Paul & Sault Ste. Marie Railroad Company shall give preference and priority over all other traffic to supplying or placing not to exceed two hundred (200) refrigerator cars each workingday for loading potatoes consigned to the United States Army, at Corpus Christi, or Beaumont, Texas, or Lake Charles, Louisiana, providing the shipper or consignor obtains a certificate in writing from the agent appointed herein, and further providing the shipper or consignor certifies in writing on the car order that such refrigerator car is intended for the transportation of potatoes pursuant to this section.

(b) *Appointment of agent.* Wilson H. Clark, Ryan Hotel, Telephone Grand Forks, 1660, Grand Forks, North Dakota, is hereby appointed agent for the purpose of issuing certificates in accordance with this section. The agent appointed by this section will be under the direction and supervision of V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, and he shall each day mail to the said director a copy of each certificate issued that day.

(c) *Potatoes not meeting grades.* No common carrier subject to the Interstate Commerce Act shall transport or move a refrigerator car accorded a priority under this section and loaded with potatoes unless or until it has knowledge that the potatoes loaded in the said car are of the grade or grades required by the United States Army.

(d) *Rules suspended.* The operation of all rules, regulations or practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(e) *Effective date.* This section shall become effective at 12:01 a. m., March 11, 1947.

(f) *Expiration date.* This section shall expire at 11:59 p. m., April 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of

the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2357; Filed, Mar. 12, 1947; 8:46 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte Nos. MC-3, MC-4]

PART 194—NECESSARY PARTS AND ACCESSORIES

SAFETY REGULATIONS GOVERNING TRANSPORTATION OF MOTOR VEHICLES BY DRIVE-AWAY METHOD

Towing of more than one vehicle by saddle-mount drive-away method found not shown to be a reasonably safe operation. Petition seeking modification of Rule 3.54 of the Motor Carrier Safety Regulations, Revised, denied.

Report of the Commission. The recommended order of the examiner, to which no exceptions were filed, was stayed by us. Our conclusions differ somewhat from those recommended.

By petition filed October 2, 1946, Howard Sober, Inc., of Lansing, Mich., a common carrier of motor vehicles by the drive-away and truck-away methods, in interstate or foreign commerce, seeks such modification of Rule 3.54 of the Motor Carrier Safety Regulations, Revised, as would authorize it and others to transport simultaneously three motor vehicles by what is described as the "dual saddle-mount" method. Specifically, petitioner asked (1) that the Commission interpret Rule 3.54 as meaning that the dual saddle-mount method does not involve the "towing" of more than one motor vehicle; or, in the alternative, (2) that the Commission order an investigation to determine the safety of this method of transporting motor vehicles and that the safety regulations, including Rule 3.54, be amended so as to permit the dual saddle-mount method; and (3) that petitioner and other motor carriers be permitted to continue this type of operation, pending the Commission's final decision herein.

By order of June 19, 1946, we denied petitioner's requests outlined in (1) and (3) above, but granted its request for an investigation, and, on our own motion, enlarged the scope thereof so as to embrace not only the particular method of drive-away utilized by petitioner but also all other methods of drive-away, the need for the adoption of specifications for tow-bars and saddle-mounts and constituent parts thereof, and other matters relating to safety of operation by the methods referred to. Hearing was held at which a number of shippers and motor carriers and an association thereof appeared in support of the petitioner. No one appeared in opposition.

In *Classification of Motor Carriers of Property*, 2 M. C. C. 703, two methods of transportation, truck-away and drive-away, by highway carriers of motor vehicles are recognized. The drive-away method is described as "the utilization of the motive power, in whole or in part, of the vehicles being transported, either in single drive-away or in combinations of two or more vehicles by use of tow-bar mechanism, saddle or bolstermount mechanism, full-mount mechanism, or any combinations of the above."

In using the tow-bar mechanism all wheels of both the towing vehicle and the towed vehicle rest on the highway, the two vehicles being joined by a bar fastened to the rear of the towing vehicle and the front of the towed vehicle. In using the saddle-mount mechanism all wheels of the towing vehicle are upon the highway but the front part of the towed vehicle is mounted on the rear portion of the chassis or frame of the towing vehicle, so that only the rear wheels of the towed vehicle are on the highway.

Rules 3.532 and 3.54 of the Motor Carrier Safety Regulations, Revised, provide:

3.532 *Tow-bar and fifth wheel requirements.* No motor vehicle shall be towed in drive-away operations by means other than a tow-bar or fifth wheel connection * * *.

3.54 *Number of drive-away vehicles in combination.* No more than one motor vehicle shall be towed in any combination of motor vehicles in any drive-away operation. This shall not be so construed as to prohibit the carrying on the structure of the towing vehicle of an additional motor vehicle or motor vehicles.

In 1945 our Bureau of Motor Carriers, hereinafter called the Bureau, was informed by its field staff that petitioner was hauling three vehicles in a combination hook-up described as a "dual saddle-mount", whereby the front end of the third vehicle was mounted on the rear of the second vehicle in the same manner as in the single saddle-mount. The Bureau regarded the method as being in contravention of Rule 3.54 of the safety regulations in that more than one vehicle was being towed, and the carrier was notified that the continuance of such transportation would be at its peril.

Thereupon, Sober filed its petition in which it admits that it had been transporting three new motor vehicles simultaneously by the dual saddle-mount, but it urges that a vehicle was not being "towed" within the meaning ascribed to that term by the motor-carrier industry, for the reason that the greater part of the weight of the vehicle was "being supported on, and transported by, the vehicle upon which it is partially mounted". It alleges that the dual saddle-mount is a safe operation which has been performed over distances exceeding 500,000 miles "without a single accident that could be attributed to the use of this mode of operation".

A prehearing conference was held at which 44 rules suggested by the Bureau as amendments to the safety regulations pertaining to drive-away operations were discussed. The conference was attended by approximately 60 representatives of drive-away and truck-away carriers, associations thereof, tow-bar manufacturers, automobile manufacturers, and companies which performed tow-bar and saddle-mount hook-up. These representatives recognized the need for additional safeguards but regarded some of the suggested rules as unnecessarily stringent. To facilitate consideration thereof two committees were chosen by the conference, one for the consideration of tow-bars and the other for the consideration of saddle-mounts. Each committee was authorized by the conference to discuss the rules affecting its interests with representatives of the Bureau and to make an agreement binding on the conference. The two meetings resulted in a full discussion of each of the suggested rules, some of which were accepted as originally written while others about which controversy arose were rewritten.

Separate agreements were entered into by each committee and the Bureau's representatives providing that the rules agreed to without change and the other rules as revised and rewritten would be recommended to us. These separate agreements were submitted to and approved by the conference, and were submitted at the hearing as stipulations between the industry conferees and representatives of the Bureau. The rules covered by these stipulations are set forth in the Appendix hereto.

At the hearing five witnesses were called by the petitioner: the assistant to its president; the general manager of the National Automobile Transporters Association which has a membership of 100 drive-away and truck-away carriers who transport in excess of 70 percent of all new vehicles delivered over the highways; a representative of a pioneer drive-away carrier who now is conducting an extensive business of servicing tow-bar and saddle-mount combinations and who served as the chairman of both conference committees; an executive of a competitor of the petitioner; and an engineer employed by a manufacturer of tow-bars. Two additional witnesses representing manufacturers-shippers, one being Director of Traffic of Chrysler Corporation and the other Traffic Manager of Truck & Coach Division, General Motors Corporation, testified. All of the witnesses expressed the opinion that operations by the dual saddle-mount method in conformity with the recommended rules would be safe.

The dual saddle-mount method is relatively new and had been utilized for about one year when our order of June 19, 1946, declared it in contravention of Rule 3.54 of the safety regulations. During the limited period of use petitioner delivered 309 vehicles and another carrier delivered 300. For movements over 200 miles the dual saddle-mount method has economic advantages to shippers, carriers, and ultimate consumers through decreased transportation costs. It had not been more widely used because some shippers and carriers were not convinced

that such combinations of three vehicles could be moved with safety, or that the method was permitted by the safety regulations. These dual saddle-mount combinations comply with state size and weight requirements.

An investigation, including tests of saddle-mounts, made by safety engineers of the Bureau discloses that at least one combination was unable to meet the braking requirements of Rules 3.323 and 3.521 when equipped with brakes on the towing vehicle only; that so-called fifth wheels were improperly mounted or insecurely anchored, resulting in undue swaying of the vehicles being towed and tending to increase the possibility of uncoupling; that wood was used in saddle-mounts in a manner which subjected it to tensile stresses likely to cause failure; that improper blocking of saddle-mounts by the use of an excessive number of wooden blocks also caused undue swaying of towed vehicles; and that there was need for minimum specifications, among other things, of the strength of kingpins, the bearing surface area between the upper and lower halves of fifth wheels, and the dimensions of "U" bolts in order to prevent unsafe designs and construction.

Two prevailing types of tow-bars are in use, one type being attached to the bumpers of the vehicle and the other to the chassis or framework. All types investigated by the Bureau's engineers were capable of steering the towed vehicle, as required by the safety regulations, but it appears that tow-bars not designed to perform this function are being used. The Bureau's engineers object to the use of the bumper type unless there is demonstrable assurance that such tow-bars are capable of operating safely. They also object to the use of tow-bars of insufficient strength, to insecure connections of parts, and to inadequate safety chains.

Drive-away operations of private carriers, such as retail dealers in new and used motor vehicles, while not as extensive as those of for-hire carriers nevertheless are of substantial volume. For-hire carriers either themselves maintain special facilities for effecting tow-bar or saddle-mount connections or have those services performed at establishments engaged exclusively in such operations. This is not generally true of private carriers.

As shown in the Appendix, the rules recommended by the conference include specifications for safety chains, tow-bars, saddle-mounts, and the means of attachment thereof. It is recognized that higher standards of design, construction, and maintenance, intended to assure equipment capable of withstanding the strains of highway transportation, are needed to promote safe operations. There was unanimity of opinion of the witnesses at the hearing that the rules recommended will supply the needed requirements and promote safety of operation. The more important provisions of the rules are as follows:

Recommended Rule 3.521 is designed to correct brake deficiencies disclosed by the Bureau's investigation.

Recommended Rule 3.53211 is designed to provide that tow-bars shall have adequate strength. Slight changes have been made in the table included in this rule as recommended by the conference. The significant figures have been rounded to the nearest 500 pounds by also rounding the constants in the formulae from 1.25 to 1.3 and from 0.583 to 0.6, respectively. This also makes the figures in the table accord more closely to the basis of calculation agreed upon—that the strength of the tow-bar should be related to the stored energy of the moving vehicles attached thereby: the mass of the vehicles multiplied by the deceleration required by the Commission's regulations (approximately 14 feet per second per second) multiplied by a safety factor of three.

Drive-away carriers have large stocks of tow-bar equipment conforming to present requirements, some of which probably will fall short of the higher standards required by the new rules. These stocks cannot be replaced during the present shortage of materials, etc., and to prohibit their use would seriously curtail carriers' operations. However, there are known to be some tow-bars in operation at present which should not under any circumstances be allowed to continue in operation. Rule 3.53211 has, therefore, been so designed to: (a) prohibit all tow-bars not conforming to a minimum standard; (b) permit continued use of certain tow-bars now in operation which are capable of complying with this minimum but are incapable of complying with the more stringent requirements for new tow-bars; and (c) require that tow-bars manufactured after the specified date comply with the more stringent standards required therefor.

Recommended Rule 3.53213, governing tow-bar fastenings, has been changed to provide that tow-bars may be attached to bumpers of new vehicles only. The rule originally proposed in the conference notice prohibited any attachment of a tow-bar to a bumper. This was vigorously opposed by the tow-bar operators on the grounds that the method had not been prohibited by the safety regulations; that such operations had been conducted with safety, because manufacturers of motor vehicles had designed and constructed bumpers to meet towing requirements; that drive-away carriers operating solely by that method would summarily be forced to discontinue business; and that such a rule would be arbitrary and unreasonable.

While recognizing the force of this argument, we believe that a distinction should be made between new and used vehicles and that the attachment of tow-bars to bumpers of used vehicles should be prohibited. Until consumers' needs for new motor vehicles are supplied there necessarily will be considerable transportation of used cars throughout the United States, much of it for long distances. Such transportation principally is private carriage by used car dealers who usually perform the coupling of vehicles transported. Even if it is conceded that bumpers of new vehicles will withstand the strain of towing another vehicle, it is nevertheless, common knowledge that in ordinary use bumpers are subjected to strains and stresses which deform and weaken them, and that continued exposure to adverse weather causes rust and deterioration. It is our opinion that these factors render such a towing method unsafe. Therefore, a second proviso has been added to Rule 3.532103 as recommended by the conference which prohibits a tow-bar being attached to a bumper of a used car.

In several instances, notably in the recommended Rules 3.532222 and 3.53223, slight changes in wording not affecting substance have been made for purposes of clarification.

Recommended Rules 3.532 to 3.532110, inclusive, are designed to effect structural adequacy and to assure the proper functioning of tow-bars.

Recommended Rules 3.5322 to 3.53228, inclusive, are designed to secure structural adequacy and to assure the proper functioning of single saddle-mounts and their connections.

Recommended Rules 3.532291 to 3.544, inclusive, are general provisions designed to promote safety in drive-away movements and apply more particularly to methods of operation than to details of design and construction.

Available statistics indicate that during 1945 over 33,000 people were killed and over a million people were injured in motor vehicle accidents. Trucks and busses were involved in about one-fourth of the fatal accidents and in about 17 percent of all motor vehicle accidents. There has been a substantial increase in the number of accidents, in the number of fatalities, and in the number of serious injuries during the year 1946. Reports filed by regulated carriers with the Bureau for the first nine months of 1946 show 3,477 accidents involving passenger-carrying vehicles and 7,445 accidents involving property-carrying vehicles, resulting in 993 fatalities, 12,428 injuries, and almost $10,000,000 property damage. The number of fatalities is 18 per cent higher than for the corresponding period of 1945. Congress has imposed upon us the duty to establish reasonable requirements with respect to safety of operation and equipment of common, contract and private carriers by motor vehicle. The responsibility is ours to see to it that, so far as possible, the operations of such carriers in interstate or foreign commerce are reasonably safe. If we have any doubt about the safety of a proposed new type of motor carrier operation we should not approve it, even though it appears that it might be as safe as some existing operation and that it probably will permit the performance of a cheaper service with resulting advantage to shippers and carriers.

At the pre-hearing conference heretofore referred to the representatives of the industry and the two representatives of the Bureau agreed to certain rules proposed by the Bureau. At the hearing all witnesses, except one of the Bureau's representatives, were from the industry. Their testimony relates largely to the soundness of the specifications for tow-bars, saddle-mount equipment, etc., contained in the proposed rules, and to ex-

pressions of opinion that the dual saddle-mount method probably is as safe as the present tow-bar method.

We believe that the specifications and other rules hereafter prescribed are needed to promote safe operation. We are not persuaded, however, that the record establishes that the towing of two motor vehicles by the dual saddle-mount method or otherwise constitutes a safe operation on the highways. It is apparent that a combination of three vehicles, particularly trucks, would seriously interfere with the free movement of single vehicles along the same highways, in that it would tend to increase the danger of passing. We doubt that such combinations of vehicles are adapted to making sharp turns, backing, and stopping with the ease and certainty which safety requires. We are unwilling to approve new methods of operations, the safety of which appears doubtful, solely on the opinions of motor carriers or other parties in interest that such new methods would be as safe as some existing methods.

The record before us does not justify a modification of our safety regulations which will permit the use of the dual saddle-mount method or which will permit a motor vehicle to be full-mounted on a vehicle towed by means of a single saddle-mount.

Upon this record we find:

(1) That there is a need for prescribing more specific requirements to assure safety of operation in the transportation of motor vehicles in interstate or foreign commerce by drive-away motor carriers;

(2) That the rules included in the appended order are reasonable and adequate requirements which will supply such need;

(3) That the said rules will promote safety of operation and will be in the public interest; and

(4) That the evidence does not affirmatively establish that the dual saddle-mount method of operation or the carrying of a full-mounted vehicle on a vehicle towed by the single saddle-mount method are reasonably safe.

An appropriate order will be entered.

Appendix

At the conference held at Detroit, Michigan, July 22–23, 1946, prior to the hearing on the petition of Howard Sober, Inc., in Ex Parte Nos. MC–4 and MC–3, the following rules were agreed upon by representatives of the industry and of the Bureau of Motor Carriers, and their adoption by the Commission for inclusion in the present drive-away rules of Part 3 of the Motor Carrier Safety Regulations, Revised, was recommended:

3.52 *Brakes, drive-away operations.*

3.521 *Brake performance.* Every drive-away operation, whether of single motor vehicle or combination, shall meet the requirements of Rule 3.323 as to brake performance: *Provided, however,* That brakes need be operative only on the towing vehicle if such brakes enable the combination to meet the requirements of Rule 3.323; if not, such additional brakes shall be provided as may be necessary to enable the combination to meet the stopping requirements.

3.532 *Tow-bar and fifth wheel requirements.* No motor vehicle shall be towed in drive-away operations by means other than a tow-bar or saddle-mount connection which shall meet the requirements set forth below:

3.5321 *Specifications for tow-bars.*

3.53211 *Tow-bar to be structurally adequate and properly mounted.* The tow-bar shall be structurally adequate and properly installed and maintained. To insure that it is structurally adequate it must, at least, meet the requirements of the following table:

Gross weight of towed vehicle (pounds) [1]	Longitudinal strength in tension and compression [2]	Strength as a beam (in any direction—concentrated load at center) [2]
Less than 5,000	15,000	7,000
5,000 and over—less than 10,000	30,000	14,000
10,000 and over—less than 15,000	45,000	21,000

[1] Over 15,000 pounds gross vehicle weight, the required strength shall be computed by means of the following formulae.

Longitudinal strength=gross weight of towed vehicle x 3.

Strength as a beam=gross weight of towed vehicle x 1.4.

[2] In testing, the whole unit shall be tested with all clamps, joints, and pins so mounted and fastened as to approximate conditions of actual operation.

NOTE: It was agreed that the table should stay in its present form, but that the strength values inserted in the table will be subject to testimony at the hearing. The manufacturers state that they believe a safety factor of three, based on a deceleration of 13.4 feet per second per second would be sufficient to provide for a tow-bar which would have adequate strength.

3.53212 *Tow-bar to be jointed.* The tow-bar shall be so constructed as to freely permit motion in both horizontal and vertical planes between the towed and towing vehicles. The means used to provide the motion shall be such as to prohibit the transmission of stresses under normal operation between the towed and towing vehicles, except along the longitudinal axes of the tongue or tongues.

3.53213 *Tow-bar fastening.* Adequate means shall be provided for securely fastening the tow-bar to the towed and towing vehicles. The means used to transmit the stresses to the chassis or frames of the towed and towing vehicles may be either temporary structures or bumpers or other integral parts of the vehicles; however, the means used shall be so constructed, installed, and maintained that, when tested as an assembly, failure in such members shall not occur when the weakest tow-bar which is permissible to use under Rule 3.53211 is subjected to the tests given in that rule.

3.53214 *Means of adjusting length.* On tow-bars, adjustable as to length, the means used to make such adjustment shall fit tightly and not result in any slackness or permit the tow-bar to bend. With the tow-bar supported rigidly at both ends and with a load of 50 pounds at the center, the sag, measured at the center, in any direction, shall not exceed 0.25 inch under any condition of adjustment as to length.

3.53215 *Method of clamping.* Adequate means shall be provided for securely fastening the tow-bar to the towed and towing vehicles.

3.53216 *Tow-bar connection to steering mechanism.* The tow-bar shall be provided with suitable means of attachment to and actuation of the steering mechanism of the towed vehicle. The attachment shall provide for sufficient angularity of movement of the front wheels of the towed vehicle so that it may follow substantially in the path of the towing vehicle without cramping the tow-bar. The tow-bar shall be provided with suitable joints to permit such movement.

3.53217 *Tracking.* The tow-bar shall be so designed, constructed, maintained, and mounted as to cause the towed vehicle to follow substantially in the path of the towing vehicle. Tow-bars of such design or in such condition as to permit the towed vehicle to deviate more than 3 inches to either side of the path of a towing vehicle moving in a straight line shall not be permitted.

Safety chains and cables. The towed vehicle shall be connected to the towing vehicle by means of two safety chains or cables. The tensile strength of any such chains or cables and their means of attachment to the vehicles shall be at least equivalent to the corresponding strength required for the longitudinal strength given in the table of Rule 3.53211. The required strength shall be the combined strength of the combination of chain and cables.

The chains or cables shall be crossed and attached to the vehicles near the points of bumper attachments to the chassis of such vehicle. The lengths of chains used shall be no more than necessary to permit free turning of the vehicles. The chains shall be attached to the tow-bar at the point of crossing or as close thereto as is practicable.

A. *Specification for passenger car trailer couplings.* Trailer couplings used for drive-away operations of passenger car trailers shall comply with the SAE Recommended Practice Passenger Car Trailer Couplings contained in the 1945 SAE Handbook.

3.5322 *Specification for saddle-mount.*

NOTE: Rules 3.53221–3.532294, inclusive, which are given below, are intended to replace Rule 3.5324 which reads as follows:

3.5324 *Fifth wheel connection.* The upper and lower halves of any fifth wheel (saddle-mount) connection shall be attached securely, although not required to be permanently attached, to the towing and towed motor vehicles, respectively, by means affording equivalent security to those set forth in Rules 3.3461, 3.3462, and 3.3463, for fifth wheel connections.

3.53221 *Definitions:*

3.532211 The term "saddle-mount" means a device, designed and constructed as to be readily demountable, used in drive-away operations to perform the functions of a conventional fifth wheel.

3.532212 The term "upper-half" of a "saddle-mount" means that part of the device which is securely attached to the towed vehicle and maintains a fixed position relative thereto but does not include the "king-pin".

3.532213 The term "lower-half" of a "saddle-mount" means that part of the device which is securely attached to the towing vehicle and maintains a fixed position relative thereto but does not include the "king-pin".

3.532214 The term "king-pin" means that device which is used to connect the "upper-half" to the "lower-half" in such manner as to permit relative movement in a horizontal plane between the towed and towing vehicles.

3.53222 *"Upper-half" specifications.*

3.532221 *Connection of "upper-half" to towed vehicle.* The "upper-half" shall be securely attached to the frame or axle of the towed vehicle by means of U-bolts or other means providing at least equivalent security.

3.532222 *Construction of "U-bolts" or other means of attachment.* "U-bolts" used to attach the "upper-half" to the towed vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than one inch unless the bolt is so constructed as to avoid a reduction in cross sectional area of less than 5% due to bending, in which event the minimum radius shall be 1/16 inch. "U-bolts" shall have a diameter not less than as required by the following table:

Weight in pounds of heaviest towed vehicle	Diameter of U bolt in inches		
	Double saddle-mount		Single saddle-mount [1]
	Front mount	Rear mount	
Up to 5,000 pounds	0.5625	0.500	0.500
5,000 pounds and over	.625	.5625	.5625

[1] If a vehicle is full-mounted on the signle saddle-mounted vehicle, the total weight of the 2 vehicles being towed shall govern.

If other devices are used to accomplish the same purposes as "U-bolts", they shall have at least equivalent strength of "U-bolts" made of mild steel. Cast iron shall not be used for clamps or any other holding devices.

3.532223 *Location of "U-bolts" and points of support.* The distance between the most widely separated "U-bolts" shall not be less than 9 inches. The distance between the most widely separated points where the "upper-half" supports the towed vehicle shall not be less than 9 inches, except that saddle-mounts employing ball and socket joints shall be required to employ a device which clamps the axle of the towed vehicle throughout a length of not less than 5 inches.

3.532224 *Specification for cradle-type "upper-halves".* "Upper-halves" of the cradle-type using vertical members to restrain the towed vehicle from relative movement in the direction of motion of the vehicles shall be substantially constructed and adequate for the purpose. Such cradle-mounts shall be equipped with at least one bolt or equivalent means to provide against relative vertical movement between the upper-half and the towed vehicle. Bolts, if used, shall be at least 1/2 inch in diameter. Devices using equivalent means shall have at least equivalent strength. The means used to provide against relative vertical motion between the "upper-half" and the towed vehicle shall be such as not to permit a relative motion of over 1/2 inch. The distance between the most widely separated points of support between the "upper-half" and the towed vehicle shall be at least 9 inches.

3.532225 *Provision against lateral movement of towed vehicle.* Towed vehicles having a straight axle or an axle having a drop of less than three inches shall be securely fastened by means of chains or cables to the "upper-half" so as to insure against relative lateral motion between the towed vehicle and the "upper-half." The chains or cables shall be at least 3/16 inch in diameter and secured by bolts of at least equal diameter.

Towed vehicles with an axle with a "drop" of three inches or more need not be restrained by chains or cables provided that the "upper-half" is so designed as to provide against such relative motion nor shall such chains or cables be required if the "upper-half" is so designed as positively to provide against lateral movement of the axle.

3.53223 *"Lower-half" specifications.*

3.532231 [This regulation stricken out in its entirety.]

3.532232 *Construction of "U-bolts" or other means of attachment.* "U-bolts" used to attach the "lower-half" to the towing vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than one inch unless the bolt is so constructed as to avoid a reduction in cross-sectional area of less than 5% due to bending, in which event the minimum radius shall be 1/16 inch. "U-bolts" shall have a total cross-sectional area not less than as required by the following table:

Weight in pounds of heaviest towed vehicle	Total cross-sectional area of U-bolts in square inches		
	Double saddle-mount		Single saddle-mount [1]
	Front mount	Rear mount	
Up to 5,000 pounds	1.0	0.8	0.8
5,000 pounds and over	1.2	1.0	1.0

[1] If a vehicle is full-mounted on the single saddle-mounted vehicle, the total weight of the 2 vehicles being towed shall govern.

If other devices are used to accomplish the same purposes as "U-bolts", they shall have at least equivalent strength of "U-bolts" made of mild steel. Cast iron shall not be used for any clamps or any other holding devices.

3.532233 *Provisions against shifting.* Adequate provision shall be made by design and installation to provide against relative movement between the "lower-half" and the towing vehicle especially during periods of rapid acceleration and deceleration.

3.532234 *Provisions against swaying.* Adequate provision shall be made by design and installation to provide against swaying or lateral movement of the towed vehicle relative to the towing vehicle. To insure against swaying, "lower-halves" designed with cross members attached to but separable from verticle members shall have such cross-members fastened to the vertical members by at least two bolts on each side. Such bolts shall be of at least equivalent cross-sectional area to those required for "U-bolts" for the corresponding saddle-mount as given in the table in Rule 3.532232. The minimum distance between the most widely separated points of support of the cross-member by the vertical member shall be three inches as measured in a direction parallel to the longitudinal axis of the towing vehicle.

The "lower-half" shall have a bearing surface on the frame of the towing vehicle of such dimensions that the pressure exerted by the "lower-half" upon the frame of the towing vehicle shall not exceed 200 pounds per square inch under any conditions of static loading. Hardwood blocks or blocks of other suitable material, such as hard rubber, aluminum or brake lining, if used between the "lower-half" and the frame of the towing vehicle shall be at least 1/2 inch thick, 3 inches wide, with a combined length of 6 inches.

Under no condition shall the highest point of support of the towed vehicle by the "upper-half" be more than twenty-four inches, measured vertically, above the top of the frame of the towing vehicle measured at the point where the "lower-half" rests on the towing vehicle.

3.532235 *Limitations on use of wood blocks.* Hard wooden blocks, of good quality, may be used to build up the height of the front end of the towed vehicle, provided that the total height of such wood blocks shall not exceed eight inches and not over two separate pieces are placed upon each other to obtain such height; however, hard wood blocks, not over four in number, to a total height not to exceed 14 inches may be used if the total cross-sectional area of the "U-bolts" used to attach the "lower-half" to the towing vehicle is at least 50% greater than that required by table contained in Rule 3.532232; or, if other devices are used in lieu of "U-bolts" they shall provide for as great a resistance to bending as is provided by the larger "U-bolts" above prescribed.

Hardwood blocks must be at least four inches in width and the surfaces between blocks or block and "lower-half" or block and "upper-half" shall be plane and so installed and maintained as to minimize any tendency of the towed vehicle to sway or rock.

3.532236 *Specifications for cross-member.* The cross-member, which is that part of the "lower-half" used to distribute the weight of the towed vehicle equally to each member of the frame of the towing vehicle, if used, shall be structurally adequate and properly installed and maintained adequately to perform this function.

3.5322361 *Limitation on use of wood.* No materials, other than suitable metals, shall be used as the cross-member and wood may not be used structurally in any manner that will result in its being subject to tensile stresses. Wood may be used in cross-members if supported throughout its length by suitable metal cross-members.

3.532237 *Strength of "lower-half."* The "lower-half" shall be capable of supporting the loads given in the following table. For purpose of test, the saddle-mount shall be mounted as normally operated and the load applied through the "upper-half."

Weight in pounds of heaviest towed vehicle	Minimum load		
	Double saddle-mount		Single saddle-mount[1]
	Front mount	Rear mount	
Up to 5,000 pounds	10,000	5,000	5,000
5,000 pounds and over	20,000	10,000	10,000

[1] If a vehicle is full-mounted on the single saddle-mounted vehicle, the total weight of the 2 vehicles being towed shall govern.

3.53224 *Bearing surface between "upper and lower-half."* The "upper and lower-halves" shall be so constructed and connected that the bearing surface between the two halves shall not be less than sixteen square inches under any conditions of angularity between the towing and towed vehicles: *Provided*, That saddle-mounts using a ball and socket joint shall have a ball of such dimension that the static bearing load shall not exceed 800 pounds per square inch based on the projected cross-sectional area of the ball: *And further provided*, That saddle-mounts having the "upper-half" supported by ball-taper or roller-bearings shall not have such bearings loaded beyond the limits prescribed for such bearings by the manufacturer of the bearing. The "upper-half" shall rest evenly and smoothly upon the "lower-half" and the contact surfaces shall be lubricated and maintained so that there shall be a minimum of frictional resistance between the parts.

3.53225 *Universal action of saddle-mount.* All new saddle-mounts acquired and used on or after 2 years subsequent to date of decision shall provide for angularity between the towing and towed vehicles due to vertical curvature of the highway. Such means shall not depend upon either the looseness or deformation of the parts of either the saddle-mount or the vehicles to provide for such angularity.

3.53226 *Specifications for king-pin.*

3.532261 *Size of king-pin.* King-pins shall be constructed of steel suitable for the purpose, free of defects, and having a diameter not less than required by the following table:

Weight in pounds of heaviest towed vehicle	Diameter of solid king-pin in inches					
	Double saddle-mount				Single saddle-mount[1]	
	Front mount		Rear mount			
	Mild steel	High tensile steel	Mild steel	High tensile steel	Mild steel	High tensile steel
Up to 5,000 pounds	1.000	0.875	0.875	0.750	0.875	0.750
5,000 pounds and over	1.250	1.000	1.000	.875	1.000	.875

[1] If a weight is full-mounted on the single saddle-mounted vehicle, the total weight of the 2 vehicles being towed shall govern.

If a ball and socket joint is used in place of a king-pin the diameter of the neck of the ball shall be at least equal to diameter of the corresponding solid king-pin given in the above table. If hollow king-pins are used, the cross-sectional area shall be at least equal to the cross-sectional area of the corresponding solid king-pin.

3.532262A *King-pin fit.* If a king-pin bushing is not used, the king-pin shall fit snugly into the "upper and lower-halves" but shall not bind. These portions of the "upper or lower-halves" in moving contact with the king-pin shall be smoothly machined with no rough or sharp edges. The bearing surface thus provided shall not be less in depth than the radius of the king-pin.

3.532262B *King-pin bushing required.* The king-pin of all new saddle-mounts acquired on or after 2 years subsequent to date of decision shall be snugly enclosed in a bushing at least along such length of the king-pin as may be in moving contact with either the "upper or lower-halves". The bearing surface thus provided shall not be less in depth than the radius of the king-pin.

3.532263 *King-pin to restrain vertical motion.* The king-pin shall be so designed and installed as to restrain the "upper-half" from moving in a vertical direction relative to the "lower-half".

3.53227 *Tracking.* The saddle-mount shall be so designed, constructed, maintained, and installed that the towed vehicle or vehicles will follow substantially in the path of the towing vehicle without swerving. Towed vehicles shall not deviate more than three inches to either side of the path of the towing vehicle when moving in a straight line.

3.53228 *Location of the saddle-mount:*

3.532281 *Bending of frame of towing vehicle.* Where necessary, provision shall be made to prevent the bending of the frame of the towing vehicle by insertion of suitable blocks inside the frame channel to prevent kinking.

The "saddle-mount" shall not be so located as to cause deformation of the frame by reason of cantilever action.

3.532282 *Prohibition of extension of frame.* No saddle-mount shall be located at a point to the rear of the frame of the towing vehicle.

3.53229 *General provision.*

3.532291 *Restraining front wheels.* Towed vehicle shall, by adequate means, have the motion of the front wheels restrained if under any condition of turning of such wheels they will project beyond the widest portion of either the towed or towing vehicle.

3.532292 *Front end of towed vehicle on towing vehicle.* Unless the steering mechanism is locked in a straight-forward position, all vehicles being towed by saddle-mount shall be towed with the front end mounted on the towing vehicle.

3.532293 *Nuts to be secured.* All nuts used on bolts, "U-bolts", king-pins, or in any other part of the saddle-mount shall be secured against accidental disconnection by means of cotter-keys, lock-washers, double-nuts, safety-nuts, or equivalent means. Parts shall be so designed and installed that nuts shall be fully engaged.

3.532294 *Inspection of all parts.* The saddle-mount shall be so designed that it may be disassembled and each separate part inspected for worn, bent, cracked, broken, or missing parts.

3.54 *Number of drive-away vehicles in combination.*

3.541 *Number of drive-away vehicles in combination by tow-bar.* No more than one motor vehicle shall be towed by a tow-bar.

3.542 *Number of drive-away vehicles in combination by saddle-mount.* No more than two vehicles in combination shall be towed by saddle-mounts.

3.543 *Carrying vehicles on towing vehicle.* When adequately and securely attached, by means equivalent in security to that provided in Rule 3.532222, an additional motor vehicle or motor vehicles may be full-mounted on the structure of the towing vehicle.

3.544 *Carrying vehicles on towed vehicles.* No full-mounted motor vehicle shall be transported on any motor vehicle, towed by a tow-bar. No motor vehicle shall be full-mounted on a motor vehicle towed by means of a saddle-mount unless the center line of the king-pin, or equivalent means of attachment, is located forward of the center line of the rear axle of the towing vehicle, and unless a perpendicular from the center of gravity of the full-mounted vehicle lies forward of the center line of the rear axle of the saddle-mounted vehicle. No motor vehicle shall be full-mounted on either of the vehicles being towed by means of a double saddle-mount.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 27th day of February A. D. 1947.

In the matter of qualifications of employees and safety of operation and equipment of common carriers and contract carriers by motor vehicle, Ex Parte No. MC-4.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, Ex Parte No. MC-3.

It appearing, that pursuant to our order of June 19, 1946 (11 F. R. 7622), a hearing has been had on the petition filed herein by Howard Sober, Inc., to determine whether the towing of more than one motor vehicle by means of the saddle-mount method in drive-away operations should be permitted, and whether there is a need for revision of the Motor Carrier Safety Regulations, Revised, to assure safety of operations in other drive-away methods, and that our report containing findings of fact and our conclusions therefrom is filed herein and made a part hereof; and

It further appearing, that there is need for establishing more specific safety requirements for all drive-away operations by appropriate revision of the Motor Carrier Safety Regulations, Revised, and that the rules hereinafter prescribed are reasonable requirements which will promote the safety of such operations and therefore will be in the public interest:

It is ordered, That Part 3 of the Motor Carrier Safety Regulations, Revised

(Part 194), be and it hereby is amended as follows:

Section 194.5 (b) (1), (c) (2), (c) (2) (i), (ii), (iii), (iv), and (d) (Rules 3.5, 3.521, 3.532, 3.5321, 3.5322, 3.5323, 3.5324, and 3.54, Motor Carrier Safety Regulations, Revised) are vacated, and in lieu thereof the following rules are adopted, and prescribed and made applicable to transportation in interstate or foreign commerce by common carriers by motor vehicle, contract carriers by motor vehicle, and private carriers of property by motor vehicle.

NOTE: The changed form of numbering the rules herein is required by the Federal Register Act.

§ 194.5 *Drive-away operations.* No motor vehicle shall be transported in interstate or foreign commerce by the drive-away method unless every vehicle and the equipment used in any such drive-away operation shall conform to such of the following rules as are applicable to its particular type and classification:

* * * * *

(b) *Brakes, drive-away operations—*(1) *Brake performance.* Every drive-away operation, whether of single motor vehicle or combination, shall meet the requirements of § 194.3 (b) (3) as to brake performance; *Provided, however*, That brakes need be operative only on the towing vehicle if such brakes enable the combination to meet the requirements of § 194.3 (b) (3); if not, such additional brakes shall be provided as may be necessary to enable the combination to meet the stopping requirements.

(2) *Tow-bar and saddle-mount requirements.* No motor vehicle shall be towed in drive-away operations by means other than a tow-bar or saddle-mount connection which shall meet the requirements set forth below:

(i) *Specifications for tow-bars—*(a) *Tow-bars to be structurally adequate and properly mounted.* Every tow-bar shall be structurally adequate and properly installed and maintained. To insure that it is structurally adequate, it must, at least, meet the requirements of the following table:

Gross weight of towed vehicle (pounds)[1]	Longitudinal strength in tension and compression[1]		Strength as a beam (in any direction—concentrated load at center)[1][2]
	All tow-bars	New tow-bars acquired and used by a motor carrier after April 15, 1947	
Less than 5,000	3,000	6,500	3,000
5,000 and over—less than 10,000	6,000	13,000	6,000
10,000 and over—less than 15,000	9,000	19,500	9,000

[1] 15,000 pounds and over gross vehicle weight, the required strength shall be computed by means of the following formulae: Longitudinal strength=gross weight of towed vehicle x 1.3. Strength as a beam=gross weight of towed vehicle x 0.6.

[2] In testing, the whole unit shall be tested with all clamps, joints, and pins so mounted and fastened as to approximate conditions of actual operation.

[3] This test shall be applicable only to tow-bars which are, in normal operation, subjected to a bending moment, such as tow-bars for house trailers.

(b) *Tow-bar to be jointed.* The tow-bar shall be so constructed as to freely permit motion in both horizontal and vertical planes between the towed and towing vehicles. The means used to provide the motion shall be such as to prohibit the transmission of stresses under normal operation between the towed and towing vehicles, except along the longitudinal axis of the tongue or tongues.

(c) *Tow-bar fastenings.* The means used to transmit the stresses to the chassis or frames of the towed and towing vehicles may be either temporary structures or bumpers or other integral parts of the vehicles: *Provided, however*, That the means used shall be so constructed, installed, and maintained that, when tested as an assembly, failure in such members shall not occur when the weakest new tow-bar which is permissible to use under subdivision (a) of this subdivision is subjected to the tests given in that rule: *And provided further*, That the attachment of a tow-bar to a bumper of a used motor vehicle is prohibited.

(d) *Means of adjusting length.* On tow-bars, adjustable as to length, the means used to make such adjustment shall fit tightly and not result in any slackness or permit the tow-bar to bend. With the tow-bar supported rigidly at both ends and with a load of 50 pounds at the center, the sag, measured at the center, in any direction, shall not exceed 0.25 inch under any condition of adjustment as to length.

(e) *Method of clamping.* Adequate means shall be provided for securely fastening the tow-bar to the towed and towing vehicles.

(f) *Tow-bar connection to steering mechanism.* The tow-bar shall be provided with suitable means of attachment to and actuation of the steering mechanism of the towed vehicle. The attachment shall provide for sufficient angularity of movement of the front wheels of the towed vehicle so that it may follow substantially in the path of the towing vehicle without cramping the tow-bar. The tow-bar shall be provided with suitable joints to permit such movement.

(g) *Tracking.* The tow-bar shall be so designed, constructed, maintained, and mounted as to cause the towed vehicle to follow substantially in the path of the towing vehicle. Tow-bars of such design or in such condition as to permit the towed vehicle to deviate more than 3 inches to either side of the path of a towing vehicle moving in a straight line shall not be permitted.

(h) *Specification for passenger car trailer couplings.* Trailer couplings used for drive-away operations of passenger car trailers shall comply with the SAE Recommended Practice Passenger Car Trailer Couplings, contained in the 1945 SAE Handbook.

(i) *Marking new tow-bars.* Every new tow-bar acquired and used in drive-away operations by a motor carrier after April 15, 1947, shall be plainly marked with the following certification of the manufacturers thereof (or words of equivalent meaning): "This tow-bar complies with the requirement of the Interstate Commerce Commission for 5000-pound vehicles" (or 10,000 pounds or 15,000 pounds or more as specified in subdivision (a) of this subdivision). "Manufactured (Month) (Year) by (Name of Manufacturer)."

(j) *Safety chains and cables.* The towed vehicle shall be connected to the towing vehicle by means of two safety chains or cables. The tensile strength of any such chains or cables and their means of attachment to the vehicles shall be at least equivalent to the corresponding strength for new tow-bars required for the longitudinal strength given in the table of subdivision (a) of this subdivision. The required strength shall be the combined strength of the combination of chains and cables.

The chains or cables shall be crossed and attached to the vehicles near the points of bumper attachments to the chassis of such vehicle. The lengths of chains used shall be no more than necessary to permit free turning of the vehicles. The chains shall be attached to the tow-bar at the point of crossing or as close thereto as is practicable.

(ii) *Specifications for saddle-mount—*(a) *Definitions.* (1) "Saddle-mount" means a device, designed and constructed as to be readily demountable, used in drive-away operations to perform the functions of a conventional fifth wheel.

(2) "Upper-half" of a saddle-mount" means that part of the device which is securely attached to the towed vehicle and maintains a fixed position relative thereto but does not include the "king-pin".

(3) "Lower-half" of a "saddle-mount" is securely attached to the towing vehicle and maintains a fixed position relative thereto but does not include the "king-pin".

(4) "King-pin" means that device which is used to connect the "upper-half" to the "lower-half" in such manner as to permit relative movement in a horizontal plane between the towed and towing vehicles.

(b) *"Upper-half" specifications—*(1) *Connection of "upper-half" to towed vehicle.* The "upper-half" shall be securely attached to the frame or axle of the towed vehicle by means of U-bolts or other means providing at least equivalent security.

(2) *Construction of "U-bolts" or other means of attachment.* "U-bolts" used to attach the "upper-half" to the towed vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than one inch: *Provided, however*, That a lesser radius may be utilized if the "U-bolt" is so fabricated as not to cause more than 5% reduction in cross-sectional area at points of curvature, in which latter event the minimum radius shall be 1/16 inch. "U-bolts" shall have a diameter not less than as required by the following table:

Weight in pounds of towed vehicle:	Diameter of U-bolt in inches, saddle-mount[1]
Up to 5,000 pounds	0.500
5,000 pounds and over	.5625

[1] If other devices are used to accomplish the same purposes as "U-bolts", they shall have at least equivalent strength of "U-bolts" made of mild steel. Cast iron shall not be used for clamps or any other holding devices.

(3) *Location of "U-bolts" and points of support.* The distance between the most widely separated "U-bolts" shall not be less than 9 inches. The distance between the most widely separated points where the "upper-half" supports the towed vehicle shall not be less than 9 inches, except that saddle-mounts employing ball and socket joints shall be required to employ a device which clamps the axle of the towed vehicle throughout a length of not less than 5 inches.

(4) *Specifications for cradle-type upper-halves".* "Upper-halves" of the cradle-type using vertical members to restrain the towed vehicle from relative movement in the direction of motion of the vehicles shall be substantially constructed and adequate for the purpose. Such cradle-mounts shall be equipped with at least one bolt or equivalent means to provide against relative vertical movement between the "upper-half" and the towed vehicle. Bolts, if used, shall be at least ½ inch in diameter. Devices using equivalent means shall have at least equivalent strength. The means used to provide against relative vertical motion between the "upper-half" and the towed vehicle shall be such as not to permit a relative motion of over ½ inch. The distance between the most widely separated points of support between the "upper-half" and the towed vehicle shall be at least 9 inches.

(5) *Provision against lateral movement of towed vehicle.* Towed vehicles having a straight axle or an axle having a drop of less than three inches shall be securely fastened by means of chains or cables to the "upper-half" so as to insure against relative lateral motion between the towed vehicle and the "upper-half". The chains or cables shall be at least $\frac{3}{16}$ inch in diameter and secured by bolts of at least equal diameter.

Towed vehicles with an axle with a "drop" of three inches or more need not be restrained by chains or cables provided that the "upper-half" is so designed as to provide against such relative motion.

Chains or cables shall not be required if the "upper-half" is so designed as positively to provide against lateral movement of the axle.

(c) *"Lower-half" specifications—(1) Construction of "U-bolts" or other means of attachment.* "U-bolts" used to attach the "lower-half" to the towing vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than one inch; *Provided, however,* That a lesser radius may be utilized if the "U-bolt" is so fabricated as not to cause more than 5% reduction in cross-sectional area at points of curvature, in which latter event the minimum radius shall be 1/16 inch. "U-bolts" shall have a total cross-sectional area not less than as required by the following table:

Weight in pounds of towed vehicle:	*Total cross-sectional area of U-bolts in square inches Saddle-mount* [1]
Up to 5,000 pounds	0.8
5,000 pounds and over	1.0

[1] If other devices are used to accomplish the same purposes as "U-bolts", they shall have at least equivalent strength of "U-bolts" made of mild steel. Cast iron shall not be used for any clamps or any other holding devices.

(2) *Provision against shifting.* Adequate provision shall be made by design and installation to provide against relative movement between the "lower-half" and the towing vehicle especially during periods of rapid acceleration and deceleration.

(3) *Provision against swaying.* Adequate provision shall be made by design and installation to provide against swaying or lateral movement of the towed vehicle relative to the towing vehicle. To insure against swaying, "lower-halves" designed with cross-members attached to but separable from vertical members shall have such cross-members fastened to the vertical members by at least two bolts on each side. Such bolts shall be of at least equivalent cross-sectional area as those required for "U-bolts" for the corresponding saddle-mount as given in the table in subdivision (1) of this subdivision. The minimum distance between the most widely separated points of support of the cross-member by the vertical member shall be three inches as measured in a direction parallel to the longitudinal axis of the towing vehicle.

The "lower-half" shall have a bearing surface on the frame of the towing vehicle of such dimensions that the pressure exerted by the "lower-half" upon the frame of the towing vehicle shall not exceed 200 pounds per square inch under any conditions of static loading. Hardwood blocks or blocks of other suitable material, such as hard rubber, aluminum or brake lining, if used between the "lower-half" and the frame of the towing vehicle shall be at least ½ inch thick, 3 inches wide, and a combined length of 6 inches.

Under no condition shall the highest point of support of the towed vehicle by the "upper-half" be more than twenty-four inches, measured vertically, above the top of the frame of the towing vehicle, measured at the point where the "lower-half" rests on the towing vehicle.

(4) *Limitations on use of wood blocks.* Hardwood blocks, of good quality, may be used to build up the height of the front end of the towed vehicle, *Provided,* That the total height of such wood blocks shall not exceed eight inches and not over two separate pieces are placed upon each other to obtain such height; however, hardwood blocks, not over four in number, to a total height not to exceed 14 inches, may be used if the total cross-sectional area of the "U-bolts" used to attach the "lower-half" to the towing vehicle is at least 50% greater than that required by the table contained in subdivision (1) of this subdivision; or, if other devices are used in lieu of "U-bolts" they shall provide for as great a resistance to bending as is provided by the larger "U-bolts" above prescribed.

Hardwood blocks must be at least four inches in width and the surfaces between blocks or block and "lower-half" or block and "upper-half" shall be plane and so installed and maintained as to minimize any tendency of the towed vehicle to sway or rock.

(5) *Specifications for cross-member.* The cross-member, which is that part of the "lower-half" used to distribute the weight of the towed vehicle equally to each member of the frame of the towing vehicle, if used, shall be structurally adequate and properly installed and maintained adequately to perform this function.

(i) *Limitation on use of wood.* No materials, other than suitable metals, shall be used as the cross-member, and wood may not be used structurally in any manner that will result in its being subject to tensile stresses. Wood may be used in cross-members if supported throughout its length by suitable metal cross-members.

(ii) *Strength of "lower-half".* The "lower-half" shall be capable of supporting the loads given in the following table. For purpose of test, the "saddle-mount" shall be mounted as normally operated and the load applied through the "upper-half".

Weight in pounds of towed vehicle:	*Minimum load saddle-mount*
Up to 5,000 pounds	5,000
5,000 pounds and over	10,000

(d) *Bearing surface between "upper and lower-half."* The "upper and lower-halves" shall be so constructed and connected that the bearing surface between the two halves shall not be less than sixteen square inches under any conditions of angularity between the towing and towed vehicles; *Provided, however,* That "saddle-mounts" using a ball and socket joint shall have a ball of such dimension that the static bearing load shall not exceed 800 pounds per square inch, based on the projected cross-sectional area of the ball: *And further provided,* That saddle-mounts having the "upper-half" supported by ball, taper, or roller-bearings shall not have such bearings loaded beyond the limits prescribed for such bearings by the manufacturer of the bearing. The "upper-half" shall rest evenly and smoothly upon the "lower-half" and the contact surfaces shall be lubricated and maintained so that there shall be a minimum of frictional resistance between the parts.

(e) *Universal action of saddle-mount.* All new "saddle-mounts" acquired and used after two years from the date of the order adopting this section shall provide for angularity between the towing and towed vehicles due to vertical curvature of the highway. Such means shall not depend upon either the looseness or deformation of the parts of either the "saddle-mount" or the vehicles to provide for such angularity.

(f) *Specifications for "king-pin"—(1) Size of "king pin".* "King-pins" shall be constructed of steel suitable for the purpose, free of defects, and having a diameter not less than required by the following table:

Weight in pounds of towed vehicle	Diameter of solid king-pin in inches, saddle-mount	
	Mild steel	High tensile steel
Up to 5,000 pounds	0.875	0.750
5,000 pounds and over	1.000	.875

If a ball and socket joint is used in place of a "king-pin" the diameter of the neck of the ball shall be at least equal to the diameter of the corresponding solid "king-pin" given in the above table. If hollow "king-pins" are used, the cross-sectional area shall be at least equal to the cross-sectional area of the corresponding solid "king-pin".

(2) *"King-pin" fit.* If a "king-pin" bushing is not used, the "king-pin" shall fit snugly into the "upper and lower halves" but shall not bind. Those portions of the "upper or lower-halves" in moving contact with the "king-pin" shall be smoothly machined with no rough or sharp edges. The bearing surface thus provided shall not be less in depth than the radius of the "king-pin".

(3) *"King-pin" bushing required.* The "king-pin" of all new "saddle-mounts" acquired and used after two years from the date of the order adopting this section shall be snugly enclosed in a bushing at least along such length of the "king-pin" as may be in moving contact with either the "upper or lower-halves". The bearing surface thus provided shall not be less in depth than the radius of the "king-pin".

(4) *"King-pin" to restrain vertical motion.* The "king-pin" shall be so designed and installed as to restrain the "upper-half" from moving in a vertical direction relative to the "lower-half".

(g) *Tracking.* The "saddle-mount" shall be so designed, constructed, maintained, and installed that the towed vehicle or vehicles will follow substantially in the path of the towing vehicle without swerving. Towed vehicles shall not deviate more than three inches to either side of the path of the towing vehicle when moving in a straight line.

(h) *Location of the "saddle-mount"—(1) Bending of frame of towing vehicle.* Where necessary, provision shall be made to prevent the bending of the frame of the towing vehicle by insertion of suitable blocks inside the frame channel to prevent kinking.

The "saddle-mount" shall not be so located as to cause deformation of the frame by reason of cantilever action.

(2) *Prohibition of extension of frame.* No "saddle-mount" shall be located at a point to the rear of the frame of the towing vehicle.

(i) *General provisions—(1) Restraining front wheels.* Towed vehicles shall, by adequate means, have the motion of the front wheels restrained if under any condition of turning of such wheels they will project beyond the widest portion of either the towed or towing vehicles.

(2) *Front end of towed vehicle on towing vehicle.* Unless the steering mechanism is locked in a straight-forward position, all vehicles being towed by "saddle-mount" shall be towed with the front end mounted on the towing vehicle.

(3) *Nuts to be secured.* All nuts used on bolts, "U-bolts", "king-pins", or in any other part of the "saddle-mount" shall be secured against accidental disconnection by means of cotter-keys, lockwashers, double nuts, safety nuts, or equivalent means. Parts shall be so designed and installed that nuts shall be fully engaged.

(4) *Inspection of all parts.* The "saddle-mount" shall be so designed that it may be disassembled and each separate part inspected for worn, bent, cracked, broken, or missing parts.

(5) *Marking new "saddle-mounts."* Every new "saddle-mount" acquired and used in drive-away operations by a motor carrier after April 15, 1947, shall have the "upper-half" and the "lower-half" separately marked with the following certification of the manufacturer thereof (or words of equivalent meaning): "This saddle-mount complies with the requirements of the Interstate Commerce Commission for vehicles up to 5,000 pounds" (or over 5,000 pounds)—"Manufactured (Month) (Year) by (Name of Manufacturer)."

(d) *Number of drive-away vehicles in combination—(1) Number of drive-away vehicles in combination.* No more than one vehicle shall be towed in any combination of motor vehicles in any drive-away operation.

(2) *Carrying vehicles on towing vehicle.* When adequately and securely attached by means equivalent in security to that provided in paragraph (c) (2) (ii) (b) (2) of this section, a motor vehicle or motor vehicles may be full-mounted on the structure of a towing vehicle engaged in any drive-away operation.

(3) *Carrying vehicles on towed vehicles prohibited.* No motor vehicle shall be transported on any towed motor vehicle, in any drive-away operation.

It is further ordered, That this order shall become effective April 1, 1947, and shall continue in effect until the further order of the Commission; and

It is further ordered, That notice of this order shall be given to the petitioner, to authorized motor carriers by the drive-away method, and other parties in interest, by mailing to them a copy thereof, and to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Sec. 204, 49 Stat. 546, 52 Stat. 1237, 1240, 54 Stat. 921, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658; 49 U. S. C. and Sup. 304)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2366; Filed, Mar. 12, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 934]

[Docket AO 83-A-10]

HANDLING OF MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENTS

Proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159) notice is hereby given of a hearing to be held in the Probate Court Room, Essex County Superior Court House, Appleton Street, Lawrence, Massachusetts, beginning at 10:00 a. m., e. s. t., March 20, 1947, for the purpose of receiving evidence with respect to the proposed amendments, hereinafter set forth, or appropriate modifications thereof, to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area. The proposal to modify the formula method of computing Class I prices raises the question of whether the formula method will operate more satisfactorily to maintain Class I prices at a level which is consistent with the standards set forth in the act if some or all of the price factors contained in the formula are changed. Evidence with respect to this aspect of the proposal will be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments with respect to which evidence will be received are as follows:

Proposed by New England Milk Producers' Association:

1. Amend § 934.6 (a) (1) by deleting the words "from the effective date hereof through February 1947 the price shall not be less than $5.70 per hundredweight;" and substituting therefor the following, "prices by delivery periods shall not be less than the following:

March–April 1947	$5.67
May–June 1947	4.79
July–September 1947	5.23
October 1947–April 1948	5.67"

Proposed by the market administrator:

2. Delete § 934.15 and substitute therefor a new paragraph (d) in § 934.6 to read as follows:

(d) *Emergency changes in formulas for class prices and differentials.* If for

any reason a price for any milk product specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described by the order, the market administrator shall substitute a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

3. Delete § 934.7 (c) and substitute the following:

(c) *Reports regarding individual producers.* (1) Within 10 days after a producer moves from one farm to another, or starts or resumes deliveries to a handler's plant, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the name of the plant to which the producer had been delivering immediately prior to starting or resuming deliveries.

(2) Within 5 days after the 5th consecutive day on which a producer has failed to deliver to a handler's plant, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

4. Delete § 934.7 (d) and substitute therefor the following:

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator within 5 days after his request, made not earlier than 14 days after the end of the delivery period, his producer pay rolls for such delivery period which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test thereof, and

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

5. Renumber § 934.7 (e) as § 934.7 (f) and insert a new paragraph (e) as follows:

(e) *Maintenance of records.* Each handler shall maintain records which will show and summarize all receipts, movements, and disposition of milk and milk products.

6. Amend § 934.12 (a) to read as follows:

(a) As his pro rata share of the expense of administration thereof, each handler, except as set forth in § 934.8 (a) shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, the exact amount to be announced by the market administrator on or before the 5th day after the end of such delivery period, with respect to all milk received by him during such delivery period, from producers, from his own production, and with respect to milk or skim milk received from the type of handler described in § 934.8 (f) and moved to the marketing area.

Proposed by Dairy Branch, Production and Marketing Administration:

7. Amend § 934.6 to maintain the present Class II price relationship to the Class II price now or hereafter established for Class II milk purchased by handlers regulated by the Greater Boston, Massachusetts, milk marketing order.

Copies of this notice of hearing and of the tentatively approved marketing agreement, as amended, and of the order, as amended, now in effect, may be procured from the Acting Market Administrator, National Bank Building, 21 Main Street, Andover, Massachusetts, or from the Hearing Clerk, United States Department of Agriculture, Room 0308 South Building, Washington 25, D. C., or may be there inspected.

Dated: March 10, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-2385; Filed, Mar. 12, 1947; 8:47 a. m.]

[7 CFR, Part 947]

[Docket No. AO-113-A7]

HANDLING OF MILK IN FALL RIVER, MASS., MARKETING AREA

NOTICE OF HEARINGS ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENTS

Proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Knights of Pythias Hall, 103 Pleasant Street, Fall River, Massachusetts, beginning at 10:00 a. m., e. s. t., March 21, 1947, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Fall River, Massachusetts milk marketing area. The proposal to modify the formula method of computing Class I prices raises the question of whether the formula method will operate more satisfactorily to maintain Class I prices at a level which is consistent with the standards set forth in the act if some or all of the price factors contained in the formula are changed. Evidence with respect to this aspect of the proposal will be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Fall River Milk Producers' Association:

1. In § 947.9 change the structure of the Fall River order to an individual handler pool, with the provision for pricing all the milk sold or distributed in the marketing area.

2. In § 947.1 define the terms "producer," "dairy farmer," and "handler" as follows:

The term "producer" means any dairy farmer irrespective of whether such dairy farmer is also a handler, except persons to whom minimum prices are required to be paid under the provisions of any other Federal milk order, in whose name milk is delivered to a receiving plant from which Class I milk is shipped to, or sold in, the marketing area either directly or through another plant during the delivery period: *Provided*, That a dairy farmer shall not be a producer within this definition if milk delivered by him is determined by the market administrator to be (a) a part of the handler's normal supply for a market other than the marketing area, and (b) if the milk delivered by such producer was utilized only in Class II or in Class I in such other market.

The term "dairy farmer" means any person in whose name milk is removed from the farm where it is produced.

The term "handler" means any person, irrespective of whether such person is also a dairy farmer, a producer, or an association of dairy farmers or producers who, on his own behalf or on behalf of others, purchases or receives milk from dairy farmers, producers, associations of dairy farmers or producers, or other handlers, all or a portion of which milk is disposed of as milk or cream in the marketing area.

3. Amend § 947.3 to read as follows:

§ 947.3 *Classification of milk*—(a) *Responsibility of handlers.* In establishing the classification of any milk received by a handler, the burden rests upon the handler who received milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) *Classes of milk.* Milk purchased or received by each handler shall be classified in Class I or Class II in accordance with subparagraphs (1) and (2), subject to paragraph (c) of this section.

(1) All milk the utilization of which is not established as Class II shall be Class I.

(2) Class II milk shall be all milk, cream, etc., which is accounted for as (i) sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and (ii) actual plant shrinkage not in excess of 2 percent of milk received pro rata from producers and all other sources.

(c) *Transfers of milk.* (1) Transfers to a producer-handler shall be Class I.

(2) Transfers to another handler not a producer-handler or to a plant subject to an order of the Secretary regulating the handling of milk in a market other than the marketing area shall be Class I: *Provided*, That if such milk is established as having been utilized as Class II by the person to whom it is transferred or by the handler from whom the milk is transferred, it shall be Class II.

(3) Transfers to persons not handlers and not producer-handlers who distribute milk or manufacture milk products, and exclusive of transfers to a plant subject to an order of the Secretary regulating the handling of milk in a market other than the marketing area, shall be Class I not to exceed the total Class I at such plant.

(d) *Computation of milk in each class from producers.* For each delivery period the market administrator shall correct for mathematical errors the report submitted by each handler and compute from the corrected report the amount of milk in each class which was received from producers, as follows:

(1) In the case of each handler who is also a dairy farmer and who received milk from producers (i) exclude from each class the quantity of milk received from other handlers and classified in such class and (ii) exclude pro rata from the milk remaining in Class I and Class II a quantity equal to the quantity of milk received from his own farm production; except that the quantity thus excluded from Class II shall not exceed 10 percent of the total quantity of milk received from his own farm production.

(2) In the case of each handler who is not also a dairy farmer, and who received milk from producers, exclude from each class the quantity of milk received from other handlers and classified in such class.

4. Amend § 947.3 to classify in Class I milk used in converting 40 percent cream to light cream.

5. Amend § 947.4 to reflect the increase in freight rates.

6. In § 947.4 (a) delete the words "for each delivery period prior to March 1947 the price shall be not less than $5.96" and substitute therefor the following, "prices by delivery periods shall not be less than the following:

March–April 1947	$5.96
May–June 1947	5.08
July–September 1947	5.52
October 1947–April 1948	5.96"

By the New England Milk Producers' Association:

7. Amend Order No. 47 to provide for establishment of minimum prices to be paid to all producers whose milk is sold or distributed in the Fall River market, except those to whom minimum prices already are required to be paid under provisions of another Federal order, and those who are maintained on separate lists and established as a source of supply for other markets: *Provided*, That none of the milk of such producers is allocated to a Class I use other than in the specific market for which it is established as a source of supply.

8. Amend § 947.9 to include provisions similar to the individual handler pool provisions of Order No. 34, regulating the handling of milk in the Lowell-Lawrence marketing area.

9. Review the special handling provisions in § 947.6 to determine the justification, if any, for their continuance under an individual handler pool basis.

10. Provide, with respect to the classification provisions of the Fall River order and in any revision to provide for individual handler pools, for the transfer or shifting of supplies between handlers on the part of a cooperative association, similar to that which is made in the Lowell-Lawrence order.

11. With respect to milk received at a Providence, Rhode Island, plant, provide for allocation of Fall River Class I milk and other milk received at such a plant in such manner as will not make milk received at such plant from Providence dealers whose temporary surpluses are received at such plant subject to minimum prices under the order.

12. In § 947.4 (a) delete the words "for each delivery period prior to March 1947 the price shall be not less than $5.96" and substitute therefor the following, "prices by delivery periods shall not be less than the following:

March–April 1947	$5.96
May–June 1947	5.08
July–September 1947	5.52
October 1947–April 1948	5.96"

By the H. P. Hood and Sons, Inc.:

13. Consider a provision to encourage less seasonality in production.

By the Dairy Branch:

14. Amend § 947.4 (b) to maintain the present Class II price relationship to the Class II price now or hereafter provided under Federal Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

15. Delete the following provisions which were suspended by action of the Secretary effective January 31, 1943: 1, "except April, May, and June" in § 947.7 (c) (1); 2, § 947.7 (c) (2); 3, § 947.8; 4, "for all delivery periods except April, May, and June of each year" in § 947.9 (a) (1); and 5, § 947.9 (a) (2).

16. In § 947.15 (a) delete the words "Chief of the Dairy and Poultry Branch, Office of Distribution, War Food Administration (hereafter referred to as 'Chief of Branch')", and substitute therefor the words "Director of the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as 'Director')."

In § 947.15 (a) delete the words "Chief of Branch" wherever they appear and substitute therefor the word "Director".

In § 947.15 (d) delete the words "War Food Administrator" and substitute therefor the word "Secretary".

17. Revise § 947.11 (a) to read:

(a) *Payments by handlers.* As his pro rata share of the expense of administration hereof, each handler not a producer-handler shall, on or before the 15th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to all milk received during such delivery period at a plant at which milk is received or from which Class I milk is disposed of in the marketing area to persons other than handlers: *Provided*, That such handler, which is an association of producers, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such association collects payment: *And provided further*, That any amounts paid on any of the milk specified herein by any handler for cost of administration of another Federal milk marketing agreement or order may be deducted from the amount due hereunder.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the Market Administrator, 130 Pleasant Street, Fall River, Massachusetts, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 10, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-2386; Filed, Mar. 12, 1947; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 40]

AIR CARRIER PROVING FLIGHTS

PROPOSED WAIVER OF UNNECESSARY FLIGHTS

Part 40 of the Civil Air Regulations requires an air carrier to demonstrate to the satisfaction of the Administrator his ability to conduct a safe operation by actual flight over all proposed routes. This requirement makes it necessary for the air carrier to conduct a proving flight even though the proposed route is a minor modification or extension of an existing route. It is felt that under certain circumstances an undue burden is placed on the air carrier. It is, therefore, proposed to authorize the Administrator to waive a proving flight where such flight is unnecessary in the interest of safety.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board an amendment to Part 40 of the Civil Air Regulations by adding the following proviso to the last sentence of § 40.291: "*Provided*, That an actual flight may not be required if the Administrator finds that it is unnecessary in the interest of safety."

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1948, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C.,

for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-2368; Filed, Mar. 12, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 230]

SECURITIES EXCLUDED FROM EXEMPTION

NOTICE OF PROPOSAL TO REMOVE CERTAIN RESTRICTIONS

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Regulation A to delete therefrom paragraph (h) of Rule 221 (17 CFR 230.221). Regulation A, under the conditions stated therein, exempts certain securities from the registration and prospectus requirements of the Securities Act of 1933. Paragraph (h) of Rule 221 (17 CFR 230.221) makes Regulation A unavailable for "securities sold or delivered after sale in, or orders for which are accepted from, a State while the right to offer or sell such securities in that State is prohibited, denied, or suspended by any regulatory body of the State for any reason other than the misconduct of a dealer in the securities." Deletion of this paragraph would remove this restriction without affecting the jurisdiction of any State regulatory body over the sale of securities within the State.

The amendment is proposed pursuant to the provisions of the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof.

(Secs. 3 (b) and 19 (a) 48 Stat. 75, 85; 15 U. S. C. 77c, 77s)

All interested persons may submit data, views and comments in writing to the Securities and Exchange Commission at its main office, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before March 28, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 6, 1947.

[F. R. Doc. 47-2345; Filed, Mar. 12, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7582, Amdt.]

RUDOLPH PFEIFER

In re: Stock, bonds and mortgage participation certificates owned by and debt owing to Rudolph Pfeifer. F-28-6665-A-1.

Vesting Order 7582, dated September 5, 1946, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the figure $1^{343}S_{10000}$, representing the number of shares of $1.00 par value capital stock of 10 East 57th Street Corporation evidenced by certificates numbered 301 and 97, and substituting therefor the figure $2^{343}S_{10000}$.

All other provisions of said Vesting Order 7582 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2383; Filed, Mar. 12, 1947; 8:47 a. m.]

[Vesting Order 8335]

HANSEGESELLSCHAFT ASCHPUREVIS

In re: Bank account owned by Hansegesellschaft Aschpurevis under Veltjens. F-28-23013-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hansegesellschaft Aschpurevis under Veltjens, the last known address of which is Alsterdamm 16, Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hansegesellschaft Aschpurevis under Veltjens, by Grace National Bank of New York, 7 Hanover Square, New York 5, New York, arising out of a checking account, entitled Hansegesellschaft Aschpurevis under Veltjens, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2370; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8337]

FRIEDRICH W. AND MARTHE EISSENLOEFFEL

In re: Bank account owned by Friedrich W. Eissenloeffel, also known as Fredrick Eissenloeffel, and Marthe Eissenloeffel. F-28-4111-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich W. Eissenloeffel, also known as Fredrick Eissenloeffel, and Marthe Eissenloeffel, whose last known addresses are 36 Brombergstrasse, Freiburg 1. Br., Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Friedrich W. Eissenloeffel, also known as Fredrick Eissenloeffel, and Marthe Eissenloeffel, by The First National Bank & Trust Co. of Kearny, 582 Kearny Avenue, Kearny, New Jersey, arising out of a checking account, entitled Mr. Frederick or Mrs. Marthe Eissenloeffel, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2372; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8336]

GEORGINE BRACKE

In re: Bank account owned by Georgine Bracke. F-28-25094-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georgine Bracke, whose last known address is Leonardstrasse 19, Braunschweig, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Georgine Bracke, by Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois, arising out of a savings account, Account Number 78341, entitled Georgine Bracke, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2371; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8338]

CHARLES GEIGER

In re: Bank account owned by Charles Geiger. D-28-3187-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Geiger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Charles Geiger, by Franklin Savings Bank, 656 Eighth Avenue, New York 18, New York, arising out of a Savings Account, Account Number 540487, entitled Charles Geiger, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2373; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8339]

KATHERINE HEINLEIN

In re: Bank account owned by Katherine Heinlein. F-28-28081-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Heinlein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Katherine Heinlein, by Jamaica Savings Bank, 161-02 Jamaica Avenue, Jamaica, New York, arising out of a Savings Account, Account Number 99,699, entitled Katherine Heinlein, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2374; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8344]

TSUGIO MURAHASHI

In re: Bank account owned by Tsugio Murahashi. D-39-18594-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsugio Murahashi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tsugio Murahashi, by First National Bank in Coachella, box 8, Coachella, California, arising out of a Checking Account, entitled Tsugio Murahashi, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2379; Filed, Mar. 12, 1947; 8:47 a. m.]

[Vesting Order 8340]

HATTIE HUTZEL

In re: Bank account owned by Hattie Hutzel. F-28-27968-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hattie Hutzel, whose last known address is Wurttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Lincoln Savings Bank of Brooklyn, 531 Broadway, Brooklyn 6, New York, arising out of a Savings Account, Account Number S-18335, entitled Maria Straubinger (Deceased), in trust for Hattie Hutzel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hattie Hutzel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2376; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8345]

WALTER E. PFEIFFER

In re: Bank account owned by Walter E. Pfeiffer. F-28-23578-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: That certain debt or other obligation owing to Walter E. Pfeiffer, by Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois, arising out of a Savings Account, Account Number 293269, entitled Walter E. Pfeiffer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

2. That the property described as follows: That certain debt or other obligation owing to Walter E. Pfeiffer, by Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois, arising out of a Savings Account, Account Number 293269, entitled Walter E. Pfeiffer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2375; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8341]

ADAM MAIER

In re: Bank account owned by Adam Maier. F-28-23276-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adam Maier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Adam Maier, by The First National Bank of Boston, 67 Milk Street, Boston, Massachusetts, arising out of a Savings Account, Account Number 1-20458, entitled Adam Maier, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on

account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2380; Filed, Mar. 12, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 16]

NIAGARA FALLS POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

MARCH 10, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) that The Niagara Falls Power Company, Niagara Falls, New York (licensee), has made application for amendment of license for Project No. 16 to eliminate the reference made in the license issued March 2, 1921 to the rights, if any, of Pettebone-Cataract Paper Company and Cataract City Milling Company to withdraw water at a rate not exceeding 265 cubic feet per second from the Hydraulic canal or basin of licensee.

Any protests against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before April 14, 1947, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2356; Filed, Mar. 12, 1947; 8:46 a. m.]

[Docket No. G-861]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 6, 1947.

Notice is hereby given that on February 12, 1947, Hope Natural Gas Company (Applicant), a corporation organized under the laws of West Virginia, with its principal place of business at Clarksburg, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and to operate facilities described as follows:

One 400 Horsepower Cooper Bessemer gas engine to which will be attached two gas compressors. The size of these gas compressors will be 22-inch for low-stage and 11-inch for high-stage, together with auxiliary equipment consisting of water pumps, air compressors, electric generators and miscellaneous appurtenant equipment sufficient to increase the capacity of its existing transmission facilities by about 16,000 Mcf per day. Said facilities to be located on its Line H-255 near Kenna, Jackson County, West Virginia.

Applicant states that the proposed facilities are required to properly handle the available supply of natural gas and to utilize its present pipeline system to the fullest extent, in order to meet the present demands of existing customers.

Applicant further states that the total cost of the proposed facilities is estimated at $40,000.00, to be financed from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint, or concurrent hearing, together with the reasons for such request.

The application of the Hope Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2367; Filed, Mar. 12, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 693]

UNLOADING OF LUMBER AT EAST ST. LOUIS, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that car B&O 184398, containing lumber, at East St. Louis, Illinois, on The Baltimore and Ohio Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Lumber at East St. Louis, Ill., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately car B&O 184398, loaded with lumber, now on hand at East St. Louis, Illinois, consigned to Burdette O'Leary Lumber Corporation, Meridian, Miss.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2362; Filed, Mar. 12, 1947; 8:47 a. m.]

[S. O. 694]

UNLOADING OF MILK EMULSION AT MASON, MICH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that car PFE 76162, containing damaged milk emulsion, at Mason, Michigan, on The New York Central Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of

the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Milk emulsion at Mason, Mich., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately car PFE 76162, containing damaged milk emulsion, on hand at Mason, Michigan.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402; 41 Stat. 476, Sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2363; Filed, Mar. 12, 1947; 8:47 a. m.]

[S. O. 695]

UNLOADING OF COAL AT ST. CLAIR SCALES, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that car Rdg 67198, containing pea coal at St. Clair Scales, St. Clair, Pa., on the Reading Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Coal at St. Clair Scales, Pa., be unloaded.* The Reading Company, its agents or employees, shall unload immediately car Rdg 67198, containing pea coal, on hand at St. Clair Scales, St. Clair, Pennsylvania, account Mid-Valley Coal Company, Inc.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402; 41 Stat. 476, Sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2364; Filed, Mar. 12, 1947; 8:47 a. m.]

[S. O. 698]

APPOINTMENT OF AGENT WITH RESPECT TO HANDLING OF GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that various government agencies have been instructed to take emergency measures designed to meet urgent needs for grain in various foreign countries; that it is necessary to transport such grain by rail promptly for export; that in addition the domestic grain transportation requires prompt action to be taken in the field with respect to matters affecting domestic and export grain transportation; and that the Office of Defense Transportation has made representations recommending an agent be appointed to execute directions of, and to advise the Bureau of Service regarding measures taken and those proposed to expedite the movement of domestic and export grain; the Commission is of opinion an emergency exists in all sections of the country, it is ordered, that:

(a) *Appointment of agent and designation of duties.* (1) F. S. Keiser, 209 S. LaSalle St., Chicago, Ill., is hereby appointed general grain agent for the purpose of executing written directions and instructions of V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, relating to Service Orders applicable to grain and grain products.

(2) As agent, subject to the instructions and directions of V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Mr. Keiser is instructed to advise the said Director regarding measures he believes are necessary to aid in expediting the rail movement of cars loaded with grain and grain products.

(b) *Effective date.* This order shall become effective at 12:01 a. m., March 15, 1947.

(c) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1947.

It is further ordered, that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(54 Stat. 901)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2365; Filed, Mar. 12, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-88, 59-9]

PHILADELPHIA CO. ET AL.

ORDER DENYING MOTION FOR STAY OF CONSOLIDATED HEARINGS AND RESERVING JURISDICTION OVER DISMISSAL OF PROCEEDINGS; ADJOURNMENT OF HEARINGS AND ISSUANCE OF ADVISORY REPORT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of February A. D. 1947.

In the matter of Philadelphia Company and certain of its subsidiary companies, and Standard Power and Light Corporation, and Standard Gas and Electric Company, respondents, File No. 59-88; Standard Power and Light Corporation, Standard Gas and Electric Company, and subsidiary companies thereof, respondents, File No. 59-9.

The Commission having on December 5, 1946, issued a notice of hearing and order instituting proceedings herein pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("the Act"), which order consolidated the proceedings with prior proceedings instituted pursuant to section 11 (b) (1) of the act; and respondent, Philadelphia Company, a registered holding company, having filed its answer herein which, in addition to admitting

or controverting allegations contained in the Commission's order, purports to include a plan pursuant to section 11 (e) of the act; and

Philadelphia Company having made certain oral motions to the trial examiner who certified to the Commission the following questions:

(1) Whether the trial examiner should be ordered to render an advisory report in these proceedings;

(2) Whether a 60-day adjournment of the hearings should be granted pursuant to the request of Philadelphia Company;

(3) Whether the hearings on the consolidated section 11 (b) (1) and section 11 (b) (2) proceedings should be stayed pending consideration and disposition of the purported section 11 (e) plan contained in Philadelphia Company's answer; and

(4) Whether these proceedings should be dismissed upon the ground that a prima facie case had not been made out in the initial presentation of evidence by the staff of the Public Utilities Division; and

The Commission having given due consideration to said questions and having concluded that said questions should be ruled upon as hereinafter set forth for the reasons contained in its memorandum opinion, filed herein, to which reference is hereby made;

It is ordered, That decision on the question whether the trial examiner should be ordered to render an advisory report in these proceedings be and hereby is reserved until the close of the hearings, at which time the trial examiner is directed to request instructions from the Commission as to the procedure to be followed;

It is further ordered, That the request for an adjournment be denied in part and granted to the extent that after the close of the presentation of evidence the trial examiner is directed to adjourn the hearings for a period of 30 days;

It is further ordered, That the motion for a stay of the consolidated section 11 (b) (1) and section 11 (b) (2) proceedings be and hereby is denied;

It is further ordered, That decision on the motion to dismiss the proceedings be reserved until the conclusion of the hearings and the submission of the case to the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2346; Filed, Mar. 12, 1947; 8:45 a. m.]

[File No. 70-1317]

NATIONAL GAS & ELECTRIC CORP. AND NATIONAL UTILITIES CO. OF MICHIGAN

ORDER RELEASING JURISDICTION OVER CERTAIN FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of March 1947.

The Commission having, by order dated August 8, 1946, approved the issuance and sale of notes in the aggregate principal amount of $2,100,000 by National Gas & Electric Corporation ("National") and $980,000 principal amount of First Mortgage 3% Bonds by its subsidiary company, National Utilities Company of Michgian ("Michigan"), pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935; and

The Commission having, by said order, reserved jurisdiction with respect to the proposed finder's fees of three financial firms and the fees of counsel for both National and Michigan to be paid in connection with the above-mentioned transactions because of services yet to be rendered; the record having been completed with respect to the legal services and the work of the three financial firms in finding a buyer for the Michigan Bonds; and the amount of such fees being as follows:

	National	Michigan
David J. Colton, Counsel	$2,500	
Brewer and Farrell, Counsel		$1,250
Mustard, McAuliffe, Hatch & Clagett, Counsel		1,750
Battles & Co., Inc., G. H. Walker & Co., Smith, Landeryou & Co., Finders		9,800
	2,500	12,800

It appearing to the Commission that such fees are not unreasonable under the circumstances of these proceedings;

It is ordered, That the jurisdiction heretofore reserved with respect to counsel fees and finder's fees be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2348; Filed, Mar. 12, 1947; 8:45 a. m.]

JAMES F. MORRISSEY

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of March A. D. 1947.

In the matter of James F. Morrissey, 1012 Fort Worth National Bank Building, Fort Worth, Texas.

Proceedings having been instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether or not the registration of James F. Morrissey as a broker and dealer should be revoked;

A hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

It is ordered, On the basis of said findings and opinion, that the registration of James F. Morrissey as broker and dealer be, and hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2347; Filed, Mar. 12, 1947; 8:45 a. m.]

[File No. 70-1461]

AMERICAN POWER AND LIGHT CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of March A. D. 1947

In the matter of American Power & Light Company, Florida Power & Light Company, Texas Utilities Company, Texas Power & Light Company, and Texas Electric Service Company, File No. 70-1461.

Notice is hereby given that a joint application-declaration and amendment have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's registered holding company subsidiary, Texas Utilities Company ("Texas Utilities"), its electric utility subsidiaries, Texas Electric Service Company ("Texas Electric"), and Texas Power & Light Company ("Texas Power"), and American's electric utility subsidiary Florida Power & Light Company ("Florida"). Applicants-declarants designate sections 6, 9, 12 (b) and 12 (f) of the act and Rule U-45 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person, may, not later than March 14, 1947, at 11:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after 11:30 a. m., e. s. t., on March 14, 1947, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

American proposes to lend at an interest rate of 1¾% per annum to Texas Utilities Company and Florida Power & Light Company during the year 1947 sums which will aggregate not more than $9,000,000 to be outstanding at any one time. Such sums as are borrowed by Texas Utilities will be passed on in the form of loans to Texas Electric and Texas Power at the interest rate stated above: *Provided, however*, That not more than $2,000,000 will be owed to Texas Utilities by Texas Electric and Texas Power at the time of American's sale of 15% of the stock of Texas Utilities as proposed in American's presently pend-

ing plan for the retirement of its preferred stocks. Texas Utilities also proposes to increase its equity interests in Texas Electric and Texas Power by making a cash contribution of $1,000,000 to the capital of or by purchasing $1,000,000 of additional common stock from each of said companies. Loans from Texas Utilities to Texas Electric and Texas Power outstanding at the time of the presently contemplated sale of additional bonds by the two latter companies are to be repaid when such bonds are sold. Texas Utilities and Florida will repay any loans made to them by American prior to American's sale of 15% of the common stocks of Texas Utilities and Florida. Florida proposes to repay any such loans out of the proceeds from the public sale of its securities contemplated in the near future. If, however, such public sale of its securities shall not have been made prior to the sale by American of 15% of Florida's common stock, Florida proposes to make temporary borrowings from banks for the purpose of repaying said loans to American prior to such sale. For the purpose of paying off any such loans as may be made to it by American, Texas Utilities proposes to make temporary borrowings from banks. In order to refund such bank borrowings, Texas Utilities proposes, sixty days after 15% of the common stock shall have been sold by American, or as soon as practicable thereafter, to issue and sell additional common stock to the public.

It is proposed that the loans be repaid to American by December 31, 1947, but such maturity may be extended by mutual consent of the parties to a date not later than one year from the date of making of such loans. However, the borrowing companies shall have the right at any time prior to such date to repay all or any part of the sums borrowed and the lending companies shall have the right to call all or any part of the loans currently outstanding upon 90 days' written notice.

Applicants-declarants state that the proposed loans are necessary to provide funds during the year 1947 for Florida, Texas Electric, and Texas Power in order to carry out the construction programs of those companies prior to the time when funds will be available from permanent financing.

Joint applicants-declarants request that the Commission's order granting the application and permitting the declaration to become effective be issued as soon as possible and become effective forthwith, so that the operating companies may receive funds necessary for the continuation of their construction programs.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2351; Filed, Mar. 12, 1947; 8:46 a. m.]

[File No. 70-1458]

INTERSTATE POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 6th day of March A. D. 1947.

Interstate Power Company ("Interstate"), a registered holding company and a public utility subsidiary of Ogden Corporation, a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 with respect to the transactions summarized below:

Interstate proposes to issue and sell two collateral promissory notes, each in the principal amount of $400,000, bearing interest at the rate of 1¾% annually payable semi-annually, and maturing on December 1, 1947; one of said notes is to be sold to The Chase National Bank of the City of New York, and the other to Manufacturers Trust Company, New York. Interstate also proposes to issue $800,000 principal amount of its First Mortgage Gold Bonds, 5% Series, due January 1, 1957, which bonds are to serve as collateral for the $800,000 aggregate principal amount of notes. Interstate represents that said 5% bonds will be issued under the indenture securing Interstate's presently issued and outstanding 5% bonds due 1957, upon certification to the trustee under said indenture of certain property additions which have not heretofore been certified as a basis for authentication and issuance of bonds. The filing states that the proceeds of the proposed issue and sale of securities will be applied toward the financing of Interstate's construction program and to restore current working funds which have been reduced below normal requirements in order to finance new construction.

Said declaration having been filed on February 13, 1947, and notice of said filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Interstate having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2350; Filed, Mar. 12, 1947; 8:45 a. m.]

[File No. 70-1394]

FEDERAL WATER AND GAS CORP. AND NEW YORK WATER SERVICE CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of March A. D. 1947.

Federal Water and Gas Corporation ("Federal"), a registered holding company, and its subsidiary, New York Water Service Corporation, having filed an application and declaration, and amendments thereto, pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 with respect to the transactions summarized below:

Federal proposes to sell to New York for the consideration of $1,000 in cash a note in the unpaid principal amount of $227,960 issued by South Bay Consolidated Water Company, Inc. ("South Bay"), a subsidiary of New York. Interest on said note is subordinate to the payment of dividends on the preferred stock of South Bay; interest arrears on said note amounted to $209.425 on September 30, 1946, and preferred stock dividend arrears amounted to $916.461.

Notice of the filing of said application and declaration having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Federal and New York having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said application and declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application and declaration be granted and permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said application and declaration be, and the same hereby are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2349; Filed, Mar. 12, 1947; 8:45 a. m.]

MAR 18 '47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 12 NUMBER 52

Washington, Friday, March 14, 1947

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE PRICES FOR 1946 AND 1947 CROPS OF SUGAR BEETS

Pursuant to the provisions of section 301 (d) of the Sugar Act of 1937, as amended, and after investigation and due consideration of the evidence obtained at the several public hearings held with respect to the 1946 and 1947 sugar beet crops, the following determination is hereby issued:

§ 802.12g *Fair and reasonable prices for the 1946 and 1947 crops of sugar beets.* Fair and reasonable prices for the 1946 and 1947 crops of sugar beets shall be not less than those provided for in the purchase contracts between the producers and producer-processors with respect to each of such crops. (Sec. 301, 50 Stat. 909; 7 U. S. C. 1131)

Issued this 10th day of March 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary.*

[F. R. Doc. 47-2397; Filed, Mar. 13, 1947; 8:46 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

DELEGATION OF AUTHORITY

Title 8, Chapter I, Code of Federal Regulations is amended as hereinafter provided.

PART 1—GENERAL INFORMATION REGARDING THE IMMIGRATION AND NATURALIZATION SERVICE

1. Paragraph (d) of § 1.42 *Final authority; delegation to Commissioner* (11 F. R. 177A-111) is amended by deleting the language "7th or".

2. Section 1.44 (d) is amended so that taken with the introductory sentence it will read as follows:

§ 1.44 *Final authority; delegation to Assistant Commissioner for Adjudications.* The final authority of the Attorney General or the Commissioner delegated to the Assistant Commissioner for Adjudications includes determinations involving the following:

* * * * * *

(d) Applications to import skilled labor if labor of like kind cannot be found unemployed in the United States (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (h));

PART 90—DEPARTMENTAL ORGANIZATION AND AUTHORITY

Paragraph (a) of 90.3 (10 F. R. 8096) is amended by changing subparagraphs (4) and (8) and by adding subparagraph (9), so that taken with the introductory sentence those three subparagraphs will read as follow:

§ 90.3 *Board of Immigration Appeals; powers.* (a) Subject to the provisions of § 90.12, the Board of Immigration Appeals in behalf of the Attorney General shall have authority to consider and determine cases involving:

* * * * * *

(4) All applications for admission under the 7th proviso to section 3 of the Immigration Act of 1917; and those applications for admission under the 9th proviso to the same section where the applicants have been convicted of crimes rendering them inadmissible to the United States; but in both those types of cases the Commissioner shall enter a proposed order prior to the submission of the case to the Board of Immigration Appeals.

* * * * * *

(8) All cases, whether in deportation, exclusion, or preexamination, in which the Commissioner has entered an order granting relief less favorable than that requested by the subject of the proceeding.

(9) Applications for preexamination where the applicants are of the class prescribed in § 142.1 (c) of this chapter and the Commissioner has entered a proposed order.

PART 124—ALIEN CONTRACT LABORERS

Part 124 is amended in the following respects:

1. Section 124.5 (8 CFR and Cum. Supp., 9.5, 124.5) is amended to read as follows:

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FEDERAL REGISTER

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§ 124.5 *Application to import skilled labor; procedure.* The officer in charge shall conduct a thorough investigation of the application made under § 124.4 and shall forward two copies each of the application, of the accompanying affidavits, and of the report of the investigation, together with his recommendations, to the Commissioner for consideration and decision. Counsel may be employed in connection with such cases before the officer in charge, or the Commissioner, or both, but all evidence shall be submitted to and investigated by the officer in charge. (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (h))

2. Section 124.6 (8 CFR and Cum. Supp. 9.6, 124.6) is amended by deleting the words "Attorney General" in the first sentence and inserting in their stead the word "Commissioner".

NOTE: By virtue of the transfer of the Immigration and Naturalization Service from the Department of Labor to the Department of Justice (Reorganization Plan V, effective June 14, 1940), the word "Secretary" appearing in § 124.6 connotes "Attorney General".

3. Section 124.7 is amended by deleting the word "Department" in the first sentence and inserting in its stead the word "Commissioner".

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV, 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: March 8, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-2396; Filed, Mar. 13, 1947; 8:46 a. m.]

PART 142—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

Section 142.5 is amended to read as follows:

§ 142.5 *Preexamination; authorization.* Subject to the limitations stated in § 90.3 (a) (9) of this chapter, the Commissioner or a designated official in the Central Office shall have authority to authorize the preexamination of any alien eligible under the provisions of §§ 142.1 and 142.2.

This order shall become effective on the day of publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that this order pertains to organization—more particularly to delegation of authority.

(R. S. 161, 360, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, 50 Stat. 164, 53 Stat. 1425, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150, 54 Stat. 1238, 55 Stat. 736; 5 U. S. C. 22, 311, 8 U. S. C. and Sup., 102, 457, 458, 727)

TOM C. CLARK,
Attorney General.

Recommended: February 17, 1947.

UGO CARUSI,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 47-2395; Filed, Mar. 13, 1947; 11:52 a. m.]

PART 165—FORMAL PETITIONS AND APPLICATIONS

EXTENSION OF TEMPORARY STAY

FEBRUARY 27, 1947.

Part 165, Chapter I, Title 8, Code of Federal Regulations is hereby amended by inserting a new section as follows between § 165.13 and § 165.14:

§ 165.13a *Final authority of district directors to deny applications for extension of stay filed by aliens admitted for 29 days or less.* Notwithstanding the requirement in § 165.13 that certain cases be forwarded to the Central Office for decision, the district director shall have final authority to deny applications for extension of stay filed by aliens admitted to the United States for a period of 29 days or less under section 3 (2) or 3 (3) of the Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203). Extensions of stay shall be granted to such aliens only in emergent or other extraordinary cases. (Sec. 15, 43 Stat. 162; 8 U. S. C. 215).

This order shall become effective on the day of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that this order pertains to organization—more particularly to delegation of authority.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102,

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 291,[1] Incl. Amdts. 1–12]

CERTAIN SYRUPS AND MOLASSES

This compilation of Revised Maximum Price Regulation 291 includes Amendment 12, effective March 18, 1947. Deletions and amendments by Amendment 12 are indicated by notes and underscoring.

In the judgment of the Administrator, the maximum prices established by this Revised Maximum Price Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

A statement of the considerations involved in the issance of this revised regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

§ 1351.1351 *Maximum prices for certain syrups and molasses.* Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, and 9328, Revised Maximum Price Regulation No. 291 (Certain syrups and molasses) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.1351 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Laws 108 and 548, 79th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; E. O. 9599, 10 F. R. 10155; E. O. 9651, 10 F. R. 13487; E. O. 9697, 11 F. R. 1691; E. O. 9809, 11 F. R. 14281.

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11. Maximum prices for sales of first molasses and second molasses except producers' bulk sales and sales subject to Maximum Price Regulations Nos. 421, 422 or 423.
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12 Maximum prices for syrups and molasses for which no specific maximum price has been established.
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ARTICLE I—SCOPE OF REGULATION

SECTION 1. *Kinds of syrups and molasses covered by this regulation.* (a) Cane syrup is the juice of sugar cane clarified and evaporated to a density of not less than 39 degrees Baumé at 20 degrees Centigrade and contains not more than 2.5 per cent ash. It may or may not contain sulphur dioxide, used as a clarifying and bleaching agent.

Commercial cane syrup. Commercial cane syrup is "cane syrup" produced in a mill which at this time is, or which during the cane grinding season of 1941 was, equipped with machinery to manufacture sugar.

[Paragraph (a) amended by Am. 1, 9 F. R. 795, effective 1–26–44]

(b) *Country cane syrup.* Country cane syrup is "cane syrup" completely produced in a mill which at this time is equipped for the production of cane syrup exclusively and which is not now, and was not during the cane grinding season of 1941 equipped with machinery to manufacture sugar.

[Paragraph (b) amended by Am. 1, 9 F. R. 795, effective 1–26–44 and Am. 5, 9 F. R. 14429, effective 12–13–44]

(c) *Blends of syrup containing country cane syrup.* Blends of syrup containing country cane syrup are blends which contain at least 5% by volume of "country cane syrup" as defined in paragraph (b) above.

(d) *First molasses and second molasses.* First molasses and second molasses are known as "high grade molasses" and are the products which remain after extraction of sugar from the clarified and concentrated juice of domestically produced sugar cane before the extraction of all commercially available sucrose.

(1) First molasses is distinguishable from second molasses by its characteristic light color and mild flavor and is customarily produced by one extraction of sugar in the manufacturing process.

(2) Second molasses (including boilback) is the product remaining from the juice of sugar cane after more than one extraction of sugar but before the extraction of all commercially available sugar. It is distinguishable from first molasses by its darker color and more pronounced molasses flavor.

(e) [Deleted]

[Paragraph (e) added by Am. 3, 9 F. R. 3647, effective 4–8–44 and deleted by Am. 12, effective 3–18–47]

SEC. 2. *Prohibition against sales above maximum prices.* (a) On and after December 11, 1943, or the effective date as to any amendment or revision regardless of any contract, agreement or other obligation, no person shall sell or deliver syrups or molasses specified in this regulation and no person shall in the course of trade or business buy or receive such syrups or molasses at prices higher than the maximum prices set forth in this regulation.

(b) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(c) The provisions of this section shall not be applicable to sales or deliveries of syrups or molasses specified in this regulation to a purchaser, if prior to the date when the same became effective for such syrup or molasses, it has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(d) Where a packer during the year prior to March 1, 1942, customarily paid a premium above the prevailing market price for an item of syrup or molasses which is now subject to this regulation because it had a special quality of flavor or other attribute by reason of a special process in manufacturing such item, he may apply to the Office of Price Administration, Office of Temporary Controls, Washington, D. C., for an order permitting him to continue to pay and the seller to collect the established premium above the maximum prices set forth herein for such item of syrup or molasses: *Provided, however,* That he shall neither increase nor apply for an increase in the maximum prices set forth herein or in any other regulation for such item of syrup or molasses or anything made or manufactured from it, because of paying such premium.

(e) Lower prices than the maximum established by this regulation may be charged, demanded, paid or offered.

(f) The specific maximum prices established in this regulation shall not be increased by any charges for the extension of credit or by commissions or any other charges and they shall be reduced by all customary discounts and other allowances including those for prompt payment.

[Paragraph (f) added by Am. 1, 9 F. R. 795, effective 1–26–44]

(g) Customary differentials for sales of larger or smaller quantities than those for which maximum prices are specified

[1] 8 F. R. 16508.

[2] Statements of the considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

in this regulation or for classes of purchasers other than those specified shall be continued.

[Paragraph (g) added by Am. 2, 9 F. R. 2562, effective 3-11-44]

SEC. 3. *Geographical applicability.* The provisions of this Revised Maximum Price Regulation No. 291 shall be applicable to the 48 states of the United States and the District of Columbia.

SEC. 4. *Export sales.* The maximum prices at which a person may export syrups and molasses shall be determined in accordance with the Third Revised Maximum Export Price Regulation,[2] as amended, issued by the Office of Price Administration.

[Sec. 4 amended by Am. 10, 11 F. R. 13583, effective 11-18-46]

SEC. 5. *Exempt sales.* The following sales are exempt from this regulation.

(a) Sales of commercial and country cane syrup and blends of country cane syrup sold at wholesale and retail and covered by Maximum Price Regulations Nos. 421,[3] 422,[4] and 423,[5] respectively.

ARTICLE II—MAXIMUM PRICES

SEC. 6. *Maximum prices for commercial cane syrup*—(a) *Producers' maximum prices for commercial cane syrup.* (1) A "producer of commercial cane syrup" means any person who produces "commercial cane syrup" as defined in this regulation. Maximum prices for sales by "producers of commercial cane syrup" to all classes of purchasers shall be:

$0.45 per gallon, net, f. o. b. producer's mill or factory in tank cars or tank trucks supplied by the buyer.

$0.45½ per gallon, net, f. o. b. producer's mill or factory in barrels or half-barrels supplied by the buyer.

[Subparagraph (1) amended by Am. 1, 9 F. R. 795, effective 1-26-44 and Am. 10, 11 F. R. 13583, effective 11-18-46]

(2) The term "barrel" used in this section means a wooden container for liquids having a capacity of approximately 55 gallons. The term "half-barrel" used in this section means a wooden container for liquids having a capacity of approximately 33 gallons. The term gallon in this section means a standard U. S. gallon.

(b) *Packers' maximum prices for commercial cane syrup.* "Packer of commercial cane syrup" means any person who purchases and packs or repacks commercial cane syrup for sale to the wholesale and chain store warehouse trade and to commercial, industrial and governmental users.

(1) Packers' maximum prices at the factory for bulk sales of commercial cane syrup in tank cars, barrels, or other large containers, shall be:

$0.50 per gallon in tank cars furnished by the seller.

$0.64 per gallon in barrels furnished by the seller.

$0.68 per gallon in half-barrels furnished by the seller.

$0.72 per gallon in 10-gallon cans furnished by the seller.

$0.74 per gallon in 5-gallon cans furnished by the seller.

(2) Packers' maximum prices at the factory for commercial cane syrup packaged in cases for sales in less than carload lots shall be:

$3.74 per case of 6 No. 10 cans.
$3.99 per case of 12 No. 5 cans.
$4.24 per case of 24 No. 2½ cans.
$4.70 per case of 48 No. 1½ cans.
$3.59 per case of 36 No. 1½ cans.
$2.41 per case of 24 No. 1½ cans.
$3.18 per case of 24 No. 2 cans.

(3) The prices set forth in this paragraph (b) shall also apply to commercial cane syrup which has been enriched by the addition of cane sugar syrup.

[Paragraph (b) amended by Am. 1, 9 F. R. 795, effective 1-26-44 and Am. 10, 11 F. R. 13583, effective 11-18-46]

(c) *Packers' maximum delivered prices for commercial cane syrup.* Packers' maximum delivered prices for commercial cane syrup shall be the prices listed in the preceding paragraph (b), plus the freight actually paid up to but not in excess of the lowest available freight rate from New Orleans, Louisiana, to point of destination. In no case shall the purchaser be required to pay more than the packers' factory price plus the lowest available freight rate from New Orleans to point of destination.

(d) *Producer-packers' maximum prices for commercial cane syrup.* (1) "Producer-packer of commercial cane syrup" means only those persons who produce their own commercial cane syrup and pack it in barrels or smaller packages for sale to the wholesale and chain store warehouse trade and to commercial, industrial or governmental users.

(2) A producer-packer shall determine his maximum price for commercial cane syrup with respect to which he performs the functions of a packer in accordance with the provisions of sections 6 (b) and 6 (c) above, except that sales to packers shall be at producers' maximum prices.

(3) A producer-packer shall determine his maximum price for sales of commercial cane syrup with respect to which he performs the functions of a producer in accordance with the provisions of section 6 (a) above.

[Paragraph (d) amended by Am. 10, 11 F. R. 13583, effective 11-18-46]

(e) [Revoked]

[Paragraph (e) revoked by Am. 1, 9 F. R. 795, effective 1-26-44]

SEC. 7. *Maximum prices for country cane syrup*—(a) *Producers' maximum prices for country cane syrup.* (1) A "producer of country cane syrup" means any person who produces country cane syrup as defined in this regulation. Maximum prices for sales by producers of country cane syrup to all classes of purchasers shall be:

$0.78 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for highest grade, A-1 syrup.

$0.75 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 2d grade, No. 1 syrup.

$0.68 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 3d grade, No. 2 syrup.

[Subparagraph (1) amended by Am. 1, 9 F. R. 795, effective 1-26-44 and Am. 9, 11 F. R. 13489, effective 11-14-46]

(2) Highest grade A-1 Country cane syrup is that country cane syrup which has (1) good body, (2) good flavor, (3) good color, and (4) is free from dregs. If one of these qualities is lacking, it is 2d grade or No. 1 syrup. If two of these qualities are lacking, it is 3d grade or No. 2 syrup.

(3) The term "barrel" used in this section means a wooden container for liquids having a capacity of approximately 35 gallons.

(4) A Georgia gallon at 39 degrees Baumé at 20 degrees centigrade weighs 10.847 pounds. A standard U. S. Gallon of country cane syrup at 39 degrees Baumé at 20 degrees centigrade is equal to 1.05 Georgia gallons of country cane syrup. The trade practice of gauging the content of a barrel by dividing the gross weight of the barrel by the numeral 12 is allowed.

(b) *Accumulator's maximum prices for country cane syrup.* "Accumulator of country cane syrup" means any person who collects the barrels of cane syrup manufactured by country cane syrup producers for resale in original packages.

Accumulator's maximum prices for sales of country cane syrup to all classes of purchasers shall be:

$0.80 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller, for highest grade, A-1 syrup.

$0.77 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller, for 2d grade, No. 1 syrup.

$0.70 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 3d grade, No. 2 syrup.

[Paragraph (b) amended by Am. 9, 11 F. R. 13489, effective 11-14-46]

(c) *Packers' maximum prices for country cane syrup.* "Packer of country cane syrup" means any person who customarily repacks or reloads "country cane syrup" with or without processing, mixing or blending.

(1) Packers' and producer-packers' (as to portion packed by producer) maximum prices for country cane syrup delivered to the customary receiving point of the buyer in the southern zone shall be as follows:

$5.67 per case of 6 No. 10 cans.
$5.92 per case of 12 No. 5 cans.
$6.17 per case of 24 No. 2½ cans.
$6.60 per case of 48 No. 1½ cans.
$4.51 per case of 24 No. 2 cans.
$3.35 per case of 24 No. 1½ cans.

The "southern zone" includes the states of Georgia, Alabama, Florida, North Carolina and South Carolina.

[Subparagraph (1) amended by Am. 2, 9 F. R. 2562, effective 3-11-44; Am. 5, 9 F. R. 14429, effective 12-13-44 and Am. 9, 11 F. R. 13489, effective 11-14-46]

(2) Maximum prices for country cane syrup delivered in all places outside the "southern zone" for packers and producer-packers (as to portion packed by producer) located in the "southern zone" shall be the following f. o. b. Cairo, Georgia, prices, plus the lowest available freight rates on an identical quantity from Cairo, Georgia, to the point of destination. For packers located outside the "southern zone" the delivered maximum prices shall be the following, plus the freight actually paid up to, but not in excess of the lowest available freight rate from the packer's mill.

$5.42 per case of 6 No. 10 cans.
$5.67 per case of 12 No. 5 cans.
$5.92 per case of 24 No. 2½ cans.
$4.33 per case of 24 No. 2 cans.
$6.35 per case of 48 No. 1½ cans.
$3.22 per case of 24 No. 1½ cans.

All of the above prices in this paragraph (c) shall be for carload lots to the wholesale and chain store warehouse trade and to commercial, industrial, institutional, or governmental users.

[Subparagraph (2) amended by Am. 1, 9 F. R. 795, effective 1-26-44; Am. 2, 9 F. R. 2562, effective 3-11-44; Am. 5, 9 F. R. 14429, effective 12-13-44 and Am. 9, 11 F. R. 13489, effective 11-14-46]

(d) *Producer-packers' maximum prices for country cane syrup.* "Producer-packer of country cane syrup" means any producer who also customarily performs the function of a packer with or without processing, mixing or blending. A producer-packer shall determine his maximum price for country cane syrup with respect to which he performs the function of a producer under paragraph (a) of this section and for country cane syrup with respect to which he performs the function of a packer under the provisions of paragraph (c).

(e) [Revoked]

[Paragraph (e) revoked by Am. 1, 9 F. R. 795, effective 1-26-44]

(f) *Producer-packers' maximum prices for country cane syrup sold at wholesale and at retail.* (1) Producer-packers' maximum delivered prices for country cane syrup on sales directly to retail stores shall be as follows:

$6.21 per case of 6 No. 10 cans.
$6.49 per case of 12 No. 5 cans.
$6.77 per case of 24 No. 2½ cans.
$4.95 per case of 24 No. 2 cans.
$7.26 per case of 48 No. 1½ cans.
$3.68 per case of 24 No. 1½ cans.

(2) Producer-packers' maximum prices for country cane syrup on sales directly to retail stores when the purchaser takes delivery at the plant or farm shall be as follows:

$5.93 per case of 6 No. 10 cans.
$6.21 per case of 12 No. 5 cans.
$6.49 per case of 24 No. 2½ cans.
$4.75 per case of 24 No. 2 cans.
$6.98 per case of 48 No. 1½ cans.
$3.55 per case of 24 No. 1½ cans.

(3) Producer-packers' maximum delivered prices for country cane syrup on sales directly to "domestic consumers" shall be as follows:

$6.99 per case of 6 No. 10 cans.
$7.31 per case of 12 No. 5 cans.
$7.63 per case of 24 No. 2½ cans.
$5.59 per case of 24 No. 2 cans.
$6.20 per case of 48 No. 1½ cans.
$4.16 per case of 24 No. 1½ cans.

"Domestic consumer" means a person who buys country cane syrup for personal use. The term does not include any industrial, commercial, governmental or institutional consumers.

(4) "Producer-packers'" maximum prices for country cane syrup on sales directly to "domestic consumers" when the purchaser takes delivery at the plant or farm, shall be as follows:

$6.67 per case of 6 No. 10 cans.
$6.99 per case of 12 No. 5 cans.
$7.31 per case of 24 No. 2½ cans.
$5.36 per case of 24 No. 2 cans.
$7.88 per case of 48 No. 1½ cans.
$4.01 per case of 24 No. 1½ cans.

[Paragraph (f) amended by Am. 1, 9 F. R. 795, effective 1-26-44 and Am. 9, 11 F. R. 13489, effective 11-14-46]

(g) Sellers (distributors, traders, truckers, etc.) who cannot be classified as wholesalers or retailers under the provisions of Maximum Price Regulations 421, 422 and 423 shall use the maximum prices set forth in section 7 (c) (1) and (2) and 7 (f) (1), (2), (3) and (4) to the same classes of buyers.

[Paragraph (g) added by Am. 5, 9 F. R. 14429, effective 12-13-44 and amended by Am. 6, 10 F. R. 199, effective 1-9-45]

SEC. 8. *Maximum prices of packers for blends of syrups containing at least 5% country cane syrup by volume.* A packer of blends containing country cane syrup means any person who customarily stores, repacks or reloads various syrups and blends or mixes them with country cane syrup with or without processing the component syrup.

(a) Packers' maximum prices for delivery to the customary receiving point of the buyer in the "southern zone" for blends of corn syrup and cane syrup including country cane syrup of the following percentages and containing not more than 5% by volume of sugar syrup shall be as follows:

Range No.	Per cent of country cane syrup in blend type	6 No. 10 cans	12 No. 5 cans	24 No. 2½ cans	48 No. 1½ cans	24 No. 1½ cans
1	At least 5 but not more than 10	$3.32	$3.57	$3.82	$4.07	$2.08
2	More than 10 but not more than 15	3.47	3.72	3.97	4.22	2.16
3	More than 15 but not more than 20	3.52	3.77	4.02	4.27	2.18
4	More than 20 but not more than 25	3.67	3.92	4.17	4.42	2.26
5	More than 25 but not more than 30	3.71	3.96	4.21	4.46	2.28
6	More than 30 but not more than 35	3.86	4.11	4.36	4.61	2.35
7	More than 35 but not more than 40	3.91	4.16	4.41	4.66	2.38
8	More than 40 but not more than 45	4.06	4.31	4.56	4.81	2.46
9	More than 45 but not more than 50	4.10	4.35	4.60	4.85	2.47
10	More than 50 but not more than 55	4.25	4.50	4.75	5.00	2.55
11	More than 55 but not more than 60	4.30	4.55	4.80	5.05	2.58
12	More than 60	4.56	4.81	5.06	5.31	2.71

(1) The "Southern Zone" includes the states of Georgia, Alabama, Florida, North Carolina and South Carolina.

[Paragraph (a) amended by Am. 5, 9 F. R. 14429, effective 12-13-44]

(b) Maximum prices for delivery to the customary receiving point of the buyer outside the "Southern Zone," for packers located in the "Southern Zone," for blends of corn syrup and cane syrup, including country cane syrup, of the following percentages, and containing not more than 5% by volume of sugar syrup, shall be the following, f. o. b. Cairo, Georgia prices, plus the lowest available freight rate on an identical quantity from Cairo, Georgia, to the point of destination. For packers located outside the "Southern Zone," the maximum prices, delivered to the customary receiving point of the buyer outside the "Southern Zone," shall be the following, plus the freight actually paid up to but not in excess of the lowest available freight rate from the packer's mill to the point of destination.

[Above paragraph amended by Am. 7, 10 F. R. 5036, effective 5-9-45]

Range No.	Percent of country cane syrup in blend type	6 No. 10 cans	12 No. 5 cans	24 No. 2½ cans	48 No. 1½ cans	24 No. 1½ cans
1	At least 5 but not more than 10	$3.07	$3.32	$3.57	$3.82	$1.95
2	More than 10 but not more than 15	3.22	3.47	3.72	3.97	2.03
3	More than 15 but not more than 20	3.27	3.52	3.77	4.02	2.05
4	More than 20 but not more than 25	3.42	3.67	3.92	4.17	2.13
5	More than 25 but not more than 30	3.46	3.71	3.96	4.21	2.15
6	More than 30 but not more than 35	3.61	3.86	4.11	4.36	2.22
7	More than 35 but not more than 40	3.66	3.91	4.16	4.41	2.25
8	More than 40 but not more than 45	3.81	4.06	4.31	4.56	2.32
9	More than 45 but not more than 50	3.85	4.10	4.35	4.60	2.34
10	More than 50 but not more than 55	4.00	4.25	4.50	4.75	2.42
11	More than 55 but not more than 60	4.05	4.30	4.55	4.80	2.45
12	More than 60	4.31	4.56	4.81	5.06	2.58

(c) *Packers' maximum prices for blends of country cane syrup containing additional ingredients other than commercial cane syrup and corn syrup.* Packers may determine maximum prices for blends containing country cane syrup of the percentages set out above and additional ingredients other than commercial cane syrup and corn syrup by calculations as follows:

(1) If the blend contains more than 5% of sugar syrup the packer may add to the maximum price established for each range number in paragraphs (a) and (b) above a sum which is equal to the exact difference between the "cost" to him of the sugar syrup above 5% in the blend and an equal volume of corn syrup.

(i) "Cost" as used in this paragraph shall mean the highest legal price paid by a packer for his most recent purchase

[2] 11 F. R. 9069, 10291, 11696, 12358.
[3] 11 F. R. 6081, 7041, 8646, 8968, 9684, 10655, 10430, 11198, 12178.
[4] 11 F. R. 6397, 6763, 7041, 8646, 8968, 9697, 10655, 10430, 11198, 12179.
[5] 11 F. R. 6420, 6764, 7041, 8646, 8968, 9685, 10655, 10430, 11198, 12180.

of a customary quantity of either corn syrup or the other ingredient or ingredients which he is packing in the blend. Such "cost" shall be his delivered "cost" at his plant or factory. If the packer customarily purchased any of the above mentioned items otherwise than delivered to his plant or factory he shall determine his delivered "cost" by adding the transportation charges actually paid for delivering such item to his factory or plant at a rate not to exceed the lowest available freight rate to the f. o. b. price he paid for the item.

(2) If the packer packs a blend containing country cane syrup and any ingredient other than those provided for above, he shall add to or subtract from the maximum price established for each range number in paragraphs (a) and (b) above, the exact difference between the "cost" to him of such other ingredient and an equal volume of corn syrup and establish the maximum price for each range number listed above, pursuant to such addition or subtraction.

(3) Once the packer has determined his maximum price for any blend pursuant to (1) and (2) above, he shall not change such price except for manifest clerical error without written consent of the Office of Price Administration.

(4) [Revoked]

[Subparagraph (4) revoked by Am. 7, 10 F. R. 5036, effective 5-9-45]

(d) All of the above prices in this section 8 shall be for carload lots to the wholesale and chain store warehouse trade, and to commercial, industrial, institutional or governmental users.

[Paragraph (d) amended by Am. 1, 9 F. R. 795, effective 1-26-44]

(e) *Change of percentage of country cane syrup in blend resulting in a change of range number and price.* Whenever a packer desires to change the range number within which an established blend of syrup which he is packing falls by increasing or decreasing the amount of country cane syrup in the blend, he shall proceed as follows:

(1) If he wishes to increase the amount of country cane syrup in the blend so that the new blend comes within one of the higher range numbers established in paragraph (a) or (b) of this section and consequently commands a higher maximum price he must increase the total percentage of country cane syrup in the blend by not less than 5% by volume, for each higher range number pursuant to which he wishes to price the new blend. This increase in the percentage of country cane syrup shall be over and above the amount of country cane syrup which he packed in each blend of syrup on or prior to the 2d day of March 1943 and which he reported to the Office of Price Administration pursuant to paragraph (f) of this section.

Example 1: If a packer at or prior to the 2d day of March 1943, packed a blend in Range 4, containing 23% of country cane syrup and now desires to increase the amount of Georgia cane syrup in his blend so that he may price pursuant to Range No. 5—more than 25% but not more than 30%, he must add 5% to the 23% and pack a blend containing at least 28% of country cane syrup.

Example 2: If the above packer desires to go to Range No. 6—that is, a blend containing over 30% but not more than 35%, he must add 10% to the 23% and pack a blend containing at least 33% of Georgia cane syrup.

(2) If he wishes to decrease the amount of country cane syrup in the blend, so that the new blend comes within one of the lower range numbers and consequently commands a lower maximum price, he may not decrease the total percentage of country cane syrup in the blend by more than 5% by volume for each lower range number pursuant to which he wishes to price the new blend. This decrease shall be below the amount of country cane syrup which he has packed in each blend of syrup on or prior to the 2d day of March 1943 and which he has reported to the Office of Price Administration pursuant to paragraph (f) of this section.

Example 1: If a packer at or prior to the 2d day of March 1943, packed a blend in Range 4, containing 23% syrup and now wishes to decrease the amount of country cane syrup in the blend so that he is required to price pursuant to Range 3—more than 15% but not more than 20% of country cane syrup, he may not reduce the amount of country cane syrup in the blend more than 5% and must put at least 18% of country cane syrup, by volume, in his blend.

Example 2: If the above packer desires to change the above 23% blend and price his new blend pursuant to Range No. 2—that is, a blend containing more than 10% but not more than 15% of country cane syrup, he may not reduce the percentage of country cane syrup in the new blend more than 10% and must put at least 13% of country cane syrup, by volume, in his new blend.

(3) In no event shall a packer who increases the percentage of country cane syrup in his blend and prices the new blend pursuant to subparagraph (1) of this paragraph, increase the blend by less than the amount provided in said subparagraph. The increase so provided shall determine the minimum amount of country cane syrup in the blend. If he desires to alter the percentage of country cane syrup in the blend he is now pricing pursuant to subparagraph (1) to insure uniformity, he shall do so only by increasing the amount of country cane syrup, but may never decrease it. If he adds less than the percentage of country cane syrup provided in subparagraph (1), he may not increase his maximum price despite the fact that such increase may actually bring the blend within the higher range specified in paragraphs (a) and (b) of this section.

(4) In no event shall a packer who decreases the amount of country cane syrup in his blend and prices pursuant to a lower number range decrease the percentage of country cane syrup by more than 5% for each lower range to which he goes. The decrease so provided shall determine the minimum amount of country cane syrup in the blend. If he desires to alter the amount of country cane syrup in the blend he is now pricing pursuant to subparagraph (2) to insure uniformity, he may do so by increasing the amount of country cane syrup but may never decrease it. If he decreases the percentage by more than 5% per range, he shall be deemed to have decreased it by 10% and be required to price at the next lower range than the one in which the percentage of country cane syrup in the blend actually places it.

(f) *Reports.* Within 30 days after the 2d day of March 1943 or within 30 days after a person starts packing any blend of syrup containing country cane syrup, he shall report to the Price Branch, Sugar Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., the exact percentage by volume of all syrups which he packed in each of his blends on the 2d day of March 1943 or prior thereto when he last packed such blend, or if he did not pack country cane syrup in blends at that time or prior thereto, the exact percentage by volume of all syrups in each blend when he began packing such blends.

(1) Any packer who desires to change the percentage of country cane syrup pursuant to paragraph (e) of this section, shall report to the Price Branch, Sugar Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., at or prior to the time that he first makes such change in his blend, (1) the brand name and percentage of country cane syrup in the blend from which he is changing, (2) the amount of country cane syrup in that blend on the 2d day of March 1943, which he reported pursuant to this paragraph (f), (3) the amount of country cane syrup which he now intends to pack in the blend, and (4) a statement that he has complied with the provisions of paragraph (e) of this section.

[Subparagraph (1) amended by Am. 1, 9 F. R. 795, effective 1-26-44]

(2) Any packer who established maximum prices pursuant to paragraph (c) of this section, shall complete and mail or otherwise deliver at or before the time of his first delivery, to each purchaser of such blends of syrup a notice to read as follows:

Our new maximum price for ---------- brand of syrup is $--- per case of --- (delivered in the southern zone f. o. b. Cairo, Georgia). This maximum price is authorized by the Office of Price Administration, Office of Temporary Controls, and has been established pursuant to section 8 (c) of Revised Maximum Price Regulation No. 291.

(g) [Revoked]

[Paragraph (g) revoked by Am. 1, 9 F. R. 795, effective 1-26-44]

SEC. 8a. *Sales of blends of syrups by packers on and after August 30, 1946*—(a) *Maximum prices.* On and after December 6, 1946, a packer's maximum price for any item of a blend of syrups containing at least 5% country cane syrup by volume shall be:

[Above paragraph amended by Am. 11, 11 F. R. 14162, effective 12-6-46]

(1) His maximum price for that item as established under this regulation prior to August 30, 1946;

(2) Plus an amount calculated as follows:

(i) Determine the net weight of each pure syrup contained in the sales unit in pounds and fractions thereof;

(ii) Multiply each of the net weights found in (i) by the applicable amount set out in the following table:

Pure syrups:	Permitted increase per pound
Corn syrup	$0.0098
Commercial cane syrup	.0088
Country cane syrup	.0158
Maple syrup	.10
Second molasses	.0017
Direct consumption sugar, solid content	.0255
Liquid malt syrup	.0052
Refiners syrup, sugar solids content	.02

NOTE: The increase permitted for refiners syrup contained in an item applies only to the sugar solids content of the refiners syrup.

[Subparagraph (ii) amended by Am. 11, 11 F. R. 14162, effective 12-6-46]

(iii) Total the results obtained in (ii);

(iv) From the figure obtained in (iii) subtract $0.0017 per pound for each pound of first molasses, if any, contained in the item;

(3) Plus an additional amount of $0.0144 per pound for each pound or fraction thereof of corn syrup, but only during such time as corn is not subject to price control.

In the event that corn becomes subject to price control the ceiling price shall be the sum of paragraphs (1) and (2) above.

(b) *Notification of new maximum prices.* With the first delivery after December 6, 1946, of any item of a blend of syrup containing at least 5% country cane syrup by volume, in any case where a seller determines his maximum price pursuant to this section, and with the first delivery after any change in his maximum price, he shall:

[Above paragraph amended by Am. 11, 11 F. R. 14162, effective 12-6-46]

(1) Supply each wholesaler and retailer, subject to MPRs 421, 422 or 423 who purchases from him with written notice, reading as follows:

---------- (Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, grade, brand and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under MPRs 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier with this notification after (insert effective date of change in price). You must refigure your ceiling price following the rules in section 6 of MPR Nos. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining such maximum price and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each case, carton or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

(c) *Information to be filed.* Each packer who determines a price for any blend of syrup containing at least 5% country cane syrup by volume pursuant to this section 8a shall file the following information with the Price Branch, Sugar Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C.:

(1) His maximum selling price for each item as determined under Revised Maximum Price Regulation 291 prior to August 30, 1946;

(2) The net weight of each kind of pure syrup contained in each item of blend of syrup containing at least 5% country cane syrup by volume which he sells, and, if any such item contains refiners syrup, the sugar solids content in pounds of such refiners syrup; and

[Subparagraph (2) amended by Am. 11, 11 F. R. 14162, effective 12-6-46]

(3) His new maximum selling price as determined pursuant to this section 8a.

This information is to be submitted on Form 6035-2877 (Revised) copies of which may be obtained from the Sugar Branch Office for the area in which his principal place of business is located. One copy of this report shall be filed on or before December 21, 1946.

[Above paragraph amended by Am. 11]

[Sec. 8a added by Am. 8, 11 F. R. 9526, effective 8-30-46 and amended as otherwise noted]

SEC. 9. *Maximum prices for syrups and molasses packed in containers other than tin cans*—(a) *Procedure for calculating maximum prices.* A person shall calculate his maximum price for an item of syrup or molasses, prices for which are specified as packed in tin cans in this regulation when packed in containers other than tin cans in the following manner:

[Above paragraph amended by Am. 2, 9 F. R. 2562, effective 3-11-44]

(1) Determine the size of the can container which is closest in net content to the container other than a tin can;

(2) Take the maximum price for the corresponding case of this size of container;

(3) Deduct from this maximum price the total cost of cans, case and labels;

(4) Divide the resulting figure by the number of units of contents (ounces, pounds, pints or the like) in the case;

(5) Multiply the resulting figure by the number of units of contents (ounces, pounds, pints or the like) in the case for which he is determining his price;

(6) Add to the figure obtained in (5) above the total cost of the new containers, case, labels, to obtain the maximum price for the case packed in the container other than a tin can, except as provided below:

(7) Where the container other than tin for which a person is calculating a maximum price is a glass container, the following sums may be added for direct packing labor costs:

(i) Not more than 4¢ per case for that size of glass container which corresponds in net volume to the No. 10 tin can, providing that the net contents of the case of glass containers is equal to or in excess of 5 gallons.

(ii) Not more than 4½¢ per case for those sizes of glass containers which correspond in net volume to the No. 5 can, the No. 2½ can, or the No. 1½ can respectively: *Provided,* That the net contents of the case of glass containers is equal to or in excess of 5 gallons.

(iii) Where the net contents of the case of glass containers is less than 5 gallons, not more than that portion of the sum allowed in (i) or (ii) above which is equal to the proportion which the net contents of the case of glass containers bears to 5 gallons.

Example 1: Where a packer now packs a 110 liquid ounce glass jar, 6 jars to the case, he may add 4¢ per case for direct labor because the 110 liquid ounce glass jar corresponds to the No. 10 tin can, and further six 110 ounce glass jars have a net content which is equal to or in excess of 5 gallons.

Example 2: Where a packer now packs a 55 liquid ounce glass jar, 12 jars to the case, he may add 4½¢ per case because the net content of the glass jar corresponds to the No. 5 tin can and the net content of the case is equal to or in excess of 5 gallons.

Example 3: Where a packer now packs a 13 liquid ounce glass jar, 24 jars to the case, he may add 2.1938¢ per case for direct packing labor costs. This sum is arrived at as follows: The 13 liquid ounce jar corresponds to the No. 1½ tin can. The packer is therefore permitted to add 4.5¢ per case for direct packing labor if the net contents of the case is equal to or exceeds 5 gallons or 640 liquid ounces. The net contents of the case can be determined by multiplying the net volume of one jar, 13 ounces, by the number of jars in the case, 24. Thus, 13×24=312 liquid ounces. This is less than 5 gallons or 640 liquid ounces. The packer is, therefore, entitled to only that part of 4.5¢ which is equal to the portion that the net contents of the case, 312 ounces, bears to 5 gallons, 640 ounces. To determine this portion, the packer must divide the net contents of the case by the number of liquid ounces in 5 gallons.

$$640\overline{)312.0000}\quad .4875$$

The net contents of this case is .4875 of 5 gallons. The amount the packer is entitled to add for direct labor costs is equal to this portion of 4.5¢. Thus the packer multiplies .4875 by 4.5 (.4875×4.5=2.19375) and gets the sum of 2.1938¢, the amount given above in the first sentence.

(8) The figure obtained by adding the allowance provided in (7) above to the figure resulting from (6) above, is the maximum price for the appropriate case packed in glass containers.

(9) All the above calculations shall be carried to the fourth decimal of a cent.

(b) *Fractions of a cent.* In determining the sales price for cases of such other containers, the seller shall adjust fractions of one-half cent or more to the next higher cent, and fractions of less than one-half cent to the next lower cent, but only in the final calculation.

(c) *Report of prices.* A person, within ten days after determining his maximum price under the provisions of this section, shall furnish to the Sugar Branch, Price Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., the following information in a signed statement:

(1) The kind, brand and grade of the item for which a maximum price is determined;

(2) The size of the newly priced container, the net content thereof by weight or volume, and the number of containers in the case;

(3) The size of the tin container used as a base, the net content thereof by weight or volume, and the number of containers in the case;

(4) The maximum price or prices determined for each class of purchasers to which he sells;

(5) The figures showing the actual calculation of such maximum price.

Maximum prices calculated as above shall be deemed approved on the 15th day following the receipt of report by the Office of Price Administration, Office of Temporary Controls, Washington, D. C., if no objection is made within that time by the Administrator.

[Above paragraph added by Am. 5, 9 F. R. 14429, effective 12-13-44]

(d) *Notification of the new maximum price.* Any person who determines the maximum price for an item of syrup or molasses in accordance with the provisions of this section shall accompany the first delivery of each such product to the purchaser with a statement in writing in which he shall state:

(1) The maximum price in the new container and that the price charged is at or below the maximum price:

(2) That the maximum price to such purchaser is determined in accordance with this section.

(e) *Adjustment of maximum prices.* Any price determined pursuant to this section shall be subject to adjustment at any time by the Office of Price Administration, Office of Temporary Controls.

SEC. 9a. *Maximum prices for syrups and molasses packed in tin containers of odd sizes.* The maximum price for an item of syrup or molasses of the types covered in this regulation when packed in an odd-size tin container, that is, a size for which a maximum prices is not specifically provided, shall be determined in the same manner as that provided for changes of packing from tin containers to glass containers set out in section 9, with the exception of allowance for labor.

Example: A producer-packer would arrive at a price for a case of 24-10 fluid ounce containers of country cane syrup to be sold on a delivered basis to the customary receiving points of buyers in the "southern zone" as follows:

1. By examination of the schedule of prices in section 7 (c) (1), determine that the No. 1½ can holding 12 fluid ounces is closest in size to the 10 fluid ounce tin which he desires to price.

2. Determine from the same section that the maximum price for the corresponding case of this size of container is $3.35.

3. Deduct from this maximum price his total cost of cans, case and labels per case of 24 No. 1½ cans.

4. Divide the resulting figure by 288, the number of fluid ounces in the case of 24 12-ounce No. 1½ cans, to determine the value of the syrup per ounce in container.

5. Multiply the resulting figure by 240, the number of ounces per case of 24-10 ounce containers, the new size.

6. Add to the resulting figure the cost of the new containers, can and labels to obtain the new maximum price per case of 24 10-ounce containers.

[Example amended by Am. 12, effective 3-18-47]

[Sec. 9a added by Am. 5]

SEC. 10. *Maximum prices for first molasses.*—(a) *Producers' maximum prices for first molasses.* Producers' maximum prices for first molasses to all classes of purchasers shall be:

$0.38 per gallon net f. o. b. producer's mill or factory in tank cars or tank trucks furnished by the buyer.

$0.38½ per gallon net f. o. b. producer's mill or factory in barrels or half-barrels furnished by the buyer.

SEC. 10a. *Maximum prices for second molasses.*—(a) *Producers' maximum prices for second molasses.* Producers' maximum prices for second molasses (boilback) to all classes of purchasers shall be:

$0.28 per gallon net f. o. b. producer's mill or factory in tank cars or tank trucks furnished by the buyer.

$0.28½ per gallon net f. o. b. producer's mill or factory in barrels or half-barrels furnished by the buyer.

[Sec. 10a, formerly sec. 11, redesignated and a new sec. 11 added by Am. 10, 11 F. R. 13583, effective 11-18-46]

SEC. 11. *Maximum prices for sales of first molasses and second molasses except producers' bulk sales and sales subject to Maximum Price Regulations Nos. 421, 422 or 423.* (a) On and after November 29, 1946, a seller's maximum price for sales of any item of first molasses or second molasses, except sales subject to sections 10 or 10a above or sales subject to Maximum Price Regulations Nos. 421, 422 or 423, shall be the highest price which he charged for the same item during March 1942 to a purchaser of the same class.

(b) If a seller cannot determine his maximum price under the foregoing paragraph (a), he shall file an application for a maximum price with the nearest Sugar Branch Office of the Office of Price Administration. The Administrator, any regional administrator or any Sugar Branch director authorized by the appropriate regional administrator may determine a maximum price in line with existing prices after an examination of the application which shall set forth the following information:

(1) A description of the grade or brand, if any, of the molasses including the degree of Baumé, color, the size of the containers and number of containers in the case and a statement of facts which differentiates the item from the most similar item for which a maximum price has been established under the provisions of this regulation, along with any other information that may be required.

(2) The "Factory Door Cost" per unit of the item, which shall include all direct and indirect costs and expenses chargeable to the production of the item, but shall not include costs and expenses chargeable to administration, selling, advertising or transportation. Also identical current cost breakdown of the seller's most closely comparable item which contributes substantially to his total volume of business.

SEC. 11a [Deleted].

[Sec. 11a added by Am. 3, 9 F. R. 3647, 4196, effective 4-8-44; amended by Am. 4, 9 F. R. 13852, effective 11-25-44; Am. 10, 11 F. R. 13583, effective 11-18-46 and deleted by Am. 12, effective 3-18-47]

SEC. 12. *Maximum prices for syrups and molasses for which no specific maximum price has been established.* (a) The maximum price for any item of syrup or molasses subject to the provisions of this regulation and for which a maximum price cannot be established pursuant to this regulation shall be the highest price which the seller charged for the same item during March 1942 to a purchaser of the same class.

(b) If the seller cannot determine his price under paragraph (a) above of this section, he shall file an application for a maximum price with the nearest Sugar Branch Office of the Office of Price Administration, Office of Temporary Controls. The Administrator, any regional administrator, or any Sugar Branch director authorized by the appropriate regional administrator may determine a price in line with existing prices after an examination of the application which shall set forth the following information:

(1) A description of the grade, or brand, if any, of the syrup or molasses including the degree of Baumé, color, the size of the containers and number of containers in the case and a statement of facts which differentiates the item from the most similar item for which a maximum price has been established under the provisions of this regulation, along with any other information that may be required.

(2) The "Factory Door Cost" per unit of the item, which shall include all direct and indirect costs, and expenses chargeable to the production of the item but shall not include costs and expenses chargeable to administration, selling, advertising or transportation. Also identical cost breakdown of the seller's most closely comparable item which contributes substantially to his total volume of business.

(3) Applications from producers and producer-packers shall also include (i) the yield of first and second molasses and raw or direct-consumption sugar per ton of cane and (ii) a description of all other items produced by the applicant from sugar cane and the yield of each per ton of cane.

[Sec. 12 amended and sec. 12a added by Am. 10, 11 F. R. 13583, effective 11-18-46]

SEC. 12a. *Notification to wholesalers and retailers of authorized change in maximum price.* With the first delivery of an item of syrup or molasses after the effective date of any provision in the regulation establishing a new maximum price for that item, the seller shall supply each purchaser with a written statement showing that price and for each wholesaler and retailer who purchases from him the statement shall be as follows:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by variety, grade, brand, if any, container type and size) has been established by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier with this notification on or after (insert effective date of the applicable amendment). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after the seller has established his new maximum price under this regulation and with his first shipment after the 60-day period to each purchaser who has not made a purchase within that time, he shall include the notice set forth above in each case or carton containing the item, or securely attach it to the case or carton, or insert it on or attach it to the invoice covering the shipment.

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 13. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, transfer, or receipt of, syrups or molasses, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding or otherwise. Specifically, the provisions of this regulation shall not be evaded by a producer selling syrups and molasses in tank cars, tank trucks or barrel lots at prices provided for packers by temporarily storing and repacking syrups and molasses which he would ordinarily have delivered at producers' prices after production.

SEC. 14. *Enforcement.* Any person who violates a provision of this Revised Maximum Price Regulation No. 291 is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by Emergency Price Control Act of 1942, as amended.

SEC. 15. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. No person may deliver or agree to deliver at a price to be adjusted upward after delivery except upon authorization of the Office of Price Administration, Office of Temporary Controls. Such authorization may be given when a request for a change in the applicable maximum price is pending, if the authorization is deemed necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration, Office of Temporary Controls, having authority to act upon the pending request for a change in price or to whom authority to grant such authorization has been delegated. The authorization will be by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 16. *Applicability of the General Maximum Price Regulation.* (a) This Revised Maximum Price Regulation No. 291 supersedes the provisions of the General Maximum Price Regulation with respect to the sales of syrups and molasses for which maximum prices are established by this regulation: *Provided*, That the following sections of the General Maximum Price Regulation and the amendments thereto, and Revised Supplementary Regulation 4 shall be applicable to every person making sales and deliveries covered by this Maximum Price Regulation No. 291.

(1) § 1499.14 (Sales slips and receipts)
(2) § 1499.15 (Registration)
(3) § 1499.16 (Licensing) (Except at the producers level)
(4) § 1499.29 (a) (5) (Developmental contracts)
(5) § 1499.29 (a) (6) (Secret contracts)
(6) § 1499.29 (a) (7) (Emergency purchases)
(7) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such department's sales stores.)

SEC. 17. *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 291, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successor, or representatives of any of the foregoing, and includes the United States, or any agency thereof, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Customary receiving point" means the place where the particular buyer has customarily received syrup. The prices named include all transportation to that point. In each case the amount paid by the buyer for the commodity, plus the amount of transportation also paid by the buyer to the seller shall not exceed the applicable delivered maximum price for delivery at that point. In cases where the seller is dealing with the buyer for the first time after the effective date of this regulation, the "customary receiving point" means the buyers' place of business.

[Subparagraph (2) added by Am. 5, 11 F. R. 14429, effective 12-13-44]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and the General Maximum Price Regulation shall apply to other terms used herein.

SEC. 18. *Records and reports.* (a) Every seller who makes sales of syrups and molasses after the effective date of this regulation shall make and preserve for examination by the Office of Price Administration, Office of Temporary Controls, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of all sales made showing the quantity sold, terms of sale, price received, and name and address of the purchaser, as well as all records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

(b) [Revoked]

[Paragraph (b) revoked by Am. 7, 10 F. R. 5036, effective 5-9-45]

SEC. 19. *Transfers of business or stock in trade.* If the business or stock in trade of a seller of syrups and molasses covered by this regulation is sold or otherwise transferred on or after the effective date of this regulation or the effective date of any amendment as to the commodities covered by an amendment, and the transferee continues the business, the maximum prices of the transferee shall be the same as those which the transferor would have been subject to if no transfer had taken place, and his obligation to keep records sufficient to verify these prices shall be the same. The transferor shall either preserve and make available, or shall turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

[Sec. 19 amended by Am. 2, 9 F. R. 2562, effective 3-11-44]

SEC. 20. *Federal and State taxes.* Any tax upon, or incident to, the sales, delivery, processing, or use of syrups or molasses imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such syrups or molasses and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this regulation for each kind of syrup and molasses.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this regulation.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this regulation.

(b) *As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for each kind of syrup and molasses.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor, and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 21. *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 291 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 [1] issued by the Office of Price Administration.

Effective date. This regulation shall become effective December 11, 1943. [RMPR 291 originally issued December 6, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[Amendment 12 approved by Clinton P. Anderson, Secretary of Agriculture, on March 5, 1947]

Statement of the Considerations Involved in the Issuance of Amendment No. 12 to Revised Maximum Price Regulation 291

The accompanying amendment to Revised Maximum Price Regulation 291 is a clarifying one, deleting the sections dealing with cane sugar blackstrap molasses and beet sugar final molasses, sections 1 (e) and 11a, in accordance with the action taken by Amendment 2 to Supplementary Order 193, which decontrolled those items as of January 29, 1947; and changing the figures in the example in section 9a so that they will conform with the changes made by Amendment 9 to RMPR 291 in producer-packers' prices for country cane syrup.

[F. R. Doc. 47-2485; Filed, Mar. 13, 1947; 11:09 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 653, Corr. to Amdt. 3]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128), and good cause appearing therefor, it is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars,* of Service Order No. 653, as amended, be, and it is hereby, further amended by adding the following paragraph (c) (5) thereto:

(c) *Application.* * * *

(5) *Demurrage charges substituted for charges for storage of freight in closed box cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in gondola, open or covered hopper cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided herein.

(ii) In lieu of the charges for storage of freight in gondola, open or covered hopper cars at or short of ports suspended in subparagraph (5) (i) of this paragraph, the applicable charges for detention of gondola, open or covered hopper cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs (a) and (b) of this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2398; Filed, Mar. 13, 1947; 8:46 a. m.]

[S. O. 696, Corr.]

PART 95—CAR SERVICE

PRIORITY FOR EXPORT MAINE POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that the President of the United States has instructed various Government agencies to put into effect a number of emergency measures designed to help meet critically urgent needs for foodstuffs in various foreign countries, and that the President has directed that specific preference will be given to the rail movement of essential foods in order promptly to export maximum quantities to the destinations where most needed; that upon representations from the Office of Defense Transportation, and due to the fact that there exists a shortage of refrigerator cars for the movement of this traffic, the Commission is of opinion that an emergency exists in the State of Maine, it is ordered, that:

§ 95.696 *Priority for export Maine potatoes*—(a) *Priority to be accorded.* All common carriers by railroad subject to the Interstate Commerce Act, serving points located in the State of Maine, shall give preference and priority over all other traffic to supplying or placing not to exceed one hundred fifty (150) refrigerator cars each working day for loading potatoes consigned to the United States Army, Portland, Maine, providing the shipper or consignor obtains a certificate in writing from the agent appointed herein, and further providing the shipper or consignor certifies in writing on the car order that such refrigerator car is intended for the transportation of potatoes pursuant to this section.

(b) *Appointment of agent.* Joseph E. Barr, Smith Bldg., telephone Presque Isle 2-3421, Presque Isle, Maine, is hereby appointed agent for the purpose of issuing certificates in accordance with this section. The agent appointed by this section will be under the direction and supervision of V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, and he shall each day mail to the said director a copy of each certificate issued that day.

(c) *Potatoes not meeting grades.* No common carrier subject to the Interstate Commerce Act shall transport or move a refrigerator car accorded a priority under this section and loaded with potatoes unless or until it has knowledge that the potatoes loaded in the said car are of the grade or grades required by the United States Army.

(d) *Rules suspended.* The operation of all rules, regulations or practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(e) *Effective date.* This section shall become effective at 12:01 a. m., March 11, 1947.

(f) *Expiration date.* This section shall expire at 11:59 p. m., April 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2401; Filed, Mar. 13, 1947; 8:46 a. m.]

[1] 9 F. R. 10476, 13715, 10 F. R. 11295.

[Rev. S. O. 689]

PART 97—ROUTING OF TRAFFIC

RETURNING EMPTY REFRIGERATOR CARS THROUGH CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of March A. D. 1947.

It appearing, that the Belt Railway Company of Chicago and the Indiana Harbor Belt Railroad Company in return movement are engaging in the practice of returning the identical empty refrigerator car to the railroad from which it was received under load with perishable traffic, thus causing additional switching resulting in delay to the movement of such empty refrigerator cars; in the opinion of the Commission an emergency requiring immediate action exists in the Chicago Switching District. It is ordered, that:

§ 97.689 *Returning empty refrigerator cars through Chicago, Ill.* (a) The Belt Railway Company of Chicago and the Indiana Harbor Belt Railroad Company shall receive from each line haul railroad an equal number of return empty refrigerator cars as were delivered to each line haul railroad in loaded movement, as ordered by this Commission's Refrigerator Car Agent C. W. Taylor, 59 East Van Buren Street, Chicago, Illinois, regardless of ownership or markings of particular cars.

(b) *Application.* The provisions of this section shall apply to interstate and foreign commerce.

(c) *Rules, regulations and practices suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this section, is hereby suspended.

(d) *Effective date.* This section shall become effective at 12:01 a. m., March 11, 1947.

(e) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Belt Railway Company of Chicago and the Indiana Harbor Belt Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2399; Filed, Mar. 13, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 942]

HANDLING OF MILK IN THE NEW ORLEANS, LA., MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS

Pursuant to the rules of practice and procedure, as amended, covering proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737), notice is hereby given of the filing with the Hearing Clerk of this report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and a proposed marketing agreement, regulating the handling of milk in the New Orleans, Louisiana, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

Interested parties may file exceptions to this report with the Hearing Clerk, Office of the Solicitor, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Dairy Farmers Cooperative Association, Kentwood, Louisiana. Additional proposals for consideration were submitted by the United Milk Producers of America, Amite, Louisiana, the Dairy Branch, Production and Marketing Administration, and by numerous handlers. The public hearing was held at New Orleans, Louisiana, December 19-20, 1946.

The principal issues developed at the hearing were concerned with the following:

1. The addition of definitions for "new producer," and "producer-handler";

2. The responsibility of handlers for classification and payment of milk;

3. The revision of the method of allocating milk classified to the receipts of milk from producers and other sources;

4. The utilization of producer milk in Class II and Class III by some handlers while other handlers are utilizing receipts from other sources in Class I.

5. The revision of the basic formula prices upon which class prices are determined, the addition of an alternate basic formula composed of dairy feed prices, and the seasonal level of class prices;

6. The revision of application of various provisions of the order with respect to producer-handlers;

7. A revision of the method of payments to producers for milk by withholding a specified amount from payments made during the flush months of production which would be added to payments made for milk during the short months of production; and

8. The inclusion of an individual-handler pool instead of the present market-wide pool.

The conclusions reached with respect to these issues, together with some of the supporting reasons for such conclusions, are set forth below:

(1) The term "producer-handler" should be included to distinguish between the various operations of handlers who receive no milk from producers.

The term "new producer" should not be included in view of the short supply of milk;

(2) The responsibility of handlers in establishing the classification of skim milk and butterfat should be revised for purposes of clarification;

(3) Actual plant shrinkage of milk received from producers not in excess of two percent of the skim milk and butterfat therein should be allocated to milk received from producers irrespective of the allocation of milk received from "other sources."

Transfers of milk should not operate to prevent producer milk from being allocated to the highest available priced classification; furthermore, in order to obtain greater utilization of producer milk in Class I and to facilitate transfers of producers' milk between handlers, the market administrator may announce the names of handlers who do not have sufficient producer milk to meet their Class I requirements, the names of handlers who have producer milk in excess of their Class I requirements, and the percent that receipts of skim milk and butterfat in producer milk is of the utilization of skim milk and butterfat, respectively, in Class I.

(4) The classification of producer milk should be revised to provide that no producer skim milk or butterfat, as the case may be, shall be classified as Class II or Class III, during the months of August through March, if the receipts of skim milk or butterfat in producer milk during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, in Class I.

(5) The basic formula price provisions upon which Class I and Class II prices for milk of 4.0 percent butterfat are determined should be revised to conform with such class price determinations by adding the value of 0.5 percent of butterfat to the present basic formula price for milk of 3.5 percent butterfat.

An alternate basic formula price composed of dairy feed prices should not be included since such formula does not reflect milk supply and demand conditions currently.

The Class I and Class II price differentials should be revised. Beginning April 1, 1948, such differentials should be relatively higher during the months of August through March and relatively lower during the months of April through July in order to reflect the major portion of the price increases seasonally so as to encourage a shift to fall milk production.

(6) The application of the various provisions of the order, as amended, should be revised to consider a producer-handler as a producer with respect to milk, skim milk, or cream disposed of in bulk to a handler (including another producer-handler);

(7) A revision of the method of payments to producers for milk by withholding a specified amount from payments made during the flush months of production which would be added to payments for milk during the short months of production should not be adopted;

(8) An individual-handler pool should not be adopted at this time; and

(9) Numerous changes in language for the purpose of clarifying the present provisions of the order, as amended, should be made.

The following provisions are recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because its substantive provisions would be the same as those set forth below with respect to the order, as amended.

§ 942.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area," means the cities, towns, and villages of New Orleans in Orleans Parish; Gretna, Westwego, Marrero, Harvey, Metairie, and Belle Chasse in Jefferson Parish; Poydras, St. Bernard, Violet, Meraux, Chalmette, and Arbai in St. Bernard Parish; all in the State of Louisiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means a person who in conformity with the applicable health regulations for milk for consumption as milk in the marketing area produces milk which is received at a city or country plant.

(f) "Handler" means a person who operates a city or country plant.

(g) "City plant" means a plant where milk is processed and packaged and from which milk is distributed as Class I milk in the marketing area.

(h) "Country plant" means a plant at which milk is received from producers and from which milk or cream is received at a city plant.

(i) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(j) "Market administrator" means the agency which is described in § 942.2 for the administration hereof.

(k) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in sale of milk of its members.

(l) "Other sources" means sources other than producers or other handlers.

(m) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or from other producer-handlers in bulk: *Provided*, That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 942.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Report to the Secretary complaints of violations of the provisions hereof.

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(4) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay out of the funds provided by § 942.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 942.3 or (ii) made payments pursuant to § 942.8 and § 942.9.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 942.3 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day of each delivery period, each handler, except as set forth in paragraph (c) of this section, shall report to the market administrator in the detail and on forms prescribed by the market administrator, with respect to all milk and any skim milk, cream, or other milk products which were, during the preceding delivery period, purchased or received from (i) producers, (ii) other handlers, and (iii) other sources; the receipts at each plant; the butterfat content; and the utilization thereof.

(b) *Reports of payments to producers.* On or before the 20th day of each delivery period, each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show the total pounds of milk received from each producer, the average butterfat content of such milk, and the net amount of payment to such producer with the prices, deductions, and charges involved.

(c) *Reports of producer-handlers.* Producer-handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(d) *Verificaton of reports and payments.* The market administrator shall verify all reports and payments of each handler by audits of such handler's records and the records of any other handler or person upon whose utilization the classification of milk depends. Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and utilization of all skim milk and butterfat and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content milk and milk products; and

(3) Verify payments to producers.

§ 942.4 *Classification*—(a) *Basis of classification.* All skim milk and butterfat contained in milk and in skim milk, cream, and other milk products required to be reported shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c) and (d) of this section, the classes of utilization of milk shall be: *Provided*, That no skim milk or butterfat, as the case may be, shall be classified as Class II or Class III, by any handler, during any of the delivery periods of August through March if the total receipts of skim milk or butterfat in milk received from producers during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1), (2), and (3) of this paragraph):

(1) Class I shall be all skim milk and butterfat the utilization of which is not established as Class II or Class III.

(2) Class II shall be all skim milk and butterfat used in cheese other than Cheddar, ice cream, and ice cream mix.

(3) Class III shall be all skim milk and butterfat (i) disposed of other than in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream (for consumption as cream, including any mixture of cream and milk or skim milk, in fluid form irrespective of the butterfat content), cheese other than Cheddar, ice cream, and ice cream mix; and (ii) accounted for as actual plant shrinkage, but not in excess of 2 percent respectively of the total receipts of skim milk and butterfat from producers.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraphs (b) and (d) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if such skim milk or butterfat is later used or disposed of (whether in original or other form) by any handler in another class, in accordance with such latter use or disposition.

(d) *Transfers.* (1) Subject to the conditions set forth in paragraph (c) of this section, skim milk and butterfat, when transferred in the form of milk, skim milk, or cream from a handler who purchases or receives milk from producers shall be classified (i) in the class in which such skim milk and butterfat was used if transferred to a handler who is not a producer-handler; (ii) as Class I, if transferred to a producer-handler; (iii) as Class I, if transferred to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such; and (iv) in the class in which the market administrator determines such skim milk or butterfat was used, if transferred to a person, other than a handler, who does not distribute milk or cream in fluid form for consumption as such.

(2) No provision relative to transfers provided for in subparagraph (1) of this paragraph shall operate to deter the prior subtraction of skim milk or butterfat from other sources pursuant to paragraph (f) of this section. Any quantity reported for allocation to a particular class but not elegible therefor because of paragraph (f) of this section shall be allocated by the market administrator as Class I skim milk or Class I butterfat pending verification and appropriate allocation.

(e) *Computation of the skim milk and butterfat in each class.* For each delivery period, the market administrator in the case of each handler shall determine:

(1) The total pounds of skim milk received by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce any milk products received, and subtracting therefrom the total pounds of butterfat determined pursuant to subparagraph (2) of this paragraph.

(2) The total pounds of butterfat received by adding into one sum the pounds of butterfat received from (i) producers; (ii) other handlers; and (iii) other sources.

(3) The total pounds of skim milk in Class I by (i) adding together the pounds of milk, skim milk, and cream disposed of in each of the several products of Class I, (ii) subtracting the result obtained in subparagraph (4) (i) of this paragraph; and (iii) adding together the result obtained in (ii) of this subparagraph and the result obtained in subparagraph (7) (iii) (*b*) of this paragraph.

(4) The total pounds of butterfat in Class I by (i) adding together the pounds of butterfat in each of the several products of Class I; and (ii) adding together the result obtained in subdivision (i) of this subparagraph and the result obtained in subparagraph (8) (ii) (*b*) of this paragraph.

(5) The total pounds of skim milk in Class II by (i) adding together the pounds of milk, skim milk, and cream which are used to produce each of the several products of Class II; and (ii) subtracting the result obtained in subparagraph (6) of this paragraph.

(6) The total pounds of butterfat in Class II by adding together the pounds of butterfat used in each of the several products of Class II.

(7) The total pounds of skim milk in Class III by (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class III; (ii) subtracting the result obtained in subparagraph (8) (i) of this paragraph; (iii) subtracting from the result obtained in subparagraph (1) of this paragraph the results obtained in subparagraph (3) (ii) and (5) (ii) of this paragraph and subdivision (ii) of this subparagraph, which resulting amount shall be classified as follows: (*a*) That portion not in excess of 2 percent of total receipts of skim milk from producers shall be considered as plant shrinkage and classified as Class III; and (*b*) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I; and (iii) adding together the results obtained in subdivisions (i) and (ii) (*a*) of this subparagraph.

(8) The total pounds of butterfat in Class III by (i) adding together the pounds of butterfat used in each of the several products of Class III; (ii) subtracting from the result obtained in subparagraph (2) of this paragraph the results obtained in subparagraphs (4) (i) and (6) of this paragraph and subdivision (i) of this subparagraph, which resulting amount shall be classified as follows: (*a*) That portion not in excess of 2 percent of total receipts of butterfat from producers shall be considered as plant shrinkage and classified as Class III; and (*b*) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I; and (iii) adding together the results obtained in subdivisions (i) and (ii) (*a*) of this subparagraph.

(f) *Allocations of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds allocated to milk received from producers, and shall be known as the "net pooled skim milk" in such class for such handler:

(i) Subtract from the total pounds of skim milk in Class III the plant shrinkage of skim milk in Class III, computed pursuant to paragraph (e) (7) (iii) (*a*) of this section;

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available class, the pounds of skim milk received from other sources;

(iii) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers and used in such class; and

(iv) Add to the remaining pounds of skim milk in Class III the amount subtracted pursuant to subdivision (i) of this subparagraph. If the remaining total pounds of skim milk in all classes exceed the total pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk (except that the reference paragraph (e) (8) (ii) (*a*) of this section shall be substituted for the designated reference (e) (7) (iii) (*a*) set forth in subparagraph (1) (i) of this paragraph). The resulting pounds of butterfat in each class shall be known as the "net pooled butterfat" in such class.

(g) *Announcement of utilization of skim milk and butterfat.* The market administrator may from time to time as conditions in the market warrant:

(1) Obtain reports in the manner and on forms prescribed by him from handlers with respect to their receipts and

utilization of skim milk and butterfat; and

(2) Publicly announce (i) the name of each handler whose receipts of skim milk or butterfat in milk received from producers are more than 105 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, (ii) the name of each handler whose receipts of skim milk or butterfat in milk received from producers is less than 95 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, and (iii) the percent that the total receipts of skim milk and butterfat in milk received from producers is of the utilization of skim milk and butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1), (2), and (3) of paragraph (b) of this section).

§ 942.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price per hundredweight of milk to be used in determining the Class I and Class II prices set forth in this section shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3), of this paragraph.

(1) To the average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture by the companies listed below:

Companies and Locations

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Oxfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, subtract 3 cents, add 20 percent thereof, and then multiply by 0.5.

(2) (i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" on such Exchange shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.0.

(3) The price per hundredweight computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof, and then multiply by 4.0; and

(ii) From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and then multiply by 0.96.

(b) *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.8 for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class I skim milk and net pooled Class I butterfat, not less than the following prices per hundredweight:

(1) For such skim milk and butterfat received at such handler's plant located in the 61–70 mile zone, the minimum prices shall be as follows:

(i) To the basic formula price add $0.85 for the delivery periods of April through July and $1.25 for the delivery periods of August through March: *Provided*, That from the effective date hereof to and including the delivery period of March, 1948, the amount to be added to the basic formula price shall be $1.25.

(ii) The price of butterfat shall be the sum obtained in subdivision (i) of this subparagraph multiplied by 17.5.

(iii) The price of skim milk shall be computed by (*a*) multiplying the price of butterfat pursuant to subdivision (ii) of this subparagraph by 0.04; (*b*) subtracting such amount from the sum obtained in subdivision (i) of this subparagraph; (*c*) dividing such net amount by 0.96; and (*d*) rounding off to the nearest full cent.

(2) For such skim milk and butterfat received at such handler's plant located in a freight zone other than the 61–70 mile zone, the prices shall be those effective pursuant to subparagraph (1) of this paragraph adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

Freight zone (miles)	*Cents per hundredweight*
Not more than 20	+28.0
More than 20 but not more than 30	+ 8.0
More than 30 but not more than 40	+ 6.0
More than 40 but not more than 50	+ 4.0
More than 50 but not more than 60	+ 2.0
More than 60 but not more than 70	0
More than 70 but not more than 80	− 2.0
More than 80 but not more than 90	− 4.0
More than 90 but not more than 100	− 6.0
More than 100 but not more than 110	− 7.0
More than 110	− 8.0

(3) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(4) For the purpose of this paragraph, the skim milk and butterfat which was classified as net pooled Class I skim milk and net pooled Class I butterfat during each delivery period shall be considered to have been first that skim milk and butterfat which was received from producers at such handler's plant located in the 0–20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(c) *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class II skim milk and net pooled Class II butterfat, not less than the following prices per hundredweight:

(1) To the basic formula price add $0.35 for the delivery periods of April through July and $0.55 for the delivery periods of August through March: *Provided*, That from the effective date hereof to and including the delivery period of March, 1948, the amount to be added to the basic formula price shall be $0.55.

(2) The price of butterfat shall be the sum obtained in subparagraph (1) of this paragraph, multiplied by 17.5.

(3) The price of skim milk shall be computed by (i) multiplying the price of butterfat pursuant to subparagraph (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

(d) *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.8 for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class III skim milk and net pooled Class III butterfat not less than the following prices per hundredweight:

(1) The price per hundredweight of skim milk shall be any plus amount resulting from the following computations: from the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), roller process, delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period preceding that in which such skim milk was received, deduct 7 cents, and then multiply by 7.5.

(2) The price per hundredweight of butterfat shall be computed as follows: Multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture during the delivery period preceding that in which such butterfat was received.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to paragraphs (b) and (c) of this section are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

§ 942.6 *Application of provisions*—(a) *Exemptions.* (1) Sections 942.5, 942.7, 942.8, and 942.9 shall not apply to any handler (i) whose sole source of supply is from other handlers (except producer-handlers) or (ii) who is a producer-handler pursuant to § 942.1 (m) as verified in the manner provided in subparagraph (2) of this paragraph.

(2) Producer-handlers shall furnish the market administrator for his verification evidence of their qualifications as such pursuant to § 942.1 (m).

(3) Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Payment for excess skim milk or butterfat.* If, after subtracting receipts from other sources, and from other handlers (including receipts in packaged form from producer-handlers), a handler has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been purchased or received from them, the market administrator in computing the net pool obligation of such handler, pursuant to § 942.7 (a) shall add an amount equal to the value of such skim milk or butterfat in accordance with its value at the price for the class from which such skim milk or butterfat was subtracted pursuant to § 942.4 (f).

(c) *Skim milk and butterfat disposed of by a producer-handler.* A producer-handler shall be considered as a producer with respect to skim milk and butterfat disposed of in bulk as milk, skim milk, or cream to a handler (including another producer-handler), and as a handler with respect to skim milk and butterfat disposed of in packaged form to a handler (including another producer-handler).

§ 942.7 *Determination of uniform price of producers*—(a) *Net pool obligation of handlers.* The net pool obligation of each handler for skim milk and butterfat received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator by: Multiplying, respectively, the pounds of "net pooled skim milk" and "net pooled butterfat" in each class by the respective class prices, and adding, respectively, any amount pursuant to § 942.6 (b). The sum of the two amounts shall be such handler's total pool obligation.

(b) *Computation of the uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of skim milk, butterfat, and milk by:

(1) Combining the net pool obligations, computed pursuant to paragraph (a) of this section, for skim milk and butterfat, respectively, of all handlers who reported pursuant to § 942.3 (a) for such delivery period, except those in default of payments pursuant to § 942.8 (a) (3) for the preceding delivery period.

(2) Adding, respectively, the amounts computed by multiplying respectively the total hundredweight of skim milk and butterfat received from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2);

(3) Subtracting, respectively, the amounts computed by multiplying respectively the total hundredweight of skim milk and butterfat received from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2);

(4) Adding, respectively, an amount equal to one-half the unobligated balance in the producer-settlement fund;

(5) Dividing, respectively, the resulting sums by the hundredweight of "net pooled skim milk" and "net pooled butterfat"; and

(6) Subtracting, respectively, not less than 4 cents nor more than 5 cents. The results shall be known, respectively, as the uniform price per hundredweight for (i) skim milk and (ii) butterfat purchased or received from the producers at plants located in the 61–70 mile zone. The uniform price for milk containing 4.0 percent butterfat received from producers at plants located in the 61–70 mile zone shall be the sum of the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

(c) *Butterfat differential.* For each delivery period the market administrator shall compute to the nearest one-tenth cent a butterfat differential as follows: subtract from the uniform price per hundredweight of butterfat the uniform price per hundredweight of skim milk and divide the result by 1,000.

(d) *Announcement of prices.* (1) On or before the 6th day of each delivery period, the market administrator shall notify all handlers and make public announcement of the class prices for skim milk and butterfat received from producers during the current period.

(2) On or before the 10th day of each delivery period the market administrator shall notify all handlers and make public announcement of the computations pursuant to paragraph (b) of this section, of the butterfat differential computed pursuant to paragraph (c) of this section, and of the uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat received from producers during the preceding delivery period.

(e) *Computation of pool debits and pool credits.* On or before the 10th day after the end of each delivery period the market administrator shall:

(1) Compute the amount by which the sum of each handler's net pool obligations for skim milk and butterfat is greater or less than the amount computed for payment to producers by such handler pursuant to § 942.8 (a) (1) and (2), including the location adjustment to be made pursuant to § 942.8 (b). This amount shall be known as such handler's pool debit or pool credit, as the case may be, and shall be entered upon such handler's account.

(2) Notify each handler of the amount of such handler's (i) net pool obligation and (ii) pool debit or pool credit.

§ 942.8 *Payment for milk*—(a) *Payments to producers.* The amount of each handler's total pool obligation shall be distributed among producers in the following manner:

(1) On or before the last day of each delivery period each handler shall make payment to each producer at not less than $3 per hundredweight for the milk received from each producer during the first 15 days of such delivery period.

(2) On or before the 15th day of each delivery period, each handler shall make payment to each producer for milk received from such producer during the preceding delivery period at not less than the uniform price for milk containing 4 percent butterfat announced pursuant to § 942.7 (d), adjusted as follows: if the average butterfat content of the milk received from any producer varies from 4 percent, subtract for each one-tenth of 1 percent that the average butterfat content of such milk is less than 4 percent, or add for each one-tenth of 1 percent that the average butterfat content of such milk is more than 4 percent, an amount equal to the butterfat differential computed pursuant to § 942.7 (c): *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to subparagraph (4) of this paragraph, he shall not be deemed to be in violation of this para-

graph if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator: however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this subparagraph next following that on which such balance of payment is received from the market administrator.

(3) On or before the 12th day of each delivery period, each handler shall pay to the market administrator for payment to producer through the producer-settlement fund the amount of each handler's pool debit for the previous delivery period.

(4) On or before the 15th day of each delivery period, the market administrator shall pay from the producer-settlement fund to each handler for payment to producers the amount of such handler's pool credit for the previous delivery period. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: *Provided*, That the market administrator may offset any such payment due to any handler against payments due from such handler.

(b) *Location differentials.* Each handler, in making the payments prescribed in paragraph (a) of this section, shall adjust the uniform price with respect to all skim milk and butterfat received from each producer at such handler's plant not located in the 61–70 mile zone by the amount per hundredweight specified in the table pursuant to § 942.5 (b) (2).

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (a) (3) and (d) of this section and out of which he shall make all payments to handlers pursuant to paragraph (a) (4) and (d) of this section.

(d) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to paragraph (a) (3) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (a) (4) of this section, the market administrator shall, within 5 days, make such payment to such handler: *Provided*, That the market administrator may offset any such payment to any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

(e) *Adjustment of overdue accounts.* Any balance due pursuant to this section to or from the market administrator on the 25th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 26th day of each month.

§ 942.9 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period, with respect to all skim milk and butterfat purchased or received by such handler, during such delivery period, from producers, including that received from such handler's own farm production.

§ 942.10 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* Any or all of the provisions hereof, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other persons as the Secretary may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 942.11 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

§ 942.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 942.13 *Separability of provisions.* If any provision hereof, or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions hereof to other persons or circumstances shall not be affected thereby.

This report filed at Washington, D. C., this 11th day of March 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-2409; Filed, Mar. 13 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8343]

MASAJI MINAMOTO

In re: Bank account owned by Masaji Minamoto. D-39-18591-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masaji Minamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Masaji Minamoto, by Bank of America, National Trust and Savings Association, 660 South Spring Street, Los Angeles 14, California, arising out of a Savings Account, Account Number 511, entitled Masaji Minamoto, maintained at the branch office of the aforesaid bank located at Madera, California, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Masaji Minamoto, by Bank of America, National Trust and Savings Association, 660 South Spring Street, Los Angeles 14, California, arising out of a Checking Account, entitled Masaji Minamoto, maintained at the branch office of the aforesaid bank located at Madera, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2378; Filed, Mar. 10, 1947; 8:46 a. m.]

[Vesting Order 8342]

HIKOJIRO MARUYAMA

In re: Bank account owned by Hikojiro Maruyama. D-39-7527-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hikojiro Maruyama, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Hikojiro Maruyama, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Clean Credit Deposit Account, entitled Hikojiro Maruyama, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2377; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8346]

TADAO UCHIDA

In re: Bank account owned by Tadao Uchida. D-39-18604-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tadao Uchida, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tadao Uchida, by The First National Bank of Holtville, Holtville, California, arising out of a Savings Account, Account Number 3634, entitled Tadao Uchida, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2381; Filed, Mar. 12, 1947; 8:47 a. m.]

[Vesting Order 8383]

FRANK BAUMGARTNER

Re: Estate of Frank Baumgartner, deceased. File D-28-9601; E. T. sec. 13256.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Baumgartner, Gertrude Baumgartner, Clara Baumgartner, Franceska Baumgartner, Heinrich Baumgartner, Elise Selle, Gertrude Selle Janich and Franz Baumgartner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2500 was paid to the Alien Property Custodian by Bernard J. Becker, Executor of the Estate of Frank Baumgartner, deceased;

3. That the said sum of $2500 was property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That the said sum of $2500 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Bernard J. Becker, Executor of the Estate of Frank Baumgartner, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 1, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2382; Filed, Mar. 12, 1947; 8:47 a. m.]

[Vesting Order 6944, Amdt.]

DR. RICHARD BENSINGER ET AL.

In re: Bank account owned by Dr. Richard Bensinger, Hedwig Bensinger, Annelore Soherr, Hermann Soherr and personal representatives, heirs, next of kin, legatees and distributees, of Mrs. Anna Soherr, deceased.

Vesting Order 6944, dated July 3, 1946, is hereby amended as follows and not otherwise:

By inserting the following names "Annelore Soherr, Herman Soherr" after the following names "Dr. Richard Bensinger, Hedwig Bensinger," wherever the aforesaid names "Dr. Richard Bensinger, Hedwig Bensinger," appear in Vesting Order 6944.

All other provisions of said Vesting Order 6944 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereof, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2408; Filed, Mar. 13, 1947; 8:46 a. m.]

[Vesting Order 8331]

MAGDA KARPI ET AL.

In re: Insurance policy rights owned by Magda Karpi and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are listed in column (1) of Exhibit A, attached hereto and by reference made a part hereof, which column is entitled Names of Beneficiaries, are residents of the countries listed in column (2) of said Exhibit A, namely Hungary or Roumania, and nationals of a designated enemy country (Hungary or Roumania);

2. That the property described as follows: The net proceeds due or to become due under certain contracts of insurance, the Policy Certificate Numbers of which are listed in column (3) of said Exhibit A, issued by Verhovay Fraternal Insurance Association, 436-442 Fourth Avenue, Pittsburgh 19, Pennsylvania, on the lives of the deceased persons whose names are listed in column (4) of said Exhibit A, wherein the persons whose names are listed in column (1) of said Exhibit A are the designated beneficiaries, and any other benefits and rights of any name or nature whatsoever under or arising out of said contracts of insurance which are or were held by said beneficiaries, together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contracts of insurance,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Hungary or Roumania);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary or Roumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

(1) Names of beneficiaries	(2) Countries of which beneficiaries are nationals	(3) Policy certificate Nos.	(4) Names of deceased insured persons
Magda Karpi, Bert Karpi, Jr.	Hungary	117709	Albert (Bertalan) Karpi.
Mrs. John Kenoszt	do	83142	John Kenoszt.
Mrs. Michael Nemeth	do	79999	Michael Nemeth.
Mrs. Margaret Kish	do	115593	Joseph Kish, Jr.
Susanna Dombi	Roumania	117843	Frank Dombi.
Elizabeth Geng	do	104203	John Geng.
Alexander Papp	Hungary	84431	Nicholas Papp.

[F. R. Doc. 47-2405; Filed, Mar. 13, 1947; 8:46 a. m.]

[Vesting Order 8278]

CAROLINE LOUISE KOESTER

In re: Estate of Caroline Louise Koester a/k/a Lena Koester, deceased, File No. D-28-7368; E. T. sec. 7541.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Koester, Dora Koester, Wilhelm Koester, Helene Boedeker, Sophie Schmidt, Friederich (Frederich) Koester, Helga Koester, Heinrich Koester, Karl Busching, Lina Rodewald and Dora Busching, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,678.78 was paid to the Alien Property Custodian by Paul J. Knothe, Administrator of the Estate of Caroline Louise Koester a/k/a Lena Koester, deceased;

3. That the said sum of $2,678.78 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 3, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2404; Filed, Mar. 13, 1947; 8:46 a. m.]

[Vesting Order 8362]

MARGUERITE E. BACHMANN

In re: Stock owned by Marguerite E. Bachmann, also known as Marguerite E. Bachman, F-28-22306-D-1, F-28-22306-D-2, and F-28-22306-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marguerite E. Bachmann, also known as Marguerite E. Bachman, whose last known address is Gendarmerie Strasse 2, Bad Durkheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. Ten (10) shares of $100.00 par value 6% cumulative dividend participating preferred capital stock of Virginia Carolina Chemical Corporation, 627 East Main Street, Richmond 8, Virginia, a corporation organized under the laws of the State of Virginia, evidenced by a certificate numbered 13779, and registered in the name of Marguerite E. Bachmann, together with all declared and unpaid dividends thereon,

b. One share of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 893975 for three tenths of one share, 963922 for five tenths of one share and 74001 for two tenths of one share, and registered in the name of Marguerite E. Bachmann together with all declared and unpaid dividends thereon, and

c. Ten (10) shares of $100.00 par value 8% cumulative preferred capital stock of Empire Gas and Fuel Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware evidenced by a certificate numbered 3282, and registered in the name of Marguerite E. Bachman, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2406; Filed, Mar. 13, 1947; 8:46 a. m.]

[Vesting Order 8401]

FRANZ JOZEPH SKOWRONEK

In re: Stock owned by Franz Jozeph Skowronek, F-28-597-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Jozeph Skowronek, whose last known address is 15 Piekarer Strasse, Beuthen, Ober Schleisen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of $100 par value capital stock of Dunkirk Trust Company, a corporation organized under the laws of the State of New York, evidenced by certificate number 513, registered in the name of Franz Jozeph Skowronek, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2407; Filed, Mar. 13, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2560]

DET DANSKE LUFTFARTSELSKAB, A/B, ET AL.

NOTICE OF HEARING

In the matter of the joint petition of Det Danske Luftfartselskab, A/B, Det Norske Luftfartselskap, A/S, and Svensk Interkontinental Lufttrafik, A/B, under section 402 (g) of the Civil Aeronautics Act of 1938, as amended, for alteration, modification, or amendment of their respective permits, if required, to permit operations under a consortium, Scandinavian Airlines System.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 402 (g) of said act, that hearing in the above-entitled proceeding is assigned to be held March 17, 1947, at 10 a. m., (eastern standard time) in Room 1302, Temporary Building T, Constitution Avenue between 12th and 14th Streets NW., before Examiner Herbert K. Bryan.

Each of the petitioners is the holder of a permit, issued by the Board pursuant to section 402 of the act, authorizing it to engage in air transportation between its respective country and the alternate points, New York, N. Y., and Chicago, Ill., via various intermediate points. A contract entered into between said carriers creates a consortium to operate the combined routes as a single system, known as the Scandinavian Airlines System on the condition that each forego the individual exercise of the rights granted to it by its permit. They also contracted for the creation of Scandinavian Airlines System, Inc., or the American Company, to perform various duties in the conduct of the operations in the United States. Pursuant to said consortium contract, a joint petition was filed with the Board requesting approval of such operation or in the alternative the alteration, modification, or amendment of their respective permits to authorize the combined operation, if such approval or alteration is found necessary under the act.

For further details of the operations proposed interested parties are referred to the petition and the existing permits, on file in the office of the Civil Aeronautics Board, Washington 25, D. C.

Without limiting the scope of the issues presented by said petition, particular attention will be directed to the following matters and questions:

1. Is Scandinavian Airlines System a person engaging in air transportation, thus requiring a permit pursuant to section 402 in order to operate as proposed?

2. If so, then:

a. Are amendments of the existing permits heretofore issued pursuant to said section 402 and/or the issuance of an additional permit to Scandinavian Airlines System necessary in order to permit the proposed operation?

b. Are the above actions or any of them in the public interest?

c. Is the Scandinavian Airlines System fit, willing and able to properly perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder?

3. If not, then:

a. Are amendments of the existing permits necessary to permit joint operation of their routes by the three carriers?

b. Are such amendments in the public interest?

c. Are the carriers fit, willing and able to properly perform the air transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder?

4. If amendments are found necessary under 2 or 3 above, is the approval of such amendments consistent with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and Norway, Sweden, and Denmark or between the United States and any other country?

5. What other, if any, approvals by the Civil Aeronautics Board are necessary to authorize the operations and/or relationship of the three carriers, Scandinavian Airlines System and/or Scandinavian Airlines System, Inc.?

Notice also is given that any person not a party of record as of October 8, 1946, desiring to controvert in fact or law any of the issues raised by said petition shall file with the Board on or before March 17, 1947, a statement of said issues.

Dated Washington, D. C., March 10, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-2403; Filed, Mar. 13, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-868]

CANADIAN RIVER GAS CO.

NOTICE OF APPLICATION

MARCH 10, 1947.

Notice is hereby given that on February 27, 1947, Canadian River Gas Company (Applicant), a Delaware corporation, having its principal place of business at Amarillo, Texas, filed with the Federal Power Commission an application, under section 8 of the Natural Gas Act and the Uniform System of Accounts Prescribed for Natural Gas Companies, for authority to reclassify and adjust applicant's depreciation, depletion and amortization reserves as of December 31, 1946, in accordance with a recent study made thereof.

Applicant recites that the study develops the fact that the existing reserves are over-stated in the amount of approximately $3,000,872.11, and authority is requested to reclassify this amount to earned surplus.

Applicant states that the amounts proposed to be reclassified are based upon the depreciation, depletion and amortization reserve balances as of December 31, 1939, found and required by the Commission in its Opinion No. 73 and order of March 18, 1942, in Federal Power Commission Docket No. G-124. Applicant further states that accruals to the reserves for the years 1940 to 1945, inclusive, were computed at rates and in the manner used by the Commission; and that for the year 1946 applicant has used the methods, rates, etc., used by the Commission, in recording the provisions for depreciation and depletion expense, and will use them in the future, subject to such modification as may hereafter be required or desired in the light of experience.

The application of Canadian River Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2402; Filed, Mar. 13, 1947; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5348]

IMPERIAL PEARL SYNDICATE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of March A. D. 1947.

In the matter of Joseph Goldstone and Esther Goldstone, copartners trading as Imperial Pearl Syndicate.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, March 27, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-2388; Filed, Mar. 13, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 693, Corr.]

UNLOADING OF LUMBER AT EAST ST. LOUIS, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, That car B&O 184398, containing lumber, at East St. Louis, Illinois, on the Gulf, Mobile and Ohio Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Lumber at East St. Louis, Ill., be unloaded.* The Gulf, Mobile and Ohio Railroad Company, its agents or employees, shall unload immediately car B&O 184398, loaded with lumber, now on hand at East St. Louis, Illinois, consigned to Burdette O'Leary Lumber Corporation, Meridian, Miss.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2400; Filed, Mar. 13, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2118]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of March A. D. 1947.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, No Par Value, and the 5% Non-Cumulative Preferred Stock, $100 Par Value, of Chicago, Milwaukee, St. Paul and Pacific Railroad Company. The application alleges that (1) a plan of reorganization of the issuer was put into effect on December 1, 1945, which made no provision for either the common or preferred stocks of this issuer; and (2) the rules of the New York Stock Exchange with respect to the striking of a security from listing and registration have been complied with.

Upon receipt of a request, prior to March 24, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of these securities, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2392; Filed, Mar. 13, 1947; 8:45 a. m.]

[File Nos. 54-39, 54-69, 59-65]

LACLEDE GAS LIGHT CO. ET AL.

ORDER REGARDING REORGANIZATION FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of March A. D. 1947.

In the matter of The Laclede Gas Light Company, Laclede Power & Light Company, Phoenix Light, Heat and Power Company, Ogden Corporation, File No. 54-39; Ogden Corporation and subsidiary companies, File No. 54-69; Ogden Corporation and subsidiary companies, Respondents, File No. 59-65.

The Commission having issued its findings and opinion dated May 24, 1944, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, requiring certain modifications of the plan of reorganization of The Laclede Gas Light Company, and having by order dated May 27, 1944 approved the plan as amended, in which plan Ogden Corporation ("Ogden"), The Laclede Gas Light Company ("Laclede Gas"), Laclede Power & Light Company ("Laclede Electric"), and Phoenix Light, Heat and Power Company, joined with respect to all transactions affecting them as provided therein; and

The Commission in its order dated May 27, 1944 approving said plans and the transactions incident thereto, having reserved jurisdiction to approve, disapprove, modify, or allocate by further order or orders all fees and expenses incurred in connection with said plan and the transactions incident thereto; and

Ogden, Laclede Gas, and Laclede Electric having filed applications for approval of payment by them of certain fees and expenses incurred in connection with said plan and the transactions incident thereto, and Schutte & Hegeman who represented certain preferred stockholders of Laclede Gas having applied for compensation in connection therewith, and the Commission having on December 20, 1945 issued its notice and order for hearing with respect to said applications; and

Public hearings having been held, certain requests for fees and expenses having been amended, and the Commission in its order dated October 21, 1946 having approved said applications, other than that filed by Schutte & Hegeman; and

With respect to the application of Schutte & Hegeman briefs having been filed, the Commission having considered the record and having this day made and filed its findings and opinion herein;

It is hereby ordered, That the application of Schutte & Hegeman for approval of fees and expenses be, and the same hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2390; Filed, Mar. 13, 1947; 8:45 a. m.]

[File No. 70-1331]

AMERICAN POWER & LIGHT CO. ET AL.

NOTICE OF FILING OF AMENDMENT AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of March A. D. 1947.

In the matter of American Power & Light Company, Northwestern Electric Company, Pacific Power & Light Company, File No. 70-1331.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, and Pacific Power & Light Company ("Pacific") and Northwestern Electric Company ("Northwestern"), electric utility subsidiaries of American, having on June 28, 1946 filed a joint application-declaration proposing (a) certain capital contributions by American to Northwestern and Pacific; (b) the merger of Northwestern into and with Pacific; (c) the retirement of the presently outstanding preferred stock of Northwestern and Pacific through the issuance by Pacific, as the surviving corporation, of New Preferred Stock and by specified cash payments; (d) the issue and sale by Pacific of first mortgage bonds and serial notes and the use of the proceeds, together with treasury cash, to redeem the outstanding long-term debt of Pacific and Northwestern; and (e) the issuance by Pacific, as the surviving corporation, of new common stock to American in exchange for the common stocks of Northwestern and Pacific held by American; and

The Commission having on July 17, 1946 issued its order (published as Holding Company Act Release No. 6789) giving notice of the filing of the aforesaid application-declaration and directing that a public hearing be held thereon and public hearings having been held on said joint application-declaration, and said hearings having been continued subject to the call of the trial examiner:

Notice is hereby given that on February 25, 1947, American, Pacific and Northwestern filed an amendment to said joint application-declaration. All interested persons are referred to said joint application-declaration as amended for a complete statement of the transactions therein proposed. Certain transactions proposed in the joint application-declaration as amended differing from the original joint application-declaration may be summarized as follows:

1. American proposes to surrender to Northwestern for cancellation, as a contribution, 50,000 shares of Northwestern's common stock having a par value of $35 per share, which contribution will be credited by Northwestern to Capital Surplus in the amount of $1,750,000;

2. Northwestern proposes to dispose of the remaining balance of $1,914,366 in its Account 107—Electric plant Adjustments by a charge of $1,750,000 to Capital Surplus and a charge of $164,366 to Earned Surplus;

3. American proposes to contribute to Pacific $2,200,000 in cash, which contribution will be credited by Pacific to Capital Surplus;

4. Pacific proposes to dispose of the remaining balance of $2,986,867 in its Account 107—Electric Plant Adjustments—by a charge of $1,450,000 to Capital Surplus, a charge of $1,392,908 to Earned Surplus and a charge of $143,958 to Deferred Credit—Utility Plant Adjustments.

5. Thereafter it is proposed that Northwestern be merged into and with Pacific pursuant to the terms of a Merger Agreement under which the authorized Capital Stock of Pacific, as the surviving corporation, would consist of (a) not more than 114,815 shares of 5% Preferred Stock of the par value of $100 per share ("New Preferred Stock"); and (b) not less than 500,000 shares of common stock (the exact number of shares of new common stock is to be supplied by amendment) without per value ("New Common Stock").

6. The Merger Agreement provides that it shall become automatically effective (on its effective date, as defined therein) upon its adoption by the favorable vote (at a special meeting called for the purpose) of the holders of two-thirds of the voting power of each of the Constituent Corporations, unless the holders of more than 20% of the aggregate number of shares of the preferred stocks of the Constituent Corporations vote against or dissent from the action of their respective Corporations in entering into such agreement. In such event, the Merger Agreement shall not be binding upon either of the Constituent Corporations. It is provided, however, that the Board of Directors of the Constituent Corporations may, by appropriate resolutions, declare the Merger Agreement binding upon their respective corporations notwithstanding unfavorable action upon such agreement by the holders of more than 20% of said preferred stocks;

7. It is proposed that the holders of the outstanding preferred stocks of Northwestern and Pacific (except those preferred stockholders who dissent from the action of their respective corporations in entering into the Merger Agreement) be entitled to receive, upon the effective date of the merger, the following:

(a) For each share of the outstanding 6% Preferred Stock of Northwestern and $6 Preferred Stock of Pacific one share of the New Preferred Stock of the Surviving Corporation plus a cash adjustment in an amount which, together with the dividends receivable on the New Preferred Stock, will give each such holder a dividend at the rate of 6% or $6 per annum, as the case may be, up to the effective date of the Merger Agreement.

(b) For each share of the outstanding 7% Preferred Stocks of Pacific and Northwestern one share of the New Preferred Stock of the Surviving Corporation plus $5.00 in cash, and an amount which, together with the dividends receivable on the New Preferred Stock, will give each such holder a dividend at the rate of 7% per annum up to the effective date of the Merger Agreement;

8. All shares of the 7% and 6% Preferred Stocks of Northwestern (which stocks are non-callable) the holders of which dissent from Northwestern's action in entering into the Merger Agreement by filing with Northwestern, within twenty days from the date on which notice of the stockholders meeting called to vote on the Merger Agreement is mailed, their written objection to the Merger Agreement and demanding payment for their shares, will be appraised and paid for in cash in accordance with the applicable statutes of the State of Washington. Any Northwestern preferred stockholder who does not file such written objection to such corporate action will be bound by the action of the majority.

9. All shares of Pacific's 7% Preferred Stock the holders of which vote against adoption of the Merger Agreement, and all shares of Pacific's non-voting $6 Preferred Stock the holders of which, at or prior to the taking of the vote upon the Merger Agreement, dissent therefrom in writing will be redeemed at their respective redemption prices.

10. It is proposed that 50,000 shares of Northwestern's Common Stock of the par value of $33 per share (being all of Northwestern's Common Stock remaining outstanding after the contributions by American to Northwestern of 50,000 shares of such Common Stock) and 1,000,000 shares of Pacific's Common Stock without par value, all owned by American, shall be converted into 500,000 shares of New Common Stock of the Surviving Corporation having a stated value of $19.00 per share.

11. Incident to the proposed merger, Pacific proposes: (a) to issue and sell $29,000,000 principal amount of First Mortgage Bonds, __% Series due 197__, of which $26,900,000 will be issued and sold pursuant to the competitive bidding requirements of Rule U-50; $2,100,000 principal amount will be exchanged for a like principal amount of Northwestern's 4½% Debentures due 1959, held by American; and (b) to issue and sell at private sale $4,000,000 principal amount of Serial Notes, which will bear an interest rate not expected to exceed 2¼% per annum, payable in twenty equal semi-annual installments.

12. Pacific proposes to utilize the proceeds from the sale of the Bonds and the proceeds of the bank loans, together with such treasury cash as may be required:

(a) To redeem, at 101¾% of the principal amount thereof plus accrued interest to the date of redemption, $20,500,000 principal amount of its outstanding First Mortgage and Prior Lien Gold Bonds, 5% Series, due 1955, which, exclusive of accrued interest, will require the sum of $20,858,750;

(b) To pay the balance due on its 6% note, due November 25, 1940, which, exclusive of accrued interest, will require the sum of $1,794,500; and

(c) To redeem, at 104% of the principal amount thereof plus accrued interest to the date of redemption, $6,700,000 principal amount of Northwestern's First Mortgage Bonds, 4% Series due 1969, to be assumed by Pacific as a result of the merger, which, exclusive of accrued interest will require the sum of $6,968,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing in this proceeding be reconvened with respect to said matters, and that said application-declaration, as amended, shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That the hearing in this proceeding be reconvened on said matters under the applicable provisions of the act and the rules of this Commission thereunder on March 24, 1947, at 11:00 a. m., e. s. t., at the office of this Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which said reconvened hearing will be held. At such reconvened hearing, cause shall be shown why such application, as amended, shall be granted and such declaration, as amended, permitted to become effective. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by its rules of practice, Rule XVII, on or before March 20, 1947.

It is further ordered, That notice of said reconvened hearing be given to American, Northwestern, Pacific, the Department of Public Utilities of Washington, the Public Utilities Commission of Oregon, the Federal Power Commission, the Cities of Portland, Astoria and Bend, Oregon, and the Cities of Vancouver, Walla Walla and Yakima, Washington, by registered mail; and that notice of said hearing shall be given to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Pacific and Northwestern shall give notice of this reconvened hearing to their respective stockholders (insofar as the identity of such stockholders is known or available to them) by mailing to each of said persons a copy of this notice at least 10 days prior to the date of the reconvened hearing.

It is further ordered, That without limiting the scope of the issues otherwise to be considered at said reconvened hearing, particular attention be directed to the matters and questions specified in the Commission's notice of filing and order for hearing in this proceeding dated July 17, 1946.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2393; Filed, Mar. 13, 1947; 8:45 a. m.]

[File No. 70-1471]

CONSOLIDATED ELECTRIC AND GAS CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of March A. D. 1947.

In the matter of Consolidated Electric and Gas Company, The Middle West Corporation, Upper Peninsula Power Company, File No. 70-1471.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, The Middle West Corporation ("Middle West"), also a registered holding company, and Upper Peninsula Power Company ("Upper Peninsula"), a subsidiary of both of the aforementioned companies.

All interested persons are referred to the application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Upper Peninsula was recently organized as a preliminary step toward effecting the instant transactions. Consolidated owns 60 shares of the outstanding organizational $10 par value capital stock of Upper Peninsula and Middle West and Copper Range Company each owns 20 shares of such stock. The instant proposal provides that these shares shall be donated to Upper Peninsula.

Upper Peninsula proposes to issue and sell to the public $3,500,000 principal amount of First Mortgage Bonds, due 1977, 10,000 shares of $100 par value Cumulative Preferred Stock, and 180,000 shares of $10 par value Common Stock (including the organizational shares). The interest and dividend rates on the bonds and preferred stock will be fixed by competitive bidding.

The proceeds of such sale, after the payment of expenses, will be used as follows:

(a) For the purchase from Consolidated of all of the capital stock of Houghton Electric Light Company, ("Houghton") consisting of 54,000 shares of the par value of $25 each, and all of the capital stock and debt of Iron Range Light and Power Company ("Iron Range") consisting of 658 shares of the par value of $100 each and $62,250 principal amount of 6% demand notes;

(b) For the purchase from Middle West of 9,000 shares of the $3 no par cumulative preferred stock and 17,000 shares of the no par common stock of copper District Power Company ("Copper District");

(c) For the purchase from Copper Range Company ("Copper Range"), an exempt holding company, of 9,000 shares of the $3 par cumulative preferred stock and 17,400 shares of the no par common stock of Copper District;

(d) For the purchase from the public of the balance of the outstanding common stock (400 shares) of Copper District; and

(3) For the redemption of $1,149,000 principal amount of Houghton Electric Light Company 3¼% First Mortgage Bonds due 1962 and of $1,360,000 principal amount of Copper District Power Company 4½% First Mortgage Bonds due 1956 in accordance with their terms at 103% of the principal amount thereof, but exclusive of accrued interest.

Public holders of the Copper District common stock will be offered the same price per share as the per share amount proposed to be paid to Middle West and Copper Range, which amounts are to be determined in accordance with a formula set forth in the application-declaration.

Upon completion of the above transactions, all the assets of Houghton, Iron Range and Copper District will be transferred to Upper Peninsula in exchange for all their outstanding securities, and they will thereafter be dissolved.

The application-declaration states that the proposed issue and sale of new securities by Upper Peninsula will be expressly authorized by the Public Service Commission of the State of Michigan.

Sections 6, 9, 10, 11, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-44, and U-50 are designated as being applicable to the proposed transactions, and Upper Peninsula pursuant to section 6 (b) of the act has requested an exemption from the provisions of section 7 of the act regarding the issuance of the new securities.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in the application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said application and declaration under the applicable provisions of the act and the rules and regulations promulgated thereunder be held at 10:00 a. m., e. s. t., on the 25th day of March, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before March 21, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issuance and sale of securities by Upper Peninsula are solely for the purpose of financing its business and have been expressly authorized by the Public Service Commission of the State of Michigan.

2. Whether in the event the exemption provided by section 6 (b) is granted, it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers in connection with the issuance of the proposed securities.

3. Whether the fees, commissions, or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

4. Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper, conform to sound accounting principles, and meet the standards of the act and rules thereunder;

5. Whether the provisions of the Articles of Incorporation of Upper Peninsula with respect to its common and preferred stock result in or create an unfair or inequitable distribution of voting power among the holders of its securities, or are otherwise detrimental to the public interest or the interests of investors or consumers;

6. Whether the proposed use by Upper Peninsula of the proceeds from the proposed sale of its securities is appropriate and in conformity with the requirements of the act and the rules thereunder;

7. Whether the proposed acquisition of the assets of Houghton, Iron Range, and Copper District by Upper Peninsula is in conformity with the applicable standards of the act and the rules thereunder;

8. Whether the proposed sales by Consolidated and Middle West of the securities of Houghton, Iron Range and Copper District and the donation of the stock of Upper Peninsula comply with the applicable provisions of the act and the rules thereunder; and

9. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the standards of the act.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by Registered Mail to Consolidated Electric and Gas Company, The Middle West Corporation, Upper Peninsula Power Company and the Public Service Commission of Michigan, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2394; Filed, Mar. 13, 1947; 8:45 a. m.]

[File No. 70-1474]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of March 1947.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Milwaukee Electric Railway & Transport Company, a wholly-owned subsidiary of Wisconsin Electric Power Company, and by Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company; and

Notice is further given that any interested person may, not later than March 18, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to the joint declaration or application, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

The Milwaukee Electric Railway & Transport Company proposes to redeem on April 16, 1947, at the principal amount thereof, plus accrued interest, $1,050,000 principal amount of its First Mortgage 4% Bonds owned by Wisconsin Electric Power Company. Wisconsin Electric Power Company seeks authorization to surrender said bonds on the basis described.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2391; Filed, Mar. 13, 1947; 8:45 a. m.]

MAR 18 '47

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

On January 1, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 32) regarding the proposed issuance of United States Standards for Grades of Canned Tangerine Juice. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States standards for grades of canned tangerine juice are hereby promulgated pursuant to the provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., approved June 22, 1946):

§ 52.667 *Canned tangerine juice*—(a) *Identity.* Canned tangerine juice is the undiluted, unfermented juice obtained from the matured fresh fruit of the mandarin orange (Citrus reticulata) which fruit has been properly washed; may be packed with or without the addition of sugar; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(b) *Grades of canned tangerine juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned tangerine juice that possesses a bright typical color; is practically free from defects; possesses a fine, distinct, normal canned tangerine juice flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined herein. Canned tangerine juice of this grade meets the following requirements:

(i) *Brix.* Not less than 10.5 degrees Brix.

(ii) *Acid.* Not less than 0.75 gm. nor more than 1.4 gm. acid, calculated as anhydrous citric, per 100 ml. of juice.

(iii) *Recoverable oil.* Not more than 0.020 percent by volume of recoverable oil.

(iv) *Pulp.* Not more than 7 percent free and suspended pulp.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned tangerine juice that possesses a good typical color; is fairly free from defects; possesses a good, normal canned tangerine juice flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined herein. Canned tangerine juice of this grade meets the following requirements:

(i) *Brix.* Not less than 10.0 degrees Brix.

(ii) *Acid.* Not less than 0.65 gm. nor more than 1.6 gm. acid, calculated as anhydrous citric, per 100 ml. of juice.

(iii) *Recoverable oil.* Not more than 0.030 percent by volume of recoverable oil.

(iv) *Pulp.* Not more than 10 percent free and suspended pulp.

(3) "U. S. Grade D" or "Substandard" is the quality of canned tangerine juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(4) Canned tangerine juice of any of the foregoing grades may be considered "sweetened" if packed with the addition of sugar and the juice tests not less than 13.5 degrees Brix.

(c) *Recommended fill of container.* It is recommended that canned tangerine juice occupy not less than 90 percent of the volume capacity of the container.

(d) *Ascertaining the grade.* The grade of canned tangerine juice may be ascertained by considering, in addition to the requirements of the respective grades, the following factors: Color, absence of defects, and flavor. The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

	Points
(1) Color	20
(2) Absence of defects	40
(3) Flavor	40
Total score	100

(e) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, the range "17 to 20 points" means 17, 18, 19, or 20 points).

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[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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(1) *Color.* (i) Canned tangerine juice that possesses a bright typical color may be given a score of 17 to 20 points. "Bright typical color" means that the tangerine juice possesses a bright yellow to yellow-orange color typical of freshly extracted juice and is free from traces of browning due to scorching, oxidation, caramelization, or other causes.

(ii) If the canned tangerine juice possesses a good typical color, a score of 14 to 16 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good typical color" means that the tangerine juice possesses a typical yellow to yellow-orange color that may be slightly amber or show evidence of slight browning.

(iii) If the canned tangerine juice is definitely dull or off-color for any reason, a score of 0 to 13 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) ***Absence of defects.*** The factor of absence of defects refers to the degree of freedom from particles of membrane, core, skin, seeds and seed particles, "rag," recoverable oil, residue, similar substances, or other defects.

(i) Canned tangerine juice that is practically free from defects may be given a score of 34 to 40 points. Canned tangerine juice that shows coagulation shall not be scored in this classification. "Practically free from defects" means that the juice may contain not more than 7 percent free and suspended pulp and that there may be present not more than 0.020 percent by volume of recoverable oil when determined in accordance with the methods outlined herein; and that the juice does not contain any noticeable seed particles, similar substances, or other defects.

(ii) If the canned tangerine juice is fairly free from defects, a score of 28 to 33 points may be given. Canned tangerine juice that shows more than a slight coagulation shall not be scored in this classification. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the juice may contain not more than 10 percent free and suspended pulp and that there may be present not more than 0.030 percent by volume of recoverable oil when determined in accordance with the methods outlined herein; and that seed particles, similar substances, or other defects may be noticeable but are not prominent.

(iii) Canned tangerine juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Canned tangerine juice that possesses a fine, distinct, normal canned tangerine juice flavor, free from traces of scorching, caramelization, oxidation, or terpene may be given a score of 34 to 40 points. To score in this classification canned tangerine juice shall meet the following additional requirements:

Canned tangerine juice tests not less than 10.5 degrees Brix.

Canned tangerine juice contains not less than 0.75 gm. nor more than 1.4 gm. acid, calculated as anhydrous citric, per 100 ml. of juice.

(ii) If the canned tangerine juice possesses a good normal canned tangerine juice flavor, having a slightly caramelized or an oxidized flavor, but not an objectionable flavor, a score of 28 to 33 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). To score in this classification canned tangerine juice shall meet the following additional requirements:

Canned tangerine juice tests not less than 10 degrees Brix.

Canned tangerine juice contains not less than 0.65 gm. nor more than 1.6 gm. acid, calculated as anhydrous citric, per 100 ml. of juice.

(iii) If the canned tangerine juice fails to meet the requirements of subdivision (ii) of this subparagraph, or if the canned tangerine juice has the flavor of green fruit, is off flavor, or is distinctly unpalatable for any reason, a score of 0 to 27 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms.* (1) "10.5 degrees Brix", for example, means that the juice tests 10.5 degrees when tested with a Brix hydrometer, read at the proper temperature for the instrument used.

OIL SEPARATORY TRAP

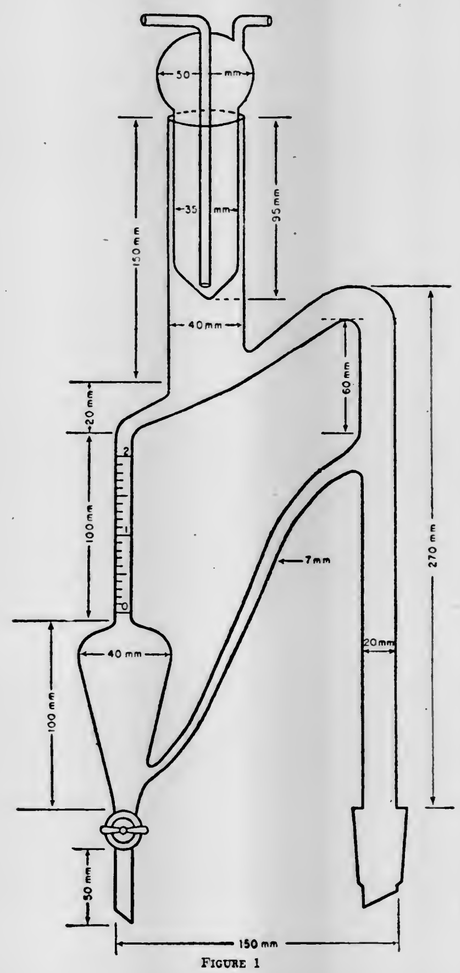


FIGURE 1

(2) "Normal canned tangerine juice flavor" means that the product is free from objectionable flavor or off flavor of any kind.

(3) "Free and suspended pulp" is determined by the following method:

(i) Graduated centrifuge tubes with a capacity of 50 ml. are filled with canned tangerine juice and placed in a suitable centrifuge. The speed is adjusted as indicated in Table No. I according to the diameter specified and the canned tangerine juice is centrifuged for exactly 10 minutes. As used herein, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the

layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE I

Diameter	Approximate revolutions per minute	Diameter	Approximate revolutions per minute
10 inches	1,609	15½ inches	1,292
10½ inches	1,570	16 inches	1,271
11 inches	1,534	16½ inches	1,252
11½ inches	1,500	17 inches	1,234
12 inches	1,468	17½ inches	1,216
12½ inches	1,438	18 inches	1,199
13 inches	1,410	18½ inches	1,182
13½ inches	1,384	19 inches	1,167
14 inches	1,359	19½ inches	1,152
14½ inches	1,336	20 inches	1,137
15 inches	1,313		

OIL SEPARATORY TRAP

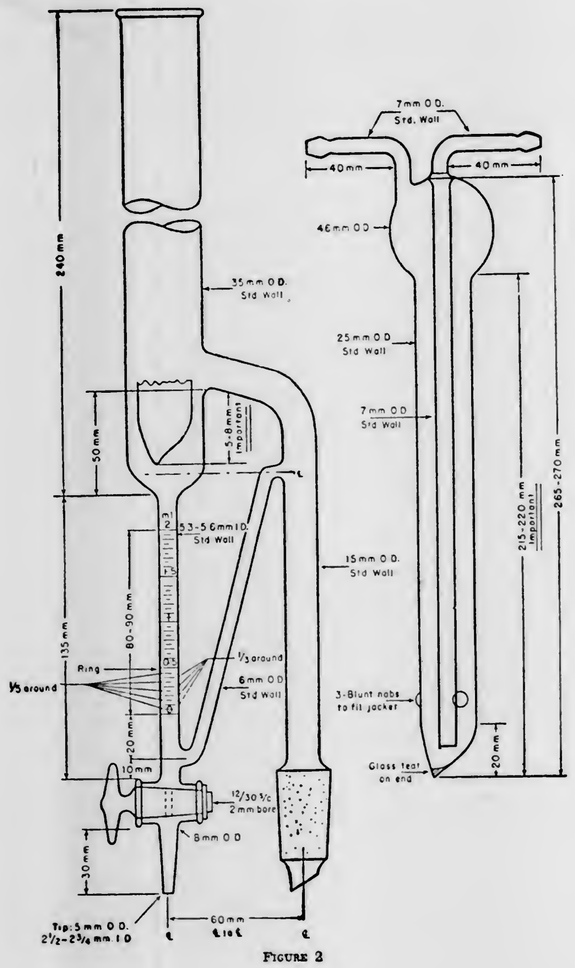


FIGURE 2

(4) "Acid" in canned tangerine juice is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator. Acid is calculated as anhydrous citric acid.

(5) "Percent by volume of recoverable oil" in canned tangerine juice is determined by the following method:

(i) *Equipment.*

Oil Separatory trap similar to either of those illustrated in Figure 1 and Figure 2.
Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 2 liters of canned tangerine juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

(g) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned tangerine juice, the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers in the lot meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned tangerine juice.*

Container size			
Container mark or identification			
Label			
Net weight (in avd. ounces) or fluid measure (fl. ounces)			
Vacuum (in inches)			
Density (degrees Brix)			
Percent pulp			
Anhydrous citric acid (grams/100 ml.)			
Percent recoverable oil (volume)			
Factors	**Score points**		
I. Color	20	(A) 17–20	
		(C) 14–16[1]	
		(D) 0–13[1]	
II. Absence of defects	40	(A) 34–40	
		(C) 28–33[1]	
		(D) 0–27[1]	
III. Flavor	40	(A) 34–40	
		(C) 28–33[1]	
		(D) 0–27[1]	
Total score	100		
Grade			

[1] Indicates limiting rule within classification.

(i) *Effective time.* The United States standards for grades of canned tangerine juice (which are the first issue) contained in this section shall become effective on and after 12:01 a. m., e. s. t., April 15, 1947.

(Pub. Law 422, 79th Cong, 11 F. R. 7713)

Done at Washington, D. C., this 12th day of March, 1947.

[SEAL] JESSE B. GILMER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 47-2453; Filed, Mar. 14, 1947; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 85]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.338 *Grapefruit Regulation 85*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 17, 1947, and ending at 12:01 a. m., e. s. t., July 31, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1));

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used herein, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of March 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-2454; Filed, Mar. 14, 1947; 8:45 a. m.]

[Orange Reg. 114]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.339 *Orange Regulation 114*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 17, 1947, and ending at 12:01 a. m., e. s. t., March 24, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. No. 2, as such grade is defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1), if more than one-half of the surface in the aggregate is affected with discoloration;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the aforesaid amended United States standards;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(v) Any Temple oranges, grown in the State of Florida, which grade U. S. No. 3 or lower than U. S. No. 3, as such grades are defined in the aforesaid amended United States standards.

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of March 1947.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-2455; Filed, Mar. 14, 1947; 8:45 a. m.]

[Orange Reg. 169]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.315 *Orange Regulation 169*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California

or in the State of Arizona issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., March 16, 1947, and ending at 12:01 a. m., p. s. t., March 23, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate Districts Nos. 1 and 2, no movement; and (*b*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1,300 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of March 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 A. M. Mar. 16, 1947 to 12:01 A. M. Mar. 23, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.3580
A. F. G. Fullerton	.0515
A. F. G. Orange	.0565
A. F. G. Redlands	.3602
A. F. G. Riverside	.8684
Corona Plantation Co	1.0184
Hazeltine Packing Co	.0540
Signal Fruit Association	.7861
Azusa Citrus Association	1.0705
Azusa Orange Co., Inc	.1827
Damerel-Allison Co	1.2401
Glendora Mutual Orange Association	.5354
Irwindale Citrus Association	.3637
Puente Mutual Citrus Association	.0497
Valencia Heights Orchards Association	.2344
Glendora Citrus Association	.8249
Glendora Heights O. & L. Growers Association	.2123
Gold Buckle Association	3.5107
La Verne Orange Association, The	3.3620
Anaheim Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	.0000
Fullerton Mutual Orange Association	.0679
La Habra Citrus Association	.0000
Orange Co. Valencia Association	.0241
Orangethorpe Citrus Association	.0243
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association, The	.0139
Alta Loma Heights Citrus Association	.4011
Citrus Fruit Growers	.7568
Cucamonga Citrus Association	.6442
Etiwanda Citrus Fruit Association	.2292
Mountain View Fruit Association	.1649
Old Baldy Citrus Association	.4495
Rialto Heights Orange Growers	.4083
Upland Citrus Association	2.3199
Upland Heights Orange Association	1.0685
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0388
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.1386
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, Inc., The	.0000
Bradford Bros., Inc	.1586
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Call Ranch	.6709
Corona Citrus Association	.7990
Jameson Co	.3533
Orange Heights Orange Association	.9152
Break & Son, Allen	.2865
Bryn Mawr Fruit Growers Association	1.1087
Crafton Orange Growers Association	1.4149
E. Highlands Citrus Association	.4312
Fontana Citrus Association	.4518
Highland Fruit Growers Association	.6956
Krinard Packing Co	1.5181
Mission Citrus Association	.8138
Redlands Coop. Fruit Association	1.7954
Redlands Heights Groves	.9562
Redlands Orange Growers Association	1.2135

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orangedale Association	0.9961
Redlands Select Groves	.5549
Rialto Citrus Association	.5795
Rialto Orange Co	.3792
Southern Citrus Association	1.3043
United Citrus Growers	.7017
Zilen Citrus Co	.8913
Arlington Heights Fruit Co	.4838
Brown Estate, L. V. W	1.8201
Gavilan Citrus Association	1.7342
Hemet Mutual Groves	.3469
Highgrove Fruit Association	.7087
McDermot Fruit Co	1.6996
Mentone Heights Association	.8050
Monte Vista Citrus Association	1.1749
National Orange Co	.8769
Riverside Heights Orange Grs. Association	1.3290
Sierra Vista Packing Association	.7137
Victoria Ave. Citrus Association	2.4178
Claremont Citrus Association	1.0186
College Heights O. & L. Association	1.0594
El Camino Citrus Association	.5425
Indian Hill Citrus Association	1.1660
Pomona Fruit Growers Association	2.0367
Walnut Fruit Growers Association	.4455
West Ontario Citrus Association	1.6013
El Cajon Valley Citrus Association	.3852
Escondido Orange Association	.5669
San Dimas Orange Growers Association	1.0907
Covina Citrus Association	1.5473
Covina Orange Growers Association	.5144
Duarte-Monrovia Fruit Exchange	.3262
Ball & Tweedy Association	.0843
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Association	.1460
San Fernando Fruit Growers Association	.3137
San Fernando Heights Orange Association	.3712
Sierra Madre Lamanda Citrus Association	.2501
Camarillo Citrus Association	.0112
Fillmore Citrus Association	1.2679
Ojai Orange Association	1.1714
Piru Citrus Association	1.4572
Santa Paula Orange Association	.1900
Tapo Citrus Association	.0112
East Whittier Citrus Association	.0171
Whittier Citrus Association	.0090
Whittier Select Citrus Association	.0000
Anaheim Coop. Orange Association	.0000
Bryn Mawr Mutual Orange Association	.4839
Chula Vista Mutual Lemon Association	.1592
Escondido Coop. Citrus Association	.1036
Euclid Avenue Orange Association	2.1614
Foothill Citrus Union, Inc	.1571
Fullerton Coop. Orange Association	.0298
Garden Grove Orange Coop	.0118
Glendora Coop. Citrus Association	.0922
Golden Orange Groves, Inc	.4207
Highland Mutual Groves, Inc	.4301
Index Mutual Association	.0000
La Verne Coop. Citrus Association	2.5110
Olive Hillside Groves, Inc	.0090
Orange Coop. Citrus Association	.0462
Redlands Foothill Groves	2.2076
Redlands Mutual Orange Association	1.0316
Riverside Citrus Association	.3184
Ventur. County O. & L. Association	.3221
Whittier Mutual O. & L. Association	.0300
Babijuice Corp. of Calif	.5122

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Banks Fruit Company	0.2667
California Fruit Distributors	.0895
Cherokee Citrus Co., Inc	.9921
Chess Co., Meyer W	.4362
Evans Bros. Packing Co	.4991
Gold Banner Association	1.9637
Granada Hills Packing Co	.0233
Granada Packing House	.7303
Hill, Fred A	.7315
Inland Fruit Dealers, Inc	.2437
Orange Belt Fruit Distributors	2.4396
Panno Fruit Co., Carlo	.0834
Paramount Citrus Association	.2295
Riverside Growers, Inc	.4321
San Antonio Orchards Association	1.3209
Snyder & Sons Co., W. A	1.0523
Torn Ranch	.0497
Verity & Sons Co., R. H	.1262
Wall, E. T	1.6278
Western Fruit Growers, Inc., Redlands	2.9972
Yorba Orange Growers Association	.0331

[F. R. Doc. 47-2518; Filed, Mar. 14, 1947; 9:53 a. m.]

[Lemon Reg. 213]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.320 *Lemon Regulation 213*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., March 16, 1947, and ending at 12:01 a. m., p. s. t., March 23, 1947, is hereby fixed at 325 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 13th day of March 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: March 9, 1947, 12:01 a. m., Mar. 16, 1947, to 12:01 a. m., Mar. 30, 1947, inclusive]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.804
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.370
Consolidated Citrus Growers	.000
Corona Plantation Co	.397
Hazeltine Packing Co	1.050
Leppla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers, Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.454
Ventura Pacific Co	1.422
Total A. F. G	5.497
Arizona Citrus Growers	.002
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.029
Klink Citrus Association	.888
Lemon Cove Association	.497
Glendora Lemon Growers Association	1.211
La Verne Lemon Association	.885
La Habra Citrus Association	1.953
Yorba Linda Citrus Association, The	.919
Alta Loma Hts. Citrus Association	.748
Etiwanda Citrus Fruit Association	.504
Mountain View Fruit Association	.656
Old Baldy Citrus Association	1.205
Upland Lemon Growers Association	4.071
Central Lemon Association	1.503
Irvine Citrus Association	1.872
Placentia Mutual Orange Association	.735
Corona Citrus Association	.387
Corona Foothill Lemon Co	1.491
Jameson Co	.581
Arlington Heights Fruit Co	.468
College Heights Orange & Lemon Association	1.953
Chula Vista Citrus Association, The	1.141
El Cajon Valley Citrus Association	.494
Escondido Lemon Association	4.482
Fallbrook Citrus Association	2.275
Lemon Grove Citrus Association	.353
San Dimas Lemon Association	2.383
Carpinteria Lemon Association	1.978
Carpinteria Mutual Citrus Association	2.324
Goleta Lemon Association	2.583
Johnston Fruit Co	5.296
North Whittier Heights Citrus Association	1.221
San Fernando Heights Lemon Association	2.200
San Fernando Lemon Association	1.330
Sierra Madre-Lamanda Citrus Association	1.909
Tulare County Lemon & Grapefruit Association	1.026
Briggs Lemon Association	1.167
Culbertson Investment Co	.636
Culbertson Lemon Association	.897
Fillmore Lemon Association	1.622
Oxnard Citrus Association No. 1	2.925
Oxnard Citrus Association No. 2	2.955
Rancho Sespe	.798
Santa Paula Citrus Fruit Association	2.279
Saticoy Lemon Association	3.100
Seaboard Lemon Association	4.540
Somis Lemon Association	2.361
Ventura Citrus Association	1.234
Limoneira Co	1.592
Teague-McKevett Association	.580
East Whittier Citrus Association	1.064
Leffingwell Rancho Lemon Association	.640
Murphy Ranch Co	1.066
Whittier Citrus Association	1.138
Whittier Select Citrus Association	.746
Total C. F. G. E	84.893
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	1.352
Escondido Coop. Citrus Association	.730
Glendora Coop. Citrus Association	.139
Index Mutual Association	.513
La Verne Coop. Citrus Association	1.351
Libbey Fruit Packing Co	.009
Orange Coop. Citrus Association	.365
Pioneer Fruit Co	.033
Tempe Citrus Co	.000
Ventura Co. Orange & Lemon Association	2.207
Whittier Mutual Orange & Lemon Association	.393
Total M. O. D	7.092
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.009
California Citrus Groves, Inc., Ltd	.000
El Modena Citrus, Inc	.027
Evans Brothers Packing Co.—Riverside	.160
Evans Brothers Packing Co.—Sentinel Butte Ranch	.000
Foothill Packing Co	.224
Granada Packing House	.000
Harding & Leggett	.158
Orange Belt Fruit Distributors	1.522
Potato House, The	.000
Raymond Bros	.026
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.103
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.183
Western States Fruit & Produce Co	.000
Johnson, Fred	.086
Total independents	2.518

[F. R. Doc. 47-2517; Filed, Mar. 14, 1947; 9:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary

PART 01—ORGANIZATION AND PROCEDURE

SUBPART A—ORGANIZATION

1. Paragraph (g) is added to § 01.20 (11 F. R. 177A–191) to read as follows:

§ 01.20 *Administrative staff offices.* • • •

(g) The Office of the Departmental Safety Engineer assists the constituent agencies in developing effective safety programs which relate to employee and public safety and to the protection of public property. The Department Safety Engineer is in charge of the office.

2. Paragraph (c) of § 01.21 is amended to read as follows:

§ 01.21 *Program staff offices.* • • •

(c) The Office of Land Utilization coordinates land-use and land-management activities of the several agencies of the Department of the Interior. It develops and supervises the application of sound forestry practices; administers soil and moisture conservation work; and cooperates with other Federal, State, and private agencies concerned with the protection and conservation of lands and natural resources of the United States and Alaska. The Assistant to the Secretary in charge of Land Utilization is Chairman of the Department's Water Resources Committee and cooperates with the Executive Officer of that committee in the coordination of the water development programs of the Department.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 237, 244)

J. A. KRUG,
Secretary of the Interior.

MARCH 10, 1947.

[F. R. Doc. 47–2426; Filed, Mar. 14, 1947; 8:45 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

NEVADA

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see F. R. Doc. 47–2415 under Department of the Interior in the Notices section, *infra*, which takes precedence over, but shall not modify the order of the Secretary of the Interior dated April 8, 1935, establishing Nevada Grazing District No. 1.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMENS' READJUSTMENT ACT OF 1944

CHARGES AND PAYMENTS FOR TUITION, FEES, BOOKS, SUPPLIES, EQUIPMENT AND OTHER EXPENSES

Section 36.247 (a) (3) of instructions concerning charges and payments for tuition, fees, books, supplies, equipment and other expenses is amended to read as follows:

§ 36.247 *Payments to training institutions.* (a) • • •

(3) The following interpretation will guide managers in such cases:

(i) *If enrollment is for the quarter or semester in a course of 30 weeks or more.* Whenever the period of eligibility ends during a quarter or semester, and after a major portion of such quarter or semester has expired, such period shall be extended to the termination of such unexpired quarter or semester provided the customary charge for tuition does not exceed the rate of $500 for an ordinary school year.

(a) In case the customary charge exceeds the rate of $500 for an ordinary school year and the veteran has executed a VA Form 7–1950a, "Application for a Course of Education or Training Where the Customary Charges are in Excess of the Rate of $500 for an Ordinary School Year," the period of eligibility will be extended either to the end of the quarter or semester or for a period of time during which the charge to the Veterans Administration for tuition, fees, books, supplies, equipment and other necessary expenses equals $125, whichever is the lesser. The period the entitlement is to be extended may be determined as follows:

(*1*) Find the total charge by the institution for one week by dividing the total charge for the quarter or semester by the number of weeks in the quarter or semester.

(2) Divide $125 by the cost per week found in subdivision (*1*) of this subdivision.

(3) The result will be the weeks and fractions of weeks which will be the maximum period for which the period of eligibility and entitlement can be extended.

(ii) *If enrollment is for a course of 30 weeks or more in an institution which does not subdivide the year.* When a veteran trainee is enrolled in and attending an educational institution which does not divide its course into quarters or semesters and his period of eligibility ends after half of the period of year of instruction is completed, or after nine weeks, whichever is the lesser in time, the period of eligibility shall be extended either to the end of the course or for not to exceed nine additional weeks, whichever is the lesser in time, provided the trainee is enrolled for and pursuing a course for which the customary charge does not exceed the rate of $500 for an ordinary school year.

(*a*) When the institution does not divide its course into quarters or semesters and the charge for the course exceeds the rate of $500 for an ordinary school year and VA Form 7–1950a has been executed, the period of eligibility will be extended either to the end of the course of the year or for a period of time during which the charge to the Veterans' Administration for tuition, fees, books, supplies, equipment and other necessary expenses equals $125, whichever is the lesser. The period the entitlement is to be extended may be determined as follows:

(*1*) Find the total charge by the institution for one week by dividing the total charge for the course or the year by the number of weeks in the course or the year.

(2) Divide $125 by the cost per week found in subdivision (*1*) of this subdivision.

(3) The result will be the weeks and fractions of weeks which will be the maximum period for which the period of eligibility and entitlement can be extended.

(*4*) If, as in flight training, the cost per week cannot be found because instruction is charged by the hour, the extension of period of entitlement will be limited to that period for which the charge to the Veterans' Administration will not exceed $125.

(iii) *If enrollment is for a course of less than 30 weeks.* The rules set forth in subdivisions (i) and (ii) of this subparagraph will apply for a veteran-trainee except that in no case can the Veterans' Administration pay more than the total of $500 for a course of less than 30 weeks. (59 Stat. 623)

(58 Stat. 284; 38 U. S. C. 693)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

MARCH 7, 1947.

[F. R. Doc. 47–2452; Filed, Mar. 14, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 110]

DESIGNATION OF LAREDO MUNICIPAL AIRPORT, LAREDO, TEXAS, AS A TEMPORARY AIRPORT OF ENTRY FOR ALIENS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), notice is hereby given of the proposed issuance by the Attorney General of the following rule relating to the designation of the Laredo Municipal Airport, Laredo, Texas, as a temporary airport of entry for aliens. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1806, Franklin Trust Building, Philadelphia 2, Pennsylvania, written data, views, or arguments relative to this proposed action. Such representations may not be presented orally in any manner. All relevant material received within twenty days following the day of publication of this notice will be considered.

Section 110.3 (b), Chapter I, Title 8, Code of Federal Regulations is amended by inserting "Laredo, Tex., Laredo Municipal Airport" between "Havre, Mont., Havre-Hill County Airport" and "Malone, N. Y., Malone-Dufort Airport" in the list of temporary airports of entry for aliens.

(Sec. 7 (d), 44 Stat. 572; 49 U. S. C. 177 (d); sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV)

TOM C. CLARK,
Attorney General.

Recommended: March 3, 1947.

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 47–2451; Filed, Mar. 14, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Ch. I]

[Docket No. 7974]

RADIOTELEGRAPH SERVICE BETWEEN THE UNITED STATES AND FOREIGN AND OVERSEAS POINTS AND ASSIGNMENT OF FREQUENCIES

ORDER AMENDING ISSUES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission, having under consideration its order of November 27, 1946 (11 F. R. 14214) herein;

It appearing, that certain provisions and issues contained in the aforementioned order require amendment and enlargement thereof, respectively; and

It further appearing, that it is desirable that the time be extended within which persons or organizations, other the parties or interveners herein, may notify the Commission of their desire to make any presentation for the record herein;

It is ordered, Upon the Commission's own motion, pursuant to section 309 (a) of the Communications Act of 1934, as amended, that Issues Nos. 8 and 9 of the first decretal paragraph and the second decretal paragraph of the order of November 27, 1946, herein be and they are hereby amended to read as follows:

8. To determine the standards which should be followed by the Commission in assigning frequencies for foreign and overseas communications in the fixed public radio services, and the number and type of frequencies which should be licensed to each applicant in order to promote the most efficient and economical system for foreign and overseas communications.

9. To determine, in the light of the foregoing, what arrangement of radiotelegraph circuits, on a world-wide basis, will promote the greatest efficiency in service and economies in operation for foreign and overseas communication, and will best serve public interest, convenience, or necessity.

It is further ordered, That pursuant to section 215 (c), 218 and 403 of the Communications Act of 1934, as amended, a general investigation be, and it is hereby instituted, on the Commission's own motion, into the practices, regulations, services, facilities, frequency utilization, costs of rendering service, technical developments, traffic arrangements, and management of each of the applicants, for and in connection with, or in any way affecting foreign and overseas communication service and into the question of what distribution of radiotelegraph circuits for foreign and overseas communication will best serve public interest, convenience or necessity;

It is further ordered, That the foregoing order of November 27, 1946 be and it is hereby further amended by changing the words "December 31, 1946" in the sixth decretal paragraph thereof to "April 1, 1947."

It is further ordered, Upon the Commission's own motion, pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the issues set forth in the aforementioned Order of November 27, 1946 be, and they are hereby enlarged to include the following additional issue:

3. • • •

(j) The relationships between each applicant and its respective manufacturing, sales, and research subsidiaries, affiliates and associates, and the effect of such relationships upon the ability of each applicant to render efficient and economical communications service in the best interest of the United States public.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–2444; Filed, Mar. 14, 1947; 8:50 a. m.]

NATIONAL HOUSING AGENCY

Federal Savings and Loan System

[24 CFR, Part 202]

[Bulletin 86]

INCORPORATION, CONVERSION AND ORGANIZATION

NOTICE OF PROPOSED AMENDMENT RELATING TO A NEW TYPE OF SHARE ACCOUNT UNDER CHARTER K

MARCH 12, 1947.

Pursuant to 24 CFR 201.2 notice is hereby given of the proposed amendment of 24 CFR 202.9 (d) by the addition of a new subparagraph (5) as follows:

(5) Amendment of the fourth sentence of section 6 by striking the period at the end thereof and adding the following: "or, if to be repurchased within twelve months as short-term savings share accounts." and amendment of the tenth sentence of section 9 by striking the period at the end thereof and adding: "and short-term savings share accounts."

(Sec. 5 (a), (b), (c), 48 Stat. 132, sec. 18, 49 Stat. 297, sec. 4a, Pub. Law 404, 79th Cong.; 12 U. S. C. 1464 (a), (b), (c); E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 47–2471; Filed, Mar. 14, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1538386]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 6, 1947.

Departmental Order approved May 31, 1946, revoked Departmental Order of March 16, 1934, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Humboldt Project, Nevada, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 8, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 9, 1947, to August 7, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to te requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 19, 1947, to May 8, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 9, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 8, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 19, 1947, to August 7, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 8, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office at Carson City, Nevada.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 32 E.,
Sec. 36, SE¼NE¼ and W½E½.
T. 32 N., R. 32 E.,
Sec. 2, W½ Lot 2 of NW¼;
Sec. 10, W½NE¼ and NW¼SE¼;
Sec. 22, W½SE¼;
Sec. 24, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 31 N., R. 33 E.,
Sec. 8, N½NE¼ and SE¼SE¼;
Sec. 18, Lot 2 of NW¼ and Lot 2 of SW¼;
Sec. 32, E½W½.
T. 32 N., R. 33 E.,
Sec. 2, Lot 1 of NE¼ and E½ Lot 1 of NW¼;
Sec. 4, Lot 1 of NE¼, W½ Lot 2 of NE¼, Lots 1 and 2 of NW¼;
Sec. 6, NE¼SE¼ and S½SE¼;
Sec. 18, Lot 1 of NW¼ and Lot 1 of SW¼;
Sec. 30, N½ Lot 1 of NW¼, N½ Lot 2 of NW¼, E½NE¼, and NW¼NE¼;
Sec. 32, NE¼NW¼, S½NW¼, and SW¼.
T. 33 N., R. 33 E.,
Sec. 20, N½N½;
Sec. 26, N½SW¼;
Sec. 32, SE¼;
Sec. 36, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

The areas described aggregate 2,839.10 acres.

The lands are level to rolling and broken in topography. Soils are generally sandy except in T. 32 N., R. 33 E., where some rocky soils exist and an alkaline condition is found. Bottom lands along the Humboldt River are fertile.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2412; Filed, Mar. 14, 1947; 8:46 a. m.]

[Misc. 1909221]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 6, 1947.

Departmental Order approved May 31, 1946, revoked Departmental Order of April 21, 1942, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the General Investigations, Idaho, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 8, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 9, 1947, to August 7, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 19, 1947, to May 8, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 9, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 8, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 19, 1947, to August 7, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 8, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

The lands affected by this order are described as follows:

BOISE MERIDIAN

T. 4 N., R. 2 E.,
Sec. 6, SW¼SE¼;
Sec. 7, Lots 1, 2, NW¼NE¼, S½NE¼, and E½NW¼.

The areas described aggregate 330.99 acres.

The lands are rolling and hilly in character, lying between the Boise River and Dry Creek.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2410; Filed, Mar. 14, 1947; 8:45 a. m.]

[Misc. 1951699]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 6, 1947.

Departmental Order approved May 21, 1946, revoked Departmental Orders of April 14, 1943, so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Ochoco Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 8, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 9, 1947, to August 7, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims

under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 19, 1947, to May 8, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 9, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 8, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 19, 1947, to August 7, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 8, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office at The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLIAMETTE MERIDIAN

T. 17 S., R. 16 E.,
Sec. 1, Lot 2, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 11, N½N½;
Sec. 13, SW¼NW¼;
Sec. 14, S½N½;
Sec. 24, SW¼NE¼ and SE¼.
T. 16 S., R. 17 E.,
Sec. 23, SW¼;
Sec. 26, SE¼NE¼ and E½SW¼;
Sec. 27, NE¼NE¼, W½NE¼, NE¼SW¼, and NW¼SE¼;
Sec. 28, NE¼SE¼;
Sec. 31, lot 3 and NE¼SE¼;
Sec. 33, NW¼SW¼;
Sec. 34, S½NE¼ and SE¼NW¼.
T. 17 S., R. 17 E.,
Sec. 7, S½SE¼;
Sec. 9, N½;
Sec. 18, Lot 2 and E½NW¼;
Sec. 19, Lots 1, 2, E½NW¼, and SE¼SW¼.

The areas described aggregate 2,263.19 acres.

The lands vary from levels to hilly and rolling in topography. The soil ranges from fertile to second-rate in character, affording native vegetation such as bunch grass, brush, and some timber for local use. Water is available from streams which run through the land.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2413; Filed, Mar. 14, 1947; 8:46 a. m.]

[Misc. 2062443]

NORTH DAKOTA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 6, 1947.

Departmental Order approved September 28, 1945, revoked Departmental Order of October 20, 1906, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Bowman Project, North Dakota, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 8, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 9, 1947, to August 7, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims

of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 19, 1947, to May 8, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 9, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 8, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 19, 1947, to August 7, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 8, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Bismarck, North Dakota, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Bismarck, North Dakota.

The lands affected by this order are described as follows:

FIFTH PRINCIPAL MERIDIAN

T. 129 N., R. 101 W.,
Sec. 11, SW¼ and W½SE¼;
Sec. 13, SW¼NW¼, SW¼, and S½SE¼;
Sec. 14, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 15, S½N½ and N½S½;
Sec. 23, N½NE¼, SE¼NE¼, NE¼NW¼, SE¼SW¼, and SE¼;
Sec. 24;
Sec. 25, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 26, NE¼, NE¼NW¼, S½NW¼, and S½;
Sec. 35, W½NE¼, NW¼, and N½SW¼.

The areas described aggregate 3,520.00 acres. Part of the lands are patented.

The lands are level to rolling prairies and the soils are described as second- and third-rate. Spring Creek and the North Fork of Grand River run through or near these lands.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2411; Filed, Mar. 14, 1947; 8:45 a. m.]

NEVADA

AIR-NAVIGATION SITE WITHDRAWAL NO. 232

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights the following-described public land in Nevada is hereby withdrawn from all forms of appropriation under the public land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 232:

MOUNT DIABLO MERIDIAN

T. 38 N., R. 62 E.,
Sec. 28, NW¼SE¼SW¼.

The area described contains 10 acres.

This order shall take precedence over, but shall not modify the order of the Secretary of the Interior dated April 8, 1935, establishing Nevada Grazing District No. 1, so far as it affects the above-described land.

It is intended that the public land described herein shall be returned to the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

MARCH 7, 1947.

[F. R. Doc. 47-2415; Filed, Mar. 14, 1947; 8:46 a. m.]

ALASKA, CALIFORNIA, NEVADA, AND UTAH

AMENDING CERTAIN DEPARTMENTAL ORDERS WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF COMMERCE AND NAVY DEPARTMENT

The Departmental orders hereinafter enumerated, withdrawing certain public lands in Alaska, California, Nevada, and Utah for the use of the Department of Commerce and the Navy Department in the maintenance of air-navigation facilities, are hereby amended by adding to each of the orders the following paragraph:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

The withdrawal orders affected by this order are as follows:

Air-navigation site withdrawal No.	Date
129	September 22, 1939.
130 enlarged	March 20, 1942.
145	October 1, 1940.
145 enlarged	November 24, 1941.
145 enlarged	May 4, 1942.
146 enlarged	April 7, 1942.
148	December 6, 1940.
156	March 17, 1941.
156 enlarged	October 10, 1942.
157 amended	July 24, 1942.
161 enlarged	July 22, 1942.
162	June 25, 1941.
167 amended	February 14, 1942.
168	November 5, 1941.
169 enlarged	July 13, 1942.
170 enlarged	January 5, 1942.
171	December 24, 1941.
172	December 31, 1941.
173	December 31, 1941.
176	January 19, 1942.
178	May 4, 1942.
180	June 8, 1942.
182	July 21, 1942.
183	July 21, 1942.
185	August 14, 1942.
186	August 15, 1942.
186 enlarged	December 23, 1942.
188	August 24, 1942.
189	September 24, 1942.
190	September 24, 1942.
191	September 22, 1942.
192	October 1, 1942.
193	September 29, 1942.
194	November 3, 1942.
195	November 30, 1942.
197	November 30, 1942.
199	February 22, 1943.
200	March 27, 1943.
201	April 8, 1943.
203	May 27, 1943.
204	May 11, 1943.

Similar provisions contained in Air-Navigation Site Withdrawals No. 186 enlarged December 23, 1942, Nos. 195 and 197 established November 30, 1942, and No. 201 established April 8, 1943, are hereby superseded.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

MARCH 4, 1947.

[F. R. Doc. 47-2414; Filed, Mar. 14, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 5893, 6161, 5361, 6144, 5778, 6145, 7065, 7309, 7481, 8099, 8100]

WOAX, INC., ET AL.

ORDER TO SHOW CAUSE

In re application of WOAX, Incorporated (WTNJ), Trenton, New Jersey, Docket No. 5893, File No. B1-R-186, for renewal of license; WOAX, Incorporated (WTNJ), Trenton, New Jersey, Docket No. 6161, File No. B1-ML-1084, for modification of license; The City of Camden (WCAM), Camden, New Jersey, Docket No. 5361, File No. B1-R-168, for renewal of license; The City of Camden (WCAM), Camden, New Jersey, Docket No. 6144, File No. B1-ML-1069, for modification of license; Radio Industries Broadcast Company (WCAP), Asbury Park, New Jersey, Docket No. 5778, File No. B1-R-181, for renewal of license; Radio Industries Broadcast Company (WCAP), Asbury Park, New Jersey, Docket No. 6145, File No. B1-ML-1070, for modification of license.

In re applications of Camden Broadcasting Company, Camden, New Jersey, Docket No. 7065, File No. B1-P-4173; Independence Broadcasting Company (WHAT), Philadelphia, Pennsylvania, Docket No. 7309, File No. B2-P-4435; Ranulf Compton, d/b as Radio WKDN, Camden, New Jersey, Docket No. 7481, File No. B1-P-4617, for construction permits.

In re application of Valley Broadcasting Corporation, Allentown, Pennsylvania, Docket No. 8099, File No. BP-4790, for construction permit.

In re WOAX, Incorporated (WTNJ), Trenton, New Jersey, Docket No. 6161, File No. B1-ML-1084; The City of Camden (WCAM), Camden, New Jersey, Docket No. 6144, File No. B1-ML-1069; Radio Industries Broadcast Company (WCAP), Asbury Park, New Jersey, Docket No. 6145, File No. B1-ML-1070; Independence Broadcasting Company (WHAT), Philadelphia, Pennsylvania, Docket No. 7309, File No. B2-P-4435; Foulkrod Radio Engineering Company (WTEL), Philadelphia, Pennsylvania, Docket No. 8100, for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of February 1947;

The Commission having under consideration (1) its proposed decision and supplemental proposed decision (B-224) issued October 17, 1945, and September 5, 1946, respectively, proposing to grant the application of Radio Industries Broadcasting Company (WCAP) for renewal of license and modification of license and to deny the applications of the City of Camden (WCAM) and WOAX, Inc. (WTNJ) for renewal and modification of their respective licenses; (2) its proposed decision (B-293) issued October 31, 1946, proposing to grant the application of Ranulf Compton d/b as Radio WKDN for a new standard broadcast station at Camden, New Jersey, to be operated on 800 kc, 1 kw, daytime only, and denying the applications of Camden Broadcasting Company and Independence Broadcasting Company (WHAT) for use of these facilities in Camden and Philadelphia, respectively; (3) the application of Valley Broadcasting Corporation (File No. BP-4790) for a new standard broadcast station at Allentown, Pennsylvania, to be operated on 790 kc with 1 kw power, unlimited time; and (4) the petition of Valley Broadcasting Company requesting reconsideration and further hearing on the proposed grant of the application of Ranulf Compton d/b as Radio WKDN; and

Whereas, the City of Camden (WCAM) and WOAX, Inc. (WTNJ) have filed exceptions to the decision proposing to deny their applications and oral argument was heard thereon before the Commission on December 27, 1946; and

Whereas, Camden Broadcasting Corporation and Independence Broadcasting Company (WHAT) have filed exceptions to the decision proposing to deny their respective applications and to grant the application of Ranulf Compton d/b as Radio WKDN, and oral argument was heard thereon before the Commission on December 27, 1946; and

Whereas, Stations WCAP, the only station in Asbury Park, New Jersey, WCAM, the only station in Camden, New Jersey, and WTNJ, one of two stations in Trenton, New Jersey, now operate on 1310 kc, under a time-sharing arrangement and Stations WHAT and WTEL, Philadelphia, operate on 1340 kc under a time-sharing arrangement which does not permit operation during that portion of the day when WCAM is in operation because of the mutual interference which would be caused thereby; and

Whereas, it appears to the Commission that as a result of these time-sharing arrangements, the communities served by the respective stations do not now have adequate local service; and

Whereas, it appears that, in the event the licenses of Stations WTNJ and WCAM should be renewed, a more fair and equitable distribution of facilities among the communities involved might be obtained by modification of the respective licenses of these stations as follows:

WCAM, Camden, from 1310 kc, 500 w (S-WCAP, WTNJ) to 1340 kc, 250 w, unlimited.

WTNJ, Trenton, from 1310 kc, 500 w (S-WCAM, WCAP) to 1300 kc, 250 w, daytime only.

WCAP, Asbury Park, from 1310 kc, 500 w (S-WCAM, WTNJ), to 1310 kc, 250 w, unlimited.

WTEL, Philadelphia, from 1340 kc, 100 w (S-WHAT) to 860 kc, 250 w, daytime only.

WHAT, Philadelphia, from 1340 kc, 100 w (S-WTEL) to 800 kc, 1 kw, daytime only;

and

Whereas, the operation of Station WHAT at Philadelphia, Pennsylvania, on 800 kc might result in mutual interference with the proposed station of Valley Broadcasting Company operating on 790 kc at Allentown, Pennsylvania;

Now, therefore, it is ordered, That, pursuant to section 312 (b) of the Communications Act of 1934, as amended, WOAX, Inc., the City of Camden, Radio Industries Broadcasting Company, Independence Broadcasting Company, and Foulkrod Radio Engineering Company show cause at a hearing to be held in Washington, D. C., at 10:00 o'clock a. m. on March 10, 1947, why the licenses of their respective stations, if they are renewed, should not be modified as follows: WCAM to operate on 1340 kc, 250 w, unlimited time; Station WTNJ to operate on 1300 kc, 250 w, daytime only; WCAP to operate on 1310 kc, 250 w, unlimited time; Station WHAT to operate on 800 kc with 1 kw power, daytime only; and WTEL to operate on 860 kc, 250 w, daytime only; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of Valley Broadcasting Corporation be, and it is hereby designated for hearing in a consolidated proceeding with the aforesaid proceeding under section 312 (b) of the act, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether a more fair, efficient and equitable distribution of radio service would be accomplished by a grant of the application of Valley Broadcasting Corporation or by the following plan of allocation of facilities to the following stations: WCAM, 1340 kc, 250 w, unlimited time; WTNJ, 1300 kc, 250 w, daytime only; WCAP, 1310 kc, 250 w, unlimited time; WHAT, 800 kc, 1 kw, daytime only; WTEL, 860 kc, 250 w, daytime only; and

It is further ordered, That the proceeding involving Docket Nos. 5893, 6161, 5361, 6144, 5778, and 6145 and the proceeding involving Docket Nos. 7065, 7309, and 7481 be, and the same are hereby consolidated and designated for further hearing with the hearing ordered herein, pursuant to section 312 (b) of the act, and the hearing ordered herein upon the application of Valley Broadcasting Corporation.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2441; Filed, Mar. 14, 1947; 8:49 a. m.]

[Docket Nos. 7844, 8174, 8175]

BELLEVILLE NEWS-DEMOCRAT ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, Belleville, Illinois,

Docket No. 7844, File No. BP-5176; Hobart Stephenson (WCNT), Centralia, Illinois, Docket No. 8174, File No. BP-5693; W. Alexander Knight, East St. Louis, Illinois, Docket No. 8175, File No. BP-5834; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, requesting a construction permit for a new standard broadcast station to operate on 1260 kc, 1 kw power, unlimited time, employing a directional antenna at night, at Belleville, Illinois, Hobart Stephenson requesting a construction permit to change the facilities of Station WCNT, Centralia, Illinois from 1210 kc, 1 kw power, daytime only to 1250 kc, 500 w, 1 kw local sunset, unlimited time, employing a directional antenna at night, and W. Alexander Knight, requesting a construction permit for a new standard broadcast station to operate on 1260 kc, 1 kw power, unlimited time, employing a directional antenna, at East St. Louis, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicants and of the applicant partnership and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2429; Filed, Mar. 14, 1947; 8:48 a. m.]

[Docket Nos. 7941, 7942, 8167]

HILLSDALE BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hillsdale Broadcasting Company, Inc., Hillsdale, Michigan, Docket No. 7941, File No. BP-5281; Abe Lapides, Pontiac, Michigan, Docket No. 7942, File No. BP-5331; Woodward Broadcasting Company, Detroit, Michigan, Docket No. 8167, File No. BP-5827; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application of Woodward Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 840 kc, 5 kw power, daytime only, employing a directional antenna at Detroit, Michigan and a petition by said applicant requesting that its application be designated for hearing in the above-entitled consolidated proceeding; and

It appearing, that the Commission on November 7, 1946, designated for hearing in a consolidated proceeding the applications of Hillsdale Broadcasting Company, Inc. (File No. BP-5281, Docket No. 7941) requesting a construction permit for a new standard broadcast station to operate on 830 kc., 250 w power, daytime only, at Hillsdale, Michigan, and Abe Lapides (File No. BP-5331, Docket No. 7942) requesting a construction permit for a new standard broadcast station to operate on 830 kc, 1 kw power, daytime only, at Pontiac, Michigan;

It is ordered, That the petition of Woodward Broadcasting Company be, and it is hereby, granted;

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Woodward Broadcasting Company be, and it is hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, with the applications of Hillside Broadcasting Company, Inc. (File No. BP-5281, Docket No. 7941) and Abe Lapides (File No. BP-5331, Docket No. 7942) to be held on March 20, 1947 upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders dated November 7, 1946, designating for hearing in a consolidated proceeding the said applications of Hillsdale Broadcasting Company, Inc. and Abe Lapides, be, and they are hereby amended to include the said application of Woodward Broadcasting Company, and to include among the issues for hearing, issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2437; Filed, Mar. 14, 1947; 8:49 a. m.]

[Docket Nos. 7964, 8169]

WIRED MUSIC, INC., AND BELOIT BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wired Music, Inc., Rockford, Illinois, Docket No. 7964, File No. BP-5296, Beloit Broadcasters, Incorporated, Beloit, Wisconsin, Docket No. 8169, File No. BP-5617; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application of Beloit Broadcasters, Incorporated requesting a construction permit for a new standard broadcast station to operate on 1380 kc, 1 kw power, daytime only, at Beloit, Wisconsin and a petition by applicant requesting that its application be designated for hearing with the above-entitled application of Wired Music, Inc., and that said hearing be held at Beloit, Wisconsin; and

It appearing, that the Commission on November 21, 1946, designated for hearing the application of Wired Music, Inc. (File No. BP-5296, Docket No. 7964) requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w power, unlimited time, at Rockford, Illinois;

It is ordered, That the petition of Beloit Broadcasters, Incorporated, insofar as it requests that its application be designated for hearing in a consolidated proceeding with the above-entitled application of Wired Music, Inc., be, and it is hereby, granted;

It is further ordered, That the petition of Beloit Broadcasters, Incorporated, insofar as it requests that the hearing on said application be held at Beloit, Wisconsin be, and it is hereby, denied;

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Beloit Broadcasters, Incorporated be, and it is hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, with the application of Wired Music, Inc. (File No. BP-5296, Docket No. 7964), to be held on May 12 1947 at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order, dated November 21, 1946, designating for hearing the above-entitled application of Wired Music, Inc., be, and it is hereby, amended to include the above-entitled application of Beloit Broadcasters, Incorporated, and to include among the issues for hearing, Issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2439; Filed, Mar. 14, 1947; 8:49 a. m.]

[Docket Nos. 8011, 8012, 8162]

AMERICAN BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of applications of American Broadcasting Company, Inc. (KGO), San Francisco, California, Docket No. 8011, File No. BMP-2157; for modification of construction permit, Denver Broadcasting Company, Denver, Colorado, Docket No. 8012, File No. BP-5141; for construction permit and modification of broadcast license of General Electric Company (WGY), Schenectady, New York, Docket No. 8162, File No. BS-264.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of December 1946;

The Commission having under consideration the following matters:

(1) Application of American Broadcasting Company, Inc. (File No. BMP-2157) requesting a modification of construction permit to authorize changes in the directional antenna of Station KGO, San Francisco, California;

(2) Application of Denver Broadcasting Company (File No. BP-5141) for a construction permit for a new standard broadcast station to operate on the frequency 810 kc with power of 25 kw, 50 kw-LS, using directional antenna day and night at Denver, Colorado; and

(3) Request of American Broadcasting Company (KGO) that Station WGY, Schenectady, New York, be required to install a directional antenna which would afford nighttime protection to Station KGO operating as proposed in the aforesaid application; and

It appearing, that Station WGY now operates unlimited time at Schenectady, New York, on the frequency 810 kc with 50 kw power; that Station KGO is authorized to operate unlimited time, with directional antenna, on the same frequency at San Francisco, California, with 50 kw power; and that the said request of American Broadcasting Company, Inc. pertaining to the installation of a directional antenna by Station WGY, would, if granted, be a modification of the broadcast license of Station WGY;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above entitled applications of American Broadcasting Company (KGO) and Denver Broadcasting Company be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, and that as a part of the said proceeding, and in consolidation therewith, the licensee of Station WGY, General Electric Company, be, and it is hereby, afforded the opportunity to show cause why the broadcast license issued to the said General Electric Company, for the operation of Station WGY, should not be modified so as to specify a directional antenna which would afford nighttime protection to the said proposed operation of Station KGO.

It is further ordered, That the said applications of American Broadcasting Company, Inc. (KGO) and Denver Broadcasting Company be heard upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, Denver Broadcasting Company, its officers, directors and stockholders, to construct and operate its proposed station, and the technical, financial and other qualifications of the applicant American Broadcasting Company, Inc., its officers, directors and stockholders, to construct and operate Station KCO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations, or either of them, would involve objectionable interference with any existing broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether Station WGY, Schenectady, New York, would involve objectionable interference with the proposed operations, particularly with the operation of Station KGO, as proposed, whether such interference, if any, could be eliminated by the installation of a directional antenna by Station WGY, and whether it would be in the public interest to modify Station WGY's broadcast license to specify such a directional antenna.

7. To determine whether the installations and operations proposed by the applicants would be in compliance with the Commission's rules and Standards of

Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis, which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2442; Filed, Mar. 14, 1947; 8:49 a. m.]

[Docket No. 8113]

MISSISSIPPI VALLEY BROADCASTING CO. AND EVANSVILLE ON THE AIR, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Myles H. Johns, Penrose H. Johns, Wm. F. Johns & Wm. F. Johns, Jr., d/b as Mississippi Valley Broadcasting Company (assignor), Docket No. 8113, File No. Bal-566; and Evansville on the Air, Inc. (assignee), for assignment of the license of AM Station WTMV, East St. Louis, Illinois.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 14th day of February 1947;

The Commission, having under consideration the above entitled application for assignment of license of Station WTMV, East St. Louis, Illinois, and not being satisfied that it is in possession of full information as required by the Communications Act and acting pursuant to section 310 (b) of said act and § 1.321 of the rules and regulations of the Commission;

It is ordered, That the above-entitled application for assignment of the license of Station WTMV, East St. Louis, Illinois, to Evansville on the Air, Inc., be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issuse:

1. To determine the legal, technical, financial, and other qualifications of the assignee to acquire the license of Station WTMV, its associated pending application for a new FM station to be located in East St. Louis, Illinois (BPH-1096), and to operate said station in the public interest.

2. To determine the type and character of program service proposed to be rendered by the assignee and whether it would meet the requirements of the populations and areas served.

3. To obtain full information with respect to the arrangements between the assignor and assignee under which the license of Station WTMV would be assigned to assignee and the actual value of the physical property to be transferred pursuant to such arrangements.

4. To obtain full information as to how the station would be staffed and operated and the policies to be followed if the application is granted.

5. To obtain full information as to the purchase price paid by the assignor for Station WTMV, the actual value of the physical property so acquired by the assignor, the improvements and/or additions to the station's physical property, and the actual value thereof, which the assignor has made as licensee of said station, as well as the amount of money assignor has expended in connection with said station's program service and/or its improvement.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2440; Filed, Mar. 14, 1947; 8:49 a. m.]

[Docket No. 8117]

LIVE OAK BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of John A. Boling, d/b as Live Oak Broadcasting Company, Live Oak, Florida, File No. BP-5254, Docket No. 8117; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1450 kc, 250 w, unlimited time, at Live Oak, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby designated for hearing in a consolidated proceeding with the application of Orbra T. Harrell and Orbra W. Harrell, a partnership d/b as Harrell Broadcasting Company (File No. BP-5524) requesting a permit to construct a new standard broadcast station to operate on 1450 kc with 250 watts power, unlimited time, at Gainesville, Florida, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WRHP, Tallahassee, Florida, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Obra T. Harrell and Obra W. Harrell, a partnership d/b as Harrell Broadcasting Company (File No. BP-5524) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Tallahassee Appliance Corporation, licensee of station WRHP, Tallahassee, Florida, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2443; Filed, Mar. 14, 1947; 8:50 a. m.]

[Docket No. 8118]

HARRELL BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Orbra T. Harrell and Orbra W. Harrell, a partnership d/b as Harrell Broadcasting Company (File No. BP-5524, Docket No. 8118; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1450 kc, with 250 watts power, unlimited time, at Gainesville, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of John A. Boling d/b as Live Oak Broadcasting Company (File No. BP-5254) requesting a permit to construct a new standard broadcast station to operate on 1450 kc, with power of 250 w, unlimited time, at Live Oak, Florida, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of

the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WMFJ, Daytona Beach, Florida, WMBR, Jacksonville, Florida or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of John A. Boling, d/b as Live Oak Broadcasting Company (File No. BP-5254), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That W. Wright Esch, licensee of station WMFJ, Daytona Beach, Florida, and Florida Broadcasting Company, licensee of station WMBR, Jacksonville, Florida, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2435; Filed, Mar. 14, 1947; 8:48 a. m.]

[Docket No. 8165, 8166]

CEDAR VALLEY BROADCASTING CO. AND MASON CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Cedar Valley Broadcasting Company, Austin, Minnesota, Docket No. 8165, File No. BP-5085, Louis Wolf, Abbott E. Wolf, J. George Wolf and William Robert Wolf, d/b as Mason City Broadcasting Company, Mason City, Iowa, Docket No. 8166, File No. BP-5324; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled applications of Cedar Valley Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1480 kc., 1 kw. power, unlimited time, employing a directional antenna at Austin, Minnesota, and Louis Wolf, Abbott E. Wolf, J. George Wolf and William Robert Wolf, d/b as Mason City Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1490 kc., 250 w. power, unlimited time, at Mason City, Iowa and a petition by Cedar Valley Broadcasting Company requesting that said applications be designated for hearing in a consolidated proceeding;

It is ordered, That the petition of Cedar Valley Broadcasting Company be, and it is hereby, granted;

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcasting Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2436; Filed, Mar. 14, 1947; 8:49 a. m.]

[Docket Nos. 8170, 8171]

WESTERN PENNSYLVANIA BROADCASTING CORP. AND EAST LIVERPOOL BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Western Pennsylvania Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 8170, File No. BP-5344; East Liverpool Broadcasting Company, East Liverpool, Ohio, Docket No. 8171, File No. BP-5799; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Western Pennsylvania Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1490 kc, 250 w power, unlimited time at Pittsburgh, Pennsylvania and East Liverpool Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1490 kc, 250 w power, unlimited time at East Liverpool, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the

Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2427; Filed, Mar. 14, 1947; 8:48 a. m.]

[Docket No. 8168]

SOUTHERN IDAHO BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of J. L. Peterson and Mark L. Checketts d/b as Southern Idaho Broadcasting Co., Preston, Idaho, Docket No. 8168, File No. BP-5002; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1947;

The Commission having under consideration the above-entitled application of J. L. Peterson and Mark L. Checketts, d/b as Southern Idaho Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1500 kc, 250 w power, unlimited time, at Preston, Idaho;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of J. L. Peterson and Mark L. Checketts, d/b as Southern Idaho Broadcasting Company, be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KSTP, St. Paul, Minnesota or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That KSTP, Inc., licensee of Station KSTP, St. Paul, Minnesota, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2428; Filed, Mar. 14, 1947; 8:48 a. m.]

[Docket Nos. 8172, 8173]

GEORGE BASIL ANDERSON AND CONCORDIA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of George Basil Anderson, Columbus, Nebraska, Docket No. 8172, File No. BP-5656; Tom Potter, d/b as Concordia Broadcasting Company, Concordia, Kansas, Docket No. 8173, File No. BP-5782; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of George Basil Anderson requesting a construction permit for a new standard broadcast station to operate on 900 kc, 1 kw power, daytime only at Columbus, Nebraska, and Tom Potter, d/b as Concordia Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 900 kc, 250 w power, daytime only, at Concordia, Kansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2429; Filed, Mar. 14, 1947; 8:48 a. m.]

[Docket Nos. 8176, 8177]

TERRELL BROADCAST CORP. AND BURTON V. HAMMOND, JR.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Terrell Broadcast Corporation, Terrell, Texas, Docket No. 8176, File No. BP-5778; Burton V. Hammond, Jr., Denison, Texas, Docket No. 8177, File No. BP-5786; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Terrell Broadcast Corporation requesting a construction permit for a new standard broadcast station to operate on 1220 kc. 250 w. power, daytime only at Terrell, Texas and Burton V. Hammond, Jr., requesting a construction permit for a new standard broadcast station to operate on 1220 kc., 1 kw. power, daytime only at Denison, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2430; Filed, Mar. 14, 1947; 8:48 a. m.]

[Docket No. 8178]

STEEL CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of George M. Whitney, Caroline L. Whitney and Fredrik K. Feyling, d/b as Steel City Broadcasting Company, Gary, Indiana, Docket No. 8178, File No. BP-5681; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947.

The Commission, having under consideration the above-entitled application of George M. Whitney, Caroline L. Whitney and Fredrik K. Feyling, d/b as Steel City Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1260 kc, 250 w power, unlimited time, at Gary, Indiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with Station WFBM, Indianapolis, Indiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WFBM, Inc., licensee of Station WFBM, Indianapolis, Indiana, be and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2431; Filed, Mar. 14, 1947; 8:48 a. m.]

[Docket No. 8181]

PAUL B. LINGENFELTER

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Paul B. Lingenfelter, Clinton, Oklahoma, Docket No. 8181, File No. BP-5698; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled application of Paul B. Lingenfelter requesting a construction permit for a new standard broadcast station to operate on 1490 kc. 250 w power, unlimited time, at Clinton, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KVWC, Vernon, Texas or with any other existing broadcast stations and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Northwestern Broadcasting Company, licensee of Station KVWC, Vernon, Texas, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2432; Filed, Mar. 14, 1947; 8:48 a. m.]

[Docket Nos. 8182, 8183]

PUBLIC BROADCASTING SERVICE, INC., AND PONCA CITY PUBLISHING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Public Broadcasting Service, Inc., Enid, Oklahoma, Docket No. 8182, File No. BP-5821; The Ponca City Publishing Company, Ponca City, Oklahoma, Docket No. 8183, File No. BP-5848; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Public Broadcasting Service, Inc. requesting a construction permit for a new standard broadcast station to operate on 960 kc, 1 kw power, unlimited time, employing a directional antenna, at Enid, Oklahoma and The Ponca City Publishing Company requesting a construction permit for a new standard

broadcast station to operate on 960 kc, 500 w power, unlimited time, employing a directional antenna at Ponca City, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2433; Filed, Mar. 14, 1947; 8:48 a. m.]

[Docket Nos. 8187, 8188]

FELIX H. MORALES AND BI-STONE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Felix H. Morales, Houston, Texas, Docket No. 8187, File No. BP-5397; Blake Smith, Jr. and Eugene Smith Womack, d/b as The Bi-Stone Broadcasting Company, Mexia, Texas, Docket No. 8188, File No. BP-5837; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Felix H. Morales requesting a construction permit for a new standard broadcast station to operate on 850 kc, 1 kw power, daytime only at Houston, Texas and Blake Smith, Jr. and Eugene Smith Womack, d/b as The Bi-Stone Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 850 kc, 250 w power, daytime only, at Mexia, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2434; Filed, Mar. 14, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Project No. 5]

MONTANA POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

MARCH 12, 1947

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) that The Montana Power Company of Butte, Montana, licensee for Project No. 5, known as the Kerr power plant of the Flathead development, situated on the Flathead River and Flathead Lake, Montana, has applied for amendment of license for the project to provide for a second generating unit of approximately 77,000 horsepower, with appurtenant equipment, because the growth of the Company's load is such that additional capacity will soon be required. The change contemplated by the amendment will not affect the operating limits of the levels of Lake Flathead as now authorized by the license.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted on or before April 21, 1947, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2448; Filed, Mar. 14, 1947 8:45 a. m.]

[Docket No. G-867]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 11, 1947.

Notice is hereby given that on February 24, 1947, Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, and authorized to do business in the States of Texas, Oklahoma, Kansas, Nebraska, Iowa, Minnesota and South Dakota, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities:

(1) 320 miles of 26-inch pipelines from Garden City, Kansas, to Palmyra, Nebraska.

(2) 47.34 miles of 24-inch loop line from northeast Palmyra, Nebraska, to Oakland, Iowa Compressor Station.

(3) 74.28 miles of 24-inch loop line from northeast of Oakland, Iowa, to Ogden, Iowa Compressor Station.

(4) 42.22 miles of 24-inch loop line from north of Ogden Compressor Station to the Ventura, Iowa Compressor Station.

(5) 41 miles of 24-inch (3d line) north of Ventura, Iowa.

(6) 39.45 miles of 24-inch loop line from north of Ventura, Iowa Compressor Station to Farmington, Minnesota Regulator Station.

(7) 17.3 miles of 20-inch loop line from Section 27-13-8 to Section 27-16-8, Saunders County, Nebraska.

(8) A new 10,000 hp. Compressor Station complete with auxiliaries, cooling tower, cooling coils, buildings, and other appurtenances to be located near Garden City, Kansas.

(9) A 3,900 hp. addition together with other appurtenances and equipment at the Palmyra, Nebraska, Compressor Station.

(10) A 2,700 hp. addition together with other appurtenances and equipment at the Oakland, Iowa, Compressor Station.

(11) An 800 hp. addition together with other appurtenances and equipment at the Ogden, Iowa, Compressor Station.

(12) An 800 hp. addition together with other appurtenances and equipment at the Ventura, Iowa, Compressor Station.

(13) A dehydration plant together with all necessary appurtenances and equipment to be located near Garden City, Kansas.

Applicant states that the proposed facilities are designed to increase its pipeline capacity from approximately 407,000,000 cubic feet per day, as covered by its application in Docket No. G-763, to a system capacity of approximately 580,000,000 cubic feet per day.

Applicant recites that the proposed facilities are necessary to provide sufficient pipeline capacity to enable it to adequately supply the firm gas needs in its markets north of its Clifton, Kansas, Compressor Station.

Applicant proposes to start construction of the proposed facilities as soon after they are certificated as materials and supplies can be obtained and contracts for construction entered into. Construction will be completed as rapidly thereafter as practicable.

Applicant recites that its presently committed gas reserves are presently estimated to be not less than 3.3 trillion cubic feet, and that such reserves are owned or controlled by Applicant under Gas Purchase Contracts and are located in the Texas Panhandle Gas Field, the Hugoton-Kansas Gas Field, and the Otis-Kansas Gas Field.

The estimated total over-all capital cost of the proposed facilities is $24,500,000. Applicant proposes to finance the proposed facilities in part out of its own general funds, with the balance to be provided through the issuance of additional debentures and through the issuance of additional common stock.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such a request.

The application of Northern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining, specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2449; Filed, Mar. 14, 1947; 8:45 a. m.]

[Docket No. G-874]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MARCH 11, 1947.

Notice is hereby given that on February 12, 1947, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, and authorized to do business in the states of Alabama, Louisiana, Mississippi and Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following facilities:

(1) Construct approximately 93 miles of 18-inch pipe line, and appurtenant facilities, beginning at a point in the Baxterville gas field in Marion County, Mississippi, and extending in an easterly direction to a point of connection with Applicant's Benton Junction-Mobile and Lirette-Mobile Transmission Lines at or near their junction (Whistler Junction) near the city of Mobile, Alabama.

(2) Remove approximately 8.3 miles of 12-inch pipe line on Applicant's Mobile-Pensacola Main Transmission Line, being that part of said line extending in an easterly direction approximately 8.3 miles from Whistler Junction, near Mobile, Alabama, and replace same with 16-inch pipe.

(3) Loop the present 6-inch tap line extending from Applicant's Mobile-Pensacola Main Line to the plant of Florida Pulp and Paper Company, near Cantonment, Florida, with approximately 3.5 miles of 8-inch pipe.

Applicant states that on July 2, 1946, the Federal Power Commission issued a certificate of public convenience and necessity to Applicant authorizing Applicant to construct (along with other projects set out therein) approximately 10.3 miles of 12¾-inch O. D. pipe line, and appurtenant facilities, including measuring equipment, beginning at a point in the Baxterville Field and extending in a westerly direction to a point of connection with Applicant's Bogalusa main transmission line at approximately mile post 51.4.

Applicant states that since the issuance of the certificate in Docket No. G-724, the demand for natural gas in the Mobile-Pensacola area of Applicant's "Jackson District Market" has increased very rapidly due to new customers secured by Applicant and increased requirements of its present customers; that if Applicant proceeded with the "Baxterville Project" as heretofore authorized the increased demand in the Mobile-Pensacola area could not be met without looping a large portion of the lines now serving that area; that Applicant believes it would be highly desirable and good operating practice to substitute the facilities described in the present application for the "Baxterville Project" heretofore authorized in Docket No. G-724.

Applicant estimates that the total gas reserves in the Baxterville Field are approximately 250 billion cubic feet, and states that it has a gas purchase contract with Gulf Refining Company covering an estimated 150 billion cubic feet of such reserves. Applicant estimates that the maximum daily delivery capacity from the wells to be connected under its contract with Gulf Refining Company will be in excess of 150,000 M. c. f., and states that additional delivery capacity will be available from wells of others with whom Applicant expects to make gas purchase contracts.

Applicant proposes to operate the 93 miles of 18-inch pipe line with an inlet pressure of approximately 650 pounds p. s. i. g., and with an outlet pressure of approximately 520 pounds p. s. i. g. With these pressures it is estimated that the 18-inch line will have a maximum capacity of approximately 77,000 M. c. f. per day. It proposes to increase the inlet pressure of its Mobile-Pensacola line from 300 pounds p. s. i. g. to 520 pounds p. s. i. g., and, with this increase in pressure through the new 16-inch line which will replace the existing 12-inch line extending eastward from Whistler Junction, it is estimated the capacity of the line will be increased from approximately 26,000 M. c. f. to approximately 49,000 M. c. f. Applicant proposes to increase delivery of gas to Florida Pulp and Paper Company from approximately 5000 M. c. f. to approximately 13,750 M. c. f. per day with the proposed 3.5 miles of 8-inch loop line extending from Applicant's Mobile-Pensacola main line to the plant of Florida Pulp and Paper Company near Cantonment, Florida.

The estimated overall capital cost of the proposed facilities is approximately $3,150,000, which Applicant proposes to finance from cash on hand, or, if necessary, to be borrowed by Applicant from its parent, United Gas Corporation.

Operation of the proposed facilities will be supervised by Applicant's Transmission Pipe Line Department.

Any interested State Commission is requested to notify the Federal Power

Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2450; Filed, Mar. 14, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-120, 59-34]

NEW ENGLAND GAS AND ELECTRIC ASSN. ET AL.

ORDER GRANTING EXEMPTION ON COMPETITIVE BIDDING FOR STOCK AND RESERVING JURISDICTION ON OTHER POINTS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of March 1947.

In the matters of New England Gas and Electric Association, File No. 54-120; New England Gas and Electric Association et al., File No. 59-34.

The Commission, by Order dated February 11, 1947, approved the alternate plan for recapitalization of New England Gas and Electric Association ("New England") under section 11 (e) of the Public Utility Holding Company Act of 1935 and other applicable provisions thereof. Pursuant to the terms of its alternate plan which provides, among other things, for the retirement of New England's outstanding debentures in the principal amount of $34,998,500, New England will issue and sell $22,425,000 principal amount of collateral trust bonds and 77,625 cumulative convertible preferred shares having a dividend rate not in excess of 5%. Under the terms of the alternate plan 766,776 shares of new common will be allocated for distribution to holders of the outstanding $5.50 preferred shares at the rate of 8 new common shares for each share of preferred held. In order to provide New England with $4,312,500 of cash, needed by it (in addition to the proceeds from the sale of the new bonds and preferred shares) to carry out the terms of the plan, the holders of the outstanding $5.50 preferred shares will receive transferable rights to subscribe for 5 additional shares of new common (or a total of 479,235 shares) at $9 a share. Each holder of $5.50 preferred will also receive non-transferable rights to subscribe pro rata to not more than 20 additional common shares to the extent that the transferable rights are not exercised. The latter provision is designed to provide an additional means of raising the said $4,312,500 of cash in the event that the transferable rights are not fully subscribed. However, New England states that in order to provide complete assurance that the necessary cash will be obtained it is essential that a standby agreement be entered into for the purchase of the shares of common not subscribed for pursuant to the rights offering.

Under the terms of the alternate plan, the bonds will be sold at competitive bidding. Since the alternate plan is silent as to whether the new preferred shares will be sold at competitive bidding or by a negotiated sale the Commission, in approving the plan, reserved jurisdiction, among other things, to pass upon such matters. New England has now filed an amendment to its application under section 11 (e) requesting an exemption from the competitive bidding requirements of Rule U-50 with respect to the new preferred and unsubscribed for common shares.

New England in its amendment states that successful consummation of the alternate plan can be assured only by the granting to it of an exemption from Rule U-50 in the disposition of the preferred and common shares. The reasons, among others, for such exemption as set forth by New England may be summarized as follows:

1. New England has a debenture maturity in the principal amount of $13,206,000 on September 1, 1947 which if not provided for will accelerate its other debenture maturities of 1948, 1950, 1962 and 2031 in the additional aggregate principal amounts of $21,792,500;

2. New England is a Massachusetts voluntary association. Thus, as an incorporated issuer, some questions arise as to the marketability of its securities as a result of blue sky, insurance, etc., qualifications in certain jurisdictions making necessary more extensive preparation by the underwriter in seeking out the available markets than would otherwise be necessary;

3. Pursuant to the terms of its amended plan approved by the Commission on June 24, 1946, New England invited bids on Collateral Trust Bonds and common shares in August 1946 and on learning that in the then condition of the market no bids were to be received withdrew the invitation. In its peculiar situation and considering its imminent maturities, New England states that it must adopt that procedure most likely to assure consummation of its recapitalization and that repetition of the experience of last summer might be disastrous since it might preclude the possibility of subsequent successful sale of its securities by negotiation.

In the particular circumstances of this case, including the imminent maturities of New England's outstanding debentures and the consequent necessity for prompt consummation of the recapitalization of New England, and taking into account the nature of the issuer and the securities involved as well as the history of this reorganization, we conclude that it is appropriate in the public interest and in the interest of investors and consumers to grant New England's request for an exemption from the competitive bidding requirements of Rule U-50 with respect to the new preferred and common shares.

It is therefore ordered, Pursuant to the applicable provisions of the act, that the application for exemption from the competitive bidding requirements of Rule U-50 with respect to the proposed cumulative convertible preferred shares and common shares to be sold pursuant to the terms of the alternate plan, be, and hereby is, granted forthwith, subject to the terms and conditions and reservations of jurisdiction prescribed in the said order of February 11, 1947 approving the alternate plan, including the reservation of jurisdiction over the reasonableness of the price to be paid for the securities; the terms of the offering thereof; the underwriter's spread and the fees and expenses in connection therewith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2416 Filed, Mar. 14, 1947; 8:46 a. m.]

[File No. 70-1475]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of March 1947.

Notice is hereby given that an application-declaration, as amended, has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Public Utilities Corporation ("GPU"), a registered holding company. Applicant - declarant has designated sections 6, 7, 9, and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 24, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after March 24, 1947 said amended application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

1. GPU requests authority to acquire not more than 479,235 new common shares ($8.00 par value per share) of New England Gas and Electric Association ("Negas"), a registered holding company, pursuant to the provisions of the Alternate Plan of Recapitalization of Negas ("Alternate Plan") which was approved by this Commission on February 11, 1947 and as to which an application seeking enforcement has been filed with the United States District Court for the District of Massachusetts. The alternate plan provides, among other things, that GPU, as the holder of 23,744 shares of the $5.50 preferred shares of Negas now outstanding, shall have the right to receive (a) transferable rights to subscribe at $9.00 per share, for 118,720 of the new common shares of Negas, and (b) non-transferable rights to subscribe, at $9.00 per share, for such new common shares of Negas as shall not have been taken up by the exercise of the transferable subscription rights by holders of the $5.50 preferred shares. The maximum number of such new common shares which GPU might acquire pursuant to the exercise of its non-transferable rights is 360,515.

2. (a) GPU proposes to issue and sell to commercial banking institutions unsecured promissory notes in an aggregate principal amount which will not exceed $9,600,000. The proceeds of such issuance and sale are to be used (i) in an amount not to exceed $4,300,000 for the acquisition of not more than 479,235 new common shares of Negas as set forth above, and (ii) in an amount of $2,000,000 to repay a bank borrowing in like principal amount, and (iii) in an amount of $3,300,000 partially to reimburse the treasury of GPU for net capital contributions of $10,500,000 made by it to its subsidiaries since June 1, 1946.

(b) An aggregate principal amount of $3,000,000 of such promissory notes will bear interest at the rate of 1½% per annum and will mature on December 15, 1947. The remaining principal amount of such notes will bear interest at the rate of 1¾% per annum and will mature one year after the date of issuance; however, the loan agreement with respect to the latter notes provides for successive one-year extensions, with the consent of this Commission, on terms which will require their equal annual amortization over a total period of five years. The loan agreement securing such promissory notes will provide, among other things, (i) that any amounts which may ultimately be received by GPU as the result of certain cash payments made by Negas pursuant to the provisions of the Alternate Plan (expected to aggregate approximately $1,900,000) will be applied against the latest maturing promissory notes, and (ii) that the net proceeds of the sale of any or all of the new common shares of Negas received by GPU pursuant to the exercise of its subscription rights, or otherwise, will be applied to the payment of the first maturing promissory notes.

3. GPU stipulates that, if the Commission approves and permits to become effective the application-declaration, as amended, it will dispose of such new common shares of Negas as it will acquire pursuant to said order within a period of one year from the date of acquisition or within such additional period as the Commission may approve.

Applicant-declarant states that the proposed transactions are not subject to the approval of any Commission other than this Commission.

Applicant-declarant requests that the date of issuance and effectiveness of the Commission's order be not later than March 25, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2417; Filed, Mar. 14, 1947; 8:46 a. m.]

[File Nos. 52-24, 70-1258]

MIDLAND REALIZATION CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER SALES PRICES AND FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of March 1947.

In the matters of Midland Realization Company, Midland Utilities Company, File No. 52-24; The Middle West Corporation, File No. 70-1258.

The Commission having by its order of July 17, 1946, granted and permitted to become effective applications-declarations filed by Midland Realization Company ("Realization"), a registered holding company, its subsidiary, Midland Utilities Company ("Utilities"), also a registered holding company, and by The Middle West Corporation ("Middle West"), also a registered holding company, relating, among other things, to the disposition by competitive bidding pursuant to the provisions of Rule U-50 of 182,094 shares held by Realization, 54,417 shares held by Utilities, and 146,923 shares held by Middle West, of the no par value common stock of Northern Indiana Public Service Company ("Northern Indiana"), subject to a reservation of jurisdiction, among other things, over the terms of the invitation for bids, the form of bid and stock purchase agreement, the price to be received, the underwriters' spread and its allocation, and over the fees and expenses of independent counsel for prospective underwriters; and

The Commission having, on February 25, 1947, entered an order releasing jurisdiction with respect to the terms of the invitation for bids, the form of bid and stock purchase agreement; and

Applicants-declarants having filed a further amendment stating that in accordance with the order of the Commission dated February 25, 1947, applicants-declarants have offered the said common stock of Northern Indiana for sale pursuant to the competitive bidding requirements of Rule U-50 and that the following bids have been received:

Bidder	Price per share to applicants
Blyth & Co., Inc.	$17.79
The First Boston Corp.; Central Republic Co. (Inc.)	17.07
Stone & Webster Securities Corp.; Harriman Ripley & Co., Inc.	16.55

Said amendment further stating that applicants-declarants have accepted the bid of Blyth & Co., Inc., as set forth above, and that the said no par value common stock of Northern Indiana will be offered for sale to the public at a price of $18.75 per share, resulting in an underwriters' spread of $0.96 per share; and

Isham, Lincoln & Beal, as independent counsel for prospective bidders, having filed a statement with respect to the nature of the services performed by them in connection with their requested fee of $8,500 and expenses not to exceed $1,000; and

The Commission having examined said amendment and having considered the record herein, and finding no basis for imposing terms and conditions with respect to the price to be received for said no par value common stock of Northern Indiana, the underwriters' spread and its allocation; and

It appearing that the proposed legal fees and expenses of Isham, Lincoln & Beale, as counsel for prospective underwriters, are for necessary services and are not unreasonable:

It is ordered, That the jurisdiction heretofore reserved over the price to be received for said no par value common stock of Northern Indiana, the underwriters' spread and its allocation be, and the same hereby is, released, and the said applications and declarations, as further amended, be, and the same hereby are, granted and permitted to become effective subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over all legal fees and expenses of counsel for prospective underwriters, be, and the same hereby is, released, and that the jurisdiction heretofore reserved with respect to all other matters specified in said order of July 17, 1946, be, and the same hereby is, in all respects continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2418; Filed, Mar. 14, 1947; 8:46 a. m.]

[File No. 7-976]

CERTAIN-TEED PRODUCTS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of March A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of Certain-Teed Products Corporation, a security listed and registered on the Los Angeles Stock Exchange and New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to March 25, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2420; Filed, Mar. 14, 1947; 8:47 a. m.]

[File No. 70-1467]

NEW HAVEN GAS LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of March 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by the New Haven Gas Light Company ("New Haven"), a subsidiary of The United Gas Improvement Company, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than March 24, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after March 24, 1947 said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

New Haven proposes to issue and sell for cash at principal amount to eight savings banks an aggregate of $2,000,000 principal amount of 2⅜% First Mortgage Bonds, Due May 1, 1972. The net proceeds of the sale of the bonds are to be used to provide funds for increased production and storage facilities and other necessary capital expenditures.

Applicant requests that the Commission exempt the issue and sale from the competitive bidding requirements of Rule U-50 for reasons set forth in the application.

Applicant states that the transaction is subject to the approval of the Connecticut Public Utilities Commission a copy of which approval will be filed by amendment.

The applicant requests t. at the Commission's order granting the application become effective not later than March 26, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2419; Filed, Mar. 14, 1947; 8:47 a. m.]

[File No. 7-977]

CHICAGO AND NORTH WESTERN RAILWAY CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of March A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Voting Trust Certificates for Common Stock, No Par Value, of Chicago and North Western Railway Company, a security listed and registered on the Chicago Stock Exchange and New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to March 25, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2421; Filed, Mar. 14, 1947; 8:47 a. m.]

[File No. 70-1470]

THE UNITED GAS IMPROVEMENT CO., AND LEBANON VALLEY GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of March 1947.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Gas Improvement Company ("U. G. I."), a registered holding company, and its public utility subsidiary, Lebanon Valley Gas Company ("Lebanon"). Declarants designate section 12 of the act and Rules U-23, U-24, U-42 and U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 21, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

U. G. I., the holder of all but 4 shares of the common stock of Lebanon, will make a capital contribution to Lebanon of $349,210, which will be credited on Lebanon's books to capital surplus. Lebanon will use the cash thus received, together with treasury cash, to (a) redeem, on April 30, 1947, its presently outstanding 3,158 shares of 6% Preferred Stock, par value $50, at the redemption price of $55 per share plus unpaid and accrued dividends; and (b) redeem, on September 1, 1947, all of the presently outstanding $300,000 principal amount of First Mortgage 5% Bonds assumed by Lebanon, at the redemption price of 105% of the principal amount plus accrued interest.

Lebanon also proposes to write off, pursuant to an order of the Pennsylvania Public Utility Commission, $629,928.31 of utility plant adjustments by charging $80,805.89 to reserve for depreciation, renewals and replacements, $199,912.42 to earned surplus as of December 31, 1946, and $349,210 to capital surplus to be created as set forth above. The premium to be paid on the redemption of the Preferred Stock and bonds will be charged to earned surplus since January 1, 1947.

The declarants request that the Commission's order be issued herein on or before March 26, 1947, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2422; Filed, Mar. 14, 1947; 8:47 a. m.]

[File No. 70-1312]

STANDARD GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of March 1947.

Standard Gas and Electric Company, a registered holding company, has filed a declaration and amendments thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the proposed sale, pursuant to the competitive bidding requirements of Rule U-50, of 140,614 shares (representing 56.42% of the presently outstanding 249,233 shares) of common stock, without par value, of Mountain States Power Company, a Delaware corporation, owned by Standard Gas and Electric Company, and the application of the net proceeds from said sale toward the payment of interest and principal on its promissory notes dated April 10, 1946, issued to banks under the Bank Loan Agreement of declarant, dated December 21, 1945, as later amended (copies of which are on file with the Commission, File No. 70-1211).

The Commission having by order dated December 12, 1946, permitted said amended declaration to become effective, except as to the price to be paid for the purchase of said common stock, the underwriters' spread and their allocation, as to which matters jurisdiction was reserved; and the Commission having by Supplemental Order dated February 26, 1947 granted an extension of time within which declarant may consummate said sale under the provisions of said order dated December 12, 1946; and

Standard Gas and Electric Company having filed a further amendment to its declaration, as amended, in which it is stated that, in accordance with the permission granted by said orders of the Commission dated December 12, 1946, and February 26, 1947, it has offered such common stock for sale pursuant to the competitive bidding requirements of Rule U-50 and on March 10, 1947, has received the following bids per share:

Syndicate headed by:	*Price to company*
Blyth & Co., Inc.	$32.29
Harriman Ripley & Co., Inc.	32.07
Kidder, Peabody & Co.	31.61

Said amendment having further set forth that Standard Gas and Electric Company has accepted the bid of the syndicate headed by Blyth & Co., Inc., for the purchase of said common stock, as set out above, and that the successful bidder will offer said common stock for sale to the public at a price of $34.50 per share, resulting in an underwriters' spread of $2.21 per share; and

The Commission having examined the record in the light of said amendment, and finding no basis for imposing terms and conditions with respect to the price to be paid for said common stock or the underwriters' spread and their allocation;

It is ordered, That jurisdiction heretofore reserved over the price to be paid for said common stock and the underwriters' spread and their allocation be, and the same hereby is, released, and the said declaration, as further amended, be, and the same hereby is permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2423; Filed, Mar. 14, 1947; 8:47 a. m.]

[File No. 70-1432]

NORTH AMERICAN CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of March 1947.

The North American Company, a registered holding company, having filed an application and declaration, and amendments thereto, pursuant to sections 6 (a), 7, 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-44 and U-50 promulgated thereunder with respect to the issuance to its stockholders of transferable Purchase Warrants, in registered form, entitling such stockholders to purchase an aggregate of 1,714,525 shares of Common Stock of The Cleveland Electric Illuminating Company, presently held by The North American Company, at the rate of one-fifth of a share of such Common Stock at the price of $15 per share for such Common Stock for each share held of Common Stock of The North American Company, and to the sale and distribution of Common Stock of The Cleveland Electric Illuminating Company represented by unexercised Purchase Warrants, the net proceeds of such sales to be applied to the prepayment without premium of outstanding Bank Loan Notes of The North American Company; and

The North American Company having requested that the aforesaid sale of Common Stock of The Cleveland Electric Illuminating Company be exempt from the competitive bidding requirements of Rule U-50, and that said application and declaration be granted and be permitted to become effective forthwith; and

The North American Company having requested that the Commission's order herein conform to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application and declaration, as amended, of The North American Company be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24, and subject further to the following condition:

That any sale of unsubscribed shares of Common Stock of The Cleveland Electric Illuminating Company represented by unexercised Purchase Warrants be made by The North American Company on the New York Stock Exchange, subject to modification of this condition upon application by The North American Company and further order of this Commission in this proceeding.

It is further ordered, That jurisdiction is hereby reserved to consider and pass upon any issues which may arise in the event that there should be fixed a record date for the determination of holders entitled to dividends on the Common Stock of The Cleveland Electric Illuminating Company prior to the expiration of the period of offering such Common Stock for sale through Purchase Warrants.

It is further ordered and recited and the Commission finds, That the proposed issuance and distribution by The North American Company of the aforesaid Warrants to its stockholders, the proposed sales and transfers by The North American Company to its stockholders and to others of the 1,714,525 shares of the common stock of The Cleveland Electric Illuminating Company (represented by certificates numbered NC 2980 to 2990, inclusive, NC 2992 to 3501, inclusive, NC 4108 to 4116, inclusive, NCB 98 to 108, inclusive, NCB 110 to 368, inclusive, NCB

384 to 388, inclusive, NCB 404, NCB 425 to 438, inclusive, NCB 453, NCB 467, NCB 469 to 471, inclusive, NCB 473, and NCO 8466 to 8470, inclusive), the proposed expenditure by The North American Company of the proceeds of such sales in payment of its Bank Loan Notes, and the proposed distribution and transfer of any such shares and cash to holders of unexercised Warrants following their expiration, all as authorized or permitted by this order, are necessary or appropriate to the integration or simplification of the holding company system of which The North American Company is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2424; Filed, Mar. 14, 1947; 8:47 a. m.]

[File No. 59-15]

NEW ENGLAND PUBLIC SERVICE CO.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of March A. D. 1947.

We have before us for consideration and disposition separate motions filed by Harry C. Blatchley and Allen L. Goldfine, which in effect request modification or vacation of our findings, opinion and order of October 11, 1945, issued pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, which approved, subject to the approval of the United States District Court for the District of Maine, a plan of reorganization for New England Public Service Company ("NEPSCO") involving a sale by NEPSCO of its interests in certain industrial subsidiaries to Coffin & Burr, Incorporated and The First Boston Corporation ("Burr-Boston") for the sum of $16,500,000 in cash. Blatchley owns 30 shares of the prior lien preferred stock of NEPSCO. Goldfine owns no stock, and his standing, if any, is predicated on his desire to bid for NEPSCO's interest in the properties sold.

The Blatchley motion alleges that the sale of the non-utility assets of NEPSCO was not fair and equitable to the persons affected by such plan within the meaning of section 11 (e) of the Public Utility Holding Company Act of 1935; that the consideration was inadequate; that the management of NEPSCO failed to perform its responsibilities to security holders, including the charges that various key officials of NEPSCO had a certain pecuniary interest in selling the assets to Burr-Boston and to no other group; and that in various respects, full disclosure was not made to the Commission. The prayer of the Blatchley motion is that the Commission "make and enter findings of fact and conclusions of law in accordance with the foregoing and take such action as it may deem appropriate to amend or rescind its order, findings of fact and conclusions of law heretofore made, to cause the appointment of a Trustee to assist and collect for the benefit of NEPSCO security holders in the causes of action referred to above, or otherwise to permit prosecution for the benefit of NEPSCO security holders of the causes of action which arise from the transactions in connection with NEPSCO's plan."

The Goldfine motion makes substantial similar allegations, but its prayer for relief is solely that the plan be set aside and the properties again be made subject to bidding.

In order to examine these motions in their present setting, it is necessary to recite in some detail certain events which occurred subsequent to the issuance of our findings, opinion and order on October 11, 1945. Shortly thereafter, and at the request of NEPSCO, we applied to the United States District Court for the District of Maine to enforce and carry out the plan. After appropriate notice, the application came on for a hearing before the District Court on October 25, 1945. At that time the representative of the Commission, as well as representatives of various groups of security holders requested the Court to approve the plan and order it carried out. Goldfine appeared by counsel and offered to bid $17,500,000. Goldfine had not appeared in the administrative proceedings before the Commission and the Court ruled that he was without standing to object to the sale. Blatchley had not appeared in the administrative proceedings and did not appear before the District Court. On the same day the Court entered an order approving the plan and ordering it carried out.

Subsequently, Blatchley and Goldfine filed petitions to review the Commission's order of October 11, 1945, and appeals from the District Court's order of October 25, 1945, in the United States Circuit Court of Appeals for the First Circuit. While these petitions for review and appeals were still pending, and on June 13, 1946, Blatchley filed in the District Court (1) a petition in the nature of a bill of review, and (2) a petition for leave to file the same and making charges similar to those contained in his motion now under consideration.

The bill of review and petition for leave to file the same came on for a hearing before the District Court on July 10, 1946. On this date we filed a cross-motion in which Blatchley orally joined, asking that the District Court:

(1) Remit to the Commission for preliminary consideration at a hearing before it the petition by Harry C. Blatchley in the nature of a bill of review and the petition for leave to file the same;

(2) That the Commission be authorized, insofar as authority of this Court is necessary therefor, to inquire into the new matters therein alleged and as to whether there are any other new matters making it fair and equitable that there be a modification of the order of the Commission dated October 11, 1945 and the order of this Court dated October 25, 1945;

(3) That the Commission be authorized to modify or supplement its findings as to the facts in respect of the plan which accompanied the Commission's order of October 11, 1945 by reason of such additional evidence as may be adduced at said hearing before the Commission; and

(4) That the Commission be authorized to file with this Court its modified or new findings and its recommendation, if any, for the modification or setting aside of its original order and the original order of this Court.

At the conclusion of the hearing on July 10, 1946, the District Court denied the Commission's cross-motion, which has been joined in by Blatchley. This ruling was later embodied in a formal order entered August 8, 1946. The District Court indicated, however, that it would have no objection to the Commission making such investigation as it deemed appropriate,[1] but stated that it would treat any report filed by the Commission as advisory only. The Court indicated that it would hear evidence on the petition in the nature of a bill of review and set the matter down for hearing on a day certain. Subsequently, the District Court, in view of the action thereafter taken by Blatchley, in the Circuit Court of Appeals for the First Circuit, continued the matter generally. The petition in the nature of a bill of review and the petition for leave to file the same are still pending in the District Court, no interested party having requested that they be called up for hearing.

On August 8, 1946, Blatchley filed a notice of appeal from the District Court's order of July 10, 1946, denying the motion to remit the petition in the nature of a bill of review to the Commission, to the Circuit Court of Appeals for the First Circuit, and on September 11, 1946, filed in the same Court a petition for leave to file a petition for a writ of mandamus directed to the District Judge to require him to remit the bill of review to the Commission for the taking of testimony and the making of such recommendations and modifications of the Commission's findings of October 11, 1945, as might seem appropriate.

The petition for a writ of mandamus and Blatchley's appeal from the District Court's order of July 10, 1946, together with the petitions to review the Commission's order of October 11, 1945, and the appeals from the District Court's order of October 25, 1945, theretofore filed by Blatchley and Goldfine, were heard together in the Circuit Court of Appeals. In that Court the Commission, as well as other respondents, urged that the Court could not properly entertain either the petitions for direct review of the Commission order approving the plan or the appeal from the District Court's approval order dated October 25, 1945. The Commission also urged the remitting of the bill of review to the Commission for the taking of testimony. It took no position as to certain other procedural problems present in the case. By opinions filed on October 29, 1946, the Circuit Court of Appeals denied the petition for leave to file a petition for a writ of mandamus, and dismissed the two petitions for review and the three appeals.[2]

[1] The Commission ordered, on July 23 1946, a public investigation and public hearings were held in connection therewith. Previously, the Commission had conducted a private investigation, and the evidence taken in this prior private investigation was made part of the record of the public investigation.

In the mandamus matter, the Circuit Court of Appeals denied the application for leave to file upon the ground that it was not "the mandatory duty of the district court to remit the bill of review to the Commission for hearing thereon at this time."

Blatchley filed a petition for rehearing, which, we in part supported. The petition for rehearing was denied on December 18, 1946.

While we have at all times taken a position at variance with the conclusion of the Circuit Court of Appeals on the propriety of remitting the bill of review to the Commission for the taking of testimony and for a possible modification of our findings, opinion and order of October 11, 1945, we consider it inappropriate, in view of the present status of the case and of the opinion of the Circuit Court of Appeals, to entertain the Blatchley motion on its merits. Accordingly, it will be dismissed without prejudice to its renewal at a later date if circumstances should so warrant. In the case of the Goldfine motion, we have at all times taken the position, and now find, that as a potential bidder only, and owning no stock, Goldfine is without standing to object to the sale of the NEPSCO assets. His motion is denied. Our determination, of course, involves no finding on the truth or falsity of the allegations and charges contained in the motions.

And to that effect it is so ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2425; Filed, Mar. 14, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8206]

KOTARO YAMAKAWA

In re: Cash owned by the personal representatives, heirs, next of kin, legatees and distributees of Kotaro Yamakawa, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Kotaro Yamakawa, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: Cash in the amount of $78.03, presently on deposit with the United States Treasury Department, Washington, District of Columbia, being a portion of funds deposited in a Trust Fund Account, Account No. 148881, Certificate of Deposit No. 1580, dated December 10, 1945, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Kotaro Yamakawa, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2456; Filed, Mar. 14, 1947; 8:46 a. m.]

[Vesting Order 8347]

FREDRICH ALBRECHT

In re: Fredrich (Friedrich) Albrecht, deceased. File D-28-9218; E. T. sec. 12016.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Albrecht, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Fredrich (Friedrich) Albrecht, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country, (Germany);

3. That such property is in the process of administration by Louis C. Albrecht, as Administrator w. w. a., acting under the judicial supervision of the County Court of McHenry County, North Dakota;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2457; Filed, Mar. 14, 1947; 8:46 a. m.]

[Vesting Order 8350]

JULIA KALIX

In re: Estate of Julia Kalix, deceased. File D-17-688; E. T. sec. 15614.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johan Kalix, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Julia Kalix, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Julia Pohl of Cleveland, Ohio, as executrix, acting under the judicial supervision of the Probate Court of Cuyahoga County, Ohio;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

[2] The appeals of Blatchley and Goldfine from the District Court's order of October 25, 1945 were dismissed upon the ground, as stated by the Circuit Court of Appeals, that neither Blatchley nor Goldfine had a standing to appeal from the order enforcing the plan. Blatchley's appeal from the District Court's order of July 10, 1946, was dismissed upon the ground that the order appealed from was interlocutory in character and not appealable.

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2458; Filed, Mar. 14, 1947; 8:46 a. m.]

[Vesting Order 7678, Amdt.]

FRANK N. OKUMURA

In re: Debt owing to and stock owned by Frank N. Okumura.

Vesting Order 7678, dated September 19, 1946, is hereby amended as follows and not otherwise:

By deleting clause b. from subparagraph 2 of said Vesting Order 7678, and substituting therefor the following:

b. Three hundred (300) shares of $1.00 par value common capital stock of Menasco Manufacturing Company, 805 East San Fernando Road, Burbank, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered B5270, and registered in the name of Frank N. Okumura, together with all declared and unpaid dividends thereon,

All other provisions of said Vesting Order 7678 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2466; Filed, Mar. 14, 1947; 8:47 a. m.]

[Vesting Order 8399]

LOUISE KREIZNER

In re: Stock owned by Louise Kreizner. F-28-1792-D-1/4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Kreizner, whose last known address is Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country, Germany);

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Louise Kreizner, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Number of shares	Certificate No.
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	No par value common	41	[illegible]
The Pennsylvania Railroad Co., Broad Street Station Building, Philadelphia, Pa.	Pennsylvania	$50 par value capital	2	[illegible]
			1	[illegible]
Union Pacific Railroad Co., 120 Broadway, New York, N. Y.	Utah	$100 par value capital	4	[illegible]
Southern Pacific Co., 165 Broadway, New York, N. Y.	Kentucky	No par value common	61	[illegible]

[F. R. Doc. 47-2464; Filed, Mar. 14, 1947; 8:46 a. m.]

[Dissolution Order 52]

SOUTH TEXAS COMPRESS CO.

Whereas, by Vesting Order No. 60, dated July 28, 1942 (7 F. R. 7044, September 5, 1942), and Vesting Order No. 765, dated January 25, 1943 (8 F. R. 2239, February 20, 1943), there were vested 2,980 of the 3,000 authorized shares of capital stock of South Texas Compress Company, a Texas corporation; and

Whereas, of the remaining 20 shares of authorized capital stock, 13 shares are held by the corporation as Treasury stock, 1 share has since vesting been transferred to the Alien Property Custodian by J. D. H. Talbot, the former owner, 5 shares are owned by Henry L. Seay, and 1 share by A. S. L. Toombs, both citizens of the United States; and

Whereas, South Texas Compress Company has been substantially liquidated,

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Finding that diligent efforts of the officers and directors of South Texas Compress Company have failed to reveal any additional persons having any claims against the corporation; and

3. Having determined that it is in the national interest of the United States that said corporation be dissolved and that its assets be distributed, and a certificate of dissolution having been issued by the Secretary of State of the State of Texas;

hereby orders that the officers and directors of South Texas Compress Company (to wit: Henry S. Sellin, President and Director, Stanley B. Reid, Vice President and Director, Robert Kramer, Secretary, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of South Texas Compress Company; and

further orders that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

a. They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the said corporation and the dissolution thereof; and

b. They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

c. They shall then pay such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

d. They shall then pay over, transfer, assign and deliver all of the funds and property remaining as a liquidating dividend in proportion to their interests as stockholders to Henry L. Seay, A. S. L. Toombs and the Attorney General of the United States; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the laws of the State of Texas of any person who may have a claim against the said corporation to proceed against the said Henry L. Seay and A. S. L. Toombs, or either of them, as stockholders who shall have received a liquidating dividend; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; and

further orders, that nothing herein set forth shall be construed as prejudicing the rights under the Trading with the Enemy Act, as amended, of any person who may have a claim against the said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *And provided further,* That any such claim shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

further orders, that all actions taken and acts done by the officers and directors of South Texas Compress Company pursuant to this Order and the directions contained therein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 6th day of March 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2467; Filed, Mar. 14, 1947; 8:47 a. m.]

[Return Order 7]

JAMES P. ROBINSON

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance [1] with respect thereto, which are incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned as follows, after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published—	Property
James P. Robinson, San Francisco, Calif., Claim No. 5528.	11 F. R. 14732, Dec. 31, 1946.	Property described in the first paragraph of Vesting Order No. 1031 (8 F. R. 4207, April 2, 1943), relating to Patent Application Serial No. 388,441 (now U. S. Letters Patent No. 2,410,460), to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2470; Filed, Mar. 14, 1947; 8:47 a. m.]

[Vesting Order 8351]

UTARO KANEMOTO

In re: Estate of Utaro Kanemoto, also known as U. Kanemoto, deceased. File D-39-1516; E. T. sec. 2911.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsukasa Kanemoto, Itsuko Kanemoto, Takeo Kanemoto, Yasuko Kanemoto, Kunio Kanemoto, Nobuko Kanemoto, Yoshio Kanemoto and Yoshikiho Kanemoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the sum of $929.36 was paid to Charles G. Johnson, State Treasurer of California by John Garibaldi, Administrator of the Estate of Utaro Kanemoto, also known as U. Kanemoto, deceased;

3. That the said sum of $929.36 is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2459; Filed, Mar. 14, 1947; 8:46 a. m.]

[Vesting Order 7130, Amdt.]

EXPORTKREDITBANK, A. G.

In re: Stock and bonds owned by Exportkreditbank, A. G., also known as Export Kredit Bank, Berlin. F-28-180-A-2.

Vesting Order 7130, dated July 16, 1946, is hereby amended as follows and not otherwise:

By deleting subparagraph 2-d of said Vesting Order 7130, and substituting therefor the following:

d. Trust Certificate No. 4195 issued by Seaboard Trust Co., Hoboken, New Jersey, a corporation organized under the laws of the State of New Jersey, registered in the name of Theresia Larch, % Export Kredit Bank, in the sum of $30.41, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto;

All other provisions of said Vesting Order 7130 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2465; Filed, Mar. 14, 1947; 8:46 a. m.]

JOYCE NANASSY-MEGAY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof

[1] Filed as part of the original document.

prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Joyce Nanassy-Megay, Montclair, N. J.	4321	$5,340.30 in the Treasury of the United States. Beneficial life interest of Joyce Nanassy-Megay under the testamentary trust of Wilbert Edward Stratton, New York, N. Y.; Trustee, the City Bank Farmers Trust Company, New York, N. Y.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2468; Filed, Mar. 14, 1947; 8:47 a. m.]

HERBERT RAYMOND LODER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Herbert Raymond Loder, Ridgewood, N. J.	4678	$5,776.36 in the Treasury of the United States. Beneficial life interest of Herbert Raymond Loder under the testamentary trust of Frances C. Selter, New York, N. Y.; Trustee, the City Bank Farmers Trust Company, New York, N. Y.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2469; Filed, Mar. 14, 1947; 8:47 a. m.]

[Vesting Order 8353]

OSCAR LINCK

In re: Oscar Linck, deceased. File No. D-28-10068; E. T. sec. 14316.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Wilhelm Theodore Leib, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $3,178.68 was paid to the Alien Property Custodian by Werner Stein, Administrator of the Estate of Oscar Linck, deceased;

3. That the said sum of $3,178.68 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy county (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 10, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2460; Filed, Mar. 14, 1947; 8:46 a. m.]

[Vesting Order 8365]

HENRICH DROOFF ET AL.

In re: Stock owned by Henrich Drooff and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Velbert, Rhineland, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Three hundred twenty-two (322) shares of $25 par value common capital stock of The Stanley Works, New Britain, Connecticut, a corporation organized under the laws of the State of Connecticut, evidenced by the certificates listed in Exhibit A, registered in the names of and owned by the persons listed therein in the amounts appearing opposite each name, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK. *Director.*

EXHIBIT A

Name of registered owner	Certificate Nos.	Number of shares	File No.
Henrich Drooff	31801	10	F-28-8884-D-1.
	32906	10	
	33755	10	
	34900	50	
	35007	10	
	36579	10	
	37868	13	
	37869	12	
	44292	25	
	50234	25	
	36711	3	
	39158	1	
Josef Drooff	33265	5	F-28-8885-D-1.
	35215	7	
	37870	3	
	43347	12	
	45798	23	
Erick Furst	41708	2	F-28-8487-D-1.
Georg Giersen	35827	6	F-28-8089-D-1.
	38135	1	
	42278	6	
Wilh. Kaiser	44691	10	F-28-23655-D-1.
Artur Scharwachter	45908	10	F-28-23659-D-1.
	45910	8	
Erich Schurhoff	34034	5	F-28-8084-D-1.
	35837	7	
	39727	3	
	42665	12	
	45663	23	

[F. R. Doc. 47-2463; Filed, Mar. 14, 1947; 8:46 a. m.]

[Vesting Order 8354]

JOHN LUDU

In re: Estate of John Ludu, deceased. D-57-456; E. T. sec. 15560.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludovica Candea, Moisa Ludu and Elena Ludu, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That the sum of $573.63 was paid by James R. Whitesell, Administrator of the estate of John Ludu, deceased;

3. That the said sum of $573.63 was property payable or deliverable, or claimed by the aforesaid nationals of a designated enemy country, (Rumania);

4. That the said sum of $573.63 is presently in the possession of the Attorney General of the United States and was property in the process of administration by James R. Whitesell, Administrator of the Estate of John Ludu, deceased, acting under the judicial supervision of the Probate Court of Marion County, Indiana;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on November 22, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2461; Filed, Mar. 14, 1947; 8:46 a. m.]

[Vesting Order 8363]

BECK & CO.

In re: Stock owned by Beck & Co. F-28-2066-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Beck & Co., the last known address of which is Bremen, am Deich 49, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Five hundred (500) shares of no par value capital stock of Cerveceria Nacional Dominicana, Inc., 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 354/358 for one hundred (100) shares each, registered in the name of Beck & Co., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2462; Filed, Mar. 14, 1947; 8:46 a. m.]

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MAR 20 47

FEDERAL REGISTER

VOLUME 12 NUMBER 54

Washington, Tuesday, March 18, 1947

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 308—ALLOTMENTS OF PAY

ALLOTMENTS AND FAMILY ALLOWANCES

Section 308.7 of Part 308 is hereby rescinded and the following substituted therefor:

§ 308.7 *Dependents joining personnel in Germany or Japan—(a) Class E allotments.* (1) Military personnel on duty in Germany or Japan (except as provided in subparagraph (2) of this paragraph will take the necessary action to cancel class E allotments payable directly to their dependents prior to or during the month such dependents are authorized to join them at their oversea stations.

(2) Where enlisted persons of the first three grades have in effect class E allotments to cover payment of monetary allowances in lieu of quarters for dependents, the class E allotments will be discontinued during the month in which notification is received by them that their dependents have actually departed the United States to join them.

(3) If dependents of military personnel are now in Germany or Japan, steps will be taken to cancel immediately all class E allotments payable to such dependents.

(4) All other class E allotments may be continued.

(b) *Dependents acquired through marriage to Germans.* Enlisted personnel of the first three grades who, under the present War Department regulations, are permitted to marry Germans, may authorize class E allotments as prescribed in AR 35-4520, for the support of such dependents effective with the month in which the dependent is acquired. WD AGO Form 141 (Allotment of Pay Notification Form) must be initiated, signed by the enlisted man, and countersigned by his commanding officer or personnel officer within the month the dependent is acquired in order for allotment to become effective with that month. [AR 35-5520, March 11, 1946, as amended by W. D. Cir. 44, February 18, 1947] (Sec. 16, 30 Stat. 981, 40 Stat. 384, 52 Stat. 354; 10 U. S. C. 894)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-2483; Filed, Mar. 17, 1947; 8:46 a. m.]

Chapter VI—Organized Reserves

PART 601—OFFICERS' RESERVE CORPS

MISCELLANEOUS AMENDMENTS

The regulations contained in Part 601 are amended as set forth below:

1. Amend § 601.3 (b) to read as follows:

§ 601.3 *Sections of the Officers' Reserve Corps are:* • • •

(b) Air Corps Reserve, Air-Res.

2. Amend the introductory text of § 601.7 to read as follows:

§ 601.7 *Appointments or enlistments not made from certain classes.* No person in any of the following categories will be appointed or enlisted in the Organized Reserve Corps, and any member thereof who accepts appointment in any of those categories will be separated from the Organized Reserve Corps:

3. Amend § 601.9 (c) to read as follows:

§ 601.9 *Age-in-grade and Service-in-grade.* • • •

(c) All officers of the Active Reserve will, upon reaching the statutory retirement age, be transferred to the Honorary Reserve.

[W. D. Cir. 356, December 3, 1946, as amended by W. D. Cir. 46, February 20, 1947] (Sec. 37, 39 Stat. 189, 40 Stat. 73, sec. 3, 48 Stat. 939; 10 U. S. C. 353)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-2484; Filed, Mar. 17, 1947; 8:46 a. m.]

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[Amdt. 98]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF CIVIL AIRWAYS

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points; (2) The immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and (3) The establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee;

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Civil Airways: Green Civil Airway Nos. 2 and 4; Amber Civil Airway No. 6; Red Civil Airways Nos. 14, 21, 27, 28, and 59

1. By amending § 600.10001 to read as follows:

§ 600.10001 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From the King County Airport, Seattle, Wash., via the Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Helena, Mont., radio range and the northwest leg of the Bozeman, Mont., radio range; Bozeman, Mont., radio range station; the intersection of the center line of the on course signals of the southeast leg of the Bozeman, Mont., radio range and the west leg of the Livingston, Mont., radio range; Livingston, Mont., radio range station; Billings, Mont., radio range station; Custer, Mont., radio range station; Miles City, Mont., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Miles City, Mont., radio range and the west leg of the Dickinson, N. Dak., radio range; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; the Jamestown, N. Dak., radio range station; the intersection of the center lines of the on course signals of the east leg of the Jamestown, N. Dak., radio range and the west leg of the Fargo, N. Dak., radio range; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; LaCrosse, Wis., radio range station; Lone Rock, Wis., radio range station; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the center lines of the on course signals of the east leg of the Lansing, Mich., radio range and the north leg of the Romulus, Mich., radio range; the Romulus, Mich., radio range station to the intersection of the center lines of the on course signals of the east leg of the Romulus, Mich., radio range and the U. S.-Canadian Border. From the intersection of the center lines of the on course signals of the east leg of the Clear Creek, Ontario, Canada, radio range and the U. S.-Canadian Border via the intersection of the center lines of the on course signals of the east leg of the Clear Creek, Ontario, Canada, radio range and the southwest leg of the Buffalo, N. Y., radio range; Buffalo, N. Y., radio range station; the intersection of the center lines of the on course signals of the east leg of the Buffalo, N. Y., radio range and the southwest leg of the Rochester, N. Y., radio range; Rochester, N. Y., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Rochester, N. Y., radio range and the west leg of the Syracuse, N. Y., radio range; Syracuse, N. Y., radio range station; Utica, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Westfield, Mass., radio range and the southwest leg of the Boston, Mass., radio range to the Boston, Mass., radio range station.

2. By amending § 600.10003 to read as follows:

§ 600.10003 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* From the Municipal Airport, Los Angeles, Calif., via the Los Angeles, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif., radio range and the southwest leg of the Palmdale, Calif., radio range; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; the Needles, Calif., radio range station; the Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., radio range station; Kansas City, Mo., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Kansas City, Mo., radio range and the west leg of the Columbia, Mo., radio range; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the center lines of the on course signals of the east leg of the Indianapolis, Ind., radio range and the west leg of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; the intersection of the center lines of the on course signals of the east leg of the Columbus, Ohio, radio range and the west leg of the Pittsburgh, Pa., radio range; Pittsburgh, Pa., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the west leg of the Altoona, Pa., radio range; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Harrisburg, Pa., radio range and the southwest leg of the Philadelphia, Pa., radio range and the Philadelphia, Pa., radio range station to the Municipal Airport, Philadelphia, Pa.

3. By amending § 600.10105 to read as follows:

§ 600.10105 *Amber civil airway No. 6 (Jacksonville, Fla., to U. S.-Canadian Border).* From the Jacksonville, Fla., radio range station; via the Alma, Ga., radio range station; Macon, Ga., radio range station; Atlanta, Ga., radio range station; Chattanooga, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Nashville, Tenn., radio range and the southwest leg of the Bowling Green, Ky. radio range; Bowling Green, Ky., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Bowling Green, Ky., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Bowling Green, Ky., radio range and the south leg of the Louisville, Ky., radio range; Louisville, Ky., radio range station; the Cincinnati, Ohio, radio range station and the intersection of the center lines of the on course signals of the northwest leg of the Cincinnati, Ohio, radio range and the southwest leg of the Dayton, Ohio, radio range to the Dayton, Ohio, radio range station. From the Columbus, Ohio, radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Columbus, Ohio, radio range and the west leg of the Cleveland, Ohio, radio range. From the intersection of the center lines of the on course signals of the east leg of the Cleveland, Ohio, radio range and the southwest leg of the Clear Creek, Ontario, radio range to the intersection of the center lines of the on course signals of the southwest leg of the Clear Creek, Ontario, radio range and the U. S.-Canadian Border.

4. By amending § 600.10213 to read as follows:

§ 600.10213 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* From the Lone Rock, Wis., radio range station via the Rockford, Ill., radio range station to the Joliet, Ill., radio range station. From the Chicago, Ill., radio range station via the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill.,

radio range and the west leg of the Goshen, Ind., radio range; Indianapolis, Ind., radio range station to the Louisville, Ky., radio range station.

5. By amending § 600.10220 *Red civil airway No. 21 (Cleveland, Ohio, to Newark, N. J.)* to read as follows:

§ 600.1022 *Red civil airway No. 21 (Lansing, Mich., to Newark, N. J.).* From the Lansing, Mich., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Lansing, Mich., radio range and the west leg of the Romulus, Mich., radio range. From the Romulus, Mich., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Romulus Mich., radio range and the west leg of the Cleveland, Ohio, radio range. From the intersection of the center lines of the on course signals of the west leg of the Cleveland, Ohio, radio range and the northwest leg of the Akron, Ohio, radio range via the Akron, Ohio, radio range station; Pittsburgh, Pa., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the north leg of the Altoona, Pa., radio range to the Sunbury, Pa., radio marker station. From the intersection of the on course signals of the center lines of the on course signals of the northeast leg of the Allentown, Pa., radio range and the west leg of the Newark, N. J., radio range to the Newark, N. J., radio range station.

6. By amending § 600.10226 *Red civil airway No. 27 (Knoxville, Tenn., to U. S.-Canadian Border)* to read as follows:

§ 600.10226 *Red civil airway No. 27 (Knoxville, Tenn., to Detroit, Mich.).* From the Knoxville, Tenn. radio range station via a point located at latitude 36°25′ north and longitude 83°50′ west and the center of the city of Lexington, Ky., to the Cincinnati, Ohio, radio range station. From the intersection of the center lines of the on course signals of the northeast leg of the Dayton, Ohio, radio range and the west leg of the Columbus, Ohio, radio range via the Toledo, Ohio, radio range station to the intersection of the center line of the on course signal of the north leg of the Toledo, Ohio, radio range and the west leg of the Romulus, Mich., radio range.

7. By amending § 600.10227 *Red civil airway No. 28 (Chicago, Illinois, to Grand Rapids, Mich.)* to read as follows:

§ 600.10227 *Red civil airway No. 28 (Rockford, Ill., to Grand Rapids, Mich.).* From the Rockford, Ill. radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Rockford, Ill., radio range and the south leg of the Milwaukee, Wis., radio range. From the Chicago, Ill., radio range station, via the intersection of the center lines of the on course signals of the northeast leg of the Chicago, Ill., radio range and the southwest leg of the Grand Rapids, Mich., radio range to the Grand Rapids, Mich., radio range station.

8. By adding a new § 600.10254 to read as follows:

§ 600.10254 *Red civil airway No. 55 (Burlington, Iowa, to Joliet, Ill.).* From the Burlington, Iowa, radio range station via the Peoria, Ill., radio range station to the intersection of the center lines of the on course signals of the east leg of the Peoria, Ill., radio range and the southwest leg of the Joliet, Ill., radio range.

9. By adding a new § 600.10258 to read as follows:

§ 600.10258 *Red civil airway No. 59 (Toledo, Ohio, to the U. S.-Canadian Border).* From the intersection of the center lines of the on course signals of the north leg of the Toledo, Ohio, radio range and the southwest leg of the Windsor, Ontario, radio range to the intersection of the center line of the on course signal of the southwest leg of the Windsor, Ontario, radio range and the U. S.-Canadian Border.

This amendment shall become effective 0001 e. s. t., March 15, 1947.

(Sec. 302, 52 Stat. 985, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 452)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-2496; Filed, Mar. 17, 1947; 8:48 a. m.]

[Amdt. 153]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS AND RADIO FIXES

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including airport traffic zones and radio fixes, at such points; (2) The immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and (3) The establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee;

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Airway Traffic Control Areas: Red Civil Airways Nos. 21, 27, 28, and 59; Redesignation of Radio Fixes: Red Civil Airway No. 21

1. By amending § 601.10221 *Red civil airway No. 21 airway traffic control areas (Cleveland, Ohio, to Newark, N. J.)* to read as follows:

§ 601.10221 *Red civil airway No. 21 airway traffic control areas (Lansing, Mich., to Newark, N. J.).* All of Red civil airway No. 21.

2. By amending § 601.10227 *Red civil airway No. 27 airway traffic control areas (Knoxville, Tenn., to U. S.-Canadian Border)* to read as follows:

§ 601.10227 *Red civil airway No. 27 airway traffic control areas (Knoxville, Tenn., to Detroit, Mich.).* All of Red Civil airway No. 27 from the Knoxville, Tenn., radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Knoxville, Tenn., radio range station and from a line extended at right angles across such airway through a point 25 miles south of the Cincinnati, Ohio, radio range station to the intersection of the center lines of the on course signals of the north leg of the Toledo, Ohio, radio range and the west leg of the Romulus, Mich., radio range.

3. By amending § 601.10228 *Red civil airway No. 28 airway traffic control areas (Chicago, Ill., to Grand Rapids, Mich.)* to read as follows:

§ 601.10228 *Red civil airway No. 28 airway traffic control areas (Rockford, Ill., to Grand Rapids, Mich.).* All of Red civil airway No. 28.

4. By adding a new § 601.10259 to read as follows:

§ 601.10259 *Red civil airway No. 59 airway traffic control areas (Toledo, Ohio, to the U. S.-Canadian Border).* All of Red civil airway No. 59.

5. By adding a new § 601.10255 to read as follows:

§ 601.10255 *Red civil airway No. 55 airway traffic control areas (Burlington, Iowa, to Joliet, Ill.).* All of Red civil airway No. 55.

6. By amending § 601.40221 *Red civil airway No. 21 (Cleveland, Ohio, to Newark, N. J.)* to read as follows:

§ 601.40221 *Red civil airway No. 21 (Lansing, Mich., to Newark, N. J.).* The intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the north leg of the Altoona, Pa., radio range.

7. By adding a new § 601.40255 to read as follows:

§ 601.40255 *Red civil airway No. 55 (Burlington, Iowa, to Joliet, Ill.).* Peoria, Ill., radio range station.

This amendment shall become effective 0001 e. s. t., March 15, 1947.

(Sec. 308, 52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-2497; Filed, Mar. 17, 1947; 8:48 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce

PART 353—DISTRICT OFFICES

PART 356—LOCATION OF FIELD OFFICES

1. Section 353.1 *General* is hereby amended by adding Portland, Oregon, to the district offices which report directly to the Washington Office of Department Field Service.

2. Section 356.1 is amended to read as follows:

§ 356.1 *Location.* Field offices are located in the following cities:

Albany 7, N. Y.: 409 County Courthouse, Eagle Street.
Albuquerque, N. Mex.: Hanosh Building, 203 West Gold Avenue.
Atlanta 1, Ga.: P. O. Box 1595, 418 Atlanta National Building, 50 Whitehall Street, SW.
Baltimore 2, Md.: 312 U. S. Appraisers' Stores Building, 103 South Gay Street.
Birmingham, Ala.: Martin Building, 2304 Fourth Avenue North.
Boise, Idaho: 210 Baird Building.
Boston 9, Mass.: 1800 Customhouse, 2 India Street.
Buffalo 3, N. Y.: 242 Federal Building, 117 Ellicott Street.
Burlington, Vt.: 4 Rutland Railroad Station.
Butte, Mont.: 301A O'Rourke Estate Building, 14 West Granite Street.
Charleston 3, S. C.: 310 Peoples Building, 18 Broad Street.
Charleston 1, W. Va.: 612 Atlas Building, 1031 Quarrier Street.
Charlotte 2, N. C.: 112½ East Fourth Street.
Chattanooga 1, Tenn.: 505 Post Office Building.
Cheyenne, Wyo.: 305 Federal Recreation Building, 2002 Capitol Avenue.
Chicago 4, Ill.: McCormick Building, 332 South Michigan Boulevard.
Cincinnati 2, Ohio: 1204 Chamber of Commerce Building, Fourth and Race Streets.
Cleveland 14, Ohio: 215 Union Commerce Building, Euclid Avenue at East Ninth Street.
Columbus 15, Ohio: Room 808, 85 East Gay Street.
Dallas 2, Tex.: 602 Santa Fe Building, 1114 Commerce Street.
Denver 2, Colo.: 203 Boston Building, 828 Seventeenth Street.
Des Moines 9, Iowa: 300 Home Federal Building, 518 Grand Avenue.
Detroit 26, Mich.: 1038 New Federal Building, 230 West Fort Street.
Duluth 2, Minn.: 504 Christie Building, 4th Avenue West.
El Paso 7, Tex.: 12 Chamber of Commerce Building.
Erie, Pa.: 312 Security People Trust Co. Building, 8th and State Streets.
Evansville, Ind.: 307 Grein Building, 19 Northwest Second Street.
Fargo, N. Dak.: 212 Walker Building, 621 First Avenue North.
Fremont, Nebr.: Pathfinder Hotel.
Grand Rapids, Mich.: 412 Post Office Building.
Hartford 1, Conn.: 224 Post Office Building, 135 High Street.
Houston 14, Tex.: 603 Federal Office Building, Fannin at Franklin Street.
Indianapolis 4, Ind.: 220 Chamber of Commerce Building, 320 North Meridian Street.
Jackson 45, Miss.: 312 Masonic Building, 1130 West Capitol Street.
Jacksonville 1, Fla.: 425 Federal Building, 311 West Monroe Street.
Kansas City 6, Mo.: 2311 Fidelity Building, 911 Walnut Street.
Little Rock, Ark.: 521 Pyramid Building, 221 West Second Street.
Los Angeles 12, Calif.: 1546 U. S. Post Office and Courthouse, 312 North Spring Street.
Louisville 1, Ky.: 631 Federal Building, Sixth and Broadway.
Manchester, N. H.: 517 Beacon Building, 813 Elm Street.
Memphis 3, Tenn.: 229 Federal Building, Madison at Front Street.
Miami 32, Fla.: 947 Seybold Building, 36 Northeast First Street.
Milwaukee 3, Wisc.: 7110 Plankinton Building, 161 West Wisconsin Avenue.
Minneapolis 1, Minn.: 1234 Metropolitan Life Building, Second Avenue South and Third Street.
Mobile, Ala.: 308 Federal Building.
Nashville 3, Tenn.: 322 Nashville Trust Co. Building, 315 Union Street.
New Haven 10, Conn.: 152 Temple Street.
New Orleans 12, La.: 1508 Masonic Temple Building, 333 St. Charles Avenue.
New York 1, N. Y.: Sixtieth Floor, Empire State Building, 350 Fifth Avenue.
Norfolk, Va.: 716 Boush Street.
Oklahoma City 2, Okla.: 901–905 Petroleum Building.
Omaha 2, Nebr.: 918 City National Bank Building, 405 South Sixteenth Street.
Peoria 2, Ill.: 531 First National Bank Building, 410 Main Street.
Philadelphia 3, Pa.: 1202 Fox Building, 1612 Market Street.
Phoenix 8, Ariz.: 417 Security Building, 234 North Central Avenue.
Pittsburgh 19, Pa.: 1013 New Federal Building, Seventh Avenue and Grant Street.
Portland 3, Maine: 222 U. S. Post Office, 76 Pearl Street.
Portland 4, Oreg.: 217 Old U. S. Courthouse, 520 S. W. Morrison Street.
Providence 3, R. I.: 206 Customhouse, 24 Weybossett Street.
Reno, Nev.: Elks Club Building, 50 Sierra Street.
Richmond 19, Va.: Room 2, Mezzanine, 801 East Broad Street.
Rochester, N. Y.: 508 Exchange Building, 16 State Street.
St. Louis 1, Mo.: 107 New Federal Building, 1114 Market Street.
Salt Lake City 1, Utah. 321 Atlas Building, 36½ West Second Street.
San Antonio 5, Tex.: 2023 Transit Tower Building.
San Diego 1, Calif.: 906 Columbia Street.
San Francisco 11, Calif.: 307 Customhouse, Washington and Battery Streets.
Savannah, Ga.: 6 U. S. Courthouse and Post Office Building.
Scranton 3, Pa.: First National Bank Building, Fourth Floor, Wyoming Avenue and Spruce Street.
Seattle 4, Wash.: 809 Federal Office Building, First and Marion Streets.
Sioux Falls 6, S. Dak.: 301 Policyholders National Building, 513 South Main Avenue.
Spokane 8, Wash.: 5 Great Northwest Life Building, 1023 West Riverside Avenue.
Syracuse 2, N. Y.: 701 Syracuse-Kemper Building, 224 Harrison Street.
Texarkana 5, Tex.: 817 Texarkana National Bank Building, Broad at Pine Street.
Toledo 4, Ohio: Huron Building, 445 Huron Street.
Wichita 2, Kans.: 205 K. F. H. Building, 209 East William Street.
Worcester 8, Mass.: State Mutual Building, 340 Main Street.

(Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244)

[SEAL] WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-2489; Filed, Mar. 17, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[State Director Advice No. 348, Issued: 3/13/47]

PART 672—STATE DIRECTOR ADVICES

DISCONTINUANCE OF CLASSIFICATION OF REGISTRANTS

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record: (Confirming telegram to all State Directors dated March 10, 1947).

§ 672.348 *Discontinuance of classification of registrants.* (a) The President has this date (March 10, 1947) sent a message to the Congress requesting legislation that will:

(1) Establish an Office of Selective Service Records to liquidate Selective Service and establish and maintain Federal record depots in the States, Territories, and possessions;

(2) Transfer property, records, personnel, and unexpended balances of appropriations from the Selective Service System to Office of Selective Service Records; and

(3) Provide regulations for confidential nature of records.

(b) I will inform you as soon as Congress takes action on the President's message. Effective immediately advise local boards to discontinue classification of all selective service registrants and the sending of questionnaires to registrants. Registration will be continued as provided by the act through March 31, 1947. Instructions relative to the liquidation of the system and the establishment and maintenance of Federal record depots will be forwarded to you immediately upon appropriate action by the Congress. (54 Stat. 885 as amended: 50 U. S. C. App. and Sup. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-2500; Filed, Mar. 17, 1947; 8:45 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1117]

STEVE SANDRENE

Steve Sandrene, 827 Johnston Street, Akron, Ohio, on or about August 16, 1946,

without authorization of the Civilian Production Administration, began and thereafter carried on construction of a commercial building for use as a restaurant and bar located at 959 East Waterloo Road, Akron, Ohio, the estimated cost of which was in excess of $1,000.00. The beginning of construction and the carrying on of construction as aforesaid constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1117 *Suspension Order No. S–1117.* (a) Neither Steve Sandrene, his successors or assigns, nor any other person shall do any further construction on the premises located at 959 East Waterloo Road, Akron, Ohio, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Steve Sandrene shall refer to this order in any application or appeal which he may file with the Civilian Production Administration relating to the above premises.

(c) Nothing contained in this order shall relieve Steve Sandrene, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 14th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–2542; Filed, Mar. 14, 1947; 4:33 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1116]

CITY CHEVROLET CO. AND O. B. PEAVEY

The City Chevrolet Company, of 310 West "C" Street, San Diego, California, is a California Corporation that services and repairs passenger cars, trucks, and other vehicles, and O. B. Peavey is its President. On or about June 24, 1946, authorization on behalf of said Corporation was obtained from the Civilian Production Administration by O. B. Peavey, its President, for the construction of an open shed with concrete sills and floors, a total area of 3,380 feet, at an estimated cost of $18,500. The City Chevrolet Company did thereafter begin and carry on construction of an automobile service and repair shop building at the above address approximating 14,000 square feet in area, at an estimated cost of $80,000, of which $75,000 has already been expended. An application of November 1, 1946 for additional authorization beyond that of June 24, 1946 was denied November 16, 1946. These violations have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1116 *Suspension Order No. S–1116.* (a) Neither the City Chevrolet Company (a California Corporation) nor O. B. Peavey, their successors or assigns, nor any other person shall do any further construction on the building on the premises bounded by Kettner Boulevard, Indiana Street, Ash Street and Beach Street, San Diego, California, including putting up, completing or altering said structure, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) The City Chevrolet Company and O. B. Peavey shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on said construction.

(c) Nothing contained in this order shall be deemed to relieve the City Chevrolet Company or O. B. Peavey from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 17th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–2569; Filed, Mar. 17, 1947; 11:17 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1121]

JOSEPH KUKURUZA & STEPHEN KUKURUZA AND CHARLES MICK

Joseph Kukuruza, 4816 Stickney Avenue, Cleveland, Ohio, and Stephen Kukuruza, 3724 Cypress Avenue, Cleveland, Ohio, as owners, and Charles Mick, 12733 Plover Avenue, Lakewood, Ohio, as contractor, on or about August 2, 1946 without authorization of the Civilian Production Administration began construction and thereafter until about August 15, 1946 carried on construction of a one-story commercial building at 5398 State Road, Parma, Ohio, at an estimated cost of $2,000. Thereafter, on or about October 25, 1946 the same parties, after a change of plans and without authorization of the Civilian Production Administration or the Federal Housing Administration, resumed construction and carried on construction of said building which was then to consist of two stories of which the ground floor was to be used for store and commercial purposes and the second story was to be used for residential purposes, and having an estimated cost of approximately $8,500. The beginning and carrying on of construction as originally planned and the resumption and carrying on of construction under changed plans, as aforesaid, constituted grossly negligent violations of Veterans' Housing Program Order No. 1. These violations have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1121 *Suspension Order No. S–1121.* (a) Neither Joseph Kukuruza, Stephen Kukuruza, Charles Mick, their successors or assigns, nor any other person shall do any further construction on the building located at 5398 State Road, Parma, Ohio, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Joseph Kukuruza, Stephen Kukuruza and Charles Mick shall refer to this order in any application or appeal which either of them may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph Kukuruza, Stephen Kukuruza, Charles Mick, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 17th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–2568; Filed, Mar. 17, 1947; 11:17 a. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

PART 4003—SUBSIDIES; SUPPORT PRICES

LIVESTOCK SLAUGHTER PAYMENTS

CROSS REFERENCE: For amendment of regulations covering the livestock slaughter program, affecting § 4003.51, see Part 4004 of this chapter, *infra.*

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

[Directive 41,[1] Amdt. 10]

LIVESTOCK SLAUGHTER PAYMENTS

Section 4004.1 *Livestock slaughter payments* (Directive 41) is amended by the addition of subparagraph (7) of section 7 (e), to read as follows:

(7) As used in this section 7 (e), the phrase "authorized quota" was intended to and does mean the total live weight of livestock, by species, authorized to be slaughtered during an entire "quota period" or "interim quota period" as such periods are defined in Control Order 2[2] "Livestock Slaughter," issued by the Office of Price Administration; but was not intended to and does not apply to additional restrictions and limitations made on the quantity of livestock, by species, within the "authorized quota" that are authorized to be slaughtered during a part of a "quota period."

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; Pub. Law 548, 79th Cong.; 15 U. S. C. Sup. 713a–8; 713a–8 note, 50 U. S. C. App. Sup. 901–903, 921–925, 961–971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871; E. O. 9328, Apr. 8, 1943, 8 F. R. 4681; E. O. 9599, Aug. 18, 1945, 10 F. R. 10155; E. O. 9651, Oct. 30, 1945, 10 F. R. 13487; E. O. 9697, Feb. 14, 1946, 11 F. R. 1691; E. O. 9699, Feb. 21, 1946, 11 F. R. 1929; E. O. 9762, July 25, 1946, 11 F. R. 8073; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 12th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47–2486; Filed, Mar. 17, 1947; 8:46 a. m.]

[1] 10 F. R. 4494, 10031; 11 F. R. 1215, 3102, 4340, 7042, 12363, 13750; 12 F. R. 100.

[2] 11 F. R. 4657, 4666, 5070, 5396, 6136, 6542, 8328, 9689, 10003, 11011, 11378, 12054, 12865.

[1] 11 F. R. 11505, 12 F. R. 257.

Chapter XXIII—War Assets Administration

[Reg. 14,[1] Order 7]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF PERSONAL PROPERTY TO EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

War Assets Administration Regulation 14, Order 7, January 13, 1947, entitled "Disposal of Personal Property to Educational and Public-Health Institutions and Instrumentalities," as amended January 27, 1947 (12 F. R. 396, 866), is hereby revised and amended as herein set forth.

The War Assets Administrator has determined that there is an urgent need by educational and public-health institutions for various types of equipment, which need in the case of educational institutions has become acute because of an abnormal increase in enrollment in the face of an accelerated obsolescence of existing equipment; that in the case of elementary and secondary educational institutions present facilities are wholly inadequate to provide proper instruction, and existing budgets are insufficient to enable said institutions to purchase the needed equipment; that with respect to public-health institutions a similar situation exists because of increased demands for health services, and the need for suitable equipment is acute.

The War Assets Administrator has further determined that the property which is listed in Exhibit A herein is critically needed by such educational and public-health institutions, that such property is suitable for educational and public-health use, and that it would be of great public benefit to make such property available to said institutions at a nominal price.

In view of the foregoing considerations, the War Assets Administrator finds that the benefit which will accrue to the United States from the use of such property by educational and public-health institutions justifies disposal to them of such property at a nominal price, approximately sufficient to cover the cost of disposition, and that such nominal price should be five (5) percent of the fair value of the property as established by the disposal agency.

Pursuant to the foregoing, it is hereby ordered that:

§ 8314.57 *Disposal of personal property to educational and public-health institutions and instrumentalities.* (a) Notwithstanding the provisions of § 8314.9 of this part, disposal agencies, after making such provisions as may be necessary for offerings to priority claimants in accordance with the provisions of Part 8302,[2] are hereby authorized to sell property listed in Exhibit A herein to educational and public-health institutions and instrumentalities, as defined in § 8314.1, whose orders have been approved by the War Assets Administration, at a price equivalent to five (5) per cent of the fair value thereof, f. o. b. location.

(b) In considering applications or orders of individual educational institutions or instrumentalities for property listed in Exhibit A, special consideration shall be given to the needs of elementary and secondary educational institutions.

(c) Applications or orders for instructional equipment which have been or shall be approved by the Federal Works Agency, in accordance with § 8314.56[3] of this part, shall not be affected by the provisions of this section.

(d) When any of the property listed in Exhibit A herein is or shall be in conflict with any list of property set aside for veterans under § 8302.59[2] as now or hereafter in effect, the provisions of § 8302.59 shall be controlling.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265).)

This revision of this section shall become effective March 13, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MARCH 3, 1947.

NOTE: Exhibit A revised March 3, 1947.

EXHIBIT A

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE

31 1211 200 Steam turbines, mechanical drive, single stage, non-condensing.
41 4400 Object detection apparatus (radar).
56 3100 Telescopes.
56 7100 Magnifiers (including reading glasses and lenses).
56 8000 Optical elements and assemblies, except ophthalmic, photographic, and projection.
57 1110 Glass stem thermometers, industrial.
57 1150 Solid expansion thermometers.
57 1160 Pressure tube thermometer systems.
57 1180 Thermometer accessories.
57 1200 Electric resistance temperature instruments and accessories.
57 1310 Pyrometers, electrical type.
57 1320 Pyrometers, radiation type.
57 1330 Pyrometers, thermocouple type.
57 1520 Hygrometric instruments, hygroscopes.
57 1900 Temperature and hygrometric instruments and accessories, not elsewhere classified.
57 2100 Voltmeters and millivoltmeters.
57 2200 Ammeters and milliammeters.
57 2500 Ohmmeters.
57 2900 Electric quantity instruments and accessories, not elsewhere classified.
57 3100 Pressure measuring instruments (pressure gauges) Bourdon tube, bellows and diaphragm types.
57 3300 Barometers.
57 3500 Draft gauges.
57 3900 Pressure measuring instruments, gauges, and accessories, not elsewhere classified.
57 4100 Flow and liquid type level instruments, differential pressure.
57 4200 Flow instruments, differential pressure, dry type.
57 4300 Flow ratio instruments.
57 4600 Anemometers.
57 4700 Area flow meters.
57 4800 Liquid level float instruments.
57 4900 Flow and liquid level instruments and accessories, not elsewhere classified.
57 5220 Position measuring instruments, electrically operated.
57 5300 Tachometers.
57 5400 Timing controls.
57 5500 Cycle controls.
57 5700 Counters.
57 5800 Dial indicators.
57 5900 Mechanical motion, rotation, timing and cycle instruments, and accessories, not elsewhere classified.
57 7000 Control valves and regulators, except voltage.
57 8100 Combination instruments, temperature-pressure.
57 8200 Combination instruments, temperature-humidity.
57 8700 Combination instruments, flow-temperature-pressure.
57 8800 Combination instruments, pressure-vacuum.
57 9110 Hydrometers.
57 9320 Gas analyzers, electrical.
57 9400 Combustion controls.
57 9900 Indicating, recording and controlling instruments and accessories, except watches and clocks, not elsewhere classified.
58 3000 Surgical and medical instruments, except diagnostic (Japanese instruments only).
58 4990 Field hospital food carts.
58 5810 Field hospital laboratory incubators.
58 8210 Tracing papers, transparentized.
59 2100 Mobile and water purification units.
59 2900 Thermo-compression distillation units.
59 5120 Hand fire extinguishers, vaporizing liquid (carbon tetrachloride).
59 5140 Hand fire extinguishers, carbon dioxide.
59 5639 Fire hose nozzles.
79 7903 Carbon paper.
79 7911 Typewriter ribbons (ink ribbons).
96 5442 Child care equipment units.
96 5450 Clinical and infirmary equipment units.

[1] Reg. 2, Order 9 (issued March 1, 1947.

[2] Reg. 14, Order 6 (11 F. R. 11704, 14106).

Exhibit A—Continued

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE—continued

MACHINE TOOLS

[References to code classification are taken from the Directory of Metalworking Machinery (1945) compiled under the supervision of the Committee on Metalworking Machinery of the Technical Committee on Standard Commodity Classification]

BORING MACHINE—HORIZONTAL, PRECISION, RIDGE TYPE, SINGLE END

[Manufacturer: Stokermit Corp., Milwaukee, Wis.]

Model and description	Size and capacity	Sales price	Code
Mod. 1, Single end	4" diameter bore x 9" table travel	$354.00	3411 21 11 39

DRILLING MACHINE OR DRILL PRESS—BENCH OR FLOOR, SINGLE OR MULTIPLE SPINDLE (EXCEPT 110 VOLT, SINGLE PHASE)

[Manufacturer: The Toledo General Manufacturing Company, Toledo, Ohio]

Model DAH bench, box column	3/8" drill capacity, 16" swing, 1 spindle	$97.00	3413 11 31 76
Do	3/8" drill capacity, 16" swing, 2 spindle	161.00	3413 11 32 76
Do	3/8" drill capacity, 16" swing, 3 spindle	227.00	3413 11 33 76
Model DAV bench, box column	3/8" drill capacity, 16" swing, 1 spindle	109.00	3413 11 31 76
Do	3/8" drill capacity, 16" swing, 2 spindle	191.00	3413 11 32 76
Do	3/8" drill capacity, 16" swing, 3 spindle	276.00	3413 11 33 76
Model DBH bench, box column	5/8" drill capacity, 16" swing, 1 spindle	101.00	3413 11 51 41
Do	5/8" drill capacity, 16" swing, 2 spindle	172.00	3413 11 52 41
Do	5/8" drill capacity, 16" swing, 3 spindle	220.00	3413 11 53 41
Model DBV bench, box column	5/8" drill capacity, 16" swing, 1 spindle	110.00	3413 11 51 41
Do	5/8" drill capacity, 16" swing, 2 spindle	188.00	3413 11 52 41
Do	5/8" drill capacity, 16" swing, 3 spindle	276.00	3413 11 53 41
Model DAH floor, box column	3/8" drill capacity, 16" swing, 1 spindle	118.00	3413 21 31 46
Do	3/8" drill capacity, 16" swing, 2 spindle	191.00	3413 21 32 46
Do	3/8" drill capacity, 16" swing, 3 spindle	262.00	3413 21 33 46
Model DAV floor, box column	3/8" drill capacity, 16" swing, 1 spindle	117.00	3413 21 31 46
Do	3/8" drill capacity, 16" swing, 2 spindle	202.00	3413 21 32 46
Do	3/8" drill capacity, 16" swing, 3 spindle	293.00	3413 21 33 46
Model DBH floor, box column	5/8" drill capacity, 16" swing, 1 spindle	130.00	3413 21 51 41
Do	5/8" drill capacity, 16" swing, 2 spindle	193.00	3413 21 52 41
Do	5/8" drill capacity, 16" swing, 3 spindle	268.00	3413 21 53 41
Model DBV floor, box column	5/8" drill capacity, 16" swing, 1 spindle	128.00	3413 21 51 41
Do	5/8" drill capacity, 16" swing, 2 spindle	211.00	3413 21 52 41
Do	5/8" drill capacity, 16" swing, 3 spindle	311.00	3413 21 53 41
Model KEH floor, box column	3/8" drill capacity, 16" swing, 1 spindle	146.00	3413 21 51 81
Do	3/8" drill capacity, 16" swing, 2 spindle	237.00	3413 21 52 81
Do	3/8" drill capacity, 16" swing, 3 spindle	328.00	3413 21 53 81
Model KEV floor, box column	3/8" drill capacity, 16" swing, 1 spindle	142.00	3413 21 51 81
Do	3/8" drill capacity, 16" swing, 2 spindle	241.00	3413 21 52 81
Do	3/8" drill capacity, 16" swing, 3 spindle	346.00	3413 21 53 81
Model KE-VS floor, box column	1" drill capacity, 16" swing, 1 spindle	142.00	3413 21 81 81
Do	1" drill capacity, 16" swing, 2 spindle	241.00	3413 21 82 01
Do	1" drill capacity, 16" swing, 3 spindle	346.00	3413 21 83 01

Exhibit A—Continued

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE—continued

MACHINE TOOLS—Continued

DRILLING MACHINE OR DRILL PRESS—BENCH OR FLOOR, SINGLE OR MULTIPLE SPINDLE (EXCEPT 110 VOLT, SINGLE PHASE)—continued

[Manufacturer: The Toledo General Manufacturing Company, Toledo, Ohio]

Model KTH floor, box column	7/8" drill capacity, 24" swing, 1 spindle	$160.00	3413 21 61 81
Do	7/8" drill capacity, 24" swing, 2 spindle	252.00	3413 21 62 81
Do	7/8" drill capacity, 24" swing, 3 spindle	346.00	3413 21 63 81
Model KTV floor, box column	7/8" drill capacity, 24" swing, 1 spindle	155.00	3413 21 61 81
Do	7/8" drill capacity, 24" swing, 2 spindle	260.00	3413 21 62 81
Do	7/8" drill capacity, 24" swing, 3 spindle	369.00	3413 21 63 81
Model KT-VS floor, box column	1" drill capacity, 24" swing, 1 spindle	155.00	3413 21 91 01
Do	1" drill capacity, 24" swing, 2 spindle	260.00	3413 21 92 01
Do	1" drill capacity, 24" swing, 3 spindle	369.00	3413 21 93 01

DRILLING MACHINES—DEEP HOLE, BACK SPOT FACING AND MISCELLANEOUS DRILLS

[Manufacturer: Pratt & Whitney, West Hartford, Conn.]

Size 1, Deep hole drill	11½" stroke, 2 spindle	$626.00	3413 81 12 10
Do	33" stroke, 2 spindle	654.00	3413 81 12 28

GEAR HOBBER—HORIZONTAL

[Manufacturer: The Hamilton Tool Co., Hamilton, Ohio]

No. 00, Spur gear hobber	2" diameter, 1.6" feed	$549.00	3414 11 11 49
No. 1, Spur and spiral gear hobber	6" diameter, 5" feed	989.00	3414 11 21 58

GEAR TOOTH GRINDER—GENERATING TYPE, FOR SPUR AND HELICAL GEARS

[Manufacturer: Pratt & Whitney Division, Hartford, Conn.]

Mod. 1635, Spur gear grinder	10¼" diameter, 6" face	$1,791.00	3414 71 11 00
Mod. 1639, Helical gear grinder	10 1/16" diameter, 6" face	2,528.00	3414 71 12 00

GEAR TOOTH GRINDER—FOR SPUR GEARS, EXTERNAL AND INTERNAL (FORMED WHEEL TYPE MACHINE)

[Manufacturer: The Gear Grinding Machine Co. Detroit, Mich.]

GG-34, External gear grinder	12" diameter, 15½" C to C	$2,483.00	3414 71 21 00
8GG-19, Comb, external gear and spline grinder	10" diameter, 24" C to C	1,882.00	3414 71 21 00
GG-31, Internal gear and spline grinder	12" diameter, 3" face width	2,593.00	3414 71 23 00
GG-29, external and internal gear grinder	12" diameter external, 8" diameter internal	2,648.00	3414 71 00 00

[Manufacturer: National Broach & Machine Co., Detroit, Mich.]

Mod. S. G. D., Gear or spline grinder	12" pitch diameter x 32" stroke	$2,429.00	3414 71 21 00

[Manufacturer: Pratt & Whitney Division, Hartford, Conn.]

Mod. M-1504, Rotary type spur gear tooth grinder	12" pitch diameter 1¼" face	$1,392.00	3414 71 21 00

[Manufacturer: Vinco Corp., Detroit, Mich.]

Mod. 68-12, Horizontal spline or gear grinder	14" swing, 30" stroke	$2,865.00	3414 71 21 00

Exhibit A—Continued

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE—continued

MACHINE TOOLS—Continued

GEAR TOOTH LAPPER—EXTERNAL AND/OR INTERNAL GEAR TOOTH LAPPING MACHINES

[Manufacturer: The Fellows Gear Shaper Co., Springfield, Vt.]

Model and description	Size and capacity	Sales price	Code
Mod. 7-LS, External, helical gears only	7" pitch diameter x 1¾" face	$1,228.00	3414 72 12 00
Mod. 10-LS, External, helical gears only	10" pitch diameter x 1¾" face	1,396.00	3414 72 12 00
Mod. 8-LS, External and internal, spur and helical	8" pitch diameter x 1¾" face	1,517.00	3414 72 23 00

[Manufacturer: Gleason Works, Rochester, N. Y.]

No. 17 Spiral bevel and hypoid testing and lapping machine.	17" pitch diameter	$1,486.00	3414 72 14 00

[Manufacturer: Michigan Tool Co., Detroit, Mich.]

No. 995, Two lap gear lapper	8" pitch diameter x 12" between centers.	$1,215.00	3414 72 10 00
No. 991, Three lap gear lapper	12" pitch diameter x 22½" between centers.	1,250.00	3414 72 10 00

[Manufacturer: National Broach and Machine Co., Detroit, Mich.]

Model GLG, External, vertical	8" pitch diameter x 9½" stroke	$1,108.00	3414 72 10 00
Model GLL, External, vertical	15" pitch diameter x 10" stroke	1,269.00	3414 72 10 00

GEAR TOOTH SHAVER—RACK OR ROTARY TYPE, EXTERNAL OR INTERNAL GEAR SHAVER

[Manufacturer: The Fellows Gear Shaper Co., Springfield, Vt.]

Mod. 4, External spur and helical, fine pitch	4" pitch diameter x 1" face width	$1,166.00	3414 73 21 00
Mod. 11, Internal spur and helical	Var. pitch diameter x 1½" face width	2,133.00	3414 73 22 00
Mod. 12, External spur and helical	12" pitch diameter x 3" face width	1,989.00	3414 73 21 00

[Manufacturer: Michigan Tool Co., Detroit, Mich.]

No. 860, External and internal, rotary type	8" pitch diameter x 18½" between centers.	$2,192.00	3414 73 23 00
No. 860-B, External and internal, rotary type	do	2,253.00	3414 73 23 00
No. 860-A, External and internal, rotary type	do	2,416.00	3414 73 23 00
No. 861-4B, External and internal, rotary type	4" pitch diameter x 9" between centers.	1,441.00	3414 73 23 00
No. 900, External only, rack type	8" pitch diameter x 18½" between centers.	3,996.00	3414 73 10 00

[Manufacturer: National Broach & Machine Co., Detroit, Mich.]

Mod. GCL, External spur and helical	4" pitch diameter x 5¾" between centers.	$1,400.00	3414 73 21 00
Mod. GC-1-8, External and internal spur and helical.	8" pitch diameter x 28" between centers.	2,249.00	3414 73 23 00

GRINDERS, CYLINDRICAL—MISCELLANEOUS EXTERNAL GRINDERS

[Manufacturer: Landis Tool Co., Waynesboro, Pa.]

Self contained crank pin grinder	16" swing x 32" centers	$976.00	3415 18 42 03
Do	16" swing x 48" centers	976.00	3415 18 42 07

[Manufacturer: Norton Co., Worcester, Mass.]

Mod. A, Plain, 45° angular wheel slide	10" swing x 36" centers	$986.00	3415 18 12 16
Mod. Cam-O-Matic, semiautomatic cam grinder	5" swing x 26" centers	2,527.00	3415 18 31 67
Mod. 3-81, Plain, double end crank pin grinder	14" swing x 24" to 40" cc	1,161.00	3415 18 41 88
Mod. D-86, Crank-O-Matic plain, double head crank pin grinder.	17" swing x 32" centers	3,150.00	3415 18 42 12
Mod. C-Hi-Swing, plain crankshaft grinder	23" swing x 36" centers	2,438.00	3415 18 53 81

Exhibit A—Continued

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC HEALTH USE—continued

MACHINE TOOLS—Continued

THREAD GRINDING MACHINES

[Manufacturer: Jones & Lamson Machine Co., Springfield, Vt.]

Model and description	Size and capacity	Sales price	Code
TG-831, Automatic external	8" diameter x 24" centers	$1,898.00	3415 61 22 20
TG-436, Automatic external	6" diameter x 36" centers	2,066.00	3415 61 22 13
TG-636, Automatic external, with internal attachment.	do	2,395.00	3415 62 12 60
TG-63, Automatic internal	6" diameter x 3" thread length	1,472.00	3415 63 10 60
TG-624, Automatic internal	6" diameter x 5" thread length	2,370.00	3415 63 10 62

TOOL AND CUTTER GRINDER—ALL TYPES AND SIZES

[Manufacturer: Pratt & Whitney Division, Hartford, Conn.]

M-1687, Gun barrel drill grinder	8½" diameter drill	$352.00	3415 73 20 15
M-1705, R-6 Keller cutter grinder	6½" diameter cutter	242.00	3415 78 30 00
M-1498, HOB and cutter grinder	8" diameter cutter	209.00	3415 78 62 08
M-1311, Contour cutter grinder	6" diameter cutter	911.00	3415 79 00 00

BENCH, FLOOR AND SNAG GRINDERS—ALL SIZES WITH WHEELS OVER 6" DIAMETER AND DRIVING MOTORS OTHER THAN 110 VOLT

[Manufacturer: Bridgeport Safety Emery Wheel Co., Inc.]

Mod. 2-TGAM, Wet tool and drill grinder, floor	14" diameter wheel	$159.00	3415 84 20 14
Mod. 2-TGAB, Wet tool and drill grinder, floor	do	110.00	3415 84 20 14
Mod. 2-TGM, Wet tool grinder, single floor type	do	103.00	3415 85 20 14
Mod. 2-TGB, Wet tool grinder, single floor type	do	72.00	3415 85 20 14
Mod. 3-TGB, Wet tool grinder, single floor type	20" diameter wheel	88.00	3415 85 30 20
Mod. 4-TGM, Wet tool grinder, single floor type	26" diameter wheel	188.00	3415 85 40 26
Mod. 4-TGB, Wet tool grinder, single floor type	do	142.00	3415 85 40 26
Mod. 1-BD, Floor grinders double end dry	12" diameter wheel	48.00	3415 83 20 12
Mod. D, Floor grinders double end, dry	do	78.00	3415 83 20 12
Mod. 16-MA, Floor grinders double end, dry	14" diameter wheel	253.00	3415 83 30 14
Mod. 2-AC, Floor grinders double end, dry	16" diameter wheel	220.00	3415 83 30 16
Mod. 6-AC, Floor grinders double end, dry	do	263.00	3415 83 30 16
Mod. 16-MA, Floor grinders double end, dry	do	253.00	3415 83 30 16
Mod. 185, Floor grinders double end, dry	do	167.00	3415 83 30 16
Mod. 186, Floor grinders double end, dry	do	209.00	3415 83 30 16
Mod. 2-BD, Floor grinders double end, dry	do	61.00	3415 83 30 16
Mod. F, Floor grinders double end, dry	do	101.00	3415 83 30 16
Mod. 6-AC, Floor grinders double end, dry	18" diameter wheel	263.00	3415 83 30 18

[Manufacturer: The Delta Manufacturing Co., Milwaukee, Wis.]

No. 23-111, Double end bench grinder	7" diameter wheel	$20.00	3415 81 20 07
No. 1271, Double end bench grinder	do	20.00	3415 81 20 07
No. 23-112, Double end bench grinder	do	21.00	3415 81 20 07
No. 1277, Double end bench grinder	do	21.00	3415 81 20 07
No. 23-115, Double end bench grinder	do	21.00	3415 81 20 07
No. 1244, Double end bench grinder	do	20.00	3415 81 20 07
No. 23-118, Double end bench grinder	do	20.00	3415 81 20 07
No. 1287, Double end bench grinder	do	22.00	3415 81 20 07
No. 23-121, Double end bench grinder	do	22.00	3415 81 20 07
No. 1307, Double end bench grinder	do	25.00	3415 83 10 07
No. 23-411, Double end floor grinder	do	25.00	3415 83 10 07
No. 1273, Double end floor grinder	do	25.00	3415 83 10 07
No. 23-412, Double end floor grinder	do	25.00	3415 83 10 07
No. 1278, Double end floor grinder	do	29.00	3415 83 10 07
No. 23-415, Double end floor grinder	do	29.00	3415 83 10 07
No. 1246, Double end floor grinder	do	29.00	3415 83 10 07
No. 23-418, Double end floor grinder	do	29.00	3415 83 10 07
No. 1285, Double end floor grinder	do	27.00	3415 83 10 07
No. 23-421, Double end floor grinder	do	27.00	3415 83 10 07
No. 1308, Double end floor grinder	do	21.00	3415 83 10 07
No. 1254, Double end floor grinder	do	30.00	3415 83 10 07
No. 1269, Double end floor grinder	do	30.00	3415 83 10 07
No. 1279, Double end floor grinder	do	31.00	3415 83 10 07
No. 1276, Double end floor grinder	do	27.00	3415 83 10 07
No. 1258, Double end floor grinder	do	31.00	3415 83 10 07
No. 1281, Double end floor grinder	do	33.00	3415 83 10 07
No. 1306, Double end floor grinder	do	33.00	3415 83 10 07
No. 1309, Double end floor grinder	do	33.00	3415 83 10 07

EXHIBIT A—Continued

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE—continued

MACHINE TOOLS—Continued

BENCH, FLOOR AND SNAG GRINDERS—ALL SIZES WITH WHEELS OVER 6" DIAMETER AND DRIVING MOTORS OTHER THAN 110 VOLT—continued

[Manufacturer: Hammond Machinery Builders, Inc., Kalamazoo, Mich.]

Model and description	Size and capacity	Sales price	Code
Mod. ND-10, Floor, double end, dry	10" diameter wheel	$82.00	3415 83 20 10
Mod. OK-10, Floor, double end, dry	do	41.00	3415 83 20 10
Mod. RW-1, Floor, double end, dry	do	73.00	3415 83 20 10
Mod. ND-12, Floor, double end, dry	12" diameter wheel	119.00	3415 83 20 12
Mod. OK-12, Floor, double end, dry	do	66.00	3415 83 20 12
Mod. RW-2, Floor, double end, dry	do	77.00	3415 83 20 12
Mod. ND-14, Floor, double end, dry	14" diameter wheel	130.00	3415 83 20 14
Mod. OK-14, Floor, double end, dry	do	82.00	3415 83 20 14
Mod. WSX-3, Floor, double end, dry	do	133.00	3415 83 20 14
Mod. OK-10, Floor, comb. grind & buff	10" diameter wheel	40.00	3415 88 22 10
Mod. OK-12, Floor, comb. grind & buff	12" diameter wheel	64.00	3415 88 22 12
Mod. OK-14, Floor, comb. grind & buff	14" diameter wheel	79.00	3415 88 22 14

[Manufacturer: Queen City Machine Tool Co., Cincinnati, Ohio]

Mod. 1-B, Double end, bench grinder	7" diameter wheel	$11.00	3415 81 20 07
Mod. 1½-B, Double end, bench grinder	8" diameter wheel	14.00	3415 81 30 08
Mod. 2-B, Double end, bench grinder	10" diameter wheel	34.00	3415 81 30 10
Mod. 1-F, Double end, floor grinder	7" diameter wheel	14.00	3415 83 10 07
Mod. 1½-F, Double end, floor grinder	8" diameter wheel	18.00	3415 83 10 08
Mod. 3-F, Double end, floor grinder	10" diameter wheel	42.00	3415 83 20 10
Mod. 4-F, Double end, floor grinder	12" diameter wheel	64.00	3415 83 20 12
Mod. 10-F, Double end, floor grinder	do	74.00	3415 83 20 12
Mod. 11-F, Double end, floor grinder	14" diameter wheel	93.00	3415 83 20 14
Mod. 6-BF, Comb. grind and buff	10" diameter wheel	41.00	3415 88 22 00
Mod. 7-BF, Comb. grind and buff	12" diameter wheel	62.00	3415 88 22 00
Mod. 16-BF, Comb. grind and buff	do	76.00	3415 88 22 00
Mod. 17-BF, Comb. grind and buff	14" diameter wheel	93.00	3415 88 22 00
Mod. 8-DF, Comb. grind and disc sander	10" diameter wheel	58.00	3415 88 30 00
Mod. 9-DF, Comb. grind and disc sander	12" diameter wheel	76.00	3415 88 30 00
Mod. 18-DF, Comb. grind and disc sander	do	99.00	3415 88 30 00
Mod. 19-DF, Comb. grind and disc sander	14" diameter wheel	121.00	3415 88 30 00

[Manufacturer: Walker Turner Co., Inc., Plainfield, N. J.]

Mod. GR-50, Bench, double end, dry	7" diameter wheel	$17.00	3415 81 20 07
Mod. GR-100, Bench, double end, dry	10" diameter wheel	30.00	3415 81 30 10
Mod. GR-50, Floor, double end, dry	7" diameter wheel	22.00	3415 83 10 07
Mod. GR-100, Floor, double end, dry	10" diameter wheel	39.00	3415 83 20 10
Mod. CG-50, Comb. grind and disc sand	7" diameter wheel	22.00	3415 88 30 07

MISCELLANEOUS GRINDERS—SPLINE GRINDER AND RADIUS GRINDERS

[Manufacturer: The Gear Grinding Machine Co., Detroit, Mich.]

Mod. SG-11, Spline grinding machine	6" diameter 24" centers	$2,027.00	3415 92 00 00

CHUCKING MACHINE—AUTOMATIC, VERTICAL, MUTIPLE SPINDLE TYPE

[Manufacturer: Bullard Co., Bridgeport, Conn.]

Mod. D, "Mult-Au-Matic"	34" swing 4 spindle	$19,393.00	3416 54 10 88

LATHES, PRODUCTION—BETWEEN CENTERS AUTOMATIC, HORIZONTAL SINGLE SPINDLE

[Manufacturer: Jones & Lamson Machine Co., Springfield, Vt.]

No. 8" Fay automatic	8" swing x 15" center to center	$703.00	3416 61 31 75
Do	8" swing x 21" center to center	776.00	3416 61 31 81
No. 12" Fay automatic	12" swing x 15" center to center	1,127.00	3416 61 51 00

EXHIBIT A—Continued

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE—continued

MACHINE TOOLS—Continued

LATHES, PRODUCTION—BETWEEN CENTERS AUTOMATIC, HORIZONTAL SINGLE SPINDLE—continued

[Manufacturer: Lipe-Rollway Corp., Syracuse, N. Y.]

Model and description	Size and capacity	Sales price	Code
Carbo-Matic automatic hydraulic lathe	16" swing over bed 8" over carriage x 30" centers.	$1,263.00	3416 61 52 73

[Manufacturer: Sundstrand Machine Tool Co., Rockford, Ill.]

Mod. 8, Automatic lathe	8" swing x 15" center to center	$715.00	3416 61 31 75
Do	8" swing x 21" center to center	757.00	3416 61 31 81
Do	8" swing x 28" center to center	846.00	3416 61 31 88
Do	8" swing x 36" center to center	862.00	3416 61 32 67
Mod. 10, Automatic lathe	10" swing x 16" center to center	976.00	3416 61 41 46
Do	10" swing x 22" center to center	1,020.00	3416 61 41 52
Do	10" swing x 34" center to center	1,128.00	3416 61 42 35
Do	10" swing x 46" center to center	1,242.00	3416 61 42 47
Mod. 12, Automatic lathe	12" swing x 16" center to center	1,081.00	3416 61 51 00
Do	12" swing x 22" center to center	1,126.00	3416 61 51 17
Do	12" swing x 34" center to center	1,233.00	3416 61 52 05
Do	12" swing x 46" center to center	1,349.00	3416 61 52 17
Mod. 15, Automatic lathe	15" swing x 22" center to center	1,102.00	3416 61 51 89

SCREW MACHINE—SINGLE AND MULTIPLE SPINDLE BAR TYPE AUTOMATIC

[Manufacturer: Cone Automatic Machine Co., Windsor, Vt.]

Mod. CG, Automatic screw machine	⅞" diameter bar capacity 8 spindle	$1,905.00	3416 76 10 14

[Manufacturer: Greenlee Bros. & Co., Rockford, Ill.]

Mod. 1", Automatic screw machine	1" diameter bar capacity 6 spindle	$2,216.00	3416 75 20 02

[Manufacturer: The National Acme Co., Cleveland, Ohio]

Mod. ¾" R-6, Automatic screw machine	¾" diameter bar capacity 6 spindle	$2,105.00	3416 75 10 06
Mod. 9/16" R-6, Automatic screw machine	9/16" diameter bar capacity 6 spindle	2,105.00	3416 75 10 09
Mod. ¾" RA-6, Automatic screw machine	do	1,602.00	3416 75 10 09
Mod. ¾" R-6, Automatic screw machine	¾" diameter bar capacity 6 spindle	2,221.00	3416 75 10 12
Mod. 1" R-6, Automatic screw machine	1" diameter bar capacity 6 spindle	2,263.00	3416 75 20 02
Mod. 1" RA-6, Automatic screw machine	do	3,036.00	3416 75 20 02

[Manufacturer: New Britain-Gridley Machine Co., New Britain, Conn.]

Mod. 60, Automatic screw machine	⅝" diameter bar capacity 6 spindle	$1,778.00	3416 75 10 10
Mod. 204, Automatic screw machine	do	1,059.00	3416 75 10 10
Mod. 344, Automatic screw machine	do	1,059.00	3416 75 10 10
Mod. 60, Automatic screw machine	1" diameter bar capacity 6 spindle	2,741.00	3416 75 20 02

MILLING MACHINE—VERTICAL KNEE TYPE EXCEPT BENCH MODELS

[Manufacturer: Cincinnati Milling & Grinding Machines, Inc., Cincinnati, Ohio]

No. 1-L	22" table travel	$1,032.00	3417 23 10 22
No. 2-L	28" table travel	1,089.00	3417 23 20 28
No. 1-M	22" table travel	1,349.00	3417 23 10 22
No. 2-M	28" table travel	1,407.00	3417 23 20 28
No. 2, Dial	do	2,246.00	3417 23 20 28
No. 2-MSDT, Dial type	do	2,246.00	3417 23 20 28

MILLING MACHINE—VERTICAL KNEE TYPE (NOT INCLUDING BENCH TYPE)

[Manufacturer: Index Machine & Tool Co., Jackson, Mich.]

Mod. 39-H, Vertical milling machine, knee type	16" table travel	$286.00	3417 24 10 16
Mod. 40-H, Vertical milling machine, knee type	do	367.00	3417 24 10 16

EXHIBIT A—Continued

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE—continued

MACHINE TOOLS—Continued

MILLING MACHINE—BED TYPE, HORIZONTAL SPINDLE, PLAIN OR RISE AND FALL, SIMPLEX OR DUPLEX

[Manufacturer: Brown & Sharpe Manufacturing Co., Providence, R. I.]

Model and description	Size and capacity	Sales price	Code
Mod. 000, Plain bed type (Simplex)	6" table travel x 8" width	$391.00	3417 41 10 42
Mod. 10, Plain bed type, elec. controlled (Simplex).	12" table travel x 10" width	789.00	3417 41 20 64
Mod. 10, Plain bed type, elec. controlled (Simplex).	18" table travel x 10" width	835.00	3417 41 30 10
Mod. 12, Plain bed type, elec. controlled (Simplex).	18" table travel x 12" width	969.00	3417 41 30 30
Mod. 12, Plain bed type, elec. controlled (Simplex).	24" table travel x 12" width	$1,009.00	3417 41 30 35
Mod. 33, Plain bed type (Simplex)	34" table travel x 12½" width	609.00	3417 41 40 22
Mod. 22, Plain bed type (Simplex)	22" table travel x 15" width	974.00	3417 41 30 49
Mod. 37, Plain bed type (Duplex)	34" table travel x 12½" width	916.00	3417 43 20 31

[Manufacturer: Cincinnati Milling & Grinding Machines, Inc., Cincinnati, Ohio]

Mod. 0-8, Plain, automatic, bed type	8" table travel x 6½" width	$459.00	3417 41 20 20
Mod. 2-18, Plain, automatic, bed type	18" table travel x 11" width	1,093.00	3417 41 30 20
Mod. 2-24, Plain, automatic, bed type	24" table travel x 11" width	1,158.00	3417 41 30 25
Mod. 0-8, Plain, rise and fall, bed type	8" table travel x 6½" width	552.00	3417 42 10 31
Mod. 2-18, Plain, rise and fall, bed type	18" table travel x 11" width	1,324.00	3417 42 20 31
Mod. 2-24, Plain, rise and fall, bed type	24" table travel x 11" width	1,394.00	3417 42 20 37

[Manufacturer: Kearney and Trecker Corp., Milwaukee, Wis.]

Mod. M-18, Bed type, automatic, simplex	18" table travel x 12" width	$1,090.00	3417 41 30 30
Mod. 1218, Bed type, automatic, simplex	do	1,206.00	3417 41 30 30
Mod. M-24, Bed type, automatic, simplex	24" table travel x 12" width	1,140.00	3417 41 30 35
Mod. 1224, Bed type, automatic, simplex	do	1,225.00	3417 41 30 35
Mod. 1402, Bed type, automatic, simplex	24" table travel x 14" width	1,340.00	3417 41 30 45
Mod. 1824, Bed type, automatic, simplex	24" table travel x 18" table width	1,422.00	3417 41 30 65
Mod. 1218, Bed type, automatic, duplex	18" table travel x 12" table width	1,567.00	3417 43 10 25
Mod. 1224, Bed type, automatic, duplex	24" table travel x 12" table width	1,700.00	3417 43 20 21
Mod. 1402, Bed type, automatic, duplex	24" table travel x 14" table width	1,860.00	3417 43 20 33
Mod. 1230, Bed type, automatic, duplex	30" table travel x 12" table width	1,628.00	3417 43 20 27

[Manufacturer: Kent-Owens Machine Co., Toledo, Ohio]

Mod. 26, Plain, cam feed, bed type, single spindle	10" table travel x 8¼" width	$418.00	3417 41 20 42
Mod. 1-8, Plain, hydraulic, bed type, single spindle.	8" table travel x 9" width	454.00	3417 41 20 50
Mod. 1-8-DS, Plain, hydraulic, bed type, double spindle.	do	661.00	3417 41 20 50
Mod. 1-14, Plain, hydraulic, bed type, single spindle.	14" table travel x 9" width	534.00	3417 41 20 56
Mod. 1-V, Plain, hydraulic, bed type, single horizontal spindle feeding vertical downward.	8" table travel x 9" width 5½" maximum automatic vertical movement of spindle.	522.00	3417 49 00 00

[Manufacturer: The Ohio Machine Tool Co., Kenton, Ohio]

No. 16-30, Plain bed type	30" table travel x 16" width	$1,155.00	3417 41 40 40

[Manufacturer: U. S. Tool Co., Inc., Ampere, N. J.]

Mod. MM-5, Automatic, bed type	6" table travel x 6" table width	$366.00	3417 41 10 30
Mod. MM-1-60, Automatic, bed type, left hand	do	366.00	3417 41 10 30
Mod. MM-1-6, Automatic, bed type, right hand	do	366.00	3417 41 10 30
Mod. MM-52, Automatic, bed type	5" table travel x 6" table width	533.00	3417 41 10 29
Mod. MM-1-5-2, Automatic, bed type	do	533.00	3417 41 10 29
Mod. Duplex, Automatic, bed type	6" table travel x 6" table width	771.00	3417 41 00 99

EXHIBIT A—Continued

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE—continued

MACHINE TOOLS—Continued

MILLING MACHINE—BED TYPE, VERTICAL AND ANGULAR HEAD TYPE

[Manufacturer: Cincinnati Milling & Grinding Machines, Inc., Cincinnati, Ohio]

Model and description	Size and capacity	Sales price	Code
Mod. 0-8, Bed type, vertical, automatic	8" table travel x 6" table width	$521.00	3417 45 10 20

PROFILING MACHINES AND DUPLICATORS—ALL TYPES AND SIZES

[Manufacturer: National Broach & Machine Co., Detroit, Mich.,

Mod. PHA, Double spindle, hand operated	20" table travel	$1,206.00	3417 61 20 99

THREAD MILLING MACHINE

[Manufacturer: Hall Planetary Co., Philadelphia, Pa.]

Style B, Planetary, single spindle, horizontal	6" over ways	$1,141.00	3417 86 00 99

MILLING MACHINE—SPLINE MILLERS, SPAR MILLERS AND ROUTERS

[Manufacturer: Rice Barton Corp., Worcester, Mass.]

Mod. 4", Twin spline milling machine	4" maximum length spline	$518.00	3417 91 00 00

[Manufacturer: The Taylor & Fenn Co., Hartford, Conn.]

Mod. M-80, Duplex spline milling machine	½" width x 4" length	$549.00	3417 91 00 00
Mod. M-54, Duplex spline milling machine	1" width x 6" length	743.00	3417 91 00 00

MILLING MACHINE, MISCELLANEOUS—SLOT MILLER

[Manufacturer: Superior Machine & Engineering Co., Detroit, Mich.]

Superior oscillating spindle slot miller	5/8" wide x 3" long maximum slot	$170.00	3417 99 00 00

SHAPERS AND SLOTTERS—ALL VERTICAL MECHANICAL OR HYDRAULICALLY OPERATED MACHINES

Manufacturer: Douglas Machinery Co., Inc., New York, N. Y.]

No. 7-A, Douglas vertical slotter	7½" stroke	$757.00	3419 17 10 07
No. 8-A, Douglas vertical slotter	8½" stroke	793.00	3419 17 20 08
No. 10-A, Douglas vertical slotter	10" stroke	894.00	3419 17 20 10

[Manufacturer: Morey Machinery Co., New York, N. Y.]

8", Morey vertical shaper	8" stroke	$1,548.00	3419 17 20 08
12", Morey vertical shaper	12" stroke	2,010.00	3419 17 30 12
14", Morey vertical shaper	14" stroke	2,323.00	3419 17 30 14

LAPPING MACHINES—FLAT, CYLINDRICAL AND COMBINATION MACHINES

[Manufacturer: Norton Co., Worcester, Mass.]

Mod. 26-F, Norton hyprolap	26" wheel diameter	$1,460.00	3419 25 30 26

EXHIBIT A—Continued

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC HEALTH USE—continued

MACHINE TOOLS—Continued

SPEED LATHES—ALL TYPES AND SIZES—continued

[Manufacturer: Schauer Machine Co., Cincinnati, Ohio]—Continued

Model	Drive	Sales price	Code	Mode	Size and capacity	Code
2BE	½ h. p.	$74.00	3419 33 20 30	VA1C	¾ h. p.	3419 33 20 30
Do	½ h. p.	74.00	3419 33 20 10	Do	1 h. p.	3419 33 20 10
Do	¾ h. p.	74.00	3419 33 20 30	VA1D	½ h. p.	3419 33 10 30
Do	1 h. p.	74.00	3419 33 20 10	Do	¾ h. p.	3419 33 20 30
2F	½ h. p.	64.00	3419 33 10 30	Do	1 h. p.	3419 33 20 10
Do	¾ h. p.	64.00	3419 33 20 30	VA1E	½ h. p.	3419 33 10 30
Do	1 h. p.	64.00	3419 33 20 10	Do	¾ h. p.	3419 33 20 30
2HC	½ h. p.	74.00	3419 33 10 30	Do	1 h. p.	3419 33 20 10
Do	¾ h. p.	74.00	3419 33 20 30	VA2B	½ h. p.	3419 33 10 30
Do	1 h. p.	74.00	3419 33 20 10	Do	¾ h. p.	3419 33 20 30
2K	½ h. p.	74.00	3419 33 10 30	Do	1 h. p.	3419 33 20 10
Do	¾ h. p.	74.00	3419 33 20 30	VA2C	½ h. p.	3419 33 10 30
Do	1 h. p.	74.00	3419 33 20 10	Do	¾ h. p.	3419 33 20 30
2P	½ h. p.	84.00	3419 33 10 30	Do	1 h. p.	3419 33 20 10
Do	¾ h. p.	84.00	3419 33 20 30	VA2D	½ h. p.	3419 33 10 30
Do	1 h. p.	84.00	3419 33 20 10	Do	¾ h. p.	3419 33 20 30
2RV	½ h. p.	71.00	3419 33 10 30	Do	1 h. p.	3419 33 20 10
Do	¾ h. p.	71.00	3419 33 20 30	VA2E	½ h. p.	3419 33 10 30
Do	1 h. p.	71.00	3419 33 20 10	Do	¾ h. p.	3419 33 20 30
3BV	1½ h. p.	126.00	3419 33 30 10	Do	1 h. p.	3419 33 20 10
Do	2½ h. p.	126.00	3419 33 40 10	VA2F	½ h. p.	3419 33 10 30
Do	3 h. p.	126.00	3419 33 40 30	Do	¾ h. p.	3419 33 20 30
5F	½ h. p.	126.00	3419 33 30 10	Do	1 h. p.	3419 33 20 10
Do	¾ h. p.	126.00	3419 33 30 30	VA3H	½ h. p.	3419 33 10 30
Do	1 h. p.	126.00	3419 33 30 10	Do	¾ h. p.	3419 33 20 30
5K	½ h. p.	126.00	3419 33 40 10	Do	1 h. p.	3419 33 20 10
Do	¾ h. p.	126.00	3419 33 40 30	Do	2 h. p.	3419 33 40 10
Do	1 h. p.	126.00	3419 33 30 10	Do	3 h. p.	3419 33 40 30
5P	½ h. p.	68.00	3419 33 10 30	Do	5 h. p.	3419 33 40 10
Do	¾ h. p.	68.00	3419 33 20 30			
Do	1 h. p.	68.00	3419 33 20 10			

[Manufacturer: United States Electrical Tool Co., Cincinnati, Ohio]

Model and description	Size	Sales price	Code
Model 206, Speed lathe or reamer drive	1 h. p. motor	$73.00	3419 00 00

[Manufacturer: Walker-Turner Co., Inc., Plainfield, N. J.]

Model and description	Size and capacity	Sales price	Code
Model TTL–6, Polishing speed lathe	½ h. p. motor	$54.00	3419 33 30 30
Model TTL–7, Polishing speed lathe	do	59.00	3419 33 30 30
Model TTL–8, Polishing speed lathe	do	62.00	3419 33 30 30
Model TTL–8A, Polishing speed lathe	do	62.00	3419 33 30 30
Model TTL–9, Polishing speed lathe	do	67.00	3419 33 30 30
Model TTL–10, Polishing speed lathe	do	70.00	3419 33 30 30
Model TTL–11, Polishing speed lathe	do	76.00	3419 33 30 30
Model TTL–12, Polishing speed lathe	do	80.00	3419 33 30 30

FORGING MACHINERY AND HAMMERS—IMPACT STAMPING TYPE

(Manufacturer: Chambersburg Engineering Co., Chambersburg, Pa.]

Model and description	Size and capacity	Sales price	Code
Mod. ELPH-M, Ceco stamp	15" R to L, 12" F to B, 20" stroke	$920.00	3446 17 11 00
Mod. ELPHC, Ceco stamp	30" R to L, 24" F to B, 36" stroke	1,345.00	3446 17 22 00

[F. R. Doc. 47-2599; Filed, Mar. 17, 1947; 12:01 p. m.]

EXHIBIT A—Continued

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC HEALTH USE—continued

MACHINE TOOLS—Continued

SPEED LATHES—ALL TYPES AND SIZES

[Manufacturer: J. G. Blount Co., Everett, Mass.]

Model and description	Size and capacity	Sales price	Code
Blount bench or floor type speed lathes, plain or equipped with hand wheel draw in driving means, rear countershaft, rear shelf motor or motor in leg:	11" swing x 3'-0" bed lengths	$56.00	3419 33 20 10
	11" swing x 4'-0" bed lengths	58.00	3419 33 20 10
	11" swing x 5'-0" bed lengths	64.00	3419 33 20 10
	11" swing x 6'-0" bed lengths	72.00	3419 33 20 10
	11" swing x 7'-0" bed lengths	72.00	3419 33 20 10
	13" swing x 5'-0" bed lengths	62.00	3419 33 20 10
	13" swing x 6'-0" bed lengths	66.00	3419 33 20 10
	13" swing x 7'-0" bed lengths	75.00	3419 33 20 10
	13" swing x 8'-0" bed lengths	85.00	3419 33 20 10
	16" swing x 4'-0" bed lengths	88.00	3419 33 20 10
	16" swing x 5'-0" bed lengths	92.00	3419 33 20 10
	16" swing x 6'-0" bed lengths	113.00	3419 33 20 10
	16" swing x 7'-0" bed lengths	123.00	3419 33 20 10
	16" swing x 8'-0" bed lengths	135.00	3419 33 20 10
	16" swing x 10'-0" bed lengths	165.00	3419 33 20 10
	16" swing x 12'-0" bed lengths	195.00	3419 33 20 10
Motor headstock or unit type motor headstock	12" swing x 5'-0" bed lengths	90.00	3419 33 20 10
	12" swing x 6'-0" bed lengths	102.00	3419 33 20 10
	12" swing x 7'-0" bed lengths	114.00	3419 33 20 10
	12" swing x 8'-0" bed lengths	126.00	3419 33 20 10
	16" swing x 6'-0" bed lengths	266.00	3419 33 30 30
	16" swing x 8'-0" bed lengths	276.00	3419 33 30 30
	16" swing x 10'-0" bed lengths	291.00	3419 33 30 30
	16" swing x 12'-0" bed lengths	132.00	3419 33 30 10
Motor headstock, equipped with hand feed carriage and compound rest.	do	136.00	3419 33 30 30
	15" swing x 4'-0" bed lengths	201.00	3419 33 20 10
	12" swing x 4'-0" bed lengths	201.00	3419 33 20 10
	20" swing x 4'-0" bed lengths	543.00	3419 33 20 10
	24" swing x 6'-0" bed lengths	548.00	3419 33 20 10
	11" swing x 4'-0" bed lengths	394.00	3419 33 20 10
	16" swing x 4'-0" bed lengths	404.00	3419 33 20 10
	16" swing x 5'-0" bed lengths	278.00	3419 33 20 10
	11" swing x 5'-0" bed lengths	183.00	3419 33 20 10
	14" swing x 20" table	93.00	3419 33 00 00

[Manufacturer: Cincinnati Electrical Tool Co., Cincinnati, Ohio]

Model and description	Size	Sales price	Code
Model FRA, Speed lathe	¼ h. p. motor	$44.00	3419 33 20 20

[Manufacturer: Ohio Units, Dayton, Ohio]

Model and description	Size	Sales price	Code
Model 500, Speed lathe	14" swing x 49" bed lengths	$529.00	3419 33 00 00

[Manufacturer: Schauer Machine Co., Cincinnati, Ohio]

Model	Drive	Sales price	Code	Model	Drive	Sales price	Code
NAH and NIB	¼ h. p.	$53.00	3419 33 10 15	NA1HC	½ h. p.	$65.00	3419 33 10 15
Do	½ h. p.	53.00	3419 33 10 30	Do	¾ h. p.	65.00	3419 33 10 30
Do	¾ h. p.	53.00	3419 33 20 30	Do	1 h. p.	65.00	3419 33 20 30
NAIC and NIC	¼ h. p.	47.00	3419 33 10 15	NA1EC	½ h. p.	76.00	3419 33 10 30
Do	½ h. p.	47.00	3419 33 10 30	Do	¾ h. p.	76.00	3419 33 20 30
Do	¾ h. p.	47.00	3419 33 20 30	Do	1 h. p.	76.00	3419 33 20 10
NAE and NIE	¼ h. p.	65.00	3419 33 10 15	NA2H	½ h. p.	62.00	3419 33 10 30
Do	½ h. p.	65.00	3419 33 10 30	Do	¾ h. p.	62.00	3419 33 20 30
Do	¾ h. p.	65.00	3419 33 20 30	Do	1 h. p.	62.00	3419 33 20 10
NAF and NIF	¼ h. p.	55.00	3419 33 10 15	NA2C	½ h. p.	55.00	3419 33 10 30
Do	½ h. p.	55.00	3419 33 10 30	Do	¾ h. p.	55.00	3419 33 20 30
Do	¾ h. p.	55.00	3419 33 20 30	Do	1 h. p.	55.00	3419 33 20 10
Do	1 h. p.	55.00	3419 33 20 10				

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Reg. No. 3,[1] Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

BENEFITS IN CASE OF DECEASED WORLD WAR II VETERANS

Regulations No. 3, as amended (20 CFR, Cum. Sup., 403.1 et seq.), are further amended as follows:

1. Section 403.101 is amended by changing the word "eight" in the last sentence of the second paragraph thereof to read "nine."

2. Section 403.101 is further amended by adding a new undesignated paragraph at the end thereof to read as follows:

§ 403.101 *Scope of regulations.* • • •

Subpart J: Benefits in case of deceased World War II veterans.

3. A new Subpart J is added immediately following Subpart I, to read as follows:

SUBPART J—BENEFITS IN CASE OF DECEASED WORLD WAR II VETERANS

Sec.
403.1001 General effect of section 210 of the act.
403.1002 Requirements under section 210 (a).
403.1003 Rights conferred under section 210 (a).
403.1004 Meaning of terms.
403.1005 Relation of social security payments to Veterans' Administration benefits.
403.1006 Time of death of veteran as affecting application for and payment of benefits and a lump sum.
403.1007 Supporting evidence as to right to receive benefits and lump sums.

AUTHORITY: §§ 403.1001 to 403.1007 issued under sec. 1102, 49 Stat. 647, sec. 205 (a), 53 Stat. 1368; 42 U. S. C. 405 (a); sec. 4, Reorg. Plan No. 2 of 1946, 11 F. R. 7873.

SUBPART J—BENEFITS IN CASE OF DECEASED WORLD WAR II VETERANS

§ 403.1001 *General effect of section 210 of the act.* Section 210 of the act, as amended, is designed, in general, to give survivors of a veteran of World War II who meets certain requirements the same old-age and survivors insurance rights to which they would be entitled had the veteran died fully insured. Any veteran who meets these requirements and who died within 3 years following separation from active service is deemed to have died fully insured, to have an average monthly wage of not less than $160, and to have been paid wages of not less than $200 in each calendar year in which he had 30 days or more of active military or naval service after September 16, 1940.

The benefits provided are not available where death occurs in active military or naval service, or where the veteran is separated from active service after the expiration of 4 years and 1 day following the termination of World War II. Survivors otherwise eligible for such benefits are barred from receiving benefits or a lump sum where pension or compensation under veterans' laws is determined by the Veterans' Administration to be payable with respect to the death of the veteran, but this does not preclude payment of benefits or a lump sum based on the veteran's covered employment.

Under certain conditions, benefits are payable retroactively to the time of the veteran's death, and benefits otherwise payable on a veteran's wage record may be recomputed where a higher average monthly wage or additional increment years are granted by section 210.

Claims of survivors will not be adjudicated under this subpart if entitlement to all benefits provided by section 210 may be established on the basis of the veteran's wage record.

SECTION 210 (a) OF THE ACT (60 STAT. 979)

Any individual who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to the date of the termination of World War II, and who has been discharged or released therefrom under conditions other than dishonorable after active service of ninety days or more, or by reason of a disability or injury incurred or aggravated in service in line of duty, shall in the event of his death during the period of three years immediately following separation from the active military or naval service, whether his death occurs on, before, or after the date of the enactment of this section, be deemed:

(1) To have died a fully insured individual;

(2) To have an average monthly wage of not less than $160; and

(3) For the purposes of section 209 (e) (2), to have been paid not less than $200 of wages in each calendar year in which he had thirty days or more of active service after September 16, 1940.

This section shall not apply in the case of the death of any individual occurring (either on, before, or after the date of the enactment of this section) while he is in the active military or naval service, or in the case of the death of any individual who has been discharged or released from the active military or naval service of the United States subsequent to the expiration of four years and one day after the date of the termination of World War II.

SECTION 210 (e) OF THE ACT (60 STAT. 981)

For the purposes of this section the term "date of the termination of World War II" means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier.

§ 403.1002 *Requirements under section 210(a)* — (a) *When requirements are met.* An individual meets the requirements of section 210 (a) provided:

(1) He served in the active military or naval service of the United States (see § 403.1004 (a)) on or after September 16, 1940, and prior to the date of termination of World War II; and

(2) He was discharged or released from active service under conditions other than dishonorable (see § 403.1004 (c)); and

(3) He had at least 90 days active service, or, if his total service was less than 90 days, he was discharged or released by reason of disability or injury incurred or aggravated in service in line of duty (see § 403.1004 (b)); and

(4) He died within 3 years after his separation from active service.

(b) *When requirements are not met.* An individual does not meet the requirements of section 210 (a) where:

(1) He died while in the active military or naval service; or

(2) He was separated from active service more than 4 years and 1 day after the date of termination of World War II (see § 403.1004 (d)).

Example 1: V, a reserve officer, is released to inactive duty in September 1945 after 38 months of active satisfactory service in the Marine Corps. He dies in December 1947. V meets the requirements of this section.

If V had been recalled to active duty and died in service, he would not meet the requirements of this section.

Example 2: V enlists in the Army in 1945. V is honorably discharged in January 1952 and dies in 1953.

If World War II should be officially terminated on June 30, 1947, V would not meet the requirements of this section since he was separated from active service more than 4 years and 1 day after the end of the war.

§ 403.1003 *Rights conferred under section 210 (a)—(a) Fully insured status.* An individual who meets the requirements of section 210 (a) (see § 403.1002) is deemed to have died a fully insured individual (see § 403.201).

Example: V is honorably discharged from the Army in 1946 after 3 years of active service. He dies in 1948. He was never in covered employment.

V is deemed to have died a fully insured individual.

(b) *Average monthly wage.* An individual who meets the requirements of section 210 (a) (see § 403.1002) is deemed to have an average monthly wage of not less than $160. Where the average monthly wage, computed on the basis of such an individual's wage record (see § 403.302), exceeds $160, benefits or a lump sum may be paid based on such higher average monthly wage provided that entitlement to such benefits or a lump sum may be established without recourse to section 210 of the act (see paragraph (a) of this section).

Example 1: V, who meets the requirements of section 210 (a), was fully insured on the basis of his wage record and had an average monthly wage of $100.

Benefits or a lump sum may be payable to qualified survivors computed on the basis of the average monthly wage of $160 provided under section 210.

Example 2: V, who meets the requirements of section 210 (a), was currently insured on the basis of his wage record and had an average monthly wage of $200. He is survived by a widow, W, age 30, and a child, C, age 5.

Upon filing applications for widow's current and child's benefits, benefits may be paid to W and C if they are otherwise qualified for benefits, based on the average monthly wage of $200 because such benefits can be paid without recourse to section 210.

However, when W qualifies for widow's benefits at age 65, benefits will be paid based on the average monthly wage of $160 provided under section 210, since such benefits would not be payable to W except by recourse to the fully insured status provided under section 210.

(c) *"Increment years."* An individual who meets the requirements of section

[1] 12 F. R. 570.

210 (a) (see § 403.1002) is deemed for the purposes of section 209 (e) (2) of the act (see § 403.301 (b)) to have been paid not less than $200 of wages in each calendar year in which he had 30 days or more of active service after September 16, 1940. The years on which the computation provided in section 209 (e) (2) of the act are based are referred to as "increment years."

If such individual was fully or currently insured on his wage record, and entitlement to the benefits or the lump sum payable could have been established without recourse to section 210 of the act (see paragraph (a) of this section), the "increment years" based on the wage record will be combined with those provided under section 210 of the act. Not more than one "increment year" may be allowed for any calendar year.

Example 1: V served in the Army from November 1, 1944, until his honorable discharge in March 1946. He died in August 1946 survived by a widow and child, age 5. He had never worked in covered employment.

Benefits will be computed on the basis of an average monthly wage of $160 plus 3 "increment years."

If V had been fully or currently insured on the basis of his wage record and had earned at least $200 of wages in the calendar year 1944, only 2 "increment years" for military service would be allowed even though he also had 30 days of active service in 1944. However, an "increment year" for 1944 would still be allowed based on the wage record.

Example 2: V, who meets the requirements of section 210 (a), was fully insured, had an average monthly wage of $165 and 3 "increment years" for 1941, 1942 and 1943 on the basis of his wage record. He also had 1 "increment year" for military service in 1944. He died in March 1947.

Benefits or a lamp sum may be payable computed on the basis of the average monthly wage of $165 and the 3 "increment years" shown on the wage record plus 1 "increment year" for military service.

Example 3: V, who meets the requirements of section 210 (a), was currently insured, had an average monthly wage of $200 and 3 "increment years" for 1941, 1942 and 1943 on the basis of his wage record. He also had 1 "increment year" for military service in 1944. He died in 1946 survived only by his widow, W, age 35.

Upon filing a timely application, a lump sum may be paid to W based on the average monthly wage of $200 and the 3 "increment years" shown on the wage record plus the "increment year" for military service since a lump sum would be payable without recourse to section 210.

However, when W qualifies for a widow's monthly benefit at age 65, benefits will be paid only on the basis of the average monthly wage of $160 provided in section 210 and the "increment year" allowed for military service since such benefits would not be payable to W except by recourse to the fully insured status provided under section 210.

§ 403.1004 *Meaning of terms*—(a) An individual who has served in the active military or naval service of the United States includes any person, male or female, commissioned, enlisted, enrolled or drafted, who served in any of the armed forces of the United States, including the Army, Navy, Marine Corps, Coast Guard, or any of the components thereof. It does not include a member of units such as the Women's Army Auxiliary Corps (WAAC), Coast Guard Auxiliary, Coast Guard Reserve (Temporary) or the Civil Air Patrol.

(b) Active service of 90 days means one or more periods totalling at least 90 days (whether or not consecutive) which are served after September 15, 1940, and before the date of termination of World War II. Where 90 days were not served wholly after September 15, 1940, and before the date of termination of World War II, but such service began prior to September 16, 1940, and concluded on or after that date, or began prior to the date of termination of the war and concluded on or after that date, the requirements of active service of 90 days is met only if such service of 90 days was continuous. Active service of 90 days is not necessary in the case of a veteran who was in active service on or after September 16, 1940, or before the date of termination of the war, and who is separated therefrom by reason of a disability or injury incurred or aggravated in service in line of duty.

Example: V enters the Army on July 25, 1940, and continues in active service until his honorable discharge on October 31, 1940. 46 days of this service was performed beginning with September 16, 1940.

V has the requisite number of days of active service since he had more than 90 days of continuous service extending into the period beginning with September 16, 1940.

If V had been discharged on or after September 16, 1940, for a disability incurred in service in line of duty he would meet the service requirement even though his period of service was less than 90 days.

(c) *Conditions other than dishonorable.* An honorable discharge or separation from the active military or naval service is a discharge under "conditions other than dishonorable." Any other discharge or release from the active military or naval service of the United States is under "conditions other than dishonorable" except a discharge or release which is:

(1) A dishonorable discharge issued pursuant to a sentence of a general court martial of the Army, Navy, Marine Corps or Coast Guard; or

(2) A bad conduct discharge issued pursuant to a sentence of a general court martial of the Navy Marine Corps or Coast Guard; or

(3) For desertion; or

(4) In the case of an officer, by resignation accepted for the good of the service; or

(5) On the ground that the individual was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority; or

(6) By reason of a conviction by a civil court for treason, sabotage, espionage, murder, rape, arson, burglary, robbery, kidnaping, assault with intent to kill, assault with a dangerous weapon, or of an attempt to commit any of these crimes.

(d) Date of the termination of World War II means some future date proclaimed by the President as such date or specified in a concurrent resolution of the two Houses of Congress, whichever is the earlier.

SECTION 210 (b) OF THE ACT (60 STAT. 979)

(1) If any pension or compensation is determined by the Veterans' Administration to be payable on the basis of the death of any individual referred to in subsection (a) of this section, any monthly benefits or lump-sum death payment payable under this title with respect to the wages of such individual shall be determined without regard to such subsection (a).

(2) Upon an application for benefits or a lump-sum death payment with respect to the death of any individual referred to in subsection (a), the Federal Security Administrator shall make a decision without regard to paragraph (1) of this subsection unless he has been notified by the Veterans' Administration that pension or compensation is determined to be payable by the Veterans' Administration by reason of the death of such individual. The Federal Security Administrator shall notify the Veterans' Administration of any decision made by him authorizing payment, pursuant to subsection (a), of monthly benefits or of a lump-sum death payment. If the Veterans' Administration in any such case has made an adjudication or thereafter makes an adjudication that any pension or compensation is payable under any law administered by it, by reason of the death of any such individual, it shall notify the Federal Security Administrator, and the Administrator shall certify no further benefits for payment, or shall recompute the amount of any further benefits payable, as may be required by paragraph (1) of this subsection. Any payments theretofore certified by the Federal Security Administrator pursuant to subsection (a) to any individual, not exceeding the amount of any accrued pension or compensation payable to him by the Veterans' Administration, shall (notwithstanding the provisions of sec. 3 of the Act of August 12, 1935, as amended (U. S. C., 1940 edition, title 38, sec. 454a)) be deemed to have been paid to him by the Veterans' Administration on account of such accrued pension or compensation. No such payment certified by the Federal Security Administrator, and no payment certified by him for any month prior to the first month for which any pension or compensation is paid by the Veterans' Administration, shall be deemed by reason of this subsection to have been an erroneous payment.

§ 403.1005 *Relation of social security payments to Veterans' Administration benefits*—(a) *Effect of payment of pension or compensation by Veterans' Administration.* If the Veterans' Administration determines under any law administered by it that any pension or compensation is payable (even though later terminated) to anyone on the basis of the death of a veteran who meets the requirements of section 210 (a) (see § 403.1002), any benefits or a lump sum payable under title II with respect to the wages of such individual shall be determined without regard to section 210 of the act (see §§ 403.1002 and 403.1003). National Service or United States Government Life Insurance payments or burial allowance payments made by the Veterans' Administration are not considered pension or compensation.

Example: V, who meets the requirements of section 210 (a), had incurred a disability in service in line of duty. Burial expenses are paid by the Veterans' Administration. His wife and child are also receiving payments as beneficiaries of his National Service Life Insurance policy.

In the absence of a determination by the Veterans' Administration that pension or compensation is payable on the death of V, child's and widow's current benefits may be payable.

If the Veterans' Administration determines that pension or compensation is payable on

the death of V, benefits are payable only if V died either fully or currently insured on his wage record (see §§ 403.201 and 403.202).

(b) *Determination and certification of payments.* An application for payment of benefits or a lump sum with respect to the death of an individual who meets the requirements of section 210 (a) (see § 403.1002) shall be determined without regard to section 210 (b) (1) of the act (see paragraph (a) of this section) unless the Administrator has been notified by the Veterans' Administration that pension or compensation is determined to be payable by the Veterans' Administration by reason of the death of such individual.

Upon such notification by the Veterans' Administration, the Administrator shall certify no further benefits for payment, or shall recompute the amount of any further benefits payable, as may be required by section 210 (b) (1) of the act (see paragraph (a) of this section).

Example: V has an average monthly wage of $100 and is currently insured at the time of his death. At the time his survivors file application for benefits, the Veterans' Administration has made no determination that pension or compensation is payable. It is determined that V meets the requirements of section 210 (a). Benefits are awarded computed on the basis of section 210 of the Act.

If the Veterans' Administration subsequently notifies the Administrator that pension or compensation is payable on the death of V, benefits under section 210 will be terminated and further benefits, if any, will be recomputed and paid on the basis of V's currently insured status and average monthly wage of $100.

(c) *When payment is not deemed erroneous.* Any payments certified to any individual in accordance with section 210 of the Act prior to notification to the Administrator by the Veterans' Administration that pension or compensation is determined to be payable (see paragraph (b) of this section), not exceeding the amount of any accrued pension or compensation payable to him by the Veterans' Administration, shall be deemed to have been paid to him by the Veterans' Administration on account of such accrued pension or compensation. No such payment certified by the Administrator and no payment certified by him for any month prior to the first month for which any pension or compensation is paid by the Veterans' Administration shall be deemed by reason of this section to have been an erroneous payment.

Example: Based on the death of V, monthly benefits under section 210 are certified to W beginning in January 1947. The Veterans' Administration notifies the Administrator in July that pension has been determined to be payable on the death of the same veteran. The amounts certified prior to receipt of notice are not recoverable by the Administrator, but are reported to the Veterans' Administration for such adjustment as it may direct pursuant to section 210 (b) (2) against accrued pension or compensation, if any, payable by the Veterans' Administration.

However, if any payments were made to W for months when deductions or reductions should have been imposed (see subpart E of this chapter), such payments will be considered erroneous and recovery or adjustment thereof may be made (see subpart F of this chapter)

SECTION 210 (c) OF THE ACT (60 STAT. 980)

In the event any individual referred to in subsection (a) has died during such three-year period but before the date of the enactment of this section:

(1) Upon application filed within six months after the date of the enactment of this section, any monthly benefits payable with respect to the wages of such individual (including benefits for months before such date) shall be computed or recomputed and shall be paid in accordance with subsection (a), in the same manner as though such application had been filed in the first month in which all conditions of entitlement to such benefits, other than the filing of an application, were met;

(2) If any individual who upon filing application would have been entitled to benefits or to a recomputation of benefits under paragraph (1) has died before the expiration of six months after the date of the enactment of this section, the application may be filed within the same period by any other individual entitled to benefits with respect to the same wages, and the nonpayment or underpayment to the deceased individual shall be treated as erroneous within the meaning of section 204;

(3) The time within which proof of dependency under section 202 (f) or any application under 202 (g) may be filed shall be not less than six months after the date of the enactment of this section; and

(4) Application for a lump-sum death payment or recomputation, pursuant to this section, of a lump-sum death payment certified by the Board or the Federal Security Administrator, prior to the date of the enactment of this section, for payment with respect to the wages of any such individual may be filed within a period not less than six months from the date of the enactment of this section or a period of two years after the date of the death of any individual specified in subsection (a), whichever is the later, and any additional payment shall be made to the same individual or individuals as though the application were an original application for a lump-sum death payment with respect to such wages.

No lump-sum death payment shall be made or recomputed with respect to the wages of an individual if any monthly benefit with respect to his wages is, or upon filing application would be, payable for the month in which he died; but except as otherwise specifically provided in this section no payment heretofore made shall be rendered erroneous by the enactment of this section.

§ 403.1006 *Time of death of veteran as affecting application for and payment of benefits and a lump sum*—(a) *Monthly benefits*—(1) *Where death occurred on or after August 10, 1946.* Where an individual who meets the requirements of section 210 (a) (see § 403.1002) died on or after August 10, 1946, an application for benefits on account of such death is effective as provided in § 403.701 (f) of this chapter.

Example: V, who died in January 1947, meets the requirements of section 210 (a). If his widow and child file applications in February, March, or April, they may become entitled to benefits beginning with January, but if they file in May, February is the first month for which they could become entitled.

(2) *Where death occurred prior to August 10, 1946.* Applications for benefits on account of the death of an individual who meets the requirements of section 210 (a) (see § 403.1002) and who died prior to August 10, 1946, shall be effective as stated below:

(i) If the application is filed after February 10, 1947, such application is effective as provided in § 403.701 (f) of this chapter.

Example: V, who died prior to August 10, 1946, meets the requirements of section 210 (a). His widow and child file for benefits in March 1947. The date of entitlement is December 1946.

(ii) If the application is filed on or before February 10, 1947, benefits payable with respect to the wages of such individual for any month in and after the month of death (including benefits for months before August 1946), shall be computed as provided under section 210 (see § 403.1003 (b) and (c)), or recomputed to make previously paid benefits for such months, if lesser in amount, equal to the amount payable under section 210.

Example: V, who meets the requirements of section 210 (a), dies in September 1943, fully insured on his wage record with an average monthly wage of $200. His widow and child, age 8, file in March 1944 and are entitled as of December 1943.

Upon filing under section 210 on or before February 10, 1947, they will be entitled to monthly benefits for September, October and November 1943, computed solely under section 210. The benefits based on the wage record will then be recomputed to include any "increment years" based on military service (see § 403.1003 (c)), and the difference in the rate for the months from December 1943 to the month before filing application under section 210 will be paid. Thereafter benefits will be payable at the recomputed rate.

If V's average monthly wage on the basis of his wage record was $100, benefits would be paid for September, October and November 1943, computed solely under section 210. The benefits based on the wage record will then be recomputed at the higher average monthly wage provided under section 210 and any "increment years" given by section 210 will be included. The difference in the rate for the months from December 1943 to the month before filing under section 210 will be paid. Thereafter benefits will be payable at the recomputed rate.

(iii) If any individual who upon filing application would have been entitled to benefits or to a recomputation of benefits under section 210 (c) (1) of the act (see subdivision (ii) of this subparagraph), dies on or before February 10, 1947, application may be filed on or before February 10, 1947, by any other individual entitled to benefits with respect to the same wages and the nonpayment or underpayment to the deceased individual, shall be treated as erroneous (see § 403.601).

Example: V, who died December 15, 1945, meets the requirements of section 210 (a). He is survived by a widow, W, and child, C, age 8. W dies in October 1946, without ever having filed an application for herself or C. If, on or before February 10, 1947, an application for benefits on behalf of C is filed, benefits which would have been payable to W will be added to C's benefits provided W's entitlement is established in all respects except for the filing of application.

(3) *Filing of proof of dependency for parents' benefits.* Where an individual who meets the requirements of section 210 (a) (see § 403.1002) died before August 10, 1946, proof of parent's dependency and support (see § 403.407 (a)) shall be filed on or before February 10, 1947, or within 2 years after the death of such individual, whichever is later.

Example: V, who died on December 20, 1941, meets the requirements of section 210 (a). Proof of parent's dependency must be filed on or before February 10, 1947.

If V died on December 20, 1945, such proof must be filed on or before December 20, 1947.

(b) *Lump sums*—(1) *Where death occurred on or after August 10, 1946.* Where an individual who meets the requirements of section 210 (a) (see § 403.1002) died on or after August 10, 1946, an application for a lump-sum death payment shall, except as otherwise provided in § 403.701 (j), be filed within 2 years following the death of such individual.

(2) *Where death occurred prior to August 10, 1946.* Where an individual who meets the requirements of section 210 (a) (see § 403.1002) died before August 10, 1946, an application under section 210 for a lump-sum death payment or for recomputation of a lump-sum death payment certified prior to August 10, 1946, with respect to the wages of any such individual, shall be filed on or before February 10, 1947, or 2 years after the death of such individual, whichever is later. Any additional payment required by such recomputation shall be made to the same individual or individuals as though the application were an original application for a lump-sum death payment with respect to such wages.

Example 1: V, who meets the requirements of section 210 (a), died currently insured on November 29, 1943. A lump sum is paid to his widow based on V's average monthly wage of $100.

Application by the widow for recomputation of the lump-sum death payment based on section 210 must be filed on or before February 10, 1947.

If V had died November 29, 1945, the application for recomputation must be filed on or before November 29, 1947.

Example 2: V, who meets the requirements of section 210 (a), has an average monthly wage of $200 and is currently insured at the time of his death in 1943. His widow's claim for a lump sum is disallowed since it was filed more than 2 years after his death. She files under section 210 before February 10, 1947.

The amount of the lump-sum payment will be computed solely under section 210.

Example 3: V, who meets the requirements of section 210 (a), died currently insured in 1943, survived by his mother, M, who is the sole person entitled to a lump sum based on relationship. The lump-sum death payment is computed on the basis of an average monthly wage of less than $160 and is paid to M. M dies in 1944. In January 1947, V's brother, B, who has paid his burial expenses, files application as a person equitably entitled.

The lump sum will be recomputed under section 210 and the balance will be paid to B to the extent necessary to reimburse him for the payment of the burial expenses.

(3) No lump-sum death payment shall be made or recomputed with respect to the wages of an individual if any monthly benefit with respect to his wages is, or upon filing application would be, payable for the month in which he died; but except as otherwise specifically provided (see § 403.1005), no payment heretofore made shall be rendered erroneous due to the fact that monthly benefits are now payable under section 210.

Example: V, who meets the requirements of section 210 (a), died on May 15, 1943. He is survived by his mother, age 68, to whom a lump sum is paid based on V's currently insured status. If the aged parent files an application and proof of dependency on or before February 10, 1947, the lump sum paid is not deductible from the monthly benefit now payable as of May 1943.

§ 403.1007 *Supporting evidence as to right to receive benefits and lump sums.* In addition to such evidence of eligibility as is required by § 403.702 or as may be otherwise expressly required by the Administration in connection with an application, an applicant for benefits or a lump sum on the basis of the death of an individual under section 210, shall file supporting evidence as to such individual's period of active military or naval service and his discharge or release from the active military or naval service. Such evidence shall be of the following character:

(a) An original certificate of discharge, or an original certificate of service, from a branch of the armed forces; or a certified copy of such a certificate made by the State, county or municipal agency or department in which the original certificate is recorded; or

(b) A certification from a branch of the armed forces indicating such individual's period of active service and type of discharge; or

(c) A certification from a local selective service board indicating such individual's period of active service and type of discharge; or

(d) Other evidence of probative value.

Dated: March 11, 1947.

[SEAL] W. L. MITCHELL,
Acting Commissioner for Social Security.

Approved: March 13, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-2498; Filed, Mar. 17, 1947; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1638]

PART 70—MINERAL LANDS; COAL PERMITS AND LEASES AND PERMITS FOR FREE USE OF COAL

MISCELLANEOUS AMENDMENTS

1. In § 70.5 a footnote is added and paragraph (b) and the paragraph immediately following paragraph (f) are amended to read as follows:

§ 70.5 *Application for permit.*[2] • • •

(b) Qualifications of petitioner to take a lease under the act includes: (1) Statement of his interests, direct or indirect, in other coal leases, permits or applications therefor on public lands in Alaska identifying the same by land office and serial number, and (2) proof of citizenship—in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate; if known; if a woman whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders and, if any stock is held by aliens, a showing to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each.

• • • • • •

(f) • • •

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

[1] Title 18, U. S. C., section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

2. Section 70.11 as amended by Circular 1571, April 12, 1944 (9 F. R. 4401), is further amended by deleting from the first sentence the words "must be under oath and," and a footnote is added as follows:

§ 70.11 *Form and contents of application.*[2] • • •

[2] See note to § 70.5.

3. A footnote is added to § 70.25 as follows:

§ 70.25 *How to proceed to obtain permit.*[2] • • •

[2] See note to § 70.5.

(Sec. 17, 38 Stat. 745; 48 U. S. C. 451)

FRED W. JOHNSON,
Director.

Approved: March 6, 1947.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-2473; Filed, Mar. 17, 1947; 8:47 a. m.]

[Circular 1639]

PART 193—COAL PERMITS, LEASES, AND LICENSES

MISCELLANEOUS AMENDMENTS

1. Section 193.7, as amended by Circular No. 1582, September 1, 1944 (9 F. R. 11181), is further amended by amending paragraph (b) and adding a footnote, as follows:

§ 193.7 *Petitions for leasing units.*[1] • • •

(b) Qualifications of petitioner to take a coal lease under the act including: (1) Statement of his interests, direct or indirect, in other coal leases, permits or applications therefor on public lands in the State in which the lease is desired, identifying same by land office and serial number, and (2) proof of citizenship—in the case of an individual by a statement as to whether native-born or naturalized and number of certificate if known; if a woman, whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders, and if any stock is held by aliens, a showing, to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each. Municipalities must submit evidence of the law, charter and procedure taken by which it became and exists as a legal body corporate, that the taking of a permit or lease is authorized under such law or charter, and that the action proposed has been duly authorized by the governing body of such municipality.

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

[1] Title 18, U. S. C., section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

2. Section 193.16 is amended to read:

§ 193.16 *Form or lease.* Coal leases will be issued on Form 4–696.

3. Section 193.20 is amended by substituting the following for the last paragraph and adding a footnote as follows:

§ 193.20 *Application for permit.*[1] • • •

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

[1] See note to § 193.7.

4. Section 193.26 (a) *Assignments of leases and permits* (10 F. R. 3775) is amended by deleting the word "affidavit" from the last two sentences and substituting in each instance the word "statement."

5. A footnote is added to § 193.29 as follows:

§ 193.29 *Application for license.*[2] • • •

[2] See note to § 193.7.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

FRED W. JOHNSON,
Director.

Approved: March 6, 1947.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-2474; Filed, Mar. 17, 1947; 8:47 a. m.]

[Circular 1640]

PART 195—SODIUM PERMITS AND LEASES

MISCELLANEOUS AMENDMENTS

1. Section 195.7 is amended by deleting from the first sentence the words "under oath", by amending paragraph (b), and adding a footnote, as follows:

§ 195.7 *Form and contents of application.*[1] • • •

(b) Qualifications of petitioner to take a lease under the Act including (1) statement of his interests, direct or indirect, in other sodium leases, permits or applications therefor on public lands in the State in which the permit is desired, identifying the same by land office and serial number, and (2) proof of citizenship—in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate, if known; if a woman whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders and if any stock is held by aliens a showing to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each.

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

[1] Title 18, U. S. C., section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

2. Section 195.24 is amended by deleting from the first sentence the words "must be under oath and", by amending paragraph (b), and adding a footnote, as follows:

§ 194.24 *Form and contents of application.*[2] • • •

(b) Qualifications of petitioner to take a lease under the Act including: (1) Statement of his interests, direct or indirect, in other sodium leases, permits or applications therefor on public lands in the State in which the lease is desired, identifying the same by land office and serial number, and (2) proof of citizenship—in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate, if known; if a woman whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders and if any stock is held by aliens a showing to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each.

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

[2] See note to § 195.7.

3. Section 195.31 is amended by deleting therefrom the words "which will be verified by the affidavit of the applicant," and adding a footnote as follows:

§ 195.31. *Form of application.*[2] • • •

[2] See note to § 195.7.

(Sec. 32, 41 Stat. 450, Sec. 5, 44 Stat. 1058; 30 U. S. C. 189, 285)

FRED W. JOHNSON,
Director.

Approved: March 6, 1947.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-2475; Filed, Mar. 17, 1947; 8:47 a. m.]

[Circular 1641]

PART 196—PHOSPHATE LEASES

MISCELLANEOUS AMENDMENT

1. Section 196.6 is amended by deleting from the first sentence the words "under oath and," by amending paragraph (b), and adding a footnote, as follows:

§ 196.6 *Application for lease.*[1] • • •

(b) Qualifications of petitioner to take a lease under the Act including: (1) Statement of his interests, direct or indirect, in other phosphate leases or applications therefor on public lands in the State in which the lease is desired, identifying the same by land office and serial number, and (2) proof of citizenship—in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate, if known; if a woman whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders and if any stock is held by aliens a showing to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each.

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the

instrument and must have the corporate seal affixed thereto.

[1] Title 18, U. S. C., section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

2. Section 196.14 *Form of lease,* is amended by deleting from paragraphs (2f) and (2g) of the lease form therein contained the words "under oath".

3. Section 196.15 is amended by deleting from the second sentence of the second paragraph the words "be under oath and", and adding a footnote as follows:

§ 196.15 *Use permits.*[2] • • •

[2] See note to § 196.15.

(Sec. 32, 41 Stat. 450, sec. 5, 44 Stat. 1058; 30 U. S. C. 189, 285)

FRED W. JOHNSON,
Director.

Approved: March 6, 1947.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-2476; Filed, Mar. 17, 1947; 8:47 a. m.]

[Circular 1642]

PART 197—OIL SHALE LEASES

MISCELLANEOUS AMENDMENTS

1. Section 197.4 is amended by deleting from the first sentence the words "must be under oath, and", and by amending paragraph (b), and adding a footnote, as follows:

§ 197.4 *Form and contents of application.*[1] • • •

(b) Qualifications of petitioner to take a lease under the Act including: (1) Statement of his interests, direct or indirect, in other oil shale leases or applications therefor on public lands in the State in which the lease is desired, identifying the same by land office and serial number, and (2) proof of citizenship—in the case of an individual by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized and number of certificate if known; if a woman, whether she is married or single, and, if married, the date of her marriage and citizenship of her husband. Corporations are required to file a certified copy of their articles of incorporation, a showing as to residence and citizenship of the stockholders, and if any stock is held by aliens, a showing, to the extent reasonably ascertainable, of the name, country to which each such alien owes allegiance and amount of stock held by each. Municipalities must submit evidence of the law or charter and procedure taken by which it became and exists as a body corporate, that the taking of a lease is authorized under such law or charter, and that the action proposed has been duly authorized by the governing body of such municipality.

The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings.

Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

[1] Title 18, U. S. C., section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

2. Section 197.8 *Preferred right to a lease,* is amended by deleting from the first sentence of the third paragraph the words "under oath".

(Sec. 32, 41 Stat. 450, 30 U. S. C.)

FRED W. JOHNSON,
Director.

Approved: March 6, 1947.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-2477; Filed, Mar. 17, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 653, 2d Corr. Amdt. 3]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128), and good cause appearing therefor: It is ordered, that:

Section 95.653, *Demurrage charges on gondola, open and covered hopper cars,* of Service Order No. 653, as amended, be, and it is hereby, further amended by adding the following paragraph (c) (5) thereto:

(c) *Application.* • • •

(5) *Demurrage charges substituted for charges for storage of freight in gondola, open or covered hopper cars.* (i) The operation of all tariff rules regulations, and charges for storage of freight in gondola, open or covered hopper cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided herein.

(ii) In lieu of the charges for storage of freight in gondola, open or covered hopper cars at or short of ports suspended in subparagraph (5) (i) of this paragraph, the applicable charges for detention of gondola, open or covered hopper cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs (a) and (b) of this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2495; Filed, Mar. 17, 1947; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

FISHING IN BOX BUTTE NATIONAL WILDLIFE REFUGE, NEBRASKA

§ 29.97 *Box Butte National Wildlife Refuge, Nebraska; fishing regulations.* Non-commercial fishing in accordance with the State laws of Nebraska is permitted during the daylight hours on all waters within the Box Butte National Wildlife Refuge in accordance with the following provisions:

Entry on and use of this refuge for any purpose is governed by the regulations of the Secretary of the Interior dated December 19, 1940 (5 F. R. 5284; 50 CFR, Cum. Supp. Part 12) as amended, and strict compliance therewith is required. All fishermen must comply with all State fishing laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officers whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing on the refuge.

During periods of waterfowl concentrations, or other wildlife concentrations, fishing and entry may be limited or closed on such areas of the refuge as, in the judgment of the officer in charge, such limitations or restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or instructions are to be clearly designated by posting. (35 Stat. 1104, 43 Stat. 98, 45 Stat. 1224, 49 Stat. 383; 18 U. S. C. 145, 16 U. S. C. 715i, 715s and Reorganization Plan No. II, 53 Stat. 1433, Regs. Fish and Wildlife, Dec. 19, 1940; 50 CFR Cum. Supp. Part 12 as amended, 10 F. R. 4267)

Dated: March 7, 1947.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 47-2472; Filed, Mar. 17, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR BERRIES FOR PROCESSING[1]

NOTICE OF RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the United States Standards for berries for processing pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946). This is the first issue of these standards which are to become effective May 1, 1947.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards and the effective date of the standards shall file the same in quadruplicate with the Hearing Clerk, Office of the Solicitor, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.213 *Berries for processing*—(a) *Grades.* (1) U. S. No. 1 shall consist of berries of similar varietal characteristics which are free from caps (calyxes), mold or decay, and from dried, undeveloped and distinctly immature berries and from damage caused by overmaturity, crushing, shriveling, dirt, or other foreign matter, hail, sunscald, moisture, birds, disease, insects, mechanical or other means.

(i) At least 85 percent, by volume, of the berries in the lot shall be well colored.

(ii) In order to allow for variations, incident to proper handling, not more than 10 percent, by volume, of the berries in any lot may fail to meet the requirements of this grade, including not more than 3 percent for distinctly immature berries. No part of any tolerance shall be allowed to reduce the percentage of well colored berries required in the grade.

(2) U. S. No. 2 shall consist of berries which meet the requirements for U. S. No. 1 grade except for color and except for the increased tolerance for defects specified below.

(i) At least 75 percent, by volume, of the berries in the lot shall be well colored.

(ii) In order to allow for variations incident to proper handling, not more than 20 percent, by volume, of the berries in any lot may fail to meet the requirements of this grade, including not more than 5 percent for distinctly immature berries. No part of any tolerance shall be allowed to reduce the percentage of well colored berries required in the grade.

(b) Unclassified shall consist of berries which fail to meet the requirements of either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Definitions.* (1) "Dried" means appreciably lacking in juice. Dried berries are excessively seedy and often shriveled.

(2) "Undeveloped" means lack of development due to frost or insect injury, lack of pollination or other means which cause the berry to be dwarfed or badly misshapen.

(3) "Distinctly immature" means that the berries are light red, whitish, or green in the case of types or varieties which are characteristically blue or black when well ripened; and that the berries are whitish or green in the case of types or varieties which are characteristically red when well ripened.

(4) "Damage" means any injury or defect which materially affects the berries for processing purposes. The following shall be considered as damage:

(i) Overmaturity when the druplets of the berry have lost their luster and are excessively soft. Such berries usually disintegrate when washed under pressure.

(ii) Crushing, when more than one-fourth of the druplets of the berry have been crushed.

(iii) Shriveling, when the berry is materially shriveled as evidenced by drying or undevelopment of more than one-fourth of the druplets of the berry.

(iv) Dirt, when it cannot be removed from the berry in the ordinary washing process.

(5) "Well colored" means that the berry has the color characteristic for a well ripened berry of the type or variety.

Issued this 13th day of March 1947.

[SEAL] JESSE B. GILMER,
Administrator.

[F. R. Doc. 47-2487; Filed, Mar. 17, 1947; 8:46 a. m.]

[1] These standards apply to berries of the genus Rubus, such as blackberries, dewberries, Boysenberries, Loganberries, Youngberries and other similar types of berries, but not raspberries.

[7 CFR, Part 962]

FRESH PEACHES GROWN IN GEORGIA

DETERMINATION WITH RESPECT TO MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the applicable provisions of Marketing Agreement No. 99 and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on January 3, 1947 (12 F. R. 48), that a referendum would be conducted among the growers who, during the calendar year 1946 (which period was determined to be a representative period) had been engaged, in the State of Georgia, in the production of peaches for market to determine whether a majority of such growers favored the termination of the aforesaid marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 31 to February 10, 1947, both dates inclusive, it is hereby found and determined that the termination of the marketing agreement and order, regulating the handling of fresh peaches grown in the State of Georgia, is not favored by the requisite majority of such growers.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 962.14)

Done at Washington, D. C., this 12th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2488; Filed, Mar. 17, 1947; 8:54 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-12]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4482, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 404, 475, 481, 489, 526-526t, 50 U. S. C. 1275), and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals of equipment are prescribed, effective upon the date of publication of this document in the FEDERAL REGISTER:

BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. A-326, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Approval No. A-327, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, submitted by The Firestone Tire and Rubber Co., Akron 17, Ohio, manufactured by The American Pad and Textile Co., Greenfield, Ohio.

Approval No. A-328, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Canvas Products Co., 622-24 Prospect Avenue, Kansas City 1, Mo.

Approval No. B-370, 13" x 18" x 2", rectangular kapok buoyant cushion, 20 ounces kapok, Dwg. No. 1-113, dated February 6, 1947, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Fairfield Textile Works, Fairfield, Calif.

LIFE PRESERVERS

Approval No. B-371, Model 2, adult kapok life preserver, Coast Guard Specification 160.002, manufactured by Fairfield Textile Works, Fairfield, Calif.

Approval No. B-372, Model 6, child kapok life preserver, Coast Guard Specification 160.002, manufactured by Fairfield Textile Works, Fairfield, Calif.

WINCH

Welin type HD dual aluminum lifeboat winch, working load 3,400 pounds per drum, General Arrangement Dwg. No. 3087, dated March 11, 1946, revised April 26, 1946, submitted by Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Dated: March 12, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 47-2499; Filed, Mar. 17, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-699, G-729, G-757, G-747, G-763 and G-765]

MID-CONTINENT GAS TRANSMISSION CO. ET AL.

ORDER POSTPONING HEARING

MARCH 12, 1947.

In the matters of Mid-Continent Gas Transmission Company, Docket No. G-699; Cities Service Gas Company, Docket Nos. G-729, G-757; Northern Natural Gas Company, Docket Nos. G-747, G-763 and G-765.

It appearing to the Commission that:

(a) On February 10, 1947, the public hearing in the above-entitled consolidated proceedings was adjourned by the Trial Examiner to reconvene on March 24, 1947, at 10:00 a. m., in the Council Chamber, City Hall, Kansas City, Missouri.

(b) On March 3, 1947, the Commission ordered that the date of reconvening said hearing be advanced from March 24, 1947, to March 19, 1947.

(c) Good cause exists for postponing the date of hearing as hereinafter provided.

The Commission orders that:

The public hearing in the above-entitled proceedings, heretofore consolidated for purposes of hearing by order dated September 17, 1946, be and it hereby is postponed to March 24, 1947, at 10:00 a. m., in the Council Chamber, City Hall, Kansas City, Missouri.

Date of issuance: March 13, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2493; Filed, Mar. 17, 1947; 8:47 a. m.]

[Docket No. G-669]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER SUPPLEMENTING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 13, 1947.

Notice is hereby given that, on March 12, 1947, the Federal Power Commission issued its Opinion No. 147-A and order entered February 20, 1947, supplementing order issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2490; Filed, Mar. 17, 1947; 8:47 a. m.]

[Docket No. G-850]

TENNESSEE GAS AND TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

MARCH 12, 1947.

Upon consideration of the application filed January 20, 1947, in Docket No. G-850, by Tennessee Gas and Transmission Company (Applicant), a Tennessee corporation with its principal place of business at Houston, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

A sales meter station and approximately 200 feet of 3-inch pipeline extending from Applicant's main gas transmission pipeline to a point of connection with the pipeline facilities of Kentucky Utilities Company, Inc. near Danville, Kentucky.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the above described facilities for the purpose of delivering and selling natural gas to Kentucky Utilities Company, Inc., for resale in Danville, Kentucky, and environs;

(b) Due notice of the filing of the application at Docket No. G-850 has been given, including publication of notice of filing thereof in the FEDERAL REGISTER on January 31, 1947 (12 F. R. 759).

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 7th day of April 1947, at 10:00 a. m. (EST), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: March 13, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2492; Filed, Mar. 17, 1947 8:47 a. m.]

[Docket No. IT-6029]

MONTANA-DAKOTA UTILITIES CO.

ORDER AUTHORIZING ISSUANCE OF SECURITIES

MARCH 13, 1947.

Notice is hereby given that, on March 12, 1947, the Federal Power Commission issued its order entered March 11, 1947, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2491; Filed, Mar. 17, 1947; 8:47 a. m.]

[Docket No. G-808]

TENNESSEE GAS AND TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

MARCH 12, 1947.

Upon consideration of the application filed November 8, 1946, and the amendment thereto filed March 7, 1947, in Docket No. G-808, by Tennessee Gas and Transmission Company (Applicant), a Tennessee corporation with its principal place of business at Houston, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission, which will increase the capacity of Applicant's pipeline system from 381,000 Mcf per day to 600,000 Mcf per day, more particularly described as follows:

(1) *Main line loops.* Approximately 552.5 miles of 26-inch O. D. main line loops to be located along Applicant's existing 24-inch main natural-gas transmission pipeline as follows:

(i) 252.6 miles of loop line paralleling that segment of Applicant's main natural-gas transmission pipeline located south of Compressor Station No. 5 in Natchitoches Parish, Louisiana;

(ii) 81.6 miles of loop line from Applicant's main line valve No. 42 in Winn Parish, Louisiana to Applicant's main line valve No. 49 in Morehouse Parish, Louisiana;

(iii) 26.0 miles of loop line from Applicant's main line valve No. 60 in Tallahatchi County, Mississippi to Compressor Station No. 8 in Panola County, Mississippi;

(iv) 31.5 miles of loop line from Applicant's main line valve No. 66 in Panola County, Mississippi to Applicant's main line valve No. 69 in Benton County, Mississippi;

(v) 36.0 miles of loop line from Applicant's main line valve No. 76 in Henderson County, Tennessee to Compressor Station No. 10 in Perry County, Tennessee;

(vi) 32.5 miles of loop line from Applicant's main line valve No. 82 in Dickson County, Tennessee to Applicant's main line valve No. 84 in Cheatham County, Tennessee; and

(vii) 9?.3 miles of loop line from Applicant's main line valve No. 92 in Barren County, Kentucky to Applicant's main line valve No. 102 in Garrard County, Kentucky;

(2) *Main line loop.* Approximately 68.7 miles of 24-inch O. D. loop pipeline extending along Applicant's existing 24-inch main natural-gas transmission pipeline from main line valve No. 108 in Menifee County, Kentucky, to Compressor Station No. 14 in Boyd County, Kentucky;

(3) *Main line loop.* Approximately 82.4 miles of 20-inch O. D. loop pipeline extending along Applicant's existing 20-inch main natural-gas transmission pipeline from Compressor Station No. 14 in Boyd County, Kentucky, to a point in Kanawha County, West Virginia, designated as "Broad Run," approximately 2.80 miles west of the eastern terminus of Applicant's main natural-gas transmission pipeline at Cornwell, West Virginia;

(4) *River crossings.* An aerial suspension pipeline crossing over the Mississippi River and various other river crossings where necessary;

(5) *Lateral gas lines.* Approximately 83 miles of 20-inch O. D. pipeline extending from a point of connection at Applicant's Compressor Station No. 5 in Natchitoches Parish, Louisiana, to the Carthage Gas Field in Panola County, Texas, and various other laterial gas lines consisting of 6⅝-inch O. D. pipe, 8⅝-inch O. D. pipe, and 10¾-inch O. D. pipe to connect Applicant's pipepline system to required additional supplies of natural gas;

(6) *New compressor station.* One new natural-gas compressor station, designated as Compressor Station No. 0, having 6,000 installed horsepower, to be located in Nueces County, Texas;

(7) *Compressor station additions.* Installation in Applicant's existing compressor stations of new compressor units totaling 75,400 horsepower.

It appearing to the Commission that:

Due notice of the filing of the application at Docket No. G-808 has been given, including publication of notice of filing thereof in the FEDERAL REGISTER on December 18, 1946 (11 F. R. 14501-2).

The application as amended and other pleadings filed in this proceeding are on file with the Commission and are open to public inspection.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 31st day of March, 1947, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Ave. NW., Washington, D. C., concerning the matters involved and the issues presented by the application and the amendment thereto, and other pleadings in this proceeding.

(B) Prior to the date herein fixed for the commencement of the public hearing with respect to the application of Tennessee Gas and Transmission Company, the officer designated by the Commission to preside at the public hearing shall hold a prehearing conference of all parties participating in the proceeding concerning the matters of fact and law asserted in the application and the amendment thereto, and other pleadings filed in the proceeding for the purposes of settling, simplifying or limiting the issues and further apprising the parties of the formulated or stipulated issues upon which evidence must be adduced at the public hearing: *Provided, however,* That no party shall be denied the right to examine or cross-examine on other matters, where additional issues develop during the course of the hearing.

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: March 13, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2494; Filed, Mar. 17, 1947; 8:48 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-492]

AMERICAN PROCESSING & SALES CO., HAWTHORN-MELLODY DIVISION

CONSENT ORDER

American Processing and Sales Company, a Corporation, Hawthorn-Mellody Division, 4224 West Chicago Avenue, Chicago, Illinois, is engaged in the processing and distribution of milk and dairy products. It is charged with having exceeded authorization on Form CPA-4423 dated August 15, 1946 in the construction of a brick building approximately 208' x 100' instead of the installation of a demountable airplane hangar as set forth in said application. The American Processing and Sales Company, a Corporation, Hawthorn-Mellody Division, does not wish to contest such charges and consents to the issuance of this order.

Wherefore, upon the agreement and consent of American Processing and Sales Company, a Corporation, Hawthorn-Mellody Division, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Authorization to American Processing and Sales Company, a Corporation, Hawthorn-Mellody Division, on Form CPA-4423, dated August 15, 1946 is hereby revoked.

(b) Neither American Processing and Sales Company, a Corporation, Hawthorn-Mellody Division, its successors or assigns, nor any other person, shall do any further construction on the premises at 4215-35 West Chicago Avenue, Chicago, Illinois, unless specifically authorized by the Civilian Production Administration.

(c) Nothing contained in this order shall be construed as preventing the processing on its merits of an application for permission to complete the construction on the aforesaid premises that may be filed with the Civilian Production Administration.

(d) Nothing contained in this order shall be deemed to relieve the American Processing and Sales Company, a Corporation, Hawthorn-Mellody Division, from any restriction, prohibitidn or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 14th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2541; Filed, Mar. 14, 1947; 4:33 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 68-2]

PORTLAND ELECTRIC POWER CO. BONDHOLDERS COMMITTEE

ORDER PERMITTING POST-AMENDMENT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of March 1947.

Thatcher C. Jones, Lloyd E. Dewey and Joshua Morrison, styling themselves as Portland Electric Power Company Bondholders Committee, having filed a post-amendment to their declaration herein on March 10, 1947, pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935, with respect to a letter to be sent to holders of the 6% Collateral Trust Income Bonds, due March 1, 1950, of Portland Electric Power Company, a registered holding company and now in reorganization pursuant to Chapter X of the Federal Bankruptcy Act in the District Court of the United States for the District of Oregon; and

The Commission having examined said post-amendment and exhibits

thereto and finding that the same meet the requirements of said Rule U-62;

It is ordered, That said declaration as thus post-amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2481; Filed, Mar. 17, 1947; 8:46 a. m.]

[File Nos. 59-23, 70-1277]

MIDDLE WEST CORP. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of March 1947.

In the matter of The Middle West Corporation, North West Utilities Company, File No. 70-1277; The Middle West Corporation, North West Utilities Company, Wisconsin Power and Light Company, File No. 59-23.

Notice is hereby given that North West Utilities Company ("North West"), a registered holding company, and The Middle West Corporation ("Middle West"), also a registered holding company and corporate parent of North West, have filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), a Plan of Distribution of Assets and Dissolution of North West Utilities Company ("Plan"), which is stated to be for the purpose of compliance with the provisions of section 11 of the act and the order of the Commission dated September 10, 1943, (Holding Company Act Release No. 4552) requiring that North West be liquidated and its existence terminated. Such plan is filed as an amendment to applications-declarations, as amended, previously filed with the Commission and described in the Commission's notice of filing and order for hearing dated May 10, 1946 (Holding Company Act Release No. 6625) and is in substitution for the proposals contained in said applications-declarations.

All interested persons are referred to the aforesaid Plan which is on file in the office of this Commission for a full statement of the transactions therein proposed which may be summarized as follows:

North West has no indebtedness except for current liabilities. The following table shows the outstanding securities of North West, the shares held by Middle West and by the public, and the amounts ($100 and accrued dividends per share) payable, as of December 31, 1946, on liquidation under the provisions of the Certificate of Incorporation:

	Shares outstanding	Shares held by—		Amounts payable on liquidation as of Dec. 31, 1946			
		Middle West	Others	Per share	On Middle West's shares	On other shares	On all shares
7 percent prior lien preferred stock (par value $100) [1]	44,000	26,573 (60.4%)	17,427 (39.6%)	$203.25	$5,400,962	$3,542,038	$8,943,000
7 percent preferred stock (par value $100) [1]	60,755	21,687 (35.7%)	39,068 (64.3%)	204.125	4,426,859	7,971,755	12,401,614
$6 cumulative preferred stock (no par value) [1]	24,000	24,000 (100%)	None	189.25	4,542,000	None	4,542,000
Total	128,755	72,260 (56.12%)	56,495 (43.88%)	----------	14,369,821	11,516,793	25,886,614
Common stock (par value $1)	260,531	260,531 (100%)	None	----------	----------	----------	----------

[1] The 7 percent prior lien preferred stock is preferred as to dividends and, upon liquidation (voluntary or involuntary), as to $100 per share and accrued dividends over the preferred stock and the common stock. The 7 percent preferred stock and the $6 cumulative preferred stock rank pari passu and are preferred as to dividends and, upon liquidation (voluntary or involuntary), as to $100 per share and accrued dividends over the common stock.

The assets of North West, consisting of 1,259,850 shares of common stock of Wisconsin Power and Light Company ("Wisconsin") (representing 98.35% of said stock outstanding) and net cash assets of approximately $25,000, will be distributed to the holders of the outstanding shares of North West's capital stock upon surrender of said shares for cancellation and in satisfaction of all rights in respect of said shares, on the following bases:

(1) The public holders of the 7% Prior Lien Preferred and the 7% Preferred stock will receive for each such share, 10½ and 10 shares, respectively, of Wisconsin common and cash in an amount equivalent to the dividends accrued on each such share of preferred stock from December 31, 1946, to the effective date of the Plan. Warrants will be issued in lieu of fractional shares.

(2) Middle West will receive for all shares of stock of all classes of North West held, all of the assets of North West not required by the foregoing paragraph (1) or required for the payment of any debts of North West.

The warrants to be issued in lieu of fractional shares of Wisconsin common will be in bearer form, dated as of the effective date of the Plan, and will be non-dividend bearing and non-voting. The warrants, when combined with others entitling the bearer to one or more full shares of common stock of Wisconsin, may be surrendered within five years from the date of the warrants to Wisconsin Power and Light Company or its Transfer Agent, Illinois Stock Transfer Company, in exchange for full shares of Wisconsin common. Upon the expiration of five years, all rights of the holders of warrants not so surrendered for exchange will thereupon cease, and the shares of common stock represented by expired warrants will be retained by Wisconsin Power and Light Company free of any and all claims.

On the basis of the proposed distribution by North West, holders of the capital stock of North West, other than Middle West, will receive 573,663.5 shares (45.534%) and Middle West will receive 686,186.5 shares (54.456%) of the common stock of Wisconsin.

Middle West proposes to acquire the shares of common stock of Wisconsin to which it is entitled under the Plan. Middle West intends to distribute to its stockholders the shares of common stock of Wisconsin now owned by it and the shares of such stock to be acquired by it under the Plan, subject to a future declaration to be filed with respect to such distribution and the approval of the Commission.

The expenses and fees incidental to the consummation of the Plan and to the proceedings relating thereto, incurred by North West or others, will be paid or reimbursed by North West, subject to the approval by the Commission and the United States Court of items subject to their jurisdictions.

The applicants request the Commission, in the event the Plan as filed is approved, to apply to an appropriate District Court of the United States for an order to enforce and carry out the provisions of the Plan. The effective date of the Plan will be the date on which the said Order enforcing the Plan is entered.

Applicants have also requested that, if the Commission approves the Plan, its order shall conform to the requirements of and contain the recitals specified in sections 371, 372, 373, and 1808 (f) of the Internal Revenue Code, as amended.

As soon as practicable after the effective date of the Plan, North West will be dissolved pursuant to applicable provisions of the Corporation Law of Delaware.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder, to find after notice and opportunity for hearing that the plan, as submitted, or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that a hearing be held upon the Plan to afford all interested persons an opportunity to be heard with respect thereto; and

The Commission having by its above-mentioned order dated May 10, 1946 consolidated for consideration proceedings previously instituted by the Commission pursuant to section 11 (b) of the act (File No. 59-23) directed to Middle West, North West, and Wisconsin Power and Light Company with the proceedings relating to the above-mentioned applications-declarations, as amended, (File No. 70-1277), and public hearings having been held pursuant to said order and having been continued subject to the call of the hearing officer;

It is ordered, That the hearing in these consolidated proceedings be reconvened under the applicable provisions of the Act and the rules thereunder on April 8, 1947, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by Rule XVII of the rules of practice on or before April 7, 1947. In the event that amendments to the Plan are filed during the course of said proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should file an appearance in these proceedings or otherwise specifically request such notice.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the Plan and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination.

(1) Whether the Plan, as submitted or as hereafter may be modified, is necessary to effectuate the provisions of section 11 of the act, and is fair and equitable to the persons affected thereby.

(2) Whether the Plan, as submitted, or as hereafter may be modified, is in compliance with the order of the Commission dated September 10, 1943, requiring that North West be liquidated and its existence terminated.

(3) Whether the proposal by Middle West with respect to the acquisition and subsequent disposition of the common stock of Wisconsin Power and Light Company is appropriate in the light of the Commission's order of January 24, 1944, issued pursuant to proceedings under Section 11 (b) (1) directed to Middle West and subsidiaries, and has the tendency required by section 10 (c) (2) of the act.

(4) Whether the accounting entries to be made on the books of Middle West in connection with the proposed Plan are proper, and meet the requirements of the act and the Uniform System of Accounts for Public Utility Holding Companies, promulgated thereunder.

(5) Whether, if the proposed Plan is approved in whole or in part by the Commission, it is appropriate in the public interest and in the interests of investors or consumers that any terms and conditions be imposed in connection with such approval and, if so, what such terms and conditions should be.

(6) Whether the fees and expenses proposed to be paid in connection with the consummation of the Plan and all transactions incidental thereto are for necessary services and are reasonable in amount.

(7) Generally, whether the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, and if not, whether and what modifications, terms or conditions should be required or imposed to satisfy the statutory standards.

It is further ordered, That notice of this hearing be given to The Middle West Corporation, to North West Utilities Company, to Wisconsin Power and Light Company, to the Wisconsin Public Service Commission, to the Federal Power Commission, and to all persons who have heretofore applied for or who have been granted participation in the proceedings, by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the persons on the Commission's mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That North West Utilities Company notify the holders, other than The Middle West Corporation, of its 7% Prior Lien Preferred Stock and its 7% Preferred Stock, to the extent that their addresses are known or available to it, by mailing a copy of this notice and order to said security holders not later than fifteen days prior to April 7, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2479; Filed, Mar. 17, 1947; 8:45 a. m.]

[File Nos. 54-33, 59-25]

UNITED CORP.

ORDER PARTIALLY GRANTING PETITION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of March A. D. 1947.

The United Corporation ("United"), a registered holding company, having, in connection with the Commission's memorandum opinion of February 7, 1947, Holding Company Act Release No. 7191, issued in the above-entitled proceeding, filed a declaration pursuant to Rule U-62, promulgated under the Public Utility Holding Company Act of 1935 ("the Act"), regarding the proposed solicitation of proxies from its common-stock holders with respect to an annual meeting to be held on April 9, 1947, and the Commission on February 25, 1947, having permitted said declaration to become effective;

Randolph Phillips ("petitioner"), holder of 1100 shares of the common stock of United, having filed a declaration pursuant to Rule U-62 in connection with the aforesaid meeting, and the Commission having permitted said declaration to become effective on March 11, 1947;

Petitioner having further filed a petition requesting the entry of an order pursuant to sections 12 (e), 14, 15 (g) and 22 (a) of the Public Utility Holding Company Act of 1935 requiring United to take and to refrain from certain actions in the manner specified in said petition;

The Commission having heard argument and having considered the issues raised with respect to said petition;

The Commission finding pursuant to sections 12 (e), 14, 15 (g) and 22 (a) of the Public Utility Holding Company Act of 1935, that it is necessary and appropriate in the public interest and for the protection of investors, and to prevent the circumvention of the provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder, and on the basis of the Commission's opinions in "H. M. Foster, et al., — S. E. C. — (1945), Holding Company Act Release No. 6244," and "Standard Gas and Electric Company. — S. E. C. — (1946), Holding Company Act Release No. 7020," that the said petition be granted to the extent hereinafter provided; *It is hereby ordered:*

1. Upon payment by petitioner of the actual cost thereof to United, United shall with all reasonable dispatch address or cause to be addressed to each common stockholder of record as many forms of proxy as may be furnished by petitioner;

2. United shall return to petitioner said addressed forms of proxy with reasonable promptness;

3. Upon payment by petitioner of the actual cost thereof to United, United shall furnish with reasonable promptness to petitioner a list of all common stockholders of record as of close of business on February 19, 1947, including the address of and number of shares owned by each such holder;

4. The petition in all other respects be, and hereby is, denied;

5. The Commission reserves jurisdiction to enter such further orders pursuant to the act and rules and regulations thereunder as may be necessary or appropriate to effectuate this order.

It is further ordered, That nothing herein contained shall be construed in any manner as passing upon the merits of any matters set forth in any of said proxy solicitation material;

The Commission not having had opportunity, because of the need for expedition in the decision of these matters, to issue an opinion setting forth in greater detail its reasons for this order, hereby reserves the right to file such opinion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2478; Filed, Mar. 17, 1947; 8:45 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pa., on the 11th day of March 1947.

Notice is hereby given that New England Public Service Company ("NEPSCO"), a registered holding company and a subsidiary of Northern New England Company, also a registered holding company, on March 10, 1947, filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of an amended plan providing in effect for the retirement of all of its outstanding Prior Lien Preferred Stock by the payment of cash or through an exchange offer of common stock of Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of NEPSCO. Applicant states that the plan is designed to utilize the $16,500,000 cash proceeds received by it from the sale of its industrial assets toward the retirement of its Prior Lien Preferred Stock in a manner to preserve to NEPSCO tax benefits estimated by the company to amount to $3,200,000. It is stated that the plan is further designed as a step to effect compliance with the order of the Commission dated May 2, 1941 requiring the recapitalization or liquidation of NEPSCO. The amended plan is filed in complete substitution for the plan of NEPSCO dated November 23, 1946.

All interested persons are referred to said application and amended plan which are on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

NEPSCO will retire the outstanding 118,747 shares of its Prior Lien Preferred Stock, $7 Dividend Series, and the outstanding 60,000 shares of its Prior Lien Preferred Stock, $6 Dividend Series, by paying to the holders thereof an amount equal to $120 per share for the $7 Dividend Series and $110 per share for the $6 Dividend Series, plus in both cases an amount equal to the dividends accrued thereon to the date of consummation of the amended plan, subject to the right of the company to elect one or more of the alternatives hereinafter described. Payment of this amount will be in cash or, at the election of the holder of Prior Lien Preferred Stock, payment will be made in common stock of New Hampshire taken at the initial public offering price per share, to be determined at competitive bidding, provided that elections to receive common stock of New Hampshire will be reduced, pro rata, if and insofar as shall be necessary for NEPSCO to use the entire $16,500,000 cash proceeds from the sale of its industrial assets to retire Prior Lien Preferred Stock. No fractional shares of common stock of New Hampshire other than tenths of a share will be issued in making such exchanges and in lieu of each fraction of a share in excess of one or more tenths of a share, the company will pay in cash the value thereof based upon the value at which whole shares of such common stock are taken by holders of Prior Lien Preferred Stock. No election will be effective unless certificates representing the Prior Lien Preferred Stock are deposited at the office of a bank or trust company ("Plan Trustee") designated by NEPSCO, accompanied by a duly executed letter of transmittal in the form furnished by NEPSCO, on or before the expiration of an exchange period of not less than ten days (which shall expire not more than ten days prior to the receipt by NEPSCO of bids for the purchase of shares of New Hampshire); notice of such exchange period will be mailed to holders of record of Prior Lien Preferred Stock before the first day thereof.

In carrying out the said retirement of, and offer of exchange to, the Prior Lien Preferred Stock, NEPSCO will sell all of the common stock of New Hampshire owned by it (565,553 shares) and not taken by the holders of Prior Lien Preferred Stock, at competitive bidding pursuant to Rule U-50 promulgated under the act.

Alternative 1: NEPSCO may elect to cancel the competitive bidding for common stock of New Hampshire if no competitive bidding has been had, or may elect to proceed no further with the sale of such stock if no bids acceptable to NEPSCO have been received. In such event, NEPSCO will thereupon fix a price at which Prior Lien Preferred stockholders will take such stock and will include such price in the notice to such stockholders, or if such notice has gone out, NEPSCO will give a new notice providing a period of not less than ten days thereafter within which holders of Prior Lien Preferred Stock may determine whether or not they will take such stock at the price so fixed by NEPSCO. Before electing this alternative, NEPSCO will give written notice to the Commission of the action it proposes to take and the reasons therefor, and if the Commission within five days after receiving such notice notifies NEPSCO that it objects, NEPSCO will not proceed unless and until the Commission shall, with or without a hearing, have approved.

Alternative 2: NEPSCO may elect to cancel the privilege of the holders of Prior Lien Preferred Stock to receive shares of common stock of New Hampshire and to cancel competitive bidding for such common stock if no competitive bidding has been had, or may elect to proceed to further with the sale of such stock if no bids acceptable to NEPSCO have been received on competitive bidding. In such event, NEPSCO will thereupon borrow the necessary funds, to enable it to carry out the particular one or more alternatives it has elected, from one or more banks for a term of one year with the right to two successive renewals of one year each at an interest rate to be negotiated but not to exceed 2½%, but only after it has complied with the same provisions in regard to notice to, and approval by, the Commission as set forth under Alternative 1. Such loan will be secured by a pledge of stock of New Hampshire and Central Maine Power Company (another public utility subsidiary of NEPSCO) having a quoted market value from time to time equal to twice the amount of the loan. NEPSCO will be obligated to pay on account of principal not more than $1,600,000 per year, but will have the privilege of prepaying the loan in whole or in part without penalty, out of earnings or the proceeds of sales of assets. No dividends will be paid on any class of stock of NEPSCO so long as any part of the loan remains unpaid. In order to insure that such loan will be available if needed, NEPSCO has entered into a loan agreement with five banks containing the commitment of said banks to lend $13,500,000, and has paid one-fourth of 1% of the amount of the loan for such commitment. It is stated that NEPSCO has no commitment from such banks to lend the additional funds which would be required under this alternative, but believes that such a commitment could be obtained. If NEPSCO shall borrow as aforesaid, it will within one year after the date of the loan sell, at competitive bidding pursuant to Rule U-50, or in such other manner as the Commission may approve, sufficient of its holdings of utility stocks to repay the loan in full; *Provided*, That NEPSCO may request, and the Commission may grant one or more extensions of said period of one year. In case NEPSCO adopts this alternative, any certificates for Prior Lien Preferred Stock at the time deposited with the Plan Trustee for the purposes of exchange for New Hampshire common stock shall not be returned but the holders thereof shall be paid in cash at the same time as holders of non-deposited Prior Lien Preferred Stock.

Alternative 3: The amended plan further provides that NEPSCO may elect to postpone any payment to the holders of Prior Lien Preferred Stock in excess of $100 per share and accrued dividends thereon until a final court order shall have determined whether, and to what extent, the full amount specified in this plan is payable to such holders. In such case, NEPSCO will presently pay the holders of Prior Lien Preferred Stock in cash, with the election to take stock, or solely in cash depending on whether or not Alternative 2 has been adopted, $100 per share and accrued dividends thereon and will issue to such holders certificates of contingent interest evidencing their right to receive any additional payment (not exceeding $20 per share for the $7 series and $10 for the $6 series) and such compensation for delay in payment as shall be determined by final court order. It is provided that the certificates of contingent interest be registered and transferable. The certificates will become void in case a final court order determines that no such additional payment be made and they will become void if not presented for payment within five years from the date of such final order determining additional payment. NEPSCO, in order to insure the payments, if any, called for by the certificates of contingent interest will, at or before the issue of said certificates, deposit with the Plan Trustee $4,000,000 in cash under an Escrow Deposit Agreement providing that on or before a date fixed or approved in the final order, the Plan Trustee shall make available to the holders of said certificates, against the surrender thereof, the amounts payable by said order. In the event of the Escrow deposit, the option of the holders of Prior Lien Preferred Stock to take stock, if then in effect, will exclude such additional payment and will be confined solely to $100 per share plus accrued dividends. Any cash not needed for payment in full of certificates will be delivered and paid over (subject to reasonable compensation and expenses of Plan Trustee) to NEPSCO or as the final order shall direct.

The amended plan further provides that the cash, stock and any certificates called for will be paid or delivered by NEPSCO on or before the date of consummation of this plan to the Plan Trustee under appropriate instructions for distribution (except as to the said $4,000,000 deposit to secure certificates of contingent interest, if issued) to the holders of Prior Lien Preferred Stock upon surrender of their stock certificates. It is stated that such payment and delivery of cash, stock and any such certificates distributable hereunder, will, upon the date of mailing of the notice described below to all Prior Lien Preferred stockholders of record, constitute payment and delivery to them and thereupon the Prior Lien Preferred Stock will cease to be outstanding and the rights of the holders thereof will terminate, except the right to receive cash, stock and any certificates of contingent interest provided for by this plan, and if they presently receive less than the call price, to assert the right to additional payment as aforesaid.

The date of consummation of the amended plan (except for the payments called by certificates of contingent interest, if issued) will be such date as fixed by NEPSCO in a notice to be mailed to all holders of record of Prior Lien Preferred Stock (with copies to the Commission and any Court then exercising jurisdiction over this plan) not less than fifteen days prior to the date so fixed and as soon as reasonably practicable after the determination of the price for the common stock of New Hampshire or after the borrowing described in Alternative 2.

NEPSCO will pay such fees and will reimburse others for such expenses in connection with this amended plan as are subject to the jurisdiction of the Commission and are approved by it.

NEPSCO requests that the order of the Commission include recitals to bring the transactions incident to carrying out this amended plan within the provisions of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended. NEPSCO further requests that the Commission, in the event the plan is approved, apply to an appropriate District Court for enforcement of such plan.

It is stated by NEPSCO that as soon as practicable after the retirement of the Prior Lien Preferred Stock, it will file with the Commission a further plan proposing action to complete compliance with section 11 of the act, the present intention of NEPSCO being to propose in such plan a distribution of its net assets among the holders of its plain Preferred and Common stocks and its dissolution.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder, to find after notice and opportunity for hearing that the plan, as submitted, or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that notice should be given and that the hearings heretofore held in this proceeding should be reconvened for the purpose of adducing evidence with respect to the matters set forth in said application and amended plan, as submitted, or as modified, and for the purpose of affording opportunity to all interested persons to be heard;

It is ordered, Pursuant to sections 11 and 18 of the act, that the hearings in this proceeding be reconvened on April 1, 1947, at 10:00 a. m., c. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on such date by the hearing-room clerk in Room 318.

It is further ordered, That Willis E. Monty, the hearing officer previously designated, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commisson having advised the commission that it has made a preliminary examination of the application and amended plan and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the amended plan as submitted, or as hereafter modified, including the various alternatives therein provided, is necessary to effectuate the provisions of section 11 (b) of the act and is a proper step toward compliance with the order of the Commission dated May 2, 1941.

2. Whether the amended plan, as submitted, or as hereafter modified, including the various alternatives therein provided, is fair and equitable to the person affected thereby, more particularly whether the treatment proposed to be accorded to the holders of Prior Lien Preferred Stock in regard to their respective claims is fair and equitable to the security holders of NEPSCO.

3. Whether the proposals by NEPSCO to dispose of its shares of common stock of New Hampshire meet the applicable provisions of sections 12 (d) and 12 (f) of the act and Rules U-44 and U-50 promulgated thereunder.

4. Whether in the event securities are proposed to be issued by NEPSCO, such securities meet the standards of section 7, and other applicable standards of the act.

5. Whether in the event the bank loan is made, the amended plan requires the filing of subsequent declarations with respect to the two successive renewals of one year each, and if not, whether the amended plan should be modified to so provide.

6. Whether the fees and expenses and other remunerations which may be claimed in connection with the amended plan and all transactions incident thereto are for necessary services and are reasonable in amount.

7. Whether the accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles and the Commission's Uniform System of Accounts for Public Utility Holding Companies.

8. Whether, and to what extent, the amended plan should be modified, or terms and conditions imposed, to insure adequate protection of the public interest and the interest of investors and consumers and compliance with the requirements of the Public Utility Holding Company Act of 1935 and rules promulgated thereunder.

9. Whether this amended plan, or a plan proposed by the Commission, or by any person having a bona fide interest, in accordance with the provisions of section 11 (d) of the act, should be approved for the purpose of effectuating the order of the Commission of May 2, 1941, and if proposed by the Commission, what the terms and provisions of such plan should be.

It is further ordered, That particular attention be directed at said reconvened hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding, or proposing to intervene herein, who has not already done so, shall file with the Secretary of the Commission on or before March 31, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to the parties above-named herein, to all persons heretofore granted participation in these proceedings, to the Public Service Commissions of the States of New Hampshire and Vermont, to the Public Utilities Commission of the State of Maine and to the Federal Power Commission, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That New England Public Service Company shall give further notice of this hearing to all of its prior lien, preferred and common stockholders of record by mailing to each of said persons at his last known address a copy of this notice and order reconvening hearing, at least twelve days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2480; Filed, Mar. 17, 1947; 8:46 a. m.]

[File Nos. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP. (DEL.)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of March 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the proposed payment of a dividend of $3.00 per share (payable on the 28th day after approval by this Commission to stockholders of record at the close of business on the 14th day after such approval) or an aggregate of $4,323,741 on the outstanding shares of its preferred stock; and

The Commission having heretofore instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the act with respect to Commonwealth and its subsidiaries; and

Commonwealth having filed a plan for compliance with such sections of the act, providing, among other things, for the liquidation of Commonwealth; and

Commonwealth having stated in the instant declaration that "The Board • • • recognizes that, in view of the pending proceedings, the 'Earned Surplus' account may be so qualified that, under the rules and practice of the Commission, payment of said dividend is subject to the requirement of Commission authorization under the provisions of section 12 (c) of the act and Rule U-46 in spite of the fact that, as authorized by section 34 of the Delaware General Corporation Law, the source of payment of such dividend under such Law is Commonwealth's net profits for the current and preceding fiscal years"; and

The instant declaration having been filed on February 21, 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming that it would not be necessary or appropriate to deny effectiveness to the declaration under the standards of section 12 (c) of the act and Rule U-46 if it should be found that the proposed payment were to be made out of capital and that, therefore, it is unnecessary for the Commission to determine whether said proposed payment is being made out of capital; and

The Commission therefore deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective insofar as section 12 (c) and Rule U-46 are applicable to the proposed payment; and

Commonwealth having requested that the Commission's order be issued herein on or before March 11, 1947, and become effective forthwith so that Commonwealth may pay the proposed dividend not later than April 8, 1947, and the Commission deeming it appropriate to grant such request:

It is hereby ordered pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith: *Provided, however*, That this order shall not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code, and, *Provided further*, That Commonwealth accompany the dividend checks with a statement to the effect (1) that Commonwealth filed the declaration regarding the proposed dividend payment pursuant to section 12 (c) and Rule U-46 by reason of its uncertainty as to whether the "Earned Surplus" account may be so qualified that, under the rules and practice of the Commission, payment of the proposed dividend is subject to the requirement of Commission authorization under the act and the rules thereunder and that the Commission permitted the declaration to become effective without determining whether the proposed payment is being made out of capital and (2) that the Commission's action in permitting the declaration to become effective should not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2482; Filed, Mar. 17, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8356]

CARL SCHMELING

In re: Estate of Carl Schmeling, deceased. File D-28-11074; E. T. sec. 15504.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Schmeling, Paula Schmeling, Albert Lucht, Marie Schmeling and Axel Lucht, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Carl Schmeling, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Livingston County, Illinois, as Depositary, acting under the judicial supervision of the Probate Court of Livingston County, Pontiac, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2502; Filed, Mar. 17, 1947; 8:45 a. m.]

[Vesting Order 8348]

LOUIS P. ALFF

In re: Estate of Louis P. Alff, deceased. File D-28-9084; E. T. sec. 11618.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christiana Alff, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $8,221.26, fifty-four miscellaneous articles of clothing and the certificates representing the following described property were delivered to the Alien Property Custodian by Charles Carey, Executor of the Estate of Louis P. Alff, deceased:

Twenty-five (25) shares of common stock of The Union Portland Cement Company with a par value of $100.00 per share as represented by stock certificate No. 4 issued in the name of Louis Alff with any declared and unpaid dividends.

Twenty-five (25) shares of preferred stock of The Union Portland Cement Company with a par value of $100.00 per share as represented by stock certificate No. 4 issued in the name of Louis Alff with any declared and unpaid dividends.

Thirty-seven and one-half (37½) shares of common stock of The Union Portland Cement Company with a par value of $100.00 per share as represented by stock certificate No. 5 issued in the name of Louis Alff with any declared and unpaid dividends;

3. That the sum of $8,221.26, the fifty-four miscellaneous articles of clothing and the certificates described in subparagraph 2 hereof are presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 22, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2501; Filed, Mar. 17, 1947; 8:45 a. m.]

[Vesting Order 8359]

MARIE C. VON BERGEN

In re: Estate of Marie C. Von Bergen, deceased. File No. D-28-9838; E. T. sec. 12873.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Arthur Feddern, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2 That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Marie C. Von Bergen, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Elmer Jens, Clerk of the District Court of Iowa, in and for Scott County, Court House, Davenport, Iowa, as depositary, acting under the judicial supervision of District Court of the State of Iowa, in and for Scott County, Davenport, Iowa;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2504; Filed, Mar. 17, 1947; 8:45 a. m.]

[Vesting Order 8358]

GEORGE TREDE

In re: Estate of George Trede, otherwise known as Jurgen Trede, deceased. File D-28-10768; E. T. sec. 15203.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Lerch, Heine Lerch, Anna Timm, Margaret Rower, Hans Trede, Otto Trede, Heine Trede and Dorothea Trede, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the surviving issue of Helene Lerch, the surviving issue of Anna Timm, the surviving issue of Margaret Rower, the surviving issue of Hans Trede, the surviving issue of Otto Trede and the surviving issue of Heine Trede, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of George Trede, otherwise known as Jurgen Trede, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Clara Leichner Beatty, as Executrix, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Walla Walla;

and it is hereby determined:

5. That to the extent that the above named persons and the surviving issue of Helene Lerch, the surviving issue of Heine Lerch, the surviving issue of Anna Timm, the surviving issue of Margaret Rower, the surviving issue of Hans Trede, the surviving issue of Otto Trede and the surviving issue of Heine Trede, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2503; Filed, Mar. 17, 1947; 8:45 a. m.]

[Vesting Order 8367]

YOSHIHARU FUJITA

In re: Bank accounts owned by Yoshiharu Fujita, also known as Y. Fujita. F-39-5240-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshiharu Fujita, also known as Y. Fujita, also known as Y. Fujita, whose last known address is Japan, is a

resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

(a) That certain debt or other obligation owing to Yoshiharu Fujita, also known as Y. Fujita, by The Yokohama Specie Bank, Ltd., P. O. Box 1200, Honolulu, T. H., arising out of a checking account, evidenced by Receiver's Liability No. 20, entitled Y. Fujita, and any and all rights to demand, enforce, and collect the same,

(b) That certain debt or other obligation owing to Yoshiharu Fujita, also known as Y. Fujita, by The Yokohama Specie Bank, Ltd., P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Account Number 14162, evidenced by Receiver's Liability No. 481, entitled Yoshiharu Fujita, and any and all rights to demand, enforce and collect the same, and

(c) That certain debt or other obligation owing to Yoshiharu Fujita, also known as Y. Fujita, by The Yokohama Specie Bank, Ltd., P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Account Number 16606, evidenced by Receiver's Liability No. 482, entitled Yoshiharu Fujita, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2505; Filed, Mar. 17, 1947; 8:46 a. m.]

[Vesting Order 8369]

ICHIRO HIGASHIDA

In re: Claim owned by Ichiro Higashida. D-39-971 and D-39-971-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichiro Higashida, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Ichiro Higashida, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., evidenced by Receiver's Liability No. 4166, entitled Ichiro Higashida, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2506; Filed, Mar. 17, 1947; 8:46 a. m.]

[Vesting Order 8371]

KIYO IMAMURA

In re: Bank accounts owned by Kiyo Imamura. F-39-1911-C-1 and F-39-1911-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyo Imamura, whose last known address is Kyoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Kiyo Imamura, by Bishop National Bank of Hawaii, King-Smith Street Branch, Honolulu, T. H., arising out of a blocked checking account entitled Kiyo Imamura, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a blocked savings account evidenced by Receiver's Liability No. 888, entitled Kiyo Imamura by M. Marumoto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kiyo Imamura, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2507; Filed, Mar. 17, 1947; 8:46 a. m.]

[Vesting Order 8372]

SETSUZO IMAZAWA

In re: Bank account owned by Setsuzo Imazawa. D-39-1066-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Setsuzo Imazawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Setsuzo Imazawa by Yokohama Specie Bank Limited, P. O. Box 1200, Honolulu, T. H., arising out of a blocked savings account, evidenced by Receiver's Liability No. 894, entitled Setsuzo Imazawa, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2508; Filed, Mar. 17, 1947; 8:46 a. m.]

[Vesting Order 8376]

NIHEI MIYAMOTO

In re: Bank accounts owned by Nihei Miyamoto. D-39-12-E-1 and D-39-12-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nihei Miyamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Nihei Miyamoto, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a checking account, evidenced by Receiver's Liability No. 94, entitled Nihei Miyamoto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Nihei Miyamoto, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account evidenced by Receiver's Liability No. 1656, entitled Nihei Miyamoto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2509; Filed, Mar. 17, 1947; 8:46 a. m.]

[Vesting Order 8377]

AYAKO SAITO

In re: Stock owned by Ayako Saito. F-39-3522-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ayako Saito, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: 83 shares of $100 par value common capital stock of Yamashiro Hotel Company, Limited, College Walk and Beretania Strect, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii evidenced by certificate number 17, dated September 30, 1938, registered in the name of Ayako Saito, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2510; Filed, Mar. 17, 1947; 8:46 a. m.]

[Vesting Order 8380]

TAJIRO SUMIDA

In re: Stock, a claim and a bank account owned by Tajiro Sumida. F-39-893-C-1, F-39-893-D-1, and F-39-893-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tajiro Sumida, whose last known adress is Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. 90 shares of $20 par value common capital stock of Kyoyei Shokwai, Limited, 30 North Kukui Sreet, Honolulu, T. H., a corporation organized under the laws of the Teritory of Hawaii, evidenced by Certificates Numbers 401 through 490, dated May 15, 1915, and registered in the name of Tajiro Sumida, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation owing to Tajiro Sumida, by Kyoyei Shokwai, Limited, 30 North Kukui Street, Honolulu, T. H., in the amount of $747.51 as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Tajiro Sumida, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a blocked savings account, Account Number 148747, entitled Tajiro Sumida, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2510; Filed, Mar. 17, 1947; 8:46 a. m.]

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2511; Filed, Mar. 17, 1947; 8:46 a. m.]

[Vesting Order 8381]

TORAICHI UYEDA

In re: Claim and bank accounts owned by Toraichi Uyeda. D-39-17588-D-1, D-39-17588-C-1, D-39-17588-C-2, D-39-17588-E-1, and D-39-17588-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toraichi Uyeda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Toraichi Uyeda, by Hawaii Suisan Kaisha, Limited, 218 N. Queen Street, Honolulu, T. H., in the amount of $60.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Toraichi Uyeda, by The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Account Number 6026, evidenced by Receiver's Liability No. 3058, entitled Toraichi Uyeda, and any all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Toraichi Uyeda, by The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Account Number 11, evidenced by Receiver's Liability No. 3059, entitled Toraichi Uyeda, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Toraichi Uyeda, by The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a checking account, Account Number 186, entitled Toraichi Uyeda, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation owing to Toraichi Uyeda, by The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of an allowance for a teller, evidenced by Receiver's Liability No. 4135, entitled Toraichi Uyeda, and any and all rights to demand, enforce and collect the same, and

f. That certain debt or other obligation owing to Toraichi Uyeda, by the Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 146566, entitled Toraichi Uyeda by Masa Uyeda, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2512; Filed, Mar. 17, 1947; 8:46 a. m.]

[Vesting Order 8382]

SHOZO YAMAMOTO

In re: Bank account and claim owned by Shozo Yamamoto, also known as S. Yamamoto. F-39-5744-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shozo Yamamoto, also known as S. Yamamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Shozo Yamamoto, also known as S. Yamamoto, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a blocked savings account, evidenced by Receiver's Liability No. 188, entitled Shozo Yamamoto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Shozo Yamamoto, also known as S. Yamamoto, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., as Trustee for Owner, evidenced by Liability No. 4256, in the amount of $125.85, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2513; Filed, Mar. 17, 1947; 8:46 a. m.]

[Vesting Order 8407]

GUSTAV HERTER

In re: Estate of Gustav Herter, deceased. File F-28-2346.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dina Henrietta Johanna Herter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Gustav Herter, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Paul Van Anda, Esq., as Administrator c. t. a., acting under the judicial supervision of the Surrogate's Court of New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2514; Filed, Mar. 17, 1947; 8:46 a. m.]

[Vesting Order 8421]

JUNNOSUKE TANJI

In re: Bank accounts and stock owned by Junnosuke Tanji. D-39-11904-E-1, D-39-11904-E-2 and D-39-11904-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Junnosuke Tanji, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: a. That certain debt or other obligation owing to Junnosuke Tanji, by California Bank, 625 South Spring Street, Los Angeles 54, California, arising out of a checking account, entitled Junnosuke Tanji, maintained at the branch office of the aforesaid bank located at 863 South San Pedro Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Junnosuke Tanji by Bank of America National Trust and Savings Association, 660 South Spring Street, Los Angeles 54, California, arising out of a savings account, Term Savings Account Number 795, entitled Junnosuke Tanji, maintained at the branch office of the aforesaid bank located at 9953 Commerce Avenue, Tujunga, California, and any and all rights to demand, enforce and collect the same, and

c. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, beneficially owned by Junnosuke Tanji, registered, with the exception of 26 shares of General Gas & Electric Corporation, in the name of E. F. Hutton & Company, and presently in the custody of E. F. Hutton & Company, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2515; Filed, Mar. 17, 1947; 8:47 a. m.]

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Description of shares	Number of shares	Certificate No.
American Writing Paper Corp., Holyoke, Mass.	Delaware	$5 par value capital	5	7315
			1	594370
			2	596143
Columbia Gas & Electric Corp., 902 Market St., Wilmington, Del.	do	No par value capital	1	582894
			1	582949
			20	59002
			25	139050
General Gas & Electric Corp., 61 Broadway, New York, N. Y.	do	No par value common, class A.	1	5999
			18	120240
			50	108414
Standard Gas & Electric Co., 231 South LaSalle St., Chicago, Ill.	do	No par value common	25	111021
		No par value $4 cumulative preferred.	40	71749
			35	68718
			100	32405
Menasco Manufacturing Co., 805 South San Fernando Blvd., Burbank, Calif.	California	$1 par value common	20	013051
			15	013146
			52	011569
The Studebaker Corp., South Bend 27, Ind.	Delaware	do	1	161853
			2	161954
Twentieth Century-Fox Film Corp., 444 West 56 St., New York, N. Y.	New York	No par value capital	4	119059
			10	491421
The United Corp., 901 Market St., Wilmington 7, Del	Delaware	Capital	10	491661
			28	494739
			2	472091
United States Smelting, Refining & Mining Co., 75 Federal St., Boston, Mass.	Maine	$50 par value capital	10	137913

[Vesting Order 8422]

JUNNOSUKE TANJI

In re: Debt owing to Junnosuke Tanji.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Junnosuke Tanji, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Junnosuka Tanji, by E. F. Hutton & Company, 623 South Spring Street, Los Angeles 14, California, in the amount of $9,416.86, as of February 17, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2516; Filed, Mar. 17, 1947; 8:47 a. m.]

MAR 20 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 55

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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

MISCELLANEOUS AMENDMENTS

State Bulletins, issued December 10, 1946 (11 F. R. 14339), are hereby amended as follows:

SUBPART—1947; ALABAMA

1. Section 701.840 (i) (1) is amended by increasing the payment rate from $0.70 to $1.00 per 100 linear feet.

2. Section 701.840 (j) (12), *Payment rate*, is amended to read as follows:

Payment rate: $0.10 per cubic yard of material moved.

SUBPART—1947; ARIZONA

1. Section 701.841 (b) is amended by adding the following sentence at the end thereof: "The farm allowance so established shall not apply to practices for community benefit performed under the provisions of § 701.841 (d)."

2. Section 701.841 (j) is amended by adding the following at the end of the introductory paragraph thereof: "The county committee is authorized to establish closing dates for the performance of individual practices provided such closing dates are not later than December 31, 1947."

3. Section 701.841 (j) (14) (iv), the description of practice, is amended to read as follows:

(iv) *Construction or installation of siphons, pipe, flumes, drops, weirs, and diversion structures.*

SUBPART—1947; ARKANSAS

Section 701.842 (e) (1) is amended to read as follows:

(1) *Availability.* Ground limestone, superphosphate, winter legume seeds, ryegrass seed, other materials, and services in connection with stock ponds, terracing, ditching and other practices may be furnished by the Field Service Branch to producers for carrying out approved practices.

SUBPART—1947; CALIFORNIA

1. Section 701.843 (b) is amended by adding the following sentence at the end thereof: "The farm allowance so established shall not apply to practices for community benefit performed under the provisions of § 701.843 (d)."

2. Section 701.843 (j) is amended by adding the following at the end of the introductory paragraph thereof: "The county committee is authorized to establish closing dates for the performance of individual practices provided such closing dates are not later than December 31, 1947.

3. Section 701.843 (j) (32), *Payment rates*, is amended to read as follows:

Payment rates:

(i) Less than 4 inch casing, and flowing wells, $1.00 per linear foot.

(ii) 4 inch casing or more, but less than 6 inch casing, $2.00 per linear foot.

(iii) 6 inch casing or more, $3.00 per linear foot.

4. Section 701.843 (j) (39), *Payment rates*, is amended to read as follows:

Payment rates: 50% of the cost of standard metal pipe delivered to the farm but not to exceed:

(i) $0.09 per linear foot of 1 inch diameter.

(ii) $0.12 per linear foot of 1¼ inch diameter.

(iii) $0.13 per linear foot of 1½ inch diameter.

(iv) $0.19 per linear foot of 2 inch diameter or more.

5. Section 701.843 (j) (46), the sentence immediately preceding the *Payment rates* and the *Payment rates* are amended to read as follows:

Payment will be made for the eradication or control of St. Johnswort only under subdivisions (iii) (*a*) (*b*) and (iv) of this subparagraph.

Payment rates:

(i) $10.00 per acre for continuous cultivation throughout the entire growing season except for quack grass.

(ii) $5.00 per acre for continuous cultivation of quack grass throughout the entire growing season.

(iii) Approved chemicals:

(*a*) $0.02 per pound of agricultural mesh borax.

(*b*) $0.0175 per pound of borax, special concentrates undried.

(c) Other chemicals, except 2,4–D—50% of the cost, but not to exceed $0.10 per pound.

(d) 2,4–D applied to Canada Thistle or bindweed (morning glory)—50% of the cost, but not to exceed $1.00 per pound of 2,4–D acid in the preparation.

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FEDERAL REGISTER

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(iv) Cultivation of St. Johnswort (Klamath weed) as often as necessary throughout the growing season to control growth—the cost of the first operation, but not to exceed $4.00 per acre.

SUBPART—1947; COLORADO

1. Section 701.844 (b) is amended by adding the following sentence at the end thereof: "The farm allowance so established shall not apply to practices for community benefit performed under the provisions of § 701.844 (d)."

2. Section 701.844 (j) is amended by adding the following sentence at the end of the introductory paragraph thereof: "The county committee is authorized to establish closing dates for the performance of individual practices provided such closing dates are not later than December 31, 1947."

3. Section 701.844 (j) (1) is amended by adding the following subdivision:

(iii) $0.045 per pound of available phosphoric acid contained in liquid phosphoric acid.

4. Section 701.844 (j) (5) is amended by deleting the entire subparagraph and substituting therefor the following:

(5) *Green manure.* Disking or plowing under a good stand and a good growth of Austrian winter peas, cowpeas, soybeans, or vetch. Applicable only on irrigated cropland and orchard land.

Payment rate: $2.25 per acre.

5. Section 701.844 (j) (9) is amended by inserting the language "crested wheatgrass, slender wheatgrass," after the language "intermediate wheatgrass," in the first sentence.

6. Section 701.844 (j) (22) (vi), the description of the practice, is amended to read as follows:

(vi) *Installation of siphons, pipe, flumes, tile lines, weirs, drop boxes, chutes, checks, diversion boxes, or the lining of permanent irrigation ditches with concrete.*

7. Section 701.844 (j) (49) is amended by deleting the word "cropland" wherever such word appears in the subparagraph.

SUBPART—1947; DELAWARE

1. Section 701.846 (j) (2) is amended to read as follows:

(2) *Phosphate.* Applying phosphate materials other than rock phosphate to permanent pasture; established hay crops or rotation pasture; perennial or biennial legumes, perennial grasses or annual lespedeza, seeded alone in the fall of 1946 or during the 1947 program year; perennial or biennial legumes, perennial grasses or annual lespedeza, seeded with a small grain nurse crop in the fall of 1946 or in the spring of 1947, if applied after the small grain nurse crop is harvested, or, if not harvested, after June 30, 1947; or to winter legumes or ryegrass seeded after June 30, 1947, with or without a nurse crop.

Payment rate: $0.04 per pound of available phosphoric acid.

2. Section 701.846 (j) (7) is amended by adding the following sentence immediately preceding the *Payment rate:* "Prior approval of this practice by the county committee is required."

SUBPART—1947; GEORGIA

1. Section 701.848 (j) (5), *Payment rate,* is amended to read as follows:

Payment rate: $0.05 per pound.

2. Section 701.848 (j) (6), *Payment rates,* is amended to read as follows:

Payment rates:
(i) Scarified seed, $0.10 per pound.
(ii) Unscarified seed, $0.075 per pound.

SUBPART—1947; IDAHO

1. Section 701.849 (b) is amended by adding the following sentence at the end thereof: "The farm allowance so established shall not apply to practices for community benefit performed under the provisions of § 701.849 (d)."

2. Section 701.849 (j) is amended by adding the following sentence at the end of the introductory paragraph: "The county committee is authorized to establish closing dates for the performance of individual practices provided such closing dates are not later than December 31, 1947."

3. Section 701.849 (j) (9) is amended by adding the language "crested wheatgrass," immediately after the language "intermediate wheatgrass," in the description of the practice.

4. Section 701.849 (j) (16) (i), *Payment rate,* is amended to read as follows:

Payment rate: 70% of the average cost but not to exceed $1.75 per acre.

5. Section 701.849 (j) (18) is amended by adding the following sentence immediately preceding the *Payment rates:* "Payment will be made for the management of cereal grain straw only in those counties designated by the State committee."

6. Section 701.849 (j) (22) (i), *Payment rate,* is amended to read as follows:

Payment rate: $0.10 per cubic yard of earth moved, but not in excess of $12.00 per 100 linear feet.

7. Section 701.849 (j) (22) (v) is amended by inserting the word "pipe," after the word "siphons," in the description of the practice.

8. Section 701.849 (j) (24), *Payment rate,* is amended to read as follows:

Payment rate: $0.10 per cubic yard of material moved, not to exceed $12.00 per 100 linear feet.

9. Section 701.849 (j) (51) is amended by adding the following to the list of payment rates:

(iv) One-half the cost of parent acid, not to exceed $1.75 per pound of 2,4–D applied to morning glory (bindweed), or Canada thistle.

10. Section 701.849 (j) (52) is amended by adding the following to the list of payment rates:

(iv) One-half the cost of parent acid, not to exceed $1.75 per pound of 2,4–D applied to morning glory (bindweed), or Canada thistle.

SUBPART—1947; IOWA

1. Section 701.852 (j) (14) is amended by the addition of the following payment rate:

(iv) $1.50 per pound of 2,4–D (active ingredient) applied. Applicable only to bindweed and Canada thistle. The conditions under which this material is to be applied are on file in the office of the county committee.

2. Section 701.852 (j) (16) is amended by deleting payment rate (xxi).

3. Section 701.852 (j) (19) is amended to read as follows:

(19) *Green manure crops.* Disking or plowing under a good stand and a good growth of the following: alsike clover, or red clover seeded in the spring of 1946 or 1947 and plowed under in the fall of 1947; sweet clover; 1946 fall seeding of winter rye turned under in the spring of 1947; or oats, barley, wheat, rye, soybeans in orchards and on vegetable land. If the land is subject to erosion and the green manure is turned under in the fall, the land must be protected by a winter cover crop.

Payment rate: $1.50 per acre.

SUBPART—1947; KANSAS

1. Section 701.853 (b) is amended by adding the following sentence at the end thereof: "The farm allowance so established shall not apply to practices for community benefit performed under the provisions of § 701.853 (d)."

2. Section 701.853 (j) (15) (ii) is amended by adding the language "crested wheatgrass," immediately after the language "western wheatgrass."

3. Section 701.853 (j) (16), *Payment rate* (v), is amended to read:

(v) $1.50 per 100 linear feet for leveling terraces having a settled ridge height of not less than 0.8 foot above the natural ground level.

SUBPART—1947; KENTUCKY

1. Section 701.854 (j) (7) is amended by deleting the sentence immediately preceding the *Payment rate* and substituting the following therefor: "No payment will be made if the lespedeza is grazed or cut for hay."

2. Section 701.854 (j) (9) is amended by adding the following sentence immediately preceding the *Payment rates:* "Prior approval of this practice, by the county committee, is required."

SUBPART—1947; MARYLAND

Section 701.857 (e) (2) is amended by adding the following sentence at the end of the subparagraph: "The small payment increase on an amount equivalent to the credit value of properly used conservation materials and services may be advanced as a credit against that part of the cost required to be paid by the producer.

SUBPART—1947; MICHIGAN

1. Section 701.859 (j) (5) is amended by inserting the language "oats and/or speltz," after the language "or barley," in the first sentence.

2. Section 701.859 (j) (7) is amended by deleting the entire subparagraph and substituting therefor the following:

(7) *Complete pasture establishment on muck or overflow land.* Applicable only where cultivated crops are not adapted. The practice must be performed in accordance with the specifications outlined by the county committee.

Payment rate: $3.50 per acre.

SUBPART—1947; MINNESOTA

1. Section 701.860 (b) is amended by adding the following sentence at the end thereof: "The county committee may set aside an amount not to exceed 10% of the county allocation of funds for a practice approved in accordance with the provisions of § 701.860 (c) (2). Any amount so set aside but not used will be reallocated as unearned assistance in accordance with the provisions of this paragraph."

2. Section 701.860 (j) (7) is amended by the addition of the following *Payment rate* (vi):

(vi) $2.00 per pound of 2,4–D (active ingredient) applied in the control of Canada thistle or field bindweed.

SUBPART—1947; MISSOURI

1. Section 701.862 (j) (6) is amended by deleting the sentence reading "The pond must have a minimum depth of 8 feet extending over an area equal to one-third of the water surface area.", and substituting the following therefor: "The pond must have a minimum depth of 8 feet extending over an area having a diameter equal to ¼ of the diameter of the water surface area."

2. Section 701.862 (j) (10), *Payment rates,* is amended by adding the following subdivision:

(v) $1.50 per pound of ladino clover.

3. Section 701.862 (j) (12), *Payment rate* (i), is amended to read:

(i) $1.00 per acre for winter rye, oats, barley, wheat, cowpeas, or soybeans in orchards, vineyards, or on vegetable land.

SUBPART—1947; MONTANA

1. Section 701.863 (b) is amended by adding the following sentence at the end thereof: "Farm allowances so established shall not apply to practices for community benefit performed under the provisions of § 701.863 (d)."

2. Section 701.863 (i) is amended by adding the following sentence at the end of the introductory paragraph thereof: "The county committee is authorized to establish closing dates for the performance of individual practices provided such closing dates are not later than December 31, 1947."

3. Section 701.863 (j) (13) is amended by deleting the entire subparagraph and substituting therefor the following:

(13) *Protecting summer fallow.* Payment will be made for incorporating a portion of the stubble into the surface soil provided a stubble mulch is maintained on the surface. No payment will be made for the area affected by any burning of stubble or residue. Applicable only in the following counties: Beaverhead, Broadwater, Deer Lodge, Flathead, Gallatin, Granite, Jefferson, Lake, Lewis and Clark, Lincoln, Madison, Mineral, Missoula, Powell, Ravalli, Sanders, Silver Bow, and portions of other counties designated by the State Committee.

Payment rate: $0.35 per acre.

4. Section 701.863 (j) (31) is amended by inserting the following sentence im-

mediately preceding *Payment rate:* "No payment will be made for used material."

5. Section 701.863 (j) (31), *Payment rates,* is amended to read as follows:

(i) Wire fences, 50% of the cost of new material but not to exceed $0.40 per rod of fence constructed.

(ii) Pole and jack fences, 50% of the cost of new material but not to exceed $0.60 per rod of fence constructed.

6. Section 701.863 (j) (35) is amended by the deletion of the following sentence: "Applicable only on ranches having a management plan on file with the county committee, which shows the need of conserving a reserve supply of water to properly distribute grazing on the unit."

SUBPART—1947; NEBRASKA

Section 701.864 (i) (13) is amended by adding the following payment rate:

(iii) $2.00 per pound of 2,4–D (active ingredient) applied in the control of Canada thistle and bindweed.

SUBPART—1947; NEVADA

1. Section 701.865 (b) is amended by adding the following sentence at the end thereof: "Farm allowances so established shall not apply to practices for community benefit performed under the provisions of § 701.865 (d)."

2. Section 701.865 (i) (7) (iv), the practice description, is amended to read as follows:

(iv) *Construction or installation of siphons, pipe, flumes, dropboxes, or chutes, weirs, and diversion gates.* Repairs and replacements will not qualify.

SUBPART—1947; NEW HAMPSHIRE

1. Section 701.866 (j) (1), *Payment rate,* is amended to read:

Payment rate: $3.52 per ton of standard ground limestone or its equivalent.

2. Section 701.866 (j) (2), *Payment rate,* is amended to read as follows:

Payment rate: $0.044 per pound of available phosphoric acid.

3. Section 701.866 (j) is amended by the addition of the following subparagraphs (8) and (9):

(8) *Construction or enlargement of drainage ditches.* Construction or enlarging effective drain ditches to carry off excess water from cropland, pastureland or orchard land. No payment will be made for material moved in cleaning a ditch.

Payment rate: $0.10 per cubic yard of earth moved.

(9) *Installation of tile drains for draining cropland, pastureland, or orchard land.* The tile must be laid on a grade that will freely carry excess water from the area being drained.

Payment rates:
(i) $0.05 per linear foot for 4 inch tile.
(ii) $0.06 per linear foot for 5 inch tile.
(iii) $0.08 per linear foot for 6 inch tile.
(iv) $0.10 per linear foot for 7 inch tile.

SUBPART—1947; NEW JERSEY

Section 701.867 (j) is amended by adding the following sentence at the end of the introductory paragraph thereof: "County committees with the approval of the State committee may select from the approved State practices listed in this subsection, those practices for which payment will be offered in the county."

SUBPART—1947; NEW MEXICO

1. Section 701.868 (b) is amended by adding the following sentence at the end thereof: "Farm allowances so established shall not apply to practices for community benefit performed under the provisions of § 701.868 (d)."

2. Section 701.868 (j), the introductory paragraph thereof, is amended to read as follows:

(j) *Conservation practices and rates of payment.* Prior approval by the county committee is required for all practices. Each practice must be carried out in accordance with the specifications which may be obtained in the office of the county or State committee. County committees are authorized to establish closing dates for the performance of individual practices provided such closing dates are not later than December 31, 1947. No payments will be made for practices in subparagraphs (23), (24), (25), (29), (30), and (31) of this paragraph unless utilization standards approved by the Field Service Branch are complied with and all requirements specified by the county committee are met. On ranching units containing 640 acres or more grazing land, payment for practices contained in subparagraphs (23) to (31), inclusive, of this paragraph, is conditioned upon meeting the following requirements: All prairie dogs are controlled; at least one check plot is available on the unit for the purpose of comparing the grazed area with the production in the ungrazed plot; and the producer complies with the utilization standards approved by the Field Service Branch.

3. Section 701.868 (j) (6) is amended by adding the language "crested wheatgrass," immediately following the language "tall wheatgrass," in the practice description.

4. Section 701.868 (j) (18) is amended by revising the sentence immediately preceding the *Payment rates* to read as follows: "Payment for this practice may not exceed $10.00 per acre benefited."

SUBPART—1947; NEW YORK

Section 701.869 (j) is amended by adding the following sentence to the introductory paragraph thereof: "County committees, with the approval of the State committee, may select from the approved State practices which are listed in paragraph (j) of this section those practices for which payment will be offered in the county."

SUBPART—1947; NORTH CAROLINA

Section 701.870 (j) (7) is amended by adding the following payment rates:

Payment Rates per Pound

(i) Dallis (imported): $0.68.
(ii) Dallis (domestic): $0.50.
(iii) Kentucky bluegrass: $0.80.
(iv) Orchard grass: $0.15.
(v) Redtop: $0.20.
(vi) Kobe lespedeza: $0.14.
(vii) Common lespedeza: $0.17.
(viii) Korean lespedeza: $0.09.
(ix) White clover: $0.84.
(x) Ladino clover: $1.60.
(xi) Low hop clover: $0.50.
(xii) Alsike clover: $0.40.
(xiii) Sweet clover: $0.16.

SUBPART—1947; NORTH DAKOTA

1. Section 701.871 (b) is amended by the addition of the following sentence at the end thereof: "Farm allowances so established shall not apply to practices for community benefit performed under the provisions of § 701.871 (d)."

2. Section 701.871 (e) (1) is amended to read as follows:

(1) *Persons eligible to file.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment earned for the farm, except where his only payment is earned with conservation materials or services furnished by the Field Service Branch in such an amount that no small payment increase is due.

3. Section 701.871 (i) is amended by the addition of the following sentence at the end of the introductory paragraph thereof: "County committees are authorized to establish closing dates for the performance of individual practices, provided such closing dates are not later than December 31, 1947."

4. Section 701.871 (i) (3) is amended by adding the language "crested wheatgrass," immediately following the language "grama grass," in the description of the practice.

5. Section 701.871 (35) is amended by adding the following payment rate (v):

(v) 50% of the cost of 2,4–D, but not to exceed $1.50 per pound of 2,4–D acid in the preparation when applied to Canada thistle and field bindweed.

6. Section 701.871 is amended by adding the following paragraph (j):

(j) *Conservation materials and services*—(1) *Availability.* Liming materials, phosphate, other farming materials, and services may be furnished by the Field Service Branch to the producers for carrying out approved practices.

(2) *Cost to producer.* The producer will pay that part of the cost of the material or service established as being in excess of the credit for the use of the material or service in carrying out approved practices.

SUBPART—1947; OHIO

1. Section 701.872 (j) (18) is amended by deleting the words "and Wayne" in the practice description and by inserting the word "and" immediately preceding "Washington."

2. Section 701.872 (j) (19) is amended by deleting the words "and Wayne" in the practice description and by inserting the word "and" immediately preceding "Washington."

3. Section 701.872 (j) is amended by adding the following subparagraph (21):

(21) *Rock phosphate.* The application of rock phosphate containing at least 30% phosphoric acid to any crop.

Payment rate: $0.45 per 100 pounds.

SUBPART—1947; OKLAHOMA

Section 701.873 (i) (5) is amended to read as follows:

(5) *Raw rock or colloidal phosphate applied to perennial or biennial legumes, winter legumes, permanent pastures containing legumes; lespedeza, and legumes grown with a nurse crop of small grain.*

Payment rates:
(i) Raw rock phosphate, $0.60 per 100 pounds.
(ii) Colloidal, $0.40 per 100 pounds.

SUBPART—1947; OREGON

1. Section 701.874 (b) is amended by adding the following sentence at the end thereof: "Farm allowances so established shall not apply to practices for community benefit performed under the provisions of § 701.874 (d)."

2. Section 701.874 (j) is amended by adding the following at the end of the introductory paragraph thereof: "County committees are authorized to establish closing dates for the performance of individual practices provided such closing dates are not later than December 31, 1947."

3. Section 701.874 (j) (1) is amended by changing the second sentence thereof to read: "Limestone must be ground fine enough so that 90% will pass through an 8 mesh sieve; 20% through a 100 mesh sieve; and all fine particles obtained in the grinding process shall be left in."

SUBPART—1947; SOUTH DAKOTA

1. Section 701.878 (g) (1) is amended by changing the first sentence to read: "(1) A deduction of $3.00 shall be made for each acre of native sod or any other permanent vegetative cover broken out during the 1947 program year without the approval of the county committee."

2. Section 701.878 (j) (2) is amended by deleting the first sentence of the subparagraph and substituting therefor the following sentence: "Plowing under or subsurface tilling a good stand and a good growth of sweet clover or 1946 fall seeding of winter rye or 1946 seeded red clover."

3. Section 701.878 (j) (3) is amended by deleting the words "excluding crested wheatgrass."

4. Section 701.878 (j) (23), *Payment rate,* is amended to read as follows:

Payment rate: $0.12 per acre deferred, but not to exceed 25% of the noncrop open pasture in the unit.

5. Section 701.878 (j) (25) is amended by changing payment rate (ii) to read as follows:

(ii) $2.00 per acre for seeding a mixture of perennial grasses or a mixture of perennial grasses and perennial legumes or bromegrass seeded alone at the rate of at least 12 pounds per acre.

6. Section 701.878 (j) (27) is amended by deleting the words "noncrop open" in the practice description.

7. Section 701.878 (j) (30) is amended by adding the payment rate (v) as follows:

(v) $1.50 per pound of 2,4–D (active ingredient) applied in the control of creeping jenny and Canada thistle.

SUBPART—1947; TENNESSEE

Section 701.879 (j) (4) is amended by changing the payment rate to read:

Payment rate: $0.03 per pound.

SUBPART—1947; TEXAS

1. Section 701.880 (i) (5) is amended by inserting the following sentence immediately preceding *Payment rates:* "Except with the prior approval of the State Committee, payment will not be made under this practice with respect to any land which was leveled in 1945 for payment under the 1945 Agricultural Conservation Program, or with respect to any land leveled in 1946 to the extent of at least 20 cubic yards of earth per acre and the leveling paid for under the 1946 Agricultural Conservation Program."

2. Section 701.880 (i) (9), *Payment rates,* is amended to read as follows:

Payment rates:
(i) Artesian wells, wells with casings of less than 4 inches in diameter, and uncased wells with a bottom hole diameter of less than 4¼ inches, $1.00 per linear foot of well.
(ii) Wells, excluding artesian wells, with casings of 4 inches but less than 6 inches in diameter, and uncased wells with a bottom hole diameter of 4¼ inches but less than 6⅜ inches, $2.00 per linear foot of well.
(iii) Wells, excluding artesian wells, with casings 6 inches or more in diameter, and uncased wells with a bottom hole diameter of 6⅜ inches or more, $3.00 per linear foot of well.

3. Section 701.880 (i) (17) is amended by deleting the language "2%" from the second sentence and substituting therefor the language "3%."

4. Section 701.880 (i) (32) is amended by adding the following payment rate:

(ix) Mung beans, $0.12 per pound.

5. Section 701.880 (i) (26) is amended by deleting the language "Application of agricultural sulphur, or its equivalent, as a soil amendment to control chlorosis or to correct extreme soil alkalinity" in the description of the practice and substituting in lieu thereof: "Application of agricultural sulphur (or its equivalent) to farmland."

6. Section 701.880 (i) is amended by the addition of the following subparagraph:

(42) *Turning under a satisfactory growth of sweet clover.*

Payment rate: $1.50 per acre.

SUBPART—1947; UTAH

1. Section 701.881 (b) is amended by adding the following sentence at the end thereof: "Farm allowances so established shall not apply to practices for community benefit performed under the provisions of § 701.881 (d)."

2. Section 701.881 (j) is amended by adding the following sentence at the end of the introductory paragraph thereof: "County committees are authorized to establish closing dates for the performance of individual practices provided such closing dates are not later than December 31, 1947."

3. Section 701.881 (j) (3) is amended by deleting the word "soybeans" in the practice description and inserting in lieu thereof the words "dry beans."

4. Section 701.881 (j) (6) is amended by adding the language "crested wheatgrass," immediately following the language "intermediate wheatgrass," in the practice description.

5. Section 701.881 (j) (44) is amended by adding the following sentence immediately preceding the payment rates: "2,4–D chemicals may be paid for only when used on morning glory (bindweed) or Canada thistle."

SUBPART—1947; VIRGINIA

1. Section 701.883 (j) (6), *Payment rate,* is amended to read as follows:

Payment rate: $2.50 per acre.

2. Section 701.883 (j) (14) is amended by deleting the entire subparagraph and substituting therefor the following:

(14) *Seeding perennial pastures.* Applicable only on land having less than 50% coverage in legumes and grasses. The practice must be carried out in accordance with the specifications established by the county committee.

Payment rate: $3.50 per acre.

3. Section 701.883 (j) (15) is amended by deleting *"Payment rate:* $7.00 per acre." and substituting therefor the following:

Payment Rates per Pound

(i) Kentucky bluegrass: $0.75.
(ii) Orchard grass: $0.15.
(iii) Redtop (Herds grass): $0.15.
(iv) White Dutch clover: $0.80.
(v) Alfalfa: $0.40.
(vi) Sweet clover (scarified): $0.16.
(vii) Sweet clover (unscarified): $0.12.
(viii) Annual lespedeza: $0.08.
(ix) Ladino clover: $1.50.

SUBPART—1947; WASHINGTON

1. Section 701.884 (b) is amended by adding the following sentence at the end of the paragraph: "Farm allowances so established shall not apply to practices for community benefit performed under the provisions of § 701.884 (d)."

2. Section 701.884 (j) is amended by adding the following sentence at the end of the introductory paragraph: "County committees are authorized to establish closing dates for the performance of individual practices provided such closing dates are not later than December 31, 1947."

3. Section 701.884 (j) (1) (i) is amended to read:

(i) $6.50 per ton in the counties of Grays Harbor, Clallam, Mason, Wahkiakum, Pacific, Thurston, Jefferson, and Lewis.

4. Section 701.884 (j) (12) is amended by adding the language "crested wheatgrass," immediately after the language "perennial fescues," in the practice description.

5. Section 701.884 (j) (19) (i) is amended by deleting *"Payment rate:* $0.50 per acre" and substituting therefor *"Payment rate:* $0.60 per acre."

6. Section 701.884 (j) (46) is amended by changing the payment rates under subdivision (i) *Chemicals*, to read:

(i) *Chemicals.*
(*a*) $0.055 per pound of sodium chlorate.
(*b*) $0.50 per gallon of carbon bisulphide.
(*c*) $0.02 per pound of borax, agricultural mesh.
(*d*) $0.018 per pound of borax, special concentrates undried.
(*e*) 50% of cost but not in excess of $1.75 per pound of 2, 4–D in the preparation when applied to bindweed (wild morning glory) or Canada thistle.

SUBPART—1947; WEST VIRGINIA

Section 701.885 (j) (4) is amended by adding the following payment rates at the end of the subparagraph:

Payment rates:
(i) Crimson clover, $0.19 per pound.
(ii) Hairy vetch, $0.16 per pound.
(iii) Annual ryegrass, $0.10 per pound.

SUBPART—1947; WISCONSIN

1. Section 701.886 (j) (19) is amended by deleting the word "cropland" in the first sentence and substituting therefor the word "farmland."

2. Section 701.886 (j) (19) is amended by adding the language "or field bindweed." after the language "creeping jenny."

3. Section 701.886 (j) (19), *Payment rates*, is amended by adding the following subdivision:

(iii) $1.50 per pound of 2, 4–D (active ingredient) applied in the control of Canada thistle, and creeping jenny or field bindweed.

SUBPART—1947; WYOMING

1. Section 701.887 (b) is amended by adding the following sentence at the end thereof: "Farm allowances so established shall not apply to practices for community benefit performed under the provisions of § 701.887 (d)."

2. Section 701.887 (e) (1) is amended to read:

(1) *Persons eligible to file.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm, except where his only payment is earned with conservation materials or services furnished by the Field Service Branch in such an amount that no small payment increase is due.

3. Section 701.887 (i) is amended by adding the following sentence at the end of the introductory paragraph: "County committees are authorized to establish closing dates for the performance of individual practices provided such closing dates are not later than December 31, 1947."

4. Section 701.887 (i) (7) is amended by inserting the language "crested wheatgrass," immediately after the language "red clover," in the first sentence of the subparagraph.

5. Section 701.887 (i) (7) is amended by changing the payment rate (ii) to read as follows:

(ii) $0.05 per pound of crested wheatgrass or sweet clover seed harvested, not to exceed $2.50 per harvested acre.

6. Section 701.887 (i) (19) is amended by changing the description in *Payment rate* (iii) to read as follows:

(iii) *Installation of checks, drops, weirs, diversion gates, wasteway siphons, pipe, chutes or flumes to prevent erosion and improve the control and distribution of irrigation water.*

7. Section 701.887 (i) (41) is amended by adding the following to the list of payment rates:

(v) 50% of the cost of parent acid but not to exceed $1.75 per pound of 2, 4–D applied to bindweed or Canada thistle.

8. Section 701.887 is amended by adding the following paragraph (j):

(j) *Conservation materials and services*—(1) *Availability.* Liming materials, phosphate, other farming materials, and services may be furnished by the Field Service Branch to producers for carrying out approved practices.

(2) *Cost to producer.* The producer will pay that part of the cost of the material or service established as being in excess of the credit for the use of the material or service in carrying out approved practices.

(49 Stat. 1148, 16 U. S. C. 590g–590q; 1947 National Agricultural Conservation Program Bulletin, as amended (11 F. R. 9467, 11 F. R. 11266, 11 F. R. 14339))

Approved: March 6, 1947.

[SEAL] DAVE DAVIDSON,
Director,
Field Service Branch.

[F. R. Doc. 47-2543; Filed, Mar. 18, 1947; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

THE COMMISSION

The following change is made affecting § 2.1 of the rules of practice of the Federal Trade Commission as published in the FEDERAL REGISTER for December 11, 1946, at page 14233, to wit:

The address of the San Francisco branch office of the Commission has been changed to Federal Trade Commission, Federal Office Building, Room 133, Civic Center, San Francisco 2, California.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-2532; Filed, Mar. 18, 1947; 8:45 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 01—ORGANIZATION

DELEGATION OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.60 and 01.61, see Title 43, Part 4, *infra*, delegating to the Director of the Bureau of Mines final authority to execute certain contracts for the sale of helium.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 307]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Woodworking machinery:
763600	Planers, matchers, jointers, and molders, having a unit value of $1,000 or less.
763900	Other woodworking machinery and parts having a unit value of $1,000 or less (report sawmill machinery and parts in 763100, planers, matchers, jointers, and molders in 763600, and veneer machinery, and parts in 763800).

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: March 6, 1947.

FRANCIS MCINTYRE
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-2557; Filed, Mar. 18, 1947; 8:49 a. m.]

[Amdt. 312]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Vegetable fibers and manufactures:
322401	Bags of jute, used, weighing 2 pounds and over, except burlap bags, and Cuban and Puerto Rican raw sugar bags.

The description of commodities set forth under Schedule B. No. 322401 is accordingly amended to read as follows:

Used jute bags weighing less than two pounds, used Cuban and Puerto Rican raw sugar bags of any weight, used burlap bags of any weight, and new jute and burlap bags of any weight.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: March 6, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-2552; Filed, Mar. 18, 1947; 8:48 a. m.]

[Amdt. 309]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding a qualifying footnote reference meaning "Requires individual license for export to all areas except the Philippine Islands, and all countries in North and South America as listed in Schedule C of the Bureau of the Census, U. S. Department of Commerce" with respect to the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Vegetables and preparations, edible:
120110	Beans, dry, ripe.
120150	Seed beans, field varieties.
120213	Cowpeas, dry, ripe.
120213	Cowpea seed.
120219	Peas, dry, ripe except cowpeas and chickpeas (report cowpeas in 120213 and chickpeas (garbanzos) dry, ripe, in 120215).

This amendment shall become effective March 7, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. and Sup. 701, 702, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: March 11, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-2555; Filed, Mar. 18, 1947; 8:49 a. m.]

[Amdt. 310]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodity:

Dept. of Comm. Sched. B No.	*Commodity*
	Grains and preparations:
101300	Malt (bu. 34 lbs.).
	Beverages:
170100	Malt extract and malt sirup (include malt coloring) (report medicated in 81600).

This amendment shall become effective March 15, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: March 12, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-2554; Filed, Mar. 18, 1947; 8:49 a. m.]

[Amdt. 311]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Dairy products:
	Milk and cream:
006100	Condensed (sweetened).
	Steel mill products:
	Casing and oil-line pipe:
606200	Seamless.
606300	Welded casing only.
606400	Seamless black pipe, except casing, oil-line, and boiler.
	Iron and steel pipe, n. e. s.:
607705	Dredging tubes, flanged pipe, and welded pipe.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: March 13, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-2553; Filed, Mar. 18, 1947; 8:49 a. m.]

[Amdt. 308]

PART 802—GENERAL LICENSES

GENERAL LICENSE COUNTRY GROUPS

Section 802.3 *General license country groups* is amended as follows:

Paragraph (a) is amended by deleting from Group E and adding to Group K therein the following country, "Hungary."

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: March 10, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-2556; Filed, Mar. 18, 1947; 8:49 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1120]

LOUIS AND LUCY SPINELLI

Louis and Lucy Spinelli of 110 Sage Avenue, Bridgeport, Connecticut, own and operate a restaurant at 1219 Pembroke Street, Bridgeport, Connecticut. A one-story addition to this restaurant approximately 40' x 43' in area to cost an estimated $6,000 was begun by Louis Spinelli in October of 1946. After being advised by telegram that this construction appeared to be in violation of VHP–1, an application for authorization for the construction of this addition was filed with the Civilian Production Administration and denied on November 5, 1946. Further work on this addition was done by Louis Spinelli after the denial of the authorization, and a temporary suspension order was issued by telegram dated November 22, 1946. The beginning of construction of this addition as above described was a violation of Veterans' Housing Program Order No. 1 and the carrying on construction of this addition after the denial of an authorization constituted a wilful violation of Veterans' Housing Program Order No. 1. These violations diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1120 *Suspension Order No. S–1120.* (a) The temporary suspension order issued against Louis and Lucy Spinelli by telegram of November 22, 1946, is hereby revoked.

(b) Neither Louis nor Lucy Spinelli, their successors or assigns nor any other person shall do any construction on the premises at 1219 Pembroke Street, Bridgeport, Connecticut, unless specifically authorized in writing by the Civilian Production Administration.

(c) Louis and Lucy Spinelli shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Louis and Lucy Spinelli, their successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 18th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2643; Filed, Mar. 18, 1947; 11:24 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 1,[1] Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES

War Assets Administration Regulation 1, Order 2, December 30, 1946, entitled "Location of Disposal Agency Offices" (12 F. R. 101), is hereby revised and amended as here set forth. (New matter is indicated by underscoring.)

§ 8301.52 *Location of disposal agency offices.* (a) Disposal agencies shall notify the Administrator whenever a change is made in the location of any office at which declarations of surplus property are directed to be filed. All such changes will be carried into this order by amendment.

(b) Changes in the procedures for filing declarations of surplus prescribed in this order may be made on application to the Administrator.

(c) Except as provided in paragraph (d), declarations of surplus personal property located in the continental United States shall be filed at the following offices of the appropriate disposal agencies:

WAR ASSETS ADMINISTRATION

CAPITAL AND PRODUCERS GOODS AND CONSUMER GOODS

(Except aircraft and aircraft parts and electronic equipment)

Area and Address

Region 1. Boston, Mass. (Address—600 Washington St., Boston, Mass.) Territory: Connecticut (exclusive of Fairfield County), Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region 2. New York, N. Y. (Address—37 Broadway, New York, N. Y.). Territory: Connecticut (Fairfield County only); New Jersey (northern part) Counties of: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren; New York.

Region 3. Philadelphia, Pa. (Address—Lafayette Building, Fifth and Chestnut Sts., Philadelphia, Pa.) Territory: Delaware; New Jersey, Counties of: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; Pennsylvania (all except extreme western part), Counties of: Adams, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

Region 4. Cincinnati, Ohio (Address—704 Race Street, Cincinnati, Ohio). Territory: Indiana (central part), Counties of: Bartholomew, Boone, Brown, Dearborn, Decatur, Delaware, Fayette, Franklin, Hamilton, Hancock, Hendricks, Henry, Jennings, Johnson, Madison, Marion, Monroe, Morgan, Ohio, Owen, Putnam, Randolph, Ripley, Rush, Shelby, Tipton, Union, and Wayne; Kentucky (eastern part), Counties of: Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford; Ohio, Counties of: Adams, Athens, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Harrison, Highland, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, and Washington.

Region 5. Chicago, Ill. (Address—209 South La Salle Street, Chicago, Ill.) Territory: Illinois (northern part); Counties of: Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford; Indiana (northern part), Counties of: Adams, Allen, Benton, Blackford, Carroll, Cass, Clay, Clinton, De Kalb, Elkhart, Fountain, Fulton, Grant, Howard, Huntington, Jasper, Jay, Kosciusko, La Grange, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Noble, Parke, Porter, Pulaski, St. Joseph, Starke, Steuben, Tippecanoe, Vermillion, Vigo, Wabash, Warren, Wells, White, and Whitley; Wisconsin (southern part), Counties of: Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, Lafayette, Langlade, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

Region 6. Atlanta, Ga. (Address—699 Ponce de Leon Ave., N. E., Atlanta, Georgia) Territory: Georgia.

Region 7. Fort Worth, Texas. (This office has been transferred and consolidated with Region 26. Report all surplus property to Region 26, Grand Prairie, Texas.)

Region 8. Kansas City, Mo. (Address—Troost & Bannister Rd. (95th St., P. O. Box 1037, Kansas City, Mo.) Territory: Kansas; Missouri (extreme western part), Counties of: Andrew, Atchison, Barton, Bates, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth.

Region 9. Denver, Colo. (Address—Commonwealth Bldg., 728 15th St., Denver, Colo.) Territory: Colorado; New Mexico.

Region 10. San Francisco, Calif. (Address—30 Van Ness Ave., San Francisco 2, Calif.) Territory: California (northern part), Counties of: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Salano, Sonomo, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

Region 11. Seattle, Wash. (Address—1409 Second Ave., Seattle 1, Wash.) Territory: Washington (western part), Counties of: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom.

Region 12. Richmond, Va., (Address—East End 4th St., Richmond 24, Va.) Territory: Maryland; Virginia; District of Columbia; West Virginia.

Region 13. Charlotte, N. C. (Address—317 South Tryon St., Charlotte, N. C.) Territory; North Carolina; South Carolina.

Region 14. Jacksonville, Fla. (Address—St. John's Shipyard, Administration Bldg., P. O. Box 4129, Jacksonville, Fla.) Territory: Florida.

Region 15. Cleveland, Ohio (Address—Higbee Building, East 13th St. and Euclid Ave., Cleveland, Ohio). Territory: Ohio, Counties of: Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Henry, Holmes, Huron, Lake, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Morrow, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Williams, Wood, and Wyandot; Pennsylvania (western part), Counties of: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

Region 16. Detroit, Michigan (Address—Buhl Bldg., 535 Griswold St., Detroit 26, Mich.) Territory: Michigan (eastern part), Counties of: Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford.

Region 17. Louisville, Ky. (Address—412 West Market Street, P. O. Box 1259, Louisville 2, Ky.) Territory: Kentucky (western part) Counties of: Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster; Indiana (southeastern part), Counties of: Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Lawrence, Orange, Perry, Scott, Switzerland, and Washington.

Region 18. Nashville, Tenn. (Address—Consolidated-Vultee Bldg., Nashville, Tenn.) Territory: Tennessee.

Region 19. Birmingham, Ala. (Address—P. O. Box 2090, 1955 Fiftieth St., North, Birmingham, Ala.) Territory: Alabama.

Region 20. New Orleans, La. (Address—7020 Franklin Ave., P. O. Station D, New Orleans, La.) Territory: Louisiana; Mississippi.

Region 21. Minneapolis, Minn. (Address—504 Metropolitan Life Bldg., Minneapolis, Minn.) Territory: Minnesota; North Dakota; South Dakota; Michigan (northern part), Counties of: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft; Wisconsin (northern part), Counties of: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, La Crosse, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, and Washburn.

Region 22. St. Louis, Mo. (Address—505 North 7th St., St. Louis, Missouri). Territory: Missouri (all except extreme western part), Counties of: Adair, Audrain, Barry, Benton, Bollinger, Boone, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clark, Cole, Cooper, Crawford, Dade, Dallas, Daviess, Dent, Douglas, Dunklin, Franklin, Gasconade, Green, Grundy, Harrison, Henry, Hickory, Howard, Howell, Iron, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Ozark, Peniscot, Perry Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Warren, Washington, Wayne, Webster, and Wright; Illinois (southern part), Counties of: Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, Williamson; Indiana (southwestern part), Counties of: Daviess, Dubois, Gibson, Greene, Knox, Martin, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick.

Region 23. Little Rock, Arkansas. (This office has been transferred and consolidated with Region 26. Report all surplus property to Region 26, Grand Prairie, Texas.)

Region 24. Omaha, Nebr. (Address—601 WOW Bldg., Omaha 2, Nebr.) Territory: Nebraska; Wyoming; Iowa.

Region 25. Tulsa, Okla. (Address—2000 North Memorial Drive, P. O. Box 1409.) Territory: Oklahoma.

Region 26. Grand Prairie, Texas. (Address—Grand Prairie, Texas.) (The Dallas office with former address at Dallas, Texas, P. O. Box 6030, has been transferred to Grand Prairie, Texas, consolidated with other offices, and designated Grand Prairie, Texas, Region 26.) Territory: Texas, Counties of: Andrews, Archer, Armstrong, Bailey, Baylor, Bell, Borden, Bosque, Bowie, Briscoe, Brown, Burnet, Callahan, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coleman, Collin, Collingsworth, Coke, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, El Paso, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lampasas, Leon, Limestone, Lipscomb, Loving, Lubbock, Lynn, McCulloch, McLennan, Marion, Martin, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Rains, Randall, Reagan, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Rusk, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Upshur, Upton, Wheeler, Van Zandt, Ward, Wichita, Wilbarger, Williamson, Winkler, Wise, Wood, Yoakum and Young; Arkansas.

Region 27. Houston, Texas (Address—7700 Wallisville Road, Hughes Strut Plant, Houston 1, Texas.) Territory: Texas (southeastern part), Counties of: Anderson, Angelina, Austin, Bastrop, Brazoria, Brazos, Burleson, Calhoun, Chambers, Cherokee, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Refugio, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Victoria, Walker, Waller, Washington, and Wharton.

Region 28. San Antonio, Tex. (Address—3d Floor, Transit Tower Corner, South St. Mary's and Villita Sts., San Antonio 5, Tex.) Territory: Texas (southern part), Counties of: Arkansas, Atascosa, Bandera, Bee, Bexar, Blanco, Brewster, Brooks, Caldwell, Cameron, Comal, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Nueces, Presidio, Real, San Patricio, Starr, Terrell, Travis, Uvalde, Val Verde, Webb, Willacy, Wilson, Zapata, Zavalla.

Region 29. Helena, Mont. (Address—Old High School Bldg., P. O. Box 1161, Helena, Mont.) Territory, Montana.

Region 30. Salt Lake City, Utah. (Address—Building 3, 1710 South Redwood Road, P. O. Box 2220, Salt Lake City, Utah.) Territory: Utah; Idaho (southern part), Counties of: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington; Nevada.

Region 31. Spokane, Wash. (Address—500 Welch Bldg., Spokane, Wash.) Territory: Washington (eastern part), Counties of: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima; Idaho (northern part), Counties of: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

Region 32. Portland, Oreg. (Address—War Assets Admn., Swan Island, P. O. Box 4062.) Territory: Oregon; Washington (southwestern part), Coun-

[1] 12 F. R. 863.

ties of: Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

Region 33. Los Angeles, Calif. (Address—Mode O'Day Bldg., 155 West Washington Blvd., Los Angeles 15, Calif.) Territory: California (southern part), Counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura; Arizona.

WAR ASSETS ADMINISTRATION

Aircraft. War Assets Administration, Office of Aircraft Disposal, Washington 25, D. C.

Aircraft parts: (Salable and educational items). War Assets Administration, 6200 Riverside Drive, Municipal Airport, Cleveland 32, Ohio.

(Residual items and contract termination declarations). To regional offices as set forth above in paragraph (c).

Electronic equipment: (Salable and educational items). War Assets Administration, Lafayette Building, Fifth and Chestnut Sts., Philadelphia, Pa.

(Residual items and contract termination declarations). To regional offices as set forth above in paragraph (c).

NOTE: Item "Telephone and telegraph equipment" deleted March 7, 1947.

MARITIME COMMISSION

United States Maritime Commission, Washington 25, D. C.

NAVY DEPARTMENT

Navy Department, Office of the Assistant Secretary, Washington 25, D. C.

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration (Attention: Surplus Property), Washington 25, D. C.

NOTE: Item "National Housing Agency" deleted March 7, 1947.

(d) Declarations of surplus real property located in the continental United States, its territories and possessions, shall be filed with the War Assets Administrator, Washington 25, D. C. Declarations of surplus personal property which is to be declared surplus in conjunction with real property shall be prepared and filed as provided in § 8301.12 (a) of this part.

(e) Declarations of surplus personal property, including aircraft, aircraft components and electronics, located in the territories and possessions of the United States shall be filed at the following regional offices:

WAR ASSETS ADMINISTRATION

Region 35. Hawaii. (Address—War Assets Administration, P. O. Box 3228, Honolulu, T. H.)

Region 36. Puerto Rico and the Virgin Islands. (Address—War Assets Administration, P. O. Box 4307, San Juan, Puerto Rico.)

Region 37. Alaska. (Address—War Assets Administration, P. O. Box 2466, Anchorage, Alaska.)

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

This revision of this section shall become effective March 15, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MARCH 7, 1947.

[F. R. Doc. 47-2652; Filed, Mar. 18, 1947; 12:11 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 2302]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF MINES

Section 4.355 is added to Subpart D, to read as follows:

§ 4.355 *Contracts for the sale of helium.* Final authority to execute contracts for the sale of helium is delegated to the Director of the Bureau of Mines except where the Director or any official of the Bureau connected with the sale of helium has information or reason to believe that the helium is to be (a) exported; (b) used in airship flights to foreign countries; or (c) used for novel industrial purposes.

In those instances where authority to execute helium contracts is not delegated hereby, the Director, if he believes that contracts for the sale of helium should be executed by the Secretary, shall transmit all relevant papers to the Secretary, together with any evidence that he or any officials of the Bureau connected with the sale of helium may have concerning the proposed use of the helium and the prospective purchaser or purchasers. In addition, he shall specify whether he believes the provision for liquidated damages referred to in 30 CFR 1.14 (c) should be invoked, and if so, the amount of such damages. (R. S. 161, 50 Stat. 885, 5 U. S. C. 22, 50 U. S. C. 161–166)

J. A. KRUG,
Secretary of the Interior.

MARCH 13, 1947.

[F. R. Doc. 47-2538; Filed, Mar. 18, 1947; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 43 [1]—REPORTS (FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.)

REVISION OF ANNUAL REPORT FORM R FOR USE BY CLASS A AND CLASS B RADIOTELEGRAPH CARRIERS

MARCH 7, 1947.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of March 1947:

It appearing, that Annual Report Form R is a form which is required to be filed annually by Class A and Class B radiotelegraph carriers pursuant to section 219 of the Communications Act of 1934, as amended, and § 43.21 of the Commission's rules and regulations (47 CFR Cum. Supp. § 43.21); and

It further appearing, that Annual Report Form R provides for reporting by said carriers, among other matters, certain information and data related to the capital stock, stockholders, funded debt, property, franchises and equipment, employees, officers, and directors, revenues and expenditures, and financial operations and statements of said carriers; and

It further appearing, that a revision of said Form R in content and format has been under consideration by the Commission and that all radiotelegraph carriers subject to said section 219 of the Communications Act of 1934, as amended, and § 43.21 and the Commission's rules and regulations (47 CFR Cum. Supp. § 43.21) have been consulted concerning said revision and have had actual notice thereof; and

It further appearing, that the Commission has received suggestions and comments which have been carefully considered, and which, in some instances, have been adopted by the Commission; and

It further appearing, that public interest, convenience, and necessity will be served by such revision of said Annual Report Form R, including a change in format, a consolidation of several of the individual schedules, the addition of seven new schedules, the withdrawal of 26 schedules and the expansion of two schedules thereof;

It is therefore ordered, That Annual Report Form R for Class A and Class B radiotelegraph carriers, required to be filed pursuant to section 219 of the Communications Act of 1934, as amended, and § 43.21 of the Commission's rules and regulations (47 CFR Cum. Supp. § 43.21), be, and it is hereby revised in the manner and form indicated in the attachment hereto [2] and that the present Annual Report Form R be superseded thereby; and

It is further ordered, That all Class A and Class B radiotelegraph carriers be furnished with copies of the revised Annual Report Form R immediately, and that copies thereof be made available at the offices of the Commission in Washington, D. C.; and

It is further ordered, That the revisions adopted herein shall become effective immediately.

The Commission finds that general notice of proposed rule making required under the provisions of section 4 of the Administrative Procedure Act is impracticable. Section 219 (b) of the Communications Act of 1934, as amended, provides, with regard to the filing of Annual Reports, that "Such reports shall be for such twelve months' period as the Commission shall designate and shall be filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time is granted in any case by the Commission; . . ." Further, the provisions of § 43.21 of the Commission's rules and regulations (47 CFR Cum. Supp. § 43.21) issued pursuant to the aforementioned section 219 of the Communications Act, require that these reports be filed by March 31st in each year. Accordingly, it is necessary to effectuate said revisions immediately in order to apprise the radiotelegraph carriers of the changes made, and in order to supply them with copies of the Revised Form R in ample time for completion thereof, in accordance with the foregoing statutory requirements.

(Secs. 4 (i), 219 (a), 48 Stat. 1068, 1077 as amended, 47 U. S. C. 154 (i), 219, 220)

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2519; Filed, Mar. 18, 1947; 8:45 a. m.]

[1] See also Part 1, "Rules Relating to Organization and Practice and Procedure," § 1.544 (a) (4).

[2] Filed as part of the original document.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 609]

PART 95—CAR SERVICE

STOCK CARS FOR PETROLEUM PRODUCTS CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of March A. D. 1947.

It appearing, that empty containers for petroleum products are now moving in fifty foot (50') box cars from origins in the States of Illinois, Indiana, Missouri, Kansas, Oklahoma, Arkansas, and Texas, to destinations in the States of Arkansas, Texas, Oklahoma, and New Mexico; that single deck stock cars are moving empty from the same points of origin to the same points of destination and that the substitution of such stock cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment: it is ordered, that:

(a) *Substitution of single deck stock cars for fifty foot box cars, to transport empty containers for petroleum products.* Common carriers by railroad subject to the Interstate Commerce Act transporting empty containers for petroleum products, in carloads, from origins located in the States of Illinois, Indiana, Missouri, Kansas, Oklahoma, Arkansas, or Texas, to destinations in the States of Arkansas, Texas, Oklahoma, or New Mexico, may, at their option, furnish and transport not more than two (2) single deck stock cars in lieu of each fifty foot (50') box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a fifty foot (50') box car.

(b) *Application.* The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This order shall become effective at 12:01 a. m., March 15, 1947.

(d) *Expiration date.* This order shall expire at 11:59 p. m. June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Conflicting service orders suspended.* The operation of Service Order No. 68 (8 F. R. 8513) of January 30, 1942, as amended (8 F. R. 8513, 14224, 16265; 9 F. R. 7206, 14306; 10 F. R. 6040, 8142, 9720, 12090; 11 F. R. 562, 6983; 12 F. R. 46), and all other orders of the Commission insofar as they conflict with the provisions of this order, or as amended, is suspended.

(f) *Rules and regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Arkansas, Oklahoma, and Texas, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2520; Filed, Mar. 18, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF EXTENSION OF TIME TO FILE WRITTEN DATA, VIEWS, OR ARGUMENTS

On March 4, 1947, there was published in the FEDERAL REGISTER (12 F. R. 1466) notice of proposed rule making with respect to the proposal submitted by the Control Committee and the Plum Commodity Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, as the agencies to administer the terms and provisions thereof with respect to plums, relating to certain shipments of California plums.

Notice is hereby given that the time within which written data, views, or arguments must be filed with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., to be considered in connection with the proposal, has been extended from March 19, 1947, to not later than 5:30 p. m., e. s. t., March 31, 1947.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Issued this 14th day of March 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F R. Doc. 47-2540; Filed, Mar. 18, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8414]

FRANZ KLASEN

In re: Stock owned by Franz Klasen. F-28-2767-D-1, F-28-2767-D-2, F-28-2767-D-3, F-28-2767-D-4, F-28-2767-D-5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Klasen, whose last known address is Neuer Jungfernstieg 21, Hamburg 36, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two hundred (200) shares of $5.00 par value capital stock of Creole Petroleum Corporation, 350 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered T-2124 and T-2125 for 100 shares each, and registered in the name of Franz Klasen, together with all declared and unpaid dividends thereon,

b. One hundred and five (105) shares of $25.00 par value capital stock of Standard Oil Company of New Jersey, 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered S660, and registered in the name of Franz Klasen, together with all declared and unpaid dividends thereon,

c. One hundred (100) shares of no par value common capital stock of The Pure Oil Company, 35 East Wacker Drive, Chicago 1, Illinois, a corporation organized under the laws of the State of Ohio, evidenced by a certificate numbered NYB24749, and registered in the name of Franz Klasen, together with all declared and unpaid dividends thereon,

d. Ten (10) shares of $15.00 par value common capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered O58904, registered in the name of Franz Klasen, together with all declared and unpaid dividends thereon, and

e. Thirty-four (34) shares of $10.00 par value capital stock of Mission Corporation, 15 Exchange Place, Jersey City, New Jersey, a corporation organized under the laws of the State of Nevada, evidenced by a certificate numbered O34343, and registered in the name of Franz Klasen, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2545; Filed, Mar. 18, 1947; 8:48 a. m.]

[Vesting Order 8079]

KNORR FOOD PRODUCTS CORP.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That C. H. Knorr, A. G., the last known address of which is Heilbronn, Germany, is a corporation organized under the laws of Germany which has, or since the effective date of Executive Order No. 8389, as amended, had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That a substantial part of the issued and outstanding stock of Cyklus, A. G., a corporation organized under the laws of and maintaining its principal place of business in Switzerland, is owned by C. H. Knorr, A. G., Heilbronn, Germany;

3. That all of the issued and outstanding capital stock of Knorr Food Products Corporation, a corporation organized under the laws of the State of New York and a business enterprise within the United States, consisting of 100 shares of $100 par value common stock, is registered in the following names in the amounts appearing opposite each name:

Name	Certificate No.	Number of shares
Walter Direks	1	18
Aaron F. Kommel	2	1
Karl Nischk	3	1
Cyklus, A. G.	4	80
		100

4. That the aforesaid twenty shares, represented by Certificates Numbers 1, 2 and 3, are beneficially owned by C. H. Knorr, A. G., Heilbronn, Germany;

and it is hereby determined:

5. That Cyklus, A. G., is controlled by C. H. Knorr, A. G., or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That Knorr Food Products Corporation is controlled by C. H. Knorr, A. G., or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

7. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 100 shares of $100 par value capital stock of Knorr Food Products Corporation, more fully described in subparagraph 3 hereof, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise is hereby undertaken to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of the Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2544; Filed, Mar. 18, 1947; 8:48 a. m.]

[Vesting Order 8418]

UNTERWESER REEDEREI, A. G.

In re: Debt owing to Unterwesser Reederei, A. G. F-28-1658-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Unterweser Reederei, A. G., the last known address of which is Bremen, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to Unterweser Reederei, A. G., by American Smelting and Refining Company, 120 Broadway, New York 5, New York, in the amount of $296.83, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2546; Filed, Mar. 18, 1947; 8:48 a. m.]

[Vesting Order 8419]

THERESIA ROTHENBUECHER

In re: Bank account owned by Theresia Rothenbuecher. F-28-23044-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theresia Rothenbuecher, whose last known address is Bldg. No. 5, Rothenbuch, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to Theresia Rothenbuecher, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a savings account, account number 1,369,933, entitled Theresia Rothenbuecher, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2548; Filed, Mar. 18, 1947; 8:48 a. m.]

[Vesting Order 8420]

I. TAGUCHI

In re: Bank account owned by I. Taguchi. D-39-1274-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. Taguchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

That certain debt or other obligation of The First National Bank & Trust Company of Kearny, 582 Kearny Avenue, Kearny, New Jersey, arising out of a Savings Account, Account Number 28014, entitled H. O. Masui in trust for I. Taguchi and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, I. Taguchi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2549; Filed, Mar. 18, 1947; 8:48 a. m.]

[Vesting Order 8424]

GERALD AND HELENE VON BRODOROTTI

In re: Bank account owned by Gerald and Helene von Brodorotti. F-28-23947-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gerald and Helene von Brodorotti, whose last known address is Wismar, Kries Naugard, Pommern, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to Gerald and Helene von Brodorotti, by Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, arising out of a checking account, entitled Estate of Helene von Brodorotti, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that such persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK.
Director.

[F. R. Doc. 47-2550; Filed, Mar. 18, 1947; 8:48 a. m.]

[Vesting Order 8427]

JOHN WITTORF.

In re: Bank account owned by John Wittorf. F-28-22798-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Wittorf, whose last known address is Eppendorfer Weg 67 I, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation owing to John Wittorf, by Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a savings account, Account Number 1,041,757, entitled John Wittorf, maintained at the branch office of the aforesaid bank located at Fourteenth Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK.
Director.

[F. R. Doc. 47-2551; Filed, Mar. 18, 1947; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Admin. Order 364]

FULL-FASHIONED HOSIERY INDUSTRY IN PUERTO RICO

DISAPPROVAL OF MINIMUM WAGE RATE RECOMMENDATIONS

In the matter of the recommendation of Special Industry Committee No. 3 for Puerto Rico for a minimum wage rate in the Full-Fashioned Hosiery Industry in Puerto Rico.

Whereas, on February 11, 1944, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter referred to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 227, appointed Special Industry Committee No. 3 for Puerto Rico, hereinafter referred to as the Committee, and directed the Committee to proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the various industries in Puerto Rico in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee included three disinterested persons representing the public, a like number representing employers in the Full-Fashioned Hosiery Industry in Puerto Rico, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and residents of the United States outside of Puerto Rico; and

Whereas, on May 26, 1944, the Committee, after investigating economic and competitive conditions in the Full-Fashioned Hosiery Industry, filed with the Administrator a report containing its definition of the Full-Fashioned Hosiery Industry and its recommendation for a 30-cent minimum hourly wage rate in the Full-Fashioned Hosiery Industry; and

Whereas, pursuant to notice published in the FEDERAL REGISTER on July 12, 1944, a public hearing on the Committee's recommendations was held in New York, New York, on August 10, 1944, before L. Metcalfe Walling, Administrator, at which time all interested persons were given an opportunity to be heard; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act with special reference to sections 5 and 8, and after taking into consideration the same factors as are required to be considered by the Committee, has concluded that the recommendation of the Committee for a minimum wage rate in the Full-Fashioned Hosiery Industry, as defined, should be disapproved; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 3 for Puerto Rico for a Minimum Wage Rate in the Full-Fashioned Hosiery Industry in Puerto Rico," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.;

Now, therefore, pursuant to the provisions of sections 5 (e) and 8 of the Fair Labor Standards Act of 1938 (Sec. 3 (c), 54 Stat. 615, sec. 8, 52 Stat. 1064; 29 U. S. C. 205 (e), 208), *It is ordered*, That the recommendations of Special Industry Committee No. 3 for Puerto Rico are hereby disapproved.

Signed at Washington, D. C., this 11th day of March 1947.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 47-2530; Filed, Mar. 18, 1947; 8:47 a. m.]

[Admin. Order 365]

INDUSTRY COMMITTEES APPOINTED BY ADMINISTRATOR OF WAGE AND HOUR DIVISION

ORDER DISSOLVING CERTAIN COMMITTEES

Whereas, the Administrator, in accordance with sections 5 and 8 of the Fair Labor Standards Act of 1938, by Administrative Order No. 227, dated February 17, 1944, (9 F. R. 1888) appointed Special Industry Committee No. 3 for Puerto Rico; by Administrative Order No. 228, dated March 4, 1944, (9 F. R. 2669) appointed a Special Industry Committee for the Municipality of Saint Thomas and Saint John, Virgin Islands; by Administrative Order No. 229, dated March 4, 1944, (9 F. R. 2669) appointed a Special Industry Committee for the Municipality of Saint Croix, Virgin Islands; by Administrative Order No. 344, dated May 10, 1945, (10 F. R. 5532) appointed Special Industry Committee No. 4 for Puerto Rico; and

Whereas, each such Industry Committee has duly investigated conditions in the industries for which it was appointed and has recommended minimum wage rates therefor; and

Whereas, the Administrator has either approved or disapproved such recommendations and, in accordance with section 8 of the Fair Labor Standards Act of 1938, has issued appropriate wage orders carrying into effect the minimum wage recommendations which were approved; and

Whereas, the functions of each such Industry Committee have now been completed;

Now, therefore, it is ordered, That in accordance with § 511.22 of the regulations of the Wage and Hour Division applicable to Industry Committees (29 CFR, Part 511), each such Industry Committee is hereby dissolved.

Signed at Washington, D. C., this 11th day of March 1947.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 47-2531; Filed, Mar. 18, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-627, G-635]

PITTSBURGH AND WEST VIRGINIA GAS CO. AND KENTUCKY WEST VIRGINIA GAS CO.

ORDER GRANTING REQUEST FOR ORAL ARGUMENT

City of Pittsburgh, Complainant, v. Pittsburgh and West Virginia Gas Company, Kentucky West Virginia Gas Company, Defendants, and in the matter of Pittsburgh and West Virginia Gas Company, Kentucky West Virginia Gas Company, Docket No. G-627 and Docket No. G-635.

Counsel for Pittsburgh and West Virginia Gas Company and Kentucky West Virginia Gas Company having requested oral argument in the above-entitled proceedings;

The Commission orders that: Oral argument in the above-entitled proceedings be had before the Commission on April 9, 1947, at 10:00 o'clock a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: March 13, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2536; Filed, Mar. 18, 1947; 8:46 a. m.]

[Docket No. G-786]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 14, 1947.

Notice is hereby given that, on March 14, 1947, the Federal Power Commission issued its findings and order entered March 12, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2533; Filed, Mar. 18, 1947; 8:45 a. m.]

[Docket No. G-785]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 14, 1947.

Notice is hereby given that, on March 14, 1947, the Federal Power Commission issued its findings and order entered March 12, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2534; Filed, Mar. 18, 1947; 8:46 a. m.]

[Docket Nos. G-795, G-801, G-833]

REPUBLIC LIGHT, HEAT AND POWER CO., INC., ET AL.

ORDER CONSOLIDATING PROCEEDINGS FOR HEARING AND FIXING DATE THEREOF

In the matters of Republic Light, Heat and Power Company, Inc., Docket No. G-795; New York State Natural Gas Corporation, Docket No. G-801; Penn-York Natural Gas Corporation, Docket No. G-833.

Upon consideration of the following applications filed with this Commission for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended:

(a) Application filed on October 4, 1946, and a supplement thereto filed on November 19, 1946, Docket No. G-795, by Republic Light, Heat and Power Company, Inc. for authority to construct and operate the following described facilities:

Approximately 14 miles of 4½ inch O. D. pipeline in Livingston County, New York, commencing at a point on Applicant's Ontario District System at the Village of Lima and extending westerly to a point on New York State Natural Gas Corporation's 14-inch pipeline at a point one mile southeast of the Village of Caledonia, New York.

(b) Application filed on October 21, 1946, Docket No. G-801, by New York State Natural Gas Corporation for authority to construct and operate the following described facilities:

A regulating and metering station, interconnection and appurtenant facilities at a point of delivery to Republic Light, Heat and Power Company, Inc., in Livingston County, New York.

(c) Application filed on December 18, 1946, Docket No. G-833, by Penn-York Natural Gas Corporation for authority to construct and operate the following described facilities:

A compressor station located in the Town of Arcade, Wyoming County, New York, at a point on Applicant's transmission system designated as Arcade station, to consist of one (1) one hundred and fifty (150) horsepower gas driven compressor unit together with appurtenant auxiliaries such as cleaners, coolers, valves, piping, building, etc.

It appearing to the Commission that: Good cause exists for consolidating the above proceedings for the purposes of hearing.

The Commission orders that:

(A) The above-entitled proceedings be and they are hereby consolidated for the purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 10th day of April 1947, at 10:00 a. m. (e. s. t.), in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the applications filed in the above-entitled proceedings; *Provided, however*, That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: March 13, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2537; Filed, Mar. 18, 1947; 8:46 a. m.]

[Docket No. G-604]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 14, 1947.

Notice is hereby given that, on March 14, 1947, the Federal Power Commission issued its findings and order entered March 12, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2535; Filed, Mar. 18, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 700]

UNLOADING OF CARS AT WEEHAWKEN, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of March A. D. 1947.

It appearing that 11 cars containing various commodities, at Weehawken, New Jersey, on The New York Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Cars at Weehawken, N. J., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately the following cars on hand at Weehawken, N. J.:

Initial and No.	Commodity	Consignee
NYC 62559	Autos	Studebaker Corp.
NYC 65056	do	Do.
NYC 66300	do	Do.
CNW 72571	Machinery	J. E. Bernard Co.
DRGW 22861	Truck	Judson Sheldon Division.
NYC 621833	Rolling mills	R. W. Hebard Co.
NYC 699543	Auto parts	Ford Motor Co.
Erie 93886	Inflam. liq'd	Airco Export Corp.
NW 46586	Auto parts	Oilwell Engineering Co.
CBQ 131125	Peas	Louis Cohen.
EJE 60761	do	Do.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2521; Filed, Mar. 18, 1947; 8:45 a. m.]

[S. O. 701]

UNLOADING OF CARS AT NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of March A. D. 1947.

It appearing, that two cars containing steel wire and caustic potash at New York, New York, on The New York Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Cars at New York, New York, be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately car GN 26338, containing steel wire, and car NP 28653, containing caustic potash, on hand at 60th Street Station, New York, New York, consigned to A. C. Carhart and Audubon Trading Company, respectively.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2522; Filed, Mar. 18, 1947; 8:45 a. m.]

[S. O. 702]

UNLOADING OF DRUMS AT JERSEY CITY, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of March A. D. 1947.

It appearing, that car PFE 62388 containing drums of liquid at Jersey City, New Jersey, on The Pennsylvania Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Drums at Jersey City, N. J., be unloaded.* The Pennsylvania Railroad Company, its agents or employees, shall unload immediately car PFE 62388, loaded with drums of liquid, now on hand at Jersey City, New Jersey, consigned to Baker Iron & Dockstauder.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2523; Filed, Mar. 18, 1947; 8:45 a. m.]

[S. O. 703]

UNLOADING OF CARS AT GREENVILLE PIERS, N. J.

At a session of the Interstate Commerce Commission, Division 3 held at its office in Washington, D. C., on the 12th day of March A. D. 1947.

It appearing, that 16 cars containing various commodities at Greenville Piers, New Jersey, on The Pennsylvania Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Cars at Greenville Piers, N. J., be unloaded.* The Pennsylvania Railroad Company, its agents or employees, shall unload immediately the following cars, now on hand at Greenville Piers, N. J.:

Initial and No.	Commodity	Consignee
PRR 441000	Structural steel,	French Supply Council.
PRR 441208	do	Do.
RDG 30054	do	Do.
PLE 43025	Plate glass	P. A. Gaynor Co.
PRR 347421	Structural	Chinese Supply Comm.
PRR 864022	do	Do.
EJE 31392	do	Do.
CP 338608	Auto parts	Henrick Mannerfried.
L&N 25849	Steel plates	U. S. Steel Export Corp.
PRR 331965	Rough glass	Do.
PRR 362568	Steel angles	Chas. Williams Assn.
PRR 792481	Rail track material.	Temperleys Hasselhurst.
PRR 367883	Steel plates	D. F. Salows.
B&O 255783	Truck chassis	D. C. Andrews.
PRR 769787	Machinery	Austin Baldwin Co.
PRR 337589	Steel bars	Winter Wolf Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2524; Filed, Mar. 18, 1947; 8:45 a. m.]

[S. O. 704]

UNLOADING OF VARIOUS COMMODITIES AT NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of March A. D. 1947.

It appearing, that 8 cars containing various commodities at New York, New York, on The New York, New Haven and Hartford Railroad Company (Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees), have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Commodities at New York, N. Y., be unloaded.* The New York, New Haven and Hartford Railroad Company (Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees) its agents or employees, shall unload immediately the following cars, loaded with various commodities, now on hand at New York, New York:

Initial and No.	Contents	Consignee
Milw 271935	Machinery	Mohegan International Corp.
PRR 285411	Boxes and gears.	J. G. Garvin & Co.
Sou 117384	5 cases machinery.	Do.
ACL 51489	Machinery	Mohegan International Corp.
PRR 284423	do	Erskine Frt. Fwdng. Co.
ACL 56752	Bdls. wire	Ebasco International.
WAB 86419	Miscellaneous.	International Gen. Electric.
FEC 20611	Wire rope	E. M. Grahm.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2525; Filed, Mar. 18, 1947; 8:45 a. m.]

[S. O. 706]

UNLOADING OF LUMBER AT CENTRALIA, WASH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of March A. D. 1947.

It appearing, that 2 cars, containing lumber at Centralia, Washington, on the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Lumber at Centralia, Wash., be unloaded.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, its agents or employees, shall unload immediately cars Milw. 700200 and Milw. 701653, containing lumber, on hand at Centralia, Washington.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order for the detention period

commencing at 7:00 a. m., March 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2527; Filed, Mar. 18, 1947; 8:46 a. m.]

[S. O. 707]

UNLOADING OF WOOL AT CHARLESTOWN, MASS.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of March A. D. 1947.

It appearing that car IC 20676, containing wool at Charlestown, Massachusetts, on the Boston and Maine Railroad, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Wool at Charlestown, Mass., be unloaded.* The Boston and Maine Railroad, its agents or employees, shall unload immediately car IC 20676, containing wool, on hand at Charlestown, Massachusetts.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of a car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 15, 1947 and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads, subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2528; Filed, Mar. 18, 1947; 8:46 a. m.]

[S. O. 705]

UNLOADING OF CARS AT NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, division 3, held at its office in Washington, D. C., on the 12th day of March A. D. 1947.

It appearing, that 10 cars containing various commodities at New York, New York, on the Baltimore and Ohio Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Cars at New York, N. Y., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately the following cars, containing various commodities, now on hand at New York, New York:

Initial and No.	Contents	Consignee
PRR 426167	Tanks	Honolulu Iron Works.
CB&Q 89080	Motor crane	D. C. Andrews Co.
NYC 487716	do	Do.
NYC 619715	do	Do.
PRR 426355	Asphalt	E. M. Gramm.
MP 46312	Tires	Baker Iron & Dockstaulder.
CG 11029	Road machinery.	F. H. McGrew Co.
PRR 474473	Asphalt roofing.	E. M. Gramm.
PLE 2717	Truck chassis.	D. C. Andrews.
B&O 350739	Steel tanks	Honolulu Iron Works.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2526; Filed, Mar. 18, 1947; 8:45 a. m.]

[S. O. 708]

UNLOADING OF PEAS AT NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of March A. D. 1947.

It appearing, that three cars containing peas at New York, New York, on The New York Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Peas at New York, N. Y., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately cars CBQ 131125, EJE 60761 and PLE 30615, containing peas in sacks, on hand at New York, New York, consigned shippers order, notify Louis Cohen.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2529; Filed, Mar. 18, 1947; 8:46 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-493]

JOSEPH ESPOSITO

CONSENT ORDER

Joseph Esposito is the owner of a bar and grill located at 113 32nd Street, Brooklyn, New York. He is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about August 8, 1946, he began construction, repairs, additions and alterations, without authorization and at a cost in excess of $1,000, of a commercial building located at 113 32nd Street, Brooklyn, New York; (2) on and after August 8, 1946, he carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 113 32nd Street, Brooklyn, New York.

Joseph Esposito admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Joseph Esposito, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither Joseph Esposito, his successors and assigns, nor any other person shall do any further construction on the premises located at 113 32nd Street, Brooklyn, New York, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Joseph Esposito shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph Esposito, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 18th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2644; Filed, Mar. 13, 1947; 11:24 a. m.]

[C-494]

MRS. JOHN CHRISTENSEN

CONSENT ORDER

Mrs. John Christensen, Alta Loma, Texas, is charged by the Civilian Production Administration with having violated the provisions of paragraph (i) of Veterans' Housing Program Order No. 1 in that the application for authority to construct a project at 3422–24 Telephone Road, Houston, Texas, filed by her stated that there was enough used lumber salvaged from certain houses to frame and sheath the proposed units, and that the framing for walls, roof, partitions and ceilings were to be of second-hand lumber on hand, whereas an investigation disclosed that new lumber was being used in the framing, sheathing and other construction work. On the basis of this application authorization was given to her to construct 50 efficiency apartments and a restaurant.

Mrs. John Christensen does not admit the violations charged but does not desire to contest them, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Mrs. John Christensen, the Regional Director of the Compliance Division, the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) The authorization approved for Mrs. John Christensen, dated May 6, 1946 and numbered 7-3-142 in the Houston Construction Office of the Civilian Production Administration, shall be reduced from 50 units and a restaurant to 28 units and a restaurant.

(b) Neither Mrs. John Christensen, nor any other person shall do any further construction on any units in excess of 28 and the restaurant on the project located at 4322–24 Telephone Road, Houston, Texas, including putting up, completing or altering of such units unless hereafter specifically authorized by the Civilian Production Administration.

(c) Mrs. John Christensen shall refer to this order in any application or appeal which she may file with the Civilian Production Administration for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Mrs. John Christensen, her successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 18th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2645; Filed, Mar. 18, 1947; 11:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-389]

NEWTON SECURITIES CORP.

NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of March A. D. 1947.

Notice is hereby given that R. Lee Slater, receiver in dissolution of Newton Securities Corporation, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that Newton Securities Corporation has ceased to be an investment company within the meaning of said act.

Applicant alleges that on October 25, 1945, the Court of Chancery of the State of New Jersey appointed him receiver of the assets of Newton Securities Corporation, which consisted of $3,612.81, that he proceeded to dissolve the corporation and that all funds of the corporation have been distributed among the stockholders except $388.01 paid to the Clerk of the Court to be held in trust for the holders of unsurrendered shares. For a more detailed statement of the matters of fact and law asserted persons are referred to said application which is on file in the offices of the Commission in Philadelphia, Pennsylvania.

The Corporation Finance Division has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised:

(1) Whether applicant has ceased to be an investment company within the meaning of the act, and

(2) Whether it is necessary for the protection of investors to condition any order terminating the registration of applicant under the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate.

MAR 21 47

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 27th day of March, 1947, at 10:00 a. m., eastern standard time, in Room —— of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice, as amended.

Notice of such hearing is given to the above named applicant and to any person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Persons desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before March 26, 1947, an application therefor in accordance with the provisions of Rule XVII of the rules of practice of the Commission, as amended, setting forth the matters or issues of law or fact mentioned above which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2539; Filed, Mar. 18, 1947; 8:47 a. m.]

MAR 21 47

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 56

Washington, Thursday, March 20, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2720

PAN AMERICAN WEEK, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Pan American Union was founded on April 14, 1890, to serve the cause of mutual understanding and cooperation among the nations of the Western Hemisphere; and

WHEREAS the inspiration and example furnished by the resulting peaceful collaboration of the American republics have contributed to the development of world-wide international collaboration through the United Nations for the welfare and security of all peoples everywhere; and

WHEREAS the Inter-American System that has developed around the Pan American Union will be further strengthened at the Ninth International Conference of American States to be held at Bogotá, Colombia, in December of this year; and

WHEREAS it is fitting that the people of the United States should testify to the spirit of good neighborliness which binds them to the peoples of the other American republics and should take note of the mutual advantages to be gained through development of even closer cultural and commercial relations:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate and proclaim the week beginning April 13, 1947, as Pan American Week; and I call upon the officials of the Government to display the flag of the United States on all public buildings during that week.

I also invite the several States, Territories, and possessions of the United States, through their appropriate officials, and the churches, schools, clubs, and other organizations, as well as the people of the United States generally, to participate in the observance of Pan American Week with suitable commemorative displays, exhibits, and ceremonies, or other activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of March in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-2691; Filed, Mar. 19, 1947; 11:26 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter E—Production Credit Division

[Farm Credit Administration Order 448]

PART 48—PRODUCTION CREDIT CORPORATIONS

PART 49—PRODUCTION CREDIT ASSOCIATIONS

PART 52—PARTICULAR PRODUCTION CREDIT ASSOCIATIONS

AUTHORITY OF OFFICERS OF PRODUCTION CREDIT CORPORATION OF SPRINGFIELD IN SUPERVISION OF PRODUCTION CREDIT ASSOCIATIONS

Subchapter E, Chapter I, Title 6 of the Code of Federal Regulations is hereby amended by adding new Part 52, and by amending §§ 48.2 and 49.2, as follows:

1. Part 52 is added to read as follows:

§ 52.1 *Supervision by corporation of associations in First Farm Credit District.* Wherever in Parts 50 and 51 of this title authority is conferred upon the president of the corporation, such authority with respect to the associations in the First Farm Credit District may be exercised by either the President or the Executive Vice President of the Production Credit Corporation of Springfield.

2. The reference in § 48.2 to "6 CFR, Part 51" is amended to refer to "6 CFR, Parts 51 and 52."

3. The references in §§ 48.2 and 49.2 to "6 CFR, Parts 50 and 51" are amended to refer to "6 CFR, Parts 50, 51, and 52."

(Continued on p. 1853)

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(Secs. 20, 23, 60, 48 Stat. 259, 261, 266; 12 U. S. C. 1131d, 1131g, 1138)

Promulgated by the Farm Credit Administration and by the Production Credit Corporation of Springfield.

[SEAL] I. W. DUGGAN, *Governor.*

MARCH 11, 1947.

[F. R. Doc. 47-2608; Filed, Mar. 19, 1947; 8:49 a. m.]

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 245—IRISH POTATOES

1947 ACREAGE GOALS

Revisions in official estimates of acreage planted to potatoes in the years 1941–46 provide the basis for the following revisions in 1947 acreage goals for irish potatoes (11 F. R. 14661):

1. Section 245.69 (i) is amended by deleting "2,669,800 acres" from the second line thereof and substituting "2,517,000 acres".

2. Section 245.72 is amended to read as follows:

§ 245.72 *Apportionment of the National Acreage Goal of 2,517,000 acres among the States.* The 1947 State Acreage Goals are as follows:

State	Late or other guide 1	Early Commercial guide 2	State goal 3
	1,000 acres	*1,000 acres*	*1,000 acres*
Surplus Late:			
Maine	185.6	.....	185.6
New York	104.3	53.1	157.4
Pennsylvania	135.6	.....	135.6
Michigan	157.3	.....	157.3
Wisconsin	121.7	.....	121.7
Minnesota	165.3	.....	165.3
North Dakota	153.0	.....	153.0
South Dakota	29.9	.....	29.9
Nebraska	62.9	5.1	68.0
Montana	17.8	.....	17.8
Idaho	167.5	.....	167.5
Wyoming	15.5	.....	15.5
Colorado	83.3	.....	83.3
Utah	16.1	.....	16.1
Nevada	2.9	.....	2.9
Washington	38.2	.....	38.2
Oregon	45.3	.....	45.3
California	38.6	53.3	91.9
Total	1,540.8	111.5	1,652.3
Other Late:			
New Hampshire	6.3	.....	6.3
Vermont	9.2	.....	9.2
Massachusetts	22.0	.....	22.0
Rhode Island	5.9	.....	5.9
Connecticut	18.9	.....	18.9
West Virginia	28.2	.....	28.2
Ohio	59.3	.....	59.3
Indiana	29.6	.....	29.6
Illinois	19.9	.....	19.9
Iowa	27.0	.....	27.0
New Mexico	3.8	.....	3.8
Arizona	.....	4.6	4.6
Total	230.1	4.6	234.7
Intermediate:			
New Jersey	9.1	47.3	56.4
Delaware	3.5	.....	3.5
Maryland	10.7	4.7	15.4
Virginia	31.5	32.4	63.9
Kentucky	34.0	3.5	37.5
Missouri	24.8	3.7	28.5
Kansas	13.3	5.2	18.5
Total	126.9	96.8	223.7
Early:			
North Carolina	46.7	28.0	74.7
South Carolina	11.8	11.5	23.3
Georgia	20.3	3.7	24.0
Florida	3.7	24.9	28.6
Tennessee	31.9	4.2	36.1
Alabama	22.4	21.9	44.3
Mississippi	21.1	3.7	24.8
Arkansas	32.3	6.1	38.4
Louisiana	18.6	24.2	42.8
Oklahoma	20.5	2.0	22.5
Texas	22.6	24.2	46.8
Total	251.9	151.4	403.3
All States	2,149.7	367.3	2,517.0

(Sec. 4 (a) 55 Stat. 498 as amended by 56 Stat. 768; 15 U. S. C. Sup. 713a–8)

Dated: March 14, 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary.*

[F. R. Doc. 47-2597; Filed, Mar. 19, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 82, Termination and Liquidation]

PART 1405—FRUITS AND VEGETABLES

WALNUTS

The provisions of War Food Order No. 82, as amended (8 F. R. 13283, 16643; 9 F. R. 4321, 4319, 9584, 11419, 13619; 10 F. R. 103, 10419; 11 F. R. 5105), are hereby terminated effective as of 11:59 p. m., P. s. t., March 31, 1947.

The affairs of the Program Committee established pursuant to the provisions of said War Food Order No. 82, as amended, shall be liquidated in accordance with the following terms and conditions:

(a) Before the close of business on March 31, 1947, the Program Committee shall deliver to the custody or control of the members of the Walnut Control Board (hereinafter described more fully) all the money, other assets, books, and other records in the possession, or under the control, of said Program Committee, at that time, in its capacity as the administrative agency under War Food Order No. 82, as amended. Said Walnut Control Board, whose address is 213 Wholesale Terminal Building, Los Angeles 21, California, is the administrative agency established pursuant to the provisions of Marketing Agreement No. 62, as amended, and Marketing Order No. 1, as amended (7 CFR 901.1 et seq., as amended, 7 CFR, Cum. Supp., 901.4, 901.17), and its members, hereinafter referred to as the "Board of Trustees," are appointed trustees for the handling of this liquidation action: *Provided*, That, while this order is in effect, any change in the membership of the said Walnut Control Board shall operate automatically to make a corresponding change in the membership of the Board of Trustees.

(b) For the purpose of handling this liquidation action, the officers of the Board of Trustees shall be the same as the officers of the aforementioned Walnut Control Board, exercising the same respective types of powers and performing the same respective types of duties, insofar as such powers and duties are applicable hereunder.

(c) Meetings of the Board of Trustees may be held, when necessary in connection with the liquidation of the affairs of the said Program Committee, at any time and at any place in California, Oregon, or Washington, on the call of the Chairman. The rules of procedure to be followed in connection with each such meeting, including, but not limited to, the method and manner of voting, shall be the same as those prescribed in that regard in the aforementioned marketing agreement, as amended, and marketing order, as amended, for the Walnut Control Board, except that all decisions of the Board of Trustees shall be by a majority vote of all the members.

(d) The members of the Board of Trustees shall serve without compensation, but they shall be allowed their necessary expenses. These and all other necessary liquidation expenses shall be paid from funds of the Program Committee which are involved in this liquidation action.

(e) The Board of Trustees shall keep books, and other records of its operations, which clearly reflect all of its acts and transactions as trustee, which books and other records shall be subject, at any time, to examination by the Secretary of Agriculture, or his designated representative. The Board of Trustees shall cause the books and other records of the Program Committee (in connection with its operations under War Food Order No. 82, as amended), and its own books and other records as trustee hereunder, to be audited by one or more competent accountants as of the close of the liquidation period, as provided for herein, and shall submit promptly, to the Secretary of Agriculture, copies of such audit reports.

(f) Any furniture, fixtures, or other personal property of the Program Committee may be sold by the Board of Trustees for such price and under such conditions as may be approved in writing by the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C.

(g) After payment of outstanding obligations, if any, and the expenses necessary to be incurred in connection with this liquidation action, from the funds involved in such liquidation action, the remaining funds, including funds derived from the sale of any furniture, fix-

tures, or other personal property of the Program Committee, shall be distributed, by the Board of Trustees, to each person from whom an assessment was collected, pursuant to War Food Order No. 82, as amended, for the period beginning September 1, 1946, and ending March 31, 1947, in the proportion that the amount of assessment so paid by such person bears to the total amount of the assessments paid by all persons during that period.

(h) Upon completion of the liquidation of the affairs of the Program Committee, the books and other records (together with the file cabinets or other containers thereof) of both the Program Committee and the Board of Trustees shall be delivered to, and retained by, the aforementioned Walnut Control Board.

(i) The liquidation of the affairs of the Program Committee shall be completed, and a final report of the Board of Trustees in connection therewith shall be submitted to the Secretary of Agriculture, on or before June 30, 1947.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 82, as amended, prior to the effective time of this termination action, all provisions of the said War Food Order No. 82, as amended, in effect prior to the effective time of this termination action shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding in regard to any such violation, right, liability, or appeal.

(E. O. 9280, 7 F. R. 10179, E. O. 9577, 10 F. R. 8087)

Issued this 14th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2595; Filed, Mar. 19, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 305—PAYMENT OF BILLS AND ACCOUNTS

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 305 are hereby prescribed:

1. Rescind §§ 305.5 and 305.6 and substitute the following:

§ 305.5 *To whom payment may be made*—(a) *Other than lowest bidder.* Payment may be made to other than the lowest bidder where the award was made in accordance with §§ 802.201 to 802.282, inclusive of Chapter VIII of this title; (Procurement Regulation No. 2) and §§ 803.301 to 803.398A, inclusive of Chapter VIII of this title, (Procurement Regulation No. 3).

(b) *Other than original contractor.* Payment may be made to other than the original contractor when the rights under the contract have been validly assigned or transferred. See Subpart J, §§ 803.390 to 803.398b, inclusive, of Chapter VIII of this title, (Procurement Regulation No. 3). Also see R. S. 3477 (31 U. S. C. 203); R. S. 3737 (41 U. S. C. 15; M. L. 1939, Sup. III, sec. 739); act of October 9, 1940 (54 Stat. 1029; 31 U. S. C. 203; 41 U. S. C. 15).

§ 305.6 *When payment may be made*—(a) *Advances of public money prohibited.* Section 3648, Revised Statutes (31 U. S. C. 529), as amended by act of August 2, 1946 (Pub. Law 600, 79th Cong.) prohibits payments in advance of the delivery of supplies or rendition of service unless authorized by the appropriation concerned or other law. Purchases of coupon books for gasoline and oil are within the prohibition, and payment may not be made until the supplies are actually furnished. (See 8 Comp. Gen. 454.) For authorized exceptions to the general prohibition contained in section 3648, Revised Statutes, as amended see section 1 (c), act of July 2, 1940 (54 Stat. 712); as amended by section 103, act of September 9, 1940 (54 Stat. 875; 50 U. S. C. App. Sup. V, 1171); sec. 201, Title II, First War Powers Act December 18, 1941 (55 Stat. 839; 50 U. S. C. App., Sup. V, 611); Title I, Executive Order 9001, December 27, 1941.

(b) *Procedure for making advance payments.* The procedure for effecting advance payments to contractors under the statutes and Executive order set forth in paragraph (a) of this section is set forth in Subpart G, §§ 803.319 to 803.321–12, inclusive, of Chapter VIII of this title, (Procurement Regulation No. 3).

2. In § 305.7 paragraph (c) (3) is amended and paragraph (d) is added as follows:

§ 305.7 *What payment is authorized.* • • •

(c) *Customs duties on foreign purchases.* • • •

(3) *Philippine export tax.* No export shall be imposed or collected by the Philippines on articles exported to the United States. See sec. 322, act of April 30, 1946 (Pub. Law 371, 79th Cong.).

(d) *Taxes—Federal, State and local.* See §§ 808.801 to 808.897–6, inclusive, of Chapter VIII of this title (Procurement Regulation No. 8).

3. Amend paragraphs (b), (c) (2), (d), (f) (3) (i) and (f) (3) (v) of § 305.8 to read as follows:

§ 305.8 *Adjustments.* • • •

(b) *Contract provisions for price adjustment.* The contract may contain provision for price adjustment. Payment will be made in accordance therewith.

(c) *Transportation costs.* • • •

(2) *Land-grant deductions.* Effective October 1, 1946, land-grant deductions were discontinued except where transportation was specifically contracted for prior to such effective date.

• • • • • •

(d) *Inferior goods.* Varying contract provisions are found dealing with goods that do not conform to specifications but are nevertheless retained and used by the Government. For instance, certain quartermaster contracts dealing with canned foods provide for deduction from the contract price and for cash reimbursement, in lieu of the right to reject and require replacement of defective cans. Other contracts provide that, if public necessity requires use of rejected goods not conforming to specifications, payment therefor shall be made at a proper reduction in price. Payment for rejected goods so retained and used has usually been on the basis of their reasonable value as distinguished from the contract price. (See Barry v. United States, 229 U. S. 47; Cor & Sons v. United States, 55 Ct. Cl. 7; 5 Comp. Gen. 993.) Where contract terms provide for payment of a lesser amount in the event that inferior goods are accepted under proper authority, payment may be made by disbursing officers on the basis of the determination of the contracting officer without reference to the Office of the Chief of Finance; *Provided*, There is received by the disbursing officer an invoice certified by the contractor in the reduced amount covering the inferior goods. In all cases where inferior goods are accepted at reduced prices, and the covering contract does not provide for such acceptance, the disbursing officer will submit the voucher for such reduced payment to the Office of the Chief of Finance for consideration.

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(f) *Delay in performance* • • •

(3) *When liquidated damages provided for in contract*—(i) Whenever under a contract containing a liquidated damages clause, the contractor fails to perform within the stipulated period and the time is not extended or the liquidated damages waived, the disbursing officer will deduct the maximum amount of liquidated damages for which the contractor may be liable and claim credit for the net amount only, crediting the amount so deducted to the open allotment and project account for the reserve for settlement of claims subject to a determination whether all or part of the amount of liquidated damages withheld is due to the contractor and, if appropriate, the taking of repayment action set forth in TM 14–702. Except in such instances where repayments are made, amounts withheld on account of liquidated damages will not again become available for obligation or for payment by disbursing officers, and any protests made by the contractor against the deduction of liquidated damages will be forwarded, together with a statement of all payments made, citations to all vouchers, and a detailed statement from the contracting officer, through the Chief of Finance. Attention: Receipts and Disbursements Division, The Pentagon, Washington 25, D. C., to the General Accounting Office. See 16 Comp. Gen. 374.

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(v) In the event that liquidated damages are credited to the open allotment account established for the reserve for settlement of claims, and subsequently it is determined that such amounts were withheld erroneously or are otherwise found to be due to the contractor, by reason of changes in the contract terms or by reason of any other procedures approved by appropriate authority providing for repayments of amounts so withheld, the amounts so determined to be payable may be certified on a payment voucher and charged to the open allotment account established for the reserve for settlement of claims under the applicable appropriation.

[AR 35–6040, Feb. 18, 1947] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47–2589; Filed, Mar. 19, 1947; 8:46 a. m.]

TITLE 11—ATOMIC ENERGY

Chapter I—United States Atomic Energy Commission

PART 40—CONTROL OF SOURCE MATERIAL

GENERAL PROVISIONS

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40.1 Basis and purpose.
40.2 Definitions.

TRANSFER OF SOURCE MATERIAL

40.10 Restriction on transfers.
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LICENSES

40.20 Applications for licenses.
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40.23 Types of licenses.
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40.28 Licenses to transfer uranium for certain uses.
40.29 Control or possession of source material by persons who do not hold specific or general licenses.

REPORTS

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INTERPRETATIONS, PETITIONS, AND COMMUNICATIONS

40.50 Valid interpretations.
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40.52 Communications.

SCHEDULES

40.60 Schedule I Exempted products.
40.61 Schedule II Prohibited uses of uranium.
40.62 Schedule III General licenses.

EFFECTIVE DATE

40.70 Effective date.

AUTHORITY: §§ 40.1 to 40.70, inclusive, issued under Pub. Law 585, 79th Cong., 60 Stat. 755 et seq.

GENERAL PROVISIONS

§ 40.1 *Basis and purpose.* The regulations in this part, for the control of source material essential to the production of fissionable material, are promulgated by the United States Atomic Energy Commission pursuant to the Atomic Energy Act of 1946 (60 Stat. 755) in order to assure adequate source material for production, research, and development activities and to prevent the use of such material in a manner inconsistent with the national welfare.

§ 40.2 *Definitions.* (a) As used in this part, the term "source material" means any material, except fissionable material, which contains by weight one-twentieth of one percent (0.05%) or more of (1) uranium, (2) thorium, or (3) any combination thereof.

(b) "Fissionable material" means fissionable material as defined in section 5 of the Atomic Energy Act of 1946 and regulations which may be issued pursuant to that act by the Commission.

(c) "Raw source material" means (1) source material which has not been chemically processed in any manner and (2) source material in the form of residues or tailings.

(d) "Refined source material" means source material other than raw source material.

(e) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, the United States or any agency thereof, any government other than the United States, any political subdivision of any such government, and any legal successor, representative, agent, or agency of the foregoing, or other entity, but shall not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions.

(f) "The United States," when used in a geographical sense, includes all territories and possessions of the United States and the Canal Zone.

(g) "Commission" means the Atomic Energy Commission created by the Atomic Energy Act of 1946, or its duly authorized representative.

TRANSFER OF SOURCE MATERIAL

§ 40.10 *Restriction on transfers.* Unless authorized by a license issued by the Commission, no person may transfer or deliver, receive possession of or title to, or export from the United States, any source material after removal from its place of deposit in nature. This includes the disposition of raw source material (including residues or tailings) by dumping into streams or sewers, or disposition in such other manner that recovery cannot be made. The restriction of this section does not apply to any transfer, delivery, or receipt of possession or title exempted by § 40.11.

§ 40.11 *Exempted transfers.* Except where export is intended or where export occurs, the restriction of § 40.10 does not apply to any transfer, delivery, or receipt of possession or title, of the following:

(a) During any single calendar month a quantity of raw source material after removal from its place of deposit in nature which contains less than 10 pounds of uranium or thorium or any combination thereof, or

(b) Products listed in Schedule I (§ 40.60).

LICENSES

§ 40.20 *Applications for licenses.* Applications for licenses to transfer or deliver, receive possession of or title to, or export source material shall be filed with the United States Atomic Energy Commission, P. O. Box 42, Station F, New York 16, New York. Applications should be filed on Form AEC–2, copies of which are available at the above address. When it is impracticable to use this form, applications may be made by letter or telegram, giving the information required by Form AEC–2.

§ 40.21 *Issuance of licenses.* Upon a determination that an application meets the requirements of the Atomic Energy Act of 1946 and of the regulations of the Commission, the Commission will issue a license in such form and upon such conditions as it deems appropriate and in accordance with law.

§ 40.22 *Standards for issuance of licenses.* In making the determination mentioned in § 40.21, the Commission will be guided by the following standards:

(a) Assurance of the common defense and security;

(b) Assurance of adequate source materials for production, research and development;

(c) Prevention of the use of source materials in a manner inconsistent with the national welfare;

(d) Preservation of health and safety.

So far as consistent with these standards, licenses will be granted upon conditions that will not interfere with the conduct of normal business activities. No license will be issued to any person if to do so would, in the opinion of the Commission, be inimical to the common defense and security.

§ 40.23 *Types of licenses.* Licenses are of two basic types, general and specific. General licenses are issued to an identified class of persons who are not designated by name, such as common or contract carriers, retail druggists or physicians, and others, to permit transfers of source material under specified conditions without the filing of an application with the Commission. General licenses now in effect are set out in Schedule III (§ 40.62). Specific licenses are issued to named persons in response to applications filed with the Commission. Specific licenses may authorize a continuing activity or, as in the case of exports, may be limited to an individual transaction. So far as consistent with the purposes of the Atomic Energy Act of 1946, licenses will be tailored to fit the normal business requirements of the licensee.

§ 40.24 *Conditions of licenses.* Each license will require the licensee to comply with certain conditions, including the filing of reports with the Commission and restrictions upon the use of source material. Willful failure of a licensee to file any such report which truthfully sets forth all information required, or willful failure to comply with any other condition of the license, shall constitute a violation of the regulations in this part.

§ 40.25 *Revocation, suspension, modification of licenses.* Any license may be modified, withdrawn, suspended, revoked, or annulled at any time in the discretion of the Commission upon a determination by the Commission that the public health, interest or safety requires such action or that the licensee has willfully failed to

comply with any condition of the license. In the absence of such a determination, no modification, withdrawal, suspension, revocation, or annulment of any license will be made except upon application therefor by the licensee or unless, prior thereto, facts or conduct warranting such action have been called to the attention of the licensee in writing and the licensee has been accorded opportunity to demonstrate or achieve compliance with all lawful requirements. Nothing in this part shall limit the authority of the Commission to issue or amend its regulations in accordance with law.

§ 40.26 *Renewal of licenses.* In any case in which a licensee has filed an application in proper form for a renewal or a new license not less than 30 days prior to expiration of his existing license, such existing license, to the extent that it has reference to any activity of a continuing nature, shall not expire until the application for a renewal or a new license has been finally determined by the Commission.

§ 40.27 *Transfer of licenses.* Licenses shall be non-transferable.

§ 40.28 *Licenses to transfer uranium for certain uses.* Unless justified by exceptional circumstances licenses will not be issued for transfers of source material which contains by weight uranium in excess of one-twentieth of one percent (0.05%) for use in the manufacture of or for incorporation in any of the products listed in Schedule II (§ 40.61).

§ 40.29 *Control or possession of source material by persons who do not hold specific or general licenses.* (a) Any person who has, or who hereafter obtains, possession of or title to (1) a quantity of raw source material after removal from its place of deposit in nature which contains 10 pounds or more of uranium, thorium, or any combination thereof, or (2) a quantity of refined source material which contains 1 pound or more of uranium, thorium, or any combination thereof (except refined source material imported in products listed in Schedule I (§ 40.60)) shall, not later than 30 days after the effective date of the regulations in this part or after the date of obtaining such possession or title, whichever is later, file with the Commission a reasonably detailed statement of:

(i) The nature of the material,
(ii) Its quantity,
(iii) Its uranium and thorium content,
(iv) Its location, and
(v) Its ownership.

(b) The requirement in paragraph (a) of this section does not apply to any person who holds a specific or general license from the Commission.

REPORTS

§ 40.30 *Reports.* Reports, in addition to those called for in licenses, may be required by the Commission from time to time, subject to approval by the Bureau of the Budget in certain cases, with respect to the ownership, possession, extraction, refining, shipment, or other handling of source material after removal from its place of deposit in nature, as the Commission may deem necessary.

NOTE: The reporting requirements hereof have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

VIOLATIONS

§ 40.40 *Penalties for violations.* A violation of the regulations in this part shall be deemed to be a violation of the Atomic Energy Act of 1946 and shall subject the violator to the penalties therein prescribed. In addition, the Commission may take such action with respect to source material involved in any violation as it deems appropriate and in accordance with law.

INTERPRETATIONS, PETITIONS, AND COMMUNICATIONS

§ 40.50 *Valid interpretations.* Except as specifically authorized by the Commission, no interpretation or explanation of the meaning of the regulations in this part issued by any officer or employee of the Commission other than one issued by the General Counsel in writing will be recognized to be valid and binding upon the Commission.

§ 40.51 *Petitions.* Petitions for relief from any restriction imposed under the regulations in this part may be made by filing a letter, in duplicate, with the United States Atomic Energy Commission, Post Office Box 42, Station F, New York 16, New York, stating the reasons why the petition should be granted.

§ 40.52 *Communications.* All communications concerning the regulations of this part or any license issued under them should be addressed to the United States Atomic Energy Commission, P. O. Box 42, Station F, New York 16, New York.

SCHEDULES

§ 40.60 *Schedule I: Exempted products* (see § 40.10 and § 40.29).

(a) Incandescent mantles.
(b) Ceramic products.
(c) Refractories.
(d) Glass products.
(e) Photographic film, negatives and prints.
(f) Rare earth metals and compounds, mixtures and products containing not more than 0.25% by weight thorium, uranium, or any combination of these.
(g) Vacuum tubes.

§ 40.61 *Schedule II: Prohibited uses of uranium* (see § 40.28).

(a) Ceramic products.
(b) Glass products.
(c) Photographic film, negatives and prints.

§ 40.62 *Schedule III: General licenses* (see § 40.23). Transfers, deliveries and receipts of possession of or title to source material, except where export is intended or where export occurs, which are within any one or more of the following categories, are hereby generally licensed:

(a) Transfers, deliveries and receipts of possession of (but not of title to) source material by contractors and agents of the Commission in the authorized course of their business for the Commission:

NOTE: The term "person" as defined in section 18 (c) of the Atomic Energy Act of 1946 and in § 40.2 does not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions. Consequently, the restriction on transfers in § 40.10 does not apply in such cases.

(b) Transfers, deliveries and receipts of possession of (but not of title to) source material by common or contract carriers for transportation purposes only in the regular course of business;

(c) Transfers, deliveries and receipts of possession of and title to a quantity of refined source material which contains less than one pound of uranium, thorium, or any combination thereof, from or to any one person during any single calendar month, to the extent that the transaction consists of either:

(1) Transfer to or receipt of possession or title by a licensed dispensing pharmacist solely for the compounding of medicinals for delivery to consumers, or

(2) Transfer to or receipt of possession or title by a physician or consumer for medicinal purposes only, and not for resale, or

(3) Transfer to or receipt of possession or title by an educational institution or hospital for educational or medical purposes only, and not for resale.

§ 40.70 *Effective date.* The regulations in this part shall become effective at midnight, March 31, 1947. This effective date, which is less than thirty days subsequent to publication, is found necessary and appropriate by the Commission in view of the fact that controls on transfers of source material exercised by the Civilian Production Administration under the Second War Powers Act will lapse at midnight, March 31, 1947.

Dated at Washington, D. C., this 17th day of March 1947.

By order of the Commission.

DAVID E. LILIENTHAL,
Chairman.

[F. R. Doc. 47-2588; Filed, Mar. 19, 1947; 8:56 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA

On February 6, 1947 notice of intention to amend § 130.12 was published in the daily issue of the FEDERAL REGISTER (12 F. R. 869). Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or arguments within 30 days from date of publication of the notice. No communications, written or oral, having been received within the prescribed period, the said section is hereby amended and promulgated as follows:

§ 130.12 *Charges.* Pursuant to the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751; 44 Stat. 658; 45 Stat. 210, 25 U. S. C. 387), the charges for operation and maintenance on lands of the Crow Indian irrigation project, Montana, to which water can be delivered, are hereby fixed on the several units for the calendar year 1947 and thereafter until further order as follows:

Government operated units, except Coburn Ditch, per acre	$1.60
Two Leggins Unit, per acre	1.25
Bozeman Trail Unit, per acre	.65
Lodge Grass Units 1 and 2, Reno and Agency Units, for storage operation and maintenance Willow Creek Dam, per acre	.10

(38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387)

[SEAL] WILLIAM ZIMMERMAN, Jr.,
Acting Commissioner.

MARCH 14, 1947.

[F. R. Doc. 47-2560; Filed, Mar. 19, 1947; 8:46 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

On January 25, 1947 there was published in the daily issue of the FEDERAL REGISTER notice of intention (1) to amend paragraphs (b) and (c) of § 130.38; and (2) to provide for the delivery of water when available to certain lands adjacent to the Big Porcupine Unit under the service area of the Big Porcupine or Wiota pumping plant (12 F. R. 544).

Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or written arguments within 30 days from date of publication of the notice. Objections were received from four water users of the 1946 season. Three of those filing objections farmed only a part of their assessable acreage; the other one did not apply for water to irrigate any of his irrigable land. They were opposed to the increase of rates mainly because each is farming only a part of his assessable acreage, and they are required to pay on the total irrigable acreage. This results in a larger per acre payment for the lands actually farmed. Their objections have been considered and it has been determined that the increased cost of material and labor required to operate this Unit fully justifies the increase proposed in the assessable rates. Accordingly § 130.38 (25 CFR, Cum. Supp.) is amended as follows:

Paragraph (a) is unchanged, paragraphs (b) and (c) are amended to read as follows; paragraphs (d) and (e) are redesignated (e) and (f) respectively and a new paragraph (d) is added as follows:

§ 130.38 *Charges.* • • •

(b) On that part of the Big Porcupine Unit that is under the service area of the Big Porcupine or Wiota pumping plant, water when available will be furnished to all irrigable non-Indian lands and to all Indian owned allotments leased to non-Indians, to which delivery of water can be made, at a minimum rate of $1.50 per acre per annum. Payment of the minimum rate entitles the water user to the delivery of one and one-half acre feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $1.00 per acre-foot or fraction thereof.

(c) For Indian land farmed by the Indian owner or leased and farmed by Indians, under the part of the Big Porcupine Unit that is within the service area of the Wiota pumping plant, water when available will be furnished at the minimum rate of $1.50 per acre per annum for the entire irrigable area included in the allotment. Payment of the minimum rate entitles the Indian water user to the delivery of one and one-half acre-feet of water per acre included in the allotment. Any additional water delivered shall be charged for at the rate of $1.00 per acre-foot or fraction thereof.

(d) For all irrigable lands situated adjacent to and outside of that part of the Big Porcupine Unit that is under service area of the Big Porcupine or Wiota pumping plant, surplus water, when available and not required for irrigation of lands within the Big Porcupine Unit, will be furnished at the flat rate of $1.85 per acre-foot. Water measurement and delivery thereof will be made at project limits.

(38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387)

[SEAL] WILLIAM ZIMMERMAN, Jr.,
Acting Commissioner.

MARCH 14, 1947.

[F. R. Doc. 47-2567; Filed, Mar. 19, 1947; 8:46 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA

On January 30, 1947 there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend §§ 130.6 to 130.8a inclusive (12 F. R. 687). Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or arguments within 30 days from date of publication of the notice. No communications, written or oral, having been received within the prescribed period, the said sections are hereby amended and promulgated:

§ 130.6 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the annual basic charge against the land to which water can be delivered under the Colorado River Indian irrigation project in Arizona, for the operation and maintenance of that project, is hereby fixed until further notice at $3.50 per acre per annum for the delivery of not to exceed four acre feet of water per acre per annum, except hat when, with the approval of the Superintendent, certain alkali tracts are planted to rice with a view of reclaiming the lands, a quantity of water reasonably sufficient to carry away alkali salts may be furnished to any such tracts of land for not more than two successive years at a rate of $3.50 per acre per annum: *Provided, however,* That the owners of Indian lands that are not under lease to non-Indian lessees and whose lands are located within the boundaries of Township 8 and 9 North, Ranges 20 and 21 West, S. & G. R. B. M., commonly known as the old portion of the project, shall be required to make only a partial cash payment of $1.75 per acre per annum until such time as in the opinion of the Superintendent these lands are re-subjugated to the standards now being followed in the development of new lands in other parts of the project. The remaining unpaid part of the $3.50 basic assessments in such cases shall stand as a first lien against the land until paid. The foregoing charges shall become effective for the irrigation season of 1947 and continue in effect thereafter until further notice.

§ 130.7 *Excess water charge.* Additional water, if and when available, in excess of 4 acre feet per acre per annum, may be delivered upon request of landowners or lessees at the rate of $1.50 per acre foot, or fraction thereof.

§ 130.7a *Charges for stock water.* For stock water delivered through the project canal and lateral system to residents, using reservation lands for stock purposes only, a charge of $1.00 shall be made for each filling of a stock water tank.

§ 130.8 *Time of payments.* The basic water charge fixed in § 130.6 shall become due on March 1 of each year and shall be payable on or before that date each year, except that in cases of Indians who have been in possession of lands under tribal permit or assignment less than six months on said date, the payment shall become due the first day of July following.

The excess water charge is payable at the time of written request for such water and must be paid prior to delivery of the excess water.

Stock water charges are payable at the time of written request therefor, and must be paid prior to delivery of any such water.

No water shall be delivered for use on Indian trust lands under lease until the Superintendent of the Indian Reservation has certified that the lessee has paid the annual operation and maintenance charges and complied with all the terms of the lease contract.

§ 130.8a *Advance payment may be waived.* Upon certification by the Superintendent that any Indian farming his own land or tribal assignment not to exceed 10 acres in any one case, is fi-

nancially unable to pay the required charges on the due date, water may be delivered to not to exceed such 10 acres farmed by such Indian. The charges therefor shall be entered on the accounts and will stand as a first lien against the land until paid, but without penalty for delinquency. (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387)

[SEAL] WILLIAM ZIMMERMAN, Jr.,
Acting Commissioner.

MARCH 13, 1947.

[F. R. Doc. 47-2565; Filed, Mar. 19, 1947; 8:56 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

WIND RIVER INDIAN IRRIGATION PROJECT, WYOMING

On February 1, 1947 there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend § 130.95 (12 F. R. 776). Interested persons were thereby given opportunity to participate in preparing the amendment by submitting data or arguments within 30 days from date of publication of the notice. No communications, written or oral, having been received within the provided period, the said section is hereby amended and promulgated as follows:

§ 130.95 *Charges.* In compliance with the provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 45 Stat. 210, 25 U. S. C. 387), the operation and maintenance charges for the lands under the Wind River irrigation project, Wyoming, for the calendar year 1947, and subsequent years until further notice, are hereby fixed at $1.25 per acre for the assessable area under constructed works on the Diminished Wind River project, and at $2.50 per acre on the Ceded Wind River project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 per acre is hereby fixed. (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387)

[SEAL] WILLIAM ZIMMERMAN, Jr.,
Acting Commissioner.

MARCH 14, 1947.

[F. R. Doc. 47-2559; Filed, Mar. 19, 1947; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of Temporary Controls, Office of the Administrator

Subchapter B—Civilian Production Administration

PART 11—LIQUIDATION OF CIVILIAN PRODUCTION ADMINISTRATION

RESPONSIBILITY FOR LIQUIDATION

Sections 11.1 and 11.2 of this part, published in the FEDERAL REGISTER of January 28, 1947, are hereby rescinded and superseded by the following:

§ 11.1 *Liquidation of the Civilian Production Administration.* Pursuant to the authority of Executive Order No. 9809, dated December 12, 1946, and Executive Order No. 9638, dated October 4, 1945, it is hereby directed that the Civilian Production Administration as such be liquidated and that the liquidation shall be completed not later than June 28, 1947.

§ 11.2 *Responsibility for liquidation.* The Commissioner of the Civilian Production Administration shall be responsible for the orderly liquidation of the program activities of the Civilian Production Administration. The Executive Officer of the Office of Temporary Controls shall be responsible for the orderly liquidation of all activities other than program activities of the Civilian Production Administration. As rapidly as possible determination shall be made by the Commissioner and the Executive Officer as to the effective dates for the termination of individual Civilian Production Administration functions. Following such determinations appropriate steps shall be taken to effect the liquidation of those functions by the dates so determined.

This order is effective March 14, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-2611; Filed, Mar. 19, 1947; 8:49 a. m.]

Subchapter C—Office of Price Administration

PART 21—LIQUIDATION OF OFFICE OF PRICE ADMINISTRATION

RESPONSIBILITY FOR LIQUIDATION

§ 21.1 *Liquidation of the Office of Price Administration.* Pursuant to the authority of Executive Order No. 9809, dated December 12, 1946, it is hereby directed that the Office of Price Administration as such be liquidated and that the liquidation shall be completed not later than June 28, 1947.

§ 21.2 *Responsibility for liquidation.* The Commissioner of the Office of Price Administration shall be responsible for the orderly liquidation of the program activities of the Office of Price Administration. The Executive Officer of the Office of Temporary Controls shall be responsible for the orderly liquidation of all activities other than program activities of the Office of Price Administration. As rapidly as possible determination shall be made by the Commissioner and the Executive Officer as to the effective dates for the termination of individual Office of Price Administration functions. Following such determinations appropriate steps shall be taken to effect the liquidation of those functions by the dates so determined.

This order is effective March 14, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-2609; Filed, Mar. 19, 1947; 8:49 a. m.]

Subchapter D—Office of War Mobilization and Reconversion

PART 32—LIQUIDATION OF OFFICE OF WAR MOBILIZATION AND RECONVERSION

RESPONSIBILITY FOR LIQUIDATION

Sections 32.9 and 32.10 of Part 32, published in the FEDERAL REGISTER of February 7, 1947, are hereby rescinded and superseded by the following:

§ 32.12 *Liquidation of the Office of War Mobilization and Reconversion.* Pursuant to the authority of Executive Order 9809, dated December 12, 1946, it is hereby directed that the Office of War Mobilization and Reconversion as such be liquidated and that the liquidation shall be completed not later than June 28, 1947.

§ 32.13 *Responsibility for liquidation.* The Commissioner for the Office of War Mobilization and Reconversion shall be responsible for the orderly liquidation of the program activities of the Office of War Mobilization and Reconversion. The Executive Officer of the Office of Temporary Controls shall be responsible for the orderly liquidation of all activities other than program activities of the Office of War Mobilization and Reconversion. As rapidly as possible determination shall be made by the Commissioner and the Executive Officer as to the effective dates for the termination of individual Office of War Mobilization and Reconversion functions. Following such determinations appropriate steps shall be taken to effect the liquidation of these functions by the dates so determined.

This order is effective March 14, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-2610; Filed, Mar. 19, 1947; 8:49 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

LIQUIDATION

CROSS REFERENCE: For order relating to the liquidation of the Civilian Production Administration, see Part 11 under Chapter I of this title, *supra.*

Chapter XI—Office of Temporary Controls, Office of Price Administration

LIQUIDATION

CROSS REFERENCE: For order relating to the liquidation of the Office of Price Administration, see Part 21 under Chapter I of this title, *supra.*

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

LIQUIDATION

CROSS REFERENCE: For order relating to the liquidation of the Office of War Mobilization and Reconversion, see Part 32 under Chapter I of this title, *supra.*

Chapter XXI—Office of Temporary Controls, Office of War Mobilization and Reconversion

LIQUIDATION

CROSS REFERENCE: For order relating to the liquidation of the Office of War Mobilization and Reconversion, see Part 32 under Chapter I of this title, *supra.*

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

DELEGATION TO TELEGRAPH COMMITTEE

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of February 1947:

It appearing, that the public interest, convenience and necessity will be served by delegating certain authority to the Telegraph Committee as hereinafter set forth;

It further appearing, that the amendment proposed herein is procedural and general notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is not required;

It is ordered, That Part 1 of the Commission's rules and regulations is amended by adding a new § 1.107, reading as follows:

§ 1.107 *Delegation to Telegraph Committee.* (a) A Telegraph Committee composed of three Commissioners, designated as such by the Commission, will hear and determine, order, certify, report or otherwise act upon the matters set forth in paragraph (b) of this section;

(b) Except as otherwise ordered by the Commission, the Telegraph Committee, or a majority thereof, shall act upon the following matters:

(1) All applications or requests under section 214 of the Communications Act of 1934, as amended, for certificates or authorizations for the discontinuance, reduction, or impairment of telegraph service, except those covered by § 1.145 (e);

(c) Any action taken by the Telegraph Committee shall be recorded each week in writing and filed in the official minutes of the Commission. (Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i))

It is further ordered, That this order shall take effect immediately.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2603; Filed, Mar. 19, 1947; 8:47 a. m.]

[Docket No. 8071]

PART 8—SHIP RADIO SERVICE

REQUIREMENTS OF EMERGENCY OR RESERVE INSTALLATION

At a sesson of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of March 1947:

The Commission, having under consideration its rules governing the technical requirements for ship emergency radio installations, and

It appearing, that the Commission has heretofore duly published, and also distributed, a notice of proposed rule making, proposing that § 8.115 (g) of Part 8 of the Commission's rules governing ship service (12 F. R. 776) be amended to permit under certain conditions the utilization of a ship's emergency radio transmitter power supply to energize automatic-alarm-signal keying devices used in keying radiotelegraph transmitters and to energize audible warning apparatus associated with auto-alarm receivers; and

It further appearing, that the above-mentioned notice invited comment and the final date, February 6, 1947, for submitting comment has passed without any comment having been received; and

It further appearing, that in the public interest, convenience or necessity, the proposed amendment should be finally adopted; and

It further appearing, that authority for the amendment herein set forth is contained in sections 303 (r) and 356 of the Communications Act of 1934, as amended, and such amendment is for the purpose of relieving an existing restriction upon the use of certain radio equipment; *It is ordered:*

1. That § 8.115 (g) of the Commission's rules governing ship service be, and it is hereby, amended to read as follows:

§ 8.115 *Requirements of emergency or reserve installation.* * * *

(g) No electrical load circuits except those of the emergency installation[*] shall be connected to the emergency power supply: *Provided,* That an approved automatic-alarm-signal keying device, or the audible warning apparatus associated with an approved auto-alarm receiver, or both, may be connected to that part of the emergency power supply furnishing power to the emergency transmitter: *Provided further, however,* That the reserve capacity of the emergency power supply shall include the additional capacity required to energize, in a normal manner and to a normal extent, any keying device or audible warning apparatus that may be connected as herein authorized, including sufficient capacity to energize any keying device continuously for a period of one hour.

[*] The emergency radio installation includes the required radio station emergency lights.

2. That for the reasons set forth above, this order should be, and it is hereby, made effective, immediately.

(Sec. 303 (r), 50 Stat. 191, sec. 356, 50 Stat. 194; 47 U. S. C. 303 (r), 356)

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2602; Filed, Mar. 19, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

MARCH 14, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404—79th Cong., 60 Stat. 238), and authority contained in Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 1942; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 FRDI 10279), notice is hereby given of intention to modify §§ 103.16, 130.17 and 130.18 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead irrigation project not subject to the jurisdiction of the several irrigation districts:

(1) By increasing the annual minimum charge against all lands within the Jocko Division to which water can be delivered from $1.33 per acre to $1.92 per acre; (2) by increasing the annual per acre charge against all irrigable lands within the Mission Valley and Camas Divisions of the project from $1.63 per acre to $2.10 per acre; and (3) by modifying or changing § 130.18 to read as follows:

§ 130.18 *Lands with secretarial private water rights.* For all areas recognized by the Secretary of the Interior as entitled to so-called private water rights where the water is regulated by the Flathead irrigation project and delivered through any part of the Flathead irrigation project system, a charge equal to fifty percent of the annual operation and maintenance charge for project lands not having such private water rights in the

same general area shall be made for water delivered up to two acre-feet per acre or such quantity of water allowed for each acre under the Secretary's private water right findings.

Upon filing a written application on the approved form by the owner of land with a Secretarial private water right for a pro rata per acre share of the available water, natural flow and project stored supply, which application shall be a recognition that his land has relative water requirements as the soils of similar character of project lands, then there shall be delivered each irrigation season thereafter to his land the pro rata per acre share of the available water for which shall be paid the annual per acre charge fixed in §§ 130.16 and 130.17. The lands covered by any application filed pursuant to this section shall be treated from the date of the application as a part of the Flathead Indian irrigation project and subject to all the terms and conditions of applicable law and regulations.

The foregoing proposed changes are to become effective for the irrigation season 1947 and continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Paul L. Pickinger, District Director, U. S. Indian Service, 315 Federal Building, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] WILLIAM ZIMMERMAN, JR.,
Acting Commissioner.

[F. R. Doc. 47-2566; Filed, Mar. 19, 1947; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 25 and 26]

TEMPORARY AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES AND PARACHUTE TECHNICIAN CERTIFICATES

NOTICE OF PROPOSED RULES

MARCH 17, 1947.

A substantial lapse of time occurs before the issuance of an air-traffic control-tower operator certificate or a parachute technician certificate to an applicant who has successfully completed the prescribed tests. The issuance of a temporary certificate would authorize the holder to exercise the privileges of such certificate during the interval between successful completion of the prescribed tests and receipt of the permanent certificate. Therefore, it is proposed to provide for a temporary certificate to permit applicant to exercise the privileges of such certificate.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board amendments to Parts 25 and 26 of the Civil Air Regulations as follows:

1. By adding a new § 25.701 to read as follows:

§ 25.701 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary parachute technician certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

2. By adding a new § 26.40 to read as follows:

§ 26.40 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary air-traffic control-tower operator certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON,
Director.

[F. R. Doc. 47-2601; Filed, Mar. 21, 1947; 8:46 a. m.]

[14 CFR, Part 43]

FLIGHTS OF KITES AND MOORED BALLOONS

NOTICE OF PROPOSED RULES

MARCH 14, 1947.

Kites and moored balloons are now being flown in sufficient numbers to constitute a hazard to the flight of aircraft. The Civil Air Regulations now make no provision for the control of flights of such kites and balloons. In order that control of such a hazard to the flight of aircraft be established, regulations governing the operation of kites and moored balloons should be promulgated.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board an amendment to Part 43 of the Civil Air Regulations by adding the following:

§ 43.7 *Operation of kites and moored balloons.*

§ 43.70 *General.* The following rules shall govern the operation of kites capable of supporting more than 25 pounds and moored balloons having a diameter of more than 6 feet or a gas capacity of more than 115 cubic feet. Such kites or moored balloons may be operated without permit from or notice to the Administrator when operated below 150 feet above the surface at a location more than 5 miles from the nearest boundary of an airport.

§ 43.71 *Operation requiring permit.* Unless operated under the conditions specified in § 43.70, no kite or moored balloon shall be operated except under the authority of and in compliance with the terms and conditions of a permit issued by the Administrator when such kite or moored balloon is operated:

(a) Within 5 miles of the nearest boundary of an airport, or

(b) Closer than 500 feet to the base of any cloud, or

(c) During the hours of darkness, or

(d) When ground visibility is less than 3 miles, or

(e) At altitudes above 500 feet above the surface.

§ 43.72 *Operation requiring notice.* Unless operated under the conditions specified in § 43.70 or § 43.71, written notice must be submitted to the nearest office of the Civil Aeronautics Administration at least 30 days prior to the date of operation when kites and moored balloons are operated between 150 and 500 feet above the surface. Such notice shall contain the name and address of the person operating such kite or balloon, the date or dates of such proposed operation, and the location and altitude at which the proposed operation will be conducted.

§ 43.73 *Rapid deflation device.* No moored balloon shall be operated unless it is equipped with a device or means of automatic and rapid deflation in the event of an escape from its moorings.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON,
Director.

[F. R. Doc. 47-2600; Filed, Mar. 21, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 8070]

AERONAUTICAL RADIOCOMMUNICATION SERVICE

FURTHER NOTICE OF PROPOSED RULE MAKING

MARCH 7, 1947.

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on March 6, 1947:

1. On January 23, 1947, the Commission released Public Notice 4267, notice of proposed rule making, in the above-entitled matter. The proposed rules contained certain sections affecting radio operators, namely §§ 9.40, 9.41, 9.42 and 9.43.

2. In view of representations made to the Commission that persons interested in the operator sections have not had sufficient opportunity to prepare their arguments in respect thereto, the Commission has decided to defer consideration of this subject and has withdrawn these sections from the proposed rules and regulations governing the aeronautical radiocommunication service.

3. Accordingly, the oral argument in this matter will not include discussion of §§ 9.40, 9.41, 9.42 and 9.43 of the proposed rules.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2604; Filed, Mar. 19, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FOOT-AND-MOUTH DISEASE

NOTICE OF FINDING OF EMERGENCY OUTBREAK

Whereas, there has occurred in Mexico an outbreak of foot-and-mouth disease; and

Whereas, this outbreak threatens the livestock industry of this country; and

Whereas, Congress has recognized the seriousness of this outbreak by authorizing measures of cooperation with the Government of Mexico in its eradication by the act of February 28, 1947 (Pub. Law 8, 80th Cong.), which measures, until they can be made effective, must be supplemented by control measures within the United States; and

Whereas, the strengthening of patrol measures at the Mexican border and the intensification of inspection work at stockyards and other points in the United States will tend to greater economy by preventing the outbreak of the disease in this country.

Now, therefore, in accordance with the provisions of the appropriation item in the Department of Agriculture Appropriation Act, 1947 (60 Stat. 270), entitled "Eradication of Foot-and-Mouth Disease and other Contagious Diseases of Animals", I find an emergency arising out of the existence of the said foot-and-mouth disease which, in my opinion, threatens the livestock industry of the country and I authorize the use of the funds appropriated under the said appropriation item for all proper purposes to arrest the introduction of the disease into this country and its eradication wherever found, within the United States, including the strengthening of patrol measures at the Mexican border and the intensification of inspection work at stockyards and other points in the United States.

Issued this 14th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2596; Filed Mar. 19, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 2332, 2789, 2790, 2791, 2792]

CITY OF AKRON, OHIO, ET AL.

NOTICE OF HEARING

In the matter of (1) the complaint of the City of Akron, Ohio, against the proposals of the respondents, American Airlines, Inc., Eastern Air Lines, Inc., Pennsylvania-Central Airlines Corporation and United Air Lines, Inc., to serve Akron through the Canton-Akron Memorial Airport in lieu of the Akron Municipal Airport (Docket No. 2332); and (2) proceedings instituted by the Board requiring American Airlines, Inc., Eastern Air Lines, Inc., Pennsylvania-Central Airlines Corporation and United Air Lines, Inc., to show cause why the use of the Canton-Akron Memorial Airport for the purpose of serving Akron, Ohio should not be disapproved (Docket Nos. 2789, 2790, 2791, 2792). The proceedings have been consolidated for hearing by order of the board.

Notice is hereby given that hearing in the above-entitled matter is assigned to be held on March 25, 1947, at 10 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, 14 Street and Constitution Ave. NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

The orders to show cause were issued by the Board following the filing by the respondents of notices of intention to serve Akron, Ohio through the use of the Canton-Akron Memorial Airport pursuant to §§ 238.3 and 238.5 of the Economic Regulations. For further details of the proposals and complaint, interested persons are referred to the above mentioned dockets on file in the office of the Civil Aeronautics Board, Washington, D. C.

Without limiting the scope of the issues presented by said proceeding particular attention will be directed to the following matters and questions:

1. Does the proposal of American Airlines, Inc., Eastern Air Lines, Inc., Pennsylvania-Central Airlines Corp., and United Air Lines, Inc., to use the Canton Memorial Airport as a substitute for the Akron Municipal Airport in providing air transportation services to the City of Akron and area adjacent thereto violate any provision of the Civil Aeronautics Act of 1938, as amended, particularly section 401 (a), 401 (k), 404 (a) and 404 (b).

2. What effect, if any, will the proposed change in airports have on the service rendered and to be rendered by the carriers herein to and from the City of Akron, Ohio, and the area adjacent thereto.

3. Will the proposed change of airports be adverse to or inconsistent with the public interest.

4. Will the public interest be adversely affected by the use of the Canton-Akron Memorial Airport as a substitute for the Akron Municipal Airport.

Notice is further given that any person, other than parties of record on March 14, 1947, desiring to be heard in this proceeding file with the Board on or prior to March 25, 1947, a statement of the issues of fact and law he desires to controvert.

Dated Washington, D. C., March 17, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2632; Filed, Mar. 19, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 7940]

BORDER BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Border Broadcasting Co., Inc., Nogales, Arizona, Docket No. 7940, File No. BP-5345, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Nogales, Arizona:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KCNA, Tucson, Arizona, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, the Catalina Broadcasting Company, permittee of a construction permit for a new standard broadcast station (KCNA), at Tucson, Arizona, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2580; Filed, Mar. 19, 1947; 8:49 a. m.]

[Docket Nos. 8200, 8201]

HANOVER BROADCASTING CO. AND WESTERN MARYLAND BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Francis J. Matrangola and Helen G. Wherley, d/b as Hanover Broadcasting Company, Hanover, Pennsylvania, Docket No. 8200, File No. BP-5658; Western Maryland Broadcasting Corporation, Hagerstown, Maryland, Docket No. 8201, File No. BP-5850; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Francis J. Matrangola and Helen G. Wherley, d/b as Hanover Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1450 kc, 100 w power, unlimited time, at Hanover, Pennsylvania and Western Maryland Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1450 kc, 250 w power, unlimited time, at Hagerstown, Maryland;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interferenee with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2581; Filed, Mar. 19, 1947; 8:49 a. m.]

[Docket No. 8202]

METROPOLITAN BROADCASTING CO. OF MILWAUKEE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Metropolitan Broadcasting Company of Milwaukee, Milwaukee, Wisconsin, Docket No. 8202, File No. BP-5755; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 920 kc, 100 w power, daytime only, at Milwaukee, Wisconsin;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2582; Filed, Mar. 19, 1947; 8:49 a. m.]

[Docket Nos. 8203-8205]

PAUL H. CHAPMAN ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Paul H. Chapman, Greensboro, North Carolina, Docket No. 8203, File No. BP-5723; Gilbert H. Hutchison, tr/as Guilford Broadcasting Company, Greensboro, North Carolina, Docket No. 8204, File No. BP-5820; Greensboro News Company, Greensboro, North Carolina, Docket No. 8205, File No. BP-5876.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Paul H. Chapman, Gilbert H. Hutchison, tr/as Guilford Broadcasting Company and Greensboro News Company each requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w power, unlimited time, at Greensboro, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are, hereby designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicants of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2583; Filed, Mar. 19, 1947; 8:49 a. m.]

[Docket No. 8209]

COAST BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Coast Broadcasters, Inc., Tillamook, Oregon, Docket No. 8209, File No. BP-5460; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1370 kc, 1 kw power, unlimited time, employing a directional antenna at Tillamook, Oregon;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Coast Broadcasters, Inc., be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KEEN, San Jose, California, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2584; Filed, Mar. 19, 1947; 8:49 a. m.]

[Docket No. 8210]

GEORGE MARDIKIAN, GEORGE SNELL, BARNARD FLOYD FARR, S. A. NIELNICOE AND ALFRED ARAM

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of George Mardikian, George Snell, Barnard Floyd Farr, S. A. Nielnicoe and Alfred Aram, a partnership d/b as United Broadcasting Company, Fresno, California, Docket No. 8210, File No. BP-5461; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1370 kc, 1 kw power, unlimited time, employing a directional antenna at Fresno, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of United Broadcasting Company be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicants and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the

[Docket Nos. 8206-8208]

ALVIN E. O'KONSKI ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Alvin E. O'Konski, Merrill, Wisconsin, Docket No. 8206, File No. BP-5724; Marathon Broadcasting Co., Wausau, Wisconsin, Docket No. 8207, File No. BP-5792; Hilding V. Foreen, Merrill, Wisconsin, Docket No. 8208, File No. BP-5877; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Alvin E. O'Konski requesting a construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Merrill, Wisconsin, Marathon Broadcasting Co., requesting a construction permit for a new standard broadcast station to operate on 1230 kc, 100 w power, unlimited time, at Wausau, Wisconsin and Hilding V. Foreen requesting a construction permit for a new standard broadcast station to operate on 1230 kc, 100 w power, unlimited time, at Merrill, Wisconsin;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicants and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the

Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2584; Filed, Mar. 19, 1947; 8:49 a. m.]

[Docket Nos. 7442, 7443]

NEWNAN BROADCASTING CO. AND VOLUNTEER STATE BROADCASTING CO., INC.

ORDER REOPENING RECORD AND SETTING FORTH HEARING DATE

In re applications of Newnan Broadcasting Company, a partnership composed of D. T. Manget, Evan W. Thomasson, James Thomasson and Ida A. Thomasson, Newnan, Georgia, Docket No. 7442, File No. BP-4487; Volunteer State Broadcasting Company, Inc., Nashville, Tennessee, Docket No. 7443, File No. BP-4531; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of March 1947;

The Commission having under consideration the petitions for rehearing filed February 17, 1947, by J. W. Woodruff, Sr., trading as Atlanta Broadcasting Company (WATL), Atlanta, Georgia, and Yetta G. Stamford, C. S. Shealy and Thomas D. Stamford, Jr., doing business as Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama; the exceptions to proposed report and petition for rehearing filed February 17, 1947, by Newnan Broadcasting Company, Newnan, Georgia; and the petition to reopen record and for further hearing filed February 25, 1947, by Volunteer State Broadcasting Company, Inc., Nashville, Tennessee; and

It appearing, that on January 16, 1947, the Commission adopted a proposed decision following a hearing on the above-entitled applications, in which it proposed to grant the said application of Newnan Broadcasting Company and to deny the said application of Volunteer State Broadcasting Company, Inc., and found:

In view of the need for additional broadcast service and a local broadcast outlet in Newnan, Georgia, we have based our proposed decision on section 307 (b) of the Communications Act of 1934, as amended. However, we recognize that Volunteer State Broadcasting Company, Inc., made a strong showing in behalf of the service it proposes to render in Nashville, and that the regional channel involved could be efficiently utilized by this applicant in Nashville. Accordingly, if on or before February 7, 1947, Volunteer State Broadcasting Company, Inc., can show that a local broadcast facility is available for use by Newman Broadcasting Company in Newnan, Georgia, the Commission will consider granting such facility to Newnan Broadcasting Company in lieu of the grant proposed herein, and granting the instant application of Volunteer State Broadcasting Company, Inc.;

and

It appearing further, that Newnan Broadcasting Company agreed to accept a grant for a local channel, if such a channel could be found for Newnan, Georgia; that on or before said February 7, 1947, Volunteer State Broadcasting Company, Inc., Nashville, Tennessee, advised the Commission relative to the availability of the frequency 1400 kc. for use by Newnan Broadcasting Company, at Newnan, Georgia, and, thereupon, the Commission on January 23, 1947, by order granted the application of Newnan Broadcasting Company for construction permit (File No. BP-4487; Docket No. 7442), authorizing the use of 1400 kc, with 250 watts power, unlimited time, subject to certain conditions; and granted the application of Volunteer State Broadcasting Company, Inc. (File No. BP-4531; Docket No. 7443), for the use of the frequency 1300 kc, with 5 kw power, unlimited time; and

It further appearing, that the petitions of Atlanta Broadcasting Company (WATL), Atlanta, Georgia, and Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama, licensees of existing stations, allege that the operation of a station at Newnan, Georgia, on 1400 kc, with 250 watts power, unlimited time, would result in objectionable daytime interference to the normally protected contours of their respective stations; and that such allegations are supported by affidavits of consulting engineers whose qualifications are recognized by the Commission;

It is ordered, That the Commission's order of January 23, 1947, granting construction permits to Newnan Broadcasting Company, Newnan, Georgia (File No. BP-4487; Docket No. 7442), authorizing the use of the frequency 1400 kc, with 250 watts power, unlimited time, and to Volunteer State Broadcasting Company, Inc., Nashville, Tennessee (File No. BP-4531; Docket No. 7443), for use of 1300 kc, with 5 kw power, unlimited time, be, and it is hereby, set aside; that the record in the above-entitled matters be, and it is hereby, reopened; and a further hearing in Washington, D. C., beginning 10 o'clock a. m., Wednesday, March 26, 1947, be, and it is hereby, scheduled, upon the following issues:

1. To determine whether a station operating on 1400 kc, with 250 watts power, unlimited time, at Newnan, Georgia, would result in any daytime interference within normally protected contours of either Station WATL, Atlanta, Georgia, or Station WJHO, Opelika, Alabama, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of a station at Newnan, Georgia, operating on 1400 kc, with 250 watts power, unlimited time.

3. To determine whether, in the event it appears that a station operating on 1400 kc, with 250 watts power, unlimited time, at Newnan, Georgia, would result in interference within normally protected contours of either Stations WATL, Atlanta, Georgia, or WJHO, Opelika, Alabama, or any other existing station, notwithstanding any such interference, public interest, convenience and necessity would be served by a grant to Newnan Broadcasting Company of a construction permit to construct a new standard broadcast station at Newnan, Georgia, on the frequency 1400 kc, with 250 watts power, unlimited time.

It is further ordered, That Atlanta Broadcasting Company (WATL), Atlanta, Georgia, and Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama, be, and they are hereby, made parties to this further hearing.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2586; Filed, Mar. 19, 1947; 8:50 a. m.]

[Designation Order 7]

DESIGNATION OF MOTIONS COMMISSIONER FOR MARCH 1947

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1947;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Clifford J. Durr, Commissioner, be, and he is hereby designated as Motions Commissioner, for the month of March 1947.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2587; Filed, Mar. 19, 1947; 8:50 a. m.]

FM APPLICATIONS

PROPOSED PROGRAM ANALYSIS REQUIRED

FEBRUARY 28, 1947.

Since March, 1946, applicants for FM construction permits have been required to file a proposed "Weekly Program Analysis" before a permit would be issued. An appropriate form (Mimeograph No. 94421) and Instructions for Log Analysis (Mimeograph No. 96000) have been provided for this purpose.

At the present time, however, approximately one out of every five applications filed for FM construction permits is not accompanied by a proposed weekly program analysis; and there are now on file 52 such applications which cannot be processed because the proposed weekly program analysis has not been filed.

Accordingly, the Commission announces that in the future no application for a Class A or Class B FM construction permit will be considered complete unless accompanied by three copies of the proposed weekly program analysis (Mimeograph No. 94421), properly filled out. All applications not accompanied by a proposed weekly program analysis will not be accepted for filing, but will be returned to the applicant under § 1.361 of the Commission's rules and regulations.

The Commission in the near future will re-examine all applications for FM construction permits now on file, and will take such action as may be appropriate in cases where a proposed weekly program analysis has not been submitted. Persons who have applications for FM construction permits pending should re-examine their applications to determine if the program information submitted is complete, and if not, the appropriate information should be submitted without delay.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2590; Filed, Mar. 19, 1947; 8:50 a. m.]

CATALINA BROADCASTING CO.

PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on March 5, 1947, there was filed with it an application (BTC-538) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Catalina Broadcasting Company permittee of KCNA, Tucson, Arizona, from Erskine Caldwell to William A. Small, William H. Johnson, William R. Mathews, Betty B. Mathews, Clare R. Ellinwood, and George W. Chambers.

The proposal to transfer control arises out of a contract of October 31, 1946, pursuant to which Erskine Caldwell agrees to transfer to William A. Small, William H. Johnson, William R. Mathews, Betty B. Mathews, Clare R. Ellinwood, and George W. Chambers a total of 2,880 shares (60%) of the 4,800 shares of issued and outstanding common voting stock of Catalina Broadcasting Company for a total consideration of $26,640 subject to the terms and conditions provided in the memorandum of agreement attached thereto. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by application on March 5, 1947, that starting on March 6, 1947, notice of the filing of the application would be inserted in The Arizona Daily Star, a newspaper of general circulation at Tucson, Arizona, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from March 6, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2592; Filed, Mar. 19, 1947; 8:50 a. m.]

[1] § 1.321, Part I, Rules of practice and procedure.

FREQUENCY SERVICE-ALLOCATIONS

ADOPTION OF CERTAIN MODIFICATIONS

FEBRUARY 18, 1947.

In a public notice (No. 97274) dated September 17, 1946 (11 F. R. 11227), the Commission adopted a new table of service-allocations of frequencies between 25,000 kilocycles and 30,000,000 kilocycles. In a public notice (No. 97840) dated September 25, 1946 (11 F. R. 11824), the Commission adopted a new table of proposed service-allocations of frequencies below 25,000 kilocycles.

Recently the preparatory committee for the forthcoming International Telecommunications Conference, under the sponsorship of the Department of State, reviewed the frequency service-allocation proposal of the United States for the entire spectrum, 10 kilocycles to 30,000 megacycles, and effected certain modifications in the proposal. These will all be evident from a comparison of the attached table of service-allocations with the public notices dated September 17, 1946 (11 F. R. 11227), and September 25, 1946 (11 F. R. 11824), and may be summarized as follows:

1. A band has been added for the navigational service, between 10 and 14 kc.

2. Coastal telegraph stations are permitted in the band 14–100 kc.

3. An appropriate remark has been inserted opposite the band 200–280 kc. to indicate that the U. S. intends this band ultimately for a long distance aid.

4. The loran allocation between 1800 and 2000 kc. has been re-worded to indicate the regional nature of loran in any given area, and to indicate the degree of sharing which may be possible on a non-interference basis to loran.

5. An appropriate note has been inserted following the frequency 4000 kc. to indicate the intention of the United States with respect to tropical broadcasting.

6. The aeronautical mobile route band 16,490–16,540 kc. has been shifted to 15,300–15,350 kc.

7. The aeronautical mobile route band 17,980–18,040 kc. has been made available for sharing by the aeronautical fixed service.

8. An additional high frequency broadcasting band has been added at the request of the Department of State between 25,600 and 26,100 kc.

9. The band 27,185–27,455 kc has been widened to 27,160–27,480 kc, to be primarily for the use of the industrial, scientific and medical service, with sharing permitted by the amateur, fixed and mobile services.

10. The power limitation in the band 29.7–30 Mc has been eliminated.

11. The Commission's recent announcement regarding the frequency 2450 Mc for the use of the industrial, scientific and medical service has been appropriately incorporated.

12. Some slight adjustments were made in the high frequency maritime mobile service-allocations as follows:

(a) The 4 Mc band now starts at 4133 kc rather than 4135 kc, and the starting points at 6, 8, 12 and 16 Mc have been adjusted accordingly. The 2 Mc ship telegraph band was shifted to 2065–2105 kc.

(b) The ship telegraph bands have been widened by 20 kc at 4 Mc and pro rata according to the harmonic relationship previously established for the ship telegraph bands at 6, 8, 12 and 16 Mc.

(c) The 4 Mc coastal telegraph band has been reduced by 40 kc.

(d) The 4 Mc ship telephone band and its associated coastal telephone band have each been reduced by 5 kc.

(e) 8350 kc was selected for the ultimate air-sea rescue frequency.

The Commission has indicated its approval of the foregoing changes to the Department of State and has been advised that the United States expects to transmit its proposal for frequency service-allocations to the Bureau of the International Telecommunications Union for circulation to the member states of that body in the immediate future. The Commission is announcing these changes at this time for the information of all who have followed the proceedings of the Commission's Docket No. 6651 and the subsequent modifications to the allocation table. Any statements or comments which any person may wish to submit to the Commission with respect to these changes will be examined and given due consideration. The Commission is, of course, continuing its study of all the problems involved in the frequency allocations to the various services. Especial attention is invited to the fact that the attached table does not contain information as to detailed U. S. allocations. No change has been made in the division of spectrum space between the government and non-government services, but the detailed service-allocations in the bands 30–40 Mc, 152–162 Mc, 1000–13000 Mc were the subjects of recent oral arguments on February 3 and 4, 1947, and final allocations to the non-government fixed and mobile services in these bands will be issued in the near future.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

MODIFIED PROPOSAL FOR THE REVISION OF ARTICLE 7 OF THE GENERAL RADIO REGULATIONS (CAIRO REVISION) 10 KC TO 30,000 MC

FEBRUARY 14, 1947.

NOTE: The designations in the Service-Allocation column preceded by (a) and (b) are in alphabetical order; this order of listing does not, in itself, indicate relative priority.

Band (kc)	Service-allocation	Remarks
10–14	Navigational	
14–100	(a) Fixed (b) Maritime mobile, coastal telegraph.	Maritime mobile limited to unmodulated carriers.
100–160	(a) Fixed (b) Maritime mobile	
160–200	Fixed	Aeronautical fixed shall have priority in the polar regions.
200–280	Aeronautical navigational	An aid for long distance navigation, which may or may not employ pulsed emission, to be accommodated ultimately in this band.
280–320	Maritime navigational (beacons)	
320–415	Aeronautical navigational	
415–490	Maritime mobile, telegraph	
490–510	Mobile (500 kc. calling and distress).	
510–535	Mobile, telegraph	Not open to public correspondence in the American region.
535–1605 [1]	Broadcasting	
1605–1800	(a) Fixed (b) Mobile	
1800–2000 [2]	(a) Navigational (Loran)* (b) Amateur, fixed, mobile	
2000–2065	(a) Fixed (b) Mobile	Power limited to 500 watts peak.
2065–2085	Maritime mobile, ship telegraph	
2085–2000	Mobile, calling	Limited to telegraphy.
2000–2105	Maritime mobile, ship telegraph	
2105–2237.5	Mobile	
2237.5–2300	(a) Fixed (b) Mobile	
2300–2350	Maritime mobile, coastal telegraph	
2350–2495	(a) Fixed (b) Mobile	
2495–2505 [3]	Standard frequency	
2505–2700	Mobile	
2700–2850	(a) Fixed (b) Mobile	
2850–3125	Aeronautical mobile [4]	
3125–3200	Aeronautical fixed [5]	
3200–3330	Aeronautical mobile [4]	
3330–3450	Mobile, except aeronautical and maritime mobile.	Power limited to 200 watts peak.
3450–3500	(a) Fixed (b) Mobile, except maritime mobile.	
3500–4000	Amateur	
4000–4133	Fixed, except aeronautical fixed	
4133–4170	Maritime mobile, ship telegraph	
4170–4180	Mobile, calling	Limited to telegraphy
4180–4428	Maritime mobile	
4180–4233	Ship telegraph	
4233–4353	Coastal telegraph	
4353–4428	Coastal telephone	Paired with 1660–4675 kc.
4428–4660	(a) Fixed (b) Mobile, except aeronautical mobile.	
4660–4675	Maritime mobile, ship telephone	Paired with 1353–4428 kc.
4675–4895	(a) Fixed (b) Mobile, except aeronautical and maritime mobile.	
4895–4995	Aeronautical mobile [4]	
4995–5005	Standard frequency	
5005–5300	Fixed	
5400–5500	(a) Fixed (b) Mobile, except aeronautical and maritime mobile.	
5500–5780	Aeronautical mobile [4]	
5780–6000	Fixed	
6000–6200 [6]	Broadcasting	
6200–6255	Maritime mobile, ship telegraph	
6255–6270	Mobile, calling	Limited to telegraphy.
6270–6520	Maritime mobile	
6270–6350	Ship telegraph	
6350–6520	Coastal telegraph	
6520–6670	Aeronautical mobile [4]	
6670–6925	Fixed	
6925–7000	Aeronautical mobile [4]	
7000–7300	Amateur	
7300–8296	Fixed	
8296–8340	Maritime mobile, ship telegraph	
8340–8360	Mobile, calling (8350 kc—Aircraft and survival craft distress; aircraft calling).	Calling limited to telegraphy.
8360–8826	Maritime mobile	
8360–8466	Ship telegraph	
8466–8746	Coastal telegraph	
8746–8826	Coastal telephone	Paired with 9166–9246 kc.
8826–9026	Aeronautical, mobile [4]	
9026–9166	Fixed	
9166–9246	Maritime mobile, ship telephone	Paired with 8746–8826 kc.
9246–9500	Fixed	
9500–9700	Broadcasting	
9700–9995	Fixed	An aid for long distance navigation, which may or may not employ pulsed emission, to be accommodated ultimately in this band.
9995–10005 [7]	Standard frequency	
10005–10125	Aeronautical mobile [4]	
10125–11300	Fixed	
11300–11500	Aeronautical mobile [4]	
11500–11700	Fixed	
11700–11900	Broadcasting	
11900–12400	Fixed	
12400–12510	Maritime mobile, ship telegraph	
12510–12540	Mobile, calling	Limited to telegraphy.
12540–13200	Maritime mobile	
12540–12700	Ship telegraph	
12700–13120	Coastal telegraph	
13120–13200	Coastal telephone	Paired with 13700–13780 kc.
13200–13300	Aeronautical mobile [4]	
13300–13652.5	Fixed	
13652.5–13667.5	(a) Fixed [8] (b) Industrial, scientific, medical [11]	
13667.5–13700	Fixed	
13700–13780	Maritime mobile, ship telephone	Paired with 13120–13200 kc.
13780–14000	Fixed	
14000–14400	Amateur	
14400–14990	Fixed	
14990–15010 [12]	Standard frequency	
15010–15100	Aeronautical mobile [4]	
15100–15300	Broadcasting	
15300–15350	Aeronautical mobile [4]	
15350–16532	Fixed	
16532–16680	Maritime mobile, ship telegraph	
16680–16720	Mobile, calling	Limited to telegraphy.
16720–17372	Maritime mobile	
16720–16932	Ship telegraph	
16932–17292	Coastal telegraph	
17292–17372	Coastal telephone	Paired with 17960–17980 kc.
17372–17700	Fixed	
17700–17960	Broadcasting	
17960–17980	Maritime mobile, ship telephone	Paired with 17292–17372 kc.
17980–18040	(a) Aeronautical fixed [5] (b) Aeronautical mobile [4]	
18040–19660	Fixed	
19660–20010 [13]	Standard frequency	
20010–20020	Fixed	
20020–21000	Maritime mobile, ship telephone	Paired with 22580–22660 kc.
21000–21500	Amateur	
21500–21700	Broadcasting	
21700–22000	Fixed	
22000–22150	Maritime mobile, ship telegraph	
22150–22200	Mobile, calling	Limited to telegraphy.
22200–22990	Maritime mobile	
22200–22340	Ship telegraph	
22340–22580	Coastal telegraph	
22580–22660	Coastal telephone	Paired with 20020–21000 kc.
22660–24990	Fixed	
24990–25010 [14]	Standard frequency	
Band (mc)		
25.010–25.600	(a) Fixed (b) Mobile, except aeronautical and maritime mobile.	Power limited to 500 watts peak.
25.600–26.100	Broadcasting	
26.100–27.160	(a) Fixed (b) Mobile, except aeronautical and maritime mobile.	Power limited to 500 watts peak.
27.160–27.480	(a) Amateur [15] (b) Fixed [16] (c) Industrial, scientific, medical [14] (d) Mobile [15]	
27.480–28.000	(a) Fixed (b) Mobile, except maritime mobile.	Power limited to 500 watts peak.
28.000–29.700	Amateur	
29.700–30.000	(a) Fixed (b) Mobile, except maritime mobile.	
30.000–40.960	(a) Fixed (b) Mobile, except aeronautical mobile.	
40.960–41.000	(a) Fixed [17] (b) Industrial, scientific, medical [18] (c) Mobile [17]	
41–44	(a) Fixed (b) Mobile, except aeronautical mobile.	
44–50	(a) Broadcasting (b) Fixed (c) Mobile	
50–54	Amateur	
54–72	(a) Broadcasting (b) Fixed (c) Mobile	
72–76 [19]	(a) Fixed (b) Mobile, except aeronautical mobile.	Aeronautical markers to remain on 75 mc as long as required or until moved to another suitable frequency.

Since the United States has no requirement for tropical broadcasting, it has not included a specific provision for this service in its table of frequency allocations. Recognizing, however, that certain countries have repeatedly expressed a need for this service for domestic broadcasting, particularly in the American region, it is recommended that the appropriate committees of the Conference consider the proposals of the delegations concerned with this problem in the light of their essential needs with the objective that the necessary stations be given suitable frequency assignments shared with other services within that portion of the spectrum between 3000 kc and 5000 kc on a sound technical basis which will avoid mutual interference between the broadcasting service and the other services concerned.

See footnotes at end of table.

MODIFIED PROPOSAL FOR THE REVISION OF ARTICLE 7 OF THE GENERAL RADIO REGULATIONS (CAIRO REVISION) 10 KC TO 30,000 MC—Continued

Band (mc)	Service-allocation	Remarks
76–88	(a) Broadcasting (b) Fixed (c) Mobile	
88–108	Broadcasting	
108–112	Aeronautical navigational (localizers).	
112–118	Aeronautical navigational (ranges)	
118–122 [20]	Aeronautical mobile (aerodrome control).	
122–132	Aeronautical mobile	
132–144	(a) Aeronautical mobile (b) Fixed	
144–148	Amateur	
148–152	(a) Aeronautical mobile (b) Fixed	
152–162 [21]	(a) Fixed (b) Mobile, except aeronautical mobile.	
162–174	(a) Fixed (b) Mobile	
174–216	(a) Broadcasting (b) Fixed (c) Mobile	
216–220	(a) Fixed (b) Mobile	
220–225	Amateur	
225.0–328.6	(a) Fixed (b) Mobile	
328.6–335.4	Aeronautical navigational (glide path).	
335.4–400.0	(a) Fixed (b) Mobile	
400–400	Meteorological aid (radio sonde)	
400–420	(a) Fixed (b) Mobile	
420–450 [22]	(a) Aeronautical navigational* (altimeters). (b) Amateur	
450–460 [23]	(a) Aeronautical navigational* (altimeters). (b) Fixed (c) Mobile	
460–470	(a) Fixed (b) Mobile	
470–920	Broadcasting	
920–960	(a) Broadcasting (b) Fixed	
960–1215	Navigational*	
1215–1295	Amateur	
1295–1690	(a) Fixed (b) Mobile	
1690–1700	Aeronautical navigational*	
1700–1750	Meteorological aid (radio sonde)	
1750–2300	(a) Fixed (b) Mobile	
2300–2450 [24]	Amateur [25]	
2450–2700 [26]	(a) Fixed [27] (b) Mobile [28]	
2700–2900	(a) Aeronautical navigational* (b) Meteorological aid	
2900–3246 [29]	Navigational*	
3246–3260 [30]	——do	
3266–3300 [31]	——do	
3300–3500	Amateur	
3500–4200	(a) Fixed (b) Mobile	
4200–4400	Aeronautical navigational* (altimeters).	
4400–5000	(a) Fixed (b) Mobile	
5000–5250	Aeronautical navigational (instrument landing).	
5250–5440 [32]	Navigational*	
5440–5460 [33]	Navigational* (Racons)	
5460–5650 [34]	Navigational*	
5650–5850	Amateur	
5850–8500	(a) Fixed (b) Mobile	
8500–9300 [35]	Navigational*	
9300–9320 [36]	Navigational* (Racons)	
9320–10000 [37]	Navigational*	
10000–10500	Amateur	
10500–21000	(a) Fixed (b) Mobile	
21000–22000	Amateur	
22000–30000	(a) Fixed (b) Mobile	

* Pulsed navigational aids permitted.

[1] Lowest and highest assignable frequencies 540 and 1600 kc.

[2] 1800–1900 regional; 1900–2000 regional.

The Loran system requires a band of only 100 kilocycles in any particular area. The amateur, fixed, or mobile services may employ, in any particular area, whichever band is not required for Loran, but only on the condition that they do not cause harmful interference to the navigational service.

[3] Standard frequency 2500 kc.

[4] "Route"—Available exclusively for aeronautical mobile communications along air routes established for air carrier flying and only where the use of frequencies above 30 megacycles is impracticable.

[5] Frequencies within this band are reserved for fixed circuits associated primarily with long distance air routes where other facilities are not available or are impracticable.

[6] "Off-route"—Not available for aeronautical mobile communications along air routes established for scheduled air carrier flying.

[7] Standard frequency 5000 kc.

[8] In order further to satisfy the stated requirements of certain countries for tropical broadcasting, this band may be employed by stations for domestic coverage during local daylight hours, and by stations for long distance coverage as appropriate.

[9] Standard frequency 10000 kc.

[10] The fixed service recognizes that interference to its operations within this band may result from the emissions on the frequency 13660 kc of industrial, scientific and medical devices.

[11] The frequency 13660 kc is designated for the operation of industrial, scientific and medical devices.

[12] Standard frequency 15000 kc.

[13] Standard frequency 20000 kc.

[14] Standard frequency 25000 kc.

[15] This service recognizes that interference to its operations within this band may result from the emissions on the frequency 27.320 mc of industrial, scientific and medical devices.

[16] The frequency 27.320 mc is designated for the operation of industrial, scientific and medical devices.

[17] This service recognizes that interference to its operations within this band may result from the emissions on the frequency 40.980 mc of industrial, scientific and medical devices.

[18] The frequency 40.980 mc is designated for the operation of industrial, scientific and medical devices.

[19] Aeronautical navigational marker beacons are centered on 75.0 mc with a guard band 74.6 to 75.4 mc from which other services are excluded.

[20] The frequency 121.5 mc is the aeronautical emergency frequency in this band.

[21] The frequency 156.81 mc is available exclusively for the use of the maritime mobile service for short-range communication.

[22] To be used temporarily for aeronautical navigational altimeters. To be exclusively amateur when no longer required for altimeters; meanwhile, amateur peak power to be limited to 50 watts.

[23] To be used temporarily for aeronautical navigational altimeters. To be exclusively fixed and mobile when no longer required for altimeters.

[24] The frequency 2450 mc. is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 2400–2500 mc.

[25] This service recognizes that interference to its operations on frequencies within 50 mc of 2450 mc may result from emissions on the frequency 2450 mc of industrial, scientific and medical devices.

[26] Shipborne maritime navigational aids limited to 3000–3246 mc.

[27] Racon frequency 3256 mc.

[28] Shipborne maritime navigational aids excluded.

[29] Racon frequency 5450 mc.

[30] Shipborne maritime navigational aids permitted.

[31] Racon frequency 9310 mc.

[32] Shipborne maritime navigational aids limited to 9320–9500 mc.

[F. R. Doc. 47–2591; Filed, Mar. 19, 1947; 8:50 a. m.]

SPOKANE BROADCASTING CORP.

PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on December 24, 1946 there was filed with it an application (BTC–527) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Spokane Broadcasting Corporation licensee of KFIO, Spokane, Washington from Arthur L. Smith to the proposed stockholders of the company consisting of Arthur L. Smith and 22 other proposed subscribers to stock. The proposal to transfer control arises out of arrangements pursuant to which the licensee would increase its capitalization from 5,000 shares of $1 par value common voting stock (of which Arthur L. Smith now owns 4,996 or 99 plus percent of the outstanding stock) to 300,000 shares of $1 par value stock of which there would be issued to Smith 50,000 shares covering his interest in physical properties of the station (including the stock now held by him) and an additional 15,000 shares for $1 per share resulting in Smith holding a 26% interest under the proposal. A loan to Smith of $5,968.19 would be waived. An additional 185,000 shares would be sold to 22 subscribers at par. The proceeds from the sale of the stock would be used in connection with the proposed betterments in facilities (see application B5–P–5559; Docket 8060 for change in frequency and increase in power) upon the grant of which application this proposal is contingent. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946 the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by applicant on March 1, 1947 that starting on March 10, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Spokane, Washington in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60

[1] § 1.321, Part I, Rules of practice and procedure.

days from March 10, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2594; Filed, Mar. 19, 1947; 8:50 a. m.]

FOUR STATES BROADCASTERS, INC., AND H. J. GRIFFITH BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Four States Broadcasters, Inc., Joplin, Mo., Docket No. 7781, File No. BP-4805; H. J. Griffith, d/b as H. J. Griffith Broadcasting Co., Parsons, Kansas, Docket No. 8191; File No. BP-5776, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Four States Broadcasters, Inc., requesting a construction permit for a new standard broadcast station to operate on 1310 kc, 1 kw power, 5 kw local sunset, unlimited time, employing a directional antenna at Joplin, Missouri and H. J. Griffith, d/b as H. J. Griffith Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1310 kc, 1 kw power, unlimited time, employing a directional antenna at night, at Parsons, Kansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference with the services proposed, each to the other, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2572; Filed, Mar. 19, 1947; 8:47 a. m.]

NORTHERN BROADCASTING CO., INC.

PROPOSED ASSIGNMENT OF LICENSES AND PERMITS [1]

The Commission hereby gives notice that on March 6, 1947, there was filed with it an application (BAL-592) for its consent under section 310 (b) of the Communications Act to the proposed assignment of licenses and permits of Northern Broadcasting Company, Inc., licensee of WSAU, Wausau, Wisconsin, and permittee of FM Station WSAU-FM from Northern Broadcasting Company, Inc., to The Journal Company. The proposal to assign the licenses and permits arises out of a contract of February 20, 1947, pursuant to which William E. Walker, E. W. Walker, and Donald R. Burt holders of all of the 400 issued and outstanding shares of the common voting stock of Northern Broadcasting Company, Inc., agree to sell to The Journal Company of Milwaukee all of their said 400 shares of common voting stock for a consideration of $500 per share (total consideration $200,000). Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by applicant on March 6, 1947, that starting on March 6 notice of the filing of the application would be inserted in The Wausau Record Herald a newspaper of general circulation at Wausau, Wisconsin, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from March 6, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2593; Filed, Mar. 19, 1947; 8:50 a. m.]

[Docket Nos. 7867, 7638, 8210]

COMMUNITY BROADCASTING CO. (WTOL) AND PUBLIC SERVICE BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Community Broadcasting Co. (WTOL) for renewal of license of Station WTOL, Docket No. 7867, File No. B2-R-958; for construction permit for new FM station, Toledo, Ohio, Docket No. 7638, File No. B2-PH-837; Public Service Broadcasters, Inc., Toledo, Ohio, Docket No. 8210, File No. B2-P-5538; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of March 1947.

The Commission having under consideration the above-entitled application of Public Service Broadcasters, Inc., filed December 17, 1946, for a construction permit for a new standard broadcast station at Toledo, Ohio, to operate on the frequency 1230 kc with 250 watts power, unlimited time; and

It appearing, that said application is mutually exclusive with the above-entitled application of the Community Broadcasting Company (WTOL) for renewal of license of Station WTOL, which application was designated for hearing to begin on January 10, 1947; and

It further appearing, that the application of Public Service Broadcasters, Inc., was filed more than twenty days prior to the scheduled date of hearing on the renewal application of the Community Broadcasting Company, and that the two applications should be designated for consolidated hearing pursuant to §§ 1.387 (b) (3) and 1.724 (b) of the Commission's rules and regulations; and

It further appearing, that such consolidation has not been effected, and that a hearing on the application of the Community Broadcasting Company has been held on January 19, 1947;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Public Service Broadcasters, Inc., be, and it is hereby designated for hearing in consolidation with the hearing heretofore held upon the application of Community Broadcasting Company (Docket No. 7867, File No. B2-R-958), § 1.857 of the Commission's rules and regulations being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing or proposed broadcast service and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

6. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, for the purposes of this proceeding, the record in the matter of the application of Community Broadcasting Company (WTOL) (File No. B2-R-958, Docket No. 7867) be and it is hereby reopened, and that the order dated October 31, 1946 designating the said application of Community Broadcasting Company (WTOL) for hearing be and it is hereby amended to include the said application of Public Service Broadcasters, Inc.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2571; Filed, Mar. 19, 1947; 8:47 a. m.]

[Docket Nos. 7966, 8199]

ATLANTIC CITY BROADCASTING CORP. AND STRAND BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Atlantic City Broadcasting Corp., Atlantic City, N. J. Docket No. 7966, File No. BP-5402; Strand Broadcasting Corp., Atlantic City, N. J. Docket No. 8199, File No. BP-5791, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Atlantic City, New Jersey;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2579; Filed, Mar. 19, 1947; 8:49 a. m.]

[Docket Nos. 8021, 8022, 8193]

MOUNT VERNON BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Mount Vernon Broadcasting Co., Mount Vernon, Ohio, Docket No. 8021, File No. BP-5329; Mound Broadcasting Corp. Newark, Ohio, Docket No. 8022, File No. BP-5486; Robert M. Beer and Edgar Koehl, d/b as Beer and Koehl Ashland, Ohio, Docket No. 8193, File No. BP-5851; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled application of Robert M. Beer and Edgar Koehl, d/b as Beer and Koehl, requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Ashland, Ohio; and

It appearing, that the Commission, on December 19, 1946, designated for hearing in a consolidated proceeding the applications of The Mount Vernon Broadcasting Company (File No. BP-5329, Docket No. 8021), requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Mount Vernon, Ohio, and Mound Broadcasting Corporation (File No. BP-5486, Docket No. 8022), requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Newark, Ohio; and

It further appearing, that the Commission, on February 14, 1947, permitted Radio Voice of Springfield, Inc., licensee of Station WIZE, Springfield, Ohio, to intervene in said proceeding;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Robert M. Beer and Edgar Koehl, d/b as Beer and Koehl, be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

[1] § 1.321, Part I, Rules of practice and procedure.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated December 19, 1946, designating the applications of The Mount Vernon Broadcasting Company and Mound Broadcasting Corporation for hearing in a consolidated proceeding, be, and it is hereby, amended to include the application of Robert M. Beer and Edgar Koehl, d/b as Beer and Koehl, and to include among the issues for hearing, Issue No. 7, stated above; and

It is further ordered, That the order of the Commission dated February 14, 1947, permitting Radio Voice of Springfield, Inc., licensee of Station WIZE, Springfield, Ohio, to intervene in said proceeding, be, and it is hereby, amended to include the application of Robert M. Beer and Edgar Koehl, d/b as Beer and Koehl.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2574; Filed, Mar. 19, 1947; 8:48 a. m.]

[Docket Nos. 8051, 8052, 8195]

TRI-STATE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Tri-State Broadcasting Co., Sioux Falls, South Dakota, Docket No. 8051, File No. BP-5505; Midland National Life Insurance Co. (KWAT), Watertown, South Dakota, Docket No. 8052, File No. BP-5535; Corn Palace City Radio Corp., Mitchell, South Dakota, Docket No. 8195, File No. BP-5742; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled application of Corn Palace City Radio Corporation, requesting a construction permit for a new standard broadcast station to operate on 950 kc, 5 kw power, unlimited time, employing a directional antenna, at Mitchell, South Dakota; and

It appearing, that the Commission, on January 16, 1947, designated for hearing in a consolidated proceeding the applications of Tri-State Broadcasting Company (File No. BP-5505, Docket No. 8051), requesting a construction permit for a new standard broadcast station to operate on 950 kc, 5 kw power, unlimited time, employing a directional antenna, at Sioux Falls, South Dakota, and Midland National Life Insurance Co. (File No. BP-5535, Docket No. 8051), requesting a construction permit to change the operating assignment of Station KWAT, Watertown, South Dakota, from 1240 kc, 250 w power, unlimited time, to 950 kc, 1 kw power, unlimited time, employing a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Corn Palace City Radio Corporation be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order dated January 16, 1947, designating the above-entitled applications of Tri-State Broadcasting Company and Midland National Life Insurance Co. for hearing in a consolidated proceeding, be, and it is hereby, amended to include the above-entitled application of Corn Palace City Radio Corporation, and to include among the issues for hearing, Issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2576; Filed, Mar. 19, 1947; 8:48 a. m.]

[Docket Nos. 8125, 8126, 8196]

KNOX BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of R. C. Goshorn, L. R. Goshorn and R. L. Rose, d/b as Knox Broadcasting Co., Galesburg, Ill., Docket No. 8125, File No. BP-5761; Denver V. Tolle, Emerson Y. Parks, William M. Liddle and Walter J. Winship, d/b as Kewanee Broadcasting Co., Kewanee, Ill., Docket No. 8126, File No. BP-5777; The Gate City Co., Keokuk, Iowa, Docket No. 8196, File No. BP-5858, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled application of The Gate City Company, requesting a construction permit for a new standard broadcast station to operate on 1100 kc, 250 w power, daytime only, at Keokuk, Iowa; and

It appearing, that the Commission, on February 20, 1946, designated for hearing in a consolidated proceeding the applications of R. C. Goshorn, L. R. Goshorn, and R. L. Rose, d/b as Knox Broadcasting Company (File No. BP-5761, Docket No. 8125), requesting a construction permit for a new standard broadcast station to operate on 1110 kc, 1 kw power, daytime only, at Galesburg, Illinois, and Denver V. Tolle, Emerson Y. Parks, William M. Liddle and Walter J. Winship, d/b as Kewanee Broadcasting Company (File No. BP-5777, Docket No. 8126), requesting a construction permit for a new standard broadcast station to operate on 1100 kc, 250 w power, daytime only, at Kewanee, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of The Gate City Company be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of February 20, 1947, designating the above-entitled applications of Knox Broadcasting Company and Kewanee Broadcasting Company for hearing in a consolidated proceeding, be, and it is hereby, amended to include the above-entitled application of The Gate City Company, and to include among the issues for hearing, Issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2577; Filed, Mar. 19, 1947; 8:48 a. m.]

[Docket Nos. 8189, 8190]

VENTURA COUNTY BROADCASTING CO. AND VALVERDE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Eva Miller Grimes, d/b as Ventura County Broadcasting Co. Oxnard, Calif., Docket No. 8189, File No. BP-5646; William T. Br wn, Burton C. Boatright, Maynard Marquardt, Edward Iannelle and Claude C. Turner, Jr., d/b as Valverde Broadcasting Co. Oxnard, Calif., Docket No. 8190, File No. BP-5835, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Eva Miller Grimes, d/b as Ventura County Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 910 kc, 1 kw power, daytime only, at Oxnard, California and William T. Brown, Burton C. Boatright, Maynard Marquardt, Edward Iannelle and Claude C. Turner, Jr., d/b as Valverde Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 910 kc, 250 w power, daytime only, at Oxnard, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed stations,

fected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of February 20, 1947, designating the above-entitled applications of Knox Broadcasting Company and Kewanee Broadcasting Company for hearing in a consolidated proceeding, be, and it is hereby, amended to include the above-entitled application of The Gate City Company, and to include among the issues for hearing, Issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2577; Filed, Mar. 19, 1947; 8:48 a. m.]

[Docket Nos. 8189, 8190]

VENTURA COUNTY BROADCASTING CO. AND VALVERDE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Eva Miller Grimes, d/b as Ventura County Broadcasting Co. Oxnard, Calif., Docket No. 8189, File No. BP-5646; William T. Br wn, Burton C. Boatright, Maynard Marquardt, Edward Iannelle and Claude C. Turner, Jr., d/b as Valverde Broadcasting Co. Oxnard, Calif., Docket No. 8190, File No. BP-5835, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Eva Miller Grimes, d/b as Ventura County Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 910 kc, 1 kw power, daytime only, at Oxnard, California and William T. Brown, Burton C. Boatright, Maynard Marquardt, Edward Iannelle and Claude C. Turner, Jr., d/b as Valverde Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 910 kc, 250 w power, daytime only, at Oxnard, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed stations,

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference with the services proposed, each to the other, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2570; Filed, Mar. 19, 1947; 8:47 a. m.]

[Docket No. 8192]

RADIO AUSTIN, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Radio Austin, Inc., Austin, Minnesota, Docket No. 8192, File No. BP-5682, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 100 w power, unlimited time, at Austin, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KVFD, Fort Dodge, Iowa or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Northwest Broadcasting Company, licensee of Station KVFD, Fort Dodge, Iowa, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2573; Filed, Mar. 19, 1947; 8:47 a. m.]

[Docket No. 8194]

LOGANSPORT BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Logansport Broadcasting Corp., Logansport, Indiana, Docket No. 8194, File No. BP-5770, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Logansport, Indiana.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, direc-

tors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WJOB, Hammond, Indiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That O. E. Richardson, Fred L. Adair and Robert C. Adair, d/b as Radio Station WJOB, licensee of Station WJOB, Hammond, Indiana, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2575; Filed, Mar. 19, 1947; 8:48 a. m.]

[Docket Nos. 8197, 8198]

RADIO BROADCASTING CORP., AND MCLEAN COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Broadcasting Corp., La Salle-Peru, Ill., Docket No. 8197, File No. BP-5747; McLean County Broadcasting Co., Bloomington, Ill., Docket No. 8198, File No. BP-5857, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March 1947;

The Commission having under consideration the above-entitled applications of Radio Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1080 kc, 1 kw power, daytime only, at La Salle-Peru, Illinois, and McLean County Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1080 kc, 250 w power, daytime only, at Bloomington, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2578; Filed, Mar. 19, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

NATIONAL ASSN. OF SECURITIES DEALERS, INC., ET AL.

NOTICE REGARDING FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 14th day of March 1947.

In the matter of application of National Association of Securities Dealers, Inc., on behalf of John Doe and Company for approval of continuance in membership in the National Association of Securities Dealers, Inc. with Edward E. Trost employed as a registered representative.

Notice is hereby given that the National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association), has filed with this Commission, on behalf of John Doe and Company, an application for approval of the continuance of the membership of John Doe and Company in the Association, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

Among other things, the above application states that:

A. Edward E. Trost is now employed by John Doe and Company, a member of the Association, having its principal office in Buffalo, New York.

B. In 1942 and prior thereto, Edward E. Trost was president of Trost & Co., Inc., which at that time was a member of the Association with offices in Buffalo, New York.

C. By order of the Securities and Exchange Commission, issued on December 11, 1942, the firm of Trost & Co., Inc., was expelled from membership in the Association and its registration as a broker and dealer was revoked.

D. The District Committee for District No. 13 and the Board of Governors of the Association, having reviewed the record in the proceedings resulting in such order of expulsion and having considered the subsequent activity of Edward E. Trost and his general reputation in the business community, believe that he should be permitted to engage in the securities business as an employee and registered representative of John Doe and Company, and that the continuance of John Doe and Company in membership in the Association with Edward E. Trost as an employee and registered representative thereof would be consonant with the stated purposes and policies of section 15A of the act.

E. The Association now applies for approval of the Commission to continuance of John Doe and Company in membership in the Association with Edward E. Trost employed as a registered representative.

The public files of the Commission show that the order revoking the registration of Trost & Co., Inc., as a broker and dealer and expelling it from membership in the Association is still in effect and the opinion of the Commission in the matter tends to show that Trost, while acting as president of Trost & Co., Inc., was a cause of said order. Under the provisions of section 15A (b) (4), of the Securities Exchange Act of 1934, as amended, and section 2 of Article I of the Association's By-Laws the firm of John Doe and Company may not be continued in membership in the Association so long as Edward E. Trost is controlled by said company, if in fact Trost was a cause of the order above referred to, except with the approval of the Securities and Exchange Commission based upon a finding that such approval is appropriate in the public interest.

Any interested person may informally present his views or any information relating to this matter by communicating with Peter T. Byrne, Regional Administrator of the Commission's New York Regional Office, 120 Broadway, New York 5, New York, on or before April 8, 1947. Within the same time any person desiring that a formal hearing be held may file with the Secretary a written request to that effect, together with a brief statement of the nature of his interest in the proceeding and the position which he proposes to take. In the absence of such a request by any person having a bona fide interest in the proceeding, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate to do so, will grant the application on the basis of the record and without formal hearing.

This notice shall be served on John Doe and Company and the Association not less than fifteen (15) days prior to April 8, 1947, and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act not later than fifteen (15) days prior to April 8, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2561; Filed, Mar. 19, 1947; 8:56 a. m.]

NATIONAL ASSN. OF SECURITIES DEALERS, INC., ET AL.

NOTICE REGARDING FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of March A. D. 1947.

In the matter of application of National Association of Securities Dealers, Inc., on behalf of John Doe and Company for approval of continuance in membership in the National Association of Securities Dealers, Inc., with A. R. Miller employed as a registered representative.

Notice is hereby given that the National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association), has filed with this Commission, on behalf of John Doe and Company, an application for approval of the continuance of the membership of John Doe and Company in the Association, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

Among other things, the above application states that:

A. A. R. Miller is now employed by John Doe and Company, a member of the Association, having its principal office in New York, New York, and a branch office in Washington, D. C. A. R. Miller is employed at the branch office.

B. A. R. Miller, doing business as A. R. Miller & Company, a sole proprietor, was a registered broker and dealer and a member of the Association prior to June 7, 1943, with offices in Washington, D. C.

C. By decision of the Board of Governors, dated June 7, 1943, A. R. Miller, doing business as A. R. Miller & Company, was expelled from membership in the Association for violation of an Association rule prohibiting conduct inconsistent with just and equitable principles of trade.

D. The District Committee for District No. 13 and the Board of Governors of the Association, having reviewed the record in the proceedings resulting in such order of expulsion and having considered the subsequent activity of A. R. Miller and his general reputation in the business community, believe that he has been sufficiently penalized for the violation of the rule which was the subject of such disciplinary proceedings, that he should be permitted to engage in the securities business as an employee and registered representative of John Doe and Company, and that the continuance of John Doe and Company in membership in the Association with A. R. Miller as an employee and registered representative thereof would be consonant with the stated purposes and policies of section 15A of the act.

E. The Association now applies for approval of the Commission to continuance of John Doe and Company in membership in the Association with A. R. Miller as an employee and registered representative.

Under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934, as amended, and section 2 of Article I of the Association's By-Laws, the firm of John Doe and Company may not be continued in membership in the Association so long as A. R. Miller is controlled by said company, except with the approval of the Securities and Exchange Commission based upon a finding that such approval is appropriate in the public interest.

Any interested person may informally present his views or any information relating to this matter by communicating with E. Russel Kelly, Regional Administrator of the Commission's Baltimore Regional Office, O'Sullivan Building, Baltimore, Maryland, on or before April 8, 1947. Within the same time any person desiring that a formal hearing be held may file with the Secretary a written request to that effect, together with a brief statement of the nature of his interest in the proceeding and the position which he proposes to take. In the absence of such a request by any person having a bona fide interest in the proceeding, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate to do so, will grant the application on the basis of the record and without formal hearing.

This notice shall be served on John Doe and Company and the Association not less than fifteen (15) days prior to April 8, 1947, and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act not later than (15) days prior to April 8, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2562; Filed, Mar. 19, 1947; 8:46 a. m.]

[File Nos. 7-932 through 7-935, 7-937 through 7-943, and 7-945 through 7-954]

ALLIED STORES CORP. ET AL.

FINDINGS AND ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of March A. D. 1947.

In the matter of applications by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Twenty-One (21) Securities; File Nos. 7-932 to 7-935, inclusive, 7-937 to 7-943, inclusive, and 7-945 to 7-954, inclusive.

The Cincinnati Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder for permission to extend unlisted trading privileges to the twenty-one securities enumerated below and listed in the attached schedule. Each of these securities is listed and registered on another national securities exchange as indicated below.

A public hearing has been held after appropriate notice and the Commission, being duly advised, finds:

(1) That the number of shares outstanding of each security, the distribution in the vicinity of the applicant exchange, and the volume of trading in said vicinity are set forth in the attached table;

(2) That sufficient public distribution of and sufficient public trading activity in these securities exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the applications of the Cincinnati Stock Exchange for permission to extend unlisted trading privileges to:

Allied Stores Corporation, Common Stock, No Par Value, now listed on the New York Stock Exchange,

American Airlines, Incorporated (Delaware), Common Stock, $1.00 Par Value, now listed on the New York Stock Exchange,

American Telephone and Telegraph Company, Common Stock, $100.00 Par Value, now listed on the Boston Stock Exchange, Chicago Stock Exchange, New York Stock Exchange, Philadelphia Stock Exchange, and Washington Stock Exchange,

The Chesapeake & Ohio Railway Company, Common Stock, $25.00 Par Value, now listed on the New York Stock Exchange,

The Commonwealth & Southern Corporation, Common Stock, No Par Value, now listed on the New York Stock Exchange,

Curtiss Wright Corporation, Common Stock, $1.00 Par Value, now listed on the New York Stock Exchange,

Dayton Power and Light Company, Common Stock, $7.00 Par Value, now listed on the New York Stock Exchange,

Federated Department Stores, Incorporated, Common Stock, No Par Value, now listed on the New York Stock Exchange,

General Electric Company, Common Stock, No Par Value, now listed on the Boston Stock Exchange and New York Stock Exchange,

The National Cash Register Company, Common Stock, No Par Value, now listed on the New York Stock Exchange,

The New York Central Railroad Company, Common Stock, No Par Value, now listed on the New York Stock Exchange,

The Ohio Oil Company, Common Stock, No Par Value, now listed on the New York Stock Exchange.

Packard Motor Car Company, Common Stock, No Par Value, now listed on the Detroit Stock Exchange and New York Stock Exchange,

The Pennsylvania Railroad Company, Common Stock, $50.00 Par Value, now listed on the Boston Stock Exchange, Chicago Stock Exchange, New York Stock Exchange, and Philadelphia Stock Exchange,

Pepsi-Cola Company, Common Stock, 33⅓¢ Par Value, now listed on the New York Stock Exchange,

Radio Corporation of America, Common Stock, No Par Value, now listed on the New York Stock Exchange,

Socony-Vacuum Oil Company, Inc., Common Stock, $15.00 Par Value, now listed on the New York Stock Exchange,

Standard Oil Company (New Jersey), Common Stock, $25.00 Par Value, now listed on the New York Stock Exchange,

Standard Oil Company (Ohio), Common Stock, $10.00 Par Value, now listed on the Cleveland Stock Exchange and New York Stock Exchange,

United States Steel Corporation, Common Stock, No Par Value, now listed on the Chicago Stock Exchange, New York Stock Exchange, and San Francisco Stock Exchange,

Westinghouse Electric Corporation, Common Stock, $12.50 Par Value, now listed on the Boston Stock Exchange, Chicago Stock Exchange, New York Stock Exchange, and Pittsburgh Stock Exchange,

be, and the same are, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SUMMARY PERTAINING TO APPLICATIONS BY THE CINCINNATI STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO TWENTY-ONE (21) STOCKS

	Shares outstanding	Distribution in vicinity on Sept. 30, 1946,[1] shares	Trading volume in vicinity from Oct. 1, 1945, to Sept. 30, 1946:[2] Transactions	Trading volume in vicinity from Oct. 1, 1945, to Sept. 30, 1946:[2] Shares
Allied Stores Corp., common stock, no par value	2,062,722	29,628	264	19,200
American Airlines, Inc., (Delaware), common stock, $1 par value	6,452,836	17,190	336	46,011
American Telephone & Telegraph Co., common stock, $100 par value	20,345,036	15,022	573	15,715
The Chesapeake & Ohio Ry. Co., common stock, $25 par value	7,657,354	25,848	545	28,978
The Commonwealth & Southern Corp., common stock, no par value	33,673,328	60,969	812	241,579
Curtiss Wright Corp., common stock, $1 par value	7,432,039	16,633	414	67,175
Dayton Power & Light Co., common stock, $7.50 par value	1,530,000	16,847	402	33,756
Federated Department Stores, Inc., common stock, no par value	2,130,796	25,701	384	32,319
General Electric Co., common stock, no par value	28,845,927	43,554	461	25,958
The National Cash Register Co.,[3] common stock, no par value	1,628,000	5,446	113	7,982
The New York Central R. R. Co., common stock, no par value	6,447,413	18,431	260	36,221
The Ohio Oil Co., common stock, no par value	6,563,377	17,219	283	23,153
Packard Motor Car Co., common stock, no par value	15,000,000	33,737	515	60,916
The Pennsylvania R. R. Co., common stock, $50 par value	13,167,754	17,887	358	20,770
Pepsi-Cola Co., common stock, 33⅓ cents par value	5,752,004	16,427	286	25,184
Radio Corp. of America, common stock, no par value	13,881,016	26,115	396	26,714
Socony-Vacuum Oil Co., Inc., common stock, $15 par value	31,178,323	44,663	471	44,323
Standard Oil Co. (New Jersey), common stock, $25 par value	27,333,742	34,728	355	21,784
Standard Oil Co. (Ohio), common stock, $10 par value	2,676,384	13,984	196	16,413
United States Steel Corp., common stock, no par value	8,703,252	17,787	454	28,453
Westinghouse Electric Corp., common stock, $12.50 par value	12,856,394	22,467	227	25,429

[1] Reported by member firms and local banks. [2] Reported by member firms. [3] The main plant of this issuer is in Dayton, Ohio.

[F. R. Doc. 47-2563; Filed, Mar. 19, 1947; 8:46 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of March A. D. 1947.

In the matter of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company and its subsidiary companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having filed a supplemental application pursuant to the provisions of the Public Utility Holding Company Act of 1935 regarding the following transactions:

Bond and Share's Plan II-A, as amended, approved by the Commission on September 6, 1946, provided, among other things, that the company sell within a specified period of time any shares of the common stock of Pennsylvania Power & Light Company ("Pennsylvania"), not offered to, or not purchased by, the common stockholders of Bond and Share in accordance with the provisions of Plan II-A, as amended. Bond and Share has notified the Commission pursuant to Rule U-44 (c) that it proposes to dispose of such Pennsylvania stock consisting of 153,753 shares of common stock (plus not exceeding 15,000 additional shares which may be purchased for stabilizing purposes) by means of the sale thereof to an underwriting group formed by Lehman Bros. for a secondary distribution after the close of the New York Stock Exchange (upon which the said shares of Pennsylvania are listed) on a day to be mutually agreed upon between Bond and Share and the underwriters. The initial public offering price is also to be mutually agreed upon between Bond and Share and the underwriters and is to be equal to the price at which the last sale of the common stock of Pennsylvania on the New York Stock Exchange was made prior to such mutual agreement, or to be equal to such price less 12½¢ per share.

Bond and Share now requests permission to acquire not in excess of 15,000 shares of the common stock of Pennsylvania on the New York Stock Exchange for the purpose of stabilizing the prices of such stock from 10:00 a. m., e. s. t., on March 13, 1947, until the time at which the initial public offering price is mutually agreed upon between Bond and Share and the underwriters, but in any event not later than the close of business on March 19, 1947.

Bond and Share also requests that the order of the Commission approving the proposed transactions contain findings and recitations conforming to the provisions and requirements of section 1808 (f) of the Internal Revenue Code, as amended.

The Commission finding that no adverse findings are necessary under the applicable provisions of the act and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, and further deeming it appropriate to grant the request of the applicant that the order conform to the requirements of the Internal Revenue Code, as amended, including section 1808 (f) thereof:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder that said application be, and the same hereby is, granted forthwith subject to the condition that any common stock of Pennsylvania so acquired by Bond and Share shall be subject to the divestment provisions contained in Plan II-A, as amended.

It is further ordered, That any transfer upon the sale or other disposal by

Electric Bond and Share Company of any shares of common stock of Pennsylvania Power & Light Company purchased by Electric Bond and Share Company in the course of the above-described stabilizing operations is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2564; Filed, Mar. 19, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8355]

HATTIE K. MAYER

In re: Estate of Hattie K. Mayer, deceased. File No. D-28-10037; E. T. sec. 14234.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That ——— Zabrzeski, first name unknown, son of Rose Zabrzeski, deceased, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of ——— Zabrzeski, first name unknown, son of Rose Zabrzeski, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $535.83 was paid to the Alien Property Custodian by Mrs. R. W. Gerhard, Administratrix of the Estate of Hattie K. Mayer, deceased;

4. That the said sum of $535.83 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and that the personal representatives, heirs, next of kin, legatees and distributees of ——— Zabrzeski, first name unknown, son of Rose Zabrzeski, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on May 9, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2612; Filed, Mar. 19, 1947; 8:46 a. m.]

[Vesting Order 8364]

F. A. DALLMEYER

In re: Bank account owned by F. A. Dallmeyer. F-28-7688-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That F. A. Dallmeyer, whose last known address is Dusseldorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to F. A. Dallmeyer, by Houston Bank and Trust Company, 119 Main Street, Houston 2, Texas, arising out of a Savings Account, Account Number 13629, entitled F. A. Dallmeyer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2613; Filed, Mar. 19, 1947; 8:46 a. m.]

[Vesting Order 8370]

TOSHI IDA

In re: Bank account owned by Toshi Ida. D-39-18600-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toshi Ida, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Toshi Ida, by Bank of America National Trust and Savings Association, 660 South Spring Street, Los Angeles 14, California, arising out of a Checking Account, entitled Toshi Ida, maintained at the branch office of the aforesaid bank located at 1330 Sartori Avenue, Torrance, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2616; Filed, Mar. 19, 1947; 8:47 a. m.]

[Vesting Order 8366]

YOSHIO ENDO

In re: Bank account owned by Yoshio Endo. D-39-18713-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshio Endo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yoshio Endo, by Bank of America National Trust and Savings Association, 660 South Spring Street, Los Angeles, California, arising out of a Checking Account, entitled Yoshio Endo, maintained at the branch office of the aforesaid bank located at 505 West Seventh Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2614; Filed, Mar. 19, 1947; 8:47 a. m.]

[Vesting Order 8368]

KICHISABURO HASEGAWA

In re: Bank account owned by Kichisaburo Hasegawa. F-39-4605-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kichisaburo Hasegawa, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kichisaburo Hasegawa, by Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a Commercial Account, entitled Kichisaburo Hasegawa, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2617; Filed, Mar. 19, 1947; 8:47 a. m.]

[Vesting Order 8375]

HIDEKO MASUDA

In re: Bank account owned by Hideko Masuda. F-39-3154-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tideko Masuda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Hideko Masuda, by The Capital National Bank of Sacramento, P. O. Box 899, Sacramento 4, California, arising out of a Savings Account, Account Number 69694, entitled Hideko Masuda, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2615; Filed, Mar. 19, 1947; 8:47 a. m.]

[Vesting Order 8373]

CARLOS KOESTER

In re: Bank account owned by Carlos Koester. F-28-3226-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carlos Koester, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Carlos Koester, by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a Checking Account, entitled Carlos Koester, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2616; Filed, Mar. 19, 1947; 8:47 a. m.]

[Vesting Order 8437]

GUSTAV ZIEGLER

In re: Stock owned by and debt owing to Gustav Ziegler, also known as Gustave Ziegler, and Margarete Ziegler, also known as Margarite Ziegler and as Margaret Ziegler. F-28-738-D-1/8.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Ziegler, also known as Gustave Ziegler, and Margarete Ziegler, also known as Margarite Ziegler and as Margaret Ziegler, whose last known address is Friedrichstrasse 181, Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered as set forth in Exhibit A, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Gustav Ziegler, also known as Gustave Ziegler, and Margarete Ziegler, also known as Margarite Ziegler and as Margaret Ziegler, by Standard Oil Company, a New Jersey Corporation, 30 Rockefeller Plaza, New York, New York, in the amount of $10.48, as of December 31, 1945, arising out of the sale of certain scrip issued by said corporation, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Number of shares	Certificate No.	Names in which registered
The May Department Stores Co., 6th and Olive St., St. Louis, Mo.	New York	$10 par value common stock	10	074080	Mr. Gustav Ziegler & Margaret Ziegler.
International Telephone & Telegraph Corp., 67 Broad St., New York, N. Y.	Maryland	No par value capital stock	10	NNAF 63963	Gustav Ziegler and Margarete Ziegler as joint tenants with right of survivorship and not as tenants in common.
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	No par value common stock	20	P55048	Gustav Ziegler & Margarete Ziegler as joint tenants.
Standard Oil Co., 30 Rockefeller Plaza, New York, N. Y.	do	$25 par value capital stock	20	C802740	Gustav Ziegler & Margarite Ziegler as joint tenants, etc.
The Atchison, Topeka & Sante Fe Ry. Co., 120 Broadway, New York, N. Y.	Kansas	$100 par value common stock	10	X369155	Gustav Ziegler and Margarete Ziegler.
Consolidated Edison Co. of New York, Inc., 4 Irving Pl., New York, N. Y.	New York	No par value common stock	10	124244	Gustave Ziegler & Margaret Ziegler.
Southern Pacific Co., 165 Broadway, New York, N. Y.	Kentucky	do	8	F511714	Gustave Ziegler and Margarete Ziegler.
Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, N. Y.	Delaware	$15 par value capital stock	2	0120347	Gustav Ziegler & (Mrs.) Margarite Ziegler as jt ten etc.

[F. R. Doc. 47-2629; Filed, Mar. 19, 1947; 8:48 a. m.]

[Vesting Order 7583, Amdt.]

ELIZABETH POCKELS AND ANNA POCKELS

In re: Bank accounts and stock owned by Elizabeth Pockels and Anna Pockels. F-28-6615-A-1, F-28-6615-E-1.

Vesting Order 7583, dated September 5, 1946, is hereby amended as follows and not otherwise:

By deleting the words "Mercantile Trust Company" in the third and fifth paragraphs from the top of the last column of Exhibit A of said vesting order, which column is entitled "Name and Address of Registered Owner", and substituting therefor the words "American Trust Company".

All other provisions of said Vesting Order 7583 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereby are hereby ratified and confirmed.

Executed at Washington, D. C., on February 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2630; Filed, Mar. 19, 1947; 8:49 a. m.]

[Vesting Order 8378]

ALFRED SCHMANDT ET AL.

In re: Bank accounts owned by Alfred Schmandt et al., F-28-28095-E-1, F-28-28096-E-1, F-28-28097-E-1, F-28-28098-E-1, F-28-28099-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Schmandt, Karl Schmandt, Kurt Schmandt, Augusta Kusch, and Bertha Weiher, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The First State Bank of New London, Wisconsin, New London, Wisconsin, arising out of Savings Accounts, entitled as follows: Alfred Schmandt, Karl Schmandt, Kurt Schmandt, Augusta Kusch, Bertha Weiher, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2619; Filed, Mar. 19, 1947; 8:47 a. m.]

[Vesting Order 8379]

HERMINE SCHMETZER

In re: Bank account owned by Hermine Schmetzer, also known as Hermine Schmitzer. F-28-12076-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermine Schmetzer, also known as Hermine Schmitzer, whose last known address is Reichsbanhof, Vaihingen-Enz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hermine Schmetzer, also known as Hermine Schmitzer, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a Savings Account, Account Number 1,360,124, entitled Hermine Schmetzer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2620; Filed, Mar. 19, 1947; 8:47 a. m.]

[Vesting Order 8397]

FRAN JOSEPH BORKOWY

In re: Bank account owned by Fran Joseph Borkowy. F-28-25098-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fran Joseph Borkowy, whose last known address is Frier a d Mosel, Loniastr 25, Deutschland, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Fran Joseph Borkowy, by Union Bank of Commerce, 917 Euclid Ave., Cleveland, Ohio, arising out of a checking account, entitled Fran Joseph Borkowy, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2622; Filed, Mar. 19, 1947; 8:47 a. m.]

[Vesting Order 8398]

OLGA HOEDT

In re: Bank account owned by Olga Hoedt. F-28-18023-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga Hoedt, whose last known address is 57 Nachtigallensteig, Schoenwalde over Velten (Mark), Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Olga Hoedt, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a savings account, Account Number 1,345,912, entitled Olga Hoedt, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2621; Filed, Mar. 19, 1947; 8:47 a. m.]

[Vesting Order 8400]

POVEL, LTD.

In re: Debt owing to Povel, Ltd. F-28-26155-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Povel, Ltd., the last known address of which is Nordhorn, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Povel, Ltd., by H. W. Giger Corporation of New York, 9 East 37th Street, New York 16, New York, in the amount of $933.60, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2623; Filed, Mar. 19, 1947; 8:48 a. m.]

[Vesting Order 8404]

MRS. MARTHA SCHOLZ

In re: Estate of Mrs. Martha Scholz, deceased. File D-28-10480; E. T. Sec. 14900.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Martha Gudat Laidl, the personal representatives, heirs, next of kin, legatees and distributees of Heinz Gudat and the personal representatives, heirs, next of kin, legatees and distributees of Elfreda Gudat, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Mrs. Martha Scholz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Hugo Lerchner and Johanna Lerchner, as Executors, acting under the judicial supervision of the Surrogate's Court of Schenectady County, New York;

and it is hereby determined:

4. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Martha Gudat Laidl, the personal representatives, heirs, next of kin, legatees and distributees of Heinz Gudat and the personal representatives, heirs, next of kin, legatees and distributees of Elfreda Gudat, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2624; Filed, Mar. 19, 1947; 8:48 a. m.]

[Vesting Order 8406]

J. G. CHRISTIAN CORDES

In re: Estate of J. G. Christian Cordes, deceased. File 017-22288.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gretchen Rabius, Mrs. Erna Pangmann, Anni Cordes, Mrs. Christina Eben, Helene Paradies a/k/a Helene Paradise, Margaretta Paradies a/k/a Mariechen Paradise, Maria Paradies a/k/a Gretchen Wobken, Johanna Paradies a/k/a Johanne Baumuller and Bertha Paradies, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of J. G. Christian Cordes, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Gerald E. Collins, as executor, acting under the judicial supervision of the County Court of Sarpy County, Nebraska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2625; Filed, Mar. 19, 1947; 8:48 a. m.]

[Supplemental Vesting Order 8408]

BERTHA SCHLUTTIG

In re: Estate of Bertha Schluttig, also known as Bertha R. Schluttig, deceased, File D-28-10217, E. T. sec. 14563.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Sebek, Eugen Schluttig and Herman Schluttig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Ernestine Frommold, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subpara-

graphs 1 and 2 hereof, and each of them, in and to the Estate of Bertha Schluttig, also known as Bertha R. Schluttig, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Erich Ziesche, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Ernestine Frommold, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2626; Filed, Mar. 19, 1947; 8:48 a. m.]

[Vesting Order 8425]

A. E. WASSERMAN

In re: Bank accounts, stock, bonds and claims owned by A. E. Wasserman, also known as A. E. Wassermann. F-28-1037-E-3, F-28-1037-E-4, F-28-1037-A-3, F-28-1037-A-4, F-28-1037-A-5, F-28-1037-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. E. Wasserman, also known as A. E. Wassermann, the last known address of which is Bamberg, Germany, is a partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to A. E. Wasserman, also known as A. E. Wassermann, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled A. E. Wasserman, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to A. E. Wasserman, also known as A. E. Wassermann, by The First National Bank of Boston, 67 Milk Street, Boston, Massachusetts, arising out of a checking account, entitled A. E. Wassermann, and any and all rights to demand, enforce and collect the same,

c. Thirty (30) shares of capital stock of Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 135156, dated March 7, 1939, registered in the name of White, Weld & Co., and presently in the custody of White, Weld & Co., 40 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

d. Fifty (50) shares of $5 par value capital stock of Chrysler Corporation, 341 Massachusetts Avenue, Detroit 31, Michigan, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 29938, presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with all declared and unpaid dividends thereon,

e. Eighteen (18) St. Louis-San Francisco Railway Company 4% bearer bonds, Series A, of a total face value of $12,750, comprising five (5) bonds of $100 face value each, bearing the numbers 4191 to 4195, one (1) bond of $250 face value, bearing the number Y8892, and twelve (12) bonds of $1000 face value each, bearing the numbers M12239 through M12250, presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto,

f. Four hundred and forty (440) shares of capital stock of Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Illinois, a corporation organized under the laws of the State of New York, evidenced by certificate number N0487550, for 15 shares, certificate number N0510144, for 25 shares, and certificates numbered N255676 through N255679, for 100 shares each, registered in the name of Halle & Stieglitz, and presently in the custody of Halle & Stieglitz, 25 Broad Street, New York 4, New York, together with all declared and unpaid dividends thereon,

g. Five hundred (500) shares of capital stock of International Nickel Company of Canada, Ltd., Cooper Cliff, Ontario, a corporation organized under the laws of the Dominion of Canada, evidenced by certificates numbered 496947, 452924, 490483, 364183, and 436710, for 100 shares each, registered in the name of Halle & Stieglitz, and presently in the custody of Halle & Stieglitz, 25 Broad Street, New York 4, New York, together with all declared and unpaid dividends thereon,

h. That certain debt or other obligation of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, in the amount of $3,321 as of December 31, 1945, appearing on its books and records as owing to Michelis & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

i. That certain debt or other obligation of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, arising out of the redemption for $6,000 of certain shares of stock of Loveman, Joseph & Loeb held for Michelis & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2628; Filed, Mar. 19, 1947; 8:48 a. m.]

[Dissolution Order 49, Amdt.]

STEFFENS, JONES & CO., INC.

Whereas, in the second paragraph of Dissolution Order No. 49, of February 19, 1947, Vesting Order No. 214, as amended, was, as a result of a typographical error, inadvertently designated as "Vesting Order No. 426";

Now, therefore, Dissolution Order No. 49 of February 19, 1947, is hereby amended as follows and not otherwise:

By changing "Vesting Order No. 426" where it appears in the first line of the second paragraph thereof to "Vesting Order No. 214, as amended".

All other provisions of such Dissolution Order No. 49 are hereby confirmed.

Executed at Washington, D. C., on March 11, 1947.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2631; Filed, Mar. 19, 1947; 8:49 a. m.]

[Vesting Order 8409]

MINNIE STUDER

In re: Estate of Minnie Studer, deceased. File D-28-11532; E. T. sec. 15731.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Herzog, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the children, names unknown, of Emma Herzog, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Minnie Studer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by H. Otto Giese, as Executor, acting under the judicial supervision of the Superior Court of the State of Washington, for King County;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the children, names unknown, of Emma Herzog, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2627; Filed, Mar. 19, 1947; 8:48 a. m.]

MAR 24 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 57

Washington, Friday, March 21, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9834

REGULATIONS GOVERNING THE PAYMENT OF EXPENSES OF TRANSPORTATION OF CIVILIAN OFFICERS AND EMPLOYEES TRANSFERRED INCIDENT TO THE RETURN OF DEPARTMENTAL FUNCTIONS TO THE SEAT OF GOVERNMENT

By virtue of and pursuant to the authority vested in me by the Second Deficiency Appropriation Act, 1946, approved May 18, 1946 (Public Law 384, 79th Congress), under the heading "Federal Works Agency—Public Buildings Administration," and in the interest of the internal management of the Government, it is hereby ordered as follows:

SECTION 1. The provisions of Executive Order No. 9805 of November 25, 1946, prescribing regulations governing the payment of travel expenses of civilian officers and employees of the United States and transportation expenses of their immediate families, household goods, and personal effects when transferred from one official station to another for permanent duty, are hereby made applicable with respect to the payment of such expenses incident to the return of departmental functions to the seat of government as authorized by the said Second Deficiency Appropriation Act, 1946, and as may be authorized by subsequent legislation.

SEC. 2. The provisions of the said Act shall apply only to those officers and employees whose positions were transferred to the seat of government subsequent to October 11, 1944.

SEC. 3. Executive Order No. 9739 of June 20, 1946, is hereby revoked, except that it shall continue to be applicable, so long as necessary, with respect to the payment of expenses incident to any return of departmental functions to the seat of government ordered prior to November 1, 1946, and incomplete on that date.

SEC. 4. This order shall become effective as of November 1, 1946, and shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 20, 1947.

[F. R. Doc. 47-2753; Filed, Mar. 20, 1947; 12:22 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTION

PART 54—ANNUAL AND SICK LEAVE REGULATIONS

MISCELLANEOUS AMENDMENTS

In the FEDERAL REGISTER of February 25, 1947, Chapter I was revised and certain parts, including Part 12, §§ 12.301 to 12.314, and Part 54 were redesignated, effective May 1, 1947 (12 F. R. 1270, 1291, 1343). These amendments to Part 12 and Part 54 are to be carried over on May 1, the effective date of the redesignation.

1. Section 12.310 (redesignated as § 20.10 effective May 1, 1947) is amended to read as set out below. This amendment shall be effective upon publication in the FEDERAL REGISTER.

§ 12.310 *Notice to employees.* An employee in group A-1 or A-2 with competitive status affected by a reduction in force shall be given an individual notice in writing one year before the action becomes effective. His one-year notice period shall be composed of, whenever possible, at least 30 days in an active duty status; a non-duty status with pay for the duration of his leave, if any; and the balance of the year in a furlough or leave without pay status. Exceptions to this rule are authorized when the employee requests separation in lieu of furlough, or when the agency as a whole is liquidating, in which case the notice period shall terminate as of the day the agency is finally liquidated. Exceptions may also be made after prior approval by the Commission, in the case of agencies which agree to grant reemployment benefits to employees separated with shorter notice periods equal to those they would have received if retained on the rolls for one year.

Each employee affected by reduction in force shall be given an individual notice in writing at least 30 days before the action becomes effective. Where it is not possible to continue the employee in an active-duty status for the period specified in the notice, he shall have the greatest possible notice before he is relieved from active duty and shall thereafter be carried on the rolls for the re-

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mainder of the period. If the period of active duty after the notice is given and the period of accrued leave total less than 30 days, the employee shall be carried in a non-pay status for the remainder of the 30-day period. Notices to employees shall inform them of:

(a) The nature and effective date of the action.

(b) The proper office of the organization where he may examine a copy of these regulations and inspect the retention register and records.

(c) His right to appeal the proposed action to the Commission (departmental employees in the Washington area to the Central Office and others to the appropriate regional or branch office) within ten days from the receipt, and

(d) The procedure for exercising any restoration or reemployment rights he may have, and the channels (departmental and field) through which he may apply for other government employment. (Sec. 12, 58 Stat. 390; 5 U. S. C., Sup. 861)

2. Section 54.408 (redesignated as § 30.408 effective May 1, 1947) is amended to read as set out below. This amendment shall be effective upon publication in the FEDERAL REGISTER.

§ 54.408 *Disposition of sick leave account on transfer.* When an employee is appointed, reappointed, or transferred to another position with no break in service, or a break of less than 90 days, or within one year after notice of proposed separation by reduction in force, his sick leave account shall be disposed of as follows:

(a) If the position is within the purview of the leave acts of March 14, 1936, the sick leave account shall be certified to the employing agency for credit or charge to the employee.

(b) If the position to which he is appointed, reappointed, or transferred is not within the purview of the leave acts of March 14, 1936, the employee shall be furnished with a statement of his sick leave account and if he is subsequently appointed, reappointed, or transferred to a position within the purview of such acts, with no break in service or a break of less than 90 days, the leave shown to be due shall be credited to his account. (E. O. 9414, Jan. 13, 1944, 3 CFR 1944 Supp.)

NOTE: These amendments are intended to remedy a presently existing situation with respect to reductions in force that are currently being made in the staffs of Government agencies. For this reason the Commission finds that good cause exists for making them effective upon publication in the FEDERAL REGISTER.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-2653; Filed, Mar. 20, 1947; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 932—MILK IN FORT WAYNE, IND., MARKETING AREA

ORDER TERMINATING MARKETING AGREEMENT

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the marketing agreement regulating the handling of milk in the Fort Wayne, Indiana, marketing area, hereinafter referred to as the "marketing agreement," effective July 1, 1943, it is hereby found and determined that the provisions of such marketing agreement will, on and after April 1, 1947, no longer tend to effectuate the declared policy of the act.

It is therefore ordered that the provisions of the marketing agreement effective July 1, 1943, be and they hereby are terminated effective at 12:01 a. m., c. s. t., April 1, 1947.

NOTE: This order terminating the "Marketing agreement" does not affect the terms of the "Marketing order" (932.1–932.15, 12 F. R. 1538).

Done at Washington, D. C., this 14th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2598; Filed, Mar. 20, 1947; 8:48 a. m.]

TITLE 15—COMMERCE

Chapter VI—Office of Technical Services

PART 601—FUNCTIONS OF THE ORGANIZATION UNITS

TECHNICAL INDUSTRIAL INTELLIGENCE DIVISION

Effective January 6, 1947, the official headquarters of the overseas operation of the Technical Industrial Intelligence Division, are transferred from Hoescht, Germany, to Karlsruhe, Germany.

Section 601.4 *Technical Industrial Intelligence Division* is amended by adding the following paragraph (c):

(c) As of January 6, 1947, the official headquarters of the overseas operation of the Technical Industrial Intelligence Division are located at Karlsruhe, Germany; address: Industry Branch (or Scientific Branch), 7748 FIAT (Main), c/o U. S. F. E. T., APO 757, c/o Postmaster, New York, New York.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 237, 244)

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-2642; Filed, Mar. 20, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, as Amended March 20, 1947]

GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIRS

The Veterans' Emergency Housing Program calls for the construction of a large number of housing accommodations to meet the needs of returning veterans. The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of building materials, and facilities related to the utilization of building materials, suitable for the construction and/or completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. It will be impossible to carry out the Veterans' Emergency Housing Program without diverting these critical materials from deferrable or less essential construction. The following order is deemed necessary and appropriate in the public interest and to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 4700.1 *Veterans' Housing Program Order 1*—(a) *What this order does.* In

order to carry out the Veterans' Emergency Housing Program, this order forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization under paragraph (h) of the order with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f). The restrictions of the order apply whether or not the materials needed are on hand or are available without priorities assistance.

(b) *Structures and work covered by this order*—(1) *Kind of structures.* The restrictions of this order apply to certain kinds of work on structures.

As used in the order, "structure" means any of the following, whether of a temporary or permanent nature (See Interpretation 3 as to portable structures):

NOTE: "A billboard" deleted March 20, 1947.

A building.
An arena, stadium or grandstand, including bleachers or similar seating arrangements.
A pier or dock.
A boardwalk (not including wooden walks used in winter or bad weather).
A concrete surface or base for a drive-in theatre, parking lot or tennis court.
A moving picture set.
A roller coaster or similar device of a kind ordinarily used in amusement parks.
A swimming pool.
A wall or fence built primarily of wood, brick or concrete or concrete blocks.

The erection of stands or other structures which have been used before and are being erected only for a temporary purpose and are to be taken down after the temporary purpose is served is not covered by the order.

The term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not it is inside a structure. Supplement 4 to VHP–1 contains examples of things which do not fall within the term "structure" as defined above.

(2) *Kinds of work.* The restrictions of this order apply to constructing, repairing, making additions or alterations (including alterations incidental to installing any kind of equipment), improving or converting structures, or installing or relocating fixtures or mechanical equipment in structures. These terms include any kind of work on a structure which involves the putting up or putting together of processed materials, products, fixtures or mechanical equipment, if the processed materials, products, fixtures or mechanical equipment are attached to a structure and used as a functional part of the structure, or are attached so firmly to the structure that removal would injure the material, product, fixture or mechanical equipment or the structure. The laying of asphalt or other tile or linoleum cemented or otherwise attached to the structure is covered by the order. However, the following kinds of work are not covered by the order:

Greasing, overhauling or repairing existing mechanical equipment or installing repair or replacement parts in existing mechanical equipment.
Sanding floors and sand blasting buildings.
Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying where no work covered by the order is done in connection with the painting, papering or waterproofing.
Pointing bricks, sparkling plaster and caulking windows.
Installing loose fill, blanket, or batt insulation in existing buildings or installing insulation on existing equipment or piping.

(3) *Fixtures and mechanical equipment.* In general the term "fixture" means any article attached to a building or structure and used as part of it and the term "mechanical equipment" means plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it. Supplement 1 to VHP–1 contains lists of articles which are considered fixtures or mechanical equipment when attached to a structure in the manner described in that supplement and a list of other articles which are never considered fixtures or mechanical equipment.

(c) *Prohibited construction.* (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate fixtures or mechanical equipment in any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands or the Territory of Hawaii, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h). No person shall carry on or participate in any construction, repair work, addition, improvement, conversion, alteration, installation or relocation of fixtures or mechanical equipment prohibited by this order. The prohibitions of this paragraph apply to a person who does his own construction work, to a person who gets a contractor to do the work, to contractors, sub-contractors, architects and engineers working on a job which is being carried on in violation of this order or getting others to work on it or to supply materials for it.

(2) This order forbids the beginning of certain kinds of work. To "begin" work on a structure means to incorporate into a structure on the site materials which are to be an integral part of the structure in question. Demolition, excavation and similar site preparation do not constitute beginning construction. The order does not apply to work which was begun before the order became effective and which was being carried on on that date and which is carried on normally after that date. However, this rule only applies to the particular building or other structure begun at that time. It does not apply to any other building or structure which had not itself been begun by that date even though the two are closely related. Supplement 2 to this order contains further provisions concerning the effective date of the order and concerning the beginning of construction. It also contains examples of work which constitute beginning construction, and the examples of other work which do not constitute beginning construction.

(3) [Deleted July 2, 1946.]

(d) *Allowances for small jobs.* This order does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given in Supplement 3 to VHP–1 for the particular kind of structure or job involved. Supplement 3 lists various kinds of structures and states what the small job allowance is for each kind of structure or job. Supplement 3 also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and also provides when a job is a separate job.

(e) *Exemption for repair and maintenance work in industrial utility and transportation buildings and structures.* The prohibitions of this order do not apply to maintenance and repair work in structures listed in paragraph (b) (3) of Supplement 3 to this order. For the purpose of the exemption given by this paragraph, "maintenance" means the minimum upkeep necessary to keep a structure in sound working condition and "repair" means the restoration of a structure to sound working condition when the structure has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. However, neither maintenance nor repair includes the improvement of any structure by replacing material which is still usable with material of a better kind, quality or design. Alterations to a building or other structure covered by paragraph (b) (3) of Supplement 3, including alterations incidental to installation of equipment, and not exempted by this paragraph, and may only be done when and to the extent permitted under Supplement 3 or when specifically authorized.

(f) *Other exemptions*—(1) *Disasters.* (i) The prohibitions of this order do not apply to the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by flood, fire, tornado, or similar disaster. This does not include the restoration of the structure to its former condition.

(ii) The prohibitions of this order do not apply to the repair, rebuilding or reconstruction of any house (including a farmhouse) or any farm building which was destroyed or damaged by fire, flood, tornado or similar disaster, if the total cost of the repairs, rebuilding or reconstruction does not exceed $6,000 and if the reconstruction is started within sixty days of the occurrence of the disaster.

(2) *Military construction.* The prohibitions of this order do not apply to work by or for the account of the U. S. Army or Navy.

(3) *Veterans' Administration.* The prohibitions of this order do not apply to work on construction projects of the Veterans' Administration, including projects being built by the Corps of Engineers for the Veterans' Administration, or to the remodeling of a building or any part of a building which has been leased to the Veterans' Administration or to Public Buildings Administration for occupancy or use by the Veterans' Administration.

(g) *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order.

(h) *Authorizations.* Persons who wish to begin work which is prohibited by this order may apply for authorization. Supplement 5 to this order states what forms should be used and where the applications should be filed. The assignment of priorities assistance or the approval of housing accommodations under Priorities Regulation 33, whether before or after the time when this order became effective, or under Housing Expediter Priorities Regulation 5 or other applicable regulation of the Housing Expediter, constitutes an authorization under this order to do the work for which priorities assistance or approval was given.

Applications for non-housing construction will be reviewed to determine whether they meet the standards set forth in Direction 3 to VHP–1.

(i) *Construction under authorizations.* When a person is specifically authorized, either by approval of Form CPA–4423 or Form CPA–4386 or otherwise, to do work restricted by this order, he must observe the restrictions imposed on him by the authorization, and in doing the authorized work, he must not do any work of the kinds covered by the order unless it is specifically covered by the authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the exemption given by Supplement 3 to VHP–1. When an application on Form CPA–4423 has been approved a placard will be sent to the applicant stating that the construction has been approved under this order. The applicant must place in the placard the project serial number and must set up the placard in front of the project site in a conspicuous location within five days after construction has been started and he must keep the placard there until completion of the work. No person to whom an authorization under VHP–1 has been issued shall transfer the authorization. If for any reason a builder wishes to abandon a project and another builder wishes to continue it, the new builder should apply to the appropriate office, attaching to his application a letter from the former builder joining in the request for the issuance of the new authorization.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order, except communications about applications filed with the Housing Expediter or an agency acting for him, should be addressed to the appropriate District Construction Office of the CPA or to the Civilian Production Administration, Washington 25, D. C., Ref.: VHP–1.

(l) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the Civilian Production Administration, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Revoked July 2, 1946.

INTERPRETATION 2

PROHIBITED DELIVERIES

Paragraph (g) of Order VHP–1 provides that "No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order."

The purpose of this provision is to prohibit the sale or delivery of materials by a supplier if he knows or has reason to believe that the materials supplied will be used in violation of VHP–1. This provision does not impose upon a fabricator or supplier any duty to investigate whether a proposed construction job for which he is asked to supply materials will be begun or carried on in violation of Veterans' Housing Program Order 1, or whether it has been specifically authorized or is exempt under that order. Mere knowledge that the kind of work involved is a kind which ordinarily would require authorization under the order does not constitute reason to believe that the work will be begun or carried on in violation of the order and, in the absence of information to the contrary, the supplier may rely on the builder to get an authorization for the job if authorization is required.

Paragraph (g) of VHP–1 does not require a supplier to get from a customer a certificate to the effect that the customer is not violating and will not violate VHP–1, or a certificate to the effect that the job for which the materials will be used is exempt under the order or has been authorized under the order.

Section 944.14a of Priorities Regulation 1 contains a provision, similar to that in paragraph (g) of VHP–1, with respect to all Civilian Production Administration orders and regulations. In addition, Priorities Regulation 32, which controls inventories, contains a similar provision affecting suppliers, in paragraph (b), which is explained in detail in Interpretation 3 to that regulation. (Issued Apr. 29, 1946.)

INTERPRETATION 3

PORTABLE AND PREFABRICATED STRUCTURES

(a) The erection of a "portable" or prefabricated building or other structure is construction and is restricted by Veterans' Housing Program Order 1, if the structure is placed on a foundation constructed on the site, or if the structure is connected to the ground by plumbing, wiring or other utility connection, or if the structure is placed on the ground on a spot where it is intended to remain for an undetermined time.

(b) Erection of a "portable" or prefabricated structure is not construction and is not covered by VHP–1 only if the structure is placed on a temporary site for the purpose of moving it from time to time, without any foundation or other connection with the ground. For example, the erection of a shelter to be moved around frequently for use on different parts of a farm from time to time is not construction, while the erection of a prefabricated or "portable" structure for use as a garage on a house lot is construction, and is restricted by VHP–1.

(c) If the erection of a "portable" or prefabricated building constitutes construction, as indicated above, the cost of the job must be computed in accordance with Supplement 3 to VHP–1. If the cost of the job exceeds the applicable allowance under that supplement, authorization for the job must be obtained. (Issued July 2, 1946.)

INTERPRETATION 4

SMALL JOB ALLOWANCES FOR INDUSTRIAL UTILITY AND TRANSPORTATION STRUCTURES

(a) Paragraph (b) (3) of Supplement 3 to VHP–1 provides for small job allowances for certain industrial, utility and transportation structures. The small job allowance for one of these structures (with certain exceptions specified in the paragraph) depends upon the floor area which the particular structure has or will have. If the floor area of the particular building being built or altered is or will be 10,000 square feet or more, the allowance for alterations or additions or new construction is $15,000. On the other hand, if the floor area of the structure involved is and will be less than 10,000 square feet, the allowance is $1,000. If the cost of the proposed job, figured in accordance with paragraph (g) of Supplement 3, exceeds the small job allowance, authorization under VHP–1 must be obtained before starting the job.

(b) The following examples will explain the effect of this provision:

(1) A person proposes to construct a building to be used primarily as a factory. The floor area will be 1,500 square feet. The allowance for the job is $1,000.

(2) Any person owns a building which is used primarily as a factory and which has a floor area of 6,000 square feet. He proposes to make an alteration in the building. The allowance for this job is $1,000.

(3) A person owns a building which is used primarily as a factory and which has a floor area of 6,000 square feet. He proposes to build a wing on the building which will add 1,000 square feet, making a total of 7,000 square feet. The allowance for this job is $1,000.

(4) A person owns a building which is used primarily for a factory and which has a floor area of 8,000 square feet. He proposes to build a wing on the building which will add 2,000 square feet, making a total of 10,000 square feet. The allowance for this job is $15,000.

(5) A person owns a building which is used primarily for a factory and which has a floor area of 10,000 square feet or more. He proposes to make an alteration to the building. The allowance for this job is $15,000.

(6) A person proposes to build a building which will be used primarily for a factory and which will have a floor area of 10,000 square feet or more. The allowance for this job is $15,000.

(c) The floor area of the particular building which is to be built, in which the alteration is to be performed or to which the addition is to be built (including the floor area of any proposed addition) is the only floor area to be considered. The floor area of any other buildings may not be counted toward the 10,000 square feet, even though they are situated near to the building involved and are used for the same purpose.

(d) A building is considered a separate building from the one in which the construction is being done, if there are outside walls or party walls between the two buildings, even though the two are to be used for the same purpose, even though the two have common services, even though the two are connected by common roofs, continuous

foundations, connecting passageways, covered passages, bridges, arcades or the like and even though the two have doorways or other openings providing for communication between the two buildings.

(e) The small job allowances provided in paragraph (b) (3) do not apply to structures of the kinds listed in paragraph (b) (4), and do not apply under the circumstances covered by paragraph (c) of Supplement 3. (Issued Oct. 31, 1946.)

INTERPRETATION 5

WORK COVERED BY AUTHORIZATIONS; TEMPORARY CONSTRUCTION BUILDINGS

(a) When an authorization is issued for the construction of a building or other structure described in the approved application, the builder may construct temporary structures on the site of the approved project which are necessary for its construction. For example, an authorization for a building includes authorization to put up temporary fences around the excavation, and temporary buildings for the purpose of storing materials for use as work rooms for architects or engineers on the job or to provide toilet facilities or dressing rooms for people working on the job or shacks for watchmen. These temporary buildings are covered by the authorization, whether or not they are placed upon temporary foundations or have lighting or plumbing connections.

(b) An authorization to construct a building or other structure does not give permission to put up buildings or other structures off the site of the approved project nor does it include permission to put up permanent buildings or other structures which will remain after the completion of the construction job, except those specifically covered by the authorization. This is true even though the structures are of a kind which were exempt from the order at the time the original authorization was issued and were, therefore, not included in the original application.

(c) Where temporary construction buildings are put up in the course of building something which itself is not covered by the order, such as a bridge or dam, the usual rules set forth in VHP–1, as explained in Interpretation 3, apply. Authorization must be obtained if the proposed structure is covered by VHP–1 even though the structure is temporary and is to be removed when the job is finished. (Issued Nov. 22, 1946.)

[F. R. Doc. 47–2742; Filed, Mar. 20, 1947; 11:32 a. m.]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 1, as Amended Mar. 20, 1947]

FIXTURES AND EQUIPMENT

§ 4700.2 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts construction and alterations of buildings and certain other structures, including alterations incidental to the installation of equipment. It also restricts the installation of fixtures and mechanical equipment, whether or not alterations to the structure are involved. The installation of other machinery and equipment is not restricted by the order. Paragraph (b) (3) of VHP–1 defines a fixture as "any article attached to a building or structure and used as part of it", and defines mechanical equipment as "plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it." This supplement lists various specific items indicating whether or not they are fixtures or mechanical equipment under VHP–1. It also explains other provisions of VHP–1 applying to these installations.

(b) *Fixtures and mechanical equipment.* (1) The following articles are considered fixtures and mechanical equipment if they are attached to a building or structure by nails or screws, or bolts, if they are connected with the plumbing or other piping system of the structure, if they are connected to the lighting system of the structure (except by connection to an existing outlet without installing new wires or a new outlet), if a base or foundation is built for the item, or if the item is cemented to the building or structure:

NOTE: Items "Partitions, wood or metal" and "Signs, electric and other" deleted March 20, 1947.

Air conditioning equipment (except when used for humidity or temperature control in industrial processing or as refrigeration equipment in a cold storage warehouse or a frozen food locker plant and except self-contained individual units with no duct systems).
Furnaces and furnace burner or boiler burner units.
Heating equipment.
Kitchen cabinets.
Lighting equipment:
Marquees.
Panelling.
Plumbing equipment.
Ventilating equipment.
Any other article falling within the definitions of fixture and mechanical equipment stated in paragraph (a) of this supplement.
(None of the above items include any item specifically listed in paragraph (b) (2) of this supplement.)

(2) The following articles are never considered fixtures or mechanical equipment:

Air conditioning equipment where required to provide humidity or temperature control for industrial processing and self-contained individual units with no duct systems.
Airport equipment such as cargo and passenger handling equipment, signalling equipment, obstruction marking equipment and equipment used for lighting runways or for signalling.
Altars, choir stalls and church pews.
Automatic fire protection sprinkler systems.
Barn equipment such as milking machines, hay or litter conveyors, stanchions and stalls.
Blast furnaces.
Control or testing equipment used for industrial or utility purposes or in a laboratory or hospital.
Conversion oil or gas burners installed in or attached to a furnace or boiler already in use in the building.
Conveyors.
Desks, chairs and cafeteria and gymnasium equipment in a school or college.
Electrical precipitators.
Escalators, elevators and dumb waiters.
Food warming, dishwashing and food preparation equipment in a restaurant or institution.
Furnaces for heat treating or similar industrial purposes.
Hospital equipment such as X-ray machines and operating tables.
Lighting equipment for flood lighting airports, railroads or other outdoor operations.
Machine tools.
Post-office equipment such as letter boxes and letter drops.
Power generating or transmitting equipment such as boilers, generators, and transformers (except where the primary purpose of the equipment is to provide electricity or steam for lighting or heating the building in which they are installed).
Projection and sound equipment.
Radio towers and other transmitting and receiving equipment
Refrigeration equipment, such as compressors, in a cold storage warehouse or a frozen food locker plant.
Scales.
Service station equipment such as gasoline pumps, hydraulic lifts, battery chargers.
Stokers installed in connection with heating equipment already installed in a building.
Storm windows, storm doors, screens, awnings and venetian blinds.
Stoves.
Theatre seats.
Washing machines or dryers.
Other processing machinery and equipment.
Other machinery and equipment installed to provide a special service in a structure and not installed merely to operate the structure.

(3) The following articles are considered fixtures only if they are constructed as an integral part of the building or structure and cannot be removed without demolition of the article or substantial injury to the building or structure:

Bars.
Bins.
Bookcases.
Booths.
Cooling towers.
Counters.
Partitions, movable.
Refrigerators.
Show cases, including refrigerated show cases.
Signs, electric and other.
Soda fountains.
Storage racks.
Water coolers.

(c) [Deleted Aug. 30, 1946.]

(d) *Repairs to mechanical equipment.* Paragraph (b) (2) of VHP–1 provides that greasing, overhauling, repairing, or installing replacement parts in existing mechanical equipment in all types of structures, is not covered by the order, regardless of whether the cost of the job is within the applicable allowance under Supplement 3 to VHP–1, and the cost of such work need not be included in the cost of a job for the purpose of determining whether the job is within the applicable allowance under that supplement. This provision applies to plumbing, heating, ventilating and lighting equipment. This provision covers the replacement of parts in a piece of mechanical equipment when the present parts are no longer serviceable but does not cover the replacement of an entire piece of equipment. For example, it is permissible, under this provision, to replace the grates in a furnace but not to replace the entire furnace; to replace the tubes in a boiler but not to replace the entire boiler, unless the total cost of the replacement is within the applicable job allowance under Supplement 3 to VHP–1.

(e) *Installation of exempt machinery and equipment.* VHP–1 does not restrict the installation of machinery and equipment other than mechanical equipment. Paragraphs (b) (2) and (b) (3) of this supplement explains what equipment may be installed without regard to the provisions of the order. VHP–1 does, however, restrict the making of alterations to a building or other structure covered by the order in connection with the installation of such exempt machinery and equipment. For example, if a foundation is built inside a building to receive the equipment, or if new walls are installed to separate a machine from the rest of the plant, the cost of these building alterations must be computed in accordance with Supplement 3 to VHP–1 and if the cost exceeds the applicable allowance for the building involved under that supplement, authorization must be obtained for the work. However, it is not necessary to include in the cost of the building alterations the cost of the exempt machinery or equipment or the cost of labor engaged in installing the exempt machinery and equipment. For example, in installing elevators, which are covered by paragraph (b) of this Supplement, it would be necessary to count toward the cost of the job the cost (computed in accordance with paragraph (g) of Supplement 3) of preparing the shaft, of strengthening the building to support the elevator, and of constructing a penthouse or bulkhead on the roof of the building or a room in the basement to enclose the motors. It would not, however, be necessary to include in the cost of the job the cost of the elevator car, the guide rails between which the car runs, the sheaves, the motors, the cables or the doors or frames to the elevator shaft or the cost of labor engaged in assembling and installing this equipment.

Issued this 20th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–2741; Filed, Mar. 20, 1947; 11:32 a. m.]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 3 as Amended March 20, 1947]

SMALL JOB ALLOWANCES AND CLASSIFICATION OF STRUCTURES AS TO SMALL JOB ALLOWANCES

§ 4700.4 (a) *What this supplement does.* Paragraph (d) of Veterans' Housing Program Order 1 provides that it is not necessary to get permission under the order to do one or more jobs on a structure if the cost of each job does not exceed the allowance given for the kind of structure or the kind of job involved. This supplement sets forth the small job allowances generally applicable to individual structures of various classes and lists certain specific structures falling within each class. The supplement also lists exemptions applicable to a particular kind of job. In addition, this supplement explains the rules for computing the cost of a job for the purpose of determining whether it comes within the exemption given under this supplement.

(b) *Classification of structures.* The small job allowances given under this supplement are based in general upon the kind or size of structure in which the job is to be done. They are not based upon the use to which the part of a structure being altered is to be put, except as provided in paragraph (c) of this supplement. If the job involved consists of changing a structure from one class to another class, the small job allowance applicable to the conversion is the allowance for the structure after the conversion, except where the conversion is from residential purposes to nonresidential purposes, in which case the job is covered by paragraph (c) of this supplement. The allowance provided for in paragraph (c) is applicable to a job covered by that paragraph, even though done in a structure which, as a whole, would have a larger allowance under this paragraph. With the exception of jobs covered by paragraph (c) of this supplement, it is not necessary to get permission under VHP–1 to do any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given below for the individual structure involved.

(1) The small job allowance under paragraph (b) of this supplement for a structure of the kind listed below is $400 per job.

Any individual house designed for occupancy by 5 families or less even though it is on the property of a commercial, utility, institutional or industrial concern and used for the purpose of housing employees of the commercial, utility, institutional or industrial concern.
A rectory or parsonage even though near a church and owned by a church.
A house on a campus owned by a college and occupied by a college official.
A boarding or rooming house designed for occupancy by 10 boarders or roomers or less.
A farmhouse or other housing accommodations on a farm (except a farm bunkhouse).
Row houses separated by party walls are considered separate houses.
All private structures situated near and used in connection with one to five family houses, such as garages, piers, tool sheds, greenhouses and the like even though these may be used in part or primarily for nonresidential purposes (except on farms, see paragraph (b) (2) of this supplement).

(2) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $1,000 per job:

NOTE: Items "An individual barn • • •", "a greenhouse • • •", and "a building used for a nursery growing trees", deleted March 20, 1947.

A boarding or rooming house designed for occupancy by more than 10 boarders or roomers.
A dormitory or fraternity.
A building used for a social club.
A service station or a commercial or service garage.
A funeral parlor or funeral home.
A radio broadcasting station.
A building in a drive-in theater, such as an enclosed projection room or a screen forming an enclosure for storage purposes, for rest rooms or for other purposes.
A bunkhouse for employees of a commercial, industrial or other concern.
A parish house.
A college or university laboratory, field house or class room building.
A building in a retail or wholesale lumber yard.
A repair shop, except a plant primarily engaged in reconditioning or rebuilding equipment or articles for resale.
A dryecleaning or laundering establishment, whether wholesale or retail.
An office building, whether or not owned and occupied exclusively by a transportation, utility or industrial concern (except where situated on the immediate premises of a plant having a $15,000 allowance; see paragraph (e) below).
A publicly owned pier not used for steamship or railway purposes.
Other commercial piers and piers situated near and used in connection with structures entitled to a $1,000 allowance.
A store.
A hotel.
An arena.
An apartment house or other residential building designed for occupancy by more than 5 families.
A bank.
A restaurant.
A nightclub.
A theater.
A warehouse, including a warehouse in which products such as liquor, cheese or tobacco are kept to age, whether or not changes occur in the product during the aging process.
A frozen food locker plant.
A stadium.
A grandstand used for commercial or institutional purposes.
A church.
A hospital.
A school.
A college.
A publicly owned building used for public purposes.
A building used exclusively for charitable purposes.
A tailor's or dressmaker's establishment making, repairing or altering articles for individual customers.
Any other structure used for commercial or service purposes and not specifically covered by any other classification.

(3) The small job allowance under paragraph (b) of this supplement for a structure of any of the kinds listed below is $15,000 per job if the floor area of the structure is or will be 10,000 square feet or more. If the floor area of the structure is or will be less than 10,000 square feet, the small job allowance is $1,000 per job unless the list below indicates that the $15,000 allowance applies regardless of floor area.

NOTE: The allowance given in this paragraph does not apply to structures of the kinds listed specifically in paragraph (b) (4) below, which always have the small job allowance of $200 per job given in that paragraph, or to residential buildings, which always receive the applicable allowance given in paragraphs (b) (1) and (b) (2) above.

A factory, plant or other industrial building which is used for the manufacturing, processing or assembling of any goods or materials.
A building at a logging or a lumber camp or at a mine (including a mine tipple).

A commercial or industrial research laboratory or a pilot plant.
A printing or bookbinding plant or newspaper publishing establishment.
A plant engaged in the wholesale printing, developing and enlarging of photographs.
A plant engaged in mixing and bottling syrups or soft drinks.
An off-farm slaughterhouse, bakery, butcher shop or other off-farm establishment where edible food products for humans or animals are prepared for the market by pasteurizing, bottling, mixing, coloring, preserving, washing, salting, packaging or freezing (not including a frozen food locker plant).
A government (Federal, State or municipal) printing plant or other industrial or utility building.
A plant primarily engaged in reconditioning or rebuilding articles or equipment for resale.
A scrap dealer's plant, if it is primarily engaged in such processing operations as briquetting, pressing or baling light iron, cutting up heavy melting steel, breaking up cast iron, detinning cans or smelting nonferrous metals for the purpose of making the scrap available for further use.
A cotton compress warehouse.
A building, pier or dock used primarily for or in connection with the operation of a railroad, street railway, commercial airline, bus line or common or contract carrier by truck.
A building used primarily for a station or waiting room for a railroad, commercial airline, bus line or common carrier by truck (whether situated at an air field or railroad or elsewhere).
A roundhouse.
A garage or work shop used primarily for a bus company or a common or contract carrier by truck.
A railway or steamship pier or dock, or a pier or dock situated near and used in connection with any structure or plant having a $15,000 small job allowance (warehouses and other buildings on a pier are considered part of the pier and not as separate structures).
A building, pier or dock used for producing, refining or distributing oil, gas (including liquefied or bottled gas) or petroleum, except service stations and commercial or industrial garages.
A building, pier or dock, public or private, providing directly for electric, gas, sewerage, water, central steam heating or telephone or telegraph communication services.
An industrial or utility power house whether public or private.
An industrial or utility pumping station for pumping gas, water, or sewage.
A pumphouse or terminal facility on an oil or gas pipeline.
A telephone exchange.
A radio telephone or radio telegraph station used as an international point to point radio communication carrier.
A grain, coal or cement elevator. (The $15,000 small job allowance applies regardless of floor area.)
A single moving picture set. (The $15,000.00 small job allowance applies regardless of floor area.)

(4) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $200 per job.

NOTE: "A billboard" deleted Mar. 20, 1947.

A private pier or bathhouse which is not situated near and used in connection with another structure.
A tourist cabin whether a single cabin or one of a group of separate cabins. A cabin is considered a separate cabin if it has independent outside walls even though the space between it and the next cabin is sheltered by a roof and is used as a garage. A management building used for operating the cabins is considered a commercial building under paragraph (b) (2) of this supplement.
A swimming pool.
A boardwalk.
A concrete surface or base for a drive-in theater, parking lot or tennis court.
A roller coaster or similar device of a kind ordinarily used in amusement parks.
A wall or fence built primarily of wood, brick, concrete, or concrete blocks.
Any other structure covered by the order and not coming within any other classification.

(5) The small job allowance under paragraph (b) of this supplement for a non-residential structure on a farm is $5,000 per job, if the farm on which the structure is or is to be situated has an area of 5 acres or more. However, the small job allowance for a non-residential structure on a farm is $1,000 per job if the farm on which the structure is or is to be situated has an area of less than 5 acres. A residential structure on a farm has the small job allowance applicable under paragraph (b) (1) or paragraph (b) (2) of this supplement, as the case may be. A bunkhouse on a farm for farm laborers is considered a non-residential structure for the purpose of determining the applicable small job allowance. A "farm" means a place used primarily for the purpose of raising crops, livestock, dairy products or poultry for the market. Chicken hatcheries, plants used to raise mushrooms or other food products, and greenhouses (except those on residential property) and farm or ranches for raising fur-bearing animals are considered farms. Buildings situated on a farm and used primarily to process the products of that farm and buildings situated on a farm and used primarily to process materials for use on that farm are considered non-residential farm structures under this paragraph.

(c) *Small job allowances for conversion from residential purposes.* Regardless of the small job allowance given under paragraph (b) of this supplement for a particular structure, the small job allowance applicable to a job consisting of conversion to non-residential purposes of any part (or all) of a building last used for residential purposes is $200.

(d) *Structures used for more than one purpose.* If a structure is used for more than one purpose and might, therefore, fall within more than one of the classes indicated above, the use to which the greatest part of the structure will be put (computed on the basis of the floor area where applicable) determines the allowance. For example, if a building has three apartments occupying three floors of the building and a store on the ground floor, it is primarily residential and falls under paragraph (b) (1) of this supplement. If a building is half residential and half commercial or industrial or half residential and half agricultural, it is considered primarily residential. When alterations are being made to a building, the applicable small job allowance is the allowance applicable to the building as a whole under paragraph (b). Except in cases covered by paragraph (c), the purpose for which the particular space being altered was or is to be used does not affect the amount of the allowance.

(e) *Subordinate structures.* Where a non-residential structure of any of the kinds listed in paragraph (b) (2) is situated, near and used in connection with, a structure having a $15,000 small job allowance under paragraph (b) (3), the same allowance applies to the subordinate structure if the floor area of the subordinate structure is or will be 10,000 square feet or more. This means that if an office building, warehouse or garage of this size is situated on the immediate premises of an industrial or utility structure having a $15,000 small job allowance and is used in connection with the operation of that structure, the office building, warehouse or garage also gets the $15,000 small job allowance. However, a "downtown" office building, even though used exclusively for one industrial or utility company, is always under paragraph (b) (2), regardless of its size, like other office buildings. All residential structures, however, always get the allowance applicable under paragraphs (b) (1) or (b) (2), and all structures specifically listed in paragraph (b) (4) always get the $200 small job allowance of that paragraph.

(f) *Separate jobs.* For the purpose of determining whether work is exempt from VHP-1 under this supplement, a related series of operations in a structure which are performed at or about the same time or as part of a single plan or program constitute a single job. No job which would ordinarily be done as a single piece of work may be sub-divided for the purpose of coming within the allowance given under this supplement. When a building or part of a building is being converted from one purpose to another all work incidental to and done in connection with the conversion must be considered as one job. So also if a building is being renovated, improved or modernized over an extended period all work done in connection with the modernization (other than the work done before the issuance of the order) must be considered as part of one job, even though separate contracts are let for different parts of the work. However, if related work on two or more separate structures is performed, the work is not considered one job but the work done in each structure must be considered separately under the rules stated above. For example, if two or more related structures are to be built and the cost of each does not exceed the small job allowance applicable to each structure under paragraph (b) of this supplement, each of these structures may be built without getting an authorization under VHP-1. See paragraph (f) of Supplement 2 to VHP-1 for an explanation of what jobs are exempt from the order as having been started before it became effective.

(g) *How to figure cost.* For the purpose of determining whether a particular job is exempt from VHP-1 by this supplement, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. (1) The cost of a job includes the following:

The cost or value of fixtures, mechanical equipment and materials incorporated in the structure, whether or not obtained without paying for them, except the items listed in paragraph (g) (1) below. (See Supplement 1 for definitions and illustrations of fixtures and mechanical equipment.)
The cost of paid labor engaged in the construction work, regardless of who pays for it, excluding, however, the cost of paid labor engaged in working on or installing fixtures, equipment or materials the cost of which need not be included in the cost of the job under paragraph (g) (2). If it is impracticable to allocate the labor specifically to exempt or non-exempt items, the cost of all paid labor may be divided between the work on the two different classes of items in proportion to the value of the two classes of items.
The amount paid for contractors' fees.

(2) The cost of a job does not include the following:

The cost or value of previously used fixtures, previously used mechanical equipment and previously used materials, when these have been severed from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.
The cost or value of materials used in repainting or repapering an existing structure or any unchanged part of a structure. However, this exception does not apply to painting a new structure or new parts of a structure which has been altered.
The cost or value of materials used in installing loose fill, blanket or batt insulation in existing buildings or in installing insulation on existing equipment or piping.
The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in business of producing these materials for sale (this exception does not include materials or products assembled by the builder from new or used materials not themselves excepted).
The value of unpaid labor and the cost of paid labor engaged in working on or installing fixtures, equipment or materials, the cost of which is exempt from the cost of the job.
The cost or value of machinery and equipment other than mechanical equipment.
Architect's and engineers' fees.
The cost of site preparation and other preparatory work which does not constitute beginning construction (Supplement 2 to VHP-1 contains illustrations of work which does not constitute beginning construction and the cost of which is not included in the cost of a job).

Issued this 20th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2743; Filed, Mar. 20, 1947; 11:32 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 23, Amdt. 1]

PART 8323—DISPOSAL OF ELECTRONICS AND COMMUNICATIONS EQUIPMENT

War Assets Administration Regulation 23, December 16, 1946, entitled "Disposal of Electronics and Communications Equipment" (11 F. R. 14490) is hereby amended by changing § 8323.1 (b) (1) to read as follows:

(1) "Electronic property" means mobile and stationary personal property peculiar to the science of electronics including wired or wireless communications. It includes, but is not limited to, radio-broadcast receiving and transmitting equipment, other than when installed in or attached to a ship or an aircraft, as complete units or the respective components and parts thereof; telephone and telegraph equipment, as complete units or the respective components or parts thereof; electronic detection devices; electronic tubes; electronic equipment such as condensers, resistors, indicators, mounting components, and converters. It also includes those instruments and devices for testing radio and radar equipment, as well as such wire and cable as is used in communications systems.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265)

This amendment shall become effective March 21, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MARCH 18, 1947.

[F. R. Doc. 47-2714; Filed, Mar. 20, 1947; 10:39 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; ALPHABETICAL LIST

The regulations under the country "Japan" (39 CFR, Part 21), are amended to read as follows:

JAPAN

(Including islands of Honshu, Kyushu, Shikoku and Hokkaido.)

Regular mails. Service is limited to letters and post cards. See Table No. 1, § 21.116 (39 CFR, Part 21), for postage rates, weight limits, and dimensions.

Indemnity. No provision. Registry service not available.

Special delivery. No service.

Air mail service. No service.

Observations. Communications are restricted to messages of a personal or family nature written in English, Chinese, Japanese, French, Korean, Portuguese, Russian or Spanish. They should be addressed in English, but it will be permissible for the address to be shown also in any of the other languages mentioned, provided those addressed in the Chinese, Japanese, Korean, or Russian languages bear an interline translation in English of the names of the post office, island, and country of destination.

Parcel post. (Japan) See "Observations" below concerning restrictions.

Pounds:	*Rate*	Pounds:	*Rate*
1	$0.14	7	$0.98
2	.28	8	1.12
3	.42	9	1.26
4	.56	10	1.40
5	.70	11	1.54
6	.84		

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. O. D.: No.
Exchange offices: San Francisco, Honolulu, Guam

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Observations. Parcel post service is limited to gift parcels only.

Only one parcel per week may be sent by or on behalf of the same sender to or for the same addressee.

The contents of gift parcels are limited to essential relief items such as nonperishable foods, clothing, soap, and mallable medicines.

The parcels and relative customs declaration must be conspicuously marked "Gift Parcel" by the senders, who must itemize the contents and value on the customs declaration.

Parcels which are undeliverable will not be returned to senders but will be turned over to authorized Japanese relief agencies.

See Regular Mail "Observations" concerning addressing.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2634; Filed, Mar. 20, 1947; 8:46 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

RULE REGARDING FINAL OPINIONS AND ORDERS

The regulations relating to the organization and functions of the naval establishment (11 F. R. 177A-178) are amended as follows:

In the last sentence of § 26.19 (b), after the word "controversy," change the colon to a period and delete the remainder of the sentence.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 237, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-2558; Filed, Mar. 20, 1947; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR-47-10]

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF DECK AND ENGINEER OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Correction

In Federal Register Document 47-2103, appearing at page 1549 of the issue for Friday, March 7, 1947, the following changes should be made:

1. The subpart number in the center headnote in the first column on page 1551 should read "Subpart 10.02".

2. The third line of § 10.02-12 should read: "vessels, regardless of length or tonnage", and in the fourteenth line the word "water" should read "waters".

3. In § 10.02-23 the word "to" in the twelfth line should read "of".

4. In the first line of § 10.05-27 (a) (4) the word "of" should read "or".

5. In the last line of § 10.05-31 (a) (4) the word "vessel" should read "vessels".

6. In Table 10.05-45 (b) the word "meridian" in item 2 should read "meridian", in item 9 "Mercador" should read "Mercator", and in item 10 "Mecator" should read "Mercator".

7. In the last line of paragraph (a) of § 10.10-3 "applicant" should read "applicants".

8. In § 10.10-21 (a) the word "vessel" in the next to the last line of (1) should read "vessels".

9. In the fifth line of § 10.15-21 "renewal" should read "renewed".

10. The word "Office" in the sixth line of paragraph (b) of § 10.20-7 should read "Officer".

11. In the fourth line of § 10.25-7 (f) "present" should read "presents".

12. In § 12.02-13 (c) (2) the seventh line of subdivision (i) should read "zens or subjects of any nation other than Germany".

13. In the fourth line of § 12.05-1 the word "seaman" should read "seamen".

14. In § 12.05-9 (b) (4) "services", appearing in the next to the last line, should read "service".

15. The ninth line of § 12.10-1 should read "collector or deputy collector of customs,".

16. In the ninth line of § 12.15-11 the word "as" should read "an".

17. The word "Applicants", appearing at the beginning of § 12.20-3 (a) and § 12.20-5, should read "Applicant".

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

IDAHO AND COLORADO

CROSS REFERENCE: For orders affecting the tabulation contained in § 162.1, see F. R. Docs. 47-2654 and 47-2656 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra*, relating to Idaho Grazing District No. 5 and Colorado Grazing District No. 2, respectively.

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Parts 402, 403]

EMPLOYMENT TAX REGULATIONS TO CONFORM TO SOCIAL SECURITY ACT AMENDMENTS OF 1946

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the appendix below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1429 and 1609 of the Internal Revenue Code (53 Stat. 178, 188; 26 U. S. C. 1429, 1609) and sections 101, 102, 302, 303, 304, 305, 412, 413, and 416 (b) of the Social Security Act Amendments of 1946 (Pub. Law 719, 79th Cong.; 60 Stat. 978), approved August 10, 1946.

In order to conform Regulations 106 (26 CFR Part 402), relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (Subchapter A, Chapter 9, Internal Revenue Code), to sections 101, 102, 412 (a), and 413 of the Social Security Act Amendments of 1946 (Pub. Law 719, 79th Cong.; 60 Stat. 978), approved August 10, 1946, and Regulations 107 (26 CFR Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (Subchapter C, Chapter 9, Internal Revenue Code), to sections 302 to 305, inclusive, 412 (b), and 416 (b) of such Social Security Act Amendments of 1946, such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 402.201, the following is inserted:

SECTION 412 (a) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1426 (a) (1) of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1426 (a) (1)) is amended to read as follows:

(1) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid, prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; or that part of the remuneration which, after remuneration equal to $3,000 with respect to employment after 1936 has been paid to an individual by an employer during any calendar year after 1946, is paid to such individual by such employer during such calendar year;

PAR. 2. Section 402.201 is amended by inserting after paragraph (o) the following new paragraph:

(p) "Social Security Act Amendments of 1946" means the act approved August 10, 1946 (Pub. Law 719, 79th Cong.; 60 Stat. 978).

PAR. 3. Immediately preceding § 402.227 the following is inserted:

SECTION 412 (a) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1426 (a) (1) of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1426 (a) (1)) is amended to read as follows:

(1) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid, prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; or that part of the remuneration which, after remuneration equal to $3,000 with respect to employment after 1936 has been paid to an individual by an employer during any calendar year after 1946, is paid to such individual by such employer during such calendar year;

PAR. 4. Section 402.227 (a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended by section 412 (a) of the Social Security Act Amendments of 1946."

PAR. 5. Section 402.228 (a) is amended as follows:

(A) By striking out the first three sentences of such section and inserting in lieu thereof the following:

(1) *In general.* Section 1426 (a) (1) of the act provides an annual $3,000 limitation on the amount of remuneration that may constitute wages, by excepting from the term "wages" remuneration paid after $3,000 has been paid. Under such section as amended by section 412 (a) of the Social Security Act Amendments of 1946, the amount first to be included in wages, after which the exception operates, is measured in two ways, depending on whether the remuneration is paid before 1947 or is paid after 1946. In the case of remuneration paid before 1947, the amount first to be included in wages is remuneration paid up to and including $3,000 for employment performed by an employee for his employer during each calendar year regardless of when paid (before 1947); and additional amounts for employment performed in such calendar year by such employee for such employer are excluded regardless of when paid (before 1947). In the case of remuneration paid after 1946, the amount first to be included in wages in each calendar year is remuneration up to and including $3,000 paid in the calendar year by an employer to an employee for employment performed at any time after December 31, 1936; and additional amounts paid in such calendar year by such employer to such employee are excluded regardless of when earned. In general, the change is from an "earned within the calendar year basis" to a "paid within the calendar year basis." For a more complete explanation of the limitation, see subparagraphs (2) and (3) of this paragraph.

(2) *Remuneration paid before 1947.* This subparagraph (ending with Example 3) applies only with respect to remuneration paid before January 1, 1947.

The term "wages" does not include that part of the remuneration paid before January 1, 1947, by an employer to an employee for employment performed for him during any calendar year which exceeds the first $3,000 paid by such employer to such employee for employment performed during such calendar year.

In the case of remuneration paid before 1947, the $3,000 limitation applies only if the remuneration received by an employee from the same employer for employment during any one calendar year exceeds $3,000. The limitation in such case relates to remuneration for employment during any one calendar year and not to the amount of remuneration (irrespective of the year of employment) which is paid or received in any one calendar year.

(B) By inserting in the parenthetical matter in the third sentence of Example 1, immediately after the word "received" the following: "before January 1, 1947,".

(C) By striking out the clause, immediately following Example 1, "If the employee has more than one employer during a calendar year," and inserting in lieu thereof the following: "In the case of remuneration paid before 1947, if the employee has more than one employer during a calendar year,".

(D) By inserting at the beginning of the first and fifth sentences of Example 2 the following: "During 1940".

(E) By inserting immediately following the word "and" where it last appears in the first sentence of Example 3, the following: "during such year".

(F) By inserting immediately following Example 3 the following new subparagraph:

(3) *Remuneration paid after 1946.* This subparagraph applies only with remuneration paid after December 31, 1946.

The term "wages" does not include that part of the remuneration paid within any calendar year beginning after December 31, 1946, by an employer to an employee which exceeds the first $3,000 paid within such calendar year by such employer to such employee for employment performed for him at any time after December 31, 1936.

In the case of remuneration paid after 1946, the $3,000 limitation applies only if the remuneration received during any one calendar year by an employee from the same employer for employment performed after 1936 exceeds $3,000. The limitation in such case relates to the amount of remuneration received during any one calendar year for employment after 1936 and not to the amount of remuneration for employment performed in any one calendar year.

Example 1. Employee G, in 1947, receives $2,500 from employer H on account of $3,000 due him for employment performed in 1947. In 1948 G receives from employer H the balance of $500 due him for employment performed in the prior year (1947), and thereafter in 1948 also receives $3,000 for employment performed in 1948 for employer H. The $2,500 received in 1947 is subject to tax in 1947. The balance of $500 received in 1948 for employment during 1947 is subject to tax in 1948, as is also the first $2,500 paid of the $3,000 for employment during 1948 (this $500 for 1947 employment added to the first $2,500 paid for 1948 employment constitutes the maximum wages which could be received by G in 1948 from any one employer). The final $500 received by G from H in 1948 is not included as wages and is not subject to the tax.

Example 2. Employee I, in 1946, receives $3,000 from employer J on account of $6,000 due him for employment performed in 1946. In 1947, before receiving any remuneration for employment performed in 1947, employee I receives the balance of $3,000 due him from J on account of employment performed in 1946. The $3,000 received in 1946 constitutes wages in 1946 and is subject to the tax, in accordance with the provisions set forth in subparagraph (2) of this paragraph. The balance of $3,000 received in 1947 on account of employment in 1946 constitutes wages and is subject to the tax in 1947, in accordance with the provisions set forth in this subparagraph. The $3,000 received in 1947 for 1946 employment constitutes the maximum wages which could be received by I from J in 1947. Any further remuneration received in 1947 by employee I for services performed for J is not included as wages and is not subject to the tax, whether for services performed before, during, or after 1947. (Assuming the same amounts of remuneration and times of payment, the same result would be reached if employee I had left the employ of J and performed no further services for J after 1946.)

If during a calendar year (after 1946) the employee receives remuneration from more than one employer, the limitation of wages to the first $3,000 of remuneration received applies, not to the aggregate remuneration received from all employers with respect to employment performed after 1936, but instead to the remuneration received during such calendar year from each employer with respect to employment performed after 1936. In such case the first $3,000 received during the calendar year from each employer constitutes wages and is subject to the tax, even though, under section 1401 (d) of the act, the employee may be entitled to a refund of any amount of employees' tax deducted from his wages which exceeds the employees' tax with respect to the first $3,000 of wages received during the calendar year from all employers. (In this connection and in connection with the two examples immediately following, see § 402.705, relating to special refunds of employees' tax on wages over $3,000.)

Example 3. During 1947 employee K receives from employer L a salary of $600 a month for employment performed for L during the first seven months of 1947, or a total remuneration of $4,200. At the end of the fifth month K has received $3,000 from employer L, and only that part of his total remuneration from L constitutes wages subject to the tax. The $600 received by employee K from employer L in the sixth month, and the like amount received in the seventh month, are not included as wages and are not subject to the tax. At the end of the seventh month K leaves the employ of L and enters the employ of M. K receives remuneration of $600 a month from employer M in each of the remaining five months of 1947, or total remuneration of $3,000 from employer M. The entire $3,000 received by K from employer M constitutes wages and is subject to the tax. Thus, the first $3,000 received from employer L and the entire $3,000 received from employer M constitute wages.

Example 4. During the calendar year 1947 N is simultaneously an officer (an employee) of the O Corporation, the P Corporation, and the Q Corporation and during such year receives a salary of $3,000 from each corporation. Each $3,000 received by N from each of the corporations O, P, and Q (whether or not such corporations are related) constitutes wages and is subject to the tax.

PAR. 6. Immediately preceding § 402.301 the following is inserted:

SECTION 101 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Clauses (1) and (2) of section 1400 of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1400), as amended, are amended to read as follows:

(1) With respect to wages received during the calendar years 1939 to 1947, both inclusive, the rate shall be 1 per centum.

(2) With respect to wages received during the calendar year 1948, the rate shall be 2½ per centum.

PAR. 7. Section 402.302, as amended by Treasury Decision 5487, approved December 27, 1945, is further amended to read as follows:

§ 402.302 *Rates and computation of employees' tax.* The rates of employees' tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1940 to 1947, inclusive	1
For the calendar year 1948	2½
For the calendar year 1949 and subsequent calendar years	3

The employees' tax is computed by applying to the wages received by the employee the rate in effect at the time such wages are received.

Example. During 1947 A is an employee of B and is engaged in the performance of services which constitute employment (see § 402.203). In the following year, 1948, A receives from B $1,000 as remuneration for services performed by A in the preceding year. The tax is payable at the 2½ percent rate in effect for the calendar year 1948 (the year in which the wages are received) and not at the 1 percent rate which is in effect for the calendar year 1947 (the year in which the services were performed).

PAR. 8. Immediately preceding § 402.401 the following is inserted:

SECTION 102 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Clauses (1) and (2) of section 1410 of such act (Internal Revenue Code, sec. 1410), as amended, are amended to read as follows:

(1) With respect to wages paid during the calendar years 1939 to 1947, both inclusive, the rate shall be 1 per centum.

(2) With respect to wages paid during the calendar year 1948, the rate shall be 2½ per centum.

PAR. 9. Section 402.402, as amended by Treasury Decision 5487, is further amended to read as follows:

§ 402.402. *Rates and computation of employers' tax.* The rates of employers' tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1940 to 1947, both inclusive	1
For the calendar year 1948	2½
For the calendar year 1949 and subsequent calendar years	3

The employers' tax is computed by applying to the wages paid by the employer the rate in effect at the time such wages are paid.

PAR. 10. Immediately preceding § 402.705, the following is inserted:

SECTION 413 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1401 (d) of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1401 (d)) is amended to read as follows:

(d) *Special refunds.* (1) *Wages received before 1947.* If by reason of an employee rendering service for more than one employer during any calendar year after the calendar year 1939, the wages of the employee with respect to employment during such year exceed $3,000, the employee shall be entitled to a refund of any amount of tax, with respect to such wages, imposed by section 1400, deducted from such wages and paid to the collector, which exceeds the tax with respect to the first $3,000 of such wages received. Refund under this section may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax; except that no such refund shall be made unless (A) the employee makes a claim, establishing his right thereto, after the calendar year in which the employment was performed with respect to which refund of tax is claimed; and (B) such claim is made within two years after the calendar year in which the wages are received with respect to which refund of tax is claimed. No interest shall be allowed or paid with respect to any such refund. No refund shall be made under this paragraph with respect to wages received after December 31, 1946.

(2) *Wages received after 1946.* If by reason of an employee receiving wages from more than one employer during any calendar year after the calendar year 1946, the wages received by him during such year exceed $3,000, the employee shall be entitled to a refund of any amount of tax, with respect to such wages, imposed by section 1400 and deducted from the employee's wages (whether or not paid to the collector), which exceeds the tax with respect to the first $3,000 of such wages received. Refund under this section may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax; except that no such refund shall be made unless (A) the employee makes a claim, establishing his right thereto, after the calendar year in which the wages were received with respect to which refund of tax is claimed, and (B) such claim is made within two years after the calendar year in which such wages were received. No interest shall be allowed or paid with respect to any such refund.

PAR. 11. Section 402.705, as amended by Treasury Decision 5487, is further amended as follows:

(A) By striking out the first sentence of the first paragraph and inserting in lieu thereof the following:

(a) *In general.* If an employee receives wages from more than one employer, his aggregate wages from all employers may exceed the annual $3,000 limitation on wages from a single employer provided by section 1426 (a) (1) of the act. (See § 402.228 (a), relating to the $3,000 limitation.) Section 1401 (d) of the act provides in certain cases for refund to an employee of a portion of the employees' tax in event of such an excess. By reason of the amendment of such section by section 413 of the Social Security Act Amendments of 1946, the conditions and limitations upon the refunds differ in certain respects, depending upon whether the tax, refund of which is claimed, is imposed with respect to wages received before 1947 or with respect to wages received after 1946.

(b) *Wages received before 1947.* This paragraph relates only to refunds, under section 1401 (d) (1) of the act, of employees' tax with respect to wages received before January 1, 1947. If, prior to 1947, an employee receives wages in excess of $3,000 from two or more employers for services performed during the calendar year 1940 or any subsequent calendar year, the employee may file a claim for refund of the amount, if any, by which the employees' tax deducted and paid to a collector with respect to such wages exceeds the employees' tax with respect to the first $3,000 of such wages.

(B) By striking out the words "Each claim" at the beginning of the third sentence of the first paragraph and inserting in lieu thereof "Each such claim".

(C) By inserting in the clause numbered (4) in the fourth sentence of the first paragraph, immediately after the word "year" where it first appears, the words "prior to 1947".

(D) By striking the word "section" wherever appearing therein from the last two sentences of the first paragraph, and inserting in lieu thereof "paragraph".

(E) By striking out the last paragraph and inserting in lieu thereof the following:

Example 1. Employee A in the calendar year 1946 receives taxable wages in the amount of $2,000 from each of his employers, B, C, and D, for services performed during such year, or a total of $6,000. Employees' tax is deducted from A's wages and paid to the collector, in the amount of $20 by B and $20 by C, or a total of $40. Employer D pays employees' tax in the amount of $20 to the collector without deducting such tax from A's wages. The employees' tax with respect to the first $3,000 of such wages is $30. A may file a claim for refund of $10.

Example 2. Employee E in the calendar year 1946 performs employment for employers F and G, for which E is entitled to remuneration of $3,000 from each employer, or a total of $6,000. On account of such employment E in 1946 receives wages in the amount of $3,000 from F, and $2,000 from G; and on January 1, 1947, E receives the remaining $1,000 of wages from G. Employees' tax was deducted and paid to the collector as follows: in 1946, by employer F, $30, and by employer G, $20; and in 1947, by employer G, $10. Thus E, prior to January 1, 1947, received $5,000 in wages for services performed during the calendar year 1946, with respect to which wages $50 of employees' tax was deducted and paid to the collector. The amount of employees' tax with respect to the first $3,000 of such wages is $30. E may file a claim for refund of $20. (The $1,000 of wages received on January 1, 1947, and $10 of employees' tax with respect thereto, have no bearing on this claim because the wages were received after December 31, 1946; but if in 1947 E receives wages from one or more employers in addition to employer G, and the total wages received in such year from all employers exceeds $3,000, E may be entitled to another special refund of employees' tax. The determination in such case would include consideration of the $1,000 wages received on January 1, 1947, and the $10 of employees' tax with respect thereto, and such determination would be made under section 1401 (d) (2) of the act, which is dealt with in paragraph (c) of this section.)

(c) *Wages received after 1946.* This paragraph relates only to refunds, under section 1401 (d) (2) of the act, of employees' tax with respect to wages received after December 31, 1946. If, during any calendar year beginning after December 31, 1946, an employee receives wages in excess of $3,000 from two or more employers, the employee may file a claim for refund of the amount, if any, by which the employees' tax imposed with respect to such wages and deducted therefrom exceeds the employees' tax with respect to the first $3,000 of such wages. (See §§ 402.227 and 402.228, relating to wages.) Each such claim shall be made with respect to wages received within one calendar year (regardless of the year or years after 1536 during which the services are performed for which such wages are received). The employee shall submit with the claim, as a part thereof, a statement setting forth the following information, with respect to each employer from whom he received wages during the calendar year: (1) The name and address of such employer, (2) the account number of the employee and the employee's name as reported by the employer on his returns, (3) the amount of wages received during the calendar year to which the claim relates, (4) the amount of employees' tax, if any, deducted from such wages, and (5) the amount of such tax, if any, which has been refunded or otherwise returned to the employee. Other information may be required, but should be submitted only upon the receipt of a specific request therefor. The employee's claim shall be made on Form 843, in accordance with these regulations and the instructions relating to such form, and shall be filed with the collector for the district in which the employee resides. No interest will be allowed or paid by the Government on the amount of any refund to which this paragraph relates. No refund to which this paragraph relates will be made unless (i) the employee files a claim, establishing his right thereto, after the calendar year in which the wages are received with respect to which refund of tax is claimed, and (ii) such claim is filed within two years after the calendar year in which such wages are received.

Example 1. Employee H in the calendar year 1947 receives taxable wages in the amount of $2,000 from each of his employers I, J, and K, for services performed during such year (or at any time after December 31, 1936), or a total of $6,000. Employees' tax is deducted from H's wages, in the amount of $20 by I and $20 by J, or a total of $40. Employer K pays employees' tax in the amount of $20 to the collector without deducting such tax from H's wages. The employees' tax with respect to the first $3,000 of such wages is $30. H may file a claim for refund of $10.

Example 2. Employee L in the calendar year 1947 performs employment for employers M and N, for which L is entitled to remuneration of $3,000 from each employer, or a total of $6,000. On account of such employment L in 1946 received an advance payment of $1,000 in wages from M; and in 1947 receives wages in the amount of $2,000 from M, and $3,000 from N. Employees' tax was deducted as follows: in 1946, $10 by employer M; and in 1947, $20 by employer M, and $30 by employer N. Thus L in the calendar year 1947 received $5,000 in wages, from which $50 of employees' tax was deducted. The amount of employees' tax with respect to the first $3,000 of such wages received in 1947 is $30. L may file a claim for refund of $20. (The $1,000 advance of wages received in 1946 from M, and $10 of employees' tax with respect thereto, have no bearing on this claim, because the wages were not received in 1947; and such amounts could not form the basis for a refund unless L prior to 1947 received from M and at least one more employer advance wages totalling more than $3,000 for employment to be performed during 1947, in which case L's right to refund would be determined under section 1401 (d) (1) of the act, which is dealt with in paragraph (b) of this section.)

PAR. 12. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 403.201, the following is inserted:

SECTION 412 (b) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 (b) (1) of the Federal Unemployment Tax Act (Internal Revenue Code, sec. 1607 (b) (1)) is amended to read as follows:

(1) That part of the remuneration which, after remuneration equal $3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid after December 31, 1939, and prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; or that part of the remuneration which, after remuneration equal to $3,000 with respect to employment after 1938 has been paid to an individual by an employer during any calendar year after 1946, is paid to such individual by such employer during such calendar year;

SECTION 302 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

That part of section 1607 (c) of the Internal Revenue Code, as amended, which reads as follows:

(c) *Employment.* The term "employment" means any service performed prior to January 1 1940, which was employment as defined in this section prior to such date, and any service, of whatever nature, performed after December 31, 1939, within the United States by an employee for the person employing him, irrespective of the citizenship or residence of either, except—

is amended, effective July 1, 1946, to read as follows:

(c) *Employment.* The term "employment" means any service performed prior to July 1, 1946, which was employment as defined in this section as in effect at the time the service was performed; and any service, of whatever nature, performed after June 30, 1946, by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except—.

SECTION 303 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 (c) (4) of the Internal Revenue Code, as amended, is amended, effective July 1, 1946, to read as follows:

(4) Service performed on or in connection with a vessel not an American vessel by an employee, if the employee is employed on and in connection with such vessel when outside the United States;

SECTION 304 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

(a) Section 1607 (c) (15) of such Code is amended by striking out "or" at the end thereof.

(b) Section 1607 (c) (16) of such Code is amended by striking out the period and inserting in lieu thereof the following: "; or".

(c) Section 1607 (c) of such Code is further amended by adding after paragraph (16) a new paragraph to read as follows:

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States).

(d) The amendments made by this section shall take effect July 1, 1946.

SECTION 305 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 of such Code, as amended, is further amended, effective July 1, 1946, by adding after subsection (m) a new subsection to read as follows:

(n) *American vessel.* The term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State.

SECTION 416 (b) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

The last sentence of subsection (f) of section 1607 of the Federal Unemployment Tax Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided*, That an amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to this disability, exclusive of expenses of administration."

PAR. 13. Section 403.201 is amended by inserting after paragraph (m) the following new paragraph:

(n) "Social Security Act Amendments of 1946" means the act approved August 10, 1946 (Pub. Law 719, 79th Cong.; 60 Stat. 978).

PAR. 14. Immediately preceding the caption "Section 1607 (c) of the Federal Unemployment Tax Act, as enacted February 10, 1939" as set forth preceding § 403.202, the following is inserted:

SECTION 302 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

That part of section 1607 (c) of the Internal Revenue Code, as amended, which reads as follows:

(c) *Employment.* The term "employment" means any service performed prior to January 1, 1940, which was employment as defined in this section prior to such date • • •

is amended, effective July 1, 1946, to read as follows:

(c) *Employment.* The term "employment" means any service performed prior to July 1, 1946, which was employment as defined in this section as in effect at the time the service was performed • • •

PAR. 15. Section 403.202, as amended by Treasury Decision 5519, approved June 14, 1946, is amended by striking out the first three sentences thereof and inserting in lieu thereof the following: "Under the provisions of section 1607 (c) of the Federal Unemployment Tax Act, as amended, effective July 1, 1946, by section 302 of the Social Security Act Amendments of 1946, services performed prior to July 1, 1946, constitute employment if they were employment as defined in section 1607 (c) as in effect at the time the service was performed. The provision in effect prior to January 1, 1940, and therefore applicable to services performed prior to such date, is section 1607 (c) of the Federal Unemployment Tax Act as originally enacted February 10, 1939, as modified by section 13 (a) of the Railroad Unemployment Insurance Act. Thus, services performed prior to January 1, 1940, within the United States by an employee for the person employing him, constitute employment within the meaning of the Federal Unemployment Tax Act in force on and after January 1, 1940, unless the services are excepted by section 1607 (c) as originally enacted, as modified by such action 13 (a)."

PAR. 16. Immediately preceding § 403.203 the following is inserted:

SECTION 302 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

That part of section 1607 (c) of the Internal Revenue Code, as amended, which reads as follows:

(c) *Employment.* The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939,

within the United States by an employee for the person employing him, irrespective of the citizenship or residence of either, except—

is amended, effective July 1, 1946, to read as follows:

(c) *Employment.* The term "employment" means any service performed prior to July 1, 1946, which was employment as defined in this section as in effect at the time the service was performed; and any service, of whatever nature, performed after June 30, 1946, by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except—.

SECTION 305 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 of such Code, as amended, is further amended, effective July 1, 1946, by adding after subsection (m) a new subsection to read as follows:

(n) *American vessel.* The term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State.

PAR. 17. Section 403.203, as amended by Treasury Decision 5519, is amended to read as follows:

§ 403.203 *Employment after December 31, 1939*—(a) *In general.* Whether services performed on or after January 1, 1940, constitute employment is determined under section 1607 (c) of the act, that is, section 1607 (c), as amended, effective January 1, 1940, by section 614 of the Social Security Act Amendments of 1939, and as amended, effective January 1, 1946, by section 4 (d) of the International Organizations Immunities Act, and as further amended, effective July 1, 1946, by sections 302, 303, and 304 of the Social Security Act Amendments of 1946. This section and all sections of this Subpart B which follow (except §§ 403.227 and 403.228, relating to wages), apply with respect only to services performed after December 31, 1939. Such sections apply with respect to services performed at any time after such date, except those provisions thereof in which a different period of application is expressly stated. (For provisions relating to the circumstances under which services which do not constitute employment are nevertheless deemed to be employment, and relating to the circumstances under which services which constitute employment are nevertheless deemed not to be employment, see § 403.207. For provisions relating to the circumstances under which certain services with respect to which the collection of tax is prohibited are deemed not to be included within the term "employment" as used in these regulations, see § 403.206. For provisions relating to services performed prior to January 1, 1940, see § 403.202.)

(b) *Services performed within the United States.* Services performed on or after January 1, 1940, within the United States, that is, within any of the several States, the District of Columbia, or the Territory of Alaska or Hawaii, by an employee for the person employing him, unless specifically excepted by section 1607 (c) of the act, constitute employment within the meaning of the act. Services performed outside the United States, that is, outside the several States, the District of Columbia, and the Territories of Alaska and Hawaii (except certain services performed after June 30, 1946, on or in connection with an American vessel—see paragraph (c) of this section), do not constitute employment.

With respect to services performed within the United States, the place where the contract of service is entered into and the citizenship or residence of the employee or of the person employing him are immaterial. Thus, the employee and the person employing him may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract actually performs services within the United States, there may be to that extent employment within the meaning of the act.

(c) *Services performed outside the United States.* Services performed on or after July 1, 1946, by an employee for the person employing him "on or in connection with" an American vessel outside the United States constitute employment: *Provided:*

(1) The employee is also employed "on and in connection with" such vessel when outside the United States; and

(2) The services are performed under a contract of service, between the employee and the person employing him, which is entered into within the United States, or during the performance of which the vessel touches at a port within the United States; and

(3) The services are not excepted under section 1607 (c) of the act. (See particularly § 403.226b of these regulations, relating to fishing.)

An employee performs services on and in connection with the vessel if he performs services on the vessel which are also in connection with the vessel. Services performed on the vessel as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances since such services are also connected with the vessel. Services may be performed on the vessel, however, which have no connection with it, as in the case of services performed by an employee while on the vessel merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

If services are performed by an employee "on and in connection with" an American vessel when outside the United States and conditions subparagraphs (2) and (3) of this paragraph are met, then the services of that employee performed on or in connection with the vessel constitute employment. The expression "on or in connection with" refers not only to services performed on the vessel but also to services connected with the vessel which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

Services performed by a member of the crew or other employee whose contract of service is not entered into within the United States, and during the performance of which the vessel does not touch at a port within the United States, do not constitute employment, notwithstanding similar services performed by others on or in connection with the vessel may constitute employment.

The word "vessel" includes every description of watercraft, or other contrivance, used as a means of transportation on water. It does not include any type of aircraft.

The term "American vessel" means any vessel which is documented (that is, registered, enrolled, or licensed) or numbered in conformity with the laws of the United States. It also includes any vessel which is neither documented nor numbered under the laws of the United States, nor documented under the laws of any foreign country, if the crew of such vessel is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State (including the District of Columbia or the Territory of Alaska or Hawaii).

With respect to services performed outside the United States, the citizenship or residence of the employee is immaterial, and the citizenship or residence of the person employing him is material only in case it has a bearing in determining whether a vessel is an American vessel.

(d) *Services performed for Bonneville Power Administrator.* Notwithstanding any other provision of these regulations, such services as constitute employment under section 1607 (m) of the act shall constitute employment within the meaning of the act and of these regulations (including § 403.205, relating to who are employers). Section 1607 (m) of the act relates to services performed after December 31, 1945, by a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities, as an employee of the United States employed through the Bonneville Power Administrator.

PAR. 18. Immediately preceding the caption "Section 5 (b) of the International Organizations Immunities Act", as inserted by Treasury Decision 5519 preceding § 403.206, the following is inserted:

SECTION 302 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

That part of section 1607 (c) of the Internal Revenue Code, as amended, which reads as follows:

(c) *Employment.* The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, within the United States by an employee for the person employing him • • • except—

is amended, effective July 1, 1946, to read as follows:

(c) *Employment.* The term "employment" means any service performed prior to July 1, 1946, which was employment as defined in this section as in effect at the time the service was performed; and any service, of whatever nature, performed after June 30, 1946, by an employee for the person employing him • • • except—.

PAR. 19. Section 403.206, as amended by Treasury Decision 5519, is further amended as follows:

(A) By striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "and as further amended, effective July 1, 1946, by sections 302, 303, and 304 of the Social Security Act Amendments of 1946."

(B) By striking out the following sentences where they appear: "This section, § 403.207 (relating to included and excluded services), and §§ 403.208 to 403.226, inclusive (relating to certain classes of excepted services), apply with respect only to services performed on or after January 1, 1940. Section 403.226a, relating to an additional class of excepted services, applies with respect only to services performed on or after January 1, 1946." and by inserting in lieu thereof the following: "This section, and the sections which follow it relating to included and excluded services and the several classes of excepted services, apply with respect to services performed at any time after December 31, 1939, except where a different period of application is expressly stated."

PAR. 20. In those provisions of law which read as follows:

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, within the United States by an employee for the person employing him • • • except—

where they appear preceding each section from §§ 403.208 to 403.226a, both inclusive, the phrase "after December 31, 1939, within the United States" is stricken, and "• • •" is inserted in lieu thereof, so that such provisions of law read as follows:

The term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

PAR. 21. Immediately preceding § 403.211 the following is inserted:

SECTION 303 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 (c) (4) of the Internal Revenue Code, as amended, is amended, effective July 1, 1946, to read as follows:

(4) Service performed on or in connection with a vessel not an American vessel by an employee, if the employee is employed on and in connection with such vessel when outside the United States;

PAR. 22. Section 403.211 is amended to read as follows:

§ 403.211 *Maritime services*—(a) *In general.* Section 1607 (c) (4) of the act, as amended, effective January 1, 1940, by section 614 of the Social Security Act Amendments of 1939, excepts service performed within the United States as an officer or member of the crew of a vessel on the navigable waters of the United States. Such exception, which is dealt with in paragraph (b) of this section, applies only with respect to services performed before July 1, 1946. Section 1607 (c) (4) of the act, as amended, effective July 1, 1946, by section 303 of the Social Security Act amendments of 1946, excepts service performed within the United States on or in connection with a vessel not an American vessel by an employee, if the employee is employed on and in connection with such vessel when outside the United States. Such exception, which is dealt with in paragraph (c) of this section, applies only with respect to services performed on or after July 1, 1946. (For definitions of "vessel" and "American vessel," see § 403.203 (c).)

(b) *Services performed prior to July 1, 1946.* The expression "navigable waters of the United States" means such waters as are navigable in fact and which by themselves or their connection with other waters form a continuous channel for commerce with foreign countries or among the States.

The expression "officer or member of the crew" includes the master or officer in charge of the vessel, however designated, and every individual, subject to his authority, serving on board and contributing in any way to the operation and welfare of the vessel. The exception extends, for example, to services rendered by the master, mates, pilots, pursers, surgeons, stewards, engineers, firemen, cooks, clerks, carpenters, deck hands, porters, and chambermaids, and by seal hunters and fishermen on sealing and fishing vessels.

(c) *Services performed after June 30, 1946.* In order for services performed after June 30, 1946, within the United States "on or in connection with" a vessel not an American vessel to be excepted, the services must be performed by an employee who is also employed "on and in connection with" the vessel when outside the United States.

An employee performs services on and in connection with the vessel if he performs services on the vessel when outside the United States which are also in connection with the vessel. Services performed on the vessel outside the United States as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Services may be performed on the vessel, however, which have no connection with it, as in the case of services performed by an employee while on the vessel merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

The expression "on or in connection with" refers not only to services performed on the vessel but also to services connected with the vessel which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

The citizenship or residence of the employee and the place where the contract of service is entered into are immaterial for purposes of this exception, and the citizenship or residence of the person employing him is material only in case it has a bearing in determining whether the vessel is an American vessel.

Since the only services performed outside the United States which constitute employment are those described in § 403.203 (c) (relating to services performed outside the United States on or in connection with an American vessel), services performed outside the United States on or in connection with a vessel not an American vessel in any event do not constitute employment.

PAR. 23. The first sentence of § 403.213, as amended by Treasury Decision 5502, approved March 18, 1946, is amended by striking out "403.203 (b)" and inserting in lieu thereof "403.203 (d)."

PAR. 24. Immediately after § 403.226a, as added by Treasury Decision 5519, the following is inserted:

SECTION 1607 (c) (17) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States). (Sec. 1607 (c) (17), I. R. C., as added, effective July 1, 1946, by sec. 304 (c), Social Security Act Amendments of 1946)

§ 403.226b *Fishing*—(a) *In general.* Subject to the limitations prescribed in paragraphs (b) and (c) of this section, the services performed on or after July 1, 1946, as described in this paragraph are excepted. Services performed by an individual in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish (for example, oysters, clams, and mussels), crustacea (for example, lobsters, crabs, and shrimps), sponges, seaweeds, or other aquatic forms of animal and vegetable life are excepted. The exception extends to services performed as an officer or member of the crew of a vessel while the vessel is engaged in any such activity whether or not the officer or member of the crew is himself so engaged. In the case of an individual who is engaged in any such activity in the employ of any person, the services performed, by such individual in the employ of such person, as an ordinary incident to any such activity are also excepted. Similarly, for example, the shore services of an officer or member of the crew of a vessel engaged in any such activity are excepted if such services are an ordinary incident to any such

activity. Services performed as an ordinary incident to any such activity may include, for example, services performed in such cleaning, icing, and packing of fish as are necessary for the immediate preservation of the catch.

(b) *Salmon and halibut fishing.* Services performed in connection with the catching or taking of salmon or halibut, for commercial purposes, are not within the exception. Thus, neither the services of an officer or member of the crew of a vessel (irrespective of its tonnage) which is engaged in the catching or taking of salmon or halibut, for commercial purposes, nor the services of any other individual in connection with such activity, are within the exception.

(c) *Vessels of more than 10 net tons.* Services described in paragraph (a) of this section performed on or in connection with a vessel of more than 10 net tons are not within the exception. For purposes of the exception, the tonnage of the vessel shall be determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States.

PAR. 25. Immediately preceding § 403.227, the following is inserted:

SECTION 412 (b) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 (b) (1) of the Federal Unemployment Tax Act (Internal Revenue Code, sec. 1607 (b) (1)) is amended to read as follows:

(1) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid after December 31, 1939, and prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; or that part of the remuneration which, after remuneration equal to $3,000 with respect to employment after 1938 has been paid to an individual by an employer during any calendar year after 1946, is paid to such individual by such employer during such calendar year;

PAR. 26. Section 403.227 (a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended by section 412 (b) of the Social Security Act Amendments of 1946."

PAR. 27. Section 403.228 (a) is amended as follows:

(A) By striking out the first three sentences of such section and inserting in lieu thereof the following:

(1) *In general.* Section 1607 (b) (1) of the act provides an annual $3,000 limitation on the amount of remuneration that may constitute wages, by excepting from the term "wages" remuneration paid after $3,000 has been paid. Under such section as amended by section 412 (b) of the Social Security Act Amendments of 1946, the amount first to be included in wages, after which the exception operates, is measured in two ways, depending on whether the remuneration is paid before 1947 or is paid after 1946. In the case of remuneration paid before 1947, the amount first to be included in wages is remuneration paid up to and including $3,000 for employment performed by an employee for his employer during each calendar year regardless of when paid (before 1947); and additional amounts for employment performed in such calendar year by such employee for such employer are excluded regardless of when paid (before 1947). In the case of remuneration paid after 1946, the amount first to be included in wages in each calendar year is remuneration up to and including $3,000 paid in the calendar year by an employer to an employee for employment performed at any time after December 31, 1938; and additional amounts paid in such calendar year by such employer to such employee are excluded regardless of when earned. In general, the change is from an "earned within the calendar year basis" to a "paid within the calendar year basis." For a more complete explanation of the limitation, see subparagraphs (2) and (3) of this paragraph.

(2) *Remuneration paid before 1947.* This subparagraph (ending with Example 3) applies only with respect to remuneration paid before January 1, 1947.

The term "wages" does not include that part of the remuneration paid before January 1, 1947, by an employer to an employee for employment performed for him during any calendar year which exceeds the first $3,000 paid by such employer to such employee for employment performed during such calendar year.

In the case of remuneration paid before 1947, the $3,000 limitation applies only if the remuneration paid to an employee by the same employer for employment during any one calendar year exceeds $3,000. The limitation in such case relates to remuneration for employment during any one calendar year and not to the amount of remuneration (irrespective of the year of employment) which is paid in any one calendar year.

(B) By inserting in the parenthetical matter in the third sentence of Example 1, immediately after the word "paid" where it last appears therein, the following: "before January 1, 1947,".

(C) By striking out the clause, immediately following Example 1, "If an employee has more than one employer during a calendar year," and inserting in lieu thereof the following: "In the case of remuneration paid before 1947, if an employee has more than one employer during a calendar year,".

(D) By inserting at the beginning of the first and fifth sentences of Example 2 the following: "During 1940."

(E) By inserting at the beginning of the second sentence of Example 3, the following: "During such year."

(F) By inserting immediately following Example 3 the following new subparagraph:

(3) *Remuneration paid after 1946.* This subparagraph applies only with respect to remuneration paid after December 31, 1946.

The term "wages" does not include that part of the remuneration paid within any calendar year beginning after December 31, 1946, by an employer to an employee which exceeds the first $3,000 paid within such calendar year by such employer to such employee for employment performed for him at any time after December 31, 1938.

In the case of remuneration paid after 1946, the $3,000 limitation applies only if the remuneration paid during any one calendar year by an employer to the same employee for employment performed after 1938 exceeds $3,000. The limitation in such case relates to the amount of remuneration paid during any one calendar year for employment after 1938 and not to the amount of remuneration for employment performed in any one calendar year.

Example 1. Employer H, in 1947, pays employee G $2,500 on account of $3,000 due him for employment performed in 1947. In 1948 employer H pays employee G the balance of $500 due him for employment performed in the prior year (1947), and thereafter in 1948 also pays G $3,000 for employment performed in 1948. The $2,500 paid in 1947 is subject to tax in 1947. The balance of $500 paid in 1948 for employment during 1947 is subject to tax in 1948, as is also the first $2,500 paid of the $3,000 for employment during 1948 (this $500 for 1947 employment added to the first $2,500 paid for 1948 employment constitutes the maximum wages which could be paid in 1948 by H to G). The final $500 paid by H to G in 1948 is not included as wages and is not subject to the tax.

Example 2. Employer J, in 1946, pays $3,000 to employee I on account of $6,000 due him for employment performed in 1946. In 1947 before paying any remuneration for employment performed in 1947 employer J pays to I the balance of $3,000 due employee I on account of employment performed in 1946. The $3,000 paid in 1946 constitutes wages in 1946 and is subject to the tax, in accordance with the provisions set forth in subparagraph (2) of this paragraph. The balance of $3,000 paid in 1947 on account of employment in 1946 constitutes wages and is subject to the tax in 1947, in accordance with the provisions set forth in this subparagraph. The $3,000 paid in 1947 for 1946 employment constitutes the maximum wages which could be paid by J to I in 1947. Any further remuneration paid in 1947 to employee I for services performed for J is not included as wages and is not subject to the tax, whether for services performed before, during, or after 1947. (Assuming the same amounts of remuneration and times of payment, the same result would be reached if employee I had left the employ of J and performed no further services for J after 1946.)

If during a calendar year (after 1946) an employee is paid remuneration by more than one employer, the limitation of wages to the first $3,000 of remuneration paid applies, not to the aggregate remuneration paid by all employers with respect to employment performed after 1938, but instead to the remuneration paid during such calendar year by each employer with respect to employment performed after 1938. In such case the first $3,000 paid during the calendar year by each employer constitutes wages and is subject to the tax.

Example 3. During 1947 employer L pays to employee K a salary of $600 a month for employment performed for L during the first seven months of 1947, or total remuneration of $4,200. At the end of the fifth month K has been paid $3,000 by employer L, and only that part of his total remuneration from L constitutes wages subject to the tax. The $600 paid to employee K by employer L in the sixth month, and the like amount paid in the seventh month, are not included as wages and are not subject to the tax. At the end of the seventh month K leaves the employ of L and enters the employ of M. Employer M pays to K remuneration of $600 a month in each of the remaining five months of 1947, or total remuneration of $3,000. The entire $3,000 paid by M to employee K constitutes wages and is subject to the tax. Thus, the first $3,000 paid by employer L and the entire $3,000 paid by employer M constitutes wages.

Example 4. During the calendar year 1947 N is simultaneously an officer (an employee) of the O Corporation, the P Corporation, and the Q Corporation, each such corporation being an employer for such year. During such year N is paid a salary of $3,000 by each corporation. Each $3,000 paid to N by each of the corporations O, P, and Q (whether or not such corporations are related) constitutes wages and is subject to the tax.

PAR. 28. Immediately preceding § 403.401, the following is inserted:

SECTION 416 (b) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

The last sentence of subsection (f) of section 1607 of the Federal Unemployment Tax Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided*, That an amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration."

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

[F. R. Doc. 47-2676; Filed, Mar. 20, 1947; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF REOPENING OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDMENT

Pursuant to the provisions of § 927.4 (b) of Order No. 27, as amended, (7 CFR, 1945 Supp. 927.1 et seq.) regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) notice is hereby given of the reopening, on March 27, 1947, at 10:00 a. m., e. s. t., at the office of the Market Administrator, 205 East 42nd Street, New York, New York, of a public meeting held on February 25 and 26, 1947, pursuant to notice of meeting issued on February 7, 1947 (12 F. R. 1245), for consideration of a proposed amendment to the rules and regulations which were issued under said order, as amended, effective on November 1, 1945 (10 F. R. 13095) and which were amended effective on February 1, 1947 (12 F. R. 457).

Consideration will be given at the reopened meeting on March 27, 1947 to all proposals contained in the February 7, 1947 notice of meeting, and also to the following:

1. Amendments to section 2:

a. Amend paragraph (c) (1) by changing the order reference from "§ 927.8 (e) (2) (iii)" to "§ 927.9 (h) (2) (iii)."

b. Amend paragraph (h) to read as follows:

(h) Deduct remaining butterfat in the opening inventories or received in forms other than milk, cultured or flavored milk drinks, cream, sour cream, frozen cream, plain condensed milk, sweetened condensed milk, milk powder, other concentrated milk products and butter from butterfat in products leaving the plant or in the closing inventories at the plant in which the handler claims to have used such butterfat. Deduct any remaining butterfat in the opening inventories or received in such forms from plant loss.

c. Amend paragraph (o) to read as follows:

(o) Deduct remaining butterfat in the opening inventories or received in the form of butter, sweetened condensed milk, milk powder or other concentrated milk products pro rata from the remaining butterfat leaving the plant or in the closing inventories at the plant in the forms of frozen desserts, homogenized mixtures, ice cream powder, or candy products. Deduct any remaining butterfat in the opening inventories or received in such forms from butterfat in products in which the handler claims to have used such butterfat. Deduct any remaining butterfat in the opening inventories or received in such forms from plant loss.

d. Amend paragraph (q) to read as follows:

(q) Deduct the butterfat received in the form of plain condensed milk pro rata from the classes of butterfat leaving the plan or in the closing inventories at the plant in the form of plain condensed milk. Deduct any remaining butterfat received in the form of plain condensed milk pro rata from butterfat on hand at or leaving the plant in the form of frozen desserts, homogenized mixtures, evaporated milk, sweetened condensed milk, milk powder, other concentrated milk products, or candy products. Deduct remaining butterfat received in the form of plain condensed milk from butterfat in products in which the handler claims to have used such butterfat. If any butterfat received in the form of plain condensed milk remains, it shall be deducted from plant loss and classified as II–B.

e. Amend paragraph (x) by changing the words "ice cream powder, malted milk powder" to "other concentrated milk products."

f. Amend paragraph (aa) to read as follows:

(aa) Deduct remaining butterfat in the opening inventories or received in the form of frozen cream from butterfat in products in which the handler claims to have used such butterfat. Deduct remaining butterfat in the opening inventories or received in the form of frozen cream from plant loss.

g. Amend paragraph (cc) by changing the words "ice cream powder, malted milk powder" to "other concentrated milk products."

h. Amend paragraph (dd) to read as follows:

(dd) Deduct remaining butterfat received in the form of cream from butterfat in products in which the handler claims to have used such butterfat. If any butterfat received in the form of cream remains, it shall be deducted from plant loss and classified as II–A.

i. Amend paragraph (jj) as follows:

Delete subparagraph (11) and add new subparagraph (11) as follows:

(11) Sweetened, part skim, condensed milk, 2.5 percent;

j. Amend paragraph (pp) to read as follows:

(pp) Classification of butterfat deducted pursuant to (cc) may be interchanged with the classification of butterfat deducted pursuant to (nn) from the same products covered by (cc) or with the classification of butterfat in the receipts from dairy farmers classified on the basis of the products covered by (cc). Classification of butterfat deducted pursuant to (q) may be interchanged with the butterfat deducted pursuant to (nn) from the same products covered by (q) or with the classification of butterfat in receipts from dairy farmers classified on the basis of the products covered by (q); *Provided*, That the quantity of butterfat so interchanged shall not exceed any quantity necessary to avoid payments pursuant to § 927.9 (h) of the orders. Such interchange shall be between one or more classes on which payments pursuant to § 927.9 (h) of the order might be required and one or more other classes, the specific classes to be at the option of the handler.

2. Amendments to section 3:

a. Renumber subparagraph (3) of section 3 (b) to (4) and add new subparagraph (3) as follows:

(3) Classes of butterfat remaining after the assignments pursuant to (2) of this paragraph may be interchanged with classes of butterfat remaining after the assignments pursuant to (d) (3) of this section which are based on the products covered by section 2 (q).

b. Renumber subparagraph (3) of section 3 (c) to (4) and add new subparagraph (3) as follows:

(3) Classes of butterfat remaining after the assignments pursuant to (2) of this paragraph may be interchanged with classes of butterfat remaining after the assignments pursuant to (d) (3) of this section which are based on the products covered by section 2 (cc).

e. Renumber subparagraphs (4) and (5) of section 3 (d) to (5) and (6) respectively and add a new subparagraph (4) as follows:

(4) Classes of butterfat remaining after the assignments pursuant to (3) of this paragraph may be interchanged with classes of butterfat remaining after the assignments pursuant to (b) (2) and (c) (2) of this section in accordance with the provisions of (b) (3) and (c) (3) of this section.

3. Amendments to section 4:

a. Delete the next to last sentence in section 4 and insert in lieu thereof the following: "In the event that the opening inventories of any product were also

opening inventories for the previous month, the butterfat in such product shall be deducted pro rata from the butterfat in all products and classes leaving the plant from which butterfat in like form could be deducted. If the butterfat in such products leaving the plant is less than the butterfat in such opening inventories, any remaining butterfat in such opening inventories shall be deducted pro rata from the butterfat in all products and classes in the closing inventories at the plant from which butterfat in like form could be deducted."

4. Amendments to section 5:

a. In paragraph (a) amend the provision for establishing butterfat tests of milk shipments as follows:

Milk shipped from a plant or received from another plant (no specific tests shall be recognized for milk shipped except for breed milk and other special milk):

Average test of all milk received at the shipping plant from farmers except that if the classification of such milk shipments is assigned pursuant to section 3 to milk received from another plant the test shall be the average test of milk received from farmers at such other plant.

b. Amend subparagraph (1) of section 5 (c) to read as follows:

(1) *Frozen desserts.* The butterfat in frozen desserts shall be assumed to be the same as the butterfat of the homogenized mixtures or other products used in making such frozen desserts.

c. Amend subparagraph (3) of section 5 (c) by changing the first sentence to read as follows: "The butterfat content of such products shall be assumed to be the same as the butterfat of the milk, cream, plain condensed milk or whole milk powder used in making such product if such butterfat content appears reasonable in the light of the butterfat test of the product."

d. Add new subparagraph (7) to section 5 (c) to read as follows:

(7) *Malted milk products.* The butterfat content of malted milk products shall be assumed to be the same as the butterfat in the products used in making such malted milk products.

(e) Add new subparagraph (8) to section 5 (c) to read as follows:

(8) *Frozen cream leaving the plant or in the closing inventories at the plant.* Butterfat will be considered to have left a plant or be in closing inventories at a plant in the form of frozen cream only if the butterfat is so identified in the handler's records that the source of such butterfat as a receipt of milk from producers can be ascertained. In the event that it is not so identified it will be considered to have left the plant or be in the closing inventories at the plant in the form of cream rather than frozen cream.

5. Add new section 7 as follows:

SEC. 7. Assignment of specific butterfat received or in the opening inventories in the form of frozen cream to the uses of butterfat in the form of frozen cream at the plant.

(a) Butterfat received or in the opening inventories in the form of frozen cream shall be assigned to butterfat leaving the plant or in the closing inventories at the plant in the form of frozen cream in accordance with its identification pursuant to section 5 (c) (8).

(b) Remaining butterfat received or in the opening inventories in the form of frozen cream which frozen cream was obtained from milk received from producers in the months of April through September shall be pro rated to uses of butterfat in the form of frozen cream as determined pursuant to section 2 (v), (w), (x), (y), (z) and (aa). The total butterfat derived from milk obtained in each of the months shall be pro rated separately.

(c) After the pro-ration pursuant to (b) of this section specific lots of butterfat received from producers in any month may be assigned at the option of the handler or handlers involved to any of the uses to which the total butterfat received from producers in that month is assigned.

Issued this 10th day of March 1947.

[SEAL] C. J. BLANFORD,
Market Administrator, New York Metropolitan Milk Marketing Area.

[F. R. Doc. 47-2650; Filed, Mar. 20, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 25, 26 and 43]

TEMPORARY AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES AND PARACHUTE TECHNICIAN CERTIFICATES; FLIGHTS OF KITES AND MOORED BALLOONS

NOTICE OF PROPOSED RULES

Correction

In the documents appearing on page 1860 of the issue for Thursday, March 20, 1947, the following changes are made:

In Federal Register Document 47-2601 the file line at the end should read: "[F. R. Doc. 47-2601; Filed, Mar. 19, 1947; 8:46 a. m.]".

In Federal Register Document 47-2600 the file line at the end should read: "[F. R. Doc. 47-2600; Filed, Mar. 19, 1947; 8:46 a. m.]".

INTERSTATE COMMERCE COMMISSION

[49 CFR, Ch. I]

[No. 29664]

INTERCOASTAL WATER RATES

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 20th day of February A. D. 1947.

Good cause appearing therefor:

It is ordered, That Appendix A to the Commission's order of December 12, 1946 (11 F. R. 14562), in the above-entitled proceeding be, and it is hereby, amended by striking out the word "Sulphur" under the heading "Westbound Commodities," by striking out the words "Iron and steel articles" under the same heading and substituting therefor "Iron and steel articles, including hardware"; by adding under the heading "Eastbound Commodities" the words "Rice" and "Dried beans, peas, and lentils."

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2648; Filed, Mar. 20, 1947; 8:48 a. m.]

[49 CFR, Ch. I]

[Nos. 29663, 29664 and 29708]

TRANSPORTATION RAIL AND WATER RATES

NOTICE OF PROPOSED RULE MAKING

MARCH 17, 1947.

Transcontinental rail rates, No. 29663; Intercoastal water rates, No. 29664; All-water, water-rail, and rail-water rates between Pacific coast ports and interior points, No. 29708.

The Commission has given consideration to the motion filed by the United States Maritime Commission February 26, 1947, requesting expedited disposition of these proceedings and suggesting means of accomplishing such expedition. In view of the limitation of June 30, 1947, placed by Congress on the continued operation of intercoastal steamship service by the Government it is clearly desirable that these proceedings be completed as soon as possible consistently with the rights of interested parties.

The proceedings are therefore assigned for hearing at the office of the Commission, Washington, D. C., April 22, 1947, 10 o'clock a. m., United States standard time before Commissioner Alldredge and Examiners Hosmer, Colgren, and McCloud. This hearing will be for the purpose of receiving evidence from the respondents and such shippers as may be prepared to proceed at that time. Additional hearings will be assigned at other points as soon as practicable after the conclusion of the Washington hearings. Shippers or others who plan to introduce evidence are requested to advise the Commission as soon as possible, stating the approximate time required and their preference as to place of hearing.

The prehearing conference in these proceedings held on January 17, 1947, disclosed an obstacle to expedited disposition due to the absence of definite proposals for adjustment of rates by either the water or rail respondents. As prayed in the motion of the Maritime Commission, and in order to afford the respondents, in conformity with the Commission's general rules of practice, an opportunity amicably to adjust their differences, to effect satisfactory settlement of the issues in these proceedings, and to promote peace and harmony in this phase of the transportation industry, the respondents are hereby directed to submit to this Commission, without prejudice to any party in interest, proposals of adjustment in the form of suggested rates which they are prepared to defend as just and reasonable in conformity with the rules of rate-making set forth in sections 15a (2) and 307 (f) of the Interstate Commerce Act. To that end the rail and water respondents are directed to confer for mutual consideration of their proposals in accordance with the letter from the Attorney General of the United States referred to in the motion of the Maritime Commission. The Commission also suggests the attendance at this conference of a representative of the Maritime Commission if it desires to participate. Proposals so arrived at shall be made public for the information of interested shippers not later than April 7, 1947. In this manner it is believed that the issues involved in these proceedings will be clarified and the shippers better enabled to meet those issues. Nothing done as a result of such a conference, however, shall bind the Commission in any way.

The prehearing conference also disclosed the need of certain amendments to the original orders of investigation in Nos. 29663 and 29664, as well as initiation of an additional proceeding embracing certain all-water, water-rail, and rail-water rates between Pacific Coast ports and interior points. Appropriate orders having that effect are attached hereto.

Special rules of procedure. Petitions of intervention are unnecessary. Persons who appear in opposition to respondents' proposed rates will be considered protestants.

In order to save time and expense it is strongly urged that persons having common interests endeavor, so far as possible, to consolidate their presentation of testimony and arrange for cross-examination by a limited number of counsel. The same course should be followed upon oral argument.

In the preparation of exhibits Rules 81-84 of the general rules of practice should be observed. If possible, all exhibits introduced by each witness should be included in a single pamphlet with pages consecutively numbered and suitably bound together. At least 150 copies of each exhibit should be available. So far as possible, exhibits should be self-explanatory to minimize the time required for oral testimony.

Witnesses who prepare their testimony in writing should comply with Rule 77 of the general rules of practice. They should have a sufficient number of copies to supply opposing counsel, the official reporter, and the presiding officers. To save time it is suggested that such written statements be prepared with a view to their being copied into the record by agreement without being read by the witness or that they be submitted as verified statements, as stated in the next paragraph.

Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will be received in the absence of objection. Parties offering such statements should provide 150 copies thereof as early as possible in the hearings. Notice of objection to the receipt of any such statements should be given promptly to the Commission and to the party offering the statement. If no such notice is given, it will be assumed that objection is waived, subject to the right of any person in any appropriate manner to raise questions as to the weight of such verified statements. Such statements should conform to the general rules of practice with respect to style, mimeographing, printing, etc. They should be limited strictly to matters of fact and contain no argument; if not so limited, they may be excluded. The Commission on its own motion or objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions involved in these proceedings, (b) is obviously incompetent, or (c) is argumentative. All verified statements received in evidence will be part of the record upon which the Commission will base its decision.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2649; Filed, Mar. 20, 1947; 8:48 a. m.]

[49 CFR, Ch. I]

[No. 29663]

TRANSCONTINENTAL RAIL RATES

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 20th day of February A. D. 1947.

Good cause appearing therefor:

It is ordered, That Appendix A to the Commission's order of December 12, 1946 (11 F. R. 14561), be, and it is hereby amended to read as follows:

APPENDIX A (AMENDED)

I. RATES FROM TRANSCONTINENTAL GROUPS A, B, C, C-1, D, E, E-1, F, H, K, K-1, L, AND M TO PACIFIC COAST TERRITORIAL GROUPS 1 AND 3 AS SUCH GROUPS ARE DEFINED IN AGENT KIPP'S I. C. C. 1516 AND 1517, AS PUBLISHED IN THE FOLLOWING ITEMS IN KIPP'S I. C. C. 1507 AND SIMILAR COMMODITIES IN AGENT KIPP'S I. C. C. 1521.

Item No.:	Commodity
1955	Twine or rope.
3160	Aluminum or aluminum articles.
3205	Ammunition, small arm.
3215	Antifreezing compound.
3600	Brass, bronze, or copper articles, etc.
3760	Sodium alum, etc.
3775	Canned goods, etc.
3780	Can stock, iron or steel.
4035	Chocolate coating.
4045	Cocoa, cocoa beans, confectionery, etc.
4060	Coffee or coffee substitutes.
4065	Green coffee.
4115	Cooling boxes, refrigerators, etc.
4330	Starch and dextrine.
4350	Drugs, medicines, chemicals, etc.
4370 (sec. 2)	Cotton bagging.
4575	Fabric, hose cord, tire cord.
4785	Dried beans and lentils.
4930	Glass, rough rolled, etc.
4935	Glass, window.
4950	Glass or glassware, etc.

Iron and steel articles (including hardware) as described in items:

5095	5590	5710	5780	5845
5265	5595	5715	5795	5850
5515	5615	5735	5800	5853
5525	5625	5740	5805	5860
5555	5630	5750	5815	5865
5560	5645	5760	5830	6500
5570	5655	5762	5841	8130
5585	5685	5775	5842	8135

Item No.:	Commodity
6050	Lumber.
6090	Concentrated lye.
6450	Peanuts.
6675	Vegetable oil shortening.
6710	Paint, paint materials, etc.
6725	Blue lead, etc.
6925	Paraffin, wax and lubricating oil.
7090	Chinaware, porcelainware, earthenware etc.
7100	Earthenware or stoneware, etc.
7295	Rice.
7350	Rosin.
7595	Rosin sizing.
7615	Soap, etc.
7645	Soda ash.
7785	Syrup, glucose, molasses, etc.
7805	Sugar, maple.
7905	Tile, facing or flooring, clay, etc.
7910	Tile, facing or flooring, asbestos, etc.
7915	Slabs, building, opaque glass, etc.
7945	Iron or steel sheet, tin plate, terne plate.
7950	Tin can stock.
7985	Cigarettes.
7990	Cigars.
8015	Tobacco (unmanufactured) domestic, leaf, etc.
8025	Tobacco, manufactured.
8065	Turpentine.
8070	Twine and cordage.
8225	Vinegar.
8330	Wire rods.

II. RATES FROM TERRITORIAL GROUPS 1 AND 3 TO TERRITORIAL GROUPS A, B, C, C-1, D, E, E-1, F, H, K, K-1, L AND M AS DEFINED IN AGENT KIPP'S I. C. C. 1516 AND 1517, AS PUBLISHED IN THE FOLLOWING ITEMS IN AGENT KIPP'S I. C. C. 1519 AND SIMILAR COMMODITIES IN AGENT KIPP'S I. C. C. 1515.

Item No.:	Commodity
3035	Borax (sodium borate), crude or refined, etc.
3365	Barium, carbonate of, etc.
3375	Barium, precipitated, etc.
3800	Canned goods, etc.
3801	Milk, etc.
3905	Casein.
4015	Cider or apple juice.
4711	Fruits, dried or evaporated.
5780	Paints.
6210	Rice.
6900	Dried beans, peas, and lentils.

III. LUMBER AND SHINGLES AS DESCRIBED OR REFERRED TO IN THE FOLLOWING ITEMS OF AGENT KIPP'S TARIFF 17-S I. C. C. 1511; AND TO THE SAME POINTS AS DESCRIBED IN AGENT KIPP'S I. C. C. 1504.

B 930	C 845	710
B 945	C 875	755
C 790	C 895	1015
C 820	C 920	2150

IV. LUMBER AND SHINGLES AS DESCRIBED IN THE FOLLOWING ITEMS OF AGENT KIPP'S TARIFF 18-P I. C. C. 1474; AND TO THE SAME POINTS AS DESCRIBED IN AGENT KIPP'S I. C. C. 1439.

12665 12950 12647

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2646; Filed, Mar. 20, 1947; 8:48 a. m.]

[49 CFR, Ch. I]

[No. 29708]

ALL-WATER, WATER-RAIL, AND RAIL-WATER RATES BETWEEN PACIFIC COAST PORTS AND INTERIOR POINTS

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 20th day of February A. D. 1947.

Upon further consideration of the matters and things involved in a petition filed March 21, 1946, by the United States Maritime Commission and the War Shipping Administration to institute an investigation into the lawfulness of rates and practices with respect to traffic transported by railroads in competition with water carriers:

It is ordered, That a proceeding of investigation and inquiry be, and it is hereby instituted by the Commission on its own motion, as provided in sections 13 (2) and 304 (e) of the Interstate Commerce Act, into and concerning certain rates established for transportation by common carriers by water or by such carriers jointly with common carriers by railroad between ports in the United States on the Pacific coast and certain interior points, more particularly referred to in Appendix A hereto, with a view to determining whether such rates or any of them are unjust and unreasonable in violation of sections 1 and 305 (b) of said act, and, if such rates or any of them shall be found to be unjust and unreasonable, with a view to determining and prescribing what will be the lawful rates, or the maximum or minimum, or maximum and minimum rates to be charged, as provided in sections 15 (1) and 307 (b) of said act:

It is further ordered, That the common carriers by water and by railroad listed in Appendix B be, and they are hereby, made respondents in this proceeding, and that a copy of this order be served upon each of them.

It is further ordered, That this proceeding be assigned for hearing at the office of the Commission, Washington, D. C., April 22, 1947, 10 o'clock a. m. United States standard time, before Commissioner Alldredge and Examiners Hosmer, Colgren and McCloud.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX A

1. All-water rates from points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin to Pacific Coast ports published in Agent W. G. Oliphant's Tariff I. C. C. No. A-59 on the following commodities:

Commodity	Tariff item No.
Ammunition, small arm	410
Canned goods, etc	590
Copper, brass or bronze articles	700
Drugs, Medicines, Chemicals, etc	750, 780
Cotton bagging	790
Glassware	985
Iron and steel articles	1145–1262, inc.
Paint, paint materials, etc	1450, 1452
Refrigerators, cooling boxes, etc	1660
Rope, cotton	1718
Shortening, vegetable	1793
Soaps, etc	1810
Sodium	1840
Syrups, etc	1890, 1895, 1900, 1910
Tile, facing, etc	1930
Tin can stock	1950

2. Rail-water rates from points in Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, and Tennessee to Pacific Coast ports published in Agent R. G. Raasch's Tariff I. C. C. No. 477 on the following commodities:

Commodity	Tariff item No.
Canned goods, etc	220, 225, 230
Drugs, medicines, chemicals, etc	235
Iron and steel articles	240–407, inc.
Lye	410
Soaps, etc	420, 425

3. Rail-water rates from points in Illinois, Indiana, Iowa, Kentucky, and Missouri to Pacific Coast ports published in Agent W. G. Oliphant's Tariff I. C. C. No. 249 on the following commodities:

Commodity	Tariff item No.
Canned goods, etc	220, 225, 230
Drugs, medicines, chemicals, etc	235
Iron and steel articles	240–407, inc.
Lye	410
Soaps, etc	425

4. All-water rates from Pacific Coast ports to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Ohio, Tennessee and Wisconsin published in Agent W. G. Oliphant's Tariff I. C. C. No. A-58 on the following commodities:

Commodity	Tariff item No.
Barium	1320
Borax	1380
Canned goods, etc	1420, 1421
Fruits, dried, etc	1610
Lumber	1690, 1691
Paint	1740

5. Water-rail rates from Pacific Coast ports to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas published in Agent D. Q. Marsh's Tariff I. C. C. No. 3428 on canned goods, etc. (Item No. 500).

6. Water-rail rates from Pacific Coast ports to points in Alabama, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Ohio, and Tennessee published in Agent R. H. Hoke's Tariff I. C. C. No. 547 on canned goods, etc. (Items Nos. 200–230, inclusive)

7. Water-rail rates from Pacific Coast ports to points in Alabama published in Agent W. G. Oliphant's Tariff I. C. C. No. 240 on canned goods (Item No. 150).

APPENDIX B

LIST OF RESPONDENTS

Bay Cities Transportation Company; The Border Line Transportation Company; Inland Waterways Corporation; Isthmian Steamship Company; Mississippi Valley Barge Line Company; Puget Sound Freight Lines; M. S. Lauritzen, G. B. Lauritzen, and N. P. Bush, d. b. a. Richmond Navigation & Improvement Company; The California Transportation Company and Sacramento & San Joaquin River Lines, Inc., d. b. a. The River Lines; and War Shipping Administration, Luckenbach Gulf Steamship Company, Inc., Agent.

The Alabama Great Southern Railroad Company; Alabama, Tennessee and Northern Railroad Company; Alton and Southern Railroad; The Alton Railroad Company (Henry A. Gardner, Trustee); Arkansas & Louisiana Missouri Railway Company; The Arkansas Western Railway Company; The Atchison, Topeka and Santa Fe Railway Company; Atlantic Coast Line Railroad Company; The Baltimore and Ohio Chicago Terminal Railroad Company; The Baltimore and Ohio Railroad Company; The Beaumont, Sour Lake & Western Railway Company; The Belt Railway Company of Chicago; Bonhomie and Hattiesburg Southern Railroad Company; Burlington-Rock Island Railroad Company; Canton & Carthage Railroad Company; The Chesapeake and Ohio Railway Company; Chicago and Calumet River Railroad Company; Chicago & Eastern Illinois Railroad Company; Chicago & Illinois Midland Railway Company; Chicago & Illinois Western Railroad; Chicago and North Western Railway Company; Chicago and Western Indiana Railroad Company; Chicago, Aurora and Elgin Railway Company; Chicago, Burlington & Quincy Railroad Company; Chicago Great Western Railway Company; Chicago, Indianapolis and Louisville Railway Company; Chicago Junction Railway (The Chicago River and Indiana Railroad Company, Lessee); Chicago, Milwaukee, St. Paul and Pacific Railroad Company; The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees); Chicago Short Line Railway Company; Chicago South Shore and South Bend Railroad; Chicago West Pullman & Southern Railroad Company; The Cincinnati, New Orleans and Texas Pacific Railway Company; Columbus and Greenville Railway Company; The Denison and Pacific Suburban Railway Company; Elgin, Joliet and Eastern Railway Company; Erie Railroad Company; Fort Smith and Van Buren Railway Company; Fort Worth and Denver City Railway Company; Grand Trunk Western Railroad Company; Gulf, Colorado and Santa Fe Railway Company; Gulf, Mobile and Ohio Railroad Company; Illinois Central Railroad Company; Illinois Northern Railway; Illinois Terminal Railroad Company; Indiana Harbor Belt Railroad Company; International-Great Northern Railroad Company; The Kansas City Southern Railway Company; Kansas, Oklahoma & Gulf Railway Company; Litchfield and Madison Railway Company; Louisiana & Arkansas Railway Company; The Louisiana and North West Railroad Company; Louisiana Midland Railway Company; Louisville and Nashville Railroad Company; Manufacturers' Junction Railway Company; Manufacturers Railway Company; Meridian and Bigbee River Railway Company (J. C. Floyd, Trustee); Midland Valley Railroad Company; The Minneapolis & St. Louis Railway Company; Mississippi Central Railroad Company; Missouri and Arkansas Railway Company; Missouri-Illinois Railroad Company; Missouri-Kansas-Texas Railroad Company; Missouri-Kansas-Texas Railroad Company of Texas; Missouri Pacific Railroad Company (G. A. Thompson, Trustee); The Nashville, Chattanooga & St. Louis Railway; New Orleans and Northeastern Railroad Company; New Orleans, Texas & Mexico Railway Company; The New York Central Railroad Company; The New York, Chicago and St. Louis Railroad Company; Norfolk and Western Railway Company; Oklahoma City-Ada-Atoka Railway Company; Paducah & Illinois Railroad Company; Paris and Mt. Pleasant Railroad Co.; The Pennsylvania Railroad Company; Peoria Terminal Company (Joseph B. Fleming and Aaron Colnon, Trustees); Pullman Railroad Company; St. Louis and Ohio River Railroad; St. Louis-San Francisco and Texas Railway Company; St. Louis, San Francisco Railway Company; St. Louis-Southwestern Railway Company (Berryman Henwood, Trustee); St. Louis Southwestern Railway Company of Texas (Berryman Henwood, Trustee); Texas and New Orleans Railroad Company; Southern Railway Company; Tennessee Central Railway Company; Terminal Railroad Association of St. Louis; The Texas and Pacific Railway Company; Texas Electric Railway Company; Texas South-Eastern Railroad Company; Toledo, Peoria & Western Railroad; Wabash Railroad Company; Waterloo, Cedar Falls & Northern Railroad; The Western Railway of Alabama; Wichita Falls & Southern Railroad Company.

[F. R. Doc. 47-2647; Filed, Mar. 20, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 5802, Amdt.]

F. & K. ENGINEERING CO.

In re: Bank account owned by W. R. Forster, doing business as F. & K. Engineering Co.

Vesting Order 5802, dated February 1, 1946, is hereby amended as follows and not otherwise:

By deleting the name R. G. Forster, wherever it appears in Vesting Order 5802 and substituting therefor the name W. R. Forster.

All other provisions of said Vesting Order 5802 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2671; Filed, Mar. 20, 1947; 8:48 a. m.]

[Vesting Order No. 7642, Amdt.]

BERTHA SCHLUTTIG

In re: Estate of Bertha Schluttig, also known as Bertha R. Schluttig, deceased. File D-28-10217; E. T. sec. 14563.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, Vesting Order 7642, dated September 18, 1946, as affirmed by Sec. 500.41, as amended, of the Rules, Office of Alien Property, Department of Justice (11 F. R. 14155), is hereby amended to read as follows:

It is hereby found: That all right, title, interest and claim of any kind or character whatsoever of Anna Schaale and surviving issue, Marie Rohlik and surviving issue, Veronika Zartl and surviving issue, Robert Schluttig and surviving issue, Martha Raap and surviving issue, Olga Kermer and surviving issue, Liesbeth Calov, also known as Elizabeth Calov, and surviving issue, Johanna Becker and surviving issue, Frieda Dietze and surviving issue, Paul Richter and surviving issue, Martha Weisflog and surviving issue, Hedwig Koethe and surviving issue, Marie Groschupp and surviving issue, Elsa Mueller, also known as Elsa Schorr, and surviving issue, and Hilma Schorr, also known as Wilma Schorr and as Hilma Schluttig, and surviving issue, and each of them, in and to the Estate of Bertha Schluttig, also known as Bertha R. Schluttig, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Anna Schaale and surviving issue, Germany.

Marie Rohlik and surviving issue, Germany.

Veronika Zartl and surviving issue, Germany.

Robert Schluttig and surviving issue, Germany.

Martha Raap and surviving issue, Germany.

Olga Kormer and surviving issue, Germany.

Liesbeth Calov, also known as Elizabeth Calov, and surviving issue, Germany.

Johanna Becker and surviving issue, Germany.

Frieda Dietze and surviving issue, Germany.

Paul Richter and surviving issue, Germany.

Martha Weisflog and surviving issue, Germany.

Hedwig Koethe and surviving issue, Germany.

Marie Groschupp and surviving issue, Germany.

Elsa Mueller, also known as Elsa Schorr, and surviving issue, Germany.

Hilma Schorr, also known as Wilma Schorr and as Hilma Schluttig, and surviving issue, Germany.

That such property is in the process of administration by Erich Ziesche, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2672; Filed, Mar. 20, 1947; 8:46 a. m.]

[Vesting Order 8352]

CATHERINE LISETTE EMMA KLOTZ

In re: Estate of Catherine Lisette Emma Klotz, deceased. File F-28-14777; E. T. sec. 6879.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Klotz and Amelia Hamm, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Helmuth Lehrer, whose last known address is Rumania, is a resident of Rumania, and a national of a designated enemy country (Rumania);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof in and to the estate of Catherine Lisette Emma Klotz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of designated enemy countries (Germany and Rumania);

4. That such property is in the process of administration by Nettie Oakes, as Administratrix, d. b. n., w. w. a., and Clerk of Probate Court of Winnebago County, Illinois, acting under the judicial supervision of the Probate Court of Winnebago County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

6. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2357; Filed, Mar. 20, 1947; 8:46 a. m.]

[Vesting Order 8357]

HENRY STERNE

In re: Trust u/w of Henry Sterne, deceased. File No. D-28-6611; E. T. sec. 4685.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Kronast, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the widow and issue of Jakob Kronast, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust u/w of Henry Sterne, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by City Bank Farmers Trust Company, 22 William Street, New York, New York, as Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

5. That to the extent that the above named person and the widow and issue of Jakob Kronast, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2658; Filed, Mar. 20, 1947; 8:47 a. m.]

[Vesting Order 8360]

MAY WALKER

In re: Trust under the will of May Walker, deceased. (File D-28-7573; E. T. sec. 7954.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Huberta von Schoen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of May Walker, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Detroit Trust Company, Trustee acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2659; Filed, Mar. 20, 1947; 8:47 a. m.]

[Return Order 8]

WALTER H. LOWSTON ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determination and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned as follows, after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published—	Property
Walter H. Lowston, New York, N. Y., Claim No. A-441.	12 F. R. 563, Jan. 28, 1947	Property described in Vesting Order No. 2[illegible] (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 1,904,661, to the extent owned by claimant immediately prior to the vesting thereof.
Hans Lewin, New York, N. Y., Claims Nos. A-457 and A-458.	12 F. R. 563, Jan. 28, 1947	Property described in Vesting Order No. 2[illegible] (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent Nos. 2,152,353 and 2,168,225, to the extent owned by claimant immediately prior to the vesting thereof.
Ingersoll-Rand Co., New York, N. Y., Claim No. A-280.	12 F. R. 656, Jan. 29, 1947	Property described in Vesting Order No. 2[illegible] (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 1,878,905, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

DONALD C. COOK,
Director.

[F. R. Doc. 47-2674; Filed, Mar. 20, 1947; 8:48 a. m.]

[Vesting Order 8361]

LOUIS WEISER

In re: Estate of Louis Weiser, deceased. File D-28-10259; E. T. sec. 14624.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Albin Weiser, Karl Heinrich Otto Weiser, Olga Lydia Weiser, Paul Richardt Schroter, Elga Martha Schroter, Milda Helena Frieda Schroter, Alma Lina Schroder, Franz Hugo Schroter, Frieda Meta Schroter, Max Willy Schroder, Anna Wally Schroter, Alfred Richard Schroter, Martha Clara Sattler, Alban Willi Sattler, Helene Elsa Sattler, Paul Hugo Sattler, Franklin Alban Sattler, Frieda Martha Sattler, Helene Anna Sattler, Anna Hilda Sattler, Kurt Hugo Sattler, Martha Elise Weiser-Jahn, Marie Unteutsch-Hoffman, Pauline Anna Unteutsch-Hopner, Elsa Gertrud Weiser-Hansel, Luise Clara Weiser-Roisch, Charlotte Lisbeth Weiser, Curt Richard Weiser, Ernest Otto Weiser and Armin Hugo Weiser, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Louis Weiser, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Herman Tietge, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Grays Harbor;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2660; Filed, Mar. 20, 1947; 8:47 a. m.]

SINGER MFG. CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., and described below, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
The Singer Manufacturing Co., Elizabeth, N. J.	A-442	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 1,955,889, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2675; Filed, Mar. 20, 1947; 8:49 a. m.]

[Vesting Order 8410]

ANDREWS & GEORGE CO., INC.

In re: Bank account owned by Andrews & George Company, Inc., also known as Andrews & George, Inc., and as Andrews and George, Inc. F-39-2362-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Andrews & George Company, Inc., also known as Andrews & George, Inc. and as Andrews and George, Inc., the last known address of which is 5 Shiba Park, Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Andrews & George Company, Inc., also known as Andrews & George, Inc. and as Andrews and George, Inc., by The Northern Trust Company, 50 South LaSalle Street, Chicago 90, Illinois, arising out of a checking account, entitled Hastings Trading Co., Inc., in trust for Andrews & George, Inc., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2664; Filed, Mar. 20, 1947; 8:47 a. m.]

[Vesting Order 8384]

LOUISE BARTELHEIMER

In re: Estate of Louise Bartelheimer, deceased. File D-28-10823; E. T. sec. 15218.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Bartelheimer, August Bartelheimer and Kaspar Bartelheimer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Louise Bartelheimer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry Bartelheimer, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Orange;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2661; Filed, Mar. 20, 1947; 8:47 a. m.]

[Vesting Order 8386]

BERTHA M. DAHLMANN

In re: Trust u/w of Bertha M. Dahlmann, deceased. File No. 017-21054.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Dahlmann, Liselotte Hieber, Julie A. Dahlmann, Maria Weber and Carl Friedrich Dahlmann, whose last known addresses are Germany, are

[1] Filed as part of the original document.

residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust u/w of Bertha M. Dahlmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles L. Buck, 346 Tecumseh Avenue, Mt. Vernon, New York, as Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2662; Filed, Mar. 20, 1947; 8:47 a. m.]

[Vesting Order CE-343, Amdt.]

JOSEPH HANDLER ET AL.

Vesting Order CE-343, dated January 10, 1947, is hereby amended as follows and not otherwise:

By deleting items 1 to 14, inclusive, of said Vesting Order CE-343, and substituting therefor the following:

		Item 1			
Joseph Handler	Yugoslavia	Estate of Peter Handler, deceased, in the Surrogate's Court, Kings County, New York; Docket No. 7135—1944.	$1,278.11	Otto P. Burkard, Executor, 109-07 55th Ave., Richmond Hill, Long Island, N. Y.	$24.25
		Item 2			
Children of George Handler (Marie Frank, Fanny Egied and Angela Ester).	do	Same	1,000.00	do	19.50
		Item 3			
Marie Frank	do	Same	500.00	do	9.70
		Item 4			
Magdalena Rossi	do	Same	1,078.10	do	20.00
		Item 5			
John Rossi	do	Same	400.00	do	7.85
		Item 6			
Joseph Rossi	do	Same	400.00	do	7.85
		Item 7			
Anton Rossi	do	Same	400.00	do	7.85

All other provisions of said Vesting Order CE-343 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2673; Filed, Mar. 20, 1947; 8:49 a. m.]

[Vesting Order 8395]

ALEXANDER SILOTI

In re: Trust under will of Alexander Siloti, deceased. File D-28-10170; E. T. sec. 14474.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vera Siloti, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of Alexander Siloti, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William Matheus Sullivan, as trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2663; Filed, Mar. 20, 1947; 8:47 a. m.]

[Vesting Order 8411]

CLARA GROEGER

In re: Bank account owned by Clara Groeger. F-28-22975-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Groeger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a savings account, Account Number 2398, entitled Tom F. Chapman, Trustee for Clara Groeger, 593 Market St., San Francisco, Calif., maintained at the Market-New Montgomery branch of the aforesaid bank, San Francisco 20, California, and any and all rights to demand, enforce and collect the same,

is property, within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Clara Groeger, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2664; Filed, Mar. 20, 1947; 8:47 a. m.]

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2665; Filed, Mar. 20, 1947; 8:47 a. m.]

[Return Order 6]

PHILIPPINE MFG. CO. AND ARNO BRASCH

Correction

In Federal Register Document No. 47-2217, appearing on page 1641 of the issue for Saturday, March 8, 1947, Patent Number "2,045,733," appearing in the fourth paragraph, should read "2,043,733".

[Vesting Order 8412]

KURT HEINZ

In re: Bank account owned by Kurt Heinz. F-28-22992-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Heinz, whose last known address is 87 Trockenthal Strasse, Plaven Vogtt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Kurt Heinz, by Weehawken Trust Company, 4800 Bergenline Avenue, Union City, New Jersey, arising out of a savings account, Account Number 45320, entitled Kurt Heinz, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2666; Filed, Mar. 20, 1947; 8:47 a. m.]

[Vesting Order 8413]

MRS. MARGARETHE SARA HENZE

In re: Bank account owned by Mrs. Margarethe Sara Henze. F-28-24079-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Margarethe Sara Henze, whose last known address is Gelsenkerchen-Beur, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Margarethe Sara Henze, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive checking account, entitled Mrs. Margarethe Sara Henze, maintained at the branch office of the aforesaid bank located at Box 5086, Cristobal, Canal Zone, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK. *Director.*

[F. R. Doc. 47-2667; Filed, Mar. 20, 1947; 8:47 a. m.]

[Vesting Order 8416]

P. J. LANGFRIED AND MARTIN BRINKMANN, A. G.

In re: Debts owing to P. J. Langfried and Martin Brinkmann, A. G. F-28-9382-C-1, F-28-12908-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martin Brinkmann, A. G., the last known address of which is Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order, 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That P. J. Langfried, whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to P. J. Landfried, by Suhling & Company, Inc., 1225 Main Street, Lynchburg, Virginia, in the amount of $3,149.27, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Martin Brinkmann A. G., by Suhling & Company, Inc., 1225 Main Street, Lynchburg, Virginia,, in the amount of $3,000, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property

described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2668; Filed, Mar. 20, 1947; 8:47 a. m.]

[Vesting Order 8423]

HELENE VON BORSTEL

In re: Bank account owned by Helene von Borstel. F-28-24048-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene von Borstel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The United States National Bank of Portland, Box 4410, Portland, Oregon, arising out of a savings account, account number 277414, entitled "Mrs. Henry von Borstel in trust for Helene von Borstel", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Helene von Borstel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2669; Filed, Mar. 20, 1947; 8:48 a. m.]

[Vesting Order 8436]

FRIEDRICH SCHADE

In re: Bank account owned by Friedrich Schade. F-28-26233-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Schade, whose last known address is 11 Ulrichstr, Ludwigsburg, Wuerttemburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Friedrich Schade, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a savings account, account number 1,350,187, entitled Friedrich Schade, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2670; Filed, Mar. 20, 1947; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

AIR-NAVIGATION SITE WITHDRAWAL NO. 231

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., Title 49, sec. 214), *It is ordered as follows:*

Subject to valid existing rights, the following-described public land in Idaho is hereby withdrawn from all forms of appropriation under the public land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 231.

BOISE MERIDIAN

T. 6 S., R. 13 E.,
Sec. 12, SE¼SW¼.

The area described contains 40 acres.

This order shall take precedence over, but shall not modify the order of the Acting Secretary of the Interior of December 4, 1940, establishing Idaho Grazing District No. 5, so far as it affects the above-described land.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 11, 1947.

[F. R. Doc. 47-2654; Filed, Mar. 20, 1947; 8:48 a. m.]

[Misc. 2122255]

COLORADO

RESTORATION ORDER NO. 1216 UNDER FEDERAL POWER ACT

MARCH 10, 1947.

Pursuant to the determination of the Federal Power Commision (DA-257, Colorado) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080), *It is ordered as follows:*

The land hereinafter described, which was withdrawn by Executive order of February 17, 1912, creating Power Site Reserve No. 244, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on May 12, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 13, 1947, to August 11, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 23, 1947, to May 12, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 13, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 12, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 23, 1947, to August 11, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 12, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Denver, Colorado.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 4 S., R. 86 W., sec. 3, lot 10.

The area described contains 15.69 acres.

This land, which is in Grazing District No. 2, is rough and mountainous, with a rocky loam soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2656; Filed, Mar. 20, 1947; 8:48 a. m.]

[Misc. 2100980]

CALIFORNIA

RESTORATION ORDER NO. 1202 UNDER FEDERAL POWER ACT

MARCH 5, 1947.

By Executive order of October 2, 1911, creating Power Site Reserve No. 200, and by applications filed January 13, 1923, and November 20, 1939, for Power Projects Nos. 371 and 1645, respectively, the following described lands were withdrawn for power purposes:

MOUNT DIABLO MERIDIAN

T. 1 S., R. 26 E.,
Sec. 33, W½W½.
T. 2 S., R. 26 E.,
Sec. 4, N½, SW¼, and W½SE¼;
Sec. 5, SE¼;
Sec. 8, NE¼;
Sec. 9, N½NW¼, and SW¼NW¼;
Sec. 16, S½NE¼.

The area described aggregates 1,163.72 acres.

Pursuant to the determination of the Federal Power Commission (DA-643, California) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080), the above described lands, except that portion of the N½NE¼, SE¼NE¼ sec. 8, T. 2 S., R. 26 E., lying within the project boundary of Power Project No. 1645, are hereby opened to application, petition, location, or selection under the United States mining laws only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

This order shall not become effective to change the status of the lands until 10:00 a. m. on May 7, 1947, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to disposition under the United States mining laws only, as above provided.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2655; Filed, Mar. 20, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2700]

COMPANIA PANAMENA DE AVIACION S. A.

NOTICE OF HEARING

In the matter of the application of Compania Panamena de Aviacion S. A., pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing foreign air transportation with respect to persons, property and mail between Balboa, Canal Zone, and Aguadulce, David, and Puerto Armuelles, Panama; between Balboa, Canal Zone, and Mandinga and Pito, Panama; and between Balboa, Canal Zone, and Aguadulce, David, and Almirante, Panama, and nonscheduled foreign air transportation between the Canal Zone and points in Central America and South America.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on March 24, 1947, at 10 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, Constitution Avenue between 12th Street and 14th Street, Northwest, Washington, D. C., before Examiner Barron Fredericks.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before March 24, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., March 13, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2605; Filed, Mar. 20, 1947; 8:47 a. m.]

[Docket No. 2334]

PERUVIAN INTERNATIONAL AIRWAYS

NOTICE OF HEARING

In the matter of the application of Peruvian International Airways pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing foreign air transportation with respect to persons, property and mail between Lima, Peru and Montreal, Canada via intermediate points including New York, New York.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on March 26, 1947, at 10 a. m. (eastern standard time) in Conference Room C, Departmental Auditorium, Constitution Avenue between 12th Street and 14th Street, Northwest, Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation, and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention

or agreement in force between the United States and the Republic of Peru.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before March 26, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., March 13, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2606; Filed, Mar. 20, 1947; 8:47 a. m.]

[Docket No. 2537 et al.]

PACIFIC NORTHWEST-HAWAII SERVICE CASE

NOTICE OF HEARING

In the matter of the applications of Matson Navigation Company, Pan American Airways, Inc., Northwest Airlines, Inc., and Transocean Air Lines, Inc., Dockets Nos. 2537, 2783, 2784, and 2785 pursuant to section 401 of the Civil Aeronautics Act of 1938, as amended, for permanent and/or temporary certificates of public convenience and necessity authorizing air transportation between the Pacific Northwest and the Hawaiian Islands.

For further details of the operations proposed parties are referred to the applications on file with the Civil Aeronautics Board.

Notice is hereby given that pursuant to section 401 (c) of the Civil Aeronautics Act of 1938, as amended, the said applications having been consolidated for hearing by order of the Board, Serial No. E-323, dated February 25, 1947 be and they hereby are designated for public hearing on April 21, 1947 at 10:00 a. m. (Pacific standard time) at the Masonic Temple, West Park and Main Street, Portland, Oregon, before Examiner Warren E. Baker.

Without limiting the scope of the issues presented by said applications, particular attention will be directed to the following matters and questions:

1. Is the applicant a citizen of the United States and is he fit, willing, and able to perform properly the transportation for which he seeks authorization and to conform to the provisions of the Civil Aeronautics Act of 1938, as amended, and the rules, regulations, and requirements thereunder?

2. Which proposed service or services, if any, is required by the public convenience and necessity?

3. Whether a surface carrier in applying in its own name for a certificate of public convenience and necessity under section 401 of the act is required to meet the test set forth in section 408 of the Act for acquiring control of an air carrier?

4. If the issues set forth in 3 above are decided in the affirmative, will the granting of the application of the surface carrier for the issuance of a certificate of public convenience and necessity to that applicant be consistent with the public interest; will it result in creating a monopoly, and thereby restrain competition or jeopardize another air carrier, and will it promote the public interest by enabling the surface carrier to use aircaft to public advantage in its operation and not restrain competition?

5. If the public convenience and necessity require the proposed service or services and a selection of carriers is necessary, which applicant or applicants meeting the issues above, where applicable, are required by the public interest to perform the service or services to be authorized?

Notice is further given that any person other than the parties and interveners of record as of March 13, 1947, desiring to be heard in this proceeding may file with the Board on or before April 21, 1947, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 285.6 (a) of the rules of practice under Title IV of section 1002 (i) of the Civil Aeronautics Act of 1938, as amended.

Dated at Washington, D. C., March 13, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2607; Filed, Mar. 20, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-601]

IROQUOIS GAS CORP.

NOTICE OF APPLICATION

MARCH 14, 1947.

Notice is hereby given that on October 25, 1945, Iroquois Gas Corporation (Applicant), a New York corporation, having its principal place of business at Buffalo, New York, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

An interconnection between an existing 4-inch high pressure natural-gas pipe line in the town of Lancaster, New York, designated as Line N-M 15, and an existing 3-inch high pressure natural-gas pipe line acquired from New York State Electric & Gas Corporation at a point in Broadway Road, at Pavement Road, in the town of Lancaster, Erie County, New York.

Applicant states that the proposed connection is intended to augment the natural gas supply of aproximately 800 consumers heretofore served by the gas plant acquired by Applicant from New York State Electric & Gas Corporation.

Temporary authorization was granted Applicant on December 13, 1944, to make necessary connections and deliver up to 30 Mcf of gas per day to New York State Electric & Gas Corporation at Lancaster, New York, during the emergency.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint, or concurrent hearing, together with the reasons for such request.

The application of Iroquois Gas Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2633; Filed, Mar. 20, 1947; 8:47 a. m.]

[Docket No. G-808]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF AMENDMENT TO APPLICATION

MARCH 14, 1947.

Notice is hereby given that Tennessee Gas and Transmission Company (Applicant), a Tennessee corporation having its principal place of business at Houston, Texas, and authorized to do business in the States of Texas, Louisiana, Arkansas, Mississippi, Tennessee, Kentucky and West Virginia, filed with the Federal Power Commission on March 7, 1947, an amendment to its application filed November 8, 1946, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain facilities hereinafter described.

Applicant in its original application sought authorization pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate the following facilities: One new compressor station having a total of 6,000 H. P.; new compressor units totalling 81,600 H. P. to be constructed at existing compressor stations; 648.1 miles of 26-inch O. D. pipe, 68.7 miles of 24-inch O. D. pipe and 82.4 miles of 20-inch O. D. pipe to be used in looping its existing 24-inch O. D. main line; and various lateral lines to be composed of 6⅝-inch O. D. pipe, 8⅝-inch O. D. pipe and 10¾-inch O. D. pipe to connect its system into additional necessary supplies of gas.

Applicant, by amendment to its application of November 8, 1946, proposes to change its original project as follows: 95.6 miles of the proposed 648.1 miles of 26-inch line to be eliminated south of compressor station No. 5; the proposed increase of 81,600 H. P. at existing compressor stations to be reduced by a net of 6,200 H. P.; and additional construction of 83 miles of 20-inch O. D. pipeline, extending from the Carthage Field in Panola County, Texas, to the Applicant's No. 5 compressor station located near Natchitoches, Louisiana.

Applicant states that the construction and operation of the aforesaid 83 miles of 20-inch O. D. pipe will enable Applicant to purchase natural gas in the Carthage Field under agreements entered into on February 21, 1947, with the firms of Glassell and Glassell, Stanolind Oil and Gas Company, and Continental Oil Company, thereby substantially increasing the gas available to applicant.

Applicant estimates that the over-all capital cost of the facilities, as amended, will be approximately $53,000,000.[1]

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application, as amended, of Tennessee Gas and Transmission Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application, as amended, shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirments of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2651; Filed Mar. 20, 1947; 8:48 a. m.]

[1] The over-all capital cost of the facilities as proposed in the original application was estimated to be $59,545,000.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6040, 7102, 7104, 7105, 7164, 7165, 7354, 7374, 7391, 7408, 7432-7434, 7588, 7636]

PEORIA BROADCASTING CO. ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at ten o'clock a. m. on Friday, March 21, 1947, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

	Docket No.
1. Peoria FM applications:	
Peoria Broadcasting Co	7102
Mid-State Broadcasting Co	7104
Radio Peoria, Inc	7105
Central Illinois Radio Corp	7408
Illinois Valley Broadcasting Co	7588
West Central Broadcasting Co	7636
2. San Antonio, Gonzales & Taylor, Texas cases on 1450 kc:	
Charles W. Balthrope	7374
Express Publishing Co	7391
Gonzales Broadcasting Co	7432
Taylor Broadcasting Co	7433
3. Louisville, Albany, Indianapolis, 1040 kc, 1080 kc, 1070 kc:	
Mid-America Broadcasting Corp	6040
Kentucky Broadcasting Corp., Inc	7354
Indiana Broadcasting Corp., Inc	7434
4. Danville, Kentucky applications for 1230 kc:	
Commonwealth Broadcasting Corp	7164
Danville Broadcasting Co	7165

Dated at Washington, D. C., March 3, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2677; Filed, Mar. 20, 1947; 8:46 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-503]

GROSSMAN'S DEPARTMENT STORE

CONSENT ORDER

Grossman's Department Store, a Michigan corporation, located at 203 W. Western Avenue, Muskegon, Michigan, is charged by the Civilian Production Administration with having begun, on or about January 9, 1947, and thereafter carrying on, without authorization of the Civilian Production Administration, construction of a structure at 203 W. Western Avenue, Muskegon, Michigan, for use as a store, the estimated cost of which was in excess of $1,000, in violation of Civilian Production Administration Order VHP-1.

Grossman's Department Store admits the violation as charged, does not desire to contest the charge, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Grossman's Department Store, the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Grossman's Department Store, its successors or assigns, nor any other person shall do any further construction on the structure located at 203 W. Western Avenue, Muskegon, Michigan, including putting up, completing or altering the structure, unless hereafter specifically authorized by the Civilian Production Administration.

(b) Grossman's Department Store shall refer to this order in any application or appeal which it may file with the Civilian Production Administration or the Federal Housing Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Grossman's Department Store, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2740; Filed, Mar. 20, 1947; 11:32 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-972]

KAISER-FRAZER CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of March A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the $1.00 Par Value Common Stock of Kaiser-Frazer Corporation.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Detroit Stock Exchange, Los Angeles Stock Exchange, New York Curb Exchange and San Francisco Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange for the purpose of this application is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 4,000,000 shares outstanding,

107,350 shares are owned by shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 1,910 transactions involving 138,443 shares from December 1, 1945 to December 1, 1946;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly, *It is ordered*, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the $1.00 Par Value Common Stock of Kaiser-Frazer Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2635; Filed, Mar. 20, 1947; 8:46 a. m.]

[File Nos. 52-24 and 70-1258]

MIDLAND REALIZATION CO. ET AL.

AMENDING ORDER CONCERNING TRANSFER AND SALE OF STOCK

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of March 1947.

In the matter of Midland Realization Company, Midland Utilities Company, File No. 52-24; The Middle West Corporation, File No. 70-1258.

The Commission having by its order dated July 17, 1946, among other things, granted and permitted to become effective application-declarations filed by The Middle West Corporation ("Middle West"), a registered holding company, relating to the disposition by Middle West of shares of no par value common stock of Northern Indiana Public Service Company pursuant to the competitive bidding requirements of Rule U-50; and the Commission having by supplemental order dated March 10, 1947, among other things, approved the results of the competitive bidding regarding the transfer and sale of 146,923 shares of no par common stock of Northern Indiana Public Service Company by Middle West to Blyth & Co. Inc.; and

Middle West now having requested that the order of July 17, 1946 be amended to recite in conformity with the provisions of the Internal Revenue Code, as amended, that the sale and transfer by Middle West of 146,923 shares of no par value common stock of Northern Indiana Public Service Company are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is ordered, That the order of this Commission issued on July 17, 1946, in the matter of The Middle West Corporation, et al. (File Nos. 52-24 and 70-1258) be, and it hereby is, amended and supplemented nunc pro tunc to include the following paragraph:

It is further ordered, That the transfer and sale by Middle West of 146,923 shares of no par value common stock of Northern Indiana Public Service Company are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2636; Filed, Mar. 20, 1947; 8:46 a. m.]

[File No. 70-1263]

FEDERAL LIGHT & TRACTION CO. AND THE TUCSON GAS, ELECTRIC LIGHT AND POWER CO.

AMENDING ORDER CONCERNING SALE OF STOCK

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of March 1947.

Federal Light & Traction Company (Federal), a registered holding company, and its subsidiary, The Tucson Gas, Electric Light and Power Company (Tucson), having filed an application and declarations and amendments thereto under the Public Utility Holding Company Act of 1935 with respect to, among other things, the sale by Federal, pursuant to the competitive bidding provisions of Rule U-50, of all of the outstanding 147,000 shares of no par value common stock of Tucson, and having requested in said application and declarations that the Commission's order approving the sale conform to and contain the recitals specified in sections 371 (b), 371 (f), 373 (a), and 1808 (f) of the Internal Revenue Code, as amended; and

The Commission having on May 23, 1946, issued its findings, opinion and order herein granting and permitting to become effective the aforesaid application and declarations, as amended, including therein the recitals requested by Federal with respect to the Internal Revenue Code, as amended, and having on June 6, 1946, issued its supplemental order approving the results of the said competitive bidding; and

Federal now having requested that the Commission's supplemental order of June 6, 1946, be supplemented nunc pro tunc to conform to and contain the recitals specified in the above-mentioned provisions of the Internal Revenue Code as amended.

It is ordered, That the supplemental order of this Commission issued on June 6, 1946, in the matter of Federal Light & Traction Company, et al. (File No. 70-1263), be, and it hereby is, amended and supplemented nunc pro tunc to include the following:

Further ordered and recited that the sale by Federal Light & Traction Company to Blyth & Co., Inc. and The First Boston Corporation of 147,000 shares of no par value common stock of The Tucson Gas, Electric Light and Power Company as hereinbefore in this order approved, is necessary or appropriate to the integration or simplification of the holding company system of which Federal Light & Traction Company is a member, and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 within the meaning of sections 371 (b) and (f), 373 (a) and 1808 (f) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2637; Filed, Mar. 20, 1947; 8:46 a. m.]

[File No. 7-760]

AMERICAN TELEPHONE AND TELEGRAPH CO.

FINDINGS AND ORDER GRANTING PERMISSION TO EXTEND TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of March A. D. 1947.

The San Francisco Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Fifteen-Year 2¾% Convertible Debentures, due December 15, 1961, of American Telephone and Telegraph Company.

A public hearing has been held after appropriate notice.

The Commission, being duly advised, finds:

(1) That this security is listed and registered on the Boston Stock Exchange, Chicago Stock Exchange, New York Stock Exchange, Philadelphia Stock Exchange, and Washington Stock Exchange; that $343,087,700 principal amount of this security is now outstanding; and that in the vicinity of the San Francisco Stock Exchange [1] there were effected transactions involving $5,912,200 principal amount of this security [2] during the period from October 31, 1946, to December 21, 1946;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

[1] The vicinity of the San Francisco Stock Exchange for the purpose of this application comprises the State of California.

[2] These transactions were effected on a when-issued basis.

Accordingly, *It is ordered*, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the San Francisco Stock Exchange for permission to extend unlisted trading privileges to the Fifteen-Year 2¾% Convertible Debentures, due December 15, 1961, of American Telephone and Telegraph Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2641; Filed, Mar. 20, 1947; 8:49 a. m.]

[File No. 59-29, 54-128, 59-12, and 54-51]

PENNSYLVANIA POWER AND LIGHT CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of March A. D. 1947.

In the matter of Pennsylvania Power & Light Company, National Power & Light Company and Electric Bond and Share Company, File No. 59-29; Pennsylvania Power & Light Company, National Power & Light Company and Electric Bond and Share Company, File No. 54-128; Electric Bond and Share Company, National Power & Light Company, et al., File No. 59-12; Electric Bond and Share Company, National Power & Light Company, Pennsylvania Power & Light Company, Lehigh Valley Transit Company, The Edison Illuminating Company of Easton, et al., File No. 54-51. Applications 8, 9 and 10.

National Power & Light Company ("National"), a registered holding company having filed a declaration and an amendment thereto pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rule U-46 promulgated thereunder regarding the following proposals:

Pursuant to the provisions of a plan approved by the Commission on October 26, 1945, Pennsylvania Power & Light Company ("Pennsylvania"), then a subsidiary of National, issued to National rights to subscribe to 1,818,700 shares of new common stock of Pennsylvania at $10 per share. National, in turn, through the issuance of warrants, exercisable from December 8 to December 22, 1945, offered such rights to its own common stockholders on a pro-rata basis (the right to purchase ½ a share of the common stock of Pennsylvania for each share of the common stock of National owned). Of the warrants issued to the holders of National's outstanding 5,456,100 shares, warrants issued with respect to 101,903 shares of the common stock of National, entitling the holders thereof to subscribe to approximately 33,968 shares of the common stock of Pennsylvania, were neither exercised nor disposed of. These shares of common stock of Pennsylvania to which such stockholders were entitled to subscribe were subscribed to by National in accordance with its obligation under the plan and are at present held by National.

National now proposes that there be paid to the holders of record on December 4, 1945, of such 101,903 shares, an amount of $3.341176 per share. This amount has been computed by averaging the closing price of the warrants on the New York Stock Exchange during the period within which such warrants were traded on the Exchange, less a deduction of 20% of such average closing price. The deduction is proposed in order to compensate National for expenses and risks incurred by it in connection with its obligations under the plan to subscribe for any shares of new Pennsylvania common stock not subscribed for by National's stockholders.

Said declaration as amended having been duly filed and notice of such filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration as amended within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration as amended that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2638; Filed, Mar. 20, 1947; 8:49 a. m.]

[File No. 70-1455]

DELAWARE POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of March 1947.

Delaware Power & Light Company ("Delaware"), a registered holding company and a public utility company, having filed an application-declaration, with amendments thereto, regarding the issuance and sale at competitive bidding, pursuant to the requirements of Rule U-50, of 50,000 shares of ____% Cumulative Preferred Stock, $100 par value, the proceeds of said sale to be used to finance capital expenditures to be made by Delaware; and

A public hearing having been held after appropriate public notice and the Commission having considered the record and filed its findings and opinion herein:

It is ordered, That said application-declaration be, and the same hereby is, granted and permitted to become effective except, however, as to the price to be received for said preferred stock, the dividend rate thereon, the underwriters' spread and its allocation and all legal fees and the fee of a financial adviser which are to be paid in connection with the proposed transaction, as to which matters jurisdiction be, and the same hereby is, reserved, and subject, however, to the following terms and conditions:

(1) That so long as any shares of the Preferred Stock are outstanding, the payment of dividends by the Company on its Common Stock (other than dividends payable in Common Stock) and the making of any distribution of assets to holders of Common Stock by purchase of shares or otherwise (each of such actions being hereinafter embraced within the term "payment of Common Stock dividends") shall, until further order of the Commission, be subject to the following limitations:

(a) If and so long as the ratio of the aggregate of capital represented by the outstanding shares of Common Stock of the Company (including premiums on the Common Stock but excluding premiums on the Preferred Stock) plus the consolidated surplus accounts of the Company and its subsidiaries to the total consolidated capitalization and surplus of the Company and its subsidiaries at the end of a period of twelve consecutive calendar months within the fourteen calendar months immediately preceding the calendar month in which the proposed payment of Common Stock dividends is to be made (which period is hereinafter referred to as the "base period"), adjusted to reflect the proposed payment of Common Stock dividends (which ratio is hereinafter referred to as the "capitalization ratio"), is less than 20%, the payment of Common Stock dividends, including the proposed payment, during the twelve calendar months period ending with and including the calendar month in which the proposed payment is to be made shall not exceed 50% of the consolidated net income of the Company and its subsidiaries applicable to the Common Stock during the base period;

(b) If and so long as the capitalization ratio is 20% or more but less than 25%, the payment of Common Stock dividends, including the proposed payment, during the twelve calendar months period ending with and including the calendar month in which the proposed payment is to be made shall not exceed 75% of the consolidated net income of the Company and its subsidiaries applicable to the Common Stock during the base period; and

(c) Except to the extent permitted under paragraphs (a) and (b) above, the Company shall not make any payment of Common Stock dividends which would reduce the capitalization ratio to less than 25%.

(2) So long as any shares of the Preferred Stock of any series are outstanding the Company shall not, without the consent (given in writing or by vote at a meeting called for that purpose) of the holders of a majority of the total num-

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ber of outstanding shares of Preferred Stock:

(a) Issue any unsecured notes, debentures or other securities representing unsecured indebtedness, or assume any such unsecured securities, for the proposes other than the refunding of outstanding unsecured securities theretofore issued or assumed by the Company or the redemption or other retirement of all outstanding shares of the Preferred Stock, if, immediately after such issue or assumption, the total principal amount of all unsecured notes, debentures or other securities representing unsecured indebtedness issued or assumed by the Company and then outstanding, including the unsecured securities then to be issued or assumed, would exceed ten per centum (10%) of the aggregate of (i) the total principal amount of all bonds or other securities representing secured indebtedness issued or assumed by the Company, and then to be outstanding and (ii) the capital and surplus of the Company as then to be stated on the books of account of the Company; or

(b) Merge or consolidate with or into any other corporation or corporations, unless such merger or consolidation, or the issuance and assumption of all securities to be issued or assumed in connection with any such merger or consolidation, shall have been ordered, exempted, approved, or permitted by the Securities and Exchange Commission under the provisions of the Public Utility Holding Company Act of 1935 or by any successor commission or regulatory authority of the United States of America having jurisdiction in the premises.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2640; Filed, Mar. 20, 1947; 8:49 a. m.]

[File No. 70-1461]

AMERICAN POWER & LIGHT CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of March A. D. 1947.

In the matter of American Power & Light Company, Florida Power & Light Company, Texas Utilities Company, Texas Power & Light Company, Texas Electric Service Company, File No. 70-1461.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's registered holding company subsidiary, Texas Utilities Company ("Texas Utilities"), its electric utility subsidiaries, Texas Electric Service Company ("Texas Electric"), and Texas Power & Light Company ("Texas Power"), and American's electric utility subsidiary, Florida Power & Light Company ("Florida"), having filed a joint application-declaration and amendment thereto pursuant to sections 6, 9, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-45 thereunder with respect to the following transactions:

American proposes to lend at an interest rate of 1¾% per annum to Texas Utilities Company and Florida Power & Light Company during the year 1947 sums which will aggregate not more than $9,000,000 to be outstanding at any one time. Such sums as are borrowed by Texas Utilities will be passed on in the form of loans to Texas Electric and Texas Power at the interest rate stated above: *Provided, however,* That not more than $2,000,000 will be owed to Texas Utilities by Texas Electric and Texas Power at the time of American's sale of 15% of the stock of Texas Utilities as proposed in American's presently pending plan for the retirement of its preferred stocks. Texas Utilities also proposes to increase its equity interests in Texas Electric and Texas Power by making a cash contribution of $1,000,000 to the captial of or by purchasing $1,000,000 of additional common stock from each of said companies. Loans from Texas Utilities to Texas Electric and Texas Power outstanding at the time of the presently contemplated sale of additional bonds by the two latter companies are to be repaid when such bonds are sold. Texas Utilities and Florida will repay any loans made to them by American prior to American's sale of 15% of the common stocks of Texas Utilities and Florida. Florida proposes to repay any such loans out of the proceeds from the public sale of its securities contemplated in the near future. If, however, such public sale of its securities shall not have been made prior to the sale by American of 15% of Florida's common stock, Florida proposes to make temporary borrowings from banks for the purpose of repaying said loans to American prior to such sale. For the purpose of paying off any such loans as may be made to it by American, Texas Utilities proposes to make temporary borrowings from banks. In order to refund such bank borrowings, Texas Utilities proposes, sixty days after 15% of the common stock shall have been sold by American, or as soon as practicable thereafter, to issue and sell additional common stock to the public.

It is proposed that the loans be repaid to American by December 31, 1947, but such maturity may be extended by mutual consent of the parties to a date not later than one year from the date of making of such loans. However, the borrowing companies shall have the right at any time prior to such date to repay all or any part of the sums borrowed and the lending companies shall have the right to call all or any part of the loans currently outstanding upon 90 days' written notice.

The application-declaration having been filed February 14, 1947, and an amendment thereto having been filed on March 5, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant the request of applicants-declarants that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2639; Filed, Mar. 20, 1947; 8:49 a. m.]

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FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 54—ANNUAL AND SICK LEAVE REGULATIONS

ACCRUAL OF ANNUAL AND SICK LEAVE

In the FEDERAL REGISTER of February 25, 1947, Chapter I was revised and certain parts, including Part 54, were redesignated effective May 1, 1947 (12 F. R. 1270, 1343). These amendments to Part 54 are to be carried over on May 1, the effective date of the redesignation. These amendments shall be effective upon publication in the FEDERAL REGISTER.

Paragraph (c) of § 54.201 *Accrual of annual leave* (redesignated as § 30.201 (c) effective May 1, 1947) is hereby revoked.

1. A new paragraph (d) is added to § 54.301 (redesignated as § 30.301 effective May 1, 1947) as follows:

§ 54.301—*Accrual of sick leave.* * * *

(d) Because of the difference in crediting sick leave to temporary and permanent employees the following method shall be followed in crediting sick leave when a temporary appointment is converted to a permanent appointment prior to the end of the service month: Service as a permanent employee shall be counted as temporary service for the purpose of completing the month of service. Sick leave shall thereafter be credited as a permanent employee.

(E. O. 9414 Jan. 13, 1944, 3 CFR 1944 Supp.)

NOTE: These amendments are intended to bring the regulations into conformity with decisions of the Comptroller General. For this reason the Commission finds that good cause exists for making them effective upon publication in the FEDERAL REGISTER.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-2693; Filed, Mar. 21, 1947; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

TRANSFER OF FUNCTIONS TO STATE DIRECTORS

Section 300.1 (11 F. R. 14221) of Title 6 of the Code of Federal Regulations is amended to add the following paragraph (d):

§ 300.1 *General functions and organization of the Farmers Home Administration.* * * *

(d) *Transfer of functions to State Directors.* The authority of regional (FSA) directors and regional (ECFL) managers for the administration of the FHA program within a state, territory, or possession (except with respect to fiscal and accounting functions of regional (ECFL) managers in connection with loan servicing, which are being transferred to Area Finance Offices, and the authority for which is vested in Area Finance Managers) is vested in each state FHA director, effective, with respect to each function of the regional (FSA) director or regional (ECFL) manager, upon the effective date of the transfer of such function to the state FHA director. The following is a list of the states, territories, and possessions under the direction of state FHA directors, the location of state offices, the functions transferred to the state FHA director, and the effective date of the vesting of the authority for each function:

(1) Alabama; Montgomery, Ala. Effective March 3, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended (50 Stat. 522, as amended; 7 U. S. C. 1000-1029); making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Con-

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(3) Arkansas; Little Rock, Ark. Effective March 3, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(5) Colorado; Denver, Colo. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(6) Connecticut; Boston, Mass. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(7) Delaware; Baltimore, Md. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(8) Florida; Gainesville, Fla. Effective March 3, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for (P&S) loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and supervision of medical, dental and hospital care activities.

(9) Georgia; Atlanta, Ga. Effective March 3, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and supervision of medical, dental and hospital care activities.

(11) Illinois; Champaign, Ill. Effective January 20, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective January 27, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and servicing and supervision of cooperative activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities.

(12) Indiana; Lafayette, Ind. Effective January 20, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective January 27, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and servicing and supervision of cooperative activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities.

(13) Iowa; Des Moines, Iowa. Effective January 20, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective January 27, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and servicing and supervision of cooperative activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities.

(14) Kansas; Topeka, Kans. Effective March 10, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(15) Kentucky; Lexington, Ky. Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; and servicing and supervision of cooperative activities.

(16) Louisiana; Alexandria, La. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(17) Maine; Bangor, Maine. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; Liquidation of projects; servicing and supervision of cooperative

activities; and supervision of medical, dental and hospital care activities.

(18) Maryland, and Accomac and Northampton counties, Virginia: Baltimore, Md. Accomac and Northampton counties, Virginia, effective February 25, 1947, and Maryland, effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(19) Massachusetts; Boston, Mass. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(20) Michigan; East Lansing, Mich. Effective February 28, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(21) Minnesota, St. Paul, Minn. Effective February 28, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(22) Mississippi; Jackson, Miss. Effective February 10, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities. Effective March 3, 1947: Liquidation of projects.

(23) Missouri; Columbia, Mo. Effective January 20, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective January 27, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities.

(25) Nebraska; Lincoln, Nebr. Effective March 10, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(27) New Hampshire; Boston, Mass. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(29) New Mexico; Albuquerque, N. Mex. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(30) New York; Ithaca, N. Y. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental, and hospital care activities.

(31) North Carolina; Raleigh, N. C. Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(32) North Dakota; Bismarck, N. Dak. Effective February 28, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(33) Ohio; Columbus, Ohio. Effective January 20, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective January 27, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and servicing and supervision of cooperative activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities.

(34) Oklahoma; Oklahoma City, Okla. Effective February 27, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(35) Oregon; Portland, Oreg. Effective February 21, 1947: Making and servicing of Water Facilities loans under the Pope-Jones Act.

(36) Pennsylvania; Harrisburg, Pa. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(37) Rhode Island; Boston, Mass. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(38) South Carolina; Columbia, S. C. Effective March 3, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and supervision of medical, dental and hospital care activities.

(40) Tennessee; Nashville, Tenn. Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; and servicing and supervision of cooperative activities.

(41) Texas; Dallas, Tex. Effective February 27, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(43) Vermont; Boston, Mass. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities.

(44) Virginia; Richmond, Va. Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities. The foregoing functions with respect to Accomac and Northampton counties, Virginia, were transferred on February 25, 1947, to the state FHA director for Maryland. (See subparagraph (18), Maryland.)

(45) Washington; Portland, Oreg. Effective February 21, 1947: Making and servicing of Water Facilities loans under the Pope-Jones Act.

(46) West Virginia; Morgantown, W. Va. Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 79th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; and servicing and supervision of cooperative activities.

(47) Wisconsin; Milwaukee, Wis. (temporary). Effective February 28, 1947; Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(48) Wyoming; Casper, Wyo. Effective March 17, 1947; Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(60 Stat. 1062; Order, Secretary of Agriculture, October 14, 1946, 11 F. R. 12520)

Dated: March 14, 1947.

[SEAL] S. P. LINDSEY, Jr.,
Acting Administrator,
Farmers Home Administration.

Approved: March 19, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2699; Filed, Mar. 21, 1947; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-5]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

FLIGHT ENGINEER CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of March 1947.

Section 41.321 of the Civil Air Regulations requires that each flight engineer shall hold a valid flight engineer certificate issued in accordance with the provisions of Part 35, effective March 15, 1947.

The Civil Aeronautics Board finds that it will require a period of about six months after March 15, 1947, for interested flight engineers in the various parts of the world to be given an opportunity to accomplish the flight engineer examinations necessary for the issuance of a flight engineer certificate under Part 35 of this chapter, and that notice and procedures provided for in sections 4 (a) and (b) of the Administrative Procedure Act are impracticable and that this amendment should become effective immediately.

Now, therefore: Effective March 24, 1947, § 41.321 of the Civil Air Regulations is amended to read as follows:

§ 41.321 *Certificate.* Effective September 15, 1947, each flight engineer shall hold a valid flight engineer cetificate issued in accordance with the provisions of Part 35 of this chapter. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2696; Filed, Mar. 21, 1947; 8:45 a. m.]

[Civil Air Regs., Amdt. 61-4]

PART 61—SCHEDULED AIR CARRIER RULES

FLIGHT ENGINEER CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of March 1947.

Part 61 of the Civil Air Regulations makes no provision requiring flight engineers. It is contemplated that such provision will be made in the proposed revision of this part.

The Civil Aeronautics Board finds that it will require a period of about six months after March 15, 1947, for interested flight engineers to be given an opportunity to accomplish the flight engineer examinations necessary for the issuance of a flight engineer certificate under Part 35, of this chapter; that amendment to Part 61 of the Civil Air Regulations should be promulgated to be consistent with § 41.321; and that notice and procedures provided for in sec-

tions 4 (a) and (b) of the Administrative Procedure Act are impracticable and that this amendment should become effective immediately.

Now, therefore: Effective March 24, 1947, Part 61 of the Civil Air Regulations is amended by adding the following sections:

§ 61.56 *Flight engineer.*

§ 61.560 *Certificate.* Effective September 15, 1947, each flight engineer shall hold a valid flight engineer certificate issued in accordance with the provisions of Part 35 of this chapter.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-2595; Filed, Mar. 21, 1947; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE WAGE RATES FOR 1947 CROP OF SUGAR BEETS

Pursuant to the provisions of section 301 (b) of the Sugar Act of 1937, as amended, and after investigation and due consideration of the evidence obtained at public hearings held in 1947 at Detroit on January 3, at Denver on January 6, at Salt Lake City on January 8, and at Berkeley on January 10, the following determination is hereby issued:

§ 802.14m *Fair and reasonable wage rates for the 1947 crop of sugar beets.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the 1947 crop of sugar beets if all persons employed on the farm, or part of the farm covered by a separate labor agreement, in the production, cultivation, or harvesting of the 1947 crop of sugar beets shall have been paid in full for all such work at rates as agreed upon between the producer and the laborer, but in no case less than the following:

(a) *For work performed on a time basis.* (1) Blocking, thinning, hoeing, or weeding: 60 cents per hour.

(2) All harvesting work; 65 cents per hour. Permitted reduction: For workers between 14 and 16 years of age these rates may be reduced by not more than one-third. (Maximum employment per day for such workers, without deduction from Sugar Act payments, is 8 hours.)

(b) *For work performed on a piece rate basis.* Basic rates by wage districts as follows:

(1) *1947 basic rates per acre for blocking and thinning, hoeing, and weeding, by wage districts.*

Operations	I Michigan, Ohio, Indiana, Illinois, Wisconsin	II Minnesota, Iowa, eastern North Dakota	III Nebraska, Colorado, Kansas, southeastern Wyoming, east-central Utah, New Mexico, Texas	IV South Dakota, northeastern Wyoming	V South and eastern Montana, northern Wyoming, western North Dakota	VI Western Montana	VII Northern Montana	VIII Southern and eastern Idaho, northern Nevada, Utah except east-central	IX Western Idaho, Oregon	X Washington	XI California (other than Imperial Valley)	XII California (Imperial Valley)
Blocking and thinning:												
Fields planted with segmented seed [1]	$12.00	$13.00	$13.00	$14.00	$14.00	$13.00	$14.00	$12.00	$13.00	$13.00	$13.00	$12.00
Fields planted with natural whole seed	11.00	15.00	15.00	16.00	16.00	15.00	16.00	14.00	15.00	15.00	15.00	14.00
First hoeing	4.00	4.00	4.50	4.50	5.00	5.00	4.50	4.00	5.00	5.00	4.00	4.00
Each subsequent hoeing or weeding	2.75	3.00	3.00	3.00	3.50	4.00	3.50	3.00	4.00	4.00	3.00	3.00

Combined operations. Where a written agreement provides for a combined rate for all work of blocking and thinning, hoeing and weeding, regardless of the number of hoeings and weedings required, the applicable basic rate shall be the sum of the above applicable blocking-thinning, first hoeing and subsequent hoeing rates.

Permitted reductions:

Machine blocking. The above thinning rates may be reduced not in excess of $2.00 per acre for fields that are machine blocked prior to thinning, provided the thinning can be done shortly after the cross blocking is performed and while the plants are of normal size for thinning.

Wide row planting. The above thinning and hoeing rates may be reduced but not in excess of percentages in accordance with row spacings as follows: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

Cross cultivation. In District II the specified hoeing rate may be reduced not in excess of $1.00 per acre for the first hoeing and 40 cents per acre for each subsequent hoeing or weeding, if preceded by cross cultivation.

[1] Or seed containing 75% or more of single germs.

(2) *1947 basic rates for pulling, topping, and loading, by wage districts.*

Average tons per acre [1] (To determine applicable rate, round to nearest ton except to nearest one-tenth ton in district I)	Basic rates per ton												
	I	II	III	IV	V	VI	VII		VIII	IX	X		XI	XII
	Pull and top	Pull and top	Pull and top	Pull and top	Pull and top	Pull and top	Pull and top	Pull, top, and load	Pull, top, and load	Pull, top, and load	Pull, top, and windrow	Pull, top, and load	Pull, top, and load	Pull, top, and load
4	$2.30													
5	2.09													
6	1.94	$1.75	$1.60	$1.60	$1.60	$1.93	$2.03	$2.44	$2.42	$2.42	$2.15	$2.60	$4.14	
7	1.85	1.75	1.60	1.60	1.60	1.81	1.94	2.31	2.31	2.31	2.05	2.48	2.83	
8	1.78	1.75	1.60	1.60	1.60	1.74	1.86	2.23	2.21	2.21	1.97	2.38	2.62	
9	1.73	1.75	1.60	1.60	1.60	1.70	1.77	2.12	2.10	2.10	1.87	2.26	2.47	
10	1.71	1.75	1.60	1.60	1.60	1.67	1.70	2.04	2.02	2.02	1.79	2.17	2.35	
11	1.67	1.75	1.60	1.60	1.60	1.62	1.64	1.97	1.96	1.96	1.74	2.11	2.23	
12	1.65	1.75	1.60	1.60	1.60	1.60	1.60	1.93	1.91	1.91	1.69	2.05	2.14	
13	1.62	1.75	1.60	1.60	1.60	1.60	1.60	1.93	1.86	1.86	1.65	2.00	2.06	
14	1.60	1.75	1.60	1.60	1.60	1.60	1.60	1.93	1.81	1.81	1.61	1.95	1.99	
15	1.58	1.75	1.60	1.60	1.60	1.60	1.60	1.93	1.78	1.78	1.58	1.91	1.92	
16	1.54	1.75	1.60	1.60	1.60	1.60	1.60	1.93	1.76	1.76	1.56	1.89	1.85	
17	1.54	1.75	1.60	1.60	1.60	1.60	1.60	1.93	1.73	1.73	1.54	1.86	1.81	
18	1.54	1.75	1.60	1.60	1.60	1.60	1.60	1.93	1.72	1.72	1.53	1.85	1.77	
19	1.54	1.75	1.60	1.60	1.60	1.60	1.60	1.93	1.71	1.71	1.52	1.84	1.72	
20 and over	1.54	1.75	1.60	1.60	1.60	1.60	1.60	1.93	1.70	1.70	1.51	1.83	1.71	
Minimum wage per acre	$8.00	$9.50	$8.50	$8.50	$8.50	$10.00	$10.50	$11.50	$11.50	$11.50	$10.00	$12.00	$15.50	

Permitted divisions of specified rates:

Pulling and topping. In cases in which the operations of pulling and topping are performed by different workers, the above applicable pulling and topping rate shall be divided 35 percent for pulling and 65 percent for topping.

Topping and loading. In Districts VIII and IX in cases where loading is not required of the person who does the pulling and topping, the rate for pulling and topping shall be 70 percent of the applicable rate for pulling, topping, and loading; except that if the beets are to be loaded mechanically and the topper is not required to pull beets to provide a place for a windrow, the rate for pulling and topping shall be as agreed upon but no less than 60 percent of the applicable rate for pulling, topping, and loading.

[1] For the farm, or part of the farm covered by a separate labor agreement.

(c) *General provisions*—(1) *Reduction for other labor saving methods.* In instances in which the use of mechanical equipment for planting, cultivating or harvesting (other than cases for which rates are specified or reductions otherwise provided) reduces the amount of labor required as compared with the amount required without the use of such mechanical equipment, the piece rate for the operation involved may be reduced below the rate prescribed herein, provided such reduced rate is determined by the State Committee for each such case to be not less than the equivalent of the specified rate for the amount of work involved.

(2) *Work not covered by specific rates.* For any work in the production, cultivation or harvesting of sugar beets for which a rate is not specified herein, such as fertilizing, plowing, preparing seedbed, or irrigating, the rate shall be as agreed upon between the producer and the laborer.

(3) *Perquisites.* In addition to the foregoing wage rate, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar incidentals.

(4) *Subterfuge.* The producer shall not reduce the wage rates below those determined herein through any subterfuge or device whatsoever. (Sec. 301, 50 Stat. 909; 7 U. S. C. 1131)

Issued this 18th day of March 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-2692; Filed, Mar. 21, 1947; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 115]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.340 *Orange Regulation 115*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* During each of the periods specified in subparagraphs (1), (2), and (3) of this paragraph, no handler shall ship any oranges, including Temple oranges, except as permitted by the respective subparagraph.

(1) During the period beginning at 12:01 a. m., e. s. t., March 24, 1947, and ending at 12:01 a. m., e. s. t., March 31, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges grown in the State of Florida, which grade U. S. No. 2, as such grade is defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1), if more than one-half of the surface in the aggregate is affected with discoloration;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the aforesaid amended United States standards;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)); or

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) During the period beginning at 12:01 a. m., e. s. t., March 31, 1947, and ending at 12:01 a. m., e. s. t., April 7, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the aforesaid amended United States standards;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)); or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(3) During the period beginning at 12:01 a. m., e. s. t., March 24, 1947, and ending at 12:01 a. m., e. s. t., July 31, 1947, no handler shall ship any Temple oranges, grown in the State of Florida, which grade U. S. No. 3 or lower than U. S. No. 3, as such grades are defined in the aforesaid amended United States standards.

(4) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 20th day of March 1947.

[SEAL] C. F. KUNKEL, *Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 47-2760; Filed, Mar. 21, 1947; 8:48 a. m.]

[Grapefruit Reg. 86]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.341 *Grapefruit Regulation 86*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) Grapefruit Regulation 85 (12 F. R. 1771) is hereby termi-

nated as of the effective time of this regulation.

(2) During the period beginning at 12:01 a. m., e. s. t., March 24, 1947, and ending at 12:01 a. m., e. s. t., July 31, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1));

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(3) As used in this section, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 20th day of March 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-2759; Filed, Mar. 21, 1947; 8:48 a. m.]

[Lemon Reg. 214]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.321 *Lemon Regulation 214*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., March 23, 1947, and ending at 12:01 a. m., p. s. t. March 30, 1947, is hereby fixed at 315 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 213 (12 F. R. 1773) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 20th day of March 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-2758; Filed, Mar. 21, 1947; 8:48 a. m.]

[Orange Reg. 170]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.316 *Orange Regulation 170*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., March 23, 1947, and ending at 12:01 a. m., p. s. t., March 30, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate Districts Nos. 1 and 2, no movement; and (*b*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1300 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 20th day of March 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. March 23, 1947, to 12:01 a. m. March 30, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.3589
A. F. G. Fullerton	.0516
A. F. G. Orange	.0566
A. F. G. Redlands	.3610
A. F. G. Riverside	.5734
Corona Plantation Co.	1.1728
Hazeltine Packing Co.	.0510
Signal Fruit Association	.7877
Azusa Citrus Association	1.0328
Azusa Orange Co., Inc.	.1582
Damerel-Allison Co.	1.2429
Glendora Mutual Orange Association	.5265
Irwindale Citrus Association	.3645
Puente Mutual Citrus Association	.0498
Valencia Heights Orchards Association	.2349
Glendora Citrus Association	.6679
Glendora Heights Orange and Lemon Growers Association	.2164
Gold Buckle Association	3.5183
La Verne Orange Association, The	3.5435
Anaheim Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc.	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Orange Co. Valencia Association	.0242
Orangethorpe Citrus Association	.0242
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association, The	.0140
Alta Loma Heights Citrus Association	.4020
Citrus Fruit Growers	.7584
Cucamonga Citrus Association	.6456
Etiwanda Citrus Fruit Association	.2297
Mountain View Fruit Association	.1653
Old Baldy Citrus Association	.4860
Rialto Heights Orange Growers	.4077
Upland Citrus Association	2.3250
Upland Heights Orange Association	1.0708
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0389
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.0000
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, Inc., The	.0000
Bradford Brothers, Inc.	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Call Ranch	.6723
Corona Citrus Association	.8008
Jameson Co.	.3814
Orange Heights Orange Association	.9172
Break & Son, Allen	.3165
Bryn Mawr Fruit Growers Association	1.1111
Grafton Orange Growers Association	1.4180
E. Highlands Citrus Association	.4321
Fontana Citrus Association	.4546
Highland Fruit Growers Association	.6971
Krinard Packing Co.	1.5205
Mission Citrus Association	.8155
Redlands Coop. Fruit Association	1.7993
Redlands Heights Groves	.9582

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orange Growers Association	1.2162
Redlands Orangedale Association	.9983
Redlands Select Groves	.6223
Rialto Citrus Association	.5808
Rialto Orange Co.	.3801
Southern Citrus Association	1.3072
United Citrus Growers	.6674
Zilen Citrus Co.	.9256
Arlington Heights Fruit Co.	.4972
Brown Estate, L. V. W.	1.8244
Gavilan Citrus Association	1.7379
Hemet Mutual Groves	.3477
Highgrove Fruit Association	.7102
McDermont Fruit Company	1.7894
Mentone Heights Association	1.0184
Monte Vista Citrus Association	1.1774
National Orange Co.	.8788
Riverside Heights Orange Growers Association	1.3266
Sierra Vista Packing Association	.8010
Victoria Ave. Citrus Association	2.7657
Claremont Citrus Association	1.0207
College Heights Orange and Lemon Association	1.0756
El Camino Citrus Association	.5437
Indian Hill Citrus Association	1.1846
Pomona Fruit Growers Association	2.0933
Walnut Fruit Growers Association	.4464
West Ontario Citrus Association	1.6048
El Cajon Valley Citrus Association	.3861
Escondido Orange Association	.5711
San Dimas Orange Growers Association	1.0522
Covina Citrus Association	1.5507
Covina Orange Growers Association	.5155
Duarte-Monrovia Fruit Exchange	.3587
Ball & Tweedy Association	.0137
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Association	.1463
San Fernando Fruit Growers Association	.3143
San Fernando Heights Orange Association	.3721
Sierra Madre Lamanda Citrus Association	.2084
Camarillo Citrus Association	.0112
Fillmore Citrus Association	1.3468
Ojai Orange Association	1.1739
Piru Citrus Association	1.4604
Santa Paula Orange Association	.1904
Tapo Citrus Association	.0112
East Whittier Citrus Association	.0172
Whittier Citrus Association	.0000
Whittier Select Citrus Association	.0000
Anaheim Coop. Orange Association	.0000
Bryn Mawr Mutual Orange Association	.4850
Chula Vista Mutual Lemon Association	.0000
Escondido Coop. Citrus Association	.0000
Euclid Avenue Orange Association	2.1980
Foothill Citrus Union, Inc.	.1621
Fullerton Coop. Orange Association	.0000
Garden Grove Orange Coop.	.0000
Glendora Coop. Citrus Association	.0924
Golden Orange Groves, Inc.	.4216
Highland Mutual Groves, Inc.	.4311
Index Mutual Association	.0000
La Verne Coop. Citrus Association	3.2659
Olive Hillside Groves, Inc.	.0000
Orange Coop. Citrus Association	.0463
Redlands Foothill Groves	2.2125
Redlands Mutual Orange Association	1.0770
Riverside Citrus Association	.3523
Ventura County Orange and Lemon Association	.3228
Whittier Mutual Orange and Lemon Association	.0000
Babijuice Corp. of California	.3113

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Banks Fruit Co.	0.2673
California Fruit Distributors	.1279
Cherokee Citrus Co., Inc.	1.0555
Chess Co., Meyer W.	.4066
Evans Brothers Packing Co.	.4217
Gold Banner Association	1.9679
Granada Hills Packing Co.	.0234
Granada Packing House	.4119
Hill, Fred A.	.7331
Inland Fruit Dealers, Inc.	.2096
Orange Belt Fruit Distributors	2.4306
Panno Fruit Co., Carlo	.0983
Paramount Citrus Association	.1953
Riverside Growers, Inc.	.2401
San Antonio Orchards Association	1.3238
Snyder & Sons Co., W. A.	1.0068
Torn Ranch	.0497
Verity & Sons Co., R. H.	.1073
Wall, E. T.	1.4492
Western Fruit Growers, Inc., Redlands	2.9557
Yorba Orange Growers Association	.0331

[F. R. Doc. 47-2757; Filed, Mar. 21, 1947; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 149—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF COMMODITY EXCHANGE COMMISSION

AVAILABILITY OF INFORMATION AND RECORDS

Section 149.3 *Availability of information and records*, Subpart A, Part 149, Chapter I, Title 17, Code of Federal Regulations (11 F. R. 177A-390), is amended:

By striking therefrom "Administrator of the Commodity Exchange Act, Production and Marketing Administration," and inserting in lieu thereof "Administrator of the Commodity Exchange Authority,".

(Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244)

Issued this 19th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture, Chairman.

[F. R. Doc. 47-2698; Filed, Mar. 21, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Premium Payments Reg. 2, as Amended Feb. 12, 1947, Amdt. 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SOFTWOOD PLYWOOD

Section 805.2 (Housing Expediter Premium Payments Regulation No. 2) is amended in the following respects:

1. Paragraph (e) (4) is deleted.

2. Paragraphs (k) and (l) are renumbered (q) and (r) respectively, and new paragraphs (k) to (p) inclusive are added to read as follows:

LIQUIDATION SETTLEMENT

(k) *Purpose and general explanation.* Paragraphs (m) through (p) provide the rates, terms and conditions for liquidation premiums to any plywood company that had a net increase in its inventory of peeler logs between June 1 and November 30, 1946, and for recovery or set-off in the case of any plywood company that had a net decrease in its inventory of peeler logs between those dates. Paragraph (l) below provides the method for calculating the net increase or net decrease in inventory of peeler logs.

(l) *Method of calculating net change in inventory of peeler logs.* (1) The method herein provided for determining whether there has been a net increase or a net decrease in inventory of peeler logs between June 1 and November 30, 1946, takes into account that, with respect to peeler log purchases between September 1 and November 30, 1946, only "Douglas fir peeler logs" would be eligible for the premium specified in paragraph (e). Thus it requires that each plywood company find the net change in inventory of "Douglas fir peeler logs" between June 1 and November 30, 1946, and separately the net change in inventory of "other peeler logs" between June 1 and August 31, 1946. The method further recognizes that, of the "other peeler logs" purchased between June 1 and August 31, 1946, some portion of those which are included in the August 31 inventory may have been consumed during September, October and November, 1946, and claims for the premium specified in paragraph (e) filed with respect thereto. To avoid paying double premiums on these "other peeler logs" (the paragraph (e) premium and the liquidation premium), the method requires that they be subtracted from the inventory change in "other peeler logs," in arriving at the final figure on which liquidation premiums are payable.

As used in this paragraph (l), "Douglas fir peeler logs" means Douglas fir, No. 1, 2 and 3 peeler. "Other peeler logs" mean Western hemlock and Western white fir, suitable for peeling; Sitka spruce, select; and Noble fir, aircraft grade and suitable for peeling.

(2) The net change in peeler log inventory shall be computed as follows:

Step 1. Find the difference between the inventory of Douglas fir peeler logs on June 1, 1946, and the inventory of such peeler logs on November 30, 1946. Where the June 1 inventory is less than the November 30 inventory, the result obtained is the "net increase" in inventory of Douglas fir peeler logs. Where the June 1 inventory is greater than the November 30 inventory, the result obtained is the "net decrease" in inventory of Douglas fir peeler logs.

Step 2. Find the "net increase" or "net decrease" in inventory of other peeler logs. To do this:

(*a*) Find the quantity of other peeler logs which were in inventory on June 1, 1946, and to this figure add the quantity of other peeler logs which were reported (in Block 6, Item C of form OHE 2–2) as consumed in the manufacture of plywood during September, October and November, 1946.

(*b*) Find the quantity of other peeler logs which were in inventory on August 31, 1946.

(*c*) Find the difference between the amount found in (*a*) and the amount found in (*b*). Where (*a*) is less than (*b*), the result obtained is the "net increase" in inventory of other peeler logs. Where (*a*) is greater than (*b*), the result is the "net decrease" in inventory of other peeler logs.

Step 3. If the amounts found in Steps 1 and 2 (c) are both "net increases," add them, and the result is the net increase in inventory of peeler logs on which liquidation premiums are payable at the rate found under paragraph (m) below. If the amounts found in Steps 1 and 2 (c) are both "net decreases," add them, and the result is the net decrease in inventory of peeler logs on which recovery or set-off will be made under paragraph (p) below. If the amount found in either Step 1 or Step 2 (c) is a "net increase," while the amount found in the other of these two steps is a "net decrease," find the difference between such "net increase" and "net decrease." Where such "net increase" is greater than the "net decrease," the result is the net increase in inventory of peeler logs on which liquidation premiums are payable. Where such "net decrease" is greater than the "net increase," the result is the net decrease in inventory of peeler logs on which recovery or set-off will be made.

Example: X's peeler log inventory situation is as follows (all figures are thousands feet logscale):

(1) Net change in inventory of Douglas fir peeler logs:

800, November 30, 1946
— 600, June 1, 1946

200

Since the November 30 figure is greater than the June 1 figure, 200 represents the "net increase" in inventory of Douglas fir peeler logs.

(2) Net change in inventory of other peeler logs:

300, June 1, 1946 inventory of other peeler logs.
+ 50, Other peeler logs in September, October, and November, 1946, claims for premium

350
— 200, August 31, 1946 inventory of other peeler logs

150

Since the June 1 figure plus the amount of other peeler logs consumed in September, October, and November is greater than the August 31 figure, 150 represents the "net decrease" in inventory of other peeler logs.

(3) Net change in inventory of peeler logs:

200, "Net increase" in inventory of Douglas fir peeler logs
— 150, "Net decrease" in inventory of other peeler logs

50

Since the "net increase" in Douglas fir peeler logs is greater than the "net decrease" in other peeler logs, 50 represents the net increase in inventory of peeler logs on which liquidation premiums are payable.

(3) Each plywood company for which a quota has been approved under paragraph (c) shall report the net change in its inventory of peeler logs between June 1 and November 30, 1946, on Section I of form OHE 2–5. This form shall be filed with the Office of the Housing Expediter, Washington 25, D. C., by April 30, 1947.

(m) *Rate of liquidation premium.* If, under paragraph (l) above, a plywood company had a net increase in peeler log inventory, the plywood company shall be entitled to receive liquidation premiums at a rate computed as follows:

(1) *Consumption period.* The "consumption period" shall be the period, beginning with December 1, 1946, during which the quantity of peeler logs (in thousand feet logscale) consumed in plywood shipped equals the net increase in peeler log inventory. If this period consists of or ends with a fraction of a month, the company shall include the entire month: *Provided, however,* That if the company's records enable it to compute plywood shipments and production costs for a fraction of a month, the consumption period may, at the option of the company, consist of or end with such fraction of a month.

Example: If the amount of peeler logs consumed in plywood shipped between December 1, 1946 and January 10, 1947, equals the net increase in peeler log inventory, the consumption period is December 1, 1946 through January 31, 1947. However, if the company has cost and shipment records for a fractional month, it may elect to use the period December 1, 1946 through January 10, 1947, as its consumption period.

If the amount of peeler logs consumed in plywood shipped between December 1, 1946 and April 25, 1947, equals the net increase in peeler log inventory, the consumption period is December 1, 1946 through April 30, 1947. However, if the company has cost and shipment records for a fractional month, it may elect to use the period December 1, 1946 through April 25, 1947, as its consumption period.

(2) *Gross increases in sales income.* Find the total sales income from the plywood shipped during the consumption period and subtract from this amount the sales income which would have been realized from the same shipments if they had been made at the OPA ceiling prices in effect on November 9, 1946. The result is the "gross increase in sales income."

(3) *Increase in allowable costs.* Find the production costs of the plywood shipped during the consumption period as if it had been produced in that period, and subtract from this amount the production costs of the same plywood as if it had been produced during October, 1946 (in finding these production costs, exclude the cost of peeler logs delivered at the plant and all general, administrative and selling costs). The result is the "increase in allowable costs."

(4) *Net increase in sales income.* Subtract the increase in allowable costs from the gross increase in sales income. The result is the "net increase in sales income."

(5) *Rate of liquidation premium.* Divide the net increase in sales income by the quantity (in thousand feet logscale) of peeler logs consumed in the plywood which was shipped during the consumption period. If the result is $7.50 per thousand feet logscale, or more, the rate of liquidation payment is zero. If it is less, the rate of liquidation premium per thousand feet logscale is the difference between that amount and $7.50.

(n) *Computation of amount payable.* (1) For each plywood company, the total amount payable as a liquidation premium is the amount obtained by multiplying its net increase in peeler log inventory by the rate found under paragraph (m).

(2) If a plywood company's consumption period extends beyond March 31, 1947, the company, if it desires to claim any liquidation premium, shall file a preliminary claim for the partial period December 1, 1946 through March 31, 1947. The company will then be eligible to receive an advance payment equal to the amount obtained by multiplying the quantity of peeler logs consumed in plywood shipped during such partial period by the rate found for such partial period under paragraph (m). However, at the end of the consumption period, the company shall recompute the rate of liquidation premium based upon the entire period, and file a final claim for the entire period, at which time a final settlement shall be made, taking into account the advance previously made. If a company whose consumption period extends beyond March 31, 1947, fails to file a preliminary claim within the time specified in paragraph (o) of this section, it shall not be eligible to claim or receive any liquidation premiums under this section.

(o) *Claims for liquidation premiums.* (1) Claims for liquidation premiums shall be filed with the Office of the Housing Expediter, Washington 25, D. C., on section II of form OHE 2–5.

(2) Final claims for a period which ends on or before March 31, 1947, and preliminary claims shall be filed by April 30, 1947. Final claims for a period which ends after March 31, 1947, shall be filed by the end of the month following the month in which the period ends: *Provided, however,* That no such claims shall be filed after September 30, 1947.

(3) With respect to all claims for liquidation premiums that have not been verified and audited by the Expediter, RFC may require that bond be furnished in form and amount satisfactory to it before making payment thereon.

(p) *Recovery or set-off.* If, under paragraph (l) above, a plywood company has a net decrease in peeler log inventory, the amount of the decrease shall be recovered or set-off at the rate of $7.50 per thousand feet logscale.

3. Paragraph (q), formerly (k), is amended to read as follows:

(q) *Termination.* This section shall terminate on March 20, 1947. Such termination shall not preclude the filing of (1) claims accrued on or before November 30, 1946, and (2) claims for liquidation premiums, which shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

Issued and effective this 19th day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-2756; Filed, Mar. 20, 1947; 2:49 p. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

PART 201—DESCRIPTION OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

On September 11, 1946, pursuant to the provisions of section 3 (a) (1) of the Administrative Procedure Act (Public Law 404, 79th Congress, 2d Sess.), the National Labor Relations Board separately stated and published in the FEDERAL REGISTER descriptions of its central and field organization, including delegations by the agency of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests. The Board subsequently abolished its Eleventh Regional Office (Indianapolis, Indiana) and enlarged the areas serviced by the Ninth (Cincinnati, Ohio) and Thirteenth (Chicago, Illinois) Regional Offices so as to include the areas previously serviced by the Eleventh Region; at the same time, it established a Sub-Regional Office of the Ninth Region at Indianapolis, Indiana. The Board also desires to correct an inadvertent error appearing in its previously published Descriptions of Organization with respect to the description of the area serviced by the Eighteenth Region. Accordingly, pursuant to the provisions of section 3 (a) (1) of the Administrative Procedure Act, the Board hereby separately states and publishes in the FEDERAL REGISTER the following amendments to its Descriptions of Organization, as published on September 11, 1946.

1. Section 201.3, published on September 11, 1946 (11 F. R. 177A–603), is hereby amended by substituting for the number "22" in the first sentence, the number "21", and by substituting for the word "Twenty" at the beginning of the second sentence the word "Nineteen." As amended, the first two sentences of § 201.3 read as follows:

§ 201.3 *Regional offices; their staffs generally.* The Board has established 21 Regional Offices. Nineteen of these are located in the continental United States, and the remaining two are in the Territories of Hawaii and Puerto Rico. * * *

2. Appendix to Part 201 of the Descriptions of Organization published on September 11, 1946 (11 F. R. 177A–605), is hereby amended as follows:

a. The paragraph designated "Ninth Region" is amended to read as follows:

Ninth region: Cincinnati 2, Ohio, Ingalls Building, Fourth and Vine Streets. Services States of West Virginia, west of the western borders of Wetzel, Doddridge, Lewis, and Webster Counties, and southwest of the southern and western borders of Pocahontas County; Ohio, south of the southern borders of Darke, Miami, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, and Belmont Counties; Kentucky; Indiana, south of the southern borders of Fountain, Tippecanoe, Clinton, Tipton, Grant, Wells, and Adams Counties.

Sub-regional office: 108 E. Washington Building, Indianapolis 4, Indiana.

b. The paragraph designated "Eleventh Region" is stricken in its entirety.

c. The paragraph designated "Thirteenth Region" is amended to read as follows:

Thirteenth region: Chicago 3, Illinois, Midland Building, Room 2200, 176 West Adams Street. Services all of the State of Indiana north of the southern borders of Fountain, Tippecanoe, Clinton, Tipton, Grant, Wells, and Adams Counties; Illinois, north of the northern borders of Edgar, Coles, Shelby, Christian, Montgomery, Macoupin, Greene, Scott, Brown, and Adams Counties; Wisconsin, east of the western borders of Green, Dane, Dodge, Fondulac, Winnebago, Outagamie, and Brown Counties.

d. The paragraph designated "Eighteenth Region" is amended to read as follows:

Eighteenth region: Minneapolis 4, Minnesota, Wesley Temple Building. Services States of Minnesota; North Dakota; South Dakota; Iowa; Wisconsin, west of the western borders of Green, Dane, Dodge, Fondulac, Winnebago, Outagamie, and Brown Counties; these counties in Michigan excluded from the Seventh Region, above.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Signed at Washington, D. C., this 24th day of February 1947.

[SEAL] NATIONAL LABOR RELATIONS BOARD,
PAUL M. HERZOG,
Chairman.
JOHN M. HOUSTON,
Member.
JAMES J. REYNOLDS, Jr.,
Member.

[F. R. Doc. 47-2679; Filed, Mar. 21, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 313]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom all cotton manufactures classified under Department of Commerce Schedule B Nos. 301900 through 318800 inclusive.

This amendment shall become effective March 15, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: March 18, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-2686; Filed, Mar. 21, 1947; 8:46 a. m.]

[Amdt. 314]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodities:

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
	Steel mill products:			
603000	Boiler plate	Lb.	100	25
603110	Other plates, except fabricated (hot and cold rolled included) containing no alloy.	Lb.	100	25

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective March 22, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: March 18, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-2685; Filed, Mar. 21, 1947; 8:46 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1102]

A. G. ODOM

A. G. Odom of 4416 South Walker Avenue, Oklahoma City, Oklahoma, in December 1946, commenced construction of a commercial building designed as a tourist court of 29 units at 201 Southwest 44th Street, Oklahoma City, Oklahoma, after application for authorization to construct same was made to the Civilian Production Administration in August 1946, at a cost of about $45,000, and denied. The beginning and carrying on of this construction constituted a wilfull violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1102 *Suspension Order No. S-1102.* (a) Neither A. G. Odom, his successors or assigns, nor any other person, shall do any further construction on the premises located at 201 Southwest 44th Street, Oklahoma City, Oklahoma, including the putting up, alteration or completion of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) A. G. Odom shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve A. G. Odom, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 21st day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2792; Filed, Mar. 21, 1947; 11:28 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[Rev. Gen. RO 5,[1] Amdt. 19]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respects:

1. The title of Article XIX is amended to read as follows: "Miscellaneous Rules and Prohibitions."

2. A new section 19.2 is added to read as follows:

SEC. 19.2 *Interpretations.* (a) Any interpretation of the provisions of this order shall be made in accordance with the provisions of sections 22.20 and 22.21 of Third Revised Ration Order 3.

This amendment shall become effective March 24, 1947.

Issued this 21st day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[1] 11 F. R. 116.

Rationale Accompanying Amendment No. 41 to Third Revised Ration Order 3, Amendment No. 19 to Revised General Ration Order 5, Amendment No. 13 to General Ration Order 8, and Amendment No. 4 to Revised General Ration Order 18

Proposed amendment. These amendments provide a procedure to be followed in rendering official legal interpretations of any of the provisions of Third Revised Ration Order 3, Revised General Ration Order 5, General Ration Order 8 and Revised General Ration Order 18.

Reason for amendment. The members of the public and the field offices of the Office of Price Administration have been confused with respect to the proper procedure for the issuance of official legal interpretations of the various ration orders. In order to clarify this situation with respect to the issuance of authorized legal interpretations, these amendments specifically provide that official legal interpretations may only be made by the Temporary Controls Administrator, the Commissioner in Washington and by responsible members of the legal staff. The procedure set forth in these amendments with respect to the issuance of official rationing interpretations is similar to that provided for in Procedural Regulation 1 with respect to the issuance of official price interpretations.

[F. R. Doc. 47-2799; Filed, Mar. 21, 1947; 11:33 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 8,[1] Amdt. 13]

GENERAL PROHIBITIONS, PENALTIES AND CONDITIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

General Ration Order 8 is amended in the following respect:

1. A new section 2.23 is added to read as follows:

SEC. 2.23 *Interpretations.* (a) Any interpretation of the provisions of this order shall be made in accordance with the provisions of sections 22.20 and 22.21 of Third Revised Ration Order 3.

This amendment shall become effective March 24, 1947.

Issued this 21st day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 41 to Third Revised Ration Order 3, Amendment No. 19 to Revised General Ration Order 5, Amendment No. 13 to General Ration Order 8, and Amendment No. 4 to Revised General Ration Order 18

Proposed amendment. These amendments provide a procedure to be followed

[1] 10 F. R. 860.

in rendering official legal interpretations of any of the provisions of Third Revised Ration Order 3, Revised General Ration Order 5, General Ration Order 8 and Revised General Ration Order 18.

Reason for amendment. The members of the public and the field offices of the Office of Price Administration have been confused with respect to the proper procedure for the issuance of official legal interpretations of the various ration orders. In order to clarify this situation with respect to the issuance of authorized legal interpretations, these amendments specifically provide that official legal interpretations may only be made by the Temporary Controls Administrator, the Commissioner in Washington and by responsible members of the legal staff. The procedure set forth in these amendments with respect to the issuance of official rationing interpretations is similar to that provided for in Procedural Regulation 1 with respect to the issuance of official price interpretations.

[F. R. Doc. 47-2797; Filed, Mar. 21, 1947; 11:31 a. m.]

PART 1305—ADMINISTRATION

[Rev. Gen. RO 18,[1] Amdt. 4]

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ARMED FORCES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 18 is amended in the following respect:

1. A new section 6.2 is added to read as follows:

SEC. 6.2 *Interpretations.* (a) Any interpretation of the provisions of this order shall be made in accordance with the provisions of sections 22.20 and 22.21 of Third Revised Ration Order 3.

This amendment shall become effective March 24, 1947.

Issued this 21st day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 41 to Third Revised Ration Order 3, Amendment No. 19 to Revised General Ration Order 5, Amendment No. 13 to General Ration Order 8, and Amendment No. 4 to Revised General Ration Order 18

Proposed amendment. These amendments provide a procedure to be followed in rendering official legal interpretations of any of the provisions of Third Revised Ration Order 3, Revised General Ration Order 5, General Ration Order 8 and Revised General Ration Order 18.

Reason for amendment. The members of the public and the field offices of the Office of Price Administration have been confused with respect to the proper procedure for the issuance of official legal interpretations of the various ration orders. In order to clarify this situation with respect to the issuance of authorized legal interpretations, these amendments specifically provide that official legal interpretations may only be made by the Temporary Controls Administrator, the Commissioner in Washington and by responsible members of the legal staff. The procedure set forth in these amendments with respect to the issuance of official rationing interpretations is similar to that provided for in Procedural Regulation 1 with respect to the issuance of official price interpretations.

[F. R. Doc. 47-2798; Filed, Mar. 21, 1947; 11:32 a. m.]

[1] 11 F. R. 7580, 10215.

PART 1334—SUGAR

[MPR 60,[1] Amdt. 9]

DIRECT CONSUMPTION SUGAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation 60 is amended in the following respects:

1. Section 2 (a) (1) is amended to read as follows:

(1) *Maximum basis prices.* The maximum basis prices per bag for the following direct-consumption sugars packed in paper bags, 100 pounds net weight, f. o. b. United States seaboard cane sugar refinery nearest freightwise to the point of delivery, shall be as follows:

(i) For sales of fine granulated cane sugar refined in Continental United States, $6.20.

(ii) For sales of fine granulated beet sugar processed in Continental United States, $8.10.

(iii) For sales of fine granulated cane sugar from off-shore areas, domestic or foreign, duty paid, $6.15.

(iv) For sales of turbinado, washed-white or similar sugar from off-shore areas, domestic or foreign, duty paid, for direct consumption, $5.85.

(v) For sales of plantation granulated sugar processed from United States mainland sugar cane, $6.10.

(vi) For sales of direct-consumption sugars other than those provided for above, in this section, processed from United States mainland sugar cane including but not limited to turbinado, plantation white and high-washed sugars, $6.00.

The prices set forth above shall be for those direct-consumption sugars which have customarily been used by the seller as his basis sugars in determining grade and package differentials, and shall be referred to in this regulation as basis sugars. Differentials for other grades and other containers shall be determined pursuant to section 2 (a) (2) below.

NOTE: The maximum basis prices specified above are subject to the specific additions permitted by sections 2 (e) and 2 (f).

2. Section 2 (a) (2) is amended to read as follows:

[1] 10 F. R. 14816; 11 F. R. 1434, 3299, 7036, 13254, 13524, 13695; 12 F. R. 391.

(2) *Grade and package differentials.* (i) The maximum basis prices specified in section 2 (a) (1) above shall be increased for direct-consumption basis sugar packed in containers other than 100 pound paper bags in accordance with the following packaging differentials for such other containers:

Container	Differential (per 100 pounds)
100 pound cotton bag	$0.15
100 pound burlap bag	.15
6 10-pound paper bags (all covers)	.12
12 5-pound paper bags (all covers)	.15
10 10-pound cotton bags (paper cover)	.30
20 5-pound cotton bags (paper cover)	.45
12 5-pound cartons (all covers)	.35
25 2-pound cartons (all covers)	.35
1 pound cartons (all covers)	.65

Differentials for other containers shall be determined pursuant to section 2 (a) (2) (ii) below.

(ii) To determine a packaging differential for direct-consumption basis sugar packed in a container other than a 100 pound paper bag or one listed above in section 2 (a) (2) (i), the seller shall: First, determine the listed container which he sells which is most closely comparable to the one for which a differential is to be established. The most closely comparable container means the container listed above in section 2 (a) (2) (i) which is of the same basic material as, and is closest in size to, the container being priced, or, if there is none of the same basic material, then the one closest in size to the container being priced.

He shall then determine his current direct packaging costs per one hundred pounds of both containers. Current direct packaging costs shall include only the costs of direct labor and direct material.

If the direct packaging costs of the container being priced hereunder are greater than those of the most closely comparable container listed, the seller shall add the amount of the difference to the differential specified for the most closely comparable container listed. If the direct packaging costs of the container being priced hereunder are less than those of the most closely comparable container listed, the seller shall subtract the amount of the difference from the differential specified for the most closely comparable container listed. The resulting figure shall be rounded to the nearest half-cent and shall be the seller's differential for the container being priced. This differential, with supporting data showing how it was determined, shall be reported to the Price Branch, Sugar Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., within 30 days after it is established.

(iii) Maximum prices for sales of grades of direct-consumption sugars other than the direct-consumption basis sugars shall be determined by adjusting the applicable maximum basis price set forth in section 2 (a) (1) above for package and grade differentials in accordance with the seller's differentials therefor published or in effect on December 1, 1941.

(iv) Maximum prices for sales of direct-consumption sugar, other than

direct-consumption basis sugar, by a primary distributor for grades and packages for which he cannot determine a maximum price pursuant to section 2 (a) (2) (iii) above and for which there is no maximum price in effect on March 20, 1947, shall be as follows, *Provided, however*, That nothing contained herein shall be deemed to modify any order issued under, or any provision of, this regulation in effect on March 20, 1947 establishing a maximum price for such grades and packages as of that date.

(a) Maximum prices for sales to any Procurement Agency of the United States Government where the grade sold to such procurement agency is identical with one previously produced by the selling primary distributor, but where the packaging is different, shall be determined pursuant to the provisions of Supplementary Order 106 issued by the Office of Price Administration. Where the grade is not identical with one previously produced by the selling primary distributor, he shall determine his maximum price per 100 pounds net weight for such new grade and package by adding to his maximum price per 100 pounds net weight for direct-consumption basis sugar packed in 100 pound paper bags, the difference in direct cost per 100 pounds net weight between manufacturing and packaging the new item and manufacturing and packaging the direct-consumption basis sugar in 100 pound paper bags. Each maximum price determined under the foregoing provisions shall be reported, with a detailed explanation of costs, to the Price Branch, Sugar Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., within 30 days after the first delivery.

(b) Maximum prices for sales of a new grade or new package for civilian consumption, which is identical in grade, net weight and packaging material with that of any other primary distributor, shall be determined by adjusting the selling primary distributor's maximum basis price by the use of the same differential properly established on that date by the primary distributor located nearest freightwise to him with such differential.

If the new grade or package to be sold for civilian consumption is not so identical with that produced by another primary distributor he shall obtain a maximum price for it by application to the Price Branch, Sugar Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., in which he shall give full data, with a description of grade and package, detailed production and selling cost differences per 100 pounds net weight, f. o. b. refinery, between the new grade and package and the direct-consumption basis sugar packed in 100 pound paper bags at the date of application, and corresponding figures for his most nearly like grades and packages figured currently and as of December 1, 1941, together with a request for a specific differential. On the basis of this information, the Administrator may issue an order establishing a differential for the new grade or package proportionately in line with existing differentials. After filing the application and pending authorization, sales may be made (1) on open billing, or (2) on pro forma collection price based on the requested differential with an agreement for refund to the purchaser of such sum as this price may exceed the maximum price when duly established.

3. Section 16 is added to read as follows:

SEC. 16 *Transfers of business or stock in trade.* If the business or stock in trade of a seller subject to this regulation is sold or otherwise transferred on or after March 21, 1947, and the transferee continues the business, the maximum prices of the transferee shall be the same as those which the transferor would have been subject to if no transfer had taken place, and his obligation to keep records sufficient to verify these prices shall be the same. The transferor shall either preserve and make available, or shall turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

This amendment shall become effective at 12:01 a. m. March 21, 1947.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Approved: March 19, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 9 to Maximum Price Regulation 60

The accompanying amendment establishes specific dollars and cents differentials over basis prices for certain packages of direct consumption sugar and also establishes the 100 pound paper bag as the uniform basis package for all sellers. Sugar sold in these packages accounts for over 90 percent of all direct consumption sugar sold in the United States. For packages of basis direct consumption sugars for which no differentials are established, a formula, which will result in differentials in line with those specifically formulated, is provided. No change has been made, however, in the differentials for various grades of these basis sugars, such as confectioners, powdered, brown, tablet, etc.

Prior to this action, one basis price applied to all sellers, but each seller was required to use the same basis package and the same packaging differential which he himself had established on December 1, 1941. In general, it had been customary for the packaging differentials applied by each seller to approximate the excess packaging cost involved in packing sugar in a particular package. While the actual differentials used varied from the amount of excess cost because of competitive reasons, on the whole there was a demonstrably close relationship between average differential and average excess packaging cost. Thus the application of the "freeze" technique at the inception of MPR 60 froze the differentials at levels definitely representative of the normal business custom.

However, unequal changes in packaging costs, more especially the unequal changes in the cost of packaging materials such as paper and cotton resulted in these frozen differentials no longer having any direct relationship to costs of packaging, nor being representative of normal business practice. As a result of almost universal complaints by members of the industry, this action was instituted to remove the existing inequities and maladjustments.

Dollars and cents differentials, more closely approximating packaging costs, have been established for the predominant packages and the 100 pound paper bag has been established as the basis package. In order to establish uniform differentials it was necessary for all sellers to have a uniform basis package. Prior hereto, since the regulation was silent as to the basis package each seller was frozen to his December 1, 1941 basis. As a result, sellers on the Pacific coast used the 100 pound paper bag, adding a differential when selling in cotton, whereas other sellers were required to use the 100 pound cotton bag deducting a differential when selling in paper.

It was found that under normal conditions the basis bag was the one in which the largest amount of sugar is packed. In 1941 this was predominantly the 100 pound cotton bag, except on the Pacific coast. Since that time the use of cotton has greatly decreased and the 100 pound paper bag has become predominant. Since it is apparent that in the increasing importance of the paper bag would have resulted in its becoming the basis bag, the Administrator has deemed it advisable to so provide in this action.

The establishment of the paper bag as the basis without changing the basis price results in a slight increase in price for those sellers formerly on a cotton basis. However, after careful consideration of all alternatives it was found to be neither administratively feasible nor desirable to alter the basis price at this time.

This action is taken pursuant to the Administrator's authority to make such adjustments in existing price controls as are necessary to correct maladjustments or inequities that would interfere with the effective transition to a peacetime economy. The establishment of a uniform paper basis and of uniform packaging differentials, applicable to all primary producers and in all selling territories, will eliminate a price maladjustment that presently exists.

[F. R. Doc. 47-2800; Filed, Mar. 21, 1947; 11:33 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 41]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

New sections 22.20 and 22.21 are added to Article XXII of Third Revised Ration Order 3 to read as follows:

SEC. 22.20 *Interpretations.* An interpretation rendered by an officer or employee of the Office of Price Administration with respect to any provision of this order or of General Ration Order 8 of Revised General Ration Order 5 or of Revised General Ration Order 18 or of any order, requirement, or agreement thereunder, will be regarded by the Office of Price Administration as official only if such interpretation was requested and issued in accordance with section 22.21 of this order. Action taken in reliance upon and in conformity with an official interpretation and prior to any revocation or modification thereof or to any superseding thereof by order or amendment, shall constitute action in good faith pursuant to the order, requirement or agreement to which such official interpretation relates. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is rendered, unless announced as an interpretation of general application.

SEC. 22.21 *Requirements governing interpretations—(a) Requests for interpretations; form and contents.* Any person desiring an official interpretation of any sugar rationing regulation, order, requirement or agreement thereunder shall request it in writing from the nearest Sugar Branch Office of the Office of Price Administration. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as practicable, state the names and post office addresses of the persons involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall name the official or office to whom his previous request was addressed. If the interpretation will affect operations of establishments located in more than one state, the request shall name the states in which the establishments are located. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

(b) *Interpretations to be written; authorized officials.* With respect to sugar, official interpretations shall be made only in writing, and shall be signed by the Temporary Controls Administrator or by one of the following officers of the Office of Price Administration: The Commissioner, the General Counsel, an Associate or Assistant General Counsel of the Sugar Department, any Legal Branch Chief of the Sugar Department, or any Regional Sugar Attorney.

(c) *Revocation or modification of interpretation.* Any official interpretation, whether of general application or otherwise, may be revoked or modified by any official authorized to announce such interpretations of general application or by a statement or notice by the Commissioner or General Counsel of the Office of Price Administration. An official interpretation addressed to a particular person may also be revoked or modified at any time by a statement in writing mailed to such person and signed by an Associate or Assistant General Counsel, or by any Legal Branch Chief of the Sugar Department. An official interpretation addressed to a particular person by a Regional Sugar Attorney may also be revoked or modified at any time by a written statement mailed to such person and signed by the attorney, who issued it, or his successor.

(d) This section is applicable not only to Third Revised Ration Order 3, but also to General Ration Order 8, Revised General Ration Order 18, Revised General Ration Order 5 and to any other ration order issued by the Office of Price Administration.

This amendment shall become effective March 24, 1947.

Issued this 21st day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 41 to Third Revised Ration Order 3, Amendment No. 19 to Revised General Ration Order 5, Amendment No. 13 to General Ration Order 8, and Amendment No. 4 to Revised General Ration Order 18

Proposed amendment. These amendments provide a procedure to be followed in rendering official legal interpretations of any of the provisions of Third Revised Ration Order 3, Revised General Ration Order 5, General Ration Order 8 and Revised General Ration Order 18.

Reason for amendment. The members of the public and the field offices of the Office of Price Administration have been confused with respect to the proper procedure for the issuance of official legal interpretations of the various ration orders. In order to clarify this situation with respect to the issuance of authorized legal interpretations, these amendments specifically provide that official legal interpretations may only be made by the Temporary Controls Administrator, the Commissioner in Washington and by responsible members of the legal staff. The procedure set forth in these amendments with respect to the issuance of official rationing interpretations is similar to that provided for in Procedural Regulation 1 with respect to the issuance of official price interpretations.

[F. R. Doc. 47-2796; Filed, Mar. 21, 1947; 11:31 a. m.]

[1] 11 F. R. 177, 14281.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2301]

PART 4—DELEGATIONS OF AUTHORITY

MISCELLANEOUS AMENDMENTS

Sections 4.90 and 4.91 are added to Part 4 to read as follows:

§ 4.90 *Condemnation proceedings.* The head of any bureau of this Department may approve and sign correspondence concerning pleadings, awards, or judgments in condemnation proceedings, and any other routine, incidental, or related correspondence regarding the conduct of such proceedings, without the submission of such matters for Secretarial consideration, except that requests for condemnation proceedings and declarations of taking shall be submitted to the Secretary for consideration and approval.

§ 4.91 *Title opinions.* The head of any bureau of this Department may request the Attorney General to render opinions concerning the validity of title pursuant to section 355, Revised Statutes (40 U. S. C. 255), without the submission of such requests to the Secretary for consideration or approval.

(R. S. 161; 5 U. S. C. 22)

J. A. KRUG,
Secretary of the Interior.

MARCH 13, 1947.

[F. R. Doc. 47-2678; Filed, Mar. 21, 1947; 8:45 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

NEW MEXICO GRAZING DISTRICT NO. 1

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see Public Land Order 356 under the Appendix to this chapter, *infra*, relating to lands within New Mexico Grazing District No. 1.

Appendix—Public Land Orders

[Public Land Order 356]

NEW MEXICO

REVOCATION OF EXECUTIVE ORDER 7544 OF JANUARY 29, 1937

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 7544 of January 29, 1937, withdrawing the following-described public lands in New Mexico for use by the Forest Service of the Department of Agriculture as the Espanola Administrative Site in connection with the administration of the Santa Fe National Forest, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 8 E.,
Sec. 12, S½N½ and S½ lot 1, N½ and N½S½ lot 2.
T. 20 N., R. 9 E.,
Sec. 7, lots 5, 6, and E½SW¼.

The areas described aggregate 228.42 acres.

The lands are within New Mexico Grazing District No. 1. This order shall therefore become effective immediately

as to the administration of grazing on the lands by the Bureau of Land Management, but shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 9, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 9, 1947, to August 7, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 19, 1947, to 10:00 a. m. on May 9, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 9, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 8, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 19, 1947, to 10:00 a. m. on August 8, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 8, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Santa Fe, New Mexico.

The lands are rough and broken in topography and have a third to fourth rate soil which supports scant vegetation.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

MARCH 7, 1947.

[F. R. Doc. 47-2680; Filed, Mar. 21, 1947; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sale Act of 1946

[Gen. Order 60, Amdt. 1 to Supp. 3]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

PREWAR DOMESTIC COSTS; STATUTORY SALES PRICES

Section 299.56 *Prewar domestic costs; statutory sales prices* is amended by striking out paragraph (m) *Type C1–S–D1* (published in the FEDERAL REGISTER for August 17, 1946, 11 F. R. 8972).

(60 Stat. 41)

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

MARCH 7, 1947.

[F. R. Doc. 47-2703; Filed, Mar. 21, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 21 and 43]

PERIODIC PHYSICAL EXAMINATIONS FOR MEDICAL CERTIFICATES FOR PILOTS

Section 21.400 of the Civil Air Regulations provides that the holder of an airline transport pilot rating shall not pilot aircraft in flight unless he has met the physical requirements prescribed for such rating within the preceding 6 calendar months. Such a requirement may be interpreted that the holder of such a rating would not be permitted to fly any aircraft unless he has met the physical requirements within the preceding 6 calendar months. Pilots holding a higher pilot rating should be permitted the privilege of performing operations requiring a lower pilot rating. Therefore it is proposed to specifically provide that medical certificates appropriate to the higher pilot ratings will be permitted the privileges of medical certificates appropriate to lower pilot ratings during the period for which they are effective.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board amendments to Parts 21 and 43 of the Civil Air Regulations as follows:

1. By amending § 21.400 to read as follows:

§ 21.400 *Periodic physical examination.* A certificated airline transport pilot shall not pilot an aircraft in operations for which he is required to possess an airline transport pilot rating unless, within the preceding 6 calendar months, he has met the physical requirements of this part by passing an examination given by an authorized airline medical examiner of the Administrator.

2. By amending § 43.402 to read as follows:

§ 43.402 *Medical certificate and renewal.* No person shall pilot an aircraft under authority of a pilot certificate issued by the Administrator, unless he has in his personal possession while piloting aircraft a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his rating within the following time limits:

(a) Student or private pilot: 24 calendar months.

(b) Commercial pilot: 12 calendar months or 24 calendar months for operations requiring only a private pilot rating.

(c) Airline transport pilot: 6 calendar months, or 12 calendar months for operations requiring only a commercial pilot rating, or 24 calendar months for operations requiring only a private pilot rating.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON,
Director.

[F. R. Doc. 47-2694; Filed, Mar. 21, 1947; 8:49 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-780]

TENNESSEE GAS AND TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on September 23, 1946, in Docket No. G-780, by Tennessee Gas and Transmission Company (Applicant), a Tennessee corporation with its principal place of business at Houston, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

A 12¾-inch O. D. pipeline approximately 7.1 miles in length and extending from a point of connection with Applicant's dehydration facilities at its existing Compressor Station No. 2 in Wharton County, Texas, to a point in the Chesterville Field designated as W. Thompson Survey, Section 16, Abstract No. 708, Colorado County, Texas.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of assuring an adequate and dependable gas supply to meet the requirements of its present customers, particularly those serving the Appalachian area; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 15, 1946 (11 F. R. 12019);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 16th day of April 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however,* That if no request to be heard or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceedings by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceedings, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.6 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: March 18, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2690; Filed, Mar. 21, 1947; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 298]

ST. JOSEPH STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on March 13, 1946, issued an order prescribing reasonable rates and charges for stockyard services rendered by the respondent.

By a petition filed on March 13, 1947, the respondent has requested certain increases in its rates and charges, as follows:

Yardage	Present rates per head	Proposed rates per head
Cattle:		
Rail	$0.49	$0.55
Truck	.56	.60
Direct	.25	.27½
Resale: Commission division	.25	.28
Hogs:		
Rail	.16	.18
Truck	.18	.19
Direct	.08	.09
Resale: Commission division	.08	.09
Sheep:		
Rail	.11	.13
Direct	.06	.06½
Resale: Commission division	.06	.07
Horses and mules:		
Rail	.39	.55
Truck	.46	.60

The proposed increases, if granted, are calculated to result in additional gross revenue to respondent and, therefore, public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification.

All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C. this 18th day of March, 1947.

[SEAL] PRESTON RICHARDS,
Acting Director,
Livestock Branch.

[F. R. Doc. 47-2697; Filed, Mar. 21, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 138]

RECONSIGNMENT OF APPLES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., February 8, 1947, by Wesco Foods Company, of car FOBX 4004, apples on the Great Northern Railway, to The Crosset Company, Cincinnati, Ohio (GN-CMStP&P-Big 4)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-2688; Filed, Mar. 21, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 139]

RECONSIGNMENT OF PERISHABLES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., March 17, 1947, by C. H. Robinson Co., of car ART 22222, now on the Nor. Pac. to C. H. Robinson Co., Chicago, Ill. (CB&Q).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of March, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-2689; Filed, Mar. 21, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8455]

ANTON KLUMPP

In re: Estate of Anton Klumpp, deceased. File No. D-28-10662; E. T. sec. 15014.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Walburg Thoennessen, Frieda Heiser, Wilhelm Klumpp, Franz Klumpp, Friederich Klumpp, Karl Klumpp, Friederich Thoennessen, Walburga Wehemeyer, Maria Brach and Raimund Klumpp, and each of them, in and to the Estate of Anton Klumpp, deceased.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Walburg Thoennessen, Germany.
Frieda Heiser, Germany.
Wilhelm Klumpp, Germany.
Franz Klumpp, Germany.
Friederich Klumpp, Germany.
Karl Klumpp, Germany.
Friederich Thoennessen, Germany.
Walburga Wehemeyer, Germany.
Maria Brach, Germany.
Raimund Klumpp, Germany.

That such property is in the process of administration by Sanford M. Kirsch, as Substituted Administrator, C. T. A., acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2701; Filed, Mar. 21, 1947; 8:45 a. m.]

SOCIETE NATIONALE DES CHEMINS DE FER FRANCAIS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Societe Nationale des Chemins de Fer Francais.	5091 5254	$207,199.61 in United States Treasury. $4,817.70 in United States Treasury. 500 photographs, 5 boxes of French railroad tickets in Office of Alien Property Warehouse, New York, N. Y. Approximately 115 35-mm. French films, 39 16-mm. French films with duplicates, 1,000 slides in RKO film vault, Washington, D. C. "Micheline" railcar and trailer at U. S. Customs, Staten Island, N. Y. Property described in the second paragraph of Vesting Order No. 500A-8 (9 F. R. 7876, July 14, 1944), relating to copyrights referred to in Exhibit A thereto, to the extent owned by the claimant immediately prior to the vesting thereof.
Compagnie Du Chemin de Fer de Paris A Orleans.	5089	$30.04 in United States Treasury.
Compagnie Des Chemins de Fer Du Midi.	5090	$613.21 in United States Treasury.
Compagnie Du Chemin de Fer Du Nord.	5092	$66,727.43 in United States Treasury. 84 M Kingdom of Belgium 6 percent bonds due 1/1/55, and 80 M Kingdom of Belgium 6½% Bonds due 9/1/49 in Federal Reserve Bank, New York, N. Y.

Executed at Washington, D. C., on March 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2702; Filed, Mar. 21, 1947; 8:45 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-500]

MINOT K. MILLIKEN, RALPH L. WHITE, AND ROLF W. BAUHAN

CONSENT ORDER

Minot K. Milliken of 76 Marlboro Street, Boston, Massachusetts, was authorized by the Federal Housing Administration on June 17, 1946, to excavate, prepare foundations, and to use lumber on hand to start construction of an all-year-round house at Hulls Cove, Maine, at an estimated cost of $5,000. By January 30, 1947, over $40,000 had been expended, of which about $25,000 had been incorporated in the house and about $6,000 had been expended in clearing, blasting, excavating, road work and ditching, the balance representing materials purchased and on hand. Ralph L. White of Hulls Cave, Maine, is the contractor, and Rolf W. Bauhan of Princeton, New Jersey, is the architect who filed the application with the Federal Housing Administration and supervised the project. Construction on this project to an extent substantially in excess of the work and cost originally authorized, constituted a violation of Order VHP-1.

Minot K. Milliken, Ralph L. White, and Rolf W. Bauhan admit the violation as charged and allege that it resulted from a misunderstanding and deny that it was willful, and consent to the issuance of this order.

Wherefore, upon the agreement and consent of Minot K. Milliken, Ralph L. White, and Rolf W. Bauhan, the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Minot K. Milliken, Ralph L. White, nor Rolf W. Bauhan, their successors or assigns, nor any other person shall do any further construction on the project owned by Minot K. Milliken located at Hulls Cove, Maine, unless hereafter specifically authorized in writing by the Civilian Production Administration and the Federal Housing Administration.

(b) The provisions of paragraph (a) above shall not apply to work specifically authorized by the Civilian Production Administration under Serial No. 1-3-964, dated February 25, 1947 to prevent deterioration of materials already incorporated into the structure

(c) Minot K. Milliken, Ralph L. White, and Rolf W. Bauhan shall refer to this order in any application or appeal which they may file with the Civilian Production Administration or any other federal

agency to do any further construction on this project.

(d) Nothing contained in this order shall be deemed to relieve Minot K. Milliken, Ralph L. White, and Rolf W. Bauhan, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the date of issuance.

Issued this 21st day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2795; Filed, Mar. 21, 1947; 11:28 a. m.]

[C-498]

HAROLD NUSSBAUM

CONSENT ORDER

Harold Nussbaum, 403 South St. Clair Street, Toledo, Ohio, is charged by the Civilian Production Administration with violating Veterans' Housing Program Order No. 1 in that on or about November 15, 1946, he began construction and thereafter carried on and participated in the construction of an outdoor drive-in theater consisting of two buildings, located at the northwest corner of the intersection of Ohio State Routes 30 south and 314, eight miles west of Mansfield, Ohio, at a cost of $9,000, without the authorization of the Civilian Production Administration.

Harold Nussbaum admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Harold Nussbaum, the Regional Compliance Director, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Harold Nussbaum, his successors and assigns, nor any other person shall do any further construction on the outdoor drive-in theater located at the northwest corner of the intersection of Ohio State Routes 30 south and 314, eight miles west of Mansfield, Ohio, including the completing or altering of the two buildings or any other part of said outdoor drive-in theater, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Harold Nussbaum shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authority to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Harold Nussbaum, his successors and assigns, from any provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 21st day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2794; Filed, Mar. 21, 1947; 11:28 a. m.]

[C-495]

CARMELLO LOPRESTI

CONSENT ORDER

Carmello LoPresti, 2479 East 126th Street, Cleveland, Ohio, is charged by the Civilian Production Administration with violating Veterans' Housing Program Order 1, in that on or about February 4, 1947 he began construction and thereafter carried on and participated in construction in connection with the remodeling and altering of a commercial building for use as a cafe, located at 6013 Woodland Avenue, Cleveland, Ohio, at a cost in excess of $1,000, wthout authorization of the Civilian Production Administration.

Carmello LoPresti admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Carmello LoPresti, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Carmello LoPresti, his successors and assigns, nor any other person shall do any further construction on the commercial building located at 6013 Woodland Avenue, Cleveland, Ohio, including the completing and altering the commercial building located on said premises unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Carmello LoPresti shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authority to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Carmello LoPresti, his successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 21st day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc 47-2793; Filed, Mar 21, 1947; 11:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-978]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Voting Trust Certificates for Common Stock, No Par Value, of the St. Louis-San Francisco Railway Company Voting Trust, Expiring January 1, 1952, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to April 1, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2681; Filed, Mar. 21, 1947; 8:46 a. m.]

[File No. 70-1469]

ALLENTOWN-BETHLEHEM GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of March 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Allentown-Bethlehem Gas Company ("Allentown"), a public utility subsidiary of The United Gas Improvement Company, a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 28, 1947, at 5:0 p. m., e. s. t., request the Commission in writing that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa.

All interested persons are referred to said application, which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Allentown has presently outstanding $2,415,000 principal amount of First Mortgage Bonds, 3¾% Series due 1965, all of which are owned by five life insurance companies and two savings banks. In lieu of refunding said bonds, Allentown proposes to reduce the interest rate on said bonds to 3% per annum effective March 1, 1947. The holders of said bonds have voluntarily assented to this proposal.

Allentown, for reasons set forth in the application, requests the Commission to exempt the proposed transaction from the competitive bidding requirements of Rule U-50.

The proposed transaction is subject to the jurisdiction of the Pennsylvania Public Utility Commission and its approval has been obtained.

The applicant requests that the Commission's order granting the application become effective not later than March 31, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2682; Filed, Mar. 21, 1947; 8:45 a. m.]

NOTICES

[File No. 70-1468]

DETROIT EDISON CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of March 1947.

The Detroit Edison Company ("Detroit Edison"), a public utility subsidiary of American Light & Traction Company, a registered holding company, which is in turn a subsidiary of The United Light and Railways Company, also a registered holding company, having filed a declaration and an amendment thereto under sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding the issuance to its common stockholders of a ten percent dividend in its own common capital stock; and

A public hearing having been held thereon after appropriate notice, and the Commission having examined the record, and having filed its findings and opinion herein:

It is ordered, That said declaration as amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2684; Filed, Mar. 21, 1947; 8:45 a. m.]

[File No. 31-425]

AMERICAN GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of March A. D. 1947.

American Gas and Electric Company (American Gas), a registered holding company, having filed an application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for an order declaring it not to be a subsidiary of Electric Bond and Share Company (Bond and Share), also a registered holding company; and

The Commission having, by order dated May 13, 1941, denied said application being unable to find upon the facts in the record that American Gas was entitled to the requested exemption; and

American Gas having filed an application renewing its request for an order under section 2 (a) (8) declaring it not to be a subsidiary of Bond and Share, stating in such application that Bond and Share has recently sold and distributed a large amount of its holdings of the outstanding voting securities of American Gas with the result that Bond and Share now owns less than 1% of the voting securities of American Gas, and that upon the consummation by Bond and Share of its commitments under Plan II-A filed by Bond and Share and approved by the Commission by order dated September 5, 1946 Bond and Share will own none of the voting securities of American Gas; that the representative of Bond and Share on the Board of Directors of American Gas has resigned; and that American Gas is not controlled directly or indirectly by Bond and Share nor subject to a controlling influence of Bond and Share; and

It appearing to the Commission that the circumstances which gave rise to the Commission's order of May 13, 1941, denying said application of American Gas have changed materially and that it is appropriate in the light of the facts contained in the application of American Gas renewing its application for an order under section 2 (a) (8), that said order of May 13, 1941 be revoked and that an order be entered granting said application of American Gas:

It is ordered, That (a) said order of May 13, 1941, in so far as it denied American Gas' application for an order declaring it not to be a subsidiary of Bond and Share, be, and the same is hereby, revoked, and (b) said renewed application of American Gas for an order declaring that it is not a subsidiary of Bond and Share be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2683; Filed, Mar. 21, 1947; 8:45 a. m.]

Reference

MAR 31 '47

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 12 NUMBER 59

Washington, Tuesday, March 25, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9835

PRESCRIBING PROCEDURES FOR THE ADMINISTRATION OF AN EMPLOYEES LOYALTY PROGRAM IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

WHEREAS each employee of the Government of the United States is endowed with a measure of trusteeship over the democratic processes which are the heart and sinew of the United States; and

WHEREAS it is of vital importance that persons employed in the Federal service be of complete and unswerving loyalty to the United States; and

WHEREAS, although the loyalty of by far the overwhelming majority of all Government employees is beyond question, the presence within the Government service of any disloyal or subversive person constitutes a threat to our democratic processes; and

WHEREAS maximum protection must be afforded the United States against infiltration of disloyal persons into the ranks of its employees, and equal protection from unfounded accusations of disloyalty must be afforded the loyal employees of the Government:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including the Civil Service Act of 1883 (22 Stat. 403), as amended, and section 9A of the act approved August 2, 1939 (18 U. S. C. 61i), and as President and Chief Executive of the United States, it is hereby, in the interest of the internal management of the Government, ordered as follows:

PART I—INVESTIGATION OF APPLICANTS

1. There shall be a loyalty investigation of every person entering the civilian employment of any department or agency of the executive branch of the Federal Government.

a. Investigations of persons entering the competitive service shall be conducted by the Civil Service Commission, except in such cases as are covered by a special agreement between the Commission and any given department or agency.

b. Investigations of persons other than those entering the competitive service shall be conducted by the employing department or agency. Departments and agencies without investigative organizations shall utilize the investigative facilities of the Civil Service Commission.

2. The investigations of persons entering the employ of the executive branch may be conducted after any such person enters upon actual employment therein, but in any such case the appointment of such person shall be conditioned upon a favorable determination with respect to his loyalty.

a. Investigations of persons entering the competitive service shall be conducted as expediously as possible; provided, however, that if any such investigation is not completed within 18 months from the date on which a person enters actual employment, the condition that his employment is subject to investigation shall expire, except in a case in which the Civil Service Commission has made an initial adjudication of disloyalty and the case continues to be active by reason of an appeal, and it shall then be the responsibility of the employing department or agency to conclude such investigation and make a final determination concerning the loyalty of such person.

3. An investigation shall be made of all applicants at all available pertinent sources of information and shall include reference to:

a. Federal Bureau of Investigation files.

b. Civil Service Commission files.

c. Military and naval intelligence files.

d. The files of any other appropriate government investigative or intelligence agency.

e. House Committee on un-American Activities files.

f. Local law-enforcement files at the place of residence and employment of the applicant, including municipal, county, and State law-enforcement files.

g. Schools and colleges attended by applicant.

h. Former employers of applicant.

i. References given by applicant.

j. Any other appropriate source.

4. Whenever derogatory information with respect to loyalty of an applicant is revealed a full field investigation shall be conducted. A full field investigation shall also be conducted of those applicants, or of applicants for particular

(Continued on p. 1937)

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FEDERAL REGISTER

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positions, as may be designated by the head of the employing department or agency, such designations to be based on the determination by any such head of the best interests of national security.

PART II—INVESTIGATION OF EMPLOYEES

1. The head of each department and agency in the executive branch of the Government shall be personally responsible for an effective program to assure that disloyal civilian officers or employees are not retained in employment in his department or agency.

a. He shall be responsible for prescribing and supervising the loyalty determination procedures of his department or agency, in accordance with the provisions of this order, which shall be considered as providing minimum requirements.

b. The head of a department or agency which does not have an investigative organization shall utilize the investigative facilities of the Civil Service Commission.

2. The head of each department and agency shall appoint one or more loyalty boards, each composed of not less than three representatives of the department or agency concerned, for the purpose of hearing loyalty cases arising within such department or agency and making recommendations with respect to the removal of any officer or employee of such department or agency on grounds relating to loyalty, and he shall prescribe regulations for the conduct of the proceedings before such boards.

a. An officer or employee who is charged with being disloyal shall have a right to an administrative hearing before a loyalty board in the employing department or agency. He may appear before such board personally, accompanied by counsel or representative of his own choosing, and present evidence on his own behalf, through witnesses or by affidavit.

b. The officer or employee shall be served with a written notice of such hearing in sufficient time, and shall be informed therein of the nature of the charges against him in sufficient detail, so that he will be enabled to prepare his defense. The charges shall be stated as specifically and completely as, in the discretion of the employing department or agency, security considerations permit, and the officer or employee shall be informed in the notice (1) of his right to reply to such charges in writing within a specified reasonable period of time, (2) of his right to an administrative hearing on such charges before a loyalty board, and (3) of his right to appear before such board personally, to be accompanied by counsel or representative of his own choosing, and to present evidence on his behalf, through witness or by affidavit.

3. A recommendation of removal by a loyalty board shall be subject to appeal by the officer or employee affected, prior to his removal, to the head of the employing department or agency or to such person or persons as may be designated by such head, under such regulations as may be prescribed by him, and the decision of the department or agency concerned shall be subject to appeal to the Civil Service Commission's Loyalty Review Board, hereinafter provided for, for an advisory recommendation.

4. The rights of hearing, notice thereof, and appeal therefrom shall be accorded to every officer or employee prior to his removal on grounds of disloyalty, irrespective of tenure, or of manner, method, or nature of appointment, but the head of the employing department or agency may suspend any officer

or employee at any time pending a determination with respect to loyalty.

5. The loyalty boards of the various departments and agencies shall furnish to the Loyalty Review Board, hereinafter provided for, such reports as may be requested concerning the operation of the loyalty program in any such department or agency.

PART III—RESPONSIBILITIES OF CIVIL SERVICE COMMISSION

1. There shall be established in the Civil Service Commission a Loyalty Review Board of not less than three impartial persons, the members of which shall be officers or employees of the Commission.

a. The Board shall have authority to review cases involving persons recommended for dismissal on grounds relating to loyalty by the loyalty board of any department or agency and to make advisory recommendations thereon to the head of the employing department or agency. Such cases may be referred to the Board either by the employing department or agency, or by the officer or employee concerned.

b. The Board shall make rules and regulations, not inconsistent with the provisions of this order, deemed necessary to implement statutes and Executive orders relating to employee loyalty.

c. The Loyalty Review Board shall also:

(1) Advise all departments and agencies on all problems relating to employee loyalty.

(2) Disseminate information pertinent to employee loyalty programs.

(3) Coordinate the employee loyalty policies and procedures of the several departments and agencies.

(4) Make reports and submit recommendations to the Civil Service Commission for transmission to the President from time to time as may be necessary to the maintenance of the employee loyalty program.

2. There shall also be established and maintained in the Civil Service Commission a central master index covering all persons on whom loyalty investigations have been made by any department or agency since September 1, 1939. Such master index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted a loyalty investigation concerning the person involved.

a. All executive departments and agencies are directed to furnish to the Civil Service Commission all information appropriate for the establishment and maintenance of the central master index.

b. The reports and other investigative material and information developed by the investigating department or agency shall be retained by such department or agency in each case.

3. The Loyalty Review Board shall currently be furnished by the Department of Justice the name of each foreign or domestic organization, association, movement, group or combination of persons which the Attorney General, after appropriate investigation and determination, designates as totalitarian, fascist, communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

a. The Loyalty Review Board shall disseminate such information to all departments and agencies.

PART IV—SECURITY MEASURES IN INVESTIGATIONS

1. At the request of the head of any department or agency of the executive branch an investigative agency shall make available to such head, personally, all investigative material and information collected by the investigative agency concerning any employee or prospective employee of the requesting department or agency, or shall make such material and information available to any officer or officers designated by such head and approved by the investigative agency.

2. Notwithstanding the foregoing requirement, however, the investigative agency may refuse to disclose the names of confidential informants, provided it furnishes sufficient information about such informants on the basis of which the requesting department or agency can make an adequate evaluation of the information furnished by them, and provided it advises the requesting department or agency in writing that it is essential to the protection of the informants or to the investigation of other cases that the identity of the informants not be revealed. Investigative agencies shall not use this discretion to decline to reveal sources of information where such action is not essential.

3. Each department and agency of the executive branch should develop and maintain, for the collection and analysis of information relating to the loyalty of its employees and prospective employees, a staff specially trained in security techniques, and an effective security control system for protecting such information generally and for protecting confidential sources of such information particularly.

PART V—STANDARDS

1. The standard for the refusal of employment or the removal from employment in an executive department or agency on grounds relating to loyalty shall be that, on all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States.

2. Activities and associations of an applicant or employee which may be considered in connection with the determination of disloyalty may include one or more of the following:

a. Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs;

b. Treason or sedition or advocacy thereof;

c. Advocacy of revolution or force or violence to alter the constitutional form of government of the United States;

d. Intentional, unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of documents or information of a confidential or non-public character obtained by the person making the disclosure as a result of his employment by the Government of the United States;

e. Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

f. Membership in, affiliation with or sympathetic association with any foreign or domestic organization, association, movement, group or combination of persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

PART VI—MISCELLANEOUS

1. Each department and agency of the executive branch, to the extent that it has not already done so, shall submit, to the Federal Bureau of Investigation of the Department of Justice, either directly or through the Civil Service Commission, the names (and such other necessary identifying material as the Federal Bureau of Investigation may require) of all of its incumbent employees.

a. The Federal Bureau of Investigation shall check such names against its records of persons concerning whom there is substantial evidence of being within the purview of paragraph 2 of Part V hereof, and shall notify each department and agency of such information.

b. Upon receipt of the above-mentioned information from the Federal Bureau of Investigation, each department and agency shall make, or cause to be made by the Civil Service Commission, such investigation of those employees as the head of the department or agency shall deem advisable.

2. The Security Advisory Board of the State-War-Navy Coordinating Committee shall draft rules applicable to the handling and transmission of confidential documents and other documents and information which should not be publicly disclosed, and upon approval by the President such rules shall constitute the minimum standards for the handling and transmission of such documents and information, and shall be applicable to all departments and agencies of the executive branch.

3. The provisions of this order shall not be applicable to persons summarily removed under the provisions of section 3 of the act of December 17, 1942, 55 Stat. 1053, of the act of July 5, 1946, 60 Stat. 453, or of any other statute conferring the power of summary removal.

4. The Secretary of War and the Secretary of the Navy, and the Secretary of the Treasury with respect to the Coast Guard, are hereby directed to continue to enforce and maintain the highest standards of loyalty within the armed services, pursuant to the applicable statutes, the Articles of War, and the Articles for the Government of the Navy.

5. This order shall be effective immediately, but compliance with such of its provisions as require the expenditure of funds shall be deferred pending the appropriation of such funds.

6. Executive Order No. 9300 of February 5, 1943, is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 21, 1947.

[F. R. Doc. 47-2831; Filed, Mar. 24, 1947; 9:45 a. m.]

EXECUTIVE ORDER 9836

VESTING CERTAIN FUNCTIONS AND AUTHORITY WITH RESPECT TO THE VETERANS' EMERGENCY HOUSING PROGRAM IN THE HOUSING EXPEDITER

WHEREAS the Urgent Deficiency Appropriation Act, 1947, approved March 22, 1947, provides that the Civilian Production Administration in the Office of Temporary Controls shall be entirely liquidated not later than June 30, 1947; and

WHEREAS the Civilian Production Administration is now exercising and performing certain functions, duties, and powers with respect to the Veterans' Emergency Housing Program; and

WHEREAS it is necessary that the Veterans' Emergency Housing Program continue without impairment:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941 (55 Stat. 838), and Title III of the Second War Powers Act, 1942, as amended (56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Law 475, approved June 29, 1946), and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, and to provide continuity for the Veterans' Emergency Housing Program, as follows:

1. All functions, duties, and powers of the Temporary Controls Administrator and the Office of Temporary Controls with respect to the Veterans' Emergency Housing Program which have heretofore been administered by the Civilian Production Administration in the Office of Temporary Controls are hereby transferred to the Housing Expediter.

2. To the extent necessary for the proper exercise of the functions, duties, and powers transferred to him by paragraph 1 of this order, the Housing Expediter may exercise the powers and authority vested in the President by the said Title III of the Second War Powers Act, 1942, as amended.

3. The functions, duties, powers, and authority vested in the Housing Expediter by this order shall be exercised and performed by him or, subject to his discretion and control, by such personnel of the Office of Housing Expediter as the Housing Expediter may designate.

4. So much of the personnel of the Office of Temporary Controls engaged primarily in the administration of the said functions, duties, and powers, and so much of the property and records of such office used in such administration, as the Temporary Controls Administrator and the Housing Expediter shall jointly determine to be in the public interest and consistent with pertinent legislation shall be transferred to the Office of Housing Expediter for use in connection with such functions, duties, and powers.

5. There may be transferred or otherwise made available to the Office of Housing Expediter, for use in connection with the functions, duties, and powers vested in the Housing Expediter by this order, any funds available to the Office of Temporary Controls which the Director of the Bureau of the Budget shall determine (a) to relate primarily to such functions, duties, and powers, (b) to be not needed for the liquidation of the Civilian Production Administration, and (c) to be properly transferable under pertinent legislation.

6. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the purposes and provisions of this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

7. All prior Executive orders, proclamations, or parts thereof in conflict with this order are amended accordingly. All other prior orders, rules, regulations, directives, and other similar instruments issued prior to the effective date of this order by any Federal agency and relating to any functions, duties, powers, or authority vested in the Housing Expediter by this order shall remain in effect except as they are inconsistent herewith, or are hereafter amended or revoked under proper authority.

8. This order shall become effective on April 1, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 22, 1947

[F. R. Doc. 47-2849; Filed, Mar. 24, 1947; 10:56 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PRESCRIBING PROCEDURES FOR ADMINISTRATION OF EMPLOYEES LOYALTY PROGRAM IN EXECUTIVE BRANCH OF GOVERNMENT

CROSS REFERENCE: For a description of the responsibilities of the Civil Service Commission regarding the administration of an employees loyalty program in the Executive branch of the Government, see Executive Order 9835 under Title 3, *supra*.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

NEW MEXICO, ALASKA, AND SOUTH DAKOTA

CROSS REFERENCE: For orders affecting the tabulation contained in § 501.1, see Public Land Order 358, revoking in part Executive Order 9029 withdrawing public lands in New Mexico for War Department use; Public Land Order 359, revoking Executive Order 1248 transferring control of certain lands on Hawkins Island in Prince William Sound, Alaska, to the War Department; and Public Land Order 360, revoking certain Executive orders reserving lands for the Fort Meade Wood and Timber Military Reservation, South Dakota, under Title 43, *infra*.

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

PART 751—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

PREMIUM PAYMENTS

CROSS REFERENCE: For transfer of the text of § 751.31 *Delegations of authority contained in directives issued by the Housing Expediter* (11 F. R. 177A-861) to Chapter VIII of this title, see Part 802, Chapter VIII, *infra*.

Chapter VIII—Office of Housing Expediter

VETERANS' EMERGENCY HOUSING PROGRAM

TRANSFER OF FUNCTIONS FROM CIVILIAN PRODUCTION ADMINISTRATION

CROSS REFERENCE: For transfer of functions and authority with respect to the Veterans' Emergency Housing Program from the Civilian Production Administration in the Office of Temporary Controls, see Executive Order 9836 under Title 3, *supra*.

[Priorities Order 3, as Amended March 24, 1947]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DELEGATION OF AUTHORITY

Housing Expediter Priorities Order 3 is amended to read as follows:

§ 801.3 *Delegation of authority*—(a) *What this section provides.* Housing Expediter Priorities Regulations 1, 2, and 4 relate to the disposal by War Assets

Administration of materials and equipment needed in the Veterans' Emergency Housing Program. This section delegates to certain officials in the Office of the Housing Expediter the authority (1) to make certain determinations described in Housing Expediter Priorities Regulations 1 and 2, and (2) to issue Housing Expediter certificates and directives in accordance with Housing Expediter Priorities Regulation 4, and to make findings in support of such certificates and directives.

(b) *Sequence of filling orders under HEPR 1 and 2.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter; the Deputy Housing Expediter, Operations; and the Director, Surplus Property Acquisition Service, Office of the Housing Expediter, are hereby authorized to make the determinations described in paragraph (f) (2) of Housing Expediter Priorities Regulation 1 and in paragraph (f) (2) of Housing Expediter Priorities Regulation 2. These determinations relate to the sequence in which purchase orders received by War Assets Administration under HEPR 1 and 2 shall be accepted and filled by WAA.

(c) *Finding of short supply.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter; the Deputy Housing Expediter, Operations; and the Director, Surplus Property Acquisition Service, Office of the Housing Expediter, are hereby authorized to determine whether there is a shortage in the supply of any materials or equipment for which an application for a Housing Expediter certificate is filed under Housing Expediter Priorities Regulation 4.

(d) *Housing Expediter certificates.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter; the Deputy Housing Expediter, Operations; and the Director, Surplus Property Acquisition Service, Office of the Housing Expediter, are hereby authorized to issue Housing Expediter certificates, in accordance with Housing Expediter Priorities Regulation 4, covering materials or equipment found by the Regional Housing Expediter or said Deputy Housing Expediter, or Director, respectively, in accordance with paragraph (c) of this section, to be in short supply. The said Deputy Housing Expediter and the said Director are also hereby authorized to grant exceptions under paragraph (v) of HEPR 4. However, this section does not authorize the Regional Housing Expediters to issue Housing Expediter certificates upon applications filed under paragraphs (m) or (n), or to grant exceptions under paragraph (v) of HEPR 4.

(e) *Housing Expediter Directives.* The Deputy Housing Expediter, Operations, is hereby authorized to issue Housing Expediter directives, in accordance with Housing Expediter Priorities Regulation 4, covering surplus materials and equipment found by him to be in short supply, and he is hereby authorized to make such findings.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 24th day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-2848; Filed, Mar. 24, 1947; 10:39 a. m.]

[Premium Payments Reg. 1, Interpretation 1, as Amended]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

ESTABLISHMENT OF QUOTA AND COMPUTATION OF CLAIMS BY PRODUCER WHO HAS NO PRODUCTION RECORDS (PARAGRAPHS (B) AND (C))

The following interpretation is issued with respect to Premium Payments, Regulation 1:

If a producer has no production records for each of the months which are to be used, pursuant to paragraph (c) of EPPR-1 in determining plant quota, then he may determine monthly production for purposes of quota by deducting his inventory at the beginning of each such month from the total of his sales during said month and his inventory at the end of said month. If a producer has neither production records nor inventory and sales records for each such month, then he should apply for a special quota under subparagraphs (c) (1) (iv) and (d) (4) of the regulation.

If a producer does not, customarily, maintain monthly production records in his business but does maintain monthly sales records and monthly inventory records, he may determine monthly production for purposes of computing claims by deducting his inventory at the beginning of each month in which no production records are available from the total of his sales during the said month and his inventory at the end of the said month.

Issued this 27th day of February 1947.

A. H. ZWERNER,
General Counsel.

[F. R. Doc. 47-2847; Filed, Mar. 24, 1947; 10:39 a. m.]

PART 802—DELEGATIONS OF FINAL AUTHORITY

PREMIUM PAYMENTS

Pursuant to Executive Order 9820 which provides for the segregation of the functions of the Office of Housing Expediter from those of the National Housing Agency certain delegations of authority issued by the Housing Expediter to the Civilian Production Administration and presently published under Chapter VII, National Housing Agency, are hereby removed from that chapter and placed under Chapter VIII, Office of Housing Expediter, in the following manner:

1. The introductory paragraph of § 751.31 *Delegations of authority contained in directives issued by the Housing Expediter* (11 F. R. 177A-861), is revoked and the remainder of the text consisting of four delegations of authority with respect to Premium Payments Regulations 1, 2, 3, and 5 are hereby re-designated as §§ 802.14, 802.15, 802.16 and 802.17 respectively under Part 802 of this chapter with section headnotes to read as follows:

§ 802.14 *Directive to the Civilian Production Administration on Premium Payments Regulation 1* (§ 805.1 *of this chapter*); *Structural Clay Products.* • • •

§ 802.15 *Directive to the Civilian Production Administration on Premium Payments Regulation 2* (§ 805.2 *of this Chapter*); *Softwood Plywood.* • • •

§ 802.16 *Directive to the Civilian Production Administration on Premium Payments Regulation 3* (§ 805.3 *of this Chapter*); *Merchant Gypsum Liner.* • • •

§ 802.17 *Directive to the Civilian Production Administration on Premium Payments Regulation 5* (§ 805.5 *of this Chapter*); *Convectors.* • • •

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 20th day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-2754; Filed, Mar. 24, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, [1] 11 F. R. 14311.

PART 904—PROCEDURES

[Procedural Doc. 9, Revocation]

CIVILIAN PRODUCTION ADMINISTRATION'S PROCEDURE RELATIVE TO SELECTIVE SERVICE CERTIFICATIONS

Procedural Document No. 9 (§ 904.901 through 904.906) is hereby revoked.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2856; Filed, Mar. 24, 1947; 11:33 a. m.]

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directive 45]

Section 903.158 *Directive 45* is hereby revoked.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By W. J. KERLIN,
Director, Bureau of Priorities.

[F. R. Doc. 47-2854; Filed, Mar. 24, 1947; 11:32 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-285, Revocation]

URANIUM

Section 3286.66 *Conservation Order M-285,* is hereby revoked, effective midnight, March 31, 1947. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the Civilian Production Administration under the order.

Conservation Order M-285 is superseded by the order of the United States Atomic Energy Commission, effective April 1, 1947, published on March 20, 1947 in 12 FEDERAL REGISTER, page 1855, identified as Title 11, Atomic Energy, Chapter 1, United States Atomic Energy Commission, Part 40, Control of Source Material.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2855; Filed, Mar. 24, 1947; 11:33 a. m.]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

TRANSFER OF FUNCTIONS TO HOUSING EXPEDITER

CROSS REFERENCE: For transfer of functions and authority with respect to the Veterans' Emergency Housing Program to the Housing Expediter, see Executive Order 9836 under Title 3, *supra.*

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[Rev. Gen. RO 5,[1] Amdt. 18]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respect:

1. Section 9.3 is amended by adding a paragraph (b) to read as follows:

(b) All coupons to be issued to institutional users who apply for allotments on OPA Form R-1309 shall be issued in multiples of five. If the amount to be issued is not a multiple of five, such amount shall be raised to the next multiple of five. (Thus, if the allotment for the institutional user who is to receive coupons is for 56 pounds, coupons for 60 pounds shall be issued.)

This amendment shall become effective March 29, 1947.

Issued this 24th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 18 to Revised General Ration Order 5

Present regulations. When the allotment of an institutional user, who is authorized to receive coupons, is for an amount which is not a multiple of ten, the Regional Issuance Unit must detach the correct number of one pound ration coupons from a coupon sheet in order to complete the issuance for the correct amount of the allotment.

Proposed amendment. This amendment provides that coupons to be issued to institutional users who apply for allotments on OPA Form R-1309 shall be issued in multiples of five. If the amount to be issued is not a multiple of five, such amount shall be raised to the next multiple of five.

Reason for amendment. The mechanical operation involved in the issuance of coupons will be simplified and the time necessary for such operation will be reduced by permitting Regional Issuance Units to detach five one-pound ration coupons at a time instead of an odd number of one-pound coupons when coupon issuances are made to institutional users who apply for their allotments on OPA Form R-1309.

[F. R. Doc. 47-2857; Filed, Mar. 24, 1947; 11:38 a. m.]

[1] 11 F. R. 116.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 206—FISHING AND HUNTING REGULATIONS

COASTAL WATERS OF ALASKA AND NAVIGABLE WATERS TRIBUTARY THERETO

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403), § 206.95 is amended as follows:

§ 206.95 *Coastal waters of Alaska and navigable waters tributary thereto, fishing—*(a) *The regulations.* (1) Subject to the provisions of the regulations in this section the placing and maintenance of fishing structures having been recommended by the Chief of Engineers is authorized by the Secretary of War in the Coastal waters of Alaska and navigable waters tributary thereto: *Provided,* That no such structure shall be erected until a permit therefor, in accordance with the conditions herein specified, shall have been issued by the District Engineer, Corps of Engineers, in charge of the coasts and waters within which said structure is located; and the District Engineer is hereby charged with the duty of supervising the enforcement of the spirit and letter of the law and the regulations in this section.

(2) Any person desiring to place and operate fish traps, weirs, or pounds in the waters herein described shall make application, in the manner prescribed in the attached form, to the District Engineer. A separate application shall be submitted for each structure proposed.

(3) Permits will be issued for a period of not to exceed five years and, if not previously revoked or specifically extended, will expire on December 31 of the fourth year subsequent to the year of issuance. Successive extensions of time not exceeding five years each will be granted if there has been no change in attendant circumstances.

(4) In case of receipt of more than one application for the same site a permit will be issued for each application.

(5) Each applicant for a permit must furnish with his application evidence satisfactory to the District Engineer that proper license has been granted by the Territory of Alaska. The application must be accompanied by a tracing and two prints of a map showing the plan and location of the proposed structure. The application shall further state the number of old piles, if any, standing on the site for which application is made and whether they were placed by applicant's order or by a former permittee.

(6) No permit will be issued for the erection and maintenance of any structure that is within 1,500 feet of any navigation aid, except with concurrence of the United States Coast Guard.

(7) No permit will be issued to any applicant until he has removed, to the satisfaction of the District Engineer, all piles or other obstructions to navigation for which the applicant has a whole or joint responsibility, and which are unfit for further use for fishing purposes: *Provided,* That if the structure for which application is made is to be placed on the location of an old structure, serviceable piles left standing on that location need not be removed if the District Engineer consents to their use in the new structure.

(b) *Conditions.* Every permit issued will be subject to the following conditions:

(1) That this authority does not give any property rights either in real estate or material, or any exclusive privileges; and its does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, Territorial, or local laws or regulations, nor does it obviate the necessity of obtaining any required Territorial assent to the work authorized. It merely expresses the assent of the Federal Government so far as concerns the public rights of navigation. (See Cummings v. Chicago, 188 U. S. 410.) Issuance of a War Department permit does not authorize the operation of a fish trap, as operation of the trap is controlled by the United States Fish and Wildlife Service.

(2) That the work herein authorized—both construction and maintenance—shall be subject to the supervision and approval of, and all apparatus to inspection by, the District Engineer, Corps of Engineers, in charge of the locality, who is charged with the duty of supervising the enforcement of the law and the regulations, and who may temporarily suspend any or all classes of the work at any time, if, in his judgment, the interests of navigation so require.

(3) Unless prior advice is received, it will be assumed that the structure authorized by permit will be complete and ready for inspection on the opening date of the fishing season as set by the United States Fish and Wildlife Service. If it is later determined that additional time is required to accomplish this completion, information as to the adjustment date shall be given to the District Engineer by the quickest available means. Failure to have the structure ready for inspection upon the date last set for its completion will render the permittee liable for payment to the Government of any additional costs incurred thereby, up to a maximum of $100.00: *Provided, however,* That if such failure of completion on the date stipulated is due to adverse weather conditions or other causes outside the control of the permittee, and supporting evidence satisfactory to the District Engineer is submitted, a waiver of such penalty may be made.

(4) That no floating fish trap having a depth of water of 100 feet or less at its outer end shall exceed 2,400 feet in over-all length. However, a floating fish trap may be constructed and operated in more than 100 feet of water at its outer end, *Provided,* That its over-all length, measured from the shoreline at mean high tide, does not exceed the maximum length for such structure specified in any Federal statute or regulation, *And provided further,* That in no such case shall the over-all length exceed 1,000 feet where the depth of water exceeds 100 feet. Depths specified above refer to mean high tide according to the tide tables published by the United States Coast and Geodetic Survey.

(5) That the permittee shall give 10 days' advance notice of any proposed change of location, voluntary transfer, or abandonment of the structure hereby authorized. None of the above changes shall be made prior to surrender of this permit to the District Engineer and the formal approval of the change by him. Request for transfer shall contain evidence of the assumption of all responsibilities under the permit by the transferee. This permit, upon the death or mental incapacitation of the permittee, may follow the legal heirs or guardian as determined by the court.

(6) That the permittee shall promptly notify the District Engineer in writing of the date on which his weir, trap, or pound is in place, and shall also notify him promptly in writing of the date of its removal, or destruction by natural causes or otherwise. Failure to report promptly the placement of such a structure will be regarded as evidence that the structure was not placed. If a change in type or dimensions of the structure is proposed, revised plans must be submitted to the District Engineer for his prior approval.

(7) That within 20 days after the date of this permit, the permittee shall deposit with the District Engineer a bond in the penal sum of $500 for any fishing structure, except a hand trap or floating trap, hereby authorized, so drawn as to insure compliance with these conditions. The bond must be assured by one of the approved surety companies listed with the War Department, Washington, D. C. The form of the bond will be that furnished by the District Engineer. No work of construction hereby authorized shall be commenced until after such bond shall have been delivered to, and accepted by, the District Engineer: *Provided,* That the District Engineer, with the approval of the Division Engineer, may waive the requirement of a bond when the location of the applicant is so remote from a bonding agency that, in the opinion of the District Engineer, such action is justified. Such waiver will, however, not relieve the permittee from any obligations under his permit, and no subsequent permit will be granted to him until he has reimbursed the Government for any expenses incurred in enforcing these conditions. *It is further provided,* That fishing structures owned or operated by Indians enjoying special rights granted by the Government are exempted from the requirements of a bond and other conditions conflicting with such special rights.

* * * * *

(17) If the structure herein authorized is not driven or placed each season this permit shall be subject to cancellation: *Provided,* That if the District Engineer finds that inability to do the work was due to adverse weather conditions or other causes outside the control of the permittee, cancellation may be waived by the District Engineer.

(18) That this authority is revocable at will by the Secretary of War, and unless previously revoked or specifically extended by him shall cease and be null and void December 31, 19__ (fourth year subsequent to year of issuance).

[Regs. Feb. 24, 1947] (30 Stat. 1151; 33 U. S. C. 403)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

APPLICATION FOR PERMIT FOR FISHING STRUCTURE

(NOTE: Answer all questions and fill in all blanks.)

Place ----------
Date ----------

THE DISTRICT ENGINEER,
Corps of Engineers, USA,
1400 Textile Tower Building,
7th & Olive Way, Seattle 1, Wash.

DEAR SIR: Permit is requested for a fish trap in Alaskan waters, to be constructed in accordance with the plan and at the location shown on accompanying map, tracing and two prints of which are inclosed. Information required is as follows:

(1) Name of applicant----------
(2) P. O. address----------
(3) Number and date of territorial license----------
(4) Type of trap----------
(5) Has trap been placed? ----------
(6) Are there any piles for which applicant is responsible standing on the site?
If so, state number of piles----------

Signature of Applicant

[F. R. Doc. 47-2713; Filed, Mar. 24, 1947; 8:59 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 9—EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

ALASKA

CROSS REFERENCE: For order affecting the tabulation contained in § 9.6, see Public Land Order 359 under Title 43, *infra,* revoking Executive Order 771 reserving certain lands on Hawkins Island in Prince William Sound, Alaska, for the use of the Navy Department.

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

OTTAWA NATIONAL FOREST, MICHIGAN; CHUGACH NATIONAL FOREST, ALASKA; AND BLACK HILLS NATIONAL FOREST, SOUTH DAKOTA

CROSS REFERENCE: For orders affecting the tabulation contained in § 201.1, see Public Land Order 357, excluding certain acquired lands from the Ottawa National Forest, Michigan; Public Land Order 359, making certain lands on Hawkins Island in Prince William Sound, Alaska, subject to the provisions of Proclamation of July 23, 1907, which reserved public lands for the Chugach National Forest; and Public Land Order 360, reserving certain lands as the Meade District of the Black Hills National Forest, South Dakota, under Title 43, *infra.*

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2303]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

The following subparagraph is added to paragraph (a) of § 4.275 (Order 2238 of August 16, 1946, 11 F. R. 8090, as amended by Order 2263 of October 3, 1946, 11 F. R. 11816; Order 2267 of October 28, 1946, 11 F. R. 12952; and Order 2277 of November 20, 1946, 11 F. R. 13970):

§ 4.275 *Functions with respect to various statutes.* * * *

(a) * * *

(45) The Director and Associate Director of the Bureau of Land Management, and such other officials of the Bureau as either of them may designate, are each authorized to approve and sign letters, including letters to the Bureau of the Budget and the Attorney General, concerning the revocation of public-land withdrawals when the department originally requesting such withdrawal has advised that the withdrawal is no longer necessary for its purposes.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201; Reorganization Plan No. 3 of 1946 (11 F. R. 7875, 7876, 7776); 43 CFR 4.250)

J. A. KRUG,
Secretary of the Interior.

MARCH 13, 1947.

[F. R. Doc. 47-2687; Filed, Mar. 24, 1947; 8:48 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY CONCERNING REVOCATION OF PUBLIC-LAND WITHDRAWALS

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 50.75 to 50.81, see Part 4 under Subtitle A of this title, authorizing the Director and Associate Director of the Bureau of Land Management, and such other officials of the Bureau as either of them may designate, to approve and sign letters concerning the revocation of certain public-land withdrawals.

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

NEW MEXICO AND MONTANA

CROSS REFERENCE: For orders affecting the tabulation contained in § 162.1, see F. R. Docs. 47-2706 and 47-2705 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra,* relating to New Mexico Grazing District No. 6 and Montana Grazing District No. 2, respectively.

Appendix—Public Land Orders

[Public Land Order 358]

NEW MEXICO

REVOKING IN PART EXECUTIVE ORDER 9029 OF JANUARY 20, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS GENERAL BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 9029 of January 20, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands for the use of the War Department as a general bombing range, is hereby revoked so far as it affects the public lands in the hereinafter-described areas.

The jurisdiction over and use of such lands granted to the War Department by Executive Order No. 9029 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 19, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 19, 1947, to August 18, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 29, 1947, to May 19, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 19, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 18, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 29, 1947, to August 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 18, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 6 S., R. 5 E.,
Sec. 1.
T. 6 S., R. 7 E.,
Secs. 1 to 5, inclusive;
Sec. 6, lots 1, 2, 3, 4, S½SE¼, and SE¼SW¼;
Sec. 7, NE¼NE¼;
Sec. 8, NE¼ and N½NW¼;
Sec. 9, N½, N½SE¼, and NE¼SW¼;
Secs. 10, 11, and 12;
Sec. 13, NE¼ and N½NW¼;
Sec. 14, N½N½;
Sec. 15, NE¼NE¼.

The areas described, including both public and nonpublic lands, aggregate 4,788.57 acres.

The lands are in the Sierra Oscura Mountains and are, in general, rough and mountainous in character.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

March 17, 1947.

[F. R. Doc. 47-2708; Filed, Mar. 24, 1947; 8:46 a. m.]

[Public Land Order 357]

MICHIGAN

EXCLUDING CERTAIN ACQUIRED LANDS FROM OTTAWA NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C. Title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Proclamation No. 2220 of January 11, 1937, adding certain lands to the Ottawa National Forest, Michigan, is hereby revoked so far as it affects the following-described acquired lands:

MICHIGAN MERIDIAN

T. 44 N., R. 36 W.,
Sec. 19, SW¼NE¼, N½SW¼, SW¼SW¼, NW¼SE¼, and that part of the SE¼NW¼ lying east of the right of way of the Chicago and Northwestern Railroad Company, formerly the Iron River Railway Company;
Sec. 30, NW¼NW¼.
T. 44 N., R. 37 W.,
Sec. 24, E½SE¼.

The lands described aggregate approximately 340.14 acres.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 17, 1947.

[F. R. Doc. 47-2707; Filed, Mar. 24, 1947; 8:46 a. m.]

[Public Land Order 359]

ALASKA

REVOKING EXECUTIVE ORDER 771 OF MARCH 18, 1908, RESERVING LANDS FOR USE OF NAVY DEPARTMENT AND EXECUTIVE ORDER 1248 OF SEPTEMBER 26, 1910, TRANSFERRING CONTROL TO WAR DEPARTMENT

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 771 of March 18, 1908, reserving certain lands on Hawkins Island in Prince William Sound, Alaska, for the use of the Navy Department, and Executive Order No. 1248 of September 26, 1910, transferring control of these lands to the War Department are hereby revoked, effective at 10:00 a. m. on May 16, 1947. At that time the lands thereby released shall become subject to the provisions of Proclamation of July 23, 1907 (35 Stat. 2149) reserving public lands for the Chugach National Forest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 14, 1947.

[F. R. Doc. 47-2709; Filed, Mar. 24, 1947; 8:46 a. m.]

[Public Land Order 360]

SOUTH DAKOTA

REVOKING EXECUTIVE ORDERS OF APRIL 18, 1881, SEPTEMBER 16, 1889, AND JUNE 5, 1925, AND RESERVING LANDS INVOLVED AS MEADE DISTRICT OF BLACK HILLS NATIONAL FOREST

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103), as supplemented by the act of June 4, 1897 (30 Stat. 34, 36, U. S. C. Title 16, secs. 471, 473, 475), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The Executive Orders of April 18, 1881, and September 16, 1889, reserving lands for the Fort Meade Wood and Timber Military Reservation, and Executive Order No. 4244 of June 5, 1925, establishing the Meade District of the Black Hills National Forest are hereby revoked, and the lands subject to those orders are hereby reserved and set apart as the Meade District of the Black Hills National Forest under the jurisdiction of the Department of Agriculture.

This order is subject to the conditions that the Department of Agriculture will:

(1) Protect the present water installation that serves the Veterans' Administration's facilities; and protect and manage all of the lands subject to this order so as to assure maximum quantity and quality of water, such management to include adequate fire prevention and suppression measures, the exclusion or regulation of grazing, road construction, and occupancy where the same otherwise would endanger the purity of the water, and the regulation of the cutting of timber so as to protect the quantity of water derived from the lands;

(2) Grant permission to the Veterans' Administration to make such additional water supply installations as may be necessary; and

(3) Cooperate with the Veterans' Administration in the protection of its interests in the lands subject to this order to the greatest extent compatible with the laws and regulations relating to the protection and management of national forest lands.

It is intended that these lands shall be returned to the administration of the Department of the Interior, when they are no longer needed by the Department of Agriculture for the purpose for which they are reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 14, 1947.

[F. R. Doc. 47-2710; Filed, Mar. 24, 1947; 8:46 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

SUN RIVER IRRIGATION PROJECT, GREENFIELDS DIVISION, MONTANA

CROSS REFERENCE: For public notice announcing availability of water for public lands and opening of public lands to entry in Sun River Irrigation Project, Greenfields Division, Montana, see Department of the Interior, Bureau of Reclamation, in Notices section, *infra*.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8070]

PART 9—AVIATION RADIO SERVICES

AERONAUTICAL RADIOCOMMUNICATION SERVICE

MARCH 17, 1947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March, 1947;

The Commission having under consideration the matter of Rules and Regulations Governing the Aeronautical Radiocommunication Service;

It appearing, that on January 23, 1947 the Commission released a notice of proposed rule making, with provision for oral argument, and with appendix setting forth a proposed general revision of the rules and regulations governing aviation services, which notice and appendix were duly published; and

It further appearing, that a further notice of proposed rule making in this matter was issued on March 6, 1947 in which §§ 9.40, 9.41, 9.42, and 9.43 of the proposed rules were deleted; and

The Commission having considered the testimony presented at the oral argument held on March 10, 1947, and having determined upon such consideration that the public interest, convenience and necessity will be served by the adoption of revised rules and regulations relating to aeronautical service;

It is ordered, That the attached Part 9, rules and regulations governing aeronautical services, be, and it is hereby, adopted, effective May 1, 1947.

These rules and regulations supersede Part 9, Rules and Regulations Governing Aviation Services, effective August 1, 1939, as revised.

DEFINITIONS

Sec.
9.1 Aeronautical radiocommunication service.
9.2 Aeronautical public communication service.
9.3 Aircraft radio station.
9.4 Ground radio station.
9.5 Aeronautical navigational radio station.
9.6 Flight test station.
9.7 Flying school station.
9.8 Aeronautical public service station.

APPLICATIONS AND LICENSES

9.101 Applications made on prescribed forms.
9.102 Place of filing.
9.103 Subscription and verification of applications.
9.104 Contents of applications.
9.105 Application for aircraft radio station license.
9.106 Application for aeronautical public service aircraft station.
9.107 Transfer and assignment of aircraft.
9.108 Application for ground station authorization.
9.109 Application for special temporary authorization.
9.110 Changes in antenna.
9.111 Amendments and dismissals.
9.112 Form of amendments.
9.113 Amendments ordered.
9.114 Defective applications.
9.115 Partial grants.
9.116 License period.
9.117 Renewal of license.
9.118 Posting station licenses.
9.119 Posting operator licenses
9.120 Discontinuance of operation.
9.121 Suspension of operation.

TESTS

9.141 Equipment and service tests.
9.142 Routine tests.

LOGS

9.151 Information required in station logs.
9.152 Station records in the aeronautical public service.
9.153 Required retention period.
9.154 Logs, by whom kept.
9.155 Log form.
9.156 Correction of log.

TECHNICAL SPECIFICATIONS

9.171 Installation and operation of transmitting equipment.
9.172 Frequency stability.
9.173 Frequency measurements.
9.174 Power.
9.175 Types of emission.
9.176 Modulation and band width.
9.177 Inspection of tower lights and associated control equipment.

MISCELLANEOUS

9.191 Station identification.
9.192 Availability for inspections.
9.193 Permissible communications.
9.194 Answers to notices of violations.
9.195 Movement of portable or mobile stations from one inspection district to another.

Sec.

AIRCRAFT RADIO STATIONS

9.311 Communications.
9.312 Frequencies available.
9.315 Lighter-than-air craft frequencies.

AIR CARRIER AIRCRAFT STATIONS

9.321 Frequencies available.

PRIVATE AIRCRAFT STATIONS

9.331 Frequencies available.

AIRDROME CONTROL STATIONS

9.411 Frequencies available.
9.412 Service to be rendered.
9.413 Hours of operation.
9.414 Airdrome facilities.
9.415 Interference.
9.416 Power.

AERONAUTICAL LAND STATIONS

9.431 Service authorized.
9.432 Frequencies available.

AERONAUTICAL FIXED STATIONS

9.441 Service authorized.
9.442 Emergency service.
9.443 Frequencies available.

AERONAUTICAL MOBILE UTILITY STATIONS

9.451 Frequencies available.
9.452 Service authorized.
9.453 Power.
9.454 Supervision by airdrome control operator.

AERONAUTICAL NAVIGATIONAL AID RADIO STATIONS

9.511 Frequencies available.
9.512 Basis of grant of facilities.

FLIGHT TEST STATIONS

9.611 Frequencies available.
9.612 Eligibility of licensee.
9.613 Cooperative use of facilities.
9.614 Service to be rendered.
9.615 Power.
9.616 Supervision of airdrome control operator.

FLYING SCHOOL STATIONS

9.711 Frequencies available.
9.712 Eligibility of licensee.
9.713 Limitations of instructional facilities.
9.714 Coordinated use of instructional facilities.
9.715 Use of flying school frequency.
9.716 Supervision by airdrome control operator.
9.717 Power.
9.718 Frequency assignments nonexclusive.
9.719 Private service prohibited.

AERONAUTICAL PUBLIC SERVICE STATIONS

9.811 Frequencies available.
9.812 Stations licensed for aeronautical public service.
9.813 Scope of service.
9.814 Requirement for aeronautical public service station.
9.815 Priority of communications.

AUTHORITY: §§ 9.1 to 9.815, inclusive, issued under secs. 303 (f), 303 (r), 307, 48 Stat. 1082, 1083, 50 Stat. 191, 47 U. S. C. 303 (f) 303 (r), 307.

NOTE 1: Table showing source of provisions contained in Part 9 of the rules and regulations.

Present section No.:	*Old section No.*
9.1	9.1
9.2	9.2
9.3	9.3
9.4	9.6, 9.7, 9.9
9.5	New
9.6	9.15
9.7	9.10
9.8	9.13, 9.14
9.101	1.301
9.102	1.309
9.103	1.301
9.104	1.304
9.105	1.318, 9.24
9.106	New
9.107	New
9.108	1.312, 1.317
9.109	1.324
9.110	2.81
9.111	1.365
9.112	1.307
9.113	1.306
9.114	1.506
9.115	1.509
9.116	9.21
9.117	1.320
9.118	9.22
9.119	9.23
9.120	2.66
9.121	New
9.141	9.31, 2.42, 2.43
9.142	9.32
9.151	9.41
9.152	9.42
9.153	9.43
9.154	2.55
9.155	2.56
9.156	2.57
9.171	2.53
9.172	9.81
9.173	9.82
9.174	New
9.175	9.83
9.176	2.74
9.177	2.82
9.191	9.61
9.192	9.51
9.193	9.62
9.194	1.401
9.195	New
9.311	9.91
9.312	9.72, 9.80
9.315	9.74
9.321	9.72, 9.80
9.331	9.72, 9.80, 9.101
9.411	9.71, 9.80
9.412	9.111, 9.113
9.413	9.111
9.414	9.112
9.415	9.115
9.416	9.116
9.431	9.101
9.432	9.73, 9.80
9.441	9.102
9.442	9.104
9.443	9.73
9.451	9.80
9.452	New
9.453	9.80
9.454	New
9.511	9.75, 9.80
9.512	9.141
9.611	9.80
9.612	9.161
9.613	9.162
9.614	9.163
9.615	9.164
9.616	9.165
9.711	9.80
9.712	9.121
9.713	9.122
9.714	9.123
9.715	9.124
9.716	9.125
9.717	9.126
9.718	9.127
9.719	9.128
9.811	9.78
9.812	9.151
9.813	9.152
9.814	9.154
9.815	9.63

NOTE 2: Table showing section in former Part 9 corresponding to sections in present Part 9.

Old section No.	*Present section No.*
9.1	9.1
9.2	9.2
9.3	9.3
9.4	9.3
9.5	9.3
9.6	9.4
9.7	9.4
9.8	
9.9	9.4
9.10	9.7
9.11	9.5
9.12	9.5
9.13	9.8
9.14	9.8
9.15	9.6
9.21	9.116
9.22	9.118
9.23	9.119
9.24	9.105
9.31	9.141
9.32	9.142
9.41	9.151
9.42	9.152
9.43	9.153
9.51	9.192
9.52	
9.61	9.191
9.62	9.193
9.63	9.815
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9.72	9.312, 9.321, 9.331
9.73	9.432, 9.443
9.74	9.315
9.75	9.511
9.77	9.711
9.78	9.811
9.79	9.611
9.80	9.312, 9.321, 9.331, 9.411, 9.432, 9.451, 9.453, 9.511, 9.611, 9.711
9.81	9.172
9.82	9.173
9.83	9.175
9.91	9.311
9.101	9.431
9.102	9.441
9.103	9.174
9.104	9.431, 9.442
9.111	9.412, 9.413
9.112	9.414
9.113	9.412
9.114	
9.115	9.415
9.116	9.416
9.121	9.712
9.122	9.713
9.123	9.714
9.124	9.715
9.125	9.716
9.126	9.717
9.127	9.718
9.128	9.719
9.141	9.512
9.151	9.812
9.152	9.813
9.153	
9.154	9.814
9.161	9.612
9.162	9.613
9.163	9.614
9.164	9.615
9.165	9.616

NOTE 3: Table showing forms currently in effect and where they are referred to in Part 9 of the rules and regulations.

Form No.:	*Section*
401	9.108 (a), 9.411, 9.511
401a	9.108 (a)
403	9.108 (b)
404	9.105 (a), (b); 9.106
404-A	9.105 (b)
405	9.105 (a), 9.106, 9.108 (d)
453-B	9.105 (c)
702	9.103 (e)

DEFINITIONS

§ 9.1 *Aeronautical radiocommunication service.* A radiocommunication service used for the safe, expeditious and economical operation of aircraft.

(a) *Aeronautical mobile radio service.* A radio service between aircraft radio stations and ground stations and between aircraft radio stations themselves.

(b) *Aeronautical fixed radiocommunication service.* A radiocommunication service for aeronautical purposes carried on between fixed points.

(c) *Aeronautical navigational radio service.* A radio service for aeronautical purposes involving the transmission of special radio signals intended solely to assist in the determination of aircraft position, including that relative to collision hazards.

§ 9.2 *Aeronautical public communication service.* A communication service carried on between aircraft and land radio stations for the purpose of providing a public communication service for persons aboard aircraft.

§ 9.3 *Aircraft radio station.* A radio station on board any aircraft including all radio transmitting devices operated in the aeronautical radiocommunication service.

(a) *Air carrier aircraft station.* A radio station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire. For the purpose of this part, and at the option of the applicant, an aircraft weighing less than 10,000 pounds may be considered as a private aircraft even though actually engaged in air carrier operation. The election by the applicant will determine the application form to be used, the equipment and frequencies to be employed, and the regulations applicable to the aircraft radio station.

(b) *Private aircraft station.* A radio station on board an aircraft not operated as an air carrier.

§ 9.4 *Ground radio station.* Any radio station on the ground equipped or engaged in radio communications or radio transmission of energy.

(a) *Airdrome control radio station.* A radio station providing communication between an airdrome control tower and aircraft or aeronautical mobile utility stations.

(b) *Aeronautical land station.* A land station in the aeronautical mobile service carrying on a service with aircraft stations, but which may also carry on a limited communication service with other aeronautical land stations.

(c) *Aeronautical fixed station.* A radio station used in the fixed service for the handling of communications between fixed points relating solely to actual aviation needs.

(d) *Aeronautical mobile utility station.* A mobile radio station used for communications at airdrones with the control tower, ground vehicles, and aircraft on the ground.

§ 9.5 *Aeronautical navigational radio station.* A radio station for aeronautical purposes involving the transmission of special radio signals intended solely to assist in the determination of aircraft position, including that relative to collision hazards.

(a) *Radio beacon station.* A special radio station, the emissions of which are intended to enable an aircraft to determine: (1) Its radio bearing or direction with reference to the radio beacon station, or (2) The distance which separates it from the latter, or (3) Both of these.

(b) *Radio direction finding station.* A radio station equipped with special apparatus for obtaining radio bearing.

(c) *Radio range station.* A form of radio beacon, the emissions of which provide definite track guidance.

(d) *Localizer station.* A directional radio beacon normally associated with an instrument landing system which provides guidance in the horizontal plane to an aircraft for purposes of approach in landing.

(e) *Glide path station.* A directional radio beacon associated with an instrument landing system which provides guidance in the vertical plane to an aircraft for purposes of approach in landing.

(f) *Marker station.* A radio station marking a definite location on the ground as an aid to navigation.

(g) *Ground control approach station.* A station used for the purpose of controlling from the ground the approach and landing of aircraft.

§ 9.6 *Flight test station.* A radio station, ground or aircraft, used for the transmission of essential communications in connection with the tests of aircraft or major components of aircraft.

§ 9.7 *Flying school station.* A radio station, ground or aircraft, used for communications pertaining to instruction to students or pilots while actually operating aircraft.

§ 9.8 *Aeronautical public service station.* A radio station, ground or aircraft, operated in the aeronautical public communication service.

APPLICATIONS AND LICENSES

§ 9.101 *Applications made on prescribed forms.* Applications for authorizations for stations in the aeronautical service shall be submitted on the prescribed forms which may be obtained from the Washington, D. C. office of the Commission, or from any of its field offices.

§ 9.102 *Place of filing.* Each application for authorization for stations in the aeronautical service shall be filed with the Federal Communications Commission, Washington 25, D. C.

§ 9.103 *Subscription and verification of applications.* One copy of each application for authorization in the aeronautical service shall be personally subscribed and verified by the applicant or, if a corporation, by an authorized official of the applicant. Subscription and verification may be made by the attorney for the applicant (a) in case of physical disability of the applicant or (b) his absence from the continental United States.

§ 9.104 *Contents of applications.* Each application shall be specific and complete with regard to frequency, power, equipment, location and other information required by the application form.

§ 9.105 (a) *Application for air carrier aircraft radio station license.* Application for new or modified air carrier aircraft radio station license shall be submitted on FCC Form No. 404. Application for renewal of air carrier radio station license shall be submitted on FCC Form No. 405. A blanket application may be submitted for a group of stations of the same class.

(b) *Application for private aircraft radio station license.* All applications for private aircraft radio stations, new, modified or renewal, which specify only those frequencies which are regularly available for this type of service shall be submitted on FCC Form No. 404–A. Applications which include a request for frequencies or other authority not specifically set forth by FCC Form No. 404–A shall be submitted on FCC Form No. 404.

(c) *Temporary station license for private aircraft.* The purchaser of new aircraft with factory-installed radio equipment may operate a private aircraft radio station on the aircraft for a period of 30 days under Special Temporary Authority evidenced by a copy of a Certificate (FCC Form No. 453–B) executed by the manufacturer, dealer or distributor of such aircraft, the original of which has been mailed to the Commission with the formal application for station license.

§ 9.106 *Application for aeronautical public service aircraft station.* All applications for aeronautical public service aircraft stations, new or modified, shall be submitted on FCC Form No. 404. Application for renewal of aeronautical public service aircraft station license shall be submitted on FCC Form No. 405.

§ 9.107 *Transfer and assignment of aircraft.* Upon the sale, assignment or transfer of any aircraft, a new application for license shall be submitted in accordance with § 9.14 (a) and (b).

§ 9.108 *Application for ground station authorization.* Ground station authorization may be obtained as follows:

(a) An application for construction permit for each ground station shall be submitted on FCC Form No. 401. The same form shall be used to obtain authority to modify or replace equipment. If the antenna structure of the proposed station is over 150 feet above ground level, or within 3 miles of a landing area, FCC Form No. 401a also must be submitted. An application on FCC Form No. 401 may be submitted for construction permit for any number of aeronautical mobile utility stations for the same licensee, at the same location.

(b) Application for station license: Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit, an application for license may be filed on FCC Form No. 403.

(c) Upon request of the applicant, and where it appears to the Commission that the circumstances are such that there will be no deviation from the terms of the construction permit, both construction permit and license may be granted simultaneously.

(d) Application for renewal of ground station license shall be made on FCC Form No. 405.

(e) Application for transfer or assignment of a ground station construction permit or license shall be filed on FCC Form No. 702.

§ 9.109 *Application for special temporary authorization.* Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other than or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

§ 9.110 *Changes in antenna.* (a) Changes may be made in the antenna, or antenna supporting structure of any station in the aeronautical service, except as provided in paragraph (b) of this section, without specific authorization from the Commission, *Provided*, That for stations other than mobile or aircraft (1) the Commission at Washington, D. C., and the Commission's Engineer-in-Charge of the inspection district in which the station is located are notified in advance of these changes; and (2) a description of these changes is incorporated in the next application for renewal or modification of the station license.

(b) No changes in the antenna or antenna structure for ground stations other than mobile may be made without specific authorization from the Commission if (1) such changes will make the antenna or structure higher than 150 feet above ground level; (2) the antenna is within three miles of a landing area; or (3) the antenna or antenna structure is presently required to be painted or lighted in accordance with Federal Communications Commission or Civil Aeronautics Administration specifications. Request for the changes outlined in this paragraph should be accompanied by FCC Form 401a.

§ 9.111 *Amendments and dismissals.* Any application, prior to the time it is granted or designated for hearing, may be amended by the applicant or dismissed without prejudice upon request of the applicant.

§ 9.112 *Form of amendments.* Any amendments to an application shall be subscribed, verified and submitted in the same manner and with the same number of copies as required for the original application.

§ 9.113 *Amendments ordered.* The Commission may at any time order the applicant to amend an application so as to make it more definite and complete.

§ 9.114 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If the applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompained either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

§ 9.115 *Partial grants.* Where any application is granted in part, or with any privileges, terms, or conditions other than those requested, without a hearing thereon, such action of the Commission shall be considered acceptable and final unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date whichever is later, file with the Commission a written request for a hearing with respect to the part, privileges, terms or conditions, not granted. Upon receipt of such request, the Commission may vacate its original action upon the application and designate the application for hearing.

§ 9.116 *License period.* The normal license periods for all stations in the aeronautical service, unless otherwise stated in the instrument of authorization, shall be as follows:

(a) For stations in the aeronautical service, other than private aircraft stations, a license period of 5 years.

(b) For private aircraft stations, a license period of 2 years, expiring on the first day of the following month 2 years after the license is issued.

§ 9.117 *Renewal of license.* Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

§ 9.118 *Posting station licenses.* The station licenses of stations in the aeronautical service shall be conspicuously posted at the place where the transmitter is located except that, in aircraft stations and mobile stations, the license may be posted or kept at any convenient easily accessible location in the aircraft or vehicle. In the event a license covers transmitters at several locations, the license shall be posted at one transmitter location and a photographic copy thereof shall be posted at all other transmitter locations. The photographic copy shall bear a notation of the location of the original license.

§ 9.119 *Posting operator licenses.* The original license of each station operator shall be conspicuously posted at the place he is on duty, or, in the case of mobile units either the license or verification card must be kept in his personal possession.

§ 9.120 *Discontinuance of operation.* The Commission and the Commission's Engineer-in-Charge of the district in which the station is located shall be notified upon the permanent discontinuance of any station in the aeronautical service except stations in aircraft licensed for other than aeronautical public service for hire.

§ 9.121 *Suspension of operation.* If, for any reason, it is necessary to suspend the operation of any airdrome control or ground aeronautical navigational radio station, notification of such suspension shall be made to the nearest communications center of the Civil Aeronautics Administration. If possible, the notice shall forecast the time of resumption of service. In any event, the same Civil Aeronautics Administration center shall be again notified of resumption of service.

TESTS

§ 9.141 *Equipment and service tests.* Equipment and service tests may be conducted as prescribed in paragraphs (a) and (b) of this section: *Provided*, That the necessary precautions are taken to avoid interference.

(a) *Equipment test.* Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the class of station concerned and, prior to filing of application for license, the permittee may test the equipment for a period not to exceed 30 days, *Provided*, That the Commissioner's Engineer-in-Charge of the district in which the station is located is notified 2 days in advance of the beginning of tests. Upon notice from the Commission, the permittee shall cancel, suspend, or change the date of beginning or the period for such tests as directed.

(b) *Service test.* When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee may conduct service tests in exact accordance with the terms of the construction permit until final action is taken on the application for license, *Provided*, That the Commission's Engineer-in-Charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests. Upon notice from the Commission, the permittee shall cancel, suspend or change the date of beginning or period of such tests as directed. Service tests must be started before the expiration date of the construction permit.

§ 9.142 *Routine tests.* The licensees of all classes of stations in the aeronautical service are authorized to make such routine tests as may be required for the proper maintenance of the station, *Provided*, That precautions are taken to avoid interference with any station.

LOGS

§ 9.151 *Information required in station logs.* (a) All stations in the aeronautical service except aeronautical mobile utility stations and aircraft stations other than those which may be required by law to maintain logs shall keep an adequate log showing:

(1) Hours of operation.

(2) Frequencies used.

(3) Stations with which communication was held.

(4) Signature of operator(s) on duty.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated, entries shall be made in the radio station log as follows:

(1) The time the required lights are turned on and off if manually controlled.

(2) The time the daily check of proper operation of the required lights was made either by visual observation of the required lights or by observation of the automatic indicator.

(3) In the event of any observed failure of a required light;

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

§ 9.152 *Station records in the aeronautical public service.* All stations licensed in the aeronautical public service shall keep a file of all record communications handled and all ground stations so licensed shall keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list. All such records shall be retained as provided in Part 42 of this chapter.

§ 9.153 *Required retention period.* The logs in the aeronautical service may be destroyed after a period of 30 days except:

(a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(b) That logs incident to or involved in any claim or complaint or which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 9.154 *Logs, by whom kept.* An entry or entries in the log of each station shall be signed or initialed by a person having actual knowledge of the facts recorded.

§ 9.155 *Log forms.* The logs shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the log or in a communication manual available at the station. Recordings may be used in lieu of written logs provided there is associated with each recording a statement indicating the station and period covered over the signature of a person having knowledge of the facts recorded.

§ 9.156 *Correction of log.* No log or portion thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry who shall indicate the erroneous portion, initial the correction made, and indicate the date of correction.

TECHNICAL SPECIFICATIONS

§ 9.171 *Installation and operation of transmitting equipment.* The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons. The radiations of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

§ 9.172 *Frequency stability.*[1] The carrier frequency of stations in the aeronautical service shall be maintained within the following percentage of the assigned frequency:

	Before Jan. 1, 1950	After Jan. 1, 1950
All aircraft stations on frequencies above 500 kc	*Percent* 0.02	*Percent* 0.01
All ground stations on frequencies above 500 kc	.01	.01
All stations on frequencies of 500 kc or below	.02	.02

[1] All new equipment shall meet this requirement. All existing equipment operating on frequencies below 30,000 kilocycles shall meet this requirement if this tolerance can be met by crystal change alone.

§ 9.173 *Frequency measurements.* (a) The assigned frequencies of all stations in the aeronautical service shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules in § 9.172.

(b) Each frequency measurement shall be recorded in the station's records by a statement signed by the person making the measurement and showing the deviation above or below the assigned frequency in cycles per second or percentage of deviation plus or minus the assigned frequency. A statement showing that an automatic frequency monitor was in service during any period shall be deemed to meet the above requirement for such period.

[1] These tolerance requirements are obviously not applicable to certain devices such as altimeters and various radar equipments which are now operating on an experimental basis to determine their value, design and frequency requirements. Pending decision on the final status of such equipment and the modification of the Commission's rules to meet their needs, tolerance requirements will be specified on the licenses under which such devices operate.

§ 9.174 *Power.* The power which may be authorized to a station in the aeronautical service shall be not more than the minimum required for satisfactory technical operation.

§ 9.175 *Types of emission.* Stations in the aeronautical service may be authorized to use type A1, A2, A3 and special emission, as may be appropriate. Special emission includes all types not provided for by existing international regulations such as all types of FM, pulse transmission and frequency shift keying.

§9.176 *Modulation and band width.* The carrier shall be modulated to a sufficiently high degree to provide effective communication, but in no case shall modulation result in objectionable emission of energy outside the authorized communication band.

§ 9.177 *Inspection of tower lights and associated control equipment.* The licensee of any station in the aeronautical service which has an antenna or antenna supporting structure required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended (48 Stat. 1083, as amended):

(a) Shall make a daily check of the tower lights either by visual observation of the tower lights or by observation of an automatic indicator of proper or improper operation to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of a code or rotating beacon light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least one each three months all code or rotating beacon and automatic lighting control devices to insure that such apparatus is functioning properly as required. Upon completion of this periodic inspection, entries shall be made in the station's records as follows:

(1) The date of the inspection and the condition of all required lights and associated antenna lighting control devices together with the measured voltage at a reference point in the antenna lighting circuit and the computed voltage at each lamp socket.

(2) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

MISCELLANEOUS

§ 9.191 *Station identification*—(a) *Telephony.* (1) Air carrier aircraft: In lieu

of radio station call letters, the official aircraft registration number, or company flight identification may be used, provided, adequate records are maintained by the air carrier to permit ready identification of individual aircraft.

(2) Private aircraft: In lieu of radio station call letters, only the official aircraft registration number may be used.

(3) When use is made of the aircraft registration number, the full number must be given upon initial call of each continuous series of communications. In other communications in each series, the last three (3) characters may be used, *Provided*, The practice is first inaugurated by the ground station operator.

(4) A public service aircraft station may use the identification of the aircraft station with which it is associated or an assigned telephone number, *Provided*, That, adequate records are maintained to permit ready identification of the aircraft station.

(5) A ground station in the aeronautical service may use in lieu of the assigned radio call letters the name of the city, area or airdrome which it serves, together with such additional identification as may be required.

(b) *Telegraphy.* In radio telegraphy the complete radio station call letters shall be used at the beginning and termination of each contact. After communication has been established, continuous two-way communication may be conducted without further identification or call-up (if no mistake in identity is liable to occur) until the termination of the contact. Aeronautical land stations utilizing automatic keying shall transmit call letters at the end of each sequence of communications and, in any event, at least once each hour during periods of transmission.

(c) *Operation outside of the United States.* In accordance with Article 14, General Radio Regulations (Revision of Cairo 1938) annexed to the International Telecommunications Convention, Madrid, 1932, assigned radio station call letters must be used outside of the United States except where special arrangements have been negotiated between the United States and another country such as the regional agreements reached under the auspices of the Provisional International Civil Aviation Organization.

§ 9.192 *Availability for inspections.* All classes of stations in the aeronautical service and the maintenance records of said stations shall be made available for inspection upon request of an authorized representative of the Commission made to the licensee or to his representative.

§ 9.193 *Permissible communications.* All ground stations in the aeronautical radiocommunication service shall transmit only communications for the safe, expeditious and economical operation of aircraft and the protection of life and property in the air. No such limitation is placed on aeronautical public service stations.

§ 9.194 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive Order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within three days from such receipt, send a written answer to the Federal Communications Commission at Washington, D. C., and a copy thereof to the office of the Commission originating the official notice when the originating office is other than the office of the Commission at Washington, D. C. If an answer cannot be sent, or an acknowledgment made within such three-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification as will permit ready reference.

If the notice of violation relates to incompetent maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given.

If the notice of violation relates to some lack of attention to or improper operation of the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 9.195 *Movement of portable or mobile stations from one inspection district to another.* When portable or mobile ground stations in the aeronautical service are moved from one radio inspection district to another, for regular operation therein, the licensee shall notify the Commission's Engineers-in-Charge of the respective districts. These Engineers-in-Charge shall be notified prior to the move, if practicable, but, in any event, not later than forty-eight hours thereafter.

AIRCRAFT RADIO STATIONS

§ 9.311 *Communications.* Communications by an aircraft station in the aeronautical radiocommunication service shall be limited to the necessities of safe aircraft operation. Normally contacts with airdrome control stations shall not be attempted unless the aircraft is within the area served by the station.

§ 9.312 *Frequencies available.*[1] The following frequencies are available to aircraft stations in the aeronautical radiocommunication service:

(a) 375 kilocycles: International direction-finding frequency for use outside the continental United States.

(b) 457 kilocycles: Working frequency exclusively for aircraft on sea flights desiring an intermediate frequency.

(c) 500 kilocycles: International calling and distress frequency for ships and aircraft over the seas.[2]

(d) 6210 kilocycles: International aircraft calling and working frequency.

(e) 8280 kilocycles: Interim calling and distress frequency for use by ships and aircraft in addition to 500 kilocycles or in lieu thereof where 500 kilocycles is not available.[2]

(f) 121.7 and 121.9 megacycles: Airport utility frequencies.

(g) 121.5 megacycles: This frequency is a universal simplex channel for emergency and distress communications. It will provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction finding purposes and a means for establishing air to ground contact with lost aircraft. This frequency will not be assigned to aircraft unless there are also assigned and available for use other frequencies to accommodate the normal communication needs of the aircraft.

(h) These frequencies are available for approach control use:

Mc	*Mc*	*Mc*	*Mc*	*Mc*
123.7	124.1	124.5	124.9	125.3
123.9	124.3	124.7	125.1	125.5

(i) Miscellaneous maritime frequencies: Calling and working frequencies of ship stations may also be assigned to aircraft stations for the purpose of communicating with coastal stations, or ship stations, available for A1, A2 and A3 emission in conformity with Part 8, Rules Governing Ship Service, provided the Commission is satisfied in each case that undue interference will not be caused to the service of ship or coastal stations.

(j) Other frequencies which may be required for overseas and foreign operation may also be made available upon the showing that a need exists therefor.

(k) In addition to the frequencies specifically designated in these rules, a licensee, when operating an aircraft station outside the United States, as defined in the Communications Act of 1934, as amended, may use such frequencies as may be required to maintain communications by the authority having jurisdiction over the ground stations with which it is desired to maintain communication: *Provided, however*, A report shall be sent to the Federal Communications Commission within ten days of initial use.

§ 9.315 *Lighter-than-air craft frequencies.* The following additional frequencies may be assigned to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft:

2930 kc	6615 kc	11910 kc

[1] Although present channel spacing in the very high frequency bands is 200 kilocycles, it is expected that this spacing will eventually be reduced to 100 kilocycles. Design of VHF equipment for future use should be made with this in mind.

[2] Transmission on these frequencies with the exception of urgent and safety messages and signals must cease twice each hour, for 3 minutes beginning at x:15 and x:45 o'clock GCT.

AIR CARRIER AIRCRAFT STATIONS

§ 9.321 *Frequencies available.*[4] The following frequencies, in addition to those listed in § 9.312 are available to air carrier aircraft stations:

(a) 3117.5 kilocycles. National calling and working frequency for air carrier aircraft.

(b) These frequencies are available for communication to airdrome control stations.[5]

Mc	*Mc*	*Mc*
125.7	126.1	126.5
125.9	126.3	

(c) 126.7 megacycles. Air carrier aircraft to airway communication stations.

(d) The aeronautical frequencies listed under § 9.432 are also available to air carrier aircraft.

(e) 3105 kilocycles. Available to air carrier aircraft only where service on 3117.5 kilocycles is not available.

PRIVATE AIRCRAFT STATIONS

§ 9.331 *Frequencies available.*[4] The following frequencies, in addition to those listed in § 9.312 are available to private aircraft stations:

(a) 3105 kilocycles: National aircraft calling and working frequency for use by private aircraft.

(b) 122.1 and 122.3 megacycles: Private aircraft to airway communication stations.

(c) 122.5, 122.7 and 122.9 megacycles: Private aircraft to airdrome control station.

(d) The aeronautical frequencies listed under § 9.432 are also available to private aircraft upon showing that a need exists and that agreements have been made with the licensee of appropriate ground stations.

AIRDROME CONTROL STATIONS

§ 9.411 *Frequencies available.*[6] The following frequencies are available to airdrome control stations:

(a) [7]

Mc	*Mc*	*Mc*	*Mc*
118.1	119.1	119.9	120.7
118.3	119.3	120.1	120.9
118.5	119.5	120.3	121.1
118.7	119.7	120.5	121.3
118.9			

(b) 278 kilocycles: This frequency is available for assignment in addition to a very high frequency. Its use must be supplemented by a service on one of the very high frequencies, *Provided, however*, That until September 1, 1947, upon application therefor the Commission may exempt any station from the very high frequency service requirement when it appears that in the preservation of life and property in the air such service is not required at that station. All outstanding exemptions are terminated September 1, 1947.

(c) 121.7 and 121.9 megacycles: These utility frequencies are available to airdrome control stations for communications with ground vehicles and aircraft on the ground at airdromes. The antenna height shall be restricted to the minimum to achieve the required service.

(d) 121.5 megacycles: This frequency is a universal simplex channel for emergency and distress communications. Transmitting and receiving equipment shall be provided by July 1, 1948.

§ 9.412 *Service to be rendered.* Communications of an airdrome control station shall be limited to the necessities of safe and expeditious operation of aircraft using the airdrome facilities or operating within the airdrome control area and in all cases such stations shall be in a position to render, and shall render, all necessary airdrome control service.

The licensee of an airdrome control station shall without discrimination provide service for any and all aircraft. Such licensee shall maintain a continuous listening watch during its hours of operation on the aircraft calling and working frequencies 3105 kilocycles; after September 1, 1947, on 122.5, 122.7 or 122.9 megacycles (initially watch on 122.5 only) and, after July 1, 1948, on the emergency frequency 121.5 megacycles.

§ 9.413 *Hours of operation.* The licensee shall render a communication service 24 hours a day *Provided, however*, That upon application therefor the Commission may exempt any station from the requirements of this provision when it appears that, in the preservation of life and property in the air, the maintenance of a continuous watch by such station is not required.

§ 9.414 *Airdrome facilities.* Only one airdrome control station will be licensed to operate at an airdrome.

§ 9.415 *Interference.* The operation of airdrome control stations in adjacent airdrome areas shall be on a noninterference basis only. In case of radio interference between adjacent airdrome control stations, the Commission will specify for its licensees, the arrangements necessary to eliminate interference.

§ 9.416 *Power.* (a) Airdrome control stations using frequencies below 400 kilocycles will not be licensed to use more than 15 watts power for type A3 emission.

(b) The power of airdrome control stations operating on the frequencies specified in § 9.411 (a) shall be 50 watts.

AERONAUTICAL LAND STATIONS[7]

§ 9.431 *Service authorized.* Aeronautical land station shall provide non-public service of the particular class authorized without discrimination to any aircraft station licensee who makes cooperative arrangements for the operation and maintenance of the aeronautical stations which are to furnish such service and for shared liability in the operation of stations. In case of distress, aeronautical land stations shall provide the above service without prior arrangements.

§ 9.432 *Frequencies available.* 121.5 megacycles. This frequency is a universal simplex channel for emergency and distress communications to provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction finding purposes and establishing air-ground contact.

(a) *Domestic service.* The frequencies allocated to the several chains are as follows:

NOTE: Although chain systems are primarily domestic, operations may extend outside the United States. Chain systems will be established as indicated upon a map to be maintained by the Commission.

(1) *Red chain and feeders.*

kc	*kc*	*kc*	*kc*
3147.5	3372.5	5572.5	[8] 5825
3162.5	3467.5	5582.5	[8] 8240
3172.5	5122.5	5592.5	12330
3182.5	5162.5	5662.5	
3322.5	5172.5	5697.5	

(2) *Blue chain and feeders.*

kc	*kc*	*kc*	*kc*
2906	[9] 4110	4952.5	[8] 6510
[10] 3062.5	4930.5	4967.5	[8] 6520
3072.5	4947.5	[8] 5602.5	[9] 10125
3088			

(3) *Brown chain and feeders.*

kc	*kc*	*kc*	*kc*
2946	3432.5	5602.5	[11] 5892.5
[10] 3137.5	4732.5	5612.5	[8] 6550
[12] 3222.5	[8] 5252.5	5622.5	[8] 7700
3232.5	[13] 5365	5632.5	[8] 10080
3242.5	[12] 5390	5652.5	
3257.5	[10] 5480	5672.5	

(4) *Green chain and feeders.*

kc	*kc*	*kc*	*kc*
[9] 2608	2986	5310	[8] 6805
[8] 2898	4122.5	5652.5	[8] 8565
2922	[9] 4335	[8] 5707.5	[9] 11960
2946	4742.5	[8] 6795	

[4] Although present channel spacing in the very high frequency bands is 200 kilocycles, it is expected that this spacing will eventually be reduced to 100 kilocycles. Design of VHF equipment for future use should be made with this in mind.

[5] The date for full implementation of the VHF program is July 1, 1950. Until duplex equipment is available, the VHF airdrome traffic control frequencies are also available to air carrier aircraft for simplex operation.

[6] In filing an application for airdrome control radio station, the applicant may leave blank section 16 (1) of FCC Form No. 401, since it will be necessary for the Commission to determine the specific frequency after coordination with the other Government agencies concerned.

[7] The requirements of this section are waived with respect to all aeronautical stations of the Civil Air Patrol.

[8] These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies with which interference results.

[9] Subject to the condition that no interference is caused to Government stations. A3 emission may be used if the communication band width of emission does not exceed 3000 cycles.

[10] Primarily for that portion of the Brown Chain between New York, N. Y., and Montreal, Canada.

[11] For use only in that portion of the United States north of New York City.

[12] Primarily for that portion of the Brown Chain between New York, N. Y., and Toronto, Canada.

[13] Maximum power 50 watts for use east of New York only, subject to the condition that no interference will be cause to Agriculture stations in the fixed service or to any station which in the judgment of the Commission has priority on this frequency.

[14] Available for aeronautical land and aircraft stations subject to 0.01% tolerance and 2500 cycles maximum modulating frequency.

(5) *Purple chain and feeders.*

kc	*kc*	*kc*
2644	3127.5	[8] 5377.5
2994	4917.5	[8] 5887.5
3005	[14] 5275	[8] 6490

(6) *Yellow chain and feeders.*

kc	*kc*	*kc*
3447.5	[8] [14] 4650	[14] 5215
3457.5	5032.5	5682.5
3485	5042.5	[8] [14] 8070

(7) *Hawaiian chain and feeders (green).*

2922 kc 4742.5 kc 5375 kc 6610 kc

(8) *Air carriers en route.*

Mc	*Mc*	*Mc*	*Mc*	*Mc*
126.9	128.1	129.1	130.1	131.1
127.1	128.3	129.3	130.3	131.3
127.3	128.5	129.5	130.5	131.5
127.5	128.7	129.7	130.7	131.7
127.7	128.9	129.9	130.9	131.9
127.9				

NOTE: The system of assignment of these frequencies is under study.

(b) *International service.* The frequencies allocated to the several routes are as follows and are subject to change as routes are organized under recommendations made by the Provisional International Civil Aviation Organization:

(1) Inter-American Route. 2870 (Traffic control).

3082.5 kc 5405 kc 5692.5 kc

A–1 emission only on the following:

kc	*kc*	*kc*	*kc*
[15] 6557	[15] 8217	11381	17274
6583	[15] 8225	11394	23301
6590	[15] 8233	17257	23324
6597			

(2) *Trans-Pacific Route.* 2870 (Traffic control)

2976 kc 5165 kc

A–1 emission only on the following:

kc	*kc*	*kc*	*kc*
[15] 6557	8561	11369	17336
6563	8569	12824	23346
6570	8577	17319	23369
6577	11356		

(3) *Europe-North America Route.* 2870 (Traffic control)

2912 kc [8] 3285 kc 3248 kc

A–1 emission only on the following:

kc	*kc*	*kc*	*kc*
[15] 6543	8538	11319	17350
6563	8546	12776	[15] 17367
6570	8554	[15] 12788	23211
6577	11306	[15] 17288	23234

(4) *Europe-North America via Arctic Route.* 2912 (Traffic control)

[16] 1674 kc 3285 kc

A–1 emission only on the following:

kc	*kc*	*kc*	*kc*
[15] 6523	6543	8485	17288
[15] 6530	[15] 6550	11331	23256
6537	6557	11344	23279

AERONAUTICAL FIXED STATIONS

§ 9.441 *Service authorized.* Aeronautical fixed stations are authorized primarily for the handling of communications in connection with and relating solely to the actual aviation needs of the licensees. Aeronautical fixed stations will not be authorized where land line facilities adequate for the service required are available.

§ 9.442 *Emergency service.* The licensee of an aeronautical fixed station shall be required to transmit, without charge or discrimination, all necessary messages in times of public emergency which involve the safety of life or property.

§ 9.443 *Frequencies available.*[17] Frequencies allocated to the fixed service by international or regional agreement or under the rules of the Commission shall be available for assignment to aeronautical fixed stations. The specific frequency will be selected in accordance with the requirements of the aeronautical service contemplated.

AERONAUTICAL MOBILE UTILITY STATIONS

§ 9.451 *Frequencies available.* The frequencies 121.7 and 121.9 megacycles are available for aeronautical mobile utility stations.

§ 9.452 *Service authorized.* Communications by a utility station shall be limited to the necessities of ground traffic control at an airdrome and may be used for essential communications with the control towers, ground vehicles and aircraft on the ground.

§ 9.453 *Power.* Power and antenna height shall be restricted to the minimum to achieve the required service.

§ 9.454 *Supervision by airdrome control operator.* At any airdrome at which an airdrome control tower is in operation, transmission by the utility station shall be subject to the control of the airdrome control station and shall be discontinued immediately when so requested by the control station. The utility station shall guard the utility frequency during periods of operation.

AERONAUTICAL NAVIGATIONAL AID RADIO STATIONS

§ 9.511 *Frequencies available.*[18] (a) Instrument landing localizer with simultaneous radiotelephone channel: The band 108.1 to 111.9 megacycles.

(b) Instrument landing glide path: The band 328.6 to 335.4 megacycles.

(c) Instrument landing marker: 75 megacycles.

(d) Airway track guidance (ranges): 112.1 megacycles through 117.9 megacycles.

§ 9.512 *Basis of grant of facilities.* Air navigation aid facilities are usually operated by the Civil Aeronautics Administration. However, the frequencies which these facilities employ are available for licensing by the Commission at those locations where an applicant justifies the need for such service and the Government is not prepared to render this service. Air navigation service will be authorized only where the applicant meets all requirements specified by the Federal Communications Commission after consultation with the Civil Aeronautics Administration.

FLIGHT TEST STATIONS

§ 9.611 *Frequencies available.* (a) The frequencies 3290 kc[19], 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flight test stations (the very high frequencies are shared with flying school stations on a noninterference basis).

(b) The following frequencies are available to flight test stations for telemetering activities:[20]

Mc	*Mc*	*Mc*	*Mc*
217.425	217.575	219.375	219.475
217.475	217.625	219.425	219.525
217.525	217.675	219.450	219.575
217.550	219.325		

§ 9.612 *Eligibility of licensee.* A flight test station license will be granted only for the use of manufacturers of aircraft and of major aircraft components.

§ 9.613 *Cooperative use of facilities.* (a) Only one flight test station for operation on the ground will be licensed to serve an airdrome and such station will be required to provide service without discrimination, but on a cooperative maintenance basis, to all manufacturers eligible for a license for flight test station.

(b) Where licensees desire to conduct flight tests in adjacent airdrome control areas, or where radio interference may

[15] These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies with which interference results.

[16] Not to be used south of Ketchikan, Alaska, or in the continental United States.

[17] Frequencies authorized or assigned by the Commission to aeronautical fixed stations as of March 1, 1947, include the following:

kc	*kc*	*kc*	*kc*
1722	4735	6680	10440
2608	4740	6795	10535
2612	4745	6805	10640
2636	5215	6820	10847.5
2640	5220	7700	10855
2644	5252.5	8015	10955
2648	5255	8070	10965
2732	5275	8565	10970
2748	5310	8700	11470
2930	5365	8705	11910
2998	5370	8910	11960
3050	5375	9200	12330
3290	5425	9310	16240
4110	5707.5	9785	16290
4115	6490	10020	16310
4335	6510	10080	16440
4650	6520	10190	18360
4690	6550	10125	23025
4730	6615		

[18] In filing an application for aeronautical navigational radio station, the applicant may leave blank section 16 (1) of FCC Form No. 401, since it will be necessary for the Commission to determine the specific frequency after coordination with the other Government agencies concerned.

[19] Telemetering is the automatic transmission of instrument readings. The frequencies listed are subject to interference until January 1, 1949, at specific gateways.

result from simultaneous operation of stations at nearby airdromes, they shall arrange for a satisfactory time division by mutual agreement. If such an agreement cannot be reached the Commission will determine and specify the time division upon request of either licensee.

§9.614 *Service to be rendered.* The use of these stations will be restricted to the transmission of necessary information or instructions relating directly to tests of aircraft or components thereof.

§ 9.615 *Power.* The power output of flight test stations designated for operation on board aircraft shall be limited to 10 watts and ground stations shall be limited to 50 watts.

§ 9.616 *Supervision of airdrome control operator.* At any airdrome at which an airdrome control station or control tower is in operation, the airdrome control operator must be given a remote microphone connection to the ground flight test station transmitter for the transmission of orders or instructions to aircraft flight test stations.

FLYING SCHOOL STATIONS

§ 9.711 *Frequencies available.* The frequencies 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flying school stations (shared with flight test stations on a non-interference basis).

§ 9.712 *Eligibility of licensee.* A flying school station license will be granted only to flying schools and soaring societies.

§ 9.713 *Limitations of instructional facilities.* Assignments will be limited to one station to an airdrome location for one or more flying schools.

§ 9.714 *Coordinated use of instructional facilities.* Where more than one flying school operates from an airdrome location, coordinated use of a single instructional frequency shall be arranged, placed in the form of a signed agreement and filed with the Commission. In case of disagreement, the Commission will specify the arrangement to be followed.

§ 9.715 *Use of flying school frequency.* Communications for instructional flying under the direction of a flying school station in the vicinity of an airdrome shall be transmitted only on the flying school frequency assigned to that station.

§ 9.716 *Supervision by airdrome control operator.* At any airdrome at which an airdrome control station or control tower is in operation, the airdrome control operator must be given a remote microphone connection to the transmitter operating on the flying school frequency for the transmission of orders or instruction to students in flight.

§ 9.717 *Power.* The power output of flying school stations shall not be more than 50 watts for land stations and not more than 10 watts for aircraft stations.

§ 9.718 *Frequency assignments non exclusive.* No frequency available to a station engaged in instructional flying will be assigned exclusively to any applicant. All stations in this service are required to coordinate operation so as to avoid interference and make the most effective use of assignments.

§ 9.719 *Private service prohibited.* The use of flying school frequencies for other than instruction purposes and promotion of safety of life and property is prohibited.

AERONAUTICAL PUBLIC SERVICE STATIONS

§9.811 *Fequencies available.*[21] The frequencies available to ship telegraph and ship telephone stations are available to aeronautical public service aircraft stations for the handling of public correspondence in the same manner and to the same extent that they are available to ships of the United States and under restrictions hereinafter provided. These frequencies are assigned on the express condition that no interference is caused to marine operations.

§ 9.812 *Stations licensed for aeronautical public service.* Only those stations in the aeronautical service licensed for aeronautical public service may carry on public communication service. Coastal or ship stations licensed to carry on public communication service may provide such service to or from aeronautical public service aircraft stations. No aeronautical public service station shall carry on interstate or foreign public communication service for hire unless appropriate effective tariffs covering such service are on file with the Commission.

§ 9.813 *Scope of service.* (a) All stations licensed in the aeronautical public service shall intercommunicate without discrimination with any other station similarly licensed, whenever necessary for the handling of traffic.

(b) Aeronautical public service stations shall, without discrimination and on reasonable demand, be made available for the use of all persons.

§ 9.814 *Requirement for aeronautical public service station.* A license or other instrument of authorization may be issued for a station for public correspondence: *Provided*, That a continuous effective listening watch is maintained on the frequency or frequencies used for the aviation safety service messages while public service messages are being handled; and that the installation and system of operation will permit instantaneous interruption of aeronautical public service communications to transmit or receive safety service messages.

§ 9.815 *Priority of communications.* (a) All communications of stations in the aeronautical radiocommunication service are essential to the safe operation of aircraft and shall have priority over public correspondence.

(b) The radio operator in charge of the aircraft station shall suspend operation of an aeronautical public service aircraft station when such operation will delay or interfere with messages pertaining to safety of life and property or when ordered to do so by the captain of the aircraft.

(c) The operation of an aeronautical public service station shall be suspended when it interferes with the radio communications of the safety service.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2739; Filed, Mar. 24, 1947; 8:50 a. m.]

[21] The general mobile service, as proposed may also be available for use aboard aircraft.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 620, Amdt. 2]

PART 95—CAR SERVICE

LIGHT-WEIGHING OF CARS AT ALL PORTS PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of March A. D. 1947.

Upon further consideration of Revised Service Order No. 620 (12 F. R. 559), as amended (12 F. R. 840), and good cause appearing therefor: it is ordered, that:

Section 95.620 *Light-weighing of cars at all ports prohibited*, of Revised Service Order No. 620, be, and it is hereby, further amended by adding the following paragraph (f) thereto:

(f) *Special and general permits.* The provisions of this section shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet exceptional circumstances.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 24, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2744; Filed, Mar. 24, 1947; 8:49 a. m.]

[S. O. 653, Amdt. 4]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128, 1606, 1816), and good cause appearing therefor: It is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) (3) for paragraph (c) (3) thereof:

(c) *Application.* • • •

(3) *Export, import, coastwise or intercoastal traffic.* Except as shown below, import, export, coastwise or intercoastal traffic is subject to this section.

Exemptions. Import, export, coastwise or intercoastal coal, bulk grain or explosives traffic, during the period such traffic is held in cars at ports for transfer to or from vessels or held at United States-Canadian border crossings, also ships bunker coal, during the period such bunker coal is held in cars at ports for transfer to vessels, is not subject to this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 20, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)–17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2745; Filed, Mar. 24, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Ch. I]

ESTABLISHMENT OF SHIPBOARD RADAR ON REGULAR BASIS WITH FIVE YEAR LICENSE TERM

FEBRUARY 5, 1947.

As a part of its program to encourage the continued development and voluntary installation of radar as a navigational aid aboard ships, the Federal Communications Commission announced today that five year licenses on a regular basis will be issued for the operation of acceptable shipboard radar as soon as rules and regulations can be prepared and promulgated. At the present time, licenses are issued for radar on an experimental basis and for a term of one year.

Three frequency bands, namely, 3,000–3,246 megacycles, 9,320–9,500 megacycles, and 5,460–5,650 megacycles (together with the associated racon bands 3,246–3,266 Mc, 9,300–9,320 Mc, 5,440–5,460 Mc) have been allocated by the Commission for shipboard radar. Commercial type merchant marine radar equipment is available in the first two bands and many experimental licenses have already been issued for its use. Proponents of radar in the 3,000–3,246 megacycle band claim a superior ability to distinguish targets in all kinds of weather; advocates of radar in the 9,320–9,500 megacycle band claim a superior definition and increased dependability for navigating through narrow channels. Equipment for the third band, 5,460–5,650 megacycles, is not yet generally available; the Commission allocated this band, in addition to the other two, in order to provide an opportunity to determine whether it might combine the advantages claimed for the other two bands. While these three bands have not yet been standardized internationally, the Commission is optimistic as to the prospects of their standardization at the International Telecommunications Conference to be held this year.

The Commission takes no position as to which of these three bands is preferable. Nor does the Commission take a position as to the particular equipment to be installed. This will vary depending upon the needs of the user of the equipment. Various types of radar are capable of providing very satisfactory service for certain specific purposes. However, the Commission recognizes that there is no type of radar presently available which may be approved as a standard device serving all shipboard needs. The Commission encourages the users and potential users of shipboard radar to have studies made by their own experts so that they will be in a position to present concrete evidence as to the types of equipment which best suit their needs for various specific purposes.

The Commission's study of radar is a part of its over-all investigation of electronic devices developed during and since the war which are potential aids to navigation and to safety of life and property. The staff work involved in this investigation in the marine field is being conducted by the Commission's Special Marine Safety Survey Group, organized on July 31, 1946, and consisting of members of the Commission's Engineering, Law and Accounting Departments. This group is engaged in studying the relative value of electronic aids to navigation, both from the technical and economic points of view, and in considering whether changes in the Commission's rules and regulations, in Federal statutes and in treaties, might be needed, either to encourage or require the use of these aids. During the course of this investigation, all interested persons and organizations will be given an opportunity to be heard.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2734; Filed, Mar. 24, 1947; 8:50 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of the Public Debt

[1947 Department Circ. 802]

⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D–1948.

OFFERING OF CERTIFICATES

MARCH 19, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated ⅞ percent Treasury Certificates of Indebtedness of Series D–1948, in exchange for Treasury Certificates of Indebtedness of Series D–1947, maturing April 1, 1947. Approximately $1,500,000,000 of the maturing certificates will be retired on cash redemption.

II. *Description of certificates.* 1. The certificates will be dated April 1, 1947, and will bear interest from that date at the rate of ⅞ percent per annum, payable with the principal at maturity on April 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes,

whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including $25,000 will be allotted in full, and subscriptions for amounts over $25,000 will be allotted to all holders on an equal percentage basis, but not less than $25,000 on any one subscription. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before April 1, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series D–1947, maturing April 1, 1947, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-2755; Filed, Mar. 24, 1947; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2113513]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 12, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on May 14, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 14, 1947, to August 13, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 24, 1947, to May 14, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 14, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from July 24, 1947, to August 13, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 13, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 6 S., R. 30 E., sec. 30, W½SE¼.

The area described contains 80 acres.

The land is in Grazing District No. 6. This land may be characterized as typical desert and rolling in topography. The soil is sandy and covered with a dense growth of yucca, bunch grass, and other native grasses.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2706; Filed, Mar. 24, 1947; 8:47 a. m.]

[Misc. 2114212]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 12, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on May 14, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 14, 1947, to August 13, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 24, 1947, to May 14, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 14, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 24, 1947, to August 13, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 13, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Billings, Montana.

The lands affected by this order are described as follows:

PRINCIPAL MERIDIAN

T. 8 N., R. 39 E.,
Sec. 23, all.

The area described contains 640 acres.

The land is in Grazing District No. 2. The land is rolling, broken hill land in character, cut by numerous coulees, and consists of a sandy gumbo type of soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2705; Filed, Mar. 24, 1947; 8:47 a. m.]

WYOMING

NOTICE FOR FILING OBJECTIONS TO PROPOSED ORDER MODIFYING STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of a proposed order of the Secretary of the Interior which would add the SW¼NE¼ and S½NW¼ sec. 3, T. 39 N., R. 83 W., 6th P. M., Wyoming, to Stock Driveway Withdrawal No. 128, Wyoming No. 13, and release lots 3, 4, and the SE¼SW¼ sec. 18, T. 39 N., R. 82 W., 6th P. M., an approximately equal amount of acreage from such stock driveway withdrawal, may present their objections to the Secretary of the Interior. The proposed change is designed to effect an improvement in the stock trail. Objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed order may state their views and where the proponents of the proposed order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether Stock Driveway Withdrawal No. 128, Wyoming No. 13, will be modified as provided above or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 11, 1947.

[F. R. Doc. 47-2704; Filed, Mar. 24, 1947; 8:48 a. m.]

Bureau of Reclamation

KLAMATH PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 27, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

KLAMATH PROJECT

WILLAMETTE MERIDIAN, OREGON

T. 39 S., R. 9 E.,
Sec. 20, SW¼NE¼ (part of Lots 6 and 12); W½SE¼NE¼, W½E½SE¼NE¼; NW¼NW¼NW¼SE¼ (part of Lot 11); W½SW¼NW¼NW¼SE¼ (part of Lot 11); W½W½SW¼NW¼SE¼ (part of Lot 11); SE¼SW¼ (part of Lots 5 and 18); SW¼SE¼.
Sec. 21, Lots 4 and 10, SE¼NE¼ (part of Lot 2), except 1 acre described as follows: Beginning at the northwest corner of SE¼NE¼, thence east 165 feet; thence south 264 feet; thence west 165 feet; thence north 264 feet to point of beginning; NE¼SE¼ (Lot 3 and part of Lot 11).
Sec. 22, S½NW¼, N½SW¼; NW¼SE¼, except 4 acres described as follows: Beginning at the northwest corner of NW¼SE¼, thence south 528 feet; thence east 330 feet; thence north 528 feet; thence west 330 feet to point of beginning.
Sec. 25, S½SW¼.
Sec. 27, NW¼SW¼, SW¼SW¼SW¼, SW¼NW¼SW¼SW¼, SW¼SE¼SW¼SW¼, SE¼SW¼, SW¼SE¼.
Sec. 28, Lot 2, E½SW¼, S½SE¼.
Sec. 31, SE¼SE¼.
Sec. 32, SW¼SW¼, except 1 acre described as follows: Beginning at the northeast corner of SW¼SW¼, thence south 264 feet; thence west 165 feet; thence north 264 feet; thence east 165 feet to point of beginning.
Sec. 33, NE¼NE¼.
Sec. 34, W½NW¼.
T. 40 S., R. 9 E.,
Sec. 3, S½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼SW¼.

The above areas aggregate 1191.35 acres.

WILLIAM E. WARNE,
Acting Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director,
Bureau of Land Management.

FEBRUARY 11, 1947.

[F. R. Doc. 47-2711; Filed, Mar. 24, 1947; 8:46 a. m.]

[Public Notice 29]

SUN RIVER IRRIGATION PROJECT, GREENFIELDS DIVISION, MONTANA

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

FEBRUARY 21, 1947.

1. *Land for which water will be furnished.* Pursuant to the act of June 17, 1902 (32 Stat. 388), as amended and supplemented, herein called the Federal Reclamation Law, announcement is hereby made that water will be available as of April 1, 1947, for certain irrigable lands under the Greenfields Division of the Sun River Irrigation Project, Montana. Beginning 2:00 p. m., April 8, 1947, entry may be made in accordance with this public notice for the public land described herein. Water will be made available under the provisions of the Federal Reclamation Law and in accordance with the terms, conditions, and charges herein provided. The irrigable land for which water is to be made available is shown on the farm unit plats for Township 21 North, Range 1 and 2 West, Principal Meridian, Montana, approved September 21, 1939, and is described as follows:

Farm Unit "H" or
Lot 3 or NW¼SW¼ Sec. 19, T. 21 N., R. 1 W. and NE¼SE¼ Sec. 24, T. 21 N., R. 2 W. Total irrigable acres—74.0

2. *Limit of acreage for which entry may be made or water secured.* No person may acquire, own or hold irrigable land under a Federal Reclamation proj-

ect in excess of one farm unit unless all construction charges on the excess lands have been paid in full. The maximum area for which water may be secured for lands in private ownership shall be 160 acres of irrigable land for each landowner.

3. *Application for farm unit.* Beginning at 2:00 p. m., April 8, 1947, applications will be considered in accordance with this notice for the vacant public land farm unit described in paragraph 1.

(a) *When and how to file an application for a farm unit.* (1) Blanks on which to make application for a farm unit under this notice may be secured from the Superintendent, Bureau of Reclamation, Fairfield, Montana; the Regional Director, Bureau of Reclamation, Billings, Montana; or the Commissioner, Bureau of Reclamation, Washington, D. C. No advantage will accrue to an applicant who inspects the unit prior to filing application, although the successful applicant must personally inspect the unit awarded prior to filing homestead entry with the District Land Office of the Bureau of Land Management. All questions on the farm application blank must be fully answered. Irrespective of any preference established under subparagraph (b), there must be strict compliance with the provisions of subparagraph (e).

(2) An application for the farm unit listed in this notice must be filed with the Superintendent, Bureau of Reclamation, Fairfield, Montana, if the applicant desires to qualify under the terms of this notice. No advantage will accrue to an applicant presenting his application in person. All applications received prior to 2:00 p. m., April 8, 1947, will be held and treated as simultaneously filed, except that applications of persons not entitled to veterans' preference as set forth in paragraph 3 (b) immediately following will not be considered until July 8, 1947.

(b) *Preference rights of veterans of World War II.* Pursuant to the provisions of the act of Congress of September 27, 1944 (58 Stat. 747), as amended by the Act of June 25, 1946 (Public Law 440, 79th Congress), a preference right of application for a period of ninety days will be given to veterans, including veterans under 21 years of age, who have served in the military or naval forces of the United States for a period of at least ninety days during World War II, and who are honorably discharged, and who make homestead entries subsequent to such discharge. Such right extends to the veteran's widow or to the guardian of his minor, orphan child. The entrance of the United States into World War II commenced with the declaration of war against Japan made by Resolution of December 8, 1941 (55 Stat. 795).

(1) An honorable discharge within the meaning of the act of September 27, 1944 (58 Stat. 747) shall mean (a) the separation of the veteran from the service by means of an honorable discharge, or a discharge under honorable conditions, (b) the transfer of the veteran from active duty to a reserve or retired status prior to the termination of the war, or (c) the ending of the period of the veteran's war service by reason of termination of the war, even though the veteran remains in the military or naval service.

(2) All applicants are required to answer fully question 1, on the Farm Application Blank, and, if claiming veterans' preference, must attach thereto a photostatic, certified or authenticated copy of an official document of his respective branch of military or naval service which clearly indicates an honorable discharge as described in subsection (1) of paragraph (b).

(3) Applicants entitled to veterans' preference must satisfy all requirements of entryman set forth in this notice. They will be rated as prescribed in subparagraph (e) and, if found eligible, will be listed on a preference register as set forth in paragraph (f).

(4) Applicants for the farm unit who do not claim or establish such veterans' preference will not be rated until it is evident that a qualified applicant, who has veterans' preference rights and who has filed application not later than July 8, 1947, is not available to enter the farm unit listed in this notice. Non-preference applicants, if and when rated, will be listed on a non-preference register in the order of their ratings. Should applicants on the preference register be unavailable or fail to qualify for award of the farm unit, award will be made to an applicant on the non-preference register in the manner described in subparagraph (f).

(c) *Applicants must be qualified.* No entry shall be accepted or allowed by the Manager of the local office of the Bureau of Land Management until the applicant therefor has satisfied the examining board appointed as set forth in subparagraph (d) below, that he is possessed of qualifications of industry, experience, character, and capital, as set forth in subparagraph (e). These qualifications are in addition to those required under the homestead laws. A statement of the qualifications required by the homestead laws may be secured from the local office of the Bureau of Land Management at Great Falls, Montana, or from the Bureau of Land Management, Washington, D. C.

(d) *Examining Board.* An examining board of three members has been approved by the Commissioner of the Bureau of Reclamation to assist in the establishment of qualifications and consider the fitness of each applicant to undertake the development and operation of a farm. The project Superintendent, who is a member of this board, representing the United States, will act as Secretary. Careful investigations will be made to verify the statements and representations made by applicants both on the farm application blanks and in the course of personal interviews, to the end that no misunderstandings may prevail, either regarding the applicant's fitness or his appreciation of the problem before him. The Board is authorized to make rules incident to carrying out the provisions of this public notice with respect to rating and selection of applicants and to establish the time for personal interviews. The Board will rate applicants according to standards described in subparagraph (e), and award the public land unit to the successful applicant as set forth in subparagraph (f).

(e) *Determination of relative standing of applicants.* To determine whether an applicant for the farm unit is qualified under the provisions of sub-section (c) of section 4 of the act of December 5, 1924 (43 Stat. 702), he will be rated and examined. The relative standings of the applicants will be based upon percentage rating with the following maximum weights given to the four prescribed qualifications:

	Percent
I. Character	20
II. Industry	20
III. Capital	25
IV. Farm Experience	35

Applicants for the farm unit will be rated for each of the above four qualifications according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules:

	Percent
I. Character:	
(a) Fair	6 (Minimum) to 9.
(b) Good	10 to 15.
(c) Excellent	16 to 20.
II. Industry:	
(a) Fair	6 (Minimum) to 9.
(b) Good	10 to 15.
(c) Excellent	16 to 20.
III. Capital:	
(a) $1,000 to 1,499	18 (Minimum) to 20.
(b) $1,500 to 1,999	21 to 24.
(c) $2,000 and above	25 (Maximum).
(d) One to four percent may be added to items (a) and (b) for guaranteed credit of from $1,000 to $1,999: *Provided*, That the total percentage allowed for capital shall not exceed 25 percent. The credit must be suitable for the establishment of an economically sound farming operation.	
IV. Farm experience:	Percent
(a) 2 years of work as a farm hand, farmer's son or farm operator after the age of 15 years and within the last 8 years of civilian life	25
(b) Each additional year's work as farm hand, farmer's son or farm operator	5
(c) Each year of agricultural training in college, or technical experience in field of agriculture, if deemed by the Board to be equivalent to farm experience	5

NOTE: Item (a) is the minimum required for all applicants. The total percent allowed for items (a), (b), and (c), shall not exceed 35 percent.

V. Although no rating is provided for the physical condition of the applicant, he must be in such physical condition as to permit satisfactory farm operation. If physically handicapped or afflicted with ailments making the condition questionable, a detailed statement by an examining physician should accompany the application. The examining board will determine from the individual's application blank and from a personal interview, should he be one of those applicants selected as set forth in subparagraph f (4) below, whether the applicant is physically able to operate a farm and shall disqualify him if facts are such as to warrant such disqualification.

(f) *Showing of applicants and selection thereof.* In conformity with the following method and in accordance with detailed procedure approved by the Commissioner of the Bureau of Reclamation, the farm unit listed in this Public Notice will be awarded by the Board as follows:

(1) Each applicant qualifying for veterans' preference under the Act of September 27, 1944 (58 Stat. 747), as amended, who satisfies the minimum requirements set forth in paragraph (e) shall be given a preliminary rating based upon the showing made by his farm application blank. If the applicant has a rating of 75 per cent or above, he will be listed on a preference register and notified by registered mail, with return receipt demanded, of his standing and that since the number of qualified applicants exceeds the number of available farms, his application will be held for drawing and the establishment of a priority list for award of the farm unit, in the order drawn. Applicants who do not fulfill the minimum requirements or do not have a preliminary rating of at least 75 per cent will be notified by registered mail, with return receipt demanded, that they will not be further considered for the farm unit.

(2) As soon as possible after the notification of the rejected applicants and after the elapse of the appeal period as set forth in subsection 6 of paragraph (f), the Board will hold a drawing of applicants with rating of 75 per cent or above, as set forth in subparagraph (f) (3) below.

(3) The Board, in a suitable and impartial manner shall then conduct a drawing of the names of all applicants as set forth in subparagraph (f) (2) and establish a priority list for award of the farm unit in the order drawn.

(4) The Board shall then call the first applicant on the priority list for personal interview, advising him of his standing on the priority list as established by the drawing. He shall be advised of the probability that he will be certified as an entryman if the interview is satisfactory. Ordinarily the applicant will be certified as an entryman after the interview unless he fails to substantiate his showing on the farm application blank. If any applicant is disqualified as set forth in paragraph 3 (e), or his percentage rating after interview is less than 75 per cent, his name shall be removed from the priority list and the next applicant on the priority list, in order, called in for interview. As soon as the farm unit is allocated, each remaining applicant on the priority list shall be notified by registered mail, with return receipt demanded, that the farm unit to be opened has been allocated and that his application must be held for rejection. He will, however, retain his place on the priority list for further consideration should this unit become available through failure of the entryman to complete his transaction, as provided in paragraph (h) below.

(5) Should the farm unit remain available at the end of the 90-day preference period extended veterans of World War II, and the register of applicants holding veterans' preference be exhausted, applications of other persons will be considered.

(6) Each action of the Board with respect to any individual applicant as provided in this subparagraph (f) is subject to appeal to the Director of Region VI, Bureau of Reclamation, Billings, Montana. Such appeals must be filed through the Project Superintendent, Fairfield, Montana, within ten days of receipt of notice of any action of the Board with respect to his application.

(g) *Notification of applicants.* The successful applicant shall be notified in writing of the award of the farm unit. The notice will state the operation and maintenance charges for the delivery of water which must be paid to the Greenfields Irrigation District. Payment of such charges must be made within 10 days of receipt of this notice. Upon payment of the charges within the 10-day period, the secretary of the examining board will furnish the applicant a certificate, stating that his qualifications to enter public lands have been passed upon and approved by that board as required by subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702). A copy of the certificate will be forwarded by the board to the district office of the Bureau of Land Management. The applicant's copy of the certificate must be attached by the applicant to his homestead application when he files the application with the District Land office of the Bureau of Land Management at Great Falls, Montana. Such homestead application must be filed within 15 days from the date of the receipt by the applicant of said certificate. Failure to pay the charges required by the Greenfields Irrigation District or to make application for homestead entry within the prescribed periods will cause the application to be rejected.

(2) After the farm unit has been entered, all applicants whose applications have not been previously rejected will be notified that the farm unit listed in Public Notice No. 29 has been entered and all pending applications therefore are held for rejection.

(h) *Failure of selected applicant to complete transaction.* Failure of the selected applicant to pay the water charges or to make homestead application, or to execute or comply with any or all of the requirements named above, within the time herein or hereafter specified, shall disqualify the applicant and entitle the Board to cancel the award of his farm unit and to award the same farm unit to another applicant selected in the manner prescribed in subparagraph (f).

(i) *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice, except under the terms and conditions prescribed by this notice: *Provided, however*, That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

(j) *Reservation of rights-of-way for County highways and access roads.* Rights-of-way are reserved for County highways along all section lines, such rights-of-way being 30 feet in width on each side of said section lines.

(k) *Reservation of rights-of-way for telephone and electric transmission lines.* Rights-of-way are reserved for Government-owned telephone and electric transmission lines over and across the farm unit above described, as hereafter, in the opinion of the Secretary of the Interior, are necessary for the proper construction and operation and maintenance of said project.

(l) *Waiver of mineral rights.* Homestead entry on the above described farm unit will be subject to the laws of the United States governing mineral land, and the homestead applicant under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead application will be rejected or the homestead entry cancelled.

4. *Farm unit is included in Greenfields Irrigation District and subject to construction and operation and maintenance charges levied under District's contract with the United States.* The lands covered by this public notice are within the Greenfields Irrigation District, organized under the laws of the State of Montana, with offices located at Fairfield, Montana. The United States and the Greenfield Irrigation District entered a contract June 22, 1926, which provided for payment of charges and operation of works. Copy of the contract may be examined in the office of the Superintendent of the Sun River Project at Fairfield, Montana, or in the office of the Commissioner of the Bureau of Reclamation, Washington, D. C. The lands covered by this public notice are subject to the payment of the following charges in accordance with the terms of the District's contract with the United States:

a. Construction charges.

b. Operation and maintenance charges. The first of the operation and maintenance charges must be paid within ten days after successful applicant is notified of the award of the farm unit, as provided in paragraph 3, (g) above. Subsequent operation and maintenance charges and construction charges must be paid on the payment dates fixed by the Greenfields Irrigation District.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-2712; Filed, Mar. 24, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 5361, 5778, 5893, 6144, 6145, 6161, 7065, 7309, 7481, 8099, 8100]

WOAX, INC. (WTNJ) ET AL.

ORDER CONTINUING HEARING

In re applications of WOAX, Incorporated (WTNJ), Trenton, New Jersey, Docket No. 5893, File No. BR-186, for renewal of license; WOAX, Incorporated (WTNJ), Trenton, New Jersey, Docket No. 6161, File No. BML-1084, for modification of license; The City of Camden (WCAM), Camden, New Jersey, Docket No. 5361, File No. BR-168, for renewal of license; The City of Camden (WCAM), Camden, New Jersey, Docket No. 6144, File No. BML-1069, for modification of license; Radio Industries Broadcast Company (WCAP), Asbury Park, New Jersey, Docket No. 5778, File No. BR-181, for renewal of license; Radio Industries

Broadcast Company (WCAP), Asbury Park, New Jersey, Docket No. 6145, File No. BML-1070, for modification of license. Camden Broadcasting Company, Camden, New Jersey, Docket No. 7065, File No. BP-4173; Independence Broadcasting Company (WHAT), Philadelphia, Pennsylvania, Docket No. 7309, File No. BP-4435; Ranulf Compton, doing business as Radio WKDN, Camden, New Jersey, Docket No. 7481, File No. BP-4617; for construction permits. Valley Broadcasting Corporation, Allentown, Pennsylvania, Docket No. 8099, File No. BP-4790, for construction permit. WOAX, Incorporated (WTNJ), Trenton, New Jersey, Docket No. 6161, Filed No. BML-1084; The City of Camden (WCAM), Camden, New Jersey, Docket No. 6144, File No. BML-1069; Radio Industries Broadcast Company (WCAP), Asbury Park, New Jersey, Docket No. 6145, File No. BML-1070; Independence Broadcasting Company (WHAT), Philadelphia, Pennsylvania, Docket No. 7309, File No. BP-4435; Foulkrod Radio Engineering Company (WTEL), Philadelphia, Pennsylvania, Docket No. 8100, File No. BML-1230, for modification of license.

The Commission having under consideration related petitions filed February 21, 1947 by Foulkrod Radio Engineering Company (WTEL) Philadelphia, Pennsylvania and Baltimore Radio Show, Inc. (WFBR), Baltimore, Maryland requesting a 30-day continuance in the hearing upon the above-entitled applications which is presently scheduled for March 10, 1947 at Washington, D. C.;

It is ordered, This 28th day of February 1947, that the petitions for continuance be, and they are hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m. Tuesday, March 25, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2732; Filed, Mar. 24, 1947; 8:49 a. m.]

[Docket Nos. 6558, 6581, 6611, 8212]

KANAWHA VALLEY BROADCASTING CO. ET AL.

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Kanawha Valley Broadcasting Company (WGKV), for renewal of license, Docket No. 6558, File No. B2-R-1014; Worth Kramer, Transferor, and Eugene R. Custer and Richard M. Venable, Transferees, for relinquishment of control of Kanawha Valley Broadcasting Company, (WGKV) Charleston, West Virginia, Docket No. 6581, File No. B2-TC-352; Eugene R. Custer and Floyd E. Price, Transferors, and Richard M. Venable, Transferee, for transfer of control, Docket No. 8212, File No. B2-TC-496; Charleston Broadcasting Company (WCHS), for renewal of license, Docket No. 6611, File No. B2-R-715.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on February 6th, 1947;

The Commission having under consideration the applications in the above-entitled matters and the records of the hearing held in Dockets 6558, 6581, and 6611; and

The Commission having before it an affidavit filed by one Worth H. Kramer, applicant in Docket No. 7768, now pending before us, alleging in substance that at the time of the hearings in Dockets Nos. 6558 and 6581 he was on active duty with the United States Navy and unaware of such proceedings; that certain of the testimony presented in the course of that hearing with respect to the past interest of the said Worth H. Kramer in the ownership of Kanawha Valley Broadcasting Company, licensee of Station WGKV, and with respect to his participation in the operation of Station WGKV, is incorrect; and that the facts with respect to the past interest of the said Worth H. Kramer in Kanawha Valley Broadcasting Company and its Station WGKV differ substantially from those reflected in the record of the hearings in Dockets 6558 and 6581; and

It appearing that the ends of justice would be served by a reopening of the records in Dockets 6558, 6581, and 6611 for the receipt of further evidence upon the issues involved therein, particularly with respect to the past interest of Worth H. Kramer in Station WGKV, and that full information should be obtained in hearing with respect to the transfer proposed in Docket 8212. Now, therefore, *It is ordered:*

1. That the records in Dockets Nos. 6558, 6581 and 6611 be, and the same are hereby, reopened, for further hearing to be held upon April 15, 1947, for such additional evidence as may be offered upon the issues involved in the said proceedings, particularly with respect to the past interest of Worth H. Kramer in Kanawha Valley Broadcasting Company; and

2. That the said application for transfer of control filed May 22, 1946 (File No. B2-TC-496, Docket No. 8212), be, and the same is hereby, designated for hearing on April 15, 1947, in conjunction with further proceedings hereby ordered in Dockets 6558 and 6581, upon the following issues:

(a) To determine the full facts and information with respect to the proposed transfer of control of Station WGKV by Eugene R. Custer and Floyd E. Price to Richard M. Venable, proposed transferee;

(b) To determine the legal, financial, and other qualifications of Richard M. Venable, proposed transferee, to operate Station WGKV;

(c) To obtain full information as to the type and character of program service proposed by Richard M. Venable, including such changes from the type and character of service presently rendered by Station WGKV as transferee may contemplate.

(d) To obtain full information whether the proposed transfer of control of WGKV by Eugene R. Custer and Floyd E. Price to Richard M. Venable, proposed transferee, would be in the public interest.

By direction of the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2733; Filed, Mar. 24, 1947; 8:50 a. m.]

[Docket Nos. 6883, 6884, 7115, 7851, 7852, 7883]

CRESCENT BROADCAST CORP. ET AL.

ORDER CONTINUING HEARING

In re application of Crescent Broadcast Corporation, Shenandoah, Pennsylvania, Docket No. 6883, File No. BP-4092; The Patriot Company, Harrisburg, Pennsylvania, Docket No. 6884, File No. BP-4091; WHP, Incorporated, Harrisburg, Pennsylvania, Docket No. 7115, File No. BP-4334; Union Broadcasting Company (WARM), Scranton, Pennsylvania, Docket No. 7851, File No. BP-5186; John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, Docket No. 7852, File No. BP-5212; Hudson Valley Broadcasting Co., Inc., Albany, New York, Docket No. 7883, File No. BP-5148; for construction permits.

The Commission having under consideration related petitions filed February 21, 1947 by Crescent Broadcasting Corporation, Shenandoah, Pennsylvania and Union Broadcasting Company (WARM), Scranton, Pennsylvania requesting a 30-day continuance in the future hearing now scheduled for March 4, 1947 at Washington, D. C. upon their above-entitled applications;

It is ordered, This 28th day of February 1947, that the petitions be, and they are hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m. Monday April 7, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2731; Filed, Mar. 24, 1947; 8:49 a. m.]

[Docket Nos. 6913, 8160]

WLEU BROADCASTING CORP. (WLEU) AND PRESQUE ISLE BROADCASTING CO. (WERC)

ORDER CONTINUING HEARING

In re application of WLEU Broadcasting Corporation (WLEU), Erie, Pennsylvania, for construction permit, Docket No. 6913, File No. BP-4115; and modification of broadcast license of Presque Isle Broadcasting Company (WERC), Erie, Pennsylvania, Docket No. 8160, File No. BS-1128.

The Commission having under consideration a petition filed February 21, 1947, by Presque Broadcasting Company (WERC), Erie, Pennsylvania requesting a 30-day continuance in the above-entitled proceeding which is presently scheduled for March 17, 1947 at Washington, D. C.;

It is ordered, This 28th day of February 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m. Wednesday, April 16, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2729; Filed, Mar. 24, 1947; 8:49 a. m.]

[Docket Nos. 7768, 8103]

FLORIDA WEST COAST BROADCASTING CO. AND FRANK E. DUHME

ORDER CONTINUING HEARING

In re application of Florida West Coast Broadcasting Company, Tampa, Florida, for construction permit, Docket No. 7768, File No. BP-4780; Frank E. Duhme, St. Petersburg, Florida, for construction permit, Docket No. 8103, File No. BP-5677.

The Commission having under consideration a petition filed March 4, 1947, by Florida West Coast Broadcasting Company, Tampa, Florida, requesting a 30-day continuance in the hearing presently scheduled for March 26, 1947, at Washington, D. C., upon the above-entitled applications;

It is ordered, This 7th day of March 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, April 7, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2726; Filed, Mar. 24, 1947; 8:48 a. m.]

[Docket Nos. 7543, 7544, 7545, 7546, 7547, 8211]

LIBERTY BROADCASTING CORP., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Liberty Broadcasting Corporation, Atlanta, Georgia, Docket No. 7543, File No. BPH-449; Atlanta Journal Company, Atlanta, Georgia, Docket No. 7544, File No. BPH-761; J. W. Woodruff, tr/as Atlanta Broadcasting Company, Atlanta, Georgia, Docket No. 7545, File No. BPH-746; Fred B. Wilson & Channing Cope, d/b as Wilson and Cope, Atlanta, Georgia, Docket No. 7546, File No. BPH-803; Regents of the University System of Georgia, for and on behalf of Georgia School of Technology, Atlanta, Georgia, Docket No. 7547, File No. BPH-918; Mike Benton, tr as General Broadcasting Company, Atlanta, Georgia, Docket No. 8211, File No. BPH-1184; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the application of Mike Benton, tr/as General Broadcasting Company for a construction permit for a new Class B FM station to be located in Atlanta, Georgia (File No. BPH-1184).

It appearing, that a maximum of 5 Class B FM channels might be available for immediate assignment in the Atlanta, Georgia area;

It further appearing, that the General Broadcasting Company by petition on February 14, 1947, requested that its application be designated for hearing and consolidated with the other applications for FM facilities in the Atlanta, Georgia, area;

It is ordered, That the General Broadcasting Company's petition requesting that its application for a new Class B FM station at Atlanta, Georgia, File No. BPH-1184, be designated for hearing and consolidated with the hearing on Docket Numbers 7543-7547 inclusive, be, and it is hereby, granted;

It is further ordered, Pursuant to section 309 (a) of the Communications Act, as amended, that the above-entitled application be, and it is hereby designated for hearing, to which § 1.857 of the Commission's rules and regulations shall not be applicable, in consolidation with the applications of Liberty Broadcasting Corporation, et al, (Docket Numbers 7543-7547 inclusive) for construction permits for new FM Class B broadcasting stations in the Atlanta, Georgia area commencing April 7, 1947 at 10:00 a. m. in Atlanta, Georgia, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed service.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders heretofore issued in the consolidated proceedings for Docket Numbers 7543-7547 inclusive, be, and they are hereby, amended to include the application of Mike Benton, d b as General Broadcasting Company, Atlanta, Georgia (File No. BPH-1184).

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2716; Filed, Mar. 24, 1947; 8:47 a. m.]

[Docket Nos. 7813, 8227]

PERTH AMBOY BROADCASTING CO. AND UNION BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James Stolcz, d/b as Perth Amboy Broadcasting Company, Perth Amboy, New Jersey, Docket No. 7813, File No. BP-5101; Union Broadcasting Company, Elizabeth, New Jersey, for construction permits, Docket No. 8227, File No. BP-5893.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled applications of James Stolcz, d/b as Perth Amboy Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1510 kc, 250 w power, daytime only, at Perth Amboy, New Jersey, and Union Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1510 kc, 1 kw power, daytime only, at Elizabeth, New Jersey;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2724; Filed, Mar. 24, 1947; 8:48 a. m.]

[Docket No. 7845]

WAYNE M. NELSON, INC.

ORDER CONTINUING HEARING

In re application of Wayne M. Nelson, Inc., Fayetteville, North Carolina, for construction permit; Docket No. 7845, File No. BP-4951.

The Commission having under consideration a petition filed February 27, 1947, by Wayne M. Nelson, Inc., Fayetteville, North Carolina, requesting a 30-day continuance in the hearing upon its above-entitled application, which is presently scheduled for March 13, 1947, at Fayetteville, North Carolina:

It is ordered, This 7th day of March 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Monday, April 14, 1947, at Fayetteville, North Carolina.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2728; Filed, Mar. 24, 1947; 8:49 a. m.]

[Docket No. 7907]

STANDARD TOBACCO CO. INC.

ORDER CONTINUING HEARING

In re application of Standard Tobacco Company, Inc., Maysville, Kentucky, for construction permit; File No. BP-5036, Docket No. 7907.

The Commission having under consideration a petition filed February 25, 1947 by Standard Tobacco Company, Inc., Maysville, Kentucky, requesting a continuance in the hearing upon the above-entitled application which is presently scheduled for March 3, 1947 at Washington, D. C.:

It is ordered, This 28th day of February 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m. Friday, April 4, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2730; Filed, Mar. 24, 1947; 8:49 a. m.]

[Docket Nos. 8066, 7931]

NORTHERN BERKSHIRE BROADCASTING CO. AND COLGREN BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Herbert B. Clark, Robert Hardman and James Gordon Keyworth, doing business as The Northern Berkshire Broadcasting Company, North Adams, Massachusetts, for construction permit, Docket No. 8066, File No. BP-5619; Robert P. Strakos and John F. Kearney, doing business as The Colgren Broadcasting Company, Hudson, N. Y., for construction permit, Docket No. 7931, File No. BP-5131.

The Commission having under consideration a joint petition filed March 3, 1947, by Northern Berkshire Broadcasting Company, North Adams, Massachusetts, and Colgren Broadcasting Company, Hudson, New York, requesting a 30-day continuance in the consolidated hearing upon their above-entitled applications, which is presently scheduled for March 12, 1947, at Hudson, New York, and March 13, 1947, at North Adams, Massachusetts;

It is ordered, This 7th day of March, 1947, that the petition for continuance be, and it is hereby, granted; and the said consolidated hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, April 14, 1947, at Hudson, New York, and 10:00 o'clock a. m., Tuesday, April 15, 1947, at North Adams, Massachusetts.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2727; Filed, Mar. 24, 1947; 8:49 a. m.]

[Docket Nos. 8067 and 8068]

MIDLAND BROADCASTING CO. AND FRED JONES RADIOCASTING AND TELEVISION CO.

ORDER AMENDING ISSUES OF APPLICATION

In re applications of Midland Broadcasting Company, Kansas City, Missouri, for construction permit, Docket No. 8067, File No. BP-5154; Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, for construction permit, Docket No. 8068, File No. BP-5404.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 12th day of March 1947;

The Commission having before it a petition for reconsideration filed on February 3, 1947, by the Midland Broadcasting Company, Kansas City, Missouri, directed against the Commission's action of January 23, 1947, which set aside the October 31, 1946, grant of petitioner's application for construction permit for a new standard broadcast station to operate on 550 kc, with 5 kw power, daytime only, directional antenna, at Concordia, Kansas (File No. BP-5154); and the opposition to said petition filed February 11, 1947, by Fred Jones Radiocasting and Television Company; and

It appearing, that under the Standards of Good Engineering Practice, as amended February 10, 1947, no objectionable adjacent channel interference is expected to result from the petitioner's proposed operation and the operation of Stations KWTO, Springfield, Missouri; KLZ, Denver, Colorado; WIBW, Topeka, Kansas; and KSAC, Manhattan, Kansas; and

It appearing, that issues other than those relating to possible interference to the aforesaid stations, upon which petitioner's application was designated for hearing, have not been determined; and

It appearing further, that petitioner's above-entitled application is mutually exclusive with the application of Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, for construction permit (File No. BP-5404), and therefore said application is entitled to comparative consideration with petitioner's above-entitled application, pursuant to § 1.387 (b) (3) of the Commission's rules:

It is ordered: (1) That insofar as said petition requests reconsideration of Commission action of January 23, 1947, designating petitioner's application for hearing and reinstatement of the October 31, 1946, grant of petitioner's application, said petition be, and it is hereby, denied; (2) That insofar as said petition requests deletion of issues relating to interference with Stations KWTO, KLZ, WIBW, and KSAC, said petition be, and it is hereby, granted, and Issues Nos. 4 and 5 be, and they are hereby, revised to read as follows:

4. To determine whether the operation of the proposed station would involve objectionable interference with the proposed operation of KCRS at Midland, Texas, as authorized by Decision and Order of December 6, 1946; or with any other existing broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Radio Broadcasting, Inc. (File No. BP-3915; Docket No. 7156), and Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company (File No. BP-5404), or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

It is further ordered, That Ozarks Broadcasting Company, licensee of Station KWTO, Springfield, Missouri; KLZ Broadcasting Company, licensee of Station KLZ, Denver, Colorado; Topeka Broadcasting Association, Inc., licensee of Station WIBW, Topeka, Kansas; and KSAC, Inc., licensee of Station KSAC, Manhattan, Kansas, be, and they are hereby, removed, as parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2717; Filed, Mar. 24, 1947; 8:47 a. m.]

[Docket No. 8161]

FREQUENCY BROADCASTING SYSTEM, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Frequency Broadcasting System, Inc., Shreveport, Louisiana, for construction permit; Docket No. 8161, File No. BP-5277.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March, 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1050 kc, with 250 watts power, daytime only, at Shreveport, Louisiana,

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2715; Filed, Mar. 24, 1947; 8:47 a. m.]

[Docket Nos. 8213, 8214, 8215, 8216, 8217]

WASHTENAW BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Washtenaw Broadcasting Company, Inc., Lansing, Michigan, Docket No. 8213, File No. BP-5609; T-C Broadcasting Corporation, Lansing, Michigan, Docket No. 8214, File No. BP-5832; Irwin C. Stoll, Lansing, Michigan, Docket No. 8215, File No. BP-5870; Michigan Music Network, Inc., Jackson, Michigan, Docket No. 8216, File No. BP-5878; Lansing Broadcasting Company (WILS), Lansing, Michigan, Docket No. 8217, File No. BP-5889; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled applications of Washtenaw Broadcasting Company, Inc., T-C Broadcasting Corporation and Irwin C. Stoll, each requesting a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w power, unlimited time, at Lansing, Michigan, Michigan Music Network, Inc., requesting a construction permit for new standard broadcast station to operate on 1240 kc, 250 w power, unlimited time, at Jackson, Michigan, and Lansing Broadcasting Company, permittee of a construction permit for a new standard broadcast station (WILS) to operate on 1430 kc, 500 w power, daytime only, at Lansing, Michigan, requesting a construction permit to change said facilities to 1240 kc, 250 w power, unlimited time, at Lansing, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations and Station WILS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and Station WILS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations and Station WILS as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations and Station WILS as proposed would involve objectionable interference each with the others, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations and Station WILS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2719; Filed, Mar. 24, 1947; 8:47 a. m.]

[Docket Nos. 8218 and 8219]

NORTHWESTERN INDIANA RADIO CO. INC. AND STEEL CITY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana. Docket No. 8218, File No. BP-5574; Steel City Broadcasting Corporation, Gary, Indiana, Docket No. 8219, File No. BP-5888, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled applications of Northwestern Indiana Radio Company, Inc., requesting a construction permit for a new standard broadcast station to operate on 1080 kc, 250 w power, daytime only, at Valparaiso, Indiana, and Steel City Broadcasting Corporation, requesting a construction permit for a new standard broadcast station to operate on 1080 kc, 1 kw power, daytime only, at Gary, Indiana;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2720; Filed, Mar. 24, 1947; 8:47 a. m.]

[Docket Nos. 8222, 8223, 8224, 8225]

NIAGARA BROADCASTING SYSTEM ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Gordon P. Brown, tr./as Niagara Broadcasting System, Niagara Falls, New York, Docket No. 8222, File No. BP-5760; Concord Broadcasting Corporation, Niagara Falls, New York, Docket No. 8223, File No. BP-5825; Lockport Union-Sun and Journal, Inc., Lockport, New York, Docket No. 8224, File No. BP-5880; Great Lakes System, Inc., Buffalo, New York, Docket No. 8225, File No. BP-5891, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled applications of Gordon P. Brown, tr./as Niagara Broadcasting System, and Concord Broadcasting Corporation, each requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Niagara Falls, New York, Lockport Union-Sun and Journal, Inc., requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Lockport, New York, and Great Lakes System, Inc., requesting a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w power, unlimited time, at Buffalo, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.875 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the others, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2722; Filed, Mar. 24, 1947; 8:48 a. m.]

[Docket Nos. 8220 and 8221]

BATESVILLE BROADCASTING CO., INC., AND WHITE RIVER VALLEY BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Batesville Broadcasting Company, Incorporated, Batesville, Arkansas, Docket No. 8220, File No. BP-5557; White River Valley Broadcasters, Incorporated, Batesville, Arkansas, Docket No. 8221, File No. BP-5890; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Batesville, Arkansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2721; Filed, Mar. 24, 1947; 8:48 a. m.]

[Docket No. 8226]

KIRKSVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Ray W. Crawford, H. W. Stadler and L. W. Andrews, d/b as Kirksville Broadcasting Co., Kirksville, Missouri, for construction permit; Docket No. 8226, File No. BP-5892.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Kirksville, Missouri;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Audrain Broadcasting Corporation, permittee of a construction permit for a new standard broadcast station at Mexico, Missouri, or with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Audrain Broadcasting Corporation, permittee of a construction permit for a new standard broadcast station at Mexico, Missouri, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2723; Filed, Mar. 24, 1947; 8:48 a. m.]

[Docket Nos. 8228, 8229]

ARI-NE-MEX BROADCASTING CORP. AND FRANK E. COOKE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ari-Ne-Mex Broadcasting Corporation, Deming, New Mexico, Docket No. 8228, File No. BP-5700; Frank E. Cooke, Deming, New Mexico, Docket No. 8229, File No. BP-5894; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Deming, New Mexico;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2725; Filed, Mar. 24, 1947; 8:48 a. m.]

[Docket No. 8232]

SUBURBAN BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Suburban Broadcasting Corporation, Upper Darby, Pennsylvania, for construction permit, File No. BP-5134, Docket No. 8232.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration a petition for reconsideration filed on November 19, 1946, by WDEL, Inc., Wilmington, Delaware, directed against the Commission's October 31, 1946, action granting without hearing the application of Suburban Broadcasting Corporation, Upper Darby, Pennsylvania, for a construction permit (File No. BP-5134), to erect a new standard broadcast station at Upper Darby, Pennsylvania, to operate on the Frequency of 1170 kc, with 1 kw power, daytime operation; and the opposition thereto filed November 26, 1946, by the Suburban Broadcasting Corporation, Upper Darby, Pennsylvania; and

It appearing, that petitioner alleges that the operation of the proposed station at Upper Darby, Pennsylvania, would create objectionable daytime adjacent channel interference within the normally protected contours of Station WDEL, Wilmington, Delaware, and that, pursuant to § 1.390 of the Commission's rules, such allegation is supported by an affidavit of a qualified engineer;

It is ordered, Pursuant to §§ 1.390 (a) (2) and 1.387 (b) of the Commission's rules, that the petition for reconsideration be, and it is hereby, granted; and that the October 31, 1946, action of the Commission granting without hearing, the above-entitled application of Suburban Broadcasting Corporation, be, and it is hereby, set aside.

It is further ordered, That the above-entitled application of Suburban Broadcasting Corporation, Upper Darby, Pennsylvania, for construction permit, be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed Suburban Broadcasting Corporation station and the character of other broadcast service available to those areas and populations.

2. To determine the type and character of program service to be rendered by the proposed Suburban Broadcasting Corporation station, and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the installation and operation of the proposed Suburban Broadcasting Corporation station at Upper Darby, Pennsylvania, would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

4. To determine whether the operation of the proposed Suburban Broadcasting Corporation station at Upper Darby, Pennsylvania, would involve objectionable interference to the present operation of station WDEL, Wilmington, Delaware, or to the operation of any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed Suburban Broadcasting Corporation station at Upper Darby, Pennsylvania, would involve objectionable interference to the operation of any broadcast services proposed in a pending application, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the signal presently delivered by radio station WDEL, Wilmington, Delaware, to the Philadelphia, Pennsylvania, metropolitan and suburban residential areas wherein the anticipated interference would occur is actually of adequate strength to render primary service to such areas and populations.

It is further ordered, That WDEL, Inc., Wilmington, Delaware, be, and it is hereby, named as a party to said hearing.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-2718; Filed, Mar. 24, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 637]

WASHINGTON WATER POWER CO.

ORDER FIXING HEARING AND MODIFYING LICENSE TEMPORARILY

Upon application filed January 22, 1947, by The Washington Water Power Company, licensee for Project No. 637, for amendment of license requesting modification of Article 13 thereof as hereinafter specified;

Upon application filed March 12, 1947, by the licensee for a temporary modification of said Article 13 as hereinafter specified; and

It appearing that:

(a) Article 13 of said license reads as follows:

ARTICLE 13. The Licensee shall at no time cause or permit the elevation of the surface of Chelan Lake to be raised above elevation 1100 or to be drawn below elevation 1079 feet; *and unless otherwise specifically authorized by the Commission the draft of water from said lake by the Licensee shall not exceed in any year an average rate of 1000 cubic feet per second during the period April 1 to August 15 unless or until the surface of said lake is at or above elevation 1096, and such draft shall during the period August 16 to September 15 of every year be limited to an amount which will not cause the elevation of the surface of said lake to be drawn below elevation 1092: Provided, that if in any year under the restrictions herein named the surface of said lake does not reach elevation 1096 by August 1, said date shall apply in lieu of August 16 as determining the beginning of the period during which the surface of the lake may be drawn down to elevation 1092.* Said elevations are in feet above mean sea level, as determined by reference to the United States Geological Survey bench mark, elevation 1091.182, as now located and established on Johnson's Point, near Lakeside, Chelan County, or such other bench marks as may be established by the U. S. Geological Survey having the same datum. Licensee shall establish such additional bench marks as appear necessary in the judgment of the Commission, or its authorized representative, to permit accurate and convenient determination of said elevations. [Italics supplied.]

(b) The application for amendment filed January 22, 1947, requests that Article 13 be modified by placing a period after the word "feet" in the third line thereof, and that the underscored portion of the quoted article be eliminated and the following text substituted therefor:

Beginning April 1st, in each year, a maximum average draft of 1000 c. f. s. will be permitted; *Provided*, That, in years of sufficient run-off, this average draft may be exceeded in such an amount as will not prevent the lake surface from reaching and maintaining elevation 1096, or above, for the period June 30th to August 15th of each year. Following August 15th, withdrawals from storage shall be limited to amounts which will maintain lake levels above elevation 1092 until September 15th, after which the draft shall be unrestricted down to the minimum permissible lake level of 1079 feet. *It is further provided*, That if, in any year, the lake surface elevation, under the draft of 1000 c. f. s. shall not reach elevation 1096 by August 1st, that date, instead of August 15th, shall mark the beginning of the period during which the lake may be drawn down to elevation 1092.

(c) The application filed March 12, 1947, for temporary modification requests that Article 13 as quoted in paragraph (a) above be modified for a period of one year to provide that, beginning April 1, 1947, the draft on Lake Chelan water storage shall not exceed 1000 cubic feet per second until the lake surface has been raised to elevation 1086; that after the lake surface has reached elevation 1086 the draft on storage may be increased to not exceeding 2100 cubic feet per second: *Provided*, That by so doing the lake surface not be lowered below elevation 1086: *And provided further*, That such draft shall be so adjusted as to insure that the lake surface shall be raised to elevation 1096 or above, on or before June 30th, and that such temporary authorization shall not be construed as modification of any other limitations contained in said article;

(d) Various landowners, orchardists, municipalities, and others have expressed opposition to the granting of the application for amendment;

(e) Estimates of probable runoff during the summer of 1947 indicate that the water available in Lake Chelan during that period will be in greater volume than normally and, therefore, temporary authorization to operate the project in the manner proposed by licensee should not have a substantial adverse affect on other water users if such temporary authorization is made subject to modification or revocation at the order of the Commission. Such a temporary modification of Article 13 will alleviate to some extent the power shortage in the Pacific Northwest since operation of the project in the manner proposed will result in the production of additional power.

The Commission, having considered the aforesaid applications, the protests filed and the project record, finds that:

(1) The licensee and all other interested persons should be afforded an opportunity to present their views together with appropriate evidence on the question of whether the January 22, 1947 application for amendment should be granted and whether the temporary modification of the license granted herein should be modified or revoked;

(2) It will be in the public interest to modify Article 13 of the license temporarily as hereinafter provided; and

It is ordered, That:

(A) A public hearing be held in Civil Service Room 201, Second Floor, Post Office Building, in Wenatchee, Washington, beginning at 10:00 a. m., on April 14, 1947, on the issues presented;

(B) Notwithstanding the provisions of Article 13 of the license for said project, beginning on April 1, 1947, the draft on Lake Chelan water storage shall not exceed 1,000 cubic feet per second until the lake surface has been raised to elevation 1086; after the lake surface has reached elevation 1086 the draft on storage may be increased to not exceeding 2,100 cubic feet per second; *Provided*, That by so doing the lake surface shall not be lowered below elevation 1086; *And provided further*, That such draft shall be so adjusted as to insure that the lake surface shall be raised to elevation 1096 or above on or before June 30, 1947.

(C) The temporary authorization carried in paragraph (B) above shall not be construed as a modification of any provisions in Article 13 of the license other than those provisions expressly modified by paragraph (B); and such temporary authorization shall be subject to the further order of the Commission at any time prior to June 30, 1947, in such manner as may be found by the Commission to be in the public interest.

Date of issuance: March 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2752; Filed, Mar. 24, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 140]

RECONSIGNMENT OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., March 18, 1947, by United Produce Co., of cars PFE 43132 and GARX 67913, tomatoes, now on the Pennsylvania RR., to Gargulio and Amendola, Inc., New York, N. Y. (P. RR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-2749; Filed, Mar. 24, 1947; 8:51 a. m.]

[S. O. 396, Special Permit 141]

RECONSIGNMENT OF CARROTS AT NEW YORK, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at New York, N. Y., March 18, 1947, by H. Rothstein and Co., of car PFE 75368, carrots, now on the Pennsylvania RR., to Hall and Cole, Boston, Mass. (NYNH&H).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-2750; Filed, Mar. 24, 1947; 8:53 a. m.]

[S. O. 396, Special Permit 142]

RECONSIGNMENT OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., March 18, 1947, by T. Colace Co., of car PFE 93301, tomatoes, now on the Pennsylvania RR., to Garguilo and Amendola, Inc., New York, N. Y. (P. RR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-2751; Filed, Mar. 24, 1947; 8:53 a. m.]

[S. O. 674-A]

UNLOADING OF FERTILIZER AT SANTUC, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of March A. D. 1947.

Upon further consideration of Service Order No. 674 (12 F. R. 1039), and good cause appearing therefor: it is ordered, that:

(a) Service Order No. 674 *Fertilizer at Santuc, S. C., be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., March 21st, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2746; Filed, Mar. 24, 1947; 8:51 a. m.]

[S. O. 708, Corr.]

UNLOADING OF PEAS AT NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of March A. D. 1947.

It appearing, that car PLE 30615, containing peas at New York, New York, on The New York Central Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Peas at New York, N. Y., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately car PLE 30615, containing peas in sacks, on hand at New York, New York, consigned shippers order notify Louis Cohen.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2747; Filed, Mar. 24, 1947; 8:51 a. m.]

[S. O. 709]

UNLOADING OF TRAILERS AT DETROIT, MICH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of March A. D. 1947.

It appearing, that two cars containing truck trailers at Detroit, Michigan, on The New York Central Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Trailers at Detroit, Mich., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately cars Sou 117142 and Sou 116963, containing tank type truck trailers, on hand at Detroit dock team track, Detroit, Michigan, consigned to O'Brien Truck Sales, Detroit, Michigan.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car

service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2748; Filed, Mar. 24, 1947; 8:51 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-504]

GREENE COUNTY MOTOR CO.

CONSENT ORDER

Roy and Milton Zwickel, d/b/a Greene County Motor Co., are partners, operating an automobile showroom and service station in Catskill, New York. Roy and Milton Zwickel are charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about October 1, 1946 they began construction, repairs, additions and alterations, without authorization and at a cost in excess of $1,000 of a commercial building located on Route 9W Highway, Catskill, N. Y.; (2) on or about October 1, 1946 they carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located on Route 9W Highway, Catskill, N. Y.

Roy and Milton Zwickel, d/b/a Greene County Motor Co., admit the violations charged and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Roy and Milton Zwickel, d/b/a Greene County Motor Co., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered* That:

(a) Neither Roy nor Milton Zwickel, d/b/a Greene County Motor Co., their successors and assigns, nor any other person shall do any further construction on the premises located on Route 9W Highway, Catskill, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Roy and Milton Zwickel, d/b/a Greene County Motor Co., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Roy and Milton Zwickel, d/b/a Greene County Motor Co., their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2851; Filed, Mar. 24, 1947; 11:32 a. m.]

[C-502]

RICHARD J. LALLY

CONSENT ORDER

Richard J. Lally, residing at 12111 Biscayne Boulevard, North Miami, Florida, subsequent to March 26, 1946, began the construction of a building, 80% of which is to be used for commercial purposes, and 20% for residential purposes. Said building is known as 15311 Biscayne Boulevard, North Miami Beach, Florida. The estimated cost of said building is in excess of the $1,000 exemption provided for in Veterans' Housing Program Order No. 1 and said construction is in violation of said order.

Richard J. Lally admits the violation as charged, and, although denying willfulness, does not care to contest this issue and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Richard J. Lally, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Richard J. Lally, his successors and assigns, nor any other person shall do any further construction on the premises known as 15311 Biscayne Boulevard, North Miami Beach, Florida, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration or its successor.

(b) Richard J. Lally shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or its successor for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Richard J. Lally, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2852; Filed, Mar. 24, 1947; 11:32 a. m.]

[C-505]

GOODSTEIN IRON & STEEL CO., INC.

CONSENT ORDER

Goodstein Iron & Steel Co., Inc., a New York corporation located at 655 Whittier Street, Bronx, N Y., is engaged in the business of fabrication of steel, tubing, alloys and stainless steel. Nathan Goodstein is Vice-President of said corporation. Goodstein Iron & Steel Co., Inc., is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about November 21, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 655 Whittier Street, Bronx, N. Y.; (2) on and after November 21, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 655 Whittier Street, Bronx, N. Y.

Goodstein Iron & Steel Co., Inc. admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Goodstein Iron & Steel Co., Inc., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Goodstein Iron & Steel Co., Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at 655 Whittier Street, Bronx, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Goodstein Iron & Steel Co., Inc., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Goodstein Iron & Steel Co., Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2853; Filed, Mar. 24, 1947; 11:32 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1473]

POTOMAC ELECTRIC POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of March 1947.

Notice is hereby given that Potomac Electric Power Company (Potomac Electric), a subsidiary of Washington Railway and Electric Company, a registered holding company, which, in turn, is a subsidiary of The North American Company, also a registered holding company, has filed an application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Applicant designates section 6 (b) of the act and Rule U-23 and Rule U-50 (a) (2) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 25, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Potomac Electric proposes to borrow from twenty commercial banking institutions, from time to time, during a period of two years, not to exceed $12,000,000 and to issue in evidence thereof its promissory notes, due April 1, 1952, with right of prepayment, bearing interest at the rate of 2% per annum, in accordance with the terms of a credit agreement between the company and said banks dated February 19, 1947.

Under the terms of said credit agreement said banking institutions agree to extend credit to the company in the aggregate amount of $12,000,000, for the purpose of enabling Potomac Electric to borrow the proposed $12,000,000 represented by said notes, of which amount the company agrees to borrow not less than $2,000,000 on April 1, 1947, and to borrow a further $2,000,000 for the purpose of paying its 1⅝% notes maturing September 3, 1947. The company also agrees to pay on or before April 1, 1947, a commitment fee of ⅛ of 1% of the difference between $10,000,000 and the amount of the initial borrowing. It is also provided by the terms of the agreement that Potomac Electric should be entitled to extensions of time within which to make said borrowings, for a period of six months from April 1, 1947, and for not more than four further consecutive periods of three months from April 1, 1948, by paying to the said banks, in advance for each such extension, a commitment fee of ⅛ of 1% of the amount of credit to be available during each such period.

Applicant states that the proposed transaction is subject to approval of the Public Utilities Commission of the District of Columbia, which Commission approved the proposed transactions by order dated March 10, 1947. Applicant has requested that this Commission's order approving the application be granted on or before March 26, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2735; Filed, Mar. 24, 1947; 8:48 a. m.]

[File No. 70-1479]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of March 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company ("Standard"), a registered holding company.

Notice is further given that any interested person may not later than March 28, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after March 28, 1947, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Standard proposes, with the consent of the holders of its outstanding bank loan notes, to extend the maturity of such of its bank loan notes as mature on April 10, 1947, from that date to May 10, 1947. The amount of such notes now outstanding which mature on April 10, 1947, aggregates $13,350,410.20. Said notes are a portion of an issue, originally made on April 10, 1946, in the sum of $51,000,000, of which the total now outstanding aggregates $38,850,410.20.

Standard states that said amount of $13,350,410.20 of notes now outstanding which are due on April 10, 1947, will be reduced on or about March 17, 1947, by the sum of approximately $4,402,252, representing proceeds (less expenses and payment of interest on such notes) to be received from the sale of 140,614 shares of common stock of Mountain States Power Company. (A declaration with respect to this sale was permitted to become effective on March 12, 1947, in File No. 70-1312.)

Standard represents that it will further reduce the amount of its notes due April 10, 1947, by a payment in the approximate amount of $800,000 out of its net income for the quarter annual fiscal period ended March 31, 1947. The declarant further represents that it plans to file in the near future a new declaration for the sale, at competitive bidding pursuant to Rule U-50 promulgated under the Public Utility Holding Company Act of 1935, of the 312,000 shares of common stock of The California Oregon Power Company held by Standard and to apply the proceeds of such sale to the further payment of Standard's notes. The declaration states that Standard is of the opinion that the proceeds of such sale will be sufficient to pay the remaining balance of the notes now due on April 10, 1947, the maturities of which it proposes to extend to May 10, 1947, and to reduce substantially the remainder of the notes which by their terms are due on April 10, 1949.

Section 6 of the act has been designated as being applicable to the proposed transaction and Standard requests that action by the Commission be taken as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2737; Filed, Mar. 24, 1947; 8:48 a. m.]

[File No. 70-1455]

DELAWARE POWER & LIGHT CO.

ORDER CORRECTING PRIOR ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of March 1947.

On March 13, 1947, this Commission having issued its order granting and permitting to become effective, subject to certain conditions, an application-declaration of Delaware Power & Light Company ("Delaware"), regarding the issuance and sale at competitive bidding, pursuant to the requirements of Rule U-50, of 50,000 shares __% Cumulative Preferred Stock, $100 par value, the proceeds of said sale to be used to finance capital expenditures to be made by Delaware; and

Definitions in respect of certain terms used in the condition contained in the paragraph numbered (1) of said order having been inadvertently omitted:

It is hereby ordered, That there be inserted at the end of the subparagraph lettered (c) of paragraph numbered (1) of the conditions contained in the order of this Commission dated March 13, 1947, in the premises, the following definitions:

For the purpose of this condition:

(A) The total consolidated capitalization of the Company and its subsidiaries shall be deemed to consist of the aggre-

gate of the principal amount of all outstanding indebtedness of the Company and its subsidiaries represented by bonds, notes or other evidences of indebtedness maturing by their terms one year or more from the date of the proposed payment of the Common Stock dividend and the aggregate amount of stated capital or par value represented by all the capital stock, including premiums on capital stock, of all classes of the Company and its subsidiaries, excluding indebtedness and capital stock of subsidiaries held by the Company.

(B) Consolidated surplus accounts (including capital or paid in surplus), upon which capitalization ratios are computed, and consolidated net income of the Company and its subsidiaries shall be determined in accordance with such systems of accounting as may be prescribed by governmental authorities having jurisdiction in the premises, or, in the absence thereof, in accordance with sound accounting practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2736; Filed, Mar. 24, 1947; 8:48 a. m.]

[File Nos. 59-10, 70-1364, 70-1369]

ILLINOIS POWER CO.

SUPPLEMENTAL ORDER REGARDING SALE OF TRANSPORTATION PROPERTIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March 1947.

The Commission having issued an order on April 14, 1942 pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("the act") in proceedings concerning The North American Company and its subsidiary companies, File No. 59-10, which requires, among other things, that Illinois Power Company (then Illinois Iowa Power Company) cease to own or operate property or facilities for the purpose of conducting any water or transportation business; and

Illinois Power Company having notified the Commission that in compliance with the aforementioned order a sale was made on September 27, 1946 of its transportation properties located in and around Peoria, Illinois, and a sale was made on December 10, 1946 of its water properties, facilities and business located in and about Mt. Vernon, Illinois, and that the proceeds of such sales aggregating $1,200,000 (subject to certain adjustments), together with other cash, are being reinvested in two certain 40,000 kw, turbine-generator units, at an aggregate cost of $1,312,500, subject to certain adjustments, and that said two generator units are expected to be placed in commercial operation during the summer of 1947; and

Illinois Power Company having requested that the Commission issue an order making the recitals specified in section 371 of the Internal Revenue Code;

It is hereby ordered and recited and the Commission finds, That the sale by Illinois Power Company of its transportation properties located in and around Peoria, Illinois to Peoria Transportation Company for $500,000 (subject to certain adjustments), all as set forth, specified and itemized in certain documents filed with this Commission on August 30, 1946, appearing physically in File No. 70-1364, said documents being hereby incorporated by reference in this order and made a part hereof with the same force and effect as if fully set forth herein, and the sale by Illinois Power Company of its water properties, facilities and business located in and about Mt. Vernon, Jefferson County, Illinois, to Illinois Cities Water Company for $700,000 (subject to certain adjustments), all as set forth, specified and itemized in certain documents filed with this Commission on September 9, 1946, appearing physically in File No. 70-1369, said documents being hereby incorporated by reference in this order and made a part hereof with the same force and effect as if fully set forth herein, are in compliance with and in obedience to the aforesaid order of this Commission dated April 14, 1942 pursuant to section 11 (b) (1) of the act, requiring, among other things, that Illinois Power Company cease to own or operate property or facilities for the purpose of conducting any water or transportation business, and are necessary or appropriate to the integration or simplification of the holding company system of which Illinois Power Company is a member; and that the expenditure of the aforementioned proceeds from such sales, together with other funds, before the end of the year 1947, for two certain 40,000 kw turbine-generator units, as set forth, specified and itemized in a certain document filed with this Commission on January 27, 1947, appearing physically in File No. 70-1369, said document being hereby incorporated by reference in this order and make a part hereof with the same force and effect as if fully set forth herein, is necessary or appropriate to the integration or simplification of the holding company system of which Illinois Power Company is a member.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2738; Filed, Mar. 24, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8435]

CARRIE FROEHLICH ET AL.

In re: Tangible personal property, owned by Carrie Froehlich and stock and bank accounts owned by and debts owing to Ilse Sauer Appel, Adelheid Sauer, Friedl Sauer, Karl Sauer and Carrie Froehlich. F-28-7648-A-1, C-1/2, E-1; F-28-7516-A-1, C-1, E-1; F-28-8612-A-1, C-1, E-1; F-28-8613-A-1, C-1, E-1; F-28-8615-A-1, C-1, E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilse Sauer Appel, whose last known address is Rinteln/Wesser, Germany, and Adelheid Sauer, Friedl Sauer, Karl Sauer and Carrie Froehlich, each of whose last known address is Marburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All that certain tangible personal property owned by Carrie Froehlich which is presently in the custody of Bausch and Lomb Optical Company, 635 St. Paul Street, Rochester, New York, including particularly but not limited to the items listed in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carrie Froehlich, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. One hundred seventy (170) shares of $100 par value 4% cumulative preferred capital stock of Bausch and Lomb Optical Company, 635 St. Paul Street, Rochester, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates listed in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Joseph F. Taylor, 635 St. Paul Street, Rochester, New York, registered as set forth in Exhibit B, and owned by the persons listed therein in the amounts appearing opposite each name, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Security Trust Company, 103 East Main Street, Rochester, New York, arising out of an account entitled Joseph F. Taylor as agent for Carrie Froehlich, Adelheid Sauer, Friedl Sauer, Karl Sauer and Ilse Sauer Appel, and any and all rights to demand, enforce and collect the same,

c. Those certain debts or other obligations owing to the persons named in Exhibit C, attached hereto and by reference made a part hereof, by Lincoln Rochester Trust Company, 183 East Main Street, Rochester, New York, arising out of the checking accounts whose titles are set forth in Exhibit C, and any and all rights to demand, enforce and collect the same, and

d. Those certain debts or other obligations owing to the persons named in Exhibit D, attached hereto and by reference made a part hereof, by Bausch and Lomb Optical Company, 635 St. Paul Street, Rochester, New York, in the amounts as of December 31, 1945, set forth in Exhibit D, evidenced by certain

dividend checks presently in the custody of Lincoln Rochester Trust Company, 183 East Main Street, Rochester, New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Rugs

1—12' 8" x 3' 7" Bakhtyari rug.
1—6' x 4' Hamadan rug.
1—3' 5" x 3' 3" Boukara rug.
1—3' 2" x 2' Sena rug.
1—6' 3" x 4' 3" Sena rug.
1—5' x 3' 7" Kabestan rug.
1—9' 2" x 7' 2" Boukara rug.
1—4' x 6' 9" Kermanshah rug.
1—9' 9" x 8' 8" Kermanshah rug
1—3' 3" x 2' 3" Sena rose and blue rug.
1—2' x 3' Chinese rug.
1—5' x 2' Sarek rug.
1—4' 7" x 2' 8" Zeltisultan rug.
1—8' 7" x 5' 1" Lilihan rug.

Paintings and Pictures

1 oil painting "Landscape" by Jos Weinglein, gold frame.
1 oil painting "Fischer in Landschaft" by B. C. Koekkoek.
1 oil painting "Seascape" by J. Constable, gold frame.
1 oil painting, Birstein Village, without frame.
1 oil painting "Haymarket" (Cattlemarket).
1 oil painting "Flower Market", gilt frame.
1 oil painting "Arabs", antique gold frame.
1 mosaic, easel frame.
1 mosaic "Hunting Dogs", extra heavy wood frame.
1 oil painting "Landscape" by Jules Dupre, antique frame.
1 porcelain miniature "Old Man", velvet frame.
1 wood mosaic "Landscape", oak frame.
1 tinted photo "2 Boys", carved gilt wood frame.
1 sampler work garden scene "Minna".
1 colored inlay wood mosaic.
1 water color of "Mr. Lomb's Garden", gilt frame.
1 oil painting by Wenglein, gold frame.
1 oil painting "Group" by Defregger, wood decorated frame.
1 oil painting "Forest" by A. Kaufman, gold frame.
1 embroidered landscape, gold frame.
1 oil painting "Childs Trio" by Firle, antique gold frame.
1 oil painting "Landscape" by Hertel, gold frame.

Silverware

1 chop plate, round, Sterling.
2 dishes, round—1 Sterling, 1 German silver.
1 vegetable dish, Cupid pattern, with cover, German silver.
1 flower and fruit dish, Cupid pattern, German silver.
1 large meat platter, Cupid pattern, Sterling.
1 small plate, oblong, Cupid pattern, German silver.
1 kidney shape plate, Cupid pattern, German silver.
1 set tea, cream, sugar, tongs, milk pitcher, Cupid pattern, German silver.
1 large tongs, cookie or asparagus, Cupid pattern, German silver.
1 coffee urn, Cupid pattern, German silver.
2 tea strainers and standard—1 Sterling, 1 and standard, German silver.
1 tea basket, Sterling.
1 hot butter boat, Sterling.
6 salts, Sterling.
6 spoons for same, Sterling.
2 peppers, ducks, German silver.
1 basket dish, hammered silver, Sterling.
2 dishes, small, filigree, Sterling.
2 coasters, wood bottoms, Sterling.
2 pairs candlesticks, Cupid pattern, German silver.
1 silver plate, round, filigree, Sterling.
1 set sugar and cream, small, German silver.
2 sets salt and pepper, small, Sterling.
2 water pitchers, 1 Sterling, 1 German silver.
2 vases, 1 tall, 1 medium, Sterling.
1 large cup with cover, German silver (Pocal).
1 set salt and pepper, Peacocks, German silver.
3 napkin holders, Sterling.
1 meat platter with rack, Sterling.
2 compote dishes, hand wrought, Sterling.
2 dishes, small, filigree, Sterling.
1 bread or roll basket, filigree, German silver.
12 dessert dishes, silver with glass.
12 cocktail glasses, Sterling, gold lining.
6 knives, dinner, Versailles—Sterling.
12 knives, lunch, Versailles—Sterling.
8 knives, butter, Versailles—Sterling.
6 forks, dinner, Versailles—Sterling.
6 forks, lunch, Versailles—Sterling.
12 forks, salad, Versailles—Sterling.
12 forks, oyster, Versailles—Sterling.
12 spoons, soup, Versailles—Sterling.
18 spoons, bouillon, Versailles—Sterling.
12 spoons, tea, Versailles—Sterling.
12 spoons, ice cream, Versailles—Sterling.
12 spoons, small coffee, Versailles—Sterling.
18 knives, dinner, Luxembourg, Sterling.
18 knives, lunch, Luxembourg, Sterling.
18 forks, dinner, Luxembourg, Sterling.
18 forks, lunch, Luxembourg, Sterling.
18 spoons, soup, Luxembourg, Sterling.
15 knives, butter, Luxembourg, Sterling.
3 knives, fruit, Luxembourg, Sterling.
6 knives, fruit, pearl handle.
12 teaspoons in box—German silver.
15 teaspoons, miscellaneous, German silver.
1 salad set, spoon and fork, Sterling.
1 pie knife, Versailles, Sterling.
3 meat forks, Sterling.
5 spoons, 3 gravy, 2 nut, Sterling.
10 spoons, miscellaneous, small.
2 knives, 1 butter, 1 cheese, Sterling.

Miscellaneous

1 man's watch chain, platinum and pearl.
2 man's watch chains, platinum and gold with safety pin lock.
1 gold chain.
3 gold watches, man's.
1 silver watch, man's.
1 jewelry box marked CFL.
39 pieces miscel. jewelry, cuff links, studs, etc.
1 Sterling watch chain to fasten on belt.
1 desk set, 10 pieces, Sterling.
1 gold pencil, small flat.
1 gold fountain pen.
2 silver pencils, 1 Sterling, 1 German silver.
1 silver traveling spoon, Sterling.
1 silver calendar.
1 silver cocktail shaker.
1 silver and crystal ash tray.
2 smelling salts bottles, 1 German silver, 1 crystal and Sterling.
5 small gold and silver snuff boxes.
2 silver drinking cups, Sterling.
1 Sterling dresser set, 7 pieces.
1 box, filigree work, Sterling.
1 ring, pearl and turquoise, engagement.
6 tablecloths, lace and embroidered.
18 napkins.
7 covers and cloths, miscellaneous.
25 table and dresser covers.
26 doilies.
16 handkerchiefs and infant's articles.
9 small lace doilies.
1 small pitcher with cover, porcelain.
5 wine glasses, red and white glass.
1 wooden chair.
4 small wood cabinets.
2 toy tables and 4 chairs, wood.
1 small ornamental gold bird cage.
1 honorary citizenship certificate of Birstein.
1 wooden placque, German inscription.
1 wooden placque, sport club award.
1 autographed photograph Kaiser Wilhelm, framed.
1 oil sketch by a student.
1 oil painting of Mr. Lomb.
18 framed photographs, family, various sizes.
3 envelopes of family photographs.
1 photograph album.
6 books, miscellaneous, 5 German, 1 English.
3 German leaflets.
1 University of Marburg medal.
1 bowl with cover on wood disc.
1 small wardrobe trunk.

EXHIBIT B

Name of owner	Number of shares	Certificate No.	Name in which registered
Ilse Sauer Appel	10	TCPO426	Joseph F. Taylor as agent for Ilse Sauer Appel.
Adelheid Sauer	40	TCPO427	Joseph F. Taylor as agent for Adelheid Sauer.
Friedl Sauer	10	TCPO428	Joseph F. Taylor as agent for Friedl Sauer.
Karl Sauer	10	TCPO429	Joseph F. Taylor as agent for Karl Sauer.
Carrie Froehlich	100	TCP263	Joseph F. Taylor as agent for Carrie Froehlich.

EXHIBIT C

Owner of Checking Account and Title of Checking Account

Ilse Sauer Appel: Joseph F. Taylor as agent for Ilse Sauer Appel.
Adelheid Sauer: Joseph F. Taylor as agent for Adelheid Sauer.
Friedl Sauer: Joseph F. Taylor as agent for Friedl Sauer.
Karl Sauer: Joseph F. Taylor as agent for Karl Sauer.
Carrie Froehlich: Joseph F. Taylor as agent for Carrie Froehlich.

EXHIBIT D

Name of creditor:	*Amount of debt, as of Dec. 31, 1945*
Ilse Sauer Appel	$158.99
Adelheid Sauer	636.00
Friedl Sauer	158.99
Karl Sauer	158.99
Carrie Frochlich	1,589.97

[F. R. Doc. 47-2700; Filed, Mar. 21, 1947; 8:45 a. m.]

[Dissolution Order 53]

FRANZ MAYER STUDIOS, INC.

Whereas, by Vesting Order No. 4037, dated August 16, 1944 (9 Fed. Reg. 11440, September 16, 1944), there were vested 470 of the 600 issued and outstanding shares of $100.00 par value capital stock of Franz Mayer Studios, Inc., a New York corporation; and

Whereas, the remaining 130 shares of issued and outstanding $100.00 par value capital stock are owned by citizens of the United States, to wit: Nicholas Wagner, 70 shares, and Edward A. Sidman, 60 shares; and

Whereas, Franz Mayer Studios, Inc. has been substantially liquidated under the supervision of the undersigned; and

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved and that its assets be distributed, and a certificate of dissolution having been issued by the Secretary of State of the State of New York;

hereby orders that the officers and directors of Franz Mayer Studios, Inc. (to wit: Martin S. Watts, President and Director, Francis J. Carmody, Secretary and Director, and Stanley B. Reid, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Franz Mayer Studios, Inc.; and further orders that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follow:

a. They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the said corporation and the dissolution thereof; and

b. They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

c. They shall then pay to the Attorney General of the United States the amount of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation; and

d. They shall then distribute and pay over as a liquidating dividend the remaining assets of the corporation except the foreign accounts receivable owed by St. Andrew's Church, Port Arthur, Ontario, Canada, and Franz Mayer & Company, Munich, Germany, in the aggregate amount of $17,104.32, to:

(1) Nicholas Wagner and Edward A. Sidman, in proportion to their interests as stockholders, upon execution by them and an acceptable surety company of a bond in favor of the corporation, its officers and directors and the Attorney General of the United States, guaranteeing contribution by such stockholders, up to an amount not exceeding the dividends paid to them, to payment of any unknown claims against the corporation which may arise after distribution to said Nicholas Wagner and Edward A. Sidman; and

(2) The Attorney General of the United States, in proportion to his interest as stockholder; and

e. They shall then, pay over, transfer, assign and deliver the aforementioned foreign accounts receivable to the Attorney General of the United States, the proportionate shares of said Messrs. Wagner and Sidman in and to any funds which may be realized from the property so transferred to be distributed to them by the Attorney General of the United States, upon their furnishing a bond as aforementioned covering such distributions; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the laws of the State of New York, of any person who may have a claim against the said corporation or the principals or surety on the said bond to proceed against the said Nicholas Wagner and Edward A. Sidman, or either of them, as stockholders who shall have received a liquidating dividend, or the surety on the said bond; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; and further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may claim against the said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States as above set forth; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; and *Provided, further*, That any such claim shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the officers and directors of Franz Mayer Studios, Inc., pursuant to this order and the directions contained therein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 20th day of March 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2781; Filed, Mar. 24, 1947; 8:48 a. m.]

[Return Order 9]

CALIFORNIA SPRAY-CHEMICAL CORP.

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned, after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
California Spray-Chemical Corp., Richmond, Calif., claim No. A-217.	12 F. R. 888, Feb. 5, 1947.	Property described in vesting order No. 16 (7 F. R. 4409, June 11, 1942), relating to United States letters patent No. 2,103,560, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2782; Filed, Mar. 24, 1947; 8:48 a. m.]

[Vesting Order 8244]

FRAU ANNIE CASPARI

In re: Debt owing to and interest in painting owned by Frau Annie Caspari. File D-28-9441; E. T. sec. 4271.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

[1] Filed as part of original document.

1. That Frau Annie Caspari whose last known address is Muffatshasse, II., Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Frau Annie Caspari by John Garibaldi, Court House, Sacramento, California, in the amount of $2,000.00 as of May 11, 1942, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. An undivided one-half interest in and to that certain painting entitled "Still Life" by Zurburan which painting is presently in the possession of John Garibaldi,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2761; Filed, Mar. 24, 1947; 8:46 a. m.]

[Vesting Order 8385]

DORIS BREIL

In re: Estate of Doris Breil, deceased. File No. D-28-9945; E. T. sec. 14101.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Gertrude Huith in and to the estate of Doris Breil, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Gertrude Huith, Germany.

That such property is in the process of administration by Erich Koetz, as executor of the Estate of Doris Breil, deceased, acting under the judicial supervision of the Surrogate's Court, Queens County, New York,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2762; Filed, Mar. 24, 1947; 8:46 a. m.]

[Vesting Order 8387]

FRED J. HANKE

In re: Estate of Fred J. Hanke, deceased. File D-28-11452; E. T. sec. 15676.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friederich Zessig, Reinhold Zessig and Frieda Zessig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Fred J. Hanke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The Bank of California National Association, as Administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2763; Filed, Mar. 24, 1947; 8:46 a. m.]

[Vesting Order 8388]

FREDERICK H. KRATZSCHMAR

In re: Estate of Frederick H. Kratzschmar, deceased. File D-28-9523; E. T. sec. 12917.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That "Jane" Kratzschmar and Helen Altenburger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs at law, next of kin and personal representatives, names unknown, of Frederick H. Kratzschmar, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Frederick H. Kratzschmar, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charles Sell, as Administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Stevens;

and it is hereby determined:

5. That to the extent that the above named persons and the heirs at law, next of kin and personal representatives, names unknown, of Frederick H. Kratzschmar, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2764; Filed, Mar. 24, 1947; 8:46 a. m.]

[Vesting Order 8389]

EDWARD THOMAS MATTAUSCH

In re: Estate of Edward Thomas Mattausch, deceased. File D-28-10736; E. T. sec. 15164.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Kaufman, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Edward Thomas Mattausch, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Edith R. Kain, as executrix, acting under the judicial supervision of the Probate Court of Rock Island County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2765; Filed, Mar. 24, 1947; 8:46 a. m.]

[Vesting Order 8390]

WILHELM MENSING

In re: Estate of Wilhelm Mensing, also known as William Mensing, deceased. File D-66-1799; E. T. sec. 10711.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Auguste Bobb, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Wilhelm Mensing, also known as William Mensing, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Adolph Henninger, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Napa;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2766; Filed, Mar. 24, 1947; 8:46 a. m.]

[Vesting Order 8391]

TORAKICHI NAKAGAWA

In re: Estate of Torakichi Nakagawa, deceased. File D-39-18793; E. T. sec. 15379.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Nakagawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Torakichi Nakagawa, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan);

3. That such property is in the process of administration by E. G. Dodge, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Santa Barbara;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2767; Filed, Mar. 24, 1947; 8:47 a. m.]

[Vesting Order 8392]

JULIA PETERSON

In re: Estate of Julia Peterson, also known as Julia Petersen, deceased. File D-34-887; E. T. sec. 14907.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eva Koszeigix, Bertha Fleischman, and Celia Hersrog, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That the issue, names unknown, of Eva Koszeigix, issue, names unknown, of Bertha Fleischman, and issue, names unknown, of Celia Hersrog, who there is reasonable cause to believe are residents of Hungary, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Julia Peterson, also known as Julia Petersen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

4. That such property is in the process of administration by Alfred S. Julien, as executor, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Eva Koszeigix, the issue, names unknown, of Bertha Fleischman, and the issue, names unknown, of Celia Hersrog, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2768; Filed, Mar. 24, 1947; 8:47 a. m.]

[Vesting Order 8394]

GEORGE K. SCHMITT

In re: Estate of George K. Schmitt, deceased. File No. D-28-11013; E. T. sec. 15418.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Zier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of George K. Schmitt, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Louisa Sullivan, 833 Arnett Boulevard, Rochester, New York, as executrix, acting under the judicial supervision of the Surrogate's Court, County of Monroe, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2769; Filed, Mar. 24, 1947; 8:47 a. m.]

[Supp. Vesting Order 8444]

TOSHIO NAKAMURA ET AL.

In re: Guardianship Estate of Toshio Nakamura, Ruth Nakamura, John Nakamura and May Nakamura, minors. File D-66-1509; E. T. sec. 9604.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Nakamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-fourth (¼) interest in and to the real property particularly described as the west half of Lot Fifteen of Fairview Colony in the County of Tulare, State of California, as per map recorded in Book 7, page 41, of Maps in the office of the County Recorder of said County, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of a designated enemy country, and

b. All other right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Guardianship Estate of Toshio Nakamura, Ruth Nakamura, John Nakamura and May Nakamura, minors,

is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan);

3. That such property is in the process of administration by Ralph Keeley, Guardian, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Tulare;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2774; Filed, Mar. 24, 1947; 8:47 a. m.]

[Vesting Order 8396]

LOUIS WEBER

In re: Estate of Louis Weber, deceased. File No. 017-20906.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elise Wittemann, Ottilie Wittemann and Emilie Wittemann, and each of them, in and to the Estate of Louis Weber, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elise Wittemann, Germany.
Ottilie Wittemann, Germany.
Emilie Wittemann, Germany.

That such property is in the process of administration by Louis Weber, Jr., as Executor, acting under the judicial supervision of Surrogate's Court, Kings County, State of New York,

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

MAR 31 '47

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2770; Filed, Mar. 24, 1947; 8:47 a. m.]

[Vesting Order 8441]

ANNA BOTTJER

In re: Estate of Anna Bottjer, deceased. File No. D-28-2856; E. T. sec. 15748.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Mahnken and Margaretha Mahnken, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Anna Bottjer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William J. Blanken and William J. Blanken, Jr., as Administrators, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2772; Filed, Mar. 24, 1947; 8:47 a. m.]

[Vesting Order 8442]

JOHN H. KEILER

In re: Estate of John H. Keiler, deceased. File No. D-28-11036; E. T. sec. 15485.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kasper Keiler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John H. Keiler, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry Ganter, as Executor, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2773; Filed, Mar. 24, 1947; 8:47 a. m.]

[Vesting Order 8403]

LEOPOLD SAALBERG

In re: Estate of Leopold Saalberg, deceased. File No. D-28-9667; E. T. sec. 13452.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the Buergermeister of Villmar, Germany in and to the estate of Leopold Saalberg, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Buergermeister of Villmar, Germany, Germany.

That such property is in the process of administration by Hannah A. Saalberg, as Executrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determined that to the extent that such a national is a person not within a designated enemy country, the national interest of the United States requires that such a person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2771; Filed, Mar. 24, 1947; 8:47 a. m.]

[Vesting Order 7817, Amdt.]

KOJIN HIGA ET AL.

In re: Stock owned by Kojin Higa and others. D-39-195-D-1.

Vesting Order 7817, dated October 10, 1946, is hereby amended as follows and not otherwise:

By deleting the name "Teruko Tamashiro" from subparagraph 2 of said Vesting Order 7817 and substituting therefor the name "Teruho Tamashiro"; and

By deleting the certificate number "A52" from subparagraph 2 of said Vesting Order 7817 and substituting therefor certificate number "52".

All other provisions of said Vesting Order 7817 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2780; Filed, Mar. 24, 1947; 8:48 a. m.]

MAR 31 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 60

Washington, Wednesday, March 26, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2721

CANCER CONTROL MONTH, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the health of the citizens of this Nation is vitally important to its strength; and

WHEREAS this Nation, in a grave period of world affairs, is called upon for strong and wise leadership; and

WHEREAS cancer, one of mankind's most insidious enemies, takes an annual toll of 177,000 American lives, and the National Cancer Institute in the United States Public Health Service estimates that 17,000,000 persons now living will perish of this disease unless a cure is found; and

WHEREAS medical science needs the cooperation of every individual and agency to further its fight for the control of this dread malady; and

WHEREAS, by Public Resolution approved March 28, 1938 (52 Stat. 148), the Congress has authorized and requested the President to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby set apart the month of April 1947 as Cancer Control Month, and do invite the Governors of the several States and the Territories and possessions of the United States to issue proclamations for a like purpose. I also invite the medical profession, the press, the radio, the motion picture industry, and all organizations and individuals interested in this momentous problem to unite during the month of April in a program of education in methods now available for the control of cancer, as well as a program of promotion of scientific research necessary to alleviate further the suffering caused by this scourge.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of March in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL] HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-2864; Filed, Mar. 24, 1947; 2:58 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

STANDARDS FOR GRAPEFRUIT FOR CALIFORNIA AND ARIZONA

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946), the following revised United States Standards for Grapefruit (California and Arizona) are hereby promulgated:

§ 51.241 *Grapefruit (California and Arizona)*—(a) *Grades.* (1) U. S. Fancy shall consist of grapefruit of similar varietal characteristics, which are mature, well colored, firm, well formed, of smooth texture for the variety, fairly thin skinned, free from decay, broken skins which are not healed, hard or dry skins, bruises (except those incident to proper handling and packing), dryness or mushy condition, and from injury caused by sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped.

(2) U. S. No. 1 shall consist of grapefruit of similar varietal characteristics, which are mature, fairly well colored, firm, well formed, of fairly smooth texture for the variety, and not excessively thick skinned, free from decay, broken skins which are not healed, hard or dry

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rough, which are free from decay, broken skins which are not healed, hard or dry skins, and from serious damage, caused by bruises, dryness or mushy condition, sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped.

(4) U. S. Combination Grade: Any lot of grapefruit may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade.

(5) U. S. No. 3 shall consist of grapefruit of similar varietal characteristics, which are mature, slightly colored, which may be slightly spongy, misshapen, rough, but not seriously lumpy, which are free from decay, broken skins which are not healed, hard or dry skins, from serious damage by bruises, dryness or mushy condition, and from very serious damage caused by sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped.

(6) Unclassified shall consist of grapefruit which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(b) *Tolerances for preceding grades.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 Grades. Not more than 10 percent, by count, of the fruit in any lot may fail to meet the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements relating to color.

(2) U. S. Combination Grade. Not more than 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements of the U. S. No. 2 grade for color. No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided*, That the entire lot averages within the percentage specified.

(c) *Standard pack.* (1) Grapefruit shall be fairly uniform in size, and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(2) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(3) When packed in standard nailed boxes, grapefruit shall show a minimum bulge of 2 inches, except that grapefruit of a size 80 or smaller need only show a bulge of 1½ inches.

(4) "Fairly uniform in size" means that not more than 5 percent, by count, of the fruit in any container may be more than one standard size larger or smaller than the standard size for the count packed.

(5) Example of standard size grapefruit. The standard size grapefruit for a 64 count is that size grapefruit which will pack tightly 64 grapefruit of uniform size when packed according to the approved and recognized method.

(6) In order to allow for variations, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

(d) *Standards for export.* (1) Not more than a total of 10 percent of the grapefruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, or be seriously damaged by dryness or mushy condition, except that:

(i) Not more than ½ of one percent shall be allowed for grapefruit affected by decay.

(ii) Not more than 3 percent shall have broken skins which are not healed.

(iii) Not more than 5 percent shall be soft.

(iv) Not more than 5 percent shall be seriously damaged by dryness or mushy condition.

(v) Not more than 5 percent shall be damaged by skin breakdown.

(2) Any lot of grapefruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot is found to exceed double the percentage specified, and that not more than a total of 10 percent of all defects enumerated or itemized is found in any container.

(e) *Application of tolerances.* The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(f) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

(2) "Well colored" means that the fruit is yellow in color, with not more than a trace of green.

(3) "Firm" means that the fruit is not soft or noticeably wilted or flabby. The skin may feel slightly springy or spongy.

(4) "Well formed" means that the fruit shows the normal shape characteristic of the variety.

(5) "Smooth" means that the skin is of fairly fine grain, the "pebbling" not pronounced, and any furrows radiating from the stem end are short and shallow.

(6) "Fairly thin skinned" means that the skin thickness does not average more than ⅜ of an inch, on a central cross section, in sizes 100 or smaller, or more than 7/16 of an inch in sizes larger than 100.

(7) "Injury" means any defect which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Sprayburn which changes the color to such an extent that the appearance of the fruit is noticeably injured, or which causes scarring that aggregates more than one-half inch in diameter.

(ii) Fumigation injury which noticeably detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid or depressed scarring which aggregates more than one-half of an inch in diameter.

(iii) Exanthema which noticeably detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring which aggregates more than one-half of an inch in diameter.

(iv) Scars which are very rough or very deep. Scars which are very dark when more than one-fourth of an inch in diameter.

(*a*) Scars which are dark, rough, or deep, and aggregate more than one-half of an inch in diameter.

(*b*) Scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 5 percent of the fruit surface.

(*c*) Scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface.

(v) Green spots, which are depressed or soft, or more than four in number, or which aggregate more than one inch in diameter.

(vi) Scale, more than 5 medium to large California red or purple scale adjacent to "button" at stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent.

skins, bruises (except those incident to proper handling and packing), and from damage caused by dryness or mushy condition, sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects, or mechanical or other means. Stems shall be properly clipped.

(3) U. S. No. 2 shall consist of grapefruit of similar varietal characteristics, which are mature, slightly colored, fairly firm, fairly well formed, not decidedly

(vii) Sunburn, which appreciably changes the normal color or shape of the fruit, or affects more than 10 percent of the fruit surface.

(8) "Fairly well colored" means that yellow color predominates on the fruit.

(9) "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as the small. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. Slight furrows or grooves which may be present on the stem end portion of the fruit shall not be considered as slightly rough unless they are of sufficient depth, length, and number to materially affect the appearance and smoothness of the grapefruit.

(10) "Excessively thick skinned" means that the skin thickness averages more than 7/16 of an inch, on a central cross section, in sizes 100 or smaller, or more than ½ of an inch in sizes larger than 100.

(11) "Damage" means any injury which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Dryness or mushy condition, which extends into segments more than one-fourth of an inch at the stem end, or more than the equivalent of this amount by volume, when occurring in other portions of the fruit.

(ii) Sprayburn, which changes the color to such an extent that the appearance of the fruit is materially injured, or which causes scarring that aggregates more than three-fourths of an inch in diameter.

(iii) Fumigation injury, which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 25 percent of the fruit surface, or as solid scarring or depressions which aggregate more than three-fourths of an inch in diameter.

(iv) Exanthema which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 25 percent of the fruit surface, or as solid scarring (not cracked) which aggregates more than three-fourths of an inch in diameter.

(v) Scars which are very deep. Scars which are very rough or very dark and aggregate more than one-half of an inch in diameter.

(*a*) Scars which are dark, rough or deep and aggregate more than three-fourths of an inch in diameter.

(*b*) Scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface.

(*c*) Scars which are light colored, fairly smooth, with no depth and aggregate more than 15 percent of the fruit surface.

(vi) Green spots, which are depressed or soft, or more than seven in number, or which aggregate more than 5 percent of the fruit surface.

(vii) Scale, more than 10 medium to large California red or purple scale adjacent to "button" at stem end, or scattered over the fruit, or any scale which effects the appearance of the fruit to a greater extent.

(viii) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

(12) "Slightly colored" means that sufficient yellow color is distributed over the fruit surface which, blended with the green color present, is equivalent to 25 percent of full yellow color characteristic of the variety.

(13) "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby. The skin may be thick and slightly puffy.

(14) "Fairly well formed" means that the fruit is not materially flattened, materially pointed, extremely elongated, or otherwise decidedly deformed.

(15) "Decidedly rough" means that the skin is materially rough, materially lumpy, decidedly folded, or decidedly ridged.

(16) "Serious damage" means any injury which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dryness or mushy condition, which extends into segments more than one-half of an inch at the stem end, or more than the equivalent of this amount by volume, when occurring in other portions of the fruit.

(ii) Sprayburn, which changes the color to such an extent that the appearance of the fruit is seriously injured, or which causes scarring that aggregates more than 10 percent of the fruit surface.

(iii) Fumigation injury, which occurs as small thinly scattered spots over more than one-half of the fruit surface, or solid scarring or depressions which aggregate more than 5 percent of the fruit surface.

(iv) Exanthema which occurs as small thinly scattered spots over more than one-half of the fruit surface, solid scarring (not cracked) which aggregates more than 5 percent of the fruit surface.

(v) Scars which are very deep. Scars which are very rough or very dark and aggregate more than one inch in diameter.

(*a*) Scars which are dark, rough or deep and aggregate more than 5 percent of the fruit surface.

(*b*) Scars which are fairly light in color, slightly rough or of slight depth and aggregate more than 15 percent of the fruit surface.

(*c*) Scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface.

(vi) Green spots, which are soft or aggregate more than 2 inches in diameter.

(vii) Scale. California red or purple scale concentrated as a ring or blotch, or which are more than thinly scattered over the fruit surface, or any scale which affects the appearance of the fruit to a greater extent.

(viii) Sunburn, which causes decided flattening of the fruit, drying or dark discoloration of the skin, or affects more than one-third of the fruit surface.

(17) "Slightly spongy" means that the fruit is puffy or slightly wilted but not decidedly flabby.

(18) "Misshapen" means that the fruit is materially flattened, materially pointed, extremely elongated or otherwise decidedly deformed.

(19) "Very serious damage" means any injury which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Sprayburn, which seriously affects more than 25 percent of the fruit surface.

(ii) Fumigation injury which causes deep, rough, or dark scarring which aggregates more than 25 percent of the fruit surface.

(iii) Exanthema, which aggregates more than 10 percent of the fruit surface, or causes serious cracks.

(iv) Scars, which are very dark, very rough, or very deep and aggregate more than 10 percent of the fruit surface.

(*a*) Scars which are dark, rough or deep and aggregate more than 25 percent of the fruit surface.

(*b*) Green spots, which are badly sunken or soft.

(*c*) Scale, which are so numerous or large that the appearance of the fruit is very seriously affected.

(*d*) Sunburn, which seriously affects more than one-third of the fruit surface.

These revised standards for grapefruit (California and Arizona) shall, on and after the effective time hereof, supersede the standards that have been in effect since March 15, 1941.

It is hereby found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d Sess.) in connection with the issuance of these revised standards, is impracticable, unnecessary and contrary to the public interests in that: (1) The standards for grapefruit (California and Arizona) have been in the process of revision since July 1946 and the revised standards have been prepared on the basis of suggestions of growers, packers, shippers, and other handlers of grapefruit (California and Arizona); (2) the issuance of the revised standards, effective March 30, 1947, is necessary to make such standards conform to present handling and packing practices; and (3) the issuance of these revised standards, which include only minor changes which improve the standards, should be accomplished as soon as possible because the seasonal shipments of grapefruit (California and Arizona) have begun.

(Pub. Law 422, 79th Cong.)

Issued at Washington, D. C., this 20th day of March 1947, to be effective on and after the 30th day of March 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-2791; Filed, Mar. 25, 1947; 8:46 a. m.]

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 600—ORGANIZATION, FUNCTIONS AND PROCEDURE

SALE OF FARM UNITS

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404, 79th Cong.), and the authority vested in me by order dated June 28, 1945 (10 F. R. 7959), paragraph (d) of § 600.30 (11 F. R. 177A-298) of Subpart B, Chapter VI, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 600.30 *Water conservation and utilization.* • • •

(d) Acquired project lands will be sold, insofar as practicable, in family-size farm units, as determined by Regional Conservators. Prior to sale the land may be leased, at the prevailing rental rate in the area, in limited acreage to qualified farmers or ranchers upon application to the Project Supervisor. After the project lands have been developed and irrigation water is available, Regional Conservators will, except as to units to be sold to persons to whom commitments to purchase were made prior to September 11, 1946, and who have been approved by the Family Selection Committee, advertise the number of family-size farm units on projects which will be available for sale at any specified time. For a period of 90 days after such advertisement, preference will be given to qualified veterans of the present war as defined in the Surplus Property Act of 1944, Public Law 457, 78th Congress. Application forms, for showing the applicant's qualifications, and information concerning the purchase of project farms may be obtained from the respective Project Supervisors or Regional Conservators. Prospective tenants and purchasers must, insofar as practicable, be in need of a family-type farm; be citizens of the United States; have had previous experience in farming where the major portion of the family income was from the farm; have a satisfactory credit reputation; and own or be in a position to secure necessary equipment and livestock to operate the land for which application is being made. In addition, prospective purchasers must be free from permanent infectious diseases or disabilities that are likely to obstruct the fulfillment of their obligations incident to the purchase of the farm. Applicants will be considered and passed upon by a Family Selection Committee composed of seven persons residing in the community or county in which the project is located. The applicants will be notified of the action taken by the Family Selection Committee.

(Pub. Law 404, 79th Cong.; Order, Ass't War Food Administrator, June 28, 1945, 10 F. R. 7959)

Issued this 19th day of March, 1947.

[SEAL] H. H. BENNETT,
Chief, Soil Conservation Service.

[F. R. Doc. 47-2790; Filed, Mar. 25, 1947; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 170—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL TEA ACT

TAKING OF SAMPLES AT PORTS WHERE THERE IS NO TEA EXAMINER

Pursuant to the authority of section 10 of the Federal Tea Act (29 Stat. 604; 35 Stat. 163; as amended, 41 Stat. 712; 21 U. S. C. 41), § 170.16 of the regulations issued under the Tea Act is hereby amended to read as follows:

§ 170.16 *Taking of samples at ports where there is no tea examiner.* In case an entry of imported tea shall be made at a port or subport where no tea examiner is stationed the importer should prepare the chop list and release permit (T. I. S. Cat. No. 1) in triplicate and forward them to the chief officer of the customs at the port of entry.

Samples shall be obtained by such officers, together with the original and one copy of the chop list and release permit (T. I. S. Cat. No. 1), and shall be forwarded to the nearest qualified tea examiner for his report and return. Samples sent for the purpose of examination from ports of importation to ports where tea examiners are located shall be packed in clean tin cans, free from odor, fitted with tight covers, and of a capacity to hold about 4 ounces avoirdupois of tea. Each can shall be properly labeled (T. I. S. Cat. No. 5).

(29 Stat. 604 as amended; 21 U. S. C. 41)

Dated: March 20, 1947.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 47-2802; Filed, Mar. 25, 1947; 8:46 a. m.]

PART 170—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL TEA ACT

TEA STANDARDS

Pursuant to the authority of sections 2 and 3 of the Federal Tea Act (29 Stat. 604; 35 Stat. 163; as amended, 41 Stat. 712; 21 U. S. C. 41), the following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Act for the year beginning May 1, 1947, and ending April 30, 1948. Section 170.19 (b) is hereby amended to read as follows:

§ 170.19 *Tea standards.* • • •

(b) The following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Act for the year beginning May 1, 1947, and ending April 30, 1948:

(1) Formosa Oolong.

(2) China Congou (to be used for all fully fermented teas of similar type or manufacture).

(3) India (to be used for all fairly fermented East India type teas).

(4) Japan Green.

(5) China Gunpowder.

(6) Scented Canton (to be used for all scented teas).

(7) Canton Oolong.

These standards apply to tea shipped from abroad on or after May 1, 1947. Tea shipped prior to May 1, 1947, will be governed by the standards which became effective May 1, 1942, and which were continued in force and effect until April 30, 1947, except that no standards were in effect from May 1, 1943, to April 30, 1944.

I find that notice and public procedure on the foregoing is unnecessary since the Board of Tea Experts is composed of persons who are experts in tea and who represent the domestic tea trade as a whole.

(29 Stat. 604 as amended; 21 U. S. C. 41)

Dated: March 20, 1947.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 47-2803; Filed, Mar. 25, 1947; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-33]

PART 105—ACCOUNTS

ACCOUNTS OF CONSULAR AGENTS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 302 of the Foreign Service Act of 1946 (60 Stat. 1001), the Foreign Service Regulations comprising Part 105 of Title 22 of the Code of Federal Regulations are amended by adding the following section:

§ 105.22 *Accounts of consular agents*—(a) *Supervision of accounts of consular agents.* Officers in charge of the supervising offices are responsible for the supervision of the accounts of consular agents serving under them. The disbursing officers of the supervising offices shall charge themselves in their accounts with all fees collected by the agents and shall take credit for the sums properly accounted for. (See § 102.322 of this chapter for requirement that consular agents be bonded.)

(b) *Rendition of accounts by consular agents.* Consular agents shall account for fees collected by submission to their supervising offices of Form 101, Record of Fees (in duplicate), and Form 101a, Rec-

ord of Fees—Recapitulation and Oath (in triplicate), together with Form 207, Fee Stamp Account (in triplicate). They shall also submit Form 333, Collections (other than trust funds) Record and Schedule, and Form 334, Trust Funds—Record and Schedule, to their supervising offices, in triplicate, for inclusion in their accounts. Forms 333 and 334 shall be prepared in accordance with the instructions contained in section V–1, notes 3 and 4, except that one extra copy shall be prepared. The entire amount received by consular agents for fees or other official collections shall be forwarded to the supervising Foreign Service offices in the form in which received. The accounts and remittances shall be forwarded to the supervising offices as soon as possible after the end of each calendar month. Accounts of the supervising office shall not be held open for inclusion of consular agents' accounts beyond the authorized 10-day limit. When necessary, the supervising office is authorized to include consular agents' accounts in its accounts for the succeeding month.

(c) *Reimbursement of consular agents for postage and other authorized expenses.* Officers of the Foreign Service to whom consular agents are responsible shall reimburse them for necessary postage on official correspondence from their postage accounts and for other authorized expenses. If clerical or other personal services are authorized, the supervising office shall pay the compensation direct to the persons employed. [V–22]

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

(R. S. 161, sec. 302, 60 Stat. 1001; 5 U. S. C. 22)

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

MARCH 19, 1947.

[F. R. Doc. 47–2804; Filed, Mar. 25, 1947; 8:57 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 419]

PART 403—COMPTROLLER

AUTHORITY TO SIGN CHECKS

Amending Part 403, Chapter IV, Title 24 of the Code of Federal Regulations. Section 403.01–7 (10 F. R. 8450) is amended by changing the second paragraph as follows:

§ 403.01–7 *Authority to sign checks.*
* * *

All checks in excess of $5,000 drawn on such accounts shall be countersigned, except in the New York Region, by the Regional Manager or by the Deputy Regional Manager. In the New York Region such checks shall be countersigned by the General Manager or by a Deputy General Manager.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, 643, 647; 12 U. S. C. 1463; E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Effective March 5, 1947.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47–2818; Filed, Mar. 25, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Regulation 35, Interpretation 1]

RESTRICTIONS ON THE USE OF CC RATINGS APPLY TO THE USE OF RR RATINGS

The following interpretation is issued with respect to Priorities Regulation 35:

The question has arisen as to whether certain special rules concerning the use of CC ratings, such as those in Direction 15 to Priorities Regulation 3 and Direction 6 to Priorities Regulation 28 apply in the same way and to the same extent to the use of RR ratings.

Subparagraph (c) (3) of Priorities Regulation 35 states that the new RR rating is equivalent to CC under the rules stated in Priorities Regulation 1, 3 and other general priorities regulations. Therefore special rules in general priorities regulations and directions to such regulations applicable to the use of CC ratings also apply in the same way and to the same extent to the use of RR ratings.

Issued this 25th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–2894; Filed, Mar. 25, 1947; 11:14 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS [1]

[General Imports Order M–63, as Amended Mar. 25, 1947]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain imported materials for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1042.1 *General Imports Order M–63—*(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation. It does not include shipments in transit in bond through the continental United States without processing or manufacture, to Canada, Mexico or any other foreign country, or shipments through a free port or free zone to a foreign country without processing or manufacture.

(5) [Deleted Mar. 1, 1946.]

(6) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(7) "Governing date" with respect to any material means the date when such material first became subject to General Imports Order M–63.

(b) *Restrictions on imports of materials—*(1) *General restriction.* No person, except as authorized in writing by the Civilian Production Administration shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any material subject to this order after the governing date. The foregoing restrictions shall apply to the importation of any material subject to the order regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such material. The materials subject to this order are those listed from time to time upon Lists A attached hereto.

(2) *Authorization by Civilian Production Administration.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form CPA–1041 addressed to the Civilian Production Administration Ref: M–63, Washington 25, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports.* No bank or other person shall participate by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any material subject to this order, unless such bank or person either has received a copy of the authorization issued by the Civilian Production Administration under the provisions of paragraph (b) (2) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (4).

(4) *Exceptions.* Unless otherwise directed by the Civilian Production Administration, the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Reconstruction Finance Corporation, U. S. Commercial Company, Commodity Credit Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(iii) To any material which on the governing date was in transit to a point within the continental United States.

(iv) [Deleted Mar. 30, 1944]

(v) To any material consigned as a gift or imported for personal use where the value of each consignment or shipment is less than $100.00; or to any material consigned or imported as a sample where the value of each consignment or shipment is less than $25.00; or to any used material in the category of household goods imported by the owner for his own personal use; or

(vi) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) [Deleted Nov. 13, 1944.]

(viii) To manufactured materials which are imported in bond solely for the purpose of having them repaired and then returned to the owner outside the continental United States; or

(ix) To materials which were grown, produced, or manufactured in the continental United States, and which were shipped outside the continental United States on consignment or pursuant to a contract of purchase, and which are now returned as rejected by the prospective purchaser; or

(x) [Deleted July 16, 1946.]

(xi) [Deleted July 1, 1946.]

(c) *Criteria for adding materials to List A.* Materials are put on List A and made subject to the restrictions of General Imports Order M–63 only if they qualify under one of the following criteria:

(1) Control of the import of the material is necessary to implement an international allocation to which the United States is a party; or

(2) Control of the import of the material is necessary to implement a government purchase program.

(d) [Deleted June 4, 1945.]

(e) *Restrictions on distribution of List A materials.* Unless otherwise provided by the terms of the authorization issued pursuant to paragraph (b) (2), any material on List A which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order, but all such transactions shall be subject to all applicable provisions of the regulations of the Civilian Production Administration and to all orders and directions of the Civilian Production Administration which now or hereafter may be in effect with respect to such material.

(f) *Reports—*(1) *Reports on customs entry.* No material which is imported [as defined in paragraph (a) (4)] after the governing date, including materials imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, Commodity Credit Corporation or any other United States governmental department, agency or corporation, shall be entered through the United States Bureau of Customs for any purpose, unless the person making the entry shall file with the entry Form CPA–1040 in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Civilian Production Administration, Imports Division, Ref.: M–63, Washington 25, D. C.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to any material imported after the governing date, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the Civilian Production Administration.

(3) *Exceptions.* The provisions of this paragraph (f) shall not apply to materials imported and consigned as gifts for personal use by or to members of the Armed Services of the United States.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed be addressed to: Civilian Production Administration, Washington 25, D. C. Ref.: M–63.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority assistance. In addition, the Civilian Production Administration may direct the disposition and use of any material which is imported without authorization as required by paragraph (b).

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the Civilian Production Administration as amended from time to time.

(j) *Effect on liability of removal of material from order.* The removal of any material from the order shall not be construed to affect in any way any liability for violation of the order which accrued or was incurred prior to the date of removal.

Issued this 25th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The numbers listed after the following materials are commodity numbers taken from Schedule A Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed the description given shall control.

NOTE: Table amended Mar. 25, 1947.

Material	Commerce Import Class No.	Governing date
Agave fibers, unmanufactured, not elsewhere specified on this order (except flume tow and bagasse waste)	N. S. C.	8/5/43
Cantala (except Maguey), unmanufactured	N. S. C.	1/18/43
Molasses and sugar sirup	1040.000	7/2/42
Sisal and henequen, unmanufactured (except flume tow and bagasse waste)	N. S. C.	1/18/43
Tin:		
Alloys, chief value tin, n. s. p. f. (including alloy scrap)	6551.000	11/30/45
Bars, blocks, pigs, grain or granulated	6551.300	11/30/45

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

INTERPRETATION 1: Revoked June 4, 1945

INTERPRETATION 2

The following official interpretation is hereby issued by the Civilian Production Administration with respect to the meaning of the term "in transit" as defined in paragraph (a) (6) of General Imports Order M–63 (§ 1042.1) as amended.

By amendment dated December 17, 1942, the definition of material "in transit" was changed by adding the following clause, "or if it has actually been delivered to and accepted by a rail, truck, or air carrier for transportation to a point within the continental United States." The question has been raised as to the meaning of the term as applied to a case where the material on the governing date had been delivered to and accepted by a rail, truck, or air carrier on a through bill of lading for transportation to a specified port and from thence by boat to a point within the continental United States.

[1] Certain food items formerly on Lists I, II, and III are now subject to import control in accordance with War Food Administration Order 63.

The material in the stated case is not deemed to be in transit within the meaning of the term as used in the order. If the material is to be carried to the port of arrival in the continental United States by ship the material must have been afloat, or an on board ocean bill of lading must have been issued with respect to it on the governing date in order for it to be considered as having been in transit on such date.

Material which has been delivered to and accepted by a rail, truck, or air carrier on the governing date for transportation to a point within the continental United States is deemed to be in transit within the meaning of the term as used in the order only when the transportation specified in the bill of lading issued by such carrier calls for delivery of the material at the port of arrival in the continental United States by rail, truck, or air carrier, not by ship. (Issued March 5, 1943.)

INTERPRETATION 3: Revoked June 4, 1945.

[F. R. Doc. 47-2895; Filed, Mar. 25, 1947; 11:14 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-84, as Amended Mar. 25, 1947]

MANILA (ABACA) AND AGAVE FIBER AND CORDAGE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of manila and agave and products made from them for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.221 *Conservation Order M-84*—(a) *Restrictions on sales, deliveries, receipts, and use of certain cordage products*—(1) *Rope and twine (except binder and baler twine).* No processor or dealer may sell, deliver, or accept delivery of new rope or new twine produced in the United States in whole or in part from Manila or agave, or from yarn made from such fibers, for end uses for which the rope or twine may not be manufactured under this order. However, this rule shall not prohibit the sale, delivery, or acceptance of rope made from agave fiber put into process before January 16, 1947 for any end use, or of those twines listed in Schedule B made from agave fiber put into process before March 25, 1947.

(2) *Binder and baler twine.* No person may sell or deliver new binder or new baler twine (wherever produced) if he knows or has reason to believe that:

(i) The binder twine will not be used with mechanical harvesting equipment or in the growing, harvesting, or delivering of agricultural crops, or that the binder twine will be converted into rope or any other product; or

(ii) The baler twine will not be used in a self-tying machine for baling hay, straw, or other fodder crops.

(3) No person may use new binder or new baler twine (wherever produced) to manufacture rope for sale.

(b) *Purposes for which Manila or agave fiber or yarn may not be used*—(1) *Manila.* No processor may put into process any spinnable Manila fiber, or yarn made from such fiber (wherever produced) except to make rope for any end use, or twines permitted in Schedule B of this order. Non-spinnable Manila fiber may be used for any purpose.

(2) *Agave.* No processor may put into process any agave fiber, or yarn made from such fiber (wherever produced), except to make rope in the sizes described in Schedule A of this order, and binder and baler twine.

Except as specifically authorized or directed in writing by the Civilian Production Administration, no processor may manufacture any binder or baler twine from agave fiber, unless made in accordance with the following specifications: The binder twine must measure 500 feet to the pound with a plus or minus tolerance of five per cent; and must contain a lubricant of at least ten per cent of the total weight of the twine, and an insect repellent. The baler twine must measure 200 to 225 feet to the pound with a plus or minus tolerance of five per cent; must contain a lubricant of at least ten per cent of the total weight of the twine, and an insect and rodent repellent.

(c) *Quantities of manila and agave fibers which may be used.* (1) Processing quotas will be issued in writing by the Civilian Production Administration to processors making any of the products permitted under paragraphs (b) (1) and (b) (2) above. No person shall put into process any spinnable Manila fiber or any agave fiber, until he has received such a quota, or in amounts in excess of his quota, regardless of whether the fiber is taken from inventory, or obtained by allocation under this order or in any other way. These quotas may not be transferred except as specifically authorized in writing by the Civilian Production Administration, or in accordance with Priorities Regulation 7A.

(2) In general, processing quotas for spinnable Manila fiber or agave fiber, for rope and products permitted in Schedule B, will be issued upon the following basis: The aggregate processing quota for Manila and agave fibers for each processor will be in proportion to his average monthly sales of both types of rope during the period January 1, 1939 through December 31, 1941; his processing quota for Manila fiber for rope and twines listed in Schedule B will be in proportion to his average monthly sales of Manila rope during the period January 1 through December 31, 1939; and his processing quota for agave fiber will be in proportion to his processing quota for both fibers, less that for Manila. A manufacturer who was not in the hard fiber cordage business during 1939-40-41 may apply to the Civilian Production Administration, Textile Division, Washington 25, D. C. for a processing quota. The application should be filed by letter stating the quantity of fiber desired to be processed for each permitted product, and should include a statement of the facilities available for the manufacture of cordage products, as permitted under Order M-84, the maximum poundage of fiber which can be processed with his facilities on the basis of a 40-hour week, and the minimum poundage of fiber needed for economical operation during a three-month period. Applications from new manufacturers will be considered on an equitable basis, in view of the quotas issued to other manufacturers.

(3) Processing quotas for agave fiber for binder twine and baler twine will be prorated among processors on the basis of information previously filed with the War Production Board and Civilian Production Administration as to productive capacity, method, and rate of operation.

(4) Processing quotas for Manila fiber other than spinnable, are not required under this order.

(5) The Civilian Production Administration may also issue specific directions to processors as to the extension of more critical fibers by mixture with less critical ones (i. e., use of "extenders") in the manufacture of any product permitted under this order. No processor shall put any Manila or agave fibers into process contrary to the terms of any such direction, regardless of whether the fiber is taken from inventory, or obtained by allocation under this order or in any other way.

(d) *Inventory restrictions on Manila and agave fiber, and cordage products.*—(1) *Processors' inventories.* No processor may accept delivery of any spinnable Manila fiber, or yarn made from such fiber, if his inventory of spinnable Manila fiber will be more than the amount he needs during the next 150 days, on the basis of his current or scheduled method and rate of operation, and for making only those products permitted under this order. No processor may accept delivery of any such fiber or yarn for making any product not permitted by this order.

(2) *Importers' and dealers' inventories.* No person, other than a processor or the Reconstruction Finance Corporation, may accept delivery of any spinnable Manila fiber if his inventory of such fiber held for resale will be more than the amount he would normally stock up in the ordinary course of his business to meet reasonably anticipated requirements, while continuing to dispose of such inventory as promptly as practicable in view of the orders received by him from persons permitted to accept deliveries under this order. If a person imports or buys fiber both for resale and for processing on his own facilities, and keeps separate inventory records of the fiber held for each purpose, his inventory held for resale shall be governed by this rule instead of that in paragraph (d) (1); but if he does not keep separate inventory records, his inventory shall be governed by the rule in (d) (1).

(3) *Manila being imported.* The limitations in paragraphs (d) (1) and (d) (2) above apply to deliveries and inventories within the continental United States only. Material which is being imported, but has not been released from *United States Customs, is not to be considered as in inventory.*

(4) *Inventories of rope and twines.* A person buying new rope or new twines made from Manila or agave fiber, whether for use or resale (including a person buying for export) may not accept delivery of any of such materials if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

(5) *Restriction on ordering more than needed.* A person may not place any order for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this order or any other applicable orders or regulations of CPA. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery.

(6) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this order, he must promptly adjust his outstanding orders, and if necessary, postpone or cancel them.

(e) [Deleted Mar. 22, 1946.]

(f) *Allocation of fiber.* (1) No processor shall make or accept delivery of any Manila or agave fiber contrary to directions which from time to time the Civilian Production Administration may issue. The Civilian Production Administration may from time to time allocate to processors the available supplies of Manila and agave fiber held by the Reconstruction Finance Corporation, and specifically direct the time, manner, and quantities in which deliveries to processors shall be made or withheld.

(2) In general, allocations of spinnable Manila fiber and agave fiber held by the Reconstruction Finance Corporation, for rope and products permitted in Schedule B, and of agave fiber for binder twine and baler twine, will be prorated upon the same bases as are the processing quotas issued under paragraph (c) above. Applications need not be made by processors who have processing quotas. An application for a processing quota under paragraph (c) from a manufacturer who was not in the hard fiber cordage business during 1939-40-41 will also be considered as an application for an allocation, unless the applicant specifically indicates that he does not want to get any fiber from the Reconstruction Finance Corporation.

Since the only Manila fiber to be allocated will be that held by RFC, the amounts allocated will usually be less than those which may be accepted and used under the inventory limitations and processing quotas; and such additional amounts as may be accepted or used under this order within those limitations and quotas may be obtained from other sources without allocations.

(3) Manila, other than spinnable, held by RFC, will not be allocated after March 25, 1947, applications may be made to RFC for such non-spinnable Manila fiber, and not to CPA.

(g) *End use information.* No person may sell or deliver any product controlled by this order to any person who he knows or has reason to believe will use the product in a manner which this order does not permit. He should satisfy himself as to this in some reasonable manner before delivering. He may, but need not, require a statement in writing showing the specific purpose or use for which the item is ordered.

(h) *Restrictions on the use of damaged material.* Any processor or dealer who has in his possession damaged or defective manila or agave fiber or cordage, may report by letter the extent of the damage and state to the Civilian Production Administration the percentage not suitable for the manufacture of products or for use permitted by this order. He may then upon receipt of acknowledgment, without objection from the Civilian Production Administration, use or dispose of any portion unsuitable for the manufacture of products permitted by this order, free from its restrictions.

(i) *Reports.* (1) Processors of manila and agave fiber shall report monthly on CPA-2901, sections 1 and 2.

(2) Every person, except the Reconstruction Finance Corporation, who imports or purchases for import any spinnable Manila fiber, or yarn made from Manila fiber, shall report in writing (by letter or other written communication) to the Civilian Production Administration, Washington 25, D. C., Attn: Textile Division, Ref: M-84, stating the information required by the following instructions:

(i) Send this report to the above address not later than the 10th of each month to cover the preceding month. Keep one copy for your files. Date the report, state calendar month for which filed, name of your company, and its address (street, city, zone, and state).

(ii) As Item No. 1, list Manila (Abaca) Fiber (in bales); and as Item No. 2, list Manila Yarn (in thousands of pounds).

(iii) For each item, show separately the monthly shipments to you from any foreign countries during the calendar month covered by the report, and your inventory of each item as of the end of the month, for United States consumption. List separately that which is afloat to the United States, and that which is in the United States. For the purpose of this report (although not under paragraph (d) above), inventory includes fiber and yarn afloat, and on hand in the continental United States, where title has not been transferred to some other person (or in the case of an importer who is also a processor, all fiber and yarn afloat, and all within the continental U. S. except that held in this country for his own use). Report in units of bales on fiber, and in thousands of pounds on yarn.

(iv) To avoid partial duplication in reports by processors and importers, if a quantity of fiber in the United States has been sold and the sales invoice for it sent the purchaser during the calendar month, the seller should exclude it from his report, even though physical transfer has not been completed. Similarly, the purchaser should include in his report fiber invoiced to him during the month, even though still in transit to him at the end of the month.

(3) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Imports.* The importation of material or products covered by this order shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

(k) *Definitions.* In this order:

(1) "Manila" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp wherever grown (either stripped or decorticated), but does not mean processor's mill waste or bagasse. "Spinnable Manila" means Manila which is spinnable over machinery but does not mean the fiber grades of O, T, Y, and W or equivalent as established by the Insular Government of the Philippine Islands.

(2) "Agave" means fiber spinnable over machinery of the species agave sisalana, agave fourcroydes, and agave cantala, of all grades and quantities including tow and fiber under 20" in length, commonly known in the trade as sisal, henequen, and cantala, and sometimes preceded by an adjective designating the country or district of origin, but does not include processor's mill waste, bagasse, maguey or agave tow No. 2 grade.

(3) "Rope" means any rope or cable, treated or untreated, composed of three or more strands each strand composed of two or more yarns, and not less than 10 percent cordage lubricant (excluding tent, awning and lariat rope), but does not include strings and twines of whatever construction which are commonly used for tying, sewing, baling or other commercial packaging use.

(4) "Twine" means any single or plied yarn or roving, including marlin, for use as a tying material, for sewing or for any similar purpose, but does not include any product falling within the definition of "rope", "binder twine" or "baler twine."

(5) "Binder twine" means a single yarn twine usually containing agave, but sometimes containing manila, istle, jute, coir, hemp, cotton or paper, suitable for use in a harvesting machine and of the type customarily heretofore manufactured. It is also known as binding twine.

(6) "Baler twine" means a single yarn usually made of agave fiber and used in

a self-tying machine for baling hay, straw or other fodder crops.

(7) "Processor" means any person (other than a United States Government agency) who spins, twists or otherwise uses any fiber or yarn in the manufacture of rope or twine, or who uses manila or agave fiber in the manufacture of any other product.

(l) *Appeals.* Any appeal from the provisions of this order should be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(m) *Applicability of regulations.* Except as specifically otherwise provided this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the Civilian Production Administration as amended from time to time.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Civilian Production Administration.

(o) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Textile Division, Civilian Production Administration, Washington 25, D. C., Ref.: M-84.

(p) [Deleted July 15, 1946.]

Issued this 25th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—AGAVE CORDAGE END USE

This list specifies the permitted end uses for which rope may be manufactured from agave. It does not, however, restrict manufacture for and delivery to the Army, Navy and Maritime Commission.

Fibers other than agave may be used in the manufacture of rope for any end use subject to applicable provisions of any Civilian Production Administration order dealing specifically with such fibers.

End use
Agave rope ⅞" diam. (2¾" cir.) and smaller, for any use.
The use of agave fiber for the manufacture of binder and baler twine will be authorized as stated in paragraph (c) of this Order M-84.

SCHEDULE B—MANILA TWINE END USE

NOTE: "Wrapping and tying twine" deleted March 25, 1947.

This list specifies the permitted end uses for which twine may be manufactured from manila. It does not include wrapping and tying twine, which is defined as a single yarn used as twine, or plied twine twisted or laid used for tying, packaging, baling or bundling.

End use	*Definition*
Hanging twine—Hard and soft fiber nets	Twine used to hang hard and soft fiber nets to lines.
Heading twine	See Marline-Lobster.
Marline-Lobster	A twine required in the manufacture of the inside tunnels of lobster pots.
Net twine-Otter trawls	A hard laid twine, usually 2, 3, or 4 ply in sizes from #600 to #1355 used for the manufacture of hard fiber fishing nets. Also for mending nets.

[F. R. Doc. 47-2896; Filed, Mar. 25, 1947; 11:14 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 112 (§ 1388.1181)]

HOUSING

Section 2 (d) of the rent regulation for housing is amended by adding the following paragraph:

(9) Notwithstanding the preceding provisions of this paragraph (d), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease.

This amendment shall become effective March 25, 1947.

Issued this 25th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 112 to the Rent Regulation for Housing; Amendment 36 to the Rent Regulation for Housing in the New York City Defense-Rental Area; Amendment 31 to the Rent Regulation for Housing in the Miami Defense-Rental Area; Amendment 27 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area

The rent regulation for housing now prohibits the demand or receipt of a security deposit where a dwelling unit is first rented after the effective date of the regulation, whether it is rented unfurnished or fully furnished. By this amendment, any landlord may demand, receive and retain a security deposit representing payment of rent for the last rental period of the term, not exceeding one month, in cases where the housing accommodation is newly constructed and fully furnished and rented and occupied for the first time under a written lease after March 25, 1947, the effective date of this amendment.

This exception to the general rule barring security deposits in the rental of housing accommodations is being incorporated in the regulation to provide an additional incentive to builders to construct rental housing and in this way to help to relieve the acute housing shortage. The amendment was requested by the Housing Expediter and a large segment of the Housing Industry.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-2907; Filed, Mar. 25, 1947; 11:46 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,[1] Amdt. 27 (§ 1388.1411)]

HOUSING IN ATLANTIC COUNTY

Section 2 (d) of the rent regulation for housing in the Atlantic County defense-rental area is amended by adding the following paragraph:

(9) Notwithstanding the preceding provisions of this paragraph (d) any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease.

This amendment shall become effective March 25, 1947.

Issued this 25th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 112 to the Rent Regulation for Housing; Amendment 36 to the Rent Regulation for Housing in the New York City Defense-Rental Area; Amendment 31 to the Rent Regulation for Housing in the Miami Defense-Rental Area; Amendment 27 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area

The rent regulation for housing now prohibits the demand or receipt of a

[1] 11 F. R. 12084.

[1] 11 F. R. 12055, 13028, 13309, 14013, 14189, 14572; 12 F. R. 229.

security deposit where a dwelling unit is first rented after the effective date of the regulation, whether it is rented unfurnished or fully furnished. By this amendment, any landlord may demand, receive and retain a security deposit representing payment of rent for the last rental period of the term, not exceeding one month, in cases where the housing accommodation is newly constructed and fully furnished and rented and occupied for the first time under a written lease after March 25, 1947, the effective date of this amendment.

This exception to the general rule barring security deposits in the rental of housing accommodations is being incorporated in the regulation to provide an additional incentive to builders to construct rental housing and in this way to help relieve the acute housing shortage. The amendment was requested by the Housing Expediter and a large segment of the Housing Industry.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-2905; Filed, Mar. 25, 1947; 11:46 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Miami Area,[1] Amdt. 31 (§ 1388.1241)]

HOUSING IN MIAMI AREA

Section 2 (d) of the rent regulation for housing in the Miami defense-rental area is amended by adding the following paragraph:

(8) Notwithstanding the preceding provisions of this paragraph (d), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease.

This amendment shall become effective March 25, 1947.

Issued this 25th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[1] 11 F. R. 12084.

Statement to Accompany Amendment 112 to the Rent Regulation for Housing; Amendment 36 to the Rent Regulation for Housing in the New York City Defense-Rental Area; Amendment 31 to the Rent Regulation for Housing in the Miami Defense-Rental Area; Amendment 27 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area

The rent regulation for housing now prohibits the demand or receipt of a security deposit where a dwelling unit is first rented after the effective date of the regulation, whether it is rented unfurnished or fully furnished. By this amendment, any landlord may demand, receive and retain a security deposit representing payment of rent for the last rental period of the term, not exceeding one month, in cases where the housing accommodation is newly constructed and fully furnished and rented and occupied for the first time under a written lease after March 25, 1947, the effective date of this amendment.

This exception to the general rule barring security deposits in the rental of housing accommodations is being incorporated in the regulation to provide an additional incentive to builders to construct rental housing and in this way to help relieve the acute housing shortage. The amendment was requested by the Housing Expediter and a large segment of the Housing Industry.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-2904; Filed, Mar. 25, 1947; 11:46 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City Area,[1] Amdt. 36 (§ 1388.1281)]

HOUSING IN NEW YORK CITY

Section 2 (d) of the rent regulation for housing in the New York City defense-rental area is amended by adding the following paragraph:

(9) Notwithstanding the preceding provisions of this paragraph (d), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease.

This amendment shall become effective March 25, 1947.

Issued this 25th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 112 to the Rent Regulation for Housing; Amendment 36 to the Rent Regulation for Housing in the New York City Defense-Rental Area; Amendment 31 to the Rent Regulation for Housing in the Miami Defense-Rental Area; Amendment 27 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area

The rent regulation for housing now prohibits the demand or receipt of a security deposit where a dwelling unit is first rented after the effective date of the regulation, whether it is rented unfurnished or fully furnished. By this amendment, any landlord may demand, receive and retain a security deposit representing payment of rent for the last rental period of the term, not exceeding one month, in cases where the housing accommodation is newly constructed and fully furnished and rented and occupied for the first time under a written lease after March 25, 1947, the effective date of this amendment.

This exception to the general rule barring security deposits in the rental of housing accommodations is being incorporated in the regulation to provide an additional incentive to builders to construct rental housing and in this way to help relieve the acute housing shortage. The amendment was requested by the Housing Expediter and a large segment of the Housing Industry.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-2906; Filed, Mar. 25, 1947; 11:46 a. m.]

[1] 11 F. R. 4016, 4583, 5542, 5824, 8149, 8163, 10659, 12094, 14190, 14572; 12 F. R. 230, 923, 1106.

Chapter XXIII—War Assets Administration

[Reg. 2]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

War Assets Administration Regulation 2, November 27, 1946, as amended

through January 6, 1947 (11 F. R. 14267; 12 F. R. 152), entitled "Disposal of Surplus Personal Property to Priority Claimants," is hereby revised and amended as herein set forth. New matter is indicated by underscoring. Order 2, June 7, 1946 (11 F. R. 6455), Order 3, December 15, 1945 (10 F. R. 15217), Order 4, January 10, 1946 (11 F. R. 637), Order 5, March 21, 1946 (11 F. R. 3301), Order 6 July 13, 1946 (11 F. R. 7774), Order 7, August 14, 1946 (11 F. R. 9036), and Order 8, February 3, 1947 (12 F. R. 898), under this part shall continue in full force and effect.

Sec.
8302.1 Definitions.
8302.2 Scope.
8302.3 Applicability of regulations and directives of other agencies, and disposals which may be exempted from this part.
8302.4 Set-asides for veterans.
8302.5 Order of priorities.
8302.6 Reservations for priority claimants.
8302.7 Information about available property.
8302.8 Issuance of certificates to veterans.
8302.9 Transfers and disposals to priority claimants.
8302.10 Transfers of surplus standard administrative and maintenance property to the Treasury Department, and acquisition of such property by Government agencies.
8302.11 Fair value.
8302.12 Acquisition by priority claimants without exercising priority.
8302.13 Records and reports.
8302.14 Regulations by disposal agencies to be reported to War Assets Administrator.

AUTHORITY: §§ 8302.1 to 8302.14, inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265).

§ 8302.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) [Deleted Aug. 19, 1946.]

(2) "Standard administrative and maintenance property" means all property from time to time listed in stock catalogues issued by the Procurement Division of the Treasury Department. These catalogues normally include, among other items, office supplies, furniture and equipment, and maintenance operating supplies.

(3) "State and local governments" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(4) "Own" business or professional or agricultural enterprise of a veteran means one of which more than fifty (50) per cent of the invested capital thereof is beneficially, and not merely nominally or formally, owned by a veteran or veterans, or one of which more than fifty (50) per cent of the net income thereof beneficially, and not merely nominally or formally, accrues to a veteran or veterans. A veteran may be deemed to have his "own business or professional or agricultural enterprise" for the purpose of acquiring particular tools or equipment when he is engaged by others as an employee or agent and is required by his employment to have his own tools or equipment.

(5) "Small business" when used herein means a veteran's own small business and may include any commercial or industrial enterprise or group of enterprises under common ownership or control, which does not at the date of purchase of surplus property hereunder have more than five hundred (500) employees, or any such enterprise which by reason of its relative size and position in its industry is determined by War Assets Administration to be a small business. The War Assets Administration may in its discretion apply either or both criteria in determining whether or not the veteran's business is a small business.

(6) "Veteran" means any person in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. Veterans "released" from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from "active" to "inactive".

§ 8302.2 *Scope.* This part shall apply only to disposals made by disposal agencies within the continental United States, its territories and possessions; *Provided*, That § 8302.10 shall apply only within the continental United States. This part shall not apply to any disposals of real property; nor to personal property appurtenant to, or assigned for disposal in connection with, real property, and disposed of pursuant to Parts 8305,[1] 8310,[2] 8316,[3] or 8320.[4]

§ 8302.3 *Applicability of regulations and directives of other agencies, and disposals which may be exempted from this part.* (a) Transfers to the National Housing Administrator pursuant to the provisions of section 502 (b) of the Lanham Act,[5] as amended, (Public Law 292, 79th Congress, as amended) may be made without regard for any provisions of this part. Transfers to the Federal Works Administrator pursuant to the provisions of section 504 (a) of the Lanham Act, as amended, (Public Law 697, 79th Congress) may be made without regard for any provisions of this part except those provisions which govern set-asides for veterans and priorities of Government agencies and veterans.

(b) Except for disposals under paragraph (a) of this section, disposals made hereunder shall be subject to applicable regulations and directives issued under the authority of the Veterans' Emergency Housing Act of 1946, or under the authority of any law referred to in section 34 (b) of the Surplus Property Act of 1944 including those issued by the War Production Board, the Civilian Production Administration, the Office of Price Administration, and the Secretary of Agriculture, and shall be exempted from the provisions of this part to the extent necessary to comply with the provisions of such regulations and directives.

(c) Subject to the provisions of paragraphs (a) and (b) of this section, disposal agencies may dispose of surplus property at a fair and reasonable price without regard for any provisions of this part:

(1) Until peace is concluded to supply the needs of the armed forces;

(2) When, upon a finding by the Secretary of Agriculture that farm production is impaired or threatened to be impaired, the Administrator shall, pursuant to the provisions of Part 8303,[6] direct the disposal of trucks, machinery, or equipment (including farm supplies) to farmers or farmers' cooperatives;

(3) When the property is of such nature or in such situation that its immediate disposal is necessary to prevent its deterioration, spoilage, or serious loss or damage;

(4) When, upon application to the War Assets Administrator by a disposal agency, the Administrator shall find that it is impracticable or uneconomical for the disposal agency to be required to dispose of designated property according to the provisions of this part;

(5) When the nature or condition of any surplus property sold is such that it is not usable or safe for use by the consumer in its existing form without processing, reprocessing, reconditioning, or repackaging;

(6) When the cost (estimated if not known) of all substantially similar items of such property in the possession of the disposal agency at any one location at any one time does not exceed $300; or when the cost (estimated if not known) of any group of identical items, normally constituting a single entry on War Assets Administration Form 1001 and in the possession of the disposal agency at any one location at any one time, does not exceed $100.

§ 8302.4 *Set-asides for veterans.* (a) Except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types set forth by order issued hereunder shall set aside all, or such percentage as is designated in such order of such property in its possession for exclusive disposal to veterans. The Administrator has determined that, in the case of set-asides made pursuant to this section as distinguished from the priorities accorded veterans pursuant to § 8302.5 (b), it is considered inappropriate to cause to be set aside quantities and types of any surplus property for the purpose of resale as distinguished from use. Such determination does not apply to acquisitions by veterans as priority claimants who purchase pursuant to the provisions of § 8302.5. Accordingly, disposals hereunder shall be limited to veterans who acquire surplus property:

(1) For their own personal use, or

(2) For use in establishing and maintaining their own small business, professional, or agricultural enterprises: *Provided, however,* That such use shall not include the acquisition of surplus property for the purpose of resale.

Set-aside property shall be held for disposal at fair value, as provided in § 8302.11, to veterans upon presentation of their discharge papers or other satisfactory evidence that the person is a veteran for a period of not less than fifteen (15) days after public notice of its availability for such disposal, or for such longer period as the Administrator may direct, and any balance remaining undisposed of thereafter may be made available for disposal in accordance with the other provisions of this part.

(b) In disposing of property to veterans under this section, disposal agencies may establish the maximum and minimum quantities which may be acquired by any one veteran at any one time during a given period of time. When the supply of any type of surplus property offered at any time will be insufficient to fill the orders of the eligible veterans, equitable distribution among such veterans may be accomplished (1) on a first-come, first-served basis in fixed price sales or (2) on such other basis as shall be approved by the Administrator; *Provided*, That in any method adopted there shall be equitable distribution among veterans desiring to acquire property for their own personal use and veterans desiring to acquire it for business, professional, or agricultural use. In giving public notice of availability of any property, disposal agencies shall specify the method by which distribution of such property will be made among veterans.

§ 8302.5 *Order of priorities.* Except as to property disposed of under § 8302.4, disposal agencies shall, subject to the provisions of § 8302.6, observe the following order of priorities:

(a) Transfers to Government agencies for their own use shall be given priority over disposals to all others.

(b) Disposals to veterans holding certificates to acquire property to enable them to establish and maintain their own small business, professional, or agricultural enterprises shall be given priority over disposals to all others except as provided in paragraph (a) of this section.

(c) Purchases by Reconstruction Finance Corporation, as successor to Smaller War Plants Corporation, for resale under section 18 (e) of the Surplus Property Act of 1944 shall be given priority over disposals to all others except as provided in paragraphs (a) and (b) of this section.

(d) Disposals to State and local governments for their own use shall be given priority over disposals to all others except as provided in paragraphs (a), (b), and (c) of this section.

§ 8302.6 *Reservations for priority claimants.* (a) In giving effect to the provisions of § 8302.5, disposal agencies shall observe the following requirements with respect to the periods of time during which property will be offered to priority claimants:

(1) Government agencies shall in no case be given a period in excess of twenty days after the date of public notice of availability of the property.

(2) Property offered to veterans may not be disposed of to others for a minimum period of fifteen (15) days after the date of public notice to veterans.

(b) Each disposal agency, based upon experience and demonstrated demand, may estimate the quantity of each item of surplus property which it is necessary to hold in reserve in order to provide an adequate supply thereof to satisfy the probable needs of priority claimants for such item. Such quantities shall be reviewed and adjusted periodically by the disposal agency in the light of the changing requirements of priority claimants and the areas in which such requirements exist. There need be no earmarking of specific property, but the quantities of surplus property so estimated shall be reserved for exclusive disposal to priority claimants subject to the periods specified in paragraph (a). Any property in excess of such reserved quantities may, notwithstanding the provisions of paragraph (a), be disposed of promptly to others.

(c) In order to assist the disposal agencies to reserve quantities of surplus property, pursuant to the provisions of paragraph (b), adequate to satisfy the needs of priority claimants including Reconstruction Finance Corporation as successor to Smaller War Plants Corporation for resale under section 18 (e) of the Surplus Property Act of 1944, Reconstruction Finance Corporation may advise the disposal agencies from time to time of the quantities and kinds of surplus property which it needs or may need for such purposes to the end that any reservations established under paragraph (b) of this section may be adequate to supply such anticipated needs.

§ 8302.7 *Information about available property*—(a) *Availability of records of surplus property; Government requirements officers.* Disposal agencies shall establish procedures to insure that designated representatives or procurement officers of Government agencies and State and local governments shall have access to the information on the property records of the disposal agencies, and shall upon request from time to time inform such representatives or procurement officers about surplus property for which declarations have been received or are anticipated. Each disposal agency shall appoint in its central office and in each regional office thereof a Government requirements officer or officers, whose duties shall include (1) transmitting to Government agencies and State and local governments information concerning surplus property which is or may become available for disposal; (2) assisting in programming sales or offerings in such a manner as to afford Government agencies and State and local governments an opportunity to purchase any and all kinds of property they desire; (3) ascertaining the probable needs for all kinds of property of Government agencies and State and local governments within the region served by each regional office to the end that any reservations established under § 8302.6 (b) may be adequate to supply the probable needs of Government agencies and State and local governments within the region served by the office; (4) cooperating with such advisory committees as the Administrator may appoint; and (5) taking all other necessary or desirable steps to see that all requirements of this part are complied with. It shall be the responsibility of Government agencies, in order to avoid making purchases through commercial channels, continuously to consult the records of the disposal agencies and to determine whether their requirements for all items of property can be satisfied out of surplus property in the hands of the disposal agencies.

(b) *Notice of offering.* Disposal agencies shall give uniform and wide public notice of all offerings to priority claimants and to the extent feasible shall adopt other procedures which will allow priority claimants to receive notice of what surplus property is available or offered for sale within the area in which the offering is made. Government agencies and State and local governments shall also have the right upon request to be put on mailing lists for notices in all cases where such lists are used to offer property for disposal, including mailing lists otherwise reserved to special classes of buyers, unless the disposal agency shall find that the giving of such notices to Government agencies and State and local governments shall for any particular type of property become impracticable, unduly expensive to the Government, or unreasonably burdensome on the facilities of the disposal agency. When paid advertising is used as the method of offering, no other notice need be given to priority claimants. Public notice to Government agencies may be omitted if actual notice by mail is given to all of them.

§ 8302.8 *Issuance of certificates to veterans.* (a) A veteran desiring to exercise his priority under § 8302.5 shall apply to any certifying office of War Assets Administration and shall furnish the Administration with complete information regarding the property desired. The War Assets Administration will satisfy through reference to the applicant's discharge papers or to other satisfactory evidence that the applicant is a veteran. It shall also satisfy itself that the property applied for is to enable the

[1] Reg. 5 (11 F. R. 12717).
[2] Reg. 10 (11 F. R. 7583, 12017).
[3] Reg. 16 (11 F. R. 7427, 8361).
[4] SPA Reg. 20 (11 F. R. 182, 561, 3302, 7431).
[5] 59 Stat. 674; 42 U. S. C. Sup. V. 1572.
[6] Reg. 3 (11 F. R. 11136).

veteran to establish or maintain his own small business, professional, or agricultural enterprise. The War Assets Administration shall require of the applicant a supporting statement or affidavit and will issue an appropriate certificate to such veteran stating that he is a veteran entitled to purchase the types and quantities of the property described therein, which certificate may be canceled for cause. No person shall be certified as a veteran for property to be used in more than one small business, professional or agricultural enterprise.

(b) Whenever a disposal agency within the continental United States other than War Assets Administration receives an application from a veteran desiring to acquire property hereunder but not accompanied by a certificate, the application shall be referred to War Assets Administration for certification, together with full information regarding the availability of the property and the price, terms, and conditions of sale.

(c) [Deleted March 1, 1947.]

(d) Each veteran shall present the certificate when acquiring property under § 8302.5 from a disposal agency, which shall rely upon the certificate that the holder is a veteran entitled to acquire property described therein in accordance with the terms of the certificate. Veterans shall be entitled to acquire the quantity of property for which they are certified, subject to such equitable distribution among veterans as may be adopted by the disposal agency pursuant to the provisions of § 8302.4 (b) or § 8302.9 (c), before such property may be made available to lower priority or non-priority claimants. Special effort shall be made to insure that property available to veterans may be inspected by them. Surplus property may be offered for sale to veterans on credit on terms and conditions established by the disposal agencies.

§ 8302.9 *Transfers and disposals to priority claimants.* (a) Subject to the provisions of § 8302.10 in the case of Government agencies, disposal agencies shall transfer or dispose of surplus property to a priority claimant in quantities not smaller than the smallest lot consistent with commercial practice and at the fair value of such property as provided in § 8302.11. Disposal agencies shall make such transfers of surplus property to a Government agency without reimbursement or transfer of funds whenever a transfer on such terms by the owning agency by which such property was declared surplus would be authorized by any law approved subsequent to June 21, 1944 to be made to the agency desiring such property. The agency desiring such property without reimbursement or transfer of funds shall cite its authority for such transfer and shall pay all transportation charges but not the cost of packing, and shall furnish when necessary a Government bill of lading bearing identification of the appropriation against which such transportation charges are to be charged.

(b) Except in the case of transfers to Reconstruction Finance Corporation as successor to Smaller War Plants Corporation for resale under section 18 (e) of the Surplus Property Act of 1944, and disposals to veterans of property to be resold with or without processing or fabrication in the regular course of business, transfers or disposals to priority claimants shall be for their own use only and not for transfer or disposition by them to others, and disposal agencies shall require priority claimants so to certify. Title to property being acquired by priority pursuant to the provisions of this part shall not be transferred by the disposal agency to any person other than the acquiring priority claimant, except in the case of purchases by Reconstruction Finance Corporation under section 18 (e) of the Surplus Property Act of 1944, and except in the case of purchases by veterans, who may take title either in their own names or in the names of their own business or professional or agricultural enterprises as defined in § 8302.1 (b) (4). The priorities granted pursuant to the provisions of this part may not be assigned or transferred to others. The provisions of this paragraph (b) shall not apply to the exercise of any authority under the Veterans Emergency Housing Act of 1946,[7] or under the Second War Powers Act of 1942[8] directing disposals to a specified class of purchasers or to specifically named purchasers.

(c) The maximum quantity which should be offered by the disposal agency to any one priority claimant should, to the extent feasible, be a quantity which will assure wide distribution of the available property. Such maximum quantities shall be established in all cases where it reasonably may be expected that the total demand from claimants in a given priority class will exceed the supply offered to them. Maximum quantities shall not be established in a manner which will prevent claimants in a higher priority class from satisfying their legitimate requirements, in order to offer a portion of the property to claimants in a lower class or to non-priority buyers. No priority claimant shall be denied by reason of location or residence the right to priority during the period of offering to claimants in the same class.

(d) Orders from priority claimants shall be filled from any available surplus property, subject to the provisions of §§ 8302.4, 8302.5 and 8302.6. If no property is available or likely to become available, the disposal agency shall notify the claimant and upon the dispatching of such notification the order shall lapse. Unless the advertising otherwise states, property already advertised for public competitive bids or for sale at auction or for immediate purchase at a fixed time and property specifically selected by a prospective purchaser shall not be considered available. No property shall be offered for disposal to non-priority claimants unless it has first been offered to priority claimants or necessary provision has been made for reservations for priority claimants in accordance with § 8302.6.

§ 8302.10 *Transfers of surplus standard administrative and maintenance property to the Treasury Department and acquisition of such property by Government agencies.* (a) In order to facilitate the transfer of surplus property from one Government agency to other Government agencies for their own use and not for transfer or disposition to others outside the Government, the Treasury Department as the central procurement agency of the Government may acquire from the disposal agencies such quantities of surplus standard administrative and maintenance property as it needs to satisfy the requirements for such property of all Government agencies within the continental United States, other than the War Department, Navy Department, and Veterans Administration, and other than each disposal agency for the types of property for which it is designated as such under Part 8301.[9] Government agencies shall cooperate with the Treasury Department in compiling estimates and shall provide the Treasury Department with such information concerning their requirements as it may need in order to promote the fullest utilization of surplus property.

(b) Disposal agencies shall transfer surplus standard administrative and maintenance property to the Treasury Department in accordance with the provisions of § 8302.9 and at a fair value which reflects the estimated expenses to be incurred by the Treasury Department in making distribution to Government agencies, and the Treasury Department shall promptly upon such transfer take possession and assume responsibility for the care, handling, and disposition of such property.

(c) It shall be the responsibility of all such Government agencies, in order to avoid making purchases of such property through commercial channels when such property is available from surplus, continuously to consult the stock catalogues issued by the Procurement Division of the Treasury Department.

(d) Except in cases where transfers may be made without reimbursement or transfer of funds, no Government agency other than the War Department, Navy Department, and Veterans' Administration, and other than each disposal agency for the types of property for which it is designated as such under Part 8301,[10] shall within the continental United States acquire by direct transfer from a disposal agency any type of surplus standard administrative or maintenance property which is offered for disposal by the Treasury Department and immediately available for acquisition by such Government agency; *Provided*, That if none of a desired type of property is immediately available for acquisition by a Government agency, such agency may purchase such desired property directly from the disposal agency; and *Provided, further*, That Reconstruction Finance Corporation, as successor to Smaller War Plants Corporation, shall be entitled to acquire any such property from a disposal agency for resale under section 18 (e) of the Surplus Property Act of 1944.

§ 8302.11 *Fair value.* Disposal agencies shall fix the fair value at which property shall be acquired by priority claimants. Such a fair value shall not be greater than the lowest price which is offered to any trade level at the time of acquisition by the priority claimant, or where the fair value is fixed after examining competitive bids, it shall not be greater than the lowest acceptable bid.

§ 8302.12 *Acquisitions by priority claimants without exercising priority.* In addition to acquiring property under §§ 8302.5 and 8302.6, Government agencies, except as to standard administrative and maintenance property desired for their own use, and State and local governments shall be entitled to submit offers whenever surplus property is otherwise offered for sale, without regard for the location of the property, but shall not be entitled to priority. Government agencies may under this section acquire any surplus property (including standard administrative and maintenance property) for transfer or disposition to others, including transfers or dispositions to the United Nations Relief and Rehabilitation Administration. Nothing in this part shall prevent veterans from acquiring any property directly from a disposal agency without exercising priority if they are included within the class of buyers to whom the disposal agency is offering such property. Such purchases made by a priority claimant without priority shall be governed by the prices, terms, and conditions of the offering made by the disposal agency and not pursuant to any other provisions of this part.

§ 8302.13 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by orders issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8302.14 *Regulations by disposal agencies to be reported to the War Assets Administrator.* Each disposal agency shall file with the War Assets Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective March 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MARCH 1, 1947.

[F. R. Doc. 47-2892; Filed, Mar. 25, 1947; 11:10 a. m.]

[7] 60 Stat. 207.
[8] 56 Stat. 176; 50 U. S. C. Sup. IV, App. 631-645a.
[9] Reg. 1 (12 F. R. 863).
[10] Reg. 1 (12 F. R. 863).

[Reg. 2,[1] Order 9]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

NATIONAL AND REGIONAL VETERANS SET-ASIDE LISTS

Section 8302.4 (a) of this part provides that except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types set forth by order issued thereunder shall set aside all, or such percentage of such property as is designated in such order. Accordingly, it is hereby ordered that:

§ 8302.59 *National and regional veterans set-aside lists.* The items listed in Exhibit A hereof shall constitute the National Veterans Set-Aside List and the items listed in Exhibit B hereof shall constitute the Regional Veterans Set-Aside List.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

This order shall become effective March 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MARCH 1, 1947.

EXHIBIT A

NATIONAL VETERANS SET-ASIDE LIST

(The following items in "0" condition or better)

MOTOR VEHICLES

	Commodity code classification	
Trucks, amphibian, ¼-ton, 4 x 4	90	1001
Carrier, light cargo (the weasel)	90	1002
Trucks:		
"The Jeep", ¼-ton, 4 x 4	90	1003
Carry-all, ½-ton, 4 x 2	90	1004
Canopy express, ½-ton, 4 x 2	90	1005
Pickup, ½-ton, 4 x 2	90	1006
Panel delivery, ½-ton, 4 x 2	90	1007
Carry-all, ½-ton, 4 x 4	90	1008
Command reconnaissance, ½-ton 4 x 4	90	1009
Emergency repair, ½-ton, 4 x 4	90	1010
Panel delivery, ½-ton, 4 x 4	90	1011
Pickup, ½-ton, 4 x 4	90	1012
Radio, ½-ton, 4 x 4	90	1013
Weapons carrier, ½-ton, 4 x 4	90	1014
Panel delivery, ¾-ton, 4 x 2	90	1015
Pickup, ¾-ton, 4 x 2	90	1016
Carry-all, ¾-ton, 4 x 4	90	1017
Command, ¾-ton, 4 x 4	90	1018
Emergency repair, ¾-ton, 4 x 4	90	1019
Light maintenance and installation, ¾-ton, 4 x 4	90	1020
Weapons carrier, ¾-ton, 4 x 4	90	1021
Canopy express, 1-ton, 4 x 2	90	1022
Pickup, 1-ton, 4 x 2	90	1023
Combination stake and platform, 1½-ton, 4 x 2	90	1024

[1] Issued March 1, 1947.

NATIONAL VETERANS SET-ASIDE LIST—Con.

MOTOR VEHICLES—continued

	Commodity code classification	
Trucks—Continued		
Cargo, 1½-ton, 4 x 2	90	1025
Canopy express, 1½-ton, 4 x 2	90	1026
Dump, 1½-ton, 4 x 2	90	1027
Panel delivery, 1½-ton, 4 x 2	90	1028
Pickup, 1½-ton, 4 x 2	90	1029
Bomb service, 1½-ton, 4 x 4	90	1031
Cargo, 1½-ton, 4 x 4	90	1032
Combination stake and platform, 15 ft., 1½-ton, 4 x 4	90	1033
Combination stake and platform, c. o. e., 1½-ton, 4 x 4	90	1034
Dump, 1½-ton, 4 x 4	90	1035
Panel delivery, 1½-ton, 4 x 4	90	1036
Panel delivery, 1½-ton, 4 x 4 (K-51)	90	1037
Ordnance maintenance, 1½-3-ton, 4 x 4	90	1038
Cargo, 2½-ton, 4 x 2	90	1039
Combination stake and platform, 2½-ton, 4 x 2	90	1040
Dump, 2½-ton, 4 x 2	90	1041
Cargo,[2] 2½-ton, 6 x 4	90	1042
Tractor, 1½-ton, 4 x 2	90	1044
Tractor, 1½-ton, 4 x 4	90	1045
Tractor, 2½-ton, 4 x 2	90	1046
Tractor, c. o. e., 2½-ton, 4 x 4	90	1047
Tractor,[2] 2½-ton, 6 x 4	90	1048

Note: Trucks, tractor, code numbers 90 1044 through 90 1048 include trucks which are cab and chassis units.

Buses:		
Sedan, converted, 15-passenger, 4 x 2	90	1075
Car:		
Passenger, light, all body types, 4 x 2, includes Crosley, Bantam and others	90	1079
Passenger, medium and heavy, all body types, 4 x 2	90	1080
Station wagon, including auxiliary ambulance station wagon, 4 x 2	90	1081
Motorcycle, all types, 2 x 1 and 3 x 1	90	1085
Scooter, motor, with or without package carrier, all types	90	1086

MEDICAL AND DENTAL EQUIPMENT AND INSTRUMENTS

Medical equipment:		
Electro-cardiographs	90	5103
Basal metabolar	90	5104
Cystoscope	90	5105
X-ray, medical equipment and accessories:		
X-ray, field unit, table unit	90	5201
X-ray, field mobile unit	90	5202
X-ray generating equipment:		
200 MA generator, plus tilt table	90	5203
100 MA generator, plus tilt table	90	5204
30 MA mobile unit, office type and field type	90	5205
15 MA portable	90	5206
Vertical fluoroscope	90	5208
Cassette changer	90	5209
Large stereoscope	90	5210
1 Position table for radiography, with Bucky diaphragm	90	5211
Physiotherapy equipment:		
Diathermy apparatus, 110-volt, 60-cycle:		
1 conventional circuit	90	5304
2 crystal control circuits	90	5305

[2] Not less than 10% reserve for veterans set-aside.

NATIONAL VETERANS SET-ASIDE LIST—Con.

MEDICAL AND DENTAL EQUIPMENT AND INSTRUMENTS—continued

	Commodity code classification	
Dental equipment and supplies:		
Cabinet, dental	90	5602
Chairs, dental, operating	90	5603
Unit, operating dental: 110-volt, 25-cycle; 110-volt, 60-cycle; 110-volt, D. C.; 110-volt, 50-cycle; 220-volt, 60-cycle	90	5642
Machine, X-ray, dental, shock-proof 110- to 220-volt 60 cycle	90	5644

OFFICE MACHINES AND APPLIANCES

Typewriters:		
Portable	90	6010
Standard	90	6020

OFFICE FURNITURE

Office Furniture—50% of the inventory items listed below in "O" condition or better shall be offered to veterans

Desk—"Top" executive, 72 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges, and matched woods)	90	6501
Desk—"Top" executive, 66 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish, and molding, generally has rounded corners and edges, and matched woods)	90	6502
Desk—Executive or regular, 60-inch flat top, mahogany, oak or walnut finish, double pedestal, w/o locks, metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; w/o drawer guides; open or sealed back; double or single	90	6503
Desk—Executive or regular, under 60-inch, flat top, mahogany, oak, or walnut finish; double or single pedestal, with or without locks; metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; with or without drawer guides; open or sealed back; single	90	6504
Desk—Flat top; Victory; approximately 42 x 34 inches, 2-drawer	90	6505
Desk—"Top" stenographic, left or right pedestal, 60 inch or over, mahogany, oak, or walnut finish, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges and matched woods)	90	6506

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	Commodity code classification	
Desk—Stenographers' or typewriter desk, 60 inch, mahogany, oak, or walnut finish, typewriter drop center, right or left side; with or without locks; double or single pedestal	90	6507
Desk—Stenographers' or typewriter desk, under 60 inch, mahogany, oak, or walnut finish, double pedestal, with or without lock; typewriter drop center, right or left side; double or single pedestal	90	6508
Desk—Stenographers', Victory; approximately 42 x 34 inches, 1 drawer, well for typewriter	90	6509
Chairs—Office, non-swivel chairs with arms; all types of backs, arms and legs, including "Bank of England" type; any type of finish	90	6510
Chairs—Office, w/o arms, non-swivel; all types of backs and legs; any type of finish	90	6511
Chairs—Stenographers' posture; any type of stenographers' chairs with mechanism to adjust back for posture; any type of finish	90	6512
Chairs—Stenographers' regular, all types of swivel chairs w/o arms, except posture; any type of finish (not including Victory)	90	6513
Chairs—Swivel, plain, with arms, full swivel (metal) tilting; back may be padded, including "Bank of England"; all types of finish	90	6514
Chairs—Swivel, no tilt, Victory type with wooden mechanism	90	6515
Chair—"Top" executive, upholstered back, seat, nonswivel or full swivel (metal) tilting with upholstered arms	90	6516
Filing cabinets, metal or wood, recommended set-aside 50%. Cabinets, file, vertical, letter legal, or cap size, with or without locks, suspension arms; any type of finish: 5-drawer. 4-drawer. 3-drawer. 2-drawer.		
Cabinets—file, metal, vertical, letter, legal or cap size, with or without locks, any type of finish	90	6521
Cap-size: Inside dimensions: 15½ x 10 13/16 x 26½; with follower block; any type of finish. Letter-size: Inside dimensions: 12¼ x 10 13/16 x 26½; with follower block; any type finish.		
Cabinets—file, Victory, wooden, vertical, wood slides for drawers, in place of suspension arms; no locks; any type of finish	90	6522
Cabinets—steel (used), filing, insulated, record container; one hour fire resisting; with impact and explosion test	90	6523
Cap-size: Inside dimensions: 15½ x 10 13/16 x 26½; with follower block; any type finish. Letter-size: Inside dimensions: 12¼ x 10 13/16 x 26½; with follower block; any type finish.		
Tables — Conference; 72-inch or over, with or without drawers; any type of finish	90	6531
Tables—Conference; 60-inch; with or without drawers; any type of finish	90	6532
Tables—36-inch, with or without drawers; any type finish	90	6533

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	Commodity code classification	
Tables—Telephone, top approximately 16 x 22 inches	90	6534
Tables—Typewriter, with or without rollers	90	6535

EXHIBIT B

REGIONAL VETERANS SET-ASIDE LIST

ZONE NO. I

BOSTON REGION NO. 1

(The following items in "o" condition or better).

Commodity code classification	
69-6400	Bags, sleeping, wool.
69-6400	Cases, water repellent for above bags.
42-8100, 42.8100, 59-1640.	Pararafts. Life rafts.
69-5200	Tents, 2-man mountain.
69-5200	Tents, 4-man mountain.
69-5200	Tents, wall.
69-5200	Tents, pyramidal.
54-2385	Steel cots.
96-75-3000	Mechanic tool kits.
96-75-3000	Carpenter tool kits.
96-75-3000	Electrician kits.
96-75-3000	Tool kit, sheet metal.
96-75-3000	Tool kit, dock builders.
96-75-3000	Tool kit, linesman.
96-75-3000	Tool kit, plumbing.
96-75-3000	Tool kit, forge.
96-75-3000	Tool kit, cement finishers.
96-75-3000	Tool kit, wire rope splicing.

NEW YORK REGION NO. 2

56-4100	Binoculars 6 x 30.
56-4300	Binoculars 7 x 50.
55-0000	Photographic equipment except 35 MM projectors and motion picture cameras.
32-9220	Auto storage batteries.
75-6100	Wrist watches.
75-3118-20	3-Ton hydraulic auto and truck jacks.
54-5219	Surgeon stools, white enamel.
54-5219	Surgeon stools, gray enamel.
58-1551	Forceps, No. 18-R.

PHILADELPHIA REGION NO. 3

56-4000	Binoculars.
67-3310	Leather garments (flight jackets).

RICHMOND REGION NO. 12

58-8720	Transits.
58-8720	Levels.
58-8760	Level rods.
58-8770	Surveyors tapes and chain.
56-4000	Binoculars.
55-1100	Motion picture cameras 16- and 35-mm.
55-1425-20	Graphic camera.
55-1421	Studio cameras.
55-5400	Printers.
55-2400	Enlargers.
55-5520	Dryers.
96-75-3000	Carpenter's tool kit.
96-75-3000	Machinist's tool kit.
56-7200	Microscopes (binocular and monocular).
58-4120	Examining tables.
58-4920	Instrument cabinets.
58-1900	Dental compressors.
58-4290	Dental operating lamps.
58-4310	Sterilizers (small, 110-volt only.)
39-5000	Cash registers.
38-2100	Adding machines.
38-4100	Dictaphone machines.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE NO. I—Continued

RICHMOND REGION NO. 12—continued

Commodity code classification	
	Laundry equipment:
39-1220	Extractor baskets, laundry, commercial.
39-1257-20	Pressing boards, laundry, commercial.
39-1210	Washers, laundry, commercial.
39-1230	Tumblers, laundry, commercial.
39-1120	Driers.
39-1320	Presses.
39-1220	Extractors.
39-1230	Tumblers.
52-3100	Walk-in refrigerators.
52-3200	Reach-in refrigerators.
31-2100	Air compressors (up to 105 cubic feet).
55-2110, 55-2120, 55-2130.	Projectors 16- and 35-mm.

ZONE NO. II

ATLANTA REGION NO. 6

56-4100	Glasses, field, type E, complete w/carrying case.
75-6110	Watches, wrist, men's, com. type, stainless steel, 15 and 17 jewels.
49-1100	Bicycles, all types.
58-4100	Tables, operating.
36-7212	Mixers, concrete.

CHARLOTTE REGION NO. 13

69-3300	Comforters.
69-3420	Blankets.
69-590000	Buckets, canvas.
69-590000	Haversacks, canvas.
67-321300	Jackets, field.
69-5900	Pack, field, cargo.
67-710000	Jackets, field, arctic.
25-99990	Bar, towing.
69-64000	Bag, sleeping, wool.
56-4100	Glasses, field.
74-9000	Hammock, jungle.
31-2260	Pump, gas.
75-31263	Pick, mattock.
75-31361	Shovel.
42-84000, 59-1620, 79-9740.	Life preserver.

JACKSONVILLE REGION NO. 14

32-8820	Fans, wall bracket, desk type.
33-6210	Circular saws.
33-6220	Band saws.
33-6230	Reciprocating saws.
34-15840	Bench grinder.
34-81000	Portable grinder.
34-83200	Portable drills, electric.
38-2100	Adding machine.
38-2200	Calculating machine.
38-2200	Computing machine.
38-4100	Dictaphone machine.
38-5000	Duplicating machine.
38-7500	Addressing machine.
49-1100	Bicycles.
51-5100	Space heaters, all types.
51-5300	Cooking stoves, domestic, except electric.
52-9300	Water coolers.
53-6200	Sawing machines.
54-2311	Chairs, rocker, living room, wood.
54-2111	Chairs, rocker, living room, metal.
54-21164	Sofas, davenport, metal.
54-23164	Sofas, davenport, wood.
54-21212	Chairs, bedroom rockers, metal.
54-23212	Chairs, bedroom rockers, wood.
54-2131	Dining room chairs, metal.
54-2331	Dining room chairs, wood.
54-2133	Dining room tables, metal.
54-2333	Dining room tables, wood.
54-2126	Chiffoniers and dressers, metal.
54-2326	Chiffoniers and dressers, wood.
54-3000	Sofa and chests, office.
55-1100	Motion picture cameras.
55-1400	Still cameras.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE NO. II—Continued

JACKSONVILLE REGION NO. 14—continued

Commodity code classification	
56-3000, 56-4000.	Telescopes and binoculars.
67-3213	Field jackets.

NASHVILLE REGION NO. 18

69-3420	Blankets.
69-3300	Comforters.
67-3213	Field jackets.
79-9640	Brief cases.
69-6000	Sleeping bags.

BIRMINGHAM REGION NO. 19

33-2500	Sewing machines, commercial type.
33-9400	Shoe-repair machines.
25-1400	Prefabricated structures.
39-1210	Commercial laundry machines.
58-4990	Ear, eye, nose and throat examining chair (specialist).
58-4310	Sterilizer, instrument, small.
58-2340	Sphygmomanometer, aneroid.
58-2340	Sphygmomanometer, mercurial.
56-4000	Binoculars.
52-8210	Refrigerator, commercial, walk-in.

ZONE NO. III

CINCINNATI REGION NO. 4

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A.)

CHICAGO REGION NO. 5

Commodity code classification	
37-1000	Tractor, farm, wheel, less than 100 hp.
35-2220	Tractor, plow, two bottom, drawn and mounted.
35-2230	Tractor, plow, three bottom, drawn and mounted.
35-2240	Tractor, plow, four-bottom, drawn and mounted.
35-4100	Cultivators.
35-5300	Corn picker.
35-1110	Corn planter.
35-5710	Mower, haying machinery.
35-2300	Disc plow.
36-7210	Concrete mixer, 10s or under.
45-1401	Ambulance, 1½-ton, 4 x 2.
45-3303	Trailer, 1-ton, cargo.
45-2105	Trailer, house type.
45-2199	Trailer, ¼-ton, cargo.
32-1280	Battery charger.
31-5812	Hoist, electric, 1- to 5-ton capacity.
31-2100	Air compressor, less than 105 cubic feet.
32-1310	Motors, fractional hp., 110/220 volt, single phase, AC and DC standard, listing ratings.
33-6210	Skillsaws, electric, hand, portable.
34-8900	Sander, portable, electric, hand.
31-9940	Spray unit, including spray gun.

CLEVELAND REGION NO. 15

45-4900	Trailers, jeep.
34-1580	Bench grinder (common to the small repair shop use, not to exceed ½ HP rated drive).
	Microscopes:
56-7300	Binocular.
56-7300	Monocular.
56-7300	Stereoscopic.
	Dental equipment and supplies:
58-4310	Sterilizer, instrument, small, 110 volt, 60-cycle.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE NO. III—Continued

CLEVELAND REGION NO. 15—continued

Commodity code classification	
	Cash registers:
39-5100	Electric.
39-5200	Nonelectric.
	Computing machines:
38-2100	Adding machines.
38-2200	Calculating machines.
38-2200	Comptometers.
96-75-3000	Tool kits—machinists.
51-6122, 32-8450.	Hot plates—commercial type (gas or electric).
55-5520	Film and paper dryers, all types, except aerial.
	Life rafts:
42-8100, 59-1640.	Pneumatic—1-man size.
42-8100, 59-1640.	2-man size.
42-8100, 59-1640.	3-man size.
42-8100, 59-1640.	4-man size.
42-8100, 59-1640.	5-man size.
42-8100, 59-1640.	6-man size.
42-8100, 59-1640.	7-man size.
42-8100, 59-1640.	10-man size.
38-8110	Typewriters, standard, electric.
54-5833	Work tables (wood).
54-5813	Work tables (metal).
	Hand Drills:
75-32141	Plain.
75-32142	Ratchet.
75-32149	Not elsewhere classified.
	Drill presses or drilling machines (bench type):
34-1300	Under ½" drilling capacity in steel.
34-1300	½" only.
	Lathes—engine and tool room:
34-16111	Under 12" swing, with center to center under 30".
34-16200	Bench type and light duty (less than 1 hp, lathes).
54-2385-10	Army cots (canvas and wooden).
74-1000	Tires, pneumatic (excepting airplanes).
74-4100	Retread.
74-4200	Rebuilt.
74-3000 to 74-3900.	Inner tubes, excepting airplane tubes.
45-1405	Dump trucks to include 2½ ton and over.
31-6000	Industrial trucks.
31-6300	Industrial tractors.

DETROIT REGION NO. 16

32-1310	Fractional h. p. motors.
69-3420	Blankets—wool.
49-1100	Bicycles.
36-7210	Cement mixers (small).
33-9100	Concrete - block - making machines.
51-5300	Stoves—household.
52-2000	Refrigerators—household.
38-4100	Business machines—dictating.
38-5000	Business machines—duplicating.
38-7000	Addressing and mailing machine.
58-8390	Drafting boards.
58-8100	Drafting instruments.
67-3200, 67-3810.	Flight jackets.
81-1440, 81-1450.	Shotguns, sporting type, nonstandard, 12-gage and 16-gage.
69-6000	Sleeping bags.

LOUISVILLE REGION NO. 17

13-9914	Hutments, prefabricated and Quonset.
25-1400.	

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE No. III—Continued

LOUISVILLE REGION NO. 17—continued

Commodity code classification	
75-6100-00--	Wrist watches.
75-6920-----	Clocks, 8-day.
32-8820-----	Electric fans, household type.
32-8620-00--	Therapeutic mercury arc lamp.
32-8630-00--	Therapeutic infra-red lamp.
94-3286-20--	Therapeutic mercury arc type lamp burner.
32-7990-00--	Transilluminator.
53-4420-----	Floor lamp, household type.
39-1110-----	Electric washing machines (household type).

MINNEAPOLIS REGION NO. 21

37-1000-----	Wheel type tractor under 100 hp.
32-1311-----	Motors, electric, fractional hp. AC only.
32-13213----	Motors, electric, 1 hp. to 5 hp., AC only, single- and 3-phase.
36-7210-----	Mixers, concrete, portable.
34-5100-----	Welders, 200 and 300 amp.
36-7210-----	Mixers, concrete, nonportable.

ZONE No. IV

KANSAS CITY REGION NO. 8

Commodity code classification	
69-6200-00--	Bags,[2] sleeping, feather or down filled.
49-1100-00--	Bicycles.
56-4000-00--	Binoculars.
56-4300-00--	Binoculars, prism.
	Cameras, motion picture:
55-1140-00--	8 mm.
55-1130-00--	16 mm.
55-1110-00--	35 mm., silent.
55-1120-00--	35 mm., sound.
	Cameras, still, except aerial:
55-1412-00--	Folding, hand type.
55-1413-00--	Reflex, hand type, except 35 mm.
55-1414-00--	Reflex, 35 mm.
55-1415-10--	Microfilm, 35 mm.
55-1421-00--	Studio:
55-1422-00--	View.
55-1425-20--	Press type, except reflex.
55-1425-10--	Press type, reflex.
	Enlargers, except microfilm:
55-2420-----	2¼'' x 3¼''.
55-2430-----	4'' x 5''.
55-2440-00--	5'' x 7''.
55-2450-00--	8'' x 10''.
55-2410-00--	35 mm.
55-2310-00--	Enlargers, microfilm.
	Projectors, motion picture:
55-2130-00--	16 mm. silent.
55-2120-00--	16-mm., sound.
55-2110-00--	35-mm.
55-2140-00--	8-mm.
	Projectors, still:
55-2211-00--	35-mm., silent.
55-2212-00--	35-mm., sound.
55-2213-00--	Lantern slide.
55-2220-00--	Reflection type.
34-8320-00--	Drills, portable, electric.
	Fans, electric:
32-8820-----	Household.
32-8830-00--	Pedestal.
79-3410-00--	Glasses, ray absorbing, sun.
31-9940-00--	Spray guns, paint, 1 quart or less.
53-9522-00	Lanterns,[2] gasoline, outdoor.
32-1310-00	Fractional horsepower motors, less than 220 volts.
	Cash registers:
39-5100-00--	Electric.
39-5200-00--	Nonelectric.
51-1100-00--	Air conditioning units, self-contained.

[1] Not less than 10 percent reserve for veterans set-aside.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE No. IV—Continued

KANSAS CITY REGION NO. 8—continued

Commodity code classification	
	Bookcases, office, wood:
54-3481-00--	Sectional.
54-2000-00--	Furniture, household.
	Vises:[2]
75-3145-10--	Blacksmiths'.
31-5813-00--	Hoists,[2] hand chain (10 ton or less).
	Sawing machines (woodworking):
33-6220-00--	Band, 12'' to 16''.
34-1600-----	Lathes, jewelers.
33-6400-00--	Lathes, woodworking.
34-1600-----	Lathes, toolroom under 12'' swing.
	Grinders (10'' or under):
34-1584-00--	Bench.
34-1583-----	Pedestal.
34-5100-00--	Welding equipment, electric.
36-7210-00--	Concrete mixers (one sack).
69-5200-00--	Tents,[2] canvas (1 or 2 man size).
81-1400-00--	Shotguns (all gauges).
75-6100-----	Watches, wrist and pocket size.
	Medical and surgical equipment:
58-2340-00--	Sphygmomanometer.
58-4920-00--	Cabinet, instrument.
58-6000-----	Scales, laboratory.
58-4310-00--	Sterilizers, instrument, 110-volt.
58-2000-00--	Diagnostic apparatus, instruments and equipment.
96-58100----	Case, dental, vet., complete.
96-58300----	Case, general operating, vet., complete.

DENVER REGION NO. 9

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A.)

ST. LOUIS REGION NO. 22

Commodity code classification	
39-1112-----	Washing machines (domestic).
49-1100-----	Bicycles.
32-8830-----	Fans (110-volt, 1-phase only).
32-8800-----	Fans (110-volt, 1-phase only).
32-8800-----	Fans (110-volt, 1-phase only).

OMAHA REGION NO. 24

69-3425-00--	Wool OD blankets, 100% wool, manufacturer unknown; overall size 66'' x 75''. Two ends overedged; unit weight 4 lbs.
68-7200-00--	Rubber boots, safety toe, ¾-length hip boots.
68-1320-----	Winter flying shoes, winter type A-10 Shearling material, rubber soles and heels, cowhide reinforcing at top and seams. Strap and buckle across instep.

ZONE No. V

FORT WORTH REGION NO. 7

75-6100-----	Watch, navigation.

NEW ORLEANS REGION NO. 20

69-3425-----	Blankets, o. d., grey, white.
69-3300-----	Comforters.
67-3400-----	Raincoats.
67-3310, 67-3200	Jackets, flying.
56-4000-----	Binoculars.
96-7530-----	Tool kits.
79-6712-----	Phonographs.
79-6322-----	Trumpets.
79-6100-----	Piano.

[2] Not less than 10 percent reserve for veterans set-aside.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE No. V—Continued

LITTLE ROCK REGION NO. 23

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A.)

OKLAHOMA CITY REGION NO. 25

Commodity code classification	
69-6000-----	Sleeping bag, arctic type.
59-1640-----	Life raft, pneumatic 1- to 10-man.
32-8310-----	Vacuum cleaners, domestic.
81-1400-----	Shot guns, 12-, 16-, 20-gage. Game type.
32-1300-----	Motor, electric, under 5 hp.

DALLAS REGION NO. 26

75-6100-----	Watch, navigation.

HOUSTON REGION NO. 27

32-83120----	Vaccum cleaners, Electrolux, domestic, model XX.

SAN ANTONIO REGION NO. 28

52-3200-----	Refrigerators, reach-in-type, commercial.
51-5300-----	Ranges, cooking (domestic).

ZONE No. VI

SAN FRANCISCO REGION NO. 10

45-2199-----	Trailer, ¼-ton, cargo.

SEATTLE REGION NO. 11

No additional items other than those included in the National Veterans' Set-Aside List. (See Exhibit A.)

HELENA REGION NO. 29

No additional items other than those included in the National Veterans' Set-Aside List.

SALT LAKE CITY REGION NO. 30

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A.)

SPOKANE REGION NO. 31

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A.)

PORTLAND REGION NO. 32

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A.)

LOS ANGELES REGION NO. 33

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A.)

[F. R. Doc. 47-2393; Filed, Mar. 25, 1947; 11:10 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 697, Amdt. 1]

PART 95—CAR SERVICE

PRIORITY FOR EXPORT OF RED RIVER VALLEY POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of March A. D. 1947.

Upon further consideration of Service Order No. 697 (12 F. R. 1725), and good cause appearing therefor: It is ordered, that:

Section 95.697 *Permit for export Red River Valley potatoes,* of Service Order No. 697 be, and it is hereby, amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Priority to be accorded.* The Great Northern Railway Company, the Northern Pacific Railway Company and the Minneapolis, St. Paul & Sault Ste Marie Railroad Company shall give preference and priority over all other traffic to supplying or placing not to exceed one hundred (100) refrigerator cars each working day for loading potatoes consigned to the United States Army, at Corpus Christi, or Beaumont, Texas, or Lake Charles, Louisiana, providing the shipper or consignor obtains a certificate in writing from the agent appointed herein, and further providing the shipper or consignor certifies in writing on the car order that such refrigerator car is intended for the transportation of potatoes pursuant to this section.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 21, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2789; Filed, Mar. 25, 1947; 8:45 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES AND NEW FRESH HARVESTED ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 of this chapter, *infra.*

[Gen. Permit ODT 18A, Rev. 31]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES AND NEW FRESH HARVESTED ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.531 *Shipments of new fresh harvested Irish potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172) and the restrictions contained in Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new fresh harvested Irish potatoes:

(a) When the origin point of any such freight is any point or place within the United States excepting the States of Arizona, California or New Mexico, and the quantity loaded in each car is not less than 36,000 pounds when such freight is iced or when ice is available for placing in such car: *Provided,* That, if ice is not available at the shipping point for placing in such car, the quantity loaded therein shall be not less than 30,000 pounds;

(b) When the origin point of any such freight is any point or place in the States of Arizona, California or New Mexico, and the quantity loaded in each car is not less than 36,000 pounds.

§ 520.532 *Shipments of new fresh harvested onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172), and the restrictions contained in Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new fresh harvested onions:

(a) When the origin point of any such freight is any point or place within the United States excepting the State of Texas and the quantity loaded in each car is not less than 30,000 pounds;

(b) When the origin point of any such freight is any point or place in the State of Texas and the quantity loaded in each car is not less than 25,000 pounds.

This General Permit ODT 18A, Revised-31, shall become effective forthwith and shall expire at 11:59 p. m. June 30, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 9725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 21st day of March 1947.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 47-2805; Filed, Mar. 25, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 27]

[Docket No. FDC-48]

DEFINITIONS AND STANDARDS OF IDENTITY FOR CANNED PEACHES, CANNED APRICOTS, CANNED PEARS, CANNED CHERRIES, AND CANNED FRUIT COCKTAIL

NOTICE OF HEARING

In the matter of proposals to amend the definitions and standards of identity for canned peaches, canned apricots, canned pears, canned cherries, and canned fruit cocktail.

Notice is hereby given that the Administrator of the Federal Security Agency, upon application of Flotill Products, Inc., stating reasonable grounds therefor, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will hold a public hearing commencing at 10 o'clock in the morning of May 6, 1947, in Room 5544, Social Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., upon the applicant's proposals to amend the definition and standard of identity for each of the foods canned peaches, canned apricots, canned pears, canned cherries, and canned fruit cocktail (21 CFR, Cum. Supp., Part 27) as follows:

1. Amend each of §§ 27.0 (a), 27.10 (a), 27.20 (a), 27.30 (a), by adding after the last numbered subparagraph in each instance, a new subparagraph to read as follows:

Rum (as defined in Treasury Department Distilled Spirits Labeling and Advertising Regulations No. 5, 27 CFR 5.2 (e)), if the quantity thereof is at a rate of not less than ¾ nor more than 1¼ fluid ounces per pound of finished canned peaches (or canned apricots, or canned pears, or canned cherries, as the case may be) *Provided,* That the density of the packing media after inclusion of the rum remains within the permissible range of Brix measurement as hereinafter set forth.

2. Amend each of §§ 27.0 (e), 27.10 (e), 27.20 (e), 27.30 (e), by adding after the last numbered subparagraph in each in-

stance, a new subparagraph to read as follows:

"Rum seasoned" or "seasoned with rum".

3. Amend § 27.40 (a), by adding at the end thereof the following:

Such food may be seasoned with the optional ingredient rum (as defined in Treasury Department Distilled Spirits Labeling and Advertising Regulations No. 5, 27 CFR 5.2 (e)), if the quantity thereof is at a rate of not less than ¾ nor more than 1¼ fluid ounces per pound of finished canned fruit cocktail, *Provided*, That the density of the packing media after inclusion of the rum remains within the permissible range of Brix measurement as hereinafter set forth.

4. Amend § 27.40 (e) (1) by adding at the end thereof the following:

When the optional seasoning ingredient permitted by paragraph (a) is used, the label shall bear the words "Rum seasoned" or "Seasoned with rum".

Mr. William W. Goodrich hereby is designated as presiding officer to conduct the hearing, in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Administrator for initial decision.

The hearing will be conducted in accordance with the rules of practice provided therefor.

At the hearing evidence will be restricted to testimony and exhibits that are relevant and material to the issues contained in the proposals.

The proposals are subject to adoption, rejection, amendment, or modification by the Administrator, in whole or in part, as the evidence adduced at the hearing may require.

Dated: March 20, 1947.

[SEAL] WATSON B. MILLER, *Administrator.*

[F. R. Doc. 47-2801; Filed, Mar. 25, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 270]

APPLICATIONS AND EXEMPTION OF TRANSACTIONS BETWEEN REGISTERED INVESTMENT COMPANIES AND FULLY OWNED SUBSIDIARIES

NOTICE OF PROPOSALS WITH RESPECT TO ADOPTION AND AMENDMENT OF RULES

Notice is hereby given that the Securities and Exchange Commission has under consideration the following proposals with respect to the adoption and amendment of rules pursuant to the Investment Company Act of 1940, particularly sections 6 (c), 17 (a), 17 (b), 17 (d) and 38 (a) thereof:

I. The adoption of a rule providing a procedure to be followed with respect to applications filed pursuant to the act or the rules and regulations thereunder. The purpose of the proposed rule is to provide a general procedure for the disposition of applications filed pursuant to any section of the act or any rule or regulation of the Commission thereunder, except in special cases, such as § 270.30a-1 [Rule N-30A-1], where a different procedure is more appropriate. The text of the proposed rule is as follows:

§ 270.0-5 [Rule N-5] *Procedure with respect to applications.* The procedure hereinbelow set forth will be followed with respect to an application filed pursuant to any section of the act or any rule or regulation thereunder, unless in the particular case a different procedure is provided for such application:

(a) Notice of the filing of the application will be published in the FEDERAL REGISTER and will indicate the earliest date upon which the application may be granted. The notice will also provide that any interested person may, within the period of time specified therein, submit to the Commission in writing any facts bearing upon the desirability of a hearing upon the application and may request that a hearing be held, stating his reasons therefor and the nature of his interest in the matter.

(b) The application will be granted by an order issued as of course on a date to be specified in the notice, unless prior to such date the Commission orders a hearing on the application.

(c) The Commission will order a hearing on the application (1) upon the request of any interested person; or (2) upon its own motion if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors. In such case, the hearing and all further procedure with respect to the application will be conducted in accordance with the Commission's rules of practice.

II. The adoption of a rule exempting from section 17 (a) of the act transactions between a registered investment company and one or more of its fully-owned subsidiaries or between two or more fully-owned subsidiaries of such a company. The purpose of this rule is to provide an automatic exemption for such transactions since such subsidiaries are completely owned by the registered investment company and there is no public or investor interest in transactions within the group. The text of the proposed rule is as follows:

§ 270.17a-3 [Rule N-17A-3] *Exemption of transactions between registered investment companies and fully-owned subsidiaries.* (a) Transactions solely between a registered investment company and one or more of its fully-owned subsidiaries, or solely between two or more fully-owned subsidiaries of a registered investment company, shall be exempt from section 17 (a) of the act.

(b) The term "fully-owned subsidiary" as used in this rule, means a subsidiary (1) all of whose outstanding securities are owned by its parent and/or the parent's other fully-owned subsidiaries, and (2) which is not indebted to any person other than its parent and/or the parent's other fully-owned subsidiaries in an amount which is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not.

III. The amendment of the Commission's existing § 270.17d-1 [Rule N-17D-1] (11 F. R. 1461) which pertains to applications regarding bonus, profit-sharing and pension plans and arrangements. The purpose of the amendment of this rule is to delete the special procedure for the disposition of such applications and to make the general procedure provided by the proposed new § 270.0-5 [Rule N-5] applicable thereto. The text of § 270.17d-1 [Rule N-17D-1] as proposed to be amended is as follows:

§ 270-17d-1 [Rule N-17D-1] *Applications regarding bonus, profit-sharing and pension plans and arrangements.* (a) No affiliated person of any registered investment company, or of any company controlled by any such registered company, shall participate in, or effect any transaction in connection with, any bonus, profit-sharing or pension plan or arrangement in which any such registered or controlled company is a participant unless an application regarding such plan or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or arrangement to security holders for approval, or prior to the adoption thereof if not so submitted.

(b) In passing upon such applications the Commission will consider:

(1) Whether participation in the plan or arrangement by any such registered or controlled company is on a basis substantially different from or less advantageous than that of other participants therein;

(2) Whether the provisions of the plan or arrangement are consistent with the policy and purposes set forth in section 1 (b) of the act; and

(3) Whether the provisions of the plan or arrangement are in contravention of sections 18 or 23 (a) of the act or any other provisions of the act.

All interested persons may submit data, views and comments in writing to the Securities and Exchange Commission at its main office, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before April 9, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 20, 1947.

[F. R. Doc. 47-2783; Filed, Mar. 25, 1947 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 40]

AIR CARRIER PROVING FLIGHTS

PROPOSED WAIVER OF UNNECESSARY FLIGHTS

Correction

In Federal Register Document No. 47-2368, appearing at page 1735 of the issue for Thursday, March 13, 1947, the reference to the year in the third line of the third paragraph should read "1938."

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7790, Amdt.]

SUNRISE SODA WATER WORKS CO., LTD.

In re: Claims against Sunrise Soda Water Works Company, Limited, owned by Ryuji Ono and others. D-39-658.

Vesting Order 7790, dated October 3, 1946, is hereby amended as follows and not otherwise:

By deleting the name "Bank of Hawaii" wherever appearing in Exhibit A of said Vesting Order 7790 and substituting therefor the name "Bishop National Bank of Hawaii".

All other provisions of said Vesting Order 7790 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2779; Filed, Mar. 24, 1947; 8:48 a. m.]

[Vesting Order 8452]

CURT ZECHENDORF

In re: Debt owing to Curt Zechendorf. F-28-13858-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Curt Zechendorf, whose last known address is 27 Zwickauerstrasse, Reichenbach, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Curt Zechendorf, by The American Express Company, Inc., 65 Broadway, New York, New York, in the amount of $150.00 as of December 26, 1946, as evidenced by check No. 683864, issued January 29, 1940, by The American Express Company, Inc., Brussels, Belgium, drawn on The American Express Company, Inc., New York Agency, in favor of Curt Zechendorf, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2775; Filed, Mar. 24, 1947; 8:47 a. m.]

[Vesting Order 8453]

BABETTE ACKERMANN

In re: Estate of Babette Ackermann, a/k/a, Barbara Ackermann, deceased. File No. D-28-10347; E. T. sec. 14728.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Ackermann, Leonhard Preiss, Rete Danninger, called Rete Daninger in Will of decedent, Babette Hermann, nee Rottinger, Lena Schmittkunz and Margarete Hildenbrand, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Babette Ackermann, also known as Barbara Ackermann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by George L. Paukner, as executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2776; Filed, Mar. 24, 1947; 8:48 a. m.]

[Vesting Order 8454]

OSCAR C. BONDY

In re: Estate of Oscar C. Bondy, deceased. File No. D-28-9592; E. T. sec. 13244.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Irmgard von Seggern, in and to the Estate of Oscar C. Bondy, deceased, is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Irmgard von Seggern, Germany.

That such property is in the process of administration by Elizabeth Anna Bondy, as Executrix of the Estate of Oscar C. Bondy, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2777; Filed, Mar. 24, 1947; 8:48 a. m.]

[Vesting Order 6714, Amdt.]

KICHITARO SEKIYA

In re: Real property, interest in investment trust, bank accounts, claims and securities owned by Kichitaro Sekiya, also known as K. Sekiya, and as Kitchitaro Sekiya, and his wife, Kimie Sekiya.

Vesting Order 6714, dated June 21, 1946, is hereby amended as follows and not otherwise:

By deleting "Cert. 553—50 shares American Japanese Investment Company, Common" from Exhibit B attached thereto and by reference made a part of said Vesting Order 6714 and substituting "Cert. 553—50 shares American Investment Company, Common"; and

By deleting "Cert. 530—585 shares American Japanese Investment Company, Common" from Exhibit B attached thereto and by reference made a part of said Vesting Order 6714 and substituting therefor "Cert. 530—585 shares American Investment Company, Preferred";

All other provisions of said Vesting Order 6714 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2778; Filed, Mar. 24, 1947; 8:48 a. m.]

[Vesting Order 8416]

P. J. LANDFRIED AND MARTIN BRINKMANN, A. G.

Correction

In Federal Register Document 47-2668, appearing at page 1907 of the issue for Friday, March 21, 1947, the name "P. J. Langfried" should read "P. J. Landfried" wherever it appears.

[Vesting Order 8429]

PHOEBE A. GEORGII

In re: Estate of Phoebe A. Georgii, deceased. File D-28-11518; E. T. sec. 15727.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sigfrid Georgii, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Phoebe A. Georgii, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Raymond E. Macomber, administrator, acting under the judicial supervision of the District Court of the United States of the District of Columbia, Holding Probate Court;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2819; Filed, Mar. 25, 1947; 8:49 a. m.]

[Vesting Order 8430]

MICHAEL GERNSHEIM

In re: Trust u/w of Michael Gernsheim, deceased. File No. D-28-9242; E. T. sec. 12112.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Frank and Dora Bielefeld (referred to as Biefeld in the Will), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, next of kin, legatees, distributees and personal representatives, names unknown, of Fritz Gernsheim, and the heirs, next of kin, legatees, distributees and personal representatives, names unknown, of Marie Feldheim, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Michael Gernsheim, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by United States Trust Company and David S. Hecht, as trustees, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the heirs, next of kin, legatees, distributees and personal representatives, names unknown, of Fritz Gernsheim, and the heirs, next of kin, legatees, distributees and personal representatives, names unknown, of Marie Feldheim, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2820; Filed, Mar. 25, 1947; 8:49 a. m.]

[Vesting Order 8431]

ROBERT H. MONKS

In re: Trust u/w of Robert H. Monks, deceased. File D-28-9212; E. T. sec. 11991.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eberhard Hempel and Elizabeth Hempel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Robert H. Monks, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Old Colony Trust Company, as trustee, acting under the judicial supervision of the Probate Court for Norfolk County, Massachusetts;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2821; Filed, Mar. 25, 1947; 8:49 a. m.]

[Supp. Vesting Order 8443]

JOHN MEIERDIERKS

In re: Trust created under the will of John Meierdierks, deceased. File D-28-2308; E. T. sec. 3165.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alma Schlobohm, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Trust created under the will of John Meierdierks, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John Schlobohm and John Meierdierks, as Co-Executors, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Francisco;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2822; Filed, Mar. 25, 1947; 8:49 a. m.]

[Vesting Order 8449]

R. FUESS

In re: Stock owned by R. Fuess.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That R. Fuess, the last known address of which is Duntherstrasse 8, Berlin-Steglitz, Germany, is a Partnership, Association, Corporation, or other business enterprise, organized under the laws of Germany, and which has, or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Eighty-two (82) shares of 6% preferred stock of R. Fuess, Inc., a corporation organized under the laws of the State of New York, evidenced by certificates numbers 1, 6, 7 and 8, inclusive, registered in the name of, and owned by R. Fuess, Berlin-Steglitz, Germany, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2823; Filed, Mar. 25, 1947; 8:49 a. m.]

[Vesting Order 8456]

A. MATSUMURA

In re: Bank account owned by A. Matsumura. F-39-5425-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. Matsumura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to A. Matsumura, by Chase National Bank of the City of New York, 20 Pine Street, New York, N. Y., arising out of a checking account, entitled A. Matsumura, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2824; Filed, Mar. 25, 1947; 8:49 a. m.]

[Vesting Order 8457]

MISS KRESZENZ NIEBERL

In re: Bank account owned by Miss Kreszenz Nieberl. F-28-23483-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miss Kreszenz Nieberl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Miss Kreszenz Nieberl, by First National Bank at Pittsburgh, Savings Department, 5th Avenue and Wood Street, Pittsburgh, Pennsylvania, arising out of a Savings Account, Account Number 7862, entitled, Miss Kreszenz Nieberl, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2825; Filed, Mar. 25, 1947; 8:49 a. m.]

[Vesting Order 8458]

YURIHO OGAWA

In re: Bank account owned by Yuriho Ogawa. F-39-5068-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yuriho Ogawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yuriho Ogawa, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a Savings Account, Account Number 1,342,695, entitled Yuriho Ogawa, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2826; Filed, Mar. 25, 1947; 8:49 a. m.]

[Vesting Order 8459]

ONE HUNDREDTH BANK LTD.

In re: Bank account owned by One Hundredth Bank Ltd. F-39-650-C-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That One Hundredth Bank Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an account, entitled Sundries Non-Insurable-Suspense Margin Account, a/c One Hundredth Bank Ltd., and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, One Hundredth Bank Ltd., the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2827; Filed, Mar. 25, 1947; 8:49 a. m.]

[Vesting Order 8460]

KATO SENYA

In re: Bank account owned by Kato Senya. F-39-5794-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found

1. That Kato Senya, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kato Senya, by Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, arising out of a Savings Account, Account Number 7754, entitled Kato Senya, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2828; Filed, Mar. 25, 1947; 8:50 a. m.]

[Vesting Order 8461]

CENTARO TANAKA AND CO.

In re: Debt owing to Centaro Tanaka and Company. F-39-5096-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Centaro Tanaka and Company, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Centaro Tanaka and Company, by National Carbon Company, Inc., 30 East 42nd Street, New York 17, New York, in the amount of $2,425.53, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2829; Filed, Mar. 25, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 7-A]

DESIGNATION OF MOTIONS COMMISSIONER FOR WEDNESDAY, MARCH 5, 1947

It is ordered, This 5th day of March 1947, pursuant to § 1.111 of the Commission's rules and regulations and Designation Order No. 7, that Ray C. Wakefield, Commissioner, be, and he is hereby, designated as substitute Motions Commissioner for Wednesday, March 5, 1947, only, in the absence of C. J. Durr, Commissioner.

[SEAL] RAY C. WAKEFIELD, *Acting Chairman.*

[F. R. Doc. 47-2813; Filed, Mar. 25, 1947; 8:47 a. m.]

[Designation Order 7-B]

DESIGNATION OF MOTIONS COMMISSIONER FOR MARCH 6 TO 14, 1947

It is ordered, This 5th day of March 1947, pursuant to § 1.111 of the Commission's rules and regulations and Designation Order No. 7, that E. K. Jett, Commissioner, be, and he is hereby designated as substitute Motions Commissioner for the period March 6 to 14, 1947, inclusive, in the absence of C. J. Durr, Commissioner.

[SEAL] RAY C. WAKEFIELD, *Acting Chairman.*

[F. R. Doc. 47-2812; Filed, Mar. 25, 1947; 8:47 a. m.]

[Docket Nos. 7819, 7674]

WLIB, INC., AND WESTINGHOUSE RADIO STATIONS, INC. (WOWO)

ORDER ENLARGING ISSUES IN CONSOLIDATED HEARING

In re applications of WLIB, Inc. (WLIB), New York, New York, Docket No. 7819, File No. BP-4681, for construction permit; Westinghouse Radio Stations, Inc. (WOWO), Fort Wayne, Indiana, Docket No. 7674, File No. BP-4019, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 12th day of March 1947;

The Commission having under consideration a petition filed February 17, 1947, by WLIB, Inc. (WLIB), New York, New York, requesting the Commission to enlarge the issues in the consolidated hearing upon the above-entitled applications so as to include the following issue:

To determine the nature and design of possible directive antennae which permit simultaneous operation of both applicants at night;

and an opposition thereto filed February 26, 1947, by Westinghouse Radio Stations, Inc. (WOWO), Fort Wayne Indiana; and

It appearing that the opposition of WOWO to the WLIB proposal is based upon an allegation that WOWO advised WLIB several months ago that the WLIB proposal for a directional antenna for use by WOWO was unsatisfactory and unacceptable to WOWO, and that, notwithstanding this, WLIB did not file its petition to enlarge the issues until after WOWO had completed its case; and

It appearing, that no showing has been made that the delay by WLIB to request enlargement has prejudiced WOWO; and

It appearing further, that a specific proposal for use by WOWO of a directional antenna was submitted by WLIB at the Engineering Conference on the frequency 1190 kc held pursuant to the Commission's Temporary Expediting Procedure, and that it is claimed by WLIB that both applications can be granted if WOWO uses the said antenna pattern proposed by WLIB, and that such grants would provide a more equitable distribution of radio facilities; and

It further appearing, that a grant of the subject petition and enlargement of the issues so as to limit the additional issue to the specific proposal presented in the WLIB Exhibit No. 34, Figure 32-A and associated material rather than the general issue requested by petitioner, is consistent with the Commission's Public Notice of January 8, 1947, relative to the temporary expediting procedure, and will be in the public interest, convenience and necessity;

It is ordered, That the said petition be, and it is hereby, granted, in part; and the issues adopted July 18 and August 29, 1946, in the proceeding upon the above-entitled applications, be, and they are hereby, enlarged, to include the following:

To determine whether the alternative directional antenna pattern for nighttime operation of Station WOWO, as set forth in WLIB Exhibit No. 34, Figure 32-A and associated material, is suitable for use by said station WOWO, and, if so, whether public interest, convenience and necessity would be served by a grant of the application of said station WOWO, subject to the condition that it use the said alternative pattern.

Notice is hereby given that the foregoing action is not to be construed in any way as having the effect of constituting an amendment to any above-entitled application within the meaning of the Commission's rules, regulations and standards.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2814; Filed, Mar. 25, 1947; 8:47 a. m.]

FOUNTAIN OF YOUTH BROADCASTING CO.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on February 26, 1947, there was filed with it an application (BTC-540) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Fountain of Youth Broadcasting Company, licensee of WFOY, St. Augustine, Florida, from Glenn Marshall, Jr., Ed Norton and Frank King to J. C. Bell. The proposal to transfer control arises out of a contract of February 4, 1947, providing for the sale of all of the capital stock of Fountain of Youth Broadcasting Company (62.5 shares common) at a stated consideration of $100,000. This contract is supported by an option from J. C. Bell to two other employees of the corporation (John E. Bernhard, Jr., and Frankie Collyer Walker) to purchase up to 30% of said stock at any time within 3 years from date of transfer to Bell at the same paid per share by said Bell. Of the $100,000 purchase price $10,000 has been paid to the transferors by Bell and the balance is to be paid upon final approval by the Federal Communications Commission of the proposed transfer. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as Rule 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by letter on March 13, 1947, that starting on March 12, 1947, notice of the filing of the application would be inserted in a newspaper of general circulation at St. Augustine, Florida, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from March 12, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2815; Filed, Mar. 25, 1947; 8:47 a. m.]

WODAAM CORP.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on March 10, 1947, there was filed with it an application (BTC-541) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Wodaam Corporation, licensee of WOV, New York City, New York, from Arde Bulova to Harry D. Henshel. The proposal to transfer arises out of a contract of February 17, 1947, pursuant to which Bulova agrees to sell and Henshel agrees to buy 600 shares of Class "B" common voting stock (60%) of Wodaam Corporation, licensee of AM Station WOV, New York City, New York, for a consideration of $400,000 plus other sums to be determined in accordance with said contract. Of this amount $25,000 is to be paid at the time of the signing of the agreement and the balance is to be paid at the time of closing. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as Rule 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by application on March 10, 1947, that starting on March 12, 1947, notice of the filing of the application would be inserted in The New York Times, a newspaper of general circulation at New York City, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from March 12, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Section 310 (b), 48 Stat. 1086; 47 USCA 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2816; Filed, Mar. 25, 1947; 8:48 a. m.]

[1] § 1.321, Part I, Rules of practice and procedure.

FEDERAL POWER COMMISSION

[Docket No. G-861]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 12, 1947, in Docket No. G-861, by Hope Natural Gas Company (Applicant), a West Virginia corporation with its principal place of business at Clarksburg, West Virginia, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural gas facilities, all in the State of West Virginia, subject to the jurisdiction of the Federal Power Commission:

One 400-horsepower Cooper Bessemer gas engine to which will be attached two gas compressors. The size of these gas compressors will be 22-inch for low-stage and 11-inch for high-stage, together with auxiliary equipment consisting of water pumps, air compressors, electric generators and miscellaneous appurtenant equipment sufficient to increase the capacity of its existing transmission facilities by about 16,000 Mcf per day. Said facilities to be located on its Line H-255 near Kenna, Jackson County, West Virginia.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of increasing the capacity of its system to provide greater deliveries to meet the present and future demands and to utilize more fully existing pipeline capacity on that portion of its pipeline system described and designated as H255. By use of the proposed installations the daily capacity of line H255 (as shown on the map attached to the application), south of Lee Compressor Station would be increased from 4,000 Mcf to 25,000 Mcf per day and the daily capacity of the line north of Lee Compressor Station would be increased from 14,000 Mcf to 35,000 Mcf. By diverting 16,000 Mcf daily from Cornwell Station of the Applicant through its Turner and Hunt Compressor Stations to line H255 additional capacity will be made available in the main transmission line running north out of Cornwell Station thus creating pipeline capacity for available natural gas from the fields in Wyoming County, West Virginia, up to the amount of 70,000 Mcf per day as heretofore authorized by the Commission in Docket No. G-788;

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 13, 1947 (12 F. R. 1739).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules and practice and procedure (effective September 11, 1946) a hearing be held on the 8th day of April at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however,* That if no request to be heard or protest or petition to intervene, raising, in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration;

(B) Interested State commissions may participate as provided by Rules 7 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules and practice and procedure (effective September 11, 1946).

Date of issuance: March 21, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2806; Filed, Mar. 25, 1947; 8:56 a. m.]

[Docket No. G-838]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 3, 1947, in Docket No. G-838, by The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation with its principal place of business at Pittsburgh, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

Approximately 120 feet of 2- and 3-inch pipe together with metering and regulating facilities at a point on Applicant's system in Paruco Park Realty Company Plan, Jeanette, Westmoreland County, Pennsylvania.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of supplying natural gas to the Westmoreland Gas Company, to enable the latter company to meet the service requirements of its customers during cold periods, at which times the latter company's production is insufficient to meet the demands of its customers. Temporary authorization was granted December 24, 1946, for the construction and operation of the above described facilities.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946). Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 25, 1947 (12 F. R. 1359).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 17th day of April 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceedings: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: March 21, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2807; Filed, Mar. 25, 1947; 8:56 a. m.]

[Docket No. G-855]

MEMPHIS NATURAL GAS CO. AND KENTUCKY NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the joint application filed in this matter on January 30, 1947, by Memphis Natural Gas Company ("Memphis"), a Delaware corporation with its principal place of business at Memphis, Tennessee, and Kentucky Natural Gas Corporation ("Kentucky"), a Delaware corporation with its principal place of business at Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Memphis to purchase the gas system and related physical assets of Kentucky and thereafter to operate the same, and authorizing Kentucky to sell such gas system and related physical assets;

It appears to the Commission that:

(a) The natural-gas pipeline system of Memphis extends from the Lisbon and Monroe Fields in Louisiana across a portion of Arkansas and Mississippi to Memphis, Tennessee, and other points in western Tennessee. The natural-gas pipeline system of Kentucky lies principally in Kentucky, Indiana and Illinois. Its main transmission line commences approximately 25 miles north of Terre Haute, Indiana, at a point of connection with the pipeline system of Panhandle Eastern Pipe Line Company, and extends in a southerly direction across the States of Indiana and Kentucky and into Tennessee, to a point near Mitchellville, where connection is made with the pipeline system of Tennessee Gas and Transmission Company. Several branch pipelines extend from Kentucky's main pipeline above-described, which receive natural gas into the system, deliver natural gas to other utilities and serve various communities at wholesale. One of such branch lines extends into the State of Illinois, and two others across the Indiana-Kentucky boundary at two points on the Ohio River.

(b) Memphis proposes to acquire by purchase from Kentucky, and Kentucky proposes to sell to Memphis, the gas plant and related physical assets owned by Kentucky, at the net book value thereof, which the application states coincides with original cost depreciated, which at December 31, 1946, was $4,957,488.39. It is proposed that the consideration for said sale is to be the following: 272,345 shares of Memphis $5.00 par value common capital stock at book value of $7,187.54 per share at December 31, 1946, or $1,957,488.39; and $3,000,000 principal amount of 3¼ per cent Memphis debenture notes, at par, making a total of $4,957,488.39.

(c) The main issues presented by the application appear to be the following:

(i) Whether any detriment will result to (*a*) consumers served by means of the facilities of Kentucky or Memphis, (*b*) stockholders of either company, or (*c*) any other persons, from the acquisition by Memphis of the gas system and related physical assets of Kentucky.

(ii) Whether the acquisition and operation of such properties by Memphis is justified in the public interest, in view of the fact that the facilities of Memphis and Kentucky are not interconnected and are separated by a distance of approximately 200 miles.

(iii) Whether Kentucky will retain any properties pertinent to its present gas operations.

(iv) Whether Kentucky has complied with its charter or other corporate requirements respecting disposal of the property which it proposes to sell to Memphis.

(v) Whether without interconnection between Memphis and Kentucky, corporate integration is justified.

(vi) Whether Memphis will be able and willing properly to do the acts and

to perform the service properly related to the combined properties after the proposed acquisition, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(vii) Whether the proposed acquisition and operation by Memphis are or will be in the public interest.

(d) For a more detailed statement of facts and law asserted, interested persons may refer to and examine said application at the offices of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

The Commission, therefore, orders that:

(A) A public hearing be held commencing on April 1, 1947, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application in the above-entitled proceeding.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: March 21, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2808; Filed, Mar. 25, 1947; 8:56 a. m.]

[Docket No. G-784]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed September 19, 1946, the amendment thereto ffled January 16, 1947, in Docket No. G-784, by Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal offices in Kansas City, Missouri, and Chicago, Illinois, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

One additional 1,600 horsepower compressor unit and appurtenant equipment at each of five existing compressor stations, namely, Greensburg Compressor Station, Haven Compressor Station and Olpe Compressor Station in the State of Kansas, Houstonia Compressor Station in the State of Missouri, and Montezuma Compressor Station in the State of Indiana; one additional 2,400 horsepower compressor unit and appurtenant equipment at each of two existing compressor stations, namely, Centralia Compressor Station in the State of Missouri, and Pleasant Hill Compressor Station in the State of Illinois; and one additional 1,000 horsepower compressor unit and appurtenant equipment at Louisburg Compressor Station in the State of Kansas, at an estimated total cost of $2,785,000.

It appearing to the Commission that:

(a) Applicant requests authorization for the construction and operation of the above-described facilities for standby purposes, to render more adequate, and insure continuous gas service to attached customers, and to permit periodic repair and overhauling of existing gas compressor units during the summer months while maintaining system delivery capacity, thereby providing sales capacity for an estimated five billion cubic feet of additional gas annually for sales to markets or to fill contract commitments for gas storage purposes on the eastern end of Applicant's pipeline system;

(b) Temporary authorization for construction and operation of eight additional gas compressor units was granted to Applicant on October 25, 1946, pending hearing and final action on its application; and

(c) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, the amendment thereto, including publication in the FEDERAL REGISTER on October 8, 1946 (11 F. R. 11614), and February 22, 1947 (12 F. R. 1254-5), respectively;

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 16th day of April, 1947, at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters of fact and law asserted in the application, as amended, filed in the above-entitled proceeding: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application, as amended, and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rule 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: March 21, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2809; Filed, Mar. 25, 1947; 8:56 a. m.]

[Docket Nos. G-834, G-839]

AUSTIN FIELD PIPE LINE CO. AND MICHIGAN CONSOLIDATED GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Upon consideration of the following applications filed with the Federal Power Commission:

(1) Application filed on December 13, 1946, in Docket No. G-834, pursuant to the Commission's order of November 30, 1946, in the matter of Michigan-Wisconsin Pipe Line Company, Docket No. G-669, by Austin Field Pipe Line Company (Austin Field Company), for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

(i) *Austin-Detroit Line.* A 26-inch O. D. steel pipeline, approximately 140 miles in length, from a point at the Austin Storage Field near the common corner of Sections 3, 4, 9, and 10 in Austin Township, Mecosta County, Michigan, to a point near the southwest corner of Section 35, Township 1 North, Range 10 East, Southfield Township, Oakland County, Michigan, connecting the Austin Gas Storage Field with a metering station to be constructed by Applicant at or adjacent to the gas distribution system of Michigan Consolidated Gas Company (Michigan Consolidated) in its Detroit district;

(ii) *Ann Arbor Lateral.* A 6⅝-inch O. D. steel pipeline approximately 25 miles in length, from the proposed Austin-Detroit Line at a point located near the intersection of Rowe and Milford Roads, Section 3, Township 2 North, Range 7 East, Milford Township, Oakland County, Michigan, to a metering station to be constructed by Applicant at 847 Broadway, Ann Arbor, Washtenaw County, Michigan, adjacent to the gas distribution system of Michigan Consolidated in its Ann Arbor district;

(iii) *Mt. Pleasant Lateral.* A 6⅝-inch O. D. steel pipeline, approximately 10 miles in length, from a point in Richland Township, Montcalm County, Michigan, to a point in Union Township, Isabella County, Michigan, connecting the proposed Austin-Detroit Line with a metering station to be constructed by Applicant near Mt. Pleasant, Isabella County, Michigan, and adjacent to the gas distribution system of Michigan Consolidated in its Mt. Pleasant district;

(iv) *Grand Rapids Lateral.* A 10¾-inch O. D. steel pipeline, approximately 4½ miles in length, from a point near the northwest corner of Section 5, Walker Township, Kent County, Michigan, to a point near the southeast corner of Section 11, in said Walker Township, connecting a proposed 22-inch pipeline of Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin) to the Austin Storage Field with a metering station to be constructed by Applicant at or adjacent to the gas distribution system of Michigan Consolidated in its Grand Rapids district;

(v) *Austin-Reed City Line.* A 24-inch O. D. steel pipeline, approximately 22 miles in length, from a point in the Austin Storage Field near the common corner of Sections 3, 4, 9 and 10 in Austin Township, Mecosta County, Michigan to a point in the Reed City Field near the common corner of Sections 29, 30, 31, and 32, in Lincoln Township, Osceola County, Michigan, connecting the Austin Storage Field with the Reed City Field;

(vi) *Austin Compressor Station.* A gas compressor station (6,000 H. P.) and dehydration plant on the Austin-Detroit Line at the Austin Storage Field;

(2) Application filed on December 26, 1946, in Docket No. G-839, pursuant to the Commission's order of November 30, 1946, in the matter of Michigan-Wisconsin Pipe Line Company, Docket No. G-669, by Michigan Consolidated Gas Company, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct the following described natural-gas facilities subject to the jurisdiction of the Federal Power Commission:

(i) Additional facilities in the Austin Field, located near Big Rapids, Michigan, consisting of: Twenty-seven gas wells, eight dry holes, forty wellhead-piping-and-structures units, and forty well heaters; field lines consisting of approximately 3,286 feet of 3-inch pipe, 17,393 feet of 4-inch pipe, 8,523 feet of 6-inch pipe, 6,295 feet of 8-inch pipe, 6,411 feet of 12-inch pipe, 1,244 feet of 16-inch pipe, and 200 feet of 24-inch pipe, together with regulators, valves and other appurtenant equipment;

(ii) Additional facilities, first group facilities, in the Reed City Field, located near Big Rapids, Michigan, consisting of: Twenty-five gas wells, twenty-five wellhead- piping- and- structures units; field lines consisting of approximately 5,280 feet of 3-inch pipe, 8,580 feet of 4-inch pipe, 3,960 feet of 6-inch pipe, 6,600 feet of 8-inch pipe, 1,980 feet of 10-inch pipe, 1,320 feet of 12-inch pipe, and 22,012 feet of 24-inch pipe;

(iii) Additional facilities, second group facilities, in the Reed City Field, located near Big Rapids, Michigan, consisting of: Thirty-four gas wells, fifty-nine wellhead-piping-and-structures units; 83 well heaters; field lines consisting of approximately 15,780 feet of 3-inch pipe, 19,800 feet of 4-inch pipe, 13,320 feet of 6-inch pipe and 6,600 feet of 8-inch pipe;

It appears to the Commission that:

(a) Due notice of the filing of the applications at Docket Nos. G-834 and G-839 has been given, including publication of notice of said applications in the FEDERAL REGISTER on January 8 and 16, 1947 (12 F. R. 129, 329).

(b) Among the issues presented by the said applications, and other pleadings presently filed in connection therewith, are the following:

(1) Whether the proposed facilities as designed and the proposed method of operation thereof are adequate to render the service proposed in the Detroit and Ann Arbor districts in the State of Michigan;

(2) Whether the proposed construction of the facilities by Applicants and the operation thereafter by Michigan-Wisconsin Pipe Line Company under lease agreements are economically feasible and desirable in the public interest;

(3) Whether the estimated cost of the construction of the facilities is reasonable and adequate;

(4) Whether each Applicant has available sufficient financial resources to construct the facilities respectively proposed.

(c) For a more detailed statement of facts and law asserted interested persons may refer to said applications and other pleadings filed in the above-entitled dockets, which may be inspected at the offices of the Federal Power Commission, Washington, D. C.

(d) Good cause exists for consolidating the proceedings in Docket Nos. G-834 and G-839 for the purpose of hearing.

The Commission, therefore, orders that:

(A) The proceedings in Docket Nos. G-834 and G-839 be and the same are hereby consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 14th day of April, 1947, at 10 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by the application and other pleadings in the above-entitled proceedings.

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: March 21, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2810; Filed, Mar. 25, 1947; 8:56 a. m.]

[Docket No. G-809, G-837]

COLORADO-WYOMING GAS CO. AND COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the following applications filed by Colorado-Wyoming Gas Company (Colorado-Wyoming), a Delaware corporation, having its principal place of business at Denver, Colorado, and by Colorado Interstate Gas Company (Colorado Interstate), a Delaware corporation, having its principal place of business at Colorado Springs, Colorado, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas pipeline facilities, subject to the jurisdiction of the Federal Power Commission:

(a) Application filed on November 8, 1946, by Colorado-Wyoming in Docket No. G-809, to construct and operate the following facilities:

(i) A natural gas pipe line consisting of approximately 5 miles of 10-inch pipe and 100 miles of 8-inch pipe, extending north from a point of connection, about 8 miles east of Denver, Colorado, with Colorado Interstate Gas Company's proposed new Denver line, to Cheyenne, Wyoming, and interconnecting with Applicant's existing pipe-line system at points near Cheyenne, Wyoming, and near Greeley and Brighton, Colorado;

(ii) A 1,200 horsepower compressor station with all appurtenant equipment located approximately 8 miles east of Denver, Colorado, on the pipe line described in paragraph (i) at the connection of the 10-inch pipe and 8-inch pipe.

(b) Application filed on December 20, 1946, as amended on March 13, 1947, by Colorado Interstate, in Docket No. G-837, to construct and operate the following facilities:

Approximately 240 miles of 20-inch natural gas pipe line from a metering station site to be located near the city limits of and northeast of Denver, Colorado, to a point at a proposed compressor station site to be located near the town of Lakin, Kansas, including field lines for the purpose of gathering the gas from the well mouth of the wells dedicated to Applicant in the Hugoton field.

It appearing to the Commission that:

(a) Due notice of the filing of the application has been given including publication in the FEDERAL REGISTER on November 28, 1946 (11 F. R. 13927) for Docket No. G-809, and on January 15, 1947 (12 F. R. 242) for Docket No. G-837. These applications and other pleadings filed in these proceedings are on file with the Commission and are open to public inspection.

(b) Good cause exists for consolidating the above proceedings for the purposes of hearing.

The Commission, therefore, orders that:

(A) The above-entitled proceedings be and they are hereby consolidated for the purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 21st day of April 1947, at 10:00 a. m. (m. s. t.) in Court Room "A," Municipal Building, Denver, Colorado, concerning the matters involved and the issues presented by the applications and other pleadings in these proceedings.

(C) Prior to the date herein fixed for the commencement of the public hearing, the officer designated by the Commission to preside at the public hearing shall hold a prehearing conference of all parties participating in the proceedings concerning the matters of fact and law asserted in the applications, and other pleadings filed in the proceeding, for the purposes of settling, simplifying or limiting the issues, and further appris-

ing the parties of the formulated or stipulated issues upon which evidence must be adduced at the public hearing.

(D) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: March 21, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2811; Filed, Mar. 25, 1947; 8:56 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5482]

CARPEL FROSTED FOODS, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of March A. D. 1947.

In the matter of Carpel Frosted Foods, Inc., a corporation, Harry L. Carpel, Albert J. Carpel, Nathan Gumenick, and John L. Brawner, individuals, and District Grocery Stores, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, March 31, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 332, Federal Trade Commission Building, Sixth and Pennsylvania Avenue, NW., Washington, D. C.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-2817; Filed, Mar. 25, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-971]

MONSANTO CHEMICAL CO.

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of March A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the $5.00 Par Value Common Stock of Monsanto Chemical Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange for the purpose of this application is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 3,803,885 shares outstanding, 680,906 shares are owned by 2,952 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 327 transactions involving 23,953 shares from July 25, 1946 to November 30, 1946;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the $5.00 Par Value Common Stock of Monsanto Chemical Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2786; Filed, Mar. 25, 1947; 8:45 a. m.]

[File No. 1-175]

KEN-RAD TUBE & LAMP CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of March A. D. 1947.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Class A Common Stock, No Par Value, of Ken-Rad Tube & Lamp Corporation. The application alleges that (1) the issuer is in process of complete liquidation and dissolution; (2) the issuer has already paid three liquidating dividends to shareholders consisting of $22.50 in cash, shares of common stock of Westinghouse Electric Corporation, and $5.00 in cash, respectively; (3) the only remaining assets are cash and marketable securities amounting to approximately $132,000 or 80 cents per share of outstanding stock, and a contingent claim for an additional $40,000 from readjustment of unemployment compensation insurance, that would amount to 20 cents per share; (4) the New York Curb Exchange suspended trading in this security at the close of business on December 28, 1946 by reason of the extent to which liquidation had then progressed; and (5) the rules of the New York Curb Exchange with respect to striking a security from listing and registration have been complied with.

Upon receipt of a request, prior to April 17, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to the imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2787; Filed, Mar. 25, 1947; 8:45 a. m.]

[File No. 70-1326]

CONSOLIDATED ELECTRIC AND GAS CO. AND MAINE PUBLIC SERVICE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of March A. D. 1947.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 promulgated thereunder regarding the sale by it to the public at competitive bidding of 150,000 shares of common stock of its subsidiary company, Maine Public Service Company ("Maine"); Consolidated proposing to use the proceeds to be derived from said sale to reduce its notes outstanding, as at December 31, 1946, in the principal amount of $10,750,000; and

Maine having joined in the declaration seeking authorization pursuant to section 6 (a) (2) and under section 7 of the act to amend its by-laws so as to limit the preemptive right of its stockholders; and

Public hearings on such matters having been held after appropriate notice, the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the declaration be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

(1) That the proposed sale of the 150,000 shares of common stock of Maine shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition of such conditions; and

(2) That jurisdiction be further reserved over the payment of any fees or expenses of counsel including the proposed fee to counsel for the prospective bidders;

It is further ordered, Pursuant to the request of the declarant, that the ten-day period for inviting bids as provided by Rule U-50 be, and the same hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2788; Filed, Mar. 25, 1947; 8:45 a. m.]

[File Nos. 54-9, 54-155, 59-2]

AMERICAN GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING AND ORDER OF CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of March A. D. 1947.

In the matter of American Gas and Electric Company, File No. 54-155; American Gas and Electric Company, Atlantic City Electric Company, Deepwater Operating Company, South Pennsgrove Realty Company, File Nos. 54-9 and 59-2.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, has filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan the stated purpose of which is effectuation of the provisions of section 11 (b) of the act, and compliance with the order of this Commission dated December 26, 1945, directing American Gas to sever its relationships with Atlantic City Electric Company ("Atlantic City"), and Atlantic City's subsidiaries, Deepwater Operating Company ("Deepwater") and South Pennsgrove Realty Company ("Pennsgrove").

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

American Gas owns all the issued and outstanding common stock of Atlantic City, consisting of 1,150,000 shares of the par value of $10 per share. The plan provides for the sale of 522,416 shares of the common stock of Atlantic City in accordance with the competitive bidding requirements of Rule U-50 promulgated under said act. The plan further provides that effective as of June 15, 1947, American Gas will adopt a dividend policy providing for the payment of regular quarterly dividends of 25 cents in cash and 2/100's of a share of the common stock of Atlantic City to the holder of each share of the common stock of American Gas, said quarterly dividend payments to continue through December 15, 1948. The proposed dividend distribution will result in the disposition of the remaining 627,584 shares of Atlantic City held by American Gas by December 31, 1948.

No fractional shares will be issued in connection with the declaration and distribution of dividends in shares of common stock of Atlantic City. In lieu thereof, American Gas will issue scrip-certificates which will be delivered to the holders of shares of common stock of American Gas, said scrip-certificates to be in bearer form and to have no rights as to dividends or voting. As scrip-certificates are issued, certificates for the stock of Atlantic City represented thereby will be delivered to a designated scrip agent, said full share certificates to be registered in the name of American Gas. Dividends paid on the shares of common stock of Atlantic City represented by scrip-certificates not surrendered for full share certificates on or before the record date for such dividends, will be paid to American Gas, and holders of outstanding scrip-certificates will have no rights in respect thereto. Prior to December 30, 1949, holders of scrip-certificates will be entitled to receive from the scrip agent, upon surrender of scrip-certificates aggregating one or more full shares, certificates for the full share or shares represented by such scrip-certificates and a new scrip-certificate for any unutilized balance. The scrip agent will hold the shares of common stock of Atlantic City represented by the outstanding scrip subject to the rights of holders of such scrip-certificates until December 30, 1949. As soon after December 30, 1949 as practicable the scrip agent will sell for cash at the then currently prevailing market prices the shares of common stock of Atlantic City held as of December 30, 1949, the scrip agent to hold the proceeds of such sale subject to the rights of the holders of scrip-certificates.

For a period of three years from December 30, 1949 the holders of scrip-certificates will be entitled to receive from the scrip agent upon surrender of scrip-certificates the appropriate proportionate part of the net proceeds from the sale of the shares sold by the scrip agent without interest. Any funds held by the scrip agent as of the close of business on December 31, 1952 shall be paid to American Gas and the holders of scrip-certificates (subject to certain exceptions occasioned by war legislation) will have no further rights to or claims against either American Gas, Atlantic City or the scrip agent.

All expenses of the scrip agent, including his reasonable compensation incurred with respect to the holding of the shares represented by the scrip-certificates and the sale thereof, will be paid by American Gas.

American Gas reserves the right to sell at any time prior to December 31, 1948 the then remaining shares of common stock of Atlantic City pursuant to the competitive bidding requirements of Rule U-50, or upon such terms as may be authorized by the Commission. American Gas further reserves the right to alter the dividend policy in such manner as the Board of Directors in the exercise of sound business judgment may deem advisable.

As further steps in the divestment of its interest in Atlantic City, American Gas will use its best efforts to cause the election of one independent director to the Board of Directors of Atlantic City at or about the time of the payment of each of the quarterly dividends described above. Upon final consummation of the plan all directors of Atlantic City who are officers of American Gas will be replaced by independent directors.

Prior to consummation of the plan, American Gas will assign to Atlantic City the note of Pennsgrove in the principal amount of $16,000 for a like amount of cash plus accrued interest. Further, American Gas will cause its wholly owned service company, American Gas and Electric Service Corporation, to cease rendering all service to Atlantic City by December 31, 1948, unless Atlantic City requests that such service be continued, and the regulatory bodies having jurisdiction approve such continuance.

American Gas further requests that the Commission find and its order recite that the transactions contemplated by the plan are necessary or appropriate to the integration or simplification of the holding company system of which American Gas is a member, and necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

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The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice be given and a hearing be held on the plan filed by American Gas to afford all interested persons an opportunity to be heard with respect thereto; and

American Gas having filed an application (File Nos. 54–9, 59–2) under section 11 (c) of the act for an extension of one year within which to comply with the order of this Commission of December 26, 1945, and the Commission having ordered a hearing thereon, for January 21, 1947, and said hearing having been adjourned to March 20, 1947; and

It further appearing to the Commission that the proceedings with respect to the instant plan are related to and involve common questions of law and fact with the issues and proceedings of File Nos. 54–9 and 59–2 and should be consolidated therewith for consideration by the Commission:

It is ordered, That the proceedings with respect to the instant application and the proceedings under File Nos. 54–9 and 59–2 be, and the same hereby are, consolidated, and that evidence adduced in proceedings designated by such file numbers shall be incorporated in, and be deemed to be part of the record in the consolidated proceedings herein, without prejudice, however, to the Commission's right, upon its own motion or the motion of any interested party to strike such portions of the record in the proceedings designated by such file numbers as may be deemed irrelevant to the issues raised with respect to the instant application. The Commission reserves the right to separate, whether for hearing, in whole or in part, or for disposition in whole or in part, any of the matters and questions hereinafter set forth or which may arise in this proceeding or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, Pursuant to the applicable provisions of the act, that a hearing in these consolidated proceedings be held on April 3, 1947, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the plan as submitted, or as hereafter modified is necessary to effectuate the provisions of section 11 (b) (1) of the act and constitutes an appropriate step in compliance with the order of this Commission dated December 26, 1945 thereunder.

(2) Whether the plan filed herein, or as hereafter modified, is fair and equitable to the persons affected thereby.

(3) Whether the proposed sale of the common stock of Atlantic City by American Gas meets the requirements of section 12 (d) of the act and the requirments of any other applicable provisions of the act and the rules and regulations promulgated thereunder.

(4) Whether the proposed common stock dividends meet the applicable standards of section 12 (c) of the act.

(5) Whether the terms and conditions with respect to the proposed issuance of scrip, and the exchange of such scrip are fair and reasonable and in the public interest and in the interest of investors and consumers, and meet the requirements of sections 7 and 12 of the act.

(6) Whether the fees and expenses to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

(7) Generally whether the proposed transactions comply with all the applicable provisions and requirements of the act and the rules and regulations promulgated thereunder, and whether it is necessary or appropriate in the public interest, or for the protection of investors or consumers, and to prevent the circumvention of the provisions of the act and rules and regulations thereunder to impose terms and conditions in connection with any of the proposed transactions.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the applicant herein, Atlantic City, the City of Atlantic City and the Board of Public Utility Commissioners of the State of New Jersey, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER, and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVIL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2784; Filed, Mar. 25, 1947; 8:57 a. m.]

[File No. 54-133]

ASSOCIATED GAS AND ELECTRIC CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of March 1947.

In the matter of Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company, General Gas & Electric Corporation, General Public Utilities Corporation, Associated General Utilities Company, Metropolitan Edison Company, Gas & Eectric Associates, File No. 54–133.

An application for approval of a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 having been filed by Stanley Clarke, Trustee of Associated Gas and Electric Company, a registered holding company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and the following direct or indirect subsidiaries of the said two registered holding companies: NY PA NJ Utilities Company, General Gas & Electric Corporation, General Public Utilities Corporation (formerly Associated Utilities Corporation), and Gas & Electric Associates, each of which is a registered holding company, and Metropolitan Edison Company and Associated General Utilities Company; and the said plan proposing that various securities registered in the name of Day & Co., Dean & Co., Drake & Co. and Holland & Co., be transferred and delivered to the respective applicants above named, as beneficial owners of such securities and that Day & Co., Dean & Co., Drake & Co., and Holland & Co., be dissolved; and

The Commission having on November 1, 1945, made and filed its findings and opinion and order (Holding Company Act Release No. 6180) and approved the plan subject to the conditions specified in Rule U-24 of the general rules and regulations promulgated pursuant to said act; and

The Commission having, upon the request of applicants, extended the time for consummating the transactions proposed by said plan to and including March 15, 1947; and

Applicants having advised the Commission that Dean & Co., Drake & Co., and Holland & Co. have been dissolved and that all the transactions referred to in said plan have been consummated except those relating to Day & Co., and having requested that time for such consummation be extended to and including May 15, 1947; and

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that such extension of time be granted:

It is ordered, That the time for consummating such transactions be, and hereby is, extended to and including May 15, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2785; Filed, Mar. 25, 1947; 8:57 a. m.]

MAR 28 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 61

Washington, Thursday, March 27, 1947

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[W. F. O. 15, As Amended, Termination]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE AND PROCESS CHEDDAR CHEESE

War Food Order No. 15, as amended (11 F. R. 4778, 5105, 6271, 11446, 11985), and all war food orders pursuant thereto[1] are hereby terminated effective as of 12:01 a. m., e. s. t., March 24, 1947.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under the aforesaid war food orders, prior to the effective time of the provisions hereof, the provisions of said war food orders, in effect prior to the effective time hereof, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp.; E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 21st day of March, 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-2850; Filed, Mar. 26, 1947; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—TEMPORARY CIVIL SERVICE REGULATIONS

CLASSIFICATION OF SERVICE; EXCEPTED EMPLOYEES

In the FEDERAL REGISTER of February 25, 1947, Chapter I was revised and certain parts, including Part 27, were revoked effective May 1, 1947 (12 F. R. 1270). This amendment will be effective during the period intervening before May 1.

Section 27.2 (f) (1) is amended to read as follows:

§ 27.2 *Classification of the service.*

* * *

(f) *Excepted employees; when classified.* (1) That he has rendered six months of satisfactory active service in such position or in the civilian Executive branch of the Federal Government immediately prior to the effective date of the change in status of the position, and continues to serve in such position for sixty days thereafter: *Provided further*, That leave without pay during this period shall not prevent classification of the incumbent of a position brought into the classified service when such leave without pay is granted (i) for educational purposes under the Servicemen's Readjustment Act of 1944 or (ii) because of personal illness of the employee (including maternity leave) after all sick leave has been exhausted.

(E. O. 9691, Feb. 4, 1946, 11 F. R. 1381)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION, H. B. MITCHELL, *President.*

[F. R. Doc. 47-2846; Filed, Mar. 26, 1947; 8:53 a. m.]

[1] WFO 15.1 to WFO 15.20, as amended, inclusive.

TITLE 8—ALIENS AND NATIONALITY

Chapter III—Office of Philippine Alien Property Administration

PART 600—ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

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[1] P. L. O. 361.

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600.11 Ratification of delegations and appointments made by Philippine Alien Property Administrator's Predecessors.

AUTHORITY: §§ 600.1 to 600.11, inclusive, issued under secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; E. O. 9818, Jan. 7, 1947, 12 F. R. 133.

§ 600.1 *Central and field organization*—(a) *Direction.* The Philippine Alien Property Administration, Office for Emergency Management of the Executive Office of the President, is under the direction of the Philippine Alien Property Administrator who is appointed by, and is responsible directly to the President in the exercise of authority granted to the President by the Trading with the Enemy Act, as amended, and the Philippine Property Act, 1946. The President's authority under these acts has been delegated to the Philippine Alien Property Administrator by and to the extent set forth in the Executive orders listed in § 600.4. The Administrator is assisted by a Deputy Administrator whose authority is set out in § 600.5.

(b) *Division.* The administration is composed of the following divisions and offices with functions as indicated:

(1) Office of the Philippine Alien Property Administrator: The Administrator is responsible for the exercise of all powers and performance of all duties delegated by the President to the Philippine Alien Property Administrator. The Deputy Philippine Alien Property Administrator is directly responsible to the Administrator and when the Administrator is absent exercises all powers and performs all duties delegated to the Administrator.

(2) Executive Committee (composed of the Philippine Alien Property Administrator, the Deputy Philippine Alien Property Administrator, and such other staff officers as are named by the Administrator): Serves in an advisory capacity to the Administrator in determination of policy and administrative actions.

(3) Vested Property Claims Committee: Conducts hearings and examines evidence on claims filed with the administration and determines their disposition, subject to review by the Administrator.

(4) Administrative Division: Responsible for budgetary control, administrative planning and coordination of activities of service divisions; responsible for recruitment, classification, and related personnel activities; maintains personnel records; administers personnel laws and regulations; provides procurement, messenger, duplicating, and other administrative services; and maintains files and records.

(5) Office of the General Counsel: The General Counsel is the legal adviser to the Administrator, determining, and advising with respect to the legal policy of the administration. He passes upon legal documents and regulations, analyzes legislation and prepares legislative proposals; analyzes and disposes of litigation; represents the Administration before the Claims Committee in all matters arising from claims filed, and is a party to all hearings conducted by the Committee or Examiner and in all rehearings, reviews, and appeals.

(6) Accounting Division: Maintains all accounting records pertaining to vested property and administrative expenses and prepares financial reports; reviews financial data on vested and supervised business enterprises; conducts research to evaluate effectiveness of programs and assists in policy formulation; assembles statistical data on controlled properties; and prepares annual and other official reports.

(7) Investigation Division: Responsible for identification and establishment of proof of ownership of all enemy-owned assets.

(8) Division of Property Management & Sales: Supervises operations of business enterprises continuing as going concerns and conducts sales of the vested interests; supervises liquidation of enterprises not continued as going concerns; manages and sells real estate, mortgages, and other vested property; obtains possession of vested properties, and administers all property not assigned to other divisions.

(9) Office of Executive Officer, Washington, D. C.: Provides liaison with other government agencies; handles general correspondence of the Washington office; processes formal orders and documents, and coordinates policies and practices of the Administration with the Office of Alien Property, Department of Justice.

(10) Administrative Office, Davao City, Mindanao, Philippine Islands: Responsible for administration of all functions in that office.

(c) *Location of offices.* The Philippine Alien Property Administration maintains offices at the following locations:

(1) 121 Dasmariñas St., Manila, Philippines, APO 707 c/o P. M., San Francisco, Calif.

(2) San Pedro Street, Davao City, Mindanao, Philippines.

(3) Room 209, Willard Building, Washington 25, D. C.

(d) *Requests and inquiries.* Requests and inquiries may be addressed initially to the Administrator, Philippine Alien Property Administration, 121 Dasmariñas Street, Manila, Philippine Islands. Internal divisions of the office should not be addressed in the first instance except where otherwise provided in this part. Correspondence from the Administration includes reference symbols, use of which expedites the handling of reply. Persons who are located in the United States may address the Executive Officer, Philippine Alien Property Administration, Room 209, Willard Building, Washington 25, D. C., or if located near Davao, may address the Administrative Officer, Philippine Alien Property Administration, San Pedro St., Davao City, Mindanao, Philippine Islands.

§ 600.2 *Sales program.* Vested properties are offered for sale by the administration at various times and places. Notice of sale is given by publication in newspapers and by mail to persons on a mailing list maintained by the Administrative Division. Information concerning the program is available upon request to the Administrator, Philippine Alien Property Administration, Manila, Philippine Islands. Persons may be placed on the mailing list by request. See also § 601.4.

§ 600.3 *Patent, trademark, and copyright programs.* Information concerning vested interests in trademarks, copyrights, commercial prints and labels is available upon request to the General Counsel, Philippine Alien Property Administration, Manila, Philippine Islands.

§ 600.4 *Delegation to the Philippine Alien Property Administrator.* Authority has been delegated to the Philippine Alien Property Administrator by the following Executive orders of the President:

(a) Executive Order 9818 of January 7, 1947 (12 F. R. 133), superseding Executive Order 9789 of October 17, 1946 (11 F. R. 11981).

§ 600.5 *Delegation to Deputy Philippine Alien Property Administrator.* The Deputy Philippine Alien Property Administrator, in the absence of the Philippine Alien Property Administrator, or in the event of his inability to act, may exercise, to the extent permitted by law, all of the powers and authority of the Administrator.

§ 600.6 *Delegation to Vested Property Claims Committee.* See § 601.1.

§ 600.7 *Prohibition of transactions and appointments of agents and delegates.* See § 611.3.

§ 600.8 *Delegation of authority to certify documents.* The Administrative Officer, the Assistant Administrative Officer, the Administrative Officer, Davao City, Mindanao, and the Executive Officer, Washington, D. C., severally, are authorized to exercise the power vested in the Philippine Alien Property Administrator to authenticate, certify and attest copies of any books, records, papers or other documents in the official custody of the Philippine Alien Property Administrator, and to subscribe the Philippine Alien Property Administrator's name to such certificates in his behalf.

§ 600.9 *Delegation of authority to make records available.* Each Division Chief of the Philippine Alien Property Administration, in the conduct of affairs of his Division, is authorized to make official records available to applicants in accordance with § 621.2. Applications for disclosure of records in connection with litigation, and subpoenas, will be submitted to the Administrator by the Division Chief having jurisdiction.

§ 600.10 *Delegation to Comptroller.* The Comptroller is authorized to, but not limited to make demand for rents, annuities, accretions, and royalty payments on vested property and on vested contracts.

§ 600.11 *Ratification of delegations and appointments made by Philippine Alien Property Administrator's predecessors.* (a) (1) The appointment and designation of all employees, appointees, delegates, designees, agents, supervisors, proxies, attorneys, representatives and other personnel whose services were transferred to the Philippine Alien Property Administration, or in the Manila or Davao City offices of the Office of Alien Property, Department of Justice, together with all powers, authority, functions and duties conferred, granted or delegated by virtue of any certificate of appointment, general order, proxy, letter or other instrument of appointment or delegation by or under the authority of Donald C. Cook, Office of Alien Property, and

(2) All certificates of appointment, general orders, special orders, orders, regulations, licenses, instructions, directions, delegations, designations, authorizations and forms executed, issued or promulgated by or under the authority of Leo T. Crowley, or James E. Markham, severally, as Alien Property Custodian, or of Donald C. Cook, Office of Alien Property, Department of Justice, are, except as hereinafter indicated, hereby affirmed, ratified and continued in effect in so far as they affect vested property in the Philippine Islands according to their terms until revoked, superseded or terminated by, or by authority of, the Philippine Alien Property Administrator.

(b) Any instrument which might lawfully be issued by or under the authority of the Philippine Alien Property Administrator shall not be deemed invalid for the reason that it contains the printed, or otherwise stamped or affixed names of the predecessors in title to the Philippine Alien Property Administrator, namely, "Leo T. Crowley", "James E. Markham", or "Donald C. Cook", but shall be construed as though it contained the name "James McI. Henderson", Administrator, unless the context requires otherwise.

PART 601—RULES OF PROCEDURE

Sec.
601.1 Receipt and disposition of claims.
601.2 Rules of Vested Property Claims Committee.
601.3 Service of process on persons within enemy territory.
601.4 Sales of property by the Philippine Alien Property Administrator.
601.5 Report of persons acting under judicial supervision.
601.6 Report of property owned by persons to be repatriated.
601.7 Report of property of Germany and Japan and any national thereof.
601.8 Limitations on representative activities by former employees of Philippine Alien Property Administration.
601.9 Forms.
601.10 Public participation in substantive rule making.

AUTHORITY: §§ 601.1 to 601.10, inclusive, issued under secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; E. O. 9818, Jan. 7, 1947, 12 F. R. 133.

§ 601.1 *Receipt and disposition of claims.* (a) Any person asserting a right to relief from or against the Philippine Alien Property Administrator because of any vesting, supervisory or other order of the Philippine Alien Property Administrator, shall file with the Philippine Alien Property Administration, Manila, P. I., a notice of claim. Such notice shall be filed on the following prescribed forms in conformity with the instructions set forth therein:

Form PAPA-1 (Notice of Claim for return of vested property).

Form PAPA-2 (Notice of Claim for payment of debt.)

Provided, That by consent of the Administrator, on a showing of inapplicability of the above prescribed forms, notice of the claim may be filed by informal written recital or other forms. Claims shall be filed within two years from the seizure by or vesting in the Philippine Alien Property Administrator of the property or interest in respect of which the claim is made, or by August 8, 1948, whichever date is later. With respect to debt claims, the Philippine Alien Property Administration may, pursuant to section 34 (a) of the Trading with the Enemy Act, as amended, fix an earlier date or dates after which the filing of debt claims with respect to any or all debtors shall be barred.

(b) All claims shall be determined on behalf of the Administrator of the Philippine Alien Property Administration by the Vested Property Claims Committee which is composed of three members. The Committee will appoint experts as advisors and consultants. Except as provided in this part, the Committee shall exercise all powers of the Administrator of the Philippine Alien Property Administration appropriate to the hearing, consideration and disposition of claims, including the power to subpoena witnesses, to compel the production of documents for use as evidence, to administer oaths to witnesses, and to promulgate rules of practice and procedure not inconsistent with the regulations in this part. Any two members of the Committee shall constitute a quorum for the purpose of any action on any claim.

(c) Each member of the Claims Committee shall be appointed an Examiner pursuant to section 11 of the Administrative Procedure Act (60 Stat. 237). If the work of the Committee shall require additional examiners they shall be appointed and shall be members of the staff of the Claims Committee. The members of the Committee and its staff shall not engage in any investigatory or adversary activities and shall perform no duties inconsistent with their duties and responsibilities as Examiners, members of the Committee or members of the Committee's staff.

(d) Any person appearing in any proceeding before the Committee or an Examiner may be represented by counsel or otherwise. The claimant and the General Counsel, or assistant designated by him, shall be deemed necessary parties to any hearing on a claim. Any other person who asserts that he will be affected by grant or denial of the claim shall, on appropriate application to the Committee, be designated by the Committee as an additional party: *Provided,* That the Committee may in its discretion reject any such application which it deems frivolous.

(e) The Committee shall not determine any claim (other than a claim which is the subject of a summary proceeding for allowance as provided in paragraph (i) of this section) except after hearing on appropriate notice to all parties, but any party may waive hearing or notice of hearing, and on consent of all parties any claim may be submitted to the Committee on a stipulated record. Hearings may be held at the discretion of the Committee (1) before the Committee as a whole or a quorum thereof, (2) before a Committee member assigned as an examiner, or (3) before an examiner on the staff of the Committee assigned to the particular case. All assignments of examiners shall be made by the Committee which shall endeavor to make assignments to examiners in rotation so far as practicable. Any examiner assigned to the hearing of a claim shall act for the purpose of administering oaths, taking testimony, ruling on objections to the admission of evidence and performing any other functions of the Committee other than the final consideration and determination of claims.

(f) A record shall be kept of all hearings before the Committee or before an Examiner including a transcript of testimony and exhibits together with all papers and requests filed in the proceeding. When the hearing has been conducted before an Examiner (either a member of the Committee, or another examiner on the Committee's staff), the record shall be transmitted to the Committee together with the Examiner's recommended determination of all issues of fact and law necessary to the disposition of the claim. Before submitting the recommended determination to the Committee, the examiner shall afford to the parties appropriate opportunity to submit proposed recommended determinations and briefs thereon. The recommended determination of the examiner shall be made available to the parties and shall become a part of the record. The parties shall be given appropriate opportunity to submit exceptions, proposals for modification and briefs and oral argument thereon before final determination by the Committee. When a hearing has been conducted before the Committee or a quarum thereof, the Committee shall issue a tentative determination. Before issuing tentative determination, the Committee shall afford to the parties appropriate opportunity to submit proposed tentative determinations and briefs thereon. The tentative determination shall be made available to the parties and shall become a part of the record. The parties shall be given appropriate opportunity to submit exceptions, proposals for modification and briefs and oral argument thereon before final determination by the Committee.

(g) The final determination of the Committee shall be effectuated by the Philippine Alien Property Administration unless the Administrator undertakes a personal review thereof. Application by any party for such review shall be made within twenty days after receipt by him of the final determination of the Committee or within such further time as may be allowed by the Committee or the Administrator. If the Administrator undertakes such review, he will afford all parties opportunity for submission of briefs to him and, in his discretion, for oral argument before him. Upon consideration of the record, the final determination of the Committee, and any such briefs and argument, he will make a personal determination adopting, modifying, reversing, remanding, or otherwise disposing of the Committee's determination and will cause his personal determination to be transmitted to the parties and be effectuated.

(h) Each party, on submitting any paper under paragraphs (f) and (g) of this section, shall transmit copies thereof to every other party. Oral argument shall be held only upon notice to all parties.

(i) The General Counsel of the Philippine Alien Property Administration may, in his discretion, initiate a summary proceeding for allowance of any claim which he deems clearly entitled to allowance that the public interest does not require contest thereof nor hearing thereon, by submitting to the Committee a recommendation for allowance, stating the facts considered in making the recommendation. The Committee shall thereupon make its own review of the claim and the recommendation and shall cause to be made any further investigation which it deems proper, but need not issue any notice of hearing nor issue any recommendation or tentative determination nor transmit to the claimant any copy of any document. If the Committee concurs in the recommendation, it shall issue a final determination allowing the claim (which may be in the form of an approval of the recommendation) and such determination will be effectuated by the Philippine Alien Property Administration. If the Committee does not concur in the recommendation or if an application for hearing is timely filed, the Committee shall set the claim down for hearing in accordance with paragraph (e) of this section, and neither the recommendation for summary allowance nor its dismissal shall be considered in the hearing.

(j) At least thirty days before the issuance of a final determination allowing a claim for the return of property, the Committee shall cause to be published, in a newspaper of general circulation in the City of Manila, P. I., and when necessary in the FEDERAL REGISTER, a notice of intention to make such return, specifying the person to whom such return is to be made and where the properties, interest or proceeds to be returned is located. If, within thirty days, no response to such notice is received indicating any reason for withholding return of the vested property, the final determination may then be issued and effectuated by the Philippine Alien Property Administration.

(k) The Committee may, in its discretion, allow any claim to be withdrawn upon application of the claimant. The Committee may, on its own motion or motion of the General Counsel, dismiss any claim if (1) the claimant fails to prosecute the claim or unreasonably delays such prosecution or (2) the facts alleged by the claimant do not entitle the claimant to relief under the applicable provisions of the Trading with the Enemy Act, as amended, and the Philippine Property Act of 1946. No claim shall be dismissed until thirty days after the Committee shall have given notice to the claimant of the proposed dismissal and opportunity to show cause why such dismissal shall not be effected.

§ 601.2 *Rules of Vested Property Claims Committee.* (a) All claims are listed for disposition according to the date on which they were received for filing. In scheduling claims for hearing those claims which assert an erroneous determination by the Administrator, either of nationality or of ownership, will, however, be given general preference on the Committee's calendar. Two or more claims related to the same property or presenting a common question of law or fact may, upon notice to the parties, be consolidated by the Committee for hearing.

(b) Hearings before the Committee shall be at the time and place ordered by the Committee and for cause may be adjourned from time to time. Notice of a hearing will be served on the claimant (or the person designated by him in his notice of claim, as the case may be) by registered letter, mailed at least ten days in advance of the date of the hearing. All hearings before the Committee shall be public, except as otherwise ordered in the national interest by the Committee.

(c) Subpoenas will be issued upon request of any party to the hearing upon a showing that the proposed witness is needed and can testify to material facts at issue. Testimony at any hearing will be upon oath (or affirmation) and subject to cross-examination. The rules of evidence prevailing in courts of law and equity will not necessarily be controlling. For example, hearsay and secondary evidence may be admitted, but the Committee will give consideration to its nature in determining its weight and credibility, if any. The Committee will, however, on its own motion or on objection, exclude evidence which it deems privileged by law from disclosure, or which it deems immaterial, irrelevant, unduly repetitious, or otherwise of no probative value. On objection to rulings made during the examination of witnesses, a brief statement of grounds of objection must be made, but an automatic exception will follow if the objection is overruled by the Committee.

(d) The claimant shall be the moving party and the burden of proof on the issues tendered by the claim shall be on him and he shall proceed first at the hearing. The Committee shall, in each case, determine the time and manner of filing and exchanging tentative determinations and briefs.

(e) Any notice of claim, or other paper filed in a proceeding, may be corrected or amended, but any such correction or amendment taking place after a claim is noticed for hearing shall be by leave of the Committee. By leave of the Committee, any party who has made profert of an original exhibit may withdraw it from the record of the proceeding by substitution of a certified copy on notice to all other parties.

(f) It is the policy of the Committee to arrange prehearing conferences for the purpose of clarifying the issues, agreeing on matters of exhibits, and taking other steps related to simplification of the hearing.

§ 601.3 *Service of process on persons within enemy territory.* See § 611.4 of this chapter.

§ 601.4 *Sale of property by the Philippine Alien Property Administration*—(a) *General sales.* Unless otherwise determined by the Philippine Alien Property Administrator, all sales by the Administrator other than those treated in paragraphs (b) and (c) of this section, shall be public sales, conducted under the procedure hereinafter set forth.

(1) *Advertising.* Each sale shall be advertised in a newspaper of general circulation in the place where the property

or a major portion thereof is located, and in such trade and other publications, if any, as the Chief of the Division conducting the sale may deem appropriate. The initial advertisement shall appear at least fifteen days before the date set for opening bids, or at such other time as in the opinion of the Chief of the Division affords to interested parties an adequate opportunity for bidding.

(2) *Information.* The Chief of the Division involved may designate one or more of the employees of the Philippine Alien Property Administration to be present at the places and times specified in the advertisement to furnish such available information as may be requested with respect to the property to be sold. Confidential information or matter which might be of benefit to competitors, or information with respect to formulae, processes, or trade secrets, will be furnished in appropriate cases only when upon direct approval of the Administrator.

(3) *Inspection.* Appropriate opportunity for inspection of the property to be sold will be afforded.

(4) *Bids.* Bids shall be submitted to the Philippine Alien Property Administrator to the appropriate office designated in the advertisement of sale. All bids shall be in writing and sealed in plain envelopes suitably marked to identify the sale in connection with which they are submitted and, until the award is made or the bids are rejected, shall constitute irrevocable offers to purchase the property. Bids will be opened in public at the hour and place, and by the person, appointed by the Chief of the Division involved, and in the presence of such bidders as may desire to attend. The absence of bidders at the time and place of the opening shall not prevent the making of the award.

(5) *Award.* Within the thirty days after the opening of bids or such lesser period as may be set forth in the terms and conditions of sale the Administrator will make the award to the highest qualified bidder or reject the bids, stating the reason therefor.

(6) *Notification.* The successful bidder will be notified in writing of the award.

(7) *Execution of documents.* All papers and documents issued in consummating such sales may be executed and delivered on behalf of the Administrator by his duly authorized representative.

(8) *Return of checks.* Where earnest money checks are required to accompany the bid, the checks shall be returned to the unsuccessful bidders together with notice of the rejection of their bids.

(9) *Methods of payment.* Unless otherwise determined by the Administrator, the sales price or any part thereof shall be paid by certified cashier's or banker's check. Each such instrument shall be made payable to the "Philippine Alien Property Administrator", and shall be delivered to a duly authorized representative of the Administrator.

(b) *The sale of property of a value determined to be not in excess of $15,000—*(1) *Methods of sale.* The Chief of the Division having jurisdiction thereof may, after authorization by the Philippine Alien Property Administrator, sell at public or private sale, with or without public or other advertisement, any right, title, interest or estate the Administrator has vested in chattels, land, securities, contracts, claims, choses-in-action, or any other property whether tangible or intangible, in items, lots, or quantities having a value, determined as provided in subparagraph (2) of this paragraph, not exceeding $15,000 for each item, lot or quantity to be sold.

(2) *Determination of value.* The Administrator will determine whether the value of any item, lot or quantity of property is not in excess of $15,000. If the Administrator determines the value of any item, lot, or quantity of property to be an amount not exceeding $15,000, the sale shall be made by the Chief of the Division on such terms and in such manner as the Administrator shall direct.

(3) *Execution of documents.* All papers and documents issued in consummating such sales may be executed and delivered on behalf of the Administrator by his duly authorized representative.

(4) *Methods of payment.* Unless otherwise determined by the Administrator, the sales price or any part thereof shall be paid by certified, cashier's or banker's check. Each such instrument shall be made payable to the "Philippine Alien Property Administrator" and shall be delivered to a duly authorized representative of the Administrator.

(c) *Special sales—*(1) *Types of special sales.* Sales of the following types involving property of any value whatsoever are hereby designated as "special sales":

(i) Sales pursuant to regulations, requests or instructions of any Department or Agency of the United States;

(ii) Sales to the United States or any Agency thereof;

(iii) Sales of property which is perishable, or the preservation, storage, or retention of which entails undue expense or loss;

(iv) Sales of any rights which lapse unless exercised within a limited time, including, but not limited to, rights appurtenant to the ownership of securities;

(v) Sales of securities or any commodities which are made upon public exchange under government regulations;

(vi) Sales of real estate.

(2) *Methods of special sales.* Such sales shall be made in compliance with the applicable provisions of this section governing sales of property of a value determined by the Administrator to be not in excess of $15,000 and such other terms and conditions as the Administrator shall determine in each case.

(d) *Miscellaneous.* (1) Unless the Administrator shall otherwise direct, no person or business organization shall be qualified to bid for or purchase property if he or it is on the Proclaimed List of Certain Blocked Nationals or is not an American citizen or a Filipino citizen or is not a business enterprise controlled by an American or Filipino citizen and organized under the laws of the United States, or any State or Territory thereof or of the laws of the Republic of the Philippines.

(2) Sales by corporations, all or part of the shares of which have been vested by the Administrator, or sales in the normal course of operation (not liquidation) of unincorporated business enterprises, the assets of or interests in which have been vested, in whole or in part, by the Administrator, shall not be subject to this section.

(3) Sales shall be made in conformity with the applicable laws and regulations of Governmental Agencies of the United States and the Republic of the Philippines.

(4) No representative of the Administrator is authorized to make any warranty or guaranty, expressed or implied, respecting or in any way concerning any property or enterprise being sold.

(5) The Administrator reserves the right to waive, change, amend or modify any or all of the regulation in this part and the terms and conditions of sale at any time; the Administrator also reserves the right to withdraw any property from sale at any time or to reject any or all bids.

Reasons for issuance of regulations regarding sales of property by Philippine Alien Property Administration. Under the authority of the Trading with the Enemy Act, as amended, the Philippine Property Act of 1946 and appropriate Executive orders thereunder, the Administrator, determining:

That any vested property under the jurisdiction of the Philippine Alien Property Administration, may be sold to Filipino citizens, unless there is a showing that the proposed Filipino purchaser was disloyal to the United States during the war with Japan. The reasons for selling vested property to Filipino citizens are; that they were formerly nationals of the United States; that the United States Congress and Government so intended as indicated by legislative history, particularly the approval of the sale of vested property to Filipino citizens by the act approving the budget of 1946 and by the Philippine Property Act of 1946. Moreover, it is unreasonable to exclude loyal Filipinos from purchasing the vested property all of which is located in the Republic of the Philippines. Furthermore, the sale of vested property to Filipinos will benefit the economy of the Islands, improve the present friendly relations between the two governments and is in the public interest; and

That any of the vested property may be sold to American citizens, unless the laws of the Republic of the Philippines prohibit American citizens from holding title to the property being sold; and

That in the course of the operation of the Philippine Alien Property Administration many types of property have been vested; and

That the public interest requires that such property be liquidated and sold in manners best suited to the type of property involved and at prices consistent with present price structures and

That public sales with written bids publicly opened at a designated place are in general best calculated to protect both the interests of the United States and the purchasers; and that such sales have the advantage of providing complete records of the proceedings; and that in the case of such sales by written bids the place of sale may most advantageously be determined by considerations of administrative convenience without injury to the interest of the United States or of the bidders or other interested parties; and that it is therefore not necessary in the public interest that such bids be opened at the place where the property or a major portion thereof is situated; and

That properties in lots of small value cannot usually be sold to best advantage at public sale, but are most efficiently disposed

at the time and place of the most favorable demand and upon such terms and conditions as may be necessary to secure the best market price; and that in such cases by such informal procedure unnecessary expense, delay and inconvenience may be avoided; and

That real estate may be disposed of at the most favorable prices through the medium of recognized brokers or by direct negotiations; and

That many properties may be sold at the request of other departments and agencies of the United States under regulations fully protecting the United States; and

That perishable or expendable commodities must be quickly sold in order to preserve the value of the property; and

That many goods are best disposed of in government-regulated securities and commodity markets where the rules and regular quotation of prices on the exchange offer more complete protection to the public interest than would a public sale;

for the above-stated reasons in the public interest, hereby issues § 601.4.

§ 601.5 *Report of persons acting under judicial supervision.* See § 611.6 of this chapter.

§ 601.6 *Report of property owned by persons to be repatriated.* See § 611.7 of this chapter.

§ 601.7 *Report of property of Germany and Japan and any national thereof.* See § 611.8 of this chapter.

§ 601.8 *Limitations on representative activities by former employees of Philippine Alien Property Administration.* See § 611.10 of this chapter.

§ 601.9 *Forms.* The following forms have been authorized for use by the public and may be obtained upon request to Executive Officer, Philippine Alien Property Administration, Room 209, Willard Building, Washington 25, D. C., or at the Office of the Philippine Alien Property Administrator, Manila, P. I.

Form PAPA-1—*Notice of Claim under section 32*

Purpose: For use by persons seeking return, under sections 9 and 32 of the Trading with the Enemy Act, or property vested by the Philippine Alien Property Administration.

Contents: Claimant's name and address; claimant's agent and fees; identification and value of property claimed; characterization of claimant; characterization of owner at date of vesting; chain of title.

Form PAPA-2—*Notice of Claim for Debt Under Section 34, Public Law 671.*

Purpose: For use by persons seeking payment of debts under Section 34 of the Trading with the Enemy Act.

Contents: Claimant's name, address, and citizenship; claimant's agent and fees; identification of debtor and property; amount, nature, and date of debt.

Form PAPA-3—*Report of Persons Acting Under Judicial Supervision.*

Purpose: For use by persons acting under judicial supervision, or in any court or administrative action or proceeding, to report property or interests of designated enemy nationals.

Contents: Person reporting and capacity in which he acts; designated enemy national and nature of his interests; nature of property; interests of unknown designated nationals.

Form PAPA-4—*Report of Property of Repatriates.*

Purpose: For use in inventorying the property of persons who are to be repatriated.

Contents: Personal history of repatriate; description of all property owned; controlled or claimed by repatriate; signature of repatriate; attest of examiner.

Form PAPA-5—*Series A, B, C, D, E, F, G and H—Report of German or Japanese Property in the Republic of the Philippines.*

Purpose: For use in reporting to the Administrator the present location and identity of property in the Republic of the Philippines which Germany or Japan, or any national thereof, has any interest.

Contents: Series A, financial securities; Series B, interests in real estate; Series C, other types of property; Series D, report of issuer of financial securities; Series E, bank's report of deposits; Series F, bank's report of safe deposit boxes; Series G, report of executors and other fiduciaries; Series H, report of insurers.

§ 601.10 *Public participation in substantive rule making—*(a) *Submission of written or oral views on proposed rule.* Within ten days after the Philippine Alien Property Administrator has published in the FEDERAL REGISTER and in a newspaper of general circulation in the City of Manila, P. I., notice of proposed substantive rules under authority of the Trading with the Enemy Act, as amended, and Philippine Property Act of 1946, any person may submit in writing to Executive Officer, Philippine Alien Property Administration, Room 209 Willard Building, Washington 25, D. C., or Administrator, Philippine Alien Property Administration, 121 Dasmariñas St., Manila, P. I., a statement of his views, arguments, or other data concerning the proposed rule. The statement must be submitted in duplicate, typewritten double-spaced, and must set forth the writer's interest. Any person may, within the same period, apply in writing to the Executive Officer, or Administrator, for permission to be heard orally in connection with a proposed rule, setting forth his interest and the gist of the subject-matter which he intends to present. Hearings will be allowed in the discretion of the Administrator, and will be informal.

(b) *Petitions on rules.* Any person may submit to Executive Officer, Philippine Alien Property Administration, Room 209, Willard Building, Washington, 25, D. C., or Administrator, Philippine Alien Property Administration, 121 Dasmarinas St., Manila, P. I., a petition for issuance, amendments, or repeal of a rule. The petition must be in duplicate, typewritten double-spaced, and must set forth petitioner's interest, the desired change or proposal, and supporting reasons. If the Philippine Alien Property Administrator deems the petition meritorious, appropriate action will be taken to effectuate the petitioner's proposal. If the petition is denied, in whole or in part, prompt notice of denial will be given.

PART 621—AVAILABILITY OF RECORDS

Sec.

621.1 Official records available to public.
621.2 Records generally confidential; application for disclosure.

§ 621.1 *Official records available to public—*(a) *Records available for inspection and distribution.* The following documents are available for inspection and, in so far as supply permits, for distribution on application to the Philippine Alien Property Administration, Manila, Philippine Islands, or Room 209, Willard Building, Washington 25, D. C.:

(1) Annual Reports of the Office of Philippine Alien Property Administrator.

(2) Instructions and forms for filing claims, and for reporting information which the Philippine Alien Property Administrator requires.

(3) Final determination, opinions, and orders in cases heard or reviewed by the Vested Property Claims Committee.

(4) Notices of public sale, prospectuses, and terms and conditions of sale.

(5) Rules issued by the Office of Philippine Alien Property Administrator.

(6) Documents which have been published in the FEDERAL REGISTER, or Official Gazette.

(7) Formal Opinions of the General Counsel issued for the guidance of the public.

(b) *Records available for inspection.* The following documents are available for inspection by persons properly and directly concerned on application to Philippine Alien Property Administrator, Manila, Philippine Islands.

(1) Claims filed with the Office of Philippine Alien Property Administrator.

(2) Records in cases heard or reviewed by the Vested Property Claims Committee.

(3) Records of bids in public sales, notifications of acceptance, and orders for sale.

(4) Copies of Vesting Orders executed and published by the Philippine Alien Property Administrator. (Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; E. O. 9818, Jan. 7, 1947, 12 F. R. 133)

§ 621.2 *Records generally confidential; application for disclosure.* (a) The files and papers (including, without limiting all correspondence, records, reports and other documents) of the Office of Philippine Alien Property Administrator are in the custody and possession of the Philippine Alien Property Administrator. Officers, employees, representatives, and agents of the Office of Philippine Alien Property Administration have access to such papers exclusively for the limited purposes of their official duties.

(b) All information and all such files and papers obtained by officers, employees, representatives or agents of the Office of Philippine Alien Property Administrator in the course of any examination, investigation, study or other employment with respect to any matter relating to the functions, duties, responsibilities, authority and power committed to the Philippine Alien Property Administrator by Executive order or statute or otherwise shall be deemed strictly confidential unless made a matter of public record by order of the Philippine Alien Property Administrator or his authorized representative or unless the Philippine Alien Property Administrator or his authorized representative shall otherwise direct.

(c) No officer, employee, representative or agent of the Office of Philippine Alien Property Administrator shall produce or

disclose directly or indirectly, to any person or before any court or administrative agency or other tribunal, other than the Philippine Alien Property Administrator or an officer, employee, representative or agent of the Office of Philippine Alien Property Administrator, whether in response to a subpoena or otherwise, any such confidential information, or any such files or papers, or the existence and contents thereof, unless the Philippine Alien Property Administrator or his authorized representative shall have authorized the disclosure thereof as not being contrary to the public interest.

(d) Any officer, employee, representative or agent of the Office of Philippine Alien Property Administrator who is served with any such subpoena or other process or order requiring the production of such files or papers or disclosure of such information shall promptly advise the Philippine Allen Property Administrator of such service and of the nature of the information or documents sought and any facts or circumstances which may bear upon the desirability of making available such information or documents.

(e) Any officer, employee, representative or agent of the Office of Philippine Alien Property Administrator who is served with any subpoena, process or order of any court or administrative agency or other tribunal requiring the disclosure of any such information or the production of any such files or papers or the disclosure of the existence or contents thereof shall appear in court or before the administrative agency or other tribunal and unless authority to the contrary shall have been given as provided in paragraph (c) of this section, shall respectfully decline to disclose the information or to produce the files or papers called for by such subpoena or other process or order, basing his refusal to do so upon this section.

(f) The files and papers of the Office of Philippine Alien Property Administrator are available to the President of the United States, or his specially authorized representative, and to the Congress or either House or a standing or special Committee of either House or joint Committee of the Congress.

(g) The files and papers of the Office of Philippine Alien Property Administrator will be made available to other agencies and departments of the United States or of the Republic of the Philippines, under suitable safeguards pursuant to arrangements made with the several agencies and departments.

(h) It shall be the policy of the Philippine Allen Property Administrator to make available to the courts of the United States and of the several States, territories and possessions and to the executive agencies of the United States and of the several States, territories and possessions and to those of the Republic of the Philippines, information and documents in his possession as freely and promptly as is consistent in his judgment with the public interest.

(i) A litigant or claimant preparing for trial or hearing will, in so far as consistent with the provisions of this section, be granted access to pertinent records in order to determine what portions of the records he will require.

(j) No officer, employee, representative or agent of the Office of Philippine Alien Property Administrator shall have authority to determine generally or specifically what files or papers or information may be disclosed unless expressly given authority for that purpose by the Philippine Allen Property Administrator, or his duly authorized representative. See also § 600.9 of this chapter. (Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; E. O. 9818, Jan. 7, 1947, 12 F. R. 133)

Executed in Manila, P. I. this 6th day of March 1947.

[SEAL] JAMES McI. HENDERSON,
Administrator.

[F. R. Doc. 47-2844; Filed, Mar. 26, 1947; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 652—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER SECTION 609 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED, TO ALTER, AMEND, OR MODIFY CERTIFICATES ISSUED BY THE ADMINISTRATOR

METHODS OF PROCEDURE

Acting pursuant to the authority vested in me by section 609 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 1011, 1017–1025, 54 Stat. 1231, 1233–1236), and in accordance with the Administrative Procedure Act (Public Law 404, 79th Congress, 2d Session), I hereby adopt a new part, Part 652, of the Regulations of the Administrator of Civil Aeronautics, to read as follows:

Sec.
652.1 Definitions.
652.2 Initiation of proceedings.
652.3 Service of order to show cause.
652.4 Response to order to show cause.
652.5 Request for, or waiver of, hearing.
652.6 Notice of hearing.
652.7 Hearing.
652.8 Appearances.
652.9 Subpoenas.
652.10 Submission without hearing or appearance.
652.11 Stay of order pending judicial review.
652.12 Petition for rehearing, reargument, reconsideration, or modification of order.
652.13 Authority of examiners.

AUTHORITY: §§ 652.1 to 652.13, inclusive, issued under 52 Stat. 973, 1011, 1017–1025; 54 Stat. 1231, 1233–1236; 49 U. S. C. 559, 641–649.

§ 652.1 *Definitions.* (a) "Act" means Civil Aeronautics Act of 1938, as amended (52 Stat. 973; 54 Stat. 1231, 1233, 1234, 1235–1236; 49 U. S. C. 401).

(b) "Administrator" means Administrator of Civil Aeronautics.

§ 652.2 *Initiation of proceedings.* A proceeding shall be initiated by the Administrator or his authorized representative by the issuance of an order addressed to the certificate holder or other party in interest, directing him to show cause why the certificate shall not be altered, amended, or modified as specified in the order,

§ 652.3 *Service of order to show cause.* The order to show cause will be served upon the party in interest by mailing a copy thereof by registered mail, return receipt requested, addressed to the party at his last known address.

§ 652.4 *Response to order to show cause.* After service upon him of the order to show cause, the respondent shall have ten days within which to respond in writing to the order. Such answer shall be deemed filed as of the date of mailing to the General Counsel properly addressed and postage prepaid. If respondent fails to answer the order within ten days, the Administrator or the Examiner assigned to hear the matter may forthwith order that the certificate be amended in accordance with the show cause order.

§ 652.5 *Request for, or waiver of, hearing.* The respondent shall have the right to have the matter set for hearing and the issue determined on the basis of the facts presented at such hearing. If respondent fails to request a hearing within ten days after serving of the order to show cause, the issues may be decided upon the basis of facts and arguments presented in writing by the respondent and the counsel assigned to represent the Government.

§ 652.6 *Notice of hearing.* When a hearing has been requested, the respondent shall be given adequate notice of the date and place where such hearing will be held. In fixing the times and places for hearings, due regard shall be had for the convenience and necessity of the parties and their representatives.

§ 652.7 *Hearing.* A hearing shall be held before an Examiner duly designated by the Administrator.

§ 652.8 *Appearances.* Any party to a proceeding may appear and be heard in person or by attorney. No register of attorneys who may practice before the Administrator is maintained and no application for admission to practice is required. Any attorney practicing or desiring to practice before the Administrator may, upon hearing and good cause shown, be suspended or prohibited from so practicing.

§ 652.9 *Subpoenas.* Subpoenas requiring the attendance of witnesses, or the production of evidence, at a designated place of hearing, shall be issued to any party to a proceeding upon proper application to the Examiner.

§652.10 *Submission without hearing or appearance.* Where respondent does not request a hearing, the Examiner, on the basis of the pleadings and the documentary evidence submitted by the parties, shall prepare an initial decision. A copy of the initial decision shall be served upon the respondent or his counsel, by personal service or registered mail. The parties to the proceedings shall have ten days, or such other time as the Examiner may specify, after the date of service of such initial decision within which to file exceptions and appeal to the Administrator. If no appeal to the Administrator is filed or action by the Administrator to review such decision is entered within the time allowed,

such decision shall without further proceedings become the decision of the Administrator.

§ 652.11 *Stay of order pending judicial review.* The filing of a petition for a judicial review of an order made under this part as provided in section 1006 of the act shall not operate to stay the effectiveness of the order unless specifically so ordered by the Administrator. The petitioner may request, and if good cause is shown therefor, the Administrator will stay the effectiveness of the order from which an appeal is being taken.

§ 652.12 *Petition for rehearing, reargument, reconsideration or modification of order.* (a) Either party to a proceeding may petition for rehearing, reargument, reconsideration or modification of any final order of the Administrator within ten days after receipt thereof.

(b) The filing of a petition to rehear or reargue a proceeding or to reconsider or modify an order, shall not operate to stay the effectiveness of the order, unless otherwise ordered by the Administrator.

§ 652.13 *Authority of examiners.* Examiners shall have authority as follows:

(a) To give notice concerning, and hold, hearings;

(b) To administer oaths and affirmations;

(c) To examine witnesses;

(d) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(e) To rule upon offers of proof and receive competent evidence;

(f) To regulate the course of the hearing;

(g) To hold conferences, before or during the hearing, for the settlement or simplification of issues, by consent of the parties;

(h) To dispose of procedural requests or similar matters;

(i) Within his discretion, or upon the direction of the Administrator, to certify any question to the Administrator for his consideration and disposition;

(j) To issue subpoenas;

(k) To make initial decisions.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-2865; Filed, Mar. 26, 1947; 8:50 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 0—RULES OF PRACTICE

PROCEEDINGS BEFORE COMMODITY EXCHANGE COMMISSION

By virtue of the authority vested in the Commodity Exchange Commission by the Commodity Exchange Act, as amended (42 Stat. 998, 49 Stat. 1491, 52 Stat. 205, 54 Stat. 1059, 7 U. S. C. 1–17a), and the Administrative Procedure Act (60 Stat. 237), the rules of practice appearing in Title 17, Chapter I, Part 0, Subpart B, Cumulative and 1945 Supplements to the Code of Federal Regulations, are hereby amended as follows:

1. By striking § 0.52 (c) and substituting in lieu thereof the following:

§ 0.52 *Definitions.* • • •

(c) The term "Secretary" means the Secretary of Agriculture or any person to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead;

2. By striking § 0.52 (e) and substituting in lieu thereof the following:

(e) The term "Commodity Exchange Authority" means the Commodity Exchange Authority, United States Department of Agriculture;

3. By striking § 0.52 (o) and substituting in lieu thereof the following:

(o) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington 25, D. C.;

4. By striking § 0.52 (p) and substituting in lieu thereof the following:

(p) The term "referee" means an examiner conducting a proceeding under the act;

5. By striking § 0.52 (q) and substituting in lieu thereof the following:

(q) The term "referee's report" (presiding officer's report) means the referees' report to the Commission, and includes the referee's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions and orders submitted by the parties;

6. By striking § 0.52 (r) and substituting in lieu thereof the following:

(r) The term "Act Administrator" means the Administrator of the Commodity Exchange Authority, United States Department of Agriculture, in his capacity as Administrator of the Commodity Exchange Act, or any officer or employee of the Commodity Exchange Authority to whom he has heretofore lawfully delegated or may hereafter lawfully delegate the authority to act in his stead;

7. By adding at the end of § 0.52 a new paragraph as follows:

(s) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

8. By striking the period at the end of the first sentence of paragraph (c) of § 0.53 *Institution of proceedings* and inserting a colon in lieu thereof and adding the following proviso: "*Provided*, That in any case, except one of wilfulness or one in which the public health, interest or safety otherwise requires, prior to the institution of a proceeding for the suspension or revocation of any designation of a contract market, facts or conditions which may warrant such action shall be called to the attention of the market in writing and such market shall be accorded opportunity to demonstrate or achieve compliance with all lawful requirements."

9. By amending § 0.57 (a) to read as follows:

§ 0.57 *Referees*—(a) *Assignment.* No referee shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or marriage to any party to the proceeding, or (3) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the complaint or in the development of the evidence to be introduced therein.

10. By amending § 0.57 (c) to read as follows:

(c) *Conduct.* The referee shall conduct the proceeding in a fair and impartial manner and, save to the extent required for the disposition of ex parte matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

11. By amending § 0.57 (e) to read as follows:

(e) *Who may act in the absence of the referee.* In case of the absence of the referee, or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise ordered by the Commission, be assigned to any other referee.

12. By amending § 0.59 to read as follows:

§ 0.59 *The answer*—(a) *Filing and service.* Within 20 days after service of the complaint, the respondent shall file, in quintuplicate, with the hearing clerk, an answer, signed by the respondent or his attorney: *Provided*, That the Commission may order that the hearing be held without answer or other pleading. The answer shall be served upon the complainant, and any other party of record, in the manner provided in § 0.72.

(b) *Contents; failure to file.* Such answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the complaint unless respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the complaint. The answer may contain a waiver of hearing.

Failure to file an answer to or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver

of hearing. Upon such admission of facts, the referee, without further investigation or hearing, shall prepare his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. Unless the parties have waived service of the referee's report, it shall be served upon them in the manner provided in § 0.72. The parties shall be given an opportunity to file exceptions to the report, to file briefs in support of such exceptions, and to make oral argument thereon before the Commission. Any request to make oral argument before the Commission must be filed in the manner and within the time provided in paragraph (d) of § 0.66.

13. By amending § 0.66 (b) to read as follows:

§ 0.66 *Referee's report.* • • •

(b) *Proposed findings of fact, conclusions, and orders.* Within 10 days after receipt of notice that the transcript has been filed, each party may file with the hearing clerk proposed findings of fact, conclusions, and orders, based solely upon the record, and a brief in support thereof.

14. By amending § 0.66 (c) to read as follows:

(c) *Referee's report.* The referee, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the record and shall file with the hearing clerk, his report, a copy of which shall be served by the hearing clerk upon each of the parties.

15. By amending the first sentence of paragraph (a) of § 0.70 *Preparation and issuance of order* to read as follows: "As soon as practicable after the receipt of the record from the hearing clerk, or, in the case oral argument was had, as soon as practicable thereafter, the Commission, upon the basis of and after due consideration of the record, shall prepare its order in the proceeding which shall include findings, conclusions, order, and rulings on motions, exceptions, proposed findings, conclusions and orders submitted by the parties, not theretofore ruled upon.

16. By amending § 0.71 (a) (2) to read as follows:

§ 0.71 *Applications for reopening hearings, for rehearings or reargument of proceedings or for reconsideration of orders*—(a) *Petition requisite.* • • •

(2) *Petitions to reopen hearings.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing. Every such petition shall be served by the hearing clerk on the other parties to the proceeding.

17. By striking the period at the end of the third sentence of § 0.73 *Requests for promulgation, amendment, or rescission of regulations* and inserting a colon in lieu thereof and adding the following proviso: "*Provided*, That notice shall be given of the denial in whole or in part of any such request and, except in affirming a prior denial or where the denial is self-explanatory, such notice shall be accompanied by a simple statement of procedural or other grounds for denial."

18. By adding at the end of paragraph (a) of § 0.76 *Conduct of hearing* a sentence reading as follows: "The presiding officer shall have authority to administer oaths or affirmations and to take all other actions necessary to the orderly conduct of the hearing."

19. By striking the word "suggested" wherever it appears in § 0.67 (i) and § 0.68 and substituting in lieu thereof the word "proposed."

20. By amending § 0.80 (a) to read as follows:

§ 0.80 *Referees*—(a) *Assignment.* No referee shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, or (2) is related within the third degree by blood or marriage to any of the directors or officers of any of the parties to the proceeding.

21. By deleting paragraphs (c) and (d) of § 0.80 *Referees* and inserting in lieu thereof the following:

(c) *Conduct.* The provisions of paragraph (c) of § 0.57 shall be applicable in 6a proceedings.

(d) *Powers of referee.* The provisions of paragraph (d) of § 0.57 shall be applicable in 6a proceedings.

(e) *Who may act in the absence of the referee.* The provisions of paragraph (e) of § 0.57 shall be applicable in 6a proceedings.

22. By amending the headnote of § 0.82 (b) to read as follows:

§ 0.82 *The answer.* • • •

(b) *Contents; failure to file.*

23. By amending the sentence immediately following the headnote in § 0.82 (c) to read as follows: "The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing."

24. By deleting § 0.89 (b) and inserting in lieu thereof the following:

§ 0.89 *Referee's report.* • • •

(b) The provisions of § 0.66 (b) shall be applicable in 6a proceedings.

25. By deleting § 0.89 (c) and inserting in lieu thereof the following:

(c) *The referee's report.* The provisions of paragraph (c) of § 0.66 shall be applicable in 6a proceedings.

26. By inserting the following as § 0.89 (d):

(d) *Exceptions.* The provisions, except those contained in the last sentence, of paragraph (d) of § 0.66 shall be applicable in 6a proceedings.

27. By amending § 0.90 to read as follows:

§ 0.90 *The shortened procedure.* The provisions of § 0.67 shall be applicable in 6a proceedings.

28. By deleting § 0.91 and inserting in lieu thereof the following:

§ 0.91 *Transmittal of record.* The provisions of § 0.68 shall be applicable in 6a proceedings.

29. By deleting § 0.92 (b) and inserting in lieu thereof the following:

§ 0.92 *Argument before the Commission.* • • •

(b) *Exceptions; briefs.* The Commission will consider all exceptions taken to the referee's report, all statements of objections, and briefs filed in support thereof.

Additional briefs may be filed only with leave of the Commission.

30. By deleting § 0.93 and inserting in lieu thereof the following:

§ 0.93 *Preparation and issuance of order*—(a) *Preparation of order.* As soon as practicable after the receipt of the record from the hearing clerk, the Commission, upon the basis, and after due consideration, of the record, shall prepare its order in the proceeding which shall include findings, conclusions, order, and rulings on motions, exceptions, proposed findings, conclusions and orders submitted by parties, not theretofore ruled upon.

(b) *Issuance of order.* The order, prepared as described in paragraph (a) of this section, shall be issued and served upon the parties as the final order in the proceeding without further procedure: *Provided*, That, if the terms of the order differ substantially from those proposed in the report of the referee, the Commission may, if it deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if no exceptions are filed within 20 days following the service of the tentative order, it shall be issued and served as the final order in the proceeding.

31. By adding a new subheading and section as follows:

RULES APPLICABLE TO ALL PROCEEDINGS

§ 0.96 *Hearings before the Commission.* The Commission may act in the place and stead of a referee or presiding officer in any proceeding hereunder. When it so acts, the hearing clerk shall transmit the record to the Commission at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Commission shall thereupon, after due consideration of the record, issue its final order in the proceeding: *Provided*, That it may issue a tentative order, in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

NOTE: Unless otherwise ordered, all proceedings initiated under the Commodity Exchange Act and pending on December 11, 1946, shall be conducted and concluded in accordance with the applicable rules of practice in effect at the time the proceedings were instituted.

(42 Stat. 998, 49 Stat. 1491, 52 Stat. 205, 54 Stat. 1059, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 7 U. S. C. 1-17a)

Issued this 7th day of February 1947.

Commodity Exchange Commission.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture, Chairman.
W. A. HARRIMAN,
Secretary of Commerce.

MARCH 21, 1947.

TOM CLARK,
Attorney General.

MARCH 12, 1947.

[F. R. Doc. 47-2868; Filed, Mar. 26, 1947; 8:50 a. m.]

Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND INVESTMENT COMPANY ACT OF 1940

SCHEDULES TO BE FILED

The Securities and Exchange Commission deems it necessary for the exercise of the functions vested in it and appropriate in the public interest and for the protection of investors to amend § 210.6-10 (a) (1) (Rule 6-10 (a) (1)) of Regulation S-X. The amendment makes the rule also applicable to Schedule I (Investments in securities of unaffiliated issuers) thereby requiring such schedule to be filed only as of the date of the most recent balance sheet instead of for each period for which a statement of income and expense is filed as presently required by § 210.6-10 (a) (2) (Rule 6-10 (a) (2)) of Regulation S-X. The purpose of the amendment is to relieve registrants of a reporting requirement which the Commission considers has no material adverse effect on investors. The Commission for good cause finds that notice and public procedure provided for in section 4 (a) and (b) of the Administrative Procedure Act are unnecessary for the reasons that the amendment has no material adverse effect on investors and the effect on the registrants is to reduce their reporting requirements; and the Commission deems that the amendment is exemptive or relieving restriction within the meaning of section 4 (c) of that act. Therefore, the Commission, pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly 12, 13, 15 (d), and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30, 31 (c), and 38 (a) thereof, hereby amends, effective immediately § 210.6-10 (a) (1) (Rule 6-10 (a) (1)) of Regulation S-X by inserting between the word "schedules" and the Roman numeral "VII," the Roman numeral "I" with a comma thereafter.

As amended § 210.6-10 (a) (1) (Rule 6-10 (a) (1)) reads as follows:

§ 210.6-10 *What schedules are to be filed.* (a) • • •

(1) The schedules specified below in this rule as Schedules I, VII, VIII and IX shall be filed as of the date of the most recent balance sheet filed for each person and for each group for which separate statements are filed. Such schedules shall be certified if the related balance sheet is certified.

(Secs. 7 and 19 (a), 48 Stat. 78, 85, secs. 12, 13, 48 Stat. 892, 894, sec. 15 (d), 49 Stat. 1379, sec. 23 (a), 48 Stat. 901, secs. 8, 30, 31 (c), 38 (a) 54 Stat. 803, 836, 838, 841; 15 U. S. C. 77g, 77s, 78l, 78m, 78o, 78w, 80a-8, 80a-29, 80a-30, 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 20, 1947.

[F. R. Doc. 47-2839; Filed, Mar. 26, 1947; 8:50 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter IV—Southwestern Power Administration, Department of the Interior

PART 500—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY CONCERNING CONSTRUCTION CONTRACTS

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 500.40 and 500.41, see Title 43, Part 4, *infra*, delegating to the Administrator of the Southwestern Power Administration certain authority concerning construction contracts.

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

SUBPART A—INSURED STATUS

Sec.
237.101 Statutory provisions.
237.102 Completely insured status.
237.103 Partially insured status.

SUBPART B—BASIC COMPUTATION

237.201 Statutory provisions.
237.202 Basic amount.
237.203 Average monthly remuneration.

SUBPART C—FAMILY RELATIONSHIPS

237.301 Statutory provisions.
237.302 Applicable State law and status.
237.303 Definition of "widow".
237.304 Definition of "living with".
237.305 Definition of "child".
237.306 Definition of "dependent upon".
237.307 Definition of "parent".
237.308 Definition of "wholly dependent upon and supported by".

SUBPART D—INSURANCE ANNUITY PAYMENTS TO SURVIVORS

237.401 Statutory provisions.
237.402 Widow's insurance annuity.
237.403 Widow's current insurance annuity.
237.404 Child's insurance annuity.
237.405 Parent's insurance annuity.
237.406 Beginning and ending of insurance annuities.

SUBPART E—LUMP-SUM DEATH PAYMENTS

Sec.
237.501 Statutory provisions.
237.502 Lump-sum death payments.
237.503 Payment when lump sum exceeds insurance annuities accrued.
237.504 Meaning of terms.

SUBPART F—MAXIMUM AND MINIMUM INSURANCE ANNUITY TOTALS

237.601 Statutory provisions.
237.602 Application of maximum and minimum and basis for computation.
237.603 Reduction.
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237.605 Monthly application of provisions.
237.606 Relation to provisions for deductions and adjustments.

SUBPART G—DEDUCTIONS

237.701 Statutory provisions.
237.702 Deductions because of compensated service, etc.
237.703 Deductions because of death-benefit payments, etc.

SUBPART H—APPLICATION FOR INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

237.801 Statutory provisions.
237.802 Necessity of application.
237.803 Filing date of application.
237.804 Record of expressed intention as application.
237.805 Limitation on filing.
237.806 Filing of application with Social Security Administration.

SUBPART I—MISCELLANEOUS

237.901 Statutory provisions.
237.902 Act of March 7, 1942 (56 Stat. 143, 144).
237.903 Payment of insurance annuity in lump sum.
237.904 Meaning of "retirement annuity".
237.905 Filing date of proof of dependency and support.

AUTHORITY: §§ 237.101 to 237.905, inclusive, issued under sec. 10, 50 Stat. 314; 45 U. S. C. 228j; interpret and apply sec. 213, Pub. Law 572, 79th Cong. The subparts are preceded by the respective statutory provisions to which they refer.

SUBPART A—INSURED STATUS

§ 237.101 *Statutory provisions.*

An employee will have been "completely insured" if it appears to the satisfaction of the Board that at the time of his death, whether before or after the enactment of this section, he will have had the qualifications set forth in any one of the following paragraphs:

(i) A current connection with the railroad industry; and a number of quarters of coverage, not less than six, and at least equal to one-half of the number of quarters, elapsing in the period after 1936, or after the quarter in which he will have attained the age of twenty-one, whichever is later, and up to but excluding the quarter in which he will have attained the age of sixty-five years or died, whichever will first have occurred (excluding from the elapsed quarters any quarter during any part of which a retirement annuity will have been payable to him); and if the number of such elapsed quarters is an odd number such number shall be reduced by one; or

(ii) A current connection with the railroad industry; and forty or more quarters of coverage; or

(iii) A pension will have been payable to him; or a retirement annuity based on service of not less than ten years (as computed in awarding the annuity) will have begun to accrue to him before 1948. (Section 5 (1) (7) of the Act)

An individual shall be deemed to have "a current connection with the railroad industry" at the time an annuity begins to accrue to him and at death if, in any thirty

consecutive calendar months before the month in which an annuity under section 2 begins to accrue to him (or the month in which he dies if that first occurs), he will have been in service as an employee in not less than twelve calendar months and, if such thirty calendar months do not immediately precede such month, he will not have been engaged in any regular employment other than employment for an employer in the period before such month and after the end of such thirty months. For the purposes of section 5 only, an individual shall be deemed also to have a "current connection with the railroad industry" if he is in all other respects completely insured but would not be fully insured under the Social Security Act, or if he is in all other respects partially insured but would be neither fully nor currently insured under the Social Security Act, or if he has no wage quarters of coverage. (Section 1 (o) of the Act)

The term "quarter of coverage" shall mean a compensation quarter of coverage or a wage quarter of coverage, and the term "quarters of coverage" shall mean compensation quarters of coverage, or wage quarters of coverage, or both: Provided, That there shall be for a single employee no more than four quarters of coverage for a single calendar year. (Section 5 (1) (3) of the Act)

The term "compensation quarter of coverage" shall mean any quarter of coverage computed with respect to compensation paid to an employee after 1936 in accordance with the following table:

Months of service in a calendar year	Total compensation paid in the calendar year				
	Less than $50	$50 but less than $100	$100 but less than $150	$150 but less than $200	$200 or more
1-3	0	1	1	1	1
4-8	0	1	2	2	2
7-9	0	1	2	3	3
10-12	0	1	2	3	4

(Section 5 (1) (4) of the act)

The term "wage quarter of coverage" shall mean any quarter of coverage determined in accordance with the provisions of Title II of the Social Security Act. (Section 5 (1) (5) of the Act)

§ 237.102 *Completely insured status—(a) Payments based upon, and existence of, completely insured status.* All insurance annuities and lump sums for survivors are conditioned upon a deceased employee's insured status. This status is determined by his service, compensation and wage history. Unless a deceased employee was completely insured at death, his widow cannot become entitled to a widow's insurance annuity, and his surviving parent cannot become entitled to a parent's insurance annuity, on the basis of his earnings. For the purpose of determining whether a deceased employee was a completely insured employee at death it is immaterial whether his death occurred before, on, or after the enactment date of section 5 of the act.

A deceased employee was completely insured at death if (1) he had acquired a certain number of quarters of coverage and had a current connection with the railroad industry at the time of his death, or (2) there had been payable to him a pension under section 6 of the act, or (3) there had begun to accrue to him, before 1948, a retirement annuity based on not less than ten years of service (as computed in awarding the annuity).

(b) *Quarter of coverage.* A quarter of coverage may be either a compensation quarter of coverage or a wage quarter of coverage.

A compensation quarter of coverage is a quarter of coverage computed, with respect to compensation paid an employee after 1936, regardless of his age, in accordance with the table contained in section 5 (1) (4) of the act.

A wage quarter of coverage is a quarter of coverage determined in accordance with the provisions of title II of the Social Security Act.

The term "quarters of coverage" includes compensation quarters of coverage, wage quarters of coverage, or both. However, no employee may acquire more than four quarters of coverage for a single calendar year.

(c) *Current connection with the railroad industry.* A deceased employee had a current connection with the railroad industry at the time of his death if he had had a period of thirty consecutive calendar months which met certain requirements set out in the act. First of all, that period must have been before any retirement annuity began to accrue to the employee, or before the month in which he died, if that occurred first. Secondly, he must during that period have been in service as an employee in at least twelve calendar months. A third requirement must have been met if there was any interval between the end of the thirty-month period in question and the month in which a retirement annuity began to accrue to the employee, or the month in which he died, if that occurred first. In that interval the employee must not have been engaged in any regular employment other than employment for an employer; as here used, "regular employment" means full or part-time service, for remuneration, by an individual in the employ of another on a recurring basis. For the purpose of determining the existence of a current connection, an individual performing service for remuneration, whether or not under a contract, is deemed to be in the employ of another unless such service is performed as a part of his independently established trade, business, or occupation; and in the absence of evidence to the contrary, an individual is presumed to be regularly employed if he has been paid remuneration of not less than $200 in each of two consecutive calendar quarters.

Even though the deceased employee had no period of thirty consecutive calendar months which met the requirements discussed above, he may, nevertheless, have had, at the time of his death, a current connection with the railroad industry for the purposes of this part. This will be true if the employee was not fully insured under the Social Security Act, but met all the requirements (aside from that of current connection with the railroad industry) of a completely insured status under paragraph (d) of this section. It will also be true if the employee was neither fully insured nor currently insured under the Social Security Act, but met all the requirements (aside from that of current connection with the railroad industry) of a partially insured status under § 237.103. Finally, it will be true if the employee had no wage quarters of coverage.

(d) *Determination of completely insured status on basis of quarters of coverage and current connection.* A deceased employee, whether or not he was completely insured at death by virtue of having been a pensioner or an annuitant, could have been completely insured at the time of his death if at that time he had a current connection with the railroad industry, and at least forty quarters of coverage. Even if he had less than forty quarters of coverage, he could have been completely insured at the time of his death if at that time he had a current connection with the railroad industry, and a required number of quarters of coverage, not less than six, as provided in this paragraph. If such an employee did not have, at the time of his death, a current connection with the railroad industry, or if he had less than six quarters of coverage, he was not a completely insured employee under the provisions of this paragraph. In the case of a deceased employee who, at the time of his death, had a current connection with the railroad industry, and at least six, but less than forty, quarters of coverage, the determination of whether he had a completely insured status under the provisions of this paragraph is made as follows:

(1) *Elapsed quarters.* Take the number of calendar quarters which have elapsed after 1936, or after the quarter in which the employee attained the age of 21 if he attained such age after 1936, and up to but excluding the quarter in which the employee attained the age of 65 or died, whichever occurred first. Subtract from that number of elapsed quarters the number of such quarters during any part of which a retirement annuity was payable to the employee. If the resulting number of elapsed quarters is an odd number, subtract one. Take one-half of the number of elapsed quarters thus obtained, and the resulting number, if six or more, is the number of quarters of coverage required; if the resulting number is less than six, the number of quarters of coverage required is six.

(2) *Quarters of coverage determined.* Determine the number of quarters of coverage the employee had acquired. If this number equals or exceeds the number required, the employee was completely insured.

A quarter of coverage may be acquired at any time subsequent to December 31, 1936, regardless of whether there are any elapsed quarters under subparagraph (1) of this paragraph and regardless of the age of the employee.

Quarters of coverage need not be consecutive and no particular order of their acquisition is required.

§ 237.103 *Partially insured status—(a) Payments based upon partially insured status.* An employee who was not completely insured at death may nevertheless have had a service, compensation and wage history which, upon his death, will give him the status of a partially insured employee. Unless he was either completely insured or partially insured at death, his widow cannot become entitled to a widow's current insurance annuity, his surviving child cannot become entitled to a child's insurance annuity, and no person can become entitled to a lump-sum payment, on the basis of his earnings. For the purpose of determining whether a deceased employee was a partially insured employee at death it is immaterial whether his death occurred before, on, or after the enactment date of section 5 of the act.

(b) *Determination of partially insured status.* A deceased employee was a partially insured employee at death if he had a current connection with the railroad industry, and at least six quarters of coverage in a prescribed period. That period consists of the three calendar years preceding the year in which the employee died, and those calendar quarters of the year of his death which preceded the quarter in which he died.

Quarters of coverage need not be consecutive and no particular order of their acquisition is required.

SUBPART B—BASIC COMPUTATION

§ 237.201 *Statutory provisions.*

The term "basic amount" shall mean:

(i) For an employee who will have been partially insured, or completely insured solely by virtue of paragraph (7) (i) or (7) (ii) or both: the sum of (A) 40 per centum of his average monthly remuneration, up to and including $75; plus (B) 10 per centum of such average monthly remuneration exceeding $75 and up to and including $250, plus (C) 1 per centum of the sum of (A) plus (B) multiplied by the number of years after 1936 in each of which the compensation, wages, or both, paid to him will have been equal to $200 or more; if the basic amount, thus computed, is less than $10 it shall be increased to $10;

(ii) For an employee who will have been completely insured solely by virtue of paragraph (7) (iii): the sum of 40 per centum of his monthly compensation if an annuity will have been payable to him, or, if a pension will have been payable to him, 40 per centum of the average monthly earnings on which such pension was computed, up to and including $75, plus 10 per centum of such compensation or earnings exceeding $75 and up to and including $250. If the average monthly earnings on which a pension payable to him was computed are not ascertainable from the records in the possession of the Board, the amount computed under this subdivision shall be $33.33, except that if the pension payable to him was less than $25, such amount shall be four-thirds of the amount of the pension or $13.33, whichever is greater. The term "monthly compensation" shall, for the purposes of this subdivision, mean the monthly compensation used in computing the annuity;

(iii) For an employee who will have been completely insured under paragraph (7) (iii) and either (7) (i) or (7) (ii): the higher of the two amounts computed in accordance with subdivisions (i) and (ii). (Section 5 (1) (10) of the Act)

An employee's "average monthly remuneration" shall mean the quotient obtained by dividing (A) the sum of the compensation and wages paid to him after 1936 and before the quarter in which he will have died, eliminating for any single calendar year, from compensation, any excess over $300 for any calendar month in such year, and from the sum of wages and compensation any excess over $3,000, by (B) three times the number of quarters elapsing after 1936 and before the quarter in which he will have died: *Provided*, That for the period prior to and including the calendar year in which he will have attained the age of twenty-two there shall be included in the divisor not more than three times the number of quarters of coverage in such period: *Provided further*, That there shall be excluded from the divisor any calendar quarter during any part of which a retirement annuity will have been payable to him.

With respect to an employee who will have been awarded a retirement annuity, the term "compensation" shall, for the purposes of this paragraph, mean the compensation on which such annuity will have been based. (Section 5 (1) (9) of the Act)

The term "wages" shall mean wages as defined in section 209 (a) of the Social Security Act. (Section 5 (1) (6) of the Act)

§ 237.202 *Basic amount—(a) Payments fixed with relation to basic amount.* The amounts of all insurance annuities and lump sums for survivors are fixed with relation to the basic amount of the deceased employee on whose insured status they are conditioned.

(b) *Computation of basic amount.* The manner in which a deceased employee's basic amount is computed depends upon the nature of his insured status.

In the case of completely insured employees, a distinction is made between those whose completely insured status was based solely on a current connection with the railroad industry and the acquisition of the required numbers of quarters of coverage, and those who were completely insured solely because of having been pensioners or annuitants. The computation is made as follows:

(1) *Employee partially insured, or completely insured solely because of current connection and quarters of coverage.* In these cases:

(i) If the employee's average monthly remuneration does not exceed $75, take forty percent of such average monthly remuneration. If the average monthly remuneration exceeds $75, take forty percent of $75 and add thereto ten percent of the amount by which the average monthly remuneration exceeds $75 and does not exceed $250.

(ii) Determine the number of calendar years, after 1936, in which $200 or more of compensation, wages, or both, were paid to the employee. ("Wages" are defined in section 209 (a) of the Social Security Act as amended.) Multiply the number of such years by one percent of the amount computed under subdivision (i) of this subparagraph.

(iii) Add the figure computed under subdivision (i) and the figure computed under subdivision (ii) of this subparagraph. The sum so obtained is the basic amount. If such sum is less than $10, it is increased to $10.

(2) *Employee completely insured solely because of being a pensioner.* In these cases:

(i) If the average monthly earnings on which the pension was computed are ascertainable from the records in the possession of the Board, and if such average monthly earnings do not exceed $75, take forty percent of such average monthly earnings. If such average monthly earnings exceed $75, take forty percent of $75 and add thereto ten percent of the amount by which the average monthly earnings exceed $75 and do not exceed $250.

(ii) If the average monthly earnings on which the pension was computed are not ascertainable from the records in the possession of the Board, and if the pension was $25 or more, the basic amount is $33.33, but if the pension was less than $25, the basic amount is four-thirds of the amount of the pension, or $13.33, whichever is greater.

(3) *Employee completely insured solely because of being an annuitant.* In these cases: If the employee's monthly compensation does not exceed $75, take forty-percent of such monthly compensation. If the monthly compensation exceeds $75, take forty percent of $75 and add thereto ten percent of the amount by which the monthly compensation exceeds $75 and does not exceed $250. For the purposes of this subparagraph, "monthly compensation" means the monthly compensation which was used in computing the employee's annuity.

(4) *Employees completely insured both because of being pensioners or annuitants, and also because of current connection and quarters of coverage.* In these cases: If the employee was a pensioner, compare the amount computed under subparagraph (1) of this paragraph with the amount computed under subparagraph (2) of this paragraph; whichever is greater is the basic amount. If the employee was an annuitant, compare the amount computed under subparagraph (1) of this paragraph with the amount computed under subparagraph (3) of this paragraph; whichever is greater is the basic amount.

§ 237.203 *Average monthly remuneration.* A deceased employee's average monthly remuneration is computed by dividing his total compensation and wages by three times the number of his expired quarters. The total compensation and wages and the number of expired quarters are determined as follows:

(a) *Total compensation and wages.* With respect to the period after 1936 and up to but excluding the quarter in which the employee died:

(1) For each calendar year during that period take the total of the amounts of compensation paid the employee in each calendar month during that year, excluding any excess over $300 for any calendar month.

(2) For each calendar year during that period take the amount of wages paid the employee in that calendar year. ("Wages" are defined in section 209 (a) of the Social Security Act as amended.)

(3) For each calendar year during that period add the figure arrived at under subparagraph (1) of this paragraph, and the figure arrived at under subparagraph (2) of this paragraph, with regard to that year. Exclude from the result any excess over $3,000.

(4) For all calendar years during that period take the sum of the figures arrived at under subparagraph (3) of this paragraph with regard to each year. The result is the employee's total compensation and wages.

(b) *Expired quarters.* Take the number of calendar quarters which have elapsed after 1936 and up to but excluding the quarter in which the employee died; in arriving at this number, if the employee attained the age of 22 after 1936, include, for the period after 1936 and through the calendar year in which he attained that age, only a number of quarters equal to the number of quarters of coverage in that period. Subtract from the number of quarters thus arrived at the number of such quarters during any part of which a retirement annuity was payable to the employee.

SUBPART 3—FAMILY RELATIONSHIPS

§ 237.301 *Statutory provisions.* For the purposes of this section:

(1) The qualifications for "widow", "child", and "parent" shall be, except for the purposes of subsection (f), those set forth in section 209 (j) and (k), and section 202 (f) (3) of the Social Security Act, respectively; and in addition—

(i) A "widow" shall have been living with her husband employee at the time of his death;

(ii) A "child" shall have been dependent upon its parent employee at the time of his death; shall not be adopted after such death; shall be unmarried; and less than eighteen years of age; and

(iii) A "parent" shall have been wholly dependent upon and supported at the time of his death by the employee to whom the relationship of "parent" is claimed; and shall have filed proof of such dependency and support within two years after such date of death, or within six months after January 1, 1947.

A "widow" or a "child" shall be deemed to have been so living with a husband or so dependent upon a parent if the conditions set forth in section 209 (n) or section 202 (c) (3) or (4) of the Social Security Act, respectively, are fulfilled. In determining whether an applicant is the wife, widow, child, or parent of an employee as claimed, the rules set forth in section 209 (m) of the Social Security Act shall be applied. (Section 5 (1) of the Act)

The term "widow" (except when used in section 202 (g)) means the surviving wife of an individual who either (1) is the mother of such individual's son or daughter, or (2) was married to him prior to the beginning of the twelfth month before the month in which he died. (Section 209 (j) of the Social Security Act)

The term "child" means (1) the child of an individual, and (2) in the case of a living individual, a stepchild or adopted child who has been such stepchild or adopted child for thirty-six months immediately preceding the month in which application for child's benefits is filed, and (3) in the case of a deceased individual, stepchild or adopted child who was such stepchild or adopted child for twelve months immediately preceding the month in which such individual died. (Section 209 (k) of the Social Security Act)

As used in this subsection, the term "parent" means the mother or father of an individual, a stepparent of an individual by a marriage contracted before such individual attained the age of sixteen, or an adopting parent by whom an individual was adopted before he attained the age of sixteen. (Section 202 (f) (3) of the Social Security Act)

• • • A widow shall be deemed to have been living with her husband at the time of his death if they were both members of the same household on the date of his death, or she was receiving regular contributions from him toward her support on such date, or he had been ordered by any court to contribute to her support. (Section 209 (n) of the Social Security Act)

A child shall be deemed dependent upon a father or adopting father, or to have been dependent upon such individual at the time of the death of such individual, unless, at the time of such death, or, if such individual was living, at the time such child's application for child's insurance benefits was filed, such individual was not living with or contributing to the support of such child and—

(A) Such child is neither the legitimate nor adopted child of such individual, or

(B) Such child has been adopted by some other individual, or

(C) Such child was living with and was chiefly supported by such child's stepfather. (Section 202 (c) (3) of the Social Security Act)

A child shall be deemed dependent upon a mother, adopting mother, or stepparent, or to have been dependent upon such individual at the time of the death of such individual, only if, at the time of such death, or, if such individual was living, at the time such child's application for child's insurance benefits was filed, no parent other than such individual was contributing to the support of such child and such child was not living with its father or adopting father. (Section 202 (c) (4) of the Social Security Act)

In determining whether an applicant is the wife, widow, child, or parent of a fully insured or currently insured individual for purposes of this title, the Board shall apply such law as would be applied in determining the devolution of intestate personal property by the courts of the State in which such insured individual is domiciled at the time such applicant files application, or, if such insured individual is dead, by the courts of the State in which he was domiciled at the time of his death, or if such insured individual is or was not so domiciled in any State, by the courts of the District of Columbia. Applicants who according to such law would have the same status relative to taking intestate personal property as a wife, widow, child, or parent shall be deemed such. (Section 209 (m) of the Social Security Act)

§ 237.302 *Applicable State law and status*—(a) *Applicable State law defined.* "Applicable State law" is the law which the courts of the domicile of the deceased employee, on the basis of whose insured status an individual claims an insurance annuity or lump sum under this part, would apply in deciding who is a widow, child, or parent, when determining the devolution of intestate personal property. The deceased employee's domicile is determined as of the time of his death. If the deceased employee was not domiciled in any State, applicable State law is the law which the courts of the District of Columbia would apply when determining the devolution of such property.

(b) *Status under applicable State law.* An individual who is not a widow, child, or parent under applicable State law, but who is treated as such under such law for the purpose of determining the devolution of intestate personal property, has the same "status" as a widow, child, or parent. Thus, under the law of some States, an individual who is not a widow because her supposed marriage was void, may nevertheless be treated as a widow under such law, under certain strictly limited conditions. Such an individual has the "status" of a widow.

§ 237.303 *Definition of "widow".* An individual is the "widow" of a deceased employee, as that term is used in section 5 of the act (except as stated in § 237.504 (b) under section 5 (f) of the act), if she meets the following requirements:

(a) She is the widow of the deceased employee, or has the same status as a widow, under applicable State law, and

(b) She either (1) is the mother of the deceased employee's son or daughter, or (2) was married to the deceased employee (became his wife, or acquired the status as such, under applicable State law) prior to the beginning of the twelfth month before the month in which he died (an individual is the mother of a deceased employee's son or daughter, within the meaning of this paragraph, if a son or daughter was born to her and such deceased employee, even though such son or daughter died before an application was filed which involved the determination of whether such individual is a "widow," and even though such son or daughter was born after the death of such employee), and

(c) She was living with her husband employee at the time of his death.

§ 237.304 *Definition of "living with."* A widow shall be deemed to have been living with her husband at the time of his death, if, at such time, any one of the three following conditions existed:

(a) If the husband and wife were at such time members of the same household.

A husband and wife were members of the same household if they were living together, and customarily lived together, in the same place of abode.

A husband and wife who customarily lived together in the same place of abode but who were not actually doing so at such time, may nevertheless be members of the same household, if they were apart only temporarily and intended to resume living together in the same place of abode.

(b) If the wife was at such time receiving regular contributions from her husband toward her support.

Contributions must be substantial, and may be made in cash or other medium. In determining the sufficiency of contributions under this paragraph, the surrounding circumstances with respect to both the time when contributions are made and the amount thereof shall be taken into consideration.

(c) If the husband had, at such time, been ordered by any court to contribute to his wife's support.

This condition is met if the husband was legally obligated to contribute to the support of his wife at such time by virtue of any order, judgment, or decree of a court of competent jurisdiction, regardless of whether he actually made any such contribution. In determining the existence of such a legal obligation, any such order, judgment, or decree shall be considered as in full force and effect unless it had expired or had been vacated.

§ 237.305 *Definition of "child."* An individual is a "child," as that term is used in section 5 of the act (except as stated in § 237.504 (b) under section 5 (f) of the act), if he falls in one of the three classes described in paragraph (a) of this section, and if he meets all four of the requirements set out in paragraph (b) of this section.

(a) *Classes.* For the purposes of this section, individuals are classified as follows:

(1) *Children.* A son or daughter (by blood) of a deceased employee, who is the child of such deceased employee, or has the same status as a child, under applicable State law, is a "child" of such employee.

(2) *Stepchildren.* An individual who is the stepchild of a deceased employee by virtue of a marriage valid under applicable State law, which was contracted prior to the beginning of the twelfth month before the month in which the employee died, is a "child" of such employee.

(3) *Adopted children.* An individual who was legally adopted by a deceased employee, in accordance with applicable State law, prior to the beginning of the twelfth month before the month in which the employee died, is a "child" of such employee.

(b) *Requirements.* An individual must meet all four of the following requirements in order to be a "child" for the purposes of this section:

(1) The individual must have been dependent upon his parent employee at the time of the employee's death.

(2) The individual shall not have been adopted after the employee's death.

(3) The individual shall be unmarried.

(4) The individual shall be less than 18 years of age.

§ 237.306 *Definition of "dependent upon"*—(a) *Dependency upon a father or adopting father.* An individual who has filed an application for a child's insurance annuity based on the insured status of a deceased father or adopting father, who was an employee, is deemed to have been dependent upon such deceased employee at the time of the employee's death if, at such time, such employee was either living with or contributing to the support of such individual.

Even though the deceased employee was not living with or contributing to the support of the individual at the time of the employee's death, the individual is deemed to have been dependent upon such employee at such time if the individual:

(1) Was either the legitimate or adopted child of such employee; and

(2) Was not then the adopted child of someone else; and

(3) Was not living with and being chiefly supported by the stepfather of the individual.

(b) *Dependency upon a mother, adopting mother, or stepparent.* An individual who has filed an application for a child's insurance annuity based on the insured status of a deceased mother, adopting mother, or stepparent, who was an employee, is deemed to have been dependent upon such deceased employee at the time of the employee's death if, at such time, both of the following conditions existed:

(1) Neither the father nor adopting father of the individual was contributing to his support, and

(2) The individual was not living with his father or adopting father.

§ 237.307 *Definition of "parent."* An individual is a "parent," as that term is used in section 5 of the act (except as stated in § 237.504 (b) under section 5 (f) of the act), if he falls in one of the three classes described in paragraph (a) of this section, and if he meets both of the requirements set out in paragraph (b) of this section.

(a) *Classes.* For the purposes of this section, individuals are classified as follows:

(1) *Parents.* A mother or father (by blood) of a deceased employee, who is the parent of such employee, or has the same status as a parent, under applicable State law, is a "parent" of such employee.

(2) *Stepparents.* An individual who is a stepparent of a deceased employee by reason of a marriage valid under applicable State law, which was contracted before such employee attained the age of 16, is a "parent" of such employee.

(3) *Adopting parents.* An individual by whom a deceased empoyee was legally adopted, in accordance with applicable State law, before the employee attained the age of 16, is a "parent" of such employee.

(b) *Requirements.* An individual must meet both of the following requirements in order to be a "parent" for the purposes of this section:

(1) The individual must have been wholly dependent upon and supported by the deceased employee at the time of the employee's death.

(2) The individual must file proof of dependency and support, within the meaning of subparagraph (1) of this paragraph, within

(i) two years after the date of the death of the employee, or

(ii) six months after January 1, 1947 (see § 237.905).

§ 237.308 *Definition of "wholly dependent upon and supported by."* An individual was "wholly dependent upon and supported by" a deceased employee at the time of the employee's death if, at that time, such individual was supported by such employee and

(a) Had no income or means of support other than the income or support received from such employee; or

(b) Had only inconsequential income or means of support other than that received from such employee.

SUBPART D—INSURANCE ANNUITY PAYMENTS TO SURVIVORS

§ 237.401 *Statutory provisions.*

Widow's Insurance Annuity. A widow of a completly insured employee, who will have attained the age of sixty-five, shall be entitled during the remainder of her life or, if she remarries, then until remarriage to an annuity for each month equal to three-fourths of such employee's basic amount. (Section 8 (a) of the Act)

Widow's Current Insurance Annuity. A widow of a completely or partially insured employee, who is not entitled to an annuity under subsection (a) and who at the time of filing an application for an annuity under this subsection will have in her care a child of such employee entitled to receive an annuity under subsection (c) shall be entitled to an annuity for each month equal to three-fourths of the employee's basic amount. Such annuity shall cease upon her death, upon her remarriage, when she becomes entitled to an annuity under subsection (a), or when no child of the deceased employee is entitled to receive an annuity under subsection (c), whichever occurs first. (Section 5 (b) of the Act)

Child's Insurance Annuity. Every child of an employee who will have died completely or partially insured shall be entitled, for so long as such child lives and meets the qualifications set forth in paragraph (1) of subsection (1), to an annuity for each month equal to one-half of the employee's basic amount. (Section 5 (c) of the Act)

Parent's Insurance Annuity. Each parent, sixty-five years of age or over, of a completely insured employee, who will have died leaving no widow and no child, shall be entitled, for life, or, if such parent remarries after the employee's death, then until such remarriage, to an annuity for each month equal to one-half of the employee's basic amount. (Section 5 (d) of the Act)

"When there is more than one employee with respect to whose death a parent or child is entitled to an annuity for a month, such annuity shall be one-half of whichever employee's basic amount is greatest. (Section 5 (e) of the Act)

Correlation of payments. (1) An individual, entitled on applying therefor to receive for a month before January 1, 1947, an insurance benefit under the Social Security Act on the basis of an employee's wages, which benefit is greater in amount than would be an annuity for such individual under this section with respect to the death of such employee, shall not be entitled to such annuity.

(2) A widow or child, otherwise entitled to an annuity under this section, shall be entitled only to that part of such annuity for a month which exceeds the total of any retirement annuity, and insurance benefit under the Social Security Act to which such widow or child would be entitled for such month on proper application therefor. A parent, otherwise entitled to an annuity under this section, shall be entitled only to that part of such annuity for a month which exceeds the total of any other annuity under this section, retirement annuity, and insurance benefit under the Social Security Act to which such parent would be entitled for such month on proper application therefor. (Section 5 (g) of the Act)

When annuities begin and end.—No individual shall be entitled to receive an annuity under this section for any month before January 1, 1947. An application for any payment under this section shall be made and filed in such manner and form as the Board prescribes. An annuity under this section for an individual otherwise entitled thereto shall begin with the month in which such individual filed an application for such annuity: *Provided*, That such individual's annuity shall begin with the first month for which he will otherwise have been entitled to receive such annuity if he files such application prior to the end of the third month immediately succeeding such month. No application for an annuity under this section filed prior to three months before the first month for which the applicant becomes otherwise entitled to receive such annuity shall be accepted. No annuity shall be payable for the month in which the recipient thereof ceases to be qualified therefor. (Section 5 (j) of the Act)

§ 237.402 *Widow's insurance annuity*—(a) *Conditions of entitlement.* Subject to the provisions of § 237.406, an individual is entitled to a widow's insurance annuity if she:

(1) Is the widow of a deceased employee who, at the time of his death, was completely insured; and

(2) Was not entitled, and would not have been entitled even if she had applied therefor, to receive, for a month before January 1, 1947, an insurance benefit under the Social Security Act based on the deceased employee's wages and in an amount greater than the widow's insurance annuity would be; and

(3) Has attained the age of 65; and

(4) Has not remarried.

(b) *Duration of annuity.* Subject to the provisions of § 237.406, an individual is entitled to a widow's insurance annuity for each month beginning with the first month after December, 1946, in which all of the conditions of entitlement are satisfied. The last month for which she is entitled to such annuity is the month immediately preceding the first month in which either of the following events occurs:

(1) She remarries; or

(2) She dies.

(c) *Rate of annuity.* A widow's insurance annuity for a month is an amount equal to three-fourths of the basic amount of her deceased husband. However, if the widow is entitled, or would have been entitled had she applied therefor, to a retirement annuity, or to an insurance benefit under the Social Security Act, for such month, she shall be entitled only to that part of her current insurance annuity for that month which exceeds the total of such retirement annuity and insurance benefit.

§ 237.403 *Widow's current insurance annuity*—(a) *Conditions of entitlement.* Subject to the provisions of § 237.406 of this chapter, an individual is entitled to a widow's current insurance annuity if she:

(1) Is the widow of a deceased employee who, at the time of his death, was completely insured or partially insured;

(2) Was not entitled, and would not have been entitled even if she had applied therefor, to receive, for a month before January 1, 1947, an insurance benefit under the Social Security Act based on the deceased employee's wages and in an amount greater than the widow's current insurance annuity would be; and

(3) Has not remarried; and

(4) I not entitled to a widow's insurance annuity; and

(5) Has in her care, at the time of filing her application, a child of her deceased husband entitled to receive a child's insurance annuity.

(b) *Duration of annuity.* Subject to the provisions of § 237.406, an individual is entitled to a widow's current insurance annuity for each month beginning with the first month after December 1946, in which all of the conditions of entitlement are satisfied. The last month for which she is entitled to such annuity is the month immediately preceding the first month in which any of the following events occurs:

(1) No child of her deceased husband is entitled to a child's insurance annuity; or

(2) She becomes entitled to a widow's insurance annuity; or

(3) She remarries; or

(4) She dies.

(c) *Rate of annuity.* A widow's current insurance annuity for a month is an amount equal to three-fourths of the basic amount of her deceased husband. However, if the widow is entitled, or would have been entitled had she applied therefor, to a retirement annuity, or to an insurance benefit under the Social Security Act, for such month, she shall be entitled only to that part of her current insurance annuity for that month which exceeds the total of such retirement annuity and insurance benefit.

(d) *Meaning of "in her care."* A widow has a child "in her care" within the meaning of paragraph (a) (5) of this section if she takes parental responsibility for the welfare and care of such child, even though she does not live in the same home with the child.

§ 237.404 *Child's insurance annuity*—(a) *Conditions of entitlement.* Subject to the provisions of § 237.406, an individual is entitled to a child's insurance annuity if he:

(1) Is a child of a deceased employee who, at the time of his death, was completely insured or partially insured; and

(2) Was not entitled, and would not have been entitled even if he had applied therefor, to receive, for a month before January 1, 1947, an insurance benefit under the Social Security Act based on the deceased employee's wages and in an amount greater than the child's insurance annuity would be.

(b) *Duration of annuity.* Subject to the provisions of § 237.406, an individual is entitled to a child's insurance annuity for each month beginning with the first month after December, 1946, in which all of the conditions of entitlement are satisfied. If the child is born after the death of the employee on whose insured status the child's insurance annuity is based, the first month for which the child may be entitled to such an annuity is the month in which such child is born. The last month for which an individual is entitled to a child's insurance annuity is the month immediately preceding the first month in which any of the following events occurs:

(1) He dies; or

(2) He marries; or

(3) He is adopted; or

(4) He attains the age of 18.

(c) *Rate of annuity.* A child's insurance annuity for a month is an amount equal to one-half of the basic amount of the deceased employee. If there is more than one deceased employee on the basis of whose insured status an individual is entitled to a child's insurance annuity, the annuity is equal to one-half of the basic amount of whichever employee's basic amount is greatest. If the child is entitled, or would have been entitled had he applied therefor, to an insurance benefit under the Social Security Act, for such month, he shall be entitled only to that part of his insurance annuity for that month which exceeds such insurance benefit.

§ 237.405 *Parent's insurance annuity*—(a) *Conditions of entitlement.* Subject to the provisions of § 237.406, an individual is entitled to a parent's insurance annuity if such individual:

(1) Is the parent of a deceased employee, and such employee at the time of his death was completely insured and was survived neither by a widow nor a child; and

(2) Was not entitled, and would not have been entitled even if he had applied therefor, to receive, for a month before January 1, 1947, an insurance benefit under the Social Security Act based on the deceased employee's wages and in an amount greater than the parent's insurance annuity would be; and

(3) Has attained the age of 65; and

(4) Has not remarried since the death of the deceased employee. One or more parents of a deceased employee who had a completely insured status may become entitled to insurance annuities hereunder.

(b) *Duration of annuity.* Subject to the provisions of § 237.406 of this chapter, an individual is entitled to a parent's insurance annuity for each month beginning with the first month after December, 1946, in which all of the conditions of entitlement are satisfied. The last month for which such individual is entitled to such annuity is the month immediately preceding the first month in which any of the following events occurs:

(1) He dies; or

(2) He remarries.

(c) *Rate of annuity.* A parent's insurance annuity for a month is an amount equal to one-half of the basic amount of the deceased employee. If there is more than one deceased employee on the basis of whose insured status an individual is entitled to a parent's insurance annuity, the annuity is equal to one-half of the basic amount of whichever employee's basic amount is greatest. If the parent is entitled, or would have been entitled had he applied therefor, to any other insurance annuity under this part, to a retirement annuity, or to an insurance benefit under the Social Security Act, for such month, he shall be entitled only to that part of his parent's insurance annuity for that month which exceeds the total of such other insurance annuity, retirement annuity, and insurance benefit.

§ 237.406 *Beginning and ending of insurance annuities*—(a) *Beginning.* An insurance annuity under this subpart shall begin with the first month, after December, 1946, with respect to which all the conditions of entitlement for such annuity, as set out in the preceding sections of this subpart, are satisfied, if the individual shall have filed an application for such annuity, as prescribed in subpart H, either:

(1) In such month; or

(2) In the three months immediately preceding such month; or

(3) In the three months immediately succeeding such month.

Otherwise, such annuity shall begin with the month, after December, 1946, in which the individual files an application therefor, as prescribed in Subpart H, and with respect to which month all the conditions of entitlement for such annuity, as set out in the preceding sections of this subpart, are satisfied.

(b) *Ending.* No insurance annuity under this subpart shall be payable for the month in which the conditions of entitlement for such annuity, as set out in the preceding sections of this subpart, cease to be satisfied.

SUBPART E—LUMP-SUM DEATH PAYMENTS

§ 237.501 *Statutory provisions.*

Lump-sum payment. Upon the death, on or after January 1, 1947, of a completely or partially insured employee who will have died leaving no widow, child, or parent who would on proper application therefor be entitled to receive an annuity under this section for the month in which such death occurred, there shall be paid a lump sum of eight times the employee's basic amount to the following person (or if more than one there shall be distributed among them) whose relationship to the deceased employee will have been determined by the Board, and who will have been living on the date of such determination: to the widow or widower of the deceased; or, if no such widow or widower be then living, to any child or children of the deceased and to any other person or persons who, under the intestacy law of the State where the deceased will have been domiciled, will have been entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law; or, if no widow or widower and no such child and no such other person be then living, to the parent or parents of the deceased, in equal shares. A person who is entitled to share as distributee with an above-named relative of the deceased shall not be precluded from receiving a payment under this subsection by reason of the fact that no such named relative will have survived the deceased or of the fact that no such named relative of the deceased will have been living on the date of such determination. If none of the persons described in this subsection be living on the date of such determination, such amount shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have been paid the expenses of burial of the deceased. If a lump sum would be payable to a widow, child, or parent under this subsection except for the fact that a survivor will have been entitled to receive an annuity for the month in which the employee will have died, but within one year after the employee's death there will not have accrued to survivors of the employee, by reason of his death annuities which, after all deductions pursuant to paragraph (1) of subsection (1) will have been made, are equal to such lump sum, a payment to any then surviving widow, children, or parents shall nevertheless be made under this subsection equal to the amount by which such lump sum exceeds such annuities so accrued after such deductions. No payment shall be made to any person under this subsection, unless application therefor shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of two years after the date of death of the deceased employee, except that if the deceased employee is a person to whom section 2 of the Act of March 7, 1942 (56 Stat. 143, 144), is applicable such two years shall run from the date on which the deceased employee, pursuant to said Act, is determined to be dead, and for all other purposes of this section such employee, so long as it does not appear that he is in fact alive, shall be deemed to have died on the date, determined pursuant to said Act to be the date or presumptive date of death. (Section 5 (f) of the Act.)

§ 237.502 *Lump-sum death payments*—(a) *Conditions of payment.* A lump sum is payable to one or more of the persons described in paragraph (b) of this section if:

(1) An employee has died, on or after January 1, 1947, and was completely insured or partially insured at the time of his death; and

(2) Such deceased employee was not survived by a widow, child, or parent (see § 237.504 (a)), who, upon application therefor, would be entitled to receive a widow's insurance annuity, a widow's current insurance annuity, a child's insurance annuity, or a parent's insurance annuity, upon the basis of the insured status of such employee, for the month in which such employee died; and

(3) An application (see Subpart H) for such lump sum has been filed within two years following the death of such employee (see §237.902 (b)).

The lump sum is not in lieu of, and does not affect, later entitlement of survivors to insurance annuities.

(b) *Persons entitled to receive payments*—(1) *Survivors of deceased.* The following person or persons whose relationship to the deceased employee is determined by the Board, and who are living at the time of such determinations, are, in the order named, entitled to a lump sum under the conditions stated in paragraph (a) of this section:

(i) The widow or widower (see § 237.504 (b)) of such employee. If there is no such widow or widower, the lump sum is payable to

(ii) The child or children (see § 237.504 (b)) of such employee and any other person or persons who are, under the intestacy law of the State where the deceased was domiciled, entitled to share with such child or children in the distribution of intestate personal property of such employee. Persons entitled to share with such child or children are not precluded from receiving the lump sum by reason of the fact that no child survived such employee or was living at the time of the Board's determination of relationship. If there is no such child or other person, then the lump sum is payable to

(iii) The parent or parents (see § 237.504 (b)) of such employee.

(2) *Persons equitably entitled.* If none of the persons described under subparagraph (1) of this paragraph is living on the date of the Board's determination of relationship, the lump sum will be payable to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the burial expenses of the employee.

(c) *Amount of payment.* The lump sum to which a widow, widower, child (or distributee with a child), or parent, is entitled under paragraph (b) of this section is an amount equal to eight times the basic amount of the deceased employee. Where there is more than one child or person entitled to share as distributee with a child, the lump sum shall be divided among them in the proportions provided by the intestacy laws of the State where the deceased employee was domiciled. Where there is more than one parent the lump sum shall be divided equally between such parents.

Where an applicant (other than a person named in paragraph (b) (1) of this section) is equitably entitled to a lump sum under paragraph (b) (2) of this section, the amount payable to him will be determined as follows:

(1) If no person other than such applicant is, or becomes, equitably entitled under paragraph (b) (2) of this section, the amount payable will be an amount equal to the amount of burial expenses paid by the applicant, or eight times the basic amount of the deceased, whichever is less.

(2) If two or more persons are, or become, equitably entitled under paragraph (b) (2) of this section, the amount payable to any such applicant is an amount equal to that proportion of eight times the basic amount of the deceased which the amount of burial expenses paid by such applicant bears to the total amount of burial expenses paid by all persons equitably entitled, but in no event shall the amount paid to such applicant exceed the amount of burial expenses paid by him.

§ 237.503 *Payment when lump sum exceeds insurance annuities accrued*—(a) *Conditions of payment.* The payment provided for in this section shall be made to one or more of the persons described in paragraph (b) of this section if:

(1) A lump sum would have been payable to a widow, child, or parent (see § 237.504 (b)) under § 237.502, except for the fact that a survivor was entitled to receive an insurance annuity for the month in which the employee died (see § 237.502 (a) (2)); and

(2) Within one year after the employee's death there did not accrue to his survivors, by reason of his death, insurance annuities which, after all deductions required by § 237.702 were made, were equal to the lump sum referred to in subparagraph (1) of this paragraph, and

(3) An application (see subpart H of this part) for such payment has been filed within two years following the death of such employee (see § 237.902 (b)).

The payment provided for in this section is not in lieu of, and does not affect, later entitlement of survivors to insurance annuities.

(b) *Persons entitled to receive payment.* The payment provided for in this section shall be made to the widow, children, or parents of the deceased employee surviving at the expiration of one year after the employee's death.

(c) *Amount of payment.* The payment to be made under this section is an amount equal to the excess of the lump sum referred to in paragraph (a) (1) of this section over the insurance annuities which accrued to survivors within one year after the employee's death, as such annuities may have been reduced by any deductions required by § 237.702 (see paragraph (a) (2) of this section).

§ 237.504 *Meaning of terms.* (a) The terms "widow," "child," and "parent" as they first appear in section 5 (f) of the act (see § 237.502 (a) (2)), are

used as defined in §§ 237.303, 237.305, and 237.307, respectively.

(b) The meaning of the terms "widow," "child" (or "children"), and "parent" (or "parents"), except as they first appear in section 5 (f) of the act, and of the term "widower" as used in such section 5 (f), is determined by reference to applicable State law. An individual is such a "widow," "widower," "child," or "parent" of a deceased employee if he is the widow, widower, child, or parent of the deceased employee, or has the same status as such, under applicable State law, without regard to the definitions referred to in paragraph (a) of this section.

SUBPART F—MAXIMUM AND MINIMUM INSURANCE ANNUITY TOTALS

§ 237.601 *Statutory provisions.*

Maximum and minimum annuity totals. Whenever according to the provisions of this section as to annuities, payable for a month with respect to the death of an employee, the total of annuities is more than $20 and exceeds either (a) $120, or (b) an amount equal to twice such employee's basic amount, or with respect to employees other than those who will have been completely insured solely by virtue of subsection (1) (7) (iii), such total exceeds (c) an amount equal to 80 per centum of his average monthly remuneration, whichever of such amounts is least, such total of annuities shall, prior to any deductions under subsection (1), be reduced to such least amount or to $20, whichever is greater. Whenever such total of annuities is less than $10, such total shall, prior to any deductions under subsection (1), be increased to $10. (Section 5 (h) of the Act)

§ 237.602. *Application of maximum and minimum and basis for computation*—(a) *Application of maximum and minimum.* The reductions and increases provided for in this subpart apply only to insurance annuities for survivors. Lump sums under section 5 (f) of the act are not subject to reductions or increases hereunder.

(b) *Basis for computing reductions and increases.* Whether there is to be a reduction or increase in any insurance annuity or annuities, and the extent of such reduction or increase, depends upon the total amount of insurance annuities for a month as calculated under section 5 of the act with respect to the insured status of a deceased employee.

§ 237.603 *Reduction*—(a) *Conditions requiring reduction.* Reductions are made only when there are two or more insurance annuities for a month based upon the insured status of a deceased employee, and when the total amount of such annuities for such month, as calculated under subpart D, is more than $20 and also

(1) In any case in which the employee's basic amount was computed in accordance with § 237.202 (b) (2) or (3), exceeds either:

(i) $120, or

(ii) An amount equal to twice the basic amount of the employee;

(2) In any case other than one in which the employee's basic amount was computed in accordance with § 237.202 (b) (2) or (3), exceeds either

(i) $120, or

(ii) An amount equal to twice the basic amount of the employee, or

(iii) An amount equal to eighty percent of the average monthly remuneration of the deceased employee.

(b) *Amount of reduction.* If the conditions described in paragraph (a) of this section exist, each of the insurance annuities must be proportionately reduced so that the total of the insurance annuities will be whichever is the least of the amounts stated in subdivisions (i) and (ii) of paragraph (a) (1) of this section, in cases to which that paragraph is applicable, or whichever is the least of the amounts stated in subdivisions (i), (ii), and (iii) of paragraph (a) (2) of this section, in cases to which that paragraph is applicable. If, however, such least amount is under $20, the total is reduced only to $20.

§ 237.604 *Increase*—(a) *Conditions requiring increase.* An increase is made when the insurance annuity or total of insurance annuities for a month calculated under Subpart D on the basis of the insured status of a deceased employee is less than $10.

(b) *Amount of increase.* If the condition described in paragraph (a) of this section exists, the insurance annuity or total of insurance annuities is increased to $10.

§ 237.605 *Monthly application of provisions.* The total amount of insurance annuities based on the insured status of a deceased employee, as calculated under Subpart D, may be different in one month than in another. Accordingly, a reduction or increase may be required in one month and not in another, or the amount of the reduction or increase may be greater or less in one month than in another.

§ 237.606 *Relation to provisions for deductions and adjustments.* Reductions and increases under this subpart are made prior to making any deductions which may be required under Subpart G and prior to making any adjustments under Part 255 of this chapter.

SUBPART G—DEDUCTIONS

§237.701 *Statutory provisions.*

Deductions from Annuities.—(1) Deductions shall be made from any payments under this section to which an individual is entitled, until the total of such deductions equals such individual's annuity or annuities under this section for any month in which such individual:

(i) Will have rendered compensated service within or without the United States to an employer;

(ii) Will have rendered service for wages of not less than $25;

(iii) If a child under eighteen and over sixteen years of age, will have failed to attend school regularly and the Board finds that attendance will have been feasible; or

(iv) If a widow otherwise entitled to an annuity under subsection (b) will not have had in her care a child of the deceased employee entitled to receive an annuity under subsection (c);

(2) The total of deductions for all events described in paragraph (1) occurring in the same month shall be limited to the amount of such individual's annuity or annuities for that month. Such individual (or anyone in receipt of an annuity in his behalf) shall report to the Board the occurrence of any event described in paragraph (1).

(3) Deductions shall also be made from any payments under this section with respect to the death of an employee until such deductions total:

(i) Any death benefit, paid with respect to the death of such employee, under sections 5 of the Retirement Acts (other than a survivor annuity pursuant to an election):

(ii) Any lump sum paid, with respect to the death of such employee, under title II of the Social Security Act, or under section 203 of the Social Security Act in force prior to the date of the Social Security Act Amendments of 1939;

(iii) Any lump sum paid to such employee under section 204 of the Social Security Act in force prior to the date of the enactment of the Social Security Act amendments of 1939, provided such lump sum will not previously have been deducted from any insurance benefit paid under the Social Security Act; and

(iv) An amount equal to 1 per centum of any wages paid to such employee for services performed in 1939, and subsequent to his attaining age sixty-five, with respect to which the taxes imposed by section 1400 of the Internal Revenue Code will not have been deducted by his employer from his wages or paid by such employer, provided such amount will not previously have been deducted from any insurance benefit paid under the Social Security Act.

(4) The deductions provided in this subsection shall be made in such amounts and at such time or times as the Board shall determine. Decreases or increases in the total of annuities payable for a month with respect to the death of an employee shall be equally apportioned among all annuities in such total. (Section 5 (i) of the Act).

§ 237.702 *Deductions because of compensated service, etc.* Section 5 (i) (1) of the act provides for deductions from an individual's insurance annuity or annuities upon the occurrence of certain events, which are enumerated in paragraphs (a), (b), (c), and (d) of this section.

(a) *Compensated service.* If an individual, in any month for which he is entitled to an insurance annuity, renders compensated service (see Parts 220 and 222 of this chapter), within or without the United States, to an employer (see part 202 of this chapter), deductions are made from any payments under this part to which such individual is entitled. The amount to be deducted is equal to the amount of such individual's insurance annuity or annuities for the month in which the compensated service was rendered.

Since the amount to be deducted is measured by the insurance annuity or total of insurance annuities for the month in which the compensated service was rendered, it is not material in what month the compensation was paid.

(b) *Service for wages.* If an individual, in any month for which he is entitled to an insurance annuity, renders service for wages (see section 209 (e) of the Social Security Act as amended) of $25 or more, deductions are made from any payments under this part to which such individual is entitled. The amount to be deducted is equal to the amount of such individual's insurance annuity or annuities for the month in which the service for wages was rendered.

Since the amount to be deducted is measured by the insurance annuity or total of insurance annuities for the month in which the service for wages was rendered, it is not material in what month the wages of $25 or more were paid. In determining, for the purpose of this section, whether an individual has rendered services for "wages" of $25 or more, the $3,000 limitation provisions of section 209 (a) of the Social Security Act do not apply.

(c) *Failure to attend school.* If a child under 18 and over 16 years of age fails, in any month for which he is entitled to an insurance annuity, to attend school regularly, and the Board finds that attendance was feasible, deductions are made from any payments under this part to which such child is entitled. The amount to be deducted is equal to the amount of his insurance annuity or annuities for the month in which he failed to attend school regularly.

(d) *Failure of widow to have a child in her care.* If, in a month for which she is otherwise entitled to a widow's current insurance annuity, a widow does not have in her care a child of her deceased husband entitled to a child's insurance annuity for such month, deductions are made from any payments under this part to which such widow is entitled. The amount to be deducted is equal to the amount of the widow's current insurance annuity to which she was entitled for the month in which she did not have such a child in her care.

The fact that a child's insurance annuity for a particular month is withheld to effect a deduction under any of the other paragraphs of this section, or under § 237.703, or an adjustment under part 255 of this chapter, does not affect the right of a widow, who has the child in her care, to a widow's current insurance annuity, since the child is nevertheless "entitled" to the child's insurance annuity.

(e) *Manner of making deductions.* Deductions are made by withholding insurance annuities in whole or in part, depending upon the amount to be deducted. If the amount to be deducted is not withheld from the insurance annuity or annuities for the month in which the event occurred which occasioned the deduction (if, for example, the occurrence has not been brought to the attention of the Board), such amount will be withheld from the insurance annuity or annuities for one or more subsequent months. The total amount to be deducted may, therefore, at the time of withholding, be greater or less than any insurance annuity or annuities for a month, from which such amount is to be withheld.

When it is determined that a deduction is required under paragraph (a), (b), (c), or (d) of this section, no insurance annuity to which the individual in question is entitled for any month will be paid until a total amount equal to the amount to be deducted has been withheld. If the amount of the required deduction is less than any such insurance annuity, or the total of such insurance annuities, for a month, the amount to be deducted will be withheld from such insurance annuity or annuities.

(f) *Accumulation of deductions.* Section 5 (i) (2) of the act prevents duplication of deductions under paragraphs (a), (b), (c), or (d) of this section, by reason of the occurrance in one month of more than one of the events enumerated in those paragraphs. If more than one such event occurs in a month, the total amount of the deductions is the same as if only one such event had occurred. Section 5 (i) (2) of the act has no application to any other deductions or adjustments under the act (see paragraph (h) of this section.

If, however, any of the events occasioning a deduction under paragraph (a), (b), (c), or (d) of this section occurs in more than one month, the total amount to be deducted is equal to the sum of the deductions for all months in which any such event occurred.

(g) *Relation to maximum and minimum insurance annuity totals.* In effecting a deduction, no amount can be considered as having been withheld from an insurance annuity for a particular month, which is in excess of the amount of such insurance annuity as reduced or increased (if required) under section 5 (a) of the act (see subpart F). Likewise, the amount of an insurance annuity by which a deduction is measured (i. e., an insurance annuity for the month in which the event occasioning the deduction occurred) is the amount of such insurance annuity as so reduced or increased.

(h) *Relation to other provisions for deductions and adjustments.* A deduction required under section 5 (i) (1) of the act is made prior to and in addition to any deductions under section 5 (i) (3) of the act (see § 237.703), and prior to and in addition to any adjustments under Part 255 of this chapter.

(i) *Reports to Board of events occasioning deductions.* Section 5 (i) (2) of the act imposes upon an individual the obligation to report to the Board the occurrence of any of the events enumerated in paragraph (a), (b), (c), or (d) of this section, if such individual is in receipt of an insurance annuity or insurance annuities (on his own behalf or on behalf of another) from which a deduction is to be made under such paragraphs.

§ 237.703 *Deductions because of death-benefit payments, etc.* Section 5 (i) (3) of the act provides for certain deductions from any insurance annuities, or lump-sum death payments, under section 5, on the basis of the insured status of a deceased employee. The basis for, and the amount of, each of these deductions are set out in paragraphs (a), (b), (c), and (d) of this section.

(a) *Death benefits under Retirement Acts.* Prior to the amendments approved July 31, 1946, effective January 1, 1947, with regard to the matters here involved, section 5 of the Railroad Retirement Act of 1935, and section 5 of the Railroad Retirement Act of 1937, provided for certain payments upon the death of an employee. Those provisions are superseded, effective January 1, 1947, by the provisions of Section 5 of the Railroad Retirement Act as amended. The amendatory act provides that payments upon death as provided in section 5 of the 1935 and 1937 Acts, other than survivor annuities pursuant to an election, shall be made only with respect to deaths occurring before January 1, 1947. The total amount paid under the unamended section 5 with respect to the death of an employee, except survivor annuity payments made pursuant to an election, must be deducted from any insurance annuities under this part based on the insured status of that deceased employee.

(b) *Lump-sum death payments under Social Security Act.* Prior to the amendments approved August 10, 1939, Section 203 of the Social Security Act provided for certain payments upon the death of an individual. Under that act as amended in 1939, Title II provides for lump-sum death payments. The total amount of any such lump-sum death payments under the Social Security Act, whether before or after the 1939 amendments, with respect to the death of an employee, must be deducted from any insurance annuities under this part based on the insured status of that deceased employee.

(c) *Lump-sum payments to employees under Social Security Act prior to 1939 amendments.* Prior to the amendments approved August 10, 1939, section 204 of the Social Security Act provided for certain lump-sum payments to aged employees not qualified for benefits. As amended in 1939, the Social Security Act provides that any payments which were made under section 204, as it was prior to the amendments, are to be deducted from insurance benefits under the amended Social Security Act. To the extent that any payments were made to an employee under section 204 prior to the amendments, and have not since been deducted from insurance benefits paid under the Social Security Act as amended in 1939, such payments must be deducted from any insurance annuities, or lump-sum death payments, made under this part on the basis of the insured status of such employee.

(d) *Percentage of certain wages.* Section 907 of the Social Security Act amendments of 1939 provides for deductions from benefits and lump-sum death payments under that Act in cases in which the taxes imposed by section 1400 of the Internal Revenue Code with respect to a wage earner's employment in 1939 and subsequent to his attaining the age of 65 have neither been deducted by his employer from the wages paid him for services in such employment nor paid by such employer. Under section 907 the total amount to be deducted is an amount equal to one per cent of such wages with respect to which taxes have neither been deducted nor paid by the employer. To the extent that the deduction provided for in section 907 has not been made from insurance benefits paid under the Social Security Act, it must be made from any insurance annuities, or lump-sum death payments, made un-

der this part on the basis of the insured status of the employee.

(e) *Manner of making deductions.* If more than one person is entitled to any insurance annuity or annuities, or to any lump-sum death payment, under this part, on the basis of the insured status of the same deceased employee, the deduction required under paragraph (a), (b), (c), or (d) of this section is made from the insurance annuity or annuities, or from the share of the lump sum, to which each such person is entitled, in the proportion that his insurance annuity or annuities for a month, or his share of the lump sum, bears to the total of such insurance annuities for a month, or the total of such lump sum.

In any case in which a deduction under paragraph (a), (b), (c), or (d) of this section is to be made from an insurance annuity under this part, such deduction is made in the following manner:

(1) If the individual had been receiving an insurance benefit under the Social Security Act, and ceased to be entitled thereto because of the provisions of section 5 (g) (1) of the Railroad Retirement Act, as amended, the deduction is made by withholding, to the extent hereinafter indicated, the amount designated in such paragraph (a), (b), (c), or (d) of this section, from any such insurance annuity under this part to which such individual is or becomes entitled on the basis of the insured status of the employee referred to in such paragraph. Upon determination that such a deduction is required, there will be withheld from the insurance annuity the amount by which such insurance annuity exceeds the amount of the insurance benefit to which the individual had been so entitled under the Social Security Act; this withholding will be continued until such time as the total of the amounts thus withheld from the insurance annuity equals the amount to be deducted from such insurance annuity.

(2) If the case is not within the purview of subparagraph (1) of this paragraph, the deduction is made by withholding, to the extent hereinafter indicated, the amount designated in such paragraph (a), (b), (c), or (d) of this section, from any such insurance annuity under this part to which such individual is or becomes entitled on the basis of the insured status of the employee referred to in such paragraph. Upon determination that such a deduction is required, no such insurance annuity for any month will be paid until a total amount equal to the amount to be deducted has been withheld. If the amount to be deducted is less than the amount of any such insurance annuity for a month, the amount to be deducted will be withheld from the amount of such insurance annuity.

In any case in which a deduction under paragraph (c) or (d) of this section is to be made from lump-sum death payments under this part, such deduction is made by withholding the amount designated in such paragraph from any such lump-sum death payments to which any individual is or becomes entitled on the basis of the insured status of the employee referred to in such paragraph. Upon determination that such a deduction is required, no such lump-sum death payment will be paid until a total amount equal to the amount to be deducted has been withheld. If the amount to be deducted is less than the lump sum then payable, the amount to be deducted will be withheld from such lump sum.

(f) *Relation to other provisions.* When deductions are to be made under this section from an insurance annuity or insurance annuities, the amounts to be deducted are measured by and are withheld from the amount of the insurance annuity, or the amounts of the insurance annuities, as reduced or increased under section 5 (h) of the act (see subpart F).

A deduction required under this section is made in addition to any deductions required under section 5 (i) (1) of the act (see § 237.702), and in addition to any adjustment under Part 255 of this chapter.

SUBPART H—APPLICATION FOR INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

§ 237.801 *Statutory provisions.* See section 5 (j) of the act, quoted in § 237.401, and the last sentence of section 5 (f) of the act, quoted in § 237.501.

§ 237.802 *Necessity of application.* No payment shall be made to any person under this part unless application therefor, in such manner and form as the Board prescribes, shall have been filed by or on behalf of such person (whether or not legally competent).

§ 237.803 *Filing date of application.* An application for any payment under this part shall be considered filed with the Board as of the date it is received at an office of the Board, or the date it is delivered into the custody of a duly authorized field agent, specifically authorized to receive custody thereof in the district where delivery is made, whichever date is earlier: *Provided, however,* That if, in the adjudication of an application, filed by or on behalf of any person, for a payment under this part, it is determined that such person's interests would be adversely affected by the fact that the application, mailed to the Board, was not received by the Board until the first business day following a Sunday or other non-work day on which the offices of the Board were closed, rather than on such Sunday or other non-work day, such application shall be considered as filed on such Sunday or other non-work day if it is established to the satisfaction of the Board that the application was mailed in sufficient time to have been received by the Board on such Sunday or other non-work day.

§ 237.804 *Record of expressed intention as application.* Where an individual orally or in writing expresses to the Board an intention to claim a payment under this part, either on his own behalf or on behalf of some other person, and it appears that such individual or other person is not eligible, or that his eligibility is so doubtful that the taking of an application upon a prescribed form would not be warranted, the Board shall so advise such individual and shall also advise him that if he desires he may file an application on a prescribed form to obtain a formal adjudication. Where an application on a prescribed form is not then filed because of doubtful eligibility, the Board shall make and maintain in its files a written record of the expressed intention to claim payment, in all cases in which some possibility of entitlement exists, even though remote. If it is later found that such individual or such other person was eligible for a payment under this part at the time the record was made, this record shall, except where such individual or such other person otherwise indicates, be deemed an application filed with the board as of the date such record was made: *Provided,* That an application on a prescribed form is also furnished to the Board.

Where an individual orally or in writing expresses to the Social Security Administration an intention to claim benefits or a lump sum, either on his own behalf or on behalf of some other person, and notice of such intention is communicated in writing to the Railroad Retirement Board by the Social Security Administration, the Social Security Administration's record of the individual's expressed intention to claim benefits or a lump sum shall, except where such individual or such other person otherwise indicates, be deemed an application filed with the Board as of the date the Social Security Administration's record was made: *Provided,* That such individual or other person was eligible for a payment under this part at the time such record was made; and *Provided further,* That an application on a prescribed form is also furnished to the Board.

§ 237.805 *Limitation on filing.* No application for an insurance annuity under this part filed prior to three months before the first month for which the applicant becomes otherwise entitled to receive such annuity shall be accepted.

§ 237.806 *Filing of application with Social Security Administration.* The claim or application of an individual, filed with the Social Security Administration on or after October 1, 1946, for an insurance benefit or a lump-sum death payment under subsection (c), (d), (e), (f), or (g) of section 202 of title II of the Social Security Act, as amended August 10, 1946, based upon the death of an individual who has had service covered under the Railroad Retirement Act, as amended July 31, 1946, shall be deemed to be an application for the corresponding survivor benefit under subsection (a), (b), (c), (d), or (f) of section 5 of the Railroad Retirement Act, and shall be deemed filed with the Railroad Retirement Board on the date as of which the Social Security Administration certifies that such application is deemed filed with that agency.

SUBPART I—MISCELLANEOUS

§ 237.901 *Statutory provisions.* See last sentence of section 5 (f) of the act, quoted in § 237.501.

An annuity under this section which is not in excess of $5 may, in the discretion of the Board, be paid in a lump sum equal to its commuted value as the Board shall determine. (Section 5 (i) (4) of the act)

§ 237.902 *Act of March 7, 1942 (56 Stat. 143, 144)*—(a) *Provisions.* The act of March 7, 1942 (56 Stat. 143, 144) is entitled "An act to provide for continuing payment of pay and allowances of personnel of the Army, Navy, Marine Corps, and Coast Guard, including the retired and reserve components thereof; the Coast and Geodetic Survey and the Public Health Service, and civilian employees of the executive departments, independent establishments, and agencies, during periods of absence from post of duty, and for other purposes." Section 2 of that act relates to "Any person who is in active service and is officially reported as missing, missing in action, interned in a neutral country, or captured by an enemy." Section 5 of that act provides that "Upon the expiration of twelve months from the date the person is reported as missing, or missing in action, in the absence of an official report of the death of the missing person, the head of the department concerned is authorized to make a finding of death of such person."

(b) *Relation to application for lump-sum death payments.* For the purposes of §§ 237.502 (a) (3) and 237.503 (a) (3), if the deceased employee is a person to whom section 2 of the act of March 7, 1942, is applicable, the two years within which an application must be filed run from the date on which he was determined, under that act, to be dead.

(c) *Relation to other matters.* Except as provided in paragraph (b) of this section, if the deceased employee is a person to whom section 2 of the act of March 7, 1942, is applicable, he is, for all purposes of this part, deemed to have died on the date determined pursuant to that act to be the date or presumptive date of his death, so long as it does not appear that he is in fact alive.

§ 237.903 *Payment of insurance annuity in lump sum.* If an insurance annuity is not more than $5, it may, in the discretion of the Board, be paid in a lump sum equal to its commuted value as determined by the Board.

§ 237.904 *Meaning of "retirement annuity".* As used in this part the term "retirement annuity" means an employee annuity under the Railroad Retirement Acts.

§ 237.905 *Filing date of proof of dependency and support.* In determining the date as of which the proof of dependency and support required by § 237.307 (b) (2) shall be regarded as having been filed, the provisions of the proviso contained in § 237.803, with regard to applications, shall be applied in like manner with regard to the proof of dependency and support.

By authority of the Board.

Dated: March 21, 1947.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-2832; Filed, Mar. 26, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter III—Federal Savings and Loan Insurance Corporation

[Bulletin 39]

PART 0300—ORGANIZATION, PROCEDURE, AND SUBSTANTIVE RULES AND REGULATIONS

DELEGATION OF FINAL AUTHORITY

MARCH 24, 1947.

Section 0300.4 of Title 24 of the Code of Federal Regulations is hereby amended by adding at the end thereof the following paragraph:

§ 0300.4 *Delegation of final authority.* • • •

(f) Authority is conferred upon the General Manager or a Deputy General Manager, or such person or persons as may be designated in writing by the General Manager or a Deputy General Manager, to exercise procurement functions (including procurement of personal or other services) by Bulletin No. 38,[1] dated March 24, 1947, to the extent set forth in said bulletin, the authority conferred by said bulletin being subject to conditions, limitations, and exceptions as set forth in said bulletin.

(Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244)

[SEAL] JOHN H. FAHEY,
Federal Home Loan Bank Commissioner.

[F. R. Doc. 47-2876; Filed, Mar. 26, 1947; 8:52 a. m.]

Chapter VIII—Office of Housing Expediter

[Housing Permit Regulation, as Amended, Feb. 13, 1947, Amdt. 1]

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

MAXIMUM FLOOR AREA

Section 806.1, Housing Permit Regulation, is amended in the following respects:

1. Paragraph (h) (2) is amended to read as follows:

(2) *Maximum floor area.* No person shall build or convert any dwelling accommodations under this section in which the total calculated floor area of any dwelling unit exceeds 1,500 square feet. Calculated area comprises the square foot area of spaces above basement or foundation including utility rooms, vestibules, halls, closets, stair wells and interior chimneys and fireplaces. However, calculated area does not include the square foot area of a utility room not exceeding 150 square feet in any house which does not have a basement. Calculated area does not include garages, unfinished attics, open porches, attached terraces, balconies and projecting fireplaces or chimneys outside the exterior walls. Measurements are taken to the outside surfaces of exterior walls. In a half story, measurements are taken to the outside surfaces of exterior walls or partitions enclosing the areas, but any area where the ceiling height is less than five feet is not included.

Issued this 26th day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-2936; Filed, Mar. 26, 1947; 10:58 a. m.]

[1] Filed with the Division of the Federal Register.

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 01—ORGANIZATION

DELEGATION OF AUTHORITY CONCERNING DRILLING CONTRACTS

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.60 and 01.61, see Title 43, Part 4, *infra*, delegating to the Director of the Bureau of Mines certain authority concerning drilling contracts.

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1122]

FRANK NIEMCZEWSKI & MAURICE LA BELLE

Frank Niemczewski, of 2905 John Daly Road, Inkster, Michigan, and Maurice LaBelle, of 3012 John Daly Road, Inkster, Michigan, on or about October 9, 1946 without authorization of the Civilian Production Administration began and thereafter carried on construction of a structure at 2940 John Daly Road, Inkster, Michigan, at a cost estimated to be in excess of $1,000 in violation of Veterans' Housing Program Order No. 1, and thereby has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1122 *Suspension Order No. S-1122.* (a) Neither Frank Niemczewski nor Maurice LaBelle, their successors or assigns, nor any other person, shall do any further construction on the structure located at 2940 John Daly Road, Inkster, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Frank Niemczewski and Maurice LaBelle shall refer to this order in any application or appeal which they may file with the Civilian Production Ad-

ministration or the Federal Housing Administration for priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve Frank Niemczewski and Maurice LaBelle, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 25th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2926; Filed, Mar. 25, 1947; 4:20 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1124]

RALPH L. LANDAS

Ralph L. Landas, R. D. #3, Pleasantville, Pennsylvania, on or about June 1, 1946, without authorization of either the Civilian Production Administration or the Federal Housing Administration, began and thereafter carried on construction of a two-story combination commercial and residential building on Route #27 at Enterprise, Pennsylvania, at an estimated cost of $8,000. The beginning and carrying on of this construction, without authorization, subsequent to March 26, 1946 constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1124 Suspension Order No. S-1124. (a) Neither Ralph L. Landas, his successors or assigns, nor any other person shall do any further construction on his combination commercial and residential building located on Route #27 at Enterprise, Pennsylvania, including completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration or other duly authorized Government agency.

(b) Ralph L. Landas shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or any other Government agency, for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Ralph L. Landas, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civil Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 25th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2927; Filed, Mar. 25, 1947; 4:20 p. m.]

Chapter XXIII—War Assets Administration

[Reg. 5]

PART 8305—SURPLUS REAL PROPERTY

War Assets Administration Regulation 5, October 12, 1946, entitled "Surplus Nonindustrial Real Property" (11 F. R. 12717), is hereby revised and amended as herein set forth. The title is amended to read as follows: "Surplus Real Property". Orders 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 and 16 (10 F. R. 12070, 12735, 12961, 14072, 14399, 15269; 11 F. R. 2380, 182, 609, 9277, 1357, 1527, 1528, 8438, 14139) under this part shall continue in full force and effect. War Assets Administration Regulation 10, June 29, 1946, entitled "Government-owned Industrial Real Property and Transportation Property", as amended October 11, 1946 (11 F. R. 7583, 12017); War Assets Administration Regulation 16, June 26, 1946, entitled "Surplus Airport Property", as amended July 31, 1946 (11 F. R. 7427, 8361); Surplus Property Administration Regulation 18, November 16, 1945, entitled "Disposal of Improvements and Leasehold Interests in Industrial and Marine Real Property", as amended March 23, 1946 (10 F. R. 14404; 11 F. R. 3302); Surplus Property Administration Regulation 20, December 22, 1945, entitled "Surplus Marine Industrial Real Property", as amended to June 29, 1946 (11 F. R. 182, 561, 2302, 7431); and Surplus Property Administration Revised Special Order 19, January 16, 1946, entitled "Fair Value of Industrial Real Property and Transportation Property" (11 F. R. 953), are hereby superseded and rescinded by this part. The provisions of Orders 1 and 2 (11 F. R. 1743, 2933) under Regulation 16, as well as the provisions of Order 1 (11 F. R. 7133) under Regulation 20, shall continue in full force and effect until reissued and redesignated under this part.

Sec.

8305.1 Definitions.
8305.2 Scope.
8305.3 Basic policy.
8305.4 Declarations.
8305.5 Classification.
8305.6 Permit or order use.
8305.7 Disposal of leasehold interests and improvements by owning agencies.
8305.8 Options.
8305.9 Duties of owning and disposal agencies.
8305.10 Revocable leases or permits.
8305.11 Easements.
8305.12 Priorities.
8305.13 Valuation and appraisal.
8305.14 Notice and advertisement.
8305.15 Submission of proposals by non-priority offerors.
8305.16 Donations.
8305.17 Disposals for educational or public-health purposes.
8305.18 Price to priority claimants.
8305.19 Acceptance of offers.
8305.20 Form of conveyance.
8305.21 Disposal of leasehold interests and improvements by disposal agencies.
8305.22 Disposal under authority other than the Surplus Property Act.
8305.23 Functions of the Civil Aeronautics Administration.
8305.24 Fissionable materials.
8305.25 Submission to Attorney General and approval by regulatory agencies.
8305.26 Records and reports.
8305.27 Regulations by agencies to be reported to the Administrator.
8305.28 Exceptions.
Exhibit A. Federal agencies to be given notice of availability of surplus real property.

AUTHORITY: §§ 8305.1 to 8305.28, inclusive, Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265).

§ 8305.1 *Definitions*—(a) *Terms defined in the act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Administration" means the War Assets Administration acting by or through the War Assets Administrator or a designated official to whom ministerial functions under this part have been delegated by the Administrator.

(2) "Administrator" means the War Assets Administrator.

(3) "Airport" or "airport property" means any area of land or water and the improvements, equipment, and facilities thereon suitable for and primarily used for or in connection with the landing and take-off or navigation of aircraft, and any area of land or water, improvements, equipment, and facilities, determined by the Administration to be suitable and necessary for the operation, expansion, or development of an airport.

(4) "Continental United States" means the forty-eight (48) states and the District of Columbia.

(5) "Educational institution" means any school, school system, library, college, university, or other similar institution, organization, or association, which is devoted primarily to carrying on instruction or research in the public interest, and which is a nonprofit institution.

(6) "Fair value" means the maximum price which a well-informed buyer, acting voluntarily and intelligently, would be warranted in paying if he were acquiring the property for long-time investment or for continued use with the intention of devoting such property to the best or most productive type of use to which the property is suitable or capable of being adapted.

(7) "Fissionable materials" means (i) all deposits from which the substances known as thorium, uranium, (including uranium enriched as to one of its isotopes), and elements higher than uranium in the periodic table, can be refined or produced, and (ii) all deposits from which there can be refined or produced other substances determined by the President by Executive order to be readily capable of or peculiarly related to transmutation of atomic species, the production of nuclear fission, or the release of atomic energy (Executive Order 9701, dated March 4, 1946, 11 F. R. 2369).

(8) "Former owner" means the person from whom the real property was acquired by the Government.

(9) "Harbor" means any body of water sheltered by nature or by breakwaters, jetties, or similar structures, which affords anchorage for ships or other craft used in water-borne commerce. It includes the land, jetties, and breakwaters which form the sheltered water area as well as the structures and equipment which are required to keep the harbor in operative condition.

(10) "Improvements" means Government-owned structures, buildings, fixtures, facilities, utilities, and equipment attached to the realty.

(11) "Industrial real property" means real property the highest and best use of which is for purposes of manufacturing, fabricating, or processing of products, for mining operations or for the construction, repair, or operation of ships and other water-borne carriers, and railroad trackage, pipelines, and pipeline facilities used for transporting petroleum, petroleum products or gas, and power transmission lines. It includes land, or any interest in land, together with buildings, fixtures, facilities, utilities, and equipment located on such property or adapted to use in connection with such purposes, as well as unimproved land essential to the use of the property, and port terminals. It does not include, however, land, buildings, fixtures, facilities, utilities, or equipment classified by the Administration as airport property or nonindustrial property. In any case, the Administration may determine whether property is or is not industrial real property as defined herein.

(12) "Market price" means the highest price the property will bring in terms of money if offered for sale in the open market with reasonable time to find a purchaser buying with knowledge of the uses and purposes to which it is adapted and for which it is capable of being used.

(13) "Nonprofit institution" means any nonprofit scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, organization or association, or any nonprofit hospital or similar institution, organization, or association which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or any nonprofit volunteer fire company or cooperative hospital or similar institution which has been held exempt from taxation under section 101 (8) of the Internal Revenue Code.

(14) "Own business enterprise" of a veteran means one of which more than fifty (50) percent of the invested capital thereof is beneficially, and not merely formally or nominally, owned by a veteran or veterans, or one of which more than fifty (50) percent of the net income thereof beneficially, and not merely formally or nominally, accrues to a veteran or veterans.

(15) "Owner-operator" means a person who seeks to acquire land classified as agricultural and represents that he expects to cultivate and operate the land for a livelihood.

(16) "Plant" means an industrial installation capable of operation as an economic unit and includes structures, buildings, fixtures, facilities, utilities and equipment of all types located on or used in the operation of the installation. It may or may not include the land.

(17) "Port terminal" means a facility for the loading and unloading of ships or other craft used in water-borne commerce.

(18) "Priority" means the right, subject to stated conditions and limitations, to acquire surplus real property to the exclusion of others.

(19) "Public-health institution" means any hospital, board, agency, institution, organization or association, which is devoted primarily to carrying on medical, public-health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution.

(20) "Readily severable" means capable of being removed without substantial damage to either the property being removed or the premises.

(21) "Real property" means any interest owned by the United States or any Government agency in land and in any fixtures or improvements thereon of any kind, but does not include the public domain or such lands withdrawn or reserved from the public domain as the Administration determines are suitable for return to the public domain for disposition under the general land laws.

(22) "Scrambled facility" means Government-owned improvements, together with appurtenant equipment and other personal property, which are located on or used in the operation of a privately-owned plant or other non-Government-owned real property as an integral part thereof, and are not capable of economic operation as a separate and independent unit.

(23) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (i) commercial structures constructed by, or at the direction of, or on behalf of any Government agency, (ii) commercial structures which the Administration determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (iii) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administration determines essential to the use of any of the foregoing.

(24) "Small business" as used herein means an enterprise, or group of enterprises, under common ownership or control, which does not at the date of purchase or lease of surplus real property hereunder have more than five hundred (500) employees, or any such enterprise which, by reason of its relative size and position in its industry, is determined by the disposal agency to be a small business. The disposal agency may in its discretion apply either or both criteria in determining whether the applicant is a small business.

(25) "State or local government" means a State, territory or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(26) "Termination inventory" means Government-owned raw materials, work in process, end items, and components used in the assembly of the end products located in or on a surplus plant.

(27) "Veteran" means any person in the active military or naval service of the United States during the present war or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. Veterans "released" from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from "active" to "inactive."

(28) "War housing" means real properties improved with housing structures, acquired or constructed by the Government subsequent to September 8, 1939, either (i) for the purpose of housing servicemen, war workers, and their families, or (ii) by the use of funds earmarked or appropriated for the housing of persons engaged in national defense activities, and their families.

§ 8305.2 *Scope.* This part applies to all surplus Government-owned real property located within the continental United States, its territories and possessions, including personal property assigned for disposal therewith. It includes also items comprising termination inventory which the Administration determines are essential to the advantageous disposition of the real property. It does not include plant equipment (as defined in Part 8306 [1]) which is included in a privately owned plant.

§ 8305.3 *Basic policy*—(a) In all actions taken pursuant to this part the disposal agency shall give due weight to the applicable objectives set forth in section 2 of the act. The Administrator finds that it is imperative that prompt action be taken with respect to the disposal of Government-owned real property except such property as may be needed for purposes of national defense. The disposal agency may, upon receipt of notice from the owning agency that property is to be declared surplus, take appropriate steps hereunder leading toward the disposal of real property prior to its declaration as surplus: *Provided, however,* That no final action shall be taken until an acceptable declaration has been filed.

(b) It is the policy of the Administrator that real property shall be disposed of by such methods as best meet the objectives of the act, including in appropriate cases the use of sealed bids.

(c) The disposal agency shall accept that proposal which it finds, upon an evaluation of all the information avail-

[1] SPA Reg. 6 (10 F. R. 14521; 11 F. R. 1893).

able to it, will most clearly tend to meet the applicable objectives and provisions of the act. In any case, the disposal agency shall reject any proposal if it finds that on the whole it conflicts with such objectives. In considering proposals the disposal agency shall give thorough consideration to whether such objectives can best be met by leasing. Emphasis shall be placed upon the urgency of getting industrial property into civilian production or operation speedily so as to provide maximum employment in the postwar period. Due regard shall be given, however, to the possibility of enlarging the present major contribution to this objective which is made by small business and to the importance in this connection of maintenance of free independent competitive enterprise and the establishment of a maximum of independent operators in industry.

(d) It is the policy of the Administrator in considering equivalent or substantially equivalent proposals that medium-sized and small plants be sold or leased to local or small firms, preferably those owned or controlled by veterans. The disposal agency should therefore accept offers from responsible local groups with adequate working capital, experience, and other necessary qualifications, and should where necessary extend liberal credit terms over a period of years in preference to a cash offer from a firm or group which would tend to concentrate economic power.

(e) It is hereby declared that the national interest requires the disposal of surplus airport property in such a manner and upon such terms and conditions as will encourage and foster the development of civil aviation and provide and preserve for civil aviation and national defense purposes a strong, efficient, and properly maintained nationwide system of public airports, and will insure competition and will not result in monopoly. It is further declared that in making such disposals of surplus airport property the benefits which the public and the nation will derive therefrom must be the principal consideration, and financial return to the Government a secondary consideration. Airports which are surplus to the needs of owning agencies may be essential to the common defense of the nation or valuable in the maintenance of an adequate and economical national transportation system. In such cases and in accordance with the rules established herein such airports may be disposed of to State or local governments for considerations other than cash.

(f) The disposal agency shall keep a written record of the factors it weighed in arriving at a decision.

§ 8305.4 *Declarations*—(a) *General.* Declarations of surplus real property and surplus personal property located therein or thereon shall be filed with the Administrator as provided in Part 8301.[1] Such property shall be declared surplus subject to any outstanding rights of refusal or options to purchase or otherwise acquire the property, and nothing in this part shall be deemed to impair the right of any person to exercise any valid right of refusal or option.

(b) *Reservations, restrictions, and conditions.* In conjunction with a declaration of surplus real property hereunder, the owning agency and, in appropriate cases, the Navy Department, the War Department, or the Civil Aeronautics Administration, may request that the disposition of the property be made subject to any reservations, restrictions, and conditions deemed desirable. In the event the Administration does not approve of any or all of the reservations, restrictions, or conditions requested by the owning agency or sponsoring agency, or the disposal agency finds that it is unable to dispose of the property subject to the reservations, restrictions, or conditions imposed on the property as requested, the owning agency shall be so notified by the Administration, whereupon the owning agency may either: (i) eliminate, or cause to be eliminated, or modify or cause to be modified, any request for such reservations, restrictions, or conditions, or (ii) withdraw such property from surplus upon making reimbursement, where authorized by law, to the disposal agency for the costs of care and handling. If the owning agency does not follow either course, the Administrator may within a reasonable time and upon notice to the owning agency direct the disposal agency to dispose of the property without such reservations, restrictions, or conditions.

§ 8305.5 *Classification.* All surplus real property shall be classified by the Administration to determine the methods and conditions of, and the priorities applicable to, the disposition of the property. The classification may be revised from time to time.

§ 8305.6 *Permit or order use.* When a Government agency utilizing Government-owned real property under some form of arrangement with another Government agency having primary jurisdiction over the property no longer needs the property, such real property and any interest therein shall be returned to the agency having primary jurisdiction over the property in accordance with the arrangement between such agencies, except where the property has been substantially improved while being so utilized. In this latter event, the agency utilizing the property shall make a report of the facts to the Administration for a determination as to how the interests of the Government will be best served.

§ 8305.7 *Disposal of leasehold interests and improvements by owning agency*—(a) *Leaseholds.* (1) A Government agency owning a leasehold interest or similar right of occupancy which is no longer needed by such agency but which is needed by another Government agency shall, unless prohibited by the terms of the lease or other instrument under which the interest was acquired, transfer such interest directly to such other agency without declaring it surplus. The consideration for any such transfer shall be the fair value of any Government-owned structures or improvements included in the transfer unless otherwise authorized by the Administration or unless a transfer without reimbursement or transfer of funds is authorized by law. The owning agency shall take reasonable steps to ascertain the needs of Government agencies for such interests, and to this end may utilize the facilities of the Public Buildings Administration of the Federal Works Agency.

(2) If such leasehold or other interest is not claimed by any Government agency within a reasonable time and such leasehold or other interest does not include a purchase option in favor of the Government such leasehold or other similar interest may, subject to the provisions of subparagraph (b) (3) and paragraph (c) of this section, be terminated by the owning agency without declaring it surplus, after making arrangements for disposing of the Government-owned improvements as herein provided.

(b) *Improvements.* (1) When a Government agency no longer needs improvements located on Government-owned land which is not surplus and which is not expected to become surplus, or on land held only under leasehold or other similar right which is to be cancelled pursuant to paragraph (a) of this section, the owning agency may, subject to the provisions of this section, dispose of the improvements (except readily severable property which may be disposed of under other applicable regulations, and improvements erected under Emergency Plant Facility contracts, title to which has not vested in the Government, and similar contracts, which improvements shall be disposed of in accordance with the provisions of § 8305.8 of this part, or other applicable regulations of the Administrator) by any one or more of the following methods:

(i) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises or upon the release by the lessor or owner of a restoration obligation, if any, and upon the payment of a consideration that is fair and reasonable under all the circumstances;

(ii) By disposition in accordance with contractual commitments;

(iii) By transfer to another Government agency for removal from the site;

(iv) By sale intact;

(v) By contract for demolition, let only on competitive bids, whereby title to material not readily severable passes to the contractor;

(vi) By demolition of property not readily severable and disposal of surplus used building and construction materials by competitive bidding and of other resulting materials in accordance with any other applicable regulations of the Administrator. Any such competitive bidding shall be conducted under rules and regulations prescribed by the owning agencies containing provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids;

(vii) By abandonment if the owning agency has no obligation to remove such improvements and it finds in writing that such property is without commercial value or that the estimated cost of its care, handling, removal, and disposition would exceed the estimated proceeds of sale.

(2) No improvements on industrial real property costing more than $100,000 shall be disposed of under this section by the owning agency without prior submission to and consent of the Administration, unless such improvements are located on Government-owned land which is not surplus and which is not expected to become surplus.

(3) With the exception of transfers to other Government agencies, no improvements (except scrambled facilities) on land which the Government by lease, option to lease, or otherwise, has a right to occupy for an additional definite period of five (5) years or more from the time it is determined to be surplus, shall be disposed of by the owning agency hereunder if the leasehold or other interests are no longer needed by the owning agency, but such improvements, together with the leasehold or other interests, shall be declared as surplus. At the direction of the Administration, any improvements, regardless of cost or the terms under which the land is occupied, shall be declared surplus in place, together with any related leasehold or other interests no longer needed by the owning agency.

(c) *Airport property.* No leasehold covering all or any portion of airport property shall be cancelled by an owning agency except upon prior written approval of the Administration.

§ 8305.8 *Options.* The owning agency, where valid options are in force and the property is under its control, may dispose of the property covered by the option strictly in accordance with the terms of the option where the option price may be determined solely by a mathematical computation under the provisions of the option contract, or where by the terms of such option the fair value or selling price is to be determined by a designated official in such owning agency. In all other cases, the owning agencies shall declare surplus the property covered by the options, and disposals of such property shall be made by the designated disposal agency pursuant to the rights of refusal or option, if exercised by the holder thereof. The disposal agencies may request the assistance of the owning agencies where necessary. Upon the lapse or waiver of any such right or option, the property shall be disposed of as promptly as possible in accordance with the provisions of this part.

§ 8305.9 *Duties of owning and disposal agencies*—(a) *Care and handling.* Upon the filing of an acceptable declaration of surplus property as provided in § 8305.4 of this part, the Administration or the disposal agency shall work out with the owning agency mutually satisfactory agreements for the assumption by the Administration or the disposal agency of the physical custody and control of, and accountability for, the property covered by the declaration. The owning agency shall take necessary steps to insure the reasonable preservation and safety of the property pending assumption of the physical custody by the designated disposal agency: *Provided, however,* That any existing agreements between an owning and disposal agency heretofore approved by the Administrator shall not be affected by this section. Any agreements made between an owning and disposal agency which postpone the date on which such disposal agency shall be responsible for the physical care and handling of such property shall not postpone such date for more than ninety (90) days from the date when the acceptable declaration is filed, unless the prior approval of the Administration is obtained.

(b) *Repairs and improvements.* The disposal agency shall make or cause to be made repairs necessary for the protection and maintenance of the property. Where necessary, in order best to attain the applicable objectives of the act, consideration may be given to improvements or alterations which involve completing, converting, or rehabilitation of the property, and the disposal agency may make commitments and expenditures within its budgetary allotment for such purposes as in its opinion will further such objectives: *Provided, however,* That the disposal agency shall make no commitment or expenditure on account of such repairs or alterations in excess of $100,000 without prior written approval of the Administrator.

(c) *Taxes and other obligations.* Taxes, rents, and insurance premiums for a certain period which is partially prior and partially subsequent to the date on which the declaration of surplus is filed, shall be prorated between the owning agency and the disposal agency as of the date of the filing of an accpetable declaration. The agency paying the taxes, rents, and insurance premiums for such period shall be reimbursed by the other agency for that portion of such disbursements properly allocable to the other agency under such proration. Rents or other income received for any such period shall be prorated in like manner. The disposal agency shall be responsible for reimbursing the owning agency for payment of taxes covering any taxable period commencing after the filing of the acceptable declaration. The disposal agency may renew any lease pursuant to which the Government is in possession, and may assume and carry out any of the obligations of the lessee thereunder. It shall be the duty of the owning agency to renew any lease to be declared surplus to this Administration when the date upon which such property is to be declared surplus is within ninety (90) days of the period within which notice to renew, under the terms of the lease, shall be given.

(d) *Transfer of title papers, documents, etc.* Upon request of the disposal agency, and consistent with any necessary restrictions in the interest of national security, the owning agency shall supply the disposal agency with the originals or true copies of all documents or portions thereof pertaining to the property in the possession of the owning agency and copies of which have not been filed with the declaration. These may include leases, permits, appraisal reports, abstracts of title, tax receipts, deeds, affidavits of title, copies of judgments in condemnation proceedings, maps, surveys, and such other papers as may relate to the property. All such papers and documents which may still be needed by the owning agency shall be returned to it as soon as the needs of the disposal agency have been satisfied. The disposal agency may transfer to the purchaser of the property, as a part of the disposal transaction, any abstract of title, or title guaranty or title insurance policy, which relates to the property being transferred and which is no longer needed either by the owning agency or the disposal agency. The terms upon which such a transfer shall be made shall be fixed by the disposal agency.

(e) *Studies by disposal agency.* The disposal agency shall compile appropriate information regarding all real property to be disposed of hereunder. Any report by any person engaged to collect or evaluate information pursuant to this part shall contain a certificate that he has no interest, direct or indirect, which would conflict in any manner or degree with the preparation and submission of an impartial report. Consistent with any necessary restrictions in the interest of national security, the owning agency shall render all possible assistance to the disposal agency in compiling such information, and, where the owning agency shall have prepared any such information, it shall immediately upon request forward the same to the disposal agency and shall cooperate with the disposal agency in obtaining any further necessary information. The owning agency and the disposal agency shall avoid duplication of work in compiling or preparing any such information.

§ 8305.10 *Revocable leases or permits.* A lease or permit may be granted by the Government agency having custody of the property to place surplus real property in productive use: *Provided,* That such lease or permit shall be made revocable on not to exceed thirty (30) days' notice by the Government agency having jurisdiction of the property, and, *Provided further,* That the use and occupation will not interfere with, delay, or retard the disposition of the property. In such cases, an immediate right of entry to such property may be granted pending execution of the formal lease or permit. Unless otherwise authorized by the Administration, the lease or permit shall be for a consideration that is fair and reasonable under all the circumstances, with or without cash consideration, and shall be on such terms and conditions as are deemed appropriate properly to protect the interests of the United States. In the event the disposal agency, after the filing of an acceptable declaration, has not assumed physical custody and control, and accountability, of the property at the time the permit is to be issued, the issuance of the permit and the grant of immediate right of entry shall be by the owning agency,

[1] Reg. 1 (12 F. R. 863).

upon prior written authorization of the Administration.

§ 8305.11 *Easements*—(a) *To owner of servient estate.* The owning agency or the disposal agency, whichever has custody, control, and accountability of the property may, with or without consideration, dispose of an easement to the owner of the land which is subject to the easement when it is determined that the easement has no commercial value and is no longer needed: *Provided*, That, when any such easement was acquired for a substantial consideration such disposal shall be made at a consideration that is fair and reasonable under all the circumstances with due regard for any portion of the purchase price paid for severance damages.

(b) *To others.* Subject to the provisions of §§ 8305.12 and 8305.14 of this part, a disposal agency may grant easements in or over real property: *Provided*, That the prior approval of the Administration shall be obtained where the disposal agencies determine that the granting of such easements substantially decreases the value of the property, and, in such cases, the granting of the easement shall be for a consideration that is fair and reasonable, or without compensation when authorized by law.

§ 8305.12 *Priorities.* (a) *Order of priority.* In disposing of surplus real property the following priorities shall be recognized:

(1) Government agencies shall be accorded first priority to acquire all classes of surplus real property for their own use.

(2) Reconstruction Finance Corporation, successor to Smaller War Plants Corporation, shall have a second priority to acquire any such surplus property for resale to such purchasers as it determines to be small business, as provided in section 18 (e) of the act. Such purchases shall be made by the Reconstruction Finance Corporation in its own name, and payment therefor shall be made by the Corporation. Each purchase order by the Corporation for resale purposes shall be based upon a written finding that the resale is required to preserve and strengthen the competitive position of small business, or will assist the Corporation in the discharge of the duties and responsibilities imposed upon it as successor to Smaller War Plants Corporation.

(3) State or local governments shall be accorded third priority to acquire all classes of surplus real property in order to fulfill, in the public interest, their legitimate needs. Any State or local government which has lost a highway or street over surplus section 23 real property because of Government acquisition or action shall be accorded a special priority, with precedence over all other State or local governments, to permit it to re-establish such highway or street. This right shall extend to the original right-of-way and any new or additional rights-of-way needed to re-establish the street or highway on a new or more adequate location. States and local governments in which a surplus airport, harbor, or port terminal is situated (including municipalities in the vicinity thereof) shall have a special priority over other State and local governments to acquire such property.

(4) A former owner shall be accorded fourth priority as to any surplus section 23 real property acquired from him by any Government agency after December 31, 1939. This priority shall relate to property which is substantially the identical tract acquired by the Government from the owner. If this tract is not available to the former owner or is not desired by him because it is no longer suitable for the purpose for which it was used when acquired by the Government, he may be offered substitute property. Such substitute property shall be in the same area, be classified as suitable for the use for which the original tract was used when acquired, and otherwise be similar to the original tract. With respect to any substitute property thus made available to him the former owner shall be accorded a priority subordinate only to the priorities of Government agencies, State or local governments, a former owner or a tenant of a former owner of the substitute property. Acquisition of a substitute tract shall extinguish the priority of the former owner with respect to the original tract. Where only a portion of an original tract acquired from a former owner is declared surplus and the circumstances indicate that the remainder of such former owner's original tract will be declared surplus within a reasonable time, the disposal agency, without affecting the priorities of Government agencies or State and local governments, may grant the former owner a priority to the portion first declared surplus and extend the same to a date ninety (90) days from the date notice is forwarded to the former owner of the availability of the entire original or substantially identical tract acquired from him.

(5) A tenant of a former owner, who was in possession of agricultural section 23 real property at the time the same was acquired by any Government agency after December 31, 1939, shall be accorded fifth priority with respect to substantially the same property occupied by him as tenant at the time of such acquisition.

(6) A veteran and the spouse and children (in that order) of a person who died while in the active military or naval service of the United States on or after September 16, 1940, shall be accorded a priority as to all surplus section 23 real property classified by the Administration as suitable for agricultural, residential, or small business purposes. This priority shall be subordinate to all the priorities described in subparagraphs (1) through (5) of this paragraph. The disposal agency shall satisfy itself, by reference to the veteran's discharge papers or other evidence, that the applicant is qualified to exercise this priority, and that the property applied for is for the applicant's own personal use for agricultural or residential purposes, or to enable the applicant to establish or maintain his own small business enterprise as defined in this part.

(7) Owner-operators shall be accorded a priority with respect to all surplus section 23 real property classified by the Administration as suitable for agricultural use. This priority shall be subordinate to the priorities described in subparagraphs (1) through (6) of this paragraph.

(8) Nonprofit institutions shall be accorded a priority to acquire all classes of surplus real property, except airport, harbor, or industrial real property, in order to fulfill, in the public interest, their own legitimate needs. This priority shall be subordinate to the priorities described in subparagraphs (1) through (7) of this paragraph.

(b) *Extent of priorities.* A priority may be exercised only for the entire interest which is offered: *Provided, however*, That the disposal agency may, in its discretion, accept an offer for less than such entire interest. The priorities of Government agencies, State, or local governments, and nonprofit institutions are continuing priorities which are not exhausted because of their effective exercise with respect to a given piece of property. The priority of a veteran, the spouse and children of a deceased serviceman, or an owner-operator, ceases to exist after it has once been effectively exercised with respect to one appropriate unit. The priority of a former owner or tenant is limited to the particular property as described in subparagraphs (a) (4) and (5) of this section.

(c) *Transfer of priorities and transmission on death.* No assignment or transfer of a priority shall be recognized, but the priority of a former owner may be exercised through an agent duly authorized in writing where the priority holder is so situated that he cannot exercise it in person. Upon the death of a veteran or former owner, his spouse and children (in that order) shall succeed to his priority rights. The priority right of a tenant shall be extinguished by his death.

(d) *Time and method of exercise.* Government agencies, the Reconstruction Finance Corporation for resale to small business, and State or local governments shall have a period of ten (10) days in which to exercise their respective priorities after the date notice of availability is first published. The priority of the Reconstruction Finance Corporation to acquire industrial property for resale to small business, under § 18 (e) of the act, may be exercised at any time after notice of availability is first published up to and including the cut-off date provided for in section 8305.14. Where the former owner has a priority, the time for the exercise of the former owner's priority and all subordinate priorities shall be ninety (90) days after the date notice of availability is first published, or such additional period as the Administration may allow when necessary or appropriate to facilitate a sale of the property to a former owner entitled to priority. In all other cases, the priority period shall be a period of ten (10) days after the first publication of notice of availability. Within the established priority period, the priority holder shall indicate an intention to exercise his priority by submitting to the disposal agency a written offer to acquire the property, stating the price that the applicant is willing to pay or, in the case of a Government agency, that a transfer without reimbursement or transfer of funds is authorized by law. Each offer shall be accompanied by such deposit as the disposal agency may require, except that no deposit shall be required from a Government agency, including the Reconstruction Finance Corporation or State or local government. The offer of a Government agency shall state that the property is being acquired for its own use and not for transfer or disposition, and shall set forth all pertinent facts pertaining to its need for the property. The offer of a State or local government or nonprofit institution shall show in detail the contemplated use of the property. Veterans, the spouse and children of deceased servicemen, and the owner-operators may offer to purchase any or all units offered for sale. When an offer cannot be made because the disposal agency lacks necessary information on price, units, or other matter, it shall be sufficient if the priority holder, within the applicable priority period, files a written statement of his desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period), those who have filed such statements shall be so advised and given an opportunity to make an offer. The offer must be completed within a reasonable time as determined by the disposal agency. If a Government agency or State or local government shall require time to acquire funds or authority to acquire the property, the claimant shall, within the priority period, so state in its application and indicate the length of time needed for that purpose. The disposal agency will review the application and determine what time, if any, shall be allowed applicant to conclude the acquisition of the property and will advise the applicant of such determination.

(e) *Failure to offer full amount or to exercise in time.* Except as otherwise provided in paragraph (d) of § 8305.12, all priorities not exercised during the priority period shall expire upon the termination of such period. The disposal agency may, in its discretion, permit priority holders to make offers after the priority period has ended, and such offers may be considered on the same basis as if they had been submitted during the priority period. Such action by the disposal agency, however, shall not be construed as extending the priority period, and such offers may not be accepted to the prejudice of a timely and acceptable offer from another priority offeror. In order to exercise his priority, the offer of a priority offeror shall meet all the requirements of § 8305.18 with respect to consideration, which consideration shall be established in each case by the disposal agency. If his bid is less than the established consideration, such bid shall be treated as a nonpriority offer: *Provided, however*, That an offer from a Federal agency, which offer is less than fair value, shall be rejected, except where a transfer without reimbursement or transfer of funds is authorized by law. Offers by those entitled to a priority hereunder, which offers do not meet all the requirements of this part, may, at the option of the disposal agency, be treated as nonpriority offers.

§ 8305.13 *Valuation and appraisal*—(a) *General.* Except as provided otherwise in this section, the disposal agency shall in all cases establish the fair value of the property assigned to it for disposition: *Provided, however*, That in those cases in which the property assigned for disposition is airport property, or propery which it is contemplated will be transferred to a Federal agency without reimbursement or transfer of funds, no estimate need be made of the value of the property.

(b) *Property to be acquired through exercise of former owner's and tenant's priority.* When necessary in connection with the sale of property to a person exercising the priority accorded under the act and this part to a former owner or tenant of section 23 real property, the disposal agency shall establish, by appraisal, the market price of such property.

(c) *Method of determining values.* To determine values, the disposal agency shall have the property appraised by experienced and qualified appraisers familiar with the types of property to be appraised by them. They may be staff appraisers of the disposal agency, individuals employed on a loan reimbursable basis from other Federal agencies, or independent appraisers in private business. All appraisal reports shall contain a certificate executed by the appraiser certifying that he has no interest, direct or indirect, in the property, or sale or disposition thereof.

§ 8305.14 *Notice and advertisement*—(a) *Wide publicity.* Except where a transfer is requested by a Government agency, including the Reconstruction Finance Corporation for resale to small business, the disposal agency shall widely publicize all real property which becomes available for disposal hereunder, giving information adequate to inform interested persons of the general nature of the property and its possible uses, as well as any reservations, restrictions, and conditions imposed upon its disposition by the Administration. Such publicity shall be by public advertising or other appropriate public notice. The disposal agency may consult with local groups and organizations. The disposal agency shall, upon request, supply to bona fide potential purchasers and lessees adequate preliminary information and, with the cooperation of the owning agency where necessary, shall render such assistance to such persons as may enable them so far as feasible to acquire adequate information regarding the property. The disposal agency shall establish procedures so that all persons showing due diligence are given full and complete opportunity to make a proposal.

(b) *Notice to priority holders.* At the time of the first publication of the advertising required by this section, or where advertising is not required, notice shall be sent by mail to all Government agencies listed in Exhibit A of this part, to the State and political subdivisions in which the propery is located, and, in the case of harbor, port terminal, or airport property, to political subdivisions in the vicinity thereof, and to any State or local governments and nonprofit institutions which have expressed an interest in the property. Where, however, a transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, its need being recognized as paramount, no notice to other Government agencies is necessary. Where the former owner is entitled to a priority, the disposal agency, at the time of the first publication of such notice, shall send a copy thereof to the former owner at his last known address by registered mail, with return receipt requested, except in those cases where a State and local government has indicated its intention to exercise its priority to acquire the property.

(c) *Inspection.* All persons interested in the acquisition of surplus property available for disposal under this part shall, with the cooperation of the owning agency where necessary, be permitted to make a complete inspection of such property, including any engineering reports made in connection therewith, subject to any necessary restrictions in the interest of national security and subject to such rules and regulations as may be prescribed by the owning or disposal agency. The consent of the sponsoring agency is required where the property is still in production or use.

(d) *Cut-off date.* All advertisements published pursuant to the requirements of this section shall contain a cut-off date for the submission of offers.

§ 8305.15 *Submission of proposals by nonpriority offerors.* All proposals made by any nonpriority holder interested in the acquisition of surplus real property available for disposal in accordance with the provisions of this part shall be in writing and, in addition to the financial terms upon which the proposal is predicated, shall set forth the willingness of the offeror to abide by the terms, conditions, reservations, and restrictions upon which the property is offered, and shall contain such other information as the disposal agency may request. Any information submitted, the disclosure of which might tend to subject the offeror to a competitive business disadvantage shall, upon request, be held in strict confidence by the disposal agency and by any other Government agency to which it is made available.

§ 8305.16 *Donations.* Surplus real property may be donated only to any agency or institution supported by the Federal Government, or any State or local government, or to any nonprofit educational or charitable organization, and only when the disposal agency finds in writing either: (a) that the property has no commercial value or (b) that the cost of its care, handling, and disposition would exceed the estimated proceeds of a sale. Before making any donation, however, the disposal agency shall in all cases obtain the prior approval of the Administration. To obtain such approval, the disposal agency shall submit to the Administration a copy of its findings, together with any support-

ing evidence, and a full description of any donation that may be proposed.

§ 8305.17 *Disposals for educational or public-health purposes.* State or local governments or educational or public-health institutions seeking to acquire surplus real property hereunder for educational use or to promote or protect the public health may qualify for an allowance from the fair value because of the benefit which has accrued or which may accrue to the United States by such use: *Provided*, That no public-benefit allowance may be allowed to any nonprofit institutions which are not exempt from taxation under section 101 (6) of the Internal Revenue Code. Applications for such allowances shall be filed with the Administration and shall indicate with reasonable completeness the nature of the contemplated use of the property, the basis for claiming preferential treatment, a full description of the applicant, and the ways in which and the extent to which the United States will be benefited by the proposed use. Each such application shall be accompanied by a certificate of an authorized official of the buyer that the buyer is a State or local government, or that it is a nonprofit institution as defined in § 8305.1 (b) of this part, and that the property is being acquired for educational or public-health purposes. The application also shall be accompanied by a statement from the disposal agency setting forth such information as the disposal agency is able to secure with respect to the applicant, the contemplated use by such applicant, and the disposal agency's estimate of the fair value of the property. After considering the application and any additional evidence deemed appropriate, including additional information required from the disposal agency or the applicant, the Administration shall notify the disposal agency of its decision on the application, certifying the amount of the public-benefit allowance granted and directing the terms and conditions of the disposal.

§ 8305.18 *Price to priority claimants*—(a) *General.* Except as hereinafter provided, the price to be charged priority purchasers shall be the fair value of the property offered for disposal.

(b) *Transfers to Federal agencies without reimbursement.* Transfers may be made to Federal agencies without reimbursement or transfer of funds when such transfers are authorized by law.

(c) *Former owners and tenants.* The price to be paid by a former owner or tenant acquiring surplus section 23 real property shall be a price not greater than that for which it was acquired by the United States, such acquisition price being properly adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States, or a price equal to the market price at the time of sale of such property, whichever price is the lower.

(d) *Airport, harbor, or industrial real property.* The consideration for a transfer of airport, harbor, or industrial real property shall be the fair value of such property considered in the light of the applicable objectives of the act and the reservations, restrictions, and conditions imposed upon the future use and disposition of the property: *Provided, however*, That disposals of surplus airport property as such may be made to a State or local government without the payment of a monetary consideration by the transferee in those uses where such airport property is taken under such reservations, restrictions, and conditions as may be determined by the Administration to constitute in the aggregate adequate consideration for such transfer, and: *Provided, further*, That disposals of such property shall provide that there shall be no exclusive right for the use of any landing area or air navigation facility upon which Federal funds have been expended.

§ 8305.19 *Acceptance of offers*—(a) *General.* The disposal agency shall allow a reasonable period of time within which the successful bidder shall consummate the transaction and shall notify the successful bidder of the period allowed. Offers from priority holders at their respective established considerations shall be accepted in the order of their priority. If there are several acceptable offers at the same price or consideration from offerors in the same priority group or from nonpriority offerors, the offer to be accepted from that group shall be selected as provided in paragraph (c) of this section. In evaluating offers, the disposal agency shall be guided by all of the applicable objectives of the act. In addition, due consideration shall be given to the offers of nonprofit institutions and such offers shall be carefully considered, bearing in mind the nature of the nonprofit institution and the use to which it proposes to put the property. Disposal agencies may reject any offer which is below the fair value of the property other than an offer from a priority holder for the maximum consideration established for a transfer to such a priority holder. When a veteran, the spouse and children of a deceased serviceman, or an owner-operator has made an offer for more than one unit, only one of the offers of such offeror shall be accepted. No disposal shall be made at a price which is more than twenty-five (25) per centum below the established fair value until such disposal has been reviewed and approved by the Administration, unless that price or consideration is the maximum price or consideration which may be charged the purchaser.

(b) *Proof of priority status.* Before a disposal agency shall dispose of surplus real property on the basis of the priority claimed by the offeror, it shall require satisfactory proof of the priority status, identity, or authority of the person making the offer.

(c) *Equal offers.* If equal acceptable offers are received for the same property from two or more offerors of the same priority group, or if equal offers are received from two or more nonpriority offerors, selection shall be made as follows:

(1) In the case of Government agencies, State or local governments, or nonprofit institutions the selection shall be determined on the basis of need. If the matter cannot be determined by agreement between the claimants, the disposal agency shall report the matter in writing to the Administration, setting forth the names of the competing claimants, a summary of their respective claims, a description of the property involved, and the recommendations, if any, of the disposal agency, together with any statements in writing which the claimants, or any of them, may wish to file with the Administration. The Administration shall review the matter and report its determination to the disposal agency. The Administration's determination shall be final for all purposes.

(2) With respect to veterans, the selection shall be by lot. With respect to all other priority groups and nonpriority offerors, the selection shall be determined, unless otherwise directed by the Administration, by taking into consideration actual proposals received and the use of the property most desirable in the light of the applicable objectives of the act.

(3) If a veteran, the spouse and children of a deceased serviceman, or an owner-operator is selected for more than one unit, he shall elect in writing which one he shall take and thereupon the right to purchase the remaining unit or units of property shall go to the remaining applicants in the particular priority group in the order in which the names are drawn.

(d) *Notice to unsuccessful bidders; nonperformance by successful bidder.* When an offer for surplus real property has been accepted, the disposal agency shall notify the unsuccessful bidders of such acceptance and return their deposits, if any, to them. If the successful bidder fails to complete the transaction, the disposal agency shall promptly notify by mail all those who made unsuccessful offers during the priority period or any time allowed thereafter that if they renew their offers within fifteen (15) days from the date of mailing of the notice they will be reconsidered on the same basis on which they would have been considered had the offer accepted not been received in the first instance.

(e) *Absence of acceptable offers; methods of sale.* If no acceptable offer is received, the disposal agency shall proceed to dispose of the property by negotiated sale, auction, or other suitable method. Such disposals shall be subject to the price restrictions of paragraph (a) of this section, unless otherwise authorized by the Administration.

§ 8305.20 *Form of conveyance*—(a) *General.* The deed or instrument of transfer shall be on a form approved by the Attorney General. Disposals shall be by quitclaim deed unless the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable and unless the use of such a deed is recommended and approved by the Attorney General as provided in the act.

(b) *Conditions in disposal instrument.* Unless otherwise authorized by the Administration, as a part of each disposal pursuant to this part, any priority claimant, or any person acquiring surplus industrial property, shall certify in writing that he is acquiring the property for the uses and purposes set forth in his proposal and (1) if a purchaser, that he is not acquiring it for the purpose of reselling it and in no case will he resell it within three (3) years without first obtaining the written authorization of the Administration; (2) if a lessee, that he will not assign the lease or sublet all of the property without the prior written consent of the Administration, nor will he sublet any portion of the premises without such approval, except as permitted under the terms of the lease: *Provided, however*, That no such restriction as to resale shall be imposed upon a conveyance to a former owner, or the tenant of a former owner, acquiring surplus section 23 real property through an exercise of his priority, or upon a conveyance of airport property, or war housing or other structures and improvements sold for removal from the site. If the disposal agency extends credit, the purchaser shall agree that, until full payment is made, he will not resell the property without the prior written authorization of the Administration to such resale. Any deed, lease, or other instrument executed to dispose of property under this part, subject to reservations, restrictions, or conditions, as to the future use, maintenance, or transfer of the property, shall recite all representations and agreements pertaining thereto and may contain a provision to the effect that, upon a breach of any of the reservations, restrictions, or conditions by the immediate or any subsequent transferees, the title, right of possession, or other right disposed of shall, at the option of the Government, revert to the Government upon demand.

§ 8305.21 *Disposal of leasehold interests and improvements by disposal agencies*—(a) *Improvements: leaseholds.* Where surplus real property held only under lease or other similar right of occupancy, with or without improvements thereon, is assigned to a disposal agency for disposition, such disposal agency, subject to the provisions of section 8305.14 of this part, (1) may accept a proposal from a priority holder under this part, in order of priority, or, if there is no priority offeror, then from a nonpriority offeror, to assume the obligations of the lease, unless such a transfer is prohibited by the terms of the lease or other instrument under which the interest was acquired, and may dispose of any structures or improvements located on or in the property, subject to such reservations, restrictions and conditions, if any, as the Administration deems necessary properly to protect the interests of the United States, in the following order:

First, by any one or more of the following methods:

(i) By disposition of all or a portion thereof to the transferee of the leasehold interest for a consideration that is fair and reasonable under all the circumstances.

(ii) By disposition in accordance with contractual commitments, or

(iii) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises, or upon a release by the lessor or owner of a restoration obligation plus the payment of a consideration that is fair and reasonable under all the circumstances, or

Second, by disposition to priority holders under this part, in their order of priority, for removal from the site, or

Third, by disposition to nonpriority holders for removal from the site; or

(2) may cancel the lease, by notice or negotiated agreement, and dispose of any structures or improvements located on or in the property, subject to such reservations, restrictions, and conditions, if any, as the Administration deems necessary properly to protect the interests of the United States in the same manner as described in subparagraph (1) above for the disposition of structures and improvements in those cases in which the lease is to be transferred or assigned, except that the method providing for disposition to the transferees or assignee of the leasehold or other similar right of occupancy would not be applicable.

(b) *Improvements, Government-owned land.* In the case of Government-owned land, the disposal agency may dispose of structures and improvements with the land or intact and separate from the land. In either case, disposals shall be subject to applicable provisions of this part.

(c) *Personalty.* Where it is determined that equipment or supplies or other personal property located in or on surplus real property is to be disposed of in conjunction with real property, it may be disposed of with the real property subject to applicable provisions of this part. The disposal agency shall hold such surplus personalty intact until such time as the disposal agency determines in writing that the retention of any part of the personalty will not facilitate the disposition of any or all of the surplus real property, at which time the personalty to be released shall be transferred to the jurisdiction of the agency designated in Part 8301 to dispose of such property. In connection with the leasing of any surplus real property, the disposal agency may sell to the lessee any personal property determined to be necessary for the operation of the realty.

§ 8305.22 *Disposal under authority other than the Surplus Property Act.* Disposals of airport, harbor, or industrial real property shall not be made under other laws, pursuant to section 34 (a) of the act, but shall be made only in strict accordance with the provisions of this part unless the Administrator, upon written application by the owning agency or other interested Government agency, shall consent in writing to a disposal under such other laws.

§ 8305.23 *Functions of the Civil Aeronautics Administration.* In the disposal of surplus airport property under this part, the disposal agency may avail itself of the services of representatives of the Civil Aeronautics Administration in connection with the disposal of surplus airport property, and shall consult with and obtain the recommendations of the Civil Aeronautics Administration in all decisions pertaining to civil aviation. In addition, the Civil Aeronautics Administration shall furnish such technical assistance as the Administrator or the disposal agency may request and the Civil Aeronautics Administration is in a position to provide.

§ 8305.24 *Fissionable materials.* (a) In all disposals of lands hereafter made under the authority and provisions of the act;

(b) In all leases, permits, or other authorizations of whatever kind, hereafter granted to remove minerals from such lands;

(c) In all leases, permits or other authorizations which otherwise would preclude the United States from exercising its right to enter upon such lands and prospect for, mine, and remove minerals, there shall be reserved to the United States all fissionable materials in the lands, together with the right, at any and all times, to enter upon the lands and prospect for, mine, and remove such materials: *Provided*, That no such reservation shall interfere with the primary use of the land established or indicated by any act of Congress, and: *Provided, further*, That no such reservation shall be required whenever the Secretary of the Interior shall determine that the land affected does not contain substantial deposits of fissionable materials, or that, in view of all the circumstances, there is no reasonable probability that such materials are present in quantities sufficient to justify their extraction. Unless the lands are within the exceptions above provided, all notices of sale or availability given or published by the disposal agencies shall disclose that the lands involved will be disposed of or sold subject to the reservation of the mineral rights referred to in this section.

§ 8305.25 *Submission to Attorney General and approval by regulatory agencies*—(a) *Attorney General.* In any case in which real property available for disposal hereunder cost $1,000,000 or more, a complete statement of any proposed disposal to private interests which has been tentatively decided upon, including all information compiled or obtained by the disposal agency, shall be made available by the disposal agency to the Attorney General as required by section 20 of the act.

(b) *Regulatory agencies.* All disposals of surplus transportation property shall be subject to the approval of any regulatory agency, Federal or State, having jurisdiction of such disposal by reason of the type of property involved.

§ 8305.26 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8305.27 *Regulations by agencies to be reported to the Administrator.* Each owning and disposal agency shall file with the Administration copies of all regulations, orders and instructions of general applicability which it may issue

in furtherance of the provisions, or any of them, of this part.

§ 8305.28 *Exceptions.* Exceptions to any portions of the procedure set forth in this part may be made by direction of the Administrator where such exception would not be in violation of the act.

This part shall become effective March 17, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MARCH 17, 1947.

EXHIBIT A

FEDERAL AGENCIES TO BE GIVEN NOTICE OF AVAILABILITY OF SURPLUS REAL PROPERTY

Department of Agriculture.
Department of Commerce.
Department of the Interior.
Department of Labor.
Department of Justice.
Department of the Navy.
Department of State.
Department of the Treasury.
Department of War.
Federal Communications Commission.
Federal Works Agency.
Federal Power Commission.
National Housing Agency.
Office of Scientific Research and Development.
Reconstruction Finance Corporation.
Reconstruction Finance Corporation (Office of Small Business).
Tennessee Valley Authority.
United States Maritime Commission.
Veterans' Administration.

The mailing address of all agencies listed in this exhibit is Washington 25, D. C.

[F. R. Doc. 47-2983; Filed, Mar. 26, 1947; 12:14 p. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 8—CARRYING AND KEEPING OF ARMS; HUNTING; FISHING

FISHING AT GATUN SPILLWAY

Section 8.52 is amended to read as follows, effective March 24, 1947:

§ 8.52 *Fishing at and below Gatun Spillway permitted conditionally.* Fishing at the Gatun Spillway and in the Chagres River within 500 yards below the Spillway apron is authorized only under the following conditions:

(a) Fishing without a pass is prohibited.

(b) Fishing will be permitted only with a rod and reel. The use of hand lines, spears, nets, seines, explosives, or other means is prohibited, excepting that nets and seines may be used for the purpose of obtaining bait only.

(c) Fishing or catching bait from anywhere on the Spillway apron is prohibited.

(d) Fishing from the wall of the Spillway above the railway bridge is prohibited.

(e) Fishing from the wall of the Spillway below the railway bridge is prohibited except from behind the rail fence.

(f) Fishing alone from offshore when standing in the waters of the Chagres River is prohibited.

(g) Two or more adults, who are capable swimmers, will be permitted to fish from offshore when standing in the waters of the Chagres River, only when wearing cleated fishing shoes, shorts, and a life preserver, either ring or vest type.

(2 C. Z. Code 5, 7; 48 U. S. C. 1305)

J. C. MEHAFFEY,
Governor.

MARCH 14, 1947.

[F. R. Doc. 47-2845; Filed, Mar. 26, 1947; 8:52 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS

GRAZING AND PRIVATE OPERATIONS

1. Paragraph (a) of § 2.20 *Grazing*, is amended to read as follows:

§ 2.20 *Grazing* (a) The running at large, herding, or grazing of livestock of any kind on the Government lands in the parks and monuments, as well as the driving of livestock over the same, is prohibited, except where authority therefor has been granted by the issuance of a revocable permit by the Director or, when authorized by the Director, the appropriate Regional Director as designated in §§ 01.30 and 01.82 of this chapter.

2. Paragraphs (a) and (b) of § 2.31 *Private operations*, are amended to read as follows:

§ 2.31 *Private operations.* (a) No person shall reside permanently in a park or monument, except National Park Service employees or other persons authorized to do so by law or by the issuance of a revocable permit by the Director or, when authorized by the Director, the appropriate Regional Director as designated in §§ 01.30 and 01.82 of this chapter.

(b) No person, firm, or corporation shall engage in or solicit any business, or erect buildings in a park or monument, without a revocable permit from the Director or, when authorized by the Director, the appropriate Regional Director as designated in §§ 01.30 and 01.82 of this chapter. Applications for such permission may be addressed to the superintendent or custodian of the area involved.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

Issued this 14th day of March 1947.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-2834; Filed, Mar. 26, 1947; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO DENMARK; ALPHABETICAL LIST

The regulations under the country "Denmark" (39 CFR, Part 21), are amended as follows:

Change the table "Limit of indemnity" under the item "Insurance", to read as follows:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

This change shall be effective as of April 1, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2843; Filed, Mar. 26, 1947; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2306]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF MINES; SOUTHWESTERN POWER ADMINISTRATION

Sections 4.360 and 4.860 are added to Part 4 to read as follows:

SUBPART D—BUREAU OF MINES

§ 4.360 *Drilling contracts.* (a) Irrespective of the amount involved, the Director of the Bureau of Mines may enter into drilling contracts—B. of M. Form 6-758—in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of a binding drilling contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement. However, the Director of the Bureau of Mines may request Secretarial approval of any proposed drilling contract. The authority granted by this paragraph includes the authority to issue change orders and extra work orders pursuant to a contract, to enter into modifications of a contract which are legally permissible, and to terminate a contract if such action is legally authorized. The Director may redelegate to subordinate officials and employees of the Bureau. Each such redelegation shall be published in the FEDERAL REGISTER.

(b) The Director of the Bureau of Mines may redelegate the authority granted in paragraph (a) of this section to subordinate officials and employees of the Bureau. Each such redelegation shall be published in the FEDERAL REGISTER.

SUBPART L—SOUTHWESTERN POWER ADMINISTRATION

§ 4.860 *Construction contracts.* (a) Irrespective of the amount involved, the Administrator of the Southwestern Power Administration may enter into construction contracts in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of a binding construction contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular construction contract or type of construction contract, or unless Secretarial approval is specifically required by statute. However, the Administrator may request Secretarial approval of any proposed construction contract. The authority granted by this paragraph includes the authority to issue change orders and extra work orders pursuant to a contract, to enter into modifications of a contract which are legally permissible, and to terminate a contract if such action is legally authorized. The Administrator may redelegate to subordinate officials and employees of the Administration or to the Purchasing Officer of the Department the authority granted in this paragraph. Each such redelegation shall be published in the FEDERAL REGISTER.

(b) Except in those cases in which they are contracting officers, the Administrator and the Assistant Administrator are designated as the authorized representatives of the Secretary (1) within the meaning of Articles 3 and 4 of the United States Standard Form 23, Construction Contract, and (2) for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of a delay pursuant to Article 9 of Standard Form 23.

(c) This section is not intended to affect any requirement that proposed programs be cleared with the Office of the Secretary prior to their inauguration. The Administrator shall make such reports concerning the exercise of the authority granted by this section as the Secretary may require.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 237, 244)

J. A. KRUG,
Secretary of the Interior.

MARCH 19, 1947.

[F. R. Doc. 47-2838; Filed, Mar. 26, 1947; 8:49 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

ARIZONA GRAZING DISTRICT NO. 4

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see Misc. 2073492 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra*, relating to lands in Arizona Grazing District No. 4.

Appendix—Public Land Orders

[Public Land Order 361]

ALASKA

REVOKING PUBLIC LAND ORDER 32 OF AUGUST 18, 1942 WITHDRAWING PUBLIC LANDS IN AID OF DEFINITE LOCATION AND CONSTRUCTION OF TRANS-CANADIAN ALASKAN RAILWAY

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 32 of August 18, 1942, withdrawing the public lands in the following-described area in aid of definite location and construction of the Trans-Canadian Alaska Railway, is hereby revoked:

Tanana Valley Area, Alaska; Kobe to Richardson Highway.

A strip of land 10 miles wide, 5 miles on each side of the center line shown on the map dated July 2, 1942, No. 1924965, on file in the General Land Office, described as follows:

Beginning at Kobe, on the Alaska Railroad, thence east approximately 66 miles to the 147th meridian of longitude;

Thence S. 70° E., approximately 40 miles to the Richardson Highway.

The area described, including both public and non-public lands, aggregates approximately 680,000 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 21, 1947. At that time the lands, which are all unsurveyed, shall, subject to valid existing rights and the provisions of any existing withdrawals, become subject to settlement and other forms of appropriation in accordance with applicable laws and regulations.

The land is located north of the Alaska Range and for the most part lies in the southern portion of the Tanana Valley. It is generally level to rough in topography, being cut up by numerous rivers and streams flowing northwest into the Tanana River.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 19, 1947.

[F. R. Doc. 47-2835; Filed, Mar. 26, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 260, Amdt. 7]

PART 95—CAR SERVICE

SALTING OF ICE ON CARS OF CITRUS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of March A. D. 1947.

Upon further consideration of the provisions of Service Order No. 260 (9 F. R. 14547), as amended (10 F. R. 4818; 11 F. R. 8452, 13639; 12 F. R. 48, 128, 1394), and good cause appearing therefor: It is ordered, that:

Section 95.260 *Salting of ice on cars of citrus*, of Service Order No. 260, as amended, be, and it is hereby, further amended by adding the following exception to paragraph (a) thereof:

Exception: The provisions of this order, during the effectiveness of this amendment, shall not apply to the salting, at regular icing stations enroute, with not to exceed three percent (3%) salt, of ice in the bunkers of refrigerator cars, shipped from any origin in the State of Texas, loaded with straight carloads of oranges or grapefruit or mixed carloads of oranges and grapefruit.

Effective date. This amendment shall become effective at 12:01 a. m., March 25, 1947.

Expiration date. This amendment shall expire at 11:59 p. m., June 30, 1947.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2861; Filed, Mar. 26, 1947; 8:54 a. m.]

[S. O. 699, Amdt. 1]

PART 95—CAR SERVICE

STOCK CARS FOR PETROLEUM PRODUCTS CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of March A. D. 1947.

Upon further consideration of Service Order No. 699 (12 F. R. 1841), and good cause appearing therefor: It is ordered, that:

Service Order No. 699, *Stock cars for petroleum products containers* (49 CFR § 95.699), be, and it is hereby, amended by substituting the following paragraph (a) for paragraph (a) thereof:

§ 95.699 *Substitution of single deck stock cars for fifty foot box cars, to transport empty containers for petroleum products.* (a) Common carriers by railroad subject to the Interstate Commerce Act transporting empty containers for petroleum products, in carloads, from origins located in the States of Illinois, Indiana, Missouri, Kansas, Oklahoma, Arkansas, or Texas, to destinations in the States of Kansas, Arkansas, Texas, Oklahoma, or New Mexico, may, at their option, furnish and transport not more than two (2) single deck stock cars in lieu of each fifty foot (50') box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a fifty foot (50') box car.

It is further ordered, that this amendment shall become effective at 12:01

a. m., March 24, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Kansas, Arkansas, Oklahoma, and Texas, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2862; Filed, Mar. 26, 1947, 8:54 a. m.]

PROPOSED RULE MAKING

FEDERAL POWER COMMISSION

[18 CFR, Part 167]

[Docket No. R-102]

DETERMINATION OF SERVICE AREAS OF NATURAL GAS COMPANIES

NOTICE OF PROPOSED RULE MAKING

MARCH 21, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to adopt a general rule with respect to the determination of service areas of natural-gas companies subject to the jurisdiction of the Commission under the Natural Gas Act, as amended, to permit these companies to make, without further authorization from the Commission, certain enlargements or extensions of their facilities for the purpose of supplying increased market demands in the areas being served by the companies under certificates of public convenience and necessity issued by the Commission. This rule is proposed to be issued pursuant to the authority permitted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 7 (f) and 16 thereof (52 Stat. 824, 56 Stat. 83, 52 Stat. 830, 15 U. S. C. and Sup. 717f, 15 U. S. C. 717o).

3. Many different and conflicting situations are involved in determining a service area for each natural-gas company under section 7 (f). Because of the evident need for careful study and investigation of these problems, and the lack of manpower which could be assigned to this matter under the war-time conditions existing for several years after the passage of the 1942 amendments of section 7, it has been necessary for the Commission to defer this work. Recognizing the need, however, as soon as conditions might permit, for giving effect on a reasonable basis to the intent of section 7 (f), the Commission has had this subject under active consideration during the past year, particularly in connection with its Natural Gas Investigation in Docket No. G-580. From this investigation it has become clear that the intent of Congress as expressed in section 7 (f) can be effectuated, and the administration of the certificate provisions of section 7 can be facilitated in the public interest, if service-area authorizations are granted at this time by a general rule of uniform applicability rather than by separate proceedings conducted for the purpose of determining a service-area authorization for each natural-gas company individually.

4. The provisions of the rule proposed herein are substantially as outlined in the staff report on this subject relative to the Natural Gas Investigation in Docket No. G-580, entitled "Administration of the Certificate Provisions of Section 7 of the Natural Gas Act," which was submitted for comment to natural-gas companies and other interested parties under date of January 17, 1947, with replies requested as of February 15, 1947.

5. In accordance, therefore, with the intention of Congress, as expressed in section 7 (f), to provide, at the discretion of the Commission, reasonable latitude to natural-gas companies to enlarge and extend their facilities for the purpose of supplying increased requirements of the markets which they serve, the Commission proposes in the public interest to adopt a general rule with respect to the determination of service areas of natural-gas companies and to issue such rule as a new part of subchapter E, Regulations under Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, said new part to provide as follows:

PART 167—ENLARGEMENT OR EXTENSION OF FACILITIES TO SUPPLY INCREASED MARKET DEMANDS IN SERVICE AREAS OF NATURAL GAS COMPANIES

§ 167.1 *Service areas defined.* For the purpose of administering section 7 (f) of the Natural Gas Act by general authorization applicable to all natural-gas companies under the Act, a service area of a natural-gas company is an area of service defined as follows: (a) The service rendered to existing customers and markets, and the facilities certificated or authorized therefor; (b) a 10-percent increase of the total service rendered to existing customers and markets within any calendar year, and the facilities required therefor; (c) subject to the foregoing limits, service to new customers who will receive not more than 75,000 Mcf each per year, and the facilities required therefor; and (d) any additional facilities for improving service and replacing equipment which will not increase the delivery capacity of the transmission system, all of the foregoing as provided more specifically hereinafter.

§ 167.2 *General authorization of 10 percent annual increase in system daily delivery capacity.* Each natural-gas company subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act, as amended, is hereby authorized to enlarge or extend its facilities so as to increase the daily delivery capacity of its transmission system to a maximum extent of 10 percent in any calendar year for the purpose of supplying the increased requirements of customers being served under certificates of public convenience and necessity issued by the Commission, and minor new customers as hereinafter specified.

(a) *Capacity increase in 1947.* In determining the maximum increase in delivery capacity permissible for the year 1947 under the authorization herein granted, a natural-gas company shall use 10 percent of the installed delivery capacity of its transmission system, calculated as of the effective date of this order. Within thirty days of such date, each natural-gas company affected by this order shall file with the Commission a statement of the installed delivery capacity of its system as of the effective date of this order, together with such explanation as may be necessary of the method of formula by which such capacity has been determined.

(b) *Capacity increase after 1947.* The authorization for each year thereafter shall be based upon the installed capacity as of January 1 of the calendar year during which the additions are to be made. Within thirty days after the beginning of each calendar year, any natural-gas company affected by this authorization shall file with the Commission a statement of the installed delivery capacity of its system as of January 1 of that year, together with such explanation as may be necessary of the method or formula by which such capacity has been determined.

(c) *Types of facilities authorized.* The authorization granted herein, as limited above, shall extend to all facilities which are to be installed for the purpose of increasing the delivery capacity of the natural-gas company's transmission system, including such facilities as additional pipe lines, compressors, compressor stations and any other facilities which increase the capacity of the transmission system or any part thereof.

(d) *Notice of intention required.* A natural-gas company desiring to enlarge its facilities under the authorization granted herein shall file with the Commission at least thirty days prior to the commencement of the construction of such additional facilities written notification of its intention so to do, and shall include in such notice a concise description of the facilities proposed; a map showing their location; the capacity increase contemplated; the additional gas reserves, if any, to be dedicated; the reasons for the installation; the estimated cost of the facilities; the method of financing; the proposed date of beginning of construction; and the date at which the construction is expected to be completed and placed in operation.

(e) *General authorization may be suspended.* The Commission reserves the right to suspend the operation of the general authorization granted herein, with reference to any proposed enlargement or extension of facilities, and to require a natural-gas company to file an application in accordance with the provisions of section 7 of the Natural Gas Act, as amended, and to obtain a certificate of public convenience and necessity prior to undertaking the construction, extension or operation of facilities which otherwise might have been constructed in accordance with the authorization granted herein.

§ 167.3 *General authorization of additional types of facilities.* In addition to the authorization hereinbefore granted, a natural-gas company is further authorized to install and operate the following types of facilities:

(a) *Auxiliary facilities.* All necessary auxiliary facilities which do not increase the transmission system delivery capacity, such as, for example, scrubbers, dehydration equipment, electrical equipment in compressor stations, water pipe lines and cooling equipment at pumping stations, incidental buildings and structures, and similar facilities.

(b) *Connecting facilities for minor new customers.* Incidental connecting facilities which are necessary to extend natural-gas service to minor new customers, for their own consumption or for resale, whose annual consumption in each instance will not exceed 75,000 Mcf—such as villages, "farm taps," alfalfa drying plants, drilling and pumping requirements in gas or oil fields, and the like in rural areas adjacent to the transmission lines of a natural-gas company. All such customers added during each year shall be reported annually in a supplement to Schedule 434 of F. P. C. Form No. 2.

(c) *Replacement or relocation of facilities.* Facilities which constitute the replacement or relocation of existing facilities in service, where no reduction or abandonment of a general service or service to a particular customer is involved.

(d) *Additional metering points and lateral lines.* Facilities necessary to the establishment of additional metering points or lateral lines required for service to customers in local communities already being served.

§ 167.4 *Reservations as to rate and accounting requirements.* The authorizations granted herein are without prejudice to future determinations by the Commission in proceedings involving accounting requirements or the fixing of rates of natural-gas companies; and the construction and operation of facilities under these authorizations shall not constitute an acceptance by the Commission that all such facilities are necessary in the operations of a natural-gas company.

§ 167.5 *Subsequent actions not precluded.* The authorizations granted herein will not preclude the consideration of any subsequent actions which may be shown to be appropriate in order to effectuate the purposes of section 7 (f) of the Natural Gas Act, as amended.

6. Interested persons are given until April 21, 1947, to submit written statements or briefs setting forth their comments, views and suggestions with respect to this proposed rule.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2863; Filed, Mar. 26, 1947; 8:50 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-9]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

Correction

In Federal Register Document 47-1957, appearing at page 1466 of the issue for Tuesday, March 4, 1947, the first line of the paragraph under the heading "Winch" should read "Landley Type WH-5 electric boat".

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8393]

CARL H. RICHTER

In re: Estate of Carl H. Richter, deceased. File D-28-11152; E. T. sec. 15563.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Anna Widmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Carl H. Richter, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles F. Roeckel, 35 Prospect Park West, Brooklyn, New York, as executor, acting under the judicial supervision of the Surrogate's Court, Steuben County, Bath, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2869; Filed, Mar. 26, 1947; 8:50 a. m.]

[Vesting Order 8468]

TOKIZO KATAYAMA AND KUMAICHI TAKENAGA

In re: Personal property owned by the personal representatives, heirs, next of kin, legatees and distributees of Tokizo Katayama, deceased, and personal property owned by the personal representatives, heirs, next of kin, legatees and distributees of Kumaichi Takenaga, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Tokizo Katayama, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Kumaichi Takenaga, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the property described as follows:

1 Ingersoll Radiolite man's wrist watch number 64892959,
1 Biltmore man's watch number 1022,
1 yellow metal man's signet ring,
1 yellow metal penknife,
1 metal watch chain,

presently in the possession of the Attorney General of the United States in an account numbered 39-200,019,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Tokizo Katayama, deceased, the aforesaid nationals of a designated enemy country (Japan);

4. That the property described as follows:

1 Hampden yellow metal man's pocket watch,
1 metal chain,

presently in the possession of the Attorney General of the United States in an account numbered 39-200,019,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Kumaichi Takenaga, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Tokizo Kotayama, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Kumaichi Takenaga, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2830; Filed, Mar. 25, 1947; 8:50 a. m.]

[Vesting Order 8405]

JOHN SZENDZINA

In re: Estate of John Szendzina, deceased. File D-28-3586; E. T. sec. 5792.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Anton Szendzina, deceased, who there is reasonable cause to believe are resident of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of John Szendzina, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Treasurer of Cook County, Chicago, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Chicago, Illinois.

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Anton Szendzina, deceased are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2870; Filed, Mar. 26, 1947; 8:50 a. m.]

[Vesting Order 8432]

ARTHUR ROHDE

In re: Estate of Arthur Rohde, deceased. File No. D-28-10406; E. T. sec. 14797.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the heirs at law, next of kin, legatees, distributees, and personal representatives of Arthur Rohde, deceased, whose names are unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Arthur Rohde, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Joseph V. Costello, as Administrator of the Estate of Arthur Rohde, deceased, acting under the judicial supervision of the Middlesex County Orphans' Court, New Brunswick, New Jersey;

and it is hereby determined:

4. That to the extent that the heirs at law, next of kin, legatees, distributees, and personal representatives of Arthur Rohde, deceased, whose names are unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2871; Filed, Mar. 26, 1947; 8:50 a. m.]

[Vesting Order 8434]

WILLIAM ZIMMERMAN

In re: Estate of William Zimmerman, deceased. File No. D-28-8972; E. T. sec. 11339.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Agatha Zimmerman Hillmer and William Zimmerman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,900.00 was paid to the Alien Property Custodian by Joseph L. Paradise, Executor of the Estate of William Zimmerman, deceased;

3. That the said sum of $2,900.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 4, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2872; Filed, Mar. 26, 1947; 8:50 a. m.]

[Vesting Order 8433]

DIETRICH REIL ET AL.

In re: Dietrich Reil vs. Fred Reil, et al. File D-28-11223; E. T. sec. 15596.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Reil (son of Heinrich Reil, deceased), Frieda Schroeder, Helena Diskus, Fritz Reil (son of Heinrich Reil, deceased), Anna Margarete Frahmann, also known as Meta Frahmann, Helene Koenig, Anna Diers, Johann Reil (son of John Reil, deceased), Fritz Reil, also known as Fred Reil (son of John Reil, deceased), Marie Schmidt, Anna Pleyn, Johanne Wilhelmine Reil, Elisabeth Reil, Wilhelm Reil, Anna Jurgens-Tatje, Margarete Jantzen, also known as Grete Jantzen, Marie Wordtmann and Fritz Jurgens-Tatje, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and estate, both legal and equitable, of the persons named in subparagraph 1 hereof in and to that certain real property particularly described as Southwest quarter of Section 29, township 122 North Range 49 west of 5th Principal Meridian, Roberts County, South Dakota, together with all hereditaments, fixtures, improvements and appurtenences thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, and is property which is in partition, libel, condemnation or other similar proceedings in the Circuit Court, Fifth Judicial Circuit, Roberts County, South Dakota, which is payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2873; Filed, Mar. 26, 1947; 8:52 a. m.]

[Vesting Order 8439]

FRED REIL

In re: Estate of Fred Reil, deceased. File D-28-11223; E. T. sec. 15596.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Reil, son of Heinrich Reil, deceased, Frieda Schroeder, Helena Diskus, Fritz Reil, son of Heinrich Reil, deceased, Anna Margarete Frahmann, called Meta, Helene Koenig, Anna Diers, Johann Reil, son of John Reil, deceased, Fritz (Fred) Reil, son of John Reil, deceased, Marie Schmidt, Anna Pleyn, Johanne Wilhelmine Reil, Elisabeth Reil, Wilhelm Reil, Anna Jurgens-Tatje, Margarete (Grete) Jantzen, Marie Wordtmann and Fritz Jurgens-Tatje, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Fred Reil, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry Reil, as administrator, acting under the judicial supervision of the Probate Court of Nez Perce County, State of Idaho;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2874; Filed, Mar. 26, 1947; 8:52 a. m.]

[Vesting Order 7685, Amdt.]

JACOB SCHMID

In re: Bond owned by and debt owing to Jacob Schmid. F-28-23513-A-1, F-28-23513-C-1.

Vesting Order 7685, dated September 19, 1946, is hereby amended as follows and not otherwise:

By deleting the phrase "registered in the name of Jacob Schmid, Grossalfalterbach, Post Batzhausen, Oberpfaltz, Bayern, Germany," in subparagraph 2-a of said Vesting Order 7685;

By deleting subparagraph 2-b of said Vesting Order 7685, and substituting therefor the following:

(b) That certain debt or other obligation owing to Jacob Schmid, by Central Savings Bank in The City of New York, Broadway at Seventy-third Street, New York, New York, arising out of a savings account, account number 1,022,852, en-

titled Jacob Schmid, and any and all rights to demand, enforce and collect the same.

All other provisions of said Vesting Order 7685 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2875; Filed, Mar. 26, 1947; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2073492]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 17, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on May 19, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 20, 1947, to August 18, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 30, 1947, to May 19, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 20, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 19, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from July 30, 1947, to August 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 19, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 23 E., sec. 2, N½N½.
T. 4 S., R. 25 E.,
Sec. 17, W½;
Sec. 20, W½;
Sec. 32.
T. 5 S., R. 25 E., secs. 16, 32, and 36.
T. 5 S., R. 26 E., sec. 32.
T. 5 S., R. 27 E., sec. 27.
T. 6 S., R. 21 E., sec. 2.
T. 6 S., R. 25 E., sec. 2.
T. 8 S., R. 29 E., secs. 11 and 32.

The areas described aggregate 7,105.58 acres. These lands, which are in Grazing District No. 4, are located in Graham County, just south of the San Carlos Indian Reservation. They are hilly to mountainous desert lands.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-2836; Filed, Mar. 26, 1947; 8:49 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 387

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. sec. 372), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. sec. 371), is hereby revoked as to the following described land:

TERRITORY OF ALASKA

A tract of land identified as U. S. Survey No. 2355, situated approximately 1¼ miles east of Sitka, Alaska, Latitude 57°02'50" N., Longitude 135°08' W. (homestead entry of Vernon Lee Hunkins, Anchorage 03677).

The area described contains 0.62 acre.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

MARCH 17, 1947.

[F. R. Doc. 47-2837; Filed, Mar., 26, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 143]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., March 19, 1947, by Dan Storey, of car PFE 45894, potatoes, now on the Pennsylvania RR. Produce Terminal, to Dan Storey, Broad and Washington Avenues, Philadelphia, Pa. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-2858; Filed, Mar. 26, 1947; 8:54 a. m.]

[S. O. 396, Special Permit 144]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., March 19 or 20, 1947, by Dan Storey, of car FGE 35026, potatoes, now on the Pennsylvania RR. at Engleside Station, to A. J. Weinstein Co., New York, N. Y. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-2859; Filed, Mar. 26, 1947; 8:54 a. m.]

[S. O. 396, Special Permit 145]

RECONSIGNMENT OF APPLES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., March 20, 1947, by C. C. Smith Fruit Co., of car FGE 33003, apples, now on the Great Northern Ry., to C. H. Robinson Co., Milwaukee, Wis.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-2860; Filed, Mar. 26, 1947; 8:54 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-483]

ROSEBURG LUMBER CO.

CONSENT ORDER

Roseburg Lumber Co., a corporation, Box 1091, Roseburg, Oregon, operates a sawmill in Roseburg, Oregon, and is engaged in business as a "sawmill" as defined by Direction 1 to Priorities Regulation 33, as amended August 28, 1946 and as subsequently amended. The corporation is charged by the Civilian Production Administration with violating Direction 1 to Priorities Regulation 33, in failing to hold for and ship upon certified or rated orders during the month of September, 1946, 50% of its production during said month, although it had received and had on hand valid, certified or rated orders for such an amount. The corporation admits the violation as charged, does not desire to contest the same and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Roseburg Lumber Co., a corporation, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Roseburg Lumber Co., a corporation, its successors or assigns, shall during the months of March 1947 to June, 1947, inclusive, insofar as its Roseburg mill is concerned, produce and accept and sell on rated orders, 10% more housing construction lumber than may be required during said period by current applicable Civilian Production Administration regulations.

(b) Roseburg Lumber Co., a corporation, its successors or assigns, shall keep and preserve accurate and complete records of the details of each transaction to which regulations and orders of the Civilian Production Administration apply, as required by Section 944.15 of Priorities Regulation 1.

(c) Nothing contained in this order shall be deemed to relieve the Roseburg Lumber Co., a corporation, its successors and assigns, from any restriction, prohibition or provision contained in any order or regulation of Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 26th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2942; Filed, Mar. 26, 1947; 11:17 a. m.]

[C-497]

ANTHONY M. PIUNNO

CONSENT ORDER

Anthony M. Piunno, 1037 Ivanhoe Road, Cleveland, Ohio, is charged by the Civilian Production Administration with violating Veterans' Housing Program Order No. 1 in that on or about October 8, 1946 he began construction and thereafter carried on and participated in the construction of a one-story cement block structure to be used for commercial garage and storage purposes located at 1037 Ivanhoe Road, Cleveland, Ohio, at a cost in excess of $1,000 without authorization of the Civilian Production Administration.

Anthony M. Piunno admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Anthony M. Piunno, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Anthony M. Piunno, his successors and assigns, nor any other person shall do any further construction on the premises located 1037 Ivanhoe Road, Cleveland, Ohio, including the putting up, completing, or altering the cement block structure to be used for commercial garage and storage purposes located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Anthony M. Piunno shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authority to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Anthony M. Piunno, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 26th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2943; Filed, Mar. 26, 1947; 11:17 a. m.]

[C-506]

BEACH DRIVE, INC.

CONSENT ORDER

Beach Drive, Inc., a New York corporation located at 813 Roosevelt Street, Far Rockaway, L. I., N. Y., is engaged in the building construction business. Nathan Tannenbaum is Treasurer of said corporation. Beach Drive, Inc. is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about August 28, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at N/S Beach Channel Drive E/O B. 116th (A & P Food Store), Rockaway Park, N. Y.; (2) on and after August 28, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at N/S Beach Channel Drive E/O B. 116th St. (A & P Food Store), Rockaway Park, N. Y. Beach Drive, Inc. admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Beach Drive, Inc., the Regional Compliance Director and the Regional Attorney, and upon the approval

of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Beach Drive, Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at N/S Beach Channel Drive E/O B. 116th St. (A & P Food Store), Rockaway Park, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Beach Drive, Inc. shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Beach Drive, Inc., its successors and assigns, from any restrictions, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 26th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2944; Filed, Mar. 26, 1947; 11:17 a. m.]

[C-508]

JOSEPH M. TESTA ET AL.

CONSENT ORDER

Joseph M. Testa, Michele Testa and Michele Testa, Jr., are engaged in the restaurant business in Palm Beach, Florida. Subsequent to March 26, 1946, they, as owners, and H. Smith, George Yetter, and Berlin Griffin, a partnership engaged in business as building contractors, as contractors, began the construction of a two-story building, 50' x 100' and known as 221-223 Royal Poinciana Way, Palm Beach, Florida, the first floor of which for use as a restaurant and bar and the second story of smaller square foot area for use as living quarters. The estimated cost of said structure is in excess of the $1,000 exemption provided in Veterans' Housing Program Order No. 1 and said construction was begun without the authorization of the Civilian Production Administration and in violation of said order.

Joseph M. Testa, Michele Testa and Michele Testa, Jr., owners, and H. Smith, George Yetter, and Berlin Griffin, contractors, admit the violation as charged and, although denying wilfulness, do not care to contest this issue and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Joseph M. Testa, Michele Testa, and Michele Testa, Jr., owners, H. Smith, George Yetter, and Berlin Griffin, contractors, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Joseph M. Testa, Michele Testa or Michele Testa, Jr., owners, nor H. Smith, George Yetter, and Berlin Griffin, contractors, their successors or assigns, nor any other person shall do any further construction on the premises known as 221-223 Royal Poinciana Way in Palm Beach, Florida, including the putting up, completing or altering of the structure located on said premises unless and until hereafter specifically authorized in writing by the Civilian Production Administration or its successor.

(b) Joseph M. Testa, Michele Testa and Michele Testa, Jr., owners, and H. Smith, George Yetter, and Berlin Griffin, contractors, shall refer to this order in any application or appeal which may be filed by them or any of them with the Civilian Production Administration or its successor, for priorities assistance or for authorization to begin or carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph M. Testa, Michele Testa or Michele Testa, Jr., owners, and H. Smith, George Yetter, and Berlin Griffin, contractors, their successors and assigns from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 26th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2945; Filed, Mar. 26, 1947; 11:17 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-120, 59-34]

NEW ENGLAND GAS AND ELECTRIC ASSN.[1]

MEMORANDUM FINDINGS, OPINION, AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of March 1947.

The Commission, by order dated February 11, 1947, approved the alternate plan for recapitalization of New England Gas and Electric Association ("New England") under section 11 (e) of the Public Utility Holding Company Act of 1935 and, among other things, reserved jurisdiction to pass upon certain necessary amendments with respect to the terms of the $22,425,000 principal amount of 20-year Collateral Trust Sinking Fund Bonds, 77,625 cumulative convertible preferred shares and a maximum of 1,850,000 common shares to be issued by New England pursuant to the terms of the alternate plan.[2] Subsequently, by order dated March 10, 1947, the United States District Court for the District of Massachusetts approved the alternate plan and vacated its prior order of July 17, 1946 approving an earlier plan for the reorganization of New England designated the "amended plan".[3]

In our findings and opinion with respect to the alternate plan, we set forth certain basic terms of the new securities to be issued by New England and found that such securities satisfied the requirements of section 7 of the act. We were not at that time, however, in a position to permit the declaration under section 7 to become effective inasmuch as information concerning the definitive terms and conditions relating to the sale of the new securities had not yet been presented to us.

New England has now filed amendments to its application under section 11 (e) of the act concerning certain definitive terms and conditions relating to the sale of the new securities to be issued by it as discussed below.

The collateral trust bonds to be issued by New England will be sold in accordance with the competitive bidding requirements of Rule U-50. Pursuant to such requirements, New England will publicly invite proposals for the purchase of the new bonds. The invitation for bids for the bonds provides that the price to be paid to New England for the bonds shall not be less than 100% nor more than 102.75% of the principal amount thereof, plus accrued interest from April 1, 1947. The bidders will also designate the interest rate which shall be a multiple of ⅛%.

The convertible preferred shares to be issued by New England pursuant to the terms of the alternate plan, will be convertible into common shares of New England at a rate of seven common shares for each convertible preferred share.[4] The Commission, by order dated March 11, 1947,[5] granted an exemption from the competitive bidding requirements of Rule U-50 with respect to the convertible preferred shares and such of the new common shares as are not subscribed for upon exercise of subscription rights.

Under the terms of the alternate plan, the holders of the presently outstanding $5.50 preferred shares of New England will be entitled to receive for each share held, in addition to 8 shares of new common transferable rights to subscribe for 5 additional shares of new common (or a total of 479,235 shares) at $9.00 per share. Further, to the extent that such rights are not exercised, holders of the $5.50 preferred shares will receive non-transferable rights to subscribe pro-rata to a maximum of 20 additional shares of new common at $9.00 per share for each $5.50 preferred share held. The transferable rights and the non-transferable rights are exercisable on the date of the public offering of the collateral trust bonds and new convertible preferred shares and will expire fourteen days thereafter.

We have examined the terms and conditions of the proposed securities and the sale thereof and we observe no basis for adverse findings with respect to them.

It is therefore ordered, That, pursuant to the applicable provisions of said act, including sections 6 (a) and 7 thereof, the declaration with respect to the issue and sale of $22,425,000 principal amount of 20-year Collateral Trust Sinking Fund Bonds, Series A, due 1967; 77,625 shares of cumulative convertible preferred shares; and a maximum of 1,850,000 common shares including rights for 479,235 common shares, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions set forth in said order dated February 11, 1947, and subject to the further condition that the proposed sale of the collateral trust bonds, cumulative preferred shares, and such of the 479,235 common shares as are not subscribed upon exercise of subscription rights, shall not be consummated until the results of the competitive bidding for the bonds and the negotiations for the convertible preferred and common shares have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved with respect to the imposition thereof in connection with such proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2941; Filed, Mar. 26, 1947; 8:51 a. m.]

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[1] New England Gas and Electric Association, — SEC — (1946), Holding Company Act Release No. 7181.

[2] Previously, on June 24, 1946, the Commission had approved a plan for the reorganization of New England (amended plan) which provided for the issuance of $22,500,000 of Collateral Trust Bonds as the sole senior securities to be outstanding and the issuance of 2,300,000 common shares as the only junior securities to be outstanding (New England Gas and Electric Association, ——SEC — (1946), Holding Company Act Release No. 6729). The Amended Plan was approved by the United States District Court for the District of Massachusetts on July 17, 1946. Following the approval of the amended plan, New England found that the securities provided for in the plan could not be sold within the range of prices specified in that plan. It was, therefore, deemed desirable by New England to provide an alternate method of recapitalization which would have more assurance of success than the amended plan and, accordingly, New England sought and secured our approval of the alternate plan so that it might, at its election, subject to the entry of a court order enforcing such plan, proceed with the carrying out of the alternate plan or the amended plan. Subsequent to our application to the United States District Court for the District of Massachusetts to approve and enforce the alternate plan, New England elected to proceed with consummation of the alternate plan in lieu of the amended plan. Such election was not opposed by any participant in the proceeding, including the Commission, and the District Court, in approving the alternate plan, vacated, as stated above, its prior order of July 17, 1946 approving the amended plan.

[3] The amended declaration of trust contains provisions for changes in the conversion rate which are designed to protect preferred stock shareholders against dilution of the conversion privilege.

[4] New England Gas and Electric Association, — S. E. C. — (1947), Holding Company Act Release No. 7277.

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO. ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of March 1947.

In the matter of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, Respondents, File No. 59-17. The United Light and Power Company and its subsidiary companies, Respondents, File No. 59-11. The United Light and Power Company, Applicant; File No. 54-25. Application No. 30.

The United Light and Railways Company ("Railways"), a registered holding company, and its subsidiary, American Light & Traction Company ("American Light"), also a registered holding company, having filed a joint application pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 regarding the following transaction:

American Light, the present owner of approximately 20.3% of the common capital stock of The Detroit Edison Company ("Detroit Edison"), proposes to acquire 128,920 additional shares and one scrip certificate for one-half a share of such stock pursuant to the terms of a ten percent stock dividend which Detroit Edison proposes to declare and pay to the holders of its common capital stock, the only class of capital stock outstanding;

The application having been filed on March 3, 1947 and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under the act and the Commission not having received a request for a hearing with respect thereto within the period specified in such notice or otherwise and the Commission not having ordered a hearing thereon;

The issuance of such stock dividend by Detroit Edison having been approved by the Commission on March 17, 1947 (Holding Company Act Release No. 7284);

The Commission having entered an order on August 5, 1941 (The United Light and Power Company, et al., 9 S. E. C. 833) directing Railways and American Light to dispose of their direct and indirect interest in Detroit Edison, and Railways and American Light having consented and agreed in the instant application that the additional shares of stock of Detroit Edison, if acquired by American Light, will be held subject to the provisions of section 11 of the act and the terms of the Commission's order of August 5, 1941, supra, to the same extent as though such additional shares had been owned by American Light at the date of the entry of such order and had been expressly referred to therein;

The Commission finding, under the circumstances of this application, including the above consent and agreement on the part of Railways and American Light, that the requirements of section 10 are satisfied and that no adverse findings are necessary thereunder; and the Commission finding further that the requirements of other applicable sections of the act are met; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application; and

The applicants having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, effective forthwith, pursuant to Rule U-23 and the applicable provisions of the act, that the said application be, and the same hereby is, granted subject to the terms and conditions prescribed in Rule U-24 and further subject to the term and condition that such additional shares of stock of Detroit Edison, if acquired by American Light, will be held subject to the terms of our order of August 5, 1941 to the same extent as though such shares had been owned by American Light at the date of the entry of such order and had been expressly referred to therein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2840; Filed, Mar. 26, 1947; 8:50 a. m.]

[File No. 70-1478]

INTERSTATE POWER CO. OF WISCONSIN AND INTERSTATE POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of March A. D. 1947.

Notice is hereby given that an application and a declaration, and an amendment thereto, have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Interstate Power Company ("Interstate"), a registered holding company, and a subsidiary of Ogden Corporation, a registered holding company, and Interstate Power Company of Wisconsin ("Interstate of Wisconsin"), a subsidiary of Interstate. The filings designate sections 6, 7, 9, 10 and 12 of the act and Rules U-23, U-43, and U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 2, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application and declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application and declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations pro-

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mulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application and declaration, as amended, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Interstate of Wisconsin has outstanding $800,000 principal amount of 6% first mortgage bonds, due 1957, and 5,274 shares of common stock, $100 par value per share. All of said securities are owned by Interstate, and are pledged under the mortgage securing Interstate's 5% first mortgage bonds, due 1957. Interstate of Wisconsin proposes to issue to Interstate an additional 8,000 shares of said common stock in consideration of the surrender by Interstate to Interstate of Wisconsin of said $800,000 principal amount of bonds. Upon consummation of this transaction, said bonds will be cancelled.

It is requested that the Commission's order be issued herein as soon as possible, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2842; Filed, Mar. 26, 1947; 8:52 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES 1934

VOLUME 12 NUMBER 62

Washington, Friday, March 28, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2722

COPYRIGHT EXTENSION: FRANCE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by the act of Congress approved September 25, 1941 (55 Stat. 732) the President is authorized, on the conditions prescribed in that act, to grant an extension of time for the fulfilment of the conditions and formalities prescribed by the copyright laws of the United States of America with respect to works first produced or published outside the United States of America and subject to copyright or to renewal of copyright under the laws of the United States of America, including works subject to *ad interim* copyright, by nationals of countries which accord substantially equal treatment to citizens of the United States of America; and

WHEREAS satisfactory official assurances have been received that under the law of France treatment substantially equal to that authorized by the aforesaid act of September 25, 1941 is accorded in France to citizens of the United States of America; and

WHEREAS the aforesaid official assurances are embodied in a note dated this day from the Ambassador of France at Washington to the Secretary of State of the United States of America; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated April 9, 1910 (36 Stat. 2685) citizens of France are, and since July 1, 1909 have been, entitled to the benefits of the act of Congress approved March 4, 1909 (35 Stat. 1075) relating to copyright, other than the benefits of section 1 (e) of that act; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated May 24, 1918 (40 Stat. 1784), the citizens of France are, and since May 24, 1918 have been, entitled to the benefits of section 1 (e) of the aforesaid act of March 4, 1909;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of authority vested in me by the aforesaid act of September 25, 1941, do declare and proclaim:

That with respect to (1) works of citizens of France which were first produced or published outside the United States of America on or after September 3, 1939 and subject to copyright under the laws of the United States of America, and (2) works of citizens of France subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, there has existed for several years of the time since September 3, 1939 such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the aforesaid act of September 25, 1941; and that accordingly the time within which compliance with such conditions and formalities may take place is hereby extended with respect to such works until the day on which the President of the United States of America shall, in accordance with that act, terminate or suspend the present declaration and proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation, and that, as provided by the aforesaid act of September 25, 1941, no liability shall attach under the Copyright Act for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

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DONE at the City of Washington this twenty-seventh day of March, in the year of our Lord nineteen hundred and forty-seven and of the Independence of the United States of America the one hundred seventy-first.

[SEAL] HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-3021; Filed, Mar. 27, 1947; 11:22 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subdivisions (i), (ii), and (iii) of § 904.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said section, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "4.77," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of April 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and April 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond April 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Greater Boston, Massachusetts, milk marketing area.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of § 904.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said section, with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "4.77," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of April 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2911; Filed, Mar. 27, 1947; 8:52 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subdivisions (i), (ii), and (iii) of § 934.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said section, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.21," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of April 1947, and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and April 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond April 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Lowell-Lawrence, Massachusetts milk marketing area.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of § 934.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said section, with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.52," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of April 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and April 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this section beyond April 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Fall River, Massachusetts milk marketing area.

It is therefore ordered, That subparagraphs (1), (2), and (3) of § 947.4 (a) of the order and the entire table contained in subparagraph (4) of said section with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.52," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of April 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2909; Filed, Mar. 27, 1947; 8:51 a. m.]

PART 947—MILK IN THE FALL RIVER, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subparagraphs (1), (2), and (3) of § 947.4 (a) of the order and the entire table contained in subparagraph (4) of said section, with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.52," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of April 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and April 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this section beyond April 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Fall River, Massachusetts milk marketing area.

It is therefore ordered, That subparagraphs (1), (2), and (3) of § 947.4 (a) of the order and the entire table contained in subparagraph (4) of said section with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.52," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of April 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2908; Filed, Mar. 27, 1947; 8:51 a. m.]

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. The entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "4.58," does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of April 1947; and

(2) It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and April 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond April 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the New York metropolitan milk marketing area.

It is therefore ordered, That the entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "4.58," be and it hereby is suspended with respect to all milk subject to the provisions of the order during the month of April 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2910; Filed, Mar. 27, 1947; 8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter IV—Southwestern Power Administration, Department of the Interior

PART 501—DELEGATIONS OF AUTHORITY

CONSTRUCTION CONTRACTS

Part 501 and § 501.10 are added to Chapter IV to read as follows:

§ 501.10 *Construction contracts.* Pursuant to 43 CFR 4.360, (a) (12 F. R. 2036), Floyd E. Conway, Chief, Engineering Section, and Philroy C. Gale, Chief, Operations Section, are each hereby authorized to separately enter into construction contracts in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. The authority granted by this section includes the authority to issue change orders and extra work orders pursuant to a contract, and to enter into modifications of a contract which are legally permissible, but does not include the authority to terminate a contract. (Sec. 3, 12, 60 Stat. 237, 244)

DOUGLAS G. WRIGHT,
Administrator,
Southwestern Power Administration.

MARCH 24, 1947.

[F. R. Doc. 47-2888; Filed, Mar. 27, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO GENERAL FIELD OFFICE OFFICIALS

Section 603.3 is amended, effective upon publication in the FEDERAL REGISTER, in the following particulars:

1. The title of the section is amended, and an explanatory statement is added thereto, to read as follows:

§ 603.3 *Delegations to General Field Office officials.* All powers, duties and functions delegated to regional office officials in § 603.2, unless specifically excepted, shall apply to the officials of the General Field Office. Accordingly, regional director shall also mean Director of the General Field Office; regional comptroller shall also mean the Assistant Director for Administration of the General Field Office; assistant regional director for real estate and disposition shall also mean the Assistant Director for real estate and disposition in the General Field Office; deputy regional directors and assistant regional directors for project management, or development and reutilization, shall also mean the Deputy Director for Operations of the General Field Office; and all other regional officials shall also mean the comparable officials of the General Field Office. * * *

2. Paragraph (d) is amended by substituting a new subparagraph (2), and by adding a new subparagraph (10), as follows:

(2) To execute, within budgetary limitations, contracts for necessary services, supplies, equipment and office space for the San Juan office.

* * * * *

(10) To authorize local housing authorities to advertise for bids after reviewing the bidding documents.

(50 Stat. 888, 54 Stat. 1125; 42 U. S. C. 1401, 1521)

Approved: March 21, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-2878; Filed, Mar. 27, 1947; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profit Taxes

[T. D. 5555]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 111 (26 CFR Part 29) to the Foreign Service Act of 1946, approved August 13, 1946, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.116-1 of Regulations 111 the following:

PART F—EXEMPTION FROM TAXATION (Title X, Foreign Service Act of 1946)

SEC. 1051. Section 116 of the Internal Revenue Code, as amended (53 Stat. 48; 53 Stat. 575; 56 Stat. 842; 58 Stat. 46; 26 U. S. C. 116), relative to exclusions from gross income, is further amended by adding at the end thereof a new subsection to read as follows:

(k) In the case of an officer or employee of the Foreign Service of the United States, amounts received by such officer or employee as allowances or otherwise under the terms of title IX of the Foreign Service Act of 1946.

PART E—EFFECTIVE DATE OF ACT (Title XI, Foreign Service Act of 1946, approved August 13, 1946)

SEC. 1141. The effective date of this act shall be three months following the date of its enactment.

PAR. 2. There is inserted immediately after § 29.116-4 of Regulations 111 the following new section:

§ 29.116-5 *Exclusion of certain allowances of Foreign Service personnel.* Amounts received on or after November 13, 1946, by personnel of the Foreign Service of the United States as allowances or otherwise under the terms of title IX of the Foreign Service Act of 1946 (60 Stat. 999) are, by the provisions of section 116 (k), excluded from gross income.

PAR. 3. This Treasury decision is published without prior general notice of its proposed issuance for the reason that notice and public rule-making procedure in connection therewith are hereby found to be unnecessary. See section 4 (a) of the Administrative Procedure Act, approved June 11, 1946. Only minor technical amendments are made to the regulations.

PAR. 4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Sec. 62, 53 Stat. 32, 26 U. S. C. 62)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: March 24, 1947.

JOSEPH D. NUNAN, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-2925; Filed, Mar. 27, 1947; 8:47 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5554]

PART 182—INDUSTRIAL ALCOHOL

EMERGENCY PRODUCTION OF SUGARS AND SIRUPS IN INDUSTRIAL ALCOHOL PLANTS

1. The act of February 1, 1947 (Public Law 2, 80th Congress) amends section 3126 (a) of the Internal Revenue Code (relating to emergency production of sugars and sirups in industrial alcohol plants) by striking out "February 1, 1947," and inserting in lieu thereof "April 30, 1948."

2. Pursuant to the foregoing provision of law and sections 3105, 3124 (a) and 3176, Internal Revenue Code, Article V of Regulations 3 (26 CFR, Part 182) is hereby amended by adding after § 182.7b a new § 182.7c.

3. Notice and public procedure under section 4, Administrative Procedure Act, are found to be impracticable and unnecessary in connection with the issuance of these regulations for the reasons that (1) the statute which the regulations are designed to implement merely extended the expiration date of prior temporary emergency legislation; (2) the statute was approved on the day following the expiration date of such prior legislation; and (3) the regulations are in substance and effect the same as the regulations which implemented the prior legislation. It is also found necessary to make these regulations immediately effective to permit the beneficiaries of the legislation to qualify thereunder and avoid confusion in conducting operations and keeping records.

§ 182.7c *Emergency production of sugars and sirups in industrial alcohol plants.* Notwithstanding the provisions of § 182.7, or other provisions of the regulations in this part, until April 30, 1948, sugars and sirups from potatoes and from high moisture or damaged grain may be produced in industrial alcohol plants simultaneously with, or alternately with, the production of alcohol. Any proprietor of an industrial alcohol plant intending to produce such sugars and sirups shall submit in accordance with these regulations a supplemental application, Form 1431, to cover the use of the premises for that purpose until December 31, 1947, and shall likewise submit a supplemental application to cover the use of the premises for that purpose from January 1, 1948, to April 29, 1948, inclusive. The application shall include a statement of the equipment and the process to be used in producing such sugars and sirups and shall be accompanied by an appropriate consent of surety, Form 1533, executed in accordance with these regulations. Upon approval of such application, the district supervisor shall issue an amended permit, Form 1433, to allow use of the premises in accordance with the supplemental application. The proprietor shall prepare each month and attach to his monthly report on Form 1442 a separate report showing all potatoes and high moisture or damaged grain used daily in the production of sugars and sirups by pounds and the quantity in pounds of sugars and sirups produced and removed each day from the premises. This report shall be deemed a part of Form 1442. All such materials received on the premises shall be reported in the regular material summaries of Forms 1442 and 1452-B and upon their use under this section, shall be reported at a special line in the summaries as transferred for use in the production of sugars and sirups. All containers of sugars and sirups removed from the premises must be labeled to show the nature of the contents and the name and address of the manufacturer. The operations authorized herein shall be conducted in a manner consistent with the provisions of these regulations. This section shall cease to be in force and effect after April 29, 1948. (Secs. 3105, 3124 (a), 3126, 3176, I. R. C.)

JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: March 24, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-2687; Filed, Mar. 27, 1947; 8:49 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

CERTAIN COUNTRIES GENERALLY LICENSED

MARCH 28, 1947.

Amendment to General License No. 94 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.94 (General License No. 94) is hereby amended to read as follows:

§ 131.94 *General License No. 94; certain countries generally licensed—(a) Blocked countries generally licensed subject to certain conditions.* A general license is hereby granted licensing all blocked countries and nationals thereof (excepting the following countries and nationals thereof: Portugal, Spain, and Tangier) to be regarded as if such countries were not foreign countries designated in the order, *Provided*, That

(1) Any property in which on the effective date hereof any of the following had an interest; (i) any blocked country (including countries licensed hereby) or person therein; or (ii) any other partnership, association, corporation, or other organization, which was a national of a blocked country (including countries licensed hereby) by reason of the interest of any such country or person therein; or

(2) Any income from such property accruing on or after the effective date hereof shall continue to be regarded as property in which a blocked country or national thereof has an interest and no payment, transfer, or withdrawal or other dealing with respect to such property shall be affected under, or be deemed to be authorized by, this paragraph.

(b) *Transactions under other licenses authorized without regard to certain restrictions.* With respect to property subject to the proviso of paragraph (a) of this section any transaction not involving any excepted country or national thereof which is authorized under any license (other than §§ 131.1, 131.1a, 131.4, 131.27 and 131.30a (General Licenses Nos. 1, 1A, 4, 27 and 30A) or any other license to the extent that it merely authorizes transfers between blocked accounts of the same person or changes in the form of property held in a blocked account) may be effected without regard to any terms of such license relating to the method of effecting such transaction.

(c) *Certain other transactions authorized.* This license also authorizes any transaction which could be effected under § 131.53 (General License No. 53) if the countries licensed hereby were members of the generally licensed trade area, *Provided*, That this paragraph shall not be deemed to authorize any payment, transfer, or withdrawal, or other dealing with respect to any property which is subject to the proviso of paragraph (a) of this section.

(d) *General Ruling No. 17[1] not waived with regard to certain countries.* This license shall not be deemed to waive the requirements of General Ruling No. 17 with respect to blocked property held in any account maintained in the name of any bank or other financial institution located in Switzerland, Liechtenstein, or Sweden unless such property has been certified under paragraph (1) of § 131.95 (General License No. 95).

(e) *Applicability of license to nationals of countries licensed hereby who are also nationals of excepted countries.* Paragraphs (a) and (b) of this section shall not apply with respect to any national of a country licensed hereby who is also a national of any excepted country, *Provided, however*, That for the purpose only of this license the following shall be deemed not to be nationals of an excepted country:

(1) Any individual residing in a country licensed hereby;

(2) Any partnership, association, corporation, or other organization, organized under the laws of a country licensed herbey.

(f) *Definition.* As used in this license, the term "excepted country" shall mean any country excepted in paragraph (a) of this section.

(g) *Effective date.* The effective date of this general license shall be December 7, 1945, except that it shall be October 5, 1945 as to France, November 20, 1945 as to Belgium, November 30, 1946 as to Switzerland and Liechtenstein, December 31, 1946 as to Germany and Japan, and March 28, 1947 as to Sweden.

(h) *Restrictions of General Ruling No. 11A.*[2] Attention is directed to the special restrictions contained in General

[1] 8 F. R. 14341.
[2] 10 F. R. 5573, 11 F. R. 9340, 12 F. R. 1458.

Ruling No. 11A pertaining to dealings in certain property in which there is any interest of Germany or Japan or certain nationals thereof.

(Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., and 1945 Supp., Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1-7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-2923; Filed, Mar. 27, 1947; 8:46 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PROPERTY CERTIFIED BY GOVERNMENTS OF SPECIFIED COUNTRIES

MARCH 28, 1947.

Amendment to General License No. 95 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Paragraph (d) (1) of § 131.95 (paragraph (4) (a) of General License No. 95) is hereby amended to read as follows:

§ 131.95 *Property certified by governments of specified countries.* • • •

(d) *Definitions.* • • •

(1) The term "country specified herein" means the following:

(i) France, effective Octover 5, 1945;
(ii) Belgium, effective November 20, 1945;
(iii) Norway, effective December 29, 1945;
(iv) Finland, effective December 29, 1945;
(v) The Netherlands, effective February 13, 1946;
(vi) Czechoslovakia, effective April 26, 1946;
(vii) Luxembourg, effective April 26, 1946;
(viii) Denmark, effective June 14, 1946;
(ix) Greece, effective October 15, 1946;
(x) Switzerland, effective November 30, 1946;
(xi) Liechtenstein, effective November 30, 1946;
(xii) Poland, effective January 7, 1947;
(xiii) Austria, effective January 16, 1947;
(xiv) Sweden, effective March 28, 1947;

and each country specified herein shall be deemed to include any colony or other territory subject to its jurisdiction.

(Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941; E. O. 8832, July 26, 1941; E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941; E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., and 1945 Supp., Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1-7, 11 F. R. 1769, 7184, 12 F. R. 6)

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-2924; Filed, Mar. 27, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—American Battle Monuments Commission

PART 501—ERECTION OF WAR MEMORIALS IN FOREIGN COUNTRIES BY AMERICAN CITIZENS, STATES, MUNICIPALITIES, OR ASSOCIATIONS

PART 502—ERECTION OF MEMORIAL MONUMENTS, BUILDINGS, AND HEADSTONES IN AMERICAN CEMETERIES LOCATED OUTSIDE THE UNITED STATES AND ITS TERRITORIES AND POSSESSIONS

MISCELLANEOUS AMENDMENTS

1. The head note of Part 501 is changed from "Erection of World War I Memorials in Europe by American citizens, States, municipalities, or associations" to "Erection of war memorials in foreign countries by American citizens, States, municipalities, or associations."

2. Paragraph (a) of § 501.1 is amended to read:

§ 501.1 *Restrictions on erection.* (a) The policy of the Commission shall be to decline to approve any plans for memorials in foreign countries, proposed for erection by States, municipalities, military organizations or private individuals of the United States, with the exception of memorials that will be useful to the inhabitants of the neighborhood in which they are to be erected, such as bridges, fountains, public buildings, gateways or other public improvements.

3. The citation of authority for Part 501 is amended to read: "(Sec. 8, 42 Stat. 1510, Sec. 2, 60 Stat. 317, Pub. Law 456, 79th Cong.; 36 U. S. C. 129)"

4. The head note of Part 502 is changed from "Erection of memorial monuments, buildings, and headstones in the American cemeteries in Europe" to "Erection of memorial monuments, buildings, and headstones in American cemeteries located outside the United States and its territories and possessions."

5. Paragraph (b) of § 502.1 is amended to read:

§ 502.1 *Restrictions on erection.* • • •

(b) There shall be no variation in the types of headstones officially adopted for use in American cemeteries located outside the United States and its territories and possessions.

6. The citation of authority for Part 502 is amended to read: "(Sec. 2, 42 Stat. 1509, Sec. 2, 60 Stat. 317; Pub. Law 456, 79th Cong.; 36 U. S. C. 123)"

[SEAL] THE AMERICAN BATTLE MONUMENTS COMMISSION,
ROBERT G. WOODSIDE,
Vice Chairman.

[F. R. Doc. 47-2877; Filed, Mar. 27, 1947; 8:48 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 315]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE AND PERSONAL EFFECTS

Section 802.11 *Personal baggage and personal effects*, is hereby amended as follows:

Subparagraph (1) of paragraph (b) is hereby amended to read as follows:

(b) *Special provisions.* • • •

(1) *Foods and soaps.* The total domestic value of all soap, butter, and other edible fats and oils shall not exceed $5.00. The total domestic value of all food, including the $5.00 allowance for soap, butter and other edible fats and oils, shall not exceed $50.00.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: March 6, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-2922; Filed, Mar. 27, 1947; 8:53 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order No. S-1125]

POMEROY MOTOR CO.

Pomeroy Motor Company, a corporation, West Main Street, Pomeroy, Ohio, on or about November 11, 1946, without authorization of the Civilian Production Administration, began construction and thereafter carried on and participated in the construction of a one-story cinder block building to be used for commercial and storage purposes, located on Union Avenue, Pomeroy, Ohio, the estimated cost of which construction was $17,289. The beginning of construction and the carrying on and participating in construction as aforesaid constituted a willful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1125 *Suspension order No. S-1125.* (a) Neither Pomeroy Motor Company, a corporation, its successors and assigns, nor any other person shall do any further construction on the one story cinder block structure to be used for commercial and storage purposes located on Union Avenue, Pomeroy, Ohio, including the putting up, completing or altering said structure, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Pomeroy Motor Company shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Pomeroy Motor Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3019; Filed, Mar. 27, 1947; 11:18 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1126]

PETE CLADIANOS & G. W. FRIEDHOFF

Pete Cladianos, the owner of the Rancho Motel located at the intersection of South Virginia Street and Airport Road approximately one mile south of the city limits of Reno, Nevada, and G. W. Friedhoff, Superintendent in charge of construction, subsequent to April 10, 1946, without authorization from the Civilian Production Administration, began construction of a 20-unit addition to the existing structure known as "The Rancho Motel," at an estimated cost of $65,000.00, in violation of Civilian Production Administration Order VHP-1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1126 *Suspension Order No. S-1126.* (a) Neither Pete Cladianos nor G. W. Friedhoff, their successors or assigns, nor any other person shall do any further construction on the building located at the intersection of South Virginia Street and Airport Road approximately one mile south of the city limits of Reno, Nevada, including putting up, completing, or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Pete Cladianos and G. W. Friedhoff shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Pete Cladianos or G. W. Friedhoff, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3020; Filed, Mar. 27, 1947; 11:18 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of Interior

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

MINIDOKA IRRIGATION PROJECT, GOODING DIVISION, IDAHO

CROSS REFERENCE: For public notice announcing the availability of water for public lands and opening of public lands to entry in Minidoka Irrigation Project, Gooding Division, Idaho, see F. R. Doc. 47-2879 under Department of Interior, Bureau of Reclamation, in Notices section, *infra*.

PART 402—ANNUAL WATER CHARGES

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA

CROSS REFERENCE: For an addition to the tabulation contained in § 402.2 see F. R. Doc. 47-2880 under Department of Interior, Bureau of Reclamation, in the Notices section, *infra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 369, Amdt. 11]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of March A. D. 1947.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F. R. 15073; 11 F. R. 639, 2383, 7857, 10304, 8453, 11013, 14522; 12 F. R. 1606, 1724), and good cause appearing therefor; it is ordered, that:

Section 96.369, *Demurrage charges on closed box cars*, of Service Order No. 369, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) (3) for paragraph (c) (3) thereof:

(c) *Application.* • • •

(3) *Export, import, coastwise or intercoastal traffic.* Except as shown below, import, export, coastwise (including Great Lakes) or intercoastal traffic is subject to this section.

Exceptions. Import, export, coastwise (including Great Lakes) or intercoastal bulk grain or explosives traffic, during the period such traffic is held in cars at ports for transfer to vessels or held at United States-Canadian border crossings, is not subject to this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 25, 1947, and the provisions of this amendment shall apply to cars on hand on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2902; Filed, Mar. 27, 1947; 8:51 a. m.]

[S. O. 653, Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128, 1606, 1816), and good cause appearing therefor: it is ordered, that:

Section 95.653, *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by substituting the following paragraphs (c) (3) and (e), for paragraphs (c) (3) and (e) thereof:

(c) *Application.* • • •

(3) *Export, import, coastwise or intercoastal traffic.* Except as shown below, import, export, coastwise (including

Great Lakes) or intercoastal traffic is subject to this section.

Exemptions. Import, export, coastwise (including Great Lakes) or intercoastal bulk freight or explosives traffic, during the period such traffic is held in cars at ports for transfer to vessels or held at United States-Canadian border crossings, is not subject to this order. Bulk freight means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

(e) *Expiration date.* This section shall expire at 7:00 a. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of the Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 25, 1947, and shall apply to cars on hand on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2903; Filed, Mar. 27, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF DETERMINATION WITH RESPECT TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on December 28, 1946 (11 F. R. 14715), that a referendum would be conducted among the growers who, during the marketing season beginning on April 1, 1946, had been engaged, in the State of California, in the production of Bartlett pears, plums, or Elberta peaches for shipment in fresh form to determine whether the requisite majority of such growers favored the termination of the aforesaid amended marketing agreement and order as to any one or more of the fruits covered thereby.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 17 to February 1, 1947, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, is not favored by the requisite majority of such growers with respect to any or all of such fruits.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 936.10)

Done at Washington, D. C., this 24th day of March 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-2912; Filed, Mar. 27, 1947; 8:52 a. m.]

[7 CFR, Part 961]

[Docket AO 160-A5]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a hearing to be held at the Jefferson Room, Adelphia Hotel, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. s. t., April 9, 1947, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area. The proposals to delete the present formula method of computing the Class I price raise the question of whether the formula method will operate more satisfactorily to maintain Class I prices at a level which will be consistent with the standard set forth in the act as expressed by the market prices of butter now utilized as the formula base or some other group of prices or factors such as a combination of butter prices with nonfat dry milk solids, the prices paid farmers delivering to surrounding fluid milk markets and to manufacturing milk plants, and indexes of purchasing power of both farmers and consumers. The proposal to modify the classification of nonproducer milk received at producer milk plants raises the question of whether the definition of a "producer milk plant" should be revised to include such "nonproducer milk." Evidence with respect to these questions will also be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

In order to cooperate with the Pennsylvania Milk Commission, the hearing will be conducted jointly with the Commission.

Proposals upon which evidence will be received are as follows:

Proposed by Milk Distributors' Association of the Philadelphia Area, Inc.:

1. Amend § 961.1 (a) (3) so as to exclude from "the Philadelphia, Pennsylvania Milk Marketing Area" that portion of Delaware County lying north, northwest and west of the Darby Creek.

2. Amend § 961.1 (a) (6) (i) by eliminating the following plant listings:

Penn-Reed Milk Co., Belleville, Pa.
Philadelphia Dairy Products Co., Inc., Pottstown, Pa.

by adding the following plant listings:

Abbotts Dairies, Inc., Belleville, Pa.
Abbotts Dairies, Inc., Reedsville, Pa.
Philadelphia Dairy Products Co., Inc., Benton, Pa.
Supplee-Wills-Jones Milk Co., Nassau, Del.

3. Amend § 961.3 (b) (1) by changing the words "less than 18 percent butterfat" to "less than 17.5 percent butterfat."

4. Amend § 961.3 (c) by changing the words "less than 18 percent butterfat" to "less than 17.5 percent butterfat."

5. Eliminate § 961.3 (e) (2) and eliminate the words "During the months July to March inclusive" from § 961.3 (e) (1).

6. Amend § 961.4 (a) (1), as amended, so as to provide:

(a) For the elimination of formula pricing for Class I milk.

(b) A fixed price for Class I milk which will reflect current and prospective market conditions.

(c) A variation of the price for Class I milk in different seasons of the year to encourage level production of milk.

Proposed by United Farmers' Cooperative:

7. Revise the Class I price provision to substitute for the present butter formula a price based on factors reflecting the cost of milk production such as commercial 16 percent dairy feed and wages of hired farm labor in relation to the purchasing power of consumers.

Proposed by Oakland Farms:

8. The Class I price of milk to producers should be based on factors entering into their cost of production, plus a reasonable profit, and maintain an adequate supply of milk for the area with due consideration to provide milk to the public at a fair price. All these factors must be thoroughly reviewed at public hearings with all interested parties given an opportunity to present evidence.

Proposed by Inter-State Milk Producers' Cooperative:

9. Provide a fixed Class I price to be changed only after hearings are held in the market.

10. Provide a seasonal differential, in addition to the fixed Class I price proposed in (1), of approximately 50 cents per hundredweight for the months of July through September, and January through March, respectively; and a seasonal differential of approximately $1.00 in addition to the fixed Class I price proposed in (1) during the months of October through December.

11. Provide that the fixed Class I price referred to in (1) and the differentials referred to in (2) to be determined after a consideration of the evidence introduced at the hearing proposed in this call, in such manner that a combination of the Class I price, the differentials and the Class II price will return to producers an over-all price sufficient to cover their costs of production and a reasonable profit, and to provide for the consumers of the Philadelphia area an adequate, constant and more even supply of milk.

Proposed by the Dairy Branch:

12. In § 961.4 (a) (2) revise the alternative method of computing the butterfat value of the Class II price on the basis of New York butter prices to include a factor which will increase that value 10 cents per hundredweight of milk.

13. Amend § 961.4 (a) (2) to provide for computation of the Class II price on the basis of all prices reported by the United States Department of Agriculture for nonfat dry milk solids for human consumption, in carlot sales on the New York market, rather than on the basis of quotations for dry skim milk for animal feed and for human consumption as now provided.

Proposed by United Farmers' Cooperative:

14. Provide a 3.7 percent butterfat basis for payment in lieu of the 4.0 percent basis now used.

15. Provide a producer butterfat differential of 7 cents per hundredweight for each one-tenth of one variation above or below 3.7 percent butterfat.

Proposed by Milk Distributors' Association of the Philadelphia Area, Inc.:

16. Reconsider the butterfat differential on Class I milk.

17. Amend § 961.4 (c) to provide for an additional hauling allowance on "distress milk."

18. Amend § 961.4 (d) by changing the words "on any wholesale or retail routes from which no milk is disposed of in the marketing area on the same trip" to "on any retail route from which no milk is disposed of in the marketing area on the same trip, and on any wholesale route."

19. Further amend § 941.4 (d) by adding at the end thereof an additional proviso as follows: *"And provided further,* That when sold in an area regulated by an order of a State Milk Control Agency but not regulated by another order of the Secretary, the minimum price specified under the Milk Control Order of such State Agency shall apply."

Proposed by Suburban Milk Dealers' Association:

20. Amend § 961.4 (d) by inserting after the words "shall be, as ascertained by the market administrator," the words: "subject to the proviso hereinafter set forth," and by adding at the end thereof an additional proviso as follows: *"And provided further,* That when sold in an area regulated by an order of a state milk control or regulatory agency but not regulated by another order of the Secretary, the minimum price effective under the state milk control or regulatory agency order shall apply."

Proposed by Oakland Farms:

21. Revise § 961.4 (d) to read as follows:

(d) *Class I milk disposed of outside the marketing area.* The price to be paid by handlers for Class I milk disposed of outside the marketing area on any wholesale or retail routes from which no milk is disposed of in the marketing area on the same trip, in lieu of the price otherwise applicable pursuant to this section, shall be (1) for milk produced and disposed of in the Commonwealth of Pennsylvania, exclusive of the marketing area, the price for Class I milk shall be the same as that prescribed by the various Official Orders of the Pennsylvania Milk Control Commission for each of the respective state areas (2) for milk sold in an area regulated by another marketing order of the Secretary, the price effective under such an order shall apply (3) for milk sold in any other area, the market administrator shall ascertain the price.

Proposed by Milk Distributors' Association of the Philadelphia Area, Inc.:

22. Amend § 961.5 (a) by changing the words "8th day" to "9th day."

23. Add a new provision to provide that: "The market administrator shall not audit, re-audit, or charge any person subject to this order for operations during any month later than two years after the date of the filing of the report for such operations, except in case of fraud."

24. Eliminate § 961.10.

Proposed by the Dairy Branch:

25. Delete from § 961.8 (e) the words, ". . . and 3 cents per hundredweight at plants 31 miles or more from City Hall, Philadelphia," and consider the addition of a like amount of differentials set forth in § 961.4 (c) (1).

Copies of this notice of hearing and of the tentatively approved marketing agreement, as amended, and of the order as amended, now in effect, may be procured from the Market Administrator, 11 North Juniper Street, Philadelphia 7, Pennsylvania or from the Hearing Clerk, United States Department of Agriculture, Room 0308 South Building, Washington 25, D. C., or may be there inspected.

Dated: March 24, 1947.

[SEAL] E. A. MEYER, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 47-2913; Filed, Mar. 27, 1947; 8:52 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51648]

COAL, COKE AND BRIQUETS IMPORTED FROM CERTAIN COUNTRIES

TAXABLE STATUS

MARCH 25, 1947.

Coal, coke made from coal, and coal or coke briquets imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1947, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in the Internal Revenue Code, section 3423:

Brazil Canada New Zealand

Coal, coke made from coal, and coal or coke briquets produced in the following countries, imported into the United States directly or indirectly therefrom and entered for consumption or withdrawn from warehouse for consumption during the calendar year 1947 will be exempt from the tax by virtue of the Internal Revenue Code, section 3420:

Mexico Spain
Peru United Kingdom
Poland

Such fuels will be subject to the tax when imported from the following countries and entered or withdrawn for consumption during the calendar year 1947:

Australia Union of South Africa

The above list does not include countries from which there have been no importations of coal or allied fuels since January 1, 1945. Further information concerning the taxable status of such fuels imported during the calendar year

1947 will be furnished upon application therefor to the Bureau.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

[F. R. Doc. 47-2921; Filed, Mar. 27, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 10]

VERNE HASS AND INTERNATIONAL SHOE CO.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned, after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Verne Hass, Chicago, Ill., Claim No. 3789.	12 F. R. 962, Feb. 11, 1947.	Property described in Vesting Order No. 675 (8 F. R. 5029, Apr. 17, 1943), relating to U. S. Letters Patent No. 2,140,011, to the extent owned by claimant immediately prior to the vesting thereof.
International Shoe Co., St. Louis, Mo., Claim No. A-371.	12 F. R. 962, Feb. 11, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 1,930,355, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2934; Filed, Mar. 27, 1947; 8:48 a. m.]

[Vesting Order 8433]

MAX G. WENDLER

In re: Estate of Max G. Wendler, deceased. File D-28-7990; E. T. sec. 8933.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Wendler, Karl Wendler, Ottilie Wendler, Hedwig Friedrich, Milda Wendler, Klara Wendler and Minna Linke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That "John" Friedrich, first name being fictitious, husband of Hedwig Friedrich, the personal representatives, heirs, next of kin, legatees and distributees of Karl Wendler, the personal representatives, heirs, next of kin, legatees and distributees of Hedwig Friedrich, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Max G. Wendler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William V. Elliot, as Public Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the above named persons, "John" Friedrich, first name being fictitious, husband of Hedwig Friedrich, the personal representatives, heirs, next of kin, legatees and distributees of Karl Wendler, the personal representatives, heirs, next of kin, legatees and distributees of Hedwig Friedrich, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2928; Filed, Mar. 27, 1947; 8:47 a. m]

[Vesting Order 8447]

SHIGERU ASADA

In re: Bank account owned by Shigeru Asada. D-39-17905-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeru Asada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a savings account, Account Number 10915, entitled K. Hayashi, Trustee for S. Asada, maintained at the branch office of the aforesaid bank located at Hilo, Hawaii, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shigeru Asada, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2929; Filed, Mar. 27, 1947; 8:47 a. m.]

[1] Filed as part of original document.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice 42]

MINIDOKA IRRIGATION PROJECT (GOODING DIVISION), IDAHO

PUBLIC NOTICE OPENING PUBLIC LAND TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER

1. *Public land for which entry may be made and for which water is available.* In pursuance of the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, it is hereby announced that water will be available for the irrigation season of 1947 and thereafter and that entry may be made in accordance with this notice beginning on April 25, 1947, for the following described public lands in the Gooding Division of the Minidoka Project, as shown on farm unit plats of Township 8 South, Range 19 East, and Township 9 South, Ranges 19 and 20 East, Boise Meridian, to wit:

BOISE MERIDIAN, IDAHO

PUBLIC LAND

Township 8 South, Range 19 East

Order of unit in drawing	Section	Farm unit	Description	Total irrigable acreage
1	33	A	Tract A	71.0
2		B	Tract B	78.9
3	34	A	Tract A	78.8
4		B	Tract B	77.8
5		C	Tract C	81.0
6		D	Tract D	85.6
7		E	Tract F	81.4
8	35	A	Tract A	89.2
9		B	Tract B	78.1
10		C	Tract C	76.9
11		D	Tract D	63.0
12		E	Tract E	67.7

Township 9 South, Range 19 East

	Section	Farm Unit		
13	1	A	Tract A	96.3
14		B	Tract B	78.7
15		C	Tract C	74.2
16		D	Tract D	65.4
17		E	Tract E	75.9
18		F	Tract F	64.8
19		G	Tract G	67.8
20	2	A	Tract A	74.6
21		B	Tract B	74.1
22		C	Tract C	80.7
23		D	Tract D	82.1
24		E	Tract E	59.9
25		F	Tract F	70.1
26		G	Tract G	53.0
27	3	A	Tract A	63.7
28		B	Tract B	59.9
29		C	Tract E	78.7
30	11	A	Tract A	61.5
31		B	Tract B	70.5
32	12	A	Tract A	90.0
33		B	Tract B	99.1

Township 9 South, Range 20 East

	Section	Farm Unit		
34	5	A	Tract A	79.2
35		B	Tract B	65.4
36		C	Tract D	82.8
37		D	Tract C	76.0
38	6	A	Tract C	76.0
39		B	Tract B	81.4
40		D	Tract E	68.4
41		E	Tract E	61.5
42		F	Tract G	74.8
43	7	A	Tract C	93.4

Plats of the farm units referred to above were approved on February 28, 1947, and are on file in the office of the Project Superintendent, Bureau of Reclamation, Burley, Idaho; the office of the Bureau of Reclamation, Hunt Unit, Eden, Idaho; the office of the Regional Director, Bureau of Reclamation, Boise, Idaho; and the District Land Office, Blackfoot, Idaho, where they may be examined by any person desiring to make application hereunder. The area of public land in each of these farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land and is fixed at the amounts shown upon the farm unit plats.

2. *Private land for which water is available.* Water will also be available for the irrigation season of 1947 and thereafter, and may be obtained by making arrangements with American Falls Reservoir District No. 2 for the payment of the construction charges and operation and maintenance charges for the following land held in private ownership:

Township 8 South, Range 19 East

Section	Description	Total irrigable acreage
36	NE¼SW¼	40.0
	NW¼SW¼	38.2
	SW¼SW¼	34.4
	SE¼SW¼	38.4

The maximum acreage of land in private ownership for which application for delivery of water may be made shall be 160 acres of irrigable land for each landowner.

3. *Preference rights of honorably discharged veterans of World War II*—(a) *Nature of preference.* Pursuant to the provisions of the act of September 27, 1944 (58 Stat. 747), as amended June 25, 1946 (Public Law No. 440, 79th Congress, 2d Sess.), for a period of 90 days from the opening of these lands to entry or until July 25, 1947, the lands described in paragraph 1 above will be open to entry only to persons who have served not less than 90 days in the Army, Navy, Marine Corps or Coast Guard of the United States in World War II, and are honorably separated or discharged therefrom prior to the date of making application: *Provided, however,* That they must be qualified to make entry, under the homestead laws and also possess the qualifications as to industry, experience, character, capital and physical fitness required of all entrymen or entrywomen under this notice. This right extends to the widow of a veteran of World War II and to the guardian of his or her minor orphan child or children. The commencement of United States participation in World War II shall be deemed, for purposes of this notice, to be December 8, 1941.

(b) *Definition of honorable discharge.* An honorable discharge within the meaning of the act of September 27, 1944 (58 Stat. 747), shall mean:

(1) Separation from the service by means of an honorable discharge or a discharge under honorable conditions,

(2) Transfer from active duty to a reserve or retired status,

(3) End of the period of war service by reason of the termination of the war, even though the person remains in the service of the armed forces of the United States.

(c) *Submission of proofs of veterans status.* An applicant who claims a preference right on account of service in the armed forces of the United States must attach to the application a photostatic copy of both sides of his or her discharge papers, a certified copy of his or her recorded discharge papers, or an affidavit which states the applicant's time of service, the unit of which he or she was a member, the date of honorable discharge, and the fact that he or she did not refuse to wear the uniform of such service or to perform the duties thereof.

4. *Qualifications required by the Reclamation Law.* Pursuant to the provisions of subsection 4C of the act of December 5, 1924 (43 Stat. 702, 43 U. S. C. 433), the following are established as minimum qualifications which in the opinion of the local examining board are necessary to insure the success of an entryman or entrywoman on a reclamation farm unit. Applicants must meet these qualifications, as determined by the examining board, in order to be considered for entry, and failure to meet them in all respects will be sufficient cause for rejection of an application. No credit will be given for qualification in excess of the minimum required.

(a) *Character and industry.* Each entryman or entrywoman must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct and a bona fide intent to engage in farming as an occupation. Persons named as references in paragraph 17 of the farm application blank should be responsible individuals, not relatives, who are personally acquainted with the applicant and are willing and able to disclose full information relative to the applicant's qualifications for entry on a reclamation farm unit.

(b) *Health.* Each entryman or entrywoman must be in such physical condition as will enable him or her to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable should attach to his or her application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(c) *Farm experience.* Each applicant must have had at least three years' full-time experience acquired after the age of 15 years. Two years of study in agricultural courses in an accredited agricultural college or two years of responsible technical work in agriculture which, in the opinion of the examining board, would help prepare the applicant for the successful operation of a farm may be credited as one year of experience. The technical and educational training acquired by the applicant will be credited for no more than one year of full-time experience. Applicants who have gained their farm experience on an irrigated farm will have no advantage over those with non-irrigated farm experience. In supporting his or her claim of meeting the farm experience requirement, the applicant must furnish three written statements signed by a county agricultural agent, county Farmers Home Administration supervisor, P. M. A. county chairman, an officer of any local farm organization, or any other comparable persons who have knowledge of the applicant's farm experience or have verified it to their satisfaction. Women applicants should describe fully the farm activities in which they have engaged and the relation of agricultural courses they have taken to farm operation and management.

(d) *Capital.* Each entryman or entrywoman must possess at least $3,000 in operating capital or its equivalent, such as livestock, farm machinery and equip-

ment, which are unencumbered and which in the opinion of the board will be applied to his needs for farming operations in this area, or he must have at least $3,000 in (1) unencumbered operating capital or its equivalent, and (2) credit, of which amount at least $2,000 must be in the first category and not more than $1,000 in the second will be considered. Credit must be evidenced by a certified statement from the credit source indicating the amount to be loaned and the terms of the loan. Such credit will be regarded as adequate only if the terms of repayment will not, in the opinion of the board, interfere with the development of a farm unit.

In addition, in order to qualify for entry on project lands, applicants must not hold or own, within any Federal reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid. Proofs of conformity with this requirement need not be furnished, but a check of project lands will be made to determine eligibility of applicants before awards of farm units are made.

5. *Qualifications required by homestead laws.* The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Entrywomen who are married must be heads of families. (Except veterans of World War II, all entrymen must be 21 years of age or the head of a family, and entrywomen must be 21 years of age and the head of a family. The act of June 25, 1946, removes the age requirements for both men and women who are veterans, but does not affect the homestead requirement that entrywomen who are married must be the heads of families.) Proofs of such status must be submitted with the applications of married women.

(c) Must not own more than 160 acres of land in the United States.

(d) Must not have exhausted the right to make homestead entry on public land.

Complete information concerning qualifications for homesteading may be obtained from the District Land Office at Blackfoot, Idaho, or the Bureau of Land Management, Washington 25, D. C.

6. *When and how to apply for a farm unit*—(a) *Application blanks.* Any person desiring to acquire any of the public land farm units described in this notice must fill out the attached farm application blank. Additional application blanks may be obtained from the Bureau of Reclamation, Burley, Idaho; the Bureau of Reclamation, Hunt Unit, Eden, Idaho; the Regional Director, Bureau of Reclamation, P. O. Box 937, Boise, Idaho; or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the farm application blank, except that preference of farm units should not be listed.

(b) *Filing of application and proofs.* An application for a farm unit listed in this notice must be accompanied with proofs of veteran status and farm experience and married women's proofs of their status as the heads of families and must be filed with the Bureau of Reclamation, Burley, Idaho, or at the Hunt Unit Office, Eden, Idaho, either in person or by mail. No advantage will accrue to an applicant who presents his or her application in person.

(c) *Priority of application.* All applications for farm units listed in this notice which are received prior to 2:00 p. m. April 25, 1947, will be held and treated as filed simultaneously, except that applications of persons who do not establish their eligibility for veterans' preference, as outlined in paragraph 2 of this notice, will be set aside and will not be considered until July 25, 1947. Any application which is not accompanied by proof of veterans' preference as specified in paragraph 3 (c) above will be excluded from consideration with applications having preference proof. Applications received after 2:00 p. m., April 25, 1947, from persons with veterans' preference will be considered in the order filed if there are any farm units still available. If any farm units are still available on July 25, 1947, all applications from persons not eligible to receive veterans' preference which have been received up to that time will be considered as filed simultaneously in the awarding of any remaining farm units.

7. *Selection of qualified applicants*—(a) *Examining board.* An examining board of five members, including the Superintendent of the Minidoka Project, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of each applicant to undertake the development and operation of a farm on the Minidoka Project. Careful investigations will be made to verify the statements and representations made by applicants in order to determine their qualifications as prescribed in paragraph 3 above. Any falsification or fraudulent representation made or discovered at any time will cause an application to be rejected.

(b) *Basis of examination.* The examining board will determine the eligibility for the award of a reclamation farm unit under subsection 4C of the act of December 5, 1924. Applicants will be judged on the basis of character, industry, farming experience and capital. No applicant will be considered eligible who does not qualify in all respects, or who does not, in the opinion of the board, possess the health and vigor to engage in farm work.

(c) *Procedure*—(1) *Examination.* If an applicant fails to make a prima facie case, that is, an examination of the application discloses that the applicant is unqualified in respect to the requirements prescribed herein, the application shall be rejected and the applicant notified by the board of examiners of such rejection by registered mail, with return receipt requested, and of the right to appeal in writing to the Regional Director, Bureau of Reclamation, P. O. Box 937, Boise, Idaho, within ten (10) days from the receipt of such notification. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board of examiners for inclusion in final drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application.

(2) *Selection of applicants and award of farm units.* After the expiration of the appeal period fixed by the abovementioned notices and after the Regional Director has passed on such appeals, the board shall select the successful applicants at a public drawing from the names of all qualified applicants in the group whose applications were considered as filed simultaneously. Any qualified applicant may attend this drawing, but such attendance is unnecessary to protect his or her rights or chances thereunder. The drawing and selection will be conducted in the following manner for the 43 farm units opened to entry under this notice. The farm units shall be numbered consecutively from 1 to 43 in the order described herein without regard to relative desirability. The name of each qualified applicant will be written on a separate identical card. These cards will be deposited in a container from which they will be drawn. All names will be drawn and numbered consecutively. The first 43 names drawn will be considered the successful applicants and their names will be placed opposite the farm units bearing the same numbers as the order of drawing. All other applicants will be alternates, retaining their places in the order drawn, and will be offered such farm units as may become available because the applicants to whom the units had been originally awarded fail to complete their entry in accordance with paragraph 7 hereof. Alternates in the order drawn will be offered the right of entry to farm units in the order in which such units become available when they are not entered by the first selected applicants. An alternate will be ineligible for further consideration after being offered right of entry to a single farm unit. This procedure will continue until all farm units are finally disposed of to qualified veterans whose names were drawn as provided herein. In the event that there are farm units to be awarded after all applications that were filed simultaneously have been processed, consideration will be given to the application of other eligible veterans in the order filed. Farm units not awarded before July 25, 1947, will be open to entry by qualified applicants without regard to veterans' preference, in accordance with the procedure established by this public notice.

(3) *Notification to applicants.* Immediately after the drawing, the first forty-three (43) applicants drawn shall be notified, by registered mail with return receipt requested, and informed of their order in the drawing. All other qualified applicants shall be notified by regular mail of their order in said drawing.

8. *Payment of construction installment and filing homestead applications.* With each notification to a successful applicant, the applicant shall be advised that the first annual construction charge installment of one dollar per irrigable acre must be remitted to the office of the Project Superintendent, Bureau of Reclamation, Burley, Idaho, within 10 days from receipt of the said notice, as provided in paragraph 11 (a) of this public notice, in order to qualify the applicant to file a homestead application with the District Land Office at Blackfoot, Idaho. Upon receipt by the Project Superintendent of the first annual installment of construction charges from the applicant before the expiration of the said 10-day period, he, acting as the secretary of the examining board, will furnish each such applicant by registered mail, unless delivery is made in person, a certificate, stating that his or her qualifications to enter public lands, as required by subsection 4C of the act of December 5, 1924, have been passed upon and approved by the board. Such certificate must be attached by the applicant to his or her homestead application when the application is filed at the District Land Office. Such homestead application must be made within ten (10) days from the date of receipt of said certificate. Failure to pay the construction charge installment and to make application for homestead entry within the period specified herein will render the application subject to rejection.

9. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

10. *Contract dated September 21, 1927.* The lands covered by this notice are included in American Falls Reservoir District No. 2 which, under contract between said district and the United States dated September 21, 1927, copy of which is available for inspection in the Reclamation Bureau's project office at Hunt, Idaho, has agreed to pay the construction cost of the project as hereafter stated and determined by the Secretary of the Interior, and also an operation and maintenance charge to be determined by the Secretary of the Interior from year to year to cover a proportionate part of the cost of the operation and maintenance of certain works referred to as reserved works, including the American Falls Reservoir which is reserved for operation and maintenance by the United States, and also to pay the cost of the distribution and protection of stored water therefrom and the said district has agreed to operate and maintain the canal and lateral system constructed by the United States under said contract. The lands covered by this notice will be subject to construction and operation and maintenance charges to be determined in the manner provided in the said contract and to all the terms and conditions provided for in that contract. Pursuant to the provision of Article 41 of that contract, applicants for entry of public land and the owners of land held in private ownership for which water will be furnished pursuant to this notice will be required to execute and deliver a recordable contract which is designed to prevent land speculation based upon increased value of the land resulting from irrigation. Such contract will provide that in case of the sale of the land a portion of the sale price which exceeds the appraised value of the land shall be applied upon the construction charges against the land. The owners of land held in private ownership for which water will be furnished pursuant to this notice will also be required to execute the recordable contract required under Article 40 of the contract of September 21, 1927, which requires the sale of land in excess of 160 acres.

11. *Water right charges*—(a) *Construction costs.* Pursuant to the provisions of Article 64 of the contract of September 21, 1927, between the United States and American Falls Reservoir District No. 2, the construction charges payable on the above-described farm units and the lands in private ownership will be due in forty (40) annual installments and will be based on the cost of the works and rights to be provided by the United States under said contract. In accordance with the provisions of the contract of September 21, 1927, the first five of such annual installments are hereby established as one dollar ($1.00) per irrigable acre, for the irrigable acreage as shown on the above list of lands. In the case of public lands, the first of said annual installments shall be paid for the year of 1947 to the project superintendent by the selected homestead applicants before the issuance of the certificates of eligibility by the project superintendent. Subsequent installments of $1.00 per irrigable acre shall be due on December 31 of each of the four succeeding years. The amounts of further installments will be governed by the determination of the Secretary of the Interior of the actual cost of the works and rights to be furnished to the district under the said contract of September 21, 1927, and by the announcement of the amounts of said installments. In the event that an applicant fails to complete his or her homestead entry, any money paid to the United States on account of construction charges as herein specified will be refunded to such applicant. The owners of private land to which water will be delivered under this notice will be required to make the same payments as entrymen on public lands. The initial payment of $1.00 per irrigable acre shall be paid by such landowners to American Falls Reservoir District No. 2 before the commencement of water deliveries in the irrigation season of 1947. All payments of construction charges, except the initial payment of $1.00 per irrigable acre as specified herein, shall be due and payable to the district in accordance with the provisions of the said contract of September 21, 1927. The current estimate of construction costs for new lands of the Gooding Division of the Minidoka Project is about $90.00 per irrigable acre.

(b) *Operation and maintenance charges.* American Falls Reservoir District No. 2 is responsible for the operation and maintenance of the constructed works in the Gooding Division as provided in the said contract of September 21, 1927. The district may levy assessments from time to time to pay its costs in the discharge of this obligation and all payments due the district on account of such operation and maintenance shall be paid to the district as provided in said contract. (During the calendar year 1947 the district's operation and maintenance charge on similar new lands will be $0.50 per irrigable acre.)

12. *Reservation of rights of way for public roads.* Rights of way are reserved for public roads on section lines in the farm units shown on said plats, said rights of way being twenty-five (25) feet in width on each side of said section lines.

13. *Reservation for rights of way for publicly owned utilities.* Rights of way are reserved for government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants and for such utilities owned, or to be owned, by the settlers on the Gooding Division. There is also reserved to the Secretary of the Interior the right to locate such other government-owned facilities over and across the farm units above described as shall hereafter, in his opinion, be necessary for the proper construction, operation and maintenance of the said division.

14. *Federal assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases and on a reimbursable basis, in the development of farm units, which assistance will include clearing and rough leveling the land, roughing in of farm irrigation and surface drainage sysems beyond the farm turnouts.

15. *Effect of relinquishment.* In the event that any entry of public land shall be relinquished prior to 2:00 p. m., July 25, 1947, lands so relinquished shall be subject to entry in accordance with paragraphs 6 and 7 of this notice. In the event that any entry of public land shall be relinquished subsequent to 2:00 p. m., July 25, 1947, and at any time prior to full compliance with the homestead laws through residence, cultivation and improvement of the land, the lands so relinquished shall not be subject to entry for a period of sixty (60) days after the filing and notation of the relinquishment in the local Land Office. For ten (10) days after the expiration of such 60-day period any person having the necessary qualifications may file application to enter said public land. If the number of applicants filing during such 10-day period shall exceed the number of available farm units, the right to enter such farm units shall be determined in accordance with the procedure described in paragraphs 6 and 7 of this notice.

16. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management, otherwise the homestead applications will be rejected or the homestead entry or entries canceled.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 11, 1947.

[F. R. Doc. 47-2879; Filed, Mar. 27, 1947; 8:46 a. m.]

[No. 57]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES

MARCH 18, 1947.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum operation and maintenance charge for the calendar year 1947, and thereafter until further notice, against all lands of the Reservation Division under public notice shall be $4.00 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 5 acre-feet of water per acre on certain sandy areas shown on the list attached to public notices No. 31 dated April 14, 1931, No. 40 dated March 1, 1935, No. 43 dated February 17, 1936, No. 47 dated March 5, 1937, and No. 49 dated March 28, 1938, and to 4 acre-feet of water per acre on all other lands of the division. Additional water, if available, will be furnished at the rate of $1.00 per acre-foot. Where in the opinion of the Project Superintendent it may be done without interference with other project requirements, upon written request filed in advance by the water users, water will be furnished free of charge for reclaiming lands by the removal of alkali either by growing rice or similar crops or by the usual leaching methods, and water in excess of the minimum amount herein provided, which is to be used for the growing of fertilizer crops of no commercial value or which is to be used for the purpose of depositing silt upon the land, shall be furnished free of charge. All lands for which free water was served during the preceding year will not again be served free water until evidence satisfactory to the Project Superintendent has been made that the water so granted free of charge during the preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, in which event water shall again be served free of charge provided the results accomplished during the preceding irrigation season were not satisfactory. All operation and maintenance charges shall be due and payable on March 1 of each year for the preceding irrigation season.

2. *Annual water rental charges for other lands, Reservation Division.* Lands not under public notice that can be irrigated from the present distribution system without further construction expense by the Bureau may secure irrigation water under water rental contracts at a rate of $4.00 per irrigable acre, which charge will permit the delivery of 4 acre-feet of water per acre, and additional water will be delivered at the rate of $1.00 per acre-foot. All charges due under water rental contracts are payable in advance of the delivery of water. The minimum charge as specified shall be paid before any water is delivered during the current or subsequent seasons and all additional or excess water over the minimum of 4 acre-feet shall be paid for when ordered and prior to delivery. Refund will be made for excess water paid for but not used.

3. *Annual water rental charge for lands in the Valley Division not under public notice.* Lands in the Valley Division not under public notice which can be irrigated from the present distribution system without further construction expense by the United States may secure irrigation water under water rental contracts at a rate of $6.50 per irrigable acre, which charge will permit the delivery of 4 acre-feet per acre. Additional water furnished will be charged for at the rate of $1.00 per acre-foot, payable in advance of delivery. All town lots that can be served under the present system may secure water under annual water rental contracts at the rate of $5.00 a lot and $1.00 for each additional lot in the same township, considering the maximum lot to be not over sixty (60) feet in width. All payments under water rental contracts are due and payable in advance of the delivery of water.

4. *Place of Payment.* All payments should be made to the Agent-Cashier, Bureau of Reclamation, Yuma, Arizona. (Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 47-2880; Filed, Mar. 27, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6987]

PORT HURON BROADCASTING CO. (WHLS)

ORDER CONTINUING HEARING

In re application of Port Huron Broadcasting Company (WHLS), Port Huron, Michigan, for renewal of license; Docket No. 6987, File No. B2-R-976.

The Commission having under consideration a petition filed March 7, 1947, by Port Huron Broadcasting Company (WHLS), Port Huron, Michigan requesting a 60-day continuance in the hearing upon its above-entitled application, which is presently scheduled for March 20, 1947 at Washington, D. C.;

It is ordered, This 14th day of March, 1947, that the petition for continuance be, and it is hereby, granted; and the said further hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock Monday, May 26, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2915; Filed, Mar. 27, 1947; 8:52 a. m.]

[Docket Nos. 7338, 7339]

A. S. ABELL CO. AND BERKS BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of A. S. Abell Company, Baltimore, Maryland, File No. BP-4297, Docket No. 7338; Berks Broadcasting Company, Reading Pennsylvania, File No. BP-4380, Docket No. 7339; for construction permits.

The Commission having under consideration a petition filed March 12, 1947 by A. S. Abell Company, Baltimore, Maryland and Berks Broadcasting Company, Reading, Pennsylvania requesting a 30-day continuance in the further hearing upon their applications for construction permits which is presently scheduled for March 21, 1947 at Washington, D. C.;

It is ordered, This 14th day of March 1947 that the petition for continuance be, and it is hereby, granted; and the said further hearing upon the above-entitled applications be, and it is hereby, continued to Friday, April 18, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2917; Filed, Mar. 27, 1947; 8:52 a. m.]

[Docket No. 7552]

RED RIVER BROADCASTING CO., INC. (KDAL)

ORDER CONTINUING HEARING

In re application of Red River Broadcasting Company, Inc. (KDAL), Duluth, Minnesota, Docket No. 7552, File No. BP-4421; for construction permit.

The Commission having under consideration a petition filed March 11, 1947, by Red River Broadcasting Company, Inc. (KDAL), Duluth, Minnesota, requesting a 30-day continuance in the hearing upon its above-entitled application, which is presently scheduled for March 24, 1947, at Washington, D. C.;

It is ordered, This 14th day of March 1947, that the petition for continuance be, and it is hereby, granted; and the said further hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock Monday, April 28, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2916; Filed, Mar. 27, 1947; 8:52 a. m.]

[Docket Nos. 7941, 7942, 8167]

HILLSDALE BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING

In re application of Hillsdale Broadcasting Company, Inc., Hillsdale, Michigan, Docket No. 7941, File No. BP-5281; for construction permit. Abe Lapides, Pontiac, Michigan, Docket No. 7942, File No. BP-5331; for construction permit. Woodward Broadcasting Company, Detroit, Michigan, Docket No. 8167, File No. BP-5827; for construction permit.

The Commission having scheduled consolidated hearings on the above-entitled applications in Hillsdale, Michigan, March 20, 1947, Pontiac, Michigan, March 21, 1947, and Detroit, Michigan, March 22, 1947; and

It appearing, that public interest, convenience and necessity will be served by a continuance of said hearings to commence March 31, 1947, in Hillsdale, Michigan, April 1, 1947, in Pontiac, Michigan, and April 2, 1947, in Detroit, Michigan; and counsel for all parties having consented to such continuance;

It is ordered, This 13th day of March 1947, on the Commission's own motion, that the consolidated hearings in the above-entitled matters be, and they are hereby, continued to commence 10:00 o'clock a. m., on each of the days and in the following places: Monday, March 31, 1947, in Hillsdale, Michigan; Tuesday, April 1, 1947, in Pontiac, Mchigan; and Wednesday, April 2, 1947, in Detroit, Michigan.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2919; Filed, Mar. 27, 1947; 8:53 a. m.]

[Docket Nos. 7560, 7562]

S. H. PATTERSON (KVAK)

ORDER CONTINUING HEARING

In re applications of S. H. Patterson (KVAK), Atchison, Kansas, File No. BP-4317, Docket No. 7562; S. H. Patterson, Topeka, Kansas, File No. BP-4389, Docket No. 7560; for construction permits.

The Commission having under consideration a petition filed March 13, 1947, by S. H. Patterson requesting a 60-day continuance in the proceeding upon the above-entitled applications which is presently scheduled for March 24, 1947 at Washington, D. C.;

It is ordered, This 14th day of March 1947 that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock Monday, April 21, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2914; Filed, Mar. 27, 1947; 8:52 a. m.]

[Docket Nos. 7575, 7722]

PANHANDLE BROADCASTING CORP. AND VOICE OF AMARILLO

ORDER CONTINUING HEARING

In re application of Panhandle Broadcasting Corporation, Amarillo, Texas, Docket No. 7575, File No. BP-4738; Voice of Amarillo, Amarillo, Texas, Docket No. 7722, File No. BP-4376; for construction permits.

The Commission having scheduled a hearing on the above-entitled application for 10:00 o'clock Monday March 24, 1947 at Amarillo, Texas; and

It appearing, that public interest, convenience and necessity will be served by a continuance of the said hearing thereon; and counsel for both parties having consented to such continuance;

It is ordered, This 14th day of March 1947 on the Commission's own motion, that the hearing upon the above-entitled applications be, and it is hereby, continued to Thursday, March 27, 1947, at Amarillo, Texas.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2920; Filed, Mar. 27, 1947; 8:53 a. m.]

[Docket No. 7848]

COMMUNITY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Community Broadcasting Company, Fort Worth, Texas, Docket No. 7848, File No. BP-5182; for construction permit.

The Commission having under consideration a petition filed March 11, 1947, by Community Broadcasting Company, Fort Worth, Texas, requesting a 60-day continuance of the hearing upon its above-entitled application, which is presently scheduled for March 21, 1947, at Fort Worth, Texas;

It is ordered, This 14th day of March 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m. Thursday, May 22, 1947, at Fort Worth, Texas.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2918; Filed, Mar. 27, 1947; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-876]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

MARCH 24, 1947.

Notice is hereby given that on March 5, 1947, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, having its principal places of business at Kansas City, Missouri, and Chicago, Illinois, and doing business in the states of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio and Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate a series of 26-inch O. D. loop lines and additional compressor horsepower, as follows:

(a) West of Liberal (Kansas) compressor station:

(1) 59.5 miles of pipe line;
(2) 9400 H. P. additional compressor units.

(b) Liberal compressor station and east:

(1) 298.26 miles of pipe line;
(2) 28,200 H. P. additional compressor units.

Applicant states that when completed and in operation said facilities will increase Applicant's system peak-day designed capacity to approximately 580,000 Mcf. The total cost is estimated to be $23,464,000.

Applicant states that it produces natural gas from leasehold acreage located in the states of Texas and Kansas, and purchases natural gas produced in the states of Texas, Oklahoma, and Kansas, and that it owns and controls reserves of natural gas adequate to supply its present market requirements and the increased market requirements contemplated by the application for a period of more than 25 years.

Applicant states that the proposed facilities are necessary to make available additional volumes of gas for the rendering of adequate and uninterrupted service to its customers.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Panhandle Eastern Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2889; Filed, Mar. 27, 1947; 8:49 a. m.]

[Docket No. G-877]

PENN-YORK NATIONAL GAS CORP.

NOTICE OF APPLICATION

MARCH 24, 1947.

Notice is hereby given that on March 10, 1947, Penn-York Natural Gas Corporation (Applicant), a Pennsylvania corporation with its principal place of business in Buffalo, New York, and authorized to do business in the States of Pennsylvania and New York, filed an ap-

plication for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing applicant to construct and operate the following facilities:

Two 150 H. P. gas driven compressor units at its main line compressor station known as Arcade Station located in the Town of Arcade, Wyoming County, New York.

Applicant states that the facilities proposed to be installed are in addition to the one 150 H. P. compressor unit installed under order of the Commission in Docket No. G–833.

Applicant states that it presently owns and operates a pipeline which extends from Potter County, Pennsylvania to the distribution lines of Republic Light, Heat and Power Co., Inc. at two points known respectively as Billo Station, Erie County, New York, and Sheridan Station, Chautauqua County, New York. Applicant presently purchases the bulk of the gas it transports and sells to Republic Light, Heat and Power Co., Inc., from New York State Natural Gas Corporation.

Applicant proposes to install one of the above described compressor units in June 1947 and the other in December 1947. When the last unit is installed in December 1947 the intake pressure for the Arcade station will be as low as 100 pounds p. s. i. g., and the discharge pressure as high as 300 pounds p. s. i. g. The volume of gas proposed to be handled at the Arcade compressor station is 10,000 Mcf. daily.

Applicant states that the proposed facilities are necessary to handle the now known gas load which exists on Applicant's system, are for the betterment of Applicant's facilities, and are necessary in order to maintain efficient service to its customers. It is expected that volumes of gas to meet the larger demands of Applicant's system may be available during the winter of 1947–48.

The estimated cost of the proposed facilities is $57,500, to be financed from Applicant's current funds. Installation thereof will be done by Applicant's personnel.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing together with reasons for such request.

The application of Penn-York Natural Gas Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2890; Filed, Mar. 27, 1947; 8:50 a. m.]

[Docket No. G–875]

INDUSTRIAL GAS CORP.

NOTICE OF PETITION

MARCH 24, 1947.

Notice is hereby given that on March 3, 1947, Industrial Gas Corporation (Petitioner), a West Virginia corporation, having its principal place of business at Charleston, West Virginia, and authorized to do business only in that state, filed a Petition pursuant to section 7 of the Natural Gas Act, as amended, for an order directing Tennessee Gas and Transmission Company (Respondent) to deliver and sell natural gas to Petitioner at an existing inter-connection with Respondent's main pipeline.

Petitioner states that it is presently, and since 1940 has been engaged in the production, purchase, transportation and sale of natural gas for local consumption in the state of West Virginia; that it produces and purchases natural gas in Wayne County, West Virginia, which it gathers and transports to the International Nickel Company's plant in Huntington, Cabell County, West Virginia, which plant is Petitioner's principal customer; that it also sells small amounts of gas for domestic purposes to right-of-way grantors and delivers free gas to certain lessors as required under its gas leases. It is further stated that under temporary authority granted by the Federal Power Commission in Docket No. G–789, Petitioner purchased gas from Respondent on September 26, 27, and 28, 1946.

Petitioner estimates the total requirements of its present customers and of those who have applied for service, the volume of West Virginia gas available to Petitioner from its own wells and those of its vendors, and the required volumes of gas to be supplied from outside sources, in the future to be as follows (in M. c. f.):

Year	Total requirements	Available from local sources	To be supplied from outside sources
1947	825,000	360,250	464,750
1948	825,000	320,250	504,750
1949	1,550,000	285,000	1,265,000
1950	1,750,000	240,000	1,510,000
1951	2,000,000	200,000	1,800,000
1952	2,150,000	160,000	1,990,000

Petitioner alleges that during the period of its operation it has purchased all available local gas it could get, and has endeavored to purchase gas from every other gas company operating within the area, without success. It is alleged that Respondent operates the only natural gas pipeline which brings gas from outside the Appalachian region into the area in which Petitioner operates, and is thus the only primary source from which Petitioner can obtain the additional supply of gas required by it.

Petitioner alleges that at the time of the construction of Respondent's pipeline, a connection was made between said pipeline and Petitioner's pipeline at a point near Dixon, Wayne County, West Virginia. It is further alleged that the necessary meters, regulators and other equipment were installed, pursuant to the specifications of Respondent, so as to make a permanent delivery point from the pipeline of Respondent into Petitioner's system, and that no additional facilities or investment on the part of either company will be required to enable Respondent to provide the requested service. Petitioner states that its existing 8-inch pipeline extending from such inter-connection a distance of approximately 7½ miles into Huntington, West Virginia, has adequate capacity to handle Petitioner's estimated future requirements without further additions or investment on the part of Petitioner.

Petitioner alleges that it is necessary and desirable in the public interest that Respondent be required to deliver and sell to Petitioner such quantities of natural gas as Petitioner may need to serve its customers.

The petition of Industrial Gas Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the petition shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall fully and completely state the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the petition.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2891; Filed, Mar. 27, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 147]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., March 21, 1947, by M. Lapidus & Sons, of car MDT 146254, apples, now on the Chicago, Burlington & Quincy RR., to Sanzone-Palmisano Co., Cincinnati, Ohio (C&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of March 1947.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 47-2899; Filed, Mar. 27, 1947; 8:50 a. m.]

[S. O. 396, Special Permit 148]

RECONSIGNMENT OF CAR ART 21272 AT SIOUX CITY, IOWA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Sioux City, Iowa, March 21, 1947, by Dean Osking Co., of car ART 21272, now on the Great Northern Ry., to St. Louis, Mo. (CB&Q).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of March 1947.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 47-2900; Filed, Mar. 27, 1947; 8:51 a. m.]

[S. O. 396, Special Permit 149]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., March 20, 1947, by I. Kallish & Son, of car NWX 1264, potatoes, on the Pennsylvania RR., to Harry Seville, Newport News, Va. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of March 1947.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 47-2898; Filed, Mar. 27, 1947; 8:50 a. m.]

[S. O. 396, Special Permit 146]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., March 21, 1947, by M. Lapidus & Sons, of car MDT 146254, apples, now on the Chicago, Burlington & Quincy RR., to Sanzone-Palmisano Co., Cincinnati, Ohio (C&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of March 1947.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 47-2901; Filed, Mar. 27, 1947; 8:51 a. m.]

[S. O. 710]

UNLOADING OF MACHINERY AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of March A. D. 1947.

It appearing, that car Erie 98118, containing machinery, at New Orleans, Louisiana, on the Illinois Central Railroad Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

Car at New Orleans, La., be unloaded. (a) The Illinois Central Railroad Company, its agents or employees, shall unload immediately car Erie 98118, loaded with machinery, on hand at New Orleans, Louisiana.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 26, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2897; Filed, Mar. 27, 1947; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

NOTICE OF FILING OF SUPPLEMENTAL APPLICATION FOR EXTENSION OF TIME AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of March 1947,

In the matter of The Middle West Corporation, Central and South West Utilities Company and American Public Service Company; File No. 54-81.

The Commission, by order dated April 30, 1946, having approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 jointly by The Middle West Corporation (Middle West), a registered holding company, and Central and South West Utilities Company (Central), and American Public Service Company (American), registered holding company subsidiaries of Middle West, providing, among other things, for the merger and reorganization of Central and American, and for disposition by Middle West of shares of the merged company to be acquired under the terms of the plan, subject, among other things, to the condition that the proposed transactions be carried out within sixty days from the entry of an order by an appropriate United States District Court to enforce the Plan; and such order having been entered on June 19, 1946 by the United States District Court for the District of Delaware; and

The Commission, by orders dated August 16, 1946, October 17, 1946 and December 18, 1946, having by successive extensions granted therein extended to February 19, 1947 the time within which the transactions proposed in said plan should be consummated:

Notice is hereby given that Middle West has filed a supplemental application stating that the transactions provided for under the plan of merger and reorganization of Central and American have been consummated except, among other things, the distribution by Middle West to its own stockholders of the shares of common stock of Central and South West Corporation, the surviving company, to be received by it under the plan, that it has not been physically possible for Middle West to make such distribution under all the circumstances within the time permitted by the order, and that it will not be feasible to effect such distribution for sometime in the future, and requesting that the time for compliance with that portion of the order of April 30, 1946, relating to such distribution of the common stock of the surviving company be extended to June 30, 1947.

Middle West states in the said supplemental application that Central and South West Corporation contemplates increasing the number of its directors from seven to nine, and that Middle West proposes to vote the stock it owns in Central and South West Corporation in favor of the election of two additional independent directors, preferably residents of the area served by the Central system; and

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said supplemental application and that said supplemental application should not be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on said supplemental application under the applicable provisions of the act and the rules and regulations of the Commission promulgated thereunder be held on April 7, 1947, at 2:30 p. m., e. s. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why said supplemental application should be granted.

All persons desiring to be heard in these proceedings shall file with the Secretary of the Commission on or before April 3, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application, and upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice to its specifying additional matters and questions upon further examination:

Whether the extension of time for compliance with our order of April 30, 1946, as modified, and the proposal to increase the Board of Directors of Central and South West Corporation from seven to nine members are in the public interest and interest of investors or consumers, and whether, in the event the application is approved, any terms or conditions should be imposed.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Middle West, Central, American, Central and South West Corporation, to all persons who have heretofore applied for or who have been granted participation in the proceedings, and to all other persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2885; Filed, Mar. 27, 1947; 8:48 a. m.]

[File No. 54-151]

COMMONWEALTH & SOUTHERN CORPORATION (DEL.) AND SOUTHERN INDIANA GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION-APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of March 1947.

The Commonwealth & Southern Corporation, a registered holding company, and Southern Indiana Gas and Electric Company ("Southern Indiana"), a public utility subsidiary of Commonwealth, having filed an application-declaration, as amended, pursuant to sections 6 (a), 7, 11 (e), 12 (c) and 12 (d) of the act and Rules U-42, U-44 and U-50 thereunder with respect to, among other things, a proposal by Southern Indiana to amend its charter so as to provide that (a) whenever and as often as four quarterly dividends payable on its preferred stocks of any series shall be in default in whole or in part, the holders of its preferred stock shall have the exclusive right, voting separately and as a class, to vote for and elect the smallest number of directors which shall constitute a majority of the then authorized number of directors of the company, and (b) in all election of directors, each stockholder entitled to vote shall have cumulative voting rights; and

The applicants having stated that it is desired that the Board of Directors of Southern Indiana, at their regular meeting at the end of March, call a meeting of the stockholders of Southern Indiana to act on the above proposal, and having requested that the Commission, so as to permit such procedure, enter an order with respect to the above proposal on or before March 21, 1947 and prior to issuance of a final order on the other transactions which are the subject of the application-declaration; and

A public hearing having been held after appropriate notice and it appearing that none of the participants has entered any objection to the above proposal; and

The Commission having considered the record and having found that the requirements of the applicable sections of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate in the public interest and in the interests of investors and consumers to grant and permit said application-declaration, insofar as it relates to charter amendments by Southern Indiana, to become effective forthwith:

It is hereby ordered, Effective forthwith, subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration, insofar as it relates to charter amendments by Southern Indiana, be, and the same hereby is, granted and permitted to become effective.

It is further ordered That jurisdiction be, and hereby is, reserved as to the approval or disapproval of all other transactions proposed in the aforesaid application-declaration.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-2884; Filed, Mar. 27, 1947; 8:48 a. m.]

[File Nos. 7-955 to 7-961, 7-963 to 969]

ALLEGHANY CORP. ET AL.

FINDINGS AND ORDER EXTENDING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of March A. D. 1947.

In the matter of applications by the Detroit Stock Exchange for unlisted trading privileges in fourteen (14) securities. File Nos. 7-955 to 7-961, inclusive; 7-963 to 7-969, inclusive.

The Detroit Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder for permission to extend unlisted trading privileges to the fourteen securities enumerated below and listed in the attached schedule. Each of these securities is listed and registered on another national securities exchange as indicated below.

A public hearing has been held after appropriate notice and the Commission, being duly advised, finds:

(1) That the number of shares outstanding of each security, the distribution in the vicinity [1] of the applicant exchange, and the volume of trading in said vicinity are as set forth in the attached table;

(2) That sufficient public distribution of and sufficient public trading activity in these securities exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the applications of the Detroit Stock Exchange for permission to extend unlisted trading privileges to:

Alleghany Corporation, common stock, $1.00 par value, now listed on the New York Stock Exchange,

American Airlines, Incorporated, common stock, $1.00 par value, now listed on the New York Stock Exchange,

Baldwin Locomotive Works, common stock, $13.00 par value, now listed on the New York Stock Exchange and Philadelphia Stock Exchange,

The Baltimore and Ohio Railroad Company, common stock, $100 par value, now listed on the New York Stock Exchange,

Canadian Pacific Railway Company, common stock, $25.00 par value, now listed on the New York Stock Exchange,

The Chesapeake & Ohio Railway Company, common stock, $25.00 par value, now listed on the New York Stock Exchange,

Columbia Gas & Electric Corporation, common stock, no par value, now listed on the New York Stock Exchange and Pittsburgh Stock Exchange,

National Biscuit Company, common stock, $10.00 par value, now listed on the New York Stock Exchange,

Niagara Hudson Power Corporation, common stock, $1.00 par value, now listed on the New York Curb Exchange,

Pan American Airways Corporation, common stock, $2.50 par value, now listed on the New York Stock Exchange,

Sterling Drug, Inc., common stock, $5.00 par value, now listed on the New York Stock Exchange,

Sunray Oil Corporation, common stock, $1.00 par value, now listed on the Los Angeles Stock Exchange and New York Stock Exchange,

The United Corporation, common stock, $1.00 par value, now listed on the New York Stock Exchange and Philadelphia Stock Exchange,

Warner Bros. Pictures, Inc., common stock, $5.00 par value, now listed on the New York Stock Exchange,

be, and the same are, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SUMMARY PERTAINING TO APPLICATIONS BY THE DETROIT STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO FOURTEEN (14) STOCKS

	Shares outstanding	Distribution in vicinity			Trading volume in vicinity from Oct. 1, 1945, to Sept. 30, 1946 [1]	
		Shares	Holders	Date	Transactions	Shares
Alleghany Corp. common stock, $1 par value	4,522,597	127,432	723	10/16/46	943	179,883
American Airlines, Inc., common stock, $1 par value	6,452,765	166,234	836	10/9/46	660	64,795
Baldwin Locomotive Works, common stock, $13 par value	1,875,299	18,958	330	4/25/46	316	20,253
The Baltimore & Ohio R. R. Co., common stock, $100, par value	2,562,953	8,981	166	10/11/46	322	28,934
Canadian Pacific Railway Co., common stock, $25 par value	13,400,000	56,792	615	8/26/46	664	75,764
The Chesapeake & Ohio Ry. Co., common stock, $25 par value	7,657,355	138,214	2,046	10/10/46	370	19,631
Columbia Gas & Electric Corp., common stock, no par value	12,223,256	96,685	935	10/22/46	684	89,946
National Biscuit Co., common stock, $10 par value	6,289,448	11,898	(2)	9/30/46	177	11,531
Niagara Hudson Power Corp., common stock, $1 par value	9,581,008	60,888	636	10/31/46	362	50,809
Pan American Airways Corp., common stock, $2.50 par value	4,086,522	86,708	801	10/25/46	970	90,812
Sterling Drug, Inc., common stock, $5 par value	3,749,456	118,054	838	10/21/46	111	8,319
Sunray Oil Corp., common stock, $1 par value	4,712,126	40,468	405	10/23/46	404	45,299
The United Corp., common stock, $1 par value	14,529,491	439,350	2,050	1/31/46	1,456	311,902
Warner Bros. Pictures, Inc., common stock, $5 par value	3,701,090	52,608	(2)	9/30/46	619	70,419

[1] As reported by member firms.
[2] Holdings reported by member firms and banks for customers in Michigan. Issuer would not furnish information.

[F. R. Doc. 47-2881; Filed, Mar. 27, 1947; 8:48 a. m.]

[1] The vicinity of the Detroit Stock Exchange for the purpose of these applications comprises the State of Michigan.

[File No. 70-1464]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF VIRGINIA

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Power & Light Company (Delaware), a registered holding company, and its public utility subsidiary, Eastern Shore Public Service Company of Virginia (Eastern Shore). Applicants-declarants designate sections 6 (b), 9 (a), 12 (d) and 12 (f) of the Act and Rules U-43 and U-44 promulgated thereunder as applicable to the proposed transactions:

Notice is further given that any interested person may, not later than April 1, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1948, up to $350,000 principal amount of its 3½% promissory notes due October 1, 1973 and 3,500 shares of its common stock of the par value of $100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The proceeds from the sale

of said notes and common stock, which will not exceed $700,000 are to be used to reimburse Eastern Shore's treasury for money previously expended for construction expenditures during the year 1947. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943 in accordance with the provisions of the Indenture of Mortgage.

The proposed transactions have been approved by the State Corporation Commission of Virginia.

The applicants-declarants request that the Commission's order be issued herein on or before April 2, 1947, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2683; Filed, Mar. 27, 1947; 8:48 a. m.]

[File No. 70-1482]

FEDERAL WATER AND GAS CORP. AND SCRANTON-SPRING BROOK WATER SERVICE CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of March A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Federal Water and Gas Corporation, a registered holding company, and its subsidiary, Scranton-Spring Brook Water Service Company.

Notice is further given that any interested person may, not later than April 3, 1947, at 5:30 p. m., e. s. t. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after April 3, 1947, such declaration, as filed or as amended, or any of the transactions proposed therein, may be granted or may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed which is summarized as follows:

Federal Water and Gas Corporation ("Federal") proposes to sell to Scranton-Spring Brook Water Service Company ("Scranton") 975 shares of Common Stock, par value $50 per share, of The Winton Water Company ("Winton") for a cash consideration of $75,000. After the proposed sale, Scranton will own all of the 1,975 shares of outstanding common stock of Winton.

The declaration states that no fees or commissions are to be paid in connection with the transaction and that only nominal expenses will be involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2886; Filed, Mar. 27, 1947; 8:49 a. m.]

[File No. 812-486]

BANKERS SECURITIES CORP. AND SIXTY SEVEN HOLDING CO.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of March A. D. 1947.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), and Sixty Seven Holding Company ("Holding Company"), have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act, the proposed purchase by Holding Company from Bankers of the shares of the preferred stock of Holding Company owned by Bankers pursuant to a call for redemption by Holding Company of all of its preferred stock.

Bankers is a closed-end, management, non-diversified investment company and is registered under the Investment Company Act of 1940. Bankers through its ownership of over 38% of the issued and outstanding common stock of Bankers Bond and Mortgage Guaranty Company of America controls that company. Bankers Bond & Mortgage Guaranty Company of America with its wholly-owned subsidiary, Bankers Bond & Mortgage Company, owns all of the outstanding common stock of Holding Company. Holding Company is, therefore, an affiliated person of Bankers and the purchase by Holding Company from Bankers of securities issued by the purchaser is prohibited by section 17 (a) of the act.

The applicants have, therefore, filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transaction from the provisions of section 17 (a) of the act, and they assert that the proposed transaction meets the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed transaction is fair and reasonable;

(2) Whether the proposed transaction involves overreaching on the part of any person concerned;

(3) Whether the proposed transaction is consistent with the policy of Bankers Securities Corporation as recited in its registration statement and reports filed under the act;

(4) Whether the proposed transaction is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said Act, that a public hearing on the aforesaid application be held on April 8, 1947, at 9:30 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Bankers Securities Corporation, Sixty Seven Holding Company, Bankers Bond and Mortgage Guaranty Company of America and Bankers Bond & Mortgage Company, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before April 4, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2882; Filed, Mar. 27, 1947; 8:48 a. m.]

Reference

MAR 31 47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 NUMBER 63

Washington, Saturday, March 29, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9837

REGULATIONS GOVERNING THE TRANSFER OF LEAVE BETWEEN THE FOREIGN SERVICE AND OTHER GOVERNMENT AGENCIES

By virtue of the authority vested in me by sections 934 (b) and 935 of the Foreign Service Act of 1946, approved August 13, 1946, 60 Stat. 1028, 1029, and in the interest of the internal management of the Government, I hereby prescribe the following regulations governing the transfer of leave of persons assigned to the Foreign Service Reserve from other Government agencies and subsequently reinstated in such agencies, and of persons who resign from other Government agencies to accept appointments in the Foreign Service of the United States or who resign from the Foreign Service to accept appointments in other Government agencies:

1. Any person coming within the purview of sections 934 (b) and 935 of the Foreign Service Act of 1946 who elects to transfer his accumulated and accrued current annual leave from another Government agency to the Foreign Service or from the Foreign Service to another Government agency shall be required to transfer all of such leave up to the maximum amount of annual leave which may accumulate and accrue in the agency into which such person is entering as of the date of his entrance.

2. In computing transfers of leave effected under the provisions of sections 934 (b) and 935 of the Foreign Service Act of 1946, five work-days of leave shall be regarded as equivalent to seven calendar days of leave.

3. The provision of section 935 of the Foreign Service Act of 1946 that "in no event shall the amount of annual or sick leave of absence so transferred exceed the maximum amount of the annual or sick leave of absence which may be accumulated in either the Service or the Government agency to which such person is appointed" shall be construed to mean that in no event shall the amount of annual or sick leave so transferred exceed the maximum amount of annual or sick leave which may accumulate and currently accrue in either the Foreign Service or the Government agency to which such person is appointed, as the case may be.

4. This order shall be effective as of November 13, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 27, 1947.

[F. R. Doc. 47-3032; Filed, Mar. 27, 1947; 4:06 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 930—MILK IN TOLEDO, OHIO, MARKETING AREA

Sec.
930.0 Findings and determinations.
930.1 Definitions.
930.2 Market administrator.
930.3 Reports, records, and facilities.
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930.10 Adjustment of accounts.
930.11 Application of provisions.
930.12 Effective time.
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930.14 Agents.
930.15 Separability of provisions.

AUTHORITY: §§ 930.0 to 930.15, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 7 U. S. C. 601 et seq.

§ 930.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and the rules of practice and procedure covering the formulation of marketing agreements and marketing orders (7 CFR, Cum. Supp., 600.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), as amended, a public hearing was held September 5, 1946, and reopened September 16, 1946, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as

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FEDERAL REGISTER

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amended, regulating the handling of milk in the Toledo, Ohio, marketing area. It is hereby found upon the basis of evidence introduced at such hearing, in addition to the other findings made prior to or at the time of the original issuance of said order and of each amendment thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth), that:

(1) The order regulating the handling of milk in the said marketing area, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Toledo, Ohio, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8e of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the said order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found that a pro rata assessment on handlers at a rate not to exceed 2 cents per hundredweight with respect to all receipts by the handler, during each delivery period, of producer milk (including the handler's own production), and of other source milk classified as Class I milk and Glass II milk, will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such assessment is hereby approved.

(c) *Determinations.* It is hereby determined that handlers (including cooperative associations of producers who are not engaged in the processing, distributing, or shipping of the milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by this order, as amended, and as hereby further amended, which is marketed within the Toledo, Ohio, marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the aforesaid order, as amended, is approved or favored by at least three-fourths of the producers who, during the determined representative period (December 1946), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is hereby ordered, That such handling of milk in the Toledo, Ohio, marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 930.1 *Definitions.* The following terms as used in this part shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary.

(c) "Department of Agriculture" means the United States Department of Agriculture.

(d) "Person" means an individual, partnership, corporation, association, or any other business unit.

(e) "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the City of Toledo, and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View, and Trilby in Lucas County, also the townships of Monelova, Springfield, Adams, Sylvania, Washington, Jerusalem, and Oregon in Lucas County, and the village of Rossford and the townships of Perrysburg, Ross, and Lake in Wood County, all in the State of Ohio; the village of Lakeside, and the territory within the townships of Whiteford, Bedford, and Erie in Monroe County, in the State of Michigan.

(f) "Delivery period" means the calendar month, or the portion thereof, during which the provisions of this part are effective.

(g) "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk for sale or disposition in the marketing area as Class I milk all, or a portion, of which is so sold or disposed of on the premises or from such plant (or facilities) to a wholesale or retail stop(s) other than a plant of a handler or nonhandler.

(h) "Producer" means any person who produces milk received (1) at a fluid milk plant, or (2) at any other plant by diversion from a fluid milk plant on the account of a handler or a cooperative association: *Provided*, That the person producing milk holds a dairy farm inspection permit issued by the appropriate health authority of the community for which the milk is produced, if such community requires such permit for milk for disposition as Class I milk therein.

(i) "Handler" means (1) any person who operates a fluid milk plant, or (2) any association of producers with respect to producer milk diverted by it from a fluid milk plant to any plant of a nonhandler for the account of such association.

(j) "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers.

(k) "Producer milk" means milk produced by one or more producers under the conditions set forth in paragraph (h) of this section.

(l) "Other source milk" means all skim milk and butterfat in any form received from a source other than a producer or handler (who is not a producer-handler), except any nonfluid milk product other than cottage cheese so received which is disposed of in the same form.

(m) "Nonhandler" means any person who is not a handler, but who operates a milk manufacturing or processing plant.

(n) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (2) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its product for its members; and (3) to have all of its activities under the control of its members.

§ 930.2 *Market administrator*—(a) *Designation.* The agency for the administration in this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this part:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 930.8:

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation; and

(iii) All other expenses, except those incurred under § 930.9, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 930.3, or (ii) payments pursuant to §§ 930.7, 930.8, 930.9, or 930.10;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to § 930.5, and

(ii) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to § 930.6 (b) and the butterfat differential computed pursuant to § 930.7 (c).

§ 930.3 *Reports, records, and facilities.*—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the delivery period at his fluid milk plant(s), and milk diverted pursuant to § 930.1 (h) (2):

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(1) On or before the 20th day after the end of each delivery period his producer pay roll for the delivery period, which shall show (i) the pounds of milk and the percentages of butterfat contained therein received from each producer; (ii) the amounts and dates of payments to each producer or cooperative association; and (iii) the nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(2) On or before the 5th day after request by the market administrator, a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's fluid milk plant. Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 5 days of such change.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (1) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of, in the same form; (2) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (3) payments to producers and cooperative associations.

§ 930.4 *Classification.*—(a) *Basis of classification.* All (1) producer milk received by a handler, (2) skim milk and butterfat in any form received by a handler from other handlers, and (3) other source milk received by a handler at a fluid milk plant, shall be classified in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), (e), (f), (g), and (h) of this section, the classes of utilization shall be:

(1) Class I milk shall be all skim milk and butterfat disposed of in fluid form as (i) milk; skim milk or buttermilk, except for livestock feed; or flavored milk or flavored milk drink; and (ii) all skim milk and butterfat not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as sweet or sour cream; any cream product in fluid form which contains less than the minimum butterfat required for fluid cream, eggnog, or creamed cottage cheese.

(3) Class III milk shall be all skim milk and butterfat accounted for (i) as used to produce a product other than those specified in subparagraphs (1) and (2) of this paragraph, (ii) as actual plant shrinkage of skim milk and butterfat received in producer milk, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (iii) as actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to producer milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

(c) *Interhandler and nonhandler transfers.* (1) Skim milk and butterfat disposed of by a handler to another handler in the form of milk or skim milk shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided*, That in no event shall the amount so reported be greater than the amount used in such class by the receiving handler.

(2) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located less than 100 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless (i) utilization is mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 5th day after the end of the delivery period within which such transfer was made, and (ii) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(3) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located 100 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(f) *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(1) Subtract from the total pounds of butterfat in Class III milk the total pounds of butterfat shrinkage pursuant to paragraph (b) (3) (ii) and (iii) of this section;

(2) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class;

(3) Determine the pounds of butterfat in other source milk to be prorated pursuant to subparagraph (5) of this paragraph as the smallest of the following amounts:

(i) The pounds of butterfat in other source milk received in the form of milk or skim milk;

(ii) The difference by which the pounds of butterfat received in producer milk are less than 1.2 times the pounds of butterfat in the handler's Class I milk, not including that disposed of to other fluid milk plants; and

(iii) The total pounds of butterfat in other source milk less the amount of the butterfat shrinkage on other source milk subtracted pursuant to subparagraph (1) of this paragraph;

(4) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk other than (i) butterfat shrinkage on other source milk subtracted pursuant to subparagraph (1) of this paragraph, and (ii) butterfat in other source milk determined pursuant to subparagraph (3) of this paragraph;

(5) Subtract pro rata from the pounds of butterfat remaining in each class, the pounds of butterfat in other source milk determined pursuant to subparagraph (3) of this paragraph; and

(6) Add to the pounds of butterfat remaining in Class III milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

(g) *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to producer milk in a manner similar to that prescribed for butterfat in paragraph (f) of this section.

(h) *Determination of producer milk in each class.* Add the pounds of butterfat and pounds of skim milk allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (f) and (g) of this section, and determine the percentage of butterfat in each class.

§ 930.5 *Minimum prices.*—(a) *Class prices.* Subject to the provisions of paragraphs (c) and (d) of this section, each handler shall pay not less than the following prices per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received.

(1) *Class I milk price.* To the basic formula price add the following amounts for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.75
September, October, November, and December	1.05
All others	.95

(2) *Class II milk price.* To the basic formula price add the following amounts for the delivery periods indicated:

Delivery period:	*Amount*
May and June	$0.15
September, October, November, and December	.45
All others	.35

(3) *Class III milk price.* The Class III milk price shall be the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following locations for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the delivery period by the companies indicated below:

Company and Location
Pet Milk Co., Wauseon, Ohio.
Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Michigan.

(b) *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the class prices pursuant to paragraph (a) of this section shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraph (a) (3) of this section, or to subparagraphs (1), (2), and (3) of this paragraph.

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the delivery period by the companies indicated below:

Companies and Locations
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Ortordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, and add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

(c) *Butterfat differentials to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 930.4 (h), is more or less than 3.5 percent, there shall be added to, or sub-

tracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated for each class of utilization as follows:

(1) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10;

(2) *Class II milk.* Multiply by 1.25 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10; and

(3) *Class III milk.* Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

(d) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum price established by regulations of any Federal agency plus the amount of such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 930.6 *Handler's obligation and uniform price*—(a) *Value of milk.* The value of producer milk of each handler for each delivery period shall be a sum of money computed by the market administrator by multiplying by the respective class prices pursuant to § 930.5, the amounts in each class computed pursuant to § 930.4 (b), and adding together such amounts: *Provided*, That if a handler, after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his report for the delivery period pursuant to § 930.3 (a), has been credited to his producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to paragraphs (f) (6) and (g) of § 930.4 by the applicable class prices.

(b) *Uniform price.* For each delivery period the market administrator shall compute for each handler a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received by such handler as follows:

(1) From the value of milk computed for such handler pursuant to paragraph (a) of this section, deduct, if the weighted average butterfat test of all producer milk received by him is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 930.7 (c) multiplied by 10;

(2) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator;

(3) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to subparagraph (5) of this paragraph, for the previous delivery period to the nearest cent;

(4) Divide the result by the total hundredweight of producer milk represented by the value computed pursuant to paragraph (a) of this section; and

(5) Adjust the resulting figure to the nearest cent.

(c) *Notification.* On or before the 12th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The amount and value of his producer milk in each class;

(2) The uniform price for such handler pursuant to paragraph (b) of this section and the butterfat differential computed pursuant to § 930.7 (c); and

(3) The totals of the amounts to be paid by such handler pursuant to §§ 930.8 and 930.9.

§ 930.7 *Payment for milk*—(a) *Time and method of final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer for milk received from such producer during such delivery period at not less than the uniform price for such handler adjusted by the butterfat differential pursuant to paragraph (c) of this section, less the amount of the payment made pursuant to paragraph (b) of this section.

(b) *Partial payments.* On or before the last day of each delivery period, each handler shall make payment to each producer at not less than the uniform price for such handler for the preceding delivery period, for milk received from such producer by such handler during the first 15 days of such delivery period: *Provided*, That in the event such producer discontinues shipping to such handler during the delivery period, such partial payments shall not be made and full payment for all milk received from such producer during the delivery period shall be made on the 15th day after the end of the delivery period pursuant to paragraph (a) of this section.

(c) *Producer butterfat differential.* In making payments pursuant to paragraph (a) of this section the uniform price for each handler shall be adjusted, for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest multiple of one-half cent) calculated as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

§ 930.8 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 930.2 (c) (4), each handler shall pay the market administrator, on or before the 15th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts, during the delivery period, of (1) milk from producers (including such handler's own production), and (2) other source milk received at a fluid milk plant and classified as Class I milk or Class II milk.

§ 930.9 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 930.7 (a), with respect to all milk received from each producer (except milk of such handler's own production), at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and on or before the 15th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 930.7 (a) as may be authorized by such producers, and pay such deductions on or before the 15th day after the end of such delivery period to the cooperative association rendering such services of which such producers are members.

§ 930.10 *Adjustments of accounts*—(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, or such handler from the market administrator pursuant to §§ 930.8 or 930.9, or (2) any producer or cooperative association from such handler pursuant to § 930.7, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 930.11 *Application of provisions*—(a) *Exempt milk.* Milk received at a plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

(c) *Diverted milk.* (1) Producer milk diverted by an operator of a fluid milk plant from such plant to a nonhandler's plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(2) Producer milk diverted by a cooperative association from a fluid milk plant to a nonhandler's plant shall be deemed to have been received by such association.

(d) *Producer-handlers.* Sections 930.4, 930.5, 930.6, 930.7, 930.8, 930.9, and 930.10 shall not apply to the milk of a producer-handler.

§ 930.12 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 930.13 *Suspension or termination*—(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 930.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 930.15 *Separability of provisions.* If any provision of this part, or its application to any person or circumstance, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 24th day of March 1947, to be effective on and after the 1st day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: March 25, 1947.

PHILIP B. FLEMING,
Administrator, Office of Temporary Controls.

[F. R. Doc. 47-2964; Filed, Mar. 28, 1947; 8:49 a. m.]

PART 935—MILK IN OMAHA-COUNCIL BLUFFS MARKETING AREA

ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA

Sec.

935.0 Findings and determinations.
935.1 Definitions.
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935.9 Effective time, suspension and termination.
935.10 Liability.
935.11 Agents.

AUTHORITY: §§ 935.0 to 935.11, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.

§ 935.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held;

(3) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and of each of the previously issued amendments hereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Omaha-Council Bluffs marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Omaha-Council Bluffs marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended and as hereby further amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Omaha-Council Bluffs marketing area; and

(3) The issuance of this order, as amended and as hereby further amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period, November 1946, were engaged in the production of milk for sale in the Omaha-Council Bluffs marketing area.

Order relative to handling. It is therefore ordered. That from and after the effective date hereof, the handling of milk in the Omaha-Council Bluffs marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended.

§ 935.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(c) "Omaha-Council Bluffs marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the cities of Omaha, Nebraska, and Council Bluffs, Iowa; the territory within Kane, Lake, Garner, and Lewis townships in Pottawattamie County, Iowa; and the territory within East Omaha, Florence, Union, Benson, McHugh, Moorehead, McArdle, Loveland, Ralston, Ashland and May precincts in Douglas County, Nebraska; and the territory within Gilmore, Highland, and Bellevue townships in Sarpy County, Nebraska.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who, in accordance with the applicable health regulations, produces milk which is received at a plant where milk is processed and packaged and from which skim milk and butterfat are disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area. This definition shall include any person who produces milk which a cooperative association causes to be diverted from the plant of a handler to the plant of a nonhandler for the account of such cooperative association.

(f) "Handler" means any person in his capacity as the operator of a plant where milk is processed and packaged and from which skim milk and butterfat are disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a handler or which it causes to be diverted to the plant of a nonhandler for the account of such cooperative association.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or associations of producers, with respect to whom the market administrator has determined that (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(h) "Nonhandler" means any person in his capacity as the operator of a milk processing plant from which skim milk and butterfat are not disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area.

(i) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(j) "Producer milk" means any skim milk or butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

(k) "Other source milk" means any skim milk or butterfat other than that contained in producer milk or emergency milk.

(l) "Emergency milk" means skim milk and butterfat which is received by a handler as fluid milk during the months of September, October, November, and December from the plant of a nonhandler which is approved by the proper health authorities for the sale of Class I milk within the marketing area.

(m) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(n) "Market administrator" means the agency which is described in § 935.2 for the administration of this part.

(o) "Delivery period" means a calendar month, or the portion thereof during which the provisions hereof are effective.

§ 935.2 *Market administrator*—(a) *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions of this part; and

(2) Report to the secretary complaints of violations of the provisions of this part.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the secretary;

(2) Pay out of the funds provided by § 935.8 the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the secretary may designate;

(4) Unless otherwise directed by the secretary, publicly disclose to handlers and producers the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 935.3 or (ii) made payments pursuant to § 935.7;

(5) Promptly verify the information contained in the reports submitted by handlers; and

(6) Publicly announce by such means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 3d day after the end of each delivery period, the minimum class prices computed pursuant to § 935.5, and the butterfat differential computed pursuant to § 935.7 (a) (3).

(ii) On or before the 7th day after the end of each delivery period, the uniform price computed pursuant to § 935.6 (b) (5).

§ 935.3 *Reports, records and facilities*—(a) *Delivery period reports of receipts and utilization.* (1) On or before the 5th day after the end of each delivery period, each handler, who purchases or receives milk from producers or associations of producers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(i) The respective quantities of skim milk and butterfat contained in the producer milk, other source milk (except products disposed of in the form in which received without further processing or packaging in the plant of the handler), and emergency milk received during the delivery period;

(ii) The quantities of skim milk and butterfat contained in the opening and closing inventories;

(iii) The utilization of all skim milk and butterfat reported pursuant to subdivisions (i) and (ii) of this subparagraph; and

(iv) Such other information with respect to such receipts and utilization as the market administrator may request.

(2) *Mid-delivery period reports.* On or before the 20th day of each delivery period each handler shall report to the market administrator the pounds of milk received by him from each producer or association of producers during the first 15 days of the delivery period.

(3) *Producer-handler and other handler reports.* Each producer-handler and each handler who receives milk only of his own production or from other handlers which are not cooperative associations, shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(4) *Reports of payments to producers.* On or before the 15th day after the end of each delivery period, each handler shall submit to the market administrator his producer payroll for the delivery period which shall show for each producer:

(i) The total pounds of milk received and the average butterfat content thereof;

(ii) The price, amount and date of payment made pursuant to § 935.7; and

(iii) The nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(b) *Records and facilities.* Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other handler or nonhandler upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(1) The receipts and utilization, in whatever form, of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section;

(2) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(3) Payments to producers or cooperative associations.

§ 935.4 *Classification of milk*—(a) *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream and milk products (except milk products disposed of in the form in which received without further processing or packaging in the plant of the handler) which during the delivery period were received by a handler or caused by a cooperative association to be diverted to the plant of a nonhandler, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat disposed of in the form of milk containing more than 1 percent butterfat, or in the form of flavored milk drinks regardless of butterfat content, and all skim milk and butterfat not specifically accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat) for consumption in fluid form.

(3) Class III milk shall be all skim milk and butterfat specially disposed of as animal feed or used to produce any milk product other than those specified in subparagraphs (1) and (2) of this paragraph, and actual plant shrinkage up to but not in excess of (i) 5 percent of the total receipts of skim milk except skim milk received from other handlers which are not cooperative associations, and (ii) 2 percent of the total receipts of butterfat except butterfat received from other handlers which are not cooperative associations.

(c) *Classification of milk transferred or received.* (1) Skim milk and butterfat, when transferred or diverted by a handler which is not a cooperative association to another handler who receives milk from producers or associations of producers, shall be Class I if transferred in the form of milk or skim milk, and Class II if transferred in the form of cream: *Provided*, That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer is made, furnished to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of other source milk pursuant to paragraph (f) (2) of this section.

(2) Skim milk and butterfat when transferred or diverted by a handler which is not a cooperative association to a producer-handler shall be Class I if transferred in the form of milk or skim milk, and Class II if transferred in the form of cream.

(3) Skim milk and butterfat which is caused to be delivered from producers to the plant of a handler by a cooperative association which is a handler for the account of such cooperative association shall be ratably apportioned over the receiving handler's total utilization of producer milk.

(4) Skim milk and butterfat when transferred or diverted by a handler, including a cooperative association which is a handler, to the plant of a nonhandler shall be Class I if transferred in the form of milk or skim milk, and Class II if transeferred in the form of cream: *Provided*, That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class and that such utilization may be audited by the market administrator at the receiving plant such skim milk and butterfat may be classified accordingly: *Provided further*, That if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in the indicated disposition is less than the amount certified to have been so used, any remaining amount shall be classified in the next available higher use classification.

(5) Skim milk and butterfat received by a handler as other source milk shall be classified in the lowest class in which such handler has use.

(6) Skim milk and butterfat received by a handler as emergency milk shall be ratably apportioned over the receiving handler's total utilization of milk.

(7) Skim milk and butterfat of a handler's own production shall be ratably apportioned over such handler's total utilization of producer milk.

(d) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraph (b) of this section, the burden rests upon the handler who received such skim milk or butterfat from producers or associations of producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat which has been classified by the market administrator shall be reclassified, if found by him to have been used or disposed of (whether in original or other form) by such handler or by any other handler or nonhandler in another class.

(e) *Computation of all skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the respective amounts of skim milk and butterfat in Class I milk, Class II milk, and Class III milk as follows:

(1) Compute the total pounds of skim milk and butterfat received by adding together the respective amounts of skim milk and butterfat (i) contained in the milk, skim milk, and cream, and (ii) used to produce the milk products (except milk products disposed of in the form in which received without further processing or packaging by the handler) received from all sources;

(2) Compute the total pounds of butterfat in Class I by (i) converting to pounds on the basis of 2.15 pounds per quart the volume disposed of in each of the several items of Class I milk, (ii) multiplying each of the resulting amounts by its average butterfat test, (iii) adding together the results so obtained, and (iv) adding an amount equal to the difference between the total pounds of butterfat computed pursuant to subparagraph (1) of this paragraph, and the total pounds of butterfat computed pursuant to subparagraphs (2) (iii), (4) (ii) and (6) of this paragraph;

(3) Compute the total pounds of skim milk in Class I by (i) subtracting from the total pounds of Class I milk determined pursuant to subparagraph (2) (i) of this paragraph, the pounds of butterfat computed pursuant to subparagraph (2) (iii) of this paragraph, (ii) subtracting the weight of the flavoring materials used in flavored milk drinks, and (iii) adding an amount equal to the difference between the total pounds of skim milk computed pursuant to subparagraph (1) of this paragraph, and the total pounds of skim milk computed pursuant to subparagraphs (3) (ii), (5) (ii), and (7) of this paragraph;

(4) Compute the total pounds of butterfat in Class II by (i) multiplying the actual weight of each of the several items of Class II milk by its average butterfat test, and (ii) adding the results so obtained;

(5) Compute the total pounds of skim milk in Class II by (i) adding together the actual weights of each of the several items of Class II, and (ii) subtracting the pounds of butterfat determined pursuant to subparagraph (4) (ii) of this paragraph;

(6) Compute the total pounds of butterfat in Class III by (i) multiplying by its average butterfat content the actual weight of each of the several items of Class III milk, (ii) adding together the resulting amounts, and (iii) adding, the amount of butterfat allowed as plant shrinkage pursuant to subparagraph (8) of this paragraph;

(7) Compute the total pounds of skim milk in Class III by (i) computing the total pounds of skim milk used to produce each of the several items of Class III milk, (ii) adding together the resulting amounts, and (iii) adding the amount of skim milk allowed as plant shrinkage pursuant to subparagraph (9) of this paragraph;

(8) The amount of butterfat to be allowed as plant shrinkage shall be the smaller of the following amounts: (i) 2 percent of the total receipts of butterfat by the handler, exclusive of receipts from other handlers which are not cooperative associations, or (ii) the amount, if any, by which the sum of the pounds of butterfat computed pursuant to subparagraphs (2) (iii), (4) (ii) and (6) (ii) of this paragraph is less than the total receipts of butterfat by the handler; and

(9) The amount of skim milk to be allowed as plant shrinkage shall be the smaller of the following amounts: (i) 5 percent of the total receipts of skim milk by the handler, exclusive of receipts from other handlers which are not cooperative associations; or (ii) the amount, if any, by which the sum of the pounds of skim milk computed pursuant to subparagraphs (3) (ii), (5) (ii) and (7) (ii) of this paragraph are less than the total receipts of skim milk by the handler.

(f) *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each delivery period the market administrator shall compute for each handler the respective amounts of skim milk and butterfat of producer milk in each class by making the following computations in the order specified: (1) Subtract from the pounds of butterfat and skim milk in Class III the pounds of actual plant shrinkage allocated to producer milk computed by multiplying the respective amounts of plant shrinkage computed pursuant to paragraphs (e) (8) and (9) by the percentages that skim milk and butterfat in receipts of producer milk are to total receipts of skim milk and butterfat by the handler, exclusive of receipts from other handlers.

(2) Subtract from the remaining pounds of skim milk and butterfat in series beginning with the lowest-priced classes the skim milk and butterfat, respectively, received as other source milk.

(3) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class, the total pounds of skim milk and butterfat, respectively, contained in the receipts of emergency milk.

(4) Subtract from the remaining pounds of skim milk and butterfat in each class, the total pounds of skim milk and butterfat respectively received from other handlers and stated by the receiving handler to have been used in such class: *Provided*, That if the skim milk or butterfat allocated by such statements to Class III or Class II is in excess of the amount of skim milk or butterfat remaining in such class, an amount equal to the difference shall be subtracted from the next higher-priced available class.

(5) Add to the remaining pounds of skim milk and butterfat respectively in Class III the pounds of actual plant shrinkage allocated to producer milk and subtracted pursuant to subparagraph (1) of this paragraph.

(6) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat of the handler's own production.

(7) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from a cooperative association which is a handler.

(8) If the sum of the amounts of skim milk or butterfat remaining in all classes, after making the above computations is greater than the handlers' receipts of skim milk or butterfat from producers, decrease the amount of skim milk or butterfat in the lowest-priced available class or classes by the amount of such excess.

§ 935.5 *Minimum prices*—(a) *Basic formula price to be used in computing class prices.* The basic formula price to be used in computing the minimum prices per hundredweight for Class I milk and Class II milk for each delivery period shall be the higher of the prices calculated pursuant to subparagraphs (1) or (2) of this paragraph.

(1) The average of the basic (or field) prices reported to have been paid for milk of 3.5 percent butterfat content received during the next preceding delivery period at the following plants for which prices are reported to the market administrator or to the Department of Agriculture, divided by 3.5 percent, and multiplied by 3.8 percent and adjusted to the nearest cent:

Concern and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Milk Co., Northfield, Minn.
Carnation Milk Co., Oregon, Ill.
Carnation Milk Co., Waverly, Iowa.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pecatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Iowa.
Libby, McNeill & Libby Co., Morrison, Ill.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo Fay, Ill.

(2) The price adjusted to the nearest cent, calculated by the market administrator as follows: (i) To the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period during which such milk is received, add or subtract one-fourth cent for each cent that such price is above or below 20 cents, (ii) multiply the result by 3.8, (iii) add 21 cents, and (iv) add 3 cents for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 7 cents per pound. The price per pound of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average, the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such nonfat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids for human consumption f. o. b. manufacturing plant as reported by the Department of Agriculture for the Chicago area shall be used and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(b) *Class prices.* Each handler shall pay at the time and in the manner set forth in § 935.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) *Class I.* The price per hundredweight for Class I milk containing 3.8 percent butterfat shall be the basic formula price computed pursuant to paragraph (a) of this section, plus 75 cents.

(i) The price per hundredweight for butterfat in Class I milk shall be computed by adding $15.00 to the price computed pursuant to subparagraph (3) (i) of this paragraph for butterfat in Class III milk.

(ii) The price per hundredweight for skim milk in Class I milk shall be computed by (*a*) multiplying by 3.8 percent the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph, (*c*) dividing the result by 0.962, and (*d*) adjusting to the nearest cent.

(2) *Class II.* The price per hundredweight for Class II milk containing 3.8 percent butterfat shall be the basic formula price computed pursuant to paragraph (a) of this section, plus 40 cents.

(i) The price per hundredweight for butterfat in Class II milk shall be computed by adding $15.00 to the price computed pursuant to subparagraph (3) (i) of this paragraph for butterfat in Class III milk.

(ii) The price per hundredweight for skim milk in Class II milk shall be computed by (*a*) multiplying by 3.8 percent the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph, (*c*) dividing the result by 0.962, and (*d*) adjusting to the nearest cent.

(3) *Class III.* The price per hundredweight for Class III milk containing 3.8 percent butterfat shall be that computed pursuant to the formula contained in paragraph (a) (2) of this section.

(i) The price per hundredweight for butterfat in Class III shall be computed by (*a*) adding to or subtracting from the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture for the delivery period during which such milk was received, one-fourth cent for each cent that such price is above or below 20 cents per pound, (*b*) adjusting to the nearest cent, and (*c*) multiplying the result by 100.

(ii) The price per hundredweight for skim milk in Class III shall be computed by (*a*) multiplying by 3.8 percent the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph, (*c*) dividing the resulting sum by 0.962, and (*d*) adjusting to the nearest cent.

(c) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 935.6 *Determination of uniform price to producers*—(a) *Computation of the total value of milk received from producers by each handler.* The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to § 935.4 (f) by the applicable class prices, adding together the resulting amounts, and adding any sums owed by the handler pursuant to subparagraph (1) of this paragraph.

(1) If a handler, after subtracting all receipts of other source milk and emergency milk and receipts of producer milk from other handlers which are not cooperative associations, has disposed of skim milk or butterfat in excess of the skim milk or butterfat reported to have been received by him from producers, the market administrator in computing the value of the milk of such handler in accordance with this paragraph shall add an amount computed by multiplying the amounts of skim milk and butterfat subtracted pursuant to § 935.4 (f) (8) by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period the market administrator shall compute a uniform price per hundredweight for producer milk by:

(1) Combining into one total the values computed pursuant to paragraph (a) of this section for all handlers who filed the reports pursuant to § 935.3, and who made the payments required pursuant to § 935.7 for the previous delivery period.

(2) Adding an amount equal to not less than one-half the unobligated balance in the producer-settlement fund.

(3) Subtracting, if the average butterfat content of the producer milk included in these computations is more than 3.8 percent, or adding if such average butterfat content is less than 3.8 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 935.7 (a) (3) and multiplying the result by the total hundredweight of producer milk included in these computations.

(4) Dividing the resulting amount by the total hundredweight of producer milk included in these computations.

(5) Subtracting not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.8 percent butterfat content.

(c) *Notification of handlers.* On or before the 7th day after the end of each delivery period, the market administrator shall notify each handler of:

(1) The amount and value of his milk in each class computed pursuant to § 935.4 (f) and (a), respectively, and the totals of such amounts and values;

(2) The uniform price computed pursuant to paragraph (b) of this section;

(3) The amount, if any, due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund; and

(4) The total amounts to be paid by such handler pursuant to §§ 935.7 and 935.8.

§ 935.7 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payment for milk which he received from producers or cooperative associations in the following manner:

(1) *Final payment.* On or before the 10th day after the end of each delivery period each handler shall make payment for milk which was received during the delivery period:

(i) To each producer for milk which was not caused to be delivered by a cooperative association for the account of such association at not less than the uniform price per hundredweight computed pursuant to § 935.6 (b) subject to the butterfat differential set forth in subparagraph (3) of this paragraph, and less the amount of the payment made to such producer pursuant to subparagraph (2) (i) of this paragraph.

(ii) To a cooperative association which is a handler for milk which was caused to be delivered by such cooperative association for its account at not less than the class prices for such milk according to its classification as determined pursuant to § 935.4 (f) (7) less the amount of the payment made pursuant to subparagraph (2) (ii) of this paragraph.

(2) *Mid-delivery period payment.* On or before the 25th day of each delivery period each handler shall make payment for milk which was received during the first 15 days of the delivery period:

(i) To each producer for milk which was not caused to be delivered by a cooperative association for the account of such association at not less than the uniform price which was announced by the market administrator for the immediately preceding delivery period.

(ii) To a cooperative association which is a handler for milk which was caused to be delivered by such cooperative association for its account at not less than the uniform price which was announced by the market administrator for the immediately preceding delivery period.

(3) *Butterfat differential to producers.* If any handler has received from any producer during the delivery period, milk having an average butterfat content other than 3.8 percent, such handler, in making the payment pursuant to paragraph (a) (1) of this section shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent not less than, or shall deduct from the uniform price for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent not more than an amount computed by the market administrator as follows: Divide the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture for the delivery period during which such milk was received, by 10 and adjust to the nearest cent.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to subparagraphs (1) and (3) of this paragraph, and out of which he shall make all payments to handlers pursuant to subparagraphs (2) and (3) of this paragraph.

(1) *Payments to the producer-settlement fund.* On or before the 8th day after the end of each delivery period each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of the milk received from producers by such handler computed pursuant to § 935.6 (a) is greater than the amount obtained by multiplying the hundredweight of milk received by such handler from producers by the uniform price, adjusted by the butterfat differential provided in paragraph (a) (3) of this section.

(2) *Payments out of the producer-settlement fund.* On or before the 10th day after the end of each delivery period, the market administrator shall pay to each handler, including a cooperative association which is a handler, for payment to producers, the amount, if any, by which the total value of the milk received from producers by such handler computed pursuant to § 935.6 (a) is less than the amount obtained by multiplying

the hundredweight of milk received by such handler from producers by the uniform price, adjusted by the butterfat differential provided in paragraph (a) (3) of this section.

(3) *Adjustments of errors in producer-settlement fund.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund pursuant to subparagraphs (1) and (2) of this paragraph, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler.

(c) *Adjustments of errors in payments to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association, discloses payment of less than is required by paragraph (a) of this section, the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 935.8 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of administration hereof each handler, except a producer-handler, on or before the 10th day after the end of the delivery period shall pay to the market administrator, with respect to all milk received from producers or from a cooperative association, an amount per hundredweight, not to exceed 2 cents per hundredweight, which is announced by the market administrator on or before the 8th day after the end of the delivery period, subject to review by the Secretary. As its prorata share of the expense of administration hereof, a cooperative association which is a handler, shall pay to the market administrator on or before the 10th day after the end of the delivery, with respect to the milk of any producer which it causes to be delivered to the plant of a nonhandler, an amount per hundredweight equivalent to that required to be paid by other handlers pursuant to this paragraph.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this section.

§ 935.9 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions of this part, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension and termination.* Any or all provisions of this part, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate (1) shall continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 935.10 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

§ 935.11 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 21st day of March 1947, to be effective on and after the 1st day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: March 25, 1947.

PHILIP B. FLEMING,
Administrator, Office of Temporary Controls.

[F. R. Doc. 47-2963; Filed, Mar. 28, 1947; 8:49 a. m.]

PART 945—MILK IN WASHINGTON, D. C., MARKETING AREA

TERMINATION OF ORDER, AS AMENDED

It is provided in Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act," that the Secretary of Agriculture shall terminate, at the end of the then current marketing period, any order issued under the act whenever he finds that such termination is favored by the requisite majority of producers.

It is hereby found that the termination of Order No. 45, as amended (§§ 945.1–945.15 inclusive), regulating the handling of milk in the Washington marketing area, hereinafter referred to as the "order," is favored by a majority of the producers who during January 1947 (which is hereby determined to be a representative period), were engaged in the production of milk for sale within the Washington marketing area, and such majority, during such representative period, produced more than 50 percent of the volume of such commodity sold in the aforesaid milk marketing area.

It is further found and hereby determined that compliance with the notice and public rule making procedure requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable, unnecessary, and contrary to the public interest in that the time intervening between the date when the conditions necessitating the foregoing findings, relating to the requisite producer approval, became apparent and the mandatory effective date of the termination of the order resulting therefrom is insufficient to permit such compliance.

It is, therefore, ordered, That the said order (§945.1 to 945.15, inclusive), regulating the handling of milk in the Washington marketing area be, and the same hereby is, terminated effective at 11:59 p. m., e. s. t. March 31, 1947, subject, however, to the following conditions:

(1) That such termination of the said order shall not affect or waive any right, obligation, duty or liability under the said order, or release or extinguish any violation of the said order, or affect or impair any right or remedy of the United States, the Secretary of Agriculture, or any other person with respect to any such violation which has arisen or occurred or which may arise or occur prior to the time that such termination becomes effective;

(2) That the provisions of § 945.13 of the said order, relating to proceedings subsequent to the termination of such order, shall remain in force and effect for the purpose of enabling the market administrator, designated as the agency established for the administration of such order, to liquidate the affairs of the market administrator's office pursuant to the provisions of the said order;

(3) That the market administrator shall, in accordance with the applicable provisions of § 945.13, continue in such capacity and, from time to time, account for all funds, receipts, and disbursements; and

(4) That the said market administrator, continuing in such capacity, as provided in said § 945.13, shall have all of the powers and authority that may be necessary or proper in order to carry out the provisions thereof, and that such market administrator shall perform the duties specified therein.

The terms "Washington marketing area" and "market administrator" shall have the same meaning as set forth for the respective term in such order.

(48 Stat. 31, 670, 673, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 27th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3088; Filed, Mar. 28, 1947; 8:56 a. m.]

PART 948—MILK IN SIOUX CITY, IOWA, MARKETING AREA

Sec.

948.0 Findings and determinations.
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AUTHORITY: §§ 948.0 to 948.10, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.

§ 948.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held;

(3) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and of each of the previously issued amendments hereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Sioux City, Iowa, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Sioux City, Iowa, marketing area, and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended and as hereby further amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Sioux City, Iowa, marketing area; and

(3) The issuance of this order, as amended and as hereby further amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period, November 1946, were engaged in the production of milk for sale in the Sioux City, Iowa, marketing area.

Order relative to handling. *It is therefore ordered*, That from and after the effective date hereof, the handling of milk in the Sioux City, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended.

§ 948.1 *Definitions.* As used in this part the following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(c) "Sioux City, Iowa, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of Sioux City, Iowa; South Sioux City, Nebraska; Stevens, South Dakota; and that territory within the following townships or precincts: Woodbury and Concord in Woodbury County, Iowa; Hancock, Perry, and Hungerford in Plymouth County, Iowa; Big Sioux and Jefferson in Union County, South Dakota; and Dakota and Covington in Dakota County, Nebraska.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, including one who may also be a handler, who produces (1) under a dairy farm inspection permit issued by the Sioux City, Iowa, health authorities milk which is received at a plant of a handler or by a cooperative association in its capacity as a handler, and (2) milk which is received by a handler who is not under the jurisdiction of the Sioux City, Iowa, health authorities.

(f) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(g) "Handler" means (1) any person who purchases or receives milk at a plant from which Class I milk or Class II milk is disposed of in the marketing area, and (2) a cooperative association which causes producer milk to be diverted for its account to a plant from which no Class I milk or Class II milk is disposed of in the marketing area. Producer milk so diverted shall be deemed to have been received by such cooperative association.

(h) "Producer-handler" means any person, who is both a producer and a handler and who receives no milk from other producers or from a cooperative association, with respect to whom the market administrator has determined that (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(i) "Nonhandler" means any person in his capacity as the operator of a milk processing plant from which skim milk and butterfat are not disposed of as Class I milk or Class II milk within the marketing area.

(j) "Producer milk" means any skim milk or butterfat produced by a producer, other than a producer-handler, which is received by a handler either directly from producers or from other handlers.

(k) "Other source milk" means any skim milk or butterfat other than that contained in producer milk.

(l) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the Department of Agriculture.

(m) "Market administrator" means the agency which is described in § 948.2 for the administration of this part.

(n) "Delivery period" means the calendar month, or the portion thereof, during which the provisions of this part are effective.

(o) "Diverted" means a transfer of milk by a handler to another handler or to a nonhandler without being weighed and tested by the first handler.

§ 948.2 *Market administrator*—(a) *Designation.* The agency for the administration in this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal as the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions of this part; and

(2) Report to the Secretary complaints of violation of the provisions of this part.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 948.8, the cost of his bond, his own compensation and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Unless otherwise directed by the Secretary, publicly disclose to handlers and to producers, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 948.3, or (ii) made payments pursuant to § 948.7;

(5) Promptly verify the information contained in the reports submitted by handlers pursuant to § 948.3; and

(6) Publicly announce by such means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 3d day after the end of each delivery period, the minimum class prices computed pursuant to § 948.5; and the butterfat differential computed pursuant to § 948.7 (a) (3); and

(ii) On or before the 7th day after the end of each delivery period the uniform price computed pursuant to § 948.6 (b) (6).

§ 948.3 *Reports, records, and facilities*—(a) *Reports*—(1) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period, each handler, who purchased or received milk from producers or associations of producers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(i) The quantities of skim milk and butterfat contained in producer milk, including milk of his own production, and other source milk (except products disposed of in the form in which received without further processing or packaging in the plant of the handler) received during the delivery period;

(ii) The quantities of skim milk and butterfat contained in the opening and closing inventories;

(iii) The utilization of all skim milk and butterfat reported pursuant to subdivisions (i) and (ii) of this subparagraph; and

(iv) Such other information with respect to such receipts and utilization as the market administrator may request.

(2) *Mid-delivery period reports.* On or before the 20th day of each delivery period each handler shall report to the market administrator the pounds of milk received by him from each producer or cooperative association during the first 15 days of the delivery period.

(3) *Producer-handler and other handler reports.* Each producer-handler and each handler who receives milk only from his own farm or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(4) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler shall submit to the market administrator his producer pay roll for the delivery period which shall show for each producer and cooperative association:

(i) The total pounds of milk received and the average butterfat content thereof;

(ii) The price, amount, and date of payment made pursuant to § 948.7; and

(iii) The nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(b) *Records and facilities.* Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other handler or nonhandler upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(1) The receipts and utilization, in whatever form, of all skim milk and butterfat required to be reported pursuant to paragraph (a) (1) of this section;

(2) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(3) Payments to producers or cooperative associations.

§ 948.4 *Classification of milk*—(a) *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream, and milk products (except milk products disposed of in the form in which received without further processing or packaging in the plant of the handler) which during the delivery period were received by a handler or caused by a cooperative association to be diverted to the plant of a nonhandler, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat:

(i) Disposed of in the form of milk, whether plain or flavored, containing more than 1½ percent of butterfat; and

(ii) Not specifically accounted for under subdivision (i) of this subparagraph or as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as cream, either sweet or sour, including any mixture of butterfat and skim milk containing more than 6 percent butterfat, for consumption in fluid form.

(3) Class III milk shall be all skim milk and butterfat specifically accounted for as:

(i) Disposed of as skim milk, buttermilk, and flavored milk drinks containing 1½ percent or less of butterfat;

(ii) Used for animal feed;

(iii) Used to produce any milk product other than those specified as subparagraphs (1) and (2) of this paragraph, and subdivisions (i) and (ii) of this subparagraph; and

(iv) Actual plant shrinkage up to, but not in excess of 2 percent, respectively, of the total receipts of skim milk or butterfat in producer milk and other source milk not including receipts from other handlers.

(c) *Transfers of milk, skim milk, and cream.* (1) Skim milk and butterfat, when transferred or diverted by a handler to another handler who receives milk from producers or cooperative associations, shall be Class I if transferred or diverted in the form of milk or skim milk and Class II if transferred in the form of cream: *Provided*, That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of other source milk pursuant to paragraph (f) (2) of this section.

(2) Skim milk and butterfat when transferred or diverted by a handler, including a cooperative association which is a handler, to the plant of a nonhandler shall be Class I if transferred in the form of milk or skim milk, and Class II if transferred in the form of cream: *Provided*, That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class and that such utilization may be audited by the market administrator at the receiving plant such skim milk and butterfat may be classified accordingly: *Provided further*, That if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in the indicated disposition is less than the amount certified to have been so used, any remaining amount shall be classified in the next available higher use classification.

(3) Skim milk and butterfat when transferred or diverted by a handler to a producer-handler or to a handler who receives no milk from producers or cooperative associations shall be Class I if transferred in the form of milk or skim milk and Class II if transferred in the form of cream.

(4) Skim milk and butterfat received by a handler as other source milk shall be classified in the lowest-priced class in which such handler has use.

(d) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraph (b) of this section, the burden rests upon the handler who receives such skim milk or butterfat from producers or cooperative associations to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat which has been classified by the market administrator shall be reclassified, if found by him to have been used or disposed of (whether in original or other form) by such handler or by any other handler or nonhandler in another class.

(e) *Computation of all skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the respective amounts of skim milk and butterfat in Class I milk, Class II milk, and Class III milk as follows:

(1) Compute the total pounds of skim milk and butterfat received by adding together the respective amounts of skim milk and butterfat (i) contained in milk, skim milk, and cream, and (ii) used to produce the milk products (except milk products disposed of in the form in which received without further processing or packaging by the handler) received from all sources;

(2) Compute the total pounds of butterfat in Class I by (i) converting to pounds on the basis of 2.15 pounds per quart the volume disposed of in each of the several items of Class I milk, (ii) multiplying each of the resulting amounts by its average butterfat test, (iii) adding together the results so obtained, and (iv) adding an amount equal to the difference between the total pounds of butterfat computed pursuant to (1) of this paragraph, and the total pounds of butterfat computed pursuant to subparagraphs (2) (iii), (4) (ii), and (6) (iv) of this paragraph;

(3) Compute the total pounds of skim milk in Class I by (i) subtracting from the total pounds of Class I milk determined pursuant to subparagraph (2) (i) of this paragraph, the pounds of butterfat computed pursuant to subparagraph (2) (iii) of this paragraph, (ii) subtracting the weight of the flavoring materials used in flavored milk drinks, and (iii) adding an amount equal to the difference between the total pounds of skim milk computed pursuant to subparagraph (1) of this paragraph, and the total pounds of skim milk computed pursuant to subparagraphs (3) (i), (5) (ii), and (7) (v) of this paragraph;

(4) Compute the total pounds of butterfat in Class II by (i) multiplying the actual weight of each of the several items disposed of as Class II milk by its average butterfat test, and (ii) adding together the results so obtained;

(5) Compute the total pounds of skim milk in Class II by (i) adding together the actual weights of each of the several items of Class II, and (ii) subtracting the pounds of butterfat determined pursuant to subparagraph (4) (ii) of this paragraph;

(6) Compute the total pounds of butterfat in Class III by (i) multiplying the actual weight of each of the several items disposed of as Class III milk pursuant to paragraph (b) (3) (i) and (ii) of this section by its average butterfat content, (ii) multiplying the milk, skim milk, or cream used to produce each of the several items of Class III milk pursuant to paragraph (b) (3) (iii) of this section by its average butterfat content, (iii) adding together the resulting amounts, and (iv) adding the amount of butterfat allowed as plant shrinkage pursuant to subparagraph (8) of this paragraph;

(7) Compute the total pounds of skim milk in Class III by (i) computing the pounds of skim milk in each of the several items disposed of pursuant to paragraphs (b) (3) (i) and (ii), (ii) computing the total pounds of skim milk used to produce each of the several items disposed of pursuant to paragraphs (b) (3) (iii), (iii) adding together the resulting amounts, (iv) subtracting the weight of the flavoring materials used in flavored milk drinks, and (v) adding the pounds of skim milk allowed as plant shrinkage pursuant to subparagraph (9) of this paragraph;

(8) The amount of butterfat to be allowed as plant shrinkage shall be the smaller of the following amounts: (i) 2 percent of the total receipts of butterfat by the handler, exclusive of receipts from other handlers, or (ii) the amount, if any, by which the sum of the pounds of butterfat computed pursuant to subparagraphs (2) (iii), (4) (ii), and (6) (iii) of this paragraph is less than the total receipts of butterfat by the handler; and

(9) The amount of skim milk to be allowed as plant shrinkage shall be the smaller of the following amounts: (i) 2 percent of the total receipts of skim milk by the handler, exclusive of receipts from other handlers, or (ii) the amount, if any, by which the sum of the pounds of skim milk computed pursuant to subparagraphs (3) (ii), (5) (ii), and (7) (iv) of this paragraph are less than the total receipts of skim milk by the handler.

(f) *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each delivery period the market administrator shall compute for each handler the respective amounts of skim milk and butterfat of producer milk in each class by making the following computations in the order specified:

(1) Subtract from the pounds of skim milk and butterfat in Class III the pounds of actual plant shrinkage allocated to producer milk computed by multiplying the respective amounts of plant shrinkage computed pursuant to paragraphs (e) (9) and (e) (8) of this section by the percentages that skim milk and butterfat in receipts of producer milk are to total receipts of skim milk and butterfat by the handler, exclusive of the receipts from other handlers;

(2) Subtract from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced class, the skim milk and butterfat, respectively, received as other source milk;

(3) Subtract from the remaining pounds of skim milk and butterfat in each class, the total pounds of skim milk and butterfat, respectively, received from other handlers and stated by the receiving handler to have been used in such class: *Provided*, That if the skim milk or butterfat allocated by such statements to Class III or Class II is in excess of the amount of skim milk or butterfat remaining in such class, an amount equal to the difference shall be subtracted from the next higher-priced available class;

(4) Add to the remaining pounds of skim milk and butterfat, respectively, in Class III the pounds of actual plant shrinkage allocated to producer milk and subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the sum of the amounts of skim milk or butterfat remaining in all classes, after making the above computations is greater than the handler's receipts of skim milk or butterfat in producer milk, decrease the amount of skim milk or butterfat in the lowest-priced available class or classes by the amount of such excess.

§ 948.5 *Minimum prices*—(a) *Basic formula price to be used in computing class prices.* The basic formula price to be used in computing the minimum prices per hundredweight for Class I milk, Class II milk, and Class III milk for each delivery period shall be the higher of the prices calculated by the market administrator pursuant to subparagraph (1) or (2) of this paragraph.

(1) The average, adjusted to the nearest cent, of the basic (or field) prices reported to have been paid for milk of 3.5 percent butterfat content received during the next preceding delivery period at the following plants for which prices are reported to the market administrator or to the Department of Agriculture:

Concern and Location of Plant
Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Milk Co., Northfield, Minn.
Carnation Milk Co., Oregon, Ill.
Carnation Milk Co., Waverly, Iowa.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pecatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Iowa.
Libby, McNeil & Libby Co., Morrison, Ill.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo Fay, Ill.

(2) The price adjusted to the nearest cent, calculated by the market administrator as follows: (i) To the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period during which such milk was received, add or subtract one-fourth cent for each cent that such price is above or below 20 cents, (ii) multiply the result by 3.5, (iii) add 21 cents, and (iv) add 3 cents for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 7 cents per pound. The price per pound for nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such nonfat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of carlot prices for nonfat dry milk solids for human consumption f. o. b. manufacturing plant as reported by the Department of Agriculture for the Chicago area, shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(b) *Class prices.* Each handler shall pay at the time and in the manner set forth in § 948.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) *Class I.* The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the basic formula price computed pursuant to paragraph (a) of this section, plus 80 cents:

(i) The price per hundredweight for butterfat in Class I milk shall be computed by adding $16.00 to the price computed pursuant to subparagraph (3) (i) of this paragraph for butterfat in Class III milk; and

(ii) The price per hundredweight for skim milk in Class I milk shall be computed by (*a*) multiplying by 3.5 percent the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph (*c*) dividing the result by 0.965, and (*d*) adjusting to the nearest cent.

(2) *Class II.* The price per hundredweight for Class II milk containing 3.5 percent butterfat shall be the basic formula price computed pursuant to paragraph (a) of this section, plus 50 cents:

(i) The price per hundredweight for butterfat in Class II milk shall be computed by adding $16.00 to the price computed pursuant to subparagraph (3) (i) of this paragraph for butterfat in Class III milk; and

(ii) The price per hundredweight for skim milk in Class II milk shall be computed by (*a*) multiplying by 3.5 percent the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph, (*c*) dividing the result by 0.965, and (*d*) adjusting to the nearest cent.

(3) *Class III.* The price per hundredweight for Class III milk containing 3.5 percent butterfat shall be the basic formula price computed pursuant to paragraph (a) of this section:

(i) The price per hundredweight for butterfat in Class III shall be computed by (*a*) adding to or subtracting from the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture for the delivery period during which such milk was received, one-fourth cent for each cent that such price is above or below 20 cents per pound, (*b*) adjusting to the nearest cent, and (*c*) multiplying the result by 100.

(ii) The price per hundredweight for skim milk in Class III shall be computed by (*a*) multiplying by 3.5 percent the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph, (*c*) dividing the resulting sum by 0.965, and (*d*) adjusting to the nearest cent.

(c) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 948.6 *Determination of uniform price to producers*—(a) *Computation of the total value of milk received from producers by each handler.* The value of the milk received by each handler from producers and cooperative associations during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to § 948.4 (f) by the applicable class prices, adding together the resulting amounts, and adding any amounts owed by the handler pursuant to subparagraph (1) of this paragraph.

(1) If a handler, after subtracting all receipts of other source milk and receipts of producer milk from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat reported to have been received by him from producers, the market administrator in computing the value of the milk of such handler in accordance with this paragraph shall add an amount computed by multiplying the amounts of skim milk and butterfat subtracted pursuant to § 948.4 (f) (5) by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period, the market administrator shall compute a uniform price per hundredweight for producer milk by:

(1) Combining into one total the values computed pursuant to paragraph (a) of this section for all handlers who filed the reports pursuant to § 948.3 and who made the payments required pursuant to § 948.7 for the previous delivery period;

(2) Subtracting for each of the delivery periods of May and June an amount, equal to 20 cents per hundredweight of the total amount of milk received by handlers from producers and cooperative associations and included in these computations, to be retained in the producer-settlement fund for the purpose specified in § 948.7 (b) (2) (ii) and (iii);

(3) Adding an amount equal to not less than one-half the unobligated balance in the producer-settlement fund;

(4) Subtracting, if the average butterfat content of all milk included in these computations is greater than 3.5 percent, or adding, if the average butterfat content of such milk is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 948.7 (a) (3) and multiplying the result by the total hundredweight of producer milk included in these computations;

(5) Dividing the resulting amount by the hundredweight of producer milk included in these computations; and

(6) Subtracting not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

(c) *Notification of handlers.* On or before the 9th day after the end of each delivery period, the market administrator shall notify each handler of:

(1) The amount and value of his milk in each class computed pursuant to § 948.4 (f) and (a) of this section, respectively, and the totals of such amounts and values;

(2) The uniform price computed pursuant to paragraph (b) of this section;

(3) The amount, if any, due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund; and

(4) The total amounts to be paid by such handler pursuant to § 948.7 and § 948.8.

§ 948.7 *Payment for milk*—(a) *Time and method of payment to producers.* Each handler shall make payment for milk which he received from producers or cooperative associations during each delivery period as follows:

(1) *Final payment.* On or before the 12th day after the end of each delivery period each handler shall make payment, subject to the butterfat differential in subparagraph (3) of this paragraph and less the payment made pursuant to subparagraph (2) of this paragraph (i) to each producer for milk purchased or received by such handler an amount computed by multiplying the hundredweight of such milk by the price computed pursuant to § 948.6 (b), and (ii) to a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subdivision (i) of this subparagraph.

(2) *Mid-delivery period payment.* On or before the 27th day of each delivery period each handler shall make payment (i) to each producer an amount not less than the amount computed by multiplying the hundredweight of milk received by such handler during the first 15 days of the current delivery period, by the uniform price which was announced by the market administrator for the next preceding delivery period, and (ii) to a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subdivision (i) of this subparagraph.

(3) *Butterfat differential to producers.* If, during the delivery period, any handler has received from any producer or from a cooperative association, milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in paragraph (a) (1) of this section, shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture for the delivery period during which such milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest one-tenth of a cent.

(4) *Adjustment of errors in payment to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative associaton discloses payment of an amount less than is required by paragraph (a) (1) of this section, the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to subparagraphs (1) and (3) of this paragraph and out of which he shall make all payments to handlers and producers pursuant to subparagraphs (2) (i) and (3) of this paragraph: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler: *And provided further*, That the amount received pursuant to § 948.6 (b) (2) shall be expended pursuant to subparagraphs (2) (ii) and (iii) of this paragraph.

(1) *Payment to the producer-settlement fund.* On or before the 10th day after the end of each delivery period each handler shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 948.6 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to paragraph (a) of this section.

(2) *Payments out of the producer-settlement fund.* (i) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid producers by such handler pursuant to paragraph (a) of this section is greater than the total value computed for him pursuant to § 948.6 (a).

(ii) On or before the 12th day after the end of each of the delivery periods of September, October, and November the market administrator shall pay to each producer from whom milk was received by a handler during such delivery period an amount computed as follows: Divide one-third of the total amount held pursuant to § 948.6 (b) (2) by the total hundredweight of milk received from producers by handlers during the delivery period involved (September, October, and November, as above) and multiply the resulting rate (computed to the nearest full cent per hundredweight) by the milk received from each producer during such delivery period.

(iii) On or before the 10th day after the end of each of the delivery periods of September, October, and November the market administrator shall pay to a cooperative association for milk it caused to be delivered to a handler from producers and for which such cooperative association collects payments, an amount equal to the sum of the individual payments otherwise payable to such producers under subparagraph (2) (ii) of this paragraph.

(3) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund made pursuant to subparagraphs (1) and (2) of this paragraph, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to subparagraph (2) of this paragraph, the market administrator shall, within 5 days make such payment to such handler.

§ 948.8 *Expense of administration*—(a) *Payment by handlers.* As his prorata share of the expense of administration hereof, each handler, with respect to all milk purchased or received from producers or cooperative associations during the delivery period, shall pay to the market administrator, on or before the 10th day after the end of such delivery period, an amount not to exceed 4 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the Secretary.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense as required by paragraph (a) of this section.

§ 948.9 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions of this part, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension and termination.* Any or all provisions of this part, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate (1) shall continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 849.10 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 21st day of March 1947, to be effective on and after the 1st day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: March 25, 1947.

PHILIP B. FLEMING,
Administrator,
Office of Temporary Controls.

[F. R. Doc. 47-2962; Filed, Mar. 28, 1947; 8:49 a. m.]

[Lemon Reg. 215]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.322 *Lemon Regulation 215*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 30, 1947, and ending at 12:01 a. m., P. s. t., April 6, 1947, is hereby fixed at 350 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of March 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: March 23, 1947, 12:01 a. m., Mar. 30, 1947, to 12:01 a. m., Apr. 13, 1947]

Handler	Prorate base (per cent)
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.710
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.289
Consolidated Citrus Growers	.000
Corona Plantation Co	.432
Hazeltine Packing Co	.994
Leppla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers, Inc	.000
Phoenix Citrus Packing Co	.000

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (per cent)
Ventura Coastal Lemon Co	1.544
Ventura Pacific Co	1.538
Total A. F. G	5.507
Arizona Citrus Growers	.002
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.599
Lemon Cove Association	.261
Glendora Lemon Growers Association	1.151
La Verne Lemon Association	.900
La Habra Citrus Association	2.063
Yorba Linda Citrus Association, The	.956
Alta Loma Heights Citrus Association	.722
Etiwanda Citrus Fruit Association	.511
Mountain View Fruit Association	.612
Old Baldy Citrus Association	1.049
Upland Lemon Growers Association	4.467
Central Lemon Association	1.451
Irvine Citrus Association	1.891
Placentia Mutual Orange Association	1.110
Corona Citrus Association	.357
Corona Foothill Lemon Co	1.591
Jameson Company	.619
Arlington Heights Fruit Company	.546
College Heights Orange & Lemon Association	1.943
Chula Vista Citrus Association, The	1.382
El Cajon Valley Citrus Association	.534
Escondido Lemon Association	4.389
Fallbrook Citrus Association	2.206
Lemon Grove Citrus Association	.393
San Dimas Lemon Association	2.268
Carpinteria Lemon Association	1.946
Carpinteria Mutual Citrus Association	2.320
Goleta Lemon Association	2.300
Johnston Fruit Co	4.633
North Whittier Heights Citrus Association	1.121
San Fernando Heights Lemon Association	1.900
San Fernando Lemon Association	1.117
Sierra Madre-Lamanda Citrus Association	2.100
Tulare County Lemon & Grpfrt Association	.548
Briggs Lemon Association	1.535
Culbertson Investment Co	.534
Culbertson Lemon Association	1.035
Fillmore Lemon Association	1.766
Oxnard Citrus Association No. 1	2.940
Oxnard Citrus Association No. 2	3.067
Rancho Sesne	1.123
Santa Paula Citrus Fruit Association	2.559
Saticoy Lemon Association	2.721
Seaboard Lemon Association	4.293
Somis Lemon Association	2.564
Ventura Citrus Association	1.175
Limoneira Company	2.128
Teague-McKevett Association	.619
East Whittier Citrus Association	1.136
Leffingwell Rancho Lemon Association	.886
Murphy Ranch Company	1.128
Whittier Citrus Association	1.209
Whittier Select Citrus Association	.785
Total C. F. G. E	85.166
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	1.243
Escondido Cooperative Citrus Association	.736
Glendora Cooperative Citrus Association	.106
Index Mutual Association	.463
La Verne Cooperative Citrus Association	1.539
Libbey Fruit Packing Co	.003

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Orange Cooperative Citrus Association	0.347
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura Co. Orange & Lemon Association	2.204
Whittier Mutual Orange & Lemon Association	.368
Total M. O. D	7.009
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.062
California Citrus Groves, Inc., Ltd	.000
El Modena Citrus, Inc	.059
Evans Brothers Pkg. Co.—Riverside	.146
Evans Brothers Pkg. Co.—Sentinel Butte Ranch	.000
Foothill Packing Co	.303
Granada Packing House	.000
Harding & Leggett	.091
Orange Belt Fruit Distributors	1.388
Potato House, The	.000
Raymond Bros	.011
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.098
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.160
Western States Fruit & Produce Co	.000
Riverside Growers, Inc	.000
Total independents	2.318

[F. R. Doc. 47-3035; Filed, Mar. 28, 1947; 8:54 a. m.]

[Grapefruit Reg. 44]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF.; AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.305 *Grapefruit Regulation 44*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., March 30, 1947, and ending at 12:01 a. m., P. s. t., April 20, 1947, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade, as such grades are defined in the revised United States Standards for Grapefruit (California and Arizona), 12 F. R. 1975;

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any such grapefruit, (*a*) which are of a size smaller than $3^{11}/_{16}$ inches in diameter, or (*b*) which are of a size larger than $4^{11}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{5}/_{16}$ inches in diameter and larger; or

(iii) From the State of California or the State of Arizona to any point outside thereof in Canada, any such grapefruit (*a*) which are of a size smaller than $3^{6}/_{16}$ inches in diameter, or (*b*) which are of a size larger than $4^{11}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{5}/_{16}$ inches in diameter and larger.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of March 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-3034; Filed, Mar. 28, 1947; 8:50 a. m.]

[Orange Reg. 171]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.317 *Orange Regulation 171*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 30, 1947, and ending at 12:01 a. m., P. s. t., April 6, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate Districts Nos. 1 and 2, no movement; and (*b*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1,300 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the

said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of March 1947.

[SEAL] C. F. KUNKEL,

Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. March 30, 1947 to 12:01 a. m. April 6, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.3616
A. F. G. Fullerton	.0520
A. F. G. Orange	.0570
A. F. G. Redlands	.3638
A. F. G. Riverside	.5778
Corona Plantation Co	1.1820
Hazeltine Packing Co	.0000
Signal Fruit Association	.7938
Azusa Citrus Association	1.0459
Azusa Orange Company, Inc	.1595
Damerel-Allison Company	1.2524
Glendora Mutual Orange Association	.5407
Irwindale Citrus Association	.3673
Puente Mutual Citrus Association	.0502
Valencia Heights Orchards Association	.2367
Glendora Citrus Association	.6731
Glendora Heights O. & L. Growers Association	.1879
Gold Buckle Association	3.5456
La Verne Orange Association, The	3.5598
Anaheim Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Orange County Valencia Association	.0000
Orangethorpe Citrus Association	.0245
Placentia Cooperative Orange Association	.0000
Yorba Linda Citrus Association, The	.0000
Alta Loma Heights Citrus Association	.4051
Citrus Fruit Growers	.7425
Cucamonga Citrus Association	.6506
Etiwanda Citrus Fruit Association	.2315
Mountain View Fruit Association	.1665
Old Baldy Citrus Association	.4893
Rialto Heights Orange Growers	.4253
Upland Citrus Association	2.3430
Upland Heights Orange Association	1.1670
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association, The	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Olive Heights Citrus Association	0.0392
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.0000
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, Inc., The	.0000
Bradford Brothers, Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Call Ranch	.6775
Corona Citrus Association	.8070
Jameson Company	.3844
Orange Heights Orange Association	.9243
Break & Son, Allen	.3189
Bryn Mawr Fruit Growers Association	1.1197
Crafton Orange Growers Association	1.4290
E. Highlands Citrus Association	.4355
Fontana Citrus Association	.4580
Highland Fruit Growers Association	.7025
Krinard Packing Company	1.5823
Mission Citrus Association	.8218
Redlands Cooperative Fruit Association	1.8133
Redlands Heights Groves	.9365
Redlands Orange Growers Association	1.2256
Redlands Orangedale Association	1.0060
Redlands Select Groves	.6295
Rialto Citrus Association	.5565
Rialto Orange Co	.3830
Southern Citrus Association	1.3173
United Citrus Growers	.6726
Zilen Citrus Company	.9809
Arlington Heights Fruit Co	.4843
Brown Estate, L. V. W	1.8366
Gavilan Citrus Association	1.7513
Hemet Mutual Groves	.3942
Highgrove Fruit Association	.7157
McDermont Fruit Co	1.7247
Mentone Heights Association	1.0263
Monte Vista Citrus Association	1.1865
National Orange Co	.8856
Riverside Heights Orange Growers Association	1.3369
Sierra Vista Packing Association	.8072
Victoria Ave. Citrus Association	2.7871
Claremont Citrus Association	1.0287
College Heights O. & L. Association	1.0839
El Camino Citrus Association	.5479
Indian Hill Citrus Association	1.1937
Pomona Fruit Growers Association	2.1095
Walnut Fruit Growers Association	.4199
West Ontario Citrus Association	1.6173
El Cajon Valley Citrus Association	.3890
Escondido Orange Association	.5196
San Dimas Orange Growers Association	1.1895
Covina Citrus Association	1.5627
Covina Orange Growers Association	.5195
Duarte-Monrovia Fruit Exchange	.3615
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Association	.1027
San Fernando Fruit Growers Association	.3168
San Fernando Heights Orange Association	.3691
Sierra Madre Lamanda Citrus Association	.2101
Camarillo Citrus Association	.0113
Fillmore Citrus Association	1.3627
Ojai Orange Association	1.1830
Piru Citrus Association	1.3920
Santa Paula Orange Association	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Tapo Citrus Association	0.0113
East Whittier Citrus Association	.0632
Whittier Citrus Association	.0000
Whittier Select Citrus Association	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.4883
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.1200
Euclid Avenue Orange Association	2.4364
Foothill Citrus Union, Inc	.1228
Fullerton Cooperative Orange Association	.0000
Garden Grove Orange Cooperative	.0000
Glendora Cooperative Citrus Association	.0931
Golden Orange Groves, Inc	.4249
Highland Mutual Groves, Inc	.4474
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	3.2913
Olive Hillside Groves, Inc	.0000
Orange Cooperative Citrus Association	.0000
Redlands Foothills Groves	2.2296
Redlands Mutual Orange Association	1.0854
Riverside Citrus Association	.3559
Ventura County O. & L. Association	.2969
Whittier Mutual O. & L. Association	.0000
Babijuice Corp. of Calif	.1960
Banks Fruit Co	.2693
California Fruit Distributors	.1289
Cherokee Citrus Co., Inc	1.0944
Chess Co., Meyer W	.4462
Evans Brothers Packing Co	.4287
Gold Banner Association	1.9832
Granada Hills Packing Co	.0236
Granada Packing House	.0000
Hill, Fred A	.7388
Inland Fruit Dealers, Inc	.2112
Orange Belt Fruit Distributors	2.4990
Panno Fruit Co., Carlo	.0689
Paramount Citrus Association	.1457
Riverside Growers, Inc	.2687
San Antonio Orchards Association	1.3093
Snyder & Sons Co., W. A	1.0112
Verity & Sons Co., R. H	.0972
Wall, E. T	1.4604
Western Fruit Growers, Inc., Redlands	2.8468
Yorba Orange Growers Association	.0334

[F. R. Doc. 47-3036; Filed, Mar. 28, 1947; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 03-2]

PART 03—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED PURPOSE CATEGORIES

FLIGHT TESTS FOR AIRCRAFT; CHANGING EFFECTIVE DATE FOR COMPLIANCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of March 1947.

Section 03.0421 of the Civil Air Regulations, *Flight tests*, was amended by the Board on February 4, 1947, to become effective March 15, 1947. In substance the effect of the amendment is that at the conclusion of the official flight tests which the Administrator finds necessary to determine compliance with §§ 03.1 through 03.632 there shall be conducted such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. It is found that the period between the adopted date and the effective date of this regulation is not sufficient to permit the establishment of uniform procedures in the degree necessary to provide for equal application to the aircraft manufacturing industry by the Civil Aeronautics Administration.

The Civil Aeronautics Administration has recommended a postponement of the effective date of compliance with the provisions of § 03.6421 until May 15, 1947. The Civil Aeronautics Board finds that this postponement is in the public interest, that it is not a restrictive change in the Civil Air Regulations and that compliance with sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary in the public interest.

Now, therefore: Effective March 21, 1947, § 03.0421 of the Civil Air Regulations is amended by changing the date therein from "March 15, 1947" to "May 15, 1947".

(53 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-2991; Filed, Mar. 28, 1947; 8:49 a. m.]

[Civil Air Regs., Amdt. 04a-7]

PART 04a—AIRPLANE AIRWORTHINESS REGULATIONS EFFECTIVE PRIOR TO NOVEMBER 9, 1945

FLIGHT TESTS FOR AIRCRAFT; CHANGING EFFECTIVE DATE FOR COMPLIANCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of March 1947.

Section 04a.040 of the Civil Air Regulations, *Flight tests*, was adopted by the Board on February 4, 1947, to become effective March 15, 1947. In substance the effect of the amendment is that at the conclusion of the official flight tests which the Administrator finds necessary to determine compliance with §§ 04a.2 through 04a.91 there shall be conducted such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. It is found that the period between the adopted date and the effective date of this regulation is not sufficient to permit the establishment of uniform procedures in the degree necessary to provide for equal application to the aircraft manufacturing industry by the Civil Aeronautics Administration.

The Civil Aeronautics Administration has recommended a postponement of the effective date of compliance with the provisions of § 04a.040 until May 15, 1947. The Civil Aeronautics Board finds that this postponement is in the public interest, that it is not a restrictive change in the Civil Air Regulations, and that compliance with sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary in the public interest.

Now, therefore: Effective March 21, 1947, § 04a.040 of the Civil Air Regulations is amended by changing the date therein from "March 15, 1947" to "May 15, 1947".

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-2990; Filed, Mar. 28, 1947; 8:48 a. m.]

[Civil Air Regs., Amdt. 04b-4]

PART 04b—AIRPLANE AIRWORTHINESS REGULATIONS, EFFECTIVE ON NOVEMBER 9, 1945

FLIGHT TESTS FOR AIRCRAFT; CHANGING EFFECTIVE DATE FOR COMPLIANCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of March 1947.

Section 04b.0321 of the Civil Air Regulations, *Flight tests*, was amended by the Board on February 4, 1947, to become effective March 15, 1947. In substance the effect of the amendment is that at the conclusion of the official flight tests which the Administrator finds necessary to determine compliance with §§ 04b.1 through 04b.622 there shall be conducted such additional flight tests as the Administrator finds accessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. It is found that the period between the adopted date and the effective date of this regulation is not sufficient to permit the establishment of uniform procedures in the degree necessary to provide for equal application to the aircraft manufacturing industry by the Civil Aeronautics Administration.

The Civil Aeronautics Administration has recommended a postponement of the effective date of compliance with the provisions of § 04b.0321 until May 15, 1947. The Civil Aeronautics Board finds that this postponement is in the public interest, that it is not a restrictive change in the Civil Air Regulations, and that compliance with sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary in the public interest.

Now, therefore: Effective March 21, 1947, § 04b.0321 of the Civil Air Regulations is amended by changing the date therein from "March 15, 1947" to "May 15, 1947."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-2989; Filed, Mar. 28, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO CENTRAL OFFICE AND REGIONAL OFFICIALS

1. Section 603.1 (s), (11 F. R. 10651), is hereby amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 603.1 *Delegations to Central Office Officials.* * * *

(s) *Director of the Priorities and Materials Survey Division.* The Director of the Priorities and Materials Survey Division is delegated the power to:

(1) Approve or deny, in accordance with the Housing Permit Regulation (HPR), applications and changes in applications, which that regulation provides to be filed with FPHA.

(2) Approve or deny, in accordance with Housing Expediter Priorities Regulation 5 (HEPR-5)[1] or Civilian Production Administration Priorities Regulation 33 (PR-33),[2] changes in applications, which those regulations authorize to be filed with FPHA.

(3) Serve as Secretary to the FPHA Priorities Appeal Committee in the processing of appeals, which are submitted to FPHA in accordance with HPR, HEPR-5, and PR-33.

(4) Sign and submit to the Office of Temporary Controls applications for CC and AAA Preference rating certificates, special directives or other available types of special assistance, to be used in obtaining items for FPHA projects.

(5) Allocate to regional offices, contractors, or local bodies, items of equipment manufactured and earmarked for FPHA Veterans Re-Use projects.

2. Section 603.2 (a) (11 F. R. 177A-901) is hereby amended, effective upon publication in the FEDERAL REGISTER, by substituting a new subparagraph (6), and by adding a new subparagraph (7), as follows:

§ 603.2 *Delegations to Regional Office Officials*—(a) *Delegations of authority to Regional Directors.* * * *

(6) Pursuant to Title V of the Lanham Act as amended, regional directors are delegated the power:

(i) To execute contracts for the Commissioner between the United States and local bodies for the provision of housing under Title V of the Lanham Act.

(ii) To negotiate and execute cost-plus-a-fixed-fee contracts for the construction of Title V housing projects on Form FPHA-1482, including schedules of prices for finished dwelling units, and any amendments to these forms (and additional schedules of prices for finished dwelling units) subsequently approved by the Assistant Commissioner for Development and Reutilization.

(iii) To execute or approve changes in the contract in any amount within the limit of available or allotted funds, and to execute and approve documents in-

[1] Title 24, Ch. VIII, § 803.5, 12 F. R. 1077.
[2] Title 32, Ch. IX, § 944.54, 12 F. R. 1438.

volving any extensions of the contract completion date which may be approvable under the terms of the contract irrespective of whether extra work is involved. Any changes approved by any region shall apply only to Notices to Proceed with projects to be erected in that region (without regard to the original location of the buildings being moved).

(iv) To make such findings of need as are required by the provisions of the Lanham Act with respect to installation of movable equipment for family dwellings.

(v) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, 9116, and 9686 and the National Housing Administrator's General Order FPHA-7:

(*a*) To approve advance payments to contractors in connection with contracts executed under any cost-plus-a-fixed-fee contract executed in the Central Office or the regional office and to local bodies for use in payment of development costs under Pub. Law 336, 79th Cong.

(*b*) To waive requirements of advertising and competitive bidding to the extent permitted or required by established FPHA policies and procedures.

(*c*) To waive the requirement of performance and payment bonds in connection with lump-sum contracts relating to the development of veterans' emergency housing projects where the FPHA contracts with a local public body for the erection and repair of trailers to be done by the local body, subject to a legally sufficient determination that such action will facilitate or expedite the program. Such bonds, however, may be required from the subcontractors of the local body, at the option of the above-mentioned FPHA officials, when such action is deemed necessary and in the best interest of the Government.

(vi) Pursuant and subject to the provisions of the Contract Settlement Act of 1944, to take such actions as are authorized by that act and are appropriate to accomplish its objectives, including the establishment of a Regional Settlement Review Board.

(vii) To execute Notices to Proceed.

(viii) To grant revocable licenses, permits, and easements, and execute appropriate instruments therefor, to facilitate the provisions of necessary streets, alleys, walks, or other means of ingress and egress and utilities.

(ix) To execute contracts or other documents conveying surplus personal property available to FPHA to local bodies (non-profit educational institutions, States or political subdivisions thereof, local public agencies, and nonprofit organizations) for use in connection with veterans' emergency housing.

(x) To amend all outstanding contracts with local bodies which involve payment of net income to the FPHA at the end of each fiscal year to include at the election of the local body either the provisions for reserves for repair, maintenance, and replacement or for fixed operating expenses.

(xi) To amend outstanding contracts covering the bailment of trailers, to transfer title to trailer to local bodies.

(7) In connection with the responsibility of FPHA as a processing agency, under authority delegated by the Housing Expediter and the Temporary Controls Administrator, each regional director, in compliance with related procedural instructions, is authorized to:

(i) Process applications, and changes in applications, which are appropriately filed under the Housing Permit Regulation (HPR), and at the conclusion of his review to:

(*a*) Approve only such applications or changes as clearly meet the applicable requirements of HPR; or

(*b*) Deny applications or changes which in his judgment are not in accordance with the intent of HPR; or

(c) Refer to the Director of the Priorities and Materials Survey Division applications and changes which involve a substantial and immediate relationship to veterans' housing or public health and safety, or exceptional and unreasonable hardship.

(ii) Approve or deny, in accordance with Housing Expediter Priorities Regulation 5 (HEPR-5) or Civilian Production Administration Priorities Regulation 33 (PR-33), requests for amendment of the applications, which those regulations authorize to be filed with FPHA regional offices.

(iii) Request an applicant to submit drawings, justifications, or other additional data, to be used in processing his application.

(iv) Accept and review appeals for relief from HPR, HEPR-5, or PR-33, prepare and attach a recommendation, and forward to the Central Office, addressed to the Secretary of the Priorities Appeal Committee.

(50 Stat. 888, 54 Stat. 1125; 42 U. S. C. 1401, 1521)

Approved: March 24, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-2935; Filed, Mar. 27, 1947; 8:48 a. m.]

Chapter VII—National Housing Agency

PART 705—DELEGATIONS OF AUTHORITY

PART 751—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY [1]

Pursuant to paragraph 1 of Executive Order 9820, January 11, 1947,[2] which provides that all of the powers, functions, and duties of the Housing Expediter under the Veterans' Emergency Housing Act of 1946 (Pub. Law 388, 79th Cong.), which were merged with the powers, functions, and duties of the National Housing Administrator and exercised and performed through the Office of the Administrator, National Housing Agency, are to be segregated and shall be exercised and performed by the Housing Expediter as an independent officer of the government, Part 705, §§ 705.1 to 705.12, inclusive (with the exception of §§ 705.1 to 705.2,[3] inclusive, which are hereby redesignated § 751.11 (a) and (b), and §§ 705.3 and 705.4,[4] inclusive, which are hereby redesignated § 751.12 (a) and (b)), and Part 751, §§ 751.1 to 751.31,[5] inclusive (with the exception of §§ 751.23 to 751.26,[6] inclusive, which are hereby redesignated § 751.13 (a), (b), (c) and (d)), are hereby revoked. The Organization Description for the Office of the Administrator, National Housing Agency, will henceforth appear in Part 751 of this Chapter, National Housing Agency. The Organization Description for the Office of the Housing Expediter will henceforth appear in Part 851 of Chapter VIII, Office of Housing Expediter.

Saving clause. This revocation shall not be construed to affect or impair any contract, remedy, right or obligation which has accrued or any actions heretofore taken under or by virtue of any order, regulation, operating instruction or manual issuance in existence prior to the date of this revocation.

This document is effective upon filing with the FEDERAL REGISTER.

Issued this 28th day of March 1947.

(E. O. 9820, Jan. 11, 1947, 12 F. R. 205)

FRANK R. CREEDON,
Housing Expediter.
[SEAL] RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 47-2985; Filed, Mar. 28, 1947; 8:49 a. m.]

[1] See also Part 751 *infra*.

[2] 12 F. R. 205.

[3] 9 F. R. 11463; 24 C. F. R., 1944 Supp., 705.1, 705.2.

[4] 11 F. R. 2587.

[5] With respect to § 751.31 see 12 F. R. 1940.

[6] 11 F. R. 177A-860.

PART 751—ESTABLISHING THE GENERAL RESPONSIBILITIES AND ORGANIZATION OF THE OFFICE OF THE ADMINISTRATOR, NATIONAL HOUSING AGENCY, INCLUDING DELEGATIONS OF FINAL AUTHORITY [1]

SUBPART A—PURPOSE, POWERS, OBJECTIVES, AND METHODS

Sec.
751.1 Purpose.
751.2 Powers.
751.3 Objectives.
751.4 Methods.

SUBPART B—ORGANIZATION AND FUNCTIONS

751.5 Central Office.
751.6 Field activities.

SUBPART C—DELEGATIONS OF AUTHORITY [2]

751.7 Citation of authority.
751.8 Designation of Acting Administrator.

AUTHORITY: §§ 751.1 to 751.8, inclusive, issued under 54 Stat. 1125, as amended, Sec. 1, 55 Stat. 838, 42 U. S. C. Sup. 1521, 50 U. S. C. App., Sup., 601. E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.

SUBPART A—PURPOSE, POWERS, OBJECTIVES, AND METHODS

§ 751.1 *Purpose.* The purpose of this part is to establish the main objectives of the Office of the Administrator, National Housing Agency, in facilitating, during the continuance of Executive Order 9070, February 24, 1942, 3 CFR Cum. Supp., the execution of the policies established by the Congress and the President to assure the orderly transition to a peacetime economy. This part also establishes in general terms the methods and organization by which such objectives are to be achieved.

§ 751.2 *Powers.* Executive Order 9070, February 24, 1942, 3 CFR Cum. Supp., consolidated various housing agencies and functions into the National Housing Agency, to be administered under the general direction and supervision of the National Housing Administrator, consisting of three main constituent units, namely, the Federal Home Loan Bank Administration, (see Chapter I, Parts 01 to 199, inclusive, Chapter II, Parts 200 to 299, inclusive, Chapter III, Parts 300 to 399, inclusive, and Chapter IV, Parts 400 to 499, inclusive); and the Federal Housing Administration, (see Chapter V, Part 500); and the Federal Public Housing Authority, (see Chapter VI, Parts 600, 601, 602, 603, 605, 610, 611, 620, 621, 630, 631, 640, 641, 650, 651, 660, 661, 670, and 671). The Office of the Administrator, National Housing Agency, exercises powers and makes necessary expenditures in accordance with said Executive Order 9070, February 24, 1942, 3 CFR Cum. Supp., 54 Stat. 1125, as amended, 42 U. S. C. Sup. 1521, and other Executive Orders and acts of the Congress.

§ 751.3 *Objectives.* (a) The objective of the Office of the Administrator is to aid in the provision of better housing for the American people and in the development and execution of national housing policies and programs designed to secure an adequate supply of housing at lower costs, and to foster the growth of a stable, prosperous housebuilding industry equipped to serve the housing needs of the country. In order to attain these objectives, the Office of the Administrator shall:

(1) Provide leadership and coordination in the principal housing activities of the Federal Government, as provided by Executive Order 9070, February 24, 1942, 3 CFR Cum. Supp., with respect to those represented by the operations of the three constituent units of the National Housing Agency, and on a voluntary basis with respect to those of other Federal agencies which relate to housing.

(2) Take the initiative in the joint exploration by the interested agencies of common problems of policy and operation in order to promote the adoption of consistent and effective policies among the various agencies, the prevention of overlapping or conflicting activities and the interchange of information and experience.

(3) Serve as an available point of initial contact with respect to national housing policy and programs for the Congress, the other agencies of the executive branch, industry, state and local governments, and the general public.

(4) Through maximum use of existing public and private facilities for architectural, engineering, economic, and other research and studies, develop practical improvements in the production and marketing of housing at reduced costs; undertaken such research and studies to the extent that adequate resources outside the Office of the Administrator are not available for the purpose; and make the findings of such research available to other agencies, industry, state and local governments, and the general public.

(5) Secure and make available improved statistical and economic data on housing on a basis for consideration of problems by the Congress, public and private agencies, and industry.

(6) Identify and recommend steps toward the elimination of practices, methods or other factors within industry, labor, finance, or government which increase unnecessarily the cost of housing or prevent or restrict the full use of methods or materials which would reduce housing costs.

(7) Present the interests and needs of housing in broader governmental considerations, such as fiscal policy, scientific research and development, and statistical and economic data collection.

§ 751.4 *Methods.* (a) Recognizing that the several agencies have full operating responsibility for the programs assigned to them by the Congress, the basic approach of the Office of Administrator in working toward these objectives shall be the development of the greatest possible degree of common understanding and collaboration among the various agencies concerned. For this purpose the Office of the Administrator shall:

(1) Collaborate with the constituent units and other interested agencies in a continuing survey of the field of housing, to identify the most important problem areas and to inventory the activities, resources and information of the agencies involved, in order to provide a current and comprehensive picture of national housing problems and the existing means for aiding in their solution.

(2) Assume leadership with the constituent units and other participating agencies in formulating joint programs to make the most effective use of resources, and to serve as a clearing house so that each agency may get maximum benefit from the experience and knowledge of the others.

(3) Take the initiative in establishing and assisting permanent and project committees representative of private industry and the various agencies of government to explore specific problems of common concern, and make the findings and recommendations of such committees available to the participating agencies and groups.

(4) Determine jointly with the constituent units and other participating agencies the information needed for common planning, coordination of related activities, and joint consideration of proposed policies and legislation, and work out with the constituent units and other agencies involved the parts of any necessary studies each is best fitted to undertake.

(5) Carry out directly studies or parts of studies which are within its staff resources and which cannot readily be conducted by the constituent units and participating agencies.

(6) Draw together the results of this coordinated research and operating experience in a series of formal and informal reports designed to be of maximum use to the Congress, the President, the constituent units and participating agencies, industry and state and local governments, and others in studying and solving housing problems.

SUBPART B—ORGANIZATION AND FUNCTIONS

§ 751.5 *Central Office.* The Central Office is divided into the following offices

[1] See also Part 751 *supra*.

[2] For §§ 751.11 to 751.13, inclusive, see Part 751 *supra*. Section 751.35 and 751.36 appear at 11 F. R. 13693, 13911.

which exercise functions described respectively below:

(a) *Commissioners Council.* Consists of the Administrator and the Commissioners of the Federal Home Loan Bank Administration, the Federal Housing Administration, and the Federal Public Housing Authority. The Commissioners Council serves as a medium for consideration of all major policy and program matters of general concern to the National Housing Agency.

(b) *Coordinating Council.* Consists of the Administrator, the Commissioners of the constituent units of the National Housing Agency, and representatives of such other agencies as may participate in the work of the Council. The coordinating Council provides a medium for discussion and exploration of common problems and the coordination of policies and operating methods and the undertaking of joint activities by the various agencies whose programs have a substantial influence on housing.

(c) *Administrator's Immediate Office.* In addition to required secretarial and administrative assistance, consists of the following principal assistants:

(1) First Assistant Administrator, who assists the administrator in the general coordination of the program of the Office of the Administrator, coordinates such field activities as the Office of the Administrator may undertake, and acts for the Administrator in such matters as he may indicate.

(2) Assistant responsible for liaison with members of the Congress and with consumer and civic groups.

(3) Assistant responsible for supervision of racial relations service to the entire Agency, who advises on racial considerations in the development and execution of the Agency's policy and programs, and maintains liaison with minority groups.

(4) Assistant responsible for necessary contacts with the Department of State and other agencies with respect to housing matters involving foreign governments, such as exports and imports of building materials and equipment, and interchange of technical information; and to provide a point of contact on housing questions for the United Nations and other international organizations.

(d) *Office of the General Counsel.* Provides all legal counsel and assistance involved in the formulation and development of the legal aspects of the Agency's policy and program and in the performance of the responsibilities assigned to the staff of the Office of the Administrator, and represents the Administrator on legislation, public regulations, litigation, and other legal matters.

(e) *Office of Administration.* Assists the Administrator in the performance of his responsibilities under Executive Order 9070 of February 24, 1942, with respect to the general management of the Agency, including organization, finances and personnel matters, and provides administrative services to the Office of the Administrator.

(f) *Office of Housing Economics.* Responsible for activities of the Office of the Administrator having to do with the economics of the housing industry, including the problems of housing supply and demand; housing production, costs, prices and value; the role of housing in the construction industry and in the national economy; availability of credit for housing; characteristics of the housing market; and the improvement of the statistical and economic data on housing for government, industry, and the general public.

(g) *Technical Office.* Responsible for activities of the Office of the Administrator having to do with the engineering and architectural phases of housing, including design, production, construction and maintenance of housing; improvement of codes and technical standards; and research leading to the production of sound structures at lower cost through the application of technical improvements, simplified practices, new and improved materials, and similar advances.

(h) *Urban Development Office.* Responsible for activities of the Office of the Administrator having to do with the part played by housing in the growth and development of cities; the influence of urban growth, local government organization and practices and related factors on housing; the causes of and methods of preventing or eliminating blighted or slum areas; and the community problems associated with housing such as the provision of public service facilities.

(i) *Information Service.* Assists the Administrator in providing to the press, the housing industry and the public, information about the policies and activities of the National Housing Agency; also provides similar services to assist the Commissioners of the constituent units in carrying out their repective responsibilities, and coordinates the information activities of the Agency as a whole in the interest of efficiency and consistency with general policies.

§ 751.6 *Field activities.* The Office of the Administrator has no field offices.

SUBPART C—DELEGATION OF AUTHORITY

§ 751.7 *Citation of authority.* Section 12 of Executive Order 9070, February 24, 1942, 3 CFR Cum. Supp., provides in part as follows:

• • • The Administrator and the Commissioners hereunder may delegate their respective functions, powers, and duties to such agencies, officials, or personnel as they may designate, respectively. • • •

§ 751.8 *Designation of Acting Administrator.* (a) Pursuant to the foregoing provision of Executive Order 9070 cited in § 751.7, I hereby designate the officials of the National Housing Agency hereinafter named and in the order in which they are named to act in my place and stead with the title of "Acting Administrator" with all the powers, duties, and rights conferred upon me by said Executive order, and other Executive order, the Lanham Act (54 Stat. 1125, as amended, 42 U. S. C. Sup. 1521), or any other act of Congress, in the event of my absence, illness, or inability to act, and all such powers, duties, and rights are hereby delegated to such officials in such order and for such period as I may be absent from Washington, D. C., or unable to perform my official functions.

(b) The following named officials, and designated in the following order, shall have authority to act as "Acting Administrator" but no official shall have authority to act as "Acting Administrator" unless all those whose names appear before his are absent from their official post and unable to act:

(1) William K. Divers, First Assistant Administrator.

(2) B. T. Fitzpatrick, General Counsel.

(3) Frank C. Watters, Assistant Administrator for Administration.

Issued this 28th day of March 1947.

[SEAL] RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 47-2984; Filed, Mar. 28, 1947; 8:49 a. m.]

Chapter VIII—Office of Housing Expediter

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

Pursuant to paragraph 1 of Executive Order 9820, 12 F. R. 205, which provides that all of the powers, functions, and duties of the Housing Expediter under the Veterans' Emergency Housing Act of 1946 which were merged with the powers, functions, and duties of the National Housing Administrator and exercised and performed through the Office of the Administrator, National Housing Agency, are to be segregated and shall be exercised and performed by the Housing Expediter as an independent officer of the government, the following Organization Description, including Delegations of Final Authority, is hereby established in the Office of Housing Expediter:

SUBPART A—CENTRAL OFFICE

Sec.
851.1 Housing Expediter.
851.2 Advisory Board.
851.3 Office of Operations.
851.4 Office of Production.
851.5 Office of Administration.
851.6 Office of the General Counsel.
851.7 Division of Information.
851.8 Appeals Board.

SUBPART B—REGIONAL OFFICES

851.9 Regional Housing Expediter.
851.10 Deputy Regional Housing Expediter.
851.11 Regional Counsel.
851.12 Information Service.
851.13 Racial Relations Adviser.
851.14 Assistant Regional Expediter for Community Assistance.
851.15 Assistant Regional Expediter for Production Expediting.

SUBPART C—LOCALITY EXPEDITERS

SUBPART D—DELEGATIONS OF AUTHORITY

851.16 Delegation of authority to the Federal Housing Administration.
851.17 Delegation of authority to the Federal Public Housing Authority.
851.18 Delegation of authority to the Director, Industrialized Housing Service Branch of the Office of the Housing Expediter.

Sec.
851.19 Delegation of authority to the Director or Acting Director, Review and Analysis Branch, Office of the Housing Expediter.

AUTHORITY: §§ 851.1 to 851.19, inclusive, issued under 60 Stat. 207; 50 U. S. C. Supp. 1821.

SUBPART A—CENTRAL OFFICE

§ 851.1 *Housing Expediter.* The Housing Expediter directs and supervises the Veterans' Emergency Housing Program.

§ 851.2 *Advisory Board.* The Advisory Board consists of the Housing Expediter, Deputy Housing Expediters, Assistant Housing Expediter, the General Counsel, and such other persons as the Housing Expediter may from time to time designate. The Board is the primary instrument for the resolution of major policy issues and for the formulation of basic programs and administrative policies within which the several offices now carry out their assigned responsibilities.

§ 851.3 *Office of Operations.* The Deputy Housing Expediter, Operations, assisted by Regional Coordinators, a Community Action Advisory Service, Surplus Property Acquisition Advisory Service, Labor Advisory Service, Land and Public Utilities Advisory Service branches, and such liaison personnel as may be necessary in conducting relations with other government agencies, performs the functions of:

(a) Directing and coordinating the execution of plans, policies, and methods of the Veterans' Emergency Housing Program;

(b) Directing the execution by the regional offices of approved programs and policies;

(c) Recommending changes and modifications in operating plans and methods in order to carry out the Veterans' Emergency Housing Program;

(d) Devising programs to enlist community support for, and aiding communities in the execution of, the Veterans' Emergency Housing Program;

(e) Developing a program for, and providing an expediting service in respect to, government surplus property acquisition;

(f) Developing programs to assist in assuring an adequate supply of qualified workers in the production of building materials and in the construction of housing under the Veterans' Emergency Housing Program; taking action to remove obstacles to full utilization of the labor supply;

(g) Developing programs to facilitate the acquisition by local public or private agencies of land for the Veterans' Emergency Housing Program and to facilitate the provision of adequate utilities, community facilities, and municipal services for housing.

§ 851.4 *Office of Production.* The Deputy Housing Expediter, Production, assisted by a Statistical Control and Reports Branch, Technical Service Branch, Review and Analysis Branch, and an Industrial Housing Service Branch, performs the functions of:

(a) Securing, interpreting, and disseminating statistical information required for the execution of the Veterans' Emergency Housing Program and for the evaluation of program progress; serving as a central channel and point of contact for statistical information for the Housing Expediter and developing and administering an integrated system for collecting data and conducting research analysis necessary to formulate plans and policies and evaluate program progress;

(b) Securing volume production of lower-cost houses produced by industrial methods; determining the need for, and aiding in securing, financial assistance, including market guarantees, and Reconstruction Finance Corporation loans for new materials; assisting in arranging for other types of assistance designed to encourage new sources of production, distribution, erection, and marketing;

(c) Assuring adequate production and effective distribution of building materials and finished products; reviewing and formulating proposals for encouraging rental housing for operation through Mayors' Committees; analyzing the Veterans' Emergency Housing Program in the perspective of the national economy;

(d) Developing solutions to technical problems relating to the design and construction of houses; evaluating the technical merits of proposals for government assistance to producers of industrialized housing and new materials; providing technical assistance to producers of houses and new materials; encouraging the use of new and substitute materials; and recommending revisions in building regulations.

§ 851.5 *Office of Administration.* The Assistant Housing Expediter, assisted by a Management Review Branch, Personnel Branch, Budgeting and Accounting Branch, and an Administrative Operations Branch, performs the functions of:

(a) Surveying and analyzing the organization and operation of the Office of the Housing Expediter; preparing and reviewing basic operating procedures; establishing and maintaining a system for the issuance of written instructions and publications; reviewing for essentiality all materials prepared in the Office of the Housing Expediter to be reproduced; assisting in the preparation of, or reviewing, Office of the Housing Expediter operating forms other than those requiring Bureau of the Budget approval;

(b) Developing and administering a comprehensive personnel program in the Office of the Housing Expediter; advising and assisting other branches of the OHE in the personnel aspects of other management functions; representing the OHE on personnel matters in dealings with other government and private agencies;

(c) Preparing regular and special budget estimates and justification for the OHE; assisting in the justification of such estimates before the Bureau of the Budget and the Congress; supervising the administration of the approved budget; evaluating and recommending improvement of budgetary and financial practices in the OHE; maintaining working relations for the OHE on budgetary and fiscal matters with other agencies;

(d) Establishing accounts of all OHE funds; auditing and certifying vouchers; furnishing graphics services; maintaining printing and reproduction facilities; planning space; providing building maintenance; supervising procurement of all supplies and services; planning and supervising a records maintenance program; providing messenger and mail services; handling routine correspondence; authorizing travel.

§ 851.6 *Office of the General Counsel.* The General Counsel is responsible for: providing all legal counsel and assistance involved in the formulation and development of the Housing Expediter's policy and program; formulating and recommending to the Housing Expediter a program and procedures to assure compliance with the public regulations and directives of the Housing Expediter; drafting and interpreting all public regulations, orders, and directives of the Housing Expediter and the legislation relative to the Office of the Housing Expediter; establishing policies, standards, and procedures to guide legal activities in the regional offices and to assure uniformity of legal interpretations, practices, and procedures among the regional offices; representing the Housing Expediter on legislation, public regulations, litigation and other legal matters.

§ 851.7 *Division of Information.* The Director of Information acts as the Housing Expediter's adviser on matters affecting public information and is responsible for providing an informational program to report on and interpret the Veterans' Emergency Housing Program to the housing industry, public interest groups concerned with housing, state and local governments and the general public; preparing all publications, news releases, pamphlets, and other materials issued by the OHE; representing the OHE in all official relations with the press, the radio, and with other Federal agencies on matters of public information.

§ 851.8 *Appeals Board.* The Appeals Board consists of the Deputy Housing Expediter, Operations, the Deputy Housing Expediter, Production, and the General Counsel, or in the absence of one or more of them such alternates as they may select. The Board receives and determines all appeals received in the Office of the Housing Expediter pursuant to public regulations or directives.

SUBPART B—REGIONAL OFFICES

§ 851.9 *Regional Housing Expediter.* The Regional Housing Expediter is responsible to the Deputy Housing Expediter, Operations. The Regional Housing Expediter directs the execution of the OHE program in the region, and secures cooperation of other agencies in carrying out the Veterans' Emergency Housing Program.

§ 851.10 *Deputy Regional Housing Expediter.* The Deputy Regional Housing Expediter assists the Regional Housing Expediter in administering the activities of the regional office. He assumes

the functions of the Regional Housing Expediter in the latter's absence.

§ 851.11 *Regional Counsel.* Under the general supervision of the General Counsel, the Regional Counsel is administratively responsible to the Regional Housing Expediter. The Regional Counsel serves as legal adviser to the Regional Housing Expediter and is responsible for providing all legal counsel and assistance involved in the performance of the responsibility assigned to the regional office staff, and for providing liaison with the field staffs of other agencies on legal problems affecting the Veterans' Emergency Housing Program.

§ 851.12 *Information Service.* The Information Service is responsible to the Regional Housing Expediter. It conducts regional informational programs, analyzes comments and attitudes of news media within the region, and compiles reports on the Veterans' Emergency Housing Program.

§ 851.13 *Racial Relations Adviser.* The Racial Relations Adviser is responsible to the Regional Housing Expediter. The Racial Relations Adviser assists and advises the regional office staff on matters affecting minority groups.

§ 851.14 *Assistant Regional Expediter for Community Assistance.* The Assistant Regional Expediter for Community Assistance is responsible to the Deputy Regional Housing Expediter for providing data and technical information required by Locality Expediters, submitting reports required by Washington offices, and assisting in securing the cooperation of public and private agencies in the execution of the Veterans' Emergency Housing Program.

§ 851.15 *Assistant Regional Expediter for Production Expediting.* The Assistant Regional Expediter for Production Expediting is responsible to the Deputy Regional Housing Expediter for assisting localities and reviewing local progress in obtaining an adequate supply of building materials; assisting in securing an adequate supply of labor for the region; encouraging increased use of new materials and improved methods of construction; assisting builders in establishing dealer-builder relationships with prefabricators and working out the problem of getting prefabricated houses on sites; and drawing commercial and industrial contractors into the housing building field.

SUBPART C—LOCALITY EXPEDITERS

The Locality Expediters are responsible to the Regional Housing Expediter. Each Locality Expediter assists the locality to which he is assigned in the execution of the Veterans' Emergency Housing Program.

Location of OHE Regional Offices

Region I—Boston, Mass.
Region II—New York, N. Y.
Region III—Chicago, Ill.
Region IV—Atlanta, Ga.
Region V—Dallas, Tex.
Region VI—San Francisco, Calif.
Region VII—Seattle, Wash.
Region VIII—Cleveland, Ohio.

SUBPART D—DELEGATIONS OF AUTHORITY

The Housing Expediter has made delegations of authority to specified agencies and officers in Housing Expediter Priorities Orders 1, 2, and 3, which are published as §§ 801.1, 801.2, and 801.3 of Part 801 of this Chapter, respectively.

The Housing Expediter has issued directives to the Civilian Production Administration and the Reconstruction Finance Corporation whereby those agencies have been delegated authority to perform certain functions on behalf of the Housing Expediter in connection with premium payments plans involved in Housing Expediter Premium Payments Regulations. These directives are published as §§ 802.1 to 802.17, inclusive, of Part 802 of this Chapter.

§ 851.16 *Delegation of authority to the Federal Housing Administration.* The Federal Housing Administration (through the Federal Housing Commissioner or his designated representatives) is hereby authorized to exercise all of the powers and duties delegated to the Housing Expediter by § 903.155, chapter IX of Title 32 (Directive 42 of the Civilian Production Administration) with respect to changes in applications and appeals authorized under § 944.54, chapter IX of Title 32 (Priorities Regulation 33) to be filed with appropriate State and District Offices of the Federal Housing Administration.

§ 851.17 *Delegation of authority to the Federal Public Housing Authority.* The Federal Public Housing Authority (through the Federal Public Housing Commissioner or his designated representatives) is hereby authorized to exercise all the powers and duties delegated to the Housing Expediter by § 903.155, chapter IX of Title 32 (Directive 42 of the Civilian Production Administration) with respect to changes in applications and appeals authorized under § 944.54, chapter IX of Title 32 (Priorities Regulation 33) to be filed with appropriate Regional Offices of the Federal Public Housing Authority.

§ 851.18 *Delegation of authority to the Director, Industrialized Housing Service Branch of the Office of the Housing Expediter.* The Director, Industrialized Housing Branch of the Office of the Housing Expediter, is hereby authorized to exercise all the powers and duties delegated to the Housing Expediter by § 903.155, chapter IX of Title 32 (Directive 42 of the Civilian Production Administration) with respect to changes in applications and appeals authorized under Directions 8 and 13, to § 944.54, chapter IX of Title 32 (Priorities Regulation 33 of the Civilian Production Administration) to be filed with or mailed to the National Housing Agency, except applications under paragraph (n) of Direction 8 or paragraph (r) of Direction 13.

§ 851.19 *Delegation of authority to the Director or Acting Director, Review and Analysis Branch, Office of the Housing Expediter.* The Director or Acting Director of the Review and Analysis Branch, Office of the Housing Expediter, is hereby authorized to establish special and seasonal quotas and to modify quotas under premium payments regulations issued by the Housing Expediter.

Issued this 28th day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-2986; Filed, Mar. 28, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directives 10 and 33, Revocation]

The following directives are revoked effective midnight March 31, 1947:

§ 903.17, Directive 10—Delegation of authority over narcotic drugs to Bureau of Narcotics, Department of the Treasury

§ 903.146, Directive 33—Distribution of bituminous and petroleum coke

Issued this 28th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By W. J. KERLIN,
Director,
Bureau of Priorities.

[F. R. Doc. 47-3103; Filed, Mar. 28, 1947; 11:27 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—MONEY-ORDER SYSTEM

INTERNATIONAL MONEY-ORDER SERVICE

Paragraph (c) (1) of § 17.55 *Exchange Offices* (39 CFR, Part 17), as amended (12 F. R. 1465), is further amended by adding the countries "Norway" and "Tunis" to the list of countries with which the United States has an exchange of money orders, and by the addition of a note, reading as follows:

NOTE: The money of the United States shall be converted into that of Norway at the rate of 1 Kr.=$0.20½ cents, and into that of Tunis at the rate of 1 Fr.=$0.0085.

(R. S. 4027, 4028, sec. 1, 25 Stat. 654; 39 U. S. C. 711, 712)

The change made by this amendment shall be effective as of April 1, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-2992; Filed, Mar. 28, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 0—ORGANIZATION AND ASSIGNMENT OF WORK

MERGER OF BUREAU OF PERSONNEL SUPERVISION AND MANAGEMENT INTO BUREAU OF ADMINISTRATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of March A. D. 1947.

Section 17 of the Interstate Commerce Act, as amended (49 U. S. C. 17), being under consideration: It is ordered, that

The Bureau of Personnel Supervision and Management (§ 0.11 (j), 11 F. R. 10308), is abolished as a bureau and there is established in lieu thereof a Personnel Office headed by a Personnel Director in the Bureau of Administration (11 F. R. 10306), into which the present Bureau of Personnel Supervision and Management shall be merged, effective March 23, 1947. It is further ordered, that

Section 0.11 (j), *Bureau of Personnel Supervision and Management*, is deleted.

Section 0.11 (b), *Bureau of Administration; functions*, is amended by adding the following sentence: "The Personnel Office, headed by a Personnel Director, is also included in this bureau."

(24 Stat. 385, 25 Stat. 861, 40 Stat. 270, 41 Stat. 492, 493, 47 Stat. 1368, 54 Stat. 913; 49 U. S. C. 17)

By the Commission.

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2946; Filed, Mar. 28, 1947; 8:47 a. m.]

[S. O. 87, Amdt. 7]

PART 95—CAR SERVICE

SUSPENSION OF DEMURRAGE RULES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1947.

Upon further consideration of Service Order No. 87 (7 F. R. 8066), as amended (7 F. R. 8438; 11 F. R. 4737, 8451; 11 F. R. 12726, 14650, 12 F. R. 259), and good cause appearing therefor:

It is ordered, That Service Order No. 87, as amended (codified as § 95.500 CFR), be, and it is hereby, further amended by adding the following exception to paragraph (a) thereof:

§ 95.500 *Suspension of demurrage rules; Trunk Line Tariff Bureau Tariff No. 139-CI. C. C. C. No. A751 coal.* (a) • • •

Exception: The settlement period starting at 7:00 a. m., February 1, 1947 and ending 7:00 a. m., April 1, 1947 is hereby extended to expire at 7:00 a. m., May 1, 1947.

It is further ordered, This amendment shall become effective at 7:00 a. m., March 31, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2947; Filed, Mar. 28, 1947; 8:47 a. m.]

[S. O. 304-A]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR CARLOAD GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1947.

Upon further consideration of Service Order No. 304, (10 F. R. 4612), as amended (10 F. R. 5327, 5464, 6315, 8143), and good cause appearing therefor: it is ordered, that:

Service Order No. 304 *Permit required for carload grain* (49 CFR § 95.40), as amended, be, and it is hereby, vacated and set aside.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 28, 1947; that copies of this order and direction be served upon the State railroad regulatory bodies of all States and the District of Columbia, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2948; Filed, Mar. 28, 1947; 8:47 a. m.]

[S. O. 653, Corr. to Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128, 1606, 1816), and good cause appearing therefor: it is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by substituting the following paragraphs (c) (3) and (e), for paragraphs (c) (3) and (e) thereof:

(c) *Application.* • • •

(3) *Export, import, coastwise or intercoastal traffic.* Except as shown below, import, export, coastwise (including Great Lakes) or intercoastal traffic is subject to this section.

Exemptions. Import, export, coastwise (including Great Lakes) or intercoastal bulk freight (including vessel fuel coal and coke) or explosives traffic, during the period such traffic is held in cars at ports for transfer to vessels or held at United States-Canadian border crossings, is not subject to this order. Bulk freight means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

• • • • •

(e) *Expiration date.* This section shall expire at 7:00 a. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of the Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 25, 1947, and shall apply to cars on hand on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2951; Filed, Mar. 28, 1947; 8:47 a. m.]

[S. O. 662-B]

PART 95—CAR SERVICE

CORN FOR EXPORT THROUGH GULF PORTS RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1947.

Upon further consideration of Service Order No. 662 (11 F. R. 14730), and good cause appearing thereof; It is ordered, that

Service Order No. 662 (codified as 49 CFR § 95.662), *Corn, for export through Gulf ports restricted*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 12:01 a. m., March 28, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2952; Filed, Mar. 28, 1947; 8:48 a. m.]

[S. O. 668, Amdt. 2]

PART 97—ROUTING OF TRAFFIC

REROUTING OF LOADED CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1947.

Upon further consideration of Service Order No. 668 (12 F. R. 560), as amended (12 F. R. 958), and good cause appearing therefor; it is ordered, that:

Section 97.668 *Rerouting of loaded cars; appointment of agent*, of Service Order No. 668, as amended, be, and it is hereby, further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 30, 1947.

It is further ordered, that copies of this order and direction be served upon the State railroad regulatory bodies of each State named in Amendment No. 1 to this order, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2953; Filed, Mar. 28, 1947; 8:48 a. m.]

Chapter II—Office of Defense Transportation

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SHIPMENT OF OVERSEAS FREIGHT

CROSS REFERENCE: For an exception to the provisions of § 502.202 see Part 522 of this chapter, *infra*.

[Gen. Permit ODT 16C, Rev.—1A]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, EXEMPTIONS, AND PERMITS

SHIPMENT OF OVERSEAS FREIGHT

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, *It is hereby ordered*, That:

§ 522.661 *Shipment of overseas freight.* Notwithstanding the prohibitions contained in § 502.202 of General Order ODT 16C, Revised, as amended (11 F. R. 13426, 13465, 13913), any person may offer to a rail carrier and any rail carrier may accept for transportation, or transport to or within any port area named in Appendix A of General Order ODT 16C, Revised, as amended, any carload shipment of overseas freight when consigned to a public warehouse for storage, or in care of a port terminal carrier for carrier storage when in either case prior arangements have been made for such storage, or when such freight is covered by a bona fide steamship contract or booking with an ocean carrier and the shipping order and other shipping documents covering the rail transportation of such freight bear a certification made by the shipper that such storage arrangements have been made or that a steamship contract or booking has been obtained. Such certification shall show the steamship contract number, the name of the vessel, the steamship agent at the port of export, and the first date the steamship company will accept such shipment at the port of export, or shall show the name of the storage facility, whichever is applicable: *Provided*, That, the foregoing provisions shall not apply to:

(a) Any shipment of overseas freight loaded in a box car or refrigerator car for movement through the Port of New York, New York, when the overseas destination is any point or place not in Central America, South America, Caribbean Area, South or East Africa, West Africa, Iceland, Sweden, Norway, Newfoundland, the Philippines, Hawaiian Islands, China, Denmark, or the Netherlands;

(b) Any shipment of overseas freight for movement through the Port of New York, New York, when consigned to or in care of a port terminal carrier for carrier storage, or any shipment of overseas freight consisting of frozen meat, lard, or seed when the consignee is the United State Department of Agriculture, or when such freight is consigned to a public warehouse for storage;

(c) Any shipment of overseas freight when the consignee is the Soviet Government, or any person acting for, or as agent of, such government, and the destination in the continental United States is any port area named in Appendix A of General Order ODT 16C, Revised, as amended, other than a port located in the States of California, Oregon, or Washington;

(d) Any shipment of overseas freight consisting of flour or other grain products shipped other than in bulk, when originating at a point west of but not on the Mississippi River and intended for export through any port on the Atlantic Seaboard shown in Appendix A of General Order ODT 16C, Revised, as amended.

§ 522.662 *Shipments of bulk coal and coke.* Notwithstanding the prohibitions contained in § 502.202 of General Order ODT 16C, Revised, as amended, any person may offer to a rail carrier and any rail carrier may accept for transportation, or transport to or within any port area named in Appendix A of General Order ODT 16C, Revised, as amended, any shipment of overseas freight consisting of coal, in bulk, or coke, in bulk.

This General Permit ODT 16C, Revised–1A, shall become effective at 12:01 o'clock a. m. April 1, 1947.

General Permit ODT 16C, Revised–2 (11 F. R. 13428), relating to overseas freight consisting of coal, in bulk, and coke, in bulk, is hereby revoked as of the effective date of this General Permit ODT 16C, Revised–1A.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941 6 F. R. 6725; E. O. 9389 Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 25th day of March 1947.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 47-2987; Filed, Mar. 28, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 41]

ISSUANCE OF AIR CARRIER OPERATING CERTIFICATE FOR ALASKAN AIR CARRIER OPERATIONS

NOTICE OF PROPOSED RULE MAKING

MARCH 25, 1947.

Air carriers presently conducting scheduled or regular air service operations in the Territory of Alaska have certificates of convenience and necessity issued by the Board covering their operations, but the majority of these carriers do not hold air carrier operating certificates issued by the Administrator as required by Part 41 of the Civil Air Regulations. The principal reason for the lack of air carrier operating certificates is that those carriers cannot fully comply with all of the requirements of Part 41 necessary for the issuance of such certificates. This is especially true concerning the requirements for airport spacing, communication facilities, weather reporting stations, and navigational facilities. The development of these facilities has been retarded by the war and not through any lack of initiative on the part of the air carrier operators. These operators are and have been conducting their operations with an acceptable degree of safety and are rendering the Territory of Alaska a much needed transportation service. It appears necessary and desirable in the public interest that the requirements of Part 41 should be adjusted so that Alaskan operations which do not fully meet the requirements of this part may be conducted under such circumstances as to provide a safe level of operation at least until such time as the required facilities are established so that the carriers can meet the presently prescribed air carrier rules.

The most effective manner in which this objective can be accomplished is by the promulgation of a Special Civil Air Regulation giving the Administrator authority to issue air carrier operating certificates whenever he finds the carrier can meet a reasonable level of operational safety, although not fully meeting the requirements of Part 41. Such certificates would be valid only for the periods specified, unless the holder within that time shows compliance with the applicable rules.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board the following Special Civil Air Regulation 30 days after the date of this public notice:

Whenever upon investigation the Administrator finds that the general standards of safety required for air carrier operations within the Territory of Alaska require or permit a deviation from any specific requirement of Part 41 for a particular operation or a class of operations for which an application for an air carrier operating certificate has been made, he may issue an air carrier operating certificate with appropriate changes specifying therein the period for which such deviations may be permitted. The Administrator shall promptly notify the Board of any deviations included in the air carrier operating certificates and the reasons therefor.

This regulation shall terminate October 31, 1948.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-2955; Filed, Mar. 28, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8448]

ELSE DEEKEN

In re: Stock owned by Else Deeken. F–28–27175–D–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Deeken, whose last known address is Miltenberg, A–Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: 23 shares of $20 par value common capital stock of Waialua Agricultural Company, Ltd., Waialua, Oahu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificates numbered 19222 and 22033, registered in the name of Else Deeken, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2930; Filed, Mar. 27, 1947; 8:47 a. m.]

[Vesting Order 8450]

FRIEDRICH MAERTENS ET AL.

In re: Stock and claims owned by Friedrich Maertens and others. F–28–21649–D–1, F–28–389–A–1, F–28–21649–A–1, F–28–757–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in subparagraph 2, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. 97 shares of $100 par value common capital stock of Hoffschlaeger Co., Ltd., 934 Bethel Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and owned by the persons listed

below in the amounts appearing opposite each name as follows:

Registered owner and certificate No.:	Number of shares
Friedrich Maertens, 112	27
Herman Maertens, 113	22
Anna Badowsky, 111	48

together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations, arising out of agency accounts, owing to Friedrich Maertens, Herman Maertens, and Anna Badowsky, by the Bishop Trust Company, Limited, P. O. Box 2390, Honolulu 4, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons listed in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2931; Filed, Mar. 27, 1947; 8:47 a. m.]

[Vesting Order 8451]

SHINICHI SERA

In re: Claim owned by Shinichi Sera, F-39-1545-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shinichi Sera, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shinichi Sera, by International Theatrical Co., Ltd., Aala Street Extension, Honolulu, T. H., in the amount of $4,866.55, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2932; Filed, Mar. 27, 1947; 8:47 a. m.]

[Vesting Order 8479]

MARTHA HONOLD

In re: Debt owing to and stock owned by Martha Honold. F-28-55-C-1, F-28-55-C-1, F-28-55-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Honold, whose last known address is Hauptmannsreute 93, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Martha Honold, by American Electric Securities Corporation, 20 Pine Street, New York 5, New York, in the amount of $3,780.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Six thousand (6,000) shares of $1.00 par value Participating Preferred stock of American Electric Securities Corporation, 20 Pine Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NPB 3, 4, 5, 6, 7 and 8, registered in the name of Martha Honold, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2933; Filed, Mar. 27, 1947; 8:48 a. m.]

CLAIR L. FARRAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Clair L. Farrand, Scarsdale, N. Y.	A-390	Property described in Vesting Order No. 664 (8 F. R. 489, Apr. 17, 1943) relating to United States Letters Patent No. 1,824,353 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2999; Filed, Mar. 28, 1947; 8:51 a. m.]

[Vesting Order 8333]

THEODOR LOWENBERG

In re: An Undivided One-Half Interest of Theodor Lowenberg in Patent Numbers, 2,143,230 and 2,213,720.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Lowenberg, whose last known address is Berlin, Germany, is a resident of Germany and a national of a foreign country (Germany);

2. That the property described as follows: An undivided one-half (½) interest in and to the following United States Letters Patent:

Patent No.	Date	Inventor	Title
2,143,230	1-10-39	Karl Franz	Production of textile threads.
2,213,720	9-3-40	..... do	Production of looped textile threads and yarns.

including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government to which the owner of such interest is entitled,

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2994; Filed, Mar. 28, 1947; 8:50 a. m.]

[Vesting Order 8334]

TOBIS TONBILD SYNDIKAT A. G.

In re: Patent owned by Tobis Tonbild Syndikat Aktiengesellschaft of Berlin, Germany.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tobis Tonbild Syndikat Aktiengesellschaft is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Tobis Tonbild Syndikat Aktiengesellschaft;

3. That the property described as follows: All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No.	Date	Inventor	Title
1,868,877	7-26-32	Francis Hugh Brittain.	Light sensitive device.

is property of a national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2995; Filed, Mar. 28, 1947; 8:50 a. m.]

[Vesting Order 8494]

AUGUST THYSSEN, Jr.

In re: Debenture stock, bonds and gold notes owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of August Thyssen, Jr., deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of August Thyssen, Jr., deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) certificates for Canadian Pacific Railway Company perpetual 4% consolidated debenture stock, each of $1,000 face value, bearing the numbers 685011/15, 621606, 632536, 67187, 611736 and 617154, registered in the name of Brown Brothers Harriman & Company and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto.

b. Five (5) International Telephone & Telegraph Corporation 4½% debenture bonds, due 1952, each of $1,000 face value, bearing the numbers M 29055/8 and M 34066, registered in the name of Brown Brothers Harriman & Company and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto,

c. Eight (8) Hugo Stinnes Corporation 7% gold notes, due July 1, 1940, each of $1,000 face value, bearing the numbers M 2911, M 4766/8, M 7175/7 and M 9237, registered in the name of Brown Brothers Harriman & Company and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto, and

d. Those certain debts or other obligations owing to the personal representatives, heirs, next of kin, legatees and distributees of August Thyssen, Jr., deceased, by Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, in the aggregate amount of $22,594.06, as of December 31, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of August Thyssen, Jr., deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2996; Filed, Mar. 28, 1947; 8:50 a. m.]

[Vesting Order 8498]

HERMANN AND ANNA WETZEL

In re: Bonds owned by and debt owing to Hermann Wetzel and Anna Wetzel. F-28-14307-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Wetzel and Anna Wetzel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Norristown-Penn Trust Company, Main and Swede Streets, Norristown, Pennsylvania, arising out of a Cash Custodian Income Account, entitled Hermann Wetzel or Anna Wetzel, and any and all rights to demand, enforce and collect the same, and

b. Three United States of America 2½% Treasury Bonds, one (1) of $5,000 face value, bearing the number 2023C and two (2) of $1000 face value, bearing the numbers 63135E, 63136F, presently in the custody of Norristown-Penn Trust Company, Main and Swede Streets, Norristown, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2997; Filed, Mar. 28, 1947; 8:51 a. m.]

ANDREW A. KRAMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Andrew A. Kramer, Kansas City, Mo.	A-279	Property described in Vesting Order No. 27 (7 F. R. 4629, June 23, 1942), relating to United States Letters Patent No. 2,135,573, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3000; Filed, Mar. 28, 1947; 8:51 a. m.]

DR. WALTER R. HEARST

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Dr. Walter R. Hearst (formerly Dr. Walter Herz).	A-297	Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,225,831, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3001; Filed, Mar. 28, 1947; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1214]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Wisconsin 64AA La Crosse	$8,000,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2965; Filed, Mar. 28, 1947; 8:46 a. m.]

[Administrative Order 1215]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 5, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Texas 59L Lamb	$175,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2966; Filed, Mar. 28, 1947; 8:46 a. m.]

[Administrative Order 1216]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 7, 1947.

I hereby amend Administrative Order No. 1208, dated January 22, 1947, by changing paragraph (a) thereof to read:

(a) Administrative Order No. 706, dated May 19, 1942, by changing the project designation appearing therein as "Oklahoma 2031B1 Woodward" in the amount of $440,000 to read "Oklahoma 2031B1 Woodward" in the amount of $334,461.64 and "Oklahoma 34B Texas" in the amount of $105,538.36;

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2967; Filed, Mar. 28, 1947; 8:46 a. m.]

[Administrative Order 1217]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Iowa 81B Union	$1,300,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2968; Filed, Mar. 28, 1947; 8:46 a. m.]

[Administrative Order 1218]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
California 6L Modoc	$465,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2969; Filed, Mar. 28, 1947; 8:46 a. m.]

[Administrative Order 1219]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kentucky 3M Jackson	$580,000
Texas 76N Blanco	620,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2970; Filed, Mar. 28, 1947; 8:46 a. m.]

[Administrative Order 1220]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 14, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
New Mexico 19C Colfax	$165,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2971; Filed, Mar. 28, 1947; 8:46 a. m.]

[Administrative Order 1221]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 70S Mitchell	$400,000
Georgia 74R Jefferson	625,000
Mississippi 34K Leflore	700,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-2972; Filed, Mar. 28, 1947; 8:47 a. m.]

[Administrative Order 1222]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 21, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 1K Greene	$595,000
North Dakota 29B McKenzie	355,000
Texas 7M Bell	200,000
Texas 97E Childress	185,000
Wisconsin 37N Trempealeau	93,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2973; Filed, Mar. 28, 1947; 8:47 a. m.]

[Administrative Order 1223]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 25, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Texas 52H Fannin	$425,000
Texas 77L Johnson	150,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2974; Filed, Mar. 28, 1947; 8:47 a. m.]

[Administrative Order 1224]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 27, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 87H Tattnall	$220,000
Michigan 33N Charlevoix	585,000
North Carolina 63C Hyde	2,800
Texas 54W Wood	415,000
Texas 80M Collingsworth	150,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-2975; Filed, Mar. 28, 1947; 8:47 a. m.]

[Administrative Order 1225]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 27, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 35N Walton	$335,000
Indiana 15G Fayette	100,000
Indiana 42L Parke	60,000
Mississippi 26S Marion	510,000
Texas 23N McCulloch	260,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-2976; Filed, Mar. 28, 1947; 8:47 a. m.]

[Administrative Order 1226]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 27, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
North Dakota 30B Steele	$350,000
Oklahoma 10N Cleveland	212,000
South Dakota 15F Butte	50,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-2977; Filed, Mar. 28, 1947; 8:47 a. m.]

[Administrative Order 1227]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 28, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Iowa 7H Marshall	$150,000
Kansas 7K Jewell	700,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-2978; Filed, Mar. 28, 1947; 8:47 a. m.]

[Administrative Order 1228]

ALLOCATION OF FUNDS FOR LOANS

MARCH 4, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 66L Taylor	$300,000
Indiana 52K Ripley	80,000
North Carolina 33H Martin	117,000
Virginia 22W Caroline	337,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-2979; Filed, Mar. 28, 1947; 8:47 a. m.]

[Administrative Order 1229]

ALLOCATION OF FUNDS FOR LOANS

MARCH 10, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Florida 29G Gadsden	$700,000
Nebraska 44N Eastern Nebraska District Public	474,000
South Carolina 19P Laurens	460,000
Tennessee 17G Bolivar Public	290,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2980; Filed, Mar. 28, 1947; 8:48 a. m.]

[Administrative Order No. 1230]

ALLOCATION OF FUNDS FOR LOANS

MARCH 12, 1947.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arizona 18C Maricopa	$15,000
New Mexico 8L Roosevelt	40,000
Pennsylvania 20T Blair	50,000
Virginia 46C Crewe	12,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2981; Filed, Mar. 28, 1947; 8:48 a. m.]

[Administrative Order 1231]

ALLOCATION OF FUNDS FOR LOANS

MARCH 12, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
North Carolina 58E Lee	$332,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-2982; Filed, Mar. 28, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 896, et al.]

LOS ANGELES HELICOPTER CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Southwest Airways Company and other applicants for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new and additional air transportation services of mail and express in the greater metropolitan area of Los Angeles, California.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on April 4, 1947, 10:00 a. m. (eastern standard time), in Room 5042, Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated Washington, D. C., March 24, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-2956; Filed, Mar. 28, 1947; 8:48 a. m.]

[Docket No. 2603]

AIRLINES' NEGOTIATING CONFERENCE AGREEMENTS INVESTIGATION

NOTICE OF ORAL ARGUMENT

In the matter of the investigation of agreements C. A. B. Nos. 738 and 739, filed under section 412 (a) of the Civil Aeronautics Act, by and between certain air carriers relating to the establishment and operation of an airlines negotiating conference.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 412 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on April 9, 1947, 10:00 a. m. (eastern standard time), in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated Washington, D. C., March 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-2957; Filed, Mar. 28, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-428]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER EXTENDING TERM OF TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 26, 1947.

Notice is hereby given that, on March 25, 1947, the Federal Power Commission issued its order entered March 25, 1947, order extending term of temporary certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2959; Filed, Mar. 28, 1947; 8:45 a. m.]

[Docket Nos. G-840 and G-848]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 25, 1947.

Upon consideration of the following applications filed by Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business at Oklahoma City, Oklahoma, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate certain natural-gas pipeline facilities, and for permission to abandon certain natural-gas pipeline facilities, all as hereinafter described, and all subject to the jurisdiction of the Federal Power Commission:

(a) Application filed January 23, 1947, in Docket No. G-840, to construct and operate a meter setting at a point mutually convenient to Applicant and Georgia Oil & Gas Company on Applicant's 18-inch pipe line in the Southwest Quarter (SW¼) of the Southwest Quarter, (SW¼) of Section 15, Township 28 North, Range 13 East, Washington County, Oklahoma.

(b) Application filed January 9, 1947, as amended by supplement filed on March 7, 1947, in Docket No. G-848, to construct and operate approximately one mile of 8-inch pipe line in Section 6, Township 32 South, Range 1 East, Sumner County, Kansas.

(c) By said application, as amended, filed in Docket No. G-848, Applicant seeks permission to abandon the following facilities:

(1) Approximately three and one-half miles of 8-inch pipe line formerly used to transmit gas from Wellington Compressor Station to the main line system and to the point of mixing of field and main line gas for the city of Wellington, Kansas.

(2) Approximately one mile of 8-inch pipe line formerly used to transmit a mixture of Wellington field gas and main line gas to the city of Wellington, Kansas.

(3) Approximately one mile of 6-inch pipe line formerly used to transmit gas from the main line to the point of mixture of field and main line gas for the city of Wellington, Kansas.

(4) Wellington Compressor Station including engines, compressors, buildings and other equipment used to pump gas from the Wellington, Kansas, field.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the facilities described in (a) above for the purpose of delivering and selling emergency gas to Georgia Oil & Gas Company for resale to Copan Gas Company, which in turn serves customers in Washington County, Oklahoma.

(b) Applicant proposes the construction and operation of the facilities described in (b) above for the purpose of serving the City of Wellington, Kansas, main line gas in lieu of a mixture of main line and local gas which local gas has depleted to the point where it is no longer available.

(c) Applicant proposes the abandonment of the facilities described in (c) above because the said facilities are no longer used or useful in view of the depletion of local gas in the Wellington field.

(d) Good cause exists for consolidating the above-docketed proceedings for purposes of hearing.

(e) These proceedings are proper for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that the aforesaid applications be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER.

The Commission, therefore, orders that:

(A) The above-docketed proceedings be and they are hereby consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), hearings be held on the 18th day of April 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law inserted in the applications filed in the above-entitled proceedings; *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceedings by orders upon consideration of the applications and the evidence filed therewith and incorporated in the record of the proceedings, together with such, additional evidence as may be available or as to the Commission may require to be filed and incorporated in the record for its consideration.

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946.)

Date of issuance: March 25, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2960; Filed, Mar. 28, 1947; 8:45 a. m.]

[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER ISSUING TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 26, 1947.

Notice is hereby given that, on March 22, 1947, the Federal Power Commission issued its order entered March 21, 1947, issuing temporary certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2958; Filed, Mar. 28, 1947; 8:45 a. m.]

[Docket No. IT-6051]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

MARCH 25, 1947.

Notice is hereby given that on March 21, 1947, an application was filed, pursuant to section 204 of the Federal Power Act, by Northwestern Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of promissory notes bearing an interest rate of 1¾% per annum and to be dated as of date of delivery and to mature December 31, 1947, to evidence the proposed borrowing of an aggregate principal amount of $600,000 (exclusive of $400,000 in short term notes now outstanding), from three banks. The proceeds of the issuance of the promissory notes are to be used to finance a portion of the cost of Applicant's construction program; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14th day of April, 1947, file a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-2961; Filed, Mar. 28, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396; Special Permit 150]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, March 24, 1947, by Jack Carl Company, of car PFE 33480, apples, now on the Chicago Produce Terminal, to New York, New York (Erie RR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-2949; Filed, Mar. 28, 1947; 8:47 a. m.]

[S O. 396, Special Permit 151]

RECONSIGNMENT OF LETTUCE AT HARRISBURG, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Harrisburg, Pennsylvania, March 24, 1947, by Harrisburg Daily Market, of car PFE 74395, lettuce, now on the Pennsylvania Railroad to H. Rothstein, Philadelphia, Pennsylvania. (P. RR.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-2950; Filed, Mar. 28, 1947; 8:47 a. m.]

[S. O. 711]

UNLOADING OF MACHINERY AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of March A. D. 1947.

It appearing, that car CGW 3814 containing machinery at New Orleans, Louisiana, on the Louisville and Nashville Railroad Company, has been on hand for an unreasonable length of time, and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered; that:

(a) *Machinery at New Orleans, Louisiana, Be unloaded.* The Louisville and

Nashville Railroad Company, its agents or employees, shall unload immediately car CGW 3814, loaded with machinery, now on hand at New Orleans, Louisiana, consigned to Oliver H. Van Horn Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 27, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2954; Filed, Mar. 28, 1947; 8:48 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-499]

FRANK J. STANKOWICZ

CONSENT ORDER

Frank J. Stankowicz, 6635 Milwaukee Avenue, Niles, Illinois, is engaged in the construction of a residential structure at 6826 Cherry Street, Niles, Illinois. He is charged with exceeding authorization on Form CPA 4386, dated November 21, 1946, in the completion of the second floor of said residential structure. Frank J. Stankowicz does not wish to contest such charge and consents to the issuance of this order.

Wherefore, upon the agreement and consent of Frank J. Stankowicz, the Regional Compliance Director and the Regional Attorney, and upon approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) The temporary suspension order issued by telegram dated February 14, 1947 against Frank J. Stankowicz is hereby revoked.

(b) Neither Frank J. Stankowicz, his successors or assigns, nor any other person, shall do any further construction on the second floor of the residential structure being constructed at 6826 Cherry Street, Niles, Illinois, unless specifically authorized in writing by the Federal Housing Administration.

(c) Nothing contained in this order shall be deemed to relieve Frank J. Stankowicz from any restrictions, prohibitions or provisions contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3104; Filed, Mar. 28, 1947; 11:27 a. m.]

[C-507]

INDIAN ROCKS FRUIT CO., INC.

CONSENT ORDER

Indian Rocks Fruit Company, Inc., of Largo, Florida, is charged by the Civilian Production Administration with violation of Veterans' Housing Program Order No. 1, as issued and amended by the Civilian Production Administration, in that subsequent to March 26, 1946, and on or about August 7, 1946, it began and carried on the construction of a commercial building to be used as a restaurant and for fruit sales at the southwest corner intersection of County Roads No. 19 and No. 21, Indian Rocks, Florida, at an estimated cost of $18,000.00 without obtaining authorization from the Civilian Production Administration. Construction of said building was begun and carried on until a stop violation telegram was dispatched to Indian Rocks Fruit Company, Inc., on August 7, 1946, up to which time labor and materials amounting to approximately $3,249.98 had been expended on said building. Subsequent to August 27, 1946, Indian Rocks Fruit Company, Inc., made application to the Civilian Production Administration, Tampa, Florida, for authorization to continue construction on said building, which application was denied, and an appeal was made to the Washington Office which was denied.

Indian Rocks Fruit Company, Inc., admits the violation as charged and does not desire to contest the same and has consented to the issuance of this order. Indian Rocks Fruit Company, Inc., asserts, however, that the violation which it admits, was not wilful or deliberate.

Wherefore, upon the agreement and consent of Indian Rocks Fruit Company, Inc., the Regional Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither Indian Rocks Fruit Company, Inc., its successors or assigns, nor any other person shall do any further construction on the premises herein described or any part thereof located on the southwest corner intersection of County Roads No. 19 and No. 21, Indian Rocks, Florida, including the putting up, completing or altering of any structure located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) The issuance of this consent order shall be without prejudice to the consideration on its merits of application for authorization to complete construction of the structure covered by this order.

(c) Indian Rocks Fruit Company, Inc., shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Indian Rocks Fruit Company, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3105; Filed, Mar. 28, 1947; 11:27 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-973]

CINCINNATI GAS AND ELECTRIC CO.

FINDINGS AND ORDER GRANTING PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of March A. D. 1947.

The Philadelphia Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the $8.50 Par Value Common Stock of Cincinnati Gas & Electric Company.

A public hearing has been held after appropriate notice.

The Commission, being duly advised, finds:

(1) That this security is listed and registered on the Cincinnati Stock Exchange and New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Philadelphia Stock Exchange for the purpose of this application is eastern Pennsylvania, southern New Jersey, and northern Delaware; that out of a total of 2,040,000 shares outstanding, members of the Philadelphia Stock Exchange and trust companies in the vicinity of that Exchange held 118,906 shares of this security on November 30, 1946 for 218 different shareholders; and that in the vicinity of this Exchange there were 1,122 transactions involving 169,005 shares from August 23, 1946 to November 30, 1946;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to the $8.50 Par Value Common Stock of Cincinnati Gas & Electric Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2938; Filed, Mar. 28, 1947; 8:46 a. m.]

[File No. 59-89]

EASTERN UTILITIES ASSOCIATES ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of March 1947.

The Commission having examined, pursuant to section 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935, the corporate structure of Eastern Utilities Associates, a registered holding company, and its subsidiary companies, the relationships among the companies in the holding company system, the character of the interests thereof and the properties owned or controlled thereby to determine the extent to which the corporate structure of such holding company system and the companies therein may be simplified, unnecessary complexities therein eliminated, voting power fairly and equitably distributed among the holders of securities thereof, and the property and business of such system confined to those necessary or appropriate to the operations of an integrated public utility system meeting the applicable standards of section 11 (b) of the act; and said examination having disclosed data establishing or tending to establish the following:

1. Eastern Utilities Associates is a voluntary association organized and existing under and by virtue of the laws of the State of Massachusetts, maintaining its principal offices for the doing of business in the City of Boston, Massachusetts.

2. The names of the subsidiary companies embraced within the holding company system of Eastern Utilities Associates and the states in which such subsidiary companies are incorporated, are as follows:

Name of Company and State of Organization
Blackstone Valley Gas & Electric Co., Rhode Island.
Brockton Edison Co., Massachusetts.
Fall River Electric Light Co., Massachusetts.
Montaup Electric Co., Massachusetts.

3. Each of the subsidiary companies embraced within the holding company system of Eastern Utilities Associates is a public utility company within the meaning of the act.

4. Blackstone Valley Gas and Electric Company owns and operates facilities for the generation, transmission, distribution and sale of electric energy (wholesale and retail) in and around the cities of Pawtucket, Woonsocket, Central Falls, the towns of Cumberland and Lincoln, and adjacent communities in the State of Rhode Island. Blackstone Valley Gas and Electric Company also owns and rents to Rhode Island Power Transmission Company, a non-affiliate company, certain transmission facilities in the State of Rhode Island. In addition, Blackstone Valley Gas and Electric Company is engaged in the manufacture and distribution of gas, for domestic and industrial purposes, in and around the cities of Pawtucket, Woonsocket, Central Falls, a part of North Providence, and several adjacent towns in the State of Rhode Island.

5. Brockton Edison Company owns and operates facilities for the generation, transmission, distribution and sale of electric energy to Brockton and 16 surrounding towns in the State of Massachusetts. Electric energy is also supplied at wholesale for part of the requirements of the Plymouth County Electric Company, a non-affiliate, and the Taunton Municipal Lighting Plant, both located in the State of Massachusetts.

6. Fall River Electric Light Company owns and operates facilities for the generation, transmission, distribution and sale of electric energy in and around the City of Fall River in the State of Massachusetts. It also sells electric energy in bulk for resale delivered at the Massachusetts-Rhode Island state line.

7. Montaup Electric Company owns and operates steam electric generating plants located on the Taunton River at Somerset, Massachusetts. It generates and supplies electric energy principally to its three parent companies, namely Blackstone Valley Gas and Electric Company, Brockton Edison Company and Fall River Electric Light Company.

8. As of December 31, 1945, Eastern Utilities Associates had the following interest in the outstanding voting stocks of its direct subsidiary companies:

Subsidiary company	Total outstanding		Owned by Eastern Utilities Associates	
	Shares	Votes	Shares	Voting power
				Percent
Blackstone Valley Gas and Electric Co. Common	173,234	173,234	171,804	86.3
Preferred	12,942	25,884		
Brockton Edison Co	241,368	241,368	235,138	97.4
Fall River Electric Light Co.	215,000	210,500	77,456	36.8

9. The subsidiary companies of Eastern Utilities Associates as of December 31, 1945, owned preferred and common shares of Montaup Electric Company carrying combined voting power as shown below:

	Shares of Montaup Electric Co.		Voting power	
	Preferred	Common	Amount	Percent
Blackstone Valley Gas & Electric Co	5,000	60,000	5,060	33.44
Brockton Edison Co	5,000	26,321	5,026	33.22
Fall River Electric Light Co	5,000	44,082	5,044	33.34
Total	15,000	130,403	15,130	100.00

10. The capitalization and surplus per books of Eastern Utilities Associates as of December 31, 1945 are shown in the following table:

Note payable to bank	$950,000
Common stock	16,502,468
Convertible stock	
Capital surplus	22,774,090
Earned surplus	5,126,193
Total	45,352,751

11. The capitalization and surplus per books of each subsidiary company in the holding company system of Eastern Utilities Associates, as of December 31, 1945, are shown in the following table:

	Blackstone Valley Gas Electric Co.	Brockton Edison Co.	Fall River Electric Light Co.	Montaup Electric Co.
Funded debt	$11,187,000	$11,900,000	$2,000,000	
Preferred stock	1,294,200			$1,500,000
Common stock	8,661,700	6,634,950	5,300,000	13,040,300
Premium on common stock	12,390	2,892,760	678,741	
Earned surplus	1,382,348	1,022,331	1,681,770	302,081
Total	22,537,638	11,760,041	9,660,511	14,842,381

12. Eastern Utilities Associates has outstanding two classes of shares, common and convertible. As of December 31, 1945, there were outstanding 685,700¾ shares of common and 789,668 shares of convertible. Each shareholder of each class is entitled to one vote on each share owned up to and including five thousand shares, and one vote only for each five shares owned in excess of five thousand shares. The maximum voting power of the common shares is 46.5%, and of the convertible 53.5% of the combined maximum voting power. The common shares are entitled to noncumulative dividends at the rate of $2 per share per year before any dividends are paid on the convertible shares. The convertible shares may receive dividends up to but not exceeding $1 per share per

year in any calendar year in which dividends at the rate of $2 per share have been paid to or set aside for the common shares. Any dividends in excess of these amounts paid in any calendar year shall be distributed to both classes of such shares in such amount that each convertible share will receive one-half the amount received by each common share. The convertible shares are convertible into common shares in the ratio of two convertible shares to one common share, when the earnings available for distribution as dividends are at least $2.40 per share per annum on the common shares plus $1.20 per share per annum on the convertible shares for two consecutive years. Upon liquidation the amount to be paid each common share shall be twice the amount paid each convertible share.

13. As of December 31, 1945, the corporate capitalization and surpluses of Eastern Utilities Associates, after allocating the corporate net worth to the common and convertible shares on the basis of their respective rights in liquidation, were as follows:

	Amount	Percent	Per share
Notes payable to bank	$970,000	2.09	.....
Applicable to common shares:			
Capital stock	10,472,365	.....	.....
Capital surplus	14,452,299	.....	.....
Earned surplus	3,253,051	.....	.....
Total	28,177,715	62.13	$41.09
Applicable to convertible shares:			
Capital stock	6,030,102	.....	.....
Capital surplus	8,321,792	.....	.....
Earned surplus	1,873,142	.....	.....
	16,225,036	35.78	20.55
Total capitalization and surpluses	45,352,751	100.00	.....

14. As of December 31, 1945, the consolidated capitalization and surpluses of Eastern Utilities Associates, after allocating the consolidated net worth to the common and convertible shares on the basis of their respective rights in liquidation, were as follows:

	Amount	Percent	Per share
Funded debt of subsidiaries	$13,087,000	21.58	.....
Preferred stocks of subsidiaries	1,294,200	2.13	.....
Minority interests, including premiums	338,706	.56	.....
Note of Eastern Utilities Associates	950,000	1.57	.....
Applicable to common shares:			
Capital stock	10,472,365	.....	.....
Capital surplus	14,452,299	.....	.....
Earned surplus—subsidiaries	354,357	.....	.....
Earned surplus—Eastern Utilities Associates	3,253,051	.....	.....
Total	28,532,072	47.06	$41.61
Applicable to convertible shares:			
Capital stock	6,030,102	.....	.....
Capital surplus	8,321,792	.....	.....
Earned surplus—subsidiaries	204,043	.....	.....
Earned surplus—Eastern Utilities Associates	1,873,142	.....	.....
Total	16,429,079	27.10	20.81
Total capitalization and surpluses	60,631,057	100.00	.....

15. For the years 1938 to 1945, inclusive, the respective claims to corporate gross income per books of the securities of Eastern Utilities Associates were as follows:

	Gross income	Fixed charges		Common stock		Convertible stock	
		Amount	Percent	Amount	Percent	Amount	Percent
1938	$1,447,401	$46,721	3.23	$1,371,402	94.75	$29,278	2.02
1939	1,838,397	49,200	2.68	1,371,402	74.60	417,796	22.73
1940	1,733,423	41,168	2.37	1,371,402	79.12	320,853	18.51
1941	1,621,012	31,875	1.97	1,371,402	84.60	217,736	13.43
1942	1,326,078	21,114	1.60	1,301,964	98.40	.....	.0
1943	1,324,403	20,877	1.58	1,303,526	98.42	.....	.0
1944	1,410,649	19,566	1.39	1,371,402	97.22	19,681	1.39
1945	1,424,852	18,093	1.27	1,371,402	96.25	35,356	2.48
Average	1,515,402	31,077	2.05	1,356,738	89.53	127,587	8.42

	Gross income	Fixed charges		Preferred dividend requirements of subsidiaries		Minority interest		Eastern Utilities Associates			
								Common stock		Convertible stock	
		Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
1938	$2,187,353	$579,909	26.51	$77,652	3.55	$21,721	0.99	$1,371,402	62.70	$136,669	6.25
1939	2,389,578	487,747	20.33	77,652	3.24	26,010	1.08	1,371,402	57.17	426,068	18.18
1940	2,268,328	475,975	20.71	77,652	3.38	24,026	1.05	1,371,402	59.67	349,273	15.20
1941	2,157,045	466,815	21.64	77,652	3.60	22,020	1.03	1,371,402	63.58	218,857	10.15
1942	2,032,313	478,664	23.55	77,652	3.82	20,553	1.01	1,371,402	67.48	84,043	4.14
1943	1,903,367	537,148	28.95	77,652	3.89	18,978	.95	1,371,402	68.80	(11,813)	(.59)
1944	2,013,969	462,402	22.94	77,652	3.86	20,640	1.02	1,371,402	68.10	82,213	4.08
1945	2,061,702	452,415	21.94	77,652	3.77	22,421	1.09	1,371,402	66.52	137,812	6.68
Average	2,142,862	492,584	22.99	77,652	3.62	22,084	1.03	1,371,402	64.00	179,140	8.36

[1] The noncumulative dividend of $2 per share per annum to which the 685,702¾ common shares are entitled before the convertible shares may receive dividends exceeded the consolidated income available therefor by the amount of $11,813.

NOTE: EUA does not consolidate the accounts of the Fall River Electric Light Co. with its own accounts. The table reflects, therefore, only dividend income received by EUA from Fall River Electric Light Co. and excludes fixed charges thereof.

16. For the years 1938 to 1945, inclusive, the respective claims to consolidated gross income of the securities of Eastern Utilities Associates and its subsidiary companies were as follows:

17. Pursuant to certain contracts, Eastern Utilities Associates and its subsidiary companies (except Fall River Electric Light Company), each and severally, have entered into contracts with Stone & Webster Service Corporation, Boston, Massachusetts, whereby the latter company furnishes Eastern Utilities Associates and its subsidiary companies certain management, supervisory and other services, including general advice and assistance on executive and administrative policies, budget control, financial, taxation, corporate, insurance and other matters incident to the operation and business of Eastern Utilities Associates and its subsidiary companies.

18. The foregoing allegations, and the facts otherwise disclosed to the Commission in the course of its investigation, indicate or tend to indicate that:

a. The corporate structure of Eastern Utilities Associates unduly and unnecessarily complicates the structure of Eastern Utilities Associates holding company system.

b. The corporate structure of Eastern Utilities Associates unfairly and inequitably distributes voting power among the security holders of the Eastern Utilities Associates holding company system.

c. The continued existence of Eastern Utilities Associates unduly and unnecessarily complicates the corporate structure and unfairly and inequitably distributes voting power among the security holders of the holding company system.

d. The gas properties of Blackstone Valley Gas and Electric Company are not retainable in the Eastern Utilities Associates holding company system as they are not a part of the holding company system's single integrated electric utility system and do not conform to the requirements of section 11 (b) (1), particularly clauses (A) and (C) thereof, with respect to additional integrated public utility systems.

It appearing to the Commission, on the basis of the allegations hereinbefore set forth, that proceedings should be instituted under sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the act with respect to Eastern Utilities Associates and its subsidiaries to determine what steps, if any, should be taken by such companies pursuant to the provisions of said sections;

It is ordered, That proceedings be and the same are hereby instituted pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the act, with respect to Eastern Utilities Associates and its subsidiary companies, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company and Montaup Electric Company.

It is further ordered, That Eastern Utilities Associates and each of its subsidiary companies hereinbefore named and included herein, all of which are hereby made Respondents in these proceedings shall file with the Secretary of this Commission, on or before fifteen days prior to the date hereinafter fixed for said hearing, their joint and several answers in the form prescribed by Rule U-25, admitting, denying, or otherwise explaining their respective positions as to each of the allegations set forth in paragraphs 1 through 18 hereof.

It is further ordered, That a hearing on such matters, under the applicable provisions of the act and the rules of the Commission thereunder, be held on the 6th day of May 1947, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at which time respondents and any other interested persons will be heard with respect to the matters and questions hereinafter set forth.

It is further ordered, That Allen MacCullen or any other hearing officer or hearing officers designated by the Commission to preside at such hearing shall exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the specific matters of fact and law to be considered and determined at said hearing (subject to such amendment as may hereafter be made and subject to the consideration and determination of such other issues as may be raised by interested parties), are the following:

1. Whether or not the allegations contained and set forth in paragraphs 1 to 17 inclusive are true and correct.

2. Whether the corporate structure of the Eastern Utilities Associates unduly and unnecessarily complicates the structure of Eastern Utilities Associates holding company system.

3. Whether the corporate structure of Eastern Utilities Associates unfairly and inequitably distributes voting power among the security holders of the Eastern Utilities Associates holding company system.

4. Whether the continued existence of Eastern Utilities Associates unduly and unnecessarily complicates the corporate structure or unfairly and inequitably distributes voting power among the security holders of the holding company system.

5. Whether the gas properties of Blackstone Valley Gas and Electric Company are retainable as part of the Eastern Utilities Associates system's single integrated electric utility system and whether such gas properties conform to the requirements of clauses (A) and (C) of section 11 (b) (1) with respect to additional integrated public utility systems.

6. Whether and to what extent it may be necessary or appropriate to require changes in or termination of the managerial and service contracts referred to in paragraph No. 17 above, in the light of the requirements of section 11 (b) (1) and 11 (b) (2) of the act, or otherwise.

7. Whether the amounts recorded on the books of Eastern Utilities Associates are in accordance with the rules and regulations of this Commission and the Uniform System of Accounts for public utility holding companies.

8. To determine what steps and action, if any, should be taken by Eastern Utilities Associates or its subsidiary companies in order that Eastern Utilities Associates and its subsidiaries may comply with the requirements of sections 11 (b) (1) and 11 (b) (2) of the act.

It is further ordered, That any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before the day of April 21, 1947, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission. Such request shall set forth the nature of such person's interest in the proceedings, the reasons for requesting to be heard or to intervene, which of the allegations and issues, as set forth above, such person proposes to controvert, together with a statement of any additional issues proposed to be raised to the proceedings herein instituted.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this notice and order by registered mail to Eastern Utilities Associates and to each of its subsidiaries named in paragraph 2 above, the Public Utility Commission of the State of Massachusetts, the Public Utility Administrator of the State of Rhode Island and the Director of the Department of Business Regulation of that State, not less than 20 days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to all security holders of Eastern Utilities Associates and its subsidiaries and to their consumers, to all municipalities and other political subdivisions of States within which are located any of the physical assets of said companies or under the laws of which any of said companies are incorporated, all State Commissions, State Securities Commissions, and all agencies, authorities and instrumentalities of one or more States, municipalities, or other political subdivisions having jurisdiction over Eastern Utilities Associates or its subsidiaries or any of the businesses, affairs, or operations of any of them, and to all other interested persons, by publication of this notice and order in the FEDERAL REGISTER not later than 20 days prior to the date hereinbefore fixed as the date of hearing, and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2937; Filed, Mar. 28, 1947; 8:46 a. m.]

[File No. 70-1420]

NORTH AMERICAN CO.

ORDER AMENDING ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of March 1947.

The Commission having on February 26, 1947 issued an order herein permitting the declaration of The North American Company to become effective with respect to the sale of its holdings of 41,000 shares of the capital stock of The St. Louis County Gas Company to Laclede Gas Light Company, a non-affiliate, for a cash consideration of $11,250,000, subject to certain adjustments, and the use of the entire proceeds of this sale for the prepayment, without premium, of a portion of The North American Company's Bank Loan Notes of Series G outstanding in the principal amount of $26,375,000, in accordance with the terms of such Notes and for the consideration specifically designated therein, and granting the request of The North American Company for exemption for the sale of such 41,000 shares of the capital stock of The St. Louis County Gas Company from the competitive bidding requirements of Rule U-50; and

The Commission having, at the request of The North American Company, made certain specifications and itemizations necessary pursuant to the requirements of the provisions of Supplement R of Chapter I and section 1808 (f) of Chapter II of the Internal Revenue Code, as amended; and

The North American Company having requested that the last paragraph of said order of February 26, 1947 reciting the aforesaid specifications and itemizations be amended as of February 26, 1947 for the purpose of making it more specific in certain respects, and it appearing to the Commission that such request may appropriately be granted;

It is hereby ordered, That the order of this Commission in these proceedings, dated February 26, 1947, be and is hereby amended, effective as of February 26, 1947, by striking out the last paragraph of said order and substituting therefor the following paragraph:

It is further ordered and the Commission finds, That the proposed sale and transfer by The North American Company of the 41,000 shares of capital stock of The St. Louis County Gas Company (represented by certificates numbers 15, 16, 21, 35, 44, 47, 49, 50, 65, A-10, A-11, A-12, A-13, A-16, A-17, A-18, A-20, and A-21) and the proposed expenditure by The North American Company of the proceeds of such sale in payment of its Bank Loan Notes of Series G, all as authorized or permitted by this order, are in accordance with and in obedience to the order of this Commission dated April 7, 1945, are necessary or appropriate to the integration or simplification of the holding company system of which The North American Company is a member and are necessary or appropriate to effectuate the provisions of section 11 (b)

of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2940; Filed, Mar. 28, 1947; 8:46 a. m.]

[File No. 70-1474]

MILWAUKEE ELECTRIC RAILWAY AND TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of March 1947.

The Milwaukee Electric Railway and Transport Company, a wholly-owned subsidiary of Wisconsin Electric Power Company, and said Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company, having filed a joint declaration and application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 (the act) and the rules and regulations promulgated thereunder, relating to the proposal of The Milwaukee Electric Railway and Transport Company to redeem on April 16, 1947, at the principal amount thereof plus accrued interest, $1,050,000 principal amount of its First Mortgage 4% bonds due 1968, out of a total outstanding of $5,050,000, all owned by Wisconsin Electric Power Company, and the proposal of Wisconsin Electric Power Company to surrender the bonds on the basis described; and

The joint declaration-application having been filed on the third day of March 1947, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under the act, and the Commission not having received a request for a hearing with respect to the joint declaration-application within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 12 (c) and Rule U-42 are satisfied, that no adverse findings are necessary thereunder; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and to permit the said declaration to become effective;

It is hereby ordered, That, pursuant to Rule U-23 and the applicable provisions of the act, said joint application be, and the same is hereby, granted and the joint declaration be, and the same is hereby, permitted to become effective, subject, however, to the terms and conditions prescribed by Rule U-24 of the general rules and regulations.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2939; Filed, Mar. 28, 1947; 8:46 a. m.]

[File No. 70-1487]

ATLANTIC CITY ELECTRIC CO.

NOTICE OF FILING DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Atlantic City Electric Company ("Atlantic City"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company. Declarant designates section 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 1, 1947, at 10:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after April 1, 1947 at 10:30 a. m., e. s. t. said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Atlantic City proposes to amend its charter in the following respects: (a) To provide for preemptive rights to stockholders with respect to any offering of common stock or security convertible into common stock for money other than with respect to a public offering of such shares; (b) to provide that the consideration received by the company from the issuance and sale of any additional shares of common stock without par value shall be entered in the capital stock account; (c) to provide for cumulative voting for the holders of shares of common stock.

Declarant requests that the Commission's order permitting the declaration to become effective be issued as promptly as may be practicable and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2941; Filed, Mar. 28, 1947; 8:47 a. m.]

SELECTIVE SERVICE SYSTEM

[No. 330]

CERTIFICATES OF SERVICE

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Addition of new forms designated as follows:

DSS Form 37, entitled "Certificate of Service (National),"[1]
DSS Form 37-A, entitled "Certificate of Service (Local Board Members)."[1]
DSS Form 37-B, entitled "Certificate of Service (Appeal Board Members)."[1]
DSS Form 37-C, entitled "Certificate of Service (Government Appeal Agents),"[1]
DSS Form 37-D, entitled "Certificate of Service (Reemployment Committeemen),"[1]
DSS Form 37-E, entitled "Certificate of Service (Examining Physicians),"[1]
DSS Form 37-F, entitled "Certificate of Service (Examining Dentists),"[1]
DSS Form 37-G, entitled "Certificate of Service (Associate Government Appeal Agents),"[1]
DSS Form 37-H, entitled "Certificate of Service (Members Medical Advisory Board),"[1]
DSS Form 37-I, entitled "Certificate of Service (Members Advisory Board for Registrants),"[1]
DSS Form 37-J, entitled "Certificate of Service (Advisors, Medical Survey Program),"[1]
DSS Form 37-K, entitled "Certificate of Service (Medical Field Agents),"[1] and
DSS Form 37-L, entitled "Certificate of Service (State)."[1]

The foregoing addition shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY, *Director.*

FEBRUARY 10, 1947.

[F. R. Doc. 47-2993; Filed, Mar. 28, 1947; 8:50 a. m.]

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[1] Filed as part of the original document.

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FEDERAL REGISTER

VOLUME 12 NUMBER 64

Washington, Tuesday, April 1, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9838

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE GRAND TRUNK WESTERN RAILROAD COMPANY, PERE MARQUETTE RAILROAD COMPANY, WABASH RAILROAD COMPANY, ANN ARBOR RAILROAD COMPANY, AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the Grand Trunk Western Railroad Company, the Pere Marquette Railway Company, the Wabash Railroad Company, and the Ann Arbor Railroad Company, carriers, and certain of their employees represented by the National Maritime Union, C. I. O., a labor organization; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce within the states of Michigan and Wisconsin to a degree such as to deprive that portion of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said disputes. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Grand Trunk Western Railroad Company, the Pere Marquette Railway Company, the Wabash Railroad Company, and the Ann Arbor Railroad Company or their employees in the conditions out of which the said disputes arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 28, 1947.

[F. R. Doc. 47-3115; Filed, Mar. 28, 1947; 2:50 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1946 C. C. C. Cotton Form 1, Amdt. 2]

PART 256—COTTON LOANS

CHANGE IN PROVISIONS WITH RESPECT TO LOANS ON CERTIFICATES OF INDEMNITY

The 1946 Cotton Loan Instructions (1946 CCC Cotton Form 1), (§§ 256.101–256.115, 11 F. R. 10747; 12 F. R. 1431) is hereby amended, effective 6 p. m., e. s. t., March 13, 1947, by deleting all provisions for obtaining loans on Certificates of Indemnity (Form FCI–574, Revised) issued by Federal Crop Insurance Corporation.

(Par. (b) Article Third of Charter, Commodity Credit Corporation; sec. 7 (a) 49 Stat. 4, as amended, sec. 302, 52 Stat. 43, sec. 4 (a) 55 Stat. 498, 56 Stat. 768, sec. 8, 56 Stat. 767, 58 Stat. 643 15 U. S. C. Sup. 713 (a), 713 a–8, 7 U. S. C. 1302, 50 U. S. C. App. Sup. 968)

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

[F. R. Doc. 47-3037; Filed, Mar. 31, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine 71]

PART 301—DOMESTIC QUARANTINE NOTICES

NOTICE OF LIFTING OF THE DOMESTIC DUTCH ELM DISEASE QUARANTINE

For several months responsible officers in the Department have been reviewing the usefulness of the domestic quaran-

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FEDERAL REGISTER

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tine on the Dutch elm disease as a means of preventing or retarding the spread of this introduced disease. This review has included consideration of the subject with all State plant quarantine officials and with others interested through correspondence and otherwise and a full discussion at two conferences attended by interested State regulatory officials and representatives of industries which distribute products regulated by the quarantine.

It has been determined that the continuation of the Federal domestic quarantine does not provide practical means for preventing spread of the disease. It has also been determined that the movement of commodities which may contribute to long-distance, artificial spread into areas where the disease might be considered to be of economic significance can be safeguarded with equal effectiveness by action of individual States.

The introduced bark beetle, which serves as the principal carrier of the fungus causing this disease, has been found to be much more widespread than was known when the quarantine was last revised effective October 1, 1941. This bark beetle and related carriers of the disease move considerable distances by natural means and are now known to occur well beyond the known limits of the disease. Quarantine action cannot prevent the natural spread of the disease through the flight of these insects.

Observations over a period of years have disclosed no instances of spread of either the disease or its insect-carriers through the transportation of nursery stock, one of the principal products controlled by the quarantine. Elm logs and fire-wood are probably the most favorable means of artificial spread of either infection or infestation. The transportation of these is largely local and within the range of natural movement of the insect carriers. The limited long-distance shipment of these commodities is of a nature that can be safeguarded

more effectively by State action in the knowledge of where appreciable risk may occur.

In some areas where the disease is now established the aggressive, cooperative, suppressive program carried on for some years after presence of the disease was discovered has been discontinued. This has resulted in the intensification of the infection and the infestation of insect carriers and has reduced the possible benefits from the control of short-distance spread by artificial means.

The proposal to revoke this quarantine has been discussed at conferences to which all State plant pest regulatory officials were invited and at which representatives of industries affected were given an opportunity to present their views. The conferences were preceded by voluminous correspondence with those officials and representatives commencing in April, 1946, months before the passage of the Administrative Procedure Act (60 Stat. 238), and it developed that the majority opinion was that the Federal quarantine was no longer practical. Moreover, the movement of commodities apt to contribute to the spread of the disease can be controlled adequately by individual State action. Accordingly, it is determined that compliance with the rule-making procedure of section 4 (a) of the said act is unnecessary.

Now, therefore, under authority conferred by the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 151 et seq.), I, Clinton P. Anderson, Secretary of Agriculture, do hereby remove and revoke the quarantine placed by §§ 301.71 to 301.71–4, inclusive (Notice of Quarantine No. 71 (7 CFR Cum. Sup. 301.71 [B. E. P. Q.—Q. 71])) upon the States of Connecticut, New Jersey, New York, and Pennsylvania on account of the Dutch elm disease, and do also revoke the rules and regulations supplemental thereto, as amended (7 CFR, Cum. Sup., 301.71–1 et seq.), such removal and revocation to take effect on May 1, 1947.

(Sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C., 161)

Effective on and after May 1, 1947.

Done at Washington, D. C., this 26th day of March 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3018; Filed, Mar. 31, 1947; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 150—ARREST AND DEPORTATION

VOLUNTARY DEPARTURE PERMITTED BY OFFICERS IN CHARGE

MARCH 11, 1947.

Part 150, Chapter I, Title 8, Code of Federal Regulations is amended by inserting the following new section between §§ 150.11 and 150.12:

§ 150.11a *Special procedure; voluntary departure permitted by officers in charge.* Notwithstanding any other provisions of this part, the authority conferred upon the Attorney General by subsection (c) (1) of section 19 of the Immigration Act of 1917, as amended (39 Stat. 889, 54 Stat. 671; 8 U. S. C. 155 (c)), to permit certain deportable aliens to depart from the United States to any country of their choice at their own expense in lieu of deportation, may be exercised by any officer in charge of a district or suboffice: *Provided,* (a) That the alien concerned is a citizen of either Canada or Mexico and desires to depart immediately from the United States for whichever of such countries he is a citizen; (b) That the alien is willing and able to pay his own transportation expenses and will apparently be admitted to the country of destination with little or no delay; and (c) That the immediate departure of the alien without the issuance of a warrant of arrest or without the completion of proceedings on a warrant of arrest will be advantageous to the Government.

This order shall become effective on the day of publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) relative to notice of proposed rule making and delayed effective date are inapplicable for the reason that the rule promulgated by this order pertains to organization—more particularly to delegation of authority.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV; 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: March 24, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-3029; Filed, Mar. 31, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51651]

PART 6—AIR COMMERCE REGULATIONS

LAREDO MUNICIPAL AIRPORT, LAREDO, TEX.; DESIGNATION AS AIRPORT OF ENTRY

MARCH 25, 1947.

The Laredo Municipal Airport, Laredo, Texas, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. Title 49, sec. 179 (b)), for a period of 1 year from May 1, 1947.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, is hereby further amended by inserting therein the location and name of this airport, date designated, and the period "1 year."

Notice of the proposed designation of this airport as an airport of entry was published in the FEDERAL REGISTER on February 25, 1947 (12 F. R. 1350), pursuant to the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b), 44 Stat. 572; sec. 611, 58 Stat. 714; 49 U. S. C. Sup., 177 (b))

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3027; Filed, Mar. 31, 1947; 8:47 a. m.]

[T. D. 51652]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

SEALING REQUIREMENTS OF PACKAGES SHIPPED IN BOND

Section 18.4 (e), Customs Regulations of 1943 (19 CFR, Cum. Supp., 18.4 (e)), is hereby amended to read:

§ 18.4 *Sealing conveyances and compartments; labeling packages; warning cards.* • • •

(e) Except as otherwise provided for in this paragraph, packages shipped in bond or by a carrier permitted to transport articles under the last sentence of section 553 of the tariff act, as amended, shall be corded and sealed or, in lieu thereof, the carriers shall furnish and attach to each such package two warning labels on bright red paper, not less than 5 by 8 inches in size, containing the following legend in black type of a conspicuous size:

U. S. CUSTOMS

Transportation Entry No. _____
From _____ To _____
This package is under bond and must be delivered intact to the chief officer of the customs at _____

WARNING

Two years' imprisonment or $5,000 fine or both, is the penalty for unlawful removal of this package or any of its contents.

Such cording and sealing or labeling of the packages so shipped is not required either when the packages are transported in a conveyance or compartment sealed with customs seals, or when the sealing of the conveyance or compartment in which the packages are transported is waived under paragraph (a) or (b) of this section. When the packages are shipped in a railroad car the sealing of which is practicable but which is not sealed because merchandise not being transported in bond is or may be carried in the same car, the packages being transported in bond shall be corded and sealed or labeled.

(46 Stat. 759, 59 Stat. 667; 19 U. S. C. and Sup. 1624, 1551)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: March 26, 1947.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3028; Filed, Mar. 31, 1947; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Order 5]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

TRANSFER OF CPA REGULATIONS AND ORDERS TO THE HOUSING EXPEDITER

§ 801.5 *Transfer of CPA regulations and orders to the Housing Expediter—(a) What this section does.* By Executive Order 9836 issued March 22, 1947, effective April 1, 1947, the President has transferred to the Housing Expediter all functions of the Temporary Controls Administrator and of the Office of Temporary Controls with respect to the Veterans' Emergency Housing Program which have previously been administered by the Civilian Production Administration in the Office of Temporary Controls. By the same Executive Order, the President has delegated to the Housing Expediter, to the extent necessary for the proper exercise of the functions which were transferred, the powers and authority vested in the President by Title III of the Second War Powers Act, 1942, as amended. These powers and this authority are in addition to those vested in the Housing Expediter by the Veterans' Emergency Housing Act of 1946. In order to carry out the functions transferred to the Housing Expediter by this Executive Order, the Housing Expediter, under the authority of the Veterans' Emergency Housing Act of 1946 and the Second War Powers Act, 1942, as amended, is adopting various regulations and orders of the Office of Temporary Controls (Civilian Production Administration) and continuing them in effect as Housing Expediter regulations and orders. As it is not practicable at this time to reissue these regulations and orders in the name of the Housing Expediter, this section provides for this adoption in a single document and sets forth the effect of the adoption.

(b) *Adoption by Housing Expediter of certain Office of Temporary Controls (Civilian Production Administration) regulations and orders.* The following regulations and orders of the Temporary Controls Administrator and Office of Temporary Controls (Civilian Production Administration) are hereby adopted, ratified, and confirmed as Housing Expediter actions, to the same extent as if issued in his name, and shall remain in full force and effect until revoked or amended by the Housing Expediter:

Section No.	Regulation or Order	Date issued or amended	Federal Register citation
941.1–.20	Priorities Regulation 1	Mar. 4, 1947	12 F. R. 1481.
941	Direction 1	Jan. 29, 1947	12 F. R. 661.
944	Direction 2	June 15, 1944	9 F. R. 6623.
941	Direction 11	Sept. 18, 1945	10 F. R. 11887.
944.23	Priorities Regulation 3	Mar. 4, 1947	12 F. R. 1487.
944	Direction 7	Oct. 1, 1945	10 F. R. 12382.
944	Direction 15	Apr. 22, 1946	11 F. R. 4446.
944	Direction 16	Sept. 6, 1946	11 F. R. 9627.
944.26	Priorities Regulation 5	Aug. 23, 1943	8 F. R. 11990.
944.27	Priorities Regulation 7	Dec. 31, 1946	12 F. R. 7.
944.28	Priorities Regulation 7A	Oct. 8, 1945	10 F. R. 12830.
944.29	Priorities Regulation 8	Nov. 16, 1945	10 F. R. 14183.
944.43	Priorities Regulation 22	Jan. 8, 1946	11 F. R. 395.
944	Supplement 1 to PR–28 (§ 944.49)	Mar. 4, 1947	12 F. R. 1493.
944	Table I to PR–28	Mar. 4, 1947	12 F. R. 1492.
944	Direction 6 to PR–28	Jan. 23, 1947	12 F. R. 484.
944	Direction 25 to PR–28	Mar. 12, 1947	12 F. R. 1723.
944.54	Priorities Regulation 33	Feb. 28, 1947	12 F. R. 1458.
944.54a	Schedule A	Mar. 3, 1947	12 F. R. 1459.
944.54b	Schedule B	Mar. 3, 1947	12 F. R. 1461.
944	Direction 5	Aug. 28, 1946	11 F. R. 9557.
944	Direction 8	Dec. 30, 1945	12 F. R. 17.
944	Direction 11	Jan. 17, 1947	12 F. R. 395.
944	Direction 13	Jan. 23, 1947	12 F. R. 493.
944.56	Priorities Regulation 35	Mar. 4, 1947	12 F. R. 1490.
4701.1	Veterans' Housing Program Order 1	Mar. 20, 1947	12 F. R. 1885.
4701	Direction 1	June 21, 1946	11 F. R. 6978.
4700	Direction 2	Mar. 6, 1947	12 F. R. 1547.
4701	Direction 3	Feb. 11, 1947	12 F. R. 975.
4701.2	Supplement 1	Mar. 20, 1947	12 F. R. 1888.
4700.3	Supplement 2	July 2, 1946	11 F. R. 7912.
4700.4	Supplement 3	Mar. 20, 1947	12 F. R. 1889.
4700.5	Supplement 4	Oct. 7, 1946	11 F. R. 11768.
4700.6	Supplement 5	Feb. 13, 1947	12 F. R. 1057.
4700.16	Veterans' Housing Program Order 3	Aug. 28, 1946	11 F. R. 9558.
4700.17	Veterans' Housing Program Order 4	Sept. 23, 1946	11 F. R. 10701.
4700.18	Veterans' Housing Program Order 5	Feb. 28, 1947	12 F. R. 1442.
3288.91	Limitation Order L–257	Dec. 10, 1946	11 F. R. 14244.

The above regulations and orders are being transferred to the Housing Expediter by the Office of Temporary Controls (Civilian Production Administration), effective simultaneously with this section.

All official interpretations of these regulations and orders issued in accordance with CPA Regulation 3 and in effect on April 1, 1947, are hereby adopted, ratified, confirmed, and issued as Housing Expediter actions, to remain in effect until revoked or amended by the Housing Expediter.

All authorizations which have been granted by the Office of Temporary Controls (Civilian Production Administration) or by the Civilian Production Administration under any of these regulations or orders, and which are in effect on April 1, 1947, shall remain in full force and effect, subject to all the conditions and limitations which may apply to the authorizations.

(c) *Suspension orders, consent orders and stop-construction orders.* All suspension orders, consent orders, and stop-construction orders issued by the Office of Temporary Controls (Civilian Production Administration) or by the Civilian Production Administration as a result of violation of any of the regulations or orders listed in paragraph (b), and which are in effect on April 1, 1947, are hereby adopted, ratified and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended by the Housing Expediter. This also applies to all stays of execution issued in connection with such suspension orders, consent orders, and stop-construction orders.

(d) *Authorizations under Veterans' Housing Order 1.* All authorizations under Veterans' Housing Program Order 1 granted by the Office of Temporary Controls (Civilian Production Administration) or by the Civilian Production Administration or by any agency acting under a delegation of authority from either shall remain in full force and effect, subject to all the conditions and limitations which may apply to the authorizations.

(e) *Authorizations and priorities assistance under Priorities Regulation 33.* All approvals granted under Priorities Regulation 33 shall continue to constitute authorization under Veterans' Housing Program Order 1, and to constitute an assignment of priorities assistance, to the extent provided by applicable regulations of the Housing Expediter. All obligations, liabilities, commitments and agreements made or incurred by builders, owners, purchasers, tenants or other persons under Priorities Regulation 33 are continued in full force and effect until amended or revoked by the Housing Expediter.

(f) *Effect of adoption on existing obligations and liabilities.* All obligations, liabilities and responsibilities incurred under the regulations and orders adopted by this Housing Expediter Priorities Order 5 are continued in full force and effect, except to the extent amended or revoked by the Housing Expediter from time to time. The transfer of these regulations and orders does not cancel, suspend or revoke any civil or criminal liability or penalty incurred by any person under the regulations and orders adopted by this section.

(g) *Reference to the Civilian Production Administration as Housing Expediter.* All references such as "Office of Temporary Controls (Civilian Production Administration)", "Temporary Controls Administrator", "Civilian Production Administration", "Civilian Production Administrator", or "War Production Board" which are made in the Office of Temporary Controls (CPA) documents adopted by this Housing Expediter Priorities Order 5, or in any regulation or order of the Housing Expediter, shall be construed (except where a different meaning clearly appears from the context) to be references to the "Housing

Expediter" or the "Office of the Housing Expediter", whichever is appropriate. All references in such documents to countersigning or attesting by The "Recording Secretary" shall have no effect.

(h) *Actions to be taken in the name of the Housing Expediter.* All future actions under the regulations and orders listed in paragraph (b) relating to the Veterans' Emergency Housing Program shall be taken by the Housing Expediter, or in the name of the Office of the Housing Expediter by a duly authorized official, or as otherwise provided by a delegation of authority from the Housing Expediter.

(i) *Reporting and record-keeping requirements approved.* The reporting and record-keeping requirements of the regulations and orders listed in paragraph (b) of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications.* Communications regarding the provisions of this section should be addressed to the Housing Expediter, Washington 25, D. C., Ref: EPO 5.

(k) *Effective date.* This section, Housing Expediter Priorities Order 5, shall become effective April 1, 1947.

(60 Stat. 207; 56 Stat. 177, as amended, E. O. 9836, 12 F. R. 1939.)

Issued this 31st day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-3159; Filed, Mar. 31, 1947; 11:22 a. m.]

PART 802—DELEGATIONS OF FINAL AUTHORITY

REVOCATION OF DELEGATIONS OF FINAL AUTHORITY TO CIVILIAN PRODUCTION ADMINISTRATION ON PREMIUM PAYMENT REGULATIONS

1. The following sections, containing delegations of final authority to the Civilian Production Administration on Premium Payment Regulations, are hereby revoked: §§ 802.4 802.5, 802.7, 802.9, 802.11, and §§ 802.13 to 802.17, inclusive.

Issued this 31st day of March 1947 to become effective April 1, 1947.

FRANK R. CREEDON,
Housing Expediter.

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[Housing Expediter Priorities Reg. 6, as Amended March 31, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

PREFABRICATED HOUSING UNDER THE VEHP

PURPOSE

Par.
(a) What this section provides.

DEFINITIONS

(b) Definitions.

PREFABRICATORS' APPLICATIONS FOR PRIORITIES ASSISTANCE

(c) Filing of applications.
(d) [Deleted January 10, 1947]

NHA CONSIDERATION OF APPLICATIONS

(e) VEHP use.
(f) Technical standards.
(g) Prefabricated panels.
(h) Prefabricated packages.
(i) Prefabricated sections.
(j) Production standards.

GRANTING OF AUTHORIZATION

(k) Nature of authorizations.
(l) Quantities authorized.

PREFABRICATORS' USE OF PRIORITIES ASSISTANCE

(m) Extending customers' ratings.
(n) Placing orders.
(o) Delivery date restrictions.
(p) Effect of orders placed by prefabricator.
(q) Use of materials.
(r) Disposal of materials.

SALES AND PURCHASE RESTRICTIONS

(s) Prefabricators' and dealers' sales.
(t) Dealers' purchases.
(u) Application by builder under HEPR 5.
(v) Application by builder under Housing Permit Regulation.

OTHER PROVISIONS

(w) Communications and appeals.
(x) Record-keeping requirements.
(y) Reporting requirements.
(z) Violations.

§ 803.6 *Prefabricated housing under the Veterans' Emergency Housing Program*—(a) *What this section provides.* Under this section, Housing Expediter Priorities Regulation 6, and previously under Direction 8 to CPA Priorities Regulation 33, priorities assistance was issued to prefabricators for certain materials to be used in the factory production of prefabricated sections, panels, and packages, under the Veterans' Emergency Housing Program. Since December 24, 1946 priorities assistance has no longer been granted under this section.

However, unless expressly provided otherwise by the Housing Expediter, all the conditions and restrictions imposed on prefabricators and dealers by this section and other applicable OHE regulations are still in effect. This section explains the rules concerning (1) the prefabricator's use of an HH rating under authorizations previously granted, (2) the materials which may be obtained with their use, (3) the use of materials so obtained, and (4) prefabricators' and dealers' sales of prefabricated houses, sections, panels, and packages. Many of these rules were formerly established by certain CPA regulations and orders which are being transferred to the Housing Expediter (simultaneously with this amendment of April 1, 1947) by the issuance of Housing Expediter Priorities Order 5.

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, panels, or packages.

(2) "Prefabricated house" means a house of which at least the exterior walls are formed by the assembly of prefabricated panels or sections as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which encloses living, storage or utility space on at least two sides, is manufactured in a factory, is transported to the building site without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof or truss panel which is manufactured in a factory, is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce a prefabricated house, and meets whichever of the following standards of minimum prefabrication is applicable:

(i) *Wood panels.* A prefabricated exterior wall panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core, with surfacing material or wall sheathing attached to at least one side.

A prefabricated partition, ceiling or truss panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core.

A prefabricated floor or roof panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core with surfacing material, subfloor or roof sheathing attached to at least one side.

(ii) *Metal panels.* A prefabricated exterior wall panel constructed principally of metal shall consist of at least (*a*) a completely assembled panel frame or core with surfacing material or wall sheathing attached to at least one side, (*b*) a specially fabricated sheet of metal designed to serve both sheathing and structural purposes, or (*c*) a combination of specially fabricated metal sheets and structural frame (or core) members, either assembled or unassembled, designed and fabricated for incorporation in a prefabricated house of a specific design.

A prefabricated floor, partition, ceiling, roof or truss panel constructed principally of metal shall consist of at least (*a*) a completely assembled panel frame or core, (*b*) a specially fabricated metal sheet designed and fabricated for incorporation in a prefabricated house of a specific design, (*c*) specially fabricated structural frame (or core) members designed and fabricated for incorporation in a prefabricated house of a specific design, or (*d*) a combination of (*b*) and (*c*), either assembled or unassembled.

(iii) *Concrete panels.* A prefabricated exterior wall panel constructed principally of concrete shall consist of at least (*a*) a precast concrete slab having an area of 15 square feet or more on one surface or (*b*) a combination of such a precast concrete slab and structural framing members, either assembled or unassembled, designed and manufactured for incorporation in a prefabricated house of a specific design.

A prefabricated floor, partition, ceiling, roof or truss panel constructed principally of concrete shall consist of at least (*a*) a precast concrete slab having an area of 15 square feet or more on one surface, or (*b*) precast concrete structural panel frame (or core) members designed and manufactured for incorporation in a prefabricated house of a specific design, or (*c*) a combination of (*a*) and (*b*), either assembled or unassembled, designed and manufactured for incorporation in a prefabricated house of a specific design.

A prefabricated panel may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) The terms "prefabricated section" and "prefabricated panel" do not include: (i) fabricated structural steel such as standard columns and standard beams or stock metal siding or roofing, etc., primarily designed for use in conventional construction, (ii) concrete blocks, precast joists, precast concrete panels and similar concrete items primarily designed for use in conventional construction, (iii) millwork, including kitchen cabinets, (iv) items of furniture and equipment not designed to be permanently attached to and made a part of a house, or (v) building materials cut to size and shape for assembly at the building site, if not specifically covered by the definitions in subparagraphs (3) and (4) of this paragraph.

(6) "Prefabricated package" means the aggregation of prefabricated sections and panels, building materials, and equipment which is shipped in a lot by a prefabricator, to be incorporated in a prefabricated house. (See paragraph (h) of this section on authorizations for loose materials and equipment to be included in a prefabricated package.)

(7) "Loose materials and equipment" included in a prefabricated package means the materials and equipment in the package which are not permanently attached to or incorporated in the prefabricated sections and panels comprising the rest of the package. "Loose materials and equipment" shipped with a prefabricated section means those which are not permanently attached to or incorporated in the prefabricated section at the time it is shipped.

(8) "Schedule A materials" means the items listed in Schedule A to Priorities Regulation 33. These are the items for which priorities assistance was given to prefabricators on or before December 24, 1946.

(9) A prefabricator's "approved production" for a particular quarter means the number of units which he can produce with the amount of the materials listed in paragraph (l) (1) of this section for which priorities assistance was authorized by the National Housing Agency for that quarter.

(10) "NHA" means the National Housing Agency.

(11) "CPA" means the Civilian Production Administration.

(12) "OHE" means the Office of the Housing Expediter.

(13) "This section" means this regulation, Housing Expediter Priorities Regulation 6.

PREFABRICATORS' APPLICATIONS FOR PRIORITIES ASSISTANCE

(c) *Filing of applications.* Priorities assistance for "Schedule A materials" was issued under this section to prefabricators who made quarterly applications on Form NHA 14-53. The applications were filed with the National Housing Agency, Washington, D. C., which considered the applications for approval as explained in paragraphs (e) through (j) of this section. Applications for priorities assistance may no longer be filed under this section. However, authorizations given on or before December 24, 1946, remain valid for the period covered by them.

(d) [Deleted January 10, 1947.]

NHA CONSIDERATION OF APPLICATIONS

(e) *VEHP use.* Priorities assistance was given under this section only for quantities of Schedule A materials to be used fully in prefabricated housing under the Veterans' Emergency Housing Program.

(f) *Technical standards.* Priorities assistance was given under this section for Schedule A materials to be used for the following purposes only:

(1) The manufacture of prefabricated panels designed to be incorporated in prefabricated houses found by the National Housing Agency to meet standards of space, arrangement, and construction known as "HH Minimum Property Requirements."

(2) The making up of prefabricated packages designed to be incorporated in prefabricated houses found by the National Housing Agency to meet the HH Minimum Property Requirements.

(3) The manufacture and installation of prefabricated sections designed to be incorporated in houses (whether prefabricated or not) found by the National Housing Agency to meet the HH Minimum Property Requirements.

The findings by the National Housing Agency referred to in this paragraph were based upon information submitted by the prefabricator on Form NHA 14-54 or in such other manner as required by the National Housing Agency. Information regarding the HH Minimum Property Requirements is available at the Office of the Housing Expediter, Washington 25, D. C., and at all State and District Offices of the Federal Housing Administration.

(g) *Prefabricated panels.* Priorities assistance for Schedule A materials to be incorporated in prefabricated panels was given under this section only to those prefabricators who met one of the following tests:

(1) The prefabricator ships, to each purchaser, all the prefabricated exterior wall panels (as defined in paragraph (b) (4) of this section) of a prefabricated house.

(2) The prefabricator (i) submitted evidence of an agreement he had entered into with one or more prefabricators dividing among them the production responsibility for the manufacture of prefabricated elements designed to be incorporated in a prefabricated house, and (ii) together, these prefabricators ship, to each purchaser, all the prefabricated exterior wall panels of a prefabricated house.

(h) *Prefabricated packages.* The following are special rules on priorities assistance for Schedule A materials to be incorporated in prefabricated packages:

(1) In addition to prefabricated sections and panels, a prefabricated package produced under this section may contain, in the amount provided for in subparagraph (2) of this paragraph, the following "loose materials and equipment":

(i) Mechanical, plumbing, heating, and electrical material and equipment; cooking, refrigeration, and laundry equipment; kitchen cabinets; and

(ii) Other loose materials and equipment.

(2) Priorities assistance was given under this section for Schedule A materials to be included in a prefabricated package as loose materials and equipment only if the dollar value of all loose materials and equipment not listed in subparagraph (1) (i) of this paragraph which are contained in the package is less than one half of the following amount: the dollar value of the entire prefabricated package minus the dollar value of all materials and equipment in the package—whether "loose" or not—listed in subparagraph (1) (i) of this paragraph.

(i) *Prefabricated sections.* Priorities assistance was given under this section for Schedule A materials to be shipped with a prefabricated section to be incorporated in a house whether or not the house is prefabricated. However, such assistance was given only for Schedule A materials listed in paragraph (h) (1) (i) of this section required for installation in or attachment to the prefabricated section, and for the minimum quantities of other loose materials and equipment required for the installation of the prefabricated section.

(j) *Production standards.* Priorities assistance was given under this section only after the National Housing Agency took into consideration the following factors:

(1) The prefabricator's use of scarce materials,

(2) The suitability of his product for low and moderate cost housing under the Veterans' Emergency Housing Program, and

(3) The prefabricator's apparent ability to produce, based upon plant facilities and methods, general experience, distribution facilities and methods, and other relevant considerations.

GRANTING OF AUTHORIZATIONS

(k) *Nature of authorizations.* Priorities assistance granted on Form NHA 14-53 was in the form of authority to place HH rated orders or certified orders for approved quantities of "Schedule A

materials" (see paragraph (b) (8) of this section). The authorization covers quantities to be so ordered for delivery in a particular quarter. It may also include an advance authorization enabling the prefabricator (subject to the delivery date restrictions referred to in paragraph (o) of this section) to place such orders for a part of his requirements to be delivered in the next quarter, pending receipt of his regular authorization for that quarter.

(l) *Quantities authorized.* Form NHA 14-53 authorizations are for the following quantities of Schedule A materials:

(1) For the following materials, the permitted quantities are the quantities numerically expressed in the authorization: housing construction lumber, millwork (other than built-in kitchen cabinets), hardwood flooring (all grades), gypsum board and lath, building board, and construction plywood (softwood).

(2) For the other Schedule A materials (excluding those listed in subparagraph (1) of this paragraph, but including built-in kitchen cabinets), the permitted quantities are the minimum quantities needed to meet the prefabricator's "approved production" requirements (see paragraph (b) (9) of this section).

PREFABRICATORS' USE OF PRIORITIES ASSISTANCE

(m) *Extending customers' ratings.* In accordance with Direction 8 to Priorities Regulation 33, a prefabricator must not extend (pass on to his supplier) an HH rating which he receives from a customer.

(n) *Placing orders.* A prefabricator who has been granted priorities assistance on Form NHA 14-53 may place orders for the approved quantities of Schedule A materials (for delivery during the quarter covered by the authorization), as follows:

(1) *Certified orders for construction plywood (softwood).* For construction plywood (softwood), he was permitted to place certified orders through March 31, 1947, as explained in CPA Order L-358, which expired on that date.

(2) *HH rated orders for other Schedule A materials.* For the other Schedule A materials, he may use an HH rating on his purchase orders. The HH rating may be applied to a purchase order by placing on the order a written certificate as explained in Schedule A to Priorities Regulation 33. This certificate is as set out below:

VETERANS' EMERGENCY HOUSING PROGRAM
APPLICATION SERIAL NUMBER —

I certify to the U. S. Government that an HH rating has been assigned for the materials covered by this order. The materials will be used only for housing accommodations as authorized.

Purchaser

(3) *Former rule for some Schedule A materials.* Before January 1, 1947, CPA Order L-359 provided that prefabricators could place "certified orders," rather than HH rated orders, for housing construction lumber, residential hardwood flooring, and millwork. To place a certified order, a prefabricator used the certificate previously shown in Order L-359, rather than the Schedule A certificate now shown in subparagraph (2) of this paragraph. Purchase orders which have already been placed with the former L-359 certificate need not be re-certified. However, after January 1, 1947, they will be treated as rated orders rather than certified orders.

In accordance with Schedule A to PR 33, a prefabricator may not place HH rated orders after April 15, 1947. Orders placed by that date must meet the delivery date restrictions of paragraph (o) of this section.

(o) *Delivery date restrictions.* In accordance with Schedule A to Priorities Regulation 33, a prefabricator placing certified or HH rated orders under this section must not specify a delivery date which is (1) more than 30 days before the time the materials are to be used by him or (2) later than the end of the third calendar month after the month in which the order is placed. "Delivery date" means the date of delivery at the prefabricator's plant or warehouse.

(p) *Effect of orders placed by prefabricator.* The effect of HH rated and certified orders is controlled by Priorities Regulation 1 and certain other regulations and orders. For construction plywood (softwood), the other applicable order (through March 31, 1947) is CPA Order L-358. For lumber, hardwood flooring, and millwork, it is CPA Order L-359 (through March 31, 1947). For the latter materials after March 31, 1947, and for all other Schedule A materials, the other applicable regulation is Schedule B to PR 33.

(q) *Use of materials.* Materials obtained with priorities assistance may be used only for the purposes for which that assistance was granted, and, in accordance with Priorities Regulation 1, must if possible be used for that purpose. This rule applies to materials obtained under this section or under Direction 8 to CPA Priorities Regulation 33. The rule will continue to apply after December 24, 1946 even though no additional priorities assistance will be granted after that date.

(r) *Disposal of materials.* If a prefabricator is unable to use materials obtained with priorities assistance under this section, or under Direction 8 to CPA Priorities Regulation 33, for the purposes for which the assistance was granted, he may use or dispose of them only as follows:

(1) By "special sale," in accordance with Schedule A to Priorities Regulation 33.

(2) By such other use as may be authorized in writing by the Housing Expediter, upon written application from the prefabricator.

SALES AND PURCHASE RESTRICTIONS

(s) *Prefabricators' and dealers' sales.* In accordance with Direction 8 to Priorities Regulation 33, a prefabricator or a dealer (wholesale or retail) must observe the following rules:

(1) *Unerected sales.* In selling unerected prefabricated sections, panels, or packages produced under this section or Direction 8, a prefabricator or dealer must accept and fill rated orders in preference to unrated orders in accordance with the rules of Priorities Regulation 1.

(2) *Erected sales.* In selling erected prefabricated houses, sections, panels, or packages produced under this section or Direction 8, a prefabricator or dealer must comply with the rules of Priorities Regulation 33, Housing Expediter Priorities Regulation 5, or the Housing Permit Regulation, whichever is applicable. (See paragraphs (u) and (v) of this section.)

(t) *Dealers' purchases.* In accordance with Direction 8 to Priorities Regulation 33, a dealer who receives an HH or HHH rated order from a customer for a prefabricated section, panel, or package produced under this section or Direction 8 may extend the rating to get the item for sale to that customer, or to replace an item sold out of inventory to that customer. A dealer may also place unrated orders.

(u) *Application by builder under HEPR 5.* On or before December 24, 1946 a person eligible under the Veterans' Emergency Housing Program to erect a prefabricated house or section could apply under Housing Expediter Priorities Regulation 5 (§ 803.5) for an authorization to construct and an HH rating. (Before September 10, 1946, such applications were made under CPA Priorities Regulation 33.)

If his application was approved and he begins construction under the authorization issued to him, the builder is subject to all the requirements of the priorities regulation under which his application was approved, including restrictions on sales price and rents, and requirements for preference to veterans, where applicable. When the application was approved, the builder was assigned an HH rating, which he may use to get a prefabricated section, panel, or package and the necessary quantities of the other Schedule A materials. This rating may be applied in accordance with, and subject to, the limitations of Schedule A to PR 33 and other applicable regulations. (If the builder has not begun construction under an authorization issued under HEPR 5 or PR 33, see paragraph (v) of this section.)

A prefabricator or a dealer could apply in the same way as any other builder, on or before December 24, 1946, if he wished to erect a prefabricated house or section. A prefabricator acting as an erector is subject to the same requirements of HEPR 5 (or PR 33) as a builder.

(v) *Application by builder under Housing Permit Regulation.* On or after December 24, 1946, a person eligible under the Veterans' Emergency Housing Program to erect a prefabricated house or section may apply under the Housing Permit Regulation for an authorization to erect, called a "construction permit." No priorities assistance will be given, however, with a construction permit. Therefore, such a builder may not place rated orders for prefabricated sections, panels, or packages produced under Direction 8 to CPA Priorities Regulation 33 or under this section.

If a builder's application under Housing Expediter Priorities Regulation 5 or Priorities Regulation 33 was approved, but he has not begun construction under the authorization issued to him, he may elect to surrender his authorization and his HH rating and re-apply for a construction permit under the Housing Permit Regulation. In this case he is subject to the requirements of the latter regulation and not HEPR 5 or PR 33, and also may not place HH rated orders.

OTHER PROVISIONS

(w) *Communications and appeals.* Communications regarding the provisions of this section should be addressed to the Housing Expediter, Washington 25, D. C. Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(x) *Record-keeping requirements.* Each person subject to this section must keep and preserve for at least two years records showing quantities of all Schedule A materials (including prefabricated sections and panels) received and dates of receipt. In addition, each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration or the Housing Expediter applies must keep and preserve for at least two years the records described in Priorities Regulation 1. The record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(y) *Reporting requirements.* Information and reports relating to matters covered by this section, or by Direction 8 to Priorities Regulation 33, may be required from time to time by the Housing Expediter (or person or agency authorized by the Housing Expediter to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(z) *Violations.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who wilfully conceals a material fact in any certificate required to be filed under this section, or who wilfully falsifies any records required to be kept under this section shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Second War Powers Act of 1942, Veterans' Emergency Housing Act of 1946, and other applicable Federal Statutes. Any person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9836, 12 F. R. 1939).

Issued this 31st day of March 1947, to become effective April 1, 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-3155; Filed, Mar. 31, 1947; 11:21 a. m.]

[Priorities Reg. 28]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

RESTRICTED PRIORITIES ASSISTANCE

§ 803.8 *Restricted priorities assistance*—(a) *What this section does.* This section provides for the filing of applications for RR ratings under Supplement I to this section. Persons eligible to apply include producers of critical building materials listed in Table I to this section.

Supplement I and Table I to this section, formerly Supplement I and Table I to Priorities Regulation 28 of the Civilian Production Administration, are adopted, ratified, confirmed, and issued by Housing Expediter Priorities Order 5 simultaneously with the issuance of this section.

(b) *Existing RR ratings.* Nothing in this section affects the validity or duration of RR ratings granted or converted before April 1, 1947.

(c) *Filing of applications.* Applications for an RR rating under Supplement I to this section should be made on Form CPA-541A, addressed to the Housing Expediter, Washington 25, D. C. Since ratings are no longer given to support a minimum economic rate of production or to give special help to small business or the business needs of veterans, no questions on Form CPA-541A need be answered which were designed for such cases. For this reason, Questions 7b, 13 and 16 on Form CPA-541A (as revised 4-23-46) may be left unanswered. On the other hand, supporting data required by Item 14 are of major importance and should clearly show how the application qualifies under paragraph (b) of Supplement I to this section.

(d) *Reports.* The reporting requirements of this section have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Effective date.* This section shall become effective on April 1, 1947.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9836, 12 F. R. 1939)

Issued this 31st day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-3152; Filed, Mar. 31, 1947; 11:21 a. m.]

[Priorities Reg. 32]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

INVENTORIES

PURPOSE

Par.
(a) What this section provides.

DEFINITIONS

(b) Definitions.

GENERAL RESTRICTIONS

(c) Restriction on delivery.
(d) Restrictions on receipts.
(e) Restriction on ordering more than needed.
(f) Adjusting outstanding orders when requirements change.
(g) Restriction on processing.

EXCEPTIONS

(h) General exceptions.
(i) Receipts permitted after adjustment of orders.

MISCELLANEOUS

(j) Separate inventories.
(k) Violations.
(l) Communications and appeals.
(m) Reporting requirements approved.
(n) Effective date.

PURPOSE

§ 803.9 *Inventories*—(a) *What this section provides.* The purpose of this section, Priorities Regulation 32, is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of certain building materials, which are listed in Table 1 at the end of this section. These materials are covered by this section whether or not they are acquired with priorities assistance.

This section applies to all persons buying for use or for resale, whether established firms or newcomers. Certain exceptions to the inventory limitations are stated in paragraphs (h) and (i) of this section.

This section replaces Priorities Regulation 32 of the Civilian Production Administration, which is being revoked by CPA simultaneously with the issuance of this section. This section covers only certain building materials required in the VEHP and therefore is of narrower scope than the former CPA PR-32.

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) "Table 1 materials" means the materials listed in the table at the end of this section.

(2) "Users" or "persons buying for use" means persons (including Government operated consuming establishments) who use a material for production, operating supplies, maintenance and repair, or for construction, whether for their own account or for the account of another.

(3) A person's "practicable minimum working inventory" means the inventory reasonably necessary to meet his own deliveries, or to supply his services, on the basis of his current or scheduled method and rate of operation.

(4) "OHE" means Office of the Housing Expediter.

(5) "This section" means this Priorities Regulation 32.

GENERAL RESTRICTIONS

(c) *Restriction on delivery.* No person may deliver any Table 1 material if he knows or has reason to believe that acceptance of the delivery would be in violation of this section.

NOTE: For rule on making or delivering Table 1 materials earlier than required by customers, see Interpretation 3.

(d) *Restrictions on receipts.* This section places the following restrictions on receipts of Table 1 materials:

(1) *Users.* No person buying for use may accept delivery of any Table 1 material if his inventory of that material is, or will be, larger than the smaller of the following two amounts:

(i) A "practicable minimum working inventory" (see definition in paragraph (b) (3) of this section).

(ii) The amount he needs, on the basis of his current or scheduled method and rate of operation, during the period specified in the table at the end of this section, if such period is specified. (This restriction (ii) applies only within the 48 States and the District of Columbia.)

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1.

(2) *Resellers.* No person buying for resale may accept delivery of any Table 1 material if his inventory of that material is, or will be, more than a "practicable minimum working inventory."

(3) *VHP–1 builders.* No person may receive any Table 1 material for use in a construction project for which an authorization under VHP–1 is necessary, unless an authorization for the project has already been obtained.

(e) *Restriction on ordering more than needed.* A person may not place any order, whether rated or unrated, calling for delivery of any Table 1 material in larger amounts than he would be permitted to receive under this section, or on an earlier date than permitted under other applicable OHE regulations or orders (such as Schedule A to PR 33 or HEPR 6).

Orders totalling more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production by the supplier as long as this restriction is effective.

(f) *Adjusting outstanding orders when requirements change.* A person who has ordered any Table 1 material for future delivery must promptly adjust his outstanding orders, and if necessary postpone or cancel them, if his requirements change so that he would exceed the limits prescribed by this section if he accepted delivery on the date specified. Such a change in his requirements might occur because of a change in his operations, slowing or stoppage of production, delayed delivery by another supplier, or other reasons.

(g) *Restriction on processing.* No person may process any Table 1 material if his inventory of the material in its processed form (including the form in which he sells it) is, or will be, more than a "practicable minimum working inventory." The term "process" includes fabricating, or otherwise altering the shape or form of the material.

This limitation applies whether the manufacturer does his own processing or has it done for his account by others. He may not exceed it by causing or permitting avoidable delays in transportation, storage, or processing.

EXCEPTIONS

(h) *General exceptions.* This paragraph states general exceptions to the restrictions on acceptance of delivery described in paragraph (d) of this section, and to all other inventory restrictions on delivery and acceptance of delivery in applicable OHE regulations and orders unless they contain specific provisions to the contrary. None of these or any other exceptions to OHE inventory restrictions on receipts permit a supplier to disregard any applicable OHE regulation or order which restricts production or delivery.

(1) *Imported materials.* A person may import any material without regard to OHE inventory restrictions. However, if his inventory of it thereby becomes in excess of the amount permitted by this section, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this section do apply to any deliveries of the imported material that any person accepting delivery from him may receive.

(2) *Advance stockpiling for new production.* A person may receive, in anticipation of starting or resuming production, the minimum amount of material or equipment he would need during the first 30 days of such production, provided no priorities assistance is used to get the material or equipment. Records of such receipts and the basis on which they were computed must be preserved as required by Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his new product. This paragraph relates to production only and does not permit the advance stockpiling of building materials for construction purposes.

(3) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this regulation. However, after receiving a minimum sale quantity of any material, a person may not accept delivery of any additional quantities until his inventory of it is within applicable limits.

(i) *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders with his supplier as required by paragraph (f) of this section, and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be made and accepted and the inventory restrictions of paragraph (d) of this section exceeded to the following extent, but no further:

(1) Delivery may be made and accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to adjust.

(2) Delivery may be made and accepted of (i) any special item which the supplier actually has in stock or in production, or (ii) special components or special materials which he has acquired for the purpose of filling the order. A special item means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others.

(3) Even if the material is not a special item, delivery may be made by, and accepted from a producer, if it has already been produced or is in production before receipt of the instruction to adjust, and it cannot be used to fill other orders on the producer's books.

NOTE: For effect of reduction in consumption rate on permitted inventories, see Interpretation 5.

MISCELLANEOUS PROVISIONS

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, had more than one operating unit and kept separate inventory records for them, this section applies to each such operating unit or division independently. A person may not make any further separation or consolidation of such operating units without special written approval of the Housing Expediter unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Violations.* Any person who willfully violates any provision of this section, or who, in connection with this section, willfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. Any person who violates any provision of this section may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control.

(l) *Communications and appeals.* Communications regarding the provisions of this section should be addressed to the Housing Expediter, Washington 25, D. C., Ref. PR 32. Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., Ref. PR 32, clearly stating the specific provision appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(m) *Reporting requirements approved.* The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(n) *Effective date.* The effective date of this section is April 1, 1947.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9836, 12 F. R. 1939)

Issued this 31st day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

TABLE 1—MATERIALS SUBJECT TO THIS SECTION

Explanation. Receipts by "users" of materials listed in Column 1 are subject to the specific inventory provisions shown in Column 2, or a "practicable minimum working inventory," whichever is less. (See paragraph (d) (1) of this section.) If no specific provision is shown in Column 2, the "practicable minimum working inventory" restriction of paragraph (d) (1) (i) of this section controls.

Receipts by resellers are subject to the restriction of paragraph (d) (2) of this section.

Ordering and processing restrictions are in paragraphs (e) and (g) of this section.

Only residential types of the items listed in the table are covered by this section. The fact that a residential type may also be suitable for nonresidential use does not take it out of the "residential" class.

Material (1)	*Inventory Limitation* (2)
A. Lumber Materials	
Flooring, hardwood (all grades).	
Lumber, housing construction (softwood-flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, lath and shop other than Douglas fir and Western pine shop controlled by VHP 5).	60 days [1]
Millwork as defined in VHP 5.	
Plywood, construction (softwood) (Interior (moisture resistant): ¼" and 3/8" sanded or 5/16" and 5/16" unsanded wallboard; and 5/16" unsanded wallboard; ¼" and 3/8" sanded or 5/16" and 5/16" unsanded sound oneside plypanel; 5/16", 3/8", ½" and 5/8" sheathing; and Exterior: ¼" and 3/8" sanded or 5/16" and 5/16" unsanded sound oneside plypanel).	
B. Electrical Wiring Materials	
Cable, metallic or nonmetallic sheathed.	
Lighting fixtures, not including portable lamps.	
Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.	
Service entrance equipment (of the following kinds only: (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).	
Wiring devices (of the following kinds only: (a) Sockets, lampholders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet, switch and receptable boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).	45 days
C. Hardware Materials	
Builders' hardware (of the following types only: (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).	
D. Masonry Materials	
Cement, portland (all types including high early strength, limestone, slag, and sulfate resistant).	
Tile, common and face, structural.	
E. Plumbing and Heating Supplies	
Bathtubs (steel, cast iron).	
Boilers, low pressure, for heating and hot water.	
Controls, temperature and combustion, for heating and hot water.	
Fittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets.	
Furnace pipes, fittings, and duct work.	
Furnaces, floor, wall.	
Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter).	
Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)	
Lavatories.	
Oil burners, domestic.	
Pipe, bituminized fibre, for drains and sewers.	
Pipe, sewer, clay.	
Pipe, soil, cast iron, and fittings for such pipe.	80 days
Pipe fittings, screwed (of the following kinds only): (a) Gray cast recessed drainage, 2" and under; (b) Gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) Malleable fittings, including unions, 2" and under (150 lbs. S. W. P.).	
Pipe nipples, steel and wrought iron, black and galvanized, sizes 3/8" to 4" inclusive, in lengths 6" and less, made from standard weight pipe.	
Radiation, convector and cast iron, including accompanying metal enclosures and grilles.	45 days
Range boilers.	
E. Plumbing and Heating Supplies—Continued	
Registers and grilles for heating systems.	
Stokers, domestic.	
Stoves and ranges for cooking and heating, including space heaters.	
Tanks, septic.	
Tanks, oil and water storage, capacity 550 gallons or less.	
Tubing, copper—types K, L, M—sizes 3/8" to 3" inclusive.	45 days
Tubing fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).	
Water closets (1-piece combinations; and bowls and tanks, separately or in combination).	
Water heaters.	
F. Prefabricated Housing	
Prefabricated houses, sections, and panels (as defined in Direction 8 to PR 33).	
G. Structural Materials (Metal)	
Doors and frames, hollow metal and kalamein.	
Window sash and frames, metal (of the following types only: casements; double hung windows; basement windows).	
H. Wall and Roof Materials	
Asbestos-cement flat sheets, ¼" thick or less. This does not include electrical and insulation grades.	45 days
Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board."	30 days [2]
Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.	80 days
Gypsum lath (gypsum products especially made for use as a plaster base).	30 days
Lime, finishing.	
Papers, building and sheathing (of the following kinds only: (a) Asphalt sheathing paper; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin, and house sheathing paper; (e) slaters felt weighing approximately 25 lbs. per 500 square-feet roll).	

[1] The inventory limitations of this section apply to the total amount of lumber in usable condition in the user's inventory rather than item by item. The restrictions do not apply to receipts of green lumber which must be seasoned by the user before it is usable for the purpose for which it was purchased. However, no such receipts may be accepted if the user's inventory of insufficiently seasoned green lumber is, or will be, in excess of a practicable minimum working inventory. Moreover, when such lumber is sufficiently seasoned for use it must be counted in determining whether or not the person is eligible to accept any further deliveries of lumber in usable condition under the limitations of this Table 1.

[2] The inventory limitations apply to the total amount in the user's inventory rather than item by item.

Material (1)	*Inventory Limitation* (2)
H. *Wall and Roof Materials*—Con.	
Plaster, hardwall (gypsum plaster—basic, ready-mixed and guaging—made for use in applying base or finish coats to lathed interior walls).	
Plaster base (metal lath and accessories for metal lath).	30 days
Shingles (asbestos-cement, asphalt, slate, wood).	
I. *Miscellaneous Building Materials*	
Cabinets, metal, attachable or built-in types for kitchens or bathrooms.	
Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastics; (d) asphalt tile; (e) rubber tile).	
Gutters and downspouts.	
Insect screen cloth, metal or plastic.	30 days
Lead caulking.	
Paints, house, exterior — ready mixed, paste, semipaste, and lead-in-oil. This is limited to primers, under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints and exterior enamels. This is also limited to lead-in-oil in 12½ lb. and larger containers and to the other paints in 1-gal. and larger containers.	
Weatherstripping, metal.	

INTERPRETATION 1

INVENTORIES IN SEASONAL INDUSTRIES

Paragraphs (d) (1) and (2) of Priorities Regulation 32 prohibit any person from accepting a delivery which will give him more than a "practicable minimum working inventory" reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation. This does not prevent a person engaged in a seasonal industry who normally stocks up inventory in advance of the season from accepting delivery of his requirements of the inventory in question: *Provided*, (a) That he is not guilty of hoarding, and (b) That the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements. (Issued March 31, 1947.)

INTERPRETATION 2

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

(a) *Applicable provisions of the regulations.* Priorities Regulation 32 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory" reasonably necessary for him to make his own deliveries. A similar provision in paragraph (c) (2) of Priorities Regulation No. 3 says that a customer who is applying a rating for which no specific quantities have been authorized may use it only to get the "minimum amount needed."

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation 32 or his "minimum amount needed" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive (and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells or less than his minimum production run of a product which is mass-produced under the conditions explained in Interpretation 3 of Priorities Regulation 1.

(c) *Relief in exceptional cases.* If the conditions stated in paragraph (b) above cannot be satisfied but the customer wants to order or accept delivery of more than his actual needs at the time of delivery, he should apply to the Housing Expediter for permission, stating the facts and why it is not practicable to satisfy the condition of paragraph (b).

(d) *Specific limits on ratings may not be exceeded.* This interpretation does not apply to the use of a rating where a specific quantity is stated in the instrument assigning the rating. If a person is assigned a rating for a specific amount of material, he may not use it to get more. If he finds that he can only get the material in larger quantities, he should apply for a modification of the rating.

(e) *No effect on contractual rights.* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified time in specified amounts. For example, if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months, this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b). (Issued March 31, 1947.)

INTERPRETATION 3

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

(a) Paragraph (c) of Priorities Regulation 32 prohibits a person from knowingly making a delivery which will give his customer more than the latter is permitted to receive under the regulation. Paragraph (g) of that regulation prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order of a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months, or perhaps the entire 600 in the first month. Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (d) of the regulation, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of the larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order a supplier is requested to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer. The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false.

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by paragraph (g) of the regulation.

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sale quantities or production runs to the extent described in Interpretation 2 to this regulation. (Issued March 31, 1947.)

INTERPRETATION 4

INVENTORY MATERIAL

(a) Paragraph (d) of Priorities Regulation 32 prohibits a person from accepting delivery of material if his inventory of it is, or will be, greater than the maximum prescribed. For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations such as painting, and does not include any shearing, cutting, trimming or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection, testing and ageing nor segregation or earmarking for a specific job or operation.

(b) For example, if a manufacturer who uses lumber cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed. (Issued March 31, 1947.)

INTERPRETATION 5

EFFECT OF REDUCTION IN CONSUMPTION RATE ON PERMITTED INVENTORIES

(a) Paragraph (d) of Priorities Regulation 32 prohibits the acceptance of delivery of material if a person's inventory of it is or will be, more than the amount permitted by the regulation. If material is acquired within these restrictions the regulation does not prohibit the mere possession of an inventory if a change in circumstances makes it greater than the amount permitted. For instance, if based upon current rate of production a manufacturer's permitted inventory of a certain item is 100 and he has in inventory 60, he may receive a further delivery of 40. If after receiving the delivery of 40 his rate of consumption, because of contract cancellation or the like, is reduced drastically the mere fact that he has an inventory of 100, although his permitted inventory may be only 10, is not a violation of the regulation. He may not, of course, accept any further deliveries of that item until his inventory has been reduced below 10 (except as provided in paragraph (i) of Priorities Regulation 32 relating to material already shipped, special items, etc.).

(b) Similarly, the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract. Such liability is controlled by the provisions of the contract between the customer and his supplier and by contract law. (Issued March 31, 1947.)

[F. R. Doc. 47-3156; Filed, Mar. 31, 1947; 11:21 a. m.]

[Priorities Reg. 33, Schedule A, as Amended March 3, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

Section 803.11a, *Schedule A to Priorities Regulation 33*, is amended as follows:

1. Add the following subparagraph at the end of paragraph (c):

(6) *Cut-off date.* No order bearing an HH rating may be placed by a builder, contractor, sub-contractor, or prefabricator after April 15, 1947. The placing of such orders is subject to the 30-day and three-month time restrictions of paragraph (c) (2) of this section. An HH rated order which conforms with the specifications of this paragraph remains valid until filled.

However, a builder, contractor, subcontractor, or prefabricator who is authorized to place HH rated orders may request relief from the restrictions of this paragraph (c) (6) if (i) for reasons beyond his control, he is unable to place his order by April 15, 1947, or (ii) he is not entitled to specify a delivery date which meets the time restrictions of paragraph (c) (2) of this section. He may request relief by sending in an explanatory letter, in triplicate, no later than June 1, 1947, to the appropriate local office of the Federal Housing Administration in all cases except those in which his original application for priorities assistance was filed with the Federal Public Housing Authority. In such cases, he should address his request to the appropriate FPHA Regional Office. In general, relief will be granted only where it is shown that exceptional and unreasonable hardship will otherwise result to the applicant.

A person to whom such relief is granted may apply an HH rating by placing on his order the certificate specified in paragraph (c) (5) of this section, adding to that certificate the following sentence: "Use of HH rating after April 15, 1947 authorized under Schedule A to PR 33."

This paragraph (c) (6) does not apply to certified HH and HHH rated orders, since they are covered by Direction 11 to PR 33.

2. Renumber the present paragraph (d) as "(e)" and insert the following as paragraph (d):

(d) *Use of materials: "Special sales."* Under PR 1, materials obtained with priorities assistance must, if possible, be used for the purposes for which the assistance was given. Rules for "special sales" of such materials in cases where it was not possible to use them for the original purposes have been set out in PR 13. Due to revocation of PR 13, effective April 1, 1947, this Schedule A now contains the rules for "special sales" of certain materials after April 1, 1947.

(1) *Permitted sales.* These rules apply only to materials obtained with priorities assistance for the housing program (HHH ratings, HH ratings, or certified orders authorized under PR 33, directions to PR 33, HEPR-5, or HEPR-6). A person who has such material which he is unable to use for the authorized purposes may sell it as follows. If all the material of the same kind that he has at any one location did not cost him more than $100, he may sell it free of the restrictions of this paragraph. If, however, the material cost him more than $100, he may sell it only to any of the following persons, upon the basis of a buyer's certificate as set out in paragraph (d) (2) of this section:

(i) A builder, contractor, or sub-contractor, for his use in housing accommodations specifically authorized under PR 33, HEPR-5, or HPR;

(ii) A prefabricator who has received an authorization under Direction 8 to PR 33 or HEPR-6, for his use in making prefabricated houses, sections, panels, or packages;

(iii) A builder, contractor, or sub-contractor, for his use in the Veterans' Administration Construction Program;

(iv) A distributor or dealer, for resale to any person who is listed in (i), (ii), or (iii), or in this subparagraph (iv), who gives the certificate specified in paragraph (d) (2) of this section:

(v) A producer, or reprocessor, of the same kind of material, for resale to any person who is listed in (i), (ii), (iii), or (iv) and who gives the certificate specified in paragraph (d) (2) of this section.

(2) *Buyer's certificate.* The buyer's certificate required in paragraph (d) (1) of this section must be in substantially the following form:

> The undersigned certifies to the U. S. Government, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that he is eligible, under Schedule A to FR 33, to buy the materials covered by this order and that he will use or dispose of them only as permitted by that Schedule.
>
> ----------
> Buyer's signature

Any person giving this certificate may use or dispose of the materials which he gets with it only in accordance with this Schedule A. Any person who has given the certificate previously specified in PR 13 for the class of materials referred to in paragraph (d) (1) of this section may use or dispose of those materials only in accordance with the certificate he gave or in accordance with this Schedule A.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9836, 12 F. R. 1939)

Issued this 31st day of March 1947, to become effective April 1, 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-3154; Filed, Mar. 31, 1947; 11:21 a. m.]

[Priorities Reg. 33, Dir. 8, as Amended March 31, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

PREFABRICATED HOUSING

The following amended direction is issued pursuant to Priorities Regulation 33:

(a) *What this section does.* This section, Direction 8 to Priorities Regulation 33, explains the restrictions on prefabricators' and dealers' (wholesale and retail) sales of prefabricated houses, sections, panels, or packages. The sales restrictions in this section apply to all such items (as defined below) regardless of whether or not they were produced with priorities assistance under this section.

Housing Expediter Priorities Regulation 6 explains how priorities assistance was issued to qualified prefabricators prior to December 24, 1946. It sets out the rules governing prefabricators' use of priorities assistance, and explains how prefabricators may use materials obtained with such assistance.

This section was formerly issued by the Civilian Production Administration. As of April 1, 1947, it has been transferred to the Housing Expediter, and adopted by him through Housing Expediter Priorities Order 5.

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, or panels.

(2) "Prefabricated house" means a house of which at least the exterior walls are formed by the assembly of prefabricated sections or panels as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which is manufactured in a factory, is transported without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof, or truss panel which is manufactured in a factory and is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce housing accommodations. Prefabricated panels may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) "Prefabricated package" means the aggregation of prefabricated sections or panels and building materials and equipment shipped, in a lot, by a prefabricator.

(6) The terms "prefabricated panel" and "prefabricated section" do not include: (i) fabricated structural steel such as columns or beams, (ii) millwork, (iii) items of furniture and equipment not to be permanently attached to and made a part of a house, or (iv) building materials cut to size and shape for assembly at the building site (unless shipped by the prefabricator as part of the prefabricated package he supplies).

(7) Any prefabricated house, section, panel, or package containing materials obtained with priorities assistance given on Forms CPA-4415 or NHA-14-53, under this section or under HEPR 6, is "produced" or "manufactured" under this section.

(8) "This section" means this Direction 8 to Priorities Regulation 33.

PRIORITIES ASSISTANCE FOR PREFABRICATORS

(c) *Prefabricators' applications for priorities assistance.* After December 24, 1946, no priorities assistance will be given to prefabricators, under this section (or under HEPR 6), for the manufacture of prefabricated houses, sections, panels, and packages. However, authorizations given before that date remain valid for the periods covered by them.

(d) *Prefabricators' use of priorities assistance.* Prefabricators to whom priorities assistance has been given may use that assistance, and material obtained with the assistance, only in accordance with applicable regulations (including the provisions of paragraph (c) of Schedule A to PR 33). In addition, any conditions and limitations placed under HEPR 6 must be complied with.

SALES PROVISIONS

(e) *Unerected sales.* In selling unerected prefabricated houses, sections, panels, or packages, a prefabricator or a dealer must accept and fill rated orders in preference to unrated orders in accordance with the rules of PR 1. This applies regardless of whether or not the items were produced under this section.

(f) *Erected sales.* In selling erected prefabricated houses, sections, panels, or packages, a prefabricator or dealer must comply with the rules of PR 33, HEPR 5 or the Housing Permit Regulation (whichever is applicable). This applies regardless of whether or not the items were produced under this section.

(g) *Applicability of VHP 1.* Erection of a prefabricated house, section, panel, or package is "construction" under Order VHP 1. Consequently, such construction must be authorized unless any of the exemptions in VHP 1 are applicable. A person wishing to erect, for his own use or for sale, may apply under the Housing Permit Regulation for authorization by the Federal Housing Administration (or, in appropriate cases, by the Federal Public Housing Authority).

(h) *Extending customers' HH ratings*—(1) *Extension by prefabricators prohibited.* A prefabricator must not extend an HH rating which he receives from a customer.

(2) *Extension by dealers permitted.* A dealer who receives an HH or HHH rated order from a customer for a prefabricated house, section, panel, or package may extend the rating to get the item for sale to that customer or to replace an item sold out of inventory to that customer on the rated order.

DISPOSAL OF MATERIALS

(i) *Disposal of materials.* In accordance with Priorities Regulation 1, materials obtained by a prefabricator with priorities assistance under this section or HEPR 6 may be used by him only for the purposes for which the assistance was given. If he is unable to use the materials for those purposes, he may use or dispose of them only as follows:

(1) By "special sale" in accordance with Schedule A to PR 33.

(2) By such other use as may be authorized in writing by the Housing Expediter.

MISCELLANEOUS PROVISIONS

(j) *Technical provision.* A reference to Direction 8 to PR 33 in any regulation or order shall, where appropriate, be deemed a reference to HEPR 6 also.

(k) *Communications and appeals.* Communications regarding the provisions of this section, and appeals from these provisions, should be sent to the Housing Expediter, Washington 25, D. C., Ref: Dir. 8 to PR 33. An appeal should be made by letter, in triplicate, stating the particular provision appealed from and the full grounds for the appeal.

(l) *Violations.* Any person who wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(m) *Reporting and record-keeping requirements approved.* The reporting and record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9836, 12 F. R. 1939)

Issued this 31st day of March 1947, to become effective April 1, 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-3158; Filed, Mar. 31, 1947; 11:22 a. m.]

[Housing Permit Reg., as Amended Feb. 13, 1947, Amdt. 2]

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

Section 806.1, Housing Permit Regulation, is amended in the following respects.

Paragraph (b) (2) is amended to read as follows:

§ 806.1 *Authorization for housing* • • •

(b) *Housing construction covered by this section.* • • •

(2) If a project under this section involves construction, additions, alterations, or repairs of which more than 25% is non-residential, it must be established that the non-residential part of the work is essential.

Issued this 31st day of March 1947, to become effective April 1, 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-3153 Filed, Mar. 31, 1947; 11:21 a. m.]

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY [1]

MISCELLANEOUS AMENDMENTS

By Executive Order 9836 issued March 22, 1947, effective April 1, 1947, the President has transferred to the Housing Expediter all functions of the Temporary Controls Administrator and of the Office of Temporary Controls with respect to the Veterans' Emergency Housing Program which have previously been administered by the Civilian Production Administration in the Office of Temporary Controls. By the same Executive order the President has delegated to the Housing Expediter, to the extent necessary for the proper exercise of the functions which were transferred, the powers and authority vested in the President by Title III of the Second War Powers Act, 1942, as amended. These powers and this authority are in addition to those vested in the Housing Expediter by the Veterans' Emergency Housing Act of 1946. To permit the carrying out of the functions transferred to the Housing Expediter by this Executive order, the Organization Description, including Delegations of Final Authority, of the Office of the Housing Expediter, Part 851 of this chapter, is amended to include the following sections:

SUBPART A—CENTRAL OFFICE

§ 851.8a *Office of Compliance Commissioners.* The following organizational and procedural documents of the Civilian Production Administration, or parts of such documents, relating to the Office of Compliance Commissioners are hereby adopted, ratified and confirmed for the Office of the Housing Expediter and shall remain in full force and effect until revoked or amended by the Housing Expediter:

(a) § 903.204, Organizational Document 1, Civilian Production Administration, 11 F. R. 177A-372.

(b) Procedural Document 5, Civilian Production Administration, 11 F. R. 177A-372.

(c) Procedural Document 6, Civilian Production Administration, 11 F. R. 177A-372.

§ 851.8b *Compliance Division.* The following organizational and procedural documents of the Civilian Production Administration, or parts of such documents, relating to the Compliance Division are hereby adopted, ratified and confirmed for the Office of the Housing Expediter and shall remain in full force and effect until revoked or amended by the Housing Expediter:

(a) § 903.210 (i), Organizational Document 1, Civilian Production Administration, 11 F. R. 177A-372.

(b) Procedural Document 5, Civilian Production Administration, 11 F. R. 177A-372.

(c) Procedural Document 6, Civilian Production Administration, 11 F. R. 177A-372.

§ 851.8c *Division of Non-Residential Construction.* The Division of Non-Residential Construction is responsible for the conservation of scarce building materials necessary for the Veterans' Emergency Housing Program and other essential construction.

The conservation of building materials is accomplished primarily through the administration of the Veterans' Housing Program Order (VHP-1) which restricts construction. The Division of Non-Residential Construction processes applications for all types of non-housing construction.

The Division of Non-Residential Construction is comprised of the Office of the Director, the Field Operations Section which directs the District Construction Offices, the Project Processing Section and the Facilities Review Committee.

(a) The Field Operations Section directs the activities of the District Construction Offices listed in § 851.15a that are established in principal cities throughout the country and in Honolulu and Puerto Rico.

(b) The District Construction Offices receive all non-housing applications submitted under VHP-1. The managers and assistant managers of the District Construction Offices are authorized to take action with respect to these applications as provided below under "Delegations of Authority."

Certain applications may be referred to the Washington Office for administrative action even though ordinarily within the scope of the District Construction Manager or Assistant Manager's authority. These include cases where considerations of national policy are involved or where additional special information is available only to the Washington Office.

A District Construction Committee, composed of a group of public advisers representative of the major economic interests of the locality assists each District Construction Manager in the review of the applications. Each committee generally includes a representative from an industrial interest, such as manufacturing, mining, lumber, etc., from the construction materials distribution industry, from the construction industry, from construction labor, from commercial interests, from the press, from state or civic government, and a representative of veterans of World War II. The committee acts in an advisory capacity to the District Construction Manager who has sole authority to approve or deny the applications coming within his jurisdiction.

(c) The Project Processing Section is responsible for the approval or denial of applications for construction projects under the following circumstances:

(1) When the application is beyond the scope of field authority.

(2) When the application is on appeal from a decision rendered by the District Construction Manager or Assistant Manager.

(3) When the project requires consideration on a national scale.

The Project Processing Section refers to the Facilities Review Committee appeals on all cases which it has previously denied unless the decision of denial is reversed and the case approved. It may, however, refer any case which it elects to the Facilities Review Committee.

(d) The Facilities Review Committee is composed of a chairman designated by the Director of the Division of Non-Residential Construction and in addition representatives of the Labor Advisory Service, the Review and Analysis Branch, and the Project Processing Section. This committee reviews applications for construction projects that are referred to it by the Project Processing Section. The committee acts in an advisory capacity to the chairman who has authority to approve or deny applications.

SUBPART B—REGIONAL OFFICES

§ 851.15a *District Construction Offices.* The following is a list of the District Construction Offices, Division of Non-Residential Construction, Office of Housing Expediter:

State, City, and Address

Alabama: Birmingham, Dixie Carlton Hotel, 3d Ave. and 23d St.
Arizona: Phoenix, 614 Goodrich Bldg., Central and Washington.
Arkansas: Little Rock, 428 Louisiana St.
California: Los Angeles, W. M. Garland Bldg., Room 703; San Diego, 355 Civic Center; San Francisco, 1355 Market St.
Colorado: Denver, 523 Continental Oil Bldg.
Connecticut: Hartford, 115 Broad St.
Delaware: Wilmington, Penn. Office Bldg., Room 301.
District of Columbia: Washington, 1200 15th St., NW.
Florida: Jacksonville, George Washington Hotel Annex; Miami, 25 Northeast 3d St.
Georgia: Atlanta, 619 Peachtree St.

[1] 12 F. R. 2090.

Honolulu: Hawaii, Bldg. I, Iolani Palace.
Idaho: Boise, 119 North 8th St.
Illinois: Chicago, 226 West Jackson Blvd.; Springfield, Old High School Bldg., 301 West Adams St.
Indiana: Indianapolis, Room 317, Kresge Bldg.
Iowa: Des Moines, 316 Home Federal Bldg., 518 Grand Ave.
Kansas: Topeka, 700-02 Kansas Ave.
Kentucky: Louisville, 1307 Heyburn Bldg.
Louisiana: New Orleans, 1412 Masonic Temple.
Maine: Bangor, 8 Harlow St.
Maryland: Baltimore, 1106 North Charles St.
Massachusetts: Boston, 822-40 Broad St.; Springfield, 1597 Main St.
Michigan: Detroit, 800 Blvd. Bldg., Grand Rapids, 730 Keeler Bldg.
Minnesota: Minneapolis, Midland Bank Bldg., Room 447.
Mississippi: Jackson, 107 South President St.
Missouri: Kansas City, 600 Mutual Bldg.; St. Louis, Room 434, Old Customs House.
Montana: Helena, Suite 1, Penwell Block.
Nebraska: Omaha, Arthur Bldg., 2d Floor, 210 South 18th St.
Nevada: Reno, 56 Boyd Pl.
New Hampshire: Manchester, 814 Elm St.
New Jersey: Newark, 309 Washington St.
New Mexico: Albuquerque, 2d Floor, City Hall.
New York: Albany, 75 State St.; Buffalo, 17 Court St.; New York City, 43d Floor, Empire State Bldg.
North Carolina: Greensboro, 210 North Green St.
North Dakota: Fargo, 507 First National Bank Bldg.
Ohio: Cincinnati, 529 Walnut St.; Cleveland, 4th Floor, Union Commerce Bldg.
Oklahoma: Oklahoma City, 215 Colcord Bldg.
Oregon: Portland, 820 Morgan Bldg.
Pennsylvania: Philadelphia, Broad St. Station Bldg.; Pittsburgh, 411 Chamber of Commerce Bldg.
Puerto Rico: San Juan, Post Office Box 4387.
Rhode Island: Providence, 75 Westminster St.
South Carolina: Columbia, 2065 Blossom St.
South Dakota: Sioux Falls, 515 S. Main St.
Tennessee: Memphis, 677 Shrine Bldg.
Texas: Dallas, 511 Mercantile Bank Bldg.; Houston, Electric Bldg., Room 1004; San Antonio, 310 St. Marys St., 203 Transit Tower Bldg.
Utah: Salt Lake City, 310 Atlas Bldg.
Vermont: Burlington, 44 Church St.
Virginia: Richmond, 615 E. Main St.
Washington: Seattle, 491 Henry Bldg.; Spokane, North 120 Wall St.
West Virginia: Charleston, 269 State Capitol Bldg., P. O. Box 3027.
Wisconsin: Milwaukee, 161 West Wisconsin Ave.
Wyoming: Casper, 116 East 2d St.

SUBPART D—DELEGATIONS OF AUTHORITY

§ 851.20 *VHP-1: District construction managers and assistant managers.* The manager and assistant manager of the District Construction Offices, Division of Non-Residential Construction, Office of Housing Expediter, are hereby authorized to take, in their own names, the following actions in accordance with pertinent instructions, regulations, and procedures:

(a) Authorizations to begin non-residential construction pursuant to Veterans' Housing Program Order 1: *Provided,* That:

(1) The total cost of structures including fixtures and building service (mechanical) equipment (but excluding the cost of processing equipment) is $1,000,000 or less.

(2) Any amendments to approved authorizations do not increase such total cost to more than $1,500,000.

(b) Denials of applications to begin construction of non-residential projects regardless of dollar value.

(c) Grants (but not denials) of appeals from such denials.

§ 851.21 *VHP-1: Officials of Division of Non-Residential Construction.* The Director and Deputy Director of the Division of Non-Residential Construction, the chairman of the Facilities Review Committee, Division of Non-Residential Construction, and the Chief and Assistant Chief of the Project Processing Section, Division of Non-Residential Construction, are hereby authorized to take, in their own names, the following actions in accordance with pertinent instructions, regulations and procedures:

(a) Authorizations to begin non-residential construction pursuant to Veterans' Housing Program Order 1. (This applies to applications beyond the jurisdiction of the Field Offices and to appeals from field denials.)

(b) Denials of applications to begin construction of non-residential projects regardless of dollar value.

(c) Grants or denials of appeals from such denials.

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(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-3006; Filed, Mar. 31, 1947; 8:46 a. m.]

[Housing Expediter Appeals Order]

PART 853—RULES OF PRACTICE AND PROCEDURE, INCLUDING FORMS AND INSTRUCTIONS

APPEALS PROCEDURE

PURPOSE

Par.
(a) What this section does.

DEFINITIONS

(b) Definitions.

FILING OF APPEALS

(c) Who may file.
(d) Preparation of appeals.
(e) Where to file.

PROCESSING OF APPEALS

(f) Consideration of appeals by the Appeals Board.
(g) Oral hearings.
(h) Records.

DISPOSITION OF APPEALS

(i) Appeals incorrectly made.
(j) Decisions.

MISCELLANEOUS

(k) Reporting requirements approved.

PURPOSE

§ 853.1 *Appeals procedure*—(a) *What this section does.* This section, the Housing Expediter Appeals Order, explains the procedure for appealing from:

(1) Any regulation or order of the Housing Expediter (except Veterans' Housing Program Order 1 and those regulations and orders which provide for appeals to be addressed elsewhere than to the Housing Expediter or the National Housing Agency), and

(2) Administrative actions of the Housing Expediter, or of persons or offices acting under a delegation from him (except issuance of suspension orders, other compliance actions, denial of applications for construction authorizations, and actions taken upon an appeal).

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) "Regulation" or "order" means a published document which is applicable generally to all persons or to a class of persons described in such document.

(2) "Administrative action" means any action, in connection with a regulation or order, taken with respect to a particular person.

(3) "Appeal" means a request for relief from the provision of a regulation or order or from an administrative action.

(4) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "Appellant" means a person filing an appeal as provided in this section.

(6) "This section" means this Housing Expediter Appeals Order.

FILING OF APPEALS

(c) *Who may file.* Any person affected by a regulation, order, or administrative action of the kind described in paragraph (a) of this section may file an appeal on the ground:

(1) That the regulation, order, or administrative action works an exceptional and unreasonable hardship upon him,

(2) That the regulation, order, or administrative action improperly discriminates against him, or

(3) That administrative action taken under a regulation or order is based on an incorrect interpretation thereof.

Any person filing an appeal may request an oral hearing.

(d) *Preparation of appeals.* Appeals must be in writing. Unless otherwise provided in a regulation or order appealed from, all appeals and accompanying material shall be filed in triplicate. (If the submission of three copies of all accompanying documents or exhibits would place an undue burden on the appellant, waiver of this rule may be requested at the time the appeal is filed.) An appeal must be clearly marked as such and shall be in letter form unless a regulation or order appealed from provides otherwise.

All appeals must state clearly (1) the provision of the regulation or order, or the administrative action, appealed from, (2) the grounds for the appeal, and (3) the relief requested by the appellant. The various grounds for the appeal shall be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

If a request for an oral hearing is made, it must be in writing and should be filed with the appeal.

(e) *Where to file.* All appeals shall be addressed to the Housing Expediter, Washington 25, D. C. They shall be marked "Ref: Appeals", except if otherwise provided in the regulation or order in connection with which the appeal is filed.

PROCESSING OF APPEALS

(f) *Consideration of appeals by the Appeals Board.* The Appeals Board of the Office of the Housing Expediter has been established as an impartial body to consider appeals. The Board consists of three members appointed by the Housing Expediter, or their alternates, one of whom acts as Chairman.

(g) *Oral hearings.* If an oral hearing is requested, it will be held at Washington, D. C. A date will be set and notice of the time and place of the hearing will be given the appellant by the Appeals Board at least five days before the date set for the hearing.

Such hearings will be informal, and the appellant need not be represented by counsel unless he so wishes. The Board shall not be bound by the rules of evidence. No oath will be administered to witnesses, but misrepresentations are punishable under the Federal statutes.

(h) *Records.* Complete records concerning each appeal will be kept by the Appeals Board and will be available to inspection by persons properly and directly concerned, unless the records contain confidential business information or are considered confidential for reasons of administrative privacy.

DISPOSITION OF APPEALS

(i) *Appeals incorrectly made.* An appeal not prepared or filed substantially as provided in this section, or in the applicable regulation or order in connection with which the appeal is filed, may be returned to the appellant without action.

(j) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part, by the Appeals Board. Before reaching a decision, the Board may provide an opportunity for the appellant to present additional evidence. Determinations by a majority of the Appeals Board shall be final. The determination of an appeal will be communicated to the appellant in writing.

MISCELLANEOUS

(k) *Reporting requirements approved.* The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9836, 12 F. R. 1939)

Issued this 31st day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-3157; Filed, Mar. 31, 1947; 11:21 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT

MISCELLANEOUS AMENDMENTS

1. Paragraph (a) *Committee on Practice* of § 10.1 *Committee established*, is hereby amended to delete the last sentence.

2. Paragraph (b) of § 10.1 is hereby amended to read as follows:

(b) *Duties of the Committee.* The Committee shall receive and act upon applications to be recognized as attorneys or agents before the Treasury Department; receive and act upon applications for reenrollment from attorneys or agents who have been disbarred; conduct hearings; make inquiries; and perform other duties as prescribed herein.

3. Paragraph (d) of § 10.1 is hereby amended to read as follows:

(d) *Attorney for the Government.* The Secretary of the Treasury shall appoint an attorney not a member of the Committee as Attorney for the Government to prepare and present all formal statements of charges against enrolled attorneys or agents, to supervise the gathering of evidence in support of such charges, including the taking of depositions, to represent the Government in all proceedings before the Committee, to represent the Government in all proceedings pursuant to § 10.7, and to perform other duties incident to his position.

4. Paragraph (b) of § 10.7 is hereby amended to read as follows:

§ 10.7 *Proceedings for disbarment, suspension, and reinstatement.* • • •

(b) *Rules of procedure.* The Attorney for the Government may, either on the basis of such information or upon his own motion where he has cause to believe that any enrolled attorney or agent has violated any provision of the laws or regulations governing practice before the Treasury Department, institute proceedings for suspension or disbarment against any enrolled attorney or agent, hereinafter called the respondent in this paragraph, by filing with the Committee a statement of charges signed by the Attorney for the Government. Subject to the provisions of the Administrative Procedure Act (60 Stat. 237), such proceedings shall be governed by the following rules:

(1) *Opportunity to avoid proceeding.* The Attorney for the Government shall, before a proceeding is instituted, give to the respondent notice in writing that:

(i) Transmits a copy of the proposed statement of charges, or a specification of the substance thereof:

(ii) Cites sections 5 (b) and 9 (b) of the Administrative Procedure Act;

(iii) Calls upon the respondent to show cause why the proceeding should not be instituted;

(iv) Informs the respondent that the notice affords him opportunity to make submissions and demonstrations of the character contemplated by the cited statutory provisions;

(v) Invites any negotiation that the respondent deems it desirable to enter into; and

(vi) Specifies a reasonable time for response to such notice: *Provided*, That, if prior to institution of the proceeding, the Attorney for the Government determines that the case is one in which such notice would be improper and unnecessary, he shall file his findings and his reasons therefor in the record, and such proceeding may be instituted without first giving notice. [Rule 1]

(2) *Service*—(i) *Service of notice and statement of charges.* Notice of a proceeding for suspension or disbarment, signed by the Secretary or a member of the Committee, shall be served upon the respondent in the following manner:

(*a*) By delivery to the respondent personally, or

(*b*) By registered mail, with demand for a return card signed by the respondent: *Provided*, That, if an enrolled attorney or agent shall have signed and filed with the Committee on Practice his written consent to be served in some other manner it shall be sufficient if service is made in that manner. Where the service is by registered mail, the receipt of the return card duly signed shall be satisfactory evidence of service.

The notice shall give the place and time within which the respondent shall file his answer, which time shall be not less than 20 days from the date of service of the notice, and shall contain or be accompanied by a statement of charges, which statement shall be signed by the Attorney for the Government.

(ii) *Service of papers other than notice and statement of charges.* Papers other than the original notice and statement of charges shall be served on the respondent as follows:

(*a*) By delivering the same to the respondent personally, or by registered mail; or

(*b*) By leaving them at his office with his clerk or with a person in charge thereof; or

(*c*) By depositing them in a United States post office or post office box, enclosed in a sealed envelope, plainly addressed to such respondent at the address under which he is enrolled or at his last address known to the Committee.

(*d*) When the respondent is represented by attorney, by service upon the attorney in the same manner as provided in subdivisions (*a*), (*b*) and (*c*) of this subdivision for service on the respondent. [Rule 2]

(3) *Examiner.* There shall preside at the reception of the evidence an examiner, appointed as provided in the Administrative Procedure Act: *Provided, however*, That until examiners are appointed as provided in said act (but in no case initiated after June 10, 1947), the Committee shall act as examiner, and its action shall be taken by majority vote. [Rule 3]

(4) *Filing of papers.* Whenever under this paragraph the filing of a paper in a proceeding is required or permitted, and the place of filing is not specified either by rule of the examiner in the particular proceeding or pursuant to this paragraph, the paper shall be filed with the Committee on Practice, Treasury Department, Washington, D. C. [Rule 4]

(5) *Extension of time.* In any case in which the time for filing, pleading, making a submittal, or making an appeal, shall have expired, or shall be about to expire, to the prejudice of a party, the examiner shall have the power in his discretion and upon appropriate application and showing by the party prejudiced, to extend the time, as justice may be deemed to require. [Rule 5]

(6) *Negotiation.* At any time prior to hearing by the examiner, the Attorney for the Government is authorized, in his sound discretion, to negotiate with the respondent for the purposes contemplated by sections 5 (b) and 9 (b) of the Administrative Procedure Act. The parties may at any time during the hearing limit the issues by stipulation. Any stipulations resulting from such negotiation shall be entered in the record. [Rule 6]

(7) *Resignation to avoid disbarment.* If pursuant to negotiation (or otherwise) the respondent resigns to avoid possible institution of disbarment proceedings, or to avoid possible disbarment or suspension in a pending proceeding, the Committee may, upon motion of the Attorney for the Government, accept the resignation. If the Committee overrules the motion it shall enter a formal order which shall recite the findings of fact and conclusions of the Committee and which shall be made of record in the proceeding, if any, against the respondent before the examiner. [Rule 7]

(8) *Statement of charges.* The statement of charges shall give a plain and concise description of the facts which it is claimed constitute grounds for suspension or disbarment, without a detailed description of such facts. A statement of charges which fairly informs the respondent of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose may have been accomplished or different intents with which acts may have been committed may be alleged in the statement of charges in a single count in the alternative. [Rule 8]

(9) *Bill of particulars.* If, in order to prepare his defense, the respondent desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the examiner asking that the statement of charges be made more specific, setting forth in such motion in specific manner in what respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is needed. If in the opinion of the examiner such information is reasonably necessary to enable the respondent to prepare his defense, the examiner shall direct the Attorney for the Government to furnish the respondent with an amended statement of charges giving the needed information. [Rule 9]

(10) *Answer.* The respondent's answer shall be filed in writing within the time specified in the original notice unless on application the time is extended pursuant to subparagraph (5) of this paragraph. The answer shall be made under oath before a notary public or other officer authorized to administer oaths and shall be filed in duplicate with the Committee on Practice. [Rule 10]

(11) *Content of answer.* In this answer the respondent should specifically admit or deny every material allegation of fact in the statement of charges. Every allegation in the statement of charges not denied shall be deemed admitted, unless the respondent shall state in his answer that he has no knowledge thereof sufficient to form a belief, which statement shall be considered a denial. In answer to a statement of charges, no enrolled person shall deny a material allegation of fact which he knows to be true, or state in such answer that he is without sufficient information to form a belief when in fact he possesses such information. [Rule 11]

(12) *Affirmative defense.* In his answer the respondent may also state affirmatively special matters of defense, and shall not give in evidence any matters in avoidance or of defense, consistent with the truth of the allegations of the statement of charges, unless in his answer he states such matters specifically. [Rule 12]

(13) *Complaining witness.* The Attorney for the Government may in his discretion furnish a complaining witness with a copy of the answer if in his opinion such action will aid in ascertaining the truth or falsity of the charges. The term "complaining witness" for the purposes of this provision shall include any officer or employee of the Treasury Department or any enrolled attorney or agent who may have reported the alleged misconduct to the Attorney for the Government, or any other person upon whose information the Attorney for the Government has instituted the proceeding. [Rule 13]

(14) *Reply to answer.* If the answer contains affirmative matter in avoidance, consistent with the truth of the material allegations in the statement of charges, a reply by the Attorney for the Government admitting or denying the new matter set forth in the answer shall be filed and served upon the respondent. [Rule 14]

(15) *Supplemental charges.* If it appears that a denial of a material allegation of fact in the statement of charges, or a statement that the respondent has no knowledge sufficient to form a belief, was made in bad faith in the answer; or that the respondent has knowingly introduced false testimony during proceedings against him for suspension or disbarment, the Attorney for the Government may thereupon file supplemental charges, which charges may be tried with the other charges in the case, provided the respondent shall be given due notice thereof and afforded an opportunity for preparing a defense thereto. [Rule 15]

(16) *Sufficiency of the pleadings.* The examiner shall have authority to pass upon the sufficiency of the statement of charges, the answer, and all other pleadings. The parties may be heard upon the sufficiency of any pleadings whenever in the opinion of the Examiner a hearing thereon is necessary or desirable. [Rule 16]

(17) *Immaterial mistakes.* The Examiner shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place or the ownership of any property, a failure to prove immaterial allegations in the description of the respondent's conduct, or any other immaterial mistake in the pleadings. [Rule 17]

(18) *Hearings.* Subject to this paragraph the examiner may determine the time, place, and manner in which hearings shall be conducted; the form in which evidence shall be received; and may adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of suspension, disbarment, and reinstatement cases. Written notice of the time and place of all hearings shall be given the respondent in the manner provided in this paragraph for the service of papers. No hearing shall be held in less than 10 days from the date of service on the respondent of the notice of such hearing, except that the Examiner may postpone or adjourn hearings when necessary or desirable, on notice to the parties. [Rule 18]

(19) *Testimony.* Unless the examiner shall otherwise direct, the testimony of witnesses at all hearings will be taken under oath and stenographically recorded and transcribed. [Rule 19]

(20) *Depositions.* Depositions for use at a hearing may, with the written approval of the examiner, be taken by either the Attorney for the Government or the respondent, or their duly authorized representatives, upon oral or written interrogatories, before any officer duly authorized to administer an oath for general purposes, or an officer of the Internal Revenue Bureau authorized to administer an oath in internal revenue matters, upon not less than 10 days' written notice to the other party. Such notice shall state the names of the witnesses, and the time and place where such depositions are to be taken: *Provided,* That when depositions are taken as aforesaid, if both parties are present or represented at the time and place specified for the taking of the depositions, either party may, after the examination of the witnesses produced under the order of the Examiner, be entitled to produce and examine other witnesses; but in such case one day's notice must be given to the other party or his duly authorized representative there present, unless such notice is waived: *And provided further,* That the parties or their duly authorized representatives may agree in writing upon a time when and place at which depositions are to be taken, without formal notice. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served with the notice, and copies of any written cross-interrogatories shall be mailed or delivered to the opposing party or his duly authorized representative at least 5 days before the time of taking the depositions. [Rule 20]

(21) *Documents.* Whenever any book, document or paper is introduced as an exhibit in a proceeding, the examiner may authorize, upon such conditions as he may deem proper, the withdrawal of such exhibit upon the request of the Attorney for the Government, or of the respondent or his attorney. [Rule 21]

(22) *Proof; partial.* If the examiner finds that a part of the charges in the statement or charges is not sufficiently proved but that the residue thereof is so proved, he may base his findings on any facts established by the evidence which are grounds for suspension or disbarment and which are substantially charged by the said residue of the statement of charges. [Rule 22]

(23) *Proof; variance.* In the case of a variance between the allegations in the statement of charges and the evidence, the examiner shall have power to base his findings on any facts established by the evidence which are grounds for suspension or disbarment, and to order the amendment of the statement of charges to conform to the evidence: *Provided,* That the respondent has had or is given reasonable opportunity to present his defense to such amended charges, with such postponements of the hearing as may be reasonably necessary to permit the respondent to present such defense. [Rule 23]

(24) *Submittals.* After the reception of evidence has been concluded, the Examiner shall by rule afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor. In the event that depositions are introduced on behalf of the Government at the hearing or in the event that oral testimony in support of the charges is produced by the Government at the hearing, the Attorney for the Government, as soon as possible after the hearing, shall prepare and file with the examiner proposed findings of fact based upon all the evidence in the case. [Rule 24]

(25) *Exceptions to proposed findings.* Upon receipt of proposed findings and conclusions submitted by a party pursuant to subparagraph (24) of this paragraph, the Examiner shall forward to the other parties in the case or their attorneys a copy thereof together with a copy of the transcript of such oral testimony and depositions as may have been introduced. Such parties shall have not less than 10 days after receipt of such papers in which to submit in writing to the Examiner their exceptions, if any, to such proposed findings and conclusions. Neither such parties nor their attorneys shall have the right to receive any copies of exhibits introduced at the hearing or at the taking of the depositions. Such parties or their attorneys, however, shall have the right to examine all exhibits. Upon receipt of such exceptions, or after the time for filing such exceptions has expired if no such exceptions are filed, the examiner shall make his findings and conclusions as required by subparagraph (26) of this paragraph. [Rule 25]

(26) *Decision by the examiner.* After the parties rest, the examiner shall make his decision in the case, which decision shall include (i) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record and (ii) a recommended order of suspension or disbarment or his order to dismiss the charges, as the case may require.

In making his findings and conclusions as to the truth of any charges which are duly put in issue by the papers in any case and upon which a hearing is had, the examiner shall be guided by the preponderance of reliable, probative, and substantial evidence. If at any hearing upon issues of fact raised by the papers in the case the respondent falls to put in any evidence, the examiner may base his findings upon the evidence submitted by the attorney for the Government. [Rule 26]

(27) *Effect of initial decision.* If the decision of the examiner does not contemplate the suspension or disbarment of the respondent, such initial decision in the absence of an appeal pursuant to subparagraph (28) of this paragraph shall without further proceedings become the decision of the Secretary of the Treasury. [Rule 27]

(28) *Appeal.* Any party adversely affected or aggrieved, within 30 days after the decision is filed with the Committee, has the right to appeal from such initial decision of the Examiner by filing notice of appeal and to submit exceptions to the decision and supporting reasons therefor, which submittals shall be included in the record of the case. Upon the expiration of said period, the entire record shall be transmitted to the Secretary of the Treasury. [Rule 28]

(29) *Submittals on recommended decision.* If the recommended decision of the Examiner contemplates the suspension or disbarment of the respondent, any party has the right, within 30 days after the decision is filed with the Committee, to submit exceptions to such recommended decision and supporting reasons therefor, which submittals shall be included in the record of the case. Upon the expiration of said period, the entire record shall be transmitted to the Secretary of the Treasury. [Rule 29]

(30) *Decision by Secretary of the Treasury.* The Secretary of the Treasury will make the agency decision in each case in which an appeal has been taken from the initial decision of the Examiner as provided in subparagraph (28) of this paragraph and in each case in which the decision of the Examiner contemplates the suspension or disbarment of the respondent. In making such decision, the Secretary of the Treasury, pursuant to the provisions of the Administrative Procedure Act, will review the whole record or such portions thereof as may be cited by any party to permit limiting of the issues. [Rule 30]

(31) *Notice of decisions.* Each decision (initial, recommended, or agency) shall promptly be filed in the record, and the Committee shall thereupon give notice thereof to the parties in the manner prescribed for the service of papers. [Rule 31]

(32) *Notice of suspension or disbarment.* Upon issuance of an order of suspension or disbarment of an attorney or agent by the Secretary of the Treasury notice thereof shall be given by the Committee to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Committee may determine. Such person will not thereafter be recognized during the period of suspension or disbarment as an attorney or agent in any matter before the Treasury Department. Notice in such manner as the Committee may determine may be given to the proper authorities in the State from which an enrolled attorney, certified public accountant, or public accountant derives his license to practice in the event that such attorney, certified public accountant, or public accountant is suspended or disbarred. [Rule 32.]

(33) *Reopening.* Any attorney or agent who has been suspended or disbarred may make written application to the Committee to have the order of suspension or disbarment vacated or modified upon the ground (i) of newly discovered evidence, or (ii) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every application for reinstatement shall be filed with the Committee in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the Examiner after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, he shall so advise the Committee, who shall set a time and place for such hearing and give due notice thereof to the applicant. Upon the conclusion of the hearing the Committee shall transmit the recommended decision of the Examiner to the Secretary of the Treasury for his approval or disapproval.

In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or disbarment, notice thereof shall be given by the Committee to all those to whom notice of the original order of suspension or disbarment was sent.

In all cases not covered by the foregoing provisions, a disbarred attorney or agent who desires to be restored to the roll must file a new application for enrollment and otherwise comply with the requirements of § 10.3. [Rule 33]

(34) *Saving provision.* The regulations governing suspension, disbarment and reinstatement that were in force and effect March 31, 1947, are referred to in this subparagraph as the old rules. This paragraph as amended effective April 1, 1947, is referred to in this subparagraph as the new rules. The old rules shall continue to govern any proceeding that was instituted prior to March 31, 1947: *Provided, however,* That if in the course of the proceeding there is taken any action that is authorized by the old rules but that is not authorized by the new rules, said action shall not constitute grounds for disturbing any order thereafter made in the proceeding: (i) Unless it is shown that the action was in derogation of substantive rights, and not merely procedural rights; and (ii) unless upon occurrence of the action the respondent made timely objection supported by his reasons, and the objection was overruled: *Provided further,* That adherence may be had to the new rules pursuant to stipulation of the parties. [Rule 34]

5. Paragraphs (c), (d), and (e) of § 10.7 are hereby revoked.

6. These amendments shall take effect on April 1, 1947.

(Sec. 3, 23 Stat. 258, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 5 U. S. C. 261)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3033; Filed, Mar. 31, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 422]

PART 605—GENERAL ADMINISTRATION

INFORMATION NOT CONFIDENTIAL TO CERTAIN PERSONS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 605.32 to read as follows:

§ 605.32 *Information not confidential as to certain persons.* No information in a registrant's file shall be confidential as to the persons designated in this section, and any information may be disclosed or furnished to or examined by such persons, namely:

(a) The registrant, or any person having written authority from the registrant.

(b) All personnel of the Selective Service System while engaged in the administration of the Selective Training and Service Act of 1940, as amended.

(c) United States Attorneys and their duly authorized representatives, including agents of the Federal Bureau of Investigation.

(d) Personnel of the Counter Intelligence Corps, United States Army, but only when proper identification and credentials are presented.

(e) Any other agency, official, or employee, or class or group of officials or employees, of the United States or any State or subdivision thereof, but only when and to the extent specifically authorized in writing by the State Director of Selective Service or the Director of Selective Service. (54 Stat. 885 as amended; 50 U. S. C. and Sup. 310)

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 18, 1947.

[F. R. Doc. 47-3055; Filed, Mar. 31, 1947; 8:50 a. m.]

[Amdt. 420]

PART 621—QUESTIONNAIRE AND OTHER INFORMATION TO BE USED IN CLASSIFYING REGISTRANTS

MAILING QUESTIONNAIRES

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 621.1 to read as follows:

§ 621.1 *Mailing questionnaires.* (a) Except as provided in paragraphs (d), (e), (f), and (g) of this section, the local board shall mail a Selective Service Questionnaire (Form 40) to each registrant in strict accordance with the order numbers, from the smallest to the largest. Selective Service Questionnaires (Form 40) shall be mailed as rapidly as possible consistent with the ability of the local board to give them prompt consideration upon their return.

2. Strike out paragraph (f) of § 621.1 and insert in its place the following:

(f) A Selective Service Questionnaire (Form 40) will not be mailed to a registrant when the local board has been advised by the State Director that it has been determined that calls for men will not be placed upon the local board of registration.

3. Add a new paragraph (g) to § 621.1 to read as follows:

(g) The local board will mail a Selective Service Questionnaire (Form 40) to a registrant as soon as he reaches the nineteenth anniversary of the date of his birth, unless no calls are being placed upon his local board as provided in paragraph (f) of this section.

(54 Stat. 885 as amended; 50 U. S. C. and Sup. 310)

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 27, 1946.

[F. R. Doc. 47-3053; Filed, Mar. 31, 1947; 8:49 a. m.]

[Amdt. 421]

PART 622—CLASSIFICATION

CLASSIFICATION OF REGISTRANTS

Pursuant to authority contained in the Selective Training and Service Act of

1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend the regulations by changing the title and amending paragraph (l) of § 622.43 to read as follows:

§ 622.43 *Class IV–C: Registrants not acceptable for training and service because of nationality except as volunteers, neutral aliens requesting relief from training and service, aliens not acceptable to the armed forces or to the Director of Selective Service, and aliens who have departed and are not residing in the United States.* In Class IV–C shall be placed any registrant: • • •

(l) Who is an alien and who has not volunteered for induction into the land or naval forces and, because of his nationality, is within a class of persons not acceptable to the land or naval forces unless they volunteer for service. The Director of Selective Service will advise local boards which classes of registrants are not acceptable to the land or naval forces unless they volunteer for service.

(54 Stat. 885 as amended; 50 U. S. C. and Sup. 310)

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 18, 1947.

[F. R. Doc. 47-3054; Filed, Mar. 31, 1947; 8:49 a. m.]

[Amdt. 423]

PART 642—DELINQUENTS

REPORT OF DELINQUENT

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 642.41 to read as follows:

§ 642.41 *Report of delinquent to United States Attorney.* (a) Every registrant who has heretofore or who hereafter fails to comply with an Order to Report for Induction (DSS Form 150) or an Order to Report for Work of National Importance (DSS Form 50) shall be reported promptly to the United States Attorney on Delinquent Registrant Report (DSS Form 550); *Provided*, That if the local board believes that by reasonable effort it may be able to locate the registrant and secure his compliance, it may delay the mailing of such Delinquent Registrant Report (DSS Form 550) for a period not in excess of 30 days; *Provided further*, That if the registrant has injected the element of religion into his classification such Delinquent Registrant Report (DSS Form 550) shall not be mailed to the United States Attorney until the file of the registrant has been reviewed as provided by paragraph (d) of this section. A copy of such Delinquent Registrant Report (DSS Form 550) shall be placed in the delinquent's Cover Sheet (DSS Form 53).

2. Add a new paragraph (d) to § 642.41 to read as follows:

(d) Whenever a delinquent registrant has injected the element of religion into his classification, claiming to be a minister of religion, a student preparing for the ministry, or one who is conscientiously opposed to participation in war, he shall not be reported to the United States Attorney on Delinquent Registrant Report (DSS Form 550) until his file has been reviewed by the State Director of Selective Service and by the Director of Selective Service. In any such case the local board shall forward the Delinquent Registrant Report (DSS Form 550) together with the file of the registrant to the State Director of Selective Service, who shall review the file and transmit it to the Director of Selective Service with his comment and recommendation. The Director of Selective Service shall review the file, take such action as he deems necessary, and return the file to the local board. When the registrant's delinquency still exists after the taking of any action indicated by the Director of Selective Service the local board shall mail the Delinquent Registrant Report (DSS Form 550) to the United States Attorney. If the registrant again becomes delinquent after the completion of any further procedure in his processing and classification as was indicated to be necessary by the Director of Selective Service, the local board shall then prepare and mail a Delinquent Registrant Report (DSS Form 550) to the United States Attorney without again referring the file of the registrant to the State Director of Selective Service or to the Director of Selective Service.

(54 Stat. 885 as amended; 50 U. S. C. 2nd Sup. 310)

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 7, 1947.

[F. R. Doc. 47-3056; Filed, Mar. 31, 1947; 8:50 a. m.]

[State Director Advice 349, Issued 3/26/47]

PART 672—STATE DIRECTOR ADVICES

FINAL OFFICIAL MEETING OF LOCAL BOARDS UNDER SELECTIVE TRAINING AND SERVICE ACT OF 1940, AS AMENDED

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record: (Confirming telegram to All State Directors dated March 26, 1947).

§ 672.349 *Final official meeting of local boards under Selective Training and Service Act of 1940, as amended.* On or before March 31, 1947, each local board will hold a final official meeting under the Selective Training and Service Act of 1940, as amended, and use Form 110 as prescribed in the form manual to report such meeting. Form 110 for this final report (a) will bear the notation, "This is the last official meeting of this board under the Selective Training and Service Act of 1940, as amended. All actions under such law which are the subject of Form 110 reporting are herein or have heretofore been reported on this form," and (b) will be signed by the local board chairman. The authorization under the regulations to correct erroneous classifications and issue Form 57 showing corrected classifications will continue until termination of the act. Local boards will arrange cover sheets in order number sequence. Advise all local boards accordingly.

(54 Stat. 885 as amended; 50 U. S. C. App. Sup. 310)

LEWIS B. HERSHEY,
Director.

MARCH 28, 1947.

[F. R. Doc. 47-3112; Filed, Mar. 31, 1947; 10:56 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY

[Directives 42 and 44, Revocation]

The following directives are revoked effective simultaneously with the effectiveness of Executive Order 9836 (12 F. R. 1939) on April 1, 1947:

§ 903.155, Directive 42—Veterans' Emergency Housing Program

§ 903.15[illegible], Directive 44—Delegation of Authority to the Housing Expediter with Respect to Surplus Property

These directives are being revoked because corresponding authorities for the Housing Expediter are being delegated by the above-mentioned Executive order.

This revocation does not affect the validity of actions taken under the directives or any liabilities incurred for violations of rules, orders, regulations or other actions issued pursuant to the directives.

Issued this 31st day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By W. J. KERLIN,
Director, Bureau of Priorities.

[F. R. Doc. 47-3151; Filed, Mar. 31, 1947; 11:20 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

BLANKET REVOCATION OF CERTAIN CPA ORDERS, DIRECTIONS AND OTHER DOCUMENTS

The orders and directions of the Civilian Production Administration listed in the attached List A are revoked, effective at the end of the last day of March 1947.

(a) *Effect of revocation.* (1) All unpublished directions, authorizations, and other instruments addressed to named persons, pursuant to each of the orders or directions in List A, are also revoked, effective at the end of March 1947.

(2) Nothing in this revocation changes the rule regarding "suspension orders" and "consent orders" as stated in paragraph (c) of § 944.10a of Priorities Regulation 1.

(3) The revocation of the orders and directions in List A does not affect any liabilities incurred for violations of them, or for violation of actions taken by the War Production Board or Civilian Production Administration under them.

(4) Any pending or future applications filed pursuant to the orders or directions in List A will not be acted upon by the Civilian Production Administration after the end of March, and individual notice of this may not be given to each applicant.

(5) It is not necessary to file any reports under the orders and directions in List A which would be due after the effective date of revocation, unless otherwise required.

(6) If a direction to an order or to a regulation is in List A, but the order or regulation itself is not listed, this revocation applies only to the direction, and the order or regulation itself is not affected in any way by revocation of the direction. If an order or regulation is listed, that order or regulation and all published amendments, schedules, appendices and directions to it are also revoked, except any specifically excepted in List A.

Issued this 31st day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Part or Section No.	*Document*
944	Direction 13 [2] to Priorities Regulation 1.
944	Direction 14 [3] to Priorities Regulation 1.
944	Direction 14 to Priorities Regulation 3.
944	[1] Directions 3, 4, 23, 25 [4] and 26 to Priorities Regulation 13.
944.35	Priorities Regulation 14.

[1] By another document in Part 944, Priorities Regulations 13, 28 and 32 of the Civilian Production Administration are revoked, effective April 1, 1947. Provisions in place of those contained in these regulations but related only to the Veterans' Emergency Housing Program are contained in regulations of the Housing Expediter.

[2] Expired September 30, 1946.

[3] Expired July 31, 1946.

[4] Expired March 17, 1947.

LIST A—Continued

Part or Section No.	*Document*
944	[1] Directions 18 and 20 to Priorities Regulation 28.
944	[1] Directions 1, 3, 5, 6, 10 and 11 to Priorities Regulation 32.
944	Direction 14 to Priorities Regulation 33.
1046.1	Limitation Order; L–63.
3292.136	Limitation Order; L–352.
1029.40	Limitation Order: L–356.
3294.71	General Preference Order: M–21 and all Directions to M–21 except Direction 10.
3208.1	General Scheduling Order: M–293.
3293.1121	Schedule 121 to M–300.
3290.118	Conservation Order: M– 328.

[F. R. Doc. 47-3148; Filed, Mar. 31, 1947; 11:20 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, 28, and 32, Revocation]

(a) The following regulations are revoked, effective on April 1, 1947, simultaneously with the effectiveness of the Housing Expediter regulations mentioned in paragraph (b) below:

§ 944.34 *Priorities Regulation 13*—Special sales.

§ 944.49 *Priorities Regulation 28*—Restricted priorities assistance.

§ 944.53 *Priorities Regulation 32*—Inventories.

(b) Beginning April 1, 1947, provisions in place of those contained in the above regulations but related only to the Veterans' Emergency Housing Program will be contained in regulations of the Housing Expediter. Provisions for "special sales" will be in Schedule A to Priorities Regulation 33 (as transferred to, and amended by, the Housing Expediter). Provisions for filing applications for restricted priorities assistance will be in a new Priorities Regulation 28 to be issued by the Housing Expediter. Provisions for inventories will be in a new Priorities Regulation 32 to be issued by the Housing Expediter.

(c) This revocation does not affect the validity of any Priorities Regulation 28 authorizations which, under the terms of Priorities Regulation 35 (as transferred to the Housing Expediter), remain effective after March 31, 1947.

(d) Pending Form CPA–541A applications for priorities assistance under Priorities Regulation 28 in connection with the Veterans' Emergency Housing Program will be processed by the Housing Expediter. (Other pending applications will be processed by the Civilian Production Administration.) This revocation does not require refiling by persons who have such applications pending.

(e) This revocation has no effect on any direction, supplement, or table to the regulations revoked. Separate provision is being made for them. Supplement I to PR 28, Table I to PR 28, Direction 6 to PR 28, and Direction 25 to PR 28 are being transferred to the Housing Expediter, under § 946.1, at the same time as this revocation. All other directions, supplements, and tables to the regulations revoked are being revoked by blanket revocation under § 944.57.

Issued this 31st day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATOR,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3149; Filed, Mar. 31, 1947; 11:20 a. m.]

PART 946—TRANSFER OF REGULATIONS AND ORDERS

TRANSFER OF REGULATIONS AND ORDERS TO THE HOUSING EXPEDITER

§ 946.1 *Transfer of regulations and orders to the Housing Expediter.* By Executive Order 9836 issued March 22, 1947, effective April 1, 1947, the President has transferred to the Housing Expediter all the functions of the Temporary Controls Administrator and the Office of Temporary Controls with respect to the Veterans' Emergency Housing Program which have previously been administered by the Civilian Production Administration in the Office of Tempoary Controls. By the same Executive order, the President has delegated to the Housing Expediter, to the extent necessary for the proper exercise of the functions which were transferred, the powers and authority vested in the President by Title III of the Second War Powers Act of 1942, as amended.

In order to carry out this Executive Order, the regulations and orders of the Office of Temporary Controls (Civilian Production Administration) listed below, together with all official interpretations of them, are transferred to the Housing Expediter, effective April 1, 1947. The Housing Expediter is issuing an order (Housing Expediter Priorities Order 5), effective simultaneously with this order, adopting, ratifying, and confirming these regulations and orders and continuing them in full force and effect until amended or revoked by the Housing Expediter.

These regulations and orders will no longer be administered, amended or interpreted by the Office of Temporary Controls (Civilian Production Administration) after this regulation takes effect. For the purposes of the Office of Temporary Controls (Civilian Production Administration), these regulations and orders will have no further effect thereafter. All communications with respect to these regulations and orders, all applications for authorization under them, all requests for appeals from them and all requests for interpretations of them should be made to the Office of the Housing Expediter or as otherwise authorized by him.

The regulations and orders transferred to the Housing Expediter are:

Section No.	Regulation or Order	Date issued or amended	Federal Register citation
944.1–.20	Priorities Regulation 1	Mar. 4, 1947	12 F. R. 1481.
944	Direction 1	Jan. 29, 1947	12 F. R. 661.
944	Direction 2	June 15, 1944	9 F. R. 6623.
944	Direction 11	Sept. 18, 1945	10 F. R. 11887.
944.23	Priorities Regulation 3	Mar. 4, 1947	12 F. R. 1487.
944	Direction 7	Oct. 1, 1945	10 F. R. 12382.
944	Direction 15	Apr. 22, 1946	11 F. R. 4446.
944	Direction 16	Sept. 6, 1946	11 F. R. 9927.
944.25	Priorities Regulation 5	Aug. 23, 1943	8 F. R. 11660.
944.27	Priorities Regulation 7	Dec. 31, 1946	12 F. R. 7.
944.28	Priorities Regulation 7A	Oct. 8, 1945	10 F. R. 12630.
944.29	Priorities Regulation 8	Nov. 16, 1945	10 F. R. 14183.
944.43	Priorities Regulation 22	Jan. 8, 1946	11 F. R. 393.
944	Supplement 1 to PR–28 (§ 944.49)	Mar. 4, 1947	12 F. R. 1493.
944	Table I to PR–28	do	12 F. R. 1492.
944	Direction 6 to PR–28	Jan. 23, 1947	12 F. R. 484.
944	Direction 25 to PR–28	Mar. 12, 1947	12 F. R. 1723.
944	Priorities Regulation 33	Feb. 28, 1947	12 F. R. 1438.
944.54	Schedule A	Mar. 3, 1947	12 F. R. 1459.
944.54a	Schedule B	do	12 F. R. 1461.
944.54b	Direction 5	Aug. 28, 1946	11 F. R. 9557.
944	Direction 8	Dec. 31, 1946	12 F. R. 17.
944	Direction 11	Jan. 17, 1947	12 F. R. 386.
944	Direction 13	Jan. 23, 1947	12 F. R. 493.
944	Priorities Regulation 35	Mar. 4, 1947	12 F. R. 1490.
944.56	Veterans' Housing Program Order 1	Mar. 20, 1947	12 F. R. 1885.
4700.1	Direction 1	June 21, 1946	11 F. R. 6978.
4700	Direction 2	Mar. 6, 1947	12 F. R. 1547.
4700	Direction 3	Feb. 11, 1947	12 F. R. 975.
4700.2	Supplement 1	Mar. 20, 1947	12 F. R. 1888.
4700.3	Supplement 2	July 2, 1946	11 F. R. 7912.
4700.4	Supplement 3	Mar. 20, 1947	12 F. R. 1889.
4700.5	Supplement 4	Oct. 7, 1946	11 F. R. 11568.
4700.6	Supplement 5	Feb. 13, 1947	12 F. R. 1057.
4700.16	Veterans' Housing Program Order 3	Aug. 28, 1946	11 F. R. 9558.
4700.17	Veterans' Housing Program Order 4	Sept. 23, 1946	11 F. R. 10701.
4700.18	Veterans' Housing Program Order 5	Feb. 28, 1947	12 F. R. 1442.
3288.91	Limitation Order: L–357	Dec. 10, 1946	11 F. R. 14244.

All suspension orders, consent orders and stop-construction orders issued by the Office of Temporary Controls (Civilian Production Administration) as a result of violation of any of the regulations or orders listed above are also transferred to the Housing Expediter.

This order shall become effective April 1, 1947.

Issued this 31st day of March 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–3150; Filed, Mar. 31, 1947; 11:20 a. m.]

Chapter XXII—Retraining and Reemployment Administration

[Order No. 9a]

FEDERAL INTERAGENCY COMMITTEE ON EMPLOYMENT OF THE PHYSICALLY HANDICAPPED

Paragraph 2 of RRA Order No. 9, issued July 3, 1946 (11 F. R. 7426), is hereby amended to read as follows:

2. *Organization of the committee.* Under authority of Title III, section 302 of the War Mobilization and Reconversion Act of 1944 (Public Law 458, 78th Congress) a committee to be known as The Federal Interagency Committee on Employment of the Physically Handicapped is hereby established. This committee shall consist of a Chairman who shall be the Administrator, Retraining and Reemployment Administration, a Vice-Chairman who shall have full authority to act as Chairman in all matters pertaining to the functions and purposes of this Committee in the absence or disability of the Chairman, and a Secretary, both of the latter to be designated by the Administrator of the Retraining and Reemployment Administration, and of representatives from each of the following agencies of the Federal Government:

Department of Labor.
Department of Agriculture.
Federal Security Agency.
Department of Commerce.
Civil Service Commission.

(Title III, sec. 302, 58 Stat. 789; 50 U. S. C. App. Sup. 1662)

G. B. ERSKINE,
Major General, U. S. M. C.,
Administrator.

MARCH 26, 1947.

[F. R. Doc. 47–3026; Filed, Mar. 31, 1947; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 10:

§ 10.3156 *Assignment of armed forces leave bonds for insurance purposes.* No change in (a), (b), (c), (d), (e), (f) or (g).

A new paragraph (h) is added, as follows:

(h) The assignment may be made by the veteran's agent when acting under a special power of attorney or letter of authority containing definite and specific instructions regarding the use of the proceeds of the bond. If the veteran is incompetent the assignment may be made by his legal guardian or if there be no legal guardian and such veteran is hospitalized or receiving domiciliary care at a field station of the Veterans Administration or a State hospital or other institution, the assignment may be made by the manager of the field station or head of the State hospital or institution, as would be appropriate in the particular case, provided there are no funds available for payment of the premiums. The manager of the field station or head of a State hospital or other institution may make such assignment only for the purpose of paying premiums on the existing insurance. The guardian may make the assignment for the purpose of paying premiums on the existing insurance, repaying a loan with interest on such insurance, and, if authorized to do so by the court, when converting to a permanent plan. (60 Stat. 963)

§ 10.3400 *Applications by persons in active service.* (a) Persons in the active service in the land or naval forces of the United States on October 8, 1940, and persons entering such service after that date (including those selected for training and service in the land or naval forces of the United States under the Selective Training and Service Act of 1940) under orders to active duty for a period of not less than thirty-one days, upon written application by any such person and payment of premiums while in such active service, shall be granted National Service Life Insurance, on one or more of the following plans, in an amount of not more than $10,000 or less than $1,000 in multiples of $500, in accordance with subparagraphs (1) and (2) of this paragraph: Five-year level premium term, ordinary life, twenty-payment life, thirty-payment life, twenty-year endowment, endowment at age sixty, and endowment at age sixty-five: *Provided*, That no policy may be issued for less than $1,000. Such insurance must become effective while the applicant is in active service and in accordance with the provisions of § 10.3402 (a). No person may carry at any one time a combined amount of insurance in excess of $10,000 under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, and the National Service Life Insurance Act of 1940, as amended. Application for National Service Life Insurance should be made on forms prescribed by the Administrator, but any statement in writing which in substance meets the requirements of this regulation shall be considered as an application provided that the first monthly premium is paid, advanced or authorized to be deducted or allotted from pay at time of such application.

No change in (1) or (2).

(b) Applications for insurance under section 602 (c) (2) of the National Service Life Insurance Act, as amended August 1, 1946. Persons who were in the active service between October 8, 1940, and September 2, 1945, both dates inclusive, may be granted National Service Life Insurance on one or more of the plans specified in paragraph (a) of this section, in an amount of not more than $10,000 nor less than $1,000, in multiples of $500, upon compliance with the conditions stated below: *Provided*, That no policy may be issued for less than $1,000.

(1) Written application therefor by any such person.

(2) Payment of the first monthly premium.

(3) Proof, satisfactory to the Administrator, that the applicant is in good health.

(4) The amount of insurance here granted plus the amount of any other insurance (National Service Life—United States Government Life—War Risk) in force under premium-paying conditions or as extended insurance, shall not exceed $10,000.

(5) No person who has surrendered his National Service Life Insurance for a cash value or for paid-up insurance shall be entitled to apply for insurance under this paragraph to the extent of the amount of insurance so surrendered.

Service in the Philippine Commonwealth Army during the period stated above shall not be considered active service for the purpose of granting new insurance under section 602 (c) (2) of the act, as amended.

Where application is made prior to January 1, 1950, the application will not be denied on the ground that the applicant is not in good health by reason of any disability, less than total in degree, resulting from or aggravated by active service between October 8, 1940, and September 2, 1945.

An application for insurance hereunder should be made on the form prescribed therefor, but any written statement which in substance meets the requirements of this paragraph may be considered an application.

(Secs. 601–618, 54 Stat. 1008–1014, 60 Stat. 781, Pub. Law 5, 80th Cong.; 38 U. S. C. 801–818)

§ 10.3423 *Health requirements.* National Service Life Insurance on any plan may be reinstated if application and tender of premiums are made:

(a) On or before August 1, 1947, or within three months after lapse, whichever is later, provided the applicant be in as good health on the date of application and tender of premiums as he was on the due date of the premium in default and furnished evidence thereof satisfactory to the Administrator.

(b) Subsequent to August 1, 1947, and after expiration of the three-month period mentioned in paragraph (a) of this section provided applicant is in good health (see § 10.3401) on the date of application and tender of premiums, and furnishes evidence thereof satisfactory to the Administrator of Veterans' Affairs.

(Secs. 601–618, 54 Stat. 1008–1014, 60 Stat. 781, Pub. Law 5, 80th Cong.; 38 U. S. C. 801–818)

§ 10.3426 *Dividends.* A National Service Life Insurance policy shall participate in and receive such dividends from gains and savings as may be determined by the Administrator of Veterans' Affairs. Dividends will be paid in cash except that at the request of the insured they may be left to accumulate on deposit provided the policy is in force on a basis other than extended term insurance or level premium term insurance. Interest on dividend accumulations will be credited annually at such rate as the Administrator of Veterans' Affairs may determine. Dividend accumulations shall not be available for the payment of insurance premiums, but will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance as provided in §§ 10.3429 and 10.3430, respectively. Any dividend accumulations not previously withdrawn will be payable at the maturity of the policy to the person entitled to its proceeds.

(Secs. 601–618, 54 Stat. 1008–1014; 38 U. S. C. 801–818)

§ 10.3428 *Policy loan; other than five-year level premium term policy.* (a) At any time after the expiration of the first policy year and before default in payment of any subsequent premium, and upon the execution of a loan agreement satisfactory to the Administrator, the United States will lend to the insured on the security of his National Service Life Insurance policy, on any plan other than five-year level premium term, any amount which will not exceed 94 percent of the reserve, and any indebtedness on the policy shall be deducted from the amount advanced on such loan. Except as prescribed in paragraph (b) of this section the loan shall bear interest at the rate of 5 per centum per annum, payable annually; and at any time before default in the payment of the premium, the loan may be repaid in full or in amounts of $5 or any multiple thereof. Failure to pay either the amount of the loan or the interest thereon shall not avoid the policy unless the total indebtedness shall equal or exceed the cash value thereof. When the amount of the indebtedness equals or exceeds the cash value the policy shall cease and become void.

No change in (b).

(Secs. 601–618, 54 Stat. 1008–1014; 38 U. S. C. 801–818)

§ 10.3433 *Exchange of a five-year level premium term policy as of a current effective date.* National Service Life Insurance on the level premium term plan which is in force may be exchanged, effective as of the date any premium becomes due within the term period, for insurance of the same amount on any other plan issued by the Veterans Administration under the National Service Life Insurance Act, 1940, as amended, upon payment by the insured (except where premium waiver is effective) of the current monthly premium at the attained age of the insured for the plan of insurance selected. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium except where premium waiver is effective: *Provided*, That conversion to an endowment plan may not be made while the insured is totally disabled. The exchange will be made without medical examination except when deemed necessary to determine whether an applicant for exchange to an endowment plan is totally disabled, and upon complete surrender of the policy while in force by payment or waiver of premiums. Except as provided in § 10.3484, conversion of the term policy must be effected within the five-year term period, and if not exchanged or converted prior to the expiration of such period all protection thereunder shall cease.

§ 10.3434 *Exchange of a level premium term policy, as of a date prior to the current month.* National Service Life Insurance on the level premium term plan which is in force may be exchanged effective as of the date any premium has become due within the term period, for insurance of the same amount on any other plan issued by the Veterans' Administration under the National Service Life Insurance Act, 1940, as amended, upon payment by the insured of the difference between the reserve on the new policy and the reserve on the old policy and payment by the insured (except where premium waiver is effective) of the current monthly premium at the attained age of the insured as of the effective date of the new policy: *Provided*, That conversion to an endowment plan may not be made while the insured is totally disabled. The exchange will be made without medical examination except when deemed necessary to determine whether an applicant for exchange to an endowment plan is totally disabled, and upon complete surrender of the policy while in force by payment or waiver of premiums: Provided waiver of the premiums on the new policy shall not be effective prior to the date such policy change was made. Except as provided in § 10.3484, conversion of the term policy must be effected within the five-year term period, and if not exchanged or converted prior to the expiration of such period all protection thereunder shall cease.

§ 10.3437 *Automatic conversion at the expiration of term period.* If the insured is shown by evidence satisfactory to the Administrator to have been continuously totally disabled commencing prior to and extending beyond the expiration of the level premium term period of his insurance and under conditions which, but for such expiration, would entitle him to continued insurance protection under the provision for waiver of premiums in §§ 10.3440, 10.3441 and 10.3442, or for maturity of insurance by death during total disability of less than six months duration in § 10.3481, such term insurance shall be automatically converted to insurance on the ordinary life plan, effective at the expiration of the term period, unless the insured theretofore elected insurance on some other available plan. (Secs. 601–618, 54 Stat. 1008–1014, Pub. Law 5, 80th Cong.; 34 U. S. C. 801–810)

§ 10.3484 *Five-year level premium term insurance as extended by Public Law 118, 79th Congress.* National Service Life Insurance on the five-year level premium term plan issued on or before December 31, 1945, and not exchanged or converted to another plan may be continued for an additional three-year period dating from the expiration of the original five-year term, and the premiums the insured is required to pay for

term insurance during such additional period shall be the same as were required during the original five-year term; insurance will be deemed to have been issued on or before December 31, 1945, if such insurance was applied for and made effective on or before that date: *Provided*, That such term insurance may be exchanged or converted effective as of the date any premium becomes or has become due during the five-year term period as extended by Public Law 118, 79th Congress, but in all other respects conversion will be effected in accordance with the requirements of §§ 10.3433, 10.3434 or 10.3437, whichever may be applicable: *Provided further*, That any such term insurance which has lapsed or may hereafter lapse may be reinstated at any time prior to the expiration of the five-year term period as extended, but in all other respects reinstatement will be effected in accordance with the requirements of §§ 10.3422, 10.3423 and 10.3424: *And provided further*, That if any such policy be not exchanged or converted to a permanent plan prior to the expiration of the five-year term period as extended, all protection thereunder shall cease. (59 Stat. 315)

§ 10.3498 *Total disability income provision for National Service Life Insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946.* No change in first through seventh paragraphs, inclusive.

Paragraph eight:

This provision shall terminate and be of no further force and effect if any premium on the policy or on this provision be not paid when due or within the grace period of thirty-one days thereafter. If a premium be not paid as stipulated then this provision shall cease and terminate, but may be reinstated upon evidence of good health satisfactory to the Administrator of Veterans' Affairs, and upon payment of the premiums as stated below. In event the applicant for reinstatement while not totally disabled and prior to January 1, 1950, furnishes proof satisfactory to the Administrator that his inability to furnish proof of good health is the result of an actually service-incurred injury or disability, the requirement of proof of good health shall be waived.

(Reference to amendment of "eleventh paragraph," § 10.3498, 12 F. R. 15, should read "ninth paragraph.")

Paragraph nine:

This provision, if attached to term insurance, may be reinstated upon evidence satisfactory to the Administrator showing the applicant to be in as good health as he was on the due date of the premium in default provided application and two monthly premiums are submitted on or before August 1, 1947, or within three months after the due date of the premium in default, whichever is later; if it be attached to insurance on any other plan reinstatement may be effected on the basis of comparative health provided application and all premiums in arrears with interest are submitted on or before August 1, 1947, or within three months after the due date of the premium in default, whichever is later.

No change in remainder of section.

(Secs. 601–618, 54 Stat. 1008–1014, Pub. Law 5, 80th Cong.; 34 U. S. C. 801–810)

§ 10.3504 *Assignment of armed forces leave bonds for insurance purposes.* No change in (a), (b), (c), (d), (e), (f) or (g).

A new paragraph (h) is added, as follows:

(h) The assignment may be made by the veteran's agent when acting under a special power of attorney or letter of authority containing definite and specific instructions regarding the use of the proceeds of the bond. If the veteran is incompetent the assignment may be made by his legal guardian or if there be no legal guardian and such veteran is hospitalized or receiving domiciliary care at a field station of the Veterans' Administration, or a State hospital or other institution, the assignment may be made by the manager of the field station or head of the State hospital or institution, as would be appropriate in the particular case, provided there are no other funds available for payment of the premiums. The manager of the field station or head of a State hospital or other institution may make such assignment only for the purpose of paying premiums on the existing insurance. The guardian may make the assignment for the purpose of paying premiums on the existing insurance, repaying a loan with interest on such insurance, and, if authorized to do so by the court, when converting to a permanent plan. (60 Stat. 963)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

MARCH 31, 1947.

[F. R. Doc. 47-2867; Filed, Mar. 31, 1947; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circ. 1643]

PART 194—POTASSIUM PERMITS AND LEASES

MISCELLANEOUS AMENDMENTS

1. Section 194.6 is amended as follows:

a. The following sentence is added to footnote 1: "Title 18 U. S. C. section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction."

b. The words "under oath" are deleted from the first sentence.

c. Paragraph (b) is amended to read:

(b) Proof of citizenship of applicant by stating in the case of an individual, whether native-born or naturalized, and, if naturalized, date of naturalization, court in which naturalized and number of the certificate, if known; if a woman, whether single or married, and if married, date of marriage and citizenship of the husband; if a corporation, by filing a certified copy of its articles of incorporation and showing, to the extent reasonably ascertainable, the name, residence, citizenship of and amount of stock held by each stockholder, including the name of the country to which each alien stockholder owes allegiance.

d. Paragraphs (f) and (g) are deleted.

e. The following paragraphs are added:

(f) Applicant's consent to be bound by the lease acreage limitation prescribed in § 194.26, and his agreement that he will not exercise his preference right to a lease for any land embraced in any potassium prospecting permit which, together with leases or interests in leases already held by him would exceed 15,360 acres.

An application executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

2. Section 194.7 is amended by adding the following in the first sentence after the citation to the Act of February 7, 1927: "to the extent that he has not waived his preference right pursuant to § 194.6 (f)."

3. Section 194.11 is amended by deleting from the third sentence of the second paragraph the words: "an affidavit" and substituting therefor the words: "a statement."

4. Section 194.17 is amended by deleting from the first sentence the words: "must be under oath and"; and by adding the following at the end of the section: "An application executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto."

5. Section 194.24 is amended by deleting from the last two sentences of section 2 (o) of the lease form therein contained, the word "affidavit" and substituting in each instance the word "statement"; and by deleting from section 3 (d) of the lease form the word "one-fourth" and substituting therefor the word "one-tenth."

6. Section 194.26 is amended to read as follows:

§ 194.26 *Limitation on holdings.* Section 5 of the act of February 7, 1927 (44 Stat. 1057, 30 U. S. C. 285), provides that the general provisions of the act of February 25, 1920, shall be applicable. The Secretary is given authority to prescribe necessary and proper rules and regulations, and in view of the provisions of amended section 27 of the latter act as to holding of permits and leases of the minerals enumerated therein, no person, association, or corporation will be granted, either directly, or indirectly, or by approval of assignments, (a) permits for an area, which when added to the area already held under permits issued under the 1927 act, exceeds in the aggregate 25,600 acres, nor (b) leases for an area, which when added to the area already held under leases issued under the 1927 act, exceeds in the aggregate 15,360 acres.

7. Section 194.27 is amended by deleting the word "affidavit" from the last two sentences and substituting in each instance the word "statement."

(Sec. 32, 41 Stat. 450, sec. 5, 45 Stat. 1058; 30 U. S. C. 189, 285)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

MARCH 24, 1947.

[F. R. Doc. 47-3002; Filed, Mar. 31, 1947; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter E—War Contracts

[Rev. G. O. 57, Supp. 3]

PART 298—SETTLEMENT OF CLAIMS ARISING UNDER TERMINATED WAR CONTRACTS

APPEAL FROM FINDINGS

Effective upon publication of this Supplement in the FEDERAL REGISTER, the regulations with respect to the termination of work under contracts for the convenience or at the option of the Commission, the settlement of claims arising therefrom, and the disposition of property, Revised General Order 57, March 6, 1945, as amended by Supplement 1, September 6, 1945, and Supplement 2, October 25, 1945,[1] are amended by striking out § 298.162 *Appeal from findings.*

(58 Stat. 649; 41 U. S. C. Sup., 101 et seq.)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

MARCH 25, 1947.

[F. R. Doc. 47-3031; Filed, Mar. 31, 1947; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

DELEGATION OF AUTHORITY TO CHIEF ENGINEER

MARCH 21, 1947.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of March 1947;

It appearing, that the public interest, convenience and necessity will be served by delegating authority to the Chief Engineer, or his nominee, to act upon applications or requests from FM conditional grantees and permittees for special temporary authority to provide an interim FM broadcast service;

It further appearing, that general notice of proposed rule making is not required herein under the provisions of section 4 of the Administrative Procedure Act; and

It is ordered, That § 1.121 (11 F. R. 177A-405) of the Commission's rules and regulations be, and it is hereby amended to add paragraph (r) which reads as follows:

§ *Authority delegated to Chief Engineer.* • • •

(r) For special temporary authority to provide an interim FM broadcast service provided such requests are from FM conditional grantees or holders of FM construction permits.

It is further ordered, That this order shall take effect immediately.

(Sec. 4 (i), 48 Stat. 1068, sec. 5 (e), 48 Stat. 1068; 47 U. S. C. 154 (i), 155 (e))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3058; Filed, Mar. 31, 1947; 8:47 a. m.]

[Order No. 110-F]

PART 3—RADIO BROADCAST SERVICES

TERMINATION OF LICENSES FOR INTERNATIONAL BROADCAST STATIONS

MARCH 21, 1947.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day on March 1947.

The Commission having under consideration Order No. 110-E (12 F. R. 182) adopted December 26, 1946, providing for the extension of the licenses of international broadcast stations:

It is hereby ordered, That the license term for every international broadcast station presently licensed shall end at the earlier of the following dates: (a) June 30, 1947, or (b) the first day on which its operations are not controlled, by agreement or otherwise, by the State Department, Office of International Information and Cultural Affairs, or other governmental agency supervising the operation of international broadcasting; *Provided*, That this shall be without prejudice to the consideration of any application filed for operation otherwise, in the light of provisions of the "Departments of State, Justice, Commerce, and the Judiciary Appropriation Act, 1947" (Pub. Law 490, 79th Cong.) appropriating funds for use by the Department of State in connection with the operation of an information program outside the continental United States.[1]

It is further ordered, That the portion of § 3.718 (11 F. R. 10300) of the Commission's rules and regulations which establishes for international broadcast stations a normal license term of one year is hereby suspended until further order of the Commission.

(Secs. 4 (i), 303 (b), (c), (e), 325 (a) (c) 48 Stat. 1066, 1082, 1091; 47 U. S. C. 154 (i), 303 (b) (c) (e), 325 (a) (c))

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3059; Filed, Mar. 31, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 87, Amdt. 8]

PART 95—CAR SERVICE

SUSPENSION OF DEMURRAGE RULES ON COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of March A. D. 1947.

Upon further consideration of the provisions of Service Order No. 87 (7 F. R. 8066), as amended (7 F. R. 8438; 11 F. R. 4737, 8451, 12726, 14650; 12 F. R. 259), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 87, as amended, be, and it is hereby further amended by substituting the following paragraph (c) for paragraph (c) thereof:

§ 95.500 *Suspension of demurrage rules; Trunk Line Tariff Bureau Tariff No. 139-C I. C. C. No. A-751 coal.* • • •

(c) This section, as amended, shall expire at 7:00 a. m., August 1, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 7:00 a. m., March 31, 1947, and it shall vacate and supersede Amendment No. 7 to Service Order No. 87 on the effective date hereof; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3008; Filed, Mar. 31, 1947; 8:47 a. m.]

[1] 10 F. R. 2619, 11525, 13371.

[1] The provisions referred to provide in part that "funds herein appropriated shall not be used to purchase more than 75 percentum of the effective daily broadcasting time from any person or corporation holding an international short wave broadcasting license from the Federal Communications Commission without the consent of such licensee. . . ."

[S. O. 696, Amdt. 1]

PART 95—CAR SERVICE

PRIORITY FOR EXPORT MAINE POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of March A. D. 1947.

Upon further consideration of Service Order No. 696 (12 F. R. 1752), and good cause appearing therefor: it is ordered, that:

Section 95.696 *Permit for export Maine potatoes*, of Service Order No. 696, be, and it is hereby, amended by substituting the following paragraph (a) for paragraph (a) thereof:

§ 95.696 *Priority for export Maine potatoes*—(a) *Priority to be accorded.* All common carriers by railroad subject to the Interstate Commerce Act, serving points located in the State of Maine, shall give preference and priority over all other traffic to supplying or placing not to exceed one hundred fifty (150) refrigerator cars each working day for loading potatoes consigned to the United States Army, Portland or Searsport, Maine, providing the shipper or consignor obtains a certificate in writing from the agent appointed herein, and further providing the shipper or consignor certifies in writing on the car order that such refrigerator car is intended for the transportation of potatoes pursuant to this section.

It is further ordered, that this amendment shall become effective at 12:01 p. m., March 26, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3009; Filed, Mar. 31, 1947; 8:47 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF NEW IMMATURE IRISH POTATOES OF VARIETY KNOWN AS BLISS TRIUMPH

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 29, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF NEW IMMATURE IRISH POTATOES OF VARIETY KNOWN AS BLISS TRIUMPH

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, *It is hereby ordered*, That: General Permit ODT 18A, Revised-29 (§ 520.529) (12 F. R. 401), shall remain in force and effect until 11:59 p. m. June 30, 1947, notwithstanding any provision therein inconsistent herewith.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 28th day of March 1947.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 47-3057; Filed, Mar. 31, 1947; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

ARROWWOOD NATIONAL WILDLIFE REFUGE, NORTH DAKOTA; FISHING REGULATION

1. Paragraph (a) of § 29.28 (50 CFR 29.28) is revised to read as follows:

§ 29.28 *Arrowwood National Wildlife Refuge, North Dakota; fishing* • • •

(a) *Waters open to fishing.* The waters of Arrowwood Lake, designated by suitable posting by the officer in charge of the refuge in the SE¼ of Section 7, the SW¼ of Section 8, and Section 30, T. 144 N., R. 64 W., and Section 25, T. 144 N., R. 65 W., fifth principal Meridian, shall be open to fishing.

(Sec. 84, 43 Stat. 98, sec. 10, 45 Stat. 1224, sec. 401, 49 Stat. 383; 18 U. S. C. 145, 16 U. S. C. 715l, 715s; Reorg. Plans Nos. II, III, 3 CFR, Cum. Supp.)

Dated: March 20, 1947.

[SEAL] O. H. JOHNSON, *Acting Director.*

[F. R. Doc. 47-3003; Filed, Mar. 31, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

NAVAJO INDIAN IRRIGATION PROJECT

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), authority of the acts of Congress approved August 1, 1914 and March 7, 1928 (38 Stat. 583; 45 Stat. 210, 25 U. S. C. 385, 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F. R. 10297), this notice is published of intention (1) to repeal §§ 130.44 to 130.46 inclusive; (2) to transfer the prescribed annual rate of assessments for the Fruitland Unit of the Navajo Indian irrigation project from § 130.105 to § 130.41; and (3) to amend §§ 130.41 to 130.43 inclusive, to read as follows:

§ 130.41 *Charges.* Pursuant to the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), a part of the reimbursable cost of operating and maintaining the Navajo irrigation project is apportioned on a per-acre basis against the irrigable lands of the respective units for the calendar year 1947 and for each succeeding calendar year until further order, in the amounts designated below for each unit, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective unit.

Navajo project	Agency	Per acre per annum
Fruitland unit	Navajo	$1.00
Ganado unit	do	1.00
Hogback unit	do	1.00
Many Farms unit	do	1.00
Lower Rock Point unit	do	.80

For domestic water delivered through the project canal and lateral system to permittees on the reservation lands, $5.00 for each cistern.

For tribal lands operated by the Shiprock High School, $3.00 per acre.

§ 130.42 *Payment.* The annual charges fixed in § 130.41 shall become due on April 1 of each year; are payable on or before that date, and any charges that remain unpaid after the due date shall stand as a first lien against the land until paid.

The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except in instances where the lands are in Indian assignment, and the Indian assignee shall have made the necessary arrangements with the Superintendent as hereafter provided. When any Indian assignee of land is financially unable to pay the operation and maintenance charges on the due date from cash on hand, arrangements may be made by prior agreement with the Superintendent whereby the Indian will perform labor on the project works and pay from the proceeds received from such work at least an amount equal to $1.00 per acre per annum; or the Superintendent may make the necessary arrangements for such Indian assignee to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year, provided written statements to that effect are furnished by the Indian assignee on or before the due date.

In any instance where the Superintendent is convinced that an Indian assignee, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the Superintendent stating that such Indian is not able to pay his charges and copies thereof forwarded to the District Office Director for approval or rejection. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

§ 130.43 *Water users responsible for water after delivery.* It is the duty of the Indian irrigation service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

The proposed changes are to be effective for the calendar year 1947 and until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to William Zeh, District Director, U. S. Indian Service, 4100 Rhoads Circle, Phoenix, Arizona, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

WILLIAM ZIMMERMAN, JR., *Commissioner.*

[F. R. Doc. 47-3030; Filed, Mar. 31, 1947; 8:47 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-13]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 526-526t, 50 U. S. C. 1275), and section 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals of equipment are prescribed, effective upon the date of publication of this document in the FEDERAL REGISTER:

BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. A-329, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by J. P. McNally Co., 22 Commercial Wharf (North), Boston, Mass.

Approval No. A-330, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Merit Manufacturing Corp., 225-27 Powell St., Brooklyn 12, N. Y.

Approval No. A-331, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Armond's, 3709-11 Winchester Ave., Atlantic City, N. J.

Approval No. A-332, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Colonial Mercantile & Mfg. Co., 1715 Mansfield Road, Toledo 12, Ohio.

LIFEBOAT

16' x 5' x 2.1' Steel oar-propelled lifeboat, 10-person capacity, for service other than Ocean and Coastwise, general arrangement and construction Dwg. No. 1614, dated December 5, 1946, submitted by the Lane Lifeboat and Davit Corp., Flushing, N. Y.

Dated: March 25, 1947.

[SEAL] MERLIN O'NEILL, *Rear Admiral, U. S. C. G., Acting Commandant.*

[F. R. Doc. 47-3007; Filed, Mar. 31, 1947; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1211]

ST. PAUL UNION STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on September 7, 1940, issued an order prescribing reasonable rates and charges for stockyard services rendered by the respondent. Upon petition for modification filed by respondent, this order has been modified from time to time.

By petition filed on March 25, 1947, the respondent has requested certain increases in its rates and charges, as follows:

Yardage	Present rates (per head)	Proposed rates (per head)
	Cents	*Cents*
Cattle:		
Rail and truck	55	60
Direct	27½	30
Resale—Commission division	55	60
Calves (300 pounds or under):		
Rail and truck	36	38
Direct	18	19
Resale—Commission division	36	38
Hogs:		
Rail and truck	17	20
Direct	8½	10
Resale—Commission division	17	20
Sheep:		
Rail and truck	11	13
Direct	5½	6½
Resale—Commission division	11	13
Horses and mules:		
Rail and truck	55	60

The proposed increases, if granted, are calculated to result in additional gross revenue to respondent and, therefore, public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification.

All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 26th day of March 1947.

[SEAL] H. E. REED, *Director, Livestock Branch.*

[F. R. Doc. 47-3017; Filed, Mar. 31, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

TELEPHONE RECORDING DEVICES

NOTICE OF ENGINEERING CONFERENCE

MARCH 24, 1947.

In accordance with the final report adopted on March 24, 1947, by the Federal Communications Commission in its proceeding "In the Matter of Use of Recording Devices in Connection with Telephone Service" (Docket No. 6787), notice is hereby given that a public engineering conference will be held at the Commission's offices in Washington, D. C., beginning on April 21, 1947, at 10 a. m. The purpose of this conference will be to consider specific engineering questions presented by the conclusions of the Commission in its report regarding the use

and operation of telephone recording devices in connection with interstate and foreign message toll telephone service. As outlined in the report these questions include the following matters:

1. How the physically connected type of recorder should be connected to the telephone line.

2. What safeguards, if any, are required to prevent use of the inductive type of recorder from impairing the telephone circuit.

3. The development of an adequate automatic tone warning signal, which is sufficiently audible to be heard distinctly but which will not unduly interrupt the telephone conversation, which will be uniform in sound throughout the United States, and which will recur at proper intervals.

4. How the automatic tone warning device should be installed and maintained.

On the basis of such findings and recommendations as result from this conference, the Commission will give consideration to the adoption of engineering standards to govern the installation, use, and operation of telephone recorders and automatic tone warning devices in connection with interstate and foreign message toll telephone service.

All telephone companies and manufacturers of telephone recording devices are requested to send qualified representatives to this engineering conference and the State telephone regulatory Commissions and all other interested persons are invited to participate.

All interested parties should advise the Commission in writing no later than April 14, 1947, of their intention to participate in this conference.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3060; Filed, Mar. 31, 1947; 8:50 a. m.]

[Docket No. 8230]

CHARGES FOR COMMUNICATIONS SERVICE BETWEEN THE UNITED STATES AND OVERSEAS FOR FOREIGN POINTS [1]

ORDER INSTITUTING INVESTIGATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission, having under consideration earnings reports from the carriers subject to its jurisdiction which are engaged in the furnishing of telegraph communications services between the United States and overseas and foreign points, and it appearing therefrom that the net earnings of the carriers have declined, and that certain carriers may be operating at a loss;

It is ordered, Pursuant to sections 201, 202, 205 and 403 of the Communications Act of 1934, as amended, that an investigation is instituted into the earnings, and the rates and charges, divisions of charges with other carriers, and the related practices, classifications, regulations, and services, of all carriers subject to the Communications Act of 1934, as amended, for or in connection with communications services between the United States and overseas and foreign points;

It is further ordered, That the following carriers are made parties respondent in this proceeding: RCA Communications, Inc., Mackay Radio and Telegraph Company, Inc., The Commercial Cable Company, All America Cables and Radio, Inc., The Cuban All America Cables, Inc., The Western Union Telegraph Company, Mexican Telegraph Company, Tropical Radio Telegraph Company, Press Wireless, Inc., United States-Liberia Radio Corporation, South Porto Rico Sugar Company, Globe Wireless, Ltd., Cable and Wireless (W. I.), Ltd., and The French Telegraph Cable Company;

It is further ordered, That, without in any way limiting the scope of the investigation herein, it shall include inquiry into the following matters:

(1) The gross and net earnings of each of the respondent carriers from communications services furnished by them between the United States and overseas and foreign points, including the current level of these earnings, the trends thereof, and the factors presently affecting such earnings; and what regulatory action, if any, is called for;

(2) The lawfulness under sections 201 and 202 of the Communications Act of the present charges of the respondent carriers for and in connection with all classes of communications service between the United States and overseas and foreign points, including each and every class of telegraph service in the commercial, government, and press classifications; facsimile and photo services; program transmission and reception services; and scheduled transmission and reception services; and whether the Commission should determine and prescribe any different charges for such services than those which are now in effect;

(3) The operating expenses which each of the respondent carriers claims should be deducted from gross operating revenues in order to arrive at net operating income to be considered in a determination of charges to the users for the communications services furnished by the carriers between the United States and overseas and foreign points, the trends of such expenses, and the reasonableness of such expenses;

(4) The effect on the earnings of the respondent carriers of their present arrangements for divisions with other carriers, United States and foreign, of charges for and in connection with communications service between the United States and overseas and foreign points;

(5) The amount of gross and net book cost of plant and equipment, and the amount of working capital requirement, of each of the respondent carriers claimed to be devoted to the rendition of communications service between the United States and overseas and foreign points;

(6) The amount of return which is fair and reasonable for each of the respondent carriers; whether it is necessary, or appropriate, under the Communications Act that charges for communications services between the United States and overseas and foreign points should be determined or prescribed on the basis of the revenue requirements of the carrier or carriers having the highest level of net earnings from such service, or on some other basis; and the consideration that should be given in this connection to the relative needs of the cable carriers as compared with those of the radio carriers;

(7) The volume and classes of traffic handled by each of the respondent carriers; the relationship between such traffic volumes and the cost of handling the traffic; and whether, and to what extent, each of the respondent carriers can profitably handle any additional traffic;

(8) The extent to which duplication of service to the same overseas and foreign points by the respondent carriers may be unjustified, uneconomic, and not in the public interest; the effects of such duplication on the earnings of respondent carriers; and what measures, if any, should be undertaken to eliminate such duplication;

It is further ordered, That hearings be held in this proceeding in the offices of the Commission at Washington, D. C., to begin at 10 a. m. on the 14th day of April 1947;

It is further ordered, That the Commission's Telegraph Committee, composed of Commissioners Ray C. Wakefield, Paul A. Walker and C. J. Durr or one or more members thereof, are authorized to preside at the hearings, and otherwise to conduct the proceedings herein.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is inapplicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3061; Filed, Mar. 31, 1947; 8:51 a. m.]

[Docket No. 8230]

CHARGES FOR COMMUNICATIONS SERVICE BETWEEN THE UNITED STATES AND OVERSEAS AND FOREIGN POINTS

ERRATUM TO ORDER INSTITUTING INVESTIGATION

In the order of March 12, 1947, in the above proceeding, the parties named as respondents in the second ordering paragraph should have included Commercial Pacific Cable Co.

Dated: March 18, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3062; Filed, Mar. 31, 1947; 8:51 a. m.]

[1] With respect to intervention in this proceeding, see § 1.722 of the Commission's rules and regulations.

[Docket Nos. 7371, 8255]

CAPITAL BROADCASTING CO. AND JOHN F. KRAMER

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of the Capital Broadcasting Company, Annapolis, Maryland, Docket No. 7371, File No. BP-4318; John F. Kramer, Cambridge, Maryland, Docket No. 8255, File No. BP-5946; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled application of John F. Kramer requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 1 kw power, daytime only, at Cambridge, Maryland;

It appearing, that the Commission on December 19, 1946, designated for hearing the application of The Capital Broadcasting Company (File No. BP-4318; Docket No. 7371) requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 500 w power, unlimited time, employing a directional antenna at night, at Annapolis, Maryland;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of John F. Kramer be, and it is hereby, designated for hearing with the application of The Capital Broadcasting Company (File No. BP-4318, Docket No. 7371), at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of The Capital Broadcasting Company (File No. BP-4318; Docket No. 7371), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order, dated December 19, 1946, designating the above-entitled application of The Capital Broadcasting Company for hearing, be and it is hereby, amended to include the above-entitled application of John F. Kramer, and to include among the issues for hearing, Issue No. 7, stated above.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3065; Filed, Mar. 31, 1947; 8:51 a. m.]

[Docket No. 6651]

NON-GOVERNMENT FIXED AND MOBILE SERVICES IN THE BAND 152-162 MC

FREQUENCY SERVICE-ALLOCATIONS

MARCH 21, 1947.

The frequency service-allocations set forth herein have been adopted by the Commission and affect the frequencies available to the following services, proposed services or classes of stations:

Developmental broadcast.
Experimental.
Fire.
Fixed.
Forestry-conservation.
Geophysical.
Maritime mobile.
Motion picture.
Police.
Power utility, petroleum, etc.
Provisional.
Railroad.
Relay press.
Remote pickup (relay) broadcast.
Rural subscriber telephone.
Short distance toll telephone.
Urban mobile.

Based upon the estimated future needs of each service and the data presented at the hearings and oral argument on frequency service-allocations held in 1944-45, the Commission determined the number of channels to be allocated to each service in this band. The Commission's findings were published in its report of May 25, 1945. Since then the Commission has proposed specific assignable frequencies for these services and, on February 3, 1947, heard oral argument on its proposal set forth in public notice 98709 (October 1, 1946) and revised in public notice 2255 (January 10, 1947). Those who submitted briefs or statements and those personally represented at the oral argument were as follows:

American Broadcasting Company, Inc.
American Taxicab Association.
American Telephone and Telegraph Company.
American Transit Association.
Association of American Railroads.
Association of Police Communications Officers, Inc.
Boston Police Department.
Chicago Park District.
Columbia Broadcasting System, Inc.
Committee 2, Panel 13, Radio Technical Planning Board.
Committee 4, Panel 13, Radio Technical Planning Board.
Eastern States Police Radio League, Inc.
Forestry Conservation Communications Association.
Galvin Manufacturing Corporation.
General Telephone Corporation.
International Association of Chiefs of Police.
International Association of Fire Chiefs.
Lorain County Radio Corporation.
Mackay Radio and Telegraph Company, Inc.
Massachusetts Chiefs of Police Association.
Mutual Broadcasting System, Inc.
National Broadcasting Company, Inc.
National Bus Communications, Inc.
National Federation of American Shipping.
Police Committee, Panel 13, Radio Technical Planning Board.
Radiomarine Corporation of America.
Raytheon Manufacturing Company.
RCA Communications, Inc.
Western Union Telegraph Company.

While much data and testimony were presented regarding the importance of the various services and their lack of adequate spectrum space, only one concrete objection to the Commission's proposal of October 1, 1946, as amended January 10, 1947, was presented. The four major networks, in a joint brief, in addition to their request for additional channels, objected to the sharing of the same channels by remote pickup (relay) broadcast and relay press stations. This is a matter of continuing study by the Commission and may be decided at a later date after the scope of service of the relay press stations has been determined.

In consideration of the testimony presented at the oral argument of February 3, 1947, the Commission has made certain changes in its proposal of October 1, 1946. These changes are embodied in the attached frequency service-allocation plan and affect the following services:

1. Maritime mobile.
2. Provisional, experimental.
3. Power, petroleum, etc.
4. Railroads.
5. Short-distance toll telephone.

The existing congestion in the 2000 kc portion of the spectrum on radiotelephone frequencies available to the maritime mobile service indicates the desirability of using VHF for short-range communications wherever possible. VHF may provide a variety of important uses, such as:

1. Calling, safety, and distress.
2. General inter-ship communications.
3. Ship-shore-ship operational communications.
4. Harbor traffic control communications.
5. Ship-shore common carrier public correspondence.

It appears that the communication needs tabulated above may be met for the most part through the simplex method of operation. However, provision has been made for some duplex operation and consideration will be given to an expansion of this method of opera-

tion wherever it is shown to be necessary. The frequency 156.81 Mc has been recommended by the United States for universal standardization to be available exclusively for intercommunication in the maritime mobile service.

Additional facilities for maritime mobile service uses may be provided by:

1. General (urban) mobile radio service.
2. Maritime mobile service frequencies in the 30–44 Mc band.
3. General (highway) mobile radio service in the 30–44 Mc band.
4. The possible assignment of additional frequencies in the 152–162 Mc band to be used in the maritime mobile service on a shared basis with other services, with appropriate geographical separation.

This is believed to provide the greatest possible utility of the available maritime mobile service frequencies for safety and operation purposes, without preventing duplex operation, where required, and the expansion of the maritime mobile service where it is feasible. The number of channels available to the provisional and experimental services has been reduced from four to three to provide this total of nine channels for the maritime mobile service. In addition, the block of five channels for the power, petroleum, etc., services has been shifted upward but remains intact. Similarly, the sixty railroad frequencies have been consolidated into one block. In the case of short-distance toll telephone stations, there has been added a provision limiting operation to those stations currently authorized, and providing the authorization of new short-distance toll telephone stations in this band only where an adequate showing of need can be made.

Since equipment in this band is immediately available, all applicants for new municipal police and municipal fire radio systems will be required to operate on frequencies in the 152–162 Mc band except in those instances where the applicant furnishes a satisfactory factual showing of need for some other frequency in order to provide adequate radio communication facilities. An applicant requesting replacement of an entire or major part of an existing municipal police or municipal fire system will also be required to adhere to the frequency utilization policy set forth herein.

The Commission's "Report of Allocations from 25,000 kilocycles to 30,000,000 kilocycles" dated May 25, 1945, stated: "Services now operating between 156 and 162 Mc may continue temporarily on a non-interfering basis in the band 152–162 Mc".

This provision, which applies only to those stations in the fixed service operating between 156 and 162 Mc prior to May 25, 1945, is continued on a temporary basis, for the use of frequencies coincident with channel center frequencies assigned by this plan, until equipment is available to permit transfer to the frequencies regularly allocated to those services. Such temporary operation may be authorized on the condition that no interference be caused to stations regularly assigned for operation in the 152–162 Mc band.

LIST OF ASSIGNMENTS BY FREQUENCY

(Adopted March 20, 1947)

Frequency assignments (Mc)	Service
152.03, 152.09, 152.15, 152.21, 151.27, 152.33, 152.39, 152.45, 152.51, 152.57, 152.63, 152.69.	Urban mobile.[1] Rural subscriber telephone. Short-distance toll telephone.[4]
152.75, 152.81	Relay press. Remote pickup (relay) broadcast. Geophysical. Forestry-conservation. Motion picture.
152.87, 152.93, 152.99, 153.05, 153.11, 153.17, 153.23, 153.29, 153.35, 153.41	Remote pickup (relay) broadcast. Geophysical. Forestry-conservation. Motion picture. Relay press.
153.47, 153.53	Remote pickup (relay) broadcast. Geophysical. Forestry-conservation. Motion picture. Power. Petroleum, etc.[3]
153.59, 153.65, 153.71	Fire.
153.77, 153.83, 153.89, 153.95, 154.01, 154.07, 154.13, 154.19, 154.25, 154.31, 154.37, 154.43.	Provisional. Experimental.
154.49, 154.55[2]	Police.
154.65, 154.71, 154.77, 154.83, 154.89, 154.95, 155.01, 155.07, 155.13, 155.19, 155.25, 155.31, 155.37, 155.43, 155.49, 155.55, 155.61, 155.67, 155.73, 155.79, 155.85, 155.91, 155.97, 156.03.	Police.
156.09, 156.15, 156.21, 156.27, 156.33, 156.39, 156.45, 156.51, 156.57, 156.63, 156.69, 156.75.	Maritime mobile.
156.81, 156.87, 156.93, 156.99, 157.05, 157.11, 157.17, 157.23	Urban mobile.[1]
157.29, 157.35, 157.41, 157.47, 157.53, 157.59, 157.65, 157.71, 157.77, 157.83, 157.89, 157.95.	Rural subscriber telephone. Short-distance toll telephone.[4] Power, petroleum, etc.[3] Provisional, experimental.
158.01, 158.07, 158.13, 158.19, 158.25	Railroads.
158.31	
158.37, 158.43, 158.49, 158.55, 158.61, 158.67, 158.73, 158.79, 158.85, 158.91, 158.97, 159.03, 159.09, 159.15, 159.21, 159.27, 159.33, 159.39, 159.45, 159.51, 159.57, 159.63, 159.69, 159.75, 159.81, 159.87, 159.93, 159.99, 160.05, 160.11, 160.17, 160.23, 160.29, 160.35, 160.41, 160.47, 160.53, 160.59, 160.65, 160.71, 160.77, 160.83, 160.89, 160.95, 161.01, 161.07, 161.13, 161.19, 161.25, 161.31, 161.37, 161.43, 161.49, 161.55, 161.61, 161.67, 161.73, 161.79, 161.85, 161.91, 161.97	Maritime mobile.

[1] May provide radio communication service to all types of mobile units such as marine, land vehicles, aircraft, etc.
[2] Other classes of stations rendering similar radio services.
[3] This channel is 100 kc wide.
[4] Authorizations for Short-distance Toll Telephone stations currently operating on these frequencies may be renewed, but new Short-distance Toll Telephone stations will not be authorized for operation on these frequencies except upon adequate showing of need.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3063; Filed, Mar. 31, 1947; 8:51 a. m.]

[Docket No. 8256]

SAYRE PRINTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Sayre Printing Company, Sayre, Pennsylvania, Docket No. 8256, File No. BP-5872; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Sayre, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Sayre Printing Company be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WMBO, Auburn, New York, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WMBO, Incorporated, licensee of Station WMBO, Auburn, New York, be, and it is hereby made a party to this proceeding.

Notice is hereby given that § 1.857, of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3066; Filed, Mar. 31, 1947; 8:51 a. m.]

[Docket No. 6651]

NON-GOVERNMENT FIXED AND MOBILE SERVICES IN THE 30–40 MC BAND

FREQUENCY SERVICE-ALLOCATIONS

MARCH 21, 1947.

The frequency service-allocations set forth herein have been adopted by the Commission and affect the frequencies available to the following services, proposed services or classes of stations, except those operating in the territories and possessions of the United States:

Fixed.
Provisional.
Experimental.
General highway mobile.
Geophysical.
Power, petroleum, etc.
Urban transit.
Fire.
Police.
Forestry and conservation.
Highway maintenance.
Remote pickup broadcast.
Special services.
Relay press.
Motion picture.
Aviation.
Maritime mobile.

On February 3, 1947, the Commission heard oral argument on its proposed frequency service-allocations to the non-government services in the 30–40 Mc band as proposed in Public Notice 99168 (October 21, 1946) and later revised in Public Notice 2201 (January 7, 1947). Those who submitted briefs or statements and those personally represented at the oral argument were as follows:

Forestry Conservation Communications Association.
Association of State Foresters.
American Telephone & Telegraph Company.
National Bus Communications, Inc.
Boston Police Department.
Chicago Park District.
Eastern States Police Radio League, Inc.
New England Association of Chiefs of Police, Inc.
International Association of Chiefs of Police.
State of Florida Highway Patrol.
Committee 4, Panel 13, R. T. P. B. (Power Utilities).
American Association of State Highway Officials.
American Road Builders Association.
American Transit Association.
Columbia Broadcasting System.
American Broadcasting Company.
Mutual Broadcasting Company.
National Broadcasting Company.
Galvin Manufacturing Company.
General Telephone Corporation.
Raytheon Manufacturing Company.
United States Independent Telephone Association.

In consideration of the testimony presented at the oral argument on February 3, 1947, the Commission has made certain changes in its proposal of January 7, 1947. These changes are embodied in the attached frequency service-allocation plan and affect the following services, proposed services, or classes of stations:

Forestry-conservation. Urban transit.
Highway maintenance. Highway mobile.
Maritime mobile.

Forestry-conservation representatives requested that a portion of their block of frequencies in the low frequency end of the band be shifted to the high frequency end of the band. Since four channels previously shared with the Maritime Mobile Service have been allocated exclusively to Forestry-Conservation and since two channels previously shared with the Maritime Mobile Service are now shared with Urban Transit, the Commission believes that the needs of Forestry-Conservation have been met. Assignment of additional channels would impinge on the needs of the other emergency services.

The Urban Transit representative expressed the only opposition to the Commission's allocation of blocks of channels to each service. This opposition was based on the belief that under a block allocation system fewer channels would be usable than under an interspersed allocation plan for the same number of channels. Two additional channels shared with Forestry-Conservation have been provided this service as already explained.

State Highway Maintenance representatives requested that Highway Maintenance be established as a separate service with two exclusive channels, and be permitted to utilize radio facilities for routine as well as emergency communications. County Highway Maintenance representatives concurred in the recommendation that Highway Maintenance be recognized as a separate service. The Commission believes that Highway Maintenance radio has not yet developed to an extent which merits its establishment as a separate service. The plan adopted, however, specifically indicates Highway Maintenance as a group potentially eligible for a new class of station in the Emergency Service. The question of use of radio facilities permitted Highway Maintenance stations will be handled as a separate matter in connection with a revision of the Rules and Regulations governing the Emergency Services.

The six channels proposed to have been allocated on a shared basis to the Maritime Mobile and Forestry-Conservation Services in the 31 Mc band have been reallocated so that two of these are shared by Urban Transit and Forestry-Conservation and four become available to Forestry-Conservation exclusively. Ship and coastal stations requiring VHF in addition to those provided in the 152–162 Mc band may be authorized to use the Maritime Mobile Service frequencies in the 35–44 Mc band. Duplex systems, if authorized within this band, will normally use the lower frequency portion of the band for the coastal stations.

There is at the present time an acute shortage of channels in the 30–40 Mc band. It is the Commission's belief that the use of narrower channel widths offers the only means of obtaining additional channels in this band. As a result of an Engineering Conference held in Washington, D. C., on December 2 and 3, 1946, a committee is to be set up by Panel 13 of the RTPB to study the feasibility of manufacturing on a commercial basis 20 kc channel width equipment which will meet the operational requirements of the various services as demonstrated by actual field tests. This committee will make a preliminary report to the Commission on or before August 1, 1947, and a final report on or before February 1, 1948. The Commission is deferring further consideration of this problem pending the receipt of data from this committee. If the Commission should find a change of a 20 kc channeling system necessary or desirable, that change will be announced by the Commission with ample opportunity for conversion by the services and with due allowances for equipment obsolescense problems. It is anticipated that at least one year will be required to complete a study of the 20 kc channeling problem. In the meantime frequencies will continue to be assigned on the 40 kc channeling basis.

Data furnished the Commission by industry representatives indicate in general that during the first three years of operation of mobile radio equipment, the major replacements consist of tubes; beginning with the fifth year of operation, components other than tubes require replacement; and beginning with the seventh year, the cost of maintenance of equipment is greater than the depreciation on new equipment; and further, that beginning with the fifth year, the service rendered from an operational standpoint begins to be unsatisfactory. This is an especially important consideration in the case of the safety and emergency services.

The former frequency assignments were interpersed; that is, in general, no one service was assigned two or more consecutive channels. A block system of service-allocations whereby each service is allocated its channels in one or two blocks of consecutive channels has been discussed by the Radio Technical Planning Board but has heretofore been impracticable, according to that group, because certain government frequencies were interspersed in the non-government blocks. This situation has now been alleviated by a recent action of the interdepartment Radio Advisory Committee at the request of the Commission. Ten additional channels now are available for allocation to the non-government services in the 30–40 Mc band, and there are no longer any single government channels in the non-government blocks of frequencies above 30.540 Mc. This now permits, for the first time, a technically sound service-allocation plan based on the block system.

To permit maximum utilization of the readjusted spectrum space, the Commission has provided the various services with blocks of frequencies. Those serv-

ices for which duplex operation may prove to be justifiable have been provided two blocks of frequencies with appropriate frequency separation. All other services in general have been provided with but one block of frequencies, except in those cases where the over-all limits of the non-government blocks make this impracticable.

The service-allocations plan presented herein will become effective on April 1, 1947. Representatives of the services operating in this band have expressed a desire to shift frequency as soon as possible and have indicated that three years should be sufficient to allow all users to change to a new allocation plan. Accordingly, all services for which channels have been provided in this band will be required to shift no later than July 1, 1950 to frequencies which are in accord with this plan, and stations in those services for which no provision has been made in this band will be required to vacate this band as soon as practicable but in no case later than July 1, 1950. A committee is to be set up by Panel 13, RTPB to study the problem of conversion from the present interspersed service-allocation plan to this block plan and advise the Commission of its findings on or before August 1, 1947. The purpose of this study is to present recommendations for the transition in order that the conversion can be completed by no later than July 1, 1950 in an orderly and equitable manner. When all recommendations have been received and studied the Commission will implement a plan for transition to these new block service-allocations.

Licenses of stations, except fixed public and remote pick-up broadcast stations, operated in services for which no provisions have been made in this band will not be renewed after July 1, 1947 for operation in the band 30–40 Mc. Remote pickup broadcast stations currently licensed will be allowed to continue operations in this band for a reasonable period after the allocation of frequencies to these stations in the 25–30 Mc band has been made final, in order to allow for conversion of equipment.

LIST OF ASSIGNMENTS BY FREQUENCY

(Adopted Mar. 20, 1947)

Frequency assignments (Mc)	Service
30.58, 30.62	Provisional, experimental.
30.66, 30.70, 30.74, 30.78, 30.82	Provisional, experimental, urban transit.
30.86, 30.90, 30.94, 30.98, 31.02, 31.06, 31.10, 31.14	Urban transit, forestry-conservation.
31.18, 31.22, 31.26, 31.30, 31.34, 31.38, 31.42, 31.46, 31.50, 31.54, 31.58, 31.62, 31.66, 31.70, 31.74, 31.78, 31.82, 31.86, 31.90, 31.94, 31.98.	Forestry-conservation.
(32.0–33.0 Mc—Government).	
33.02, 33.06, 33.10	Special emergency, highway maintenance.
33.14	Low power provisional,[1] experimental.
33.18, 33.22, 33.26, 33.30, 33.34, 33.38	Power, petroleum, etc.[2]
33.42, 33.46, 33.50, 33.54, 33.58, 33.62, 33.66, 33.70, 33.74, 33.78, 33.82, 33.86, 33.90, 33.94, 33.98.	Fire.
(34.0–35.0 Mc—Government).	
35.02	Low power provisional,[1] experimental.
35.06, 35.10, 35.14, 35.18	Maritime mobile, geophysical.
35.22, 35.26, 35.30, 35.34, 35.38, 35.42, 35.46, 35.50, 35.54, 35.58, 35.62, 35.66, 35.70, 35.74, 35.78, 35.82, 35.86, 35.90, 35.94, 35.98.	General highway mobile.[2]
(36.0–37.0 Mc—Government).	
37.02, 37.06, 37.10, 37.14, 37.18, 37.22, 37.26, 37.30, 37.34, 37.38, 37.42	Police.
37.46, 37.50, 37.54, 37.58, 37.62, 37.66, 37.70, 37.74, 37.78, 37.82, 37.86	Power, petroleum, etc.[3]
37.90, 37.94, 37.98	Special emergency, highway maintenance.
(38.0–39.0 Mc—Government).	
39.02, 39.06, 39.10, 39.14, 39.18, 39.22, 39.26, 39.30, 39.34, 39.38, 39.42, 39.46, 39.50, 39.54, 39.58, 39.62, 39.66, 39.70, 39.74, 39.78, 39.82, 39.86, 39.90, 39.94, 39.98.	Police.

[1] Antenna input power limited to 5 watts peak.

[2] May provide radio communication service to all types of mobile units such as marine, land vehicles, aircraft, etc. Pending final determination of the best method of operation of this service these channels will be assigned on an experimental basis—12 for development on a common carrier basis, 4 for trucks and 4 for buses, except in those cases where it is shown that a different distribution is more desirable.

[3] Other industries requiring similar radio service.

ASSIGNABLE FREQUENCIES BY SERVICES

Low Power Provisional, Experimental—2 Channels (Mc)

33.14, 35.02.

Provisional, Experimental—2 Channels (Mc)

30.58, 30.62.

Provisional, Experimental, Urban Transit—5 Channels (Mc)

30.66, 30.70, 30.74, 30.78, 30.82.

Urban Transit, Forestry-Conservation—8 Channels (Mc)

30.66, 30.90, 30.94, 30.98, 31.02, 31.06, 31.10, 31.14.

Forestry-Conservation—21 Channels (Mc)

31.18, 31.22, 31.26, 31.30, 31.34, 31.38, 31.42, 31.46, 31.50, 31.54, 31.58, 31.62, 31.66, 31.70, 31.74, 31.78, 31.82, 31.86, 31.90, 31.94, 31.98.

Special Emergency, Highway Maintenance—6 Channels (Mc)

33.02, 33.06, 33.10, 37.90, 37.94, 37.98.

Power, Petroleum, etc.—17 Channels (Mc)

33.18, 33.22, 33.26, 33.30, 33.34, 33.38, 37.46, 37.50, 37.54, 37.58, 37.62, 37.66, 37.70, 37.74, 37.78, 37.82, 37.86.

Fire—15 Channels (Mc)

33.42, 33.46, 33.50, 33.54, 33.58, 33.62, 33.66, 33.70, 33.74, 33.78, 33.82, 33.86, 33.90, 33.94, 33.98.

General Highway Mobile—20 Channels (Mc)

35.22, 35.26, 35.30, 35.34, 35.38, 35.42, 35.46, 35.50, 35.54, 35.58, 35.62, 35.66, 35.70, 35.74, 35.78, 35.82, 35.86, 35.90, 35.94, 35.98.

Maritime Mobile, Geophysical—4 Channels (Mc)

35.06, 35.10, 35.14, 35.18.

Police—36 Channels (Mc)

37.02, 37.06, 37.10, 37.14, 37.18, 37.22, 37.26, 37.30, 37.34, 37.38 37.42, 39.02, 39.06, 39.10, 39.14, 39.18, 39.22, 39.26, 39.30, 39.34, 39.38, 39.42, 39.46, 39.50, 39.54, 39.58, 39.62, 39.66, 39.70, 39.74, 39.78, 39.82, 39.86, 39.90, 39.94, 39.98.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–3064; Filed, Mar. 31, 1947; 8:51 a. m.]

[Docket No. 7848]

COMMUNITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Community Broadcasting Company, Fort Worth, Texas, for construction permit; Docket No. 7848, File No. BP–5182.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Fort Worth, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Community Broadcasting Company, be, and it is hereby, designated for hearing, at a place to be designated in Fort Worth, Texas, May 22, 1947, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KVWC, Vernon, Texas, Station KPLT, Paris, Texas, Station KGKB, Tyler, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Northwestern Broadcasting Company, licensee of Station KVWC, Vernon, Texas; North Texas Broadcasting Company, licensee of Station KPLT, Paris, Texas; and James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company, licensee of Station KGKB, Tyler, Texas, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–3067; Filed, Mar. 31, 1947; 8:51 a. m.]

[Docket Nos. 8257, 8258]

ELLIS COUNTY BROADCASTING CO. AND TEXAS STAR BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ellis County Broadcasting Company, Waxahachie, Texas, Docket No. 8257, File No. BP–5339; Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP–5820; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of Ellis County Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 730 kc, with 250 w power daytime only, at Waxahachie, Texas, and Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 740 kc., with 10 kw. power, unlimited time, employing a directional antenna, at Dallas, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–3068; Filed, Mar. 31, 1947; 8:52 a. m.]

[Docket Nos. 8259, 8260]

WILLIAMSON BROADCASTING CORP. AND CUMBERLAND PUBLISHING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Williamson Broadcasting Corporation, Pikesville, Kentucky, Docket No. 8259, File No. BP–5502; Cumberland Publishing Company, Pikesville, Kentucky, Docket No. 8260, File No. BP–5904; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Pikesville, Kentucky;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–3069; Filed, Mar. 31, 1947; 8:52 a. m.]

[Docket Nos. 8197, 8198, 8218, 8219]

RADIO BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Broadcasting Corporation, LaSalle-Peru, Illinois, Docket No. 8197, File No. BP–5747; McLean County Broadcasting Company, Bloomington, Illinois, Docket No. 8198, File No. BP–5857; Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, Docket No. 8218, File No. BP–5574; Steel City Broadcasting Corporation, Gary, Indiana, Docket No. 8219, File No. BP–5888; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of Radio Broadcasting Corporation, requesting a construction permit for a new standard broadcast station to operate on 1080 kc, with 1 kw power, daytime only, at LaSalle-Peru, Illinois; McLean County Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1080 kc, with 250 w power, day-

time only, at Bloomington, Illinois; Northwestern Indiana Radio Company, Inc., requesting a construction permit for a new standard broadcast station to operate on 1080 kc, with 250 w power, daytime only, at Valparaiso, Indiana; and Steel City Broadcasting Corporation, requesting a construction permit for a new standard broadcast station to operate on 1080 kc, with 1 kw power, daytime only, at Gary, Indiana; and

It appearing, that the Commission on March 6, 1947, designated for hearing in a consolidated proceeding the above entitled applications of Radio Broadcasting Corporation and McLean County Broadcasting Company; and

It further appearing, that the Commission, on March 12, 1947, designated for hearing in a consolidated proceeding the above entitled applications of Northwestern Indiana Radio Company, Inc. and Steel City Broadcasting Corporation;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, each upon the issues heretofore specified by the Commission; and

It is further ordered, That the Commission's order, dated March 6, 1947, designating for hearing in a consolidated proceeding the above entitled applications of Radio Broadcasting Corporation and McLean County Broadcasting Company, be, and it is hereby, amended to include the above-entitled applications of Northwestern Indiana Radio Company, Inc., and Steel City Broadcasting Corporation; and

It is further ordered, That the Commission's order, dated March 12, 1947, designating for hearing in a consolidated proceeding the above entitled applications of Northwestern Indiana Radio Company, Inc., and Steel City Broadcasting Corporation be, and it is hereby, amended to include the above-entitled applications of radio broadcasting corporation and McLean County Broadcasting Company; and

It is further ordered, That each Issue No. 7 of the Commission's orders of March 6, 1947 and March 12, 1947, designating the above-entitled applications for hearing, be, and it is hereby amended to read as follows:

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3070; Filed, Mar. 31, 1947; 8:52 a. m.]

[Docket Nos. 7629, 8119, 8261]

LAKE STATES BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lake States Broadcasting Company, Milwaukee, Wisconsin, Docket No. 8119, File No. BP-5359; Lake Shore Broadcasting Company, Evanston, Illinois, Docket No. 7629, File No. BP-4750; Cornbelt Broadcasting Company (WHOW), Clinton, Illinois, Docket No. 8261, File No. BMP-2562; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of Lake Shore Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1520 kc, with 5 kw power, daytime only, employing a directional antenna, at Evanston, Illinois and Cornbelt Broadcasting Company, requesting a modification of construction permit to change the facilities of Station WHOW, Clinton, Illinois from 1520 kc, with 1 kw power, daytime only to 1520 kc, with 5 kw power, unlimited time, employing a directional antenna at night.

It appearing, that the Commission on February 20, 1947, designated for hearing the application of Lake States Broadcasting Company (File No. BP-5359; Docket No. 8119) requesting a construction permit for a new standard broadcast station to operate on 1520 kc, with 5 kw power, unlimited time, employing a directional antenna, at Milwaukee, Wisconsin;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Lake Shore Broadcasting Company and Cornbelt Broadcasting Company be, and they are hereby, designated for hearing in a consolidated proceeding with the application of Lake States Broadcasting Company (File No. BP-5359; Docket No. 8119), at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors, and stockholders to construct and operate the proposed station and Station WHOW as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and Station WHOW as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed station and Station WHOW as proposed, would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed station and Station WHOW as proposed, would involve objectionable interference, each with the other, with the services proposed in the pending application of Lake States Broadcasting Company (File No. BP-5359;Docket No. 8119), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed station and Station WHOW as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order, dated February 20, 1947, designating for hearing the above-entitled application of Lake States Broadcasting Company, be and it is hereby, amended to include the above-entitled applications of Lake Shore Broadcasting Company and Cornbelt Broadcasting Company, and to include among the issues for hearing, Issue No. 7 stated above.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc 47-3071; Filed, Mar. 31, 1947; 8:53 a. m.]

[Docket Nos. 8235, 8236]

SEWARD COUNTY BROADCASTING CO. AND NORTH PLAINS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Alf M. Landon, William Lee Larrabee, Wilbur Vernon Griffith and Ralph Edward Colvin, d/b as Seward County Broadcasting Company, Liberal Kansas, Docket No. 8235, File No. BP-5719; Van W. Stewart, Carl Ellis and F. B. Sumpter, d/b as North Plains Broadcasting Company, Perryton, Texas, Docket No. 8236, File No. BP-5898; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of Alf M. Landon, William Lee Larrabee, Wilbur Vernon Griffith and Ralph Edward Colvin, d/b as Seward County Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w power unlimited time, at Liberal, Kansas and Van W. Stewart, Carl Ellis and F. B. Sumpter, d/b as North Plains Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w power, unlimited time, at Perryton, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications, be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3072; Filed, Mar. 31, 1947; 8:53 a. m.]

[Docket Nos. 8237, 8238]

BAY RADIO, INC., AND WESTERN OREGON BROADCASTING, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bay Radio, Inc., North Bend, Oregon, Docket No. 8237; File No. BP-5565; Western Oregon Broadcasting, Inc., Reedsport, Oregon, Docket No. 8238, File No. BP-5896; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of Bay Radio, Inc. requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at North Bend, Oregon and Western Oregon Broadcasting, Inc. requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Reedsport, Oregon;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3073; Filed, Mar. 31, 1947; 8:54 a. m.]

[Docket Nos. 8239, 8240]

CONNECTICUT ELECTRONICS CORP. AND HEATHCOTE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Connecticut Electronics Corporation, Bridgeport, Connecticut, Docket No. 8329, File No. BP-5375; George J. Feinberg and J. Harvey McCoy, d/b as Heathcote Broadcasting Company, Scarsdale, New York, Docket No. 8240, File No. BP-5899, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of The Connecticut Electronics Corporation requesting a construction permit for a new standard broadcast station to operate on 740 kc, 1 kw power, daytime only, employing a directional antenna, at Bridgeport, Connecticut and George J. Feinberg and J. Harvey McCoy, d/b as Heathcote Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 740 kc, 250 w power, daytime only, at Scarsdale, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of

Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3074; Filed, Mar. 31, 1947; 8:54 a. m.]

[Docket Nos. 8241, 8242]

BEXAR BROADCASTING CO. AND FORT BEND BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of W. K. McCauley and W. M. Ritter, d/b as Bexar Broadcasting Company, San Antonio, Texas, Docket No. 8241, File No. BP-5705; Fort Bend County Broadcasting Company, a voluntary association, Julius E. Junker, Trustee, Rosenburg, Texas, Docket No. 8242, File No. BP-5908; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of W. K. McCauley and W. M. Ritter, d/b as Bexar Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 980 kc, 1 kw power, daytime only, at San Antonio, Texas and Fort Bend County Broadcasting Company, a voluntary association, Julius E. Junker, Trustee requesting a construction permit for a new standard broadcast station to operate on 980 kc, 250 w power, daytime only, at Rosenburg, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant association, its officers, trustee and members to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3075; Filed, Mar. 31, 1947; 8:54 a. m.]

[Docket Nos. 7627, 8156, 7939]

RADIO PHOENIX, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Phoenix, Inc., Phoenix, Arizona, Docket No. 7627, File No. BP-4860; John C. Mullens, Phoenix, Arizona, Docket No. 8156, File No. BP-5449; Gene Burke Brophy, Nogales, Arizona, Docket No. 7939, File No. BP-5149; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled application of Gene Burke Brophy requesting a construction permit for a new standard broadcast station to operate on 910 kc, 100 w, 250 w local sunset power, unlimited time, at Nogales, Arizona;

It appearing, that the Commission on February 27, 1947, designating for hearing in a consolidated proceeding the applications of Radio Phoenix, Inc. (File No. BP-4860, Docket No. 7627) requesting a construction permit for a new standard broadcast station to operate on 910 kc, 5 kw power, unlimited time, at Phoenix, Arizona, and John C. Mullens (File No. BP-5449, Docket No. 8156) requesting a construction permit for a new standard broadcast station to operate on 920 kc, 1 kw power, daytime only, at Phoenix, Arizona;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Gene Burke Brophy, be, and it is hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order, dated February 27, 1947, designating the above-entitled applications of Radio Phoenix, Inc., and John C. Mullens for hearing in a consolidated proceeding be, and it is hereby, amended to include the above-entitled application of Gene Burke Brophy, and to include among the issues for hearing, Issue No. 7, stated above.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3076; Filed, Mar. 31, 1947; 8:54 a. m.]

[Docket Nos. 6805, 7977, 8069]

BOOTH RADIO STATIONS, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Booth Radio Stations, Inc., Saginaw, Michigan, Docket No. 6805, File No. BP-4088; Federated Publications, Inc., Lansing, Michigan, Docket No. 7977, File No. BP-5385; Saginaw Broadcasting Company, Saginaw, Michigan, Docket No. 8069, File No. BP-5578; for construction permits.

The Commission having scheduled a hearing on the above-entitled applications for Wednesday, March 26, 1947 at Washington, D. C.;

It appearing, that public interest, convenience and necessity will be served by a continuance of the said hearing thereon; and counsel for all parties have consented to such continuance;

It is ordered, This 21st day of March 1947, on the Commission's own motion, that the hearing upon the above-entitled applications be, and it is hereby, continued to Tuesday, April 8, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3084; Filed, Mar. 31, 1947; 8:56 a. m.]

[Docket Nos. 7765, 8023]

FRANK MITCHELL FARRIS, JR., AND WCOE, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Frank Mitchell Farris, Jr., Nashville, Tennessee, Docket No. 7765, File No. BP-4043; WCOE, Inc., Nashville, Tennessee, Docket No. 8023, File No. BP-5477; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of Frank Mitchell Farris, Jr., requesting a construction permit for a new standard broadcast station to operate on 1410 kc, 1 kw power, unlimited time, employing a directional antenna, at Nashville, Tennessee and WCOE, Inc., requesting a construction permit for a new standard broadcast station to operate on 1410 kc, 5 kw power, unlimited time, employing a directional antenna, at Nashville, Tenessee;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3079; Filed, Mar. 31, 1947; 8:55 a. m.]

[Docket Nos. 7807, 8252, 8253]

ARECIBO BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Arecibo Broadcasting Company, Inc., Arecibo, Puerto Rico, Docket No. 7807, File No. BP-5047; Juan Martinez Vela and Felix V. Rodriguez, d/b as The Martinez-Rodriguez Broadcasting Company, San Juan, Puerto Rico, Docket No. 8352, File No. BP-5669; Jose Bechara, Jr. (WKJB), Mayaguez, Puerto Rico, Docket No. 8253, File No. BP-5938; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of Arecibo Broadcasting Company, Inc. requesting a construction permit for a new standard broadcast station to operate on 1190 kc, 250 w power, unlimited time, at Arecibo, Puerto Rico, Juan Martinez Vela and Felix V. Rodriguez, d/b as The Martinez—Rodriguez Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1190 kc, 10 kw power, limited time, at San Juan, Puerto Rico and Jose Bechara, Jr., permittee of a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Mayaguez, Puerto Rico, requesting a construction permit to change said facilities to 1190 kc, 10 kw power, unlimited time, employing a directional antenna;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant, of the applicant partnership and the partners and stockholders to construct and operate the proposed stations and Station WKJB as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and Station WKJB as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations and Station WKJB as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations and Station WKJB as proposed would involve objectionable interference, each with the others, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations and Station WKJB as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3083; Filed, Mar. 31, 1947; 8:55 a. m.]

[Docket Nos. 7834, 8234]

WDEL, INC. AND WILMINGTON-TRI STATE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of WDEL, Inc., Wilmington, Delaware, File No. BPH-177, Docket No. 7834; Wilmington-Tri State Broadcasting Company, Inc., Wilming-

ton, Delaware, File No. BPH–1195, Docket No. 8234; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration a petition filed on September 27, 1946, by WDEL, Inc., requesting that the Commission reconsider its action of designating for hearing the WDEL, Inc. application for a new FM station at Wilmington, Delaware, (Docket No. 7834; File No. BPH–177); and the granting of the application without hearing;

The Commission also having under consideration the application of the Wilmington Tri-State Broadcasting Company, Inc. application for a new Class B FM station at Wilmington, Delaware (File No. BPH–1195); and a petition from the same applicant (filed on February 27, 1947) requesting that its application be designated for hearing and consolidated with the hearing on the application of WDEL, Inc. (Docket No. 7834; File No. BPH–177) scheduled to begin in Wilmington, Delaware on March 31, 1947, at 10:00 a. m.; an opposition to this petition filed by WDEL, Inc. on March 5, 1947; and a reply to the opposition filed on March 17, 1947;

It appearing that only one Class-B FM channel is available for assignment to the Wilmington area;

It is ordered, That, the petition of WDEL, Inc., be and it is hereby denied.

It is further ordered, That the Wilmington Tri-State Broadcasting Company, Inc.'s petition requesting that its application for a new Class B FM station at Wilmington, Delaware File No. BPH–1195) be designated for hearing and consolidated with the hearing on the application of WDEL, Inc. (Docket No. 7834) be, and it is hereby, granted.

It is further ordered, Pursuant to section 309 (a) of the Communications Act, as amended, that the above application be, and it is hereby designated for hearing, to which § 1.857 of the Commission's rules and regulations shall not be applicable, in consolidation with the application of WDEL, Inc. for a construction permit for a new FM Class B station at Wilmington, Delaware (Docket No. 7834; File No. BPH–177) scheduled to begin in Wilmington, Delaware on March 31, 1947 at 10:00 a. m.; upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed service.

4. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the orders heretofore issued in the proceeding on Docket No. 7834, be, and they are hereby, amended to include the application of Wilmington Tri-State Broadcasting Company, Inc. (File No. BPH–1195).

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–3087; Filed, Mar. 31, 1947; 8:56 a. m.]

[Docket Nos. 7878, 7879]

CONCHO VALLEY BROADCASTING CO. AND RUNNELS COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Walter E. Yaggy, L. B. Horton, L. B. Horton, Jr. & Virginia Ede Carswell d/b as the Concho Valley Broadcasting Company, San Angelo, Texas, Docket No. 7878, File No. BP–4968; Fred Harman, E. L. Ingram, Arthur M. Underwood & R. E. Bruce d/b as Runnels County Broadcasting Company, Ballinger, Texas, Docket No. 7879, File No. BP–5025; for construction permit.

The Commission having under consideration a petition filed March 12, 1947 by Runnels County Broadcasting Company, Ballinger, Texas requesting a continuance in the consolidated hearing upon its application for construction permit (File No. BP–5025, Docket No. 7879) and the application of Concho Valley Broadcasting Company, San Angelo, Texas (File No. BP–4968, Docket No. 7878) which is presently scheduled for March 17, 1947 at San Angelo, Texas;

It is ordered, This 14th day of March 1947 that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock Monday, May 26, at San Angelo and May 27, 1947 at Ballinger, Texas.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–3085; Filed, Mar. 31, 1947; 8:56 a. m.]

[Docket No. 8231]

STEEL CITY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Steel City Broadcasting Corporation, Homestead, Pennsylvania, Docket No. 8231, File No. BP–5343; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled application for Construction Permit for a new standard broadcast station to operate on 860 kc, 250 w, daytime only, at Homestead, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Steel City Broadcasting Corporation be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Tri-Borough Broadcasting Company, Apollo, Pennsylvania (File Number unassigned) and Beaver Valley Radio, Inc., Beaver Falls, Pennsylvania (File No. BP–5563) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with Station CFRB, Ontario, Canada, as presently operating on 860 kc, 10 kw, unlimited time (or operating at 50 kw power as said station is authorized to do), or with any other foreign station, within the meaning of the North American Regional Broadcasting Agreement.

7. To determine whether the operation of the proposed station would produce a signal at the Canadian Border in excess of that stipulated by the terms of the North American Regional Broadcasting Agreement.

8. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–3086; Filed, Mar. 31, 1947; 8:56 a. m.]

[Docket Nos. 8243 and 8244]

JAMES E. LATIMER ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James E. Latimer and William A. Pritchett, Lake City, South Carolina, Docket No. 8243, File No. BP–5008; WKST, Inc. (WKST), New Castle, Pennsylvania, Docket No. 8244, File No. BP–5913; for construction permits.

At a session of the Federal Communication Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of James E. Latimer and William A. Pritchett requesting a construction permit for a new standard broadcast station to operate on 1280 kc, 250 w power, unlimited time, at Lake City, South Carolina and WKST, Inc. requesting a construction permit to change the facilities of Station WKST, New Castle, Pennsylvania from 1280 kc, 1 kw power, unlimited time to 1280 kc, 5 kw power, unlimited time, employing a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station and Station WKST as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and Station WKST as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed station and Station WKST as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed station and Station WKST as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed station and Station WKST as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–3077; Filed, Mar. 31, 1947; 8:55 a. m.]

[Docket Nos. 8039 and 8251]

COASTAL BROADCASTING CO. AND CITRUS BELT BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Coastal Broadcasting Company, Lakeland, Florida, Docket No. 8039, File No. BP–5256; Citrus Belt Broadcasters, Inc. (WSIR), Winter Haven, Florida, Docket No. 8251, File No. BP–5937; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of Coastal Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Lakeland, Florida and Citrus Belt Broadcasters, Inc., permittee of a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Winter Haven, Florida, requesting a construction permit to change said facilities to 1230 kc, with 250 w power, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed station and Station WSIR as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and Station WSIR as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed station and Station WSIR as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed station and Station WSIR as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed station and Station WSIR as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–3082; Filed, Mar. 31, 1947; 8:55 a. m.]

[Docket Nos. 8245 and 8246]

PHILIP MATHEWS AND YORK BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Philip Mathews, Carlisle, Pennsylvania, Docket No. 8245, File No. BP–5545; York Broadcasting Company (WORK), York, Pennsylvania, Docket No. 8246, File No. BP–5907; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of Philip Mathews requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Carlisle, Pennsylvania and York Broadcasting Company requesting a construction permit to change the facilities of Station WORK, York, Pennsylvania from 1350 kc, 1 kw power, unlimited time, directional antenna at night to 1350 kc, 1 kw, 5 kw local sunset power, unlimited time, employing a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate

the proposed station and Station WORK as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and Station WORK as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed station and Station WORK as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed station and Station WORK as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed station and Station WORK as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3078; Filed, Mar. 31, 1947; 8:55 a. m.]

[Docket No. 8247]

SANTA ROSA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Santa Rosa Broadcasting Company, Santa Rosa, California, Docket No. 8247, File No. BP-5855; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at Santa Rosa, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Santa Rosa Broadcasting Company be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KROY, Sacramento, California, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Harmco, Inc., licensee of Station KROY, Sacramento, California, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3080; Filed, Mar. 31, 1947; 8:55 a. m.]

[Docket Nos. 8248 and 8249]

AGNES JANE REEVES GREER AND MASSILLON BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Agnes Jane Reeves Greer, Dover, Ohio, Docket No. 8248, File No. BP-5319; The Massillon Broadcasting Company, Massillon, Ohio, Docket No. 8249, File No. BP-5895; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled applications of Agnes Jane Reeves Greer requesting a construction permit for a new standard broadcast station to operate on 1450 kc, 250 w power, unlimited time, at Dover, Ohio and The Massillon Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1450 kc, 250 w power, unlimited time, at Massillon, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are thereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with Station WFMJ, Youngstown, Ohio, WJPA, Washington, Pennsylvania, WHBC, Canton, Ohio or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in the pending applications of The Sandusky Broadcasting Company, Sandusky, Ohio (File No. BP-4208, Docket No. 7003), Lake Erie Broadcasting Co., Sandusky, Ohio (File No. BP-4190, Docket No. 7004), The Bay Broadcasting Company, Sandusky, Ohio (File No. BP-4387, Docket No. 7172), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That The WFMJ Broadcasting Company, licensee of Station WFMJ, Youngstown, Ohio, Washington Broadcasting Company, licensee of Station WJPA, Washington, Pennsylvania and The Ohio Broadcasting Company, licensee of Station WHBC, Canton, Ohio, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3081; Filed, Mar. 31, 1947; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-831]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 26, 1947.

Notice is hereby given that, on March 26, 1947, the Federal Power Commission issued its findings and order entered March 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3004; Filed, Mar. 31, 1947; 8:46 a. m.]

[Docket No. G-855]

MEMPHIS NATURAL GAS CO. AND KENTUCKY NATURAL GAS CORP.

ORDER POSTPONING HEARING

Upon consideration of telegraphic advice from Memphis Natural Gas Company under date of March 25, 1947, that it will not be in a position to proceed with the hearing upon its application in this docket, now set for April 1, 1947, due to the fact that a revised plan for the consolidation of Kentucky Natural Gas Corporation and Memphis Natural Gas Company will be filed on or before April 17, 1947;

The Commission orders that: The hearing now set in this matter to commence at 10:00 a. m. (e. s. t.), on April 1, 1947, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., be and the same is hereby postponed to a date to be hereafter fixed by order of the Commission.

Date of issuance: March 26, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3026; Filed, Mar. 31, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 152]

RECONSIGNMENT OF ONIONS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, March 25, 1947, by Belson Brothers, of car PFE 60451, onions, now on the Union Pacific RR., to Belson Brothers, Chicago, Ill. (Wab.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-3010; Filed, Mar. 31, 1947; 8:47 a. m.]

[Rev. S. O. 620, Special Permit 1]

LIGHTWEIGHING OF CARS AT HOBOKEN AND EDGEWATER, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the lightweighing:

At its Edgewater Terminal Yard by the New York, Susquehanna and Western Railroad Company (Henry K. Norton, Trustee), or by The New York Central Railroad Company on the scales located at the north end of its Weehawken Yard only, of tank cars to be loaded with imported vegetable oils by the Harbor Tank Storage Company at its Guttenberg Plant at Weehawken, N. J., provided the said company surrenders a written order for the lightweighing on which it certifies that the car ordered to be lightweighed will be loaded only with imported vegetable oils; and by The Delaware, Lackawanna and Western Railroad Company at its Hoboken terminal yard, of tank cars to be loaded with imported vegetable oils by the Harlon Tank Storage Company at its Lackawanna Plant at Jersey City, N. J., provided the said company surrenders a written order for the lightweighing on which it certifies that the car ordered lightweighed will be loaded only with imported vegetable oils.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of March 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-3011; Filed, Mar. 31, 1947; 8:47 a. m.]

NATIONAL HOUSING AGENCY

Federal Housing Administration

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF FIRST CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

MARCH 18, 1947.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, 1701 et. seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1947, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	Serial Nos. (all numbers inclusive)
$50	40 to 507
$100	319 to 1,849
$500	105 to 608
$1,000	313 to 2,680
$5,000	1 to 53
$10,000	1 to 148

The debentures first issued as determined by the serial numbers were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1947. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1947, and provision will be made for the payment of final interest due on July 1, 1947, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1947 to June 30, 1947, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1947, or for purchase

prior to that date will be given by the Secretary of the Treasury.

RAYMOND M. FOLEY,
Commissioner.

Approved:

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-3022; Filed, Mar. 31, 1947; 8:46 a. m.]

2¾ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES G

NOTICE OF FIRST CALL FOR REDEMPTION BEFORE MATURITY

MARCH 18, 1947.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, 1701 et seq.) as amended, public notice is hereby given that 2¾ percent War Housing Insurance Fund Debentures, Series G, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1947, on which date interest on such debentures shall cease:

2¾ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES G

Denomination:	*Serial Nos. (all numbers inclusive)*
$50	501 to 558
$100	2,001 to 2,242
$500	1,001 to 1,058
$1,000	3,001 to 3,354
$5,000	251 to 284

The debentures first issued as determined by the serial numbers were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1947. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1947, and provision will be made for the payment of final interest due on July 1, 1947, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1947 to June 30, 1947, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1947, or for purchase prior to that date will be given by the Secretary of the Treasury.

RAYMOND M. FOLEY,
Commissioner.

Approved:

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-3023; Filed, Mar. 31, 1947; 8:46 a. m.]

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B AND E

NOTICE OF CALL FOR REDEMPTION BEFORE MATURITY

MARCH 18, 1947.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series B and E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1947, on which date interest on such debentures shall cease:

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B

Denomination:	*Serial Nos. (all numbers inclusive)*
$50	1,564 to 1,565
$100	5,787 to 5,798
$500	1,832 to 1,833
$1,000	7,037 to 7,050

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

Denomination:	*Serial Nos. (all numbers inclusive)*
$50	23 to 30
$100	91 to 107
$500	24 to 27
$1,000	116 to 149
$5,000	6 to —

The debentures first issued, as determined by the serial numbers, were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1947. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1947, and provision will be made for the payment of final interest due July 1, 1947, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1947 to June 30, 1947, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1947, or for purchase prior to that date will be given by the Secretary of the Treasury.

RAYMOND M. FOLEY,
Commissioner.

Approved:

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-3024; Filed, Mar. 31, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-123]

BROWN-FORMAN DISTILLERS CORP.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of March A. D. 1947.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $4.00 Cumulative Preferred Stock, Without Par Value, of Brown-Forman Distillers Corporation;

Appropriate notice and opportunity for hearing having been given to interested persons and the public generally;

No request having been received from any interested person for a hearing in this matter; and

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on April 5, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3012; Filed, Mar. 31, 1947; 8:47 a. m.]

[File No. 70-1463]

STATEN ISLAND EDISON CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of March 1947.

Notice is hereby given that a declaration, as amended, has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Staten Island Edison Corporation ("Staten Island"), an indirect subsidiary of General Public Utilities Corporation, a registered holding company. Declarant has designated section 6 (a) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 11, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after April 11, 1947 said amended declaration, as filed, or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Staten Island proposes to issue and sell for cash at principal amount to three commercial banks an aggregate of $1,000,000 principal amount of eleven month notes which will bear interest at the rate of 1½% per annum. The net cash proceeds of the sale of the notes are to be used for construction requirements of the company and to repay an outstanding $350,000 sixty day 1½% promissory note maturing May 5, 1947.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order so as to permit consummation of the proposed transaction not later than April 15, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3013; Filed, Mar. 31, 1947; 8:48 a. m.]

[File Nos. 70-1477, 70-1484]

PUBLIC SERVICE COMPANY OF INDIANA, INC. AND MIDDLE WEST CORP.

NOTICE OF FILING, ORDER OF CONSOLIDATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of March 1947.

Notice is hereby given that separate applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Middle West Corporation ("Middle West"), a registered holding company, and by its subsidiary, Public Service Company of Indiana, Inc. ("Public Service"). Public Service has designated section 6 (b) of the act and the exemptive provisions of Rule U-42 (b) (2) as applicable to the transactions proposed by it.

All interested persons are referred to said applications, which are on file in the offices of this Commission for statements of the transactions therein proposed which are summarized as follows:

Public Service proposes to issue $11,077,800 aggregate principal amount of Fifteen Year 2¾% Convertible Debentures, due May 1, 1962, to be issued in denominations of $200 and $1,000. Such debentures will be offered to the common stockholders of Public Service through the issuance of subscription warrants to subscribe for and purchase debentures on the basis of $10 principal amount for each share of common stock held. The warrants will be issued as full and fractional subscription warrants. Full subscription warrants will entitle the holder thereof to subscribe for a $200 debenture. Fractional warrants may be exercised when combined with other fractional warrants in amounts sufficient to subscribe for a $200 debenture.

The debentures will be convertible, up to and including April 30, 1959, into shares of common stock of Public Service on the basis of five shares for each $200 face amount of debentures, and will be issued pursuant to an indenture which, among other things, provides for protection against future dilution due to the issuance of additional common stock.

The company contemplates that the subscription period will run for apropximately twenty days from the date of the warrants and that, thereafter, the company will file a further application with this Commission for approval of the disposition, by public or private sale, of such debentures as are not taken by subscription.

Public Service proposes to use the net proceeds from the sale of such debentures, together with general treasury funds, to prepay $11,500,000 aggregate principal amount of 2¼% bank loan notes, maturing serially to September 1, 1955, which are now outstanding.

Middle West, the owner of 224,586 shares (approximately 20.27%) of the common stock of Public Service, requests approval of the acquisition of such warrants as may be issued to it and approval of the exercise or sale of such warrants. The application further states that in the event Middle West elects to sell such warrants, an amendment setting forth the terms and conditions of such sale will be filed herein.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said applications, and that said applications shall not be granted except pursuant to further order of this Commission; and

It further appearing to the Commission that said applications contain related matters and may involve common questions of law or fact and should be consolidated and heard together;

It is ordered, That said applications be consolidated for the purpose of hearing thereon, without prejudice, however, to the right to separate for hearing, either in whole or in part, or for disposition, either in whole or in part, any of the issues or questions which may arise in these proceedings or to take such other action as may appear necessary to the orderly and economical disposition of the matters involved.

It is further ordered, That a hearing on said consolidated applications, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on April 4, 1947 at 10:00 a. m., e. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pa. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before April 2, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the applications and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issue and sale of warrants, debentures and common stock by Public Service are solely for the purpose of financing its business and have been expressly authorized by the State Commission of the state in which Public Service is organized and doing business.

2. Whether the terms and conditions of the proposed issue and sale of warrants, debentures and common stock are detrimental to the public interest or the interest of investors or consumers.

3. Whether the proposed acquisition by Middle West of additional securities of Public Service meets the applicable requirements of section 10 and whether, in the event Middle West elects to sell the warrants, any terms and conditions should be imposed for the protection of security holders of Middle West.

4. Whether the proposed accounting treatment of the transactions is proper and in conformity with sound accounting principles.

5. Whether the fees and expenses to be paid in connection with the proposed transactons are for necessary services and are reasonable in amount.

6. Generally, whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions in respect of the proposed transactions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Public Service, Middle West, the Federal Power Commission and the Public Service Commission of Indiana; and that notice of said hearing shall be given to all other persons by publication of this order in the FEDERAL REGISTER and by general release distributed to the press.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3014; Filed, Mar. 31, 1947; 8:48 a. m.]

[File No. 70-1455]

DELAWARE POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of March 1947.

Delaware Power & Light Company (Delaware), a registered holding company and public utility company, having filed an application-declaration, with amendments thereto, under the Public Utility Holding Company Act of 1935 with respect to the issuance and sale, pursuant to the competitive bidding provisions of Rule U-50 of 50,000 shares of ____% Cumulative Preferred Stock of a par value of $100 per share; and

The Commission having by order dated March 13, 1947, granted said application and permitted said declaration to become effective, except as to the price to be received for said stock, the dividend rate thereon, the underwriters spread and its allocation, and all legal fees and the fee of Delaware's financial adviser, as to which matters jurisdiction was reserved; and

Delaware having filed a further amendment to the application-declaration in which it is stated that, in accordance with the permission granted by the said order of the Commission dated March 13, 1947, it offered such preferred stock for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidder	Price to company	Dividend rate	Cost to company
The First Boston Corp. and Blyth & Co., Inc	101.52	3.70	3.6446
Shields & Co. and White, Weld & Co	100.13999	3.65	3.6449
W. C. Langley & Co	100.10	3.65	3.6461
Lazard Freres & Co	100.7799	3.70	3.6714
Morgan Stanley & Co	100.71	3.70	3.6730
Otis & Co	100.047	3.75	3.7251

The said amendment having further stated that Delaware has accepted the bid of The First Boston Corp. and Blyth & Co., Inc. for the Preferred Stock, as set out above, and that such stock will be offered for sale to the public at a price of 102.77 resulting in an underwriters' spread of 1.25; and

The Commission now having been furnished with information in respect of the services of: (a) Ballard, Spahr, Andrews & Ingersoll and Southerland, Berl & Potter, as counsel for Delaware, for which services' fees in the amount of $8,000 and $2,500 are claimed, respectively; and (b) Drexel & Co. as financial adviser to Delaware for which service a fee of $5,000 is claimed; and (c) Townsend, Elliott & Munson as counsel for underwriters, for which services a fee of $6,500 is claimed; and

The Commission having examined such amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said Preferred Stock, the dividend rate thereon, the underwriters' spread and its allocation, and it appearing that the legal fees and the fee of Delaware's financial adviser are not unreasonable under the circumstances of this case:

It is ordered, That jurisdiction heretofore reserved over the price to be received for said Preferred Stock, the dividend rate thereon, the underwriters spread and its allocation and all legal fees and the fee of Delaware's financial adviser, be, and the same hereby is, released and said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3015; Filed, Mar. 31, 1947; 8:48 a. m.]

[File No. 70-1431]

WISCONSIN HYDRO ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of March A. D. 1947.

Wisconsin Hydro Electric Company ("Wisconsin Hydro"), a public utility company and a subsidiary of Eastern Minnesota Power Corporation, a registered holding company, having filed an application as amended pursuant to section 6 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder regarding the following proposed transaction:

Wisconsin Hydro proposes to issue and sell $1,750,000 principal amount of 3⅛% First Mortgage Bonds due 25 years from date and $250,000 principal amount of 3% Serial Notes due $25,000 semi-annually. Wisconsin Hydro has requested an exemption from the competitive bidding requirements of Rule U-50 and has proposed to sell the bonds to Massachusetts Mutual Life Insurance Company, Equitable Life Insurance Company of Iowa, and Modern Woodmen of America, and to sell the notes to Harris Trust and Savings Bank, Chicago, Illinois, at principal amount. The proceeds of said bonds and notes will be used in payment of the 5% First Mortgage Bonds of Wisconsin Hydro presently outstanding in the principal amount of $2,077,000, which mature October 1, 1947; and

The application-declaration having been filed January 3, 1947, and an amendment thereto having been filed on March 25, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application and declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application and declaration as amended that the issuance and sale of the securities have been approved by the Public Service Commission of Wisconsin and that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application and declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant the request of applicant and declarant that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said application and declaration, as amended, be, and the same hereby is granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3016; Filed, Mar. 31, 1947; 8:48 a. m.]

SELECTIVE SERVICE SYSTEM

[Order 331]

APPLICATION AND PERSONAL HISTORY STATEMENT; AFFIDAVIT—OCCUPATIONAL CLASSIFICATION

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following changes in DSS Forms:

Discontinuance of DSS Form 25, entitled "Application and Personal History Statement".

Discontinuance of DSS Form 42A Special, entitled "Affidavit—Occupational Classification (Form 42A Special)".

The foregoing changes shall become effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

MARCH 27, 1947.

[F. R. Doc. 47-3052; Filed, Mar. 31; 1947; 8:49 a. m.]

[No 332]

REQUEST FOR TRANSFER OF RECORDS

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Discontinuance of DSS Form 64, entitled "Request for Transfer of Records."

The foregoing change shall become effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director.*

MARCH 28, 1947.

[F. R. Doc. 47-3113; Filed, Mar. 31, 1947; 10:56 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8463]

PAUL FAEHR AND LOUISE FAEHR STEINHAUSER KAUTZSCH

In re: Interest in real property, property insurance policies and claim owned by Paul Faehr and Louise Faehr Steinhauser Kautzsch.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Faehr and Louise Faehr Steinhauser Kautzsch whose last known addresses are Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided two-thirds interest in real property, situated in the City of Indianapolis, County of Marion and State of Indiana, particularly described in Exhibit A, attached hereto, and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1, in and to the following insurance policies:

Fire and Windstorm Insurance Policy No. 2216, issued by Connecticut Fire Insurance Company, Hartford, Connecticut, in the amount of $4,000.00, in the name of Dunlop & Holtegel, Trustees, which policy insures the property described in subparagraph 2–a hereof and expires March 18, 1948;

Fire and Windstorm Insurance Policy No. 1996, and any extensions thereto, issued by Connecticut Fire Insurance Company, Hartford, Connecticut, in the amount of $1,500.00, in the name of Dunlop & Holtegel, Trustees, which policy insures the property described in subparagraph 2–a hereof and expires March 10, 1947;

Landlords', Tenants' and Owners' Liability Policy No. 53356, as evidenced by Renewal Certificate No. 103462, issued by Glens Falls Indemnity Company, Glens Falls, New York, in the amount of $5,000/$10,000, in the name of Dunlop & Holtegel, Trustees, which policy insures the property described in subparagraph 2–a hereof and expires October 17, 1947, and

c. Those certain debts or other obligations, owing to the persons named in subparagraph 1 hereof, by Dunlop & Holtegel, 128 East Market Street, Indianapolis, Indiana, including but not limited to rents collected from the real property described in subparagraph 2–a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b and 2–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Thirty-Three (33) feet Six Inches (6") off the North side of Lot numbered Four (4) in Austin W. Morris' Subdivision of the Northeast quarter (¼) of Square Eighty-eight (88) of the Donation Lands of the City of Indianapolis, Marion County, Indiana.

[F. R. Doc. 47-3038; Filed, Mar. 31, 1947; 8:47 a. m.]

[Vesting Order 8466]

JOHN MORGANSTEIN

In re: Guardianship Estate of John Morganstein, (Johan Morgenstein). File D–17–189; E. T. sec. 4353.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Morganstein (Johan Morgenstein), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Guardianship Estate of John Morganstein (Johan Morgenstein) is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Peoples First National Bank and Trust Company, as Guardian, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3039; Filed, Mar. 31, 1947; 8:48 a. m.]

[Vesting Order 8471]

BANK VOOR HANDEL EN SCHEEPVAART, N. V.

In re: Stock, bonds and debenture stock owned by and debt owing to Bank voor Handel en Scheepvaart, N. V.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bank voor Handel en Scheepvaart, N. V., is a corporation organized under the laws of The Netherlands, whose principal place of business is located at Rotterdam, The Netherlands, and is or since the effective date of Executive Order 8389, as amended, has been acting directly or indirectly for the benefit or on behalf of a national of Germany is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Brown Brothers Harriman & Company and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, issued in the

name of bearer and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto,

c. One hundred sixty-eight (168) shares of $25 par value ordinary capital stock of Canadian Pacific Railway Company, Montreal, Quebec, Canada, a corporation organized under the laws of the Dominion of Canada, evidenced by certificates numbered H104520, L355733 and L128150, registered in the name of Kauffmann & Company and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

d. One (1) certificate for Canadian Pacific Railway Company perpetual 4% consolidated debenture stock, of $500 face value, bearing the number H255, issued in the name of bearer and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto, and

e. That certain debt or other obligation owing to Bank voor Handel en Scheepvaart, N. V., by Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, in the amount of $5,462.90, as of December 31, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the person named in subparagraph 1 hereof is controlled by or acting for or on behalf of a designated enemy country (Germany) or a person within such country and is a national of a designated enemy country (Germany); and

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuing corporation	Place of incorporation	Type of stock	Number of shares	Certificate No.
The American Rolling Mill Co., 703 Curtis St., Middletown, Ohio.	Ohio	$10 par value common stock.	25	71952
American Telephone & Telegraph Co., 195 Broadway, New York, N. Y.	New York	$100 par value capital stock.	150	A375183 A375108
Columbia Gas & Electric Corp., 902 Market St., Wilmington, Del.	Delaware	No par value common stock.	15	CN655758
The Commonwealth & Southern Corp., 902 Market St., Wilmington, Del.	do	do	20	486044
Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, N. Y.	do	$15 par value capital stock.	6	136709
Electric Bond & Share Co., Two Rector St., New York, N. Y.	New York	$5 par value common stock.	10	W057164
General American Transportation Corp., 135 South La Salle St., Chicago, Ill.	do	$5 par value common stock.	20	NY33597
The Lambert Co., 9 Rockefeller Plaza, New York, N. Y.	Delaware	No par value common stock.	25	NC0117879
P. Lorillard Co., 119 West 40th St., New York, N. Y.	New Jersey	$10 par value common stock.	40	J102928
Mission Corp., 15 Exchange Pl., Jersey City, N. J.	Nevada	$10 par value capital stock.	3	F104991 F155341
Norfolk & Western Ry. Co., Roanoke, Va.	Virginia	$100 par value common stock.	25	166097
The Pennsylvania RR. Co., Broad Street Station Bldg., Philadelphia, Pa.	Pennsylvania	Capital stock	75	F33479
Standard Oil Co., 30 Rockefeller Plaza, New York, N. Y.	New Jersey	$25 par value capital stock.	63	CC224049 CC972609 CC224048
Union Carbide & Carbon Corp., 30 East 42d St., New York, N. Y.	New York	No par value capital	5	59214
Rudolph Karstadt, Inc., Fehrbelliner Platz 1 Berlin-Wilmersdorf, Germany.	Germany	American shares	200	N2762 N2763

EXHIBIT B

Description of issue	Certificate No.	Face value
United Steel Works Corp. sinking fund 6½ percent gold bonds, series A, due 1951.	M 23433	$1,000
United Steel Works Corp. sinking fund 6½ percent gold bonds, series C, due 1951.	M 24177 M 2373	1,000 1,000
The Pennsylvania R. R. Co. 3¾ percent convertible debentures, due 1952	C 18608 C 18629 C 18940	100 100 100
Republic of Bolivia external 7 percent sinking fund bonds, due 1958	M 6017/06	11,000
Mortgage Bank of Chile guaranteed 6½ percent sinking fund bond, due 1957	D 419	500
Republic of Peru external 6 percent bonds, due 1960	M 27949	1,000
Rheinelbe-Union 20-year sinking fund mortgage 7 percent gold bonds, due 1946.	M 4221 M 4327 M 4379/80 M 4531/4 M 4581/2 M 5808/10 M 7465	1,000 1,000 11,000 11,000 11,000 11,000 1,000

[1] Each.

[F. R. Doc. 47-3041; Filed, Mar. 31, 1947; 8:48 a. m.]

[Vesting Order 8467]

CHARLES VOGT, JR.

Trust u/w of Charles Vogt, Jr., deceased. File D-28-6591; E. T. sec. 4866.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Babette Dengel and Mrs. Madeline Travers (formerly Maria M. Dengel), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Mrs. Madeline Travers (formerly Maria M. Dengel), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Charles Vogt, Jr., deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by City Bank Farmers Trust Company, as trustee, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Mrs. Madeline Travers (formerly Maria M. Dengel), are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3040; Filed, Mar. 31, 1947; 8:48 a. m.]

[Vesting Order 8474]

HEINRICH BUCKMANN ET AL.

In re: Bank accounts owned by Heinrich Buckmann et al.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are as set forth in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons named in Exhibit A by American Trust Company, 464 California Street, San Francisco, California, arising out of the savings accounts, entitled and numbered as set forth opposite the names of the persons listed in the aforesaid Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and last known address of owner	Title of account	Account No.	Alien property file No.
Heinrich Buckmann, Binnen, Germany. Luise Buckmann, nee Kuhling, Binnen, Germany.	Heinrich Buckmann Luise Buckmann, nee Kuhling	4907 4901	F-28-25075-E-1 F-28-25074-E-1
Heinrich Dohrmann, Binnen, Germany. Dietrich Dohrmann, Buhren, Germany. Mimi Winkelmann, nee Kuhling, Buhren, Germany.	Heinrich Dohrmann Dietrich Dohrmann Mimi Winkelmann, nee Kuhling	4122 4867 4816	F-28-25426-E-1 F-28-25425-E-1 F-28-25075-E-1
Lisbeth Oelrich, nee Meyer, Binnen, Germany.	Lisbeth Oelrich, nee Meyer	4217	F-28-25994-E-1
Luise Kamman, nee Dohrmann, Binnen, Germany.	Luise Kamman, nee Dohrmann	4989	F-28-26481-E-1
Minna Muller, nee Buckmann, Binnen, Germany.	Minna Muller, nee Buckmann	4348	F-28-26999-E-1
Heinrich Kuhling, Buhren, Germany Marie Schwecke, nee Meyer, Binnen, Germany.	Heinrich Kuhling Marie Schwecke, nee Meyer	4064 4614	F-28-27313-E-1 F-28-26999-E-1
Karoline Schafer, nee Dohrmann, Binnen, Germany.	Karoline Schafer, nee Dohrmann	4237	F-28-26235-E-1

[F. R. Doc. 47-3042; Filed, Mar. 31, 1947; 8:48 a. m.]

[Vesting Order 8482]

MASU KAJIMOTO

In re: Debt owing to Masu Kajimoto. F-39-1055-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masu Kajimoto, whose last known address is Kukagun, Yamaguchiken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Masu Kajimoto, by Midori Matayoshi, 59 Hoku Street, Hilo, Hawaii, T. H., in the amount of $1,250, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3043; Filed, Mar. 31, 1947; 8:48 a. m.]

[Vesting Order 8487]

KYUGO OHTA AND KATSUO KIKUTA

In re: Stock and claims owned by Kyugo Ohta and Katsuo Kikuta. D-39-17437-D-1, F-39-1225-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in subparagraph 2a, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. 110 shares of $10 par value common capital stock of Hawaiian Distilleries, Ltd., 802-814 Kawaiahao Street, Honolulu 42, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Kyugo Ohta	294	50
	616-A	50
Katsuo Kikuta	295	5
	615-A	5

together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations owing to the persons named in Exhibit A, attached hereto and by reference made a part hereof, by Hawaiian Distilleries, Ltd., 802-814 Kawaiahao Street, Honolulu 42, T. H., in the amounts set forth in Exhibit A, as of December 31, 1945, together with any and all accruals

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3043; Filed, Mar. 31, 1947; 8:48 a. m.]

thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons listed in subparagraph 2a hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Amount of dividends payable but unpaid as of Dec. 31, 1945, deposited in a special blocked account in the Bishop National Bank of Hawaii, Honolulu, T. H., in the name of Hawaiian Distilleries, Ltd., special blocked dividend account

Name	
Kyugo Ohta	$117.60
Katsuo Kikuta	11.76

[F. R. Doc. 47-3044; Filed, Mar. 31, 1947; 8:48 a. m.]

[Vesting Order CE 372]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Teresa Scalise	Italy	Estate of Geraldo Scalise, also known as Geraldo Scali, also known as Jerry Scalise, deceased, in the Surrogate's Court, Westchester County, N. Y.	$79.(c)
		Item 2	
Gesara Scalise	do	Same	47.(c)
		Item 3	
Gassaro Scalise	do	Same	24.(c)
		Item 4	
Antonia Scalise	do	Same	24.(c)
		Item 5	
John Romagnuolo (Romagnolo).	do	Estate of Frances Romagnolo, also known as Frances Romagnuolo, deceased, in the Surrogate's Court, Queens County, N. Y.; Docket No. F-1062-1945.	16.(c)
		Item 6	
Joseph Romagnuolo	do	Same	16.(c)
		Item 7	
Joseph Passerini	do	Estate of Agostino Passerini, deceased, in the Surrogate's Court, New York County, N. Y.; Index No. P-966-1943.	38.(c)
		Item 8	
Maria Passerini	do	Same	38.(c)
		Item 9	
T. Ellett Hodgskin	do	Estate of Mathilde C. Hodgskin, deceased, in the Surrogate's Court, Kings County, N. Y.; Docket No. 7481-1943.	25.(c)
		Item 10	
Marion Hodgskin	do	Same	25.(c)
		Item 11	
Giuseppina Biondo (nee Lo Cicero).	do	Estate of Luigi Lo Cicero, deceased, in the Surrogate's Court, Nassau County, N. Y.; Docket No. 40517.	25.(c)

[F. R. Doc. 47-2998; Filed, Mar. 28, 1947; 8:51 a. m.]

APR 4 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 65

Washington, Wednesday, April 2, 1947

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[W. F. O. 63-23]

PART 1596—FOOD IMPORTS

PARTIAL REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (12 F. R. 459), Appendix A is revised by adding the following item thereto:

Food	*Commerce import class No.*
Molasses not used for the extraction of sugar or for human consumption (including all blackstrap or final molasses)	1640.000

This revision shall become effective at 12:01 a. m., e. s. t., April 1, 1947.

(E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 31st day of March 1947.

JESSE B. GILMER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 47-3213; Filed, Mar. 31, 1947; 5:27 p. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary

CERTIFICATION OF ALLOCATION OF CERTAIN MATERIALS NECESSARY TO MEET INTERNATIONAL COMMITMENTS

Pursuant to subsection (e) of section 3 of the First Decontrol Act of 1947, it is hereby certified that the allocation of ammonium nitrate for export and the allocation of fats and oils, including combinations and mixtures thereof, with or without other substances, oil-bearing seeds, beans and nuts, and parts thereof, fatty acids, oil cake and oil cake meal, meat and meat products, butter, grain and grain products, rice and rice products, dried beans and peas, and soap and soap powder are necessary to meet international commitments.

Issued this 31st day of March 1947.

DEAN ACHESON,
Acting Secretary of State.

W. A. HARRIMAN,
Secretary of Commerce.

[F. R. Doc. 47-3222; Filed, Mar. 31, 1947; 5:01 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

CERTIFICATION OF ALLOCATION OF CERTAIN MATERIALS NECESSARY TO MEET INTERNATIONAL COMMITMENTS

CROSS REFERENCE: For certification of allocation of certain materials necessary to meet international commitments see Title 15, Subtitle A, *supra*.

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Order 1, Amdt. 1]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

Section 801.1 *Housing Expediter Priorities Order 1*, is amended by deleting paragraph (a) of this section. This action does not affect any actions taken by the Civilian Production Administration under this section.

(Title III, 56 Stat. 177 as amended, 60 Stat. 207; E. O. 9836, Mar. 22, 1947, 12 F. R. 1939)

Issued this 1st day of April 1947.

FRANK CREEDON,
Housing Expediter.

[F. R. Doc. 47-3136; Filed, Apr. 1, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 316]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

(Continued on p. 2157)

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FEDERAL REGISTER

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The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
839500	Tear gas.
949798	Tear gas guns and equipment.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 3 CFR 1945 Supp.)

Dated: March 18, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3116; Filed, Apr. 1, 1947; 8:47 a. m.]

[Amdt. 317]

PART 801—GENERAL REGULATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Fish and fish products:
	Fish, canned (the following classifications include only canned fish in containers that are hermetically sealed. These classifications include fish, salted, pickled or dry-cured if packed in hermetically sealed containers. Report fish, salted, pickled, or dry-cured, packed in containers not hermetically sealed under 007700, 007800, 007901, 007903, and 007898):
008400	Salmon.
008500	Sardines (include pilchards).
008603	Herring.
008698	Bonito, tuna and tuna fish flakes.
	Table beverage materials:
150500	Tea.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630 dated Sept. 27, 1945, 3 CFR 1945 Supp.)

Dated: March 21, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3117; Filed, Apr. 1, 1947; 8:47 a. m.]

[Amdt. 318]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodity is hereby added to the list of commodities:

Dept. of Com. Sched. B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
837600	Industrial chemicals: Sodium bismuthate....	Lb...	None	None

2. The following commodities are hereby deleted from the list of commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Rubber (natural, allied gums and synthetics) and manufactures:
	Automobile casings (include retreaded tires and used casings averaging $2 and over each) (report used casings averaging less than $2 each in 201200):
206200	Other automobile casings (passenger car tires).
	Synthetic fibers and manufactures:
	Viscose high-tenacity tire cord or yarn, on cones or warps, treated, dipped, or untreated (fuel-cell high-tenacity cord or yarn included):
384013	Rayon.
384013	Other.
384026	Cord-tire and fuel-cell fabric, woven filament (rubber coated).
	Miscellaneous textile products:
390100	Linoleum.
	Steel mill products:
	Structural iron and steel, structural shapes:
	Fabricated:
604600	Buildings (knockdown included).
604600	Portable houses, knockdown.
	Iron and steel manufactures:
	Cooking and heating stoves, except electric:
613900	Coal and wood cooking and room heating stoves.
614300	Gas stoves, ranges and room and water heaters.
614400	Kerosene cooking stoves.
	Central heating equipment:
614800	Warm-air furnaces.
615000	Domestic oil-fired boilers, only.
	Other domestic cooking or heating equipment:
615280	Janitrols.
615280	Space heaters, except electric (report space heaters, electric, domestic, in 707398, and space heaters, electric, industrial in 707490).
615280	Thermostatic elements, pilot, power.
615280	Unit heaters and parts.
615280	Warm-air registers and grills.
615280	Heating system controls.
620998	Guttering.
	Aluminum and manufactures:
630301	Aluminum sheets, plates, and strips.
	Electrical machinery and apparatus:
703405	Fuse plugs under 2,300 volts.
	Electric interior lighting fixtures and parts:
709698	All non-fluorescent types.
709998	Temperature controllers, and parts; thermostatic temperature regulators and parts; thermostat switches; thermostats and parts (except industrial).
	Automobiles, parts, accessories and service equipment:
790750	Passenger cars and chassis, new.
790750	Station wagons, new (mounted on passenger car chassis).
791100	Passenger cars and chassis (second-hand).
791100	Station wagons (second-hand) mounted on passenger car chassis.
793190	House trailers.
	Coal-tar products:
802550	Dimethylaniline.
802590	Para-nitraniline.
	Medicinal and pharmaceutical preparations:
813590	Strychnine and strychnine salts in bulk.
	Miscellaneous commodities, n. e. s.:
969300	Composition roofing, asphalt.
969900	Composition roofing, tarred.

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective April 1, 1947, except that, with respect to the commodities added to the list of commodities, it shall become effective on April 7, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 3 CFR 1945 Supp.)

Dated: March 26, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3118; Filed, Apr. 1, 1947; 8:47 a. m.]

[Amdt. 322]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting the qualifying footnote "Requires individual license for export to all areas except the Philippine Islands, the Netherlands Indies, Liberia, the Belgian Congo, and to all countries in Western French Africa, Western British Africa, and in North and South America as listed in Schedule C of the Bureau of the Census, U. S. Department of Commerce" with respect to the following commodities:

Department of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
	Grains and preparations:			
107300	Wheat flour, wholly of U. S. wheat (except in cases or small packages) (include graham, malt, pastry and macaroni flours).	Cwt.	100	25
107400	Wheat flour, not wholly of U. S. wheat (except in cases or small packages) (include graham, malt, pastry and macaroni flours).	Cwt.	100	25
108100	Farina only	Lb.	100	25
105900	Wheat semolina	Lb.	100	25
109500	Wheat flour in cases or small packages and all preparations containing wheat flour classified under Schedule B No. 109500.		100	25

Shipments to the above listed destinations of any of the above commodities removed from general license which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective April 1, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 3 CFR 1945 Supp.)

Dated: March 26, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3122; Filed, Apr. 1, 1947; 8:48 a. m.]

[Amdt. 323]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	Commodity
	Hides and skins, raw, except furs:
020102	Cattle hides, dry.
020104	Cattle hides, wet, 55 pounds and over, only.
025098	Ass hides.
025098	Buffalo hides.
025098	Colt hides.
025098	Horse hides.
	Leather:
	Upper leather (except lining and patent):
	Cattle, side upper:
030200	Splits, finished.
030300	Splits, wax and rough.
030700	Sheep and lamb.
031190	Buffalo.
	Lining leathers:
032100	Sheep and lamb.
032400	Sole leather (bends, backs and sides) (report offal in 033210).
	Boot and shoe cut stock:
032700	Soles, outer.
	Other cut stock (include inner soles, heels, lifts, counters, box toes, rands, uppers, etc.; specify by name):
032800	Cattle only.
033000	Belting leather.
033210	Sole, welting and belting leather offal.
	Glove and garment leather (hat leather included):
033650	Sheep and lamb.
033850	Pig and hog.
033950	Buffalo.
035300	Upholstery and automobile leather.
035650	Case, bag and strag leather, except handbag.
035900	Athletic goods leather.
035900	Bridle leather.
035900	Collar leather.
035900	Cup leather.
035900	Golf grip leather.
035900	Harness leather.
035900	Hydraulic leather.
035900	Roller leather.
035900	Saddlery leather.
035900	Skirting leather for saddles.
035900	Stirrup leather.
035900	Upholstery leather, unfinished, rough.
035900	Welting leather.
	Leather manufactures:
060000	Leather welting.
068000	Leather belting, new.
	Drugs, herbs, leaves and roots, crude:
220939	Cube, timbo, barbasco root.
220939	Derris or tuba root.
	Wood, unmanufactured:
	Logs, and hewn timber (indicate quantity scale) (include stumps and burls):
	Hardwoods:
400998	Other hardwood logs and hewn timber.
	Railroad ties, hewn (report sawed 415600 and 415900):
402900	Other than creosoted or otherwise treated.
	Sawmill products (lumber):
	Hardwoods:
412000	Cottonwood.
412200	Gum, tupelo and black.
412600	Walnut.
412700	Mahogany.
	Railroad ties, sawed (one tie equals 35 bd. ft.) (report hewn in 402600 and 402900):
415900	Other than creosoted or otherwise treated.
	Clay and clay products:
533300	Sinks and other sanitary articles, except lavatories and wall lavatories.
	Steel mill products:
601500	Terneplate clippings and scrap.
602100	Iron bars 1 inch and under.
603200	Skelp iron and steel.
604600	Structural iron and steel, structural shapes: Fabricated: Structural shapes, fabricated (beyond mill forms): angle irons; beams, channel runners and simplex studs with accessories (shipped together); channels; extensions; girders; H bars; H beams; I bars; I beams; posts; ship channels; T bars and T's, punched or shaped; trusses; U bars; welded steel structures; Z bars.
	Iron and steel manufactures:
612200	Tin cans, finished or unfinished.
612500	Sinks, and other plumbing fixtures except lavatories and wall lavatories.
	Cooking and heating stoves, except electric:
614500	Kerosene water heaters.
	Central heating equipment:
614900	House-heating radiators, cast iron.
614900	House-heating convectors.
618000	Heavy knob lock sets of brass or bronze, only.
618300	Barrel bolts, casement handles, catches, door bolts, door pulls, door springs (coil), hasps, hinge parts, latches except mortise latches, sash adjusters, sash fasteners, storm window operators, window catches, window fasteners and window latches.
	Brass and bronze manufactures:
646500	Hinges and butts of brass or bronze.
	Electrical machinery and apparatus.
707398	Water heaters and parts, electric, domestic.
709800	Wall plates.
	Construction and conveying machinery:
723100	Concrete block machines; multiple-mold, 2- and 3-block capacity.
	Coal-tar products:
801100	Toluol (toluene), including that derived from petroleum (report on basis of 100%).
	Medicinal and pharmaceutical preparations:
812300	Liver extract in bulk.
812300	Pancreatin.
812300	Suprarenal cortex.
812750	Cinchonidine sulfate.
812750	Cinchonidine salts and compounds, except sulfate.
812750	Cinchonine salts and compounds, with sulfate.
812750	Cinchonine salts and compounds, except sulfate.
	Chemical specialties:
820000	Nicotine sulfate (40% basis) (report nicotine mixtures in 820950 and free nicotine in 829990).
820590	Rotenone extract or powder.
829970	Desoxycorticosterone.
829990	Nicotine alkaloid.
	Industrial chemicals:
831500	Amyl alcohol, and trade name products, such as "Pentasol", the primary ingredient of which is amyl alcohol.
832990	Amyl acetate, and trade name products, such as "pent-acetate", the primary ingredient of which is amyl acetate.
837900	Sodium perborate.
839900	Nickel salts and compounds, except nickel oxide.

This amendment shall become effective April 1, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 3 CFR 1945 Supp.)

Dated: March 28, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3123; Filed, Apr. 1, 1947; 8:48 a. m.]

[Amdt. 321]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE AND PERSONAL EFFECTS

Section 802.11 *Personal baggage and personal effects* is amended as follows:

Subparagraph (3) *Motor vehicles* of paragraph (b) *Special provisions* is hereby deleted.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630 Sept. 27, 1945, 3 CFR 1945 Supp.)

Dated: March 26, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3121; Filed, Apr. 1, 1947; 8:48 a. m.]

[Amdt. 319]

PART 812—LIMITED PRODUCTION LICENSES FOR PASSENGER AUTOMOBILES AND TRUCKS

Part 812, Limited Production Licenses for Passenger Automobiles and Trucks is hereby revoked. The revocation of this part does not affect the validity of licenses issued thereunder authorizing exportation to countries in Group E as set forth in § 802.3 of this subchapter. Licenses authorizing shipment to Group E countries may be used until the full amount licensed for export to those countries has been shipped or until the validity period of the licenses has expired, whichever is sooner.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630 Sept. 27, 1945, 3 CFR 1945 Supp.)

Dated: March 26, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3119; Filed, Apr. 1, 1947; 8:48 a. m.]

[Amdt. 320]

PART 817—LIMITED DISTRIBUTION LICENSES FOR NEW PASSENGER CAR, TRUCK AND BUS TIRES

Part 817, Limited Distribution Licenses for New Passenger Car, Truck and Bus Tires, is hereby revoked. The revocation of this part does not affect the validity of licenses issued thereunder authorizing exportation to countries in Group E as set forth in § 802.3 of this subchapter. Licenses authorizing shipment to Group E countries may be used until the full amount licensed for export to those countries has been shipped or until the validity period of the licenses has expired, whichever is sooner.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. & Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 3 CFR 1945 Supp.)

Dated: March 26, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3120; Filed, Apr. 1, 1947; 8:48 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; Pub. Laws 24, 29, 80th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

[Allocations Reg. 1]

Sec.

945.1 Purpose and scope of this regulation; definitions.
945.2 Certifications on purchase orders and other documents.
945.3 Effect of other regulations and orders.
945.4 Effect of revocation of orders and regulations.
945.5 Use or disposition of material acquired with allocations assistance.
945.6 Intra-company deliveries.
945.7 Scope of regulations and orders.
945.8 Defense against claims for damages.
945.9 Inventory restrictions.
945.10 Delivery for unlawful purposes prohibited.
945.11 Records.
945.12 Audit and inspection.
945.13 Reports.
945.14 Violations.
945.15 Appeals for relief in exceptional cases.
945.16 Notification of customers.
945.17 Transfers of quotas; transfers of a business as a going concern.

§ 945.1 *Purpose and scope of this regulation; definitions.* This regulation states the basic rules of the Civilian Production Administration which apply to business transactions after March 31, 1947, unless they are covered by more specific regulations or orders of the Civilian Production Administration which are inconsistent with this regulation.

It continues in effect certain of the general rules previously contained in CPA Priorities Regulations 1, 3, 7, 7A and 8. Those regulations were among the regulations and orders adopted by the Housing Expediter by Housing Expediter Priorities Order 5 and transferred to him by the Civilian Production Administration, effective April 1, 1947. CPA is continuing in simplified form only those rules deemed necessary in the administration of its functions which continue after March 31, 1947.

The following definitions apply for purposes of this regulation and any other regulation or order of the Civilian Production Administration, unless otherwise indicated.

(a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organizer group of persons, whether incorporated or not.

(b) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

§ 945.2 *Certifications on purchase orders and other documents.*—(a) *How to use a certificate on a purchase order.* When a person uses a certificate required or permitted under any CPA order, regulation or direction, he must place it on the purchase or delivery order which is being certified, or on a separate piece of paper either attached to the purchase order or clearly identifying it. A signature on the purchase order shall apply to the certificate on an attached or unattached piece of paper only where the words above the signature clearly make it include the certificate.

The certificate must be verified by the signature of the person placing the order, or of a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature; however, if a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it by the person whose signature it is, and a written record of the authorization must be kept.

When a purchase order is placed by telegram and the certificate is used, the certificate must be set out in full in the telegram. It will be sufficient if the file copy of the outgoing telegram is signed in the manner required for certification by this regulation.

(b) *Signature on other documents.* The above rules for signing certificates on purchase orders also apply to the signature on reports, applications for authorizations to use a certificate, and other documents that are required to be filed under orders and regulations of the Civilian Production Administration.

(c) *Responsibility for truth of certification.* The person who places the certified order or makes the application, report or other document the individual whose signature is used, and the individual who approves the use of the signature shall each be considered to be making a representation to the Civilian Production Administration that the statements contained in the certificate or other document are true to the best of his knowledge and belief.

The person receiving the certification and other information required to be included with it shall be entitled to rely on it as a representation of the buyer

unless he knows or has reason to know that it is false.

§ 945.3 *Effect of other regulations and orders.* Specific allocations or other directions of the Civilian Production Administration for delivery of material or the use of facilities must be complied with regardless of certificates, unless otherwise specified.

§ 945.4 *Effect of revocation of orders and regulations.* (a) When an order or regulation of the Civilian Production Administration is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) Whenever an order or regulation of the CPA is revoked, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the Civilian Production Administration remain in effect after revocation of such orders and regulations, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for relief to the Civilian Production Administration, Washington 25, D. C.

§ 945.5 *Use or disposition of material acquired with allocations assistance.* (a) Any person who gets material with allocations assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a certificate, allocation, specific direction, or any other action of the Civilian Production Administration. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) below must be observed: (1) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the assistance was given (for example, when the assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or order is canceled); (2) When the material was obtained by means of any order, regulation, allocation, specific direction or other action of the CPA which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the CPA.

(b) The holder of a material or product subject to paragraph (a) (1) or (2) above may sell it as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the Civilian Production Administration, or he may use it himself in any manner or for any purpose as long as he complies with such orders and regulations. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

§ 945.6 *Intra-company deliveries.* When any rule, regulation or order of the Civilian Production Administration prohibits or restricts deliveries of any material by any person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

§ 945.7 *Scope of regulations and orders.* All regulations and orders of the Civilian Production Administration (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of Civilian Production Administration orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided. Exports and deliveries of material to be exported may be made regardless of any CPA order or regulation restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

§ 945.8 *Defense against claims for damages.* No persons shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any rule, regulation or order of the Civilian Production Administration, notwithstanding that any such rule, regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

§ 945.9 *Inventory restrictions.* No person may deliver or receive into inventory more of any material than is permitted under applicable CPA orders.

§ 945.10 *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the Civilian Production Administration.

§ 945.11 *Records.* Each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration in force on or after April 1, 1947 applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the certificates, if any, assigned to deliveries under such contracts or purchase orders, details of certified orders (or other orders required by the Civilian Production Administration to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by Civilian Production Administration officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 945.12 *Audit and inspection.* All records required to be kept by this regulation or by any rule, regulation or order of the Civilian Production Administration shall, upon request, be submitted to audit and inspection by its duly authorized representatives.

§ 945.13 *Reports.* (a) Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(b) *Reports under Civilian Production Administration orders and regulations.* (1) If a published regulation or order of the Civilian Production Administration requires the filing of a report by a specified class of persons you must file the report in accordance with any applicable instructions if you belong to that class. The instructions may be in the regulation or order itself, or on a form or separate instruction sheet.

(2) When a published regulation or order requiring you to file any reports is revoked, you do not need to file any more reports due after that date unless they are required by another published regulation or order or unless you are notified to continue to file them in accordance with the rules stated in paragraph (c) below. This does not, however, excuse you from filing any reports due before the regulation or order was revoked.

(c) *Reports not specified in an order or regulation.* The Civilian Production Administration may need information which is not required under a specific regulation or order. In such cases you must file reports when you receive or have received a written notice to do so in one of the following ways:

(1) A letter or other written instrument specifically addressed to you issued in the name of the Civilian Production Administration countersigned or attested by the Recording Secretary, or in accordance with Civilian Production Administration Regulation No. 1 (§ 903.0); or

(2) A report form or instruction sheet with an official form number in the "CPA" series bearing your name or enclosed in an envelope specifically addressed to you.

Approval of the Bureau of the Budget will be indicated on the notice or on a report form or instruction sheet referred to in the notice.

§ 945.14 *Violations.* Any person who violates any provision of this regulation or any other rule, regulation or order of the Civilian Production Administration, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the Civilian Production Administration, and any person who obtains a delivery, an allocation of material or facilities, or an authorization to use a certificate by means of a material and wilful, false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of material or using facilities under allocation control and may be deprived of further allocations assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. sec. 80), or under other applicable statutes.

§ 945.15 *Appeals for relief in exceptional cases.* Any person who considers that compliance by himself or another with a rule or regulation or order of the Civilian Production Administration would work an exceptional and unreasonable hardship on him may appeal for relief.

§ 945.16 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the Civilian Production Administration shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

§ 945.17 *Transfers of quotas; transfers of a business as a going concern.* (a) This section explains when quotas and other rights under the allocations system may be transferred from one person to another and states the rules governing transfer of a business as a going concern.

(b) *Specific provisions in orders or regulations govern.* This regulation does not apply in any case where an applicable order or regulation provides a different rule.

(c) *What is meant by "quota".* As used in this regulation "quota" means a quantitative limit which is placed on the production or delivery of items, or on the acquisition or use of material, by an order or regulation of the CPA. Most quotas are in the form of a specified percentage of production or use during a previous base period or in the form of a specified number of items which may be produced.

(d) *Quota applies to actual manufacturer.* Where a manufacturer does not sell his product in his own name, but makes it for another person under whose name it is sold, and an order of the CPA imposes a quota on manufacturers of the product, that quota applies to the person who actually makes the product rather than to the one under whose name it is sold.

(e) *Distribution of quota where quota holder has several establishments.* Where the holder of a quota has several establishments, he may distribute his quota among them, and change the distribution in any way he wishes unless the quota was acquired on a transfer of a going business as explained in paragraph (h) (1) below.

(f) *Transfer of quotas forbidden in most cases.* No quota may be transferred from one person to another under any circumstances, except in connection with the transfer of a business as a going concern as explained in paragraph (h) (1) below or with the express permission of the CPA. Permission to transfer quotas may be expressly given in an order or regulation or on appeal as explained in paragraph (i) below.

(g) *Transfers of specific authorizations forbidden.* No person may transfer to another any right granted by specific authorization except where this is part of a transfer of a going business as explained in paragraph (h) (1) below.

(h) *Transfer of business as a going concern.* (1) Whenever an entire business is transferred as a going concern to a new owner who continues to operate substantially the same business in the same establishment, using substantially the same trade-mark or trade-name, if any, all rights and obligations under CPA orders and regulations which applied to the business before the transfer continue applicable after the transfer, and the old owner no longer has them. The business under the new ownership has the same quotas, specific authorizations and other rights and duties created by CPA orders and regulations as it had under the old ownership. However, the new owner may not continue to exercise any such rights if he discontinues operation of the business he acquired or operates it as a substantially different business or in another establishment, or if he uses a substantially different trademark or trade-name. He may not, at any time, use any quota of the transferred business for any other part of his business.

(2) If, on dissolution of a firm, the entire business is not transferred as a going concern to a single successor, but is divided up in any way, application must be made to the CPA for a determination of quotas and other rights and duties under CPA orders and regulations.

(3) An order or regulation of the CPA which places any restriction on the transfer of any particular material or product does not apply to a transfer which is part of a transfer of the ownership of an entire business as a going concern, and CPA approval need not be obtained for any such transfer.

(i) *Permission in exceptional cases on appeal.* In any case where the above rules work an exceptional hardship, specific permission may be given on appeal for the transfer of a quota, or a specific authorization or for other exceptions from the rules. An appeal for the transfer of a quota should be filed as an appeal from the order imposing the quota by the person who wishes it transferred to him. If the person from whom it is to be transferred agrees to the transfer, he should join in the appeal. It is not expected that permission will be granted for the purchase or sale of a quota for any consideration in any case where the principal purpose of the transaction is merely to transfer the quota.

Issued this 1st day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3233; Filed, Apr. 1, 1947; 11:50 a. m.]

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

[Allocations Reg. 2]

RESTRICTED EXPORT PREFERENCE ASSISTANCE

§ 945.40 *Allocations Regulation 2—*(a) *Purpose.* This regulation describes the very limited scope of export preference assistance which may be granted in the future. When granted, such assistance will usually be in the form of authorizations to place certified export orders with a certificate entitling the order to perference, in accordance with the rules stated in this regulation.

The issuance of authorizations to place certified export orders will in general be limited to assisting the procurement in this country of minimum quantities of materials necessary to the restoration, development and maintenance of foreign sources of materials critically needed in this country and other exceptional cases necessary to meet international understandings and responsibilities of the United States Government.

For the purpose of this regulation, "certified order" means a purchase or delivery order which is certified by the purchaser by use of the standard form of export preference certificate described in paragraph (h) (7) below, or by use of any other certificate authorized and entitled to preference under another CPA order, regulation or direction for export purposes.

(b) *Exceptional cases when certified export orders may be authorized.* (1) If all the conditions of paragraph (b) (2) below are met, authorizations to place orders with an export preference certificate may be granted in the following limited cases:

(i) To permit the placing of certified export orders for procurement in this country of minimum quantities of materials necessary to the restoration, development or maintenance of foreign sources of materials critically needed in this country.

(ii) In other exceptional cases where necessary to meet international understandings and responsibilities. In these cases a recommendation for approval must be received by CPA from the Secretaries of State and Commerce.

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without preferential aid), an authorization to use an export preference certificate may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without assistance; and

(iii) Preference assistance is required to obtain the item by the latest date and in the minimum quantity practicable, after taking into consideration material already acquired and material available without assistance.

(c) *How to apply for an authorization to use an export preference certificate.* Application for a CPA authorization to use an export preference certificate for all destinations except Canada should be made by letter in quadruplicate, addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C., Ref. AR–2. Application for such a certificate for Canadian destinations should be made directly to the Civilian Production Administration, Washington 25, D. C., Ref. AR–2, also by letter in quadruplicate. Such applications should give the following information:

(1) Exact nature of applicant's business, i. e., manufacturing farm equipment, steel mill, etc.

(2) Exact description of the item for which assistance is required, stating (a) for materials the kind, quantity and unit of measure or (b) for equipment, the make, model, size, type, capacity, etc.

(3) The country of export destination, and the exact use to be made in that country of the item to be exported.

(4) Name of supplier and his present delivery promises, and his reasons for not promising satisfactory delivery dates. (Give the number and date of your purchase order.)

(5) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.

(6) A full statement of the importance of making the export at this time from the standpoint of the interests of the United States.

(d) *How applications are granted.* If the application is granted, CPA will issue a written authorization to the applicant authorizing him to use an export preference certificate. He may then use the certificate described in paragraph (h) (7) below.

(e) *Expiration of ratings and certificates for export: re-validation*—(1) *Expiration.* All preference ratings assigned for materials to be exported shall expire on April 1, 1947 and all certificates used on certified orders for materials for export and required to be treated as rated orders under other CPA orders, regulations or directions shall also expire on April 1, 1947 except those for tinplate continued in effect under Direction 1 to this regulation.

(2) *When and how expiring export ratings or certificates may be replaced.* A person entitled to use a preference rating or a certificate entitled to be treated as a rated order for materials to be exported (including Canadian destinations), which expires on April 1, 1947, may apply to CPA for an authorization to use an export preference certificate if he can meet the conditions stated in paragraph (b) above.

If a new authorization is granted, it may be used by forwarding his supplier the export preference certificate described in paragraph (h) (7) below, signed in accordance with Allocations Regulation 1, together with any additional information needed to enable the person receiving it to know exactly the items to which it applies, the original purchase order referred to (if already placed), and the old rating or certificate.

(f) *Rules for acceptance and rejection of certified orders.* Every certified order must be accepted and filled regardless of existing contracts and orders except in the following cases:

(1) A person must not accept a certified order for delivery on a date which would interfere with delivery on other certified orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the Civilian Production Administration has directed him to fill for that material or for a product which he makes out of it.

(2) A person must not accept a certified order for delivery on a date which can be met only by using material which was specifically produced for delivery on another certified order, and which is completed or is in production and scheduled for completion within 15 days.

(3) If a person, when receiving a certified order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (i) reject the order, stating when he could fill it, or (ii) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer.

(4) A certified order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against certified order, or between certified orders of different customers:

(i) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. (When a person who has a certificate asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on that certificate, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the certified order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of certified orders received by him after making the quotation and before he receives the firm order from the person making the inquiry).

(ii) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (*a*) he cannot fill the order without substantially altering or adding to his facilities or (*b*) the order can readily be performed by someone else who has usually accepted and performed such orders.

(iii) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years. If he has, but the certified order would take more than the excess over his own needs, he may not reject the certified order unless filling it would interfere with other certified orders already on hand, or orders which the Civilian Production Administration has directed him to fill, for the material or for a product which he makes out of it.

(iv) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(5) Any person who fails or refuses to accept an order bearing a certificate provided for under this regulation shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(6) Some orders or directions of the Civilian Production Administration provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order or direction of the Civilian Production Administration. In addition, the Civilian Production Administration may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this paragraph (f), except that he may insist upon compliance with regularly established prices and terms of payment.

(g) *Report to Civilian Production Administration of improperly rejected orders.* When a certified order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

(h) *Description of certificates and how they are used*—(1) *How authorized.* The standard export preference certificate provided for under this regulation is described in (h) (7) below. Other orders or directions of the Civilian Production Administration may also permit the use of other special forms of certificates entitled to preference, such as that for the use of the symbol CXS on certain orders for tinplate, described in Direction 1 to this regulation. The standard certificate described below and certificates entitled to preference under any other Civilian Production Administration order or direction are of equal value and precedence. Authorizations to use the standard export preference certificate will be issued under the conditions described in this regulation. The use of other certificates will be authorized under the conditions stated in the Civilian Production Administration order or direction under which they are issued, which may provide that they shall be treated as export preference certificates.

(2) *Kinds and quantities of materials or services obtainable with certificates.* When a Civilian Production Administration order, direction, or authorization states the quantities and kinds of material or the particular services for which the certificate may be used, the person authorized to use the certificate may use it to get only that quantity and kind of material or that particular service specified in the instrument issued by CPA. If the quantities of material are not stated in the CPA order or authorization, the certificate may be used only to get the minimum amount needed. No person may place certified orders for more material than he is authorized, even if he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered. The only cases in which a certificate may be used to get services, as distinct from the production or delivery of material, are when CPA authorizes a named person to use the certificate to get specified services, or when a person authorized to use a certificate to get processed material furnishes the unprocessed material to a processor and uses the certificate to get it processed.

(3) *How to use a certificate.* The certificate with a certified order must be filled in, signed and delivered to the supplier in accordance with the rules stated in Allocations Regulation 1, and with any special rules which may be stated in any other CPA order or direction permitting the use of any special form of certificate other than the standard export preference certificate.

(4) *Certificates not extendible.* A person receiving a certified order may not extend the certificate to any of his suppliers.

(5) *Relation of certificates to preference ratings.* The certificate on a certified order, and an RR (or CC) preference rating assigned by CPA before April 1, 1947, or by the Housing Expediter, are equal in precedence, unless otherwise directed in writing by the Civilian Production Administration.

(6) *Time limit on certificates.* An export preference certificate, or other certificate permitted under another CPA order or direction for export purposes and entitled to preference expires if not used on an order accepted by a supplier within 6 months of the date the use of the certificate was authorized. If the holder of an authorization to use an export preference certificate has been unable to use it before its expiration, he may apply to CPA for renewal. However, if the purpose for which use of the certificate was authorized should no longer exist, the certificate may not be used even though the time limit stated above has not elapsed.

(7) *Form of standard export preference certificate.* The standard export preference certificate must be in substantially the following form:

EXPORT PREFERENCE CERTIFICATE

The undersigned certifies to the seller and to the CPA, subject to the criminal penalties of section 35 (a) of the U. S. Criminal Code, that he is authorized to use this certificate for the materials described, in accordance with CPA Allocations Regulation 2. My authorization number is ____ (insert the CPA authorization number).

(8) *Report to Civilian Production Administration of improper delay of orders.* When delivery or performance of a certified order is unreasonable or improperly delayed, the customer may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it consider appropriate after requiring an explanation from the person with whom the order is placed.

(i) *Sequence of filling certified orders.* (1) Every person who has certified orders on hand must schedule his operations, if possible, so as to fill each certified order by the required delivery or performance date (determined as explained in paragraph (j) below). If this is not possible for any reason, he must give precedence to all certified over uncertified orders.

(2) As between conflicting certified orders, precedence must be given to the order which was received first with the certificate. As between conflicting certified orders received on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(3) If a certified order or the certificate applicable to an order is cancelled when the supplier has materials in production to fill it, he need not immediately stop to put other certified orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any certified order on hand. He may not, however, delay putting other certified orders into production for more than 15 days.

(j) *Delivery or performance dates.* (1) Every certified order must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an uncertified order. The words "immediately" or "as soon as possible", or other words to that effect, are not sufficient for this purpose.

(2) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to paragraph (i), shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(3) If, after accepting a certified order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, for any reason, he must promptly notify the customer, telling him approximately when he expected to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

(k) The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3231; Filed, Apr. 1, 1947; 11:49 a. m.]

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

[Allocations Reg. 2, Direction 1]

USE AND EFFECT OF SYMBOL CXS ON CERTAIN EXPORT ORDERS FOR TINPLATE

The following direction is issued pursuant to Allocations Regulation 2:

(a) *What this direction does.* This direction explains how certain exporters who have been authorized by the Office of International Trade, Department of Commerce, to use the symbol CXS (Certified Export Steel) on purchase orders for limited quantities of tinplate should furnish that information to steel producers. Such orders when properly certified are to be treated as certified export orders under Allocations Regulation 2. The Civilian Production Administration may also establish space reservations on steel producers' schedules for the benefit of these export orders.

(b) *Identification of certified export orders.* Any person who has been authorized in writing by the Office of International Trade, Department of Commerce, to use the symbol CXS on purchase orders for limited quantities of tinplate should, in addition to marking his purchase order with the symbol, specify the period in which shipment has been designated, and furnish the steel producer with a certificate, signed manually or as described in Allocations Regulation 1, in substantially the following form:

I certify, subject to the penalties of section 35A of the United States Criminal Code, that the tinplate covered by this purchase order is within the quantity which I have been authorized by the Office of International Trade, Department of Commerce, to purchase by orders identified with the symbol CXS.

(c) *Requests for authorization to use the symbol CXS.* All requests for authorization to use the symbol CXS should be addressed to the Steel Section, Office of International Trade, Department of Commerce, Washington 25, D. C.

(d) *Certified orders entitled to preference.* Unless the CPA directs otherwise, any purchase order certified under this Direction must be treated as a certified export order under Allocations Regulation 2, and be accepted, scheduled, and delivered accordingly. The rules of Allocations Regulation 2 will apply, except to the extent that this Direction is inconsistent with them. Tinplate obtained on certified orders must be used in accordance with § 945.5 of Allocations Regulation 1.

(e) *Refusal of certified orders.* (1) CXS orders may only be placed with steel producers for mill shipments. They may not be placed with distributors for shipment from warehouses.

(2) Steel producers need not accept a CXS certification on a previously accepted purchase order, or a new purchase order, which was received less than 45 days before the beginning of the month in which delivery is requested.

(f) *Other distribution of steel for export.* The provisions of this direction do not restrict acceptance, scheduling or shipment of noncertified orders for export, if this does not interfere with shipments of certified orders.

(g) *Direction 10 to Order M–21 superseded.* This direction supersedes former Direction 10 to Order M–21. Certificates for tinplate authorized under Direction 10 shall have the same force and effect under this Direction 1 as if authorized under it, and do not require revalidation.

Certificates authorized under Direction 10 to Order M–21 for steel products other than tinplate expire at the end of March 1947, under Allocations Regulation 2, although some may upon application be replaced with the new export preference certificate, as explained in that regulation.

Issued this 1st day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–3232; Filed, Apr. 1, 1947; 11:50 a. m.]

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

[Allocations Reg. 2, Direction 2]

SPECIAL RULES FOR PLACING AND SCHEDULING CERTIFIED ORDERS FOR STEEL, COPPER AND ALUMINUM

The following direction is issued pursuant to Allocations Regulation 2:

(a) *What this direction does.* This direction explains some special rules for placing, accepting, and scheduling certified orders for steel, copper and aluminum. These rules supersede some of the provisions of Allocations Regulation 2 concerning the ordinary use of certificates, but only those rules of Allocations Regulation 2 which are contradictory to this direction are superseded, and all other rules in that regulation continue to apply.

(b) *Required delivery dates.* A certified order for steel, copper or aluminum in the forms listed below must specify delivery on a particular date or a particular month, which in no case may be earlier than required by the person placing the order. A producer of steel, copper or aluminum must schedule the order for delivery within the requested month as close to the requested delivery date as is practicable in view of the need for maximum production.

(c) *Rejection of certified orders.* A producer of steel, copper or aluminum in the forms listed below need not accept a certified order which is received less than 30 days (45 days in the case of tinplate) prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the Civilian Production Administration.

(d) *Forms of steel, copper and aluminum to which this direction applies.* This direction applies to the following forms of steel, copper and aluminum:

Carbon and alloy iron and steel (including stainless steel).
Bars, cold finished.
Bars, hot rolled or forged.
Ingot, billets, blooms, slabs, die blocks, tube rounds, sheet and tin bar, and skelp.
Pipe, including threaded couplings of the type normally supplied on threaded pipe by pipe mills.
Plates.
Rail and track accessories.
Sheet and strip.
Castings (rough as cast).
Structural shapes and piling.
Tin plate, terne plate and tin mill black plate.
Tubing.
Wheels, tires and axles.
Wire rods, wire and wire products.
Forgings (rough as forged).
Copper and copper base alloy products:
  Alloy sheet, strip and plate.
  Alloy rods, bars and wire.
  Alloy seamless tube and pipe.
  Plate, sheet and strip.
  Rods, bars and wire.
  Tube and pipe.
  Wire and cable.
  Castings (before machining).
Aluminum products:
  Rod and bar.
  Wire (under ⅜").
  Cable (electrical transmission only).
  Rivets.
  Forgings and pressings (before machining).
  Impact extrusions.
  Castings.
  Rolled structural shapes (angles, channels, zees, tees, etc.).
  Extruded shapes.
  Sheet, strip and plate.
  Slugs.
  Foil.
  Tubing.
  Tube blooms.
  Powder (including atomized, granular, flake, paste, and pigment).
  Ingot, pig, billets, slabs, etc.

Issued this 1st day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–3230; Filed, Apr. 1, 1947; 11:49 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M–63, as Amended, Mar. 25, 1947, Amdt. 1]

Section 1042.1 *General Imports Order M–63*, as amended March 25, 1947, is amended in the following respects:

1. By deleting from List A, in the first column, the words "Molasses and sugar sirup" and also the figures opposite these words in the second and third columns of the table.

2. By changing the footnote to Part 1042—Imports of Strategic Materials [1] to read:

[1] Certain food items formerly on Lists I, II, III and A are now subject to import control in accordance with War Food Administration Order 63.

Issued this 1st day of April, 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–3288; Filed, Apr. 1, 1947; 11:49 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R–1, as Amended Dec. 31, 1946, Direction 14]

REMOVAL OF CONTROL OVER IMPORT OF NATURAL RUBBER AND NATURAL RUBBER LATEX

The following direction is issued pursuant to Rubber Order R–1:

Notwithstanding any provision of Rubber Order R–1 to the contrary, any person may import or accept delivery of natural rubber or natural rubber latex; *Provided, however,* That all other provisions of Order R–1 with respect to allocations, consumption, inventory, specifications and import of natural rubber products are complied with by any person accepting delivery of natural rubber or natural rubber latex for the purpose of consuming the same.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177, Pub. Law 24, 80th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9246, 7 F. R. 7379, as amended by E. O. 9475, 9 F. R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F. R. 64)

Issued this 1st day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–3229; Filed, Apr. 1, 1947; 11:49 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[3d Rev. RO 3,[1] Amdt. 22 to Supp. 1]

SUGAR

Section 4.1 of Supplement 1 to Third Revised Ration Order 3 is amended by changing the percentage for the County of Nueces, Texas, from 10 to 40.

This amendment shall become effective March 31, 1947.

Issued this 31st day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47–3184; Filed, Mar. 31, 1947; 4:16 p. m.]

PART 1334—SUGAR

[MPR 16,[2] Amdt. 6]

RAW CANE SUGAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation 16 is amended in the following respects:

In sections 8 (a) (1) (i) and 8 (b) (1) the figure "4.7556" is substituted for the figure "4.755".

This amendment shall become effective 12:01 a. m. March 30, 1947.

Issued this 28th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Approved: March 28, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 6 to Maximum Price Regulation 16

The accompanying amendment to Maximum Price Regulation 16 increases the maximum prices of raw cane sugars (except direct consumption raw cane sugars) 6 cents per hundredweight.

This action is made necessary by the increase of 6 cents per hundredweight in the ocean freight rates for shipping raw cane sugar from northside Cuban ports to New York City to be effective March 30, 1947. Under the agreement which it has with the Cuban government for the purchase of most of the 1947 Cuban raw sugar crop, the Commodity Credit Corporation cannot force the Cuban government to bear this increased shipping cost. Nor can the Commodity Credit Corporation itself absorb this additional cost, for it has no legal authority to do so. Accordingly, the Secretary of Agriculture has recommended that the maximum selling price in this country of raw cane sugars be increased by 6 cents per hundredweight, the amount of the ocean freight rate increase, so that the Commodity Credit Corporation can, within its legal limitations, continue to import and sell sugar and thus insure a supply of that commodity adequate for this country's needs.

In order not to disrupt customary and historical differentials between the price of sugars from off-shore areas and those produced in this country, the increase is made applicable to all raw cane sugars covered under Maximum Price Regulation 16.

[F. R. Doc. 47–3186; Filed, Mar. 31, 1947; 4:18 p. m.]

PART 1334—SUGAR

[MPR 60,[1] Amdt. 10]

DIRECT CONSUMPTION SUGAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation 60 is amended in the following respects:

1. The table of maximum basis prices in section 2 (a) (1) is amended to read as follows:

(i) For sales of fine granulated cane sugar refined in Continental United States, $6.25.
(ii) For sales of fine granulated beet sugar processed in Continental United States, $6.15.
(iii) For sales of fine granulated cane sugar from off-shore areas, domestic or foreign, duty paid, $6.20.
(iv) For sales of turbinado, washed-white or similar sugar from off-shore areas, domestic or foreign, duty paid, for direct consumption, $5.90.
(v) For sales of plantation granulated sugar processed from United States mainland sugar cane, $6.15.
(vi) For sales of direct-consumption sugars other than those provided for above, in this section, processed from United States mainland sugar cane including but not limited to turbinado, plantation white and high-washed sugars, $6.05.

2. Section 2 (a) (3) (ii) is amended by the addition of the following sentence: For sales of liquid sugar, if the seller had no such cartage rates on December 1, 1941, he shall add a delivery charge based on the December 1, 1941 liquid sugar cartage rates of the primary distributor located nearest freightwise to him who had such cartage rates.

3. In section 2 (b) (1) the figure "$5.20" is substituted for the figure "$5.15."

This amendment shall become effective 11:59 p. m., March 31, 1947.

Issued this 31st day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Approved: March 31, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 10 to Maximum Price Regulation 60

The accompanying amendment to Maximum Price Regulation 60 increases the maximum basis price of all direct consumption sugars 5 cents per hundredweight.

An increase in ocean freight rates from Cuba necessitated an increase of six cents per hundredweight in the maximum selling price of raw cane sugar which became effective March 30, 1947. After examination and consideration of the effect of the resulting increased cost of raw sugar to refiners, occasioned by the increase in freight rates, it is the opinion of the Administrator that part of this increased cost can be absorbed by refiners. This is made possible by the recent adjustment in packaging differentials and the expected increase in melt for the year 1947. Data available to the Administrator indicates that some increases have also taken place in refiners' costs which will to some extent offset the increased earnings due to the increased volume. It is believed that an increase of five cents per hundredweight in the maximum price of refined sugar will provide a proper return to the refining industry and, at the same time, permit the continuance of the customary practice of pricing in five cent intervals.

Moreover, it is the opinion of the Administrator that to require an absorption beyond this figure would so reduce refiners' margins that a disruption of distribution with an ensuing shortage of sugars in certain areas might result.

Although the March 30th increase in prices applies only to raw cane sugars, it is deemed necessary to make the increase in direct consumption sugar prices apply to beet sugar as well in order to maintain the customary and historical differentials applying to these various sugars.

The Administrator has determined that this five cent increase for direct consumption sugars is necessary in order to help promote an effective transition to a peacetime economy.

In addition, the amendment establishes a method whereby primary distributors who did not have cartage rates for liquid sugar on December 1, 1941 can determine maximum delivered prices for sales of liquid sugar where the buyer's warehouse or place of business at or from which the sugar is to be used or resold is within a refinery city metropolitan area and the transportation to such place is

[1] 11 F. R. 177.
[2] 10 F. R. 10978; 11 F. R. 1434, 3201, 13694; 12 F. R. 391.

[1] 10 F. R. 14816; 11 F. R. 1434, 3299, 7036, 13854, 13524, 13695; 12 F. R. 391, 1927.

performed by means of a motor vehicle owned, controlled or hired by the seller.

Heretofore, if the seller did not have cartage rates for liquid sugar on December 1, 1941, he would have been unable to determine a maximum delivered price for liquid sugar under section 2 (a) (3) (ii). The situation did not call for any action until now, because until very recently there were no sellers in the field who did not have cartage rates for liquid sugar on December 1, 1941. However, informal petitions and letters of request have been filed by several refiners not engaged in the production of liquid sugar in 1941, but who recently commenced manufacture of such sugars, indicating the necessity for such action at this time.

[F. R. Doc. 47-3187; Filed, Mar. 31, 1947; 4:19 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts,[1] Amdt. 104 (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS

The application of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is terminated in a portion of the Brunswick defense-rental area; in the Deming defense-rental area; in a portion of the Las Cruces defense-rental area; in a portion of the Jamestown defense-rental area; in a portion of the Pittsburgh defense-rental area; and in a portion of the Columbia, South Carolina defense-rental area, and consequently the above-named areas and portions of areas are decontrolled. Item 195 of the Schedule A of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is hereby revoked, and Items 73, 196a, 203, 267 and 278 are amended to read as follows:

(73) Brunswick	Georgia	Camden, McIntosh, and Glynn County, except Sea and St. Simons Islands	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(196a) Las Cruces	New Mexico	Dona Ana	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(203) Jamestown	New York	Chautauqua County except the Chautauqua Institution	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(267) Pittsburgh	Pennsylvania	Allegheny, Armstrong, Beaver, Butler, Fayette, Lawrence, Washington, Westmoreland, and Greene, except the townships of Aleppo, Centre, Freeport, Gilmore, Gray, Jackson, Morris, Perry, Richhill, Springhill and Wayne.	do	July 1, 1942	Aug. 31, 1942
(278) Columbia, S. C.	South Carolina	Lexington and Richland	do	Nov. 1, 1942	Jan. 14, 1943
		Sumter	do	Dec. 1, 1942	Jan. 15, 1943
		Florence	do	May 1, 1943	June 15, 1943

This amendment shall become effective April 1, 1947.

Issued this 1st day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 113 to the Rent Regulation for Housing: Amendment 104 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

By these amendments the application of the rent regulations is terminated in the Deming defense-rental area, consisting of Luna County in New Mexico; in a portion of the Brunswick defense-rental area, consisting of St. Simons Island in Glynn County, Georgia; in a portion of the Las Cruces defense-rental area, consisting of Sierra County, New Mexico; in a portion of the Jamestown defense-rental area, consisting of the Chautauqua Institution in Chautauqua County, New York; in a portion of the Pittsburgh defense-rental area, consisting of the Townships of Aleppo, Center, Freeport, Gilmore, Gray, Jackson, Morris, Perry, Richhill, Springhill and Wayne in Greene County, Pennsylvania; in a portion of the Columbia, South Carolina defense-rental area, consisting of the portion of Aiken County except the Townships of Chinquepin, Giddy Swamp, Hopewell, McTier, Millbrook, Rocky Grove, Rocky Springs, Shaws, Silverton, Sleepy Hollow, Tabernacle, and Windsor.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-3227; Filed, Apr. 1, 1947; 11:39 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Interpretation of Sec. 6 (b) (1)-VIII (§ 1388.1181)]

EVICTION FOR OCCUPANCY BY MEMBER OF LANDLORD'S FAMILY

The following is an interpretation of section 6 (b) (1) of the rent regulation for housing.

Interpretation 6 (b) (1)-VIII; Eviction for occupancy by a member of the landlord's family. Where a landlord seeks eviction of a tenant for occupancy by persons other than himself he must petition for a certificate under section 6 (b) (1). Certificates will be granted where the petition is filed in good faith for occupancy by a son, daughter, father or mother of the landlord. Certificates will not be granted for occupancy by relatives of the landlord where the relationship is other than parent and child, except in the unusual and exceptional case where it is established that the relative is a dependent or that extreme hardship to the parties is involved. In such isolated cases, eviction certificates may be granted if the landlord establishes that the eviction is sought in good faith and that evictions of the character proposed would not be inconsistent with the act or regulation or result in the circumvention or evasion thereof.

Example 1. L's daughter who lives with L marries. A certificate will be issued to L for occupancy by his daughter and her husband even though L's home is large enough to house the daughter and her husband, provided that the eviction is sought in good faith.

Example 2. L's son and his wife sell the house in which they reside. L seeks eviction of a tenant in a house owned by him for occupancy by the son and his wife. If the eviction is sought in good faith, a certificate will be granted even though the need for occupancy was self-imposed by reason of the son's sale of his home.

Example 3. L's father-in-law retired from business and he and his wife move to the city in which L lives. L owns an apartment house and seeks eviction of one of the tenants for occupancy by his father-in-law and mother-in-law. A certificate will be granted. The determination in such cases will not be based on whether title to the property is in the son's or his wife's name and evictions for fathers-in-law or mothers-in-law will be treated on the same basis as those for fathers or mothers.

Example 4. L owns an apartment house and seeks eviction for occupancy of one of the apartments for his married brother and family. The petition will be denied on the ground that evictions of the character proposed would be inconsistent with the act and regulation and would result in the circumvention and evasion thereof.

Example 5. L owns a duplex house, his son lives in Unit 1. L seeks eviction of the tenant in Unit 2 for occupancy by his son. L refuses to offer Apartment 1 to the tenant whose eviction is sought. A certificate may be denied on the ground of bad faith since L's refusal to offer the tenant the apartment vacated by the son indicates that L's real purpose is to evict the tenant rather than obtain occupancy for his son.

Example 6. L's widowed sister who has two small children is without sufficient income on which to live. L owns a duplex and occupies one-half of it with his family. L seeks occupancy of the other unit of the duplex for his sister and her two children in order that he and his family can help to look after the children while the sister is employed. A certificate may be granted on the ground that this is an unusual and exceptional case in which extreme hardship is involved.

[1] 11 F. R. 13032, 13056, 13305, 14013, 14187, 14571; 12 F. R. 1444.

Example 7. L is an elderly woman residing alone in a two-family house which she owns. L suffered a stroke and became bedridden. Her only near relative is a married niece who has a husband and two children. Because of L's condition, it is necessary that nursing service be available 24 hours a day. The niece is able and willing to care for her aunt. L files a certificate for a petition to evict the tenant in the house for occupancy by her niece and family so that her niece may be available at all times to help her. A certificate would normally be issued in this case on the ground that it is an unusual and exceptional case involving extreme hardship.

It is assumed in the examples given above that the landlord owned the property prior to the effective date of the regulation (or prior to October 20, 1942, in areas where the effective date of the regulation is prior to that date). If the property was acquired by the landlord on or after such date, then a certificate will not be granted to evict a tenant of the vendor for occupancy by the family member, unless the landlord has met the down-payment requirement of section 6 (b) (2), or establishes that the requirement should be waived in accordance with the provisions of that section.

In any of the above cases in which a certificate will issue, the waiting period will be determined in accordance with the provisions of section 6 (b) (1).

Issued March 28, 1947.

E. D. DUPREE, JR.,
Associate General Counsel for Rent.

[F. R. Doc. 47-3188; Filed, Mar. 31, 1947; 4:19 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 113 (§ 1388.1181)]

HOUSING

The application of the rent regulation for housing is terminated in a portion of the Brunswick defense-rental area; in the Deming defense-rental area; in a portion of the Las Cruces defense-rental area; in a portion of the Jamestown defense-rental area; in a portion of the Pittsburgh defense-rental area; and in a portion of the Columbia, South Carolina defense-rental area, and consequently the above-named areas and portions of areas are decontrolled. Item 195 of Schedule A of the rent regulation for housing is hereby revoked, and Items 73, 196a, 203, 267, and 278 are amended to read as follows:

(73) Brunswick	Georgia	Camden, McIntosh, and Glynn County, except Sea and St. Simons Islands	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 194-
(196a) Las Cruces	New Mexico	Dona Ana	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 194-
(203) Jamestown	New York	Chautauqua County except the Chautauqua Institution	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 194-
(267) Pittsburgh	Pennsylvania	Allegheny, Armstrong, Beaver, Butler, Fayette, Lawrence, Washington, Westmoreland, and Greene, except the townships of Aleppo, Center, Freeport, Gilmore, Gray, Jackson, Morris, Perry, Richhill, Springhill and Wayne.	do	July 1, 1942	Aug. 31, 194-
(278) Columbia, S. C.	South Carolina	Lexington and Richland	do	Nov. 1, 1942	Jan. 14, 194-
		Sumter	do	Dec. 1, 1942	Jan. 15, 194-
		Florence	do	May 1, 1943	June 15, 194-

This amendment shall become effective April 1, 1947.

Issued this 1st day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 113 to the Rent Regulation for Housing: Amendment 104 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

By these amendments the application of the rent regulations is terminated in the Deming defense-rental area, consisting of Luna County in New Mexico; in a portion of the Brunswick defense-rental area, consisting of St. Simons Island in Glynn County, Georgia; in a portion of the Las Cruces defense-rental area, consisting of Sierra County, New Mexico; in a portion of the Jamestown defense-rental area, consisting of the Chautauqua Institution in Chautauqua County, New York; in a portion of the Pittsburgh defense-rental area, consisting of the Townships of Aleppo, Center, Freeport, Gilmore, Gray, Jackson, Morris, Perry, Richhill, Springhill and Wayne in Greene County, Pennsylvania; in a portion of the Columbia, South Carolina defense-rental area, consisting of the portion of Aiken County except the Townships of Chinquepin, Giddy Swamp, Hopewell, McTier, Millbrook, Rocky Grove, Rocky Springs, Shaws, Silverton, Sleepy Hollow, Tabernacle, and Windsor.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-3226; Filed, Apr. 1, 1947; 11:39 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,[1] Amdt. 42]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 19.8 is amended to read as follows:

Sec. 19.8 *Provisional allowance for manufacturing condensed milk in containers over one gallon*—(a) *General.* On and after 11:59 p. m., March 31, 1947, an industrial user may apply for a provisional allowance of sugar to manufacture condensed milk to be packaged in containers holding more than one gallon.

(b) *How to apply.* Application for such provisional allowance must be made in duplicate on OPA Form R-360 and must be filed with the Washington Office of the Office of Price Administration. The applicant must give all of the information required by that form. The application may be made on and after the first day of the second month preceding the month in which the sugar is to be used. An industrial user who has not previously applied for a provisional allowance of sugar to make bulk sweetened condensed milk, must, at the time he files his first application on OPA Form R-360, file OPA Form R-361 with the Washington Office.

(c) *Allowances are granted by Washington Office.* The Washington Office, on such conditions as it shall require, may grant such provisional allowance of sugar in an amount which it considers necessary for the processing of milk which cannot be utilized by the applicant in non-sugar containing products and uses.

(1) Any sugar or sugar ration evidences which are issued for use during a given month and which are unused at the end of that month shall be deducted from the amount of any provisional allowance subsequently determined to be due such user.

(d) *Restriction on use.* Sugar obtained under this section may be used only during the month and for the purposes for which it is granted and at the rate permitted by the Washington Office.

(e) *Records.* An industrial user who obtains sugar under this section must keep records of his use of such sugar at his principal business office as long as this order remains in effect. (Such records shall consist of a copy of all of his applications filed on OPA Form R-360 and a copy of OPA Form R-361.)

2. Article XXIV is revoked.

This amendment shall become effective this 31st day of March 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Rationale Accompanying Amendment No. 42 to Third Revised Ration Order 3

Proposed amendment. This amendment, by amending section 19.8, provides

[1] 11 F.R. 12055, 13028, 13309, 14013, 14189, 14572; 12 F.R. 229, 920, 1443.

[1] 11 F. R. 177, 14281.

that any industrial user may obtain a provisional allowance of sugar for the purpose of manufacturing condensed milk to be packaged in containers holding more than one gallon. The Washington Office will grant such provisional allowance of sugar in an amount which it considers necessary for the processing of milk which cannot be utilized by the applicant in non-sugar containing products and uses. Applications for such provisional allowance of sugar are to be made to the Washington Office on OPA Form R-360.

Reason for amendment. Prior to November, 1946, sugar for the manufacture of bulk sweetened condensed milk was granted on a provisional allowance basis similar to the provisional allowance issuance procedure set forth in the proposed amendment. The return to the provisional allowance will permit greater flexibility in meeting current area production and market demand situations.

[F. R. Doc. 47-3185; Filed, Mar. 31, 1947; 4:17 p. m.]

Chapter XXII—Retraining and Reemployment Administration

[Order 11]

RECISION OF RRA JOINT MEMORANDUM AND ADMINISTRATIVE ORDERS, AND DISSOLUTION OF ADVISORY COUNCIL AND INTERAGENCY COMMITTEES ESTABLISHED BY SUCH JOINT MEMORANDUM AND ORDERS

1. The following RRA Joint Memorandum is rescinded, and the Interagency Committee established by such Joint Memorandum is dissolved effective March 31, 1947:

Joint Memorandum of the Retraining and Reemployment Administration and the Bureau of the Budget establishing a Federal Interagency Committee on the Coordination of Statistical Services Relating to Retraining and Reemployment, dated August 29, 1946, (11 F. R. 9699).

2. The following Administrative Orders are rescinded, and the Advisory Council and Interagency Committees established by such orders are dissolved effective March 31, 1947:

RRA Order No.	Subject	Date	F. R. citation
2	Establishment of the Advisory Council.	10/31/44	9 F. R. 13593.
2a	Amendment No. 1.....	1/27/45	10 F. R. 1404.
2b	Amendment No. 2.....	1/16/46	11 F. R. 636.
2c	Amendment No. 3.....	1/31/46	11 F. R. 1357.
2d	Amendment No. 4.....	3/7/46	11 F. R. 2451.
4	Interagency Committee for Development of Criteria and Standards for on-the-Job Training.	3/18/46	11 F. R. 2836.
6	Federal Interagency Committee on Migrant Labor.	5/3/46	11 F. R. 4869.
7	Interagency Committee on Rehabilitation Services for Severely Disabled Persons.	5/10/46	11 F. R. 5316.
8	Interagency Committee to Expedite the Production from Surplus Fabrics of Men's Clothing by Small Manufacturers.	8/2/46	11 F. R. 8488.
10	Interagency Committee on Federal Employment.	8/2/46	11 F. R. 8488.

3. The following RRA Orders are rescinded and the Interagency Committees established thereby are dissolved effective June 30, 1947:

RRA Order No.	Subject	Date	F. R citation
3	Organization and Operation of Community Advisory Centers.	2/13/46	11 F. R. 1584.
5	Interagency Committee on Disposal of Federal Property for Educational Purposes.	4/13/46	11 F. R. 4093.
5a	Amendment No. 1.....	8/23/46	11 F. R. 9277.

4. Rescission of the above cited Joint Memorandum and Administrative Orders, and dissolution of the Advisory Council and Interagency Committees established by such Joint Memorandum and orders are directed in liquidation of the Retraining and Reemployment Administration pursuant to section 603 of the War Mobiliation and Reconversion Act (50 U. S. C. A. App. 1651, note) and are not intended to preclude or hinder voluntary cooperative activities of Federal agencies directed toward the objectives of the Advisory Council and the Interagency Committees in accordance with other laws.

G. B. ERSKINE,
Major General, U. S. M. C.,
Administrator.

MARCH 28, 1947.

[F. R. Doc. 47-3114; Filed, Apr. 1, 1947; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 202—ANCHORAGE REGULATIONS

ANCHORAGE GROUND, MAYBERRY SLOUGH, SACRAMENTO COUNTY, CALIF.

Pursuant to the provisions of section 7 of the River and Harbor Act approved March 4, 1915 (38 Stat. 1053, 33 U. S. C. 471), an anchorage ground is hereby established in Mayberry Slough, Sacramento County, California, for vessels of the United States Government. Section 202.96 is added as follows:

§ 202.96 *Mayberry Slough, Sacramento County, California*—(a) *The anchorage ground.* All of the upper portion of Mayberry Slough, Sacramento County, California, from a point 1.65 nautical miles above its mouth.

(b) *The regulations.* (1) No vessel or other craft, except those belonging to the United States Government, property owners of Sherman Island, California, or to public utilities serving the area, shall navigate or anchor in the above-described area without special permission from the Commanding General, San Francisco Port of Embarkation, Fort Mason, California, or his authorized representative.

(2) This section shall be enforced by the Captain of the Port, United States Coast Guard, San Francisco, California. [Regs. 10 Mar. 1947, 800.2121 (Mayberry Slough, Calif.)—ENGWR] (38 Stat. 1053; 33 U. S. C. 471).

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3111; Filed, Apr. 1, 1947; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR-47-15]

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

CONTINUATION IN EFFECT OF CERTAIN ORDERS WAIVING COMPLIANCE WITH NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

Pursuant to the authority vested in the Commandant, U. S. Coast Guard, by the act of March 31, 1947 (Pub. Law No. 27, 80th Cong.), I hereby find that the continuation of all currently effective waiver orders, including regulations and instructions relating thereto, which were issued pursuant to Title V, Second War Powers Act (50 U. S. C. 635), as amended and extended, affecting laws and regulations relating to navigation and vessel inspection administered by the Coast Guard, is presently necessary in the orderly reconversion of the merchant marine from a wartime to a normal peacetime basis. Accordingly, all such orders, regulations, and instructions are hereby ratified, affirmed and continued in force until modified, superseded or rescinded. (Pub. Law 27, 80th Cong.)

Dated: April 1, 1947.

J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 47-3223; Filed, Apr. 1, 1947; 10:41 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 647, Amdt. 1]

PART 95—CAR SERVICE

PRIORITY FOR WHEAT IN PACIFIC NORTHWEST

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of March A. D. 1947.

Upon further consideration of Revised Service Order No. 647 (12 F. R. 104), as amended by Service Order No. 647-C (12 F. R. 1724), and good cause appearing therefor: it is ordered, that:

Revised Service Order No. 647 (codified as 49 CFR § 95.647) *Box cars to be used for loading export wheat*, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Priority for wheat loading.* All common carriers by railroad subject to the Interstate Commerce Act, at any point in the States of Oregon, Washington, or Idaho, or at Paradise or Troy, Montana, or west thereof, shall give preference and priority over all other traffic to supplying or placing box cars daily except Sunday, to the extent of the weekly quotas of box cars shown below:

Union Pacific RR.	450
Great Northern Ry.	48
Northern Pacific Ry.	210
Spokane, Portland & Seattle Ry.	18
Chicago, Milwaukee, St. Paul & Pacific RR	24

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 31, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Oregon, Washington, Idaho and Montana, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3096; Filed, Apr. 1, 1947; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 362]

ALASKA

MODIFYING EXECUTIVE ORDER 6957 OF FEBRUARY 4, 1935

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is hereby ordered as follows:

Executive Order No. 6957 of February 4, 1935, withdrawing certain lands in Alaska from settlement, location, sale, entry, or other form of appropriation, and reserving them for classification and in aid of legislation, is hereby modified so as to permit the issuance of coal permits or leases pursuant to section 3 of the act of October 20, 1914 (38 Stat. 742), as amended March 4, 1921 (41 Stat. 1363, 48 U. S. C. sec. 444) for the following described lands:

SEWARD MERIDIAN

T. 19 N., R. 2 E.,
Sec. 13: NW¼, W½NE¼, NE¼NE¼, N½NW¼SW¼, SE¼NW¼SW¼, NW¼SE¼;
Sec. 14: N½, SW¼, NW¼SE¼.

The area described aggregates 870 acres.

This order shall not become effective to change the status of the lands until 10:00 a. m. on May 21, 1947, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to disposition under the provisions of the act of October 20, 1914, *supra*, as amended.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 19, 1947.

[F. R. Doc. 47-3089; Filed, Apr. 1, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1170087]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 21, 1947.

Departmental Order approved December 11, 1945, revoked Departmental Orders of June 5, 1903, December 26, 1922, and February 13, 1925 so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Harney Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 23, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 24, 1947, to August 22, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 4, 1947, to May 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 3, 1947, to August 22, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office at The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 18 S., R. 31 E.,
Sec. 1;
Sec. 12, NE¼, E½NW¼, NW¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 13;
Sec. 14, S½NE¼, NW¼SE¼, and E½SE¼;
Sec. 23, E½E½;
Secs. 24 and 25;
Sec. 26, NE¼, E½NW¼, SW¼NW¼, NW¼SW¼, E½SW¼, and SE¼;
Sec. 35, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 36,

T. 19 S., R. 31 E.,
Sec. 1:
Sec. 2, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 11, NE¼ and E½SE¼;
Secs. 12 and 13;
Sec. 14, E½NE¼, SW¼NE¼, and SE¼.
T. 18 S., R. 32 E.,
Sec. 6, lots 5, 6, and 7;
Sec. 7, W½NW¼, SE¼NW¼, and S½;
Sec. 17, W½W½;
Secs. 18 and 19;
Sec. 20, NW¼NW¼, S½NW¼, and SW¼;
Sec. 29, N½NW¼ and SW¼NW¼;
Sec. 30;
Sec. 31, NE¼NE¼, W½NE¼, W½, and SE¼.
T. 19 S., R. 32 E.,
Sec. 6;
Sec. 7, NE¼, W½, and W½SE¼;
Sec. 18, SW¼NE¼, W½, and W½SE¼;
Sec. 19, W½NE¼, W½, and NW¼SE¼.

The areas described aggregate 13,195.31 acres. Part of the lands are patented.

The lands vary from level to rolling and sloping mountainous land with occasional areas of broken land. The soil varies from second-rate to fairly fertile.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-3093; Filed, Apr. 1, 1947; 8:45 a. m.]

[Misc. 1539695]

WASHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 21, 1947.

Departmental Order approved September 26, 1945, revoked Departmental Order of March 22, 1934, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Columbia Basin Project, Washington, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 23, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 24, 1947, to August 22, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 4, 1947, to May 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 3, 1947, to August 22, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Spokane, Washington.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 37 N., R. 37 E., Sec. 2, SW¼NE¼.

The area described contains 40 acres.

The land lies within a mountainous area of rough, stony land between the Columbia and Kettle Rivers.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-3094; Filed, Apr. 1, 1947; 8:46 a. m.]

[Misc. 2061798]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 21, 1947.

Departmental Order approved September 25, 1945, revoked Departmental Order of April 26, 1909, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the John Day Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 23, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 24, 1947, to August 22, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 4, 1947, to May 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 3, 1947, to August 22, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the

Code of Federal Regulations (Circular No. 324 May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 7 S., R. 19 E.,
Sec. 17, N½ and SE¼;
Sec. 18, Lots 1, 2, NE¼, and E½NW¼;
Sec. 30, Lots 1, 2, 3, 4, and E½W½.
T. 8 S., R. 19 E.,
Sec. 3, Lots 1, 2, S½NE¼, and E½SE¼;
Sec. 5, Lots 6, 7, E½SW¼, and SE¼;
Sec. 9, Lots 1, 2, and E½NW¼;
Sec. 10, E½NE¼ and SE¼;
Sec. 15, E½;
Sec. 21, Lots 2, 3, 4, SE¼NW¼, and E½SW¼;
Sec. 23, NE¼;
Sec. 25, NE¼ and N½SE¼;
Sec. 26, Lots 2, 3, 4, SE¼NW¼, and E½SW¼;
Sec. 35, Lots 1, 2, 3, 4, E½W½, and SE¼;
Sec. 36, S½S½.
T. 9 S., R. 19 E.,
Sec. 1, Lots 1, 2, 3, 4, S½NW¼, SW¼, and W½SE¼;
Sec. 24, SW¼.
T. 8 S., R. 20 E.,
Sec. 31, Lot 1, N½NE¼, and NE¼NW¼.
T. 9 S., R. 20 E.,
Sec. 6, E½SE¼;
Sec. 7, E½;
Sec. 18;
Sec. 19, Lots 1, 2, NE¼, E½NW¼, and SW¼;
Sec. 30, E½E½.

The areas described aggregate 6,241.45 acres. Part of the lands are patented, and part is included in a school section.

The lands are quite rough and mountainous. The John Day River and its tributaries run through parts of the lands.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-3095; Filed, Apr. 1, 1947; 8:46 a. m.]

[Misc. 2129896]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 21, 1947.

An order approved December 6, 1946, revoked Departmental Order of April 20, 1903, so far as it withdrew in the second form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the land hereinafter described within the Columbia River Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 23, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 24, 1947, to August 22, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 4, 1947, to May 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on Aug. 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from Aug. 3, 1947, to Aug. 22, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on Aug. 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 3 N., R. 20 E.,
Sec. 34, SE¼.

The area described contains 160 acres.

The land is rolling to rough with a light sandy to sandy loam soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-3092; Filed, Apr. 1, 1947; 8:45 a. m.]

[Misc. 386272]

WASHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 21, 1947.

Departmental Order approved May 17, 1946, revoked Departmental Order of December 26, 1913, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Palouse Project, Washington, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 23, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 24, 1947, to August 22, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 4, 1947, to May 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 3, 1947, to August 22, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office at Spokane, Washington.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 10 N., R. 31 E.,
Sec. 6, SE¼;
Sec. 24;
Sec. 26, NW¼ and S½.

The areas described aggregate 1,280 acres.

The lands vary from rolling to rough in topography, and lie at elevations of from 600 to 750 feet bordering north of the Snake River Valley, in Franklin County.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-3090; Filed, Apr. 1, 1947; 8:45 a. m.]

[Misc. 886344]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 21, 1947.

Departmental Order approved September 26, 1945, revoked Departmental Order of December 23, 1919, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Green River Project, Wyoming, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on May 23, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 24, 1947, to August 22, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 4, 1947, to May 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 3, 1947, to August 22, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Evanston, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office at Evanston, Wyoming.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 24 N., R. 109 W.,
Secs. 15 to 36, inclusive.
T. 24 N., R. 110 W.,
Secs. 1 and 2;
Secs. 11 to 16, inclusive;
Secs. 19 to 36, inclusive.

The areas described aggregate 14,410.08 acres.

The lands comprise rolling prairie with some rough areas. The soils are sandy and poor in quality.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-3091; Filed, Apr. 1, 1947; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

HOUSTON AUCTION CO.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the Houston Auction Company owned and operated by C. E. Neal and Earl White at Houston, Texas, is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (42 Stat. 163; 7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard listed above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as is provided in section 302 of that act. Any interested person who desires to do so may submit within fifteen (15) days after the publication of this notice any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 24th day of March 1947.

[SEAL] H. E. REED,
Director,
Livestock Branch.

[F. R. Doc. 47-3102; Filed, Apr. 1, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-437, G-457 and G-521]

PANHANDLE EASTERN PIPE LINE CO.

ORDER CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING, AND VACATING PREVIOUS ORDER OF CONSOLIDATION

Upon consideration of the following applications filed with the Federal Power Commission:

(a) Application filed on December 10, 1942, in Docket No. G-437,[1] by Panhandle Eastern Pipe Line Company, a Delaware corporation, with its principal place of business at Kansas City, Missouri, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described natural-gas pipeline facilities, subject to the jurisdiction of the Commission:

A pipeline approximately 1¼ miles in length extending from a point on the Applicant's existing Michigan West Line in Calhoun County, Michigan, in a northerly direction to the City limits of Albion, Michigan, to be constructed of 2-inch pipe, together with valves, fittings, regulators, meters, other equipment and appurtenances necessary for the operation of the line and for the furnishing of natural gas to The Albion Gas Light Company.

(b) Application filed on March 18, 1943, in Docket No. G-457[2] by Panhandle Eastern Pipe Line Company pursuant to section 7 of the Natural Gas Act, as amended, for authority to construct and operate:

Approximately 4,600 feet of 2-inch pipeline extending from a point on Applicant's "Michigan North Line" to the plant of the Michigan Seamless Tube Company situated in Sections 29 and 30, Township 1 North, Range 7 East, Oakland County, Michigan, together with valves, regulators and other appurtenant facilities.

It appearing to the Commission that:

The proceedings in Docket Nos. G-437 and G-521[3] were consolidated for the purposes of hearing by order of the Commission adopted March 2, 1944.

The Commission finds that:

Good cause exists for vacating the order of the Commission adopted March 2, 1944, consolidating the proceedings in Docket Nos. G-437 and G-521, and for consolidating the proceedings in Docket Nos. G-437 and G-457 for the purposes of hearing.

The Commission orders that:

(A) The order adopted herein on March 2, 1944, consolidating the proceedings in Docket Nos. G-437 and G-521 for the purposes of hearing be and it is hereby vacated, and the proceedings in Docket Nos. G-437 and G-457 be consolidated for the purposes of hearing.

(B) A public hearing be held commencing on April 29, 1947, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding: *Provided, however,* That if no issues of subsistence are urged in opposition to the applications convening of such consolidated proceedings, the Commission may forthwith dispose of the applications by order upon consideration of the applications and the evidence filed therewith and incorporated in the record, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(C) Interested State commissions may participate as provided in the Commission's rules of practice and procedure.

Date of issuance: March 28, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3109; Filed, Apr. 1, 1947; 8:45 a. m.]

[1] Temporary authorization was granted Applicant to operate the described facilities for a period of five years or for the duration of the national emergency in Docket No. G-437 on March 27, 1943.

[2] Temporary authorization was granted Applicant to operate the described facilities for a period of five years or for the duration of the national emergency in Docket No. G-457 on May 27, 1943.

[3] Panhandle Eastern Pipe Line Company by order adopted February 18, 1947, was permitted to withdraw its application, Applicant having advised the Commission it no longer desired to construct the facilities sought to be certificated under Docket No. G-521.

[Docket No. G-757]

CITIES SERVICE GAS CO.

NOTICE OF ORDER TERMINATING PROCEEDING

MARCH 28, 1947.

Notice is hereby given that, on March 28, 1947, the Federal Power Commission issued its order entered March 27, 1947, terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3107; Filed, Apr. 1, 1947; 8:45 a. m.]

[Docket No. G-853]

HOME GAS CO. ET AL.

ORDER FIXING DATE OF HEARING

In the matter of Home Gas Company, The Manufacturers Light and Heat Company, Cumberland and Alleghany Gas Company, and Natural Gas Company of West Virginia, Docket No. G-853.

Upon consideration of the application filed January 27, 1947, in the above Docket No. G-853 by Home Gas Company, a New York corporation, The Manufacturers Light and Heat Company, a Pennsylvania corporation, Cumberland and Alleghany Gas Company, a West Virginia corporation, and Natural Gas Company of West Virginia, a West Virginia corporation (Applicants), with their principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the Applicants to construct, acquire, retire, replace, sell and operate the following described natural gas pipe line facilities as requested subject to the jurisdiction of the Federal Power Commission:

By Home Gas Company

(1) Construct approximately five miles of 14-inch O. D. gas transmission line beginning at a point on the existing pipe lines of Home in Deer Park Town, Orange County, New York, near the town of Port Jervis, and extending southwestward to the New York bank of the Delaware River;

(2) Construct a portion of the Delaware River crossing in Orange County, New York, by installing therein one 10-inch and one 12-inch pipe line from the north bank of the river to a point in midstream defined as the New York-Pennsylvania state boundary;

By The Manufacturers Light and Heat Company

(3) Construct the balance of said Delaware River crossing in Pike County, Pennsylvania, by installing therein one 10-inch and one 12-inch line from the mid-point of said stream, where Home's construction ends, to the south bank of said river in Westfall Township, Pike County, Pennsylvania; also install one 10-inch and one 12-inch gas line across the Lehigh River in Northampton County, Pennsylvania, and the Schuylkill River in Montgomery and Chester Counties, Pennsylvania;

(4) Contruct approximately 125 miles of 14-inch O. D. gas transmission line commencing at the south bank of the Delaware River in Westfall Township, Pike County, Pennsylvania, and extending southwestward to a point on the Washington Farm east of Coatesville, West Bradford Township, Chester County, Pennsylvania, at which point it will form a junction with Manufacturers' existing two 8-inch lines No. 138 and an existing 20-inch line No. 1278;

(5) Install a gas measuring station, with the necessary structure, on the south side of the Delaware River in Westfall Township, Pike County, Pennsylvania;

(6) Install three 118 horsepower rotary compressors near the community of Millway, Warwick Township, Lancaster County, Pennsylvania;

(7) Construct 3.2 miles of 20-inch O. D. gas transmission line in North Fayette Township, Alleghany County, Pennsylvania, from a point of connection with Line No. 1 on the Sam Walker Farm in a westerly direction to connect with 16-inch line No. 1360 on the Moore Farm;

(8) Install four 130 horsepower compressors at the Hickory Mixing Station in Mount Pleasant Township, Washington County, Pennsylvania;

(9) Install compressors totaling 900 horsepower at the proposed Brinker Compressor Station on the Haag Farm in Fairfield Township, Columbiana County, Ohio;

(10) Install storage measuring station at the proposed Brinker Compressor Station;

(11) Install an inter-company measuring station at the proposed Brinker Compressor Station;

(12) Replace the present 500 pound working pressure pipe, valves and fittings in Brinker Storage Field in Fairfield and Elk Run Townships, Columbiana County, Ohio, with 1,000 pound working pressure material;

(13) Dismantle and retire from operation the 360 horsepower compressor station at the existing Brinker Compressor Station in Salem Township, Columbiana County, Ohio;

(14) Dismantle the storage measuring station at the existing Brinker Compressor Station;

(15) Dismantle the inter-company measuring station at the existing Brinker Compressor Station;

(16) Retire all pipe, valves and fittings in the Brinker Storage Field;

(17) Purchase 10.5 miles of 8-inch transmission line No. 6023 in Fairfield and Unity Townships, Columbiana County, Ohio, from the Natural Gas Company of West Virginia;

(18) Install an intercompany measuring station for the community of New Waterford, Columbiana County, Ohio, at the junction between the New Waterford 2-inch line in Unity Township, Columbiana County, Ohio, and the 8-inch line No. 6023;

(19) Construct 1,400 feet of 12-inch transmission line in West Finley Township, Washington County, Pennsylvania, and Sandhill District, Marshall County, West Virginia, between Manufacturers' Majorsville Compressor Station and the United Fuel Gas Company's 16-inch line known as the Cedarville line;

(20) Purchase the northerly 7,300 feet of the Cedarville 16-inch gas transmission line located in Sandhill District, Marshall County, West Virginia, from the United Fuel Gas Company;

(21) Install two additional 600 horsepower and one additional 300 horsepower compressors at the Majorsville Compressor Station in West Finley Township, Washington County, Pennsylvania, and install two 500 pound working pressure cylinders on an existing engine at that location;

(22) Install a 1,000 pound working pressure storage measuring station at the Majorsville Compressor Station;

(23) Replace with 1,000 pound working pressure equipment, all pipe, valves and fittings, with the exception of well lines, in the Majorsville Storage Field in West Finley Township, Washington County and Richhill Township, Green County, Pennsylvania, and Sandhill and Webster Districts, Marshall County, West Virginia, as the existing equipment is only suitable for a maximum 500 pound working pressure;

(24) Dismantle the existing 500 pound working pressure storage measuring station at the Majorsville Compressor Station;

(25) Retire all pipe, valves and fittings, except well lines, in Majorsville Storage Field;

(26) Dismantle a portion of the main compressor station building at Majorsville;

(27) Dismantle a portion of gas piping, coolers and cylinders at Majorsville Compressor Station;

(28) Install two 100 horsepower compressors at the Cross Creek Compressor Station, Jefferson Township, Washington County, Pennsylvania;

(29) Dismantle one 300 horsepower gas engine-driven compressor at the Cross Creek Compressor Station for transfer to the Majorsville Compressor Station;

(30) Install a regulator and inter-company measuring station, with necessary structure, in Southhampton Township, Somerset County, Pennsylvania, north of Mount Savage, Maryland;

By Cumberland and Alleghany Gas Company

(31) Construct 2.2 miles of 6-inch gas transmission line between the Pennsylvania-Maryland State line and the community of Mount Savage, Alleghany County, Maryland;

By Natural Gas Company of West Virginia

(32) Install five 125 horsepower rotary compressors at the proposed Minerva Compressor Station in Paris Township, Stark County, Ohio, and three 125 horsepower rotary compressors at the proposed Sebring Compressor Station in Butler Township, Columbiana County, Ohio, both of which stations will be located between the Canton and Bolivar gas fields in Stark and Tuscarawas Counties, Ohio, and the Brinker Compressor Station;

(33) Sell 10.5 miles of 8-inch line No. 6023 to Manufacturers, which line is located in Fairfield and Unity Townships, Columbiana County, Ohio, and extends from the Ohio-Pennsylvania State line in a westerly direction to the Brinker Storage Field.

It appearing to the Commission that:

(a) Applicants state that the proposed construction, acquisition, and changes are for the purpose of serving their existing customers and are not extensions of facilities into new markets not heretofore served by them;

(b) Due and appropriate notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on February 21, 1947, (12 F. R. 1213); and protests to the granting of the application have been received;

The Commission orders that:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on April 15, 1947, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law presented by the application and other pleadings in this proceeding.

(B) Prior to the date herein fixed for the commencement of the public hearing with respect to the application herein referred to, the officer designated by the Commission to preside at the public hearing shall hold a prehearing conference of all parties participating in the proceeding concerning the matters of fact and law asserted in the application and the amendment thereto, and other pleadings filed in the proceeding for the purposes of settling, simplifying or limiting the issues and further apprising the parties of the formulated or stipulated issues upon which evidence must be adduced at the public hearing; *Provided, however,* That no party shall be denied the right to examine or cross-examine on other matters, where additional issues develop during the course of the hearing.

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: March 28, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3108; Filed, Apr. 1, 1947; 8:45 a. m.]

[Docket No. IT-6041]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

MARCH 28, 1947.

Notice is hereby given that, on March 27, 1947, the Federal Power Commission issued its order entered March 27, 1947, authorizing issuance of bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3106; Filed, Apr. 1, 1947; 8:45 a. m.]

[Project No. 637]

WASHINGTON WATER POWER CO.

ORDER DENYING PERMISSION TO WITHDRAW APPLICATIONS AND AMENDING ORDER FIXING HEARING AND MODIFYING LICENSE TEMPORARILY

Upon notice filed March 21, 1947, on behalf of The Washington Water Power Company, licensed for Project No. 637, that licensee desires to withdraw its application filed January 22, 1947, for amendment of Article 13 of the license and its application filed March 12, 1947, for temporary modification of said article; and

It appearing that:

(a) Pursuant to the aforesaid applications the Commission by order entered March 18, 1947, modified Article 13 of the license temporarily and ordered a public hearing on the question of whether the January 22, 1947 application for amendment should be granted and whether the temporary modification of license granted by said order should be modified or rescinded;

(b) The notice of desire to withdraw the aforesaid applications states that other matters, including protracted hearings in the State of Washington, will require the exclusive attention of licensee's executive staff for the next few months; that attendance at the scheduled hearing and suitable and adequate response to the issues there to be raised are impossible; and that in view of licensee's necessities, the fairest and most practicable program is to operate the project in compliance with the provisions of Article 13 of the license and to disregard for the ensuing season the consequent waste of available electric energy and the well-nigh certain flood damages the occurrence of which is duly noted and explained in the aforesaid application filed January 22, 1947;

(c) In its order of March 18, 1947, the Commission found that it would be in the public interest to modify Article 13 of the license temporarily as therein provided. This finding was supported by substantial evidence to the effect that operation of the project from April 1, to June 30, 1947, in the manner authorized by the March 18 order should not have a substantial adverse effect on other than water users if such temporary modification continued to be subject to modification or revocation at the order of the Commission and the finding was supported by further substantial evidence to the effect that such a temporary modification of Article 13 would alleviate to some extent the power shortage in the Pacific Northwest since operation of the project in the manner permitted under Article 13 as temporarily modified would result in the production of additional power;

The Commission, having considered the aforesaid notice and the project record, finds that:

(1) It will not be consistent with the public interest to permit withdrawal of the aforesaid applications in view of the situation referred to in paragraphs (b) and (c) above;

(2) Under the circumstances it will be appropriate to postpone the public hearing previously set for April 14, 1947, to some date to be fixed by future order of the Commission; and

It is ordered, That:

(A) The licensee's request for withdrawal of the aforesaid applications filed January 22 and March 12, 1947, is hereby denied;

(B) The hearing set for April 14, 1947, in this matter is hereby postponed until some future date to be set by order of the Commission;

(C) The March 18, 1947 order shall remain in full force and effect except as herein specifically amended.

Date of issuance: March 27, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3110; Filed, Apr. 1, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-740, 70-741, 70-743, 70-746]

UTILITIES EMPLOYEES SECURITIES CO. ET AL.

MEMORANDUM OPINION AND ORDER APPROVING CLAIM

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of March A. D. 1947.

In the matter of Utilities Employees Securities Company, File No. 70-740; Stanley Clarke, Trustee of Associated Gas and Electric Company, Dennis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, General Gas & Electric Corporation, Associated Utilities Corporation, File No. 70-741; New England Gas and Electric Association, File No. 70-743; Noel T. Dowling, James V. Gilloon, Jr., Joseph A. Shields, Trustees under Pension Trust Agreement dated December 14, 1937, as amended, File No. 70-746.

On August 12, 1943, we approved a plan for the liquidation and dissolution of Utilities Employees Securities Company (UESCO) under the Public Utility Holding Company Act of 1935 (13 S. E. C. 781, 1943). In our order approving the plan we reserved jurisdiction "to approve or disapprove any claim that may be asserted for fees or expenses in connection with the liquidation and dissolution" (Holding Company Act Release No. 4492, page 38.) Subsequently, on October 12, 1944, we disposed of the claims of various persons for services and expenses but in our order we reserved jurisdiction "to hear evidence on and approve or disapprove the claim herein filed by Magill & Horrigan" (S. E. C. (1944), Holding Company Act Release No. 5349). At that time Magill and Horrigan were both in the armed services and were unable to appear and put in evidence in support of their claim. Hearings have since been held on the propriety and reasonableness of the Magill & Horrigan claim for legal services; memoranda have been filed by interested parties; and requested findings, briefs, and oral arguments have been waived.

In our opinion accompanying our order of October 12, 1944 we described generally the circumstances giving rise to claims for fees herein. The services which are the subject of the present application were rendered by Bradford S. Magill and the firm of Magill & Horrigan and cover, in the case of Magill, the period from February 2, 1940 to March 31, 1941 and, in the case of the firm, the period from April 1, 1941 to August 8, 1942. Services were rendered by Magill as a member of the firm of Warren & Magill from February 2, 1940 to August 31, 1940, as an individual practitioner from September 1, 1940 to March 31, 1941, and as a member of the firm of Magill & Horrigan from April 1, 1941 to August 8, 1942. Services were rendered by Horrigan as a member of the firm of Magill & Horrigan from April 1, 1941 to May 1, 1942.

In rendering the services for which compensation is now sought, applicants were acting in the capacity of attorneys for UESCO, for Employees Welfare Association (N. J.) (EWANJ), Employees Welfare Association (Del.) (EWADEL), and for the Pension Trustees. UESCO, a Delaware corporation, had been organized as an investment vehicle for employees of companies in the Associated Gas and Electric Company (AGECO) and Associated Gas and Electric Corporation (AGECORP) system. Initially control was vested in a voting trust but prior to the settlement the trust was dissolved and all of UESCO's voting stock was transferred to the trustees under a Pension Trust Agreement. The Pension Trust Agreement was entered into in 1937 between Joseph Shields, a representative of the AGECO–AGECORP system, and EWANJ. All of the outstanding stock of EWANJ was in turn owned by EWADEL, a corporation which administered the AGECO-AGECORP Life insurance plan.[1] Applicant's services to UESCO covered the period from February 1940 to August 1942; services to EWADEL and EWANJ from February 1940 to April 1942; and services for the Pension Trustees from March 1941 to August 1942.

It is not disputed that many of the services rendered by Magill and Horrigan for these clients had little or no relation to the ultimate settlement of UESCO problems and are not compensible here. For example, a large portion of the services were devoted to such matters as tax claims, insurance problems, Federal Power Commission proceedings, etc. Compensation is sought, however, for services such as examination and study of documents relating to the history and operations of UESCO, legal examination of the status of UESCO in the AGECO-AGECORP reorganization, examination of the position of employee and public holders of UESCO securities, examination of the position of the Pension Trust with respect to UESCO as well as that of companies which had contributed funds to UESCO; examination of documents and law bearing on the relative positions of EWANJ, EWADEL, and the Pension Trust with respect to action to be taken to establish independent Pension Trustees and consequent independent control of UESCO, counseling with the Board of Directors of UESCO with respect to preliminary plans for the liquidation of UESCO; counseling with respect to proceedings initiated by the trustees of AGECO-AGECORP to subordinate UESCO's holdings of AGECO-AGECORP; and consideration of facts and law with respect to compromise of various controversies relating to the assets of UESCO.

There is no question that certain of the foregoing services for which compensation is sought were in aid of the ultimate establishment of the welfare fund, which was created out of UESCO's residual assets, and out of which any compensation we authorize will be paid. It was testified that during the period prior to the settlement, in which the services in question were rendered, the activities of the Pension Trustees and their counsel were directed primarily to the devotion of the UESCO Surplus to employee welfare. The resulting welfare fund redounded to the benefit of all employees having an interest therein, many of whom were also beneficiaries under the Pension Trust as well. Magill points out, moreover, and he is corroborated in this regard by Henry C. Hasbrouck, president of EWADEL AND EWANJ, that he was partially responsible for the decision to have independent trustees of the Pension Trust appointed who would be in a better position than the incumbent trustees to defend the interests of employee welfare against the anticipated claim of the AGECO-AGECORP trustees to all the residential assets of UESCO. In this connection the record indicates that he was also helpful in the selection of trustees who possessed the necessary qualifications for the duties to be undertaken. Frederick L. Kane, who has acted as senior counsel to the Pension Trustees, from March 10, 1941, to date, has pointed out that Magill's services were invaluable to him because of his background of many years of experience with the AGECO-AGECORP system and in particular in handling UESCO matters. Horrigan also was familiar with the affairs of the AGECO-AGECORP system from a number of years of prior experience. Although both Magill and Horrigan had entered the armed forces some months prior to the settlement out of which the welfare fund was established (during which months the prin-

[1] All of the outstanding stock of EWADEL was placed in the hands of the Pension Trustees under the above-mentioned agreement. EWADEL, EWANJ and the Pension Trust were found by this Commission to be subsidiaries of AGECO. 4 S. E. C. 792 (1939).

ciples and details of the settlement were under active negotiation), various possible bases for that settlement had been under consideration prior to their departure. At the time Magill left, as Kane testified, "there was a good prospect of settlement."

The claim before us is for $19,500. This amount was set aside by UESCO in 1944 at the time all other claims were disposed of to cover the claim in full in the event it should be allowed.[1] In part the claim is for services which have already been compensated for by the Pension Trust, the common stockholder of UESCO, under an agreement whereby such compensation was to be returned to the extent claimant might otherwise be compensated for such services. As a consequence, and in accordance with their agreement, it has been stipulated to by and between applicants and counsel for Pension Trustees that out of any allowance made to the applicants there shall be reimbursed to Pension Trustees the sum of $4,713.63, consisting of 4,485 of fees paid by the Pension Trustees for services for which a claim is now being made against UESCO and $228.63 of expenses in connection with such services.

It is of course always difficult to appraise the contributions of various counsel in a situation such as this where numerous persons collaborated in achieving the ultimate result. Nor have the applicants been able to provide us with a detailed analysis of time devoted by them to this matter, which might aid us in our determination. They explain their failure to make available such analysis by the fact that they did not expect, at the time they performed the services in question, that their compensation would be passed upon by this Commission or by any other reviewing body and by the further fact that their practice was abruptly interrupted by a comparatively long period of service in the armed forces after which it was impossible to reconstruct a precise analysis.

In lieu of actual records, Magill in his affidavit sought to afford some basis for computing compensation here by estimating the number of productive hours spent by himself and Horrigan on all matters during the period for which compensation is sought, determining a reasonable amount of compensation therefor, and deducting therefrom the compensation he and Horrigan have already received. Since for all services other than those relating to the UESCO settlement Magill claims they have received full compensation, he urges that compensation be accorded here for the difference between the compensation he estimates he should have received and the compensation actually received. Although such a computation is necessarily too speculative to be given substantial weight here, nevertheless, since the record indicates that nearly all the work performed by the applicants during the period was for clients whose representatives have testified in this proceeding, Magill's estimates are of some assistance in our determination. The affidavit estimated that Magill spent a minimum of 4,000 productive hours on all matters in the course of the 2½-year period under consideration and that Horrigan spent a minimum of 1,600 productive hours on all matters during the one year that he was associated with Magill, so that the total time spent by Magill and Horrigan on all matters while they were engaged in work relating to the UESCO settlement aggregates 5,600 productive hours. The affidavit states that $60,000 is a reasonable compensation for the total of this work. According to the affidavit almost $40,000 was actually received by the applicants during the period and it is urged therein that the balance of approximately $20,000 should be received in this proceeding. However, at the subsequent hearing Magill made two substantial corrections of the affidavit previously submitted which necessarily affect the result he reached. First, he pointed out that in his affidavit he had understated the amount he had received from EWADEL and EWANJ; examination of the exhibits indicates that the affidavit failed to include approximately $5,000 from this source. Adding this figure to the amount stated in the affidavit as actually received from all sources during the period, it appears that applicants have received approximately $45,000. Second, Magill agreed that from the amount requested in this proceeding $4,713.63 should be repaid to the Pension Trustees. All of this sum except $228.63, which was for expenses, represents fees received from the Pension Trustees. This agreement appears to be a modification of Magill's statement that his services were worth $60,000 during the period by reducing that amount to less than $56,000, since in the affidavit Magill had indicated that his claim did not include any amount to be repaid to the Pension Trustees. Hence, according to Magill's own method the corrected figures indicate he should receive here approximately $11,000.

Counsel for the distributee companies have suggested various methods for computing the applicant's compensation based upon comparisons with the compensation received by former applicants in the proceeding. These result in suggested compensation ranging from nothing to $9,432, exclusive of the amount to be reimbursed to the Pension Trustees. We find that these suggested approaches, like those of Magill, are necessarily speculative but are nevertheless of some assistance.

After examining the record in the light of the services performed, the fees already received by the applicants, and the allowances previously made to former fee applicants herein, we conclude that a net allowance here of $10,000, taken together with what they have otherwise received, will fairly and adequately compensate them for services in this matter. This sum is in addition to the sum of $4,713.63 to be paid to the Pension Trustees, which amount we find to be fair. Although this allowance to Magill & Horrigan is slightly above the range of comparisons suggested by counsel for the distributee companies, we note that those comparisons did not take into consideration the fact that other counsel in this proceeding received their compensation several years ago when the present applicants were unable to appear because they were in the armed forces.

It is therefore ordered, That the claim of Magill & Horrigan be and hereby is approved in the amount of $14,713.63 and that of such amount $4,713.63 thereof shall be paid directly to the Pension Trust created by the Pension Trust Agreement of December 14, 1937.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3097; Filed, Apr. 1, 1947; 8:46 a. m.]

[File No. 70-1464]

UNITED GAS IMPROVEMENT CO. AND LEBANON VALLEY GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of March 1947.

The United Gas Improvement Com- ("U. G. I."), a registered holding company, and its subsidiary, Lebanon Valley Gas Company ("Lebanon"), a public utility company, having filed a joint declaration, and amendment thereto, pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rules U-23, U-24, U-42 and U-45 promulgated thereunder with respect to the following transactions:

U. G. I., the holder of all but 4 shares of the common stock of Lebanon, will make a capital contribution to Lebanon of $349,210, which will be credited on Lebanon's books to capital surplus. Lebanon will use the cash thus received, together with treasury cash, to (a) redeem, on April 30, 1947, its presently outstanding 3,158 shares of 6% Preferred Stock, par value $50, at the redemption price of $55 per share plus unpaid and accrued dividends; and (b) redeem, on September 1, 1947, all of the presently outstanding $300,000 principal amount of First Mortgage 5% Bonds assumed by Lebanon, at the redemption price of 105% of the principal amount plus accrued interest.

Lebanon also proposes to write off, pursuant to an order of the Pennsylvania Public Utility Commission, $629,928.31 of utility plant adjustments by charging $80,805.89 to reserve for depreciation, renewals and replacements, $199,912.42 to earned surplus as of December 31, 1946, and $349,210 to capital surplus to be created as set forth above. The premium to be paid on the redemption of the preferred stock and bonds will be charged to earned surplus since January 1, 1947.

The declaration having been filed February 28, 1947 and an amendment thereto having been filed on March 6, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration, as amended, be permitted to become effective and deeming it appropriate to grant the request of declarants that the order become effective at the earliest date possible.

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3100; Filed, Apr. 1, 1947; 8:47 a. m.]

[File No. 70-1467]

NEW HAVEN GAS LIGHT CO.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of March 1947.

New Haven Gas Light Company ("New Haven"), a subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following transaction:

New Haven proposes to issue and sell for cash at principal amount to eight savings banks an aggregate of $2,000,000 principal amount of 2⅝% First Mortgage Bonds, due May 1, 1972. The net proceeds of the sale of the bonds are to be used to provide funds for increased production and storage facilities and other necessary capital expenditures. New Haven has requested that the proposed issue and sale of securities be excepted from the competitive bidding requirements of Rule U-50, and that it be permitted to consummate the proposed transaction immediately upon approval thereof.

Such application, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the proposed issue and sale of bonds has been approved by the Public Utility Commission of the State of Connecticut and that in the particular circumstances of this case it is appropriate in the public interest and in the interests of investors and consumers to grant applicant's request for an exception from the competitive bidding requirements of Rule U-50 with respect to the proposed sale of bonds, and that the application, as amended, should be granted so as to permit immediate consummation of the proposed transaction;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be, and the same hereby is, granted, and that the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3101; Filed, Apr. 1, 1947; 8:47 a. m.]

[File No. 70-1473]

POTOMAC ELECTRIC POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of March 1947.

Potomac Electric Power Company (Potomac Electric), a subsidiary of Washington Railway and Electric Company, a registered holding company, which in turn is a subsidiary of The North American Company, also a registered holding company, has filed an application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 (the act) and the general rules and regulations promulgated thereunder, regarding the following proposals:

Potomac Electric proposes to borrow from twenty commercial banking institutions, from time to time, during a period of two years, not to exceed $12,000,000 and to issue in evidence thereof its promissory notes, due April 1, 1952, with right of prepayment, bearing interest at the rate of 2% per annum, in accordance with the terms of a credit agreement between the Company and said banks dated February 19, 1947.

Under the terms of said credit agreement said banking institutions agree to extend credit to the Company in the aggregate amount of $12,000,000, for the purpose of enabling Potomac Electric to borrow the proposed $12,000,000 represented by said notes, of which amount the Company agrees to borrow not less than $2,000,000 on April 1, 1947, and to borrow a further $2,000,000 for the purpose of paying its 1⅝% notes maturing September 3, 1947. The Company also agrees to pay on or before April 1, 1947, a commitment fee of ⅛ of 1% of the difference between $10,000,000 and the amount of the initial borrowing. It is also provided by the terms of the agreement that Potomac Electric shall be entitled to extensions of time within which to make said borrowings, for a period of six months from April 1, 1947, and for not more than four further consecutive periods of three months from April 1, 1948, by paying to the said banks, in advance for each such extension, a commitment fee of ⅛ of 1% of the amount of credit to be available during each such period.

Applicant represents that the proceeds of said loans, aside from the $2,000,000 proposed to be used to repay its outstanding $2,000,000 bank loan notes, will be used together with other treasury funds to finance in part the Company's 1947 construction program and in part to make advances to its wholly-owned subsidiary, Braddock Light & Power Company, Incorporated, for its construction program.

The proposed transaction has been approved by order of the Public Utilities Commission of the District of Columbia, dated March 10, 1947.

The application having been filed on March 3, 1947 and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said application within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

Potomac Electric having requested that the Commission issue its order on or before March 26, 1947; and

The Commission finding that the requirements of sections 6 (b) and 7 of the act and Rule U-50 thereunder are satisfied; that no adverse findings are necessary thereunder; and that action upon said application should be accelerated, and the Commission deeming it appropriate in the public interest and in the interest of investors to grant said application:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application be and the same is hereby granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3098; Filed, Apr. 1, 1947; 8:46 a. m.]

[File No. 70-1475]

GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of March 1947.

General Public Utilities Corporation (GPU), a registered holding company,

[1] The original claim submitted by applicants was for $35,000 but was reduced by the applicant to $19,500 in the earlier proceedings, as applicant states, in an effort to dispose of the matter at that time. The claim was not disposed of at that time because applicants were unable to be present for the purpose of putting in supporting evidence.

having filed an application-declaration, as amended, pursuant to sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 (act) with respect to the following transactions:

1. GPU requests authority to acquire not more than 479,235 new common shares ($8.00 par value per share) of New England Gas and Electric Association (Negas), a registered holding company, pursuant to the provisions of the Alternate Plan of Recapitalization of Negas (Alternate Plan) which was approved by this Commission on February 11, 1947 and as to which an order granting enforcement has been entered by the United States District Court for the District of Massachusetts. The Alternate Plan provides, among other things, that GPU, as the holder of 23,744 shares of the $5.50 preferred shares of Negas now outstanding shall have the right to receive (a) transferable rights to subscribe at $9.00 per share for 118,720 of the new common shares of Negas, and (b) non-transferable rights to subscribe at $9.00 per share for such new common shares of Negas as shall not have been taken up by the exercise of the transferable subscription rights by holders of the $5.50 preferred shares. The maximum number of such new common shares which GPU might acquire pursuant to the exercise of its non-transferable rights is 360,515.

2. (a) GPU proposes to issue and sell to four commercial banking institutions unsecured promissory notes in an aggregate principal amount which will not exceed $9,600,000. The proceeds of such issuance and sale are to be used (i) in an amount not to exceed $4,300,000 for the acquisition of not more than 479,235 new common shares of Negas as set forth above, and (ii) in an amount of $2,000,000 to repay a bank borrowing in like principal amount, and (iii) in an amount of $3,300,000 partially to reimburse the treasury of GPU for net capital contributions of $10,500,000 made by it to its subsidiaries since June 1, 1946.

(b) An aggregate principal amount of $3,000,000 of such promissory notes will bear interest at the rate of 1½% per annum and will mature on December 15, 1947. The remaining principal amount of such notes will bear interest at the rate of 1¾% per annum and will mature one year after the date of issuance. The loan agreement securing such promissory notes will provide, among other things, (i) that any amounts which may ultimately be received by GPU as the result of certain cash payments made by Negas pursuant to the provisions of the Alternate Plan (expected to aggregate approximately $1,900,000) will be applied against the latest maturing promissory notes, and (ii) that the net proceeds of the sale of any or all of the new common shares of Negas received by GPU pursuant to the exercise of its subscription rights, or otherwise, will be applied to the payment of the first maturing promissory notes.

Such application - declaration, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application - declaration, as amended, that the requirements of the applicable provisions of the act are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant the request of applicant-declarant that the order become effective not later than March 25, 1947; and further deeming it appropriate to grant the request of applicant-declarant that the order recite that the Supplemental Findings and Opinion of the Commission entered on February 11, 1947 with respect to the Alternate Plan (Holding Company Act Release No. 7181) be incorporated herein:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

It is further ordered, That the supplemental findings and opinion of this Commission entered on February 11, 1947 with respect to the Alternate Plan of Recapitalization of New England Gas and Electric Association (Holding Company Act Release No. 7181) be, and hereby is, incorporated herein.

It is further ordered, In accordance with the consent filed herein by GPU, that GPU divest itself of all its interest, direct or indirect, in the new common stock of Negas which may be acquired by GPU pursuant to the exercise of its transferable and non-transferable rights accorded it by the Alternate Plan within one year following acquisition thereof, or within such longer period (not to exceed one additional year) as may be permitted for good cause pursuant to section 11 (c) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3099; Filed, Apr. 1, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8417]

ANNA LIEBISCH ET AL.

In re: Stock owned by and debt owing to Anna Liebisch, Edmund Liebisch, Maria Liebisch and Walter Liebisch. F-28-18141-A-1, F-28-18141-D-1, F-28-18141-C-1, F-28-18142-A-1, F-28-18142-C-1, F-28-18142-D-1, F-28-18143-A-1, F-28-18143-C-1, F-28-18143-D-1, F-28-18144-A-1, F-28-18144-C-1, F-28-18144-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Liebisch, Edmund Liebisch, Maria Liebisch and Walter Liebisch, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. 40.12 shares of $100.00 par value common capital stock of The Murray Company, Dallas, Texas, a corporation organized under the laws of the State of Texas, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner and certificate No.	Number of shares
Anna Liebisch, 484	10 3/100
Anna Liebisch, 185	10 3/100
Edmund Liebisch, 485	10 3/100
Edmund Liebisch, 188	10 3/100
Maria Liebisch, 486	10 3/100
Maria Liebisch, 189	10 3/100
Walter Liebisch, 487	10 3/100
Walter Liebisch, 190	10 3/100

which certificates are presently in the possession of Rhodes S. Baker, Jr., 3217 Martha Custis Drive, Alexandria, Virginia, together with all declared and unpaid dividends thereon, and

b. All those debts or other obligations owing to Anna Liebisch, Edmund Liebisch, Maria Liebisch and Walter Liebisch, by Rhodes S. Baker, Jr., 3217 Martha Custis Drive, Alexandria, Virginia, including particularly but not limited to a portion of the sum of money on deposit with The City Bank of Washington, D. C., 9th & Massachusetts Avenue N. W., Washington, D. C., in an account, entitled Rhodes S. Baker, Jr., maintained at the branch office of the aforesaid bank located at 10th & Pennsylvania Avenue N. W., Washington, D. C., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3124; Filed, Apr. 1, 1947; 8:46 a. m.]

[Vesting Order 8426]

HELENE WEINTRAUD

In re: Stock owned by Helene Weintraud. F-28-1702-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Weintraud, whose last known address is Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty-four (34) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number J541494, registered in the name of Helene Weintraud, together with all declared and unpaid dividends thereon, and

b. Forty-three (43) shares of no par value common capital stock of Southern Pacific Company, 165 Broadway, New York, New York, a corporation organized under the laws of the State of Kentucky, evidenced by certificate number F418536, registered in the name of Mrs. Helene Weintraud, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3125; Filed, Apr. 1, 1947; 8:46 a. m.]

[Vesting Order 8462]

GUSTAV DEHN ET AL.

In re: Bank account, land contract rights and cash owned by Gustav Dehn and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Dehn, Hermann Dehn, Kaethe Grisee, Hedwig Werneyer, Hans Dehn and Helene Wuerfel, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Gustav Dehn, Hermann Dehn, Kaethe Grisee, Hedwig Werneyer, Hans Dehn and Helene Wuerfel, by Seattle Trust and Savings Bank, Second Avenue at Columbia Street, Seattle, Washington, arising out of a savings account, Account Number 2953, entitled Estate of Albert Grisee, Deceased, by H. Otto Giese, Trustee, and any and all rights to demand, enforce and collect the same,

b. All interests and rights created in Gustav Dehn, Hermann Dehn, Kaethe Grisee, Hedwig Werneyer, Hans Dehn and Helene Wuerfel, by virtue of a real estate contract concerning certain real property in Whatcom County, Washington, dated October 28, 1941, between aforesaid persons and Hazel M. Armstrong, which contract was assigned by Hazel M. Armstrong to Thomas J. Feenstra and Carrie A. Feenstra on September 24, 1942, including any and all rights to demand, enforce, receive and collect any and all sums of money paid and to be paid under said contract to The Bellingham National Bank, 101 East Holly Street, Bellingham, Washington, and

c. Cash in the sum of $73.75, presently in the custody of the Attorney General of the United States in Collection Account, Symbol 896-027,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3126; Filed, Apr. 1, 1947; 8:46 a. m.]

[Vesting Order 8472]

HENRY AND MRS. MARIE BERGEN

In re: Cash owned by Henry Bergen, also known as Henry A. Bergen, and Mrs. Marie Bergen.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Bergen, also known as Henry A. Bergen, and Mrs. Marie Bergen, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $827.73, presently in the possession of the Attorney General of the United States in Collection Account, Symbol 896-027,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3127; Filed, Apr. 1, 1947; 8:46 a. m.]

[Vesting Order 8499]

CONRAD WINKLER

In re: Stock owned by Conrad Winkler, also known as C. Winkler. F-28-1715-D-1/4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conrad Winkler, also known as C. Winkler, whose last known address is 30 Lichtenthaler Allee, Baden Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered as set forth in Exhibit A, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of corporation	State of Incorporation	Type of stock	Number of shares	Certificate Nos.	Name in which registered
American Metal Co., Ltd., 61 Broadway, New York, N. Y.	New York	No par value common	100	1949	C. Winkler.
			100	1950	Do.
			100	1951	Do.
			100	1952	Do.
			100	1953	Do.
Atlas Corp., 33 Pine St., New York, N. Y.	Delaware	$50 par value 6% preferred.	12	PO-4807	Conrad Winkler.
		$5 par value common	1	CO-21628	Do.
U. S. Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	No par value common	36	J 110701	C. Winkler.
			5	1779276	Do.
Radio Corp. of America, 30 Rockefeller Plaza, New York, N. Y.	Delaware	do	43	FW03432	Conrad Winkler.

[F. R. Doc. 47-3128; Filed, Apr. 1, 1947; 8:46 a. m.]

[Vesting Order 8503]

SHIGE AND NAOTARO YAMAGATA

In re: Stock and a bank account owned by Shige Yamagata and Naotaro Yamagata. F-39-5396-A-2, F-39-5396-D-1, F-39-5396-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shige Yamagata and Naotaro Yamagata, also known as N. Yamagata, whose last known addresses are Kuga Machi, Oshimagun, Yamaguchi-ken, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt, or other obligation owing to Shige Yamagata and/or Naotoro Yamagata, also known as N. Yamagata, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 140383, entitled Shige Yamagata and Naotaro Yamagata, Either or the Survivor, and any and all rights to demand, enforce and collect the same, and

b. 20 shares of no par value common capital stock of Hawaiian Pineapple Company, Limited, P. O. Box 3360, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificate number HCO-12814, registered in the name of Shige Yamagata and Naotaro Yamagata, as Joint Tenants, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3129; Filed, Apr. 1, 1947; 8:46 a. m.]

[Vesting Order 8492]

FRANZ SPANNAGEL

In re: Bank account and stock owned by Franz Spannagel. F-28-2893-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Spannagel, whose last known address is Poppelsdorferstrasse 8, Dortmund, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, arising out of a cash checking account, entitled George Spannagel, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of George Spannagel, presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon, and

c. That certain certificate of deposit issued by the Middle States Petroleum Corporation, Trustee, 170 Broadway, New York, New York, representing 3 shares of no par value capital stock of Oil Lease Development Company, a corporation organized under the laws of the State of Delaware, said certificate of deposit being registered in the name of Central Union Trust Company, New York, New York, account of George Spannagel, bearing Number 18156, and presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Franz Spannagel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Certificate Nos.	Number and class of shares	Name and address of corporation	State of Incorporation
CO 22888	10 shares of $1 par value common stock.	The Best Foods, Inc., 88 Lexington Ave., New York, N. Y.	New Jersey.
0139666	20 shares of no par value common stock.	Electric Power & Light Corp., 2 Rector St., New York, N. Y.	Maine.
NN-AF 59565	10 shares of no par value (foreign) capital stock.	International Telephone & Telegraph Corp., 67 Broad St., New York, N. Y.	Maryland.
VB 012970	76 shares of $1 par value class B (vt).	Middle States Petroleum Corp., 170 Broadway, New York, N. Y.	Delaware.
NCO 168853	15 shares of no par value common stock.	Montgomery Ward & Co., Incorporated, 619 West Chicago Ave., Chicago, Ill.	Illinois.
01523	10 shares of no par value common stock.	The National Cash Register Co., Main and K Sts., Dayton, Ohio.	Maryland.
01524	20 shares of no par value common stock.	do	Do.
01525	30 shares of no par value common stock.	do	Do.
CO 59106	3 shares of no par value common stock.	Philadelphia Electric Co., 1000 Chestnut St., Philadelphia, Pa.	Pennsylvania.
NC 3582	20 shares of no par value common stock.	Southern Pacific Co., 165 Broadway, New York, N. Y.	Kentucky.
A 191822	45 shares of no par value common stock.	Southern Ry. Co., Richmond, Va.	Virginia.
A 191821	5 shares of no par value common stock.	Southern Ry. Co., Richmond, Va.	Do.
B 405441	10 shares of $100 par value common stock.	Union Pacific R. R. Co., 15th and Dodge Sts., Omaha, Nebr.	Utah.
CO 202689	10 shares of $13.50 par value (old) capital stock.	The United Gas Improvement Co., 1401 Arch St., Philadelphia, Pa.	Pennsylvania.

[F. R. Doc. 47-3045; Filed, May 31, 1947; 8:48 a. m.]

[Vesting Order 8493]

DR. J. H. STROHMEYER AND HENRY MICHAELIS

In re: Debts owing to Dr. J. H. Strohmeyer and Henry Michaelis. F-28-3945-C-1, F-28-4050-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. J. H. Strohmeyer and Henry Michaelis, whose last known address is Bremen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Dr. J. H. Strohmeyer, by Edward I. Cullen, 67 Wall Street, New York City, New York, in the amount of $1,609.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Henry Michaelis, by Edward I. Cullen, 67 Wall Street, New York City, New York, in the amount of $1,609.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3046; Filed, Mar. 31, 1947; 8:49 a. m.]

[Vesting Order 8495]

UNTERWESER REEDEREI, A. G.

In re: Bank account owned by Unterweser Reederei, A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Unterweser Reederei, A. G., the last known address of which is Bremen, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bankers Trust Company, 16 Wall Street, New York 5, New York, arising out of a demand deposit account, entitled Assuranceforeningen Skuld, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3047; Filed, Mar. 31, 1947; 8:49 a. m.]

[Vesting Order 8500]

FRIEDA KARLA CHRISTINE WITTGREFE AND ANNI HENRIETTA FRIEDA WITTGREFE

In re: Bank accounts owned by Frieda Karla Christine Wittgrefe and Anni Henrietta Frieda Wittgrefe. F-28-23922-E-1, F-28-23918-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Karla Christine Wittgrefe and Anni Henrietta Frieda Wittgrefe, whose last known addresses are Kiel, Germany and Selent, Germany, respectively, as residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Frieda Karla Christine Wittgrefe, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 1177, entitled F. K. C. Wittgreffe, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Anni Henrietta Frieda Wittgrefe, by Bank of American National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 1175, entitled A. H. F. Wittgrefe, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3048; Filed, Mar. 31, 1947; 8:49 a. m.]

[Vesting Order 8501]

NAOTARO YAMAGATA

In re: Bank account owned by Naotaro Yamagata, also known as N. Yamagata. F-39-5396-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Naotaro Yamagata, also known as N. Yamagata, whose last known address is Kuga Machi, Oshima-gun, Yamaguchiken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Naotaro Yamagata, also known as N. Yamagata, by Bank of Hawaii, King and Bishop Streets, Honolulu, Territory of Hawaii, arising out of a savings account, Account Number 60384, entitled N. Yamagata, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3049; Filed, Mar. 31, 1947; 8:49 a. m.]

[Vesting Order 8502]

SHIGE YAMAGATA

In re: Bank account owned by Shige Yamagata. F-39-5396-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shige Yamagata, whose last known address is Kuga Machi, Oshima-gun, Yamaguchi-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shige Yamagata, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 62489, entitled Shige Yamagata, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3050; Filed, Mar. 31, 1947; 8:49 a. m.]

[Vesting Order 8517]

GEORGE KRINOG

In re: Estate of George Krinog, deceased. File No. D-28-11500; E. T. sec. 15719.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lisa Weber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of George Krinog, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Alex Krinog, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3051; Filed, Mar. 31, 1947; 8:49 a. m.]

[Vesting Order 8519]

AUGUSTE KUMMEL

In re: Estate of Auguste Kummel, a/k/a Augusta Kummel, deceased. File No. D-28-10296; E. T. sec. 14671.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Maibaum Raubold, Fritz Maibaum, Carl Maibaum, Paul Maibaum, Lena Maibaum, Martha Maibaum, Helena Kahler, Fritz Casimer, Rudolf Casimer, Ewald Maibaum, Arnold Maibaum, Elsie Maibaum, Frieda Elsie Mertens, Martha Mertens, Hanna Mertens, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Auguste Kummel, also known as Augusta Kummel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Albert Maibaum, as administrator, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3130; Filed, Apr. 1, 1947; 8:46 a. m.]

[Vesting Order 8520]

GUSTAVE E. MEYER

In re: Estate of Gustave E. Meyer, deceased. File No. D-28-6513; E. T. sec. 4044.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Meyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Gustave E. Meyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Herman Mason, as executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3131; Filed, Apr. 1, 1947; 8:46 a. m.]

[Vesting Order 8524]

ERNST PLATH

In re: Estate of Ernst Plath, deceased. File No. D-28-595; E. T. sec. 6801.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Wendt, Richard Schmidt, Meta Schwarz (nee Schmidt), Otto Schmidt, Ida Schwarzkopf (nee Plath), Otto Plath, Heinz Wendt, Kurt Wendt, Else Schwarz (nee Boje), Willy Boje, Elisabeth Boje, Ewald Brose and Reinhardt Wendt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Ernst Plath, deceased, is property payable or deliverable to, or claimed by, the aforesaid nations of a designated enemy country (Germany);

3. That such property is in the process of administration by Emma Plath, as Administratrix, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3132; Filed, Apr. 1, 1947; 8:47 a. m.]

[Vesting Order 8535]

EXPORTKREDITBANK A. G.

In re: Bonds, stocks, other property, owned by and debts or other obligations owing to Exportkreditbank A. G. F-28-180-A-3, F-28-180-E-14.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank A. G., whose last known address is Kanonierstrasse 17-20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds in bearer form described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, in account number G. R. 17 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, Customers account for Custody, together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the name of Cobb & Co. and presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, in account number G. R. 17 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, Customers account for Custody, together with all declared and unpaid dividends thereon,

c. Ten (10) Conversion Office for German Foreign Debts fractional certificates, for Series B Dollar 3% Bonds, in bearer form, of the face values and numbered as follows:

Number:	Face value
067476	$5.00
069950	5.00
121859	10.00
120941	10.00
279716	20.00
279717	20.00
283369	20.00
283370	20.00
283371	20.00
280358	20.00

which fractional certificates are presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, in account number G. R. 17 entitled Exportkreditbank Aktiengesellschaft, Customers account for Custody, together with any and all rights thereunder and thereto,

d. That certain debt or other obligation owing to Exportkreditbank A. G., by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account entitled Exportkreditbank Aktg., and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation owing to Exportkreditbank A. G., by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account entitled Exportkreditbank Aktg. Customers Account for Custody and any and all rights to demand, enforce and collect the same, and

f. That certain debt or other obligation owing to Exportkreditbank A. G., by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account entitled Exportkreditbank Aktg. General Ruling No. 6, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Description of issue	Face value	Certificate Nos.
Czechoslovak State loan secured external sinking fund series A 8% bonds.	2 @ $1,000	M3222-6648.
Czechoslovak State loan secured external sinking fund series B 8% bonds.	1 @ 100 1 @ 1,000	C1026. M2954.
Conversion office for German foreign debts 3% dollar bonds.	8 @ 100	C067237-067235-067236-066625-066626-066627-066628-066554.
General Electric Co., Germany, sinking fund 7% gold debenture bond.	1 @ 1,000	M727.
German Central Bank for Agriculture secured farm loan 2d series 6% bonds.	3 @ 1,000	M18271-M18272-27587.
German external loan of 1924 7% bonds	3 @ 1,000	C095762-C095763-095773.
Rheinelbe Union mortgage 7% bond	1 @ 1,000	M2865.
City of Rome, Italy, external loan sinking fund 6½% bonds.	6 @ 1,000	M6732-M6733-M6734-M6735-25572-12561.
United Steel Works Corp., series A 6½% mortgage bonds.	2 @ 1,000	M23101-M23102.
Western Pacific R. R. Co., first mortgage series A 5% bonds.	10 @ 1,000	M14196-16120-17383-18038-19269-25657-25658-25659-25660-13687.

EXHIBIT B

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares
The American Superpower Corp., 100 West 10th St., Wilmington, Del.	Delaware	Common		C68967	100
The Commonwealth & Southern Corp., 902 Market St., Wilmington, Del.	do	do	No	X52893	10
The Electric Bond & Share Co., 2 Rector St.	New York	do	$5	N0318830 42530	1 8
The Electric Storage Battery Co., 19th St. and Allegheny Ave., Philadelphia, Pa.	New Jersey	do	No	54354-040837-061008 077392-079041 0116394 093529	1 each 2 each 34 64
Foothills Gas & Oil Co., Ltd., 606 Second St., West, Calgary, Canada.	Canada	Capital	No	7630 7631-7632	20 100 each
Radio Corp. of America, R. C. A. Building, 30 Rockefeller Plaza, New York 20, N. Y.	Delaware	Common	No	FRC11858-FRC11859 FRC11860 FRC11862	1 each 3 35

[F. R. Doc. 47-3133; Filed, Apr. 1, 1947; 8:47 a. m.]

[Vesting Order 8559]

ANNA L. NOLDE

In re: Trust created by Anna L. Nolde by Deed of Trust dated May 19, 1928. File D-28-2320; G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Caroline Gosch, Dora Gosch, Martha Hartwig, Frida Gosch and Kaethe Mueller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Trust Created by Anna L. Nolde under Deed of Trust dated May 19, 1928, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The Reading Trust Company, as Trustee, acting under the judicial supervision of the Orphans' Court of Berks County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3134; Filed, Apr. 1, 1947; 8:47 a. m.]

[Vesting Order 8564]

HANS VOGT

In re: Trust created by Hans Vogt by deed of trust dated June 23, 1931. File F-28-7460; G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Caroline Gosch, Dora Gosch, Martha Hartwig, Frida Gosch and Kaethe Mueller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Trust created by Hans Vogt under Deed of Trust dated June 23, 1931, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Reading Trust Company, as Trustee, acting under the judicial supervision of the Orphans' Court of Berks County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3135; Filed, Apr. 1, 1947; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 12 NUMBER 66

Washington, Thursday, April 3, 1947

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 10, Amdt. 24]

PART 1432—RICE

SET-ASIDE REQUIREMENTS AND RESTRICTIONS ON DISTRIBUTION AND MILLING OF RICE

War Food Order No. 10, as amended (11 F. R. 10649, 13144, and 14646, and 12 F. R. 347, 702, 1507) is hereby further amended by striking § 1432.1 (b) (1) and substituting in lieu thereof the following:

(1) Beginning April 1, 1947, every miller shall set aside in each calendar month for sale and delivery to a governmental agency, milled rice of one or more of the grades 1 through 6 (excluding the special grades unpolished milled rice and parboiled milled rice) and of the classes I through XII, in an amount equal to 0 percent of the total combined quantity of brown and milled rice milled by him during such month.

Effective date. This amendment shall become effective as of 12:01 a. m., e. s. t., April 1, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken under the provisions of War Food Order No. 10, as amended, prior to said date, all such provisions shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 2 (a), 54 Stat. 676, as amended; 50 U. S. C. App. Sup. 1152 (a); E. O. 9280, Dec. 5, 1942; 3 CFR Cum. Supp., E. O. 9577, June 29, 1945; 3 CFR, 1945 Supp.)

Issued this 31st day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3191; Filed, Apr. 2, 1947; 8:45 a. m.]

[WFO 63-22]

PART 1596—FOOD IMPORTS

PARTIAL REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (12 F. R. 459), Appendix A is revised by deleting the following items therefrom:

Food and Commerce Import Class No.
Fish, other canned—1, 2, 5:
In oil or in oil and other substances: 0066.600–0066.700, inclusive.
Not in oil, or in oil and other substances: 0067.900.
Herring, canned, smoked or kippered or in tomato sauce—1, 2, 5: 0067.600.
Salmon, canned, not in oil, or in oil and other substances—1, 2: 0067.100.
Sardines, in oil or in oil and other substances—1, 2, 5: 0063.200, 0063.300.
Sardines and other herring, canned (including snacks, tidbits, rollmops and sprats)—1, 2, 5: 0067.700.
Tuna fish, in oil or oil and other substances—1, 2: 0065.200.
Milk, condensed: 0040.100.
Tea, not specially provided for: 1521.000.

This revision shall become effective at 12:01 a. m., e. s. t., March 31, 1947.

(E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 28th day of March 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-3181; Filed, Apr. 2, 1947; 8:56 a. m.]

Chapter XXI—Organization, Functions and Procedures

Subchapter C—Production and Marketing Administration

PART 2307—LIVESTOCK BRANCH

FUNCTIONS AND PROCEDURES

Effective upon publication hereof, Subpart B, Part 2307, Subchapter C, Chapter XXI, Subtitle C, of Title 7, Code of Federal Regulations, published September 11, 1946 (11 F. R. 177A-274 to 276), as amended, is hereby amended by striking § 2307.20 and substituting in lieu thereof the following:

§ 2307.20 *Certification of packing plants.* Under section 3A of the Stabilization Act of 1942, as amended (50 U. S. C. App. Sup. 963a) meat which is produced at a slaughtering plant not federally inspected under the Meat Inspec-

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FEDERAL REGISTER

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tion Act (21 U. S. C. 71 et seq.) is eligible for shipment in interstate and foreign commerce if the Secretary of Agriculture certifies that the plant is operated under sanitary conditions and that the meat produced therein is clean, wholesome and suitable for human consumption, and certain other conditions have been met. Certifications were previously issued under War Food Order No. 139 which was terminated on November 30, 1946. However, the Chief of the Distribution Division of the Livestock Branch is authorized to certify any slaughtering plant which meets the conditions imposed by War Food Order No. 139, Amendment 2 (11 F. R. 5641) prior to its termination, and with respect to which, application for certification was made prior to such termination, and liabilities have been incurred, remodeling has been done, or other change of position has been made by the operator of the plant in the expectation that certification would be issued to such plant. Managements of plants which meet the foregoing requirements may apply for certification to the Chief of the Distribution Division. A survey is made to determine the acceptability of the plant and the inspection conducted therein. Certification is extended or withheld depending on the findings. Inspections of certified plants are made from time to time by supervisors employed by the Division. (Sec. 3, 12, 60 Stat. 238, 244)

Issued this 28th day of March at Washington, D. C.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3182; Filed, Apr. 2, 1947; 9:07 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms or Vectors

[B. A. I. Order 276, Amdt.]

PART 118—HOG CHOLERA VIRUS

PART 119—ANTI-HOG CHOLERA SERUM

PREPARATION, SALE, BARTER, EXCHANGE, SHIPMENT, AND IMPORTATION OF VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS INTENDED FOR USE IN TREATMENT OF DOMESTIC ANIMALS

The regulations (9 CFR and Cum. Sup. 101.1 et seq.), issued pursuant to the Virus-Serum-Toxin Act of March 4, 1913 (21 U. S. C. 151 et seq.), are hereby amended as follows:

1. By amending § 118.15 to read:

§ 118.15 *Inoculation of pigs for production of hyperimmunizing virus.* For use in the production of hyperimmunizing virus, licensed establishments shall inoculate healthy young pigs weighing not more than 175 pounds each with at least 2 cubic centimeters of highly virulent hog-cholera virus: *Provided*, That when hog cholera from pen infection is manifested by the animals after the fourth day subsequent to admission to the premises, they need not be so inoculated: *And provided further*, That after September 30, 1947, hyperimmunizing virus shall not be collected from pigs weighing more than 145 pounds each.

2. By amending § 119.19 to read:

§ 119.19 *Serum mixing and holding pending test.* Anti-hog-cholera serum, prior to testing, shall be thoroughly mixed in a single container in batches of not more than 300,000 cubic centimeters composed of relative proportions of the different classes of bleedings (§§ 114.13 (b) (1), (2), (9), (10) and 114.15 of this chapter): *Provided, however*, That larger batches may be prepared by mixing in a single container all serum derived from one or more properly identified groups totaling 175 hyperimmune hogs or less. The serum shall be held under Bureau lock as provided in § 102.77 (b), of this chapter, except when being processed, until such time as all required tests have been completed and have shown that the serum is not worthless, contaminated, dangerous, or harmful.

3. By amending § 119.20 to read:

§ 119.20 *Serum test sample.* After the batch is thoroughly mixed a representative sample consisting of at least 300 cubic centimeters shall be collected in three containers of not less than 100 cubic centimeters each, to be known as the "serum test sample" (§ 114.23 of this chapter). The sample shall be taken, properly labeled, marked by a Bureau employee, and held under Bureau lock as provided in § 102.77 (b) of this chapter until removed for testing.

4. By amending § 119.24 to read:

§ 119.24 *Test pigs.* Licensed establishments shall furnish all pigs used in testing anti-hog-cholera serum. Eight healthy pigs, susceptible to hog cholera and weighing not less than 40 pounds nor more than 115 pounds each, except as provided in §§ 119.48 and 119.49 shall be used for testing each batch of serum consisting of 300,000 cubic centimeters or less (§ 119.19). Batches consisting of more than 300,000 cubic centimeters shall be tested on 11 healthy pigs in lieu of 8. Pigs weighing more than 90 pounds each shall not be used for testing serum found "unsatisfactory for potency" (§ 119.36 (c)) prior to the effective date of this amendment; nor shall such pigs be used for potency tests after September 30, 1947.

5. By amending § 119.25 to read:

§ 119.25 *Test pigs; dosage virus and serum.* Each pig furnished for testing serum shall be injected with 2 cubic centimeters of hog-cholera virus. Three pigs in each test shall receive no serum and shall serve as controls. The remaining pigs in the test shall receive 15 cubic centimeters each of the serum to be tested, except that pigs weighing more than 90 pounds may receive 20 cubic centimeters. The virus and serum injections shall be made simultaneously, the virus being injected in the left axillary space, and the serum in the right. Each of the pigs in the test shall be injected with virus of the same serial, the virus to be selected and administered by a veterinary inspector, or Bureau employee designated by the inspector in charge.

The difficulty experienced by many producers, under current market conditions, in procuring pigs suitable for producing hyperimmunizing virus and for testing anti-hog-cholera serum makes it obvious that the supply of serum for use in immunizing swine against hog cholera will reach and continue at a dangerously low level in the early summer and fall of this year unless immediate relief is afforded. The regulated industry is pressing for such relief. Relaxation of the virus-serum-toxin regulations to permit the use, for a temporary period, of larger pigs for the production of the virus and for testing the serum, and to permit the testing, continuously, of serum in larger batches, as provided herein, should speed return to normal levels without disastrous results. Other changes are minor in nature and are made primarily for the purpose of adjusting the affected regulations to the changes just described. The accomplishment of the desired purposes in time to be of substantial benefit this season necessitates the immediate adoption and effectuation of the amendment.

For the foregoing reasons, notice and public procedure thereon, as provided for in section 4 (a) of the Administrative Procedure Act (Act of Congress approved June 11, 1946, 60 Stat. 238) are impracticable, unnecessary, and contrary to the public interest, and there is good cause for finding that compliance with the publication requirements of section 4 (c) of that act is unnecessary.

(37 Stat. 832; 21 U. S. C. 151 et seq.)

This amendment shall be effective on and after April 4, 1947.

Done at Washington, D. C., this 31st day of March 1947.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3190; Filed, Apr. 2, 1947; 8:45 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions and Procedures

PART 3—ORGANIZATION AND PROCEDURES OF CIVIL AFFAIRS DIVISION

MILITARY GOVERNMENT FOR GERMANY; UNITED STATES ZONE

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, Part 3, pertaining to organization and procedures of Civil Affairs Division, appearing at 11 F. R. 177A–800, is amended by the addition of §§ 3.5 to 3.7, inclusive, §§ 3.11 to 3.27, inclusive and § 3.30 to read as follows:

§ 3.5 *Ordinance No. 1; crimes and offences.*—(a) *Article 1; capital offences.* The following offences are punishable by death or such other penalty as a Military Government Court may impose:

(1) Espionage;

(2) Communication with the enemy forces or, except through authorized channels, with any person in enemy territory not occupied by the Allied Forces;

(3) Communication of information which may be dangerous to the security or property of the Allied Forces, or unauthorized possession of such information without promptly reporting it; and unauthorized communication by code or cipher;

(4) Armed attack on or armed resistance to the Allied Forces;

(5) Acting in defiance or contravention of terms imposed by the Allied Forces upon Germany on its defeat or surrender, or of any orders supplementing such terms;

(6) Acts or conduct in support or aid of any nation at war with any of the United Nations, or of the NSDAP or other organization dissolved or declared illegal by the Allied Forces, including publication and circulation of matter printed or written in aid of any thereof or the possession thereof with intent to publish or circulate, and the provocative display of flags, uniform, or insignia of any such organization;

(7) Killing or assaulting any member of the Allied Forces;

(8) Falsely pretending to be a member of the Allied Forces; unlawfully wearing any uniform of the Allied Forces;

(9) Unlawful possession or control of any firearm, ammunition, explosive, or other war material or of apparatus or other means for transmitting messages;

(10) Unauthorized use of any firearm or other deadly weapon, ammunition, explosive or similar war material;

(11) Furthering the escape of any person detained by Allied authority or

assisting or concealing any such person after escape;

(12) Assisting any member of the enemy forces to avoid capture;

(13) Interference with transportation or communication or the operation of any public service or utility;

(14) Sabotage of any war material of the Allied Forces or of any installations or property necessary or useful to military operations or the Military Government;

(15) Wilful destruction, removal, interference with, or concealment of, records or archives of any nature, public or private;

(16) Plunder, pillage or looting; robbing or abusing the dead or wounded;

(17) Wilfully interfering with or misleading any member of or person acting under the authority of the Allied Forces in the performance of his duties;

(18) Incitement to or participation in rioting or public disorder;

(19) Stealing, or obtaining by fraud, property of the Allied Forces or any member thereof;

(20) Any other violation of the laws of war or act in aid of the enemy or endangering the security of the Allied Forces.

(b) *Article II; other offences.* The following offences are punishable by such penalty other than death as a Military Government Court may impose:

(1) Disobedience of any proclamation, law, ordinance, notice or order of the Military Government or of any representative where a penalty is not expressly imposed or of any German authority issued pursuant to any such order;

(2) Circulating without a permit during curfew as established, or as authorized, by Military Government; all curfew regulations imposed on the civilian population, whether by Military Government or the German authorities, prior to the effective date of this section are hereby terminated.

(3) In the coastal area leaving the shore in any vessel or otherwise except as authorized by Allied authority;

(4) Moving any ship or vessel or any aircraft except as authorized by Military Government;

(5) Failure, without authority, to have possession of a valid identity card;

(6) Making, issuing or knowingly having possession of any false permit, identity card or other document of official concern to the Allied Forces; delivery of any such matter, whether false or valid, to any unauthorized person or for an unauthorized purpose;

(7) Counterfeiting or altering any Allied Military Marks or any other currency, coin or stamps or having possession of or uttering any thereof, having reason to believe it to be false or altered; or having possession of or disposing of any property for use for any such purpose;

(8) Inviting or conducting any member of the Allied Forces into a place designated "Off Limits" or "Out of Bounds," or supplying goods or services to such member in any such place;

(9) Bribery, corruption or intimidation of any member of, or person acting under the authority of, the Allied Forces; receiving, or offering to receive, a bribe for non-performance of duty to the Allied Forces;

(10) Obstructing or contravening any announced programme or orders of the Military Government with respect to Allied prisoners of war or nationals of the United Nations in Germany, or assaulting, despoiling or without justification confining or otherwise infringing the rights of such prisoners or nationals;

(11) Unauthorized possession, control or disposition of property belonging to the Allied Forces or to a member of the Allied Forces;

(12) Destruction, concealment, unauthorized possession or disposition of, or interference with, any ship, installation, plant, equipment or other economic asset, or plans or records with respect thereto, required by the Military Government;

(13) Knowingly making any false statement, orally or in writing, to any member of, or person acting under the authority of, the Allied Forces, in a matter of official concern; or in any manner defrauding, or refusing to give information required by Military Government;

(14) False assumption of authority from the Allied Forces; wrongful possession or control of any part of an Allied uniform whether genuine or false;

(15) Defacement or unauthorized removal of written or printed matter posted under authority of Military Government;

(16) Wilful destruction, alteration or concealment of any work of art, monument or other cultural property created by another;

(17) Promoting, aiding or attending any public gathering for which no permit has been granted, unless held for religious purposes or in the exercise of functions authorized by the Allied Forces;

(18) Resisting arrest by a person acting under the authority of the Allied Forces, or escaping from arrest or detention imposed under such authority;

(19) Aiding, or failing to report, any person known to be wanted by the Allied Forces;

(20) Dissemination of any rumor calculated to alarm or excite the people or to undermine the morale of the Allied Forces;

(21) Conduct hostile or disrespectful to the Allied Forces or to any of the United Nations;

(22) Initiating or carrying out any criminal prosecution, disciplinary measure or any other form of punishment or victimisation (including boycotting) against any person for co-operating with the Allied Forces or the Military Government;

(23) Acts to the prejudice of good order or of the interests of the Allied Forces or any member thereof.

(c) *Article III; attempts, conspiracies.* Anyone who attempts to commit, or conspires or agrees with another to commit, any offence, or who advises, assists in, or procures the commission of any offences, or who having knowledge of an alleged offence fails to report it or assists an alleged offender to avoid arrest, shall be punishable as a principal.

(d) *Article IV; collective fines.* The Burgermeister or other principal representative of any community may be charged and tried as representing the residents thereof with any offence for which such residents or a substantial number thereof are alleged to be collectively responsible, and in the event of his being convicted of such offence in his representative capacity, and collective responsibility being established, a collective fine may be imposed upon the community.

(e) *Article V; responsibility for corporate acts.* Every director, official or employee of any incorporated or unincorporated company, society, or association, and every partner or employee of a partnership, who in any such capacity, either alone or jointly with others, causes, directs, urges or votes in favor of an act or omission which constitutes an offence for which the company, society, association or partnership would be triable by a Military Government Court, shall be liable therefor as though such act or omission had been done or made in his individual capacity.

(f) *Article VI; defences.* (1) It shall be a good defence to any charge hereunder that the offence charged was an act of legitimate warfare by a person entitled to the status of a combatant.

(2) It shall not be a defence to any charge hereunder that the offence charged was committed under orders of any civil or military superior or of any person purporting to act as an official or member of the NSDAP or that the offence was committed under duress.

(g) *Article VII; definition.* (1) The expression "Allied Forces" as used herein and, in the absence of indication to the contrary, in proclamations, laws, ordinances, notices or orders of the Military Government, includes persons subject to military, naval, or air force law or to the jurisdiction of British Naval Courts and who are serving under the command of the Supreme Commander, Allied Expeditionary Force, or of any other Commander of any forces of the United Nations, and any military formation or civilian agency composed in whole or in part of such persons.

(2) The expression "enemy forces" include all persons, whether entitled to belligerent status or not, who are engaged in armed resistance to the Allied Forces.

§ 3.6 *Ordinance No. 2; Military Government Courts*—(a) *Article I; kinds of military courts.* (1) General Military Courts.

(2) Intermediate Military Courts.

(3) Summary Military Courts.

(b) *Article II; jurisdiction.* (1) Military Government courts shall have jurisdiction over all persons in the occupied territory except persons other than civilians who are subject to military, naval or air force law and are serving under the command of the Supreme Commander, Allied Expeditionary Force, or any other Commander of any forces of the United Nations.

(2) Military Government Courts shall have jurisdiction over:

(i) All offences against the laws and usages of war.

(ii) All offences under any proclamation, law, ordinance, notice or order issued by or under the authority of the Military Government or of the Allied Forces.

(iii) All offences under the laws of the occupied territory or of any part thereof.

(c) *Article III; powers of sentence.* (1) A General Military Court may impose any lawful sentence including death.

(2) An Intermediate Military Court may impose any lawful sentence except death, or imprisonment in excess of ten years, or fine in excess of £2,500—$10,000.

(3) A Summary Military Court may impose any lawful sentence except death, or imprisonment in excess of one year, or fine in excess of £250—$1,000.

(4) Within the limits of the powers given to the court, both a term of imprisonment and a fine may be imposed for the same offence, and a further term of imprisonment within the powers of the court may be imposed in default of payment of the fine.

(5) In addition to or in lieu of sentence of fine, imprisonment or death (within its powers), a Military Government Court may make such orders with respect to the person of the accused and the property, premises or business involved in the offense as are appropriate and authorized by the rules of Military Government Courts; and shall have power to impound money or other objects, to grant bail and accept and forfeit security therefor, to order arrest, to compel the attendance and order the detention of witnesses, to administer oaths, to punish for contempt, and such other powers as may be necessary and appropriate for the due administration of justice.

(6) Where an offense is charged under the laws of the occupied territory or any part thereof, the punishment which may be imposed shall not be limited to the punishment provided by such laws.

(d) *Article IV; composition of courts.* (1) All members of the Military Government Courts shall be officers of the Allied Forces or civilian Military Government officials of the United States citizenship.

(2) General Military Courts shall consist of not less than three members. Intermediate and Summary Military Courts shall consist of one or more members.

(3) Advisors to sit with any court may be appointed either by the court itself or by an authority empowered to appoint such class of court. They shall give the court such advice and assistance as it may require but shall have no vote.

(4) Clerks, interpreters, and other persons necessary for the conduct of proceedings may be appointed by the court.

(e) *Article V; rights of accused.* (1) Every person accused before a Military Government Court shall be entitled:

(i) To have in advance of trial a copy of the charges upon which he is to be tried;

(ii) To be present at his trial, to give evidence and to examine or cross-examine any witness; but the court may proceed in the absence of the accused if the accused has applied for and been granted permission to be absent, or if the accused is believed to be a fugitive from justice;

(iii) To consult a lawyer before trial and to conduct his own defense or to be represented at the trial by a lawyer of his own choice, subject to the right of the court to debar any person from appearing before the court;

(iv) In any case in which a sentence of death may be imposed, to be represented by an officer of the Allied Forces, if he is not otherwise represented;

(v) To bring with him to his trial such material witnesses in his defense as he may wish, or to have them summoned by the court at his request, if practicable;

(vi) To apply to the court for an adjournment where necessary to enable him to prepare his defense;

(vii) To have the proceedings translated, when he is otherwise unable to understand the language in which they are conducted;

(viii) In the event of conviction, within a time fixed by the rules of Military Government Courts to file a petition setting forth grounds why the findings and sentence should be set aside or modified.

(f) *Article VI; review.* (1) The record of every case in which a petition for review is filed and of such other cases as shall be determined in accordance with the rules of Military Government Courts shall be reviewed by such officer or officers or civilian Military Government official or officials of United States citizenship as may be designated for that purpose by or under the authority of the Military Government.

(2) The reviewing authority shall have power to set aside any finding of guilty, to suspend, reduce, commute or modify the sentence, to order a new trial, and to make such other orders as may be appropriate, but shall not set aside a finding of not guilty. The reviewing authority may increase the sentence in any case in which a petition of review has been filed which is considered to be frivolous, but shall not otherwise increase any sentence.

(g) *Article VII; confirmation of death sentences.* No sentence of death shall be executed unless and until confirmed in writing by the Supreme Commander, Allied Expeditionary Force, or other head of the Military Government for the time being, or such other officer or civilian Military Government official of United States citizenship as he may designate. The confirming authority shall have with respect to such sentence all the powers of a reviewing authority.

(h) *Article VIII; rules.* Rules of Military Government Courts not inconsistent with this section prescribing the procedure of such courts and the mode of exercise of the powers conferred may be made, amended or supplemented by or under the authority of the Supreme Commander, Allied Expeditionary Force, or other head of the Military Government for the time being.

§ 3.7 *Ordinance No. 8; military tribunal for security violations.* (a) Any person who commits or attempts to commit any act or acts prejudicial to the security or mission of the U. S. Forces in the European Theater shall be punished as a military tribunal, to be appointed under the authority of the Commanding General, U. S. Forces, European Theater, may direct.

(b) Except as to cases referred to such a military tribunal pursuant to this section, nothing herein shall affect the application of Military Government Ordinances numbers 1 and 2. (See §§ 3.5 and 3.6.)

(c) This section shall become effective on November 10, 1946.

§ 3.11 *German courts; Law No. 2*—(a) *Article I; temporary suspension of ordinary and administrative courts.* (1) The following German courts and tribunals are hereby suspended and deprived of authority in the occupied territory until authorized to re-open:

(i) The Oberlandesgerichte, and all courts over which they exercise appellate or supervisory jurisdiction;

(ii) All subordinate courts over which the Reichsverwaltungsgericht exercises, appellate or supervisory jurisdiction;

(iii) All other courts not dissolved under paragraph (b) of this section.

(2) The Reichsgericht and the Reichsverwaltungsgericht have until further notice no authority over any court or otherwise in the occupied territory.

(3) Every decision, judgment, writ, order or direction issued by any such court or tribunal after the effective date of this law and during the period of suspension shall, within the occupied territory, be null and void.

(b) *Article II; dissolution of special and party courts and tribunals.* (1) The jurisdiction and authority of the following courts and tribunals in the occupied territory are hereby abolished:

(i) The Volksgerichtshof;

(ii) The Sondergerichte;

(iii) All courts and tribunals of the NSDAP and of its organizations, formations and connected associations.

(c) *Article III; authority for re-opening ordinary civil and criminal courts.* (1) Each Oberlandesgericht, Landgericht and Amtsgericht within the occupied territory shall re-open and resume its usual functions only when and to the extent specified in written directions of Military Government.

(2) Unless otherwise provided in such written directions, said courts, when re-opened, shall give priority to the trial and deposition of the following classes of cases in the order named:

(i) Criminal cases initiated during the period between the effective date of this law and the re-opening of the court;

(ii) Criminal cases initiated before the effective date of this law;

(iii) Criminal cases initiated after the re-opening of the court;

(iv) Contentious and non-contentious civil cases initiated prior or subsequent to re-opening of the court involving:

(*a*) Domestic relations,

(*b*) Personal status,

(*c*) Claims in tort involving life, liberty or personal physical injuries, but excluding defamation,

(*d*) Other claims in tort and other civil cases involving amounts not exceeding five hundred Marks (RM 500),

(e) Other civil cases.

(d) *Article IV; re-opening of administrative and other courts temporarily suspended.* Each such court shall re-open and resume its usual functions only when and to the extent specified in written directions of Military Government.

(e) *Article V; qualifications of judges, prosecutors, notaries and lawyers.* (1) No person shall be qualified to act as judge, prosecutor, notary or lawyer, until he shall have taken an oath in the following form:

OATH

I swear by Almighty God that I will at all times apply and administer the law without fear or favor and with justice and equity to all persons of whatever creed, race, color or political opinion they may be, that I will obey the laws of Germany and all enactments of the Military Government in spirit as well as in letter, and will constantly endeavor to establish equal justice under the law for all persons. So help me God.

Every person who takes the foregoing oath is no longer bound by the obligations of any oath of office previously subscribed by him.

(2) No person shall act as judge, prosecutor, notary, or lawyer without the consent of Military Government.

(f) *Article VI; limitations on jurisdiction.* (1) Except when expressly authorized by Control Council or Military Government Law, ordinance or regulation, or by order of the Director of Military Government of the appropriate Land, no German court shall assert or exercise jurisdiction in the following cases or classes or cases:

(i) Criminal cases involving:

(*a*) Any of the United Nations, or

(*b*) The Armed Forces of any of the United Nations, or

(*c*) Any person serving with any such Forces or a dependent accompanying any of them, or

(*d*) Any national of the United Nations, or

(*e*) Any stateless person who has the assimilated status of a United Nations displaced person, or

(*f*) Criminal offenses committed by Nazis or any other persons against citizens of Allied Nations and their property, as well as attempts directed towards the reestablishment of the Nazi regime and the activity of the Nazi organizations.

(ii) Civil cases as follows:

(*a*) Involving any of the United Nations, or

(*b*) The Armed Forces of any of the United Nations, or

(*c*) Any person serving with any such Force, or

(*d*) Any national of the United Nations holding an official position or performing official functions in the allied administration of Germany, or

(*e*) Any dependent accompanying persons in subdivisions (*b*), (*c*) and (*d*) of this subdivision,

(*f*) Against any national of the United Nations not falling within subdivisions (*b*), (*c*), (*d*), (*e*) of this subdivision or against any stateless person having the assimilated status of a United Nations displaced person, unless such national or stateless person consents thereto in writing, or has been a resident of Germany continuously since 1930, or he has no fixed intention and well-founded expectation of leaving the territorial boundaries of occupied Germany within a reasonably definite period of time in order to establish or return to an abode elsewhere, or he is defendant in a counter action which is connected with or relevant to the subject matter of a suit which he has filed as plaintiff in a German court, or he is a proper party defendant in a German court consistent with the provisions of Military Government Ordinance No. 6. (See § 3.4.)

(iii) Cases involving offenses against any order of the Allied Forces or any enactment of the Control Council or Military Government unless expressly authorized as provided in the first paragraph of this section: *Provided*, That in the trial of such cases by German courts when so authorized, if the enactment or authority conferring jurisdiction does not specify the penalty which the court is authorized to impose for the offense, the court shall have power to impose a sentence of imprisonment not exceeding five years without hard labor, or imprisonment not exceeding two years with hard labor, or a fine of not more than RM 10,000, or both such imprisonment and fine;

(iv) Cases challenging the validity of any order of the Allied Forces or any enactment of the Control Council or Military Government;

(v) Any case over which jurisdiction has been assumed by a Military Government Court;

(vi) Any case or class of cases reserved for or transferred by Military Government to the exclusive jurisdiction of Military Government Courts;

(vii) Any case for a claim of money against a German government or any legal entity existing under public law;

(viii) Any case or class of cases withdrawn from the jurisdiction of German courts by Military Government;

(ix) Cases involving as a party a person included within the categories enumerated in subparagraphs (1), (2) and (3) of § 3.4 (i) of Military Government Ordinance No. 6 wherein the Military Government Court for Civil Actions has jurisdiction.

(2) Any proceedings taken or decisions rendered after the date hereof by a German court in any cases excluded from its jurisdiction shall be null and void.

(g) *Article VII; powers of Military Government.* (1) The following powers of control and supervision are, without prejudice to the subsequent exercise of any additional or other powers, vested in the Military Government:

(i) To dismiss or suspend any German judge, Staatsanwalt or other court official; and to disbar from practice any notary or lawyer;

(ii) To supervise the proceedings of any court, to attend the hearing of any case, whether in public or in camera, and to have full access to all files and records of the court and documents in the cases;

(iii) To review administratively all decisions of German trial and appellate courts and to nullify, suspend, commute or otherwise modify any finding, sentence or judgment rendered by any such court;

(iv) To transfer to the jurisdiction of the Military Government Courts any case or class of cases;

(v) To control or supervise the administration, budgets and personnel of all German courts authorized to function.

(2) No sentence of death shall be carried out without the consent of Military Government. Such consent may be affirmatively given by the Director of Military Government of the Land or by the Deputy Military Governor. Consent shall be implied if:

(i) The Minister of Justice furnishes to the Director of Military Government of the Land a notice in writing of the imposition of the judgment and sentence and advising that the same has become final under German law, and

(ii) Thirty days have elapsed since the signing by said Director of an acknowledgment in writing of the receipt of the notice, and

(iii) During that period Military Government, through the Director of the Land or the Deputy Military Governor, has not expressly stayed or prohibited the execution of said sentence: *Provided*, That the Director of the Land or the Deputy Military Governor may stay or prohibit the execution of such death sentence at any time prior to the execution.

(3) No member of the Allied Forces nor any employee, of whatever nationality, of the Military Government, shall be required or permitted to testify in any German Court without the consent of the Military Government.

(h) *Article VIII; limitation and prescription.* (1) In any case in which delay in the assertion of any right by suit or action in a German Court has the effect of rendering claims unenforceable or of extinguishing substantive rights, the period during which the bringing of such suit or action is prevented by the suspension of German courts or the limitations imposed by this section shall be excluded in determining the applicable period of limitation or prescription.

(i) *Article IX; penalties.* (1) Any person violating any of the provisions of this section shall, upon conviction by a Military Government Court, be liable to any lawful punishment, including death, as such court may determine.

§ 3.12 *Regulation No. 1 under Military Government Law No. 2—(a) General scope.* Subject to the limitations of paragraphs (e), (f) and (g) of § 3.11 and subject to the limitations and conditions specified in this section, each Amtsgericht, Landgericht, and Oberlandesgericht reopened or established with the consent of Military Government, and all judges, prosecutors, notaries, sheriffs, clerks, attorneys, lay advisers, and others performing functions in the administration of justice are authorized to exercise all of their functions.

(b) *Courts with special jurisdiction.* Nothing in this section shall be construed to permit the opening or revival of other courts closed or abolished by

Military Government, including but not limited to the Hereditary Farm Courts (Anerbengerichte) and Hereditary Health Courts (Erbgesundheitsgerichte), even though their functions may have been exercisable by judges of, or such courts may have been attached to, the courts referred to in paragraph (a) of this section: *Provided, however*, That matters formerly within the exclusive jurisdiction of the Labor Courts shall, until further notice, be within the exclusive jurisdiction of the Amtsgericht, as court of first instance, which shall so far as possible apply existing procedure applicable in such matters, except that the provisions for participation of lay judges in labor courts shall not be operative until so determined by the appropriate Minister of Justice.

(c) *Official acts.* (1) Except as authorized by subparagraph (2) (i) or (ii) of this paragraph, no court or official of the administration of justice, including any judge, notary, sheriff, or clerk, shall:

(i) Render a decision, order or judgment (including amends (damages) in favor of private criminal complainants, but excluding fines), authorizing, directing, or effecting the delivery, sale, transfer, or other disposition of, or adjudicating title to or in, property, or ordering the payment of money;

(ii) Levy execution or attachment, or seize, sell or dispose of, property;

(iii) Direct or authorize the distribution of any bankrupt, decedent, or other estate; or

(iv) Attest, authenticate, or witness any legal instrument, declaration, or transaction.

(2) Any official act of the character described in subparagraph (1) of this paragraph is authorized if either:

(i) Such official act, or the result at which it is aimed is generally or specifically authorized by Military Government;

(ii) The party or parties seeking such official act or the party or parties to such instrument, declaration, or transaction, as the case may be, have filed with such court or official, or have attached to such instrument, declaration or transaction, an affidavit averring upon oath or affirmation that, to the best of their knowledge and belief, such official act or such instrument, declaration or transaction, will not transfer rights or title to, or possession of, property or money from any person whose property has been blocked by Military Government or reduce or impair the value of such property, and the court or official neither knows or is charged with knowledge that such affidavit is incorrect.

(iii) Any official act of the character described in subparagraph (1) of this paragraph shall have no legal effect unless the conditions specified in subparagraph (2) (i) or (ii) of this paragraph are met.

(iv) Every decision, order, or judgment authorizing or directing the payment of money or delivery, sale, transfer, or other disposition of property or affecting rights in or the title to property in favor of a person or persons whose property is blocked by Military Government shall contain, in addition to findings showing that such decision, order or judgment is authorized under this section, a provision requiring that such money be paid into a blocked account approved by Military Government or that such property or title be delivered or such title be transferred, or the proceeds derived from the sale or disposition of such property be paid, to a custodian designated, appointed or approved by Military Government.

(d) *Qualifications of fiduciaries and experts.* (1) No judge or other official of the administration of justice shall appoint, confirm, or, regardless of the date of appointment, retain any person as guardian, curator, executor, administrator, liquidator, trustee in bankruptcy, or other fiduciary or as official expert, if such person has been at any time "actively engaged in any of the activities of the Nazi Party or any of its affiliated organizations", or is a person whose property is blocked by Military Government.

(2) The term "actively engaged in any of the activities of the Nazi Party or its affiliated organization" as used herein shall include any member of the Nazi Party or of its affiliated organizations who has:

(i) Held office or otherwise been active at any level, from local to national in the Nazi Party and organizations, or in organizations which further militaristic doctrines;

(ii) Authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations;

(iii) Been an avowed believer in Nazism, or racial or militaristic creeds; or

(iv) Voluntarily given substantial moral or material support, or political assistance of any kind to the Nazi Party or Nazi officials and leaders.

(3) There shall be created at every court which has jurisdiction to appoint fiduciaries or official experts, standing panels of approved persons having the qualifications required by subparagraph (1) of this paragraph, whose names, together with a questionnaire executed by each person, shall be submitted by the court to the appropriate Minister of Justice for approval by Military Government or such German agency as may be designated by him for that purpose with the approval of Military Government. Any additions to such panels shall be similarly submitted for approval. From such approved panels shall be appointed any fiduciary or official expert, except that an executor or other fiduciary who under German law, is nominated because of his personal relationship to interested parties need not be drawn from a panel but may be appointed or confirmed individually subject to subsequent approval to be obtained in the same manner as in the case of panel members.

(4) In examining the qualifications of fiduciaries in office heretofore appointed, precedence shall be given to those who are serving for compensation and are in charge of estates having a fair value in excess of RM 5,000.

(e) *Permissible entries and conditions for entries on public registers.* (1) The following entries upon public registers are permitted unconditionally:

(i) Any entry of rectification, protest, or caveat upon the land register (Grundbuch);

(ii) Any entry, upon the commercial register (Handelsregister), register of cooperatives (Genossenschaftsregister), register of associations (Vereinsregister), or ship register (Schiffsregister), of:

(*a*) The termination of a person's power to represent another person;

(*b*) The notice of opening or termination of bankruptcy or similar proceedings;

(*c*) The cancellation of a firm or dissolution of a partnership, corporation, or other organization;

(*d*) The termination of membership of a person in a partnership, cooperative society, or other organization;

(*e*) The termination of membership in the board of directors (Vorstand), or other board of a corporation or other organization;

(*f*) The establishment of a new branch of a firm or business already having its seat or a branch in the United States Zone;

(*g*) The transfer of the seat of any firm, partnership, corporation, or other organization from one place within the United States Zone to another place within such zone.

(iii) Any entry, in the matrimonial property register (Guterrechtregister) of the exclusion or termination of a husband's powers of management of and usufruct in the assets of his wife, or of the termination of a wife's power to act as agent for her husband, or of a husband's opposition to the carrying on of a business by his wife;

(iv) Any entry upon a blocking register, and any entry of notice of blocking upon any other register, referred to in paragraph (f) of this section.

(2) Any entry upon the commercial register, register of cooperatives, register of associations, or ship register, recording the opening, establishment, or creation of a new firm by a single owner, or of a partnership, limited partnership, joint stock company, limited liability or other corporation, shipowner's association, cooperative, or other association or organization of any kind, may be made only upon specific or general authorization by Military Government.

(3) Except as otherwise authorized by Military Government, no entry than those specified in subparagraphs (1) and (2) of this paragraph may be made upon the land register or any other public register maintained by an official of the administration of justice unless there has been filed with such official, by the applicant for such entry, an affidavit upon oath or affirmation averring, upon a form furnished by such official:

(i) In the case of the entry of the name of a person upon the commercial register, register of associations, register of cooperatives, or ship register, that such person's property has not been blocked by Military Government and that the person has not at any time been "actively engaged in any of the activities of the Nazi Party or of its affiliated organizations", as such phrase

is defined in paragraph (d) (1) of this section

(ii) In the case of an entry concerning or affecting property, that such entry and the transaction underlying it will neither transfer any right in or title to, or possession of, property from any person whose property has been blocked by Military Government nor reduce or impair the value of such property.

(4) (i) No entry made upon the land register, the commercial register, or any other public register maintained by a judge or other official of the administration of justice between the date on which the land registry office (Grundbuchamt) and general register department (Abteilung für Registersachen) were closed as required by Military Government and the date of commencement of operations under this section shall have any legal effect unless and until there is added to it by the official in charge of such register a notice of confirmation.

(ii) A notice of confirmation shall be added as of course to every entry of the kind described in subparagraph (1) of this paragraph.

(iii) A notice of confirmation shall not be added to an entry of the kinds described in subparagraphs (2) and (3) of this paragraph unless the official in charge finds and certifies as part of his official action that the requirements of such applicable subsection have been satisfied. In the meantime, such entry shall be conspicuously marked "Suspended" and notice of such suspension and of the requirements of this entire paragraph and paragraph (g) of this section shall be mailed to the last-known address of, or lawfully served on, the person or persons interested in maintaining such entry.

(iv) In any room in which business concerning the land register, commercial register, or any other register maintained by a judge or other official of the administration of justice is transacted, there shall be conspicuously displayed a public notice quoting in the official text and in German translation the provisions of this paragraph and of paragraph (g) of this section and stating the date of commencing operations under this section.

(f) *Blocking notices and entries.* (1) Whenever there is furnished by or on behalf of Military Government to a Minister of Justice a list of persons whose property is blocked by Military Government, or a statement of additions or amendments to such list, a copy of such list or statement shall be furnished by him to, and be open to public inspection at, every court under his jurisdiction and shall constitute public notice of its contents. Every such court shall maintain as a public register an index, based on such lists, of persons whose property is so blocked. The clerk of an Amtsgericht shall upon request be required to issue a certificate stating whether the register of blocked persons at such shows that the person named in the certificate is a person whose property has been blocked by Military Government.

(2) Whenever there is furnished by or on behalf of Military Government to the judge or other official in charge of the land register or other public register a notice that real estate, a vessel, or other property, sufficiently identified to be ascertainable, is blocked by Military Government, such judge or other official shall enter upon the appropriate register, in connection with the record of such property, a notice of such blocking.

(3) Every certificate of heirship (Erbschein), every certificate of continuation by the surviving spouse and the children of a community of assets formerly existing between the surviving and predeceasing spouses (German Civil Code, section 1507), and every certificate of appointment as guardian, curator, executor, administrator, trustee in bankruptcy, or other fiduciary, issued by a court or other official of the administration of justice, shall, unless it is shown to the satisfaction of such court or official that the estate to which such certificate refers is not blocked property, conspicuously bear the following notice:

> The estate is (presumed to be) blocked by Military Government. Any transaction relating to it or any of its assets is (entered into at the risk of being) null and void unless authorized by Military Government. (Strike out words in parentheses if inapplicable.)

(4) Whenever the court or other official of the Administration of Justice issuing a certificate of heirship or of continuation of the community of assets knows or has reason to believe that an heir or coheir, or a person having an interest in the continuation of the community of assets, is a person whose property is blocked by Military Government, such court or official shall enter a notice to that effect upon the certificate.

(g) *Applicability.* Nothing in this section shall be construed to protect any person who has in good faith attempted to acquire rights in blocked property. The provisions of German Law protecting those persons who purport to derive rights from a person not entitled thereto, do not apply to the extent that the defect of title of the grantor is due to property control or foreign exchange control legislation enacted by Military Government.

(h) *Definitions.* For the purpose of this section:

(1) The term "person" includes every individual, partnership, association, corporation of public or private law, and every other organization or juristic person;

(2) The term "property" includes all property, tangible or intangible, movable or immovable;

(3) The term "blocked" property means property (as herein defined) which Military Government has taken into control through declaration to that effect, seizure of possession or title, direction, management, supervision, or otherwise.

(i) *Issuance of instructions and regulations.* The Land Ministers of Justice are authorized to issue with the approval of Military Government, any regulations or instructions necessary or appropriate to carry out the provisions of this section.

§ 3.13 *Regulation No. 2 under Military Government Law No. 2—(a) Testimony in German courts by persons subject to United States Military Law and by persons associated with the United States Office of Military Government. (See § 3.11 (g) (3).)* (1) Upon written request made by the president of a German court to the appropriate approving authority hereinafter indicated the following persons may be permitted to testify as witnesses in German courts.

(i) Upon approval by the commanding officer of the detachment, company or higher command, exercising direct supervision and control over the witness:

(*a*) Military personnel of the United States and of United Nations serving with the tactical Armed Forces or with the Offices of Military Government of the United States.

(*b*) Non-military personnel serving with or employed by the tactical Armed Forces of the United States.

(*c*) Other persons subject to United States Military Law including dependents of persons in subdivisions (*a*) and (*b*) of this subdivision.

(ii) Upon approval by a Director of an Office of Military Government, or his designee, exercising supervision over the witness:

(*a*) Non-military personnel serving with or employed by the Offices of Military Government.

(*b*) Dependents of persons in subdivision (*a*) of this subdivision if subject to United States Military Law.

(2) The testimony of persons authorized by the approving authority to appear as witnesses in German courts shall be given only upon such conditions as may be specified by the approving authority: *Provided, however,* That:

(i) The matter on which the testimony is sought is not classified matter,

(ii) The testimony is not prejudicial to the interests of Military Government or of the Armed Forces of the United States, and

(iii) That copies of official papers and copies of reports of inquiries are not requested or furnished in connection with such testimony.

(3) German courts shall not issue subpoenas requiring the attendance of such witnesses. The requests by a German court shall include a statement of the title and nature of the action, together with a statement of the facts proposed for proof by the testimony sought.

(4) No former member or employee of the Armed Forces of the United States or former employee of the Office of Military Government of the United States shall be permitted to testify before a German court concerning any information acquired by him as the result of such membership or employment of which involves the activities of the Armed Forces or of the Military Government or its personnel, unless expressly permitted to do so in writing by the Commanding Officer of the unit of which he was a member or at which he was employed, or, if the testimony concerns the Office of Military Government of the United States, then by the Director of the Office of Military Government for the Land in which such German court is situated.

(5) No person subject to the United States military law, and no employee of the Office of Military Government of the United States, other than a German national, shall be subject to punishment by any German court for any contempt for such court, but such contempt may be referred by the court before which the testimony was requested to the appropriate approving authority mentioned in this section for appropriate action.

§ 3.14 *Official explanations and comments concerning § 3.12 (Regulation No. 1 under Military Government Law No. 2)*—(a) *Purpose of § 3.12.* The reopening of the ordinary German courts and of notarial offices within the US Zone were generally authorized by letter, this headquarters, AG 014.1 GEC–AGO, "Plan for the Administration of Justice", dated October 4, 1945. Certain normal functions of these courts or officers, in particular those involving the administration of the land register and other public registers and the execution of judgments, remained dormant pending the resolution of certain problems under § 3.15 Law No. 52 relating to blocking and control of property. The purpose of § 3.12 is to permit the resumption of these normal activities, subject only to such safeguards as are felt to be necessary for purposes of blocking control and denazification and de-militarization. Apart from laying down the basic general rule that official actions in the administration of justice are authorized, § 3.12 is concerned with limitations upon judgments, orders, and other decisions affecting property (including money), with the appointment of fiduciaries and official experts, with restrictions on entries on the public registers, with safeguards surrounding the function of judges and notaries in making public attestation (Beglaubigung) of documents and authentication (Beurkundung) of legal declarations of transactions made before them and finally, with the means of bringing to public notice the identity of persons whose property has been blocked and of the blocked property itself.

(b) *Judgments, executions and notarial acts.* (1) Section 3.12 (c) inhibits the strictly judicial process only to the extent that it impinges upon "blocked property". If that process, in any way, diminishes, burdens, or impairs the value of the interests to the "blocked person" in such property, and only then, is it prohibited unless otherwise licensed. Such a license may be inferred from a license of the transaction upon which the court decision is based or of the result at which it is aimed. A decision or other judicial process enhancing "blocked property", unless at the same time it impairs or diminishes the interest therein of another whose property is also blocked, is not prevented by § 3.12, but such addition to the mass of "blocked property" or its value must be subjected to Military Government control in the manner indicated in § 3.12.

(2) A money judgment against a person whose property is "blocked" is not to be deemed a prohibited judgment "ordering the payment of money" in the sense of § 3.12 (c) (1) (i) to the extent that it merely taxes costs or attorney's fees computed in accordance with the statutory scale, or if it merely fixes personal liability enforceable by the normal modes of execution of money judgments without subjecting the judgment defendant to a penalty or citation for contempt of court for nonpayment and does not become a charge or lien upon any property or payable out of specific funds or property. This however, does not mean that payment of the judgment or the issuance and levy of excution pursuant to it is permitted unless otherwise licensed by Military Government.

(3) The imposition of fines inuring to the public, whether imposed in a criminal prosecution or to aid the enforcement of an order ignored by a defendant in a civil proceeding, is not prohibited, even though the defendant's property is "blocked" and payment of the fine would diminish such property. On the other hand, an order in a criminal proceeding to make restitution or payments to a private party is subject to the limitations of § 3.12 (c).

(4) None of the limitations established by § 3.12 (c) (1) apply to decisions which do not relate to property, such as judgments by which a marriage is annulled or dissolved, or by which a legitimate relationship is declared to exist between a child and his alleged father, or by which an adoption is authorized.

(5) In prohibiting, except as otherwise licensed, judicial or notarial attestation of documents and authentication of declaration or "transactions" when impairment of "blocked property" would follow, § 3.12 uses the term "transaction" which denotes any act by a person or persons tending to create, transfer, modify, or extinguish a right. Thus, transactions include not only contracts and agreements (offers, promises, gifts, conveyances), but also the incorporation of a company, of a business, the creation of a mortgage, a release; it excludes, however, tort and the discharge of purely governmental duties by an official, as distinguished from the performance of proprietary functions on behalf of the government.

(c) *Fiduciaries and experts.* (1) In view of the fact that fiduciaries and standing experts appointed by a court or an official of the administration of justice are considered public officials, § 3.12 (d) makes them subject to approval by Military Government or such German agency as may be designated for that purpose by the Minister of Justice with the approval of Military Government, prohibits the appointment or retention in office of such fiduciaries or experts if their property is "blocked", or if they were active Nazis or militarists according to the definition contained in § 3.12. The prohibition, however, does not apply to the calling of an expert witness by the parties in an individual case.

(2) Because the appointment of such fiduciaries and experts must often be speedy, the panel device is adopted. The approval of names on a panel by Military Government should be given as promptly as possible. If the cases of some of the proposed panel members require extended consideration, it is better to approve the list in part and reserve decision on the rest than to hold up the entire list. The panel device, however, does not lend itself to executors, who are nominated by the testator, or to other fiduciaries, such as personal guardians, who under German law are nominated primarily because of their personal relationship to interested parties. In such cases, a provisional appointment may be made and the appointment submitted for "post audit" by Military Government.

(3) Fiduciaries already in office may be retained even if they are not on a panel and are not in the "personal relation" category so long as they are not persons whose property has been blocked or were formerly active Nazis. If the court decides to retain them, however, their names, like those of panel members, must be submitted for Military Government "post audit" in the same way as the personal relation category with priority in handing at all levels to be given to compensated fiduciaries in charge of estates having a value of more than RM 5,000.

(d) *Public registers.* (1) The authority to reopen the land register and other public registers maintained by courts or other officials of the administration of justice is contained in the general authorization of § 3.12 (a). The limitations on entries, however, are contained in § 3.12 (e) and a new register, the blocking register, is established by § 3.12 (f). It will be noticed that, apart from entries on the blocking register (§ 3.12 (e) (1) (iv)), only those entries are permitted unconditionally (§ 3.12 (e) (1) (i) (ii) and (iii)), which clearly are not prejudicial to property control. Entries evidencing the creation of new businesses or organizations require prior approval by Military Government (§ 3.12 (e) (2)), normally the property control officer. The remaining entries (§ 3.12 (e) (3)) require, in the absence of a general or specific license for the entry or the transaction the filing of a clearing affidavit as described in § 3.12.

(2) Section 3.12 (e) (4), relating to past entries, is designed to clarify the legal situation resulting from the making of entries in some places upon the land register, the commercial register, and other registers, generally by authority of local Military Government, before the date of the reopening was authorized by § 3.12.

(e) *Blocking lists, notices, and entries.* (1) Paragraph (f) of § 3.12 is intended through the establishment of blocking lists, blocking registers, and blocking notices, to give blocking information to officials of the administration of justice and to the public. It is not designed to give legal protection to bona-fide purchasers or others who may be relying on such lists. On the contrary, if blocked property is transferred or impaired without license other than by § 3.12, even though the required affidavits have been filed and the judge has made the necessary findings and is not on notice of the blocking, the persons relying on the judgment or other official acts are not protected, despite any provisions of German law to the contrary. This is the effect of paragraphs (e) and (f) of § 3.15. Paragraph (g) of § 3.12 is thus declaratory of existing law. It is important that, the German population as well as the German bar be apprised of this, and the

posting of a notice quoting § 3.12 (g) is designed to accomplish this.

(f) *Proof negativing blocking or Nazism.* (1) In these cases in which official action is intended to be prevented if the effect would be to impair blocked property, § 3.12 generally permits the judge or other official to rely upon an affidavit of the party interested if the judge is not put upon inquiry by some suspicious circumstance and is not charged with notice by blocking lists, blocking entries, and the like. To make sure that he is not thus put on notice, it would seem necessary for him to have a search of the relevant lists and registers made in every relevant case and to obtain a certificate from the official in charge of the list or register as to the result of the search.

(2) Where the question is whether a person was active as a Nazi, a questionnaire should be obtained, especially where the approval of Military Government is required.

(g) *Implementation of § 3.12.* The Minister of Justice is empowered, subject to the approval of Military Government, to issue instructions to implement § 3.12, in this and other respects. The instruction should be cleared with both the legal and the property control officers.

(h) *Effective date.* An effective date of February 16, 1946, is provided for § 3.12. It is recognized, however, that a reasonable time lag between that date and the date on which the register departments are apprised of it and open for business may be inevitable. The date on which they begin to operate under § 3.12 is important in those cases in which the register department had opened prematurely and the validation process under § 3.12 (e) (4) is involved. The date on which operation under § 3.12 commenced must, therefore, be determined and conspicuously posted (§ 3.12 (e) (4) (iv)).

§ 3.15 *Blocking and control of property; Law No. 52*—(a) *Article I; categories of property.* (1) All property within the occupied territory owned or controlled, directly or indirectly, in whole or in part, by any of the following is hereby declared to be subject to seizure of possession or title, direction, management, supervision or otherwise being taken into control by Military Government:

(i) The German Reich, or any of the Lander, Gaue, or Provinces, or other similar political subdivisions or any agency or instrumentality thereof, including all utilities, undertaking, public corporations or monopolies under the control of any of the above;

(ii) Governments, nationals or residents of nations, other than Germany which have been at war with any of the United Nations at any time since September 1, 1939, and governments, nationals or residents of territories which have been occupied since that date by such nations or by Germany;

(iii) The NSDAP, all offices, departments, agencies and organizations forming part of, attached to, or controlled by it; their officials and such of their leading member or supporters as may be specified by Military Government;

(iv) All persons while held under detention or any other type of custody by Military Government;

(v) All organizations, clubs or other associations prohibited or dissolved by Military Government;

(vi) Absentee owners of non-German Nationality, including United Nations and neutral governments and Germans outside of Germany;

(vii) All other persons specified by Military Government by inclusion in lists or otherwise.

(2) Property which has been the subject of transfer under duress, wrongful acts of confiscation, dispossession or spoliation, whether pursuant to legislation or by procedures purporting to follow forms of law or otherwise, is hereby declared to be equally subject to seizure of possession or title, direction, management, supervision or otherwise being taken into control by Military Government.

(b) *Article II; prohibited transactions.* (1) Except as hereinafter provided, or when licensed or otherwise authorized or directed by Military Government, no person shall import, acquire or receive, deal in, sell, lease, transfer, export, hypothecate or otherwise dispose of, destroy or surrender possession, custody or control of any property:

(i) Enumerated in paragraph (a) of this section;

(ii) Owned or controlled by any Kreis, municipality, or other similar political subdivision;

(iii) Owned or controlled by any institution dedicated to public worship, charity, education, the arts and sciences;

(iv) Which is a work of art or cultural material of value or importance, regardless of the ownership or control thereof.

(c) *Article III; responsibilities for property.* (1) All custodians, curators, officials, or other persons having possession, custody or control of property enumerated in paragraphs (a) and (b) of this section are required:

(i) (*a*) To hold the same, subject to the directions of the Military Government and, pending such direction, not to transfer, deliver or otherwise dispose of the same;

(*b*) To preserve, maintain and safeguard, and not to cause or permit any action which will impair the value or utility of such property;

(*c*) To maintain accurate records and accounts with respect thereto and the income thereof.

(ii) When and as directed by Military Government:

(*a*) To file reports furnishing such data as may be required with respect to such property and all receipts and expenditures received or made in connection therewith;

(*b*) To transfer and deliver custody, possession or control of such property and all books, records and accounts relating thereto; and

(*c*) To account for the property and all income and products thereof.

(2) No person shall do, cause or permit to be done any act of commission or omission which results in damage to or concealment of any of the properties covered by this section.

(d) *Article IV; operation of business enterprises and Government property.* (1) Unless otherwise directed and subject to such further limitation as may be imposed by Military Government:

(i) Any business enterprise subject to control under this law may engage in all transactions ordinarily incidental to the normal conduct of its business activities within occupied Germany *Provided*, That such business enterprise shall not engage in any transaction which directly or indirectly substantially diminishes or imperils the assets of such enterprise or otherwise prejudicially affects its financial position *And provided further*, That this does not authorize any transaction which is prohibited for any reason other than the issuance of this law;

(ii) Property described in paragraph (a) (1) (i) of this section shall be used for its normal purposes except as otherwise prohibited by Military Government.

(e) *Article V; void transactions.* Any prohibited transaction effected without a duly issued license or authorization from Military Government, and any transfer, contract or other arrangement made, whether before or after the effective date of this section, with the intent to defeat or evade this section or the powers or objects of Military Government or the restitution of any property to its rightful owner, is null and void.

(f) *Article VI; conflicting laws.* In case of any inconsistency between this section or any order made under it and any German law the former prevail. All German laws, decrees and regulations providing for the seizure, confiscation or forced purchase of property enumerated in paragraphs (a) or (b) of this section, are hereby suspended.

(g) *Article VII; definitions.* (1) For the purpose of this law:

(i) "Person" shall mean any natural person, collective person and any juristic person under public or private law, and any government including all political subdivisions, public corporations, agencies and instrumentalities thereof;

(ii) "Business enterprise" shall mean any person as above defined engaged in commercial, business or public welfare activities.

(iii) "Property" shall mean all movable and immovable property and all rights and interests in or claims to such property whether present or future, and shall include, but shall not be limited to, land and buildings, money, stocks/shares, patent rights or licenses thereunder, or other evidences of ownership, and bonds, bank balances, claims, obligations and other evidences of indebtedness, and works of art and other cultural materials;

(iv) A "national" of a state or government shall mean a subject, citizen or partnership and any corporation or other juristic person existing under the laws of, or having a principal office in the territory of, such state or government;

(v) "Germany" shall mean the area constituting "Das Deutsche Reich" as it existed on December 31, 1937.

(h) *Article VIII; penalties.* Any person violating any of the provisions of this section shall, upon conviction by a Military Government Court, be liable to any lawful punishment, including death, the court may determine.

(i) *Article IX; effective date.* This section shall become effective upon the date of its first promulgation.

§ 3.16 *General Order No. 1 issued pursuant to § 3.15.* (a) It is hereby ordered, that, commencing from the date of announcement of dissolution, abrogation or suspension of any organization or business enterprise by Military Government, the provisions of § 3.15 (d) shall no longer apply to any such organization or business enterprise or its property.

(b) All property of all persons described in this section is hereby specified by Military Government in accordance with paragraphs (a) (1) (iii) and (vii) of § 3.15, to be subject to all of the provisions of § 3.15, and may not be dealt with except as licensed or otherwise authorized or directed by Military Government or § 3.15:

(1) All persons who have been members at any time of any of the General Staffs including those of the Oberkommando des Heeres, the Oberkommando der Kriegsmarine or the Oberkommando der Luftwaffe or the General Staff Corps.

(2) Ministers, State Secretaries and Ministerial Directors in all Reich Ministries.

(3) All officials at any time since January 30, 1933, other than clerks, of the Reichskanzlei, Prasidialkanzlei or Pressechef der Reichsregierung.

(4) Minister, Chief Adjutant, State Secretary, Ministerial Directors, heads and Deputy heads of departments, subdepartments and agencies of the Ministry of Armament and War-Production, including the heads of all Hauptausschusse and Ringe.

(5) All Reich Commissioners, General Commissioners and Inspectors General.

(6) Land Ministers, State Secretaries and Ministerial Directors at Land levels.

(7) Provincial Presidents, Reich Governors and their department heads.

(8) Regierungsprasidenten.

(9) Landrate.

(10) Oberburgermeister.

(11) Reich Youth Leaders (Reichsjugendfuhrer) at any time.

(12) The President, members of the managing board (Reichsbankdirektorium), members of the Beirat, and all Reichsbankdirektoren of the head office (Berlin) of the Reichsbank (Deutsche Reichsbank); all members of the local advisory boards (Bezirksbeirate) of the regional Reichsbank Branches (Hauptstellen, Stellen).

(13) The boards of directors and Vorstande of the:

(i) Gold Discount Bank (Deutsche Golddiskontbank), Conversion Office for German Debts (Konversionskasse fur Deutsche Auslandsschulden), Reichskreditkasse and German Clearing Office (Deutsche Verrechnungskasse).

(ii) German Central Savings Bank (Deutsche Girozentrale-Deutsche Kommunalbank).

(iii) Bank der Deutschen Luftfahrt, Heeres-Rustungs A. G., Rustungskontor G. m. b. H., Deutsche Bau- und Boden-Bank, Deutsche Industriebank, Deutsche Gesellschaft fur offentliche Arbeiten ("Oeffa"), Deutsche Siedlungsbank, Deutsche Verkehrs-Kredit-Bank.

(iv) The following Berlin commercial banks: The "Big Six"—Deutsche Bank, Dresdner Bank, Commerzbank, Reichs-Kredit-Gesellschaft A. G., Berliner Handels-Gesellschaft, and Bank der Deutschen Arbeit A. G. Also all members of the local advisory boards of such banks.

(v) Preussische Staatsbank (Seehandlung), Berlin. Also the Chairman and Vice-Chairman of the board of directors and the entire Vorstand of all other State commercial banks.

(14) Reich Commissioners, Vorstand, and the boards of directors of the:

(i) German Central Credit Co-operative Bank (Deutsche Zentralgenossenschaftskasse).

(ii) Deutsche Rentenbank-Kreditanstalt and Deutsche Rentenbank.

(15) All partners of the following private banks:

Merck, Finck und Co., Munich and Berlin.

Brinckmann, Wirtz und Co., Hamburg.

Pferdmenges und Co., Cologne.

J. H. Stein, Cologne.

Delbruck, von der Heydt und Co., Cologne.

Delbruck, Schickler und Co., Cologne.

Burkhardt und Co., Essen.

Eichborn und Co., Breslau and Berlin.

Munchmeyer und Co., Hamburg.

(16) All Geschaftsfuhrer of Hardy & Co., G. m. b. H., Berlin.

(17) Chairmen and Vice-Chairmen of the Boards of Directors and all members of the Vorstande of all commercial banks not otherwise specified herein, having total assets in excess of RM. 50,000,000.

(18) Heads of Reichsausschuss zum Schutze des Deutschen Blutes, Reichsstelle fur Umsiedlung, Reichsversicherungsamt, Reichsarchiv.

(19) All officials or officers of the following Reich agencies:

(i) Office of the Plenipotentiary for the Four-Year Plan (Beauftragter fur den Vierjahresplan) and all subdivisions thereof.

(ii) Supreme Command of the Armed Forces (Oberkommando der Wehrmacht, i. e., OKW).

(iii) Reich Ministry for Public Enlightenment and Propaganda (Reichsministerium fur Volksaufklarung und Propaganda) and national, regional and subsidiary offices.

(iv) Reich Air Ministry (Reichsluftfahrtministerium).

(v) Reich Ministry for Occupied Eastern Territories (Reichsministerium fur die besetzten Ostgebiete).

(vi) Reich Ministry for Ecclesiastical Affairs (Reichsministerium fur Kirchliche Angelegenheiten).

(vii) European Office for Labor Supply.

(viii) Reich Office for Spatial Planning (Reichsstelle fur Raumordnung).

(ix) Reich Office for Resettlement (Reichsstelle fur Umsiedlung).

(x) Academy of German Law (Akademie fur das deutsche Recht).

(xi) German Academy (Deutsche Akademie, Munich).

(xii) Reich Chambers for Doctors, Veterinaries, Dentists and Apothecaries (Reichsarzte-, Tierarzte-, Zahnarzte- und Apothekerkammern).

(xiii) Office of Forestry (Amt fur Forstwirtschaft).

(xiv) Reich Patent Office (Reichspatentamt).

(20) All members of every German Reichstag since January 1, 1934.

(21) Reich Labor Trustees (Reichstreuhander der Arbeit).

(22) The following officials of the Reich Food Estate: All Bauernfuhrer—from and including the Kreis level up; Chairman of the Central Market Associations (Hauptvereinigungen), Regional Market Associations (Wirtschaftsverbande) and County or local marketing associations (Unterverbande), Presidents of Regional Food Offices (Landesernahrungsamter) and County Food Offices (Ernahrungsamter); and their deputies.

(23) All university rectors and curators appointed since January 30, 1933, including heads of all institutions of university rank (Hochschulen).

(24) Members of the Supreme Court (Reichsgericht); People's Court (Volksgericht); Reichsverwaltungsgericht; Reichskriegsgericht; Reichserbhofgericht; Reichsarbeitsgericht; Reichsehrengerichtshof; Oberstes Fidoikommissgericht; Oberprisenhof.

(25) Members of the Courts of Appeal (Oberlandesgerichte).

(26) Chief Public Prosecutors (Oberreichsanwalte, Generalstaatsanwalte und Oberstaatsanwalte).

(27) All members of the SS; all officers and noncommissioned officers of the Waffen SS and SA from Unterscharfuhrer up.

(28) Hitler Youth officials and officers (male and female) from Stammfuhrer or Madelringfuhrerin up.

(29) Officials and officers of the NSDAP, down to Ortsgruppenleiter; directors, officials and officers of any organization, institution, department, agency, office or other entity forming part of, attached to, affiliated with, or in any way controlled or supervised by any organization listed in Military Government Law No. 5, and of any of the following NSDAP agencies:

(i) Reich Committee for People's Health Service (Reichsaussachuss fur Volksgesundheitsdienst).

(ii) Reich Sport Office (Reichssportamt).

(iii) Reich Genealogical Office (Reichssippenamt).

(iv) State Academy for Race and Health (Staatsakademie fur Rassen und Gesundheitspflege, Dresden).

(v) All publishing houses and printing works owned or controlled by the NSDAP, such as Phoenix G. m. b. H., the Eher Verlag, and all enterprises owned or controlled by any of them.

(vi) Association of German Organizations Abroad (Verband Deutscher Vereine im Ausland; i. e., VDVA).

(vii) Fraternity U. S. A. (Kameradschaft U. S. A.).

(viii) Ibero-American Institute (Ibero-Amerikanisches Institut).
(ix) World Service (Weltdienst).
(x) Main Office for the Security of the Reich (Reichssicherheitshauptamt).
(xi) Main Office for Budgets and Buildings (Hauptamt fur Haushalt und Bauten).
(xii) Main Office for Administration and Economy (Hauptamt fur Verwaltung und Wirtschaft).
(xiii) The Hanns Kerrl Community Camp (Gemeinschaftslager Hanns Kerrl).
(xiv) German Fichte Association (Deutscher Fichte Bund).
(xv) Sturmabteilungen (SA), and all formations, subdivisions and affiliated organizations thereof, including the SA-Wehrmannschaft or pre-military training centers.
(xvi) NS - Kraftfahrekorps, i. e., NSKK, or Motor Corps.
(xvii) NS-Fliegerkorps, i. e., NSFK, or Flying Corps.
(xviii) Hitler Youth (Hitler Jugend, i. e., HJ) and subsidiary organizations.
(xix) German Christian Movement (Deutsche Christen Bewegung).
(xx) Neo-Pagan Movement (Deutsche Glaubensbewegung).
(xxi) Technische Nothilfe, i. e., TN.
(xxii) Volksdeutsche Bewegung.

(30) Every person who, at any time since April 1, 1933, has served the Deutsche Lufthansa, A. G., outside Germany and every official or officer who has served it within Germany at any time since April 1, 1933.

(31) Police Presidents and Directors and all Police officers above the rank of lieutenant colonel.

(32) All members of Security Police (Sicherheitspolizei), of Secret Police (Gestapo), Security Service (Sicherheitsdienst), and Frontier Police (Grenzpolizei).

(33) German Labor Front officials of the rank of Arbeitsfuhrer and higher (including Kraft durch Freude) at Reich and Gau levels.

(34) Civilian officials and military officials of the rank of captain or equivalent or above, in German administration of occupied countries, and all persons who have acted as representatives of the NSDAP in occupied countries not otherwise covered herein.

(35) Leaders, Chairmen, Presidents and their Deputies of National Economic Chambers, Reichsgruppen, National Transportation Groups (Reichsverkehrsgruppen), Wirtschaftgruppen, Gau Economic Chambers and affiliated Economic Chambers.

(36) Responsible officers of the Organization Todt.

(37) All Wehrwirtschaftsfuhrer.

(38) President and all other officials of the Werberat der Deutschen Wirtschaft and its component organizations.

(39) All directors and high officials of the Reichsrundfunk G. m. b. H. and the Deutsches Nachrichtenburo.

(40) All managers, directors and officials of the Deutsche Umsiedlungs Treuhand G. m. b. H.

(41) Presidents, Vice-Presidents and Secretaries of the Reichskulturkammer, of each subordinate Kammer and heads of sections of each subordinate Kammer.

(42) Editors, assistant editors, directors and all other executives of all newspapers, magazines and other newsdisseminating agencies owned or controlled by the NSDAP or any organization, department, agency, institution, office or other entity forming part of, attached to, affiliated with, or controlled by the NSDAP.

(43) All Amtsleiter and higher officials of the Reichspropagandaleitung.

(44) Persons other than those listed above who have accepted the Nazi honors of Blutorden, Ehrensold, Ehrendolch.

(45) All persons removed from office or position, public or private, or arrested and held by the Military Forces or Military Government and all persons suspended from office or position, public or private, by Military Government for the time such persons are suspended, regardless of whether or not they are listed in this paragraph.

(c) (1) The specification of the foregoing persons shall be deemed to include all persons who are now holding or who at any time since December 31, 1937, have held such positions and the nominees of any of them.

(2) The specification of the foregoing agencies, organizations and other entities shall be deemed to include their successors, substitutes or nominees.

(d) As used herein with respect to any stock company (Aktiengesellschaft, A. G.), any registered association (eingetragener Verein, e. V.), and any limited liability company (Gesellschaft mit beschrankter Haftung, G. m. b. H.), the term "official" shall mean any individual, whether an officer or not, who is empowered, either alone or with others, to bind or sign for or on behalf of any of the foregoing (e. g., Aufsichtsratsmitglieder, Geschaftsfuhrer, Vorstandsmitglieder or Prokuristen); with respect to Government departments or agencies the term "officials" shall mean all heads of departments, subdepartments, sections or other similar organizational units.

(e) All custodians, curators, officials or other persons having possession, custody or control of any of the property of the foregoing are required to comply with § 3.15.

§ 3.17 *General Order No. 2 issued pursuant to § 3.15*—(a) *I. G. Farbenindustrie A. G.* Whereas, it is the main objective of the United Nations to prevent Germany from ever again disrupting the peace of the world;

Whereas, I. G. Farbenindustrie A. G. played a prominent part in building up and maintaining the German War machine;

Whereas, through its world-wide cartel system and practices, I. G. Farbenindustrie A. G., as a deliberate part of Germany's bid for world conquest, hampered the growth of industry and commerce of other nations and weakened their power to defend themselves;

Whereas, the war-making power represented by the industries owned or controlled by I. G. Farbenindustrie A. G. constitutes a major threat to the peace and security of the post-war world so long as such industries remain within the control of Germany;

Whereas, it is essential to the objectives of the United Nations to take over the direction and control of I. G. Farbenindustrie A. G. and to seize possession of its property in order to bring about its destruction and the war-making potential which it represents; and

Whereas, it is intended that the property seized will be placed at the disposition of the Control Council (Germany), when such action is desired by the Control Council; *It is hereby ordered:*

(1) All the property within the United States Zone in Germany owned or controlled, directly or indirectly, by I. G. Farbenindustrie A. G., a corporation organized and existing under and by virtue of the laws of Germany with seat and head office at Frankfurt a/Main is hereby specified under § 3.15 (a) (1) (vii) Military Government Law No. 52 to be subject to seizure of possession, direction, and control by Military Government.

(2) The direction and control of I. G. Farbenindustrie A. G. and the possession of all its property in the United States Zone are hereby seized by the Military Governor, United States Zone.

(3) Pending the assumption of control of such property by the Control Council, or an agency thereof, all the powers of the Military Governor, United States Zone, with respect to the property seized pursuant hereto and with respect to the direction and control of the corporation are hereby delegated to the Deputy Military Governor, United States Zone. Redelegation of any or all such powers is hereby authorized. In the exercise of such powers the Deputy Military Governor, United States Zone, or any person acting by or under his authority with respect to the property affected hereby shall not be subject to German law.

(4) In the exercise of such powers the Deputy Military Governor, or any person acting by or under his authority with respect to such property, shall be guided by the general objectives stated in the preamble hereof and by the following specific objectives, and will take such measures as he deems appropriate to accomplish them:

(i) The making available to devastated non-enemy countries of Europe and to the United Nations, in accordance with such programs of relief, restitution and reparations as may be decided upon, of any of the property seized under this order and, in particular, of laboratories, plants and equipment which produce chemicals, synthetic petroleum and rubber, magnesium and aluminum and other nonferrous metals, iron and steel, machine tools, and heavy machinery;

(ii) Destruction of all property seized under this order and not transferred under the provisions of subdivision (i) of this subparagraph if adapted to the production of arms, ammunition, poison gas, explosives, and other implements of war, or any parts, components or ingredients designed for incorporation in the foregoing, and not of a type generally used in industries permitted to operate within Germany;

(iii) Dispersion of the ownership and control of such of the plans and equipment seized under this order as have not been transferred or destroyed pursuant to subdivisions (i) and (ii) of this subparagraph.

(5) The entire management of I. G. Farbenindustrie A. G., including but not limited to the supervising board (Aufsichtsrat), the board of directors (Verstand), and directors (Direktorium) and all other persons, whether office-holders or not, who are empowered, either alone or with others, to bind or sign for or on behalf of I. G. Farbenindustrie A. G. are forthwith removed and discharged and deprived of all authority to act with respect to the corporation or its property;

(i) The rights of shareholders in respect of selection of management or control of I. G. Farbenindustrie A. G. are suspended.

(6) Paragraph (d) of § 3.15 shall not be applicable to any property or enterprise affected by this section.

(7) This section shall become effective on July 5, 1945.

§ 3.18 *General Order No. 3 issued pursuant to § 3.15*—(a) *Bank der Deutschen Arbeit A. G.* Whereas, the Bank der Deutschen Arbeit A. G., a banking corporation organized and existing under and by virtue of the laws of Germany with its head office at Berlin, is completely owned by an official organization of the Nazi party, the Deutsche Arbeits-Front, which has been ordered dissolved;

Whereas, the Bank der Deutschen Arbeit A. G. has been used by the Nazi party to consummate a large majority of its more obnoxious financial transactions within Germany and in countries temporarily under German armed domination;

Whereas, the Bank der Deutschen Arbeit A. G. served as the reservoir to hold Nazi party members' fees and other semi-compulsory contributions and was used to finance the economic enterprises of the Deutsche Arbeits Fronts;

Whereas, the directors and management officials of the Bank der Deutschen Arbeit A. G. have been Nazi political favorites and Nazi party officials and persons who are now prohibited from engaging in the business of banking;

Whereas, it is one objective of the United Nations that Nazi party organizations of every description be eliminated; *It is hereby ordered:*

(1) Commencing with the effective date hereof the provisions of § 3.15 (d) shall not apply to the Bank der Deutschen Arbeit A. G., (hereinafter called the Bank) nor any of its property.

(2) All the property within the United States Zone in Germany owned or controlled, directly or indirectly, in whole or in part, by the Bank is hereby specified under § 3.15 (a) (1) (vii) to be subject to seizure of possession, direction, and control by Military Government.

(3) The direction and control of all branches, offices and agencies of the Bank and the possession of all its property and assets in the United States Zone are hereby seized by the Military Government.

(4) These branches, offices and agencies will close for all purposes at 0001 hours, September 1, 1945.

(5) All directors, management officials and all other persons, whether office holders or not, who are empowered, either alone or with others, to bind or sign for or on behalf of the Bank in the United States Zone are deprived of all authority to act with respect to the Bank or its property except as specifically authorized in subparagraph (6) of this paragraph.

(6) The branch and agency officials and employees of the Bank who may be selected by the Military Government authorities to remain temporarily in the employ of the Bank are charged with observance of all provisions of Military Government laws, especially § 3.15 and § 3.17 issued thereunder, and in addition the following responsibilities and duties:

(i) They will transact no new business of any character on behalf of the bank.

(ii) They will make no payments in liquidation of deposit or other liabilities of the bank.

(iii) They will accept payments in liquidation of existing obligations from the debtors of the bank.

(iv) They will take all prudent and necessary measures to safeguard existing assets and records.

(v) They will make no deliveries of securities or other assets held in safekeeping for the account of customers without first obtaining the authorization of the Military Government.

(vi) They will permit no access to safe deposit boxes or articles left for safekeeping until further instructions are issued.

(7) This section shall become effective at 0001 hours September 1, 1945.

§ 3.19 *Supplement No. 1 to § 3.16 pursuant to § 3.15 Military Government Law No. 52.* (a) Pursuant to paragraph (a) (1) (vii) of § 3.15, the Deutsche Kriegsversicherungsgemeinschaft is hereby specified as subject to the provisions of said section.

(b) The operations of the Deutsche Kriegsversicherungsgemeinschaft are hereby declared suspended by Military Government and by virtue of paragraph (a) of § 3.16, the provisions of § 3.15 (d) (1) are no longer applicable except as hereinafter provided.

(c) The disposal of property or interests in property owned or controlled by the Deutsche Kriegsversicherungsgemeinschaft, whether to satisfy, in whole or in part, an informal claim, a judgment of a court of law, or otherwise, except for the purpose of defraying costs of administration to include damage and claim investigations and such other expenses as are necessary to maintain and complete accurate records of assets, liabilities, and other relative data, shall be deemed substantially to diminish or imperil the assets of said company within the meaning of paragraph (d) (1) of § 3.15.

(d) All suits against the Deutsche Kriegsversicherungsgemeinschaft in German courts based on insurance or reinsurance claims and brought for the purpose of securing or enforcing a judgment shall be abated. (Approved: June 22, 1946.)

§ 3.20 *Supplement No. 2 to § 3.16 of this part pursuant to § 3.15.* (a) Pursuant to § 3.15 (a) (1) (vii), the following persons are declared to constitute a category of "persons specified by Military Government by inclusion in lists or otherwise," and are therefore subject to the provisions of said section:

(1) All persons who have been charged as major offenders or offenders (activists, militarists, and profiteers) by the Public Prosecutor;

(2) All persons who, by notification of the Ministry for Political Liberation, and/or its authorized representatives or agencies, fall within Class I or II categories in the list appended to the law;

(3) All persons subject to blocking in accordance with Article 61 of the Law for Liberation from National Socialism and Militarism;

(4) All persons whose property is ordered blocked pursuant to Article 40 of the Law for Liberation from National Socialism and Militarism, and

(5) All persons any part of whose property is ordered confiscated or blocked by decision of the Tribunal. (Approved: October 1, 1946.)

§ 3.21 *General License No. 1, issued pursuant to § 3.15.* (a) A general license is hereby granted permitting any natural person within Germany whose property is blocked pursuant to § 3.15 to make payment, transfer, or withdrawals or to order the payment transfer or withdrawal, from all his accounts in financial institutions of such funds as may be necessary for the actual living expenses of such natural person and the members of his household: *Provided,* That:

(1) The total of all such payments, transfer, withdrawals or orders therefor, does not exceed RM 200 in any one calendar month, except that additional sums not exceeding RM 50 per person per calendar month may be withdrawn for each dependent member of such person's household, up to a total of RM 100 for all such dependents, making a maximum possible aggregate allowance of RM 300 per household per calendar month.

(2) Payments, transfers and withdrawals from an account in the name of a person who has been taken under detention or other form of custody by Military Government shall be made only to a member of such person's household and under no circumstances to such person.

(b) Any financial institution effecting any payment, transfer or withdrawal pursuant to this general license shall satisfy itself that such payment, transfer or withdrawal is being made in compliance with the terms and conditions of this general license.

(c) As used herein, the term "household" shall mean all dependent relations residing with and the natural person owning or controlling the blocked account.

§ 3.22 *General License No. 2, issued pursuant to § 3.15.* (a) A general license is hereby granted permitting payment or transfers into accounts in financial in-

stitutions blocked pursuant to § 3.15; *Provided*, That:

(1) Such transactions are not prohibited by any law other than Military Government Law No. 52 (See § 3.15);

(2) Such payment or transfer shall not be made by or on behalf of or from the property of any person whose property is blocked, except that a person whose property is blocked may deposit in his account in a financial institution property held by him outside a financial institution;

(3) This section shall not be deemed to authorize any payment or transfer to any blocked account other than that of the person who is the ultimate beneficiary of such payment or transfer.

(b) This section may not be employed to authorize or make any payment or transfer comprising part of a transaction which cannot be effected without the issuance of another license.

§ 3.23 *General License No. 3 issued pursuant to § 3.15.* A general license is hereby granted permitting any Kreis or Municipality to engage in all transactions within Germany ordinarily incidental to its normal operations, *Provided*, That such transactions are not prohibited by any law other than Military Government Law No. 52 and § 3.15, and that such Kreis or Municipality shall not engage in any extraordinary transaction which, directly or indirectly, substantially diminishes or imperils the assets of such Kreis or Municipality or otherwise prejudicially affects its financial position.

§ 3.24 *General License No. 4 issued pursuant to § 3.15.* A general license is hereby granted permitting intra- and inter-bank transfers of credit from an account blocked pursuant to § 3.15,

(a) To the account of the German Reich or any Lander, Provinzen, Stadtkreise, Gemeinden, Landkreise, or other governmental sub-division or agency in payment of matured taxes, duties, fees and similar items, or

(b) In payment of matured premiums for social insurance.

§ 3.25 *General License No. 5 issued pursuant to § 3.15.* A general license is hereby granted permitting any institution within Germany dedicated to public worship to engage in all transactions ordinarily incidental to its normal activities but otherwise prohibited by § 3.15; *Provided*, That:

(a) Such transactions are not prohibited by any Law other than Military Government Law No. 52 and § 3.15.

(b) This license shall not authorize any transaction by or on behalf of any agency, organization, person or other entity mentioned in General Order No. 1 and § 3.16.

(c) This section shall not authorize the purchase, sale or transfer of title of real property.

(d) Such institution shall not engage in any transaction which directly or indirectly substantially diminishes or imperils the assets of such institution or otherwise prejudicially affects such assets.

§ 3.26 *General License No. 6 issued pursuant to § 3.15.* (a) A general license is hereby granted unblocking property in Germany which is owned wholly by United Nations nationals who are residing in Germany, *Provided*, That the property of such persons is blocked solely by reason of the operation of § 3.15 (a) (1) (ii).

(b) This section shall not be deemed to authorize any transaction prohibited by § 3.15.

§ 3.27 *General License No. 7 issued pursuant to § 3.15.* (a) By virtue of this section, it shall be lawful for any financial institution to debit on its books any account blocked under § 3.15, with the exception of accounts blocked under paragraph (a) (1) (vi) of § 3.15, in an amount equal to the normal service charges properly chargeable to such account; *Provided, however*, That the amount debited to any one account under this section shall not exceed RM 25 for any one calendar month.

(b) For the purpose of this section the phrase "normal service charges" shall include only postage costs, custody fees, minimum balance charges and service or account carrying charges.

(c) This section shall not be deemed to authorize any transaction prohibited by § 3.15.

(d) This section shall be effective as of and after January 1, 1946.

§ 3.30 *Definition of United Nations; Law No. 3.* (a) The expression "United Nations" as used in proclamations, laws, ordinances, notices and orders of the Military Government shall, in the absence of indication to the contrary, mean nations which are signatories of the United Nations Declaration dated 1 January 1942, and nations associated with them in this war, including:

(1) Argentine Republic.
(2) Australia.
(3) Belgium.
(4) Bolivia.
(5) Brazil.
(6) Byelorussian Soviet Socialist Republic.
(7) Canada.
(8) Chile.
(9) China.
(10) Columbia.
(11) Costa Rica.
(12) Cuba.
(13) Czechoslovakia.
(14) Denmark.
(15) Dominican Republic.
(16) Ecuador.
(17) Egypt.
(18) El Salvador.
(19) Ethiopa.
(20) France.
(21) United Kingdom of Great Britain and Northern Ireland.
(22) Greece.
(23) Guatemala.
(24) Haiti.
(25) Honduras.
(26) India.
(27) Iran (Persia).
(28) Iraq.
(29) Lebanon.
(30) Liberia.
(31) Luxembourg.
(32) Mexico.
(33) Netherlands.
(34) New Zealand.
(35) Nicaragua.
(36) Norway.
(37) Panama.
(38) Paraguay.
(39) Peru.
(40) Philippine Commonwealth.
(41) Poland.
(42) Saudi Arabia.
(43) Syria.
(44) Turkey.
(45) Ukrainian Soviet Socialist Republic.
(46) Union of South Africa.
(47) Union of Soviet Socialist Republics.
(48) United States of America.
(49) Uruguay.
(50) Venezuela.
(51) Yugoslavia.

(b) Wherever reference is made in any of such proclamations, laws, ordinances, notices and orders of the Military Government to governments or representatives of any of the United Nations, such references shall, in the absence of indications to the contrary, mean national or other authorities or representatives thereof dealt with as such by the Theater Commander or the government of the United States.

[Military Government Gazette, Germany, United States Zone] (60 Stat. 238)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3183; Filed, Apr. 2, 1947; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indians Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

CHARGES FOR MISCELLANEOUS INDIAN IRRIGATION PROJECTS

It appearing (1) that the lands of the Duck Valley Indian irrigation project, Western Shoshone Indian Agency, Nevada, are owned by the Shoshone-Paiute Tribe of Duck Valley Reservation, organized and incorporated under provisions of the act of Congress approved June 18, 1934 (48 Stat. 984, 25 U. S. C. 477), as amended; (2) that the Shoshone-Paiute Business Council at a regular meeting held at Owyhee, Nevada, November 7, 1946, unanimously approved an increase in the operation and maintenance rate of assessment for their lands in the said project from 40 cents per acre per annum, as prescribed in § 130.105, to 50 cents per acre per annum effective for the year 1947; (3) that assessment rate for the Fruitland Unit of the Navajo project should be transferred from § 130.105 and included in § 130.41; and (4) that the general notice of proposed rulemaking and public procedure provided for in section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238), is unnecessary.

Now, therefore, pursuant to authority vested in me by § 4.714, 43 CFR, I hereby amend § 130.105 as follows:

§ 130.105 *Charges.* Pursuant to the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), a part of the reimbursable cost of operating and maintaining the irrigation projects named below is apportioned on a per-acre basis against the irrigable lands of the respective projects for the calendar year 1947 and for each succeeding calendar year until further order, in the amounts designated below for each project, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective projects, the amounts designated for each project, to be applied in the reimbursement of such apportionments:

Project	Agency	Per acre per annum
Salt River	Pima	$1.00
Duck Valley	Western Shoshone	.50
Miscellaneous Units	Navajo	.50
Pyramid Lake Unit	Carson	.50
San Carlos Reservation Unit	San Carlos	.50
San Xavier Unit	Sells	.50
Tongue River Unit	Tongue River	.25
Warm Springs Unit	Warm Springs	.25

[Order Commissioner, Ind. Affairs, March 27, 1947] (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387)

WILLIAM ZIMMERMAN, Jr.
Acting Commissioner.

[F. R. Doc. 47-3146; Filed, Apr. 2, 1947; 9:06 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

OPERATING FORCES

Amend § 26.18 (b), (c), (d), (e), and (f) relating to the organization and functions of the naval establishment (11 F. R. 177A-177) to read as follows:

§ 26.18 *The Operating Forces.* • • •

(b) All vessels and aircraft in the Operating Force of the Navy are assigned by the Chief of Naval Operations in the Administrative Organization which is comprised of the following principal commands:

(1) U. S. Pacific Fleet (Active).
(2) U. S. Atlantic Fleet (Active).
(3) Pacific Reserve Fleet (Inactive).
(4) Atlantic Reserve Fleet (Inactive).
(5) Naval Air Transport Service.
(6) Naval Transportation Service.
(7) Naval Air Training Command.
(8) Sea Frontiers:
  Eastern Sea Frontier.
  Caribbean Sea Frontier.
  Gulf Sea Frontier.
  Panama Sea Frontier.
  Western Sea Frontier.
  Hawaiian Sea Frontier.
  Alaskan Sea Frontier.
(9) Naval Districts: 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17.
(10) Potomac River Naval Command.
(11) Severn River Naval Command.

(c) The U. S. Pacific Fleet is commanded by the Commander-in-Chief, U. S. Pacific Fleet, who is directly under the Chief of Naval Operations. Under the command of the Commander-in-Chief, U. S. Pacific Fleet, are the First Task Fleet, which is a tactical organization without regular administrative functions and has a variable composition dependent upon the tasks or exercises ordered; the Naval Forces Western Pacific, which is a tactical organization to perform tasks in the Western Pacific; and the Naval Forces Far East, which is a tactical organization under the operational control of the Commander-in-Chief Far East. Units of the U. S. Pacific Fleet are given tactical assignments to Naval Forces Western Pacific and Naval Forces Far East on a rotational schedule but retain their administrative identification with their parent fleet. Naval area commands and naval military governments (except Guam and Samoa) in the Pacific are also under the Commander-in-Chief, U. S. Pacific Fleet, except that certain areas are under operational control of the Commander-in-Chief Far East.

(d) The U. S. Atlantic Fleet is commanded by the Commander-in-Chief, U. S. Atlantic Fleet, who is directly under the Chief of Naval Operations. Under the command of the Commander-in-Chief, U. S. Atlantic Fleet are the Second Task Fleet, which is a tactical organization like the First Task Fleet; the Operational Development Force, a tactical and quasi-administrative organization employed in test and development tasks; and the fleet bases in the Atlantic outside the continental limits of the United States.

(e) The U. S. Naval Forces in European waters, including the Mediterranean, form a task organization designated U. S. Naval Forces Eastern Atlantic and Mediterranean and are commanded by Commander, U. S. Naval Forces Eastern Atlantic and Mediterranean who is directly under the Chief of Naval Operations. The units comprising U. S. Naval Forces Eastern Atlantic and Mediterranean are assigned on a rotational basis from the U. S. Atlantic Fleet but retain their administrative identification with their parent fleet.

(f) The Pacific and Atlantic Reserve Fleets, commanded respectively by Commander Western Sea Frontier and Commander Eastern Sea Frontier, each directly under the Chief of Naval Operations, are comprised of vessels assigned to be inactivated and preserved for future emergency. The vessels of the Atlantic Reserve Fleet are berthed at naval bases, shipyards and berthing areas along the Atlantic and Gulf Coasts, those at each location comprising a Group. The Pacific Reserve Fleet is similarly distributed along the West Coast. The Headquarters of Commander Eastern Sea Frontier (Commander, Atlantic Reserve Fleet) are at 90 Church Street, New York, New York; those of Commander Western Sea Frontier (Commander, Pacific Reserve Fleet) at the Federal Building, San Francisco, California.

(Secs. 3, 12, 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-3147; Filed, Apr. 2, 1947; 9:06 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

[CGFR 47-14]

PART 29—NUMBERING OF UNDOCUMENTED VESSELS

DOCUMENTS AND NAME; CANCELLATION

Section 29.7 *Documents and name* is canceled effective upon the date of publication of this document in the FEDERAL REGISTER.

This section is canceled because the regulation is misleading and the correct requirements are published in the Customs Regulations of 1943 as § 3.4 *Yachts entitled to documents* (19 CFR, Cum. Supp. 3.4). It is hereby found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) is impracticable and contrary to the public interest in that no benefit would be gained by following such procedures.

(Sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Dated: March 26, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 47-3173; Filed, Apr. 2, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS

QUARTERLY REPORTS OF CLASS I MOTOR CARRIERS OF PROPERTY

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 13th day of January A. D. 1947.

The matter of quarterly reports of Class I motor carriers of property being under consideration,

It is ordered, That the order of January 10, 1946 (§ 205.12 of Title 49, Code of Federal Regulations), in the matter of quarterly reports for Class I motor carriers of property be, and it is hereby modified with respect to quarterly reports commencing with the period January 1, 1947, to March 31, 1947, and subsequent periods as follows:

§ 205.12 *Quarterly report of property revenues, expenses and statistics.* Each Class I common and contract motor carrier of property subject to the provisions of section 220 of the Interstate Commerce Act, shall file, under

oath, quarterly reports commencing with the period January 1, 1947, to March 31, 1947 (both dates inclusive), in accordance with the Quarterly Report of Revenues, Expenses, and Statistics for Class I Motor Carriers of Property form[1] which is hereby approved and made a part of this order. Quarterly reports shall be forwarded, in triplicate, to the office of the Bureau of Motor Carriers of the Interstate Commerce Commission for the district in which the carrier is domiciled within thirty days after the close of the period to which they relate.

And it is further ordered, That a copy of this order be served upon all Class I motor carriers of property subject to the Act and that notice be given to the public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 220, 49 Stat. 563, sec. 24, 54 Stat. 926; 49 U. S. C. 320)

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3172; Filed, Apr. 2, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR, Ch. I]

[No. 29721]

ALL-RAIL COMMODITY RATES BETWEEN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 27th day of March A. D. 1947.

Upon consideration of the matters and things involved in a petition filed March 21, 1946, by the United States Maritime Commission and the War Shipping Administration, as later supplemented, requesting the Commission to institute an investigation into the lawfulness of rates and practices with respect to traffic transported by railroads between Pacific Coast points in competition with water carriers:

It is ordered, That a proceeding of investigation and inquiry be, and it is hereby, instituted by the Commission on its own motion, as provided in section 13 (2) of the Interstate Commerce Act, into and concerning all-rail commodity rates for interstate transportation between certain points in California, Oregon, and Washington, more particularly referred to in Appendix A hereto, with a view to determining whether such rates or any of them are unjust and unreasonable in violation of section 1 of said act, and if such rates or any of them shall be found to be unjust and unreasonable, with a view to determining and prescribing just and reasonable rates, or the maximum or minimum, or maximum and minimum rates to be charged, as provided in section 15 (1) of said act;

It is further ordered, That all common carriers by railroad participating in the movement of traffic on the rates referred to in Appendix A which are parties to Agent J. P. Haynes' Tariffs I. C. C. Nos. 1352 and 1420 be, and they are hereby, made respondents in this proceeding and that a copy of this order be served upon each of them;

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[1] Filed as part of the original document.

APPENDIX A

I. Rates published in the following items of Agent J. P. Haynes' Tariff I. C. C. No. 1352.

Item No.	*Commodity*
4165	Alcohol.
4315	Alcohol.
4330	Alumina, sulphate of.
10290	Beans, dried.
4835, 4840	Canned goods.
5510	Coffee, green.
5510	Coffee, roasted.
5690, 5710	Cotton linters compressed.
6360	Fertilizer.
5280, 5340	Fire clay.
6530	Fruit, dried.
6710	Glassware.
9080, 9110	Gypsum.
6180, 7125	Infusorial earth.
7190	Iron or steel articles, viz: Balls, crushing or grinding.
7160	Iron or steel, viz: Structural.
7380, 7390	Lime, common.
7950	Meal, oil cake, sweetened.
7910, 7920	Nuts, edible.
8060, 8075	Oil, linseed, in bulk, in barrels.
9080, 9110	Plaster.
9390	Rice.
9800	Soda ash.
1335	Soda, silicate of.
9850	Sodium (soda); sulphate of (salt cake).
10110	Sugar.
10150	Sulphur.
8060	Tallow, animal, inedible.
10200	Tea.
7280	Tin plate, scrap (southbound).
7520	Wine.
7205	Wire rope, iron or steel.
10585	Woodpulp (southbound).

II. Rates on citrus fruits published in Items 1000, 1330, 3920, 4400 of Agent J. P. Haynes' Tariff I. C. C. No. 1420.

[F. R. Doc. 47-3168; Filed, Apr. 2, 1947; 8:45 a. m.]

[49 CFR, Ch. I]

[No. 29722]

PACIFIC COASTWISE WATER RATES

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 27th day of March A. D. 1947.

Upon consideration of the matters and things involved in a petition filed March 21, 1946, by the United States Maritime Commission and the War Shipping Administration, as later supplemented, requesting the Commission to institute an investigation into the lawfulness of rates and practices with respect to traffic transported by railroads in competition with water carriers:

It is ordered, That a proceeding of investigation and inquiry be, and it is hereby, instituted by the Commission on its own motion as provided in section 304 (e) of the Interstate Commerce Act, into and concerning certain rates for the interstate transportation by common carriers by water between ports in California and ports in Oregon and Washington of the commodities listed in Appendix A hereto, with a view to determining whether such rates or any of them are unjust and unreasonable in violation of section 305 (a) of said act, and if such rates or any of them shall be found to be unjust and unreasonable, with a view to determining and prescribing the lawful rates, or maximum and minimum rates to be charged, as provided in section 307 (b) of said act;

It is further ordered, That all common carriers by water participating in the movement of traffic on the rates referred to in Appendix A which are parties to Agent C. R. Nickerson's Tariff 29 U. S. M. C. No. 1 (John Byrne, Agent, Series), be, and they are hereby, made respondents in this proceeding and that a copy of this order be served upon each of them;

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX A

Rates published in the following items of Agent C. R. Nickerson's Tariff 29 U. S. M. C. No. 1 (John Byrne, Agent, Series):

Item No.	*Commodity*
10	Alcohol.
15	Alcohol.
2000, 3000, 3005	Alumina, sulphate of.
1450	Beans, dried.
150	Canned goods.
245	Coffee, green.
250	Coffee, roasted.
2090	Cotton linters compressed.
370	Fertilizer.
2075	Fire clay.
425	Fruits, citrus.
415	Fruits, dried.
550	Glassware.
1130	Gypsum.
340, 660	Infusorial earth.
700	Iron or steel articles, viz: Balls, crushing or grinding.

Item No.	*Commodity*
680	Iron or steel, viz: Structural.
810	Lime, common.
900	Meal, oil cake, sweetened.
955	Nuts, edible.
970	Oil, linseed, in bulk, in barrels.
1130	Plaster.
1335	Soda, silicate of.
1325, 1330, 2545, 2546	Sodium (soda); sulphate of (salt cake).
2550, 3070	Sugar.
1365	Sulphur.
1005, 1010	Tallow, animal, inedible.
1385	Tea.
2565	Tin plate, scrap (southbound).
1500	Wine.
1515	Wire rope, iron or steel.
2620	Woodpulp (southbound).

[F. R. Doc. 47-3169; Filed, Apr. 2, 1947; 8:46 a. m.]

[49 CFR, Part 166]

[Ex Parte MC-41]

IDENTIFICATION OF MOTOR-CARRIER VEHICLES

NOTICE OF PROPOSED RULE MAKING

MARCH 21, 1947.

An investigation has been instituted by the Commission, Division 5, to the end that appropriate regulations respecting identification of motor-carrier vehicles may be promulgated under sections 204 a (1) (2) (6) and 224 of the Interstate Commerce Act to take the place of current regulations which expire March 31, 1947.

On October 1, 1937, there became effective rules and regulations Governing the Display of Identification Plates by Motor Carriers subject to the Interstate Commerce Act. Because the supply of identification plates later became exhausted, the indicated regulations were modified and enlarged by Emergency Order No. M-4, effective November 1, 1943, authorizing a temporary method of identification. Identification plates will still be unavailable upon expiration of that order on March 31, 1947. By the terms of the latter order motor carriers have been permitted to display, in lieu of identification plates, their name or trade name, and the Interstate Commerce Commission certificate, permit, or docket number assigned to their operating authority.

Experience under the emergency order has proven the method there prescribed to a more simple, flexible, and certain means of identification than the use of plates. Furthermore, during the years these plates have been outstanding many have been lost, stolen, or otherwise come into the possession of persons not authorized to display them. It is proposed, therefore, to revoke the rules and regulations which became effective October 1, 1937, and to prescribe in their place the method of identification set forth in Emergency Order No. M-4. On and after the effective date of the new rules and regulations, the display on Motor vehicles of the identification plates issued by this Commission would be prohibited. Motor Carriers would be required to return to this Commission all such plates in their possession. A draft of a proposed order reflecting suggested new regulations is attached.

The matter has not been assigned for oral hearing and none will be held unless a need therefor is shown. Anyone wishing to make representations in favor of or against the changes proposed may file a written statement of his views, opinions, or arguments. The original and five copies of such a submission should be filed with the Commission on or before May 1, 1947.

The general public is being informed of the indicated proposed rule-making by the deposit of a copy of this notice in the office of the Secretary of the Commission, Washington, D. C., and by the filing of a copy with the Director, Division of Federal Register.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the __ day of _____, A. D. 1947.

Sections 204 (a) (1) (2) (6) and 224 of the Interstate Commerce Act and the regulations promulgated thereunder respecting the identification of motor-carrier vehicles being under consideration; and

It appearing, that the display of identification plates as prescribed in the rules and regulations promulgated by the Commission, Division 5, effective October 1, 1937, and as modified by Emergency Order No. M-4 of the said Division, effective November 1, 1943, is no longer necessary, desirable, or in the public interest;

It further appearing, that, in any event, a supply of identification plates is not available;

It further appearing, that the temporary method of identification authorized by the above-mentioned emergency order through experience has proven to be a more flexible and certain means of establishing identity, and that its use is so widespread that no hardship will result from the permanent discontinuance of the issuance of identification plates;

It further appearing, that many of such plates through loss, sale of equipment, and other circumstance have or may come into the hands of persons not authorized to display them, with a consequent possibility of confusion, misrepresentation, and the facilitation of unlawful operations unless display thereof is prohibited;

And it further appearing, that it is in the public interest that said regulations and emergency order be revoked in their entirety and replaced by the regulations herein prescribed: it is ordered, that:

Identification of interstate carriers—(a) *Vehicles subject to regulations.* Every motor carrier subject to the Interstate Commerce Act shall observe the rules and regulations herein prescribed as to each motor vehicle or combination thereof when operated

(1) As authorized by a certificate or permit issued by this Commission.

(2) As authorized by a state certificate conforming with the second proviso of section 206 (a) of the Interstate Commerce Act, and duly filed with this Commission, or

(3) As described by an application filed in compliance with those provisions of the Interstate Commerce Act according to which a motor carrier may continue operations pending consideration of an application for a certificate or permit.

(b) (1) *Method of identification.* There shall be displayed on both sides of each single vehicle, or on both sides of the power unit of each combination of vehicles, the name, or trade name, of the motor carrier under whose authority the vehicle or vehicles is or are being operated and the certificate, permit, or docket number assigned to such operating authority by the Interstate Commerce Commission. Such certificate, permit, or docket number or numbers, shall be in the following form: "I. C. C. _____," but shall not include any sub numbers which may have been assigned. If the name of any person other than the operating carrier appears on any such single vehicle, or on the power unit of any such combination of vehicles, the name of the operating carrier shall be followed by the information required above, and be preceded by the words, "Operated by." Nothing in the regulations prescribed herein shall prohibit the display of such additional identification as is not inconsistent with such regulations.

(2) *Size, shape, and color.* The display of name and number herein prescribed shall be in letters and figures of such size, shape, and color as to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is not in motion, and such display shall be kept and maintained in such manner as to remain so legible.

(c) *Use of identification plates prohibited.* On and after the effective date of the regulations herein prescribed, identification plates issued by this Commission under its order effective October 1, 1937, shall not be displayed on any motor vehicle, or combination thereof, operated under authority of this Commission or otherwise. Such plates in the possession of motor carriers, or coming into their possession, shall be sent at the expense of the motor carrier to the Interstate Commerce Commission, Bureau of Motor Carriers, Washington 25, D. C., within 30 days after the effective date of these regulations.

It is further ordered, that order of May 7, 1937, relating to the display of identification plates, Form BMC 71 titled "Application for Identification Plates," and Emergency Order No. II-4 of September 30, 1943, relating to identification of vehicles, be, and they are hereby, vacated, effective on the __ day of _____, 1947.

It is further ordered, that this order shall become effective on the __ day of _____, A. D. 1947.

And it is further ordered, that a copy of this order shall be served upon all motor carriers and upon the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director, Division of Federal Register.

(49 Stat. 546, 566; 52 Stat. 1237, 1240; 54 Stat. 921; 56 Stat. 176; 49 U. S. C. 304, 324)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3170; Filed, Apr. 2, 1947; 8:46 a. m.]

[49 CFR, Part 166]

[Ex Parte MC-41]

IDENTIFICATION OF MOTOR-CARRIER VEHICLES

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 21st day of March A. D. 1947.

It appearing, that by order of the Commission, Division 5, effective October 1, 1937, rules and regulations were promulgated under section 224 of the Interstate Commerce Act providing for display of identification plates;

It further appearing, that on November 1, 1943, the supply of identification plates being exhausted, the said Division modified the indicated rules and regulations by Emergency Order No. M-4 to permit a temporary method of identification not requiring use of identification plates;

And it further appearing, that identification plates are and still will be unavailable for use upon expiration of Emergency Order No. M-4 on March 31, 1947:

It is ordered, That an investigation be, and it is hereby, instituted for the purpose of promulgating new rules and regulations under sections 204 (a) (1), (2), (6) and 224 of the Interstate Commerce Act governing the identification of motor-carrier vehicles.

It is further ordered, That appropriate notice of this investigation be given.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3171; Filed, Apr. 2, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8469]

MICHIHARA AKIYAMA

In re: Bank accounts owned by Michihara Akiyama, also known as M. C. Akiyama and as Michiharu Akiyama. D-39-2231-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Michihara Akiyama, also known as M. C. Akiyama and as Michiharu Akiyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Michihara Akiyama, also known as M. C. Akiyama and as Michiharu Akiyama, by Bank of America, National Trust and Savings Association, 660 South Spring Street, Los Angeles, California, arising out of a Checking Account, entitled M. C. Akiyama, maintained at the 6th and Kay Branch, Sacramento, California, of the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Michihara Akiyama, also known as M. C. Akiyama and as Michiharu Akiyama, by Bank of America, National Trust and Savings Association, 660 South Spring Street, Los Angeles, California, arising out of a Savings Account, Account Number 10175, entitled M. C. Akiyama, maintained at the 6th and Kay Branch, Sacramento, California, of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3192; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8470]

AMBI-BUDD PRESSWERK, G. M. B. H.

In re: Debt owing to Ambi-Budd Presswerk, G. m. b. H. F-28-10376-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ambi-Budd Presswerk, G. m. b. H., the last known address of which is Berlin, Johannesthal, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ambi-Budd Presswerk, G. m. b. H., by Edward G. Budd Manufacturing Company, 2450 Hunting Park Avenue, Philadelphia 32, Pennsylvania, in the amount of $5,042.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3193; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8473]

AUGUST BRAUN

In re: Bank account owned by August Braun. F-28-28084-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Braun, whose last known address is Euskirchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to August Braun, by Mississippi Valley Trust Company, 225 North Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled August Braun, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3194; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8475]

HERMAN FISSE

In re: Bank account owned by Herman Fisse. F-28-22928-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Fisse, whose last known address is Ueffeln bei Bramsche, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Herman Fisse, by North St. Louis Trust Company, 4323 N. Grand Blvd., St. Louis 7, Missouri, arising out of a checking account, entitled Herman Fisse, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3195; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8476]

WM. H. FRITSCHE

In re: Bank account owned by Wm. H. Fritsche. F-28-25261-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wm. H. Fritsche, whose last known address is Ehrentrup-85, Lippe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wm. H. Fritsche, by Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 6322, entitled Savings Account n/o Wm. H. Fritsche, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3196; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8477]

GOOSMAN, WETZLAR & CO.

In re: Debt owing to Goosman, Wetzlar & Co.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Goosman, Wetzlar & Co., the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Goosman, Wetzlar & Co., by The Otto Gerdau Co., 82 Wall Street, New York 5, N. Y., in the amount of $12,308.00 as of February 25, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3197; Filed, Apr. 2, 1947; 8:45 a. m.]

[Vesting Order 8478]

THERESA HECKEL

In re: Debt owing to Theresa Heckel. F-28-26410-C-1, F-28-26410-B-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theresa Heckel, whose last known address is Muenich 12, Landsbergerstr. 269/0, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Theresa Heckel, by Ratzer & Bridge, 357 South Hill Street, Los Angeles 13, California, including particularly but not limited to a portion of the sum of money on deposit with Security-First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles, California, in an account entitled Ratzer & Bridge, Trustees Account, maintained at the Civic Center Branch of the aforesaid bank located at 110 South Spring Street, Los Angeles 12, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3198; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8481]

CHRISTIAN JETTER AND MRS. CHARLOTTE JETTER

In re: Bank account owned by Christian Jetter and Mrs. Charlotte Jetter. D-28-989-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Jetter and Mrs. Charlotte Jetter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Christian Jetter and Mrs. Charlotte Jetter, by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a Compound Interest Account, Account Number 2453, entitled Christian Jetter and/or Mrs. Charlotte Jetter, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3200; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8483]

SHIZNO KAKUTANI

In re: Bank account owned by Shizno Kakutani. F-39-5404-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shizno Kakutani, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shizno Kakutani, by The First National Bank of Princeton, Princeton, New Jersey, arising out of a checking account, entitled Shizno Kakutani, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3199; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8484]

SHOSAKU KOINUMA

In re: Bank account owned by Shosaku Koinuma. F-39-5397-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shosaku Koinuma, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shosaku Koinuma, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Checking Account, entitled Shosaku Koinuma, maintained at the branch office of the aforesaid bank located at 682 Broadway, New York 12, N. Y., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3201; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8485]

TOMIRO NAGASE

In re: Stock owned by Tomiro Nagase. F-39-4585-D-1-D-5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomiro Nagase, whose last known address is Nihonbashi-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the manner set forth in Exhibit A, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate Nos.	Registered in name of—
Gold Dust Corp., 88 Lexington Ave., New York 16, N. Y.	New Jersey	No par	Common	5	46313	Tomiro Nagase.
Corn Products Refining Co., 17 Battery Pl., New York 4, N. Y.	do	$25	do	5	D94137	(Mr.) Tomiro Nagase
Coty, Inc., 423 West 55th St., New York 19, N. Y.	Delaware	$1.00	Capital	5	O-78908	Mr. Tomiro Nagase.
Colgate-Palmolive-Peet Co., 105 Hudson St., Jersey City, N. J.	do	No par	Common	5	NCO16826	Tomiro Nagase.

[F. R. Doc. 47-3202; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8486]

MR. MINORU OGAWA AND MRS. ELLSIE YOSHIYE OGAWA

In re: Bank account owned by Mr. Minoru Ogawa and Mrs. Ellsie Yoshiye Ogawa. D-39-18587-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mr. Minoru Ogawa and Mrs. Ellsie Yoshiye Ogawa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Mr. Minoru Ogawa and Mrs. Ellsie Yoshiye Ogawa, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a Savings Account, Account Number 163232, entitled Mr. Minoru Ogawa or Mrs. Ellsie Yoshiye Ogawa, maintained at the branch office of the aforesaid bank located at 801 South Central Avenue, Los Angeles 21, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3203; Filed, Apr. 2, 1947; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Admin. Order 1232]

ALLOCATION OF FUNDS FOR LOANS

MARCH 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
South Carolina 14W Aiken	$370,000
Tennessee 9U Macon	770,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3175; Filed, Apr. 2, 1947; 9:06 a. m.]

[Admin. Order 1233]

ALLOCATION OF FUNDS FOR LOANS

MARCH 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Michigan 44M Grand Traverse	$240,000
Minnesota 48P Anoka	300,000
Oklahoma 31G Woodward	550,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3176; Filed, Apr. 2, 1947; 9:06 a. m.]

[Admin. Order 1234]

ALLOCATION OF FUNDS FOR LOANS

MARCH 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Virginia 27V Nottoway	$1,203,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3177; Filed, Apr. 2, 1947; 9:07 a. m.]

[Admin. Order 1235]

ALLOCATION OF FUNDS FOR LOANS

MARCH 18, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Illinois 31F Monroe	$145,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3178; Filed, Apr. 2, 1947; 9:07 a. m.]

[Admin. Order 1236]

ALLOCATION OF FUNDS FOR LOANS

MARCH 18, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Colorado 37F Douglas	$600,000
New Hampshire 4M Merrimack	100,000
Texas 30V Upshur	275,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3179; Filed, Apr. 2, 1947; 9:07 a. m.]

[Admin. Order 1237]

ALLOCATION OF FUNDS FOR LOANS

MARCH 18, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Colorado 16P Jefferson	$120,000
Indiana 87D Starke	30,000
Iowa 48L Pocahontas	150,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3180; Filed, Apr. 2, 1947; 9:07 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8110, 8112]

CHESAPEAKE AND POTOMAC TELEPHONE COMPANIES OF VIRGINIA AND BALTIMORE CITY

ORDER POSTPONING HEARING

In the matter of The Chesapeake and Potomac Telephone Company of Virginia; new increased charges for interstate message telephone service in the Washington Metropolitan Area, Docket No. 8110.

In the matter of The Chesapeake and Potomac Telephone Company of Baltimore City; new increased charges for interstate message telephone service in the Washington Metropolitan Area, Docket No. 8112.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of March 1947;

The Commission having under consideration letters filed on March 19, 1947, by The Chesapeake and Potomac Telephone Companies of Virginia and Baltimore City respectively, requesting that the Commission either (1) vacate its orders of February 14, and February 27, 1947 in the above matters, upon withdrawal by the Telephone Companies of the tariff schedules suspended by the orders of February 14, 1947, or (2) postpone the hearings in said matters now set for March 25, 1947;

It appearing, that the Telephone Companies have agreed to keep records of the charges collected in excess of the rates ordered to be kept in effect by the orders of February 14, 1947, and to make refunds of the charges in excess of said rates upon a final determination of the Commission's jurisdiction over said rates;

It further appearing, that the State Corporation Commission of Virginia, the Public Service Commission of Maryland, the Public Utilities Commission of the District of Columbia, and this Commission are about to confer on the jurisdictional questions involved in the regulation of interstate telephone service in the Washington Metropolitan Area;

It further appearing, that the hearings now scheduled for March 25, 1947, should be postponed until after the completion of the above conference;

It is ordered, That the hearings herein, heretofore scheduled for March 25, 1947, be postponed to a date to be hereafter set;

It is further ordered, That notice be given by The Chesapeake and Potomac Telephone Companies of Virginia and Baltimore City to the telephone using public in the Washington Metropolitan Area that refunds will be made by such companies of all charges in excess of the rates ordered to be kept in effect by this Commission's orders of February 14, 1947 herein, in the event that it is determined that this Commission has jurisdiction over said rates.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3210; Filed, Apr. 2, 1947; 8:47 a. m.]

[Docket No. 8233]

CRAIG BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Alex B. Craig and Morgan J. Craig, d/b as Craig Broadcasting Co., Chester, South Carolina, Docket No. 8233, File No. BP-5337; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration the above-entitled application of Alex B. Craig and Morgan J. Craig, d/b as Craig Broadcasting Co., Chester, South Carolina (File No. BP-5337), requesting a construction permit for a new standard broadcast station to operate on the frequency 1490 kilocycles with 250 watts power, unlimited time, at Chester, South Carolina.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WKIX, Columbia, South Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with reference to the proposed transmitter site.

It is further ordered, That, Inter-City Advertising Company, licensee of station WKIX, be and it is hereby made a party to this proceeding.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3211; Filed, Apr. 2, 1947; 8:47 a. m.]

[Docket Nos. 7834, 8234]

WDEL, INC., AND WILMINGTON-TRI STATE BROADCASTING CO., INC.

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of WDEL, Inc., Wilmington, Delaware, File No. BPH-177, Docket No. 7834; Wilmington-Tri State Broadcasting Company, Inc., Wilmington, Delaware, File No. BPH-1195, Docket No. 8234; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of March 1947;

The Commission having under consideration a petition filed on September 27, 1946, by WDEL, Inc., requesting that the Commission reconsider its action of designating for hearing the WDEL, Inc., application for a new FM station at Wilmington, Delaware (Docket No. 7834; File No. BPH-177); and the granting of the application without hearing;

The Commission also having under consideration the application of the Wilmington Tri-State Broadcasting Company, Inc. application for a new Class B FM station at Wilmington, Delaware (File No. BPH-1195); and a petition from the same applicant (filed on February 27, 1947) requesting that its application be designated for hearing and consolidated with the hearing on the application of WDEL, Inc. (Docket No. 7834; File No. BPH-177) scheduled to begin in Wilmington, Delaware on March 31, 1947, at 10:00 a. m.; an opposition to this petition filed by WDEL, Inc. on March 5, 1947; and a reply to the opposition filed on March 17, 1947;

It appearing, that, only one Class B FM channel is available for assignment to the Wilmington area;

It is ordered, That, the petition of WDEL, Inc., be, and it is hereby, denied;

It is further ordered, That the Wilmington Tri-State Broadcasting Company, Inc.'s petition requesting that its application for a new Class B FM station at Wilmington, Delaware (File No. BPH-1195) be designated for hearing and consolidated with the hearing on the application of WDEL, Inc. (Docket No. 7834) be, and it is hereby, granted;

It is further ordered, Pursuant to Section 309 (a) of the Communications Act, as amended, that the above application be, and it is hereby designated for hearing, to which § 1.857 of the Commission's rules and regulations shall not be applicable, in consolidation with the application of WDEL, Inc. for a construction permit for a new FM Class B station at Wilmington, Delaware (Docket No. 7834; File No. BPH-177) scheduled to begin in Wilmington, Delaware, on March 31, 1947, at 10:00 a. m.; upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed service.

4. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the Commission's order of September 12, 1946, heretofore issued in the proceeding on Docket No. 7834, be, and they are hereby, amended to include the application of Wilmington Tri-State Broadcasting Company, Inc. (File No. BPH-1195).

It is further ordered, That, the application of WDEL, Inc. (Docket 7834; File No. BPH-177) be heard upon the following additional issues:

5. To determine the technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

6. To obtain full information with respect to the nature and character of the proposed program service.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3212; Filed, Apr. 2, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5026]

SERVICIOS ELECTRICOS DE PIEDRAS NEGRAS, S. A., ET AL.

NOTICE OF APPLICATION FOR AMENDMENT OF AUTHORIZATION TO EXPORT ELECTRIC ENERGY

MARCH 28, 1947.

In the matter of Servicios Electricos de Piedras Negras, S. A., Alfonso L. Bres and Central Power and Light Company, Docket No. IT-5026.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, 16 U. S. C. 791a-825r, Servicios Electricos Piedras Negras, S. A., Alfonso L. Bres (as successor in interest to C. M. Bres), and Central Power and Light Company on March 24, 1947, filed with the Federal Power Commission a joint application for amendment of the authorization previously granted by the Commission under said act so as to permit an increase in the exportation of electric energy from a point near Eagle Pass, Texas, to a point in or near Piedras Negras, Coahuila, Mexico, in quantities up to 3,600,000 kilowatt hours annually at a rate of supply not to exceed 900 kilowatts. The present exportation is limited to 300,000 kilowatt hours annually at a rate of supply not to exceed 250 kilowatts.

Any person desiring to be heard or to make any protest with reference to the proposed amendment should, on or before April 14, 1947, file with the Federal Power Commission a petition or protest in accordance with the Commission's regulations under the Federal Power Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3144; Filed; Apr. 2, 1947; 9:06 a. m.]

[Docket No. IT-5656]

COMPANIA ELECTRICA MATAMORAS, S. A., AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION FOR AMENDMENT OF AUTHORIZATION TO EXPORT ELECTRIC ENERGY

MARCH 28, 1947.

Notice is hereby given that pursuant to the provisions of section 202 (e) of

the Federal Power Act, 16 U. S. C. 791a–825r, Compania Electrica Matamoras, S. A. and Central Power and Light Company on March 25, 1947, filed with the Federal Power Commission a joint application for amendment of the authorization previously granted by the Commission under said act so as to permit an increase in the exportation of electric energy from a point near Brownsville, Texas, to a point in or near Matamoras, Mexico, in quantities up to 18,000,000 kilowatt-hours annually at a rate of supply not to exceed 6,000 kilowatts. The present exportation is limited to 12,00,000 kilowatt-hours annually at a rate of supply not to exceed 3,500 kilowatts.

Any person desiring to be heard or to make any protest with reference to the proposed amendment should, on or before April 14, 1947, file with the Federal Power Commission a petition or protest in accordance with the Commission's regulations under the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3145; Filed, Apr. 2, 1947; 9:06 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Corr. to Special Permit 139]

RECONSIGNMENT OF CAR AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minnesota, March 17, 1947, by C. H. Robinson Company, of car ART 22222, now on the Great Northern Ry., to C. H. Robinson Co., Chicago, Ill., (CB&Q).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3162; Filed, Apr. 2, 1947; 8:45 a. m.]

NOTICES

[S. O. 396, Special Permit 153]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, March 27, 1947, by D. Gillarde Co., of cars PFE 51755 and PFE 60141, lettuce, now on the Chicago, Rock Island and Pacific Railway, to Caruso Fruit Distributors, Chicago, Illinois (C. B. & Q.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3163; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 155]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, March 27, 1947, by P. N. Skallerup, of car ART 19042, potatoes, now on the Wood Street Terminal, C&NW to Daisy Mae Market, Fort Wayne, Indiana. (PRR.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3165; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 156]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., March 27, 1947, by Ben Kellerman, of car PFE 64992, lettuce, now on the Produce Terminal (RI) to St. Louis, Mo. (CRI&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3168; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 154]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, March 27, 1947, by J. E. Corcoran, of car PFE 51882, lettuce, now on the Santa Fe Railway, to Chicago, Illinois. (Santa Fe).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3164; Filed, Apr. 2, 1947; 8:45 a. m.]

[Rev. S. O. 620, Corr. to Special Permit 1]

LIGHTWEIGHING CARS AT WEEHAWKEN AND JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the lightweighing:

At its Edgewater Terminal Yard by the New York, Susquehanna and Western Railroad Company (Henry K. Norton, Trustee), or by The New York Central Railroad Company on the scales located at the north end of its Weehawken Yard only, of tank cars to be loaded with imported vegetable oils by the Harbor Tank Storage Company at its Guttenberg Plant at Weehawken, N. J., provided the said company surrenders a written order for the lightweighing on which it certifies that the car ordered to be lightweighed will be loaded only with imported vegetable oils; and by The Delaware, Lackawanna and Western Railroad Company at its Hoboken Terminal Yard, of tank cars to be loaded with imported vegetable oils by the Harbor Tank Storage Company at its Lackawanna Plant at Jersey City, N. J., provided the said company surrenders a written order for the lightweighing on which it certifies that the car ordered lightweighed will be loaded only with imported vegetable oils.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3167; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 712]

UNLOADING OF AUTOS AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1947.

It appearing that two cars containing autos at New Orleans, La., on the Illinois Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Autos at New Orleans, Louisiana, be unloaded.* The Illinois Central Railroad Company, its agents or employees, shall unload immediately ATSF 63411 and RI 161327 containing automobiles, now on hand at New Orleans, Louisiana, consigned to W. H. Osborn.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 31, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; and that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3160; Filed, Apr. 2, 1947; 8:45 a. m.]

[S. O. 713]

UNLOADING OF MACHINERY AT COLUMBIA, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1947.

It appearing, that a car containing machinery at Columbia, S. C., on the Seaboard Air Line Railroad Company, has been on hand for an unreasonable length of time, and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, that:

(a) *Machinery at Columbia, S. C., be unloaded.* The Seaboard Air Line Railroad Company, its agents or employees, shall unload immediately car NP 13336, loaded with implements, now on hand refused at Columbia, S. C., consigned Order Graham Page Motor Company Notify Green Harvester Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., March 31, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3161; Filed, Apr. 2, 1947; 8:45 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-2]

ALLOCATION OF TANK CARS FOR USE IN TRANSPORTATION OF LIQUEFIED PETROLEUM GAS

It appearing, that there is a critical shortage in the supply of Class ICC 105A-300-W tank cars suitable for the transportation by rail carriers of liquefied petroleum gas; that the War Department has declared surplus to its needs 423 of such tank cars; that pursuant to the provisions of Direction 26 to Priorities Regulation 13 issued by the Civilian Production Administration on February 27, 1947, the War Assets Administration was directed to dispose of such 423 tank cars only to the persons and in the quantities as designated in writing by the Office of Defense Transportation; that on February 27, 1947, the Office of Defense Transportation furnished the War Assets Administration disposition advice covering such 423 tank cars; that due to certain litigation now pending in the

United States District Court for the District of Columbia the Department of Justice has stated to the War Assets Administration that it cannot advise the War Assets Administration to sell these cars while the validity of the sale is being contested by the plaintiff in the Federal District Court for the District of Columbia; that the leases under which the 423 tank cars are now being operated by commercial companies will expire on April 1, 1947; and that a redistribution of such cars among certain commercial companies is necessary in order to secure maximum transportation efficiency in the continued operation of such cars in liquefied petroleum gas service:

Now, therefore, Pursuant to Title III of the Second War Powers Act, as amended, Executive Order 8989, as amended, and Executive Order 9729, and it being deemed necessary in the public interest and to promote the national defense, by reason of the short supply of Class ICC 105A–300–W tank cars suitable for the transportation by rail carriers of liquefied petroleum gas, to allocate each of the 423 Class ICC 105A–300–W tank cars which the War Department has declared surplus to its needs; *It is hereby ordered*, That:

1. There is hereby allocated to each commercial company named in the appendix attached hereto and made a part hereof, for use in the transportation by rail carriers of liquefied petroleum gas, each Class ICC 105A–300–W tank car identified by car initial and number under the name of each such company where it appears in said appendix.

2. Communications concerning this order should refer to "Special Allocation Order ODT R–2" and should be addressed to the Railway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This Special Allocation Order ODT R–2 shall become effective at 12:01 o'clock a. m. on April 1, 1947, and shall remain in full force and effect until further order of the Office of Defense Transportation: *Provided*, That nothing in this order shall be construed as requiring the immobilization of any tank cars covered by this order pending the completion of arrangements between the War Assets Administration and the commercial company to whom such cars are allocated under this order covering the leasing and delivery of such cars to such commercial company.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 31st day of March 1947.

[SEAL] J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX

ANCHOR PETROLEUM CO., TULSA, OKLAHOMA

Car No. USQX: 12154, 12155, 12156, 12157, 12159, 12173, 12197, 12319, 12321, 12334, 12339, 12377, 12442, 12446, 12447, 12452, 12454, 12456, 12458, 12468, 12513, 12617, 12710, 12716, 12728, 12729, 12738, 12740, 12741, 12762, 12764.

ASHLAND OIL & REFINING CO., ASHLAND, KENTUCKY

Car No. USQX: 12192, 12312, 12361, 12654.

BARNSDALL OIL CO., TULSA, OKLAHOMA

Car No. USQX: 12160, 12161, 12162, 12200, 12201, 12202, 12335, 12337, 12341, 12342, 12349, 12484, 12485, 12486, 12501.

CUMBERLAND GASOLINE CORP., WESTFIELD, NEW JERSEY

Car No. USQX: 12163, 12164, 12165, 12166, 12345, 12346, 12351, 12352, 12374, 12466, 12467, 12469, 12520, 12521, 12522, 12523, 12524, 12600, 12730, 12739.

HAGY, HARRINGTON AND MARSH, AMARILLO, TEXAS

Car No. USQX: 12353, 12367, 12410, 12420, 12422, 12460, 12463, 12464.

PHILLIPS PETROLEUM CO., BARTLESVILLE, OKLAHOMA

Car No. USQX: 12140, 12141, 12142, 12143, 12144, 12145, 12300, 12301, 12303, 12305, 12306, 12307, 12400, 12401, 12423, 12424, 12431, 12432, 12601, 12659, 12662, 12663, 12666, 12667.

SHELL OIL COMPANY, INC., SAN FRANCISCO, CALIFORNIA

Car No. USQX: 12167, 12190, 12193, 12196, 12198, 12199, 12205, 12322, 12323, 12326, 12336.

SINCLAIR PRAIRIE OIL CO., NEW YORK, NEW YORK

Car No. USQX: 12168, 12170, 12171, 12172, 12174, 12175, 12176, 12177, 12178, 12179, 12180, 12182, 12185, 12186, 12203, 12204, 12206, 12207, 12223, 12311, 12317, 12324, 12327, 12358, 12360, 12363, 12369, 12372, 12373, 12379, 12380, 12421, 12429, 13433, 12434, 12440, 12448, 12449, 12459, 12462, 12465, 12470, 12472, 12476, 13477, 12479, 12480, 12481, 12482, 12483, 12491, 12494, 12498, 12612, 12634, 12635, 12636, 12637, 12638, 12639, 12645, 12646, 12643, 12649, 12658, 12661, 12669, 12670, 12671, 12673, 12674, 12690, 12692, 12694, 12696, 12697, 12698, 12704, 12705, 12712, 12722, 12725, 12727, 12742, 12743, 12744, 12745, 12746, 12747, 12748, 12749, 12750, 12751, 12752, 12753, 12754, 12755, 12756, 12757, 12758.

SKELLY OIL CO., KANSAS CITY, MISSOURI

Car No. USQX: 12189, 12194, 12195, 12208, 12210, 12211, 12212, 12213, 12214, 12215, 12217, 12218, 12220, 12238, 12239, 12313, 12318, 12328, 12338, 12343, 12344, 12348, 12359, 12362, 12365, 12366, 12371, 12375, 12381, 12382, 12488, 12493, 12496, 12497, 12499, 12500, 12502, 12503, 12506, 12507, 12510, 12511, 12512, 12514, 12515, 12516, 12517, 12518, 12519, 12628, 12629, 12650, 12703, 12709, 12723, 12759, 12760, 12761, 12771.

SUN OIL CO., PHILADELPHIA, PENNSYLVANIA

Car No. USQX: 12183, 12187, 12188, 12216, 12231, 12236, 12237, 12315, 12326, 12333, 12355, 12368, 12370, 12453, 12457, 12474, 12487, 12492, 12672, 12702, 12706, 12715, 12717, 12726, 12763.

WARREN PETROLEUM CORP., TULSA, OKLAHOMA

Car No. USQX: 12146, 12147, 12148, 12149, 12150, 12151, 12152, 12153, 12169, 12181, 12209, 12219, 12221, 12222, 12224, 12225, 12226, 12227, 12228, 12229, 12230, 12232, 12233, 12234, 12235, 12304, 12308, 12309, 12310, 12314, 12316, 12320, 12325, 12329, 12330, 12331, 12332, 12347, 12350, 12354, 12356, 12378, 12402, 12403, 12404, 12405, 12406, 13407, 12408, 12409, 12411, 12412, 12413, 12414, 12415, 12416, 12417, 12418, 12419, 12425, 12426, 12427, 12428, 12430, 12435, 12436, 12437, 12438, 12439, 12441, 12443, 12144, 12445, 12450, 12451, 12455, 12461, 12471, 12473, 12475, 12478, 12489, 12490, 12495, 12504, 12505, 12508, 12509, 12647, 12656, 12660, 12664, 12665, 12668, 12691, 12693, 12695, 12699, 12700, 12701, 12707, 12708, 12711, 12713, 12714, 12718, 12719, 12720, 12721, 12724, 12731, 12732, 12733, 12734, 12735, 12736, 12737, 12765, 12766, 12767, 12768, 12769, 12770, 12772, 12773, 12774.

[F. R. Doc. 47-3189; Filed, Apr. 2, 1947; 9:07 a. m.]

SECURITIES AND EXCHANGE COMMISSION

LEASON & CO., INC.

ORDER APPROVING CONTINUANCE IN MEMBERSHIP IN NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of March A. D. 1947.

The National Association of Securities Dealers, Inc., a national securities association registered under section 15A of the Securities Exchange Act of 1934, having made application for an order approving the continuance of Leason & Company, Inc., in membership with Lowell Niebuhr acting as its employee;

The record of the proceeding before the National Association of Securities Dealers, Inc. having been submitted to the Commission and the Commission having been duly advised, and having this day issued its findings and opinion herein; on the basis of said findings and opinion; *It is ordered*, That said application be and it hereby is approved and granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3143; Filed, Apr. 2, 1947; 9:06 a. m.]

[Complaint 19 of District No. 11]

HERRICK, WADDELL & CO., INC.

ORDER SETTING ASIDE APPLICATION FOR REVIEW OF DISCIPLINARY ACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of March A. D. 1947.

Herrick, Waddell & Co., Inc. having filed an application pursuant to section 15A of the Securities Exchange Act of 1934 as amended for review of disciplinary proceedings conducted by National Association of Securities Dealers, Inc., in Complaint No. 19 originated by the District Business Conduct Committee of District 11 of the said association, briefs having been filed and oral argument heard; and the Commission being duly advised and having this day issued its findings and opinion herein; on the basis of the said findings and opinion, *It is ordered*, That the action of the National Association of Securities Dealers, Inc. be, and hereby is, set aside, and the record is remanded to the National Association of Securities Dealers, Inc. for such reconsideration and further proceedings consistent with the opinion of the Commission herein as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS.
Secretary.

[F. R. Doc. 47-3140; Filed, Apr. 2, 1947; 9:05 a. m.]

[File No. 1-1496]

GOLD ORE MINING CO.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of March A. D. 1947.

The Gold Ore Mining Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Capital Stock, $1.00 Par Value, from listing and registration on the Los Angeles Stock Exchange;

Appropriate notice and opportunity for hearing having been given to interested persons and the public generally;

No request having been received from any interested person for a hearing in this matter; and

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on April 7, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3139; Filed, Apr. 2, 1947; 9:05 a. m.]

[File No. 50-24]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of March 1947.

New England Gas and Electric Association ("New England"), a registered holding company, having filed an application pursuant to Rule U-100 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 for exemption from the requirements of Rule U-43 thereof, with respect to the sale by New England of $841,000 principal amount United States 7/8% Certificates of Indebtedness at market prices with accrued interest to date of sale to New Bedford Gas and Edison Light Company, a subsidiary of New England, the proceeds of such sale to be used by New England in carrying out its Alternate Plan of Recapitalization; and

It appearing to the Commission that the requirements of Rule U-43, as applied to such transaction, are not necessary or appropriate in the public interest or for the protection of investors or consumers:

It is ordered, Pursuant to said Rule U-100, that the said application be, and hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3137; Filed, Apr. 2, 1947; 9:05 a. m.]

[File No. 70-1481]

NORTHERN NATURAL GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna., on the 27th day of March 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company and a subsidiary of North American Light & Power Company and of The North American Company, both registered holding companies. The applicant-declarant designates sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 7, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application-declaration, as filed or as amended, may be granted and become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Northern Natural proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $10,000,000 principal amount __% Serial Debentures, Dated May 1, 1947, Due 1956–1967, to be issued under an Indenture with the Harris Trust and Savings Bank, as Trustee. The interest rate on said Debentures (to be a multiple of 1/8 of 1%) and the price to be received by Northern Natural (to be not less than 99% and not more than 102 3/4% of the principal amount of said Debentures) are to be determined by the competitive bidding. The applicant-declarant states that the net proceeds of said sale (exclusive of accrued interest from the date of the sale of said Debentures and without deducting the expenses in connection with said financing) will be used for the construction of additional property and facilities prior to the end of 1947.

The Company has filed applications with the State Corporation Commission of Kansas and the Nebraska State Railway Commission for authorization with respect to the issue of said Debentures. The Company also states that it has filed applications with the Federal Power Commission and other proper governmental authorities for permits authorizing the construction and operation of the proposed additional facilities.

Applicant-declarant requests that the Commission issue its order in the matter on or before April 11, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3138; Filed, April 2, 1947; 9:05 a. m.]

[File No. 70-1485]

PUBLIC SERVICE CO. OF N. H.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of March A. D. 1947.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Company of New Hampshire ("New Hampshire"), a public utility company and a subsidiary of New England Public Service Company, a registered holding company. Applicant designates the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 11, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. At any time after April 11, 1947, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

New Hampshire proposes to borrow from one or more banks, during the period from April 1, 1947, to December 31, 1947, an amount not in excess of $4,400,000 (including $1,200,000 presently outstanding short term obligations), and to issue from time to time in evidence thereof its promissory notes with a maturity of not more than nine months. The issuance of such notes is for the stated purpose of financing the company's construction program prior to the time when funds will be available from permanent financing. Applicant states that it has been informed by The First National Bank of Boston that it will loan the company the additional funds required at the rate of 1 1/2% per annum.

The amount of such notes will constitute approximately 11% of the principal amount and par value of other outstanding securities of New Hampshire and the company requests authorization, pursuant to the first sentence of section 6

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(b) of the act, to issue such notes. It is represented by applicant that no State Commission has jurisdiction over the proposed transactions.

The applicant requests that the Commission's order granting the application become effective immediately upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3141; Filed, Apr. 2, 1947; 9:05 a. m.]

[File Nos. 70-1490 and 70-1491]

NORTHERN STATES POWER CO., OF MINNESOTA, AND NORTHERN STATES POWER CO., OF WISCONSIN

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of March A. D. 1947.

Notice is hereby given that applications and declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Northern States Power Company, a Minnesota corporation (the Minnesota Company), a registered holding company, and Northern States Power Company, a Wisconsin corporation (the Wisconsin Company), a subsidiary of the Minnesota Company.

All interested persons are referred to the applications and declarations which are on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

The Wisconsin Company proposes to;

(a) Issue and sell for cash $19,000,000 principal amount of First Mortgage Bonds, Series due April 1, 1977, pursuant to the competitive bidding provisions of Rule U-50;

(b) Issue and sell 5,201 shares of the Wisconsin Company Common Stock at par value of $100 per share (aggregate par value $520,100) to the Minnesota Company which proposes to acquire such stock (all of the presently issued and outstanding common stock of the Wisconsin Company is owned by the Minnesota Company);

(c) Apply $17,866,187.50 of the proceeds from the sale of said bonds toward the redemption of $16,975,000 principal amount of First Mortgage Bonds, 3½% Series due March 1, 1964, at the redemption price of 105¼% of the principal amount thereof; and

(d) Apply the balance of proceeds from the sale of the bonds and the proceeds from the sale of the common stock to the general funds of the Wisconsin Company for the purpose of reimbursing its treasury, in part, for expenditures heretofore made for additions, extensions and betterments to its properties.

Sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 and Rules U-24, U-43 and U-50 are designated as being applicable to the proposed transactions. A request is made that the 10-day notice period provided by subdivision (b) of Rule U-50 be reduced to 6 days, insofar as it applies to the proposed sale of bonds.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in the applications and declarations and that said applications and declarations should not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said applications and declarations under the applicable provisions of the act and the rules and regulations promulgated thereunder be held at 10:00 a. m., e. s. t., on the 9th day of April, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before April 7, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the applications and declarations, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issue of mortgage bonds and common stock is reasonably adapted to the earning power and the security structure of the Wisconsin Company and is necessary and appropriate to the economical and efficient operation of the business or businesses in which the Wisconsin Company is presently engaged;

2. Whether State laws regarding the proposed issue of mortgage bonds and common stock have been complied with;

3. Whether the terms and conditions of the issues of said securities are detrimental to the public interest or the interests of investors or consumers;

4. Whether the proposed acquisition of common stock by the Minnesota Company complies with the requirements of sections 9 and 10 of the act;

5. Whether the fees, commissions or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

6. Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper, conform with sound accounting principles and meet the standards of the act and rules, regulations and orders promulgated thereunder;

7. Whether the proposed use by the Wisconsin Company of the proceeds from the proposed sale of its bonds and common stock is appropriate and in conformity with the requirements of the act and the rules thereunder;

8. Whether the proposed issues of mortgage bonds and common stock are solely for the purpose of financing the business of the Wisconsin Company and have been expressly authorized by the State Commission in which such company is organized and doing business.

9. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder and, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the standards of the act.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Northern States Power Company, a Minnesota corporation; Northern States Power Company, a Wisconsin corporation; the Public Service Commission of Wisconsin and the Federal Power Commission, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3142; Filed, Apr. 2, 1947; 9:05 a. m.]

APR 9 '47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

FEDERAL REGISTER

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Washington, Friday, April 4, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 10—FEDERAL LAND BANKS

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

PARTIAL RETIREMENT OF STOCK

Chapter I, Title 6, Code of Federal Regulations, is hereby amended by revoking §§ 11.172 (11 F. R. 1693) and 11.258–50 (CFR, 1945 Supp.; 10 F. R. 9518) and adding § 10.279–50 to read as follows:

§ 10.279–50 *Partial retirement of stock.* In individual cases where the amount of bank stock held as security for a loan is substantially in excess of 5 percent of the unpaid balance of the loan and the bank determines that retirement of the excess stock is advisable, the Administration approves, under section 7 of the Federal Farm Loan Act (12 U. S. C. 721), the retirement of that portion of such stock which is in excess of 5 percent of the unpaid balance of the loan, *Provided*, (a) The capital stock of the association through which the existing loan was made is not impaired and such stock retirement will not make the principal remaining unpaid upon mortgages already received from the association exceed 20 times the amount of stock in the bank owned by such association, or the only stock outstanding in connection with the existing loan is bank stock, and (b) Such retirement of stock is in accordance with authorization given by the bank's board of directors by appropriate resolution. (Sec. 7, 39 Stat. 365, sec. 6, 47 Stat. 14, 12 U. S. C. 665, 721)

[SEAL] CARL COLVIN, *Acting Land Bank Commissioner.*

[F. R. Doc. 47-3242; Filed, Apr. 3, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of Secretary of Agriculture

PART 7—PRICE DECONTROL AND RECONTROL

CERTIFICATION OF AGRICULTURAL COMMODITIES IN SHORT SUPPLY

Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and particularly by section 1A (e) of said act as added by the Price Control Extension Act of 1946, I hereby determine and certify to the Temporary Controls Administrator that no modifications in the certification of commodities in short supply (§ 7.50 *Certification of Agricultural commodities in short supply*), made on September 1, 1946, as amended (11 F. R. 9669, 11349, 13135, 14063; 12 F. R. 60, 825, 1475), should be and none are hereby made.

(Pub. Law 548, 79th Cong., 2d sess)

Done this 31st day of March 1947.

[SEAL] CHARLES F. BRANNAN, *Acting Secretary of Agriculture.*

[F. R. Doc. 47-3225; Filed, Apr. 3, 1947; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Administration

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PENICILLIN AND STREPTOMYCIN

By virtue of the authority vested in the Federal Security Administrator by the provisions of sections 507 and 701 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong., 1st Sess.; 21 U. S. C. 371 (a); 21 U. S. C. Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (11 F. R. 12128), as amended, are hereby repealed, and the following regulations are substituted therefor.

Sec.

141.1 Sodium penicillin, calcium penicillin, potassium penicillin; potency.

141.2 Sodium penicillin, calcium penicillin, potassium penicillin; sterility.

141.3 Sodium penicillin, calcium penicillin, potassium penicillin; pyrogens.

141.4 Sodium penicillin, calcium penicillin, potassium penicillin; toxicity.

141.5 Sodium penicillin, calcium penicillin, potassium penicillin; moisture, pH, clarity, crystallinity, and heat stability.

141.6 Sodium penicillin, calcium penicillin, potassium penicillin; penicillin X.

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FEDERAL REGISTER

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AUTHORITY: §§ 141.1 to 141.106, inclusive, issued under sec. 507, 52 Stat. 1040 as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong., 1st Sess.; 21 U. S. C. and Sup. 357.

§ 141.1 *Sodium penicillin, calcium penicillin, potassium penicillin; potency—*(a) *Cylinders (cups).* Use stainless steel cylinders with an outside diameter of 8 mm. (±0.1 mm.), an inside diameter of 6 mm. (±0.1 mm.), and a length of 10 mm. (±0.1 mm.).

(b) *Culture media.* Use ingredients that conform to the standards prescribed by the U. S. P. or N. F. (1) Make nutrient agar for the seed layer and for cylinders with an outside diameter of 8 mm. (±0.1 mm.), an inside diameter of 6 mm. (±0.1 mm.), and a length of 10 mm. (±0.1 mm.).

(b) *Culture media.* Use ingredients that conform to the standards prescribed by the U. S. P. or N. F. (1) Make nutrient agar for the seed layer and for carrying the test organism as follows:

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Glucose	1.0 gm.
Agar	15.0 gm.
Distilled water, q. s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(2) Make nutrient agar for the base layer as follows:

Peptone	6.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Agar	15.0 gm.
Distilled water, q. s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(3) Make nutrient broth, for preparing an inoculum of the test organism, as follows:

Peptone	5.0 gm.
Yeast extract	1.5 gm.
Beef extract	1.5 gm.
Sodium chloride	3.5 gm.
Glucose	1.0 gm.
Dipotassium phosphate	3.68 gm.
Potassium dihydrogen phosphate	1.32 gm.
Distilled water, q. s.	1,000.0 gm.

pH 7.0 after sterilization.

In lieu of preparing the media from the individual ingredients specified in paragraphs (b) (1), (2), and (3) of this section, they may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modification of the individual ingredients specified in paragraphs (b) (1), (2), and (3) of this section are permissible if the resulting media possess growth promoting properties at least equal to the media described.

(c) *Working standard.* Keep the working standard (obtained from the Food and Drug Administration) in tightly stoppered vials, which in turn are kept in larger stoppered tubes containing anhydrous calcium sulfate, constantly in the refrigerator at 15° C. (59° F.) or below. Weigh out carefully in an atmosphere of 50 percent relative humidity or less between 4 and 5 mg. of the working standard and dilute with sterile 1% phosphate buffer (pH 6.0) to make a stock solution of any convenient concentration. Keep this solution at a temperature of about 10° C., and use for one day only. From this stock solution make appropriate working dilutions.

(d) *Preparation of sample.* Dissolve aseptically, in sterile distilled water, the sample to be tested to make an appropriate stock solution.

(e) *Preparation of plates.* Add 21 ml. of agar to each Petri dish (20 x 100 mm.). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. The test organism is Staphylococcus aureus (F. D. A. 209-P) or (9144) American Type Culture Collection. Maintain the test organism on agar slants and transfer to a fresh agar slant about once a week. Prepare an inoculum for the plates by transferring the culture from the agar slant into broth and incubate at 37° C. From 16 to 24 hours thereafter add 2.0 ml. of this broth culture to each 100 ml. of agar which has been melted and cooled to 48° C. Mix the culture and agar thoroughly and add 4 ml. to each of the plates containing the 21 ml. of the uninoculated agar. Tilt the plates back and forth to spread the inoculated agar evenly over the surface. Porcelain covers glazed on the outside are used. Place four cylinders on the agar surface so that they are at approximately 90° intervals on a 2.8 cm. radius. In so placing the cylinders drop them from a height of ½ inch, using a mechanical guide or device. A suspension of the test organism may be used in place of the broth culture described above in preparing the inoculum for the seeding of plates. Prepare such suspension as follows: Wash the organisms from an agar slant which has been incubated for 24 hours at 37° C. and stored for 24 hours at room temperature with 2.0 ml. of sterile physiological saline onto a large agar surface such as that provided by a Roux bottle containing 300 ml. of agar. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate 24 hours at 37° C. and store for 24 hours at room temperature. Wash the resulting growth from the agar surface with about 50 ml. of sterile physiological saline. Standardize this suspension by determining the dilution which will permit 20% light transmission through a filter at 6500 Ångstrom units in a photoelectric colorimeter. Add 1.5 to 2.0 ml. of this resulting dilution to each 100 ml. of agar which has been melted and cooled to 48° C. to prepare the inoculum for the plates. The suspension may be used for one week.

(f) *Assay.* Use four plates for each sample. Fill one cylinder on each plate with a 1.0 unit per ml. dilution, and one with a 0.25 unit per ml. dilution, of the working standard. Add the estimated dilutions of 1.0 unit per ml. and 0.25 unit per ml. of the sample under test to the remaining 2 cylinders on each plate. Carefully place the plates in racks and incubate 16 to 18 hours at 37° C. After incubation measure the diameter of each circle of inhibition to the nearest 0.5 mm. using a colony counter with a mm. scale etched into the supporting glass over the light source. Other measuring devices of equal accuracy may be used.

(g) *Estimation of potency and error.* (1) Use the accompanying chart (Chart 1) and nomograph (Chart 2) for estimating the potency and its error. To use the chart for estimating potency two values, namely, V and W, are required. For each plate calculate two values.

$$v = (u_L + u_H) - (s_L + s_H)$$
and
$$w = (u_H + s_H) - (u_L + s_L)$$

where s_H and s_L are the diameters of the zones of inhibition in mm. of the 1.0 unit and 0.25 unit dilutions of the standard, respectively, and u_H and u_L refer similarly to the corresponding dilutions of the sample under test. The value V is the sum of the v values for all plates and W is the sum of the w values for all plates. To estimate the potency locate the point on the chart corresponding to the values of V and W, and the potency can be read from the radial lines on the chart.

(2) The error of the assay is estimated by using the nomograph which requires five values, namely, the potency, V, W, Rv, and Rw. Rv (the range of the v's) is the highest value of v minus the lowest value of v obtained from the individual plates. Similarly, Rw is the difference between the highest and lowest w values. After obtaining these five values, connect with a straight edge the points corresponding to v and w on the respective scales on the right side of the nomograph. Mark with a pin or sharp-pointed pencil the intersection of the straightedge and the diagonal line of the nomograph. Move the straightedge so that it connects the value of Rw on its scale and the diagonal line at the point of the pin. The value for Q is thus determined by the scale value where the straightedge crosses the line labeled "Q". T is obtained by adding the squares of Q and Rv. On the left side of the chart con-

nect the values of T and W with the straightedge and read the value of the ratio (error of assay-potency) where the straightedge intersects the scale of values for the ratio. This value multiplied by the potency equals the percentage error of the assay. The error of the assay calculated here estimates only how closely one assayist can check himself on any given set of dilutions of unknown and standard. It does not include any errors of weighing or errors due to variations in materials or subdivisions of a lot of penicillin.

The chart for determining potency should not be used for determinations of potency lower than 50% or higher than 150% of the standard. If the potency lies outside these limits, the assay should be repeated using a higher or lower dilution. The radial lines on the

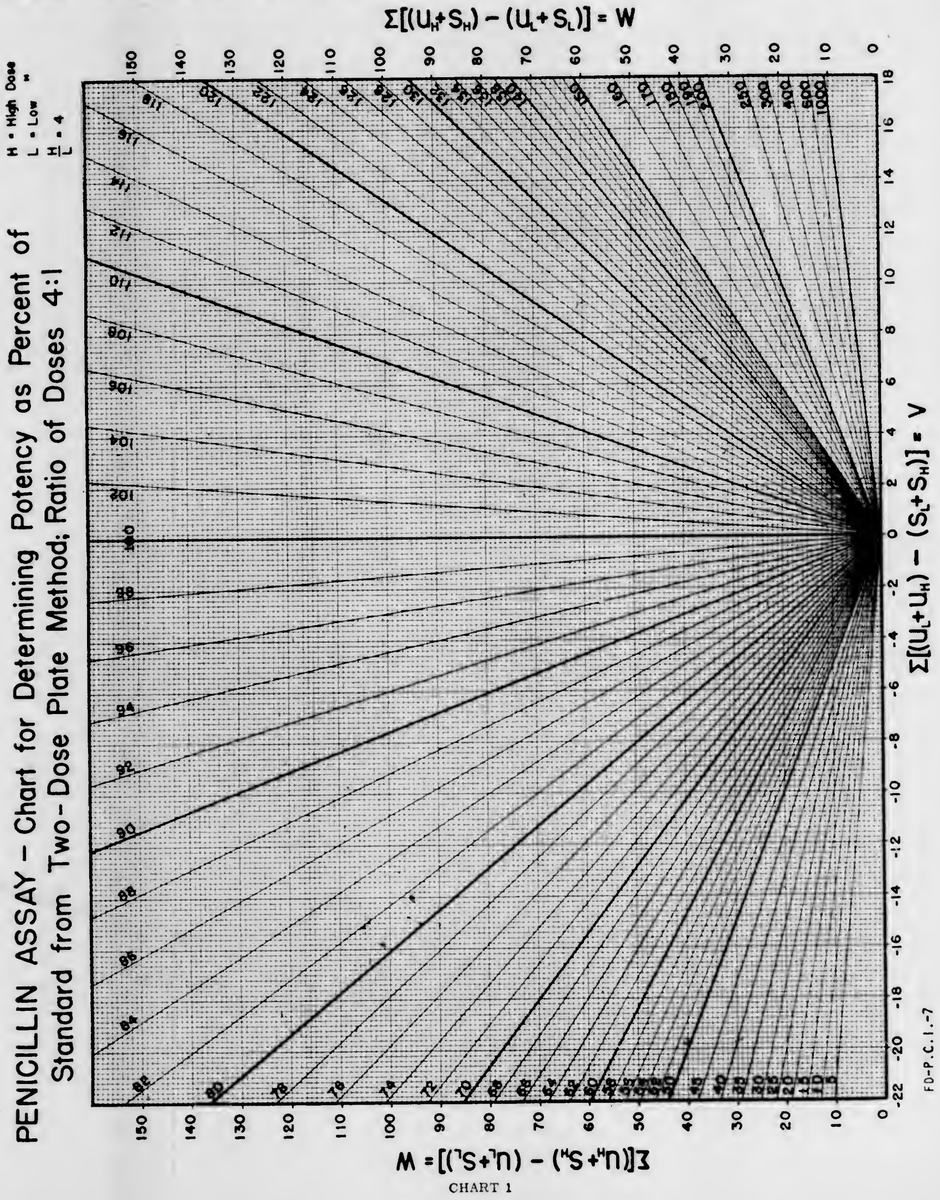


CHART 1

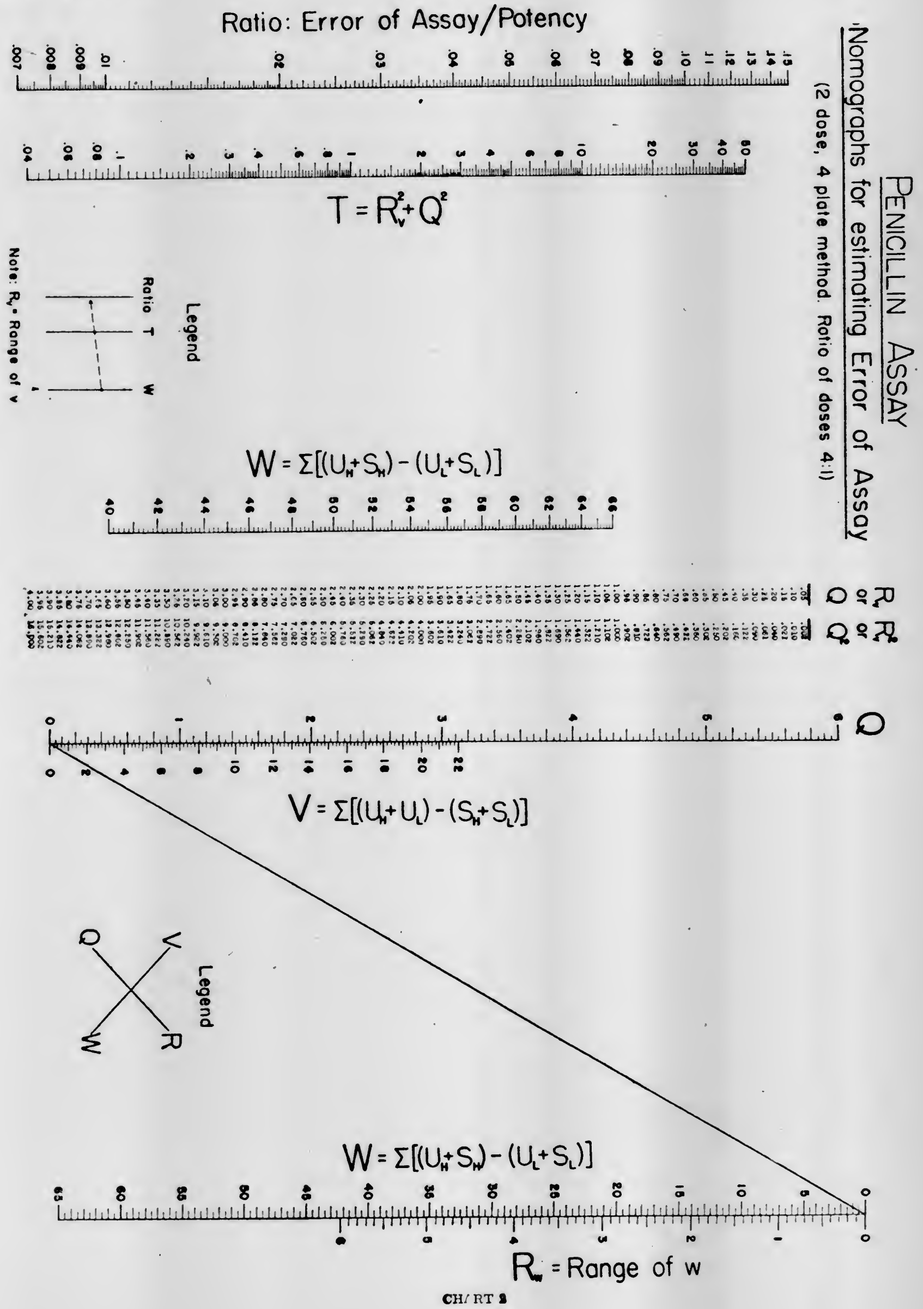


CHART 2

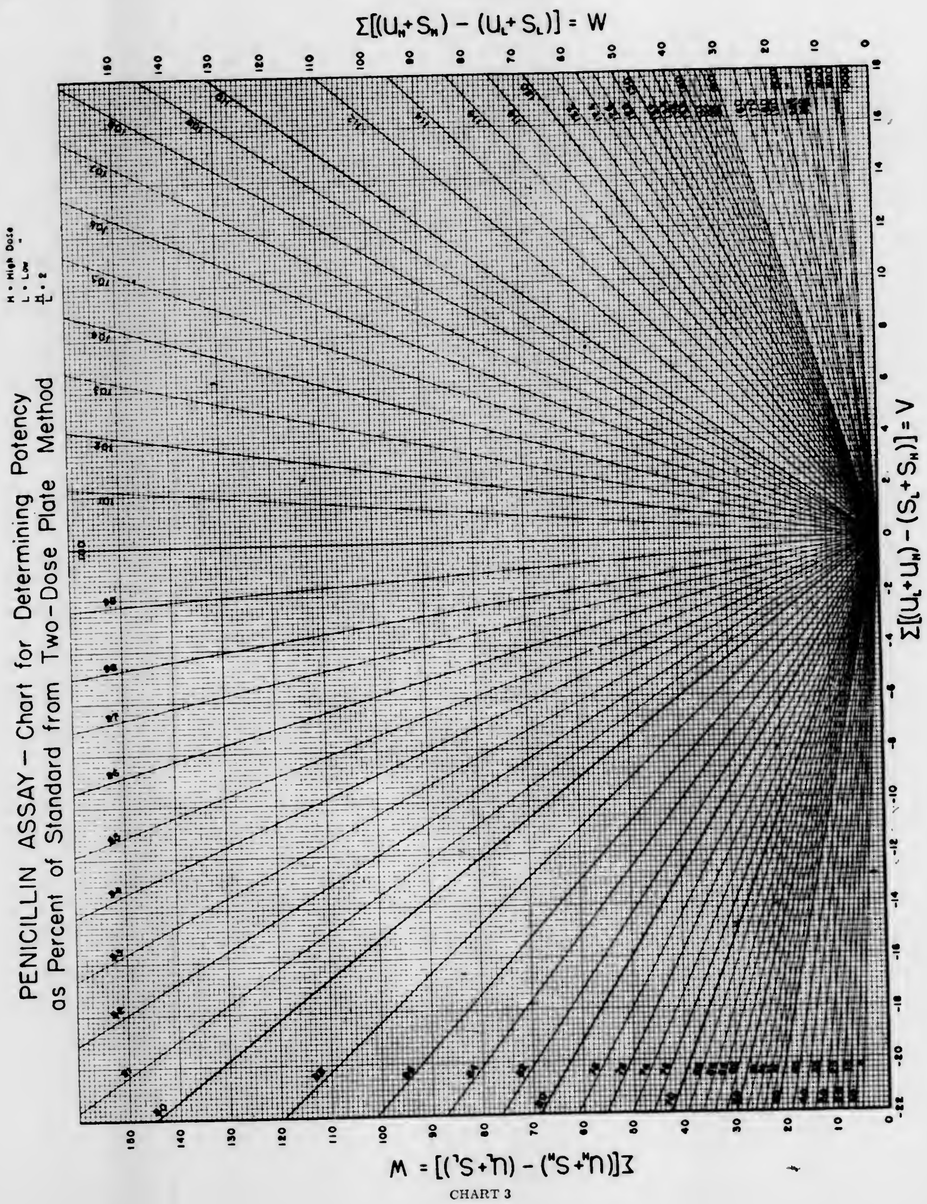


CHART 3

chart beyond these limits permit a rough estimation of potency from as low as 5% to as high as 1,000% when low values of W are found. If the value of V or W falls outside the limits of the chart, divide both V and W by the same proper number to bring them into the range of the chart and read the potency from the radial lines as before. If 11.4 Rw is greater than W, the slope of the assay does not differ significantly from zero and the assay is invalid. (The figure 11.4 was obtained by use of Student's "t" test for determining the significance of a slope.)

In certain laboratories it has been noted that with the 4 to 1 ratio, involving concentrations of 0.25 unit for the low dose, the zone of inhibition given by this dose may either be too small for accurate reading or have edges which are poorly defined. In order to permit the use of a higher concentration of penicillin for the low dose the third of the attached charts (Chart 3) may be used in assays in which the ratio of doses is 2 to 1, i. e., the high dose (*sH*) is twice the low dose (*sL*). As in the preceding chart (Chart 1), if the potency lies outside the limits of 50% to 150% the assay should be repeated, using a lower or higher dilution. The potencies beyond these limits are to be used for rough estimation purposes only. These extensions can also be used for four (or more) plate assays if both V and W are divided by the same proper number to bring them into the range of the chart. The error of the assay using the ratio of doses 2 to 1 is estimated by using the nomograph (Chart 2) in the same manner as described for the 4 to 1 ratio of doses. However, the resultant error of the assay derived in this manner must be divided by 2 to give the correct error of the assay for the 2 to 1 ratio of doses.

(h) The potency of a sample may also be determined by the standard curve technique using a single dose of standard and unknown.

Dilute the sample to be tested to 1.0 unit per ml. (estimated) in 1% phosphate buffer pH 6.0. Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8 cm. radius. Use three plates for each sample. Fill 3 cylinders on each plate with the 1.0 unit/ml. standard and 3 cylinders with the 1.0 unit/ml. (estimated) sample, alternating standard and sample. Incubate the plates for 16 to 18 hours at 37° C. and measure the diameter of each circle of inhibition. At the same time prepare a standard curve using concentrations of the standard of 0.6, 0.7, 0.8, 0.9, 1.0, 1.1, 1.2, 1.3, 1.4, and 1.5 units/ml. in sterile 1% phosphate buffer pH 6.0. Use three plates for the determination of each point on the curve, a total of 27 plates. On each of three plates fill 3 cylinders with the 1.0 unit/ml. standard and the other 3 cylinders with the concentration under test. Thus there will be 81 one unit determinations and 9 determinations for each of the other points on the curve. After the plates have incubated read the diameters of the circles of inhibition. Average the readings of 1.0 unit/ml. concentration and the readings of the point tested for each set of 3 plates and average also all 81 readings of the 1.0 unit/ml. concentration. The average of the 81 readings of the 1.0 unit/ml. concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 unit/ml. reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8 unit concentration, the average of the 81 readings of the 1.0 unit concentration is 20.0 mm., and the average of the 1.0 unit concentration of this set of 3 plates is 19.8 mm., the correction is 0.2 mm. If the average reading of the 0.8 unit concentration of these same 3 plates is 19.0 mm. the corrected value is then 19.2 mm. Plot these corrected values including the average of the 1.0 unit/ml. concentration on 2 cycle semilog paper using the concentration in units per ml. as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points. The 10 points selected to determine the curve are arbitrary and should be so chosen that the limits of the curve will fill the needs of the laboratory. However the potency of the sample under test should fall in the interval of from 60% to 150% of the correction point of the standard curve.

To estimate the potency of the sample average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger average zone size than the average of the standard, add the difference between them to the 1.0 unit zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0 unit value on the curve. From the curve read the potencies corresponding to these corrected values of zone sizes.

(i) The potency of sodium penicillin, calcium penicillin, and potassium penicillin is satisfactory when assayed by the methods described in this section if the immediate containers are represented to contain:

200,000 units or less and contain 85% or more of the number of units so represented;

More than 200,000 units and contain 90% or more of the units so represented.

§ 141.2 *Sodium penicillin, calcium penicillin, potassium penicillin; sterility*—(a) *Culture medium.* Use U. S. P. fluid thioglycollate medium I or a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium and has growth-promoting, buffering, and oxygen tension controlling properties equal to or better than those of such medium.

In the preparation of the medium, from either the individual ingredients or any dehydrated mixture, avoid contamination with calcium.

(b) *Conduct of test.* Dissolve the sample to be tested in sufficient sterile, freshly prepared solution of 1:300 hydroxylamine hydrochloride, adjusted to pH 6.0 with sodium hydroxide, so that each ml. contains approximately 5,000 to 10,000 units. Shake vigorously. Let stand one hour, transfer 1 ml. aseptically to each of four tubes containing 15 ml. of fluid thioglycollate medium. Inoculate one of these tubes with 1.0 ml. of a 1:1000 dilution of an 18 to 24 hour broth culture of S. aureus 209–P, and incubate all four tubes for four days at 37° C. The inoculated tube should show growth at the end of four days; if so and no other tube shows growth, the sample is sterile.

§ 141.3 *Sodium penicillin, calcium penicillin, potassium penicillin; pyrogens*—(a) *Test animal.* Use healthy rabbits, weighing 1,500 gm. or more, which have been maintained for at least one week on a uniform, unrestricted diet and have not lost weight during this period. For subsequent tests, animals utilized for previous tests may be used after a rest period of not less than two days. Use a clinical rectal thermometer after it has been tested in a rabbit to determine the time required to reach maximum temperature. (Other recording devices of equal sensitivity are acceptable.) Insert the thermometer or other recording device beyond the internal sphincter and allow it to remain a sufficient time to reach maximum temperature as determined above. Make four rectal temperature readings on each of the animals to be used in the test at 2-hour intervals, 1 to 3 days before such use (this may be omitted for any animal that has been used in such tests during a preceding period of two weeks). House the test animals in individual cages and protect them from disturbances likely to cause excitement. Exercise particular care to avoid exciting the animals on the day of taking the control temperatures and on the test day. Maintain the animals in an environment of uniform temperature (±5° F.) at all times.

(b) *Conduct of test.* Heat all syringes and needles to be used in a muffle furnace at 250° C. for not less than 30 minutes to render them pyrogen-free and sterile. Perform the test in a room held at the same temperature as that in which the animals are housed. During the test restrain the animals in individual stocks. Withhold all food from one hour before the first temperature reading until after the final reading of the day. Take a control temperature reading not more than 15 minutes after the animal is removed from the cage. Use three animals for each test, but do not use those with control temperatures of 38.8° C. or under and 39.9° C. or over. Dilute the sample with pyrogen-free, sterile, distilled water to a concentration of 2,000 units per ml. and warm to approximately 37° C. Inject 2,000 units (estimated) per kg. of rabbit intravenously through an ear vein within 15 minutes subsequent to the control temperature reading. Read temperatures one hour after injection and each hour thereafter until three readings have been made. The sample is non-pyrogenic if when so tested no animal shows a rise in any of the temperature readings, after injection, of 0.6° C. or more above the control temperature of such animal. If only one animal shows such a rise in temperature, or if the sum of the

temperature rises of the three animals exceeds 1.4° C., repeat the test on five additional animals. The sample is nonpyrogenic if not more than one of these five animals shows a rise in temperature of 0.6° C. or more above the control temperature of such animal.

§ 141.4 *Sodium penicillin, calcium penicillin, potassium penicillin; toxicity.* Inject intravenously each of five mice, within the weight range of 18 to 25 grams, with 0.5 ml. of a solution of the sample prepared by diluting with sterile distilled water to approximately 4,000 units per ml. The injection should be made over a period of not more than 5 seconds. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with five unused mice weighing 20 grams (±0.5 gm.) each; if all animals survive the repeat test, the sample is nontoxic.

§ 141.5 *Sodium penicillin, calcium penicillin, potassium penicillin*—(a) *Moisture.* In an atmosphere of about 10% relative humidity, transfer 30 to 50 mgm. of the finely powdered sample to a tared weighing bottle or weighing tube equipped with a capillary-tube stopper, the capillary having an inside diameter of 0.20 to 0.25 mm. Weigh the bottle or tube and place it in a vacuum oven, without removing the stopper and dry at a temperature of 60° C. and a pressure of 5 mm. of mercury or less for three hours. At the end of the drying period, fill the vacuum oven with air dried by bubbling it through sulfuric acid; place weighing bottles or tubes in a desiccator over phosphorous pentoxide, allow to cool to room temperature, and reweigh. Divide the loss in weight by the weight of the sample and multiply by 100 to obtain the percentage of moisture.

(b) *pH.* Dilute the sample to be tested with carbon dioxide-free distilled water so that the resulting solution contains 5,000 to 10,000 units per ml. Determine the pH of this solution at 25° C. using a pH meter equipped with a glass and a calomel electrode.

(c) *Clarity.* Add to the sample by means of a thoroughly cleansed hypodermic needle and syringe enough of the diluent to produce a solution containing 5,000 to 10,000 units per ml. The resulting solution must be substantially free of any turbidity or undissolved material which can be detected readily without accessory magnification (except such optical correction as may be required to establish normal vision), when the solution is examined against a black and white background with a bright light from a 100 watt lamp or equivalent lighting after holding at 15° C. (59° F.) or less for 48 hours.

(d) *Microscopical test for crystallinity of sodium penicillin and potassium penicillin.* Mount in mineral oil and examine by means of a polarizing microscope. Crystalline penicillin shows resolvable particles which reveal the phenomena of birefringence (interference colors) and extinction positions on revolving the microscope stage. Crystalline penicillin also reveals diagnostic refractive indices when examined by the immersion method.

(e) *Stability of crystalline penicillin.* Store a weighed sample (approximately 30 mg.) of crystalline penicillin in an unstoppered 50 ml. Erlenmeyer flash for 4 days in an electric oven at 100° C. ±1°. At the end of this period it does not show a loss of more than 10% of its original potency when determined as follows: Dilute a weighed sample (approximately 30 mg.) with 1% phosphate buffer at pH 6.0 to a concentration of approximately 1.2 mg./ml. (2,000 units/ml.). Add 2.0 ml. aliquots to each of two 125 ml. glass stoppered Erlenmeyer or iodine flasks. To one add 2.0 ml. of 1N NaOH and allow to stand at room temperature for 15 minutes. At the end of this time add 2.0 ml. of 1.2N HCl and add 10.0 ml. of 0.01N I_2 (prepared from 0.1N I, U. S. P.). (Equal volumes of 1N NaOH and 1.2N HCl when mixed give pH 1.0). After 15 minutes titrate the excess iodine using 0.01N $Na_2S_2O_3$ (prepared from 0.1N $Na_2S_2O_3$) standardized accurately against potassium iodate. Toward the end of the titration add approximately 5 ml. of CCl_4. Continue the titration by the addition of 0.01 to 0.02 ml. portions of the 0.01N $Na_2S_2O_3$ shaking vigorously after each addition. The end-point is reached when the CCl_4 layer becomes colorless. To the second flask add 10 ml. of the 0.01N I_2 and titrate immediately with 0.01N $Na_2S_2O_3$ for the blank determination. Regard the difference in titers divided by 2.52 as the milligrams of penicillin sodium salt.

$$\text{Percent loss of potency} = \frac{\text{Original assay} - \text{Assay after 4 days at 100° C} \times 100}{\text{Original assay}}$$

(f) *Crystalline penicillin G*—(1) *Reagents.* The reagents described in subdivisions (i), (ii), and (iii) of this subparagraph are freshly prepared every three days and are of such quality that when used in this procedure with a known penicillin G not less than 97 percent of penicillin G is recovered.

(i) *Amyl acetate solution.* Saturate the amyl acetate with the N-ethyl piperidine salt of penicillin G by adding 2 mg. of the salt for each 1 ml. of the solvent. Cool this solution to 0° to 8° C. and filter by drawing it through a plug of cotton on the tip of a pipette immediately before use.

(ii) *Acetone solution.* Saturate reagent grade acetone with the N-ethyl piperidine salt of penicillin G using 3 mg. of salt for each 1 ml. of acetone. Cool this solution to 0° to 8° C. and filter by drawing it through a plug of cotton on the tip of a pipette immediately before use.

(iii) *N-ethyl piperidine solution.* N-ethyl piperidine should be stored in brown bottles in a refrigerator. Dilute 1.0 ml. of this reagent with 4.0 ml. of amyl acetate. Saturate this solution with the N-ethyl piperidine salt of penicillin G using about 3 mg. of the salt for each 1.0 ml. of solution. Cool this solution to 0° to 8° C. and filter by drawing it through a plug of cotton on the tip of a pipette immediately before use.

(iv) *Phosphoric acid solution.* Prepare by dissolving 1.0 ml. of reagent grade phosphoric acid (85%) in 4.0 ml. of water. Cool to 0° to 8° C. and shake before using.

(v) *Sodium sulfate.* Use powdered anhydrous reagent grade sodium sulfate.

(2) *Procedure.* Add 4 ml. of distilled water for each 200,000 units or 120 mg. of the sample to be tested. Pipette a 2.0 ml. aliquot into a glass test tube of about 10 ml. capacity and cool to 0° to 5° C. Add 2 ml. of the amyl acetate solution and 0.5 ml. of the phosphoric acid solution, stopper and shake vigorously for approximately 15 seconds. Centrifuge to obtain a clear separation of the two layers (approximately 20 seconds). After centrifuging remove as much of the amyl acetate layer as possible (usually about 1.7 to 1.8 ml.) with a 2 ml. hypodermic syringe equipped with a suitable needle. Place about 0.1 gm. of the sodium sulfate in a micro filter funnel (approximately 10 mm. diameter) having a fritted glass disc of medium porosity and add the amyl acetate solution from the hypodermic syringe. Collect the filtrate by suction in a small test tube which has been placed in a suction flask. Surround suction flask with cracked ice. Pipette a 1.0 ml. aliquot of the amyl acetate filtrate into a tared flat bottom glass tube (approximately 15 x 50 mm.) containing 1.0 ml. of the acetone solution and 0.5 ml. of the N-ethyl piperidine solution. The time elapsing between acidification and the addition of the filtrate to the above reagents should not be more than three minutes. Place the glass tube containing this mixture in a large weighing bottle, stopper the bottle and allow to stand for not less than 2 hours in a refrigerator at 0° to 8° C. Remove the liquid from the precipitate by means of a tared micro filter stick and wash with a total of 1 ml. of the acetone solution adding the latter by means of a hypodermic syringe equipped with a fine needle. Place the filter stick inside the glass tube, dry under vacuum at room temperature for not less than one hour, and weigh. (Save all N-ethyl piperdine penicillin G residues for saturating reagents). Remove a 1.0 ml. aliquot of the original aqueous penicillin solution and dilute to 25.0 ml. (approximately 2000 units per ml.) with 1% phosphate buffer at pH 6.0. Using 2.0 ml. aliquots of this dilution, determine the amount of penicillin in the original solution in mg./ml. by the iodometric assay procedure described in paragraph (e) of this section.

$$\text{Percent of penicillin G} = \frac{\text{Wt. in mg. N-ethyl piperidine penicillin precipitate} \times 159.3}{\text{Milligrams of penicillin in 2.0 ml. of original solution}}$$

Determine the potency of crystalline penicillin G by the method prescribed in paragraph (e) of this section.

(g) *Penicillin K content.* Determine the content of penicillin K by the following method:

Dilute a weighed sample or the contents of a vial with 0.3 M phosphate (Na_2HPO_4 and KH_2PO_4) buffer pH 6.0 to give a solution containing approximately 1,000 units/ml. In the case of calcium penicillin where a precipitate of calcium phosphate occurs, remove the precipitate by filtration and use the clear filtrate. Place a 15.0 ml. aliquot of this solution in a 125 ml. separatory funnel, add 30.0 ml. of chloroform U. S. P. and shake for one minute. (Carry out all operations at room temperature.) Allow the mixture to stand with occasional swirling to settle the droplets of chloroform until the top layer is clear (usually about 10 minutes). Draw off all but about 2 ml. of the lower chloroform layer thru a small pledget of cotton into a glass stoppered flask. Take a 4.0 ml. aliquot of the original solution, a 4.0 ml. aliquot of the buffer solution remaining in the separatory funnel and a 10.0 ml. aliquot of the chloroform solution and determine the mg./ml. of penicillin in each by the iodometric assay procedure described in paragraph (e) of this section using 4.0 ml. of the 1N NaOH and 4.0 ml. of the 1.2N HCl for each of the above aliquots. Make blank determinations on the same size aliquots. Calculate the percent penicillin in the buffer layer and in the chloroform layer as compared to the original solution. The sum of these percentages should be 100% ±2%. The percent penicillin K = (96.92 + % in chloroform − % in buffer) × 1.67. (The factors in the above formula are based on distribution coefficients of penicillin K and G between chloroform and aqueous phosphate buffer at pH 6.0.)

§ 141.6 *Sodium penicillin, calcium penicillin, potassium penicillin; penicillin X.* Dissolve the contents of a 100,000 unit ampul in about 20 ml. of ice cold distilled water. Transfer quantitatively to a 100 ml. volumetric flask, rinsing the ampul with small portions of ice cold water and make to 100 ml. Pipette a 50.0 ml. aliquot into a 125 ml. separatory funnel, then add 50.0 ml. of cold chloroform and shake the mixture. Add an amount of approximately 1N H_2SO_4 to bring the pH of the aqueous layer to 2.0. (The amount of 1N H_2SO_4 to be added is calculated by titrating a separate 5.0 ml. aliquot of the 100 ml. dilution to pH 2.0 using a suitable pH meter.) Shake the mixture vigorously for one minute. Allow the layers to separate and filter the chloroform through a small pledget of cotton, moistened with chloroform, into a second 125 ml. separatory funnel. Shake the acid aqueous solution with a second 50.0 ml. of cold chloroform and, when the layers have separated, withdraw the chloroform through the same filter into the second separatory funnel. Immediately neutralize the acid aqueous solution, containing the penicillin X, with 0.1N NaOH to pH 6.5 to 7.0 using the pH meter and make to 100 ml. with water. Make appropriate dilutions in 1% phosphate buffer at pH 6.0 and assay as directed in § 141.1 (f) or (h). Shake the combined chloroform extracts, containing any penicillin G, etc., with small successive portions of cold $NaHCO_3$ solution (0.1%), until the combined $NaHCO_3$ extracts give a pH of 7.0, and make to 100 ml. with water. Make the proper estimated dilutions in 1% phosphate buffer at pH 6.0. Assay these last dilutions as directed in § 141.1 (f) or (h). The potency of the penicillin X fraction plus potency of the penicillin G, etc., fraction should approximate that of the potency of the original solution. All of the above extractions should be carried out in a cold room.

§ 141.7 *Penicillin in oil and wax*—(a) *Potency.* Proceed as directed in § 141.1 except paragraph (i) thereof and, in lieu of the directions in paragraph (d), of § 141.1, prepared sample as follows:

Liquefy the sample by warming, thoroughly mix, and withdraw 1.0 ml. using a sterile syringe equipped with an 18 gauge needle. Transfer to a separatory funnel containing approximately 50 ml. of peroxide-free ether. Shake the separatory funnel vigorously to bring about complete mixing of the material with the ether. Shake with a 25 ml. portion of 1% phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with three 25-ml. quantities of buffer. Combine the extracts and make the proper estimated dilutions in 1% phosphate buffer at pH 6.0. If the label represents the potency of the penicillin in oil and wax as 200,000 units per ml. or less, it is satisfactory if it is 85% or more of the potency so represented; if represented as more than 200,000 units per ml., it is satisfactory if it is 90% or more of the potency so represented.

(b) *Sterility.* Proceed as directed in § 141.2, except that sufficient penicillinase is added to the thioglycollate medium to inactive the penicillin added in the test and, in lieu of the directions in the first three sentences of paragraph (b) of § 141.2, proceed as follows:

Liquefy the sample by warming and add aseptically approximately 1.0 ml. to 9.0 ml. of sterile warm cottonseed oil. Shake vigorously. Transfer 1.0 ml. aseptically to each of four tubes containing 15 ml. of fluid thioglycollate medium with added penicillinase.

(c) *Moisture.* Weigh 1.0 (±0.2) gm. of the sample into a shallow moisture dish. Dry to constant weight in a vacuum oven at a uniform temperature not less than 20° C. nor more than 25° C. above the boiling point of water at the working pressure, which does not exceed 100 mm. of mercury. Constant weight is attained when successive dryings for 1 hour periods show additional loss of not more than 0.1%. Cool the sample in an efficient desiccator for 30 minutes before reweighing.

§ 141.8 *Penicillin ointment*—(a) *Potency.* Proceed as directed in § 141.1, except paragraph (i) thereof, and, in lieu of the directions in paragraph (d) of § 141.1 prepare the sample as follows:

Accurately weigh the tube and contents and squeeze 0.5 to 1.0 gm. into a separatory funnel containing approximately 50 ml. of peroxide-free ether. Reweigh the tube to obtain weight of ointment used in the test. Shake ointment and ether until homogeneous. Shake with a 25 ml. portion of 1% phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with three 25 ml. quantities of buffer. Combine the extracts and make the proper estimated dilutions in 1% phosphate buffer at pH 6.0. The potency of penicillin ointment is satisfactory if it contains not less than 85% of the number of units per gram it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.7 (c).

(c) *Microorganism count.* Prepare nutrient agar as directed in § 141.1 (b) (1). Cool to appoximately 48° C. and add sufficient sterile penicillinase solution so that each 20 ml. will contain enough to completely inactivate the amount of penicillin contained in the sample under test. Pour 20 ml. of the agar-penicillinase mixture into Petri dishes and allow to harden. The Petri dishes are warmed to 37° C. just before use. Accurately weigh the tube and contents, place in incubator at 37° C. for one hour, then squeeze from 0.1 to 0.5 gm. of the ointment onto the agar surface. Reweight tube to obtain weight of ointment used in test. Spread the ointment evenly over the surface of the agar with a sterile glass rod, invert, and place in a 37° C. incubator for 48 hours. Count the number of colonies appearing on the plates and calculate therefrom the number of viable microrganisms per gm. of ointment.

§ 141.9 *Tablets buffered penicillin*—(a) *Potency.* Proceed as directed in § 141.1, except paragraph (i) thereof and, in lieu of the directions in paragraph (d) of § 141.1, prepare sample as follows:

Place 12 tablets in a mortar and add approximately 20 ml. of 1% phosphate buffer at pH 6.0. Disintegrate the tablets by grinding with a pestle. Transfer with the aid of small portions of the buffer solution to a 500 ml. volumetric flask and make to 500 ml. by adding sufficient phosphate buffer. Make the proper estimated dilutions in 1% phosphate buffer at pH 6.0. The average potency of tablets buffered penicillin is satisfactory if it contains not less than 85% of the number of units per tablet it is represented to contain.

(b) *Moisture.* Proceed as described in § 141.5 (a).

§ 141.11 *Penicillin with aluminum hydroxide gel*—(a) *Sodium penicillin, calcium penicillin, potassium penicillin.* Proceed as directed in §§ 141.1, 141.2, 141.4, and 141.5 (a) and (b), and if crystalline penicillin, (d), (e), and (g), and if crystalline penicillin G, (f).

(b) *Aluminum hydroxide gel.* Thoroughly shake the aluminum hydroxide gel and transfer aseptically 1.0 and 0.1 ml. portions in triplicate to sterile Petri dishes. Pour into each Petri dish 20 ml. of nutrient agar, described in § 141.1 (b) (1), which has been melted and cooled to 48° C. Thoroughly mix the aluminum hydroxide and melted agar. Allow the agar to solidify, invert the Petri dishes, and incubate for 48 hours at 37° C. Count the number of colonies appearing on the plates and calculate therefrom the number of viable bacteria per ml. of the aluminum hydroxide gel.

§ 141.12 *Penicillin troches*—(a) *Potency.* Proceed as directed in § 141.1 ex-

cept paragarph (i) thereof and, in lieu of the directions in paragraph (d) of § 141.1, prepare sample as follows:

If the troche does not contain a masticatory substance, proceed as directed in § 141.9 (a). If the troche contains a masticatory substance, place five troches in a separatory funnel containing 75 ml. of n-hexane; shake until the troches are dissolved. Shake with a 25 ml. portion of 1% phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with three 25 ml. quantities of buffer. Combine the extracts and make the proper estimated dilutions in 1% phosphate buffer at pH 6.0. The average potency of the troche is satisfactory if it contains not less than 85% of the number of units per troche it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a) or if it contains a masticatory substance as directed in § 141.7 (c).

§ 141.13 *Penicillin dental cones*—(a) *Potency.* Proceed as directed in § 141.1, except paragraph (i) thereof and, in lieu of the directions in paragraph (d) of § 141.1, prepare sample using 5 cones as directed in § 141.9 (a). The average potency of the cone is satisfactory if it contains not less than 85% of the number of units per cone it is represented to contain.

(b) *Microorganism count.* Accurately weigh from 3 to 5 cones in a small test tube and add sufficient sterile penicillinase, contained in a total volume of 2 ml. to inactivate the penicillin present. Let stand one hour. Thoroughly shake the mixture and transfer, aseptically, the entire amount to a sterile Petri dish. Pour into the Petri dish 20 ml. of nutrient agar, described in § 141.1 (b) (1) which has been melted and cooled to 48° C. Thoroughly mix, allow the agar to solidify, invert the Petri dish, and incubate for 48 hours at 37° C. Count the number of colonies appearing on the plates and calculate therefrom the number of viable microorganisms per gm.

(c) *Moisture.* Proceed as directed in § 141.5 (a).

§ 141.14 *Penicillin with vasoconstrictor*—(a) *Calcium Penicillin.* Proceed as directed in §§ 141.1, 141.2, 141.3, 141.4, and 141.5 (a), (b), and (c).

§ 141.15 *Penicillin for surface application*—(a) *Potency.* Proceed as directed in § 141.9 (a) using the contents of 12 immediate containers.

(b) *Microorganism count.* Accurately weigh approximately 0.5 gm. in a small test tube and add sufficient sterile penicillinase contained in a total volume of 2 ml. to inactivate the penicillin present. Let stand 1 hour. Thoroughly shake the mixture and transfer, aseptically, the entire amount to a sterile Petri dish. Pour into the Petri dish 20 ml. of nutrient agar, described in § 141.1 (b) (1), which has been melted and cooled to 48° C. Thoroughly mix, allow the agar to solidify, invert the Petri dish, and incubate for 48 hours at 37° C. Count the number of colonies appearing on the plates and calculate therefrom the number of viable microorganisms per gm.

(c) *Moisture.* Proceed as directed in § 141.5 (a).

§ 141.16 *Tablets alum precipitated penicillin*—(a) *Potency.* Proceed as directed in § 141.9 (a).

(b) *Moisture.* Proceed as directed in § 141.5 (a).

§ 141.17 *Penicillin sulfonamide powder*—(a) *Potency.* Proceed as directed in § 141.9 (a) using the contents of 12 immediate containers.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

(c) *Sterility.* Proceed as directed in § 141.2 except that sufficient penicillinase is added to the thioglycollate medium to inactivate the penicillin added in the test and in lieu of the directions in the first three sentences of paragraph (b) of § 141.2 proceed as follows:

Suspend aseptically approximately one-fourth of the sample to be tested (about 0.5 gm.) into each of four tubes containing 15 ml. of fluid thioglycollate medium with added penicillinase.

§ 141.18 *Penicillin vaginal suppositories*—(a) *Potency.* Proceed as directed in § 141.1 except paragraph (i) thereof and in lieu of the directions in paragraph (d) of § 147.1 prepare sample as follows:

Place 5 suppositories in a separatory funnel containing 150 ml. of peroxide-free ether. Shake the separatory funnel vigorously to bring about complete mixing of the material with the ether. Shake with a 25 ml. portion of 1% phosphate buffer at pH 6.0. Remove the buffer layer and repeat the extraction with three 25 ml. quantities of buffer. Combine all extracts and make the proper estimated dilutions in 1% phosphate buffer at pH 6.0. The average potency of the suppository is satisfactory if it contains not less than 85% of the number of units it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.7 (c) using one suppository.

(c) *Microorganism count.* Use four suppositories and place approximately one fourth of each into each of four sterile, tared test tubes. Determine weight of sample in each tube. Melt at 37° C. and add sufficient penicillinase to inactivate the penicillin in the sample. Mix thoroughly. Incubate for one hour at 37° C. Mix thoroughly and transfer the contents of each tube to 25 ml. of nutrient agar prepared as directed in § 141.1 (b) (1) cooled to approximately 48° C. Mix thoroughly and pour into sterile Petri dishes. Allow to harden, invert and incubate at 37° C. for 48 hours. Count the number of colonies appearing on the Petri dish and calculate therefrom the number of viable microorganisms per gm. of suppository.

§ 141.19 *Buffered crystalline penicillin.* Proceed as directed in §§ 141.1, 141.2, 141.3, 141.4, 141.5 and 141.6.

§ 141.20 *Capsules buffered penicillin with pectin hydrolysate*—(a) *Potency.* Proceed as directed in § 141.1 except paragraph (i) thereof and in lieu of the directions in paragraph (d) of § 141.1 prepare samples as follows:

Place the contents of 12 capsules and the empty capsules into a 500 ml. volumetric flask. Add approximately 200 ml. of 1% phosphate buffer at pH 6.0, shake until the powder has dissolved and the capsules have gelatinized and make to 500 ml. with the phosphate buffer. Make the proper estimated dilutions in 1% phosphate buffer at pH 6.0. The average potency of capsules buffered penicillin with pectin hydrolysate is satisfactory if it contains not less than 85% of the number of units per capsule it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a) utilizing the contents of 4 capsules.

§ 141.101 *Streptomycin sulphate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; potency.*—(a) *Cylinders (cups).* Use cylinders described under § 141.1 (a).

(b) *Culture media.* Using ingredients that conform to the standards prescribed by the U. S. P. or N. F., make nutrient agar for the seed and base layers:

Peptone	5.0 gm.
Beef extract	3.0 gm.
Agar	15.0 gm.
Distilled wate q. s.	1,000.0 ml.

pH 7.8 to 8.0 after sterilization.

(c) *Working standard.* Keep the working standard (obtained from the Food and Drug Administration) constantly in the refrigerator at 15° C. (59° F.) or below in tightly stoppered vials, which in turn are kept in larger stoppered tubes containing anhydrous calcium sulphate. Weigh out carefully in an atmosphere of 50 percent relative humidity or less appropriate amounts of the working standard and dilute in 0.05 M potassium phosphate buffer (pH 6.0). Keep this stock solution at a temperature of about 15° C.; do not use it later than 30 days after it is made.

(d) *Standard curve.* Prepare daily in 0.10 M potassium phosphate buffer (pH 7.8 to 8.0) a 20 mcg./ml. solution from the stock solution described in § 141.101 (c). Transfer to ten 100 ml. volumetric flasks, containing the same buffer, the required quantities of this 20 mcg./ml. solution to give 0.6, 0.7, 0.8, 0.9, 1.0, 1.1, 1.2, 1.3, 1.4 and 1.5 mcg./ml. solutions. A total of 27 plates is used in the preparation of the standard curve, three plates for each solution except the 1.0 mcg./ml. solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates fill 3 cylinders with the 1.0 mcg./ml. standard and the other 3 cylinders with the concentration under test. Thus there will be 81 one microgram determinations and 9 determinations for each of the other points on the curve. After the plates have incubated read the diameters of the circles of inhibition. Average the readings of the 1.0 mcg./ml. concentration and the readings of the point tested for each set of 3 plates and average also all 81 readings of the 1.0 mcg./ml. concentration. The average of the 81 readings of the 1.0 mcg./ml. concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 mcg./ml. reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8

unit concentration, the average of the 81 readings of the 1.0 mcg./ml. concentration is 16.5 mm. and the average of the 1.0 mcg./ml. concentration of this set of 3 plates is 16.3 mm. the correction is 0.2 mm. If the average reading of the 0.8 mcg./ml. concentration of these same 3 plates is 15.9 mm. the corrected value is then 16.1 mm. Plot these corrected values including the average of the 1.0 mcg./ml. concentration on 2 cycle semilog paper using the concentration in mcg./ml. as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points. The ten points selected to determine the curve are arbitrary and should be so chosen that the limits of the curve will fill the needs of the laboratory. However, the potency of the sample under test should fall in the interval of from 60% to 150% of the correction point of the standard curve.

(e) *Preparation of sample.* Dissolve volumetrically in sterile, distilled water, the sample to be tested to make a convenient stock solution. Further dilute this solution volumetrically to contain 100 mcg. of streptomycin base (estimated) per ml. Transfer 1.0 ml. of this 100 mcg. (estimated) per ml. solution to a 100 ml. flask and make up to volume with 0.10 M potassium phosphate buffer (pH 7.8 to 8.0). Use this last dilution in the assay for potency.

(f) *Preparation of spore suspension.* The test organism is Bacillus subtilis (American Type Culture Collection 6633). Maintain the test organism on nutrient agar prepared as described in § 141.1 (b) (1). Prepare a spore suspension by growing the organism in Roux bottles on agar of this same composition for one week at 37° C. Suspend the spores in sterile distilled water and heat for 30 minutes at 65° C. Wash the spore suspension three times with sterile distilled water, heat again for 30 minutes at 65° C. and resuspend in sterile distilled water. Maintain the spore suspension at approximately 15° C. Determine by appropriate tests the quantity of spore suspension to be added to each 100 ml. of agar for the secondary layer that will give sharp clear zones of inhibition.

(g) *Preparation of plates.* Add 21 ml. of agar described in paragraph (b) of this section to each Petri dish (20×100 mm.). Melt the agar to be used for the secondary layer, cool to 55 to 60° C. and add the spore suspension prepared in § 141.101 (f). Mix thoroughly and add 4 ml. to each of the plates containing the 21 ml. of the uninoculated agar. Tilt the plates back and forth to spread the inoculated agar evenly over the surface. Refrigerate until ready to add streptomycin (at least 1 hour).

(h) *Plate assay.* Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on 2.8 cm. radius. Use three plates for each sample. Fill three cylinders on each plate with the 1.0 mcg./ml. standard and three cylinders with the 1.0 mcg./ml. (estimated) sample, alternating standard and sample. Incubate the plates for 16 to 18 hours at 37° C. and measure the diameter of each circle of inhibition.

(i) *Estimation of potency.* Average the zone readings of the standard and average the zone readings of the sample on the three plates used. If the sample gives a larger average zone size than the average of the standard, add the difference between them to the 1.0 mcg. zone size of the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0 mcg. value on the curve. From the curve read the potencies corresponding to these corrected values of zone sizes.

(j) *Turbidimetric assay.* (1) Employ the agar described in paragraph (b) of this section (adjusted to a final pH 7.0) for maintaining the test organism, which is Klebsiella pneumoniae (P. C. I. 602) non-capsulated. Transfer stock cultures every two weeks for test purposes. Transfer the organism to fresh agar slants and incubate at 37° C. for 6 hours. Suspend the growth from two or three of these slants in sterile distilled water and add approximately 5 ml. of culture suspension to each of two Roux bottles containing the agar described in paragraph (b) of this section. Incubate the bottles for six hours at 37° C., harvest the growth and suspend in sufficient sterile distilled water to give a light transmission reading of 80% using a filter at 6500 Ångstrom units in a photoelectric colorimeter. Keep the resulting suspension of organisms in the refrigerator and use for a period not to exceed two weeks. Prepare a daily inoculum by adding 6.0 ml. of this suspension to each 100 ml. of the nutrient broth prepared as directed in paragraph (b) (3) of this section cooled to a temperature of approximately 15° C.

(2) *Working standard solutions.* Add the following amounts of a 1000 microgram per ml. solution prepared from the stock solution described in paragraph (c) of this section to 100 ml. volumetric flasks containing sterile distilled water and bring to volume to give the working stock solutions tabulated below. These 9 flasks are well stoppered and maintained at approximately 15° C. for one month. Prepare final dilutions daily by adding 2.1 ml. of each of these 9 working stock solutions to 4.8 ml. of sterile distilled water. Add 1.0 ml. of each final dilution to each of six 14 x 124 mm. tubes (total 54 tubes). Add 9.0 ml. of inoculated broth described in subparagraph (1) of this paragraph to each tube and place immediately in a 37° C. water bath for 4 hours. The final concentration of streptomycin per ml. of broth is also included in the table below.

Amount of standard solution (1,000 mcg./ml.)	Working conc./ml. (also percent conc.)	Final conc. (mcg./ml.) after addition of distilled water and broth
Ml.	*Mcg.*	*Mcg.*
6.0	60	1.8
7.0	70	2.1
8.0	80	2.4
9.0	90	2.7
10.0	100	3.0
11.0	110	3.3
12.0	120	3.6
13.0	130	3.9
14.0	140	4.2

(3) *Preparation of sample.* Dilute the sample under test with sterile distilled water to contain 100 mcg./ml. (estimated). To 2.1 ml. of the sample add 4.8 ml. sterile distilled water. Add 1.0 ml. of this dilution to each of six 14 x 124 mm. tubes. Add 9.0 ml. of the inoculated broth described in subparagraph (1) of this paragraph to each tube and place immediately in a 37° C. water bath for 4 hours. A control tube containing 1.0 ml. of distilled water and 9.0 ml. of the inoculated broth is similarly incubated. After incubation, add 4 drops of formalin to each tube, and read the light transmission in a photoelectric colorimeter, using a broad band filter having a wave length of 5,300 Ångstrom units.

(4) *Estimation of potency.* Average the light transmission readings for each concentration of the standard. Plot these values on cross section paper, employing average light transmission readings as the ordinate, and streptomycin concentration per ml. of broth as the abscissa. Prepare the standard curve by connecting successive points with a straight edge. Since the final concentration of streptomycin per ml. of broth is equivalent to the concentration per ml. of the working stock solution (see table in subparagraph (2) of this paragraph) the latter concentrations for each concentration level of the standard may be expressed as percent and substituted on the abscissa of the standard curve. If this is done the percent potency of the sample under test may be read directly from the standard curve.

(k) The potency of streptomycin salts is satisfactory, when assayed by the methods described in this section, if the immediate containers are represented to contain the equivalent of 200 milligrams or less of streptomycin base and contain 85% or more of the number of milligrams so represented; more than the equivalent of 200 milligrams of streptomycin base and contain 90% or more of the number of milligrams so represented.

§ 141.102 *Streptomycin sulphate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; sterility*—(a) *Culture medium.* Prepare fluid thioglycollate medium as described in § 141.2 (a).

(b) *Conduct of test.* Add aseptically 20 ml. of sterile distilled water to the sample under test. (This will give a concentration of approximately 50 mg. of streptomycin per ml. with the 1 gm. vial.) Transfer the equivalent of 25 mg. of this solution to 5 ml. of a sterile solution of 1:300 hydroxylamine hydrochloride adjusted to pH 6.0 with sodium hydroxide. The hydroxylamine hydrochloride is sterilized at 15 lbs. pressure (121° C.) for 20 minutes and prepared once a week. Mix thoroughly and let stand for one hour. Transfer 1.0 ml. of the inactivated streptomycin to each of four tubes containing 15 ml. of fluid thioglycollate medium. Inoculate one of these tubes with 1.0 ml. of a 1:1000 dilution of a 3 to 4 hour broth (§ 141.101 (j) (1)) culture of Klebsiella pneumoniae (P. C. I. 602) and incubate all four tubes for four days at 37° C. The inoculated tube should show growth at the end of four days; if so

and no other tube shows growth, the sample is sterile.

§ 141.103 *Streptomycin sulphate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; toxicity.* Proceed as directed in § 141.4 using as a test dose 0.5 ml. of a solution containing 2 mg./ml.

§ 141.104 *Streptomycin sulphate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; pyrogens.* Proceed as directed in § 141.3 using as a test dose 1.0 ml. per kg. of a solution containing 10 mg./ml.

§ 141.105 *Streptomycin sulphate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; histamine.* Use a healthy adult cat as the test animal. Determine weight and place under general anesthesia by employing sufficient (150 mg./kg.) sodium phenobarbital administered intraperitoneally. Surgically expose the right carotid separating it completely from all surrounding structures, including the vagus nerve, by blunt dissection and cannulate. Surgically expose the femoral vein. Start the recording kymograph and inspect the tracings for amplitude of excursion and relative stability of pressure. Determine the sensitivity of the animal by injecting into the femoral vein standard solutions of histamine made to contain the equivalent of 1.0 mcg. of histamine base per ml. Make injections at not less than 5-minute intervals using doses of 0.05, 0.1, and 0.15 mcg. of histamine base per kg. Repeat these injections, disregarding the first series of readings, until the drop given by equivalent doses of histamine is relatively uniform. The fall in blood pressure given by 0.1 mcb./kg. of histamine base (not less than 20 mm. of mercury) is subsequently employed as the standard in testing samples. The histamine standard is supplied on request. Inject 3 mg./kg. of the sample of streptomycin which has been diluted in saline to contain 3.0 mg. (estimated) of streptomycin per ml. maintaining the five-minute injection schedule. If a significant drop is encountered the dose is repeated after the animal has been retested with the standard histamine. If the animal remains reasonably stable, six to eight samples may be examined. The product is satisfactory if the fall in blood pressure obtained with 3 mg. of streptomycin per kg. of body weight is no greater than the fall obtained with 0.1 mcg. of histamine base per kg. of body weight. (Dogs may be substituted for cats in this test provided the ratio of the doses of streptomycin and histamine employed is the same.)

§ 141.106 *Streptomycin sulphate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride*—(a) *Moisture.* Proceed as directed in § 141.5 (a).

(b) *pH.* Proceed as directed in § 141.5 (b) using a solution with a concentration of 0.2 gm./ml.

(c) *Clarity.* Proceed as directed in § 141.5 (c) using an aqueous solution with a concentration of 0.2 gm./ml.

This order, which provides for tests and methods of assay of a new penicillin product, capsules buffered penicillin with pectin hydrolysate, and which includes a revision of all of the existing regulations for tests and methods of assay of penicillin-containing drugs heretofore promulgated and published in Part 141 and which also provides for tests and methods of assay of streptomycin-containing drugs, shall become effective upon publication in the FEDERAL REGISTER since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay the marketing of these drugs products.

Dated: April 1, 1947.

[SEAL] WATSON B. MILLER, *Administrator.*

[F. R. Doc. 47-3238; Filed, Apr. 3, 1947; 8:47 a. m.]

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

By virtue of the authority vested in the Federal Security Administrator by provisions of section 506 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 55 Stat. 851; 21 U. S. C., Sup. V, 356), the regulations for the certification of batches of drugs composed wholly or partly of insulin, as amended, are hereby repealed, and the following regulations substituted therefor:

Sec.
144.1 Definitions and interpretations of terms.
144.2 Requests for certification; samples; storage; approvals preliminary to certification.
144.3 Certifications.
144.4 Conditions on the effectiveness of certificates.
144.5 Packaging.
144.6 Labeling.
144.7 Distinguishing colors on packages.
144.8 Records of distribution.
144.9 Authority to refuse certification service.
144.10 Fees.
144.11 Standards of quality, and purity for protamine.
144.12 Standards of identity, strength, quality and purity for globin insulin (with zinc).
144.13 Tests and methods of assay.

AUTHORITY: §§ 144.1 to 144.13, inclusive, issued under sec. 506, 55 Stat. 851; 21 U. S. C. Sup. 356.

§ 144.1 *Definitions and interpretations of terms.* For the purpose of the regulations in this part:

(a) The term "insulin" means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(b) The term "insulin U. S. P." means the insulin injection recognized in the official United States Pharmacopoeia, including supplements thereto.

(c) The term "protamine zinc insulin" means the protamine zinc insulin injection recognized in the official United States Pharmacopoeia, including supplements thereto.

(d) The term "globin insulin (with zinc)" means the insulin preparation described in § 144.12.

(e) The term "master lot" means a quantity, which is purified and which has been mixed in one container so as to be homogeneous, of (1) a concentrated solution of insulin, or (2) the insulin-containing solids, in amorphous or crystalline form, derived from one or more such solutions.

(f) The term "batch" means a quantity of a drug, in labeled packages, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of (1) a single master lot or part thereof, or (2) a mixture of two or more master lots or parts thereof; except that such term means a portion of such quantity when certification of such portion is requested.

(g) The term "master lot mark" means an identifying mark or other identifying device assigned to a master lot by the manufacturer thereof.

(h) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer thereof.

(i) The term "Commissioner" means the Commissioner of Food and Drugs.

(j) The functions and duties of the Commissioner under the regulations in this part may be exercised by such other responsible officials of the Food and Drug Administration as the Commissioner may designate for that purpose.

(k) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

§ 144.2 *Requests for certification; samples; storage; approvals preliminary to certification.* (a) A request for certification of a batch shall be addressed to the Commissioner, Food and Drug Administration, Federal Security Agency, Washington 25, D. C. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of (1) the equipment, methods, and processes used in diluting master lots and parts thereof, and in maintaining the identity, strength, quality, and purity of master lots and dilutions

therefrom; (2) the tests and assays made on master lots and mixtures thereof, on dilutions and batches therefrom, and on ingredients used in such dilutions and batches; and (3) the laboratory facilities used in such controls. Such initial request shall also be preceded or accompanied by the keys to the master lot marks and batch marks used by such person. When any change is made in any of such facilities or controls, or in any such key, the next request for certification thereafter shall be accompanied by a full statement of such change.

(c) A person who requests certification of a batch shall submit in connection with his request statements showing:

(1) The master lot mark of each master lot used or to be used wholly or partly as an ingredient or component of an ingredient of the batch;

(2) The quantity of each such master lot so used;

(3) The original quantity of each such master lot (unless such information has been previously submitted);

(4) The quantity of the batch; and

(5) The batch mark.

(d) Except as otherwise provided in paragraphs (g) and (h) of this section, a person who requests certification of a batch shall submit in connection with his request and in the quantities hereinafter indicated, accurately representative samples of the following:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as an ingredient of the batch; in a quantity containing approximately 10,000 U. S. P. Units of insulin.

(2) A trial dilution made from such master lot or mixture, glycerine, phenol or cresol, and hydrochloric acid, which dilution conforms to the standard of identity, strength, quality, and purity for insulin U. S. P., except that it may contain either 20 U. S. P. Units or 40 U. S. P. Units of insulin per cubic centimeter; in a quantity containing approximately 2,500 U. S. P. Units of insulin.

(3) If the batch is to be protamine zinc insulin, a trial mixture which is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,500 U. S. P. Units of insulin.

(4) If the batch is to be protamine zinc insulin, the lot of protamine used as an ingredient of the trial mixture referred to in subparagraph (3) of this paragraph; in a quantity of approximately 2 grams.

(5) If the batch is to be globin insulin (with zinc), a trial mixture made from the master lot or mixture referred to in subparagraph (1) of this paragraph, globin, zinc chloride, hydrochloric acid, glycerin, and phenol or cresol, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,500 U. S. P. Units of insulin.

(6) If the batch is to be globin insulin (with zinc), the lot of globin hydrochloride from which the globin is to be prepared for use as an ingredient of the trial mixture referred to in subparagraph (5) of this paragraph; in a quantity of approximately 5 grams.

(7) The finished batch; in a quantity not less than 5 packages.

(e) Except as otherwise provided by paragraphs (g) and (h) of this section, a person who requests certification shall submit in connection with his request results of the tests and assays listed after each of the following materials, made by him on a sample of such material:

(1) The master lot or mixture, referred to in paragraph (d) (1) of this section: Ash, nitrogen, potency, reaction, sterility, and zinc, if such master lot or mixture is a solution; ash, moisture, nitrogen, potency, and zinc, if such master lot or mixture is a solid.

(2) A trial dilution from such master lot or mixture, of the potency of the trial dilution referred to in paragraph (d) (2) of this section: Ash, nitrogen, reaction, potency, and zinc.

(3) If the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (3) of this section: Nitrogen, reaction, zinc, and biological reactions (by the tests prescribed in the official United States Pharmacopoeia, including supplements thereto).

(4) If the batch is to be protamine zinc insulin, the protamine referred to in paragraph (d) (4) of this section: Moisture, nitrogen, and sulfate.

(5) If the batch is to be globin insulin (with zinc), the trial mixture referred to in paragraph (d) (5) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in § 144.13 (b) or (c)).

(6) If the batch is to be globin insulin (with zinc), the globin hydrochloride referred to in paragraph (d) (6) of this section: Moisture, nitrogen, chloride, and ash.

(7) The finished batch: Nitrogen, reaction, sterility, zinc, and if the batch is insulin U. S. P., ash.

(f) The results of tests and assays for the following shall be reported in the terms indicated:

(1) Ash (except globin hydrochloride)—milligrams per 1,000 U. S. P. Units of insulin.

(2) Ash in globin hydrochloride—percent by weight.

(3) Chloride—percent by weight as HCl.

(4) Moisture—percent by weight.

(5) Nitrogen (except in globin hydrochloride and protamine)—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(6) Nitrogen in globin hydrochloride—percent by weight calculated to a moisture-free, ash-free, chloride-free basis.

(7) Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

(8) Potency—U. S. P. Units of insulin per cubic centimeter in the case of solutions, and U. S. P. Units of insulin per milligram in the case of solids.

(9) Reaction—hydrogen ion concentration (pH).

(10) Sulfate—percent by weight, as SO_4, calculated to a moisture-free basis.

(11) Zinc—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(g) (1) No sample referred to in paragraphs (d) (1) to (6) of this section, inclusive, and no result referred to in paragraphs (e) (1) to (6) of this section, inclusive, is required if such sample or result has been submitted in connection with a previous request for certification. No sample referred to in paragraph (d) (3) of this section and no result referred to in paragraph (e) (3) of this section is required if the batch is to be protamine zinc insulin of 80-unit strength, and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (3) of this section of 40-unit strength, prepared from the same materials and in the same manner (except for adjustment of reaction of the buffer solution) as such batch of 80-unit strength is to be made. No sample, referred to in paragraph (d) (5) of this section and no result referred to in paragraph (e) (5) of this section is required if the batch is to be globin insulin (with zinc) of 80-unit strength, and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (5) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post-office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (7) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal; in no case shall any such quantity be more than 10,000 packages. The collections shall cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraphs (d) (2), (3), and (5) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which the sample was taken.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for each of the components ash, nitrogen, and zinc submitted pursuant to paragraphs (e) (1) and (2) of this section may be calculated from the result of a test therefor submitted

pursuant to either paragraph (e) (1) or (2) of this section. The result on potency required under paragraph (e) (1) of this section may be calculated from the result of an assay therefor submitted pursuant to paragraph (e) (2) of this section. The value of each of the components nitrogen and zinc, to the extent required under paragraph (e) (7) of this section, may be calculated from the result of a test therefor submitted pursuant to either paragraph (e) (3) or (5) of this section or from the result of a test of the bulk dilution from which the batch was prepared. The value for each of the components ash, nitrogen, and zinc required under paragraph (e) (7) of this section may, if the batch is insulin U. S. P., be calculated from the result of a test therefor submitted pursuant to paragraphs (e) (1) or (2) of this section or from the result of a test of the bulk dilution from which the batch was prepared. Each calculated value shall be indicated as such.

(7) The information required under paragraphs (c) (1), (2), and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section should be submitted before submission of the samples and results required in paragraphs (d) (3) to (6) of this section, inclusive, and (e) (3) to (6) of this section, inclusive; and the samples and results required under paragraph (d) (3) to (6), inclusive, and (e) (3) to (6), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (7), and (e) (7) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section should be submitted at the same time as the samples to which they relate are submitted.

(h) The person who requests certifications shall submit such information additional to that submitted pursuant to paragraphs (b), (c), (e), and (g) of this section, such additional samples of any substance referred to in paragraph (d) of this section, and such samples of any other substance used or to be used as an ingredient or as a component of an ingredient in the batch, as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements set forth by § 144.2 for the issuance of a certificate.

(i) After a sample required by paragraph (d) of this section is taken from any master lot or mixture of parts of two or more master lots, such master lot or master lots and all parts thereof, and all dilutions and batches and all parts thereof in which any such master lot is used as an ingredient or as a component of an ingredient, shall be stored at the establishment where manufactured until used up or shipped or otherwise delivered, at a temperature above freezing but not above 15° C. (59° F.), and under such other conditions as prevent, so far as practicable, any change in composition; except that master lots and parts thereof which are solids may be stored at ordinary room temperatures.

(j) As promptly as practicable after the samples submitted pursuant to paragraphs (d) (1) and (2) of this section, and any other material or information relative thereto that may be required under this section, are received by the Commissioner, he shall notify the person who submitted such samples of his approval or refusal to approve the use of the master lot or mixture for the making of bulk dilutions. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (6) of this section, inclusive, of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(l) If, under the provisions of paragraphs (j) or (k) of this section, the Commissioner has refused to approve any material for use in a subsequent operation, he shall examine no other sample required hereunder which includes such material as an ingredient or component of an ingredient, unless and until the person requesting certification makes an adequate showing that the cause for such refusal no longer exists.

§ 144.3 *Certifications.* (a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information, including results of tests and assays, and the samples, required by or pursuant to § 144.2 have been submitted and such information contains no untrue statement of a material fact;

(2) The batch complies with these regulations and conforms to the standards of identity, strength, quality, and purity for insulin U. S. P., protamine zinc insulin, or globin insulin (with zinc); the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of such certifications as are set forth in § 144.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to § 144.2, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) For the purposes of his investigations under the authority of this section, the Commissioner may accept, when he is satisfied as to the completeness and accuracy thereof the results of any tests or assays made by the control laboratory of the Insulin Committee of the University of Toronto, pursuant to a licensing agreement entered into prior to the date of enactment of Public Law 366, 77th Cong., 1st Sess. (55 Stat. 851, 21 U. S. C. Sup. V, 356).

§ 144.4 *Conditions on the effectiveness of certificates.* (a) A certificate shall not become effective:

(1) If it is obtained through fraud, or through misrepresentation or concealment of a material fact;

(2) With respect to any package unless its immediate container complies with the requirements of § 144.5 and such package has been so sealed that its contents cannot be used without destroying such package or seal; or

(3) With respect to any package unless its label and labeling bear all words, statements, and other information, and are distinguished by the color or colors, required by §§ 144.6 and 144.7.

(b) A certificate shall cease to be effective:

(1) With respect to any package of insulin U. S. P., 2 years after such package is removed from the storage required by § 144.2 (i);

(2) With respect to any package of protamine zinc insulin, 18 months after the immediate container therein was filled, but in no case shall a certificate remain effective with respect to any package more than 12 months after it is removed from the storage required by § 144.2 (i);

(3) With respect to any package of globin insulin (with zinc), 18 months after the immediate container therein was filled, but in no case shall a certificate remain effective with respect to any package more than 12 months after it is removed from the storage required by § 144.2 (i);

(4) With respect to any package, when such package or the seal thereof or the immediate container therein is broken, or when its label or labeling ceases to conform to any requirement of § 144.6 or 144.7; or

(5) With respect to any package when the drug therein so changes that it fails to meet the standards of identity, strength, quality, and purity upon the basis of which the batch was certified; except that those minor changes in potency (not exceeding 10 percent from the potency stated on the label, in the case of insulin U. S. P.) which occur before the expiration date, and which are normal and unavoidable in good storage and distribution practice, shall be disregarded.

§ 144.5 *Packaging.* Each batch shall be packaged in immediate containers of colorless transparent glass. Such containers shall be closed with a substance through which successive doses may be withdrawn by hypodermic needle without removing the closure or destroying its effectiveness. The containers and closures shall be sterile at the time the containers are filled and closed. The composition of the containers and closures shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor prescribed in applicable standards of strength, quality, and purity.

§ 144.6 *Labeling.* Each package from a batch that has been certified in accordance with the regulations in this part shall bear, on its label or labeling as hereinafter indicated, the following:

(a) On the outside wrapper or container and the immediate container of the retail package:

(1) The batch mark of such batch; and

(2) The strength of the drug in terms of U. S. P. Units of insulin per cubic centimeter.

(b) On the outside container or wrapper of the retail package:

(1) The statement "Expiration date ____", the blank being filled in with the date on which the certificate applicable to such batch expires with respect to such package, as provided in § 144.4 (b) (1), (2), or (3); and

(2) The statement "Keep in a cold place; avoid freezing".

(c) On the circular or other labeling of the retail package:

(1) A statement that the treatment of diabetes mellitus is an individual problem and that the use of the drug, the time of its administration, the number of daily doses and the quantity of each, as well as diet and exercise, are problems which require direct and continuous medical supervision;

(2) A statement explaining that the volume of the dose depends on the number of units of insulin per cubic centimeter stated on the label, and that the patient should understand the meaning of the volume markings on the syringe;

(3) A description of a practicable method for sterilizing the needle and syringe before use;

(4) A description of the technique of withdrawal from the vial and the use of an antiseptic on the stopper, and a caution against the removal of the stopper;

(5) A description of the technique for cleansing, and the use of an antiseptic on, the site of injection;

(6) A statement that failure to comply with the techniques described in subparagraphs (3), (4), and (5) of this paragraph may lead to infection of the patient;

(7) A statement that injection should be subcutaneous, at a different site from that of the preceding injection, and a caution against intravenous or intramuscular use;

(8) An explanation of hypoglycemia and its relation to over-dosage, omission of meals, illness, and infection;

(9) A statement of the significance of sugar in the urine and of the necessity of tests therefor; and

(10) A caution against use after the expiration date shown on the outside wrapper or container.

(d) On the circular or other labeling of the retail package, if the batch is insulin U. S. P. (in addition to the information required by paragraphs (a), (b), and (c) of this section), a caution against use if the drug has become viscous or if its color has become other than water clear.

(e) On the outside wrapper or container and the immediate container of the retail package, if the batch is protamine zinc insulin (in addition to the information required by paragraphs (a), (b), (c), and (e) of this section):

(1) An explanation of the difference, as compared with insulin U. S. P., in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for insulin U. S. P., except on the advice and direction of a physician;

(3) A statement that a uniform suspension of the preparation is necessary and is brought about by careful shaking before use;

(4) A caution against use when the precipitate has become lumped or granular in appearance or has formed a deposit of solid particles on the wall of the container.

(g) On the circular or other labeling of the retail package, if the batch is globin insulin (with zinc), (in addition to the information required by paragraphs (a), (b), and (c) of this section):

(1) An explanation of the difference, as compared with insulin U. S. P. and with protamine zinc insulin, in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for insulin U. S. P. or protamine zinc insulin, except on the advice and direction of the physician; and

(3) A caution against use if any turbidity or precipitate has developed in the solution.

§ 144.7 *Distinguishing colors on packages.* (a) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of insulin U. S. P. shall be distinguished by the following color:

Red, if it contains 40 U. S. P. Units of insulin per cubic centimeter;

Green, if it contains 80 U. S. P. Units of insulin per cubic centimeter;

Orange, if it contains 100 U. S. P. Units of insulin per cubic centimeter;

But if the master lot used was in crystalline form, the distinguishing colors, instead of those prescribed above, may be the following:

Red and gray, if it contains 40 U. S. P. Units of insulin per cubic centimeter;

Green and gray, if it contains 80 U. S. P. Units of insulin per cubic centimeter.

(b) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of protamine zinc insulin shall be distinguished by the following colors:

Red and white, if it contains 40 U. S. P. Units of insulin per cubic centimeter;

Green and white, if it contains 80 U. S. P. Units of insulin per cubic centimeter.

(c) The outside containers or wrappers of the packages, and the labels of the immediate containers, of each strength of globin insulin (with zinc) shall be distinguished by the following colors:

Red and brown, if it contains 40 U. S. P. Units of insulin per cubic centimeter;

Green and brown, if it contains 80 U. S. P. Units of insulin per cubic centimeter.

§ 144.8 *Records of distribution.* (a) The person to whom a certificate is issued shall keep complete records showing each shipment and other delivery (including exports) of each batch or part thereof, by the person requesting certification, and showing each such shipment and delivery into, or from any place in, any state or territory, made by any person subject to his control, including records showing the date and quantity of each such shipment and delivery and the name and post office address of the person to whom such shipment or delivery was made.

(b) Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee of the United States, acting on behalf of the Administrator, the person to whom a certificate is issued, at all reasonable hours within three years after disposal of all the batch covered by such certificate, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 144.9 *Authority to refuse certification service.* When the Administrator finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 144.8; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by such section, the Administrator may immediately suspend service to such person under the regulations in this part and may continue such suspension unless and until such person shows adequate cause why such suspension should be terminated.

§ 144.10 *Fees.* (a) Fees for the services rendered under the regulations in this part shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(b) The fees for the services rendered with respect to the samples submitted pursuant to § 144.2 (d) shall be:

(1) For each master lot or mixture of two or more master lots or parts thereof as follows:

(i) $50 if the master lot or mixture has not been previously approved by the Commissioner.

(ii) $25 if the master lot or mixture has been previously approved by the Commissioner in accordance with § 144.2 (j).

(2) For each trial dilution as follows:

(i) $50 if the results of an assay for potency of a trial dilution made by the laboratory referred to in § 144.3 (c) are submitted or are to be submitted.

(ii) The cost of the services rendered if the results referred to in subparagraph (2) (i) of this paragraph are not submitted and are not to be submitted.

(3) For each trial mixture of protamine zinc insulin as follows:

(i) $50 if the results of tests for biological reactions made by the laboratory referred to in § 144.3 (c) are submitted or are to be submitted.

(ii) The cost of the services rendered if the results referred to in subparagraph (3) (i) of this paragraph are not submitted and are not to be submitted.

(4) $50 for each lot of protamine.

(5) The cost of the services rendered for each trial mixture of globin insulin (with zinc).

(6) $50 for each lot of globin hydrochloride.

(7) $8.00 for each package in the sample of the finished batch.

Except as otherwise provided by paragraph (c) of this section, each request for certification submitted, or the initial sample or samples submitted in connection therewith pursuant to § 144.2 (d), which ever is sent first to the Commissioner, shall be accompanied by such fees as are prescribed in specific amounts for the samples submitted. When the fee is the cost of the services rendered, each sample referred to in subparagraph (2) (ii) of this paragraph shall be accompanied by an advance deposit of $1,200, each sample referred to in subparagraphs (3) (ii) and (5) of this paragraph shall be accompanied by an advance deposit of $500, and thereafter such additional advance deposits shall be made as the Commissioner estimates may be necessary to prevent arrears in the payment of such fee.

(c) A person requiring continuing certification services may maintain an advance deposit of the estimated costs of such services for a period of two months or more. Such deposits shall be debited with fees for services rendered, but shall not be debited for any fee the amount of which is not definitely specified in these regulations unless the depositor has previously requested the performance of the services to be covered by such fee. A monthly statement for each such advance deposit shall be rendered.

(d) The unearned portion of any advance deposit made pursuant to paragraph (b) or (c) of this section shall be refunded to the depositor upon his application.

(e) All advance deposits required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par, at Washington, D. C.

(f) All earned fees shall be deposited in the Treasury of the United States to the credit of Miscellaneous Receipts, Federal Security Agency.

§ 144.11 *Standards of quality and purity for protamine.* When protamine is dried to constant weight at 100° C., its total nitrogen content is not less than 22.5 percent and not more than 25.5 percent, and its sulfate content, calculated as SO_4, is not less than 16 percent and not more than 19 percent.

§ 144.12 *Standards of identity, strength, quality, and purity for globin insulin (with zinc).* Globin insulin (with zinc) is a preparation, in a hydrochloric acid medium, of insulin modified by the addition of globin and zinc chloride. The quantity of insulin used is such that each cubic centimeter of the finished product contains either 40 or 80 U. S. P. Units of insulin. The quantity of globin used (calculated as 6.0 times its nitrogen content) is not less than 3.6 milligrams and not more than 4.0 milligrams for each 100 U. S. P. Units of insulin used. The preparation also contains, for each 100 U. S. P. Units of insulin used, not less than 0.25 milligram and not more than 0.35 milligram zinc and not more than 1.50 milligrams total nitrogen. The pH of the finished preparation is not less than 3.4 and not more than 3.8. If necessary, either hydrochloric acid or sodium hydroxide may be added to attain the required pH. The finished preparation also contains not less than 1.30 and not more than 1.70 percent (w/v) glycerin, and not less than 0.15 and not more than 0.20 percent (w/v) cresol U. S. P., or not less than 0.20 and not more than 0.26 percent (w/v) phenol U. S. P. The preparation is sterile. The globin used is obtained from globin hydrochloride prepared from beef blood. The ash content of the globin hydrochloride is not more than 0.3 percent; its nitrogen content, calculated to a moisture, ash, and hydrochloric acid free basis, is not less than 16.0 percent and not more than 17.5 percent.

§ 144.13 *Tests and methods of assay.* The following tests and methods of assay are prescribed for the purposes of the regulations in this part. (All reagents specified herein shall be of U. S. P. quality or better.)

(a) *Tests and methods of assay for insulin U. S. P. and for protamine zinc insulin.* The tests and methods of assay for insulin U. S. P. and for protamine zinc insulin shall be those set forth therefor in the official United States Pharmacopoeia, including supplements thereto.

(b) *Biological reaction for globin insulin (with zinc) containing 40 U. S. P. Units of insulin per cubic centimeter.* The rate, amount, and duration of effect in lowering the blood sugar of rabbits by globin insulin (with zinc) is determined by comparing the average blood sugar concentrations at various intervals during not less than a 9-hour observation period following the administration of globin insulin (with zinc) subcutaneously into rabbits, with the average blood sugar concentrations similarly obtained by administration of globin insulin (with zinc) reference material prepared as hereinafter set forth.

(1) *Globin insulin (with zinc) reference material.* Prepare the globin insulin (with zinc) reference material to contain 40 U. S. P. units of insulin per cubic centimeter from the following component solutions (or solutions of the same proportionate composition per cubic centimeter) by adding with gentle shaking, to a suitable volume of Solution 2, accurately measured at room temperature, an equal volume of Solution 3. Test the reaction and if it is not within the limits of pH 3.4 to pH 3.8 discard and prepare a new mixture using a freshly prepared sample of Solution 3 in which the hydrogen ion concentration has been suitably adjusted. Store in a refrigerator and do not use after 6 months have elapsed from the date of preparation.

The solutions referred to above are:

Solution 1. Dissolve 0.299 gram zinc oxide in not less than 115 cubic centimeters and not more than 118 cubic centimeters of tenth-normal hydrochloric acid. Add 30 grams glycerin, 3.5 grams cresol (or 4.6 grams phenol) and sufficient distilled water to make the final volume 1,000 cubic centimeters.

Solution 2. Weigh accurately a suitable quantity of U. S. P. Zinc-Insulin Crystals Reference Standard and dissolve in such quantity of Solution 1 as to obtain a concentration of 80 U. S. P. Units of insulin per cubic centimeter. Store in a refrigerator; do not use after 3 months from the date of preparation.

Solution 3. Dissolve not less than 100 milligrams of the reference globin hydrochloride in distilled water in the proportion of 10 milligrams per cubic centimeter. To this solution add, dropwise, with gentle stirring, one-tenth of its volume of tenth-normal sodium hydroxide. Dilute with distilled water to make the final concentration equivalent to 3.36 milligrams of reference globin hydrochloride per cubic centimeter. This solution should be freshly prepared before use.

(2) *Test animal.* The test animal shall be the same as that described in the official United States Pharmacopoeia, including supplements thereto, for the assay of insulin U. S. P.

(3) *Volume of the globin insulin (with zinc) reference material to be injected.* The volume of the preparation to be injected shall be such that at a period of from 6 to 8 hours after the administration of the test material, the blood sugar is not greater than approximately 90 percent of the initial value but the volume is not so great as to cause convulsions in more than 25 percent of the animals. Do not dilute the preparations to be injected to attain the above requirements. Make injections with a micrometer syringe.

(4) *Conduct of the test and blood sugar determination.* Proceed as directed in the official United States Pharmacopoeia, including supplements thereto, for biological reaction for protamine zinc insulin, except that the samples of blood for determination of blood sugar concentrations are obtained over a period of not less than 9 hours, instead of 11 hours, after the injection.

(5) *Interpretation of data.* Subtract the average blood sugar concentration at each bleeding time for those rabbits injected with the preparation being tested from the average blood sugar concentration at the comparable bleeding time for those rabbits injected with the globin insulin (with zinc) reference material. The average blood-sugar concentrations at each bleeding time from the beginning of the test up to and including 5 hours after the injection do not differ by more than 6 milligrams per 100 cubic centimeters and at each subsequent bleeding time do not differ by more than 8 milligrams per 100 cubic centimeters. Obtain the average of the differences for all bleeding times after the injection, taking into account the sign of each difference: the value obtained does not exceed the limits of plus or minus 5.

(c) *Biological reaction of globin insulin (with zinc) containing 80 U. S. P. Units of insulin per cubic centimeter.* Globin insulin (with zinc) is tested according to the method prescribed in paragraph (b) of this section for the assay of globin insulin (with zinc) containing 40 U. S. P. Units of insulin per cubic centimeter except that the globin insulin (with zinc) reference material is so prepared as to contain 80 U. S. P. Units of insulin per cubic centimeter with zinc and globin in the same relative proportions per unit of insulin as specified for the globin insulin (with zinc) reference material in paragraph (b) of this section.

(d) *Identification of globin insulin (with zinc).* Adjust the acidity of globin insulin (with zinc) so that the pH is not less than 4.5 and not more than 5.5. A precipitate forms. Divide the sample containing the precipitate into two portions. Adjust the acidity of the first sample to a pH not less than 2.5 and not more than 3.5 and adjust the second sample to a reaction more alkaline than pH 11.0. In each case the precipitate dissolves giving a clear solution.

Inject subcutaneously into 6 rabbits, from which food has been withheld for the previous 18 to 24 hours and which weigh 1.8 to 2.2 kilograms each, a quantity of globin insulin (with zinc) which will cause convulsions in at least 3 animals. Immediately after convulsions occur in an animal, inject intravenously into that animal 5 cubic centimeters of a 50 percent aqueous solution of dextrose. The convulsion is relieved, and a majority of the animals which have shown convulsions remain alive for at least 3 days.

(e) *Sterility of globin insulin (with zinc).* Use the method described in the official United States Pharmacopoeia, including supplements thereto, for insulin U. S. P.

(f) *Chloride in globin hydrochloride*—(1) *Conduct of the test.* Weigh accurately approximately 0.5 gram of globin hydrochloride into a small beaker and dissolve in 10–15 cubic centimeters of distilled water. Add 10 cubic centimeters of tenth-normal silver nitrate, 5 cubic centimeters of nitric acid, and 5 cubic centimeters of a saturated solution of potassium permanganate. Stir and place on a steam bath for approximately one hour. If any brown color remains, stir again, rinse the sides of the beaker with distilled water and place on the steam bath until the brown color disappears. Transfer quantitatively to a 50-cubic centimeter volumetric flask and fill the flask to the mark with distilled water. Mix and filter through a dry filter paper into a dry vessel. Transfer exactly 40 cubic centimeters of the filtrate to a flask, add 2 cubic centimeters of ferric ammonium sulfate Test Solution and titrate with tenth-normal ammonium thiocyanate. To obtain the percent chloride as HCl, subtract 1.25 times the number of cubic centimeters of ammonium thiocyanate used from 10; multiply this difference by 0.365 and divide by the weight of the sample in grams.

(2) *Reagents.* The reagents used are those described in the official United States Pharmacopoeia, including supplements thereto.

(g) *Sulfate in protamine*—(1) *Conduct of test.* Weigh accurately about 10 milligrams of protamine into a small casserole or beaker, add 0.2 cubic centimeter of normal sodium hydroxide and evaporate carefully to dryness. Heat over a flame until a grayish-white ash results. Dissolve the ash in 1 cubic centimeter of tenth-normal hydrochloric acid, transfer quantitatively to a 50-cubic centimeter calibrated centrifuge tube, neutralize to litmus and make the volume to 10 cubic centimeters with distilled water.

To the neutral solution add 2 cubic centimeters of benzidine test solution, referred to in subparagraph (2) of this paragraph, and 4 cubic centimeters of 95 percent (w/v) solution of acetone in distilled water. Allow to stand for 10 minutes and centrifuge for not less than 15 minutes at approximately 3,000 revolutions per minute. Carefully remove the supernatant fluid by means of a pipette having a very small opening at the tip. Wash the precipitate twice, using 10 cubic centimeters of 95 percent acetone for each washing. Carefully remove the supernatant acetone and place the tube in a boiling water bath until the odor of acetone disappears. Suspend the precipitate with 10 cubic centimeters of distilled water, introduce 1 drop of phenolphthalein test solution U. S. P. and titrate while hot with fiftieth-normal sodium hydroxide to the first faint permanent pink, observing carefully whether all particles of the benzidine sulfate precipitate have dissolved and, if not reheating to bring the last traces into solution. Use a burette graduated in divisions of not more than 0.05 cubic centimeter so that readings can be estimated to 0.01 cubic centimeter.

Each cubic centimeter of fiftieth-normal sodium hydroxide is equivalent to 0.960 milligram of sulfate (SO_4). Calculate the results to a moisture-free basis.

(2) *Reagent.* Benzidine test solution. Dissolve 4 grams of benzidine in 45 cubic centimeters of normal hydrochloric acid and dilute to 250 cubic centimeters with distilled water. Before use, remove by filtration through ash-free filter paper any brown residue present.

(h) *Total nitrogen in globin insulin (with zinc) and globin hydrochloride.* Determine total nitrogen by the method described in the official United States Pharmacopoeia, including supplements thereto, for insulin U. S. P.

(i) *Zinc in insulin-containing solutions, in protamine zinc insulin, and in globin insulin (with zinc).* Use the method described in the official United States Pharmacopoeia, including supplements thereto, for insulin U. S. P.

(j) *Zinc in insulin-containing solids.* Dissolve 10 to 20 milligrams, accurately weighed, of insulin-containing solids in 5 to 10 cubic centimeters of distilled water containing 1 drop of five-normal hydrochloric acid, and proceed as directed in the official United States Pharmacopoeia, including supplements thereto, under the test for zinc in insulin U. S. P.

(k) The Commissioner shall, for the purposes of the tests and assays prescribed under this section, provide a suitable reference globin hydrochloride, and shall, at cost, furnish any person making written request therefor a sample thereof.

The foregoing order shall become effective on date of publication, since the public and the affected industry will benefit thereby, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find. The order is essentially a compilation of existing regulations heretofore promulgated and published in this part except that standards and tests and methods of assay for protamine zinc insulin, which appear in the latest official United States Pharmacopoeia and thus are unnecessary in these regulations, have been deleted. Some revision has been made in the reaction test for globin insulin (with zinc). These changes, as well as the original regulations and previous amendments, all of which appear in this compilation, were drawn in collaboration with the affected industry for whose convenience the compilation has been prepared.

Dated: March 31, 1947.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 47-3237; Filed, Apr. 3, 1947; 8:47 a. m.]

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN OR STREPTOMYCIN-CONTAINING DRUGS

By virtue of the authority vested in the Federal Security Administrator by the provisions of sections 507 and 701 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong., 1st Sess.; 21 U. S. C. 371 (a); 21 U. S. C. Sup. 357) the regulations for the certification of batches of penicillin-containing drugs (11 F. R. 12136), as amended, are hereby repealed and the following regulations for the certification of penicillin-containing drugs and streptomycin-containing drugs are substituted therefor:

DEFINITIONS

Sec.
146.1 Definitions and interpretations.

GENERAL PROVISIONS

146.2 Requests for working standard and certification; information and samples required.
146.3 Certification.

Sec.
146.4 Conditions on the effectiveness of certificates.
146.5 Records of distribution.
146.6 Authority to refuse certification service.
146.7 New penicillin products.
146.8 Fees.
146.18 Exemptions for labeling.
146.19 Exemptions for storage.
146.20 Exemptions for processing.
146.21 Exemptions for repacking.
146.22 Exemptions for manufacturing use.
146.23 Exemptions for investigational use.
146.24 Sodium penicillin, calcium penicillin, potassium penicillin.
146.25 Penicillin in oil and wax.
146.26 Penicillin ointment.
146.27 Tablets buffered penicillin.
146.29 Penicillin with aluminum hydroxide gel.
146.30 Penicillin troches.
146.31 Penicillin dental cones.
146.32 Penicillin with vasoconstrictor.
146.33 Penicillin for surface application.
146.34 Tablets alum precipitated penicillin.
146.35 Penicillin sulfonamide powder.
146.36 Penicillin vaginal suppositories.
146.37 Buffered crystalline penicillin.
146.38 Capsules buffered penicillin with pectin hydrolysate.
146.101 Streptomycin sulphate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride.

AUTHORITY: §§ 146.1 to 146.101, inclusive, issued under secs. 507, 701 (a), 52 Stat. 1040, as amended by 59 Stat. 463, Pub. Law 16, 80th Cong.; 21 U. S. C. and Sup., 357, 371 (a).

DEFINITIONS

§ 146.1 *Definitions and interpretations.* For the purpose of the regulations in this part:

(a) Each of the several antibiotic substances (e. g. penicillin F, penicillin G, penicillin X) produced by the growth of Penicillium notatum or Penicillium chrysogenum, and each of the same substances produced by any other means, is a kind of penicillin.

Whenever the term "penicillin" appears in the regulations in this part it means sodium penicillin, calcium penicillin, or potassium penicillin, or any combination of two or all of these, unless otherwise specified.

(b) Each of the several antibiotic substances produced by the growth of Streptomyces griseus and each of the same substances produced by any other means, is a kind of streptomycin.

Wherever the term 'streptomycin" appears in the regulations in this part it means streptomycin sulphate, streptomycin hydrochloride, streptomycin phosphate, or streptomycin trihydrochloride calcium chloride, or any combination of two or all of these, unless otherwise specified.

(c) The term "penicillin master standard" means a specific lot of crystalline sodium penicillin G (sodium penicillin II) which is designated by the Commissioner as the standard of comparison in determining the potency of the penicillin working standard.

(d) The term "streptomycin master standard" means a specific lot of crystalline trihydrochloride calcium chloride salt of streptomycin which is designated by the Commissioner as the standard of comparison in determining the potency of the streptomycin working standard.

(e) The term "unit" means a penicillin activity contained in 0.6 microgram of the penicillin master standard; the term "penicillin potency" means the number of such units in a specified quantity of a substance.

(f) The term "microgram" means the streptomycin activity (potency) contained in 1.3 micrograms of the streptomycin master standard.

(g) The term "penicillin working standard" means a specific lot of a homogeneous preparation of one or more penicillin salts; the term "streptomycin working standard" means a specific lot of a homogeneous preparation of one or more streptomycin salts; the potency of each preparation has been determined by comparison with its master standard and each has been designated by the Commissioner as working standards for use in determining the potency of drugs subject to the regulations in this part.

(h) The term "batch" means a specific homogeneous quantity of a drug.

(i) The term "batch mark" means an identifying mark or other identifying device asigned to a batch by the manufacturer or packer thereof.

(j) The term "Commissioner" means the Commissioner of Food and Drugs and any other officer of the Food and Drug Administration whom he may designate to act in his behalf for the purposes of the regulations in this part.

(k) The term "U. S. P." means the official Pharmacopoeia of the United States, including supplements thereto. The term "N. F." means the official National Formulary, including supplements thereto.

(l) The term "manufacture" does not include the use of a drug as an ingredient in compounding any prescription issued in his professional practice by a physician, dentist, or veterinarian licensed by law to administer or apply such drug.

(m) All statements, samples, and other information and materials submitted in connection with a request for certification shall be considered to be a part of such request.

(n) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

(o) Except as specifically provided by §§ 146.8 to 146.23, inclusive, no provision of any section in this part shall be construed as exempting any drug from any applicable provision of the act or other regulation thereunder.

(p) The regulation in Part 141 of this chapter prescribing tests and methods and methods of assays shall not be construed as preventing the Commissioner from using any other test or method of assay in his investigations to determine whether or not:

(1) A request for certification contains any untrue statement of a material fact; or

(2) A certificate has been obtained through fraud, or through misrepresentation or concealment of a material fact.

GENERAL PROVISIONS

§ 146.2 *Requests for working standards and certification; information and samples required.* (a) A request for certification of a batch shall be addressed to the Commissioner and shall be in a form specified by him. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification of a batch of any drug submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of (1) the methods and processes used in the manufacture of the drug; (2) the tests and assays of the drug made during the manufacture of the batch and after it is packaged; and (3) the laboratory facilities used in such controls.

Such initial request shall also be preceded or accompanied by the key of the batch marks used by such person and by specimens of all labeling (including specimens of all brochures and other printed matter except readily available medical publications, referred to in such labeling) to be used for such drug. When any change is made in any such facility or control, or in any such key or labeling, such person shall promptly submit to the Commissioner a full statement of such change or, in the case of changed labeling, specimens showing all such changes.

(c) Each sample submitted pursuant to the regulations in this part shall be addressed to the Commissioner. Its package shall be clearly identified as to its contents and shall bear the name and post-office address of the person submitting it.

(d) In addition to the information and samples specifically required to be submitted to the Commissioner by the regulations in this part, the person who requests certification of a batch shall submit such further information and samples as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate.

(e) Upon the request of any person, stating reasonable grounds therefor, the Commissioner shall furnish such person with a portion of the working standards.

§ 146.3 *Certification.* (a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and samples required by or pursuant to the regulations in this part have been submitted, and the request for certification contains no untrue statement of a material fact; and

(2) The batch complies with the regulations in this part and conforms to the applicable standards of identity, strength, quality, and purity prescribed by the regulations in this part; the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of certificates as are prescribed by § 146.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to the regulations in this part, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) Compliance of a drug with the standards of identity, strength, quality, and purity prescribed by regulations in this part shall be determined by the tests and methods of assay prescribed for such drug by regulations in Part 141 of this chapter.

§ 146.4 *Conditions on the effectiveness of certificates.* (a) A certificate shall not become effective:

(1) If it is obtained through fraud or through misrepresentation or concealment of a material fact;

(2) With respect to any package unless in complies with the packaging requirements, if any, prescribed by the regulations in this part which were in effect on the date of the certificate;

(3) With respect to any package unless its label and labeling bear all words, statements, and other information required by the regulations in this part; or

(4) With respect to any package of penicillin or streptomycin when it is included in a packaged combination with another drug, unless such other drug complies with the requirements of the regulations in this part.

(b) A certificate shall cease to be effective:

(1) With respect to any immediate container after the expiration date, if any, prescribed by the regulations in this part;

(2) With respect to any immediate container when it or its seal (if the regulations in this part require it to be sealed) is broken, or when its label or labeling ceases to conform to any labeling requirement prescribed by the regulations in this part, except that:

(i) If the drug in such container is repacked or used as an ingredient in the manufacture of another drug, and certification of the batch thus made is requested, such certificate shall continue to be effective for a reasonable time to permit certification or destruction of such batch; or

(ii) If the drug is in a container packaged for dispensing and is used in compounding a prescription issued in his professional practice by a physician, dentist, or veterinarian licensed by law to administer or apply drugs, such certificate shall continue to be effective for a reasonable time to permit the delivery of the drug compounded on such prescription;

(3) With respect to any immediate container of penicillin when it is included in the packaged combination penicillin with aluminum hydroxide gel or a vasoconstrictor, except that when certification of the batch so included is requested such certificate shall continue to be effective for a reasonable time to permit certification of such batch which is a part of such combination;

(4) With respect to any package when the drug therein fails to meet the standards of identity, strength, quality, and purity which were in effect on the date of the certificate; except that those minor changes which occur before the expiration date and which are normal and unavoidable in good storage and distribution practice shall be disregarded;

(5) With respect to any package of penicillin or streptomycin included in a packaged combination with another drug, when such other drug fails to meet the requirements of the regulations in this part; or

(6) With respect to any immediate container, if such regulations require its labeling to bear a caution against dispensing otherwise than on prescription, at the beginning of the act of dispensing or offering to dispense it otherwise than:

(i) By physician, dentist, or veterinarian, in his professional practice, who is licensed by law to administer drugs; or

(ii) On his prescription issued in his professional practice.

§ 146.5 *Records of distribution.* (a) The person who requested certification shall keep complete records showing each shipment and other delivery (including exports) of each certified batch or part thereof by such person or by any person subject to his control. Such records shall show the date and quantity of each such shipment or delivery and the name and post-office address of the person to whom such shipment or delivery was made, and shall be kept for not less than three years after such date.

(b) Upon the request of any officer or employee of the Food and Drug Administration, or of any other officer or employee of the United States acting on behalf of the Administrator, the person to whom a certificate is issued shall at all reasonable hours make such records available to any such officer or employee and shall accord to him full opporunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 146.6 *Authority to refuse certification service.* When the Administrator finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 146.5; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by § 146.5, and such failure may materially impair the certification service; the Administrator will immediately suspend service to such person under the regulations in this part and will continue such suspension unless and until such person shows adequate cause why such service should be resumed.

§ 146.7 *New penicillin or streptomycin products.* Any request that the Administrator provide for the certification of batches of a drug for which no provision for certification is made in the existing regulations in this part shall be in form specified by the Commissioner and shall be accompanied by:

(a) A statement of the conditions for which the person who makes such request intends such drug to be used, and adequate directions for use in each such condition;

(b) Full reports of investigations which have been made to show whether or not such drug is safe and efficacious for use in such conditions;

(c) A full list of the articles used as components of such drug;

(d) A full statement of the composition of such drug;

(e) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug;

(f) A full description of, or references to publications containing practical and accurate tests and methods of assay to determine the identity, strength, quality, and purity of such drug;

(g) Such samples of such drug and of the articles used as components thereof as the Commissioner may require; and

(h) Specimens of all labeling (including all brochures and other printed matter, except readily available medical publications, referred to in such labeling) proposed to be used for such drug.

§ 146.8 *Fees.* (a) Fees for the services rendered under the regulations in this part shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this part, is the fee prescribed in the section relating specifically to such drug, except that; in case of a supplemental request submitted pursuant to the provisions of § 146.18, the fee shall be $2.00.

(c) When the Commissioner considers it necessary to make investigations of a new penicillin or streptomycin product, on which a request has been submitted in accordance with § 146.7, the fee for such service shall be the cost thereof. In such case the request shall be followed by an advance deposit in such amount as the Commissioner specifies, and thereafter such additional advance deposits shall be made as the Commissioner estimates may be necessary to prevent arrears in the payment of such fee.

(d) A person requiring continuing certification services may maintain an advance deposit of the estimated cost of such services for a two-month period. Such deposit shall be debited with fees for services rendered, but shall not be debited for any fee the amount of which is not definitely specified in the regulations in this part unless the depositor has previously requested the performance of the services to be covered by such fee. A monthly statement for each such advance deposit shall be rendered.

(e) The unearned portion of any advance deposit shall be refunded to the depositor upon his application.

(f) All deposits and fees required by the regulations in this part shall be paid

by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par, at Washington, D. C.

(g) All earned fees shall be deposited in the Treasury of the United States to the credit of Miscellaneous Receipts, Federal Security Agency.

NOTE: Sections 146.9 to 146.17, inclusive, reserved for future provisions.

§ 146.18 *Exemptions for labeling.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be labeled at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from the requirements of section 502 (l) of the act if the labeling of each shipping container bears the batch mark of the drug and the number of units per package, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for labeling in such establishment.

(b) (1) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the establishment in which such labeling is to be done.

(2) In case the applicant is the operator of such establishment, the application shall include a written agreement signed by him that he will request certification of each batch from which any shipment or delivery is made to such establishment unless it is exempt under section 801 (d) of the act or § 146.23; that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt, or if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each such shipment and delivery and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition; and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

(3) In case the applicant is not the operator of such establishment such application shall include or be accompanied by:

(i) A written agreement signed by the applicant that he will request certification of each batch from which any shipment or delivery is made to such establishment unless it is exempt under section 801 (d) of the act or § 146.23; that he will keep complete records showing the date, quantity, and batch mark of each such shipment and delivery; and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery; and

(ii) A written agreement signed by the operator of such establishment that he will submit a request, supplemental to that of the applicant, for the certification of each batch or portion thereof comprised in any such shipment or delivery received by him unless it is exempt under section 801 (d) of the act or § 146.23; that he will specify in his request the number of packages of each size in such shipment or delivery, the date of delivery, the batch mark thereof, and the batch mark he will use therefor; that the batch marks to be used (if different from those of the applicant) will be only those of which the key is specified in this agreement; that the labeling to be used for such packages will be only that of which specimens are attached to this agreement (including specimens of all brochures and other printed matter, except readily available medical publications, referred to in such labeling); that when any change is made in such key or labeling he will promptly submit to the Commissioner a full statement of such change or, in the case of changed labeling, specimens showing all such changes; that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.23 or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records of the disposition of each such shipment and delivery; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition; and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

(4) When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.23 or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or § 146.23 or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 146.19 *Exemptions for storage.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be stored at a warehouse located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such warehouse, from the requirements of section 502 (l) of the act if the labeling of each shipping container bears the batch mark of the drug, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for storage in such warehouse.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the warehouse in which such drug is to be stored. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.18, 146.21, or 146.22, that he will not remove any of such drug from such warehouse unless it complies with section 502 (l) of the act or is so exempt or, if certification is refused unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such warehouse, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery; and

(2) A written statement signed by the operator of such warehouse showing that he has adequate facilities for such storage; such statement shall contain an agreement that he will hold each shipment or other delivery of such drug intact, under such conditions as will not cause failure of the drug to comply with the requirements for certification, that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

If the applicant keeps complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug from such warehouse and the name and post-office address of the person to whom such shipment or delivery was made, the agreement to keep records of such disposals, to make such records available, and to afford opportunity for checking their correctness may be included in the applicant's agreement and omitted from that of the operator.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such warehouse, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.21, or 146.22, or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such warehouse, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.21, or 146.22, or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed, or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 146.20 *Exemptions for processing.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of penicillin or streptomycin in concentrated aqueous solution which is to be processed at an establishment located elsewhere than at the place of manufacture, shall be exempt during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502 (l) of the act if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for processing in such establishment, and each

after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

If the applicant keeps complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug from such warehouse and the name and post-office address of the person to whom such shipment or delivery was made, the agreement to keep records of such disposals, to make such records available, and to afford opportunity for checking their correctness may be included in the applicant's agreement and omitted from that of the operator.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such warehouse, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.21, or 146.22, or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such warehouse, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.21, or 146.22, or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed, or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 146.20 *Exemptions for processing.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of penicillin or streptomycin in concentrated aqueous solution which is to be processed at an establishment located elsewhere than at the place of manufacture, shall be exempt during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502 (l) of the act if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for processing in such establishment, and each package of such solution bears the batch mark of the drug.

(b) An application for such a permit shall be in a form specified by the Commissioner and shall give the name and location of the establishment in which such processing is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, potency, and batch mark of each shipment and other delivery of any such solution to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for such processing; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the processing is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.18, 146.19, 146.21, 146.22, or 146.23, and that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after processing, from such establishment unless the batch made from such shipment or delivery complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.19, 146.21, 146.22, or 146.23, or, if certification has been refused, unless such shipment or delivery is reprocessed and certified or destroyed within a reasonable time.

§ 146.21 *Exemptions for repacking.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be repacked at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502 (l) of the act if the labeling of each container bears the batch mark of the drug and the number of units per package, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for repacking in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the establishment in which such repacking is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of each shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for such repacking; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the repacking is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.18, 146.19, or 146.23, and that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt or is returned to him for labeling or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such

exemption at the establishment where it was manufactured.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after repacking, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.19, or 146.23 or is returned to such person for labeling or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after repacking, from such establishment unless such batch complies with section 502 (l) of the act or is exempt under section 801 (d) of the act or §§ 146.18, 146.19, or 146.23 or is returned to such person for labeling or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

§ 146.22 *Exemptions for manufacturing use.* (a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of penicillin or streptomycin which is packed in containers of not less than ten million units of penicillin or 10 grams of streptomycin each shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in the establishment where it is so used, from the requirements of section 502 (l) of the act if it conforms to the standards prescribed therefor by the section of the regulations in this part which is specifically applicable to such other drug, if the label of each container bears the batch mark of the drug, the number of units or grams per package, and the date on which the latest assay of the drug was completed, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for manufacturing use in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, shall give the name and location of the establishment in which such drug is to be used and shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for the manufacture of such other drug; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof and showing the quantity and batch mark of each batch of such other drug manufactured by him and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after its manufacture is completed that he will request certification of each batch thereof unless it is exempt under section 801 (d) of the act or §§ 146.18, 146.19, 146.21, or 146.23, and that he will not remove any of such drug from such establishment unless it complies with section 502 (l) of the act or is so exempt or is returned to him for labeling.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void ab initio at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such establishment, prior to its use in the manufacture of another drug, unless it is exempt under section 801 (d) of the act.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such establishment, prior to its use in the manufacture of another drug, unless it is exempt under section 801 (d) of the act.

§ 146.23 *Exemptions for investigational use.* (a) A shipment or other delivery of a drug shall be exempt from section 502 (l) of the act if all of the following requirements are complied with:

(1) The label of such drug bears the batch mark and the statement "Caution—Limited by Federal Law to investigational use only."

(2) Such shipment or delivery is made only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety or efficacy of such drug.

(3) The person who introduced such shipment or delivery into interstate commerce keeps complete records showing the date, quantity, and batch mark of each such shipment and delivery.

(4) Such person, prior to making such shipment or delivery, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation. Such person shall keep such statement.

(5) Such person makes all documents referred to in subparagraphs (3) and (4) of this paragraph available to any officer or employee of the Food and Drug Administration at any reasonable hour within three years after the date of such shipment or delivery.

(b) An exemption of a shipment or other delivery of a drug under paragraph (a) of this section shall become void ab initio if:

(1) The person who introduced such shipment or delivery into interstate commerce fails to keep any document required to be kept by paragraph (a) of this section; or

(2) Such person fails to make any such document available for inspection as required by paragraph (a) of this section.

(c) An exemption of a shipment or other delivery of a drug under paragraph (a) of this section shall expire upon the use of any part of such shipment or delivery other than in accordance with the signed statement referred to in subparagraph (4) of paragraph (a) of this section.

§ 146.24 *Sodium penicillin (penicillin sodium, penicillin sodium salt), calcium penicillin (penicillin calcium, penicillin calcium salt), crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt)*—(a) *Standards of identity, strength, quality, and purity.* Sodium penicillin is the sodium salt of a kind of penicillin, or a mixture of two or more such salts; calcium penicillin is the calcium salt of a kind of penicillin, or a mixture of two or more such salts; crystalline penicillin is the heat stable crystalline sodium or potassium salt of one or more kinds of penicillin, but the quantity of any salt of penicillin K therein is not more than 30 percent; crystalline penicillin G is crystalline penicillin which contains not less than 90 percent of the sodium salt or potassium salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 500 units per milligram, except that:

(i) If it contains not less than 90 percent of a salt of penicillin X its potency is not less than 350 units per milligram;

(ii) If it is crystalline penicillin G sodium its potency is not less than 1500 units per milligram; and

(iii) If it is crystalline penicillin G potassium its potency is not less than 1435 units per milligram;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic;

(5) Its moisture content is not more than 2.5 percent unless it is crystalline penicillin in which case its moisture content is not more than 1.5 percent;

(6) Its pH in aqueous solution of 5,000 to 10,000 units per milliliter is not less than 5.0 and not more than 7.5;

(7) Its solution in water for injection U. S. P., dextrose injection 5 percent U. S. P., or physiological salt solution U. S. P., prepared by adding 5,000 to 10,000 units per milliliter, is of such clarity that it is substantially free of any turbidity or undissolved material.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing it shall be in immediate containers of colorless transparent glass which meet the test for glass containers of type I or type II prescribed by the U. S. P., closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain 100,000 units, 200,000 units, 500,000 units, 1,000,000 units or 5,000,000 units, except that when packaged and labeled solely for dental use each such container may contain 10,000 units or 20,000 units, and each may be packaged in combination with a container of the solvent, water for injection U. S. P., dextrose injection 5 percent U. S. P. (if not packaged for dental use), or physiological salt solution U. S. P.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) The statement "Expiration date --------", the blank being filled in with the date which is 18 months or if it is crystalline penicillin 36 months, after the month during which the batch was certified; and

(iv) The statement "For Manufacturing Use", "For Repacking", or "For Manufacturing Use or Repacking" when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the outside wrapper or container if it is not crystalline penicillin the statement "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)".

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration, including method of preparation and strength of solutions for different routes of injection and local application;

(iii) The conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions and if it is crystalline penicillin the statement "Sterile solution may be kept in refrigerator for three days without significant loss of potency," and if it is not crystalline penicillin the statement "Sterile solution may be kept in refrigerator for one week without significant loss of potency";

(iv) Contraindications; and

(v) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, clarity, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G. If such batch or any part thereof is to be packaged with a solvent such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing such person shall submit with his request a sample consisting of one immediate container for each 5,000 immediate containers in such batch, but in no case shall such sample consist of less than six or more than 13 immediate containers, unless:

(i) It is crystalline penicillin, other than crystalline penicillin G, then not less than 8 and not more than 15 immediate containers;

(ii) It is crystalline penicillin G, then not less than 10 and not more than 17 immediate containers;

(iii) It is packaged in containers of 10,000 units or 20,000 units for dental use, then not less than 20 and not more than 100 immediate containers if it is not crystalline penicillin and not less than 40 and not more than 100 immediate containers if it is crystalline penicillin. Such sample shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request a sample containing 6, or in the case of crystalline penicillin 10, approximately equal portions of at least 40 milligrams each taken from different parts of such batch; each such portion shall be packaged in a separate container, and in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repacked batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraphs (d) (2), (3), and (4) of this section, except if packaged in containers of 10,000 units or 20,000 units each for dental use, $1.00 for each immediate container; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.25 *Penicillin in oil and wax (calcium penicillin in oil and wax, crystalline penicillin in oil and wax)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin in oil and wax is a suspension of calcium penicillin or crystalline penicillin in a menstruum of refined peanut oil or sesame oil in which white wax is dispersed. Its potency is 100,000 units, 200,000 units, or 300,000 units per milliliter except if it

is packaged and labeled solely for udder instillations of cattle its potency is 2,000 units per milliliter. The content of white wax in the menstruum before the addition of the penicillin is not less than 3.0 percent (w/v) if the potency is to be not more than 200,000 units per milliliter, and not less than 4.7 or more than 4.9 percent (w/v) if the potency is to be 300,000 units per milliliter. Its moisture content is not more than 1.0 percent. It is sterile. The calcium penicillin or crystalline penicillin used conforms to the requirements of § 146.24 (a) except subparagraph (7), but its potency is not less than 750 units per milligram if it is used in making a product of not more than 200,000 units per milliliter, and not less than 900 units per milligram if it is used in making a product containing 300,000 units per milliliter. The sesame oil used conforms to the standards prescribed therefor by the N. F. The white wax used conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* The immediate container of penicillin in oil and wax shall be of colorless transparent glass (unless it is packaged and labeled solely for udder instillations of cattle) so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The quantity of penicillin in oil and wax in each such container shall be such that as much as one milliliter but not more than 20 milliliters may be withdrawn therefrom, unless it is packaged for repacking or is packaged and labeled solely for udder instillations of cattle.

(c) *Labeling.* Each package of penicillin in oil and wax shall bear, on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark;

(ii) The number of units per milliliter of the batch;

(iii) The statement "Expiration date ---------" the blank being filled in, if crystalline penicillin is used, with the date which is 18 months, or if crystalline penicillin is not used, with the date which is 12 months after the month during which the batch was certified;

(iv) The statement "For intramuscular or subcutaneous use only"; and

(v) If it is represented to contain 2,000 units per milliliter, the statement "For udder instillations of cattle only".

(2) On the circular or other labeling within or attached to the package, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration, including site of injection;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration, including sensitization.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin in oil and wax shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the peanut oil or sesame oil and white wax used in making such batch conform to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture.

(ii) The penicillin used in making the batch; potency, sterility, toxicity, pyrogens, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 500 packages in the batch, but in no case less than three packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch; six packages if it is calcium penicillin or 10 packages if it is crystalline penicillin, containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, the peanut oil or sesame oil and white wax used in making the batch; one package of each containing, respectively approximately 250 grams and 25 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin in oil and wax under the regulations in this part shall be:

(1) $8.00 for each package submitted in accordance with paragraph (d) (3) (i), $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.26 *Penicillin ointment (calcium penicillin ointment, penicillin ointment calcium salt)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin ointment is calcium penicillin in an ointment base composed of wool fat, petrolatum, or white petrolatum, or any mixture of two or all of these, with or without liquid petrolatum, white wax, yellow wax, cottonseed oil, or peanut oil, oxycholesterin derivatives from wool fat, or any mixture of two or all of these. Its moisture content is not more than 1.0 percent. Its potency is not less than 250 units per gram. Its content of viable microorganisms is not more than 50 per gram. The penicillin used conforms to the requirements of § 146.24 (a) except the limitation on penicillin K content and except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. The peanut oil is refined; each other component of the ointment base conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* Penicillin ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and shall not be larger than the one-eight-ounce size if such ointment is represented for ophthalmic use and in no case larger than the two-ounce size. The composition of the tubes and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin ointment shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units per gram of the batch; and

(iii) The statement "Expiration date ---------," the blank being filled in with the date which is nine months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.);"

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ---------," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words as the case may be; and

(iii) Unless the drug is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such ointment; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such ointment, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, moisture, microorganism count.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than five packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch; five packages containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, the ingredients used in making the ointment base of the batch; one package of each containing approximately 200 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin ointment under the regulations in this part shall be:

(1) $8.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with §146.8 (d).

§ 146.27 *Tablets buffered penicillin (tablets buffered penicillin sodium, tablets buffered penicillin calcium, tablets buffered penicillin potassium, tablets buffered penicillin sodium salt, tablets buffered penicillin calcium salt, tablets buffered penicillin potassium salt)*—(a) *Standards of identity, strength, quality, and purity.* Tablets buffered penicillin is penicillin and one or more of the buffer substances sodium citrate, sodium benzoate, citric acid, aluminum hydroxide, calcium carbonate, magnesium oxide, aluminum dihydroxyamino acetate, and sodium salts of fatty acids if in quantities sufficient to exert a buffering action. It is tableted with or without the addition of one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 50,000 units and if it is less than 100,000 units it is "unscored"; its moisture content is not more than 1.0 percent. The penicillin used conforms to the standards prescribed therefor by §146.24 (a), except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. Each other substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet buffered penicillin is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the content beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The number of tablets in the immediate container is such that the total number of units therein is not less than 300,000.

(c) *Labeling.* Each package of tablets buffered penicillin shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The name of each buffer substance used in making the batch; and

(iv) The statement "Expiration date ------", the blank being filled in, if crystalline penicillin is used, with the date which is 18 months, or if crystalline penicillin is not used, with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ---------", the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words, as the case may be.

(ii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such tablets buffered penicillin, or a reference to a brochure, or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such tablets, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration, including those from any buffer substance present.

If two or more such immediate containers are in such package the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of tablets buffered penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed and a statement that each ingredient used in

making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet, average moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The penicillin used in making the batch; six packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, each buffer substance, diluent, binder, lubricant, coloring, and flavoring used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of tablets buffered penicillin under the regulations in this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section. $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.29 *Penicillin with aluminum hydroxide gel*—(a) *Standards of identity, strength, quality, and purity.* Penicillin with aluminum hydroxide gel is a packaged combination of one immediate container of penicillin and one immediate container of aluminum hydroxide gel. Such penicillin conforms to the standards prescribed therefor by § 146.24 (a), except subparagraphs (1), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. Such aluminum hydroxide gel conforms to the standards prescribed therefor by the U. S. P., but contains not more than 50 viable microorganisms per milliliter.

(b) *Packaging.* The immediate container of the penicillin shall conform to the packaging requirements set forth in § 146.24 (b), except that it shall contain not less than 300,000 units and its closure may be one through which a hypodermic needle cannot be introduced. The immediate container of the aluminum hydroxide gel shall be a tight container as defined by the U. S. P.; the quantity therein shall be 30 milliliters for each 100,000 units in the immediate container of penicillin.

(c) *Labeling.* Each package of penicillin with aluminum hydroxide gel shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and on the immediate container of the penicillin:

(i) The batch mark;

(ii) The number of units in such container; and

(iii) The statement "Expiration date --------", the blank being filled in with the date which is 18 months after the month during which the batch was certified, unless it is crystalline penicillin, in which case the blank is filled in with the date which is 36 months after the month during which the batch was certified.

(2) On the immediate container of the penicillin, the statement "Warning—Not for injection", unless it conforms to the standards and packaging requirements prescribed therefor by § 146.24 (a) and (b), except that the immediate container may contain 300,000 units.

(3) On the outside wrapper or container of the package, the statements:

(i) "Caution: To be dispensed only by or on the prescription of a ", the blank being filled in with the word "physician" or "dentist" or both as the case may be; and

(ii) "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)", unless it is crystalline penicillin in which case the storage statement may be omitted.

(4) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such combination, including:

(i) Clinical indications;

(ii) Dosage and administration, including methods of mixing the penicillin with the aluminum hydroxide gel;

(iii) The conditions under which the mixture should be stored, including a reference to its instability when stored under other conditions and the statement "The mixture may be kept in refrigerator for one week without significant loss of potency";

(iv) Contraindications; and

(v) Untoward effects that may accompany administration.

(d) *Requests for certification; samples.* (1) In addition to complying with requirements of § 146.2, a person who requests certification of a batch of penicillin for inclusion in such combination shall submit with his request a statement showing the batch mark of the penicillin, the number of packages thereof in such batch, the number of units in the immediate container thereof, and (unless it was previously submitted) the date on which the latest assay of the penicillin included in such combination was completed, and a statement that the aluminum hydroxide gel conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays made by him on an accurately representative sample of the penicillin for potency, sterility, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(3) If the penicillin has not been certified previously, such person shall submit in connection with his request a sample of the batch consisting of one package for each 5,000 packages in the batch, but in no case less than six or more than 13 packages except that in the case of crystalline penicillin other than crystalline penicillin G such sample shall consist of not less than eight and not more than 15 packages, and in the case of crystalline penicillin G not less than 10 and not more than 17 packages. Such sample shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(4) No result referred to in subparagraph (2) of this paragraph is required if such result has been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch of penicillin for inclusion in combination with aluminum hydroxide gel under the regulations of this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) of this section, or $2.00 if no such sample is submitted, and

(2) If the Commissioner considers that investigations, other than examination of such containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.30 *Penicillin troches (sodium penicillin troches, calcium penicillin troches, potassium penicillin troches, penicillin troches sodium salt, penicillin troches calcium salt, penicillin troches potassium salt)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin troches are troches composed of penicillin and one or more suitable and harmless diluents, binders, and lubricants, with or without one or more suitable and harmless masticatory substances, colorings, and flavorings. The potency of each troche is not less than 500 units; the moisture content is not more than 1.0 percent. The penicillin used conforms to the requirements of § 146.24 (a) except the limitation on penicillin K content and except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but the potency is not less than 300 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each penicillin troche is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the troches by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin troches shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each troche of the batch; and

(iii) The statement "Expiration date ----," the blank being filled in with the date which is nine months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)";

(ii) The statement "Caution: To be dispensed only by or on the prescription of a ----," the blank being filled in with the word "physician" or "dentist" or both, as the case may be; and

(iii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such troches; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) On the label and labeling if a masticatory substance is present, whenever the name penicillin troches appears, the word "chewing" or "masticatory" in juxtaposition with such name.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin troches shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each troche, the quantity of each ingredient used in making the batch, the date on which the latest assay of the troches comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per troche, average moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one troche for each 5,000 troches in the batch, but in no case less than 20 troches or more than 100 troches, collected by taking single troches at such intervals throughout the entire time the troches are being made, that the quantities made during the intervals are approximately equal.

(ii) The penicillin used in making the batch; five packages, or in the case of crystalline penicillin 10 packages of each containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the service rendered with respect to each batch of penicillin troches under the regulations in this part shall be:

(1) $1.00 for each troche without masticatory substance in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $2.00 for each troche with masticatory substance in such sample. $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such troches, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.31 *Penicillin dental cones (calcium penicillin dental cones, penicillin dental cones calcium salt)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin dental cones are composed of calcium penicillin and one or more suitable and harmless diluents, binders, and lubricants, with or without one or both of the sulfonamides, sulfanilamide and sulfathiazole. The potency of each cone is not less than 500 units; the moisture content is not more than 1.0 percent; the content of viable microorganisms is not more than 50 per gram. If a sulfonamide is used its quantity is not less than 0.032 gram per cone. The penicillin used conforms to the requirements of § 146.24 (a) except the limitation on penicillin K content and except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. Each diluent, binder, lubricant, and sulfonamide used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each penicillin dental cone is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the cones by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin dental cones shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container;

(i) The batch mark;

(ii) The number of units in each cone of the batch;

(iii) The statement "Expiration date ----," the blank being filled in with the date which is 18 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)";

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled the statement "Cauton: To be dispensed only by or on the prescription of a ----", the blank being filled in with the words "physician" or "dentist" or

"veterinarian" or of any combination of two or all of these words, as the case may be; and

(iii) Unless the drug is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such cones; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) On the label and labeling if a sulfonamide is present, after the name penicillin dental cones wherever it appears, the words "with ____" in juxtaposition with such name, the blank being filled in with the name of the sulfonamide used.

(4) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such penicillin dental cones, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package the number of circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin dental cones shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each cone, the quantity of each ingredient used in making the batch, the date on which the latest assay of the cones comprising such batch was completed, and that each binder, diluent, lubricant, and sulfonamide used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; average potency per cone, average moisture, microorganism count.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one cone for each 5,000 cones in the batch; but in no case less than 20 cones or more than 100 cones, collected by taking single cones at such intervals throughout the entire time the cones are being made that the quantities made during the intervals are approximately equal;

(ii) The penicillin used in making the batch; five packages containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b);

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin dental cones under the regulations in this part shall be:

(1) $1.00 for each cone in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such cones and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.32 *Penicillin with vasoconstrictor; penicillin with ____ (the blank being filled in with the common or usual name of the vasoconstrictor).*—(a) *Standards of identity, strength, quality, and purity.* Penicillin with vasoconstrictor is a packaged combination of one immediate container of calcium penicillin and one immediate container of an aqueous solution of a vasoconstrictor. Such penicillin conforms to the standards prescribed therefor by § 146.24 except the limitation on penicillin K content, and is of such quantity that when dissolved in such solution the potency thereof is not less than 500 units per milliliter after it has been kept for seven days at a temperature of 15° C. (59° F.). Such solution contains buffering salts to produce, after the penicillin has been dissolved in it, an isotonic solution of pH 6, ±0.2, and a preservative which prevents growth of microorganisms. Each buffering salt and preservative used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container of the penicillin and the immediate container of the aqueous solution of vasoconstrictor shall be a tight container as defined by the U. S. P. The immediate container of the penicillin shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin with vasoconstrictor shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and on the immediate container of the calcium penicillin:

(i) The batch mark;

(ii) The number of units in such container; and

(iii) The statement "Expiration date ____," the blank being filled in with the date which is 18 months after the month during which the batch was certified.

(2) On the outside wrapper or container and on the immediate container of the aqueous solution of the vasoconstrictor:

(i) A statement giving the method of dissolving the penicillin in the solution;

(ii) The potency per milliliter after the penicillin has been dissolved therein;

(iii) The statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)";

(iv) The statement "Warning not for injection," and unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "To be administered only by a ____," the blank being filled in with the word "physician," or "dentist," or "veterinarian" or with any combination of two or all of these words as the case may be; and

(v) The conditions under which the solution should be stored, including a reference to its instability when stored under other conditions and the statement, "The solution may be kept in refrigerator for one week without significant loss of potency."

(3) On the outside wrapper or container, unless it is intended solely for veterinary use and is conspicuously so labeled:

(i) The statement "Caution: To be dispensed only by or on the prescription of a ____", the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of penicillin with vasoconstrictor; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(4) If intended solely for veterinary use, directions and precautions adequate for the use of such penicillin with vasoconstrictor, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package the number of circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin for inclusion in such combination shall submit with his request a statement showing the batch mark of the penicillin, the number of packages thereof in such batch, the number of units in the immediate container thereof, and (unless it was previously submitted) the date on which the latest assay of the penicillin included in such combination was completed, the quantity of each ingredient used in making the solution of the vasoconstrictor, and a statement that such solution conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The penicillin; potency, sterility, toxicity, pyrogens, moisture, pH and clarity.

(ii) The solution after the penicillin has been dissolved therein; potency.

(3) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The penicillin; one package for each 5,000 packages in the batch, but in no case less than 20 packages or more than 100 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) In case of an initial request for certification, or when any change is made in the composition of such solution, five packages of the solution included in the combination.

(4) No result referred to in subparagraph (2) (i) of this paragraph, and no samples referred to in subparagraph (3) (i) of this paragraph, are required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin for inclusion in combination with vasoconstrictor under this part shall be:

(1) $1.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) of this section, or $2.00 if no such sample is submitted; $4.00 for each package submitted in accordance with paragraph (d) (3) (ii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advanced deposit maintained in accordance with § 146.8 (d).

§ 146.33 *Penicillin for surface application.*—(a) *Standards of identity, strength, quality, and purity.* Penicillin for surface application is calcium penicillin and one or more of the diluents sodium chloride, milk sugar, sodium citrate, and dextrose. Its content of viable microorganisms is not greater than is consistent with good pharmaceutical manufacturing practice. Its moisture content is not more than 1.0 percent. The penicillin used conforms to the requirements of § 146.24 (a), except the limitation on penicillin K content and except subparagraphs (1), (2), (4) and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. Each diluent conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* Unless the penicillin for surface application is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each immediate container (except when its content is two or more foil or film enclosures) and each foil or film enclosure shall contain not less than 10,000 units or more than 50,000 units and shall be so sealed that the contents cannot be used without destroying such seal.

(c) *Labeling.* Each package of penicillin for surface application shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container or in each foil or film enclosure therein, and the number of such foil or film enclosures;

(iii) The statement "Expiration date ____", the blank being filled in with the date which is 12 months after the month during which the batch was certified; and

(iv) In case the drug is not sterile, the statement "Not sterile—not for injection—not to be used in deep wounds or body cavities."

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)";

(ii) If two or more such immediate containers or foil or film enclosures are in such packages, the number of such containers or foil or film enclosures therein and the number of units in each;

(iii) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ____", the blank to be filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be;

(iv) The conditions under which solutions of penicillin for surface application should be stored, including a reference to their instability when stored under other conditions, and the statement "The solution may be kept in refrigerator for one week without significant loss of potency"; and

(v) Unless the drug is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of penicillin for surface application; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such penicillin for surface application including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin for surface application shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each immediate container or foil or film enclosure, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the sodium chloride, milk sugar, sodium citrate, and dextrose used in making such batch conform to the standards prescribed therefor by the U. S. P.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per immediate container or foil or film enclosure, moisture, microorganism count.

(ii) The penicillin used in making the batch; potency, toxicity, moisture and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container or, if the drug is packed in foil or film enclosures, one such enclosure for each 5,000 such containers or enclosures in the batch, but in no case less than 20 such containers or enclosures or more than 100, collected by taking single containers or enclosures at such intervals throughout the entire time of packaging the batch, that the quantities packed during the intervals are approximately equal;

(ii) The penicillin used in making the batch; five packages containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b); and

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin for surface application under the regulations in this part shall be:

(1) $1.00 for each immediate container or foil or film enclosure, whichever is the greatest number, in the samples submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such containers or enclosures, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.34 *Tablets alum precipitated penicillin*—(a) *Standards of identity, strength, quality, and purity.* Tablets alum precipitated penicillin are tablets composed of penicillin precipitated with potassium alum, and tableted with sodium benzoate, with or without the addition of one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 50,000 units and if it is less than 100,000 units it is "unscored"; each tablet contains 0.3 gram of sodium benzoate; the moisture content is not more than 2.0 percent. The penicillin used conforms to the requirements of § 146.24 (a), except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. Each other substance used if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet alum precipitated penicillin is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The number of tablets in the immediate container is such that the total number of units therein is not less than 300,000.

(c) *Labeling.* Each package of tablets alum precipitated penicillin shall bear, on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The quantity of sodium benzoate in each tablet;

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of ----------," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be.

(ii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such tablets alum precipitated penicillin, or a reference to a brochure, or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such tablets, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of tablets alum precipitated penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each tablet; the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet, average moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The penicillin used in making the batch; six packages, or in case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately five grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of tablets alum precipitated penicillin under this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigation, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the result for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.35 *Penicillin sulfonamide powder (calcium penicillin sulfonamide powder)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin sulfonamide powder is composed of calcium penicillin and one or both of the sulfonamides, sulfanilamide and sulfathiazole. It is sterile. Its moisture content is not more than 1.0 percent. The quantity of each sulfonamide used is not more than 0.0125 gram for each 100 units of penicillin used. The penicillin used conforms to the requirements of § 146.24 (a) except limitation on penicillin K content and except subparagraphs (1), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. Each sulfonamide used conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* In all cases, the immediate container of penicillin sulfonamide powder shall be a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, shall be sterile at the time of filling and closing, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If the penicillin sulfonamide powder is packaged for "dusting" purposes each package shall contain not less than 5,000 units of penicillin. If the penicillin sulfonamide powder is packaged for dental use it shall be packaged in immediate containers of colorless, transparent glass meeting the test for glass containers of type I or type II prescribed by the U. S. P. The glass containers shall be open at both ends, one of which is constricted, both ends shall be capable of closure with rubber stoppers and each such container shall contain not less than 500 units of penicillin. Each package of penicillin sulfonamide powder for dental use shall contain a suitable device for insufflation purposes.

(c) *Labeling.* Each package of penicillin sulfonamide powder shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and immediate container:

(i) The batch mark;

(ii) The number of units in each immediate container;

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is nine months after the month during which the batch was certified;

(iv) The statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)";

(v) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ----------," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be;

(vi) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such penicillin sulfonamide powder or a reference to a brochure, or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request;

(vii) On the label and the labeling, after the name penicillin sulfonamide powder wherever it appears, the words "with ----------" in juxtaposition with such name, the blank being filled in with the name of the sulfonamide used.

(2) On the circular or other labeling within or attached to the package if it is intended solely for veterinary use, directions and precautions adequate for the use of such penicillin sulfonamide powder, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin sulfonamide powder shall submit with his request a statement showing the batch mark; the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each container of penicillin sulfonamide powder, the quantity of each ingredient used in making the batch, the date on which the latest assay of the penicillin sulfonamide powder comprising such batch was completed, and that such sulfonamide used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per container, average moisture, sterility.

(ii) The penicillin used in making the batch; potency, sterility, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container of penicillin sulfonamide powder for each 5,000 containers in the batch, but in no case less than 20 such containers or more than 100. Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time the containers are being filled that the quantities made during the intervals are approximately equal.

(ii) The penicillin used in making the batch; five packages containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, each sulfonamide used in making the batch; one package of each containing approximately five grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin sulfonamide powder under the regulations in this part shall be:

(1) $2.00 for each immediate container of penicillin sulfonamide powder in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such penicillin sulfonamide powder and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee if covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.36 *Penicillin vaginal suppositories (sodium penicillin vaginal suppositories, calcium penicillin vaginal suppositories, potassium penicillin vaginal suppositories, penicillin vaginal suppositories sodium salt, penicillin vaginal suppositories calcium salt, penicillin vaginal suppositories potassium salt)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin suppositories are suppositories composed of penicillin in a base of spermaceti and cocoa butter. The potency of each suppository is not less than 100,000 units; its moisture content is not more than 1.0 percent; its content of viable microorganisms is not more than 50 per gram. The penicillin used conforms to the requirements of § 146.24 (a), except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. The spermaceti and cocoa butter conform to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* In all cases, the immediate container of penicillin vaginal suppositories shall be a tight container

as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin vaginal suppositories shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each suppository of the batch; and

(iii) The statement, "Expiration date ----------", the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)", or "Store below 15° C. (59° F.)";

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ----------", the blank being filled in with the word "physician" or "veterinarian" or both as the case may be; and

(iii) Unless the drug is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such suppositories; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such suppositories, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin vaginal suppositories shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each suppository, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that the spermaceti and cocoa butter used in making such batch conform to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of;

(i) The batch; average potency per suppository, moisture, microorganism count.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one suppository for each 5,000 suppositories in the batch, but in no case less than 20 suppositories or more than 100 suppositories, collected by taking single suppositories at such intervals throughout the entire time the suppositories are being made, that the quantities made during the intervals are approximately equal.

(ii) The penicillin used in making the batch; six packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, the spermaceti and cocoa butter used in making the batch; one package of each containing respectively approximately 10 grams and 100 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin vaginal suppositories under the regulations in this part shall be:

(1) $2.00 for each suppository in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such suppositories and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.37 *Buffered crystalline penicillin.* Buffered crystalline penicillin conforms to all requirements prescribed by § 146.24 for crystalline penicillin, and is subject to all procedures prescribed by § 146.24 for crystalline penicillin, except that:

(a) It contains the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids; such sodium citrate conforms to the standards prescribed therefor by the U. S. P.;

(b) If it is crystalline penicillin G the potency in units per milligram is corrected for the sodium citrate content;

(c) The circular or other labeling within or attached to the package, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed for crystalline penicillin by § 146.24 (c) (3) (iii), the statement "Sterile solution may be kept in refrigerator for one week without significant loss of potency";

(d) A person who requests certification of a batch shall submit with his request a statement showing the quantity of sodium citrate used in making the batch, that such sodium citrate conforms to the requirements prescribed therefor by this section, and in case of an initial request for certification he shall submit an accurately representative sample of such sodium citrate consisting of approximately 5 grams; and

(e) The fee for the services rendered with respect to the sample of sodium citrate submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

§ 146.38 *Capsules buffered penicillin with pectin hydrolysate. (Capsules buffered potassium penicillin with pectin hydrolysate)*—(a) *Standards of identity, strength, quality and purity.* Capsules buffered penicillin with pectin hydrolysate are capsules composed of potassium penicillin with pectin hydrolysate and sodium citrate enclosed in a hard gelatin capsule. The potassium penicillin with pectin hydrolysate is prepared with lyophylizing a solution containing one part potassium penicillin and three parts of pectin hydrolysate by weight. The potency of each capsule is not less than 50,000 units. Its moisture content is not more than 4.0 percent. The penicillin used conforms to the requirements prescribed by § 146.24 (a) for potassium penicillin except subparagraphs (2), (4), and (7) of § 146.24 (a). The pectin hydrolysate is obtained by mild hydrolysis of pectin with sodium hydroxide and hydrochloric acid. It is a free flowing and opalescent solution light tan to beige in color and is precipitated by the lower alcohols and ketones. Its pH is 6.0 to 7.0. It is substantially free of any turbidity or undissolved material. The pectin used conforms to the standards prescribed by the N. F. The sodium citrate; and the sodium hydroxide and hydrochloric acid used in the preparation of the pectin hydrolysate conform to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* Unless each capsule of buffered penicillin with pectin hydrolysate is enclosed in foil or plastic film and such enclosure complies with the definition of a tight container as prescribed by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the capsules by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The number of capsules in the immediate container is such that the total number of units therein is not less than 300,000.

(c) *Labeling.* Each package of capsules buffered penicillin with pectin hydrolysate shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each capsule of the batch;

(iii) The quantity of the sodium citrate in each capsule of the batch; and

(iv) The statement "Expiration date --------," the blank being filled in with the date which is twelve months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a --------", the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words, as the case may be.

(ii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such capsules, or a reference to a brochure, or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such capsules, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of capsules buffered penicillin with pectin hydrolysate shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per capsule, average moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, and heat stability, and if it is crystalline penicillin G, penicillin G content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one capsule for each 5,000 capsules in the batch, but in no case less than 20 capsules or more than 100 capsules, collected by taking single capsules at such intervals throughout the entire time of capsuling that the quantities capsuled during the intervals are approximately equal.

(ii) The penicillin used in making the batch; ten packages containing approximately equal portions of not less than 40 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, one package of approximately 250 cc of the pectin hydrolysate and one package of approximately five grams of the sodium citrate used in making the batch, one package of approximately 50 cc of the hydrochloric acid and one package of approximately five grams of the sodium hydroxide used in preparing the pectin hydrolysate.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or such sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of capsules buffered penicillin with pectin hydrolysate under the regulations in this part shall be:

(1) $1.50 for each capsule in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) and (iii), of this section; and

(2) If the Commissioner considers that investigations, other than examination of such capsules and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

NOTE: Sections 146.39 to 146.100, inclusive, reserved for future provisions.

§ 146.101 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex)*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate is the sulfate salt of a kind of streptomycin or a mixture of two or more such salts; streptomycin hydrochloride is the hydrochloride salt of a kind of streptomycin or a mixture of two or more such salts; streptomycin phosphate is the phosphate salt of a kind of streptomycin or a mixture of two or more such salts; streptomycin trihydrochloride calcium chloride is the double salt of a kind of streptomycin or a mixture of two or more such salts. Each such drug is so purified and dried that:

(1) Its potency is not less than 300 micrograms per milligram;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic;

(5) It contains no histamine or histamine-like substances;

(6) Its moisture content is not more than 3.0 percent;

(7) Its pH in aqueous solution of 0.2 gram per milliliter is not less than 4.5 and not more than 7.0;

(8) Its solution in water for injection U. S. P., dextrose injection 5.0 percent U. S. P., or physiological salt solution U. S. P., prepared by adding 0.2 gram (estimated) of streptomycin per milliliter, is of such clarity that it is substantially free of any turbidity or undissolved material.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing it shall be in immediate containers of colorless transparent glass which meet the test for glass containers of type I or type II prescribed by the U. S. P., closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness; each such container shall contain 0.5 gram, 1.0 gram, 2.0 gram, 3.0 gram, 4.0 gram, or 5.0 gram, and each may be packaged in combination with a container of the solvent, water for injection U. S. P., dextrose injection 5 percent U. S. P., or physiological salt solution U. S. P.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of grams in the immediate container;

(iii) The statement "Expiration date --------", the blank being filled in with the date which is 12 months after the month during which the batch was certified; and

(iv) The statement "For Manufacturing Use", "For Repacking", or "For Manufacturing Use or Repacking" when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration, including method of preparation and strength of solutions for different routes of injection and local application;

(iii) The conditions under which such solutions should be stored including the statement "Sterile solution may be stored at room temperature for one week without significant loss of potency";

(iv) Contraindications; and

(v) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification, check tests, and assays; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of grams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content, moisture, pH, and clarity. If such batch or any part thereof is to be packaged with a solvent such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) If such batch is packaged for dispensing, such person shall submit with his request a sample consisting of one immediate container for each 5,000 immediate containers in such batch, but in no case shall such sample consist of less than 5 or more than 12 immediate containers.

Such sample shall be collected by taking single immediate containers, before and after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request a sample containing five approximately equal portions of at least 0.5 gram each taken from different parts of such batch; each such portion shall be packaged in a separate container, and in accordance with the requirements of paragraph (b) of this section.

(4) In connection with contemplated requests for certification of repackaged batches or batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so repacked or used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (3) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $15.00 for each immediate container in the sample submitted in accordance with paragraphs (d) (2), (3), and (4) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for the certification of a new penicillin product, capsules buffered penicillin with pectin hydrolysate, and which includes a revision of all of the existing regulations for certification of penicillin-containing drugs heretofore promulgated and published in this part, and which also provides for certification of streptomycin-containing drugs, shall become effective upon publication in the FEDERAL REGISTER since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay the marketing of these drug products.

Dated: April 1, 1947.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 47-3236; Filed, Apr. 3, 1947; 9:36 a. m.]

PART 170—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL TEA ACT

TEA STANDARDS

Correction

In Federal Register Document No. 47-2803, appearing on page 1979 of the issue for Wednesday, March 26, 1947, paragraph (b) (3) of § 170.19 should read as follows:

(3) India (to be used for all fully fermented East India type teas).

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Order 6]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

OFFICIAL SIGNATURE FOR OFFICE OF HOUSING EXPEDITER

§ 801.6 *Official signature for Office of Housing Expediter.* (a) The Housing Expediter may take in his own name any action in performance of the functions vested in him under the Veterans' Emergency Housing Act of 1946 and Executive Order 9836.

Except as otherwise provided in this section, all actions in performance of the functions vested in the Housing Expediter under the Veterans' Emergency Housing Act of 1946 and Executive Order 9836 (but not including delegations of authority) shall be taken and issued in the name of the Office of the Housing Expediter, countersigned or attested by the Authorizing Officer in substantially the following form:

Office of the Housing Expediter
By ----------
Authorizing Officer

This shall be the official signature of the Office of the Housing Expediter.

Unless authorized by the Housing Expediter to take official action in his own name, every officer and employee of the Office of the Housing Expediter shall be governed by the provisions of this section in taking action requiring the official signature of the Office of the Housing Expediter.

(b) Appointment of Authorizing Officer: James V. Sarcone is hereby appointed Authorizing Officer for the Office of the Housing Expediter. The Authorizing Officer will be governed by instructions of the Housing Expediter or his duly authorized representative in counter-signing, attesting, or issuing any action of the Office of the Housing Expediter.

(c) Effective date: This section shall become effective April 1, 1947. (60 Stat. 207)

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-3235; Filed, Apr. 3, 1947; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

EXEMPTION OF TRANSACTIONS WITH RESPECT TO CERTAIN CURRENCIES AND SECURITIES

APRIL 4, 1947.

Amendment to General License No. 87 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.87 (General License No. 87) is hereby amended to read as follows:

§ 131.87 *Exemptions from section 2A (2) of the order and from General Ruling No. 5*—(a) *Transactions exempted from section 2A (2) of the order.* A general license is hereby granted exempting all transactions from the provisions of section 2A (2) of the order, except transactions with respect to any securities or evidences thereof which, whether in registered or bearer form, are transferable or assignable and which either:

(1) Were issued or guaranteed prior to December 7, 1941, by the United States or any state, territory, district, possession, or other political subdivision, agency or instrumentality of or in the United States or by any partnership, association, corporation or other organization organized or having its principal place of business in the United States; or

(2) Were issued prior to December 7, 1941, and are payable in the United States exclusively or alternatively in United States dollars, regardless of the nature or location of the issuer: *Provided*, That this exception shall not be deemed to preclude transactions with respect to securities or evidences thereof which are physically situated in Great Britain, Canada, Newfoundland, or Bermuda, or to which Form TFEL-2 has been attached, or with respect to which a certification under paragraph (1) of § 131.95 (General License No. 95) has been issued.

(b) *Exemption of currency and certain securities from General Ruling No. 5.* The following currency and securities are hereby exempted from the provisions of General Ruling No. 5:

(1) All currency; and

(2) All securities other than those to which the exception of paragraph (a) of this section applies. (Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; sec. 301, 55 Stat. 839; 12 U. S. C. 95a; 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1945 and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1-7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-3174; Filed, Apr. 3, 1947; 8:47 a. m.]

APPENDIX A TO PART 131—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

EXEMPTION OF CURRENCY AND CERTAIN SECURITIES FROM GENERAL RULING 5

CROSS REFERENCE: For exemption of currency and certain securities from General Ruling 5, see § 131.87, *supra*.

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 1]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

War Assets Administration Regulation 1, January 29, 1947, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located within the Continental United States, Its Territories and Possessions" (12 F. R. 863), is hereby revised and amended as herein set forth. New matter is indicated by underscoring. Order 1, July 19, 1946,[1] as amended (11 F. R. 7973; 12 F. R. 100, Order 2, March 7, 1947 (12 F. R. 1838), Order 3, June 13, 1946, as amended (11 F. R. 6774, 9572, 14490), Order 7, July 19, 1946 (11 F. R. 7977), Order 8, August 16, 1946 (11 F. R. 9760), Order 9, May 14, 1946 (11 F. R. 5399), Order 11, November 30, 1946 (11 F. R. 14074), under this part shall remain in full force and effect.

Sec.
8301.1 Definitions.
8301.2 Designation of disposal agencies; continental United States.
8301.3 Designation of disposal agencies; territories and possessions.
8301.4 Designation of disposal agency for, and disposal of, military property.
8301.5 Use of Standard Commodity Classification for purpose of assignments.
8301.6 Declaration of surplus property.
8301.7 Declarations of surplus personal property; forms; description of property.
8301.8 Declarations of surplus personal property; special information from owning agencies.
8301.9 Declaration of surplus real property.
8301.10 Continental United States; filing declarations of surplus personal property resulting from contractor inventories.
8301.11 Continental United States; filing declarations of surplus personal property.
8301.12 Continental United States, territories and possessions; declarations of surplus real property.
8301.13 Territories and possessions; filing declarations of surplus personal property.
8301.14 Forwarding declarations of surplus; notice.
8301.15 Withdrawals.
8301.16 Sales by a disposal agency other than the one to which the property is assigned.
8301.17 Transfer of surplus property between territories and possessions and continental United States.
8301.18 Authority of disposal agencies to dispose of surplus property.
8301.19 Regulations to be reported to the War Assets Administrator.
8301.20 Records and reports.

AUTHORITY: §§ 8301.1 to 8301.20, inclusive, issued under the Surplus Property Act of 1944 as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265).

§ 8301.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Continental United States" means the 48 States and the District of Columbia.

(2) "Territories and possessions" means Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands.

(3) "Real property" means all classes of real property together with any fixtures and improvements thereon and is not limited to the definition thereof as contained in section 23 of the act.

(4) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (i) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (ii) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (iii) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing.

(5) "Handbook of Standards" means the Handbook of Standards for describing Surplus Property prepared for the Surplus War Property Administration by the War Production Board (U. S. Government Printing Office).

(6) "Standard Commodity Classification" means the Standard Classified List of Commodities, being Volume I of the Standard Commodity Classification, May, 1943 (U. S. Government Printing Office).

§ 8301.2 *Designation of disposal agencies; continental United States.* The

[1] Reg. 1, Order 1, July 19, 1946 to remain in effect until issuance of revision effective as of April 5, 1947.

following Government agencies are hereby designated as disposal agencies for surplus property located within the continental United States: *Provided*, That the Administrator may assign any real property to any of the disposal agencies designated in this part regardless of its classification whenever the Administrator shall determine such assignment appropriate to facilitate disposal:

(a) *Patrol vessels; Navy Department.* The Navy Department is hereby designated as the disposal agency for certain patrol vessels assigned to it by Order 1 under this part.

(b) *Ships and maritime personal property: Maritime Commission and War Assets Administration.* (1) (i) The United States Maritime Commission, pursuant to the provisions of section 10 (b) of the Surplus Property Act of 1944, is the disposal agency for surplus vessels which it determines to be merchant vessels or capable of conversion to merchant use which shall be disposed of under the Merchant Marine Act of 1936 [2] as amended, and other laws authorizing the sale of such vessels, and not under the Surplus Property Act of 1944 or regulations thereunder. Such vessels as determined by the United States Maritime Commission consist of: "all non-combatant vessels, except landing craft of all types, landing ship tanks, undocumented vessels under thirty (30) feet in length without propulsion machinery, and life boats with or without propulsion machinery, when located within the continental United States."

(ii) The United States Maritime Commission may from time to time determine that other vessels or types of vessels are not merchant vessels or capable of conversion to merchant use. In such cases specific notice of such vessels or types of vessels shall be immediately reported to the War Assets Administration upon the making of the determination.

(2) The United States Maritime Commission is hereby designated as disposal agency for the disposal of the following types of surplus vessels located in the continental United States which have been determined by the Commission not to be merchant vessels or capable of conversion to merchant use: "landing craft of all types, including landing ship tanks" together with any additional vessels determined later not to be merchant vessels or capable of conversion to merchant use, as provided in subparagraph (1) (ii) supra.

(3) The War Assets Administration is hereby designated as disposal agency for all marine personal property (except as otherwise provided in this section), including undocumented vessels which are under thirty (30) feet in length and without propulsion machinery, and including life boats with or without propulsion machinery, and other items assigned to War Assets Administration by Order 1 [1] under this part.

(c) *Agricultural commodities and food; Department of Agriculture.* The Department of Agriculture is hereby designated as the disposal agency for agricultural commodities and food. This general class of property, "agricultural commodities and food" includes property assigned to the Department of Agriculture by Order 1 under this part.

(d) *Agricultural, forest, grazing and mineral property; Department of Agriculture.* The Department of Agriculture is hereby designated as the disposal agency for surplus section 23 real property located within the continental United States which the Administrator shall classify as agricultural, forest, grazing, or mineral property: *Provided, however*, That the Department of Interior is designated as disposal agency for all such property classified as grazing or mineral property which was assigned to it for disposal prior to the 23d day of February 1947.

(e) *All other property; War Assets Administration.* The War Assets Administration is hereby designated as disposal agency for all real and personal property of every type and classification located in the continental United States, declared surplus by owning agencies, except those types assigned to other disposal agencies under subparagraph (b) (2) and paragraphs (c) and (d) of this section: *Provided*, That:

(1) The Federal Works Agency is designated as disposal agency for all section 23 real property which was assigned to it for disposal prior to the 29th day of January 1947; and

(2) The National Housing Agency is designated as disposal agency for all residential and other property which was assigned to it for disposal prior to the 29th day of January 1947.

§ 8301.3 *Designation of disposal agencies; territories and possessions.* The following designations of Government agencies as disposal agencies for surplus property located in the territories and possessions of the United States as defined in § 8301.1, are hereby made. *Provided*, That the Administrator may assign any real property located in the territories and possessions to any of the disposal agencies designated in this part regardless of its classification whenever the Administrator shall determine such assignment appropriate to facilitate disposal.

(a) *All personal property not otherwise assigned; War Assets Administration.* War Assets Administration is hereby designated as the disposal agency for all personal property, including aircraft and property peculiar to aircraft, not otherwise assigned under this section and located in the territories and possessions.

(b) *Ships: Maritime Commission.* The United States Maritime Commission, pursuant to the provisions of section 10 (b) of the Surplus Property Act of 1944, is the disposal agency for surplus vessels which it determines to be merchant vessels or capable of conversion to merchant use, to be disposed of under the Merchant Marine Act of 1936 as amended, and other laws authorizing the sale of such vessels, and not under the Surplus Property Act of 1944 or regulations thereunder. Such vessels as determined by the United States Maritime Commission consist of: "all non-combatant vessels of 1,500 gross tons or over, except LST's, located in the territories and possessions.

(c) *All real property; Department of the Interior.* The Department of the Interior is hereby designated as the disposal agency for all real property located in the territories and possessions.

§ 8301.4 *Designation of disposal agency for, and disposal of, military property.* The Department of State is hereby designated as the disposal agency for surplus military property located in the continental United States, its territories and possessions, for disposal to other governments. With the consent of the State Department, owning agencies are authorized to file declarations of such surplus property with the Foreign Liquidation Commissioner, Washington 25, D. C.; such declarations of surplus as are filed with the State Department shall have endorsed thereon the approval of an officer of the owning agency to be designated as its representative for coordination with the State Department. If there are included in such declarations of surplus any substantial quantity of items which may be used for civilian purposes, the State Department shall consult with the appropriate Government agencies (including domestic disposal agencies) to ascertain whether such items are required for reserves established under the act for priority or preference claimants or are urgently required for the domestic economy. If the Department of State determines that such items are so required, it shall forward the declaration of surplus covering such items to the appropriate disposal agency. The term "military property" includes all arms, ammunition, spare parts, accessories, maintenance and service tools and equipment, cleaning and preserving materials, military automotive equipment, aircraft and aircraft maintenance and servicing equipment, naval combat type and auxiliary vessels (excluding vessels referred to in section 3 (d) of the act), special military clothing and equipage, and all other items required to train, equip, and maintain military, aviation, and naval units as listed in approved tables of organization and equipment and technical publications pertaining thereto for United States armed forces, and production equipment specially designed to produce munitions. No disposal agency other than the State Department shall dispose of any arms, ammunition, and implements of war as defined by the President's Proclamation No. 2549 of April 9, 1942, and facilities intended for the production thereof to any foreign government without the consent in writing of the State Department.

[2] 49 Stat. 1985; 46 U. S. C. 1101–1279.

[1] Reg. 1, Order 1, July 19, 1946 to remain in effect until issuance of revision effective as of April 5, 1947.

§ 8301.5 *Use of Standard Commodity Classification for purpose of assignments.* The assignments made in Order 1 under this part through the use of Standard Commodity Classification code numbers are intended to be in aid of and supplementary to the assignments of the general classes of property made in § 8301.2. If, therefore, items fall within a general class of property assigned by this part but these items are not listed in the Standard Commodity Classification, they shall be disposed of by the disposal agency to which the general class of property is assigned. Similarly, if the Standard Commodity Classification does not indicate that an item is included within more than one of the general classes of property assigned in § 8301.2, the assignment of the general class shall control.

§ 8301.6 *Declaration of surplus property.* Each owning agency shall, pursuant to section 11 (a) of the act, continuously survey property in its control and determine that which is surplus to its needs and responsibilities, and, except for such property as the owning agency itself is authorized to dispose of, it shall report such surplus property to the Administrator and to the appropriate disposal agency designated in this part. The reporting of surplus personal property by an owning agency to a disposal agency shall constitute a declaration of surplus. When the disposal agency has notified the owning agency of the date on which any specific location will be organized for disposal operations at the site, the owning agency shall discontinue, as of the specified date, all declarations on WAA Form 1001 (formerly Form SPB–1) of property at such location, unless expressly requested otherwise by the disposal agency.

§ 8301.7 *Declarations of surplus personal property; forms; description of property.* Subject to the provisions of § 8301.9 owning agencies shall declare surplus personal property to the Administrator and to the appropriate disposal agencies on forms as prescribed by Order 3 under this part. The property shall be described in sufficient detail to furnish the disposal agency with an adequate basis for disposal. Unless other provision is made, the minimum standards of descripiton prescribed by the Handbook of Standards for Describing Surplus Property shall be used as a guide for all such descriptions.

§ 8301.8 *Declarations of surplus personal property; special information from owning agencies—(a) Limitations on power of disposal.* Declarations of surplus personal property shall fully set forth any legal restrictions upon the authority of the Government to dispose of any personal property, including any restrictions upon the disposal or use thereof arising from any patents or any contract relating thereto, unless such information relating to patents has otherwise been furnished to the disposal agencies.

(b) *Red Cross property.* Declarations of surplus personal property shall designate any such property known to have been processed, produced or donated by the American Red Cross.

§ 8301.9 *Declaration of surplus real property.* The owning agency shall notify the Administrator by a letter of intent on the date upon which it is determined that real property and any personal property connected therewith is no longer required by the owning agency. Where surplus personal property is located in or on such real property, the owning agency shall, unless otherwise directed by the Administrator, declare such personal property surplus in conjunction with the real property. The filing with the Administrator of an acceptable WAA Form 1005, together with WAA Form 1001 where personal property is involved, shall constitute a declaration of surplus real property.

§ 8301.10 *Continental United States; filing declarations of surplus personal property resulting from contractor inventories.* If an owning agency takes possession of any contractor inventory located in the continental United States, it may declare such property surplus to the regional office of the War Assets Administration for the region wherein the property is located. If any property so declared is of a class other than that which is assigned to the War Assets Administration by this part, it will make the necessary classification and forward the declarations to the appropriate disposal agencies unless disposal of such property by the War Assets Administration is authorized under § 8301.16. This section shall not apply to agricultural commodities and foods.

§ 8301.11 *Continental United States; filing declarations of surplus personal property.* Declarations of surplus personal property located within the continental United States shall be filed on forms prescribed by Order 3 under this part at the office of the War Assets Administrator, Washington 25, D. C., and at the office of the appropriate disposal agencies as follows except as otherwise indicated in Order 2 under this part: At the regional offices of the War Assets Administration and at the Washington, D. C. offices of all other disposal agencies. The locations of these offices and the areas comprised by the regions are set forth in § 8301.52 [1] under this part.

§ 8301.12 *Continental United States, territories and possessions; declarations of surplus real property—(a) Filing.* Declarations of surplus real property shall be filed with the War Assets Administrator, Washington 25, D. C. Where personal property is to be declared surplus in conjunction with real property, the owning agency shall in advance notify the appropriate regional office of War Assets Administration or, in the territories and possessions, the appropriate office of the Department of the Interior, of the date on which WAA Form 1001 will be ready for filing. Such office may designate a representative with whom the form may be filed at the installation site and who shall be authorized to accept the declaration for filing. If for any reason such form is not so filed with the designated representative it shall be filed at the War Assets Administration regional office, or, in the territories and possessions, at the appropriate office of the Department of the Interior.

(b) *Transmitting.* The Administrator will transmit the declaration to the appropriate disposal agency and will notify the owning agency of such transmittal.

§ 8301.13 *Territories and possessions; filing declarations of surplus personal property.* Declarations of surplus personal property located in the territories and possessions shall be filed on the forms prescribed in Order 3 under this part with the War Assets Administrator, Washington 25, D. C., and at such offices of the appropriate disposal agency as are specified in Order 2 under this part, or, if not specified, as the disposal agency may direct.

§ 8301.14 *Forwarding declarations of surplus; notice.* Whenever surplus declarations are forwarded by one disposal agency to another disposal agency or to the Administrator under this part, the forwarding disposal agency shall so notify the owning agency which filed the declaration.

§ 8301.15 *Withdrawals—(a) Personal property.* With the consent of the disposal agency, an owning agency may withdraw personal property which it has declared surplus and for which a declaration has been transmitted to such disposal agency pursuant to this part: *Provided, however*, That such withdrawals may be made only (1) on the forms prescribed by Order 3 under this part, (2) by the technical service, bureau, or other constituent part of the owning agency, which made the declaration, or its successor, and (3) upon the agreement of the owning agency to pay all freight charges in connection with the movement of the property to the point designated by such agency, in cases where the disposal agency has assumed custody and accountability.

(b) *Real property.* A request by an owning agency for the withdrawal of a declaration of surplus real property shall be transmitted to the Administrator by the filing of WAA Form 1005 [4] (formerly Form SPB–5) with complete justification for the requested withdrawal. In cases where the disposal agency has incurred direct costs or obligations in connection with the care or handling of the property, the withdrawal by the owning agency shall be on condition that the disposal agency be reimbursed for any direct costs so incurred and relieved of any such obligations. The Administrator, after consideration of the request and any additional evidence which he deems appropriate, will notify the owning agency and

[1] Reg. 1, Order 2 (12 F. R. 1838).

[4] Reg. 1, Order 3 (11 F. R. 6774, 9572, 14490).

the appropriate disposal agency, if the declaration previously was transmitted thereto, of his decision.

§ 8301.16 *Sales by a disposal agency other than the one to which the property is assigned.* A disposal agency may dispose of personal property which is declared to it as surplus but which is assigned under this part to another disposal agency: *Provided, however,* That disposal of any item of personal property in excess of a reported cost of three hundred dollars ($300) may be made only with the consent of such other disposal agency.

§ 8301.17 *Transfer of surplus property between territories and possessions and continental United States.* No surplus personal property shall be transferred by a disposal agency from one territory or possession to another, or to the continental United States, without the consent of the disposal agency acting as such at the place of destination. Where such consent is given and the transfer is made, disposal shall be made by the disposal agency acting as such at the place of destination.

§ 8301.18 *Authority of disposal agencies to dispose of surplus property*—(a) *In general.* The disposal agencies designated in this part are hereby authorized and directed to dispose of property declared or assigned to them as surplus. Disposals shall be made in accordance with regulations, orders, and instructions of the War Assets Administrator and those of the Surplus Property Administrator, the Surplus Property Board and the Surplus War Property Administration (created by Executive Order 9425, February 19, 1944) which have not been rescinded and superseded, and in accordance with the objectives and provisions of the act.

(b) *Aircraft, aircraft parts, radio and electrical equipment.* The appropriate disposal agencies are hereby authorized, in accordance with section 19 (c) of the act, to dispose of aircraft and aircraft parts and radio and electrical equipment.

(c) *Small business.* The Department of Commerce, having been vested by Executive Order 9665 (11 F. R. 3) with the functions and responsibilities of Smaller War Plants Corporation set forth in sections 18 (c) and (d) of the Surplus Property Act of 1944, should bring to the attention of the War Assets Administrator, the disposal agencies, and the Reconstruction Finance Corporation the needs and requirements of small business, and any cases or situations which have resulted in or would effect discriminations against such business; and the Reconstruction Finance Corporation, in the exercise of its authority to purchase surplus property for resale to such business, and disposal agencies shall give consideration to the needs and requirements of small business as reported to them by the Department of Commerce so as to prevent any discrimination against small business in the disposals of surplus property.

§ 8301.19 *Regulations to be reported to the War Assets Administrator.* Each owning agency and each disposal agency shall file with the War Assets Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

§ 8301.20 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This revision of this part shall become effective April 5, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MARCH 25, 1947.

[F. R. Doc. 47-3304; Filed, Apr. 3, 1947; 10:32 a. m.]

[Reg. 1,[1] Revocation of Order 10]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

APPROVAL OF DELEGATION OF DISPOSAL AUTHORITY BY THE MARITIME COMMISSION TO THE WAR ASSETS ADMINISTRATION FOR MARITIME PERSONAL PROPERTY TO BE SOLD AT SITE SALES

War Assets Administration Regulation 1, Order 10, October 25, 1946, entitled "Approval of Delegation of Disposal Authority by the Maritime Commission to the War Assets Administration for Maritime Personal Property to be Sold at Site Sales" (11 F. R. 12794), is hereby revoked and rescinded.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

This revocation shall become effective April 5, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MARCH 25, 1947.

[F. R. Doc. 47-3305; Filed, Apr. 3, 1947; 10:32 a. m.]

Chapter XXIV—Department of State, Disposal of Surplus Property and Administration of Lend-Lease

[Dept. Reg. 108.43]

PART 8501—DELEGATION OF AUTHORITY TO THE FOREIGN LIQUIDATION COMMISSIONER AND THE DEPUTY FOREIGN LIQUIDATION COMMISSIONER

Sec.
8501.1 Basic delegation.
8501.2 Authority to execute contracts and other documents.
8501.3 Authority to designate deputies and other officers.
8501.4 Assignment of War and Navy officers to field representative of the Commissioner.
8501.5 Maintenance of records.

AUTHORITY: §§ 8501.1 to 8501.5, inclusive, issued under 58 Stat. 765, 59 Stat. 533, Pub. Law 375, 79th Cong., 60 Stat. 168, Pub. Law 584, 79th Cong., 60 Stat. 754; 50 U. S. C. App., Supp. 1611, 1614a, 1614b; E. O. 9630, Sept. 27, 1945, 3 CFR 1945 Supp.

§ 8501.1 *Basic delegation.* Under the general supervision of and in conformity with such directions, orders or instructions as may from time to time be issued by the Secretary of State in the execution of the foreign policies of the United States, and reporting to the Secretary through the Assistant Secretary for Economic Affairs:

(a) The Foreign Liquidation Commissioner (referred to as Commissioner in the regulations in this part) is hereby delegated the entire authority and responsibility now or hereafter vested in the Department of State for the administration and coordination of policies and action in connection with the disposition of all surplus property, including scrap, salvage, waste materials, and property captured from the enemy, for which the Department of State may be responsible;

(b) The Deputy Foreign Liquidation Commissioner (referred to as Deputy Commissioner in the regulations in this part) is hereby delegated authority to serve as Deputy to the Foreign Liquidation Commissioner in all matters relating to the disposal of surplus property, and to exercise all of the authority and perform all of the functions of the Commissioner with respect to such matters in his absence.

§ 8501.2 *Authority to execute contracts and other documents.* The Commissioner and the Deputy Commissioner are authorized to execute such agreements, contracts, and other documents on behalf of the United States or the Department of State as may be necessary or desirable in the performance of the functions delegated to them.

§ 8501.3 *Authority to designate deputies and other officers.*—(a) *Deputies and assistants.* The Commissioner is authorized, with the approval of the Assistant Secretary for Economic Affairs, to designate additional Deputy Commissioners, who may in the order prescribed in the instrument of designation exercise all of the authority and perform all of the functions hereunder of the Commissioner in his absence, and one or more Assistant Commissioners, who may in the order prescribed in the instrument of appointment exercise all of the authority and perform all of the functions of the Commissioner in this part in the absence of the Commissioner and the Deputy Commissioner.

(b) *Other delegations.* The Commissioner is authorized to designate field representatives and to delegate all or any part of his authority and functions in this part hereunder to such representatives, and to any United States Government agency, with the consent of such agency, or, subject to such conditions, directions, and restrictions as may be prescribed by the Commissioner or his authorized representatives, either in the instrument of delegation or otherwise from time to time, to a person under the complete control of such Government agency. Such delegations may authorize successive redelegations according to the terms of the instrument of delegation. Under this authorization the following types of delegations have been made:

(1) Central Field Commissioners and Field Commissioners have been delegated the power, for or on behalf of the Foreign Liquidation Commissioner, (i) to dispose of all surplus property located in their respective areas for the disposal of which the Department of State may be responsible; (ii) to perform all acts necessary to accomplish the expeditious disposal of such property including the execution of contracts and the employment of personnel and the procurement of materials within the limits of funds available to their respective areas for such purposes; and (iii) to redelegate to deputies and assistants all or any part of their powers with regard to all or any part of the area or property under their jurisdiction in accordance with applicable directives issued by the Foreign Liquidation Commissioner.

(2) The geographic areas under the jurisdiction of the various Central Field Commissioners and Field Commissioners are as follows:

(i) *Central Field Commissioner for Pacific and China.* Those areas lying outside the continental United States, Hawaii, and Alaska (including the Aleutian Islands) west of 141 degrees west longitude and east of 100 degrees east longitude, including, however, all of China, Thailand, and Sumatra.

(ii) *Field Commissioner for Canada; North Atlantic.* Those areas lying outside the continental United States and Alaska east of 141 degrees west, west of 32 degrees west, and north of 33 degrees north, including, however, all of Greenland together with Iceland, Bermuda, and the Bahamas.

(iii) *Central Field Commissioner for Latin America.* Those areas lying outside the continental United States and Puerto Rico east of 141 degrees west, west of 32 degrees west, and south of 33 degrees north, excepting, however, Bermuda and the Bahamas.

(iv) *Central Field Commissioner for Europe.* Those areas lying east of 32 degrees west, west of 60 degrees east, and north of 14 degrees south, excluding, however, (*a*) Greenland and Iceland; (*b*) Areas east of 32 degrees east and south of 37 degrees north; and (c) Iran, Iraq, Syria, Turkey, Egypt, Anglo-Egyptian Sudan, Uganda, Tanganyika, Northern Rhodesia, and Angola.

(v) *Field Commissioner for India; Burma.* Those areas lying west of 100 degrees east, and east of 60 degrees east, excluding, however, Thailand, China, Sumatra, and Iran.

(vi) *Central Field Commissioner for Africa, Middle East—Persian Gulf.* Those areas lying west of 60 degrees east, east of 32 degrees east, and south of 37 degrees north, and those areas lying west of 32 degrees east, east of 32 degrees west, and south of 14 degrees south, including, however, Iran, Iraq, Syria, Turkey, Egypt, Anglo-Egyptian Sudan, Uganda, Tanganyika, Northern Rhodesia, and Angola.

(3) The Field Commissioner for Military Programs has been delegated the power, for or on behalf of the Foreign Liquidation Commissioner, to dispose of to other governments surplus military property located within or outside the continental United States, its territories and possessions.

(4) Sales Officers have been delegated limited authority to execute contracts for the sale and transfer of surplus property in accordance with their delegated authority. Sales Officers include those persons who have been delegated authority to negotiate and execute contracts for the sale of specific surplus property, specific types of surplus property, or all surplus property located in specified areas.

(5) The names of all persons holding final authority to act for or on behalf of the Foreign Liquidation Commissioner with respect to the matters described herein are on file in the Office of the Foreign Liquidation Commissioner, Department of State, Washington 25, D. C.

(c) The Commissioner is also authorized to designate to serve, in such representative capacities as may be deemed necessary, such officers and enlisted personnel of military or naval establishments as may be detailed to the Department of State pursuant to Executive Order 9630, dated September 27, 1945.

§ 8501.4 *Assignment of War and Navy officers to field representative of the Commissioner.* The Commissioner or his field representatives are authorized to call upon the War and Navy Departments, and the military commander of any theater of operations, command, department, or base in foreign areas and the naval commander of any area, several areas, or fleet, or the commandant of a naval district, in foreign areas for the assignment within his command to the field representative of the Commissioner, of such military and naval personnel, transportation, and administrative services or facilities as may be required to be furnished by them pursuant to paragraphs 8 and 9 of Executive Order 9630, dated September 27, 1945.

§ 8501.5 *Maintenance of records.* The Commissioner shall maintain records of all his transactions and require that such records be kept by each field representative in the form and manner prescribed by him.

This part shall become effective immediately upon publication in the FEDERAL REGISTER.

[SEAL] DEAN ACHESON,
Acting Secretary of State.

MARCH 28, 1947.

[F. R. Doc. 47-3234; Filed, Apr. 3, 1947; 8:48 a. m.]

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[1] Reg. 1 (12 F. R. 863).

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 10—INSURANCE

REINSTATEMENT

§ 10.3080 *Application and medical evidence.* The applicant for reinstatement of United States Government Life Insurance must furnish during his lifetime, and before becoming totally and permanently disabled, and within the three calendar months including the calender month for which the unpaid premium was due, a written application signed by him which shall state that he is in as good health as at date of lapse, or after the expiration of the three calendar months, a written application signed by him that he is in good health, in accordance with the requirements of the particular case; and in addition the applicant shall furnish such evidence relative to his physical condition as may be required by the Administrator of Veterans Affairs, and on such forms as may be prescribed: *Provided,* That if the insurance becomes a claim after tender of the amount of the premiums required but before full compliance with the requirements of this paragraph, and the applicant was in the required state of health at the date that he made the tender of the amount of premiums, and that there is a satisfactory reason for his noncompliance, the director, underwriting service may, if the applicant be dead, waive any or all of the requirements of this section, or, if the applicant be living, allow compliance with this section, as of the date required amount of premiums was received by the Veterans Administration. (Secs. 5, 300, 301, 43 Stat. 608, 624, as amended; secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

APRIL 4, 1947.

[F. R. Doc. 47-2866; Filed, Apr. 3, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 946]

[Docket No. AO-123-A6]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Henry Clay Hotel, Louisville, Kentucky, beginning at 10:00 a. m., c. s. t., April 28, 1947, for the purpose of receiving with respect to the proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area (11 F. R. 11121). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Dairy Branch, Production and Marketing Administration:

1. Amend § 946.1 by adding a paragraph (j) to read as follows:

(j) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in §§ 946.4 and 946.8 (f).

By the Rolling Green Dairy, Scottsburg, Indiana:

2. Amend § 946.1 (c) by deleting the towns of Speed, Sellersburg, and Memphis in Clark County, Indiana, from the Louisville, Kentucky, marketing area.

By the Dairy Branch, Production and Marketing Administration:

3. Amend § 946.2 (b) by adding two subparagraphs to read as follows:

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

4. Amend § 946.2 (c) by adding a subparagraph to read as follows:

(8) Prepare and disseminate for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as does not reveal confidential information.

By the Falls Cities Cooperative Milk Producers Association:

5. Delete § 946.3 (d) and substitute the following:

(d) *Computation of class volumes.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute from the corrected report the amount of Class I milk, Class II milk, and Class III milk as follows:

(1) Determine (i) the total pounds of milk received from producers (including the handler's own production), and (ii) the total pounds of milk, skim milk, and other milk products received from other handlers, received as emergency milk, and received from other sources; add together the resulting amounts.

(2) Determine the total pounds of butterfat received by multiplying by its respective average butterfat test the milk, skim milk, and other milk products determined under subparagraph (1) of this paragraph; add together the resulting amounts.

(3) Determine the total pounds of Class I milk as follows:

(i) Convert to quarts the quantity of milk and skim milk disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 2.15;

(ii) Multiply the result by the average butterfat test thereof; and

(iii) If the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk computed pursuant to subparagraphs (4) (ii) and (5) (ii) of this paragraph is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, the butterfat shrinkage on milk from producers which exceeds 2 percent of such butterfat shall be divided by 3.8 percent and added to the quantity determined pursuant to subdivision (i) of this subparagraph.

(4) Determine the total pounds of Class II milk as follows:

(i) Multiply the actual weight of each of the products of Class II milk by its average butterfat test;

(ii) Add together the resulting amounts; and

(iii) Divide the result obtained in subdivision (ii) of this subparagraph by 3.8 percent.

(5) Determine the pounds of Class III milk as follows:

(i) Compute the total pounds of butterfat used to produce a product other than those specified in Class I milk and Class II milk;

(ii) Add together the resulting amounts;

(iii) Subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to subparagraphs (3) (ii) and (4) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to subdivision (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purpose of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of butterfat in milk received from producers, plus actual plant shrinkage of butterfat received from sources other than producers and handlers, including emergency milk) and shall be added to the result obtained in subdivision (ii) of this subparagraph; and

(iv) Divide the result obtained in subdivision (iii) of this subparagraph by 3.8 percent.

By the Louisville Milk Distributors Association:

6. Delete the provisions of § 946.3 (b), and substitute therefor the following:

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of as milk and/or milk drinks having a butterfat content in excess of 1 percent, and all milk not specifically accounted for as Class II milk, Class III milk, and Class IV milk.

(2) Class II milk shall be all milk disposed of as cream (for consumption as cream) including any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream, and all skimmed milk disposed of as buttermilk or milk drinks, whether plain or flavored and not disposed of in Class I.

(3) Class III milk shall be all milk, skim milk, and cream accounted for (i) as used to produce a product other than those specified in Class I milk, Class II milk, and Class IV milk, (ii) as actual plant shrinkage of butterfat in milk received from producers, but not to exceed 3 percent of such receipts of butterfat, and (iii) as actual plant shrinkage of butterfat in milk, skim milk, and cream received from sources other than producers and handlers, including emergency milk: *Provided*, That if milk is diverted by a handler to a plant of another handler without first having been received for purposes of weighing and testing in the diverting handler's plant, the quantity of butterfat in such milk shall be included in the butterfat receipts of the second handler in computing his plant shrinkage and shall be excluded from the butterfat receipts of the diverting handler in the latter's plant shrinkage computation; *And provided further*, That (*a*) if milk from producers is utilized as milk, skim milk or cream in conjunction with milk, skim milk, or cream from sources other than producers or other handlers, the shrinkage allocated to the milk from producers shall not exceed its pro rata share computed on the basis of producer milk available for Class III and ungraded receipts, and (*b*) if milk from producers is transferred as milk, skim milk, or cream under supporting transfer records satisfactory to the market administrator, to a plant of a handler from which no milk of producers is disposed of as fluid milk in the marketing area, the shrinkage on the aforesaid transferred portion shall be computed on a pro rata basis with all milk, skim milk, and cream utilized in the latter plant and added to the shrinkage on producers' milk handled in the handler's fluid milk plant.

(4) Class IV milk shall be that portion of the milk used to produce butter by a handler reporting utilization in Class III in excess of 10 percent of such handler's total receipts during the reporting period. No handler shall be permitted in any delivery period to report an amount of milk utilized in Class IV in excess of an amount equal to 10 percent of said handler's reported Class I sales for said delivery period.

By the Dairy Branch, Production and Marketing Administration:

7. Amend § 946.3 (c) by adding a subparagraph to read as follows:

(4) Milk, skim milk, and cream transferred or diverted by a handler from a plant, described under § 946.1 (e) (1) or (2), of such handler, to any other plant of such handler shall be Class III milk: *Provided*, That if milk, skim milk, or cream so transferred or diverted to such plant from which milk, skim milk, or cream is disposed of for human consumption as any product specified in paragraph (b) (1) or (b) (2) of this section, such milk, skim milk, or cream so transferred shall be classified on the basis of its pro rata share of the disposition of all receipts of milk, skim milk, and cream from the latter plant.

By the Louisville Milk Distributors Association:

8. Delete the provisions of § 946.3 (d) and substitute therefor the following:

(d) *Computation of class volumes.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute from the corrected report the amount of Class I milk, Class II milk, and Class IV milk, as follows:

(1) Determine (i) the total pounds of milk received from producers (including the handler's own production), and (ii) the total pounds of milk, skim milk, and other milk products received from other handlers, received as emergency milk, and received from other sources, and add together the resulting amounts.

(2) Determine the total pounds of butterfat received by multiplying by its respective average butterfat test the milk, skim milk, and other milk products determined under subparagraph (1) of this paragraph; add together the resulting amounts.

(3) Determine the total pounds of Class I milk as follows:

(i) Convert to quarts the quantity of milk and skim milk disposed of in the form of milk, buttermilk and milk drinks, whether plain or flavored, and multiply by 2.15;

(ii) Multiply the result by the average butterfat test thereof; then

(iii) Divide the result obtained by the average butterfat test of receipts from producers to obtain total milk pounds.

(iv) If the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk, Class III milk, and Class IV milk computed pursuant to subparagraphs (4) (ii), (5) (ii), and (6) of this paragraph is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, the butterfat shrinkage on milk from producers which exceeds 3 percent of such butterfat shall be divided by the average test of receipts from producers and added to the quantity determined pursuant to subdivision (i) of this subparagraph.

(4) Determine the total pounds of Class II milk as follows:

(i) Multiply the actual weight of each of the products of Class II milk by its average butterfat test;

(ii) Add together the resulting amounts; and

(iii) Divide the result obtained in subdivision (ii) of this subparagraph by the average test of receipts from producers.

(5) Determine the pounds of Class III milk as follows:

(i) Compute the total pounds of butterfat used to produce a product other than those specified in Class I milk, Class II milk, and Class IV milk;

(ii) Add together the resulting amounts;

(iii) Subtract the total pounds of butterfat in Class I milk, Class II milk, and Class IV milk, computed pursuant to subparagraphs (3) (ii), (4) (ii), and (6) of this paragraph, and the total pounds of butterfat computed pursuant to subdivision (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purpose of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of butterfat in milk received from producers, plus actual plant shrinkage of butterfat received handlers, including emergency milk) and shall be added to the result obtained in subdivision (ii) of this subparagraph; from sources other than producers and and

(iv) Divide the result obtained in subdivision (iii) of this subparagraph by the average butterfat test of receipts from producers.

(6) Determine the total pounds of Class IV milk as follows:

(i) Divide by the average test of receipts from producers the total pounds of butterfat manufactured into butter or sold to a butter manufacturer to determine hundredweight pounds of milk used for this purpose by each handler, (ii) add together the resulting amounts; (iii) determine the total pounds of Class III milk in excess of 10 percent of the total pounds of milk received from producers (including the handler's own production), received from other handlers, received as emergency milk and received from other sources; (iv) determine the total pounds of milk equal to 10 percent of each handler's Class I sales; (v) when the total pounds of milk as determined in subdivision (ii) of this subparagraph exceed the total pounds of milk as determined in subdivision (iii) of this subparagraph such total pounds of milk shall be considered to be each handler's Class IV usage provided such total pounds of milk do not exceed the total pounds of milk as determined in subdivision (iv) of this subparagraph.

9. Delete the provisions of § 946.3 (e).

10. Delete the provisions of § 946.3 (f) and substitute therefor the following:

(f) *Allocation of milk classified.* The amount remaining in each class after making the following computations shall be the amount in such class allocated to milk received from producers:

(1) Subtract from the total pounds of milk computed for each class, in series beginning with the lower priced Class III milk, the total pounds, except emergency milk, received from sources other than producers and handlers;

(2) Subtract from the remaining pounds of milk computed for each class the total pounds of emergency milk assigned to such class;

(3) Subtract from the remaining pounds of milk computed for each class the total pounds received from other handlers and assigned to such class: *Provided*, That if the total pounds to be subtracted from Class II milk or Class III milk is greater than the remaining pounds of milk in such class, the balance shall be subtracted from the remaining pounds of milk in the next higher priced class.

By the Falls Cities Cooperative Milk Producers Association:

11. Delete § 946.4 (a) and substitute the following:

§ 946.4 *Minimum prices*—(a) *Class prices.* Subject to the provisions of paragraph (b), (c), (d), and (e) of this section, each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the prices per hundredweight computed as follows by the market administrator for the respective quantities of Class I milk, Class II milk, and Class III milk, computed pursuant to § 946.3 (e) and (f):

(1) *Class I milk.* The price for Class I milk shall be the price determined pursuant to subparagraph (5) of this paragraph, plus $1.05.

(2) *Class II milk.* The price for Class II milk shall be the price determined pursuant to subparagraph (5) of this paragraph, plus $0.50.

(3) *Class III milk.* Except as set forth in subparagraph (4) of this paragraph, the price for Class III milk shall be the price resulting from the following computation: determine, on the basis of milk of 4 percent butterfat content, the arithmetic average of the basic, or field prices per hundredweight reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed below for ungraded milk received during the delivery period:

Concern and Location
Kraft Cheese Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Cheese Co., Salem, Ind:
Ewing-Von Allmen Co., Corydon, Ind.
Ewing-Von Allmen Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

and subtract an amount computed by multiplying the average wholesale price

per pound of 92-score butter in the Chicago market, as reported by the agency described in paragraph (a) (3) (i) of this section for the delivery period during which the milk was received, by 20 percent: *Provided*, That if the price so determined is less than the price computed in accordance with the following formula, such formula price shall be used:

(i) Multiply by 3.8 the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received;

(ii) Add 20 percent thereof; and

(iii) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by spray process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by spray process for human consumption, published by the agency described in subdivision (i) of this subparagraph, for the Chicago market during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such milk solids for the previous delivery period. In the event the carlot prices for nonfat dry milk solids by spray process for human consumption, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by any such agency, shall be used, and the following shall be used in lieu of the computation provided under subdivision (iii) of this subparagraph add 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids for human consumption delivered at Chicago, is above 6½ cents per pound.

(4) In the case of butter made from producers' milk received during the delivery periods of April, May, and June, which as milk equivalent is not in excess of 10 percent of the handler's Class I milk computed pursuant to § 946.3 (f), the price shall be that resulting from the following computation: Multiply by 3.8 the average wholesale price of 92-score butter in the Chicago market, as reported by the agency described in subparagraph (3) (i) of this paragraph for the delivery period, and add 20 percent thereof.

(5) *Basic price.* The basic price per hundredweight of milk to be used in computing the minimum prices for Class I milk and Class II milk, set forth in subparagraphs (1) and (2) of this paragraph, shall be the price computed pursuant to subparagraph (3) of this paragraph plus 15 cents or that resulting from the following formula whichever is the higher: to the average of the basic (or field) prices reported to have been paid, or to be paid, for milk for 3.5 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the companies listed below or by the agency described in subparagraph (3) (i) of this paragraph:

Companies and Locations

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential, determined pursuant to § 946.8 (f), by 3.

(6) The prices used in determining the average manufacturing plant price pursuant to subparagraph (3) or (5) of this paragraph shall be those quoted for milk received at the respective plants, without deductions for hauling or other charges to be paid by the farm shipper.

12. Delete § 946.4 (b) and substitute the following:

(b) *Price of Class I milk for relief distribution.* For Class I milk delivered by a handler to the residence of a relief client certified by a recognized relief agency, charged to such an agency, or disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class I milk minus 55 cents.

13. Delete § 946.4 (c) and substitute the following:

(c) *Butterfat differential to handlers.* If any handler has received from producers milk containing more or less than 3.8 percent of butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 3.8 percent, an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the agency described in paragraph (a) (3) (i) of this section for the delivery period during which the milk was received, add 20 percent, and divide the result by 10.

14. Delete § 946.4 (d) and substitute therefor the following:

(d) *Class volume reconciliation adjustment.* For the amount of milk involved in any reconciliation of class volumes of milk, pursuant to § 946.3 (e), the handler shall be debited or credited, as the case may be, at the higher Class III price: *Provided*, That if such handler received from producers milk with an average test of butterfat of 3.8 percent or less and disposed of no milk, skim milk, or cream as a Class III milk product, such debit or credit, as the case may be, shall be made at the Class II price.

By the Louisville Milk Distributors Association:

15. Delete the provisions of § 946.4 and substitute therefor the following:

§ 946.4 *Minimum prices*—(a) *Class prices.* Subject to the provisions of paragraphs (b), (c), (d), and (e) of this section, each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the prices per hundredweight computed as follows by the market administrator for the respective quantities of Class I milk, Class II milk, Class III milk, and Class IV milk computed pursuant to § 946.3 (f):

(1) *Class I milk.* The price for Class I milk shall be the price determined pursuant to subparagraph (5) of this paragraph, plus $0.90.

(2) *Class II milk.* The price for Class II milk shall be the price determined pursuant to subparagraph (5) of this paragraph, plus $0.40.

(3) *Class III milk.* The price for Class III milk shall be the price resulting from the following computation: Determine, on the basis of milk of 4 percent butterfat content, the arithmetic average of the basic, or field, prices per hundredweight reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed below for ungraded milk received during the delivery period:

Concern and Location

Kraft Foods Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Salem, Ind.
Ewing Von Allmen Dairy Co., Corydon, Ind.
Ewing Von Allmen Dairy Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

Provided, That if the price so determined is less than the price computed in accordance with the following formula, such formula price shall be used:

(i) Multiply by 4 the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received;

(ii) Add 20 percent thereof; and

(iii) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by roller process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by roller process for human consumption, published by the agency described in subdivision (i) of this subparagraph, for the Chicago market during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such milk solids for the previous delivery period. In the event the carlot prices for nonfat dry milk solids by roller process for human consumption, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago as published by any such agency, shall be used, and the following shall be used in lieu of the computation provided under subdivision (iii) of this subparagraph: Add 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids for human consumption delivered at Chicago, is above 7½ cents per pound.

(4) *Class IV milk.* The price for Class IV milk shall be the price determined per hundredweight of milk testing 4 percent butterfat by multiplying the price of 92-score butter (Chicago market as reported by the United States Department of Agriculture for the delivery period during which said milk was delivered) by 4 and adding thereto 20 percent.

16. Delete the provisions of § 946.4 (a) (5) and substitute therefor the following:

(5) *Basic price.* The basic price of milk to be used in computing the minimum prices for Class I milk and Class II milk shall be an average of the price for the current delivery period and the previous delivery period.

17. Delete the provisions of § 946.4 (a) (6) and substitute therefor the following:

(6) The prices used in determining the average manufacturing plant price pursuant to subparagraph (3) of this paragraph shall be those quoted for milk received at the respective plants, without deductions for hauling or other charges to be paid by the farm shipper.

18. Amend § 946.4 by deleting paragraphs (d) and (e), and substituting therefor the following:

(d) *Sales outside marketing area.* The price to be paid by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be the price, as ascertained by the market administrator, which is being paid for milk of an equivalent use in the market where such milk is disposed of: *Provided*, That such Class I price as ascertained by the market administrator shall be subject to a transportation adjustment of 1½ cents per hundredweight of such milk for every 15 miles or fraction thereof from the shipping point where such milk is received from producers to the market where such milk is utilized as Class I milk: *Provided further*, That such Class I price, as ascertained by the market administrator, less the adjustment for transportation shall not be lower than the Class I price as set forth in § 946.4 (a) (1) minus 40 cents.

By the Dairy Branch, Production and Marketing Administration:

19. Amend § 946.6 by adding a paragraph (d) to read as follows:

(d) Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

By the Louisville Milk Distributors Association:

20. Delete the provisions of § 946.7 (a) and substitute therefor the following:

(a) *Computation of value for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 946.6 (b) and (c), the value of milk of producers received by each handler, by multiplying the quantity in each class by the price applicable to such class and by adding together the resulting class values: *Provided*, That with respect to butter made from producers' milk, but not to exceed as milk equivalent 10 percent of such handler's Class I milk computed pursuant to § 946.3 (f), the applicable price shall be that computed pursuant to § 946.4 (4). If such handler utilizes milk, skim milk, or cream from sources other than producers or other handlers in milk products, the amount of butter allocated to milk from producers shall be a pro rata share based upon the respective volumes from each source utilized in milk products.

By the Falls Cities Cooperative Milk Producers Association:

21. Delete § 946.7 (b) (1) and (2) and substitute the following:

(b) *Computation and announcement of uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of producer milk containing 3.8 percent of butterfat for each delivery period, as follows:

(1) Combine into one total the respective values computed pursuant to paragraph (a) of this section, for all handlers who made the report prescribed by § 946.5 (a) for such delivery period, except those in default of payments required pursuant to § 946.8 (c) for the preceding delivery period;

(2) Subtract, if the average butterfat content of all milk received from producers is in excess of 3.8 percent, or add, if such average butterfat content is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to § 946.8 (f).

By the Louisville Milk Distributors Association:

22. Amend § 946.7 (b) by designating the present subparagraph (3) as (i) and adding thereto the following subparagraph:

(ii) Add for each of the delivery periods of September, October, and November an amount equal to one-third of the aggregate amount withheld pursuant to § 946.7 (b) (3) (i).

By the Louisville Milk Distributors Association:

23. Amend § 946.8 (b) by deleting therefrom the proviso clause as follows: *"Provided*, That payments due any handler shall be off-set by payments due from such handler."

24. Delete § 946.8 (d) (2).

By the Fall Cities Cooperative Milk Producers Associations:

25. Delete § 946.8 (f) and substitute therefor the following:

(f) *Butterfat differential.* In making payment to each producer, pursuant to paragraph (a) of this section, each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent of butterfat content above or below 3.8 percent in milk received from such producer, the amount as shown in the schedule below for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the agency described in § 946.4 (a) (3) (i), for the delivery period during which such milk was received:

Butter price range (cents):	*Butterfat differential (cents)*
17.499 or less	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

By the Louisville Milk Distributors Association:

26. Amend § 946.10, Expense of administration, by designating the present paragraph as (a) and adding a new paragraph thereto as follows:

(b) The funds so collected shall be impressed with a trust under the custody of the market administrator and shall be expended in accordance with applicable provisions of the order and, at least quarterly, a detailed account of income and disbursements shall be made available to the regulated handlers.

By the Dairy Branch, Production and Marketing Administration:

27. Delete § 946.10 and substitute therefor the following:

§ 946.10 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator 2 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk purchased or received by such handler, during such delivery period, from producers, including that received from such handler's own farm production, and all milk, skim milk, and cream received from sources other than producers and other handlers during the delivery period. Each cooperative association which is a handler shall pay such

pro rata share of expense on only that milk of producers caused to be delivered by such cooperative association to a plant from which no milk is disposed of in the marketing area.

General proposals by the Louisville Milk Distributors Association:

28. Amend the present method of accounting for milk by substituting therefor in each of the sections, subsections, and classifications the appropriate language to establish for the Louisville milk marketing area the "skim-butterfat" basis of reporting and accounting for utilization in each class, under such terms and conditions as will effectuate a price to handlers in accordance with specific price proposals incorporated in the foregoing proposals of such association.

By the Dairy Branch, Production and Marketing Administration:

29. Make such other changes as may be required to make the entire marketing agreement or order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the market administrator, 1235 Starks Building, Louisville 2, Kentucky, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 31, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-3241; Filed, Apr. 3, 1947; 8:45 a. m.]

[7 CFR, Part 967]

[Docket No. AO-170-A2]

HANDLING OF MILK IN LA PORTE-ST. JOSEPH COUNTIES, INDIANA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Oliver Hotel, South Bend, Indiana, beginning at 10:00 a. m., c. s. t., April 28, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and the order regulating the handling of milk in the St. Joseph County, Indiana, milk marketing area (8 F. R. 8790). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Dairy Branch, Production and Marketing Administration:

1. Delete the provisions of § 967.1 and substitute therefor the following:

§ 967.1 *Definitions.* The following terms mean:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(f) "Cooperative Association" means any cooperative association of producers which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(g) "St. Joseph-La Porte County, Indiana, marketing area," hereinafter called the "marketing area," means all territory within the geographical limits of St. Joseph County, Indiana, except the townships of Olive, Liberty, and Lincoln; and all territory within the geographical limits of La Porte County, Indiana.

(h) "Approved plant" means a milk plant which is approved by the health authorities of the municipalities of South Bend, Mishawaka, La Porte, or Michigan City, Indiana, and from which a route is operated wholly or partially within the marketing area.

(i) "Producer" means any person, having certification issued by the applicable health authority in the marketing area to produce milk for disposition within the marketing area in the form of fluid milk, who produces milk which is received at an approved plant.

(j) "Producer milk" means milk produced by one or more producers under the conditions set forth in subdivision (i) of this subparagraph.

(k) "Emergency milk" means milk, skim milk, or cream received from sources other than producers or handlers under an emergency permit to receive such milk, skim milk, or cream issued by the appropriate health authority.

(l) "Route" means a delivery (including at a plant store) of milk or milk drinks whether plain or flavored, in fluid form to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

(m) "Handler" means (1) a person who operates an approved plant, or (2) a cooperative association with respect to: (i) Milk caused by it to be delivered from producers' farms to a plant or plants described in subparagraph (1) of this paragraph, for which milk such association is authorized to receive payment; or (ii) milk customarily received as producer milk at an approved plant which is diverted by such association on its account to the plant of a nonhandler.

(n) "Nonhandler" means any person other than a handler who operates a milk processing or distributing plant which is not an approved plant.

(o) "Producer-handler" means any person who produces milk, but receives no milk from other producers and operates an approved plant.

By the Pure Milk Association:

2. Amend § 967.1 (f) to read:

(f) "Producer" means any person who under a dairy farm inspection report issued by the health authorities of either South Bend or Mishawaka, Indiana, produces milk which is received at an approved plant: *Provided*, That upon the first day of the second month after any such report is revoked, and continuing for not more than three (3) months during such revocation any milk which is received from such producer shall be termed degraded milk. After such three (3) months, milk received from such producer shall be considered as milk from other sources.

3. Amend § 967.1 to include:

(k) "Milk from other sources" means milk, skim milk, or cream received from sources other than producers or handlers without a permit issued by either of the health authorities referred to in paragraph (e) of this section.

By Reliable Dairy Company, Inc., Producers Dairy, Inc., City Dairy Company, Inc., Suabedissen-Wittner Dairy, Inc., National Milk Company, Inc., Mishawaka Farmers Dairy, Inc., Best Ever Dairy, Inc., Fertile Acres Dairy, Indiana Dairy Company, Debeck's Sanitary Dairy, West End Dairy, Riverside Dairy Company, South Bend Pure Milk Company, Coussens Dairy, and Oak Ridge Dairy and Creamery, hereinafter referred to as the Reliable Dairy Company, Inc. et al.

4. Delete § 967.1 (c) and substitute therefor the following:

(c) "St. Joseph County, Indiana, marketing area," hereinafter called the "marketing area" means all municipal corporations and unincorporated territory with the geographical limits of St. Joseph County, Indiana, excepting the townships of Olive, Liberty, and Lincoln, and all of the territory in Bertrand and Niles Townships, Berrien County, Michigan; and Milton Township and Ontwa Township, Cass County, Michigan, excepting all territory within the corporation limits of Niles, Michigan.

5. Delete § 967.1 (e) and substitute therefor the following:

(e) "Plant" means any plant which disposes of milk in the marketing area.

6. Delete § 967.1 (f) and substitute therefore the following:

(f) "Producer" means any person who produces milk which is received at a plant.

7. Delete § 967.1 (j) and substitute therefor the following:

(j) "Supplementary milk" means milk, skim milk, or cream received from sources other than producers or handlers.

8. Amend § 967.1 by adding a new paragraph (k) as follows:

(k) "Milk" means the lacteal secretion obtained by the milking of one or more cows, whether in the original or in any processed form, including cream, buttermilk, and skim milk intended for human consumption.

By the Dairy Branch, Production and Marketing Administration:

9. Delete the provisions of § 967.2 and substitute therefor the following:

§ 967.2 *Market administrator—(a) Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain, in an amount and with surety thereon satisfactory to the Secretary, a bond covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 967.9:

(i) The cost of his bond and of the bonds of his employees,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under § 967.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 967.3, or (ii) payments pursuant to §§ 967.8, 967.9, 967.10, or 967.11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the price determined for each delivery period as follows:

(i) On or before the 7th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class pursuant to § 967.5; and

(ii) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 967.7 and the butterfat differential computed pursuant to § 967.8; and

(10) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

By the Dairy Branch, Production and Marketing Administration:

10. Delete the provisions of § 967.3 and substitute therefor the following:

§ 967.3 *Reports, records, and facilities—(a) Delivery period reports of receipts and utilization.* On or before the 9th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such delivery period of (i) producer milk, (ii) skim milk and butterfat in any form from any other handler, (iii) emergency milk, and (iv) other source milk; and the sources thereof;

(2) The utilization of all receipts required to be reported under subparagraphs (1) and (2) of this paragraph; and

(3) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show (i) the total pounds of milk received from each producer and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions and charges involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to (1) the receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form; (2) the weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled; (3) payments to producers and cooperative associations; and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

By the Dairy Branch, Production and Marketing Administration:

11. Delete the provisions of § 967.4 and substitute therefor the following:

§ 967.4 *Classification—(a) Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in emergency milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk and butterfat;

(i) Disposed of in the form of milk or milk drinks, whether plain or flavored, including bulk milk disposed of to bakeries, hotels, restaurants, and other retail food establishments;

(ii) Not specifically accounted for as any item included under subdivision (i) of this subparagraph or as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all skim milk and butterfat used to produce (i) cream or as any mixture of cream and milk or skim milk (excluding any item accounted for under subparagraph (3) (i) of this paragraph) containing not less than 6 percent of butterfat, or (ii) cottage cheese.

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce frozen cream, ice cream, cheese (except cottage cheese), or ice cream mix; or

(ii) Used to produce a milk product other than any of those specified in subparagraph (1) (i), (2), or (4) of this paragraph.

(4) Class IV milk shall be all skim milk and butterfat:

(i) Used to produce butter;

(ii) In actual plant shrinkage of producer milk computed pursuant to paragraph (c) of this section, but not in excess of 3 percent thereof; and

(iii) In actual plant shrinkage of emergency milk and other source milk computed pursuant to paragraph (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in emergency and other source milk in the following manner:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(2) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) of this paragraph between producer milk and emergency and other source milk after deducting receipts from other handlers.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of plant shrinkage pursuant to paragraph (g) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization;

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(3) As Class I milk if transferred or diverted in the form of milk and as Class II milk if so disposed of in the form of cream to a nonhandler's plant unless, (i) the handler claims another class on the basis of utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 9th day after the end of the delivery period within which such transaction occurred, (ii) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section;

(f) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk and Class IV milk for such handler.

(g) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(i) Subtract plant shrinkage of skim milk pursuant to paragraph (b) (4) (ii) of this section from the total pounds of skim milk in Class IV milk;

(ii) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to (e) of this section;

(iii) Subtract pro rata from the pounds of skim milk remaining in each class after making the deduction pursuant to subdivisions (i) and (ii) of this subparagraph the pounds of skim milk in emergency milk;

(iv) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available use, the pounds of skim milk contained in milk other than from producers, handlers, and emergency sources; and

(v) Add to the remaining pounds of skim milk in Class IV milk the pounds subtracted pursuant to subdivision (i) of this subparagraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced available use.

(2) Allocate classified butterfat to producer milk according to the method prescribed in subparagraph (1) of this paragraph for skim milk.

(3) Determine the weighted average butterfat test of the remaining Class I milk, Class II milk, Class III milk, and Class IV milk computed pursuant to subparagraphs (1) and (2) of this paragraph.

By the Pure Milk Association:

12. Amend § 967.4 (b) (1) to read:

(1) Class I milk shall be all milk disposed of in the form of milk, buttermilk or milk drinks, whether plain or flavored including bulk milk disposed of to bakeries, hotels, restaurants and other retail food establishments, and all milk not accounted for as Class II, Class III, and Class IV milk.

13. Delete the provisions of § 967.4 (d) (7) (ii) and (iii) and substitute therefor the following:

(ii) Subtract from the lowest class in which the handler has milk, the total pounds of milk which were received from sources other than producers and handlers;

(iii) Subtract pro rata from the remaining pounds of milk in each class the pounds of emergency milk received; emergency cream to be deducted pro rata from Class II, Class III, and Class IV milk.

By Reliable Dairy Company, Inc., et al:

14. Delete § 967.4 (b) (1), (2), and (3) and substitute therefor the following:

(b) *Classes of utilization.* Subject to the condition set forth in paragraph (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk or milk drinks, whether plain or flavored, having a butterfat content of not less than 3.25 percent, and all milk not accounted for as Class II milk, Class III milk, and Class IV milk.

(2) Class II milk shall be all milk, the butterfat from which is disposed of as sweet or sour cream.

(3) Class III milk shall be all milk, the butterfat from which is used to produce a milk product other than one of those specified in Class II or Class IV and including frozen cream, ice cream, cheese, and ice cream mix, and any milk sold as fluid milk and cream to bakery, soup, or candy manufacturing establishments.

15. Amend § 967.4 (b) by adding the following:

(5) Class V milk shall be all milk in excess of the actual and complete requirements of each plant determined as follows: any plant whenever they shall notify the Pure Milk Association or the market administrator not less than 24 hours previous to dispose of all milk above the actual and complete requirements, and said Pure Milk Association or market administrator shall fail to accept delivery of said milk or to dispose of the same and which milk the handler takes into his plant on account of their said failure to accept said delivery or to dispose of said milk.

16. Delete § 967.4 (d) (3) and substitute therefor the following:

(3) Determine the total pounds of milk in Class I as follows: (i) Convert to quarts the quantity of milk disposed of in the form containing not less than 3.25 percent butterfat and multiply by 2.15 and convert to quarts the quantity of flavored milk drinks containing not less than 3.25 percent butterfat and multiply by 1.935 and add the total thus received, (ii) Multiply the result by its average butterfat test, and (iii) If the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk, Class III milk, and Class IV milk, computed pursuant to subparagraphs (4) (ii), and 6 (ii) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 4 percent and shall be added to the quantity of milk determined pursuant to subdivision (i) of this subparagraph.

17. Delete § 967.4 (d) (7) and substitute therefor the following:

(7) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in Class IV the total pounds of milk which were received from other handlers;

(ii) Subtract pro rata from the remaining pounds of milk in each class the pounds of supplementary milk received;

(iii) Except as set forth in paragraph (e) of this section, the result shall be known as the "net pool milk" in each class.

18. Delete § 967.4 (e) (2) and substitute therefor the following:

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Classes IV, III, II, and in that order for such handler only to the extent that such handler has milk in said respective class by an amount equal to the difference between the receipts of milk from producers, and the total utilization of milk by classes for such handler, provided that from Class IV first shall be deducted the allowable plant shrinkage, which result shall be known as "net pool milk" in each class.

By the Dairy Branch, Production and Marketing Administration:

19. Delete § 967.5 and substitute therefor the following:

§ 967.5 *Minimum prices*—(a) *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by this section shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator pursuant to subparagraphs (1), (2), or (3) of this paragraph, computed to the nearest tenth of a cent.

(1) The average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

Provided, That if one of the above companies fails to report the price for milk so received, the average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department of Agriculture shall be used:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply by 3.5 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, add 20 percent; and

(ii) Add or subtract 3.5 cents per hundredweight for each full one-half cent that the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture during the delivery period, is above or below 5.5 cents, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

(b) *Class I milk prices.* Subject to the provisions of paragraphs (f) and (g) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class I milk, shall be the basic formula price determined pursuant to paragraph (a) of this section, plus 65 cents.

(c) *Class II milk prices.* Subject to the provisions of paragraphs (f) and (g) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class II milk, shall be the basic formula price determined pursuant to paragraph (a) of this section, plus 40 cents.

(d) *Class III milk prices.* Subject to the provisions of paragraphs (f) and (g) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class III milk, shall be the same as the basic formula price.

(e) *Class IV milk prices.* Subject to the provisions of paragraphs (f) and (g) of this section the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class IV milk, shall be the price determined pursuant to paragraph (a) (3) of this section.

(f) *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified producer milk is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator by multiplying the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period by the following factors for each class respectively and divide the result by 10:

Class I milk—1.35.
Class II milk—1.30.
Class III milk—1.25.
Class IV milk—1.20.

(g) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market admin-

istrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

By the Pure Milk Association:

20. Amend § 967.5 (a) (1), (2), and (3) to read:

(1) *Class I milk.* The price per hundredweight for Class I milk shall be the price determined pursuant to paragraph (b) of this section, plus:

For the delivery periods of:	
January through April	$0.70
May and June	.50
July and August	.70
September through December	1.00

(2) *Class II milk.* The price per hundredweight for Class II milk shall be the price determined pursuant to paragraph (b) of this section, plus:

For the delivery periods of:	
January through August	$0.37
September through December	.68

(3) *Class III milk.* The price per hundredweight for Class III milk shall be the average as computed by the market administrator of the prices ascertained to have been paid for milk of 4 percent butterfat content received during the delivery period at:

Goshen Milk Condensing Co., Goshen, Ind.; Litchfield Creamery Co., Warsaw, Ind.; and New Paris Creamery Co., New Paris, Ind.;

or the average price as computed by the market administrator for milk of 4 percent butterfat content received during the delivery period at the following places, i. e.,

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

or the price computed under subparagraph (4) of this paragraph, whichever is the highest.

21. Delete from § 967.5 (a) (4) the figure "3½" and substitute therefor "3¾"; the figures "5½" and substitute therefor "5"; and the figure "7½" and substitute therefor "6½."

By Reliable Dairy Company, Inc., et al.:

22. Delete § 967.5 (a) (3) and substitute therefor the following:

(3) The price per hundredweight for Class III milk shall be the average, as computed by the market administrator, of the basic (or field) prices ascertained to have been paid for milk of 4 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the three listed companies or by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function):

Concern and Location
Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

Provided, That if any one of the above companies fails to report the price of milk so received, the price per hundredweight for Class III milk shall be the average, as computed by the market administrator ascertained to have been paid by any two of the above-named companies.

23. Amend § 967.5 (a) by adding a new subparagraph as follows:

(5) *Class V milk.* The price of Class V milk shall be the net price actually received less 20 cents per hundredweight, as and for a handling charge, f. o. b. the handler's plant.

24. Delete § 967.5 (b).

25. Delete § 967.5 (d).

26. Amend § 967.5 by adding a new paragraph (e) as follows:

(e) *Sales outside the marketing area.* The price to be paid by a handler for milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section shall be the price, as ascertained by the market administrator, which is being paid for milk of equivalent use in the market where such milk is disposed of.

27. Amend § 967.5 by adding a new paragraph (f) as follows:

(f) *Degraded milk.* Whenever the duly constituted authorities find that any producer is not producing the highest quality milk for sale in accordance with regulations for the sale of fluid milk in the marketing area, or any part thereof, then said producer shall be paid a sum as herein provided less 20 cents per hundredweight so long as he is not producing milk in said highest quality.

By the Dairy Branch, Production and Marketing Administration:

28. Delete the provisions of § 967.6 and substitute therefor the following:

§ 967.6 *Application of provisions—*(a) *Payment for milk received from sources determined as other than producers or other handlers.* If any handler uses skim milk and butterfat from sources other than producers or other handlers, such handler shall pay producers, through the producer settlement fund, the difference between the value of such skim milk and butterfat at the Class IV price and the value of such milk in accordance with its classification pursuant to § 967.4 (g).

(b) *Exempt milk.* Milk received by a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this section.

(c) *Diverted milk.* Producer milk diverted from a handler's plant to a nonhandler's plant shall be deemed to have been received by the handler on whose account such milk was diverted.

(d) *Producer-handler.* Sections 967.4, 967.5, 967.7, 967.8, 967.9, and 967.10 shall not apply to a producer-handler in his capacity as a handler.

By the Dairy Branch, Production and Marketing Administration:

29. Delete the provisions of § 967.7 and substitute therefor the following:

§ 967.7 *Determination of uniform prices—*(a) *Computation of value of milk.* Subject to the provisions of § 967.6 (a), the value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Provided*, That if a handler, after subtracting other source milk, emergency milk, and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 967.3 (a), has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 967.4 (g) (1) (v) and (2) by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(1) Combine into one total the values computed pursuant to paragraph (a) of this section for all handlers who made the reports prescribed by § 967.3; except those in default of the payments prescribed in § 967.8 (a) for the preceding delivery period;

(2) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 967.8 (e);

(3) Subtract, if the weighted average butterfat test of producer milk represented by the values included under subparagraph (1) of this paragraph is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which its weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 967.8 (b), and multiplying the resulting figure by the total hundredweight of such milk;

(4) Divide the resulting amount by the total hundredweight of producer milk represented by the values included in subparagraph (1) of this paragraph; and

(5) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under subparagraph (4) of this paragraph.

(c) *Notification of handlers.* On or before the 15th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing

(1) the amount and value of his milk in each class and the totals thereof; (2) the applicable minimum class prices and uniform prices; (3) the amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to § 967.8 (d) and (e); and (4) the amount to be paid by each handler pursuant to §§ 967.8 (a), 967.9, and 967.10.

By the Pure Milk Association:

30. Amend § 967.7 (b) by adding thereto:

(5) add 20 cents per hundredweight on all degraded milk.

By Reliable Dairy Company, Inc., et al.

31. Delete § 967.7 (b) (1) and substitute therefor the following:

(1) Combine into one total the net pool obligations of all handlers, computed pursuant to paragraph (a) of this section, who made the reports pursuant to § 967.3 (a) (1) for such delivery period and the payments required by § 967.8 (d) for the delivery period immediately preceding; subtract for each of the delivery periods of April, May, June and an amount representing 25 cents per hundredweight of milk received from producers by the handlers whose milk values are included in this paragraph.

By the Dairy Branch, Production and Marketing Administration:

32. Delete § 967.8 and substitute therefor the following:

§ 967.8 *Payment for milk—*(a) *Time and method of final payment.* Each handler shall make payments as follows:

(1) On or before the 19th day after the end of each delivery period, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to subparagraph (2) of this paragraph, at not less than the uniform price for such delivery period pursuant to § 967.7 (b) adjusted by the producer butterfat differential pursuant to paragraph (b) of this section, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (e) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 16th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association during such delivery period, not less than the value of such milk computed at the minimum class prices provided by § 967.5. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, Class III milk, and Class IV milk as determined pursuant to § 967.4 (g).

(b) *Producer butterfat differential.* In making payments pursuant to paragraph (a) (1) of this section there shall be added to, or subtracted from, the uniform price for milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, by 1.20, dividing by 10, and rounding to the nearest tenth of a cent.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section.

(d) *Payments to the producer-settlement fund.* On or before the 17th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 967.7 (b) adjusted by the butterfat differential provided by paragraph (c) of this section: *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the association, in turn, shall pay to the market administrator, on or before the 17th day after the end of each delivery period, the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to § 967.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section.

(e) *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to § 967.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (d) of this section, §§ 967.9, 967.10, and 967.11: *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the market administrator shall pay, on or before the 18th day after the end of each delivery period, to such association the amount by which the utilization value of such milk is less than its value computed at the uniform price pursuant to § 967.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

By the Pure Milk Association:

33. Delete the period at the end of § 967.8 (a) and add thereto the following: "less 20 cents per hundredweight on all degraded milk."

By Reliable Dairy Company, Inc., et al:

34. Delete § 967.8 (e) and substitute therefor the following:

(e) *Payments out of the producer-settlement fund.* (1) On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered pursuant to paragraph (c) of this section for such delivery period, less any unpaid obligation of the handler. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments, and shall complete such payments as soon as the necessary funds are available. No handler who, on the 18th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his total payments uniformly to all producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(2) On or before the 15th day after the end of each of the delivery periods of September, October, and November, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: divide ⅓ of the aggregate amount held pursuant to § 967.7 (b) (1) by the hundredweight of producer's milk delivered during the delivery period involved (September, October, or November as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period.

By the Dairy Branch, Production and Marketing Administration:

35. Delete § 967.9 and substitute therefor the following:

§ 967.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 967.2 (c) (4) each handler shall pay the market administrator, on or before the 17th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and from sources other than producers or other handlers.

By Reliable Dairy Company, Inc., et al.:

36. Amend § 967.9 by deleting from lines 9 and 10 of this section the words "and from his own production."

By the Dairy Branch, Production and Marketing Administration:

37. Delete § 967.10 and substitute therefor the following:

§ 967.10 *Marketing services*—(a) *Marketing service deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 967.8 (a) (1), shall make a deduction of 3 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 17th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Marketing service deduction with respect to members of, or producers marketing through, a cooperative association.* In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 932.8 (a) (1) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 17th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

By Reliable Dairy Company, Inc., et al:

38. Amend § 967.10 (a) by inserting "excepting such handler's own production" at the end of the first sentence of said section, and by adding the following words at the end of the second sentence of said section: "*Provided*, That the market administrator may make a reasonable charge for any verification or test of any handler's own production."

By the Dairy Branch, Production and Marketing Administration:

39. Delete §§ 967.11 and 967.12 and substitute therefor the following:

§ 967.11 *Adjustments of accounts*—(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) *Interest on overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 967.8, 967.9, 967.10, or paragraph (a) of this section shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 967.12 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 967.13 *Suspension or termination*—(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 967.14 *Agents.* The Secretary may, by designation in writing, name any officer or employe of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 967.15 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

40. Delete § 967.13.

By Reliable Dairy Company, Inc., et al.:

41. Amend § 967.11 by adding a new paragraph as follows:

(e) *Termination for lack of supply.* Whenever the Pure Milk Association or the Market Administrator cannot furnish the minimum requirements of milk required by any plant for a period of 30 days as shown upon the reports to the market administrator and that during said 30 days any such plant is required to purchase supplementary milk then this order shall automatically terminate.

General proposals by the Dairy Branch, Production and Marketing Administration:

42. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, as amended, now in effect, may be procured from the market administrator, 116 South William Street, South Bend 24, Indiana, or from the Hearing Clerk, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 31, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-3239; Filed, Apr. 3, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Parts 230, 239]

REGISTRATION AND REGISTRATION PROCEDURE

NOTICE OF PROPOSED LEGISLATION

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the revision of the rules comprising Regulation C pursuant to the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof. The proposed revision is set forth below.

Regulation C is the portion of the general rules and regulations under the act dealing with registration and registration procedure. The purpose of the proposed revision is twofold. First, it would eliminate a great deal of obsolete material, and second, it would reorganize the remaining rules in a manner intended to facilitate the registration of securities according to the simplified procedure provided by the Commission's recently revised Form S–1 (17 CFR 239.11, 11 F. R. 177A–732).

Persons desiring to comment on the proposed revision may obtain copies thereof from the principal office of the Commission at the address indicated below.

All interested persons may submit data, views and comments in writing to the Securities and Exchange Commission at its principal office, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before April 21, 1947.

REGULATION C—REGISTRATION

§ 230.400 *Application of Regulation C.* The rules contained in §§ 230.400 to 230.492 shall govern every registration of securities under the act, except that any provision in a form covering the same subject matter as any such rule shall be controlling.

GENERAL REQUIREMENTS

§ 230.401 *Requirement as to proper form.* A registration statement shall be prepared in accordance with the form prescribed therefor by the Commission as in effect on the date of filing. Any registration statement shall be deemed to be filed on the proper form unless objection to the form is made by the Commission prior to the effective date of the statement.

§ 230.402 *Number of copies; signatures; binding.* (a) Three copies of the complete registration statement, including exhibits and all other papers and documents filed as a part of the statement, shall be filed with the Commission. At least the original of every statement filed with the principal office of the Commission, and at least the original and one copy of every statement filed with a regional office pursuant to §230.455 (b) shall be signed by the persons specified in section 6 (a) of the act.

(b) Each copy of the registration statement filed with the Commission shall be bound in one or more parts, without stiff covers. The binding shall be made on the left-hand side and in such manners as to leave the reading matter legible.

§ 230.403 *Requirements as to paper and printing.* (a) Registration statements shall be filed on good quality, unglazed, white paper 8½ x 13 inches in size, insofar as practicable. However, tables, charts, maps, and financial statements may be on larger paper if folded to that size, and the prospectus may be on smaller paper if the registrant so desires.

(b) All papers and documents filed as a part of a registration statement shall, insofar as practicable, be printed, mimeographed or typewritten. All such material shall be clear, easily readable, and suitable for repeated photocopying.

(c) All printing, mimeographing, typing or other markings shall be in black ink, except that debits in credit categories and credits in debit categories may be set forth in red or black ink, but shall in all cases be designated in such manner as to be clearly distinguishable as such on photocopies.

§ 230.404 *Preparation of registration statement.* (a) Notwithstanding any requirement of the appropriate form to the contrary, a copy of the proposed prospectus may be filed as a part of the registration statement proper in lieu of furnishing the information in item-and-answer form. Wherever this procedure is followed, either pursuant to this section or otherwise, the text of the items of the form are to be omitted from the registration statement, as well as from the prospectus, except to the extent provided in paragraph (b) of this section. All instructions to items of the form and instructions as to financial statements, exhibits, or prospectuses are to be omitted from the registration statement in all cases.

(b) Where any items of the form require information not required to be included in the prospectus, the text of such items, together with the answers thereto, and any financial statements not required to be included in the prospectus shall be filed with the prospectus under cover of the facing sheet of the form as a part of the registration statement proper.

(c) Every registration statement shall include a cross reference sheet showing the location in the prospectus of the information required to be included in the prospectus in response to the items of the form. If any item of the form is inapplicable, or the answer thereto is in the negative and is omitted from the prospectus, a statement to that effect shall be made in the cross reference sheet. The cross reference sheet is to be inserted in the registration statement immediately following the facing sheet.

§ 230.405 *Definitions of terms used in the forms.* Unless the context otherwise requires, all terms used in the forms for registration have the same meanings as in the act and in the general rules and regulations. In addition, the following definitions apply, unless the context otherwise requires:

Affiliate. An "affiliate" of, or a person "affiliated" with, a specified person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

Amount. The term "amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

Certified. The term "certified", when used in regard to financial statements, means certified by an independent public or independent certified public accountant or accountants.

Charter. The term "charter" includes articles of incorporation, declarations of trust, articles of association or partnership, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

Commission. The term "Commission" means the Securities and Exchange Commission.

Control. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

Director. The terms "director", "principal executive, financial and accounting officer", and "trustee", or any other words indicating the holder of a position or office, include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

Employee. The term "employee" means a person other than a director, trustee, or officer.

Equity security. The term "equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

Fiscal year. The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

Funded debt. The term "funded debt" has reference to any indebtedness having a maturity at the time of its creation of more than one year, independent of acceleration.

Majority-owned subsidiary. The term "majority-owned subsidiary" means a subsidiary of which securities representing in the aggregate more than fifty percent of the voting power are owned directly by its parent and/or one or more of the parent's other majority-owned subsidiaries.

Material. The term "material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before purchasing the security registered.

Parent. A "parent" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

Predecessor. The term "predecessor" means a person the major portion of the business and assets of which another person acquired in a single succession, or in a series of successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

Principal underwriter. The term "principal underwriter" means an underwriter in privity of contract with the issuer of the securities as to which he is underwriter, the term "issuer" having the meaning given in sections 2 (4) and 2 (11) of the act.

Promoter. The term "promoter" includes:

(a) Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer;

(b) Any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, 10 percent or more of any class of securities of the issuer or 10 percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise.

Registrant. The term "registrant" means the issuer of the securities for which the registration statement is filed.

Share. The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

Significant subsidiary. The term "significant subsidiary" means a subsidiary meeting any one of the following conditions:

(a) The investments in and advances to the subsidiary on the part of its parent and the parent's other subsidiaries exceed 5 percent of the assets of the parent as shown by its most recent individual balance sheet being filed.

(b) The assets of the subsidiary exceed 5 percent of (1) the assets of its parent and the parent's subsidiaries as shown by the most recent consolidated balance sheet being filed, or (2) if a consolidated balance sheet is not being filed, the assets of the parent as shown by its most recent balance sheet being filed.

(c) The sales and operating revenues of the subsidiary exceed 5 percent of (1) the sales and operating revenues of its parent and the parent's subsidiaries as shown by the consolidated profit and loss statement being filed for the most recent fiscal year, or (2) if a consolidated profit and loss statement is not being filed, the sales and operating revenues of the parent as shown by its profit and loss statement being filed for the most recent fiscal year.

(d) The subsidiary is the parent of one or more subsidiaries and together with such subsidiaries would, if considered in the aggregate, constitute a significant subsidiary.

Subsidiary. A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries. (See also "majority-owned subsidiary," "significant subsidiary," and "totally-held subsidiary.")

Succession. The term "succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The terms does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have meanings correlative to the foregoing.

Totally-held subsidiary. The term "totally-held subsidiary" means a subsidiary (a) substantially all of the outstanding securities of which are owned by its parent and/or the parent's other totally-held subsidiaries, and (b) which does not owe to any person other than its parent and/or the parent's other totally-held subsidiaries any debt of an amount which is material in relation to the particular subsidiary: *Provided*, That the existence of any indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, shall not prevent a subsidiary from being deemed a totally-held subsidiary.

Voting power. The term "voting power" means the right, other than as affected by events of default, to vote or, by virtue of beneficial ownership of securities or otherwise, to direct votes for the election of directors.

§ 230.406 *Title of securities.* Wherever the title of securities is required to be stated there shall be given such information as will indicate the type and general character of the securities, including the following:

(a) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or noncumulative; the preference, if any; and if convertible, a statement to that effect.

(b) In the case of funded debt, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1950 to 1960"; if the payment of principal or interest is contingent, an appropriate indication of such contingency; the priority of the issue; and if convertible, a statement to that effect.

(c) In the case of any other kind of security, appropriate information of comparable character.

§ 230.407 *Interpretation of requirements.* Unless the context clearly shows otherwise:

(a) The forms and instructions require information only as to the registrant.

(b) Whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing the registration statement, as determined by sections 6 (c) and 8 (a) of the act and the rules and regulations thereunder.

(c) Whenever words relate to the future, they have reference solely to present intention.

§ 230.408 *Additional information.* The information required by the rules and the appropriate form to be included in a registration statement shall be furnished as a minimum requirement to which there shall be added any further material information necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

§ 230.409 *Information unknown or not reasonably available.* Information required need be given only insofar as it is known or reasonably available to the registrant. If any required information is unknown and not reasonably available to the registrant, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the registrant, the information may be omitted, subject to the following conditions:

(a) The registrant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof, and may include a disclaimer of responsibility for the accuracy or completeness thereof.

(b) The registrant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

§ 230.410 *Disclaimer of control.* If the existence of control is open to reasonable doubt in any instance, the registrant may disclaim the existence of control and any admission thereof; in such case, however, the registrant shall state the material facts pertinent to the possible existence of control.

§ 230.411 *Incorporation of financial statements by reference.* Subject to § 230.448 any financial statement or part thereof previously or concurrently filed with any office of the Commission pursuant to any Act administered by the Commission may be incorporated by reference in any registration statement filed with any office of the Commission, if it substantially conforms to the requirements of the appropriate form and is not required to be included in the prospectus.

§ 230.412 *Registration of additional securities.* The registration of additional securities of the same class as other securities for which a registration statement is already in effect shall be effected through a separate registration statement relating to the additional securities.

FORM AND CONTENT OF PROSPECTUSES

§ 230.420 *Legibility of prospectuses.* The body of all printed prospectuses other than newspaper prospectuses shall be in type at least as legible as ten point leaded type.

§ 230.421 *Presentation of information in prospectuses.* (a) The information required in a prospectus need not follow the order of the items or other requirements in the form. Such information shall not, however, be set forth in such fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading. Where an item requires information to be given in a prospectus in tabular form it shall be given in substantially the tabular form specified in the item.

(b) All information contained in a prospectus shall be set forth under appropriate captions or headings reasonably indicative of the subject matter set forth thereunder. Except as to financial statements and other tabular data, all information set forth in a prospectus shall be divided into reasonably short paragraphs or sections.

(c) Every prospectus shall include in the forepart thereof a reasonably detailed table of contents showing the subject matter of the various sections or subdivisions of the prospectus and the page number on which each such section or subdivision begins.

(d) All information required to be included in a prospectus shall be clearly understandable without the necessity of referring to the particular form or to the general rules and regulations. Except as to financial statements and information required in tabular form, the information set forth in a prospectus may be expressed in condensed or summarized form. Financial statements included in a prospectus are to be set forth in comparative form if practicable, and shall include the notes thereto and the accountants' certificate.

It is a criminal offense to represent that the Commission has approved these securities or has made any findings that the statements in this prospectus or in the registration statement are correct.

§ 230.422 *Summaries or outlines of documents.* Where a summary or outline of the provisions of any document is required, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions of the document. In addition to such statement, the summary or outline may, subject to § 230.448, incorporate by reference particular items, sections, or paragraphs of any exhibit and may be qualified in its entirety by such reference. Matter contained in an exhibit may be incorporated by reference in a prospectus only to the extent permitted by this section.

§ 230.423 *Date of prospectuses.* Each prospectus used upon the commencement of the public offering of registered securities shall be dated as of the effective date of the registration statement. Each revised, amended or supplemented prospectus used thereafter shall bear the approximate date of its issuance, in addition to the date required by the preceding sentence.

§ 230.424 *Filing of prospectuses; number of copies.* (a) In addition to the three copies of the prospectus included in the body of the registration statement proper, five copies of the prospectus proposed to be used upon the commencement of the public offering of a security shall be filed with the registration statement at the time the statement is filed. A copy of the cross reference sheet required by § 230.404 (c) shall be bound with or attached to each copy of the prospectus so filed.

(b) Within five days after the commencement of the public offering, twenty copies of each form of prospectus used in connection with such offering shall be filed, in the exact form used, with the office of the Commission with which the registration statement was filed.

(c) No prospectus which purports to comply with section 10 of the act and which varies from any form of prospectus filed pursuant to paragraph (b) of this section shall be used until twenty copies thereof shall have been filed with the office of the Commission with which the registration statement was filed.

(d) Every prospectus consisting of a radio broadcast shall be reduced to writing. At least five days before the prospectus is broadcast or otherwise issued to the public, five copies thereof shall be filed with the office of the Commission with which the registration statement was filed.

§ 230.425 *Statement required in all prospectuses.* There shall be placed on the front page of every prospectus, in conspicuous print, the following three paragraphs, with the first and third paragraphs in capital letters:

THESE SECURITIES HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE SECURITIES AND EXCHANGE COMMISSION.

_____ (Insert name of issuer) has registered the securities by filing certain information with the Commission. The Commission does not pass upon the merits of any securities registered with it.

§ 230.426 *Statement as to stabilizing.* In any case in which the registrant or any of the underwriters knows or has reasonable grounds to believe that it is intended to stabilize the price of any security to facilitate the offering of the registered security, there shall be placed on the first or second page of every prospectus the following statement in capital letters:

TO FACILITATE THE OFFERING, IT IS INTENDED TO STABILIZE THE PRICE(S) OF _____ (Title of securities) ON _____ (Name each exchange. If none, omit this line.)

This statement is not an assurance that the price(s) of the above securities will be stabilized or that the stabilizing, if commenced, may not be discontinued at any time.

§ 230.427 *Contents of prospectuses used after thirteen months.* Information contained in a registration statement may be omitted from a prospectus used more than 13 months after the effective date of the registration statement insofar as information on the same subjects but as of a date not more than 12 months prior to the use of the prospectus is contained therein. No amendment of the registration statement need be made in connection with the substitution of information pursuant to this section, but 20 copies of the prospectus proposed to be used shall be filed with the Commission pursuant to § 230.424 (c).

§ 230.428 *Invitations for competitive bids.* Any information or documents contained in a registration statement may be omitted from any newspaper advertisement which is only an invitation for competitive bids for the registered securities: *Provided*, (a) The terms of the bidding require that each bid shall be a firm bid for the purchase of the entire amount of such securities; and (b) the advertisement states that prior to the acceptance of any bid, the bidder will be furnished a copy of the official prospectus. In such case, no other requirements of the Commission with respect to newspaper prospectuses need be complied with. Such advertisement shall not be deemed a prospectus meeting the requirements of section 10 for the purpose of section 2 (10) (a) or 5 (b) (2) of the act.

§ 230.429 *Prospectus for employees' savings, profit sharing or pension plans.* (a) Any prospectus for shares of stock of an issuer in which funds of a savings, profit sharing or pension plan for employees of the issuer are to be invested need contain only the information specified below if the prospectus is sent or given only to employees of the issuer who have previously received a prospectus for registered interests or participations in the plan and for registered shares of stock of the issuer and who have become members of the plan prior to receipt of the prospectus prepared in accordance with this section:

(1) Such information (other than financial statements) in regard to the plan and the administration thereof and in regard to the issuer of the underlying stock and its subsidiaries as may be necessary to bring up to date the corresponding information furnished to members of the plan in previous prospectuses.

(2) Financial statements of the plan corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the plan were furnished to members of the plan in previous prospectuses.

(3) Financial statements of the issuer of the underlying stock and its subsidiaries corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the issuer and its subsidiaries were furnished to members of the plan in previous prospectuses.

(b) The financial statements specified in paragraph (a) of this section may be omitted from any prospectus used in the manner specified in that paragraph if:

(1) The fiscal year of the issuer of the underlying stock has ended within ninety days prior to the date when it is desired to distribute the prospectus to members of the plan.

(2) The prospectus contains, or is accompanied by, financial statements (which need not be certified) substantially meeting the requirements of paragraph (a) of this section.

(3) Within 120 days after the close of the fiscal year the financial statements omitted from the prospectus pursuant to this paragraph are made conveniently available to all members of the plan at their respective places of employment.

(4) There is set forth in conspicuous print on the first page of the prospectus a statement as to the manner in which and the approximate date on which the financial statements will be made available to members of the plan pursuant to subparagraph (3) of this paragraph.

WRITTEN CONSENTS

§ 230.435 *Consents of experts.* (a) All consents of experts filed with the registration statement pursuant to section 7 of the act shall be dated and shall be signed manually. All such consents, except those contained in the reports of experts, shall be attached after the signature page of the registration statement. Following the consents so attached, there shall be listed the names of all experts whose consents are contained in their reports and not attached after the signature page. After each name so listed a reference shall be made to the report containing the expert's consent.

(b) If any portion of the report of an expert is quoted or summarized in the registration statement or in a prospectus the written consent of the expert shall clearly identify the portion or portions of the report so quoted or summarized and shall expressly state that the expert consents to such quotation or summarization.

(c) If it is stated that any information contained in the registration statement has been reviewed or passed upon by any persons and that such information is set

forth in the registration statement upon the authority of or in reliance upon such persons as experts, the written consents of such persons shall be filed with the registration statement.

§ 230.436 *Application to dispense with consent.* An application to the Commission to dispense with any written consent of an expert pursuant to section 7 of the act shall be made by the registrant and shall be supported by an affidavit or affidavits establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant. Such application shall be filed and consent of the Commission shall be obtained prior to the effective date of the registration statement.

§ 230.437 *Consents of persons about to become directors.* If any person who has not signed the registration statement is named therein as about to become a director, the written consent of such person shall be filed with the registration statement. Any such consent, however, may be omitted if there is filed with the registration statement a statement by the registrant, supported by an affidavit or affidavits, setting forth the reasons for such omission and establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant. All consents filed pursuant to this section shall be dated, shall be signed manually, and shall be attached after the signature page of the registration statement and immediately following consents of experts and lists of consents, if any, filed pursuant to § 230.435.

§ 230.438 *Consent to use of material incorporated by reference.* If the act or the rules and regulations of the Commission require the filing of written consent to the use of any material in connection with the registration statement, such consent shall be filed with the registration statement even though the material is incorporated therein by reference.

EXHIBITS

§ 230.445 *Additional exhibits.* The registrant may file such exhibits as it may desire, in addition to those required by the appropriate form. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

§ 230.446 *Omission of substantially identical documents.* In any case where two or more indentures, contracts, franchises, patents, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the registrant need file a copy of only one of such documents, with a schedule identifying the other documents omitted and setting forth the material details in which such documents differ from the document of which a copy is filed: *Provided, however,* That the Commission may at any time in its discretion require the filing of copies of any documents so omitted.

§ 230.447 *Incorporation of exhibits by reference.* (a) Any document or part thereof previously or concurrently filed with any office of the Commission pursuant to any act administered by the Commission may be incorporated by reference as an exhibit to any registration statement filed with any office of the Commission.

(b) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the registrant shall file with the reference a statement containing the text of any such modification and the date thereof.

(c) If the number of copies of any document previously or concurrently filed is less than the number required to be filed with the registration statement which incorporates such document as an exhibit, the registrant shall file with the registration statement as many additional copies of the document as may be necessary to meet the requirements of such statement.

§ 230.448 *Form of, and limitation upon, incorporation by reference.* (a) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement where the information is required.

(b) Notwithstanding any particular provisions permitting incorporation by reference, the Commission may refuse to permit such incorporation in any case in which in its judgment such incorporation would render the statement incomplete, unclear or confusing.

FILING, FEES, EFFECTIVE DATE

§ 230.455 *Place of filing.* (a) Except as provided in paragraph (b) of this section, all registration statements shall be filed with the Commission at its principal office.

(b) If the principal executive offices of the registrant, or of a principal underwriter of the securities being registered, are located in the State of California, Nevada, Arizona, Oregon, Washington, Idaho, or Montana, or in the Territory of Hawaii, the registration statement may be filed with the regional office of the Commission in the Bank of America Building, 625 Market Street, San Francisco, Calif. However, the provisions of this paragraph shall not apply to registrants which are subject to the provisions of the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940.

§ 230.456 *Date of filing.* The date on which any papers are actually received in the proper office of the Commission pursuant to § 230.455 shall be the date of filing thereof, if all the requirements of the act and the rules with respect to such filing have been complied with and the required fee paid. The failure to pay an insignificant amount of the required fee at the time of filing, as the result of a bona fide error, shall not be deemed to affect the date of filing.

§ 230.457 *Computation of fee.* (a) At the time of filing a registration statement, the registrant shall pay to the Commission a fee of one one-hundredth of 1 percent of the maximum aggregate price at which the securities are proposed to be offered, but in no case shall such fee be less than $25.

(b) Where securities are to be offered at prices computed upon the basis of fluctuating market prices, the registration fee is to be calculated upon the basis of the price at which units of securities of the same class were or would have been sold on a specified date within fifteen days prior to the filing of the registration statement.

(c) Where securities are to be offered at varying prices based upon fluctuating values of underlying assets, the registration fee is to be calculated upon the basis of the market value of such assets as of a date within fifteen days prior to the date of filing, in accordance with the method to be used in calculating the daily offering price.

(d) Where securities are to be offered to existing security holders and the portion, if any, not taken by such security holders is to be reoffered to the general public, the registration fee is to be calculated upon the basis of the offering price to such security holders or the reoffering price to the general public, whichever is higher.

(e) Where securities are to be offered in exchange for other securities the registration fee is to be calculated upon whichever one of the following basis is applicable:

(1) The market value of the securities to be received by the registrant in exchange as established by bona fide transactions as of a date within fifteen days prior to the date of filing.

(2) If there be no market value thus established, the book value of the securities to be received by the registrant in exchange shall be used unless the issuer of the securities to be received in exchange is in bankruptcy or receivership, in which case one third of the principal amount, par value or stated value of the securities to be received in exchange shall be used.

However, where other securities of the same class as those to be offered in exchange are to be offered for cash, the maximum aggregate price shall be calculated upon the basis of the cash offering price or the basis specified above, whichever is higher. For the purposes of this paragraph, securities offered directly or indirectly in exchange for certificates of deposit shall be deemed to be offered in exchange for the securities represented by the certificates of deposit.

§ 230.458 *Payment of fee.* All payments of fees shall be made in cash, or by United States postal money order or certified check payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

§ 230.459 *Calculation of effective date.* The effective date of registration statements under section 8 (a) of the act shall be calculated as follows:

(a) Saturdays, Sundays and holidays shall be counted in computing the effective date.

(b) In the case of statements which become effective pursuant to section 8 (a) on the twentieth day after the filing thereof, the twentieth day shall be deemed to begin at the expiration of nineteen periods, of twenty-four hours each, from 5:30 p. m. eastern time at the principal office on the date of filing.

§ 230.460 *Supplementary statement of actual offering price.* Within ten days after registered securities are initially offered to the public, the registrant shall file with the office of the Commission with which the registration statement was filed, a statement setting forth the actual price at which, and the date on which, the securities were so offered. If such price differs from the proposed price set forth in the registration statement, a brief explanation of such difference shall be made. Where the securities are to be offered first to existing security holders and then to the general public, a statement as required by this section shall be filed with respect to each of such offerings.

AMENDMENTS AND WITHDRAWALS

§ 230.470 *Formal requirements for amendments.* Amendments to the registration statement shall be filed under cover of the facing sheet of the appropriate form, and shall conform to all pertinent sections applicable to original registration statements. Amendments shall be numbered consecutively in the order in which filed with the Commission.

§ 230.471 *Signatures to amendments.* Except as provided in § 230.478, every amendment to a registration statement shall be signed by the persons specified in section 6 (a) of the act. At least the original of every amendment filed with the principal office of the Commission, and at least the original and one copy of every amendment filed with a regional office, shall be signed.

§ 230.472 *Filing of amendments; number of copies.* Except as provided in § 230.473, three copies of every amendment to the registration statement shall be filed. Where the amendment relates to the prospectus there shall be filed, in addition, five copies of the amended prospectus and five copies of the amended cross reference sheet required by § 230.404 (c). Amendments shall be filed with the office of the Commission with which the registration statement was filed.

§ 230.473 *Telegraphic delaying amendments.* An amendment altering the proposed date of the public offering may be made by telegram. Each such telegraphic amendment shall be confirmed within a reasonable time by the filing of three copies, one of which shall be signed. Such confirmation shall not be deemed an amendment.

§ 230.474 *Date of filing of amendments.* The date on which amendments are actually received in the office of the Commission with which the registration statement was filed shall be the date of filing thereof, if all of the requirements of the act and the rules with respect to such filing have been complied with.

§ 230.475 *Amendment filed with consent of Commission.* A registrant desiring the Commission's consent to the filing of an amendment with the effect provided in section 8 (a) of the act may apply for such consent at or before the time of filing the amendment. The application shall be signed and shall state fully the grounds upon which made. The Commission's consent shall be deemed to have been given and the amendment shall be treated as part of the registration statement upon the entry of an order to that effect.

§ 230.476 *Amendment filed pursuant to order of Commission.* An amendment made prior to the effective date of the registration statement shall be deemed to have been made pursuant to an order of the Commission within the meaning of section 8 (a) of the act so as to be treated as part of the registration statement only when the Commission shall after the filing of such amendment find that it has been filed pursuant to its order.

§ 230.477 *Withdrawal of registration statement or amendment.* Any registration statement or any amendment thereto may be withdrawn upon application if the Commission, finding such withdrawal consistent with the public interest and the protection of investors, consents thereto. The application for such consent shall be signed and shall state fully the grounds upon which made. The fee paid upon the filing of the registration statement will not be returned to the registrant. The papers comprising the registration statement or amendment thereto shall not be removed from the files of the Commission but shall be plainly marked with the date of the giving of such consent, and in the following manner: "Withdrawn upon the request of the registrant, the Commission consenting thereto."

§ 230.478 *Powers of agent for service to amend or withdraw registration statement.* Every registrant and all persons signing the registration statement, by naming an agent for service in the registration statement, shall be deemed, in the absence of a statement to the contrary, to confer upon such agent the following powers:

(a) A power to amend the registration statement by altering the date of the proposed offering of the securities for which the registration statement is filed.

(b) A power to amend the registration statement by filing any written consent of an expert required by section 7 of the act to be filed with the registration statement.

(c) A power to make application pursuant to § 230.475 for the Commission's consent to the filing of an amendment.

(d) A power to withdraw the registration statement or any amendment thereto.

(e) A power to consent to the entry of an order under section 8 (b) of the act, waiving notice and hearing, such order being entered without prejudice to the right of the registrant thereafter to have the order vacated upon a showing to the Commission that the registration statement as amended is no longer incomplete or inaccurate on its face in any material respect.

NONDISCLOSURE OF CONTRACT PROVISIONS

§ 230.485 *Contracts in general.* Public disclosure will not be made of the provisions of any material contract or portion thereof if the Commission determines that such disclosure would impair the value of the contract and is not necessary for the protection of investors. In any case where the registrant desires the Commission to make such a determination, the procedure set forth below shall be followed:

(a) The registrant shall omit from the registration statement as originally filed the portion of the contract which it desires to keep undisclosed, or, if the registrant desires to keep the entire contract undisclosed, any copy of the contract.

(b) The registrant shall file with the registration statement, but not bound as part thereof, (1) three copies of the contract or portion thereof which it desires to keep undisclosed, clearly marked "Confidential", and (2) an application for an order making the above described determination. Such application shall set forth the considerations relied upon for obtaining such order. Pending the granting or denial by the Commission of the application, the terms and existence of the contract or portion thereof will be kept undisclosed.

(c) If the Commission determines that the application shall be granted, an order to that effect will be entered. Prior to any determination denying the application, confirmed telegraphic notice of an opportunity for hearing, at a specified time within 10 days after the dispatch of such notice, will be sent to the agent for service. After such hearing, an order granting or denying the application will be entered.

(d) If the Commission denies the application, confirmed telegraphic notice of the order of denial will be sent to the agent for service. In such case, within 10 days after the dispatch of such notice, the registrant shall have the right to withdraw the registration statement in accordance with the terms of § 230.477, but without the necessity of stating any grounds for the withdrawal or of obtaining the further assent of the Commission. In the event of such withdrawal, the contract or portion thereof filed confidentially will be returned to the registrant.

(e) If the registration statement is not withdrawn pursuant to paragraph (d) of this section, the contract or portion thereof filed confidentially will be made available for public inspection as part of the registration statement, and the registrant shall amend the registration statement to include all information required to be set forth in regard to such contract or portion thereof.

§ 230.486 *Contracts affecting the national defense.* (a) Notwithstanding any requirement of the form used for registration, the registrant need not file as an exhibit to the registration statement a copy of any contract as to which all the following conditions are satisfied:

(1) A copy of the contract is on file with an executive department of the United States or with the United States Maritime Commission.

(2) The registrant has been notified in writing that the executive department or the United States Maritime Commission, as the case may be, has administratively determined that the subject of such contract relates to and affects the national defense and that disclosure thereof would be contrary to the public interest.

(b) The registrant shall file as an exhibit to the registration statement, in lieu of the copy of the contract omitted pursuant to paragraph (a) of this section, a copy of each notification received from the executive department or the United States Maritime Commission with respect to the filing of copies of the contract or of information as to its terms.

(c) Notwithstanding any requirement of the form used for registration, the registrant need not furnish any information as to any terms of the contract relating directly or indirectly to any of the following subjects as to which the registrant has been notified in writing that the executive department or the United States Maritime Commission with which a copy of the contract is on file has administratively determined that such subjects relate to and affect the national defense and that disclosure thereof would be contrary to the public interest:

(1) Quantity of equipment or materials to be constructed or supplied.

(2) Designations of type, descriptions, specifications, deliveries, test, or guarantees of performance with respect to such equipment or materials.

(3) Nature and extent of experimental facilities, services, or information to be furnished.

(d) Public disclosure will not be made of the contents of any notification filed pursuant to paragraph (b) of this section, or of any portion of the information as to the terms of the contract required to be furnished notwithstanding the provisions of paragraph (c) of this section, if the Securities and Exchange Commission determines that such disclosure would impair the value of the contract and is not necessary for the protection of investors. In any case where the registrant desires the Commission to make such a determination, the procedure set forth in § 230.435 shall be followed, except that there shall be filed in lieu of the three copies of the contract or portion thereof required by paragraph (b) (1) of § 230.485, three copies of the notification and three copies of the information as to the terms of the contract which the registrant desires to keep undisclosed, all clearly marked "Confidential".

REGISTRATION BY FOREIGN GOVERNMENTS OR POLITICAL SUBDIVISIONS THEREOF

§ 230.490 *Information to be furnished under paragraph (3) of Schedule B.* Any issuer filing a registration statement pursuant to Schedule B of the act need not furnish the detailed information specified in paragraph (3) as to issues of outstanding funded debt the aggregate amount of which outstanding is less than 5 percent of the total funded debt outstanding and to be created by the security to be offered: *Provided*, That the amount thereof is included in the statement of the total amount of funded debt outstanding: *And provided further*, That a statement is made as to the title, amount outstanding, rate of interest, and date of maturity of each such issue.

§ 230.491 *Information to be furnished under paragraph (6) of Schedule B.* Any foreign government filing a registration statement pursuant to Schedule B of the act need state, in furnishing the information required by paragraph (6), the names and addresses only of principal underwriters, namely, underwriters in privity of contract with the registrant: *Provided*, That they are designated as principal underwriters: *And provided further*, That a brief statement is made as to the discounts and commissions to be received by subunderwriters or dealers.

§ 230.492 *Omissions from prospectuses.* In the case of a security for which a registration statement conforming to Schedule B is in effect, the following information, contained in the registration statement, may be omitted from any prospectus: Information in answer to paragraph (3) of the schedule with respect to the amortization and retirement provisions for debt not being registered, and with respect to the provisions for the substitution of security for such debt; information in answer to paragraph (11); the copy of any agreement or agreements required by paragraph (13); the agreement required by paragraph (14); all information, whether contained in the registration statement itself or in any exhibit thereto, not required by Schedule B.

PROPOSED AMENDMENTS TO FORMS

Certain rules which specify the items of information required to be included in prospectuses are to be transferred from Regulation C to the respective forms to which they relate. The texts of the proposed amendments necessary to effect this transfer are as follows:

I. Form C–1 (see § 239.3, 11 F. R. 177A–731) is to be amended by inserting immediately after the "Rule as to the Use of Form C–1" the following:

Omissions from the Prospectus. The information required by the following items may be omitted from the prospectus: Items 4, 5, 7, 8, 9, 10, 18, 19, 33, 34, 37, 44, 45, 57, 58, 59, 61, 63, 70, 71 and 75.

The following exhibits may also be omitted from the prospectus: Exhibits A, B, C, E, F, G, H, I, J, K, L, M, N and R. Exhibit Q may be condensed.

II. Form D–1 (see § 239.6, 11 F. R. 177A–731) is to be amended by inserting immediately preceding "Part I" thereof the following:

Omissions from the Prospectus. The following information and documents may be omitted from the prospectus: In Part I, Items 4, 18, 39, and all exhibits except financial statements filed in compliance with Items 14 and 15; in Part II, Item 44 and all exhibits.

III. Form D–1A (see § 239.7, 11 F. R. 177A–732) is to be amended by inserting immediately after the General Instructions thereof the following:

Omissions from the Prospectus. The following information and documents may be omitted from the prospectus: All exhibits and all information contained in schedules, on condition that copies of each of the schedules attached to the registration statement are included.

IV. Form F–1 (see § 239.9, 11 F. R. 177A–732) is to be amended by adding at the end of the "Instructions as to preparing Form F–1" the following:

Omissions from the prospectus. The following information and documents may be omitted from the prospectus: Items 3, 26, 27 and all exhibits.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 27, 1947.

[F. R. Doc. 47–3219; Filed, Apr. 3, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8488]

EISUKE ONO

In re: Bank account owned by and debt owing to Eisuke Ono, also known as E. Ono. F–39–331–A–1, F–39–331–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eisuke Ono, also known as E. Ono, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Eisuke Ono, also known as E. Ono, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Compound Interest Account, Account Number AN-13128, entitled E. Ono, maintained at the branch office of the aforesaid bank located at 257 Broadway, New York 7, New York, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Eisuke Ono, also known as E. Ono, by Hunt, Hill & Betts, 120 Broadway, New York 5, N. Y., in the amount of $288.65, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–3204; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8489]

R. SASAKI

In re: Bank account owned by R. Sasaki also known as Ryoso Sasaki. F–39–2559–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That R. Sasaki also known as Ryoso Sasaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to R. Sasaki also known as Ryoso Sasaki, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Checking Account, entitled R. Sasaki, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–3205; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8490]

SANKO & CO.

In re: Debt owing to Sanko & Co. F–39–825–C–2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sanko & Co., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Sanko & Co., by Dodge & Seymour, Ltd., 53 Park Place, New York 7, New York, in the amount of $393.19, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–3206; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8491]

HEDWICH SCHURMANN

In re: Bank account owned by Hedwich Schurmann also known as Hedwig Schurmann and Hedwig Schuermann. F–28–12197–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwich Schurmann, also known as Hedwig Schurmann and Hedwig Schuermann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Northern Trust Company, 50 South LaSalle Street, Chicago, Illinois, arising out of a checking account, entitled Cloidt, George W., Trustee Under Trust Agreement Dated Oct. 3, 1935, Known as Wachsman, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwich Schurmann, also known as Hedwig Schurmann and Hedwig Schuermann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3207; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8497]

KOSAKU WATANABE

In re: Bank account owned by Kosaku Watanabe.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kosaku Watanabe, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kosaku Watanabe, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled K. (Kosaku) Watanabe, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certication, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3208; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 7445, Amdt.]

DR. RICHARD NUNNINGHOFF

In re: Debt owing to and stocks and bonds owned by Dr. Richard Nunninghoff.

Vesting Order 7445, dated August 15, 1946, is hereby amended as follows and not otherwise:

By deleting clause (c) from subparagraph 2 of said Vesting Order 7445 and substituting therefor the following:

c. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Hallgarten & Co., 44 Wall Street, New York 5, New York, together with any and all rights thereunder and thereto,

All other provisions of said Vesting Order 7445 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3209; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8402]

KEI YASHUHARA AND JAMES KUROMI

In re: Debts owing to Kei Yasuhara, also known as K. Yasuhara, and James Kuromi, also known as James Isao Kuromi. D-39-664-E-1, F-39-5557-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and purusant to law, after investigation, it is hereby found:

1. That Kei Yasuhara, also known as K. Yasuhara, and James Kuromi, also known as James Isao Kuromi, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Kei Yasuhara, also known as K. Yasuhara, by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $1,387.19, as of December 31, 1945, arising out of a commercial checking account entitled K. Yasuhara (Kei Yasuhara), together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to James Kuromi, also known as James Isao Kuromi, by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $1,011.28, as of December 31, 1945, arising out of Fixed Deposit Certificate Number 69509, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3243; Filed, Apr. 3, 1947; 8:46 a. m.]

[Vesting Order CE 374]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Sarah Oliverio	Italy	Estate of Paul Oliverio, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles, No. 239691.	$11.00
		Item 2	
Assunta Oliverio	do	Same	11.00
		Item 3	
Maria Rosa Oliverio	do	Same	11.00
		Item 4	
Maria Oliverio	do	Same	11.00
		Item 5	
Agostino Vallarino	do	Estate of Ambrogio Vallarino, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco, No. 50409.	13.00
		Item 6	
Giovanni Vallarino	do	Same	13.00
		Item 7	
Gerolamo Vallarino	do	Same	13.00
		Item 8	
Giuseppina Vallarino	do	Same	13.00
		Item 9	
Mariam Pellegrinelli	do	Estate of Chris Pellegrinelli, deceased, in the Superior Court of the State of California, in and for the county of Siskiyou, No. 4257.	13.00
		Item 10	
Luigi Pellegrinelli	do	Same	13.00
		Item 11	
Guisippe Pellegrinelli	do	Same	13.00
		Item 12	
Brother, name unknown, of Carlo Paganucci, deceased.	do	Estate of Carlo Paganucci, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 80794.	26.00
		Item 13	
Alberto Veglio	do	Estate of Caesar Veglio, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 93311.	15.00
		Item 14	
Ernesta Veglio	do	Same	15.00
		Item 15	
Emma Veglio	do	Same	15.00
		Item 16	
Louis Tognonalli	do	Estate of Peter Togninalli, also known as Pietro Togninalli, also known as Pete Togninalli, also known as Pietro Togninalli, also known as Pietro Francesco Togninalli, also known as P. Togninali, also known as Pietro Tognonalli, deceased, in the Superior Court of the State of California, in and for the county of San Mateo, No. 10038.	13.00
		Item 17	
Maria Tognonalli	do	Same	13.00
		Item 18	
Assunta Rosai or her issue	do	Estate of Ermenegildo Massa, deceased, in the Superior Court of the State of California, in and for the county of Sonoma; No. 11810.	15.00
		Item 19	
Ottavia Martini or her issue	do	Same	15.00
		Item 20	
Joseph Abate	do	Estate of Vincent Abate, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 98106.	34.00
		Item 21	
Frederick Abate	do	Same	34.00

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 22	
Maria Basile	Italy	Estate of Giuseppe Filippelli, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles; No. 225710.	$23.00
		Item 23	
Nicola Filippelli	do	Same	23.00
		Item 24	
Children, names unknown, of Caterina Angelosanti.	do	Estate of Biagio Angelosanti, also known as B. Angelo, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles; No. 234737.	80.00
		Item 25	
Children, names unknown, of Natalina Angelosanti.	do	Same	80.00
		Item 26	
Amalio Paone	do	Estate of Pietro Paone, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 106785.	68.00
		Item 27	
Gioletta Gestra Matteri	do	Estate of Luigi Gestra, also known as Louy Gestra, also known as Louey Gestra, also known as Louie Gestra, also known as Louis Gestra, also known as Louey Gestra, deceased, in the Superior Court of the State of California, in and for the county of Sonoma; No. 15597.	50.00
		Item 28	
Joseph Bellino	do	Estate of Donato Bellino, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 93840.	31.00
		Item 29	
Heirs, next of kin and legatees of Filomena Guasti Grossetti.	do	Estate of Louisa Guasti, also known as Louisa A. Guasti, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles; No. 167982.	67.00

[F. R. Doc. 47-3250; Filed, Apr. 3, 1947; 8:47 a. m.]

[Vesting Order 8538]

FUSAJIRO ISHII

In re: Stock owned by Fusajiro Ishii, F-39-5699-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fusajiro Ishii, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Thirty (30) shares of $20.00 par value capital stock of The S. S. White Dental Manufacturing Co., a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered 1463 for twenty-five (25) shares and 1804 for five (5) shares registered in the name of Fusajiro Ishii, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3245; Filed, Apr. 4, 1947; 8:46 a. m.]

[Vesting Order CE 373]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action of proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Caterina Capurro	Italy	Estate of Giuseppe Capurro, deceased, in the Superior Court of the State of California, in and for the county of San Joaquin, No. 10259.	$9.00
		Item 2	
Giolata Capurro	do	Same	9.00
		Item 3	
Angelo Capurro	do	Same	9.00
		Item 4	
Antonio Capurro	do	Same	9.00
		Item 5	
Louisa Capurro	do	Same	9.00
		Item 6	
Surviving issue, names unknown, of Julia Pissotti	do	Same	9.00
		Item 7	
Giovanni Accinelli	do	Estate of Gino Accinelli, also known as Gerolamo Accinelli, deceased, in the Superior Court of the State of California, in and for the county of Alameda, No. 90493.	14.00
		Item 8	
Giuseppe Accinelli	do	Same	14.00
		Item 9	
Paolo Accinelli	do	Same	14.00
		Item 10	
Angela Accinelli	do	Same	14.00
		Item 11	
Catterina Accinelli	do	Same	14.00
		Item 12	
Benedetta C. Ruggeri	do	Estate of Michele Colasurdo, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles, No. 308672.	13.00
		Item 13	
Maria C. Canzanelli	do	Same	13.00
		Item 14	
Maria Luigi Tedesco	do	Estate of Giovanni Tedesco, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 102880.	10.00
		Item 15	
Maria Arcangela Tedesco	do	Same	10.00
		Item 16	
Angela Tedesco	do	Same	10.00
		Item 17	
Rosaria Dimitri	do	Same	10.00
		Item 18	
Children of deceased sister, Immacalta Tedesco	do	Same	10.00
		Item 19	
Vittorio Porliod	do	Estate of Alex Porliod, also known as Alexis Perliod, also known as A. Porliod, deceased, in the Superior Court of the State of California; in and for the county of Fresno; No. 17092.	13.00
		Item 20	
Augusto Porliod	do	Same	13.00
		Item 21	
Emanuele Porliod	do	Same	13.00
		Item 22	
Rosalia Champaenz and her children, names unknown.	do	Same	20.00
		Item 23	
Rosetta Pedretti	do	Estate of Fetruccio Pedretti, deceased, in the Superior Court of the State of California, in and for the county of Alameda; No. 83182.	15.00
		Item 24	
Gina Martinucci	do	Same	5.00
		Item 25	
Aldo Martinucci	do	Same	5.00
		Item 26	
Silvio Martinucci	do	Same	5.00
		Item 27	
Giovanni Valenzano	do	Estate of Secondo Valenzano, deceased, in the Superior Court of the State of California, in and for the county of San Mateo; No. 12362.	39.00
		Item 28	
Francisco Valenzano	do	Same	39.00
		Item 29	
Maria Valenzano	do	Same	39.00
		Item 30	
Antonio Valenzano	do	Same	39.00

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 51	
Giuseppe Bonelli	Italy	Estate of Pietro Bonelli, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 66695.	$8.00
		Item 52	
Giovanni Bonelli	do	Same	8.00
		Item 53	
Luigi Bonelli	do	Same	8.00
		Item 54	
Amalia Farotto	do	Same	8.00
		Item 55	
Francesco Torre	do	Estate of John Torre, deceased, in the Superior Court of the State of California, in and for the county of Alameda; No. 67948.	12.00
		Item 56	
Pietro Torre	do	Same	12.00
		Item 57	
Madelena Torre	do	Same	12.00
		Item 58	
Fernanda Ricci	do	Estate of Luigi Ricci, also known as Louie Ricci, deceased, in the Superior Court of the State of California, in and for the county of Sonoma; No. 17950.	20.00
		Item 59	
Fernando Ricci	do	Same	10.00
		Item 60	
Francisco Ricci	do	Same	10.00
		Item 61	
Mrs. Margherita Agnolesi	do	Estate of Henry L. Choistry, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles, No. 227,377.	78.00
		Item 62	
Maria F. L. Raffetto	do	Estate of Carlo Emanuele Raffetto, also known as Carlo Rafletto, also known as C. Raffetto, also known as Charles Raffetto, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 76869.	153.00
		Item 63	
Rosa Carbone also known as Zita Carbone or Issue of Rosa Carbone, also known as Zita Carbone or Oreste Carbone and Angelo Carbone.	do	Estate of Emanuele F. Simonini, deceased, in the Superior Court of the State of California, in and for the county of Solano, No. 8266.	83.00
		Item 64	
Argentina Innocenti	do	Estate of Quintilio Innocenti, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 98161.	81.00

[F. R. Doc. 47-3249; Filed, Apr. 3, 1947; 8:47 a. m.]

[Vesting Order 8543]

FREDERICH WILHELM RILL

In re: Stock owned by Frederich Wilhelm Rill. F-28-5851-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederich Wilhelm Rill, whose last known address is Schneebergstrasse 1, Lindau, Bodensee, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty (50) shares of no par value common capital stock of General Electric Company, 1 River Road, Schnectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NYD-516514, registered in the name of Frederich Wilhelm Rill, together with all declared and unpaid dividends thereon, and

b. Eight (8) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number FWO2411, registered in the name of Frederich Wilhelm Rill, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt within the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3246; Filed, Apr. 3, 1947; 8:46 a. m.]

[Vesting Order CE 375]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Maria Robustellini	Italy	Estate of Antonio Louis Robustellini, also known as Antonio Luigi Robustellini, also known as Luigi Robustellini, also known as Louis Robustellini, also known as Louis A. Robustellini, also known as Louis Antonio Robustellini, also known as Louis Robustelli, also known as Luigi Robustelli, deceased, Superior Court, Nevada County, Calif.; No. 4368.	$35.00
		Item 2	
Domenica Robustellini	do	Same	35.00
		Item 3	
Cesarina Melchiori	do	Estate of Adriano Melchiori, also known as A. Melchiori, also known as Adrian Melchori, also known as Adrian Melchior, deceased, Superior Court, Nevada County, Calif.; No. 4419.	25.00
		Item 4	
Silvia Melchiori	do	Same	25.00
		Item 5	
Antonina Gioia	do	Estate of Pietro Gioia, deceased, Superior Court, Los Angeles County, Calif.; No. 250729.	64.00
		Item 6	
Renzo Bonini	do	Estate of Olinto Bonini, deceased, Superior Court, city and county of San Francisco, Calif.; No. 97398.	25.00
		Item 7	
Renzo Bonini	do	Estate of Albert Bonini, deceased, Superior Court, city and county of San Francisco, Calif.; No. 98444.	25.00

[F. R. Doc. 47-3252; Filed, Apr. 3, 1947; 8:47 a. m.]

[Vesting Order 8546]

FRIDA NAKASA ET AL.

In re: Watch owned by Frieda Nakasa, also known as Frida Lucie Nakasa, and the personal representatives, heirs, next of kin, legatees and distributees of Miyanosuka Nakasa, also known as M. Nakasa, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Nakasa, also known as Frida Lucie Nakasa, whose last known address is 25 Alter Steinweg, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Miyanosuke Nakasa, also known as M. Nakasa, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: One yellow metal "Lanco" man's watch, whose case bears the number 18245, presently in the possession of the Attorney General of the United States,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that Frieda Nakasa, also known as Frida Lucie Nakasa, and the personal representatives, heirs, next of kin, legatees and distributees of Miyanosuke Nakasa, also known as M. Nakasa, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3248; Filed, Apr. 3, 1947; 8:46 a. m.]

[Vesting Order 8496]

JOHN WALCH

In re: Stock owned by John Walch. F-28-22287-D-1, F-28-22287-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Walch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of $100.00 par value 6½% cumulative preferred capital stock of Empire Gas and Fuel Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 2920, and registered in the name of John Walch, together with all declared and unpaid dividends thereon, and all rights thereunder and thereto, including particularly the right of redemption,

b. Twenty-one (21) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 57906, and registered in the name of John Walch, together with all declared and unpaid dividends thereon,

c. Seven (7) shares of no par value $6.00 cumulative preferred capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 85725, and registered in the name of John Walch, together with all declared and unpaid dividends thereon, and

d. Four (4) shares of no par value $6.00 cumulative preference BB capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 795, and registered in the name of John Walch, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3244; Filed, Apr. 3, 1947; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 139 REDUCED

The order of the Assistant Secretary of the Interior dated March 29, 1940, withdrawing certain tracts of public land in Alaska for the use of the Alaska Road Commission in the maintenance of air-navigation facilities, is hereby revoked so far as it affects the following lands described by metes and bounds:

Beginning at Corner No. 1, which is identical with Corner No. 4 of U. S. Survey No. 397 at Tanana, in approximate latitude 65° 10' N., longitude 152°04' W.; thence from said Corner No. 1, by metes and bounds, S. 39°37' E. 1,300 feet to Corner No. 2; N. 82°18' E. 4,491.6 feet to Corner No. 3; North 4,679 feet to Corner No. 4; West 5,280 feet to Corner No. 5 on line 4–5 of U. S. Survey No. 397; South 4,279.4 feet along line 4–5 of Survey No. 397 to Corner No. 1, the place of beginning.

The tract as described contains 599.8 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 23, 1947.

At that time the lands shall become subject to settlement and other forms of appropriation in accordance with the applicable public land laws and regulations.

This land lies adjacent to and north of the Yukon River at Tanana Village and is about four (4) miles to the west of the junction of the Yukon and Tanana Rivers. The land is in general level and supports only a sparse cover of vegetation.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 21, 1947.

[F. R. Doc. 47-3214; Filed, Apr. 3, 1947; 8:46 a. m.]

OREGON

TIMBER PRESERVATION AREA ESTABLISHED

By virtue of the authority contained in the act of August 28, 1937, 50 Stat. 874, it is ordered as follows:

Subject to valid existing rights and existing withdrawals, the following-described revested Oregon and California Railroad grant lands are hereby classified as timber lands and reserved for administration by the Bureau of Land Management, as a timber preservation area, and for the protection of their recreational and scenic values:

WILLAMETTE MERIDIAN

T. 1 S., R. 5 E.,
Sec. 1, lots 3 and 4;
Sec. 3, lot 1.

The areas described aggregate 113.05 acres.

Trees may be cut only under the supervision of the Regional Administrator, Bureau of Land Management, as and when deemed necessary in order that the reserved area may be maintained properly.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 18, 1947.

[F. R. Doc. 47-3215; Filed, Apr. 3, 1947; 8:46 a. m.]

OREGON

NOTICE FOR FILING OBJECTIONS TO THE ORDER ESTABLISHING A TIMBER PRESERVATION AREA

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the order of March 18, 1947, withdrawing lots 3 and 4, sec. 1, and lot 1, sec. 3, T. 1 S., R. 5 E., W. M., Oregon, which are revested Oregon and California Railroad grant lands, for administration by the Bureau of Land Management, as a timber preservation area, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 18, 1947.

[F. R. Doc. 47-3216; Filed, Apr. 3, 1947; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1510]

ESSEX COUNTY COOP CO.

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on April 5, 1946, issued an order requiring the respondent to increase its rates for the rental of chicken coops from 48 cents to 68 cents and for turkey coops from 65 cents to 85 cents for a period of one year from the date of that order.

By petition filed on March 26, 1947, the respondent has requested that the rates and charges provided for in said order of April 5, 1946, be extended for a further period of at least one year.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for extension of temporary rates.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 31st day of March 1947.

[SEAL] H. E. REED,
Director, Livestock Branch.

[F. R. Doc. 47-3240; Filed, Apr. 3, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 8]

DESIGNATION OF MOTIONS COMMISSIONER FOR APRIL 1947

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 27th day of March 1947;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that E. K. Jett, Commissioner, be, and he is hereby designated as Motions Commissioner, for the month of April 1947.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3253; Filed, Apr. 3, 1947; 8:46 a. m.]

[Docket Nos. 8176, 8177, 8265]

TERRELL BROADCAST CORP. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Terrell Broadcast Corporation, Terrell, Texas, Docket No. 8176, File No. BP-5778; Burton V. Hammond, Jr., Denison, Texas, Docket No. 8177, File No. BP-5786; Conn & Cope, d/b as Denison-Texoma Broadcasting Company, a partnership composed of Fred Conn and Millard Cope Denison, Texas, Docket No. 8265, File No. BP-5403; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled application of Conn & Cope, doing business as Denison-Texoma Broadcasting Company, a partnership composed of Fred Conn and Millard Cope, requesting a permit to construct a new standard broadcast station to operate on 1250 kc, 1 kw power, daytime only at Denison, Texas; and also having under consideration a petition filed on March 14, 1947, by Burton V. Hammond, Jr., requesting that said application be designated for hearing in the consolidated proceeding involving the other two applications named above;

It appearing, that the Commission on March 6, 1947, designated for hearing in a consolidated proceeding the applications of Terrell Broadcast Corporation (File No. BP-5778; Docket No. 8176) requesting a construction permit for a new standard broadcast station to operate on 1220 kc, 250 w power, daytime only at Terrell, Texas, and Burton V. Hammond, Jr., (File No. BP-5786; Docket No. 8177) requesting a construction permit for a new standard broadcast station to operate on 1220 kc, 1 kw power, daytime only at Denison, Texas.

It is ordered, That the said petition of Burton V. Hammond, Jr., be, and it is hereby, granted and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Conn & Cope, d/b as Denison-Texoma Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KVSO, Ardmore, Oklahoma, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Burton V. Hammond (File No. BP-5786; Docket No. 8177) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated March 6, 1947 designating the applications of Terrell Broadcast Corporation and Burton V. Hammond, Jr., for hearing in a consolidated proceeding, be, and it is hereby, amended to include the application of Conn & Cope, d/b as Denison-Texoma Broadcasting Company, and to change Issue No. 7 of said order to read as Issue No. 7 stated above;

It is further ordered, That John F. Easley, licensee of station KVSO, Ardmore, Oklahoma, be, and he is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3256; Filed, Apr. 3, 1947; 8:46 a. m.]

[Docket No. 8254]

MT. PLEASANT BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Winston O. Ward db/as Mt. Pleasant Broadcasting Company, Mt. Pleasant, Texas, docket No. 8254, File No. BP-5439; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled application of Winston O. Ward db/as Mt. Pleasant Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Mt. Pleasant, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Winston O. Ward db/as Mt. Pleasant Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the

requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations KAND, Corsicana, Texas, KRMD, Shreveport, Louisiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is hereby ordered that Alto, Inc., licensee of Station KAND, Corsicana, Texas, and T. B. Lanford, R. M. Dean, Mrs. T. B. Lanford, Sr., and Mrs. R. M. Dean, a partnership, d/b as Radio Station KRMD, licensee of Station KRMD, Shreveport, Louisiana, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3255; Filed, Apr. 3, 1947; 8:46 a. m.]

[Docket No. 8266]

HEIGHTS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of The Heights Broadcasting Company, Cleveland, Ohio, Docket No. 8266, File No. BP-5412; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled application of The Heights Broadcasting Company for a construction permit for a new standard broadcast station to operate on the frequency 710 kc, with 250 w power, daytime only, at Cleveland, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WLW, Cincinnati, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Crosley Broadcasting Corporation, licensee of station WLW, Cincinnati, Ohio, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3257; Filed, Apr. 3, 1947; 8:47 a. m.]

[Docket No. 8267]

CREST BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Crest Broadcasting Company, Incorporated, Pascagoula, Mississippi, Docket No. 8267, File No. BP-5422; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled application of Crest Broadcasting Company, Incorporated, for a new standard broadcast station to operate on the frequency 800 kc, with 250 w power, daytime only, at Pascagoula, Mississippi;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Crest Broadcasting Company, Incorporated, be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3254; Filed, Apr. 3, 1947; 8:46 a. m.]

FLORENCE BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on March 19, 1947, there was filed with it an application (BTC-543) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Florence Broadcasting Company, licensee of WOLS, from M. F. Schnibben to Melvin H. Purvis. The proposal to transfer control arises out of contracts of July 15, 1941 and January 21, 1947, pursuant to which M. F. Schnibben agrees to sell to Melvin H. Purvis his 500 shares (50% interest) in the common voting $100 par value stock of said Florence Broadcasting Company for a total consideration of $40,000 payable in cash immediately after the approval of the transfer of said stock by the Federal Communications Commission. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

[1] § 1.321, Part I, Rules of practice and procedure.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by letter on March 25, 1947, that starting on March 25, 1947, notice of the filing of the application would be inserted in the Florence, South Carolina, Morning News, a newspaper of general circulation at Florence, South Carolina, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from March 25, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3258; Filed, Apr. 3, 1947; 8:47 a. m.]

STATION WIGM

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on February 13, 1947 there was filed with it an application (BAL-588) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WIGM, Medford, Wisconsin from George F. Meyer to Dairyland's Broadcasting Service, Incorporated. The proposal to assign the license arises out of a contract of December 14, 1946 pursuant to which George F. Meyer agrees to sell to Dairyland's Broadcasting Service, Incorporated all the assets and station properties (technical and non-technical) of station WIGM for a total consideration of $30,000 payment to be made upon delivery of the bill of sale and/or delivery of the warranty deed within 30 days following date of approval of the assignment by the Federal Communications Commission. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946 the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by letter on March 15, 1947 that starting on March 13, 1947 notice of the filing of the application would be inserted in the Marshfield News-Herald, a newspaper of general circulation at Medford, Wisconsin in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from March 13, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3259; Filed, Apr. 3, 1947; 8:47 a. m.]

[1] § 1.321, Part I, Rules of practice and procedure.

FEDERAL POWER COMMISSION

[Docket No. G-500]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 31, 1947.

Notice is hereby given that on March 14, 1947, an application was filed with the Federal Power Commission by Northern Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in Omaha, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate 4,508 feet of 4½-inch O. D. branch pipe line extending from a point of connection with Applicant's 20-inch main pipe line to the Nebraska Ordnance Plant near Mead, Nebraska, and a measuring station at the end of such branch line, located in Sections 14 and 15, Township 14 North, Range 8 East, Saunders County, Nebraska, for the purpose of delivery and sale by Applicant of the entire gas requirements of the Nebraska Ordnance Plant.

A temporary certificate of public convenience and necessity authorizing the construction and operation by Applicant of the above described facilities was issued in the Commission's order of November 11, 1943, in Docket No. G-500 conditioned that, in the event Applicant desires to continue such facilities and operation beyond the period of the temporary certificate, Applicant shall then apply for a certificate of public convenience and necessity therefor in the manner prescribed by the Commission under the Natural Gas Act, as amended. The facilities above described have been in operation since the date of initial service, December 14, 1943, and are now in service.

Applicant estimates the natural gas requirements of the Nebraska Ordnance Plant for the years 1947, 1948, and 1949, will be 350 Mcf. on a maximum day and 37,000 Mcf. annually.

Applicant states that the total investment in the above described facilities as of December 31, 1946, is $8,331.

Any interested State commission is requested to notify the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Northern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining, specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3217; Filed, Apr. 3, 1947; 8:45 a. m.]

[Project 1966]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF APPLICATION FOR LICENSE

APRIL 1, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Wisconsin Public Service Corporation, of Milwaukee, Wisconsin, has made application for license for constructed major Project No. 1966, known as the Grandfather Falls project, located on Wisconsin River in Lincoln County, Wisconsin, and consisting of a concrete and stone masonry dam; a reservoir; two powerhouses, the upper powerhouse built integral with the dam and having installed hydraulic capacity of 2,660 horsepower and the lower powerhouse located about one mile downstream having installed hydraulic capacity of 23,050 horsepower; a canal about 4,000 feet long; two penstocks about 1,315 feet long; two substations; and appurtenant works. Any protests

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against approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted before April 30, 1947 to the Federal Power Commission at Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3224; Filed, Apr. 3, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1262]

MICHIGAN GAS AND ELECTRIC CO., THE MIDDLE WEST CORP.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of March 1947.

The Commission, by order dated July 29, 1946, having granted and permitted to become effective an application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935 jointly by The Middle West Corporation, a registered holding company, and its subsidiary, Michigan Gas and Electric Company, and Halsey, Stuart & Co., Inc., an affiliate of Michigan Gas and Electric Company, which application-declaration proposed a recapitalization of Michigan Gas and Electric Company and related transactions; and

The Commission, upon request of the applicants-declarants, having, by orders dated October 21 and November 29, 1946, and February 3, 1947, extended to March 31, 1947 the time within which such transactions may be carried out as provided in Rule U-24; and

Applicants-declarants now having requested a further extension of time, for a period of approximately thirty days from March 31, 1947, within which such transactions may be carried out and having stated that Michigan Gas and Electric Company has now filed an amendment to its Registration Statement, heretofore filed under the Securities Act of 1933, and that such extension is necessary to permit consummation of the proposed transactions after such amended Registration Statement becomes effective; and

The Commission having considered such request and deeming it appropriate in the public interest and in the interest of investors and consumers that such request be granted:

It is ordered, That the time within which the transactions heretofore approved by order of July 29, 1946, may be carried out under Rule U-24 be, and hereby is, extended to and including April 30, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3218; Filed, Apr. 3, 1947; 8:45 a. m.]

NOTICES

[File No. 70-1459]

UNION ELECTRIC CO. OF MO.

NOTICE OF FILING OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of March 1947.

Notice is hereby given that Union Electric Company of Missouri (Missouri Union), a registered holding company and a subsidiary of The North American Company, has filed with the Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Declarant designates section 12 (b) of the act and Rule U-45 promulgated under the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 7, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Missouri Union proposes to advance on open account, with interest at 2% per annum, up to the sum of $250,000 to its indirect non-utility subsidiary Union Colliery Company (Colliery) for the purpose of enabling its subsidiary to meet payments due on equipment for operation of its new coal mine. Declarant states that the proposed transaction supplements the program of Colliery set forth in its amended declaration permitted to become effective by order of the Commission dated December 29, 1945 (Holding Company Act Release No. 6350) regarding the proposed issuance by Colliery of $1,000,000 aggregate principal amount of Bank Loan Notes bearing interest at 2% per annum, maturing in installments from December 31, 1947, to December 31, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3221; Filed, Apr. 3, 1947; 8:45 a. m.]

[File No. 70-1496]

ELECTRIC POWER & LIGHT CORP. AND MISSISSIPPI POWER & LIGHT CO.

NOTICE REGARDING FILING OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of March A. D. 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, Mississippi Power & Light Company ("Mississippi"). Applicants-declarants have designated sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 7, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after April 7, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized below:

Electric is the owner of all of the outstanding common stock of Mississippi consisting of 700,000 shares without par value having a stated value of $7,000,000. Mississippi proposes to issue and sell, and Electric proposes to acquire, an additional 250,000 shares of common stock of Mississippi for a cash consideration of $2,500,000. The proceeds from the sale of the new common stock will be used by Mississippi for the construction of needed facilities. Electric proposes to use treasury funds in making the proposed purchase.

Applicants-declarants request that the Commission's order be issued as soon as possible and become effective upon the issuance thereof in order to permit consummation of the proposed transactions at the earliest possible opportunity.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3220; Filed, Apr. 3, 1947; 8:45 a. m.]

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FEDERAL REGISTER

VOLUME 12 NUMBER 68

Washington, Saturday, April 5, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2723

NATIONAL FARM SAFETY WEEK, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS more fatal accidents occur in agriculture than in any other occupation; and

WHEREAS the increasing complexity of modern farm operations creates additional accident hazards; and

WHEREAS caution and intelligent effort on the part of every farm family in the land will lessen the suffering and economic loss caused by accidents, and the coordinated observance by all our people of a week dedicated to farm safety will effect an immense saving to our country:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the Nation to observe the week commencing July 20, 1947 as National Farm Safety Week, as a spearhead to a year-round farm safety program, and I request all persons and organizations concerned with agriculture and farm life to cooperate in the observance of this fourth annual National Farm Safety Week. I also urge farm people everywhere to set aside a specific time during National Farm Safety Week for family discussions of methods for the prevention of accidents, in order that these producers of the Nation's food may live and work with greater safety.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 2nd day of April in the year of our Lord nineteen hundred and forty-

[SEAL] seven, and of the Independence of the United States of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-3326; Filed, Apr. 3, 1947; 3:20 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LISTS OF POSITIONS EXCEPTED FROM COMPETITIVE SERVICE; DEPARTMENT OF LABOR

With the concurrence of the Secretary of Labor, one of the two private secretaries or confidential assistants to the Secretary of Labor included under Schedule A is removed therefrom. The section of Schedule A (issued in Executive Order No. 9830, 12 F. R. 1259, 1267), as amended, reads as set out below. This amendment shall be effective May 1, 1947.

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(13) *Department of Labor.* • • •

(iv) One private secretary or confidential assistant to each of the following: The Secretary of Labor, the Under Secretary of Labor, and each Assistant Secretary of Labor.

(Sec. 6.1 (d) E. O. 9830, Feb. 24, 1947, 12 F. R. 1263)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-3267; Filed, Apr. 4, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 116]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.342 *Orange Regulation 116*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the han-

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FEDERAL REGISTER

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dling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 7, 1947, and ending at 12:01 a. m., e. s. t., April 21, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1));

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)); or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 3d day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-3329; Filed, Apr. 4, 1947; 8:46 a. m.]

[Lemon Reg. 216]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.323 *Lemon Regulation 216*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., April 6, 1947, and ending at 12:01 a. m., p. s. t., April 13, 1947, is hereby fixed at 380 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 215 (12 F. R. 2084) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 3d day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-3330; Filed, Apr. 4, 1947; 8:46 a. m.]

[Orange Reg. 172]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.318 *Orange Regulation 172*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., April 6, 1947, and ending at 12:01 a. m., p. s. t., April 13, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate Districts Nos. 1 and 2, no movement; and (b) Prorate District No. 3, 60 carloads.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1100 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 3d day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. April 6, 1947 to 12:01 a. m. April 13, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.3633
A. F. G. Fullerton	.0523
A. F. G. Orange	.0573
A. F. G. Redlands	.3656
A. F. G. Riverside	.5807
Corona Plantation Co	1.1876

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Hazeltine Packing Co	0.0000
Signal Fruit Association	.7978
Azusa Citrus Association	1.0510
Azusa Orange Co., Inc	.1602
Damerel-Allison Co	1.2586
Glendora Mutual Orange Association	.5433
Irwindale Citrus Association	.3691
Puente Mutual Citrus Association	.0505
Valencia Heights Orchards Association	.2379
Glendora Citrus Association	.6763
Glendora Heights O. & L. Growers Association	.1889
Gold Buckle Association	3.5629
La Verne Orange Association, The	3.5772
Anaheim Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Orange County Valencia Association	.0000
Orangethorpe Citrus Association	.0246
Placentia Cooperative Orange Association	.0000
Yorba Linda Citrus Association, The	.0000
Alta Loma Heights Citrus Association	.4070
Citrus Fruit Growers	.7462
Cucamonga Citrus Association	.6538
Etiwanda Citrus Fruit Association	.2326
Mountain View Fruit Association	.1674
Old Baldy Citrus Association	.4772
Rialto Heights Orange Growers	.4401
Upland Citrus Association	2.4964
Upland Heights Orange Association	1.1727
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0394
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.0000
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, Inc., The	.0000
Bradford Brothers, Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Call Ranch	.6808
Corona Citrus Association	.8109
Jameson Co	.3863
Orange Heights Orange Association	.9288
Break & Son, Allen	.3205
Bryn Mawr Fruit Growers Association	1.1252
Crafton Orange Growers Association	1.4360
E. Highlands Citrus Association	.4376
Fontana Citrus Association	.4603
Highland Fruit Growers Association	.7059
Krinard Packing Co	1.6373
Mission Citrus Association	.8259
Redlands Cooperative Fruit Association	1.8221
Redlands Heights Groves	.9411
Redlands Orange Growers Association	1.2316
Redlands Orangedale Association	1.0109
Redlands Select Groves	.6359
Rialto Citrus Association	.5592
Rialto Orange Co	.3848
Southern Citrus Association	1.2816
United Citrus Growers	0.6908
Zilen Citrus Co	1.0376
Arlington Heights Fruit Co	.4684
Brown Estate, L. V. W	2.1735
Gavilan Citrus Association	1.7599
Hemet Mutual Groves	.3961
Highgrove Fruit Association	.7192
McDermont Fruit Co	1.7609
Mentone Heights Association	1.2495
Monte Vista Citrus Association	1.1924
National Orange Co	.9879
Riverside Heights Orange Growers Association	1.3434
Sierra Vista Packing Association	.8112
Victoria Ave. Citrus Association	2.8007
Claremont Citrus Association	1.0136
College Heights O. & L. Association	1.0953
El Camino Citrus Association	.5444
Indian Hill Citrus Association	1.0417
Pomona Fruit Growers Association	2.1199
Walnut Fruit Growers Association	.4520
West Ontario Citrus Association	1.6252
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.1858
San Dimas Orange Growers Association	1.1953
Covina Citrus Association	1.5703
Covina Orange Growers Association	.5221
Duarte-Monrovia Fruit Exchange	.3899
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Association	.1325
San Fernando Fruit Growers Association	.3036
San Fernando Heights Orange Association	.3639
Sierra Madre Lamanda Citrus Association	.2111
Camarillo Citrus Association	.0113
Fillmore Citrus Association	1.3694
Ojai Orange Association	1.1578
Piru Citrus Association	1.3133
Santa Paula Orange Association	.0000
Tapo Citrus Association	.0114
East Whittier Citrus Association	.0000
Whittier Citrus Association	.0000
Whittier Select Citrus Association	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.4941
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.0000
Euclid Avenue Orange Association	2.4482
Foothill Citrus Union, Inc	.1235
Fullerton Cooperative Orange Association	.0000
Garden Grove Orange Cooperative	.0000
Glendora Cooperative Citrus Association	.0935
Golden Orange Groves, Inc	.4270
Highland Mutual Groves, Inc	.4496
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	3.3074
Olive Hillside Groves, Inc	.0000
Orange Cooperative Citrus Association	.0469
Redlands Foothill Groves	2.2405
Redlands Mutual Orange Association	1.0906
Riverside Citrus Association	.3717
Ventura County O. & L. Association	.2676
Whittier Mutual O. & L. Association	.0000
Babijuice Corp. of California	.0000
Banks Fruit Co	.0000
California Fruit Distributors	.1296
Cherokee Citrus Co., Inc	1.1109
Chess Co., Meyer W	.4709
Evans Brothers Packing Co	0.5294
Gold Banner Association	1.9929
Granada Hills Packing Co	.0236
Granada Packing House	.0000
Hill, Fred A	.7424
Inland Fruit Dealers, Inc	.2359
Orange Belt Fruit Distributors	2.5375
Panno Fruit Co., Carlo	.1062
Paramount Citrus Association	.0000
Riverside Growers, Inc	.3075
San Antonio Orchards Association	1.3157
Snyder & Sons Co., W. A	1.0982
Verity & Sons Co., R. H	.0977
Wall, E. T	1.4676
Western Fruit Growers, Inc., Redlands	2.8579
Yorba Orange Growers Association	.0336

VALENCIA ORANGES

Prorate District No. 3

Total	100.0000
Allen-Young Citrus Packing Co	.4308
Consolidated Citrus Growers	4.3404
Leppla-Pratt Produce Distributors, Inc	5.4687
McKellips Mutual Citrus Growers	14.0542
McKellips Phoenix Citrus Co., C. H	1.8322
Phoenix Citrus Packing Co	2.4812
Arizona Citrus Growers	21.8549
Desert Citrus Growers	3.1283
Mesa Citrus Growers	13.2480
Imperial Valley Grapefruit Growers	.0000
Yuma Mesa Fruit Growers Association	6.1732
Arizona Citrus Products Co	2.4017
Libbey Fruit Packing Co	5.4687
Pioneer Fruit Co	4.0590
Tempe Citrus Co	2.5545
Champion Produce House, L. M	.5836
Commercial Citrus Packing Co	1.3523
Dhuyvetter Bros	.9157
Ishikawa, Paul	.0612
Macchiaroli Fruit Co., James	1.9508
Morris Brothers Fruit Co	.7991
Orange Belt Fruit Distributors	3.3487
Paramount Citrus Association	.7109
Potato House, The	.2737
Sharp Co., K. K	.1522
Valley Citrus Packing Co	2.3590

[F. R. Doc. 47-3328; Filed, Apr. 4, 1947; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5205]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TRAVELLERS LUGGAGE CO.

§ 3.69 (c) *Misrepresenting oneself and goods; prices; retail as dealer's or wholesale.* § 3.72 (n) *Offering deceptive inducements to purchase or deal; special offers, savings and discounts.* In connection with the offering for sale, sale and distribution of luggage and other merchandise in commerce, representing through the use of "discount cards" or by any other means that merchandise may be purchased from respondents at a discount or at special or reduced prices, when the prices at which such merchandise is actually sold are in fact the prices at which such merchandise is customarily sold by respondents in the regular and normal course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Travellers Luggage Company, Docket 5205, March 14, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of March A. D. 1947.

In the Matter of Samuel Schreibersdorf, Louis Schreibersdorf, Julius Schreibersdorf, Sidney Schreibersdorf, Saul Schreibersdorf, Joseph Schreibersdorf, and Bertha Schreibersdorf, copartners trading as Travellers Luggage Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Samuel Schreibersdorf, Louis Schreibersdorf, Julius Schreibersdorf, Sidney Schreibersdorf, Saul Schreibersdorf, Joseph Schreibersdorf, and Bertha Schreibersdorf, individually and as copartners trading as Travellers Luggage Company, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of luggage and other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing through the use of "discount cards" or by any other means that merchandise may be purchased from respondents at a discount or at special or reduced prices, when the prices at which such merchandise is actually sold are in fact the prices at which such merchandise is usually and customarily sold by respondents in the regular and normal course of business.

It is further ordered, That the respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-3268; Filed, Apr. 4, 1947; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission)

[Hearing Docket CE-P 6]

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

REDUCTION OF LIMITS ON POSITION AND DAILY TRADING IN COTTON FOR FUTURE DELIVERY

Findings of fact. Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U. S. C. 6a), the Commodity Exchange Commission, after investigation and full consideration of the record made at a public hearing held in Washington, D. C., December 10, 1946, of which due public notice had been given and at which all persons were given opportunity to hear, present, refute, and comment on evidence in the premises, does hereby find:

(a) Trading in cotton for future delivery, on or subject to the rules of a contract market, by a person who holds or controls a speculative net position of more than 30,000 bales, long or short, in any one future or in all futures combined in cotton, on or subject to the rules of such contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of cotton not warranted by changes in the conditions of supply or demand;

(b) The present limit of 30,000 bales in any one cotton future is a reasonable limit on the daily speculative purchases or sales which any person may make on any one contract market.

Conclusions. Upon the foregoing facts, it is concluded that in order to prevent excessive speculation in cotton futures which will cause sudden, unreasonable, or unwarranted fluctuations or changes in price resulting in an undue and unnecessary burden on interstate commerce in cotton, it is necessary to reduce the present limit on the net long or net short speculative position which any person may hold or control under contracts of sale of cotton for future delivery on or subject to the rules of contract markets; that 30,000 bales is a reasonable limit on the net long or net short speculative position which any person may hold or control in any one future or in all futures combined in cotton on or subject to the rules of any contract market; and that it is unnecessary to make any change in the present limit on the daily speculative purchases or sales of cotton futures which any person may make on any one contract market.

Order. Section 150.2 (a) of the order of the Commodity Exchange Commission, promulgated August 26, 1940 (17 CFR, Cum. Supp., § 150.2 (a)), is amended, effective May 10, 1947, to read as follows:

§ 150.2 *Limits on position and daily trading in cotton for future delivery.*

* * *

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in cotton on any one contract market is 30,000 bales in any one future or in all futures combined.

(49 Stat. 1492; 7 U. S. C. 6a)

Issued this 2d day of April 1947.

[SEAL] COMMODITY EXCHANGE COMMISSION,
CLINTON P. ANDERSON,
Secretary of Agriculture, Chairman.
W. A. HARRIMAN,
Secretary of Commerce.
TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-3277; Filed, Apr. 4, 1947; 8:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-31]

PART 102—PERSONNEL ADMINISTRATION

RESTRICTIONS ON MARRIAGE OF OFFICERS OR EMPLOYEES TO ALIENS

Section 102.821 of the Foreign Service Regulations is amended to read as follows:

§ 102.821 *Restrictions on marriage of officers or employees to aliens.* (a) No person married to an alien shall be appointed as a Foreign Service officer. No person married to an alien shall be appointed or assigned to the Foreign Service Reserve or as a Foreign Service staff officer or employee unless express permission is granted by the Director General of the Foreign Service.

(b) Before contracting marriage with a person of foreign nationality each officer and American employee shall request permission to do so from the Director General of the Foreign Service. Any officer or American employee who contracts marriage with an alien without obtaining advance permission from the Director General of the Foreign Service shall be deemed guilty of insubordination amounting to misconduct and shall be separated from the Service. Requests for permission to marry an alien shall be accompanied by the officer's or employee's resignation for such action as may be deemed appropriate.

(c) Chiefs of mission shall require their private secretaries to comply with the policy formulated in the regulations in this part. (R. S. 161, sec. 302, 60 Stat. 1001; 5 U. S. C. 22)

This section shall become effective immediately upon publication in the FEDERAL REGISTER.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY, *Assistant Secretary.*

MARCH 19, 1947.

[F. R. Doc. 47-3274; Filed, Apr. 4, 1947; 8:47 a. m.]

[Foreign Service Reg. S-34]

PART 102—PERSONNEL ADMINISTRATION

PERIODS IN CLASS

The Foreign Service regulations comprising Part 102 of Title 22 of the Code of Federal Regulations are amended by adding the following sections:

§ 102.622 *Minimum periods in class for promotion in 1947.* All Foreign Service officers excepting those whose performance of duty since January 1, 1946 has resulted in disciplinary action by the Board of Foreign Service Personnel or the Board of the Foreign Service shall be eligible for promotion to a higher class in 1947:

(a) If they are in class 2, 3, 4, or 5 and have more than nine months' service in class as of February 13, 1947, computed in accordance with paragraph (d) of this section;

(b) If they are in class 6 and were appointed as Foreign Service officers prior to January 1, 1946; or

(c) If they are in class 6 and, regardless of the dates of their appointment to the Service, will be 35 years of age or older on April 1, 1947, and have had at least four years' service in another branch of the Foreign Service or any Government agency prior to appointment as Foreign Service officers.

(d) For the purpose of this section time served by Foreign Service officers in classes under the Foreign Service Act of 1946 shall include time served in classes under the act of May 24, 1924 (43 Stat. 140) as follows:

Time served by an officer now in class—	Who on Nov. 12, 1946, was in class—	Shall include time served in class—
2	II	II.
3	III	III and IV.
	IV	IV.
4	V	V and VI.
	VI	VI.
5	VII	VII and VIII.
	VIII	VIII.
6	Unclassified	Unclassified.

§ 102.636 *Maximum periods in class before "selection out".* (a) Any Foreign Service officer who remains in class 2, 3, 4, or 5 more than eight years without receiving a promotion from class to class shall be retired from the Service.

(1) Foreign Service officers so retired from classes 2 and 3 shall receive retirement benefits in accordance with the provisions of section 821 of the Foreign Service Act of 1946.

(2) Foreign Service officers so retired from classes 4 and 5 shall receive benefits in accordance with the provisions of section 634 (a) (1) and (2) of the Foreign Service Act of 1946.

(3) No Foreign Service officer shall be separated from class 2, 3, 4, or 5 in accordance with the regulations in this part until November 13, 1949.

(b) Any Foreign Service officer in class 6 who is not promoted to class 5 within three years of his appointment as a Foreign Service officer in class 6 shall be separated from the Service.

(1) Notwithstanding the provisions of the foregoing paragraph, no Foreign Service officer in class 6 as of November 13, 1946 shall be so separated from the Service until his case has been reviewed by a selection board established in accordance with the provisions of section 623 of the Foreign Service Act of 1946.

(2) A Foreign Service officer of class 6 separated from the Service in accordance with the provisions of section 635 of the Foreign Service Act of 1946 shall receive no benefits under the act except that his contributions to the Foreign Service Retirement and Disability Fund shall be returned to him in accordance with the provisions of section 841 of the act.

(c) For the purpose of this section, time served by Foreign Service officers in classes under the Foreign Service Act of 1946 shall include time served in only one of the classes under the act of May 24, 1924 (43 Stat. 140) as follows:

Time served by an officer now in class—	Who on Nov. 12, 1946 was in class—	Shall include time served in class—
2	II	II.
3	III	III.
	IV	IV.
4	V	V.
	VI	VI.
5	VII	VII.
	VIII	VIII.
6	Unclassified	Unclassified.

(R. S. 161, secs. 302, 622, 623, 633, 634, 635, 1102, Pub. Law 724, 79th Cong., 60 Stat. 1001, 1014, 1015, 1016, 1033; 5 U. S. C. 22)

These sections shall become effective as of November 13, 1946.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

APRIL 1, 1947.

[F. R. Doc. 47-3273; Filed, Apr. 4, 1947; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profit Taxes

[T. D. 5555]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document No. 47-2925 appearing on page 2050 of the issue for Friday, March 28, 1947, the Acting Secretary of the Treasury should be "Joseph J. O'Connell, Jr.".

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War, Department of the Interior

[SFAW Order 45]

PART 602—GENERAL ORDERS AND DIRECTIVES

MISCELLANEOUS REVOCATIONS

It is ordered, That: § 602.1, § 602.250 through § 602.255, and § 602.850 through § 602.859 (SFAW Regulation No. 1, as amended, SFAW Regulation No. 14, and Revised Regulation No. 31) and § 602.61 through § 602.64 (SFAW Order No. 3, as amended), Chapter VI, Title 30 of the Code of Federal Regulations, be, and they are hereby revoked, effective 11:59 p. m. March 31, 1947.

This revocation shall not affect civil or criminal liabilities resulting from violations of the above sections.

Issued this 31st day of March 1947.

J. A. KRUG,
Solid Fuel Administrator for War.

[F. R. Doc. 47-3275; Filed, Apr. 4, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 396, Amdt. 5]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNING OF PERISHABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of April A. D. 1947.

Upon further consideration of Service Order No. 396 (10 F. R. 15008), as amended (11 F. R. 1627, 4038, 9453; 12 F. R. 1235), and good cause appearing therefor: it is ordered, that:

Service Order No. 396 *Perishables; restrictions on reconsigning,* (codified as 49 CFR § 95.396), as amended, be, and it is hereby, further amended by adding the following paragraph (i) thereto:

(i) *Arrival notice to original shipper.* Any common carrier by railroad subject to the Interstate Commerce Act shall, on request of original shipper by endorsement on the bill of lading, after arrival of a car subject to this section at the first reconsigning point where such car is held, immediately send notice of arrival of the car at such point by collect telegram to the shipper, or such agent as he may designate in the endorsement on the bill of lading, at any point specified in the bill of lading endorsement. This provision does not change the computation of time in paragraph (b) of this section, nor does it authorize or require the sending of the arrival notice provided for above to anyone but the original shipper or such designated agent.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 5, 1947, and it shall apply only on cars shipped from original point of origin on or after the effective date hereof provided the bill of lading for the car bears the endorsement required herein.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3263; Filed, Apr. 4, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Revocation of Direction 22]

SALE OF CERTAIN TYPES OF COPPER BASE ALLOY SCRAP BY THE UNITED STATES ARMY, NAVY OR MARITIME COMMISSION

Direction 22, as amended December 2, 1946, to Priorities Regulation 13 is hereby revoked. This revocation does not affect any liabilities incurred for violation of this Direction or of actions taken by the Civilian Production Administration under the direction.

Issued this 4th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3349; Filed, Apr. 4, 1947; 11:39 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 34, Revocation]

SALE OF CERTAIN STRATEGIC AND CRITICAL MATERIALS BY THE RFC

Section 944.55, *Priorities Regulation 34,* is hereby revoked. This revocation does not affect any liabilities incurred for violation of this regulation or of actions taken by the Civilian Production Administration under the regulation.

Civilian Production Administration orders listed below covering the sale by RFC of certain strategic and critical materials remain in effect, as follows:

Order M-112—Antimony.
Order M-43—Tin.
Order M-84—Manila and sisal fibre.
Order M-131—Quinidine and quinine, and salts.
Order R-1—Rubber.

Issued this 4th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3350; Filed, Apr. 4, 1947; 11:39 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, Appendix II as Amended, Nov. 29, 1946, Amdt. 2]

WHITE SIDEWALLS

Rubber Order R-1, Appendix II, List 8, *Manufacture of Tires and Tire Casings,* is hereby amended as follows:

In List 8, by deleting paragraph (a) (4), covering restrictions on the manufacture of pneumatic tires with white sidewalls.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9246, 7 F. R. 7379, as amended by E. O. 9475, 9 F. R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F. R. 64)

Issued this 4th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3351; Filed, Apr. 4, 1947; 11:39 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2,[1] Order 10]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

SURPLUS PROPERTY TO ASSIST IN THE CONTROL OF FOOT-AND-MOUTH DISEASE

Section 16 (b) of the Surplus Property Act as amended confers authority upon the Administrator to set aside quantities and types of surplus property, except real property, which he determines to be appropriate for exclusive disposal to veterans for their own personal use and to enable them to establish and maintain their own small business, professional or agricultural enterprises.

The Secretary of Agriculture has advised that an emergency exists involving the eradication, suppression and control of foot-and-mouth disease in Mexico and has requested assistance in obtaining immediately certain items of surplus property in critical need in dealing with this emergency and in fulfilling the responsibilities of the Secretary of Agriculture under Public Law 8, 80th Congress, approved February 28, 1947.

Section 8302.4 (a) of this part provides that except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types set forth by order issued thereunder shall set aside all, or such percentage of such property, as is designated in such order.

Certain of the items requested by the Secretary of Agriculture have been set aside for exclusive disposal to veterans under § 8302.4 of this part by § 8302.59[2] issued thereunder.

In view of all of the foregoing, it is hereby ordered that:

§ 8302.60 *Surplus property to assist in the control of foot-and-mouth disease.* Notwithstanding the provisions of § 8302.4 of this part and of § 8302.59[2] issued thereunder, the War Assets Administration as disposal agency shall exclude from the National and Regional veterans' set-aside lists a total of two hundred and three (203) trucks, Commodity Code Classifications 90 1003 to 90 1035 inclusive, as available, of which not more than one hundred (100) shall be Jeeps, ¼-ton, 4 x 4, Commodity Code Classification 90 1003, and not more than one hundred (100) shall be Command, ¾-ton, 4 x 4, Commodity Code Classification, 90 1018, for disposition to the Secretary of Agriculture for use in emergency control of foot-and-mouth disease in the livestock industry.

(Surplus Property Act of 1944, as amended; 58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611; Pub. Law 181, 79th Cong., 59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b; and E. O. 9689 (11 F. R. 1265))

This section shall become effective April 2, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 2, 1947.

[F. R. Doc. 47-3352; Filed, Apr. 4, 1947; 11:58 a. m.]

[1] 12 F. R. 1985.

[2] Reg. 2, Order 9 (12 F. R. 1989).

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 190]

RATIFICATION OF SPIRITS AND WINES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2800 (a) (5), 2801 (e) (1), 2861, 3040, 3176, and 3250 (1) of the Internal Revenue Code (26 U. S. C. A. 2800, 2801, 2861, 3040, 3176 and 3250).

1. Regulations 15 (Part 190, 26 CFR), as amended, are hereby amended in these respects:

(a) Section 190.9a is added; and

(b) Sections 190.42, 190.153, 190.203, 190.279, 190.280, 190.281, 190.414, and 190.416 are amended, as follows:

§ 190.9a *Limitation on use of alcoholic flavoring materials.* The use of alcoholic flavors or flavoring extracts manufactured on premises other than a rectifying plant must be limited by the rectifier so that the quantity of alcohol (proof gallons) contained therein will not represent more than 2½ percent of the quantity of alcohol (proof gallons) contained in the finished product. For example, 100 gallons of a finished cordial, 50 degrees of proof, contain 50 proof gallons. As 2½ percent of 50 equals 1.25, the cordial could contain not more than 1.25 proof gallons of alcohol derived from such flavors or flavoring extracts used in its manufacture. The manufacture of rectified products under formulas providing for the use of alcoholic flavors or flavoring extracts to an extent not consistent herewith shall be discontinued within sixty days after the effective date of this regulation. New formulas submitted for the purpose of showing the use of alcoholic flavors or flavoring extracts in the manufacture of rectified products must furnish the information required by § 190.153, as amended. (Sec. 3250 (1), I. R. C.)

§ 190.42 *Stills.* All stills in the rectifying plant shall be located in the rectifying room and shall be of substantial construction and must have a clear space of not less than one foot around them. Every still must have plainly and legibly painted thereon words indicating its use, or uses, as "gin still," "cordial still," "water still," etc., followed by its serial number and capacity in wine gallons. Stills shall be connected with the receiving tanks by continuous, permanent metal pipe lines. If the gin still is equipped with a pipe line to by-pass the berry basket, such pipe line must be equipped with a valve for locking with a Government lock.

§ 190.153 (a) *Flavoring materials.* Formulas providing for the use of alcoholic flavors or flavoring extracts under the provisions of § 190.9a, in addition to showing the kind of and percentage (by volume) of such material used, must specify the percentage of alcohol (by volume) contained therein.

§ 190.203 *Production.* Gin may be produced exempt from the rectifying tax, by the redistillation of a pure spirit over juniper berries and other aromatics. Gin so produced must be run into a receiving tank from which it must be promptly (a) drawn into packages, gauged, stamped, and removed to the finished products room or (b) transferred to a bottling tank, gauged, and (1) bottled and removed to the finished products room or (2) conveyed by pipe line to a contiguous tax-paid bottling house or rectifying plant for bottling. (See §§ 190.313 to 190.339) (Sec. 2800 (a) (5), I. R. C.)

§ 190.279 *Determining proof of sweetened spirits, wines, etc.* The alcoholic content (a) of blended whiskies containing more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials such as sherry wine, prune juice, caramel, glycerine, etc., and (b) of wines, cordials, liqueurs, and other rectified products containing saccharine or other solid matter will be determined by the use of an approved ebulliometer or a small laboratory still, provided by the rectifier in accordance with §§ 190.313 to 190.331, inclusive. When using such instruments rectifiers must follow closely the instructions furnished therewith, in order that accurate determinations may be made. Instructions relative to the use of small laboratory stills (or wine sets) and the following ebulliometers: Arnaldo-Sala (with shield), Braun, Juerst, Lefco, L'Ebulliometer Levesque (with shield), Malligand (with shield), Salleron-Dujardin, "TAG" (with shield), and E. B. Torino (with shield), are also set forth in the appendix to Regulations 7, Wine—1945 (26 CFR, Part 178). The alcoholic content of blended spirits containing not more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials will be determined by the use of a standard hydrometer or a small still. If determined by a standard hydrometer an obscuration correction factor may be added to the apparent proof in order to obtain the true proof of the blended spirits. Experience has shown that 0.1 gram or 100 milligrams of solids per 100 milliliters will obscure the true proof 0.4 of 1° of proof. For example, if a blended whisky contains 0.25 gram or 250 milligrams of solids per 100 milliliters and the apparent proof corrected to 60° Fahrenheit is found to be 89° proof by a standard hydrometer, a correction factor of 1° of proof (2.5 times 0.4) due to the solids may be added to the apparent proof, hence the true proof would be 90°. The solids in blended spirits due to blending materials will be determined by evaporating 25 milliliters of the blended spirits in a weighed dish on a steam bath and then heating for 30 minutes at the temperature of boiling water in a drying oven. The solids thus determined, multiplied by 4, will give the solids in 100 milliliters of blended spirits. The correction factor to be used then will be determined on the basis that every 100 milligrams of solids will obscure the proof 0.4 of 1° of proof. The ebulliometer should not be used in determining the alcoholic content of blended spirits containing not more than 0.6 gram or 600 milligrams of solids per 100 milliliters. (Sec. 2861, I. R. C.)

§ 190.280 *Determining contents by weight.* Rectified spirits containing not more than 0.6 gram or 600 milligrams of saccharine or other solid matter per 100 milliliters which are transferred to portable packages or to a bottling tank mounted on scales may be gauged by weight in accordance with the official Gauging Manual. To this end accurate scales must be provided. Government officers will frequently test, by means of the test weights provided in accordance with § 190.32, the accuracy of the scales used for weighing packages. Scales used for weighing spirits in lots of not over 500 gallons in bottling tanks will be tested from time to time under the supervision of the storekeeper-gauger by means of the test weights provided in accordance with § 190.32. Such scales will be tested by placing the prescribed test weights upon the scales and checking the weight registered on the beam of the scales. The test weights will then be removed without disturbing the beam and the bottling tank filled with spirits or water to the same weight, whereupon the test weights will again be placed upon the scales, the spirits or water being retained in the tank, and the weight registered on the beam checked. This operation will then be continued until the scales have been checked in 500-pound notches at all weights for which the scales are used. Rectifiers will have scales used for weighing spirits in larger lots tested and their accuracy certified by State, county, or city departments of weights and measures at intervals of not more than six months. The storekeeper-gauger will not permit the use of any scales not so tested or which upon testing are found to be inaccurate. (Sec. 2861, I. R. C.)

§ 190.281 *Determining contents by measure.* Rectified spirits transferred to a bottling tank not mounted on scales, and spirits, wines, cordials, liqueurs, and other rectified products containing saccharine and other solid matter will be gauged by measure to determine the wine-gallon content (corrected to volume in accordance with Table 7 of the Gauging Manual); the proof-gallon content will then be determined by multiplying the wine-gallon content by the proof (pointed off in two decimal places) of the spirits. If the spirits, wines, cordial, liqueurs, and other rectified products containing saccharine or other solid matter are transferred to packages, the capacity of each package must be ascertained before the liquors are placed therein, or the quantity to be placed in each package must first be ascertained by actual measure in another vessel provided for that purpose: *Provided, however,* That the quantity in wine gallons of any liquor placed in packages may be determined by weight if the specific gravity of the liquor is ascertained and used in calculating the volume. (Sec. 2861, I. R. C.)

§ 190.414 *Packages of distilled spirits.* In addition to the serial number, there shall be plainly and durably burned, cut, imprinted, or stenciled, on the Government head of each barrel or similar container of distilled spirits (a) the kind of spirits; (b) the wine gallon content; (c) the proof of the spirits; (d) the proof gallon content; (e) the tare of the container; (f) the date of filling; (g) the number of the approved formula under which rectified; (h) the name (or trade name or style) of the rectifier; (i) the location (city or town, and State) of the rectifying plant; and (j) the number of the rectifier's basic permit issued under the Federal Alcohol Administration Act: *Provided,* That if the spirits were rectified by such rectifier, or if the spirits are unrectified spirits which were produced by such rectifier at a distillery, he may use in connection with his name the designation "Rectifier" or "Distiller," respectively. (Sec. 2861, I. R. C.)

§ 190.416 *Packages and cases of wine.* The rectifier shall place marks upon packages and cases of wine similar to the marks required by §§ 190.414 and 190.415 to be placed upon packages and cases of distilled spirits, except: The tare need not be marked on the packages; the alcoholic content of the wine will be shown in percentage by volume in lieu of the proof; and, in the case of unrectified wine, the proof gallons may be omitted. (Sec. 3040, I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 2800 (a) (5), 2801 (e) (1), 2861, 3040, 3176, and 3250 (1) of Internal Revenue Code (26 U. S. C. A. 2800, 2801, 2861, 3040, 3176 and 3250))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

[F. R. Doc. 47-3298; Filed, Apr. 4, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8480]

UNITED STATES CURRENCY OWNED BY JAPAN

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: United States currency in the amount of $13,000.00 recovered from Velvalee M. Dickinson in New York, New York, on January 21, 1944, and presently in the custody of the United States Attorney for the Southern District of New York, United States Court House, Foley Square, New York, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3278; Filed, Apr. 4, 1947; 8:46 a. m.]

[Vesting Order 8508]

KAROLINE BERTRAM

In re: Estate of Karoline Bertram, deceased. File No. D-28-10454; E. T. sec. 14865.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Louisa Martini, Mrs. Frieda Weiss, Mrs. Martha Kellerman, Oswald Gettmann and Walter Gettmann, and each of them, in and to the estate of Karoline Bertram, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louisa Martini, Germany.
Mrs. Frieda Weiss, Germany.
Mrs. Martha Kellerman, Germany.
Oswald Gettmann, Germany.
Walter Gettmann, Germany.

That such property is in the process of administration by Dora Luhmann, as Executrix, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3279; Filed, Apr. 4, 1947; 8:46 a. m.]

[Vesting Order 8509]

ESTACHE CIBU

In re: Estate of Estache (Estachle) Cibu, deceased. File D-57-409; E. T. sec. 13912.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Simon (Simion) Cibu, John Cibu, Joseph Cibu, Visalon Cibu and Nicola Andrea, whose last known addresses are Rumania, are residents of

Rumania and nationals of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Estache (Estachie) Cibu, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania);

3. That such property is in the process of administration by the Hannibal National Bank, as executor, acting under the judicial supervision of the Probate Court of Ralls County, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3280; Filed, Apr. 4, 1947; 8:46 a. m.]

[Vesting Order 8510]

MAX CLAUS

In re: Estate of Max Claus, deceased. D-28-9132; E. T. sec. 11765.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest (Ernst) Claus, Kurt Krengel (Krangel) and Erna Muenzer (Nuenzer), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Max Claus, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Cook County, Chicago, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3281; Filed, Apr. 4, 1947; 8:46 a. m.]

[Vesting Order 8513]

MARY J. FULLMER

Estate of Mary J. Fullmer, deceased. File No. D-28-10026; E. T. sec. No. 14224.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Freda Gunther, also known as Frieda C. Gunther, in and to the estate of Mary J. Fullmer, deceased,

is property payable or deliverable to, or claimed by, national of a designated enemy country, Germany, namely,

National and Last Known Address

Freda Gunther, also known as Frieda C. Gunther, Germany.

That such property is in the process of administration by the Camden Trust Company, as Executor of the estate of Mary J. Fullmer, deceased, acting under the judicial supervision of the Camden County Orphans' Court, Camden, New Jersey;

And determined, that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on January 23, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3282; Filed, Apr. 4, 1947; 8:46 a. m.]

[Vesting Order 8515]

HEINRICH KLUMPP

In re: Estate of Heinrich Klumpp, deceased. File No. D-28-11562; E. T. sec. 15757.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Freidrich (Friedrick) (Fredcrick) Klumpp, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $300.00 was paid to the Attorney General of the United States by Frederick W. Boehringer, Administrator, C. T. A. of the Estate of Heinrich Klumpp, deceased;

3. That the said sum of $300.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3283; Filed, Apr. 4, 1947; 8:46 a. m.]

[Vesting Order 8531]

EMMA ASCHMANN

In re: Bank account owned by Emma Aschmann. F-28-28143-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Aschmann, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a Savings Account, Account Number 1,142,266, entitled Augusta Schelling in trust for Emma Aschmann, maintained at the branch office of the aforesaid bank located at Fourteenth Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property, within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emma Aschmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3284; Filed, Apr. 4, 1947; 8:46 a. m.]

[Vesting Order 8532]

ERICH BATZDORF ET AL.

In re: Bank accounts owned by Erich Batzdorf and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual whose name is set forth in Exhibit A, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of the savings accounts, described in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

NAMES OF OWNERS AND TITLES OF ACCOUNTS

	Account No.	*OAP files No.*
Erich Batzdorf	1,339,330	F-28-25496-E-1
Frank Batzdorf	1,339,329	F-28-25495-E-1
Hedwig Batzdorf	1,339,331	F-28-25507-E-1
Maria Felgenhauer	1,339,315	F-28-25486-E-1
Martha Fisher	1,339,302	F-28-25248-E-1
Elizabeth Groh	1,339,308	F-28-25420-E-1
Gertrude Mahr	1,339,327	F-28-26310-E-1
Caecelia Pelz	1,339,328	F-28-26169-E-1
Agnes Sarembe	1,339,313	F-28-25775-E-1
Caecelia Scharbert	1,339,317	F-28-26237-E-1
Edgar Schmidt	1,339,324	F-28-26296-E-1
Emma Schmidt	1,339,320	F-28-26295-E-1
Hans Schmidt	1,339,323	F-28-26292-E-1
Ida Schmidt	1,339,325	F-28-14160-E-1
Willi Schmidt	1,339,322	F-28-16087-E-1
Hildegard Stueckel	1,339,321	F-28-25881-E-1

[F. R. Doc. 47-3285; Filed, Apr. 4, 1947; 8:47 a. m.]

[Vesting Order 8534]

RUDOLPH BRAUN

In re: Bank account owned by Rudolph Braun. F-28-25090-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, the Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolph Braun, whose last known address is Solingen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Rudolph Braun, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a current account, entitled Rudolph Braun, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3287; Filed, Apr. 4, 1947; 8:47 a. m.]

[Vesting Order 8536]

G. A. GEDAT

In re: Bank account owned by G. A. Gedat. F-28-920-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That G. A. Gedat, whose last known address is Wilhelmstrasse 34, Berlin S. W. 68, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to G. A. Gedat, by The First National Bank of Denver, 17th & Stout Streets, Denver, Colorado, arising out of a savings account, Account Number 78970, entitled G. A. Gedat, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.\

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3288; Filed, Apr. 4, 1947; 8:47 a. m.]

[Vesting Order 8537]

TAKAKICHI HIROYAMA AND SADAKA KASIMA

In re: Bank account owned by Takakichi Hiroyama and Sadaka Kasima, F-39-429-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takakichi Hiroyama and Sadaka Kasima, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Takakichi Hiroyama and Sadaka Kasima, by The Anglo California National Bank of San Francisco, #1 Sansome Street, San Francisco 20, California, arising out of a checking account, entitled Takakichi Hiroyama or Sadaka Kasima, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3289; Filed, Apr. 4, 1947; 8:47 a. m.]

[Vesting Order 8539]

ANNA JASGAR ET AL.

In re: Bank accounts owned by Anna Jasgar and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual whose name is set forth in Exhibit A, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of the savings accounts described in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

NAMES OF OWNERS AND TITLES OF ACCOUNTS

	Account No.	OAP files No.
Anna Jasgar	1,373,797	F-28-26459-E-1
Martha Jost	1,368,875	F-28-26465-E-1
Elise Kraemer	1,350,940	F-28-26281-E-1
Dora Leckband	1,351,999	F-28-26518-E-1
Otto Mueller, Jr.	1,351,562	F-28-26384-E-1
Otto Mueller, Sr.	1,361,561	F-28-26403-E-1
George Nagel	1,375,580	F-28-26671-E-1
Kurt Nagel	1,375,581	F-28-26670-E-1
Rosa Pfann	1,350,941	F-28-26166-E-1

[F. R. Doc. 47-3290; Filed, Apr. 4, 1947; 8:47 a. m.]

[Vesting Order CE 376]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Domiciliary personal representatives, heirs, next of kin, legatees and distributees of Pearl Alessandria.	Italy	Estate of Lorenzo Seatena, also known as L. Seatena, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 50554.	$8.00
		Item 2	
Giuseppina Alessandria, or her issue	do	Same	7.00
		Item 3	
Virginia Alessandria, or her issue	do	Same	7.00
		Item 4	
Giuseppe Alessandria, or her issue	do	Same	7.00
		Item 5	
Francesco Alessandria, or her issue	do	Same	7.00
		Item 6	
Amadeo Alessandria, or her issue	do	Same	7.00
		Item 7	
Maria Pietrafesa	do	Estate of Rocco Pietrafesa, deceased, in the Superior Court of the State of California, in and for the county of San Francisco; No. 95669.	28.00
		Item 8	
Rosina Catapano	do	Same	14.00
		Item 9	
Annita Lovero	do	Same	7.00
		Item 10	
Cherubini Pansini	do	Same	7.00
		Item 11	
Argentina Rosa Olcese	do	Estate of Guiseppi Olcese, deceased, in the Superior Court of the State of California, in and for the county of San Joaquin; No. 15146.	12.00
		Item 12	
Chiara Olcese	do	Same	12.00
		Item 13	
Anna Nicoletta Olcese	do	Same	12.00
		Item 14	
Elena Olcese	do	Same	12.00
		Item 15	
Cesari Del Fava	do	Estate of Angelo Del Fava, deceased, in the Superior Court of the State of California, in and for the county of Stanislaus; No. 2810.	11.00
		Item 16	
Umberto Del Fava	do	Same	11.00
		Item 17	
Allessandrina Torri	do	Same	14.00
		Item 18	
Luigi Marinetti	do	Estate of Luigi Marinetti, deceased, in the Superior Court of the State of California, in and for the county of San Joaquin; No. 17576.	14.00
		Item 19	
Laura Marinetti	do	Same	14.00
		Item 20	
Maria Marinetti Stagnaro	do	Same	14.00
		Item 21	
Pia De Christian	do	Trust created under the Will of Mary De Christian, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles; No. LB P-12509.	7.00
		Item 22	
Adone De Christian or his children, names unknown.	do	Same	26.00
		Item 23	
Joseph De Christian or his children, names unknown.	do	Same	26.00
		Item 24	
Nicola De Petro	do	Estate of Genore De Petro, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 102419.	75.00
		Item 25	
Ambroglo Rossetto	do	Estate of Gaetano Rossetto, also known as John Ross, deceased, in the Superior Court of the State of California, in and for the county of Siskiyou; No. 4602.	37.00

[F. R. Doc. 47-3251; Filed, Apr. 3, 1947, 8:47 a. m.]

[Vesting Order 8545]

YOSHITADA MANO

In re: Watches and ring owned by the personal representatives, heirs, next of kin, legatees and distributees of Yoshitada Mano, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Yoshitada Mano, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: One yellow metal "Waltham" man's watch, one white metal "Bristol" man's watch, one yellow metal signet ring, 14 karat, bearing the initials "Y. M." presently in the possession of the Attorney General of the United States,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Yoshitada Mano, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3247; Filed, Apr. 3, 1947; 8:46 p. m.]

[Vesting Order 8533]

JOSEPH BRAUN

In re: Bank account owned by Joseph Braun. F-28-25091-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Braun, whose last known address is Pankow, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Joseph Braun, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a current account, entitled Joseph Braun, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3291; Filed, Apr. 4, 1947; 8:47 a. m.]

[Vesting Order 8540]

OTTO KRAHN

In re: Debt owing to Otto Krahn. F-28-327-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Krahn, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Otto Krahn, by H. Muehlstein & Co., Inc., 122 East 42nd Street, New York, N. Y., in the amount of $330.25, as of February 10, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3286; Filed, Apr. 4, 1947; 8:47 a. m.]

[Vesting Order 8541]

KITARO MATUMOTO

In re: Bank account owned by Kitaro Matumoto, also known as K. Matumoto. F-39-5426-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kitaro Matumoto, also known as K. Matumoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kitaro Matumoto, also known as K. Matumoto, by Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a Checking Account, entitled K. Matumoto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3292; Filed, Apr. 4, 1947; 8:47 a. m.]

[Vesting Order 8542]

HEINRICH RAMMES

In re: Debt owing to Heinrich Rammes. F-28-480-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Rammes, whose last known address is Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Heinrich Rammes, by Hudson Lumber Company, 703 East 13th Street, New York 9, N. Y., in the amount of $2,000.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3293; Filed, Apr. 4, 1947; 8:47 a. m.]

[Vesting Order 8544]

TORAJI TAMBARA

In re: Bank account owned by Toraji Tambara. F-39-5435-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toraji Tambara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Toraji Tambara, by The First National Bank of Portland, 5th, 6th and Stark Streets, Portland, Oregon, arising out of a Savings Account, Account Number 11864, entitled Toraji Tambara, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3294; Filed, Apr. 4, 1947; 8:48 a. m.]

[Vesting Order 8566]

YOSHIRO FRANK CHIDA

In re: Debt owing to Yoshiro Frank Chida. F-39-5783-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshiro Frank Chida, whose last known address is Tamagawa, Oyama Machi-30, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yoshiro Frank Chida by Metropolitan Life Insurance Company, 1 Madison Avenue, New York, New York, in the amount of $117.99, as of November 20, 1946, evidenced by a check issued by Metropolitan Life Insurance Company to Yoshiro Chida, dated September 3, 1941 and numbered 608934, said check being presently in the custody of The Attorney General, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, and any and all rights in, to and under the aforementioned check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3295; Filed, Apr. 4, 1947; 8:48 a. m.]

[Vesting Order 8582]

HENRY LEONHARDY

In re: Claims owned by Henry Leonhardy.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Leonhardy, whose last known address is 2 Praeterstrasse, Nuremberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: The claim or claims of Henry Leonhardy against the State of New York and the Comptroller of the State of New York, arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following:

(i) That sum of money previously on deposit with Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, in a savings account, Account Number 17975, entitled Henry Leonhardy in trust for Eva Charlotte Leonhardy;

(ii) That sum of money previously on deposit with Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, in a savings account, Account Number 7028, entitled Henry Leonhardy in trust for Henry H. G. Leonhardy; and

(iii) That sum of money previously on deposit with Seamen's Bank for Savings, 74 Wall Street, New York, New York, in a savings account, Account Number 583,699, entitled Henry Leonhardy,

and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim or claims,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3296; Filed, Apr. 4, 1947; 8:48 a. m.]

[Vesting Order 7406, Amdt.]

MARIA VON HOFFMANN ET AL.

In re: Bank accounts, stock and prior lien owned by Maria Von Hoffmann and others. F-28-475-A-1.

Vesting Order 7406, dated August 14, 1946, is hereby amended as follows and not otherwise:

By deleting the number "P048351" where it first appears in subparagraph 2 (d) of said order and substituting therefor the number "P048350."

By deleting the sum "$500.00" and the number "Y 7659" in subparagraph 2 (g) of said order and substituting therefor the sum "$250.00" and the number "Y 7653," respectively.

All other provisions of said Vesting Order 7406 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3297; Filed, Apr. 4, 1947; 8:48 a. m.]

[Vesting Order 8492]

FRANZ SPANNAGEL

Correction

In Federal Register Document 47-3045 appearing at page 2180 of the issue for April 2, 1947, the date in the file line should read "Mar. 31, 1947."

CIVIL AERONAUTICS BOARD

[Docket No. 2855]

TACA, S. A.

NOTICE OF HEARING

In the matter of the application of TACA, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of its foreign air carrier permit to include Guatemala, Guatemala, as an intermediate point on the route between San Salvador, El Salvador, and New Orleans, La., and Guatemala, Guatemala, and Belize, British Honduras, as intermediate points on the route between San Salvador, El Salvador, and Miami, Florida.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of the said act, that a hearing in the above-entitled matter is assigned to be held on April 8, 1947, at 10 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed amendment will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform the proposed transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Republic of El Salvador.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before April 8, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details concerning the proposed amendment and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., April 2, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3276; Filed, Apr. 4, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-699, G-729, G-747, G-757, G-763, G-765]

MID-CONTINENT GAS TRANSMISSION CO. ET AL.

NOTICE OF ORDER DISMISSING APPLICATION, SEVERING PROCEEDINGS, AND DENYING FURTHER INTERVENTION

APRIL 2, 1947.

In the matters of Mid-Continent Gas Transmission Company, Docket No. G-699; Cities Service Gas Company, Docket Nos. G-729, G-757; Northern Natural Gas Company, Docket Nos. G-747, G-763, and G-765.

Notice is hereby given that, on April 1, 1947, the Federal Power Commission issued its order entered April 1, 1947, dismissing application, severing proceedings, and denying further intervention in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3269; Filed, Apr. 4, 1947; 8:46 a. m.]

[Docket No. G-799]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed October 18, 1946, in Docket No. G-799 by The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation with its principal place

of business at 800 Union Trust Building, Pittsburgh 19, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition from Warrendale Oil and Gas Company and J. D. Fowler & Company all of their fixed assets and materials and supplies, including wells, pipe, rights-of-way, meters, regulators, regulator and metering stations, road, stream and railroad crossing permits, tools, drilling and cleaning equipment, gas purchase contracts, leases, all interest in real property, franchises, and all property on the ground or in warehouse, including office and automotive equipment, used or useful in the production, transmission and sale of natural gas and to operate the same following the acquisition thereof in furnishing natural gas service; but not their cash, accounts receivable or payable, security investments or capital stock.

It appearing to the Commission that:

(a) Applicant proposes the acquisition and operation of the aforesaid described facilities for the purpose of furnishing natural gas service to the Village of Warrendale, the Borough of Bradford Woods, and rural customers in Cranberry and Adams Townships in Butler County, and Marshall, Pine and McCandless Townships in Allegany County, Pennsylvania, particularly along a stretch of U. S. Route 19, which runs through the territory and additional persons as in the future may make application for gas service and who are located within reasonable distance of existing pipelines; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 31, 1946 (Vol. 11, F. R., p. 12883).

The Commission therefore orders that:

(a) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing will be held on April 28, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(b) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: April 2, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3271; Filed, Apr. 4, 1947; 8:47 a. m.]

[Docket No. G-843]

INTERSTATE NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on January 7, 1947, Docket No. G-843 by Interstate Natural Gas Company, Inc., a Delaware corporation, having its principal place of business in Monroe, Louisiana, pursuant to section 7 of the Natural Gas Act, as amended, to authorize applicant to construct and operate the following described natural gas facilities, all in the State of Louisiana, subject to the jurisdiction of the Federal Power Commission:

An 8-inch gas pipe line approximately twenty-six (26) miles in length, from a point in Section 31, Township 15 North, Range 3 East, Caldwell Parish, Louisiana, in the Vixen Gas Field extending through the Southeast corner of the Ouachita Parish into Richland Parish, to a point of connection with its (Interstate's) main transmission line located in Section 10, Township 16 North, Range 6 East, together with a metering station.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the facilities above described for the purpose of increasing the supply of natural gas to its main-line customers from the source of supply in the Vixen Field, and to provide greater deliveries to present and future anticipated demands. A metering station for measuring the gas to be sold and purchased under the arrangements between applicant and Shell Oil Company, Inc., of a size and design to be agreed upon, is proposed as an integral part of the facilities.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 17, 1947 (Vol. 12 F. R. No. 12, p. 362);

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946) a hearing be held on the 28th day of April, 1947 at 9:50 a. m. (E. S. T.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceeding; *Provided, however,* That if no request to be heard or protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested States or State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: April 2, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3272; Filed, Apr. 4, 1947; 8:47 a. m.]

[Docket No. IT-6054]

UNION ELECTRIC POWER CO.

NOTICE OF ORDER INSTITUTING INVESTIGATION

APRIL 2, 1947.

Notice is hereby given that, on April 2, 1947, the Federal Power Commission issued its order entered April 1, 1947, instituting investigation in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3270; Filed, Apr. 4, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 157]

RECONSIGNMENT OF CABBAGE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, March 28, 1947, by M. Roth & Son, of car SFRD 34893, cabbage, now

on the Chicago Produce Terminal, to Van Engle Commission Company, Milwaukee, Wisconsin. (CMStP&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3264; Filed, Apr. 4, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 158]

RECONSIGNMENT OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., March 28, 1947, by Al Kaiser & Bros., of car PFE 48846, lettuce, now on the Chicago Produce Terminal, to Van Engel Commission Co., Milwaukee, Wisc. (CMStP&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3265; Filed, Apr. 4, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 159]

RECONSIGNMENT OF CAR PFE 94120 AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., March 31, 1947, by McCaffrey Bros. Co., of car PFE 94120, lettuce, now on the Frisco to Canton, Ohio (CBQ-PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3266; Filed, Apr. 4, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pennsylvania, on the 1st day of April A. D. 1947.

In the matter of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company and its subsidiary companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, a supplemental application and declaration to its Plan II-A, as amended, approved by the Commission on September 6, 1946. Bond and Share has designated sections 10 and 12 (d) of the act and Rules U-44 and U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 9, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after April 9, 1947, such application and declaration, as filed or as amended, may be granted and may become effective, respectively, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested person are referred to said application and declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Bond and Share's Plan II-A, as amended, provided, among other things, that the company will sell, either at competitive bidding or in such other manner as the Commission may permit, all of its 423,408 shares of common stock (46.56% of the common stock outstanding) of Carolina Power & Light Company ("Carolina") not later than seven months after the effective date (March 6, 1947) of the plan.

Bond and Share now proposes to sell at competitive bidding, in the manner hereinafter provided, the aforesaid 423,408 shares of Carolina common stock plus not exceeding 25,000 shares of such stock which the applicant may acquire for the purpose of stabilizing the market as hereinafter described.

In connection with the sale of such stock at competitive bidding, Bond and Share proposes, as an optional alternative to the usual procedure under Rule U-50, to invite sealed, written proposals for the underwriting of such shares by publishing a notice requesting that any person interested in such underwriting advise the company to that effect in writing on or before a specified date (which shall be not earlier than the fourth day after the publication of the notice). On or after such specified date the company by telegram will notify all persons who have so signified their interest that sealed bids should be presented at a designated time and place. The time designated will be not less than 48 hours (exclusive of Sundays and holidays) after the sending by the company of such telegraphic notice.

Bond and Share also requests permission to purchase not in excess of 25,000 shares of the common stock of Carolina on the New York Stock Exchange for the purpose of stabilizing the price of such stock from the time that the company sends the above described telegraphic notice to the prospective underwriters until the time the bids are opened. Any such purchases will be made at a price (exclusive of commissions) not in excess of the last preceding sale price of Carolina common stock on such Exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3262; Filed, Apr. 4, 1947; 8:46 a. m.]

[File No. 70-1262]

MICHIGAN GAS AND ELECTRIC CO. AND THE MIDDLE WEST CORP.

SUPPLEMENTAL ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of April 1947.

A joint application-declaration, and amendments thereto, having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder by The Middle West Corporation, a registered holding company, Michigan Gas and Electric Company, a subsidiary of The Middle West Corporation, and Halsey, Stuart & Co., Inc., an affiliate of Michigan Gas and Electric Company, regarding a recapitalization of Michigan Gas and Electric Company and related transactions; and

Said application-declaration having proposed, among other things, (1) the issue and sale by Michigan Gas and Electric Company, at competitive bidding pursuant to Rule U-50, of (a) $3,500,000 principal amount of its First Mortgage Bonds, Series A __%, to be dated June 1, 1946 and to mature June 1, 1976, (b) 14,000 shares of its __% Preferred Stock, cumulative, par value $100 per share, subject, however, to an exchange offer, and (c) $400,000 par amount of its common stock, par value $10 per share; (2) the concurrent offer for sale by The Middle West Corporation, at competitive bidding, of $572,260 par amount of Michigan Gas and Electric Company common stock, par value $10 per share; and (3) the concurrent offer for sale by Halsey, Stuart & Co., Inc., at competitive bidding, of $227,740 par amount of Michigan Gas and Electric Company common stock, par value $10 per share; and

The Commission having entered its findings and opinion in respect of said application-declaration and having, on July 29, 1946, issued its order thereon, granting and permitting to become effective said application-declaration, as amended, subject, however, to the terms and conditions prescribed in Rule U-24 under the Public Utility Holding Company Act of 1935, and subject to the further condition that the proposed issue and sale of securities, pursuant to Rule U-50, shall not be consummated until the results of the competitive bidding have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed; and

The Commission having extended to April 30, 1947, the time within which the proposed transactions may be consummated pursuant to Rule U-24; and

A further amendment to said application-declaration having been filed by the applicants-declarants which states that, in accordance with our order of July 29, 1946, said securities have been offered for sale pursuant to the competitive bidding requirements of Rule U-50 and that the following bids have been received:

1. *Bonds.*

Bidders	Coupon rate (percent)	Price to company (percent of principal amount)	Cost to company (percent)
Harris, Hall & Co. (Inc.)	2¾	100.519	2.849
Halsey, Stuart & Co., Inc.	2¾	100.019	2.874
Kidder, Peabody & Co.	3	100.773	2.960
Otis & Co.	3	101.1099	2.944

2. *Preferred stock.* Harris, Hall & Company (Incorporated) and Otis & Co. submitted bids for the preferred stock which resulted in the same annual cost to the company (4.4898%) and upon rebidding the following bids were received:

Bidders	Dividend rate, percent	Price per share to company before underwriter's commission	Compensation to underwriters	Cost to company, percent
Otis & Co.	4.40	$101	$28,000	4.444
Harris, Hall & Co. (Inc.)	4.40	101	41,300	4.487

3. *Common stock.*

BIDDERS AND PRICE PER SHARE TO SELLERS

Otis & Co.	$16.509
Kidder, Peabody & Co.	15.042

Said amendment further states that in respect of the bonds, Michigan Gas and Electric Company has accepted the bid of Harris, Hall & Company (Incorporated), as set out above, and that said bonds will be offered for sale to the public at a price of 101.45% of the principal amount thereof plus accrued interest from December 1, 1946 to date of delivery, resulting in an underwriting spread of .931% of the principal amount of said bonds; that in respect of the preferred stock, Michigan Gas and Electric Company has accepted the bid of Otis & Co., as set out above, and such preferred stock will be offered for sale to the public at $101 per share, the price to the company, plus accrued dividends from February 1, 1947; and that in respect of the common stock, Michigan Gas and Electric Company, The Middle West Corporation and Halsey, Stuart & Co., Inc. have accepted the bid of Otis & Co., as set out above, and that said common stock will be offered to the public at $17.75 per share, resulting in an underwriting spread of $1.241 per share; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms and conditions with respect to the prices to be paid for said bonds, preferred stock and common stock, the coupon and dividend rates and the proposed underwriting spreads;

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding under Rule U-50, be, and hereby is, released, and that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective, subjected, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3260; Filed, Apr. 4, 1947; 8:46 a. m.]

[File No. 70-1487]

ATLANTIC CITY ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of April A. D. 1947.

Atlantic City Electric Company ("Atlantic City"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Atlantic City proposes to amend its charter in the following respects: (a) To provide for preemptive rights to common stockholders with respect to any offering of common stock or security convertible into common stock for money other than with respect to a public offering of such shares; (b) to provide that the consideration received by the company from the issuance and sale of any additional shares of common stock without par value shall be entered in the capital stock account; (c) to provide for cumulative voting for the holders of shares of common stock.

The declaration having been filed March 19, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3261; Filed, Apr. 4, 1947; 8:46 a. m.]

APR 9 '47

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FEDERAL REGISTER

VOLUME 12 NUMBER 69

Washington, Tuesday, April 8, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2724

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT—FLORIDA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Under Secretary of the Interior has submitted to me for approval the following regulations adopted by him, after notice and public procedure pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. Supp. 1003), on March 27, 1947, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431):

REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS AND WATERS WITHIN, ADJACENT TO, OR IN THE VICINITY OF THE EVERGLADES NATIONAL WILDLIFE REFUGE, FLORIDA

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431), I, Oscar L. Chapman, Under Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of the migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area, effective thirty days after publication in the FEDERAL REGISTER, in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all areas of land and water in Dade and Monroe Counties, Florida, not now owned or controlled by the United States within the following-described exterior boundary:

TALLAHASSEE MERIDIAN

Beginning at the intersection of the west boundary of T. 54 S., R. 37 E., (as shown on the official plat of the township, surveyed in April 1918 by authority from the Trustees of the Internal Improvement Fund of Florida) with the south right-of-way boundary of the Tamiami Trail, United States Highway No. 94;

Thence South, with the west boundary of Tps. 54 and 55 S., R. 37 E., approximately 11.6 miles to the northwest corner of T. 56 S., R. 37 E.;

Thence East, with the north boundary of T. 56 S., R. 37 E., 6.0 miles to the northeast corner thereof;

Thence South, with the east boundary of T. 56 S., R. 37 E., 6.0 miles to the southeast corner thereof;

Thence West, with the south boundary of T. 56 S., R. 37 E., 6.0 miles to the southwest corner thereof;

Thence South, with the west boundary of T. 57 S., R. 37 E., 3.0 miles to the northwest corner of sec. 19, T. 57 S., R. 37 E.;

Thence East, on the third latitudinal section line through T. 57 S., R. 37 E., 5.0 miles to the corner common to sections 13, 14, 23 and 24 of said township;

Thence South, with the first meridional section line through Tps. 57 and 58 S., R. 37 E., 8.0 miles to the corner common to sections 25, 26, 35, and 36, T. 58 S., R. 37 E.;

Thence West, with the south boundary of sections 26 and 27, 2.0 miles to the corner common to sections 27, 28, 33 and 34 of said township;

Thence North 0.5 mile to the quarter-section corner common to sections 27 and 28;

Thence West 1.5 miles to the center of section 29;

Thence North 1.5 miles to the quarter-section corner common to sections 17 and 20;

Thence East, with the north boundary of sections 20 and 21, 1.5 miles to the corner common to sections 15, 16, 21 and 22;

Thence North, with the west boundary of sections 15 and 10, 2.0 miles to the corner common to sections 3, 4, 9 and 10;

Thence West, with the south boundary of sections 4, 5 and 6, 3.0 miles to the southwest corner of section 6;

Thence West, approximately 1.1 miles to the east boundary of T. 58 S., R. 36 E.;

Thence South, with the east boundary of T. 58 S., R. 36 E., approximately 0.4 mile to the southeast corner of section 24 in said township;

Thence West, passing within T. 58 S., R. 36 E., with the south boundary of sections 24, 23, 22 and 21, 4.0 miles to the corner common to sections 20, 21, 28 and 29 in said township;

Thence South, with the east boundary of sections 29 and 32 approximately 2.0 miles to the southeast corner of section 32;

Thence East, approximately 0.1 mile to the northeast corner of section 6, T. 59 S., R. 36 E.;

Thence South, with the fifth meridional section line through T. 59 S., R. 36 E., (unsurveyed) approximately 4.5 miles to the

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corner common to sections 19, 20, 29 and 30 in said township;

Thence East, with the second latitudinal section line through T. 59 S., R. 36 E., (unsurveyed) 5.0 miles to the east boundary of said township, the northeast corner of section 25;

Thence South, between Tps. 59 S., Rs. 36 and 37 E., approximately 1.0 mile to the northwest corner of section 19, T. 59 S., R. 37 E.;

Thence East, with the third latitudinal section line through Tps. 59 S., Rs. 37, 38 and 39 E., to the intersection with the westerly right-of-way boundary of United States Highway No. 1, in the north boundary of section 20, T. 59 S., R. 39 E.;

Thence Southeasterly, with the westerly right-of-way boundary of United States Highway No. 1 approximately 8.5 miles to the intersection of the westerly right-of-way boundary of United States Highway No. 1 with the center of the Intracoastal Waterway;

Thence Southwesterly with the center of the Intracoastal Waterway, approximately 36.0 miles to a point in the center of the Intracoastal Waterway about 1.3 miles due North from the most northerly point of Jewfish Key in approximate latitude 24°51' 32" N., longitude 80°47'30" W.;

Thence Northwesterly across Florida Bay passing about 1 mile northeast of Schooner Bank and about 1 mile southwest of Sandy Key, approximately 25.4 miles to a point, at latitude 25°05' N., longitude 81°07' W., approximately 2.8 miles southwest of Cape Sable;

Thence Northwesterly approximately 11.0 miles to a point at latitude 25°13' N., longitude 81°13' W., approximately 2.8 miles southwest of Northwest Cape;

Thence Northeasterly approximately 11.6 miles to a point at latitude 25°23' N., longitude 81°12' W., approximately 3.1 miles west of Shark Point;

Thence Northwesterly approximately 14.2 miles to a point in the Gulf of Mexico, approximately 3.0 miles south of Seminole Point, 2.7 miles southwest of Porpoise Point, in approximate latitude 25°34'15" N., and at longitude 81°17' W.;

Thence East, approximately 3.1 miles to the shore of the Gulf of Mexico approximately 0.5 miles southeast of Porpoise Point;

Thence East along the second latitudinal section line in T. 56 S., R. 31 E. (unsurveyed), approximately 2.2 miles to point for the corner common to sections 22, 23, 26 and 27 (unsurveyed);

Thence North, with the west bundary of section 23, one mile to the northwest corner thereof;

Thence East, with the north boundary of section 23, one mile to the northeast corner thereof;

Thence North, with the west boundary of section 13, one mile to the northwest corner thereof;

Thence East, with north boundary of section 13, one mile to the west boundary of T. 56 S., R. 32 E., the southwest corner of section 7;

Thence North, with the west boundary of T. 56 S., R., 32 E., section 7, one mile to the northwest corner of said section 7;

Thence East, with the fifth latitudinal section line through Tps. 56 S., Rs. 32, 33, 34 and 35 E., 19.0 miles to the northeast corner of section 7, T. 56 S., R. 35 E.;

Thence North, with the fifth meridional section line through Tps. 56, 55 and 54 S., R. 35 E., 10.0 miles to the south right-of-way boundary of Florida State Highway No. 27;

Thence East, in part with the south right-of-way boundary of Florida State Highway No. 27, and in part with the south right-of-way boundary of United States Highway No. 94, Tamiami Trail, through Tps. 54 S., Rs. 35 and 36 E., approximately 11.8 miles to the place of beginning.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this 27th day of March 1947.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act of July 3, 1918:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing regulation of the Under Secretary of the Interior.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 4th day of April in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL] HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-3389; Filed, Apr. 7, 1947; 10:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

HEARINGS

Paragraph (e) of § 22.9 is amended to read as follows:

§ 22.9 *Hearings* • • •

(e) *Testimony taken under oath; record of hearing; not open to public.* The testimony at hearings shall be under oath. The Chief Law Officer or the Regional Director may direct that the hearing be recorded stenographically by a reporter employed by the Commission. The reporter's transcript shall be a part of the record of the proceeding. Reporters not employed by the Commission shall not be permitted to make transcripts of the proceedings. In cases where the hearing is not recorded stenographically, the hearing examiner will make suitable notes of the relevant portions of the testimony. At the conclusion of the hearing, these notes shall be summarized and when agreed to in writing by all parties concerned, the summary shall constitute the report of the hearing. If the examiner and the parties cannot agree on the summary, the parties shall be permitted to submit, in writing, exceptions to any part of the summary that they question, and such exceptions shall be considered in connection with the making of the finding and recommendation. Hearings shall not be open to the general public or the press. Attendance shall be limited to persons having a direct connection with the appeal.

(Secs. 11 and 14, 58 Stat. 387; 5 U. S. C. Sup. 860, 863)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-3317; Filed, Apr. 7, 1947; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

STANDARDS FOR FRESH PLUMS AND PRUNES

By virtue of the authority (11 F. R. 7713) vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for plums and prunes (fresh). These standards were issued May 21, 1945, pursuant to the Department of Agriculture Appropriation Act, 1945 (58 Stat. 454) and are currently in effect pursuant to the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d sess., approved June 22, 1946).

§ 51.360 *Plums and prunes (fresh).*—(a) *Grades.* (1) "U. S. Fancy" shall consist of plums or prunes of one variety which are well formed, mature but not overripe or soft or shriveled, and which are free from decay, sunscald, heat injury, sunburn, split pits and hail marks; and free from damage caused by broken skins, growth cracks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall be well colored and, unless otherwise specified, the minimum size of such prunes shall be not less than 1⅛ inches in diameter.

In order to allow for variations incident to proper grading and packing, not

more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade for defects other than color and size of Italian type prunes, but not more than 5 percent, by count, may be allowed for defects causing serious damage, and not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. In addition, not more than 10 percent, by count, of the Italian type prunes in any lot may fail to meet the color requirements, and not more than 10 percent, by count, may fail to meet the size specification, but the combined tolerances for size, color and other defects shall not exceed 15 percent. (See paragraph (c), *Application of tolerances.*)

(2) "U. S. No. 1" shall consist of plums or prunes of one variety which are well formed, mature but not overripe or soft or shriveled, and which are free from decay and sunscald, and from damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall be fairly well colored, and unless otherwise specified, the minimum size of such prunes shall be not less than 1⅛ inches in diameter.

In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade for defects other than color and size of Italian type prunes, but not more than 5 percent, by count, may be allowed for defects causing serious damage, and not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. In addition, not more than 10 percent, by count, of the Italian type prunes in any lot may fail to meet the color requirements, and not more than 10 percent, by count, may fail to meet the size specification, but the combined tolerance for size, color and other defects shall not exceed 15 percent. (See paragraph (c), *Application of tolerances.*)

(3) "U. S. No. 2" shall consist of plums or prunes of one variety which are not badly misshapen, and which are mature but not overripe or soft or shriveled; and which are free from decay, sunscald, and from serious damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, insects or mechanical or other means.

(i) There are no requirements in this grade for color or size.

(ii) In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade. Of this tolerance, not more than one-half, or a total of 5 percent, by count, may be allowed for sunscald, decay or serious damage by insects or heat injury, but not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. If a minimum size is specified, not more than 10 percent, by count, of the fruit in any lot may fail to meet the size specified. (See paragraph (c), *Application of tolerances.*)

(4) "U. S. Combination" shall consist of a combination of U. S. No. 1 and U. S. No. 2 plums or prunes: *Provided*, That at least 75 percent, by count, meet the requirements of U. S. No. 1 grade.

In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade. Of this tolerance, not more than one-half, or a total of 5 percent, by count, may be allowed for sunscald, decay or serious damage by insects or heat injury, but not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided*, That the entire lot averages within the percentage specified. (See paragraph (c), *Application of tolerances.*)

(b) *Unclassified.* "Unclassified" shall consist of plums or prunes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances.* The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: *Provided*, The averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

(d) *Standard pack.* The plums or prunes shall be of fairly uniform size and tightly packed according to the approved and recognized methods. The fruits in the top layer shall not be noticeably superior in quality or size to those in the remainder of the package.

(1) The size of plums or prunes packed in 4-basket crates shall be indicated as follows: 4 x 4, 4 x 5, 5 x 5, etc. in accordance with the arrangement in the top layer of the basket. These packs shall not be more than 3 layers deep. Arrangements such as 4–3 x 5 and 5–4 x 5 shall not be considered standard packs.

(2) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer. Straight, offset, and diagonal packs in the layers are permitted. For example, a pack with 5 x 5 in the top layer may have 5 x 5 in the middle layer, and shall have 4 x 5 or 4–3 x 5 in the bottom layer; or it may have 4 x 5 or 4–3 x 5 in the middle layer, and shall have 4 x 5, 4–3 x 5, or 4 x 4 in the bottom layer.

(3) In layer-packed California peach or lug boxes, the count in the entire container shall be marked on the package.

(4) In double-faced and filled special lugs the number of rows, lengthwise of the lugs, shall be marked on the package to indicate size, as "nine row."

(5) In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements for the Standard Pack.

(e) *Definitions.* (1) "Well-formed" means that the fruit has the shape characteristic of the variety. Doubles shall not be considered well-formed.

(2) "Mature" means that the fruit has reached the stage of maturity which will insure a proper completion of the ripening process.

(3) "Sunscald" means injury caused by the sun in which softening or collapse of the flesh is apparent.

(4) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Broken skins which are unhealed; except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be handled as scars.)

(ii) Heat injury which is extensive or not light in color.

(iii) Growth cracks which are deep or not well-healed, or more than one-fourth inch in length; or when there is more than one growth crack on a fruit.

(iv) Sunburn which has materially changed the normal color of the fruit, or has caused the skin to blister or crack.

(v) Split pit which causes a readily apparent crack at the stem end, or which affects the shape to the extent that the fruit is not well-formed.

(vi) Hail marks, or other similar depressions or scars, which are not shallow or superficial, or which aggregate more than three-eighths inch in diameter, or when the skin has been broken.

(vii) Drought spots or gum spots which are distinctly noticeable upon external examination.

(viii) Russeting which is not excessively rough, when aggregating more than 10 percent of the fruit surface; or excessively rough russeting when aggregating more than one-fourth inch in diameter.

(ix) Scars:

(*a*) Dark, rough or depressed scars which aggregate more than one-fourth inch in diameter.

(*b*) Fairly smooth, superficial scars, including fairly light discoloration such as is caused by handling or packing or by plums rubbing against each other while on the tree, which aggregate more than one-half inch in diameter.

(*c*) Thorn and limb scratches which are not well-healed; or which aggregate more than one-half inch in length.

(5) "Well colored" as applied to Italian type prunes, means that 95 percent of the surface of the prune is purple color, excepting that portion which is permitted to be affected by russeting.

(6) "Fairly well colored" as applied to Italian type prunes, means that at least three-fourths of the surface of the prune is purple color.

(7) "Diameter" means the shortest distance measured through the center of the fruit, at right angles to a line running from the stem to the blossom end.

(8) "Badly misshapen" means that the fruit is so malformed or rough that its appearance is seriously damaged. Doubles shall be considered badly misshapen, except that doubles of Italian type prunes which have approximately equal halves shall not be considered badly misshapen.

(9) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Broken skins which are unhealed and more than one-eighth inch in diameter or depth; except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be handled as scars.)

(ii) Heat injury which causes any softening or dark discoloration of the flesh. Heat injury may cause internal or external discoloration, and may or may not be serious. It should not be confused with sunscald which causes softening or collapse of the tissue, and which is always classed as serious damage.

(iii) Growth cracks which are not well healed, or which are more than 3/16 inch in depth, or more than one-half inch in length.

(iv) Sunburn which causes decided flattening of the fruit, or causes blistering, cracking, or noticeable brownish discoloration of the skin.

(v) Split pit which causes a crack at the stem end more than 3/16 inch in length, including any part which may be covered by the stem; or which affects the shape to the extent that the fruit is badly misshapen.

(vi) Hail marks which are more than 3/16 inch in depth, or which aggregate more than one-half inch in diameter.

(vii) Drought spots and gum spots which are more than 3/16 inch in depth, or which aggregate more than one-half inch in diameter.

(viii) Russeting which is not excessively rough, when aggregating more than one-third of the fruit surface; or excessively rough russeting when aggregating more than ½ inch in diameter.

(ix) Scars which are very dark or excessively rough and aggregate more than ½ inch in diameter; or which are more than 3/16 inch in depth.

(10) "Fairly uniform size" means that the fruits in each packed container shall not show a variation of more than ¼ of an inch in diameter.

(58 Stat. 454, Pub. Law 422, 79th Cong.)

Done at Washington, D. C., this 2d day of April 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-3327; Filed, Apr. 7, 1947; 8:49 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 305—PAYMENT OF BILLS AND ACCOUNTS

PAYMENT OF TRANSPORTATION ACCOUNTS

Part 305 is amended in the following respects:

1. Section 305.22 is superseded by the following:

§ 305.22 *By whom paid*—(a) *Within continental limits of United States.* All transportation accounts pertaining to War Department bills of lading and transportation requests issued for service to and from and within the continental limits of the United States and Alaska (except those payable from appropriations for civil functions of the Corps of Engineers) will be paid by the Finance Officer, U. S. Army, Transportation Division, Washington 25, D. C.

(b) *Outside continental limits of United States.* Transportation accounts pertaining to War Department bills of lading and transportation requests issued for service within the Panama Canal, Hawaiian, Philippine, or Antilles Departments, and in foreign countries will be paid by a disbursing officer in the department or area concerned.

(c) *Officers of the Army detailed to the Navy, Marine Corps, or Coast Guard and officers of those services detailed to the Army for duty.* Payment of transportation accounts for packing, crating, drayage, unpacking, uncrating, and shipment of authorized baggage (household goods), or reimbursement therefor, for officers of the Army detailed to the Navy, Marine Corps, or Coast Guard and officers of those services detailed to the Army for duty, will be made by the designated disbursing officer or agent of the service issuing the orders. (For example: Upon initial detail of a Navy officer (under Navy orders) to the Army, payment of transportation accounts will be made by the Navy. Upon future movements of this detailed Navy officer, including relief from duty with the Army (under Army orders), payment of transportation accounts will be made by the designated Army disbursing officer.) The amount will be chargeable to the appropriation of the service issuing the orders and no transfer of funds is necessary.

(d) *Civil functions fo the Corps of Engineers.* Accounts covering transportation payable from appropriations for civil functions of the Corps of Engineers will be paid by district officers of the Corps of Engineers specially designated to settle the accounts for the specific project.

2. Amend paragraph (c) of § 305.23 to read as follows:

§ 305.23 *To whom paid; responsibility and action in case of loss, destruction, or damage.* • • •

(c) Loss, destruction, or damage for which the carrier is held responsible will be deducted in making settlement for services.

3. Revoke § 305.24 as follows:

§ 305.24 *Land-grant deductions.* [Revoked]

4. Amend paragraph (b) of § 305.27 to read as follows:

§ 305.27 *Payment on bills of lading.* • • •

(b) *When original lost.* Payment of transportation charges where the original bill of lading has been lost will be made on Standard Forms 1108 and 1108a (Certificate in Lieu of Lost U. S. Government Bill of Lading).

[AR 35-6120, Feb. 27, 1947] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General, The Adjutant General.

[F. R. Doc. 47-3306; Filed, Apr. 7, 1947; 8:49 a. m.]

Chapter VII—Personnel

PART 709—PRESCRIBED SERVICE UNIFORM

UNIFORM INSIGNIA

The following changes are made in Part 709:

1. Rescind § § 709.12 (f); 709.23 (c); 709.24 (b) (2) (xxv), (xxviii) and (xxix); 709.26 (b); 709.26a; 709.28 (a); 709.30c; 709.30d; 709.63 (i) and (x) and 709.64.

2. In § 709.24 paragraphs (b) (1), (b) (2) (iv), (b) (2) (vii), (b) (2) (xx) are amended and paragraph (c) is superseded by the following:

§ 709.24 *Insignia for collar and lapel of coat.* • • •

(b) *Other officers, warrant officers, and flight officers*—(1) *U. S.* The block letters "U. S." 7/16 inch in height, each letter followed by a period.

(2) *Insignia of arm, service and bureau.* • • •

(iv) *Armor.* A mark VIII tank, side view, 7/16 inch in height.

• • • • • •

(vii) *Chemical Corps.* A benzene ring of cobalt blue enamel, superimposed in the center of crossed retorts, ½ inch in height and 1 3/16 inches over all.

• • • • • •

(xx) *Staff and Administrative Reserve.* The coat of arms of the United States 9/16 inch in height within a ring ¾ inch in diameter.

• • • • • •

(c) *Enlisted men.* A disk 1 inch in diameter.

(1) *U. S.* The block letters "U. S." on a plain solid circular background 1 inch in diameter.

(2) The insignia of arm, service, or bureau will consist of the design pre-

scribed by (b) (2) above, of gold color on a plain solid circular background 1 inch in diameter.

3. In § 709.30 paragraph (f) is amended and paragraphs (n) and (c) are added as follows:

§ 709.30 *Brassards.* • • •

(f) *Port personnel.* The letters "TC" in golden yellow block letters 2¼ inches in height on a brick-red background.

• • • • •

(n) *Bomb disposal personnel.* A red conventionalized drop bomb fimbriated in yellow ⅞ inch in width by 2⅜ inches in length on a black projectile point down 1⁷⁄₁₀ inches in width by 2¾ inches in length, all on a dark blue background.

(o) *Official Army photographer.* The words "Official U. S. Army Photographer" in golden orange letters within a black rectangle 1¼ inches in width and 2¾ inches in length with a ⅛ inch border of golden orange, all on a dark blue background.

4. In § 709.63 paragraphs (c), (f) and (w) are amended as follows:

§ 709.63 *Colors of arms, services, bureau, etc.* • • •

(c) *Armor.* Green piped with white.

• • • • •

(f) *Chemical Corps.* Cobalt blue piped with golden yellow.

• • • • •

(w) *Staff and Administrative Reserve.* Brown piped with golden yellow.

[AR 600–35, Mar. 31, 1944, as amended by W. D. Cir. 49, 21 Feb. 1947] (R. S. 1296; 10 U. S. C. 1391)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3307; Filed, Apr. 7, 1947; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 99]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF CIVIL AIRWAYS

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points;

(2) The immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and

(3) The establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee;

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Civil Airways: Green Civil Airway No. 7; Red Civil Airways Nos. 6, 26, 50 and 61; Blue Civil Airways Nos. 39 and 47

1. By amending § 600.10006 so that the section, when amended, shall read as follows:

§ 600.10006 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* From the Nome, Alaska, radio range station via the Moses Point, Alaska, radio range station; the Galena, Alaska, radio range station, the intersection of the center lines of the on course signals of the east leg of the Galena, Alaska, radio range and the west leg of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

2. By amending § 600.10205 *Red civil airway No. 6 (Las Vegas, Nev., to Grand Island, Nebr.),* so that the section, when amended, shall read as follows:

§ 600.10205 *Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.).* From the intersection of the center lines of the on course signal of the northeast leg of the Las Vegas, Nev., radio range and the southwest leg of the St. George, Utah, VHF radio range via the St. George, Utah, VHF radio range station; the Bryce Canyon, Utah, VHF radio range station; the Hanksville, Utah, VHF radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Hanksville, Utah, VHF radio range and the southwest leg of the Grand Junction, Colo., VHF radio range; the Grand Junction, Colo., VHF radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Grand Junction, Colo., VHF radio range and the southwest leg of the Eagle, Colo., VHF radio range, the Eagle, Colo., VHF radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Eagle, Colo., VHF radio range and the west leg of the Denver, Colo., VHF radio range to the Denver, Colo., VHF radio range station. From the Denver, Colo., radio range station via the Akron, Colo., radio range station; the Hayes Center, Nebr., radio range station; the Grand Island, Nebr., radio range station; and the Lincoln, Nebr., radio range station to the Omaha, Nebr., radio range station.

3. By amending § 600.10249 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* From the intersection of the center lines of the on course signals of the east leg of the Galena, Alaska, radio range and the southwest leg of the Tanana, Alaska, radio range via the Tanana, Alaska, radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Tanana, Alaska, radio range and the west leg of the Fairbanks, Alaska, radio range. From the Nenana, Alaska, radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Nenana, Alaska, radio range and the northeast leg of the Summit, Alaska, radio range.

4. By adding a new § 600.10260 to read as follows:

§ 600.10260 *Red civil airway No. 61 (Pittsburgh, Pa., to Washington, D. C.).* From the intersection of the center lines of the on course signals of the southeast leg of the Pittsburgh, Pa., radio range and the northwest leg of the Arcola, Va., radio range via the Arcola, Va., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Arcola, Va., radio range and the south leg of the Washington, D. C. radio range.

5. By amending § 600.10338 so that the section, when amended, shall read as follows:

§ 600.10338 *Blue civil airway No. 39 (Knoxville, Tenn., to Syracuse, N. Y.).* From the Tri-City, Tenn., radio range station via a point located at latitude 37°20′ and longitude 81°52′40″ to the Charleston, W. Va., radio range station. From the intersection of the center lines of the on course signals of the west leg of the Elkins, W. Va., radio range and the southwest leg of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Morgantown, W. Va., radio range and the east leg of the Pittsburgh, Pa., radio range. From the intersection of the center lines of the on course signals of the northeast leg of the Altoona, Pa., radio range and the northeast leg of Pittsburgh, Pa., radio range via the intersection of the center lines of the on course signals of the northeast leg of the Altoona, Pa., radio range and the southwest leg of the Elmira, N. Y., radio range; the Elmira, N. Y., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Elmira, N. Y. radio range and the south leg of the Syracuse, N. Y., radio range.

6. By adding a new § 600.10346 to read as follows:

§ 600.10346 *Blue civil airway No. 47 (Martinsburg, W. Va., to Philipsburg, Pa.).* From the intersection of the center lines of the on course signals of the southeast leg of the Pittsburgh, Pa., radio range and the south leg of the Altoona, Pa., radio range via the Altoona, Pa., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Altoona, Pa., radio range and the northeast leg of the Pittsburgh, Pa., radio range.

This amendment shall become effective 0001 e. s. t. April 7, 1947.

(Sec. 302, 52 Stat. 985, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 452)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-3324; Filed, Apr. 7, 1947; 8:53 a. m.]

[Amdt. 154]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS AND RADIO FIXES

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including airport traffic zones and radio fixes, at such points;

(2) The immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and

(3) The establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee;

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Airway Traffic Control Areas: Red Civil Airways Nos. 6, 50, and 61; Blue Civil Airways Nos. 26, 39, and 47. Redesignation of Radio Fixes: Red Civil Airway No. 6

1. By amending § 601.10206 *Red civil airway No. 6 airway traffic control areas (Las Vegas, Nev., to Grand Island, Nebr.)* so that the section, when amended, shall read as follows:

§ 601.10206 *Red civil airway No. 6 airway traffic control areas (Las Vegas, Nev., to Omaha, Nebr.).* All of Red civil airway No. 6 from 25 miles west of Grand Junction, Colo., to Omaha, Nebr.

2. By amending § 601.10250 so that the section, when amended, shall read as follows:

§ 601.10250 *Red civil airway No. 50 airway traffic control areas (Galena, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 50 between the Nenana, Alaska, radio range station and the intersection of the center lines of the on course signals of the southeast leg of the Nenana, Alaska, radio range and the northeast leg of the Summit, Alaska, radio range.

3. By adding a new § 601.10261 to read as follows:

§ 601.10261 *Red civil airway No. 61 airway traffic control areas (Pittsburgh, Pa., to Washington, D. C.).* All of Red civil airway No. 61.

4. By amending § 601.10326 so that the section, when amended, shall read as follows:

§ 601.10326 *Blue civil airway No. 26 airway traffic control areas (Anchorage, Alaska, to Fairbanks, Alaska).* From the Anchorage, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles southwest of the Summit, Alaska, radio range station and from the intersection of the center lines of the on course signals of the northeast leg of the Summit, Alaska, radio range and the southeast leg of the Nenana, Alaska, radio range to the Fairbanks, Alaska, radio range station.

5. By amending § 601.10339 so that the section, when amended, shall read as follows:

§ 601.10339 *Blue civil airway No. 39 airway traffic control areas (Knoxville, Tenn., to Syracuse, N. Y.).* All of Blue civil airway No. 39 from the Tri-City, Tenn., radio range station to a line extended at right angles across such airway through a point twenty-five miles northeast of the Tri-City, Tenn., radio range station; from a line extended at right angles across such airway through a point twenty-five miles south of the Charleston, W. Va., radio range to the Charleston, W. Va., radio range station; from the center lines of the on course signals of the west leg of the Elkins, W. Va., radio range and the southwest leg of the Morgantown, Pa., radio range to the intersection of the center lines of the on course signals of the northeast leg of the Elmira, N. Y., radio range and the south leg of the Syracuse, N. Y., radio range.

6. By adding a new § 601.10347 to read as follows:

§ 601.10347 *Blue civil airway No. 47 airway traffic control areas (Martinsburg, W. Va., to Philipsburg, Pa.).* All of Blue civil airway No. 47.

7. By deleting from § 601.2002 the following:

New Orleans, La------ New Orleans Airport.

8. Section 601.3000 *Airport traffic zones within three mile radius* is amended, by deleting the following:

Lake Charles, La-------- Lake Charles AAF.

9. Section 601.3001 *Airport traffic zones within a five mile radius* is amended by deleting the following:

New Orleans, La---------- Moisant Field.

10. By amending § 601.3002074 so that the section, when amended, shall read as follows:

§ 601.3002074 *Springfield, Mo., Airport traffic zone.* Within a 5 mile radius of the Springfield, Mo., Municipal Airport and within two miles either side of the center line of the southeast and northwest courses of the Springfield radio range, extending ten miles northwest of the radio range station.

11. By amending § 601.40206 *Red civil airway No. 6 (Las Vegas, Nev., to Grand Island, Nebr.)* so that the section, when amended, shall read as follows:

§ 601.40206 *Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.)* St. George, Utah, VHF radio range station; Hanksville, Utah, VHF radio range station; Eagle, Colo., VHF radio range station; Akron, Colo., radio range station; Hayes Center, Nebr., radio range station; Lincoln, Nebr., radio range station.

This amendment shall become effective 0001 e. s. t. April 7, 1947.

(Sec. 308, 52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458.)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-3325; Filed, Apr. 7, 1947; 8:53 a. m.]

PART 651—PROCEDURE OF THE CIVIL AERONAUTICS ADMINISTRATION

Acting pursuant to the authority vested in me by section 6 (c) of the Air Commerce Act of 1926 (44 Stat. 568–576, as amended 45 Stat. 933), the Civil Aeronautics Act of 1938, as amended (52 Stat. 977–1030, 54 Stat. 1233, 1235, 1236), and in accordance with the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.), I hereby amend Part 651, Procedure of the Civil Aeronautics Administration, as follows:

1. By amending § 651.31 (f) (11 F. R. 177A–321) to read as follows:

§ 651.31 *Aircraft certificates.* • • •

(f) *Foreign aircraft permit (Form ACA 1452).* This certificate authorizes flight in the United States, its territories, and posessions (except the Canal Zone), of foreign aircraft with foreign markings.

(1) *Application.* Application is made on Form ACA 776A, "Application for Foreign Civil Aircraft Flight Permit," which requires identification of the owner and evidence of his citizenship, identification and markings of the aircraft, requested itinerary, estimated duration of flight in the United States, and an indication as to whether certain equipment is installed or carried in the aircraft. This form is obtained from and submitted to the Regional or District Office of the Administration which is nearest to the port of entry.

(Sec. 6 (c), 44 Stat. 568–576, 45 Stat. 933, 52 Stat. 977–1030, 54 Stat. 1233, 1235, 1236, 60 Stat. 237, Pub. Law 404, 79th Cong., 49 U. S. C. 401)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-3339; Filed, Apr. 7, 1947; 8:50 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 330—GENERAL ORGANIZATION AND FUNCTIONS

PART 331—FUNCTIONS OF DIVISIONS

OFFICE OF DOMESTIC COMMERCE; AREA DEVELOPMENT DIVISION

1. Section 330.2 *General purpose and functions* (11 F. R. 177A–307) is amended

by deleting paragraph (c) and the word "and" immediately preceding it, and by adding new paragraphs (c) and (d) as follows:

(c) Maintaining close contact with trade associations and other groups representing industry, and

(d) Assembling, developing, and issuing basic information for regional and community development purposes and cooperating with planning organizations in the utilization of such information and techniques in promoting the economic development of various regions and areas.

2. Section 330.3. *General organization* is amended by deleting the word "and" before paragraph (f) and adding the following after (f): "and (g) Area Development Division."

3. Part 331 (11 F. R. 177 A–307) is amended by adding the following new section:

§ 331.7 *Area Development Division.* The objective of the Area Development Division is to make the data, facilities and services of the Department of Commerce effective and useful in the economic development of communities, areas and regions. The basic function of the Division is to assist, largely through the Department Field Service, state and regional planning agencies in organizing and carrying out development programs for local areas. The Area Development Division represents the Department on the Inter-agency Committee for Special Employment Problems, maintaining liaison between the Department and the members of that committee. The Division secures information and assistance from the other offices of the Department that may be required in projects where the Department is cooperating in the development of local action programs; and coordinates all of the Department's activities as they relate to area and regional development.

(Sec. 3, Pub. Law 404, 79th Cong., 60 Stat. 237)

[SEAL] H. B. McCOY,
Director,
Office of Domestic Commerce.

[F. R. Doc. 47-3309; Filed, Apr. 7, 1947; 8:50 a. m.]

PART 354—MAJOR ACTIVITIES

FIELD SERVICE; AREA DEVELOPMENT

Section 354.3 is amended to read as follows:

§ 354.3 *Area development.* The area development function is carried on in the field by four special assistants to the Director of the Field Service, who are stationed at San Francisco, Chicago, Philadelphia, and Atlanta, and have responsibility for the regions and districts designated below:

San Francisco	San Francisco. Los Angeles. Seattle. Denver. Portland.
Chicago	Chicago. Minneapolis. Kansas City. St. Louis.
Atlanta	Atlanta. Dallas.
Philadelphia	Philadelphia. Cleveland. New York. Boston.

The area development specialists are responsible for the coordination of the activities of the Department in connection with area development in the regions assigned to them; for working with local, state, and regional planning agencies in the development of plans and projects for area development; and for making available in their areas the services of the Department in connection with area development and generally supervising the area development operations in their regions.

(Sec. 3, Pub. Law 404, 79th Cong., 60 Stat. 237)

[SEAL] CARLTON HAYWARD,
Director of the Field Service.

[F. R. Doc. 47-3308; Filed, Apr. 7, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 611—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: POLICY

MISCELLANEOUS AMENDMENTS

1. Section 611.1 (11 F. R. 177A–910) is hereby amended, effective upon publication in the FEDERAL REGISTER, by adding thereto paragraphs (d), (e), (f), and (g) as follows:

§ 611.1 *Definition of terms.* • • •

(d) *Veteran.* A veteran shall mean a person who has served in the military or naval forces of the U. S. for any period of time on or after September 16, 1940, and prior to the termination of the present war (a date yet to be determined) and who has been discharged or released therefrom under conditions other than dishonorable.

(e) *Serviceman.* A serviceman shall mean a person serving in the military or naval forces of the U. S., who served therein on or after September 16, 1940, and prior to the termination of the present war (a date yet to be determined).

(f) *Military or Naval Forces.* The term military or naval forces of the U. S. shall mean the Army, Navy, Marine Corps, Coast Guard and, since July 29, 1945, the commissioned corps of the U. S. Public Health Service. The term military or naval forces does not include the Merchant Marine, Red Cross or UNRRA.

(g) *Families of Veterans and Servicemen.* A group of persons which constitutes a "family" in accordance with the definition of the term given in section 404 (a) of FPHA Requirements may be considered the family of a veteran or serviceman for waiver and preference purposes under the following circumstances:

(1) The veteran or serviceman is living with the family, irrespective of whether the veteran or serviceman is or is not the family head.

(2) The veteran or serviceman is the natural family head or principal wage earner but is temporarily absent from home by reason of a duty assignment, employment or school attendance in another locality, or hospitalization.

(3) The veteran or serviceman, a natural family head, is deceased (during or subsequent to military or naval service), or is permanently absent from his family by reason of divorce, separation, desertion, or permanent hospitalization. (The remarriage of a divorced spouse or a surviving spouse of a deceased veteran or serviceman shall terminate status as his family.)

2. Part 611 is hereby amended, effective upon publication in the FEDERAL REGISTER, by adding thereto § 611.8 as follows:

§ 611.8 *Admission of families of veterans and servicemen to FPHA directly operated low-rent housing projects.*—(a) *Preference for families of veterans and servicemen.* It is the policy of the FPHA that among eligible families, within each income grade, first preference in admission to FPHA directly operated low-rent projects shall be given to families of veterans and servicemen (as defined in § 611.1) where application for admission is made not later than July 1, 1950.

(b) *Elimination of previous substandard housing requirement.* The requirement that families shall have been living under unsafe and insanitary housing conditions immediately prior to admission is not applicable to families of veterans and servicemen (as defined in § 611.1) where application for admission is made not later than July 1, 1950.

(Sec. 201, 48 Stat. 195, sec. 201, 54 Stat. 676; 40 U. S. C. 401, 42 U. S. C. 1501)

Approved: April 1, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-3303; Filed, Apr. 7, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

SELECTIVE SERVICE REGULATIONS

NOTICE OF EXPIRATION

Pursuant to the provisions of § 2.21 (b), Federal Register Regulations (11 F. R. 9837), and by reason of the expiration of the Selective Training and Service Act of 1940, as amended, at twelve o'clock postmeridian March 31, 1947, notice is hereby given that all Selective Service Regulations, Local Board Memoranda, State Director Advices, Camp Orders, Operation Orders, Orders Prescribing Forms, and other orders filed with and published in the FEDERAL REGISTER in Title 32, National Defense, Chapter VI, Selective Service System, expired by operation of law at twelve o'clock postmeridian March 31, 1947.

LEWIS B. HERSHEY,
Director.

APRIL 2, 1947.

[F. R. Doc. 47-3318; Filed, Apr. 7, 1947; 8:49 a. m.]

Chapter VI—Office of Selective Service Records

REVISION OF CHAPTER

Pursuant to authority contained in Public Law 26, 80th Congress, approved March 31, 1947, regulations governing the administration of said act are hereby prescribed, such regulations to be known as the Office of Selective Service Records Regulations:

PART 602—DEFINITIONS

Sec.
602.1 Definitions to govern.
602.2 Director.
602.3 Governor.
602.4 Military.
602.5 Registrant.
602.6 Selective Service Records Law.
602.7 Singular and plural.
602.8 State.

AUTHORITY: §§ 602.1 to 602.8, inclusive, issued under Pub. Law 26, 80th Cong.

§ 602.1 *Definitions to govern.* The definitions contained in this part shall govern in the interpretation of the Office of Selective Service Records Regulations.

§ 602.2 *Director.* The word "Director" means the Director of the Office of Selective Service Records.

§ 602.3 *Governor.* The word "Governor" includes, where applicable, the Governor of each of the States of the United States, the Governor of the Territory of Alaska, the Governor of the Territory of Hawaii, the Governor of Puerto Rico, the Commissioners of the District of Columbia, and the Governor of the Virgin Islands of the United States.

§ 602.4 *Military.* The term "military" includes the Army, the Navy, and the Marine Corps, except where such construction would be unreasonable.

§ 602.5 *Registrant.* A "registrant" is a person who registered under the provisions of the Selective Training and Service Act of 1940, as amended.

§ 602.6 *Selective service records law.* The term "selective service records law" includes Public Law 26, 80th Congress, approved March 31, 1947, and all rules and regulations issued thereunder.

§ 602.7 *Singular and plural.* Words importing the singular number shall include the plural, and vice versa, except where such construction would be unreasonable.

§ 602.8 *State.* The word "State" includes, where applicable, the several States of the United States, the City of New York, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands of the United States.

PART 603—OFFICE OF SELECTIVE SERVICE RECORDS PERSONNEL

Sec.
603.1 Citizenship.
603.2 Voluntary services.
603.3 Uncompensated services.
603.4 Oath of office and waiver of pay or compensation.
603.5 Termination of appointment of uncompensated personnel.
603.6 Removal of uncompensated personnel.
603.7 Suspension of uncompensated personnel.
603.8 Vacancies.
603.9 Personnel transferred from the Selective Service System.

AUTHORITY: §§ 603.1 to 603.9, inclusive, issued under Pub. Law 26, 80th Cong.

§ 603.1 *Citizenship.* No person shall be appointed to any position in the Office of Selective Service Records who is not a citizen of the United States.

§ 603.2 *Voluntary services.* Voluntary services in the administration of the selective service records law may be accepted.

§ 603.3 *Uncompensated services.* The services of all persons volunteering their services to assist in the administration of the selective service records law shall be uncompensated, and no such person shall accept remuneration from any source for services rendered in connection with selective service records law matters.

§ 603.4 *Oath of office and waiver of pay or compensation.* (a) Every person who undertakes to render voluntary uncompensated service in the administration of the selective service records law shall, before he enters upon his duties, execute an oath of office and waiver of pay or compensation on a form prescribed by the Director.

(b) Every person who undertakes to render compensated service in the administration of the selective service records law shall, before he enters upon his duties, execute an oath of office on a form prescribed by the Director.

(c) When executed in the manner provided in this section, the oaths of office and waivers of pay or compensation shall be filed with the Director.

§ 603.5 *Termination of appointment of uncompensated personnel.* The appointment of any person rendering voluntary uncompensated service in the Administration of the selective service records law may be terminated by resignation, transfer, death or removal.

§ 603.6 *Removal of uncompensated personnel.* Any person rendering voluntary uncompensated service in the administration of the selective service records law may be removed by the Director.

§ 603.7 *Suspension of uncompensated personnel.* The Director may suspend any person rendering voluntary uncompensated service in the administration of the selective service records law, pending his consideration of the advisability of removing any such person. During the period that such person is suspended, he shall be disqualified to act in his official capacity.

§ 603.8 *Vacancies.* Vacancies shall be filled by an appointment made in the same manner as in the case of an original appointment.

§ 603.9 *Personnel transferred from the Selective Service System.* All officers and employees of the Selective Service System transferred to the Office of Selective Service Records by the selective service records law shall continue in the offices or positions held at the time of such transfer so long as they are needed in the liquidation of the Selective Service System. They shall continue to perform such duties of these offices and positions as may be necessary in liquidating the Selective Service System, and shall perform such other duties and functions as may be prescribed by the Director.

PART 604—OFFICE OF SELECTIVE SERVICE RECORDS OFFICERS

Sec.
604.1 Director of the Office of Selective Service Records.
604.2 Governor.
604.3 State Director of Selective Service.
604.4 State Director of the Office of Selective Service Records.
604.5 Channel of communication.

AUTHORITY: §§ 604.1 to 604.5, inclusive, issued under Pub. Law 26, 80th Cong.

§ 604.1 *Director of the Office of Selective Service Records.* The Director of the Office of Selective Service Records is authorized by the selective service records law:

(a) To prescribe the necessary rules and regulations to carry out the provisions of the selective service records law;

(b) To create and establish Federal record depots in the several States, the District of Columbia, Territories and possessions of the United States, and to maintain such other offices as may be necessary for the purposes of the selective service records law;

(c) To utilize the agencies of the Federal Government with the consent of the heads thereof, and to accept the services of all officers and agents of the several States, the District of Columbia, Territories and possessions of the United States, and subdivisions thereof in the execution of the selective service records law;

(d) To appoint and fix the compensation of such officers and employees (not to exceed 1,200 in number by November 1, 1947), as may be necessary for the purposes of the selective service records law, with or without regard in individual cases to the Classification Act of 1923, as amended: *Provided,* That the compensation of such persons shall not be in excess of that provision in said act.

(e) To delegate and provide for the delegation of any authority vested in him under the selective service records law, to such officers, agents, or persons as he may designate or appoint for such purpose or as may be designated or appointed for such purpose pursuant to such rules and regulations as he may prescribe.

§ 604.2 *Governor.* The Governor shall have charge of the administration of selective service planning in his State. He is authorized to delegate this function to the State Adjutant General, or to such other person as he may designate. The person to whom this function is delegated shall be responsible for formulating and maintaining the State plan for the procurement and allotment of manpower in the event of a national emergency, and may use the State staff and

such other agencies as are available for the development of such planning.

§ 604.3 *State Director of Selective Service.* The State Director of Selective Service shall have charge of the liquidation of the Selective Service System in his State. Upon completion of this liquidation, the appointment of the State Director of Selective Service shall be terminated by the Director.

§ 604.4 *State Director of the Office of Selective Service Records.* The Director shall appoint for each State a State Director of the Office of Selective Service Records who shall be charged with the custody, security, preservation, and servicing of Selective Service records of the State. He shall also be responsible for the administration of the Federal records depot within the State and for the storage of Selective Service records therein in such a manner as to provide ready access to individual records, and the inspection thereof by authorized persons. When requested, he will assist the State Adjutant General, or other designated person, with the State plan for manpower procurement.

§ 604.5 *Channel of communication.* When it is necessary for the State Director of the Office of Selective Service Records or his assistants to communicate with the Governor, such communication will be had through the State Adjutant General, or other person designated to be responsible for the State plan for manpower procurement.

PART 605—CIVILIAN EMPLOYEES

Sec.
605.1 Appointment and tenure.
605.2 Fixing compensation.
605.3 Termination of employment during liquidation of the Selective Service System.

AUTHORITY: §§ 605.1 to 605.3, inclusive, issued under Pub. Law 26, 80th Cong.

§ 605.1 *Appointment and tenure.* (a) The Director shall determine the number and the duties of compensated civilian employees to be employed in the Office of Selective Service Records, both departmental and field, and shall designate appointing officers to employ individuals approved by him, or pursuant to his directions, to fill such positions.

(b) All civilian employees engaged in the administration of the Selective Service Records Law who receive compensation from the United States, including temporary, intermittent and part-time employees, shall be employed and separated from employment in accordance with the Federal Civil Service law, the rules and regulations of the United States Civil Service Commission and other Federal statutes relating to Federal civilian employment.

§ 605.2 *Fixing compensation.* The compensation of civilian employees of the Office of Selective Service Records shall be fixed by the Director, but shall not be in excess of that provided by the Classification Act of 1923, as amended.

§ 605.3 *Termination of employment during liquidation of the Selective Service System.* During the time the Selective Service System is being liquidated, authority is delegated to the State Director of Selective Service to terminate the employment of local board employees, local board group employees, appeal board employees, employees of medical advisory boards, and State Headquarters' employees, in accordance with the reduction in force regulations of the United States Civil Service Commission and instructions issued by the Director.

PART 606—GENERAL ADMINISTRATION

Sec.
606.1 Administration of oaths generally.
606.2 Records to be maintained.
606.3 Protection of records.
606.4 What records confidential.
606.5 Information not confidential as to certain persons.
606.6 Waiver of confidential nature of information.
606.7 Subpoena of records.
606.8 Court records, when information not confidential.
606.9 Military service, when information not confidential.
606.10 "Disclose," "furnish," and "examined" defined.
606.11 Searching or handling records.
606.12 Furnishing lists of registrants.
606.13 Forms made part of regulations.

AUTHORITY: §§ 606.1 to 606.13, inclusive, issued under Pub. Law 26, 80th Cong.

§ 606.1 *Administration of oaths generally.* (a) Unless a specified person is designated to administer an oath required under the provisions of the regulations in this chapter any civil officer authorized to administer oaths generally, any commissioned officer of the land or naval forces assigned for duty with the Office of Selective Service Records, any postmaster, acting postmaster, or assistant postmaster may administer such oath.

(b) No fee or charge shall be made for the administration of oaths in the execution of the selective service records law.

§ 606.2 *Records to be maintained.* (a) In addition to all other records required by the regulations in this chapter to be kept by selective service records agencies, each such agency shall keep a full set of Selective Service Records Regulations and such forms as pertain to its functions. All such agencies shall be required to keep up, day by day, amendments, orders, changes, and all other pertinent information published by the Director.

(b) Each selective service records agency shall retain all correspondence received and a copy of all correspondence sent in its files until authorization for its disposition is received from the Director.

§ 606.3 *Protection of records.* Selective service records agencies shall take all possible care to keep records from being lost or destroyed. Under no circumstances shall a record be entrusted to any person not authorized to have it in his custody. When the person charged with the custody of a record transmits or delivers it to another, he shall place a notation showing the person or agency to which it is transmitted or delivered in his files in the place from which the record was withdrawn.

§ 606.4 *What records confidential.* Except as provided in the regulations in this chapter the information in a registrant's file shall be confidential.

§ 606.5 *Information not confidential as to certain persons.* No information in a registrant's file shall be confidential as to the persons designated in this section, and any information may be disclosed or furnished to or examined by such persons, namely:

(a) The registrant, or any person having written authority from the registrant.

(b) All personnel of the Office of Selective Service Records while engaged in the administration of the selective service records law.

(c) United States Attorneys and their duly authorized representatives, including agents of the Federal Bureau of Investigation.

(d) Personnel of the Counter Intelligence Corps, United States Army, but only when proper identification and credentials are presented.

(e) Any other agency, official, or employee, or class or group of officials or employees, of the United States or any State or subdivision thereof, but only when and to the extent specifically authorized in writing by the Director.

§ 606.6 *Waiver of confidential nature of information.* The making or filing by or on behalf of a registrant of a claim or action for damage against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall be a waiver of the confidential nature of all selective service records of such registrant, and, in addition, all such records shall be produced and published in response to the subpoena or summons of the tribunal in which such claim or action is pending.

§ 606.7 *Subpoena of records.* In the prosecution of a registrant or any other person for a violation of the Selective Training and Service Act of 1940 or any amendment thereof, or the selective service records laws, or any regulations issued under either of said laws, or any orders or directions made pursuant to any such acts or regulations, all records of the registrant may be produced and published in response to the subpoena or summons of the court in which such prosecution is pending.

§ 606.8 *Court records when information not confidential.* Information concerning the court record of a registrant may be disclosed or furnished to or examined by peace officers of the United States and the several States and subdivisions thereof, judges and officers of courts of the United States and the several States and subdivisions thereof, and proper representatives of the armed forces. Information so given shall not be confidential as to such persons.

§ 606.9 *Military service; when information not confidential.* Information relating to previous military service shall not be confidential as to proper representatives of the armed forces and may be disclosed or furnished to or examined by them.

§ 606.10 *"Disclose," "furnish," and "examine" defined.* When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean a verbal or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office of the custodian thereof.

§ 606.11 *Searching or handling records.* Except as specifically provided in the regulations in this chapter or by written authority of the Director, no person shall be entitled to search or handle any record.

§ 606.12 *Furnishing lists of registrants.* Lists of registrants may be prepared or furnished only in accordance with written instructions from the Director.

§ 606.13 *Forms made part of regulations.* All forms and revisions thereof referred to in these or any new or additional regulations, or in any amendment to these or such new or additional regulations hereafter adopted, and all forms and revisions thereof hereafter prescribed by the Director shall be and become a part of the regulations in this chapter in the same manner as if each form, each provision therein, and each revision thereof were set forth herein in full.

PART 607—FINANCE ADMINISTRATION

Sec.
607.1 The Director may authorize expenditures.
607.2 Chief of Finance, United States Army, fiscal, disbursing and accounting agent.

AUTHORITY: §§ 607.1 and 607.2 issued under Pub. Law 26, 80th Cong.

§ 607.1 *The Director may authorize expenditures.* The Director may authorize such lawful expenditures as he deems necessary in the administration of the selective service records law.

§ 607.2 *Chief of Finance, United States Army, fiscal, disbursing, and accounting agent.* The Chief of Finance, United States Army, is designated as the fiscal, disbursing, and accounting agent of the Director. Disbursement of funds for the Office of Selective Service Records shall be made by the Chief of Finance, upon properly certified vouchers, through designated finance officers.

The foregoing Office of Selective Service Records Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director.

APRIL 2, 1947.

[F. R. Doc. 47-3319; Filed, Apr. 7, 1947; 8:49 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

REVOCATIONS; LIST NO. 8

In view of the expiration of certain emergency controls and war powers as contained in the Second War Powers Act of 1942, Title 3, as amended March 31, 1947, the Chief Compliance Commissioner has directed that the suspension orders hereinafter listed be revoked forthwith.

It is therefore hereby ordered that the following suspension orders be revoked, effective April 7, 1947: *Provided, however,* That this revocation does not affect any liabilities incurred for violations of the suspension orders prior to revocation.

§ 1010.137	S–137	International Edge Tool Company, Inc.
§ 1010.967	S–967	M. DeMatteo Construction Company
§ 1010.1097	S–1097	Hoffman Lithographing Company

Issued this 7th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary

[F. R. Doc. 47-3398; Filed, Apr. 7, 1947; 11:51 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Revocation of Direction 10]

USE AND EFFECT OF SYMBOL CXS ON CERTAIN ORDERS FOR SELECTED STEEL PRODUCTS

Direction 10 to General Preference Order M–21 is revoked. This revocation does not affect any liabilities incurred for violations of the Direction, or for violation of actions taken by the Civilian Production Administration under it. Direction 10 to Order M–21 is superseded by Direction 1 to Allocations Regulation 2, and certificates for tinplate authorized under such Direction 10 have the same force and effect under such Direction 1 as if authorized under it, and are not revoked by this revocation of Direction 10.

Issued this 7th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3396; Filed, Apr. 7, 1947; 11:51 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 1,[1] Order 1]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

ASSIGNMENT OF SURPLUS PROPERTY

War Assets Administration Regulation 1, Order 1, July 19, 1946, amended December 31, 1946, entitled "Assignment of Surplus Property" (11 F. R. 7973, 12 F. R. 100), is hereby revised and amended as herein set forth. Accordingly, it is hereby ordered that:

§ 8301.51 *Assignment of surplus property.* There is hereby assigned to the Government disposal agencies named below such items or types of surplus property located in the continental United States as are listed under the name of each agency. The items or types of surplus property listed below under the name of each disposal agency are included within the class of surplus property assigned to each agency for disposal in this part. The code numbers used herein are those of the Standard Commodity Classification (U. S. Government Printing Office), to Volume I of which reference must be made for a complete list of the items or types of surplus property assigned by means of the code number.

PART 1—CRUDE MATERIALS

War Assets Administration	Agriculture	Maritime Commission
01 Live animals, other than food animals.	01 Live animals, except nonfood animals such as horses, dogs, fur-bearing animals, etc. 02 Crude animal products, edible.	
03 Crude animal products, inedible, except fibres.	04 Crude vegetable products, edible.	
05-5 Crude rubber and allied gums. 05-624 Lac.	05 Crude vegetable products, inedible, except fibers (except as indicated).	

[1] Reg. 1, Issued March 25, 1947.

PART 1—CRUDE MATERIALS—Continued

War Assets Administration	Agriculture	Maritime Commission
05-7 Crude medicinal herbs, roots, barks, and other plant parts, except U. S. P., N. F. and similar grades, and except the following: 05-7143 Coca leaves. Marihuana leaves classified under 05-7140. 05-7164 Opium bearing plant parts.		
05-93 Crude cork.		
05-94 Loofa sponges.		
06 Fibers, vegetable and animal, unmanufactured (except as indicated).	06-1 Cotton. 06-5 Wool and related specialty hair, unmanufactured (for wool and mohair, domestic production only). 06-22 Flax (only domestic production). 06-23 Hemp (cannabis sativa).	
07 Coal, crude petroleum, and related crude hydrocarbons.		
08 Metallic ores, tailings, concentrates and their unrefined metallic products.		
09 Crude nonmetallic minerals, except coal and petroleum.		

PART 2—BASIC MATERIALS AND PRODUCTS

11 Leather.		
12 Boot and shoe cut stock and shoe findings.		
13 Wood basic materials, except pulpwood.		
14 Pulp, paper and paper board.		
15 Textile basic manufactures.		
16-52 Industrial molasses.		
	16 Food and beverage basic materials (except as indicated).	
17-5 Essential oils (packaged as veterinary or m. g.).		
17-6 Floral absolutes, concretes and mixtures of essential and floral oils.		
17-7 Waxes, animal and vegetable.		
17-991 Mixtures of animal, vegetable, fish oils, waxes, with or without mineral oils, with or without other substances.	17 Oils, fats, waxes, and derivatives, animal and vegetable (except as indicated).	
18 Petroleum and coal products except raw materials for chemical industries.		
19 Chemicals (except as indicated).		
	19-271 Rosins.	
	19-272 Turpentine, crude (includes distilled products, except m. g.).	
	19-274 Pine oil, natural.	
	19-275 Pine pitch.	
	19-276 Pine tar.	
21 Iron, and iron and steel scrap.		
22 Steel.		
23 Ferro and nonferrous additive alloys.		
24 Nonferrous metals.		
25 Fabricated metal basic products.		
26 Nonmetallic mineral basic products—chiefly structural.		
27 Nonmetallic mineral basic products—chiefly nonstructural.		
29 Miscellaneous basic materials.		

PART 3—END PRODUCTS

31 General purpose industrial machinery and equipment.		
32 Electrical machinery and apparatus.		
33 Special industry machinery.		
34 Metal working machinery.		
35 Agricultural machinery and implements.		
36 Construction, mining, excavating and related machinery.		
37 Tractors.		
38 Office machines.		
39 Miscellaneous machinery.		
41 Communications equipment and electronic devices.		
42 Aircraft.		
43-16 Barges, including scows, lighters and car floats, (knocked down, irrespective of length).		
43-17 Tugs and towboats, knocked down (irrespective of length).		
43-29 Assault boats and rubber landing boats only.		
43-31 Barges, scows and lighters (afloat, non-propelled, under 30 feet).		
43-3202 House boats (non-propelled, under 30 feet).		
43-33 Tugs, only "Sea Mules" (irrespective of length).		
43-352 Dredges (non-propelled, under 30 feet).		
43-353 Pile drivers (non-propelled, under 30 feet).		
43-354 Derricks, including cranes (non-propelled, under 30 feet).		
43-355 Workshops, floating (non-propelled, under 30 feet).		
43-356 Chambers, submarine rescue.		
43-357 Pontoons, salvage.		
43-359 Facility equipment, n. e. c., (non-propelled, under 30 feet).		
43-46 Transporters and work boats (non-propelled, under 30 feet).		
43-47 Unrigged scows (non-propelled, under 30 feet).		
43-49 Miscellaneous fishing craft (non-propelled, under 30 feet).		
43-52 Lifeboats (propelled and non-propelled, irrespective of length).		
43-53 Life floats, or rafts, except rubber.		
43-541 Rowboats.		
43-542 Canoes.		
43-543 Sailboats (pleasure craft).		
43-549 Pleasure craft, n. e. c. (non-propelled).		
43-55 Oars and paddles.		
43-56 Pontoons, bridge.		
43-59 Small craft, n. e. c. (non-propelled, under 30 feet).		
43-60 Marine main propulsion machinery and gears.		
43-70 Shafting and ship propellers.		
43-80 Steering gears.		
43-90 Miscellaneous special ship equipment.		
44 Railroad transportation equipment.		
45 Motor vehicles.		
49 Miscellaneous transportation equipment.		
51 Plumbing and heating equipment.		
52 Air conditioning and refrigeration equipment.		
53 Lighting fixtures.		
54 Furniture and fixtures.		
55 Photographic goods and processed motion pictures.		
56 Optical instruments and apparatus.		
57 Indicating, recording, and controlling instruments and accessories, except watches and clocks.		
		43 Ships, small watercraft, and marine propulsion machinery, including 43-29 landing craft and vessels only (except as further indicated under War Assets Administration), and except: 43-21 battleships, 43-22 cruisers, 43-23 aircraft carriers, 43-24 destroyers, 43-25 submarines, 43-271 eagles only, and 43-279 frigates only
		Navy Department
		43-271 Gunboats (eagles only). 43-279 Patrol vessels not otherwise classified (frigates only).

PART 3—END PRODUCTS—Continued

War Assets Administration	Agriculture	Maritime Commission
58 Professional and scientific instruments and apparatus.		
59 Miscellaneous equipment.		
	61 Food, manufactured.	
	62 Feed, manufactured.	
	63 Beverages and ice.	
	64 Tobacco manufactures.	
	65-481 Marine liver oils, derivatives, and preparations, except marine liver oil concentrates in solution, m. g.	
65 Drugs and medicine (except as indicated) and except the following:	65-68 Vitamins, vitamin-active compounds and preparations containing one and more than one vitamin, m. g	
65-2120 through 65-2129. Coca alkaloids, derivatives and preparations, m. g. 65-2150 through 65-2159. Opium alkaloids, derivatives and preparations, m. g.		
65-2222 through 65-22229. Opium, opium processed and preparations, m. g. 65-3203 through 65-32039. Cannabis, dried flowering top and preparations, m. g. (Marihuana, dried flowering top, and preparations, m. g.).		
65-7000 through 65-7976. Prescription pharmaceuticals and preparations containing two or more therapeutic agents, m. g., when they contain any quantity of opium, coca leaves, cannabis or their derivatives, including, but not limited to, the following items: 65-7141-1 Powder of ipecac and opium m. g. 65-7161-2 Epinephrine and cocaine, m. g. 65-7250-2 Compound mixture of opium and glycyrrhiza, m. g. (Brown mixture). 65-7271-143 Elixir of terpine hydrate and codeine, m. g. 65-7271-691 Camphorated tincture of opium, m. g. 65-7960-6 Diiaudid hydrochloride suppositories, m. g.		
65-8000 through 65-8200 Proprietary remedies, nonprescription and pharmaceuticals, containing two or more medicinal agents, for human and animal use, m. g. when they contain any quantity of opium, coca leaves, cannabis or their derivatives.		
66 Toiletries, cosmetics, soap, and household chemical preparations.		
67 Apparel, except footwear		
68 Footwear.		
69 Fabricated textile products, except apparel.		
71 End products of leather, except apparel, footwear, and luggage.		
72 Converted paper products and pulp goods.		
73 Products of printing and publishing industries.		
74 Rubber end products.		
75 End products of metal industries.		
76 Finished wood products, except furniture and mill work.		
77 End products of glass, clay, and stone.		
79 Miscellaneous end products of manufacturing industries.		
81 Small arms and components.		
82 Artillery, naval guns, mortars and components.		
83 Small arms ammunition and specifically adapted components.		
84 Artillery, naval, and mortar ammunition and specifically adapted components.		
85 Aerial bombs and specifically adapted components.		
86 Miscellaneous ammunition and related products.		
87 Common components of ammunition.		
88 Fire control equipment.		
89 Miscellaneous ordnance and ordnance material.		

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689, (11 F. R. 1265))

This section shall become effective April 5, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 2, 1947.

[F. R. Doc. 47-3393; Filed, Apr. 7, 1947; 11:34 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2307]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT

Subparagraph (42) of paragraph (a) of § 4.275 (Order No. 2277, dated Nov. 20, 1946, 11 F. R. 13970) is amended by adding thereto, the following: "and the renewal of any such contract."

(R. S. 161; 5 U. S. C. 22)

[SEAL] WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-3299; Filed, Apr. 7, 1947; 8:47 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 50.75–50.81, see Part 4 under Subtitle A of this title, *supra*, authorizing the Director of the Bureau of Land Management to renew contracts for certain sales of timber.

Subchapter A—Alaska

[Circular 1644]

PART 50—ORGANIZATION AND PROCEDURE

PART 79—TIMBER

SALE OF TIMBER FOR EXPORTATION FROM ALASKA

1. The regulations for the sale of timber for exportation from Alaska contained in 43 CFR 79.35 to 79.44, inclusive, are amended as follows:

a. The third sentence in § 79.37 *Large Quantity Sales*, is amended by substituting the words "*Provided, however*, That if operations have not been commenced within three years from the date of the execution of the contract the Secretary of the Interior, upon a satisfactory showing, may in his discretion excuse the delay" for the words "and each contract shall contain a provision that all rights acquired thereunder shall be forfeited if operations have not been commenced within 3 years from the date of execution of the contract, unless, upon satisfactory showing the Secretary of the Interior shall, in his discretion, excuse the delay."

b. Sections 79.39, 79.40 and 79.41 are amended to read as follows:

§ 79.39 *Publication and posting; marking of land.* Immediately upon the filing of an application to purchase timber under § 79.37 a notice shall be published at the expense of the applicant in a newspaper designated by the manager, published in the vicinity of the land from which the timber is to be cut and most likely to give notice to the general public, once a week for a period of five consecutive weeks, in accordance with § 106.18 of this chapter. The description of the land in the notice must be identical with the description in the application. The manager will post a copy of said notice in a conspicuous place in his office during the period of publication. Upon the execution of a contract, the purchaser shall, if the lands from which the timber is to be cut are unsurveyed, cause the boundaries to be blazed or otherwise marked as provided in the contract. This requirement has been adopted in order that others who may subsequently desire to purchase timber or to settle upon or enter the land may have notice that the timber has been applied for.

§ 79.40 *Action by manager on application; field report and appraisal neces-*

sary. The manager will make appropriate notations upon the records of his office and transmit the application to the Director of the Bureau of Land Management, and at the same time transmit the duplicate to the Regional Administrator at Anchorage, Alaska, or to an examiner located in the particular land district who shall have been designated by the Regional Administrator to make appraisals. Upon receipt of the application the Regional Administrator or his representative will without delay cause the timber applied for to be examined and appraised. The appraisal rates will be based upon a fair stumpage rate taking into consideration the quality of the timber and its accessibility to market. In no event will any timber suitable for manufacturing purposes be appraised at less than $1 per thousand feet, board measure. After an examination and appraisal has been made the Regional Administrator will at once submit his report and recommendation to the Director of the Bureau of Land Management, together with a statement of facts showing whether such sale would endanger the supply of timber for local use. The Government reserves the right to reappraise the remaining standing timber at the expiration of 5 years from the date of commencement of the timber cutting period as set forth in § 79.37 and at intervals of 5 years thereafter, but in no instance shall the appraisal be at more than double the rate of the original appraisal.

§ 79.41 *Execution of contract; bond required.* Upon receipt of a report that such sale appears warranted, the Director of the Bureau of Land Management, if he agrees, will offer the timber for sale by competitive bidding in such newspapers and publications and for such period of time as he may designate. The successful bidder will be notified that he will be allowed 30 days from receipt of such notice within which to enter into a contract with the Government through the Director of the Bureau of Land Management as its agent to purchase the timber offered for sale pursuant to the rules and regulations of the Department of the Interior pertaining thereto, and shall execute and file therewith a bond in a sum not less than 50 percent of the stumpage value of the estimated amount of timber to be cut during each year of the contract. The said bond must have as surety a bonding company shown on an approved list issued by the Treasury Department, and it shall be conditioned on the payment for the timber in accordance with the terms of the contract and to the faithful performance of the contract in other respects and to observance of the rules and regulations pursuant to which the sale is made. Contracts and bonds hereunder will be executed on forms 4–030 and 4–030a, respectively.

c. Section 79.42 *Provisions to be inserted in contract* is deleted, the first sentence in § 79.43 *Renewals of contract* is amended by substituting the words "authorized officer" for the words "Secretary of the Interior" and § 79.43, as amended, and § 79.44 *Lands from which timber may not be sold* are renumbered §§ 79.42 and 79.43, respectively. The section number 79.43 is substituted for the section number 79.44 in the renumbered § 79.43.

2. Section 50.300 *Forms for use by the public* (11 F. R. 177A–197) added by order of August 28, 1946, is amended by adding descriptions of new forms as follows:

Subject	Description of form	Form
Alaska.....	Timber: Contract for the sale of timber for export.	4-030
	Bond to be executed by purchasers under contract for the sale of timber for export.	4-030a

(44 Stat. 242; 16 U. S. C. 616)

[SEAL] FRED W. JOHNSON,
Director.

Approved: March 28, 1947.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-3300; Filed, Apr. 7, 1947; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 8—PROCLAMATION DESIGNATING AREAS CLOSED TO HUNTING

FLORIDA

CROSS REFERENCE: For an addition to the tabulation contained in § 8.1 *Areas closed to hunting by authority of the Migratory Bird Treaty Act of July 3, 1918,* see Proclamation 2724 under Title 3, *supra,* designating as closed area certain lands and waters within, adjacent to, or in the vicinity of the Everglades National Wildlife Refuge, Florida.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 946]

[Docket No. AO–123–A6]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT

Correction

In Federal Register Document No. 47–3241, appearing at page 2254 of the issue for Friday, April 4, 1947, the date of the hearing in the first paragraph should read "April 21, 1947".

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8512]

HENRY DUIN

In re: Estate of Henry Duin, deceased. File D–28–10554; E. T. sec. 14944.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and purusant to law, after investigation, it is hereby found:

1. That Johan Duin, Bernhard Duin, Tiberius (Tieberius) Duin, Gesina Goeman (Mrs. S. Goeman) and Herman Duin, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Henry Duin, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by A. J. Reichmuth, Chokio, Minnesota, as Administrator, acting under the judicial supervision of the Probate Court of Big Stone County, Minnesota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3332; Filed, Apr. 7, 1947; 8:49 a. m.]

[Vesting Order 8560]

BERTHA W. TUM SUDEN

In re: Estate of Bertha W. Tum Suden, deceased. File D–28–10785; E. T. sec. 15127.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna S. Lange, William Lange and Bette Lange Foltoner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Bertha W. Tum Suden, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Gertrude Lowe and Bertha M. Haacke, as executrices, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3333; Filed, Apr. 7, 1947; 8:49 a. m.]

[Vesting Order 8581]

ANNA KLEMM

In re: Bank account and bond and mortgage participations owned by Anna Klemm. F–28–3210–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Klemm, whose last known address is Aussigerstrasse 1, Dresden A 21, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anna Klemm, by Bank of New York, 48 Wall Street, New York 15, New York, arising out of cash balances in an account, Account Number 20025, entitled Custodian A/C—Anna Klemm, and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations arising out of bond and mortgage participations described in Exhibit A, attached hereto and by reference made a part hereof, issued by the Bank of New York, 48 Wall Street, New York 15, New York, in the unpaid amounts as of December 31, 1945 as set forth in the aforesaid Exhibit A opposite the description of said bond and mortgage participations, and carried in an account, Account Number 20025, entitled Custodian A/C—Anna Klemm, in the aforesaid Bank of New York, 48 Wall Street, New York 15, New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Description of issue by Bank of New York	Balance unpaid as of Dec. 31, 1945
Participation in bonds and mortgages covering real property located at 130–132 West 25th Street, New York, N. Y.	$1,324.37
Participation in bonds and mortgages covering real property located at 112 East 91st Street, New York, N. Y.	963.00
Participation in bonds and mortgages covering real property located at 319 5th Avenue, New York, N. Y.	148.43
Participation in a bond and mortgage covering real property located at 138–144 East 18th Street, New York, N. Y.	5,718.30
Participation in a bond and mortgage covering real property located at 202–212 West 89th Street, and 299 West 88th Street, New York, N. Y.	1,389.00

[F. R. Doc. 47-3335; Filed, Apr. 7, 1947; 8:50 a. m.]

[Vesting Order 8578]

SHIGEHIRO KITADAI

In re: Debts owing to and bond owned by Shigehiro Kitadai, also known as Shigebiro Kitadai. D–39–167–A–1, D–39–167–A–2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigehiro Kitadai, also known as Shigebiro Kitadai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Shigehiro Kitadai, also known as Shigebiro Kitadai, by Hunt, Hill and Betts, 120 Broadway, New York 5, New York, in the amount of $210.68, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Shigehiro Kitadai, also known as Shigebiro Kitadai, by Empire Trust Co., 120 Broadway, New York 5, N. Y., arising out of a Trust Ledger-Cash Account, entitled Shigebiro Kitadai, and any and all rights to demand, enforce and collect the same, and

c. One United States Treasury Bond, of $5,000.00 value, in bearer form, bearing the number 23557H, presently in the custody of Empire Trust Co., 120 Broadway, New York 5, N. Y., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3334; Filed, Apr. 7, 1947; 8:49 a. m.]

[Vesting Order 8589]

ROTTERDAMSCHE TRUSTEES' KANTOOR, N. V.

In re: Bonds owned by Rotterdamsche Trustees' Kantoor, N. V.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bank voor Handel en Scheepvaart, N. V. is a corporation organized under the laws of The Netherlands, whose principal place of business is located at Rotterdam, The Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been acting directly or indirectly for the benefit or on behalf of a national of Germany and is a national of a designated enemy country (Germany);

2. That Rotterdamsche Trustees' Kantoor, N. V. is a corporation organized under the laws of The Netherlands, whose principal place of business is Rotterdam, The Netherlands, and all of whose capital stock is or, since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid Bank voor Handel en Scheepvaart, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

Three (3) United Steel Works Corporation sinking fund 6½% gold bonds, due 1951, of $1,000 face value each, bearing the numbers M28932, M28967, and M28979, issued in the name of bearer and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Rotterdamsche Trustees' Kantoor, N. V., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That the persons named in subparagraphs 1 and 2 hereof are controlled by or acting for or on behalf of a designated enemy country (Germany) or a person within such country and are nationals of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3336; Filed, Apr. 7, 1947; 8:50 a. m.]

[Vesting Order 8595]

AGNES SUSANNE VON BORCKE

In re: Stock owned by Agnes Susanne von Borcke, also known as Mrs. Susan von Borcke, as Agnes Susanne Hoffman and as Miss Suzanne Hoffman.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Agnes Susanne von Borcke, also known as Mrs. Susan von Borcke, as Agnes Susanne Hoffman and as Miss Suzanne Hoffman, whole last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of common capital stock of Seaboard Air Line Railway Company, Plume and Granby Streets, Norfolk, Virginia, a corporation organized under the laws of the States of Virginia, North Carolina, South Carolina, Georgia and Florida, evidenced by certificate number NY 57299, dated December 23, 1937, registered in the name of Miss Suzanne Hoffman and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and

b. Ten (10) shares of no par value common capital stock of Standard Brands Incorporated, 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number CX 173339, dated March 27, 1942, registered in the name of Mrs. Susan von Borcke and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3337; Filed, Apr. 7, 1947; 8:50 a. m.]

[Vesting Order 8598]

YOSHITARO WAKIMURA

In re: Stock owned by Yoshitaro Wakimura. F-39-1554-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Yoshitaro Wakimura, whose last known address is Tokyo, Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. One hundred (100) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NYC-421109, registered in the name of Yoshitaro Wakimura, together with all declared and unpaid dividends thereon, and

b. Sixteen (16) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number FWO3018, registered in the name of Yoshitaro Wakimura, together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3338; Filed, Apr. 7, 1947; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2119722]

FLORIDA

NOTICE OF FILING OF SUPPLEMENTAL PLAT

MARCH 27, 1947.

Notice is given that the supplemental plat, hereinafter described, will be officially filed in the Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on May 29, 1947. At that time the land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference right filings.* For a period of 90 days from 10 a. m. on May 29, 1947, to close of business on August 27, 1947, inclusive, the public land affected by this notice shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference right filings.* For a period of 20 days from May 9, 1947, to 10:00 a. m. on May 29, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 29, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on August 28, 1947, any of the land remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Application by the general public may be presented during the 20-day period from August 8, 1947, to 10:00 a. m. on August 28, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 28, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for this land, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. B. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning this land shall be addressed to the Bureau of Land Management, Washington 25, D. C.

The land affected by this notice is described as follows:

VOLUSIA COUNTY, FLORIDA

TALLAHASSEE MERIDIAN

T. 13 S., R. 32 E., frl. sec. 22, lot 1, 0.63 acres.

The above-mentioned plat, based upon the plat approved June 23, 1845, shows the designation and area for frl. sec. 22, which was not shown upon the original plat. The land has a level surface and is a sandy beach fronting on the Atlantic Ocean.

While an application for homestead entry may be considered it is doubtful whether such an application would be allowed, in view of the character of the land and the small area involved.

FRED W. JOHNSON, *Director.*

[F. R. Doc. 47-3301; Filed, Apr. 7, 1947; 8:48 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 100 REDUCED

The order of the First Assistant Secretary of the Interior dated October 14, 1935, withdrawing certain tracts of public land in Alaska for use by the Alaska Road Commission in the maintenance of air-navigation facilities, is hereby revoked so far as it affects the following-described tract:

SUSITNA RIVER

All of a certain unnamed island in the Susitna River approximately three-fourths of a mile downstream from the village of Susitna on the Susitna River in approximate latitude 61°31' N., longitude 150°30' W., area not estimated.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 26, 1947. At that time the lands shall become subject to settlement and other forms of appropriation in accordance with the applicable public land laws and regulations.

The above land consists of an unnamed island in the Susitna River about three-fourths of a mile south of Susitna Station. The island supports only a sparse stand of vegetation near the center. The highest point on the island is approximately seventy (70) feet above sea level. The topography of the island is in general level.

C. GIRARD DAVIDSON, *Assistant Secretary of the Interior.*

MARCH 24, 1947.

[F. R. Doc. 47-3302; Filed, Apr. 7, 1947; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

RATE ORDERS UNDER THE PACKERS AND STOCKYARDS ACT

Notice is hereby given to stockyards, market agencies, and licensees that rate orders issued under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), constitute rules under the Administrative Procedure Act (60 Stat. 237), and the procedure set out in section 4 of the latter act must be observed with reference to the entry and effective date of such orders. Under the procedure set out in section 4, rate orders cannot normally become effective in less than 60 days after the filing of petitions therefor. Accordingly, all stockyards, market agencies, and licensees who are subject to the rate making provisions of the Packers and Stockyards Act should file their petitions sufficiently in advance of the desired effective date of such orders in order to permit compliance with

the provisions of section 4 of the Administrative Procedure Act. Hence, all such petitions for extensions or modifications of established rates should be filed not less than 60 days prior to the desired effective date, notwithstanding the provisions of any outstanding orders which require that such petitions shall be filed not later than a specified date and which date may be less than 60 days prior to the date on which such orders expire.

Done at Washington, D. C., this 2d day of April 1947.

[SEAL] H. E. REED,
Director, Livestock Branch.

[F. R. Doc. 47-3331; Filed, Apr. 7, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 679 et al.]

NORTHWEST AIRLINES, INC., ET AL.; DETROIT-WASHINGTON SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Northwest Airlines, Inc., and other applications for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing air transportation between Washington, D. C., and Detroit, Michigan, via various intermediate points.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled matter is assigned to be held on April 28, 1947, 10 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th St. and Constitution Ave. NW., Washington, D. C., before the Board. Public hearing in the above-entitled matter was held commencing October 23, 1946, before an Examiner of the Board, pursuant to Public Notice published in the FEDERAL REGISTER on October 9, 1946, (11 FR 11711), and the report of the Examiner and exceptions thereto have been filed and served on all parties to the proceeding.

Dated at Washington, D. C., March 31, 1947.

By the Civil Aeronautics Board.

[SEAL] M C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3315; Filed, Apr. 7, 1947; 8:50 a. m.]

[Docket No. 2246 et al.]

CARIBBEAN ATLANTIC AIRLINES, INC., ET AL.

NOTICE OF HEARING

In the matter of the applications of Caribbean Atlantic Airlines, Inc., Docket No. 2246, Pan American Airways, Inc., Docket No. 2170 and Chicago and Southern Air Lines, Inc., Docket No. 2684, pursuant to section 401 of the Civil Aeronautics Act of 1938, as amended, for certificates or amendments to certificates of public convenience and necessity authorizing air transportation in the Caribbean area and the petition of Caribbean Atlantic Airlines, Inc., Docket No. 2526 for the amendment of the certificate of public convenience and necessity of Pan American Airways, Inc., authorizing air transportation between Miami, Florida and South America or the imposition of restrictions thereon.

For further details of the operations proposed and the modification requested parties are referred to the applications on file with the Civil Aeronautics Board.

Notice is hereby given that pursuant to section 401 (c) of the Civil Aeronautics Act of 1938, as amended, the above-entitled applications, having been consolidated for hearing by orders of the Board (Orders Serial Nos. E-304 and E-360, dated February 17, 1947, and March 17, 1947, respectively), be and they hereby are designated for public hearing on April 21, 1947 at 10:00 a. m. (local time) at the Puerto Rico Chamber of Commerce, San Juan, P. R., before an Examiner of the Board.

Without limiting the scope of the issues presented by said applications, particular attention will be directed to the following matters and questions:

1. Whether the proposed transportation services, in whole or in part, are required by the public convenience and necessity?

2. Whether the applicants are fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder?

3. In the event applicants propose substantially the same service or services, which of said applicants is required by the public convenience and necessity to perform the service or services to be authorized?

4. Whether the elimination of certain points from the certificate of public convenience and necessity held by Pan American Airways, Inc., or the imposition of restrictions on the service authorized thereby is required by the public convenience and necessity?

Notice is further given that any person other than the parties and interveners of record as of March 11, 1947, desiring to be heard in this proceeding may file with the Board on or before April 21, 1947, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 285.6 (a) of the Rules of Practice under Title IV and section 1002 (i) of the Civil Aeronautics Act of 1938, as amended.

Dated at Washington, D. C., March 31, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3314; Filed, Apr. 7, 1947; 8:50 a. m.]

[Docket No. 2405]

WATERMAN STEAMSHIP CORP.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Waterman Steamship Corporation for a temporary certificate of public convenience and necessity authorizing service between New Orleans, La., and San Juan, Puerto Rico.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on April 14, 1947, 10 a. m. (eastern standard time), in Room 5042, Commerce Building, 14th St. and Constitution Ave., N. W., Washington, D. C., before the Board. Public hearing in the above-entitled proceeding was held commencing October 7, 1946, before an Examiner of the Board, pursuant to public notice published in the FEDERAL REGISTER on October 2, 1946 (11 F. R. 11223), and the report of the examiner and exceptions thereto have been filed and served on all parties to the proceeding.

Dated Washington, D. C., March 31, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3316; Filed, Apr. 7, 1947; 8:51 a. m.]

[Docket No. 2634]

INTERCONTINENTAL AIR TRANSPORT CO.

NOTICE OF HEARING

In the matter of the non-certificated operations of Intercontinental Air Transport Co.

The Board having on November 14, 1946, issued to Intercontinental Air Transport Co. an order (Serial No. E-96) to show cause why it should not be ordered to cease and desist from engaging in scheduled air transportation in violation of sections 401 (a) and 610 (a) (4) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (a), 610 (a-4), 1001, 1002 (b), 1002 (c) thereof, hearing in the above-entitled proceeding is assigned to be held on April 21, 1947, at 10 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, Constitution Avenue between 12th and 14th Streets NW., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to the following matters and questions:

1. Is respondent an "air carrier" engaged in "air transportation" within the meaning of the Civil Aeronautics Act of 1938, as amended, and accordingly subject to the provisions of such act and in particular sections 401 (a) and 610 (a-4) thereof?

2. If respondent is an "air carrier" engaged in "air transportation", do its past and present operations in air transportation fall within those non-certificated operations authorized by § 292.1 of the Board's Economic Regulations.

3. Whether the Board should issue an order that respondent cease and desist from engaging in scheduled air transportation in violation of sections 401 (a) and 610 (a) (4) of the Civil Aeronautics Act of 1938, as amended.

Dated Washington, D. C., April 2, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3313; Filed, Apr. 7, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 160]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo.-Kans., March 31, 1947, by D. L. Piazza Brokerage Co., of cars SFRD 8327, 33069, 25490, 35267 and 32190, lettuce, now on the A. T. & S. F. Railway, to D. L. Piazza Brokerage Co., Omaha, Neb. (CRI&P), account failure of carrier to notify consignee.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of March 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3310; Filed, Apr. 7, 1947; 8:50 a. m.]

[S. O. 396, Special Permit 161]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo.-Kans., March 21, 1947, by Schultz Brokerage Co., of car PFE 36529, potatoes, on the A., T. & S. F. Railway, to Enid, Oklahoma; due to the carriers failure to place car for inspection because of congestion.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3311; Filed, Apr. 7, 1947; 8:50 a. m.]

[Nos. 29721 and 29722 [1]]

ALL-RAIL COMMODITY RATES BETWEEN CALIFORNIA, OREGON, AND WASHINGTON, AND PACIFIC COASTWISE WATER RATES

SPECIAL RULES OF PROCEDURE

APRIL 2, 1947.

These proceedings are assigned for initial hearing at the office of the Commission, Washington, D. C., April 28, 1947, 10 o'clock a. m., United States standard time, before Chairman Aitchison. Additional hearings will be assigned at other points as soon as practicable after the conclusion of the Washington hearings. Shippers or others who plan to introduce evidence are requested to advise the Commission as soon as possible, stating the approximate time required and their preference as to place of hearing.

The Commission has given consideration to the motion filed by the United States Maritime Commission February 26, 1947, requesting expedited disposition of these proceedings and suggesting means of accomplishing such expedition. As prayed in that motion, and in order to afford the respondents, in conformity with the Commission's general rules of practice, an opportunity amicably to adjust their differences, to effect satisfactory settlement of the issues in these proceedings, and to promote peace and harmony in this phase of the transportation industry, the respondents are hereby directed to submit to this Commission, without prejudice to any party in interest, proposals of adjustment in the form of suggested rates which they are prepared to defend as just and reasonable in conformity with the rules of rate-making set forth in sections 15a (2) and 307 (f) of the Interstate Commerce Act. To that end the rail and water respondents are directed to confer for mutual consideration of their proposals in accordance with the letter from the Attorney General of the United States referred to in the motion of the Maritime Commission. The Commission also suggests the attendance at this conference of a representative of the Maritime Commission if it desires to participate. Proposals so arrived at shall be made public for the information of interested shippers not later than April 17, 1947. In this manner it is believed that the issues involved in these proceedings will be clarified and the shippers better enabled to meet those issues. Nothing done as a result of such a conference, however, shall bind the Commission in any way.

Special rules of procedure. Petitions of intervention are unnecessary. Persons who appear in opposition to respondents' proposed rates will be considered protestants.

In order to save time and expense it is strongly urged that persons having common interests endeavor, so far as possible, to consolidate their presentation of testimony and arrange for cross-examination by a limited number of counsel. The same course should be followed upon oral argument.

In the preparation of exhibits Rules 81-84 of the general rules of practice should be observed. If possible, all exhibits introduced by each witness should be included in a single pamphlet with pages consecutively numbered and suitably bound together. At least 50 copies of each exhibit should be available. So far as possible, exhibits should be self-explanatory to minimize the time required for oral testimony.

Witnesses who prepare their testimony in writing should comply with Rule 77 of the general rules of practice. They should have a sufficient number of copies to supply opposing counsel, the official reporter, and the presiding officer. To save time it is suggested that such written statements be prepared with a view to their being copied into the record by agreement without being read by the witness or that they be submitted as verified statements, as stated in the next paragraph.

Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will be received in the absence of objection. Parties offering such statements should provide 50 copies thereof as early as possible in the hearings. Notice of objection to the receipt of any such statements should be given promptly to the Commission, and to the party offering the statement. If no such notice is given, it will be assumed that objection is waived, subject to the right of any person in any appropriate manner to raise questions as to the weight of such verified statements. Such statements should conform to the general rules of practice with respect to style, mimeographing, printing, etc. They should be limited strictly to matters of fact and contain no argument; if not so limited, they may be excluded. The Commission on its own motion or objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions involved in these proceedings, (b) is obviously incompetent, or (c) is argumentative. All verified statements received in evidence will be part

[1] 12 F. R. 2202.

of the record upon which the Commission will base its decision.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3312; Filed, Apr. 7, 1947; 8:50 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-424, Revocation]

CONSUMERS TEXTILE MFG. CO., INC.

LIST NO. 6

In view of the expiration of certain emergency controls and war powers as contained in the Second War Powers Act of 1942, Title 3, as amended March 31, 1947, the Director of the Compliance Division and the General Counsel have directed that the consent order hereinafter listed be revoked forthwith.

In view of the foregoing, *It is hereby ordered*, That the following consent order be revoked, effective April 7, 1947: *Provided, however*, That this revocation does not affect any liabilities incurred for violation of the consent order prior to revocation.

C-424 Consumers Textile Manufacturing Company, Inc.

Issued this 7th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3397; Filed, Apr. 7, 1947; 11:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-120, 59-34]

NEW ENGLAND GAS AND ELECTRIC ASSN.

MEMORANDUM FINDINGS, OPINION, AND ORDER RELEASING JURISDICTION AND PERMITTING APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of April 1947.

On February 11, 1947, we issued our findings, opinion, and order approving the Alternate Plan of Recapitalization of New England Gas and Electric Association (New England) under section 11 (e) of the Public Utility Holding Company Act of 1935 and reserved jurisdiction, among other things, to pass upon certain definite terms and conditions relating to the sale by New England of $22,425,000 principal amount of 20-year Collateral Trust Sinking Fund Bonds, 77,625 Cumulative Convertible Preferred Shares and a maximum of 1,850,000 common shares including rights for 479,235 common shares.[1]

Subsequently, we granted an exception from the competitive bidding requirements of Rule U-50 with respect to the sale of Convertible Preferred Shares and such of the 479,235 new common shares as are not subscribed for upon exercise of subscription rights[2] and permitted the declaration under section 7 of the act to become effective with respect to the issue and sale of the new securities subject to certain terms and conditions including a condition that the proposed sale of such securities shall not be consummated until the results of competitive bidding for the Collateral Trust Bonds and the negotiations for the Convertible Preferred and Common Shares have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed.[3]

New England has now filed an amendment to its application concerning certain matters in respect to the proposed sale of the securities and a further hearing was held with respect to such matters.

Pursuant to the competitive bidding requirements of Rule U-50, New England has offered its Collateral Trust Bonds for sale and has received the following bids:

Bidder or group representative	Price to company	Interest rate	Cost to company
J. Hancock Mutual Life Insurance Co	100.05	2⅞	2.8717
White, Weld & Co	100.769	3	2.9488
The First Boston Corp	100.539	3	2.9641
Halsey, Stuart & Co., Inc	100.2799	3	2.9813

New England has accepted the bid of John Hancock Mutual Life Insurance Company for the Collateral Trust Bonds as set forth above. The prospective purchaser states that the bonds will not be offered for resale but will be retained as an investment.

We conclude that no adverse findings are necessary with respect to such sale of the bonds.

The amendment filed by New England further states that, after the entry of the order by the Commission exempting from the competitive bidding requirements of Rule U-50 the sale of the Convertible Preferred Shares and the unsubscribed for common shares, New England conducted negotiations with representatives of three underwriting syndicates headed by The First Boston Corporation, White, Weld & Co. and Eastman, Dillon & Co. After receiving informal bids from such representatives, the company concluded that the informal bid submitted by The First Boston syndicate was the most susceptible of improvement through further negotiation and that further negotiation solely with The First Boston syndicate would secure the best prices for the securities to be sold. It is represented that, thereafter, such further negotiations were held and that, immediately prior to the opening of the competitive bids for the bonds on March 31, 1947, the company concluded an agreement with The First Boston syndicate for the underwriting of the Convertible Preferred Shares and the unsubscribed for common shares.

The First Boston Corporation has agreed to purchase Convertible Preferred Shares having a dividend rate of 4.50% at a price of $100.50 resulting in an annual cost to New England of 4.4776%. The Convertible Preferred Shares will be offered for sale to the public at a price of $103 per share resulting in an underwriters' spread of $2.50 per share.

With respect to the 479,235 new common shares, New England will issue on April 2, 1947 to the holders of its $5.50 preferred shares of record as of March 24, 1947, rights for the purchase of such new common shares at a price of $9 per share. At the expiration of such rights, on April 16, 1947, the underwriters will purchase at the same price all of such shares as are not purchased through the exercise of the rights.

The underwriters have agreed to pay to New England on April 9, 1947 on account of their commitments in respect of the 479,235 new common shares a sum of money equal to $4,313,115 less any amounts received by New England on or before April 8, 1947 in payment of subscriptions for its new common shares. Thereafter, the underwriters will be reimbursed by the further amounts received in respect of subscriptions for common shares of New England.

New England will pay to the underwriters as compensation for underwriting the subscriptions to the common shares a fee of $24,565 subject to (a) a reduction of three-eighths of 1% of the amounts received by New England upon the exercise of transferable rights on or before April 8, 1947; and (b) an increase of $0.70 in respect of each common share issued and delivered to the underwriters if the number of shares so issued and delivered exceed 71,885 shares.

The underwriters have agreed that in the event of a public or other offering of common shares purchased by them, they will pay to New England upon receipt of the proceeds of the sale thereof (a) the entire excess, if any, received by the underwriters over $9 per share if the number of such common shares purchased does not exceed 14,377, or (b) 50% of the excess, if any, received by the underwriters over $9 per share if the number of such common shares so purchased exceed 14,377.

As indicated, the 479,235 common shares of New England will be first offered to the present holders of the $5.50 preferred shares. Since the underwriters will purchase only the unsubscribed for shares, the exact amount of the underwriters' compensation cannot be computed in advance. However, the theoretical minimum and maximum amounts can be determined upon certain assumptions. Thus, if no shares are taken as the result of the exercise of the rights, the maximum compensation to be received by the underwriters (excluding the effect of the provision relating to the sharing of the excess of any resale price over price paid to New England) would amount to $360,464.50.[4] This theoretical maximum compensation would amount to 8.347% of the aggregate price to New England.

Under the underwriting agreement, the theoretical minimum of the underwriters' compensation in respect to the common shares would be reached if all the 479,235 common shares were disposed of through the exercise of the rights on or before April 8, 1947. The total compensation on this basis would be $8,390.82 or 0.1945% of the aggregate price to New England.

Under the circumstances, we are satisfied that no adverse findings are necessary with respect to the sale of the Convertible Preferred Shares and that the provisions of the agreement with the underwriters relating to the determination of their compensation for the underwriting of the common shares provide sufficient assurance that such compensation will not be unreasonable in relation to the risks which they will have assumed in the transaction.

It is therefore ordered, That the jurisdiction heretofore reserved in respect to the results of the competitive bidding for $22,425,000 principal amount of 20-year Collateral Trust Sinking Fund Bonds and the negotiations for 77,625 shares of Cumulative Convertible Preferred Shares and such of the 479,235 common shares as are not subscribed for upon exercise of subscription rights be, and the same hereby is, released, and that the amendment filed on April 1, 1947 to the application be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the reservation of jurisdiction set forth in the said order dated February 11, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3321; Filed, Apr. 7, 1947; 8:52 a. m.]

[1] New England Gas and Electric Association, — S. E. C. — (1947), Holding Company Act Release No. 7181.

[2] New England Gas and Electric Association, — S. E. C. — (1947), Holding Company Act Release No. 7277.

[3] New England Gas and Electric Association, — S. E. C. — (1947), Holding Company Act Release No. 7295.

[4] If no rights were exercised, there is little likelihood that the common shares would be resold by the underwriters at a price much, if any, in excess of $9 per share.

[File No. 70-1469]

ALLENTOWN-BETHLEHEM GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of March 1947.

Allentown-Bethlehem Gas Company (Allentown), a public utility subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application, with an amendment thereto, pursuant to section 6 (b) of the act, with respect to the following transaction:

Allentown has presently outstanding $2,415,000 principal amount of First Mortgage Bonds, 3¾% Series due 1965, all of which are owned by five life insurance companies and two savings banks. In lieu of refunding said bonds, Allentown proposes to reduce the interest rate on said bonds to 3% per annum effective March 1, 1947. The holders of said bonds have voluntarily assented to this proposal. Allentown has requested that the proposed transaction be excepted from the competitive bidding requirements of Rule U-50 and that it be permitted to consummate the proposed transaction immediately upon approval thereof.

Such application, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the proposed transaction has been approved by the Pennsylvania Public Utility Commission and that in the particular circumstances of this case it is appropriate in the public interest and in the interests of investors and consumers to grant applicant's request for an exception from the competitive bidding requirements of Rule U-50 with respect to the proposed transaction, and that the application, as amended, should be granted so as to permit immediate consummation of the proposed transaction:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be, and the same hereby is, granted and that the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3323; Filed, Apr. 7, 1947; 8:52 a. m.]

[File No. 812-485]

ATLAS CORP. AND INDIAN MOTORCYCLE CO.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of April A. D. 1947.

Notice is hereby given that Atlas Corporation ("Atlas"), a registered investment company, and Indian Motorcycle Company ("Indian") have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act, a proposed sale by Indian to Atlas of 155,556 shares of the Common Stock of Indian, having a par value of $1 per share, at a price of $4.50 per share.

Atlas owns 56,932 shares of the 444,115 shares of Common Stock of Indian presently outstanding. Indian is, therefore, an affiliated person of Atlas. With certain exceptions not applicable in this instance, section 17 (a) of the act prohibits an affiliated person of an investment company from selling securities to the registered company. Atlas and Indian have, therefore, filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed sale from the provisions of section 17 (a) of the act. Atlas and Indian assert that the proposed sale meets the standards and requirements of section 17 (b).

The proposed sale is embodied in an agreement made between Atlas and Indian dated February 27, 1947, pursuant to which Atlas agrees to purchase the aforementioned securities subject to the conditions, among others, that:

1. The Chemical Bank and Trust Company and The Marine Midland Trust Company of New York shall have entered into a credit agreement pursuant to which the repayment of an indebtedness of Indian to the banks aggregating $1,500,000 shall have been extended over a period of five years.

2. R. B. Rogers Companies, Inc. ("Rogers")[1] shall have entered into an agreement pursuant to which Rogers agrees to purchase or cause others to purchase for cash, not later than September 1, 1947, 133,334 shares of the Common Stock of Indian at $4.50 per share; provided that shares of stock of Indian issued in exchange for obligations of Indian aggregating not more than $600,000 representing advances to Indian from affiliated companies, shall be regarded for the purposes of this provision as shares of stock issued for cash; and provided further that the merger of Rogers into Indian or the transfer by Rogers of all or substantially all its assets to Indian in exchange for shares of stock of Indian and the assumption by Indian of the liabilities of Rogers, in either case on terms satisfactory to Atlas, shall also be deemed compliance with this provision.

3. Rogers shall have entered into an agreement with Indian providing, in substance, that on or before September 1, 1947, unless Rogers and Indian shall mutually agree upon a later date, Rogers will sell, lease, or otherwise make available to Indian or cause others to sell, lease, or otherwise make available to Indian, plant and equipment suitable for Indian's business of an aggregate fair value of at least $1,412,500, or in lieu thereof, if Rogers so elects, lend or cause to be lent to Indian the sum of $1,412,500, in any such case on terms acceptable to the Chemical Bank and Trust Company and The Marine Midland Trust Company of New York. The aforesaid obligation of Rogers shall be deemed to be discharged if on or prior to September 1, 1947, or such later date as Rogers and Indian may mutually agree upon, (a) Rogers shall have transferred substantially all of its assets to Indian in exchange for shares of stock of Indian and the assumption by Indian of the liabili-

[1] Rogers and one of its subsidiaries own approximately 44% of the issued and outstanding shares of Common Stock of Indian.

ties of Rogers, or (b) Rogers shall have been merged into Indian or (c) any other corporation shall have transferred assets to Indian in exchange for shares of stock of Indian or shall have been merged into Indian, provided there shall have been included in the assets transferred to Indian by such other corporation as part of any such transaction cash and/or other current assets and/or plant and equipment suitable for Indian's business, having an aggregate fair value of at least $1,412,500, and provided further that if such aggregate fair value shall be less than $1,412,500, the obligation of Rogers shall be limited to the amount of such deficiency.

4. Hill Diesel Engine Company ("Hill") shall have transferred substantially all of its assets to Indian in exchange for not more than 127,111 shares of Common Stock of Indian and the assumption by Indian of the liabilities of Hill.[2]

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed sale is fair and reasonable;

(2) Whether the proposed sale involves overreaching on the part of any person concerned;

(3) Whether the proposed sale is consistent with the policy of Atlas as recited in its registration statement and reports filed under the act;

(4) Whether the proposed sale is consistent with the general purposes of the Act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on April 11, 1947, at 10:00 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named applicants, Atlas Corporation and Indian Motorcycle Company, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before April 9, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3222; Filed, Apr. 7, 1947; 8:52 a. m.]

[2] This condition has already been complied with.

[File No. 812-487]

BANKERS SECURITIES CORP. ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of April A. D. 1947.

In the matter of Bankers Securities Corporation, Bankers Bond and Mortgage Guaranty Company of America, Bankers Bond and Mortgage Company, McCloskey Homes, Inc.

Notice is hereby given that Bankers Securities Corporation, Bankers Bond and Mortgage Guaranty Company of America and Bankers Bond and Mortgage Company have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the act a proposed agreement between Bankers Bond and Mortgage Company and McCloskey Homes, Inc., pursuant to which Bankers Bond and Mortgage Company agrees to lend McCloskey Homes, Inc., funds upon appropriate security in connection with the construction and mortgaging of 876 individual dwellings, and McCloskey Homes, Inc. may sell to Bankers Bond and Mortgage Company individual and permanent mortgages created in connection with the sale of the individual dwellings.

Bankers Securities Corporation is a closed-end, management, non-diversified investment company and is registered under the Investment Company Act of 1940. Bankers Bond and Mortgage Guaranty Company of America is controlled by Bankers Securities Corporation. Bankers Bond and Mortgage Company is a wholly owned subsidiary of Bankers Bond and Mortgage Guaranty Company of America. Bankers Securities Corporation also owns 25% of the voting securities of McCloskey Homes, Inc.

In the proposed agreement Bankers Bond and Mortgage Company agrees to advance to McCloskey Homes, Inc. funds up to a prescribed maximum approximately equivalent to 90% of the construction completed, at the rate of 4½% per annum, subject to certain limitations and conditions. McCloskey Homes, Inc., agrees that upon settlement following sale of each dwelling unit and lot, it will pay Bankers Bond and Mortgage Company the proceeds received by it from such sale, after deducting any sales commission payable thereon, to be applied in reduction of the principal of the advance money mortgage, and Bankers Bond and Mortgage Company will thereupon release said unit and lot from the lien of the advance money mortgage. In addition, it is provided that Bankers Bond and Mortgage Company shall have the exclusive right to purchase, accept or place, at face amount, the individual mortgage financing required by any purchase of a dwelling unit, for which it is to receive a fee of 1% on such face amount, payable by McCloskey Homes, Inc. It is proposed that such mortgages will be eligible for insurance by the Federal Housing Administration or eligible for guarantee by the Veterans' Administration.

Section 17 (a) (3) of the act prohibits an affiliated person (McCloskey Homes, Inc.) from borrowing money or other property from a company controlled by a registered investment company (Bankers Bond and Mortgage Company). Section 17 (a) (1) of the act prohibits the sale by an affiliated person (McCloskey Homes, Inc.) of any security or other property to a company controlled by a registered investment company (Bankers Bond and Mortgage Company.)

The applicants have therefore filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transactions from the provisions of section 17 (a) of the act, and they assert that the proposed transactions meet the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed agreement is fair and reasonable;

(2) Whether the proposed agreement involves overreaching on the part of any person concerned;

(3) Whether the proposed agreement is consistent with the policy of Bankers Securities Corporation as recited in its registration statement and reports filed under the Act;

(4) Whether the proposed agreement is consistent with the general purposes of the Act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on

the aforesaid application be held on April 15, 1947, at 9:30 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above mentioned Bankers Securities Corporation, Bankers Bond and Mortgage Guaranty Company of America, Bankers Bond and Mortgage Company, and McCloskey Homes, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before April 11, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3320; Filed, Apr. 7, 1947; 8:52 a. m.]

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FEDERAL REGISTER

VOLUME 12 NUMBER 70

Washington, Wednesday, April 9, 1947

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

PART 346—EMPLOYEE REPRESENTATIVES' CONTRIBUTIONS AND REPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1107; 45 U. S. C. 362 (l)), Part 345, §§ 345.1, 345.2, 345.4, 345.5, 345.6, 345.8, 345.20, 345.23, and 345.24, and Part 346 of the regulations of the Railroad Retirement Board under such act (4 F. R. 4370, 4792, 5 F. R. 4846, 7 F. R. 381, 9 F. R. 5398) are revised, effective March 20, 1947, by Board Order 47–123 dated March 20, 1947, as follows:

1. Sections 345.1, 345.2, 345.4 to 345.6, 345.8 and 345.20 are revised to read as follows:

§ 345.1 *Statutory provisions.* Every employer shall pay a contribution, with respect to having employees in his service, equal to 3 per centum of so much of the compensation as is not in excess of $300 for any calendar month paid by him to any employee with respect to employment after June 30, 1939: *Provided, however,* That if compensation is paid to an employee by more than one employer with respect to any such calendar month, the contributions required by this section shall apply to not more than $300 of the aggregate compensation paid to said employee by all said employers with respect to such calendar month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services during any calendar month after 1946 bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional contribution as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month.

The contributions required by this act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this act as may be prescribed by regulations of the Board, and shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ. If a contribution required by this act is not paid when due, there shall be added to the amount payable (except in the case of adjustments made in accordance with the provisions of this act) interest at the rate of 1 per centum per month or fraction of a month from the date the contribution became due until paid. Any interest collected pursuant to this section shall be credited to the account.

All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and not inconsistent with the provisions of this act, shall be applicable with respect to the contributions required by this act: *Provided,* That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor.

For the purposes of determining the amount of contributions due pursuant to this act, employment after June 30, 1940, in the service of a local lodge or division

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of a railway-labor-organization employer or as an employee representative shall be disregarded. (Sec. 2, 54 Stat. 1094, 45 U. S. C. and Sup. 351g)

§ 345.2 *Employers' contributions.* (a) Except as provided in paragraph (b) of this section every employer shall pay a contribution equal to 3 per centum of the amount of compensation paid by such employer to employees with respect to employment on and after July 1, 1939, excluding, however, that part of the compensation which is in excess of $300 and is paid by the employer to any employee with respect to employment during any one calendar month.

(b) If compensation is paid by more than one employer to an employee with respect to employment during the same calendar month, and if the aggregate compensation paid to such employee by all employers is more than $300 for the calendar month, then there shall be included in the measure of each employer's contribution only that proportion of $300 which the amount paid by him to the employee for the month bears to the aggregate compensation paid to such employee by all employers for that month: *Provided, however,*

(1) If such aggregate compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid to the employee by the employer other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of the employer other than a subordinate unit with respect to the compensation paid by him to such employee for that month shall be $300.

(2) If such aggregate compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by the employers other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of each employer other than a subordinate unit shall be that proportion of $300 which the compensation paid by such employer to the employee for the month bears to the total compensation paid to such employee by all such employers other than a subordinate unit for that month.

(3) If such aggregate compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate unit is less than $300 for the month, then the measure of the contribution of each employer other than the subordinate unit shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of the subordinate unit of a national railway-labor-organization employer shall be $300 less the total compensation paid to such employee for that month by all other employers.

(4) If such aggregate compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate units is less than $300 for the month, then the measure of the contribution of each employer other than the subordinate units shall be the full amounts of compensation paid by him to such employee for that month, and the measure of the contribution of each subordinate unit of the national railway-labor-organization employer shall be that proportion of $300 less the total compensation paid to such employee for the month by all employers other than the subordinate units which the compensation paid by such subordinate unit to the employee for that month bears to the total compensation paid to such employee by all such subordinate units for that month. (Secs. 8, 12, 52 Stat. 1102, 1107, as amended by sec. 318, Pub. Law 572, 79th Cong., 60 Stat. 722; 45 U. S. C. and Sup. 358, 362.)

§ 345.4 *Employers' reports of compensation of employees.* Each employer shall continue to file with the Board, in accordance with the requirements of § 250.3 of this chapter, as amended, reports of the compensation of each employee, consisting of:

(1) A report of compensation for the calendar quarter or calendar year on Form BA-3 (or punched tabulating cards in lieu thereof),

(2) A monthly report of compensation adustments, on Form BA-4,

(3) A summary of compensation adjustments reported for the quarter, and

(4) Summary reports of compensation for the calendar quarter or calendar year, on Form BA-5. (Sec. 6, 52 Stat. 1101; as amended by sec. 317, Pub. Law 572, 79th Cong., 60 Stat. 722; 45 U. S. C. and Sup. 356)

§ 345.5 *Employers' contribution reports*—(a) *General.* For the period of three calendar months ending September 30 1939, and for each subsequent period of three calendar months ending December 31, March 31, June 30 and September 30, respectively, of each year, each employer shall prepare a contribution report, in duplicate, on Form DC-1. Except as otherwise provided by agreement with the Board, each employer is required to file a separate contribution report, and consolidated contribution reports of parent and subsidiary corporations are not permitted.

Contribution reports of employers who are required by State laws to pay compensation on a weekly basis shall with respect to such compensation cover all pay-roll weeks, all or the major part of which falls within the period for which the reports are required.

(b) *Compensation to be reported on*—(1) *Employers reporting compensation quarterly.* The amount reported on Form BA-5 as the total creditable compensation for the quarter, prior to any additions or subtractions for adjustments, shall be entered on the employer's quarterly contribution report for the corresponding quarter as the amount of creditable compensation from which the contribution payable for that quarter is to be computed.

(2) *Employers reporting compensation annually.* Employers authorized to report compensation annually, pursuant to § 250.3 (a) of this chapter, shall enter on the employer's quarterly contribution report, prior to any additions or subtractions, the amount of creditable compensation appearing on pay rolls or other disbursement documents for the corresponding quarter as the amount of creditable compensation from which the contribution payable for that quarter is to be computed. (Secs. 8, 12, 52 Stat. 1102, 1107, as amended by sec. 318, Pub. Law 572, 79th Cong., 60 Stat. 722; 45 U. S. C. and Sup. 358, 362)

§ 345.6 *Final employers' contribution reports.* Upon termination of employer status, as determined under §§ 202.11 and 202.12 of this chapter, the last contribution report of the employer on Form DC-1 shall be marked "Final contribution report." Such contribution report shall be filed with the Board on or before the sixtieth day after the final date for which there is paid compensation with respect to which contribution is required. The period covered by each such contribution report shall be plainly written thereon, indicating the final date for which conpensation is paid.

There shall be executed as part of each such final contribution report a statement giving the address at which compensation records will be kept and the name of the person keeping the records. (Secs. 8, 12, 52 Stat. 1102, 1107, as amended by sec. 318, Pub. Law 572, 79th Cong., 60 Stat. 722; 45 U. S. C. and Sup. 358, 362)

§ 345.8 *Prescribed forms for employers' contribution reports.* Each employer's contribution report, together with any prescribed copies and supporting data, shall be filled out in accordance with the instructions and regulations applicable thereto. The prescribed forms may be obtained from the Board. An employer will not be excused from making a contribution report for the reason that no form has been furnished to such employer. Application should be made to the Board for the prescribed forms in ample time to have the contribution report prepared, verified and filed with the Board on or before the due date. Contribution reports shall be carefully prepared so as to set forth fully and clearly the data called for therein. Contribution reports which have not been so prepared will not be accepted, and the submission thereof shall have no effect whatever. In case the prescribed form has not been obtained, a statement made by the employer disclosing the period covered and the amount of compensation with respect to which the contribution is required may be accepted as a tentative contribution report if accompanied by the amount of contribution due. If filed within the prescribed time the statements so made will relieve the employer from liability for the penalty imposed for the delinquent filing of the contribution report, *Provided,* That the failure to file a contribution report on the prescribed form is not attributable to the fault of the employer, *And provided further,* That without unnecessary delay such tentative report is supplemented by a contribution report made on the proper form. (Secs. 8, 12, 52 Stat. 1102, 1107, as amended by sec. 318, Pub. Law 572, 79th Cong., 60 Stat. 722; 45 U. S. C. and Sup. 358, 362)

§ 345.20 *Assessments.* The Director of Finance is authorized, on behalf of the Board, to issue assessments of contributions, interest and penalties, and notices and demands for payment thereof. (Secs. 8, 12, 52 Stat. 1102, 1107, as amended by sec. 318, Pub. Law 572, 79th Cong., 60 Stat. 722; 45 U. S. C. and Sup. 358, 362)

2. Section 345.23 *Test of annual reporting* is repealed.

3. Section 345.24 is revised as follows:

§ 345.24 *Records.* Every employer subject to contributions for any calendar quarter shall, with respect to each such quarter, keep such permanent records as are necessary to establish the total amount of compensation paid to his employees, during each such quarter for services performed after June 30, 1939. The record should be in such form as to contain the information required to be shown on the quarterly contribution report. All records required by the regulations in this part shall be kept at a safe and convenient location accessible to inspection by the Board or any of its officers or employees thereto designated. Such records shall be at all times open for inspection by such officers or employees.

Records required by the regulations in this part shall be maintained for a period of at least four years after the date the contribution to which they relate becomes due, or the date the contribution is paid, whichever is later. (Secs. 8, 12, 52 Stat. 1102, 1107, as amended by sec. 318, Pub. Law 572, 79th Cong., 60 Stat. 722; 45 U. S. C. and Sup. 358, 362)

4. Part 346 is repealed with respect to employment after June 30, 1940. (Sec. 2, 54 Stat. 1094; 45 U. S. C. and Sup. 351g)

Dated: April 2, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-3340; Filed, Apr. 8, 1947; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 807—SUSPENSION ORDERS

[Suspension Order S–6]

MRS. EMMA T. DEE

Mrs. Emma T. Dee, 36 Crestwood Drive, Clayton, Missouri, and Standard Construction Company, a corporation, with its main office at 6704 Scanlon Avenue, St. Louis, Missouri, on or about October 2, 1946, without authorization from the Civilian Production Administration, began the construction of a building size 100' x 142' at 6337–6347 Easton Avenue in Wellston, Missouri, to contain ten retail stores and estimated to cost $69,000. This construction was begun notwithstanding that application for authorization to construct such building had been denied by the Civilian Production Administration. The beginning and carrying on of such construction was in violation of Veterans' Housing Program Order 1 and has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 807.6 *Suspension Order No. S–6.* (a) Neither Mrs. Emma T. Dee nor Standard Construction Company, her or its successors or assigns, nor any other person, shall do any further construction on the premises located at 6337–6347 Easton Avenue, Wellston, Missouri, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Mrs. Emma T. Dee and Standard Construction Company shall refer to this order in any application or appeal she or it may file with the Office of the Housing Expediter relating to the above premises.

(c) Nothing contained in this order shall be deemed to relieve Mrs. Emma T. Dee or Standard Construction Company, her or its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3406; Filed, Apr. 7, 1947; 4:21 p. m.]

PART 807—SUSPENSION ORDERS

[Suspension Order S–7]

LINK AND LINK, INC.

Andrew J. Hellmuth and Richard J. Link, both of 14 North Limestone Street, Springfield, Ohio, without authorization of the Civilian Production Administration, on or about July 29, 1946 began and thereafter until September 20, 1946 carried on and participated in the construction in connection with the remodeling of a commercial storeroom for use as an office, located at 22 North Limestone Street, Springfield, Ohio, the estimated cost of which construction was in excess of $1,000. On September 20, 1946 said construction was stopped as a result of a telegram from Civilian Production Administration. On November 22, 1946 approval was given by Civilian Production Administration to said parties under CPA Form 4423, Case No. (Field) 3–2–1350, Case No. (Washington) 6065, to complete the remodeling of said commercial storeroom for use as office at an estimated cost of $526. Construction on said structure was resumed on December 9, 1946 under this authorization and thereafter carried on to an extent which was in excess of the specifically authorized cost of $526. The beginning of construction on July 29, 1946 and carrying on of construction until September 20, 1946 as aforesaid, and the carrying on of construction after December 9, 1946 in excess of the amount specifically authorized as aforesaid, constituted wilful violation of Veterans' Housing Program Order 1. These violations have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 807.7 *Suspension Order S–7.* (a) Neither Andrew J. Hellmuth, Richard J. Link, their successors and assigns, nor any other person shall do any further construction on the northerly storeroom at 22 North Limestone Street, Springfield, Ohio, other than the construction which was specifically authorized by the approval on November 22, 1946 of application Form CPA–4423, Case No. (Field) 3–2–1350, Case No. (Washington) 6065, unless such additional construction is hereafter authorized by the Office of the Housing Expediter.

(b) Andrew J. Hellmuth and Richard J. Link shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter relating to the above premises.

(c) Nothing contained in this order shall relieve Andrew J. Hellmuth and Richard J. Link, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3407; Filed, Apr. 7, 1947; 4:21 p. m.]

PART 807—SUSPENSION ORDERS

[Suspension Order S–1107, Revocation]

NUNZI MANGIERI ET AL.

Nunzi Mangieri, Frank Mangieri, Tony Mangieri and Angelo Vericella, 359 East Third Street, Galesburg, Illinois, were suspended on March 3, 1947 by Suspension Order No. S–1107. They appealed from the provisions of the order. The Chief Compliance Commissioner has reviewed the case, and has directed that the order be revoked. In view of the foregoing:

It is hereby ordered, That: § 1010.1107, Suspension Order No. S–1107, be revoked.

Issued this 3d day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3408; Filed, Apr. 7, 1947; 4:21 p. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 500—ORGANIZATION

NOTICE OF TRANSFER OF OFFICE

The national office of the Wage and Hour and Public Contracts Divisions, temporarily located at 165 West 46th Street, New York 19, New York, as mentioned in §§ 500.2 and 500.3 of this part, was transferred to the Department of Labor Building, Washington 25, D. C., March 3, 1947.

Dated at Washington, D. C., this 31st day of March 1947.

WM. R. MCCOMB,
Acting Administrator.

[F. R. Doc. 47-3343; Filed, Apr. 8, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 324]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Metalworking machinery:
	Power-driven metalworking machines and parts:
744405	Bending machines and parts (except hot bending); culvert forming machines and parts, sheet iron; sheet and plate forming machines and parts; sheet and plate shears, all steel, high knife; and squaring shears, and parts.

	Chemical specialties:
829910	Antiknock compounds not of petroleum origin (including ethyl fluid, any antiknock compound containing more than 3 cc. tetraethyl lead per gallon).

This amendment shall become effective April 7, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: April 1, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3353; Filed, Apr. 8, 1947; 8:47 a. m.]

[Amdt. 325]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Agricultural machinery and implements:
	Track-laying tractors, carburetor type, new:
787300	Under 35 drawbar horsepower.
787430	35 under 50 drawbar horsepower.
787450	50 under 65 drawbar horsepower.
787530	65 under 80 drawbar horsepower.
787550	80 and over drawbar horsepower.
	Track-laying tractors, injection type, new:
787600	Under 35 drawbar horsepower.
787730	35 under 50 drawbar horsepower.
787750	50 under 65 drawbar horsepower.
787830	65 under 80 drawbar horsepower.
787850	80 and over drawbar horsepower.
	Wheel tractors, new (wheel tractors less wheels included):
788000	1—plow.
788400	2—plow.
788500	3—plow.
788600	4—plow and over, except Model DW–10.

This amendment shall become effective April 7, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: April 1, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3354; Filed, April 8, 1947; 8:47 a. m.]

[Amdt. 326]

PART 802—GENERAL LICENSES

COUNTRY GROUPS

Section 802.3 *General license country groups* is amended as follows:

Paragraph (a) is amended by deleting from Group E and adding to Group K therein the following countries: Bulgaria and Romania.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: April 1, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3355; Filed, Apr. 8, 1947; 8:47 a. m.]

[Amdt. 327]

PART 821—LIMITED PRODUCTION LICENSES FOR NEW TRACK-LAYING AND WHEEL TRACTORS

Part 821, Limited Production Licenses for New Track-Laying and Wheel Tractors, is hereby revoked. The revocation of this part does not affect the validity of licenses issued thereunder authorizing exportation to countries in Group E as set forth in § 802.3 of this subchapter. Licenses authorizing shipment to Group E countries may be used until the full amount licensed for export to those countries has been shipped or until the validity period of the licenses has expired, whichever is sooner.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: April 1, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3356; Filed, Apr. 8, 1947; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[G. O. 60, Supp. 11]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

PREFERENCE AMONG NONCITIZEN APPLICATIONS

Paragraph (d) of § 299.2 *Order of preference* is amended to read:

(d) *Preference among noncitizen applications.* In determining the order of preference between noncitizen applications to purchase, the Commission will give preference to citizens of the Commonwealth of the Philippines and in determining the preference between other noncitizen applicants, will consider, among other relevant factors, the extent to which losses in prewar tonnage of the various member nations of the United Nations, incurred in the interest of the war effort, have been overcome, and the relative effects of such losses upon the national economy of such member nation.

(60 Stat. 41)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

APRIL 3, 1947.

[F. R. Doc. 47-3359; Filed, Apr. 8, 1947; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 697–B]

PART 95—CAR SERVICE

PRIORITY FOR EXPORT OF RED RIVER VALLEY POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of April A. D. 1947.

Upon further consideration of Service Order No. 697 (12 F. R. 1725), as amended (12 F. R. 1992), and good cause appearing therefor: it is ordered, that:

Service Order No. 697 (codified as 49 CFR § 95.697), *Permit for export Red River Valley potatoes*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 12:01 a. m., April 5, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4, 41 Stat. 476, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3347; Filed, Apr. 8, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN STRAWBERRIES [1]

NOTICE OF RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as hereinafter proposed, of the tentative United States Standards for Grades of Frozen Strawberries pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d sess., approved June 22, 1946). The tentative standards have been in effect since July 1, 1944.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revisions shall file the same in quadruplicate with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after publication of this notice in the FEDERAL REGISTER.

The proposed revised standards are as follows:

§ 52.653 *Frozen strawberries* — (a) *Identity.* Frozen strawberries are prepared from the properly ripened fresh fruit of the strawberry plant (Fragaria virginiana); are stemmed, washed, and sorted; may be sliced; may be packed with or without packing media; and are frozen and stored at a temperature necessary for the preservation of the product.

(b) *Styles of frozen strawberries.* (1) whole or whole strawberries.

(2) Sliced or sliced strawberries.

(c) *Sizes of whole strawberries.* Except with respect to "U. S. Grade A" or "U. S. Fancy" grade, the size of whole strawberries is not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purpose of these grades. When used in connection with the following sizes of whole strawberries, the term "diameter" means the greatest dimension measured at right angles to a straight line running from the stem to the apex:

(1) *Small size.* Whole strawberries that measure less than ⅝ inch in diameter.

(2) *Medium size.* Whole strawberries that measure ⅝ inch to 1 inch, inclusive, in diameter.

(3) *Large size.* Whole strawberries that measure more than 1 inch in diameter.

(d) *Grades of frozen strawberries.* (1) "U. S. Grade A" of "U. S. Fancy" is the quality of frozen strawberries that possess similar varietal characteristics; are practically free from defects; possess a good character; possess a normal flavor and odor; and are of such quality with respect to color as to score not less than 85 points when scored in accordance with the scoring system outlined herein. In addition to the foregoing requirements, whole strawberries of this grade may contain not more than 5 percent by count of whole strawberries that are small size (or less than ⅝ inch in diameter).

(2) "U. S. Grade B" or "U. S. Choice" is the quality of frozen strawberries that possess similar varietal characteristics; possess a reasonably bright, reasonably uniform, typical color; are reasonably free from defects; possess a reasonably good character; possess a normal flavor and odor; and score not less than 70 points when scored in accordance with the scoring system outlined herein.

(3) "U. S. Grade D" or "Substandard" is the quality of frozen strawberries that fail to meet the requirements of "U. S. Grade B" or "U. S. Choice."

(e) *Ascertaining the grade.* (1) "Normal flavor and odor" means that the strawberries are free from objectionable flavors, off flavors, and objectionable odors of any kind.

(2) The grade of frozen strawberries is determined immediately after thawing to the extent that the units may be separated easily. The grade of frozen strawberries may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, absence of defects, and character.

(3) The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

	Points
(i) Color	40
(ii) Absence of defects	40
(iii) Character	20
Total Score	100

(f) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "34 to 40 points" means 34, 35, 36, 37, 38, 39, or 40 points).

(1) *Color.* (See Table No. I set forth in subdivision (v) of this subparagraph.)

(i) "Well colored" means that not less than four-fifths, in the aggregate, of the surface of the whole strawberry is the red or pink color characteristic of strawberries of similar varieties.

(ii) Frozen strawberries that possess a bright, practically uniform, typical color may be given a score of 34 to 40 points. "Bright, practically uniform, typical color" has the following meanings with respect to the following styles of frozen strawberries:

(a) *Whole.* The strawberries possess a bright and good characteristic red or pink color, reasonably free from a slightly dull or slightly grey cast; and there may be present not more than 5 percent by count of strawberries that are not well colored.

(b) *Sliced.* The sliced strawberries possess the bright and good characteristic red or pink color and luster comparable to that of whole strawberries within the score range of 34 to 40 points for the factor of color.

(iii) If the frozen strawberries possess a reasonably bright, reasonably uniform, typical color, a score of 28 to 33 points may be given. "Reasonably bright, reasonably uniform, typical color" has the following meanings with respect to the following styles of frozen strawberries:

(a) *Whole.* The strawberries possess a reasonably good characteristic red or pink color that may be slightly dull or may possess a slightly grey cast; and there may be present not more than 10 percent by count of strawberries that are not well colored.

(b) *Sliced.* The sliced strawberries possess the reasonably good characteristic red or pink color comparable to that of whole strawberries within the score range of 28 to 33 points for the factor of color.

(iv) Frozen strawberries that are definitely dull or off-color or that fail to meet the requirements of subparagraph (1) (iii) of this paragraph, may be given a score of 0 to 27 points and shall not be graded above "U. S. Grade D" or "Substandard," regardless of the total score for the product (this is a limiting rule).

(v) The evaluation of the score points for the factor of color may be determined from Table No. I of this paragraph which prescribes the score range for the typical color of frozen strawberries and the maximum score which may be allowed for specified percentages of frozen strawberries that are not well colored.

TABLE No. I—COLOR

Range of score points	Score points	Whole strawberries: Typical color	Whole strawberries: Not well colored (*Maximum (by count) (percent)*)	Sliced strawberries
34 to 40	40	Bright and good characteristic red or pink color, reasonably free from a slightly dull or slightly grey cast.	None	Bright and good characteristic red or pink color and luster comparable to that of the particular score for the whole strawberries.
	39		1	
	38		2	
	37		3	
	36		4	
	35		4½	
	34		5	
28 to 33	33	Reasonably good characteristic red or pink color, may be slightly dull or possess a slightly grey cast.	6	Reasonably good characteristic red or pink color comparable to that of the particular score for the whole strawberries.
	32		7	
	31		8	
	30		9	
	29		9½	
	28		10	
0 to 27	27 or less	More than the allowances permitted for 28 points		

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material; from leaves; from loose or attached stems which exceed ⅛ inch in length; from sepal-like bracts and caps; from short attached stems which are ⅛ inch or less in length; from undeveloped strawberries; and from damaged strawberries. (See Table No. II set forth in subdivision (vi) of this subparagraph).

(i) "Undeveloped strawberries" means strawberries or portions of strawberries that possess hard, seedy, or deformed ends or that possess deformed areas which materially affect the appearance and edibility of the product.

(ii) "Damaged strawberries" means strawberries or portions of strawberries that are damaged by bruises or by pathological, insect, or other injury that materially affects the appearance or edibility of the product. Minute, insignificant injuries are not considered as damage.

(iii) Frozen strawberries that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(a) Not more than one piece of harmless extraneous material or one leaf or one loose or attached stem which exceeds ⅛ inch in length for each 48 ounces of net weight;

(b) Not more than 5 sepal-like bracts for each 16 ounces of net weight or the approximate equivalent of 1 full cap for each 48 ounces of net weight;

(c) Not more than 8 percent by weight of strawberries that possess short attached stems which are ⅛ inch or less in length; and

(d) Not more than 5 percent by weight of undeveloped strawberries and damaged strawberries.

(iv) If the frozen strawberries are reasonably free from defects, a score of 28 to 33 points may be given. Frozen strawberries that fall into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present:

(a) Not more than one piece of harmless extraneous material or one leaf or one loose or attached stem which exceeds ⅛ inch in length for each 16 ounces of net weight;

(b) Not more than 10 sepal-like bracts for each 16 ounces of net weight or the approximate equivalent of 2 full caps for each 48 ounces of net weight;

(c) Not more than 16 percent by weight of strawberries that possess short attached stems which are ⅛ inch or less in length; and

(d) Not more than 10 percent by weight of undeveloped strawberries and damaged strawberries.

(v) Frozen strawberries that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above "U. S. Grade D" or "Substandard," regardless of the total score for the product (this is a limiting rule).

(vi) The evaluation of the score for the factor of absence of defects may be determined from Table No. II of this paragraph which prescribes the maximum score which may be allowed for the specified defects.

TABLE No. II—DEFECTS

Range of score points	Score points	Harmless extraneous material; leaves; loose or attached stems (more than ⅛ inch long)	Sepal-like bracts	Caps	Short attached stems (⅛ inch or less)	Undeveloped and damaged strawberries
		Maximum				
		Per 48 oz. net wt.	Per 16 oz. net wt.	Per 48 oz. net wt.	By weight (percent)	By weight (percent)
34 to 40	40	None	None	None	None	None
	39	None	1	None	2	1
	38	None	1	None	4	2
	37	1 piece	2	None	4	3
	36	1 piece	3	None	6	4
	35	1 piece	4 or 1		6	5
	34	1 piece	5 or 1		8	5
		Per 16 oz. net wt.				
28 to 33	33	1 piece	6 or 1		10	6
	32	1 piece	6 or 1		12	7
	31	1 piece	7 or 1		12	8
	30	1 piece	8 or 1		14	9
	29	1 piece	9 or 2		14	10
	28	1 piece	10 or 2		16	10
0 to 27	27 or less	More than the allowances permitted for 28 points				

(3) *Character.* The factor of character refers to the texture and degree of disintegration as evidenced by mushy strawberries. "Mushy strawberries" are strawberries that are so soft that they present a pulpy mass. (See Table No. III set forth in subdivision (iv) of this subparagraph.)

(i) Frozen strawberries that have a good character may be given a score of 17 to 20 points. "Good character" means that the strawberries are fleshy, reasonably firm, and practically intact and that:

(a) Not more than 5 percent by weight of whole strawberries are mushy; and

(b) Not more than 15 percent by weight of sliced strawberries are mushy.

(ii) If the frozen strawberries have a reasonably good character, a score of 14 to 16 points may be given. Frozen strawberries that fall into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the strawberries are reasonably fleshy, fairly firm, and reasonably intact and that:

(a) Not more than 15 percent by weight of whole strawberries are mushy; and

(b) Not more than 25 percent by weight of sliced strawberries are mushy.

(iii) Frozen strawberries that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above "U. S. Grade D" or "Substandard," regardless of the total score for the product (this is a limiting rule).

(iv) The evaluation of the score points for the factor of character may be determined from Table No. III of this paragraph which prescribes the score range for the texture of frozen strawberries and the maximum score which may be allowed for specified percentages of frozen strawberries that are mushy.

TABLE No. III—CHARACTER

Range of score points	Score points	Texture	Disintegration as evidenced by mushy strawberries: Whole	Disintegration as evidenced by mushy strawberries: Sliced
			Maximum (by weight) (percent)	*Maximum (by weight) (percent)*
17 to 20	20	Fleshy, reasonably firm, practically intact	None	None
	19		1	5
	18		3	10
	17		5	15
14 to 16	16	Reasonably fleshy, fairly firm, reasonably intact	10	18
	15		13	21
	14		15	25
0 to 13	13 or less	More than the allowances for 14 score points		

(g) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen strawberries, the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade

indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers in the lot meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for frozen strawberries.*

Size and kind of container	----
Container mark or identification	----
Label (Style of pack; Ratio of fruit to sugar, etc. if shown)	----
Net weight	----
Style	----
Size[1]	----

Factors	Score points	
I. Color	40	(A) 34–40 ---- [2] (B) 28–33 ---- [2] (D) 0–27 ---- [2]
II. Absence of defects	40	(A) 34–40 ---- [2] (B) 28–33 ---- [2] (D) 0–27 ---- [2]
III. Character	20	(A) 17–20 ---- [2] (B) 14–16 ---- [2] (D) 0–13 ---- [2]
Total score	100	
Normal flavor and odor		----
Grade		----

[1] Partial limiting factor.
[2] Indicates limiting rule within classification.

Issued this 4th day of April 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-3380; Filed, Apr. 8, 1947; 8:45 a. m.]

Bureau of Animal Industry

[9 CFR, Part 151]

RECOGNITION OF BREEDS AND PUREBRED ANIMALS

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by sec. 201, par. 1606 of the Tariff Act of 1930 (19 U. S. C. sec. 1201, par. 1606), proposes to recognize the book of record of greyhounds, entitled "Australian Greyhound Stud Book," published by The Australian and New Zealand Greyhound Association, First Floor, Bank of New Zealand Chambers, 349 Collins Street, Melbourne, C. 1, Australia (R. Maidment, Secretary), and to add the name of the said book to the list of books of record named in 9 CFR and Sups. 151.6 (a), under the subheading "Dogs."

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington (25), D. C., within five calendar days after the date of publication of this notice in the FEDERAL REGISTER.

Issued this 4th day of April 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-3381; Filed, Apr. 8, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 61]

CONSOLIDATED FLIGHT DISPATCH OF SCHEDULED AIR CARRIER AIRCRAFT

CLEARANCE PREPARATION

APRIL 2, 1947.

Notice is hereby given that the Safety Bureau of the Civil Aeronautics Board has under consideration a proposed amendment of § 61.7103 of the Civil Air Regulations relating to the preparation and signing of clearance and loading forms covering the operation of scheduled air carrier aircraft. This proposal has not been considered by the Civil Aeronautics Board. It will be presented to the Board for consideration after its circularization to the air carrier industry together with a memorandum analyzing the comments received from such circularization and a recommendation by the Safety Bureau.

Section 61.7103 of the Civil Air Regulations now requires that dispatching and loading personnel must be in the employ of the air carrier operating the aircraft. The proposed amendment would provide that the personnel of another air carrier may be used for dispatching and loading purposes when current authority has been issued by the authorized dispatcher of the carrier operating the aircraft and an interline agreement has been made a matter of record between the air carriers concerned fixing the responsibilities and duties of the personnel involved and showing their proper qualifications.

The proposed regulation reads as follows:

§ 61.7103 *Clearance preparation.* Clearance forms shall be properly prepared between specified clearance points. Such forms shall be signed by the first pilot and by the authorized aircraft dispatcher or by duly authorized station personnel of an air carrier after receiving current authority from the authorized aircraft dispatcher of the air carrier operating the aircraft only when the first pilot and the dispatcher both believe the flight can be made with safety. A load manifest form shall be properly prepared and signed for each flight by personnel who are charged with the duty of supervising the loading of the aircraft and the preparation of load manifest forms. The aircraft when loaded as shown on the load manifest form shall not exceed the center of gravity limits or maximum allowable weight limits set forth in the aircraft certificate for the particular aircraft. The original copies of both forms shall be given to the first pilot and duplicate copies shall be kept in the station file for a period of at least 30 days. When the clearance form or the load manifest form are signed by personnel of an air carrier other than the air carrier operating the aircraft, an interline agreement fixing the duties and responsibilities of such personnel and showing their qualifications shall be a matter of record between the air carriers concerned.

The Safety Bureau earnestly requests authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

The Safety Bureau earnestly requests the comment of the air carrier industry as to the desirability or undesirability of the proposed changes. Comment should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., not later than May 1, 1947.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON,
Director.

[F. R. Doc. 47-3346; Filed, Apr. 8, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8514]

JOHN GAISER

In re: Estate of John Gaiser, deceased. File D-28-9104; E. T. sec. 11708.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Gaiser, George Gaiser and Katherine (Katharine) Gaiser, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of John Gaiser, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harry Clausen, Administrator, acting under the judicial supervision of the County Court of Waushara County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3360; Filed, Apr. 8, 1947; 8:46 a. m.]

[Vesting Order 8523]

FRANCIS PIPER

In re: Trust u/w of Francis Piper, deceased. File D-28-9756; E. T. sec. 13683.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the heirs at law, next of kin, distributees, executors, administrators and personal representatives of Anna Mary von Kolde, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Francis Piper, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Cambridge Trust Company, as trustee, acting under the judicial supervision of the Probate Court of Middlesex County, Massachusetts;

and it is hereby determined:

4. That to the extent that the heirs at law, next of kin, distributees, executors, administrators and personal representatives of Anna Mary von Kolde, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3361; Filed, Apr. 8, 1947; 8:46 a. m.]

[Vesting Order 8526]

FREDERICK STANGER

In re: Estate of Frederick Stanger, deceased. File D-28-11129; E. T. sec. 15539.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That J. G. Bolze, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in, to, and against the estate of Frederick Stanger, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ethel Marie Stanger, executrix, acting under the judicial supervision of the Orphans' Court of Montgomery County, Norristown, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3363; Filed, Apr. 8, 1947; 8:46 a. m.]

[Vesting Order 8518]

VIRGINIA S. KUHIRT

In re: Trust u/w of Virginia S. Kuhirt, deceased. File No. D-28-2569; E. T. sec. 4396.

Under the authority of the Trading with the Enemy Act, as amended, Executive order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans George Kuhirt, Elise Kuhirt, a/k/a Elsie Kuhirt, and Adolph Kuhirt, whose last known addresses are Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust u/w of Virginia S. Kuhirt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Richard A. Geis, 154 Brompton Road, Garden City, Nassau County, New York, and Thilo C. Schulze, 1495 East 22nd Street, Brooklyn, New York, as Successor Trustees, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3362; Filed, Apr. 8, 1947; 8:45 a. m.]

[Vesting Order 8525]

ANDREW SCHNORR

In re: Estate of Andrew Schnorr, deceased. File No. D–28–9807; E. T. sec. 13812.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gretshen Staudinger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $2,850.00 was paid to the Alien Property Custodian by Katherine (Mrs. Andrew) Schnorr, Executrix of the Estate of Andrew Schnorr, deceased;

3. That the said sum of $2,850.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 10, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3362; Filed, Apr. 8, 1947; 8:46 a. m.]

[Vesting Order 8527]

FRANK WILLEKE

In re: Estate of Frank Willeke, deceased. File D–28–11076; E. T. sec. 15502.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Willeke, Lena Montag, William Willeke, Anna Maria Willeke, Franz Frederick Willeke, Gertrude Willeke, Theodore Willeke, Fritz Jesse, Joseph Jesse, Louisa Jesse, Wilhelm Jesse, Maria Ostermann, John LeFarth, Wilhelm LeFarth, Frances Pohle, Maria Sauerland and Lena Mueller, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Frank Willeke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John P. Cullinane, Administrator, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3364; Filed, Apr. 8, 1947; 8:46 a. m.]

[Vesting Order 8529]

AUGUST ZAHRT

In re: Estate of August Zahrt, deceased. File D–28–9300; E. T. sec. 12239.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, the Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That ——— Zahrt, (First name unknown) brother of August Zahrt, deceassed, and ——— Zahrt, (first name unknown) brother of August Zahrt, deceased, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of August Zahrt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Louise Morgan, as administratrix, acting under the judicial supervision of the Probate Court for the County of Saginaw, State of Michigan;

and it is hereby determined:

5. That to the extent that the above named persons and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of the brothers of August Zahrt, deceased, except Anna Zahrt, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3365; Filed, Apr. 8, 1947; 8:46 a. m.]

[Vesting Order 8549]

MAGGIE BOESE

In re: Estate of Maggie Boese, a/k/a Margaret Boese, deceased. File D–28–10345; E. T. sec. 14727)

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosie Zobel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Maggie Boese, also known as Margaret Boese, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Marie Smith, as administratrix de bonis non, acting under the judicial supervision of the County Court of Jefferson County, Wisconsin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3366; Filed, Apr. 8, 1947; 8:47 a. m.]

[Vesting Order 8552]

AURELIA GREAVU

In re: Guardianship of Aurelia Greavu, also known as Aurelia Goarna. File D–57–343; E. T. sec. 9659.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aurelia Greavu, also known as Aurelia Goarna, whose last known address is Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That the sum of $780.17 deposited on January 2, 1941, with the Clerk of Superior Court of Lake County, Indiana, as Depositary, to the credit of Aurelia Greavu, also known as Aurelia Goarna, pursuant to an order of the Superior Court of Lake County, Indiana, entered on December 30, 1940, in the matter of Guardianship of Aurelia Greavu, also known as Aurelia Goarna subject to the payment of any lawful fees and disbursements of the Clerk of Superior Court of Lake County, Indiana, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Rumania);

3. That such property is in the process of administration by Walter R. Mybeck, Clerk of Superior Court of Lake County, Gary, Indiana, as depositary, acting under the judicial supervision of Superior Court of Lake County, Indiana;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3367; Filed, Apr. 8, 1947; 8:47 a. m.]

[Vesting Order 8565]

CHEMIKALIEN A. G.

In re: Debt owing to Chemikalien Aktiengesselschaft. F–28–4380–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chemikalien Aktiengesselschaft, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Gemany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Chemikalien Aktiengesselschaft, by F. W. Berk and Company, Inc., 420 Lexington Avenue, New York 17, New York, in the amount of $15,190.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3368; Filed, Apr. 8, 1947; 8:47 a. m.]

[Vesting Order 8570]

THERESA GAUPP

In re: Bank account owned by Theresa Gaupp, also known as Theresa Hoess. F–28–917–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theresa Gaupp, also known as Theresa Hoess, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Theresa Gaupp, also known as Theresa Hoess, by Welfare Building and Loan Association, 2200 North Third Street, Milwaukee 12, Wisconsin, arising out of an Installment Savings Account, Account Number 3012, entitled Theresa Gaupp, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3368; Filed, Apr. 8, 1947; 8:47 a. m.]

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3369; Filed, Apr. 8, 1947; 8:47 a. m.]

[Vesting Order 8572]

HOLZIMPRAGNIERUNG-KOMMANDITGESELLSCHAFT

In re: Bank account owned by Holzimpragnierung-Kommanditgesellschaft. F-28-8335-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Holzimpragnierung-Kommanditgesellschaft, the last known address of which is Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Holzimpragnierung-Kommanditgesellschaft, by Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, arising out of a Checking Account, entitled Holzimpragnierung - Kommanditgesellschaft, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3370; Filed, Apr. 8, 1947; 8:47 a. m.]

[Vesting Order 8573]

IINO KAIUN SANGO CO., LTD.

In re: Debt owing to Iino Kaiun Sango Co., Ltd. F-39-1002-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Iino Kaiun Sango Co., Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: All those debts or other obligations owing to Iino Kaiun Sango Co., Ltd., by W. H. Wickersham & Co. Inc., Successor to W. H. Wickersham & Company, 111 W. 7th Street, San Pedro, California, including particularly but not limited to a portion of the sum of money on deposit with Bank of America, San Pedro, California, in an account entitled W. H. Wickersham & Co., Inc., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3372; Filed, Apr. 8, 1947; 8:47 a. m.]

[Vesting Order 8574]

Y. ITOH

In re: Bank account owned by Y. Itoh, also known as Yoshikozw Itoh. F-39-4251-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Y. Itoh, also known as Yoshikozw Itoh, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Y. Itoh, also known as Yoshikozw Itoh, by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, N. Y., arising out of a Checking Account, entitled Y. Itoh, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3373; Filed, Apr. 8, 1947; 8:47 a. m.]

[Vesting Order 8575]

TAKETO IWAHARA

In re: Bank account and bonds owned by Taketo Iwahara. D-39-284-A-1, D-39-284-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Taketo Iwahara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Taketo Iwahara, by Bishop National Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a blocked savings account, Account Number 61863, entitled Taketo Iwahara, and any and all rights to demand, enforce and collect the same, and

b. 4 United States Savings Bonds, Series E, each of $1,000.00 face value, bearing the numbers M-3731718-E, M-3731719-E, M-3731720-E, and M-3731702-E, registered in the name of Taketo Iwahara, Japan, presently in the custody of Akito Iwahara, 1203-A, Alewa Drive, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-8575; Filed, Apr. 8, 1947; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Admin. Order 366]

FULL-FASHIONED HOSIERY INDUSTRY IN PUERTO RICO

DISAPPROVAL OF MINIMUM WAGE RATE RECOMMENDATIONS

Correction

In Federal Register Document 47-2530, appearing on page 1844 of the issue for Wednesday, March 19, 1947, the administrative order number should read "366," as set forth in brackets above.

FEDERAL POWER COMMISSION

[Docket No. G-632]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 4, 1947.

Notice is hereby given that, on April 4, 1947, the Federal Power Commission issued its findings and order entered April 3, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3358; Filed, Apr. 8, 1947; 8:48 a. m.]

[Docket No. G-731]

MICHIGAN GAS STORAGE CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 3, 1947.

Notice is hereby given that, on April 3, 1947, the Federal Power Commission issued its order entered April 3, 1947, modifying order issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3357; Filed, Apr. 8, 1947; 8:47 a. m.]

[Docket No. G-849]

UNITED FUEL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed January 10, 1947, in Docket No. G-849 by United Fuel Gas Company (Applicant), a West Virginia corporation with its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural gas pipeline facilities, subject to the jurisdiction of the Federal Power Commission:

(1) Approximately 70 miles of 20-inch O. D. gas transmission lines in West Virginia, in the Counties of Roane, Calhoun, Gilmer, Doddridge and Wetzel. Such lines to connect those portions of Applicant's 16-inch transmission lines, the construction of which was authorized in Docket No. G-736. The proposed and authorized transmission lines will form a single high-pressure transmission line of approximately 115.7 miles extending from Applicant's Cobb Compressor Station in Roane County to a point in Monongalia County, West Virginia, where it will connect with the line of The Manufacturers Light and Heat Company.

(2) A measuring station with four 10-inch orifice meter runs and appurtenant equipment on the aforesaid trans-

mission line near Hundred, West Virginia, and the installation of six high-pressure compressor cylinders on three existing 1000 HP units at the Cobb Compressor Station.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of meeting the demands of its present markets including the increased requirement of the Pittsburgh Group of the Columbia Gas & Electric Corporation System; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 24, 1947 (12 F. R. 508);

The Commission, therefore, orders, that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on April 30, 1947, at 9:30 a. m. (e. s. t.) in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceeding; *Provided, however*, That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: April 4, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3341; Filed, Apr. 8, 1947; 8:46 a. m.]

[Docket No. G-879]

WEST TEXAS GAS CO.

NOTICE OF APPLICATION

APRIL 1, 1947.

Notice is hereby given that on March 17, 1947, West Texas Gas Company (Applicant), a Delaware corporation having its principal office in Lubbock, Texas, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

(a) One 400-BHP gas engine driven compressor unit at Turkey Creek Compressor Station.

(b) Gas cooling facilities and dehydration contractor at Turkey Creek Compressor Station.

(c) Four 17-inch power cylinders on compressor units at McSpadden Compressor Station, replacing four worn 16-inch power cylinders.

(d) Clearance unloader valves on compressor cylinders of all units at McSpadden Compressor Station.

(e) Standard steel building construction replacing nonfireproof portion of compressor building at McSpadden Compressor Station.

(f) 250-barrel water storage tank at McSpadden Compressor Station.

(g) Two 300-BHP gas engine driven compressor units at Plainview Compressor Station.

(h) New water-well pumping facilities at Plainview Compressor Station.

Applicant states that it gained 4,444 accounts in 1946, and a similar gain is expected during 1947, the fact that installed equipment needing to be replaced has become worn and obsolete, the past winter's experience has shown the need for more pressure, and the existence of an increased load on the system, the proposed facilities are required to enable it to adequately serve its firm load during the 1947-1948 heating season; that the transmission system is being designed to adequately serve an estimated peak day firm load of 57,534 Mcf at 16.4 pounds during the 1947-1948 heating season, a firm load increase of 3,197 Mcf or 5.9 percent over that served on January 3, 1947.

Applicant states the over-all capital cost of the proposed facilities will be approximately $192,100, and will be financed out of corporate funds.

Applicant asserts that no change in rates is anticipated.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint, or concurrent hearing, together with the reasons for such request.

The application of West Texas Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3342; Filed, Apr. 8, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 714]

UNLOADING OF CAR AT LAREDO, TEXAS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of April A. D. 1947.

It appearing, that car ATSF 90352, containing diesel tractor, at Laredo, Texas, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Car at Laredo, Texas, be unloaded.* The International-Great Northern Railroad Company (Guy A. Thompson, Trustee), its agents or employees, shall unload immediately car ATSF 90352, loaded with diesel tractor, now on hand at Laredo, Texas, consigned shipper's order, notify Construccione de Mexico, Mexico City, D. F., c/o Jose A. Guerra, Laredo, Texas.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., April 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; and that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3348; Filed, Apr. 8, 1947; 8:47 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-2]

ALLOCATION OF TANK CARS FOR USE IN TRANSPORTATION OF LIQUEFIED PETROLEUM GAS

Correction

In Federal Register Document No. 47-3189, appearing at page 2211 of the issue for Thursday, April 3, 1947, the following changes should be made in the Appendix: Under the heading Sinclair Prairie Oil Co., New York, New York, "13433" should read "12433," "13477" should read "12477"; and under the heading Warren Petroleum Corp., Tulsa, Oklahoma "13407" should read "12407."

OFFICE OF HOUSING EXPEDITER

[C-3]

KYRIMES BROS., INC.

CONSENT ORDER

Kyrimes Bros., Inc., a New York Corporation located at 1521 Surf Avenue, Brooklyn, N. Y., are operators of amusement rides and concessions. George Kyrimes is Secretary of said corporation. Kyrimes Bros., Inc., is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about February 13, 1947 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at S/W corner of West 12 St. & Bowery, Coney Island, Brooklyn, N. Y.; (2) on and after February 13, 1947 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at S/W corner of West 12th St. & Bowery, Coney Island, Brooklyn, N. Y.

Kyrimes Bros., Inc., admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Kyrimes Bros., Inc., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Kyrimes Bros., Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at S/W corner of West 12th St. & Bowery, Coney Island, Brooklyn, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Kyrimes Bros., Inc., shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Kyrimes Bros., Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3403; Filed, Apr. 7, 1947; 4:20 p. m.]

[C-4]

SWANN RESTAURANT, INC.

CONSENT ORDER

Swann Restaurant, Inc., a New York Corporation located at 1102-1104 Cortelyou Road, Brooklyn, N. Y., operates a restaurant. John Dacchille is president of said corporation. Swann Restaurant, Inc. is charged by the Office of the Housing Expediter of violations of Veterans' Housing Program Order 1 in that (1) on or about January 15, 1947 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 1102-1104 Cortelyou Road, Brooklyn, N. Y.; (2) on and after January 15, 1947, it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 1102-1104 Cortelyou Road, Brooklyn, N. Y.

Swann Restaurant, Inc., admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Swann Restaurant, Inc., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Swann Restaurant, Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at 1102-1104 Cortelyou Road, Brooklyn, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Swann Restaurant, Inc., shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Swann Restaurant, Inc., its successors and assigns from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3404; Filed, Apr. 7, 1947; 4:20 p. m.]

[C-5]

K & S HOLDING CORP.

CONSENT ORDER

K & S Holding Corporation, a New York Corporation located at 606 Tiffany Street, Bronx, New York, is a holding company owning title to the premises located at 614 Tiffany Street, Bronx, New York. John W. Saxman is president of said corporation. K & S Holding Corporation is charged by the office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about October 22, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 614 Tiffany Street, Bronx, N. Y.; (2) on and after October 22, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 614 Tiffany Street, Bronx, N. Y.

K & S Holding Corporation admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of K & S Holding Corporation, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither K & S Holding Corporation, its successors and assigns, nor any other person shall do any further construction on the premises located at 614 Tiffany St., Bronx, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) K & S Holding Corporation shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for pri-

orities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve K & S Holding Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter except insofar as the same may be inconsistent with the provisions hereof.

Issued this 7th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3405; Filed, Apr. 7, 1947; 4:20 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2440]

CITY OF GREATER PRAGUE (CZECHOSLOVAKIA)

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of April A. D. 1947.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the 7½% Mortgage Loan Bonds of 1922, due May 1, 1952, issued by the City of Greater Prague, Czechoslovakia. The application alleges that (1) the municipality of the City of Greater Prague owns bonds of this issue of $4,146,000 principal amount, which it will cancel; (2) bonds of this issue in the principal amount of $482,000 remain outstanding; (3) that of the $482,000 principal amount remaining outstanding, $284,000 principal amount has been presented for stamping to show acceptance of the terms of an offer for resumption of service on this security that includes reduction of the interest rate to 6% per annum, modification of amortization provisions and extension of maturity to November 1, 1960; (4) that the unstamped bonds remaining outstanding in the hands of the public amount to only $198,000; (5) that the amount of this security outstanding in the hands of the public has been so reduced as to make further dealings therein on the New York Stock Exchange inadvisable; (6) that the trading in this security on the New York Stock Exchange was suspended at the opening of the trading session on March 7, 1947; (7) that the bonds of this issue which have been stamped to indicate acceptance of the terms of the offer for resumption of service, including modification of interest rate, amortization provisions and maturity date, are not listed on the New York Stock Exchange; and (8) the rules of the New York Stock Exchange with respect to striking a security from listing and registration have been complied with.

Upon receipt of a request, prior to June 2, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3344; Filed, Apr. 8, 1947; 8:46 a. m.]

[File No. 70-1326]

CONSOLIDATED ELECTRIC AND GAS CO. AND MAINE PUBLIC SERVICE CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND RELEASING JURISDICTION OVER FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of April A. D. 1947.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, having filed a declaration, as amended, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-44 and U-50 promulgated thereunder regarding the sale by it to the public at competitive bidding of 150,000 shares of common stock of its subsidiary company, Maine Public Service Company ("Maine");

This Commission, by order entered herein under date of March 19, 1947, having permitted said declaration, as amended, regarding the proposed sale of common stock of Maine to become effective subject, however, to the conditions, among others, that said sale should not be consummated until the results of the competitive bidding had been made a matter of record in this proceeding and a further order issued by this Commission in the light of the record so completed; and

Consolidated and Maine having filed an additional amendment to the declaration showing the action taken to comply with the requirements of Rule U-50, a hearing having been held thereon, and it appearing that, pursuant to invitations for competitive bids, separate bids were received as follows:

	Proceeds to Consolidated	
	Per unit	Total
Merrill Lynch, Pierce, Fenner & Beane	$20.28	$3,042,000
The First Boston Corp.	18.889	2,833,350

It appearing that Consolidated has accepted the bid of Merrill Lynch, Pierce, Fenner & Beane, and that it is the present intention of the successful underwriter to offer the common stock of Maine for sale to the public at a price of $22.00 per share and that the aggregate commission will be $258,000, or $1.72 per share; and

The amendment filed by Consolidated having set forth the fees and expenses in connection with the proposed sale of the common stock of Maine; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing special terms and conditions with respect to the price to be paid for said common stock or the underwriter's commission and it appearing that the fees and expenses are not unreasonable; and

Consolidated having requested that the order of this Commission conform with and contain the recitals, specifications and itemizations described in sections 371 (b), 371 (f), 373 (a) and 1808 (f) of the Internal Revenue Code, as amended:

It is ordered, That said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That the jurisdiction heretofore reserved by this Commission with respect to the payment of any fees or expenses of counsel, including the proposed fees to counsel for the prospective bidders, be, and the same hereby is, released.

It is further ordered, That the transactions proposed in said declaration, as amended, to be effected by Consolidated including particularly those hereinafter described and recited, are hereby approved and found to be necessary or appropriate to the integration or simplification of the Consolidated holding company system and to effectuate the provisions of section 11 (b) of the act;

(a) The sale by Consolidated, at competitive bidding of all of the capital stock of Maine owned by it, consisting of the outstanding 150,000 shares of Capital Stock of Maine of the par value of $10 per share, with the exception of 5 directors' qualifying shares; and

(b) The expenditure or application by Consolidated of the proceeds of the sale of its investment in said Capital Stock of Maine, or an amount equivalent thereto, in the payment and satisfaction and retirement of outstanding notes of Consolidated, dated November 29, 1945, and due November 29, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3345; Filed, Apr. 8, 1947; 8:46 a. m.]

Reference

APR 14 47

FEDERAL REGISTER

VOLUME 12 NUMBER 71

Washington, Thursday, April 10, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2725

AMENDING THE PROCLAMATIONS OF MARCH 6 AND MARCH 9, 1933, AND THE EXECUTIVE ORDER OF MARCH 10, 1933, TO EXCLUDE FROM THEIR SCOPE MEMBER BANKS OF THE FEDERAL RESERVE SYSTEM

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on March 10, 1933, the President of the United States, in pursuance of the program to permit resumption of banking operations following the Bank Holiday Proclamations No. 2039 of March 6 and No. 2040 of March 9, 1933, respectively, issued Executive Order No. 6073 which, among other things, authorized the Secretary of the Treasury to permit any member bank of the Federal Reserve System and any other banking institution organized under the laws of the United States to perform any or all of their usual banking functions except as otherwise prohibited; and

WHEREAS on December 30, 1933, the President of the United States issued Proclamation No. 2070 which excluded from the scope of the said proclamations of March 6 and March 9, 1933, and the Executive order of March 10, 1933, all banking institutions which were not members of the Federal Reserve System; and

WHEREAS by December 30, 1933, the Secretary of the Treasury had acted upon all requests for licensing of member banks of the Federal Reserve System; and

WHEREAS on December 31, 1945, the Secretary of the Treasury issued a General License to transact normal banking business to all banks thereafter authorized to begin business by the Comptroller of the Currency and to all State banks thereafter admitted to membership in the Federal Reserve System, and thereby dispensed with the requirement of an individual license for each new member bank of the Federal Reserve System; and

WHEREAS it is no longer necessary, or in the interest of government internal management, for the Secretary of the Treasury to license the transaction of normal banking business:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by section 5 (b) of the Trading with the Enemy Act of October 6, 1917, 40 Stat. 415, as amended, and section 4 of the act of March 9, 1933, 48 Stat. 2, and by virtue of all other authority vested in me, do hereby, in the interest of the internal management of the Government, proclaim, order, direct, and declare that the said proclamations of March 6 and March 9, 1933, and Executive order of March 10, 1933, as amended, are further amended to exclude from their scope banking institutions which are members of the Federal Reserve System: *Provided, however*, that no banking institution shall pay out any gold coin, gold bullion, or gold certificates, except as authorized by the Secretary of the Treasury, or allow the withdrawal of any currency for hoarding.

This proclamation shall become effective as of March 15, 1947.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of April in the year of our Lord nineteen hundred and forty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-3440; Filed, Apr. 8, 1947; 3:45 p. m.]

PROCLAMATION 2726

CHILD HEALTH DAY, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress, by a joint resolution of May 18, 1928 (45 Stat. 617),

(Continued on p. 2345)

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authorized and requested the President "to issue annually a proclamation setting apart May 1 of each year as Child Health Day and inviting all agencies and organizations interested in child welfare to unite upon that day in the observance of such exercises as will awaken the people of the Nation to the fundamental necessity of a year-round program for the protection and development of the health of the Nation's children"; and

WHEREAS every citizen of our country has an inescapable obligation to aid in insuring the American child's birthright of health and of freedom from handicaps; and

WHEREAS accidents are the leading cause of death and an important cause of crippling among children:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate May 1, 1947, as Child Health Day; and I invite interested individuals and agencies to observe the day with appropriate ceremonies designed to stimulate interest in and devotion to the cause of child welfare in the coming year.

I call upon parents to dedicate themselves on that day to the exercise of unusual diligence throughout the year toward the prevention of accidents in the home, so that the children may be protected from needless injury and suffering and may receive and enjoy the blessings of health and happiness.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of April, in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-3476; Filed, Apr. 9, 1947; 11:22 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary

CERTIFICATION OF ALLOCATION OF CERTAIN MATERIALS NECESSARY TO MEET INTERNATIONAL COMMITMENTS

Correction

In Federal Register Document No. 47-3222 appearing on page 2155 of the issue for Wednesday, April 2, 1947, the file line at the end should read: "[F. R. Doc. 47-3222, Filed, Apr. 1, 1947; 8:47 a. m.]".

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

CERTIFICATION OF ALLOCATION OF CERTAIN MATERIALS NECESSARY TO MEET INTERNATIONAL COMMITMENTS

Correction

CROSS REFERENCE: For a correction to the certification of allocation of certain materials necessary to meet international commitments see Title 15, Subtitle A, *supra*.

[Departmental Reg. OR 1]

PART 1—FUNCTIONS AND ORGANIZATION

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 237), the present Parts 1 and 2 of the Code of Federal Regulations (11 F. R. 177A-2 to 177A-7) are hereby superseded by a single new Part 1 entitled "Functions and Organization", the text of which is annexed hereto.

Foreword. This Organization Manual describes the present organizational structure of the Department and sets forth the present functional assignments to component parts. It constitutes the basic operating directive of the Department. No changes in organizational arrangements or functional assignments are to be made without approval of the Assistant Secretary for Administration, in conformity with DR 260.1; without publication in this Manual; and without promulgation in the FEDERAL REGISTER, where necessary in conformity with the Administrative Procedures Act of 1946.

The organization of the Department and the assignments of functions to its component parts are not to be considered frozen in their present form. In any organization the size of the Department there is always room for improvement. All officers are encouraged to suggest changes which in their opinion will improve the distribution of functions and aid in the effectiveness of operation. However, since any changes in one part of the organization may affect the operations and organizations as a whole, it is necessary to require the review and approval of such changes before they are put into effect.

The effectiveness of Departmental operations depends to a considerable extent upon the understanding by every officer of his place in the structure and upon the creating of good working relationships between his unit and others. Therefore, it is incumbent upon every officer of the Department to study and familiarize himself with the contents of this Organization Manual.

Sec.
1.1 The Department.
1.100 Secretary of State.
1.110 Under Secretary of State.
1.130 Under Secretary of State for Economic Affairs.
1.160 Counselor.
1.170 Special Assistant to the Secretary for Press Relations.
1.190 Executive Secretariat.
1.200 Assistant Secretary; occupied areas.
1.300 Special Assistant to the Secretary for Research and Intelligence.
1.310 Office of Intelligence Research.
1.320 Office of Intelligence Collection and Dissemination.
1.400 Assistant Secretary; Public Affairs.
1.410 Office of Public Affairs.
1.420 Office of International Information and Cultural Affairs.
1.500 Assistant Secretary; economic affairs.
1.510 Office of International Trade Policy.
1.520 Office of Financial and Development Policy.
1.530 Office of Economic Security Policy.
1.540 Office of the Foreign Liquidation Commissioner.
1.570 Office of Transport and Communications.
1.1000 Assistant Secretary; American Republic Affairs.
1.1010 Office of American Republic Affairs.
1.1110 Office of European Affairs.
1.1130 Office of Far Eastern Affairs.
1.1150 Office of Near Eastern and African Affairs.
1.1510 Office of Special Political Affairs.
1.1800 Assistant Secretary; Administration.
1.1810 Office of Controls.
1.1820 Director General of the Foreign Service.
1.1830 Office of the Foreign Service.
1.1840 Office of Budget and Finance.
1.1850 Office of Departmental Administration.
1.1900 Legal Adviser.
1.2500 Committees, Commissions, and Boards.

§ 1.1 *The Department—(a) Purpose.* The Department of State is the agency of the United States created by law to assist the President in the formulation and execution of foreign policy, and in the conduct of foreign affairs and of certain domestic affairs.

(b) *Major functions.* In fulfilling its purpose the Department performs the following functions:

(1) Develops plans for peace and security among all nations; participates in the United Nations and other international organizations; furthers international understanding through dissemination of information and through the development of cultural relations with all peoples.

(2) Conducts diplomatic correspondence; negotiates treaties and other international agreements; and participates in international conferences, congresses, expositions, and similar activities.

(3) Has jurisdiction over the settlement of international claims and the arbitration of international disputes to which the United States is a party.

(4) Correlates the foreign activities of all Federal agencies.

(5) Administers the laws and programs for passport, visa, and munition-import and -export control.

(6) Assists the National Intelligence Authority in the collection of information and research.

(7) Administers the Foreign Service of the United States.

(8) Conducts official correspondence with the States of the Union, including that concerning Constitutional amendments and the ascertainment of presidential electors; has custody of the Seal of the United States; and issues the "Foreign Relations of the United States," the "Statutes at Large of the United States," and other publications of public interest relating to foreign and domestic affairs.

§ 1.100 *Secretary of State.* The Secretary of State, as head of the Department of State and principal adviser to the President in the determination and execution of United States foreign policy, has general direction over all the functions of the Department.

§ 1.110 *Under Secretary of State*—(a) *Purpose.* To advise and assist the Secretary in the formulation, determination, and execution of United States foreign policy.

(b) *Major functions.* The Under Secretary:

(1) Serves as the Secretary's principal adviser and as Acting Secretary of State during his absence.

(2) Assists in providing policy direction to the American delegations to the United Nations and its affiliated agencies.

(3) Assists in directing the execution of policy-determinations affecting international conferences, congresses, and committees in their consideration of methods whereby groups of nations may carry on activities cooperatively.

(4) Assists in directing the Department's relationships with Congress in obtaining support of our foreign policy.

§ 1.130 *Under Secretary of State for Economic Affairs*—(a) *Purpose.* To advise and assist the Secretary in the formulation, determination, and execution of the foreign economic policy as a part of the over-all foreign policy of the United States.

(b) *Major functions.* The Under Secretary for Economic Affairs:

(1) Advises the Secretary on international economic relations.

(2) Assists in the formulation of foreign economic policy and coordinates foreign economic programs and activities.

(3) Serves as Acting Secretary of State during the absence of the Secretary and Under Secretary.

(4) Acts for the Secretary and the President on international economic matters as required.

(5) Represents the Department on numerous interagency committees.

§ 1.160 *Counselor*—(a) *Purpose.* To advise and assist the Secretary in the consideration and solution of major problems of foreign relations as assigned to him.

(b) *Major functions.* The Counselor:

(1) Serves as Acting Secretary of State during the absence of the Secretary, the Under Secretary, and the Under Secretary for Economic Affairs.

(2) Assists the Secretary in negotiating treaties and agreements with other governments.

(3) Assists on the relationship of domestic policies to our foreign policy.

§ 1.170 *Special Assistant to the Secretary for Press Relations*—(a) *Purpose.* To represent the Secretary in dealing with representatives of the foreign and domestic press and of radio, news-reel, and photographic agencies on news developments relating to the Department.

(b) *Major functions.* The office of the Special Assistant to the Secretary for Press Relations performs the following functions:

(1) Serves as adviser to the Secretary on press relations.

(2) Arranges and assists at press conferences held by the Department.

(3) Plans, prepares, and releases information to all news media on the activities and policies of the Department.

(4) Arranges for press services and relations at international conferences held in the United States and provides a Press Officer at international conferences held abroad.

(5) Prepares the News Digest, a daily summary of news stories, editorials, magazine articles, columns and radio commentaries on international relations which have a particular bearing upon the Department's activities. Prepares the Foreign Press Summary, a daily summary of comment in leading publications abroad.

(6) Prepares and distributes clippings, press releases, and press conference summaries to the Department and Foreign Service.

(c) *Organization.* The office of the Special Assistant to the Secretary for Press Relations is composed of the office of the Special Assistant, Press Branch, News Digest Branch, and Newspaper Analysis Branch.

(1) Office of the Special Assistant:

(i) Serves as adviser to the Secretary, Under Secretary, and other officials of the Department on press relations, both in the Department and at international conferences.

(ii) Maintains liaison with the press-relations sections of the White House and other Federal agencies.

(iii) Acts as the clearance agency of the Department for speeches, news releases, articles, statements, et cetera, where such material is issued by other Federal agencies and bears on foreign policy and where such material is issued by the Department and relates to the activities of other Federal agencies.

(iv) Exercises general supervision over the Press Branch, the News Digest Branch, and the Newspaper Analysis Branch.

(2) Press Branch:

(i) Deals directly with the press on current activities of the Department and clears information for the press with proper Departmental officers.

(ii) Answers the inquiries of press and supplies requested background information.

(iii) Prepares and distributes press releases.

(iv) Arranges press conferences and special interviews.

(v) Maintains cross-reference files on all releases issued by the Department and the White House.

(3) News Digest Branch: Prepares news digest and foreign press summary for distribution throughout the Department, and to the Foreign Service and other Federal agencies as requested.

(4) Newspaper Analysis Branch: Prepares, distributes, and catalogues press clippings dealing with foreign policy.

§ 1.190 *Executive Secretariat*—(a) *General statement.* The functions of the Executive Secretariat will be issued at a later date. However, the following organization units are at present a part of the Executive Secretariat, with the functions indicated.

(b) *Central Secretariat.* The Central Secretariat performs the following functions:

(1) Serves as secretariat for the Secretary's Staff Committee and such Departmental and interdepartmental committees as request assistance.

(2) Gives technical assistance of various kinds to officers of the Department who are preparing policy recommendations for consideration in Departmental committees.

(3) Acts as a channel through which policy matters originating in the Offices, divisions, and Departmental and interdepartmental committees concerned with foreign policy problems, may be brought to the appropriate committee or the officers.

(4) Communicates the decisions of the policy-formulating committees to the appropriate officers of the Department.

(5) Maintains a comprehensive file of policy decisions, based upon the activities of committees and international conferences and the directives of the officers of the Department, the Secretary of State, and the President of the United States.

(c) *Division of Coordination and Review.* The Division of Coordination and Review performs the following functions:

(1) Reviews, edits, and coordinates outgoing correspondence.

(2) Acts as the official channel for the orderly receipt, presentation for signature, and proper disposition of outgoing correspondence.

(3) Plans, initiates, and executes policies and procedures for effective preparation, coordination, and review of correspondence originating in the Department.

(4) Provides general information and advises on Departmental practice, procedure, and precedents relating to correspondence.

(d) *Division of Protocol.* The Division of Protocol performs the following functions:

(1) Plans and makes all arrangements for foreign visits of state; and arranges for the reception by the President and the Secretary of State, of the chiefs of foreign missions and of distinguished foreign guests.

(2) Arranges with Federal, state, and local government agencies for the granting of privileges and immunities to foreign government and international organization officials.

(3) Advises the President and Secretary on all matters of protocol.

(4) Operates the Blair House and the Blair-Lee House for the housing and entertaining of distinguished foreign guests.

§ 1.200 *Assistant Secretary of State; occupied areas*—(a) *Purpose.* To advise and assist the Secretary in the coordination of State Department policies and the formulation of United States foreign policy with respect to the occupation and government of occupied areas, to arms and armaments matters, to refugees and displaced persons; to questions coming before the Far Eastern Commission.

(b) *Major functions.* The office of the Assistant Secretary is responsible for the performance of the following functions, chiefly through the German-Austrian and Japanese-Korean Secretariats.

(1) Coordinates the development of United States policy for public administration in occupied areas, which includes Control Council organization, civil-government administration, laws and courts, communications, public information, religion, education, and fine arts.

(2) Coordinates the development of United States disarmament and security policy in occupied areas, which includes disarmament, demilitarization, reparations, internal and external restitution, external assets, decentralization, decartelization, property-control, denazification, and war crimes.

(3) Coordinates the development of United States policy for standards of living and economic matters in the occupied areas.

(4) Coordinates the development of United States policy for financial matters in the occupied areas, which includes valuation of currency, exchange rates, taxation, and budgetary matters.

(5) Coordinates and expedites development of United States policy for arms and armament.

(6) Coordinates the development of policy with respect to the political-military problems of the State, War, and Navy Departments.

(7) Formulates United States policy and coordinates action with respect to refugees and displaced persons.

(8) Provides State Department representation on the State-War-Navy Coordinating Committee.

(c) *Organization.* The office of the Assistant Secretary has no large organization, having no large staff of its own, but depends chiefly upon the personnel and facilities of other offices of the Department for the accomplishment of its functions.

(d) *Relationships with other agencies.* The Assistant Secretary:

(1) Maintains close relationship with the War and Navy Departments, which are responsible for the execution of the over-all United States policy in occupied areas.

(2) Advises with the Departments of Agriculture, Commerce, Labor, and Treasury through the Advisory Committee on Occupied Areas.

§ 1.300 *Special Assistant to the Secretary for Research and Intelligence (Ranks with Assistant Secretaries)*—(a) *Purpose.* To advise and assist the Secretary of State in the field of foreign intelligence, and to formulate and execute a Departmental program for providing the foreign intelligence required by him in the conduct of foreign affairs and the safeguarding of the national security.

(b) *Major functions.* The Special Assistant for Research and Intelligence performs the following functions:

(1) Advises and assists the Secretary in the development and implementation of a comprehensive and coordinated foreign-intelligence program for the United States.

(2) Develops and implements a coordinated program for positive foreign intelligence for the Department, including the procurement of the requisite information and materials and the production of the intelligence studies and spot intelligence pertinent to the formulation and execution of foreign policy.

(3) In collaboration with the appropriate geographic, functional, and administrative offices, develops such instructions to the field as may be required by the Departmental and national intelligence programs.

(4) Determines which of the information and materials flowing into the Department are required for the production of timely intelligence.

(5) In consultation with the Assistant Secretary for Administration, adopts such special security measures within the intelligence organization, in addition to Departmental security regulations, as in his judgment may be required by the nature of the work.

(6) Serves as chairman of the Advisory Committee of Intelligence.

(7) Represents the Secretary on the Intelligence Advisory Board, which advises the Director of Central Intelligence, National Intelligence Authority; on the Joint Intelligence Committee of the Joint Chiefs of Staff; and on other inter-agency intelligence committees; and supervises Departmental participation in such groups.

(c) *Organization.* The Office of the Special Assistant includes such advisers, assistants, and appurtenant staff as may be necessary; a Special Projects Staff to serve appropriate officials of the Department with intelligence from interdepartmental sources and to represent the Department on groups responsible for such sources; the Department's complement of personnel for duty with the Central Intelligence Group; the Office of Intelligence Research; and the Office of Intelligence Collection and Dissemination.

(d) *Relationships with other agencies.* The Special Assistant to the Secretary has relationship:

(1) With the War and Navy Departments, through the Intelligence Advisory Board, to advise the Director of Central Intelligence, National Intelligence Authority, in the coordination of foreign intelligence affecting the national security, and, through the Joint Intelligence Committee, to advise the Joint Chiefs of Staff on intelligence matters.

(2) With the War and Navy Department, the Central Intelligence Group, and other appropriate Federal agencies, to coordinate activities in the interests of the research and intelligence program of the Department and to participate in the national intelligence program.

(3) With non-Federal organizations and individuals, to supplement the research and intelligence program of the Department.

§ 1.310 *Office of Intelligence Research*—(a) *Purpose.* Under the general direction of the Special Assistant for Research and Intelligence, to plan, develop, and implement an integrated intelligence-research program for the Department, and to coordinate it with those of other Federal agencies so that the Department will be provided with the intelligence concerning foreign countries necessary for the formulation and execution of United States foreign policy and so that the National Intelligence Authority and Central Intelligence Group will be provided with studies pertinent to the national security.

(b) *Major functions.* The Office performs the following functions:

(1) Plans and implements a Departmental intelligence-research program, including:

(i) Planning and coordinating regional and functional research programs, and organizing task groups as required for research projects;

(ii) Establishing priorities for individual research projects, and compiling and circulating periodic reports on the current status of Departmental intelligence projects;

(iii) Reviewing all intelligence research reports and disseminating finished reports;

(iv) Promoting continuous, close, and informal relationships between its constituent divisions and officials of the geographic, functional, and other offices of the Department, to encourage the exchange of information and to provide them with immediate and timely intelligence required for their operations.

(2) Provides positive intelligence research in regional and functional fields of study, and prepares or participates in the preparation of intelligence studies and spot intelligence for authorized recipients in the Department, the Central Intelligence Group, and other Federal agencies.

(3) Develops, with the cooperation and consent of other offices engaged in research of any character, a joint program for the exchange of information, acceptance of common standards, sharing of facilities, issuance of joint progress reports, and coordination of research work throughout the Department.

(4) Provides personnel and services for the Joint Intelligence Study Publishing Board.

(5) Arranges for the utilization of pertinent research facilities of other Federal agencies and non-Federal organizations.

(c) *Organization.* The Office consists of the Office of the Director, including the Office of the Executive Officer and the Intelligence Coordination Staff which performs the functions of planning, re-

viewing, and controlling projects; a complement of personnel for duty with the Joint Intelligence Study Publishing Board; and the Division of Research for American Republics; Division of Research for Europe; Division of Research for Far East; Division of Research for Near East and Africa; and Division of International and Functional Intelligence.

(d) *Relationships with other agencies.* The Office has relationship:

(1) With Federal agencies and the Central Intelligence Group, to coordinate efforts in relation to the intelligence research program and responsibilities of the Department.

(2) With non-Federal organizations and individuals, to supplement the intelligence research program of the Department.

§ 1.320 *Office of Intelligence Collection and Dissemination*—(a) *Purpose.* Under the general direction of the Special Assistant to the Secretary for Research and Intelligence, to plan, develop, and implement a program for the acquisition, maintenance, and dissemination of positive-intelligence materials and information; for the collection, evaluation, and compilation of biographic data on foreign personalities; and for the acquisition and maintenance of a comprehensive collection of foreign maps and the preparation of specialized maps and map-intelligence reports.

(b) *Major functions.* The Office performs the following functions:

(1) Plans, develops, and implements programs for:

(i) The acquisition and dissemination of positive-intelligence materials and information, including foreign publications;

(ii) The maintenance and servicing of the Department's central collection of positive-intelligence materials;

(iii) The collection and evaluation of biographic data, maintenance of biographic files, and preparation of biographic intelligence reports;

(iv) The acquisition and distribution of maps, maintenance of the Department central map collection, and preparation of specialized maps, map-intelligence reports, and boundary studies.

(2) Provides the secretariat for the Interdepartmental Committee on the Acqisition of Foreign Publications, and conducts liaison with other Federal agencies and private individuals or organizations in all matters of positive-intelligence collection and dissemination.

(c) *Organization.* The Office consists of the Office of the Director, including the Office of the Executive Officer and the Acquisition and Distribution Division, Reference Division, Biographic Information Division, and Map Intelligence Division.

(d) *Relationships with other agencies.* The Division has relationship:

(1) With the War and Navy Departments and Central Intelligence Group, to coordinate intelligence activities of the Department pertaining to the acquisition of, maintenance of libraries on, and dissemination of, foreign positive-intelligence materials and to the collection of biographic data and the preparation of biographic intelligence reports on foreign personalities.

(2) With Federal map-making services, map libraries, other interested agencies of the United States, and non-Federal organizations and individuals, in the procurement and exchange of maps and foreign map intelligence and in providing boundary information and appropriate specialty cartographic services.

(3) With all other Federal agencies, to procure for or lend to them, upon request, or to procure or borrow from them foreign positive-intelligence materials.

(4) With non-Federal organizations and individuals, to procure and borrow from them and to lend to them positive-intelligence materials.

§ 1.400 *The Assistant Secretary, Public Affairs*—(a) *Purpose.* To advise and assist the Secretary in the development and implementation of United States foreign policy with respect to international programs for the exchange of information and culture among the peoples of the world and to domestic programs designed to inform the American public concerning foreign relations.

(b) *Major functions.* The Assistant Secretary performs the following functions:

(1) Plans and develops the public information policy of the Department.

(2) Directs the Department's relations with other Federal agencies on all matters of public-information policy.

(3) Stimulates and facilitates the activities of private information agencies in the foreign field and services domestic private agencies as they deal with foreign relations.

(4) Serves as member of Board of Directors of the Institute of Inter-American Affairs and the Inter-American Educational Foundation.

(c) *Organization.* The Assistant Secretary has under his jurisdiction the Office of Public Affairs and Office of International Information and Cultural Affairs.

(d) *Relationships with other agencies.* The Assistant Secretary:

(1) Serves as chairman of the Interdepartmental Committee on Scientific and Cultural Cooperation.

(2) Serves as chairman of United States delegation to the United Nations Educational, Scientific, and Cultural Organization.

(3) Serves on the Inter-Departmental Social Policy Committee.

§ 1.410 *Office of Public Affairs*—(a) *Purpose.* To formulate and coordinate policy and action concerning the United States public aspects of foreign relations.

(b) *Major functions.* The Office performs the following functions:

(1) Maintains communication between the American public and the Department respecting foreign affairs.

(2) Undertakes historical research studies in the field of American foreign policy and American diplomatic relations.

(3) Initiates and coordinates the publication policy of the Department and directs the publication program.

(4) Plans and coordinates public-information programs representing all Departmental operations.

(5) Prepares, through a special staff of writers, informational material on foreign policy in the form of speeches for delivery by Department officials, pamphlets, summaries, outlines, and policy statements.

(c) *Organization.* The Office consists of the Office of the Director, Executive office, Division of Public Liaison, Division of Public Studies, Division of Historical Policy Research, and Division of Publications.

§ 1.420 *Office of International Information and Cultural Affairs*—(a) *Purpose.* To support United States foreign policy by giving foreign peoples a true picture of the aims, policies, and institutions of the United States and by promoting mutual understanding between Americans and other peoples as an essential foundation for durable peace; and to assist private activities contributing to this objective.

(b) *Major functions.* The Office performs the following functions:

(1) Coordinates policy and action for United States programs in the field of international information and cultural affairs.

(2) Disseminates abroad information about the United States through all appropriate media.

(3) Promotes freedom of information among all peoples.

(4) Furthers the international exchange of persons, knowledge, and skills.

(5) Integrates the programs and activities of other Federal agencies involving the international interchange of persons, knowledge, and skills with over-all United States foreign policy.

(c) *Organization.* The Office consists of the Office of the Director, which includes the Policy Coordination and Liaison Staff; United Nations Educational, Scientific, and Cultural Organization Relations Staff; Secretariat of the Interdepartmental Committee on Scientific and Cultural Cooperation; Information Liaison Unit; Program Planning and Evaluation Board, the Executive Office; Division of International Press and Publications; Division of International Broadcasting; Division of International Motion Pictures; Division of International Exchange of Persons; Division of Libraries and Institutes; Area Division I—Europe; Area Division II—Near East and Africa; Area Division III—Far East; Area Division IV—Other American Republics; and Area Division V—Occupied Areas.

(1) Policy Coordination and Liaison Staff:

(i) Acts as Secretariat for the Program Planning and Evaluation Board.

(ii) Issues, on behalf of the Program Planning and Evaluation Board, policy and program directives for the Office of International Information and Cultural Affairs.

(iii) Provides, for consideration and action by the Program Planning and Evaluation Board, evaluations of program effectiveness and compliance with policy directives.

(iv) Maintains liaison with other Offices of the Department and with other Federal agencies to obtain information for the divisions of the Office of International Information and Cultural Affairs.

(2) United Nations Educational, Scientific, and Cultural Organization Relations Staff:

(i) Serves as a policy planning and administrative agency to review, integrate, and direct the two-way flow of findings, policies, recommendations, and materials between the United Nations Educational, Scientific, and Cultural Organization, and the Department, other Federal agencies, the United States National Commission for the United Nations Educational, Scientific, and Cultural Organization, and interested organizations and individuals.

(ii) Serves as Secretariat for the United States National Commission to give advice on policy issues and provides research, analysis, administrative, and liaison services for the Commission.

(iii) Provides services similar to those set forth in the above paragraph, to the permanent staff in Paris and to United States representatives and delegates to the United Nations Educational, Scientific, and Cultural Organization.

(3) Secretariat of Interdepartmental Committee on Scientific and Cultural Cooperation:

(i) Integrates with over-all United States foreign policy and with policies of the Office of International Information and Cultural Affairs, the programs and activities of other Federal agencies of the Government involving international interchange of persons, knowledge, and skills.

(ii) Cooperates, on behalf of the Office of International Information and Cultural Affairs, with representatives from other Federal agencies participating in, or which may participate in, cooperative scientific, technical, and cultural activities abroad in the planning, coordination, or initiation of all such projects undertaken under the auspices of the United States.

(iii) In close cooperation with the appropriate offices of the Department, reviews and evaluates such current and past projects, and facilitates the appraisal of future projects or proposals of participating agencies.

(4) Information Liaison Unit:

(i) Serves as an information center for all activities of the Office, for headquarters and the field.

(ii) Obtains, correlates, and passes on to the Office of Public Affairs the necessary materials and policy guidance for the conduct of an information program.

(iii) Acts as the clearing house with the Office of Public Affairs and the Special Assistant to the Secretary for Press Relations, on matters of public information concerning the program of the Office.

(iv) Works with the Congressional Liaison Unit of the Office of the Assistant Secretary for Public Affairs on relations with the Congress.

(5) Program Planning and Evaluation Board:

(i) Reviews, coordinates, evaluates, and approves policy and program directives, projects originating in the Office, and information materials used by the Office.

(ii) Evaluates the programs of the Office as carried out.

(6) Office of the Executive Officer: In collaboration with the appropriate administrative offices of the Department, directs and controls the fiscal, management, and personnel matters of the Office, through assistant executive officers, in accord with Departmental policies and programs.

(i) Approves for policy and adequacy personnel proposals; coordinates and controls the processing of foreign and domestic personnel actions, including recruitment, placement, classification, separation, and travel.

(ii) Analyzes operations and evaluates methods for the purpose of establishing areas of responsibility, lines of authority, efficient work methods, flow of materials, control and adequate services; issues or approves office procedures and operating instructions.

(iii) Directs the preparation of the Office budget, determines allotments and availability of funds, maintains allotment- and personnel-ceiling controls, reviews financial statements and makes cost analyses of programs.

(iv) Maintains constant working relationships with other Departmental Offices on administrative matters and servicing functions.

(d) *Relationships with other agencies.* The Office has the following relationships:

(1) Is represented on the Interdepartmental Committee for Scientific and Cultural Cooperation.

(2) Is represented on the Interdepartmental Committee on the Acquisition of Foreign Publications.

§ 1.500 *Assistant Secretary; economic affairs*—(a) *Purpose.* To advise and assist the Secretary in the development and implemention of foreign economic policy with respect to international trade, finance, economic development and security, and transport and communications.

(b) *Major functions.* The office of the Assistant Secretary performs the following functions:

(1) Initiates, formulates, and coordinates foreign economic policy and action.

(2) Guides and directs economic programs and policy-development for the Offices under its jurisdiction.

(3) Through a Special Assistant for Economic and Social Council Affairs:

(i) Coordinates substantive matters coming before the Economic and Social Council and recommends United States position by consulting with appropriate offices in the Department and other Federal agencies and interdepartmental committees.

(ii) Affords the liaison point between the United States Representative on the Economic and Social Council of the United Nations and the various Federal agencies and interdepartmental committees.

(iii) Provides continuing liaison with other Federal agencies regarding their interest in economic and social matters coming before the United Nations or before specialized international organizations, the International Monetary Fund, and the International Bank for Reconstruction and Development, in their relationship to the Economic and Social Council.

(4) Through an Adviser on Relief and Rehabilitation Policy:

(i) Develops, directs, and coordinates the Department's policies regarding United States foreign relief and short-term rehabilitation problems.

(ii) Integrates the work of the United Nations Relief and Rehabilitation Administration with that of private relief agencies and other government-financed programs.

(iii) Furnishes policy-guidance for the control and administration of the United States contribution to the United Nations Relief and Rehabilitation Administration.

(iv) Determines, in consultation with interested parties in the Department of State, Department of Agriculture, representatives of British and Canadian Governments, and representatives of needy areas, the policy as to what relief, if any, will be required in those areas.

(5) Through an Economic Information Service:

(i) Edits and publishes the weekly "Current Economic Developments," which records the work of the economic offices of the Department.

(ii) Edits and publishes a "Secret Daily Economic Summary."

(iii) Prepares special reports and summaries in the economic field.

(iv) Supervises the technical aspect of the economic information and reporting activities in the various economic offices of the Department.

(v) Establishes procedures for the guidance of the information officers and representatives in the offices, to assure clear, comprehensive, accurate, and consistent reporting on economic matters.

(6) Through a Secretariat for the Executive Committee on Economic Foreign Policy:

(i) Anticipates and brings to the attention of the Executive Committee for coordination and policy recommendations, problems arising in the Federal agencies that involve United States foreign economic relations.

(ii) Recommends procedure, including the establishment of subcommittees, for the disposition of the problems.

(iii) Coordinates the activities of the Executive Committee, its subcommittees, and other related interdepartmental committees, to assure full coverage on all questions and problems to avoid overlapping and conflict.

(iv) Performs administrative services to assure efficient operation of the committee.

(c) *Organization.* The office of the Assistant Secretary consists of the Assistant Secretary, Special Assistant for Economic and Social Council Affairs, Adviser on Relief and Rehabilitation Policy, Economic Policy Information Service, and Secretariat for the Executive Committee on Economic Foreign Policy, and has jurisdiction over the Office of International Trade Policy, Office of Financial and Development Policy, Office of Economic Security Policy, Office of the Foreign Liquidation Commissioner, and Office of Transport and Communications.

§ 1.510 *Office of International Trade Policy*—(a) *Purpose.* To strive for the adoption and continuing application of principles and methods by which the United States and other countries may concert their action for the expansion of the production, exchange, and consumption of goods, and for the improvement of labor, social, and health standards; and otherwise to promote the interests of the United States and its nationals in matters pertaining to international economic, trade, and commercial affairs.

(b) *Major functions.* The Office performs the following functions:

(1) Directs and coordinates the work and programs of the Divisions of Commercial Policy, International Resources Division, Petroleum Division, and Division of International Labor, Social, and Health Affairs.

(2) Collaborates with other Offices in the coordination of the programs of the Office of International Trade Policy with the programs within the primary jurisdiction of such Offices.

(3) Represents the Department on interdepartmental committees and interagency organizations dealing with international economic affairs, as occasion requires.

(4) Represents the United States on delegations to international conferences, as directed.

(5) Selects, reviews, and edits material for periodic reports for the Secretary, officers of the Department, and Foreign Service missions, pertaining to the work of the Office; and develops pertinent background material for the guidance of the Director and senior officers of the Office and its divisions, as assigned.

(6) Plans, recommends, and initiates procedures and methods designed to improve the effectiveness of the Office.

(7) Exercises general supervision over budget estimates and budget administration of the Office.

(8) Provides assistance to the constituent divisions on matters pertaining to management and fiscal problems.

(9) Maintains and administers central message-distribution and control center for the Office.

(c) *Organization.* The Office consists of the Division of Commercial Policy, International Resources Division, Petroleum Division, and Division of International Labor, Social, and Health Affairs.

(d) *Relationships with other agencies.* The Office:

(1) Serves as a focal point for interagency collaboration and cooperation in those matters within its jurisdiction, particularly with the Departments of Commerce, Agriculture, Treasury, War, Navy, Justice, and Labor, and with the Federal Security Agency and Reconstruction Finance Corporation.

(2) Supervises and participates in the conduct of international negotiations and discussions, and in the preparation of official communications to other governments, pertaining to matters within the jurisdiction of this Office and its divisions.

§ 1.520 *Office of Financial and Development Policy*—(a) *Purpose.* To provide leadership, guidance, and coordination of the work of the constituent and primarily responsible divisions engaged in development of Departmental policy in the fields of international financial, monetary, investment, and economic development affairs.

(b) *Major functions.* The Office performs the following functions:

(1) Directs and coordinates the activities of the component divisions.

(2) Reviews and integrates the policies formulated in the divisions.

(3) Coordinates and integrates policy developments and programs of this Office with those of the other Offices in the economic area.

(4) Acts in an advisory capacity to the Assistant Secretary and Under Secretary for Economic Affairs as necessary in relation to the financial, monetary, and economic development phases of over-all policy problems under consideration in those offices.

(5) Acts as alternate for the Under Secretary for Economic Affairs or Assistant Secretary, as required, in representing the Department before inter-agency bodies.

(6) Provides representation for the Department on interdepartmental committees and in organizations dealing with international financial economic-development affairs.

(7) Coordinates Departmental positions and activities relating to organizations and agencies concerning which the Office is charged with primary responsibility for liaison and represenation; for example, the Export-Import Bank and the National Advisory Council.

(8) Provides representation for the Department in treaty negotiations with foreign governments on international double taxation.

(c) *Organization.* The Office consists of the office of the Director, including advisers and the Information Unit; Executive Officer; Division of Financial Affairs; Division of Investment and Economic Development; and Division of Lend-Lease and Surplus War Property Affairs.

(d) *Relationships with other agencies.* The Office has relationship:

(1) With the Treasury Department, particularly the Division of Monetary Research, on financial matters which involve aspects of domestic economy as well as United States foreign relations.

(2) With the Department of Commerce, particularly the Office of International Trade, on financial and investment matters involved in United States foreign trade.

(3) With the Federal Reserve Board, on international financial matters which are interrelated with domestic finances.

(4) With the War Department, on financial questions growing out of the invasion and occupation of foreign territory by United States forces.

(5) With the Navy Department, on financial questions growing out of the invasion and occupation of foreign territory by the United States forces.

(6) With the Bureau of Budget, on special international relationships where budget problems, either those of the United States or foreign governments, are involved.

(7) With the Export-Import Bank, especially in connection with the responsibilities of the Secretary of State as a member of the Board of Directors of the Bank.

(8) Through the National Advisory Council, with the United States Executive Directors of the International Bank for Reconstruction and Development and the International Monetary Fund.

§ 1.530 *Office of Economic Security Policy*—(a) *Purpose.* To initiate, formulate, and coordinate policy and action for economic security policy in the occupied countries and Korea, including the economic aspects of the peace treaties; to eliminate the economic war potential of the ex-enemy countries; to settle claims arising from the war; to establish healthy and independent economies; and to reconstruct and integrate these countries into the economies of Europe and the Far East.

(b) *Major functions.* The office performs the following functions:

(1) Coordinates the relationship between the Safehaven program on external assets of the Division of Economic Security Controls with the programs on internal assets of the Divisions of German and Austrian Economic Affairs and Japanese and Korean Economic Affairs.

(2) Coordinates reparations policy in Germany and Japan.

(3) Contacts foreign missions in this country on economic interests of their nationals in the occupied countries.

(4) Coordinates the administrative functions within its component divisions and performs administrative functions for the Safehaven missions.

(c) *Organization.* The Office consists of the Division of Economic Security Controls, Division of German and Austrian Economic Affairs, and Division of Japanese and Korean Economic Affairs.

§ 1.540 *Office of the Foreign Liquidation Commissioner*—(a) *Purpose.* To formulate a coordinated United States foreign policy with respect to the disposal of surplus property and the termination and settlement of lend-lease programs; to insure that the United States and its citizens and their enterprises receive the maximum economic security possible in the disposal of surplus property and the settlement of lend-lease.

(b) *Major functions.* The Office performs the following major functions:

(1) Directs the disposal of foreign-located surpluses.

(2) Coordinates the program of the Office of Foreign Liquidation with the programs of other Federal agencies.

(3) Determines basic objectives with respect to surplus-property disposals and lend-lease settlements.

(4) Develops major sales opportunities, concluding agreements with larger purchasers.

(c) *Organization.* The Office consists of the Commissioner, Deputy Executive Director for Lend-Lease, Deputy Executive Director for Operations, Legal Division, Control Division, Administrative Division, Fiscal and Accounting Division, Research and Statistics Division, and Public Information Division.

(d) *Relationships with other agencies.* The Office of Foreign Liquidation has relationships with the following agencies with respect to top-level policy decisions in the disposal of surplus property and the interim program:

(1) War Department.
(2) Navy Department.
(3) War Assets Administration.
(4) Congress.
(5) Bureau of the Budget.
(6) Maritime Commission.
(7) Office of War Mobilization and Reconversion.
(8) Civilian Production Administration.
(9) Commerce Department, on reparations.
(10) Interior Department, on surplus in United States possessions.

§ 1.570 *Office of Transport and Communications*—(a) *Purpose.* To assure that national and international policies in the fields of aviation, shipping, inland transport, and telecommunications are consistent with, and advance the principles advocated by, the United States; to press for the elimination of artificial barriers to international navigation, in order that no nation, by accident of geographic location, shall be denied free access to seaports and international waterways; to promote the principle that the seas and air be open to all nations on equal terms for peaceable trade; to protect the transportation and communication interests of the United States and its citizens abroad.

(b) *Major functions.* The Office performs the following functions:

(1) Represents the Department on international bodies and interdepartmental committees concerned with transportation and communication matters.

(2) Establishes and maintains adequate liaison at the Office level and above within the Department, and with other Federal agencies.

(3) In the conduct of negotiations with foreign governments on transport and communication matters, and in the advance preparations for such negotiations, acts in collaboration with all interested Federal agencies and coordinates and integrates the policy formulated in connection with such preparation.

(c) *Organization.* The office consists of the Aviation Division, Shipping Division, and Telecommunications Division.

(d) *Relationships with other agencies.* The Office maintains membership on interdepartmental committees and has relationship with other Federal agencies interested in transport and communications, and with international organizations dealing with such matters.

§ 1.1000 *Assistant Secretary for American Republic Affairs*—(a) *Purpose.* To advise and assist the Secretary in the formulation and coordination of policy and action for the conduct of United States relations with the other American republics.

(b) *Major functions.* The office of the Assistant Secretary performs the following functions:

(1) Participates, through membership on the Secretary's Staff Committee, in advising on, planning, and formulating over-all United States policies regarding current, anticipated, and long-range problems and programs.

(2) Reviews major policy decisions affecting the area of its responsibility.

(3) Determines the over-all pattern for the execution of United States policy in the area of its jurisdiction.

(c) *Organization.* The office of the Assistant Secretary consists of such staff assistants as he may designate and the Office of American Republic Affairs.

(d) *Relationships with other agencies.* The Assistant Secretary has the following relationships:

(1) Participates in such inter-agency committees or conferences established to consider problems affecting the area of his jurisdiction.

(2) Represents the United States on the Governing Board of the Pan American Union.

(3) Serves as member for the United States and Chairman of the Inter-American Economic and Social Council.

(4) Serves as a member of the Board of the Foreign Service.

(5) Serves as Chairman of the Boards of Directors of the Institute of Inter-American Affairs and the Inter-American Educational Foundation.

§ 1.1010 *Office of American Republic Affairs*—(a) *Purpose.* To formulate plans and over-all policies for the conduct of United States relations with the countries and areas under its jurisdiction, and to coordinate and review policy matters originating within other geographic or functional offices of the Department or other Federal agencies.

(b) *Major functions.* The Office performs the following functions:

(1) Develops basic policies to govern the conduct of United States relations with the countries and areas under its jurisdiction.

(2) Directs the conduct of foreign relations with the countries under its jurisdiction, taking the initiative in affairs primarily political, and, in other affairs, stimulating the functional offices of the Department and the other Federal agencies charged with primary responsibility in specialized fields.

(3) In the formulation of policy, draws into consultation all appropriate functional offices of the Department and all appropriate Federal agencies.

(4) Keeps other offices of the Department and other Federal agencies adequately informed on emerging problems, policy decisions, and action with respect to countries under its jurisdiction, so that all United States programs in such countries may be coordinated with over-all United States foreign policy.

(5) Reviews and evaluates programs and activities of other offices of the Department and other Federal agencies, as they affect the political situation in a particular area.

(6) Directs and instructs United States Foreign Service establishments in the countries and areas within its jurisdiction, and aids the Special Assistant for Research and Intelligence in drafting such instructions to the field as are required by the Departmental and National Intelligence programs.

(7) In collaboration with the Office of the Foreign Service, other interested offices of the Department, and other Federal agencies, advises on the type and number of personnel required in Foreign Service establishments.

(8) Maintains close relationships with appropriate foreign diplomatic missions in the United States.

(9) Provides representation on appropriate intra-departmental and inter-agency committees.

(10) Assures continuous interchange of information and close and informal relationships between its constituent divisions and the intelligence offices of the Department.

(11) Assists the Assistant Secretary for American Republic Affairs in carrying out the liquidation and orderly disposition of the affairs of the Office of Inter-American Affairs, Institute of Inter-American Transportation, Inter-American Navigation Corporation, and Prencinradio, Inc., furnishing one of the directors for these corporations.

(12) Coordinates and maintains the necessary contacts within the Office for assignments of specialists to other American republics under Public Law 63 of the 76th Congress, taking the appropriate action required to procure them through the Interdepartmental Committee on Scientific and Cultural Cooperation.

(c) *Organization.* The Office consists of the Information Section, office of the Executive Officer, Division of Special Inter-American Affairs, Division of Mexican Affairs, Division of Caribbean Affairs, Division of Central American and Panama Affairs, Division of Brazilian Affairs, Division of North and West Coast Affairs, and Division of River Plate Affairs.

(1) Information Section:

(i) Evaluates and disseminates policy developments in the area and throughout the world, for transmission to appropriate officers of the Department and to Foreign Service establishments.

(ii) Keeps the Special Assistant to the Secretary for Press Relations and the Office of Public Affairs informed on current developments.

(2) Office of the Executive Officer:

(i) Implements the programs of the Office and assures their coordination within the Office and its divisions and in the Department at large.

(ii) Assists the Director in re-evaluating established objectives, programs, and organization in the light of current developments.

(iii) Directs the administration of the Office and its divisions, including management, fiscal, personnel, and administrative service.

(iv) Participates in the formulation of administrative policy for the Department, through membership in the Executive Officers Council.

(v) Works in close relationship with the Office of Departmental Administration, to assure uniformity of administration and maximum operating effectiveness.

§ 1.1110 *Office of European Affairs*—(a) *Purpose.* To formulate plans and over-all policies for the conduct of United States relations with the countries and areas under its jurisdiction, and to co-

ordinate and review policy matters originating within other geographic or functional offices of the Department or other Federal agencies.

(b) *Major functions.* The Office performs the following functions:

(1) Develops basic country and area policies to govern the conduct of United States relations with the countries and areas under its jurisdiction.

(2) Directs the conduct of foreign relations with the countries under its jurisdiction, taking the initiative in affairs primarily political, and, in other affairs, stimulating the functional offices of the Department and the other Federal agencies charged with primary responsibility in specialized fields.

(3) In the formulation of policy, draws into consultation all appropriate functional offices of the Department and all appropriate Federal agencies.

(4) Keeps other offices of the Department and other Federal agencies adequately informed on emerging problems, policy decisions, and action with respect to these countries, so that all United States programs in such countries may be coordinated with the over-all United States foreign policy.

(5) Reviews and evaluates programs and activities of other offices of the Department and of other Federal agencies, as they affect the political situation in a particular area.

(6) Directs and instructs United States Foreign Service establishments in the countries and areas within its jurisdiction, and assists the Special Assistant for Research and Intelligence in developing instructions to the field as may be required by the Departmental and national intelligence programs.

(7) In collaboration with the Office of the Foreign Service, interested offices of the Department, and other Federal agencies, advises on the type and number of personnel required in Foreign Service establishments.

(8) Maintains close relationships with appropriate foreign diplomatic missions in the United States.

(9) Provides representation on appropriate intradepartmental and interagency committees.

(10) Assures continuous interchange of information and the maintenance of close and informal relationships between its constituent divisions and the intelligence offices of the Department.

(11) Assists the Assistant Secretary in charge of Occupied Areas in the coordination of State Department policy with respect to all matters relating to the occupation of Germany and Austria.

(12) Reports on important programs in the field of political movements and their international connections.

(c) *Organization.* The Office consists of the Special Assistants for Economic Affairs: Special Assistant for United Nations Affairs; Special Research Section; Policy Information Section; Office of the Executive Officer; and the following: the Division of British Commonwealth Affairs, Division of Eastern European Affairs, Division of European Affairs, Division of Southern European Affairs; Division of Northern European Affairs, and Division of Western European Affairs.

(1) Special Assistants for Economic Affairs:

(i) Advise on, and evaluate economic, commercial, and financial policy and trends, both of the United States and of the countries within the jurisdiction of the Office, from the point of view of their political effects upon United States relations with the countries and areas.

(ii) Perform continuous liaison with the economic offices of the Department in the determination and development of economic policies.

(iii) Perform special assignments abroad to consult with economic and diplomatic staffs in the field and to negotiate with representatives of foreign governments.

(2) Special Assistant for United Nations Affairs:

(i) Advises on matters relating to the United Nations and its auxiliary organizations, integrating area policy with the policy of the United States in relations with the United Nations.

(ii) Serves as adviser and consultant on special assignments to the United States delegation at meetings of the Security Council and the General Assembly of the United Nations.

(iii) Represents the Office at interdepartmental and inter-agency meetings on United Nations matters.

(iv) Performs liaison functions between the Office and its component divisions and the Office of Special Political Affairs.

(3) Special Research Section:

(i) Advises on highly confidential matters in the field of political movements and their international implications.

(ii) Prepares comprehensive studies and analyses of the political developments in foreign countries for submission to appropriate officials in the Department and abroad.

(4) Policy Information Section:

(i) Evaluates and disseminates policy developments both in the area and throughout the world for transmission to appropriate officers of the Department and to Foreign Service establishments.

(ii) Advises the Office of International Information and Cultural Affairs on informational policy aspects of their operations and keeps the Office informed on public information problems.

(iii) Keeps the Office of the Special Assistant to the Secretary for Press Relations and the Office of Public Affairs currently informed on developments.

(iv) Correlates the preparation of appropriate policy statements.

(v) Represents the Office on the Policy Information Committee.

(5) Office of the Executive Officer:

(i) Implements the programs of the Office and assures their coordination within the Office and its divisions and within the Department at large.

(ii) Assists the Director in re-evaluating established obectives, programs, and organization in the light of current developments.

(iii) Directs the administration of the Office and its divisions, including management, fiscal, personnel, and administrative service matters.

(iv) Participates in administrative policy formulation for the Department through membership in the Executive Officers Council.

(v) Works in close relationship with the Office of Departmental Administration to assure uniformity of administration and maximum operative effectiveness.

(d) *Relationships with other agencies.* The Office has relationship:

(1) With the War and Navy Departments, by participation on subcommittees of the State-War-Navy Coordinating Committee on policy matters concerning Europe and by direct contact with the Civil Affairs Division and the Plans and Operations Division of the War Department.

(2) With other Federal agencies, concerning political aspects of their respective programs.

§ 1.1130 *Office of Far Eastern Affairs*—(a) *Purpose.* To formulate plans and over-all policies for the conduct of United States relations with the countries and areas under its jurisdiction, and to coordinate and review policy matters originating within other geographic or functional offices of the Department or other Federal agencies.

(b) *Major functions.* The Office performs the following functions:

(1) Develops basic policies to govern the conduct of United States relations with the countries and areas under its jurisdiction.

(2) Directs the conduct of foreign relations with the countries under its jurisdiction, taking the initiative in affairs primarily political and, in other affairs, stimulating the functional offices of the Department and other Federal agencies charged with primary responsibility in specialized fields.

(3) In the formulation of policy, draws into consultation all appropriate functional offices of the Department and all appropriate Federal agencies.

(4) Keeps other offices of the Department and other Federal agencies adequately informed on emerging problems, policy decisions, and action with respect to these countries, so that all United States programs in such countries may be coordinated with the over-all United States foreign policy.

(5) Reviews and evaluates programs and activities of other offices of the Department and of other Federal agencies, as they affect the political situation in a particular area.

(6) Directs and instructs United States Foreign Service establishments in the countries and areas within its jurisdiction, and assists the Special Assistant for Research and Intelligence in developing instructions to the field as required by the Department and National Intelligence programs.

(7) In collaboration with the Office of the Foreign Service, interested offices of the Department, and other Federal agencies, advises on the type and number of personnel required in Foreign Service establishments.

(8) Maintains close relationships with appropriate foreign diplomatic missions in the United States.

(9) Provides representation on appropriate intra-departmental and interagency committees.

(10) Assures continuous interchange of information and the maintenance of close and informal relationships between its constituent divisions and the intelligence offices of the Department.

(11) Assists the Assistant Secretary for Occupied Areas in the coordination of State Department policy with respect to all matters relating to the occupation of Japan and Korea, and to the Pacific islands under its jurisdiction.

(c) *Organization.* The Office consists of the Special Assistant for Economic Affairs, Special Assistant for United Nations Affairs, Special Assistant for Far Eastern Commission, Information Section, Office of the Executive Officer, Division of Chinese Affairs, Division of Northeast Asian Affairs, Division of Southeast Asian Affairs, and Division of Philippine Affairs.

(1) Special Assistant for Economic Affairs:

(i) Advises on and evaluates economic, commercial, and financial policy and trends, of both the United States and the countries within the jurisdiction of the Office, from the viewpoint of their political effects upon United States relations with the countries and areas.

(ii) Maintains continuous liaison with the economic offices of the Department in the determination and development of economic policies.

(iii) Performs special assignments abroad to consult with economic and diplomatic staffs in the field and to negotiate with representatives of foreign governments.

(2) Special Assistant for United Nations Affairs:

(i) Advises on matters relating to the United Nations and its auxiliary organizations, coordinating area policy with the policy of the United States in relations with the United Nations.

(ii) Serves as adviser and consultant on special assignments to the United States delegation at meetings of the Security Council and the General Assembly of the United Nations.

(iii) Represents the Office at intradepartmental and inter-agency meetings on United Nations matters.

(iv) Performs liaison functions between the Office and its component divisions and the Office of Special Political Affairs.

(3) Special Assistant for Far Eastern Commission Affairs: Works in close relationship with the Far Eastern Commission, acting as Political Adviser to United States member and chairman of the Commission; prepares policy memoranda, reports, and recommendations for consideration by the State-War-Navy Coordinating Committee.

(4) Information Section:

(i) Evaluates policy developments both in the area and throughout the world, and transmits them to appropriate officers of the Department and to Foreign Service establishments.

(ii) Advises the Office of International Information and Cultural Affairs on information-policy aspects of their operations, and keeps the Office informed on public-information problems.

(iii) Keeps the Special Assistant to the Secretary for Press Relations and the Office of Public Affairs informed on current developments.

(iv) Correlates the preparation of policy statements.

(v) Represents the Office on the Policy Information Committee.

(5) Office of the Executive Officer:

(i) Implements the programs of the Office and assures their coordination within the Office and its divisions and within the Department at large.

(ii) Assists the Director in re-evaluating established objectives, programs, and organization in the light of current developments.

(iii) Directs the administration of the Office and its divisions, including management, fiscal, personnel, and administrative service.

(iv) Participates in administrative-policy formulation for the Department, through membership in the Executive Officers Council.

(v) Works in close relationship with the Office of Departmental Administration, to assure uniformity of administration and maximum operating effectiveness.

(d) *Relationships with other agencies.* The Office has relationship:

(1) With the War and Navy Departments, by participation on subcommittees of the State-War-Navy Coordinating Committee on policy concerning the Far East and by direct contact with the Civil Affairs Division and the Plans and Operations Division of the War Department.

(2) With other Federal agencies, concerning political aspects of their respective programs.

§ 1.1150 *Office of Near Eastern and African Affairs*—(a) *Purpose.* To formulate plans and over-all policies for the conduct of United States relations with the countries and areas under its jurisdiction, and to coordinate and review policy matters originating within other geographic or functional offices of the Department or other Federal agencies.

(b) *Major functions.* The Office performs the following functions:

(1) Develops basic policies to govern the conduct of United States relations with the countries and areas under its jurisdiction, taking the initiative in affairs primarily political and, in other affairs, stimulating the functional offices of the Department and other Federal agencies charged with primary responsibility in specialized fields.

(3) In the formulation of policy, draws into consultation all appropriate functional offices of the Department and all appropriate Federal agencies.

(4) Keeps other offices of the Department and other Federal agencies adequately informed on emerging problems, policy decisions, and action with respect to these countries, so that all United States programs in such countries may be coordinated with the over-all United States foreign policy.

(5) Reviews and evaluates programs and activities of other offices of the Department and of other Federal agencies, as they affect the political situation in a particular area.

(6) Directs and instructs United States Foreign Service establishments in the countries and areas within its jurisdiction, and assists the Special Assistant for Research and Intelligence in developing instructions to the field as required by the Department and National Intelligence programs.

(7) In collaboration with the Office of the Foreign Service, interested offices of the Department, and other Federal agencies, advises on the type and number of personnel required in Foreign Service establishments.

(8) Maintains close relationships with appropriate foreign diplomatic missions in the United States.

(9) Provides representation on appropriate intra-departmental and interagency committees.

(10) Assures continuous interchange of information and the maintenance of close and informal relationships between its constituent divisions and the intelligence offices of the Department.

(11) Advises on matters relating to the United Nations and its auxiliary organizations, working in close relationship with the Office of Special Political Affairs.

(c) *Organization.* The Office consists of the Special Assistants for Economic Affairs, Information Liaison Section, Office of the Executive Officer, Division of Near Eastern Affairs, Division of Middle Eastern and Indian Affairs, and Division of African Affairs.

(1) Special Assistants for Economic Affairs:

(i) Advise on and evaluate economic, commercial, and financial policy and trends, of both the United States and the countries within the jurisdiction of the Office, from the viewpoint of their political effects upon United States relations with the countries and areas.

(ii) Maintain continuous liaison with the economic offices of the Department in the determination and development of economic policies.

(iii) Perform special assignments abroad to consult with economic and diplomatic staffs in the field and to negotiate with representatives of foreign governments.

(2) Information Liaison Section:

(i) Evaluates and disseminates policy developments both in the area and throughout the world, for transmission to appropriate officers of the Department and to Foreign Service establishments.

(ii) Advises the Office of International Information and Cultural Affairs on information-policy aspects of their operations, and keeps the Office informed on public-information problems.

(iii) Keeps the Office of the Special Assistant to the Secretary for Press Relations and the Office of Public Affairs informed on current developments.

(3) Office of the Executive Officer:

(i) Implements the programs of the Office and assures their coordination within the Office and its divisions and within the Department at large.

(ii) Assists the Director in re-evaluating established objectives, programs, and organization in the light of current developments.

(iii) Directs the administration of the Office and its divisions, including management, fiscal, personnel, and administrative service.

(iv) Participates in the formulation of administrative policy for the Department, through membership in the Executive Officers Council.

(v) Works in close relationship with the Office of Departmental Administration, to assure uniformity of administration and maximum operating effectiveness.

§ 1.1510 *Office of Special Political Affairs*—(a) *Purpose.* To utilize fully the United Nations as an instrument in the conduct of foreign affairs through the development and maintenance of policies and programs for United States participation in the United Nations and in related specialized and regional international organizations.

(b) *Major functions.* The Office performs the following functions:

(1) Serves as the focal point of the Department for coordination and integration of matters relating to United States participation in the United Nations and in such specialized and regional international organizations as are or may subsequently be related to the United Nations.

(2) Collaborates with other offices of the Department and other Federal agencies in the:

(i) Development of United States policy on problems of concern to the United Nations and other international organizations, with particular reference to United States commitments as a member of the United Nations.

(ii) Preparation of instructions to United States representatives to the United Nations and in related international specialized and regional organizations.

(iii) Implementation by the United States of decisions and recommendations of the United Nations.

(iv) Dissemination of information to the Department, the field, and the public, regarding the United Nations and the participation of the United States therein.

(3) Prepares recommendations for the development of the United Nations and related international organizations, as instruments for the constructive development of the world community based upon a continuing appraisal of matters affecting the United Nations.

(4) Reviews and advises on the constitutional, organizational, and administrative aspects of international organizations.

(5) Interprets the provisions of the United Nations Charter for use by the Department, other Federal agencies, and the United States representatives to the United Nations.

(6) Prepares the reports to the United Nations required by the Charter, and the reports to Congress required by law.

(7) Anticipates and analyzes problems that are likely to contribute to controversies which may be brought before the United Nations or related international organizations; recommends programs necessary to the solution of problems of the United Nations.

(8) Provides documents and reference service on international organizations.

(c) *Organization.* The Office consists of the Division of Dependent Area Affairs, Division of International Organization Affairs, and Division of International Security Affairs.

§ 1.1800 *Assistant Secretary; Administration*—(a) *Purpose.* To advise and assist the Secretary in the development and formulation of over-all organizational, administrative, and budgetary policies for the Department and the Foreign Service; to execute and implement policies so developed and formulated; and to provide the necessary facilities to implement policies approved by the Secretary.

(b) *Major functions.* The Assistant Secretary is responsible for the development of a sound organizational structure for the Department and the Foreign Service; the establishment of appropriate budgetary and administrative procedures throughout the Department and the Foreign Service; the establishment of the management controls necessary to assure the proper administrative implementation of substantive policies and programs approved by the Secretary; and for the effective performance, among others, of the following functions:

(1) Supervision and control over the organization pattern of the Department and the Foreign Service, and the component Offices, divisions, and other units thereof.

(2) Preparation of the annual budget estimates; and supervision over the use of appropriated funds in accordance with Congressional limitations, administrative objectives, and policies of the President and the Secretary.

(3) Administration of United States participation in international conferences.

(4) Direction over personnel-management of the Department and the Foreign Service.

(5) Operation of the procurement, communication, and transportation services.

(6) Provision, maintenance, and operation of the physical establishments in the United States and abroad.

(7) Provision for the internal security of the Department and the Foreign Service.

(8) Protection of American interests through administration of the laws and programs for passport, visa, and munition control, and other pertinent laws.

(c) *Organization.* The office of the Assistant Secretary consists of:

(1) The Assistant Secretary.

(2) Deputy Assistant Secretaries.

(3) Executive and Special Assistants.

(4) Office of Controls, Office of the Foreign Service, Office of Budget and Finance, and Office of Departmental Administration.

§ 1.1810 *Office of Controls*—(a) *Purpose.* To determine policy for, and to coordinate, direct, and supervise certain public service and security activities of the Department.

(b) *Major functions.* The Office performs the following functions:

(1) Determines the eligibility of applicants for registration as citizens of the United States in accordance with citizenship requirements and issues passports to citizens traveling abroad.

(2) In accordance with immigration laws, directs a program to control abroad, the entry of aliens into the United States.

(3) Directs a program for the location and assistance of American citizens abroad and for their repatriation; and directs the repatriation of enemy aliens.

(4) Upon request of other governments, makes available the Foreign Service of the United States to represent them in areas abroad where they maintain no representation; and supervises similar activities in the United States on behalf of governments not directly represented here.

(5) Registers manufacturers, importers, and exporters of arms, ammunition, and implements of war, and licenses export and import shipments; and collaborates on policy incident thereto.

(6) Determines internal security policies for the conduct of the work of the Department; and supervises the program of operation.

(c) *Organization.* The Office is composed of the Security Officer, and the Passport Division, Visa Division, Special Projects Division, Division of Foreign Activity Correlation, Division of Investigations, and Munitions Division.

§ 1.1820 *Director General of the Foreign Service*—(a) *Purpose.* To advise and assist the Assistant Secretary in charge of Administration in the development and formulation of policies governing the administration of the Foreign Service, and to execute and implement such approved policies.

(b) *Major functions.* Under the general supervision of the Assistant Secretary in charge of Administration, the Director General is responsible for the following functions:

(1) Directs the administration of the Foreign Service of the United States.

(2) Coordinates the activities of the Foreign Service with the needs of the Department and of other Federal agencies.

(3) Directs the performance by officers and employees of the Foreign Service of the duties imposed upon them by law, regulation, or international agreement.

(c) *Organization.* The Director General participates with the Board of the Foreign Service in the formulation of policy-recommendations to the Secretary. Under the general supervision of the Director General, the operational aspects of the administration of the Foreign Service are executed by the Office of the Foreign Service and its component divisions.

§ 1.1830 *Office of the Foreign Service*—(a) *Purpose.* To provide administrative leadership, management, and direction to the Foreign Service of the United States; to strengthen relationships between field establishments and the Department and other Federal agencies; and to develop the potential capabilities of individual members of the Foreign Service, in order to achieve their maximum utilization.

(b) *Major functions.* The Office performs the following functions:

(1) Develops and directs the personnel program for the Foreign Service of the United States.

(2) Programs and administratively directs field reporting, and coordinates requests for field reporting.

(3) Provides administrative services to the field establishments, and directs the Foreign Service in providing such services to the public as are required by law and Foreign Service regulations.

(4) Provides housing for Foreign Service operations, and furnishes and maintains Foreign Service establishments.

(5) Develops and operates training programs, both substantive and administrative in character, to meet the needs of the Foreign Service and the Department.

(6) Develops plans and programs for improvement in the over-all administration and management of the Foreign Service; and makes inspections of Foreign Service establishments, giving constructive advice and assistance on better methods of operation.

(c) *Organization.* The Office consists of the Division of Foreign Service Personnel, Division of Foreign Reporting Services, Division of Foreign Service Administration, Division of Foreign Buildings Operations, Division of Training Services, and Division of Foreign Service Planning.

(d) *Relationship with other agencies.* The Director General coordinates the activities of the Foreign Service with the needs of the Department and all other Federal agencies; serves as a member of the Board of the Foreign Service and as a member or chairman of other interdepartmental bodies concerned with specific aspects of Foreign Service operations.

§ 1.1840 *Office of Budget and Finance*—(a) *Purpose.* To develop the financial program of the Department, the Foreign Service, international commissions, boards, and other bodies affiliated with the Department; to insure that the most effective use is made of funds appropriated to the Department and that expenditure of such funds is restricted to the purpose for which they were appropriated; and to make financial reports available to policy and administrative officials of the Department.

(b) *Major functions.* The Office performs the following functions:

(1) Consults with and advises appropriate officials of the Department with respect to budgetary and financial feasibility of their plans and programs and the means of putting them into effect from a budgetary and financial viewpoint.

(2) Presents and justifies the budget program to the Bureau of the Budget and the Congress.

(3) Exercises general direction and supervision over the fiscal operations and financial reporting of the Department, including the Foreign Service and affiliated organizations.

(4) Exercises general direction over the operating activities of the Department in connection with participation of the United States in the United Nations Relief and Rehabilitation Administration.

(5) Supervises the operations of the constituent divisions of the Office.

(c) *Organization.* The Office consists of the Division of Budget, Division of Finance, and United Nations Relief and Rehabilitation Division.

§ 1.1850 *Office of Departmental Administration*—(a) *Purpose.* To develop and execute policies to improve the organization and administration of the Department, except those relating to security, the budget, and fiscal affairs.

(b) *Major functions.* The Office supervises activities in connection with the following functions:

(1) Provides assistance in the effective management of the Department, by planning and effecting the organization structure required to accomplish its objectives; by delineating the functions, responsibilities, and lines of authority for the constituent parts of the Department; and by instituting effective and economical work methods.

(2) Makes available, within budgetary limitations, the necessary personnel; and develops and implements personnel-management practices.

(3) Provides adequate administrative services and facilities for Departmental activities.

(4) Provides in Washington for the distribution of incoming and dispatch of outgoing communications for the Department and for other communications transmitted by diplomatic pouch or telegraph; maintains the official files of the Department; and provides the messenger service.

(5) Provides for the security of messages during telegraphic transmission by means of cryptographic systems.

(6) Provides proper coordination and adherence to established policy and standards for outgoing communications.

(7) Provides a favorable atmosphere for diplomatic relations by arranging for the immunities and courtesies granted to representatives of foreign governments and international organizations in the United States.

(8) Provides for organization, administration, and general management of United States participation in international conferences, commissions, expositions, and other organized international cooperative enterprises other than the United Nations.

(9) Provides translating and interpreting services for activities of the Department and for the White House.

(10) Provides the technical presentation media and services required to clarify and explain important and complex data, ideas, and problems.

(11) Provides the centralized administrative functions required to serve all Department activities located in the New York area.

(c) *Organization.* The Office consists of the Division of International Conferences, Central Translating Division, Division of Departmental Personnel, Division of Management Planning, Division of Central Services, Presentation Division, Division of Communications and Records, Division of Cryptography, and New York Regional Administrative Office.

§ 1.1900 *Legal Adviser*—(a) *Purpose.* To serve as Legal Adviser to the Secretary, and to provide counsel for all matters of a legal character concerning the Department and the Foreign Service.

(b) *Major functions.* The Legal Adviser, having equal rank in all respects with the Assistant Secretaries, plans and coordinates the legal work of the Department, which involves direction of legal activities with respect to political and economic affairs, administration of the Department and Foreign Service, participation in international conferences and organizations, problems in connection with occupied areas, international claims, information and cultural relations, Congressional relations, pending and approved legislation, executive agreements, international law, treaty matters, Departmental and interdepartmental committees, and provides representation to the Secretary's Staff Committee.

(c) *Organization.* The office of the Legal Adviser consists of the Offices of the Executive Assistant, Legislative Counsel, Special Assistants for Atomic Energy Matters and for German-Austrian Affairs, Assistant Legal Advisers for Political Affairs, International Organization Affairs, International Claims, Economic Affairs, Administration and Foreign Service, Military Affairs and Occupied Areas, Public Affairs, and Special Problems, and the Assistant for Treaty Affairs.

(1) Legislative Counsel:

(i) Maintains relations with the Congress, and serves as the principal point of coordination for all liaison activities between the Department and the Congress.

(ii) Provides legal guidance to offices and divisions of the Department concerned with legislative action, including the advice and consent of the Senate to the ratification of treaties and conventions, in connection with the Department's programs or projects.

(iii) Assists in the preparation of legislation and directs the coordination of its presentation to the Congress, in conjunction with and on approval of the Assistant Secretaries as to policy affecting their respective fields of responsibility.

(iv) Clears all reports to Congress that are transmitted or approved on behalf of the Department.

(v) Receives, in the first instance, all oral or written requests for expressions of opinion on pending or proposed legislation, excepting those instances where contact is made directly with the office primarily concerned with such pending or proposed legislation, in which instances the Legal Adviser will be kept fully advised of all developments consequent thereto.

(vi) Clears all communications prepared in response to requests for comment on pending or proposed legislation, all communications between the Depart-

ment and other Federal agencies regarding such legislation, and, in general, all communications pertaining to pending or proposed legislation, treaties or conventions which are addressed by the Department to the Congress, to chairmen of committees, or to individual members.

(vii) Clears all replies to oral or written requests from the Bureau of the Budget for the views of the Department on enrolled enactments of the Congress, proposed or pending legislation, and Executive orders.

(2) Special Assistants for Atomic Energy and German-Austrian Matters:

(i) Assist in the solution of legal problems relating to atomic energy, including the participation of the United States in the Atomic Energy Commission of the United Nations and in the establishment of an international agency for the control and development of atomic energy.

(ii) Handle specialized legal problems involving Military Government laws and policy with respect to Germany and Austria.

(3) Assistant Legal Adviser for Political Affairs:

(i) Provides legal services for the geographic offices and divisions, including the drafting or approving of instructions to United States diplomatic missions and consulates and of communications to foreign missions in Washington whenever such instructions relate to a function of the political divisions and present a problem of legal character.

(ii) Handles questions relating to diplomatic protection of American nationals and their property interests in foreign countries.

(iii) Drafts and advises on treaties and other agreements with foreign governments in the general political field, including treaties of peace and agreements subsidiary thereto.

(4) Assistant Legal Adviser for International Organization Affairs:

(i) Renders legal services in connection with participation of the United States in international organizations, particularly the United Nations and its principal organs—the Security Council, General Assembly, Economic and Social Council, Trusteeship Council, and International Court of Justice.

(ii) Handles legal problems relating to the functions of the United Nations Relief and Rehabilitation Administration and to the specialized agencies of the United Nations.

(5) Assistant Legal Adviser for International Claims:

(i) Provides legal services on all international claims, including legal questions arising as a consequence of war losses and of post-war programs of nationalization and agrarian reform programs of foreign countries.

(ii) Assists in the settlement of pre-war claims against a number of countries.

(6) Assistant Legal Adviser for Economic Affairs:

(i) Provides legal services for the Under Secretary for Economic Affairs, for the Assistant Secretary for Economic Affairs, and for the offices under the direction of the Assistant Secretary for Economic Affairs other than the Office of the Foreign Liquidation Commissioner and for economic matters otherwise arising in the Department.

(ii) Provides legal services on problems relating to financial matters, including loans made by the United States, investments of American industries abroad, cartels and combines, industrial and literary property, commercial treaties and trade agreements, and transportation problems.

(iii) Provides legal services on matters relating to aviation, shipping and seamen, telecommunications, health and welfare activities, labor problems, and natural resources, including fisheries.

(7) Assistant Legal Adviser for Administration and Foreign Service:

(i) Provides legal assistance to the Assistant Secretary for Administration and for the offices under his direction in all matters relating to the administration of the Department and the Foreign Service, including personnel, budget, expenditure of funds, and appropriation language.

(ii) Prepares, revises, or reviews legislation, Foreign Service regulations and Executive orders before clearances with the Bureau of the Budget.

(iii) Supervises the legal aspects of the Foreign Service building program, and passes upon the validity of real-property transactions.

(iv) Handles Foreign Service legal problems relating to estates and notarial functions.

(v) Provides instruction on problems of law affecting the Foreign Service, such as diplomatic privileges and immunities.

(8) Assistant Legal Adviser for Military Affairs and Occupied Areas:

(i) Provides legal services for the Assistant Secretary in charge of Occupied Areas, including those relating to the Administration of the Selective Service Act in its effect on foreign relations, to war crimes, and to Hague, Geneva, or similar Conventions as may be given consideration.

(ii) Handles legal problems concerning military and naval bases, and jurisdiction over members of the armed forces in foreign countries.

(iii) Works closely with other interested divisions of the Department on the legal problems of occupied areas and related problems arising directly out of the war, such as reparations, repatriation of refugees, and the taking over of Axis assets abroad, including diplomatic and consular properties.

(9) Assistant Legal Adviser for Public Affairs:

(i) Provides, for the Assistant Secretary in charge of Public Affairs, and the offices under his direction, legal services relating to contracts, supplementary agreements and modifications connected with the information and cultural relations program.

(ii) Handles legal matters connected with the administration of the Act of May 23, 1938 relating to the detail of specially qualified employees to foreign governments.

(iii) Provides legal counsel in connection with the radio foundation and motion-picture activities.

(10) Assistant Legal Adviser for Special Problems:

(i) Handles legal problems in particular fields which call for specialization of an intensive character and which cut across other fields, such as immigration and nationality, sovereign immunity, extradition, and court procedure generallly.

(ii) Discharges the Department's responsibilities with regard to amendments to the Constitution, and the ascertainment of electors for President and Vice President.

(11) Assistant for Treaty Affairs:

(i) Collects, compiles, and maintains information pertaining to treaties and other international agreements.

(ii) Performs research and furnishes information and advice with respect to the provisions of such existing or proposed instruments.

(iii) Handles procedural matters on treaties, including the preparation of full powers, ratifications, proclamations, and protocols.

(iv) Handles matters related to the signing, ratification, proclamation, and registration of treaties and other international agreements.

(v) Provides custody of the original texts of treaties and other international agreements.

(vi) Prepares reports and messages for submission of treaties to the Senate.

(vii) In collaboration with other offices concerned, provides current and long-range planning on all treaty matters.

(d) *Relationships with other agencies.* Liaison is maintained with the legal counterparts in other Federal agencies on problems of related or mutual interest affecting the legal aspects of the foreign policy of the United States.

§ 1.2500 *Committees, Commissions, and Boards—(Departmental and Inter-Agency).* To be issued at a later date.

Approved: April 2, 1947.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary of State.

[F. R. Doc. 47-3388; Filed, Apr. 9, 1947; 8:46 a. m.]

PART 2—FUNCTIONS

SUPERSEDURE OF PART

CROSS REFERENCE: For supersedure of this part, see the revision of Part 1 of this chapter, *supra*.

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 420]

PART 402—LOANS AND PROPERTIES

DISPOSITION OF INSURANCE LOANS PAID IN FULL

Amending Part 402, Chapter IV, Title 24 of the Code of Federal Regulations. Section 402.15-28 (10 F. R. 8426) is amended to read as follows:

§ 402.15-28 *Disposition of insurance loans paid in full.* When a home owner advises that it is his intention to pay his loan in full, the Insurance Section shall be notified immediately. Insurance shall be ordered from the insurer under contract for that which has expired and not been replaced and the cost thereof included in the home owner's statement.

If a loan is to be paid in full through an escrow agent, the Insurance Section shall deliver any direct policies or certificates being held for the account of the home owner to the Comptroller's Division with Forms RO-I-386-A, RO-I-386-B and the carrier's "Release of Mortgage Interest" form where necessary.

When the Insurance Section receives a paid-in-full bulletin, the mortgagee clause on direct policies shall be cancelled as to the interest of the HOLC and the SCA "Release of Mortgage Interest" form attached to the certificates. These policies and/or certificates shall be forwarded to the Comptroller's Division.

Where necessary, the Insurance Section shall prepare and send to the Comptroller's Division Form RO-I-386-A to inform the home owner of the status of insurance ordered or to be ordered by the Corporation, and shall take the following action:

(a) An order shall be placed for any insurance which is required to be ordered by the Corporation for the home owner and which will expire prior to the time that the home owner can receive sufficient notice of such expiration. These orders shall be cancelled as of a future date sufficient to permit notice of such cancellation to reach the home owner prior to such future date. Notice to the home owner of short term certificates shall be delivered to the Comptroller's Division to be forwarded to the home owner.

(b) When received by the Insurance Section, certificates which have been ordered by the Corporation for expiring insurance, for which the home owner has paid the premium, shall be delivered with Form RO-I-386-D to the Comptroller's Division to be sent to the appropriate party.

Any refunds due the home owner shall be returned to him by the Comptroller's Division.

The Insurance Section shall deliver the insurance jacket Form RO-I-246 to the Comptroller's Division for filing in the loan docket when all of the insurance held by or ordered for the home owner has been sent to the Comptroller's Division.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, 643, 647, 12 U. S. C. 1463; E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Effective: March 28, 1947.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-3402; Filed, Apr. 9, 1947; 8:46 a. m.]

Chapter VIII—Office of Housing Expediter

PART 807—SUSPENSION ORDERS

[Suspension Order S-5]

IRWIN TOPPER & OSCAR TOPPER AND SAMUEL LEVINE

Irwin Topper and Oscar Topper, owners, and Samuel Levine, as contractor, on or about November 12, 1946, in Pomona, California, began and thereafter carried on construction of a two-story steel and concrete commercial building at an estimated cost of approximately $50,000, without authorization. With respect to the owners, the beginning and carrying on of such construction constituted a grossly negligent violation of Veterans' Housing Program Order 1, and with respect to the contractor, a wilful violation. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.5 *Suspension Order No. S-5.* (a) Neither Irwin Topper or Oscar Topper, owners, or Samuel Levine, contractor, their successors or assigns, nor any other person shall do any further construction on the premises located at 49' Lot 1, Block 44, City of Pomona, California, including completing, putting up or altering of any structure located thereon, unless specifically authorized in writing by the Office of the Housing Expediter.

(b) Irwin Topper and Oscar Topper, owners, and Samuel Levine, contractor, shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter, or any other duly authorized government agency, for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Irwin Topper and Oscar Topper, owners, and Samuel Levine, contractor, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 8th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3443; Filed, Apr. 8, 1947; 1:08 p. m.]

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO REGIONAL OFFICE OFFICIALS

Section 603.2 *Delegations to Regional Office Officials* (11 F. R. 177A-901) is hereby amended, effective upon publication in the FEDERAL REGISTER, in the following particulars:

1. Paragraph (a) (1) (ix) is amended to read as follows:

(a) *Delegations of authority to regional directors.* (1) • • •

(ix) To execute appropriate deeds of conveyance or other instruments for the dedication of land acquired for necessary streets, alleys, walks or other means of ingress and egress, and utilities.

2. Paragraph (i) (6) (i) is amended to read as follows:

(i) *Delegations of authority to assistant regional directors for real estate and disposition.* • • •

(6) • • •

(i) To execute appropriate deeds of conveyance or other instruments for the dedication of land acquired for necessary streets, alleys, walks or other means of ingress and egress, and utilities.

(Sec. 201, 54 Stat. 676. Sec. 1, 54 Stat. 1125; 42 U. S. C. 1501, 1521)

Approved: April 3, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-3382; Filed, Apr. 9, 1947; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For additions to the list of delegations of authority contained in §§ 01.100 to 01.145, inclusive, see Title 43, Part 4, *infra*.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 120—PROCLAMATIONS AND EXECUTIVE ORDERS CONCERNING BANKING

CROSS REFERENCE: For proclamation affecting §§ 120.1, 120.2, and 120.3, see Proclamation 2725 under Title 3, *supra*, amending Proclamations 2039 and 2040 and Executive Order 6073 to exclude from their scope member banks of the Federal Reserve System.

PART 121—EMERGENCY BANKING REGULATIONS

CROSS REFERENCE: For proclamation affecting regulations contained in this part, see Proclamation 2725 under Title 3, *supra*, amending Proclamations 2039 and 2040 and Executive Order 6073 to exclude from their scope member banks of the Federal Reserve System.

PART 122—GENERAL LICENSES ISSUED UNDER EXECUTIVE ORDER 6073, AS AMENDED

CROSS REFERENCE: For proclamation affecting § 122.1, see Proclamation 2725 under Title 3, *supra*, amending Executive Order 6073 to exclude from its scope member banks of the Federal Reserve System.

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration,[1] Department of Agriculture

[MPR 16, Corr. to Amdt. 6]

RAW CANE SUGAR

Amendment 6 to Maximum Price Regulation 16 (12 F. R. 2165) is corrected by changing the figure "4.7556" to read "4.815".

This correction shall become effective as of 12:01 a. m. March 30, 1947.

Issued this 9th day of April 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3478; Filed, Apr. 9, 1947; 11:39 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts,[2] Amdt. 105 (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS

The rent regulation for transient hotels, residential hotels, rooming houses and motor courts is amended in the following respects:

1. The second paragraph of section 1 (e) is amended to read as follows:

If the Administrator finds that the provisions of this regulation establishing maximum rents are better adapted to the rental practices of such building or establishment than the provisions of the rent regulation for housing, he shall consent to the landlord's election by order and at the same time shall classify such establishment as provided by section 7. Accommodations so brought under this regulation shall be considered "rooms" for the purposes of the regulation.

2. Section 4 (b) (3) is amended to read as follows:

(3) If a landlord fails to register the maximum rent properly within the time specified in subparagraphs (1) and (2) above (except where the room was registered prior to November 1, 1946) the rent received for any rental period commencing on or after the date on which the premises were first rented, or November 1, 1946, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with § 1300.214 or § 1300.225 of Revised Procedural Regulation No. 3. If the Administrator finds that the landlord was not at fault in failing to register the maximum rent properly within the time specified, the order under section 5 (c) (1) may relieve the landlord of the duty to refund. The foregoing provisions and any refund thereunder do not affect any civil or criminal liabilities provided by the act for failure to register as required by section 7.

3. Section 4 (k) (1) is amended to read as follows:

(k) *Optional decontrol of daily rates.* (1) On or after February 1, 1947, any landlord who is the proprietor or operator of an establishment classified as a transient hotel, residential hotel, motor court or tourist home may apply to the area rent director for the decontrol of maximum daily rates on selected rooms in such establishment on OPA Form DH-DC. On such form the landlord shall list by number or location specific rooms in the building or establishment equal in number to the maximum number he is required to rent for weekly or monthly terms pursuant to the provisions of section 2 hereof and any order entered thereunder, or, if the rooms in the building or establishment were first rented subsequent to the applicable monthly period specified in section 2 (b) 2 or 2 (b) (5), then equal in number to the highest number actually rented for weekly or monthly terms at any one time during the month of December 1946, or to the number that the landlord is required to offer for rent for weekly or monthly terms under any order entered by the area rent director, whichever is the higher. Such rooms shall be known as permanent rooms for the purposes of this regulation and shall, after February 15, 1947, or the date of filing, whichever is later, be rented or offered for rent only on a weekly or monthly basis: *Provided, however,* That individual permanent rooms may be rented for periods less than one week at a daily rate of not to exceed one-seventh of the weekly rate or one-thirtieth of the monthly rate, whichever may be applicable to the particular room and number of occupants. Included in the permanent rooms listed by the landlord shall be those occupied by weekly or monthly tenants at the time of application up to the number the landlord is required to rent for weekly or monthly terms.

If such application is filed on OPA Form DH-DC, maximum daily rents established by this regulation for all rooms in the building or establishment other than permanent rooms shall, on and after February 15, 1947, or the date of the filing of such application, whichever is later, no longer be applicable. Such rooms when rented thereafter for daily terms of occupancy shall be free of the limitations imposed by this regulation: *Provided, however,* That any application which is not in proper form or omits information required from the landlord shall be void.

4. Section 4 (k) (3) is amended to read as follows:

(3) (i) In the event an order has been entered on an application by the landlord under section 2 (b) (6) hereof, relieving the establishment of its obligation to offer rooms for weekly or monthly terms of occupancy to the extent provided therein, the number of permanent rooms the landlord shall be required to offer only for weekly or monthly terms, in the event application is made under subparagraph (1) of this section 4 (k), shall be the highest number rented at any one time for weekly or monthly terms during the month of December 1946.

(ii) Any landlord who files an application for decontrol of daily rates in accordance with subparagraph (1) herein, at his option may list as permanent rooms a number equal to the total number he was renting on a weekly and monthly basis on December 31, 1946.

5. Section 4 (k) (7) is added to read as follows:

(7) Any landlord, who, prior to April 10, 1947, has filed an application for decontrol of daily rates in accordance with the provisions of subparagraph 1 herein, may file an amended application on OPA Form DH-DC listing as permanent rooms a number equal to the total number he was renting on a weekly and monthly basis on December 31, 1946. Included in this list shall be those rooms occupied by weekly or monthly tenants at the time the amended application is filed up to the total number the landlord was renting on a weekly and monthly basis on December 31, 1946.

6. Section 7 (a) (2) is amended to read as follows:

(2) *Supplemental registration.* Every landlord of any establishment subject to the provisions of this regulation shall file a supplemental registration statement in duplicate on OPA Form DH-U-S, stating the services provided in connection with all rooms offered for rent and the number of rooms subject to monthly or weekly rates pursuant to the provisions of section 2. This supplemental registration statement shall be filed on or before December 31, 1946, unless the establishment is located in a defense-rental area in which the effective date of the regulation is December 1, 1946, or later, in which event it shall be filed within 45 days after the effective date of the regulation. In the case of maximum rents established under paragraphs (b) or (c) of section 4 in establishments for which no supplemental registration statement has been filed, Form DH-U-S shall be filed concurrently with the registration statement required by paragraph (a) (1) of this section. On the basis of the information furnished thereby, the Administrator shall classify each establishment as a transient hotel, residential hotel, rooming house, motor court, or tourist home, and the provisions of this regulation applicable to such classification shall thereupon become applicable to the particular establishment. If, after the filing of a supplemental registration statement, maximum rents are established for a new room or rooms in the same establishment under section 4 (b) or (c), the landlord shall file OPA Form DH-U-S within the time provided in paragraph (a) (1) above for registering rents established under these sections, unless the services and facilities provided with such room or rooms are substantially the same as those previously reported on OPA Form DH-U-S for other rooms in the establishment.

If the establishment is presently known as a hotel in the community, contains more than 50 rooms and is used predominantly for transient occupancy, the provisions of this regulation relating to transient hotels shall be applicable to such establishment until such establishment is otherwise classified in accordance with the provisions of this paragraph (a): *Provided however,* That if such establishment fails to file OPA Form DH-U-S prior to January 1, 1947 it shall thereupon be subject to the provisions of this regulation relating to rooming houses until otherwise classified. All other establishments hereunder shall be subject to the provisions of this regulation relating to rooming houses until Form DH-U-S is filed and the establishment is otherwise classified by the area rent director.

On or after April 10, 1947, any landlord whose establishment has been classified under this regulation, may apply to the area rent director for a reclassification, if, because of a change in this regulation, the former classification is inappropriate, by filing an amended supplemental registration statement on OPA Form DH-U-S. On the basis of the information furnished thereby, the Administrator shall reclassify such establishment, and the provisions of this regulation applicable to such classification shall thereupon become applicable to such establishment. Until reclassified, the provisions of this regulation relating to the former classification shall apply.

7. Section 13 (a) (13) is amended to read as follows:

(13) "Transient hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains 15 or more dwelling units, (c) provides services customarily supplied by transient hotels, and (d) (i) had less than 50 percent of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month, or if the establishment was not in operation during the quota month, during the month of June 1946, or (ii) started operation on or after July 1, 1946.

8. Section 13 (a) (15) is amended to read as follows:

(15) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than 25 dwelling units, (c) provides services customarily supplied by residential hotels, and (d) (i) had 50 percent or more of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month, or if the establishment was not in operation during the quota month, during the month of June 1946, or (ii) started operation on or after July 1, 1946.

9. Section 13 (a) (20) is added to read as follows:

(20) "Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

This amendment shall become effective April 10, 1947.

Issued this 9th day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 105 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, Amendment 32 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area, and Amendment 25 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

Section 4 (k) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is being amended to permit a proprietor or an operator of a transient hotel, residential hotel, motor court, or tourist home, who either has applied or intends to apply for decontrol of daily rates, at his option, to determine the number of rooms which he is required to rent on a weekly and/or monthly basis in accordance with the number he was renting on such basis on December 31, 1946. Before this amendment, he was required, in general, to set aside as permanent rooms in his decontrol application a number equal to the number he was required to rent on a weekly and monthly basis under the quota provisions of section 2 (b). Any establishment which has heretofore filed an application for decontrol of daily rates may exercise this option by filing a new application. In some sections of the country the demand for permanent rooms has decreased in recent months so that now the demand is much less than it was during the war and the early post-war period. This amendment will relieve establishments in such areas whose daily rates have been decontrolled, from setting aside as permanent rooms more than the number necessary to meet current demands, as indicated by actual rentals on such basis on December 31, 1946.

This amendment also sets up a new classification of establishments under the hotel regulation. Rooming houses which cater primarily to tourist guests and are known in the community as tourist homes will be so classified. The provisions pertaining to tourist homes shall not be applicable to any such establishment until it has filed the appropriate supplemental registration statement and has been classified as a tourist home by the area rent director. An establishment classified as a tourist home will be eligible to file an application for decontrol of its daily rates under section 4 (k) of the regulation. It is the Administrator's opinion that establishments known as tourist homes which cater almost exclusively to daily guests, mostly tourists, should receive the same treatment with respect to decontrol of daily rates as other transient establishments. Such decontrol action will have no effect on the permanent housing supply of the country.

This amendment revises the definition of "transient hotel" so as to include within its scope those establishments which have the characteristics of a transient hotel but contain only 15 to 25 dwelling units. Prior to this amendment, only those establishments which contained more than 25 dwelling units could be classified as a transient hotel. This change will permit small hotels which rent primarily for transient occupancy to be classified as transient hotels and thus become subject to the decontrol provisions of the hotel regulation.

Section 7 of the regulation has been amended to provide that any establishment previously classified under the regulation may make application for a reclassification if the former classification is now inappropriate because of changes in the regulation. If, for example, an establishment containing 20 dwelling units was previously classified as a rooming house, it may now make application for reclassification and will be classified as a transient hotel if it meets the requirements of this definition, as amended.

Similar changes are being made in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City defense-rental area and in the Miami defense-rental area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-3480; Filed, Apr. 9, 1947; 11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, New York City Area, Amdt. 32 (§ 1388.1409)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN NEW YORK CITY AREA

The rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City defense-rental area is amended in the following respects:

[1] Formerly Chapter XI, Office of Temporary Controls, Office of Price Administration, insofar as sugar rationing is concerned.

[2] 77 F. R. 13032, 13056, 13305, 14013, 14187.

1. The second paragraph of section 1 (e) is amended to read as follows:

If the Administrator finds that the provisions of this regulation establishing maximum rents are better adapted to the rental practices of such building or establishment than the provisions of the rent regulation for housing in the New York City defense-rental area, he shall consent to the landlord's election by order and at the same time shall classify such establishment as provided by section 7. Accommodations so brought under this regulation shall be considered "rooms" for the purposes of the regulation.

2. Section 4 (b) (3) is amended to read as follows:

(3) If a landlord fails to register the maximum rent properly within the time specified in subparagraphs (1) and (2) above, (except where the room was registered prior to November 1, 1946), the rent received for any rental period commencing on or after the date on which the premises were first rented, or November 1, 1946 whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with § 1300.214 or § 1300.225 of Revised Procedural Regulation No. 3. If the Administrator finds that the landlord was not at fault in failing to register the maximum rent properly within the time specified, the order under section 5 (c) (1) may relieve the landlord of the duty to refund. The foregoing provisions and any refund thereunder do not affect any civil or criminal liabilities provided by the act for failure to register as required by section 7.

3. Section 4 (h) (1) is amended to read as follows:

(h) *Optional decontrol of daily rates.* (1) On or after February 1, 1947, any landlord who is the proprietor or operator of an establishment classified as a transient hotel, residential hotel, motor court or tourist home may apply to the area rent director for the decontrol of maximum daily rates on selected rooms in such establishment on OPA Form DH–DC. On such form the landlord shall list by number or location specific rooms in the building or establishment equal in number to the maximum number he is required to rent for weekly or monthly terms pursuant to the provisions of section 2 hereof and any order entered thereunder, or, if the rooms in the building or establishment were first rented subsequent to the applicable monthly period specified in section 2 (b) (2), then equal in number to the highest number actually rented for weekly or monthly terms at any one time during the month of December 1946, or to the number that the landlord is required to offer for rent for weekly or monthly terms under any order entered by the area rent director, whichever is the higher. Such rooms shall be known as permanent rooms for the purposes of this regulation and shall, after February 15, 1947, or the date of filing, whichever is later, be rented or offered for rent only on a weekly or monthly basis: *Provided, however,* That individual permanent rooms may be rented for periods less than one week at a daily rate of not to exceed one-seventh of the weekly rate or one-thirtieth of the monthly rate, whichever may be applicable to the particular room and number of occupants. Included in the permanent rooms listed by the landlord shall be those occupied by weekly or monthly tenants at the time of application up to the number the landlord is required to rent for weekly or monthly terms.

If such application is filed on OPA Form DH–DC, maximum daily rents established by this regulation for all rooms in the building or establishment other than permanent rooms shall, on and after February 15, 1947, or the date of the filing of such application, whichever is later, no longer be applicable. Such rooms when rented thereafter for daily terms of occupancy shall be free of the limitations imposed by this regulation: *Provided, however,* That any application which is not in proper form or omits information required from the landlord shall be void.

4. Section 4 (h) (3) is amended to read as follows:

(3) (i) In the event an order has been entered on an application by the landlord under section 2 (b) (5) hereof, relieving the establishment of its obligation to offer rooms for weekly or monthly terms of occupancy to the extent provided therein, the number of permanent rooms the landlord shall be required to offer only for weekly or monthly terms, in the event application is made under subparagraph (1) of this section 4 (h), shall be the highest number rented at any one time for weekly or monthly terms during the month of December 1946.

(ii) Any landlord who files an application for decontrol of daily rates in accordance with subparagraph (1) herein, at his option may list as permanent rooms a number equal to the total number he was renting on a weekly and monthly basis on December 31, 1946.

5. Section 4 (h) (7) is added to read as follows:

(7) Any landlord, who, prior to April 10, 1947, has filed an application for decontrol of daily rates in accordance with the provisions of subparagraph 1 herein may file an amended application on OPA Form DH–DC listing as permanent rooms a number equal to the total number he was renting on a weekly and monthly basis on December 31, 1946. Included in this list shall be those rooms occupied by weekly or monthly tenants at the time the amended application is filed up to the total number the landlord was renting on a weekly and monthly basis on December 31, 1946.

6. Section 7 (a) (2) is amended to read as follows:

(2) *Supplemental registration.* Every landlord of any establishment subject to the provisions of this regulation shall file a supplemental registration statement in duplicate on OPA Form DH–U–S, stating the services provided in connection with all rooms offered for rent and the number of rooms subject to monthly or weekly rates pursuant to the provisions of section 2. This supplemental registration statement shall be filed on or before December 31, 1946. In the case of maximum rents established under paragraphs (b) or (c) of section 4 in establishments for which no supplemental registration statement has been filed, OPA Form DH–U–S, shall be filed concurrently with the registration statement required by paragraph (a) (1) of this section. On the basis of the information furnished thereby, the Administrator shall classify each establishment as a transient hotel, residential hotel, rooming house, motor court, or tourist home, and the provisions of this regulation applicable to such classification shall thereupon become applicable to the particular establishment. If, after the filing of a supplemental registration statement, maximum rents are established for a new room or rooms in the same establishment under section 4 (b) or (c), the landlord shall file OPA Form DH–U–S within the time provided in paragraph (a) (1) above for registering rents established under these sections, unless the services and facilities provided with such room or rooms are substantially the same as those previously reported on OPA Form DH–U–S for other rooms in the establishment.

If the establishment is presently known as a hotel in the community, contains more than 50 rooms and is used predominantly for transient occupancy, the provisions of this regulation relating to transient hotels shall be applicable to such establishment until such establishment is otherwise classified in accordance with the provisions of this paragraph (a): *Provided, however,* That if such establishment fails to file OPA Form DH–U–S prior to January 1, 1947, it shall thereupon be subject to the provisions of this regulation relating to rooming houses until otherwise classified. All other establishments hereunder shall be subject to the provisions of this regulation relating to room houses until Form DH–U–S is filed and the establishment is otherwise classified by the Area Rent Director.

On or after April 10, 1947, any landlord whose establishment has been classified under this regulation, may apply to the area rent director for a reclassification, if, because of a change in this regulation, the former classification is inappropriate, by filing an amended supplemental registration statement on OPA Form DH–U–S. On the basis of the information furnished thereby, the Administrator shall reclassify such establishment and the provisions of this regulation applicable to such classification shall thereupon become applicable to such establishment. Until reclassified, the provisions of this regulation relating to the former classification shall apply.

7. Section 13 (a) (13) is amended to read as follows:

(13) "Transient hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains 15 or more dwelling units, (c) provides services customarily supplied by transient hotels, and (d) (i) has less than 50 per cent of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month, or if the establishment was not in operation during the quota month, during the month of June 1946, or (ii) started operation on or after July 1, 1946.

8. Section 13 (a) (15) is amended to read as follows:

(15) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than 25 dwelling units, (c) provides services customarily supplied by residential hotels, and (d) (1) had 50 per cent or more of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month, or if the establishment was not in operation during the quota month, during the month of June 1946, or (ii) started operation on or after July 1, 1946.

9. Section 13 (a) (20) is added to read as follows:

(20) "Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

Effective April 10, 1947.

Issued April 9, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 105 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, Amendment 32 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area, and Amendment 25 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

Section 4 (k) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is being amended to permit a proprietor or an operator of a transient hotel, residential hotel, motor court, or tourist home, who either has applied or intends to apply for decontrol of daily rates, at his option, to determine the number of rooms which he is required to rent on a weekly and/or monthly basis in accordance with the number he was renting on such basis on December 31, 1946. Before this amendment, he was required, in general, to set aside as permanent rooms in his decontrol application a number equal to the number he was required to rent on a weekly and monthly basis under the quota provisions of section 2 (b). Any establishment which has heretofore filed an application for decontrol of daily rates may exercise this option by filing a new application. In some sections of the country the demand for permanent rooms has decreased in recent months so that now the demand is much less than it was during the war and the early post-war period. This amendment will relieve establishments in such areas whose daily rates have been decontrolled, from setting aside as permanent rooms more than the number necessary to meet current demands, as indicated by actual rentals on such basis on December 31, 1946.

This amendment also sets up a new classification of establishments under the hotel regulation. Rooming houses which cater primarily to tourist guests and are known in the community as tourist homes will be so classified. The provisions pertaining to tourist homes shall not be applicable to any such establishment until it has filed the appropriate supplemental registration statement and has been classified as a tourist home by the area rent director. An establishment classified as a tourist home will be eligible to file an application for decontrol of its daily rates under section 4 (k) of the regulation. It is the Administrator's opinion that establishments known as tourist homes which cater almost exclusively to daily guests, mostly tourists, should receive the same treatment with respect to decontrol of daily rates as other transient establishments. Such decontrol action will have no effect on the permanent housing supply of the country.

This amendment revises the definition of "transient hotel" so as to include within its scope those establishments which have the characteristics of a transient hotel but contain only 15 to 25 dwelling units. Prior to this amendment, only those establishments which contained more than 25 dwelling units could be classified as a transient hotel. This change will permit small hotels which rent primarily for transient occupancy to be classified as transient hotels and thus become subject to the decontrol provisions of the hotel regulation.

Section 7 of the regulation has been amended to provide that any establishment previously classified under the regulation may make application for a reclassification if the former classification is now inappropriate because of changes in the regulation. If, for example, an establishment containing 20 dwelling units was previously classified as a rooming house, it may now make application for reclassification and will be classified as a transient hotel if it meets the requirements of this definition, as amended.

Similar changes are being made in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City defense-rental area and in the Miami defense-rental area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-3481; Filed, Apr. 9, 1947; 11:39 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, Miami Area,[1] Amdt. 25 (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN MIAMI AREA

The rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the Miami defense-rental area is amended in the following respects:

1. Section 4 (b) (3) is amended to read as follows:

(3) If a landlord fails to register the maximum rent properly within the time specified in subparagraphs (1) and (2) above (except where the room was registered prior to November 1, 1946), the rent received for any rental period commencing on or after the date on which the premises were first rented, or November 1, 1946, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with § 1300.214 and § 1300.225 of Revised Procedural Regulation No. 3. If the Administrator finds that the landlord was not at fault in failing to register the maximum rent properly within the time specified, the order under section 5 (c) (1) may relieve the landlord of the duty to refund. The foregoing provisions and any refund thereunder do not affect any civil or criminal liabilities provided by the act for failure to register as required by section 7.

2. Section 4 (h) (1) is amended to read as follows:

(h) *Optional decontrol of daily rates.* (1) On or after February 1, 1947, any landlord who is the proprietor or operator of an establishment classified as a transient hotel, residential hotel, motor court or tourist home may apply to the area rent director for the decontrol of maximum daily rates on selected rooms in such establishment on OPA Form DH–DC. On such form the landlord shall list by number or location specific rooms in the building or establishment equal in number to the maximum number he is required to rent for weekly or monthly terms pursuant to the provisions of section 2 hereof, and any order entered

[1] 10 F. R. 318, 2405, 5090, 9445, 11071, 15212; 11 F. R. 4015, 5951, 6136, 8164, 10510, 12946.

thereunder, or, if the rooms in the building or establishment were first rented subsequent to the applicable monthly period specified in section 2 (b) (2), then equal in number to the highest number actually rented for weekly or monthly terms at any one time during the month of December 1946, or to the number that the landlord is required to offer for rent for weekly or monthly terms under any order entered by the area rent director, whichever is the higher. Such rooms shall be known as permanent rooms for the purposes of this regulation and shall, after February 15, 1947, or the date of filing, whichever is later, be rented or offered for rent only on a weekly or monthly basis: *Provided, however,* That individual permanent rooms may be rented for periods less than one week at a daily rate of not to exceed one-seventh of the weekly rate or one-thirtieth of the monthly rate, whichever may be applicable to the particular room and number of occupants. Included in the permanent rooms listed by the landlord shall be those occupied by weekly or monthly tenants at the time of application up to the number the landlord is required to rent for weekly or monthly terms.

If such application is filed on OPA Form DH–DC, maximum daily rents established by this regulation for all rooms in the building or establishment other than permanent rooms shall, on and after February 15, 1947, or the date of the filing of such application, whichever is later, no longer be applicable. Such rooms when rented thereafter for daily terms of occupancy shall be free of the limitations imposed by this regulation: *Provided, however,* That any application which is not in proper form or omits information required from the landlord shall be void.

3. Section 4 (h) (3) is amended to read as follows:

(3) (i) In the event an order has been entered on an application by the landlord under section 2 (b) (5) hereof, relieving the establishment of its obligation to offer rooms for weekly or monthly terms of occupancy to the extent provided therein, the number of permanent rooms the landlord shall be required to offer only for weekly or monthly terms, in the event application is made under subparagraph (1) of this section 4 (h), shall be the highest number rented at any one time for weekly or monthly terms during the month of December 1946.

(ii) Any landlord who files an application for decontrol of daily rates in accordance with subparagraph (1) herein, at his option may list as permanent rooms a number equal to the total number he was renting on a weekly and monthly basis on December 31, 1946.

4. Section 4 (h) (7) is added to read as follows:

(7) Any landlord, who, prior to April 10, 1947, has filed an application for decontrol of daily rates in accordance with the provisions of subparagraph 1 herein, may file an amended application on OPA Form DH–DC listing as permanent rooms a number equal to the total number he was renting on a weekly and monthly basis on December 31, 1946. Included in this list shall be those rooms occupied by weekly or monthly tenants at the time the amended application is filed up to the total number the landlord was renting on a weekly and monthly basis on December 31, 1946.

5. Section 7 (a) (2) is amended to read as follows:

(2) *Supplemental registration.* Every landlord of any establishment subject to the provisions of this regulation shall file a supplemental registration statement in duplicate on OPA Form DH–US, stating the services provided in connection with all rooms offered for rent and the number of rooms subject to monthly or weekly rates pursuant to the provisions of section 2. This supplemental registration statement shall be filed on or before December 31, 1946. In the case of maximum rents established under paragraphs (b) or (c) of section 4 in establishments for which no supplemental registration statement has been filed, Form DH–US shall be filed concurrently with the registration statement required by paragraph (a) (1) of this section. On the basis of the information furnished thereby, the Administrator shall classify each establishment as a transient hotel, residential hotel, rooming house, motor court, or tourist home, and the provisions of this regulation applicable to such classification shall thereupon become applicable to the particular establishment. If, after the filing of a supplemental registration statement, maximum rents are established for a new room or rooms in the same establishment under section 4 (b) or (c), the landlord shall file OPA Form DH–US within the time provided in subparagraph (a) (1) above for registering rents established under these sections, unless the services and facilities provide i with such room or rooms are substantially the same as those previously reported on OPA Form DH–US for other rooms in the establishment.

If the establishment is presently known as a hotel in the community, contains more than 50 rooms and is used predominantly for transient occupancy, the provisions of this regulation relating to transient hotels shall be applicable to such establishment until such establishment is otherwise classified in accordance with the provisions of this paragraph (a): *Provided, however,* That if such establishment fails to file OPA Form DH–U–S prior to January 1, 1947, it shall thereupon be subject to the provisions of this regulation relating to rooming houses until otherwise classified. All other establishments hereunder shall be subject to the provisions of this regulation relating to rooming houses until Form DH–U–S is filed and the establishment is otherwise classified by the Area Rent Director.

On or after April 10, 1947, any landlord whose establishment has been classified under this regulation, may apply to the area rent director for a reclassification, if, because of a change in this regulation, the former classification is inappropriate, by filing an amended supplemental registration statement on OPA Form DH–U–S. On the basis of the information furnished thereby, the Administrator shall reclassify such establishment, and the provisions of this regulation applicable to such classification shall thereupon become applicable to such establishment. Until reclassified, the provisions of this regulation relating to the former classification shall apply.

6. Section 13 (a) (13) is amended to read as follows:

(13) "Transient hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains 15 or more dwelling units, (c) provides service customarily supplied by transient hotels, and (d) (i) has less than 50 per cent of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month, or if the establishment was not in operation during the quota month, during the month of June 1946, or (ii) started operation on or after July 1, 1946.

7. Section 13 (e) (a) (15) is amended to read as follows:

(15) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than 25 dwelling units, (c) provides services customarily supplied by residential hotels, and (d) (i) had 50 per cent or more of its accomodations occupied by permanent guests (on monthly or weekly basis) during the quota month, or if the establishment was not in operation during the quota month, during the month of June 1946, or (ii) started operation on or after July 1, 1946.

8. Section 13 (a) (20) is added to read as follows:

(20) "Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

This amendment shall become effective April 10, 1947.

Issued this 9th day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 105 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, Amendment 32 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area, and Amendment 25 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

Section 4 (k) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is being amended to permit a proprietor or an operator of a transient hotel, residential hotel, motor court, or tourist home, who either has applied or intends to apply for decontrol of daily rates, at his option, to determine the number of rooms which he is required to rent on a weekly and/or monthly basis in accordance with the number he was renting on such basis on December 31, 1946. Before this amendment, he was required, in general, to set aside as permanent rooms in his decontrol application a number equal to the number he was required to rent on a weekly and monthly basis under the quota provisions of section 2 (b). Any establishment which has heretofore filed an application for decontrol of daily rates may exercise this option by filing a new application. In some sections of the country the demand for permanent rooms has decreased in recent months so that now the demand is much less than it was during the war and the early postwar period. This amendment will relieve establishments in such areas whose daily rates have been decontrolled, from setting aside as permanent rooms more than the number necessary to meet current demands, as indicated by actual rentals on such basis on December 31, 1946.

This amendment also sets up a new classification of establishments under the hotel regulation. Rooming houses which cater primarily to tourist guests and are known in the community as tourist homes will be so classified. The provisions pertaining to tourist homes shall not be applicable to any such establishment until it has filed the appropriate supplemental registration statement and has been classified as a tourist home by the area rent director. An establishment classified as a tourist home will be eligible to file an application for decontrol of its daily rates under section 4 (k) of the regulation. It is the Administrator's opinion that establishments known as tourist homes which cater almost exclusively to daily guests, mostly tourists, should receive the same treatment with respect to decontrol of daily rates as other transient establishments. Such decontrol action will have no effect on the permanent housing supply of the country.

This amendment revises the definition of "transient hotel" so as to include within its scope those establishments which have the characteristics of a transient hotel but contain only 15 to 25 dwelling units. Prior to this amendment, only those establishments which contained more than 25 dwelling units could be classified as a transient hotel. This change will permit small hotels which rent primarily for transient occupancy to be classified as transient hotels and thus become subject to the decontrol provisions of the hotel regulation.

Section 7 of the regulation has been amended to provide that any establishment previously classified under the regulation may make application for a reclassification if the former classification is now inappropriate because of changes in the regulation. If, for example, an establishment containing 20 dwelling units was previously classified as a rooming house, it may now make application for reclassification and will be classified as a transient hotel if it meets the requirements of this definition, as amended.

Similar changes are being made in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City defense-rental area and in the Miami defense-rental area.

In the judgment of the Temporary Controls Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-3479; Filed, Apr. 9, 1947; 11:38 a. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 150]

PART 4003—SUBSIDIES; SUPPORT PRICES PEANUTS, 1947 CROP

The Secretary of Agriculture has submitted to me for approval a program under which Commodity Credit Corporation would purchase and make loans on peanuts of the 1947 crop at 90 percent of the parity price for edible peanuts as of July 15, 1947, the beginning of the marketing year.

After careful consideration, I hereby find that the proposed program is necessary to provide markets, promote orderly marketing, increase the consumption of peanuts, and stabilize and protect the price of peanuts to the producer. Accordingly:

§ 4003.54b *Peanut Purchase and Loan Program, 1947 Crop.* The Department of Agriculture is authorized and directed to purchase and make loans on peanuts of the 1947 crop, at 90 percent of the parity price for edible peanuts as of July 15, 1947. The program authorized is set forth in further detail in the Docket of the Department of Agriculture on this subject.

(56 Stat. 765, 58 Stat. 632, 642, 784, 59 Stat. 306, Pub. Law 548, 79th Cong.; 15 U. S. C. Sup. 713a–8 and note, 50 U. S. C. App. Sup. 901–903, 921–925, 961–971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871, E. O. 9328, Apr. 8, 1943, 8 F. R. 4681, E. O. 9599, Aug. 18, 1945, 10 F. R. 10155, E. O. 9651, Oct. 30, 1945, 10 F. R. 13487, E. O. 9697, Feb. 14, 1946, 11 F. R. 1691, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929, E. O. 9762, July 25, 1946, 11 F. R. 8073, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 4th day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-3395; Filed, Apr. 9, 1947; 8:46 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 6]

PART 8306—SALE OF GOVERNMENT-OWNED PLANT EQUIPMENT IN CONTRACTORS' PLANTS

Surplus Property Administration Regulation 6, November 16, 1945, entitled "Sale of Government-Owned Plant Equipment in Contractors' Plants," as amended through February 19, 1946 (10 F.R. 14521; 11 F.R. 1893), is hereby revised and amended as herein set forth as War Assets Administration Regulation 6, Order 1, November 16, 1945 (10 F.R. 14523), under this part shall continue in full force and effect.

Sec.
8306.1 Definitions.
8306.2 Scope.
8306.3 Applicability of regulations of the Office of Temporary Controls.
8306.4 Owning agencies empowerd to sell plant equipment to contractors in possession.
8306.5 Pricing policy.
8306.6 Sales of miscellaneous shop equipment, etc., at retail.
8306.7 Disposals of not readily severable plant equipment.
8306.8 Plant equipment in possession of subcontractors and sublessees.
8306.9 Options.
8306.10 Disposals under laws other than the Surplus Property Act.
8306.11 Records and reports.
8306.12 Regulations by owning agencies to be reported to the Administrator.

AUTHORITY: §§ 8306.1 to 8306.12, inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265).

§ 8306.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Facilities contract" means a lease, rental agreement, or other contract or contract provision, specifically governing the acquisition, use, or disposition of Government-owned machinery, tools, building installations, or other property, furnished to or acquired by a war contractor for any war production purpose except incorporation in end products.

(2) "Government agency" means any executive department, independent establishment, board, bureau, commission, or other agency of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(3) "Plant equipment" means any property which is located in a war contractor's plant and is covered by a facilities contract, except land and buildings.

(4) "Readily severable" means capable of being removed and sold without substantial damage to either the property being removed or the premises.

(5) "Special tooling" means plant equipment of such special design that it has apparent value only as scrap except in the manufacture of the particular product which such equipment was specifically designed to produce; it includes

only jigs, dies, fixtures, gauges, moulds, and similar equipment.

§ 8306.2 *Scope.* (a) This part applies only to Government-owned plant equipment that is located in privately owned plants. Except as otherwise provided in §§ 8306.4, 8306.6, 8306.7, and 8306.8, it authorizes only the disposal of such equipment to the contractor in possession for immediate or eventual use in his civilian production.

(b) The Administrator has determined that such sales will not result in the concentration of plant equipment in the hands of large established enterprises, nor prevent the acquisition thereof by other contractors, small as well as large, and new as well as established, since the equipment will be sold to contractors in possession whose war contracts have not yet been settled, and accordingly it is not yet available for disposition to others. The disposal agencies have available as surplus, and will continue to have available in increasing amounts, equipment of the type to be disposed of hereunder. These will be available for general disposition as surplus to meet the demands of all other contractors at about the same time that the equipment to be sold hereunder would become available for general sale.

(c) In view of the holding of the United States Circuit Court of Appeals for the Second Circuit, in the case of United States v. Aluminum Company of America, et al., decided March 12, 1945, that as of 1940 the Aluminum Company of America had a monopoly of primary aluminum in violation of law, and in view of the objectives of the act, no plant equipment shall be disposed of under this part to the Aluminum Company of America or to any of its subsidiaries, unless such disposal is first approved in writing by the Administrator.

§ 8306.3 *Applicability of regulations of the Office of Temporary Controls.* All disposals hereunder shall be subject to applicable regulations of the Office of Temporary Controls.

§ 8306.4 *Owning agencies empowered to sell plant equipment to contractors in possession.* (a) In order to further the objectives of the act by assuring the most effective use of Government-owned property for war purposes, aiding in facilitating the transition from wartime to peacetime production and employment, encouraging and fostering postwar employment opportunities, promoting production and disposing of surplus property as promptly as feasible without fostering monopoly or restraint of trade or unduly disturbing the economy or encouraging hoarding, the Administrator hereby empowers each owning agency to dispose of plant equipment to contractors in possession thereof, as provided hereunder. Except in cases of disposals under §§ 8306.6 and 8306.7, there shall be obtained in connection with each disposal of plant equipment hereunder a written representation from the contractor that he intends to use the equipment in his production and that he is not purchasing it for the purpose of reselling it, directly or indirectly, at a profit. Owning agencies may make such disposals to contractors in possession at any time before they take possession of plant equipment or report such equipment as surplus to a disposal agency. Nothing herein affects the authority of owning agencies to sell small lots of scrap or salvage in accordance with other regulations of the War Assets Administrator.

(b) In any case in which the owning agency shall make a written finding that given special tooling will have no reasonable foreseeable use for civilian production, it may dispose of such tooling hereunder to the contractor in possession at scrap prices. In any such case, the contractor shall agree in writing that upon the conclusion of his war production he will offer such tooling to the owning agency for a period of thirty (30) days at the then scrap price of such tooling and, if the owning agency does not wish to purchase such tooling, he will dispose of it as scrap.

§ 8306.5 *Pricing policy.* Sales hereunder shall to the greatest extent possible be made at fixed prices rather than at negotiated prices. To this end, all sales shall be made in accordance with the provisions of paragraphs (a) to (e) of this section, except as otherwise provided in § 8306.7.

(a) All sales of used standard general purpose machinery as defined in Part 8313[1] shall be made at prices determined in accordance with the provisions of that part.

(b) Fixed price schedules for certain other classifications of plant equipment may be prepared by the Administrator and issued from time to time as orders hereunder.

(c) Sales of all readily severable plant equipment which is not governed by a fixed price schedule shall be made at prices that are fair and reasonable and not less than the net proceeds that could reasonably be expected to be obtained if the property were offered for general sale. In all cases where the estimated cost of such plant equipment is $25,000 or more, the sales price shall be approved by an internal board of review. In fixing such prices consideration shall be given to such factors as original cost and reproduction cost (new) of the items, less reasonable depreciation and obsolescence.

(d) Disposals of all plant equipment not readily severable shall be made at prices that are fair and reasonable under all the circumstances, taking into account the limited sale value of the property in place and its special value, if any, to the purchaser. In all cases, prior to disposal a written estimate shall be made of both the value of the plant equipment for use in place and its salvage value.

(e) The War Assets Administration shall, upon request, furnish advice and assistance to the owning agencies in the establishment of fair and reasonable prices under paragraphs (c) and (d) of this section.

§ 8306.6 *Sales of miscellaneous shop equipment, etc., at retail.* In any case in which the contractor in possession does not wish to acquire any plant equipment consisting of small, loose, or hand tools, portable power equipment, or miscellaneous shop equipment, the owning agency may authorize the contractor to sell such plant equipment at retail, subject to the following conditions, *that:*

(a) All sales are made at set prices approved in advance by the owning agency, after consultation with War Assets Administration;

(b) Not more than $500 in sales are made to any one person;

(c) The purchaser is required to certify in writing that he is buying the property for his own use;

(d) The contractor gives wide publicity in the immediate locality to offerings of such property for retail sale;

(e) Sales are made for cash.

§ 8306.7 *Disposals of not readily severable plant equipment.*—(a) *Consent of the disposal agency.* No plant equipment costing more than $100,000 shall be disposed of or demolished by the owning agency pursuant to paragraphs (b) and (c) of this section without prior submission to, and the consent of, the disposal agency. At the request of the disposal agency, any plant equipment not readily severable which is not disposed of to the contractor in possession shall, regardless of cost, be declared surplus in place to the disposal agency.

(b) *Disposals other than to the contractor in possession.* When plant equipment which is not readily severable is not sold to the contractor in possession, and no request has been made by the disposal agency as provided for in paragraph (a) of this section, then in such event such plant equipment may be sold by the owning agency to the owner of the plant, to the lessee of the land, or to the owner of the land.

(c) *Other alternative disposals.* (1) When plant equipment which is not readily severable is not sold to any of the purchasers mentioned in paragraph (b) of this section, and in the absence of any request by the disposal agency as provided for in paragraph (a) of this section, the owning agency may dispose of such plant equipment in any one or more of the following methods:

(i) By sale intact;

(ii) By transfer to another Government agency intact;

(iii) By demolition contract let only on competitive bids, whereby title to the resulting material passes to the demolition contractor;

(iv) By demolition with disposal of surplus used construction materials by competitive bidding and of other resulting materials in accordance with any other applicable regulations of the Administrator. Any such competitive bidding shall be conducted under rules and regulations prescribed by the owning agencies containing provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids.

(v) By abandonment if the owning agency has no obligation to remove such plant equipment and it finds in writing that such property is without commercial value or that the estimated cost of its care, handling, removal, and disposition would exceed the estimated proceeds of sale.

(2) Any plant equipment not disposed of pursuant to paragraphs (b) and (c) of this section, shall be declared surplus to the appropriate disposal agency.

§ 8306.8 *Plant equipment in possession of subcontractors and sublessees.* In any case where plant equipment is, in accordance with the terms of a facilities contract, located in the plant of a subcontractor or sublessee, such subcontractor or sublessee shall for the purpose hereof be considered as the contractor in possession, and owning agencies shall take all steps possible to sell such plant equipment to the sublessee or subcontractor, at his request, on terms and conditions as provided herein. In the case of special tooling, if such subcontractor or sublessee shall state in writing that he does not desire to acquire the property, the contractor holding the covering facilities contract may be permitted to retain the property under a negotiated sale or under a lease for a period of not more than one year. Sale prices and rentals shall be determined on a basis that is fair and reasonable, taking into consideration the limited sale value of the property and its special value to the purchaser or lessee. The owning agency may request the advice and assistance of the War Assets Administration in determining acceptable sale prices and rentals.

§ 8306.9 *Options.* All sales by owning agencies of plant equipment to contractors shall be made in accordance with the provisions of this part, except sales made in accordance with the terms, conditions, and price provisions as stipulated in any valid option, and except sales for war production purposes. Any contractor purchasing plant equipment in accordance with the provisions of this part shall waive any purchase option, right of refusal, or similar privilege which he may have under the same facilities contract. Owning agencies are, however, authorized to make exceptions to meet unusual cases, but in each instance where an exception is made they shall maintain adequate records which shall be available to the Administrator upon request. No such exception shall be made unless it is approved by an internal board of review.

§ 8306.10 *Disposals under laws other than the Surplus Property Act.* Disposals of plant equipment as defined herein shall not be made under laws other than the Surplus Property Act of 1944 but shall be made only in strict accordance with the provisions of this part unless the Administrator upon written application by the owning agency shall consent in writing to a different procedure.

§ 8306.11 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8306.12 *Regulations by owning agencies to be reported to the Administrator.* Each owning agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective April 10, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 7, 1947.

[F. R. Doc. 47-3477; Filed, Apr. 9, 1947; 11:26 a. m.]

[1] Reg. 13 (12 F. R. 663).

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

[Instruction 3, Pub. Law 458, 79th Cong.]

PART 2—ADJUDICATION; VETERANS' CLAIMS (APPENDIX)

PART 3—DISALLOWANCE AND AWARDS (APPENDIX)

PART 4—ADJUDICATION; VETERANS' CLAIMS, CENTRAL OFFICE SECTION (APPENDIX)

PART 35—VETERANS' REGULATIONS

INSTRUCTIONS RELATING TO THE RATING OF COMBAT INCURRED DISABILITIES

For the purposes of effecting the provisions of Public Law 458, 79th Congress, the following instructions are issued:

1. Congress has provided veterans financial aid in various forms, including compensation for those who have disabilities incident to service. Prior instructions from this office have dealt with the approved methods of adjudicating claims for benefits involving malaria, the prisoner of war group, the evaluation of the disabling effects of gunshot wounds, and gastric and duodenal ulcers. Attention is called to the problem relating to the neuropsychiatric group which is important both from a medical and an adjudicative aspect.

2. Questions of diagnoses and description of resulting disabilities exist in all categories of illness and complicate the problem of proper evaluation. This is true of neuropsychiatric cases, and particularly in certain "functional" cases where the veteran registers complaints for which no causative organic disease is identified by medical examination. Correctness of adjudication awards is important, for a veteran may be harmed by failure to award him pension to which he is entitled, or by the awarding of benefits which are either disproportionate or on an improper basis. The awarding of financial aid as disability compensation for a long period of time when actual acquired disability is absent, tends to fix in the individual's mind the idea that he is suffering from incurable, chronic disabilities or disorders, thereby greatly increasing the difficulty of his adjustment into employment. Awarding a pension to a veteran for a disability which is non-existent is, therefore, a dis-service to him in the end. It is imperative that this group of cases be correctly classified and adjudicated in order to assist these veterans to self-reliant, productive citizenship and in order to protect them from over or under compensation payments.

3. Those veterans whose service prior to the reporting of neuropsychiatric manifestations can be measured in days or weeks, and particularly those who did not adjust to service requirements by reason of pre-existing neuropsychiatric manifestations, are rendered a dis-service when situational reactions characteristic of a life pattern and never before considered in the nature of disease are identified as acquired neuropsychiatric diseases. Careful re-examination of the cases in question frequently shows a listing of poor adjustment, personality defects, anomalies, chronic exaggeration of passing physical complaints, constitutional factors shown in emotional instability or anti-social behavior, upon which have been erected diagnoses of acquired neuropsychiatric disorders.

4. Section 2.1063 of this chapter, promulgated August 9, 1946, provides approved methods of adjudication and the authority for the development of the evidence pertaining to the veteran's condition before and after service, particularly with a view toward determining the post-war adjustment as compared to pre-war adjustment. With better opportunity to develop all material evidence correct action can now be taken in order to determine the presence or absence of disease, service relationship, the amount of disability present and the need for therapy. Where no increase in the pre-service level of the condition during service is shown by the whole record, the diagnostic classification of the neuropsychiatric manifestations is not necessary for adjudication purposes. Consequently, further development of the evidence, including neuropsychiatric examination, in such cases is not required.

5. In view of the above, service-connected neuropsychiatric cases based on service rendered on or after September 16, 1940, will be reviewed under the policy outlined herein and appropriate rating action will be taken. Inasmuch as there are approximately 500,000 cases involved in this group, it is imperative for administrative reasons that this review be conducted concurrently with the general review of cases previously authorized under the Schedule for Rating Disabilities, 1945 Edition. Those cases in this category already reviewed under the above-mentioned schedule will be re-reviewed as soon as administratively possible. In cases contemplated within this review and those hereafter adjudicated, care will be exercised in differentiating between true neuropsychiatric diseases incurred in or aggravated by service, those reactions which are normal to the individual under the cited circumstances,

and pre-existing conditions not aggravated by service in order that no veteran who has a true neuropsychiatric disease properly service connected under the law will be unjustly separated from the compensation rolls. Where any veteran with combat service has manifested symptomatology initially classified as "combat fatigue," "exhaustion" or under any other of a number of descriptive terms, careful consideration should be extended to all symptomatology referable to the combat neuropsychiatric condition prior to reclassification and readjudication as psychopathic personality, in order to assure that the veteran is not unjustifiably removed from the rolls. In making this review, due regard will be given the places, types and circumstances of the veteran's service, and particular consideration will be accorded combat duty and other hardships of his service. (60 Stat. 319)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

MARCH 31, 1947.

[F. R. Doc. 47-3431; Filed, Apr. 9, 1947; 8:49 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, United States Department of Labor

PART 201—GENERAL REGULATIONS

REVOCATION OF WARTIME EXEMPTION AND EXCEPTIONS FROM PROVISIONS OF WALSH-HEALEY PUBLIC CONTRACTS ACT

Having determined that justice and the public interest will no longer be served by the continuance of the following wartime exemptions and exceptions to the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U. S. C. 35-45), granted under section 6 thereof:

1. Exemption from the provisions of section 1 (a) of the Walsh-Healey Public Contracts Act to permit Defense Production Associations to receive contracts subject to the act, effective December 5, 1941 (6 F. R. 6317; 41 CFR, Cum. Supp., 201.101 (b) note).

2. In the matter of an exception from the provisions of section 1 of the Walsh-Healey Public Contracts Act of contracts awarded to Railway Carriers, effective May 12, 1942 (7 F. R. 3563; 41 CFR, 1944 Supp., 201.1 note).

3. In the matter of an exception from the provisions of section 1 (a) of the Walsh-Healey Public Contracts Act to permit the purchase of certain export commodities, effective September 2, 1942 (7 F. R. 7013; 41 CFR, Cum. Supp., 201.1 (a) note).

4. In the matter of an exception from the provisions of section 1 of the Walsh-Healey Public Contracts Act for contracts for purchases by the United States Army of orange marmalade, effective October 16, 1943 (8 F. R. 14353; 41 CFR, 1943 Supp., 201.1 note).

5. In the matter of an exception from the provisions of section 1 (a) of the Walsh-Healey Public Contracts Act of certain contracts entered into between the United States and the American National Red Cross, effective February 3, 1945, 10 F. R. 1791; 41 CFR, 1945 Supp., 201.1 note).

I hereby revoke the exemption and exceptions set forth above pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act,

Provided, however, That this order shall not apply to any contract with respect to which bids are solicited or negotiations otherwise commenced prior to the effective date hereof.

This order shall become effective immediately on publication in the FEDERAL REGISTER.

(Sec. 6, 49 Stat. 2038; 41 U. S. C. 40)

Dated: Apr. 1, 1947.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 47-3401; Filed, Apr. 9, 1947; 8:49 a. m.]

PART 201—GENERAL REGULATIONS

ADMINISTRATIVE EXEMPTIONS

Pursuant to the authority vested in me by sections 4 and 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U. S. C. 38, 40) I hereby revise § 201.603 *Administrative exemptions* (41 CFR, cum. supp.) by rescinding paragraph (e) thereof.

(Secs. 4, 6, 49th Stat. 2038; 41 U. S. C. 38, 40)

Dated: April 1, 1947.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 47-3400; Filed, Apr. 9, 1947; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2311]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF INDIAN AFFAIRS

Order No. 2252 (11 F. R. 10296) is amended and §§ 4.710, 4.711, 4.713, 4.714 and 4.715 are amended by the addition of new paragraphs or the amendment of existing paragraphs, and § 4.716 is added as follows:

1. In § 4.710 paragraph (f) is added as follows:

§ 4.710 *Functions relating to Indian health and welfare matters.* • • •

(f) The approval of the appointment of guardians of Osage Indians pursuant to the provisions of the act of February 27, 1925 (43 Stat. 1008).

2. In § 4.711 paragraph (j) is added as follows:

§ 4.711 *Functions relating to Indian funds and fiscal matters.* • • •

(j) The approval of quarterly pro rata share payments of Osage tribal funds and interest on individual funds in the United States Treasury pursuant to provisions of the act of June 28, 1906 (34 Stat. 544), as amended or supplemented by the acts of February 27, 1925 (43 Stat. 1008) and June 24, 1938 (52 Stat. 1034).

3. In § 4.713 paragraphs (a), (e), (l) and (r) are amended as follows:

§ 4.713 *Functions relating to Indian lands and minerals.* • • •

(a) The approval of leases for oil, gas or other mining purposes covering restricted tribal and allotted Indian lands pursuant to provisions of 25 CFR, Parts 183, 186, 189, 195, 201 and 207. The authority conferred by this paragraph extends to and includes the approval or other appropriate administrative action required on all assignments of mineral leases now or hereafter in force on restricted tribal and allotted Indian lands, bonds and other instruments required in connection with such leases or assignments thereof, unit and communitization agreements, the acceptance of voluntary surrender of such leases by lessees, cancellation of leases for violation of terms thereof, and approval of agreements for settlement of claims for damages to Indian lands resulting from oil and gas or other mineral operations.

• • • • •

(e) The approval of exchanges of lands between individual Indians, between individual Indians and Indian tribes, between individual Indians and non-Indians, and between Indian tribes and non-Indians.

• • • • •

(l) The issuance of tax exemption certificates covering lands designated as tax exempt under the provisions of the acts of June 20, 1936 (49 Stat. 1542), as amended by the act of May 19, 1937 (50 Stat. 188; 25 U. S. C. 412a) and May 10, 1928 (45 Stat. 495), as amended May 24, 1928 (45 Stat. 733).

• • • • •

(r) The approval of sand, gravel, pumice and building stone leases and permits of tribal and allotted lands pursuant to provisions of 25 CFR, Parts 186, 189, 195 and 204.

4. In § 4.714 paragraph (d) is added as follows:

§ 4.714 *Functions relating to irrigation matters.* • • •

(d) The approval of compromise agreements and settlement of damage claims pursuant to the provisions of the act of February 20, 1929 (45 Stat. 1252; 25 U. S. C. 388), when the sum involved in any claim does not exceed $500. Any such claim may also be rejected. Any claimant dissatisfied with action taken under this paragraph regarding his claim may take an appeal to the Solicitor of the Department of the Interior within 15 days after receiving notice of such determination. Written notice of his desire to take an appeal shall be given by the claimant to the officer who made the determination upon his claim. Such official shall thereupon promptly transmit to the Solicitor all documents and other data relating to the claim.

5. In § 4.715 paragraph (a) is amended as follows:

§ 4.715 *Functions relating to Indian forestry and grazing matters.* • • •

(a) The issuance of advertisements and the approval of timber sale contracts involving an estimated stumpage volume of not to exceed 40,000,000 feet board measure and the readjustment of stumpage rates under such contracts pursuant to provisions of 25 CFR, Part 61.

6. § 4.716 is added as follows:

§ 4.716 *Trade with Indians.* The Commissioner may act in relation to the following classes of matters without obtaining Secretarial approval:

(a) The approval of trade by Government employees with Indians pursuant to the provisions of 25 CFR, § 276.5.

(R. S. 161, 463, Pub. Law 687, 79th Cong.; 5 U. S. C. 22, 25 U. S. C. 2)

[SEAL] OSCAR L. CHAPMAN,
Under Secretary of the Interior.

[F. R. Doc. 47-3386; Filed, Apr. 9, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN SPINACH [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of revised United States Standards for Grades of Frozen Spinach pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946). The aforesaid standards have been in effect since March 15, 1944.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revised standards shall file the same in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 0308, South Building, Washington 25, D. C., not later than 20 days after the publication of this notice in the FEDERAL REGISTER.

The proposed revised standards are as follows:

§ 52.649 *Frozen spinach*—(a) *Identity.* Frozen spinach is the product which is prepared from the succulent leaves and stems of fresh spinach (Spinacia oleracea) by sorting, trimming, washing, and precooking or blanching such leaves and stems and which is frozen and stored at a temperature necessary for the preservation of the frozen product.

(b) *Grades of frozen spinach.* (1) U. S. Grade A or U. S. Fancy is the quality of frozen spinach that possesses a practically uniform bright typical green color, a good character, a normal flavor and odor, is practically free from defects, and scores not less than 85 points when scored in accordance with the scoring system outlined herein.

(2) U. S. Grade B or U. S. Extra Standard is the quality of frozen spinach that possesses a reasonably good uniform typical green color, a reasonably good character, a normal flavor and odor, is reasonably free from defects, and scores not less than 70 points when scored in accordance with the scoring system outlined herein.

(3) U. S. Grade D or Substandard is the quality of frozen spinach that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Recommended drained weight.* (1) The recommended drained weight hereof is not incorporated in the grades of the frozen product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(2) The recommended drained weight for any container of frozen spinach is a drained weight equal at least to the declared net weight for the container.

(3) The drained weight of frozen spinach packed in a particular container is determined after the complete thawing of the frozen product under a gentle spray of tap water at a temperature of approximately 68° F., by spreading the thawed spinach upon a circular sieve of proper diameter, containing 8 meshes to the inch (0.097-inch square openings), and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for a 16-ounce size container or smaller size container; and a sieve 12 inches in diameter is used for containers of greater capacity.

(d) *Ascertaining the grade.* (1) The grade of frozen spinach is ascertained after the spinach has been completely thawed under a gentle spray of tap water at a temperature of approximately 68° F., except that a representative portion of the frozen spinach is cooked without thawing when examining the product for grit or sand. The thawed spinach is then scored for the factors of color and absence of defects other than grit or sand. It is then cooked, in the manner described herein, before evaluating the factor of character. The flavor and odor of frozen spinach is also determined after cooking. "Normal flavor and odor" means that the spinach is free from objectionable flavors and odors of any kind.

(2) The grade of frozen spinach may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, absence of defects, and character. The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given each factor is:

(i) Color	20
(ii) Absence of defects	60
(iii) Character	20
Total score	100

(e) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen spinach that possesses a practically uniform bright typical green color may be given a score of 17 to 20 points. "Practically uniform bright typical green color" means that the frozen spinach possesses a green color that is characteristic of the spinach from which prepared, is bright, and that there is not more than a slight variation in the green color.

(ii) If the frozen spinach possesses a reasonably good uniform typical green color, a score of 14 to 16 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good uniform typical green color" means that the frozen spinach possesses a green color that is characteristic of the spinach from which prepared, and may be variable but not to an extent that the appearance of the frozen product is materially affected.

(iii) Frozen spinach that is definitely off-color for any reason or that fails to meet the requirements of subparagraph (1) (ii) of this paragraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from grit or sand, seed heads, grass and weeds, crowns of root stubs, root stubs, and major and minor damage. Minute insignificant injuries shall not be considered as damage. The evaluation of the score points for the factor of absence of defects may be determined from Table A hereof which prescribes the maximum score which may be allowed for specified defects.

(a) "Grit or sand" is any rough or hard particle of earthy sediment.

(b) "Major damage" means any yellow, brown or other discoloration which covers an aggregate area of not less than 1 square inch of any leaf, portion of a leaf, stem, or portion of a stem; or any pathological damage or insect or similar injury affecting any leaf, portion of a leaf, stem, or portion of a stem.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(c) "Minor damage" means any yellow, brown or other discoloration which covers an aggregate area of less than 1 square inch of any leaf, portion of a leaf, stem, or portion of a stem.

(ii) Frozen spinach that is practically free from defects may be given a score of 51 to 60 points. "Practically free from defects" means that the product contains no grit or sand that affects the eating quality of the frozen spinach, that for each 48 ounces drained weight there may be present not more than 1 root stub, and that for each 16 ounces drained weight there may be present:

(a) Not more than 2 tender crowns of roots with leaf clusters attached;

(b) Major and minor damage affecting not more than 8 leaves or stems or portions of leaves or stems, including major damage affecting not more than 4 leaves and stems or portions of leaves and stems;

(c) Not more than 2 seed heads; and

(d) Grass and weeds aggregating not more than 10 inches in length of which not more than 3 inches may be grass and weeds which detract noticeably from the appearance of the product.

(iii) If the frozen spinach is reasonably free from defects a score of 42 to 50 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product may contain a trace of grit or sand that does not materialy affect the eating quality of the frozen spinach, that for each 48 ounces drained weight there may be present not more than 3 root stubs, and that for each 16 ounces drained weight there may be present:

(a) Not more than 4 tender crowns of roots with leaf clusters attached;

(b) Major and minor damage affecting not more than 16 leaves and stems or portions of leaves and stems, including major damage affecting not more than 8 leaves and stems or portions of leaves and stems;

(c) Not more than 4 seed heads; and

(d) Grass and weeds aggregating not more than 15 inches in length of which not more than 6 inches may be grass and weeds which detracts noticeably from the appearance of the product.

(iv) Frozen spinach that fails to meet the requirements of subparagraph (2) (iii) of this paragraph may be given a score of 0 to 41 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE A—DEFECTS

Range of points	Score points	Grit or sand	Total number of root stubs	Damage		Total number of seed heads	Grass and weeds		Total number of crowns of roots
				Total					
			Per 48 ounces drained weight	Per 16 ounces drained weight					
				Major and minor	*Major*		*Aggregate length (inches)*	*Noticeably detract from appearance of the product (inches)*	
51-60	60	None	None	None	None	None	None	None	None
	59	None	None	1	1	None	2	None	None
	58	None	None	2	1	None	3	None	None
	57	None	None	3	2	1	4	1	1
	56	None	None	4	2	1	5	1	1
	55	None	None	4	2	1	6	2	1
	54	None	None	5	3	2	7	2	2
	53	None	1	6	3	2	8	3	2
	52	None	1	7	4	2	9	3	2
	51	None	1	8	4	2	10	3	2
42-50	50	Trace	2	9	5	3	11	4	3
	49	Trace	2	10	5	3	11	4	3
	48	Trace	2	11	6	3	12	4	3
	47	Trace	2	12	6	3	12	5	3
	46	Trace	3	13	7	4	13	5	4
	45	Trace	3	14	7	4	13	5	4
	44	Trace	3	14	8	4	14	6	4
	43	Trace	3	15	8	4	14	6	4
	42	Trace	3	16	8	4	15	6	4
0-41	41 or less	More than the allowances permitted for 42 score points.							

(3) *Character.* (i) The factor of character refers to the condition and structural characteristics of the spinach leaves and stems or portions of leaves and stems. The degree of freedom from coarse or tough leaves and stems or coarse or tough portions of leaves and stems, the tenderness of the cooked spinach, and the degree of shredding, raggedness, or disintegration of the leaves and stems are considered under this factor.

(ii) The character of frozen spinach is ascertained after cooking 10 ounces of the thawed product in 16 ounces of water for exactly 5 minutes at 212° F. in an uncovered container. The spinach is placed in the boiling water and cooking time starts at the time the water boils after the spinach is added. If the boiling point of the water is low, one minute shall be added to the cooking time for each 2° below 212° F.

(iii) Frozen spinach that possesses good character may be scored 17 to 20 points. "Good character" means that the cooked spinach is tender and practically free from coarse or tough leaves and stems or coarse or tough portions of leaves and stems and that the appearance of the cooked product is not materially affected by shredded, ragged, or disintegrated leaves and stems or portions of leaves and stems.

(iv) If the frozen spinach possesses a reasonably good character a score of 14 to 16 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the cooked spinach may possess a few coarse or tough leaves and stems or coarse or tough portions of leaves and stems, may be variable in tenderness, and that the appearance of the cooked product may be materially but not seriously affected by shredded, ragged, or distintegrated leaves and stems or portions of leaves and stems.

(v) Frozen spinach that fails to meet the requirements of subparagraph (3) (iv) of this paragraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen spinach, the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated:

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers in the lot meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) *Score sheet for frozen spinach.*

Container size .....
Container code or marking .....
Label .....
Net weight (in ounces) .....
Drained weight (in ounces) .....

Factors	Score points	
I. Color	20	(A) 17-20 (B) 14-16 [1] (D) 0-13 [1]
II. Absence of defects	60	(A) 51-60 (B) 42-50 [1] (D) 0-41 [1]
III. Character	20	(A) 17-20 (B) 14-16 [1] (D) 0-13 [1]
Total score	100	
Grade		
Normal flavor and odor		

[1] Indicates limiting rule within classification.

Issued this 4th day of April 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-3394; Filed, Apr. 9, 1947; 8:46 a. m.]

[7 CFR, Part 901]

[Docket No. AO 1-A 10]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF HEARING ON PROPOSED FURTHER AMENDMENTS OF MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders thereunder, as amended (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held in Room No. 449, Post Office Building, Seventh and Mission Streets, San Francisco, California, beginning at 10:00 a. m., P. s. t., April 28, 1947, with respect to proposed further amendments to the marketing agreement, as amended, and marketing order, as amended (7 CFR 901.1 et seq., as amended, 7 CFR, Cum. Supp., 901.4, 901.17, 901.19) regulating the handling of walnuts grown in California, Oregon, and Washington. Such proposed further amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the further amendments, or any modifications thereof, which are hereinafter set forth. Such evidence may also include economic or marketing data relative to any other provisions of said marketing agreement, as amended, and marketing order, as amended, which may be affected by approval of the proposed further amendments, or any modifications thereof.

The Walnut Control Board, established and operating pursuant to the provisions of the aforementioned marketing agreement, as amended, and the marketing order, as amended, has proposed the following further amendments to said marketing agreement, as amended, and marketing order, as amended.

1. Delete the provisions of paragraph 1, section 1 of Article I (§ 901.2 (a)) and insert, in lieu thereof, the following:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

2. Delete the provisions of paragraphs 9, 10, 11, 12, 13, 14, and 15 of section 1 of Article I (§§ 901.2 (i), (j), (k), (l), (m), (n), (o), and (p)) and insert, in lieu thereof, the following:

(i) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1940 ed., 601 et seq.).

(j) "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

(k) "Merchantable walnuts" means all unshelled walnuts meeting the pack specifications and minimum requirements prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(l) "Cull walnuts" means all lots of unshelled walnuts which do not meet the minimum specifications for merchantable walnuts and which cannot be brought up to such minimum specifications by standard commercial grading practices.

(m) "Pack" means a specific commercial classification according to size, variety or type, internal quality, and external appearance and condition, of merchantable walnuts, packed in accordance with the pack specifications prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(n) "Credit value" means that value per pound for each pack established by the Control Board, subject to the approval of the Secretary, pursuant to section 1 of Article IV (§ 901.5 (a)).

(o) "Sheller" means any person engaged in the business of shelling walnuts for any commercial purpose.

3. Delete the provisions of paragraphs 17 and 18 of section 1 of Article I (§§ 901.2 (r) and (s)) and insert, in lieu thereof, the following:

(r) "Crop year" means the twelve months from August 1 to the following July 31, both inclusive.

(s) "Surplus referable" to any walnuts handled or certified for handling or sold to the Control Board means a quantity of walnuts of like pack which bears the same ratio to such quantity of walnuts handled or certified for handling or sold to the Control Board as the surplus percentage bears to the salable percentage.

4. Delete the provisions of paragraph 5 of section 3 of Article II (§ 901.3 (c) (9)) and insert, in lieu thereof, the following:

(9) To perform such duties in connection with the administration of section 32 of the Act of Congress of August 24, 1935, as amended (7 U. S. C. 612c), as may from time to time be assigned to it by the Secretary.

5. Delete the provisions of sections 1, 2, and 3 of Article III (§§ 901.4 (a), (b), and (c)) and insert, in lieu thereof, the following:

(a) *Authorized packs.* Except as otherwise provided in Article VII (§ 901.8) hereof for the sale of cull walnuts, no packer shall handle any unshelled walnuts except those packed in accordance with such pack specifications and minimum requirements as the Control Board may prescribe, subject to the approval of the Secretary, in order to tend to effectuate the declared policy of the act. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such pack specifications and minimum requirements and such other data pertaining thereto as the Secretary may request.

(b) *Salable percentage and surplus percentage.* On the basis of the carryover, estimated consumptive demand, and estimated production of merchantable walnuts, the salable and surplus percentages of merchantable walnuts for each crop year shall be fixed by the Secretary, after consideration of the recommendations submitted to him by the Control Board, and other pertinent data. The total of the salable and surplus percentages fixed for each crop year shall equal one hundred (100) percent. The Secretary may, subsequently, on request of the Control Board (or if the Control Board shall fail so to request, on request of two or more packers who have handled during the immediately preceding crop year at least ten (10) percent of the total tonnage handled by all packers during such crop year), and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts available for sale will not be sufficient to supply the consumptive demand, increase the said salable percentage to conform with such new relation as may be found to exist between consumptive demand and available supply: *Provided, however,* That an increase of the salable percentage shall not be made after January 15 of any crop year unless the quantity of walnuts held unsold by the Control Board is sufficient to permit full delivery to packers as required by section 2 of Article V (§ 901.6 (b)) hereof. The merchantable walnuts handled by any packer in accordance with the provisions hereof shall be deemed to be that packer's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

(c) *Estimated carryover, consumptive demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than September 1 of each year, the following information: its estimate of the quantity of merchantable walnuts to be produced during such year, herein referred to as the "estimated production," such estimate to be approved by at least a two-thirds ($\frac{2}{3}$) vote of the Control Board; and, likewise, its estimate of the total consumptive demand in the United States for merchantable walnuts for the coming crop year (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act), such estimate to be approved by at least a two-thirds ($\frac{2}{3}$) vote of the Control Board; and also a report on the total carryover of merchantable walnuts from preceding crop years held by packers on the preceding August 1. The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting to recommend the salable and surplus percentages to be fixed by the Secretary.

6. In section 4 of Article III (§ 901.4 (d)), change the phrase "of each year after 1935" to read "of each year"; and change the phrase "quantity, pack, quality and location thereof" to read "quantity, pack and location thereof."

7. In section 5 of Article III (§ 901.4 (e)), change the phrase "the surplus referable to each pack and quality of such merchantable walnuts handled or to be handled" to read "the surplus referable to each pack of such merchantable walnuts handled or certified for handling."

8. In section 6 of Article III (§ 901.4 (f)), delete the words "or to be handled"

and insert, in lieu thereof, the words "or certified for handling."

9. In section 7 of Article III (§ 901.4 (g)), delete the words "and quality" wherever they now appear in said section.

10. In section 10 of Article III (§ 901.4 (j)), delete the words "and quality" wherever they now appear in said section.

11. In section 11 of Article III (§ 901.4 (k)), change the phrase "the quantity of each pack and quality handled or to be handled" so as to read "the quantity of each pack handled or certified for handling"; and, in subparagraph (1) thereof, change the phrase "or to a total weight equal to the surplus referable to such walnuts so handled or to be handled" to read "of a total weight equal to the surplus referable to such walnuts so handled or certified for handling."

12. Delete the provisions of sections 1 and 2 of Article IV (§ 901.5 (a) and (b)) and insert, in lieu thereof, the following:

(a) *Credit values.* The Control Board shall, on or before October 15 of each year, establish, subject to the approval of the Secretary, credit values for each pack of merchantable walnuts. The establishment of credit values shall require a vote of at least two-thirds (⅔) of the members of the Control Board. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in establishing such credit values and such other data pertaining thereto as the Secretary may request. Such credit values shall provide reasonable differentials for the different packs as will reflect the normal differences in market prices thereof.

(b) *Interest of packers in holdings of Control Board.* The equitable interest of each packer in the holdings of the Control Board shall be in the proportion of the net credits of such packer to the total net credits of all packers. For the purpose of this section, "holdings of the Control Board" means the merchantable walnuts held by or for it and the net proceeds from the sale, exchange, or other disposition thereof by the Control Board, and all cash received by the Control Board pursuant to Article III (§ 901.4) hereof, which has not been expended or refunded in accordance with the provisions of said Article III; but shall not include such moneys, if any, as may be received by the Control Board as diversion payments in connection with the encouragement of exportation or encouragement of domestic consumption pursuant to the provisions of section 32 of the Act of Congress of August 24, 1935, as amended (7 U. S. C. 612c). The Control Board shall, from time to time, distribute the cash "holdings of the Control Board," ratably to the packers in accordance with their respective interests therein, except that no cash which under the provisions of Article III (§ 901.4) is to be, or may be, used to effect purchases from packers or which, under the provisions of said article, is to be held undistributed until the end of a crop year shall be distributed before the end of such crop year.

13. Delete the provisions of section 1 of Article VI (§ 901.7 (a)) and insert, in lieu thereof, the following:

(a) *Certification of shipments.* Every packer, at his own expense, shall obtain a certificate for each lot of merchantable walnuts handled or to be handled by him and all lots of merchantable walnuts which he delivers to the Control Board. Said certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such other requirements as the Control Board may specify, the identity of the packer, destination, the quantity and pack of merchantable walnuts in such lot, and that the walnuts covered by such certificate conform to the minimum specifications for quality and soundness prescribed pursuant to section 1 of Article III (§ 901.4 (a)). The Control Board may direct that such certificate be not issued to any packer who has failed to deliver or otherwise account for his surplus obligation in accordance with the terms hereof.

14. Delete the provisions of section 1 of Article VIII (§ 901.9) and insert, in lieu thereof, the following:

§ 901.9 *Expenses.* Each packer shall pay to the Control Board, upon demand and on the applicable basis provided for hereinafter in this section, his pro rata share of the expenses necessarily incurred by the Control Board for its maintenance and functioning under this order for the crop year ending July 31, 1948, and for each crop year thereafter. The amount of such expenses which will necessarily be incurred by the Control Board during the crop year ending July 31, 1948, and each crop year thereafter, shall be fixed by the Secretary on the basis of recommendations by the Control Board and such other pertinent information as may be available to him. Such approved amount for any such crop year may later be adjusted, from time to time, by the Secretary. The recommendation of the Control Board as to the expenses for each such crop year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before September 1 of the crop year in connection with which such recommendation is made.

In the event a surplus percentage of merchantable walnuts is fixed for any crop year, each packer's pro rata share of the expenses of the Control Board for such crop year shall be that proportion thereof which the total credit value of his surplus obligation with respect to merchantable walnuts handled or certified for handling by him and merchantable walnuts sold by him to the Control Board, during such crop year, is of the total credit value of the surplus obligations of all the packers with respect to merchantable walnuts handled or certified for handling by them and merchantable walnuts sold to the Control Board by them during that crop year: *Provided*, That an initial assessment for any such crop year may be levied on each packer of one (1) percent of the total credit value of such packer's estimated surplus obligation for such crop year.

In the event no surplus percentage of merchantable walnuts is fixed for any crop year, each packer shall pay, as his pro rata share of the expenses of the Control Board for that crop year, an amount (adjusted to the next higher one-hundredths of a cent) per pound of merchantable walnuts handled, or certified for handling, by him during such crop year computed as follows: The amount resulting from dividing the approved expenses by the total aggregate pounds of merchantable walnuts which the Board estimates will be handled by all handlers during that crop year.

Any money collected to cover the expenses of the Control Board for any crop year and not expended for that purpose in connection with such crop year's operations shall be refunded to the packers who paid it on the basis of, in the case of each individual packer, the proportion that the amount of the assessment paid by him bears to the total amount of the assessments paid by all packers for the particular crop year.

15. In paragraph 3, section 2, Article XVI (§ 901.17 (third paragraph)), change the phrase "on or before August 1" to read "on or before July 1."

16. Delete Exhibits A and B (§§ 901.19 and 901.20).

17. Make such other changes as may be required to make the entire marketing agreement, as amended, and marketing order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the marketing agreement, as amended, and the marketing order, as amended, now in effect, may be obtained from, or inspected at the office of, any of the following: R. M. Walker, Chief, Western Marketing Field Office, United States Department of Agriculture, 2288 Fulton Street, Berkeley 1, California; M. T. Coogan, Field Representative, United States Department of Agriculture, Room 1317, 704 South Spring Street, Los Angeles 14, California; W. J. Broadhead, Field Representative, United States Department of Agriculture, 206 Administration Building, Foot S. W. Gibbs Street, Portland 1, Oregon; and W. E. Goodspeed, Secretary-Manager, Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California. Such copies may also be obtained from, or inspected at, the following offices in commercial walnut producing counties in California: those of extension farm advisors, agricultural commissioners, and Production and Marketing Administration-Agricultural Adjustment Administration secretaries; and in the offices of county agents in commercial walnut producing counties in Oregon and Washington. Such copies may also be obtained from the Hearing Clerk, United States Department of Agriculture, Room 0308 South Building, Washington 25, D. C., or may be there inspected.

Dated: April 7, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-3432; Filed, Apr. 9, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8538]

FUSAJIRO ISHII

Correction

In Federal Register Document 47-3245 appearing on page 2274 of the issue for Friday, April 4, 1947, the date in the file line at the end of the document should read "April 3, 1947".

[Vesting Order 8576]

ITOKO IWAI

In re: Bank account owned by Itoko Iwai, also known as I. Iwai. D-39-18854-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Itoko Iwai, also known as I. Iwai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Itoko Iwai, also known as I. Iwai, by Bank of the Manhattan Company, 40 Wall Street, New York 15, N. Y., arising out of a Checking Account, entitled Itoko Iwai, maintained at the branch office of the aforesaid bank located at 82-62 Broadway, Elmhurst, N. Y., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3375; Filed, Apr. 8, 1947; 8:48 a. m.]

[Vesting Order 8577]

ALBERT JURGELEIT ET AL.

In re: Bank accounts owned by Albert Jurgeleit, Mrs. E. Locker and Karl Locker. F-28-2553-E-1, F-28-2517-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Jurgeleit, Mrs. E. Locker and Karl Locker, whose last known addresses are Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Albert Jurgeleit, by Zion's Savings Bank and Trust Company, 3 Main Street, Salt Lake City, Utah, arising out of a Savings Account, Account Number 65067, entitled Albert Jurgeleit, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Mrs. E. Locker and Karl Locker, by Zion's Savings Bank and Trust Company, 3 Main Street, Salt Lake City, Utah, arising out of a Savings Account, Account Number 131869, entitled Mrs. E. Locker or Karl Locker, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3376; Filed, Apr. 8, 1947; 8:48 a. m.]

[Vesting Order 8583]

MITSUTA MANABE

In re: Bank account owned by Mitsuta Manabe. F-39-2956-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsuta Manabe, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Mitsuta Manabe, by The Provident Institution for Savings, 36 Temple Place, Boston 5, Massachusetts, arising out of a savings account, Account Number 640697, entitled Mitsuta Manabe, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3377; Filed, Apr. 8, 1947; 8:48 a. m.]

[Vesting Order 8584]

BARBARA MERKLEIN AND MARIA HAFNER

In re: Bank accounts owned by Barbara Merklein and Maria Hafner. F-28-14970-E-1, F-28-14626-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Barbara Merklein and Maria Hafner, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Barbara Merklein, by The Newton National Bank, Newton, Iowa, arising out of a Checking Account, entitled Barbara Merklein, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Maria Hafner, by The Newton National Bank, Newton Iowa, arising out of a Checking Account, entitled Maria Hafner, and any and all rights to demand, enforce and collect the same,

is property, within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3378; Filed, Apr. 8, 1947; 8:48 a. m.]

[Vesting Order 8528]

ARNOLD WULFF

In re: Estate of Arnold Wulff, deceased. D-28-10566; E. T. sec. 14980.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Wulff, Otto Wulff, Theodore Wulff, Dethart Wulff, Hannah Wulff and Anna Feinkewirth, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph hereof in and to the estate of Arnold Wulff, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John T. Dempsey, as Administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3409; Filed, Apr. 9, 1947; 8:48 a. m.]

[Vesting Order 8588]

ANNA PREGIZER ET AL.

In re: Stock owned by Anna Pregizer and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each person whose name and last known address is listed in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That each person whose name and last known address is listed in Exhibit B, attached hereto and by reference made a part hereof, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: One hundred eight (108) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by the certificates listed in Exhibit A, registered in the names of and owned by the persons listed therein in the amounts appearing opposite each name, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons named in Exhibit A, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: Sixty-three (63) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by the certificates listed in Exhibit B, registered in the names of and owned by the persons listed therein in the amounts appearing opposite each name, together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons named in Exhibit B, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany); and

6. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name of owner	Last known address	Certificate Nos.	Number of shares	File No.
Anna Pregizer	c/o Deutsche Bank, Pforzheim, Germany.	P91196	61	F-28-1430-D-1.
Rosa Von Sobbe nee Norwath	c/o Commerzen Privatbank, Walsenhaus Strasse 21, Dresden, Germany.	P82230	20	F-28-1676-D-1.
Miss Kate Fleischmann	Schlossaekerstrasse 39, Nurnberg, Germany.	J134892 J266773	2 1	F-28-23885-D-1.
Max Juchert	Commerz und Privat Bank, a/c Aktiengesellschaft, Berlin, Germany.	P7740	10	F-28-23886-D-1.
Andre Bernard Nicholas	30 Gymnisialstrasse, Beuthem, O. S., Germany.	P48031	10	F-28-23889-D-1.
Alfred Rosenberg	Hollendorfstrasse 31-32, Berlin, Germany.	J1815 Js1600	3 1	F-28-23890-D-1.

EXHIBIT B

Name of owner	Last known address	Certificate Nos.	Number of shares	File Nos.
Ainosuke Hattori	512 Miyamoto Yokoya, Uwazaki-Machi, Muko-Gun, Hyogo-Ken, Japan.	J345711	5	F-39-55-D-2.
Miss Kita Yamazaki	25, 2-Chome Totsuka, Yodobashiku, Tokyo, Japan.	T178886 T204631 T290512 T304854 T348219 T361025 J81867 T384036 J287693	1 2 2 2 1 1 3 1 1	F-39-752-D-1.
Keech Fukagawa	c/o Fukagawa Shokai, 3 Nishi-Yonchome, Ginza, Kyobashiku, Tokyo, Japan.	J592317 J712764	17 15	F-39-3416-D-1.
Ichiro Okamoto	2302 Shin-Michi, Yamaguchi City, Yamaguchi Prefecture, Japan.	J541820	1	F-39-3501-D-1.
Arthur T. Suzuki	24 Kamata, Kaicya Mura, Iwaki Gun, Fukushima Ken, Japan.	T464459	1	F-39-3549-D-1.
Torao Suzuki	85 Matsugaoka, Kanagawaku, Yokohama City, Japan.	F984247 J81717 J296233 J382676	5 2 1 2	F-39-3551-D-1.

[F. R. Doc. 47-3379; Filed, Apr. 8, 1947; 8:48 a. m.]

[Vesting Order 8550]

GUSTAV DOMOKOS

In re: Estate of Gustav Domokos a/k/a Gustave Domokos, a/k/a Domokos Gustav, deceased. File D-57-365; E. T. sec. 11426.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Augustino (Augustine) Domokos, a/k/a Gustav Domokos whose last known address is Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Gustav Domokos a/k/a Gustave Domokos a/k/a Domokos Gustav, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Rumania);

3. That such property is in the process of administration by Benjamin D. Burdick, Administrator, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3410; Filed, Apr. 9, 1947; 8:48 a. m.]

[Vesting Order 8554]

CARRIE HENTZLER

In re: Estate of Carrie Hentzler, deceased. File No. D-28-10701; E. T. sec. 15043.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Hentzler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Carrie Hentzler, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Carrie Klemm and Peter Hentzler, as Administrators c. t. a., acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3411; Filed, Apr. 9, 1947; 8:49 a. m.]

[Vesting Order 8555]

GUSTAV HILBIG

In re: Estate of Gustav Hilbig, deceased. File No. D-28-10744; E. T. sec. 15112.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Minz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Gustav Hilbig, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Gertrud Jarosch, 164 Columbia Heights, Brooklyn 2, New York, as administratirx, acting under the

judicial supervision of the Hudson County Orphan's Court, Jersey City, N. J.;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3412; Filed, Apr 9, 1947; 8:49 a. m.]

[Vesting Order 8587]

NORDDEUTSCHE SCHLEIFMITTEL-INDUSTRIE CHRISTIANSEN & CO.

In re: Debt owing to Norddeutsche Schleifmittel-Industrie Christiansen & Co. F-28-8181-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Norddeutsche Schleifmittel-Industrie Christiansen & Co., the last known address of which is Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Norddeutsche Schleifmittel-Industrie Christiansen & Co., by Gerard-Kluyskens Corporation, 295 Fifth Avenue, New York, N. Y., in the amount of $1,606.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3417; Filed, Apr. 9, 1947; 8:49 a. m.]

[Vesting Order 8567]

EXPORTKREDITBANK A. G.

In re: Stocks, bonds, other property owned by and debts or other obligations owing to Exportkreditbank A. G. F-28-180-A-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank A. G., whose last known address is Kanonierstrasse 17-20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in the aforesaid exhibit, and presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York, New York, in accounts numbered XC17269 entitled Exportkreditbank A. G., "Special Customers Account for Custody," and XC17271 entitled Exportkreditbank A. G., "Customers Account for Custody," together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in accounts numbered XC17269 entitled Exportkreditbank A. G., "Special Customers Account for Custody" and XC17271 entitled Exportkreditbank A. G., "Customers Account for Custody", together with any and all rights thereunder and thereto,

c. Two (2) United States of Brazil 5% fractional scrip certificates, for 1931 funding bonds, in bearer form, of the face values and numbered as follows:

Number:	Face value
FR1512	$20.00
FZ4109	40.00

which fractional scrip certificates are presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in account number XC17271 entitled Exportkreditbank A. G., "Customers account for Custody", together with any and all rights thereunder and thereto,

d. Three (3) United States of Mexico receipts for coupons or rights to interest in arrears, for Class A Railway Obligations, in bearer form, of the face values and numbered as follows:

Number:	Face value
2651	$405.00
S1487	15.75
197725	135.00

which receipts are presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in account number XC17271 entitled Exportkreditbank A. G., "Customers Account for Custody", together with any and all rights thereunder and thereto,

e. One (1) United States of Mexico receipt for coupons or rights to interest in arrears, for Class B Railway Obligations, of $810.00 face value, in bearer form, bearing the number 705, which receipt is presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in account number XC17271, entitled Exportkreditbank A. G., "Customers Account for Custody", together with any and all rights thereunder and thereto,

f. One (1) National Railways of Mexico fractional scrip certificate, for 3-year Secured 6% Gold Note, of $11.25 face value, in bearer form, bearing the number T 88, which fractional scrip certificate is presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in account number XC17271 entitled Exportkreditbank A. G., "Customers Account for Custody", together with any and all rights thereunder and thereto,

g. Three (3) St. Louis-San Francisco Railroad Company certificates of deposit, representing Prior Lien Mortgage Series A 4% Gold Bonds, in bearer form, of the face values and numbered as follows:

Number:	Face value
AM13273	$1,000
AN13274	1,000
AY380	250

which certificates of deposit are presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in account number XC17271 entitled Exportkreditbank A. G., "Customers Account for Custody," together with any and all rights thereunder and thereto,

h. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of a custody cash account, account number XC17271, entitled Exportkreditbank A. G., "Customers Account for Custody," and any and all rights to demand, enforce and collect the same,

i. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of a custody cash account Genl. Ruling No. 6, account number XC17271, entitled Exportkreditbank A. G., Customers Account for Custody, and any and all rights to demand, enforce and collect the same,

j. One (1) Atlantic City Ambassador Hotel Corporation voting trust certificate, representing sixty (60) shares of common stock, bearing the number AF1423, registered in the name of Zink & Company, 140 Broadway, New York, New York, which voting trust certificate is presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in account number XC17269 entitled Exportkreditbank A. G., "Special Customers Account for Custody", together with all declared and unpaid dividends thereon,

k. One (1) New York Ambassador, Incorporated voting trust certificate, representing sixty (60) shares of common stock, bearing the number NF928, registered in the name of Zink & Company, 140 Broadway, New York, New York, which voting trust certificate is presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in account number XC17269 entitled Exportkreditbank A. G., "Special Customers Account for Custody," together with any and all rights thereunder and thereto,

l. Those German Reich coupons, detached from German Reich External Loan 7% Gold Bonds of 1924, of $2,534.00 total face value, in bearer form, having become due 10/15/39, 4/15/40, 10/15/40 and 4/15/41, which coupons are presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York, New York, in account number XC17269 entitled Exportkreditbank A. G., "Special Customers Account for Custody", together with any and all rights thereunder and thereto,

m. One (1) Conversion Office for German Foreign Debts coupon, detached from 3% Dollar Funding Bond, said coupon of $1.50 face value, in bearer form, bearing the number 6, which coupon is presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in account number XC17269 entitled Exportkreditbank A. G., "Special Customers Account for Custody", together with any and all rights thereunder and thereto,

n. Three (3) Conversion Office for German Foreign Debts fractional certificates, for Series B and D 3% Dollar Bonds, in bearer form, of the face values and numbered as follows:

Number:	Face value
B287479	$20.00
D011270	10.00
D015240	10.00

which fractional certificates are presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in account number XC17269, entitled Exportkreditbank A. G., "Special Customers Account for Custody," together with any and all rights thereunder and thereto,

o. That the certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of a custody cash account, account number XC17269, entitled Exportkreditbank A. G., "Special Customers Account for Custody," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
Clinchfield Coal Corp., Dante, Va.	Virginia	Common	$100	4978-4979	1100	Zink & Co., 140 Broadway, New York, N. Y.
				1523	75	
				1524	12	
				1525	88	
Standard Brands Inc., 595 Madison Ave., New York, N. Y.	Delaware	do	No	NF5373	5	Zink & Co.
Teruntum Copper Mining & Smelting Co., 82 Beaver St., New York, N. Y.	New Jersey	Capital		A1218	12	Schmidt & Co., 140 Broadway, New York, N. Y.
The Baltimore & Ohio Railroad Co., B. & O. Bldg., Baltimore, Md.	Maryland	Common	100	A553672	23	Zink & Co.
				A553673	20	
				A553674	6	
New York, Ontario & Western Ry. Co., McGraw-Hill Bldg., 330 West 42d St., New York, N. Y.	New York	do	100	B82040	3	Do.
The Pennsylvania R. R. Co., Broad Street Station Bldg., Philadelphia, Pa.	Pennsylvania	Capital	50	N960503	10	Do.
Reading Co., Reading Terminal Bldg., Philadelphia, Pa.	do	Common	50	NO163131	10	Do.
Southern Pacific Co., Michigan Ave. & Jackson Blvd., Chicago, Ill.	Kentucky	do	No	NC26458	25	Do.
Western Maryland Ry. Co., Standard Oil Bldg., Baltimore, Md.	Maryland and Pennsylvania.	do	100	073408	29	Do.
				073409	1	
Cities Service Co., 60 Wall St., New York 5, N. Y.	Delaware	do	10	LA77177	2	Do.
Van Swearingen Corp., Terminal Tower Bldg., Cleveland, Ohio.	do	do	1	TC01329	10	Lowell & Co., 140 Broadway, New York, N. Y.
The Baltimore & Ohio R. R. Co., B. & O. Bldg., Baltimore, Md.	Maryland	4 percent non-cumulative preferred.	100	B123674	4	Zink & Co.
Missouri Pacific R. R. Co., Missouri Pacific Bldg., St. Louis, Mo.	Missouri	5 percent cumulative convertible preferred.	100	079039	54	Do.
				077528	4	
Missouri Pacific R. R. Co., Missouri Pacific Bldg., St. Louis, Mo.	do	do	100	079073	30	Do.

[1] Each.

EXHIBIT B

Description of issue	Face value	Certificate No.	Registered owner
Republic of Bolivia external refunding sinking fund 8 percent gold bonds.	7 @ $1,000	M10271, M16772, M2688, M9148, M20917, M20918, M16390.	Bearer.
United States of Brazil 5 percent funding loan of 1931 dollar bonds.	1 @ 500 4 @ 100	AD3345 C32172, C32173, C32174, C32175.	Do.
United States of Brazil external loan sinking fund 8 percent bonds.	4 @ 1,000	M16036, M16037, M16038, M16039.	Do.
City of Carlsbad, Czechoslovakia, municipal external loan of 1924 sinking fund 8 percent gold bond.	1 @ 1,000	M455	Do.
National Railways of Mexico secured series B 6 percent gold notes.	3 @ 10 1 @ 20 1 @ 100	BB1241, BB1242, BB1243. CC581 EE211	Do.
National Railways of Mexico secured 6 percent gold notes.	2 @ 45	N27823, N27824	Do.
National Railways of Mexico guaranteed general mortgage 70-year sinking fund 4 percent red gold bonds.	3 @ 1,000	M15035, M15078, M14993	Do.
National R. R. Co. of Mexico prior lien sinking fund redeemable 4½ percent gold bonds.	6 @ 1,000	M34056, M34057, M34058, M34059, M34061, M34060.	Do.
Vera Cruz & Pacific R. R. Co. first mortgage 4½ percent gold bonds.	3 @ 1,000	3496, 3497, 3498	Do.
Baltimore & Ohio R. R. Co. convertible refunding and general mortgage series F 5 percent bond.	1 @ 250	A32	Do.
St. Louis Southwestern R. R. Co. general and refunding mortgage series A 5 percent gold bond.	1 @ 500	D154	Do.
St. Louis-San Francisco Ry Co. consolidated mortgage series A 4½ percent gold bond.	1 @ 1,000	M8200	Do.
Atlantic City Ambassador Hotel Corp. income 3 percent bonds.	1 @ 1,000 1 @ 200	M350 A8700	Zink & Co.
Chanin Bldg. second mortgage leasehold cumulative 2 percent income bond.	1 @ 1,000	M3245	Do.
Film Center Bldg. Corp. first mortgage 4 percent bonds.	1 @ 500	D959	Do.
New York Ambassador, Inc. 3 percent income bonds	1 @ 1,000 1 @ 200 1 @ 1,000	M1955 A8969 M849	Do.
German Government external loan of 1924 7 percent gold bonds.	13 @ 1,000	C014220, C060688, C012775, C012765, C012766, C012767, C012768, C012769, C012770, C012771, C012772, C012773, C014221.	Bearer.
Conversion office for German foreign debts 3 percent dollar bond.	2 @ 100 1 @ 100	A4066–A4080 C075856	Do.
General Electric Co., Germany, debenture, sinking fund 7 percent gold bond.	1 @ 1,000	M681	Do.
German Central Bank for agriculture farm loan second series sinking fund 6 percent gold bond.	1 @ 1,000	M1732	Do.
United Steel Works Corp. series A sinking fund mortgage 6½ percent gold bonds.	3 @ 1,000	19275, 19276, 21440	Do.
State of Wuerttemberg, Germany, consolidated municipal external serial 7 percent gold loan of 1925 bonds.	2 @ 1,000	M6022, M6350	Do.
National Railways of Mexico series B secured 6 percent gold notes.	1 @ 10 1 @ 20	BB1239 CC2931	Do.
National Railways of Mexico series C secured 6 percent gold notes.	1 @ 30	qq1704	Do.
National Railways of Mexico secured 6 percent gold notes.	3 @ 45	N27909, N27910, N27911	Do.

[F. R. Doc. 47-3414; Filed, Apr. 9, 1947; 8:49 a. m.]

[Vesting Order 8556]

KATHERINE SCHWEIER

In re: Estate of Katherine Schweier Kling, also known as Katherine Schweier, deceased. File F-28-22231; E. T. sec. 15469.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Schweier and Phillip Schweier, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Katherine Schweier Kling, also known as Katherine Schweier, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harry Rabwin, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3413; Filed, Apr. 9, 1947; 8:49 a. m.]

[Vesting Order 8568]

EXPORTKREDITBANK A. G.

In re: A draft and checks or other credit instruments, owned by Exportkreditbank A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank A. G., whose last known address is Kanonierstrasse 17–20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain draft, in the principal sum of $1,125.10, dated November 25, 1940, drawn on Central Savings Bank in the City of New York, 157 Fourth Avenue, New York, New York, endorsed by Exportkreditbank A. G., Berlin, Germany, and presently in the custody of the Central Hanover Bank & Trust Company, 70 Broadway, New York, New York for collection and credit to the aforesaid Exportkreditbank A. G., together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment, of the aforesaid draft, and any and all rights to demand, enforce and collect the same,

b. Those certain checks or other credit instruments, endorsed by Exportkreditbank A. G., Berlin, Germany, and presently in the custody of the Central Hanover Bank & Trust Company, 70 Broadway, New York, New York, for collection and credit to the aforesaid Exportkreditbank A. G., which checks or other credit instruments are identified in Exhibit A, attached hereto and by reference made a part hereof, together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment, of the aforesaid checks or other credit instruments, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Drawer	Drawee	Payee	Date	Amount
Lietuvos Kredito Bankas, Kaunas, Lithuania.	Manufacturers Trust Co., New York, N. Y.	Deutsche Bank	3/27/40	$59.83
Skandinaviska Banken Akt., Stockholm, Sweden.	National City Bank of New York, New York, N. Y.	Messrs. Moller & Schilling	4/16/40	272.78
Slovenska Banka, Bratislava, Czechoslovakia.	American Express Co., New York, N. Y.	Giuseppe Srnec & Nipoti, Trieste.	4/11/40	601.03
Ungarische Filiale der Creditanstalt-Bankverein, Budapest, Hungary.	Chemical Bank & Trust Co., New York, N. Y.	Max Crunbul, Hamburg		3.50
Latvijas Kreditbanks, Riga, Latvia.	Chase National Bank, New York, N. Y.	Central Hanover Bank & Trust Co.		127.31

[F. R. Doc. 47-3415; Filed, Apr. 9, 1947; 8:49 a. m.]

[Vesting Order 8586]

TOKUSABURO NAKAMURA

In re: Bank account owned by Tokusaburo Nakamura. D-39-357-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokusaburo Nakamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tokusaburo Nakamura, by Chase National Bank of the City of New York, 20 Pine Street, New York, N. Y., arising out of a Checking Account, Account Number 11..160, entitled Tokusaburo Nakamura, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3416; Filed, Apr. 9, 1947; 8:49 a. m.]

[Vesting Order 8590]

S. SAIKI

In re: Bank account owned by S. Saiki, also known as Senzo Saiki. F-39-1290-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Saiki, also known as Senzo Saiki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to S. Saiki, also known as Senzo Saiki, by American Trust Company, 464 California Street, San Francisco 20, California, arising out of a Checking Account, entitled S. Saiki, maintained at the branch office of the aforesaid bank located at 1011 10th Street, Sacramento, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3418; Filed, Apr. 9, 1947; 8:49 a. m.]

[Vesting Order 8591]

WILHELMINA SEIBICKE

In re: Debt owing to Wilhelmina Seibicke, also known as Wilhelmine Seibicke. F-28-589-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmina Seibicke, also known as Wilhelmine Seibicke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wilhelmina Seibicke, also known as Wilhelmine Seibicke, by San Joaquin Building and Loan Association, 11 S. Hunter Street, Stockton, California, arising out of a Savings Account in the aforesaid Building and Loan Association, which account is represented by 17 accumulative shares of said Association and evidenced by Certificate No. 1629, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3419; Filed, Apr. 9, 1947; 8:50 a. m.]

[Vesting Order 8597]

FREDERICH VON SCHMIDT

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Frederich Von Schmidt, deceased. F-28-2585-D-3/4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Frederich Von Schmidt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty (50) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of New York, evidenced by certificate number NYD-476940, registered in the name of Frederich Von Schmidt, together with all declared and unpaid dividends thereon, and

b. Eight (8) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number FW03004, registered in the name of Frederich Von Schmidt, together with all declared and unpaid dividends thereon

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Frederich Von Schmidt are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3424; Filed, Apr. 9, 1947; 8:50 a. m.]

[Vesting Order 8592]

TOKI SEKINE

In re: Bank account owned by Toki Sekine. F-39-5290-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toki Sekine, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Toki Sekine, by Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco, California, arising out of a Commercial Account, entitled Toki Sekine, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3421; Filed, Apr. 9, 1947; 8:50 a. m.]

[Vesting Order 8593]

FELIX TEUFEL ET AL.

In re: Debt owing to Felix Teufel, Clara Teufel, and Willy Teufel. F-28-19833-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Felix Teufel, Clara Teufel and Willy Teufel, whose last known address is Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Felix Teufel, Clara Teufel and Willy Teufel, by Edward Roesler, in the amount of $14,192.34, as of December 31, 1945, presently on deposit at Laidlaw & Co., 26 Broadway, New York City 4, N. Y., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3420; Filed, Apr. 9, 1947; 8:50 a. m.]

[Vesting Order 8594]

EIJI TSUMURA

In re: Stock owned by Eiji Tsumura. D-39-16909-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eiji Tsumura, whose last known address is Hiroshimaken, Japan, is a resident of Japan, and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Eiji Tsumura, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of company	Number of shares	Certificate No.	Type	Par value
Packard Motor Car Co	100	370552	Common	No par
Pioneer Gold Mines of British Columbia, Ltd	50	9885	Capital	$1.00
Commonwealth & Southern Corp	f 50 \ 100	452094 C641629	Common .....do	No par No par

[F. R. Doc. 47-3422; Filed, Apr. 9, 1947; 8:50 a. m.]

[Vesting Order 8596]

BARONESS BERTHA VON MENGERSEN

In re: Stock owned by Baroness Bertha von Mengersen. F-28-7467-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Baroness Bertha von Mengersen, whose last known address is Klutstrasse 19, Hameln, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: 153 shares of $20 par value common capital stock of Honokaa Sugar Company, Haina, Hawaii, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificate number 352, registered in the name of Baroness Bertha von Mengersen, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3423; Filed, Apr. 9, 1947; 8:50 a. m.]

[Vesting Order 8620]

SALLI MAIER

In re: Bank account owned by Salli Maier. F-28-23240-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Salli Maier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Fort Wayne National Bank; Fort Wayne, Indiana, arising out of an Account, entitled Mayer Maier, Guardian of Salli Maier, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Salli Maier, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3425; Filed, Apr. 9, 1947; 8:50 a. m.]

[Vesting Order 8621]

MITSUBISHI SHOJI KAISHA LTD.

In re: Debt owing to Mitsubishi Shoji Kaisha Ltd. F-39-143-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsubishi Shoji Kaisha Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Mitsubishi Shoji Kaisha Ltd., by Anderson, Clayton & Co., P. O. Box 2538, Houston, Texas, in the amount of $133.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3426; Filed, Apr. 9, 1947; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL 144 REVOKED

The order of the Assistant Secretary of the Interior dated September 6, 1940, withdrawing the following-described lands in Alaska for use by the Alaska Road Commission in the maintenance of air-navigation facilities, is hereby revoked:

SEWARD MERIDIAN

T. 6 S., R. 13 W.,
Sec. 20, NE¼SE¼;
Sec. 21, S½NW¼.

The areas described aggregate 120 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 27, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 27, 1947, to August 25, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609; 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 7, 1947, to 10:00 a. m. on May 27, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 27, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 26, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 6, 1947, to 10:00 a. m. on August 26, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 26, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Anchorage, Alaska.

The above described land lies about one mile east of Homer village and approximately one-half mile northwest of the airport. Practically all of the land is swampy and has little or no value for present agricultural use. Some of the land is inundated during high tides. The cover consists chiefly of joint grass and sphagnum moss with a very scattered stand of scrub black spruce.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 25, 1947.

[F. R. Doc. 47-3387; Filed, Apr. 9, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 679 et al.]

NORTHWEST AIRLINES, INC., ET AL.; DETROIT-WASHINGTON SERVICE CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Northwest Airlines, Inc., and other applications for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing air transportation between Washington, D. C., and Detroit, Michigan, via various intermediate points.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that oral argument in the above-entitled matter has been postponed from April 28, 1947, and is now assigned for May 12, 1947, 10 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th St. and Constitution Ave., N. W., Washington, D. C., before the Board. Public hearing in the above-entitled matter was held commencing October 23, 1946, before an Examiner of the Board, pursuant to Public Notice published in the FEDERAL REGISTER on October 9, 1946 (11 FR 11711), and the report of the Examiner and exceptions thereto have been filed and served on all parties to the proceeding.

Dated at Washington, D. C., April 4, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3392; Filed, Apr. 9, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 162]

RECONSIGNMENT OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., April 3, 1947, by L. L. Lyerly, of cars PFE 15313, PFE 41668, peas, now on the CRI&P to Carbone Bros., New York, N. Y. (NKP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3rd day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3390; Filed, Apr. 9, 1947; 8:46 a. m.]

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., April 3, 1947, by L. L. Lyerly, of cars PFE 15313, PFE 41668, peas, now on the CRI&P to Carbone Bros., New York, N. Y. (NKP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3rd day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3390; Filed, Apr. 9, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 163]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., April 3, 1947, by American Stores, of car MDT 20519, potatoes, now on the PRR to Wilkes Barre, Pa. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3rd day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3391; Filed, Apr. 9, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1479]

STANDARD GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of April 1947.

Standard Gas and Electric Company ("Standard"), a registered holding company, having filed a declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Standard proposes, with the consent of the holders of its outstanding bank loan notes, to extend the maturity of such of its bank loan notes as mature on April 10, 1947 from that day to May 10, 1947. The amount of such notes now outstanding which mature on April 10, 1947 aggregates $8,931,262.71, this being the balance due on said notes after the application thereto on March 17, 1947 by Standard of the net proceeds of the sale of 140,614 shares of common stock of Mountain States Power Company. Said notes are a portion of an issue originally made on April 10, 1946, in the sum of $51,000,000, of which the total now outstanding aggregates $34,431,262.71.

Standard represents that it will further reduce the amount of said notes due April 10, 1947, the maturity of which it proposes to extend to May 10, 1947, by a payment in the approximate amount of $800,000 out of its net income for the quarter annual fiscal period ended March 31, 1947. The declaration further states that Standard is of the opinion that the net proceeds of the proposed sale of the shares of common stock of The California Oregon Power Company now held by Standard and which Standard proposes to sell pursuant to the competitive bidding requirements of Rule U-50 (File No. 70-1494), will be sufficient to pay the remaining balance of the notes now due on April 10, 1947 and to reduce substantially the remainder of the notes which, by their terms, are due on April 10, 1949.

The declaration having been filed on March 11, 1947, and an amendment thereto having been filed on March 27, 1947, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in such notice or otherwise and not having ordered a hearing thereon; and

Standard having requested that the Commission issue its order as soon as possible permitting said declaration to become effective; and

The Commission finding with respect to said declaration, as amended, that the requirements of section 7 of the act and the rules promulgated thereunder are satisfied and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration, as amended, be permitted to become effective:

It is ordered, Pursuant to Rule U-23 of the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3384; Filed, Apr. 9, 1947; 8:48 a. m.]

[File Nos. 70-1494, 70-1495]

STANDARD GAS AND ELECTRIC CO. AND THE CALIFORNIA OREGON POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of April 1947.

Notice is hereby given that Standard Gas and Electric Company ("Standard Gas"), a registered holding company, and its subsidiary, The California Oregon Power Company ("Copco"), a public utility company, have filed separate applications or declarations and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"). Standard Gas has designated sections 11 (b) and 12 (d) of the act and Rules U-23, U-24, U-44 and U-50 promulgated thereunder as applicable to its proposed transactions; Copco has designated sections 6 (b) and 9 (a) of the act and Rules U-23, U-24, U-42 and U-50 promulgated thereunder as applicable to its proposed transactions.

Notice is further given that any interested person may not later than April 11, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, or either of them, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said filings proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter (unless the Commission should prior thereto, at the request of any interested person or on its own motion, order a hearing thereon) such applications or declarations, as filed or as amended, may be granted or may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or as otherwise provided under said act and rules and regulations, or the Commission may exempt such transactions, or either of them, as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said applications or declarations and amendments thereto, which are on file in the office of the Commission, for a statement of the transactions therein proposed which are summarized below:

Copco proposes to issue and sell at competitive bidding, pursuant to the requirements of Rule U-50 promulgated under the act, 60,000 shares of ----% Cumulative Preferred Stock, par value $100 per share ("New Preferred Stock"). The annual dividend rate of the New

Preferred Stock (to be a multiple of 1/10 of 1% of the par value) and the price per share to be received by Copco (to be not more than $102.75 per share and not less than $100 per share, exclusive of accrued dividends from April 1, 1947), will be determined by the competitive bidding. Copco also proposes to issue and sell 30,000 shares of Common Stock, par value $20 per share, at competitive bidding pursuant to the requirements of Rule U-50. The proceeds of the sale of the 60,000 shares of New Preferred Stock and of the 30,000 shares of Common Stock will be used by Copco (1) to redeem and retire its outstanding 45,761 shares of Six Per Cent Preferred Stock, Series of 1927 at the redemption price of $110 per share plus accrued dividends to the redemption date; and (2) to reimburse its treasury, in part, for additions and betterments made to Copco's properties since 1942.

Standard Gas proposes to sell 390,000 shares of Common Stock of Copco (par value of $20 per share) pursuant to the requirements of Rule U-50, such sale to be made concurrently with the sale by Copco of 30,000 shares of its Common Stock (par value of $20 per share). The net proceeds of the sale of said 390,000 shares of Common Stock of Copco will be applied by Standard Gas towards the payment of interest and principal on its promissory notes dated April 10, 1946, issued to certain banks under a Bank Loan Agreement dated December 21, 1945, as supplemented by supplemental agreements dated February 15, 1946, and April 5, 1946, or any extensions or supplemental agreements in respect thereto which may be entered into by Standard Gas and approved by the Commission prior to the time the proceeds are received.

Copco proposes to amend its Articles of Incorporation in order to reclassify its presently outstanding 312,000 no par value shares of Common Stock (having an aggregate stated capital equivalent in value to $25 per share), all of which are owned by Standard Gas, into 390,000 shares of Common Stock of the par value of $20 per share, and also to provide for the authorization of its New Preferred Stock and to set forth the preferences, voting powers, restrictions and qualifications of said New Preferred Stock and of the Common Stock par value $20 per share. Standard Gas undertakes to consent to the proposed amendments to the Articles of Incorporation of Copco.

Copco also proposes to charge to earned surplus the sum of $273,000 of the unamortized balance of the redemption premium and expense in respect of the First Mortgage Bonds 4% Series due 1966, redeemed in 1944, provided it obtains permission from the Federal Power Commission to reduce the annual rate of amortization of such redemption premium and expense from $74,859 to $38,859.

Both Standard Gas and Copco have requested that the ten-day notice period for inviting bids as provided for by subsection (b) of Rule U-50 be shortened to six days so as to minimize the possibility of a postponement of the opening of bids due to a change of market conditions between the time the day of opening of bids is designated and such day. In this connection, Standard Gas and Copco have not designated a day certain on which bids are to be opened but they propose to advise the Commission by telegram on the day preceding the publication of a public invitation for bids of their intention so to do and the proposed date of the opening of such bids. Standard Gas and Copco may determine to specify in their invitation for bids for 420,000 shares of Common Stock of Copco a date which will be one day later than the date for bids specified by Copco in its invitation for bids for the 60,000 shares of New Preferred Stock, and in such event will so advise the Commission.

Standard Gas also requests that the Commission find that the reclassification of the presently outstanding Common Stock of Copco and issuance to Standard Gas of 390,000 shares of such reclassified Common Stock and the sale of 390,000 shares of such reclassified Common Stock of Copco by Standard Gas are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and make the specifications and itemizations necessary in order that the provisions of sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code shall be applicable.

Copco has applied to the Public Utilities Commission of the State of California and to the Public Utilities Commissioner of Oregon for orders authorizing the reclassification of its Common Stock and the issue and sale of its reclassified Common Stock and its New Preferred Stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3383; Filed, Apr. 9, 1947; 8:48 a. m.]

[File No. 70-1498]

PORTLAND GAS & COKE CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of April A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Portland Gas & Coke Company ("Portland"), a subsidiary of American Power & Light Company, a registered holding company. Applicants designate section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 14, 1947 at 11 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Portland proposes to borrow from three banks, through the issue and sale to such banks of promissory notes bearing interest at the rate of 2¾% per annum, an aggregate of $2,500,000 as follows: $500,000 on April 15, 1947; $500,000 on June 2, 1947; $750,000 on July 15, 1947; and $750,000 on September 15, 1947. The notes will be payable as follows: $500,000 on October 1, 1948; $500,000 on October 1, 1949; $750,000 on October 1, 1950 and $750,000 on October 1, 1951.

The proceeds of the issue and sale of such notes will be used by Portland to construct additional facilities which are essential to meet the increased demands for gas service.

Applicant states that the transaction is subject to the approval of the Public Utilities Commissioner of Oregon and the Department of Public Utilities of Washington, a copy of which approvals will be filed by amendment.

The applicant requests that the Commission's order granting the application become effective as soon as possible in order that it may secure the funds for construction immediately.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3385; Filed, Apr. 9, 1947; 8:48 a. m.]

FEDERAL REGISTER

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TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51657]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PUBLIC INTERNATIONAL ORGANIZATIONS

Section 10.30a, Customs Regulations of 1943 (19 CFR 10.30a, 11 F. R. 5440) is hereby amended as follows:

1. Paragraph (a) is amended by deleting the word "and" before "The United Nations Relief and Rehabilitation Administration," the period and "33c" thereafter, and by adding the following: "The Inter-American Coffee Board, The Inter-American Institute of Agricultural Sciences, The Inter-American Statistical Institute, The International Bank for Reconstruction and Development, The International Monetary Fund,[33c] The Pan American Sanitary Bureau, The Intergovernmental Committee on Refugees, and The International Wheat Advisory Committee (International Wheat Council)."

2. Paragraph (c) is amended to read as follows:

(c) The term "baggage and effects" as used in section 3 of the act includes all articles which were in the possession abroad, and are being imported in connection with the arrival, of a person entitled to the benefits of the act and which are intended for his bona fide personal or household use, but does not include articles imported as an accommodation to others or for sale or other commercial use.

The first sentence of footnote 33b is amended to read as follows: "Executive Orders Nos. 9698, 9751, and 9823, dated February 19, 1946, July 11, 1946, and January 24, 1947, respectively."

Footnote 33c is amended to read as follows:

[33c] Customs exemptions have also been prescribed for The International Monetary Fund and The International Bank for Reconstruction and Development in Public Law No. 171, 79th Congress, approved July 31, 1945.

(Secs. 498, 624, 46 Stat. 728, 759, Sec. 3, Pub. Law 291, 79th Cong.; 19 U. S. C. 1498, 1624, 22 U. S. C., Sup., 288b. E. O. 9698, Feb. 19, 1946, 11 F. R. 1809, E. O. 9751, July 11, 1946, 11 F. R. 7713, E. O. 9823, Jan. 24, 1947, 12 F. R. 551)

[SEAL] W. R. JOHNSON, *Commissioner of Customs.*

Approved: April 7, 1947.

E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-3445; Filed, Apr. 10, 1947; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-29]

PART 102—PERSONNEL ADMINISTRATION

DESIGNATION AND ASSIGNMENT OF CERTAIN FOREIGN SERVICE OFFICERS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 302 of the Foreign Service Act of 1946 (60 Stat. 1001), the Foreign Service Regulations comprising Part 102 of Title 22 of the Code of Federal Regulations are amended by adding the following sections:

§ 102.404 *Designation of Foreign Service officers as attachés.* Foreign Service officers may be designated to serve as attachés or assistant attachés when the public interest so requires.

§ 102.410 *Assignment of Foreign Service officers as language officers.* Foreign Service officers may be assigned as language officers to study the language or languages of and to engage in other prescribed studies in relation to a particular geographic area. Foreign Service officers may also be designated as language supervisors to oversee the study of language officers.

(R. S. 161, Sec. 302, 60 Stat. 1001; 5 U. S. C. 22)

This regulation is effective November 13, 1946.

For the Acting Secretary of State.

JOHN E. PEURIFOY, *Assistant Secretary.*

APRIL 4, 1947.

[F. R. Doc. 47-3444; Filed, Apr. 10, 1947; 8:49 a. m.]

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FEDERAL REGISTER

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SCHEDULES TO BE FILED

Correction

In Federal Register Document No. 46-21580 appearing on page 14452 of the issue for Tuesday, December 17, 1946, the citation "(11 F. R. 13957)" should read "(17 CFR, Cum. Supp.)".

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 14,[1] Revocation of Order 6]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF INSTRUCTIONAL EQUIPMENT TO EDUCATIONAL INSTITUTIONS AND INSTRUMENTALITIES

War Assets Administration Regulation 14, Order 6 (§ 8314.56), October 4, 1946, as amended November 26, 1946, entitled "Disposal of Instructional Equipment to Educational Institutions and Instrumentalities" (11 F. R. 11704, 14106) is hereby revoked and rescinded.

Surplus Property Act of 1944 as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265)[1]

This revocation shall become effective April 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 1, 1947.

[F. R. Doc. 47-3527; Filed, Apr. 10, 1947; 11:40 a. m.]

[Reg. 14,[1] Amdt. 1 to Order 7]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF PERSONAL PROPERTY TO EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

War Assets Administration Regulation 14, Order 7, March 3, 1947, entitled "Disposal of Personal Property to Educational and Public-Health Institutions and Instrumentalities" (12 F.R. 1805) is hereby amended by adding to Exhibit A of § 8314.57 the classifications appearing on the list attached hereto.

Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Supp. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F.R. 1265)

This amendment shall become effective April 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 1, 1947.

Commodity Code Classification	
31 2200	Pumps (used condition).
32 1200 1, 32 1200 2, 32 1200 3	Generator sets, 125 kw. and under.
32 1400	Rotary converters.
32 1900	Miscellaneous electrical rotating equipment.
32 2100	Switchgear.
32 3000	Power conversion equipment (nonrotating rectifiers).
32 5000	Secondary distribution equipment and wiring devices.
32 8100	Kitchen cooking appliances.
32 8500	Food preparation appliances, household and commercial.
33 6200	Sawing Machines (power saws), except sawmills.
33 6300	Surfacing Machines.
33 6400	Lathes, woodworking, except veneer lathes.
33 6500	Jointers, matchers, and molders.
33 6600	Mortisers and tenoners.
33 6800	Veneer and plywood machinery, including veneer lathes.
34 11400	Jig boring and grinding machines (all under 25" table travel).
34 12000	Broaching machines (all under 20 tons).
34 18000	Planers (double housing or open side—all under 36" x 48").
34 4111 1	Bending machines, plate and sheet roll, under 8' capacity, plate thickness under 3/8".
34 4121 1	Plate and sheet roll levelers, under 8' width capacity, thickness under 3/8".
34 4131 1, 34 4132 1, 34 4133 1, 34 4134 1	Plate and sheet-press and apron brakes, under and over 7', width capacity, but lighter than 15 gage.
34 4141 1	Plate and sheet beading rolls, lighter than 15 gage.
34 4145 1, 34 4145 2	Plate and sheet combination rolls, up to 15 gage.
34 4149	Miscellaneous plate or sheet roll forming machines.
34 4200	Hydraulic presses.
34 4300	Mechanical presses.
34 4400	Shearing and punching machines.
34 4500	Forging machinery.
34 4600	Wire forming machines.
34 4700	Manual presses.
34 4900	Miscellaneous secondary metal forming and cutting machines and equipment.
34 5100	Electric welding equipment.
34 5200	Gas-welding machinery and equipment.
34 6000	Testing and measuring machines.
34 7100	Heat treating furnaces and devices (including hardening, annealing, tempering, normalizing, cyaniding, carburizing, operations).
34 7200	Electroplating and anodizing equipment.
34 7300	Assembling fixtures and apparatus.
34 7400	Riveting machines.
34 7500	Metal heating furnaces and devices.
34 7600	Metal spraying equipment.
34 8000	Portable metalworking machines and tools (power driven).

[1] 11 F. R. 11505; 12 F. R. 257.

Commodity Code Classification	
34 9100	Cutting tools for machine tools.
34 9200	Cutting and forming tools for metal forming machines.
34 9300	Attachments and accessories for machine tools.
34 9400	Tool room specialties.
38 1100	Punched card, bookkeeping, tabulating, and accounting machines and collateral equipment.
38 1200	Billing machines, accounting principles, and collateral equipment except autographic registers.
38 2100	Adding machines.
38 2200	Calculating machines.
38 5000	Duplicating machines.
41 1000	Radio broadcast receiving equipment.
41 2000	Radio broadcast transmitting apparatus.
41 3000	Commercial and specialized radio communications equipment, except broadcast.
41 4500	Radio goniometer equipment and similar apparatus (direction finders).
41 5000	Electronic tubes.
41 6000	Electronic equipment components and subassemblies.
51 3130	Boilers, gas fired, 50 hp. 600 p. s. i.
51 3831	Pumps, circulating, ½ gal. per min., motor driven.
51 4660	Humidifiers, cabinet type.
51 6000	Cooking and warming equipment, commercial, except electric.
52 2000	Household mechanical refrigerator units (16 cu. ft. or less, self-contained).
52 3200	Commercial reach-in refrigerators, mechanical.
52 8100	Refrigerators, ice, household.
52 8220	Ice refrigeration units, reach-in refrigerators.
54 3000	Office furniture.
54 4200	School furniture.
54 4300	Auditorium furniture.
54 5100	Laboratory furniture.
54 8000	Industrial and factory furniture.
56 6000	Laboratory research and testing instruments and apparatus, optical.
56-7200	Compound microscopes.
56 7300	Stereoscopic microscopes.
56 7400	Petrographic and chemical microscopes.
56 7900	Magnifying instruments, not elsewhere classified.
58 4360	Sterilizers, bacteriology and laboratory.
58 5100	Chemical laboratory apparatus.
58 5200	Laboratory testing instruments and apparatus.
58 5500	Physical chemistry and chemical physics instruments and apparatus.
58 5600	Physics study apparatus.
58 5700	Blowers and vacuum pumps, laboratory.
58 6000	Balances and weights, laboratory.
58 8100	Drawing instruments and drafting machines.
58 8300	Drafting accessories.
58 8400	Slide rules.
58 8700	Surveying instruments.
58 9000	Miscellaneous professional and scientific instruments and apparatus.
59 1140	Oxygen breathing apparatus, industrial (front type).
75 1100	Cooking and kitchen utensils, household and commercial.
75 1300	Kitchen tools, except cutlery.
75 4100	Table and kitchen cutlery, household and institutional.
75 4200	Food processing cutlery.
77 5000	Technical and scientific laboratory glassware.
77 6130	China and porcelain laboratory ware.

[F. R. Doc. 47-3528; Filed, Apr. 10, 1947; 11:04 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION; VETERANS' CLAIMS

WRITTEN AND ORAL TESTIMONY

CROSS REFERENCE: For an exception to the provisions of § 2.1030, see Part 5 of this chapter, *infra*.

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 5:

EFFECTIVE DATES OF REDUCTIONS AND DISCONTINUANCES

§ 5.256 *Public No. 2, 73d Congress (act of March 20, 1933), as amended; sections 28 and 31, Title III, Public No. 141, 73d Congress (act of March 28, 1934), as amended; and Public No. 484, 73d Congress (act of June 28, 1934), as amended.* Where death pension or compensation has been awarded under the provisions of Public No. 2, 73d Congress, or section 28 or 31, Title III, Public No. 141, 73d Congress, or Public No. 484, 73d Congress, as amended, the effective date of reduction or discontinuance of such death pension or compensation shall be in accordance with the facts found, except that:

No change in (a) to (h), inclusive.

(i) *Beneficiary resident in enemy-controlled territory.* In a claim for accrued benefits, where a claim and evidence to show that neither the claimant nor the deceased person was guilty of any of the offenses enumerated in section 4, Public Law 144, 78th Congress, was not filed prior to August 8, 1947, discontinuance of death pension or compensation under section 5, Public Law 144, 78th Congress, shall be effective July 12, 1943, on an award to any person not a citizen of the United States who was located in the territory of or under the military control of an enemy of the United States or of any of its allies. As to recommencement of payments, see § 5.2588 (e).

[60 Stat. 874] (60 Stat. 908)

§ 5.2588 *Recommencement of death pension or compensation.* Death pension or compensation previously discontinued will be recommenced as follows:

No change in (a) to (d), inclusive.

(e) *Recommencement of awards to foreign beneficiaries.* In any claim where payments of death pension or compensation have been discontinued

under section 5, Public Law 144, 78th Congress, because a beneficiary who was not a citizen of the United States was a resident in the territory of or under the military control of an enemy of the United States or of any of its allies, or where checks to which the beneficiary was entitled were placed in the special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Funds" or covered into miscellaneous receipts pursuant to the provisions of Public No. 828, 76th Congress, payment of such amounts shall be made upon the filing of a new claim accompanied by evidence satisfactory to the Administrator of Veterans Affairs showing that the claimant was not guilty of any of the offenses enumerated in section 4, Public Law 144, 78th Congress: Mutiny, treason, sabotage or rendering assistance to an enemy of the United States or of its allies; *Provided*, That a claim as required by this paragraph filed prior to August 7, 1946, shall be considered a claim for the purposes of Public Law 622, 79th Congress: *Provided further*, That where an award is subject to discontinuance under the provisions of § 5.2586 (i), no pension or compensation shall be paid for any period prior to the date of receipt of such claim; *Provided further*, That no payments shall be made to a citizen or subject of Germany or Japan while residing in Germany or Japan. (Pub. Law 622, 79th Cong.) See § 5.2586 (i) as to discontinuance of payments.

[60 Stat. 874] (60 Stat. 908)

ACCRUED AMOUNTS DUE AND UNPAID AT DEATH

§ 5.2660 *Accrued amounts.* No change in (a) or (b).

(c) *Definitions.* For the purpose of paying accrued benefits under this paragraph the following definitions are for application:

No change in (1) to (3), inclusive.

A new subparagraph (4) is added, as follows:

(4) The term "evidence in the file at date of death" as used in paragraph (a) of this section will be considered to have been met when there is on file at the date of the veteran's death:

(i) Notwithstanding § 2.1030 (a) of this chapter and § 5.2531 (a), evidence including unsworn statements, which is essentially complete and of such weight as to establish service connection or degree of disability for disease or injury when substantiated by other evidence in file at date of death or when considered in connection with the identifying, verifying or corroborative effect of the death certificate.

(ii) In the case of a veteran whose award is subject to reduction under section 13, Public Law 144, 78th Congress, or section 1, Public Law 662, 79th Congress, by reason of hospital treatment, institutional or domiciliary care by the Veterans' Administration, or by the United States or any political subdivision thereof, prima facie proof of dependents or of other factors affecting entitlement, such as statements on VA Form 8-404, provided satisfactory evidence is furnished in support of the claim for accrued benefits.

(60 Stat. 908)

§ 5.2662 *Lump sums payable at death of veteran where award was reduced by reason of hospital treatment, institutional or domiciliary care by the Veterans' Administration.* The provisions of this paragraph shall apply only to the payment of amounts actually withheld on a running award pursuant to the provisions of section (1) (A) (1), Public Law 662, 79th Congress, which are payable in a lump sum after the veteran's death. Accrued benefits, including any amounts in funds due incompent beneficiaries but excluding such lump sums actually withheld, are payable in accordance with the provisions of § 5.2660.

No change in (a) to (c), inclusive.

A new paragraph (d) is added, as follows:

(d) The provisions of § 5.2660 (b) shall apply in any case in which a check for a lump sum, as described in this section, is received by the payee.

[60 Stat. 908] (57 Stat. 554)

§ 5.2665 *Accrued benefits payable to foreign beneficiaries.* (a) Except as provided in paragraphs (b) and (c) of this section, in case of the death of the payee of any check in payment of pension, compensation or emergency officers' retirement pay accruing under laws administered by the Veterans' Administration, while the amount thereof remains in the special deposit account established by Public No. 828, 76th Congress such amount shall be payable under the provisions of section 3 of this act: *Provided*, That the accrued amount shall be payable only if the person on whose behalf checks were issued and the person claiming the accrued amount have not been guilty of any of the offenses mentioned in section 4, Public Law 144, 78th Congress. [54 Stat. 1086, 57 Stat. 554; 31 U. S. C. 1-3; 38 U. S. C. 728]

(b) In case of the death of any person primarily entitled prior to receiving the full amount of benefits withheld pursuant to the provisions of Public No. 828, 76th Congress, as amended, or not paid because of the provisions of section 5, Public Law 144, 78th Congress, payment shall be made under the provisions of § 5.2660 as to the one-year limitation on the period covered by the award, if a claim for this amount together with satisfactory evidence that neither the claimant nor the deceased person was guilty of any of the offenses mentioned in section 4, Public Law 144, 78th Congress, shall have been filed prior to August 8, 1947: *Provided*, That a claim filed prior to August 7, 1946, shall be considered a claim under this law. In any case in which payment of the accrued benefit may not be made under the provisions of this paragraph, the provisions of paragraph (a) of this section shall apply. [60 Stat. 874] (Pub. Law 622, 79th Cong.)

(c) No payments shall be made under this paragraph to German or Japanese citizens or subjects while residing in Germany or Japan. (54 Stat. 1086; 31 U. S. C. 1-3)

R. S. 471, sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 2, 11, 11a, 426, 707.

[SEAL] CHAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans Affairs.

[F. R. Doc. 47-3430; Filed, Apr. 10, 1947; 8:51 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Gen. Order ODT 18A, Rev., Amdt. 6]

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC; EXEMPTIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172, 12 F. R. 1034), is hereby further amended by changing paragraph (g) of § 500.75 to read as follows:

§ 500.75 *Exemptions.* • • •

(g) Carload freight (including import, coastwise, and intercoastal freight) moving first by water on the high seas to a port in the continental United States and thence by rail in a single car, or moving first by water on the high seas to a port in the continental United States, thence by an inland water carrier to another point in the continental United States, and thence by rail in a single car to destination when, in either case, such carload freight moves as a complete order from both the point it is first shipped by water and the point it is reshipped by rail.

This Amendment 6 to General Order ODT 18A, Revised, shall become effective on April 11, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 8th day of April 1947.

J. M. JOHNSON,
Director of the Office of Defense Transportation.

[F. R. Doc. 47-3465; Filed, Apr. 10, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 04b]

AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORY PERTAINING TO BRAKE ROLL, RETRACTING MECHANISMS, MANEUVERING LOADS AND EMERGENCY LANDING CONDITIONS

NOTICE OF PROPOSED RULE MAKING

APRIL 7, 1947.

Following the adoption by the Civil Aeronautics Board of Civil Air Regulations Part 04b (Airplane Airworthiness—Transport Category) in November 1945, representatives of the Civil Aeronautics Board, the Civil Aeronautics Administration, and the aircraft industry conducted a study of the adopted part with the view of revaluating the regulations contained therein. As a result, it became desirable to propose modifications and classifications leading to a more practical approach to the airworthiness rules without lowering the established standard of safety. Pending additional studies, the Safety Bureau of the Civil Aeronautics Board delayed presenting a proposed general revision of Part 04b for approval of the Board. At the present time, however, it appears that adoption by the Board of certain of the proposed revisions would facilitate the certification of recently designed airplanes. These revisions pertain to brake roll, retracting mechanisms, maneuvering loads, and emergency landing conditions. They are either clarifying or relaxatory in nature, and their adoption by the Board at an early date would be in the public interest.

Pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board amendments to Part 04b of the Civil Air Regulations as follows:

1. Amend the first sentence of § 04b.21410 to read as follows: "At all speeds from V_{mc} to V_p the following vertical loads shall be considered:"

2. Amend the title and the first sentence of § 04b.243 to read as follows:

§ 04b.243 *Taxiing conditions.* The landing gear and airplane structure shall be investigated for the following conditions in which the airplane shall be assumed at the design take-off weight unless otherwise specified.

3. Amend the second sentence of § 04b.2431 (a) to read as follows: "The limit vertical load factor shall be 1.2 for the airplane at design landing weight and 1.0 for the airplane at design take-off weight."

4. Amend the first sentence of § 04b.2431 (b) to read as follows: "The limit vertical load shall be 1.2 for the airplane at design landing weight and 1.0 for the airplane at design take-off weight."

5. Amend § 04b.260 by deleting the words "all combinations of" from the second paragraph.

6. Amend the third sentence of § 04b.362 to read as follows: "The landing gear, retracting mechanism, and airplane structure, including wheel well doors, shall be designed to withstand the flight loads occurring with the landing gear in the extended position at any speed up to 0.67 V_c, unless other means are provided to decelerate the airplane in flight at this speed."

7. Amend § 04b.620 (a) by adding the following sentence at the end of the paragraph: "The explanation of the maneuvering speed shall include a statement to the effect that maneuvers involving an approach to a stall, or full application of rudder or aileron controls, should be confined to speeds below this value."

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON,
Director.

[F. R. Doc. 47-3441; Filed, Apr. 10, 1947; 8:49 a. m.]

[14 CFR, Part 40]

MINIMUM REQUIREMENTS FOR ROUTE QUALIFICATION OF SCHEDULED AIR LINE PILOTS

NOTICE OF PROPOSED RULE MAKING

APRIL 8, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board an amendment to § 40.2611 of the Civil Air Regulations which will give in more specific detail minimum requirements for route qualification of scheduled airline pilots.

Present § 40.2611 requires both the air carrier and the qualifying pilot to certify that the pilot is qualified for the route. The proposed amendment will place the full responsibility of certifying pilot competency over specific routes upon the air carrier and its check pilots and will require at least one round trip or two one-way trips over the route with one of the carrier's check pilots. It should be noted that the provisions of the amendment are basic minimums and do not in any way relieve the air carrier of its responsibility of assuring the actual competency of its pilots.

This proposal has not yet been considered by the Board. It is being published to provide an opportunity for those interested to submit any comments, suggestions, or recommendations which they believe desirable. The Safety Bureau will give careful consideration to all replies received and, after making any changes which appear to be appropriate, will present the proposed amendment to the Board for action. Any substantial objections to this proposal will be brought to the attention of the Board in order that it may have all possible information available when taking this matter under consideration.

It is proposed to amend § 40.2611 of the Civil Air Regulations to read as follows:

§ 40.2611 *Requirements for pilot route qualification.* The air carrier shall be responsible that each first pilot is thoroughly qualified for the route over which he is to fly aircraft in scheduled air transportation as first pilot. The qualifying procedure shall be established in detail by the air carrier in the air carrier operations manual and shall include at least the following:

(a) A written or oral examination on:

(1) Weather conditions peculiar to the route,

(2) Navigational facilities,

(3) Instrument approach procedures,

(4) Communication procedures,

(5) Minimum safe flight levels,

(6) Position reporting points,

(7) Holding procedures, and

(8) All other traffic control procedures for the route.

(b) Familiarization with the terrain, obstructions, or congested areas and the physical layout for the airport and approaches at each regular, provisional, refueling, and alternate airport approved for the route.

(c) Flying through the letdown procedures at each regular, provisional, refueling, or intermediate airport specified for use on the trip to which the pilot is or is to be assigned. Such letdown procedures should be made under visual flight conditions whenever possible. Compliance with this paragraph will not be required, provided the pilot makes his first entry into an airport under visual flight rules or is accompanied by a check pilot.

(d) Demonstration of ability either under instrument flight rule conditions or on a synthetic instrument trainer to accomplish letdowns for all airports approved for the route.

(e) Making at least one round trip or two one-way trips over the route with one of the carrier's check pilots. When, in the opinion of the check pilot, the first pilot is qualified for the route, the check pilot will so certify to the carrier, and this certification shall be made a matter of record by the carrier. Compliance with this paragraph will not be required when qualifying over extensions to, or

modifications of, an existing route, provided the pilot makes his first flight under visual flight rules or is accompanied by a check pilot.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

The Bureau solicits written comment with respect to the proposed regulation. Replies should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., to be received not later than May 15, 1947.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-3442; Filed, Apr. 10, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8622]

FRANZ MILLER

In re: Bank account owned by Franz Miller, also known as Franz Muller. F-28-23985-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Miller, also known as Franz Muller, whose last known address is Triftern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Iowa Trust & Savings Bank, Emmetsburg, Iowa, arising out of a time certificate of deposit, numbered 4333, entitled Joseph Miller, Mallard, Iowa, Trustee for Franz Miller, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Franz Muller, also known as Franz Muller, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3427; Filed, Apr. 9, 1947; 8:50 a. m.]

[Vesting Order 8624]

S. K. YAMADA

In re: Bank account owned by S. K. Yamada, also known as Saburo Yamada. D-39-728-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. K. Yamada, also known as Saburo Yamada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to S. K. Yamada, also known as Saburo Yamada, by The Capital National Bank of Sacramento, 700 J Street, Sacramento 4, California, arising out of a Savings Account, Account Number 70822, entitled S. K. Yamada, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3428; Filed, Apr. 9, 1947; 8:51 a. m.]

[Vesting Order 8629]

CLARA B. FOESSEL

In re: Estate of Clara B. Foessel, deceased. File D-28-11578; E. T. sec. 15784.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna F. Kurz, Marie Kurz, and Frida Kurz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Clara B. Foessel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Jerry Klinger, as executor, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3429; Filed, Apr. 9, 1947; 8:51 a. m.]

[Vesting Order 8628]

ALLGEMEINE ELEKTRICITATS GESELLSCHAFT

In re: Real property, property insurance policy and claim owned by Allgemeine Elektricitats Gesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allgemeine Elektricitats Gesellschaft, the last known address of which is Berlin, Germany, is a business enterprise organized under the laws of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property, situated in the City of Schenectady, County of Schenectady and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Allgemeine Elektricitats Gesellschaft, in and to Fire Insurance Policy, No. 476, issued by Aetna Fire Insurance Company, Hartford, Connecticut, in the name of Nicholaas E. Groeneveld Meijer, in the amount of $20,000.00, which policy expires May 8, 1947, and

c. That certain debt or other obligation owing to Allgemeine Elektricitats Gesellschaft by Ernest C. Turner, 1025 Waverly Place, Schenectady, New York, arising out of rents collected or due for the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

That certain piece or parcel of land, situate in the 11th Ward of the City of Schenectady, upon the Westerly side of Waverly Place, as designated and shown on a certain "Map of Building Lots in the Third Ward of the City of Schenectady (now 11th Ward), belonging to Albert Van Voast, James A. Van Voast, and others," filed in the office of the Clerk of the County of Schenectady on the 29th day of November, 1901, bounded and described as follows:

Commencing at a stake in the Westerly line of Waverly Place, as shown on said map, which stake is six hundred twenty (620) feet Southerly from a stake at the Southwesterly intersection of said Waverly Place with Union Avenue; thence Northwesterly at right angles to Waverly Place, one hundred forty (140) feet; thence Southwesterly along a line parallel with Waverly Place, sixty (60) feet; thence Southeasterly at right angles to Waverly Place, one hundred forty (140) feet to a stake in the Westerly margin of Waverly Place, and thence Northeasterly along Waverly Place, sixty (60) feet to the place of beginning. Being the same premises conveyed by Albert Van Voast and others to Ida M. Veeder, by deed dated August 25th, 1902, recorded in the Schenectady County Clerk's office August 26th, 1902, in Book 140 of Deeds, at Page 96, and subject to the covenants, conditions and restrictions therein contained or referred to.

Also, all that tract or parcel of land, situate in the 11th Ward of the City of Schenectady, County of Schenectady, and State of New York, on the Southeasterly side of Parkwood Boulevard, bounded and described as follows: Beginning at the point of intersection of the Southeasterly margin of Parkwood Boulevard with the Southwesterly margin of the alley designated and shown on a certain "Map Showing Exchange of Properties between James A. Van Voast and Briggs Real Estate Co., for the Purpose of Making and Dedicating a Boulevard to the City of Schenectady, February, 1901", a copy of which map is filed in the office of the Clerk of the County of Schenectady, said alley being also shown on a certain "Map of Building Lots in the Third Ward (now 11th Ward) of the City of Schenectady, belonging to Albert Van Voast, James A. Van Voast and others" filed as aforesaid, and running thence Southeasterly along said alley, one hundred sixty-six (166) feet, more or less, to premises conveyed to Cora E. Veeder by Albert Van Voast and others, August 1902; thence Southeasterly and along the same and along premises conveyed by Albert Van Voast and others to Ida M. Veeder in August, 1902, forty-eight (48) feet five (5) inches; thence Northwesterly along a line parallel with said alley, one hundred sixty-six (166) feet; more or less, to Parkwood Boulevard, and thence Northeasterly along said Parkwood Boulevard, forty-eight (48) feet five (5) inches to the place of beginning. Being the same premises which were conveyed to Ida M. Veeder by deed of Cora E. Veeder, dated May 4th, 1910, and recorded in the Schenectady County Clerk's Office May 14, 1910, in Book 197 of Deeds, at Page 37.

Excepting and reserving from the last described piece or parcel of land, however, the piece or parcel of land conveyed to George E. Hohl Company by deed of Ida M. Veeder, dated April 28th, 1920, recorded in the Schenectady County Clerk's Office April 29th, 1920, in Book 283 of Deeds, at Page 384, to which deed reference is hereby made for a more particular description thereof.

Being the same premises conveyed to George C. Hollister by N. E. Groeneveld Meyer and wife by deed dated February 22, 1930, recorded in the Schenectady County Clerk's Office in Liber 365 of Deeds at Page 230.

[F. R. Doc. 47-3446; Filed, Apr. 10, 1947; 8:51 a. m.]

[Vesting Order 8511]

JOHN DANZER

In re: Estate of John Danzer, deceased. File No. D-28-9272; E. T. sec. 12168.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Danzer, Kate (Katherine Danzer) Horner, Fredrick (Friedrich) Danzer, and Margaret Danzer Rothenberger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Barbara (Babette) Danzer Hofman, deceased and children, names unknown, of Caroline Danzer Rogele, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $12,992.49 and one gold watch (Waltham) were delivered to the Alien Property Custodian by Marshall and Ilsley Bank, Executor of the Estate of John Danzer, deceased;

4. That the said sum of $12,992.49 and the said watch are presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof; the children, names unknown of Barbara (Babette) Danzer Hofman, deceased; and children, names unknown, of Caro-

line Danzer Rogele, deceased are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on November 13, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3447; Filed, Apr. 10, 1947; 8:52 a. m.]

[Vesting Order 8516]

AUGUSTA KRATLOW

In re: Estate of Augusta Kratlow, formerly incompetent, now deceased. File D-28-11008; E. T. sec. 15406.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Kluge and Anna Kluge, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $546.36 was paid by Mary Anastasia Johnson, Administratrix of the Estate of Augusta Kratlow, formerly incompetent, now deceased;

3. That the said sum of $546.36 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 10, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3448; Filed, Apr. 10, 1947; 8:53 a. m.]

[Vesting Order 8521]

HEINRICH MEYN

In re: Estate of Heinrich Meyn, deceased. File D-28-1626; E. T. sec. 384.

Under the authority of the Trading with the Enemy Act, as amended, Executive order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Meyn, Elsbeth Meyn, Eugen Meyn, Heinrich Meyn, Ulrich Meyn, Ludwig Meyn and Angela Meyn, are citizens of Germany, whose last known address is Milan, Italy, and are nationals of a designated enemy country (Italy);

2. That Clara von Falkenstein, Frau Grete Elsner, Alma Sonnenkalb, Fifi Sonnenkalb, Felix Sonnenkalb and Frau Elise Tams, whose last address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Karl Meyn, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3, and each of them, in and to the estate of Heinrich Meyn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of designated enemy countries (Germany and Italy);

5. That such property is in the process of administration by the Union Trust Company of the District of Columbia, Executor and Trustee, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

and it is hereby determined:

6. That to the extent that the persons identified in subparagraphs 1 and 2 hereof, and the personal representatives, heirs, next of kin, legatees and distributees of Karl Meyn, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 25, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3449; Filed, Apr. 10, 1947; 8:53 a. m.]

[Vesting Order 8522]

MARIE MUELLER

In re: Estate of Marie Mueller, deceased. D-28-7616; E. T. sec. 8083.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herbert Kaphun, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $822.15 was paid to the Alien Property Custodian by Lincoln A. Behr, Administrator With Will Annexed of the Estate of Marie Mueller, deceased;

3. That the said sum of $822.15 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 22, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3450; Filed, Apr. 10, 1947; 8:53 a. m.]

[Vesting Order 8530]

HEINRICH ZEITLER

In re: Estate of Heinrich Zeitler, deceased. File No. D-28-10192; E. T. sec. 14525.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Zeitler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $87.64 was paid to the Alien Property Custodian by John Zeitler and Sophie Hohl, Administrators of the Estate of Heinrich Zeitler, deceased;

3. That the said sum of $87.64 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 19, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3451; Filed, Apr. 10, 1947; 8:53 a. m.]

[Supp. Vesting Order 8551]

JOSEPH ESTVAN

In re: Estate of Joseph Estvan, also known as Istvan, deceased. File D-34-858; E. T. sec. 14243.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Estvan, whose last known address is Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Joseph Estvan, also known as Istvan, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Rumania);

3. That such property is in the process of administration by John M. Niven, Public Administrator for Milwaukee County, 735 North Water Street, Milwaukee, Wisconsin, as Administrator of the estate of Joseph Estvan, also known as Istvan, deceased, acting under the judicial supervision of the Milwaukee County Court, Milwaukee, Wisconsin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3452; Filed, Apr. 10, 1947; 8:53 a. m.]

[Vesting Order 8553]

OSCAR HENTSCHEL

In re: Trust u/w of Oscar Hentschel, deceased. File D-28-2559; E. T. sec. 4819.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leo Hentschel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the Museum of the City of Zeulenroda, Germany, and the Lutheran Cemetery at Zeulenroda, Germany, are organizations organized under the laws of Germany, and nationals of a designated enemy country (Germany);

3. That the City of Zeulenroda, Thüringen, Germany, is a political subdivision of a designated enemy country (Germany).

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and the City of Zeulenroda, is property payable or distributable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

5. That such property is in the process of administration by Irving Trust Company, as trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

6. That to the extent that Leo Hentschel is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3453; Filed, Apr. 10, 1947; 8:53 a. m.]

[Vesting Order 8557]

FRIEDA KRAUS

In re: Estate of Frieda Kraus, deceased. File No. D-28-8946; E. T. sec. 11235.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Johanna Hirschkind in and to the Estate of Frieda Kraus, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Johanna Hirschkind, Germany.

That such property is in the process of administration by Fred M. Kraus and Lotte K. Mayer, as Executors, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3454; Filed, Apr. 10, 1947; 8:53 a. m.]

[Vesting Order 8558]

MAX MARX

In re: Trust under will of Max Marx, deceased. File D-28-4142; E. T. sec. 7164.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Emanuel Levy, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of Max Marx, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Julian L. Marx, as trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3455; Filed, Apr. 10, 1947; 8:53 a. m.]

[Vesting Order 8561]

CARL H. THOREN

In re: Trust u/w of Carl H. Thoren, deceased. File D-28-10886; E. T. sec. 15337.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emily Nahs, Dr. Doris Thoren, Dr. Kathe Thoren, Annamarie Thoren, Alfred Kehres, Annedore Kehres, Lisa Kehres, Carl Thoren, Anneliese Thoren, Ilse Thoren, Thea Steinmeyer, August Thoren, August Wohrmeyer and Sophie Kehres, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Carl H. Thoren, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The United States National Bank of Portland, as trustee, acting under the judicial supervision of the Circuit Court of the State of Oregon, in and for the County of Multnomah;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3456; Filed, Apr. 10, 1947; 8:54 a. m.]

[Supp. Vesting Order 8562]

ADOLPH TWESTEN

In re: Estate of Adolph Twesten, also known as Adolph N. M. Twesten, deceased. D-28-10441; E. T. sec. 14848.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Twesten, Toni Twesten, Hedwig Giensch, Frieda Binder and Martha Delbeck, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Adolph Twesten, also known as Adolph N. M. Twesten, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Jack N. McPherson, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Butte;

and it is hereby determined:

4. That to the extent that the above-named persons are not with a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3457; Filed, Apr. 10, 1947; 8:54 a. m.]

[Vesting Order 8563]

PAUL UHLICH

In re: Trust under the will of Paul Uhlich, deceased. File D-28-11033; E. T. sec. 15473.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation; it is hereby found:

1. That Rudolph Uhlich, Gertrud Müller, Magarete Wagemann, Walter Wagemann, Johannes Uhlich, Rolf Uhlich, Eberhard Uhlich, Georgina Uhlich, Volker Uhlich, Walter Uhlich, Hildegard Uhlich Pilz, Elizabeth Nossler, Paul Uhlich, Fritz Uhlich, Karl Uhlich, Rudolf Uhlich, Gottfried Uhlich, Friedrich Uhlich, named in the Will Fritz Uhlich, Friedrich Uhlich, Dieter Uhlich, Fritz Uhlich, also known as Rolf Uhlich, Wilhelm Uhlich, Karl Uhlich, Karry Uhlich, Guido Uhlich, Ernst Uhlich, Joachim Uhlich Kurt Uhlich, Elsa Baron, Charlotte Rothe, and Susanne Uhlich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Paul Uhlich, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Catherine Fair, Frank Meyer, and Kings County Trust Company, as co-trustees, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3458; Filed, Apr. 10, 1947; 8:54 a. m.]

[Vesting Order 8579]

WATARU KITAGAWA

In re: Cash, stock and scrip certificates owned by Wataru Kitagawa.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wataru Kitagawa, whose last-known address is Kochi-Shi, Nishiki Kawa-Cho, 51-Banchi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Cash in the amount of $408.60, presently in the possession of the Attorney General of the United States in an account numbered 39-9420;

b. Two (2) shares of $5 par value common capital stock of Plymouth Oil Company, 223 Fourth Avenue, Pittsburgh, Pennsylvania, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered PO 18635 and PO 22194 for one (1) share each, registered in the name of Wataru Kitagawa and presently in the custody of said Plymouth Oil Company, together with all declared and unpaid dividends thereon,

c. One (1) series "F" scrip certificate, bearing number 2597, for 605/1000 share of $5 par value common capital stock of Plymouth Oil Company, 223 Fourth Avenue, Pittsburgh, Pennsylvania, a corporation organized under the laws of the State of Delaware, presently in the custody of said Plymouth Oil Company, together with any and all rights thereunder and thereto; and

d. One (1) series "G" scrip certificate, bearing number 2580, for 620/1000 share of $5 par value common capital stock of Plymouth Oil Company, 223 Fourth Avenue, Pittsburgh, Pennsylvania, a corporation organized under the laws of the State of Delaware, presently in the custody of said Plymouth Oil Company, together with any and all rights thereunder and thereto;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3459; Filed, Apr. 10, 1947; 8:54 a. m.]

[Vesting Order 8600]

AUGUSTA ALBRECHT

In re: Estate of Augusta Albrecht, also known as Augusta Albright, deceased. File No. D-28-11113; E. T. sec. 15555.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Wiese and Gustave Wiese, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $100.00 was paid to the Alien Property Custodian by William F. Albrecht, Executor of the estate of Augusta Albrecht, also known as Augusta Albright, deceased;

3. That the said sum of $100.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownerership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 10, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3460; Filed, Apr. 10, 1947; 8:55 a. m.]

[Vesting Order 8602]

RUDOLPH HETTLER

In re: Estate of Rudolph Hettler, deceased. File D-28-10466; E. T. sec. 14883.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Bartz, Mrs. Henny Wilken, also known as H. Wilken and Mrs. Henry Wilken, Wilhelm Georg Wirtz, Hans Berthold Wirtz and Theresa Mietzel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany); and that Rose Salipsky Megye, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That the personal representatives, heirs-at-law, next of kin, legatees and distributees of Theresa Mietzel, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Rudolph Hettler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of designated enemy countries (Germany and Hungary);

4. That such property is in the process of administration by Herman Romaine, as executor, acting under the judicial supervision of the Surrogate's Court, Westchester County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the personal representatives, heirs-at-law, next of kin, legatees and distributees of Theresa Mietzel, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries (Germany and Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3461; Filed, Apr. 10, 1947; 8:55 a. m.]

[Vesting Order 8616]

FANNY AND SAM EVANS

In re: Bank accounts owned by Fanny Evans, and Sam Evans and stock owned by Fanny Evans. F-39-2259-D-1, F-39-2259-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fanny Evans and Sam Evans, whose last known addresses are Kobe, Japan and Karuizawa, Japan, respectively, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Fanny Evans and Sam Evans by American Trust Company, 464 California Street, San Francisco, California, arising out of a checking account, entitled Mrs. Fanny Evans and Sam Evans, maintained at the branch office of the aforesaid bank located at 1 Grant Avenue, San Francisco, California, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Fanny Evans and Sam Evans by American Trust Company, 464 California Street, San Francisco, California, arising out of a savings account, Account Number 8122, entitled Mrs. Fanny Evans and Sam Evans, maintained at the branch office of the aforesaid bank located at 1 Grant Avenue, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: Two hundred (200) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered N 26145 and N 26146 for 100 shares each, registered in the name of Fanny Evans, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Fanny Evans, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3463; Filed, Apr. 10, 1947; 8:55 a. m.]

[Vesting Order 8607]

AUGUSTE SCHERER

In re: Estate of Auguste Scherer, deceased. File No. D-28-10872; E. T. sec. 15283.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Lembcke and Henrich Karsten, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Auguste Scherer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Christ S. Warren, 132 Delaware Street, Tonawanda, Erie County, New York, as Executor, acting under the judicial supervision of the Surrogate's Court, Erie County, Buffalo, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3462; Filed, Apr. 10, 1947; 8:55 a. m.]

[Vesting Order 8619]

FANNY KAHN

In re: Stock owned by Fanny Kahn. F-28-23478-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fanny Kahn, whose last known address is % Deutsche Effecten und Wechselbank, Frankfurt am Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of $50 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, evidenced by certificate number 635908, registered in the name of Mrs. Fanny Kahn, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Deutsche Effecten Und Wechselbank Customers Depot, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3464; Filed, Apr. 10, 1947; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-559]

LEONARD CUSTOM TAILORS CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of April A. D. 1947.

The Leonard Custom Tailors Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, No Par Value, from listing and registration on the Cincinnati Stock Exchange. The application alleges that (1) 50,000 shares of this security have been authorized for issuance; (2) two corporate stockholders, Lowe Donald & Co., Inc. and Kemp-Booth Company, Limited, now own a total of 43,553 shares of this security; (3) Lowe Donald & Co., Inc. and Kemp-Booth Company, Limited, have advised the applicant that they have acquired these shares for the purpose of investment and do not contemplate a distribution of them; (4) 4,815 shares of this security are presently held in the treasury of applicant; (5) there remain outstanding in the hands of 58 other shareholders, 1,632 shares or approximately 3% of the authorized and issued shares of common stock of applicant; (6) there is no longer a sufficient distribution of this security for trading on a national securities exchange; and (7) the rules of the Cincinnati Stock Exchange with respect to withdrawing a security from listing and registration have been complied with.

Upon receipt of a request, prior to April 28, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3438; Filed, Apr. 10, 1947; 8:47 a. m.]

[File Nos. 54-85, 59-90]

EAST COAST PUBLIC SERVICE CO. ET AL.

ORDER APPROVING PLAN, GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 2d day of April A. D. 1947.

In the matters of East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, Tidewater Electric Service Company, Floyd W. Woodcock, applicants, File No. 54-85; East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, Tidewater Electric Service Company, respondents, File No. 59-90.

East Coast Public Service Company ("East Coast"), a registered holding company, Virginia East Coast Utilities, Incorporated ("Virginia"), a subsidiary of East Coast, Tidewater Electric Service Company ("Tidewater"), in turn a subsidiary of Virginia, and Floyd W. Woodcock, an affiliate of East Coast, having filed an application and amendments thereto for the approval of a plan, as amended, for the merger of Tidewater into Virginia, the recapitalization of Virginia and the liquidation and dissolution of East Coast pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and applications and declarations pursuant to applicable sections of the Act for approval of related transactions; and

The Commission having instituted proceedings under section 11 (b) (2) and other sections of the act with respect to East Coast, Virginia and Tidewater; and

The Commission having consolidated the proceedings with respect to the plan and the applications and declarations, as amended, with the proceedings instituted under section 11 (b) (2) of the act; and

The applicants having requested the Commission upon its approval of said Amended Plan to apply to an appropriate District Court of the United States for an order approving and enforcing said Amended Plan; and

A public hearing having been held after appropriate public notice, in respect of such consolidated proceedings; the Commission having considered the record in the matter and having made and filed its findings and opinion herein; on the basis of said findings and opinion,

It is ordered, pursuant to section 11 (e) and other applicable sections of the act that said Plan, as amended, be, and it hereby is, approved, that said applications be, and the same hereby are, granted and that said declarations be, and the same hereby are, permitted to become effective, subject, however, to the conditions specified in Rule U-24, and subject further to the reservations of jurisdiction hereinafter set forth;

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to (1) the proposed issuance and sale of new bonds and new common stock by Virginia, (2) the amount and allocation of all fees and other compensation and expenses to be paid in connection with the plan, the transactions incident thereto and the consummation thereof, (3) the request of applicants for recitals and findings in conformity with the provisions of section 1808 (f) of the Internal Revenue Code, (4) such further proceedings and to make such supplemental findings and to take such further action as the Commission may deem appropriate in connection with the plan, as amended, the transactions incident thereto, and the consummation thereof, and (5) the proceedings instituted by the Commission under section 11 (b) (2) of the act.

It is further ordered, That counsel for the Commission be and they hereby are authorized and directed to make application forthwith on behalf of the Commission to the District Court of the United States for the District of Delaware to enforce and carry out the terms and conditions of the plan, as modified, pursuant to the provisions of section 11 (e) of the act and the request duly made herein by the applicants and declarants.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3439; Filed, Apr. 10, 1947; 8:47 a. m.]

[File Nos. 54-148, 59-86]

PUBLIC SERVICE CORP. OF NEW JERSEY ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of April 1947.

In the matter of Public Service Corporation of New Jersey, Atlantic City Gas Company and Peoples Gas Co.; File Nos. 54-148, 59-86.

Public Service Corporation of New Jersey ("Public Service"), a registered holding company and a subsidiary of The United Corporation, also a registered holding company, having filed a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") providing inter alia, for the merger of People Gas Company ("Peoples") into Atlantic City Gas Company ("Atlantic City"), a recapitalization of the surviving company and the donation to it by Public Service of $5,000,000 in cash; and

An application-declaration having been jointly filed by Public Service, Atlantic City and Peoples setting forth the details of the proposed transactions; and

The Commission having been requested (i) to permit the proposed merger and related transactions to be consummated in advance of the consummation of the plan and (ii) to find the merger and related transactions necessary or appropriate to effectuate the provisions of section 11 (b) of the act within the meaning of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R, thereof; and

A public hearing in respect of the above matters having been held after appropriate notice and the Commission having considered the record and filed its findings and opinion herein;

It is ordered, That the application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the transactions specified in paragraphs 1 to 3 below, all as proposed in said application-declaration, as amended, are necessary or appropriate to the integration or simplification of the holding company system of which Public Service, Atlantic City and Peoples are members and are necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935.

(1) The assumption by Atlantic City of the liabilities of Peoples including the primary liability for payment of principal and interest on Peoples First Mortgage Gold Bonds 5½% series due 1960 in the principal amount of $660,000 and 5% series due 1968 in the principal amount of $1,436,000.

(2) The issuance by Atlantic City of 550,319 shares of new common stock of a par value of $5 per share and the aquisition by Public Service of such common stock and the exchange therefor of the shares of stock set out in paragraph 3 immediately following.

(3) The acquisition and cancellation by Atlantic City of (i) shares of its own capital stock consisting of 57,000 shares of common stock, without par value and 8,820 shares of 7% Cumulative Preferred Stock, $100 par value; and (ii) 58,375 shares of the common stock, without par value, of Peoples.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3433; Filed, Apr. 10, 1947; 8:46 a. m.]

[File No. 70-1465]

REPUBLIC SERVICE CORP. AND PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of April A. D. 1947.

Notice is hereby given that Republic Service Corporation ("Republic"), a registered holding company, has filed an application and declaration with this Commission pursuant to sections 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 thereunder, and Pennsylvania Power & Light Company ("Pennsylvania"), a non-affiliated public utility company, has also filed an application pursuant to sections 9 (a) (2) and 10 of the act.

All interested persons are referred to said applications and declarations which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Republic proposes to sell and Pennsylvania proposes to acquire all of the outstanding securities presently owned by Republic of three of its subsidiary companies, namely, Mauch Chunk Heat, Power and Electric Light Company, Renovo Edison Light, Heat and Power Company, and Renovo Heating Company, for the basic consideration of $674,590 to be paid in shares of Pennsylvania common stock together with certain cash adjustments to the date of closing. The number of shares to be delivered to Republic is to be determined by the average of the closing market prices of the Pennsylvania common stock on the New York Stock Exchange for a certain designated three days preceding the date of closing.

Republic proposes to arrange for the sale of all the shares of the Pennsylvania common stock at or about the time said shares are acquired. Republic would deposit all the shares of Pennsylvania's common stock so acquired from the proposed sale or any cash proceeds it receives from the sale of said Pennsylvania common stock with the Indenture Trustee, as part of the trust property in accordance with the indenture securing an issue of Collateral Trust Bonds of Republic.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to said application and declaration, and that said application and declaration shall not be granted nor permitted to become effective, except pursuant to further order of the Commission;

It is ordered, That a hearing, under the applicable provisions of the act and rules thereunder, be held at 10:00 a. m., e. s. t., on April 15, 1947, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in room 318. At such hearing cause shall be shown why

said applications should be granted and said declarations permitted to become effective.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the applications and declarations and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the consideration to be paid by Pennsylvania and to be received by Republic is reasonable and bears a fair relation to the sums invested in or the earning capacities of such assets;

(2) Whether the proposed acquisitions of securities by Republic and Pennsylvania will respectively tend toward the economical and efficient development of integrated public utility systems and whether such acquisitions will tend toward interlocking relations or concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or to the interest of investors or consumers;

(3) Whether the proposed transactions are detrimental to the carrying out of the provisions of section 11 (b) of the act;

(4) Whether the proposed use of the proceeds from the contemplated sales of securities by Republic is fair and equitable to all persons affected thereby;

(5) Whether competitive conditions have been maintained with respect to the proposed sale by Republic of the securities of its three subsidiary companies;

(6) Whether the fees and expenses to be paid in connection with the proposed transactions are reasonable and appropriate;

(7) Whether the accounting entries to be made in connection with the proposed transactions are proper and in accordance with sound accounting principles;

(8) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before April 11, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this Order by registered mail to Republic Service Corporation, Pennsylvania Power & Light Company, The Pennsylvania Company for Insurances on Lives and Granting Annuities, Trustee, and The Pennsylvania Public Utility Commission, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice to be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3437; Filed, Apr. 10, 1947; 8:47 a. m.]

[File No. 70-1478]

INTERSTATE POWER CO. OF WISCONSIN AND INTERSTATE POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of April A. D. 1947.

Interstate Power Company ("Interstate"), a registered holding company, and a subsidiary of Ogden Corporation, a registered holding company, and Interstate Power Company of Wisconsin ("Interstate of Wisconsin"), a subsidiary of Interstate, having filed an application and declaration, and an amendment thereto, pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935, and Rules U-23, U-43 and U-44 promulgated thereunder, with respect to the transactions summarized below:

Interstate of Wisconsin has outstanding $800,000 principal amount of 6% first mortgage bonds, due 1957, and 5,274 shares of common stock, $100 par value per share. All of said securities are owned by Interstate, and are pledged under the mortgage securing Interstate's 5% first mortgage bonds, due 1957. Interstate of Wisconsin proposes to issue to Interstate an additional 8,000 shares of said common stock in consideration of the surrender by Interstate to Interstate of Wisconsin of said $800,000 principal amount of bonds. Upon consummation of this transaction, said bonds will be cancelled.

Said application and declaration having been filed on March 10, 1947, and an amendment thereto having been filed on March 14, 1947, and notice of said filing, as amended, having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application and declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants-declarants having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said application and declaration, as amended, that the requirements of the applicable provisions of the Act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application and declaration, as amended, be granted and permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said application and declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3435; Filed, Apr. 10, 1947; 8:46 a. m.]

[File No. 70-1483]

NATIONAL GAS & ELECTRIC CORP. AND INDUSTRIAL GAS CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its Office in the City of Philadelphia, Pa., on the 4th day of April A. D. 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by National Gas & Electric Corporation ("National"), a registered holding company, and Industrial Gas Corporation ("Industrial"), a wholly owned non-utility subsidiary company of National.

All interested persons are referred to the application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Industrial proposes the issuance and sale of $1,750,000 principal amount of Fifteen year --% Sinking Fund Debentures dated April 1, 1947, to a group of underwriters headed by G. H. Walker & Co. Industrial proposes to use the proceeds from the sale of such debentures (a) to redeem $945,000 principal amount of its First Mortgage 5% Bonds, now held by National; (b) to repay the Freedom-Valvoline Oil Company the amount of $367,040, for advances made to Industrial; and (c) to add the balance, after deducting the expenses of the proposed transactions to the general funds of the company to be available for general corporate purposes.

National proposes to use the $945,000 it would receive from the redemption of Industrial's bonds together with $155,000 of its general funds to retire in full its presently outstanding bank loans in the amount of $1,100,000.

The proposed issue and sale of the new debentures by Industrial has been expressly approved by the Public Utilities Commission of Ohio.

Sections 6 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 are designated as being applicable to the proposed transactions, and Industrial pursuant to section 6 (b) of the act has requested an exemption from the provisions of section 6 (a) of the act regarding the issuance of the new debentures. Industrial also seeks an exemption from the competitive bidding requirements of Rule U-50.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in the application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said application and declaration under the applicable provisions of the act and the rules and regulations promulgated thereunder be held at 10:00 a. m., e. s. t., on the 22d day of April 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before April 21, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission, designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issuance and sale of securities by Industrial are solely for the purpose of financing its business.

2. Whether in the event the exemption provided by section 6 (b) is granted, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions in connection with the issuance of the proposed securities.

3. Whether or not the sale of the new debentures of Industrial should be granted an exemption from the competitive bidding requirements of Rule U-50 promulgated under the act.

4. Whether the proposed use of the proceeds from the contemplated sale of new debentures by Industrial complies with the applicable provisions of the act and the rules and regulations thereunder.

5. Whether the fees, commissions, or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

6. Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper, conform to sound accounting principles, and meet the standards of the act and rules thereunder.

7. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the standards of the act.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to National Gas & Electric Corporation, Industrial Gas Corporation, Continental Illinois National Bank and Trust Company of Chicago, Trustee, and the Public Utilities Commission of Ohio, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3436; Filed, Apr. 10, 1947; 8:46 a. m.]

[File No. 70-1493]

SOUTH CAROLINA POWER CO. AND COMMONWEALTH AND SOUTHERN CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 4th day of April 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and its public utility subsidiary, South Carolina Power Company ("South Carolina"). Applicants-declarants designated sections 6 (a), 7, 9 (a), 10, 12 (b) and 12 (f) of the act and Rules U-43 and U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 14, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be granted and become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

South Carolina proposes to borrow not exceeding $1,000,000 from Commonwealth and to issue to Commonwealth a promissory note or notes maturing nine months from the date of the initial loan and bearing interest at the rate of 1½% per annum.

In connection with such proposal, the filing states that South Carolina expects to spend approximately $9,300,000 during 1947, 1948 and 1949 for construction of property additions. It expects to obtain funds for the permanent financing of such construction program from the proceeds of the sale of 200,000 shares of common stock and of not exceeding $4,000,000 principal amount of bonds. A declaration with respect to the issue and sale of said 200,000 shares of common stock was filed with the Commission on March 21, 1947 (File No. 70-1488) and South Carolina states that it will file appropriate amendments to such declaration so as to include therein the proposed issue and sale of said bonds. South Carolina estimates that it will require approximately $1,000,000 in the aggregate before July 1, 1947 of which amount approximately $400,000 will be required promptly. The company states that it will not be possible to complete the proposed sale of common stock and bonds before South Carolina will require some or all of the sum proposed to be obtained by the instant loan. The application-declaration indicates that the proposed loan will be paid in full out of the proceeds from the proposed sale of common stock and bonds.

Applicants-declarants request that the Commission's order herein be issued by April 15, 1947 and become effective forthwith.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3434; Filed, Apr. 10, 1947; 8:46 a. m.]

FEDERAL REGISTER

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Washington, Saturday, April 12, 1947

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

PROPORTIONATE SHARES FOR FARMS IN DOMESTIC BEET, MAINLAND CANE, HAWAII, AND VIRGIN ISLANDS SUGAR AREAS FOR 1947 CROP AND IN PUERTO RICO FOR 1974–48 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.17j *Proportionate shares for farms in the domestic beet sugar area for the 1947 crop.* The proportionate share for the 1947 crop for each farm in the domestic beet sugar area shall be the number of acres of sugar beets planted thereon for the production of sugar beets to be marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the 1947 crop season.

§ 802.26i *Proportionate shares for the Mainland cane sugar area for the 1947 crop*—(a) *Farm proportionate share.* The proportionate share for the 1947 crop for each sugarcane farm in the Mainland cane sugar area shall be the number of acres planted thereon for the production of sugarcane to be marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the 1947 crop season.

(b) *Tenant and sharecropper protection.* Notwithstanding the establishment of a proportionate share for any farm under paragraph (a) of this section, eligibility for payment of any producer on the farm shall be subject to the following conditions:

(1) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or other producers any payment to which tenants or sharecroppers would be entitled if their 1946 leasing or cropping agreements were in effect.

(2) That such producer shall not have interfered with any contracts entered into by tenants or sharecroppers for the sale of their sugarcane or their share of the sugarcane produced on the farm.

§ 802.36i *Proportionate shares for sugarcane farms in the Territory of Hawaii for the 1947 crop*—(a) *Farm proportionate share.* The proportionate share for each farm in the Territory of Hawaii for the 1947 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on such farm and marketed (or processed by the producer) for the extraction of sugar during the calendar year 1947.

(b) *Adherent planter protection.* Unless considered justified and approved by the Director of the Sugar Branch, Production and Marketing Administration, the plantation-producer on the farm shall be deemed ineligible for payment if, in relation to the 1946 crop operations on such farm, (1) there has been any change in the planter-plantation sugarcane and sugar production ratio, (2) there has been any reduction in the number of planters, or (3) there has been any change in any leasing or cropping agreement which would have the effect of diverting to the plantation-producer any payment to which the planter under such agreement would otherwise be entitled.

§ 802.46h *Proportionate shares for sugarcane farms in Puerto Rico for the 1947–48 crop*—(a) *Farm proportionate share.* The proportionate share for each farm in Puerto Rico for the 1947–48 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on such farm and marketed (or processed by the producer) for the extraction of sugar during the 1947–48 crop season.

(b) *Tenant and sharecropper protection.* The provisions of this section are subject to the following conditions:

(1) That the number of share-tenants or share-croppers on any sugarcane farm shall not be reduced below the number that was on such farm during the 1946–47 crop year, unless such reduction is approved by the Officer or Acting Officer in Charge of the Production and Marketing Administration Office in Puerto Rico; and

(2) That the terms and conditions of the leasing or cropping agreement shall be not less favorable than those contained in the agreement for the 1946–47 crop year.

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FEDERAL REGISTER

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§ 802.50e *Proportionate shares for sugarcane farms in the Virgin Islands for the 1947 crop*—(a) *Farm proportionate share.* The proportionate share for each sugarcane farm in the Virgin Islands for the 1947 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on the farm and marketed (or processed by the producer) for the extraction of sugar during the 1947 crop.

(b) *Tenant and sharecropper protection.* The provisions of this section are subject to the following conditions:

(1) That no change shall have been made in the leasing or cropping agreements for the purpose of, or which shall have the effect of, diverting to any producer, any payments to which tenants or sharecroppers would be entitled if the 1945-46 leasing or cropping agreements were in effect.

(2) That there shall have been no interference by any producer with contracts entered into by tenants or sharecroppers for the sale of their sugarcane.

(Sec. 302, 50 Stat. 910; 7 U. S. C. 1132)

Issued this 9th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3507; Filed, Apr. 11, 1947; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 217]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.324 *Lemon Regulation 217*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., April 13, 1947, and ending at 12:01 a. m., p. s. t., April 20, 1947, is hereby fixed at 275 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: April 6, 1947. 12:01 a. m. April 13, 1947, to 12:01 a. m. April 27, 1947]

Handler	*Prorate base (percent)*
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	1.163
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.378
Consolidated Citrus Growers	.000
Corona Plantation Co	.523
Hazeltine Packing Co	.995
Leppla-Pratt, Produce Distributors Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.449
Ventura Pacific Co	1.508
Total A. F. G	6.016
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.310
Lemon Cove Association	.034
Glendora Lemon Growers Association	1.282
La Verne Lemon Association	.896
La Habra Citrus Association	2.143
Yorba Linda Citrus Association, The	1.142
Alta Loma Heights Citrus Association	.790
Etiwanda Citrus Fruit Association	.560
Mountain View Fruit Association	.721
Old Baldy Citrus Association	.992
Upland Lemon Growers Association	5.014
Central Lemon Association	1.361
Irvine Citrus Association	1.728
Placentia Mutual Orange Association	.927
Corona Citrus Association	.475
Corona Foothill Lemon Co	1.739
Jameson Co	.810
Arlington Heights Fruit Co	.617
College Heights Orange & Lemon Association	2.200
Chula Vista Citrus, Association, The	1.537
El Cajon Valley Citrus Association	.449
Escondido Lemon Association	4.371
Fallbrook Citrus Association	1.855
Lemon Grove Citrus Association	.560
San Dimas Lemon Association	2.369
Carpinteria Lemon Association	2.011

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Carpinteria Mutual Citrus Association	2.369
Goleta Lemon Association	1.964
Johnston Fruit Co	4.286
North Whittier Heights Citrus Association	1.038
San Fernando Heights Lemon Association	1.760
San Fernando Lemon Association	1.086
Sierra Madre-Lamanda Citrus Association	2.221
Tulare County Lemon & Grapefruit Association	.087
Briggs Lemon Association	1.753
Culbertson Investment Co	.454
Culbertson Lemon Association	1.174
Fillmore Lemon Association	1.752
Oxnard Citrus Association No. 1	2.721
Oxnard Citrus Association No. 2	2.876
Rancho Sespe	1.132
Santa Paula Citrus Fruit Association	2.814
Saticoy Lemon Association	2.542
Seaboard Lemon Association	3.818
Somis Lemon Association	2.640
Ventura Citrus Association	1.029
Limoneira Co	2.496
Teague-McKevett Association	.615
East Whittier Citrus Association	1.055
Leffingwell Rancho Lemon Association	.951
Murphy Ranch Co	1.279
Whittier Citrus Association	1.130
Whittier Select Citrus Association	.812
Total C. F. G. E	84.747
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	1.203
Escondido Cooperative Citrus Association	.572
Glendora Cooperative Citrus Association	.145
Index Mutual Association	.438
La Verne Cooperative Citrus Association	1.624
Libbey Fruit Packing Company	.000
Orange Cooperative Citrus Association	.264
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura County Orange & Lemon Association	2.164
Whittier Mutual Orange & Lemon Association	.318
Total M. O. D	6.728
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.032
California Citrus Groves, Inc., Ltd	.000
El Modena Citrus, Inc	.030
Evans Bros. Packing Co.—Riverside	.150
Evans Bros. Packing Co.—Sentinel Butte Ranch	.000
Foothill Packing Co	.275
Granada Packing House	.000
Harding & Leggett	.166
Orange Belt Fruit Distributors	1.533
Potato House, The	.000
Raymond Bros	.000
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.110
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.213
Western States Fruit & Produce Co	.000
Riverside Growers, Inc	.000
Total Independents	2.509

[F. R. Doc. 47-3550; Filed, Apr. 11, 1947; 8:53 a. m.]

[Orange Reg. 173]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.319 *Orange Regulation 173*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law. 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., April 13, 1947, and ending at 12:01 a. m., p. s. t., April 20, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate Districts Nos. 1 and 2, no movement; and (*b*) Prorate District No. 3, 55 carloads.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1,050 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. April 13, 1947, to 12:01 a. m. April 20, 1947]

VALENCIA ORANGES

Prorate District No. 3

Handler	Prorate base (percent)
Total	100.0000
Allen-Young Citrus Packing Co	.4271
Consolidated Citrus Growers	4.3029
Leppla-Pratt Produce Distributors, Inc	5.4215
McKellips Mutual Citrus Growers	13.9329
McKellips Phoenix Citrus Co., C. H.	1.8163
Phoenix Citrus Packing Co	2.8755
Arizona Citrus Growers	21.6662
Desert Citrus Growers	3.1012
Mesa Citrus Growers	13.1337
Imperial Valley Grapefruit Growers	.0000
Yuma Mesa Fruit Growers Association	6.1199
Arizona Citrus Products Co	2.3809
Libbey Fruit Co	5.2756
Pioneer Fruit Co	4.0210
Tempe Citrus Co	2.6473
Champion Produce House, L. M	.5787
Commercial Citrus Packing Co	1.3405
Dhuyvetter Bros	.9078
Ishikawa, Paul	.0606
Macchiaroli Fruit Co., James	2.2992
Morris Brothers Fruit Co	.7922
Orange Belt Fruit Distributors	3.3197
Paramount Citrus Association	.7048
Potato House, The	.3531
Russo Bros	.2319
Sharp Company, K. K	.1509
Valley Citrus Packing Co	2.3386

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.2206
A. F. G. Fullerton	.0535
A. F. G. Orange	.0587
A. F. G. Redlands	.3743
A. F. G. Riverside	.4542
Corona Plantation Co	1.2364
Hazeltine Packing Co	.0000
Signal Fruit Association	.8168
Azusa Citrus Association	1.0761
Azusa Orange Company, Inc	.1702
Damerel-Allison Co	1.2887
Glendora Mutual Orange Association	.5563
Irwindale Citrus Association	.3779
Puente Mutual Citrus Association	.0508
Valencia Heights Orchards Association	.2436
Glendora Citrus Association	.6714
Glendora Heights Orange & Lemon Growers Association	.0000
Gold Buckle Association	3.6490
La Verne Orange Association, The	3.6627
Anaheim Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Orange Co. Valencia Association	.0000
Orangethorpe Citrus Association	.0009
Placentia Coop. Orange Association	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Yorba Linda Citrus Association, The	0.0000
Alta Loma Heights Citrus Association	.4168
Citrus Fruit Growers	.7235
Cucamonga Citrus Association	.4166
Etiwanda Citrus Fruit Association	.2382
Mountain View Fruit Association	.1714
Old Baldy Citrus Association	.4886
Rialto Heights Orange Growers	.4462
Upland Citrus Association	2.4914
Upland Heights Orange Association	1.2007
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0403
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.0000
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, Inc., The	.0000
Bradford Brothers, Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Call Ranch	.6972
Corona Citrus Association	.8302
Jameson Company	.3956
Orange Heights Orange Association	.9510
Break & Son, Allen	.4826
Bryn Mawr Fruit Growers Association	1.1520
Crafton Orange Growers Association	1.4703
E. Highlands Citrus Association	.4491
Fontana Citrus Association	.4713
Highland Fruit Growers Association	.7228
Krinard Packing Co	1.3932
Mission Citrus Association	.8456
Redlands Coop. Fruit Association	1.8657
Redlands Heights Groves	.9636
Redlands Orange Growers Association	1.2610
Redlands Orangedale Association	1.0351
Redlands Select Groves	.6601
Rialto Citrus Association	.5726
Rialto Orange Co	.3941
Southern Citrus Association	1.0653
United Citrus Growers	.7268
Zilen Citrus Co	1.0624
Arlington Heights Fruit Co	.4796
Brown Estate, L. V. W	2.2254
Gavilan Citrus Association	1.8020
Hemet Mutual Groves	.4055
Highgrove Fruit Association	.7364
McDermont Fruit Co	1.8031
Mentone Heights Association	1.3566
Monte Vista Citrus Association	1.2209
National Orange Co	1.0114
Riverside Heights Orange Growers Association	1.3756
Sierra Vista Packing Association	.8305
Victoria Ave. Citrus Association	2.9134
Claremont Citrus Association	1.0378
College Heights Orange & Lemon Association	1.1215
El Camino Citrus Association	.5575
Indian Hill Citrus Association	1.0666
Pomona Fruit Growers Association	2.1704
Walnut Fruit Growers Association	.3536
West Ontario Citrus Association	1.6640
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0307
San Dimas Orange Growers Association	1.2239
Covina Citrus Association	1.6078
Covina Orange Growers Association	.5346

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Duarte-Monrovia Fruit Exchange	0.4427
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Association	.0000
San Fernando Fruit Growers Association	.3109
San Fernando Heights Orange Association	.3726
Sierra Madre Lamanda Citrus Association	.0000
Camarillo Citrus Association	.0116
Fillmore Citrus Association	1.4021
Ojai Orange Association	1.1350
Piru Citrus Association	1.3447
Santa Paula Orange Association	.0000
Tapo Citrus Association	.0116
East Whittier Citrus Association	.0000
Whittier Citrus Association	.0000
Whittier Select Citrus Association	.0000
Anaheim Coop. Orange Association	.0000
Bryn Mawr Mutual Orange Association	.5117
Chula Vista Mutual Lemon Association	.0000
Escondido Coop. Citrus Association	.0000
Euclid Avenue Orange Association	2.5067
Foothill Citrus Union, Inc	.1265
Fullerton Coop. Orange Association	.0000
Garden Grove Orange Coop	.0000
Glendora Coop. Citrus Association	.0957
Golden Orange Groves, Inc	.4372
Highland Mutual Groves, Inc	.4004
Index Mutual Association	.0000
La Verne Coop. Citrus Association	3.4863
Olive Hillside Groves, Inc	.0000
Orange Coop. Citrus Association	.0480
Redlands Foothill Groves	2.2940
Redlands Mutual Orange Association	1.1168
Riverside Citrus Association	.0000
Ventura County Orange and Lemon Association	.2739
Whittier Mutual Orange and Lemon Association	.0000
Babijuice Corp. of Calif	.0000
Banks Fruit Co	.0000
California Fruit Distributors	.1327
Cherokee Citrus Co., Inc	1.0926
Chess Co., Meyer W	.2318
Evans Brothers Packing Co	.6866
Gold Banner Association	2.0406
Granada Hills Packing Co	.0242
Granada Packing House	.0000
Hill, Fred A	.7601
Inland Fruit Dealers, Inc	.2367
Orange Belt Fruit Distributors	2.5963
Panno Fruit Co., Carlo	.1087
Paramount Citrus Association	.0000
Riverside Growers, Inc	.3047
San Antonio Orchards Association	1.2870
Snyder & Sons Co., W. A	1.0738
Verity & Sons Co., R. H	.0973
Wall, E. T	1.4783
Western Fruit Growers, Inc., Redlands	2.8806
Yorba Orange Growers Association	.0343

[F. R. Doc. 47-3551; Filed, Apr. 11, 1947; 8:53 a. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

CORRECTIONS TO REGULATIONS

In Federal Register Document 46-15709, appearing at pages 177A-431-177A-454 of the issue for Wednesday, September 11, 1946, the following corrections should be made:

Subchapter A—Public Information

PART 302—DESCRIPTION OF ORGANIZATION

In paragraph (b) of § 302.2 of the fifth word in the paragraph heading should read "process".

PART 304—SECURING INFORMATION

1. In paragrap! (a) of § 304.1 the word "Corporations" in the fifth line thereof should read "Corporation".

2. In paragraph (h) of § 304.1 the third word in the third line should read "distributable".

3. In paragraph (j) of § 304.1 the third word in the fifth line should read "distribution".

4. In paragraph (e) of § 304.2 the first word in the fourth line should read "subpoena"; and the second word in the eighth line should read "paragraph".

Subchapter B—Procedures and Rules of Practice

PART 307—APPLICATIONS, REQUESTS, AND SUBMITTALS

In the section index to Part 307 the first word in the second line of the heading to § 307.5 should read "merge".

PART 308—FORMS, INSTRUCTIONS, AND REPORTS

1. In paragraph (a) of § 308.3 the fifth word in the penultimate line should read "submit"; and in the last line the reference to "82 (a)" should read "82a".

2. In paragraph (b) of § 308.3 the footnote figure reference in the section heading should read "1".

3. In paragraph (c) of § 308.3 the references to "82 (a)", wherever appearing therein, should read "82a"; and the reference to "82 (a)–M" should read "82a–M".

4. In paragraph (h) of § 308.3 the first word in the fourth line should read "Form".

5. In paragraph (i) of § 308.3 the references to "85 (a)", wherever appearing therein, should read "85a".

6. In paragraph (j) of § 308.3 the word "the" should be inserted in the fifth line following the word "of".

7. In paragraph (q) of § 308.3 the third word in the second line of the section heading should read "Tabulation"; and the reference to "Part 2" in the section heading should read "Part Two"; and in the seventh line thereof the reference to "Part 1" should read "Part One".

8. In paragraph (r) of § 308.3 the reference to "Part 2" in the section heading should read "Part Two".

9. In paragraph (s) of § 308.3 the reference to "Part 1" in the section heading should read "Part One"; and the figure "31" in the section heading should read "Thirty-One"; and the words ", except banks admitted in June or December" in the sixth and seventh lines thereof should be deleted.

10. In paragraph (t) of § 308.3 the references to "645–A", wherever appearing therein, should read "645A"; and the ref-

erence to "Part 1" in the section heading should read "Part One".

11. In paragraph (u) of § 308.3 the references to "645–B", wherever appearing therein, should "645B"; and the reference to "Part 1" in the section heading should read "Part One"; and the fourth word in the eleventh line thereof should read "Corporation".

12. In paragraph (v) of § 308.3 the reference to "Part 1" in the section heading should read "Part One".

13. In paragraph (w) of § 308.3 the reference to "Part 1" in the section heading should read "Part One".

14. In paragraph (x) of § 308.3 the references to "845–A", wherever appearing therein, should read "845A"; and reference to "Part 1" in the section heading should read "Part One".

15. In paragraph (y) of § 308.3 the reference to "Part 2" in the section heading should read "Part Two"; in the fifth line thereof the reference to "Part 1" should read "Part One"; in line fifteen the reference to "Part 2" should read "Part Two"; and in line seventeen the reference to "Part 1" should read "Part One".

16. In footnote 4 to paragraph (y) of § 308.3 the letter "(g)" in the third line should read "(q)".

17. In paragraph (z) of § 308.3 the reference in the sixth line to "645–A", "645–B", and "845–A" should read "645A", "645B", and "845A", respectively.

PART 309—PAYMENT OF INSURED DEPOSITS

1. In § 309.1 the third complete word in the sixteenth line should read "claim".

2. In footnote 1 to § 309.1 in the first and third lines the numeral "(*1*)" should read "(1)".

PART 310—RECEIVERSHIPS AND LIQUIDATIONS

1. In footnote 1 to § 310.2 the two references to "(*1*) (3)" should read "(1) (3)".

2. In footnote 2 to § 310.2 the two references to "(*i*) (2)" should read "(i) (2)".

3. In footnote 1 to § 310.3 the two references to "(*1*)" should read "(1)".

PART 311—VOLUNTARY TERMINATION OF INSURED STATUS

1. In footnote 2 to paragraph (a) of § 311.1 the second word in the eleventh line should read "an".

2. In subparagraph (3) of paragraph (b) of § 311.1 the sixth word in the third line should read "deposits", and the comma in the fifteenth line should follow the word "for".

3. In footnote 4 to subparagraph (3) of paragraph (b) of § 311.1 the section reference should read "§ 311.1 (a)".

4. In subparagraph (4) of paragraph (b) of § 311.1 the word "thereof" should be inserted following the word "payment".

5. In subparagraph (5) of paragraph (b) of § 311.1 the fourth word in the eighth line from the end thereof should read "deposits".

6. In paragraph (a) of § 311.3 the section reference in the last line should read "§ 311.1 (b) (1)" and the word "section" immediately preceding should be stricken.

7. In paragraph (d) of § 311.3 the section reference in the last line should read "§ 311.1 (b) (6)".

PART 312—INVOLUNTARY TERMINATION OF INSURED STATUS

1. In paragraph (g) of § 312.4 the third word in the third line from the end thereof should read "which".

2. In § 312.9 the first word in the ninth line should read "transcript".

3. In § 312.10 the section reference in the sixth line should read "12B".

4. In paragraph (c) of § 312.18 the first word in the fourth line thereof should read "name".

Subchapter C—Regulations and Statements of General Policy

PART 325—INTRODUCTORY

In footnote 1 to § 325.0 in the tenth line the reference to "303.2 (b)" should read "302.2 (b)".

PART 327—ASSESSMENTS

In paragraph (a) of § 327.3 the first complete word in the fourth line of the section heading should read "bank"; and the fourth complete word in the fifth line should read "liabilities".

PART 328—ADVERTISEMENT OF MEMBERSHIP

1. In the section index to Part 328 the heading to § 328.2 should read "Mandatory requirements with regard to the official advertising statement and manner of use".

2. In paragraph (c) of § 328.1 the sixth word in the second line of the paragraph heading should read "station".

3. In subdivision (i) of subparagraph (3) of paragraph (c) of § 328.2 "certificate" should read "certificates".

4. In subparagraph (3) of paragraph (c) of § 328.3 the word "reproduction" should read "reproductions".

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

1. In paragraph (b) of § 329.1 the first word in the second line should read "deposits".

2. In footnote 6 to paragraph (a) of § 329.2 the sixth complete word in the fourth line should read "drawn".

3. In paragraph (c) of § 329.2 the second complete word in the second line should read "savings".

4. In paragraph (d) of § 329.3 the following words in the fourteenth, fifteenth and sixteenth lines which are repetitive should be stricken "and interest may be paid upon such deposit until the expiration of the period of such notice,".

5. In subparagraph (1) of paragraph (a) of § 329.5 the second word in the third line thereof should read "deposits".

PART 330—RECOGNITION OF DEPOSIT OWNERSHIP NOT ON BANK RECORDS

1. In § 330.1 the first word in the first line in the heading thereof should read "Deposits".

2. In § 330.4 the first word in the third line should read "appearing".

PART 332—POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

1. In footnote 1 to § 332.1 the fourth word in the second line should read "acceptances".

2. In § 332.2 in the second line substitute the word "part" for the word "regulation".

PART 333—EXTENSION OF CORPORATE POWERS

1. In § 333.1 in the fifth line the footnote reference "2" should read "1", and the footnote thereto should be numbered "1" instead of "2".

2. In § 333.2 in the penultimate line thereof substitute the word "part" for the word "regulation".

Subchapter D—Federal Credit Unions

PART 351—PROCEDURES AND RULES OF PRACTICE

1. In § 351.0 in the seventh line from the end thereof the fourth complete word should read "rule".

2. In paragraph (a) of § 351.2 the matter in parentheses in the fifth and sixth lines should read "Form FDIC 697a FCU"; and the third word in the thirty-first line thereof should read "Supervising".

3. In paragraph (a) of § 351.3 the matter in parentheses in the third and fourth lines should read "Form FDIC 695 FCU".

4. In paragraph (b) of § 351.3 the matter in parentheses in the second line should read "Form FCU–110".

5. In paragraph (c) of § 351.3 the matter in parentheses in the second line should read "Form FCU 109"; and in the third and fourth sentences thereof the reference to "Form 1057" should read "Form FDIC–1057–FCU"; and in the last line thereof the fifth word should read "from".

6. In subparagraph (1) of paragraph (e) of § 351.3 the references to "697 (a)", wherever appearing therein, should read "697a".

7. In subparagraph (2) of paragraph (e) of § 351.3 the references to "697 (b)", wherever appearing therein should read "697b".

8. In subparagraph (3) of paragraph (e) of § 351.3 strike "Rev." in both places appearing therein.

9. In subparagraph (4) of paragraph (e) of § 351.3 the references to "CU–110", wherever appearing therein, should read "FCU–110"; and in the eighth line thereof insert the word "an" after the word "including".

10. In subparagraph (5) of paragraph (e) of § 351.3 strike "Rev." in the three places appearing therein.

11. In subparagraph (6) of paragraph (e) of § 351.3 in the sixth line thereof the reference to "1507" should read "1057"; and in the seventh line thereof strike "Rev.".

12. In subparagraph (8) of paragraph (e) of § 351.3 the references to "952 (a)", wherever appearing therein, should read "952a"; and the word "Voluntary" in the section heading should be deleted.

13. In subparagraph (10) of paragraph (e) of § 351.3 the reference to "952 (b)", "952 (c)", and "FCU 108" should read respectively "952b", "952c", and "CU 108".

14. In subparagraph (11) of paragraph e) of § 351.3 the references to "952 (b)", wherever appearing therein, should read "952b".

15. In subparagraph (12) of paragraph (e) of § 351.3 the references to "952 (c)", wherever appearing therein, should read "952c".

16. In subparagraph (13) of paragraph (e) of § 351.3 the references to "FCU–108", wherever appearing therein, should read "CU–108".

17. In subparagraph (14) of paragraph (e) of § 351.3 in the section heading the reference to "952" should read "952D"; and the second full paragraph thereof should be numbered subparagraph "(15)", and the references therein to "952 (e)", wherever appearing therein, should read "952e"; and in the fifth line thereof strike out the last word "of"; in the tenth line thereof insert after the word "Form" the following: "FDIC", and in the eleventh line the fourth word should read "or".

18. In subparagraph (5) of paragraph (a) of § 351.4 the matter in parentheses in the eighth and ninth lines thereof should read "Form FCU 109".

19. In subparagraph (6) of paragraph (a) of § 351.4 in the twentieth and twenty-first lines, and in the twenty-fourth line after the word "Examination" add the following: "and Distribution of Assets".

20. In subdivision (i) of subparagraph (6) of paragraph (a) of § 351.4 strike the reference to "Rev." in the parentheses; and in subdivision (v) thereof the matter in parentheses should read "Form CU 108".

21. In subparagraph (1) of paragraph (b) of § 351.4 the fifth word in the third line should read "shall".

PART 308—FORMS, INSTRUCTIONS, AND REPORTS

CERTIFIED STATEMENTS

Resolution adopted April 4, 1947 amending § 308.1 and paragraph (s) of § 308.3 of Part 308 and correcting miscellaneous typographical and other minor errors in the printing of the Corporation's rules and regulations in the FEDERAL REGISTER of September 11, 1946 [1] (11 F. R. 177A–431 to 177A–454, inclusive) Under Part 306 of the Corporation's rules and regulations (11 F. R. 177–435) and the Administrative Procedure Act no notice of proposed rule making or public participation in the amendments adopted by this Resolution is required.

§ 308.1 *Certified statements.* The certified statements required to be filed by insured banks in accordance with the provisions of subsection (h) of section 12B of the Federal Reserve Act, as amended, shall be filed with the Fiscal Agent of the Corporation upon the forms, and in the manner, and pursuant to the instructions herein prescribed by the board of directors; and the assessments required to be certified must be paid to the Corporation at the time such statements are required to be filed. The form of certified statement and instructions for completing the same will be furnished to all insured banks by, or may be obtained upon request from, the Fiscal Agent. (48 Stat. 168; 12 U. S. C. 264)

§ 308.3 *Forms and instructions.* * * *

(s) *Form 645; First Certified Statement—Part 1, based on deposits for the first 31 days of operation as an insured bank.* Form 645 must be executed in quadruplicate, by each bank admitted to membership. Form 645 contains a summary of the aggregate daily totals of deposit liabilities less authorized deductions by which the submitting bank reports the amount of deposits used in computing its assessment base and the amount of its assessment due the Corporation. Three copies, signed and certified under oath as true by the officer authorized to so certify, must be forwarded to the Fiscal Agent on or before the forty-fifth day after the first day of operation as an insured bank. The fourth copy must be retained in the bank's file. These forms are mailed to newly insured banks with appropriate instructions for the preparation.[2] (48 Stat. 168; 12 U. S. C. 264)

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION.
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 47–3520; Filed, Apr. 11, 1947; 8:52 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S–1]

PART 807—SUSPENSION ORDERS

LUCY GARNO & E. F. GARNO

Burche Company, a corporation, with its principal place of business at 2nd and Locust Streets, Harrisburg, Pa., is engaged in the sale and distribution of refrigerating equipment and allied appliances. Lucy Garno is its President and E. F. Garno, is its Vice-President and Treasurer. On or about June 7, 1946 the Burche Company, through Lucy Garno, its President, and E. F. Garno, its Vice-President and Treasurer, began the alteration of a store building at 201–209 North Second Street, Harrisburg, Pa., at an estimated cost of $2,300, without authorization of the Civilian Production Administration or the Office of the Housing Expediter. The officials of the company were aware of the restrictions provided in Veterans' Housing Program Order 1. The beginning and carrying on of this construction, subsequent to March 26, 1946, at a cost in excess of $1,000, without authorization of the Civilian Production Administration or the Office of the Housing Expediter, constituted a wilful violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration, or the Office of the Housing Expediter. In view of the foregoing, *It is hereby ordered*, That:

§ 807.1 *Suspension Order No. S–1* (a) Neither Burche Company, a corporation, Lucy Garno, and E. F. Garno, their successors or assigns, nor any other person, shall do any further construction on the building located at 201–209 North Second Street, Harrisburg, Pa., including putting up, completing or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Burche Company, Lucy Garno, its President, and E. F. Garno, its Vice-President and Treasurer, shall refer to this order in any application or appeal which it or they may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Burche Company, Lucy Garno, and E. F. Garno, their or its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–3498; Filed, Apr. 10, 1947; 3:07 p. m.]

PART 807—SUSPENSION ORDERS

[Suspension Order S–2]

E. L. LIVERS

E. L. Livers, whose address is 2419 West 80th Street, Seattle, Washington, is a contractor and builder, and as such was granted authorization and HH preference ratings by the Federal Housing Administration to construct twenty houses for sale or rent to veterans under the Veterans' Housing Program. Two of the houses so authorized were to be four-room brick veneer houses with full basements, but instead, as actually constructed, one was finished with a shake siding and the other was a conversion of an old office building without basement and with cedar siding. On June 17, 1946, E. L. Livers applied an HH rating to an order for 12,886 feet B. M. of shiplap which material was used in houses for which no preference rating had been assigned. Subsequent to March 26, 1946,

[1] This list of corrections appears preceding this document.

[2] Copies of such instructions may be obtained on request from the Fiscal Agent.

E. L. Livers began construction of two houses without authorization of the Civilian Production Administration, Federal Housing Administration or the Office of the Housing Expediter, one at 1938 West 96th Street, Seattle, Washington, and the other at 10201 Val May Avenue, Seattle, Washington, the estimated cost of each of which was in excess of $400.00. The construction of the house at 1938 West 96th Street was subsequently authorized by the Federal Housing Administration. The action of E. L. Livers as aforesaid constituted a willful violation of Priorities Regulation 33, Priorities Regulation 3 and Veterans' Housing Program Order 1. These violations have diverted critical material to uses not authorized by the Office of Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.2 *Suspension Order No. S-2.* (a) Neither E. L. Livers, his successors or assigns, nor any other person shall do any further construction on the premises located at 10201 Val May Avenue, Seattle, Washington, including completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized by the Office of the Housing Expediter or the Federal Housing Administration.

(b) For a period of four months from the effective date of this order, no authorization shall be granted E. L. Livers by the Office of the Housing Expediter for any construction for which authorization is required.

(c) Paragraph (b) of this order shall not apply to any construction authorized, began and continued prior to the effective date of this order.

(d) E. L. Livers shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(e) Nothing contained in this order shall be deemed to relieve E. L. Livers, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 11th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3590; Filed, Apr. 11, 1947; 11:42 a. m.]

PART 807—SUSPENSION ORDERS

[Suspension Order S-4]

JOHN CAVAGLIERI AND ADOLPH DEVENCENZI

John Cavaglieri and Adolph Devencenzi, owners of 9½ acres of land at Calistoga, California, sometime in October 1946, without authorization, began construction, a part of a motel project, of 2 units, "A" and "B", to cost $5,000 each and structurally independent of each other and, thereafter, in spite of the denial of authorization and receipt of a stop telegram, continued construction. This willful violation of Veterans' Housing Program Order 1 has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.4 *Suspension Order No. S-4.* (a) Neither John Cavaglieri and Adolph Devencenzi, as owners, their successors and assigns, nor any other person shall do any further construction on Units "A" and "B" on the 9½ acres of land at Calistoga, California, including completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) For a period of 4 months from the effective date of this order, no authorization shall be granted to John Cavaglieri and Adolph Devencenzi, or either of them by the Office of the Housing Expediter for any construction for which authorization is required.

(c) John Cavaglieri and Adolph Devencenzi shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve John Cavaglieri and Adolph Devencenzi, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 11th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3589; Filed, Apr. 11, 1947; 11:42 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 3293—CHEMICALS

[General Allocation Order M-300 and Direction 1, Revocation]

CHEMICALS AND ALLIED PRODUCTS

Section 3293.1000 General Allocation Order M-300 and Direction 1 to General Allocation Order M-300 are hereby revoked. Schedule 119 has been superseded by Allocation Order M-393, effective April 11, 1947. Allocations issued by CPA under Schedule 119 for April remain valid.

This revocation does not affect any liabilities incurred for the violation of the order or direction or any actions taken by the War Production Board or Civilian Production Administration under the order or direction.

Issued this 11th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3573; Filed, Apr. 11, 1947; 11:11 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Revocation of Sch. 119]

STREPTOMYCIN

Section 3293.1119 Schedule 119 to General Allocation Order M-300 is hereby revoked. Schedule 119 has been superseded by Allocation Order M-393, effective April 11, 1947. Allocations issued by CPA under Schedule 119 for April remain valid.

This revocation does not affect any liabilities incurred for the violation of the Schedule or any actions taken by the Civilian Production Administration under the Schedule.

Issued this 11th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3572; Filed, Apr. 11, 1947; 11:11 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-393]

STREPTOMYCIN

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of streptomycin, for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.113c *Allocation Order M-393.* (a) *Definitions.* For the purposes of this order:

(1) "Streptomycin" means a chemotherapeutic agent isolated from actinomyces griseus and variants. The term includes streptomycin in any medicinal tablet, ampoule or other dosage form, as well as crude streptomycin.

(2) "Primary supplier" means any person who produces or imports streptomycin. However, the term shall not include any retail pharmacist, hospital or physician.

(3) "Primary distributor" means any person who buys streptomycin from a producer or importer for distribution with his (primary distributor's) name on the label. However, the term shall not include any retail pharmacist, hospital or physician.

(b) *General provisions.* (1) The initial allocation date is April 1, 1947. The allocation period is the calendar month.

(2) On and after the allocation date no primary supplier or primary distributor shall use or deliver streptomycin to any person except as specifically authorized in writing by the Civilian Production Administration upon application under this order.

(3) Allocations under Schedule 119 to Order M-300. Each primary supplier or primary distributor holding authorizations to use or deliver streptomycin under Schedule 119 to M-300, may use and deliver streptomycin to the extent permitted by such authorizations. All stocks of streptomycin not allocated under authorizations issued under Schedule 119 to Order M-300 are subject to allocation under this order.

(c) *Exemptions.* Application and specific authorization are not required for the following use or delivery of streptomycin:

(1) Use and delivery by any person who is not a primary supplier or primary distributor as defined in this schedule.

(2) Deliveries of samples to the Food and Drug Administration, Washington 25, D. C.

(3) Use by any primary supplier or primary distributor of samples of his own production or stock for making production control and standardization tests solely for potency, sterility, toxicity, pyrogens, moisture or stability.

(d) *Suppliers' applications on CPA-2947.* Each primary supplier or primary distributor seeking authorization to use or deliver streptomycin shall file application on Form CPA-2947. Filing date is the 17th day of the month before the proposed delivery month. Send three certified copies to the Civilian Production Administration, Washington 25, D. C., Ref.: M-393. The unit of measure is grams of streptomycin activity in terms of streptomycin base.

In section I, first list Army and Navy orders, specifying in Column 1 Army or Navy, in Column 1a the contract or requisition number, in Column 4 the quantity ordered and in Column 5 the proposed delivery. Second, list orders placed by the Veterans' Administration, and U. S. Public Health Service, specifying in Column 1 Veterans' Administration, and U. S. Public Health Service, leaving Column 1a blank, in Column 4 the quantity ordered and in Column 5 the proposed delivery. Quantities desired for other purposes may be stated. In addition the Civilian Production Administration may allocate quantities for delivery to specific customers for civilian purposes. In the case of proposed delivery to a primary distributor the applicant shall list specifically the name of the primary distributor and the quantity proposed to be delivered to him.

In section II, fill in as indicated leaving Columns 8, 9 and 10 blank and reporting only unallocated stocks in Column 13. An applicant who is both a primary supplier and a primary distributor shall report the required information in section II relating to his own production separately from that relating to his purchased material.

(e) Primary suppliers must submit samples of each batch of streptomycin to the Food and Drug Administration, Washington 25, D. C. for tests and have the Food and Drug Administration approval of each batch before making shipment against allocations. Primary suppliers must conform to any Civilian Production Administration instructions regarding preparation and packaging of streptomycin when released.

(f) *Reports.* Reports of production, stocks and shipments shall be filed within 5 days after the close of each calendar month by every primary supplier and primary distributor of streptomycin.

These reports shall be filed on Form CPA-2947 in the following manner:

Specify in the blocks provided the name and address of the company reporting, name of materials, month, unit of measure, grams of streptomycin activity in terms of streptomycin base.

In section I report deliveries made against individual allocations. In Column 4 change heading to read "quantity shipped", showing the amount shipped. Leave Columns 1a, 5, 5a, 6 and 7 blank.

In section II leave Column 8 blank and list in Column 9 production during the month for which the report is filed and in Column 10 unallocated stocks as of the first day of the current month. Leave other columns blank.

A primary supplier who is also a primary distributor shall report the required information in section II relating to his own production separately from that relating to his purchased material.

(g) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Territorial limitations.* This order applies only to acts occurring within the continental United States (the 48 states and the District of Columbia), and deliveries across the border of the continental United States shall constitute imports and exports for the purpose of this order.

(i) *Imports.* (1) Imports of streptomycin may be accepted by the original consignee without application or authorization under this order. The consignee as an importer shall be subject to the requirements regarding primary suppliers and primary distributors.

(j) *Exports.* (1) No primary supplier or primary distributor shall accept or deliver for export streptomycin after the initial allocation date except as specifically authorized in writing by the Civilian Production Administration upon application under this order. A primary supplier or a primary distributor who is also an exporter shall treat the export part of his operations as a separate entity for the purpose of this order. An exporter applying on Form CPA-2947 for an allocation, and to the Office of International Trade, Department of Commerce, for an export license for streptomycin, shall file both sets of applications with the Office of International Trade. Before filling a purchase order for streptomycin, however, the exporter must first have obtained an approved export license from the Office of International Trade.

(2) Authorized deliveries for export must be made within the authorized periods unless the exporter notifies the primary supplier or primary distributor and the Civilian Production Administration in writing that delivery must be postponed to the later specified period, in which case the limitation on duration of authorization under paragraph (k) is automatically waived subject to any special directions of the Civilian Production Administration. After an exporter has accepted an authorized delivery for export, he may export the material at any time to the designation for which the allocation was made without further allocation or authorization under this order.

(k) *Duration of authorization for delivery.* If it is not practical for a primary supplier or a primary distributor to make all deliveries in the allocation period for which authorized, he may complete them as early as practicable thereafter. However, authorization to deliver shall not be made after the end of the month following the allocation period for which delivery was authorized and shall terminate if the purchaser fails to place his order before the end of the allocation period, or if the purchaser requires postponement of delivery beyond 10 days after the allocation period or an authorization to deliver is received for the specified allocation period. Advance delivery may be made if it does not delay previously authorized deliveries.

(l) *Duration of authorization for use.* There is no limitation on duration of authorization for use in streptomycin.

(m) *Violations.* Any person who wilfully violates any provision of this order, or in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using streptomycin.

(n) *Communications to the Civilian Production Administration.* Communications concerning this order shall be addressed to Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref.: M—393.

(o) *Appeals.* Any appeal from the provisions of this order shall be made by mailing a letter in triplicate to the Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref. M—393, stating the particular provisions appealed from and stating fully the grounds for the appeal.

Issued this 11th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3574; Filed, Apr. 11, 1947; 11:11 a. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

PART 4003—SUBSIDIES; SUPPORT PRICES

LIVESTOCK SLAUGHTER PAYMENTS

CROSS REFERENCE: For amendment of regulations covering the livestock slaughter program, affecting § 4003.51, see Part 4004 of this chaper, *infra*.

[Directive 41, Amdt. 11]

PART 4004—PRICE STABILIZATION, MAXIMUM PRICES

LIVESTOCK SLAUGHTER PAYMENTS

Section 4004.1 *Livestock slaughter payments* (Directive 41) is amended by the addition of the following paragraphs to section 7 (b) (1):

As used in this section 7 (b) (1) the phrase "its present procedure" was intended to and does refer to the procedure whereby subsidy funds are withheld from subsidy applicants involved in criminal proceedings. This procedure was and is as follows:

Withholding of subsidy funds from a subsidy applicant involved in criminal proceedings is initially recommended to the Reconstruction Finance Corporation by the Price Administrator only when all three of these factors are present: (1) the Price Administrator (or his duly authorized representative) has investigated the alleged wilful violation and referred the case to the United States Attorney for the institution of criminal proceedings; (2) the grand jury has returned an indictment or the United States Attorney has filed an information against the subsidy applicant for the alleged wilful violations of any meat or livestock regulation or order issued by the Price Administrator; and (3) a responsible member of the applicant's management was chargeable with knowledge of the facts alleged to constitute the wilful violation.

The amount of subsidy money withheld is that allocable to the selling establishments involved in the criminal proceedings, and, as to each selling establishment, to the accounting periods during which the violations are alleged. The recommendation of the Price Administrator as to such withholding is in the form of a letter to the Reconstruction Finance Corporation notifying that agency of the pending criminal proceedings and the selling establishments and periods involved.

After receiving the Price Administrator's recommendation, the Reconstruction Finance Corporation then notifies the applicant as to the specific amount of subsidy funds that are thus to be withheld or recaptured, in the event the subsidy applicant has received the funds.

The recommendations of the Price Administrator as to permanent withholding automatically follow the judicial determinations as to criminal responsibility and may, therefore, be made despite the fact that there was no initial recommendation for withholding based upon the institution of criminal proceedings, due to the absence of either or both of factors (1) and (3). If the criminal proceedings terminate with a conviction of the subsidy applicant, the subsidy payments allocable to the selling establishments for the periods involved in the conviction are then permanently withheld or recaptured. In the event the subsidy applicant is found upon trial to be not guilty of all violations charged in the indictment or information with respect to any particular accounting period or periods, or in the event all counts in the indictment or information relating to any particular accounting period or periods are dismissed or nol prossed by the United States Attorney, the Administrator certifies such facts to the Reconstruction Finance Corporation and thereupon the subsidy funds withheld or recaptured for such accounting period or periods are payable forthwith. However, the fact that all of the counts in the indictment or information relating to any particular accounting period or periods are dismissed or nol prossed by the United States Attorney, does not operate as a bar to an appropriate certification by the Price Administrator in accordance with section 7 (b) (2).

The Reconstruction Finance Corporation is directed to amend its Livestock Slaughter Payments Regulation No. 3 to make it clear that in any instance in which a subsidy applicant may have had subsidy funds withheld after termination of the criminal proceedings contrary to the procedure for such withholding described in this amendment, the applicant may apply for and obtain release of such subsidy funds. The Price Administrator will review all recommendations for initial withholding, in cases in which critical proceedings are still pending, to assure that such recommendations are in accordance with the procedure for such withholding described in this amendment.

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; Pub. Law 548, 79th Cong.; 15 U. S. C. Sup. 713a–8 and note, 50 U. S. C. App. Sup. 901–903, 921–925, 961–971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871; E. O. 9328, Apr. 8, 1943, 8 F. R. 4681; E. O. 9599, Aug. 18, 1945, 10 F. R. 10155; E. O. 9651, Oct. 30, 1945, 10 F. R. 13487; E. O. 9697, Feb. 14, 1946, 11 F. R. 1691; E. O. 9699, Feb. 21, 1946, 11 F. R. 1929; E. O. 9762, July 25, 1946, 11 F. R. 8073; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 8th day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-3522; Filed, Apr. 11, 1947; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

[Instruction No. 2, Sec. 13, Pub. Law 589, 79th Cong.]

PART 5—ADJUDICATION; DEPENDENTS' CLAIMS SERVICE (APPENDIX)

PART 10—INSURANCE (APPENDIX)

ADJUDICATION OF CLAIMS FOR DEATH BENEFITS, NATIONAL SERVICE LIFE INSURANCE

1. *Section 13, Public Law 589, 79th Congress.* Under the provisions of the above citation of law:

(a) The designated beneficiary may assign all or any part of his interest, i. e., if he is beneficiary for $5,000.00, he may assign the entire $5,000.00, or only $2,000.00, or $3,000.00.

(b) The assignees under such assignments are restricted to the classes of relatives enumerated in the law, widow, widower, child, father, mother, grandfather, grandmother, brother or sister of the insured.

(c) The designated contingent beneficiary, if any, must join the principal beneficiary in the assignment.

(d) The assignment is valid only if delivered to the Veterans' Administration before any payments of the insurance shall have been made to the designated beneficiary.

(e) In cases in which an interest in an annuity is assigned, payment must be made to the assignee in equal monthly installments, in multiples of 12, as most nearly equals the number of installments certain under such an annuity or in 240 installments whichever is the lesser.

2. *Definitions*—(a) *Interest in an annuity.* "An interest in an annuity" is any interest in which the designated beneficiary would have been paid in equal monthly installments either for a fixed period or for life with a specified number of installments certain. It comprehends every mode of payment, except payment in one sum.

(b) *Number of installments certain.* The "number of installments certain under such an annuity" is the number of installments in which payment would have been made to the designated beneficiary (assignor).

3. *Application*—(a) *Insurance maturing prior to August 1, 1946.* Applying the above definitions, the rule contained in the last proviso of section 13, supra, as stated in paragraph 1 (e) above, and the provisions of § 10.3459 of this chapter, to insurance maturing prior to August 1, 1946, it follows that:

(1) If the designated beneficiary was under 30 on the date of the insured's death and the insured had not elected the Refund Life Income (i. e., had made no election or had elected 240 equal monthly installments) payment would be made to the assignee in 240 equal monthly installments.

(2) If in a case similar to (1) the insured had elected the Refund Life Income, the assignee would be paid in equal monthly installments (in multiples of 12) as would most nearly equal the number of installments certain under the Refund Life Income which would have been paid to the beneficiary (assignor), e. g., if the beneficiary were 28, the number of installments certain would be 270, and the number of equal installments payable to the assignee would be 240.

(3) If the designated beneficiary was 30, or over on the date of the insured's death and the insured had not elected the Refund Life Income (i. e., had made no election or had elected equal monthly installments for life with 120 months certain) payment would be made to the assignee in 120 equal monthly installments since under the circumstances, the beneficiary (assignor) would have been paid in equal monthly installments for life with 120 months certain.

(4) If in a case similar to (3) the insured had elected the Refund Life Income, payment would be made to the assignee in equal monthly installments (in multiples of 12) as would most nearly equal the number of installments certain under the Refund Life Income which would have been paid to the beneficiary (assignor), e. g., if the beneficiary were 48, the number of installments certain would be 207, and the number of equal monthly installments payable to the assignee would be 204 (nearest multiple of 12 to 207).

(b) *Insurance maturing on or after August 1, 1946.* Applying the same definitions, rules, and provisions to insurance maturing on or after August 1, 1946, it follows that:

(1) If the insured had elected Option 1 (one sum) payment would be made to the assignee in one sum.

(2) If the insured had elected a specific number of installments under Option 2, the assignee would be paid in exactly the same number of installments. The assignee would not be permitted to elect a greater or a lesser number of installments.

(3) If the insured had made no election, the assignee would be paid only in 36 equal monthly installments.

(4) If the insured had elected Option 3 (equal monthly installments for life of beneficiary first receiving payment with 120 installments guaranteed) the assignee would be paid in 120 equal monthly installments.

(5) If the insured had elected Option 4, the assignee would be paid in equal monthly installments (in multiples of 12) as would most nearly equal the number of installments certain under the Refund Life Income which would have been paid to the beneficiary (assignor), e. g., if the beneficiary were 58, the number of installments certain would be 166, and the number of equal monthly installments payable to the assignee would be 168 (nearest multiple of 12 to 166).

(6) In all the examples cited in this paragraph where payment would be made to the assignee in installments and the assignee dies before being paid all of the installments, the commuted value of the remaining installments would be paid to the estate of the insured.

(7) In three instances (at ages 44, 59, and 62) the number of installments certain under the Refund Life Income will be midway between two multiples of 12, both of which will be less than 240. Under these conditions in determining the number of equal monthly installments which most nearly equals the number of installments certain the lesser, not the greater, figure will be selected, i. e., at age 44, the number of installments certain under the Refund Life Income is 222, a figure 6, less than 228, and 6 more than 216. The assignee would, therefore, be paid in 216 equal monthly installments.

4. *Execution of assignment.* (a) The assignee, not the beneficiary (assignor), will execute the claim on VA Form 8–355, Claim for National Service Life Insurance, in every case in which there is to be an assignment. Any election made by the beneficiary (assignor) will be ignored and his claim will not be accepted in lieu of a claim by the assignee. The assignee must submit proof of relationship, unless such proof has been submitted previously for other purposes.

(b) The assignment must be the free act and deed of the assignor. It will not be accepted if the assignor lacked testamentary capacity or was subjected to fraud, duress, undue influence or coercion of any kind.

(c) Although, as already stated, the assignment may be partial in the sense that the designated beneficiary may assign only a portion of his insurance, it may not be limited or qualified in the sense that restrictions as to time or other factors may be placed on the assignment. For example, if the beneficiary is the father, he may not assign to the widow "so long as she remains unmarried."

(d) After the assignment is made and the initial payment thereunder to the assignee is effected, the assignment becomes irrevocable.

(e) In addition to the foregoing, reference is made to Administrator's Decision No. 738, February 15, 1947, which provides:

(1) That assignments of National Service Life Insurance death benefits may be made in cases in which the insurance matured prior to August 1, 1946, as well as in those in which it matured on or after that date.

(2) That the assignment is for the life of the assignee, not for the life of the assignor.

(3) That the number of installments certain under such an annuity referred to in the last proviso of section 13, as stated in paragraph 1 (e) above, is to be determined by the age of the assignor, not the age of the assignee.

(4) That when the designated beneficiary, either principal or contingent, executes or joins in an assignment, he relinquishes his right and title to that part of the insurance which he would otherwise have been entitled to as beneficiary, but he does not thereby relinquish his right and title to any benefits payable under the provisions of section 602 (h) (3), National Service Life Insurance Act of 1940, by reason of his relationship to the insured.

(f) The right to make an assignment is confined to a designated beneficiary, principal or contingent. Therefore, the preferred beneficiaries of gratuitous National Service Life Insurance benefits or those beneficiaries who take contract National Service Life Insurance benefits by devolution or operation of law (Section 602 (h) (3)) may not assign their right and title in such insurance.

(60 Stat. 781)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

APRIL 2, 1947.

[F. R. Doc. 47-3509; Filed, Apr. 11, 1947; 8:48 a. m.]

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

DETERMINATIONS AND APPEALS WITH RESPECT TO UNEMPLOYMENT

1. Section 36.518 *Determinations and appeals with respect to unemployment* (9 F. R. 11012) is amended as follows:

No change in (a).

Paragraph (b) is revoked and superseded by the following:

(b) Such determination shall be final unless within the time limit set by the agency's law and regulations for the filing of appeals from initial determinations an appeal is taken therefrom. Except as provided in §§ 36.501 to 36.522, inclusive, or where another referee or tribunal is designated by the Administrator, such appeal shall be heard and decided by the same referee or tribunal which would hear and decide the appeal if it had arisen under the law of the agency. The hearing shall be conducted in accordance with the agency's law and regulations, in the same manner as are appeals from the agency's unemployment compensation benefit determinations, except as otherwise prescribed by the Administrator.

No change in remainder of section.

(58 Stat. 284; 38 U. S. C. 693)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army.
Administrator of Veterans' Affairs.

APRIL 7, 1947.

[F. R. Doc. 47-3508; Filed, Apr. 11, 1947; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[G. O. 60, Amdt. 1 to Supp. 2]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

GENERAL PROVISIONS; SALES OF WAR-BUILT VESSELS

1. Effective with respect to applications (and amendments of prior applications) received by the Commission after the date of publication of this amendment in the FEDERAL REGISTER, paragraph (p) *Preoperating and operating expenses* of § 299.1 *Definitions* is amended by

striking out the tabulation following the colon in the second paragraph thereof and inserting in lieu thereof the following:

Vessel type	Insurance (for 1 year)	Other expenses	Total
C1A (turbine)	$33,000	$70,000	$103,000
C1A (Diesel)	33,000	67,000	100,000
C1B (turbine)	36,000	67,000	103,000
C1B (Diesel)	36,000	69,000	105,000
C1-M-AV1 (Diesel)	45,000	52,000	97,000
C1-MT-BU1 (Diesel)	35,000	53,000	88,000
C1-S-D1 (steam recip.)	73,000	57,000	130,000
C2S (turbine)	79,000	82,000	161,000
C2-S-A1 (turbine)	77,000	91,000	168,000
C2-S-AJ1 (turbine)	56,000	76,000	132,000
C2-S-B1 (turbine)	52,000	76,000	128,000
C2SU Reefer (Diesel)	90,000	90,000	180,000
C2SU Standard (Diesel)	79,000	85,000	164,000
C3E (turbine)	73,000	90,000	163,000
C3-S-A2 (turbine)	62,000	89,000	151,000
C3-S-A3 (turbine)	73,000	92,000	165,000
C4-S-B5 (turbine)	69,000	101,000	170,000
EC2-S-AW1 (steam recip.)	60,000	64,000	124,000
EC2-S-C1 (steam recip.)	62,000	63,000	125,000
N3-S-A1 (coal burning)	20,000	53,000	73,000
N3-S-A2 (oil burning)	20,000	53,000	73,000
R1-M-AV3 (Diesel)	44,000	55,000	99,000
R2-S-BV1 (turbine)	90,000	80,000	170,000
R2-ST-AU1 (reefer)	107,000	119,000	226,000
S4-SE2-BD1 (turbine elec.)	80,000	88,000	168,000
S4-SE2-BE1 (turbine elec.)	80,000	88,000	168,000
VC2-S-AP2 (turbine)	70,000	82,000	152,000
VC2-S-AP3 (turbine)	76,000	88,000	164,000
T1-M-BT (Diesel)	56,000	45,000	101,000
T2 Hulls 142-149, 157-159 (turbine)	97,000	92,000	189,000
T2-SE-A1 (turbine elec.)	77,000	86,000	163,000
T3-M-AZ1 (Diesel)	96,000	80,000	176,000
T3-S-A1 (turbine)	74,000	103,000	177,000

2. Effective with respect to applications approved by the Commission after the date of publication of this amendment in the FEDERAL REGISTER and, at the election of the purchaser, with respect to prior applications and sales pursuant to these regulations, paragraph (a) *Application* of § 299.21 *Sales of war-built vessels to citizens of the United States* is amended by striking out subdivision (ii) of subparagraph (2) thereof and inserting in lieu thereof the following:

(ii) After such payment, the sum of (*a*) sufficient working capital and/or available special funds to provide for payment of one annual installment on the deferred portion (if any) of the purchase price of the vessel and (*b*) sufficient working capital alone to provide for payment of (*1*) interest on the deferred portion (if any) of the purchase price of the vessel for one year at the rate of 3½% per annum and (2) all required insurance on the vessel for one year in the amount stipulated in paragraph (p) of § 299.1; and

(60 Stat. 41)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

APRIL 8, 1947.

[F. R. Doc. 47-3486; Filed, Apr. 11, 1947; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

TIME OF OPERATION

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on March 27, 1947;

The Commission having before it the request of the Television Broadcasters Association, Inc., for an extension to June 30, 1947 of the action of the Commission of December 26, 1946 waiving the requirements of § 3.661 (a) of the rules and regulations of the Federal Communications Commission until March 31, 1947; and

Whereas, it appears that because of construction and operating difficulties the deferment of the effect of § 3.661 (a), which requires television licensees to broadcast a minimum of 2 hours of broadcast service in any given broadcast day and not less than 28 hours broadcast service per week, should be continued until June 30, 1947;

It is hereby ordered, That § 3.661 (a) be amended so that the footnote at the end of § 3.661 (a) will read as follows:

[1] The requirements of § 3.661 (a) are waived until June 30, 1947.

This order is an exemption from existing Commission rules and it is necessary that it become effective immediately upon the expiration on March 31, 1947, of a similar exemption. Hence the public notice and procedure required by section 4 of the Administrative Procedure Act are hereby found to be unnecessary and this order is hereby made effective March 31, 1947.

(Secs. 4 (i), 303 (b), 303 (c), 303 (e), 303 (f), 303 (j), 48 Stat. 1066, 1082; 47 U. S. C. 154 (i), 303 (c), 303 (e), 303 (f), 303 (j))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3518; Filed, Apr. 11, 1947; 8:49 a. m.]

PART 13—COMMERCIAL RADIO OPERATORS

PERMISSION FOR ORAL EXAMINATION IN CERTAIN CASES OF APPLICANTS FOR RESTRICTED RADIOTELEPHONE OPERATOR PERMIT

MARCH 31, 1947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration its procedure governing the determination of qualifications of applicants for radio operator licenses, and the procedure governing the issuance of such licenses; and

It appearing that the public interest, convenience, or necessity will be served by waiving temporarily certain procedural requirements for the purpose of expediting the issuance of certain radio operator licenses in appropriate cases; and

It further appearing that the waiver hereinafter set forth relates solely to procedural rules, is for the purpose of promoting safety of life and property, and serves to afford relief from existing restrictions and, therefore, general public notice and procedure for rule making are not required by section 4 (a) of the Administrative Procedure Act and such waiver may be made effective immediately;

It is ordered, That until further order of the Commission, but in no event beyond May 15, 1947, the provisions of §§ 13.21, 13.22 and 13.23 are hereby waived to the extent that applicants for restricted radio-telephone operator permits, who are otherwise qualified, may be examined orally instead of in writing in such cases as the Secretary and the Law and Engineering Departments may find necessary for the purpose of expediting the issuance of restricted radiotelephone operator permits that are needed for the protection of life or property or in connection with employment.

It is further ordered, That this order shall become effective immediately.

(Sec. 303 (e) and (i), 48 Stat. 1082, 50 Stat. 191; 47 U. S. C. 303 (l) and (r))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3519; Filed, Apr. 11, 1947; 8:50 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

United States Coast Guard

[33 CFR, Part 402]

[CGFR 47-17]

MOORING BUOYS

NOTICE OF RULE MAKING

Notice is hereby given that the United States Coast Guard is considering the issuance, as hereinafter proposed, of regulations for light, signals and colors for mooring buoys pursuant to the authority contained in the act of June 17, 1910, as amended (33 U. S. C. 713, 759) and the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238).

A public hearing will be held on May 7, 1947, in Room 8205, United States Coast Guard Headquarters, 1300 E Street, NW, Washington, D. C., at 9:30 a. m. to consider all the comments, data and views of persons having an interest in the proposed regulations. All persons who desire to submit written comments, data and views prior to the hearing for consideration in connection with the proposed regulations shall file the same in duplicate with the Chief, Aids to Navigation Division, United States Coast Guard Headquarters, 1300 E Street, NW, Washington, D. C., not later than May 6, 1947. All matters presented orally or in writing will be given due consideration.

The proposed regulations are as follows:

Part 402 is amended by the addition of two new sections, reading as follows:

§ 402.01 *Basis and purpose.* Pursuant to the authority in the act of June 17, 1910, as amended (33 U. S. C. 713,759) the regulations in this part are prescribed to provide a standard by which devices relating to the general safety of navigation are established and maintained, also to provide an efficient, uniform and economic administration of this service.

§ 402.17 *Mooring buoys; lights, signals and colors.* The approval of lights, signals and colors for properly authorized mooring buoys (33 U. S. C. 403) must be obtained, prior to establishment, from the District Commander of the Coast Guard district in which the structure will be situated. Applications for such approval shall be submitted on Coast Guard Form 2554 in accordance with the procedures set forth in § 402.4, insofar as they are applicable to this particular case.

Dated: April 4, 1947.

E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-3521; Filed, Apr. 11, 1947; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 224]

FILING, POSTING AND PUBLISHING OF TARIFFS BY AIR CARRIERS AND FOREIGN AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

The Civil Aeronautics Board proposes to amend subparagraph (6) of paragraph (o) of § 224.1 of the Economic Regulations, implementing section 403 (a) of the Civil Aeronautics Act of 1938, as amended. The purpose of the proposed amendment is to detail the grounds upon which a tariff publication may be rejected, and to empower the Director of the Economic Bureau to reject any tariff, supplement, or revised page which is subject to rejection under the revision. It is believed that the proposed amendment will do much to expedite the handling of rejections.

Consideration will be given to written comments on the proposed revision which are received by the Secretary, Civil Aeronautics Board, Washington 25, D. C., not later than April 21, 1947.

Proposed Amendment No. 5 of § 224.1 of the Economic Regulations, amending subparagraph (6) of paragraph (o):

(6) *Rejection of tariff publications.* (i) A tariff, supplement, or revised page which is received for filing too late to give the Board statutory notice is subject to rejection. Tariff publications will be received for filing only through normal mail channels or by delivery in person directly to the office of the Board charged with the responsibility of maintaining an official file of tariffs, and will be received only during the established working hours of the Board. No consideration will be given to telegraphic advices in computing the notice required, or to the time during which a tariff publication may be held by an express company or by the Post Office Department.

(ii) A tariff, supplement, or revised page which exceeds the authority granted by a permission, order or regulation of the Board shall be subject to rejection.

(iii) A tariff, supplement, or revised page which fails to comply with this section to such an extent as to render it unusable shall be subject to rejection.

(iv) A tariff, supplement, or revised page which otherwise fails to comply with section 403 of the act or regulations adopted thereunder, shall be subject to rejection.

(v) The Director of the Economic Bureau shall have the authority to reject any tariff, supplement, or revised page which is subject to rejection under subdivisions (i), (ii), or (iii) of this subparagraph. Notice of such rejection shall be in writing by the Director. When a tariff publication is rejected subsequent to its effective date or where time does not permit notice by mail prior to the effective date, telegraphic notice shall also be given.

(vi) Tariff publications received by the Board but rejected for filing will not be returned.

(52 Stat. 984, 992, as amended; 49 U. S. C. 425a, 483b)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-3475; Filed, Apr. 11, 1947; 8:47 a. m.]

UNITED STATES MARITIME COMMISSION

[46 CFR, Ch. II]

[Docket No. 657]

AGREEMENTS AND PRACTICES PERTAINING TO BROKERAGE, AND RELATED MATTERS

ORDER TO SHOW CAUSE AND NOTICE OF PROPOSED RULE MAKING

In Docket No. 645 the Commission found with respect to Agreement No. 7790 submitted by Pacific Westbound Conference that the provision prohibiting the payment of brokerage should be eliminated; and for that reason, among others, the Commission withheld approval of the agreement.

Pacific Westbound Conference and other conferences listed in Appendix A, annexed to this order, are functioning under agreements which contain provisions as to brokerage similar in effect to the provision disapproved in Docket No. 645; or under conference regulations which contain provisions forbidding the payment of brokerage.

Representations have been made to the Commission by various conferences indicating that such conferences and their members dispute the finding of the Commission in Docket No. 645 with respect to the agreement for non-payment of brokerage. Other representations have been made to the Commission on behalf of freight forwarders and others, calling upon the Commission to issue rules requiring the payment of brokerage.

The Commission has determined that it should, in the public interest, institute public hearings for the purpose of inquiring into, and of taking appropriate action concerning the payment or nonpayment of brokerage by carriers subject to the Commission's jurisdiction, and concerning conference agreements, regulations, arrangements and practices relative thereto.

In connection with the foregoing matters, the Commission desires to obtain the views of interested persons as to the formulation of appropriate policies.

Accordingly, pursuant to sections 15, 16, 17, 18, 21, 22 and 23 of the Shipping Act, 1916, and section 4 of the Administrative Procedure Act, upon the Commision's own motion,

It is ordered, That the Commission institute public hearings with respect to the payment and non-payment of brokerage by carriers subject to its jurisdiction, and that at such hearings, evidence be received as to whether conference agreements and regulations adopted thereunder, prohibiting the payment of brokerage, are contrary to law or unjustly discriminatory or unfair as between carriers, shippers, importers, exporters, or ports, or detrimental to the commerce of the United States; and

It is further ordered, That respondents show cause before the Commission why conference agreements (including regulations, understandings and other arrangements) to which respondents or any of them are parties, which prohibit the payment of brokerage, should not be disapproved; and

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships and public bodies) desiring to be heard at the hearings to be conducted hereunder, whether or not such persons are named as respondents, may file with the Commission within twenty days from the date of publication of this order in the FEDERAL REGISTER written request to appear and be heard; and

It is further ordered, That the conferances and members thereof, named in Appendix A hereto annexed, be, and they hereby are, designated respondents in this proceeding; and

It is further ordered, That this order be published in the FEDERAL REGISTER and that a copy be served upon each respondent, and that respondents be allowed twenty days from the date of service in which to file answers, and that this proceeding be assigned for hearing at such times and places as the Commisson may hereafter direct, and that such hearings be conducted in accordance with the rules of procedure of the Commission.

By order of the United States Maritime Commission.

[SEAL] R. L. MCDONALD, *Assistant Secretary.*

APRIL 1, 1947.

APPENDIX A

RESPONDENTS

1. *List of conferences covering freight traffic from continental United States to territories and possessions of the United States, which prohibit the payment of brokerage*

Atlantic and Gulf Hawaii Conference (No. 170):[1] J. J. McCabe, Acting Secretary, c/o Isthmian Steamship Company, 71 Broadway, New York 6, New York.
Full Members:
American President Lines, Ltd.
Isthmian Steamship Company.
Lykes Bros. Steamship Co., Inc. (Lykes Orient Line).
Matson Navigation Company.
United States Lines Company (American Pioneer Line).

United States Atlantic and Gulf-Puerto Rico Conference (No. 6120):[1] J. W. de Bruycker, Chairman and Secretary, 8–10 Bridge Street, New York 4, N. Y.
Full Members:
Bull-Insular Line, Inc.
Lykes Bros. Steamship Co. Inc.
The New York and Porto Rico Steamship Company.
Waterman Steamship Corporation (Puerto Rican Division).

The Pacific Coast-Puerto Rican Conference (No. 6130):[1] C. R. Nickerson, Secretary, Room 725, 461 Market Street, San Francisco 5, California.
Full Members:
American-Hawaiian Steamship Company.
Pope & Talbot, Inc. (McCormick Steamship Company Division).

Southeastern Alaska Freight Conference (No. 7500):[1] J. D. Nelson, Chairman; I. J. James, Secretary, c/o Northland Transportation Co., Pier 56, Seattle 1, Washington.
Full Members:
Alaska Steamship Company.
Alaska Transportation Company.
Northland Transportation Company.

2. *List of conferences covering freight traffic from continental United States ports to foreign ports, which prohibit the payment of brokerage*

Pacific Coast-Australasian Tariff Bureau (No. 50–1):[1] J. P. Williams, Secretary, Room 237, Merchants Exchange Building, 465 California Street, San Francisco 4, California.
Full Members:
Canadian Australasian Line, Ltd.
W. R. Carpenter Oversea Shipping Limited.
The Oceanic Steamship Company.
Rederiaktiebolaget Transatlantic (Transatlantic Steamship Co., Ltd.).
Union Steam Ship Company of New Zealand, Ltd.

Pacific Westbound Conference (No. 57):[2] H. E. Hornung, Secretary/Manager, Southern District, 465 California Street, San Francisco 4, California. R. A. Tinling, Acting Chairman, Northern District, 620 Alaska Building, Seattle 4, Washington.
Full Members:
American Hawaiian Steamship Company.
American Mail Line, Ltd.
American President Lines, Ltd.
Canadian Pacific Steamships, Ltd.
The China Mutual Steam Navigation Co. Ltd., The Ocean Steam Ship Company, Limited, N. V. Nederlandsche Stoomvaart Maatschappij "Oceaan"—Blue Funnel Line.
The De La Rama Steamship Co., Inc. (De La Rama-Philippine Line), The Swedish Fast Asiatic Company, Limited—De La Rama Line-Trans-Pacific Service.
Ditlev-Simonsen Lines, Transatlantic Steamship Co., Ltd.—Pacific Orient Express Line.
Pacific Transport Lines, Inc.
Pacific Far East Line, Inc.
The East Asiatic Company, Ltd., A. F. Klaveness & Co. A/S (Klaveness Line), N. V. Stoomvaart Maatachappij "Nederland," N. V. Rotterdamache Lloyd—Java-Pacific Line.
Pacific Mail Steamship Company.
Rederi A/B Jamaica, Rederi A/B Pulp, D/S A/S Eikland—Salen Line.
Isthmian Steamship Company.
Parry Lines, Inc.
Silver Line, Limited.
States Steamship Company (States Line).
Stanhope Steamship Company, Ltd. (Stan Line—Trans-Pacific).
Western Canada Steamships, Ltd.
Associate Members:
Aktieselskapet Ivarans Rederi, Skibsaktieselskapet Igadi, A/S Besco—Ivaran Lines—Far East Service.
The Bank Line, Ltd. (Bank Line).
Dampskibsselskabet Af 1912 Aktieselskab, Aktieselskabet Dampskibsselskabet Svendborg—Joint Service—A. B. Moller, Maersk Line.
Ellerman & Bucknall Steamship Co., Ltd. (American & Manchurian Line).
M. V. Nonsuco, Inc., S. S. San Vincente, Inc.—Joint Service.
Lancashire Shipping Co., Ltd.
Prince Line, Limited.
Wilhelmsen Dampskibsaktieselskab, A/S Den Norske Afrika-Og Australielinie, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI—Joint Service.

Atlantic and Gulf/West Coast of Central America and Mexico Conference (No. 2743):[1] A. J. Pasch, Chairman and Secretary, 11 Broadway, New York 4, New York
Full Members:
Grace Line, Inc. (Grace Line).
Lykes Bros. Steamship Co., Inc.
Panama Railroad Company (Panama Line).
Standard Fruit and Steamship Company (Vaccaro Line).
United Fruit Company.
Associate Members:
Pacific-Atlantic Steamship Company (Quaker Line).
States Steamship Company, California Eastern Line, Inc.—California-Eastern Line.
Associated Lines:
Grace Line, Inc. (Grace Line).
Pacific Steam Navigation Company.

Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference (No. 3868):[1] A. J. Pasch, Chairman and Secretary, 11 Broadway, New York 4, New York.
Full members:
Grace Line, Inc. (Grace Line).
Lykes Bros. Steamship Co., Inc.
Panama Railroad Company (Panama Line).
Standard Fruit and Steamship Company (Vaccaro Line).
United Fruit Company.
Associate Members:
Pacific-Atlantic Steamship Company (Quaker Line).
States Steamship Company (California-Eastern Line).

Gulf and South Atlantic Havana Steamship Conference (No. 4188):[1] Alfred J. Cooper, Chairman and Secretary, 321 St. Charles Street, New Orleans 12, Louisiana.
Full members:
Lykes Bros. Steamship Co., Inc.
Seatrain Lines, Inc.
Standard Fruit and Steamship Company (Vaccaro Line).
United Fruit Company.
Associate Members:
Empressa Naviera de Cuba, S. A.
West India Fruit & Steamship Co., Inc.
Associated Lines:
Members of Havana Steamship Conference (No. 4189) participating in Agreement No. 5080.

Havana Steamship Conference (No. 4189):[1] A. J. Pasch, Chairman and Secretary, 11 Broadway, New York 4, New York.
Full members:
New York and Cuba Mail Steamship Co.
Seatrain Lines, Inc.
United Fruit Company.
Associate Members:
Compania Transatlantica.
North Atlantic & Gulf Steamship Co.
Associated Lines:
Members of Gulf and South Atlantic Havana Steamship Conference (No. 4188) participating in Agreement No. 5080.
Affiliate Line:
Agwilines, Inc.

Pacific Coast/Caribbean Sea Ports Conference (No. 4294):[1] C. R. King, Secretary, 369 Pine Street, San Francisco, California.
Full Members:
Compania Naviera Independencia (Independence Line).
Compagnie Generale Transatlantique (French Line).
Fruit Express Line A/S.
Grace Line, Inc.
Moore-McCormack Lines, Inc. (Pacific Republics Line).
N. V. Nederlandsch-Amerikaansche Stoomvaart Maatschappij (Holland American Line).
N. V. Rotterdamsche Lloyd, N. V. Stoomvaart Maatschappij "Nederland"—Java Pacific Line.
Fred, Olsen & Co. (Fred Olsen Line).
Rederiaktiebolaget Nordstjernan (Johnson Line).
Royal Mail Lines, Ltd.
Silver Line, Limited.
United Fruit Company.
United States Lines Company (Panama Pacific Line).
Pacific-Argentine-Brazil Line, Inc.

U. S. Atlantic and Gulf Ports-Jamaica (B. W. I.) Steamship Conference (No. 4610):[1] A. J. Pasch, Chairman and Secretary, 11 Broadway, New York 4, New York.
Full Members:
Alcoa Steamship Company, Inc.
Standard Fruit and Steamship Company (Vaccaro Line).
United Fruit Company.
Associate Member as respects lumber from Gulf ports:
J. S. Webster & Sons.

Pacific West Coast of South America Conference (No. 4630):[1] C. R. King, Secretary, 369 Pine Street, San Francisco, California.
Full Members:
Compagnie Generale Transatlantique (French Line).
Compania Naviera Independencia, S. A. (Independence Line).
Fruit Express Line A/S.
Grace Line, Inc. (Grace Line).
Knut Knutsen O. A. S. (Knutsen Line).
Latin America Line.
N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-American Line).
N. V. Rotterdamsche-Lloyd, N. V. Stoomvaart Maatschappij "Nederland"—Java Pacific Line.
Royal Mail Line, Ltd.
Silver Line, Limited.
Westfal-Larsen & Company, A/S (Westfal-Larsen Company Line).

United States Atlantic and Gulf/Haiti Conference (No. 5590):[1] A. J. Pasch, Chairman-Secretary, 11 Broadway, New York, 4, N. Y.
Full Members:
Alcoa Steamship Company, Inc.
Lykes Bros. Steamship Co., Inc.
Royal Netherlands Steamship Company (Koninklijke Nederlandsche Stoomboot Mastachappij, N. V.).
Standard Fruit and Steamship Company.
Compagnie Generale Transatlantique.

Pacific/Straits Conference (No. 5680):[1] H. E. Horning, Secretary, 465 California Street, San Francisco 4, California.
Full Members:
American President Lines, Ltd.
A. F. Klaveness & Co., A/S (Klaveness Line).
N. V. Stoomvaart Maatschappij "Nederland", N. V. Rotterdamsche Lloyd—Java Pacific Line.
Silver Line, Limited.
Isthmian Steamship Company.

Pacific/Netherlands East Indies Conference (No. 6060):[1] Kerr Steamship Co., Inc., Sec'y. 324 Sansome Street, San Francisco, Calif.
Full Members:
Isthmian Steamship Company.
A. F. Klaveness & Co., A/S (Klaveness Line), N. V. Stoomvart Maatschappij "Nederland", N. V. Rotterdamsche Lloyd—Java Pacific Line.
Silver Line, Limited.

United States Atlantic and Gulf-Santo Domingo Conference (No. 6080):[1] T. J. Lennon, Secretary, c/o Bull Insular Line, Inc., 115 Broad Street, New York 4, New York.
Full Members:
Bull-Insular Line, Inc.
Lykes Bros. Steamship Co. Inc.
The New York and Porto Rico Steamship Company.

Capca Freight Conference (No. 6170):[1] C. R. King, Secretary, 369 Pine Street, San Francisco, California.
Full Members:
Compania Naviera Independencia, S. A.
Compagnie Generale Transatlantique (French Line).
Fruit Express Line, A/S.
Grace Line, Inc. (Grace Line).
Lloyd Shipping Company.
N. V. Stoomvaart Maatschappij "Nederland", Java Pacific Line.
N. V. Rotterdamache Lloyd—Java Pacific Line.
Rederiaktiebolaget Nordstjernan (Johnson Line).
Royal Mail Lines, Ltd.
Silver Line, Limited.
United Fruit Company—Steamship Service.

Pacific Lumber Carriers Association (No. 6310): Robert C. Parker, Chairman, 461 Market Street, San Francisco 5, California.
Full Members:
Horace X. Baxter Steamship Co.
Burns Steamship Company.
W. B. Chamberlin & Company.
Coastwise Line.
Hart-Wood Lumber Company.
Fred Linderman.
Oliver J. Olson & Co.
Pope & Talbot, Inc. (McCormick Steamship Company Division).
Schafer Bros. Steamship Lines.
West Coast Steamship Company.
E. K. Wood Lumber Company.

Pacific Coast River Plate Brazil Conference (No. 6400):[2] E. J. A. Watts, Chairman and Secretary, 149 California Street, San Francisco 11, California.
Full Members:
Moore-McCormack Lines, Inc. (Pacific Republics Line).
Westfal-Larsen & Company, A/S (Westfal-Larsen Company Line).
Pacific-Argentine-Brazil Line, Inc.

Pacific Coast Panama Canal Freight Conference (No. 7170):[1] C. R. King, Secretary, 369 Pine Street, San Francisco, California.
Full Members:
Companía Naviera Independencia, S. A. (Independence Line).
Compagnie Generale Transatlantique (French Line).
Fruit Express Line, A/S.
Grace Line, Inc. (Grace Line).
Lloyd Shipping Company, Inc.
N. V. Nederlandsch - Amerikaansche Stoomvaart - Maatschappij (Holland-American Line).
M. V. Rotterdamsche Lloyd, N. V. Stoomvaart Maatschappij "Nederland"—Java Pacific Line.
Rederiaktiebolaget Nordstjernan (Johnson Line).
Royal Mail Lines, Ltd.
Silver Line, Limited.
United Fruit Company—Steamship Service.
United States Lines Company (Panama Pacific Line).
Pacific-Argentina-Brazil Line, Inc.

Pacific Coast/Mexico Freight Conference (No. 7570):[1] C. R. King, Secretary, 369 Pine Street, San Francisco, California.
Full Members:
Fred Olsen & Co. (Fred Olsen Line).
Grace Line, Inc. (Grace Line).
Lloyd Shipping Company, Inc.

Santiago de Cuba Conference (No. 7650):[1] A. P. Pasch, Chairman and Secretary, 11 Broadway, New York 4, New York.
Full Members:
Lykes Bros. Steamship Co., Inc.
Standard Fruit and Steamship Company.
United Fruit Company.

[1] Indicates payment of brokerage prohibited by basic conference agreement.
[2] Indicates payment of brokerage prohibited by the tariff or rules and regulations issued by the Conference.

[F. R. Doc. 47–3487; Filed, Apr. 11, 1947; 8:45 a. m.]

NATIONAL MEDIATION BOARD

[29 CFR, Part 1206]

HANDLING OF REPRESENTATION DISPUTES UNDER THE RAILWAY LABOR ACT

NOTICE OF PROPOSED RULE MAKING

APRIL 1, 1947.

1. Pursuant to section 4 (a) of the Administrative Procedure Act notice is hereby given of proposed rule making in the above entitled matter.

2. Certain questions have arisen in connection with the determination of employee representatives by the National Mediation Board under the provisions of section 2, Ninth, of the Railway Labor Act. The Board deems it advisable to cover such questions by substantive rules which will govern its representatives and labor organizations interested in such disputes. The following rules are therefore proposed to be issued pursuant to the authority given the National Mediation Board to establish the rules to govern representation elections among the employees of the rail and airline carriers subject to Titles I and II of the Railway Labor Act, as amended.

(a) *Run-off elections.* If in any craft or class no organization or individual receives a majority of the legal votes cast, a second, or run-off, election shall be held forthwith between the two organizations or individuals having received the highest number of votes cast in such craft or class in the first election.

(b) *Percentage of valid authorizations required to determine existence of a representation dispute.* (1) Where the employees involved in a representation dispute are represented by an individual or labor organization, either local or national in scope, and are covered by a valid existing contract between such representative and the carrier, a showing of proved authorizations from at least a majority of the craft or class must be made before the National Mediation Board will authorize an election or otherwise determine the representation desires of the employees under the provisions of section 2, Ninth, of the Railway Labor Act.

(2) Where the employees involved in a representation dispute are un-represented, a showing of proved authorizations from at least thirty-five (35) percent of the employees in the craft or class must be made before the National Mediation Board will authorize an election or otherwise determine the representation desires of the employees under the provisions of section 2, Ninth, of the Railway Labor Act.

(c) *Age of authorization cards.* Authorizations must be signed and dated in the employee's own handwriting. No authorizations will be accepted by the National Mediation Board in any employee representation dispute which bear a date prior to one year before the date of the application for the investigation of such dispute.

(d) *Repeat elections.* The National Mediation Board will not commence the investigation of a representation dispute for a period of two (2) years from the date of a certification covering the same craft or class of employees on the same carrier in which a representative was certified.

(e) *Necessary evidence of intervenor's interest in a representation dispute.* In any representation dispute under the provisions of section 2, Ninth, of the Railway Labor Act, an intervening individual or organization must produce proved authorizations from at least twenty-five (25) percent of the craft or class of employees involved to warrant placing the name of the intervenor on the ballot.

(f) *Eligibility of dismissed employees to vote.* Dismissed employees whose request for reinstatement account wrongful dismissal are pending before proper authorities, which includes the National Railroad Adjustment Board, are eligible to participate in elections among the craft or class of employees in which they are employed at time of dismissal. This does not include dismissed employees whose guilt has been determined, and who are seeking reinstatement on a leniency basis.

3. A public hearing on the proposed rules listed above will be held before the Members of the National Mediation Board in Auditorium C, United States Department of Labor Building, 14th and Constitution Avenue, N. W., Washington, D. C., commencing at 10:00 a. m., eastern

standard time, on Tuesday, April 15, 1947, and extending through April 16, 1947. All persons interested are invited to attend this hearing and participate in this rule making through submission of written data, oral views, and arguments.

By order of the National Mediation Board.

ROBERT F. COLE,
Secretary.

[F. R. Doc. 47-3485; Filed, Apr. 11, 1947; 8:48 a. m.]

[29 CFR, Part 1206]

HANDLING OF REPRESENTATION DISPUTES UNDER THE RAILWAY LABOR ACT

NOTICE OF PROPOSED RULE MAKING

APRIL 8, 1947.

Reference is made to the notice of proposed rule making issued by the Board under date of April 1, 1947, with respect to a hearing to be conducted on proposed rules relating to the handling of representation disputes under the Railway Labor Act.

The hearing, originally scheduled to begin Tuesday, April 15, 1947, has been postponed to begin at the same time and location on Thursday, April 24, 1947.

By order of the National Mediation Board.

ROBERT F. COLE,
Secretary.

[F. R. Doc. 47-3484; Filed, Apr. 11, 1947; 8:48 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-353]

MICHIGAN CONSOLIDATED GAS CO.

ORDER POSTPONING HEARING

It appearing to the Commission that:

(a) On February 18, 1947, the Commission ordered that the public hearing in this matter, theretofore set for February 24, 1947, be postponed to April 14, 1947;

(b) Good cause exists for further postponing the date of hearing as hereinafter provided;

The Commission orders that:

The public hearing in this matter now set for April 14, 1947, be and the same is hereby postponed to June 9, 1947, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C.

Date of issuance: April 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3483; Filed, Apr. 11, 1947; 8:47 a. m.]

[Docket No. G-752]

KENTUCKY NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on July 12, 1946, in Docket No. G-752 by Kentucky Natural Gas Corporation (Applicant), a Delaware corporation having its principal place of business at Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural gas pipe line facilities, subject to the jurisdiction of the Commission:

Approximately 9½ miles of 12-inch solid welded pipe line from a point beginning on Applicant's 12-inch North-South main transmission pipe line in Section 12, Township 15 North, Range 8 West, Parke County, Indiana, thence generally westwardly or north of west to a point of connection with the main pipe line of Panhandle Eastern Pipe Line Company (Panhandle) on the Illinois side of the Indiana-Illinois state line in Edgar County, Illinois.

It appearing to the Commission that:

(a) Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on July 25, 1946 (11 F. R. 8014).

(b) Panhandle Eastern Pipe Line Company (Panhandle) was permitted to intervene in these proceedings by order of the Commission on August 15, 1946.

(c) On September 5, 1946, Panhandle filed a motion to dismiss said application.

The Commission, therefore, orders that:

(A) A public hearing be held commencing on May 12, 1947, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(B) Determination of Panhandle's motion to dismiss the application be and it is hereby reserved until after a hearing on the merits of the application.

(C) Interested State commissions may participate in this hearing as provided in the Commission's rules of practice and procedure.

Date of issuance: April 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3482; Filed, Apr. 11, 1947; 8:47 a. m.]

[Docket No. G-878]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF APPLICATION

APRIL 7, 1947.

Notice is hereby given that on March 14, 1947, Interstate Natural Gas Company, Inc., a Delaware corporation with its principal place of business in Monroe, Louisiana, filed an application for permission and approval, pursuant to section 7 (b) of the Natural Gas Act, to abandon the following-described facilities and service rendered by means of such facilities, to wit:

(1) An 8.49 mile section of the 22-inch loop pipe line that has its beginning in Section 32, Township 12 North, Range 8 East, Franklin Parish, Louisiana, 53.5 miles south of DeSiard Compressor Station and ends in Section 8, Township 10 North, Range 8 East, Catahoula Parish, Louisiana, 61.99 miles south of DeSiard Compressor Station, and

(2) A 4.8 mile section of the 22-inch loop pipe line that has its beginning in Section 19, Township 10 North, Range 9 East, Catahoula Parish, Louisiana, 66.3 miles south of DeSiard Compressor Station and ends in Section 18, Township 9 North, Range 9 East, Catahoula Parish, Louisiana, 71.1 miles south of DeSiard Compressor Station.

Applicant states that its main transmission system extends from the Monroe Gas Field, Ouachita, Louisiana, to Baton Rouge, Louisiana; that within the past several years its source of gas supply has changed from the Monroe Field as the sole source, and at present it is obtaining large quantities of gas from along its pipe line between the Monroe Field and Baton Rouge; that formerly the entire gas supply for New Orleans was transported through its main line, but the gas fields in Southern Louisiana now constitute the source of gas for New Orleans and consequently there is no longer any necessity for maintaining all of the present loop lines; that by introducing gas from any field into the main line at points downstream from DeSiard Station will counter-balance any loss of capacity caused by the removal of the pipe as proposed; that gas available under peak conditions for the main transmission system in 1947, is 62,000 Mcf. from the Monroe Field, 30,000 Mcf. from the Vixen Field and 30,000 Mcf. from the Carthage Point Field, a total of 122,000 Mcf. of natural gas; that additional gas is anticipated from other fields developed adjacent to the main transmission system, such as the Holly Ridge Field in Tenas Parish, Louisiana, and if sufficient gas becomes available along the line, the original capacity thereof of 170,000 Mcf. per 24 hours can be maintained; that its ability to continue to render service to customers supplied from the main transmission line will not be impaired; and that the reasons for discontinuing service by means of the aforesaid loop lines rather than other lines are: the pipe is of lighter weight, more accessible for lifting and removal from location, more valves are salvable, and the condition of the pipe in the original line at these points is such that any trouble necessitating a loop line is not probable.

Any interested state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board or a joint or concurrent hearing together with the reasons for such request.

The application of Interstate Natural Gas Company, Inc. is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3467; Filed, Apr. 11, 1947; 8:48 a. m.]

[Docket No. G-882]

TRUNKLINE GAS SUPPLY CO.

NOTICE OF APPLICATION

APRIL 7, 1947.

Notice is hereby given that on March 20, 1947, Trunkline Gas Supply Company (Applicant), a Delaware corporation having offices at Wilmington, Delaware, and Washington, D. C., filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a 30-inch O. D. steel welded natural gas transmission pipeline, approximately 855 miles in length, and appurtenant facilities, beginning at a point in Wharton County, Texas, and extending in a generally northerly direction through the States of Arkansas and Missouri, to a point in Keokuk County, Iowa.

The facilities as proposed and described by applicant, in addition to the main pipeline, include appurtenant facilities for gathering, dehydration, compression, transmission and delivery of natural gas through the proposed system, including among other facilities, 60 miles of 24-inch "feeder lines" and 12 compressor stations with an aggregate of 182,400 h. p.

The overall cost of the facilities for which a certificate is sought, including working capital, Applicant estimates, will approximate $74,266,507, which Applicant proposes to finance through the issuance and sale to the public of bonds and preferred stock, supplemented with funds obtained through short-term loans and by the issuance of additional common stock.

Commencement of construction is planned by Applicant as soon as the necessary pipe and materials become available. Construction, according to Applicant, will require approximately 12 months. As of the date of its application Applicant states that no commitments had as yet been received from financial and equipment supply sources.

The sales capacity of the system proposed, Applicant estimates, on a daily basis will approximate in the first year 171,000 Mcf, during the second and third years 300,000 Mcf, increasing to 425,000 Mcf in the fourth and fifth years. A volumetric two part rate is proposed, with a commodity charge of 12¢ per Mcf and a demand charge of 3.6¢ per Mcf.

The service proposed to be rendered, as described by Applicant, is primarily "a wholesale service" to be offered to natural gas companies at such points along Applicant's system as may prove convenient to such companies, including among others, Natural Gas Pipeline Company of America, Northern Natural Gas Company, Michigan-Wisconsin Pipe Line Company, Panhandle Eastern Pipe Line Company, Cities Service Gas Company, Arkansas-Louisiana Gas Company, Arkansas-Western Gas Company, Arkansas-Oklahoma Gas Company and Mississippi River Fuel Corporation.

Applicant states it does not propose, as its primary objective, to sell gas from its facilities directly to industries or directly to gas distributing companies for resale. Industries and distributing companies in cities and towns conveniently located near its proposed main pipeline system, Applicant says, would be served if, as and when Applicant should have gas available for such service, subject to appropriate approval from the Commission.

Applicant proposes to secure its gas supply from Gulf coastal gas fields in Texas in the general area identified by Applicant as Texas Railroad Commission Districts 2, 3 and 4, where the proven gas reserves, Applicant asserts, are now estimated to total over 43 trillion cubic feet, where there are large quantities of flare gas being wasted for want of suitable markets. As of the date of filing its application, Applicant says it "has not finally contracted for any specific reserve or reserves for the supply of its line."

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Trunkline Gas Supply Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3468; Filed, April 11, 1947; 8:48 a. m.]

[Docket No. G-883]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

APRIL 7, 1947.

Notice is hereby given that on March 31, 1947, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation, having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Texas, Oklahoma, and Kansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities:

(a) A field booster compressor station of 600 horsepower to be located in the Northeast Quarter of Section 100, Block 23, H. & G. N. R. R. Co. Survey, Wheeler County, Texas.

(b) Approximately 41 miles of 12-inch pipe line, beginning at or near Applicant's Enid Compressor Station in Garfield County, Oklahoma, and extending northeasterly to a point of connection with Applicant's existing 10-inch pipe line in Section 9, Township 27 North, Range 1 West, Kay County, Oklahoma.

Applicant states that the maximum delivery capacity of the proposed field booster station will be approximately 14,000 Mcf per day, and the maximum delivery capacity of the proposed 41-mile pipe line will be approximately 60,000 Mcf per day.

It is stated that the proposed field booster station is required because pressures of gas wells in the Wheeler County, Texas, area from which Applicant is obtaining natural gas have declined to such an extent that its present field booster station in the area is no longer adequate to provide sufficient quantities of gas for Applicant's existing markets at adequate pressures.

Applicant states that it is now taking deliveries of natural gas from a new producing area in Major County, Oklahoma, designated as "Southeast Meno Gas Field", which has estimated gas reserves of 70 billion cu. ft. to an abandonment pressure of 200 pounds p. s. i. g. Applicant estimates that deliveries to its pipe line system from this source of supply on the 1947–48 peak day will be from 15 to 20 million cu. ft.

Applicant states that the gas to be transported through the facilities described in subparagraph (b) above, will be obtained from the Panhandle Gas Field in Wheeler County, Texas, and Southeast Meno Gas Field in Major County, Oklahoma. It is stated that Applicant's present system from Enid, Oklahoma, to Blackwell, Oklahoma, cannot be operated at pressures required to transport the volumes of gas presently available from these two fields and that connection of the Southeast Meno Gas Field to Applicant's main pipe line, together with operation of the proposed field booster station, will provide natural gas for delivery through the proposed 41-mile, 12-inch pipe line into the general area where curtailments have occurred on Applicant's system and thus enable Applicant to supplement its present declining sources of supply and assist it in meeting its present market requirements.

No new service is proposed to be rendered by Applicant through the facilities described.

The estimated over-all capital cost of constructing the facilities described in subparagraph (a) above is $83,910, and that of constructing the facilities described in subparagraph (b) above is $628,961, all to be financed from funds to be obtained incidental to the refunding of Applicant's present outstanding funded indebtedness. Applicant states that eleven institutional investors have entered into firm agreements to purchase the new securities.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such requests.

The application of Consolidated Gas Utilities Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contention of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3466; Filed, Apr. 11, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CHECK LIST OF RULES AND REGULATIONS

APRIL 1, 1947.

Listed below is a page-by-page identification of the composition of the rules and regulations of the Federal Communications Commission to provide a means for individuals possessing books of the Commission's rules and regulations to check the completeness thereof. This list brings the rules up to date as of April 1, 1947. Periodically, additional check lists will be issued as new amendments are made to the rules and regulations.

	Page Nos.	Amendment Nos.
Part 1 revised to 2-20-47 [1]	1-76	
	and	Mimeographed amendment No. 1-1.
Part 2 revised to 12-19-44	1-2	Original reprint.
	3-4	264.
	5-6, 6a	311.
	7-24	Original reprint.
	and	Notice (mimeograph No. 87214).
Part 3 revised to 10-5-40	VII-VIII	282.
	IX-X	282.
	XI-XII	284.
	XIII	284.
	1-2	Original reprint.
	3-4	40.
	5-6	312.
	7-8	82.
	8a	206.
	9-10	223.
	11-12	Original reprint.
	13-14	274.
	15-16	Original reprint.
	17-18	301.
	18a	246.
	19-20	Original reprint.
	21-22	107.
	22a-22b, 22c	202.
	23-26	301.
	27-34	282.
	34a-34d	282.
	34e-34f	296.
	34g-34h	296.
	34i-34j	313.
Part 3 revised to 10-5-40	34k-34l	282.
	35-36	282.
	36a	103.
	37-38	313.
	38a-38b	253.
	39-40	101.
	41-54	284.
	55-56	312.
	57-63	284.
	65-66	301.
	67-68	313.
	69-79	301.
	and	Mimeographed amendment No. 320.
		Mimeographed amendment No. 326.
		Mimeographed amendment No. 328.
Part 4 effective 9-10-46	1-41	Original print (mimeograph No. 97640).
Part 5 [2] effective 10-1-39	1-2	103.
	3-6, 6a	303.
	7-8, 8a	196.
	9-10	104.
	11-14	Original reprint.
Part 6 revised to 2-20-43	1-2, 2a	269.
	3-4, 4a	288.
	5-6	197.
	7-8	269.
	and	Mimeographed amendment No. 324.

[1] This edition is in the process of printing at the Government Printing Office and is scheduled to be available on Apr. 16, 1947. In the interim this text is available in the following issues of the FEDERAL REGISTER:
Sept. 11, 1946, page 177A-393.
Nov. 30, 1946, page 13972.
Dec. 5, 1946, page 14108.
Dec. 10, 1946, page 14196, 14197.
Dec. 19, 1946, page 14519, 14821.
Jan. 1, 1947, page 181.
Jan. 18, 1947, page 399.
Jan. 29, 1947, page 641.
Feb. 14, 1947, page 1058.
Mar. 11, 1947, page 1658.
Mar. 20, 1947, page 1879.

[2] Identical in text to Part 5 revised to Oct. 28, 1943, and supplemented by amendment No. 303.

	Page Nos.	Amendment Nos.
Part 7 [3] revised to 4-5-41	1-2	Original reprint.
	3-4	316.
	4a	127.
	5-8, 8a	233.
	9-10	Original reprint.
	10a-10b	116.
	11-14	316.
	15-16	90.
	17-20	77.
	21-22b	279.
	23-25	198.
Part 8 revised to 5-31-43	1-4	Original reprint.
	5-6	317.
	7-10a	234.
	11-12	Original reprint.
	13-16	317.
	16a	268.
	17-24	Original reprint.
	25-26	308.
	27-28a	Correction sheet No. 12.
	29-32	Original reprint.
	33-34	184.
	35-36	Original reprint.
	37-38	222.
	39-40	201.
	41-42	252.
	43-48	247.
	49-50	252.
	51-52b	247.
	52c-52b	252.
	52c-52d	247.
	53-54	280.
	55-56	Original reprint.
	57-58	280.
	59-60	Original reprint.
	61-62a	248.
	63-66	308.
	67-77	Original reprint.
	and	Mimeographed amendment No. 322.
Part 9 [4] revised to 11-1-42	1-2	Original reprint.
	3-4, 4a	304.
	5-6	Original reprint.
	7-8	145.
	8a	Correction sheet No. 13.
	9-10	191.
	11-12	304.
	13-14	Correction sheet No. 10.
	15-18	Original reprint.
	and	Mimeographed amendment No. 323.
Part 9 effective 5-1-47	1-25	Original print (mimeograph No. 5419).
Part 10 [5] revised to 10-16-44	1-4	Original reprint.
	5-6	290.
	7-8, 8a	273.
	9-12	309.
	13-22	Original reprint.
Part 11 effective 1-1-39	1-2	128.
	3-4	201.
	5-6	291.
	7-8	Original print.
	9-10	128.
Part 12 revised to 5-9-46	1-17	Original reprint.
	and	Mimeographed amendments Nos. 12-2, 12-3, 12-7, 12-8, and 12-9.
Part 13 effective 7-1-39	1-2	314.
	3-4	Original print.
	5-6	314.
	7-8	300.
	9-10	244.
	11-12	Original print.
	and	Mimeographed amendment No. 325.
		Mimeographed amendment No. 327.
Part 14 [6] revised to 4-2-42	1-7	Original reprint.
Part 15 revised to 5-26-43	IX	305.
	1-12	255.
	13-14, 14a	259.
	15-32	Original reprint.
Part 16 effective 12-31-45	1-8	Original print (mimeograph No. 99626).
	and	Mimeographed amendment No. 16-1.
Part 17 effective 9-12-46	1-18	Original print (mimeograph No. 97733).
	and	Mimeographed amendment No. 17-1.

Standards of Good Engineering Practice—Standard Broadcast

Revised to 6-1-44	1-76	Original reprint.
	77-92	[7] 26. Sunrise and Sunset Times revised effective 9-30-45. Secure mimeographed copy of revision from Service Division (mimeographed No. 85120).
	93-96	Original reprint.
	Figures 1-7	Do.
	Graphs 1-21	Original reprint and mimeographed amendment No. 321.

Standards of Good Engineering Practice—FM

Revised to 1-9-46	1-4, 4a	307.
	5-6	Original reprint.
	7-8	307.
	9-10	Original reprint.
	11-12	307.
	13-26	Original reprint.
	Figure 1	Do.
	Figure 3	Do.

Standards of Good Engineering Practice—Television

Effective 12-19-45	1-27	Original print (711234-46-1).
Part 31 revised to 10-25-40	1-2	Original reprint.
	3-4	139.
	5-6, 6a	72.
	7-10	Original reprint.
	11-12, 12a	232.
	13-16, 16a	47.
	17-20	Original reprint.
	21-22, 22a	265.
	23-24	Original reprint.
	25-26	129.
	27-30	Original reprint.
	31-34, 34a	266.
	35-38	Original reprint.
	39-40	270.
	40a-40b	221.
	41-50	Original reprint.
	51-52	139.
	53-54	Original reprint.
	55-56	129.
	57-58	215
	59-60	237.
	60a	266.
	61-62	Original reprint.
	63-64, 64a	216.
	65-84	Original reprint.
	85-90	129.
	91-92	Original reprint.
	93-94	129.
	95-97	Original reprint.

Telephone Accounting Bulletin No. 1

Sept. 8, 1942	1-4	Original reprint.
	5-6	267.
	7-10	Original reprint.
	11	267.

Standard Practices for the Establishment and Maintenance of Continuing Property Records by Telephone Companies

Revised to 1-25-45	1-4	260.
Part 32 effective 1-1-37	99-105	Original reprint.
Part 33 effective 1-1-39	1-36	Original print.
	37-38	258.
	39-48	Original print.
	49-50	130.
	51-52	Original print.
	53-54	217.
	55-75	Original print.
Part 34 effective 1-1-40	I-XIV	Do.
	XV-XVI	318.
	XVII	Original print.
	1-10	Do.
	11-14	318.
	15-96	Original print.
	97-98, 98a	218.
	99-100	Original print.
	101-102	318.
	103-104, 104a	239.
	105-108	Original print.
	109-110	318.
	111-114	Original print.
	115-116	318.
	117-122	Original print.
	123-124	318.
	125-130	Original print.
	131-134	318.
	135-155	Original print.
Part 35 effective 1-1-43	Cover page	Issued to show effective date as 1-1-43.
	XIII-XIV	319.
	XV-XVII	Original print.
	1-2, 2a	97.
	3-10	Original print.
	11-14	319.
	15-20	Original print.
	21-22	255.
	23-24	219.
	25-38	Original print.
	39-40	97.
	41-52	Original print.
	53-54	Corrected page distributed with notice dated 8-28-41 (mimeograph No. 83752).

[3] Identical in text to Part 7 revised to Sept. 30, 1945, and supplemented by amendment No. 316.
[4] To be superseded by new Part 9, adopted by the Commission effective May 1, 1947, mimeograph No. 5419.
[5] Identical in text to Part 10 revised to Feb. 6, 1946 and supplemented by amendment No. 309.
[6] Part 14 effective 12-5-38 plus amendment No. 118 is identical in text to Part 14 as reprinted revised to 4-2-42.

	Page Nos.	Amendment Nos.
Standard Practices for the Establishment and Maintenance of Continuing Property Records by Telephone Companies—Continued		
Part 35 effective 1-1-43	55-60	Original print.
	61-62	Correction sheet No. 7.
	63-64	Original print.
	65-66	255.
	67-72	Original print.
	73-74	97.
	75-76	271.
	77-108	Original print.
	109-116	319.
	117-118	Original print.
	119-120	319.
	121-122	Original print.
	123-124	319.
	124a	240.
	125-138	Original print.
	139-140	315.
	141-148	Original print.
	149-150	299.
	151-164	Original print.
	165-172	315.
Part 41 effective 8-11-39	1-2	31.
	3-4	Original print.
Standard Practices for the Establishment and Maintenance of Continuing Property Records by Telephone Companies—Continued		
Part 42 revised to 5-27-43	1-2, 2a-2b	302.
	3-18	Original reprint.
	19-22	302.
	22a	257.
	23-27	Original reprint.
Part 43 revised to 9-29-43	1-2	275.
	3-4	Original reprint.
	5-6	288.
	7-8	310.
	9-10	289.
Part 51 effective 7-25-44	1-8	Original print.
Part 52 effective 7-11-44	1-7	Do.
Part 61 revised to 8-1-46	1-13	Original reprint.
Part 62 effective 9-1-39	1-2	Original print.
	3-4	226.
Part 63 revised to 12-30-46	1-17	Original reprint.
Part 64 revised to 9-19-46	1-7	Original reprint (mimeograph No. 99866).
	FCC Form 338-A	Do
	FCC Form 339-A	Do
Part 65 effective 7-5-44	1-2	277.
	3	Original print.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3510; Filed, Apr. 11, 1947; 8:48 a. m.]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

ORDER FOR RESUMPTION OF HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of April, 1947,

It is ordered, On the Commission's own motion, that the hearing on the above-entitled cause be resumed on Monday, June 2, 1947, at 10:00 a. m. before Commissioner Hyde and such other Commissioners as may be able to attend the hearing.

It is further ordered, That following the closing of the record and before a report is issued by the Commission, all interested persons will be given a reasonable opportunity to file briefs before the Commission and to present oral argument before the Commission en banc.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3516; Filed, Apr. 11, 1947; 8:49 a. m.]

[Docket Nos. 7416 and 7812]

JAMES A. NOE AND KOLA BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of James A. Noe, Lake Charles, Louisiana, Docket No. 7416, File No. BP-3888; Kola Broadcasting Co., Opelousas, Louisiana, Docket No. 7812, File No. BP-4917; for construction permits.

The Commission having under consideration a petition filed March 27, 1947, by James A. Noe, Lake Charles, Louisiana, requesting a continuance until April 15, 1947, of the consolidated proceeding to be held on the above-entitled applications which is now scheduled for March 31, 1947, at Lake Charles, Louisiana;

It is ordered, This 28th day of March, 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock Tuesday, April 15, 1947, at Lake Charles, Louisiana.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3513; Filed, April 11, 1947; 8:48 a. m.]

[Docket Nos. 7834 and 8234]

WDEL, INC., AND WILMINGTON-TRI STATE BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of WDEL, Inc., Wilmington, Delaware, File No. BPH-177, Docket No. 7834; Wilmington-Tri State Broadcasting Company, Inc., Wilmington, Delaware, File No. BPH-1195, Docket No. 8234; for construction permits.

The Commission having under consideration a petition filed March 26, 1947, by WDEL, Inc., Wilmington, Delaware, requesting a 30-day continuance in the consolidated proceeding upon the above-entitled application which is presently scheduled for March 31, 1947 at Wilmington, Delaware;

It is ordered, This 28th day of March 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock, Tuesday, April 29, 1947, at Wilmington, Delaware.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3512; Filed, Apr. 11, 1947; 8:48 a. m.]

[Docket Nos. 7941 and 8167]

HILLSDALE BROADCASTING CO., INC., AND WOODWARD BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Hillsdale Broadcasting Company, Inc., Hillsdale, Michigan, Docket No. 7941, File No. BP-5281; Woodward Broadcasting Company, Detroit, Michigan, Docket No. 8167, File No. BP-5827; for construction permits.

The Commission having under consideration a petition filed March 27, 1947 by Woodward Broadcasting Company, Detroit, Michigan requesting a continuance until May 5, 1947 in the consolidated hearing to be held on the above-entitled applications which is presently scheduled for March 31, 1947;

It is ordered, This 28th day of March 1947, that the petition for continuance be, and it is hereby, granted in part; and the said consolidated hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock Monday, May 12, 1947, at Hillsdale, Michigan.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3517; Filed, April 11, 1947; 8:49 a. m.]

[Docket No. 8067]

MIDLAND BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Midland Broadcasting Company, Kansas City, Missouri, for construction permit; Docket No. 8067, File No. BP-5154.

The Commission having under consideration a petition filed March 26, 1947, by Midland Broadcasting Company, Kansas City, Missouri, requesting a continuance of two weeks in the proceeding to be held on the above-entitled application now scheduled to commence April 2, 1947, at Washington, D. C.;

It is ordered, This 28th day of March 1947 that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock Monday, April 14, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3514; Filed, Apr. 11, 1947; 8:49 a. m.]

[Docket Nos. 6913 and 8160]

PRESQUE ISLE BROADCASTING CO. AND WLEU BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Presque Isle Broadcasting Company (WERC), Erie, Pennsylvania, for modification of Broadcast license, Docket No. 8160, File No. BS-1128; WLEU Broadcasting Company, Erie, Pennsylvania, for construction permit; Docket No. 6913, File No. BP-4115.

The Commission having under consideration a petition filed March 19, 1947 by Presque Isle Broadcasting Company (WERC), Erie, Pennsylvania, requesting a continuance in the hearing presently scheduled for April 16, 1947 in the proceeding upon the show cause order of the above-entitled applications;

It is ordered, This 28th day of March 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to Wednesday, May 28, 1947 at Washington, D. C.

By the commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3511; Filed, Apr. 11, 1947; 8:48 a. m.]

[Docket Nos. 8263 and 8264]

SKY BROADCASTING SERVICE (KSKY) AND WESTERN OKLAHOMA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of A. L. Chilton, Lenore H. Chilton and James Ralph Wood, d/b as Sky Broadcasting Service (KSKY) Dallas, Texas, Docket No. 8263, File No. BP-3966; Western Oklahoma Broadcasting Company, Clinton, Oklahoma, Docket No. 8264, File No. BP-5321; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the following matters:

(1) The application of Western Oklahoma Broadcasting Company for a construction permit for a new standard broadcast station to be operated at Clinton, Oklahoma, on 670 kc, with 250 w power, daytime only; (File No. BP-5321);

(2) The application of A. L. Chilton, Lenore H. Chilton and James Ralph Wood, d/b as Sky Broadcasting Service (KSKY), for a construction permit to increase the power of Station KSKY, operating daytime only on 660 kc at Dallas, Texas, from 1 kw to 50 kw (File No. BP-3966); and

(3) A petition filed by Sky Broadcasting Service (KSKY) on March 6, 1947, requesting that the said application of Western Oklahoma Broadcasting Company above be designated for a hearing and that the petitioner be allowed to participate therein to the extent of opposing a grant of the said application of Western Oklahoma B/C Co.; and

It appearing, that the said application of Sky Broadcasting Service (KSKY), since it proposes an operation more than 750 miles from the dominant station on the frequency 660 kc., has been placed in the pending files pursuant to the Commission's public notice of June 21, 1946, to await the conclusion of the clear channel hearing (Docket No. 6741), but that the said application of Western Oklahoma Broadcasting Company proposes an operation less than 750 miles from the dominant station on the frequency 670 kc. and therefore could be considered on its merits and granted without awaiting the outcome of the said clear channel hearing were it not for objectionable interference which would result between the operation proposed therein and the proposed operation of KSKY;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the aforesaid applications of Western Oklahoma Broadcasting Company (File No. BP-5321) and of Sky Broadcasting Service (KSKY) (File No. BP-3966) be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission: *Provided, however*, That if, as a result of the consolidated hearing, it appears that, were it not for the issues pending in the clear channel hearing (Docket No. 6741) and the Commission's policy pertaining thereto as announced in the public notice of June 21, 1946, the public interest would best be served by a grant of the said application of Sky Broadcasting Service (KSKY), then the said KSKY application will be returned to the pending files until after the conclusion of the said clear channel hearing; and,

It is further ordered, That the said applications be heard upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants, and of the officers, directors and stockholders of the corporate applicant to construct and operate their respective stations as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether such service would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, in view of the foregoing action, the aforesaid petition of Sky Broadcasting Service (KSKY) be, and it is hereby, dismissed.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3515; Filed, Apr. 11, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 620, Special Permit 2]

LIGHT WEIGHING OF CARS LOADED WITH IMPORTED VEGETABLE OILS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the lightweighing:

At its Edgewater Terminal Yard by the New York, Susquehanna and Western Railroad Company (Henry K. Norton, Trustee), or by The New York Central Railroad Company on the scales located at the north end of its Weehawken Yard only, of tank cars to be loaded with imported vegetable oils by The United Africa Company at its Gutenberg Plant at Weehawken, N. J., provided the said company surrenders a written order for the lightweighing on which it certifies that the car ordered to be lightweighed will be loaded only with imported vegetable oils.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice

of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3474; Filed, April 11, 1947; 8:47 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-1]

EDITH MIRSKY

CONSENT ORDER

Edith Mirsky is the owner of the property located at 71 Alexander Street, Yonkers, N. Y. She is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about December 16, 1946 she began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 71 Alexander Street, Yonkers, N. Y.; (2) on and after December 16, 1946, she carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 71 Alexander Street, Yonkers, N. Y.

Edith Mirsky admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Edith Mirsky, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Edith Mirsky, her successors and assigns, nor any other person shall do any further construction on the premises located at 71 Alexander Street, Yonkers, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of Housing Expediter.

(b) Edith Mirsky shall refer to this order in any application or appeal which she may file with the Office of Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Edith Mirsky, her successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3547; Filed, Apr. 10, 1947; 8:07 p. m.]

[C-2]

PAQUMA, INC.

CONSENT ORDER

Paquma, Inc. is a corporation engaged in real estate and building construction in Miami, Florida. Subsequent to March 26, 1946, it, as owner, and Giller Contracting Co., Inc., as contractor, began the construction of a building or buildings to be used for commercial purposes and known as 1920 to 1940 S. W. 8th Street, in the City of Miami, Florida, at an estimated cost in excess of the $1,000 exemption provided for in Veterans' Housing Program Order 1 and in violation of said order.

Paquma, Inc. and Giller Contracting Co., Inc. admitted the violation as charged and, although denying wilfulness, do not care to contest this issue, and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Paquma, Inc., Giller Contracting Co., Inc., the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Paquma, Inc., Giller Contracting Co., Inc., or either of its or their successors or assigns, nor any other person, shall do any further construction on the premises known as 1920-1940, inclusive, S. W. 8th Street, Miami, Florida, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Paquma, Inc. and/or Giller Contracting Co., Inc. shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Paquma, Inc., or Giller Contracting Co., Inc., its or their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3548; Filed, Apr. 10, 1947; 3:07 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-53, 54-40, 54-144, 54-156, 59-40, 59-49]

CENTRAL PUBLIC UTILITY CORP. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of April A. D., 1947.

In the matters of Central Public Utility Corporation, applicant, File No. 54-156; Central Public Utility Corporation, applicant, File No. 54-144; Consolidated Electric and Gas Company, applicant, File No. 54-40; Central Public Utility Corporation, Consolidated Electric and Gas Company, respondents, File No. 59-40; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, applicants, File No. 54-53; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, respondents, File No. 59-49.

Notice is hereby given that Central Public Utility Corporation ("Central Public"), a registered holding company, has filed an application with this Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (this being the second plan filed with the Commission by Central Public, pursuant to section 11 (e) of the act and will hereinafter be referred to as "Second Plan").

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Central Public proposes to cause Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a direct subsidiary of Central Public, to transfer the common stock of Atlanta Gas Light Company ("Atlanta"), all of which is now owned by Consolidated, in exchange for the publicly held preferred stock of Consolidated in full satisfaction and discharge of the claims and rights of said publicly held preferred stock.

As at December 31, 1946, Consolidated's capitalization consisted of $10,750,000 principal amount of notes payable to various banks bearing interest at 2¼% per annum and maturing November 29, 1948; 183,719 shares of $6 Cumulative preferred Stock of which 68,856 shares are owned by Central Public and 114,863 shares are owned by the public; 1,480,000 shares of Class "A" Non-Cumulative Stock, par value $1 per share and liquidation preference $25 per share (all owned by Central Public); and 1,000,000 shares of common stock, par value $1 per share (all owned by Central Public). As at December 31, 1946, dividend arrears applicable to the preferred stock amounted to $85.85 per share on the 114,107 shares issued in August 1932; $84 per share on the twelve shares issued in February 1933; and $7.50 per share on the 744 shares issued in 1945. As at the same date Consolidated owned and controlled directly and indirectly seventeen subsidiary companies, including Atlanta.

In connection with carrying out Second Plan, Central Public is to undertake to have Consolidated or Atlanta effectuate the following transactions:

(a) Increase Atlanta's authorized common stock from 250,000 shares to 1,000,000 shares and reclassify its presently outstanding common stock from

240,145 shares, par value $25 per share, to 802,553 shares, par value $10 per share;

(b) Increase Atlanta's common stock capital account from $6,003,625 to $8,025,530 by transferring thereto from Atlanta's capital surplus account $207,092 and from its earned surplus account $1,814,813;

(c) Modify the charter of Atlanta, among other things, to provide for cumulative voting and limited preemptive rights to the common stock, to establish certain limitations with respect to the payment of dividends on said common stock in the event the common equity is reduced to certain specified ratios, and to provide for the election of a new Board of Directors for Atlanta;

(d) The distribution to the public holders of the 114,863 shares of Consolidated's $6 Cumulative Preferred stock, and in exchange for their holdings of said preferred stock of Consolidated, of the 802,533 shares of Atlanta's new common stock on the basis of 7 shares of said common stock of Atlanta for each share of preferred issued originally in August 1932 or February 1933 and 5 shares of new common stock of Atlanta for each share of $6 Cumulative preferred stock issued originally in December 1945 (there being only 744 shares of such stock outstanding).

By the terms of Second Plan, Consolidated is to be caused to secure the release of Atlanta's common stock from the lien securing Consolidated's present bank loan (if Atlanta's stock is still subject to such lien) and deliver the certificate or certificates representing the 802,553 shares of such stock, assigned in blank, to an agent to be selected by Central Public, with the approval of the Commission, this agent to act both as distribution agent and as Atlanta's transfer agent. Upon the day following the day of delivery of Atlanta's common stock to said agent, distribution of said stock to the public holders of the preferred stock of Consolidated is to commence and will continue until terminated by the agent. The termination date is to be not earlier than twenty-three months after the date of the original delivery to the agent of the certificates representing Atlanta's common stock nor more than twenty-six months after such delivery. During the period of distribution, the distributing agent, among other things, will hold the shares of Atlanta's common stock not distributed for the account of the owners of $6 Cumulative Preferred Stock of Consolidated other than Central Public; accept the surrender of such $6 Cumulative preferred stock certificates in exchange for Atlanta's common stock; record in the name of each public owner at the time he shall surrender his certificate or certificates with respect to the $6 Cumulative Preferred Stock of Consolidated the number of shares of Atlanta's common stock to which he is entitled and concurrently issue to him a certificate or certificates representing Atlanta's shares so recorded; and deliver the surrendered certificates of $6 Cumulative Preferred Stock of Consolidated to or in accordance with the order of Consolidated or its successor.

Second Plan provides that "not earlier than two years, and not later than twenty-six months after delivery of Atlanta's common stock the distributing agent will sell in such manner and at such price as the agent, if it shall be a bank or trust company shall, in its sole discretion determine, otherwise at public auction or in such different manner as the Commission may permit, all of the then undistributed shares of such common stock." The fund realized from this sale together with any money received from Consolidated (under circumstances hereinafter described) or from Atlanta as dividends applicable to its common stock held by the agent is to become a trust fund for the benefit of the holders of unexchanged shares of preferred stock of Consolidated. Upon presentation of their certificates these holders may receive their pro rata share of the trust fund. The trustee of the fund is to be the distributing agent, if it shall be a bank or trust company, otherwise a bank or trust company to be selected by the agent.

Upon the delivery by Consolidated to the distributing agent of Atlanta's common stock, Consolidated will lose all of its rights and incidents of ownership and the public owners will become and be the beneficial owners of all of the shares of Atlanta's outstanding stock. The public owners of the $6 Cumulative Preferred Stock of Consolidated will lose all of their rights and incidents of ownership of such preferred stock except that they will have the right to receive the shares of Atlanta's common stock and the monies and dividends, if any, to which they are entitled under the provisions of Second Plan. Consolidated's Certificate of Incorporation is to be amended to extinguish all of the shares of its preferred stock excepting only those shares that are owned by Central Public by reducing its authorized and outstanding preferred stock from 400,000 shares and 183,719 shares, respectively, to 68,856 shares.

Prior to delivery to the distributing agent of Atlanta's common stock, Atlanta is to declare and pay to Consolidated current dividends for the period from December 31, 1946 to the date of delivery in an aggregate amount of not less than $450,000. Consolidated will retain for its own use from such dividends the sum of $450,000. In the event that these aggregate current dividends exceed $450,000, then upon delivery of Atlanta's common stock, Consolidated will pay to the distributing agent a sum equal to such excess. The agent will accept and hold such sum for the account of and for distribution to the public owners of Consolidated's $6 Cumulative Preferred Stock.

Furthermore, prior to delivery of Atlanta's common stock, if Atlanta's net tax liability for Federal income and excess profits taxes for the years 1941 through 1945 shall have been finally determined and settled and Atlanta's net liability for such taxes shall not equal or exceed the sum of $881,634.13 (the aggregate of the accruals now on Atlanta's books for such taxes), Atlanta will declare and pay to Consolidated and Consolidated will retain for its own use as a special dividend 50% of the amount by which said accruals plus any tax refund exceed the tax liabilities as so determined and settled. In the event that such special dividend shall not be paid by reason of the fact that Atlanta's liability for Federal income and excess profits tax for the years 1941-1945 inclusive shall not have been finally determined and settled prior to the delivery of Atlanta's common stock, then prior to such delivery, Atlanta will pay to Consolidated $881,634.13 plus an amount equal to all refunds theretofore repaid to Atlanta and it will agree to pay to Consolidated all refunds of such taxes together with interest thereon thereafter repaid to it and Consolidated will agree to pay all now unpaid Federal income and excess profits taxes which shall be payable by Atlanta for the years 1941-1945 inclusive with interest and penalties thereon (Consolidated reserving the right to require Atlanta to contest any tax claims). Furthermore, Consolidated will undertake to indemnify Atlanta for any now unpaid Federal income and excess profits taxes and interest and penalties thereon for said period and to repay to Atlanta upon the settlement of these tax obligations a sum equal to 50% of the total of the sums paid by Atlanta to Consolidated or 50% of the excess of such total over the aggregate amount of Atlanta's taxes as finally determined and paid, whichever shall be the smaller amount.

The effectuation of Second Plan is subject to the following conditions:

(a) The Commission shall have approved Second Plan and transactions embraced therein;

(b) The Commission upon request of applicant shall have instituted a proceeding in a court of competent jurisdiction pursuant to sections 11 (e) and 18 (f) of the act and such court shall have entered a decree or order to enforce and carry out the terms of Second Plan;

(c) The order or orders of the Commission shall recite that the relevant transactions of Second Plan are necessary or appropriate to the integration or simplification of the Holding Company System of which Central Public and Consolidated are parts and necessary or appropriate to effectuate the provisions of section 11 (b), all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof; and

(d) Authorization satisfactory to counsel for Central Public and counsel for Consolidated shall have been given for the carrying out of any provision of Second Plan by any regulatory commission, the consent of which is in the opinion of such counsel legally necessary.

In connection with Second Plan, Central Public undertakes to cause Consolidated to pay all fees, expenses and other remuneration in such amounts as shall be approved by the Commission for services rendered, or expenses incurred or to be incurred in connection with the proceedings before the Commission, having File Nos. 54-40, 59-40 (in so far as such proceedings involve Consolidated) and 54-144 and in connection with Second Plan and the transactions incident thereto.

There are now pending with this Commission consolidated proceedings under sections 11 (b) (1), 11 (b) (2) and 11 (e) of the act, involving the Voting Trustees for the common stock of Central Public, Central Public and Consolidated. These consolidated proceedings bear File Nos. 54–144, 54–40, 59–40, 54–53 and 59–49. It appears to the Commission that the proceedings with respect to Second Plan designated as File No. 54–156 involve questions of law and fact common to the consolidated proceedings now pending with the Commission and that a substantial saving of time and expense will result if the evidence and testimony adduced in said prior consolidated proceedings, are considered in connection with the issues raised by said Second Plan.

It is hereby ordered, That the proceeding under section 11 (e) of the act with respect to Second Plan designated as File No. 54–156 and the pending consolidated proceedings under sections 11 (b) (1), 11 (b) (2) and 11 (e) of the act and embraced in File Nos. 54–144, 54–40, 59–40, 54–53 and 59–49 be, and the same hereby are, consolidated and the records in said prior consolidated proceedings be, and hereby are, incorporated into the record of the proceeding with respect to Second Plan, subject, however, to the Commission's right, upon its own motion or the motion of any interested party, to strike such portion of the record in respect of said consolidated proceeding designated as File Nos. 54–144, 54–40, 59–40, 54–53 and 59–49 as may be deemed irrelevant to the issues raised by said Second Plan.

It is further ordered, That a public hearing be held under the applicable provisions of the act and rules and regulations promulgated thereunder at 10 a. m., e. s. t., on the 21st day of April 1947 at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the Hearing Room Clerk in Room 318 before the Trial Examiner heretofore designated to preside in the prior consolidated proceedings. All persons desiring to be heard or otherwise to participate in the proceedings who are not now parties to the pending proceedings should notify the Commission in the manner provided by Rule XVII of its rules of practice, on or before April 17, 1947.

Notice is hereby given of said consolidated hearing to the above-named applicants and respondents and to all interested persons, said notice to be given to said applicants, respondents, all perons who have participated in the proceedings involving the first Plan of Central Public (File No. 54–144), and to the Public Service Commission of Georgia by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of this Commission, copies of which are to be furnished to the press and mailed to all persons on the Commission's mailing list to receive copies of releases under the Public Utility Holding Company Act of 1935.

It is further ordered, That Central Public and Consolidated give additional notice of said hearing by publication in appropriate form of a notice at least twice at intervals of not less than five days in a newspaper of general circulation in each of the cities of New York, New York, Chicago, Illinois and San Francisco, California, the last publication to occur not later than five days prior to April 21, 1947, and that Consolidated notify its preferred stockholders, to the extent that their addresses are known or are available to Consolidated, by mailing a copy of this notice and order to said security holders not later than ten days prior to April 21, 1947.

It is further ordered, That without limiting the scope of the issues presented in the consolidated proceeding particular attention shall be directed at the hearing, in addition to issues 1 through 10 inclusive, set forth in this Commission's order of April 18, 1946, and published in Holding Company Act Release No. 6562, to the following matters and questions:

1. Whether Second Plan as presently filed, or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to all persons affected thereby;

2. Whether the transfer of the new common stock of Atlanta to the public holders of Consolidated's $6 Cumulative Preferred Stock and the allocation in the manner proposed among these preferred stockholders is in all respects fair and equitable to said security holders and if not what apportionment and allocation thereof would be fair and equitable;

3. Generally whether the transactions proposed in Second Plan are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and of the rules thereunder, including the proposals as to the following matters:

(a) The reclassification of the common stock of Atlanta in the manner proposed;

(b) The establishment of a distribution agent for the common stock of Atlanta in the manner proposed;

(c) The establishment of a trust fund with respect to the shares of Atlanta common stock not exchanged in the manner proposed; and

(d) The payments of regular and special dividends and the undertaking with respect to Federal income and excess profits taxes in the manner and for the purposes proposed.

4. Whether, and in what manner, Second Plan should be modified to ensure adequate protection of the public interest and the interest of investors and consumers and compliance with all applicable provisions of the act and rules thereunder.

It is further ordered, That jurisdiction be, and it is hereby reserved to separate either for hearing in whole or in part or for determination in whole or in part any issues or questions which may arise in these proceedings or to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–3469; Filed, Apr. 11, 1947; 8:48 a. m.]

[File Nos. 54–155, 54–9, 59–2]

AMERICAN GAS AND ELECTRIC CO. ET AL.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 7th day of April A. D. 1947.

In the matter of American Gas and Electric Company, File No. 54–155; American Gas and Electric Company, Atlantic City Electric Company, Deepwater Operating Company, South Pennsgrove Realty Company, File Nos. 54–9; 59–2.

American Gas and Electric Company ("American Gas"), a registered holding company having filed an application and amendment thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan providing for the disposition of its interest in its South Jersey System which consists of Atlantic City Electric Company ("Atlantic City"), and its subsidiaries Deepwater Operating Company ("Deepwater"), and South Pennsgrove Realty Company ("South Pennsgrove") by the sale at competitive bidding of 522,416 shares of the common stock of Atlantic City and the disposition of the remaining 627,584 shares of such stock as dividends to the common stockholders of American Gas commencing with the dividend date June 15, 1947, and terminating with the dividend date December 15, 1948; the issuance of scrip certificates in connection with such dividend distribution; the transfer by American Gas to Atlantic City of the note of Pennsgrove in the principal amount of $16,000 for a like amount of cash plus accrued interest; the transfer of certain real estate to Atlantic City by Franklin Real Estate Company, a subsidiary of American Gas; and certain related transactions; and

American Gas having heretofore filed an application for extension of time to comply with the order of the Commission of December 26, 1945, directing it to dispose of its interest in Atlantic City; and

A public hearing having been held on the proposed plan as amended after appropriate notice, and the Commission having considered the record and having this day entered its findings and opinion herein approving said amended plan and the transactions therein; and

The Commission finding that the foregoing transactions are necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are fair and equitable to the persons affected thereby; and

It appearing to the Commission that it is appropriate to grant the extension of time requested by American Gas for compliance with the order of the Commission dated December 26, 1945; and

American Gas having requested that the order of the Commission conform to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended, and contain the findings therein specified; and

American Gas having requested that the ten-day minimum period for reception of competitive bids prescribed by

Rule U-50 be reduced to a minimum of eight days:

It is ordered, That pursuant to the applicable provisions of the act and the rules thereunder, the said plan of American Gas as amended, be, and the same hereby is, approved, effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the following additional conditions:

(1) That the proposed sale of the common stock of Atlantic City shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all legal fees and expenses to be paid in connection with said plan.

It is further ordered, That the request of American Gas for an extension of time for compliance with our order of December 26, 1945, be, and the same hereby is, granted; and

It is further ordered, That the ten-day period for reception of bids with respect to the common stock proposed to be sold, prescribed by Rule U-50, be, and the same hereby is reduced to a period of eight days.

It is further ordered and recited, That the transactions proposed in the plan namely, (a) the transfer, pursuant to the sale by American Gas, through competitive bidding, of 522,416 shares of the common stock of Atlantic City; (b) the transfer, pursuant to the distribution by American Gas to its common stockholders in connection with the proposed dividend policy provided in the plan, of 627,584 shares of the common stock of Atlantic City; (c) the issuance by American Gas of scrip certificates for fractions of shares of the common stock of Atlantic City in connection with the proposed dividend policy of American Gas provided in the plan; (d) The transfer to American Gas by the scrip agent upon the termination of the rights of the holders of outstanding scrip certificates of the cash allocable to such scrip certificates, as provided in the plan; and (e) The purchases and sales of scrip certificates and Stock Certificates by the scrip agent in accordance with the plan, are necessary and appropriate to the integration and simplification of the holding company system of which American Gas is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–3470; Filed, April 11, 1947; 8:48 a. m.]

No. 73——4

[File Nos. 59–86, 54–148]

PUBLIC SERVICE CORP. OF NEW JERSEY ET AL.

NOTICE OF FILING OF AMENDMENT TO PLAN AND ORDER RECONVENING HEARINGS IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of April 1947.

In the matter of Public Service Corporation of New Jersey, and its subsidiary companies, and The United Corporation, File No. 59–86; Public Service Corporation of New Jersey, File No. 54–148.

The Commission, on June 12, 1946, entered an order instituting proceedings (File No. 59–86) under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to Public Service Corporation of New Jersey (Public Service), a registered holding company, and all of its subsidiaries, and in said order named The United Corporation (United), also a registered holding company, as party to the proceedings. The proceedings instituted by said order were directed to a determination of what action and steps, if any, are necessary to be taken by United and Public Service and its subsidiaries or by any of them to effectuate compliance by Public Service or any of its subsidiaries with the provisions of sections 11 (b) (1) and 11 (b) (2).

Public Service, on August 15, 1946, filed an application, pursuant to section 11 (e) of the act (File No. 54–148), for approval of a plan stated to effectuate compliance with section 11 (b) of the act. Said plan was previously described in the notice of and order for hearing and consolidation of the proceedings on the plan with those instituted by the Commission under section 11 (b) (Holding Company Act Release No. 6883). The plan provided for its implementation by further amendments regarding chiefly the dividend and conversion rate and number of shares of Preference Common Stock of Public Service's principal utility subsidiary which were proposed to be exchanged for the several classes of Preferred Stock of Public Service upon the dissolution of Public Service. Hearings were held from time to time in connection with said consolidated proceedings and evidence presented. Said hearings were adjourned subject to the call of the trial examiner to afford Public Service opportunity to prepare and file a definitive amendment to said plan.

Notice is hereby given that Public Service has filed an amendment to the above-mentioned and previously described plan. All interested persons are referred to said amended plan, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Upon completion of the steps hereinafter set forth, Public Service proposes to liquidate and dissolve by transferring its assets to Public Service Electric and Gas Company (Electric and Gas), its principal utility subsidiary, and causing that company to assume the liabilities of Public Service.

(1) Electric and Gas will retire all of its $5 Cumulative Preferred Stock outstanding in the hands of the public by redemption at $110 per share plus accrued dividends.

(2) Electric and Gas will issue $18,195,610 principal amount of unsecured non-callable 50-year 6% Debenture Bonds which will be exchanged, on a dollar for dollar basis, for all the publicly held 6% Perpetual Interest Bearing Certificates of Public Service which are outstanding in like principal amount.

(3) Electric and Gas will reclassify the common stock, all of which is owned by Public Service, into preference common stock and regular common stock. The dividend preference common stock will be limited to cumulative dividends of $1.40 per annum; it will be entitled to a preference over the regular common stock in respect of such dividends and each share of such dividend preference common stock will be convertible (at the option of the holder), during the first three years following the effective date of the plan into one share of regular common stock; during the next succeeding three years into seven-eighths of a share of regular common stock; during the next succeeding years into three-fourths of a share of common stock; and during the following three years into two-thirds of a share of common stock; thereafter the conversion privilege will terminate. Holders of the dividend preference common stock shall have no preemptive rights but in all other respects will have the same rights and privileges as the regular common stock: *Provided, however*, That to effect a voluntary liquidation of the corporation the consent of at least a majority of the dividend preference common stockholders must be obtained.

(4) Public Service will exchange shares of the $1.40 Dividend Preference Common Stock of Electric & Gas for each share of the several classes of preferred stock in the hands of the public on the following bases:

	$1.40 dividend preference common stock
8% cumulative preferred stock	4.5 shares
7% cumulative preferred stock	3.9 shares
6% cumulative preferred stock	3.4 shares
$5 cumulative preferred stock	3.1 shares

For each share of the common stock of Public Service in the hands of the public, there will be exchanged one share of the regular common stock of Electric & Gas and one-tenth of a share of the common stock of South Jersey Gas Company (See paragraph 6 below).

(5) The charter of Public Service Coordinated Transport (Transport) will be amended to reclassify its outstanding 487,479 shares of preferred stock, all of which is owned by Public Service, into a like number of shares of common stock which will be acquired by Electric & Gas upon the dissolution of Public Service. All existing shares of common stock of Transport will be cancelled and the

stated value thereof transferred to capital surplus.

(6) Public Service will cause its subsidiary, The Atlantic City Gas Company (with which company Peoples Gas Company has been merged and to which Public Service has made a capital contribution of $5,000,000, all subsequent to the date of the filing of the original plan), to change its name to The South Jersey Gas Company.

(7) The stock and indebtedness of County Gas Company held by Public Service will be sold or otherwise disposed of by it.

(8) Electric and Gas will restate its Gas Utility Plant and classify $44,744,603 in Utility Plant Acquisition Adjustments—Gas (Account 100.5) and on the effective date of the plan $30,000,000 of such amount will be charged to Capital Surplus and the balance will be amortized at the rate of at least $500,000 a year through charges to Income Deductions, Earned Surplus or Capital Surplus, as the company may elect.

On the effective date of the Plan, Transport will restate its fixed capital account to eliminate $33,296,464 of intangibles by charging $33,216,720 to Capital Surplus (being the amount of such surplus created by the surrender of the common stock) and the balance to Earned Surplus.

(9) Persons entitled to receive Debenture Bonds of Electric & Gas in a principal amount less than $100 or to receive less than a full share of Electric & Gas $1.40 Dividend Preference Common Stock or South Jersey Gas Company common stock will receive transferable scrip in lieu of such fractional interests. Scrip for fractional interests in Debenture Bonds will be redeemed at the principal amount or exchanged for such bonds if presented in units of $100 principal amount or any multiple thereof. Scrip for fractional interests in the foregoing stocks will be exchanged for such stocks when presented in units aggregating one or more full shares.

(10) All exchanges of Perpetual Interest Bearing Certificates, preferred and common stocks of Public Service and exchanges or redemption of Electric & Gas transferable scrip must be made within five years from the effective date of the plan at the expiration of such time such unexchanged or unredeemed securities will be void and of no value.

The consummation of the plan is subject to all necessary approvals by the Board of Public Utility Commissioners of the State of New Jersey, this Commission and the United States Court having jurisdiction with respect thereto.

It appearing to the Commission that the hearings in connection with the consolidated proceedings herein should be reconvened for the purpose of adducing further evidence and affording further opportunity to all interested persons to be heard:

It is ordered, That the hearings in the consolidated proceedings be held on the 27th day of May 1947, at 10:00 a. m., e. d. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That any persons not heretofore having appeared in these proceedings and now desiring to be heard or proposing to intervene herein shall file with the Secretary of this Commission, on or before May 23, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the amended plan and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice to its specifying additional matters and questions upon further examination:

(1) What steps are necessary to be taken by United, Public Service and the subsidiaries of Public Service to ensure that the corporate structure, or the continued existence of any company in the holding company system of Public Service does not unduly or unnecessarily complicate the structure of, or unfairly and inequitably distribute the voting power among the security holders, of the holding company system of Public Service or of United.

(2) What action is necessary to be taken by United, Public Service and/or its subsidiaries to limit the operations of the holding company system of Public Service to a single integrated public utility system and such additional utility systems, or other businesses, as are retainable by Public Service under the standards of section 11 (b) (1) of the act.

(3) Whether the proposed Amended Plan, as submitted or as hereafter further amended, is necessary to effectuate the provisions of section 11 (b) of the act.

(4) Whether the proposed Amended Plan, as submitted or as hereafter further amended, is fair and equitable to the persons affected thereby.

(5) Whether the securities proposed to be issued meet the applicable statutory standards, and, in particular, without limiting the generality of such issue, whether the 50-year 6% Debentures and $1.40 Dividend Preference Common Stock proposed to be issued by Electric and Gas (if they will have been authorized by the Board of Public Utility Commissioners of the State of New Jersey) are solely for the purpose of financing the business of Electric and Gas, or if not, whether they meet with applicable standards of section 7.

(6) Whether the sale or other disposition of the County Gas Company can be permitted prior to recapitalizing said company so as to fairly and equitably distribute its voting power among the several classes of its securities.

(7) Whether the proposed acquisition by Electric and Gas of the securities of Transport is in conformity with the standards of section 10, and not detrimental to the carrying out of the provisions of section 11.

(8) Whether the accounts of the several subsidiaries of Public Service as they are proposed to be stated will be in accord with accepted accounting principles and will meet the applicable statutory standards.

(9) Generally, whether the transactions proposed in the Amended Plan comply with all the requirements of the applicable provisions of the act and the rules promulgated thereunder.

(10) What fees and expenses should be paid in connection with the consummation of the Amended Plan and all transactions incidental thereto.

(11) Whether, if the Amended Plan, as proposed or as hereafter further amended, is approved by the Commission, it is appropriate in the public interest or in the interests of investors or consumers that any terms or conditions be imposed in connection with such approval, and, if so, what such terms and conditions should be.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to be consolidated with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved; and

It is further ordered, That notice of this hearing be given by registered mail to Public Service and its subsidiaries, United, the Board of Public Utility Commissioners of the State of New Jersey, and the Federal Power Commission and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Public Service shall give further notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to Public Service) by mailing to each of said persons a copy of this notice and order for hearing, to his last known address, at least 30 days prior to the date of this hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3471; Filed, Apr. 11, 1947; 8:49 a. m.]

[File No. 70-1459]

UNION ELECTRIC CO. OF MISSOURI

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of April 1947.

Union Electric Company of Missouri (Missouri Union), a registered holding company and a subsidiary of The North American Company, also a registered holding company, having filed with the Commission a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 (the act) and Rule U-45 promulgated thereunder regarding the proposal by Missouri Union to advance on open account, with interest at 2% per annum, up to the sum of $250,000 to its indirect non-utility subsidiary Union Colliery Company (Colliery) for the purpose of enabling its subsidiary to meet payments due on equipment for the operation of its new coal mine:

Said declaration having been filed on February 13, 1947, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under the act, and the Commission not having received a request for hearing with respect to the declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the provisions of sections 12 (b) and 12 (f) of the act and Rule U-45 promulgated pursuant thereto are satisfied and that no adverse findings are necessary thereunder.

It is hereby ordered, Pursuant to Rule U-23 that said declaration be and the same is hereby permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3473; Filed, Apr. 11, 1947; 8:49 a. m.]

[File No. 811-265]

TRUST SHARES OF AMERICA

NOTICE OF MOTION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of April A. D. 1947.

Notice is hereby given that the Corporation Finance Division of the Commission, having reasonable cause to believe that Trust Shares of America, a unit investment trust registered under the Investment Company Act of 1940 has ceased to do business, liquidated its assets and distributed or set aside the proceeds thereof for distribution to its certificate holders, will move pursuant to section 8 (f) of the act for an order declaring that Trust Shares of America has ceased to be an investment company within the meaning of the act and terminating its registration thereunder.

It appears that Trust Shares of America was terminated on December 31, 1940 in accordance with the terms of the trust agreement dated July 1, 1930, by and between Distributors Guild, Inc., Depositor, and Central Hanover Bank and Trust Company, Trustee, and the holders from time to time of certificates for Trust Shares of America. It appears further that the trustee has liquidated the assets of Trust Shares of America and holds the cash therefrom on deposit in a Termination Account for distribution to certificate holders.

The Corporation Finance Division has advised the Commission that upon preliminary examination, it deems the following issues to be raised without prejudice to the specification of additional issues upon further examination:

(1) Whether Trust Shares of America has ceased to be an investment company within the meaning of the act, and

(2) Whether it is necessary for the protection of investors to condition any order terminating its registration under the act.

It appearing to the Commission that a public hearing is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid motion be held on April 24, 1947, at 9:30 a. m., eastern standard time, in Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Robert P. Reeder, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice, as amended.

Notice of such hearing is hereby given to Trust Shares of America, Central Hanover Bank and Trust Company, Distributors Guild, Inc., and to any person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Persons desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before April 22, 1947, an application therefor in accordance with the provisions of Rule XVII of the rules of practice of the Commission, as amended, setting forth the matters or issues of law or fact mentioned above which he desires to controvert and any additional issues he deems raised by the proceeding.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3472; Filed, Apr. 11, 1947; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7961, Amdt.]

VERMOEGENSVERWALTUNG UND ABWICKLUNGSSTELLE G. M. B. H.

In re: Debt, bank accounts, certificates of deposit, stocks and bonds owned by Vermoegensverwaltung und Abwicklungsstelle G. m. b. H.

Vesting Order 7961, dated January 7, 1947, is hereby amended as follows and not otherwise:

a. By deleting the word "Davidson" from line two of clause h. of subparagraph 2 of said Vesting Order 7961 and substituting therefor the word "Davison", and

b. By deleting from Exhibit B of said Vesting Order 7961, attached thereto and by reference made a part thereof, the certificate numbers "N 28886 to N 28899 inclusive," set forth with respect to fourteen (14) notes of the National Railways of Mexico, and substituting therefor the certificate numbers "N 886 to N 899 inclusive.".

All other provisions of said Vesting Order 7961 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3499; Filed, Apr. 11, 1947; 8:47 a. m.]

[Vesting Order 8603]

HERMAN JACOBOWITZ

In re: Trust u/w of Herman Jacobowitz, deceased. File No. D-28-2017; E. T. sec. 2099.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Bertha Schlesinger, Heinrich Schnell, Helena Steiner, and Max Reich, and each of them, in and to the Trust created under the Will of Herman Jacobowitz, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Bertha Schlesinger, Germany.
Heinrich Schnell, Germany.
Helena Steiner, Germany.
Max Reich, Germany.

That such property is in the process of administration by the City Bank Farmers Trust Company, as Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3489; Filed, Apr. 11, 1947; 8:46 a. m.]

[Vesting Order 8585]

WASUKE MOTOSHIGE ET AL.

In re: Stock and bank accounts owned by Wasuke Motoshige and others. D-39-87-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. 162 shares of $20 par value common capital stock of The Hawaii Times, Limited, 916 Nuuanu Avenue, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered Owner	Certificate No.	Number of shares
Wasuke Motoshige	46	60
	6	60
Shoichi Asami	55	5
	20	5
Yukio Tomita	73	8
	28	8
Yoshitaro Abe	39	4
	40	4
	7	8

together with all declared and unpaid dividends thereon, and

b. All those certain debts or other obligations owing to the persons listed below, by Bishop National Bank of Hawaii, King-Smith Street Branch, Honolulu, T. H., arising out of savings accounts, numbered and entitled in the manner set forth opposite each name below and maintained at the aforesaid bank:

Name of creditor	Account No.	Title of account
Wasuke Motoshige	2375	"The Hawaii Times, Ltd. Trustee for Wasuke Motoshige, by T. Takehara, Treas."
Shoichi Asami	2376	"The Hawaii Times, Ltd. Trustee for Shoichi Asami, by T. Takehara, Treas."
Yukio Tomita	2377	"The Hawaii Times, Ltd. Trustee for Yukio Tomita, by T. Takehara, Treas."
Yoshitaro Abe	2378	"The Hawaii Times, Ltd. Trustee for Yoshitaro Abe, by T. Takehara, Treas."

and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons listed in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3488; Filed, Apr. 11, 1947; 8:46 a. m.]

[Vesting Order 8604]

JOSEPH KADLETZ

In re: Estate of Joseph Kadletz, a/k/a Joseph Kadlits, deceased. File No. D-28-10371; E. T. sec. 14784.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Kadletz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Joseph Kadletz, a/k/a Joseph Kadlits, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Frank M. Nicolosi, Public Administrator of Queens County, 88-11 Sutphin Boulevard, Jamaica, New York, as administrator, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3490; Filed, Apr. 11, 1947; 8:46 a. m.]

[Vesting Order 8605]

CHRISTIAN KALMBACH

In re: Estate of Christian Kalmbach, deceased. File D-28-7534, E. T. sec. 7780.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Kiesel, Hans Kalmbach, Friederika Hensler, Frida S. Kalmbach, Michael Kalmbach, Lina Hartenstein, Adam Koch, Karl Steinmetz, Heinrich Steinmetz, Frieda Geibel and Eugen Steinmetz, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs at law, next of kin, distributees, legatees and personal representatives of George Kalmbach, deceased, the heirs at law, next of kin, distributees, legatees and personal representatives of Christine Grossman, deceased, and the heirs at law, next of kin, distributees, executors, administrators and personal representatives of Nana Henco, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Christian Kalmbach, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by First Judge of Probate for the County of Hampden, acting under the judicial supervision of the Probate Court of Hampden County, Massachusetts;

and it is hereby determined:

5. That to the extent that the above named persons and the heirs at law, next of kin, distributees, legatees and personal representatives of George Kalmbach, deceased, the heirs at law, next of kin, distributees, legatees and personal representatives of Christine Grossman, deceased, and the heirs at law, next of kin, distributees, executors, administrators and personal representatives of Nana Henco, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3491; Filed, Apr. 11, 1947; 8:46 a. m.]

[Vesting Order 8606]

JOHN G. REINHARDT

In re: Estate of John G. Reinhardt, deceased. File D-28-10269, E. T. sec. 14631.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Reinhardt, Ernest Lindenberger, Otto Lindenberger and Emilie Maier, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and each of them, in and to the estate of John G. Reinhardt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Herman Loewenberg, as surviving executor and surviving trustee, acting under the judicial supervision of the Probate Court of Suffolk County, Massachusetts,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3492; Filed, Apr. 11, 1947; 8:46 a. m.]

[Vesting Order 8608]

NELLIE SOMOLAY

In re: Estate of Nellie Somolay, deceased. File No. D-34-894; E. T. sec. 15241.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bela Szechenyi, Nandor Szechenyi and Maria Szechenyi, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Nellie Somolay, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by Samuel J. Kaufman as Executor, acting under the judicial supervision of the Orphans' Court of Essex County, Newark, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3493; Filed, Apr. 11, 1947; 8:46 a. m.]

[Vesting Order 8609]

LENA STEEGER

In re: Estate of Lena Steeger, deceased. File No. D-28-9435, E. T. sec. 12624.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Gahn (brother of the decedent) and Margarete Gahn (sister of the decedent), whose last known addresses are Germany, are residents of Germany, and are nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Lena Steeger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John W. Klinger, 46 Ferry Street, Lawrence, Massachusetts, as executor, acting under the judicial supervision of the Essex County Probate Court, Massachusetts;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3494; Filed, Apr. 11, 1947; 8:46 a. m.]

[Vesting Order 8615]

EDWARD ELLMAN

In re: Stock owned by Edward Ellman. F-28-7559-D-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edward Ellman, whose last known address is Adlzreiter Str., Muenchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-five (25) shares of $10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number C 318924, registered in the name of Edward Ellman, together with all declared and unpaid dividends thereon,

b. Twenty-five (25) shares of no par value common capital stock of Nash Motors Company, 14250 Plymouth Road, Detroit, Michigan, a corporation organized under the laws of the State of Maryland, evidenced by certificate number NY 078651, registered in the name of Edward Ellman, together with all declared and unpaid dividends thereon, and together with any and all rights of exchange thereof for $5 par value capital stock of Nash-Kelvinator Corporation, 14250 Plymouth Road, Detroit, Michigan, a corporation organized under the laws of the State of Maryland; and

c. Eleven and eight-tenths (11.8) shares of $10 par value common capital stock of Cities Service Company, 60 Wall Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 23227, 11073, 495532, 635071 and 12394 for eight-tenths (0.8), one (1), four (4), one (1) and five (5) shares respectively, registered in the name of Edward Ellman, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3497; Filed, Apr. 11, 1947; 8:47 a. m.]

[Vesting Order 8610]

JOSEPHINE D. VON HOHENLANGEN

In re: Estate of Josephine D. Von Hohenlangen, deceased. File No. 017-20578.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rose Marie Broder, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Josephine D. Von Hohenlangen, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Adolph Suehsdorf, Jr., as executor, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3495; Filed, Apr. 11, 1947; 8:46 a. m.]

[Vesting Order 8612]

HANORA A. WOELFINGER

In re: Estate of Hanora A. Woelfinger, deceased. File No. D-28-11024; E. T. sec. 15470.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Marie Woelfinger Vogel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Hanora A. Woelfinger, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Peter C. Jung, as executor, acting under the judicial supervision of the Surrogate's Court, Erie County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3496; Filed, Apr. 11, 1947; 8:48 a. m.]

TITAN CO., INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., and described below, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Titan Company, Inc., New York, New York; A-421 and 4407; property described in the first paragraph of Vesting Order No. 294 (7 F. R. 9840, November 26, 1942), relating to U. S. Patent Application Serial No. 388,276 (now U. S. Letters Patent No. 2,339,793), to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3500; Filed, Apr. 11, 1947; 8:47 a. m.]

RADIO CORP. OF AMERICA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Radio Corporation of America, New York, New York; A-424;—Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 1,822,758, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3501; Filed, Apr. 11, 1947; 8:47 a. m.]

R. HOE & CO., INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

R. Hoe & Company, Inc., New York, New York; A-384; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 1,724,590, to the extent owned by the claimant immediately prior to the vesting thereof and subject to the rights vested in the Alien Property Custodian by virtue of Vesting Order No. 4591, dated February 6, 1945; said vesting order having vested all interests and rights created in Leonhard Horn by virtue of an agreement dated December 3, 1931 between Leonhard Horn and the claimant relating among other things to United States Patent No. 1,724,590.

Executed at Washington, D. C., on April 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3502; Filed, Apr. 11, 1947; 8:47 a. m.]

PYRENE DEVELOPMENT CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Pyrene Development Corp. (formerly Pyrene-Minimax Corp.), Newark, New Jersey; A-368; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 1,669,213, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3503; Filed, Apr. 11, 1947; 8:47 a. m.]

CHARLES N. EHRLICH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Charles N. Ehrlich, formerly known as Karl Ehrlich, New York City, N. Y.; 6306; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letter Patent No. 2,185,056, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3504; Filed, Apr. 11, 1947; 8:47 a. m.]

KISLYN CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Kislyn Corporation, New Milford, Conn.; A-419; Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,703,026; 1,707,157; 1,721,244; 1,729,922; 1,746,584; 1,758,137; and 1,777,954, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3505; Filed, Apr. 11, 1947; 8:47 a. m.]

LIGHT CONDITIONING CO. OF AMERICA, INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

The Light Conditioning Company of America, Inc., Long Island, New York; 1608; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to U. S. Letters Patent No. 2,081,030 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3506; Filed, Apr. 11, 1947; 8:48 a. m.]

APR 15 47

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FEDERAL REGISTER

VOLUME 12 NUMBER 74

Washington, Tuesday, April 15, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2727

MOTHER'S DAY, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it is a felicitous American custom to turn our thoughts anew to the commemoration of motherhood on one day in each year; and

WHEREAS, in recognition of that custom, Public Resolution 25, 63d Congress, approved May 8, 1914, provides that the second Sunday in May of each year shall be designated as Mother's Day, and authorizes and requests the President to issue a proclamation calling for the public observance of that day; and

WHEREAS, in the eloquent words of the resolution, "the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration":

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, hereby direct the officials of the Government to display the flag on all Government buildings on Mother's Day, May 11, 1947, and I call upon the people of the United States to display the flag on that day in their homes and other suitable places and to manifest through private and public expressions the reverent esteem in which we hold the mothers of our country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 11th day of April, in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-3633; Filed, Apr. 14, 1947; 12:20 p. m.]

PROCLAMATION 2728

NATIONAL MARITIME DAY, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the future peace of the world, so earnestly sought by all, will be immeasurably advanced by the cooperation of the several nations in removing excessive restrictions upon international trade, and the United States has already assumed the lead in the reduction of barriers to world commerce; and

WHEREAS international trade and travel, utilizing merchant shipping on all the oceans of the globe, will serve as a vehicle of increased participation of the United States in world affairs; and

WHEREAS the welfare of the American Merchant Marine is of the utmost importance to our national economy, our national defense, and our friendly intercourse with foreign nations; and

WHEREAS the Congress by Public Resolution 7, 73rd Congress, approved May 20, 1933, took cognizance of the historic fact that "on May 22, 1819, the steamship *The Savannah* set sail from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion, thus making a material contribution to the advancement of ocean transportation", and requested the President "to issue a proclamation annually calling for the observance of May 22 as National Maritime Day:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe May 22, 1947, as National Maritime Day by displaying the flag at their homes or other suitable places, and I direct that the flag be displayed on that day on all Government buildings. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

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FEDERAL REGISTER

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DONE at the City of Washington this 11th day of April in the year of our Lord nineteen hundred and forty-seven and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL] HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-3634; Filed, Apr. 14, 1947; 12:20 p. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 71, Termination]

PART 1595—FOOD PRIORITIES

TERMINATION OF ORDER

War Food Order No. 71, as amended (9 F. R. 11253; 10 F. R. 2886) is hereby terminated.

This order shall become effective at 12:01 a. m., e. s. t., April 10, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken prior to the effective date hereof, all provisions of said order shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087)

Issued this 10th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3552; Filed, Apr. 14, 1947; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

SPONSOR REQUIREMENTS

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics, as follows:

By amending § 550.13 (e) (1) (12 F.R. 145) to read as follows:

§ 550.13 *Sponsor requirements.*

* * *

(e) *Land*—(1) *Property interests required.* The sponsor or a public agency shall have or be in a position to acquire good title satisfactory to the Administrator to all lands which, in the judgment of the Administrator, are necessary for the development of the airport to the class proposed in the current revision of the National Airport Plan; *Provided*, That if title to any of such lands is held by a public agency other than the sponsor, the sponsor shall have such interest therein as, in the opinion of the Administrator, would enable the sponsor to develop, operate, and maintain the airport in accordance with the regulations in this part. Further, the sponsor shall have or be in a position to acquire all easements or other property interests which in the judgment of the Administrator are necessary for the project, and such easements and other property interests as in the judgment of the Administrator may be required for the prevention, abatement, and mitigation of airport hazards, and to permit the flight of aircraft over nearby property, or for drainage, utilities, or ingress to or egress from the airport.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(60 Stat. 170, Pub. Law 377, 79th Cong.)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-3545; Filed, Apr. 14, 1947; 8:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

ANNUAL REPORTS

Amendment No. 12 to the instruction books for Forms 12–K (17 CFR 249.312) and 12A–K (17 CFR 249.312a) for companies making certain annual reports.

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said act, hereby amends paragraph 3 under the caption "Instructions as to Exhibits" in the Instruction Books for Forms 12–K (17 CFR 249.312) and 12A–K (17 CFR 249.3 12a) to read as follows:

3. Notwithstanding the provisions of paragraph 1, above, any registrant filing a copy of Form A may, if it so desires, file a copy of Form A leaving blank any or all pages, schedules or items except the following:

Schedules 102; 103; 104A, 104B; 108; 109; 110; 200A; 200L; 200A (System) 200L (System) lines 40, 48, 56, 57, 58 and 59 of 211; 212; 213; 217; 218; 221; 222; 224; 251; 251A; 252; 261M; 261E; 261I; 110A; 261P; 263; 282; 283; 285; 286; 287; 288; 289; 291; 292; 295; 300I; 300P; 300D; 300I (System); 300P (System); 310; lines 67, 68, 69, 100, 101, 102, 115, 168, 176, 178, 191, 192, 193 of 320; 321; 350; 371; 371A; 383; 383A; 396; 411; 412; classes 800, 810, 820, 830, 840, 850, 710, 860 of 541; divisions 1, 2 and 801 of 561; group I of 561C; 562; 563; 581; paragraphs 3 and 4 of 591; and verification.

If this privilege is exercised, all applicable instructions of the Interstate Commerce Commission should be followed in filling out the various schedules subject to the provisions of paragraph 4 below.

Since the foregoing amendments merely continue a privilege heretofore granted to issuers reporting on Forms 12–K (17 CFR 249.312) and 12A–K (17 CFR 249.312a) and such issuers are already familiar with the substance of such amendments and are not materially or adversely affected thereby, the Commission finds that the giving of notice and the institution of public rule-making procedure pursuant to section 4 of the Administrative Procedure Act are unnecessary. Since the adoption of the amendments is for the benefit of such issuers, and as they may desire to avail themselves of the privilege granted thereby, the amendment shall become effective April 8, 1947.

(Secs. 13, 23 (a), 48 Stat. 894, 901; 15 U. S. C. 78m, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 7, 1947.

[F. R. Doc. 47-3538; Filed, Apr. 14, 1947; 8:59 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 422]

PART 402—LOANS AND PROPERTIES

INSURANCE ORDERED BY CORPORATION ON SECURITY PROPERTIES

Amending Part 402, Chapter IV, Title 24 of the Code of Federal Regulations.

1. Section 402.15–14 (10 F. R. 8426) is amended to read as follows:

§ 402.15–14 *Insurance ordered by corporation on security properties.* All insurance contracts protecting the loan or property sold by the Corporation on Sales Contract shall be reviewed immediately upon a cancellation, demand for payment of premium due to the insured's failure to make such payment, notification of lapse or voidance of any insurance policies, and/or within forty days after the expiration date.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, 643, 647; 12 U. S. C. 1463; E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Effective: April 9, 1947.

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-3557; Filed, Apr. 14, 1947; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5556]

PART 112—TAX ON TRANSFERS OF INTERESTS IN SILVER BULLION

INVENTORY REPLACEMENTS

PARAGRAPH 1. Regulations 85 (26 CFR, Part 112) relating to the tax on transfers of interests in silver bullion, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4887, approved February 11, 1939 (26 CFR, Cum. Supp., Part 112, note) are amended as follows:

Article 85 (c), as amended by Treasury Decision 5298, approved September 22, 1943 (26 CFR 112.85 (c)), is further amended by striking from the last sentence thereof that portion which reads as follows: "and until the date on which the President proclaims the hostilities in the present war have terminated."

PAR. 2. Because the sole purpose of this Treasury decision is to relieve re-

striction, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

PAR. 3. This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(Sec. 1805 of the International Revenue Code (53 Stat. 198; 26 U. S. C. 1805))

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

Approved: April 4, 1947.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 47-3546; Filed, Apr. 14, 1947; 8:59 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VIII—Coal Mines Administration, Department of the Interior

[CMAN Order 16]

APPENDIX TO PART 801—REGULATIONS FOR THE OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

SAFETY CONDITIONS AND PRACTICES

The Centralia disaster demonstrates that present procedures for safeguarding against explosion are inadequate.

Each operating manager is therefore hereby directed to make immediate review of safety conditions and practices at each mine operated by him. He shall in this connection give detailed consideration to the report of the last Federal coal mine inspection and to the last report of a State inspection of his mine or mines. He shall also promptly consult with and obtain the views of the Union Mine Safety Committee, if any, at his mine or mines.

No mine shall operate for the production of coal on or after April 7, 1947, until the operating manager, or his chief operating representative at the mine, has forwarded to the Area Officer of the Coal Mines Administration a certificate in substantially the following form with respect to each mine:

I, ----------, do hereby certify:

1. I have reviewed the safety conditions and practices at the ---------- mine and have considered the Federal and State inspection reports in regard thereto.

2. The safety conditions and practices at the above mine are not, in my considered judgment, unduly hazardous and I find and determine that there is no imminent danger to the men working in such mine.

(Signed) ----------

By special telegram and letter of this date I have directed that certain hazardous mines remain closed, until certain conditions are fulfilled. The certification with respect to any such mine must contain, in addition, the recommendation of the Mine Safety Committee at that mine that it be reopened, and the chairman or majority of that committee must also sign the certification. If there should be no Mine Safety Committee at the mine, the president of the local union should be consulted and may act in the place of such committee.

N. H. COLLISSON,
Captain, U. S. N. R.,
Coal Mines Administrator.

APRIL 3, 1947.

[F. R. Doc. 47-3613; Filed, Apr. 14, 1947; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

DRAWBRIDGES ACROSS FOX RIVER, GREEN BAY, WISCONSIN

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.643 is hereby prescribed to govern the operation of city-owned drawbridges across the Fox River at Main Street, Walnut Street, and Mason Street, respectively, Green Bay, Wisconsin:

§ 203.643 *Fox River: city-owned bridges at Main Street, Walnut Street, and Mason Street, Green Bay, Wis.* (a) Except on Sundays and legal holidays, the owner of or agency controlling these bridges will not be required to open the draws from 7:45 a. m. to 8:00 a. m., from 12:00 noon to 12:15 p. m., from 12:50 p. m. to 1:10 p. m., and from 4:55 p. m. to 5:25 p. m.; *Provided*, That the draws shall be opened promptly at all times for the pasage of vessels carrying United States mails, vessels belonging to the United States, vessels of 300 short tons or over cargo capacity engaging in commercial transportation and their attendant towing tugs, and tugs or fire boats when responding to emergency calls.

(b) Except as provided in paragraph (a) of this section, the draws shall be opened promptly upon signals, given by blasts of a horn, steam whistle, or other approved signalling device, as follows: For Main Street bridge, two short blasts followed by one long blast; for Walnut Street bridge, one long blast followed by two short blasts; for Mason Street bridge, one long blast followed by one short blast and one long blast.

(c) In case the draws cannot be opened immediately when the signals are given, a red flag or ball by day, or a red light by night, shall be conspicuously displayed. [Regs. Mar. 21, 1947, 823 (Fox River—Green Bay, Wis.—Main St.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3526; Filed, Apr. 14, 1947; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; ALPHABETICAL LIST

In Subpart B of Part 21 (39 CFR), insert the following under "Korea":

KOREA

Regular mails. See Table No. 1, § 21.116 (39 CFR, Part 21), for classifications, rates, weight limits and dimensions. Small packets accepted.

Indemnity. $16.33.

Special delivery. No service.

Air mail service. No service.

Observations. Articles addressed for delivery in Korea may be in any of the following languages: Korean, English, Russian, French, Spanish, Chinese, Japanese or Portuguese. Mail should bear the name of the addressee, street, district, town and province in Korea. The address should be shown also in Korean characters, if known.

Prohibitions. Dutiable articles (merchandise) prepaid at letter rate.

Parcel post. (Korea.)

Pounds	Rate	Pounds	Rate	Pounds	Rate	Pounds	Rate	Pounds	Rate
1	$0.14	4	$0.56	6	$0.84	8	$1.12	10	$1.40
2	.28	5	.70	7	.98	9	1.26	11	1.54
3	.42								

Weight limit: 11 pounds.
Customs declarations: 1 Form 2968.
Dispatch note: No.
Parcel-Post sticker: 1 Form 2922.
Sealing: Optional.
Group Shipments: No.

Registration: No.
Insurance: No.
C. O. D.: No.
Exchange offices: San Francisco, Honolulu, Guam.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Observations. Service is restricted to gift parcels, and only one such parcel may be sent each week by or on behalf of the same sender to or for the same addressee.

Contents of gift parcels are limited to essential relief items such as nonperishable foods, clothing, soap and mailable medicines.

The parcels and relative customs declaration must be conspicuously marked "Gift Parcel" by the senders, who must itemize the contents and value on the customs declaration.

Parcels which are undeliverable will not be returned to senders but will be turned over to authorized Korean relief agencies.

Parcels should bear the name of the addressee, street, district, town and province in Korea. The address should be shown also in Korean characters, if known.

(R. S. 161, 396, Sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-3544; Filed, Apr. 14, 1947; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 24—GENERAL PROVISIONS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me, the following amendments to the regulations are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

It is hereby found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) is unnecessary.

These amendments make editorial changes in the regulations in accordance with Reorganization Plan No. 3 of 1946 and state the purpose for motorboat regulations.

1. Section 24.1 is amended to read as follows:

§ 24.1 *Basis and purpose of regulations.* By virtue of the authority vested in the Commandant of the Coast Guard under section 101 of the Reorganization Plan No. 3 of 1946 (11 F. R. 7875) and the act of April 25, 1940 (54 Stat. 163–167; 46 U. S. C. 526–526t), the regulations in Parts 24 to 28, inclusive, are prescribed to provide minimum safety requirements for both motorboats and certain motor vessels while operating on the navigable waters of the United States in accordance with the intent of the statute and to obtain its correct and uniform administration.

2. Section 24.2 *Application* is amended in paragraph (e) by changing the phrase "a board of local inspectors" to "the Coast Guard."

(R. S. 4405, as amended, 54 Stat. 163–167; 46 U. S. C. 375, 526–526t; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Dated: April 8, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-3541; Filed, Apr. 14, 1947; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

ANNOUNCEMENT OF MECHANICAL REPRODUCTIONS

APRIL 7, 1947.

At a meeting of the Federal Communications Commission held in its offices in Washington, D. C., on March 20, 1947;

The Commission having before it the requests of American Broadcasting Company Inc., and Mutual Broadcasting System, Inc., for a waiver of the requirements of § 3.407 of the Commission's rules and regulations, during the period in which daylight saving time will be in effect, with respect to programs transcribed and broadcast on a delayed basis because of the time differential resulting from the adoption of daylight saving time in some areas;

It appearing, that during the time daylight saving time is effective, the above mentioned network organizations transcribe programs originating in areas on daylight saving time for rebroadcast one hour later in areas where standard time is effective, in order that listeners may continue to receive the programs at the same clock hour at which they received them prior to the effective date of daylight saving time in the place of origin; and

It further appearing, that repeated announcements that such programs are being presented as delayed broadcasts by means of transcription would be burdensome, both to broadcasters and the listening public, and unnecessary if an appropriate announcement were made at least once daily, as has been done under the provisions of waivers hitherto granted in previous years; and

It further appearing, that the promulgation of an amendment to § 3.407 of the rules and regulations would be a more expedient method of handling the situation than the granting of separate, annual waivers of the requirements of said section; and

It further appearing, that, for the reasons set out above, notice of proposed rule making and public procedure thereon, in accordance with section 4 of the Administrative Procedure Act, is unnecessary;

It is ordered, That §3.407 of the Commission's rules and regulations be, and it is hereby, amended by adding a footnote at the end of the first paragraph thereof to read as follows:

[1] During the annual periods in which daylight saving time will be effective, the requirements of this section are waived, with respect to network programs transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas, upon the following conditions: The waiver is not to be applicable when an individual station makes an off-the-line recording, but is to be applicable only when the off-the-line recording is made by the network itself at one of its key stations, and is for broadcast one hour later by those stations which operate on standard time. Furthermore, each station which broadcasts network programs one hour later in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10:00 a. m. and 10:00 p. m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription. A network organization taking advantage of this waiver should so advise the Commission.

It is further ordered, That, inasmuch as this order relieves a restriction, it shall take effect immediately.

(Secs. 4 (i), 303 (b), 303 (c), 303 (e), 303 (f), 303 (j), 48 Stat. 1066, 1082; 47 U. S. C. 154 (i), Secs. 303 (c), 303 (e), 303 (f), 303 (j)

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3559; Filed, Apr 14, 1947; 8:51 a. m.]

[Docket No. 6768]

PART 3—RADIO BROADCAST SERVICES

CLASS A STATIONS

APRIL 4, 1947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of April 1947;

It appearing, that the demand for Class A FM stations in certain areas makes it necessary to provide a procedure whereby an equitable distribution and maximum utilization of Class A channels can be achieved; and

It appearing, that a policy of reserving for a period of time certain Class A channels appears to be desirable for the above purpose; and

It appearing, that general notice of proposed rule making to effect a reservation of Class A channels has been published in accordance with section 4 (a) of the Administrative Procedure Act under date of January 16, 1947; and

It appearing, that no statements or briefs have been submitted;

It is ordered, That a new paragraph (d) be added to § 3.203 (11 F. R. 7745) of Part 3, Subpart B of the Commission's rules and regulations as follows:

§ 3.20 *Class A stations.* * * *

(d) No assignments will be made on Channels 297, 298, 299 and 300 until July 1, 1947.

It is further ordered, That § 3.203 (d) shall become effective immediately. The public interest will be served by having § 3.203 (d) become effective immediately since such an action will provide for the maximum benefits of the proposed reservation of Class A FM channels.

(Secs. 4 (i), 303 (b), 303 (c), 303 (e), 303 (f), 303 (j), 48 Stat. 1066, 1082; 47 U. S. C. 154 (i), secs. 303 (c), 303 (e), 303 (f), 303 (j)

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3558; Filed, Apr. 14, 1947; 8:51 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-4]

PART 194—NECESSARY PARTS AND ACCESSORIES

QUALIFICATIONS OF EMPLOYEES AND SAFETY OF OPERATION AND EQUIPMENT OF COMMON CARRIERS AND CONTRACT CARRIERS BY MOTOR VEHICLE

Upon consideration of the petitioner's request for modification of the effective

date of the order of February 27, 1947, herein, and for good cause appearing:

It is ordered, That the order of February 27, 1947 (12 F. R. 1730), which by its terms was to become effective April 1, 1947, be, and it is hereby, modified to become effective April 11, 1947.

(49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658; 49 U. S. C. and Sup. 304)

Dated at Washington, D. C., this 26th day of March 1947.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3531; Filed, Apr. 14, 1947; 8:51 a. m.]

[Ex Parte No. MC-4]

PART 194—NECESSARY PARTS AND ACCESSORIES

QUALIFICATIONS OF EMPLOYEES, AND SAFETY OF OPERATION AND EQUIPMENT OF COMMON CARRIERS AND CONTRACT CARRIERS BY MOTOR VEHICLE

Upon consideration of the petitioner's request for further modification of the effective date of the order of February 27, 1947, herein, and for good cause appearing:

It is ordered, That the order of February 27, 1947, (12 F. R. 1730) which by its terms was to become effective April 1, 1947, which effective date, by order of March 26, 1947, was extended to April 11, 1947, be, and it is hereby, further modified to become effective April 18, 1947.

(49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658; 49 U. S. C. and Sup. 304)

Dated at Washington, D. C., this 8th day of April 1947.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3530; Filed, Apr. 14, 1946; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Fisheries Commission

PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Fisheries Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and the Dominion of Canada, signed January 29, 1937.

Sec.

301.1 Regulatory areas.
301.2 Limit of catch in each area.
301.3 Length of closed season.
301.4 Issuance of licenses and conditions limiting their validity.
301.5 Retention of halibut taken with other fish under permit.
301.6 Issuance of permits and conditions limiting their validity.
301.7 Statistical return by vessels.
301.8 Statistical return by dealers.
301.9 Closed small halibut grounds.
301.10 Dory gear prohibited.
301.11 Nets prohibited.
301.12 Retention of tagged halibut.
301.13 Responsibility of master.
301.14 Supervision of unloading and weighing.
301.15 Previous regulations superseded.

AUTHORITY: §§ 301.1 to 301.15, inclusive, issued under 50 Stat. 1351.

§ 301.1 *Regulatory areas.* (a) Convention waters which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern as well as the western coasts of Alaska, shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1A shall include all convention waters southeast of a line running northeast and southwest through Cape Blanco Light, as shown on Chart 5952, published in February 1935, by the United States Coast and Geodetic Survey, which light is approximately latitude 42°50'14" N., longitude 124°33'45" W.

(c) Area 1B shall include all convention waters between Area 1A and a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July 1939, by the United States Coast and Geodetic Survey, which light is approximately in latitude 46°43'17" N., longitude 124°04'15" W.

(d) Area 2 shall include all convention waters off the coasts of the United States of America and of Alaska and of the Dominion of Canada between Area 1B and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June, 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57" N., longitude 136°38'18" W., thence south one-quarter east and is exclusive of the areas closed to all halibut fishing in § 301.9.

(e) Area 3 shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running from the light on Cape Kabuch at the head of Ikatan Bay as shown on Chart 8701 published in February, 1943, by the United States Coast and Geodetic Survey which light is approximately latitude 53°49'03" N., longitude 163°21'42" W., thence to Cape Sarichef Light at the western end of Unimak Island as shown on Chart 8860 published in December, 1942, (12th Edition) by the United States Coast and Geodetic Survey which light is approximately latitude 54°36'00" N., longitude 164°55'45" W., thence true west.

(f) Area 4 shall include all convention waters in Bering Sea which are not included in Area 3.

§ 301.2 *Limit of catch in each area.* (a) The catch of halibut to be taken during the halibut fishing season of the year 1947 from Area 2 shall be limited to approximately 24,500,000 pounds of salable halibut, and from Area 3 to approximately 28,000,000 pounds of salable halibut, and from Area 4 to approximately 500,000 pounds of salable halibut, the weights in each or any such limit to be computed as with heads off and entrails removed.

(b) The catch of halibut to be taken from each area during the halibut fishing season of the year 1947 shall also be limited to halibut which with the head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm, or corporation, is prohibited.

(c) The International Fisheries Commission shall as early in the said year as is practicable determine the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for or catching of halibut in the area or areas to which such limit applies shall at that date be prohibited until after the end of the closed season as defined and modified in § 301.3, except as provided in § 301.5 and in Article I of the Convention, and *Provided*, That if it shall at any time become evident to the International Fisheries Commission that the limit will not be reached by such date, it may substitute another date.

§ 301.3 *Length of closed season.* (a) Under the authority of Article I of the aforesaid Convention the closed season as therein defined shall be modified so as to end at 12 midnight of the 30th day of April of the year 1947 and of each year thereafter and shall begin at 12 midnight of the 30th day of November of each year unless an earlier date is determined upon for any area under the provisions of paragraph (b) of this section.

(b) Under authority of Article I of the Convention, the closed season as therein defined shall begin in each area on the date on which the limit is reached as provided in paragraph (c) of § 301.2 and the closing of such area or areas shall be taken to have been duly approved unless before the said date either the President of the United States of America or the Governor General of Canada shall have signified his disapproval (the burden of proving any such signification being upon the person alleging it): *And provided*, That the closing date of Area 2 or of Area 3, whichever shall be later, shall apply to Areas 1A and 4, unless Area 4 shall have been previously closed under this section, and that the closing date of Area 2 shall apply to Area 1B.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut or prohibit the International Fisheries Commission from conducting fishing operations as provided for in Article I of the Convention.

§ 301.4 *Issuance of licenses and conditions limiting their validity.* (a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the International Fisheries Commission; *Provided*, That vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.5.

(b) Each vessel licensed by the International Fisheries Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.6 and this license shall at all times be subject to inspection by authorized officers of either of said Governments or by representatives of the International Fisheries Commission.

(c) The halibut license shall be issued without fee by the customs officers of either of said Governments or by representatives of the International Fisheries Commission or by fishery officers of either of said Governments at places where there are neither customs officers nor representatives of the International Fisheries Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred. The old license form shall be forwarded in each case to the International Fisheries Commission.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical returns are required. This validation of a license shall be by customs officers or by fishery officers of either of said Governments when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license: *Provided*, That if the master or operator of any vessel shall fail to comply with the provisions of § 301.7, the halibut license of such vessel may be validated by customs officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 1A as defined in § 301.1 after the closure of Areas 1B and 2 must be validated at a port or place within Area 1A prior to each such fishing operation.

(f) No halibut license shall be validated for departure for halibut fishing in Areas 1A or 1B or 2 more than three days, and in Areas 3 or 4 more than five days before the end of the closed season as defined in § 301.3 (a).

(g) No halibut license shall be valid for halibut fishing in more than one area, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another such area while the vessel has any halibut on board.

(h) The halibut license shall not be valid for halibut fishing in any area closed to halibut fishing or for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(i) The halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(j) The halibut license of any vessel shall not be valid for the possession of any halibut in any area other than that for which validated, if such vessel is in possession of baited gear, except in those waters included within a twenty-five mile radius of Cape Spencer Light, Alaska.

§ 301.5 *Retention of halibut taken with other fish under permit.* (a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.6 such halibut as is caught incidentally to fishing by that vessel in any area that is closed to halibut fishing under § 301.2 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed: *Provided*, That it shall not be a violation of this section for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty percent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) The catch of halibut taken and retained under such permit shall be limited to halibut which with the head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of either of said Governments by the captain or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish shall be landed or removed or be received from the catching vessel except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess whatever its origin shall have been forfeited and surrendered to the customs, fishery or other authorized officers or either of said Governments. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut; *Provided*, That the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut in the year 1947 shall become invalid at 12 midnight of the 15th day of November of said year or at such earlier date as the International Fisheries Commission shall determine.

§ 301.6 *Issuance of permits and conditions limiting their validity.* (a) Any vessel which shall be used in fishing for other species than halibut in any area closed to halibut fishing under § 301.2 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.5.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area for which the permit is issued.

(c) The permit shall terminate at the time of first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and is thereby subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) of § 301.5.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of either of said Governments when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license or permit: *Provided*, That if the master or operator of any vessel shall fail to comply with the provisions of § 301.7, the permit of such vessel may be granted by customs officers upon evidence either

that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) of § 301.5.

§ 301.7 *Statistical return by vessels.* (a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.5 and 301.6, within 48 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area defined in the regulations in this part, for which the vessel's license is validated.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required. A copy of such return must be forwarded to the International Fisheries Commission at such times as the latter shall require.

(d) The master or operator and/or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations in this part may be required by the International Fisheries Commission or by any officer of either of said Governments authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and the amount of halibut taken daily in each such locality. This log record shall be open to inspection of representatives of the International Fisheries Commission authorized for this purpose.

(f) The master, operator and/or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the International Fisheries Commission or by any officer of either of said Governments to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.8 *Statistical return by dealers.* (a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of either of said Governments or to representatives of the International Fisheries Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms, or corporations receiving fish from a vessel fishing under permit as provided in § 301.5 shall within 48 hours make to an authorized enforcing officer of either of said Governments a signed statistical return showing the date, locality, name of vessel received from, and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (c) of § 301.5. Such persons, firms, or corporations may be required by any officer of either of said Governments to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms, or corporations concerning the landing, purchase, receipt, and sale of halibut and other species landed therewith shall be open at all times to inspection of any enforcement officer of either of said Governments or of any authorized representative of the International Fisheries Commission. Such persons, firms, or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm, or corporation of halibut which such person, firm, or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

§ 301.9 *Closed small halibut grounds.* (a) The following areas have been found to be populated by small, immature halibut and are hereby closed to all halibut fishing and the possession of halibut of any origin is prohibited therein during fishing for other species.

(b) First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated: from the north extremity of Cape Ulitka, Noyes Island, approximately latitude 55°33'48" N., longitude 133°43'35" W., to the south extremity of Wood Island, approximately latitude 55°39'44" N., longitude 133°42'29" W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41'47" N., longitude 133°47'42" W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41'46" N., longitude 133°48'01" W.; thence southwest three-quarters south sixteen and five-eights miles to a point approximately latitude 55°34'46" N., longitude 134°14'40" W.; thence southeast by south twelve and one-half miles to a point approximately latitude 55°22'23" N., longitude 134°12'48" W.; thence northeast thirteen and seven-eights miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26'11" N., longitude 133°49'12" W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in June 1929, and Chart 8152, as published by the United States Coast and Geodetic Survey at Washington, D. C., in March 1933, and reissued March 1939, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December, 1923, *Provided*, That the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

(c) Second, that area lying in the waters off the north coast of Graham Island, Brtish Columbia, within the following boundary: from the northwest extremity of Wiah Point, latitude 54° 06' 50" N., longitude 132° 19' 18" W., true north five and one-half miles to a point approximately latitude 54° 12' 20" N., longitude 132° 19' 18" W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time) of the highest point of Tow Hill, Graham Island, latitude 54° 04' 24" N., longitude 131° 48' 00" W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911: *Provided*, That the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

§ 301.10 *Dory gear prohibited.* The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the regulations in this part is prohibited in all convention waters.

§ 301.11 *Nets prohibited.* It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit held by any vessel under the regulations in this part be valid during the use or possession on board of any net or nets other than bait nets which are utilized for no other purpose than the capture of bait for said vessel.

§ 301.12 *Retention of tagged halibut.* Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears an International Fisheries Commission tag at the time of capture, *Provided*, That such halibut with the tag still attached is reported at the time of landing to representatives of the International Fisheries Commission or to enforcement officers of either of said Governments and is made available to them for examination.

§ 301.13 *Responsibility of master.* Wherever in the regulations in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This section shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.14 *Supervision of unloading and weighing.* The unloading and weighing of the halibut of any vessel licensed or holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

§ 301.15 *Previous regulations superseded.* The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between the United States of America and the Dominion of Canada for preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed January 29, 1937, except as to offenses occurring prior to the approval of the regulations in this part. This part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the International Fisheries Commission pursuant to the regulations in this part shall become effective immediately.

EDWARD W. ALLEN,
Chairman.
A. J. WHITMORE.
MILTON C. JAMES.
G. W. NICKERSON,
Secretary.

Approved: March 17, 1947.

HARRY S. TRUMAN.

[F. R. Doc. 47-3525; Filed, Apr. 14, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

APRIL 8, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in acts of Congress approved August 1, 1914; May 18, 1916; March 7, 1928 and May 14, 1930 (38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 46 Stat. 291; 25 U. S. C. 385, 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297), under Public Law 687, 79th Congress, approved August 8, 1946, notice is hereby given of intention to modify §§ 130.24, 130.26 and 130.28 to provide for operation and maintenance assessments against lands of the Flathead Indian irrigation project subject to the jurisdiction of the three irrigation districts, for the calendar year 1948 as follows:

Flathead Irrigation District, 67,462.4 acres	$133,700
Mission Irrigation District, 12,523.0 acres	25,400
Jocko Valley Irrigation District, 5,366.1 acres	10,400

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to Paul L. Fickinger, District Director, U. S. Indian Service, 315 Federal Building, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

J. W. HUTCHISON,
Acting Commissioner.

[F. R. Doc. 47-3542; Filed, Apr. 14, 1947; 8:49 a. m.]

[25 CFR, Part 130]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZ.

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

APRIL 8, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946 (60 Stat. 238); the act of Congress approved March 3, 1905 as amended and supplemented by the acts of August 24, 1912, August 1, 1914, June 7, 1924, March 7, 1928, and the act of August 9, 1937 as amended by the Act of May 9, 1938 (33 Stat. 1081, 37 Stat. 522, 38 Stat. 583, 43 Stat. 476, 45 Stat. 210, 50 Stat. 577, 52 Stat. 291; 25 U. S. C. 385, 387) and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F.R. 10297), under the act of August 8, 1946 (Pub. Law 687, 79th Cong.), notice is hereby given of intention to amend §§ 130.63 and 130.110:

(1) By increasing the estimated cost of operating the Joint Works of the San Carlos Indian irrigation project from $60,000 per year, stated in § 130.63, to $80,000 per year for the fiscal year 1948 and subsequent years until further notice;

(2) By increasing the rate of assessments against Indian lands of the said project prescribed in § 130.110 from $2.00 per acre per annum to $2.50 per acre per annum for not more than 2 acre feet of water annually per acre, effective for the calendar year 1948 and thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to William Zeh, District Director, U. S. Indian Service, 4100 Rhoads Circle, Phoenix, Arizona, within 30 days from the the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

J. W. HUTCHISON,
Acting Commissioner.

[F. R. Doc. 47-3543; Filed, Apr. 14, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 3329, Amdt.]

LUISE ADELHELM AND ANNA PFAFF

In re: Guardianship estate of Luise Adelhelm, an incompetent person, and real property owned by Anna Pfaff. File F-28-9100; E. T. sec. 1289.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, Vesting Order 3329, dated March 18, 1944, as affirmed by § 500.41, as amended, of the rules, Office of Alien Property, Department of Justice (11 F. R. 14155), is hereby amended to read as follows:

It is hereby found:

1. That Luise Adelheim and Anna Pfaff, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all property and estate of any nature whatsoever of the aforesaid Luise Adelheim, an incompetent person, which includes but is not limited to: A one-half (½) interest in and to the real property situated in the City and County of Philadelphia, Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof,

is property payable or deliverable to, or claimed by, Luise Adelheim, the aforesaid national of a designated enemy country (Germany);

3. That the property described in subparagraph 2 hereof is in the process of administration by the Liberty Title and Trust Company, acting under the judicial supervision of the Court of Common Pleas, Philadelphia County, Pennsylvania;

4. That the remaining one-half (½) interest in and to the real property situated in the City and County of Philadelphia, Pennsylvania, particularly described in said Exhibit A, is property within the United States owned or controlled by Anna Pfaff, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it having been and being deemed necessary in the national interest.

There is hereby vested the property described in subparagraphs 2 and 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein and in said Vesting Order 3329 shall have and had the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT

All that certain lot or piece of ground with the buildings and improvements thereon erected, situate on the North side of Cuthbert Street, at the distance of one hundred seventy-two (172) feet six (6) inches east of Twenty-first Street, containing in front or breadth on said Cuthbert Street sixteen (16) feet and extending in depth forty-seven (47) feet, known as 2033 Cuthbert Street; excepting therefrom the part thereof condemned by the City of Philadelphia, by ordinance of City Council dated December 19, 1927, as follows: All that certain lot or piece of ground with the buildings and improvements thereon erected, situate on the former North side of Cuthbert Street, at the distance of One hundred and seventy two feet six inches Eastward from the East side of Twenty-first Street, in the Ninth Ward of the City of Philadelphia; containing in front or breadth along the former North side of Cuthbert Street Sixteen feet and extending of that width in length or depth Northward on the West line Seventeen feet one and seven eighths inches and on the East line Seventeen feet one and one half inches to the new North Line of Cuthbert Street.

[F. R. Doc. 47-3556; Filed, Apr. 14, 1947; 8:48 a. m.]

[Vesting Order 8601]

EMMA E. BRICKENSTEIN

In re: Trust u/w of Emma E. Brickenstein, deceased. File No. D-28-7364; E. T. sec. 7497.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma E. Leist, Manfried Leist, Ostmar Leist, Silvia Gildemeister and Arnold Leist, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the Will of Emma E. Brickenstein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harry N. Reynolds, as substitute trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3553; Filed, Apr. 14, 1947; 8:48 a. m.]

[Vesting Order 8614]

DEUTSCHE EFFECTEN UND WECHSELBANK

In re: Stock, bonds, gold notes and interest scrip owned or controlled by and debts owing to Deutsche Effecten und Wechselbank. F-28-5735-A-1 and F-28-5735-A-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Effecten und Wechselbank, the last known address of which is Frankfurt am Main, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, and presently in the custody of Ladenburg, Thalmann & Company, 25 Broad Street, New York, New York, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

b. Those certain bonds and gold notes described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Ladenburg, Thalmann & Company, 25 Broad Street, New York, New York, together with any and all rights thereunder and thereto,

c. United States of Mexico bearer interest scrip, of $140.43¾ face value, presently in the custody of Ladenburg, Thalmann & Company, 25 Broad Street, New York, New York, together with any and all rights thereunder and thereto,

d. That certain debt or other obligation owing to Deutsche Effecten und Wechselbank, by Ladenburg, Thalmann & Company, 25 Broad Street, New York, New York, in the amount of $19.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

e. Those certain shares of stock described in Exhibit C, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit C, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

f. Those certain bonds described in Exhibit D, attached hereto and by reference made a part hereof, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto, and

g. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a custodian cash account, entitled Deutsche Effecten Und Wechselbank, Customers Depot, and any

and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Description of issue	Number of shares	Certificate No.	Name in which registered
Old common capital stock of St. Louis and Southeastern Consolidated Ry. Co.	125	89	Heidelbach Frank & Co.
Preferred capital stock of St. Louis and Southeastern Consolidated Ry. Co.	125	B 41	Do.
Capital stock of Agfa Ansco Corp.	1	TCF 109	Ladenburg, Thalmann & Co.
$5 par value capital stock of Granby Consolidated Mining, Smelting and Power Co., Ltd., 675 West Hastings St., Vancouver, British Columbia.	5	76944	Rosa Kaufmann, exec. u/w Fred Kaufmann.
Old preferred capital stock of Missouri Pacific R. R. Co., St. Louis, Mo.	10	071025	Ladenburg, Thalmann & Co.

EXHIBIT B

Description of issue	Face value	Certificate No.
Comstock Tunnel & Drainage Co. first income 4-percent bond, due 1949.	$250.00	36.
National Railways of Mexico 3-year 6-percent gold note unassented.	22.50	B 1216-1247.
National Railways of Mexico 3-year 6-percent gold note, assented.	45.00	N 24838.
National Railways of Mexico prior lien sinking fund 4½-percent gold bonds, due 1957, assented.	1,000.00 500.00	M 6374. D 21438.
National Rail Road Co. of Mexico first consolidated mortgage 4-percent bonds, due 1951.	$1,000.00	M 26056.
National Railways of Mexico extended 6-percent gold notes, series C, due 1933.	30.00 30.00 30.00 30.00 30.00	QQ 1701. QQ 1736. QQ 1737. QQ 1741. QQ 1742.

EXHIBIT C

Description of issue	Number of shares	Certificate No.	Name in which registered
$1 par value common capital stock of Standard Power & Light Corp., 15 Exchange Pl., Jersey City, N. J., a Delaware corporation.	6	NO-7108	Hurley & Co.
$0.10 par value common capital stock of American General Corp., 120 Wall St., New York, N. Y., a Delaware corporation.	8	CO 74405	Do.
No par value $7 cumulative preferred capital stock of Central States Power & Light Corp., 33 Pine St., New York, N. Y., a Delaware corporation.	15	CO 7539	Do.
No par value common capital stock of International Combusion Engineering Corp.	20 20	054998 059403	R. M. Lowitz. Do.
$1 par value common capital stock of United States Electric Power Corp.	50	NY 1749	Lee & Co.
No par value common capital stock of United States Steel Corp., 71 Broadway, New York, N. Y., a New Jersey corporation.	2	P-8560	Hurley & Co.
$100 par value preferred capital stock of Chicago, Milwaukee, St. Paul & Pacific R. R. Co., 52 Wall St., New York, N. Y., a Wisconsin corporation.	50	OO 18113	Do.

EXHIBIT D

Description of issue	Face value	Certificate No.
Chilean consolidated municipal loan external sinking fund 7 percent bonds, series A, due 1960.	$1,000	6716.
Hypothekenbank Saarbrucken Mortgage Bank, A. G. external sinking fund 6 percent bonds, series A, due 1947.	$1,000	216.
Republic of Mexico consolidated external loan of 1899 5 percent bonds, series B.	£500	007496.
Republic of Mexico consolidated external loan of 1899 5 percent bonds, series C.	£1,000	037025, 022288, 035434, 017970 and 029746 for £200 each.
Republic of Mexico external loan 4 percent bonds, due 1945.	£2,000	298197/200, 247034/39, 194640/49, 381568, 355826, 383233/34, 301485/86, 318887, 319889/91, 139047/53, 186555/56, 121296, 217883/84, 354192, 379728, 88060, 179284, 88061, 325635/36, 241488, 331135, 241489, 241485, 170402/03, 248840/41, 248844/45, 248847, 266644/48, 139054/56, 224566, 224092, 201520/30, 202882, 205002/03, 208027, 218539/40, 153216/18, 155517, 182463, 184444, 200660/70, 210368, 422707, 422709, 318205/08, 208643/44, 391039, 401359, 319309/11 for £20 each.

[F. R. Doc. 47-3555; Filed, Apr. 14, 1947; 8:48 a. m.]

[Vesting Order 8611]

EARNEST RUDOLF CARL WANAERKE

In re: Estate of Earnest Rudolf Carl Wanaerke, deceased. File D-28-9791; E. T. sec. 13760.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Ruppricht, Auguste Kleinander, Ferdinand Ruppricht, Ernestine Scharf, whose last known addresses are Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Earnest Rudolph Carl Wanaerke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by County Treasurer of Monroe County, as depositary, acting under the judicial supervision of the Surrogate's Court, Monroe County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3554; Filed, Apr. 14, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2635]

SKYLINE, INC.

NOTICE OF HEARING

In the matter of the non-certificated operation of Skyline, Inc.

The proceeding was initiated by an order of the Board dated November 14, 1946 (Serial No. E-97), directing Skyline, Inc., to show cause why it should not be ordered to cease and desist from engaging in scheduled air transportation in violation of sections 401 (a) and 610 (a) (4) and each thereof, of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that pursuant to sections 401 (a), 610 (a) (4), 1001, 1002 (b) and (c) of the Civil Aeronautics Act of 1938, as amended, the said proceeding be and it is hereby designated for public hearing on April 30, 1947, 10:00 a. m., (eastern standard time) in Room 1302 Temporary Building "T" between 12th and 14th Streets NW., on Constitution Avenue, Washington, D. C., before Examiner R. Vernon Radcliffe.

Without limiting the scope of the issues presented by this proceeding particular attention will be directed to the following matters and questions:

1. Is respondent an "air carrier" engaged in "air transportation" within the meaning of the Civil Aeronautics Act of 1938, as amended, and accordingly subject to the provisions of such act?

2. If respondent is an "air carrier" engaged in "air transportation" do its past and present operations in air transportation fall within those non-certificated operations authorized by § 292.1 of the Board's economic regulations?

3. Whether the Board should issue an order that respondent cease and desist from engaging in scheduled air transportation in violation of sections 401 (a) and 610 (a) (4) of the Civil Aeronautics Act of 1938, as amended?

Dated at Washington, D. C., April 10, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3549; Filed, Apr. 14, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6558, 6581, 8212, 6611]

KANAWHA VALLEY BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Kanawha Valley Broadcasting Company (WGKV), for renewal of license, Docket No. 6558, File No. BR-1014; Worth Kramer, Transferor, and Eugene R. Custer and Richard M. Venable, Transferees, for relinquishment of control of Kanawha Valley Broadcasting Company (WGKV) Charleston, West Virginia, Dockt No. 6581, File No. BTG-352; Eugene R. Custer and Floyd E. Price, Transferors, and Richard M. Venable, Transferee, for transfer of control, Docket No. 8212, File No. BTC-496; Charleston Broadcasting Company (WCHS), for renewal of license, Docket No. 6611 File No. BR-715.

The Commission having scheduled a further consolidated hearing on the above-entitled applications for 10:00 o'clock a. m., Tuesday, April 15, 1947, at Washington, D. C.; and

It appearing, that public interest, convenience, and necessity will be served by a continuance of said further hearing; counsel for all parties having consented to a continuance

It is ordered, This 4th day of April 1947, on the Commission's own motion, that the said further consolidated hearing on the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, April 28, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3562; Filed, Apr. 14, 1947; 8:51 a. m.]

[Docket Nos. 6883, 6884, 7115, 7851, 7852, 7883]

CRESCENT BROADCAST CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Crescent Broadcast Company, Shenandoah, Pennsylvania, Docket No. 6883, File No. BP-4092; The Patriot Company, Harrisburg, Pennsylvania, Docket No. 6884, File No. BP-4091; WHP, Incorporated (WHP), Harrisburg, Pennsylvania, Docket No. 7115, File No. BP-4334; Union Broadcasting Company (WARN) Scranton, Pennsylvania, Docket No. 7851, File No. BP-5186; John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, Docket No. 7852, File No. BP-5212; Hudson Valley Broadcasting Company, Inc., Albany, New York, Docket No. 7883, File No. BP-5148; for construction permits.

The Commission having under consideration a petition filed March 28, 1947 by Crescent Broadcast Corporation, Shenandoah, Pennsylvania requesting a continuance to May 12, 1947 of the further hearing presently scheduled for April 7 at Washington, D. C. upon the above-entitled applications; and counsel for all parties having consented to such a continuance;

It is ordered, This 4th day of April 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled matter be, and it is hereby, continued to 10:00 o'clock Monday, May 12, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3561; Filed, Apr. 14, 1947; 8:51 a. m.]

[Docket No. 7910]

RADIO BROADCASTING ASSOCIATES

ORDER CONTINUING HEARING

In re application of Eugene J. Roth, Jack L. Pink and James M. Brown, doing business as Radio Broadcasting Associates, Houston, Texas, for construction permit; Docket No. 7910, File No. BP-4563.

The Commission having under consideration a petition filed April 2, 1947, by Radio Broadcasting Associates, Houston, Texas, requesting a continuance in the hearing presently scheduled for April 14, 1947, at Washington, D. C., upon its above-entitled application;

It is ordered, This 4th day of April, 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby continued to 10:00 o'clock a. m., Thursday, June 26, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3560; Filed, Apr. 14, 1947; 8:51 a. m.]

[Docket Nos. 7982, 8087 and 8088]

WESTERN UNION TELEGRAPH CO.

NOTICE OF ORAL ARGUMENT

In the matter of The Western Union Telegraph Company, investigation of plans to discontinue, reduce or impair service and standards to be applied, Docket No. 7982; in the matter of the application of The Western Union Telegraph Company, Kansas City, Missouri, for an authorization under section 214 of the Communications Act of 1934, as amended, Docket No. 8087; in the matter of the application of The Western Union Telegraph Company, Dallas, Texas, for an authorization under section 214 of the Communications Act of 1934, as amended, Docket No. 8088.

You are hereby notified that the Telegraph Committee has directed that oral argument be held before the Commission in the above-entitled proceeding, on Wednesday, May 7, 1947, at ten o'clock a. m. in Room 6121 of the offices of the Commission at Washington, D. C.

Dated at Washington, D. C., April 7, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3563; Filed, Apr. 14, 1947; 8:52 a. m.]

STEPHENS BROADCASTING CO. OF WDSU [1]

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on April 3, 1947 there was filed with it an application (BAL-596) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of Stephens Broadcasting Company, licensee of WDSU, New Orleans, Louisiana from Stephens Broadcasting Company to International City Broadcasting Corporation. The proposal to assign the license arises out of contracts of February 26, 1947 pursuant to which E. A. Stephens and H. G. Wall have agreed to sell their 77½% partnership interest in the assets of Stephens Broadcasting Company to William I. Spiegelberg and associates for a total consideration of $581,250 in cash (representing the 77½% of the agreed valuation of $750,000 for 100% of said assets). Under separate agreement entered into between Spiegelberg and associates and Fred Weber (presently owner of 22½% partnership interest in Stephens Broadcasting Company) Weber agrees to exchange his 22½% partnership interest in Stephens Broadcasting Company for a 33% stock interest in and a $43,750 debenture bond interest in and a five year employment contract with corporation to be known as International City Broadcasting Corporation which will acquire all the assets and licenses of Stephens Broadcasting Company. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by application on April 8, 1947, that starting on April 7, 1947, notice of the filing of the application would be inserted in a newspaper of general circulation at New Orleans, Louisiana, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from April 7, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3564; Filed, Apr. 14, 1947; 8:52 a. m.]

[1] Section 1.321, Part I, Rules of practice and procedure.

FEDERAL POWER COMMISSION

[Docket No. G-210]

MICHIGAN CONSOLIDATED GAS CO. ET AL

NOTICE OF ORDER TERMINATING PROCEEDING

APRIL 9, 1947.

Michigan Consolidated Gas Company, v. Panhandle Eastern Pipe Line Company, and Michigan Gas Transmission Corporation, Docket No. G-210.

Notice is hereby given that, on April 9, 1947, the Federal Power Commission issued its order entered April 8, 1947, terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3524; Filed, Apr. 14, 1947; 8:45 a. m.]

[Docket No. G-500]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed March 14, 1947, in Docket No. G-500, by Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Omaha, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipe-line facilities subject to the jurisdiction of the Federal Power Commission:

4,508 feet of 4½-inch O. D. branch pipe line extending from a point of connection with Applicant's 20-inch main pipe line to the Nebraska Ordnance Plant near Mead, Nebraska, and a measuring station at the end of such branch line, located in Sections 14 and 15, Township 14 North, Range 8 East, Saunders County, Nebraska.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the above described facilities for the purpose of delivery and sale by Applicant of the entire gas requirements of the Nebraska Ordnance Plant near Mead, Nebraska; [1] and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 4, 1947 (12 F. R. 2281);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 30th day of April 1947, at 9:50 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceedings; *Provided, however*, If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: April 9, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3532; Filed, Apr. 14, 1947; 8:50 a. m.]

[Docket Nos. G-661 and G-688]

PANHANDLE EASTERN PIPE LINE CO. ET AL,

ORDER POSTPONING HEARING

City of Detroit, a Municipal Corporation, and County of Wayne, a Municipal Corporation, both of the State of Michigan v. Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company, Docket No. G-661; in the mat-

[1] By order entered November 11, 1943, a temporary certificate was issued to Applicant authorizing the construction and operation of the facilities described herein.

ters of Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company, Docket No. G-688.

It appearing to the Commission that:

(a) On February 18, 1947, the Commission ordered that the public hearing in the above-entitled matters theretofore set for February 25, 1947, be postponed to April 15, 1947;

(b) Good cause exists for further postponing the date of hearing as hereinafter provided;

The Commission orders that:

The public hearing in the above-entitled matters now set to commence on April 15, 1947, be and the same is hereby postponed to June 10, 1947, commencing at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: April 9, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3534; Filed, Apr. 14, 1947; 8:50 a. m.]

[Docket No. G-693]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF ORDER TERMINATING PROCEEDING

APRIL 9, 1947.

Notice is hereby given that, on April 9, 1947, the Federal Power Commission issued its order entered April 8, 1947, terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3523; Filed, Apr. 14, 1947; 8:45 a. m.]

[Docket No. G-763]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 10, 1947.

Notice is hereby given that, on April 10, 1947, the Federal Power Commission issued its findings and order entered April 8, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3539; Filed, Apr. 14, 1947; 8:51 a. m.]

[Docket No. G-886]

COLORADO INTERSTATE GAS CO.

ORDER SUSPENDING RATE SCHEDULE

It appears to the Commission that:

(a) Colorado Interstate Gas Company (Colorado Interstate) on March 20, 1947, filed with the Commission an agreement dated December 4, 1946, between Colorado Interstate Gas Company and Public Service Company of Colorado designated by the Commission as Rate Schedule FPC No. 11, together with a letter agreement dated March 14, 1947, between the above said parties designated by the Commission as Supplement No. 1 to Rate Schedule FPC No. 11.

(b) The aforesaid rate schedule and supplement purport to cancel and supersede the existing rate schedule, as supplemented, of Colorado Interstate, designated as Colorado Interstate Gas Company Rate Schedule FPC No. 1, pertaining to the sale of natural gas by Colorado Interstate to Public Service Company of Colorado.

(c) Rate Schedule FPC No. 11 and Supplement No. 1 referred to in paragraph (a) above do not change the rates to be charged, and said Rate Schedule FPC No. 11 and Supplement No. 1 provide that the rates contained in schedules on file with the Commission and lawfully in effect from time to time shall be filed as a supplement or supplements to said Rate Schedule FPC No. 11.

(d) Rate Schedule FPC No. 11 and Supplement No. 1 referred to in paragraph (a) above provide that Public Service Company of Colorado, as Buyer, for a period of 20 years shall take and purchase from Colorado Interstate, subject to certain qualifications not here material, the entire amount of gas required by said Public Service Company of Colorado to supply its consumers in the area of service defined therein whether now or hereafter connected to its distribution facilities.

(e) Supplement No. 1 referred to in paragraph (a) above provides that Rate Schedule FPC No. 11 is to be made effective as of February 14, 1947, as the beginning date of the primary twenty-year period of Rate Schedule FPC No. 11.

(f) The proposed conditions of service of said Rate Schedule FPC No. 11 and Supplement No. 1, as noted in paragraph (d) above, may be inconsistent with the public interest and place an undue burden upon the ultimate consumers of natural gas, and, may be unjust and unreasonable and, therefore, unlawful.

(g) Unless suspended by order of the Commission, or otherwise ordered by the Commission, the aforesaid Rate Schedule FPC No. 11 and Supplement No. 1 thereto will become effective on April 20, 1947.

The Commission finds:

It is necessary, desirable, and in the public interest that a public hearing be held concerning the lawfulness of the proposed conditions of service set forth in the rate schedule and supplement filed by Colorado Interstate Gas Company, referred to in paragraph (a) above, and that said rate schedule and supplement be suspended pending hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held on a date and at a place to be fixed by further order of the Commission respecting the matters involved and the issues presented concerning the lawfulness of the proposed conditions of service set forth in Rate Schedule FPC No. 11 and Supplement No. 1 of Colorado Interstate Gas Company referred to in paragraph (a) above.

(B) Pending such hearing and decision thereon, Rate Schedule FPC No. 11 and Supplement No. 1 filed by Colorado Interstate Gas Company, referred to in paragraph (a) above, in so far as such Rate Schedule and Supplement provide for the sale of natural gas other than for resale for industrial use only, be and they hereby are suspended until September 20, 1947, and until such time thereafter as said Rate Schedule and Supplement shall be made effective in the manner prescribed by the Natural Gas Act.

(C) During the period of suspension Colorado Interstate Gas Company Rate Schedule FPC No. 1, as supplemented, shall remain in full force and effect.

(D) Interested State commissions may participate in said hearing as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) in the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: April 9, 1947.

By the Commission.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3540; Filed, Apr. 14, 1947; 8:51 a. m.]

[Project No. 16]

NIAGARA FALLS POWER CO.

ORDER SETTING ORAL ARGUMENT ON VALIDITY OF CLAIMED WATER RIGHTS AND ON APPLICATION FOR AMENDMENT OF LICENSE

Upon application filed February 17, as supplemented March 20, 1947, by The Niagara Falls Power Company, licensee, for Project No. 16 located along the Niagara River at Niagara Falls, New York, for amendment of the license to include certain alleged water rights to be acquired from Buffalo Niagara Electric Corporation;

(1) The licensee proposes to acquire from Buffalo Niagara Electric Corporation (Buffalo Niagara) certain alleged rights to take and withdraw from the Hydraulic Basin of the licensee operated as a part of Project No. 16 and to use under a head not exceeding 100 feet 262.6 cubic feet per second of water and to pay therefor the amount of $728,415.48 which it states is the original cost of said water rights to Niagara Lockport and Ontario Power Company (Niagara-Lockport), predecessor to Buffalo Niagara; and the licensee then requests that paragraph 13 of the license be changed to eliminate any reference to said water rights.

(2) Paragraph 13 of the license reads as follows:

Such taking over of the project shall also be subject [to the rights, if any, of Pettebone-Cataract Paper Company and Cataract City Milling Company to withdraw water at a rate not exceeding 265 cubic feet per second from the Hydraulic canal or basin of licensee, and] to the rights, if any, of International Paper Company.

and the licensee seeks to eliminate therefrom the language in brackets.

(3) In 1925 certain lands and buildings and the water rights in question were sold by Pettebone-Cataract Paper Company and Cataract City Milling Company to Niagara-Lockport which in turn by a deed and agreement dated May 1, 1925 transferred all of the property except the water rights to the licensee. Article I of the deed and agreement conveys the lands and buildings, subject to the reservation of certain easements set out in another article. Article III of the deed and agreement provides that in consideration of the lease to the licensee of 262.6 c. f. s. of water for which water rights were claimed, the licensee is to deliver to Niagara-Lockport at Echota substation in Niagara Falls 2,000 kilowatts of electric energy at a price of $6.70 per kilowatt per annum; this amount of energy being the equivalent of the energy which could be produced by 262.6 c. f. s. of water through 100 feet of head, the use which was being made by the Paper Milling companies prior to 1925. The price of $6.70 is subject to readjustment after 15 years and at 5-year intervals thereafter.

(4) The Niagara River is an international boundary stream and a navigable water of the United States and the right to divert water therefrom and to use the water so diverted cannot be acquired without the authority of the United States, and no such authority is claimed for or has been granted to Buffalo-Niagara or its predecessors in interest for the use of the 262.6 c. f. s. in question, at least since June 10, 1920, the date of approval of the Federal Water Power Act (41 Stat. 1063).

(5) The 262.6 c. f. s. of water which the applicant licensee proposes to acquire is a part of the 19,725 c. f. s. of water which the licensee was authorized by the license issued March 2, 1921, as amended, to divert through Project No. 16.

The Commission finds that:

(6) Amendment of the license as requested should only be authorized if the water rights which the applicant licensee proposes to acquire from Buffalo Niagara are valid rights which may be recognized under the Federal Power Act.

(7) The facts necessary to determine the validity of the water rights in question are presented in sufficient detail in the application filed February 17, 1947, together with the exhibits attached thereto, as supplemented March 20, 1947.

(8) Opportunity should be afforded the licensee to support the validity of said water rights and the authority of the Commission to approve the license amendment requested.

It is ordered, That:

(9) The question of the validity of the water rights referred to above and the authority of the Federal Power Commission to approve the license amendment requested are hereby set for oral argument before the Commission commencing at 10 o'clock a. m. on Friday, April 25, 1947, in the Commission's Hearing Room, 12th floor, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C.

Date of issuance: April 9, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3535; Filed, Apr. 14, 1947; 8:50 a. m.]

[Project No. 1853]

FIRST IOWA HYDRO-ELECTRIC COOPERATIVE

ORDER SETTING ORAL ARGUMENT

This proceeding was initiated in 1941 when First Iowa Hydro-Electric Cooperative filed an application for license under the Federal Power Act to authorize the construction of a hydroelectric power development on Cedar River in the State of Iowa. Several hearings have been held in this matter and after various intermediate steps not here important the Trial Examiner who presided at the hearings submitted his report which was served on the parties to this proceeding on March 5, 1947. On March 24, 1947, the applicant and the State of Iowa, intervenor herein, filed their respective exceptions and objections to the findings and conclusions and the recommended decision contained in the Trial Examiner's Report, and both parties requested an opportunity to present oral argument before the Commission on the issues raised by their exceptions.

As a matter of incidental recitation the Trial Examiner included two findings relating to the question of the Commission's jurisdiction over the project although the project has already been determined finally to be subject to the jurisdiction of the Commission.

The Commission, having considered the project record and the requests for oral argument, finds that:

It is appropriate for the purposes of administration of the Federal Power Act that an opportunity for oral argument before the Commission be afforded as hereinafter provided; and

It is ordered, That:

Oral argument before the Commission on the issues raised by the aforesaid exceptions to the Trial Examiner's Report, other than on the issue of the Commission's jurisdiction, is hereby set to commence at 10:00 a. m. on May 9, 1947, in the Commission's Hearing Room, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Date of issuance: April 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3533; Filed, Apr. 14, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 715]

UNLOADING OF CROSS ARMS AT LAREDO, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of April A. D. 1947.

It appearing, that car IC 10154, containing cross arms, at Laredo, Texas, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Cross arms at Laredo, Texas, be unloaded.* The International-Great Northern Railroad Company (Guy A. Thompson, Trustee), its agents or employees, shall unload immediately car IC 10154, loaded with cross arms, now on hand at Laredo, Texas, consigned shippers order, advise M. S. Tamez & Co., Laredo, Texas.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., April 11, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3529; Filed, Apr. 14, 1947; 8:50 a. m.]

APR 17 '47

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1496]

ELECTRIC POWER & LIGHT CORP. AND MISSISSIPPI POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of April A. D. 1947.

Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, Mississippi Power & Light Company ("Mississippi"), having filed a joint application-declaration pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder regarding the following proposed transactions:

Electric is the owner of all of the outstanding common stock of Mississippi consisting of 700,000 shares without par value, having a stated value of $7,000,000. Mississippi proposes to issue and sell, and Electric proposes to acquire, an additional 250,000 shares of common stock of Mississippi for a cash consideration of $2,500,000. The proceeds of the sale of the new common stock will be used by Mississippi for the construction of needed facilities. Electric proposes to use treasury funds to make the proposed purchase.

Such application-declaration having been filed on the 27th day of March, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration be granted and permitted to become effective; and

The applicant-declarant having requested that the Commission's order with respect to said application-declaration become effective as soon as possible in order that it may proceed with the proposed transactions without delay and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3536; Filed, Apr. 14, 1947; 8:50 a. m.]

[File No. 70-1499]

EAST COAST PUBLIC SERVICE CO. AND VIRGINIA EAST COAST UTILITIES, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of April A. D. 1947.

Notice is hereby given that a joint declaration has been filed with this Commission, pursuant to sections 7 and 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, by East Coast Public Service Company, a registered holding company and the public utility subsidiary company, Virginia East Coast Utilities, Incorporated.

Notice is further given that any interested person may, not later than April 18, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt the transactions therein proposed as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Virginia East Coast Utilities, Incorporated, proposes to issue and sell to Baltimore National Bank of Baltimore, Maryland, its promissory note in the principal amount of $250,000, bearing interest at the rate of 2½% per annum and maturing on July 7, 1947. The proceeds of such sale are to be used in part to retire its presently outstanding loan of $200,000 from the Baltimore National Bank, and in part for the construction of property additions. East Coast Public Service Company proposes to guarantee to Baltimore National Bank the repayment of the loan of $250,000 with interest.

The declarants request that the Commission's order permitting the declaration become effective immediately upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3537; Filed, Apr. 14, 1947; 8:51 a. m.]

APR 17 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 75

Washington, Wednesday, April 16, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9839

TRANSFERRING TO THE FEDERAL WORKS ADMINISTRATOR CERTAIN FUNCTIONS, POWERS, AND DUTIES RELATING TO THE GRAND RIVER DAM PROJECT (PWA DOCKET OKLAHOMA 1097-P-DS)

WHEREAS in accordance with a certain Settlement Agreement dated as of August 1, 1946, executed by and between the Secretary of the Interior and Grand River Dam Authority pursuant to the act of July 31, 1946, 60 Stat. 743, the Secretary of the Interior has returned possession and control of and conveyed to the Grand River Dam Authority the Grand River Dam Project (Licensed Project No. 1494), and has adjusted and settled certain accounts between the United States and the said Authority resulting from the taking, occupation, and use by the United States of that Project; and

WHEREAS in the administration of the Grand River Dam Project (PWA Docket Oklahoma 1097-P-DS) the Secretary of the Interior has accepted as a part of such adjustment and settlement certain Refunding and Project Bonds known as "Grand River Dam Authority 2½% Revenue Bonds, Series A", in the aggregate principal amount of $14,000,000; and

WHEREAS the said Grand River Dam Project (PWA Docket Oklahoma 1097-P-DS) was transferred from the Federal Works Administrator to the Secretary of the Interior by Executive Order No. 9373 of August 30, 1943, under the authority of Title I of the First War Powers Act, 1941, and upon the expiration of that Title the functions, powers, and duties of the Secretary of the Interior with respect to that Project, including the said bonds, would by operation of law be vested in the Federal Works Administrator, who is custodian for the United States of all other revenue bonds of like character; and

WHEREAS it appears that it would be in the interest of administrative convenience and continuity to effect an immediate transfer to the Federal Works Administrator of the functions, powers, and duties previously transferred to the Secretary of the Interior by the said Executive Order No. 9373 with respect to the said Grand River Dam Project (PWA Docket Oklahoma 1097-P-DS) and the contracts, records, and accounts relating thereto, including the said bonds:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes of the United States, including Title I of the First War Powers Act, 1941, 55 Stat. 838, and in the interest of the internal management of the Government, it is hereby ordered as follows:

1. All functions, powers, and duties previously transferred by Executive Order No. 9373 of August 30, 1943, from the Federal Works Administrator to the Secretary of the Interior with respect to the Grand River Dam Project (PWA Docket Oklahoma 1097-P-DS), including the functions, powers, and duties of the Secretary of the Interior with respect to the said Refunding and Project Bonds, are hereby transferred to and vested in the Federal Works Administrator, to be exercised by him or by such person or persons as he may designate.

2. The said Refunding and Project Bonds and all contracts, records, and accounts used primarily by the Secretary of the Interior in the administration of any function, power, or duty transferred by this order or primarily relating thereto are hereby transferred to the Federal Works Administrator for use in the administration of such functions, powers, and duties.

3. Nothing in this order shall be construed to derogate or affect (a) the authority of the Secretary of the Interior to continue the completion of the adjustment and settlement of accounts between the United States and the Grand River Dam Authority under the said act of July 31, 1946, and the Settlement Agreement executed in pursuance thereof, and under all other applicable statutes; or (b) the functions, powers, and duties of the Secretary of the Interior with respect to the project for the acquisition of an additional five feet of reservoir storage for the Grand River Dam Project (Federal List No. 584; N. I. R. A.) transferred by the said Executive Order No. 9373 to the Secretary of the Interior from the Federal Works Administrator.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 14, 1947.

[F. R. Doc. 47-3679; Filed, Apr. 15, 1947; 9:47 a. m.]

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FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handing of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subdivisions (i), (ii), and (iii) of § 904.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said subparagraph, with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "4.33," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the months of May and June 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and May 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond May 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Greater Boston, Massachusetts, milk marketing area.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of § 904.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said subparagraph, with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "4.33," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the months of May and June 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3586; Filed, Apr. 15, 1947; 8:48 a. m.]

do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the months of May and June 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and May 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond May 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the New York metropolitan milk marketing area.

It is therefore ordered, That the entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "4.14," be and it hereby is suspended with respect to all milk subject to the provisions of the order during the months of May and June 1947.

(48 Stat. 31, 670, 675, 40 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3587; Filed, Apr. 15, 1947; 8:48 a. m.]

PART 934—MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subdivisions (i), (ii), and (iii) of § 934.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said subparagraph with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "4.77," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the months of May and June 1947, and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule-making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237), in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and May 1, 1947, is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond May 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Lowell-Lawrence, Massachusetts, milk marketing area.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of § 934.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said subparagraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "4.77," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the months of May and June 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 9th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3585; Filed, Apr. 15, 1947; 8:47 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. The entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "4.14," does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the months of May and June 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and May 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond May 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Fall River, Massachusetts milk marketing area.

It is therefore ordered, That subparagraphs (1), (2), and (3) of § 947.4 (a) of the order and the entire table contained in subparagraph (4) of said paragraph with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.08," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the months of May and June 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 9th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3584; Filed, Apr. 15, 1947; 8:47 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter D—Approved Forms, Federal Power Act

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

FILING OF POWER SYSTEM STATEMENTS

The Commission, on April 4, 1947, adopted its Order No. 136,[1] amending Orders Nos. 133, 134 and 135 to extend time for filing Power System Statements, FPC Forms Nos. 12, 12–A and 12–D, for the year 1946, amending §§ 141.51, 141.52 and 141.55 of the Code of Federal Regulations by adding to paragraph (b) of each of the aforesaid sections the following: "Said statements for the year 1946 shall be filed on or before June 1, 1947".

[SEAL] Leon M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3614; Filed, Apr. 15, 1947; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 631—WAR HOUSING PROGRAM: POLICY

DISPOSITION OF FEDERALLY OWNED WAR HOUSING PROJECTS

Section 631.4 (c), (11 F. R. 177A–913), is hereby amended, effective upon publication in the FEDERAL REGISTER, by adding subparagraph (8) thereto, as follows:

§ 631.4 *Disposition of federally owned war housing projects.* • • •

(c) *Disposition of temporary projects not used for Veterans' Emergency Housing.* • • •

(8) *Sale for on-site, non-residential use.* Dwelling structures of temporary character may, with FPHA Central Office approval, be sold for on-site, non-residential use when the community recommends in its disposition plan, or any amendment thereto, that sale for such use is desirable, and the prospective purchaser submits plans and specifications to the FPHA for remodelling for non-residential use which will clearly eliminate any possibility of the structures being used as housing.

FPHA funds shall not be used for alterations. Sales shall be effected with such legal safeguards as are necessary to give the Government the right to enforce the purchaser's agreement that the required changes will be made.

(54 Stat. 1125; 42 U. S. C. 1521)

Approved: April 9, 1947.

[SEAL] D. S. MYER, *Commissioner.*

[F. R. Doc. 47-3565; Filed, Apr. 15, 1947; 8:45 a. m.]

[1] See F. R. Doc. 47-3399, under Federal Power Commission in notices section, *infra.*

Chapter VIII—Office of Housing Expediter

[Suspension Order S–3]

PART 807—SUSPENSION ORDERS

BEN ROGOFF

Ben Rogoff, doing business as Duffy's Tavern, 10526 St. Clair Avenue, Cleveland, Ohio, on or about September 1, 1946, without authorization of the Civilian Production Administration or the Office of the Housing Expediter, and at an estimated cost in excess of $1,000 began and carried on construction in the remodeling of a storeroom into a restaurant-bar, at 10526 St. Clair Avenue, Cleveland, Ohio, in willful violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration or the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.3 *Suspension Order No. S–3.* (a) Neither Ben Rogoff, his successors or assigns, nor any other person shall do any further construction on the storeroom used as a restaurant-bar located at 10526 St. Clair Avenue, Cleveland, Ohio, including completing or further altering said premises unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Ben Rogoff shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter relating to the above premises.

(c) Nothing contained in this order shall relieve Ben Rogoff, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 14th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3643; Filed, Apr. 14, 1947; 2:48 p. m.]

[Suspension Order S–11]

PART 807—SUSPENSION ORDERS

SONS OF ITALY-GARABALDI CLUB AND ANDREW C. SABELLA

Sons of Italy-Garabaldi Club maintain club quarters at 311–315 Eleventh Street, New Kensington, Pa., and is the local chapter of the National order. Andrew C. Sabella, 305 Tenth Street, New Kensington, Pa., is a contractor and builder. On or about November 1, 1946, Sons of Italy-Garabaldi Club and Andrew C. Sabella began the construction of a two-story addition to the club house at 311–315 Eleventh Street, New Kensington, Pa., without authorization of the Civilian Production Administration or the Office of the Housing Expediter, at an estimated cost in excess of $1,000. This construction was carried on after Contractor Sabella, the President of the Club, and other members actively engaged in the building program, had been informed of the restrictions of Veterans' Housing Program Order 1, and after the Club, by its duly authorized officials, had executed a voluntary statement to restrict the construction to the $1,000 limitation for that type of construction allowed under Order VHP–1. The beginning and carrying on of this construction at an estimated cost in excess of $1,000, subsequent to March 26, 1946, constituted a wilful violation of the Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing it is hereby ordered that:

§ 807.11 *Suspension Order No. S–11.* (a) Neither Sons of Italy-Garabaldi Club, Andrew C. Sabella, their successors or assigns, nor any other person, shall do any further construction on the building located at 311–315 Eleventh Street, New Kensington, Pa., including putting up, completing or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Sons of Italy-Garabaldi Club, and Andrew C. Sabella shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on the construction.

(c) Nothing contained in this order shall be deemed to relieve Sons of Italy-Garabaldi Club, Andrew C. Sabella, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 14th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3644; Filed, Apr. 14, 1947; 2:49 p. m.]

[Suspension Order S–1079, Revocation]

PART 807—SUSPENSION ORDERS

T. R. JOHNSON

T. R. Johnson, 235 South Dock Street, Sharon, Pennsylvania, engaged in the manufacture of prefabricated houses and sections, was suspended by Suspension Order No. S–1079 on February 7, 1947, from use of preference ratings or certifications to obtain plywood. In view of the fact that the revocation of Order L–358 on March 31, 1947 withdrew from all prefabricators the authority to use ratings or certifications for plywood, the Chief Compliance Commissioner has directed that the suspension order be revoked. In view of the foregoing:

It is hereby ordered, That: § 1010.1079, Suspension Order No. S–1079, be revoked.

Issued this 11th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3645; Filed, Apr. 14, 1947; 2:49 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

SALT RIVER INDIAN IRRIGATION PROJECT, ARIZONA

On February 6, 1947, there was published in the daily issue of the FEDERAL REGISTER a notice of intention to modify § 130.105 of Title 25 CFR and to issue a separate order for the Salt River Indian irrigation project, Arizona, as therein set forth. Interested persons were given opportunity to participate in the proceedings by submitting data or written arguments within 30 days from the date of publication of the notice.

A petition opposing the proposed $3.50 annual per acre rate was filed by the Salt River Pima-Maricopa Indian Community Council. The Community Council was given a hearing by the District Director at Phoenix, Arizona. Objections of the Community Council pointed (1) to the failure of the Government to complete the project; (2) inability to irrigate certain high areas of land; (3) areas alleged inadequately drained; and (4) that $3.50 per acre is an excessive rate.

With respect to objection No. 1, the failure to complete the project by extending facilities to irrigate the ultimate irrigable area, it would require the appropriation and expenditure of additional funds for construction purposes with which the proposed order is not concerned. The fact that all construction work has not been completed is not a valid reason why operation and maintenance assessments should not be paid on lands which can be served water through the existing project works.

As to objections 2 and 3, ordinarily the work of leveling and conditioning land for the application of water for irrigation farming is the job of the individual farmer. Because of the inability of the Indian landowners of the Salt River project to meet the expense of the work, large sums of appropriated funds have been expended under Government supervision in leveling and conditioning their lands. Any high places of appreciable area which have not been leveled so that water may be applied, and any lands which may need project drainage facilities and which cannot be served with irrigation water are not assessed.

Regarding the fourth objection, it was pointed out that the delivery of water would not be refused to Indian farmers utilizing their own lands who could not pay the entire basic rate, upon the partial payment of not less than $1.00 per acre of that rate; and that such Indian farmers unable to pay any part of the basic rate might arrange to do work on the project and apply the proceeds of their labor to the payment of as much as $1.00 per acre of that rate, the balance to stand as a charge against their lands without penalty for delinquency. It was also explained that when the Superintendent is of the opinion that an Indian is unable to pay any part of the basic charge, either in cash or by work on the project, water would be delivered to irrigate as much as ten (10) acres of his land. It was also pointed out that the 1947 rate for lands of the Salt River Valley Water Users Association which surrounds the Salt River project has been increased to $4.50 for two acre feet of water per acre and $2.00 per acre foot for additional water, and that operation and maintenance collections on the Salt River propect are running below actual costs.

The objections having been carefully considered, it has been determined that in view of the excess costs over collections the increased rate should be established. The order is accordingly promulgated as follows:

Sec.
130.120 Basic charge.
130.121 Payment.
130.122 Delivery of water.

AUTHORITY: § 130.120 to § 130.122 issued under 38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387.

§ 130.120 *Basic charge.* Pursuant to provisions of the acts of Congress approved August 1, 1914 and March 7, 1928 (38 Stat. 583; 45 Stat. 210, 25 U. S. C. 385, 387), the basic operation and maintenance charge against the lands under the Salt River Indian irrigation project in Arizona to which water can be delivered through the irrigation project works is hereby fixed at $3.50 per acre per annum until further notice.

§ 130.121 *Payment.* The annual basic charge fixed in § 130.120 shall be due and payable on or before May 1, 1947, and on April 1 of each year thereafter until further notice. Charges not paid on the due date shall stand as a first lien against the lands until paid.

§ 130.122 *Delivery of water.* Delivery of water shall be refused to all tracts of land for which the basic charge remains unpaid on the due date except that water may be delivered (a) to irrigate Indian owned lands that are not under lease, permit, or other form of use by someone other than the Indian owner, upon the partial payment on or before the due date of not less than $1.00 per acre per annum of the basic charge; (b) to irrigate Indian owned lands not under lease, permit, or other form of use by someone other than the Indian owner when said owner is unable to pay any part of the basic charge, upon the performance of labor on project works and the prior agreement that he will pay from the proceeds received for such work at least an amount equal to $1.00 per acre per annum; and (c) to irrigate not to exceed 10 acres of Indian owned land when the Superintendent is of the opinion that an Indian landowner is unable to meet the requirements of paragraphs (a) or (b) of this section, when the Superintendent certifies to that fact. The Superintendent shall promptly furnish the Director of the District, for approval or rejection, all such certifications. In such cases, covered by paragraphs (a), (b) and (c) of this section, the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid, without penalty.

J. W. HUTCHISON, *Acting Commissioner.*

[F. R. Doc. 47-3570; Filed, Apr. 15, 1947; 8:45 a. m.]

TITLE 29—LABOR

Chapter X—National Mediation Board

PART 1206—NOTICES IN RE RAILWAY LABOR ACT

SUBSTANTIVE RULES

Section 1206.4 *Substantive rules* (11 F. R. 177A–924) is amended to read as follows:

§ 1206.4 *Substantive rules.* The only substantive rules issued by the National Mediation Board are those authorized under section 2, Ninth, of the Railway Labor Act to implement the procedure of determining employee representation.

(Sec. 2, Ninth, 44 Stat. 577 as amended by 48 Stat. 1188; 45 U. S. C. 152)

[SEAL] ROBERT F. COLE, *Secretary.*

APRIL 10, 1947.

[F. R. Doc. 47-3571; Filed, Apr. 15, 1947; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1947 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING APRIL 1, 1947

APRIL 1, 1947.

§ 129.10 *Calendar year 1947.*[1] • • •

(b) *Quarter beginning April 1, 1947.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter, beginning April 1, 1947, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[1] 12 F. R. 1190.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted

Country	Monetary unit	Value in terms of U. S. money	Remarks
Brazil	Cruzeiro	$0.2025	Decree law of Oct. 6, 1942, established the cruzeiro as the unit of currency, replacing the milreis. Conversion of notes into gold suspended Nov. 22, 1930.
Canada and Newfoundland.	Dollar	1.0031	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5714	Present gold content of .56424 grams of gold 9/10 fine established by law of Nov. 19, 1938, effective Nov. 30, 1948. Obligation to sell gold suspended Sept. 24, 1931.
Cuba	Peso	1.0000	Gold content of .9873 gram 9/10 fine established by Law No. 244 of May 22, 1934, and confirmed by Law No. 410 of Aug. 10, 1934.
Egypt	Pound (100 piasters)	3.3692	Conversion of notes into gold suspended Sept. 21, 1931.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0126	Conversion of notes into gold suspended Oct. 12, 1931.
Great Britain	Pound sterling	3.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	3.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Nicaragua	Cordoba	1.0000	Embargo on gold exports Nov. 13, 1931.
Panama	Balboa	1.0000	U. S. money principal circulating medium.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Rumania	Leu	.0101	Exchange control established May 18, 1942.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of South Africa.	Pound	3.2397	Conversion of notes into gold suspended Dec. 28, 1932.
Union of Soviet Socialist Republics.	Ruble	.1981	On basis of 5.6807 rubles per gram of fine gold.
Uruguay	Peso	.6583	Present gold content of .585018 grams fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914, exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3588; Filed, Apr. 15, 1947; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 328]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The list of commodities set forth in paragraph (b) is amended by adding a qualifying footnote reference meaning "Requires individual license for export to all areas except the Philippine Islands, and all countries in North and South America as listed in Schedule C of the Bureau of the Census, U. S. Department of Commerce" with respect to the following commodities:

Dept. of Comm. Sched. B No.	Commodity
	Other edible animal products:
009900	Beef scraps dried.
009900	Bone scraps.
009900	Dog foods, chief ingredient meat.
	Other inedible animals and animal products:
099998	Blood meal.
099998	Bone scrap.
099998	Liver meals.
	Fodders and feeds, n. e. s.:
119900	Bone meal.
119900	Cull beans.

2. The following commodities are hereby deleted from the list of commodities:

Dept. of Comm. Sched. B No.	Commodity
	Meat products:
	Pork, except canned:
002700	Pigs' feet, fresh or frozen.
003200	Dry salted ears, tails, neck bones, neck ribs and pigs' feet.
003500	Liver cheese (including Lakewood liver cheese) and liverwurst (report canned in 003800).
003600	Beef tongue, beef tripe, oxtails, and ox tongue, canned.
003700	Pigs' feet and pork tongue, lunch, pickled, cooked or spiced, canned.
003800	Liver cheese (including Lakewood liver cheese) and liverwurst, canned.
003909	Meat paste, canned.
003909	Vegetables cooked with meat, canned.
	Dairy products:
006000	Cream, fresh and sterilized.
006998	Plastic cream.
	Grains and preparations:
103200	Cornmeal (bbl. 196 lbs.).
103300	Hominy and corn grits (include canned and brewers' flakes).
	Vegetables and preparations, edible:
120213	Cowpeas, dry, ripe.
120213	Cowpea seed.
125911	Soybean flour, edible (report inedible in 299998).
	Oilseeds:
222020	Poppy seed.
	Fertilizers and fertilizer materials:
	Phosphatic fertilizer materials:
	Phosphate rock, Florida:
851510	High-grade rock, Florida.
851520	Land pebble.
851580	Phosphate rock, Tennessee, Idaho, and Montana.
	Soap and toilet preparations:
	Soap:
871000	Medicated.
871800	Shaving creams, retail packages only.
871900	Shaving powders, retail packages only.
871900	Shaving cakes and sticks.
872400	Abrasive types of pastes and powders (fat content above 10%).

Dated: April 4, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-3593; Filed, Apr. 15, 1947; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of Interior

PART 402—ANNUAL WATER CHARGES

GILA IRRIGATION PROJECT, ARIZONA, AND KLAMATH IRRIGATION PROJECT, OREGON-CALIFORNIA

CROSS REFERENCE: For additions to the tabulation contained in § 402.2 see F. R. Docs. 47-3566 and 47-3567 under Department of Interior, Bureau of Reclamation, in the Notices section, *infra*.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

FISHING IN ARROWWOOD NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Paragraph (a) of § 29.28 (50 CFR 29.28) is revised to read as follows:

§ 29.28 *Arrowwood National Wildlife Refuge, North Dakota; fishing.* * * *

(a) *Waters open to fishing.* The waters designated by suitable posting by the officer in charge of the refuge on Arrowwood Lake in the SE¼ of Section 7, the SW¼ of Section 8, and Section 30, T. 144 N., R. 64 W., and Section 25, T. 144 N., R. 65 W., and on Jim Lake in NE¼, S½NW¼, and S½, of Section 19, and Section 20, T. 143 N., R. 64 W., fifth principal Meridian, shall be open to fishing.

(Sec. 84, 43 Stat. 98, sec. 10, 45 Stat. 1224, sec. 401, 49 Stat. 383; 18 U. S. C. 145, 16 U. S. C. 715i, 715s; Reorg. Plans Nos. II, III, 3 CFR Cum. Supp.)

Dated: April 7, 1947.

[SEAL] O. H. JOHNSON,
Acting Director.

[F. R. Doc. 47-3569; Filed, Apr. 15, 1947; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S. O. 369, Amdt. 12]

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of April A. D. 1947.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F. R. 15073; 11 F. R. 639, 2383, 7857, 10304, 8453, 11013, 14522; 12 F. R. 1606, 1724, 2053), and good cause appearing therefor, it is ordered, that:

Section 95.369 *Demurrage charges on closed box cars*, of Service Order No. 369, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) (3) for paragraph (c) (3) thereof:

(c) *Application.* * * *

(3) *Export, import, coastwise or intercoastal traffic.* Except as shown below, import, export, coastwise (including Great Lakes) or intercoastal traffic is subject to this order.

Exceptions. Import, export, coastwise (including Great Lakes) or intercoastal bulk freight or explosives traffic, during the period such traffic is held in cars at ports for transfer to vessels or held at United States-Canadian border crossings, is not subject to this order. Bulk freight means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

It is further ordered, that this amendment shall become effective at 7:00 a. m., April 12, 1947, and the provisions of this amendment shall apply to cars on hand on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3575; Filed, Apr. 15, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8198, Amdt.]

HENKEL & CIE., A. G.

In re: Stock and bank accounts owned by Henkel & Cie., A. G., 2095-47.

Vesting Order 8198, dated February 11, 1947, is hereby amended as follows and not otherwise:

a. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the certificate numbers 188655, 188656 and 175075 set forth with respect to the $20 par value common capital stock of E. I. du Pont de Nemours & Company in the custody of Irving Trust Company, 1 Wall Street, New York, New York, and substituting therefor the certificate numbers 188665, 188666 and 182475 respectively; and

b. By deleting from Exhibit A, attached thereto and by reference made a part thereof, all reference to $10 par value common capital stock of Monsanto Chemical Company and substituting therefor the following:

Description of issue and name in which shares are registered	Name of custodian bank	Number of shares	Certificate No.
$5 par value common capital stock of Monsanto Chemical Co., St. Louis, Mo., a Delaware corporation, registered in the name of Schmidt & Co.	Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	3,000	TNY 12632/61 for 100 shares each.

All other provisions of said Vesting Order 8198 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3609; Filed, Apr. 15, 1947; 8:55 a. m.]

[Vesting Order 8613]

SHIGERU ASATO

In re: Bank accounts owned by Shigeru Asato. F-39-1018-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeru Asato, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Shigeru Asato, by Pacific Bank, P. O. Box 1200, Honolulu, T. H., arising out of a blocked savings account, evidenced by Receiver's Liability No. 917, entitled Shigeru Asato, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Shigeru Asato, by Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a block savings account, Account Number 6384, entitled Shigeru Asato, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a blocked savings account, Account Number 47814, entitled Shigeichi Asato for Shigeru Asato, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shigeru Asato, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. D. Doc. 47-3598; Filed, Apr. 15, 1947; 8:52 a. m.]

[Vesting Order 8623]

HANS WAGNER VERLAG ET AL.

In Re: Debts owing to Hans Wagner Verlag, Knorr and Hirth Verlag and Deutscher Verlag, A. G. F-28-4732-C-1, F-28-5348-C-1, F-28-5746-C-1, F-28-5746-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Wagner Verlag, Knorr and Hirth Verlag and Deutscher Verlag, A. G., the last known addresses of which are Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hans Wagner Verlag, by The American News Company, 131 Varick Street, New York 13, N. Y., in the amount of $1,428.00, as of February 25, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Knorr and Hirth Verlag, by The American News Company, 131 Varick Street, New York 13, N. Y., in the amount of $1,424.00, as of February 25, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Deutscher Verlag, A. G., by The American News Company, 131 Varick Street, New York 13, N. Y., in the amount of $3,067.00, as of February 25, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Deutscher Verlag, A. G., by Black Star Publishing Company, Inc., 420 Lexington Avenue, New York, New York, in the amount of $3,240.56, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3600; Filed, Apr. 15, 1947; 8:54 a. m.]

[Vesting Order 8618]

MISAO ISOBE

In re: Bank account owned by Misao Isobe. D-39-1088-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Misao Isobe, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Misao Isobe, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 165209, entitled Misao Isobe, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3599; Filed, April 15, 1947; 8:54 a. m.]

[Vesting Order 8627]

BERNHARD BUTHE

In re: Estate of Bernhard Buthe, deceased. File No. D-28-10094; E. T. sec. 14357.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Buthe, Bernhard Buthe, and Heinrich Buthe, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Bernhard Buthe, and the issue, names unknown, of Heinrich Buthe, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Bernhard Buthe, deceased, is properly payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Henry Roth, as Executor of the Estate of Bernhard Buthe, deceased, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey; and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Bernhard Buthe, and the issue, names unknown, of Heinrich Buthe, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3601; Filed, Apr. 15, 1947; 8:54 a. m.]

[Vesting Order 8632]

THERESA HARTH

In re: Estate of Theresa Harth, deceased. File No. D-28-10344; E. T. sec. 14726.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosie Harth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $200.00 was paid to the Alien Property Custodian by Amelia Shasserre, Executrix of the estate of Theresa Harth, deceased;

3. That the said sum of $200.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on July 17, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3603; Filed, April 15, 1947; 8:55 a. m.]

[Vesting Order 8633]

DORA HATTENDORF

In re: Mortgage Participation Certificate No. 168862 in Mortgage #F 736 Guarantee No. 170,874, issued by Bond and Mortgage Guarantee Company to Dora Hattendorf. File F-28-18361; E. T. sec. 6155.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Hattendorf whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all rights and interest evidenced by Mortgage Participation Certificate No. 168862 in Mortgage #F 736 issued and guaranteed by Bond and Mortgage Guarantee Company under guarantee No. 170,874 and the right to the transfer and possession of any and all instruments evidencing such rights and interest, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Manufacturers Trust Company, as trustee, acting under the judicial supervision of the Supreme Court of the State of New York, of Kings County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3602; Filed, Apr. 15, 1947; 8:55 a. m.]

[Vesting Order 8634]

FRANZ HERRMANN

In re: Trust u/w of Franz Herrmann, deceased. File No. F-28-2343; E. T. sec. 14958.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maximiliana Herrmann, Franz Herrmann, Anita Mauve, Wilhelm Herrmann, Maria Herrmann, Felix Herrmann, Franz Herrmann (nephew) and Else Herrmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown of Franz Herrmann, Anita Mauve, Wilhelm Herrmann, Maria Herrmann, Felix Herrmann, Franz Herrmann (nephew), and Else Herrmann, and that the issue, names unknown, or Maria Herrmann, a deceased sister, and of Hauptman Carl Herrmann, a deceased brother, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Franz Herrmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Joseph S. Wall, as Executor and Trustee, acting under the judicial supervison of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and issue, names unknown of Franz Herrmann, Anita Mauve, Wilhelm Herrmann, Maria Herrmann, Felix Herrmann, Franz Herrmann (nephew), Else Herrmann, Maria Herrmann, a deceased sister, and Hauptman Carl Herrmann, a deceased brother, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3604; Filed, Apr. 15, 1947; 8:55 a. m.]

[Vesting Order 8662]

BERNHARD SIEFER

In re: Stock owned by and debt owing to Bernhard Siefer. F-28-8718-A-1, F-28-8718-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernhard Siefer, whose last known address is c/o Adam Opel A. G., Russelsheim, A. G., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty-five (35) shares of $10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered WC 74462 and WC 85870/1 for four (4) shares each, WC 145517 for five (5) shares and WC 145518/20 for six (6) shares each, registered in the name of Bernhard Siefer, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Bernhard Siefer by General Motors Corporation, 1775 Broadway, New York, New York, in the amount of $29.22, as of December 31, 1945, evidenced by a dividend check in the sum of $29.22, dated September 12, 1940, presently in the custody of General Motors Overseas Operations, Division of General Motors Corporation, 1775 Broadway, New York, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid dividend check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3607; Filed, Apr. 15, 1947; 8:55 a. m.]

[Vesting Order 8637]

KATHERINE LETTMODEN

In re: Mortgage Participation Certificate No. 155214 in Mortgage F-935 (Guarantee No. 181453) issued by Bond & Mortgage Guarantee Company to Katherine Lettmoden. Mortgage Participation Certificate No. 155256 in Mortgage F-1122 (186084) issued by Bond & Mortgage Guarantee Company to Katherine Lettmoden. Mortgage Participation Certificate No. 168869 in Mortgage F-736 (Guarantee No. 170874) issued by Bond & Mortgage Guarantee Company to Katherine Lettmoden. File No. D-28-2562, E. T. sec. No. 3885.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Lettmoden, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all rights and interest evidenced by a Mortgage Participation Certificate No. 155214 issued and guaranteed by Bond & Mortgage Guarantee Company under Guarantee No. 181453 in Mortgage F-935 and Mortgage Participation Certificate No. 155256 issued and guaranteed by Bond & Mortgage Guarantee Company under Guarantee No. 186084 in Mortgage No. F-1122 and Mortgage Participation Certificate No. 168869 issued and guaranteed by Bond & Mortgage Guarantee Company under Guarantee No. 170874 in Mortgage F-736 and the right to the transfer and possession of any and all instruments evidencing such rights and interest, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Manufacturers Trust Company, as Trustee, acting under the judicial supervision of the Supreme Court of the State of New York, of Kings county, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3605; Filed, Apr. 15, 1947; 8:55 a. m.]

[Vesting Order 8661]

EMMA SCHIRRMACHER

In re: Bank account and stock owned by Emma Schirrmacher. F-28-18236-E-1, F-28-18236-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Schirrmacher, whose last known address is Breslau Hundsfeld-Hundsfelderst 275, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Emma Schirrmacher, by First National Bank, Beatrice, Nebraska, arising out of a Savings Account, Account Number 1833, entitled Mrs. Emma Schirrmacher, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. Thirty (30) shares of $100.00 par value 5% cumulative preferred capital stock of Dempster Mill Manufacturing Company, Beatrice, Nebraska, a corporation organized under the laws of the State of Nebraska, evidenced by certificate numbered 5-213, dated January 16, 1936, and registered in the name of Emma Schirrmacher, together with all declared and unpaid dividends thereon, and any and all rights acquired by virtue of a plan for the retirement of the preferred stock of the aforesaid Company, effective June 1, 1943,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3606; Filed, Apr. 15, 1947; 8:55 a. m.]

[Vesting Order 8663]

KRAFT VON LEWINSKI

In re: Stock owned by Kraft Von Lewinski. F-28-22590-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kraft Von Lewinski, whose last known address is Koeln, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of $10.00 par value common capital stock of The American Rolling Mill Company, a corporation organized under the laws of the State of Ohio, evidenced by certificate number NY 49641, registered in the name of Kraft Von Lewinski, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233, entitled Exportkreditbank A. G., Berlin, Germany—Customers account for Custody, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3608; Filed, Apr. 15, 1947; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 3]

GILA IRRIGATION PROJECT, ARIZONA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

MARCH 26, 1947.

1. *Water rental.* Irrigation water will be furnished, when available and where the progress of construction will permit, upon a rental basis under approved applications for temporary water service during the calendar year 1947, and thereafter until further notice, to lands within the North and South Gila Valleys, to public lands in the Yuma Mesa Division under pumping plant No. 1, and to the private lands in the Yuma Mesa Division under pumping plant No. 1 described below:

(a) Private lands for which water may now be furnished:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 22 W.,
Sec. 4, S½ lying south of Sou. Pac. R. R.;
Sec. 5, S½SE¼ lying south of Sou. Pac. R. R., and W½SW¼ lying south of Sou. Pac. R. R., and north of "B" canal;
Sec. 7, N½S½ and SW¼NE¼;
Sec. 17, SE¼ lying north of "A" canal except N½N½SE¼;
Sec. 20, NW¼ and W½SW¼.
T. 8 S., R. 23 W.,
Sec. 34, S½SE¼;
Sec. 35, S½SW¼ lying south "B 3.7" lateral.
T. 9 S., R. 23 W.,
Sec. 2, E½ lying south of "B 3.7" lateral;
Sec. 3, E½;
Sec. 4, S½SE¼;
Sec. 9, N½NE¼, SW¼NE¼, NW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, and E½SE¼;
Sec. 10, NW¼ and W½SW¼;
Sec. 12, N½NW¼;
Sec. 13, NW¼;
Sec. 15, S½SW¼;
Sec. 16, S½SE¼;
Sec. 22, NE¼ and SE¼;
Sec. 23, NW¼;
Sec. 25, N½NE¼ and NW¼;
Sec. 26, W½W½ and SE¼SW¼;
Sec. 35, W½.

(b) Private lands for which water may be furnished beginning with the latter part of the calendar year 1947:

T. 9 S., R. 22 W.,
Sec. 30, W½NW¼ lying N. and W. of "A" canal.
T. 9 S., R. 23 W.,
Sec. 2, N½SW¼;
Sec. 25, S½NE¼;
Sec. 26, E½, E½NW¼, NE¼, and NE¼SW¼.

2. *Charges and terms of payment.* Water rental charges shall be payable in advance of the delivery of water at rates as follows:

(a) For private lands and for public lands on the Yuma Mesa Division irrigated before July 1 of any year, the minimum charge shall be $6.00 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to 8 acre-feet of water per acre. Additional water will be furnished at the rate of $0.85 per acre-foot.

(b) For private lands on the Yuma Mesa Division not irrigated before July 1 of any year but receiving water after that date, and for public lands entered after July 1 of any year pursuant to the provisions of such public notice as may hereafter be issued opening public lands to entry on the Yuma Mesa Division, there will be a charge of $0.75 per acre-foot for the first 4 acre-feet of water ordered during that year and a charge of $0.85 per acre-foot for all additional water ordered during that year.

(c) For private lands and for leased public lands in the North and South Gila Valleys irrigated under the Gila Gravity Main Canal, the minimum charge shall be $3.00 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to 4 acre-feet of water per acre. Additional water will be furnished at the rate of $0.75 per acre-foot.

3. Applications for temporary water service may be made by the landowner or entryman or by anyone who presents evidence satisfactory to the Superintendent of the Gila Project that he is the tenant or lessee of the land for which water is requested, or that he has been authorized by the owner or entryman to make a water rental application for such land.

4. Applications for temporary water service and the payments required by this notice will be received at the office of the Superintendent, Gila Project, Yuma, Arizona.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

MICHAEL W. STRAUS, *Commissioner.*

[F. R. Doc. 47-3566; Filed, Apr. 15, 1947; 8:45 a. m.]

[No. 44]

KLAMATH IRRIGATION PROJECT, OREGON-CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES

MARCH 31, 1947.

1. *Operation and maintenance.* The minimum operation and maintenance charge for the irrigation season of 1947 against all lands of the Main Division lying outside of the Klamath Irrigation District shall be $2.52 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 2½ acre-feet of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the rate of $0.50 per acre-foot.

2. The minimum operation and maintenance charge for the irrigation season

of 1947 against all lands under district or individual Warren Act contracts shall be $1.26 per irrigable acre, whether water is used or not. Pending the final adjustment of differences between certain Warren Act contractors and the Bureau arising out of charges for additional water, the charge of $0.25 per acre-foot for additional water announced in prior notices will not be made for this season.

3. *Water rental.* The minimum water rental charge for the irrigation season of 1947 against all lands of the Tule Lake Division lying outside of the Klamath Irrigation District and subject to Public Orders of January 22, 1927, March 30, 1928, February 6, 1929, September 10, 1930, October 16, 1931, September 9, 1937, and August 1, 1946, shall be $2.80 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 2½ acre-feet of water per irrigable acre. Additional water will be furnished, if available, up to a limit of 3½ acre-feet per irrigable acre at a rate of $0.50 per acre-foot and all further quantities for $0.75 per acre-foot.

4. For irrigation or waste water furnished Tule Lake leased lands the charge, unless otherwise specified in the leases, shall be $1.00 per acre-foot for the season of 1947.

5. For irrigation or waste water furnished private lands within the dry bed of or bordering Lower Klamath Lake, the charge shall be $0.50 per acre-foot for the season of 1947.

6. For water furnished lands not subject to the operation and maintenance or water rental charges named above the charge shall be $1.00 per acre-foot for the season of 1947.

7. *Time of payment.* For lands of the Tule Lake Division under public notice or public order lying outside of the Klamath Irrigation District, the minimum charge stated in paragraph 3 above shall be due and payable one-half before the delivery of water if water is delivered before July 1, and one-half on or before July 1. If no water is delivered before July 1, then the entire charge shall become due and payable on that date. For all other lands referred to herein the minimum charges announced shall be due and payable before the delivery of water and in any event not later than May 1 of the current irrigation season. Payment for all water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the year in which used.

8. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

9. Where water rental application is made for public lands entered under the Reclamation Law after June 15 and where water rental application is made after August 1 for land in private ownership, no water rental charge shall be made for water delivered during the remainder of the irrigation season in which water rental application is made, but for entered public lands for which water rental application is made after June 15 the minimum water rental charge required by paragraph 10 of public notice No. 43 dated August 1, 1946, to be paid shall apply as a credit on the minimum charge for the following irrigation season.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 47-3567; Filed, Apr. 15, 1947; 8:45 a. m.]

[No. 58]

YUMA AUXILIARY IRRIGATION PROJECT, ARIZONA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES

MARCH 21, 1947.

1. *Annual operation and maintenance charges.* The minimum operation and maintenance charge for the calendar year 1947, and thereafter until further notice, shall be $9.35 per irrigable acre, whether water is used or not, payment of which will entitled the water user to 3 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.20 per acre-foot; *Provided*, That, for lands entered subsequent to September 1 and prior to January 1 of any year no minimum operation and maintenance charge shall be assessed, but water actually delivered shall be paid for in advance at the rate of $3.00 per acre-foot.

2. *Time of payment.* The minimum charge shall be due and payable April 15 of each year and charges for additional water shall be payable on the tenth of the month following that in which the additional quantity is used.

3. *Place of payment.* All charges due hereunder shall be payable to the Bureau of Reclamation, Yuma, Arizona.

4. The following lands shown on the farm unit plats approved October 3, 1919, are subject to the charges announced:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
Secs. 31 and 32.
T. 10 S., R. 23 W.,
Secs. 4, 5, 6, 7, 8, 9, and 17;
Sec. 18, E½SE¼, N½N½;
Sec. 19, NE¼NE¼;
Sec. 20, NW¼NW¼.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 47-3568; Filed, Apr. 15, 1947; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 1335, 1897]

CHICAGO AND SOUTHERN AIR LINES, INC.

NOTICE OF HEARING

In the matter of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Chicago and Southern Air Lines, Inc., over routes Nos. 8 and 53.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on April 21, 1947, at 10:00 o'clock a. m. (eastern standard time), in Room 5132 in the Commerce Department Building, 14th Street between Constitution Avenue and E Street NW, Washington, D. C., before Examiner Charles J. Frederick.

Dated at Washington, D. C., April 11, 1947.

By the Civil Aeronautics Board.

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3610; Filed, Apr. 15, 1947; 8:56 a. m.]

[Docket No. 2334]

PERUVIAN INTERNATIONAL AIRWAYS

NOTICE OF ORAL ARGUMENT

In the matter of the application of Peruvian International Airways pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing foreign air transportation with respect to persons, property and mail between Lima, Peru and Montreal, Canada via intermediate points including New York, New York.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that oral argument in the above-entitled matter is assigned to be held on April 30, 1947, at 10 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, Northwest, Washington, D. C., before the Board. Public hearing in the above-entitled matter was held commencing March 26, 1947, before an examiner of the Board, pursuant to public notice published in the FEDERAL REGISTER on March 21, 1947 (12 F. R. 1909), and all parties to the proceeding have waived the report of the examiner and the opportunity to file exceptions thereto.

Dated at Washington, D. C., April 11, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3611; Filed, Apr. 15, 1947; 8:56 a. m.]

[Docket No. 2856]

BAHAMAS AIRWAYS, LTD.

NOTICE OF HEARING

In the matter of the application of Bahamas Airways, Limited pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing foreign air transportation with respect to persons, property, and mail between Nassau, Bahama Islands, and the co-terminals Miami and Palm Beach, Florida via Cat Cay, Bahama Islands.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 17, 1947, at 10:00 a. m. (eastern standard time) in Room 1508, Commerce Building, 14th Street and Constitution Ave., N. W., Washington, D. C., before Examiner James S. Keith.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Government of the United Kingdom.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before April 17, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., April 11, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3612; Filed, Apr. 15, 1947; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-796]

SOUTHERN NATURAL GAS CO.

NOTICE OF AMENDED APPLICATION

APRIL 9, 1947.

Notice is hereby given that on March 18, 1947, Southern Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in Birmingham, Alabama, and authorized to do business in the States of Alabama, Georgia, Louisiana, Mississippi and Texas, filed an amendment to its application filed on October 7, 1946, striking out its entire previous application and all of the exhibits thereto, and substituting in lieu thereof an amended application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following facilities:

I. Additions to Applicant's present main line system as follows:

A. Loop lines:

(1) 3.5 miles of 20-inch line between the Reform and Tarrant compressor stations.
(2) 1.5 miles of 22-inch line between the Reform and Tarrant compressor stations.
(3) 11.0 miles of 22-inch line extending eastward from the Tarrant compressor station.
(4) 2.5 miles of 20-inch line between the DeArmanville compressor station and Atlanta.
Total main line loops, 18.5 miles.

B. Compressor station additions:

(1) 1,000 H. P. unit at the Louisville station.
(2) 1,000 H. P. unit at the Reform station.
(3) 1,000 H. P. unit at Tarrant station.
(4) 1,000 H. P. unit at the DeArmanville station.
Total H. P., 4,000.

Applicant recites that it intends to make certain tests of the feasibility and safety of increasing operating pressures in certain sections of its main line from the present pressure of 450 p. s. i. to approximately 475 p. s. i. In the event such tests indicate that pressures can be increased to such an extent, Applicant intends to install the facilities required for operation at such higher pressure. According to the application, on the basis of the present 450 p. s. i. operating pressures, the installation of the above facilities will increase the delivery capacity of Applicant's main line by 10,000 Mcf daily. On the basis of the increased 475 p. s. i. operating pressures, the installation of such facilities will provide an increase of 19,000 Mcf daily in delivery capacity.

II. Additions to present branch lines as follows:

A. Meridian (Mississippi) branch line—9 miles of 6⅝-inch loop line.

B. Columbus-West Point (Mississippi) branch line—6.5 miles of 6⅝-inch loop line.

C. Gadsden (Alabama) branch line—33 miles of 12¾-inch pipe line parallel to the present branch line.

Applicant states that installation of the above facilities will increase daily delivery capacities as follows:

Meridian line from 9,000 Mcf to 10,000 Mcf.
Columbus line from 12,000 Mcf to 14,000 Mcf.
Gadsden line from 30,000 Mcf to 76,000 Mcf.

Applicant proposes to sell gas directly to Alabama Power Company from the proposed Gadsden line for use at a new power plant presently under construction near Gadsden.

III. A new line from the Gwinville, Mississippi, gas field to Atlanta, Georgia. This will consist of approximately 375 miles of 24-inch pipe line and stream crossings, cross connections with Applicant's existing Montgomery branch line, measuring facilities and appurtenances.

When operated at an initial pressure of 1,000 p. s. i. this line will have, without the installation of compressing facilities, a daily delivery capacity of 215,000 Mcf at Atlanta, in addition to contemplated daily deliveries during periods of peak demands of 10,000 Mcf at intervening points.

Applicant notes that the total daily delivery capacity of this line could be increased to approximately 540,000 Mcf by the installation of 5 compressor stations with a total of 108,000 H. P., and certain dehydration and other appurtenant facilities, application for which is not now made.

IV. Facilities to extend Applicant's system to new markets, as follows:

A. *An extension to Chattanooga, Tennessee.* This will comprise approximately 44 miles of 8⅝-inch pipe line, extending from a point on Applicant's existing Cedartown-Calhoun, Georgia branch line (at the end of the 6⅝-inch section of said line in Gordon County, Georgia) to a point of delivery in Catoosa County, Georgia, at or near the Georgia-Tennessee state line near Chattanooga. A new compressor station of 1,600 H. P. capacity is also to be installed at the end of the existing 12¾-inch section of the Cedartown-Calhoun branch line, near Rockmart, Georgia, together with a meter station and dwelling houses at said point of delivery and appurtenant facilities.

Applicant recites that this new line will be designed to operate at pressures up to 1,200 p. s. i. The line will have a capacity of about 2,000 Mcf per day without compression at Rockmart, and a capacity of 20,000 Mcf per day when operated at 1,200 p. s. i. with compression at Rockmart.

In the event Applicant makes contracts for the delivery of gas for distribution in Rossville, Dalton and other communities along the route of the Chattanooga extension, such facilities will also include lateral lines and measuring facilities, or such portions thereof as Applicant may agree to construct, of appropriate sizes to supply such communities.

Applicant is conducting negotiations with a group of individuals for supplying the requirements of a line to be constructed by a corporation (to be organized by said individuals) from the northern terminus of Applicant's proposed Chattanooga extension to Knoxville, Tennessee, with lateral lines to Cleveland, Athens, Niota, Maryville, Loudon, Sweetwater, Alcoa and Lenoir City.

In this connection, Applicant notes that the delivery capacity of its proposed Chattanooga extension could be further increased to 40,000 Mcf per day by looping the aforesaid 6⅝-inch section of the Cedartown-Calhoun branch line with 20 miles of 8⅝-inch line and the installation of 1,400 H. P. of additional compressors.

B. *An extension to Lexington, Mississippi.* This will comprise approximately 11 miles of 4½-inch pipe line, extending from a point north of Goodman, Mississippi, on the Goodman-Durant branch line in Holmes County, Mississippi, to the town of Lexington, Mississippi, together with a meter station and appurtenant facilities. This line will have a daily delivery capacity of approximately 2,000 Mcf. Gas is to be sold to Mississippi Power and Light Company for distribution in the town of Lexington.

C. *An extension to various cities and towns in North Alabama,* including Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield and Tuscumbia.

This extension will consist of approximately 97 miles of 10¾-inch pipe line, commencing at a point on Applicant's existing main line system east of its Reform compressor station and extending northward to Sheffield, together with lateral lines comprising approximately 39 miles of 8⅝-inch line, 23 miles of 6⅝-inch line and 28 miles of 4½-inch line extending to the other cities mentioned above.

This project also includes the installation of 1,000 H. P. of additional compressing facilities at Applicant's Reform compressor station, a river crossing consisting of two 6⅝-inch lines across the Tennessee River, meter stations at various points of delivery and appurtenant facilities.

In the event Applicant makes contracts for the delivery of gas for distribution in other communities along the route of this extension, the facilities will also include lateral lines and measuring facilities, or such portions thereof as Applicant may agree to construct, of appropriate sizes to supply such communities. Such communities include Fayette, Winfield, Hamilton, Haleyville, Russellville, Town Creek, Leighton, Courtland, Wheeler, Hillsboro and Trinity.

By means of this proposed extension, Applicant proposes to sell gas for resale to distributing companies in the above named municipalities, and, in addition, make direct sales to the following industrial customers: Reynolds Metals Company and Reynolds Alloy Company at Listerhill; Calumet & Hecla Copper Mining Company at Decatur; Tennessee Valley Authority Nitrate Plant No. 2 at Sheffield; and E. I. du Pont de Nemours Company at Huntsville.

This proposed extension is designed to operate at a pressure of 1,000 p. s. i., and will have a capacity of 25,000 Mcf per day.

D. *Extensions to LaGrange, Georgia and adjacent communities.* This will comprise approximately 6 miles of 4½-inch lateral lines and 6 miles of 6⅝-inch lateral lines extending from the new 24-inch pipe line described in Part III above to LaGrange and West Point, Georgia, and Lanett, Shawmut, Langdale, Fairfax and Riverview, Alabama.

Applicant proposes to sell gas for distribution in the City of LaGrange by the municipality, which presently operates a system distributing manufactured gas. Applicant also proposes to make direct sales to the following industrial customers: West Point Manufacturing Company at West Point, Georgia, and Lanett, Shawmut, Langdale, Fairfax and Riverview, Alabama; and Calloway Mills, Dunison Mills and Dixie Mills near LaGrange.

In the event Applicant makes contracts for delivery of gas for distribution in other communities adjacent to the new line this extension will also include lateral lines and measuring equipment, or such portions thereof as Applicant may agree to construct, of appropriate sizes to supply such communities.

E. *An extension to White Plains, Alabama.* This extension will comprise approximately 7.5 miles of 4½-inch line, commencing at a point on Applicant's existing main line system east of its DeArmanville compressor station and extending northward to a point in Calhoun County known as White Plains, where said line will connect with lines extending to the towns of Jacksonville and Piedmont, Alabama (which latter lines and distribution systems within the towns are to be constructed and owned by the respective towns), together with a meter station and appurtenant facilities.

This line will have a daily delivery capacity of approximately 2,000 Mcf.

F. *A connection at Tallassee, Alabama.* This will consist of a tap and meter station at a point on Applicant's existing Montgomery-Columbus branch line in the town of Tallassee, Alabama. By means of such facilities, Applicant proposes to sell gas for distribution in Tallassee by a municipally or privately owned distribution system.

Applicant states that the estimated total over-all capital cost of the proposed facilities is $24,533,350. Information with respect to Applicant's plans for financing such facilities is to be supplied by an amendment to the pending application.

Applicant recites that it does not propose to make any change in its present rates by reason of the construction of the facilities.

Applicant notes that it has made preliminary surveys as to the feasibility of extending its system to various other communities in the northern part of Florida, the southern parts of Alabama and Georgia and northeasterly along the Atlantic Seaboard. It presently has in contemplation a line extending southeasterly from the vicinity of Montgomery, Alabama or Columbus, Georgia toward Jacksonville, Florida, which line could supply the intervening area in southeast Alabama and Georgia. This same line may extend northeasterly, via Savannah, Georgia into the Charleston, South Carolina area. Applicant also contemplates the extension of its system from a point in the vicinity of Atlanta, Georgia, northeasterly through the Carolinas along the Eastern Seaboard to supply Augusta, Athens, and other northeast Georgia communities, Columbia, South Carolina and what is generally described as the Piedmont area of the Carolinas and Virginia.

Applicant contemplates filing an application for authorization of facilities required to deliver gas for distribution in the areas mentioned above.

Applicant states that installation of the facilities for which application is now made will increase the delivery capacity of Applicant's system to approximately 490,000 Mcf per day, an amount in excess of its estimated peak day requirements of 393,780 Mcf for the winter of 1949–1950. Applicant considers that the additional capacity resulting from the construction of the proposed new 24-inch line from the Gwinville field to Atlanta, which can deliver without compression approximately 225,000 Mcf per day, will be justified in view of Applicant's future plans just before mentioned.

To meet its 1947–48 peak day requirements, Applicant proposes to install propane standby equipment near its Ben Hill compressor station near Atlanta and at its regulator station serving Phoenix City and Columbus, Alabama, capable of delivering 7,500 Mcf per day and 6,000 Mcf per day, respectively.

Applicant's system is presently connected to five gas fields: the Gwinville field in Mississippi, the Monroe and the Bear Creek fields in Louisiana, the Logansport field in Louisiana and Texas, and the Carthage field in Texas.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application, as amended, of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person (unless permission to intervene in the original application has already been granted by the Commission) desiring to be heard or to make any protest with reference to the application, as amended, shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceedings, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3591; Filed, Apr. 15, 1947; 8:48 a. m.]

[Docket No. G-881]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 10, 1947.

Notice is hereby given that on April 1, 1947, an application was filed with the Federal Power Commission by El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of certain natural gas pipeline facilities subject to the jurisdiction of the Federal Power Commission, all of which are hereinafter more fully described.

Applicant seeks authorization to construct and operate the following described facilities:

A 6-inch O. D. Loop Line beginning at Applicant's mile Post 35.3 miles located on Applicant's Globe-Miami Transmission Line, Hidalgo County, New Mexico, and from that point extending in a northwesterly direction 17 miles, parallel and adjacent to Applicant's 8⅝-inch transmission line, to another point in Hidalgo County, near Applicant's mile Post 52.3.

Applicant submits that the proposed construction will increase its capacity from Compressor Station No. 4, approximately 2½ million cubic feet per day over its present capacity for the purpose of supplying additional volumes of natural gas to the Phelps Dodge Corporation's Morenci smeltering plant, a customer now being served by Applicant. The Applicant further recites that the Morenci plant of the Phelps Dodge Corporation is engaged in the producing of copper and that due to the large demand for this product, the additional fuel is necessary in order that the plant may operate at capacity.

Applicant proposes to obtain its gas supply necessary to render the proposed service from its reserves located in Jal-Eunice Area in Lea County, New Mexico.

The estimated over-all cost of the proposed project is approximately $78,100, which will be paid for in cash out of funds on hand.

The application of El Paso Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3592; Filed, Apr. 15, 1947; 8:48 a. m.]

[Order 136]

POWER SYSTEM STATEMENTS FOR 1946

EXTENSION OF TIME FOR FILING

On November 22, 1946, the Commission adopted the following three orders respecting the filing of Power System Statements by electric utilities, licensees, and others, to wit: Order No. 133 (11 F. R. 14173) regarding FPC Form No. 12 (Class I and Class II Systems) Order No. 134 (11 F. R. 14173) regarding FPC Form No. 12–A (Class III and Class IV Systems) and Order No. 135 (11 F. R. 14174) regarding FPC Form No. 12–D (Class III and Class IV Systems). Each of these orders requires that the Power System Statement referred to therein shall be filed with the Commission annually on or before the 15th of April;

It appearing that because of a delay in printing and distributing FPC Forms 12, 12–A and 12–D to the electric utilities concerned which will make it impossible for most utilities to file the required Form by April 15, 1947, an extension of time for filing the 1946 FPC Forms 12, 12–A and 12–D should be granted; and

Finding that the notice and public procedure provided for in section 4 (a) of the Administrative Procedure Act are impracticable and unnecessary with respect to amending Commission Orders Nos. 133, 134 and 135 as hereafter set forth; and further finding that such action is necessary and appropriate for carrying out the provisions of the Federal Power Act;

The Commission, pursuant to the authority vested in it by the Federal Power Act, particularly sections 4 (a), 301 (a), 309 and 311 thereof, orders that:

(A) Commission Order No. 133, dated November 22, 1946 is hereby amended to provide that FPC Form No. 12 Power System Statement (Class I and Class II Systems) for the year 1946 shall be filed on or before June 1, 1947;

(B) Commission Order No. 134, dated November 22, 1946 is hereby amended to provide that FPC Form No. 12–A Power System Statement (Class III and Class IV Systems) for the year 1946 shall be filed on or before June 1, 1947;

(C) Commission Order No. 135, dated November 22, 1946 is hereby amended to provide that FPC Form No. 12–D Power System Statement (Class III and Class IV Systems) for the year 1946 shall be filed on or before June 1, 1947;

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER, and further, shall cause to be published in the FEDERAL REGISTER a revision of § 141.51, 141.52 and 141.55, respectively, of Subchapter D-Approved Forms, Federal Power Act, Chapter I, Title 18,[1] Code of Federal Regulations, in conformity with this order.

Date of issuance: April 4, 1947.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3399; Filed, Apr. 15, 1947; 8:50 a. m.]

[1] Sec. F. R. Doc. 47-3614 under Title 18 in Rules and Regulations section, *supra*.

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 620, Special Permit 3]

LIGHT-WEIGHING OF CARS LOADED WITH IMPORTED BAUXITE ORE AT NEW ORLEANS AND WESTWEGO, LA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the light-weighing:

At its Stuyvesant Docks Yard, New Orleans, Louisiana, by the Illinois Central Railroad Company, or at its Westwego, Louisiana Yards by the Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, of railroad freight cars to be loaded with imported bauxite ore, at the loading facilities of the above-named carriers at Stuyvesant Docks and Westwego, respectively, when consigned to The Permanente Metals Corporation, Baton Rouge, Louisiana.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3582; Filed, April 15, 1947; 8:47 a. m.]

[R. S. O. 620, Special Permit 4]

LIGHT-WEIGHING OF CARS LOADED WITH MANGANESE ORE AT SAVANNAH, GA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the light weighing at Savannah, Ga., of 50 gondola cars by the CofGa Ry. for loading with manganese ore to be discharged from steamship Allegheny Victory now due to arrive April 13, 1947.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3583; Filed, Apr. 15, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 164]

RECONSIGNMENT OF APPLES AT CHICAGO., ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, April 7, 1947, by E. S. Small Co., of car PFE 43885, apples, now on the C., B. & Q. RR., to Pittsburgh, Penna. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of April, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3576; Filed, April 15, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 165]

RECONSIGNMENT OF ONIONS AT LOS ANGELES, CALIF.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Los Angeles, Cal., April 7, 1947, by Hines and Co. of car ART 20104, onions, now on the A., T. & S. F. Ry., to J. W. Williams Co., San Diego, Cal. (A. T. & S. F.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of April, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3577; Filed, Apr. 15, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 166]

RECONSIGNMENT OF LETTUCE AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Missouri, April 8, 1947, by Justman-Frankenthal Company, of car SFRD 26347, lettuce, now on the St. Louis-San Francisco Railway, to National Tea Company, Milwaukee, Wisconsin (Alton-C. M. St. P. & P.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3578; Filed, Apr 15, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 167]

RECONSIGNMENT OF SPINACH AT PHILADELPHIA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., April 9, 1947, by H. Rothstein, of car PFE 95466, spinach, now on the PRR to A. J. Weinstein Co., New York, N. Y. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of April, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3579; Filed, Apr. 15, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 168]

RECONSIGNMENT OF CARROTS AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Jersey City, N. J., April 9, 1947, by Tassini & Salisch, Inc., of car PFE 73528, carrots, now on the Baltimore & Ohio RR., to Sweeney Lines Co., Boston, Mass. (N. Y., N. H. & H.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3580; Filed, Apr. 15, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 169]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., April 9, 1947, by Sam Krasnow Co., of car SFRD 14457, apples, now on the C&NW to Pittsburgh, Pa. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3581; Filed, Apr. 15, 1947; 8:47 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-10]

BRADY HAULERS, INC.

CONSENT ORDER

Brady Haulers, Inc. has been constructing a one-story building located at McKinley Avenue and Main Street, Endicott, New York. It is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about November 15, 1946 it began construction, repairs, additions and alterations without authorization and at a cost in excess of $1,000 of a commercial building located at McKinley Avenue and Main Street, Endicott, New York; (2) on and after November 15, 1946 it carried on construction, repairs, additions and alterations without authorization and at a cost in excess of $1,000 of a commercial building located at McKinley Avenue and Main Street, Endicott, New York.

Brady Haulers, Inc. admits the violations charged and does not desire to contest the same and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Brady Haulers, Inc., the Regional Compliance Director and the Regional Attorney and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Brady Haulers, Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at McKinley Avenue and Main Street, Endicott, New York, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Brady Haulers, Inc. shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Brady Haulers, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 14th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3640; Filed, Apr. 14, 1947; 2:48 p. m.]

[C-11]

MAY PLUMBING & APPLIANCE CO.

CONSENT ORDER

Herbert May, doing business as May Plumbing and Appliance Company is engaged in the plumbing and electrical appliance business at 324 North 21st Avenue, Hollywood, Florida. Subsequent to March 26, 1946, he began the construction of a one-story concrete building, 67.6' x 45' on Lot 5, Block "E", Little Ranches Subdivision, Hollywood, Florida, and known as No. 324 North 21st Avenue, to be used for commercial purposes and at an estimated cost in excess of $1,000 exemption provided for in Veterans' Housing Program Order 1 and in violation of said order.

Herbert May, doing business as May Plumbing and Appliance Company admits the violation as charged and although denying willfulness, does not care to contest this issue, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Herbert May, doing business as May Plumbing and Appliance Company, the Regional Compliance Manager and the Regional Attorney, and upon approval of the Compliance Commissioner, *It is hereby ordered*, That

(a) Neither Herbert May, individually, nor doing business as to the May Plumbing and Appliance Company, his administrators, executors, successors or assigns nor any other person, shall do any further construction on the premises known as 324 North 21st Avenue, Hollywood, Florida, including the putting up, completing or altering of the structure located on said premises, until hereafter specifically authorized in writing by the Office of the Housing Expediter, except nothing herein shall prevent Herbert May, doing business as May Plumbing and Appliance Company, from building to completion a structure not exceeding 1,000 square feet of floor space at a cost not to exceed $5,000 at said location.

(b) Herbert May, doing business as May Plumbing and Appliance Company shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Herbert May, doing business as May Plumbing and Appliance Company, his or its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 14th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3641; Filed, Apr. 14, 1947; 2:48 p. m.]

[C-15]

CUNEO PRESS, INC.

CONSENT ORDER

Cuneo Press, Inc., a corporation, Canal, Cermak and Grove Streets, Chicago, Illinois, is engaged in the printing and publishing business. It is charged with having exceeded authorization on Form CPA-4423, dated April 23, 1946, in the construction of a brick building approximately 100' x 369', at an estimated cost of approximately $178,000, instead of the installation of a demountable airplane hangar 100' x 320' at an estimated cost of $78,000, as set forth in said application. Cuneo Press, Inc., a corporation, does not wish to contest such charge and consents to the issuance of this order.

Wherefore, upon the agreement and consent of Cuneo Press, Inc., a corporation, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Authorization to Cuneo Press, Inc., corporation, on Form CPA-4423, dated April 23, 1946, is hereby revoked.

(b) Neither Cuneo Press, Inc., a corporation, its successors or assigns, nor any other person, shall do any further construction on the premises at 2416 South Archer Avenue, Chicago, Illinois, unless specifically authorized by the Office of the Housing Expediter.

(c) Nothing contained in this order shall be construed as preventing the processing on its merits of any application for permission to complete the construction on the aforesaid premises heretofore or hereafter filed with the Office of the Housing Expediter.

(d) Nothing contained in this order shall be deemed to relieve Cuneo Press, Inc., a corporation, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 14th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3642; Filed, Apr. 14, 1947; 2:48 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-980]

GULF, MOBILE & OHIO RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of April A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Gulf, Mobile & Ohio Railroad Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available

for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to April 30, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3597; Filed, Apr. 15, 1947; 8:52 a. m.]

[File Nos. 54-106, 31-524, 54-107, 31-523, 59-52]

BUFFALO, NIAGARA AND EASTERN POWER CORP. ET AL.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of April 1947.

In the matters of Buffalo, Niagara and Eastern Power Corporation, File Nos. 54-106, 31-524; Niagara Hudson Power Corporation, File Nos. 54-107, 31-523; Niagara Hudson Power Corporation and its Subsidiary Companies, respondents, File No. 59-52.

The Commission having by order dated October 28, 1946 extended for a period of six months the time within which Niagara Hudson Power Corporation must dispose of all its interest, direct or indirect, in Buffalo Niagara Electric Corporation and all the subsidiaries thereof, as provided by the amended plan of Niagara Hudson Power Corporation approved by Commission Order of October 4, 1945 issued in respect thereof; and

Niagara Hudson Power Corporation having filed an application requesting that an order be issued extending to November 1, 1947 the time within which Niagara Hudson may effect compliance with the disposition requirements of the amended plan referred to above; the applicant having stated that Niagara Hudson and three of its subsidiaries, i. e., Buffalo Niagara Electric Corporation, Central New York Power Corporation, and New York Power and Light Corporation, have pending before the Public Service Commission of the State of New York an application for approval of the consolidation of the three subsidiaries into Buffalo Niagara Electric Corporation as the single surviving corporation; and

Applicant having further stated that to date no hearings have been held by the State Commission on the consolidation application but that applicant believes that such hearings will be held in sufficient time to permit determination of the matters therein involved prior to the expiration of the requested extension of time; and

Applicant having alleged that the interest of all its stockholders will be best and most equitably served through effectuation of the proposed consolidation and upon completion thereof applicant will proceed forthwith to present to this Commission a program designed to effectuate further simplification of Niagara Hudson's own capital structure through elimination of its own preferred stock and payment of its bank loans with a view to the eventual elimination of Niagara Hudson as a public utility holding company;

It appearing to the Commission that it is appropriate in the public interest and the interests of investors that notice of the filing of said application for extension of time and opportunity for requesting a hearing thereon be given to all interested persons;

It is ordered, That notice of the filing of Niagara Hudson's request for an extension to November 1, 1947 of the time within which to comply with the disposition requirements of the amended plan referred to above be given to Niagara Hudson Power Corporation, the Public Service Commission of the State of New York and the Federal Power Commission by mailing copies of this notice of filing by registered mail, and to all other persons by publication thereof in the FEDERAL REGISTER.

Any interested person may, not later than April 18, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after 5:30, April 18, 1947, the Commission may take such action as may be deemed appropriate with respect to Niagara Hudson's application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3594; Filed, Apr. 15, 1947; 10:09 a. m.]

[File No. 70-1482]

FEDERAL WATER AND GAS CORP. AND SCRANTON-SPRING BROOK WATER SERVICE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of April A. D. 1947.

Federal Water and Gas Corporation ("Federal"), a registered holding company, and its subsidiary, Scranton-Spring Brook Water Service Company ("Scranton"), having filed a declaration pursuant to section 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder regarding the following proposed transaction:

Federal proposes to sell to Scranton 975 shares of common stock, par value $50 per share, of The Winton Water Company ("Winton") for a cash consideration of $75,000. After the proposed sale, Scranton will own all of Winton's 1,975 shares of outstanding common stock; and

The declaration having been filed with this Commission on March 14, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated under said act, and this Commission not having received a request for a hearing with respect to said declaration within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the proposed sale that no adverse findings are necessary under section 12 (f) of the act and Rule U-43 promulgated thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant the request of the declarants that the order become effective forthwith;

It is hereby ordered, That pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is permitted to be come effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3595; Filed, Apr. 15, 1947; 10:10 a. m.]

[File No. 70-1500]

ARKANSAS POWER & LIGHT CO. AND ELECTRIC POWER & LIGHT CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 9th day of April A. D. 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, Arkansas Power & Light Company ("Arkansas"). Applicants-declarants have designated sections 6 (b), 9 (a), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 21, 1947 at 5:30 p. m., e. s. t., request the

Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after April 21, 1947 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized below:

Arkansas has outstanding 1,360,000 shares of common stock, having a par value of $12.50 per share, all of which are owned by Electric. Arkansas proposes to issue and sell and Electric proposes to acquire an additional 100,000 shares of common stock of Arkansas for a cash consideration of $1,250,000. The proceeds from the sale of the new common stock will be used by Arkansas for the construction of needed facilities. Electric proposes to use treasury funds in making the proposed transaction.

The issue and sale by Arkansas of such common stock has been expressly authorized by the Arkansas Public Service Commission.

Applicants-declarants request that the Commission's order issue as soon as possible and become effective upon the issuance thereof in order to permit consummation of the proposed transactions at the earliest possible opportunity.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3596; Filed, Apr. 15, 1947; 8:52 a. m.]

APR 21 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 76

Washington, Thursday, April 17, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 902—ORANGES AND GRAPEFRUIT GROWN IN CALIFORNIA AND ARIZONA

TERMINATION OF MARKETING AGREEMENT AND ORDER

Marketing Agreement No. 30, as amended, hereinafter referred to as the "marketing agreement," and Order No. 2, as amended (7 CFR 901.1 et seq.), hereinafter referred to as the "order," regulating the handling of oranges and grapefruit grown in the States of California and Arizona, are effective pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.); and it is provided in said act and order that the Secretary of Agriculture shall terminate or suspend the operation of such order whenever he finds that the provisions thereof obstruct or do not tend to effectuate the declared policy of the act.

It is provided in said marketing agreement that the Secretary may effectuate its termination by giving twenty-four hours' notice thereof by press release or in any other manner which the Secretary may determine.

It is hereby found and determined, (a) that the provisions of the aforesaid marketing agreement and order regulating the handling of oranges and grapefruit grown in the States of California and Arizona no loner tend to effectuate the declared policy of the act; and (b) that the Growers Advisory Committee, established pursuant to the marketing agreement and order, has no funds or property in its possession or under its control and has no liability or outstanding obligation under the said marketing agreement and order.

It is, therefore, ordered, That the said marketing agreement and order regulating the handling of oranges and grapefruit grown in the States of California and Arizona be, and the same hereby are, terminated, effective thirty days after the publication of this order in the FEDERAL REGISTER: *Provided*, That such termination shall not affect or waive any right, obligation, duty, or liability under said marketing agreement or order, or release or extinguish any violation of said marketing agreement or order, or affect or impair any right or remedy of the United States, the Secretary, or any person with respect to any violation, which has arisen or occurred or which may arise or occur prior to the time that such termination becomes effective; and

It is further ordered, That the members of the aforesaid Growers Advisory Committee be, and the same hereby are, discharged and released from any and all obligations and duties which would otherwise accrue upon the termination of said marketing agreement and order.

Issued at Washington, D. C., this 11th day of April 1947.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3625; Filed, Apr. 16, 1947; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF DAAQUAM, MAINE, AS CLASS B PORT OF ENTRY

APRIL 1, 1947.

Section 110.1, Chapter I, Title 8, Code of Federal Regulations is amended by inserting "Daaquam, Maine," between "Boundary Cottage, Maine" and "Easton, Maine" in the list of Class B ports of entry in District No. 1.

This order shall become effective on the day of its publication in the FEDERAL REGISTER. The publication of notice, the public procedure, and the delayed effective date prescribed by section 4 of the Administrative Procedure Act (Pub. Law 404, 70th Cong.; 60 Stat. 238) are found unnecessary and contrary to the public interest for the reasons that (1) interested persons have recently made rep-

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resentations as to the need for a port of entry at Daaquam, Maine, and (2) it is found that commerce between Canada and the United States would be hindered by a delay in the opening of that port.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV; 8 CFR, 1943, Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: APRIL 11, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-3639; Filed, Apr. 16, 1947; 8:55 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 602—RESERVE OFFICERS TRAINING CORPS

TRAINING CAMPS

Sections 602.56 to 602.79, inclusive, are superseded by the following §§ 602.56 to 602.77, inclusive:

Sec.
602.56 Supervision and command.
602.57 Number, type and location of camps.
602.58 Designation.
602.59 Time and duration.
602.60 Attendance.
602.61 Camps for units at MI, MS, and CS institutions.
602.62 Deferred attendance.
602.63 Attendance at camp of arm or service other than that in which enrolled.
602.64 Absence from camp.
602.65 Physical examinations.
602.66 Medical and hospital treatment.
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602.68 Dismissal and withdrawal from camp.
602.69 Disposition of supplies at termination of camp.
602.70 Responsibility for Government property.
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602.73 Transportation.
602.74 Pay.
602.75 Laundry and dry cleaning service.
602.76 Subsistence.
602.77 Disposal of remains of deceased students.

AUTHORITY: §§602.36 to 602.77, inclusive, issued under 41 Stat. 778; 10 U. S. C. 44.

§ 602.56 *Supervision and command.* These camps will be conducted by the appropriate army commanders, department commanders, and air force commanders, and when located at class II installations, with the assistance of the chiefs of the administrative or technical services represented by the ROTC units, and in accordance with instructions issued by the War Department. For service type ROIC units, all matters pertaining to summer camps will be coordinated with chiefs of administrative or technical services concerned.

§ 602.57 *Number, type, and location of camps.* The number, type, and location of camps will be determined by the Commanding Generals of the Army Air Forces and Army Ground Forces, and the department commanders concerned, and submitted to the War Department, Attention: Director of Organization and Training, for approval.

§ 602.58 *Designation.* Camps will be designated: "The Fort ---------- ROTC Camp," "The ---------- (base or field) Air ROTC Camp," etc.

§ 602.59 *Time and duration.* Camp will ordinarily open in June of each year (as soon as practicable after the closing date of educational institutions concerned) and will continue for a period of 6 weeks.

§ 602.60 *Attendance.* (a) The War Department will prescribe the number of students in each army area, department, and air force command to attend camps annually.

(b) Camp attendance is required of and open to, students as indicated below:

(1) Attendance at one camp is required of students enrolled in the advanced course, normally upon completion of the first year of the advanced course.

(2) Students who are required or who elect to pursue technical training or engage in employment of furtherance of such training during the summer following their junior academic year under the general supervision of the authorities of the institution may be authorized by commanders referred to in § 602.56 to attend camp upon completion of the advanced course. Commanders referred to in § 602.56 are authorized to forward to the War Department for consideration cases of exceptional merit not specifically covered by this subparagraph and by subparagraph (3) of this paragraph.

(3) Students who, after completion of the elementary course, have but one more year before graduation from collegiate institutions and for whom curtailment of the advanced course under the provisions of AR 145–10 and §§ 602.1 to 602.34, is authorized, may be permitted by commanders referred to in § 602.56 to attend camp upon completion of the advanced course.

(4) Attendance is required of graduates of an institution to whom deferred camp attendance has been granted under the provisions of § 602.62.

(5) Students pursuing the ROTC course under the provisions of AR 145–10 and § 602.17 of this part may be authorized by the commanders referred to in § 602.56 to attend an ROTC camp without expense to the Government other than payment for attendance as authorized by section 47c National Defense Act. The conditions of attendance will be explained to each student and he will be required to sign a waiver of claim against the United States for any allowance whatsoever based on such attendance, except for payment under the provisions of section 47c, National Defense Act, as amended.

(6) When the number of students that can be trained is such that all cannot be accommodated, selection for camp training will be made with priority in the following order:

(i) Advanced course students to whom deferred camp attendance was granted the previous year.

(ii) Students compelled to withdraw from a previous camp under the conditions cited in subdivision (iv) of this subparagraph.

(iii) Advanced course students attending at the normal time, i. e., after satisfactory completion of the first year of the advanced course.

(iv) Students pursuing the ROTC course under provisions of AR 145–10 § 602.17 authorized to attend.

(c) The training of the ROTC student is conducted in clearly defined stages according to a progressive scheme of instruction. The camp training supplements and follows in progression the first year of the advanced course at the institution.

(d) Students will not be authorized to attend more than one camp except in the following cases:

(1) When the student was compelled to withdraw from a camp previously attended and was unable to complete the camp course of instruction due to sickness or other cause than misconduct, fault, or neglect on his part.

(2) When the student after attending camp has transferred to a unit of an arm or service other than that of the camp previously attended.

(3) When authorized by the Secretary of War, in exceptional cases. In these cases the student, if eligible, will be required to attend the next camp of his unit

in accordance with the provisions of his advanced course contract.

(e) The exemption of members of the advanced course from the required camp attendance or the extension of credit toward such attendance for previous military training is not authorized by law.

§ 602.61 *Camps for units at MI, MS, and CS institutions.* The only camps provided for by §§ 602.56 to 602.77, inclusive, are advanced course camps. The War Department does not maintain camps for the instruction of students in the junior division or for students at class MI institutions, as such. Nevertheless, where such camps are maintained by institutions, the personnel and equipment allotted to such institutions may be used for this purpose, without expense to the Government beyond such expense as would be involved in the maintenance of such personnel and equipment at the institution.

§ 602.62 *Deferred attendance.* (a) When it is not practicable for an advanced course student to attend camp until after the normal period, attendance may be deferred by commanders referred to in § 602.56 to whom application for such deferment, setting forth the reasons which require deferment, will be addressed.

(b) Commanders referred to in § 602.56 will not authorize a change of advanced camp attendance from the normal period to a period subsequent to graduation unless the reasons given are substantial (see § 602.60 (b) (2) and (3)).

(c) A student will not be permitted to defer camp attendance to a time subsequent to the camp which immediately follows his graduation unless he is physically unable to attend that camp, in which case, upon receipt of proper evidence of disability, including the certificate of a reputable physician, the commanders referred to in § 602.56 may authorize the student to defer attendance at camp for an additional year.

§ 602.63 *Attendance at camp of arm or service other than that in which enrolled.* There will be students in scientific and technical courses whose services will be needed in and who will wish to be commissioned in branches not represented by units on their campuses. Commanders referred to in § 602.56 may authorize the attendance of such advanced students at ROTC camps of the appropriate branches after the necessary coordination with the chief of technical service concerned has been accomplished.

§ 602.64 *Absence from camp.* (a) For unavoidable causes such as sickness commanders referred to in § 602.56 may in each particular case authorize a short delay in arrival, which in no event is to extend beyond the fifth day of camp. Students will not be admitted to camp later than the fifth day.

(b) In exceptional cases when hardship would otherwise ensue, camp commanders in each particular case may authorize students to be absent from camp for short periods during which they should ordinarily be present for instruction.

(c) A student, who through absence from camp, fails to receive at least 85 percent of the total scheduled instruction, will not be credited with camp attendance nor will he be considered as fulfilling that part of his advanced course contract which requires camp attendance.

§ 602.65 *Physical examinations.* (a) See AR 40–100, AR 40–105, AR 145–10 and §§ 602.1 to 602.34, inclusive.

(b) *Preliminary physical examination prior to departure for camp.* See AR 145–10 and § 602.16.

(c) *Physical examination at opening of camp.*

(1) Within 48 hours after arriving at camp, all students will be given a physical examination and the result will be recorded on WD AGO Form 63. Students who possess minor disqualifying defects which in the opinion of the examining board will be overcome prior to the time they become eligible for commission in the Officers' Reserve Corps will be permitted to remain in camp, in which case suitable remarks and recommendations for waiver of the defect will be made on the report. Those students who are found to have any condition which would render training hazardous to themselves, or whose presence in camp would be a menace to others, or who possess permanent physical defects which will disqualify them for commission in the Officers' Reserve Corps, will be reported on the report as disqualified. Ordinarily, these students will then be returned to their homes; however, when no danger to others will result, a physically disqualified student may be permitted to continue the camp training at his own risk, pending final action by the War Department, provided a signed statement is presented by him and his parent or guardian in effect that his physical condition is understood and the Government will not be held responsible for any possible detrimental effects that may result.

(2) As soon as practicable after the completion of the physical examination, the records of all students who have been found to be physically disqualified and the records of those for whom waiver of defects is recommended will be forwarded to the army, department, or air force commander concerned, whose decision with respect to waiver of defects is final. The records with notation of action taken on waivers of defects will then be forwarded to The Adjutant General for appropriate action on any other matters and for record and will be returned to the army, department, or air force commander with instructions, if any. The army, department, or air force commander will, after taking appropriate action, return the records to the professor of military science and tactics for file in his office. For advanced course students who are discharged for physical disqualification, see AR 145–10 and § 602.17.

(3) The physical examination made at the camp will be made primarily with a view of determining the student's physical qualification for a commission in the Officers' Reserve Corps.

(4) At the discretion of the Commanding General, Army Air Forces, air ROTC students may be given a physical examination for flying in accordance with the provisions of AR 40.110 and §§ 602.1 to 602.34, inclusive.

(d) *Physical examination at close of camp.*

(1) The camp commander will cause each student who has suffered an injury or illness while in attendance at his camp to undergo a thorough physical examination within 48 hours prior to the termination of his course of training. The fact of injury or illness, the line-of-duty status, and the physical condition at the time of discharge from camp will be recorded on the report of physical examination made at the opening of camp. In case that report is not available, a new report of physical examination will be prepared.

(2) In other cases the student's certificate that he has suffered no disability as a result of his training will be accepted in lieu thereof and will be attached to his report of physical examination.

§ 602.66 *Medical and hospital treatment*—(a) *General authorization.* (1) Members of the ROTC who suffer personal injury or contract disease in line of duty while en route to or from and during their attendance at camps of instruction under the provisions of section 47a of the National Defense Act, as amended, shall, under such regulations as shall be prescribed, be entitled to hospitalization, rehospitalization, medical, and surgical care, in hospital or at their homes, until the disability resulting from such injury or disease cannot be materially improved by further hospitalization or treatment.

(2) Members of the ROTC may be treated at public expense for injury or disease not in line of duty only in Army medical facilities and under the following conditions:

(i) During the period of their attendance at ROTC camps they may be admitted to Army hospitals at such camps without regard to line of duty.

(ii) In the event a member of the ROTC is undergoing hospital treatment upon the termination of the camp, or before his departure from the camp is in need of hospital treatment, because of a disability not in line of duty, and is physically unable to withstand transportation to his home for the time being, his case will be handled by the local commanding officer in such manner as he may deem to be for the best interests of all concerned.

(b) *Place of treatment.* (1) Members of the ROTC entitled to treatment under paragraph (a) of this section, will be treated in Army medical facilities, when available.

(2) If Army medical facilities are not available, members of the ROTC entitled to treatment under the provisions of paragraph (a) (1) of this section, will be treated in hospitals of other Federal departments or agencies on written request for treatment signed by the responsible officer (or, if for rehospitalization or treatment after termination of the camp and return home, by the commanding general of the army, air command, or department under whose jurisdiction the camp was held).

(3) *By civilian agencies.* If no medical facilities of the Army or other Federal department or agency are available, members of the ROTC entitled to treatment under paragraph (a) (1) of this section may be treated by civilian agencies on written request signed by the responsible officer (or, if for rehospitalization or treatment after termination of the camp and return home, by the commanding general of the army, air command, or department under whose jurisdiction the camp was held).

(c) *Charges for treatment.* (1) In Army hospitals hospitalization will be at the per diem rate established by the Federal Board of Hospitalization for the fiscal year in which treatment is rendered. This will cover the entire charge for hospitalization, including subsistence. Outpatient treatment will be at the rate established by The Surgeon General.

(2) In hospitals of Federal departments or agencies (other than Army) hospitalization will be at the per diem rate established by the Federal Board of Hospitalization for the fiscal year in which treatment is rendered. This will cover the entire charge for hospitalization, including subsistence. Outpatient treatment will be at the rates established by the Federal agency concerned.

(3) Charges by civilian agencies will be at reasonable rates allowed by the final approving authority.

§ 602.67 *Army exchanges.* Army exchange facilities with an equitable distribution of the profits thereof will be provided for ROTC camps by the commanding general of the appropriate army area or appropriate major Army Air Forces command under existing regulations. Dividends will be paid and distributed in accordance with the provisions of AR 210–50 and AR 210–65 and Part 504 of this title.

§ 602.68 *Dismissal and withdrawal from camp.* (a) Any student who because of demonstrated inaptitude, indifference to training, or who is guilty of misconduct, or whose habits or traits of character indicate that upon completion of 4 years' course of instruction prescribed for ROTC units he would not be qualified for a commission in the Officers' Reserve Corps, will be dismissed from the camp by the camp commander. Such action by the camp commander will be based upon a thorough and impartial investigation by a board of officers. A full report concerning the dismissal of the student, setting forth the reasons therefor, will be prepared in duplicate. For ground ROTC students, the first copy will be forwarded to the army commander of the army area or the commander of the oversea department in which the student's unit is located; for air ROTC students, the first copy will be forwarded to the Commanding General, Air Defense Command; in each case, the second copy will be forwarded to the authorities of the institution in which the student is enrolled. Any student who is compelled by necessity to leave the camp through no fault or misconduct of his own may be permitted to withdraw by the commanding officer. Students who are dismissed or who withdraw from camp are entitled to transportation and subsistance as provided hereinafter.

(b) While dismissal from camp ordinarily should result in discharge from the ROTC, such discharge is not included in the dismissal. The professor of military science and tactics at the institution, after thorough investigation and examination of the report of dismissal, will recommend to the army commander or department commander for ground ROTC students, or to the Commanding General, Air Defense Command, for air ROTC students, through the head of the institution, either that the students be discharged from the ROTC or that he, in an exceptional case, be retained therein, and upon action by the higher authority, designated above, will take steps accordingly.

§ 602.69 *Disposition of supplies at termination of camp.* All articles of clothing and equipment issued to units and individuals of the training camp will be turned in at the termination of the camp to the camp supply officer, and disposed of as follows:

(a) Articles on loan from chiefs of technical services and the Commanding General, Army Air Forces, will be disposed of in accordance with instructions from respective chiefs of technical services and the Commanding General, Army Air Forces.

(b) Articles furnished from station stock will be turned in to the appropriate station supply officer.

(c) Articles furnished on loan from Army or Army Air Forces organizations will be returned to the lending organization, or, at the discretion of the army commander or air commander concerned, disposed of in accordance with paragraph (b) of this section.

§ 602.70 *Responsibility for Government property.* (a) The necessary cost of renovation and reconditioning of property returned to supplying agencies after use at ROTC summer camps will be met by ROTC funds.

(b) (1) Any loss of or damage to clothing or equipment due to lack of care on the part of the student to whom whom issued will be assessed and charged on the payroll against the student. In case the pay of the student is insufficient to cover the complete indebtedness, the balance due will be collected from him if practicable; otherwise, it will be reported to the institution with request for assistance in collection.

(2) Clothing and equipment will be charged in accordance with current price lists.

(c) (1) Articles lost, damaged, or destroyed and not paid for by the individuals responsible therefor will be surveyed and the responsibility determined.

(2) Losses to the United States through fault on the part of students will be itemized on surveys separately from other losses.

(3) Records and certifications of students will show the amount of property loss to the United States and the amount received as reimbursement.

(d) No deduction to reimburse the Government will be made or accepted from the travel allowances due a student for travel to or return to his home.

§ 602.71 *Dress uniforms.* Each student, with the consent of the authorities of the institution attended by him, may bring to camp one dress uniform, as authorized for his institution. Students will be given every encouragement to wear their institutional uniform during any off-duty periods in which they desire to present a particularly neat appearance.

§ 602.72 *Sale of quartermaster property.* The sale of quartermaster property (except subsistence articles at camps) to ROTC students is not authorized.

§ 602.73 *Transportation*—(a) *Transportation authority.* (1) Students will normally be authorized to proceed to designated camps from their institutions, or from their legal residences where the distances from such residences to the camps do not exceed the distances from their institutions to the camps, and to return thereto, by the shortest usually traveled route.

(2) Under exceptional circumstances, army or air force commanders may:

(i) Authorize a student to proceed to the camp designated for his unit from his legal residence when the distance from such residence to the camp is greater than from the institution to the camp. This authorization will be given only to students whose institutions close so early in the year as to make it impracticable for them to proceed directly from the institution to the camp.

(ii) In the interest of economy, authorize a student, except air students, to attend a camp of an arm or service other than the camp prescribed for his unit. If the camp to be attended is beyond the territorial limits of the Army in which the institution of the student is located, the camp attendance will be arranged by the army commanders concerned by direct correspondence.

(b) *Travel allowances.* (1) Members of the ROTC will be paid travel allowance at the rate of five cents per mile from the place from which the students are authorized to proceed to camp and for the return travel thereto. Payment of the travel allowance for the return journey may be made in advance of the actual performance thereof. WD FD Form 21 (Reimbursement Voucher, Pay Roll, CMTC, ROTC) will be used as a voucher for payment of travel allowances and copies of orders will be filed therewith.

(2) Return travel allowance is not due to a student until the close of camp. The commanding officer will pay travel allowances to a student upon dismissal or withdrawal if determined by him that such advanced payment is proper and desirable for the good of the service. However, the commanding officer is authorized to withhold travel allowances until the termination of the camp, if he determines such course advisable, and if the student is not present at the close of the camp to refuse payment thereof.

(3) The shortest usually traveled route will be the basis of calculation for travel allowances. Travel allowances

for members of the ROTC will be paid from the appropriations for ROTC.

(4) (i) Orders for travel to camp and return therefrom will be issued by army, department, or air force commanders, or such subordinate authority as they may designate.

(ii) In the case of a student authorized to attend a camp in an army area or air force area other than that wherein the place from which he is directed to proceed is located, the travel order will be issued by the commander of the army or air force from which the student is directed to travel, and 3 copies of the order will be sent at once to the commander of the army or air force in which the camp to be attended is located for each student so ordered.

(c) *Students without funds.* Students unable to pay their own railroad fare may be authorized transportation in kind by army or air force commanders, in which cases orders issued will specifically state that the Transportation Corps will furnish necessary transportation and provide for the payment of $1 per meal for the number of meals required for the journey. Transportation request will be forwarded to the student with orders directing him to proceed to camp. Cost of this transportation and subsistence will be borne by ROTC funds.

§ 602.74 *Pay.* (a) Members of the ROTC or other persons authorized by the Secretary of War to attend advanced camps shall be paid for attendance at such camps at the rate prescribed for enlisted men of the seventh grade of the Regular Army with less than 3 years service.

(b) Pay will begin with the day of arrival at the camp and end with the day of relief from duty connected therewith (41 Stat. 779; 10 U. S. C. 443).

§ 602.75 *Laundry and dry-cleaning service.* (a) All students will be furnished laundry or dry-cleaning services under the same conditions as for enlisted men of the Regular Army.

(b) Army, department, or air force commanders will specify the articles to be laundered or dry cleaned, including the underclothing owned by the students.

§ 602.76 *Subsistence.* (a) All students in attendance will subsist under the field ration as prescribed in current War Department directives. For hospital rations, see paragraph 11b AR 40-590.

(b) The employment of civilian mess attendants, and the payment of additional compensation to enlisted cooks and mess personnel, is authorized. When so employed or compensated, they will be compensated from ROTC funds. The total amount available for such compensation is limited to ten cents per student per day.

§ 602.77 *Disposal of remains of deceased students.* The recovery, preparation, and disposition of the remains of students who die while en route to or from or during their attendance at an ROTC camp or who die while receiving hospital treatment at Government expense, will be in accordance with the provisions of Army Regulations. Burial expenses authorized by AR 30-1830 and §§ 306.50-306.53, of this title, will be paid from the appropriation "Reserve Officers' Training Corps," as provided by law and the instructions issued by the War Department. [Memo 145-30-3, 24 Feb. 1947]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3623; Filed, Apr. 16, 1947; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5331]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN SALES CO., ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Stock, product or service:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (c5) *Advertising falsely or misleadingly—Condition of goods:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (o) *Advertising falsely or misleadingly—Old or reclaimed as new:* § 3.6 (u) *Advertising falsely or misleadingly—Quality:* § 3.6 (y5) *Advertising falsely or misleadingly—Sample, offer or order conformance:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old, used or reclaimed as unused or new:* § 3.72 (m10) *Offering deceptive inducements to purchase or deal—Sample, offer or order conformance.* In connection with the offering for sale, sale and distribution in commerce, of wearing apparel and other merchandise, including used or secondhand clothing and hats, representing (1) that respondents' merchandise consists of bankrupt stocks, manufacturers' surpluses, auction stocks, close-out lots, or manufacturers' sample lots which respondents have purchased direct from such sources of supply; (2) that respondents manufacture any of the products sold by them; (3) that garments sold by respondents are cleaned, repaired, or pressed when such is not the fact; (4) that garments are only slightly used when such is not the fact; (5) that respondents' garments are tailored to customers' individual measurements; (6) that respondents handle no inferior grades of merchandise; or (7) that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatband, a statement that such hats are composed of used or secondhand materials (subject to the provision, however, that if sweatbands are not affixed to such hats, then such stamping shall appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating such bodies); or (8) misrepresenting, either through words or pictorial representations, the character or condition of respondents' merchandise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, American Sales Company, etc., Docket 5331, March 20, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March A. D. 1947.

In the Matter of Isidore Gendelman, Samuel Gendelman, Individually and as Copartners, Trading and Doing Business as American Sales Company, Universal Bargain House, and National Sales Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, evidence introduced before a trial examiner of the Commission theretofore duly designated by it, and a stipulation of facts entered into between counsel for the Commission and counsel for respondents (the trial examiner's report, the filing of briefs, and oral argument having been waived); and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Isidore Gendelman and Samuel Gendelman, individually and trading as American Sales Company or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of wearing apparel and other merchandise, including used or secondhand clothing and hats, do forthwith cease and desist from:

1. Representing that respondents' merchandise consists of bankrupt stocks, manufacturers' surpluses, auction stocks, close-out lots, or manufacturers' sample lots which respondents have purchased direct from such sources of supply.

2. Representing that respondents manufacture any of the products sold by them.

3. Representing that garments sold by respondents are cleaned, repaired, or pressed when such is not the fact.

4. Representing that garments are only slightly used when such is not the fact.

5. Representing that respondents' garments are tailored to customers' individual measurements.

6. Representing that respondents handle no inferior grades of merchandise.

7. Representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatband, a statement that such hats are composed of used or secondhand materials (subject to the provision, however, that if sweatbands are not affixed to such hats, then such stamping shall appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating such bodies).

8. Misrepresenting, either through words or pictorial representations, the character or condition of respondents' merchandise.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-3635; Filed, Apr. 16, 1947; 8:54 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

FORMS FOR STATEMENTS AND REPORTS

The Securities and Exchange Commission, acting pursuant to the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof, deeming the following amendment of Form U-6B-2 (17 CFR 259.206) appropriate to carry out the provisions of the act, and considering such amendment to be procedural in nature and not to be subject to the requirements of section 4 (a) (b) (c) of the Administrative Procedure Act, hereby amends Form U-6B-2 (17 CFR 259.206) effective May 1, 1947, to renumber items numbered 11, 12, 13 and 14 as items numbered 12, 13, 14 and 15, respectively, and to include the following item:

11. Application of proceeds of each security.

Copies of the revised form may be obtained from the Commission's Publications Unit.

(Sec. 20 (a), 49 Stat. 833, 15 U. S. C. 79t)

Effective: May 1, 1947.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

APRIL 10, 1947.

[F. R. Doc. 47-3621; Filed Apr. 16, 1947; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63, as Amended March 25, 1947, Amdt. 2]

Section 1042.1 *General Imports Order M-63,* as amended March 25, 1947, is further amended by deleting from List A the listings of "Agave fibers, * * *", "Cantala * * *", and Sisal and henequen * * *", under the heading "Material", and the letters "N. S. C." which follow the listing of these fibers in the second column of List A, and the dates which follow these listings in the third column.

Issued this 16th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3746; Filed, Apr. 16, 1947; 11:24 a. m.]

PART 3290—MANILA (ABACA) AND AGAVE FIBERS AND CORDAGE [1]

[Conservation Order M-84, as Amended Apr. 16, 1947]

MANILA (ABACA) AND AGAVE FIBER AND CORDAGE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of manila and agave and products made from them for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.221 *Conservation Order M-84—*(a) *Restrictions on sales, deliveries, receipts, and use of certain cordage products—*(1) *Rope and twine (except binder and baler twine).* No processor or dealer may sell, deliver, or accept delivery of new rope or new twine produced in the United States in whole or in part from Manila or agave, or from yarn made from such fibers, for end uses for which the rope or twine may not be manufactured under this order. However, this rule shall not prohibit the sale, delivery, or acceptance of rope made from agave fiber put into process before January 16, 1947 for any end use, or of those twines listed in Schedule B made from agave fiber put into process before March 25, 1947.

(2) *Binder and baler twine.* No person may sell or deliver new binder or new baler twine (wherever produced) if he knows or has reason to believe that:

(i) The binder twine will not be used with mechanical harvesting equipment or in the growing, harvesting, or delivering of agricultural crops, or that the binder twine will be converted into rope or any other product; or

(ii) The baler twine will not be used in a self-tying machine for baling hay, straw, or other fodder crops.

(3) No person may use new binder or new baler twine (wherever produced) to manufacture rope for sale.

(b) *Purposes for which Manila or agave fiber or yarn may not be used—*(1) *Manila.* No processor may put into process any spinnable Manila fiber, or yarn made from such fiber (wherever produced) except to make rope for any end use, or twines permitted in Schedule B of this order, or as specifically authorized or directed by the Civilian Production Administration under subparagraph (c) (5) below. Non-spinnable Manila fiber may be used for any purpose.

(2) *Agave.* No processor may put into process any agave fiber, or yarn made from such fiber (wherever produced), except to make rope in the sizes described in Schedule A of this order, and binder and baler twine, or as specifically authorized or directed by the Civilian Production Administration under subparagraph (c) (5) below.

Except as specifically authorized or directed in writing by the Civilian Production Administration, no processor may manufacture any binder or baler twine from agave fiber, unless made in accordance with the following specifications: The binder twine must measure 500 feet to the pound with a plus or minus tolerance of five per cent; and must contain a lubricant of at least ten per cent of the total weight of the twine, and an insect repellent. The baler twine must measure 200 to 225 feet to the pound with a plus or minus tolerance of five per cent; must contain a lubricant of at least ten per cent of the total weight of the twine, and an insect and rodent repellent.

(c) *Quantities of manila and agave fibers which may be used.* (1) Processing quotas will be issued in writing by the Civilian Production Administration to processors making any of the products permitted under paragraphs (b) (1) and (b) (2) above. No person shall put into process any spinnable Manila fiber or any agave fiber, until he has received such a quota, or in amounts in excess of his quota, regardless of whether the fiber is taken from inventory, or obtained by allocation under this order or in any other way. These quotas may not be transferred except as specifically authorized in writing by the Civilian Production Administration, or in accordance with Allocations Regulation 1.

(2) In general, processing quotas for spinnable Manila fiber or agave fiber, for

[1] Formerly Part 3290—Textile, Clothing and Leather.

rope and products permitted in Schedule B, will be issued upon the following basis: The aggregate processing quota for Manila and agave fibers for each processor will be in proportion to his average monthly sales of both types of rope during the period January 1, 1939 through December 31, 1941; his processing quota for Manila fiber for rope and twines listed in Schedule B will be in proportion to his average monthly sales of Manila rope during the period January 1 through December 31, 1939; and his processing quota for agave fiber will be in proportion to his processing quota for both fibers, less that for Manila. A manufacturer who was not in the hard fiber cordage business during 1939–40–41 may apply to the Civilian Production Administration for a processing quota. The application should be filed by letter stating the quantity of fiber desired to be processed for each permitted product, and should include a statement of the facilities available for the manufacture of cordage products, as permitted under Order M–84, the maximum poundage of fiber which can be processed with his facilities on the basis of a 40-hour week, and the minimum poundage of fiber needed for economical operation during a three-month period. Applications from new manufacturers will be considered on an equitable basis, in view of the quotas issued to other manufacturers.

(3) Processing quotas for agave fiber for binder twine and baler twine will be prorated among processors on the basis of information previously filed with the War Production Board and Civilian Production Administration as to productive capacity, method, and rate of operation.

(4) Processing quotas for Manila fiber other than spinnable, are not required under this order.

(5) The Civilian Production Administration may also issue specific directions or authorizations to processors as to the extension of more critical fibers by mixture with less critical ones (i. e., use of "extenders") in the manufacture of any products permitted under this order. No processor shall put any manila or agave fibers into process contrary to the terms of any such direction or authorization, regardless of whether the fiber is taken from inventory, or obtained by allocation under this order or in any other way.

(d) *Inventory restrictions on Manila and agave fiber, and cordage products*—(1) *Processors' inventories.* No processor may accept delivery of any spinnable Manila fiber, or yarn made from such fiber, if his inventory of spinnable Manila fiber will be more than the amount he needs during the next 150 days, on the basis of his current or scheduled method and rate of operation, and for making only those products permitted under this order. No processor may accept delivery of any such fiber or yarn for making any product not permitted by this order.

(2) *Importers' and dealers' inventories.* No person, other than a processor or the Reconstruction Finance Corporation, may accept delivery of any spinnable Manila fiber if his inventory of such fiber held for resale will be more than the amount he would normally stock up in the ordinary course of his business to meet reasonably anticipated requirements, while continuing to dispose of such inventory as promptly as practicable in view of the orders received by him from persons permitted to accept deliveries under this order. If a person imports or buys fiber both for resale and for processing on his own facilities, and keeps separate inventory records of the fiber held for each purpose, his inventory held for resale shall be governed by this rule instead of that in paragraph (d) (1); but if he does not keep separate inventory records, his inventory shall be governed by the rule in (d) (1).

(3) *Manila being imported.* The limitations in paragraphs (d) (1) and (d) (2) above apply to deliveries and inventories within the continental United States only. Material which is being imported, but has not been released from United States Customs, is not to be considered as in inventory.

(4) *Inventories of rope and twines.* A person buying new rope or new twines made from Manila or agave fiber, whether for use or resale (including a person buying for export) may not accept delivery of any of such materials if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

(5) *Restriction on ordering more than needed.* A person may not place any order for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this order or any other applicable orders or regulations of CPA. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery.

(6) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this order, he must promptly adjust his outstanding orders, and if necessary, postpone or cancel them.

(e) *Distribution of binder twine held by Reconstruction Finance Corporation.* The Civilian Production Administration may from time to time specifically direct the time and quantities in which deliveries of binder twine held by the Reconstruction Finance Corporation shall be made or withheld, and the purposes for which such deliveries may be made.

(f) *Allocation of fiber.* (1) No processor shall make or accept delivery of any Manila or agave fiber contrary to directions which from time to time the Civilian Production Administration may issue. The Civilian Production Administration may from time to time allocate to processors the available supplies of Manila and agave fiber held by the Reconstruction Finance Corporation, and specifically direct the time, manner, and quantities in which deliveries to processors shall be made or withheld.

(2) In general, allocations of spinnable Manila fiber and agave fiber held by the Reconstruction Finance Corporation, for rope and products permitted in Schedule B, and of agave fiber for binder twine and baler twine, will be prorated upon the same bases as are the processing quotas issued under paragraph (c) above. Applications need not be made by processors who have processing quotas. An application for a processing quota under paragraph (c) from a manufacturer who was not in the hard fiber cordage business during 1939–40–41 will also be considered as an application for an allocation, unless the applicant specifically indicates that he does not want to get any fiber from the Reconstruction Finance Corporation.

Since the only Manila fiber to be allocated will be that held by RFC, the amounts allocated will usually be less than those which may be accepted and used under the inventory limitations and processing quotas; and such additional amounts as may be accepted or used under this order within those limitations and quotas may be obtained from other sources without allocations.

(3) Manila, other than spinnable, held by RFC, will not be allocated after March 25, 1947. Applications may be made to RFC for such non-spinnable Manila fiber, and not to CPA.

(g) *End use information.* No person may sell or deliver any product controlled by this order to any person who he knows or has reason to believe will use the product in a manner which this order does not permit. He should satisfy himself as to this in some reasonable manner before delivering. He may, but need not, require a statement in writing showing the specific purpose or use for which the item is ordered.

(h) *Restrictions on the use of damaged material.* Any processor or dealer who has in his possession damaged or defective manila or agave fiber or cordage, may report by letter the extent of the damage and state to the Civilian Production Administration the percentage not suitable for the manufacture of products or for use permitted by this order. He may then upon receipt of acknowledgment, without objection from the Civilian Production Administration, use or dispose of any portion unsuitable for the manufacture of products permitted by this order, free from its restrictions.

(i) *Reports.* (1) Processors of manila and agave fiber shall report monthly on CPA–2901, sections 1 and 2.

(2) Every person, except the Reconstruction Finance Corporation, who imports or purchases for import any spinnable Manila fiber, or yarn made from Manila fiber, shall report in writing (by letter or other written communication) to the Civilian Production Administration, Washington 25, D. C., Ref: M–84, stating the information required by the following instructions:

(i) Send this report to the above address not later than the 10th of each month to cover the preceding month. Keep one copy for your files. Date the report, state calendar month for which filed, name of your company, and its address (street, city, zone, and state).

(ii) As Item No. 1, list Manila (Abaca) Fiber (in bales); and as Item No. 2, list Manila Yarn (in thousands of pounds).

(iii) For each item, show separately the monthly shipments to you from any foreign countries during the calendar month covered by the report, and your inventory of each item as of the end of the month, for United States consumption. List separately that which is afloat to the United States, and that which is in the United States. For the purpose of this report (although not under paragraph (d) above), inventory includes fiber and yarn afloat, and on hand in the continental United States, where title has not been transferred to some other person (or in the case of an importer who is also a processor, all fiber and yarn afloat, and all within the continental U. S. except that held in this country for his own use). Report in units of bales on fiber, and in thousands of pounds on yarn.

(iv) To avoid partial duplication in reports by processors and importers, if a quantity of fiber in the United States has been sold and the sales invoice for it sent the purchaser during the calendar month, the seller should exclude it from his report, even though physical transfer has not been completed. Similarly, the purchaser should include in his report fiber invoiced to him during the month, even though still in transit to him at the end of the month.

[Deleted April 16, 1947.]

(j) *Imports.* The provisions of this paragraph (j) replace those in General Imports Order M–63, insofar as that order has applied to materials subject to this paragraph. However, authorizations for the importation of such materials issued under Order M–63 shall continue to have the same force and effect as if issued under this Order M–84.

(1) *Definitions.* For the purposes of this paragraph (j):

(i) "Fibers subject to import control under this order" means any of the following materials: agave fibers, unmanufactured (except flume tow and bagasse waste), cantala (except maguey), unmanufactured, and sisal and henequen, unmanufactured (except flume tow and bagasse waste).

(ii) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(iii) "Consignee" means the person to whom a material is consigned at the time of importation.

(iv) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation. It does not include shipments in transit in bond through the continental United States without processing or manufacture, to Canada, Mexico or any other foreign country, or shipments through a free port or free zones to a foreign country without processing or manufacture.

(v) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(2) *Restrictions on imports*—(i) *General restriction.* No person, except as authorized in writing by the Civilian Production Administration shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any fibers subject to import control under this order. The foregoing restrictions shall apply to the importation of any fibers subject to import control under this order regardless of the existence of any contract or other arrangement for the importation of such material.

(ii) *Authorization by Civilian Production Administration.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form CPA–1041 addressed to the Civilian Production Administration Ref: M–84, Washington 25, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(iii) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any fibers subject to import control under this order, unless such bank or person either has received a copy of the authorization issued by the Civilian Production Administration under the provisions of paragraph (j) (2) (ii) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (j) (2) (iv).

(iv) *Exceptions.* Unless otherwise directed by the Civilian Production Administration, the restrictions set forth in this paragraph (j) (2) shall not apply:

(a) To the Reconstruction Finance Corporation, U. S. Commercial Company, Commodity Credit Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(b) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(c) To any material consigned or imported as a sample where the value of each consignment or shipment is less than $25.00.

(3) *Reports*—(i) *Reports on customs entry.* No fibers subject to import control under this order, including materials imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, Commodity Credit Corporation or any other United States governmental department, agency or corporations, shall be entered through the United States Bureau of Customs for any purpose, unless the person making the entry shall file with the entry Form CPA–1040 in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Civilian Production Administration, Ref.: M–84, Washington 25, D. C.

(ii) *Other reports.* All persons having any interest in, or taking any action with respect to any fibers subject to import control under this order, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the Civilian Production Administration.

(k) *Definitions.* In this order:

(1) "Manila" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp wherever grown (either stripped or decorticated), but does not mean processor's mill waste or bagasse. "Spinnable Manila" means Manila which is spinnable over machinery but does not mean the fiber grades of O, T,

Y, and W or equivalent as established by the Insular Government of the Philippine Islands.

(2) "Agave" means fiber spinnable over machinery of the species agave sisalana, agave fourcroydes, and agave cantala, of all grades and quantities including tow and fiber under 20'' in length, commonly known in the trade as sisal, henequen, and cantala, and sometimes preceded by an adjective designating the country or district of origin, but does not include processor's mill waste, bagasse, maguey or agave tow No. 2 grade.

(3) "Rope" means any rope or cable, treated or untreated, composed of three or more strands each strand composed of two or more yarns, and not less than 10 percent cordage lubricant (excluding tent, awning and lariat rope), but does not include strings and twines of whatever construction which are commonly used for tying, sewing, baling or other commercial packaging use.

(4) "Twine" means any single or plied yarn or roving, including marlin, for use as a tying material, for sewing or for any similar purpose, but does not include any product falling within the definition of "rope" "binder twine" or "baler twine."

(5) "Binder twine" means a single yarn twine usually containing agave, but sometimes containing manila, istle, jute, coir, hemp, cotton or paper, suitable for use in a harvesting machine and of the type customarily heretofore manufactured. It is also known as binding twine.

(6) "Baler twine" means a single yarn usually made of agave fiber and used in a self-tying machine for baling hay, straw or other fodder crops.

(7) "Processor" means any person (other than a United States Government agency) who spins, twists or otherwise uses any fiber or yarn in the manufacture of rope or twine, or who uses manila or agave fiber in the manufacture of any other product.

(l) *Appeals.* Any appeal from the provisions of this order should be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(m) *Applicability of regulations.* Except as specifically otherwise provided this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the Civilian Production Administration as amended from time to time.

(n) *Violations.* Any person who willfully violates any provision of this order, or who in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Civilian Production Administration.

(o) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: M-84.

(p) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—AGAVE CORDAGE END USE

This list specifies the permitted end uses for which rope may be manufactured from agave. It does not, however, restrict manufacture for and delivery to the Army, Navy and Maritime Commission.

Fibers other than agave may be used in the manufacture of rope for any end use subject to applicable provisions of any Civilian Production Administration order dealing specifically with such fibers.

End use
Agave rope ⅞'' diam. (2¾'' cir.) and smaller, for any use.

The use of agave fiber for the manufacture of binder and baler twine will be authorized as stated in paragraph (c) of this Order M-84.

SCHEDULE B—MANILA TWINE END USE

NOTE: "Wrapping and tying twine" deleted March 25, 1947.

This list specifies the permitted end uses for which twine may be manufactured from manila. It does not include wrapping and tying twine, which is defined as a single yarn used as twine, or plied twine twisted or laid used for tying, packaging, baling or bundling.

End use	*Definition*
Hanging twine—Hard and soft fiber nets	Twine used to hang hard and soft fiber nets to lines.
Heading twine	See Marline-Lobster.
Marline-Lobster	A twine required in the manufacture of the inside tunnels of lobster pots.
Net twine-Otter trawls	A hard laid twine, usually 2, 3, or 4 ply in sizes from #600 to #1355 used for the manufacture of hard fiber fishing nets. Also for mending nets.

[F. R. Doc. 47-3745; Filed, Apr. 16, 1947; 11:24 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1300—PROCEDURE

[Rev. Procedural Reg. 3, as Amended,[1] Amdt. 1]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS, AND INTERPRETATIONS UNDER RENT REGULATIONS

Revised Procedural Regulation No. 3, as amended, is amended in the following respects:

1. Section 1300.208 (b) is amended to read as follows:

(b) Where the petition requests a certificate relating to eviction pursuant to section 6 (b) of the rent regulations, a copy of the landlord's petition and all supporting documents shall be served by the rent director upon the tenant of the housing accommodations concerned and the tenant shall be provided an opportunity to present objections or other written evidence prior to entry of any final order on the petition. A copy of such final order shall be served by the rent director upon the tenant: *Provided, however,* That the provisions of this paragraph shall not apply where the petition on its face clearly fails to set forth facts justifying the issuance of a certificate.

2. Section 1300.209 (a) is amended to read as follows:

§ 1300.209 *Tenants' and landlords' applications for review in cases concerning certificates relating to eviction.* (a) Any tenant occupying housing accommodations as to which a certificate relating to eviction has been issued by order of a rent director pursuant to section 6 (b) of the rent regulations may file with the rent director a tenant's application for review of such determination by the Regional Administrator for the region in which the defense-rental area office is located. An original and two copies of such application, prepared upon a form prescribed by the Administrator, and pursuant to instructions stated on such form, shall be filed with the rent director.

This amendment shall become effective April 16, 1947.

Issued this 16th day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-3751; Filed, April 16, 1947; 11:41 a. m.]

[1] 12 F. R. 1143.

[1] 11 F. R. 12084, 14189; 12 F. R. 231, 921, 1984.

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,[1] Amdt. 28 (§ 1388.1411)]

HOUSING IN ATLANTIC COUNTY AREA

Section 1 (b) (7) of the rent regulation for Housing in the Atlantic County Defense-Rental Area is amended to read as follows:

(7) *Subletting.* The subletting or other subrenting of housing accommodations for a term beginning on or after June 1, 1947 and ending on or before September 30, 1947 by a tenant who remained in occupancy and used the accommodations as his home from January 1, 1947 to the date of subletting or other subrenting.

This amendment shall become effective April 16, 1947.

Issued this 16th day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 28 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area

By previous actions, the Administrator exempted from regulation during previous summer seasons the subletting of housing accommodations in the Atlantic County defense-rental area. Heretofore the exemption of subletting was not limited to tenant-occupied dwelling units. As a result the exemption was the subject of abuse by some landlords who have used the device of a fictitious tenant to obtain exemption from rent control. In order to more effectively prevent this type of evasion and circumvention of the regulation the accompanying amendment limits the exemption for 1947 to situations in which the subletting is done by a tenant who remained in occupancy and used the accommodations as his home from January 1, 1947 to the date of the subletting. The Administrator deems this limitation on the exemption to be reasonable.

In the judgment of the Price Administrator, this amendment is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendment unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulation and the act. To the extent that the provisions of this amendment compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulation and the act.

[F. R. Doc. 47-3750; Filed, Apr. 16, 1947; 11:41 a. m.]

[1] Not filed with Division of the Federal Register.

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 210—STATEMENTS OF GENERAL POLICY AND INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

COVERAGE OF TRUCK DRIVERS EMPLOYED BY OIL DEALERS

§ 210.1 *Coverage of truck drivers employed by oil dealers.* The Division of Public Contracts returns to the interpretation contained in rulings and Interpretations No. 2[1] with respect to coverage of truck drivers employed by oil dealers, by amending section 40 (e) (1) of rulings and Interpretations No. 3[1] to read as follows:

Where the contractor is a dealer, the act applies to employees at the central distributing plant, including warehousemen, compounders, and chemists testing the lot out of which the Government order is filled, the crews engaged in loading the materials in vessels, tank cars or tank wagons for shipment, and truck drivers engaged in the activities described in section 37 (m) above.[2] However, the contractor is not required to show that the employees at the bulk stations, including truck drivers, are employed in accordance with the standards of the act. (Bulk stations as the term is used herein are intermediate points of storage between a central distributing plant and service stations.)

(Sec. 3 (a) Pub. Law 404, 79th Cong., 60 Stat. 238)

Dated: April 11, 1947.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 47-3622; Filed, Apr. 16, 1947; 8:49 a. m.]

[2] Refers to rulings and Interpretation No. 3.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circ. 1645]

PART 147—EXCHANGES BY STATES UNDER TAYLOR GRAZING ACT

MISCELLANEOUS AMENDMENTS

Part 147 as amended by Circular 1617, June 20, 1946 (11 F. R. 7434), and Circular 1625, November 1, 1946 (11 F. R. 13465), is further amended as follows:

1. Section 147.2 is amended to read as follows:

§ 147.2 *Lands which may be offered in exchange.* Lands offered in exchange by a State may be lands owned by the State within or without the boundary of a grazing district, and the selected lands may be surveyed grazing district lands not otherwise appropriated or reserved, or unappropriated and unreserved surveyed public lands of the United States, within the same State. If, however, the selected lands are within a grazing district, the lands offered by the State in exchange must be within the same grazing district and such selected lands must lie in a reasonably compact body so as not to interfere with the administration or value of the remaining lands in the district for grazing purposes.

An application for exchange may be made on the basis of equal area or equal value. However, with respect to all exchange applications filed after the date of the regulations in this part the Secretary of the Interior will consider and determine the value of the offered and selected land and will not approve an exchange unless the values of the offered and selected land are approximately equal. In determining such values, consideration will be given to such matters as the actual appraised value of the lands, the benefits of consolidation or blocking out of land holdings by the State and the Federal Government as a result of the proposed exchange, the size of the areas involved, the value of the surface or other resources, including such reservations of minerals or easements as may be made by the State or the United States, and any other considerations which may have appropriate bearing on the value of the lands involved.

When mineral lands are selected in an exchange based upon equal acreage, the patent will contain a reservation of all minerals to the United States, and in any exchanges based upon equal acreage, the State may offer mineral lands owned by the State, with a mineral reservation to the State.

Unsurveyed school sections within or without the boundary of a grazing district may be offered by the State in an exchange based upon equal areas, but no mineral reservations to the State may be made in such unsurveyed sections, the identification of which will be determined by protraction or otherwise, the

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 10—DELEGATIONS OF AUTHORITY

REGIONAL DIRECTORS TO ISSUE REVOCABLE PERMITS

Part 10 is amended by adding a new § 10.7, reading as follows:

§ 10.7 *Regional Directors to issue revocable permits.* (a) The appropriate Regional Directors, as designated in §§ 01.30 and 01.82 of this chapter, are authorized to issue revocable business concession, grazing, and special use permits for use and occupancy of the Federally-owned lands, buildings, and property within the parks and monuments for all authorized purposes, including commercial operations, occupancy of quarters, haying, farming, grazing of livestock, livestock driveways, and other agricultural and special uses not excepted in paragraph (b) of this section.

(b) The delegation of authority in paragraph (a) of this section shall not apply to the issuance of licenses and permits for the purposes enumerated in paragraphs (c) and (d) of § 2.31 of this chapter.

(c) The provisions of this section shall become effective on May 15, 1947. (See 36 CFR, Part 2 (12 F. R. 2036)) (Pub. Law 404, 79th Cong., 60 Stat. 237)

Issued this 11th day of April 1947.

[SEAL] NEWTON B. DRURY,
Director.

[F. R. Doc. 47-3615; Filed, Apr. 16, 1947; 8:50 a. m.]

State by such selections waiving all rights to the unsurveyed sections.

State-owned lands, as well as school sections surveyed and unsurveyed the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district. Where the selected lands are within a grazing district, lands within the exterior boundaries of the grazing district and also within such reservations or withdrawals may be offered as a basis for an exchange only if the Secretary of the Interior determines that the exchange would not interfere with the administration or value of the remaining lands in the grazing district for grazing purposes.

2. Section 147.4 is amended to read as follows:

§ 147.4 *Application for exchange; evidence required.* A State desiring to exchange lands under section 8 of the Taylor Grazing Act (48 Stat. 1269; 43 U. S. C. 315–315n, 1171) should file application, in triplicate, in the district land office having jurisdiction over the selected lands, or in the Bureau of Land Management when there is no district land office within the State. Such application should describe the lands offered to the Government as well as those selected in exchange, by legal subdivisions of the public land surveys, or by entire sections, and nothing less than a legal subdivision may be surrendered or selected.

The application for exchange should identify the grazing district or districts in which the offered or selected lands are situated, if such lands lie within a grazing district, and should state whether the State desires the proposed exchange to be based upon equal value or equal acreage. In addition, the application should state whether or not any reservations of minerals, easements, or other rights of use in or to the offered lands are desired, and what use thereof is contemplated, whether the State consents to a reservation of minerals to the United States in the selected lands and what other reservations or easements which are to be made by the United States with respect to the selected lands are acceptable to the State. Each application for an exchange must be accompanied by the following certificate and statement:

(a) A certificate by the selecting agent showing that the selection is made under and pursuant to the laws of the State; that the lands selected and the lands relinquished are approximately of equal value, unless the exchange is proposed to be based on equal areas; that the State is the owner of the lands offered in exchange, if such is the case; that the offered lands are not the basis of another selection or exchange, and that the selected lands are unappropriated and are not occupied, claimed, improved, or cultivated by any person adversely to the State.

(b) A corroborated statement relative to springs and water holes on the selected lands in accordance with the regulations in §§ 292.1 to 292.9, inclusive, of this chapter.

3. Section 147.6 is revoked.

4. Sections 147.7 to 147.16 are renumbered §§ 147.6 to 147.15, respectively.

5. The first sentence of § 147.8, renumbered § 147.7, is amended to read as follows:

§ 147.7 *Additional evidence required.* After considering the application and any evidence relative thereto as he may deem necessary, the Director of the Bureau of Land Management, unless he has reason to do otherwise, will with the approval of the Secretary of the Interior, issue notice for publication of the contemplated exchange, and will require the State, through the Manager of the District Land Office, to submit proof of publication of notice, a duly recorded deed of conveyance of the offered lands (unless such offered lands are not owned by the State), a certificate of the proper State officer showing that the offered lands have not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or official custodian of the records of transfers of real estate in the proper county, or by an abstractor or abstract company satisfactory to the Department of the Interior, that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file in his office. * * *

6. Section 147.15, renumbered § 147.14, is amended to read as follows:

§ 147.14 *No indemnity right accrues by the inclusion of school sections within grazing districts.* A grazing district is not a reservation within the meaning of the act of February 28, 1891 (26 Stat. 796; 43 U. S. C. 851, 852), and therefore school sections, surveyed or unsurveyed, within a grazing district are not for that reason only valid base for indemnity school land selections under said act of 1891. The inclusion of unsurveyed school sections within a grazing district will not prevent the title to such lands from vesting in the State upon the acceptance of the plat of survey thereof by the Director of the Bureau of Land Management.

Granted school sections owned by a State within or without the boundaries of a grazing district may be assigned by the State as a basis for an equal value, or equal area exchange, and unsurveyed school sections within or without the boundaries of a grazing district may be assigned by the State as a basis for an equal area exchange.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

FRED W. JOHNSON,
Director.

Approved: April 7, 1947.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 47-3616; Filed, Apr. 16, 1947; 8:50 a. m.]

Appendix—Public Land Orders

[Public Land Order 363]

ALASKA

REVOKING EXECUTIVE ORDER NO. 1513 OF APRIL 1, 1912, WITHDRAWING PUBLIC LAND FOR USE OF THE AGRICULTURAL DEPARTMENT AS AN EXPERIMENT STATION

By virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847 (43 U. S. C. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 1513 of April 1, 1912, withdrawing certain public lands fronting on Kalsin Bay on Kodiak Island, Alaska, for the use of the Agricultural Department as an experiment station, is hereby revoked.

The land is subject to Executive Order No. 8344 of February 10, 1940, withdrawing certain public lands on Kodiak and other islands for classification and in aid of legislation.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 9, 1947.

[F. R. Doc. 47-3617; Filed, Apr. 16, 1947; 8:50 a. m.]

[Public Land Order 364]

ALASKA

REVOKING EXECUTIVE ORDER NO. 6833 OF AUGUST 28, 1934, WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF AGRICULTURE AND THE ALASKA GAME COMMISSION AS A HEADQUARTERS SITE

By virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497 (43 U. S. C. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6833 of August 28, 1934, withdrawing the public lands on Near Island, off the northeastern shore of Kodiak Island, Alaska, for the use of the Department of Agriculture and the Alaska Game Commission as a headquarters site, is hereby revoked.

The lands are subject to Executive Order No. 8344 of February 10, 1940, withdrawing Kodiak and other islands, including all adjacent islands within two miles from the shores thereof for classification and in aid of legislation.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 9, 1947.

[F. R. Doc. 47-3618; Filed, Apr. 16, 1947; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 396, Amdt. 6]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNMENT OF PERISHABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of April A. D. 1947.

Upon further consideration of Service Order No. 396 (10 F. R. 15008), as amended (11 F. R. 1627, 4038, 9453; 12 F. R. 1235, 2288), and good cause appearing therefor, *It is ordered*, That:

Service Order No. 396, Perishables-Restrictions on Reconsigning, (codified as 49 CFR § 95.396), as amended, be, and it is hereby, further amended by adding the following paragraph (j) thereto:

(j) *Reconsigning involving backhaul prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall reconsign or execute reconsigning orders when such reconsigning involves, requires or results in any backhaul, nor when such reconsigning requires or results in a car moving through or to a point where that car had previously been transported in through or continuous movement.

It is further ordered, That this amendment shall become effective at 12:01 a. m., April 16, 1947, and it shall apply only on cars to be diverted or reconsigned on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3627; Filed, Apr. 16, 1947; 8:53 a. m.]

[S. O. 646, Amdt. 1]

PART 95—CAR SERVICE

ICING AT ROSEVILLE, SAN JOSE OR STOCKTON, CALIF.

At a session of the Interstate Commerce Commission Division 3, held at its office in Washington, D. C., on the 11th day of April A. D. 1947.

Upon further consideration of Service Order No. 646 (11 F. R. 14109), and good cause appearing therefor: it is ordered, that:

Section 95.646 *Icing at Roseville, San Jose or Stockton*, of Service Order No. 646, be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective 12:01 a. m., April 15, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3628; Filed, Apr. 16, 1947; 8:54 a. m.]

[S. O. 692, Amdt. 1]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNMENT OF LUMBER

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of April A. D. 1947.

Upon further consideration of Service Order No. 692 (12 F. R. 1685), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 692, Lumber-Restrictions on Holding for Diversion, Reconsignment or Disposition (codified as 49 CFR § 95.692), be, and it is hereby, amended by adding the following paragraph (h) thereto:

(h) *Reconsigning involving backhaul prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall reconsign or execute reconsigning orders when such reconsigning involves, requires or results in any backhaul, nor when such reconsigning requires or results in a car moving through or to a point where that car had previously been transported in through or continuous movement.

It is further ordered, That this amendment shall become effective at 12:01 a. m., April 16, 1947, and it shall apply only on cars to be diverted or reconsigned on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3626; Filed, Apr. 16, 1947; 8:53 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Parts 402, 403, 410]

EMPLOYMENT TAXES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations herein set forth in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1429, 1535, and 1609 of the Internal Revenue Code (53 Stat. 178, 183, 188; 26 U. S. C. 1429, 1535, 1609) and sections 1, 2, 3, 401, and 402 of the act approved July 31, 1946 (Pub. Law 572, 79th Cong.),

Subchapter D—Employment Taxes

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

PART 410—EMPLOYERS' TAX, EMPLOYEES' TAX, AND EMPLOYEE REPRESENTATIVES' TAX UNDER THE CARRIERS TAXING ACT OF 1937 AND SUBCHAPTER B OF CHAPTER 9 OF THE INTERNAL REVENUE CODE

Regulations 100 only as made applicable to the Internal Revenue Code by

Treasury Decision 4885, Regulations 106, and Regulations 107, amended to conform to certain provisions of the act approved July 31, 1946 (Pub. Law 572, 79th Cong.).

In order to conform Regulations 100 (26 CFR, Part 410) only as made applicable to the Internal Revenue Code by Treasury Decision 4885 (26 CFR, Cum. Supp., p. 5876), relating to the employers' tax, employees' tax, and employee representatives' tax under Subchapter B of Chapter 9 of the Internal Revenue Code, Regulations 106 (26 CFR, Part 402), relating to the employees' tax and employers' tax under the Federal Insurance Contributions Act (Subchapter A, Chapter 9, Internal Revenue Code), and Regulations 107 (26 CFR, Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (Subchapter C, Chapter 9, Internal Revenue Code), to sections 1, 2, 3, 401, and 402 of the act approved July 31, 1946 (Pub. Law 572, 79th Cong.), such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 410.1 (Article 1) the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

• • • section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "if" where it first appears therein insert "(i)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" • • •. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation".

SECTION 3 (e) AND (f) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

• • • • •

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) and (f) shall be effective only with respect to services rendered after December 31, 1946. • • •

SECTION 3 (g) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(g) Subchapter B of Chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 1538. TITLE OF SUBCHAPTER. This subchapter may be cited as the "Railroad Retirement Tax Act".

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Except as otherwise provided in this act, the provisions thereof shall become effective upon approval.

PAR. 2. Section 410.1 (Article 1) is amended as follows:

(A) By striking out the heading thereof and inserting in lieu thereof the following:

§ 410.1 *Definitions of miscellaneous terms; applicability of provisions of Internal Revenue Code.*

(B) By inserting at the end of § 410.1 the following:

(m) "Railroad Retirement Tax Act" means Subchapter B of Chapter 9 of the Internal Revenue Code, as amended.

(n) "*Internal Revenue Code*" means the act approved February 10, 1939 (53 Stat., Part 1), entitled "An Act To Consolidate and Codify the Internal Revenue Laws of the United States", as amended.

Subchapter B of Chapter 9 of the Internal Revenue Code corresponds to and, effective April 1, 1939, superseded the Carriers Taxing Act of 1937. Such subchapter comprises certain sections numbered from 1500 to 1538, both inclusive. All provisions of, or references to, the Carriers Taxing Act of 1937 or other laws of the United States which have been codified in the Internal Revenue Code, but which remain in the regulations in this part as made applicable to the Code, shall be deemed to be, and shall be read as if they were, the corresponding provisions of the Internal Revenue Code or references thereto.

PAR. 3. Section 410.2 (f) (Article 2 (f)) is amended to read as follows:

(f) Any subordinate unit of a national railway-labor-organization employer, that is, any State or National legislative committee, general committee, insurance department, or local lodge or division, of an employer as defined in paragraph (e) of this section, established pursuant to the constitution and bylaws of such employer.

PAR. 4. Immediately following the provisions of law under the caption "Sections 3 and 4 of the Act" approved August 13, 1940 (Pub. No. 764, 76th Cong., 3d Sess.)", added by Treasury Decision 5017, approved October 24, 1940, preceding § 410.3 (Article 3), the following is inserted:

SECTION (3) (g) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if on that date he was on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

PAR. 5. Immediately preceding the caption "Section 1 (h) and (i) of the act" which precedes § 410.3 (article 3), the following is inserted:

SECTION 14 OF THE ACT APPROVED APRIL 8, 1942 (PUB. LAW 520, 77TH CONG.)

The first proviso in subsection (d) of section 1532 of the Internal Revenue Code, approved February 10, 1939 (53 Stat. 1), is hereby amended to read as follows: *"Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable:".

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Internal Revenue Code when that code was enacted on February 10, 1939 • • •.

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

• • • section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "if" where it first appears therein insert "(i)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" • • •. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation".

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

• • • • •

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) • • • shall be effective only with respect to services rendered after December 31, 1946. • • •

PAR. 6. Section 410.3 (Article 3) as amended by Treasury Decision 5017 and by Treasury Decision 5161, approved July 6, 1942, is further amended as follows:

(A) By striking out the last sentence of the first paragraph and the whole of the second paragraph of § 410.3 (a) and inserting in lieu thereof the following:

• • • An individual performing services as an independent contractor is not subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services.

An individual rendering professional or technical services or other personal services prior to January 1, 1947, to an employer for compensation is in the service of the employer if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. The fact that an individual rendering professional or technical services prior to January 1, 1947, is integrated into the staff of an employer is an important factor indicating that such individual is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. With respect to other personal services rendered prior to January 1, 1947, the fact that such services are rendered on the property used in the employer's operations and that the rendition of such services is integrated into the employer's operations are important factors indicating that the individual rendering such services is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. However, with respect to professional or technical services or other personal services rendered after December 31, 1946, the aforementioned factors are not merely indicia of the continuing authority of the employer to supervise and direct the manner of rendition of such services but instead constitute independent tests for determining whether the individual rendering such services is in the service of the employer with respect to the rendition of such services. Thus, an individual rendering professional or technical services to an employer for compensation is in the service of the employer with respect to such services rendered after December 31, 1946, if he is integrated into the staff of the employer. Likewise, an individual rendering other personal services to an employer for compensation is in the service of the employer with respect to such services rendered after December 31, 1946, if the services are rendered on the property used in the employer's operations and the rendition of such services is integrated into the employer's operations. Under the two tests last mentioned, an individual rendering professional or technical services or other personal services after December 31, 1946, as an independent contractor may be, as to such services, in the service of an employer.

(B) By striking out the parenthetical cross-reference at the end of subparagraph (1) of § 410.3 (b).

(C) By striking out subparagraph (2) of § 410.3 (b) and inserting in lieu thereof the following:

(2) An individual in the service of a local lodge or division is not an employee within the meaning of the law and the regulations in this part unless he was, on or after August 29, 1935, in the service of a carrier (see paragraph (a) of this section) or he was, on August 29, 1935, in the "employment relation" to a carrier.

With respect to services rendered prior to January 1, 1947, an individual was in the employment relation to a carrier on August 29, 1935, if on that date he was, in accordance with the established rules and practices in effect on the carrier, on furlough subject to call for service within or without the United States and ready and willing to serve, or on

leave of absence, or absent on account of sickness or disability. However, an individual shall not be deemed to have been in the employment relation to a carrier on August 29, 1935, unless during the last pay-roll period before August 29, 1935, in which he rendered service to it, he was, with respect to that service, in the service of an employer (see paragraph (a) of this section).

With respect to services rendered after December 31, 1946, an individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (a) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (b) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (c) if he was so called he was solely for such reason unable to render service in six calendar months as provided in subdivision (ii) of this subparagraph; or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights. However, an individual shall not be deemed to have been in the employment relation to a carrier on August 29, 1935, if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not, with respect to any service in such pay-roll period, in the service of an employer (see paragraph (a) of this section).

(For definition of carrier, see § 410.2 (a).

(D) By inserting at the end of subparagraph (3) of § 410.3 (c) the following: "However no part of his remuneration for such service rendered after December 31, 1946, shall be regarded as compensation if the application of such mileage formula, or such other formula as the Railroad Retirement Board may have prescribed, would result in his compensation for the service being less than 10 percent of his remuneration for such service."

(E) By striking out the parenthetical cross-reference at the end of § 410.3 (c).

PAR. 7. Immediately following the provisions of law under the caption "Section 27 of the Act Approved October 10, 1940 (Pub. No. 833, 76th Cong., 3d Sess.)," added by Treasury Decision 5029, approved December 27, 1940, preceding § 410.5 (article 5), the following is inserted:

SECTION 3 (F) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * * *

The amendments to section 1532 of the Internal Revenue Code made by sections * * * 3 * * * (f) shall be effective only with respect to services rendered after December 31, 1946. * * *

PAR. 8. Section 410.5 (Article 5), as amended by Treasury Decisions 5029 and 5161, is further amended to read as follows:

§ 410.5 *Definition of "compensation."* The term "compensation" means all remuneration in money, or in something which may be used in lieu of money (for example, scrip and merchandise orders), which is earned by an individual for services rendered as an employee to one or more employers, or as an employee representative. A payment for services rendered after December 31, 1946, which is made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by such individual as an employee of the employer. Likewise, a payment for services rendered after December 31, 1946, which is made by an employee organization (that is, a railway labor organization which is not included as an employer under the act) to an employee representative through the organization's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by the employee representative as such.

The term "compensation" is not confined to amounts earned or paid for active service, but includes amounts earned or paid for an identifiable period during which the employee is absent from the active service of the employer and, in the case of an employee representative, amounts earned or paid for an identifiable period during which the employee representative is absent from the active service of the employee organization. Amounts paid to an employee for an identifiable period of absence from the active service of the employer on acount of personal injury are included within the term "compensation". Like payments made to an employee representative on account of personal injury also constitute compensation. If a payment is made to an employee or employee representative with respect to a personal injury and includes pay for an identifiable period of absence from active service, the total payment shall be deemed to be paid for such period of absence from active service unless, at the time of payment, a part of such payment is specifically apportioned to factors other than absence from active service, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for such period of absence from active service. The presumption set forth in the preceding sentence is applicable only with respect to an identifiable period of absence from active service after December 31, 1946. Amounts paid to an employee or employee representative for loss of earnings during an identifiable period as the result of the displacement of the employee or employee representative to a less remunerative position or occupation shall be deemed to be paid for absence from active service during such period. Such amounts are also included within the term "compensation".

The term "compensation" does not include tips, or the voluntary payment by an employer of the employees' tax, without the deduction of such tax from the remuneration of the employee.

(See § 410.7, relating to when compensation is earned. See also §§ 410.201, 410.301, and 410.401, relating to the amount of compensation included for the purpose of determining the employees' tax, the employers' tax, and the employee representatives' tax, respectively. For special provisions relating to the compensation of certain general chairmen or assistant general chairmen of a general committee of a railway-labor-organization employer, see § 410.3 (c).

PAR. 9. Section 410.6 (Article 6) is amended by inserting at the end thereof the following: "For provisions relating to payments for personal injury or for loss of earnings resulting from displacement to a less remunerative position or occupation, see § 410.5."

PAR. 10. Section 410.7 (Article 7) is amended by striking out the parenthetical cross-reference at the end of such section and inserting in lieu thereof the following: "A payment made by an employer or employee organization (that is, a railway labor organization which is not included as an employer under the act) to an individual through the pay roll of the employer or employee organization for a period commencing after December 31, 1946, shall be presumed, in the absence of evidence to the contrary, to be for services rendered by such individual in the period covered by the pay roll and, thus, to have been earned in such period. (See §§ 410.5 and 410.6)."

PAR. 11. Immediately preceding the caption "Section 27 of the Act Approved October 10, 1940 (Pub. No. 833, 76th Cong., 3d sess.)", added by Treasury Decision 5029, which precedes § 410.201 (Article 201), the following is inserted:

SECTION 3 (A) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(a) Section 1500 of the Internal Revenue Code is amended to read as follows:

SEC. 1500. RATE OF TAX. In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee a tax equal to the following percentages of so much of the compensation, paid to such employee after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * The amendments made by section 3 (a) * * * shall take effect January 1, 1947. Sections 1500 * * * of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this Act are not applicable.

PAR. 12. Section 410.201 (Article 201), as amended by Treasury Decision 5029, is further amended as follows:

(A) By striking out paragraph (a) and inserting in lieu thereof the following:

(a) *General rule*—(1) *Compensation earned or paid prior to January 1, 1947.* Except as provided in paragraph (b) of this section:

(i) The employees' tax with respect to compensation earned prior to January 1, 1947, is measured by the amount of compensation earned prior to such date by an individual as an employee for services rendered to one or more employers after March 31, 1939, excluding, however, the amount of such compensation in excess of $300 which is earned by the employee for services rendered during any one calendar month;

(ii) The employees' tax with respect to compensation paid prior to January 1, 1947, for services rendered after December 31, 1946, is measured by the amount of compensation paid prior to January 1, 1947, to an individual for services rendered as an employee to one or more employers after December 31, 1946, excluding, however, the amount of such compensation in excess of $300 which is paid prior to January 1, 1947, to the employee for services rendered during any one calendar month after 1946.

(For the purposes of the regulations in §§ 410.201 to 410.203, inclusive, see §§ 410.5, 410.6, 410.7, and 410.8, relating to compensation.)

(2) *Compensation paid after December 31, 1946, for services rendered after such date.* Except as provided in paragraph (b) of this section, the employees' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is measured by the amount of compensation paid after December 31, 1946, to an individual for services rendered as an employee to one or more employers after such date, excluding, however, the amount of such compensation in excess of $300 which is paid after December 31, 1946, to the employee for services rendered during any one calendar month after 1946.

(B) By striking out the designation "(b)" and inserting in lieu thereof the following:

(b) *Exception; employee of local lodge or division of railway-labor-organization employer.*

PAR. 13. Section 410.202 (Article 202) is amended to read as follows:

§ 410.202 *Rates and computation of employees' tax*—(a) *Compensation earned or paid prior to January 1, 1947.* The rates of employees' tax applicable for the respective calendar years with respect to compensation either earned or paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939	2¾
Compensation earned during the calendar years 1940, 1941, 1942	3
Compensation earned during the calendar years 1943, 1944, 1945	3¼
Compensation earned during the calendar years 1946, 1947, 1948	3½
Compensation earned during the calendar year 1949 and subsequent calendar years	3¾

The employees' tax with respect to compensation either earned or paid prior to January 1, 1947, is computed by applying to the amount of the employee's compensation with respect to which the employees' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The rates of employees' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, for services rendered after such date are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948	5¾
Compensation paid during the calendar years 1949, 1950, 1951	6
Compensation paid during the calendar year 1952 and subsequent calendar years	6¼

The employees' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is computed by applying to the amount of the employee's compensation with respect to which the employees' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 14. Immediately preceding the caption "Section 607 of the Revenue Act of 1934, made applicable by Section 7 (c) of the Act" which precedes § 410.203 (Article 203), the following is inserted:

SECTION 3 (B) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(b) The second sentence of section 1501 (a) of the Internal Revenue Code is amended to read as follows: "If an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1946 and the aggregate of such compensation is in excess of $300, the tax to be deducted by each employer other than a subordinate unit of a national railway-labor-organization employer from the compensation paid by him to the employee with respect to such month shall be that portion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall deduct such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month."

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * The amendments made by section 3 * * *

(b) * * * shall take effect January 1, 1947. * * *

PAR. 15. Section 410.203 (Article 203) is amended as follows:

(A) By striking out paragraph (a) and inserting in lieu thereof the following:

(a) *Collection; general rule.* The employer shall collect from each of his employees the employees' tax imposed with respect to the compensation of the employee by deducting or causing to be deducted the amount of such tax from the compensation subject to the tax as and when such compensation is paid. (As to the measure of the employees' tax, see § 410.201.

(B) By striking out paragraph (b) and inserting in lieu thereof the following:

(b) *Collection; aggregate monthly compensation in excess of $300 paid by two or more employers*—(1) *Compensation earned or paid prior to January 1, 1947.* If during any one calendar month before 1947 an employee earns compensation from two or more employers and if the aggregate of such compensation paid is in excess of $300, each employer shall deduct, from the compensation as and when paid by him to the employee, the employees' tax with respect to that proportion of $300 of compensation which the compensation paid by such employer to the employee for the month bears to the total compensation paid to such employee by all employers for that

month. If an employee is paid compensation prior to January 1, 1947, by two or more employers for services rendered during any one calendar month after 1946, and if the aggregate compensation paid to such employee prior to January 1, 1947, by all employers for services rendered during such month is in excess of $300, each employer shall deduct, from the compensation as and when paid by him to the employee, the employees' tax with respect to that proportion of $300 of compensation which the compensation paid by such employer prior to January 1, 1947, to the employee for the month bears to the total compensation paid prior to January 1, 1947, to such employee by all employers for that month. (See § 410.201 (b), which provides that for the purpose of determining the employees' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

(2) *Compensation paid after December 31, 1946, for services rendered after such date.* If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after 1946, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of $300, the employees' tax to be deducted by each employer from the compensation as and when paid by him to the employee shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 410.2 (f)), each employer shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers for that month (see Example 1, below);

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, each subordinate unit shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such subordinate unit to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month;

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after December 31, 1946, to the employee by the employer other than a subordinate unit equals or exceeds $300 for the month, then no employees' tax shall be deducted by any such subordinate unit from the compensation paid by it after December 31, 1946, to such employee for that month, and the employer other than a subordinate unit shall deduct the employees' tax with respect to $300 of compensation paid by him after December 31, 1946, to such employee for that month (see Example 2, below);

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by the employers other than a subordinate unit equals or exceeds $300 for the month, then no employees' tax shall be deducted by any such subordinate unit from the compensation paid by it after December 31, 1946, to such employee for that month, and each employer other than a subordinate unit shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such employer to the employees for the month bears to the total compensation paid after December 31, 1946, to such employees by all such employers other than a subordinate unit (see Example 3, below);

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate unit is less than $300 for the month, then each employer other than the subordinate unit shall deduct the employees' tax with respect to the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the subordinate unit of a national railway-labor-organization employer shall deduct the employee's tax with respect to the remainder of $300 of compensation less the total compensation paid after December 31, 1946, to such employee for that month by all other employers (see Example 4, below); or

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate units is less than $300 for the month, then each employer other than the subordinate units shall deduct the employee's tax with respect to the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and each subordinate unit of a national railway-labor-organization employer shall deduct the employee's tax with respect to that proportion of the remainder of $300 of compensation less the total compensation paid after December 31, 1946, to such employee for the month by all employers other than the subordinate units which the compensation paid after December 31, 1946, by such subordinate unit to the employee for that month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month (see Example 5, below).

(See § 410.201 (b), which provides that for the purpose of determining the employees' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

The application of certain of the foregoing principles may be illustrated by the following examples:

Example 1. A, an employee, renders services during January 1947, for employers X, Y, and Z, none of whom is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $100 by X, $100 by Y, and $200 by Z, or an aggregate of $400 for the month. In such case X pays one-fourth of A's aggregate compensation for the month, Y pays one-fourth, and Z pays one-half. X and Y, therefore, are each required to deduct the employees' tax with respect to one-fourth of $300, or $75, and Z is required to deduct the employees' tax with respect to one-half of $300, or $150.

Example 2. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $300 by X, $50 by Y, and $25 by Z. Since the compensation paid A for the month by X equals $300, neither Y nor Z is required to deduct any employees' tax from the compensation paid by them to A for the month; and X is required to deduct the employees' tax with respect to the full $300 paid by him to A for the month.

Example 3. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $200 by W and $200 by X, or an aggregate of $400 for the month, and compensation of $50 by Y and $50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of $300, neither Y nor Z is required to deduct any employees' tax from the compensation paid by them to A for the month. Of the aggregate compensation of $400 paid A for the month by W and X, W pays one-half and X pays one-half. W and X, therefore, are each required to deduct the employees' tax with respect to one-half of $300, or $150.

Example 4. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $250 by X and $100 by Y. In such case X is required to deduct the employees' tax with respect to the full $250 paid by him to A for the month; and Y is required to deduct the employees' tax only with respect to $50 ($300 minus $250 paid by X.)

Example 5. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $140 by W, $100 by X, $50 by Y, and $100 by Z. In such case W and X are each required to deduct the employees' tax with respect to the full amount paid by them to A for the month, that is, W with respect to $140 and X with respect to $100; and Y and Z are each required to deduct the employees' tax with respect to their proportionate share of $60 ($300 minus $240 paid by W and X). Of the aggregate compensation of $150 paid by Y and Z, $50, or one-third, was paid by Y, and $100, or two-thirds, was paid by Z. In such case Y is required to deduct the employees' tax with respect to one-third of $60, or $20, and Z is required to deduct the employees' tax with respect to two-thirds of $60, or $40.

(3) *Undercollections or overcollections.* Any undercollection or overcollection of employees' tax resulting from the employer's inability to determine, at the time compensation is paid, the correct amount of compensation with respect to which the deduction should be made shall be corrected in accordance with the provisions of §§ 410.601 to 410.603, inclusive, relating to an adjustment of employees' tax and employers' tax, and §§ 410.701 to 410.707, inclusive, relating to credits and refunds.

(C) By striking out the designation "(c)" and inserting in lieu thereof the following:

(c) *When fractional part of cent may be disregarded.*

(D) By striking out the designation "(d)" and inserting in lieu thereof the following:

(d) *Employer's liability.*

PAR. 16. Immediately preceding the caption "Section 27 of the Act Approved October 10, 1940 (Pub. No. 833, 76th Cong., 3d Sess.)" which precedes § 410.301 (Article 301), the following is inserted:

SECTION 3 (d) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(d) Section 1520 of the Internal Revenue Code is amended to read as follows:

SEC. 1520. RATE OF TAX. In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of so much of the compensation, paid by such employer after December 31, 1946, for services rendered to him after December 31, 1936, as is, with respect to any employee for any calendar month, not in excess of $300: *Provided, however,* That if an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1936, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation paid to such employee by all such employers after December 31, 1946, for services rendered during such month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * The amendments made by section 3 * * * (d) shall take effect January 1, 1947. Sections * * * 1520 of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this act are not applicable.

PAR. 17. Section 410.301 (Article 301), as amended by Treasury Decision 5029, is further amended to read as follows:

§ 410.301 *Measure of employers' tax*—(a) *General rule*—(1) *Compensation paid prior to January 1, 1947.* Except as provided in paragraphs (b) (1) and (c) of this section, the employers' tax with respect to compensation paid prior to January 1, 1947, is measured by the amount of compensation paid prior to such date by an employer to his employees for services rendered after December 31, 1936, excluding, however, the amount of compensation in excess of $300 which is paid prior to January 1, 1947, by the employer to any employee for services rendered during any one calendar month. (For the purposes of §§ 410.301 and 410.302, see §§ 410.5, 410.6, and 410.7, relating to compensation, and particularly § 410.8, relating to the time when compensation is deemed to be paid.)

(2) *Compensation paid after December 31, 1946.* Except as provided in paragraphs (b) (2) and (c) of this section, the employers' tax with respect to compensation paid after December 31, 1946, is measured by the amount of compensation paid after such date by an employer to his employees for services rendered after Decemeber 31, 1936, excluding, however, the amount of compensation in excess of $300 which is paid after December 31, 1946, by the employer to any employee for services rendered during any one calendar month.

(b) *Aggregate monthly compensation in excess of $300 paid by two or more employers*—(1) *Compensation paid prior to January 1, 1947.* If an employee is paid compensation prior to January 1, 1947, by two or more employers for services rendered during any one calendar month after 1936, and if the aggregate compensation paid to such employee prior to January 1, 1947, by all employers for services rendered during such month is in excess of $300, then there is included in the measure of the employers' tax of each employer with respect to the compensation paid by him prior to January 1, 1947, to the employee for the month only that proportion of $300 which the compensation paid to the employee prior to January 1, 1947, by such employer for the month bears to the total compensation paid to such employee by all employers for that month. (See paragraph (c) of this section, which provides that for the purpose of determining the employers' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

(2) *Compensation paid after December 31, 1946.* If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after 1936, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of $300, the measure of the employers' tax of each employer with respect to the compensation paid by him after December 31, 1946, to the employee for the month shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 410.2 (f)), the measure of the employers' tax of each employer shall be that proportion of $300 which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers for that month (see Example 1, below);

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, the measure of the employers' tax of each subordinate unit shall be that proportion of $300 which the compensation paid after December 31, 1946, by such subordinate unit to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month;

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after December 31, 1946, to the employee by the employer other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any employers' tax with respect to the compensation paid by it after December 31, 1946, to such employee for that month, and the measure of the employers' tax of the employer other than a subordinate unit with respect to the compensation paid by him after December 31, 1946, to such employee for that month shall be $300 (see Example 2, below);

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national

railway - labor - organization employer, and if the total compensation paid after December 31, 1946, to the employees by the employers other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any employers' tax with respect to the compensation paid by it after December 31, 1946, to such employee for that month, and the measure of the employers' tax of each employer other than a subordinate unit shall be that proportion of $300 which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such employers other than a subordinate unit for that month (see Example 3, below);

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate unit is less than $300 for the month, then the measure of the employers' tax of each employer other than the subordinate unit shall be the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the measure of the employers' tax of the subordinate unit of a national railway-labor-organization employer shall be the remainder of $300 less the total compensation paid after December 31, 1946, to such employee for that month by all other employers (see Example 4, below); or

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate units is less than $300 for the month, then the measure of the employers' tax of each employer other than the subordinate units shall be the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the measure of the employers' tax of each subordinate unit of a national railway-labor-organization employer shall be that proportion of the remainder of $300 less the total compensation paid after December 31, 1946, to such employee for the month by all employers other than the subordinate units which the compensation paid after December 31, 1946, by such subordinate unit to the employee for that month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month (see Example 5, below).

(See paragraph (c) of this section, which provides that for the purpose of determining the employers' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

The application of certain of the foregoing principles may be illustrated by the following examples:

Example 1. A, an employee, renders services during January 1947, for employers X and Y, neither of whom is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $200 by X and $300 by Y, or an aggregate of $500 for the month. In such case X pays two-fifths of A's aggregate compensation for the month, and Y pays three-fifths. X, therefore, is liable for the employers' tax with respect to two-fifths of $300, or $120, and Y is liable for the employers' tax with respect to three-fifths of $300, or $180.

Example 2. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $350 by X and $50 by Y. Since the compensation paid A for the month by X exceeds $300, Y is not liable for any employers' tax with respect to the compensation paid A for the month; and X is liable for the employers' tax with respect to $300 of the compensation paid by him to A for the month.

Example 3. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $150 by W and $300 by X, or an aggregate of $450 for the month, and compensation of $100 by Y and $50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of $300, neither Y nor Z is liable for any employers' tax with respect to the compensation paid by them to A for the month. Of the aggregate compensation of $450 paid A for the month by W and X, W pays one-third and X pays two-thirds. W, therefore, is liable for the employers' tax with respect to one-third of $300, or $100, and X is liable for the employers' tax with respect to two-thirds of $300, or $200.

Example 4. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $250 by X and $100 by Y. In such case X is liable for the employers' tax with respect to the full $250 paid by him to A for the month; and Y is liable for the employers' tax with respect to $50 ($300 minus $250 paid by X).

Example 5. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $140 by W, $100 by X, $50 by Y, and $100 by Z. In such case W and X are each liable for the employers' tax with respect to the full amount paid by them to A for the month, that is, W with respect to $140 and X with respect to $100; and Y and Z are each liable for the employers' tax with respect to their proportionate share of $60 ($300 minus $240 paid by W and X). Of the aggregate compensation of $150 paid by Y and Z, $50, or one-third, was paid by Y, and $100, or two-thirds, was paid by Z. In such case Y is liable for the employers' tax with respect to one-third of $60, or $20, and Z is liable for the employers' tax with respect to two-thirds of $60, or $40.

(c) *Nominal monthly compensation earned by employee of local lodge or division of railway-labor-organization.* If the amount of compensation earned in any calendar month by an individual as an employee in the service of a local lodge or division of a railway-labor-organization employer is less than $3, such amount shall be disregarded for the purpose of determining the employers' tax, *Provided:*

(1) Such compensation is earned before April 1, 1940, and the taxes thereon are not paid to the collector before July 1, 1940, or

(2) Such compensation is earned after March 31, 1940.

(d) *Underpayments or overpayments.* Any underpayment or overpayment of employers' tax resulting from the employer's inability to determine, at the time such tax is paid, the correct amount of compensation with respect to which the tax should be paid shall be corrected in accordance with the provisions of § 410.603, relating to adjustment of employers' tax, and §§ 410.701 to 410.707, inclusive, relating to credits and refunds.

PAR. 18. Section 410.302 (Article 302) is amended to read as follows:

§ 410.302 *Rates and computation of employers' tax*—(a) *Compensation paid prior to January 1, 1947.* The rates of employers' tax applicable for the respective calendar years with respect to compensation paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939	2¾
Compensation earned during the calendar years 1940, 1941, 1942	3
Compensation earned during the calendar years 1943, 1944, 1945	3¼
Compensation earned during the calendar years 1946, 1947, 1948	3½
Compensation earned during the calendar year 1949 and subsequent calendar years	3¾

The employers' tax with respect to compensation paid prior to January 1, 1947, is computed by applying to the amount of compensation with respect to which the employers' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946.* The rates of employers' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948	5¾
Compensation paid during the calendar years 1949, 1950, 1951	6
Compensation paid during the calendar year 1952 and subsequent calendar years	6¼

The employers' tax with respect to compensation paid after December 31, 1946, is computed by applying to the amount of compensation with respect to which the employers' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 19. Immediately preceding § 410.401 (article 401) the following is inserted:

SECTION 3 (c) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(c) Section 1510 of the Internal Revenue Code is amended to read as follows:

SEC. 1510. RATE OF TAX. In addition to other taxes, there shall be levied, collected, and paid upon the income of each employee representative a tax equal to the following percentages of so much of the compensation, paid to such employee representative after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 11½ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 12 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 12½ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

• • • The amendments made by section 3 • • • (c) • • • shall take effect January 1, 1947. Sections • • • 1510 • • • of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this act are not applicable.

PAR. 20. Section 410.401 (article 401) is amended to read as follows:

§ 410.401 *Measure of employee representatives' tax*—(a) *Compensation earned or paid prior to January 1, 1947.* The employee representatives' tax with respect to compensation earned prior to January 1, 1947, is measured by so much of the compensation earned prior to such date by an individual for services rendered after March 31, 1939, as an employee representative, as does not exceed $300 for any one calendar month. The employee representatives' tax with respect to compensation paid prior to January 1, 1947, for services rendered after December 31, 1946, is measured by so much of the compensation paid prior to January 1, 1947, to an individual for services rendered after December 31, 1946, as an employee representative, as does not exceed $300 for any one calendar month. (For the purposes of §§ 410.401 and 410.402, see §§ 410.5, 410.6, 410.7, and 410.8, relating to compensation.)

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The employee representatives' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is measured by so much of the compensation paid after December 31, 1946, to an individual for services rendered after such date, as an employee representative, as does not exceed $300 for any one calendar month.

PAR. 21. Section 410.402 (article 402) is amended to read as follows:

§ 410.402 *Rates and computation of employee representatives' tax*—(a) *Compensation earned or paid prior to January 1, 1947.* The rates of employee representatives' tax applicable for the respective calendar years with respect to compensation either earned or paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939	5½
Compensation earned during the calendar years 1940, 1941, 1942	6
Compensation earned during the calendar years 1943, 1944, 1945	6½
Compensation earned during the calendar years 1946, 1947, 1948	7
Compensation earned during the calendar year 1949 and subsequent calendar years	7½

The employee representatives' tax with respect to compensation either earned or paid prior to January 1, 1947, is computed by applying to the amount of compensation with respect to which the employee representatives' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The rates of employee representatives' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, for services rendered after such date are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948	11½
Compensation paid during the calendar years 1949, 1950, 1951	12
Compensation paid during the calendar year 1952 and subsequent calendar years	12½

The employee representatives' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is computed by applying to the amount of compensation with respect to which the employee representatives' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 22. Section 410.806 (c) (Article 806 (c)) is amended by inserting at the end thereof the following: "With respect to services rendered after December 31, 1946, the records of each individual liable for employee representatives' tax shall show, in lieu of the information required by paragraph (2), above, the amount and date of each payment of compensation (including any sum withheld therefrom) earned as an employee representative and as an employee and the period of services covered by such payment."

PAR. 23. Immediately preceding § 402.216, the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

• • • section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "if" where it first appears therein insert "(i)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" • • •. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation.

SECTION 3 (E) AND (F) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

• • • • •

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) and (f) shall be effective only with respect to services rendered after December 31, 1946. • • •

SECTION 3 (G) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Subchapter B of Chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 1538. *Title of subchapter.* This subchapter may be cited as the "Railroad Retirement Tax Act."

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Except as otherwise provided in this act, the provisions thereof shall become effective upon approval.

PAR. 24. Immediately preceding § 403.216, the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

• • • section 1 (e) of the Railroad Unemployment Insurance Act • • • are each amended as follows: After the word "if" where it first appears therein insert "(1)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" • • •. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation".

SECTION 2 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

• • • section 1 (i) of the Railroad Unemployment Insurance Act is amended by substituting for the word "payable" the word "paid"; and by inserting • • • at the end of said section 1 (i) of the Railroad Unemployment Insurance Act, the following: "A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, 'for time lost' the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8, the period during which such compensation will have been earned." • • •

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Except as otherwise provided in this act, the provisions thereof shall become effective upon approval.

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

[F. R. Doc. 47-3646; Filed, Apr. 16, 1947; 8:56 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 319]

EUROPEAN CORN BORER AND OTHER DANGEROUS INSECTS AND PLANT DISEASES

NOTICE OF PROPOSED AMENDMENT TO REVISED RULES AND REGULATIONS

It is required by Regulation 5 of the revised rules and regulations supplemental to notice of Quarantine No. 41 (second revision) on account of the European corn borer and other dangerous insects and plant diseases (7 CFR 319.41–5) issued under section 7 of the Plant Quarantine Act (7 U. S. C. 160), that shelled corn imported into the United States from Canada shall be accompanied by an original certificate issued by a duly authorized official of the Canadian Department of Agriculture stating that the material in question covered by the certificate was thoroughly inspected by him or under his direction at the time of shipment and was found, or is believed to be, free from infestation with the European corn borer and other insect pests and plant diseases and free from admixture of cobs or other portions of the plant. The Dominion of Canada enforces a similar requirement for shelled corn imported into its jurisdiction from the United States.

Our requirement has been in effect for the past 20 years and during that period no living corn borer larva has been found in cleaned shelled corn from Canada. The Canadian inspection records are said to indicate similarly that the requirement of inspection and certification prior to shipment is an unnecessary precaution. Moreover, the fulfillment of this requirement is burdensome to the plant quarantine and cooperating agencies of both countries, as well as to the shippers.

After a careful consideration of the foregoing information, the United States Department of Agriculture is now considering the advisability of amending the said revised rules and regulations to eliminate the requirement of inspection and certification of clean, shelled corn prior to shipment from Canada.

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 calendar days after the publication of this notice.

Issued this 11th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3624; Filed, Apr. 16, 1947; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

MODIFICATION OF FM RULES, STANDARDS, AND ALLOCATION PLAN

PROPOSED RULE MAKING

APRIL 10, 1947.

The Commission today announced the adoption of a notice [1] proposing to amend its FM rules and engineering standards and scheduling a hearing on May 8 and 9 concerning the proposed changes. The Commission also issued a proposed revision of the tentative allocation plan for Class B FM stations which would be employed if the proposed amendments to the rules and standards are made final. The Commission believes that the proposed changes would provide substantially improved FM allocation and would prevent interference as has occurred recently in several instances.

The present FM rules and standards were adopted by the Commission following hearings held in the summer of 1945. On the basis of information and testimony, it was concluded that FM receivers would not be subject to objectionable interference from stations operating on alternate channels (400 kc removed from the desired station). Accordingly, the FM standards adopted by the Commission in September, 1945, provided for operation of stations in a city on alternate channels. Separate blocks of frequencies were provided for Community (now Class A) and Metropolitan-Rural (now Class B) stations, and a tentative allocation plan for Class B stations was adopted in order to provide an equitable distribution of facilities. No allocation plan was adopted for Class A stations, since this appeared unnecessary; further, simpler application and allocation procedures were adopted for Class A stations. The Commission endeavored to provide from one and one-half to two times as many Class B channels per city as AM stations, with a limit of 20 Class B channels for major cities like New York. Employing alternate channels, such cities thus required 40 of the 60 Class B channels. The remaining 20 Class B channels were used in allocating stations for adjacent major cities. This plan tended to group channels 400 kc apart in most cities as a result of the necessary grouping in major cities and the interrelation between cities in any overall allocation plan.

At the present time 34 stations in 13 cities are in operation on channels that are 400 kc from other stations operating in the respective cities. Although listeners have reported few cases of interference to the Commission, several broadcast stations have reported such cases in their cities. In some instances, interference has not been reported but difficulty has been experienced in identifying stations close together on the dial.

Since FM receiver characteristics are, of course, a governing factor in FM allocation, the Commission is studying the selectivity and other characteristics of various types of present FM receivers and at the same time is endeavoring to anticipate the probable characteristics of FM receivers to be produced in the future. Provision is made for further revision of the interference standards upon completion of such studies.

The changes proposed in the FM rules and standards would intersperse Class A and Class B stations in order to provide a normal minimum separation of four channels or 800 kc. between Class B stations in a city or immediate area. A minimum of 400 kc. separation would be used between Class and Class B stations in adjacent cities in a few areas where the demand requires. It is expected, however, that only in a few areas will it be necessary to employ this minimum separation. In these cases it is expected that the difference in power between the two classes of stations will limit the interference to the Class B station to a small area around the Class A station, and will permit the Class A station to serve its community and adjacent area.

The proposed changes would provide for the allocation of Class A stations in the same manner as Class B stations with respect to interference contours, instead of the simpler mileage separation method now used for Class A stations. However, this is a minor procedural problem which would not appear to restrict the development of Class A stations.

The proposed changes in the rules and standards would improve the performance of FM receivers now in use and would in no way retard FM receiver production. Likewise, the FM transmitters in use would require readjustment only, and new station construction would be slightly affected. In view of the limited number of FM stations that have completed full construction, it appears that changes in frequency assignments may be made at this time without causing substantial expense to the stations now on the air or under construction. At the present time approximately 200 stations are either licensed or authorized to operate on an interim basis, and of these between 20 and 25 percent have completed full antenna construction. Since FM transmitting antennas normally may be used for any channel in the FM band, readjustment or retuning is usually all that is required. With respect to stations operating with temporary antennas, it is not contemplated that frequency changes would have to be made in most cases until the permanent antenna is installed. The expense involved, therefore, would usually be limited to that required for transmitter crystals and recalibration of the frequency monitor.

In formulating the new tentative allocation plan the Commission has taken into account the rapid development of FM broadcasting since the end of the war and has been able to include in the plan needed channels for many areas, which needs could not have been contemplated at the time the original plan was prepared.

The reservation of Class A and Class B channels would not be affected by the adoption of the proposed changes in the rules and allocation plan, except that the four Class A channels to be reserved would be 224, 240, 272 and 288, instead of 297, 298, 299 and 300.

Pending final adoption of the proposed amendments to the rules and standards, stations which are now in operation or which request authorization to begin operation may request special temporary authorization for a frequency assignment under the proposed allocation plan. In cases of conflict in such requests for channels, preference will be given to stations now in operation except where transmitter location makes it desirable from an engineering viewpoint to assign another channel.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3638; Filed, Apr. 16, 1947; 8:55 a. m.]

[1] See F. R. Doc. 47-3636, *infra*.

[47 CFR, Part 3]

[Docket No. 6768]

STANDARDS OF GOOD ENGINEERING PRACTICE FOR FM BROADCASTING OTHER THAN NON-COMMERCIAL EDUCATIONAL BROADCAST SERVICE

NOTICE OF PROPOSED RULE MAKING AND HEARING

APRIL 10, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed rules and regulations, which are amendments to existing rules and regulations and existing engineering standards, are set forth below.

3. The proposed rules and standards are issued under the authority of sections 303 (c), 303 (r) and 307 (b) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed rules and standards should not be adopted or should not be adopted in the form set forth, may file with the Commission on or before May 1, 1947, a brief or written statement setting forth his comments.[1]

5. In order that interested persons may have the opportunity to present testimony concerning the proposed amendments before the Commission, a hearing will be held for that purpose before the Commission en banc in Room 6121 at its offices in Washington, D. C. at 10 a. m. on May 8 and 9, 1947, at which time interested persons who have filed briefs or written statements may appear and submit evidence or argument on the proposed amendments.

6. Section 1.857 of the Commission's rules and regulations shall not apply to this proceeding.

The following are the proposed amendments to the indicated sections of Part 3, Subpart B, of the Commission's rules governing radio broadcast services:

§ 3.203 *Class A stations.* (a) A Class A station is a station which operates on a Class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The transmitter power and antenna height of a Class A station shall normally be capable of coverage equivalent [2] to a minimum of 100 watts and a maximum of 1 kw effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. Class A stations will not be authorized with more than 1 kw effective radiated power. Standard power ratings of transmitters used for Class A stations shall be not less than 250 watts nor more than 1 kilowatt. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

(b) The following frequencies are designated as Class A channels and are assigned for use by Class A stations:

Frequency (mc)	*Channel No.*	*Frequency (mc)*	*Channel No.*
92.1	221	100.1	261
92.7	224	100.9	265
93.5	228	101.7	269
94.3	232	102.3	272
95.3	237	103.1	276
95.9	240	103.9	280
96.7	244	104.9	285
97.7	249	105.5	288
98.3	252	106.3	292
99.3	257	107.1	296

[1] Fifteen copies of each brief or written statement should be filed as required by § 1.850 of the Commission's rules and regulations.

[2] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

These channels are available for assignment (1) in cities which are not the central city or cities of a metropolitan district, and (2) in central cities of metropolitan districts which have fewer than six Class B Stations.[3]

(c) The main studio of a Class A station shall be located in the city served and the transmitter shall be located as near the center of the city as practicable.

(d) No assignments will be made on channels 224, 240, 272 and 288 until July 1, 1947.

§ 3.204 *Metropolitan stations.* • • •

(b) The following frequencies are designated as Class B channels and are assigned for use by Class B Stations:

Frequency (mc)	*Channel No.*	*Frequency (mc)*	*Channel No.*
92.3	222	100.3	262
92.5	223	100.5	263
92.9	225	100.7	264
93.1	226	101.1	266
93.3	227	101.3	267
93.7	229	101.5	268
93.9	230	101.9	270
94.1	231	102.1	271
94.5	233	102.5	273
94.7	234	102.7	274
94.9	235	102.9	275
95.1	236	103.3	277
95.5	238	103.5	278
95.7	239	103.7	279
96.1	241	104.1	281
96.3	242	104.3	282
96.5	243	104.5	283
96.9	245	104.7	284
97.1	246	105.1	286
97.3	247	105.3	287
97.5	248	105.7	289
97.9	250	105.9	290
98.1	251	106.1	291
98.5	253	106.5	293
98.7	254	106.7	294
98.9	255	106.9	295
99.1	256	107.3	297
99.5	258	107.5	298
99.7	259	107.7	299
99.9	260	107.9	300

The following are the proposed amendments to the indicated sections of the Standards of Good Engineering Practice Concerning FM Broadcast Stations:

I. *Definitions.* • • •

M. *Antenna height above average terrain.* (1) The term "antenna height above average terrain" means the height of the radiation center of the antenna above the terrain 2 to 10 miles from the antenna. (In general a different antenna height will be determined for each direction from the antenna. The average of these various heights is considered as the antenna height above average terrain.)

(2) Where circular or elliptical polarization is employed the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

II. *Engineering standards of allocation.* A. Sections 3.202 to 3.206 inclusive of the rules and regulations describe the basis for allocation of FM Broadcast Stations, including the division of the United States into Areas I and II.

[3] For the time being, until more FM broadcast stations are authorized, the Commission will not authorize Class A stations in central cities of metropolitan districts having four or more standard broadcast stations.

B. FM broadcast stations shall determine the extent of their 1 mv/m and 50 uv/m contours in accordance with the methods prescribed in these Standards.

C. Although some service is provided by tropospheric waves, the service area is considered to be only that served by the ground wave. The extent of service is determined by the point at which the ground wave is no longer of sufficient intensity to provide satisfactory broadcast service. The field intensity considered necessary for service is as follows:

TABLE I

Area:	*Median field intensity*
City business or factory areas	1 mv/m
Rural areas	50 uv/m

A median field intensity of 3 to 5 mv/m should be placed over the principal city to be served and for Class B stations, a median field intensity of 1 mv/m should be placed over the business district of cities of 10,000 or greater within the metropolitan district served. A field intensity of 5 mv/m should be provided over the main studio of a Class B station except as otherwise provided in § 3.205 of the rules. The location of the main studio of a Class A station is specified in § 3.203 of the rules. These figures are based upon the usual noise levels encountered in the several areas and upon the absence of interference from other FM stations.

D. A basis for allocation of satellite stations has not yet been determined. For the present, applications will be considered on their individual merits.

E. The service area is predicted as follows: Profile graphs must be drawn for at least eight radials from the proposed antenna site. These profiles should be prepared for each radial beginning at the antenna site and extending to 10 miles therefrom. Normally the radials are drawn for each 45° of azimuth; however, where feasible the radials should be drawn for angles along which roads tend to follow. (The latter method may be helpful in obtaining topographical data where otherwise unavailable, and is particularly useful in connection with mobile field intensity measurements of the station and the correlation of such measurements with predicted field intensities.) In each case one or more radials must include the principal city or cities to be served, particularly in cases of rugged terrain, even though the city may be more than 10 miles from the antenna site. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permit, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping the smallest contour interval indicated on the topographic map (see below) should be used, although only a relatively few points may be available. The profile graph should accurately indicate the topography for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure, as this factor is taken care of in the chart showing signal intensities (fig. 1).

The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 per cent of the distance) in sectors and averaging these values.

To determine the distance to a particular contour, figure 1 concerning the range of FM broadcast stations should be used. This chart has been prepared for a frequency in the center of the band and is to be used for all FM broadcast channels, since little change results over this frequency range. The distance to a contour is determined by the effective radiated power and the antenna height. The height of the antenna used in connection with figure 1 should be the height of the center of the proposed antenna radiator above the average elevation obtained by the preceding method. The distances shown by figure 1 are based upon an effective radiated power of 1 kilowatt; to use the chart for other powers, the sliding scale associated with the chart should be trimmed and used as the ordinate scale. This sliding scale is placed on the chart with the appropriate gradation for power in line with the lower line of the top edge of the chart. The right edge of the scale is placed in line with the appropriate antenna height graduations and the chart then becomes direct reading for this power and antenna height. Where the antenna height is not one of those for which a scale is provided, the signal strength or distance is determined by interpolation between the curves connecting the equidistant points.

The foregoing process of determining the extent of the required contours shall be followed in determining the boundary of the proposed service area. The areas within the required contours must be determined and submitted with each application for these classes of FM broadcast stations. Each application shall include a map showing these contours, and for this purpose sectional aeronautical charts or other maps having a convenient scale may be used. The map shall show the radials along which the profile charts and expected field strengths have been determined. The area within each contour should then be measured (by planimeter or other approximate means) to determine the number of square miles therein. In computing the area within the contours, exclude (1) areas beyond the borders of the United States, and (2) large bodies of water, such as ocean areas, gulfs, sounds, bays, large lakes, etc., but not rivers.

In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the application of this prediction method may indicate contour distances that are different from those which may be expected in practice. In such cases the prediction method should be followed, but a showing may be made if desired concerning the distance to the contour as determined by other means. Such showing should include data concerning the procedure employed and sample calculations. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate the contour elsewhere. In cases of such limitation, the map of predicted coverage should show both the regular predicted area and the area as limited or extended by terrain. Both areas should be measured as previously described; the area obtained by the regular prediction method should be given in the application form, with a supplementary note giving the limited or extended area. In special cases the Commission may require additional information as to the terrain in the proposed service area.

In determining the population served by FM broadcast stations, it is considered that the built-up city areas and business districts in cities having over 10,000 population and located beyond the 1 mv/m contour do not receive adequate service. Minor civil division maps (1940 census) should be used in making population counts, excluding cities not receiving adequate service. Where a contour divides a minor division, uniform distribution of population within the division should be assumed in order to determine the population included within the contour, unless a more accurate count is available.

4. *Interference standards.* Field intensity measurements are preferable in predicting interference between FM broadcast stations and should be used, when available, in determining the extent of interference. (For methods and procedure, see section 5.) In lieu of measurements, the interference should be predicted in accordance with the method described herein.

Objectionable interference is considered to exist when the interfering signal exceeds that given by the ratios of Table II. In Table II the desired signal is median field and the undesired signal is the tropospheric signal intensity exceeded for 1 per cent of the time.

TABLE II

Channel separation:	*Ratio of desired to undesired signals*
Same channel	10:1
200 kc	2:1
400 kc	(1)
600 kc	(1)
800 kc and above	No restriction [2]

[1] To be determined.

[2] Intermediate frequency amplifiers of most FM broadcast receivers are designed to operate on 10.7 megacycles. For this reason the assignment of two stations in the same area, one with a frequency 10.6 or 10.8 megacycles removed from that of the other, should be avoided if possible.

In the assignment of FM broadcast facilities the Commission will endeavor to provide the optimum use of the channels in the band, and accordingly may assign a channel different than that requested in an application.

In predicting the extent of interference within the ground wave service area of a station, the tropospheric signal intensity (from co-channel and adjacent channel stations) existing for 1 per cent of the time shall be employed. The 1 per cent values for 1 kilowatt of power and various antenna heights are given in figure 2, and values for other powers may be obtained by use of the sliding scale as for figure 1. The values indicated by figure 2 are based upon available data, and are subject to change as additional information concerning tropospheric wave propagation is obtained.[1]

In determining the points at which the interference ratio is equal to the values shown in Table II, the field intensities for the two interfering signals under consideration should be computed for a considerable number of points along the line between the two stations. Using this data, field intensity versus distance curves should be plotted (e. g., cross-curves on graph paper) in order to determine the points on this path where the interference ratios exist. The points established by this method, together with the points along the contours where the same ratios are determined, are considered to be generally sufficient to predict the area of interference. Additional points may be required in the case of irregular terrain or the use of directional antenna systems.

The area of interference, if any, shall be shown in connection with the map of predicted coverage required by the application form, together with the basic data employed in computing such interference. The map shall show the interference within the 50 uv/m contour.

Proposed Revision of Tentative Allocation Plan for Class B FM Broadcast Stations

The attached proposed revision of the tentative allocation plan for FM broadcast stations is based on the proposed changes in the FM rules and standards issued on this date. The present tentative allocation plan, as revised by the Commission on September 3, 1946 is based on assignments in a general area which are for the most part, on alternate channels (400 kilocycles apart). Recent developments appear to indicate that such operation results in interference in many of the receivers being produced at the present time. As a result, the proposed revision provides for a minimum frequency separation of class B stations in the same general area of 800 kilocycles. In no case has the number of class B channels in an area been reduced in this proposal from that listed in the previous plan. In addition, in instances where the need has developed, channels have been proposed to be added where possible, to provide assignments for applications which are now on file with the Commission. This proposed revision of the tentative allocation plan would be subject to revisions as the development of an FM broadcasting might require, in the same manner that the previous allocation plan has been revised from time to time.

The proposed tentative allocation plan is expected to remain subject to § 3.204 (c) of the Commission's rules which provides for the reservation of certain class B channels until July 1, 1947. As in previous plans, it is emphasized that this allocation plan is to be tentative only and that deviations would be made wherever desirable or necessary. Consequently, the lack of a channel listing for a particular locality does not necessarily mean that a channel cannot be made available there. For example, a channel listed for a particular area may be assigned to any of several cities within that same general area, provided that the geographical change will not result in objectionable interference.

The allocation plan is based on stations employing an effective radiated power of 20 kilowatts and antenna height of 500 feet above average terrain. The separation of stations varies from that required by ground wave interference (principally in the eastern United States) to the separation required for freedom from tropospheric interference one percent of the time or less (principally in the western areas). In general, the separation of stations increases toward the western part of the country where the expected demand for channels will be less and where added protection for weak signals will be provided. Since, under the rules, Class B stations may vary considerably in power and antenna height, the interference may be more or less than that which would be indicated by this allocation plan. It will be noted that only a few channels have been designated for a number of small cities, particularly in the West, since it appears that these will supply the probable demand. In such cases, more channels are available and will be provided as required. Examination will also reveal that in some sections of the country more channels are designated for certain areas than for others therein having comparable or larger populations. This results from the fact that areas near large centers of population usually contain a number of cities which require channels, while other areas are farther from dense population centers and thus involve no objectionable interference by the allocation of more channels in its section.

Inasmuch as this proposed plan includes changes in all areas of the country, no attempt is being made to tabulate such changes. Since certain Class B channels in this proposed plan are adjacent to Class A channels, the availability of Class A channels to a given area is governed not only by the number of previous Class A assignments, but also the number and location of Class B assignments in that area. However, in all areas examined to date the number of Class A facilities is equal to or exceeds the number previously available.

[1] Figure 2 will be available at some future date when sufficient measurements of tropospheric signals are available. Until that time, interference should be predicted on the basis of the ground wave chart (fig. 1).

ALABAMA

General area	Channel No.
Anniston	263.
Bessemer	See Birmingham.
Birmingham (includes Bessemer)	229, 250, 258, 273, 284, 295.
Decatur	223.
Dothan	225, 290.
Gadsden	279.
Huntsville	236.
Lanett	275.
Mobile	225, 235, 248, 260, 271, 300.
Montgomery	233, 277, 298.
Muscle Shoals	275, 287.
Opelika (see also Columbus, Ga.)	243.
Selma	239, 293.
Sylacauga (see also Talladega)	270.
Talladega (see also Sylacauga)	246.
Tuscaloosa	256, 267.

ARIZONA

Globe	226, 262.
Lowell	241, 279.
Phoenix	238, 245, 253, 275, 295.
Prescott	229, 284.
Safford	247, 299.
Tucson	234, 258, 270, 289.
Yuma	236, 267.

ARKANSAS

Blytheville (see also Jonesboro)	241, 286.
El Dorado	236, 287.
Fort Smith	223, 235, 271, 281, 290.
Helena	229, 262.
Hot Springs and Hot Springs N. P.	227, 238, 258.
Jonesboro (see also Blytheville)	270, 300.
Little Rock	231, 245, 266, 278, 297.
Pine Bluff	222.
Siloam Springs	243, 269.

CALIFORNIA

Bakersfield	223, 231, 243.
Chico	266, 278.
El Centro	227, 275.
Eureka	234, 242.
Fresno	229, 236, 250, 258, 262, 270, 274.
Los Angeles (metropolitan district)	222, 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 274, 278, 282, 286, 290, 294, 299.
Marysville	254, 260, 268, 284.
Merced	236, 248.
Modesto	277, 281, 289.
Monterey	See Salinas.
Palm Springs	264.
Redding	230, 248.
Riverside	248, 256.
Sacramento	233, 241, 245, 293, 300.
Salinas (including Monterey, Santa Cruz and Watsonville).	233, 241, 245, 293, 300.
San Bernardino	236, 260.
San Diego	223, 231, 243, 268, 284, 298.
San Francisco-Oakland (metropolitan district)	227, 231, 235, 239, 243, 247, 251, 255, 259, 263, 267, 271, 275, 279, 283, 287, 291, 295.
San Jose	222, 253.
San Luis Obispo	227, 260, 279.
Santa Barbara	268, 284, 298.

CALIFORNIA—Continued

General area	Channel No.
Santa Maria	236, 256.
Santa Rosa	229, 273.
Stockton	225, 298.
Visalia	254, 295.
Tulare	264, 286.
Watsonville	See Salinas.

COLORADO

Alamosa	255, 260.
Colorado Springs	222, 227, 243, 274.
Denver	231, 239, 247, 253, 258, 262, 270, 279, 286, 294.
Durango	235, 278.
Grand Junction	226, 298.
Greeley	235, 290.
La Junta	282, 300.
Pueblo	236, 251, 266, 291.
Sterling	245, 282.

CONNECTICUT

Bridgeport (includes Danbury)	248, 260, 268.
Danbury	See Bridgeport.
Hartford (also see Meriden)	229, 243, 275, 279, 295.
Meriden (also see Hartford)	239.
New Britain	291.
New Haven	236, 256, 264, 300.
New London	258, 266, 293.
Waterbury	223, 273, 287.

DELAWARE

Wilmington	229, 241, 258, 297.

DISTRICT OF COLUMBIA

Washington	230, 242, 246, 254, 258, 262, 266, 278, 286, 290, 297.

FLORIDA

Daytona Beach	233, 248.
Fort Myers	245, 256.
Fort Lauderdale	251, 293.
Gainesville	281, 297.
Jacksonville	229, 236, 241, 245, 259, 264, 290.
Key West	238, 263.
Lakeland	239, 295.
Miami	226, 230, 235, 242, 247, 260, 268, 275, 286.
Ocala	256, 267.
Orlando	222, 231, 243, 262.
Palm Beach	282, 298.
Panama City	283, 299.
Pensacola	223, 255, 266.
St. Augustine	225, 291.
St. Petersburg	250, 273, 284.
Sarasota	258, 279.
Tallahassee	246, 274.
Tampa	227, 264, 289, 300.
West Palm Beach	254, 271.

GEORGIA

Albany	258, 266, 271.
Athens	258, 273.
Atlanta	225, 231, 238, 248, 253, 260, 277, 283.
Augusta	279, 289, 298.
Brunswick	275, 289.
Cedartown (includes Dalton)	241, 289.
Columbus (see also Opelika, Ala.)	227, 236, 300.
Cordele	230, 241.

GEORGIA—Continued

General area	Channel No.
Dalton	See Cedartown and Rome.
Dublin	234, 251.
Gainesville	306.
Griffin	268.
La Grange	281.
Macon	245, 256, 264, 291.
Moultrie	278, 286.
Newnan	222.
Rome	293, 297.
Savannah	238, 247, 255, 262.
Thomasville	250, 294.
Toccoa	275.
Valdosta	223, 239.
Waycross	283, 299.
West Point	287.

IDAHO

Boise	222, 251, 291.
Idaho Falls	229, 277.
Lewiston	247, 283.
Nampa	235, 270.
Pocatello	243, 266.
Twin Falls	226, 259, 294.
Wallace	238, 263.

ILLINOIS

Alton	260.
Aurora (includes Joliet)	256, 294.
Bloomington	268, 297.
Cairo (see also Cape Girardeau, Mo.)	239.
Carbondale	225.
Carthage	225, 295.
Champaign	See Urbana.
Chicago	222, 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 274, 278, 282, 286, 290.
Decatur	254, 271.
East St. Louis	See St. Louis, Mo.
Elgin	See Chicago.
Evanston	See Chicago.
Freeport	273.
Galesburg	247, 251.
Harrisburg	260, 264.
Herrin	243, 253.
Jacksonville	263, 291.
Joliet	See Aurora.
Kankakee	264.
Mount Vernon	231, 277.
Peoria	223, 227, 231, 239, 243, 299.
Quincy	258, 286.
Rockford	248.
Rock Island (see also Davenport, Iowa)	255.
Springfield	275, 279, 283.
Tuscola	245, 287.
Urbana (includes Champaign)	248, 277, 284.
Waukegan	236.

INDIANA

Anderson	See Indianapolis.
Columbus	229.
Connersville	262.
Crawfordsville	275.
Elkhart	236, 264.
Evansville (includes Henderson and Owensboro, Ky.)	223, 233, 241, 251, 258, 273, 297.
Fort Wayne	241, 279, 287, 291.

INDIANA—Continued

General area	Channel No.
Hammond	300.
Indianapolis (includes Anderson)	222, 226, 234, 238, 242, 246, 250, 254, 283.
Kokomo	260, 299.
Lafayette	236, 268.
Marion	295.
Muncie	273, 281.
Richmond	258.
Shelbyville	267.
South Bend	267, 284.
Terre Haute	260, 266.
Vincennes	289, 293.
West Lafayette	256.

IOWA

Ames	238.
Atlantic	293.
Boone	251, 295.
Burlington	253.
Cedar Rapids	245, 293.
Clinton	241.
Davenport (see also Rock Island, Ill.)	233, 279.
Decorah	223, 230.
Des Moines	222, 231, 247, 253, 262, 283.
Dubuque	236, 263, 277.
Fort Dodge	274, 287.
Iowa City	229, 259.
Keokuk	274.
Marshalltown	270, 291.
Mason City	266, 281.
Ottumwa	242, 264.
Shenandoah	277, 289, 297.
Sioux City	235, 256, 271.
Spencer	223, 259.
Waterloo	254, 298.

KANSAS

Atchison	239, 255.
Coffeyville	236, 266.
Dodge City	234, 293.
Emporia	223, 245.
Garden City	247, 270.
Great Bend	242, 287.
Hutchinson	226, 289.
Kansas City	See Kansas City, Mo.
Lawrence	243, 286.
Manhattan	247, 267.
McPherson	277.
Pittsburg	256, 273.
Salina	233, 238.
Topeka	231, 258, 273.
Wichita	250, 262, 271, 284, 297.

KENTUCKY

Ashland	See Huntington, W. Va.
Bowling Green	266, 281.
Harlan	238.
Henderson	See Evansville, Ind.
Hopkinsville	230, 254.
Lexington	225, 233.
Louisville	236, 248, 259, 264, 268, 284, 300.
Owensboro	See Evansville, Ind.
Paducah	227, 245, 262.
Winchester	241, 251.

General area	Channel No.
LOUISIANA	
Alexandria	245, 259, 273.
Baton Rouge	251, 266, 282.
Lafayette	241, 268.
Lake Charles	248, 289.
Monroe	277, 281, 295.
New Orleans	222, 229, 239, 246, 262, 274, 287, 298.
Shreveport	233, 243, 266, 276, 298.
MAINE	
Augusta	222, 267, 287.
Bangor	226, 246, 281, 295.
Lewiston	230, 275.
Portland (see also Mount Washington, N. H.)	250, 270, 300.
Presque Isle	242, 290.
MARYLAND	
Baltimore (includes Annapolis)	222, 226, 234, 238, 250, 256, 270, 274, 282, 294, 300.
Cumberland	275, 295.
Frederick	268.
Hagerstown	284.
Salisbury	248, 268.
MASSACHUSETTS	
Boston (includes Waltham)	225, 233, 241, 245, 253, 273, 277, 281, 289, 294.
Fall River (includes New Bedford)	227, 251, 271.
Fitchburg	284.
Haverhill	223.
Holyoke (includes Springfield)	226, 234, 246, 250, 254, 262, 270, 282.
Lawrence	229.
Lowell	258.
New Bedford	See Fall River.
North Adams	284.
Pittsfield	260, 268.
Springfield	See Holyoke.
Waltham	See Boston.
Worcester	236, 256, 264.
MICHIGAN	
Ann Arbor	254, 294.
Battle Creek (includes Kalamazoo)	271, 289.
Bay City (includes Saginaw)	233, 241, 251.
Benton Harbor	260.
Cadillac	253.
Calumet	226, 268.
Detroit (includes Pontiac, Royal Oak, and Wyandotte)	226, 234, 238, 242, 246, 250, 258, 262, 266, 270, 278, 282, 290, 298.
East Lansing	See Lansing.
Escanaba	234, 281.
Flint (includes Lapeer)	236, 260, 264, 300.
Grand Rapids	223, 229, 245, 273, 278, 286.
Ironwood	270, 290.
Jackson	222.
Kalamazoo	See Battle Creek.
Lansing (includes E. Lansing)	248, 256, 284.
Lapeer	See Flint.
Ludington	226, 238.
Marquette	230, 256.
Muskegon	293, 297.
Pontiac	See Detroit.
Port Huron	256, 284.
Royal Oak	See Detroit.
Saginaw	See Bay City.

General area	Channel No.
MICHIGAN—Continued	
Sault Sainte Marie	226, 295.
Traverse City	243, 268.
Wyandotte	See Detroit.
MINNESOTA	
Albert Lea	226.
Duluth (includes Superior, Wis.)	222, 250, 264.
Fergus Falls	242, 297.
Hibbing	279, 286.
Mankato	243, 278.
Minneapolis (inclues St. Paul)	229, 239, 246, 253, 258, 262, 267, 271, 275, 281, 290, 294.
Moorhead (see also Fargo, N. D.)	230, 236.
Northfield	251, 300.
Rochester	234, 286, 297.
St. Cloud	233, 284.
St. Paul	See Minneapolis.
Virginia	230, 259.
Willmar	225, 255.
Winona	248, 273.
MISSISSIPPI	
Clarksdale	248, 256.
Columbus	226, 245.
Corinth	268, 278.
Greenville	270, 283.
Greenwood	235, 293.
Gulfport	243, 268.
Hattiesburg	250, 290.
Jackson	233, 247, 258, 275, 286.
Laurel	279, 295.
McComb	226, 255.
Macon	271, 281.
Meridian	241, 253.
Natchez	231, 264.
Tupelo	233, 242.
Vicksburg	238, 297.
MISSOURI	
Cape Girardeau (see also Cairo, Ill.)	267, 291.
Clayton	See St. Louis.
Columbia	233, 268.
Hannibal	245, 300.
Jefferson City	253, 277.
Joplin	241, 287.
Kansas City (includes Kansas City, Kans.)	227, 235, 251, 263, 271, 282, 290, 294, 299.
Poplar Bluff	233, 279.
St. Joseph	222, 284.
St. Louis (includes Clayton)	229, 236, 241, 247, 251, 256, 266, 273, 281, 294, 298.
Sedalia	259, 279.
Springfield	225, 234, 238, 284, 297.
MONTANA	
Billings	230, 274.
Bozeman	227, 270.
Butte	235, 256.
Great Falls	250, 260.
Helena	241, 281.
Kalispell	223, 278.
Miles City	238, 254.
Missoula	245, 286.
Sidney	233, 267.

General area	Channel No.
NEBRASKA	
Fremont (see also Omaha)	245.
Grand Island	270, 291.
Hastings	235, 279.
Kearney	256, 294.
Lincoln	229, 250, 275, 287.
Norfolk	233, 273.
North Platte	238, 274.
Omaha (see also Fremont)	225, 241, 254, 260, 266, 281, 300.
Scottsbluff	241, 277.
NEVADA	
Boulder City	229, 270.
Las Vegas	250, 262, 289.
Reno	226, 238, 262.
NEW HAMPSHIRE	
Claremont	291.
Keene	300.
Laconia	247.
Manchester	239, 266.
Mount Washington	235, 255, 263, 283.
Portsmouth	297.
NEW JERSEY	
Atlantic City	235, 264.
Bridgeton	255.
Camden	See Philadelphia.
Ewing Township	See Trenton.
Greenbrook Township	256.
Trenton (includes Ewing Township)	248, 268, 284.
NEW MEXICO	
Albuquerque	225, 242, 264, 287.
Carlsbad	226, 262.
Clovis	255, 291.
Gallup	222, 279.
Hobbs	235, 266.
Las Vegas	230, 275.
Roswell	246, 277.
Santa Fe	253, 295.
Tucumcari	239, 270.
NEW YORK	
Albany (includes Schenectady and Troy)	222, 230, 238, 242, 258, 266, 274, 278, 286, 290, 294, 298.
Auburn	See Syracuse.
Batavia	235, 259.
Binghamton	251, 263, 299.
Buffalo (includes Niagara Falls)	225, 229, 241, 245, 253, 273, 277, 281, 293, 297.
Coram	See New York or possibly Connecticut Channels.
Corning (see also Elmira)	291.
Dunkirk	233.
Elmira (see also Corning)	295.
Gloversville	234.
Hornell	287.
Ithaca	230, 247.
Jamestown	227, 284.
Kingston	235.
Massena	287, 295.
New York (includes numerous adjacent cities)	222, 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 274, 278, 282, 286, 290, 294, 298.
Niagara Falls	See Buffalo.
Ogdensburg	279, 291.

General area	Channel No.
NEW YORK—Continued	
Olean	238, 264.
Oneonta	256, 282.
Oswego	284.
Plattsburg	275, 281.
Poughkeepsie	284.
Rochester	223, 243, 250, 255, 267, 279.
Rome	239.
Saranac Lake	225, 247.
Syracuse (includes Auburn)	226, 233, 241, 253, 273, 281, 297.
Troy	See Albany.
Utica	229, 245, 277, 289.
Watertown	251, 263.
NORTH CAROLINA	
Ahoskie	270.
Asheville	268, 273, 282, 291.
Burlington	266.
Charlotte (see also Gastonia)	260, 278, 284, 299.
Concord (see also Salisbury)	243.
Durham	286.
Elizabeth City	231, 266.
Fayetteville	251.
Gastonia (see also Charlotte)	270.
Goldsboro	227.
Greensboro (see also High Point and Winston-Salem)	222, 247, 254, 262.
Greenville	250, 256.
Henderson	297.
Hickory	275, 295.
High Point (see also Greensboro and Winston-Salem)	238, 258.
Kinston (see also New Bern)	236, 245.
New Bern (see also Kinston)	279.
Jacksonville	225, 260.
Raleigh	233, 241, 268, 273, 277.
Roanoke Rapids (see also Rocky Mount)	223, 253.
Rocky Mount (see also Roanoke Rapids)	264, 283.
Reidsville	291.
Salisbury	293.
Statesville	289.
Washington	275.
Wilmington	230, 242.
Wilson	290, 294, 300.
Winston-Salem (see also Greensboro and High Point)	226, 281.
NORTH DAKOTA	
Bismarck (includes Mandan)	229, 250, 273, 294.
Devil's Lake	226, 266.
Fargo (see also Moorhead, Minn.)	222, 260.
Grand Forks	234, 254, 278, 299.
Jamestown	239, 284.
Mandan	See Bismarck.
Minot	243, 290.
Valley City	246, 270.
OHIO	
Akron (includes Tallmadge)	239, 243, 248.
Alliance (includes Canton)	227, 231, 235.
Ashland	267, 273.
Ashtabula	See Erie, Pa.
Athens	297.
Bellaire	See Wheeling, W. Va.
Canton	See Alliance.
Cincinnati (includes Hamilton)	266, 270, 274, 278, 282, 286, 290, 294, 298.
Cleveland (includes Lorain)	253, 258, 264, 271, 277, 281, 289, 293, 297.

OHIO—Continued

General area	Channel No.
Columbus	222, 226, 234, 238, 242, 246, 250, 254.
Dayton (includes Springfield)	236, 248, 256, 260, 264, 268, 284.
Findlay	263.
Fostoria	275.
Freemont	See Toledo.
Hamilton	See Cincinnati.
Lima	271, 277, 293.
Lorain	See Cleveland.
Mansfield	279, 287, 291.
Marion	295.
Newark (includes Zanesville)	262, 299.
Portsmouth	See Huntington, W. Va.
Springfield	See Dayton.
Steubenville	See Wheeling, W. Va.
Tallmadge	See Akron.
Toledo (includes Freemont)	260, 268, 284, 300.
Warren (see also Sharon, Pa.)	223, 300.
Wooster	255, 263.
Youngstown	See Sharon, Pa.
Zanesville	See Newark.

OKLAHOMA

Ada	226, 284.
Ardmore	229.
Bartlesville	291.
Clinton	298.
Durant	297.
Elk City	239, 277.
Enid	243, 274.
Lawton	251, 267.
Muskogee	253, 268.
Norman	See Oklahoma City.
Oklahoma City (includes Norman)	222, 234, 265, 263, 270, 282, 290.
Okmulgee	260, 275.
Ponca City	293.
Shawnee	241, 248.
Stillwater	300.
Tulsa	238, 246, 251, 258, 278, 286, 295.

OREGON

Albany	241, 260.
Astoria	242, 268.
Baker	250, 274.
Bend	236, 275.
Corvallis	250.
Eugene	256, 284.
Grants Pass	243, 260.
Klamath Falls	233, 251, 268.
La Grande	243, 260.
Marshfield	239, 266.
Medford	229, 286.
Pendleton	226, 278.
Portland (see also Vancouver, Wash.)	222, 226, 238, 246, 254, 262, 266, 278, 282, 290, 294, 298.
Roseburg	234, 274.
Salem	230, 286.
The Dalles	251, 287.

PENNSYLVANIA

Allentown (includes Bethlehem and Easton)	236, 260, 264, 300.
Altoona	243, 279.
Beaver Falls	See Pittsburgh.
Bethlehem	See Allentown.
Bradford (see also Jamestown and Olean, N. Y.)	218.
Butler	See Pittsburgh

PENNSYLVANIA—Continued

General area	Channel No.
Clearfield	See DuBois.
DuBois (includes Clearfield)	256, 271.
Easton	See Allentown.
Erie (includes Ashtabula, Ohio)	246, 250, 260, 279.
Glenside	See Philadelphia.
Greensburg	297.
Harrisburg	235, 247, 255, 259, 293, 298.
Hazleton	227.
Johnstown	238, 287.
Lancaster	245, 267.
Lebanon	281.
Lewistown	226, 250.
Meadville	See Sharon.
New Castle	See Sharon.
New Kensington	See Pittsburgh.
Oil City	290, 299.
Philadelphia (includes Glenside, Pa. and Camden, N. J.)	223, 227, 231, 239, 243, 251, 271, 275, 279, 287, 291, 295.
Pittsburgh (includes New Kensington, Beaver Falls and Butler).	225, 229, 233, 241, 245, 251, 259, 268.
Pottsville	236, 270.
Reading	226, 233, 273.
Scranton (includes Wilkes-Barre)	222, 229, 241, 253, 267, 277, 289, 297.
Shamokin	284.
Sharon (includes Warren and Youngstown, Ohio; Meadville and New Castle, Pa.).	256, 262, 266, 275, 286, 295.
State College	282.
Sunbury	231, 275.
Uniontown	289, 293.
Washington	273, 282.
Wilkes-Barre	See Scranton.
Williamsport	262, 286.
York	253, 263, 277, 289.

RHODE ISLAND

Pawtucket	See Providence.
Providence	222, 231, 238, 260, 268, 286, 299.

SOUTH CAROLINA

Anderson	266, 287.
Charleston	236, 245, 271.
Columbia (see also Sumter)	226, 233, 250, 258.
Conway	222.
Florence	231, 291.
Greenville (see also Spartanburg)	223, 229, 235.
Greenwood	239, 253.
Lancaster	297.
Rock Hill	248.
Spartanburg (see also Greenville)	255, 263.
Sumter (see also Columbia)	267, 274.

SOUTH DAKOTA

Aberdeen	264, 282.
Pierre	241, 258.
Rapid City	234, 254, 278, 290.
Sioux Falls	227, 247, 275, 286.
Vermillion	264, 284.
Watertown	231, 268.
Yankton	262, 295.

TENNESSEE

Bristol (includes Johnson City and Kingsport)	223, 245.
Chattanooga (includes Cleveland)	234, 243, 251, 256, 266, 271.
Clarksville	270, 294.
Cleveland	See Chattanooga.

TENNESSEE—Continued

General area	Channel No.
Cookeville	283.
Jackson	264, 284.
Johnson City (also see Bristol)	242.
Kingsport (also see Bristol)	253.
Knoxville	227, 247, 258, 262, 279, 286.
Memphis	238, 246, 250, 259, 274, 282, 290, 295.
Nashville	225, 238, 248, 277, 290, 298.

TEXAS

Abilene	245, 278.
Amarillo	226, 262, 282.
Austin	222, 267, 284.
Beaumont	227, 258, 300.
Belton	See Temple.
Big Spring	239, 270.
Brady	236, 256.
Brownsville (includes Harlingen, McAllen, and Weslaco)	222, 229, 234, 247, 258, 277.
Brownwood	282, 290.
College Station	231, 259.
Corpus Christi	238, 255, 283, 293, 300.
Corsicana	271, 279.
Dallas	223, 250, 266, 283, 295, 300.
Denton	291.
El Paso	234, 275.
Fort Worth	227, 242, 258, 263, 287.
Galveston	254, 279.
Harlingen	See Brownsville.
Houston	239, 243, 250, 266, 275, 286, 291, 295.
Huntsville	234, 262.
Kilgore (includes Longview and Tyler)	229, 247, 290.
Laredo	243, 267.
Longview	See Kilgore.
Lubbock	242, 258, 300.
Lufkin	238, 281.
Midland	222, 281.
McAllen	See Brownsville.
Odessa	248.
Palestine	225, 274.
Pampa	253, 280.
Paris	255, 273.
Pecos	230, 294.
Plainview	246, 297.
Port Arthur	270, 297.
San Angelo	233, 274.
San Antonio	225, 234, 242, 247, 251, 258, 263, 273, 281, 289, 297.
Sherman	236.
Sweetwater	226, 264.
Temple (includes Belton)	246, 298.
Texarkana	251, 264, 293.
Tyler (see also Kilgore)	268.
Vernon	254, 271.
Victoria	230, 270.
Waco	254, 277.
Waxahachie	See Dallas and Fort Worth.
Weslaco	See Brownsville.
Wichita Falls	231, 247, 260, 293.

UTAH

Cedar City	233, 297.
Logan	250, 290.
Ogden	234, 274.
Price	242, 282.

UTAH—Continued

General area	Channel No.
Provo	226, 299.
Salt Lake City	230, 238, 246, 254, 258, 262, 270, 278, 286, 295.

VERMONT

Burlington	231, 289.
Rutland	271.
St. Albans	243, 267.
Waterbury	227, 251.

VIRGINIA

Alexandria	See Washington, D. C.
Charlottesville (includes Staunton)	273, 293.
Covington	238, 286.
Danville	230, 250.
Fredericksburg	See Washington, D. C.
Front Royal	236.
Harrisonburg	227, 264.
Lynchburg	260, 300.
Martinsville	242, 271.
Newport News	See Norfolk.
Norfolk (includes Newport News, Portsmouth and Suffolk).	243, 247, 255, 259, 273, 277, 287, 291, 299.
Petersburg	229, 239.
Portsmouth	See Norfolk.
Richmond	225, 233, 251, 271, 275, 281, 295.
Roanoke	235, 256, 279.
Staunton	See Charlottesville.
Suffolk	See Norfolk.
Winchester	223.

WASHINGTON

Aberdeen	262, 293.
Bellingham	225, 281.
Centralia	229, 284.
Everett	241, 245.
Longview	234, 274.
Olympia	271, 279.
Port Angeles	233, 297.
Pullman	229, 270.
Pasco	253, 298.
Seattle	231, 235, 251, 255, 260, 264, 268, 275, 287, 291, 295, 300.
Spokane	225, 236, 243, 251, 275, 287.
Tacoma	223, 227, 239, 243, 247.
Vancouver (see also Portland, Oreg.)	258.
Walla Walla	234, 268.
Wenatchee	281, 293.
Yakima	241, 248, 277.

WEST VIRGINIA

Beckley	267, 289.
Bluefield (includes Welch)	227, 283, 298.
Charleston	225, 241, 248, 253, 258.
Clarksburg (includes Fairmont and Morgantown)	222, 236, 270, 287, 300.
Fairmont	See Clarksburg.
Huntington (includes Ashland, Ky., and Portsmouth, Ohio).	229, 233, 263, 273, 281, 291.
Logan	277, 294.
Morgantown	See Clarksburg.
Parkersburg	293.
Welch	See Bluefield.
Wheeling (includes Bellaire and Steubenville, Ohio)	247, 254, 263, 278.
Williamson	222, 236.

WISCONSIN	
General area	*Channel No.*
Appleton (includes Neenah)	253, 266.
Ashland	245, 254.
Beloit	300.
Eau Claire	222, 231.
Fond du Lac	247, 258.
Green Bay	222, 273, 289.
Greenfield Township	See Madison.
Janesville	260.
La Crosse	233, 241.
Madison (includes Greenfield Township)	255, 268, 290.
Manitowoc	233, 241.
Marinette	286, 298.
Medford	260, 300.
Milwaukee	223, 227, 231, 239, 243, 251, 271, 275, 279, 287, 291, 295.
Neenah	See Appleton.
Oshkosh	225, 229.
Poynette	235.
Racine	264, 284.
Rice Lake	236, 242.
Sheboygan	262, 282.
Stevens Point	293, 299.
Superior	See Duluth, Minn
Wausau	238, 250, 264, 284.
Wisconsin Rapids	277.
WYOMING	
Casper	229, 264.
Cheyenne	226, 266, 298.
Powell	234, 258.
Rock Springs	236, 248.
Sheridan	262, 283.

(Sec. 303 (c), 48 Stat. 1082, 303 (r), 50 Stat. 191, 307 (b), 49 Stat. 1475; 47 U. S. C. 303 (c), 303 (r), 307 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3636; Filed, Apr. 16, 1947; 8:54 a. m.]

[47 CFR, Parts 5, 10, 11, 16, and 17]

[Docket No. 8294]

EXPERIMENTAL, EMERGENCY, MISCELLANEOUS, RAILROAD AND UTILITY RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

APRIL 11, 1947.

In the matter of amendment of §§ 5.22, 5.23, 5.25 and 5.28 of Part 5, amendment of §§ 10.61, 10.62, 10.66 and 10.101 of Part 10, amendment of §§ 11.45, 11.51, 11.52 and 11.56 of Part 11, amendment of §§ 16.23, 16.65, and 16.101 of Part 16, amendment of §§ 17.143, 17.146, 17.147 and 17.161 of Part 17, adding new §§ 5.34 and 5.35 of Part 5, adding new §§ 10.65, 10.73 and 10.114 of Part 10, adding new §§ 11.55, 11.63 and 11.72 of Part 11, adding new §§ 16.144, 16.145 and 16.146 of Part 16, and deleting § 17.148 of Part 17 for the purpose of changing and standardizing requirements regarding transmitter omission measurements, changes in equipment, keeping of station records, channel width and modulation, frequency stability, inspection of tower lights and associated control equipment, and remote control in the Experimental, Emergency, Miscellaneous, Railroad and Utility Radio Services.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed rules and regulations and amendments of existing rules and regulations are set forth below.

3. The proposed rules are issued under the authority of sections 301 and 303 (j) and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules or amendments of rules should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before May 20, 1947, a written statement or brief setting forth his comments. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

Adopted: April 10, 1947.

1. The following sections of the Commission's rules will be affected in the manner indicated: §§ 5.22, 5.23, 5.25 and 5.28, Part 5, amended; §§ 10.61, 10.62, 10.66, and 10.101, Part 10, amended; §§ 11.45, 11.51, 11.52 and 11.56, Part 11, amended; §§ 16.23, 16.65 and 16.101, Part 16, amended; §§ 17.143, 17.146, 17.147 and 17.161, Part 17, amended; §§ 5.34 and 5.35, Part 5, added; §§ 10.65, 10.73 and 10.114, Part 10, added; §§ 11.55, 11.63 and 11.72, Part 11, added; §§ 16.144, 16.145 and 16.146, Part 16, added; § 17.148, Part 17, deleted.

1. Sections 5.25 and 17.147, as amended, and §§ 10.73, 11.63 and 16.146, as added, will read as follows:

Changes in equipment. (a) Except as provided in paragraph (b) of this section, the licensee of a station in this service may make changes in licensed equipment without specific authorization from the Commission if such changes do not result in operation inconsistent with any outstanding authorization for the station involved.

(b) No changes in the antenna or antenna supporting structure may be made without specific authorization from the Commission if such changes will:

(1) Increase the overall antenna height to more than 150 feet above ground; or

(2) Increase the height or relocate an antenna or antenna supporting structure of a station at a fixed location if such station is within three miles of a landing area,[1]

(3) Change the height or location of an antenna or antenna supporting structure which is required to be marked in accordance with Federal Communications Commission or Civil Aeronautics Administration specifications.

(c) Requests for changes outlined in paragraph (b) of this section should be submitted to the Commission on FCC Form 401a in quadruplicate. The FCC Form 401a should be accompanied by maps and sketches showing the proposed change in the antenna or antenna supporting structure. The original copy of FCC Form 401a must be signed by a duly authorized official of the applicant and subscribed and verified before a notary public or other official authorized to administer oaths. If the antenna or antenna supporting structure is required to be marked, a description of the marking should be attached to FCC Form 401a.

2. Sections 5.23, 10.66, 11.56, 16.65 and 17.143, as amended, will read as follows:

Transmitter emission measurements. (a) The licensee of each station in this service shall employ a suitable procedure to determine:

(1) The carrier frequency of each transmitter;

(2) The plate power input to the final radio frequency stage (or the power output when so specified in the authorization); and

(3) That the emissions of each transmitter are properly confined within the authorized band.

(b) The above determinations shall be made and the results thereof entered in the station records at the following intervals:

(1) When the transmitting apparatus is initially installed or is installed after previous removal;

(2) When any change is made in the apparatus which may affect the emissions of the transmitter;

(3) At least once each six months for transmitters employing crystal controlled oscillators;

(4) At least once each month for transmitters employing any other method to control the transmitter carrier frequency.

3. Section 5.22, as amended, will read as follows:

§ 5.22 *Modulation, frequency and tolerance.* (a) The operating frequency of

[1] "Landing area" means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

experimental stations shall be maintained within plus or minus the percentage of the assigned frequency as given in Table I unless otherwise specified by the Commission or paragraph (b) of this section.

TABLE I

	Frequency tolerance (percent)
Experimental frequencies within the range:	
Below 450 mc	0.01
450 mc and above	.05

(b) Unless otherwise specified in the authorization, a Class 2 experimental station operating on a frequency or frequencies not allocated specifically for use by experimental stations shall maintain its frequency or frequencies within the tolerance prescribed by the rules and regulations governing the service or services to which the frequency or frequencies are allocated.

(c) Less restrictive tolerances than those specified in paragraph (a) of this section may be authorized for experimental stations provided the applicant presents satisfactory evidence that the program of research can and will be conducted without causing interference to any other radio service.

(d) When the radio frequency carrier is amplitude modulated, such modulation shall not exceed 100% on peaks.

(e) When the radio frequency carrier is frequency modulated or modulated in any special manner the total positive and negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability, shall not exceed the width of the authorized band.

(f) Irrespective of the type of modulation employed, all emission outside the authorized band shall be attenuated at least 60 decibels below the maximum level of emissions within the authorized band.

(g) In addition to the other requirements of this section, in cases of interference the Commission may require appropriate technical changes in equipment to alleviate the interference.

4. Section 5.28 as amended, will read as follows:

§ 5.28 *Station records.* Each licensee or permittee of a station in this service shall maintain records showing:

(a) Each period of operation, the frequency, power, and type of emission employed and the name of the operator on duty; *Provided, however,* That in the case of mobile and portable stations licensed as a part of a common system, the name of the operator of the mobile or portable station is not required to be recorded.

(b) Details regarding any failure of transmitting equipment.

(c) Results and dates of transmitter frequency, power and emission measurements and the name of the person making such measurements.

(d) Details of research and experimentation conducted.

(e) When antenna or antenna supporting structures are required to be illuminated, appropriate entries as follows:

(1) The time the tower lights are turned on and off each day if manually controlled;

(2) The time the daily check of proper operation of the tower lights was made, either by visual observation of the tower lights or by observation of an automatic indicator;

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed.

(iii) Date, time, and nature of the adjustments, repairs, or replacements made.

(iv) Identification of the Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, together with the socket voltages measured under load at the sockets or computed from measurements under load at other points.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repair were made.

5. Sections 10.101, 11.45, 16.101 and 17.161, as amended, will read as follows:

Station records. Each licensee of a station in this service shall maintain records showing:

(a) Details regarding any equipment failure, which may affect the operating characteristics of the transmitter and the adjustments made to correct the failure. Such details shall also include the name and class of operator license of the person making the adjustments and the dates the adjustments were made.

(b) Results and dates of transmitter frequency, power, and emission measurements for all authorized transmitters and the name of the person making the measurements.

(c) In the case of stations operated at fixed locations:

(1) Names or initials of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty.

(2) When communicating with other stations at fixed locations:

(i) Call signal of other station.

(ii) Substance of each transmission.

(iii) Date, time, and approximate duration of each transmission.

(d) When an antenna or antenna supporting structure is required to be illuminated, appropriate entries as follows:

(1) The time the tower lights are turned on and off each day if manually controlled;

(2) The time the daily check of proper operation of the tower lights was made, either by visual observation of the tower lights or by observation of an automatic indicator;

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed.

(iii) Date, time, and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airway Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, together with the socket voltages measured under load at the sockets or computed from measurements under load at other points.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repairs were made.

6. Sections 10.61, 11.51, 16.23 and 17.146, as amended, will read as follows:

Channel width and modulation. (a) Each frequency which appears on a station license or other instrument of station authorization is the center or midpoint of a frequency channel. In the frequency band 30–100 Mc., the width of each channel assigned is 40 kc.; in the 100–216 Mc. band the channel width is 60 kc. All emissions outside the assigned channel shall be attenuated at least (60) decibels below the maximum level of emissions within the assigned frequency channel.

(b) When the radio frequency carrier is amplitude modulated, modulation shall be sufficient to provide effective communication, but shall not exceed one hundred per cent on peaks.

(c) When the radio frequency carrier is frequency modulated, the positive or the negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed one-half the assigned channel width.

(d) In addition to the other requirements of this section, in cases of interference the Commission may require appropriate technical changes in equipment to alleviate the interference.

7. Section 10.62, as amended, and Section 11.52, as added, will read as follows:

Frequency stability. (a) A permittee or licensee in this service shall maintain the carrier frequency of each authorized transmitter within the following per-

centage of the assigned frequency; except as provided in paragraphs (b) and (c) of this section.

	Percent
(1) Below 50 mc	0.01
(2) Above 50 mc	.005

(b) Until July 1, 1950, licensees of portable or mobile units using amplitude modulation may maintain the carrier frequency of such units in accordance with the following tabulation:

Frequency band:	Frequency tolerance (percent)
30–44 mc	0.03
Below 30 mc	.02

(c) The requirements of paragraphs (a) and (b) of this section shall not apply to any mobile or portable station or transmitter unit thereof when operated with less than three watts plate power input to the final radio frequency stage.

8. Sections 5.35, 10.65, 11.55 and 16.144, as added, will read as follows:

Remote control. (a) Upon proper application the Commission may grant authority to operate a station in this service by remote control.

(b) Operation by remote control shall be subject to the following conditions:

(1) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

(2) Facilities shall be installed at the transmitter remote control point which will:

(i) Provide continuous visual indication whether the transmitter is radiating;

(ii) Enable the operator to monitor aurally or visually the emissions of the transmitter;

(iii) Enable the operator to place the transmitter in an inoperative condition immediately.

(3) The radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license, except for transmissions concerning the immediate safety of life or property. In the latter event, the transmissions must be suspended as soon as the emergency is terminated.

9. Sections 5.34, 10.114, 11.72 and 16.145, as added, will read as follows:

Inspection of tower lights and associated control equipment. The licensee of any station in this service which has an antenna or antenna supporting structure required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a daily check of the tower lights either by visual observation of the tower lights or by observation of an automatic indicator of proper or improper operation to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or Office of the Civil Aeronautics Administration any observed failure of a code or rotating beacon light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each three months all code or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

(Sec. 301, 48 Stat. 1081, 303 (j), 48 Stat. 1082, 303 (r), 50 Stat. 191; 47 U. S. C. 301, 303 (j), 303 (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3669; Filed, Apr. 16, 1947; 8:58 a. m.]

[47 CFR, Part 13]

[Docket No. 8262]

COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE MAKING

APRIL 4, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The purpose of the proposed amendments is to eliminate the existing requirement of an oral and a written examination of applicants for restricted radiotelephone operator permits, and to substitute therefor a requirement that such applicants shall certify in writing to certain allegations of fact bearing upon their qualifications for such permits.

3. The proposed amendments, authority for which is contained in sections 303 (l) and (r) of the Communications Act of 1934, as amended, are set forth below.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth, may file with the Commission, on or before April 11, 1947, a written statement or brief setting forth his comments. The Commission will consider any such comments that are received before taking any final action regarding the proposed amendments, and if any comments are received which appear to warrant the holding of an oral argument before final action is taken, notice of the time and place of such oral argument will be given.

The following are the proposed amendments to the indicated sections of Part 13 of the Commission's rules governing commercial radio operators:

1. Section 13.11 is amended to read as follows:

§ 13.11 *Procedure*—(a) *General.* The application, in the prescribed form and including all required subsidiary forms and documents, properly completed and signed shall be submitted in person or by mail to the office at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for renewal of license,[1] it must be submitted during the last year of the license term," and if all prescribed service requirements are fulfilled,' the renewal license may be issued by mail. A renewal application shall also be accompanied by the license to be renewed.

(b) *Restricted radiotelephone operator permit.* No oral or written examination is required for this permit. If the application is properly completed and signed, and if the applicant is found to be qualified, the permit may be issued forthwith by personal delivery to the applicant or by mail.

2. Footnote 3a as hereby amended, is amended to read as follows:

[1a] By Order No. 128–B, adopted December 17, 1946, effective January 1, 1947, any application filed or mailed not later than June 30, 1947, for renewal of a commercial radio operator license (other than a Temporary Emergency or Temporary Limited Radiotelegraph Second Class Operator License) which was valid on or after December 7, 1941 and which has expired by its own terms without having been cancelled or suspended, may, until further order of the Commission, be acted upon, notwithstanding the provisions of § 13.11, if a statement is filed as a part of the renewal application showing that (1) the applicant is serving in the armed forces of the United States or has been honorably discharged therefrom since December 7, 1941; or (2) the applicant is serving in the United States Maritime Service or has voluntarily left that Service since December 7, 1941; or (3) the application is or has been employed outside the continental United States and has been unable to file timely application for renewal of license because of such employment outside the continental United States.

3. Paragraph (e) of § 13.22 is amended by deleting everything after the words "operator permit:", and substituting therefor the following: "No oral or written examination is required for this permit. In lieu thereof, applicants will be required to certify in writing to a declaration which states that the applicant has need for the requested permit; can receive and transmit spoken messages in English; can keep at least a rough written log in English or in some other language in general use that can be readily translated into English; is familiar with the provisions of treaties, laws and rules and regulations governing the authority granted under the requested permit; and understands that it is his responsibility to keep currently familiar with all such provisions."

4. Section 13.28 is amended by deleting, at the beginning of the first sentence, the words "A license," and inserting in lieu thereof the words "A restricted radiotelephone operator permit may be renewed without examination or showing of service and upon the same basis as an original permit of this class is issued. A license of any other class."

5. Footnote 7a to § 13.28, as hereby amended, is amended to read as follows:

[7a] By Order No. 77, dated and effective December 4, 1940, this section was suspended, until further order of the Commission, insofar as the required showing of service or use of license is required. The suspension has been continued by Orders Nos. 77–A through 77–G. Order No. 77–G, adopted December 17, 1946, effective January 1, 1947, extends the suspension until further order of the Commission, but in no event beyond June 30, 1947.

6. Section 13.73 is deleted in its entirety.

7. Sections 13.74 and 13.75 are renumbered §§ 13.73 and 13.74, respectively.

(Sec. 303 (l), 48 Stat. 1082, 303 (r), 50 Stat. 191; 47 U. S. C. 303 (l), 303 (r))

Adopted: April 3, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3637; Filed, Apr. 16, 1947; 8:55 a. m.]

[47 CFR, Part 13]

[Docket No. 8262[1]]

COMMERCIAL RADIO OPERATORS

CORRECTION TO NOTICE OF PROPOSED RULE MAKING

APRIL 10, 1947.

1. Notice is hereby given of a correction in paragraph 4 of a notice of proposed rule making (Mimeograph 5851, April 4, 1947) in the above-entitled matter which was adopted April 3, 1947 and distributed under date of April 4, 1947.

2. In paragraph 4 of the above referred to notice of proposed rule making the date "April 11, 1947" should have read, and is hereby changed to read "April 25, 1947".

3. In all other respects, the above referred to notice of proposed rule making remains unchanged.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
J. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3647; Filed, Apr. 16, 1947; 8:56 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-19]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

A notice regarding the proposed termination of approval of the York-Shipley heating boilers, Models M–500, M–800, M–1200, M–1500, and HW–250, was published in the FEDERAL REGISTER, dated February 18, 1947 (12 F. R. 1109), and a public hearing was held by the Merchant Marine Council on March 27, 1947, at Washington, D. C.

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4429, 4433, 4470, 4488, 4491, as amended, 49 Stat. 1384, 1544, 54 Stat. 163–167, 1028, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 369, 375, 391a, 392, 404, 407, 411, 463, 463a, 481, 489, 526–526t, 50 U. S. C. 1275), sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals and termination of approvals are prescribed:

BOILERS

Termination of approval of the York-Shipley heating boilers, Models M–500, M–800, M–1200, M–1500, and HW–250, marine type vertical boilers, manufactured by York-Shipley, Inc., York, Pa. (approved December 13, 1944, 9 F. R. 14571).

BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. B–373—15" x 15" x 2" seat, 20 ounce kapok, 15" x 15" x 2" back, 20 ounce kapok, double kapok buoyant cushion, Dwg. Nos. 4014–A, dated March 15, 1947, and 4014–S, dated March 14, 1947; Approval No. B–374—15" x 15" x 2" seat, 20 ounce kapok, 15" x 20" x 2" back, 27 ounce kapok, double kapok buoyant cushion, Dwg. Nos. 4013–A, dated March 14, 1947, and 4013–S, dated March 14, 1947; Approval No. B–375—19" x 21" x 2" fishing chair design, kapok buoyant cushion, 36 ounce kapok, Dwg. Nos. 4010–A, dated March 10, 1947, and 4010–S, dated March 10, 1947; Approval No. B–376—15" x 20" x 2" rectangular kapok buoyant cushion, 27 ounce kapok, Dwg. Nos. 4012–A, dated March 14, 1947, and 4012–S, dated March 13, 1947; Approval No. B–377—12" x 20" x 2" rectangular kapok buoyant cushion, 22 ounce kapok, Dwg. Nos. 4011–A, dated March 13, 1947, and 4011–S, dated March 13, 1947; Approval No. B–378—12" x 14" x 2" seat, 15 ounce kapok, 12" x 18" x 2" back, 20 ounce kapok, double kapok buoyant cushion, Dwg. Nos. 4015–A, dated March 16, 1947, and 4015–S, dated March 16, 1947; for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Trojan Marine Mfg. Co., Inc., 273–81 State St., Brooklyn 2, N. Y.

DAVITS

Welin type B quadrant davit, maximum working load of 7750 pounds per arm using six-part falls, General Arrangement Dwg. No. B–50, dated February 4, 1920, and revised October 15, 1941, manufactured by the Welin Davit & Boat Division of the Robinson Foundation, Perth Amboy, N. J. This approval replaces the approval published in the FEDERAL REGISTER of October 25, 1941 (6 F. R. 5473), which is hereby terminated.

Welin type B–N straight boom sheath screw davit, maximum working load of 6750 pounds per arm using six-part falls, General Arrangement Dwg. No. 2411, dated October 16, 1942, and revised January 3, 1947, manufactured by the Welin Davit & Boat Division of the Robinson Foundation, Perth Amboy, N. J. This approval replaces the approval published in the FEDERAL REGISTER January 13, 1943 (8 F. R. 501), which is hereby terminated.

Welin type C, Crescent sheath screw davit, maximum working load of 6750 pounds per arm using three-part falls, General Arrangement Dwg. No. 2082, dated October 17, 1941, manufactured by the Welin Davit & Boat Division of the Robinson Foundation, Perth Amboy, N. J. This approval replaces the approval published in the FEDERAL REGISTER of March 4, 1942 (7 F. R. 1700), which is hereby terminated.

Welin type C quadrant davit, maximum working load of 6,750 pounds per arm using six-part falls, General Arrangement Dwg. No. C–50, dated November 22, 1932, and revised October 15, 1941, manufactured by the Welin Davit & Boat Division of the Robinson Foundation, Perth Amboy, N. J. This approval replaces the approval published in the FEDERAL REGISTER of October 25, 1941 (6 F. R. 5473), which is hereby terminated.

FIRE RETARDANT MATERIALS FOR VESSEL CONSTRUCTION: CLASS B–15 BULKHEAD PANEL

J-M marine sheathing, solid asbestos inorganic binder board, overall thickness 3/4", identical to that described in Johns-Manville letter to Coast Guard, dated March 6, 1947, submitted by Johns-Manville Sales Corporation, 22 East 40th St., New York 16, N. Y.

J-M marine veneer, solid asbestos-cement board, overall thickness 3/4", identical to that described in Johns-Manville letter to Coast Guard, dated March 6, 1947, submitted by Johns-Manville Sales Corporation, 22 East 40th St., New York 16, N. Y.

LIFEBOAT

30' x 10' x 4.13' steel motor-propelled lifeboat, without radio cabin, 68-person capacity, arrangement and construction Dwg. No. 2054, dated March 14, 1945, and revised June 26, 1946, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

CONDITIONS OF APPROVAL AND TERMINATION OF APPROVAL

The above approvals shall be effective upon the date of publication of this document in the FEDERAL REGISTER.

The termination of approval made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment made before the effective date of termination of approval may be used so long as it is in good and serviceable condition.

Dated: April 10, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 47-3632; Filed, Apr. 16, 1947; 8:54 a. m.]

[1] See F. R. Doc. 47-3637, *supra.*

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8628]

OTTO DOEBLER

In re: Estate of Otto Doebler, deceased. File No. D-28-10691; E. T. sec. 15486.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kate Doebler, whose last known address is Germany, is a resident of Germany and a national of a designated country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Otto Doebler, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by James W. Brown, Public Administrator of Bronx County, as administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3648; Filed, Apr. 16, 1947; 8:56 a. m.]

[Vesting Order 8630]

WILLIAM GOEBEL

In re: Estate of William Goebel, deceased. File D-28-11087; E. T. sec. 15527.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Kuhn, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $415.10 deposited on April 20, 1942 with the County Treasurer of Ogemaw County, Michigan, to the credit of Gertrude Kuhn pursuant to an order of the Probate Court for the County of Ogemaw, Michigan, entered April 20, 1942, in the matter of the Estate of William Goebel, deceased, subject to the payment of any lawful fees and disbursements of the County Treasurer of Ogemaw County, Michigan, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Ogemaw County, Michigan, as depositary, acting under the judicial supervision of the Probate Court for the County of Ogemaw, State of Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3649; Filed, Apr. 16, 1947; 8:56 a. m.]

[Vesting Order 8631]

JOHANNA W. GRUEBEL

In re: Estate of Johanna W. Gruebel, deceased. File D-28-11032; E. T. sec. 15474.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Valentine Gruebel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Johanna W. Gruebel, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Anna M. Bellew, as executrix, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3650; Filed, Apr. 16, 1947; 8:56 a. m.]

[Vesting Order 8635]

JOHN FRIEDRICH HIRSCHMANN

In re: Trust u/w of John Friedrich Hirschmann, deceased. File D-28-7665; E. T. sec. 8210.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Hirschmann, Mina (or Nina) Hirschmann, Frederick Hirschmann, Johan Hirschmann, Jr., Karl Hirschmann, Erna Hauck, Karl Hirschmann, Jr., Emma Hirschmann, Greta Hirschmann and Ludwig Kuntz, Jr., whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, of the above named designated nationals, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of John Friedrich Hirschmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Manufacturers Trust Company and Louise Hirschmann, as trustees, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, of the above named designated nationals, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3651; Filed, Apr. 16, 1947; 8:56 a. m.]

[Vesting Order 8636]

WILLIAM A. LANG

In re: Estate of William A. Lang, deceased. File No. D-28-11403; E. T. sec. 15648.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Prengle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of William A. Lang, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by C. M. Powell Quicksall, Esq., as Depositary, acting under the judicial supervision of the Orphans' Court of Camden County, Camden, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3652; Filed, Apr. 16, 1947; 8:56 a. m.]

[Vesting Order 8638]

JOHANNA CAMILLA MUSSGANG

In re: Trust under the will and codicil thereto of Johanna Camilla Mussgang, deceased. File F-28-23638; C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Lindner, Lotte Guenther, Kathe Dietze, Emilie Mussgang and Emma Rabe, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the surviving issue of Else Lindner, the surviving issue of Lotte Guenther, the surviving issue of Kathe Dietze, the surviving issue of Emilie Mussgang and the surviving issue of Emma Rabe, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 and 2 hereof, and each of them, in and to the trust under the will and codicil thereto of Johanna Camilla Mussgang, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by W. G. Keller, as Trustee, acting under the judicial supervision of the County Court of the State of Oregon, in and for the County of Multnomah;

and it is hereby determined:

5. That to the extent that the above named persons and the surviving issue of Else Lindner, the surviving issue of Lotte Guenther, the surviving issue of Kathe Dietze, the surviving issue of Emile Mussgang and the surviving issue of Emma Rabe, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3653; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8640]

VICTOR ROSSEL

In re: Estate of Victor Rossel, deceased. File D-28-10750; E. T. sec. 15507.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Roslaub, Henry Roslaub, Lena Roslaub, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Victor Rossel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Lena Yost, as administratrix, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3654; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8651]

TONI BEHN

In re: Bank account owned by Toni Behn. F-28-25134-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toni Behn, whose last known address is 23 Papen Strasse, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 20669, entitled Tom F. Chapman or I. F. Chapman, Trustees for Toni Behn, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Toni Behn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3655; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8653]

GEORGE DITTRICH ET AL.

In re: Bank accounts owned by George Dittrich, Katharine Schorge, Jacob Schorge, Paul Tecklenburg and Frances Tecklenburg. F-28-6725-E-1, F-28-26969-E-1, F-28-26967-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Dittrich, Katharine Schorge, Jacob Schorge, Paul Tecklenburg and Frances Tecklenburg, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to George Dittrich, by Ridgewood Savings Bank, Myrtle and Forest Avenues, Ridgewood 27, New York, arising out of a savings account, Account Number 14015, entitled George Dittrich, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Katharine Schorge and Jacob Schorge, by Ridgewood Savings Bank, Myrtle and Forest Avenues, Ridgewood 27, New York, arising out of a savings account, Account Number 21196, entitled Katharine Schorge or Jacob Schorge, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Ridgewood Savings Bank, Myrtle and Forest Avenues, Ridgewood 27, New York, arising out of a savings account, Account Number 61204, entitled Paul Tecklenburg in Trust for Frances Tecklenburg, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paul Tecklenburg and Frances Tecklenburg, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3657; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8652]

ALFRED DE LORNE DE ST. ANGE

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Alfred de Lorne de St. Ange, deceased. F-28-25997-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Alfred de Lorne de St. Ange, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of New England Trust Company, 135 Devonshire Street, Boston, Massachusetts, arising out of a checking account, entitled Alice Muller Trust, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Alfred de Lorne de St. Ange, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Alfred de Lorne de St. Ange, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3656; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8654]

FRAZAR ESTATE CO., LTD.

In re: Bank account owned by Frazar Estate Co., Ltd. F-39-5157-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frazar Estate Co., Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Frazar Estate Co., Ltd., by Fidelity Union Trust Company, 755 Broad Street, Newark, New Jersey, arising out of a checking account, entitled Frazar Estate Co., Ltd., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3658; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8655]

MARIE HARMS

In re: Debt owing to Marie Harms. F-28-10005-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Harms, whose last known address is Kritzmow near Rostock, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That property described as follows: All those debts or other obligation owing to Marie Harms by Robert G. Clostermann, Attorney at Law, 320 Lumbermens Building, Portland, Oregon, including particularly but not limited to a portion of the sum of money on deposit with The First National Bank of Portland, 5th, 6th, Stark Streets, Portland, Oregon, in a Trust Account entitled Robert G. Clostermann, Blocked Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3659; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8657]

J. LANGENBACH & SOHNE

In re: Debt owing to J. Langenbach & Sohne. F-28-13878-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That J. Langenbach & Sohne, the last known address of which is Worms am Rhein, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to J. Langenbach & Sohne, by National Distillers Products Corporation, 120 Broadway, New York 5, New York, in the amount of $8,788.17, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3660; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8660]

HERMANN RAPPOLD AND RAGINA RAPPOLD

In re: Bank account owned by Hermann Rappold and Ragina Rappold. F-28-23943-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Rappold and Ragina Rappold, whose last known addresses are Offenbach on the Main, Sedan Str. #5, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hermann Rappold and Ragina Rappold, by The San Francisco Bank, 526 California Street, San Francisco 4, California, arising out of a savings account, account number 715263, entitled Hermann Rappold or Ragina Rappold, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3661; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8664]

BERTHA WEST

In re: Bank account owned by Bertha West. F-28-25709-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha West, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Bertha West, by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a savings account, account number 393520, entitled Bertha West, maintained at the branch office of the aforesaid bank located at 110 South Spring Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3663; Filed, Apr. 16, 1947; 8:58 a. m.]

[Vesting Order 8668]

ELIZABETH GEYER

In re: Bank account owned by Elizabeth Geyer. F-28-22953-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Geyer, whose last known address is 22 Rotermann Street, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, 1 Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 60714, entitled Franz Zitzelsberger, Trustee for Elizabeth Geyer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3664; Filed, Apr. 16, 1947; 8:58 a. m.]

[Vesting Order 8678]

TOKU SAWANOBORI

In re: Stock owned by Toku Sawanobori. F-39-4792-D-1/2, F-39-4792-D-5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toku Sawanobori, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Ten (10) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NYD-302094, registered in the name of Toku Sawanobori, together with all declared and unpaid dividends thereon,

b. Twelve (12) shares of $5 par value common capital stock of Warner Bros. Pictures, Inc., 321 West 44th Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number ACO-143230, registered in the name of Toku Sawanobori, together with all declared and unpaid dividends thereon, and

c. Twenty (20) shares of no par value common (old) capital stock of Standard Brands Incorporated, 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 109069, registered in the name of Toku Sawanobori, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3665; Filed, Apr. 16, 1947; 8:58 a. m.]

AMERICAN CHAIN & CABLE CO., INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

American Chain & Cable Company, Inc., Bridgeport, Connecticut; 4280; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,010,184, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3666; Filed, Apr. 16, 1947; 8:58 a. m.]

ANTONINA VALLENTINE LUCHAIRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Antonina Vallentine Luchaire, Paris, France; 5909; Property described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the literary works "Leonardo da Vinci" and "Poet in Exile" (listed in Exhibit A of said vesting order), to the extent owned by the claimant immediately prior to the vesting thereof, including royalties pertaining thereto in the amount of $23,182.63.

Executed at Washington, D. C., on April 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3667; Filed, Apr. 16, 1947; 8:58 a. m.]

HANSEA CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Hansea Corporation, New York, New York; 1076; forty percent of all property described in subparagraph 3.b. of Vesting Order No. 1239 (8 F. R. 7041, May 27, 1943), which 40% includes $16,264.14 in royalties received thereunder.

Executed at Washington, D. C., on April 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3668; Filed, Apr. 16, 1947; 8:58 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1238]

ALLOCATION OF FUNDS FOR LOANS

MARCH 21, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Arkansas 12H Miller	$365,000
Iowa 36H Wright	86,000
Iowa 59H Woodbury	380,000
Kansas 38B Chautauqua	280,000
Minnesota 70L Hennepin	1,890,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3671; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1239]

ALLOCATION OF FUNDS FOR LOANS

MARCH 21, 1947.

By virtue of the authority vested in me by the provisions of section 5 of the Rural

Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Arkansas 30E Arkansas	$10,000
Minnesota 53R Waseca	25,000
Wisconsin 55M Adams	20,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3672; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1240]

ALLOCATION OF FUNDS FOR LOANS

MARCH 25, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	Amount
Kansas 46C Meade	$357,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3673; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1241]

ALLOCATION OF FUNDS FOR LOANS

MARCH 25, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Georgia 39H Hart	$50,000
Georgia 42H Toombs	50,000
Ohio 86K Guernsey	200,000
Oregon 2L Lane	215,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3674; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1242]

ALLOCATION OF FUNDS FOR LOANS

MARCH 25, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Missouri 32K Atchison	$307,000
Montana 1G Ravalli	73,000
Oregon 25H Deschutes	75,000
Texas 89H Houston	270,000
Texas 106G Taylor	330,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3675; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1243]

ALLOCATION OF FUNDS FOR LOANS

MARCH 25, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Kansas 25E Lyon	$372,000
Nebraska 76Y Southern Nebraska District Public	385,000
North Carolina 16L Edgecombe	50,000
North Carolina 39L Union	50,000
Utah 10C Iron	115,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3676; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1244]

ALLOCATION OF FUNDS FOR LOANS

MARCH 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Georgia 94G Jones	$185,000
Illinois 18AB Pike	760,000
New Mexico 17C Sierra	85,000
North Carolina 34L Anson	180,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3677; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1245]

ALLOCATION OF FUNDS FOR LOANS

MARCH 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Colorado 29M Phillips	$700,000
Georgia 17H Burke	300,000
Georgia 45L Sumter	825,000
Louisiana 17N Claiborne	204,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3678; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1246]

ALLOCATION OF FUNDS FOR LOANS

APRIL 1, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Florida 22G Escambia	$500,000
Missouri 23M Lewis	410,000
South Carolina 32H Calhoun	225,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3670; Filed, Apr. 16, 1947; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 393, Special Permit 170]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., April 10, 1947, by Gust Relias, of car PFE 97606, tomatoes, now on the Chicago Produce Terminal, to M. Degaro, Cincinnati, Ohio (C&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of April 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-3631; Filed, Apr. 16, 1947; 8:54 a. m.]

[S. O. 396, Special Permit 171]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., April 10, 1947, by Jack Carl, of car RD 7648, apples, now on the C. P. T. to Boston, Mass. (Erie-NYNH&H)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of April 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-3630; Filed, Apr. 16, 1947; 8:54 a. m.]

[S. O. 716]

UNLOADING OF TRACTORS AT BIRMINGHAM, ALA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of April A. D. 1947.

It appearing, that 3 cars containing tractors and parts at Birmingham, Alabama, on the Atlantic Coast Line Railroad Company, shipped by Southeastern Equipment Company, Inc., Birmingham, Alabama, have been on hand under load for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Tractors at Birmingham, Ala., be unloaded.* The Atlantic Coast Line Railroad Company, its agents or employees, shall unload immediately cars CN 660293, Milw 63835 and ACL 77110, loaded with tractors and parts, now on hand at Birmingham, Alabama, consigned Order of National City Bank, Notify United Atlas Company, New York, New York.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., April 13, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3629; Filed, Apr. 16, 1947; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1481]

NORTHERN NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of April 1947.

Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company and a subsidiary of North American Light & Power Company and of The North American Company, both registered holding companies, having filed an application-declaration and amendments thereto in which sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder are designated as applicable with respect to the following transactions:

Northern Natural proposes to issue and sell, puruant to the competitive bidding requirements of Rule U-50 promulgated under the act, $10,000,000 principal amount ____% Serial Debentures, dated May 1, 1947, due 1956–1967, to be issued under an Indenture with the Harris Trust and Savings Company, as Trustee. The interest rate of said Debentures (to be a multiple of ⅛ of 1%) and the price to be received by Northern Natural (to be not less than 99% and not more than 102¾% of the principal amount of said Debentures) are to be determined by competitive bidding. The applicant-declarant states that the net proceeds of said sale (exclusive of accrued interest from the date of the sale of said Debentures and without deducting the expenses in connection with said financing) will be used for the construction of additional property and facilities prior to the end of 1947.

Northern Natural has filed applications with the State Corporation Commission of Kansas and the Nebraska State Railway Commission for authorization with respect to the issue and sale of said Debentures. Pursuant to such applications, the Nebraska State Railway Commission has issued its order authorizing Northern Natural to issue and sell said Debentures, and the State Corporation Commission of the State of Kansas has issued a memorandum opinion stating that it will issue a certificate authorizing the proposed issue and sale of said Debentures when Northern Natural furnishes said Commission with the results of competitive bidding pursuant to Rule U-50.

Said application-declaration having been filed on March 13, 1947 and amendments thereto having been filed on April 7, 1947 and April 11, 1947, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

It is hereby ordered, That pursuant to Rule U-23 said application-declaration, as amended, be, and the same is hereby granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule-24 and subject to the further condition that the proposed sale of Debentures by Northern Natural shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate for which purpose jurisdiction is hereby reserved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3620; Filed, Apr. 16, 1947; 8:51 a. m.]

[File No. 70-1497]

SOUTHERN CALIFORNIA WATER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of April A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Southern California Water Company ("Southern California"), a public utility subsidiary company of American States Utilities Corporation, a registered holding company. Southern California has designated section 6 (b) of the act and Rules U-42 and U-50 as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 25, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule 100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Southern California proposes the issuance and sale of $5,100,000 principal amount of First Mortgage Bonds, __% Series due May 1, 1977, pursuant to the competitive bidding requirements of Rule U-50 and the requirements of the Public Utilities Commission of California. Such bonds would be issued under an Indenture with the Bank of America National Trust and Savings Association, as Trustee. The interest rate on said Bonds (to be a multiple of 1/8th of 1%) and the price to be received by Southern California (to be not less than 100% and not more than 102¾% of the principal amount of said bonds) are to be determined by the competitive bidding. It is proposed to use the proceeds from the sale of the new bonds (1) to redeem, at their redemption prices of 105¼, the company's outstanding $3,465,000 principal amount Series A, and $297,000 principal amount Series B, First Mortgage Bonds, exclusive of $38,000 aggregate principal amount of Series A and B bonds to be redeemed out of treasury funds on May 1, 1947, through operation of the sinking fund, (2) to pay the fees and expenses of the proposed sale, and (3) to add the balance to the general funds of the company to defray, in part, the cost of property additions during the year 1947.

The company states that an application has been filed with the Public Utilities Commission of California for authorization with respect to the issue and sale of said bonds.

The applicant requests that the Commission issue its order in the matter on or before April 28, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3619; Filed, Apr. 16, 1947; 8:50 a. m.]

APR 21 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 NUMBER 77

Washington, Friday, April 18, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTIONS

RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

In the FEDERAL REGISTER of February 25, 1947, Chapter I was revised and certain parts, including Part 12, §§ 12.301 to 12.314, inclusive, were redesignated effective May 1, 1947 (12 F. R. 1270). These amendments to §§ 12.302 and 12.313 are to be carried over on May 1, the effective date of the redesignation.

1. Section 12.302 (e) (redesignated as § 20.2 (e)) is amended to read as follows:

§ 12.302 *Definitions* • • •

(e) "Efficiency rating" means (1) for employees paid under the compensation schedules of the Classification Act, the current official efficiency rating under the Uniform Efficiency Rating System; and (2) for other employees the current efficiency rating under an efficiency rating system which has been approved by the Civil Service Commission.

2. Section 12.313 (redesignated as § 20.13 effective May 1, 1947) is amended to read as follows:

§ 12.313 *Appeals.* Any employee who feels that there has been a violation of his rights under the regulations in this part may appeal to the appropriate office of the Civil Service Commission within 10 days from the date he received his notice of the action to be taken. This time limit may be extended only upon a showing by the employee that circumstances beyond his control prevented him from filing his appeal within the prescribed 10 days. In order that employees may be informed of the facts on which action is based they shall have the right to examine a copy of the regulations in this part and to inspect the retention register and records on which their names appear, including statements of reasons for passing over employees with lower standing on the retention list. Each appeal should set forth whether it is based upon an error in the records, an incorrect efficiency rating, violation of the rules of selection, restriction of the competitive area or competitive level, disregard of a specified right under the law or regulations, or denial of right to examine regulations, retention register, or records.

The Commission will not consider the correctness of any efficiency rating which is appealable to a board of review established under the provisions of section 9 of the Classification Act of 1923, as amended. The correctness of an efficiency rating which is not appealable to a board of review will ordinarily be considered only when the employee has made use of his agency's administrative appellate procedures. However, the Commission will consider the correctness of an efficiency rating which is not appealable to a board of review in any case where adverse action is proposed to be taken too soon to permit diligent use of administrative appellate procedures, where the employee was misinformed of his rights under such procedures, where coercive measures were used to prevent recourse to such procedures, or where the employee presents satisfactory reasons for not using such procedures.

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup., 861)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-3700; Filed, Apr. 17, 1947; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Fair Price Regs., Rev. 4]

PART 734—CONSERVATION MATERIALS AND SERVICES PROGRAM

FIXING OF FAIR PRICES

The regulations governing the fixing of fair prices for conservation materials and services acquired by means of purchase orders (10 F. R. 12799), § 734.1, issued by the Secretary of Agriculture on October 12, 1945, are hereby completely revised to read as follows:

§ 734.1 *Regulations governing the fixing of fair prices for conservation materials and services acquired by means of purchase orders*—(a) *Delegation to the Administrator, Production and Market-*

(Continued on p. 2513)

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FEDERAL REGISTER

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ing Administration. The Administrator, Production and Marketing Administration, shall designate the conservation materials and services which may be furnished by means of purchase orders in connection with the agricultural conservation program, the persons who shall establish the fair prices, and the method of making such determinations: *Provided, however,* That any such determination shall be made in accordance with the provisions of paragraphs (b), (c), (d), and (e) of this section, and shall be subject to such review as may be required by any person who has delegated his authority to establish fair prices.

(b) *Conservation materials.* A fair price shall be the price at which a vendor agrees to furnish the material at a given time under a given set of conditions, providing it is determined by the person authorized to establish fair prices that the price is not excessive in relation to:

(1) The prices which farmers are currently paying for the same or similar material under the same or similar conditions, and

(2) The prices at which farmers could obtain the same material through other than local channels, and

(3) The actual or estimated cost to the vendor and a reasonable margin for profit.

(c) *Services.* A fair price shall be the price at which a vendor equipped to perform a service agrees to furnish it at a given time and under a given set of conditions, providing it is determined by the person authorized to establish fair prices that the price is not excessive in relation to:

(1) The prices which farmers are currently paying for the same or similar service under the same or similar conditions, and

(2) The actual or estimated cost to the vendor and a reasonable margin for profit.

(d) *Defective materials and services.* A material or service shall be deemed not to have been furnished at the fair price if it is determined that the material or service does not meet quality specifications. In such case the material or service may be rejected and no payment made therefor by the Government. At the option of the Production and Marketing Administration such materials or services may be accepted subject to a deduction equal to the difference between the fair price of the material or service of the quality specified and the value of the material or service furnished.

(e) *Inspection and analysis.* Materials and services shall be inspected and samples taken in accordance with instructions issued by the Administrator, Production and Marketing Administration: *Provided, however,* That the inspection and analysis controls exercised by State Regulatory Authorities may be deemed a sufficient protection to the Government as to the quality standards of any material over which such authority is exercised: *Provided, further,* That this shall not prevent the taking of additional samples nor shall it satisfy the responsibility of the Government for the making of separate inspections of materials in any case where such further action is necessary to adequately protect the interests of the Government. (55 Stat. 257; 16 U. S. C. 590 h (b))

Issued this 15th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3699; Filed, Apr. 17, 1947; 8:49 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 602—RESERVE OFFICERS TRAINING CORPS

REACTIVATION OF ADVANCED COURSE, ROTC

Sections 602.81 to 602.92, inclusive and §§ 602.101 to 602.121, inclusive, are hereby revoked.

[W. D. Cir. 300, 3 Oct. 1945, as rescinded by W. D. Cir. 82, 29 Mar. 1947] (39 Stat. 191, 192, 41 Stat. 776, 777, 778, 10 U. S. C. 381, 382, 389, 441)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3695; Filed, Apr. 17, 1947; 8:48 a. m.]

Chapter VII—Personnel

PART 701—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

ENLISTMENTS AND REENLISTMENTS IN REGULAR ARMY

Section 701.30 (g) (2), pertaining to physical qualifications of men not serving in enlisted status, is revoked as follows:

§ 701.30 *Enlistments and reenlistments in the Regular Army pursuant to the Act of 1 June 1945, as amended by the Armed Forces Voluntary Recruitment Act of 1945.* • • •

(g) *Physical qualifications.* • • •

(2) [Revoked]

[W. D. Cir. 78, 26 Mar. 1947] (41 Stat. 765, Pub. Law 72, 79th Cong., as amended by Pub. Law 190, 79th Cong.; 10 U. S. C. 42)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3694; Filed, Apr. 17, 1947; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

REGISTRATION OF WARRANTS

§ 231.3210 *Letter of the Director of the Corporation Finance Division regarding registration under the Securities Act of 1933 of certain warrants.* Reference is made to your letter of March 10 regarding the registration of warrants under the Securities Act of 1933.

You state that your Company proposes to sell warrants to underwriters in connection with a public offering of stock of the same class as that called for by the warrants. Warrants are also to be issued to certain officers and controlling stockholders of the Company. The warrants are to be immediately exercisable and are to run for a period of three years. The exercise price of the warrants may or may not be the same as the offering price of the stock to the general public. For tax reasons, none of the warrants or stock subject thereto will be reoffered to the general public for at least six months after the effective date of the registration statement. You inquire whether, in the light of the foregoing facts, either the warrants or the stock subject thereto may be registered at the same time as the stock which is to be offered to the general public.

Assuming that the warrants are transferable, both the warrants and the stock subject thereto should be registered along with the stock to be offered to the general public. The life of the warrants is immaterial and it is likewise immaterial that the exercise price of the warrants may not be the same as the public offering price of the stock. Since it is not contemplated that either the warrants or the stock subject thereto will be distributed at the present time, the registration statement should include an undertaking to file a post-effective amendment, which shall become effective prior to the distribution, showing the terms of

such distribution. In view of the term of the warrants, it appears that the use of section 10 (b) (1) prospectuses may be required. Consequently, the registration statement should also include an undertaking to file such prospectuses as post-effective amendments.

Ordinarily non-transferable warrants are in the nature of private contracts and their registration is not required. However, even though the warrants are non-transferable, if they are to be issued under such circumstances as to constitute a public offering of securities, such warrants should be registered under the same circumstances as transferable warrants. In any event, the stock called for by non-transferable warrants should be registered along with the stock of the same class which is to be offered to the general public.

You inquire whether our conclusion with respect to registration would be different in the event the warrants were to be purchased by the underwriters from controlling stockholders rather than from the registrant itself. In such cases, the warrants and the stock subject thereto should be registered under the same circumstances as apply to warrants sold by the registrant itself, and the same undertakings should be included in the registration statement. In addition, however, the registration statement would have to be signed by the controlling stockholders as the issuers of the warrants. (Securities Act Release No. 3210, dated April 9, 1947)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 9, 1947.

[F. R. Doc. 47-3691; Filed, Apr. 17, 1947; 8:48 a. m.]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

RESCISSION OF FORM E-1 FOR SECURITIES IN REORGANIZATION

The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby rescinds Form E-1 (17 CFR 239.8) for securities in reorganization and the rules and instructions accompanying Form E-1 (17 CFR 239.8).

The foregoing action shall be effective May 15, 1947.

(Secs. 7, 10, 19 (a), 48 Stat. 78, 81, 85; 15 U. S. C. 77g, 77j, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 11, 1947.

[F. R. Doc. 47-3690; Filed, Apr. 17, 1947; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S-8]

PART 807—SUSPENSION ORDERS

W. & F. MANUFACTURING CO., INC.

W. & F. Manufacturing Co., Inc., a New York corporation, of 251 Seneca Street, Buffalo, New York, is charged by the Civilian Production Administration and the Office of the Housing Expediter with violation of Veterans' Housing Program Order 1 in beginning on or about September 15, 1946, and carrying on thereafter, construction, repairs, additions, and alterations to an industrial building, without authorization and at a cost in excess of $15,000, located at 251-257 Seneca Street, Buffalo, New York, and the same on or about and after June 15, 1946, with regard to an industrial building located at 245-249 Seneca Street, Buffalo, New York. On or about February 3, 1947, W. & F. Manufacturing Co., Inc. made application to the Civilian Production Administration, Buffalo, New York, for authorization to continue work on said two buildings. In view of the foregoing, it is hereby ordered that:

§ 807.8 *Suspension Order No. S-8.* (a) The temporary suspension order issued by telegram dated February 26, 1947, against W. & F. Manufacturing Co., Inc., is hereby revoked.

(b) Neither W. & F. Manufacturing Co., Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at 245-249 and 251-257 Seneca Street, Buffalo, New York, including the putting up, alteration, or completion of any structure located thereon, unless specifically authorized in writing by the Office of the Housing Expediter.

(c) The issuance of this suspension order shall be without prejudice to the consideration on the merits of applications for authorization to complete construction on the premises covered by this order.

(d) W. & F. Manufacturing Co., Inc., shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(e) Nothing contained in this order shall be deemed to relieve W. & F. Manufacturing Co., Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 16th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3773; Filed, Apr. 16, 1947; 3:45 p. m.]

[Suspension Order S-16]

PART 807—SUSPENSION ORDERS

RALPH SAVIOLA

Ralph Saviola, owner of the property located at 1356 East Delavan Avenue, Buffalo, N. Y., violated Veterans' Housing Program Order 1 in that (1) on or about September 1, 1946 he began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 1356 East Delavan Avenue, Buffalo, N. Y.; (2) on and after September 1, 1946 he carried on construction, repairs, additions and alterations, without authorization and at a cost in excess of $1,000, of a commercial building located at 1356 East Delavan Avenue, Buffalo, N. Y. In view of the foregoing, it is hereby ordered that:

§ 807.16 *Suspension Order No. S-16.* (a) The temporary suspension order issued by telegram, dated January 14, 1947, is hereby revoked.

(b) Neither Ralph Saviola, his successors and assigns, nor any other person shall do any further construction on the premises located at 1356 East Delavan Avenue, Buffalo, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(c) Ralph Saviola shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Ralph Saviola, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 16th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3774; Filed, Apr. 16, 1947; 3:45 p. m.]

[Suspension Order S-17]

PART 807—SUSPENSION ORDERS

SILVIS ICE & FUEL CO.

Conrad H. Schadt, d/b/a Silvis Ice and Fuel Company, 623 First Avenue, Silvis, Illinois, is engaged in the construction business. On October 25, 1946 he began construction on the premises at 901 First Avenue, Silvis, Illinois, of an office and warehouse at an estimated cost of more than $1,000 without having received authorization therefor under Veterans' Housing Program Order 1. Conrad H. Schadt had knowledge of the restrictions of Veterans' Housing Order 1 and the beginning of such construction constituted a wilful violation of said order. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration or the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.17 *Suspenson Order No. S-17.* (a) Neither Conrad H. Schadt, d/b/a Silvis Ice and Fuel Company, his successors or assigns, nor any other person shall do any further construction on the premises located at 901 First Avenue, Silvis, Illinois, including completing, putting up or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) For a period of four months from the effective date of this order no authorization shall be granted to Conrad H. Schadt, d/b/a Silvis Ice and Fuel Company, by the Office of the Housing Expediter.

(c) Conrad H. Schadt, d/b/a Silvis Ice and Fuel Company, shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Conrad H. Schadt, d/b/a Silvis Ice and Fuel Company, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 16th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3775; Filed, Apr. 16, 1947; 3:45 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

Sections 201.3 (i) and 201.20 (b) are rescinded and the following substituted in lieu thereof:

§ 201.3 *Examination.* * * *

(i) *Reexamination in case of failure—*(a) *For candidates for grades below general officer.* A candidate for a grade below that of general officer who fails to pass the prescribed examination may be authorized by the State adjutant general to take another examination.

(b) *For candidates for the grade of general officer.* A candidate for the grade of general officer, who fails to pass the prescribed examination for general, professional, or physical reasons, may be authorized to take another examination not less than one year after the date of the original examination. No candidate for the grade of general officer will be examined more than twice for the same grade and position.

(c) In all cases of reexamination, the candidate must appear in person before the board.

§ 201.20 *Age.* (a) * * *

(b) Enlistments in the National Guard of persons over 35 years of age will be limited to those who have had active service in the Army terminated by honorable discharge other than under the provisions of AR 615-369 (administrative regulations relative to discharge), provided their total prior service in the National Guard of the United States Army, Navy, and Marine Corps equals or exceeds that shown in the following table:

Age and Prior Service

36 under 38	1 year.
38 under 41	2 years.
41 under 55	2 years plus the number of years applicant is over age of 40.

Applicants who have been awarded decorations of the Silver Star or higher will be accepted for enlistment without regard to the requirements of age until their 55th birthday.

[NGR 20, 14 Nov. 1946 as amended by NGB Cir. No. 7, 25 Feb. 1947 and W. D. Cir. 367 as amended by W. D. Cir. 76, 1947] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3696; Filed, Apr. 17, 1947; 8:48 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 1,[1] Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES FOR FILING DECLARATIONS OF SURPLUS PROPERTY BY OWNING AGENCIES

War Assets Administration Regulation 1, Order 2, March 7, 1947, entitled "Location of Disposal Agency Offices" (12 F. R. 1838), is hereby revised and amended as herein set forth. The title is amended to read as follows: "Location of Disposal Agency Offices for Filing Declarations of Surplus Property by Owning Agencies." New matter is indicated by underscoring.

§ 8301.52 *Location of disposal agency offices for filing declarations of surplus property by owning agencies.* (a) Disposal agencies shall notify the Administrator whenever a change is made in the location of any office at which declarations of surplus property are directed to be filed. All such changes will be carried into this order by amendment.

(b) Changes in the procedures for filing declarations of surplus prescribed in this order may be made on application to the Administrator.

[1] 12 F. R. 1838.

(c) Except as provided in paragraph (d), declarations of surplus personal property located in the continental United States shall be filed at the following offices of the appropriate disposal agencies:

WAR ASSETS ADMINISTRATION

CAPITAL AND PRODUCERS GOODS AND CONSUMER GOODS

(Except aircraft and aircraft parts and electronic equipment)

Area and Address

Region 1. Boston, Mass. (Address—600 Washington St., Boston, Mass.) Territory: Connecticut (exclusive of Fairfield County), Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region 2. New York, N. Y. (Address—37 Broadway, New York, N. Y.). Territory: Connecticut (Fairfield County only); New Jersey (northern part) Counties of: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren; New York.

Region 3. Philadelphia, Pa. (Address—Lafayette Building, Fifth and Chestnut Sts., Philadelphia, Pa.) Territory: Delaware; New Jersey, Counties of: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; Pennsylvania (all except extreme western part), Counties of: Adams, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

Region 4. Cincinnati, Ohio (Address—704 Race Street, Cincinnati, Ohio). Territory: Indiana (central and southwestern part), Counties of: Bartholomew, Boone, Brown, Daviess, Dearborn, Decatur, Delaware, Dubois, Fayette, Franklin, Gibson, Greene, Hamilton, Hancock, Hendricks, Henry, Jennings, Johnson, Knox, Madison, Marion, Martin, Monroe, Morgan, Ohio, Owen, Pike, Posey, Putnam, Randolph, Ripley, Rush, Shelby, Spencer, Sullivan, Tipton, Union, Vanderburgh, Warrick, and Wayne; Kentucky (eastern part), Counties of: Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford; Ohio, Counties of: Adams, Athens, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont,

Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Harrison, Highland, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, and Washington.

Region 5. Chicago, Ill. (Address—209 South La Salle Street, Chicago, Ill.) Territory: Illinois (northern part); Counties of: Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford; Indiana (northern part), Counties of: Adams, Allen, Benton, Blackford, Carroll, Cass, Clay, Clinton, De Kalb, Elkhart, Fountain, Fulton, Grant, Howard, Huntington, Jasper, Jay, Kosciusko, La Grange, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Noble, Parke, Porter, Pulaski, St. Joseph, Starke, Steuben, Tippecanoe, Vermillion, Vigo, Wabash, Warren, Wells, White, and Whitley; Wisconsin (southern part), Counties of: Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, Lafayette, Langlade, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

Region 6. Atlanta, Ga. (Address—699 Ponce de Leon Ave., N. E., Atlanta, Georgia) Territory: Georgia.

Region 7. Fort Worth, Texas. (This office has been consolidated with Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 8. Kansas City, Mo. (Address—Troost & Bannister Rd. (95th St., P. O. Box 1037, Kansas City, Mo.) Territory: Kansas; Missouri (extreme western part), Counties of: Andrew, Atchison, Barton, Bates, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth; Iowa; Nebraska; and Wyoming.

Region 9. Denver, Colo. (Address—Commonwealth Bldg., 728 15th St., Denver, Colo.) Territory: Colorado; New Mexico.

Region 10. San Francisco, Calif. (Address—30 Van Ness Ave., San Francisco 2, Calif.) Territory: California (northern part), Counties of: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonomo, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

Region 11. Seattle, Wash. (Address—1409 Second Avenue, Seattle 1, Wash.) Territory: Washington (eastern and western part), Counties of: Adams, Asotin, Benton, Chelan, Clallam, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Oreille, Pierce, San Juan, Skagit, Snohomish, Spokane, Stevens, Thurston, Walla Walla, Whatcom, Whitman, and Yakima; Idaho (northern part), Counties of: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone; and Montana.

Region 12. Richmond, Va., (Address—East End 4th St., Richmond 24, Va.) Territory: Maryland; Virginia; District of Columbia; West Virginia.

Region 13. Charlotte, N. C. (Address—317 South Tryon St., Charlotte, N. C.) Territory: North Carolina; South Carolina.

Region 14. Jacksonville, Fla. (Address—St. John's Shipyard, Administration Bldg., P. O. Box 4129, Jacksonville, Fla.) Territory: Florida.

Region 15. Cleveland, Ohio (Address—Higbee Building, East 13th St. and Euclid Ave., Cleveland, Ohio). Territory: Ohio, Counties of: Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Henry, Holmes, Huron, Lake, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Morrow, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Williams, Wood, and Wyandot; Pennsylvania (western part), Counties of: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

Region 16. Detroit, Michigan (Address—Buhl Bldg., 535 Griswold St., Detroit 26, Mich.) Territory: Michigan (eastern part), Counties of: Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford.

Region 17. Louisville, Ky. (Address—412 West Market Street, P. O. Box 1259, Louisville 2, Ky.) Territory: Kentucky (western part) Counties of: Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster; Indiana (southeastern part), Counties of: Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Lawrence, Orange, Perry, Scott, Switzerland, and Washington.

Region 18. Nashville, Tenn. (Address—Consolidated-Vultee Bldg., Nashville, Tenn.) Territory: Tennessee.

Region 19. Birmingham, Ala. (Address—P. O. Box 2090, 1955 Fiftieth St., North, Birmingham, Ala.) Territory: Alabama.

Region 20. New Orleans, La. (Address—7020 Franklin Ave., P. O. Station D, New Orleans, La.) Territory: Louisiana; Mississippi.

Region 21. Minneapolis, Minn. (Address—504 Metropolitan Life Bldg., Minneapolis, Minn.) Territory: Minnesota; North Dakota; South Dakota; Michigan (northern part), Counties of: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft; Wisconsin (northern part), Counties of: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, La Crosse, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, and Washburn.

Region 22. St. Louis, Mo. (Address—505 North 7th St., St. Louis, Missouri). Territory: Missouri (all except extreme western part), Counties of: Adair, Audrain, Barry, Benton, Bollinger, Boone, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clark, Cole, Cooper, Crawford, Dade, Dallas, Daviess, Dent, Douglas, Dunklin, Franklin, Gasconade, Green, Grundy, Harrison, Henry, Hickory, Howard, Howell, Iron, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Ozark, Peniscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Warren, Washington, Wayne, Webster, and Wright; Illinois (southern part), Counties of: Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, Williamson.

Region 23. Little Rock, Arkansas. (Address—Wallace Bldg., Little Rock, Ark.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas,—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 24. Omaha, Nebraska. (Address—601 WOW Bldg., Omaha 2, Nebr.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 8, Troost and Bannister Road, (95th St.) P. O. Box 1037, Kansas City, Missouri.)

Region 25. Tulsa, Oklahoma. Address—2000 North Memorial Drive, P. O. Box 1409, Tulsa, Okla.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 26. Grand Prairie, Texas. (Address—Grand Prairie, Texas—Mailing address: P. O. Box 3060, Dallas 2, Texas.) Territory: Texas; Arkansas; and Oklahoma.

Region 27. Houston, Texas. (Address—7700 Wallisville Road, Hughes Strut Plant, Houston 1, Texas.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 28. San Antonio, Texas. (Address—3rd Floor, Transit Tower Corner, South St. Mary's and Villita Sts., San Antonio 5, Texas.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 29. Helena, Montana. (Address—Old High School Bldg., P. O. Box 1161, Helena, Mont.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 11, 1409 Second Avenue, Seattle 1, Wash.)

Region 30. Salt Lake City, Utah. (Address—Building 3, 1710 South Redwood Road, P. O. Box 2220, Salt Lake City, Utah.) Territory: Utah; Idaho (southern part), Counties of: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington; Nevada.

Region 31. Spokane, Washington. (Address—500 Welch Bldg., Spokane, Wash.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 11, 1409 Second Avenue, Seattle 1, Wash.)

Region 32. Portland, Oreg. (Address—War Assets Admn., Swan Island, P. O. Box 4062.) Territory: Oregon; Washington (southwestern part), Counties of: Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

Region 33. Los Angeles, Calif. (Address—Mode O'Day Bldg., 155 West Washington Blvd., Los Angeles 15, Calif.) Territory: California (southern part), Counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura; Arizona.

WAR ASSETS ADMINISTRATION

Aircraft. War Assets Administration, Office of Aircraft Disposal, Washington 25, D. C.

Aircraft parts: (Salable and educational items). War Assets Administration, 6200 Riverside Drive, Municipal Airport, Cleveland 32, Ohio.

(Residual items and contract termination declarations). To regional offices as set forth above in paragraph (c).

Electronic equipment: (Salable and educational items). War Assets Administration, Lafayette Building, Fifth and Chestnut Sts., Philadelphia, Pa.

(Residual items and contract termination declarations). To regional offices as set forth above in paragraph (c).

MARITIME COMMISSION

Landing craft of all types, including LSTs. United States Maritime Commission, Washington 25, D. C.

NAVY DEPARTMENT

Navy Department, Office of the Assistant Secretary, Washington 25, D. C.

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration (Attention: Surplus Property), Washington 25, D. C.

NOTE: Item "National Housing Agency" deleted March 7, 1947.

(d) Declarations of surplus real property located in the continental United States, its territories and possessions, shall be filed with the War Assets Administrator, Washington 25, D. C. Declarations of surplus personal property which is to be declared surplus in conjunction with real property shall be prepared and filed as provided in § 8301.12 (a) of this part.

(e) Declarations of surplus personal property, including aircraft, aircraft components and electronics, located in the territories and possessions of the United States shall be filed at the following regional offices:

WAR ASSETS ADMINISTRATION

Region 35. Hawaii. (Address—War Assets Administration, P. O. Box 3228, Honolulu, T. H.)

Region 36. Puerto Rico and the Virgin Islands. (Address—War Assets Administration, P. O. Box 4307, San Juan, Puerto Rico.)

Region 37. Alaska. (Address—War Assets Administration, P. O. Box 2466, Anchorage, Alaska.)

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

This revision of this section shall become effective April 7, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 7, 1947.

[F. R. Doc. 47-3801; Filed, Apr. 17, 1947; 10:49 a. m.]

[Reg. 2,[1] Order 9]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

NATIONAL AND REGIONAL VETERANS SET-ASIDE LISTS

War Assets Administration Regulation 2, Order 9, March 1, 1947, entitled "National and Regional Veterans Set-Aside Lists" (12 F. R. 1989) is hereby revised and amended as herein set forth.

Section 8302.4 (a) of this part provides that except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types set forth by order issued thereunder shall set aside all, or such percentage of such property as is designated in such order. Accordingly, it is hereby ordered that:

§ 8302.59 *National and regional veterans set-aside lists.* The items listed in Exhibit A hereof shall constitute the National Veterans Set-Aside List and the items listed in Exhibit B hereof shall constitute the Regional Veterans Set-Aside List.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

This order shall become effective April 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 1, 1947.

[1] 12 F. R. 1985.

EXHIBIT A

NATIONAL VETERANS SET-ASIDE LIST

(The following items in "0" condition or better)

MOTOR VEHICLES

	Commodity code classification	
Trucks, amphibian, ¼-ton, 4 x 4	90	1001
Carrier, light cargo (the weasel)	90	1002
Trucks:		
"The Jeep", ¼-ton, 4 x 4	90	1003
Carry-all, ½-ton, 4 x 2	90	1004
Canopy express, ½-ton, 4 x 2	90	1005
Pickup, ½-ton, 4 x 2	90	1006
Panel delivery, ½-ton, 4 x 2	90	1007
Carry-all, ½-ton, 4 x 4	90	1008
Command reconnaissance, ½-ton 4 x 4	90	1009
Emergency repair, ½-ton, 4 x 4	90	1010
Panel delivery, ½-ton, 4 x 4	90	1011
Pickup, ½-ton, 4 x 4	90	1012
Radio, ½-ton, 4 x 4	90	1013
Weapons carrier, ½-ton, 4 x 4	90	1014
Panel delivery, ¾-ton, 4 x 2	90	1015
Pickup, ¾-ton, 4 x 2	90	1016
Carry-all, ¾-ton, 4 x 4	90	1017
Command, ¾-ton, 4 x 4	90	1018
Emergency repair, ¾-ton, 4 x 4	90	1019
Light maintenance and installation, ¾-ton, 4 x 4	90	1020
Weapons carrier, ¾-ton, 4 x 4	90	1021
Canopy express, 1-ton, 4 x 2	90	1022
Pickup, 1-ton, 4 x 2	90	1023
Combination stake and platform, 1½-ton, 4 x 2	90	1024
Cargo, 1½-ton, 4 x 2	90	1025
Canopy express, 1½-ton, 4 x 2	90	1026
Dump, 1½-ton, 4 x 2	90	1027
Panel delivery, 1½-ton, 4 x 2	90	1028
Pickup, 1½-ton, 4 x 2	90	1029
Bomb service, 1½-ton, 4 x 4	90	1031
Cargo, 1½-ton, 4 x 4	90	1032
Combination stake and platform, 15 ft., 1½-ton, 4 x 4	90	1033
Combination stake and platform, c. o. e., 1½-ton, 4 x 4	90	1034
Dump, 1½-ton, 4 x 4	90	1035
Panel delivery, 1½-ton, 4 x 4	90	1036
Panel delivery, 1½-ton, 4 x 4 (K-51)	90	1037
Ordnance maintenance, 1½-3-ton, 4 x 4	90	1038
Cargo, 2½-ton, 4 x 2	90	1039
Combination stake and platform, 2½-ton, 4 x 2	90	1040
Dump, 2½-ton, 4 x 2	90	1041
Cargo,[2] 2½-ton, 6 x 4	90	1042
Tractor, 1½-ton, 4 x 2	90	1044
Tractor, 1½-ton, 4 x 4	90	1045
Tractor, 2½-ton, 4 x 2	90	1046
Tractor, c. o. e., 2½-ton, 4 x 4	90	1047
Tractor,[2] 2½-ton, 6 x 4	90	1048

Note: Trucks, tractor, code numbers 90 1044 through 90 1048 include trucks which are cab and chassis units.

Buses:		
Sedan, converted, 15-passenger, 4 x 2	90	1075
Car:		
Passenger, light, all body types, 4 x 2, includes Crosley, Bantam and others	90	1079
Passenger, medium and heavy, all body types, 4 x 2	90	1080
Station wagon, including auxiliary ambulance station wagon, 4 x 2	90	1081
Motorcycle, all types, 2 x 1 and 3 x 1	90	1085
Scooter, motor, with or without package carrier, all types	90	1086

MEDICAL AND DENTAL EQUIPMENT AND INSTRUMENTS

Medical equipment:		
Electro-cardiographs	90	5103
Basal metabolar	90	5104
Cystoscope	90	5105

[2] Not less than 10% reserve for veterans set-aside.

NATIONAL VETERANS SET-ASIDE LIST—Con.

MEDICAL AND DENTAL EQUIPMENT AND INSTRUMENTS—continued

	Commodity code classification	
X-ray medical equipment and accessories:		
X-ray, field unit, table unit	90	5201
X-ray, field mobile unit	90	5202
X-ray generating equipment:		
200 MA generator, plus tilt table	90	5203
100 MA generator, plus tilt table	90	5204
30 MA mobile unit, office type and field type	90	5205
15 MA portable	90	5206
Vertical fluoroscope	90	5208
Cassette changer	90	5209
Large stereoscope	90	5210
1 Position table for radiography, with Bucky diaphragm	90	5211
Physiotherapy equipment:		
Diathermy apparatus, 110-volt, 60-cycle:		
1 conventional circuit	90	5304
2 crystal control circuits	90	5305
Dental equipment and supplies:		
Cabinet, dental	90	5602
Chairs, dental, operating	90	5603
Unit, operating dental: 110-volt, 25-cycle | 110-volt, 60-cycle | 110-volt, D. C. | 110-volt, 50-cycle | 220-volt, 60-cycle	90	5642
Machine, X-ray, dental, shock-proof 110- to 220-volt 60 cycle	90	5644

OFFICE MACHINES AND APPLIANCES

Typewriters:		
Portable	90	6010
Standard	90	6020

OFFICE FURNITURE

Office Furniture—50% of the inventory items listed below in "O" condition or better shall be offered to veterans

Desk—"Top" executive, 72 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges, and matched woods)	90	6501
Desk—"Top" executive, 66 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish, and molding, generally has rounded corners and edges, and matched woods)	90	6502
Desk—Executive or regular, 60-inch flat top, mahogany, oak or walnut finish, double pedestal, w/o locks, metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; w/o drawer guides; open or sealed back; double or single	90	6503
Desk—Executive or regular, under 60-inch, flat top, mahogany, oak, or walnut finish; double or single pedestal, with or without locks; metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; with or without drawer guides; open or sealed back; single	90	6504

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	Commodity code classification	
Desk—Flat top; Victory; approximately 42 x 34 inches, 2-drawer	90	6505
Desk—"Top" stenographic, left or right pedestal, 60 inch or over, mahogany, oak, or walnut finish, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges and matched woods)	90	6506
Desk—Stenographers' or typewriter desk, 60 inch, mahogany, oak, or walnut finish, typewriter drop center, right or left side; with or without locks; double or single pedestal	90	6507
Desk—Stenographers' or typewriter desk, under 60 inch, mahogany, oak, or walnut finish, double pedestal, with or without lock; typewriter drop center, right or left side; double or single pedestal	90	6508
Desk—Stenographers', Victory; approximately 42 x 34 inches, 1 drawer, well for typewriter	90	6509
Chairs—Office, non-swivel chairs with arms; all types of backs, arms and legs, including "Bank of England" type; any type of finish	90	6510
Chairs—Office, w/o arms, non-swivel; all types of backs and legs; any type of finish	90	6511
Chairs—Stenographers' posture; any type of stenographers' chairs with mechanism to adjust back for posture; any type of finish	90	6512
Chairs—Stenographers' regular, all types of swivel chairs w/o arms, except posture; any type of finish (not including Victory)	90	6513
Chairs—Swivel, plain, with arms, full swivel (metal) tilting; back may be padded, including "Bank of England"; all types of finish	90	6514
Chairs—Swivel, no tilt, Victory type with wooden mechanism	90	6515
Chair—"Top" executive, upholstered back, seat, nonswivel or full swivel (metal) tilting with upholstered arms	90	6516
Filing cabinets, metal or wood, recommended set-aside 50%. Cabinets, file, vertical, letter legal, or cap size, with or without locks, suspension arms; any type of finish: 5-drawer. 4-drawer. 3-drawer. 2-drawer.		
Cabinets—file, metal, vertical, letter, legal or cap size, with or without locks, any type of finish	90	6521
Cap-size: Inside dimensions: 15½ x 10 13/16 x 26½; with follower block; any type of finish.		
Letter-size: Inside dimensions: 12¼ x 10 13/16 x 26½; with follower block; any type finish.		
Cabinets—file, Victory, wooden, vertical, wood slides for drawers, in place of suspension arms; no locks; any type of finish	90	6522

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	Commodity code classification	
Filing cabinets—Continued		
Cabinets—steel (used), filing, insulated, record container; one hour fire resisting; with impact and explosion test	90	6523
Cap-size: Inside dimensions: 15½ x 10 13/16 x 26½; with follower block; any type finish.		
Letter-size: Inside dimensions: 12¼ x 10 13/16 x 26½; with follower block; any type finish.		
Tables—Conference; 72-inch or over, with or without drawers; any type of finish	90	6531
Tables—Conference; 60-inch; with or without drawers; any type of finish	90	6532
Tables—36-inch, with or without drawers; any type finish	90	6533
Tables—Telephone, top approximately 16 x 22 inches	90	6534
Tables—Typewriter, with or without rollers	90	6535

Note: Exhibit B revised April 1, 1947.

EXHIBIT B

REGIONAL VETERANS SET-ASIDE LIST

(The following items in "0" condition or better)

ZONE No. I

BOSTON REGION NO. 1

	Commodity code classification
Tents, 2-man mountain	69-5200
Tool Kits:	
Mechanic	96-75-3000
Carpenter	96-75-3000
Electrician	96-75-3000
Sheet metal	96-75-3000
Dock builders	96-75-3000
Linesman	96-75-3000
Plumbing	96-75-3000
Forge	96-75-3000
Cement finishers	96-75-3000
Wire rope splicing	96-75-3000

NEW YORK REGION NO. 2

Pump water, deep well, 30 gal. min	31-2239
Pressure king compressors, 4 cyl. mounted steel base with all attachments powered model R. R. C. Lawson gas engine. Bairbrush 1 qt. and 25' of ¼" air hose	31-9940
Auto storage batteries	32-9220
HT 36 Fertilizer attachment	35-1800
Sprayer, paint, pneumatic trailer mounted, pull type, 55 gal. drum	45-2199
Surgeon stools, white or gray enamel	54-5219
Photographic equipment except 35 MM projectors and motion picture cameras	55-0000
Binoculars, 6 x 30	56-4100
Binoculars, 7 x 50	56-4300
Inventory of miscellaneous dental and medical equipment located at Sampson Naval Station, N. Y.	58-0000 to 58-4900
Forceps, No. 18-R	58-1551
Inventory of miscellaneous medical and laboratory equipment located at U. S. Naval Depot, Edgewater, N. J.	58-2000 to 58-5900
3-Ton hydraulic auto and truck jacks	75-3118-20
Wrist watches	75-6100

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE No. I—Continued

PHILADELPHIA REGION NO. 3

	Commodity code classification
Binoculars	56-4000
Leather garments (flight jackets)	67-3310

RICHMOND REGION NO. 12

Air compressors (up to 105 cubic feet)	31-2100
Sewing machines (industrial) gen. type, single needle	33-2511
Adding machines	38-2100
Dictaphone machines	38-4100
Laundry equipment:	
Driers	39-1120
Washers, laundry, commercial	39-1210
Extractor baskets, laundry, commercial	39-1220
Extractors	39-1220
Tumblers, laundry, commercial	39-1230
Pressing boards, laundry, commercial	39-1257-20
Presses	39-1320
Sewing machines (household) motor drive	39-2100
Cash registers	39-5000
Refrigerators:	
Walk-in	52-3100
Reach-in	52-3200
Camera:	
Motion picture, 16 and 35 mm.	55-1100
Studio	55-1421
Graphic	55-1425-20
Projectors:	
35 mm	55-2110
16 mm. sound	55-2120
16 mm. silent	55-2130
Enlargers	55-2400
Printers	55-5400
Dryers	55-5520
Binoculars	56-4000
Microscopes (binocular and monocular)	56-7200
Dental compressors	58-1900
Examining tables	58-4120
Dental operating lamps	58-4290
Sterilizers (small, 110 volt only)	58-4310
Instrument cabinets	58-4920
Transits	58-8720
Levels	58-8720
Level rods	58-8760
Surveyors tapes and chain	58-8770
Life rafts, rubber	59-1640, 42-8100
Tool kit:	
Carpenter	96-75-3000
Machinist	96-75-3000

ZONE No. II

ATLANTA REGION NO. 6

Hutments, prefabricated and quonset	13-9914 | 25-1400
Fans, electric	32-8820
Mixers, concrete	36-7212
Laundry equipment, commercial only	39-1200
Cash registers—electric	39-5100
Cash registers—non electric	39-5200
Bicycles, all types	49-1100
Refrigerators, walk-in, complete	52-3100
Glasses, field, Type E, complete with carrying case	56-4100
Tables, operating	58-4100
Lamp, operating dental	58-4290
Raincoats, unused	67-3400
Watches, wrist, men's, com. type, stainless steel 15 and 17 jewels	75-6110

CHARLOTTE REGION NO. 13

Bar, towing	25-9999
Pump, gas	31-2260
Life preserver	42-8400 | 59-1620 | 79-9740
Glasses, field	56-4100

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE No. II—Continued

CHARLOTTE REGION NO. 13—continued

	Commodity code classification
Coat, Mackinaw, O. D., short top coat, heavy weight	67-32124
Jackets:	
Field	67-32130
Field, arctic	67-71000
Comforters	69-3300
Blankets	69-3420
Buckets, canvas	69-59000
Haversacks, canvas	69-59000
Pack, field, cargo	69-5900
Bag, sleeping, wool	69-6400
Hammock, jungle	74-9000
Pick, mattock	75-31263
Shovel	75-31361

JACKSONVILLE REGION NO. 14

Cleaner, vacuum	32-8310
Grinder, bench	34-1584
Tractor, wheel type, all purpose, under 30 belt HP (under 100 HP)	37-1210
Computing machine	38-2200
Camera, motion picture, 16 MM.	55-1130
Binoculars, field	56-4100
Jackets, leather, unused	67-3310
Raincoats, unused	67-3400
Bed spreads	69-3200

NASHVILLE REGION NO. 18

Jackets, weather, naval	67-3400
Blankets, white, naval only	69-3420
Sheets, single bed type	69-3510
Pillowcases	69-3520

BIRMINGHAM REGION 19

Sewing machines, commercial type	33-2500
Shoe repair machines	33-9400
Laundry machines, commercial	39-1210
Refrigerator, commercial, walk-in	52-8210
Safe	54-3700
Binoculars	56-4000
Sphygmomanometer:	
Mercurial	58-2340
Aneroid	58-2340
Sterilizer, instrument, small	58-4310
Ear, eye, nose and throat examining chair (specialist)	58-4990

ZONE No. III

CINCINNATI REGION NO. 4

Motors, fractional horsepower (less than one horsepower)	32-1310
Tractors:	
Wheel type, special purpose	37-1100
Wheel type, all purpose	37-1200
Garden	37-2000
Contact printers, except motion picture	55-5410
Drying equipment, photo	55-5520

CHICAGO REGION NO. 5

Barbed wire, roll	22-5211
Fence posts over 5'	25-9903
Air compressor, less than 105 cubic ft	31-2100
Hoist, electric, 1 to 5 ton capacity	31-5812
Spray unit, including spray gun	31-9940
Battery charger	32-1280
Motors, fractional HP, 110-220 volt, single phase, AC and DC standard listing ratings	32-1310
Coffee urns, not to exceed 8 gal. capacity	32-8110
Toaster, commercial, not to exceed 8 slice capacity	32-8121
Ranges, commercial, not to exceed 8 burner (gas, electric or wood)	32-8410
Ranges, commercial, not to exceed 8 burner (gas, electric or wood)	51-5300

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE NO. III—Continued

CHICAGO REGION NO. 5—continued

	Commodity code classification
Kettles, deep fat fry, not to exceed 20# capacity	32–8440
Hot plates, commercial, gas or electric	32–8450
Food mixer, commercial, vertical type, not to exceed 80 qt. capacity	32–8510
Dough mixers, commercial, not to exceed 2 bbl. capacity	32–8516
Juice extractors, commercial	32–8520
Cutters, bone or meat, commercial	32–8530
Choppers, food and meat, commercial, not to exceed 23" bowl	32–8530
Coffee grinders, not to exceed ½ HP	32–8560
Slicers, meat, commercial	32–8590
Grinders, meat, commercial, not to exceed 1½ HP	32–8590
Potato peelers, not to exceed 45# capacity	32–8590
Bread slicing machines, not to exceed ½ HP	33–1931
Skillsaws, electric, hand portable	33–6210
Ovens, baking, commercial, not to exceed 4 decks	33–7331
Sander, portable, electric, hand	34–8900
Corn planter	35–1110
Tractor, plow, two bottom, drawn and mounted	35–2220
Tractor, plow, three bottom, drawn and mounted	35–2230
Tractor, plow, four bottom, drawn and mounted	35–2240
Disc plow	35–2300
Cultivators	35–4100
Corn picker	35–5300
Mower, haying machinery	35–5710
Concrete mixer, 10s or under	36–7210
Tractor, farm, wheel, less than 100 HP	37–1000
Dish washers, commercial, not to exceed 2 HP	39–3000
Ambulance, 1½ ton, 4 x 2	45–1401
Trailer:	
House type	45–2105
¼ ton, cargo	45–2199
1 ton, cargo	45–3303
Glasses, Field, 6 x 30, 7 x 50	56–4100
Binoculars:	
6 x 30, 7 x 50	56–4100
6 x 30, 7 x 50	56–4300
Tool kits, complete with tools:	
Aircraft	96–75–3000
Auto mechanics	96–75–3000
Carpenter	96–75–3000
Machinist	96–75–3000
Jeweler	96–75–3000
Any other	96–75–3000

CLEVELAND REGION NO. 15

Industrial trucks	31–6000
Industrial tractors	31–6300
Spray units, including spray gun	31–99400
Batteries, auto storage—unused	32–9220
Machinery, woodworking, power driven, portable	33–6950
Drill presses or drilling machines, bench type, ½" only	34–1300
Bench grinder (common to the small repair shop use, not to exceed ½ hp rated drive)	34–1580
Lathes, engine and toolroom:	
Under 12" swing with center to center under 30"	34–16111
Bench type and light duty (less than 1 hp)	34–16200
Arc welding units; complete, under 300 AMP:	
AC	34–51110
DC, portable	34–51120

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE NO. III—Continued

CLEVELAND REGION NO. 15—continued

	Commodity code classification
Tractor, wheel type, under 100 hp	37–1200
Adding machines	38–2100
Calculating machines	38–2200
Comptometers	38–2200
Typewriters, standard, electric	38–8110
Cash registers:	
Electric	39–5100
Nonelectric	39–5200
Life rafts, pneumatic: 1 to 7 man size inc., and 10 man size	42–8100 / 59–1640
Trucks, dump to include 2½ ton and over	45–1405
Trailer, house type	45–2105
Hot plates, commercial type, gas or electric	51–6122 / 32–8450
Tables:	
Metal, work	54–5813
Wood, work	54–5833
Film and paper dryers, all types except aerial	55–5520
Microscopes:	
Binocular	56–7300
Monocular	56–7300
Stereoscopic	56–7300
Trousers, men, wool, gray, unused	67–3214
Shirts, men, wool, gray, unused	67–3216
Boots, rubber, safety toe, ¾ length hip boots	68–7200
Blankets	69–3420
Tool kits:	
Machinists	96–75–3000
Carpenters	96–75–3000

DETROIT REGION NO. 16

Tire chains	25–7901
Motors, fractional HP, 110–220 volt, AC and DC, standard listing ratings	32–1310
Hot plates, electric	32–8450
Drilling machines, 110–220 volt, single phase	34–1300
Bench grinder, 110–220 volt, single phase	34–1584
Lathes, bench, 110–220 volt, single phase	34–1620
Dictating business machines	38–4100
Duplicating machines, spirit	38–5100
Mimeograph machines, (stencil)	38–5200
Multilith machines	38–5500
Bicycles	49–1100
Stoves:	
Heating, oil, portable	51–5153
Household	51–5300
Hot plates, gas	51–5342
Stoves, table, gasoline	51–5373
Chairs, office, metal	54–3210
Beds, hospital	54–5215
Drafting instruments	58–6100
Drafting boards	58–8390
Jackets, flight, field	67–3200 / 67–3310
Blankets, wool	69–3420
Tents, 2 man	69–5200
Sleeping bags	69–6000
Vises, all types	75–3145
Ladders:	
Extension	76–8120
Step	76–8140
Shotguns, sporting type, non-standard 12 and 16 gage	81–1440 / 81–1450
Tool kits, mechanics	96–75–3000

LOUISVILLE REGION NO. 17

Hutments, prefabricated and Quonset	13–9914 / 25–1400
Transilluminator	32–7990
Therapeutic mercury arc lamp	32–8620
Therapeutic mercury arc type lamp burner	94–32–8620
Therapeutic infra red lamp	32–8630
Fans, electric, household type	32–8820

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE NO. III—Continued

LOUISVILLE REGION NO. 17—continued

	Commodity code classification
Tractor, farm wheel, less than 100 HP	37–1000
Adding machines	38–2100
Calculating machines	38–2200
Washing machines, household, electric	39–1110
Lamp, floor, household type	53–4420
Beds, double deck	54–2325–40
Cots, steel	54–5215–80
Cameras, still except aerial	55–1400
Levels	58–8720
Transits	58–8720
Watches, wrist	75–6100
Clock, 8-day	75–6920

MINNEAPOLIS REGION NO. 21

Motors, electric, fractional hp, AC only	32–1311
Motors, electric, 1 hp to 5 hp AC only, single and 3 phase	32–13213
Welders, 200 and 300 amp	34–5100
Mixers, concrete, under 10 sacks, portable and nonportable	36–7210
Tractor, wheel type, under 100 hp	37–1000

ZONE IV

KANSAS CITY REGION NO. 8

Spray guns, paint, 1 quart or less	31–9940
Diagnostic apparatus, instruments and equipment	58–2000
Sphygmomanometer	58–2340
Sterilizers, instrument 110 volt	58–4310

DENVER REGION NO. 9

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A.)

ST. LOUIS REGION NO. 22

Fans (110 volt, 1 phase only)	32–8800
Washing machines, domestic	39–1112
Bicycles	49–1100

OMAHA REGION NO. 24

Winter flying shoes, winter type A–10 shearling material, rubber soles and heels, cowhide reinforcing at top and seams. Strap and buckle across instep	68–1320
Rubber boots, safety toe, ¾ length hip boots	68–7200
Wool OD blankets, 100% wool, manufacturer unknown; overall size 66" x 75". Two ends overedged; unit weight 4 lbs.	69–3425

ZONE NO. V

NEW ORLEANS REGION NO. 20

Fractional horse power electric motors, above ⅓ hp. Standard listed ratings	32–1310
Binoculars	56–4000
Tool kits	96–75–3000

TULSA REGION NO. 25

Motors, electric 5 HP and under	32–1300
Vacuum cleaners, domestic type	32–8310
Electric fans, single phase	32–8800
Tractors, farm type under 100 HP	37–1000
Adding machines	38–2100
Calculating machines	38–2200
Comptometers	38–2200
Drafting instruments	58–8110
Glasses, flying, sun	79–3400

GRAND PRAIRIE, TEXAS, REGION 26 (DALLAS, LITTLE ROCK, FT. WORTH)

Electric motors:	
½ to 1 HP	32–1310
1 to 3 HP	32–1320

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE V—CONTINUED

GRAND PRAIRIE, TEXAS, REGION 26 (DALLAS, LITTLE ROCK, FT. WORTH)—continued

	Commodity code classification
Sewing machine (single needle industrial)	33–2511
Portable electric drills	34–8320
Trailers, Jeep, ¼ ton	45–3269
Pocket watches (navigation)	75–6100

HOUSTON REGION NO. 27

Stool:	
Drafting, metal	54–3122–90
Drafting, wood	54–3322–90
Table, drafting, wood:	
w/stand	58–8320
Model No. 160, 36" x 60"	58–8320
Blankets, wool	69–3423 / 69–3424 / 69–3425

SAN ANTONIO REGION NO. 28

Ranges, cooking (domestic)	51–5300
Refrigerators, reach-in type, commercial	52–3200

ZONE NO. VI

SAN FRANCISCO REGION NO. 10

Prefabricated structures, except hangars, quonset huts over 20 feet in width, warehouse and special purpose buildings	13–9914 / 25–1400
Domestic (home-type) laundry equipment	39–1100
Sewing machines, household	39–2000
Dish washers, commercial, not to exceed 2 HP	39–3000
Life rafts, pneumatic, 2 man	42–8100 / 59–1650
Boat, recon., pneumatic, canvas, 2 man	43–5900
Trailer, ¼ ton, cargo	45–2199
Binoculars:	
6 x 30	56–4100
7 x 50	56–4300
Tents, unused, 2 man and 4 man mountain	69–5200
Sleeping bags, unused:	
Feather or down filled	69–6200
Kapok	69–8300
Wrist watches	75–6100
Ship clocks (all types)	75–6900
Watches, stop, navigation	75–6960
Tool kits:	
Mechanic	96–75–3000
Carpenter	96–75–3000
Electrician	96–75–3000
Sheet metal	96–75–3000
Dock builders	96–75–3000
Linesman	96–75–3000
Plumbing	96–75–3000
Forge	96–75–3000
Cement finishers	96–75–3000
Wire rope splicing	96–75–3000

SEATTLE REGION NO. 11

Graphotypes	38–7500
Addressographs	38–7500
Cash registers:	
Electric	39–5100
Nonelectric	39–5200
Life rafts, pneumatic	42–8100 to 42–8190
Assault boats, M–2	43–2900
Pontoons	43–5620
Beds	54–2325
Cots, wooden	54–23850
Benches, shop, metal	54–58160
Lockers, shop, metal	54–74100
Compasses, watch type	57–65900
Life floats, wood	59–16500
Comforters	69–3300
Blankets	69–3420
Haversacks	69–5900
Sleeping bags, wool	69–6400

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE NO. VI—Continued

HELENA REGION NO. 29

	Commodity code classification
Motors, electric, ½ HP, direct current	32–1312
Saw, electric, portable (woodworking)	33–6950
Grinder, bench	34–1584
Trailers, 1 ton, 2 wheel	45–3299
Camera, robot, 35 MM	55–1415–10
Glasses, field	56–4100
Tool kits, carpenter	96–75–3000

SALT LAKE CITY REGION NO. 30

Range:	
Home electric, 3 burner with or without oven	32–8410
Sewing machine, domestic	39–2000
Cash register, non electric	39–5200
Trailer, house	45–2105
Bicycle, men	49–1100
Wheelbarrow, metal R whl	49–2210
Stove, gas:	
2 burner, portable	51–5370
1 burner, Coleman	51–5370
Projector:	
35 MM	55–2110
16 MM sound	55–2120
w/CF	55–2200
lantern slides	55–2213
Binocular, prism 7 x 50 MM	56–4300
Transit, engineers	58–8720
Levels, engineers	58–8720
Compass, foresters	58–8740
Tent, mounted, 2 man complete with pins and pole. Unused	69–5200
Bag, sleeping:	
TY, unused, large, feather down, filled	69–6200
Wool, 1/20 Pening	69–6400
Vises: [3]	
Mechanics, bench	75–3145–10
Woodworker	75–3145–20
Watch, navigation, 15 jewel	75–6110
Piano, upright	79–6120
Clarinet	79–6311
Instrument drawing set	96–58–8110
Tool set, blacksmith, w/chest	96–75–3000

SPOKANE REGION NO. 31

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A.)

PORTLAND REGION NO. 32

Filters, grease	31–9800
Griddles:	
Electric	32–8190
Non-electric	51–6121
Oven, bake, electric	32–8420
Cart, food:	
Electric	32–8900
Non-electric	51–6900
Mixer, cake, 60 quart	33–1450
Dish washer	39–3000
Ice maker, electric	52–7100
Condensing unit [4]	52–73212
Cooler, refrigeration	52–73461
Water coolers, self contained [4]	52–9310
Handle and fasteners for refrigerated cabinets and related equipment	52–9900
Salad table, galley equipment	52–9900
Rack:	
Dish, galley, overhead [4]	54–8400
Glass, galley	54–8400
Bread, galley	54–8400
Shelves: [4]	
Bread, galley	54–8400
Galley	54–8400

[3] Not less than 10% reserve for veterans set aside.

[4] Have miscellaneous parts and accessories which can be used with equipment.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE NO. VI—Continued

PORTLAND REGION NO. 32—continued

	Commodity code classification
Cabinets, galley, overhead	54–8400
Spyglass:	
O. M. with case, code 624, MK III, 16 power	56–3100
Officer of Deck, code 624, MK II, model 2	56–3100
Binoculars:	
8 x 30	56–4000
Model 0, 6 x 30 MM	56–4100
Prism, U. S. N	56–4300
Model 2, 7 x 50 MM	
Model C, 7 x 50 MM	
Model 0, 7 x 50 MM	
Model 4, 7 x 50 MM	
Rubber tube for dish washer	74–51990

LOS ANGELES REGION NO. 33

Life raft:	
Pneumatic, one man, parachute type	42–8130
Mark VII, Type D, pneumatic, seven man	42–8130
Trailer, cargo:	
Amphibian, ¼ ton	45–3299
1 ton	45–3299
Sheets, bed, muslin bleached, for single bed, 54" x 99", type 140 torn size, hemmed	69–3510
Towels, (tea) cotton, blue striped, 16" x 29"	69–3614
Watches:	
Navigation, Type A–11, wrist watch with sweep second hand, 15 and 16 jewel	75–6110
Master navigation, Type A–12, 24 hour dial, pocket watch with sweep second hand, 21 and 22 jewel	75–6110
Tool kits:	
Painters and glaziers	96–75–3000
Plumbers	96–75–3000

[F. R. Doc. 47–3802; Filed, Apr. 17, 1947; 10:49 a. m.]

Chapter XXIV—Department of State, Disposal of Surplus Property

[Dept. Reg. 108.44; FLC Reg. 8, Order 6]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

APRIL 15, 1947.

Foreign Liquidation Commissioner Regulation 8, Order 6, of January 18, 1947, as amended, (12 F. R. 397, 1391; Departmental Regulations 108.39, 108.41) is hereby revised and amended to read as herein set forth.

The President has informed the Secretary of State that certain materials which have been or may be declared to the Foreign Liquidation Commissioner as surplus property located in foreign areas are in critically short supply and urgently needed for reconversion in the United States, and has requested the Secretary of State to take such action as may be necessary and appropriate to permit the importation of such materials into the United States for use by American industry.

It is hereby ordered, That, subject to the limitations hereinafter set out, § 8508.15 shall not apply to prevent the

importation of surplus property specified in Schedule A or Schedule B as the same now stand or may hereafter be amended or supplemented.

1. Items appearing on Schedule A are excepted from the importation prohibition of § 8508.15 of FLC Regulation 8 if the items are in transit to a point in the United States on or before October 1, 1947. For the purpose of this order "in transit to a point in the United States" shall mean the property involved has been delivered to or accepted by a carrier which has issued a through bill of lading thereon to a point in the United States.

2. Items appearing on Schedule B have been removed from Schedule A and are excepted from the importation prohibition of § 8508.15 of FLC Regulation 8 only if (a) the items were purchased by the importer or his consignor on or before the effective date, as indicated on Schedule B, of removal of that item from Schedule A, and (b) were placed in transit to a point in the United States, as defined above, not later than ninety days after that effective date of removal from Schedule A, and in no event later than October 1, 1947; *Provided, however*, That items removed from Schedule A on February 27, 1947, which are purchased pursuant to Bid Invitation No. BE-3 of the Field Commissioner for Canada and North Atlantic Areas of the Office of the Foreign Liquidation Commissioner, issued January 20, 1947, and supplemented by Addenda No. 1 and No. 2 of February 5, 1947, and March 6, 1947, are not subject to the importation prohibition of § 8508.15 of FLC Regulation 8 if in transit to a point in the United States on or before October 1, 1947.

(58 Stat. 765, 59 Stat. 533, Pub. Law 375, 79th Cong.; 60 Stat. 168, Pub. Law 584, 79th Cong.; 60 Stat. 754; 50 U. S. C. App. Sup., 1611-46)

This order shall become effective immediately upon publication in the FEDERAL REGISTER.

[SEAL] DEAN ACHESON,
Acting Secretary of State.

SCHEDULE A

Building materials and equipment:
- Boards, dimension and timber.
- Boilers: Cast iron or steel: coal, oil or gas fired: Domestic type.
- Builders' hardware.
- Buildings: prefabricated.
- Cement: portland.
- Cloth: wire and insect screening, 12 to 24 mesh.
- Conduit: electrical: all types: 1½" and under.
- Conduit fittings: 1½" and under.
- Glass: window: double and single strength.
- Pipe: asbestos-cement.
- Pipe: sewer, clay: all sizes.
- Plumbers' cast iron specialties.
- Plumbing fixtures, fixture fittings and trim.
- Wiring devices: Electrical (toggle switches, face plates, lampholders-medium screw base (sockets and receptacles), BX and Romex type connectors, outlet switch and receptacle boxes, convenience receptacles), except special military and appliance types.

Construction machinery and equipment:
- Cranes: crawler mounted: all sizes.
- Graders: road: motorized: all sizes.
- Pavers: black top.
- Shovels: crawler mounted: all sizes.
- Tractors: crawler types: all classes and sizes, with or without bulldozer, angledozer, front end loader and other attachments (not more than one attachment).
- Trench hoes: crawler mounted: all sizes.

Drugs and chemicals:
- Glycerine, other than medical grade.

Electrical equipment and supplies:
- Motors: fractional hp, AC, standard specifications, ⅛ to ½ hp. incl.
- Wire and cable: aluminum: solid, stranded or steel reinforced; bare, waterproofed, insulated, lead covered or armored.

Metals and metal products:
- Aluminum: sheet, coils, bars, and rods.
- Copper sheet.
- Copper pipe and tube, 2" and under.
- Scrap: metal: ferrous and non-ferrous.
- Steel mill products: carbon steel.

Miscellaneous:
- Containers: steel.
- Cylinders: acetylene gas.
- Telephone and telegraph equipment, including but not limited to, lead covered cable; line, messenger and drop wire; pole line hardware; outside plant communication equipment; and miscellaneous telephone apparatus.

Paper and paper products:
- Paper: bond.
- Paper: mimeograph.
- Tissue: toilet.

Professional and scientific apparatus, equipment and supplies:
- Drafting instruments (sets), machines and accesories.
- Medical diagnostic instruments and equipment.
- Microtomes.
- X-ray apparatus, equipment and accessories: including dental.

Textiles, textile products:
- Bags: burlap: new and used.
- Clothing, work (new only).
- Gloves, work; all kinds (new only).
- Pillow cases.
- Rope, finished: manila and sisal.
- Sheets, cotton: bed.

All C-47, C-54 and C-45 aircraft, together with their component parts, which have not been the subject of disposition as surplus to a foreign government or to private interests domiciled outside the United States, its territories and possessions.

The approximate quantities of materials listed below, located in Canada on September 18, 1946 (11 F. R. 10709):

100 tons of high grade alloy steel sheet bar and tubing.

20 tons of phosphor bronze and manganese bronze bar and tubing and copper and monel sheets.

SCHEDULE B

Items removed from Schedule A, together with the date of removal.

Automotive and transportation equipment:
- Automobiles: passenger. February 27, 1947.
- Automotive maintenance shop equipment: such as auto jacks and lifts, brake servicing machines, motor testing equipment, valve grinders, etc. February 27, 1947.
- Automotive parts. February 27, 1947.
- Batteries: storage, automotive. February 27, 1947.
- Tire chains: passenger and truck. February 27, 1947.
- Trucks: all sizes, new and used (including jeeps). February 27, 1947.

Building materials and equipment:
- Fittings for copper water tube. February 27, 1947.
- Pipe covering: molded: for low pressure steam and water piping: 4" and under. February 27, 1947.
- Pipe fittings and unions: screwed: 150 lb. SWP, malleable iron and 125 lb. SWP, gray cast iron: sizes 4" and under. February 27, 1947.
- Pumps: condensation and vacuum heating: up to 1,000 lbs. per hour. February 27, 1947.
- Wiring devices: electrical (lampholders, except medium screw base). April 18, 1947.

Construction machinery and equipment:
- Cranes: tractor-, wheels- or truck-mounted: all classes and sizes. February 27, 1947.
- Crane attachments for earthmoving: shovel fronts, draglines, clamshell buckets, etc. February 27, 1947.
- Ditchers and trenchers. February 27, 1947.
- Graders: road, drawn. February 27, 1947.
- Scrapers: carry type: motorized and drawn, 6 cu. yd. and larger. February 27, 1947.
- Tractor attachments in excess of one per tractor. February 27, 1947.

Electrical equipment and supplies:
- Bushings, porcelain: transformer and switchgear. April 18, 1947.
- Circuit breakers: all capacities and voltages. February 27, 1947.
- Generator sets: portable and stationary, diesel driven, 50 kw. and up. February 27, 1947.
- Motors: fractional hp., a. c., standard specifications except those of ⅛ to ⅓ hp., inclusive. February 27, 1947.
- Motors: standard specifications, a. c., and universal types, 110, 220 and 440 v., 60 cycles. February 27, 1947.
- Pole line hardware: all types. February 27, 1947.
- Switchgear: all capacities and voltages. February 27, 1947.

Machinery and allied equipment:
- Belting: conveyor. February 27, 1947.
- Belting: farm machinery types. February 27, 1947.
- Boring mills: horizontal and vertical. February 27, 1947.
- Diesel power units: 70 to 250 hp. February 27, 1947.
- Engines and hoists: logging, 100 to 300 hp. (donkey engines). February 27, 1947.
- Lathes: standard engine types. February 27, 1947.
- Milling machines, horizontal: plain and universal. February 27, 1947.
- Milling machines: small die cutting types. February 27, 1947.
- Presses: all types and sizes. February 27, 1947.
- Pumps: deep well. February 27, 1947.
- Refrigeration equipment: heavy industrial and commercial. February 27, 1947.
- Refrigeration equipment: repair and replacement parts. February 27, 1947.
- Sawmills: portable. February 27, 1947.
- Tractors: wheel types, 10-35 DBHP. February 27, 1947.
- Water purification equipment: including tanks, softening, chlorinating and filtering equipment. February 27, 1947.

Miscellaneous:
- Hypochlorination units. April 18, 1947.
- Radio tubes. April 18, 1947.

Professional and scientific apparatus, equipment and supplies:
- Dental supplies. February 27, 1947.
- Dental units: including handpieces and accessories. April 18, 1947.

[F. R. Doc. 47-3740; Filed, Apr. 17, 1947; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 202—ANCHORAGE REGULATIONS

SPECIAL ANCHORAGE AREAS IN MILWAUKEE HARBOR, WISCONSIN

Pursuant to the provisions of section 2 of the act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 258), § 202.69 is hereby prescribed designating areas in Milwaukee Harbor, Wisconsin, as special anchorage areas:

§ 202.69 *Milwaukee Harbor, Wis.; special anchorage areas.* The following described areas in Milwaukee Harbor, Wisconsin, are hereby designated as special anchorage areas wherein vessels not more than sixty-five feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

(a) *North area.* That part of the north end of the outer basin or Harbor of Refuge bounded as follows: Commencing at the shoreward face of the north breakwater at a point 500 feet northerly from the north end of the fair weather entrance; thence due west 1,100 feet; thence S. 35° W. 1,700 feet; thence due west 2,000 feet, more or less, to the lakeward face of the lakeshore revetment at a point approximately 300 feet northerly from the landing pier for small boats in the vicinity of East Wells Street extended; thence following the lakeward face of said revetment and the shoreline northeasterly to the shoreward or southwesterly face of the United States breakwater; thence southerly along the shoreward face of said breakwater to the point of beginning.

(b) *South area.* An area extending southeasterly from East Russell Avenue extended, between the lake shoreline and the city rubble mound shore protection, bounded as follows: Commencing at a point on the shoreline in the vicinity of East Meredith Street extended and 385 feet northwesterly from the center line of East Pennsylvania Avenue extended; thence northwesterly along said shoreline and the lake shore revetments to the southerly face of the city revetment on the northwesterly side of the flushing tunnel intake slip in the vicinity of East Russell Avenue extended; thence northeasterly along the southeasterly face of the said revetment and the city pier and a line in extension thereof to the intersection of said line with a line parallel to and 150 feet shoreward from the shoreward side of the city rubble mound shore protection; thence southeasterly along the latter line to the intersection thereof with a line parallel to and 385 feet northwesterly from the center line of East Pennsylvania Avenue extended; thence southwesterly along the latter line to the point of beginning. [Regs. 17 Jan. 1947 (813.3 Milwaukee Harbor, Wis.)—ENGWR]

(54 Stat. 150; 33 U. S. C. 258)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3692; Filed, Apr. 17, 1947; 8:48 a. m.]

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

CORPS OF ENGINEERS CLAIMS AND APPEALS BOARD

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of 11 June 1946, § 210.23 (i) is amended by the addition of a new sentence to paragraph 7 of the quoted memorandum to read as follows:

§ 210.23 *Appeals* • • •

(i) *The Corps of Engineers Claims and Appeals Board.* • • •

7. The office of • • •. The Chairman may in his discretion appoint one or more members of the Board for the purpose of conducting hearings.

(60 Stat. 238; R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3693; Filed, Apr. 17, 1947; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 20—GUARDIANSHIP AND LEGAL ADMINISTRATION

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 20:

LEGAL ADMINISTRATION

§ 20.5000 *Organization; general.* The legal activities in addition to the solicitor's office, central office, will consist of the office of chief attorney in each branch office and the office of chief attorney in each regional office or center. (July 25, 1946)

§ 20.5001 *Functions of the office of the chief attorney; branch office.* The major functions of the office of the chief attorney, branch office, are as prescribed in § 01.33 of this chapter. In performing such functions the chief attorney, branch office, will be guided by the following:

(a) In reporting to the deputy administrator concerning the operations of the office of chief attorney in the field stations under the jurisdiction of the branch office, the chief attorney, branch office, will conform with instructions for chief attorneys, branch offices.

(b) (1) Correspondence from the chief attorney in the field stations addressed to the branch office in accord with this part and other instructions will relate generally to:

(i) Policy and procedure matters.

(ii) Requests for advisory opinions on factual cases involving application of State or Federal laws.

(2) The chief attorney, branch office, will respond to such correspondence and furnish advice in accordance with such laws based on approved precedents, controlling interpretations and existing policies and procedures, but will refer to central office through the deputy administrator cases in which:

(i) Precedent questions on new policy or procedure or amplification of present policy and procedure are involved.

(ii) Doubtful matters arise relating to application of State or Federal laws or regulations and instructions, or affecting policy of Veterans' Administration.

(iii) There is a conflict of State laws or application of laws of States outside of the jurisdiction of the branch office.

(iv) Differences of views on technical professional matters between chief attorneys, field stations, and chief attorneys, branch offices not resolved at branch level.

(v) Appeals in litigated cases to appellate courts are involved (not district or other courts where trial is de novo).

(vi) State legislation is under consideration.

(vii) Corespondence with State Department, or Department of Justice (escheats, post fund, foreign cases) is concerned.

(viii) There may be a conflict of professional views with a chief attorney, regional office or center, not within jurisdiction of chief attorney, branch office, or where two or more chief attorneys, branch offices, are involved when the conflict cannot be resolved between the deputy administrators concerned.

(ix) Opinion of solicitor is desired or deemed advisable by chief attorney, branch office. The chief attorney, branch office, will forward to the solicitor a copy of each legal opinion—not routine correspondence—addressed to the chief attorney. In forwarding questions involving application of subdivisions (i) to (ix) inclusive, of this subparagraph, the chief attorney, branch office, will give his views on the question involved.

(c) In furnishing legal advice to the deputy administrator and staff the chief attorney will be guided by and conform with existing precedents, opinions of the solicitor and Administrator's decisions. When no precedent exists the question will be submitted to the solicitor for an opinion or instruction.

(d) The office of the chief attorney, branch office, will include an adequate library and will maintain files as follows:

(1) Precedent or working files.

(2) Index of all files.

(3) Correspondence diary. (July 25, 1946)

§ 20.5021 *Duties of the chief attorney; regional office or center.* The duties of the chief attorney, regional office or center, will be as follows:

No change in (a) to (d), inclusive.

No change in (e) first paragraph.

Second and third paragraphs:

Determine and certify legality of appointment of guardians or other fiduciaries. Pass upon all requests for information on matters contained in administration files as provided in existing instructions, and be completely responsible for action in connection with subpoenas for production of administration records in court. Maintain a complete cross-reference index of all administration issues and all issued legal precedents affecting the operation of the administration. Responsible for all examinations pertaining to legal and guardianship matters, claims for damages arising out of alleged negligence of administration officers and employees (Federal Tort Claims Act, Title IV, Pub. Law 601, 79th

Cong.; 28 U. S. C. 921–946), and such other examinations and duties as are comprehended herein. Cooperate with all services to the end that minor and mentally incompetent claimants receive all benefits to which they may be entitled under the laws administered by the administration; and that the interests of minor and mentally incompetent beneficiaries, receiving benefits through fiduciaries properly appointed or constituted, will be safeguarded. Supervise the activities of such fiduciaries in the administration of their trust, see that bonds are furnished in appropriate amounts and with satisfactory sureties, secure certified copies of accounts rendered to the court, check all such accounts, and bring to the attention of the appointing court all cases wherein such fiduciary is found to be delinquent in any such matters or otherwise unsuitable. Secure accountings to the administration where accounts are waived by the court or not required annually under the State law, and at such other times as may be deemed necessary. Secure accounts from all custodians, and check same as to accuracy and with regard to appropriate expenditures of wards' funds.

Survey the social and economic conditions of all minor or incompetent beneficiaries of the administration within his regional territory. Cooperate with the courts in the commitment of incompetent beneficiaries and appointment of guardians for minor or incompetent beneficiaries, or when authorized, to secure appointment of such guardians. Cooperate with chief attorneys of other offices in all cases wherein mutual aid and collaboration are essential. This refers to cases wherein the beneficiary is in one regional territory and the guardian, or appointing court, in another. Represent the Administrator in any action taken under section 21 (2), World War Veterans' Act, 1924, as amended (38 U. S. C. 450), where satisfactory adjustment cannot be otherwise obtained; notify the appropriate service or division of central office or division or unit of regional office to stop payment of any and all running awards therein, giving full reasons for such action. Advises and takes action as required or authorized in cases involving loans guaranteed or insured by the United States pursuant to Public Law 346, 78th Congress, as amended (38 U. S. C. 694j). Cooperate with the chief medical officer to insure that no action will be taken that will be deterimental to a beneficiary, and that such beneficiary is not deprived of any rights other than by due process of law. If any beneficiary has been wrongfully committed, or has a guardian who was illegally appointed, or if a beneficiary duly adjudged incompetent is restored to sanity, to take such action as may be necessary and practical to have such beneficiary discharged and guardian removed, and may give advice and aid to the beneficiary in having himself adjudged sane, or sanity legally restored. Cooperate with the manager of hospital or chief medical officer with regard to commitment of patients and discharge of committed patients and to cooperate with such administration officers and State authorities in cases where such beneficiaries elope from hospitals. Keep a record of all action taken in each guardianship case handled, a record of accounts, and such other records as will enable him to supply the data necessary for the monthly and semiannual reports. His files and records will be kept in such order that they will be available at all times for checking by the field supervisor. Cooperate with all interested welfare agencies and secure their interest and cooperation in carrying out the administration's policy respecting minors and incompetents. Present to the State or local bar association, welfare organizations, or State legislature, suggestions relative to legislation or other matters. (April 11, 1947)

No change in fourth paragraph.

§ 20.5024 *Organization of the office of chief attorney; regional offices and centers.* There will be a chief attorney's office in each regional office and center with regional office activities in the United States and its insular and territorial possessions, which shall be composed as follows: Chief attorney; assistant attorney or attorneys; field examiner or examiners; fiduciary accounts analysts; stenographer-secretary; and such clerical and stenographic personnel as may be necessary. (April 11, 1947)

§ 20.5050 *Field examinations; types.* Field examinations will be of the following types: Examinations in guardianship and custodianship cases; examination of offenses against the Federal laws; examination of accidents alleged to be due to negligence of Veteran's Administration employees and accidents causing damage to Veterans' Administration property (this refers only to torts wherein a liability arises against or in favor of the Government); examination into claims cases, including compensation, adjusted compensation, pensions, vocational rehabilitation and education; retirement pay; insurance cases, guaranty or insurance of loans and other benefits under the Servicemen's Readjustment Act of 1944, as amended; examinations directed by the manager or deputy administrator on general administrative matters; and examinations requested by a United States district attorney or other representative of the Department of Justice, in civil and criminal cases. (April 11, 1947)

§ 20.5052 *Requests for field examinations.* All adjudicating and other agencies are directed to observe the provisions of the Field Examination Manual and the following instructions concerning requests for field examinations. Field Examination Request, VA Form 2–3537a, will be prepared in each case in duplicate, one copy retained in file, the original being signed by the official making the request and forwarded to the regional chief attorney, whose office is to make the field examination. If an additional copy of the field examination report is desired by the requesting agency this will be indicated by supplying an additional copy of the request. If simultaneous field examinations are to be made in different offices, sufficient additional copies will be made so that a copy may be sent each office concerned. The statement of facts should be sufficiently complete to give the receiving office, and the field examiner to whom the field examination request is assigned, a clear understanding of the situation. The points to be developed must be specific and as complete as circumstances permit. If documents are in question, they should be attached to the VA Form 2–3537a. The complete file will be forwarded with the VA Form 2–3537a when, in the opinion of the requesting official, such action is necessary to satisfactorily accomplish the field examination. Any field examination request not prepared in the manner outlined above will be returned by the chief attorney to the official making the request for compliance with the foregoing instructions. (April 11, 1947)

§ 20.5054 *Authorization and functions of field examiners.* Field examiners are authorized to examine into the correctness of claims and to administer oaths and affirmations in connection with claims arising under the laws administered by the Veterans' Administration when required and in taking testimony or depositions. Field examiners will perform all field examination work assigned to the office of the chief attorney, regional office, in accordance with regulations, and such other duties as are assigned by the chief attorney or manager. (April 11, 1947)

§ 20.5062 *State legislation.* The question of State legislation pertaining to Veterans' Administration beneficiaries is a complex matter. Chief attorneys will cooperate with the affiliated organizations and with local and State bar associations to the end that deficiencies of the State laws relative to guardianship and other matters may be removed. In order to insure carefully planned and coordinated legislation relative to such matters, all proposed legislation coming to the attention of the chief attorney will be submitted to the solicitor through the chief attorney, branch office, for review. Deficiencies in State laws will be brought to the attention of solicitor, through the chief attorney, branch office, with a request for advice or suggestions as to needed remedial legislation, and no action to commit the Veterans' Administration regarding any proposed legislation will be taken without the approval of the solicitor. Chief attorneys will express their views on the proposed State legislation in transmitting same to the solicitor. All such legislation enacted should be reported to the solicitor through the chief attorney, branch office, in order that information regarding same may be supplied chief attorneys, regional offices, and chief attorneys, branch offices, in other States. (July 25, 1946)

GUARDIANSHIP

Procedure To Be Followed in Recognizing Legal Custodian and in Securing Appointment of Guardian, Etc., for Minor or Mentally Incompetent Beneficiary and in Making of Institutional Awards to Chief Officers of Institutions

§ 20.5200 *General; notification to chief attorney.* In order that the chief attorney may supervise, in cooperation with the other services, all Veterans' Administration activities in his region having to do with the welfare of minors or mental incompetents, when any benefit is payable by the Veterans' Administration to a person mentally incompetent or to a minor other than a veteran who has been discharged from the military forces of the United States or a minor widow, the director of the veterans' claims service, director of the dependents and beneficiaries' claims service, director of the disability insurance claims service, central office, the director of claims service and director of insurance service, branch offices, the adjudication officer, or chief, vocational rehabilitation and education division, field stations, will notify the chief attorney of the region wherein the minor or incompetent resides of the necessity for the appointment of a fiduciary or the determination of a legal custodian, as the case may be, and request that such appointment be made as speedily as possible. (April 11, 1947.)

§ 20.5201 *Form of notification.* The director of the veterans' claims service, director of the dependents and beneficiaries claims service, director of disability insurance claims service, central office, or director of claims service and director of insurance service, branch offices, the adjudication officer, or chief, vocational rehabilitation and education division, field stations, will notify the chief attorney by letter or memorandum, advising the name and date of birth of the beneficiary, name and address of the parent or nearest next of kin of the beneficiary, if available from the records, and the amount of the initial payment and monthly payments to be made. If the beneficiary resides in another regional area, it will be the duty of the chief attorney receiving the letter or memorandum above provided to communicate the information contained therein to the chief attorney of the regional office or hospital concerned.

(a) Section 21 (4) of the World War Veterans' Act, 1924, as amended, repeals the act of August 8, 1882 (22 Stat. 373; 38 U. S. C. 44), and provides that in case of any incompetent veteran having no guardian, payment of compensation, pension or retirement pay may be made, in the discretion of the Administrator, to the wife of such veteran for the use of the veteran and his dependents.

In cases coming within section 21 (4) of the World War Veterans' Act, 1924, as amended, the director, veterans' claims service, central office, or adjudicating officer, field station, will notify the chief attorney of the office having jurisdiction over the territory in which the veteran resides furnishing information as to the name and address of the veteran and his wife, the amount of the initial payment and monthly payments to be made. The chief attorney will investigate each case to determine whether the wife is properly qualified to administer the funds payable, whether she will agree to use the funds for the benefit of the veteran and his dependents, and whether all conditions justify payment of the compensation, pension or retirement pay to the veteran's wife; or whether, in the best interests of the veteran and his dependents a guardian should be appointed to receive and administer the funds payable. If the chief attorney determines that payments shall be made to the wife, a complete report will be forwarded to the director of the veterans' claims service or adjudicating officer, field station, accompanied by the evidence disclosing the facts, with a recommendation that payments be made to the wife. If the chief attorney determines that the facts justify the appointment of a guardian, he will take action promptly to effect the appointment and will forward the evidence thereof, together with his certification as to the legality of the appointment and adequacy of bond, to the director of the veterans' claims service or adjudicating officer, field station, accompanied by a report of the facts and the evidence upon which his determination in this respect was based. For the purpose of determining whether the funds paid to the wife are being applied as intended and whether the payments should continue to the wife, or whether in the interests of the veteran and his dependents action should be taken to have a guardian appointed, or whether the veteran has recovered and should be rerated as to competency, a social survey will be accomplished each year. The case will be diaried for this purpose on the Account Due Card, VA Form 2–3526. A record of these cases will be maintained on the locator index, VA Form 2–3525, filed alphabetically. A correspondence file on each case will be maintained. (April 11, 1947)

§ 20.5202 *Notice to officer requesting appointment of a fiduciary.* The case file will be diaried by the director of the veterans claims service, director of the dependents and beneficiaries claims service, director of disability insurance claims service, central office, or director of claims service and director of insurance service, branch office, adjudication officer, or chief, vocational rehabilitation and education division, field station, to come up for attention sufficiently far in the future to enable the chief attorney to secure a certified copy of the letters of appointment of the guardian or arrange for the determination of a legal custodian. If action is not then completed, a proper follow-up will be maintained on the chief attorney. It will be the duty of the chief attorney to secure and furnish the officer requesting the appointment of the fiduciary a certified copy of the letters of appointment of the guardian with VA Form 2–4704, Certificate of Legality of Appointment and Adequacy of Bond, or VA Form 2–555, Certificate of Legal Custody. The chief attorney will notify the officer requesting the appointment at the earliest moment possible, as to whether or not there will be a guardian appointed, or a determination as to a legal custodian in the case. The chief attorney will also notify the above-mentioned officers if there is to be a delay in the appointment of a fiduciary, the reason for such delay, and the probable date of appointment. (April 11, 1947)

CUSTODIANS

§ 20.5205 *Amount of benefits payable by the Veterans' Administration to legal custodians.* When a claimant under legal disability is found entitled to any benefit payable by the Veterans' Administration, the accrued amount of which at the time of the adjudication is $500 or less, or the monthly rate of which is $50 or less, or if the finding is in favor of two or more claimants under legal disability and the accrued amount at the time of the adjudication is $750 or less, or the combined monthly rates amount to $70 or less, and no legal guardian or committee has been appointed, such awards shall be made upon proper finding to the person legally vested with the responsibility or care of such claimant or claimants: *Provided*, That the best interests of the claimant will be served thereby and the legal custodian is properly qualified.

No change in (a).

(b) If benefits are due an incompetent adult or a minor Indian who is a recognized ward of the Government and for whom no guardian has been appointed, the chief attorney will secure from the proper superintendent or other bonded officer designated by the Secretary of the Interior to receive funds under the provisions of Public No. 373, 72d Congress (25 U. S. C. 14), a certification showing that (1) the said beneficiary is a ward of the Government, (2) that no guardian or other fiduciary has been appointed, (3) that the officer has been designated by the Secretary of the Interior in accordance with said act, (4) that he is properly bonded, and (5) that he will receive, handle, and account for such benefits in accordance with existing law and the regulations of the Department of the Interior. VA Form 2–555 will not be prepared in such cases; instead, the chief attorney, if he approves the certification, will forward it to the proper adjudication agency for payment under said act.

The limitations of § 20.5205 will not apply to these cases nor will accounts be required of such officers by the chief attorney. (April 11, 1947)

§ 20.5211 *Certificates of custody.* VA Form 2–555, Certificate of Legal Custody, or VA Form 2–555c, Certificate of Actual Custody, will be prepared and signed by the chief attorney who has secured the data upon which said certificate is based and forwarded to the adjudication agency which requested the appointment. No certificate will be issued where it is shown that the person to whom it is proposed to make payments is not a fit person to have custody of the claimant. (April 11, 1947)

FIDUCIARIES

§ 20.5220 *Chief attorney to sign certificates required by Uniform Veterans' Guardianship Act, or similar State legislation, as representative of the Administrator.* In accordance with the authority granted to the Administrator under section 7, Public No. 2, 73d Congress (38 U. S. C. 707), chief attorneys are hereby authorized to sign, as representative of the Administrator, certificates required

by the Uniform Veterans' Guardianship Act, or similar State legislation adopted in lieu thereof. (April 11, 1947)

§ 20.5227 *Costs for appointment of guardians.* Costs for appointment of guardians pursuant to section 21 of the World War Veterans' Act, 1924, as amended, which applies to all benefits payable by the Veterans' Administration, will be authorized only in cases wherein:

(a) Benefits payable are small and such costs would unduly deplete the estate.

In applying the provisions of this section, chief attorneys may authorize costs and perform legal services incident to the appointment of a guardian in any case wherein the total amount of benefits payable at date of award on which request for appointment of guardian is based does not exceed the amount prescribed by Public Law 662, 79th Congress (38 U. S. C. 739), for the discontinuance of payments; in any exceptional case not falling within this limit, but wherein the chief attorney is of the opinion costs should be paid, a full report may be made to the chief attorney, branch office, with a request that costs be authorized. Costs will not be authorized or paid in any case if the proposed guardian is not satisfactory. (April 11, 1947)

No change in (b) or (c).

§ 20.5230 *Petition for inquisition in lunacy.* The chief attorney will not file or cause to be filed a petition for an inquisition in lunacy for commitment or for the appointment of a guardian unless he has a written signed statement from the incompetent veteran's nearest relative or from the veteran himself. In the event there is no near relative and if the veteran is not mentally capable of authorizing such action, the chief attorney may file the petition if signed by a civil official or representative of a cooperating agency. No employee of the Veterans' Administration will sign such a petition unless authorized by the solicitor. The chief attorney will render the legal services in commitment cases when costs are authorized to be paid by the Veterans' Administration as provided in § 20.5224. In guardianship cases the chief attorney will notify the veteran's nearest relative, the person selected as the proposed guardian, a civil official or a representative of a cooperating agency of the action that should be taken, and that the chief attorney will, if so requested, file the petition without cost if veteran is not entitled to sufficient benefits to justify employment of an attorney. Thereafter he will take no definite action relative to the filing of a petition unless and until such written request therefor is received. (April 11, 1947)

§ 20.5245 *Liaison with Veterans' Administration installations and Federal and State institutions.* The chief attorney will maintain close liaison with the managers of the Veterans' Administration hospitals, officers in charge of other Federal hospitals, and superintendents of State and contract institutions, to the end that the chief attorney will be notified of admissions, commitments, trial visits, elopements and discharges of incompetent veterans. VA Form 10–2622, Information Regarding Movement of Persons Receiving Hospital Treatment, will be used by the managers of Veterans' Administration hospitals for this purpose, and more particularly in relation to the prescribed procedure to avoid interruptions of payments in cases of incompetent veterans on trial visits. This form will be sent by the manager to the chief attorney in whose area the hospital is located, who when indicated will forward the form to the chief attorney of the area in which the veteran is then residing. In the cases of eloped patients, every facility of the Veterans' Administration will be made available to the chief attorney in endeavoring to have such patients returned to the hospital in accordance with prescribed procedure. (April 11, 1947)

§ 20.5260 *Determination of need for institutional award and notification to adjudicating agency.* The chief attorney will, upon receipt of VA Form 8–592, Request for Appointment of a Fiduciary, Custodian or Guardian, from the adjudication agency, determine the need for the appointment of a guardian or the adjudication of a case under the orders governing the making of institutional awards. In case the chief attorney deems an institutional award advisable, appropriate recommendation will be made to the adjudicating agency.

(a) When under prescribed procedure (§ 3.1230 (a) of this chapter) an institutional award and apportionment to dependents, if any, have been made in advance of reference to the chief attorney, upon receipt of VA Form 8–592, the chief attorney will make any necessary determination as to whether the institutional award and apportionment satisfactorily provide for the veteran and dependents, or as to whether payments should be made to the wife under § 20.5201 (a). If the wife, or other dependents, reside in an area of a different regional office, the chief attorney will forward VA Form 8–592 to the chief attorney of that office. If the chief attorney determines that a special apportionment is proper he will submit any necessary information, with his recommendation as to the amount to be paid the dependents, to the adjudicating agency in the regular procedure. Any adjustment with reference to the institutional award will be taken up by or with the chief attorney in the area in which the hospital is located. If payments are made to the wife, the chief attorney having jurisdiction of the area in which the wife resides is the principal chief attorney for purposes of § 20.5201 (a). In cases of this nature adjudicated in central office, or branch offices, VA Form 8–592 will be forwarded to the chief attorney in the area in which the veteran is hospitalized and a separate VA Form 8–592 to the chief attorney in the area in which the dependents are located, if different from that in which the veteran is hospitalized. (April 11, 1947)

§ 20.5263 *Determination and certification of legality and adequacy of bond.* Before certifying as to the legality of an appointment, the chief attorney will determine whether the court had proper jurisdiction, ascertain if the proceedings were regular in every respect in accord with the State law, and see that the papers are in due form. He will then prepare and forward VA Form 2–4704, Certificate of Legality of Appointment and Adequacy of Bond, with the letters of guardianship to the adjudicating agency requesting the appointment for the purpose of payment. It will not be necessary to forward certified copy of bond, except in administration cases, but such bond will be filed in the guardianship file for ready reference thereto when accountings are rendered. Where the appointment is found to be invalid or the bond insufficient, appropriate action will be taken by the chief attorney to have same corrected. (April 11, 1947)

§ 20.5275 *Natural guardians; in the United States.* The common-law rule giving to guardians by nature power over the person only, and not over the property of the ward, is enacted by statute in most of the States; and where not so enacted, it is binding authority in every State recognizing the common law. (Woerner, American Law of Guardianship) (January 27, 1936)

§ 20.5277 *Effecting recovery of overpayments of illegal payments to fiduciaries, and "post fund" cases.* When it has been determined that there has been an overpayment or an illegal payment and the particular case has been acted upon by the proper committee on waivers and all efforts to effect recovery from the fiduciary for the estate of the living or deceased person in accordance with the finance procedure have been unsuccessful, the finance officer in the regional office of Veterans' Administration hospital will forward a complete statement of the facts with reference to the overpayment or illegal payment to the chief attorney for attention. The chief attorney will immediately communicate with the fiduciary in an effort to secure a refund of the overpayment or illegal payment and will assist the fiduciary in obtaining any order of the court necessary for this purpose. The chief attorney, if necessary, will make informal contacts with the court of appointment with a view to effecting an order of the court directing the fiduciary to return the amount of the overpayment or illegal payment, but in no instance will the chief attorney institute a suit by filing a petition in the name of the United States for this purpose. When all reasonable efforts on the part of the chief attorney to effect recovery have been unsuccessful, a full and complete report will be submitted to the office of the solicitor, through the chief attorney, branch office, setting forth the facts pertaining to the overpayment or illegal payment, the efforts made to effect recovery, the balance of the estate in the hands of the fiduciary and the ability of the fiduciary to make the refund, in order that the particular claim may be referred to the Department of Justice for appropriate attention. A similar procedure will be followed with respect to overpayments or illegal payments under the jurisdiction of central office or branch offices and the director of finance services will refer such cases to the office of the solicitor in central office cases and the chief attorney, branch office, in branch office cases, for reference to the chief attorneys. (July 25, 1946)

(a) *"Post fund" cases.* Act of June 25, 1910, as amended by Public Law 382, 77th Congress (38 U. S. C. 17). See Part 17 of this chapter. (April 11, 1947)

SUPERVISION OF CUSTODIANS, ETC., AND CHIEF OFFICERS OF INSTITUTIONS

General

§ 20.5282 *Rights of wards.* The duty of the chief attorney is not to check the work of the Veterans' Administration with regard to the rights of its wards, but to cooperate with each of the other divisions concerned in establishing those rights. The chief attorney will determine that the guardian, or other responsible person, has filed a claim for all possible benefits. In those cases in which benefits are paid by the Veterans' Administration to an administrator or executor of the estate of a deceased beneficiary, the chief attorney will see that the guardian of any beneficiary receiving other payments direct from the Veterans' Administration, who is entitled to share in the distribution of the estate of the deceased beneficiary, files claim with the administrator or executor for the share to which the beneficiary under guardianship is entitled, and that such funds when received are accounted for by the guardian. (January 27, 1936)

§ 20.5290 *Principal attorney.* Cooperation with other chief attorneys is absolutely essential when the ward, or beneficiary, is in the territory of one regional office, while the guardian or proposed guardian, and the appointing court are in the territory of another regional office or of other regional offices. For proper operation of guardianship procedure, however, it is essential that the guardianship file, accounting records, etc., be maintained in the office within whose territory the court having jurisdiction is situated. The chief attorney within the jurisdiction of the court will be the principal in all such cases. He may secure from the chief attorney where the ward resides such social survey reports and other data as may be necessary. In the event he cannot secure an accounting from a nonresident guardian, he may secure from the chief attorney where the guardian resides such information as may be necessary to enable him to check the account and make proper representation to the court. In forwarding the information requested, the chief attorney where the ward or guardian resides may make such recommendation as may seem proper, but the determination of the case will remain with the chief attorney within jurisdiction of the court. If payments are to be suspended, or if action against, or for removal of, the guardian is to be instituted, such action will be taken only by him. (June 1, 1938)

(a) If the guardianship appointment has been, or is to be, made in a foreign country—other than the Republic of the Philippines—or in one of the possessions of the United States—other than Alaska, Hawaii, and Puerto Rico—or if the appointment is in this country, but the ward or his dependents reside in any foreign country or other possession, cooperation will be with the office of the solicitor. (April 11, 1947)

(b) In making requests on chief attorneys of other regional offices, the chief attorney will keep in mind the limitations under which such work must be performed, and will, as far as possible, make such requests conform to the established program of the other office. (June 1, 1938)

§ 20.5291 *Award information to chief attorney.* The adjudication officer in the office having jurisdiction of the claims file will supply the chief attorney with detailed information each time any change is made in an existing award to an incompetent or minor beneficiary, in whose behalf payments are going forward to a legal guardian or custodian, or wife of an incompetent veteran. In those cases where the guardian, custodian or wife was appointed or recognized in another jurisdiction, the chief attorney is charged with the duty of immediately forwarding such information to the chief attorney having principal jurisdiction over the guardian, custodian or wife. Unless this information is furnished simultaneously with the change made in the award, the principal chief attorney is unable to supervise properly the guardian or custodian and the accountings made or determine any required action in cases of payments to a wife of an incompetent veteran. Chief attorneys will take proper action to establish the necessary procedure in their offices for the furnishing of this information to the principal chief attorney immediately upon the change of any award existent in the case of a beneficiary having a guardian or custodian, or in which payments are being made to a wife of an incompetent veteran.

(a) A similar procedure will be followed in cases under the jurisdiction of central office or branch office to insure that notices of changes in awards will be supplied the chief attorney having principal jurisdiction over the guardian, custodian or wife of an incompetent veteran. (July 25, 1946)

§ 20.5301 *Disposition of account books.* After the account book, properly executed, has been received by the chief attorney from the fiduciary in those cases wherein legal services are authorized, a careful audit of all items made, and the accounting submitted to the court, a summary of the account consisting of all information and data required should be made for the chief attorney's records on VA Form 2–4707, Summary of Account. When the records have been completed in this respect and the account book is not further required, it will be returned to the fiduciary. Any irregularities observed in the account book should be called to the attention of the fiduciary, together with any instructions which the chief attorney may deem necessary. The fiduciary should be advised that the account book should be retained by him until he has been discharged and his final accounting approved by the court. (April 11, 1947)

(a) Certified copies of guardians' accounts:

If the chief attorney states the account for the guardian he may retain a copy; otherwise, and especially in those States wherein the law requires that the chief attorney be supplied with a copy of the guardian's account, the chief attorney will insist upon being supplied therewith. If the cost of certification is excessive, the chief attorney may dispense with same providing he is satisfied the copy supplied is a true copy of the account as filed, or otherwise is able to verify same by comparison with the public records. (November 1, 1932)

CUSTODIANS

§ 20.5310 *Accounts of custodians.* Except in those cases where accountings are not required as explained in § 20.5305, the chief attorney will secure an annual accounting, using VA Form 2–4706a, Accounting Form for Use by Legal Custodians of Minor and Incompetent Beneficiaries of the Veterans Administration, from each custodian within the territory of his regional office. Custodians-in-fact recognized under the provisions of section 21 (3), World War Veterans' Act, as amended, and § 20.5205 (a) will be required to render accounts for any period of time they receive payments, showing the actual application of the funds received for the benefit of the beneficiary. If payments are made or resumed to the fiduciary, a copy of the custodian's-in-fact account may be supplied the appointing court if desired by any part in interest. (April 11, 1947)

§ 20.5317 *Bonds and sureties.* No change in (a) or (b).

(c) If any surety company is placed in receivership or ceases to do business in the particular State, the chief attorney will take the necessary action to have proper bonds substituted in each case. In the case of receivership, bankruptcy, or other proceedings to conserve the assets, or wind up the affairs of a corporate surety, the chief attorney will ascertain the termination date for filing claims with local and general receivers or other designated officials and see that all adjudicated and contingent claims are filed in time to receive proper classification and allowances. (April 11, 1947)

§ 20.5322 *Accountings and certificates of balance.* Except in cases where accountings are not required as explained in § 20.5305, accountings will be obtained at least once a year by the chief attorney from all guardians of Veterans' Administration beneficiaries appointed by the courts within the territory of his office. These accountings will be obtained direct from the guardian. When the State courts require accounting once a year the chief attorney will advise the guardian 30 days prior to the date his account is due in the court of appointment, and forward at the same time three copies of VA Form 2–4706 series. The original may be used by the guardian in submitting his account to the court, and a copy forwarded to the chief attorney duly certified by the clerk of the

court as a true copy of the account filed with the court, together with a certification from the bank or trust company in which the estate of the ward is deposited showing a balance, and certificate regarding inspection of assets as provided in § 20.5321 (b) (5). The third copy may be retained by the guardian. VA Form 2–4706c will be used in lieu of VA Form 2–4706, in those regional areas where the use of VA Form 2–4706 is not practicable. In case these VA Forms 2–4706 or 2–4706c cannot be used in the court, the chief attorney will prepare a form suitable to meet the requirements of the State statute or will use regular form supplied by court, and will require that the guardian forward a copy of the form of account as submitted to the court with the certificates of bank balance and inspection of assets at the same time the original is filed with the court. As stated above, accountings will be secured in all cases at least once a year, unless waived pursuant to existent instructions. (April 11, 1947)

§ 20.5326 *Action upon receipt of account.* As soon as the account is received in the office of the chief attorney, it will be attached to the correspondence file and forwarded to the fiduciary accounts analyst, who will analyze the account. Receipt of the account will be duly recorded on the accoubt due card, VA Form 2–3526, and the card will be filed as a diary for the succeeding year. If the account is proper in every respect, the same may be stamped, as stated in § 20.5325. While accounts are examined and briefed by fiduciary accounts analysts, they will be passed upon finally only by the chief attorney or other attorney. (April 11, 1947)

No change in (a).

(b) In the event of the death of a beneficiary under guardianship, the chief attorney will secure from the guardian a final account showing the amount, if any, of funds held by the guardian derived from payments of compensation, pension, retirement pay, automatic or term war risk insurance, or gratuitous or five-year convertible term National Service Life Insurance for the purpose of determining whether the estate will escheat to the United States pursuant to the last proviso of section 21 (3) of the World War Veterans' Act, 1924, as amended (38 U. S. C. 450). The chief attorney will ascertain whether administration will be had on the estate of the deceased veteran, and also whether there are any heirs. If there are no heirs, he will report the facts to the appropriate adjudication service of central or branch office, and, in the case of an institutional award, to the chief officer of the institution. In such cases, the balance held by the chief officer of the institution will be returned to the Treasury in accordance with finance procedure, and any other funds held by the Veterans' Administration or in the "Funds Due Incompetent Beneficiaries" to the veteran's credit will be likewise deposited in the Treasury. In cases in which there are no heirs coming within the last proviso of section 21 (3) of the World War Veterans' Act, 1924, as amended, the chief attorney, wherever possible, will endeavor to effect the return of the estate in the hands of the particular fiduciary to the United States, in connection with the final accounting of the fiduciary, or in any manner which may be possible under local procedure and practice, and will submit a report of all such cases to the office of the solicitor through the chief attorney, branch office. The chief attorney will not institute suit by filing a petition in the name of the United States for this purpose, but when such action becomes necessary the matter will be submitted to the Department of Justice by the solicitor upon receipt of the report from the chief attorney. The chief attorney will cooperate with the United States attorney, upon request, in any endeavor to effect the collection of such funds. (April 11, 1947)

§ 20.5329 *Authorization to institute legal procedure.* (a) The chief attorney, branch office, upon receipt of a report from the chief attorney showing the necessity for instituting legal procedure in accordance with the second proviso of paragraph 2, section 21, World War Veterans' Act, as amended, may authorize the chief attorney to take such action and to incur necessary costs.

(b) Any such costs paid by the Veterans' Administration will be recovered if possible from the adverse party, and deposited into the Treasury as miscellaneous receipts. (July 25, 1946)

§ 20.5330 *Action where account cannot be approved or proper administration of estate may not be secured.* In cases in which the account cannot be passed because objectionable under § 20.5327, the exceptions filed should be sufficient, if sustained, to show the incompetency of the guardian, and unless the court by its own motion will automatically remove the guardian, or proper administration of the estate may not be secured otherwise, the chief attorney is authorized to institute action to remove the guardian, to secure the appointment of a qualified successor, and to pay the costs in connection therewith. In case the account or other evidence shows that there has been misappropriation or embezzlement of funds, or other violation of section 2, Public No. 262, 74th Congress, the chief attorney will submit the case to the United States attorney. It will be incumbent upon the chief attorney in all cases to have the substitute guardian proceed against the guardian and surety. (April 11, 1947)

§ 20.5333 *Appeals, costs of, may be paid.* It is obvious that to be successful in an appeal the ground work must be well laid. In the first instance the petition, or other legal paper filed should show the exact basis whereon the action of the Veterans' Administration is predicated, and that such action is pursuant to the Federal law, and a function necessary to the discharge of the responsibility placed upon the Administrator by the Congress. If there be any State statute applicable, and this is true in many States, advantage should be taken thereof, and such statute should be relied upon as well as the Federal statute.

No change in (a).

(b) No appeal to a district or other court where the trial is de novo will be filed and no costs in connection therewith authorized without prior approval of the chief attorney, branch office. No appeal to an appellate or supreme court will be filed and no costs in connection therewith authorized without prior approval of the solicitor—these to be referred by the chief attorney through the chief attorney, branch office, to the solicitor. In any case wherein the court overrules the petition or motion filed by the chief attorney, under the provisions of section 21, World War Veterans' Act, 1924, as amended, and an appeal is believed necessary to protect the estate of the Veterans' Administration beneficiary, the chief attorney will report all the facts to the chief attorney, branch office, and will make a definite recommendation regarding whether an appeal should be taken. The statement will show the termination of the appeal period; i. e., the date by which the appeal must be filed and the probable cost of the appeal. (April 11, 1947)

No change in (c).

§ 20.5344 *Manager notified when account required.* In such cases the chief attorney will notify the manager when the account is required; i. e., either annually or at such times as the information is necessary for purposes of checking guardian's account. VA Form 2–4706b, Hospital Account Form, may be used for this purpose and will show all receipts and disbursements. The vouchers and receipts will not accompany the accounting but may be inspected by the chief attorney or a representative of his office, if necessary. (April 11, 1947)

§ 20.5347 *Chief attorney to check accounts.* The manager of a Veterans' Administration hospital, home, or center before returning to a guardian any excess funds, either while the veteran remains therein or when he is discharged therefrom, will obtain from the principal chief attorney information as to whether such funds may be released to the guardian. The principal chief attorney's advice will be predicated upon the present status of the guardianship. If payments have been suspended to the guardian, or if the guardian is not satisfactorily accounting for the funds already received or bond is insufficient, the unexpended balance will be withheld until the irregularities have been adjusted. The chief attorney will then furnish the manager with information that the funds may be released to the guardian and will forward an executed VA Form 2–4704, Certificate of Legality of Appointment and Adequacy of Bond. (April 11, 1947)

(R. S. 471, sec. 5, 43 Stat. 608, sec. 1, 46 Stat. 991, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 1, 49 Stat. 607; 38 U. S. C. 2, 11, 11a, 426, 707, 38 U. S. C. Sup. 450)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

[F. R. Doc. 47–3701; Filed, Apr. 17, 1947; 8:48 a. m.]

PART 21—ATTORNEYS AND AGENTS; RULES OF PRACTICE; FEES

RECOGNITION OF ORGANIZATIONS, ACCREDITED REPRESENTATIVES, ATTORNEYS, AGENTS; RULES OF PRACTICE AND INFORMATION CONCERNING FEES

§ 21.5627 *Accredited representatives.* Recognized organizations shall file with the Administration on the prescribed form furnished by the Veterans' Administration the names of any officers whom it desires recognized as accredited representatives thereof and the Veterans' Administration office or offices at which recognition is to be extended in the presentation of claims. In proposing a candidate for recognition as a representative, the organization, through its appropriate officer, shall certify to the following:

That the applicant is a citizen of the United States, of good character and reputation, is qualified by training or experience to assist in the presentation of claims; and that he is a member or employee of the organization.

That he is not employed in any civil or military department or agency of the United States and not a retired member of the Regular Army, Navy, Marine Corps, Coast Guard or Public Health Service.

Whether the applicant is a veteran, and if so, that he was honorably discharged from the active service.

No change in (a).

(b) An application received in the central office will be sent to the branch or regional office designated. The deputy administrator or regional manager, as the case may be, will secure sufficient facts, by field investigation, if necessary, to justify a determination whether the applicant is qualified. If the deputy administrator or the manager determines that the applicant is qualified, he will issue the notice (FL 2–3), sending the original to the applicant, and a copy to central office for notation and forwarding to the organization. If the approval is by the manager of a regional office, an additional copy will be forwarded to the appropriate branch office. In like manner, if approval is by the deputy administrator for the branch office and all regional offices in the branch area, copies will be forwarded to each regional office and a copy to central office. Branch and regional offices will establish intra-office procedures for notification of interested services. A record of accredited representatives will be maintained at each office. If the case is one of doubtful aspect, the entire matter will be referred to the central office, attention of the solicitor, through the appropriate branch office.

(c) Recognition will be canceled at the request of the organization, and the deputy administrator or manager may suspend any recognition for cause, pending a report, through channels, to the central office, attention of the solicitor, for final determination. In cases of extraordinary violation involving criminal action, cancellation may be effected immediately by the field office subject to review by central office. Where recognition is canceled or suspended in accordance with the above, notice thereof (FL 2–5 or letter of suspension) will be supplied in the same manner, as above stated, with respect to notice of recognition.

(d) Nominations of accredited representatives of national service organizations and of the American Red Cross will be accepted only if approved by the national certifying officer of such organization.

(e) Letters of general recognition issued by the central office to national and field officers of recognized organizations will constitute authorization for their recognition in claims matters in all branch and regional offices of the Veterans' Administration and letters of recognition issued by a deputy administrator will constitute authorization for the accredited representative to present claims in the branch office only, or in the branch office and all regional offices in that area as required by his service organization.

(f) While accredited representatives are recognized for claims work at branch and regional offices their accreditation imparts the privilege of recognition in Veterans' Administration hospitals and homes in matters connected with such claims work. (R. S. 471, secs. 1, 5, 43 Stat. 607, 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; sec. 200, 49 Stat. 2031; 38 U. S. C. 2, 11, 11a, 421, 426, 707; 38 U. S. C., Sup. 101)

§ 21.5633 *Agents.* Any competent person of good moral character and of good repute who is a citizen of the United States, or who has declared his intention to become such a citizen and who is not engaged in the practice of law, may be admitted to practice as an agent, if not prohibited by law, and represent claimants before the Veterans' Administration by presenting to the Administrator of Veterans' Affairs, Washington, D. C., a properly executed application on the form prescribed by the Administrator (VA Form 3187). Applicants for admission to practice as agents may be required to prove their fitness to render substantial service by undergoing a written examination testing their knowledge of the laws administered by the Veterans' Administration and regulations promulgated thereunder, as to which separate instructions will be issued.

§ 21.5634 *Notification of appointment of attorney.* When an attorney has been admitted a 3 x 5 card will be prepared showing his name, address and date of admission. Copies of this card will be forwarded to (a) office of the solicitor, (b) chief attorneys of branch and regional offices within that area, (c) the director, claims service of the branch office within that area, (d) the adjudication officers of regional offices within that area, and (e) to any other office in which the attorney requests that his admission be recorded.

§ 21.5649 *Forms and advertisements; use of by attorneys and agents.* Attorneys and agents shall not be furnished with supplies of Veterans' Administration forms but will be required to have them printed at their own expense and in strict accordance with the official forms prescribed by the Veterans' Administration. An attorney or agent may insert a power of attorney in his form over claimant's signature in words substantially as follows: "I hereby appoint ---------- as my attorney to prosecute this claim." The power of attorney in order to be valid must fully comply with § 21.5641 of this chapter. Every attorney, agent, or other person recognized as entitled to practice before the Veterans' Administration shall submit to the Administrator, in duplicate, copies of all proposed forms and letterheads intended for use in connection with business before the Veterans' Administration and the Veterans' Administration will notify such attorney or agent of its approval or disapproval. The use by an attorney or agent of the characters "U. S.," or the words "United States," as a part of his title or of the title of his business shall not be permitted. Agents will not designate themselves as attorneys at any time except in a power of attorney. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not of itself improper, but solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional and will render an attorney or agent liable to suspension or exclusion from practice.

(R. S. 471, sec. 5, 43 Stat. 608, sec. 1, 46 Stat. 991, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, secs. 201–203, 49 Stat. 2032; 38 U. S. C. 2, 11, 11a, 426, 707, 38 U. S. C. Sup. 102–104)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

APRIL 11, 1947.

[F. R. Doc. 47–3702; Filed, Apr. 17, 1947; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 365]

MICHIGAN

ESTABLISHING THE MICHIGAN ISLANDS NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Michi-

gan are hereby withdrawn from all forms of appropriation under the public land laws and reserved and set apart for the use of the Department of the Interior as a refuge and breeding ground for migratory birds and other wildlife, the reservation to be known as the Michigan Islands National Wildlife Refuge:

MICHIGAN MERIDIAN

T. 29 N., R. 9 E.,
Sec. 15, lot 1 (Scarecrow Island).
T. 40 N., R. 8 W.,
Sec. 33, lot 1 (Shoe Island).
T. 39 N., R. 9 W.,
Sec. 17, lot 1 (Pismire Island).

The areas described aggregate 11.94 acres.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended, and Public Land Order No. 237 of June 22, 1944, withdrawing certain public lands for the use of the Navy Department as a target area for aerial bombing, so far as such orders affect the above-described lands.

[SEAL] OSCAR L. CHAPMAN,
Under Secretary of the Interior.

APRIL 10, 1947.

[F. R. Doc. 47-3681; Filed, Apr. 17, 1947; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—National Wildlife Refuges; General Regulations

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

MICHIGAN ISLANDS NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For an addition to the tabulation contained in § 11.1, see Public Land Order 365 under Title 43, Chapter I, *supra*, establishing the Michigan Islands National Wildlife Refuge.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 389

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described land:

TERRITORY OF ALASKA

A tract of land identified as Lot "N" of the Totem Bight Group of Homesites, U. S. Survey No. 2606 (homesite application of Adolph Charles Prasil, Anchorage 010714).

The area described contains 2.86 acres.

[SEAL] OSCAR L. CHAPMAN,
Under Secretary of the Interior.

APRIL 4, 1947.

[F. R. Doc. 47-3680; Filed, Apr. 17, 1947; 8:46 a. m.]

MICHIGAN

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER ESTABLISHING THE MICHIGAN ISLANDS NATIONAL WILDLIFE REFUGE

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order 365,[1] of April 10, 1947, withdrawing certain lands in Michigan as the Michigan Islands National Wildlife Refuge, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

[SEAL] OSCAR L. CHAPMAN,
Under Secretary of the Interior.

APRIL 10, 1947.

[F. R. Doc. 47-3682; Filed, Apr. 17, 1947; 8:46 a. m.]

[1] Title 43, Appendix, *supra*.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7349, 7892]

MARION RADIO CORP. AND CHAMPION CITY BROADCASTING CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Marion Radio Corporation, Marion, Indiana, for construction permit, Docket No. 7349, File No. BP-4429; Dr. Delbert Joseph Parsons, John Edward Harwood and Bill Erin, doing business as Champion City Broadcasting Company, Springfield, Ohio, for construction permit, Docket No. 7892, File No. BP-5208.

The Commission has before it a petition filed on February 19, 1947, by Champion City Broadcasting Company, Springfield, Ohio, requesting reconsideration of the Commission's action of January 30, 1947, which granted without hearing the application of the Marion Radio Corporation for a construction permit (File No. BP-4429; Docket No. 7349), for a standard broadcast station to operate on 1600 kc, with 1 kw power, daytime only, at Marion, Indiana. The petitioner requests, in the alternative, that the grant be set aside and the application designated for consolidated hearing with the petitioner's application for a construction permit (File No. BP-5208; Docket No. 7892), for a standard broadcast station to operate on 1600 kc, with 1 kw power, daytime only, at Springfield, Ohio; or that the grant to the Marion Radio Corporation be conditioned upon such permittee accepting whatever interference may be caused to its proposed station by the operation of the petitioner's proposed station, in the event the latter should receive a grant.

Marion Radio Corporation, Marion, Indiana, had originally applied for a different frequency. Subsequently, on January 7, 1947, it filed a petition for leave to amend its application to 1600 kc, with 1 kw power, daytime only, and for grant of such application. The petition was granted and the amendment accepted on January 30, 1947, at which time the application for a construction permit was also granted. On January 16, 1947, Champion City Broadcasting Company, Springfield, Ohio, similarly filed a petition to amend its application to 1600 kc, with 1 kw power, daytime only, and to remove its application from the hearing docket. The petition was incomplete, in that no affidavit as to compensation was included, but the necessary information to make such petition complete was supplied by the petitioner on January 30, 1947, the date of the grant to the Marion Radio Corporation. On February 7, 1947, the Motions Commissioner granted Champion City leave to amend its application, and to remove from the hearing docket.

According to the petition for reconsideration, the operation of permittee's station at Marion, Indiana, would cause interference within the 0.5 mv/m normally protected service area of the petitioner's proposed station at Springfield, Ohio. The separation between Springfield and Marion is approximately 107 miles. Petitioner alleges that 17% of the population within petitioner's interference-free contour would receive objectionable interference; similarly, the authorized station at Marion would suffer interference from the proposed operation of petitioner's station to approximately 18.8% of the population within its 0.5 mv/m contour. These estimates are based upon assumptions by petitioner's engineers as to antenna efficiencies of the respective applicants which are quite conservative.

The interference is considerably higher than the 10% permitted by the Commission's Standards (See Standards, Page 4), even according to petitioner's engineering estimates. It is possible, however, that the interference may be substantially greater than that predicted by petitioner's engineers should the antennas of the respective applicants have higher efficiencies than were assumed by petitioner's engineers.

Petitioner waives objections to any interference which might result to its proposed station from the operation of the permittee's proposed station, and alleges that it has been informally advised that Marion Radio Corporation similarly raises no objections because of the predicted interference. The Commission, however, can not overlook the fact that simultaneous operation as proposed by these two applicants in violation of the Commission's Standards would result in an inefficient use of the frequency.

On January 30, 1947, Champion City and Marion Radio each had pending before the Commission petitions for leave to amend their respective applications seeking identical facilities. One applicant's petition for leave to amend fell within the delegated authority of the Motions Commissioner; the other did not, and was accordingly presented to the Commission en banc. Under these circumstances, the petition of Marion Radio for leave to amend became ready for Commission en banc action before that of Champion City reached the Motions Commissioner, and the Commission en banc inadvertently overlooked the pending petition of Champion City for leave to amend. In this situation, and in the light of the mutual interference which would result from simultaneous operation of the two applicants, the Commission is of the opinion that public interest would not be served by simultaneous grants of both applications, and that fairness and equity require that the Marion grant be set aside and both applications, as amended, be designated for a consolidated hearing.

Accordingly, *It is ordered*, This 3d day of April 1947, that insofar as the petition requests that the Marion Radio Corporation grant be conditioned upon the acceptance by it of whatever interference may result to it from the operation as proposed by petitioner, if its application should be granted, the petition be, and it is hereby, denied; that insofar as the petition requests reconsideration of the action of the Commission January 30, 1947, granting the application, as amended, of Marion Radio Corporation, said petition be, and it is hereby, granted; the grant to Marion Radio Corporation of January 30, 1947, be, and it is hereby, set aside; and that application and the application of Champion City Broadcasting Company, as amended, be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate their proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3731; Filed, Apr. 17, 1947; 8:49 a. m.]

[Docket Nos. 7584, 8268, 8269]

WESTERN RESERVE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Western Reserve Broadcasting Company, Cleveland, Ohio, Docket No. 7584, File No. BP-4760; Marietta Broadcasting Company (WMOA), Parkersburg, West Virginia, Docket No. 8268, File No. BP-5595; The Civic Broadcasters, Inc., Cleveland, Ohio, Docket No. 8269, File No. BP-5852; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled applications of Western Reserve Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1260 kc, with 5 kw power, unlimited time, at Cleveland, Ohio, Marietta Broadcasting Company, licensee of station WMOA, Marietta, Ohio, requesting a construction permit to move said station to Parkersburg, West Virginia and change the facilities of said station from 1490 kc, with 250 w power, unlimited time to 1260 kc, with 1 kw power, unlimited time, employing a directional antenna, and The Civic Broadcasters, Inc., requesting a construction permit for a new standard broadcast station to operate on 1260 kc, with 5 kw power, unlimited time, employing a directional antenna, at Cleveland, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations and Station WMOA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and Station WMOA as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations and Station WMOA as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations and Station WMOA as proposed would involve objectionable interference with the services proposed in the pending application of WLEU Broadcasting Corporation, Erie, Pennsylvania (File No. BP-4115, Docket No. 6913) or in any other pending applications for broadcast facilities end, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations and Station WMOA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

Notice is hereby give that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3732; Filed, Apr. 17, 1947; 8:49 a. m.]

[Docket Nos. 8043, 8064, 8065, 8270]

MID-STATE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mid-State Broadcasting Company (WMMJ), Peoria, Illinois, Docket No. 8043, File No. BP–5551; Grain County Broadcasting Co., Inc., Peru, Illinois, Docket No. 8064, File No. BP–5567; Fred Jones & Mary Eddy Jones, a partnership d/b as Fred Jones Broadcasting Company (KFMJ), Tulsa, Oklahoma, Docket No. 8065, File No. BP–5585; Public Radio Corporation (KAKC), Tulsa, Oklahoma, Docket No. 8270, File No. BP–5985; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled application of Public Radio Corporation, permittee of a construction permit for a new standard broadcast station, KAKC, to operate on 1570 kc, with 1 kw power, daytime only, at Tulsa, Oklahoma, requesting a construction permit to change said facilities to 970 kc, with 1 kw power, unlimited time, employing a directional antenna and a petition by said applicant requesting that its application be designated for hearing in the above-entitled consolidated proceeding; and

It appearing, that the Commission on January 23, 1947, designated for hearing in a consolidated proceeding the above-entitled applications of Mid-State Broadcasting Company (WMMJ), (File No. BP–5551; Docket No. 8043) requesting a construction permit to change the facilities of Station WMMJ, Peoria, Illinois from 1020 kc, with 1 kw power, daytime only to 970 kc, with 1 kw power, unlimited time employing a directional antenna, Grain Country Broadcasting Co., Inc. (File No. BP–5567; Docket No. 8064) requesting a construction permit for a new standard broadcast station to operate on 980 kc, with 500 w, 1 kw local sunset power, unlimited time, employing a directional antenna, at Peru, Illinois and Fred Jones and Mary Eddy Jones, a partnership, d/b as Fred Jones Broadcasting Company requesting a construction permit to change the facilities to Station KFMJ, Tulsa, Oklahoma from 1050 kc, with 1 kw power, daytime only to 970 kc, with 500 w, 1 kw local sunset power, unlimited time, employing a directional antenna.

It is ordered, That the petition of Public Radio Corporation be, and it is hereby, granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Public Radio Corporation be, and it is hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers directors and stockholders to construct and operate Station KAKC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KAKC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KAKC as proposed, would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KAKC as proposed would involve objectionable interference with the services proposed in the above entitled applications of Mid-State Broadcasting Company (WMMJ) (File No. BP–5551, Docket No. 8043), Grain Country Broadcasting Co., Inc. (File No. BP–5567, Docket No. 8064), Fred Jones and Mary Eddy Jones, a partnership d/b as, Fred Jones Broadcasting Company (KFMJ) (File No. BP–5585, Docket No. 8065) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KAKC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders, dated January 23, 1947, designating for hearing the above-entitled applications of Mid-State Broadcasting Company (WMMJ) (File No. BP–5551, Docket No. 8043), Grain Country Broadcasting Co., Inc. (File No. BP–5567, Docket No. 8064) and Fred Jones and Mary Eddy Jones, a partnership, d/b as, Fred Jones Broadcasting Company, (File No. BP–5585, Docket No. 8065) be, and they are hereby, amended to include the above entitled application of Public Radio Corporation (KAKC), and to include among the issues for hearing, Issue No. 7, stated above.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–3733; Filed, Apr. 17, 1947; 8:49 a. m.]

[Docket Nos. 8271, 8272]

BARTELL BROADCASTING CO. AND CHICAGO FEDERATION OF LABOR (WCFL)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bartell Broadcasting Company, Madison, Wisconsin, Docket No. 8271, File No. BP–5508; Chicago Federation of Labor (WCFL), Chicago, Illinois, Docket No. 8272, File No. BMP–2486; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled applications of Bartell Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1010 kc, with 1 kw power, daytime only, at Madison, Wisconsin and Chicago Federation of Labor requesting a modification of construction permit to change the directional antenna pattern of Station WCFL, Chicago, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders and of the applicant association, its officers, executive board and members to construct and operate the proposed station and Station WCFL as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station WCFL as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed station and station WCFL as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed station and Station WCFL as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed station and Station WCFL as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–3734; Filed, Apr. 17, 1947; 8:49 a. m.]

[Docket Nos. 8273, 8274]

TRI-CITY BROADCASTING CO. AND MONVAL BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Tri-City Broadcasting Company, Bellaire, Ohio, Docket No. 8273, File No. BP–5421; Edgar M. Jones, Mary R. Jones, Hugo J. Parente and Michael Ferencz, d/b as Monval Broadcasting Company, Monessen, Pennsylvania, Docket No. 8274, File No. BP–5875; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled applications of Tri-City Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1050 kc, with 1 kw power, daytime only, at Bellaire, Ohio and Edgar M. Jones, Mary R. Jones, Hugo J. Parente and Michael Ferencz, d/b as Monval Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1050 kc, with 1 kw power, daytime only, at Monessen, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with Stations KDKA, Pittsburgh, Pennsylvania, WCMW, Canton, Ohio or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, Westinghouse Radio Stations, Inc., licensee of Station KDKA, Pittsburgh, Pennsylvania and Stark Broadcasting Corporation, licensee of Station WCMW, Canton, Ohio, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–3735; Filed, Apr. 17, 1947; 8:50 a. m.]

[Docket No. 8275]

WDAS BROADCASTING STATION, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of WDAS Broadcasting Station, Incorporated (WDAS), Philadelphia, Pennsylvania, Docket No. 8275, File No. BP–5269; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to install a new vertical AM antenna, for Station WDAS, and mount a FM antenna on top of said AM antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of WDAS Broadcasting Station, Incorporated be, and it is hereby designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WDAS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WDAS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WDAS as proposed would involve objectionable interference with Stations WEST, Easton, Pennsylvania, WCBM, Baltimore, Maryland, WHGB, Harrisburg, Pennsylvania or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WDAS as proposed would involve objectionable interference with the services proposed in the pending applications of Charles M. Meredith (File No. BP–5625, Docket No. 8092), Belevedere Broadcasting Corporation (File No. BP–5856), Seaside Broadcasting Company (File No. BP–5384, Docket No. 7965), Pioneer Broadcasters, Inc. (File No. BP–5694, Docket No. 8104), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WDAS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Associated Broadcasters, Incorporated, licensee of Station WEST, Easton, Pennsylvania, Baltimore Broadcasting Corporation, licensee of Station WCBM, Baltimore, Maryland, and Herbert Kendrick and G. L. Hash, d/b as Harrisburg Broadcasting Company, licensee of Station KHGB, Harrisburg, Pennsylvania, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–3736; Filed, Apr. 17, 1947; 8:50 a. m.]

SPARTANBURG ADVERTISING CO.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on April 2, 1947, there was filed with it an application (BTC–544) for its consent under section 310 (b) of the Communications Act to the proposed transfer

[1] Section 1.321, Part I, Rules of practice and procedure.

of control of Spartanburg Advertising Company, licensee of WSPA, Spartanburg, South Carolina, from A. B. Taylor to Surety Broadcasting Company. According to the proposal to transfer control A. B. Taylor agrees to sell 910 shares (100%) of the common voting $100 par value capital stock of Spartanburg Advertising Company (made up of 814.1 shares presently owned by said A. B. Taylor and 95.9 shares which said Taylor has contracted by agreement dated February 17, 1947, to purchase from Walter J. Brown) to Surety Broadcasting Company for a total consideration of $450,000. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by application on April 2, 1947, that starting on April 3, 1947, notice of the filing of the application would be inserted in the Spartanburg Journal, a newspaper of general circulation at Spartanburg, S. C., in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from April 3, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3737; Filed, Apr. 17, 1947; 8:50 a. m.]

SPARTANBURG BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on April 2, 1947, there was filed with it an application (BAL-597) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of Spartanburg Broadcasting Company, licensee of WORD, Spartanburg, S. C., from Spartanburg Broadcasting Company to The Spartan Radiocasting Company. The proposal to assign the license arises out of a contract of March 21, 1947, pursuant to which Spartanburg Broadcasting Company agrees to sell and The Spartan Radiocasting Company agrees to buy all the station assets and properties of AM Station WORD (plus the Class B conditional FM grant now held by said Spartanburg Broadcasting Company), both in Spartanburg, S. C., for a total consideration of $85,000 to be paid as follows: $10,000 to be paid before instant application has been filed and the remaining $75,000 at date of closing. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by application on April 2, 1947, that starting on April 3, 1947, notice of the filing of the application would be inserted in the Spartanburg Journal, a newspaper of general circulation at Spartanburg, S. C., in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from April 3, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3738; Filed, Apr. 17, 1947; 8:50 a. m.]

CAROLINA BROADCASTING CORP.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on April 3, 1947, there was filed with it an application (BTC-545) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Carolina Broadcasting Corporation, licensee of WCOS, Columbia, S. C., from eleven of the stockholders of said Carolina Broadcasting Corporation (owning all of the 900 shares of the common voting capital stock) to Radio Columbia. The proposal to transfer control arises out of a contract of December 12, 1946, pursuant to which the present eleven stockholders owning all the 900 shares of the common voting capital stock of Carolina Broadcasting Corporation agree to sell and Radio Columbia, a South Carolina corporation, agrees to buy all of the said 900 shares of the common voting capital stock of said Carolina Broadcasting Corporation for a total consideration of $200,000 plus a sum equal to the difference between the net worth of the said Carolina Broadcasting Corporation as of June 29, 1946, and the net worth of said corporation as at the close of business on December 6, 1946. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by application on April 3, 1947, that starting on April 9, 1947, notice of the filing of the application would be inserted in a newspaper of general circulation at Columbia, S. C., in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from April 9, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3739; Filed, Apr. 17, 1947; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 3977]

CHAMPION SPARK PLUG CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of April A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Webster Ballinger, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, April 24, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 317A, United States Court House, Toledo, Ohio.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 47-3704; Filed, Apr. 17, 1947; 8:49 a. m.]

[Docket No. 5335]

COHN-HALL-MARX CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of April A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, April 14, 1947, at one-thirty o'clock in the afternoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 47-3703; Filed, Apr. 17, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 172]

RECONSIGNMENT OF POTATOES AT BATESVILLE, ARK.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Batesville, Ark., April 10, 1947, by L. S. Taube & Co., of car WFE 62201, potatoes, on the Missouri Pacific R. R., to Milford Miller, Joplin, Mo. (Mo. Pac.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3698; Filed, Apr. 17, 1947; 8:49 a. m.]

[S. O. 716-A]

UNLOADING OF TRACTORS AT BIRMINGHAM, ALA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of April A. D. 1947.

Upon further consideration of Service Order No. 716 and good cause appearing therefor, it is ordered, that:

Service Order No. 716, *Tractors at Birmingham, Ala. on ACL RR be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 6:00 p. m., April 14, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3697; Filed, Apr. 17, 1947; 8:49 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-6]

B. RUDNER FURNITURE CO.

CONSENT ORDER

B. Rudner Furniture Company, a partnership composed of Bennie Rudner and Sam Rudner, operate a retail furniture store at Hanover Street and 4th Street, Martins Ferry, Ohio. B. Rudner Furniture Company and Bennie Rudner and Sam Rudner, partners, are charged by the Office of the Housing Expediter with a violation of Veterans' Housing Program Order 1 in that on or about February 5, 1947, without authorization of the Civilian Production Administration or the Office of the Housing Expediter they began construction and thereafter carried on and participated in construction in connection with the repairing and remodeling of its existing three-story building, used as a retail furniture store, located on the northeast corner of 4th and Hanover Streets, Martins Ferry, Ohio, at an estimated cost of $20,000.

B. Rudner Furniture Company and Bennie Rudner and Sam Rudner, partners, admit the violation charged and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of B. Rudner Furniture Company and Bennie Rudner and Sam Rudner, partners, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither B. Rudner Furniture Company, Bennie Rudner and Sam Rudner, partners, their or its successors and assigns, nor any other person shall do any further construction on the premises located on the northeast corner of 4th and Hanover Streets, Martins Ferry, Ohio, including any further repairs, remodeling or altering of the existing three-story building located on said premises used as a retail furniture store, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) B. Rudner Furniture Company, Bennie Rudner and Sam Rudner, as partners and as individuals, shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on construction or for priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve B. Rudner Furniture Company and Bennie Rudner and Sam Rudner, as partners and as individuals, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 16th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3766; Filed, Apr. 16, 1947; 8:44 p. m.]

[1] Section 1.321, Part I, Rules of practice and procedure.

[C-7]

EMANUEL M. STREID, LOUISE STREID AND PAUL STREID

CONSENT ORDER

Paul Streid, as operator, and Emanuel M. Streid and Louise Streid, as owners, began construction of a concrete block building to be used as a tourist camp management building and service station and 25 concrete block cabins on the premises known as Lots 2 to 10 in Block 12 and 13 of Section 10, Junction City, Illinois, at an estimated cost in excess of the small job allowance, without having obtained authorization therefor under Veterans' Housing Program Order 1. To date, the sum of approximately $2,700 has been expended for materials and labor. This construction is in violation of paragraph (c) (1) of Order VHP-1, as amended October 7, 1946.

Paul Streid, Emanuel M. Streid and Louise Streid, do not wish to contest the charge made and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Paul Streid, Emanuel M. Streid and Louise Streid, the Regional Compliance Director and the Regional Attorney, and upon approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Paul Streid, Emanuel M. Streid and Louise Streid, their successors or assigns, nor any other person, shall do any further construction on the premises known as Lots 2 to 10 in Block 12 and 13 of Section 10, Junction City, Illinois, unless specifically authorized in writing by the Office of the Housing Expediter.

(b) Paul Streid, Emanuel M. Streid and Louise Streid, shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter.

(c) Nothing contained in this order shall be deemed to relieve Paul Streid, Emanuel M. Streid and Louise Streid, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 16th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3767; Filed, Apr. 16, 1947; 3:44 p. m.]

[C-8]

ALFRED BYRD AND FRANK M. PIERSON

CONSENT ORDER

Afred Byrd, 1801 Wabash Avenue, Terre Haute, Indiana, as owner, and Frank M. Pierson, 510 Osborn Street, Terre Haute, Indiana, as contractor, are charged with having begun on or about November 8, 1946 remodeling, alterations and construction in an existing structure on the premises at 1801 Wabash Avenue, Terre Haute, Indiana, to convert said structure into stores, automobile agency and apartments, at an estimated cost in excess of $1,000, without having obtained authorization therefor under Veterans' Housing Program Order 1.

Alfred Byrd and Frank M. Pierson do not wish to contest such charges and consent to the issuance of this order.

Wherefore, upon the agreement and consent of Alfred Byrd and Frank M. Pierson, the Regional Compliance Director and the Regional Attorney, and upon approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Alfred Byrd or Frank M. Pierson, their successors or assigns, nor any other person, shall do any further construction on the premises at 1801 Wabash Avenue, Terre Haute, Indiana, unless specifically authorized by the Office of the Housing Expediter.

(b) Nothing contained in this order shall be deemed to relieve Alfred Byrd and Frank M. Pierson from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 16th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3768; Filed, Apr. 16, 1947; 3:44 p. m.]

[C-9]

GERALD A. ROSE ET AL.

CONSENT ORDER

Gerald A. Rose and Mary J. Rose, husband and wife, and Thomas E. Rose, their son, of Muncie, Indiana, are charged with having exceeded authorization on Form CPA-4423, dated July 6, 1946, in the construction of a two-story building 40' x 40' at an estimated cost of $12,000, instead of the construction of a one-story building 25' x 40' at an estimated cost of $2,000, as set forth in said authorization. Gerald A. Rose, Mary J. Rose and Thomas E. Rose do not wish to contest such charge and consent to the issuance of this order.

Wherefore, upon the agreement and consent of Gerald A. Rose, Mary J. Rose, and Thomas E. Rose, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Authorization to Thomas E. Rose on Form CPA-4423, dated July 6, 1946, is hereby revoked.

(b) Neither Gerald A. Rose, Mary J. Rose and Thomas E. Rose, their successors or assigns, nor any other person shall do any further construction on the premises at 2618 South Madison Street, Muncie, Indiana, unless specifically authorized in writing by the Office of the Housing Expediter.

(c) Nothing contained in this order shall be construed as preventing the processing on its merits of any application for permission to complete the construction on the aforesaid premises that may be filed with the Office of the Housing Expediter.

(d) Nothing contained in this order shall be deemed to relieve Gerald A. Rose, Mary J. Rose and Thomas E. Rose, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 16th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3769; Filed, Apr. 16, 1947; 3:44 p. m.]

[C-12]

FRANK M. POWELL

CONSENT ORDER

Frank M. Powell, P. O. Box 990, Steubenville, Ohio, is charged by the Office of the Housing Expediter with violating Veterans' Housing Program Order 1 in that on or about August 14, 1946, he began construction and thereafter carried on and participated in the construction of a building to be used as a gasoline service station, located at 113 North 5th Street, Martins Ferry, Ohio, at a cost in excess of $1,000 without authorization of the Civilian Production Administration or the Office of the Housing Expediter.

Frank M. Powell admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Frank M. Powell, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Frank M. Powell, his successors and assigns, nor any other person shall do any further construction on the premises located at 113 North 5th Street, Martins Ferry, Ohio, including putting up, completing or altering the building to be used as a gasoline service station located on said premises unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Frank M. Powell shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authority to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Frank M. Powell, his successors and assigns, from any provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 16th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3770; Filed, Apr. 16, 1947; 3:44 p. m.]

[C-13]

TELECOIN CORP.

CONSENT ORDER

Telecoin Corporation, a Delaware Corporation located at 12 East 44th Street, New York City, is engaged in the sale of coin operated automatic washing machines. Telecoin Corporation is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about December 15, 1946 it began construction, repairs, additions, and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 12 East 44th Street, New York City; (2) on and after December 15, 1946 it carried on construction, repairs, additions, and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 12 East 44th Street, New York City.

Telecoin Corporation admits the violations charged, but denies that the acts charged were committed willfully, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Telecoin Corporation, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Telecoin Corporation, its successors and assigns, nor any other person shall do any further construction on the premises located at 12 East 44th Street, New York City, including putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Telecoin Corporation shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Telecoin Corporation, its successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 16th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3771; Filed, Apr. 16, 1947; 3:44 p. m.]

[C-14]

LAKE SHORE LUMBER & COAL CO.

CONSENT ORDER

The Lake Shore Lumber and Coal Company of Ohio is an Ohio Corporation engaged in the business of selling building supplies and coal. Ray Dishinger is the Treasurer of said corporation. The Lake Shore Lumber and Coal Company of Ohio is charged by the Office of the Housing Expediter with a violation of Veterans' Housing Program Order 1 in that on or about December 19, 1946 it began construction and thereafter carried on and participated in the construction of a building to be used for storage purposes located at 41 Church Street, Willoughby, Ohio, at a cost in excess of $1,000, without authorization of the Civilian Production Administration or the Office of the Housing Expediter.

The Lake Shore Lumber and Coal Company of Ohio admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of The Lake Shore Lumber and Coal Company of Ohio, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither The Lake Shore Lumber and Coal Company of Ohio, its successors and assigns, nor any other person shall do any further construction on the premises located at 41 Church Street, Willoughby, Ohio, including the putting up, completing or altering the structure to be used for storage purposes located on said premises unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) The Lake Shore Lumber and Coal Company of Ohio shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authority to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve The Lake Shore Lumber and Coal Company of Ohio, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 16th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3772; Filed, Apr. 16, 1947; 3:44 p. m.]

SECURITIES AND EXCHANGE COMMISSION

CHARLES MASSIE & CO.

ORDER DISMISSING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of April A. D., 1947.

A proceeding having been instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Charles A. Massie, doing business as Charles Massie & Company, should be revoked;

A hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

It is ordered, On the basis of said findings and opinion, that the proceeding be, and hereby is, dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3686; Filed, Apr. 17, 1947; 8:47 a. m.]

[File No. 7-981]

JOY MFG. CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of April A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the common stock, $1.00 par value, of Joy Manufacturing Company, a security listed and registered on the Chicago Stock Exchange and New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to May 5, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3684; Filed, Apr. 17, 1947; 8:46 a. m.]

[File No. 54-151]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) AND SOUTHERN INDIANA GAS AND ELECTRIC CO.

ORDER APPROVING AMENDED PLAN SUBJECT TO CONDITIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 11th day of April 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a regis-

tered holding company, having filed an application and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan involving the retirement of a portion of its preferred stock through a voluntary exchange offer whereunder Commonwealth will offer for each 2 shares of its preferred stock, up to 400,000 shares thereof, 3 shares of common stock of Consumers Power Company, and 2 each of common stock of Ohio Edison Company and Southern Indiana Gas and Electric Company; and

Alfred J. Snyder, representing various Common-stock holders having made a motion that we defer consideration of the said application until we have first ruled upon certain over-all plans now on file with us for the recapitalization of Commonwealth; and

Commonwealth having requested that the Commission enter an order finding that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and having requested that the Commission's order approving the plan shall contain the recitals required by sections 371 (f) and 1808 (f) of the Internal Revenue Code; and

Public hearings having been held after appropriate notice, and the Commission having considered the record and having this day issued its findings and opinion herein;

The Commission having found that said amended plan is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby, and having further found that good cause exists for making its order herein effective immediately upon its issuance;

It is ordered, That said amended plan be and hereby is approved, subject, however to the terms and conditions contained in Rule U-24 and to the following conditions: (1) That Commonwealth shall, within five days from the date hereof, file with this Commission a further amendment to said amended plan agreeing to pay such fees and remuneration for services rendered and make reimbursement for proper costs incurred in connection with these proceedings, as the Commission shall finally determine, award, allow or allocate upon petition of any interested person, and (2) that Commonwealth shall at the time of mailing the offer of exchange to its preferred stockholders include therewith a copy of our findings and order herein.

It is further ordered and recited, That the transactions embraced within the plan of exchange, hereinafter described and recited, are necessary or appropriate to the integration or simplification of the holding company system of which Commonwealth is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) The surrender by the holders thereof and the acquisition by Commonwealth, pursuant to the plan of exchange, of shares of Commonwealth Preferred Stock, $6 Series; without par value, up to and including 400,000 shares of such stock; and

(2) The transfer and delivery by Commonwealth to its preferred stockholders and the acquisition by such preferred stockholders, pursuant to the plan of exchange, of not more than (a) 600,000 shares of the common stock without par value of Consumers Power Company; (b) 400,000 shares of the common stock with a par value of $8 per share of Ohio Edison Company; and (c) 400,000 shares of the common stock without par value of Southern Indiana Gas and Electric Company; all in exchange for not more than 400,000 shares of Commonwealth preferred stock, $6 Series, without par value, on the basis of the exchange of three shares of the common stock of Consumers, two shares of the common stock of Ohio Edison and two shares of the common stock of Southern Indiana for each two shares of the preferred stock of Commonwealth.

It is further ordered, That the said motion of Snyder to defer be and hereby is denied;

It is further ordered, That members of the Preferred Stockholders Committee and any company they represent or of which they are officers, directors, partners or employees, be and hereby are authorized to deposit for exchange their holdings of Commonwealth preferred stock and, insofar as such transaction is concerned, are hereby granted an exemption from the requirements of Rule U-62 of the Commission's general rules and regulations under the Public Utility Holding Company Act of 1935.

It is further ordered, That this order shall be effective immediately upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3685; Filed, Apr. 17, 1947; 8:47 a. m.]

[File No. 70-1486]

CAMBRIDGE ELECTRIC LIGHT CO. AND CAMBRIDGE GAS LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of April 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Cambridge Electric Light Company ("Cambridge Electric") and Cambridge Gas Light Company ("Cambridge Gas"), both companies being subsidiaries of New England Gas and Electric Association, a registered holding company. Applicants-declarants have designated sections 9 (a), 10 and 12 (d) of the act and Rule U-43 as applicable to the proposed transaction.

All interested persons are referred to said joint application-declaration, which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Cambridge Electric proposes to acquire from Cambridge Gas for $154,388.75 a piece of land upon which Cambridge Electric proposes to erect a steam generating plant, such land being adjacent to the gas works of Cambridge Gas. The application-declaration states that this land was never used in the production of gas or otherwise dedicated to the service of the public. The present book value of this land is $56,467.21. The application-declaration states that the sale and purchase price of this parcel of land was established on the basis of an appraisal made by independent real estate appraiser.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said joint application-declaration, and that said joint application-declaration shall not be granted nor permitted to become effective except pursuant to further order of the Commission:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder, that a hearing on said joint application-declaration be held on April 21, 1947, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission, on or before April 18, 1947, a written request or application, therefore, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all power granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the said joint application-declaration and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed acquisition and sale of the land satisfies the applicable standards of section 10, 12 (d) and 12 (f) of the act;

2. Whether a profit on the sale of the land as between two wholly-owned subsidiaries is detrimental to the public interest or the interests of investors or consumers;

3. Whether or not the proposed accounting treatment of the proposed transaction is proper and in conformity with sound accounting practice;

4. What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public

interest or for the protection of investors and consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Cambridge Electric Light Company, Cambridge, Massachusetts, Cambridge Gas Light Company, Cambridge, Massachusetts, and the Department of Public Utilities of Massachusetts, Boston, Mass. and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3688; Filed, Apr. 17, 1947; 8:47 a. m.]

[File No. 70-1488]

SOUTH CAROLINA POWER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of April 1947.

Notice is hereby given that South Carolina Power Company ("South Carolina"), a public utility company and a subsidiary of The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, has filed an application-declaration with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company act of 1935 and Rule U-50 promulgated thereunder. All interested persons are referred to said document which is on file in the office of this Commission for a full statement of transactions therein proposed which may be summarized as follows:

South Carolina proposes to issue and sell publicly, pursuant to the competitive bidding provisions of Rule U-50, 200,000 shares of its presently authorized common stock without par value and $4,000,000 principal amount of its First and Refunding Mortgage Bonds at an interest rate not to exceed 3¼% per annum and payable in not less than thirty years. The filing indicates that the company will use the proceeds from the sale of such stock and bonds for the construction of property additions and for other corporate purposes, including the repayment to Commonwealth of $1,000,000 proposed to be borrowed from it on a nine-months' 1½% promissory note or notes. Property additions are contemplated during the years 1947, 1948 and 1949 in the amount of approximately $9,300,000.

South Carolina also proposes to make certain amendments to its charter (1) to grant preemptive rights to its common stockholders to purchase additional shares of common stock which are sold for cash other than by public offering by competitive bidding or to or through underwriters or investment bankers, (2) to provide that holders of common stock shall be entitled to cumulative voting for directors, and (3) to specify that the entire consideration received for shares of common stock shall be capital. South Carolina has presently authorized 1,000,000 shares of no par value common stock. Except for 12 directors' qualifying shares which Commonwealth has options to purchase, all the presently outstanding common stock of South Carolina, consisting of 600,000 shares, is owned by Commonwealth.

Commonwealth has filed with this Commission (File Nos. 59-20, 59-8, 54-75 and 54-152) a plan for partial compliance with sections 11 (b) (1) and 11 (b) (2) of the act in which Commonwealth has agreed that, subject to the condition, among others, that the Commission finds the electric properties of Alabama Power Company, Georgia Power Company, Mississippi Power Company and Gulf Power Company are retainable under common control as an integrated public utility system under the standards of the act and that the continued existence of The Southern Company as a holding company over such retainable properties is appropriate under such standards, it will dispose of its interest in South Carolina and that the Commission may enter an appropriate order to such effect under section 11 (b) (1) of the act.

The filing also states that the issuance and sale of the 200,000 shares of common stock and $4,000,000 principal amount of bonds have been expressly authorized by the Public Service Commission of South Carolina, the state commission of the state in which South Carolina is organized and doing business.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that the application-declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said application-declaration under the applicable provisions of the act and the rules and regulations of the Commission promulgated thereunder be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania at 11 a. m., e. s. t., on the 24th day of April 1947, in such room as may be designated at such time by the hearing room clerk in room 318. All persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before April 22, 1947 a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of said application-declaration and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed issue and sale of common stock and bonds are solely for the purpose of financing the business of South Carolina and otherwise comply with the applicable standards and requirements of sections 6 and 7 of the act;

(2) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers and, particularly, whether, as a condition to an order approving the proposed transactions, the Commission shall require that Commonwealth consent to divest itself of its interest in South Carolina and consent to the entry of an unconditional order to that effect under section 11 (b) (1).

(3) Whether the fees, commissions or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

(4) Whether the accounting treatment of the proposed transactions is appropriate and in conformity with the requirements of the act.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That Robert P. Reeder, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on South Carolina Power Company, on The Commonwealth & Southern Corporation, on the Public Service Commissions of South Carolina and Georgia, on the Federal Power Commission, on the City of Charleston, South Carolina, and on all parties of record and all parties granted leave to be heard in the proceedings on Commonwealth's Plan of Reorganization (File Nos. 59-20, 59-8, 54-75 and 54-152); and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3687; Filed, Apr. 17, 1947; 8:47 a. m.]

[File Nos. 70-1490, 70-1491]

NORTHERN STATES POWER CO., MINNESOTA, AND NORTHERN STATES POWER CO., WISCONSIN

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of April 1947.

Northern States Power Company, a Minnesota corporation (Minnesota), a registered holding company and Northern States Power Company, a Wisconsin corporation (Wisconsin) a public utility subsidiary of Minnesota, having filed applications and declarations pursuant to sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 and Rules U-24, U-43, and U-50 promulgated thereunder regarding the issuance and sale of $19,000,000 principal amount of First Mortgage Bonds Series due April 1, 1977; the issuance and sale of 5,201 shares of Wisconsin common stock at par value of $100 per share to Minnesota; and the redemption of $16,975,000 principal amount of First Mortgage Bonds 3½% Series due March 1, 1964; and

A public hearing having been held after appropriate notice upon said applications and declarations and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the applications and declarations be and the same are hereby granted and permitted to become effective subject to the conditions prescribed by Rule U-24 and to the further condition that the issue and sale of the Bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been supplied by amendment and further order shall have been entered which order may contain such further terms and conditions as may then be deemed appropriate; jurisdiction is hereby reserved for the entry of such order and the imposition of such terms and conditions; jurisdiction is also reserved over the payment of legal fees to A. Louis Flynn, John M. Campbell and Messrs. Gardner, Carton & Douglas; and jurisdiction is further reserved with respect to any proceedings, either pending or which may be instituted, against Minnesota or Wisconsin pursuant to the provisions of section 11 (b) of the act, without prejudice to such action as we may deem appropriate in such proceedings.

It is further ordered, That the ten-day period for inviting bids as provided in Rule U-50 be and the same is hereby reduced to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3689; Filed, Apr. 17, 1947; 8:47 a. m.]

[File No. 70-1498]

PORTLAND GAS AND COKE CO.

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of April A. D. 1947.

Portland Gas and Coke Company ("Portland"), a subsidiary of American Power & Light Company, a registered holding company, has filed an application and amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of sections 6 (a) and 7 thereof of the issue and sale to three banks in Portland, Oregon of promissory notes in an aggregate principal amount of $2,500,000. Such notes will bear an interest rate of 2¾% per annum and will be issued as follows: $500,000 on April 15, 1947; $500,000 on June 2, 1947; $750,000 on July 15, 1947; and $750,000 on September 15, 1947. The notes will be payable as follows: $500,000 on October 1, 1948; $500,000 on October 1, 1949; $750,000 on October 1, 1950; and $750,000 on October 1, 1951.

The issue and sale of such notes have been expressly authorized by the Public Utilities Commissioner of the State of Oregon, the state in which the company is organized and doing business, and by the Department of Public Utilities of the State of Washington, where the company also does business.

The proceeds of the issue and sale of such notes will be used by Portland to construct additional facilities which are stated by the company to be essential to meet the increased demand for service.[1] The company normally manufactures gas and other products from heavy residuum oil. However, due to the unprecedented increase in demand for service, it became necessary as a temporary expedient during the heating season of 1946-47 to use large quantities of Diesel oil because of its higher gas-making value. By this means, the company was able to increase the production capacity of its generators by 110%. The company states, however, that the use of Diesel oil results in an increased cost of $1.05 per barrel over the price of heavy residuum oil and, while Diesel oil can be used advantageously for peaking purposes, its extensive use means abnormally high production cost arising in part from a reduction in the quantity of by-products produced. As a result of such high production cost, the company's income was materially reduced during the winter months of 1946-47. After installation of the proposed new facilities, the quantity of Diesel oil used during peak periods will be reduced more than 90%. Engineers who have been employed to design and supervise the installation of the new equipment estimate that the resultant savings in oil costs alone will approximate $1,500,000 annually.

The company has indicated in its estimates of cash receipts and disbursements for the years 1947 to 1951, inclusive, that the increase in income resulting from the proposed new construction will be sufficient to enable it to carry the increased interest charges as well as to repay the contemplated loans at maturity.

The note agreement provides, among other things, that without the written consent of the holders of 60% of the principal amount of the notes:

(1) The company will not declare any dividends on its capital stock (a) except out of earned surplus accumulated after April 30, 1947, or (b) in any amount in excess of $450,000 per annum, or (c) which would have the effect of reducing the total of current assets below the total of current liabilities;

(2) The company will not issue additional bonds in excess of $2,000,000 principal amount unless the proceeds in excess of $2,000,000 are applied to the payment of the notes.

The agreement also provides that upon request of the banks, after October 1, 1949, the company will, if permitted to do so by the regulatory authorities, issue additional bonds in an amount not exceeding the unpaid balance of the notes and will deliver such bonds as collateral security for the payment of the notes. Upon delivery of such bonds, the dividend restrictions mentioned above will be removed.

The only questions before us under section 6 (b) of the act are whether the issue and sale of the notes are solely for the purpose of financing the business of Portland, whether such issue and sale have been expressly authorized by the Commissions of the States in which the company is organized and doing business and whether it is necessary for us in the public interest and for the protection of investors and consumers to impose any terms or conditions.

As indicated above, the issues and sale of the notes are solely for the purpose of financing the business of the company and have been expressly approved by the respective State Commissions having jurisdiction.

The issuance of the proposed notes will increase the ratio of long-term debt to total capitalization and surplus from 42.7% to 48.1%. If the anticipated operational savings are disregarded coverage of total income deductions will, on the basis of 1946 earnings, be reduced from 2.6 to 2.3 times and of total income deductions plus regular preferred stock dividends from 1.4 to 1.3 times. In the absence of the special circumstances of this case, we might be reluctant to exempt without condition transactions which result in an increase in the ratio of long-term indebtedness to total capitalization and surplus, especially in the case of a company such as Portland which has large arrearages on its preferred stock. However, in view of the company's urgent need for funds to maintain adequate service, as indicated by the orders of the State Commissions, and the impracticability of obtaining such funds at this time from other sources, we do not deem it necessary to impose any terms or conditions.

Notice of the filing of the proposed transactions having been given in the form and manner prescribed by Rule U-23 under the act and no request for hearing having been received:

[1] The orders of both State Commissions require that the company submit to the State Commission on or before May 25, 1947, and each month thereafter, a verified report showing its expenditures during the preceding month from the proceeds of said short-term borrowings for additional production and distribution facilities.

It is ordered, effective forthwith, That pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions contained in Rule U-24 that the aforesaid application, as amended, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3683; Filed, Apr. 17, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8440]

HANS FEULNER ET AL.

In re: Interest in real property, property insurance policy and claim owned by Hans Feulner, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Name and Last Known Address

Hans Feulner, Huhnergrund, Post, Bernstein A/W Oberfranken, Bayern, Germany.
Heinrich Feulner, Schützen Strasse 6, Schwarzenbach A/W, Oberfranken, Bayern, Germany.
Anna Gebeleinn, Post, Bernstein A/W, Oberfranken, Bayern, Germany.
Anni Feulner, Marxgrün, Frankenwald, Kleinschmeiden No. 11, Germany.
Herbert Feulner, Marxgrün, Frankenwald, Kleinschmeiden No. 11, Germany.
Hans Feulner, Marxgrün, Frankenwald, Kleinschmeiden No. 11, Germany.
Helmut Feulner, Bernstein, A/Wald, Germany.
Edith Feulner, Bernstein, A/Wald, Germany.

2. That the property described as follows:

a. An undivided four-sevenths interest in real property, situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1, in and to Fire Insurance Policy No. 33,330, issued in the name of Babetta E. Feulner, by Philadelphia Contributorship for Insurance of Houses from Loss by Fire, 212 South Fourth Street, Philadelphia 6, Pennsylvania, in the amount of $3,000.00, insuring the property described in subparagraph 2-a hereof, and

c. That certain debt or obligation owing to the persons named in subparagraph 1, by John M. Feulner, 402 West Chew Street, Philadelphia 20, Pennsylvania, arising out of but not limited to rents collected for the premises described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

All that certain lot or piece of ground with the Buildings and Improvements (#5940) thereon erected; situate on the Westerly side of Fifth Street at the distance of One Hundred Twenty-four Feet Southwardly from the Southerly side of Champlost Avenue in the Forty-second Ward of the City of Philadelphia.

Containing in front or breadth on the said Fifth Street Fifteen Feet Three Inches and extending of that width in length or depth Westwardly between lines parallel with the said Champlost Avenue Ninety Feet to the center of a certain Fifteen Feet wide driveway extending Southwardly from Champlost Avenue to Widener Place.

Being the same premises which Colonial Building and Loan Association by Indenture bearing date the Ninth Day of June A. D. 1941, and recorded at Philadelphia in Deed Book D. W. H. No. 1275 page 548 &c., granted and conveyed unto the said Elizabeth M. Pfluger, her heirs and assigns, in fee.

Under and subject to certain building restrictions as now of record.

Together with the free and common use, right, liberty and privilege of the aforesaid driveway as and for a passageway and driveway at all times hereafter, forever, in common with the tenants, owners and occupants of the other properties abutting thereon, subject, however to the proportionate part of the expense of keeping said driveway in good order and repair.

[F. R. Doc. 47-3705; Filed, Apr. 17, 1947; 8:49 a. m.]

[Vesting Order 8504]

HELENE KREMER ET AL.

In re: Interests in real property, property insurance policy and a claim owned by Helene Kremer, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses appear below are residents of Germany and nationals of a designated enemy country (Germany);

Name and last known address

Helene Kremer, Koehn-Lindenthal, Fritsch Strasse 3, Germany.
Martha Dyckmanns, Koehn-Lindenthal, Fritsch Strasse 3, Germany.
Auguste Behrens, Ilten, Hanover, Germany.
Minna Roeder, Ilten, Hanover, Germany.

2. That the property described as follows:

a. An undivided eighteen twenty-fourths (18/24ths) interest in real property, situated in the County of Baker, State of Florida, particularly described as the Northeast quarter (NE¼) of Southwest quarter (SW¼) of Section 26, Township 2 South, Range 22 East, Baker County, Florida, containing 40 acres, more or less, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. An undivided eighteen twenty-fourths (18/24ths) interest in real property, situated in the City of Miami, County of Dade, State of Florida, particularly described as Lot Sixteen (16) in Block Twenty-eight (28) of Riverside, Brickell's Addition to the City of Miami, Florida, according to plat thereof, recorded in Plat Book 4, page 45, of the Public Records of Dade County, Florida, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. All right, title and interest of the persons named in subparagraph 1, in and to Fire Insurance Policy No. 5637, issued by Connecticut Fire Insurance Company, Hartford, Connecticut, in the amount of $1,500.00, which policy insures the property described in subparagraph 2-b hereof, and

d. That certain debt or other obligation owing to the persons named in subparagraph 1, by Hollopeter & Post, Inc.,

151 N. E. Third Street, Miami, Florida, including particularly but not limited to those sums collected from the real property described above and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-c and 2-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3706; Filed, Apr. 17, 1947; 8:52 a. m.]

[Vesting Order 8505]

GRAF GEORGE ZU LYNAR ET AL

In re: Debts owing to, and bank accounts and interests in real property owned by, Graf George zu Lynar, also known as Graf Georg zu Lynar, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations owing to Graf George zu Lynar, also known as Graf Georg zu Lynar, as Count George Mandrup zu Lynar and as Count George DeLynar, and Grafin Jane zu Lynar, also known as Countess Jane Georgianna Sophie Mandrup zu Lynar, and as Countess Jane DeLynar, by The Huntington National Bank of Columbus, 17 South High Street, Columbus 16, Ohio, in the amount of $860.43 for Graf George zu Lynar and $860.44 for Grafin Jane zu Lynar, as of December 5, 1946, evidenced by a Trust Department Voucher number D994, in the sum of $1,720.87, dated December 5, 1946, issued by the aforesaid bank, payable to the order of The Alien Property Custodian, and presently in the custody of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of, the aforesaid trust voucher,

b. That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, by The Huntington National Bank of Columbus, 17 South High Street, Columbus 16, Ohio, in the amount set forth opposite each name in Exhibit A, as of December 5, 1946, evidenced by a Trust Department Voucher number D993, in the sum of $941.46, dated December 5, 1946, issued by the aforesaid bank, payable to the order of The Alien Property Custodian, and presently in the custody of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of, the aforesaid trust voucher,

c. That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit B, attached hereto and by reference made a part hereof, by The Huntington National Bank of Columbus, 17 South High Street, Columbus 16, Ohio, arising out of a trust department account, numbered and entitled as set forth opposite the name of each individual in Exhibit B, and any and all rights to demand, enforce and collect the same, and

d. An undivided twenty-four ninetieths (24/90) interest in the real property described as Being Lot "A" as the same is delineated upon the plat thereof in the partition deed of record in Deed Book 147, page 402, Recorder's Office, Franklin County, Ohio, containing 2.225 acres, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a to 2-c hereof, inclusive, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-d hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Names and Amounts

Graf George zu Lynar (Count George Mandrup zu Lynar, Graf Georg zu Lynar, Count George DeLynar)	$431.49
Grafin Jane zu Lynar (Countess Jane Georgianna Sophie Mandrup zu Lynar, Countess Jane DeLynar)	431.49
Prince Ernest Wilhelm zu-Lynar-Redern (Count Ernst DeLynar, Prince Ernest Wilhelm zu-Lynar-Redern)	13.08
Graf Alexander zu-Lynar-Redern (Count Alexander DeLynar)	13.08
Grafin Marili zu-Lynar-Redern (Countess Marili zu Lynar-Redern, Countess Marie zu Lynar-Redern, Countess Marie DeLynar)	13.08
Margerete Grafin Hansbach (Countess Margarete Grafin Hansbach, Countess Margaret DeLynar)	13.08
Princess Elizabeth zu-Lynar-Redern (Countess Elisabeth zu Lynar-Redern, Countess Elizabeth DeLynar)	13.08
Grafin Natalie zu-Lynar-Redern (Countess Natalie zu Lynar-Redern, Countess Natalie DeLynar)	13.08
Total	941.46

EXHIBIT B

HEIRS OF JANE PARSONS

Names and Titles of Accounts

	Account No.
Graf George zu Lynar	L-7 -251
Grafin Jane zu Lynar	L-9 -251
Prince Ernst Wilhelm zu-Lynar-Redern	L-11-251
Graf Alexander zu-Lynar-Redern	L-13-251
Grafin Marili zu-Lynar-Redern	L-15-251
Margerete Grafin Hansbach	L-17-251
Princess Elizabeth zu-Lynar-Redern	L-19-251
Grafin Natalie zu-Lynar-Redern	L-21-251

[F. R. Doc. 47-3707; Filed, Apr. 17, 1947; 8:51 a. m.]

[Vesting Order 8547]

LUKRETIA KNOELL

In re: Real property owned by Lukretia Knoell, also known as Lukretia Knöll.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lukretia Knoell, also known as Lukretia Knöll, whose last known address is Tahnstrasse 45, (13a) Feuchtwangen-near Dombühl, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the City of Cincinnati, County of Hamilton, State of Ohio, particularly described as being situated in Columbia Township, Hamilton County, Ohio, and being known as Lot No. One hundred and fifteen (115) of the Crestview Subdivision as recorded in Plat Book 21, page 63 of the records of Hamilton County, Ohio, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3708; Filed, Apr. 17, 1947; 8:51 a. m.]

[Vesting Order 8548]

T. K. YATSU

In re: Real property owned by T. K. Yatsu, also known as Kenzo Yatsu.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. K. Yatsu, also known as Kenzo Yatsu, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Real property, situated in the County of Kern, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that certain real property situate in the County of Kern, State of California, described as follows:

All of Lot 185 of the Fourth Home Extension Colony, in the County of Kern, State of California, according to Map of said Colony made by F. M. Sayre, Surveyor, and recorded in the office of the County Recorder of said County in Book 1, Page 99 of Maps.

[F. R. Doc. 47-3709; Filed, Apr. 17, 1947; 8:51 a. m.]

[Vesting Order 8599]

GOTTLIEB WELLER

In re: Interests in real property and property insurance policies, and claim owned by Gottlieb Weller.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gottlieb Weller, whose last known address is Geislingen, Wolkstrasse 36, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-eighth (1/8) interest in real property, situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Gottlieb Weller, in and to the property insurance policies, particularly described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the properties described in Exhibit A, attached hereto, and

c. That certain debt or other obligation owing to Gottlieb Weller, by North Philadelphia Trust Company, 3713 Germantown Avenue, Philadelphia 40, Pennsylvania, arising out of rents collected for the properties described in Exhibit A, attached hereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b and 2–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise deat with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

PARCEL 1

All that certain lot or piece of ground, situate on the West side of Broad Street at the distance of Four hundred and seven feet three inches Northward from the North side of Hunting Park Avenue in the Forty-third ward of the said City of Philadelphia. Containing in front or breadth on the said Broad Street Eighteen feet six inches and extending in length or depth Westward One hundred and seventy-seven feet ten inches to the East side of Carlisle Street. (Being premises 4244 N. Broad Street)

Also all that certain lot or piece of ground, with the messuage or tenement thereon erected, situate on the West side of Broad Street at the distance of Fifty-five feet nine inches Southward from the South side of Bristol Street in the ward and City aforesaid. Containing in front or breadth on the said Broad Street Eighteen feet six inches and extending of that width in length or depth Westward between parallel lines at right angles to the said Broad Street Eighty-seven feet ten inches. (Being premises 4246 N. Broad Street)

Also all that certain lot or piece of ground situate on the West side of Broad Street at the distance of four hundred and forty-four feet three inches Northward from the North side of Hunting Park Avenue in the Ward and City aforesaid. Containing in front or breadth on the said Broad Street Eighteen feet six inches and extending of that width in length or depth Westward Eighty-seven feet ten inches. (Being premises 4248 N. Broad Street)

Also all those two certain lots or pieces of ground, situate on the South side of Bristol Street at the distance of Eighty-seven feet ten inches Westward from the West side of Broad Street in the ward and City aforesaid. Containing together in front or breadth on the said Bristol Street Thirty-six feet (each lot Eighteen feet) and extending in length or depth Southward Seventy-four feet three inches. (Being premises 1410–1412 Bristol Street)

Also all that certain lot or piece of ground, situate on the Southeast corner of Carlisle Street and Bristol Street in the ward and City aforesaid. Containing in front or breadth on the said Bristol Street Eighteen feet and extending in length or depth Southward along the said Carlisle Street Seventy-four feet three inches. (Being premises S. E. corner Carlisle and Bristol Streets)

PARCEL 2

All that certain lot or piece of ground with the two-story brick messuage or Tenement (#4554) thereon erected situate on the West side of Camac Street at the distance of Forty-seven feet Southward from the South side of Courtland Street in the Forty-second Ward of the City of Philadelphia, aforesaid. Containing in front or breadth on the said Camac Street Fifteen feet and extending of that width in length or depth Westward between parallel lines at right angles with the said Camac Street Eighty-one feet one and one-quarter inches to a certain three feet wide alley extending Southward and Northward from and into the said Courtland Street.

PARCEL 3

All that certain lot or piece of ground with the Buildings and Improvements thereon erected, situate on the Northeasterly side of Germantown Avenue, at the distance of Two feet four and seven-eighths inches Northward from the Northerly side of Allegheny Avenue, in the Forty-third Ward of the City of Philadelphia. Containing in front or breadth on the said Germantown Avenue Twenty-feet, and extending of that width in length or depth Northeastward between parallel lines with Roy Street, Seventy-five feet. (Being premises 3201 Germantown Avenue)

PARCEL 4

All that certain lot or piece of Ground with the Messuages or Tenements thereon erected, described according to a Survey and Plan thereof made by Walter Brinton, Esq., Surveyor and Regulator of the 5th District, dated April 29, 1901, as follows: Situate on the North side of Allegheny Avenue and East side of Germantown Avenue; thence extending along Allegheny Avenue South Seventy-eight degrees Thirty-nine minutes East, One Hundred and Thirty-six feet and five-eighths of an inch to a point on the West side of Eleventh Street (Fifty feet wide); thence along the West side of said Eleventh Street North Eleven degrees, Twenty-one minutes, East Eighty-nine feet two and seven-eighths inches to a point; thence North Fifteen degrees Ten minutes and Twenty-six seconds West Seventeen feet Nine and Five-eighths inches to a point; thence South Sixty-two degrees Forty-six minutes and Thirty-seven Seconds West, One Hundred and Sixty-five feet two and three-quarter inches to the Northeast side of Germantown Avenue; thence South Fifteen degrees ten minutes and Twenty-six seconds East, Two feet four and seven-eighths inches to the place of beginning. (Being premises 1101–11 Allegheny Avenue)

PARCEL 5

All that certain lot or piece of ground with the Buildings and Improvements thereon erected, described according to a recent plan thereof made by Joseph F. Delany, Esquire, Surveyor and Regulator of the Fifth District, on the Twenty-sixth day of November, A. D. 1934, as follows, to wit: Beginning at a point on the Northeasterly side of Germantown Avenue (Sixty (60') feet wide) at the distance of Eighty (80') feet Northwestwardly from the Northwesterly side of Atlantic Street, (Thirty (30') feet wide), formerly Angle Street; in the Forty-third (late part of the Twenty-fifth) Ward of the City of Philadelphia; Thence extending Northeastwardly on a line at right angles to said Germantown Avenue, and parallel with said Atlantic Street (passing through the center of a nine inch (9") brick party wall), the distance of Forty-three feet, eleven and three-quarter inches (43' 11¾") to a point on the Northwesterly side of Thirteenth Street (Fifty (50') feet wide); Thence extending Northeastwardly along the Northwesterly side of said Thirteenth Street, the distance of Twenty-one feet nine inches (21' 9") to a point, Thence extending Southwestwardly on a line at right angles to said Germantown Avenue, and parallel with said Atlantic Street, passing through a Thirteen inch (13") brick party wall, the distance of Fifty-two feet, six and seven-sixteenths inches (52' 6 7/16"), to a point on the Northeasterly side of said Germantown Avenue; Thence extending Southeastwardly along the Northeasterly side of said Germantown Avenue, the distance of Twenty feet (20') to a point and place of beginning. (Being premises 3517 Germantown Avenue)

PARCEL 6

All that certain lot or piece of ground with the Buildings and Improvements thereon erected, described according to a recent plan thereof made by Joseph F. Delany, Esquire, Surveyor and Regulator of the Fifth District, on the Twenty-sixth day of November A. D. 1934, as follows, to wit: Beginning at a point on the Northeasterly side of Germantown Avenue (Sixty (60') feet wide) at the distance of One Hundred (100') feet Northwestwardly, from the Northwesterly side of Atlantic Street (Thirty (30') feet wide) formerly called Angle Street, in the Forty-third (late part of the Twenty-fifth) Ward of the City of Philadelphia; Thence extending Northeastwardly on a line at right angles to said Germantown Avenue, and parallel with said Atlantic Street (passing through the center of a thirteen inch (13") brick party wall, the distance of Fifty-two feet, six and seven-sixteenth inches (52' 6 7/16") to a point on the Northwesterly side of Thirteenth Street (Fifty (50') feet wide); Thence extending Northeastwardly along the Northwesterly side of said Thirteenth Street, the distance of Twenty-one feet nine inches (21' 9") to a point, Thence extending Southwestwardly on a line at right angles to said Germantown Avenue, and parallel with said Atlantic Street, passing through a Thirteen inch (13") brick party wall, the distance of Sixty-one feet, one and one-eighth inches (61' 1⅛") to a point on the Northeasterly side of said Germantown Avenue; Thence extending Southeastwardly along the Northeasterly side of said Germantown Avenue, the distance of Twenty (20') feet to a point and place of beginning. (Being premises 3519 Germantown Avenue)

PARCEL 7

All that certain two story brick messuage or tenement (no. 3526) and lot or piece of ground, situate on the West side of Warnock Street at the distance of Two Hundred and eighty-eight feet Southward from the South side of Venango Street, in the Forty-third (late part of the Thirty-third) Ward of the City of Philadelphia; containing in front or breadth on the said Warnock Street fourteen feet three inches and extending of that width in length or depth Westward between lines parallel with the said Venango Street, Fifty-six feet to a certain alley, three feet six inches in width, which extends Southward from said Venango Street and communicates at its Southern end with a certain three feet wide alley extending Eastward into said Warnock Street. (Being premises 3526 N. Warnock Street)

PARCEL 8

All that certain lot or piece of ground with the two story brick messuge or tenement there erected, situate on the North side of Venango Street at the distance of Sixty feet and seven-eighths of an inch Eastward from the East side of Old York Road in the Forty-third Ward of the City of Philadelphia, containing in front or breadth on the said Venango Street Fifteen feet and extending of that width in length or depth Northward between lines parallel with Marvine Street Ninety feet including on the rear end thereof the soil of a certain three feet wide alley which leads Westward into the said Old York Road. (Being premises 1145 W. Venango Street)

PARCEL 9

All that certain lot or piece of ground with the Buildings and Improvements thereon erected, situate on the West side of Old York Road or Twelfth Street at the distance of One Hundred and Fifteen feet Three and Three-eighths inches Southward from the South side of Erie Avenue in the Forty-third (late part of the Thirty-third) Ward of the City of Philadelphia; containing in front or breadth on the said Old York Road or Twelfth Street Forty feet and extending of that width in length or depth Westwardly Two Hundred feet and One-eighth of an inch to Camac Street. (Being known as 3644 and 3646 Old York Road or Twelfth Street)

PARCEL 10

All that certain lot or piece of ground with the Buildings and Improvements thereon erected, situate on the East side of Twelfth Street (known as the Old York Road). Beginning at the distance of One Hundred and Seventy Feet Southward from the Southeast corner of said Twelfth Street and Tioga Street in the Forty-third Ward of the said City of Philadelphia; containing in front or breadth on the said Twelfth Street Forty feet and extending in length or depth of that width Eastwardly between parallel lines at right angles with said Twelfth Street One Hundred and eighty-five feet six inches to the West side of a certain Street Twenty-five feet in width laid out and opened by the Philadelphia Mutual Real Estate Association for public use forever, now called Mervine Street. (Being known as 3431 and 3433 Old York Road)

PARCEL 11

All that certain lot or piece of ground with the Two-story brick dwelling thereon erected, situate on the West side of Leithgow Street at the distance of Three Hundred and Thirty-two feet Northward from the North side of Susquehanna Avenue in the Nineteenth Ward of the said City of Philadelphia.

Containing in front or breadth on the said Leithgow Street Twelve feet and extending Westward of that width between lines parallel with said Susquehanna Avenue Forty feet to the center of a three feet wide alley leading Northward and Southward and communicating with two other alleys leading into Leithgow Street. Bounded on the North and South by ground now or late of Jesse C. Coulston on the West by the centre of said three feet wide alley and on the East by said Leithgow Street. (Being premises 2246 North Leithgow Street)

PARCEL 12

All that certain lot or piece of ground, with the two-story brick messuage or tenement thereon erected, situate (according to a recent survey thereof, made by George S. Webster, Esquire, Surveyor and Regulator of the Tenth District) on the South side of Sterner Street at the distance of One hundred and sixty-four feet six and one-half inches Eastward from the East side of Front Street, in the Thirty-third Ward of the City of Philadelphia aforesaid; containing in front or breadth on the said Sterner Street Thirteen feet five and one-half inches, and extending of that width in length or depth Southward between lines parallel with the said Front Street Forty-eight feet six inches, including on the rear end thereof a certain three feet wide alley, leading Eastward into Fillmore Street, and Westward into said Front Street. Bounded Eastward, Westward, and Southward by ground now or late of Samuel H. Brown and Northward by Sterner Street aforesaid. (Being premises 124 Sterner Street)

PARCEL 13

All that certain lot or piece of ground with the two-story brick messuage or tenement thereon erected, Described according to a recent plan thereof made by Walter Brinton, Esq., Surveyor and Regulator of the Fifth Survey District on the First day of November, A. D. 1923, as follows, to wit: situate on the West side of "C" Street (Eighty feet wide) at the distance of One Hundred Eighty-six feet Four and one-half inches northward from the North side of Courtland Street (Sixty feet wide) in the Forty-second Ward of the City of Philadelphia; containing in front or breadth on the said "C" Street North Eleven Degrees Seven Minutes Thirty Seconds East Fifteen Feet Five Inches and extending of that width in length or depth Westward between parallel lines at right angles to said "C" Street Seventy-nine Feet Six inches to the center of a Fifteen Feet wide driveway extending Southward into said Courtland Street and northward into another driveway (Eleven Feet Seven and Seven-eighths Inches in width), which said last mentioned driveway extends Eastward into said "C" Street. (Being premises 4624 "C" Street)

PARCEL 14

All that certain lot or piece of ground with the buildings and improvements thereon erected, described according to a survey thereof made by Walter Brinton, Esq., Surveyor and Regulator, on the 23rd day of March, A. D. 1898, as follows, to wit: Situate on the East side of Old York Road at the distance of One hundred and twenty-five feet nine inches Southward from the South side of Venango Street in the Forty-third Ward of the City of Philadelphia. Containing in front or breadth on the said Old York Road Fifteen feet Nine inches and extending of that width in length or depth Eastward between lines parallel with the said Venango Street on the North line thereof One hundred and seven feet one inch and on the South line thereof One hundred and seven feet three inches to a three feet six inches wide alley which leads Northward into a certain three feet wide alley extending Eastward into Mervine Street. (Being premises 3547 Old York Road)

PARCEL 15

All that certain lot or piece of ground with buildings and improvements thereon erected, described in accordance with a survey made by Walter Brinton, Surveyor and Regulator of the Fifth District on April 29th, 1901, as follows: Beginning at a point of the intersection of the North side of Allegheny Avenue (One hundred twenty feet wide) and the East side of 11th Street (Fifty feet wide) in the Thirty-third Ward of the City of Philadelphia; Thence extending South Seventy-eight degrees Thirty-nine minutes East Twenty-one feet Four and one-quarter inches to a point of intersection with the North side of Sedgley Avenue (One hundred feet wide); Thence extending North Sixty-five degrees Fifty-eight minutes East along North side of Sedgley Avenue Three Hundred twenty-eight feet six and one-eighth inches to a point; Thence extending North Twenty-seven degrees Forty-four minutes Eleven seconds West One hundred twenty-two feet Five and five-eighths inches to a point; Thence extending South Sixty-two degrees Forty-six minutes Thirty-seven seconds West Two Hundred Seventy-one feet One and one-half inches to a point in the East side of 11th Street; Thence extending South Eleven degrees Twenty-one minutes West One hundred sixteen feet Two and Seven-eighths inches to the point and place of beginning. (Being known as premises Northeast corner of Allegheny Avenue and 11th Street)

EXHIBIT B

The following property insurance policies cover the respective properties all situated in the City and County of Philadelphia, State of Pennsylvania, and located at the street addresses set forth below:

1. 4246 North Broad Street:

Fire Insurance Policy No. 177752 of Aetna Insurance Co., 670 Main Street, Hartford, Connecticut, in the amount of $5,000.00, expiring November 25, 1947.

Fire Insurance Policy No. 550927, of Commonwealth Insurance Co. of New York, 150 William Street, New York 8, New York, in the amount of $10,000.00, expiring March 27, 1947, renewed by Policy No. 553706, issued by the above company, expiring March 27, 1948.

Public Liability Insurance Policy No. S. C. H. 212069, of United States Fidelity & Guaranty Co., United States Fidelity & Guaranty Building, Baltimore, Maryland, in the amounts of $5,000 $10,000, expiring February 20, 1948.

2. Southeast Corner Carlisle and Bristol Streets, known as 1418 West Bristol Street:

Fire Insurance Policy No. 216269, of Mutual Fire Insurance Co. of Germantown, Philadelphia, Pennsylvania, in the amount of $3,500.00, expiring January 15, 1948.

Fire Insurance Policy No. 550924, of Commonwealth Insurance Co. of New York, 150 William Street, New York, New York, in the amount of $3,500.00, expiring March 27, 1947, renewed by Policy No. 553702, issued by the above company, expiring March 27, 1948.

Explosion Policy No. 2371, of Commercial Union Fire Insurance Co. of New York, One Park Avenue, New York, New York, in the amount of $30,500.00, expiring April 10, 1947.

3. 4554 Camac Street:

Fire Insurance Policy No. 895318, of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $2,500.00, expiring February 28, 1948.

Fire Insurance Policy No. 76150, of National Union Fire Insurance Co. of Pittsburgh, 139 University Place, Pittsburgh, Pennsylvania, in the amount of $2,500.00, expiring October 22, 1950.

4. 1101–1111 Allegheny Avenue, Northeast Corner Germantown and Allegheny Avenue:

Plate Glass Policy No. G446070, of United States Fidelity & Guaranty Co., United States Fidelity & Guaranty Building, Baltimore, Maryland, expiring June 10, 1947.

Fire Insurance Policy No. 253893, of The Yorkshire Insurance Co., Ltd., 90 John Street, New York, New York, in the amount of $40,000.00, expiring January 23, 1948.

Public Liability Insurance Policy No. S. C. H. 212069, of United States Fidelity & Guaranty Co., United States Fidelity & Guaranty Building, Baltimore, Maryland, in the amounts of $5,000/$10,000, expiring February 20, 1948.

5. 3517–19 Germantown Avenue:

Plate Glass Insurance Policy No. G6102859, of Home Indemnity Co., 59 Maiden Lane, New York, New York, expiring February 24, 1948.

6. 3517 Germantown Avenue:

Fire Insurance Policy No. 895319, of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $1,500.00, expiring February 28, 1948.

Fire Insurance Policy No. 512906, of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $3,500.00, expiring November 16, 1949.

Fire Insurance Policy No. 550928, of Commonwealth Insurance Co. of New York, 150 William Street, New York 8, New York, in the amount of $5,000.00, expiring March 27, 1947, renewed by Policy No. 553705, issued by the above company, expiring March 27, 1948.

7. 3519 Germantown Avenue:

Fire Insurance Policy No. 510320, of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $5,000.00, expiring July 10, 1949.

Fire Insurance Policy No. 550925, of Commonwealth Insurance Co. of New York, 150 William Street, New York 8, New York, in the amount of $7,500.00, expiring March 27, 1947, renewed by Policy No. 553703, issued by the above company, expiring March 27, 1948.

8. 3526 Warnock Street:

Fire Insurance Policy No. 895088, of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $1,300.00, expiring February 28, 1949.

Perpetual Fire Insurance Policy No. 81213, of Franklin Fire Insurance Co., 421 Walnut Street, Philadelphia, Pennsylvania, in the amount of $2,500.00.

9. 1145 Venango Street:

Fire Insurance Policy No. 4752, of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $4,000.00, expiring May 10, 1949.

10. 3644-46 Old York Road:

Fire Insurance Policy No. 253882, of The Yorkshire Insurance Co., Ltd., 90 John Street, New York, New York, in the amount of $10,000.00, expiring November 7, 1947.

Fire Insurance Policy No. 550926, of Commonwealth Insurance Co. of New York, 150 William Street, New York 8, New York, in the amount of $15,000.00, expiring March 27, 1947, renewed by Policy No. 553704, issued by the above company, expiring March 27, 1948.

Public Liability Insurance Policy No. S. C. H. 212069, of United States Fidelity & Guaranty Co., United States Fidelity & Guaranty Building, Baltimore, Maryland, in the amounts of $5000/$10,000, expiring February 20, 1948.

11. 3431 Old York Road with rear on Marvine Street:

Fire Insurance Policy No. 895316, of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $2,800.00, expiring February 28, 1948.

Perpetual Fire Insurance Policy No. 21742, of Mutual Fire Insurance Co. of Germantown, Philadelphia, Pennsylvania, in the amount of $2,400.00, covering the premises located at 3431-3433 Old York Road.

12. 3433 Old York Road with rear on Marvine Street:

Fire Insurance Policy No. 895317, of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $2,800.00, expiring February 28, 1948.

13. 2246 Leithgow Street:

Fire Insurance Policy No. 895081 of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $1,000.00, expiring February 28, 1949.

Perpetual Fire Insurance Policy No. 13418, of United Firemen's Insurance Co. of Philadelphia, 419 Walnut Street, Philadelphia, Pennsylvania, in the amount of $600.00.

14. 124 E. Sterner Street:

Fire Insurance Policy No. 895086, of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $1,200.00, expiring February 28, 1949.

Perpetual Fire Insurance Policy No. 32150, of United Firemen's Insurance Co. of Philadelphia, 419 Walnut Street, Philadelphia, Pennsylvania, in the amount of $1,000.00.

15. 4624 "C" Street:

Fire Insurance Policy No. 683389, of Fire Association of Philadelphia, 401 Walnut Street, Philadelphia, Pennsylvania, in the amount of $3,000.00, expiring February 19, 1949.

Fire Insurance Policy No. 895089, of National Liberty Insurance Co. of America, 59 Maiden Lane, New York, New York, in the amount of $900.00, expiring February 28, 1951.

16. 3547 Old York Road:

Perpetual Fire Insurance Policy No. 26708, of Philadelphia Contributorship for Insurance of Houses from Loss by Fire, 212 South Fourth Street, Philadelphia 6, Pennsylvania, in the amount of $5,000.00.

Fire Insurance Policy No. 416922, of Camden Fire Insurance Assn., 434 Federal Street, Camden, New Jersey.

17. Northeast Corner of Allegheny Avenue and 11th Street:

Fire Insurance Policy No. A120004, of Lumbermen's Insurance Co., 401 Walnut Street, Philadelphia, Pennsylvania.

Public Liability Insurance Policy No. 31019153, of Maryland Casualty Co., 701 West 40th Street, Baltimore, Maryland.

[F. R. Doc. 47-3710; Filed, Apr. 17, 1947; 8:51 a. m.]

[Vesting Order 8643]

MINNIE SCHNURR

In re: Estate of Minnie Schnurr, deceased. File No. D-28-11006; E. T. sec. 15382.

Under the authority of the Trading with the Enemy Act, as amended, Executive order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Rose Dattler and Mrs. Minnie Hannipel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Minnie Schnurr, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ludwig Spemann and Herman Schnurr, as executors of the estate of Minnie Schnurr, deceased, acting under the judicial supervision of the Surrogate's Court of Albany County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3711; Filed, Apr. 17, 1947; 8:51 a. m.]

[Vesting Order 8648]

AMELIA WATZENBORN

In re: Estate of Amelia Watzenborn, deceased. File D-28-11228; E. T. sec. 15603.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Bollman, Sophie Hutter, Emil Theo. Ebner, and Carl Ebner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Amelia Watzenborn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter A. Schauder, as executor, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3713; Filed, Apr. 17, 1947; 8:51 a. m.]

[Vesting Order 8644]

REV. HENRY J. STEINHAGEN

In re: T/D of Rev. Henry J. Steinhagen. File D-28-6481; E. T. sec. 5374.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Catharina D'ham, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Theresa D'ham, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated August 14, 1934, by and between Rev. Henry J. Steinhagen and The Market Street National Bank of Philadelphia, and in and to all property held thereunder by The Market Street National Bank of Philadelphia, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The Market Street Bank of Philadelphi as trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3712; Filed, Apr. 17, 1947; 8:51 a. m.]

[Vesting Order 8649]

FRANZISKA F. WILLERS

In re: Estate of Franziska F. Willers, deceased. File D-28-10075; E. T. sec. 14327.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Heinz Lewerenz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Franziska F. Willers, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Carl Schreiner, as executor, acting under the judicial supervision of the Probate Court of Plymouth County, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3714; Filed, Apr. 17, 1947; 8:51 a. m.]

[Vesting Order 8658]

JOSEPH MULLER AND MARIA MULLER

In re: Stock owned by Joseph Muller and Maria Muller, also known as Martha Muller. F-28-431-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Muller and Maria Muller, also known as Martha Muller, each of whose last known address is Director Hoenningen-Rhein, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred twenty (120) shares of $20 par value common capital stock of E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered F 70480, E 133639, E 127801 and E 122660 for one hundred (100), fourteen (14), four (4) and two (2) shares respectively, registered in the name of Joseph Muller & Maria Muller as joint tenants with the right of survivorship and not as tenants in common, together with all declared and unpaid dividends thereon, and

b. Two (2) shares of $10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number WC 108231, registered in the name of Joseph Muller & Martha Muller, as joint tenants with the right of survivorship and not as tenants in common, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3715; Filed, Apr. 17, 1947; 8:51 a. m.]

[Vesting Order 8659]

OTTO OELWEIN

In re: Stock owned by Otto Oelwein. F-28-9071-A-1, F-28-9071-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Oelwein, whose last known address is Steinstrasse 92, Neubabelsberg Bei Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty-five (55) shares of $6.00 Cumulative Convertible Prior Preferred capital stock of Armour and Company, 316 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a certificate numbered NPO 18925,

and registered in the name of Otto Oelwein, together with all declared and unpaid dividends thereon, and

b. One hundred and ten (110) shares of $5.00 par value Common capital stock of Armour and Company, 316 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by certificates numbered NCO 26850 for 10 shares and NC 30566 for 100 shares, and registered in the name of Otto Oelwein, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3716; Filed, Apr. 17, 1947; 8:50 a. m.]

[Vesting Order 8669]

HAVER AND BOECKER

In re: Debt owing to Haver and Boecker. F-28-5901-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Haver and Boecker, the last known address of which is Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Haver & Boecker, by St. Regis Paper Company, 230 Park Avenue, New York 17, N. Y., in the amount of $6,671.05, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3718; Filed, Apr. 17, 1947; 8:50 a. m.]

[Vesting Order 8665]

EMIL WEBER

In re: Remainder interest in real property and debt owned by Emil Weber, also known as Emil Weber III.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Weber, also known as Emil Weber III, whose last known address is Ringsheim im Breisgau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City and County of Los Angeles, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, excepting, however, the life estate in the aforesaid owned by Venita Evans, and

b. That certain debt or other obligation owing to Emil Weber, also known as Emil Weber III, evidenced by a judgment of the Justice's Court of San Antonio Township, Los Angeles County, California, in an action entitled Miriam Kelly, Executrix of the Estate of Roger Weber vs. D. W. McDaniel and Mrs. D. W. McDaniel, No. 9912, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property, except the life estate of Venita Evans, described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Lot 43 in Block "B" of the Smith Brother's Compton Avenue Tract Number 2, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 6, Page 197, of Maps in the office of the County Recorder of said County.

[F. R. Doc. 47-3717; Filed, Apr. 17, 1947; 8:50 a. m.]

[Vesting Order 8670]

HANS HARTUNG

In re: Debt owing to Hans Hartung. F-28-10014-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Hartung, whose last known address is No. 2 Stollbergerstrasse, Chemnitz, Germany is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hans Hartung by Sauquoit Silk Company, Inc., 302 Fig Street, Scranton 5, Pennsylvania, in the amount of $5,109.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3720; Filed, Apr. 17, 1947; 8:50 a. m.]

[Vesting Order 8673]

ARIMA KENKYUSHO

In re: Debt owing to Arima Kenkyusho.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arima Kenkyusho, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Arima Kenkyusho, by Takamine Corporation, New York, New York, in the amount of $34.00, as of February 26, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3719; Filed, Apr. 17, 1947; 8:50 a. m.]

[Vesting Order 8671]

CARL JOERKE

In re: Debt owing to Carl Joerke. F-28-11537-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Joerke, whose last known address is Hatzfelderstr 4, Wuppertal-Barmen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Carl Joerke, by Para Thread Company, Inc., 212 Clinton Street, Woonsocket, Rhode Island, in the amount of $1222.41, as of February 26, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3721; Filed, Apr. 17, 1947, 8:50 a. m.]

[Vesting Order 8674]

KARL AND JOSEPH KLAUS

In re: Bank accounts owned by Karl Klaus and Joseph Klaus. F-28-5313-E-1, F-28-5314-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Klaus and Joseph Klaus, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Karl Klaus, by First Trust and Deposit Company, 201 South Warren Street, Syracuse, New York, arising out of a Demand Certificate of Deposit Account, Account Number A 345, entitled Karl Klaus, Germany, maintained at the aforesaid band, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Joseph Klaus, by First Trust and Deposit Company, 201 South Warren Street, Syracuse, New York, arising out of a Demand Certificate of Deposit Account, Account Number A 344, entitled Joseph Klaus, Germany, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3721; Filed, Apr. 17, 1947, 8:50 a. m.]

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3722; Filed, Apr. 17, 1947; 8:50 a. m.]

[Vesting Order 8675]

KAROLINA LANZER

In re: Bank account owned by Karolina Lanzer. F-28-7995-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karolina Lanzer, whose last known address is 22b Morbach 1 Pfalz, Post Niederkirchen, Uber Kaiserslautern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Dollar Savings Bank, 340 Fourth Avenue, Pittsburgh, Pennsylvania, arising out of a Savings Account, Account Number 419312, entitled Karolina Lanzer in trust for Karolina Magdalene Storf and Emma Lina Harrington, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karolina Lanzer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3723; Filed, Apr. 17, 1947; 8:50 a. m.]

[Vesting Order 8676]

EDUARD AND FRANZ LEHMER

In re: Bank accounts owned by Eduard Lehmer and Franz Lehmer. F-28-19796-E-1, F-28-19799-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eduard Lehmer and Franz Lehmer, whose last known addresses are Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Eduard Lehmer by Security First National Bank of Los Angeles, Fifth and Spring Streets, Los Angeles, California, arising out of a Commercial Account entitled Eduard Lehmer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Franz Lehmer by Security First National Bank of Los Angeles, Fifth and Spring Streets, Los Angeles, California, arising out of a Commercial Account entitled Franz Lehmer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3724; Filed, Apr. 17, 1947; 8:49 a. m.]

[Vesting Order 8677]

SHOJI MASUDA

In re: Debt owing to Shoji Masuda. D-39-884-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shoji Masuda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shoji Masuda, by Hunt, Hill and Betts, 120 Broadway, New York 5, N. Y., in the amount of $3,421.72, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3725; Filed, Apr. 17, 1947; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 78

Washington, Saturday, April 19, 1947

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 9—PRICE SUPPORT OF AGRICULTURAL COMMODITIES

SUPPORT PRICES FOR HOGS

Public announcement has heretofore been made (6 F. R. 4644; 7 F. R. 422, 9986; 8 F. R. 12524; 9 F. R. 4837), pursuant to the provisions of section 4 (a) of the act approved July 1, 1941 (55 Stat. 498), as amended October 2, 1942 (56 Stat. 768); February 28, 1944 (58 Stat. 105); that it was necessary to encourage the expansion of the production of certain agricultural commodities, including hogs. Hogs were first designated as a commodity subject to support prices under the above legislation on August 29, 1941.

Hog support prices have heretofore been based on a marketing year for hogs running from October 1 of one calendar year through September 30 of the following calendar year. Hog production, however, consists of two crops—a spring crop and a fall crop. The marketing season for the spring crop is normally the period October 1 through March 31. The marketing season for the fall crop is normally the period April 1 through September 30. In the circumstances it is desirable that the support price for each crop be based upon the parity price of hogs as of the beginning of the marketing season for such crop. It is therefore announced that the support price for the spring crop of hogs will be based upon the parity price of hogs as of October 1 and the support price for the fall crop of hogs will be based upon the parity price for hogs as of April 1. The September 15 parity, the latest available as of October 1, will be used in determining the parity price of hogs as of October 1 and the March 15 parity, the latest available parity as of April 1, will be used in determining the parity price of hogs as of April 1.

Accordingly, based upon the March 15 parity for hogs, the following provision is hereby substituted for the corresponding provisions relating to the level and period of support of hogs in the announcement heretofore made:

§ 9.1 *Hogs.* The support price for good and choice barrow and gilt butcher hogs for the period April 1, 1947, through September 30, 1947, shall average, on an annual basis with seasonal variations, $15.60 per hundred pounds at Chicago with appropriate differentials for other markets. (Sec. 4 (a), 55 Stat. 498, as amended, 15 U. S. C. Sup.; 713a-8).

Done at Washington, D. C., this 15th day of April 1947.

[SEAL] N. E. DODD, *Acting Secretary of Agriculture.*

[F. R. Doc. 47-3749; Filed, Apr. 18, 1947; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 117]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.343 *Orange Regulation 117*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 12 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement

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FEDERAL REGISTER

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Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 21, 1947, and ending at 12:01 a. m., e. s. t., April 28, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-3787; Filed, Apr. 18, 1947; 8:50 a. m.]

[Lemon Reg. 218]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.325 *Lemon Regulation 218*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1, et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 20, 1947, and ending at 12:01 a. m., P. s. t., April 27, 1947, is hereby fixed at 400 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 217 (12 F. R. 2401) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-3812; Filed, Apr. 18, 1947; 8:58 a. m.]

[Grapefruit Reg. 45]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF.; AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.306 *Grapefruit Regulation 45*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* During each of the periods specified in subparagraphs (1), (2), and (3) of this paragraph, no handler shall ship any grapefruit except as permitted by the respective subparagraphs.

(1) During the period beginning at 12:01 a. m., P. s. t., April 20, 1947, and ending at 12:01 a. m., P. s. t., May 18, 1947, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade, as such grades are defined in the revised United States Standards for Grapefruit (California and Arizona), 12 F. R. 1975; or

(ii) From the State of California or the State of Arizona to any point outside thereof in Canada, any such grapefruit (*a*) which are of a size smaller than $3^{3}/_{16}$ inches in diameter, or (*b*) which are of a size larger than $4^{14}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{3}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{10}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4^{14}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{5}/_{16}$ inches in diameter and larger.

(2) During the period beginning at 12:01 a. m., P. s. t., April 20, 1947, and ending at 12:01 a. m., P. s. t., April 27, 1947, no handler shall ship, from the State of California or the State of Arizona to any point outside thereof in the United States, any such grapefruit (i) which are of a size smaller than $3^{11}/_{16}$ inches in diameter, or (ii) which are of a size larger than $4^{14}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance

of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{5}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{5}/_{16}$ inches in diameter and larger.

(3) During the period beginning at 12:01 a. m., p. s. t., April 27, 1947, and ending at 12:01 a. m., p. s. t., May 18, 1947, no handler shall ship, from the State of California or the State of Arizona to any point outside thereof in the United States, any such grapefruit (i) which are of a size smaller than $3^{5}/_{16}$ inches in diameter, or (ii) which are of a size larger than $4^{11}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{5}/_{16}$ inches in diameter and larger.

(4) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-3788; Filed, Apr. 18, 1947; 8:50 a. m.]

[Orange Reg. 174]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.320 *Orange Regulation 174*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 20, 1947, and ending at 12:01 a. m., P. s. t., April 27, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate Districts Nos. 1 and 2, no movement; and (*b*) Prorate District No. 3, 60 carloads.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1,100 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. April 20, 1947, to 12:01 a. m. April 27, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.2279
A. F. G. Fullerton	.0571
A. F. G. Orange	.0627
A. F. G. Redlands	.3996
A. F. G. Riverside	.7082
Corona Plantation Co	1.2052
Hazeltine Packing Co	.0000
Signal Fruit Association	.8719
Azusa Citrus Association	.0000
Azusa Orange Company, Inc	.1817
Damerel-Allison Co	1.3757
Glendora Mutual Orange Association	.0000
Irwindale Citrus Association	.4034
Puente Mutual Citrus Association	.0413
Valencia Heights Orchards Association	.2600
Glendora Citrus Association	.0000
Glendora Heights Orange & Lemon Growers Association	.0000
Gold Buckle Association	3.8942
La Verne Orange Association, The	3.9098
Anaheim Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Orange Co. Valencia Association	.0000
Orangethorpe Citrus Association	.0000
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association, The	.0000
Alta Loma Heights Citrus Association	.4449
Citrus Fruit Growers	.7626
Cucamonga Citrus Association	.4448
Etiwanda Citrus Fruit Association	.2542
Mountain View Fruit Association	.1829
Old Baldy Citrus Association	.5712
Rialto Heights Orange Growers	.4762
Upland Citrus Association	2.6595
Upland Heights Orange Association	1.3046
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0071
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.0000
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, Inc., The	.0000
Bradford Brothers, Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Call Ranch	.7442
Corona Citrus Association	.8863
Jameson Co	.4222
Orange Heights Orange Association	1.0152
Break & Son, Allen	.5152
Bryn Mawr Fruit Growers Association	1.2298
Crafton Orange Growers Association	1.5095
E. Highlands Citrus Association	.4783
Fontana Citrus Association	.5031
Highland Fruit Growers Association	.7716
Krinard Packing Co	1.4872
Mission Citrus Association	.9027
Redlands Coop. Fruit Association	1.9915
Redlands Heights Groves	1.0211
Redlands Orange Growers Association	1.3461

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orangedale Association	1.0826
Redlands Select Groves	.6547
Rialto Citrus Association	.6034
Rialto Orange Co	.4206
Southern Citrus Association	1.1185
United Citrus Growers	.8111
Zilen Citrus Co	1.1342
Arlington Heights Fruit Co	.5120
Brown Estate, L. V. W	2.3755
Gavilan Citrus Association	1.9236
Hemet Mutual Groves	.4443
Highgrove Fruit Association	.7113
McDermont Fruit Co	1.8162
Mentone Heights Association	1.2888
Monte Vista Citrus Association	1.3033
National Orange Co	1.0797
Riverside Heights Orange Growers Association	1.4683
Sierra Vista Packing Association	.8866
Victoria Ave. Citrus Association	2.8525
Claremont Citrus Association	1.1078
College Heights Orange & Lemon Association	1.1972
El Camino Citrus Association	.5950
Indian Hill Citrus Association	1.2065
Pomona Fruit Growers Association	2.3029
Walnut Fruit Growers Association	.3774
West Ontario Citrus Association	1.7763
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0043
San Dimas Orange Growers Association	1.3064
Covina Citrus Association	1.7164
Covina Orange Growers Association	.5706
Duarte-Monrovia Fruit Exchange	.4815
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Association	.0000
San Fernando Fruit Growers Association	.0000
San Fernando Heights Orange Association	.3976
Sierra Madre Lamanda Citrus Association	.0000
Camarillo Citrus Association	.0124
Fillmore Citrus Association	.0000
Ojai Orange Association	1.2012
Piru Citrus Association	.0000
Santa Paula Orange Association	.0000
Tapo Citrus Association	.0113
East Whittier Citrus Association	.0000
Whittier Citrus Association	.0000
Whittier Select Citrus Association	.0000
Anaheim Coop. Orange Association	.0000
Bryn Mawr Mutual Orange Association	.5462
Chula Vista Mutual Lemon Association	.0000
Escondido Coop. Citrus Association	.0000
Euclid Avenue Orange Association	2.7291
Foothill Citrus Union, Inc	.1349
Fullerton Coop. Orange Association	.0000
Garden Grove Orange Coop	.0000
Glendora Coop. Citrus Association	.1022
Golden Orange Groves, Inc	.4667
Highland Mutual Groves, Inc	.4914
Index Mutual Association	.0000
La Verne Coop. Citrus Association	3.1581
Olive Hillside Groves, Inc	.0000
Orange Coop. Citrus Association	.0121
Redlands Foothill Groves	2.4840
Redlands Mutual Orange Association	1.1921
Riverside Citrus Association	.0000
Ventura County Orange and Lemon Association	.2543
Whittier Mutual Orange and Lemon Association	.0000
Babijuice Corp. of Calif	.0000
Banks Fruit Co	.0000
California Fruit Distributors	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Cherokee Citrus Co., Inc	1.1172
Chess Co., Meyer W	.2475
Evans Brothers Packing Co	.7889
Gold Banner Association	2.1782
Granada Hills Packing Co	.0259
Granada Packing House	.0000
Hill, Fred A	.8115
Inland Fruit Dealers, Inc	.2818
Orange Belt Fruit Distributors	2.6943
Panno Fruit Co., Carlo	.1092
Paramount Citrus Association	.0000
Riverside Growers, Inc	.4603
San Antonio Orchards Association	1.3586
Snyder & Sons Co., W. A	1.0908
Verity & Sons Co., R. H	.1123
Wall, E. T	1.7150
Western Fruit Growers, Inc., Redlands	3.0580
Yorba Orange Growers Association	.0367

VALENCIA ORANGES

Prorate District No. 3

Total	100.0000
Allen-Young Citrus Packing Co	.4242
Consolidated Citrus Growers	4.2737
Leppla-Pratt Produce Distributors, Inc	5.3847
McKellips Mutual Citrus Growers	14.5168
McKellips Phoenix Citrus Co., C. H	1.8040
Phoenix Citrus Packing Co	2.6573
Arizona Citrus Growers	21.5192
Desert Citrus Growers	3.0802
Mesa Citrus Growers	13.0446
Imperial Valley Grapefruit Growers	.0000
Yuma Mesa Fruit Growers Association	6.0784
Arizona Citrus Products Co	2.3647
Libbey Fruit Co	5.2398
Pioneer Fruit Co	3.9938
Tempe Citrus Co	2.6293
Champion Produce House, L. M	.5747
Commercial Citrus Packing Co	1.3315
Dhuyvetter Bros	.9017
Ishikawa, Paul	.0802
Macchiaroli Fruit Co., James	2.2835
Morris Brothers Fruit Co	.7868
Orange Belt Fruit Distributors	3.2972
Paramount Citrus Association	.7001
Potato House, The	.3507
Russo Brothers	.2303
Sharp Co., K. K	.1498
Valley Citrus Packing Co	2.3228

[F. R. Doc. 47-3811; Filed, Apr. 18, 1947; 8:58 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions and Procedures

PART 1—DESCRIPTION OF CENTRAL AND FIELD AGENCIES

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, Part 1, 10 CFR, Subtitle A (11 F. R. 177A-761 and 177A-763) is amended as follows:

1. Delete the last sentence of § 1.2 (a).

2. Amend the last sentence of paragraph (d) of § 1.3 to read as follows:

§ 1.3 *Assignment of functions established by statute.* • • •

(d) • • • The functions, duties and powers of the Quartermaster General relating to the procurement and supply of general purpose vehicles and for all third or higher echelon vehicle maintenance are assigned to the Chief of Ordnance.

3. Section 1.4 is amended by revising paragraph (a), and that part of the text of paragraph (b), pertaining to assigning functions of command, which reads "To Commanding General, Seventh Army, Third Army Area" is changed as set forth below.

§ 1.4 *Organization of continental United States.* (a) For command of all activities except activities of the Army Air Forces and exempted installations, the continental United States is divided as follows:

First Army Area	States presently included in the First and Second Service Commands.
Second Army Area	States presently included in the Third and Fifth Service Commands.
Third Army Area	States presently included in the Fourth Service Command.
Fourth Army Area	States presently included in the Eighth Service Command.
Fifth Army Area	States presently included in the Sixth and Seventh Service Commands.
Sixth Army Area	States presently included in the Ninth Service Command.
Military District of Washington.	District of Columbia, and such adjacent territory as may be prescribed from time to time.

(b) All functions of command • • •

To Commanding General Third Army—Third Army Area.

• • • • •

4. Section 1.14 is superseded by the following:

§ 1.14 *Director of Research and Development.* The Director of Research and Development, War Department General Staff, is the adviser to the Secretary of War and the Chief of Staff on all War Department matters relating to research and development. He has primary General Staff responsibility for the mobilization and application of national research and development resources in support of the mission of the Army in peace and in national emergency. He has General Staff responsibility for the initiation, allocation, coordination, and progress of research and development programs; for insuring correlation of user interest in connection with research and development activities; and for the correlation of War Department research and development plans, policies, objectives, and programs with the Army-wide plans, policies, objectives, and programs.

(60 Stat. 238; 5 U. S. C. Sup. 1002; E. O. 9082, Feb. 28, 1943, 3 CFR Cum. Supp., as amended by E. O. 9722, May 13, 1946, 11

F. R. 5281) [W. D. Cir. 138, 1946 as amended by Cir. 69, 1947]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3759; Filed, Apr. 18, 1947; 8:52 a. m.]

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Part 306 is amended in the following respects:

Section 306.28 is revoked effective June 30, 1947, and §§ 306.30 and 306.40 are superseded by the following:

§ 306.28 *Recovered personnel.* [Revoked.]

§ 306.30 *Apprehension of absentees and deserters*—(a) *Military personnel.* All military personnel are authorized to arrest absentees and deserters, whatever may be the grade of the person making the arrest or the person arrested.

(b) *Civil personnel.* Any civil officer or citizen may arrest, detain, and deliver an absentee or deserter when authorized by an officer of the Army. Such authority may be given by distributing Form 45 (Descriptive List of Absentee Wanted by United States Army), or in reply to an inquiry in accordance with paragraph (c) of this section.

(c) *Inquiry from civil officer or citizen.* Upon receipt of word by a post or organization commander from a civil officer or other citizen that such civilian intends to arrest, or has arrested, an alleged absentee or deserter from his post or organization, the commander will ascertain such person's status and will promptly inform the inquirer and the soldier's organization commander (if other than his own) concerning it, by telephone, telegraph, or other expeditious means. If the person held is an absentee or deserter, the commander will request the person holding him either to deliver him to, or request a guard from the nearest military post, or hold him awaiting the arrival of the guard, and will inform such person of his right to payment for his services. See § 306.32.

(d) *Guards.* Upon receipt of information that a civil officer, or other civilian, is holding an absentee or deserter, the post commander will cause a guard to be sent with all reasonable speed and in any event not later than 24 hours after receipt of the notification. If it is impracticable for the commanding officer receiving the notifiation to provide a guard from his command, he will make arrangements with a commander capable of providing a guard, or will report the case to the commanding general of the army concerned.

(e) *Commanding generals of armies (ZI).* Commanding generals of armies (ZI) will take steps to secure the active cooperation of all State and local police forces, and such other offials and organizations as they may deem useful to insure that absentees and deserters are returned promptly to military control.

§ 306.40 *Property of absentee.* (a) When a soldier absents himself without leave, his company commander will cause the public property, including clothing, for which the absentee is responsible, to be searched for and secured. His personal effects will be inventoried and retained with his organization until he returns to military control, or until he is dropped from the rolls as AWOL. In the latter case they will be disposed of as follows:

(1) Decorations, medals, discharges, and other military papers will be forwarded to The Adjutant General.

(2) Articles having material value will be disposed of by auction sale within the organization and the proceeds therefrom, together with any money left by the absentee, will be deposited with a disbursing officer, whose receipt will be taken and forwarded to The Adjutant General. The receipt will show the nature of the deposit, whether from the proceeds of sale, or money left by the absentee.

(3) Articles having no salable value will be destroyed.

(b) In no case will the effects of an absentee, or any proceeds of the sale thereof, be turned over to his relatives, nor any payment made therefrom on any account except with the approval of the War Department.

(R. S. 161; 47 Stat. 1575; 5 U. S. C. 23; 10 U. S. C. 1431) [AR 615-300, Mar. 17, 1947]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3758; Filed, Apr. 18, 1947; 8:52 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 360—ORGANIZATION, FUNCTIONS AND PROCEDURE OF THE OFFICE OF INTERNATIONAL TRADE

BRITISH TOKEN IMPORT PLAN

Subpart B is amended by adding thereto a new § 360.15A to read as follows:

§ 360.15A *Procedure relating to the British Token Import Plan.* The procedure governing administration of the British Token Import Plan, and the role of the Office of International Trade therein, have been revised as set forth in this section:

(a) *Introduction*—(1) *What the plan is.* The "British Token Import Plan" is an arrangement with the British Government which permits United States manufacturers, their authorized agents, or other qualified exporters, with established pre-war trade connections in the United Kingdom (England, Scotland, Wales, and Northern Ireland) to export to that area token shipments of specified commodities, the importation of which the British Government prohibited as a war measure. Under the plan, the British Government will permit imports in a yearly amount not to exceed 20% of the value of the average annual shipments of the specified commodities of each qualified exporter during a base period consisting of the years 1936, 1937, and 1938. The British Government requires appropriate evidence, issued under authority of the United States Government, that manufacturers wishing to take advantage of opportunities under the arrangement did in fact make shipments of the commodities to the United Kingdom during the base period. The Office of International Trade has agreed to act as certifying agent and issue appropriate certificates, in the form of token scrip, which the exporter forwards to the British importer for presentation to the British Board of Trade as a basis for obtaining an import license.

(2) *How to secure information.* Announcements regarding the British Token Import Plan will no longer appear in Current Export Bulletins or Comprehensive Export Schedules. Hereafter, all official announcements regarding the plan will be published in the "Foreign Commerce Weekly," subscription to which may be arranged through the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Announcements will also be made in press releases which will be available to trade journals. Copies of announcements (including lists of commodities currently subject to the plan) as well as all forms needed in connection with the plan may be obtained from the Office of International Trade, Areas Branch, British Token Import Plan Unit, Washington, D. C., or from any of the Field Offices of the Department of Commerce.

(3) *Effect on export restrictions.* The issuance of token scrip in no way affects United States export restrictions which may be applicable to commodities coming under the plan.

(b) *Procedure for obtaining certification of prewar exports*—(1) *Eligibility* (i) Manufacturers, or their duly authorized agents, who exported any of the items on the approved list to the United Kingdom (England, Scotland, Wales, and Northern Ireland) during the base period 1936, 1937, and 1938, are eligible for certification under the plan. "Manufacturer" means an individual, firm or corporation which produces directly or indirectly products sold through established markets. "Authorized agent" means an export merchant, export commissioner, or any other person who has been authorized by the manufacturer to handle products produced by the manufacturer. Such an individual cannot be certified under the plan without a letter from the manufacturer addressed to the Office of International Trade, specifically authorizing him to apply for certification for the manufacturer's total basic quota or for a portion of the total basic quota. Such authorization must be submitted for each calendar year or otherwise must state the period of time for which the authorization is made. "Basic quota" means 20% of the value of manufacturer's average annual shipments of the product to the United Kingdom during the base period years 1936, 1937, and 1938. If a manufacturer authorizes an agent, or agents, to apply for certification of only a portion of the quota, the manufacturer may apply for certification of the balance.

(ii) Individuals or firms, other than manufacturers, having an established export trade from the United States to the United Kingdom during the years 1936, 1937, and 1938 in the items on the approved list, may be eligible if they can demonstrate clearly that such trade was developed by them and not by a manufacturer. Any person who is not a manufacturer, or an authorized agent, who feels that he is eligible for participation under the plan should request a determination of eligibility from the Office of International Trade, Areas Branch, British Token Import Plan Unit. Such a request should fully identify his export connections during the years 1936, 1937, and 1938 with the United Kingdom and should explain in detail his reasons for requesting eligibility under the plan.

(2) *Applying for certification*—(i) *Time and manner of submitting application.* Applications for certification shall be made in triplicate on Form IT-558 (Rev.), "Request for Certification of Pre-War Exports to the United Kingdom," and submitted to the Office of International Trade, Areas Branch, British Token Import Plan Unit, Washington, D. C. A separate application, Form IT-558 (Rev.), shall be submitted for each commodity group covered by the plan and shall give the information requested on the application form. The commodity description, section 3, should include brand name(s) for all branded products included in the applicant's export figures for the base period. The quantity and value of exports listed under section 6 should cover only the permitted types of each commodity shown on the approved list. All data shown on the form must be based upon actual records or other documentary evidence. Only those applications will be considered which have the certification on the bottom of the form executed.

Applicants who received token scrip during the year 1946 should indicate, under section 5, the IT case number assigned to such scrip, in addition to stating their own reference number, but the data submitted in the previous application should be rechecked before insertion in the 1947 form. Because of the haste with which the plan was put into operation last year and the difficulties of securing data that corresponded exactly with commodity definations, etc., there has been a tendency for pre-war exports, in some cases, to be over-estimated. Applicants are, therefore, urged to re-examine their figures carefully and make whatever corrections may be necessary in filling out their 1947 applications.

All applications should be filed as early in the year as possible. With respect to commodities on the approved list, as of March 10, 1947, the following conditions will apply:

(a) Only those applications received on or before April 30, 1947, can be assured of consideration as claims for full annual basic quotas.

(b) Applications received later than April 30, 1947, may require treatment as partial claims entitling applicants to allotments of scrip only in proportion to the number of months remaining after the applications are received.

(c) No applications for 1947 scrip can be accepted after September 30, 1947.

With respect to any commodity which may be added to the approved list after March 10, 1947, program operation dates will be appropriately adjusted and will be announced when notice is published of the inclusion of the new commodity under the plan.

(ii) *Acknowledgment card (Form IT-116).* Acknowledgment card, Form IT-116, shall be filed in by the applicant and submitted with each application. The portion of the card returned to the applicant will inform him of the case number assigned to the application.

(iii) *Evidence of authority.* If an application is signed by an agent, it will be necessary to have evidence of authorization as explained above.

(3) *Action by office of International Trade*—(i) *Numbering and certifying applications.* Upon receipt of Form IT-558 (Rev.) by the Office of International Trade, a number is assigned to the application for identification purposes. The first part of the number corresponds to the commodity group number assigned to the item as shown on the approved list. The second part of the number is a numerical case number. For example, number 17-435 indicates that the application covers "Lawnmowers," since "17" is the commodity group for lawnmowers and "435" is the numerical case number.

When an applicant has been approved for participation under the plan, the Department of Commerce certification stamp is placed on all three copies of the application. The original copy is returned to the applicant, together with token scrip. The duplicate copy is retained by the Office of International Trade, and the triplicate copy is forwarded to the British Board of Trade. If scrip cannot be issued for the total amount of the basic quota requested on the application, notice will be sent to the applicant and to the Board of Trade of the amount of scrip which is being issued as an interim allotment pending verification or adjustment of the claim as explained in subdivision (ii) of this subparagraph.

(ii) *Issuance of token scrip.* When an application is approved in full or in part, scrip will be issued in denominations requested by the applicant under section 7 of Form IT-558 (Rev.) totalling, to the nearest $25, an amount determined as explained in the subdivisions (*a*) and (*b*) of this subdivision. When issued, scrip is given a number identical with the number assigned to the certified application, Form IT-558 (Rev.). Scrip is neither transferable nor negotiable. It cannot be transferred by the certified manufacturer to another manufacturer of the same commodity or to a manufacturer of another product, nor can it be used by the holder for a product other than the one for which it was issued.

Under the terms of the plan, as established by the British Government, import licenses will be issued by the British Board of Trade, up to 20% of each United States applicant's pre-war exports into the United Kingdom. Since the total exports of these items, as reported by individual applicants, should not exceed 20% of the total imports for each commodity during the base period, the pre-war exports certified by the Office of International Trade and scrip issued under such certification must be kept within the overall national quotas computed from official trade statistics and mutually accepted by the Department of Commerce and the British Board of Trade.

In order to operate the plan with the flexibility needed for convenience of American exporters, and, at the same time, with assurance that total national quotas will not be exceeded in any way which would endanger the continuance of the program, it is necessary to issue scrip on an installment basis. It is to be expected that scrip can be issued during the year to the full amount of each applicant's basic quota, but since errors are possible and time is therefore required before there can be complete assurance that all data are accurate, the quantities of scrip will be issued from time to time in installments as follows:

(*a*) *Applications filed on or before April 30, 1947 (or in the case of new commodities, within two months after announcement of the addition of the commodity to the approved list).* For applications filed by April 30, 1947, in accordance with instructions in this section, the procedure will be, in general, to issue scrip immediately upon receipt of the application in an amount totaling approximately one-third of the applicant's basic quota. As soon as possible after April 30, 1947 (or after two months, in the case of new commodities), a second installment of scrip will be issued in as large amount as practicable. If it is clear that there will be no danger of the total of all applications covering a specific commodity exceeding the over-all national quota for that commodity, scrip will be issued for the full remainder of the individual's basic quota. The amount of the initial and subsequent installments of scrip will vary for different commodities. Applicants having justifiable need for the full issue of scrip may request that arrangements be made to have their records and documents examined by a Department of Commerce representative. If this is done, and it is found that the full claim is substantiated, scrip will then be issued for the total unissued balance of the basic quota. Final issue of all scrip will be made as soon as possible after closing date for filing applications, September 30, 1947.

(*b*) *Applications filed after April 30, 1947, but prior to October 1, 1947.* Applications filed after April 30, 1947, will be certified in amounts consistent with any balance of the over-all national quota which was not applied for on or before April 30, 1947. This will apply similarly to new commodity applications which are received more than two months after announcement of the addition of the commodity to the approved list. In these cases scrip will also be

issued in installments as explained in subdivision (a) of this subdivision.

(4) *Use of token scrip by certified exporter.* When the certified exporter receives an order from a United Kingdom importer, he should forward to the importer sufficient scrip, to the nearest $25 to cover the order. The importer will attach the scrip to his application for an import permit. The British Board of Trade, upon receipt of the import license application and accompanying scrip, will, prior to issuance of an import permit, check the application and scrip against the certified copy of the Form IT–558 (Rev.) forwarded from the Office of International Trade.

(5) *Validity period of scrip.* Scrip issued for 1947 will be valid and accepted by the British Board of Trade through February 29, 1948.

(c) *Procedure for requesting additions to list.* Manufacturers or other eligible persons who exported to the United Kingdom (England, Scotland, Wales, and Northern Ireland) during the years 1936, 1937, and 1938, products other than those on the approved list, may request that the plan be made applicable to such products. A separate request must be made for each commodity by filing, in triplicate, Form IT–570, "Request for Addition of Commodity to the British Token Import Plan," with the Office of International Trade, Areas Branch, British Token Import Plan Unit, Washington, D. C. The Office of International Trade forwards two copies of the form to the American Embassy in London for transmittal to the British Board of Trade. The completeness of the information furnished on the form will be a major factor in determining acceptance by the Board of Trade. Effectiveness of presentation will be increased if manufacturers who exported to the United Kingdom during the base period make a joint request through their trade association. The applicant will be notified of whatever action is taken by the Board of Trade and announcement of all additions to the list will be made in press releases and the Foreign Commerce Weekly. (Pub. Law 404, 79th Cong., 60 Stat. 237)

Issued this 14th day of April 1947.

[SEAL] THOMAS C. BLAISDELL, Jr.,
Director.

[F. R. Doc. 47–3764; Filed, Apr. 18, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A–886) is amended, effective April 9, 1947, by:

1. Deleting the address "Comer Bldg." opposite "Alabama, Birmingham" and substituting therefor the following address: "2225 Third Avenue, North".

2. Deleting the address "2 Park Ave." opposite "New York, New York City" and substituting therefor the following address: "90 Church Street".

3. Deleting the address "Cotton Exchange Bldg." opposite "Oklahoma, Oklahoma City" and substituting therefor the following address: "Leonhardt Bldg.".

4. Deleting the address "Land Bank Bldg." opposite "Missouri, Kansas City" and substituting therefor the following address: "Fidelity Bldg.".

5. Deleting the address "Franklin American Trust Bldg." opposite "Missouri, St. Louis" and substituting therefor the following address: "Locust Bldg.".

6. Deleting the address "Schmidt Bldg." opposite "Ohio, Cincinnati" and substituting therefor the following address: "Kroger Bldg.".

7. Deleting the address "Capitol Securities Bldg." opposite "Idaho, Boise" and substituting therefor the following address: "410 Baird Bldg."

8. Deleting opposite "Minnesota, Minneapolis" and under the column heading "Jurisdiction" the following: "Entire State except Clay and Polk Counties (see Sioux Falls, S. Dak.) and substituting therefor the following: "Entire State".

9. Deleting opposite "Oklahoma, Oklahoma City" and under the column heading "Jurisdiction" the following: "Counties west of Osage, Pawnee, Creek, Okfuskee, McIntosh, Pittsburg, Latimer and Le Flore" and substituting therefor the following: "Counties west of Osage, Creek, Okfuskee, Hughes, Coal, Atoka and Bryan."

10. Deleting opposite "Oklahoma, Tulsa" and under the column heading "Jurisdiction" the following: "Counties east of Kay, Noble, Payne, Lincoln, Seminole, Hughes, Coal, and north of Atoka, Pushmataha and McCurtain" and substituting therefor the following: "Counties east of Kay, Noble, Pawnee, Payne, Lincoln, Seminole, Pontotoc, Johnston and Marshall".

11. Deleting opposite "South Dakota, Sioux Falls" and under the column heading "Jurisdiction" the following: "Entire State including entire State of North Dakota and Clay and Polk Counties in Minnesota" and substituting therefor the following: "Entire State".

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup., 1702)

[SEAL] H. WINTON ELLIOTT,
Assistant Commissioner.

APRIL 10, 1947.

[F. R. Doc. 47–3744; Filed, Apr. 18, 1947; 8:50 a. m.]

Chapter VII—National Housing Agency

PART 751—ESTABLISHING THE GENERAL RESPONSIBILITIES AND ORGANIZATION OF THE OFFICE OF THE ADMINISTRATOR, NATIONAL HOUSING AGENCY, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DELEGATION OF AUTHORITY TO FIRST ASSISTANT ADMINISTRATOR

§ 751.9 *Delegation to First Assistant Administrator.* The First Assistant Administrator is hereby delegated the power to execute war housing programming documents relating to termination, disposition and other actions (except transfers of jurisdiction from the National Housing Agency to the War or Navy Departments pursuant to section 4 of the Lanham Act, as amended (54 Stat. 1127; 42 U. S. C. Sup., 1521–1524) and section 5 of the act of June 28, 1941 (55 Stat. 363; 42 U. S. C. Sup., 1521)) affecting projects constructed or acquired under Titles I and IV of the Lanham Act, as amended (54 Stat. 676, 872, 55 Stat. 14, 197, 810). (E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

Issued this 19th day of April 1947.

[SEAL] RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 47–3792; Filed, Apr. 18, 1947; 9:06 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5557]

PART 113—DOCUMENTARY STAMP TAXES

STAMP TAX ON PASSAGE TICKETS

In order to conform Regulations 71 (26 CFR, Part 113) to section 8 (c) of the Excise Tax Act of 1947 (Pub. Law 17, 80th Cong.), approved March 11, 1947, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 113.90 the following:

SEC. 8 [EXCISE TAX ACT OF 1947].

* * * * * *

(c) Effective with respect to tickets sold or issued on or after the first day of the first month which begins more than twenty days after the date of the enactment of this act, section 1806 of the Internal Revenue Code (relating to stamp tax on passage tickets) is hereby repealed.

PAR. 2. Section 113.90 is amended as follows:

(A) By inserting immediately following the heading "Scope of tax" the following:

(a) *Termination.* Effective with respect to tickets sold or issued on or after the first day of the first month beginning more than twenty days after the date of the enactment of the Excise Tax Act of 1947, section 1806 of the Internal Revenue Code was repealed by section 8 (c) of such act. The act was approved March 11, 1947, and therefore the tax on passage tickets and the regulations in this part relating to such tickets are inapplicable to such tickets sold or issued on or after April 1, 1947.

(B) By inserting immediately preceding the first sentence of such section as it appeared prior to amendment by this Treasury decision, as the beginning of the second paragraph of such section, the following:

(b) *Application of tax prior to the termination date.* Because of the short period of time between the date of the

repealing act and the effective date of the repeal, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act. * * *

This Treasury decision shall be effective on April 1, 1947.

(Section 3791 of Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791))

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: April 11, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47–3742; Filed, Apr. 18, 1947; 8:47 a. m.]

[T. D. 5558]

PART 320—RETAILERS' EXCISE TAXES

RETAILERS EXCISE TAXES

In order to conform Regulations 51 (26 CFR, Part 320), relating to retailers' excise taxes under Chapters 9A and 19 of the Internal Revenue Code, to the Excise Tax Act of 1947 (Pub. Law 17, 80th Cong.), approved March 11, 1947, such regulations are amended as follows:

PARAGRAPH 1. The subheading immediately preceding the heading "Subpart A—Introductory", as amended by Treasury Decision 5353, approved March 31, 1944, is further amended to read as follows:

Regulations relating to excise taxes on sales by the retailer (Chapter 19 of the Internal Revenue Code, added by section 552 of the Revenue Act of 1941, and Chapter 9A of the Internal Revenue Code, added by section 210 of the Revenue Act of 1940, and amended by section 302 of the Revenue Act of 1943 and by the Excise Tax Act of 1947).

PAR. 2. The first sentence of § 320.0, as amended by Treasury Decision 5353, is further amended to read as follows:

§ 320.0 *Scope of regulations.* The regulations contained in this part deal with excise taxes imposed by Chapter 19 of the Internal Revenue Code, as added by section 552 of the Revenue Act of 1941, and Chapter 9A of the Internal Revenue Code, as added by section 210 of the Revenue Act of 1940, and amended by section 302 of the Revenue Act of 1943 and by the Excise Tax Act of 1947, on sales by the retailer of:

(a) Jewelry.
(b) Furs.
(c) Toilet preparations.
(d) Luggage.

PAR. 3. Immediately preceding § 320.1, there is inserted the following:

EXCISE TAX ACT OF 1947 (PUB. LAW 17, 80TH CONG.) APPROVED MARCH 11, 1947

SEC. 3. Sections * * * and 1655 (definition of "date of the termination of hostilities in the present war") of such Code are hereby repealed.

PAR. 4. Section 320.1, as amended by Treasury Decision 5353, is further amended by striking out paragraph (k) thereof.

PAR. 5. Immediately preceding § 320.2, there is inserted the following:

EXCISE TAX ACT OF 1947 (PUB. LAW 17, 80TH CONG.) APPROVED MARCH 11, 1947

SEC. 3. Sections 1654 (termination of retail tax on luggage, etc.) and 1655 (definition of "date of the termination of hostilities in the present war") of such Code are hereby repealed.

PAR. 6. Immediately preceding § 320.30, as amended by Treasury Decision 5353, there is inserted the following:

EXCISE TAX ACT OF 1947 (PUB. LAW 17, 80TH CONG.) APPROVED MARCH 11, 1947

SEC. 2. Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war".

PAR. 7. Section 320.38, as amended by Treasury Decision 5353, is further amended to read as follows:

§ 320.38 *Rate of tax.* With respect to articles sold during the period October 1, 1941, through March 31, 1944, both dates inclusive, the tax is payable by the retailer at the rate of 10 percent of the price for which sold. With respect to articles sold on or after April 1, 1944, the tax is payable by the retailer at the rate of 20 percent of the price for which sold, except that in the case of watches selling at retail for $65 or less, and alarm clocks selling at retail for $5 or less, the tax is at the rate of 10 percent of the price for which sold. The price for which an article is sold shall be determined in accordance with the provisions of §§ 320.5 to 320.10, inclusive, and § 320.74.

PAR. 8. Immediately preceding § 320.40, there is inserted the following:

EXCISE TAX ACT OF 1947 (PUB. LAW 17, 80TH CONG.) APPROVED MARCH 11, 1947

SEC. 2. Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war".

SEC. 7. (a) Section 2401 of the Internal Revenue Code (relating to the tax on furs) is hereby amended by inserting after the words "chief value" a comma and the following: "but only if such value is more than three times the value of the next most valuable component material".

(b) The amendment made by subsection (a) shall apply in the case of articles sold on or after the first day of the first month which begins more than twenty days after the date of the enactment of this act.

PAR. 9. Section 320.40 is amended to read as follows:

§ 320.40 *Scope of tax.* The tax attaches to the sale by the retailer of certain articles as follows:

(a) Articles made of fur on the hide or pelt sold on or after October 1, 1941;

(b) Articles of which fur on the hide or pelt is the component material of chief value sold during the period October 1, 1941, through March 31, 1947, both dates inclusive; and

(c) Articles of which fur on the hide or pelt is a component material, the value of which is more than three times the value of the next most valuable component material, sold on or after April 1, 1947.

The tax does not apply to sales of raw fur.

The tax is not confined to the sale of fur articles used as wearing apparel but applies to sales of any fur article suitable for any use, such as fur rugs, fur robes, etc.

In determining, for the purposes of (b) and (c) of this section whether the sale of an article of which fur is a component material is subject to tax, the value of such fur at the time of assemblage of the article must be compared to the value of each other single component at such time.

Where fur is a component material of an article and exemption with respect to the sale of such article is claimed on the ground that the value of the fur as compared with that of the most valuable of the other component materials is not such as to render the sale taxable under (b) or (c), of this section, the retailer must maintain adequate records or have in his possession proper documentary evidence to establish that fact to the satisfaction of the Commissioner. In the absence of such records or documentary evidence, the tax must be paid with respect to the sale of such article at retail.

PAR. 10. Section 320.42, as renumbered and amended by Treasury Decision 5353, is further amended to read as follows:

§ 320.42 *Rate of tax.* With respect to articles sold during the period October 1, 1941, through March 31, 1944, both dates inclusive, the tax is payable by the retailer at the rate of 10 percent of the price for which sold. With respect to articles sold on or after April 1, 1944, the tax is payable by the retailer at the rate of 20 percent of the price for which sold. The price for which an article is sold shall be determined in accordance with the provisions of §§ 320.5 to 320.10, inclusive, and § 320.74.

PAR. 11. Immediately preceding § 320.50, there is inserted the following:

EXCISE TAX ACT OF 1947 (PUB. LAW 17, 80TH CONG.) APPROVED MARCH 11, 1947

SEC. 2. Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war".

PAR. 12. Section 320.51, as amended by Treasury Decision 5353, is further amended to read as follows:

§ 320.51 *Rate of tax.* With respect to articles sold during the period October 1, 1941, through March 31, 1944, both dates inclusive, the tax is payable by the retailer at the rate of 10 percent of the price for which sold. With respect to articles sold on or after April 1, 1944, the tax is payable by the retailer at the rate of 20 percent of the price for which sold. The price for which an article is

sold shall be determined in accordance with the provisions of §§ 320.5 to 320.10, inclusive, and § 320.74.

Because of the short period of time remaining between March 11, 1947, the date of approval of the Excise Tax Act of 1947, and April 1, 1947, the date on which, pursuant to such act, the amendment to section 2401 of the Internal Revenue Code becomes effective, and because of the technical nature of the amendments made herein, it is found that it is impracticable and unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective on April 1, 1947.

(Secs. 3791 and 2410 of Internal Revenue Code (53 Stat. 467, 55 Stat. 720; 26 U. S. C. and Supp., 3791, 2410))

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: April 11, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3743; Filed, Apr. 18, 1947; 8:47 a. m.]

Subchapter F—Organization and Procedures

PART 600—ORGANIZATION

PART 601—PROCEDURE

MISCELLANEOUS AMENDMENTS

In F. R. Doc. 46-15357, appearing at page 177A-22, Part II, section 1, of the issue for September 11, 1946, the following amendments are made:

1. Paragraph (b) (3) of § 600.4 *Income tax unit*, is amended by changing the words "Alien Property Custodian" at the end of the third sentence of the second paragraph thereof to "Attorney General. E. O. 9788 effective October 15, 1946, 11 F. R. 11981."

2. Paragraph (d) of § 600.53 *Technical Staff field organization*, as amended (11 F. R. 14262), is further amended by changing the column of the table of field offices headed "Location of office", as follows:

(A) By amending the entries pertaining to the Atlantic Division as follows:

(i) By striking out the entry "*Baltimore 2, Md., 505 Stewart Bldg., 100-2 South Gay St.", and inserting in lieu thereof the following: "*Washington 25, D. C., Room 2017, Temporary Bldg. 'S', 6th St. and Jefferson Drive, S. W."

(ii) By striking out the entry "Washington 25, D. C., Room 3565, Internal Revenue Bldg., 12th St. and Constitution Ave., N. W.", and inserting in lieu thereof the following: "Baltimore 2, Md., Room 1002, Standard Oil Bldg., St. Paul Place and Franklin St."

(B) By striking out the entry pertaining to the Chicago Division, "# Chicago 4, Ill., 1300 Board of Trade Bldg., 141 West Jackson Blvd.", and inserting in lieu thereof the following: "* Chicago 4, Ill., 1300 Board of Trade Bldg., 141 West Jackson Blvd."

(C) By striking out the entry pertaining to the New England Division, "* Boston 10, Mass., 547 Stone and Webster Bldg., 49 Federal St.", and inserting in lieu thereof the following: "* Boston 9, Mass., 601 Post Office Bldg."

(D) By striking out the entry pertaining to the Pacific Division, "Portland 4, Oreg., 1006 Bedell Bldg., 520 S. W. 6th Ave.", and inserting in lieu thereof the following: "Portland 4, Oreg., 1012 Cascade Bldg., 520 S. W. 6th Ave."

(E) By amending the entries pertaining to the Southwestern Division as follows:

(i) By striking out the entry "# Houston 2, Tex., 1316 Houston Cotton Exchange Bldg., Carolina St. and Prairie Ave.", and inserting in lieu thereof the following: "# Houston 2, Tex., 1316 Houston Cotton Exchange Bldg., Caroline St. and Prairie Ave."

(ii) By striking out the entry "#Oklahoma City 2, Okla., 1315 First National Bank Bldg., 120 North Robinson St.", and inserting in lieu thereof the following: "#Oklahoma City 2, Okla., 1315 First National Bank Bldg., 120 Robinson St."

(F) By amending the entries pertaining to the Western Division as follows:

(i) By striking out the entry "Denver 2, Colo., 322 Railway Exchange Bldg., 909 Seventh St.", and inserting in lieu thereof the following: "Denver 2, Colo., 322 Railway Exchange Bldg., 909 17th St."

(ii) By striking out the entry "Omaha 2, Nebr., 337 Omaha National Bank Bldg., 17th and Varnum Sts.", and inserting in lieu thereof the following: "Omaha 2, Nebr., 337 Omaha National Bank Bldg., 17th and Farnum Sts."

3. Section 601.2 *Income and excess profits taxes*, as amended (11 F. R. 14262; 12 F. R. 953) is further amended as follows:

(A) Paragraph (a) is amended by inserting in the third paragraph thereof immediately after the references "T. D. 5522, 11 F. R. 6754; T. D. 5534, 11 F. R. 9553" the following: "; T. D. 5546, 11 F. R. 14285".

(B) Paragraph (b) (4) is amended by substituting for the word "receipt" in the third sentence thereof the word "statement".

(C) Paragraph (c) (1) is amended by substituting for the word "receipt" in the first sentence of the third paragraph thereof the word "statement".

(D) Paragraph (d) is amended by substituting for the word "receipt" in the last sentence of the first paragraph thereof the word "statement".

(E) Paragraph (g) is amended as follows:

(i) By striking from the paragraph headed "Form W-2b" the following: "or for furnishing copies to State Governments, etc."

(ii) By inserting immediately after the paragraph headed "Form 936" the following new paragraphs:

Form 949. Annual report of profit on Navy contracts. This form of report is required under the provisions of the Vinson Act, as amended, to be filed by every contracting par[illegible] completing within its taxable year a Navy contract or subcontract for the construction or manufacture of any completed Naval vessel or aircraft or any portion thereof entered into (a) after December 31, 1945, in the case of a contracting party making its income tax return on the calendar year basis, or (b) after the close of the contracting party's taxable year ending in 1946, in the case of a contracting party making its income tax return on a fiscal year basis.

Form 949-A. Annual report of profit on Army contracts. This form of report is required under the provisions of the Vinson Act, as amended, to be filed by every contractor or subcontractor completing within its taxable year an Army contract for the construction or manufacture of any completed Army aircraft or any portion thereof, entered into (a) after December 31, 1945, in the case of a contracting party making its income tax return on the calendar year basis, or (b) after the close of the contracting party's taxable year ending in 1946, in the case of a contracting party making its income tax return on a fiscal year basis.

(iii) By inserting immediately after the paragraph headed "Form 1042-B" the following new paragraphs:

Form 1042-C. Annual return of income tax withheld from French addressees. This return (in duplicate) is required to be made by all United States withholding agents who have paid to persons whose addresses of record are in France any fixed or determinable annual or periodical income. There shall be reported on this return, not only items of income listed on Form 1042, but also items of interest listed on quarterly returns, Form 1012, including items of interest where the liability for withholding is only 2 percent.

Form 1042-D. Annual return of income tax withheld from United Kingdom addressees. This return (in duplicate) is required to be made by all United States withholding agents who have paid to residents of the United Kingdom or corporations managed and controlled in the United Kingdom any fixed or determinable annual or periodical income. There shall be reported on this return not only items of income listed on Form 1042, but also items of income exempt from tax under the United States-United Kingdom income tax Convention. However, items of interest need not be listed where Form 1001-UK (in duplicate), or substitute Form 1001-UK (in duplicate), has been filed.

F. R. Doc. 46-20950, 11 F. R. 14261, is amended by substituting for "Form 1042-D" appearing in item 34 (n) thereof the following: "Form 1042-B".

(Secs. 3, 12, Pub. Law 404, 79th Cong.; 60 Stat. 238, 244)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3741; Filed, Apr. 18, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1110]

HARRY YAFFEE

Harry Yaffee, d/b/a Banner Products Company, 3417 North Pulaski, Chicago, Illinois, as a retailer of solder, from March 16, 1946 to July 31, 1946 sold and delivered approximately 9,931 pounds of bar solder without having received the certificate required by Conservation Order M-43. Respondent had knowledge of the restrictions in M-43 and his conduct constituted a wilful violation thereof. The violation had diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1110 *Suspension Order No. S-1110.* (a) Harry Yaffee, d/b/a Banner Products Company, his successors or assigns, shall not accept delivery of, sell, transfer, or otherwise deal in any solder as governed by Conservation Order M-43, for a period of one month from the effective date of this order, unless specifically authorized in writing by the Civilian Production Administration.

(b) Nothing contained in this order shall be deemed to relieve Harry Yaffee, d/b/a Banner Products Company, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the 28th day of April 1947.

Issued this 18th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3851; Filed, Apr. 18, 1947; 11:42 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1123]

AUGUST W. BAUMGART & WILBUR K. BAUMGART

August W. Baumgart and Wilbur K. Baumgart, d/b/a A. C. Automotive Finishes Company, 456 North Oakley Boulevard, Chicago, Illinois, as retailers of solder, from May 20, 1946 to August 31, 1946 sold approximately 4,560 pounds of solder containing 1.5% or more tin without having received the certificate required by Conservation Order M-43. They had knowledge of the restriction in M-43 and their conduct constituted a wilful violation thereof. The violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1123 *Suspension Order No. S-1123.* (a) August W. Baumgart and Wilbur K. Baumgart, d/b/a A. C. Automotive Finishes Company, individually or doing business under any other name, their successors and assigns, shall not accept delivery of, sell, transfer, or otherwise deal in any solder containing 1.5% or more tin as governed by Conservation Order M-43, for a period of two months from the effective date of this order, unless specifically authorized in writing by the Civilian Production Administration.

(b) Nothing contained in this order shall be deemed to relieve August W. Baumgart and Wilbur K. Baumgart, d/b/a A. C. Automotive Finishes Company, individually or doing business under any other name, their or its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the 28th day of April 1947.

Issued this 18th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3852; Filed, Apr. 18, 1947; 11:42 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, Appendix II, as Amended April 18, 1947]

APPENDIX II—MANUFACTURING REGULATIONS

Findings under sec. 4 (a) of Public Law 404, 79th Congress.

In connection with the issuance of the following amendments, pursuant to section 4 (a) of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 237), the Civilian Production Administration finds that compliance with the notice, public rule making procedure and effective date requirements of the said Act is impractical and contrary to the public interest, in that the time intervening between the approval of Public Law 24, 80th Congress, on which the following amendments are based, and the date when the said amendments must become effective in order to effectuate the policy of said Public Law 24, is insufficient for such compliance; and any delay in the effective date of the following amendments will jeopardize the orderly allocation of natural and synthetic rubber and the production of synthetic rubber, contrary to the public interest. Therefore, the Civilian Production Administration, pursuant to Public Law 24, 80th Congress, hereby takes the following action:

Rubber Order R-1, Appendix II, as amended November 29, 1946, is hereby amended to read as follows:

APPENDIX II—MANUFACTURING REGULATIONS

Appendix II to Rubber Order R-1 establishes certain compounding proportions and manufacturing regulations for many of the products enumerated in Appendix I to Rubber Order R-1. These compounding proportions and manufacturing regulations are set out in the lists appearing below.

(a) *Limitation on production of rubber products.* No person may manufacture any of the products covered by the lists set out in this Appendix II except in accordance with the restrictions and regulations in the list applicable to the products.

(b) *General provisions.* (1) The total rubber hydrocarbon (designated total RHC in this Appendix) is the sum total of natural rubber, synthetic rubber, the rubber hydrocarbon value of reclaimed rubber and the RHC value of master batches or compounds of natural rubber or natural rubber latex. The rubber hydrocarbon value of reclaimed rubber shall be calculated from the rubber value of reclaimed rubber as certified by the manufacturer of the reclaimed rubber and shall be determined by the "difference" or "indirect" method. Natural rubber includes the rubber hydrocarbon value of natural rubber master batches or compounds as certified by the manufacturer of master batches or compounds which include natural rubber or natural rubber latex.

(2) "X" when used in the tables appearing in the lists, means that the materials so designated may be consumed in the minimum quantities required by any manufacturer who has received authorization to accept delivery on Form CPA-4488, subject to any special restrictions or provisions applicable to the particular products.

TABLE OF LISTS INCLUDED IN APPENDIX II

No.	Title
2	Tire and flap curing bags.
6	Tube identification.
7	Tire and tube repair materials.
8	Tires.
9	Tire tubes.
10	Tire flaps.
13	Retreading materials.
15	Use of tire-type high tenacity rayon cord, fabric or yarn. Deleted December 17, 1946.

LIST 2—MANUFACTURE OF TIRE AND FLAP CURING BAGS

(a) *Manufacturing regulations.* The use of natural rubber as required in the manufacture of all sizes and types of tire and flap curing bags is permitted.

(b) *Marking of synthetic curing bags.* All curing bags containing synthetic rubber shall have a permanent circumferential colored strip approximately three-eighths inch wide applied on the base section of the bag. The appropriate color shall be determined from List 6.

LIST 6—TUBE IDENTIFICATION

Identification of synthetic rubbers. Identification of the various types of synthetic rubbers shall be effected by designating each type by a letter and a color, as follows:

Letter and color:	Type of synthetic
S—Red	GR-S
M—Yellow	GR-M (neoprene)
I—Light Blue	GR-I (Butyl)

LIST 7—MANUFACTURE OF TIRE AND TUBE REPAIR MATERIALS

(a) *Manufacturing regulations.* Natural rubber as required may be used in the manufacture of tire and tube repair materials, except as provided in List 13 hereof.

LIST 8—MANUFACTURE OF TIRES

(a) *General provisions.* (1) Natural rubber latex may be consumed in the treatment of rayon and cotton cord, provided the overall average by weight of natural rubber latex so consumed does not exceed 7.5 pounds per 1000 pounds (dry weight) of total rayon and cotton cord treated. Natural rubber latex may be consumed in the treatment of nylon cord without limit.

(b) *Manufacturing regulations.* Natural rubber may be consumed in the manufacture of tires, rubber tracks and blocks as follows:

(1) Solid tires of all types except where elsewhere listed, as required.

(2) Rubber tracks and track blocks, as required.

(3) In the sizes and types of pneumatic tire groups listed in Table A below, only the maximum percent of natural rubber specified:

Table A—All Types of Pneumatic Tires

NOTE: Table A revised April 1947.

Maximum per cent [1] natural rubber of total RHC, by weight, rayon, nylon or cotton

Tire groups—Size and type	*Per cent natural rubber*
11.00 and up (all types)	X
All airplane, all inter-city bus mileage, all low platform trailer, and all wire tires	94
8.25 through 10.00 (all other types except tractor, implement and industrial pneumatic)	94
All other truck (including 15" and 16" diameters)	67
6.50 and up, passenger and industrial	67
6.00 and down, passenger, motorcycle, and industrial	23
Bicycle, light weight only	X
Bicycle, balloon size	27
All other	13

[1] Individual sizes may exceed the specified maximum percentage, provided the average natural rubber content of all sizes within the groups as listed in this Table A, does not exceed the indicated maximum percentage. No tire within the groups permitted 94 percent or more natural rubber shall be manufactured with a natural rubber content more than 5% greater than the maximum allowable percentage of total RHC for tires in those groups. No tire within the groups permitted 67% or less shall be manufactured with a natural rubber content more than 10% greater than the maximum allowable percentage of total RHC, for tires in each group. For example, a tire in the group in which a maximum of 23% of natural rubber is permitted, may be made with 33%.

LIST 9—MANUFACTURE OF TIRE TUBES

(a) *Manufacturing regulations.* (1) Natural rubber may be consumed as required in the manufacture of valves, valve cap gaskets, valve adhesion pads, and splicing gum strips for tubes.

(2) GR–I (Butyl) may be consumed as required in the manufacture of all sizes and types of tubes.

(3) Natural rubber may be consumed as required in the manufacture of tubes as follows:

(i) In airplane tubes and in puncture seal and other types of safety tubes.

(ii) In all other tubes except those of 15" and 16" diameters equipped with rubber valves.

(b) *Marking of synthetic tubes.* All tubes containing synthetic rubber shall have a permanent circumferential colored stripe approximately three-eighths inch wide applied on the base section of the tube. The appropriate color shall be determined from List 6.

LIST 10—MANUFACTURE OF TIRE FLAPS

Manufacturing regulations. The use of natural rubber in the manufacture of tire flaps shall be limited as follows:

	Maximum percent natural rubber of total RHC by weight
Flaps for 12.00 cross section and larger tires	X
Flaps for 11.00 cross section and smaller tires	50

LIST 13—MANUFACTURE OF RETREADING MATERIALS

(a) *Manufacturing regulations.* The manufacture of retreading materials shall conform to the restrictions shown in the following table:

	Maximum percent natural rubber of total RHC by weight
Camelback for all airplane tires and all types for use on 8.25 and larger size tires of 6" die width and 1/32 gauge and up	X
All other camelback	O
Padding stock (maximum thickness 1/16")	X
Stripping stock (maximum thickness 1/8")	X
Filling stock (maximum thickness 1/8")	X
Camelback cushion (maximum thickness 1/16")	X
Full circle curing tubes	X

LIST 15—USE OF TIRE-TYPE HIGH-TENACITY RAYON CORD FABRIC OR YARN—[Deleted December 17, 1946.]

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, and 56 Stat. 177; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9246, 7 F. R. 7379, as amended by E. O. 9475, 9 F. R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F. R. 64; Pub. Law 24, 80th Cong.)

Issued this 18th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3850; Filed, Apr. 18, 1947; 11:42 a. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 149, Corr.]

PART 4003—SUBSIDIES; SUPPORT PRICES

PACIFIC NORTHWEST FUELWOOD SUBSIDY PAYMENT PROGRAM

In § 4003.88 *Pacific Northwest Fuelwood Subsidy Payment Program* (12 F. R. 1657) "October 31, 1946" should be substituted for "September 1, 1946" wherever it appears in this directive as the date before which sawdust must be stockpiled for the purposes of the directive.

(56 Stat. 765, 58 Stat. 632, 642, 784, 59 Stat. 306, Pub. Law 548, 79th Cong.; 15 U. S. C. Sup. 713a–8 and note, 50 U. S. C. App. Sup. 901–903, 921–925, 961–971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871, E. O. 9328, Apr. 8, 1943, 8 F. R. 4681, E. O. 9599, Aug. 18, 1945, 10 F. R. 10155, E. O. 9651, Oct. 30, 1945, 10 F. R. 13487, E. O. 9697, Feb. 14, 1946, 11 F. R. 1691, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929, E. O. 9762, July 25, 1946, 11 F. R. 8073, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

PHILIP B. FLEMING,
Temporary Controls Administrator.

APRIL 14, 1947.

[F. R. Doc. 47-3765; Filed, Apr. 18, 1947; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast Guard: Inspection and Navigation

[CGFR 47-21]

PART 303—REGULATIONS TO PROMOTE THE SAFETY OF LIFE ON NAVIGABLE WATERS DURING REGATTAS OR MARINE PARADES

CLOSING OF OAKLAND ESTUARY, OAKLAND, CALIF.

Pursuant to the authority vested in me by section 1, act of April 28, 1908 (Title 46, U. S. C., sec. 454) and Reorganization Plan No. 3 of 1946, and at the request of the University of California, I find it necessary, in order to promote the safety of life on navigable waters, that the section of the Oakland Estuary, Oakland, California, bounded on the west by the line extending across the Estuary from the foot of Broadway in Oakland and bounded on the east by the Fruitvale Avenue Bridge shall be closed to all through navigation and that the movement of all other craft in the area shall be subject to the control of the U. S. Coast Guard Regatta Patrol Officer in accordance with the regulations for marine regattas or marine parades in 33 CFR, Part 303, for the University of California Crew Races, between the hours of 2:00 p. m. and 5:00 p. m. on the following dates:

Saturday, May 3, 1947.
Saturday, May 10, 1947.
Saturday, May 31, 1947.

It is hereby found that compliance with the notice, public rule making procedures, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong.; 60 Stat. 238), is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this order is based became available and when this order must become effective is insufficient for such compliance; however, pursuant to notices published in the local newspapers and notice to mariners, a public hearing was held in San Francisco, California, and no objections were raised by interested parties to the closing of the channel for the races.

Dated: April 15, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 47-3789; Filed, Apr. 18, 1947; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 647, Amdt. 2]

PART 95—CAR SERVICE

PRIORITY FOR WHEAT IN PACIFIC NORTHWEST

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of April A. D. 1947.

Upon further consideration of Revised Service Order No. 647 (12 F. R. 104), as amended (12 F. R. 2168) and as amended by Service Order No. 647–C (12 F. R. 1724), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 647 (codified as 49 CFR § 95.647, *Box cars to be used for loading export wheat*, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof and adding paragraphs (d) and (e) thereto:

(a) *Priority for wheat loading.* All common carriers by railroad subject to the Interstate Commerce Act, at any point in the States of Oregon, Washington, or Idaho, or at Paradise or Troy, Montana, or west thereof, shall give preference and priority over all other traffic to supplying or placing box cars daily except Sunday, to the extent of the weekly quotas of box cars shown below:

Union Pacific RR	450
Great Northern Ry	72
Northern Pacific Ry	210
Spokane, Portland and Seattle Ry	18
Chicago, Milwaukee, St. Paul and Pacific RR	36

. . . . .

(d) *Diversion from inspection points.* Cars loaded with export wheat subject to this order moving to inspection points named in paragraph (a) (2) hereof may be diverted to domestic consignees upon special permit which may be issued by the Permit Agent designated herein.

(e) *Appointment of permit agent.* A. R. Mollison, Service Agent, Room 531 Post Office Bldg., Portland, Oreg., telephone Atwater 6171, Extension 352, is hereby designated and appointed permit agent for the purpose of issuing permits authorized by this order.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 17, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Oregon, Washington, Idaho and Montana, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register. (40 Stat. 101, secs. 402, 418; 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3755; Filed, Apr. 18, 1947; 8:51 a. m.]

[S. O. 684, Amdt. 1]

PART 95—CAR SERVICE

NEW YORK HARBOR LIGHTERAGE RESTRICTIONS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of April A. D. 1947.

Upon further consideration of Service Order No. 684 (12 F. R. 1167), and good cause appearing therefor: It is ordered, that:

Section 95.684 *New York Harbor lighterage restrictions*, of Service Order No. 684, be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 7:00 a. m., July 1, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 17, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3756; Filed, Apr. 18, 1947; 8:51 a. m.]

[Docket Nos. 29555, 29556]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

PICK-UP AND DELIVERY SERVICES AND CHARGES ON SMALL SHIPMENTS BY RAILROADS

The matter of the lawfulness of the rates, charges, practices and payments for pick-up and delivery services within terminal areas performed by, or for, common carriers by railroad and the matter of the lawfulness of the rates, charges and practices in connection with small shipments by common carriers by railroad being under consideration, it is ordered that:

§ 120.11b *Traffic inquiry and cost inquiry data, L. C. L. traffic.* All respondents classified as Class I steam railways (excluding switching and terminal companies) subject to Part I of the Interstate Commerce Act, and every receiver, trustee, executor, administrator, or assignee of any such steam railway, are hereby required to compile and furnish to this Commission, (a) the data called for in the Cost Inquiry for Less-Carload Traffic, which is attached hereto and made a part of this order,[1] and to compile the data called for in the Traffic Inquiry for Less-Carload Traffic which is attached hereto and made a part of this order,[1] and to furnish to this Commission, as to such traffic inquiry, (b) summaries by territorial movements for all railways combined, as indicated in said traffic inquiry.

It is further ordered, that the data specified in clauses (a) and (b) of the foregoing paragraph shall be filed with the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before the following dates: Cost Inquiry for Less-Carload Traffic, on or before August 15, 1947; Traffic Inquiry for Less-Carload Traffic, on or before November 1, 1947.

It is further ordered, that a copy of this order shall be served upon each respondent classified as a Class I steam railway (other than switching and terminal companies), subject to Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such steam railway, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916, 49 U. S. C. 20 (1)–(8))

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. (56 Stat. 1078; 5 U. S. C. Sup., 139–139f)

Dated at Washington, D. C., this 11th day of April A. D. 1947.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3757; Filed, Apr. 18, 1947; 8:51 a. m.]

[1] Filed as part of the original document.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 220—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

SHRIMP FISHERY

Section 220.16 is hereby amended to read as follows:

§ 220.16 *Closed season, shrimp fishing.* Commercial fishing for shrimp is prohibited in the period from February 1 to April 15 and from July 15 to September 30, all dates inclusive, in the waters of the Stikine district, the Eastern district east of the longitude of Cape Fanshaw, and in the Sumner Strait district north of the latitude and east of the longitude of Point Baker. All waters of Duncan Canal are closed to shrimp fishing throughout the year. (Sec. 1, 44 Stat. 752; 48 U. S. C. 221)

WARNER W. GARDNER,
Acting Secretary of the Interior.

APRIL 14, 1947.

[F. R. Doc. 47-3763; Filed, Apr. 18, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8680]

ELIZABETH LUERS AND MARGARET WHITTROCK

In re: Bank account and stock owned by Elizabeth Luers and Margaret Whittrock. F–28–385–D–1, F–28–385–E–1, F–28–385–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Luers and Margaret Whittrock, whose last know addresses are Dinklage 1 Oldbg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Elizabeth Luers and Margaret Whittrock, by the First National Bank of Chicago, 38 South Dearborn Street, Chicago 90, Illinois, arising out of a Blocked Funds Account, Account Number TR 21990, entitled Elizabeth Luers and Margaret Whittrock, maintained at the aforesaid bank and all rights to demand, enforce and collect the same, and

b. Five (5) shares of $100 par value 6% preferred capital stock of Michigan Public Service Company, 148 East Front Street, Traverse City, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by certificate numbered 818, and registered in the name of Elizabeth Luers and Margaret Whittrock, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–3727; Filed, Apr. 17, 1947; 8:49 a. m.]

[Vesting Order 8679]

MUSTER-SCHMIDT

In re: Debt owing to Muster-Schmidt. F–28–8653–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Muster-Schmidt, the last known address of which is Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Muster-Schmidt, by Berry Brothers, Inc., 211 Leib Street, Detroit 7, Michigan, in the amount of $1,970.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–3726; Filed, Apr. 17, 1947; 8:49 a. m.]

[Vesting Order 8681]

WINDMOLLER AND HOLSCHER, G. M. B. H.

In re: Bank account and stock owned by Windmoller and Holscher, G. m. b. H. F–28–11305–D–1, F–28–11305–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Windmoller and Holscher, G. m. b. H., the last known address of which is Langerich, Westfalen, Germany, is a limited corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Windmoller and Holscher, G. m. b. H., by The Philadelphia National Bank, Philadelphia 1, Pennsylvania, arising out of a checking account, entitled Windmoller and Holscher, and any and all rights to demand, enforce and collect the same, and

b. Seventy-five (75) shares of $100.00 par value 7% cumulative preferred capital stock of Benjamin C. Betner Company, Lincoln Highway, Devon, Pennsylvania, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 97, 101, and 102 for 25 shares each, registered in the name of Windmoller and Holscher, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–3728; Filed, Apr. 17, 1947; 8:49 a. m.]

[Vesting Order 8682]

MASAYASHI YOKOI

In re: Bank account owned by Masayashi Yokoi. F–39–4789–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Masayashi Yokoi, whose last known address is Senonji, Amagon, Aichiken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of American Trust Company, 464 California Street, San Francisco, California, arising out of a savings account, account number 267, entitled Masayashi Yokoi, Trustee for Kinuye and Shochei Yokoi, maintained at the branch office of the aforesaid bank located at 1011 - 10th Street, Sacramento, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Masayashi Yokoi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–3729; Filed, Apr. 17, 1947; 8:49 a. m.]

[Vesting Order 3237, Amdt.]

MARIE SOPHIE WILHELM AND HEINRICH WILHELM WELP

In re: Interests in real property and property insurance policies, and a claim owned by Marie Sophie Wilhelm and Heinrich Wilhelm Welp, also known as Heinrich Wilhelm Schuette.

Vesting Order 3237, dated February 26, 1944, is hereby amended as follows and not otherwise:

By deleting subparagraph 3–a and substituting therefor the following:

a. The undivided one-half interest in and to the real property situated in the City of Pittsburgh, Allegheny County, Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

All other provisions of said Vesting Order 3237 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–3730; Filed, Apr. 17, 1947; 8:49 a. m.]

[Vesting Order 8580]

JOSEPH KLAPPER

In re: Stock owned by Joseph Klapper. F–28–13760–D–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Klapper, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Thirty-two (32) shares of $100.00 par value 7% Cumulative Preferred capital stock of Cushman's Sons, Inc., 250 West 57th Street, New York 19, N. Y., a corporation organized under the laws of the State of New York, evidenced by certificates numbered C362, and C518, for ten (10) shares each, certificates numbered P362, and C3342 for three (3) shares each, certificates numbered C687 and C2335 for 1 share each, and certificate numbered C2970 for four (4) shares, registered in the name of Joseph Klapper, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–3776; Filed, Apr. 18, 1947; 8:48 a. m.]

[Vesting Order 8666]

VALENTIN RETTERATH

In re: Invention and Disclosure thereof of Valentin Retterath. TC–1421.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Valentin Retterath, whose last known address is Germany, is a resident of Germany and a national of a foreign country (Germany);

2. That the property described as follows:

The disclosure identified as follows:

Inventor and Invention

Valentin Retterath, Balancing device for machine parts vertically displaceable by rack and piston,

together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent

for, the invention or inventions shown or described in such disclosure,

is property of a national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3777; Filed, Apr. 18, 1947; 8:48 a. m.]

[Vesting Order 8625]

FERDINAND MAENNER

In re: Bond and mortgage and claims owned by the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ferdinand Maenner, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ferdinand Maenner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. A mortgage executed on April 1, 1909, by Louis W. P. Werle and Mary Louise Werle, his wife, to Emma M. Koster, and recorded on April 21, 1909, in the Office of the Clerk of Queens County, New York, in Liber 1164 of Mortgages, at Page 384, which mortgage was assigned by Midwood Trust Company to Ferdinand Maenner, by assignment, dated October 15, 1931, and recorded in the Office of the Register of Queens County, New York, on October 19, 1931, in Liber 3909 of Mortgages, at Page 363, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. That certain debt or obligation owing to the persons described in subparagraph 1 hereof by Teachers Retirement System of the City of New York, 154 Nassau Street, New York, New York, arising by reason of an accumulated teachers retirement pension, payable to Ferdinand Maenner, and any and all rights to demand, enforce, and collect the same, and

c. That certain debt or obligation owing to the persons described in subparagraph 1 hereof by Manufacturers Trust Company, 55 Broad Street, New York, New York, arising by reason of interest collected on the mortgage described in subparagraph 2-a hereof, deposited in an account entitled "Exportkreditbank, A. G. Berlin, Special Customer's Account", No. 884060, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ferdinand Maenner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3778; Filed, Apr. 18, 1947; 8:48 a. m.]

[Vesting Order 8639]

CHRISTINA F. PARDE ET AL.

In re: Christina F. Parde, et al. vs. Mareke Parde, et al. File 017-21880.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rieka Goosman, Motje Helmers, Johann H. Parde, Antje Parde, Wubka Parde Ortgieszen, Motje Parde Neumann and Heike Parde Eilers, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled, "Christina F. Parde, et al. vs. Mareke Parde, et al.", Docket 49, Page 25 in the District Court of Gage County, Nebraska is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ernest A. Hubka, Referee, acting under the judicial supervision of the District Court of Gage County, Nebraska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3779; Filed, Apr. 18, 1947; 8:48 a. m.]

[Vesting Order 8641]

JOHN SCHMIDER

In re: Estate of John Schmider, deceased. File D-28-10684; E. T. sec. 15030.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Schmider, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $921.79 was paid to the Attorney General of the United States by E. J. Wald, Administrator of the Estate of John Schmider, deceased;

3. That the said sum of $921.79 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable to, deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on January 24, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3780; Filed, Apr. 18, 1947; 8:48 a. m.]

[Vesting Order 8642]

PEARL SCHNEIDER

In re: Estate of Pearl Schneider, also known as Pearl A. Schneider, and as Pearl Adele Schneider, deceased. File No. D-28-11221; E. T. sec. 15594.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Schneider, Children, names unknown, of Katharina Lotz, deceased, and Mrs. Liesa Werner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Pearl Schneider, also known as Pearl A. Schneider, also known as Pearl Adele Schneider, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John E. Springer, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Santa Clara;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3781; Filed, Apr. 18, 1947; 8:48 a. m.]

[Vesting Order 8645]

CARL STUETZEL

In re: Trust Indenture of Carl Stuetzel, dated December 23, 1926. File D-28-9954; E. T. sec. 14116.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irene Clara Mayer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in, to and under indenture of trust of Carl Stuetzel, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by State Street Trust Company, as trustee, acting under the judicial supervision of the Probate Court of Suffolk County, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3782; Filed, Apr. 18, 1947; 8:49 a. m.]

[Vesting Order 8647]

ALVIN VOLL

In re: Estate of Alvin Voll, also known as Alvin Julius Foll, deceased. File D-28-9720; E. T. sec. 13620.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Voll (nephew), Lina Voll and Arno Voll, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 hereof in and to the estate of Alvin Voll, also known as Alvin Julius Foll, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Elise Davis, as Administratrix, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3784; Filed, Apr. 18, 1947; 8:49 a. m.]

[Vesting Order 8683]

EVA ZELL

In re: Bank account, stock, bond and notes owned by Eva Zell. F-28-5778-A-1, F-28-5778-D-1, F-28-5778-D-2, F-28-5778-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eva Zell, whose last known address is Berlin-Schoensberg, Merseburger Strasse 5, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The First National Bank of Chicago, 38 South Dearborn Street, Chicago, Illinois, arising out of a savings account, Account Number 1,118,180, entitled Mrs. Meta Richter Randel, and any and all rights to demand, enforce and collect the same,

b. Five (5) shares of no par value common capital stock of Bismarck Hotel Company, 171 West Randolph Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a certificate numbered C02465, registered in the name of Meta Richter Randel, and presently in the custody of The First National Bank of Chicago, 38 South Dearborn Street, Chicago, Illinois, together with all declared and unpaid dividends thereon,

c. One hundred (100) shares of common capital stock of Cities Service Company, 60 Wall Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered VL 288189 for 63 shares and VL 262627 for 37 shares, and presently in the custody of The First National Bank of Chicago, 38 South Dearborn Street, Chicago, Illinois, together with all declared and unpaid dividends thereon,

d. One (1) St. Louis-San Francisco Ry. Co., consolidated Series "A" 4½% mortgage bond, 1978, of $1,000.00 face value, bearing the number 21650, and presently in the custody of The First National Bank of Chicago, 38 South Dearborn Street, Chicago, Illinois, together with any and all rights thereunder and thereto, and

e. Two (2) Mortgage & Real Estate Corporation Series "A" 5% Liquidation Notes, dated 1/1/36, due January 1, 1955, of $500.00 face value each, bearing the numbers D896 and D1385, registered in the name of Meta Richter Randel, and presently in the custody of The First National Bank of Chicago, 38 South Dearborn Street, Chicago, Illinois, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eva Zell, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3785; Filed, Apr. 18, 1947; 8:49 a. m.]

[Return Order 11]

BATES MFG. CO. ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned, after adequate provision for conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published and Property

The Bates Mfg. Co., West Orange, N. J., Claim No. A-367; 12 F. R. 1117, February 20, 1947; Property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to U. S. Letters Patent No. 1,895,409, to the extent owned by claimant immediately prior to the vesting thereof.

Celanese Corp. of America, New York, N. Y., Claim No. A-420; 12 F. R. 1178, February 20, 1947; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to U. S. Letters Patent No. 1,880,067, to the extent owned by claimant immediately prior to the vesting thereof.

Petrolite Corp., Ltd., Los Angeles, Calif., Claim No. A-267; 12 F. R. 1179, February 20, 1947; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to U. S. Letters Patent No. 2,000,018, to the extent owned by claimant immediately prior to the vesting thereof.

Rudolph Waldman, Hartford, Conn., Claims Nos. 126 and A-145; 12 F. R. 1176, February 20, 1947; Property described in Vesting Order No. 205 (7 F. R. 8669, October 27, 1942), relating to Patent Application Serial No. 266,680 (now U. S. Letters Patent No. 2,302,079), to the extent owned by claimant immediately prior to the vesting thereof.

Rudolph Grodetzky and Paul Schleissner, copartners, doing business as Uneeda Notions Manufacturers, Long Island City, N. Y., Claim No. 3316; 12 F. R. 1375, February 26, 1947; Property described in Vesting Order No. 678 (8 F. R. 5039, April 17, 1943), relating to U. S. Letters Patent No. 2,068,105, to the extent owned by claimant immediately prior to the vesting thereof.

Emil Zipper, Santa Monica, Calif., Claims Nos. A-191, A-192, A-193 (consol.); 12 F. R. 1356, February 25, 1947; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), and Vesting Order No. 205 (7 F. R. 8669, October 27, 1942), relating to U. S. Letters Patent Nos. 1,959,754 and 2,242,896, and Patent Application Serial No. 336,290 (now U. S. Letters Patent No. 2,376,889), to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3786; Filed, Apr. 18, 1947; 8:49 a. m.]

[1] Filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. G-606]

TENNESSEE GAS AND TRANSMISSION CO. AND CHICAGO CORP.

ORDER FURTHER POSTPONING HEARING

It appearing to the Commission that: Good cause exists for further postponing the hearing in the above-docketed matter heretofore set to commence on April 21, 1947; and

The Commission orders that: The public hearing in the above-docketed matter is hereby postponed to May 26, 1947, commencing at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: April 15, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3747; Filed, Apr. 18, 1947; 8:50 a. m.]

[Docket No. G-861]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 16, 1947.

Notice is hereby given that, on April 16, 1947, the Federal Power Commission issued its findings and order entered April 15, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3748; Filed, Apr. 18, 1947; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-286]

COSMETICS AND TOILET PREPARATIONS INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C. on the 16th day of April 1947.

Notice is hereby given that a Trade Practice Conference for the Cosmetics and Toilet Preparations Industry will be held by the Federal Trade Commission at the Waldorf-Astoria Hotel, 50th Street and Park Avenue, New York City, on May 12, 1947, beginning at 9:30 a. m., e. s. t. (10:30 a. m., daylight saving time). Products of the industry comprise the great variety of cosmetics, toilet preparations, and devices or accessories sold in combination therewith, which are produced or marketed by this industry. All persons, firms, corporations, or organizations, engaged in the business of manufacturing such products, or importing or placing them on the market, are invited to attend or be represented at the conference. The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-3790; Filed, Apr. 18, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 717]

UNLOADING OF PIPE AT BOWIE, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of April A. D. 1947.

It appearing, that 2 cars containing pipe at Bowie, Texas, on The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees), have been on hand under load for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Pipe at Bowie, Tex., be unloaded.* The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees), its agents or employees, shall unload immediately cars B&O 254561 and PRR 775757, loaded with pipe, now on hand at Bowie, Texas, consigned to Bennett Brothers Drilling Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., April 17, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3752; Filed, Apr. 18, 1947; 8:51 a. m.]

[No. 29721]

ALL-RAIL COMMODITY RATES BETWEEN CALIFORNIA, OREGON, AND WASHINGTON

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 15th day of April A. D. 1947.

Good cause appearing therefor: *It is ordered*, That the order of March 27, 1947, (12 F. R. 2202) in the above-entitled proceeding be, and it is hereby, amended by striking out the figure "1335" in the column headed "Item No." in Appendix A and substituting therefor "9870".

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3753; Filed, Apr. 18, 1947; 8:51 a. m.]

[No. 29722]

PACIFIC COASTWISE WATER RATES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 15th day of April A. D. 1947.

Good cause appearing therefor: *It is ordered*, That the order of March 27, 1947 (12 F. R. 2202), in the above-entitled proceeding be, and it is hereby, amended by adding to Appendix A the following:

Item No.:	*Commodity*
1250	Rice.
1325, 1330, 2530, 3060	Soda ash.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3754; Filed, Apr. 18, 1947; 8:51 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-2, Amdt. 1]

ALLOCATION OF TANK CARS FOR USE IN TRANSPORTATION OF LIQUEFIED PETROLEUM GAS

Pursuant to Title III of the Second War Powers Act, as amended, Executive Order 8989, as amended, and Executive Order 9729, Special Allocation Order ODT R-2 (12 F. R. 2211, 2341) is hereby amended by substituting for Car No. USQX 12326 where it appears in the appendix to said order under the name of Sun Oil Co., Car No. USQX 12357.

This Amendment 1 to Special Allocation Order ODT R-2 shall become effective on April 16, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 16th day of April 1947.

HOMER C. KING, *Deputy Director, Office of Defense Transportation.*

[F. R. Doc. 47-3791; Filed, Apr. 18, 1947; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2118]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of April A. D. 1947.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, and the 5% Non-Cumulative Preferred Stock, $100 Par Value, of Chicago, Milwaukee, St. Paul and Pacific Railroad Company;

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Appropriate notice and opportunity for hearing having been given to interested persons and the public generally;

No request having been received from any interested person for a hearing in this matter; and

The Commission having duly considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on April 24, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3761; Filed, Apr. 18, 1947; 8:47 a. m.]

[File No. 7-977]

CHICAGO AND NORTH WESTERN RAILWAY CO.

FINDINGS AND ORDER GRANTING PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of April A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rules X-12F-1 for permission to extend unlisted trading privileges to the Voting Trust Certificates for the No Par Value Common Stock of Chicago and North Western Railway Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Chicago Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange for the purpose of this application is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 800,977 shares outstanding, 50,490 shares are owned by 828 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 907 transactions involving 61,260 shares from January 1, 1946, to December 31, 1946;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Voting Trust Certificates for the No Par Value Common Stock of Chicago and North Western Railway Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3762; Filed, Apr. 18, 1947; 8:47 a. m.]

[File No. 812-489]

NATIONAL AVIATION CORP.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of April A. D. 1947.

Notice is hereby given that National Aviation Corporation has filed an application pursuant to sections 10 (f) and 17 (b) of the Investment Company Act of 1940 for an order granting exemption from the provisions of sections 10 (f) and 17 (a) of said act so as to permit the applicant to purchase from Hornblower & Weeks or Paine, Webber, Jackson & Curtis, not to exceed 2.8% of the total number of shares of Cumulative Preference Stock proposed to be issued by Northwest Airlines, Inc.

National Aviation Corporation is a closed-end, nondiversified, management company registered under the Investment Company Act of 1940. Certain directors of National Aviation Corporation are partners in either Hornblower & Weeks or in Paine, Webber, Jackson & Curtis, members of the syndicate which proposes to underwrite the Cumulative Preference Stock to be issued by Northwest Airlines, Inc.

Section 10 (f) of the act prohibits a registered investment company from knowingly purchasing or otherwise acquiring during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer), if a principal underwriter of such securities is a person of which a director of the registered investment company is an affiliated person. Section 17 (a) (1) of the act prohibits any affiliated person of an affiliated person of a registered investment company, acting as principal, from knowingly selling any security or other property to such registered company subject to certain exceptions not herein applicable. The applicant has therefore filed an application pursuant to sections 10 (f) and 17 (b) of the act requesting an order granting exemption from the provisions of sections 10 (f) and 17 (a) of the act, and asserting that the proposed transaction meets the standards of the act and of section 17 (b) in particular.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that, upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed transaction is fair and reasonable;

(2) Whether the proposed transaction involves overreaching on the part of any person concerned;

(3) Whether the proposed transaction is consistent with the policy of National Aviation Corporation as recited in its registration statement and reports filed under the act;

(4) Whether the proposed transaction has been proposed for the purpose of stimulating the market in the securities of Northwest Airlines, Inc. or for the purpose of relieving the underwriting syndicate, or any members thereof, of securities otherwise unmarketable;

(5) Whether the proposed transaction is consistent with the protection of investors;

(6) Whether the proposed transaction is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on April 29, 1947, at 10:00 a. m., Eastern Standard Time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned National Aviation Corporation; Northwest Airlines, Inc.; Hornblower & Weeks; Paine, Webber, Jackson & Curtis; and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before April 25, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3760; Filed, Apr. 18, 1947; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 12 NUMBER 79

Washington, Tuesday, April 22, 1947

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[SO 131, Amdt. 89]

REVISED MAXIMUM PRICES FOR CERTAIN COTTON TEXTILES

Section 4 of Supplementary Order 131 is amended in the following respects:

1. The words, "and/or Colonial Mills, Inc.," are added to the table in paragraph (aaa), the added words are to immediately follow the words, "Southeastern Cotton, Inc."

This amendment shall become effective as of May 13, 1946.

Issued this 21st day of April 1947.

PHILIP B. FLEMING, *Temporary Controls Administrator.*

Statement of Considerations Involved in the Issuance of Amendment 39 to Supplementary Order No. 131

Amendment 25 to Supplementary Order 131, effective May 13, 1946, was issued to accomplish the price revision in anticipation of which adjustable pricing was granted to the producers of yarn-dyed slack suitings, in Revised Supplementary Order No. 114. Of the several price increases, there was an increase granted to Southeastern Cotton, Inc., for "36" H. P. 2 and H. P. 14 plains, sanforized." It was thought at the time that Southeastern Cotton, Inc., was the selling agent of Hannah Pickett Mills, Inc., the producer of these types of cloth. Actually, however, Southeastern Cotton, Inc., ceased to be such an agent several months previously. Colonial Mills, Inc., had become the exclusive selling agent and was acting in that capacity at the time the amendment was issued.

When Colonial Mills, Inc., called attention to the error, the Office of Price Administration was willing to correct it, but action was held up pending consideration of a request by the company for an additional, prospective increase in its maximum prices, so that if an increase was found justified, then both matters could be taken care of in a single amendment. The company approved that course. Before a determination could be made on the request for an additional increase, the particular items were decontrolled and the question of an additional increase became moot. Upon the specific request of Colonial Mills, Inc., the accompanying amendment is, therefore, issued to correct the previous error.

[F. R. Doc. 47-3885; Filed, Apr. 21, 1947; 11:40 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGE ACROSS SANDUSKY BAY BETWEEN BAYBRIDGE AND DANBURY, OHIO

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.707 is hereby prescribed to govern the operation of the Ohio Department of Highways bridge across Sandusky Bay between Baybridge and Danbury, Ohio.

§ 203.707 *Sandusky Bay, Ohio: Ohio Department of Highways bridge between Baybridge and Danbury, Ohio.* (a) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance during the period December 16 to March 15, both dates inclusive.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, during the period described in paragraph (a) of this section, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative shall, in compliance therewith, arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides thereof, in such a manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

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FEDERAL REGISTER

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Chapter II—Corps of Engineers, War Department:
Part 203—Bridge regulations 2571
Title 38—Pensions, Bonuses, and Veterans' Relief
Chapter I—Veterans' Administration:
Part 2—Adjudication; veterans' claims 2572
Part 3—Adjudication; disallowance and awards 2572
Part 4—Adjudication; veterans' claims, central office section 2572
Part 5—Adjudication; dependents' claims 2572
Part 35—Veterans' regulations 2572

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation. [Regs. Jan. 27, 1947 (Sandusky Bay-Baybridge-Danbury, Ohio) — ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3847; Filed, Apr. 21, 1947; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

[Amdt. to Instruction 3, Pub. Law 458, 79th Cong.]

PART 2—ADJUDICATION; VETERANS' CLAIMS (APPENDIX)

PART 3—ADJUDICATION; DISALLOWANCE AND AWARDS (APPENDIX)

PART 4—ADJUDICATION; VETERANS' CLAIMS, CENTRAL OFFICE SECTION (APPENDIX)

PART 35—VETERANS' REGULATIONS

INSTRUCTIONS RELATING TO RATING AND AWARDS

The subject of Instruction No. 3, appearing in 12 F. R. 2365 as "Instructions relating to the rating of combat incurred disabilities," should be amended to read: "Instructions relating to rating and awards", as set forth above.

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

APRIL 15, 1947.

[F. R. Doc. 47-3809; Filed, Apr. 21, 1947; 8:46 a. m.]

PART 5—ADJUDICATION; DEPENDENTS' CLAIMS

FILING OF CLAIMS AND SUPPORTING EVIDENCE

§ 5.2500 *Application for death benefits.* (a) A specific claim on the form prescribed by the Administrator of Veterans' Affairs must be filed by the widow, child or children and/or dependent mother or father applying for pension or compensation or by the claimant for accrued benefits. A claim for compensation under the General Law based on service prior to April 21, 1898, must be executed before a notary public or other officer authorized to administer oaths for general purposes, or before an employee of the Veterans' Administration to whom authority to administer oaths has been delegated by the Administrator. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application and if such evidence is not received within one year from the date of request therefor, pension or compensation may not be paid by virtue of that application (§ 35.021 (a) (1) (ii) of this chapter); *Provided*, That a claim for pension or compensation filed by a widow or by the next friend or guardian of a child or by a parent will also be considered as a claim for any accrued amount due; *Provided further*, That a claim filed by a widow in which additional pension or compensation is claimed on account of a child or children in her custody, who herself does not have title, will be accepted as a valid claim on behalf of the child or children.

(b) The provisions of § 2.1027 of this chapter are for application under any law authorizing the payment of death pension or death compensation where the claim is based upon service rendered on or after April 21, 1898. (Sec. 1, Pub. Law 144, 78th Cong.)

(c) For the purposes of any law authorizing the payment of death pension or death compensation based on service rendered on or after April 21, 1898, new and material evidence relating to the same factual basis as that of a finally disallowed claim shall be accepted as a claim in determining the commencing date of an award, when such evidence or accompanying communication meets the requirements of an informal claim. (§ 35.021 of this chapter and sec. 1, Pub. Law 144, 78th Cong.) See §§ 3.1201 and 3.1205 of this chapter.

CROSS REFERENCE: *Appeals.* See § 35.022 and §§ 3.1328 to 3.1333 of this chapter.

CROSS REFERENCE: *Execution of papers in a foreign country.* See § 2.1032 of this chapter.

CROSS REFERENCE: *Written and oral testimony to be under oath; administration of oath by employees.* See § 2.1030 of this chapter.

[R. S. 471, Sec. 1, 17 Stat. 566, 567, Secs. 1, 2, 27 Stat. 272, Sec. 5, 43 Stat. 608, Secs. 1, 2, 46 Stat. 1016, Secs. 7, 9, 20, 48 Stat. 9, 10, 309, 38 U. S. C. 2, 11, 11a, 42, 43, 151, 426, 707, 709, 722] (48 Stat. 8, 509, 57 Stat. 554, 60 Stat. 908)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans Affairs.

APRIL 15, 1947.

[F. R. Doc. 47-3810; Filed, Apr. 21, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 26]

OFFICIAL GRAIN STANDARDS OF UNITED STATES FOR SOYBEANS

NOTICE OF HEARINGS ON PROPOSED AMENDMENTS

Notice is hereby given that consideration is being given to amending in several respects the official grain standards of the United States for soybeans (7 CFR and Cum. Supp. 26.601), promulgated under the authority and provisions of the United States Grain Standards Act, 1916, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.).

Consideration is being given to proposals that (1) the maximum limits for splits should be increased 5 percent in grade No. 2, 5 or 10 percent in grade No. 3, and 10 percent in grade No. 4; (2) the definition for soybeans should be amended to fix a maximum limit for splits; (3) the maximum limits for damaged kernels of soybeans and other grains should be increased not more than 1 percent in grade No. 1, not more than 2 percent in grade No. 2, not more than 3 percent in grade No. 3, and not more than 7 percent in grade No. 4; (4) the maximum limits for foreign material other than dockage should be increased not more than 1 percent in grade no. 1, not more than 2 percent in grade No. 2, not more than 4 percent in grade No. 3, and not more than 5 percent in grade No. 4; (5) moisture content should be discontinued as a numerical grading factor and in lieu thereof a new special grade "Tough" be promulgated for soybeans containing 14 percent or more moisture; (6) soybeans with green seed coats which are yellow, or have a yellow tinge, in cross section should be included in the class "Yellow Soybeans"; (7) 10 percent of other classes should be permitted in classes "Yellow Soybeans" and "Green Soybeans"; (8) 5 percent of Brown, Black, or bicolored soybeans, singly or combined, shall be permitted in grade No. 2 of the classes "Yellow Soybeans" and "Green Soybeans"; and (9) the definition for splits be amended to include all pieces of kernels of soybeans.

Consideration is being given also to minor changes in language intended to simplify and clarify the standards.

Informal hearings will be held at Toledo, Ohio; Peoria and Chicago, Illinois; and Cedar Rapids, Iowa; at which interested persons may present their views and opinions orally with respect to the desirability of promulgating the proposed amendments. The time and place of each such hearing will be as follows:

May 12, 2:00 p. m., 3d Floor, Produce Exchange Building, Toledo, Ohio.

May 13, 2:00 p. m., Trading Floor, Peoria Board of Trade Building, Peoria, Illinois.

May 14, 2:00 p. m., Room 660, Board of Trade Building, Chicago, Illinois.

May 15, 2:00 p. m., Assembly Room, Chamber of Commerce Building, Cedar Rapids, Iowa.

Interested persons may submit written data, views, or arguments to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than May 29, 1947.

Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received not later than May 29, 1947, and to all other information available in the United States Department of Agriculture before a decision is made as to whether or not any amendments to the official grain standards of the United States for soybeans shall be promulgated.

Robert H. Black, Grain Branch, Production and Marketing Administration, is hereby designated to conduct the hearings held pursuant to this notice.

Issued this 16th day of April 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator.

[F. R. Doc. 47-3815; Filed, Apr. 21, 1947; 8:46 a. m.]

[7 CFR, Part 26]

OFFICIAL GRAIN STANDARDS OF UNITED STATES FOR SOYBEANS

NOTICE OF HEARINGS ON PROPOSED AMENDMENT

Notice is hereby given that consideration is being given to amending regulations under the United States Grain Standards Act (7 CFR and Cum. Supp. 26.1) promulgated under the authority and provisions of the United States Grain Standards Act, 1916, as amended (39 Stat. 482, 485; 54 Stat. 765; 7 U. S. C. 71 et seq.).

Consideration is being given to a proposal that the moisture content of soybeans shall be stated in whole and half percents instead of whole and tenth percents when moisture content is a grading factor. Consideration is also being given to a proposal that licensed inspectors shall be required to state the moisture content on all certificates of grade issued for soybeans, except for export shipments.

Informal hearings will be held at Toledo, Ohio; Peoria and Chicago, Illinois; and Cedar Rapids, Iowa; at which interested persons may present their views and opinions orally with respect to the desirability of promulgating the proposed amendment. The time and place of each such hearing will be as follows:

May 12, 2:00 p. m., 3d Floor, Produce Exchange Building, Toledo, Ohio.

May 13, 2:00 p. m., Trading Floor, Peoria Board of Trade Building, Peoria, Illinois.

May 14, 2:00 p. m., Room 660 Board of Trade Building, Chicago, Illinois.

May 15, 2:00 p. m., Assembly Room, Chamber of Commerce Building, Cedar Rapids, Iowa.

Interested persons may submit written data, views, or arguments to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than May 29, 1947.

Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received not later than May 29, 1947, and

to all other information available in the United States Department of Agriculture before a decision is made as to whether or not the proposed amendment to the regulations under the United States Grain Standards Act shall be promulgated.

Robert H. Black, Grain Branch, Production and Marketing Administration, is hereby designated to conduct the hearings held pursuant to this notice.

Issued this 16th day of April 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator.

[F. R. Doc. 47-3814; Filed, Apr. 21, 1947; 8:46 a. m.]

[7 CFR, Ch. IX]

[Docket No. AO-181]

HANDLING OF MILK IN ST. JOSEPH, MISSOURI, MARKETING AREA

PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held in the Federal Building at St. Joseph, Missouri, beginning at 10 a. m., c. s. t., May 19, 1947, with respect to a proposed marketing agreement and order regulating the handling of milk in the St. Joseph, Missouri, marketing area. The proposals have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed marketing agreement and order, or to any modifications thereof which are hereinafter set forth.

The St. Joseph Milk Producers Association, Inc., has proposed the following marketing agreement and order.

SECTION 1. *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937) 7 U. S. C. 601 et seq.), as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(c) "St. Joseph, Missouri, marketing area" hereinafter called "marketing area" means all the territory in Buchanan County, Missouri, Jefferson Township in Andrew County, Missouri and Doniphan County, Kansas.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who, under a dairy farm permit or rating issued by the health authorities of the City of St. Joseph for the production of milk to be used for consumption as milk or cream in the marketing area produces milk which is (1) purchased or received at an approved plant, or (2) caused to be diverted from the farm of such person to an unapproved plant by a cooperative association for the account of such association.

(f) "Handler" means (1) any person who operates an approved plant from which Class I milk or Class II milk is disposed of in the marketing area, or (2) any cooperative association, with respect to the milk of any producer, which such cooperative association causes to be diverted to the plant of a handler or to the plant of a non-handler for the account of such cooperative association.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler. A producer who processes and packages milk of his own production shall not be considered a producer-handler if his entire output is disposed of to other handlers who purchase or receive milk in bulk from producers.

(h) "An approved plant" means any milk plant approved by health authorities of the City of St. Joseph, Missouri, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area, and currently used for any or all of the function of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

(i) "Producer milk" means all milk produced by a producer other than a producer-handler, which is purchased or received by a handler either directly from such producers or from other handlers.

(j) "Other source milk" means all milk and milk products other than producer milk.

(k) "Market Administrator" means the person designated pursuant to section 2 as the agency for the administration hereof.

(l) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(m) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members and (2) to have and to be exercising full authority in the sale of milk of its members.

SEC. 2. *Market Administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violation of the provisions hereof; and

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by section 10, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other persons as the Secretary may designate;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to section 3 or (ii) made payments pursuant to section 8; and

(5) Promptly verify the information contained in the reports submitted by handlers.

SEC. 3. *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period, each handler who purchased or received milk from sources other than his own production or other handlers shall with respect to milk or dairy products which were purchased, received, or produced by such handler during such delivery period report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant of milk from each producer, the butterfat content, and the number of days on which milk was received from each producer;

(2) The receipts from such handler's own farm production and the butterfat content;

(3) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers and the butterfat content;

(4) The receipts of other source milk;

(5) The respective quantities of milk and milk products and the butterfat content which were sold, distributed, or used, including sales to other handlers for the purpose of classification pursuant to section 4;

(6) The sales of milk and Class II products outside the marketing area, listing

the market or area in which such milk and such Class II products were sold or disposed of, the date of such sale or disposition, and the plant from which such milk and milk products were supplied;

(7) Such other information with respect to the use of milk as the market administrator may request.

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer: (1) The daily and total pounds of milk delivered and the average butterfat content thereof and (2) the net amount of such handler's payment to such producer with the prices, deduction, and charges involved.

(c) *Reports of producer-handlers and handlers whose sole source of supply is from other handlers.* Producer-handlers and handlers whose sole source of supply is from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representatives such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk and milk products, and in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in section 8.

SEC. 4. *Classification of milk*—(a) *Milk to be classified.* All milk and milk products purchased or received by each handler at his approved plant shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (c) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk and bottled skim milk disposed of in the form of milk, skim milk, buttermilk, and flavored milk drinks, and unaccounted for butterfat in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers converted to a 3.8 percent milk equivalent, except such milk as is classified as Class II milk and as Class III milk pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream, other than for use in products specified in subparagraph (3) of this paragraph, creamed cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent of butterfat, aerated cream, and eggnog.

(3) Class III milk shall be all milk used to produce butter, cheese, (other than creamed cottage cheese), evaporated milk, condensed milk, ice cream, and powdered whole milk; used for starter churning, wholesale baking and candy making purposes; accounted for as salvage from products where the recovery of fat is impossible; and not accounted for but not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers.

(c) *Transfers of milk, skim milk, and cream.* (1) Milk or skim milk sold or disposed of in fluid form by a handler to a plant of a nonhandler who distributes fluid milk shall be Class I unless all of the following conditions are met: (i) Such nonhandler's plant is located less than 100 miles from the approved plant where such milk was received from producers; (ii) the market administrator is permitted to audit the records of such nonhandler; (iii) the receipts of producer milk at approved plants are greater than the total sales of Class I and Class II milk from handlers' routes in the marketing area; and (iv) such nonhandler receives milk from dairy farmers who the market administrator determines constitute such nonhandlers' regular source of supply.

If all the above conditions are met the market administrator shall classify such milk as follows: (*a*) Determine the use of all milk and all milk products received at the plant of such nonhandler, and (*b*) allocate the milk disposed of by the handler to such nonhandler to the highest use remaining after subtracting in series beginning with the highest use classification receipts of milk by such nonhandler direct from dairy farmers.

(2) Cream sold or disposed of in fluid form by a handler to a plant of a nonhandler who distributes fluid cream shall be Class II unless all of the following conditions are met: (i) Such nonhandler's plant is located less than 100 miles from the approved plant where such milk was received from producers; (ii) the market administrator is permitted to audit the records of such nonhandler; (iii) the receipts of producer milk at approved plants are greater than the total sales of Class I and Class II milk from handlers' routes in the marketing area; and (iv) such nonhandler receives milk from dairy farmers who the market administrator determines constitutes such nonhandler's regular source of supply.

If all the above conditions are met the market administrator shall classify such milk as follows: (*a*) Determine the use of all milk and all milk products received at the plant of such nonhandler; and (*b*) allocate the cream disposed of by the handler to such nonhandler to the highest use remaining after subtracting in series beginning with the highest use classification receipts of milk by such nonhandler direct from dairy farmers.

(3) Milk, skim milk or cream sold or disposed of by a handler to a plant of a nonhandler who does not distribute fluid milk or cream shall be Class III milk.

(4) Milk or skim milk sold or disposed of in fluid form by a handler, who purchases or receives milk from producers to another handler who purchases or receives milk from producers, shall be Class I milk: *Provided*, That if the amount of such milk so sold or disposed of is in excess of the amount classified as Class I at such purchasing handler's plant, such excess milk shall be classified in series beginning with the next highest class in which such purchasing handler has use: *Provided*, That if either or both handlers have purchased other source milk, such milk so sold or disposed of, shall be classified at both plants so as to return the highest class utilization to producer milk.

(5) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler who purchases or receives milk from producers shall be Class II: *Provided*, That if the amount of such cream so sold or disposed of is in excess of the amount classified as Class II in such purchasing handler's plant such excess cream shall be classified in the next highest class in which such purchasing handler has use: *Provided*, That if either or both handlers have purchased other source milk such cream so sold or disposed of shall be classified at both plants so as to return the highest class utilization to producer milk.

(6) Milk or skim milk sold or disposed of in fluid form by a handler who purchases or receives milk from producers to a producer-handler or to a handler who purchases or receives no milk from producers shall be Class I milk.

(7) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to a producer-handler or to a handler who purchases or receives no milk from producers shall be Class II milk.

(d) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in paragraph (b) of this section of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(e) *The allocation of other source milk.* Other source milk purchased or received at an approved plant of a handler who purchases or receives milk from producers shall be allocated to Class III except that other source milk may be allocated to Class II to the extent that Class II milk exceeds the amount of all producer milk classified as Class II milk, and other source milk may be allocated to Class I only to the extent that the total amount of Class I milk of the handler exceeds the total amount of producer milk received by such handler.

(f) *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market admin-

istrator, the amount of milk in each class as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk received as follows: add together the total pounds of milk received from (i) producers, (ii) own farm production, (iii) other handlers, and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: (i) mutiply by its average butterfat test the weight of the milk received from (*a*) producers, (*b*) own farm production, (*c*) other handlers, and (*d*) other sources, and (ii) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, (ii) multiply the result by the average butterfat test of such milk, and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to subparagraph (4) (ii) and subparagraph (5) (iv) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subdivision (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average test, (ii) add together the resulting amounts, and (iii) divide the result obtained in subdivision (ii) of this subparagraph by 3.8 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (ii) add together the resulting amounts, (iii) subtract from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, the total pounds of butterfat in Class I milk, computed pursuant to subparagraph (3) (ii) of this paragraph, the total pounds of butterfat in Class II milk, computed pursuant to subparagraph (4) (ii) of this paragraph and the total pounds of butterfat computed pursuant to subdivision (ii) of this subparagraph which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat except receipts from other handlers), (iv) add together the results obtained in subdivisions (ii) and (iii) of this subparagraph and (v) divide the result obtained in subdivision (iv) of this subparagraph by 3.8 percent.

(6) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the pounds of producer milk which were received from other handlers and used in such class.

(ii) Subtract from the remaining pounds of milk in each class the pounds of other source milk allocated to such class pursuant to paragraph (e) of this section.

(g) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the several classes as computed pursuant to paragraph (f) (6) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to paragraph (c) of section 6, such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (f) (6) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (f) (6) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk for such handler by subtracting in series beginning with the lowest class use of such handler an amount equal to the difference between receipts of milk from producers and the total utilization of milk by classes for such handler.

SEC. 5. *Minimum prices*—(a) *Class prices.* Subject to the differentials set forth in paragraphs (c) and (d) of this section, each handler shall pay producers, at the time and in the manner set forth in section 8, for milk purchased or received from them not less than the following prices:

(1) *Class I milk.* The price per hundredweight of Class I milk during each delivery period shall be the price determined pursuant to paragraph (b) of this section, plus 75 cents.

(2) *Class II milk.* The price per hundredweight of Class II milk during each delivery period shall be the price determined pursuant to paragraph (b) of this section, plus 50 cents.

(3) *Class III milk.* The price per hundredweight of Class III milk during each delivery period shall be the highest price ascertained by the market administrator to have been quoted for ungraded milk of 3.8 percent butterfat content received during such delivery period by any of the following plants:

Center Milk Products Co., Maryville, Mo.
Beatrice Foods Co., St. Joseph, Mo.
Western Dairy & Ice Cream Co., St. Joseph, Mo.
Hy-Klass Food Products Co., St. Joseph, Mo.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices, set forth in this section, per hundredweight of milk as computed and announced by the market administrator on or before the 5th day of the delivery period shall be the arithmetical average of the prices per hundredweight reported to the United States Department of Agriculture as being paid all farmers for milk of 3.5 percent butterfat content delivered f. o. b. plant during the immediately preceding delivery period at the following plants and places:

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and multiplied by 3.8, but in no event shall such basic formula price to be used be less than the following: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the immediately preceding delivery period, and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (1) Add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound or (2) subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the immediately preceding delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event such price shall be subject to the following adjustments: (i) Add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound or (ii) subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

(c) *Butterfat differential.* If the average butterfat content of milk purchased or received from producers by any handler during any delivery period is more or less than 3.8 percent, there shall be added or subtracted per hundredweight of such milk for each one-tenth of 1 percent above or below 3.8 percent an amount equal to the Class III price for such delivery period, divided by 38.

SEC. 6. *Application of provisions.* (a) The provisions of sections 4, 7, 8, 9 and 10 shall not apply to a producer-handler or to a handler whose sole source of supply is from other handlers.

(b) If a handler has purchased or received other source milk the market administrator, in determining the net pool obligation of the handler pursuant to paragraph (a) of section 7, shall consider such milk as Class III milk. If the receiving handler sells or disposes of such milk for other than Class III purposes, the market administrator shall add an amount equal to the difference between (1) the value of such milk according to its utilization by the handler, and (2) the value at the Class III price. (This provision shall not apply if Association is not in position to supply producers milk.)

(c) If a handler, after subtracting receipts from other handlers and receipts of other source milk, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator, in determining the net pool obligation of the handler pursuant to paragraph (a) of section 7, shall add an amount equal to the value of milk or butterfat according to its utilization by the handler.

(d) Milk which is caused to be diverted by a handler directly from producers' farms to an approved plant of another handler for not more than 5 days during any delivery period shall be considered an interhandler transfer of milk, and shall be reported by the handler who caused such milk to be diverted, as though the milk had first been received at such handler's plant.

SEC. 7. *Determination of uniform price to producer*—(a) *Net pool obligation of handlers.* Subject to the provisions of section 6, the net pool obligation of each handler for milk received during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows:

(1) Multiply the pounds of milk in each class computed pursuant to section 4 by the class prices set forth in section 5 and add together resulting values;

(2) Add, if the average butterfat content of all milk purchased or received from producers is more than 3.8 percent, or deduct if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, an amount equal to the total value of the butterfat differential applicable pursuant to paragraph (c) of section 5.

(3) Add an amount equal to the total values pursuant to paragraphs (b) and (c) of section 6; and

(4) Deduct, if the average butterfat content of all milk purchased or received from producers is more than 3.8 percent, and add, if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to paragraph (c) of section 8.

(b) *Computation and announcement of the uniform price.* The market administrator shall compute and announce the uniform price per hundredweight for milk purchased or received from producers during each delivery period in the following manner:

(1) Combine into one total the net pool obligation computed pursuant to paragraph (a) of this section of all handlers who made the reports prescribed by section 3 and who made the payments prescribed by section 8 for the previous delivery period;

(2) For each of the delivery periods of May, June and July, subtract an amount equal to 20 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations, to be retained in the producer-settlement fund for the purpose specified in paragraph (f) (2) of section 8;

(3) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(4) Divide by a figure equal to the total hundredweight of milk received by handlers from producers and included in these computations;

(5) Subtract from the figures computed pursuant to subparagraph (4) of this paragraph not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for the milk of producers containing 3.8 percent butterfat; and

(6) On or before the 8th day after the end of such delivery period, mail to all handlers (i) such of these computations as do not disclose information confidential pursuant to the act; (ii) the uniform price per hundredweight computed pursuant to this subparagraph; (iii) the prices for Class I milk, Class II milk and Class III milk; and the butterfat differentials computed pursuant to paragraph (c) of section 5 and paragraph (c) of section 8.

SEC. 8. *Payments for milk*—(a) *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler, after deducting the amount of the payment made pursuant to paragraph (b) of this section, and subject to the differentials set forth in paragraph (c) of this section, shall make payment to producers at the uniform price per hundredweight computed pursuant to paragraph (b) of section 7 for the total quantity of milk received from producers: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this subparagraph.

(b) *Half-delivery period payments.* On or before the 23d day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this subparagraph.

(c) *Butterfat differential.* If during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler, in making the payments prescribed in paragraph (a) of this section, shall add to the prices per hundredweight for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: add 4 cents to the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and divide the resulting sum by 10.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (e) and (g) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (f) and (g) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum required to be paid producers pursuant to this section by such handler, and shall enter such amount on such handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

(e) *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period, each handler shall make payment to the market administrator of any pool debit balance shown on the account rendered pursuant to paragraph (d) of this section for such delivery period.

(f) *Payments out of the producer-settlement fund.* (1) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered pursuant to paragraph (d) of this section for such delivery period, less any unpaid obligations of the handler. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uni-

formly such payments and shall complete such payments as soon as the necessary funds are available. No handler, who, on the 12th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his total payments uniformly to all producers by not more than the amount of the reduction in payment from the producer-settlement fund. Nothing in this paragraph shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

(2) On or before the 15th day after the end of each of the delivery periods of October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: divide one-third of the total amount held pursuant to paragraph (b) (2) of section 7 by the hundredweight of producer milk received during the delivery period (October, November, or December, as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided*, That payment under this subparagraph due any producer who has given authority to a cooperative association which is qualified pursuant to paragraph (b) of section 9 to receive payments for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payment.

(g) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billings, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (f) of this section, the market administrator shall, within 5 days, make such payment to such handler or offset any such payment due any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer, for milk purchased or received by such handler, discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payments to producers next following such disclosures.

(h) *Statements to producers.* In making payments to producers as prescribed in paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (a) and (c) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and section 9 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

SEC. 9. *Marketing service.*—(a) *Deduction for marketing service.* Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight from the payments made to each producer other than himself pursuant to paragraph (a) of section 8 with respect to all milk of each producer purchased or received by such handler during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such monies shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made pursuant to paragraph (a) of section 8, which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members.

SEC. 10. *Expense of administration.*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler who purchased or received milk from producers, with respect to all milk received from producers during the delivery period, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, or such lesser amount as the Secretary may from time to time prescribe.

The Dairy Branch, Production and Marketing Administration, has proposed the following provisions:

SEC. 11. *Effective time, suspension, or termination.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order, or any provision hereof, whenever he finds that this order, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which require further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(d) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 12. *Separability of provisions.* If any provisions hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

SEC. 13. *Agents.* The Secretary may, by designation in writing name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

The St. Joseph milk distributors have proposed the following provisions:

1. In place of paragraph (c) of section 1 of the above proposed marketing agreement and order substitute the following:

(c) "St. Joseph marketing area," hereinafter called the "marketing area," means all the territory in Buchanan County, Missouri, Jefferson Township and Nodaway Township, both in Andrew County, Missouri, and Doniphan County, Kansas.

2. In place of paragraphs (e) and (f) of section 1 of the above proposed marketing agreement and order substitute the following:

(e) "Producer" means any person, except a producer-handler, having certification issued by the appropriate health authority in the marketing area to produce milk for disposition within the marketing area in the form of fluid milk.

(f) "Handler" means (1) any person, including any cooperative association, who operates a milk plant from which a route is operated wholly or partially within the marketing area; (2) any cooperative association which operates a milk plant at which milk is received from producers. This definition shall include a cooperative association with respect to the milk of any producer which it causes to be diverted from a plant from which milk is disposed of as Class I milk in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

3. Add to section 5 of the above proposed marketing agreement and order the following:

(d) *Sales outside the marketing area.* The price to be paid by handlers for Class I milk disposed of outside the marketing area shall be 23 cents per hundredweight less than the Class I price.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: April 17, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-3813; Filed, Apr. 21, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 5]

PEORIA UNION STOCK YARDS CO.

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on December 18, 1946, issued an order (5 A. D. 877) providing for certain temporary rates and charges for the respondent stockyard company and for the continuation of certain temporary rates and charges of the respondent company then in effect for a period ending May 31, 1947.

By petition filed on April 11, 1947, the respondent has requested that the said temporary rates and charges of the respondent stockyard company be extended and made effective until May 31, 1948.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the hearing clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 16th day of April 1947.

[SEAL] H. E. REED,
Director,
Livestock Branch.

[F. R. Doc. 47-3816; Filed, Apr. 21, 1947; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2841]

ADDITIONAL AIRMAIL SERVICE FOR HAWAII

NOTICE OF HEARING

In the matter of the certification by the Postmaster General of the additional needs of the postal service for the transportation of mail by aircraft in Hawaii filed pursuant to section 401–n of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 24, 1947, at 10:00 o'clock, a. m., eastern standard time, in Room 1302, Temporary Building "T", 14th St. and Constitution Ave., N. W., Washington, D. C., before Examiner F. A. Law, Jr. Without limiting the scope of the issues presented by said certification, particular attention will be directed to the following needs and questions:

1. Whether the proposed additional mail service is required by the public convenience and necessity.

2. Whether the present airlines serving the points involved, except with respect to mail is fit, willing and able to perform the transportation proposed by the Postmaster General and conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

Notice is further given that any person desiring to be heard in this proceeding shall file with the Board, on or before April 24, 1947, a statement setting forth the issues of fact or law raised in said proceeding, which he desires to controvert. For further details of the service proposed, the authorization requested, interested parties are referred to the statement and certificate of the Postmaster General on file with the Civil Aeronautics Board in the above-designated docket.

Dated at Washington, D. C., April 17, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-3808; Filed, Apr. 21, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 7949]

BENDIX AVIATION CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of Bendix Aviation Corporation for construction permit for an experimental Class 2 portable radio station for developing and testing an automatic warning system for oil field pumping equipment. File No. 3533–PE–B, Docket No. 7949.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of April 1947,

The Commission, having under consideration the application of Bendix Aviation Corporation (File No. 3533–PE–B) for a construction permit for an Experimental Class 2 portable radio station for developing and testing an automatic warning system for oil field pumping equipment; and

It appearing, that this application presents various questions concerning the technical qualifications of the applicant and the most efficient use of available radio frequencies;

It is ordered, That the above-entitled application be, and it is hereby designated for hearing, pursuant to section 309 (a) of the Communications Act of 1934, as amended, upon the following issues:

1. To determine whether the applicant is qualified to be the licensee of the Experimental Class 2 station proposed in its application.

2. To determine the nature, extent and purpose of the operations proposed to be conducted by the applicant.

3. To determine whether additional experimentation is necessary in the development and testing of the applicant's automatic warning system for oil field pumping equipment.

4. To obtain full information with respect to the feasibility of rendering the proposed service by means other than radio.

5. To determine whether a grant in the 72–76 Mc band would be consistent with the Commission's general allocation plan.

6. To obtain full information with respect to availability of equipment for operation in the 940–960 Mc band.

7. To determine whether a grant of interim operation in the 72–76 Mc band as proposed by the applicant would or would not be conducive to the development of the service in accordance with the Commission's allocation plan.

8. To determine whether the proposed operation in the 72–76 Mc band would result in objectionable interference to or from stations authorized, or which may be authorized, pursuant to the Commission's report of allocations above 25 Mc dated May 25, 1945, and the Commission's frequency service allocations dated July 19, 1946.

It is further ordered, That any person desiring to intervene herein shall petition therefor pursuant to § 1.388 of the Commission's rules and regulations; and

It is further ordered, That upon the filing of a notice of appearance herein by the applicant on or before April 28, 1947, the hearing on the foregoing application shall commence on a date to be determined at the offices of the Commission, Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3839; Filed, Apr. 21, 1947; 8:48 a. m.]

[Docket Nos. 8029 and 8286]

MID-CAROLINA BROADCASTING CO. AND T. JULIAN SKINNER, JR.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mid-Carolina Broadcasting Company, Salisbury, North Carolina, Docket No. 8029, File No. BP-5322; T. Julian Skinner, Jr., Charlotte, North Carolina, Docket No. 8286, File No. BP-5817; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled applications of Mid-Carolina Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on the frequency 940 kc, with 1 kw power, daytime only, at Salisbury, North Carolina, and that of T. Julian Skinner, Jr., requesting a construction permit for such a station at Charlotte, North Carolina to operate on the frequency 930 kc, with 1 kw power, unlimited time, using a directional antenna day and night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of the proposed stations, or either of them, would involve objectionable interference with the Canadian station CFBC, St. Johns, New Brunswick, and Cuban station CMKN, Santiago de Cuba, or any other foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent thereof.

8. To determine, on a comparative basis which, if either, of the applications in this proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3845; Filed, Apr. 21, 1947; 8:49 a. m.]

[Docket Nos. 8179 and 8180]

BLACKHAWK BROADCASTING CO. AND WTAX, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Blackhawk Broadcasting Company, Sterling, Illinois, Docket No. 8179, File No. BP-5409; WTAX, Inc. (WTAX), Springfield, Illinois, Docket No. 8180, File No. BP-5588; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled applications of Blackhawk Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w power, unlimited time, at Sterling, Illinois, and WTAX, Inc., requesting a construction permit to change the facilities of Station WTAX, Springfield, Illinois from 1240 kc, 100 w power, unlimited time to 1240 kc, 250 w power, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed station and Station WTAX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and Station WTAX as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station WTAX as proposed would involve objectionable interference with Stations WSBC, WEDC and WCRW, Chicago, Illinois; WQUA, Moline, Illinois; KBIZ, Ottumwa, Iowa; KWLC and KDEC, Decorah, Iowa; WIBU, Poynette, Wisconsin; WHBF, Rock Island, Illinois; WJBC, Bloomington, Illinois; KFMO, Flat River, Missouri; WEBQ, Harrisburg, Illinois; and KWOS, Jefferson City, Missouri, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and Station WTAX as proposed would involve objectionable interference, each with the others, or with the services proposed in the pending application of Rock Island Broadcasting Company (WHBF) (File No. BML-1246) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed station and Station WTAX as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Julius Miller, Oscar Miller, Bertha L. Miller, Gertrude Miller and Arnold B. Miller, d/b as Radio Station WSBC, licensee of Station WSBC, Chicago, Illinois; Emil Denemark, Incorporated, licensee of Station WEDC, Chicago, Illinois; Clinton R. White, licensee of Station WCRW, Chicago, Illinois; Moline Broadcasting Corporation, licensee of Station WQUA, Moline, Illinois; KBIZ, Incorporated, licensee of Station KBIZ, Ottumwa, Iowa; Luther College, licensee of Station KWLC, Decorah, Iowa; Telegraph Herald, permittee of a construction permit for a new standard broadcast station, KDEC, Decorah, Iowa; William C. Forrest, licensee of Station WIBU, Poynette, Wisconsin; Rock Island Broadcasting Company, licensee of Station WHBF, Rock Island, Illinois; Bloomington Broadcasting Corporation, licensee of Station WJBC, Bloomington, Illinois; Oscar C. Hirsch, permittee of a construction permit for a new standard broadcast station, KFMO, Flat River, Missouri; Harrisburg Broadcasting Company, licensee of Station WEBQ, Harrisburg, Illinois; and Capital Broadcasting Company, licensee of Station KWOS, Jefferson City, Missouri, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3838; Filed, Apr. 21, 1947; 8:48 a. m.]

[Docket No. 8250]

BOULDER CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Boulder City Broadcasting Company, Las Vegas, Nevada, for construction permit; Docket No. 8250, File No. BP-4942.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 920 kc, 1 kw, daytime only, at Las Vegas, Nevada;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KBNE at Boulder City, Nev., the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3844; Filed, Apr. 21, 1947; 8:49 a. m.]

[Docket No. 8278]

WESTERN UNION TELEGRAPH CO.

ORDER DESIGNATING APPLICATION FOR HEARING

In the matter of the application of The Western Union Telegraph Company, for an authorization under section 214 of the Communications Act of 1934, as amended; Docket No. 8278, File No. T-D-770; (Bellefontaine, Delphos, Lebanon, Marysville, Mount Gilead and Ottawa, Ohio).

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 10th day of April 1947;

The Commission, having under consideration the application filed under section 214 of the Communications Act of 1934, as amended, by The Western Union Telegraph Company, File No. T-D-770, for authority to discontinue its Class I-B telegraph offices at Bellefontaine, Delphos, Lebanon, Marysville, Mount Gilead and Ottawa, Ohio, with substitute service to be provided through teleprinter-operated agency offices to be established in each community and to be operated by local telephone companies under the management of the Telephone Service Company of Ohio; and

It appearing, that numerous communications have been received from the public both in opposition to, and in support of, a grant of the application;

It further appearing, that the present or future public convenience or necessity may be adversely affected by the conversion to agency operation as proposed in the application;

It is ordered, That pursuant to section 214 of the Communications Act of 1934, as amended, the above-described application of The Western Union Telegraph Company is designated for hearing, and that, with respect to each of the above-named points, the matters to be considered at such hearing shall include, but not be limited to, the following questions:

1. Whether the present or future public convenience or necessity will be adversely affected by the proposed replacement of Western Union operation with a telephone company-operated agency;

2. The character, quality, scope and adequacy of telegraph service, facilities, and personnel now provided through applicant's Class I-B office;

3. The character, quality, scope and adequacy of the telegraph service, facilities, and personnel which will be provided if the application is granted.

4. Comparison of the character, quality, scope, and adequacy of the proposed service, facilities, and personnel with those now being provided, with particular reference to any reduction, impairment, extension or improvement in service which may result from the proposed change;

5. The nature and extent of the requirements of local telegraph users for telegraph service, and the ability of the proposed telephone company-operated agency to meet such requirements;

6. The nature of the contractual arrangements between the applicant and its proposed agent, and the extent to which applicant will maintain control over the character, quality, scope, and adequacy of the telegraph service, facilities, and personnel to be provided by the agent, and over the availability of telegraph service to the public during specific hours;

7. The extent of any savings which will accrue to the applicant from the conversion of its Class I-B office to agency operation as proposed in the application and the weight to be given this factor in a determination upon the application;

8. The extent to which the proposed conversion to agency operation may result in either a diminution or increase in the use of telegraph service;

9. The nature of the proposed plan, referred to in paragraph (h) of the application, to provide physical representation and make available twenty-four hour telegraph service for telephone subscribers through telephone-operated agency offices at 115 communities adjacent to the six communities referred to

above, and the extent to which the public may benefit from such plan in the event it is consummated;

It is further ordered, That The Western Union Telegraph Company is made a party respondent to this proceeding, and that a copy hereof shall be served upon it;

It is further ordered, That a copy hereof shall be served upon the Secretary of War, the Secretary of the Navy, the Governor and Public Utilities Commission of the State of Ohio, the National Association of Railroad and Utilities Commissioners; the Commercial Telegraphers' Union—A. F. L., the Mayors of Bellefontaine, Delphos, Lebanon, Marysville, Mt. Gilead, and Ottawa, Ohio, and the Telephone Service Company of Ohio, and each of the above parties is given leave to intervene and participate fully in the proceedings herein; and that a copy hereof shall also be served upon each of the other persons who have communicated to the Commission their interest in this application;

It is further ordered, That this proceeding is assigned for hearing, to begin at 10:00 a. m. on the 14th day of May 1947, in Mt. Gilead, Ohio, at a location to be hereafter designated.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3846; Filed, Apr. 21, 1947; 8:49 a. m.]

[Docket 8280]

WILMINGTON TRI-STATE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Wilmington Tri-State Broadcasting Company, Inc., Wilmington, Delaware, for construction permit; Docket No. 8280, File No. BP-5873.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 650 kc, with 250 w power, daytime only, at Wilmington, Delaware;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Wilmington Tri-State Broadcasting Company, Inc., be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WNBC, New York, New York, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That National Broadcasting Company, Inc., licensee of Station WNBC, New York, New York, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3837; Filed, Apr. 21, 1947; 8:48 a. m.]

[Docket No. 8281]

WESTERN ILLINOIS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Western Illinois Broadcasting Company, Jacksonville, Illinois, for construction permit; Docket No. 8281, File No. BP-5478.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1550 kc, 250 w power, daytime only, at Jacksonville, Illinois, together with the petition of Fulton County Broadcasting Company, permittee of Station WBYS, Canton, Illinois, alleging that a grant of the above application would cause objectionable interference to the operation of said station WBYS and requesting that said application be designated for hearing and that petitioner be made a party to such hearing;

It is ordered, That the petition of Fulton County Broadcasting Company be, and it is hereby, granted; and

It is further ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Western Illinois Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with station WBYS, Canton, Illinois or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Fulton County Broadcasting Company, permittee of Station WBYS, Canton, Illinois, be, and it is hereby, made a party to this proceeding,

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3840; Filed, Apr. 21, 1947; 8:48 a. m.]

[Docket Nos. 8282, 8283, and 8284]

NORTHEAST RADIO, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Northeast Radio, Inc., Lawrence, Massachusetts, Docket No. 8283, File No. BP-5302; Viking Broadcasting Company, Newport, Rhode Island, Docket No. 8284, File No. BP-5953; Troy Broadcasting Company, Inc. (WTRY), Troy, New York, Docket No. 8282, File No. BP-4591; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947,

The Commission having under consideration the above-entitled applications of Northeast Radio, Inc., requesting a construction permit for a new standard broadcast station to operate on 980 kc, 1 kw power, daytime only, at Lawrence, Massachusetts, Viking Broadcasting Company, requesting the same facilities at Newport, Rhode Island, and Troy Broadcasting Company, Inc. (WTRY), presently operating on 980 kc, 1 kw, unlimited time, using a directional antenna, to increase power to 5 kw, to change the location of its transmitter, and to make changes in its directional antenna array,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicants Northeast Radio, Inc., and Viking Broadcasting Co., their respective officers, directors and stockholders to construct and operate their proposed station, and the technical, financial and other qualifications of the applicant Troy Broadcasting Company, Inc., its officers, directors and stockholders, to construct and operate Station WTRY as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations or any one of them would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations proposed by the applicants would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3842; Filed, Apr. 21, 1947; 8:49 a. m.]

[Docket No. 8285]

NORTH JERSEY BROADCASTING CO., INC. (WPAT)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of North Jersey Broadcasting Co., Inc. (WPAT), Paterson, New Jersey, for construction permit; Docket No. 8285, File No. BP-4613.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application of North Jersey Broadcasting Co., Inc., requesting a construction permit to authorize station WPAT, Paterson, New Jersey, to operate unlimited time on the frequency 930 kc with 5 kw power, using a directional antenna day and night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WPAT as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WPAT as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WPAT as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WPAT as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WPAT as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of station WPAT as proposed would involve objectionable interference with the Canadian station CFBC, St. Johns, New Brunswick, and the Cuban station CMKN, Santiago de Cuba, or with any other foreign broadcast station, as defined in the North American Broadcasting Agreement, and the nature and extent thereof.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3843; Filed, Apr. 21, 1947; 8:49 a. m.]

[Docket Nos. 8291, 8292, and 8293]

KEYSTONE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Keystone Broadcasting Company, Harrisburg, Pennsylvania, File No. BPH-183, Docket No. 8291; York Broadcasting Company, York, Pennsylvania, File No. BPH-184, Docket No. 8292; Reading Broadcasting Company, Reading, Pennsylvania, File No. BPH-522, Docket No. 8293; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of April 1947;

The Commission having under consideration the above-entitled applications for construction permits for new Class B FM broadcast stations; and

It appearing, that the Commission on March 10, 1947 designated for hearing in a consolidated proceeding the applications of WDEL, Inc., Wilmington, Delaware (File No. BPH-177, Docket No. 7834), and Wilmington Tri-State Broadcasting Company, Inc., Wilmington, Delaware (File No. BPH-1195, Docket No. 8234), each requesting a construction permit for a new class B FM broadcast station at Wilmington, Delaware,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding with the applications in the above-mentioned consolidated hearing to be heard at Wilmington, Delaware, commencing April 29, 1947 at 10 o'clock a. m. each upon the following issues:

1. To determine what overlap of service areas, if any, exists between the proposed station and any other existing or proposed stations owned, operated or controlled by the same interests as the proposed station, and whether such overlap, if any, is in contravention of § 3.240 of the Commission's rules and regulations.

2. To determine which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders heretofore issued in the proceeding on Dockets Nos. 7834 and 8234 be, and they are hereby amended to include the applications of the Keystone Broadcasting Company (File No. BPH-183), The York Broadcasting Company (File No. BPH-184) and the Reading Broadcasting Company (File No. BPH-522).

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3841; Filed, Apr. 21, 1947; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

APRIL 16, 1947.

Notice is hereby given that on March 26, 1947, Texas Eastern Transmission Corporation (Applicant), a Delaware corporation having its principal office in Houston, Texas, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to acquire, construct and operate the following described natural gas transmission facilities:

A. Facilities to be acquired and operated (which are the so-called "Big Inch" and "Little Big Inch" pipelines):

1. 1253.70 miles of 24-inch transmission pipeline originating at Longview, Texas, and extending to Phoenixville, Pennsylvania, together with approximately 20 miles of 20-inch lateral pipeline and approximately 29 miles of 16-inch, 14-inch, and 12-inch lateral pipeline extending from Phoenixville to Philadelphia, and to the oil refinery area in the vicinity of Chester and Marcus Hook, Pennsylvania; also, approximately 84 miles of 20-inch lateral pipeline extending to Linden, New Jersey.

2. 1.477 miles of 20-inch transmission pipeline originating at Beaumont, Texas, and extending to Linden, New Jersey, together with approximately .39 mile of 16-inch, 1.77 miles of 14-inch, 12.67 miles of 12-inch, 6.39 miles of 10-inch, 1.41 miles of 8-inch and 1.42 miles of 6-inch lateral pipelines extending from Linden, New Jersey to coastal refineries in that area.

3. 60 oil pump stations with an aggregate of 243,500 installed horsepower.

B. Facilities to be constructed and operated:

1. 2 miles of 8-inch pipe to Chester, Pennsylvania.

2. 12 miles of 8-inch pipe to West Conshohocken, Pennsylvania.

3. 13 miles of 8-inch pipe to Trenton, New Jersey.

4. 4 miles of 8-inch pipe to Central Works, New Jersey.

5. 1 mile of 10-inch pipe to Philadelphia Station A.

6. 8 miles of 10-inch pipe to Philadelphia Station B.

7. 23 miles of 12-inch pipe extending from Linden to Paterson, New Jersey.

8. 3 miles of 12-inch pipe to Jersey City, New Jersey.

9. 24 gas compressor stations with an aggregate of 122,000 installed horsepower in addition to three (3) compressor stations with an aggregate of 18,000 installed horsepower to be built under a temporary certificate issued in Docket No. C-880 by order dated March 21, 1947.

10. 31 loop lines at river crossings of 20-inch pipeline.

11. 30 loop lines at river crossings of 16-inch pipeline.

12. 63 additional main line 24-inch valves and 69 additional main line 20-inch valves.

The application describes the proposed project substantially as follows:

Applicant is a new corporation, recently organized for the purpose, among other things, of buying, constructing and operating the pipeline and facilities hereinbefore specified for the transportation of natural gas in interstate commerce from the Southwest to the Appalachian and Eastern Seaboard areas. Applicant has entered into a Letter of Intent with the War Assets Administration, dated February 25, 1947, for the purchase of the Big Inch and Little Big Inch pipeline properties. Applicant has entered into a Lease Agreement with Reconstruction Finance Corporation, dated March 12, 1947, for the lease of said properties commencing on May 1, 1947. Applicant proposes to operate the pipelines in the transmission of natural gas to the Appalachian area during the term of such lease. Thereafter, Applicant proposes to operate the pipelines for the transmission of natural gas to the Appalachian area and initially to the Eastern Seaboard areas of Philadelphia and New Jersey. In the Philadelphia and New Jersey areas, Applicant proposes to sell natural gas to gas distributing companies now distributing manufactured gas in these areas. It is anticipated that the natural gas supplied to these companies will be used principally to supplement the present supply through the enrichment and reforming of the manufactured gas product, and in this use, it will replace in part the oil which is now used for enriching. It is not contemplated that natural gas will replace coal nor reduce the amount of coal or coke consumed or used in the manufacture of artificial gas. It is contemplated that such distributing companies will do their own load-balancing, but if it is necessary for Applicant to make any interruptible sales for load-balancing purposes, it will undertake to make such sales to oil refineries on the Eastern Seaboard which are using oil as fuel. Applicant further states that at a later date it may request authority to extend and enlarge its system to serve the Baltimore, New York and New England areas.

Applicant has obtained a permit to do business in the State of Texas, and it will obtain permits to do business in the States of Louisiana, Ohio, Pennsylvania, Maryland, New Jersey and New York.

The facilities sought to be acquired, constructed and operated are designed to deliver at the eastern terminal approximately 425,000,000 cubic feet of gas per day using all of the facilities described herein. The intake pressure will be approximately 750 pounds p. s. i. The pipelines will be operated as a looped system from Little Rock, Arkansas, to Linden, New Jersey, and this will require tying the lines together at river crossings and at compressor stations.

Applicant proposes to purchase its gas requirements from sources within economic gas pipeline gathering distances from the termini of its lines, or from other sources located along the lines within economic reach thereof, with particular reference to purchases from independent producers. Applicant does not, at present, contemplate entering into the business of producing or gathering gas, but intends to accept delivery of gas at its main line connections at the operating pressure in the main line at the point of connection (not to exceed 750 pounds).

Applicant is now negotiating with various producers for its gas requirements. Applicant is considering a proposal to purchase an amount not to exceed 25% of its requirements from United Gas Pipe Line Company. Additional negotiations are being undertaken to purchase other gas from producers in the Gulf Coast area, one of the major gas producing areas of the country. Applicant states that the reserves available to it in this area are adequate to support its project for a period in excess of thirty years.

Applicant's prospective physical connections with the United Gas System described above afford Applicant a unique opportunity to make the maximum utilization of flare gas and the gas of independent producers throughout the entire Gulf Coast area. Gas may be introduced into the main lines of Texas Eastern at any of the points of intersection with United's system, as well as at the termini of Texas Eastern's main lines. In cases where flare gas, or other gas of independent producers, is produced from fields located at points too remote for economic piping to the lines of the Texas Eastern System, the gas may be purchased and placed in United's system, and an equal quantity taken from United's system at the points of intersection. Applicant intends to give priority to the purchase of flare gas up to at least 25 percent of the throughput capacity of Applicant's lines.

The estimated total over-all capital cost of acquiring the Big Inch and Little Big Inch pipeline properties, converting the pipelines to gas transmission service, constructing compressor stations sufficient to provide a throughput capacity of approximately 425,000 Mcf per day, and extending the lines to the distribution systems to be served in the Philadelphia and New Jersey areas is $182,107,000. No estimated cash requirements for interest during construction is included. Applicant estimates that interest payments during the interim lease and conversion period will be more than

covered by cash income during such period. At or immediately prior to the time of transfer of title to the properties, Applicant intends to raise sufficient funds by the sale of securities to make the final payment due the Government amounting to approximately $138,000,000, and to repay the notes payable then outstanding. Applicant proposes in carrying out its permanent financing plan to repay the then outstanding notes payable and to authorize the issuance of the following securities: $20,000,000 of 2¼% Notes Payable, $123,000,000 of 3% First Mortgage Bonds and 37,900,000 Preferred and Common Stock. It is currently anticipated that the financing described above will be carried out through the sale of securities to private investors and/or the public generally.

Applicant will furnish an exhibit at the hearing, details concerning the contracts for the sale and purchase of gas which it is now negotiating. Applicant will at that time also furnish as an exhibit a statement of the total revenues expected from the operation of the properties to be acquired and operated, the total fixed charges and the total operating expenses, based, among other things, on the prices for natural gas established in Applicant's gas sales and gas purchase contracts.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Texas Eastern Transmission Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3805; Filed, Apr. 21, 1947; 8:46 a. m.]

[Docket No. G-885]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

APRIL 16, 1947.

Notice is hereby given that on April 2, 1947, Cities Service Gas Company (Applicant), a Delaware corporation having its principal office in Oklahoma City, Oklahoma, filed an application with the Federal Power Commission pursuant to section 7 of the Natural Gas Act for authority to abandon a certain portion of its natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

Approximately 8.09 miles of 4-inch pipeline extending from a point on Applicant's 10-inch pipeline in Section 11, Township 25 South, Range 2 West, Sedgwick County, Kansas, North to a point near Halstead, Kansas, in Section 35, Township 23 South, Range 2 West, Harvey County, Kansas.

Applicant states in its application that the said line was constructed in 1906 to transport gas for distribution within the City of Halstead, Kansas, and that at the present time the said City of Halstead is operating its municipally owned distribution system for which purchases of gas are made from Drillers Gas Company. Applicant further states that the facility sought to be abandoned is not used for service to any other customer and said facility is no longer used or useful in its present location. Applicant wishes to reclaim the facility in order to obtain the pipe for use elsewhere on its pipeline system.

Applicant estimates that the cost of reclaiming the facility is $11,612.00 and will result in a net salvage value of the facility of $7,755.00.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Cities Service Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined.

Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3806; Filed, Apr. 21, 1947; 8:46 a. m.]

[Project No. 16]

NIAGARA FALLS POWER CO.

ORDER CHANGING DATE FOR ORAL ARGUMENT

(1) On April 8, 1947, the Commission fixed April 25, 1947, as the date for oral argument on application filed by The Niagara Falls Power Company, licensee, for amendment of the license for Project No. 16 to include certain claimed water rights which it proposes to acquire from Buffalo Niagara Electric Corporation.

(2) By letter dated April 15, 1947, licensee has requested a change in the date set for the oral argument.

The Commission finds that:

(3) A change in the date for the oral argument, as hereinafter provided, will not be inconsistent with the public interest.

It is ordered, That:

(4) The date and time set for oral argument before the Commission on the question of the validity of the water rights referred to above and the authority of the Federal Power Commission to approve the license amendment requested are hereby changed to commence at 10:15 a. m., on Wednesday, May 14, 1947, in the Commission's Hearing Room, 12th floor, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: April 17, 1947.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3807; Filed, Apr. 21, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 173]

RECONSIGNMENT OF APPLES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., April 15, 1947, by S. A. Lepley, of car FOBX 4041, apples, now on the Great Northern Ry., to Baltimore, Maryland.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of Ameri-

can Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of April 1947.

[SEAL] V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3804; Filed, Apr. 21, 1947; 8:48 a. m.]

[S. O. 690-A]

UNLOADING OF LUMBER AT PORTLAND, OREG.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of April, A. D. 1947.

Upon further consideration of Service Order No. 690 (12 F. R. 1583), and good cause appearing therefor: it is ordered, that:

Service Order No. 690, *Lumber at Portland, Oreg., on S. P. & S. Ry., be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 6:00 p. m., April 16, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3803; Filed, Apr. 21, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3069]

A. D. F. Co.

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April A. D. 1947.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Capital Stock, $5.00 Par Value, of A. D. F. Co., which until August 27, 1945 was known as Atlas Drop Forge Company.

Appropriate notice and opportunity for hearing has been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter.

After due consideration of the record in this matter and on the basis of the facts stated under oath in the application of the New York Curb Exchange to strike this security from listing and registration, we make the following findings: (1) the issuer on September 4, 1945 sold substantially all of its assets to a wholly-owned subsidiary of Spicer Manufacturing Corporation in consideration of the sum of $1,436,835.47; (2) the issuer ceased manufacturing operations on August 31, 1945; (3) the issuer is in the process of complete and final liquidation; (4) the issuer has distributed to its shareholders two liquidating dividends totalling $13.00 per share; (5) the only remaining assets are approximately $400,000, composed principally of United States Government securities and cash, which would amount to $2.68 per share, subject to certain contingent liabilities in amounts not presently ascertainable; (6) the New York Curb Exchange suspended dealings in this security on January 15, 1947; and (7) the rules of the New York Curb Exchange with respect to the striking of a security from listing and registration have been complied with.

On the basis of these findings and pursuant to section 12 (d) of the Securities Exchange Act of 1934;

It is ordered, That the application be, and the same is, hereby granted, effective at the close of the trading session on April 26, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3793; Filed, Apr. 21, 1947; 8:49 a. m.]

[File No. 7-979]

LIGGETT & MYERS TOBACCO CO.

ORDER GRANTING DETERMINATION CONCERNING VALUE OF CERTAIN STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April A. D. 1947.

The Philadelphia Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the Common Stock, $25 Par Value, of Liggett & Myers Tobacco Company is substantially equivalent to the Common Stock B, $25 Par Value, of that company, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Common Stock, $25 Par Value, of Liggett & Myers Tobacco Company is hereby determined to be substantially equivalent to the Common Stock B, $25 Par Value, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3797; Filed, Apr. 21, 1947; 8:49 a. m.]

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of April 1947.

In the matter of The Middle West Corporation, Central and South West Utilities Company, and American Public Service Company, File No. 54-81.

The Middle West Corporation (Middle West), a registered holding company, having filed an application-declaration, and an amendment thereto, requesting the Commission, among other things, to extend to June 30, 1947 the time within which it may comply with that portion of an order of the Commission entered on April 30, 1946, as modified, approving a Plan filed pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 for the merger and reorganization of Central and South West Utilities Company and American Public Service Company, subsidiaries of Middle West, which approved the distribution by Middle West to its own stockholders of the common stock of Central and South West Corporation (Central), the surviving company, to be received by it under the Plan; and

Pursuant to appropriate notice, public hearings having been held and counsel for certain stockholders of Central and Middle West, who were granted leave to be heard, having filed a Motion in the proceedings, which was certified to the Commission by the Hearing Officer, requesting, among other things, that the annual meeting of stockholders of Central to be held on April 15, 1947 be adjourned to a specified date subsequent to the divestment by Middle West of its interest in Central, that the election of directors at such adjourned meeting be held under the direction and control of the Commission and in accordance with the procedure specified in said Motion, and that pending such divestment Middle West not be permitted to vote its shares of Central common stock for the election of directors of Central; and

The Commission having heard oral argument on said Motion and Middle West having entered into a Stipulation with counsel for the Public Utilities Division that it will, among other things, cause the adjournment to August 15, 1947 of the annual meeting of stockholders of Central, cause Central to designate a new and appropriate date of record for the purpose of qualifying the stock of Central to be voted at the adjourned meeting of stockholders, and distribute on or about June 14, 1947 to its own stockholders, as of a record date to be determined, the common stock of Central which it owns on the basis of one share of common stock of Central for each share of common stock of Middle West; and

The Commission having considered the record, the motion filed on behalf of the participating common stockholders of Middle West and Central, the oral argument thereon, and the Stipulation entered into by counsel for Middle West with counsel for the Public Utilities Division:

It is ordered, That the provisions of the order of April 30, 1946, as modified, approving Middle West's proposal to distribute to its own stockholders the common stock of Central received under the Plan for the merger and reorganization of Central and South West Utilities Company and American Public Service Company be further modified to extend until June 14, 1947 the time within which Middle West may comply with the provisions of the Plan for the distribution of said stock, subject, however, to the conditions specified in Rule U-24 and to the following conditions:

(1) That The Middle West Corporation will cause the adjournment to August 15, 1947, of the Annual Meeting of Stockholders of Central and South West Corporation to be held on April 15, 1947, and that it will vote its shares of common stock of Central and South West Corporation or any proxies it may hold or control for such adjournment and for no other purpose.

(2) That The Middle West Corporation will cause Central and South West Corporation to designate a new date of record not exceeding 30 days prior to the 15th of August 1947, for the purpose of qualifying shares to vote for the election of directors of Central and South West Corporation.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to all other issues raised by the application-declaration, as amended, and by the Motion filed on behalf of certain stockholders of Central and Middle West and that the hearings in these proceedings be reconvened at an early date for the purpose of taking testimony and otherwise completing the record with respect to the issues remaining.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3800; Filed, Apr. 21, 1947; 8:50 a. m.]

[File Nos. 70-1404 and 70-1408]

NORTHERN NATURAL GAS CO. AND KANSAS POWER AND LIGHT CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April 1947.

In the matter of Northern Natural Gas Company, File No. 70-1404; The Kansas Power and Light Company, File No. 70-1408.

The Commission having on February 17, 1947, issued an order granting the application, as amended, herein and permitting the declaration, as amended, herein to become effective subject to the terms and conditions prescribed in Rule U-24 promulgated under the Public Utility Holding Company Act of 1935, which order contained the recitals that both The Kansas Power and Light Company and Northern Natural Gas Company had filed applications with the Federal Power Commission for certificates of public convenience and necessity with respect to the transactions proposed in these proceedings; and

The Commission being advised that the Federal Power Commission has not acted pursuant to the applications for such certificates of public convenience and necessity filed by The Kansas Power and Light Company and Northern Natural Gas Company; and

The Northern Natural Gas Company having requested that the Commission extend the time within which the proposed transactions may be completed beyond the period of sixty days after the declaration became effective and the application was granted in these proceedings; and

It appearing to the Commission that such request may appropriately be granted:

It is hereby ordered, Pursuant to the provisions of Rule U-24 (c) (1) promulgated under the Public Utility Holding Company Act of 1935 that the transactions proposed in these proceedings shall be completed within 60 days after the date of this order, without prejudice to the right of the applicant and the declarant herein to request the Commission, upon a proper showing, for additional time within which to complete the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3799; Filed, Apr. 21, 1947; 8:50 a. m.]

[File No. 70-1464]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF VIRGINIA

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of April 1947.

Delaware Power & Light Company ("Delaware"), a registered holding company, and its subsidiary, Eastern Shore Public Service Company of Virginia ("Eastern Shore"), a public utility company, having filed a joint application-declaration, with amendments thereto, pursuant to sections 6 (b), 9 (a), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-44 promulgated thereunder with respect to the following transactions:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1948, up to $350,000 principal amount of its 3½% promissory notes due October 1, 1973 and 3500 shares of its common stock of the par value of $100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The proceeds from the sale of said notes and common stock, which will not exceed $700,000, are to be used to reimburse Eastern Shore's treasury for money expended for construction during the year 1947. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943 in accordance with the provisions of the Indenture of Mortgage.

The proposed issue and sale of securities by Eastern Shore have been approved by the State Corporation Commission of Virginia.

The application-declaration having been filed February 21, 1947 and amendments thereto having been filed on February 27, 1947 and on March 12, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective and deeming it appropriate to grant the request of declarants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration, as amended, be, and the same hereby is granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3796; Filed, Apr. 21, 1947; 8:49 a. m.]

[File No. 70-1485]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 16th day of April A. D. 1947.

Public Service Company of New Hampshire ("New Hampshire"), a subsidiary of New England Public Service Company, a registered holding company, having filed an application, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

New Hampshire proposes to borrow from one or more banks, during the period from April 1, 1947, to December 31, 1947, an amount not in excess of $4,400,000 (including $1,200,000 presently outstanding short term obligations) and to issue from time to time in evidence thereof its promissory notes with a maturity of not more than nine months. The proceeds of said loans are to be used to finance the company's construction program prior to the time when funds will be available from permanent financing. Applicant states that it has been informed by the First National Bank of Boston that it will loan the company the additional funds required at the rate of 1½% per annum. It is represented by applicant that no state commission has jurisdiction over the proposed transactions; and

The application having been filed on March 19, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant having requested that the Commission's order granting the application become effective immediately upon issuance, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said application that the requirements of the applicable sections of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3798; Filed, Apr. 21, 1947; 8:49 a. m.]

[File No. 70-1493]

SOUTH CAROLINA POWER CO. AND COMMONWEALTH & SOUTHERN CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 15th day of April 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and its public utility subsidiary, South Carolina Power Company ("South Carolina"), having filed a joint application-declaration pursuant to sections 7, (10) (c), 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 regarding the following transaction:

Commonwealth proposes to lend not exceeding $1,000,000 to South Carolina on the basis of the issuance by South Carolina to Commonwealth of a promissory note or notes maturing nine months from the date of the initial loan and bearing interest at the rate of 1½% per annum. The filing indicates that the loan is being made in order to provide temporary financing for certain plant contruction by South Carolina and that the company intends to repay the loan with a portion of the proceeds of the proposed sale of 200,000 shares of common stock and $4,000,000 principal amount of bonds. A declaration and two amendments thereto with respect to the sale of said stock and bonds by South Carolina have been filed with the Commission (File No. 70-1488) and a notice of and order for hearing thereon on April 24, 1947 has been issued.

Said application-declaration having been filed on April 2, 1947 and notice of such filing having been duly given in the manner and form prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants-declarants having requested that the Commission issue its order by April 15, 1947 and that the order become effective forthwith; and

The Commission finding with respect to such application-declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and permit said declaration to become effective, and deeming it appropriate to grant the request of the applicants-declarants that the order become effective not later than April 15, 1947;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3794; Filed, Apr. 21, 1947; 8:49 a. m.]

[File 811-181]

INVESTMENT COUNSEL EQUITY FUND, INC.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April A. D. 1947.

Notice is hereby given that Investment Counsel Equity Fund, Inc., a registered investment company, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission, declaring that the applicant has ceased to be an investment company within the meaning of the act by virtue of the provisions of section 3 (c) (1) of the act. Section 3 (c) (1) of the act. Section 3 (c) (1) provides, in substance, that an issuer whose outstanding securities are beneficially owned by not more than one hundred persons[1] and who is not making and does not presently propose to make a public offering of its securities, shall not be deemed to be an investment company within the meaning of the act.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination it deems the following issues to be raised by the application without prejudice to the specification of additional issues upon further examination:

(1) Whether the outstanding securities of Investment Counsel Equity Fund, Inc. are beneficially owned by not more than 100 persons; and

(2) Whether Investment Counsel Equity Fund, Inc. is not making and does not presently propose to make a public offering of its securities.

It appearing to the Commission that a hearing upon the application is necessary and appropriate;

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on April 28, 1947, at 9:45 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named applicant, Investment Counsel Equity Fund, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before April 25, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3795; Filed, Apr. 21, 1947; 8:49 a. m.]

[1] For the purposes of section 3 (c) (1), beneficial ownership by a company is deemed to be beneficial ownership by one person; except that if such company owns 10 percent or more of the outstanding voting securities of the issuer, the beneficial ownership is deemed to be that of the holders of such company's outstanding securities (other than short-term paper).

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 6444, Amdt.]

EMIL AND ROSE BEUTEL

In re: Bank accounts owned by Rose Beutel and Emil Beutel.

Vesting Order 6444, dated June 5, 1946, is hereby amended as follows and not otherwise:

A. By deleting subparagraph 1 of said Vesting Order 6444, and substituting therefor the following:

1. That Emil Beutel and Rose Beutel, whose last known address is Muhlhausenan Der Wurm Bei Pforzheim, Baden, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

B. By deleting from said Vesting Order 6444 all that part thereof beginning with the figure "2. That the property described as follows:" and ending with the words "the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);" and substituting therefor the following:

2. That the property described as follows:

That certain debt or other obligation owing to Rose Beutel, by The Philadelphia Savings Fund Society, 700 Walnut Street, Philadelphia, Pennsylvania, arising out of a savings account, Account Number 1,989,910, entitled Rose Beutel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rose Beutel, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of The Philadelphia Saving Fund Society, 700 Walnut Street, Philadelphia, Pennsylvania, arising out of a savings account, Account Number 2,001,000, entitled Emil Beutel in trust for Rose Beutel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Beutel and Rose Beutel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All other provisions of said Vesting Order 6444 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3836; Filed, Apr. 21, 1947; 8:53 a. m.]

[Vesting Order 8646]

FREDERICK TROGER

In re: Estate of Frederick Troger, deceased. File No. D-28-3593; E. T. sec. 5837.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Troger, Marie Troger, Henry Troger (Nephew), George Troger, and Wilhelmina Troger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown of George Troger and Wilhelmina Troger and the issue, names unknown of Frederick Burke, also known as Frederick Bauck, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Frederick Troger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by W. Frederick Troger, as Executor of the estate of Frederick Troger, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of George Troger and Wilhelmina Troger, and the issue, names unknown, of Frederick Burke, also known as Frederick Bauck, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3783; Filed, Apr. 18, 1947; 8:49 a. m.]

[Vesting Order 8693]

PAULINA KOHL HAASE

In re: Trust created under the will of Paulina Kohl Haase, deceased. D-28-11728; E. T. sec. 15931.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kath Goetz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Trust created under the will of Paulina Kohl Haase, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter S. Rountree, as Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Modoc;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3817; Filed, Apr. 21, 1947; 8:47 a. m.]

[Vesting Order 8694]

GUSSIE JOUNG

In re: Estate of Gussie Joung, a/k/a Gisella Jung, Gizella Young, Gussie Gung and Gussie Jung, deceased. File No. D-34-885; E. T. sec. 14885.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Kummer and Majar Lasclo, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Gussie Joung also, known as Gisella Jung, Gizella Young, Gussie Gung and Gussie Jung, deceased, is property payable or dellverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by the Public Administrator of New York County, as Administraor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3819; Filed Apr. 21, 1947; 8:47 a. m.]

[Vesting Order 8707]

ELLEN WITTGENSTEIN

In re: Estate of Ellen Wittgenstein, deceased. File D-28-3652; E. T. sec. 5984.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorothy B. Caspar, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Ellen Wittgenstein, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Public Administrator of the County of New York, as administrator, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3820; Filed, Apr. 21, 1947; 8:42 a. m.]

[Vesting Order 8708]

MARIE A. ZAISS

In re: Estate of Marie A. Zaiss, deceased. File No. D-28-8259; E. T. sec. 10080.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Brecht, August Brecht and Walter Brecht, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs-at-law, next of kin, distributees, legatees and personal representatives of August Brecht, who there is

reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of ths persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Marie A. Zaiss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Fanny Frankel, as Administratix, c. t. a. of the Estate of Marie A. Zaiss, deceased, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the heirs-at-law, next of kin, distributees, legatees and personal representatives of August Brecht, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3821; Filed, Apr. 21, 1947; 8:47 a. m.]

[Vesting Order 8709]

HEDWIG BENNER ET AL.

In re: Stock owned by Hedwig Benner and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each person whose name and last known address is listed in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That each person whose name and last known address is listed in Exhibit B, attached hereto and by reference made a part hereof, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: Thirty-seven (37) shares of $10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed in Exhibit A, registered in the names of and owned by the persons listed therein in the amounts appearing opposite each name, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in Exhibit A, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: Seventy-five (75) shares of $10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed in Exhibit B, registered in the names of and owned by the persons listed therein in the amounts appearing opposite each name, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in Exhibit B, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany); and

6. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of owner	Last known address	Certificate No.	Number of shares	File No.
Hedwig Benner (Mrs.)	Neuenstadt Am Kocher, Wuertt, Germany	C 292602	2	F-28-22829-D-1.
Eva Bertsch	c/o Dr. Hans Miska, Wilhelmshorst-Mark, Am Fitchteiberg, Germany.	C 337644	5	F-28-22290-D-1.
Erwin Feller	Holzgartenstr, 26, Pforzheim, Germany	C 663169	10	F-28-22292-D-1.
Berthold H. Gottschalk	c/o Allgemeine Finanzierungs-Gesellschaft, Darmstadterstrasse, Russelsheim, A/M, Germany.	WC 131880 WC 176565	1 1	F-28-22294-D-1.
Adolph Heiduck	Kopendorf Bei Petersdorf Auf Fehmarn, Schleswig, Holstein, Germany.	C 564166	2	F-28-22295-D-1.
Hans Hoffmeister	2A Untere Klinge, Coburn, Germany	306880	2	F-28-22296-D-1.
Katharina Stern	Balauerfohr 15, Lubeck, Germany	614150	2	F-28-22300-D-1.
Theodore Wiese	Standstrasse 24, Laboe, Germany	414002	12	F-28-22303-D-1.

EXHIBIT B

Teiji Fujima	75 Honmoku Woda, Nakaku, Yokohama, Japan.	C 278703	50	F-39-45-D-1.
Masakatsu Hamanoto	c/o General Motors, Japan, Ltd., Osaka, Japan.	WC 183176	3	F-39-4325-D-1.
Yoshio Osawa	c/o J. Osawa & Co., Ltd., Kyoto, Japan	C 101450	13	F-39-4328-D-1.
Masao Teshima	(Ishibashi Soyen, Ikedo-Cho Toyono-Gun, Osaka, Fu, Japan.	WC 39088 WC 55070 WC 183396	9	F-39-4329-D-1.

[F. R. Doc. 47-3822; Filed, Apr. 21, 1947; 8:49 a. m.]

[Vesting Order 8710]

CONTINENTAL TRADING CO.

In re: Debt owing to Continental Trading Company. F-39-5097-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Continental Trading Company, the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Continental Trading Company, by The Linde Air Products Company, 30 East 42d Street, New York 17, N. Y., in the amount of $397.61, as of December 31, 1945, together with any and all accruals thereto, and any and all

rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3823; Filed, Apr. 21, 1947; 8:49 a. m.]

[Vesting Order 8712]

ERNEST C. GOERING

In re: Stock owned by Ernest C. Goering. F-28-24106-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest C. Goering, whose last known address is Bahnhofstrasse 2, Berka an der Werra, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Four (4) shares of $100 par value debenture stock of E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate number G 98339, registered in the name of Ernest C. Goering, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3824; Filed, Apr. 21, 1947; 8:49 a. m.]

[Vesting Order 8713]

ANNA HEYL ET AL.

In re: Bank accounts owned by Anna Heyl, Katharina Heyl, Ludwig Heyl, Ottilie Heyl and Philip Heyl. F-28-23059-E-1, F-28-23060-E-1, F-28-23061-E-1, F-28-23062-E-1, F-28-23063-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Heyl, Katharina Heyl, Ludwig Heyl, Ottilie Heyl and Philip Heyl, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by Wells Fargo Bank & Union Trust Company, 4 Montgomery Street, San Francisoco, California, arising out of the savings accounts, numbered and entitled as set forth opposite the name of each of the aforesaid persons, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of nationals	Account Nos.	Name or title of account
Anna Heyl	20623	Anna Heyl.
Katharina Heyl	20507	Katharina Heyl.
Ludwig Heyl	20234	Ludwig Heyl.
Ottilie Heyl	20588	Ottilie Heyl.
Philip Heyl	20068	Philip Heyl.

[F. R. Doc. 47-3825; Filed, Apr. 21, 1947; 8:50 a. m.]

[Vesting Order 8714]

ELLA AND ADA HUFFMANN

In re: Debt owing to Ella Huffmann and Ada Huffmann. F-28-8345-C-1, F-28-8344-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella Huffmann and Ada Huffmann, whose last known addresses are 5 Rheinweg, Bonn, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ella Huffmann by Julius Forstmann & Company, Inc., 2 Barbour Avenue, Passaic, New Jersey, in the amount of $4,956.82, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Ada Huffmann by Julius Forstmann & Company, Inc., 2 Barbour Avenue, Passaic, New Jersey, in the amount of $4,956.07, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3826; Filed, Apr. 21, 1947; 8:50 a. m.]

[Vesting Order 8715]

K. ISOME

In re: Debt owing to K. Isome. F-39-5063-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Isome, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to K. Isome, by Hunt, Hill & Betts, 120 Broadway, New York 5, N. Y., in the amount of $269.18, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy county" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3827; Filed, Apr. 21, 1947; 8:50 a. m.]

[Vesting Order 8716]

ERICH KLEIN

In re: Debts owing to Erich Klein, F-28-5320-C-1, F-28-5320-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Klein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Erich Klein, by Leo Wolleman, 95 Nassau Street, New York, N. Y., in the amount of $1007.25, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Erich Klein, by S. Nathan & Company, Inc., 610 Fifth Avenue, New York 20, N. Y., in the amount of $870.49, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3828; Filed, Apr. 21, 1947; 8:52 a. m.]

[Vesting Order 8717]

OTTO LEHMANN

In re: Stock owned by Otto Lehmann. F-28-1547-C-1, F-28-1547-D-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Lehmann, whose last known address is Neukirch, Lausitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number C 628000, registered in the name of Otto Lehmann, together with all declared and unpaid dividends thereon,

b. Thirty (30) shares of no par value common capital stock of Bethlehem Steel Corporation, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number L 33838, registered in the name of Otto Lehmann, together with all declared and unpaid dividends thereon, and

c. Fifteen (15) shares of no par value common capital stock of The Proctor & Gamble Company, Cincinnati 1, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number CO 27995, registered in the name of Otto Lehmann, together with all declared and unpaid dividends thereon, as evidenced by certain dividend checks in the custody of said The Procter & Gamble Corporation, and together with said dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3828; Filed, Apr. 21, 1947; 8:52 a. m.]

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3829; Filed, Apr. 21, 1947; 8:52 a. m.]

[Vesting Order 8718]

FRITZ MEBIUS ET AL.

In re: Bank accounts owned by Fritz Mebius, Elizabeth Mebius, Wilhelm Mebius, Martha Mennig, and Irma Mebius. F-28-23328-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Mebius, Elizabeth Mebius, Wilhelm Mebius, Martha Mennig, and Irma Mebius, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by The Capital National Bank of Sacramento, P. O. Box 899, Sacramento 4, California, arising out of the savings accounts, numbered and entitled as set forth opposite the name of each of the aforesaid persons, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of national	Account No.	Name or title of account
Fritz Mebius	72325	Fritz Mebius.
Elizabeth Mebius	72327	Elizabeth Mebius.
Wilhelm Mebius	72326	Wilhelm Mebius.
Martha Mennig	72323	Martha Mennig.
Irma Mebius	72324	Irma Mebius.

[F. R. Doc. 47-3830; Filed, Apr. 21, 1947; 8:52 a. m.]

[Vesting Order 8721]

HANS OERTEL

In re: Bank account owner by Hans Oertel. F-28-23428-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Oertel, whose last known address is 36 Prenzenaner Strasse, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hans Oertel, by The New Haven Bank N. B. A., 809 Chapel Street, New Haven 2, Connecticut, arising out of a checking account, entitled Hans Oertel, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3831; Filed, Apr. 21, 1947; 8:52 a. m.]

[Vesting Order 8723]

ELISABETH SCHERER

In re: Bank account owned by Elisabeth Scherer. F-28-22701-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Scherer, whose last known address is Nussbach by Odenbach, Rh. Pfalz, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City of New York, Broadway at 73d Street, New York, New York, arising out of a savings account, account number 1137333, entitled Elisabeth Scherer in trust for Arthur Scherer, maintained at the branch office of the aforesaid bank located at 157 4th Avenue, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Elisabeth Scherer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3832; Filed, Apr. 21, 1947; 8:52 a. m.]

APR 24 47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 80

Washington, Wednesday, April 23, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LIST OF POSITIONS EXCEPTED

The Commission has considered the request of the Secretary of the Treasury and has determined that the position of chauffeur to the Secretary of the Treasury should be excepted from the competitive service and appointment thereto may be made in the same manner as under Schedule A. The position is therefore added to the list of positions excepted from the competitive service, effective May 1, 1947.

§ 6.4 *List of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(3) *Treasury Department.* • • •

(x) One chauffeur for the Secretary of the Treasury.

(Sec. 6.1 (a), E. O. 9830, 12 F. R. 1259)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-3681; Filed, Apr. 22, 1947; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5032]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MODERN HOME DIATHERMY

§ 3.6 (t) *Advertising falsely or misleadingly—qualities or properties of product or service:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—safety.* In connection with the offering for sale, sale or distribution of a device designated as "Vitatherm Short Wave Diathermy", or any other device of substantially similar character, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase of respondent's device in commerce, which advertisements represent, directly or by implication, (a) that said device, when used by unskilled laymen in the treatment of self-diagnosed conditions, is a scientific or an effective or competent treatment of, or remedy for, arthritis, neuralgia, asthma, neuritis, bronchitis, rheumatism, lumbago, sinusitis, prostatitis, or similar disorders; (b) that said device constitutes a competent or effective treatment for the alleviation of pain resulting from diseases and ailments of the human body, unless specifically limited to conditions which do not involve acute inflammatory processes, glandular structures, or the special senses; or, (c) that the use of said device will establish body efficiency or provide resistance to infection or disease; or which advertisements (d) fail to reveal clearly and conspicuously that said device is not safe for use for any condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated, and has prescribed the frequency and rate of application of the treatments, and the user has been adequately instructed by a trained technician in the use of such device; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Modern Home Diathermy, Docket 5032, March 24, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of March A. D. 1947.

In the Matter of Charles Shapiro, an Individual Trading and Doing Business as Modern Home Diathermy

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent, in which answer respondent admits all material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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It is ordered, That the respondent, Charles Shapiro, an individual trading and doing business as Modern Home Diathermy, or trading under any other name, his agents, representatives or employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of a device designated as "Vitatherm Short Wave Diathermy," or any other device of substantially similar character, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That said device, when used by unskilled laymen in the treatment of self-diagnosed conditions, is a scientific or an effective or competent treatment of, or remedy for, arthritis, neuralgia, asthma, neuritis, bronchitis, rheumatism, lumbago, sinusitis, prostatitis, or similar disorders.

(b) That said device constitutes a competent or effective treatment for the alleviation of pain resulting from diseases and ailments of the human body, unless specifically limited to conditions which do not involve acute inflammatory processes, glandular structures, or the special senses.

(c) That the use of said device will establish body efficiency or provide resistance to infection or disease.

2. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which fails to reveal clearly and conspicuously that said device is not safe for use for any condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated, and has prescribed the frequency and rate of application of the treatments, and the user has been adequately instructed by a trained technician in the use of such device.

3. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's device in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph 1 hereof or which fails to comply with the requirements set forth in paragraph 2 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-3849; Filed, Apr. 22, 1947; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 5, as Amended Feb. 13, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Section 803.5, Housing Expediter Priorities Regulation 5, is amended in the following respects:

1. Wherever in this section the words "Area Rent Office of the Office of Temporary Controls (Office of Price Administration)" are used, they shall, except in connection with the rental or maximum rent of a dwelling, hereafter mean "Regional Compliance Office of the Office of the Housing Expediter."

2. Wherever in this section the words "Civilian Production Administration" are used, they shall hereafter mean "Housing Expediter," except where a different meaning clearly appears from the context.

3. By adding a new paragraph (s) to read as follows:

(s) *Regional Compliance Offices.*

Jurisdictional Area and Address

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont: 40 Broad Street, Boston 9, Mass.

Delaware, Maryland (except areas listed under Washington Metropolitan Area Office), New Jersey, New York, Pennsylvania: 45th Floor, Empire State Building, New York 1, N. Y.

Illinois, Indiana, Iowa, Johnson and Wyandotte Counties in Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin: 226 West Jackson Boulevard, Chicago 6, Ill.

Alabama, Florida, Georgia, Mississippi, South Carolina, North Carolina, Tennessee, Virginia (except areas listed under Washington Metropolitan Area Office): 1st Floor, Ginn Building, 165 Luckie Street NW., Atlanta 1, Ga.

Arkansas, Colorado, Kansas (except two counties listed under Region III), Louisiana, New Mexico, Oklahoma, Texas: 507 Mercantile Bank Building, Dallas 1, Tex.

Arizona, California, Nevada, Utah, Hawaii: 1355 Market Street, San Francisco 3, Calif.

Idaho, Montana, Oregon, Washington, Wyoming, Alaska: 4430 Stuart Building, Seattle 1, Wash.

Kentucky, Michigan, Ohio, West Virginia: Union Commerce Building, Cleveland 14, Ohio.

District of Columbia; Calvert, Charles, Montgomery, Prince Georges and St. Marys Counties and the locality of Odenton in Anne Arundel County in Maryland; Arlington and Fairfax Counties and the City of Alexandria in Virginia; Panama Canal Zone; off-continent areas except Hawaii: 4222 Social Security Building, Washington 25, D. C.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 22d day of April 1947.

FRANK R. CREEDON, *Housing Expediter.*

[F. R. Doc. 47-3911; Filed, Apr. 22, 1947; 11:53 a. m.]

PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.22 *Designation of Acting Housing Expediter.* Robert E. Johnson is hereby designated to act as Housing Expediter during my absence on April 21, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1946, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such date. (60 Stat. 207, 50 U. S. C. App. Sup. 1821)

Issued this 18th day of April 1947.

FRANK R. CREEDON, *Housing Expediter.*

[F. R. Doc. 47-3870; Filed, Apr. 22, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

[Allocations Reg. 1, as Amended Apr. 22, 1947]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of certain materials and facilities for defense, for private account, and for export; and the following regulation is deemed necessary and appropriate in the public interest and to promote the national defense.

Sec.

945.1 Purpose and scope of this regulation; definitions.
945.2 Certifications on purchase orders and other documents.
945.3 Effect of other regulations and orders.
945.4 Effect of revocation of orders and regulations.
945.5 Use or disposition of material acquired with allocations assistance.
945.6 Intra-company deliveries.
945.7 Scope of regulations and orders.
945.8 Defense against claims for damages.
945.9 Inventory restrictions.
945.10 Delivery for unlawful purposes prohibited.
945.11 Records.
945.12 Audit and inspection.
945.13 Reports.
945.14 Violations.
945.15 Appeals for relief in exceptional cases.
945.16 Notification of customers.
945.17 Transfers of quotas; transfers of a business as a going concern.
945.18 Quantities and kinds of materials or services obtainable with allocations assistance.

§ 945.1 *Purpose and scope of this regulation; definitions.* This regulation states the basic rules of the Civilian Production Administration which apply to business transactions after March 31, 1947, unless they are covered by more specific regulations or orders of the Civilian Production Administration which are inconsistent with this regulation.

It continues in effect certain of the general rules previously contained in CPA Priorities Regulations 1, 3, 7, 7A and 8. Those regulations were among the regulations and orders adopted by the Housing Expediter by Housing Expediter Priorities Order 5 and transferred to him by the Civilian Production Administration, effective April 1, 1947. CPA is continuing in simplified form only those rules deemed necessary in the administration of its functions which continue after March 31, 1947.

The following definitions apply for purposes of this regulation and any other regulation or order of the Civilian Production Administration, unless otherwise indicated.

(a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(b) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(c) "Allocations assistance" means any authorization by the Civilian Production Administration under a regulation or other document issued by it, to obtain materials or facilities. The term includes but is not limited to authorizations for the use of export preference certificates on orders entitled to priority for export purposes, as well as certificates required to obtain materials but not entitled to priority. The terms "allocations" or "preference assistance" will usually be used in any general CPA regulation issued on or after April 1, 1947, to distinguish it from the "priorities" regulations transferred to the Housing Expediter on that date or subsequently issued by him.

§ 945.2 *Certifications on purchase orders and other documents.*—(a) *How to use a certificate on a purchase order.* When a person uses a certificate required or permitted under any CPA order, regulation or direction, he must place it on the purchase or delivery order which is being certified, or on a separate piece of paper either attached to the purchase order or clearly identifying it. A signature on the purchase order shall apply to the certificate on an attached or unattached piece of paper only where the words above the signature clearly make it include the certificate.

The certificate must be verified by the signature of the person placing the order, or of a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature; however, if a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it by the person whose signature it is, and a written record of the authorization must be kept.

When a purchase order is placed by telegram and the certificate is used, the certificate must be set out in full in the telegram. It will be sufficient if the file copy of the outgoing telegram is signed in the manner required for certification by this regulation.

(b) *Signature on other documents.* The above rules for signing certificates on purchase orders also apply to the signature on reports, applications for authorizations to use a certificate, and other documents that are required to be filed under orders and regulations of the Civilian Production Administration.

(c) *Responsibility for truth of certification.* The person who places the

certified order or makes the application, report or other document, the individual whose signature is used, and the individual who approves the use of the signature shall each be considered to be making a representation to the Civilian Production Administration that the statements contained in the certificate or other document are true to the best of his knowledge and belief.

The person receiving the certification and other information required to be included with it shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

§ 945.3 *Effect of other regulations and orders.* A limited number of materials are subject to control under orders of the Civilian Production Administration, usually referred to as conservation or limitation orders, directions and supplements as published in the Federal Register, and in some instances allocations are made under them. Also, in exceptional cases, the Civilian Production Administration may issue specific directions by letter or telegram to named persons for the delivery of those or other materials or the use of facilities. Such published rules, specific allocations made under them, and specific directions for the delivery of materials or the use of facilities must be complied with regardless of export preference certificates or ratings, unless otherwise specified.

§ 945.4 *Effect of revocation of orders and regulations.* (a) When an order or regulation of the Civilian Production Administration is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) Whenever an order or regulation of the CPA is revoked, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the Civilian Production Administration remain in effect after revocation of such orders and regulations, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for relief to the Civilian Production Administration, Washington 25, D. C.

§ 945.5 *Use or disposition of material acquired with allocations assistance.* (a) Any person who gets material with allocations assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a certificate, allocation, specific direction, or any other action of the Civilian Production Administration. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) below must be observed: (1) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the assistance was given (for example, when the assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or order is canceled); (2) When the material was obtained by means of any order, regulation, allocation, specific direction or other action of the CPA which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the CPA.

(b) The holder of a material or product subject to paragraph (a) (1) or (2) above may sell it as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the Civilian Production Administration, or he may use it himself in any manner or for any purpose as long as he complies with such requirements. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

§ 945.6 *Intra-company deliveries.* When any rule, regulation or order of the Civilian Production Administration prohibits or restricts deliveries of any material by any person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

§ 945.7 *Scope of regulations and orders.* All regulations and orders of the Civilian Production Administration (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of Civilian Production Administration orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided. Exports and deliveries of material to be exported may be made regardless of any CPA order or regulation restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

§ 945.8 *Defense against claims for damages.* No persons shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any rule, regulation or order of the Civilian Production Administration, notwithstanding that any such rule, regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

§ 945.9 *Inventory restrictions.* No person may deliver or receive into inventory more of any material than is permitted under applicable CPA orders.

§ 945.10 *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the Civilian Production Administration.

§ 945.11 *Records.* Each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration in force on or after April 1, 1947 applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the certificates, if any, assigned to deliveries under such contracts or purchase orders, details of certified orders (or other orders required by the Civilian Production Administration to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom; except that this section does not require the records kept under it to be kept separately from those which may be required under regulations or other rules of the Housing Expediter. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material

than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by Civilian Production Administration officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 945.12 *Audit and inspection.* All records required to be kept by this regulation or by any rule, regulation or order of the Civilian Production Administration shall, upon request, be submitted to audit and inspection by its duly authorized representatives.

§ 945.13 *Reports.* (a) Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(b) *Reports under Civilian Production Administration orders and regulations.* (1) If a published regulation or order of the Civilian Production Administration requires the filing of a report by a specified class of persons you must file the report in accordance with any applicable instructions if you belong to that class. The instructions may be in the regulation or order itself, or on a form or separate instruction sheet.

(2) When a published regulation or order requiring you to file any reports is revoked, you do not need to file any more reports due after that date unless they are required by another published regulation or order or unless you are notified to continue to file them in accordance with the rules stated in paragraph (c) below. This does not, however, excuse you from filing any reports due before the regulation or order was revoked.

(c) *Reports not specified in an order or regulation.* The Civilian Production Administration may need information which is not required under a specific regulation or order. In such cases you must file reports when you receive or have received a written notice to do so in one of the following ways:

(1) A letter or other written instrument specifically addressed to you issued in the name of the Civilian Production Administration countersigned or attested by the Recording Secretary, or in accordance with Civilian Production Administration Regulation No. 1 (§ 903.0); or

(2) A report form or instruction sheet with an official form number in the "CPA" series bearing your name or enclosed in an envelope specifically addressed to you.

Approval of the Bureau of the Budget will be indicated on the notice or on a report form or instruction sheet referred to in the notice.

§ 945.14 *Violations.* **Any person who violates any provision of this regulation or any other rule, regulation or order of the Civilian Production Administration, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the Civilian Production Administration, and any person who obtains a delivery, an allocation of material or facilities, or an authorization to use a certificate by means of a material and wilful, false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of material or using facilities under allocation control and may be deprived of further allocations assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. sec. 80), or under other applicable statutes.**

§ 945.15 *Appeals for relief in exceptional cases.* Any person who considers that compliance by himself or another with a rule or regulation or order of the Civilian Production Administration would work an exceptional and unreasonable hardship on him may appeal for relief.

§ 945.16 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the Civilian Production Administration shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

§ 945.17 *Transfers of quotas; transfers of a business as a going concern.* (a) This section explains when quotas and other rights under the allocations system may be transferred from one person to another and states the rules governing transfer of a business as a going concern.

(b) *Specific provisions in orders or regulations govern.* This regulation does not apply in any case where an applicable order or regulation provides a different rule.

(c) *What is meant by "quota".* As used in this regulation "quota" means a quantitative limit which is placed on the production or delivery of items, or on the acquisition or use of material, by an order or regulation of the CPA. Most quotas are in the form of a specified percentage of production or use during a previous base period or in the form of a specified number of items which may be produced.

(d) *Quota applies to actual manufacturer.* Where a manufacturer does not sell his product in his own name, but makes it for another person under whose name it is sold, and an order of the GPA imposes a quota on manufacturers of the product, that quota applies to the person who actually makes the product rather than to the one under whose name it is sold.

(e) *Distribution of quota where quota holder has several establishments.* Where the holder of a quota has several establishments, he may distribute his quota among them, and change the distribution in any way he wishes unless the quota was acquired on a transfer of a going business as explained in paragraph (h) (1) below.

(f) *Transfer of quotas forbidden in most cases.* No quota may be transferred from one person to another under any circumstances, except in connection with the transfer of a business as a going concern as explained in paragraph (h) (1) below or with the express permission of the CPA. Permission to transfer quotas may be expressly given in an order or regulation or on appeal as explained in paragraph (i) below.

(g) *Transfers of specific authorizations forbidden.* No person may transfer to another any right granted by specific authorization except where this is part of a transfer of a going business as explained in paragraph (h) (1) below.

(h) *Transfer of business as a going concern.* (1) Whenever an entire business is transferred as a going concern to a new owner who continues to operate substantially the same business in the same establishment, using substantially the same trade-mark or trade-name, if any, all rights and obligations under CPA orders and regulations which applied to the business before the transfer continue applicable after the transfer, and the old owner no longer has them. The business under the new ownership has the same quotas, specific authorizations and other rights and duties created by CPA orders and regulations as it had under the old ownership. However, the new owner may not continue to exercise any such rights if he discontinues operation of the business he acquired or operates it as a substantially different business or in another establishment, or if he uses a substantially different trademark or trade-name. He may not, at any time, use any quota of the transferred business for any other part of his business.

(2) If, on dissolution of a firm, the entire business is not transferred as a going concern to a single successor, but is divided up in any way, application must be made to the CPA for a determination of quotas and other rights and duties under CPA orders and regulations.

(3) An order or regulation of the CPA which places any restriction on the transfer of any particular material or product does not apply to a transfer which is part of a transfer of the ownership of an entire business as a going concern, and CPA approval need not be obtained for any such transfer.

(i) *Permission in exceptional cases on appeal.* In any case where the above rules work an exceptional hardship, specific permission may be given on appeal for the transfer of a quota, or a specific authorization or for other exceptions

from the rules. An appeal for the transfer of a quota should be filed as an appeal from the order imposing the quota by the person who wishes it transferred to him. If the person from whom it is to be transferred agrees to the transfer, he should join in the appeal. It is not expected that permission will be granted for the purchase or sale of a quota for any consideration in any case where the principal purpose of the transaction is merely to transfer the quota.

§ 945.18 *Quantities and kinds of materials or services obtainable with allocations assistance.* When allocations assistance is granted by the Civilian Production Administration, the person authorized may use it to get only that quantity and kind of material or that particular service specified in the authorization or other document issued by CPA. If the quantities of material are not stated in the CPA authorization or other document, it may be used only to get the minimum amount needed. No person may place such authorized orders for more material than he is authorized, even if he intends to cancel some of the orders or to reduce the quantity of material ordered to the authorized amount before it is all delivered. The only cases in which a certified order may be used to get services, as distinct from the production or delivery of material, are when CPA authorizes a named person to use the certificate to get specified services, or when a person authorized to use a certificate on a certified order to get processed material furnishes the unprocessed material to a processor and uses the certificate to get it processed.

Issued this 22d day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3912; Filed, Apr. 22, 1947; 11:54 a. m.]

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

[Allocations Reg. 2, as Amended Apr. 22, 1947]

RESTRICTED EXPORT PREFERENCE ASSISTANCE

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of certain materials and facilities for defense, for private account, and for export; and the following regulations is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 945.40 *Allocations Regulation 2—*(a) *Purpose.* This regulation describes the very limited scope of export preference assistance which may be granted in the future. Such assistance, when granted, will usually be in the form of authorizations for the placing of orders with certificates entitling the orders to preference. Rating symbols, such as CC, will no longer be issued by the Civilian Production Administration.

The rules in this regulation and in Allocations Regulation 1 are a continuation in simplified form, for the purposes of the CPA, of rules contained in its former Priorities Regulation 1 and certain other CPA regulations transferred to the Housing Expediter on April 1, 1947, as explained in Allocations Regulation 1. This regulation also continues, on a limited basis, certain provisions of former CPA Priorities Regulation 28 relating to exports.

The issuance of authorizations to place certified export orders will in general be limited to assisting the procurement in this country of minimum quantities of materials or facilities required to expand the production in foreign countries of materials critically needed in this country, and other exceptional cases where necessary to meet international commitments.

For the purpose of this regulation, "certified order" means a purchase or delivery order which is certified by the purchaser by use of the standard form of export preference certificate described in paragraph (h) (7) below, or by use of any other certificate authorized and entitled to preference under another CPA order, regulation or direction for export purposes.

(b) *Exceptional cases when certified export orders may be authorized.* (1) If all the conditions of paragraph (b) (2) below are met, authorizations to place orders with an export preference certificate may be granted to permit the placing and filling of certified orders for procurement in this country of the minimum quantities of materials or facilities required either:

(i) To expand the production in foreign countries of materials critically needed in the United States; or

(ii) to meet international commitments, and certified by the Secretaries of State and Commerce as necessary for that purpose.

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without preferential aid), an authorization to use an export preference certificate may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without assistance; and

(iii) Preference assistance is required to obtain the item by the latest date and in the minimum quantity practicable, after taking into consideration material already acquired and material available without assistance.

(c) *How to apply for an authorization to use an export preference certificate.* Application for a CPA authorization to use an export preference certificate for all destinations except Canada should be made by letter in quadruplicate, addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C., Ref. AR–2. Application for such a certificate for Canadian destinations should be made directly to the Civilian Production Administration, Washington 25, D. C., Ref. AR–2, also by letter in quadruplicate. Such applications should give the following information:

(1) Exact nature of applicant's business, i. e., manufacturing farm equipment, steel mill, etc.

(2) Exact description of the item for which assistance is required, stating (a) for materials the kind, quantity and unit of measure or (b) for equipment, the make, model, size, type, capacity, etc.

(3) The country of export destination, and the exact use to be made in that country of the item to be exported.

(4) Name of supplier and his present delivery promises, and his reasons for not promising satisfactory delivery dates. (Give the number and date of your purchase order.)

(5) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.

(6) A full statement of the importance of making the export at this time from the standpoint of the interests of the United States.

(d) *How applications are granted.* If the application is granted, CPA will issue a written authorization to the applicant authorizing him to use an export preference certificate. He may then use the certificate described in paragraph (h) (7) below.

(e) *Expiration of ratings and certificates for export: re-validation—*(1) *Expiration.* All preference ratings assigned for materials to be exported shall expire on April 1, 1947 and all certificates used on certified orders for materials for export and required to be treated as rated orders under other CPA orders, regulations or directions shall also expire on April 1, 1947 except those for tinplate continued in effect under Direction 1 to this regulation.

(2) *When and how expiring export ratings or certificates may be replaced.* A person entitled to use a preference rating or a certificate entitled to be treated as a rated order for materials to be exported (including Canadian destinations), which expires on April 1, 1947, may apply to CPA for an authorization to use an export preference certificate if he can meet the conditions stated in paragraph (b) above.

If a new authorization is granted, it may be used by forwarding his supplier the export preference certificate described in paragraph (h) (7) below, signed in accordance with Allocations Regulation 1, together with any additional information needed to enable the person receiving it to know exactly the items to which it applies, the original purchase order referred to (if already placed), and the old rating or certificate.

(f) *Rules for acceptance and rejection of certified orders.* Every certified order must be accepted and filled regardless of existing contracts and orders except in the following cases:

(1) A person must not accept a certified order for delivery on a date which would interfere with delivery on other certified or rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the Civilian Production Administration or the Housing Expediter has directed him to fill for that material or for a product which he makes out of it.

(2) A person must not accept a certified order for delivery on a date which can be met only by using material which was specifically produced for delivery on another certified order, and which is completed or is in production and scheduled for completion within 15 days.

(3) If a person, when receiving a certified order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer.

(4) A certified order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against certified orders, or between certified orders of different customers:

(i) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment (when a person authorized to place a certified order asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on the certified order, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the certified order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of certified orders received by him after making the quotation and before he receives the firm order from the person making the inquiry).

(ii) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (*a*) he cannot fill the order without substantially altering or adding to his facilities or (*b*) the order can readily be performed by someone else who has usually accepted and performed such orders.

(iii) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years. If he has, but the certified order would take more than the excess over his own needs, he may not reject the certified order unless filling it would interfere with other certified orders already on hand, or orders which the Civilian Production Administration has directed him to fill, for the material or for a product which he makes out of it.

(iv) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(5) Any person who fails or refuses to accept an order bearing a certificate provided for under this regulation shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(6) Some orders or directions of the Civilian Production Administration provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order or direction of the Civilian Production Administration. In addition, the Civilian Production Administration may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this paragraph (f), except that he may insist upon compliance with regularly established prices and terms of payment.

(7) *Certificates not effective for Government-owned surplus property.* The above rules in this paragraph (f) for the acceptance and rejection of certified orders, and in paragraph (i) below for the sequence of filling certified orders, do not apply to sales of surplus material by Government agencies. The certificates on certified orders have no effect either by way of obliging a Government agency to sell surplus property or by way of determining as among several buyers who shall get the surplus property.

(g) *Report to Civilian Production Administration of improperly rejected orders.* When a certified order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

(h) *Description of certificates and how they are used—*(1) *How authorized.* The standard export preference certificate provided for under this regulation is described in (h) (7) below. Other orders or directions of the Civilian Production Administration may also permit the use of other special forms of certificates entitled to preference, such as that for the use of the symbol CXS on certain orders for tinplate, described in Direction 1 to this regulation. The standard certificate described below and certificates entitled to preference under any other Civilian Production Administration order or direction are of equal value and precedence. Authorizations to use the standard export preference certificate will be issued under the conditions described in this regulation. The use of other certificates will be authorized under the conditions stated in the Civilian Production Administration order or direction under which they are issued, which may provide that they shall be treated as export preference certificates.

(2) *Materials or facilities obtainable with certificates.* A person authorized to use a certified order may use the certificates only to get the quantities and kinds of materials or services authorized, as provided in § 945.18 of Allocations Regulation 1.

(3) *How to use a certificate.* The certificate with a certified order must be filled in, signed and delivered to the supplier in accordance with the rules stated in Allocations Regulation 1, and with any special rules which may be stated in any other CPA order or direction permitting the use of any special form of certificate other than the standard export preference certificate.

(4) *Certificates not extendible.* A person receiving a certified order may not extend the certificate to any of his suppliers. If he is unable to fill the certified order without using a certificate to get some of the materials which he will need for that purpose, he may apply to CPA for an authorization to use a certificate for that purpose in accordance with this regulation.

(5) *Relation of certificates to preference ratings.* The certificate on a certified order, and an RR (or CC) preference rating assigned by CPA before April 1, 1947, or by the Housing Expediter, are equal in precedence, unless otherwise directed in writing by the Civilian Production Administration.

(6) *Time limit on certificates.* An authorization to use an export preference certificate, or other certificate permitted under another CPA order or direction for export purposes and entitled to preference, expires if not used on an order accepted by a supplier within 6 months of the date the use of the certificate was authorized. If the holder of an authorization to use an export preference certificate has been unable to use it before its expiration, he may apply to CPA for renewal. However, if the purpose for which use of the certificate was authorized should no longer exist, the certificate may not be used even though the time limit stated above has not elapsed.

(7) *Form of standard export preference certificate.* The standard export preference certificate must be in substantially the following form:

EXPORT PREFERENCE CERTIFICATE

The undersigned certifies to the seller and to the CPA, subject to the criminal penalties of section 35 (a) of the U. S. Criminal Code, that he is authorized to use this certificate

for the materials described, in accordance with CPA Allocations Regulation 2. My authorization number is ____ (insert the CPA authorization number).

(8) *Report to Civilian Production Administration of improper delay of orders.* When delivery or performance of a certified order is unreasonable or improperly delayed, the customer may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it consider appropriate after requiring an explanation from the person with whom the order is placed.

(i) *Sequence of filling certified orders.* (1) Every person who has certified orders on hand must schedule his operations, if possible, so as to fill each certified order by the required delivery or performance date (determined as explained in paragraph (j) below). If this is not possible for any reason, he must give precedence to all certified over uncertified orders.

(2) As between conflicting certified orders, precedence must be given to the order which was received first with the certificate. As between conflicting certified orders received on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(3) If a certified order or the certificate applicable to an order is cancelled when the supplier has materials in production to fill it, he need not immediately stop to put other certified orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any certified order on hand. He may not, however, delay putting other certified orders into production for more than 15 days.

(j) *Delivery or performance dates.* (1) Every certified order must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an uncertified order. The words "immediately" or "as soon as possible", or other words to that effect, are not sufficient for this purpose.

(2) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to paragraph (i), shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(3) If, after accepting a certified order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, for any reason, he must promptly notify the customer, telling him approximately when he expected to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

(k) The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3913; Filed, Apr. 22, 1947; 11:54 a. m.]

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

[Allocations Reg. 2, Direction 1, as Amended Apr. 22, 1947]

USE AND EFFECT OF SYMBOL CXS ON CERTAIN EXPORT ORDERS FOR TINPLATE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tinplate and facilities for making tinplate, for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense.

(a) *What this direction does.* This direction explains how certain exporters who have been authorized by the Office of International Trade, Department of Commerce, to use the symbol CXS (Certified Export Steel) on purchase orders for limited quantities of tinplate should furnish that information to steel producers. Such orders when properly certified are to be treated as certified export orders under Allocations Regulation 2. The Civilian Production Administration may also establish space reservations on steel producers' schedules for the benefit of these export orders.

(b) *Identification of certified export orders.* Any person who has been authorized in writing by the Office of International Trade, Department of Commerce, to use the symbol CXS on purchase orders for limited quantities of tinplate should, in addition to marking his purchase order with the symbol, specify the period in which shipment has been designated, and furnish the steel producer with a certificate, signed manually or as described in Allocations Regulation 1, in substantially the following form:

I certify, subject to the penalties of section 35A of the United States Criminal Code, that the tinplate covered by this purchase order is within the quantity which I have been authorized by the Office of International Trade, Department of Commerce, to purchase by orders identified with the symbol CXS.

(c) *Requests for authorization to use the symbol CXS.* All requests for authorization to use the symbol CXS should be addressed to the Steel Section, Office of International Trade, Department of Commerce, Washington 25, D. C.

(d) *Certified orders entitled to preference.* Unless the CPA directs otherwise, any purchase order certified under this Direction must be treated as a certified export order under Allocations Regulation 2, and be accepted, scheduled, and delivered accordingly. The rules of Allocations Regulation 2 will apply, except to the extent that this Direction is inconsistent with them. Tinplate obtained on certified orders must be used in accordance with § 945.5 of Allocations Regulation 1.

(e) *Refusal of certified orders.* (1) CXS orders may only be placed with steel producers for mill shipments. They may not be placed with distributors for shipment from warehouses.

(2) Steel producers need not accept a CXS certification on a previously accepted purchase order, or a new purchase order, which was received less than 45 days before the beginning of the month in which delivery is requested.

(f) *Other distribution of steel for export.* The provisions of this direction do not restrict acceptance, scheduling or shipment of noncertified orders for export, if this does not interfere with shipments of certified orders.

(g) *Direction 10 to Order M-21 superseded.* This direction supersedes former Direction 10 to Order M-21. Certificates for tinplate authorized under Direction 10 shall have the same force and effect under this Direction 1 as if authorized under it, and do not require revalidation.

Certificates authorized under Direction 10 to Order M-21 for steel products other than tinplate expire at the end of March 1947, under Allocations Regulation 2, although some may upon application be replaced with the new export preference certificate, as explained in that regulation.

(h) The Office of International Trade, Department of Commerce, may authorize the use of the symbol CXS under this direction on purchase orders for tinplate, but only to the extent and under the conditions authorized by the Civilian Production Administration in writing and transmitted to the Office of International Trade. The Office of International Trade may exercise this authority through such of its officials as the director of that Office may determine.

Issued this 22d day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3914; Filed, Apr. 22, 1947; 11:54 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 207—NAVIGATION REGULATIONS

LOGGING IN TIDAL SECTION, SOUTH FORK OF COOS RIVER, OREGON

Pursuant to the provisions of section 2 of the act of Congress approved May 9, 1900 (31 Stat. 172; 33 U. S. C. 410), § 207.663 is hereby prescribed to govern and regulate the floating of loose timber and logs, sack rafts, and other methods of navigation in the tidal section of the South Fork of Coos River, Oregon:

§ 207.663 *South Fork of Coos River, Oreg.; logging in tidal section.* (a) During the months of August, September, and October loose timber and logs and sack rafts of timber and logs, hereinafter referred to as logs, may be floated in the tidal section of the South Fork of Coos River above the mouth of Bessie Creek, at the times and under the conditions hereinafter prescribed, on Monday only of each week: *Provided*, That if it is impracticable because of insufficient stream flow above the tidal section to float logs into the tidal section on any Monday, they may be floated in the tidal section, at the times and under the conditions hereinafter prescribed, on the first day between that Monday and the following Monday when the stream flow will permit.

(b) From November to July, both inclusive, logs may be floated in the tidal section of the South Fork of Coos River above the mouth of Bessie Creek, at the times and under the conditions hereinafter prescribed, on Tuesday and Friday only of each week.

(c) On any of the days designated in paragraphs (a) and (b) of this section when the floating of logs is permitted in the tidal section above the mouth of Bessie Creek, they may be floated into the tidal section, at or near the head of tidewater, not more than two hours before the time of high tide at the point of entry, and be floated to the mouth of Bessie Creek: *Provided*, That such movement is handled expeditiously, and is entirely completed within five hours after the time of high tide at the point of entry.

(d) Two high tides normally occur each day. That high tide upon which logs may be floated into the tidal section above the mouth of Bessie Creek shall be the tide that reaches high slack at the point of entry nearest 12:00 o'clock meridian, Pacific Standard Time. The time of high tide at the head of the tidal section, for the purpose of this section, shall be considered as two hours and forty minutes after the predicted time of high tide at Humbolt Bay, California, the port of reference for Coos Bay, as published by the Coast and Geodetic Survey, Department of Commerce.

(e) In order that the river may be cleared in advance of an anticipated freshet, whenever the river stage above the tidal section rises more than two feet above the normal winter level as determined by the District Engineer, Corps of Engineers, in charge of the waterway, logs may be floated in the tidal section above the mouth of Bessie Creek.

(f) A single floating sheer boom shall be swung across the river above the mouth of Bessie Creek, at a location approved by the District Engineer, for the purpose of catching logs being floated as hereinabove prescribed: *Provided*, That such boom shall be in place only during the period in which the floating of logs is under way: *Provided, further*, That at all times when such boom is swung across the river so as to obstruct or interfere with navigation a competent operator shall be in attendance who shall, upon the approach of any craft or tow desiring to pass either upstream or downstream, promptly swing the boom so as to clear the channel and allow such craft or tow to pass.

(g) A written or printed notice giving the day and hour at which time the floating of logs is contemplated in accordance with paragraphs (a) and (b) of this section shall be posted at least twenty-four hours prior thereto at such place at or near the mouth of the South Fork as shall be prescribed by the District Engineer, and shall also be attached to the warning flag pole provided for in paragraph (h) of this section.

(h) At all times between sunrise and sunset when logs are being moved in the tidal section above the mouth of Bessie Creek, and during a period of three hours before such movement is to begin, a red flag not less than three feet square shall be flown from a staff on the river bank near the mouth of Bessie Creek, so located that it can be plainly seen by operators of river craft proceeding upstream in that vicinity, and said flag shall not be flown at any time other than herein designated. Between sunset and sunrise a red light, instead of a red flag, shall be so displayed. After completion of each movement of logs the red signal shall be promptly removed.

(i) In that portion of the South Fork below the mouth of Bessie Creek, the floating of logs shall be prohibited at all times, and rafts shall not exceed 650 feet in length and 45 feet in width.

(j) This section shall not affect the liability of persons in charge of logging operations for any damages resulting therefrom. [Regs. April 4, 1947 (800.214 Coos River, Oreg.)—ENGWR] (31 Stat. 172; 33 U. S. C. 410)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3848; Filed, Apr. 22, 1947; 8:55 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS

PERSONS PROHIBITED FROM DRIVING; FEES

1. Section 2.53 *Persons prohibited from driving* is amended to read as follows:

§ 2.53 *Persons prohibited from driving.* (a) No person shall drive a motor vehicle in a park or monument unless such person has a valid operator's license: *Provided*, That any person who is a resident of a State, district, territory, or foreign country which does not require the licensing of operators may drive a motor vehicle if such person is at least 15 years of age. The provisions of this paragraph shall not apply to employees of other Federal agencies or of States or territories or their political subdivisions operating motor vehicles on official business. Employees of the Department of the Interior shall be governed by the "Regulations and Safe Driving Practices of the Department of the Interior for the Operation of Motor Vehicles by Employees on Official Business, July, 1946."

(b) No person who is under the influence of intoxicating liquor or narcotic drugs shall drive a motor vehicle of any kind in a park or monument.

2. Paragraph (i) of § 2.55 *Fees*, is amended to read as follows:

(i) *Admission fees.* (1) An admission fee shall be charged each person entering the following areas, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

	Fee
Castillo de San Marcos National Monument	$0.10
Fort Pulaski National Monument	.10
George Washington Birthplace National Monument	.10
Fort Raleigh National Historic Site (except after 6:00 p. m. on days when the pageant, "The Lost Colony," is presented by the Roanoke Island Historical Association)	.10

(2) An admission fee shall be charged each person entering the following places, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

Fort McHenry National Monument and Historic Shrine—Inner Fort	$0.10
Colonial National Historical Park:	
Moore House	.10
Yorktown Historical Museum	.10
Morristown National Historical Park—Ford Museum and Mansion	.10
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park—Museum	.10
Chickamauga and Chattanooga National Military Park—Point Park	.10
Vicksburg National Military Park—Museum	.10
Salem Maritime National Historic Site—Derby House	.25
Vanderbilt Mansion National Historic Site—Mansion	.25
Lincoln Museum	.10
House Where Lincoln Died	.10
Lee Mansion in Arlington National Cemetery	.10
Adams Mansion National Historic Site	.25

(3) A fee of 21 cents shall be charged each person entering the home of Franklin D. Roosevelt National Historic Site. A combined fee of 42 cents may be charged each person for entrance to the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Library. No charge shall be made for children under 12 years of age when accompanied by adults assuming responsibility for their safety and orderly conduct, or for persons desiring to visit only the grave of Franklin D. Roosevelt or visiting the Home on business.

(4) In Timpanogos Cave National Monument, no person or persons shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of 50 cents shall be charged each adult person entering the cave. In proper cases and upon application made in advance, the Director may authorize

admission without charge for guide service to persons from reputable educational institutions for the purpose of prosecuting class work or studies, or to persons under the support and care of charitable institutions and their attendants. Children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct while in the cave, shall be charged 25 cents each. No charge shall be made for children under 12 years of age when accompanied by adults assuming responsibility for their safety and orderly conduct.

(39 Stat. 535, 49 Stat. 666; 16 U. S. C. 3, 462)

Issued this 17th day of April 1947.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-3854; Filed, Apr. 22, 1947; 8:47 a. m.]

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Section 20.3 *Glacier National Park* is amended to read as follows:

§ 20.3 *Glacier National Park*—(a) *Fishing; open season.* The opening date for fishing in all waters in Glacier National Park shall conform to the regular opening date of the fishing season for the State of Montana, but the open season for fishing in all waters of the Park shall close at 9:30 p. m. on October 15, subject to the following exceptions and restrictions:

(1) Howe Lake and Mud Lake will be closed at 9:30 p. m. July 5.

(2) Midvale Creek is closed at all times.

(3) Fishing is prohibited between the hours of 9:30 p. m. and 5:00 a. m.

(b) *Fishing; limit of catch and in possession.* (1) The limit of catch per person per day shall be 15 pounds of fish (dressed weight with heads and tails intact) and 1 fish, not exceeding in the aggregate 10 fish.

(2) Possession of more than 1 day's catch limit by any person at any one time is prohibited.

(c) *Fishing; bait.* (1) The possession, or use for bait, of salmon eggs or other fish spawn, or any imitation thereof or substance prepared therefrom, is prohibited.

(2) Fishing with multiple spinner baits (lures with more than one blade on a single line) is prohibited.

(3) The snagging of fish is prohibited.

(d) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 45 miles per hour, subject to the following conditions and limitations:

(1) In all areas so posted, and on dangerous curves, 20 miles per hour.

(2) On the North Fork Truck Trail from Apgar to Kishenehn, and on all feeder roads leading thereto, 25 miles per hour.

(3) Between U. S. Highway No. 89 (Blackfeet Highway) and Cut Bank Chalets, 30 miles per hour.

(4) Between U. S. Highway No. 89 (Blackfeet Highway) and Two Medicine Chalets, 30 miles per hour.

(5) On the Going-to-the-Sun Highway between Logan Creek and Siyeh Creek, 30 miles per hour.

(6) All trucks and busses of 1½ tons capacity or over, 35 miles per hour.

(7) All vehicles towing other vehicles, 35 miles per hour.

(e) *Camping.* No person, party, or organization shall be permitted to camp in the Park more than 30 days in any one calendar year. Camping in Sprague Creek Campground shall not exceed 15 days in any one calendar year.

(f) *Mufflers.* All cars, trucks, busses, and motorcycles shall be equipped with muffling systems in good working order. Cut-outs are prohibited.

(g) *Supersedure.* All previous special or subsidiary regulations for Glacier National Park are hereby superseded.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

2. Section 20.5 *Mount Rainier National Park*, paragraph (b), is amended to read as follows:

(b) *Fishing; open season.* The fishing season in streams shall be from the fourth Sunday in May to October 15, inclusive, and in lakes from July 4 to September 30, inclusive, with the following exceptions and restrictions:

(1) In Mowich Lake the fishing season shall be from August 1 to September 30, inclusive.

(2) Fishing is permitted only between the hours of 4:00 a. m. and 9:00 p. m.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

3. Section 20.8 *Sequoia National Park*, paragraph (d), is amended to read as follows:

(d) *Fishing; closed waters.* The following waters are closed to fishing to act as holding ponds and feeder streams for restocking main waters:

(1) On the watershed of the North Fork of the Kaweah River:

Cabin Creek from source to junction with Dorst Creek.
Yucca Creek from source to mouth, during the period June 16 to October 31, inclusive.
Dorst Creek from Generals Highway above road to source.

(2) On the watershed of the Marble Fork of the Kaweah River:

Deer Creek from the foot bridge on the Sunset-Village Trail to source.
Wolverton Creek above the Wolverton Dam where signs are posted.
Silliman Creek from source to Silliman Lake to bridge on Generals Highway.
That section of the Marble Fork of the Kaweah River between the bridge on the Generals Highway and Log Bridge in Lodgepole Camp.

(3) On the watershed of the Middle Fork of the Kaweah River:

Crescent Meadow Creek from source to High Sierra Trail Bridge at Lower Crescent Meadow.
Middle Fork of the Kaweah River from Buckeye Flats Fish Rearing Ponds to junction with Paradise Creek.
Granite Creek from source to junction with Eagle Scout Creek.
Eagle Scout Creek from source to junction with Middle Fork of the Kaweah River.
Middle Fork of the Kaweah River between the Bearpaw-Redwood Meadow Trail Bridge to Falls on Lone Pine Creek, from May 1 to June 30, inclusive.
Hamilton Lake and all of Hamilton Creek from source to mouth, from May 1 to June 30, inclusive.

(4) On the Kern River, that section between Chagoopa Bridge and Rock Creek.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

4. Section 20.11 *Lassen Volcanic National Park*, paragraph (c), is amended to read as follows:

(c) *Fishing; closed waters.* The following waters are closed to fishing:

Manzanita Creek.
Grassy Swale Creek.
Grassy Creek.
Emerald Lake.
Manzanita Lake, within 150 feet of inlet and outlet.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

5. Section 20.15 *Shenandoah National Park*, paragraphs (a) and (b) are amended to read as follows:

(a) *Fishing; closed waters.* (1) All waters in Shenandoah National Park are open to trout fishing.

(2) Fishing for all other types of fish in the waters of the Park is prohibited.

(b) *Fishing season, etc.* In the Conway River, the Rapidan River, and the north and south forks of the Moormans River, fishing is permitted in conformity with the laws and regulations of the State of Virginia. In all other open waters, fishing is permitted under the following conditions:

(1) Fishing season: April 20 to July 10, inclusive.

(2) Hours: From sunrise to sunset.

(3) Size limit: Fish under 7 inches in length shall not be retained unless seriously injured in catching.

(4) Limit of catch: 10 fish per person per day. All undersized fish not seriously injured in catching shall be immediately and carefully returned to the water. All undersized fish which are seriously injured in catching shall be retained and shall constitute a part of the catch.

(5) Bait: Only artificial lures shall be used, such as artificial flies or bugs. No spinner or other lure with more than one hook is permitted.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

6. Section 20.31 *Olympic National Park*, paragraphs (a), (c), and (e), are amended to read as follows:

§ 20.31 *Olympic National Park*—(a) *Fishing; open season.* Fishing is permitted in open streams from the fourth Sunday in May to October 31, inclusive, and in open lakes from July 4 to October 31, inclusive, subject to the following exceptions and restrictions:

(1) Lake Crescent and Lake Mills are open to fishing from the third Sunday in April to October 31, inclusive.

(2) The following streams are open to fishing for steelheads only from December 1 to March 15, inclusive; all tributaries thereof are closed, except as otherwise indicated:

Bogachiel River.
Calawah River.
Dosewallips River to Falls.
Hoh River.
Queets River.
Quinault River, including the North and East Forks.
Soleduck River.

* * * * *

(c) *Fishing; size limits.* Steelheads less than 16 inches in length and fish of any other species less than 6 inches in length, when caught, shall be released by carefully handling with moist hands, or by cutting the leader, and returned at once to the water.

* * * * *

(e) *Fishing; bait.* (1) Fishing with any line, gear, or tackle having more than two spinners, spoons, blades, flashers, or like attractions, and with more than one transparent or black rudder, and more than three (3) hooks attached to such line, gear, or tackle, is prohibited.

(2) The placing or depositing of fish eggs, fish roe, food, or other substance in any waters for the purpose of attracting, collecting, or feeding fish, is prohibited.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

6. Section 20.35 *Kings Canyon National Park*, paragraph (c), is amended to read as follows:

(c) *Fishing; closed waters.* The following waters are closed to fishing as holding ponds and feeder streams for restocking main waters:

(1) On the watershed of the South Fork of the Kings River:

That section of the South Fork from the sign at the lower end of Paradise Valley up stream 1 mile to sign.
That section of Bubbs Creek from the mouth of Charlotte Creek ½ mile up stream to sign.
Sheep Creek and its tributaries from source to Park boundary.
That section of Lewis Creek from the upper trail crossing to the Park boundary.
Comb Creek, that section between junction with Lewis Creek to the trail crossing.

(2) On the watershed of the Middle Fork of the Kings River:

That section of the Middle Fork at Simpson Meadow from the old trail bridge up stream 1 mile to sign.
That section of the Middle Fork at Grouse Meadow from sign at lower end of meadow ½ mile up stream to sign.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

7. Section 20.41 *Blue Ridge Parkway* is amended by adding new paragraphs (b) and (c) reading as follows:

(b) *Fishing; open season.* (1) The open season for fishing in the streams within the boundaries of the Parkway, listed in this section, shall be the same as that prescribed for the State within which the stream lies. Fishing is permitted only between sunrise and sunset of the same day.

(2) The following streams within the Parkway are open to fishing during the said open season:

Little Stoney Creek within the Peaks of Otter Area.
Rock Castle Creek and Little Rock Castle Creek within the Rocky Knob Area.
Gulley Creek within the Cumberland Knob Area.
Basin Creek and Cove Creek within the Bluffs Area.
Camp Creek within Section 2-J and Linville Area.
Crabtree Creek within Crabtree Area.

(3) The catch or creel limit of all fish allowed per person per day, as well as the legal length of such fish, shall be in conformance with the laws of the State within which the fish are caught.

(c) *Fishing license.* The Parkway as such does not charge for fishing, but persons desiring to fish in the streams within the boundaries of the Parkway must first obtain a proper license therefor as required by the laws of the State wherein the stream in which they desire to fish is located.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

Issued this 18th day of April 1947.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-3855; Filed, Apr. 22, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 182]

INDUSTRIAL ALCOHOL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2808, 2829, 2866, 3070, 3101, 3102, 3105, 3108, 3109, 3111, 3113, 3114, 3124, 3125, and 3176 of the Internal Revenue Code (U. S. C., title 26, sections 2808, 2829, 2866, 3070, 3101, 3102, 3105, 3108, 3109, 3111, 3113, 3114, 3124, 3125, and 3176).

1. The following sections are amended: 182.6 (h) and (aa), 182.94, 182.99, 182.102, 182.175, 182.179, 182.182, 182.183, 182.229 (g), 182.371 (a), 182.377 (a), 182.383 (a), 182.389 (a), 182.514, 182.706, 182.728, 182.731, 182.738, 182.750, 182.752 (b), 182.754 (Par. 1), 182.785, 182.786, 182.798, 182.802, 182.811, 182.812 (Par. 1), 182.813, 182.816, 182.908, 182.994, 182.995, 182.997, 182.1006.

DEFINITIONS

§ 182.6 *Definitions.* * * *

(h) "Carrier" shall mean a person or agency regularly engaged in the transportation of movable property by railroad, steamship, ferryboat, barge, motor truck, airplane, or other vehicle capable of being used as a means of transportation on land, in water, or through the air. The term "motor carrier" shall mean a motor carrier licensed under the Motor Carrier Act of 1935, or an applicable State law.

* * * * *

(aa) "Tank car" shall mean a railroad tank car conforming to the requirements of the regulations in this part. "Tank truck" shall mean a motor driven tank truck, including tank truck trailer, conforming to the requirements of the regulations in this part, and of a capacity of not less than 2,000 gallons. (Sec. 3124, I. R. C.)

EQUIPMENT

DENATURING PLANTS

§ 182.94 *Denatured alcohol storage tanks.* The proprietor of the denaturing plant shall provide substantially constructed denatured alcohol storage tanks for the storage of all alcohol denatured by him, unless permission is granted by the district supervisor to use mixing tanks for the storage of denatured alcohol or the denatured alcohol is drawn into packages or other portable containers for immediate shipment or storage in the denatured alcohol storeroom, or transferred to tank cars or tank trucks for immediate shipment, or transferred by pipe line to contiguous premises operated by the denaturer. Where denatured alcohol storage tanks are provided, they shall be constructed and secured in conformity with the provisions of § 182.74, and must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated: *Provided*, That wooden storage tanks may be used for formulas for which metal storage tanks are unsuitable. Each such tank shall have plainly and legibly painted thereon the words "Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. The denatured alcohol storage tanks must be located in the denaturing plant: *Provided further*, That the proprietor may be permitted to store denatured alcohol in tanks constructed in conformity with these provisions not necessarily located in a room or building, provided they are permanently fixed and of such size that they may not be readily removed. (Sec. 2829, I. R. C.)

SPECIALLY DENATURED ALCOHOL USERS' PREMISES

§ 182.99 *Tanks.* If the proprietor desires to receive specially denatured alcohol in tank cars, tank trucks or by pipe line from a denaturing plant on contiguous premises operated by him, he must provide tanks for the storage of the specially denatured alcohol so received by him. Each such tank must be constructed of metal, and shall be of uniform dimensions and equipped with a suitable measuring device whereby the actual contents will be correctly indicated: *Provided*, That wooden tanks may be used for formulas for which metal tanks are unsuitable. Each such tank shall have plainly and legibly painted thereon the words "Specially Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. The tanks shall be equipped for locking in such a manner as to prevent access to the denatured alcohol. (Sec. 2829, I. R. C.)

SPECIALLY DENATURED ALCOHOL BONDED DEALERS' PREMISES

§ 182.102 *Tanks.* If specially denatured alcohol is received in tank cars or tank trucks, the proprietor must provide suitable storage tanks for the storage of such alcohol. Each such tank must be constructed in the manner prescribed in § 182.99 and all openings affording access to the contents shall be equipped for locking. Each such tank must have plainly and legibly painted thereon the words "Specially Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons, and be equipped with a suitable measuring device, whereby the actual contents will be correctly indicated. (Sec. 2829, I. R. C.)

QUALIFYING DOCUMENTS

CARRIERS

§ 182.175 *Application, Form 144.* Every person desiring to transport tax-free alcohol or specially denatured alcohol must file Form 144, "Application for Permit to Transport Tax-free or Specially Denatured Alcohol," in triplicate, for permit so to do. The carrier will specify the mode of transportation, such as railroad, express company, steamship, barge line, truck, etc., and the supervisory districts in which tax-free or specially denatured alcohol will be transported. Where steamship or barge lines or motor carriers operate between certain points and over certain courses or routes, such points and courses or routes will be specified in the application. Where the mode of transportation is by tank truck, the carrier will give the serial number of each tank truck and its capacity. In cases where transportation is in more than one supervisory district, the application shall be filed with the district supervisor in whose district the principal office or place of business of the applicant is located. The provisions of §§ 182.105, 182.106, 182.115, 182.117, and 182.118 are hereby extended, insofar as applicable, to carriers.

(a) *Persons entitled to permit.* Basic permits to transport tax-free or specially denatured alcohol shall be issued only to reputable carriers who are actively and regularly engaged generally in the legitimate business of transportation, and who possess adequate facilities to insure safe delivery at destination of any tax-free or specially denatured alcohol transported by them. (Sec. 3114 (a), I. R. C.)

§ 182.179 *Conditions of approval.* No application shall be approved unless and until it is established by the applicant to the satisfaction of the district supervisor that he is a reputable carrier and is actively and regularly engaged generally in the legitimate business of transportation and that he possesses adequate facilities to insure safe delivery at destination of any tax-free alcohol or specially denatured alcohol which may be transported by him. No application for an original or renewal permit for the transportation in tank trucks of specially denatured alcohol shall be approved unless and until it is determined by the district supervisor, after inspection, that each tank truck meets the requirements of the regulations in this part.

§ 182.182 *Bond, Form 49*—(a) *Tax-free alcohol and specially denatured alcohol in containers other than tank trucks.* Every person filing an application for a basic permit to transport tax-free alcohol or specially denatured alcohol, upon filing his application, Form 144, and before issuance of basic permit pursuant thereto, and before transporting any tax-free alcohol or specially denatured alcohol, shall execute a bond on Form 49, "Bond to Transport Specially Denatured or Tax-free Alcohol," in triplicate, in conformity with the provisions of §§ 182.184 to 182.205, inclusive, and file the same with the district supervisor: *Provided*, That a bond will not be required if the applicant is a railroad or steamship company, or an express company operating thereon, or a motor carrier who has qualified with the Interstate Commerce Commission as a "self-insurer."

(b) *Specially denatured alcohol in tank trucks*—(1) *Transportation by motor carriers.* Motor carriers, as defined in the regulations in this part, in order to transport specially denatured alcohol by tank trucks, must procure permits so to do, in accordance with the regulations in this part and file bond, Form 49, in the penal sum specified in § 182.183. Where such permit is obtained and bond is filed, the permit will also authorize transportation of tax-free alcohol or specially denatured alcohol in barrels or drums without additional bond requirement.

(2) *Transportation by consignors or consignees.* A consignor or consignee, in order to transport specially denatured alcohol in tank trucks controlled and operated by such consignor or consignee, must file application on Form 144 and procure permit, Form 145, authorizing such transportation and file consent of surety, Form 1533, on his bond Form 1432–A, 1435, 1475 or 1480, extending the terms thereof to be liable for the tax, together with penalties and interest on all specially denatured alcohol withdrawn, transported, used, or sold in violation of laws or regulations now or hereafter in force. If the maximum of the present bond is not sufficient when computed as set forth in § 182.183, a new bond in a sufficient penal sum must be furnished to cover the additional liability. These requirements shall not apply where specially denatured alcohol is withdrawn by the United States or any governmental agency thereof and is transported in tank trucks operated by employees of the United States.

(3) *Present permits and bonds.* Basic permits and bonds now held by motor carriers, and by consignors and consignees, which authorize the transportation of tax-free alcohol and specially denatured alcohol, may, on application and the filing of consents of surety, be modified to authorize tank truck shipments of specially denatured alcohol and to contain an undertaking to be liable for the tax, or an amount equal to the tax as provided in subparagraph (2) of paragraph (b) of this section. The consent of surety (or, if preferred, a new bond) must be modified so that the principal and surety will be responsible to the extent specified in § 182.183. (Sec. 3114 (a), I. R. C.)

§ 182.183 *Penal sum.* The penal sum of the bond must be computed at the rate of not less than $1,000 for each vehicle (other than a tank truck) to be used by the permittee, nor more than $10,000 for all such vehicles so used. The penal sum of the bond for the transportation of specially denatured alcohol in tank trucks shall be in the penal sum of $50,000 for each such tank truck, and not more than $200,000 for the total of all trucks used. (Sec. 3114 (a), I. R. C.)

BASIC PERMITS

ISSUANCE OF ORIGINAL BASIC PERMITS

§ 182.229 *Limitations under permit.* • • •

(g) *Permit to transport tax-free and specially denatured alcohol, Form 145.* The permit will specify the supervisory districts in which the carrier will be permitted to transport tax-free or specially denatured alcohol. If the carrier is a steamship or barge line or motor carrier operating between certain points and over certain courses or routes, such points and courses or routes will be specified in the permit. If the carrier is other than a railroad, steamship, express company, or motor carrier qualified with the Interstate Commerce Commission as a "self-insurer," or has filed bond in less than the maximum penal sum, specified in § 182.183, the permit shall specify the number of vehicles to be used by the permittee in transporting tax-free or specially denatured alcohol in vehicles other than tank trucks and in case of tank trucks the permit shall specify the number of tank trucks to be used in the transportation of specially denatured alcohol and the serial number and capacity of each. (Sec. 3114, I. R. C.)

OPERATION OF INDUSTRIAL ALCOHOL PLANTS

COLLECTION AND REMOVAL OF FUSEL OIL

§ 182.371 *Removal*—(a) *Containers.* Removable fusel oil may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such fusel oil shall be marked by the proprietor with his name, plant number, location (city or town and State), the words "Fusel Oil," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data.

PRODUCTION AND REMOVAL OF BUTYL ALCOHOL

§ 182.377 *Removal*—(a) *Containers.* Removable butyl alcohol may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such butyl alcohol shall be marked by the proprietor with his name, plant number, location (city or town and State), the words "Butyl Alcohol," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data.

PRODUCTION AND REMOVAL OF ACETONE

§ 182.383 *Removal*—(a) *Containers.* Removable acetone may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such acetone shall be marked by the proprietor with his name, plant number, location (city or town and State), the word "Acetone," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data.

PRODUCTION AND REMOVAL OF ETHER

§ 182.389 *Removal*—(a) *Containers.* Removable ether may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such ether shall be marked by the proprietor with his name, plant number, location (city or town and State), the word "Ether," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data.

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSES

APPROVED CONTAINERS

§ 182.514 *Tank trucks prohibited.* The transportation of undenatured ethyl alcohol in tank trucks will not be permitted. (Sec. 3101, I. R. C.)

OPERATION OF INDUSTRIAL ALCOHOL DENATURING PLANTS

DENATURING MATERIALS

§ 182.706 *Sample for chemist.* The storekeeper-gauger shall take a 1-pint sample of each lot of each denaturant received at the denaturing plant, and forward or deliver the sample to the authorized chemist. Where a lot of any denaturant is received in a tank car, tank truck or in packages and is placed in two or more storage tanks, or is received in a number of packages and retained therein pending analysis and approval of the denaturant, the storekeeper-gauger will take a proportionate sample from each tank or package, as the case may be, and thoroughly mingle the samples together. From this mixture the officer will take a 1-pint sample and forward or deliver it to the authorized chemist. The storekeeper-gauger shall then lock the tanks with a Government lock or securely close and seal the packages and none of the contents of the tanks or packages may be used until the sample has been officially tested and approved and a report of such test is received by the storekeeper-gauger in charge of the denaturing plant. All samples submitted for analysis must be placed in heavy glass bottles or other suitable containers, to be provided by the denaturer, and must be securely closed and sealed with a wax seal furnished for this purpose or a paper seal signed by the storekeeper-gauger taking the sample.

(a) *Labels on samples.* Each sample shall have a label, Form 1469, "Label for Denaturing Material," affixed thereto showing the name of the denaturer, plant number, serial number of the tank or the number and kind of the package from which the sample was taken, the kind and quantity of the denaturant represented by the sample, the date taken, and the name of the officer taking the sample. (Secs. 3070, 3102, I. R. C.)

APPROVED CONTAINERS

§ 182.728 *Railroad tank cars or tank trucks.* Denatured alcohol may be shipped in railroad tank cars only where the premises of both the denaturer and the consignee are equipped with suitable railroad siding facilities. Denatured alcohol may be transported by tank trucks only where suitable storage tanks are provided on the consignees' premises. The manhole covers, outlet valves and all other openings on all railroad tank cars or tank trucks used for shipping denatured alcohol shall be equipped with facilities for sealing so that the contents cannot be removed without showing evidence of tampering. Railroad or other appropriate seals, dissimilar in marking from cap seals used by the Bureau of Internal Revenue, for securing manhole covers, outlet valves and all other openings in tank cars or tank trucks containing denatured alcohol shall be furnished and affixed by the carrier or the proprietor: *Provided*, That serially numbered cap seals for use on tank trucks for the transportation of specially denatured alcohol shipped from denaturing plants shall be furnished by the Government and affixed by the storekeeper-gauger. Immediately after filling, the tank car or tank truck shall be sealed in such a manner as will secure all openings affording access to the contents of the tank.

(a) *Shipments of completely denatured alcohol*—(1) *To denaturers and their agents.* Completely denatured alcohol may be shipped in tank cars or tank trucks to other denaturing plants, as authorized in § 182.743. Completely denatured alcohol may also be shipped in tank cars or tank trucks by the denaturer to a person or concern acting as his agent, where the title does not pass from the denaturer, for transfer to packages for sale to others, and such packages shall be furnished by the denaturer. When completely denatured alcohol is thus shipped, the packages filled by the agent must be marked the same as if filled in the denaturing plant of the denaturer (except that the registry number of such plant will be omitted), and must also bear the embossed symbol and serial number, as required in § 182.727. Completely denatured alcohol may also be shipped in tank cars or tank trucks by the denaturer to himself at other premises for disposition in the same manner as in the case of completely denatured alcohol disposed of directly from the denaturing plant of the producer, or it may be so shipped by the denaturer to other producers of completely denatured alcohol at points not on the denaturing plant premises of such other producers, where the product will be filled into properly marked and embossed packages of the person to whom the shipment is made.

(2) *To users.* Upon approval of the district supervisor, completely denatured alcohol may be shipped in tank cars or tank trucks to manufacturers for their own exclusive use and not for resale: *Provided*, That the completely denatured alcohol is run directly from the tank car or tank truck into suitable storage tanks on the manufacturer's premises. Manufacturers desiring to procure completely denatured alcohol in tank cars or tank trucks shall file application therefor with the district supervisor of their district. If the completely denatured alcohol is to be procured from a denaturer located in the same district, the application shall be filed in triplicate, and if the completely denatured alcohol is to be procured from another district, the application shall be filed in quadruplicate. The application shall give the name and address of the denaturer from whom it is desired to procure the completely denatured alcohol, and shall specify the quantity to be received, the reasons for desiring to receive the completely denatured alcohol in tank cars or tank trucks and whether the applicant's premises are equipped with railroad siding facilities. Where it is desired to receive completely denatured alcohol in tank cars or tank trucks regularly, the application may be made for that purpose. If the district supervisor approves the application he will note his approval on all copies thereof, retain one copy, return one copy to the applicant, and forward one copy to the denaturer, and, where shipment is to be made from another district, one copy to the district supervisor of such district. (Secs. 2808, 3070, 3108 (a), 3109, I. R. C.)

§ 182.731 *Tank trucks.* Tank trucks may be used for transporting completely denatured alcohol or specially denatured alcohol subject to the provisions of the regulations in this part. Every tank truck used to transport denatured alcohol must conform to the following requirement: The tank shall be securely and permanently attached to the frame or chassis of the truck or trailer and shall be securely constructed of metal. Inter-

for bulkheads or stiffners must have proper drainage cut-outs. Manhole covers, outlet valves, vents or pressure relief valves, and all other openings shall be equipped for sealing so as to prevent unauthorized access to the contents of the tank. Outlets of each compartment must be so arranged that delivery of any compartment will not afford access to the contents of any other compartment. Partial delivery, by meter or otherwise, will not be permitted. There shall be but one consignor and one consignee per load. Calibrated charts, prepared or certified by competent and recognized authorities or engineers, showing the capacity of each compartment in wine gallons for each inch of depth shall be carried in each truck. Each tank truck shall also be equipped with a route board, at least 10 by 12 inches, constructed of substantial material and permanently attached thereto by roundheaded or carriage bolts, nutted and riveted, battered or welded. Provision will also be made for protection, against the weather, of the permit and label by the use of celluloid or equally substantial material. A copy of the basic permit under which transportation is authorized (as required by § 182.230) and the prescribed label will be affixed to such route board. Tanks shall be so constructed that they will completely drain the contents of each compartment, even when the ground is not perfectly level. Suitable ladders and cat walks, permanently attached, must be provided in order to permit ready examination of manholes and other openings. Provision shall be made for the proper grounding of tank trucks when filling or emptying. Prior to filling, the storekeeper-gauger, or the proprietor where no storekeeper-gauger is assigned, shall determine whether the tank truck is authorized to be used, by comparing the serial number and the capacity of the tank as marked thereon, with the basic permit, and will inspect all openings to the tank truck to determine whether they may be effectively sealed. If the tank truck does not meet such requirements, its use for the transportation of denatured alcohol will not be permitted. After filling, the storekeeper-gauger or the proprietor, as the case may be, shall seal the tank truck in such a manner as will secure all openings affording access to the contents of the tank. (Secs. 3070, 3108 (a), 3109, I. R. C.)

MARKS AND BRANDS

§ 182.738 *Tank cars and tank trucks*—(a) *Tank cars.* Every railroad tank car used to transport denatured alcohol must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name or symbols of the owner. If the tank car consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A," "B," etc., and the capacity in wine gallons of the compartment must be marked thereon. The denaturer shall securely attach to the route board of each such tank car a label showing the name, registry number, and location (city or town and State) of the denaturing plant, and the name, address, and permit number (if any) of the person to whom the denatured alcohol is shipped, followed by the date of shipment.

(b) *Tank trucks.* Every tank truck used to transport denatured alcohol must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name of the owner in letters at least four inches in height. If the tank truck consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A," "B," etc., and the capacity in wine gallons of each compartment must be marked thereon. The consignor shall securely attach to the route board of each tank truck, a label showing the name, registry number, and location (city or town and State) of the shipping plant or premises; the name, address and permit number (if any) of the person to whom the denatured alcohol is shipped, followed by the date of shipment; the quantity in wine gallons; and the formula number of denatured alcohol contained in each compartment. Such labels shall be destroyed upon emptying the tank truck. (Sec. 2808, I. R. C.)

TRANSFER OF DENATURED ALCOHOL BETWEEN DENATURING PLANTS

§ 182.750 *Receipt of denatured alcohol; general.* Upon receipt of the Forms 1467 and 1473, the storekeeper-gauger in charge of the receiving denaturing plant will make a memorandum record of the shipment and deliver the forms to the proprietor. When the denatured alcohol is received at the denaturing plant, the proprietor and the storekeeper-gauger will examine the shipment and where packages bear evidence of having sustained losses in transit, or railroad tank cars or tank trucks bear evidence of having sustained a loss, the losses will be determined and a report of such losses and of the examination of the shipment will be made to the district supervisor.

§ 182.752 *Method of deposit.* • • •

(b) *Denatured alcohol received in tank cars or tank trucks.* Denatured alcohol received in tank cars or tank trucks shall be weighed or measured and transferred immediately to storage tanks. If it is desired to receive denatured alcohol in railroad tank cars, proper railroad siding facilities must be provided at the denaturing plant. When denatured alcohol is received in tank cars or tank trucks, the seals must not be broken or any denatured alcohol removed, except in the presence of the storekeeper-gauger assigned to the receiving denaturing plant.

WITHDRAWAL OF DENATURED ALCOHOL

§ 182.754 *Specially denatured alcohol.* Specially denatured alcohol may be procured under appropriate permit by manufacturers using specially denatured alcohol, dealers in specially denatured alcohol, and the United States or governmental agency thereof. Prospective permittees or manufacturers may procure samples of specially denatured alcohol, as provided in § 182.826. Specially denatured alcohol must be removed from denaturing plants in approved containers, including tank cars and tank trucks provided the consignee's premises are equipped with suitable storage tanks. The exact contents of each package must be determined and the package marked in accordance with the regulations in this part. The details of such packages shall be entered on the appropriate forms as hereinafter provided. Specially denatured alcohol removed from denaturing plants must be transported in accordance with § 182.677. The denaturer shall present the permit, Forms 1477, 1485, 1486, or 1512, authorizing shipment, to the storekeeper-gauger prior to withdrawal. (Secs. 3070, 3108 (a), 3109, 3114 (a), I. R. C.)

RECORDS AND REPORTS OF PROPRIETOR

§ 182.785 *Form 1453–A.* When specially denatured alcohol is shipped to the United States or a governmental agency thereof, the proprietor will prepare one copy of Form 1453–A, except in the case of tank truck shipments when two copies will be prepared, and deliver them to the storekeeper-gauger who will check the forms with the records and permit, and, if found to agree therewith, he will initial all copies of the form and in the case of tank truck shipments, enclose one copy in a sealed envelope addressed to the Government officer to whom the specially denatured alcohol is consigned, and give the same to the driver of the tank truck for delivery to such officer. Upon receipt of the specially denatured alcohol, the receiving Government officer will execute the certificate of receipt on the form, after noting thereon any deficiency in the quantity received, and forward it to the district supervisor specified at the bottom of the form. The other copy of Form 1453–A will be forwarded by the storekeeper-gauger at the time of shipment to the district supervisor of the district in which the consignor's premises are located. The data required by § 182.786 to be entered on Form 1473 covering tank truck shipments will be entered on Form 1453–A for such transactions. The provisions of § 182.786 (d) will be followed by district supervisors in verifying such shipments of specially denatured alcohol. (Sec. 3070, I. R. C.)

§ 182.786 *Form 1473.* When specially denatured alcohol is shipped from the denaturing plant, the proprietor will prepare Form 1473 reporting the shipment. One copy of the form will be made for intradistrict shipments, and two copies for interdistrict shipments. An additional copy of the form will be prepared in the case of tank truck shipments. Where the proof of the alcohol used in producing specially denatured alcohol is other than 190 degrees of proof, the proof must be shown on Form 1473. Where shipments are made in tank cars, tank trucks, or consist of barrels or drums in carload lots, the name of the carrier and number of the car or tank truck, together with the routing (in the case of railroad tank cars or box cars), shall be entered on the form. The consignor shall not change the routing without giving prompt notice of such action to the district supervisor of his district, and if shipment is made to another district, to the district supervisor of such district. In addition, the serial numbers of the seals used, and in the case of tank trucks,

the State license number, the driver's full name, and the driver's permit number and State issuing the same, shall be recorded on all copies of Form 1473.

(a) *Disposition of forms.* At the time of shipment, the proprietor will deliver all copies of Form 1473 to the storekeeper-gauger, who will check the forms with the records and permits (in the case of specially denatured alcohol), and if found to agree therewith, he will initial the forms. In the case of tank truck shipments, he will enclose one copy in a sealed envelope addressed to the consignee, and give the same to the driver of the tank truck for delivery to the consignee. On receipt at the consignee's premises, the storekeeper-gauger or the consignee will receipt for the shipment, verify the information on the form and note thereon any discrepancies relative to the shipment. The Form 1473 will be forwarded by the storekeeper-gauger or the consignee immediately to the district supervisor of the district in which the consignor is located. In addition, on the day shipments are made, the storekeeper-gauger will forward one copy of the form to the district supervisor of the district in which the consignor is located, and, if shipments are made to another district, one copy to the district supervisor of such district. The same procedure will be followed where shipments in tank trucks are made of completely denatured alcohol, except Forms 1473 will be modified to read "completely" instead of "specially" denatured alcohol.

(b) *Intradistrict shipments.* Where shipment is made to a consignee located in the same district as the denaturing plant, the district supervisor will check Form 1473 with the monthly reports of the consignor and the consignee, and, if receipt of the shipment is duly reported by the consignee and the form agrees with the consignor's monthly report, the district supervisor will initial Part II of the form.

(c) *Interdistrict shipments.* Where shipment is made to another district, the district supervisor of the consignee's district will check Form 1473 with the consignee's monthly report, and, if receipt of the shipment is duly reported, he will execute Part III of the form and forward it to the district supervisor of the district in which the alcohol was shipped, who will check the receipted form with the consignor's monthly report, and, if found to agree therewith, he will initial Part II of the form.

(d) *Nonreceipt of shipment.* When specially denatured alcohol is not received within a reasonable time after shipment, or where any material or unexplained difference exists between the kind and quantity shipped and that received, or where there is reasonable ground to suspect that the specially denatured alcohol has been or will be used for purposes other than those authorized by the consignee's permit and by the law and regulations, the district supervisor shall investigate each case and take appropriate action in respect thereto. In addition, the district supervisor will check daily, on receipt, the Form 1473 covering tank truck shipments, and make any inquiry which he deems necessary with respect to any discrepancy. In the event of failure to receive a form from the storekeeper-gauger at the consignee's premises or from the consignee, as the case may be, within the time normally required for the truck to make the shipment and the form to be sent by mail, the district supervisor will make appropriate investigation. (Sec. 3070, I. R. C.)

SALE AND USE OF COMPLETELY DENATURED ALCOHOL

PROPRIETARY ANTI-FREEZE SOLUTIONS

§ 182.798 *Manufacture of proprietary anti-freeze solutions.* Proprietary anti-freeze solutions may be made with completely denatured alcohol for sale under trade names: *Provided*, That materials such as dye, rust inhibtor, petroleum distillates, etc., satisfactory to the Commissioner are added to the completely denatured alcohol in sufficient quantities to materially change to the composition and character of the completely denatured alcohol. Such solutions are not classified as completely denatured alcohol and may not be marked, branded, or sold as completely denatured alcohol. Completely denatured alcohol may not be obtained in tank cars or tank trucks for use in manufacturing proprietary anti-freeze solutions except by producers of denatured alcohol. (Secs. 3070, 3109, 3111, I. R. C.)

§ 182.802 *Prohibited containers.* Proprietary anti-freeze solutions may not be shipped in tank cars, tank trucks, or packages exceeding 55 wine gallons in capacity, except when shipped in tank cars or tank trucks by manufacturers to themselves at another location for packaging thereat in accordance with the regulations in this part. (Sec. 3070, I. R. C.)

OPERATIONS BY DEALERS IN SPECIALLY DENATURED ALCOHOL

RECEIPT OF SPECIALLY DENATURED ALCOHOL

§ 182.811 *Railroad tank cars or tank trucks.* If the bonded dealer receives specially denatured alcohol in railroad tank cars, railroad siding facilities for the receipt of such tank cars must be provided at the bonded dealer's premises. The denatured alcohol received in tank cars or tank trucks must be immediately deposited in storage tanks constructed in conformity with the provisions of § 182.102. When so deposited, the formula of the denatured alcohol shall be plainly marked on the storage tank. (Sec. 3070, I. R. C.)

FILLING OF PACKAGES BY BONDED DEALERS

§ 182.812 *When permissible.* Bonded dealers who receive specially denatured alcohol in tank cars or tank trucks and transfer the same to storage tanks in their storerooms, as provided in § 182.811, may fill packages of such specially denatured alcohol. Bonded dealers may also fill packages of specially denatured alcohol from denaturers' original packages where such original packages have been so damaged in transit as to necessitate repackaging, or where, upon receipt of approved Form 1477, Form 1485, Form 1486, or Form 1512, it is necessary to fill smaller packages for sale to authorized permittees in quantities less than the contents of the denaturer's original package, and specially denatured alcohol of the formula desired is not available in storage tanks for the filling of such packages. (Secs. 2808, 2866, 3070, I. R. C.)

§ 182.813 *Sale.* Specially denatured alcohol may be sold by bonded dealers holding basic permit, Form 1476, to manufacturers using specially denatured alcohol, and to other bonded dealers in specially denatured alcohol, pursuant to withdrawal permit, Form 1485 or Form 1477, as the case may be. Bonded dealers may also furnish samples of specially denatured alcohol to manufacturers, other bonded dealers, and to prospective permittees pursuant to sample permit, Form 1512: *Provided*, That in the case of samples, where the quantity involved in any case does not exceed 8 fluid ounces, permit, Form 1512, will not be required. Sales of specially denatured alcohol may also be made to the United States or governmental agencies thereof pursuant to permit, Form 1486. The provisions of § 182.754, respecting sales of specially denatured alcohol by denaturers, are hereby made applicable to sales of specially denatured alcohol by bonded dealers. Specially denatured alcohol sold by bonded dealers must be transported in accordance with § 182.677. Record and report of such transactions shall be reported on Form 1478, as provided in § 182.822. Tank trucks used for the transportation of specially denatured alcohol by bonded dealers, after filling, shall be sealed by appropriate seals, serially numbered, furnished and affixed by the shipper. The seal shall be dissimilar in marking from the cap seals used by the Bureau of Internal Revenue. The serial numbers of seals used and the data with respect to the carrier set forth in § 182.786 will be recorded by the dealer on Form 1473. One copy of the form will be forwarded by the dealer to the district supervisor of the district in which the dealer is located. One copy of the form will be forwarded to, and verified, by the consignee, and forwarded by him to the district supervisor of the district in which the consignor is located. (Secs. 3070, 3109, 3114 (a), I. R. C.)

LOSSES OF SPECIALLY DENATURED ALCOHOL

§ 182.816 *Losses in transit.* Losses in transit to bonded dealer's premises must be ascertained at the time the specially denatured alcohol is received by the bonded dealer. Accordingly, when packages, tank cars or tank trucks are received which show evidence of having sustained a loss in transit the bonded dealer should determine the extent of the loss at that time. The quantity ascertained to have been lost will be reported on Form 1478 on the line on which receipt of the shipment is reported, and in the column provided therefor. Where the quantity lost from any package, tank car or tank truck exceeds 1 per cent of the quantity originally contained therein, claim for allowance of the entire quantity lost from the package, tank car or tank truck will be made by the bonded dealer. If the

loss does not exceed 1 per cent, so calculated, claim for allowance will not be required, provided there are no circumstances indicating that the specially denatured alcohol lost or any part thereof, was unlawfully used or removed. (Sec. 3113, I. R. C.)

CARRIERS

§ 182.908 *Restricted use of containers*—(a) *Tank trucks.* Tank trucks shall not be used for the transportation of undenatured ethyl alcohol.

(b) *Railroad tank cars.* Shipment of alcohol or denatured alcohol by railroad tank cars may be made only when the premises of the consignor and consignee are equipped with satisfactory railroad siding facilities and the consignee is otherwise authorized to receive such shipment. (Secs. 3111, 3114 (a), I. R. C.)

IMPORTATION OF ALCOHOL FOR INDUSTRIAL PURPOSES

§ 182.994 *Customs gauge and release.* Prior to release from customs custody, the alcohol will be gauged by a customs officer who will enter the details of the gauge on all copies of the Form 1440. When shipments are made in tank cars, the details of gauge of each tank car will be reported separately thereon in accordance with the column headings on Form 1440. The customs officer will also show on each copy of Form 1440 the country of exportation of the alcohol. In addition, he will ascertain and state on each copy of the Form 1440 the rate of customs duty paid on the alcohol and the rate of customs duty which would have been applicable had such spirits been imported for beverage purposes. The customs officer will forward two copies of Form 1440 to the storekeeper-gauger at the industrial alcohol plant, bonded warehouse, or denaturing plant designated in the application, and retain one copy for customs purposes. The storekeeper-gauger at the plant or warehouse will, on receipt of the two copies of Form 1440, verify the shipment, note on both copies any discrepancies, forward one copy to the district supervisor of the district in which the plant or warehouse is located, and deliver the remaining copy to the proprietor of the plant or warehouse. (Sec. 3125 (a), I. R. C.)

§ 182.995 *Tank car, tank truck, and package shipments*—(a) *Tank cars to be sealed.* Where shipments of alcohol from customs custody to the industrial alcohol plant, bonded warehouse, or denaturing plant are made in tank cars, all openings affording access to the tanks will be sealed by the customs officer with customs seals.

(b) *Packages.* Where shipments of alcohol from customs custody are made in packages, the customs officer will gauge and release the alcohol pursuant to appropriate permit, Form 1436 or Form 1463, and application, Form 1440, in triplicate, in the same manner as alcohol shipped in tank cars, except that the sealing of the car in which transported will not be required. (Sec. 3125 (a), I. R. C.)

§ 182.997 *Gauging.* Upon receipt of the alcohol at the industrial alcohol plant, bonded warehouse, or denaturing plant from customs custody, it will be gauged in accordance with §§ 182.325 to 182.469 and §§ 182.683 to 182.790, inclusive, and the Gauging Manual: *Provided,* That where the bonded premises consist of storage tanks only, the spirits may be gauged upon receipt at such premises by any one of the following four methods, preference to be given in the order named:

(a) Weighed in scale tanks.

(b) Gauged by volume in accurately calibrated storage tanks.

(c) Weighed on railroad car scales located on bonded premises by weighing tank cars before and after filling and emptying, as the case may be.

(d) Gauged by volume in accurately calibrated tank cars. (Sec. 3125 (a), I. R. C.)

WITHDRAWAL OF IMPORTED ALCOHOL TAX FREE FOR USE OF THE UNITED STATES

§ 182.1006 *Bill of lading and customs seals.* Where the alcohol is transported by common carrier, the person to whom the alcohol was delivered for shipment shall furnish a copy of the bill of lading covering transportation of the alcohol from the port of entry to final destination to the governmental agency of the United States to whom the alcohol is consigned. If the alcohol is shipped in tank cars, all openings affording access to the tanks will be sealed by the customs officer with customs seals. (Sec. 3125 (b), I. R. C.)

2. Treasury Decision 5121, approved February 26, 1942, and Treasury Decision 5164, approved July 15, 1942, are hereby revoked.

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 2808, 2829, 2866, 3070, 3101, 3102, 3105, 3108, 3109, 3111, 3113, 3114, 3124, 3125, and 3176 of Internal Revenue Code (U. S. C., title 26, sections 2808, 2829, 2866, 3070, 3101, 3102, 3105, 3108, 3109, 3111, 3113, 3114, 3124, 3125, and 3176))

[SEAL] STEWART BERKSHIRE,
Acting Commissioner of Internal Revenue.

[F. R. Doc. 47-3857; Filed, Apr. 22, 1947; 8:54 a. m.]

[26 CFR, Part 197]

DRAWBACK OF TAX ON DISTILLED SPIRITS USED IN MANUFACTURE OF NONBEVERAGE PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 3250 and 4041 of the Internal Revenue Code (26 U. S. C. A. 3250 and 4041).

Regulations 29 (26 CFR, Part 197) are hereby amended in these respects:

1. Sections 197.8, 197.24 (c) (2), 197.26 and Article VII (§§ 197.33 and 197.34) are revoked; and

2. Sections 197.2, 197.3, 197.5, 197.17, 197.18, 197.21, 197.22, 197.23 (d), 197.24 (d), 197.24 (e), 197.25, and 197.28, are amended as follows:

§ 197.2 *Definitions.* As used in the regulations in this part, the following terms shall have the meaning as defined herein:

(a) "Domestic distilled spirits" and "Distilled spirits" shall mean that substance known as ethyl alcohol produced at industrial alcohol plants operated under Regulations 3 (26 CFR, Cum. Sup., Part 182), and those substances known as whisky, brandy, rum, or other spirits, produced at registered distilleries or fruit distilleries operated under Regulations 4 (26 CFR, Cum. Sup., Part 183) and 5 (26 CFR, Cum. Sup., Part 184).

(b) "Year" shall mean the period which begins July 1 and ends on the following June 30.

(c) "Intermediate products" shall mean products containing distilled spirits which are not subject to drawback until used in a nonbeverage product eligible for drawback.

§ 197.3 *Terms used in the statute.* * * *

(c) *"Time".* The "time" at which distilled spirits shall be deemed to have been used is when the product contains the ingredients called for by an approved formula, or formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy, as the case may be. (Sec. 3250 (1), I. R. C.)

(d) *"Filed".* A claim for drawback shall be deemed to have been "filed" when it is delivered to the proper district supervisor, Alcohol Tax Unit, and by him received.

(e) *"Total annual withdrawals".* The term "total annual withdrawals" shall mean the total quantity of distilled spirits (proof gallons), which are used in the manufacture or production of nonbeverage products during a year.

§ 197.5 *Payment and rates of special tax.* Each person who uses distilled spirits in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, in order to be eligible to claim the drawback on the distilled spirits so used, must pay special tax at the rate of $25 per annum for total annual withdrawals not exceeding 25 proof gallons of distilled spirits; $50 per annum for total annual withdrawals not exceeding 50 proof gallons; or $100 per annum for total annual withdrawals of more than 50 proof gallons. Where a claim is filed in the first quarter of a year, covering distilled spirits used during the last quarter of the preceding year, and special tax has not been paid for the preceding year, special tax for such preceding year must be paid in the appropriate amount prior to or at the time of filing the claim. Special tax, based upon estimated withdrawals, may be paid in advance of actual withdrawals. Adjustments of the special tax where improperly paid will be made in accordance with § 197.17. The manufacturer is not required to pay the special tax if he does not claim drawback on the distilled spirits used by him. (Secs. 3250 (1) and 4041 (a), I. R. C.)

§ 197.17 *Change to higher or lower rate of special tax*—(a) *Change to higher rate.* A manufacturer of nonbeverage products who pays special tax of $25 per annum and has filed or intends to file a claim or claims for drawback covering distilled spirits in excess of 25 proof gallons used during the year for which the special tax was paid, must pay special tax of $50 or $100, as the case may be, and obtain a stamp therefor. The manufacturer may thereupon submit the special tax stamp of $25 to the collector of internal revenue to whom the special tax was paid with a claim on Form 843 for refund of the value thereof. Similar procedure will govern in the case of a manufacturer of nonbeverage products who pays special tax of $50 and has filed or intends to file claim for drawback covering distilled spirits used in excess of 50 proof gallons.

(b) *Change to lower rate.* A manufacturer of nonbeverage products who pays special tax of $100 or $50 per annum, as the case may be, and, during the year for which the special tax was paid, files claim or claims for drawback covering the use of not more than 50 or 25 proof gallons of distilled spirits, as the case may be, may file a claim on Form 843 for refund of the difference between the special tax paid and the special tax due. The special tax stamp shall be attached to the claim. (Secs. 3250 (1), 3304, 3770, and 4041 (a), I. R. C.)

§ 197.18 *Refund of special tax.* Refund of special tax may be made if it is established that the taxpayer did not file a claim for drawback for the period covered by the special tax stamp. Where claim for drawback was filed, refund of special tax may be made if it is established that no drawback was allowed or paid for the period covered by the stamp. (Secs. 3250 (1) and 3770, I. R. C.)

§ 197.21 *Claims.* The claim for drawback shall be filed on Form 843, "Claim," in duplicate, with the district supervisor, Alcohol Tax Unit, for the district in which the place of manufacture is located, and shall pertain only to distilled spirits used in the manufacture or production of nonbeverage products during any one quarter of the year, and only one claim may be filed for each quarter. (Sec. 3250 (1), I. R. C.)

§ 197.22 *Date of filing claim.* The claim for drawback must be filed with the district supervisor, Alcohol Tax Unit, within the three months next succeeding the quarter in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products. (Sec. 3250 (1), I. R. C.)

§ 197.23 *Information to be shown by the claim.* * * *

(d) That the nonbeverage products were manufactured in compliance with (1) quantitative formulas filed with the Commissioner on Form 1678 prior to or at the time of manufacture, or (2) formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy.

§ 197.24 *Supporting data.* Each claim will be accompanied by statements of supporting data which shall be prepared in duplicate. One copy shall be attached to the original and one copy shall be attached to the duplicate of the claim.

* * * * *

(d) *Summaries*—(1) *Summary of distilled spirits.* A statement showing in proof gallons the quantity of all distilled spirits on hand at the beginning of the quarter, quantity in process beginning of the quarter, quantity received during the quarter, quantity used during the quarter in the manufacture of nonbeverage products subject to drawback, quantity used in the manufacture of intermediate products, quantity otherwise used not subject to drawback, quantity in process at the end of the quarter, and the quantity remaining on hand at the end of the quarter. Distilled spirits in process will include distilled spirits represented in unfinished nonbeverage products, mixtures, menstruums, etc. Any discrepancy between the amount of distilled spirits on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof.

(2) *Summary of distilled spirits recovered from the dregs or marc of percolation, or extraction, of products eligible for drawback under section 3250 (1), Internal Revenue Code.* A statement showing in proof gallons the quantity of all recovered distilled spirits on hand at the beginning of the quarter, quantity in process beginning of the quarter, quantity recovered during the quarter, quantity used not subject to drawback, quantity in process at the end of the quarter, and the quantity remaining on hand at the end of the quarter. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof. Distilled spirits recovered from dregs or marc of percolation, or extraction, of products eligible for drawback may be reused in the manufacture of medicines or flavoring extracts of the kind in which originally used. Such recovered distilled spirits are not eligible for drawback and may be reused only in the manufacture of nonbeverage products. They may not be used in the manufacture of intermediate products. (Sec. 190.4 (f), Reg. 15)

(3) *Summary of distilled spirits recovered from the dregs or marc of percolation, or extraction, of intermediate products.* A statement showing in proof gallons the quantity of all recovered distilled spirits on hand at the beginning of the quarter, quantity in process beginning of the quarter, quantity recovered during the quarter, quantity used during the quarter in the manufacture of nonbeverage products subject to drawback, quantity otherwise used, and the quantity remaining on hand at the end of the quarter. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof. Any distilled spirits recovered from the dregs or marc of percolation, or extraction, of intermediate products as defined in the regulations in this part are eligible for drawback of tax only when used in the manufacture of a nonbeverage product.

(e) *Statement of intermediate products.* A statement showing the quantity in wine gallons of each intermediate product and the quantity of distilled spirits (proof gallons) used therein: (1) On hand at the beginning of the quarter, (2) produced during the quarter, and (3) on hand at the end of the quarter, and showing the quantity in wine gallons of each intermediate product and the quantity of the distilled spirits contained therein (proof gallons): (1) Used during the quarter in eligible products, (2) used during the quarter in other intermediate products, and (3) otherwise disposed of during the quarter. Any discrepancy between the amount of intermediate products on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the statement with an explanation of the cause thereof. Only the distilled spirits remaining in an intermediate product at the time of its use in the manufacture of an approved nonbeverage product are eligible for drawback.

§ 197.25 *Handling of claims.* The district supervisor, Alcohol Tax Unit, will date-stamp each copy of the claim on Form 843, and, after recording, will examine the claim for the purpose of determining whether it is properly executed and that all supporting data have been submitted and will conduct such inquiries and investigations as may be necessary to verify that drawback is allowable on the distilled spirits covered by the claim. After completion of such verification he will forward the original copies of the claim and supporting data, and a copy of the report of investigation, with his recommendation as to the merit of the claim to the Commissioner. (Sec. 4041 (a), I. R. C.)

§ 197.28 *Statement of process.* The Commissioner, at his discretion, may at any time require any person claiming drawback under the regulations in this part to file a statement of process in addition to that required by Form 1678 and such other data as he may deem necessary for consideration of such person's claim for drawback. When such additional data are required, the statement of process should be submitted in triplicate with copies of the commercial labels used on the finished products. (Sec. 3250 (1), I. R. C.)

(Secs. 3250 and 4041 of Internal Revenue Code (26 U. S. C. A. 3250 and 4041))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

[F. R. Doc. 47-3856; Filed, Apr. 22, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8724]

EDWARD SCHMIDT

In re: Bank account owned by Edward Schmidt also known as Eduard Schmidt. F-28-28166-E-1, F-28-28166-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edward Schmidt, also known as Eduard Schmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Harlem Savings Bank, 124 East 125th Street, New York 35, N. Y., arising out of a Savings Account, Account Number 555,232, entitled Hedwig Schmidt, in trust for Eduard Schmidt, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Edward Schmidt, also known as Eduard Schmidt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3833; Filed, Apr. 21, 1947; 8:52 a. m.]

[Vesting Order 8725]

DENA STOHR

In re: Bank account owned by Dena Stohr, also known as Dina Stohr. D-28-5963-C-1, D-28-5963-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dena Stohr, also known as Dina Stohr, whose last known address is Ringstrasse 15, Malschenberg, Amt Wiesloch, Baden, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Dena Stohr, also known as Dina Stohr, by Franklin Savings Bank in the City of New York, Eighth Avenue and 42d Street, New York, New York, arising out of a savings account, Account Number 386562, entitled Dena Stohr, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3834; Filed, Apr. 21, 1947; 8:52 a. m.]

[Vesting Order 8726]

CAMILLO ZIRN

In re: Bank account owned by Camillo Zirn.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Camillo Zirn, whose last known address is 26 Yamamoto-Dori, 2-Chome, Kobe-Ku, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Camillo Zirn, by the National City Bank of New York, 55 Wall Street, New York, New York, arising out of a clean credit deposit account, entitled Dr. Camillo Zirn, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3835; Filed, Apr. 21, 1947; 8:53 a. m.]

[Vesting Order 7465, Amdt.]

HONOLULU SODA WATER CO.

In re: Claims against Honolulu Soda Water Company, Limited, owned by Shotaro Shimizu and others. D-39-996.

Vesting Order 7465, dated August 16, 1946, is hereby amended as follows and not otherwise:

By deleting therefrom Exhibit A which is attached thereto and made a part thereof and substituting therefor Exhibit A which is attached hereto and made a part hereof; and

By deleting from subparagraph 2 of said Vesting Order 7465 the name "Bank of Hawaii" and substituting therefor the name "Bishop National Bank of Hawaii."

All other provisions of said Vesting Order 7465 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Amount of Claim Against Honolulu Soda Water Co. Ltd., as of Jan. 23, 1946

Name:	
Shotaro Shimizu	$86.41
Yoshiyuke (Yoshisuke) Shindo	59.24
Riutaro (Rintaro) Nakatsu	59.24
Kumataro Yamashita	35.54
Ishichi (Ihichi) Matsuda	8.86
Umekichi Kanda	11.84
Total	261.13

[F. R. Doc. 47-3866; Filed, Apr. 22, 1947; 8:59 a. m.]

[Vesting Order 7911, Amdt.]

ELIZABETH GERTRUDE MEYER ET AL.

In re: Stocks owned by and debts owing to Elizabeth Gertrude Meyer, Walter Henniger and Robert Otto Meyer, also known as R. O. Meyer. 2037-47.

Vesting Order 7911, dated December 12, 1946, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 of said Vesting Order 7911 the certificate number 0324 set forth with respect to one hundred (100) shares of the capital stock of The Ruberoid Company, 500 Fifth Avenue, New York, New York, registered in the name of Elizabeth Gertrude Meyer and substituting therefor the certificate number 324.

All other provisions of said Vesting Order 7911 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3867; Filed, Apr. 22, 1947; 8:59 a. m.]

[Vesting Order 8650]

ICHITARO AMANO

In re: Stock, a bank account and a claim owned by Ichitaro Amano. D-39-15133-D-1, F-39-1386-C-1, F-39-1386-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichitaro Amano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ichitaro Amano by Fuji Furniture Co., Ltd., 40-48 S. Beretania Street, Honolulu, T. H., in the amount of $576.79, as of December 31, 1945, together with any and all accruals thereto, and any and all right to demand, enforce and collect the same,

b. 125 shares of $20 par value common capital stock of Fuji Furniture Co., Ltd., 40-48 S. Beretania Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificates numbered 1, 3, and 24, registered in the name of Ichitaro Amano, together with all declared and unpaid dividends thereon,

c. 45 shares of $20 par value 5% cumulative preferred capital stock of Fuji Furniture Co., Ltd., 40-48 S. Beretania Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificate number 1, registered in the name of Ichitaro Amano, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Ichitaro Amano, by Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a savings account, Account Number 50799, entitled Ichitaro Amano, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3862; Filed, Apr. 22, 1947; 8:59 a. m.]

[Vesting Order 8656]

YOICHI HORIUCHI ET AL.

In re: Stock and bank accounts owned by Yoichi Horiuchi and others. D-39-15133-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2a, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. 70 shares of $20 par value common capital stock of Fuji Furniture Co., Ltd., 40-48 S. Beretania Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Yoichi Horiuchi	7	15
Katsuo Horiuchi	21	25
Yoshio Kajiwara	11	10
Eitaro Sakata	12	20

together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations owing to the persons named in Exhibit A, attached hereto and by reference made a part hereof, by the Bishop National Bank of Hawaii, Honolulu, T. H., arising out of savings accounts, which

account numbers appear opposite the names of the persons listed in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons listed in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

BANK ACCOUNTS IN BISHOP NATIONAL BANK OF HAWAII OWNED BY YOICHI HORIUCHI AND OTHERS

Name of Depositor, Type of Bank Account and Number of Bank Account

Yoichi Horiuchi, Savings account, 50654.
Katsuo Horiuchi, Savings account, 50617.
Yoshio Kajiwara, Savings account, 50488.
Eitaro Sakata, Savings account, 50464.

[F. R. Doc. 47-3863; Filed, Apr. 22, 1947; 8:59 a. m.]

[Vesting Order 8722]

MARIA ONNERTZ ET AL.

In re: Stock owned by Maria Onnertz, Luise Onnertz, Margarete Onnertz and Mrs. Auguste Icks. F-28-11888-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Onnertz, whose last known address is Berlin, Germany, and Luise Onnertz, Margarete Onnertz and Mrs. Auguste Icks, each of whose last known address is Krefeld, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Sixteen (16) shares of $100 par value debenture stock of E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate number G127271, registered in the name of Paul Onnertz, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Maria Onnertz, Luise Onnertz, Margarete Onnertz and Mrs. Auguste Icks, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3864; Filed, Apr. 22, 1947; 8:59 a. m.]

[Vesting Order 8743]

JOHANNA KLARA MARIA DORING ET AL.

In re: Stock owned by Johanna Klara Maria Doring and others. F-28-863-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose last known addresses are set forth opposite their names, as follows:

Name and Address

Johanna Klara Maria Doring, Bohrstrasse 6, Hanau a/Main, Germany.
Erna Wilhelmine Clara Huning, Charlottenburg, Germany.
Carl Heinrich Doring, Dresden, Germany.
Martha Maria Else Feddersen, Berlin-Steglitz, Germany.
Bernhard Anton Erich Doring, Hanau, Germany,

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of $100 par value capital stock of Swift & Company, Union Stock Yards, Chicago 9, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by certificate number D 90274, registered in the name of E. F. Doring Estate, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3865; Filed, Apr. 22, 1947; 8:59 a. m.]

ALBERT H. STRONSTORFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, subject to any increase or decrease resulting from the administration of such property prior to return, and subject further to adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Albert H. Stronstorff; 4191-A-445; all right, title, and interest in and to United States Letters Patent No. 2,134,494. This return shall not be deemed to include the rights of any licensees under said patent.

For the Attorney General.

Executed at Washington, D. C., on April 17, 1947.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3868; Filed, Apr. 22, 1947; 8:59 a. m.]

OTTMAR LOEW

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., and described below, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Ottmar Loew (formerly Ottmar Makoto Loew), Los Angeles, Calif.; Claim 5624; an undivided one-half interest in property described in Vesting Order No. 2430 (8 F. R. 16538, December 8, 1943) relating to United States Letters Patent No. 1,881,227 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 17, 1947.

For the Attorney General.

DONALD C. COOK, *Director.*

[F. R. Doc. 47-3869; Filed, Apr. 22, 1947; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-141]

ACCIDENT AT ADA, OKLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry NC 8707H which occurred at Ada, Oklahoma, on April 13, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-mentioned proceeding that hearing is hereby assigned to be held on Thursday, April 24, 1947, at 9:00 a. m. (local time), in Room 304, Federal Building, Ada, Oklahoma.

Dated at Washington, D. C., April 17, 1947.

[SEAL] ROBERT W. CHRISP, *Presiding Officer.*

[F. R. Doc. 47-3853; Filed, Apr. 22, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-982]

NORFOLK & WESTERN RAILWAY CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of April A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $100 par value, of Norfolk & Western Railway Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to May 7, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3860; Filed, Apr. 22, 1947; 8:55 a. m.]

[File Nos. 54-74, 59-69]

NORTH CONTINENT UTILITIES CORP. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO LIQUIDATION PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of April A. D. 1947.

The Commission having by order entered on November 16, 1943 (Holding Company Act Release No. 4686) approved a plan providing for the liquidation and dissolution of North Continent Utilities Corporation ("North Continent"), a registered holding company, filed by that company and its subsidiary companies pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, designed to enable the North Continent holding company system to comply with section 11 (b) of the act; and the Commission having by said order reserved jurisdiction as to any steps taken to effectuate disposition of North Continent's assets;

The District Court of the United States for the District of Delaware having on March 17, 1944 entered an order approving said plan, and having on July 7, 1945, entered an amendatory order providing that "North Continent Utilities Corporation until further order of this court may enter into transactions not inconsistent with the plan, including sales of its assets or assets of its subsidiaries, upon the filing of appropriate applications and declarations with, and the entry of appropriate orders by the Securities and Exchange Commission, in conformity with the Public Utility Holding Company Act of 1935 and the rules, regulations and orders promulgated and issued thereunder";

The Commission having by order entered on November 5, 1945 (Holding Company Act Release No. 6190), released jurisdiction in respect of the following transactions:

(a) The sale by Elk River Power & Light Company, a wholly owned subsidiary of North Continent, of all its physical properties to the Village of Elk River, a municipal corporation in Minnesota, for a base price of $50,000;

(b) The following sales by New Mexico Public Service Company, a wholly owned subsidiary of North Continent, of certain of its physical properties, known as its "Farmington Division";

(1) The sale of the properties of the "Farmington Division" located in the Town of Farmington and extending five miles beyond the town's boundaries to the Town of Farmington, a municipal corporation in New Mexico, for a base price of $210,000;

(2) The sale of the properties of the "Farmington Division" extending more than five miles beyond the Town of Farmington's boundaries to Basin Light and Power Company, a New Mexico corporation, for a base price of $90,000;

North Continent having filed an application and amendments thereto requesting a supplemental order releasing jurisdiction in respect of the sale by New Mexico Public Service Company of certain of its physical properties, known as its "Hot Springs Division" to the Town of Hot Springs, a municipal corporation in New Mexico, for a base price of $167,500; and it appearing to the Commission that said transaction represents a necessary step to effectuate disposition of the assets of North Continent, and that said sale is, by virtue of the provisions of paragraph (b) (3) of Rule U-44 promulgated under the provisions of section 12 (d) of the act, excepted from the requirements of Rule U-44; and that jurisdiction should be released in respect of said sale;

It is ordered, That jurisdiction reserved in the order heretofore entered herein on November 16, 1943, be and hereby is released in respect of said sale.

It is further ordered, That in all other respects said order of November 16, 1943, remains in full force and effect.

North Continent having requested that the order entered herein contain findings and recitals necessary to meet the requirements of sections 371, 372, 373 and 1808 of the Internal Revenue Code, as amended, in respect of said sale by New Mexico Public Service Company of its "Hot Springs Division", as well as the sales by New Mexico Public Service Company and by Elk River Power & Light Company referred to in our order of November 5, 1945, and hereinabove described, and in respect of the use of the proceeds of all said sales; and it appearing that said request may be appropriately granted;

It is further ordered and recited, That the following transactions are necessary and appropriate to the integration or simplification of the North Continent holding company system, of which New

Mexico Public Service Company and Elk River Power & Light Company are members, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

(a) The sale by New Mexico Public Service Company of certain of its physical properties, known as its "Hot Springs Division" to the Town of Hot Springs, New Mexico, for a base price of $167,500;

(b) The use by New Mexico Public Service Company of the net proceeds of the aforesaid sale, together with other funds of said company, to reduce the unpaid principal amount of its promissory notes, dated February 24, 1934, aggregating $550,000, held by North Continent Utilities Corporation;

(c) The sale by Elk River Power & Light Company of all its physical properties to the Village of Elk River, Minnesota, for a base price of $50,000;

(d) The use by Elk River Power & Light Company of the net proceeds of the aforesaid sale, together with other funds of said company, to reduce the unpaid principal amount of its promissory note, dated February 23, 1929, in the principal amount of $145,000, held by North Continent Utilities Corporation;

(e) The sales by New Mexico Public Service Company of certain of its physical properties, known as its "Farmington Division," in part to the Town of Farmington, New Mexico and in part to Basin Light and Power Company, for base prices of $210,000 and $90,000, respectively;

(f) The use by New Mexico Public Service Company of the net proceeds of the aforesaid sales, together with other funds of said company, to reduce the unpaid principal amount of the promissory notes referred to in subdivision (b) above, held by North Continent Utilities Corporation;

(g) The use by North Continent Utilities Corporation of the funds received by it as a result of the transactions referred to in subdivisions (a) through (f) above to cause ratable payments to be made on the unpaid principal amount of its First Lien Collateral and Refunding Gold Bonds, Series A, 5½%, due January 1, 1948;

The properties referred to in subdivision (a) above being more completely specified, itemized, and described in the Exhibit annexed to the amended application filed herein on March 24, 1947, and the properties referred to in subdivision (c) and (e) above being more completely specified, itemized, and described in the Exhibits annexed to the applications filed herein on September 28, 1945 and September 20, 1945, respectively; said specifications, itemizations, and descriptions of said properties contained in said exhibits to said applications are hereby incorporated by reference in this order and made a part hereof, with the same force and effect as if set forth at length herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-3859; Filed, Apr. 22, 1947; 8:54 a. m.]

[File No. 70-1502]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of April A. D. 1947.

Notice is hereby given that Virginia Electric and Power Company ("Virginia"), a public utility operating company and subsidiary of Engineers Public Service Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder. Applicant designates sections 9 (a) (1) and 10 of the act as applicable to the proposed transactions.

All interested persons are referred to the application which is on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

East Coast Electric Company ("East Coast") proposes to file a declaration which will seek authority to sell at competitive bidding, pursuant to the provisions of Rule U-50 promulgated under the act, 60,000 shares of its common stock, $10 par value, and $1,300,000 principal amount of First Mortgage Bonds, Series A, due January 1, 1977, being all the securities of the company then outstanding. East Coast, presently known as Virginia East Coast Utilities, Inc., a subsidiary operating company of East Coast Public Service Company, a registered holding company, is presently undergoing reorganization pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935. Virginia desires to qualify as a bidder for such common stock and bonds, when and if such securities are offered at competitive bidding by East Coast.

Virginia proposes, if it is the successful bidder for the East Coast securities, to finance its purchase temporarily with treasury cash to the extent available, and any excess cash required will be obtained under a credit agreement with The Chase National Bank of the City of New York, pursuant to which agreement Virginia is authorized to borrow up to an aggregate of $5,000,000. The application states that permanent financing of this proposed acquisition is expected to be accomplished subsequently.

The application further states that in the event Virginia acquires the common stock and bonds of East Coast, Virginia will either cause East Coast to transfer its property and assets to Virginia and thereupon dissolve and will file any necessary applications in connection therewith, or it will file an application with the Commission requesting exemption of Virginia as a holding company.

The applicant further states that the State Corporation Commission of Virginia has jurisdiction over the proposed transaction.

It is ordered, That a hearing on said matters under the applicable provisions of the act and the rules of the Commission thereunder, be held on April 28, 1947, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift or any other hearing officer or officers designated by the Commission to preside at such hearing shall exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the specific matters of fact and law to be considered and determined at said hearing (subject to such amendment as may hereafter be made and subject to the consideration and determination of such other issues as may be raised by interested parties), are the following:

(1) Whether the proposed acquisition by Virginia of the securities of East Coast meets the requirements of the applicable provisions of the act, particularly section 10 thereof.

(2) Whether, within the meaning of section 10 (b) (1) of the act, the acquisition by Virginia of the common stock of East Coast will tend toward a concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

(3) Whether, within the meaning of section 10 (c) (1) of the act, the proposed acquisition by Virginia of the securities of East Coast will be detrimental to the carrying out of the provisions of section 11.

(4) Whether, within the meaning of section 10 (c) (2) of the act, the acquisition by Virginia of the securities of East Coast will serve the public interest by tending toward the economical and efficient development of an integrated public-utility system.

(5) Whether, if the proposed acquisition is authorized and Virginia is the successful bidder, the accounting entries to be made upon the books of Virginia meet the requirements of the applicable provisions of the act.

(6) Whether, if the proposed acquisition by Virginia is authorized and Virginia is the successful bidder, the proposed financing of such acquisition satisfies the standards of sections 7 (c) and (d) of the act.

(7) Whether the fees, commissions or other remunerations to whomsoever paid in connection with the proposed transactions are reasonable.

(8) Whether it is necessary or appropriate to impose terms or conditions with respect to the proposed transactions in the public interest or for the protection of investors or consumers, and if so, what terms and conditions should be imposed.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before the 25th day of April 1947, his requests or application therefor, as provided by Rule XVII of the rules of practice of the Commission. Such requests shall set forth the nature of such person's interest in the proceedings, the reasons for request to be heard or to intervene, which of the issues, as set forth above, such person proposes to controvert, together with a statement of any additional issues proposed to be raised in such proceedings.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate, either in whole or in part, or for disposition in whole or in part, any of the issues, questions or matters herein set forth, or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Virginia, East Coast, and the State Corporation Commission of Virginia by registered mail, and to all other interested persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the act and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3858; Filed, Apr. 22, 1947; 8:54 a. m.]

APR 25 '47

FEDERAL REGISTER

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Washington, Thursday, April 24, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9840

AMENDING EXECUTIVE ORDER No. 9492, AS AMENDED, PRESCRIBING REGULATIONS GOVERNING NON-MILITARY AND NON-NAVAL TRANSPORTATION ON ARMY AND NAVY AIR TRANSPORTS

By virtue of the authority vested in me by the Constitution and laws of the United States and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered that Executive Order No. 9492 of October 24, 1944, as amended by Executive Orders No. 9629 of September 25, 1945, No. 9714 of April 20, 1946, and No. 9792 of October 23, 1946, prescribing regulations governing non-military and non-naval transportation on Army and Navy air transports, be, and it is hereby, further amended by substituting the words "two years and eight months" for the words "two and one-half years."

HARRY S. TRUMAN

THE WHITE HOUSE,
April 22, 1947.

[F. R. Doc. 47-3957; Filed, Apr. 23, 1947; 10:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

STANDARDS FOR FRESH FRUITS AND VEGETABLES AND OTHER PRODUCTS

By virtue of the authority (11 F. R. 7713) vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Tangerines which were issued September 22, 1941 and amended October 27, 1941. These amended standards are currently in effect pursuant to the Department of Agriculture Appropriation Act of 1947 (Pub. Law 422, 79th Cong., 2d sess., approved June 22, 1946).

§ 51.416 *Tangerines*—(a) *General.* (1) Standards for tangerines, formerly issued as a part of the U. S. Standards for Citrus Fruits, are issued herewith as separate standards. These standards apply only to tangerines and not to other varieties of the Mandarin group.

(2) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(3) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(4) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(b) *Grades*—(1) *U. S. Fancy.* U. S. Fancy shall consist of tangerines which are mature, firm, and well-formed; free from soft bruises, bird pecks, unhealed skin-breaks, and decay; free from damage by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(i) Each fruit in this grade shall be highly colored.

(ii) In this grade not more than $\frac{1}{10}$ of the surface in the aggregate of each fruit may have a light shade of brown discoloration caused by rust mite, or an equivalent in appearance to this amount when the fruit is discolored by any cause. (See Tolerances.)

(2) *U. S. No. 1.* U. S. No. 1 shall consist of tangerines which are mature, firm and well-formed; free from soft bruises, bird pecks, unhealed skin-breaks, and decay; free from damage by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

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(i) Each fruit of this grade shall be well-colored and the fruits in each container shall be fairly uniform in color.

(ii) In this grade not more than one-third of the surface in the aggregate of each fruit may have a light shade of brown discoloration caused by rust mite, or an equivalent in appearance to this amount when the fruit is discolored by any cause. (See Tolerances.)

(3) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruit shall show some discoloration, and more than 20 percent, by count, of the fruit shall have more than one-third of the surface of each fruit affected with bronzed russeting: *Provided*, That no discoloration that exceeds the amount allowed in the U. S. No. 1 grade shall be permitted unless such discoloration is caused by thrip or wind scars, or rust mite.

(4) *U. S. Combination Grade.* Any lot of tangerines may be designated "U. S. Combination" when not less than 50 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade: *Provided*, That the fruits in each container shall be fairly uniform in color. (See Tolerances.)

(5) *U. S. No. 2.* U. S. No. 2 shall consist of tangerines which are mature, fairly firm, and fairly well-formed; free from soft bruises, bird pecks, unhealed skin-breaks and decay; free from serious damage by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(i) Each fruit of this grade shall be fairly well-colored.

(ii) In this grade not more than two-thirds of the surface in the aggregate of each fruit may be affected with light brown discoloration, or may have the equivalent to this amount in appearance when the fruit has lighter or darker shades of discoloration. (See Tolerances.)

(6) *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of the surface in the aggregate affected with light brown discoloration. (See Tolerances)

(7) *U. S. No. 3.* U. S. No. 3 shall consist of tangerines which are mature, not flabby and not seriously lumpy; which are free from unhealed bird pecks, unhealed skin-breaks and decay; free from very serious damage by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale-sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided, as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 2 and U. S. No. 2 Russet.* Not more than a total of 10 percent, by count, of the fruit in any container may be below the requirements of the grade other than for discoloration but not more than 5 percent shall be allowed for very serious damage other than by dryness or mushy condition and not more than one-half of 1 percent shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination. In addition, not more than a total of 10 percent, by count, of the fruit in any container may not meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

(2) *U. S. Combination.* Not more than a total of 10 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than 5 percent shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-half of 1 percent shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required or specified: *Provided*, That the entire lot averages within the percentage specified.

(3) *U. S. No. 3.* Not more than a total of 15 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than 5 percent shall be allowed for defects other than dryness or mushy condition, and not more than 1 percent shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination.

(d) *Standard pack.* (1) The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of the fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size," as, for example, "210's," or "210 size." Containers which are not so marked shall not be regarded as meeting requirements of "standard pack."

(2) Fruit in each container shall be of a size not less than the minimum diameters specified below for the various packs. Packs other than those listed shall have a minimum size not less than that specified for the nearest count.

DIAMETER IN INCHES

Pack:	Minimum
100	2 5/16
120	2 1/16
150	2
176	2
210	2
246	2
294	2

(3) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruit in any container may be below the minimum size for the count as specified above.

(e) *Definitions.* (1) "Firm" means that the flesh is not soft and the fruit is not badly puffy, and that the skin has not become materially separated from the flesh of the tangerine.

(2) "Well-formed" means that the fruit has the characteristic tangerine shape and is not deformed.

(3) "Damage" means any defect or blemish which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Ammoniation, when not occurring as speck-type similar to melanose: *Provided,* That no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade.

(ii) Creasing, when it materially affects the appearance or shipping quality of the fruit.

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(iv) Green spots or oil spots, when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is approximately one-eighth inch in diameter.

(v) Pitting, when materially affecting the appearance or shipping quality of the individual fruit.

(vi) Scale, when occurring as a blotch which averages more than three-eighths inch in diameter or any scale that detracts from the appearance of the individual fruit to a greater extent than a three-eighths inch blotch. "Blotch" refers to actual scale and not the discolored area caused by scale.

(vii) Sprayburn, when causing the skin to become hard or when it materially affects the appearance of the fruit.

(viii) Sunburn, when causing the skin to become hard or when it materially affects the appearance of the fruit.

(ix) Unsightly discoloration, when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance.

(x) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(xi) Melanose, when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

(xii) Scars, when not smooth, or when causing any noticeable depression or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(xiii) Scab, when not smooth, or when it affects shape or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade. Scab injury that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

(4) "Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

(5) "Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area, provided no discoloration may affect the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, or wind scars, or by rust mite shall not be permitted in the U. S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U. S. No. 1 grade. (See definition 7, "Bronzed russeting")

(6) "Well-colored" means that the ground color of each fruit is a good shade of yellow or reddish tangerine color and not a pale yellow color.

(7) "Bronzed russeting" means russeting caused by thrip, or wind scars, or by rust mite or similar russeting which is not readily distinguishable from that caused by rust mite. Discolorations caused by melanose, scab, etc. are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U. S. No. 1 grade and are not permitted in the U. S. No. 1 Bronze grade.

(8) "Fairly uniform in color" means that the fruits in each container have the same general shade of color; that is, tangerines of pronounced differences in color shall not be mixed in the same container.

(9) "Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

(10) "Fairly well-formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

(11) "Serious damage" means any defect or blemish which seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or dark and aggregating more than one-half inch in diameter or when light-colored and aggregating more than 1 inch in diameter.

(ii) Creasing, when it causes the skin to be seriously weakened.

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-quarter inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(iv) Green spots or oil spots, when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is approximately one-eighth inch in diameter.

(v) Pitting, when seriously affecting the appearance or shipping quality of the fruit.

(vi) Scale, when occurring as a blotch which averages more than one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than a one-half inch blotch. "Blotch" refers to actual scale and not the discoloration caused by scale.

(vii) Sprayburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit.

(viii) Sunburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit.

(ix) Unsightly discoloration, when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance.

(x) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(xi) Melanose, when badly caked and aggregating more than ½ inch in diameter or when lightly caked and aggregating more than 1 inch in diameter, or when unsightly or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(xii) Scars, when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U. S. No. 2 or U. S. No. 2 Russet grades.

(xiii) Scab, when not fairly smooth, or when it materially affects the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

(12) "Fairly well-colored" means that a yellow or reddish tangerine ground color shall predominate over the green color on practically the entire surface of each fruit.

(13) "Very serious damage" means any defect or blemish which very seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as very serious damage:

(i) Ammoniation, when scars are badly cracked, or when dark and aggregating more than 1 inch in diameter, or when light-colored and detracting from the appearance of the fruit to a greater extent than 1 inch of dark ammoniation.

(ii) Creasing, when causing the skin to be seriously weakened.

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-quarter inch in all segments at the stem end or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(iv) Pitting, when it very seriously affects the appearance or the shipping quality of the fruit.

(v) Scale, when it very seriously affects the appearance of the fruit.

(vi) Sprayburn, when it very seriously affects the appearance of the fruit.

(vii) Sunburn, when it very seriously affects the appearance of the fruit.

(viii) Unsightly discoloration, when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance.

(ix) Melanose, when caked to the extent that the appearance of the fruit is very seriously affected.

(x) Scars, when so deep, rough, or so unsightly that the appearance of the fruit is very seriously injured.

(xi) Scab, when it causes the fruit to be very seriously injured.

(f) *Cull.* A cull is a fruit which does not meet the requirements of U. S. No. 3 grade. (54 Stat. 555; 7 U. S. C. and Sup. 414)

Done at Washington, D. C., this 18th day of April 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration

[F. R. Doc. 47-3882; Filed, Apr. 23, 1947; 8:50 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 560]

PART 301—DOMESTIC QUARANTINE NOTICES

STERILIZATION OF GRAPEFRUIT

Because of increasing numbers of infestations of Mexican fruitflies now occurring in the regulated area in the Rio Grande Valley it has become necessary to require the sterilization of grapefruit produced in and moved interstate from the Texas counties of Cameron, Hidalgo, and Willacy effective 12:01 a. m., April 24, 1947, and continuing for the remainder of the shipping season.

The date upon which this requirement becomes necessary depends upon development of insect conditions and cannot be determined in advance. To accomplish the purpose for which it is intended this requirement must be made effective immediately upon determination that it is necessary. Accordingly, it is found, upon good cause, that compliance with the rule making procedure of section 4 (a) of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 238) is impracticable and contrary to the public interest, and it is found that good cause exists for noncompliance with the thirty day publication requirement of section 4 (c) of that act.

§ 301.64-4d *Administrative instructions relative to the Mexican fruitfly quarantine.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (e) of § 301.64-4 (Notice of Quarantine No. 64), it is hereby required that effective 12:01 a. m., April 24, 1947, and continuing throughout the harvesting season to the close of June 15, 1947, all grapefruit, as a condition of certification for interstate movement from the Texas counties of Cameron, Hidalgo, and Willacy, shall be sterilized in accordance with the methods authorized in B. E. P. Q. 472, revised effective September 25, 1941 (7 CFR Cum. Supp. 301.64-4a).

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161)

Done at Washington, D. C., this 17th day of April 1947.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 47-3881; Filed, Apr. 23, 1947; 8:47 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[1947 Bulletin, Amdt. 1]

PART 702—INSULAR AGRICULTURAL CONSERVATION PROGRAM

GENERAL PROVISIONS RELATING TO PAYMENTS; FAILURE TO MAINTAIN PRACTICES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, (49 Stat. 1148, 16 U. S. C. 590g to 590q) the 1947 Agricultural Conservation Program Bulletin for the Insular Region, issued August 23, 1946, is hereby amended as follows:

Section 702.805, *General provisions relating to payments,* is amended with the addition of a paragraph (f) as follows:

(f) *Failure to maintain practices carried out under previous programs.* Where the State office determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practice or the effectiveness of any such practice is destroyed during the 1947 program year, a deduction shall be made for the extent of the practice destroyed or not maintained from the payment of the person responsible for incurring such deduction after the payment has been increased in accordance with the provisions of § 702.803. The deduction rate shall be the 1947 practice rate, or if the practice is not offered in 1947, the practice rate in effect during the year the practice was performed.

(49 Stat. 1148; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 21st day of April 1947.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3902; Filed, Apr. 23, 1947; 8:46 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 51, Termination]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

TERMINATION OF CONTROL OF EDIBLE MOLASSES

War Food Order No. 51, as amended (11 F. R. 12282, 14509), is hereby terminated.

This termination shall become effective at 12:01 a. m., e. s. t., April 21, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 51, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087)

Issued this 18th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3891; Filed, Apr. 23, 1947; 8:48 a. m.]

TITLE 13—BUSINESS CREDIT

Chapter I—Reconstruction Finance Corporation

PART 02—PROCEDURES

CENTRAL ORGANIZATION

Section 02.16 (11 F. R. 177A-459) is deleted in its entirety and the following substituted therefor:

§ 02.16 *Office of Metal Reserve*—(a) *In general.* Inquiries regarding the activities of the Office of Metals Reserve should be addressed to the Reconstruction Finance Corporation, Office of Metals Reserve, 811 Vermont Avenue NW., Washington 25, D. C.

(b) *Sale of certain strategic and critical metals and minerals*—(1) *Sale of strategic and critical metals and minerals.* The Office of Metals Reserve, Reconstruction Finance Corporation, has available for sale to the public limited quantities of the metals and minerals listed below in List A. These are termed "strategic and critical materials" and are available to meet the current requirements of industry under the provisions of the Strategic and Critical Materials Stock Piling Act of 1946, PL 520, 79th

Congress, The Office of Metals Reserve will sell these List A materials in quantities not less than the minimum sales quantities specified in List A.

(2) *Recommendations by the Civilian Production Administration to the Office of Metals Reserve, as to the sale of these materials.* The Office of Metals Reserve in making sales to the public of List A materials, will be guided by the recommendations of the Civilian Production Administration of the Office of Temporary Controls, as to the buyers and quantities.

(3) *Criteria for recommendations by the Civilian Production Administration.* In order to make the most effective use of these materials to help meet industrial deficiencies, CPA will consider applications and make recommendations to the Office of Metals Reserve on the basis of the following criteria:

(i) The applicant requires the material for his own immediate use in its present form; or

(ii) The applicant is a distributor of the material engaged in supplying the needs of small businesses, whose current requirements are less than the RFC minimum sales quantities, and the distributor undertakes to make the material purchased by him available only to persons recommended by the CPA.

(iii) In the limited cases described in subdivisions (i) and (ii) of this subparagraph, recommendations will be made only upon the further findings by CPA that:

(*a*) The use of a substitute or less scarce material is not practical; and

(*b*) The material is not available from private sources, foreign or domestic; and

(*c*) The quantity of material requested, including materials in inventory and to be received from other sources, will not result in more than a minimum working inventory.

(iv) In respect to any material in which the Office of Metals Reserve stocks are extremely limited in relation to the amounts required to meet industrial deficiencies, as established by CPA under the Strategic and Critical Stock Piling Act, recommendations to sell will generally be made only in cases of emergency such as to prevent a plant shutdown or for public health and safety.

(4) *How to make application for purchase of List A materials from RFC.* Any person wishing to purchase any List A material from the Office of Metals Reserve and who believes that he meets the criteria referred to in subparagraph (3) of this paragraph, may apply directly to the CPA, Washington 25, D. C., on RFC Form MR-45. These forms are available at the CPA, Washington 25, D. C. Applications on RFC Form MR-45 should be filed with CPA on or before the 15th day of the month previous to the month in which delivery is required. Applicants will be advised by CPA of its action.

(5) *Bureau of the Budget approval.* The above requirements for information to be supplied with the application have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

LIST "A"

Metals and minerals	Minimum sales quantities	Remarks
Aluminum: Primary pig	Minimum carload.	
Asbestos: Rhodesian Chrysotile fiber (grade C and GI, C & G/2) African Amosite fiber (grades 3/DM1, B3 and D3).	Minimum carload.	
Beryl: Ores or concentrates	Minimum carload.	
Bismuth: Metal	1 case	In view of the extremely limited supply, recommendation will be made only for the urgent needs of the Armed Forces or where bismuth metal is required for emergency use for public health and safety and it cannot be supplanted by drugs ordinarily furnished to hospitals and similar institutions.
Cadmium: Metal	100 pounds	In view of the extremely limited supply, recommendation will be made only in cases of emergency.
Chromite: Metallurgical and chemical ores and concentrates.	Minimum carload.	
Copper: Electrolytic or fire refined copper; cathodes, wire bars, cakes, slabs, ingot bars, billet, or bars.	Minimum carload	In view of the extremely limited supply, recommendation will be made only in cases of emergency.
Corundum: Canadian concentrates	No minimum necessary.	
Graphite: Madagascar flake and fines and Ceylon lump.	Minimum carload 10 tons.	
Pig lead	Minimum carload	In view of the extremely limited supply, recommendation will be made only in cases of emergency.
Manganese: Metallurgical ores	Minimum carload.	
Mica: Muscovite block, film and splittings.	No minimum necessary.	
Zinc: Slab, zinc oxide, ores and concentrates.	Minimum carload	In view of the extremely limited supply of metal (slab) and zinc oxide, recommendation will be made only in cases of emergency.

(Pub. Law 404, 79th Cong., 60 Stat. 237)

[SEAL] LEO NIELSON,
Assistant Secretary.

[F. R. Doc. 47-3875; Filed, Apr. 23, 1947; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-386]

PART 170—TRADE PRACTICE RULES RESPECTING THE TERMS "WATERPROOF," "SHOCKPROOF," "NONMAGNETIC," AND RELATED DESIGNATIONS, AS APPLIED TO WATCHES, WATCHCASES, AND WATCH MOVEMENTS

At a regular session of the Federal Trade Commission held at its office in the City of Washingto, D. C., on the 21st day of April 1947.

Due proceedings having been held under the Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the Trade Practice Rules of Group I, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of April 24, 1947.

Statement by the Commission. Trade practice rules covering use of the terms "waterproof," "shockproof," "nonmagnetic," and related designations, as applied to watches, watchcases, and watch movements, have today been promulgated by the Federal Trade Commission under the Trade Practice Conference procedure.

Such rules, as hereinafter set forth, clarify requirements for proper use of the terms and have for their purpose the elimination and prevention of deception in the marketing of watches, watchcases, and watch movements, whether of domestic or foreign manufacture, and the maintenance of fair competition among persons, firms, and corporations engaged in the sale, offering for sale, or distribution of these articles.

Provisions of the rules respecting the use of such terms are applicable with respect to every species of advertisement, whether in newspapers, periodicals, sales catalogs, sales promotional literature, on the radio, or otherwise; and also to the use of the terms as a mark, or part of the marking, on any watch, watchcase, or watch movement, or on any label, tag, container, or literature used in connection with the sale, offering for sale, or distribution of such articles.

In the proceeding, instituted upon application from members of the industry, a Trade Practice Conference was held in New York City under the auspices of the Commission. Following the conference, draft of proposed rules in appropriate form was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent suggestions, amendments, or objections as they desired to offer, and to be heard in the premises. Pursuant to the notice, public hearing was held in Washington, D. C., and all matters presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereupon, and after full consideration of the entire matter, the Federal Trade Commission approved the rules in the form set out below.

Such approved rules become operative thirty (30) days after promulgation.

The Rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Group I. The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

170.1 Terms "waterproof," "moistureproof," "water sealed," etc.
170.2 Terms "water resistant," "water repellent," etc.
170.3 Terms "shockproof," "shock protected," "shock resistant," etc.
170.4 Term "jarproof."
170.5 Terms "nonmagnetic," "antimagnetic," etc.

AUTHORITY: §§ 170.1 to 170.5, inclusive, issued under 38 Stat. 717, as amended; 15 U. S. C. 41, et seq.

§ 170.1 *Terms "waterproof," "moistureproof," "water sealed," etc.—(a) Improper use of the term "waterproof."* It is an unfair trade practice to use the term "waterproof" as descriptive of a watch or watchcase under any false, misleading, or deceptive circumstances or conditions, or in any manner which has the capacity and tendency or effect of causing the purchasing or consuming public to be misled or deceived, or of aiding, abetting, or causing salesmen, dealers, or other marketers to mislead, deceive, or confuse the purchasing or consuming public.

(b) *Use of term "waterproof" without qualifications or limitations.* This section shall not be construed as prohibiting the application of the word "waterproof" in a nondeceptive manner as descriptive of a watch or watchcase which is of such composition and construction as to be and remain impervious to water and moisture and immune to damage therefrom, through immersion or otherwise, throughout the life of such watch or watchcase.

(c) *Use of the term "waterproof" with qualifications and limitations.* In respect to watchcases or watches which have been manufactured, processed, or finished so as to be, and when sold to the purchasing public are, impervious to water or moisture under Test No. 1 specified in paragraph (d) of this section, and immune to damage from water or moisture, but as to which the continuance of such imperviousness or immunity is contingent upon certain special care or maintenance (such as tightening, or replacing stem packing, back gaskets, etc., after wear, or after opening the case for repairs, adjustment, or for other purposes, again resealing, repacking, or closing the case by specially adapted tools or instruments, or by competent experts or by use of other means or methods, adequate to maintain or restore said imperviousness and immunity to water, moisture, and damage), nothing in this section shall be construed as prohibiting use of the term "waterproof" as descriptive of such watch or watchcase: *Provided*, That in immediate conjunction with the word "waterproof" such term is qualified by full and nondeceptive statement and disclosure of such contingencies and need for said special care and maintenance: *And provided further*, That in such use of the term "waterproof" no advertising or trade-promotional set-up, form of labeling, or other type of representation or presentation to the public, is used which is deceptive or misleading as a whole or in any part: *And provided further*, That the term "waterproof" is not used or set forth in such position or at such location on the watch or elsewhere that the necessary qualifying statement or disclosure above specified cannot be shown clearly and fully in immediate conjunction with the term "waterproof."

(d) *Test No. 1; for imperviousness to water and moisture under paragraph (c).* For purposes of determining imperviousness to water and moisture specified in paragraph (c) of this section, the following test shall be acceptable for a watch or watchcase, namely, complete immersion for at least five minutes in water under atmospheric pressure of 15 pounds per square inch and for at least an additional five minutes in water under pressure of at least 35 pounds per square inch, without admitting, or showing any evidence or capacity to admit, any moisture or water. (This test is not to be accepted as showing or indicating the durability of such imperviousness to water or moisture or any time or period during which such imperviousness may continue.)

(e) *Improper use of the terms "moistureproof," "water sealed," "water tight," "water protected," etc.* The foregoing several provisions of this section applicable to the term "waterproof" shall be applicable with like force and effect to the terms "moistureproof," "water sealed," "water tight," "water protected," and words, terms, depictions, or representations of like import. [Rule 1]

§ 170.2 *Terms "water resistant," "water repellent," etc.—(a) Improper use of the terms "water resistant," "water repellent," etc.* It is an unfair trade practice to use the term "water resistant" or "water repellent," or any word, expression, depiction, or representation of like import, as descriptive of a watch or watchcase under any false, misleading, or deceptive circumstances or conditions, or in any manner which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, or of aiding, abetting, or causing salesmen, dealers, or other marketers to mislead, deceive, or confuse the purchasing or consuming public.

(b) *Use of term "water resistant" or "water repellent" in relation to test, etc.* Nothing in this section shall be construed as prohibiting use of the term "water resistant" or "water repellent" as descriptive of a watchcase or watch under the following conditions and limitations, namely, when the watchcase or watch has been so constructed and is of such composition as to provide protection against water or moisture to the extent of meeting the following test, designated as "Test No. 2," or a more severe test, and when, before being placed upon the market by manufacturers, assemblers, importers, or other marketers, the watch and the case have undergone such test: *Provided, however*, That subsequent to undergoing such test and before sale of the product to the purchasing public as and for a water resistant or water repellent watchcase, the water resistant condition thereof has not been impaired or destroyed by opening the case, or otherwise: *And provided further*, That no representation is made which is deceptive in implication, or otherwise, by reason of concealment of material fact or by way of guarantee, warranty, advertisement, label, or other means indicating or tending to indicate that the water resistant condition of the watch or watchcase will remain unaffected throughout the life thereof, or that it will not be affected by opening of the case for repairs or adjustment, or will not be affected by wear or other condition, when such is not the fact.

NOTE: In the interest of avoiding possibilities of misunderstanding and deception of purchasers, members of the industry or marketers of watches or watchcases offered for sale or sold as and for "water repellent" or "water resistant" products should disclose to and inform the purchasing public, when such is the fact, that the water-repellent and water-resistant condition of the watch or case will be or may be destroyed or impaired by, or will not or may not continue after, having been opened for repairs, adjustment, or for other purpose, or because of other contingency encountered in the customary use or wear of the watch, unless the case is again serviced or treated by competent experts or by other methods adequate to renew or restore its condition of water resistance or water repellency.

(c) *Test No. 2; for water resistance or water repellency.* For purposes of this section, the following is deemed an acceptable test for water resistance or water repellency of a watch or watchcase, namely, complete immersion of the case or watch for at least 3 minutes in water at a pressure equivalent to a depth of 26 feet of water under normal atmospheric pressure of 15 pounds per square inch, without admitting, or showing any evidence of capacity to admit, any moisture or water. The so-called vacuum test of complete immersion in water under a vacuum sufficient to be productive of conditions of equivalent or greater severity may be used as an alternate or additional test for purposes of this section. (Neither test is to be accepted, however, as showing or indicating the durability of such water resistant or water repellent condition or any time or period during which such condition may continue.) [Rule 2]

§ 170.3 *Terms "shockproof," "shock protected," "shock resistant," etc.*—(a)

Improper use of terms "shockproof," "shock protected," "shock absorbing," "shock resistant," etc. It is an unfair trade practice to use the term "shockproof," "shock protected," "shock absorbing," "shock resistant," or any other word, expression, depiction, or representation of like import, as descriptive of a watch, watchcase, watch movement, or any part thereof, under any false, misleading, or deceptive circumstances or conditions, or in any manner which has the capacity and tendency or effect of causing the purchasing or consuming public to be misled or deceived, or of aiding, abetting, or causing salesmen, dealers, or other marketers to mislead, deceive, or confuse the purchasing or consuming public.

(b) *Misuse of designation "unconditionally shock resistant," and the like.* The foregoing provisions of this section, which are applicable to the terms "shockproof" and "shock protected," shall be applicable with like force and effect to such terms or expressions as "unconditionally shock resistant," "100% shock resistant," "absolutely shock absorbing," and any other superlative or accentuation, or other representation of similar import.

(c) *Use of the terms "shock resistant" and "shock absorbing."* Nothing in this section, however, shall be deemed to prohibit use with superlatives or accentuation of the term "shock resistant" or "shock absorbing" as descriptive of a watch, watch movement, or part thereof, to which a mechanical or other device or type of construction has been adapted and applied by reason of which both balance pivots in such watch or watch movement are protected for shocks, concussions, jolts, or accidental blows of at least that degree of damaging potentialities as would be sustained by said balance pivots in the watch or watch movement when falling in an unprotected condition upon a level solid hardwood floor in any position from a height of three feet: *Provided, however,* That no representation is made directly or indirectly by words, statement, depiction, or otherwise, in the use of such terms "shock resistant" and "shock absorbing," or in any other manner indicating or tending to indicate that the shock resisting or shock absorbing properties or condition of the watch or watch movement provided greater or more extensive protection than is in fact true. [Rule 3]

§ 170.4 *Term "jarproof"*—(a) *Improper use of the term "jarproof."* It is an unfair trade practice to use the term "jarproof" as descriptive of a watch, watch movement, or part thereof, under any circumstances or conditions which are false, misleading, or deceptive, or in any manner which has the capacity and tendency or effect of causing the purchasing or consuming public to be misled or deceived, or of aiding, abetting, or causing salesmen, dealers, or other marketers to mislead, deceive, or confuse the purchasing or consuming public.

(b) *Use when watch fully protected from jars.* Nothing in this section shall be construed as prohibiting use of the term "jarproof" as descriptive of a watch or watch movement when such watch or watch movement has been so constructed or fitted with devices or otherwise prepared as to be and remain immune to damage from jars of any type or degree which are encountered in the uses of a watch or are likely to be experienced in such uses. [Rule 4]

§ 170.5 *Terms "nonmagnetic," "antimagnetic," etc.*—(a) *Improper use of the terms "nonmagnetic," "antimagnetic," etc.* It is an unfair practice to use the terms "nonmagnetic," "antimagnetic," or words, terms, or representations of like import, as descriptive of a watch or watch movement under any false, misleading, or deceptive conditions or circumstances, or in any manner which has the capacity and tendency or effect of causing the purchasing or consuming public to be misled or deceived in respect of the protection or immunity of such product from magnetization or of aiding, abetting, or causing salesmen, dealers, or other marketers to mislead, deceive, or confuse the purchasing or consuming public in respect thereto or in any other respect.

(b) *Use of the term "nonmagnetic."* Nothing in this section shall be construed as prohibiting use of the term "nonmagnetic" as descriptive of a watch, watch movement, or any part thereof, if the same is immune to magnetization, or cannot be magnetized under any conditions of use, or other conditions which are or may be encountered by users.

(c) *Use of the term "antimagnetic."* Nothing in this section shall be construed as prohibiting the use of the term "antimagnetic" as descriptive of a watch or watch movement which is of such composition, construction, or treatment that the metal or substance in the balance, hairspring, and other parts of the movement essential to accurate timekeeping is such that the daily rate of the watch or watch movement, in a demagnetized condition, will not be changed by more than 15 seconds as a result of having been placed in an electrical field of not less than 60 Gauss and therein kept for at least 5 seconds in each of the following positions:

Vertical (with pendant in any position),
Horizontal (with dial either up or down);

Provided, however, That in the use of such term "antimagnetic" no representation is made, directly or by implication, whether by the addition of absolute or superlative adjectives or by depiction or other form of representation indicating or tending to indicate that the freedom or immunity of such watch or watch movement from the possibilities of magnetization is greater or more certain than is in fact true. [Rule 5]

Promulgated and issued by the Federal Trade Commission April 24, 1947.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-3889; Filed, Apr. 23, 1947; 8:50 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 137]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B UTILITIES AND LICENSEES

COMMON UTILITY PLANT

APRIL 15, 1947.

The Commission, having under consideration an amendment to § 101.3–15 entitled "Common Utility Plant" of Part 101—Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations;[1] and

It appearing that all persons subject to aforesaid part and Uniform System of Accounts have been given notice of the proposed amendment thereof, including publication of notice in the FEDERAL REGISTER (11 F. R. 13144, 13221), and that all such persons as well as interested State and Federal governmental agencies have been afforded an opportunity for the submission of written data, views and suggestions concerning the proposed amendment;

It further appearing that the comments received relating to the revision of the Electric Plant Instruction proposed by the amendment expressed generally a concurrence in or no objection to the proposed amendment, except certain few comments in which suggestions were contained for changing and clarifying the language of the amendment proposed;

It further appearing that the proposed amendment was discussed with and approved by the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners at its meeting in Buffalo, New York, September 18–20, 1946, and that the amendment would not be in conflict with the NARUC's Uniform System of Accounts for Electric Utilities, but rather would be consistent therewith; and

It further appearing that in order that the Commission's practice and application of the Electric Plant Instructions of its Uniform System of Accounts may be set forth clearly in the aforesaid Part and System of Accounts, it is desirable that the proposed amendment be adopted, modified in accordance with certain suggestions referred to above; and

Finding that such action is necessary and appropriate for carrying out the provisions of the Federal Power Act;

The Commission, pursuant to authority vested in it by the Federal Power Act, particularly sections 3 (13), 4 (b), 301 (a), 304 (a) and 309 thereof (49 Stat. 839, 854, 855, 858; 16 U. S. C. 796 (13), 797 (b), 825 (a), 825c (a), 825h), hereby adopts, promulgates and prescribes that paragraph (b) of § 101.3–15 entitled "Common Utility Plant" of Part 101—Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, be and it is hereby amended to read as follows:

§ 101.3–15 *Common utility plant.* • • •

(b) The book amount of utility plant designated as common plant shall be included in Account 108, Other Utility Plant, and if applicable in part to the electric department, shall be segregated and accounted for in sub-accounts as electric plant is accounted for in Accounts 100:1 to 100:6, inclusive, and electric plant adjustments in Account 107; any amounts classifiable as common plant acquisition adjustments or common plant adjustments shall be subject to disposition as provided in paragraphs (c) and (d) of Accounts 100.5 and 107, respectively, for amounts classified in those accounts. The original cost of common utility plant in service shall be classified according to detailed utility plant accounts appropriate for the property.[2]

The amendment prescribed by this order shall become effective July 1, 1947. The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER, and further, shall cause to be published in the FEDERAL REGISTER a revision of § 101.3–15 (b) of Part 101 of Subchapter C, Chapter I, Title 18, Code of Federal Regulations, in conformity with this order.

(49 Stat. 839, 854, 855, 858; 16 U. S. C. 796 (13), 797 (b), 825 (a), 825c (a) 825h)

Date of issuance: April 18, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3887; Filed, Apr. 23, 1947; 8:50 a. m.]

[1] The reference to the Code of Federal Regulations, 18 CFR 101.3–15 corresponds to Electric Plant Account Instruction 15, entitled "Common Utility Plant", appearing at page 52 of the Commission's pamphlet publication of its Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, effective January 1, 1937.

[2] The numbered accounts of the Uniform System of Accounts referred to identify sections contained in Part 101 of the aforesaid Title 18 of the Code of Federal Regulations, e. g., Account 100:1 constitutes § 101.100:1 of the said part and title of the Code; § 101.3–15 (b) corresponds to paragraph "B" of Electric Plant Instruction 15 at page 52 of the pamphlet publication of the Uniform System of Accounts referred to in Note 1, *supra*.

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter I—War Rental Housing Insurance

PART 580—ADMINISTRATIVE RULES FOR WAR RENTAL HOUSING INSURANCE UNDER SECTION 608, NATIONAL HOUSING ACT, FOR MORTGAGES NOT EXCEEDING $200,000.00

FORM OF ASSURANCE OF COMPLETION

The first sentence of § 580.28 (24 CFR Cum. Supp.) is hereby amended to read as follows:

§ 580.28 *Form of assurance of completion.* Assurance for the completion of a project may be either (a) the personal undertaking or obligation in a form and by an obligor or obligors satisfactory to the Commissioner, in an amount at least equal to ten per centum (10%) of the construction cost, or (b) an escrow deposit in an approved depositary of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, in an amount at least equal to ten per centum (10%) of the construction cost, conditioned on completion of the project to the satisfaction of the Commissioner.

(55 Stat. 55, 56 Stat. 305; 12 U. S. C. Sup. 1736–1742)

Issued at Washington, D. C., April 21, 1947.

RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 47-3871; Filed, Apr. 23, 1947; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5559]

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 42 (1942 edition) (26 CFR, Part 130), relating to the taxes on safe deposit boxes, transportation of oil by pipe line, telephone, telegraph, radio and cable messages and services, and transportation of persons under the provisions of the Internal Revenue Code, to the Excise Tax Act of 1947 (Pub. Law 17, 80th Cong., 1st sess.), approved March 11, 1947, such regulations are amended as follows:

1. The first paragraph of § 130.0 *Scope of regulations*, as amended by Treasury Decision 5347, approved March 15, 1944, is further amended as follows:

a. By inserting immediately after "Revenue Act of 1943" in paragraph (c) "and sections 2, 3, and 4 of the Excise Tax Act of 1947".

b. By inserting immediately after "Revenue Act of 1942" in paragraph (d) "and section 8 (a) of the Excise Tax Act of 1947", and by inserting immediately after "Revenue Act of 1943" in such paragraph "and sections 2, 3, and 4 of the Excise Tax Act of 1947".

2. Immediately preceding § 130.1 *Meaning of terms*, there is inserted the following:

[EXCISE TAX ACT OF 1947]

SEC. 3. Sections • • • 1655 (definition of "date of the termination of hostilities in the present war") of such Code are hereby repealed.

• • • • • •

SEC. 8. (a) • • • For the purposes of this section, the words "northern portion of the Western Hemisphere" mean the area lying west of the thirtieth meridian west of Greenwich, east of the International Date Line, and north of the equator, but not including any country of South America.

3. Section 130.1, as amended by Treasury Decision 5521, approved June 14, 1946, is further amended by striking out paragraph (c) thereof and inserting in lieu of such paragraph the following:

§ 130.1 *Meaning of terms.* • • •

(c) *Northern portion of the Western Hemisphere.* The term "northern portion of the Western Hemisphere" means the area lying west of the thirtieth meridian west of Greenwich, east of the International Date Line, and north of the equator, but not including any country of South America.

4. Immediately preceding § 130.30 *Effective period*, there is inserted the following:

SEC. 2 [EXCISE TAX ACT OF 1947].

Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war".

5. The second paragraph of § 130.30, added by Treasury Decision 5347, is amended to read as follows:

The increases in rates made by section 1650 of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943 and section 2 of the Excise Tax Act of 1947, are effective as of April 1, 1944, and apply to amounts paid on and after that date for services specified in section 3465 (a) (1) (A) and (B) which were rendered on and after that date.

6. Section 130.33, as amended by Treasury Decision 5347, is further amended as follows:

a. The first paragraph of paragraph (a) is amended to read as follows:

§ 130.33 *Rate and application of tax—*(a) *Telephone and radio telephone messages, and conversations.* In the case of each telephone or radio telephone message or conversation where the charge is more than 24 cents, the rate of tax is 25 percent of the amount paid. With respect to the period November 1, 1942, through March 31, 1944, the tax was at the rate of 20 percent of the amount paid. Prior to November 1, 1942, the tax was at the rate of 5 cents for each 50 cents or fraction thereof of the amount paid.

b. The first paragraph of paragraph (b) is amended to read as follows:

(b) *Telegraph, cable, and radio dispatches and messages.* The amount paid for each telegraph, cable, or radio dispatch or message is subject to tax at the rate of 25 percent of the amount paid, except that in the case of each international dispatch or message the rate of tax is 10 percent. With respect to the period November 1, 1942, through March 31, 1944, the tax on each domestic telegraph, cable, or radio dispatch or message was 15 percent. Prior to November 1, 1942, the tax on all telegraph, cable, or radio dispatches or messages was 10 percent.

7. Immediately preceding § 130.36 *Effective period*, as amended by Treasury Decision 5347, there is inserted the following:

SEC. 2 [EXCISE TAX ACT OF 1947].

Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war".

8. The second paragraph of § 130.36, added by Treasury Decision 5347, is amended to read as follows:

The increases in rates made by section 1650 of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943 and section 2 of the Excise Tax Act of 1947, apply to amounts paid pursuant to bills rendered on or after May 1, 1944, for services furnished on or after March 1, 1944, for which no previous bill was rendered.

9. Section 130.38, as amended by Treasury Decision 5347, is further amended as follows:

a. The first paragraph of paragraph (a) is amended to read as follows:

§ 130.38 *Rate and application of tax—*(a) *Leased wire, teletypewriter, or talking circuit special service.* In the case of leased wire, teletypewriter, or talking circuit special service, the tax is to be computed at the rate of 25 percent of the amount paid therefor. In the case of service taxable under section 3465 (a) (2) prior to modification by section 302 of the Revenue Act of 1943, the tax was at the rate of 15 percent of the amount paid; and in the case of service taxable under section 3465 (a) (2) prior to amendment by section 606 of the Revenue Act of 1942, the tax was at the rate of 10 percent of the amount paid.

b. The first paragraph of paragraph (b) is amended to read as follows:

(b) *Wire and equipment services.* In the case of wire and equipment service the tax is computed at the rate of 8 percent of the amount paid therefor. Prior to April 1, 1944, the rate of tax was 5 percent of the amount paid.

10. Immediately preceding § 130.39 *Effective period*, as amended by Treasury Decision 5347, there is inserted the following:

SEC. 2. [EXCISE TAX ACT OF 1947].

Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."

11. The second paragraph of § 130.39, as amended by Treasury Decision 5347, is further amended to read as follows:

The increase in the rate made by section 1650 of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943 and section 2 of the Excise Tax Act of 1947, applies to amounts paid pursuant to bills rendered on and after May 1, 1944, for services furnished on or after March 1, 1944, for which no previous bill was rendered.

12. The first paragraph of § 130.41, as amended by Treasury Decision 5347, is further amended to read as follows:

§ 130.41 *Rate and application of tax.* The tax is imposed at the rate of 15 percent of the amount paid by any subscriber for local telephone service or any other telephone service which is not subject to the provisions of section 3465 (a) (1) or (2) of the Code, as amended. (See §§ 130.30 to 130.38.) In the case of service taxable under section 3465 (a) (3) prior to modification by section 302 of the Revenue Act of 1943, the tax was at the rate of 10 percent of the amount paid; and in the case of service taxable under section 3465 (a) (3) prior to amendment by section 606 of the Revenue Act of 1942, the tax was at the rate of 6 percent of the amount paid.

13. Immediately preceding § 130.50 *Effective period*, as amended by Treasury Decision 5347, there is inserted the following:

SEC. 2 [EXCISE TAX ACT OF 1947].

Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war".

14. Section 130.50, as amended by Treasury Decision 5347, is further amended by striking out the last two sentences of such section and inserting in lieu thereof the following: "The further increase in the rate of tax made by section 1650 of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943 and section 2 of the Excise Tax Act of 1947, is effective April 1, 1944.

15. The second paragraph of § 130.51 is amended to read as follows:

§ 130.51 *Scope of tax.* • • •

The taxability of a payment for transportation is determined by (1) the place of payment, i. e., whether within or without the United States, and (2) the place where the transportation service is furnished, i. e., whether within or without the northern portion of the Western Hemisphere as provided in § 130.64.

16. The first paragraph of § 130.52, as amended by Treasury Decision 5347, is further amended to read as follows:

§ 130.52 *Rate and application of tax.* The tax is 15 percent of the amount of the taxable payment for transportation. With respect to the period November 1, 1942, through March 31, 1944, the rate of tax was 10 percent of the amount of such taxable payment. Prior to November 1, 1942, the rate of tax was 5 percent of such amount.

17. Section 130.53 *Payments for transportation subject to tax*, is amended by striking out the words "The following are examples of taxable payments for transportation" as they appear immediately following the title of the section, and by inserting in lieu thereof the words "The following are examples of payments for transportation which, unless otherwise exempt under §§ 130.61 through 130.64, inclusive, are subject to tax."

18. Immediately preceding § 130.55 *Effective period*, as amended by Treasury Decision 5347, there is inserted the following:

SEC. 2 [EXCISE TAX ACT OF 1947].

Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war".

19. Section 130.55, as amended by Treasury Decision 5347, is further amended by striking out the last two sentences of such section and inserting in lieu thereof the following: "The further increase in the rate of tax made by section 1650 of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943 and section 2 of the Excise Tax Act of 1947, is effective April 1, 1944."

20. The first paragraph of § 130.57, as amended by Treasury Decision 5347 is further amended to read as follows:

§ 130.57 *Rate and application of tax.* The tax is 15 percent of the amount of the taxable payment for the seating or sleeping accommodations. With respect to the period November 1, 1942, through March 31, 1944, the rate of tax was 10 percent of the amount of such taxable payment. Prior to November 1, 1942, the rate of tax was 5 percent of such amount.

21. Immediately following § 130.63 *members of military and naval service*, as amended by Treasury Decision 5190, approved November 30, 1942, there is inserted the following:

SEC. 8 [EXCISE TAX ACT OF 1947].

(a) Section 3469 (a) of the Internal Revenue Code (relating to the tax on transportation of persons) is hereby amended by inserting after the first sentence two new sentences to read as follows: "The tax shall not apply with respect to transportation any part of which is outside the northern portion of the Western Hemisphere, except with respect to any part of such transportation which is from any port or station within the United States, Canada, or Mexico to any other port or station within the United States, Canada, or Mexico. For the purposes of this section, the words 'northern portion of the Western Hemisphere' mean the area lying west of the thirtieth meridian west of Greenwich, east of the International Date Line, and north of the equator, but not including any country of South America."

(b) The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than twenty days after the date of the enactment of this act for transportation on or after such first day.

22. Section 130.64 *Stamp tax*, is renumbered § 130.65, and a new § 130.64 is inserted to read as follows:

§ 130.64 *Transportation outside the northern portion of the Western Hemisphere.* No tax is imposed upon a payment made within the United States on or after April 1, 1947, for transportation, on or after such date, any part of which is outside the northern portion of the Western Hemisphere (for definition of "northern portion of the Western Hemisphere" see § 130.1 (c)), except that the tax shall be collected with respect to any part of such transportation which is from any port or station within the United States, Canada, or Mexico to any other port or station within the United States, Canada, or Mexico. In the case of through transportation from a port or station within the United States, Canada, or Mexico to a point outside the northern portion of the Western Hemisphere with intermediate stops by the carrier en route, the tax attaches with respect to that part of such transportation which is from the originating port or station within the United States, Canada, or Mexico to the last stop within the United States, Canada, or Mexico, made for any purpose other than an emergency, and irrespective of whether the passenger disembarks or a stopover is permitted.

The following examples illustrate the application of this exemption.

Example 1. A purchases a ticket in New York for transportation to Lisbon aboard a vessel or aircraft bound from New York to Lisbon, with a stop at Bermuda. No part of the amount paid by A for his ticket is subject to the tax on transportation of persons.

Example 2. If, in the foregoing example, A decides to disembark at Bermuda and not to continue to Lisbon, A is liable for the tax with respect to the amount paid for transportation to Bermuda and, upon presentation of his ticket for refund, the carrier is required to withhold such tax.

Example 3. B, C, and D purchase tickets in New York for transportation aboard a vessel bound from New York to San Francisco via the Panama Canal, with stops at Trinidad and Venezuela. B's ticket entitles him to transportation to Port of Spain, Trinidad; C's ticket is for Asuncion, Venezuela; and D's ticket is for San Francisco. The amount paid by B is subject to tax since Trinidad is not a country of South America and is within the northern portion of the Western Hemisphere. The amount paid by C is not subject to tax, since Asuncion is located on the island of Nueva Esparta and is included within Venezuela, a country of South America. The amount paid by D is not subject to tax even though the voyage begins at a port within the United States and ends at another port within the United States, since part of the transportation was to Venezuela, a country of South America.

Example 4. E purchases in Chicago a round-trip ticket for transportation by air from Chicago to New York to Newfoundland to London. The amount paid for that part of the transportation between Chicago and New York on both going and return trips is subject to tax. If because of weather or other emergency the aircraft is forced, while on the New York-Newfoundland leg of the journey, to land at Boston, no tax is imposed by reason of such emergency stop.

Example 5. F purchases a ticket in Detroit for transportation from Ottawa to Vancouver to Honolulu to Shanghai. Only the amount paid for transportation from Ottawa to Honolulu is subject to the tax.

Example 6. G charters a plane in New York for transportation to Bogota and pays the charter charges in New York. The plane stops at Miami for refueling. The tax attaches with respect to that part of the transportation which is between New York and Miami.

23. Immediately preceding renumbered § 130.65, there is inserted the following:

SEC. 8 [EXCISE TAX ACT OF 1947].

• • • • •

(c) Effective with respect to tickets sold or issued on or after the first day of the first month which begins more than twenty days after the date of the enactment of this Act, section 1806 of the Internal Revenue Code (relating to stamp tax on passage tickets) is hereby repealed.

24. Renumbered § 130.65 is amended to read as follows:

§ 130.65 *Stamp tax.* Section 554 (c) of the Revenue Act of 1941 made the stamp tax imposed under section 1806 of the Internal Revenue Code, as amended, on passage tickets sold or issued in the United States for passage on any vessel to any port or place not in the United States, Canada, Mexico, Cuba, or Puerto Rico inapplicable where the amount paid for the ticket is subject to the tax imposed under section 3469 of the Code. (See Subpart H of Part 113 of this chapter.) By reason of section 8 (c) of the Excise Tax Act of 1947, passage tickets sold or issued on or after April 1, 1947, are not subject to the stamp tax imposed by section 1806 of the Internal Revenue Code, irrespective of whether the amount paid therefor is subject to the tax imposed under section 3469 of the Code.

Because of the short period of time between March 11, 1947, the date of approval of the Excise Tax Act of 1947, and April 1, 1947, the date on which, pursuant to such act, the amendment to section 3469 of the Internal Revenue Code becomes effective, and because of the technical nature of the amendments made herein, it is found that it is impracticable and unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective on April 1, 1947.

(Secs. 3791 and 3472 of the Internal Revenue Code (53 Stat. 467, 423, 55 Stat. 722; 26 U. S. C. and Sup. 3791, 3472))

WM. T. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: April 18, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3886; Filed, Apr. 23, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration,[1] Department of Agriculture

[Rev. Gen. RO 5,[2] Amdt. 20]

PART 705—ADMINISTRATION

SUGAR RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1305.202 of Title 32, Chapter XI is designated Revised General Ration Order 5, issued under § 705.1, Title 32, Chapter VII pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947" and is amended in the following respect:

1. Section 5.7 (a) is amended to read as follows:

(a) The meal service and refreshment allotments under this order (except allotments issued under §§ 5.6, 7.10, 11.6, 12.1, 26.2, 27.2 and 27.3) shall be increased by forty percent (40%) for the May-June, 1947, and subsequent allotment periods.

This amendment shall become effective this 1st day of May 1947.

Issued this 17th day of April 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Sugar Rationing Administration, Department of Agriculture, Rationale Accompanying Amendment No. 20 to Revised General Ration Order 5

Proposed amendment. This amendment provides that meal service and refreshment allotments issued under this order (except allotments issued under §§ 5.6, 7.10, 11.6, 12.1, 26.2, 27.2, and 27.3) shall be increased by forty percent for the May-June 1947 and subsequent allotment periods.

Reason for amendment. Because of the increase in the civilian sugar alloca-

[1] Formerly Chapter XI, Office of Temporary Controls, Office of Price Administration.

[2] 11 F. R. 116.

tion made for the second quarter of 1947, a determination was made, prior to April 1, 1947, to increase the amount of sugar available to consumers, institutional and industrial users. Accordingly, an amendment, issued on March 10, 1947, validated a consumer stamp, good for ten pounds of sugar, on and after April 1, 1947. Further, an amendment to the sugar rationing regulations, effective March 10, 1947, increased the allotments to be issued to industrial users by approximately twenty-five percent for the allotment periods on and after April 1, 1947. Since institutional user allotments are issued for a two-month period rather than a three-month period, as for industrial users, the corresponding increase in allotments for institutional users is made effective beginning with the May-June allotment period.

By this amendment the allotments for institutional users for the May-June and subsequent allotment periods are increased by approximately 25% which represents approximately the same increase which was granted to industrial users for the second quarter of 1947.

[F. R. Doc. 47-3959; Filed, Apr. 23, 1947; 11:30 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS

PART 12—PRIVATE LANDS SUBJECT TO EXCLUSIVE JURISDICTION OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

On February 11, 1947, notice of intention to amend § 2.32 (e) of the rules and regulations of the National Park Service was published in the daily issue of the Federal Register (12 F. R. 959). Interested persons were thereby given an opportunity to participate in preparing the amendments by submitting data or arguments within 30 days from date of publication of the notice. No communications, written or oral, having been received within the prescribed period, the said rules and regulations are hereby amended as hereinafter set forth and are hereby promulgated.

1. Section 2.32 *Private lands* is amended as follows:

a. Paragraph (e) is revoked.

b. Paragraph (f) is redesignated paragraph (e).

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

2. Part 12 and the following sections are added to Chapter I:

Sec.
12.1 Applicability.
12.2 Fishing.
12.3 Fires.
12.4 Protection of wildlife.
12.5 Firearms.
12.6 Gambling.
12.7 Discrimination in furnishing public accommodations.

AUTHORITY: §§ 12.1 to 12.7, inclusive, issued under sec. 3, 39 Stat. 535; 16 U. S. C. 3.

§ 12.1 *Applicability.* The regulations in this part shall be applicable to privately owned lands within the following national parks, exclusive jurisdiction over which is vested in the United States: Crater Lake, Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, and Yosemite.

§ 12.2 *Fishing.* (a) Any person fishing in the waters of the parks listed in § 12.1 shall secure a sport fishing license as required by the laws of the state in which such waters of the park are situated, except that no such said license shall be required of any person fishing in the waters of Glacier, Mount McKinley, Mount Rainier, Olympic, and Yellowstone National Parks.

(b) All fishing in the waters of the parks listed in § 12.1 shall be done in conformity with the laws of the state or territory in which such waters of the park are situated regarding open seasons, size of fish, and the limit of catch, except as otherwise provided in the following paragraphs:

(c) Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hands, is prohibited.

(d) Fishing in particular waters may be suspended, or restricted, in regard to the use of particular kinds of bait under special regulations.

(e) The number of fish that may be taken by one person in any one day from the various lakes and streams shall be limited to 10 fish, unless otherwise provided by special regulations.

(f) Possession of more than 2 days' catch by any person at any one time is prohibited, unless otherwise provided by special regulations.

(g) No fish less than 6 inches long may be retained unless a different limit be established by special regulations. All fish hooked less than such limit in length shall be carefully handled with moist hands and returned at once to the water if not seriously injured. Undersized fish retained because seriously injured shall be counted in the number of fish which may be taken in one day.

(h) The possession of live or dead minnows, chubs, or other bait fish, or the use thereof as bait, is prohibited.

(i) The canning or curing of fish for the purpose of transporting them out of any of the said parks is prohibited.

(j) The possession of fishing tackle or fish upon or along any waters closed to fishing shall be prima facie evidence that the person or persons having such fishing tackle or fish are guilty of unlawful fishing in such closed waters.

(k) State fishing licenses, where required, and all fish taken shall be exhibited, upon demand, to any person authorized to enforce the provisions of the regulations in this part.

§ 12.3 *Fires.* (a) Fires on privately-owned lands within any of the parks listed in § 12.1 shall not be kindled near or on the roots of trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on rocks or earth. On public campgrounds the regular fireplaces constructed for the convenience of visitors shall be used. Should camp be made in a locality where no such open space exists or is provided, the dead wood, moss, dry leaves, etc., shall be scraped away to the rock or earth over an area considerably larger than that required for the fire.

(b) Fires shall be lighted on privately-owned lands within the said parks only when necessary, and, when no longer needed, shall be completely extinguished, and all embers and beds smothered with earth or water, so that there remains no possibility of reignition.

(c) Permission to burn in connection with any cleanup operation on privately-owned lands within the said parks shall first be obtained, in writing, from the office of the superintendent, and in such cases as it is deemed advisable such burning will be under Government supervision. All costs of suppression and all damage caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

(d) No lighted cigarette, cigar, pipe heel, match, or other burning material shall be thrown from any vehicle or saddle horse or dropped into any grass, leaves, twigs, tree mold, or other combustible or inflammable material on any privately owned lands within any of the said parks.

(e) The building of fires on privately owned lands within the said parks may be prohibited or limited by the superintendent when, in his judgment, the hazard makes such action necessary.

§ 12.4 *Protection of wildlife.* (a) The parks are sanctuaries for wildlife of every sort, and all hunting, or the killing, wounding, frightening, capturing, or attempting to kill, wound, frighten, or capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited on privately owned lands within the parks listed in § 12.1.

(b) Unauthorized possession on privately owned lands within any of the said parks of the dead body, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section.

(c) The carcasses of animals or birds or parts thereof, unlawfully taken or possessed on privately owned lands within any of the said parks, shall be seized and shall be disposed of as the Director may prescribe.

(d) During the hunting season, arrangements shall be made at entrance stations to identify and transport within or through the said parks, where necessary, the carcasses of birds or animals legally killed outside the parks.

§ 12.5 *Firearms.* Firearms, explosives, traps, seines, and nets are prohibited on privately owned lands within the parks listed in § 12.1, except upon written permission of the superintendent.

§ 12.6 *Gambling.* Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited on privately owned lands within the parks wherein the regulations of this part are applicable.

§ 12.7 *Discrimination in furnishing public accommodations.* The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public accommodation within any of the parks listed in § 12.1 are prohibited from (a) publicizing such facilities in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any person or persons because of race, creed, color, or national origin; and (b) discriminating against any person or persons because of race, creed, color or national origin by refusing to furnish such person or persons any accommodations, facilities, or privileges offered to or enjoyed by the general public.

The regulations in this part shall become effective on and after April 1, 1947. The regulations in this part are a reissuance, with minor amendments, of existing regulations for the purpose of consolidating the regulations now applicable to private lands within National Parks which are subject to the exclusive sovereign jurisdiction of the United States, and to facilitate future amendment of such regulations in accordance with the Administrative Procedure Act of June 11, 1946 (60 Stat. 237).

Issued this 25th day of March 1947.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-3890; Filed, Apr. 23, 1947; 9:06 a. m.]

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

DOGS RUNNING AT LARGE

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), I, Clinton P. Anderson, Secretary of Agriculture, do hereby amend Regulation T-7½ of the rules and regulations governing the occupancy, use, protection, and administration of the National Forests, which constitutes § 261.7a, Chapter II, Title 36, Code of Regulations, to read as follows:

§ 261.7a *Dogs running at large.* The following acts are prohibited on lands of the United States within the boundaries of the Sylamore Ranger District, Ozark National Forest, Arkansas, The George Washington and Jefferson National Forests, Virginia, and The Beaver Creek Wildlife Management Area, Laurel Ranger District, Cumberland National Forest, Kentucky.

Permitting dogs to run at large, or having in possession dogs not in leash or confined. [Reg. T-7½]

(30 Stat. 35, 33 Stat. 628; 16 U. S. C. 551, 472)

In testimony whereby, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 21st day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3901; Filed, Apr. 23, 1947; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR-47-18]

PROMULGATION OF REGULATIONS

By virtue of authority vested in me by section 101 of the Reorganization Plan No. 3 of 1946, I declare that the amendments to the regulations contained in document numbered CGFR-47-10 (F. R. Doc. 47-2103), and published in the FEDERAL REGISTER dated March 7, 1947, 12 F. R. 1549, shall be in effect on and after May 1, 1947.

All Coast Guard actions on applications, examinations, tests, or other matters pending before the Coast Guard on the effective date of the new regulations in Subchapter B—Merchant Marine Officers and Seamen will be in accordance with the regulations under which the actions were initiated. All persons who were qualified under the regulations which were cancelled but who were unable to submit applications for licenses or certificates before the effective date of the regulations in Subchapter B—Merchant Marine Officers and Seamen may submit such applications until June 30, 1947 and all actions by the Coast Guard with respect to such applications will be in accordance with the regulations in effect before Subchapter B became effective.

As the licenses issued to officers and certificates issued to seamen do not generally distinguish between service on merchant tank vessels and on other merchant vessels, and in order that the reconversion of the merchant marine from a wartime to a peacetime basis can be accomplished without confusion, I find that these are good causes for declaring that the rules and regulations promulgated under the authority of R. S. 4417a (46 U. S. C. 391a) shall become effective before 90 days have elapsed after their promulgation and publication in the FEDERAL REGISTER March 7, 1947 (12 F. R. 1549).

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF DECK AND ENGINEER OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

The regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1550, shall be in effect on and after May 1, 1947.

PART 12—CERTIFICATION OF SEAMEN

The regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1566, shall be in effect on and after May 1, 1947.

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 25—REQUIREMENTS FOR ALL MOTORBOATS EXCEPT THOSE OF OVER 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

PART 27—REQUIREMENTS FOR MOTORBOATS AND MOTOR VESSELS OF MORE THAN 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter D—Tank Vessels

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter H—Great Lakes: General Rules and Regulations

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter J—Rivers: General Rules and Regulations

PART 115—LICENSED OFFICERS

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1573, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1573, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN: REGULATIONS DURING EMERGENCY

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1573, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Dated: April 17, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-3874; Filed, Apr. 23, 1947; 8:46 a. m.]

[CGFR 47-20]

MISCELLANEOUS AMENDMENTS

A notice regarding the proposed changes in the dangerous cargo regulations governing the transportation of chlorine in bulk and in the regulations for the use of liquefied petroleum gases for cooking and heating on vessels other than passenger vessels was published in the FEDERAL REGISTER, dated February 18, 1947 (12 F. R. 1109), and a public hearing was held by the Merchant Marine Council on March 27 and 28, 1947, at Washington, D. C.

The purpose for the amendments to dangerous cargo regulations in 46 CFR 146.24–15, regarding the transportation of liquid chlorine in bulk, is to provide for customary operational practices followed by carriers. The general basis, purpose and application of dangerous cargo regulations is set forth in 46 CFR Cum. Supp. 146.01–1 to 146.01–12, inclusive. All the written and oral comments and suggestions were considered by the Merchant Marine Council and where practicable incorporated into the amendments to the regulations.

The purpose for the regulations for using liquefied petroleum gases for cooking and heating purposes on vessels other than passenger vessels is to provide minimum safety and fire prevention requirements. The Merchant Marine Council at a public hearing held October 22, 1946, in accordance with the announcement published in the FEDERAL REGISTER dated September 27, 1946 (11 F. R. 11014), postponed, because of the rapid increase in the use of liquefied petroleum gases, final recommendations until further study of the subject was made and additional suggestions could be received. The regulations in 46 CFR 32.9–11, 61.25, 77.24, 95.24, and 114.25, as set forth in this document, are based on the comments and suggestions made at the public hearings held October 22, 1946 and March 28, 1947.

By virtue of the authority vested in me the following amendments to the regulations are prescribed, which shall become effective on the ninety-first day after the date of publication of this document in the FEDERAL REGISTER:

Subchapter D—Tank Vessels

PART 30—GENERAL PROVISIONS

Section 30.1 is amended to read as follows:

§ 30.1 *Basis and purpose of regulations.* By virtue of authority vested in the Commandant of the Coast Guard under section 101 of the Reorganization Plan No. 3 of 1946 (11 F. R. 7875), R. S. 4405 and 4417a, as amended, and section 5 (e) of the act of June 6, 1941 (46 U. S. C. 375, 391a, 50 U. S. C. 1275), the rules and regulations in this subchapter are prescribed for all tank vessels in accordance with the intent of the various statutes and to obtain their correct and uniform administration. (R. S. 4405, 4417a, as amended, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 375, 391a, 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

PART 32—REQUIREMENTS FOR HULLS, MACHINERY AND EQUIPMENT

EQUIPMENT AND MISCELLANEOUS

Part 32 is amended by adding a new § 32.9–11, reading as follows:

§ 32.9–11 *Liquefied petroleum gases for cooking and heating—TB/ALL*—(a) *Liquefied petroleum gas (definition).* For purposes of this section "liquefied petroleum gas" shall be defined as any liquefied inflammable gas which is composed predominantly of hydrocarbons or mixtures of hydrocarbons, such as propane, propylene, butanes, butylenes, and butadienes, and which has a Reid [1] vapor pressure exceeding 40 pounds per square inch absolute or a vapor pressure exceeding 25 pounds per square inch gage at 100° F., as determined by the Natural Gasoline Association of America's [2] method or other recognized test method.

(b) *Approvals.* Liquefied petroleum gas may be used on inspected vessels, except passenger vessels, *Provided:*

(1) Gas consuming appliances are approved for use of liquefied petroleum gas by the American Gas Association Testing Laboratories (as indicated by label or seal of approval for liquefied petroleum gas on stationary installations) and are also approved by the Commandant.

(2) Cylinders or drums in which liquefied petroleum gas is stored and handled shall comply with Interstate Commerce Commission specifications and retest requirements for the specific gas filled therein.

(3) The relief valves, shut off valves, excess flow valves, pressure regulators, and vaporizer, when used, shall conform to the requirements of and bear the label of the Underwriters Laboratories, Inc., or other recognized testing laboratory.

(4) The location and installation of gas burning appliances, gas cylinders and regulating equipment, together with all piping must be approved by the Commandant.

(c) *Odorization of gas.* All liquefied petroleum gas used on vessels shall be effectively odorized by an agent of such character as to indicate positively by a distinctive odor the presence of gas down to a concentration in air of not over ⅕ the lower limit of combustibility.

(d) *Location and securing of containers.* (1) Cylinders shall be located in a substantially constructed and firmly fixed metal inclosure located on or above the weather deck level. Access to this inclosure shall be from the weather deck only. This inclosure shall be so constructed that when the access opening is closed any gas leakage can escape only through a top and bottom ventilating system which shall consist of a fresh air inlet pipe and an exhaust pipe both entering the inclosure from above.

(2) Cylinders or drums located within the metal inclosure shall be suitably secured in place.

(3) Storage of spare and empty cylinders must be within the metal inclosure or they must be properly chocked on the weather deck.

(e) *Valves and regulators.* (1) A spring loaded relief valve shall be incorporated in the system, its size and pressure setting to be according to Interstate Commerce Commission's requirements, and it shall be located and vented within the metal inclosure. This relief valve must be located on or between the cylinder and the pressure regulator.

(2) The low pressure side of all pressure regulators shall be protected against excessive pressure by means of a suitable relief valve which shall discharge into the metal inclosure.

(3) All regulator vents must discharge into the metal inclosure.

(4) All valves and regulators embodied in the system for the purpose of pressure relief, regulation, and control of gas pressure and flow rates, shall be securely mounted in positions readily accessible for inspection, maintenance, and testing.

(5) Valves in the assembly of multiple cylinder systems shall be so arranged that the change of cylinders may be made without shutting down the system.

(6) A shut-off valve shall be installed in each branch connection.

(f) *Vaporizers.* Where a vaporizer is required approval shall be obtained from the Commandant.

(g) *Piping and fittings.* (1) All piping shall be installed so as to provide minimum interior runs with adequate flexibility.

(2) The piping between the cylinders and the appliances shall be seamless annealed copper tubing or any other tubing approved by the Commandant. The tubing connections shall be flared and the number held to a minimum.

(3) All piping or tubing shall be tested (such as with a manometer employing water) after assembly and at each annual inspection and proved free from leaks at not less than normal operating pressures. Tests may be made by qualified persons acceptable to the Officer in Charge, Marine Inspection, and one copy of a report of such test shall be posted and another copy forwarded to the Officer in Charge, Marine Inspection, in the district in which the test was made.

(h) *Ventilation of compartments having gas appliances.* (1) Compartments which are located above the weather deck and which contain gas consuming devices shall be ventilated by openings to the outside near the deck level and by openings overhead or near the overhead in the compartment. Mechanical ventilators may also be provided.

(2) Where compartments in which gas consuming devices are located are entirely below the weather deck, mechanical ventilation shall be provided with sufficient capacity to effect a change of air at least once every six minutes.

(i) *Identification and instructions.* (1) The outside of metal inclosure housing liquefied petroleum gas cylinders, valves and regulators shall be marked:

Liquefied Petroleum Gas
Keep Open Fires Away
Operating Instructions
Inside and In--------

(2) Operating instructions shall be framed under glass and shall be posted prominently, both in the interior of the metal inclosure and near the most frequently used gas consuming device, so they may be easily read.

(j) *Operating instructions.* (1) Before opening a cylinder valve, the outlet of cylinder shall be connected tightly to system; and, in the case where only a single cylinder is used in the system, all appliance valves and pilots must be shut off before the cylinder valve is opened.

(2) Before opening cylinder valve after connecting it to system, the cylinder shall be securely fastened in place.

(3) When cylinders are not in use their outlet valves shall be kept closed.

(4) Cylinders when exhausted shall have their outlet valves closed.

(5) Nothing shall be stored in the metal inclosure except liquefied petroleum gas cylinders and permanently fastened parts of the system.

(6) Valve protecting caps if provided shall be firmly in place on all cylinders not attached to the system. Caps for cylinders in use may remain in metal inclosure if rigidly fastened to the metal inclosure structure.

(7) The opening into the metal inclosure must be closed at all times except when access is required to change cylinders or maintain equipment.

(8) Gas pressure to consuming devices should be approximately eleven inches water column (6.4 oz. per square inch).

(9) No smoking should be permitted in the vicinity of the metal inclosure when access to inclosure is open.

(10) If electric connections are made within the metal inclosure they must be installed in strict accordance with the requirements of the National Electrical Code [3] for Class I, Group D, Hazardous Locations.

(11) Tests for gas leaks should be made with a soap solution or low freezing point liquids but in no case shall a flame be used.

(12) Report any presence of gas odor to ------. (R. S. 4405, 4417a, as amended, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 375, 391a, 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 61—FIRE APPARATUS; FIRE PREVENTION

Section 61.25 is amended to read as follows:

§ 61.25 *Liquefied petroleum gases for cooking and heating*—(a) *Liquefied petroleum gas (definition).* For purposes of this section "liquefied petroleum gas" shall be defined as any liquefied inflammable gas which is composed predominantly of hydrocarbons or mixtures of hydrocarbons, such as propane, propylene, butanes, butylenes, and butadienes, and which has a Reid [2] vapor pressure exceeding 40 pounds per square inch absolute or a vapor pressure exceeding 25 pounds per square inch gage at 100° F., as determined by the Natural Gasoline Association of America's [2] method or other recognized test method.

(b) *Approvals.* Liquefied petroleum gas may be used on inspected vessels, except passenger vessels: *Provided,*

(1) Gas consuming appliances are approved for use of liquefied petroleum gas by the American Gas Association Testing Laboratories (as indicated by label or seal of approval for liquefied petroleum gas on stationary installations) and are also approved by the Commandant.

(2) Cylinders or drums in which liquefied petroleum gas is stored and handled shall comply with Interstate Commerce Commission specifications and retest requirements for the specific gas filled therein.

(3) The relief valves, shut off valves, excess flow valves, pressure regulators, and vaporizer, when used, shall conform to the requirements of and bear the label of the Underwriters Laboratories, Inc., or other recognized testing laboratory.

(4) The location and installation of gas burning appliances, gas cylinders and regulating equipment, together with all piping must be approved by the Commandant.

(c) *Odorization of gas.* All liquefied petroleum gas used on vessels shall be effectively odorized by an agent of such character as to indicate positively by a distinctive odor the presence of gas down to a concentration in air of not over ⅕ the lower limit of combustibility.

(d) *Location and security of containers.* (1) Cylinders shall be located in a substantially constructed and firmly fixed metal inclosure located on or above the weather deck level. Access to this inclosure shall be from the weather deck only. This inclosure shall be so constructed that when the access opening is closed any gas leakage can escape only through a top and bottom ventilating system which shall consist of a fresh air inlet pipe and an exhaust pipe both entering the inclosure from above.

(2) Cylinders or drums located within the metal inclosure shall be suitably secured in place.

(3) Storage of spare and empty cylinders must be within the metal inclosure or they must be properly chocked on the weather deck.

(e) *Valves and regulators.* (1) A spring loaded relief valve shall be incorporated in the system, its size and pressure setting to be according to Interstate Commerce Commission's requirements, and it shall be located and vented within the metal inclosure. This relief valve must be located on or between the cylinder and the pressure regulator.

(2) The low pressure side of all pressure regulators shall be protected against excessive pressure by means of a suitable relief valve which shall discharge into the metal inclosure.

(3) All regulator vents must discharge into the metal inclosure.

(4) All valves and regulators embodied in the system for the purpose of pressure relief, regulation, and control of gas pressure and flow rates, shall be securely mounted in positions readily accessible for inspection, maintenance, and testing.

(5) Valves in the assembly of multiple cylinder systems shall be so arranged that the change of cylinders may be made without shutting down the system.

(6) A shut off valve shall be installed in each branch connection.

(f) *Vaporizers.* Where a vaporizer is required approval shall be obtained from the Commandant.

(g) *Piping and fittings.* (1) All piping shall be installed so as to provide minimum interior runs with adequate flexibility.

(2) The piping between the cylinders and the appliances shall be seamless annealed copper tubing or any other tubing approved by the Commandant. The tubing connections shall be flared and the number held to a minimum.

(3) All piping or tubing shall be tested (such as with a manometer employing water) after assembly and at each annual inspection and proved free from leaks at not less than normal operating pressures. Tests may be made by qualified persons acceptable to the Officer in Charge, Marine Inspection, and one copy of a report of such test shall be posted and another copy forwarded to the Officer in Charge, Marine Inspection, in the district in which the test was made.

(h) *Ventilation of compartments having gas appliances.* (1) Compartments which are located above the weather deck and which contain gas consuming

[1] American Society for Testing Materials Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method) (D-323), most recent revision.

[2] Natural Gasoline Association of America Tentative Standard Method for Determination of Vapor Pressure of Liquefied Petroleum Gas Products, most recent revision.

[3] A copy of this Code, National Board of Fire Underwriters' pamphlet No. 70, has been filed with this document in the Division of the Federal Register. Copies are also on file with the various Coast Guard District Commanders for reference purposes.

devices shall be ventilated by openings to the outside near the deck level and by openings overhead or near the overhead in the compartment. Mechanical ventilators may also be provided.

(2) Where compartments in which gas consuming devices are located are entirely below the weather deck, mechanical ventilation shall be provided with sufficient capacity to effect a change of air at least once every six minutes.

(i) *Identification and instructions.* (1) The outside of metal inclosure housing liquefied petroleum gas cylinders, valves and regulators shall be marked:

Liquefied Petroleum Gas
Keep Open Fires Away
Operating Instructions
Inside and In--------

(2) Operating Instructions shall be framed under glass and shall be posted prominently, both in the interior of the metal inclosure and near the most frequently used gas consuming device so they may be easily read.

(j) *Operating instructions.* (1) Before opening a cylinder valve, the outlet of cylinder shall be connected tightly to system; and, in the case where only a single cylinder is used in the system, all appliance valves and pilots must be shut off before the cylinder valve is opened.

(2) Before opening cylinder valve after connecting it to system, the cylinder shall be securely fastened in place.

(3) When cylinders are not in use their outlet valves shall be kept closed.

(4) Cylinders when exhausted shall have their outlet valves closed.

(5) Nothing shall be stored in the metal inclosure except liquefied petroleum gas cylinders and permanently fastened parts of the system.

(6) Valve protecting caps if provided shall be firmly in place on all cylinders not attached to the system. Caps for cylinders in use may remain in metal inclosure if rigidly fastened to the metal inclosure structure.

(7) The opening into the metal inclosure must be closed at all times except when access is required to change cylinders or maintain equipment.

(8) Gas pressure to consuming devices should be approximately eleven inches water column (6.4 oz. per square inch).

(9) No smoking should be permitted in the vicinity of the metal inclosure when access to inclosure is open.

(10) If electric connections are made within the metal inclosure they must be installed in strict accordance with the requirements of the National Electrical Code[1] for Class I, Group D, Hazardous Locations.

(11) Tests for gas leaks should be made with a soap solution or low freezing point liquids but in no case shall a flame be used.

(12) Report any presence of gas odor to ----------. (R. S. 4405, 4426, 4470, 4471, 4477 and 4479, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 404, 463, 463a, 464, 470, 472; 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

[1] A copy of this Code, National Board of Fire Underwriters' pamphlet No. 70, has been filed with this document in the Division of the Federal Register. Copies are also on file with the various Coast Guard District Commanders for reference purposes.

Subchapter H—Great Lakes: General Rules and Regulations

PART 77—FIRE APPARATUS; FIRE PREVENTION

Section 77.24 is amended to read as follows:

§ 77.24 *Liquefied petroleum gases for cooking and heating.* (See § 61.25 of this chapter, as amended, which is identical with this section.) (R. S. 4405, 4426, 4470, 4471, 4477 and 4479, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 404, 463, 463a, 464, 470, 472; 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 95—FIRE APPARATUS; FIRE PREVENTION

Section 95.24 is amended to read as follows:

§ 95.24 *Liquefied petroleum gases for cooking and heating.* (See § 61.25 of this chapter, as amended, which is identical with this section.) (R. S. 4405, 4426, 4470, 4471, 4477 and 4479, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 404, 463, 463a, 464, 470, 472; 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Subchapter J—Rivers: General Rules and Regulations

PART 114—FIRE APPARATUS; FIRE PREVENTION

Section 114.25 is amended to read as follows:

§ 114.25 *Liquefied petroleum gases for cooking and heating.* (See § 61.25 of this chapter, as amended, which is identical with this section.) (R. S. 4405, 4426, 4470, 4471, 4477 and 4479, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e) 55 Stat. 244; 46 U. S. C. 367, 375, 404, 463, 463a, 464, 470, 472; 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Section 146.24–15 is amended by deleting paragraph (k) and by changing paragraph (j) to read as follows:

§ 146.24–15 *Liquid chlorine in bulk.* * * *

(j) Cargo tanks shall be examined and retested every two years in the presence of an inspector of the Coast Guard. The examination shall consist of a thorough internal and external inspection. The hydrostatic test shall be at a pressure of 450 pounds per square inch. The relief valve or valves shall be dismantled, overhauled, and reset at the time of this biennial inspection. Said valve or valves may be dismantled, overhauled, and reset at such other times as is the desire of the carrier; provided such dismantling, overhauling, and reseting are made with the cognizance of and under such conditions as are agreed upon with the Officer in Charge, Marine Inspection. Upon satisfactory conclusion of test at the time of the biennial inspection, the inspector shall stamp upon the tank the date and other identification necessary to indicate authority for continued use of the cargo tanks and relief valves. When a carrier finds it necessary to replace a relief valve, he shall report the change in writing to the Officer in Charge, Marine Inspection, in the district where the change took place or at the first port of call. The replacement shall be the same size, capacity, and material as the replaced valve and shall be set to relieve at the safe working pressure of the tank.

(R. S. 4472, as amended; 46 U. S. C. 170; and Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Dated: April 17, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47–3873; Filed, Apr. 23, 1947; 8:46 a. m.]

Chapter II—United States Maritime Commission

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Rev. G. O. 24, Supp. 1]

PART 284—VALUATION OF VESSELS FOR DETERMINING CAPITAL EMPLOYED AND NET EARNINGS UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

ADJUSTMENTS FOR DEPRECIATION

Paragraph (f) *Adjustments for depreciation* of § 284.2 *Basis of valuation* (originally subparagraph (f) of paragraph (2) of General Order 24, Revised) is amended by changing the comma at the end of the first paragraph thereof to a colon and adding the following: "And *provided further*, That the residual values of 'war-built vessels' acquired from the Commission by purchase under section 4 or exchange under section 8 of the Merchant Ship Sales Act of 1946 or with respect to which the prior sales price is adjusted pursuant to section 9 of that act shall be deemed to be 2½ per cent of the prewar domestic cost thereof, as established by the Commission under the Merchant Ship Sales Act of 1946 and published in the FEDERAL REGISTER."

(49 Stat. 1987, as amended by 52 Stat. 964, 60 Stat. 41; 46 U. S. C. 1114)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

APRIL 18, 1947.

[F. R. Doc. 47–3892; Filed, Apr. 23, 1947; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 260, Amdt. 8]

PART 95—CAR SERVICE

SALTING OF ICE ON CARS OF CITRUS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of April A. D. 1947.

Upon further consideratiton of the provisions of Service Order No. 260 (9 F. R. 14547), as amended (10 F. R. 4818; 11 F. R. 8452, 13639; 12 F. R. 48, 128, 1394, 2037), and good cause appearing therefor: It is ordered, that:

Section 95.260 *Salting of ice on cars of citrus*, of Service Order No. 260, as amended, be, and it is hereby, further amended by adding the following exception to paragraph (a) thereof:

Exception. The provisions of this section, during the effectiveness of this amendment, shall not apply to the salting, at regular icing stations en route, with not to exceed three percent (3%) salt, of ice in the bunkers of refrigerator cars, shipped from any origin in the State of Florida, loaded with straight carloads of oranges or grapefruit or mixed carloads of oranges and grapefruit.

Effective date. This amendment shall become effective at 12:01 a. m., April 20, 1947.

Expiration date. This amendment shall expire at 11:59 p. m., June 30, 1947.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–3884; Filed, Apr. 23, 1947; 8:59 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 142]

[Treasury Decision 5438]

TAX-FREE WITHDRAWALS OF CIGARS FROM CUSTOMS BONDED WAREHOUSE, CLASS 6

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form herewith are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Customs, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commisioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 2135 of the Internal Revenue Code, 53 Stat. 234; sec. 3, 44 Stat. 1362; sec. 556, 46 Stat. 743 (26 U. S. C. 2135, 5 U. S. C. 281b; 19 U. S. C. 1556).

Treasury Decision 5438, approved February 7, 1945 (26 CFR, Part 142), is amended as follows:

(A) By inserting immediately following the heading "Table of Contents" an additional center heading as follows: "Subpart A".

(B) By changing the first line of the table of contents reading "142.0 Scope of regulations" to read "142.0 Scope of "Subpart A".

(C) By inserting immediately following the table of contents the following:

SUBPART B

142.20 Scope of Subpart B.
142.21 Definitions.
142.22 Shipment restricted.
142.23 Bond.
142.24 Packing, marking or branding.
142.25 Shipping containers.
142.26 Application for withdrawal.
142.27 Inspection and verification of shipment.
142.28 Report of inspecting officer.
142.29 Delay in withdrawal of shipment; cancelation of shipment.
142.30 Change in consignee.
142.31 Withdrawal of shipment and disposition of original of application, Form 550.
142.32 Return of shipment to warehouse.
142.33 Tax liability.
142.34 Credit for shipment.
142.35 Penalties.

(D) By inserting immediately preceding § 142.0 a center heading as follows: "Subpart A".

(E) By substituting for the words "these regulations" wherever occurring in §§ 142.0 to 142.15, inclusive, the words "the regulations in this subpart".

(F) By changing the heading of § 142.0 *Scope of regulations* to read *Scope of Subpart A.*

(G) By inserting in the first sentence of § 142.0 immediately following the word "withdrawal" the following: ", prior to the effective date of Treasury Decision -----".

(H) By inserting immediately following § 142.15 the following:

SUBPART B

§ 142.20 *Scope of Subpart B.* This subpart comprising §§ 142.20 to 142.35, inclusive, relates to the withdrawal, on and after the effective date of Treasury Decision -----, without payment of tax from customs bonded manufacturing warehouses, class 6, for export to foreign countries or shipment to possessions of the United States, of cigars produced in such warehouses of imported tobacco on which the duties have been paid. Duties paid on tobacco used in the manufacture of cigars withdrawn under this subpart may not be recovered. However, this subpart is exclusive only with respect to the withdrawal of cigars for shipment to a foreign country or possession of the United States where the customs regulations are not applicable to such shipment. This subpart does not relate to any withdrawal of cigars made of imported tobacco on which the customs duties have not been paid, which withdrawals must always be made in accordance with customs regulations and procedure.

§ 142.21 *Definitions.* As used in this subpart:

(a) The term "collector" means the collector of internal revenue for the district in which is located the customs bonded manufacturing warehouse, class 6, from which withdrawal of cigars under this subpart is made or intended to be made.

(b) The term "manufacturer" means the proprietor of a customs bonded manufacturing warehouse, class 6.

(c) The term "warehouse" means a customs bonded manufacturing warehouse, class 6, where cigars withdrawn, or intended to be withdrawn, under this subpart, are made.

(d) The term "Commissioner" means the Commissioner of Internal Revenue.

SEC. 2135 [Internal Revenue Code]. EXEMPTION FROM TAX (As amended by act approved March 23, 1943, 57 Stat. 42).

(a) *Shipments to foreign countries and possessions of the United States*—(1) *Manufactures.* Manufactured tobacco, snuff, cigars or cigarettes may be removed for export to a foreign country or for shipment to a possession of the United States (or, until the date on which the President proclaims that hostilities in the present war have terminated, to a territory of the United States for the use of members of the military or naval forces of the United States) without payment of tax under such rules and regulations and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner, with the approval of the Secretary, shall prescribe.

A PROCLAMATION

* * * * * *

* * * I, Harry S. Truman, President of the United States of America, do hereby proclaim the cessation of hostilities of World War II, effective twelve o'clock noon, December 31, 1946.

§ 142.22 *Shipment restricted.* The withdrawal of cigars under this subpart, without payment of tax, may be made only for export to foreign countries or possessions of the United States where the United States internal revenue laws are not in effect.

§ 142.23 *Bond.* Before or at the time of filing his first application, a manufacturer who desires to withdraw cigars from his warehouse without payment of tax under this subpart, shall furnish to the collector a bond, in duplicate, in such form as the Commissioner shall prescribe, with surety satisfactory to the collector. The penal sum of the bond shall be sufficient to cover the estimated amount of tax which shall at any time constitute a charge against the bond, and in no case less than $5,000.00. When the bond, in duplicate, is received by the collector, he shall, if the bond meets with his approval, make endorsement to that effect on both the original and duplicate of the bond and forward the duplicate to the Commissioner. The liability under such bond shall be a continuing one, and will be subject to increase or decrease as withdrawals are made and completed. When the limit of liability under such bond has been reached, further withdrawals may not be made thereunder. Instead, a new bond, in duplicate, must be filed by the manufacturer, under which subsequent withdrawals shall be made.

§ 142.24 *Packing, marking, or branding.* Cigars withdrawn under this subpart may be put up in packages of any sizes desired. Each package of cigars shall have securely affixed in place of the internal revenue stamp a label, which label shall be readily distinguishable from an internal revenue stamp and on which shall be printed the following legend:

Free of tax. For use only outside the jurisdiction of the internal revenue laws of the United States.

§ 142.25 *Shipping containers.* Each shipping container in which cigars are to be withdrawn under this subpart shall be plainly numbered by the manufacturer, the number to be a consecutive one of a series beginning with No. 1, and begin again with No. 1 on July 1 of each subsequent year.

Shipping containers shall not be closed and fastened until their contents have been inspected and verified by a customs officer at the warehouse, as hereinafter prescribed.

§ 142.26 *Application for withdrawal.* An application on Internal Revenue Form 550, appropriately modified, shall be executed and filed by the manufacturer with the collector for each shipment intended to be withdrawn under this subpart. Such application shall be filed in triplicate for each parcel post shipment, and in quadruplicate for each shipment otherwise than by parcel post. Each application shall bear a serial number, such number to be a consecutive one of a series beginning with No. 1 to cover the first shipment, and commencing again with No. 1 on July 1 of each year thereafter. Copies of each application shall bear the same serial number as the original. Each application shall be completely and legibly modified and filled in. The cigars described in the application shall not be withdrawn from the warehouse until after inspection and verification by the customs officer as hereinafter required.

Upon receipt of each application, properly executed, the collector shall, if the tax liability on the particular shipment does not increase the outstanding liability in excess of the penal sum of the bond under which the withdrawal is to be made, immediately after signing the original and each copy of the application, forward the original and the two or three copies of the application to the customs officer in charge of the warehouse from which the shipment is to be withdrawn, in order that the customs officer can make proper inspection and verification of the cigars described in the application.

§ 142.27 *Inspection and verification of shipment.* It shall be the duty of the customs officer in charge of the warehouse from which the shipment of cigars is to be withdrawn under this subpart, to inspect the shipment and determine definitely that the shipment contains the exact class and quantity of cigars specified in the application, and that the boxes or packages of such cigars meet the requirements of this subpart. The packing of the shipping containers shall be under the supervision of the customs officer who will see that the number required by this subpart is properly inscribed on each shipping container.

Cigars withdrawn under this subpart may be stored within the jurisdiction of the internal revenue laws of the United States only under Government control and supervision, or with the approval of the Commissioner. Cigars withdrawn and otherwise held in such jurisdiction are subject to seizure by and forfeiture to the United States.

§ 142.28 *Report of inspecting officer.* After inspection and verification of the shipment have been completed and the shipping containers have been made ready for withdrawal and the customs officer has filled in and signed his report on the original and each copy of the application, the shipment shall be released for withdrawal by the manufacturer. One copy of the application is to be retained for customs purposes, one copy forwarded immediately to the collector and the original and the remaining copy delivered to the manufacturer to go forward with the shipment and be disposed of as hereinafter prescribed.

§ 142.29 *Delay in withdrawal of shipment; cancelation of shipment.* In case a shipment is not withdrawn from the warehouse within ten days after inspection and verification as provided in this subpart, the manufacturer must advise the collector as to the probable date of withdrawal. If the order for the shipment has been canceled, the manufacturer should so advise the collector and request premission to return the shipment to stock in the warehouse under the supervision of the customs officer in charge of the warehouse.

§ 142.30 *Change in consignee.* If, after inspection and verification, but before withdrawal of the shipment, the manufacturer for good and sufficient reasons desires to change the consignee or the address of the original consignee shown by the application, the manufacturer shall forward to the collector for correction and endorsement the original and copy of the application delivered to him by the inspecting officer with a letter setting forth his reasons for the change. The collector, after making correction and endorsement of the change, shall forward the original and copy of the application to the customs officer in charge of the warehouse with a letter instructing the customs officer to make similar change in the copy of the application which he retained after inspection and verification of the shipment, and to deliver the original and copy of the application to the manufacturer.

§ 142.31 *Withdrawal of shipment and disposition of original of application, Form 550*—(a) *General.* After the shipment has been released for withdrawal, the manufacturer shall enter on the original and copy of the application the actual date of withdrawal of the shipment from the warehouse, after which the shipment may go forward to the consignee. The original and copy of the application shall then be disposed of by the manufacturer as hereinafter prescribed.

(b) *Shipment other than by parcel post.* (1) If the warehouse is located at the port of exportation, the manufacturer shall file with the collector of customs at the port, at least six hours prior to lading of the shipment, the original and one copy of the application on Form 550 returned to him by the customs officer who inspected the shipment at the warehouse.

(2) If the warehouse is located elsewhere than at the port of exportation, the manufacturer shall forward the original and one copy of the application on Form 550 to the collector of customs at the port or to the agent of the manufacturer at the port so that these forms may reach or be filed with the collector of customs at least six hours prior to lading of the shipment. Where the original and one copy of the Form 550 are forwarded by the manufacturer to his agent at the port, the agent may fill in the name of the carrier or exporting vessel and give the location of the pier where the shipment will be laden.

(3) In case of exportation to a foreign contiguous territory by rail through a border port the manufacturer will forward the original and one copy of the application on Form 550 to the collector of customs at the border port through which the shipment will be routed for exportation.

(4) After the shipment has been inspected and laden on the exporting vessel or carrier or where the shipment has been inspected at the border port of exit with respect to shipment to a foreign contiguous territory the customs inspector who supervised the inspection and lading of the shipment will execute the Certificate of Inspection and Lading on the reverse side of both the original and copy of the Form 550 and return these forms to his collector of customs. After the vessel or carrier has cleared from the port of exportation or exit, the collector of customs will execute the Certificate of Exportation on both the original and copy of the Form 550, retain the copy for his file and forward the completed original to the collector of internal revenue of the district from which the shipment originated as indicated on the back of the form.

(c) *Shipment by parcel post.* If the shipment is to be made by parcel post, the manufacturer shall execute on each shipping container or parcel a waiver of his right to withdraw the container or parcel from the mails, and then at the time of mailing present the original Form 550 covering the shipment to the postmaster or his agent for execution of the certificate of mailing provided on the back of the form. The original Form 550 so executed shall be filed promptly thereafter by the manufacturer with the collector.

§ 142.32 *Return of shipment to warehouse.* If, after withdrawal, the manufacturer desires to return a shipment to the warehouse, he must make application to the Commissioner for permission to do so. The manufacturer must identify the shipment, and show where it has been since it left the factory, where held and in whose custody it is at the time of making application, and the reasons for returning the shipment. After receipt of such application, the Commissioner will issue appropriate instructions. The return of cigars to the warehouse will operate only to relieve the manufacturer of liability to internal revenue tax. Cigars so returned may not thereafter be withdrawn with benefit of refund of duties on the tobacco of which the cigars were made. Section 558, Tariff Act of 1930, as amended (19 U. S. C. 1558).

§ 142.33 *Tax liability.* The responsibility for the delivery to the consignee of cigars withdrawn under this subpart shall rest upon the manufacturer making the withdrawal, who will be liable for the internal revenue tax on any cigars withdrawn or delivered otherwise than in accordance with this subpart.

§ 142.34 *Credit for shipment.* Upon receipt of the original of the application on Form 550 with the "Certificate of Inspection and Lading" and the "Certificate of Exportation" executed by the appropriate customs officers or the "Certificate of Mailing by Parcel Post" executed by the appropriate postal officer with no shortage reported, the collector shall enter the proper credit in the account, Form 94, which he shall keep with the bond under which the shipment was made. In case a shortage is reported, the collector shall enter credit for the cigars actually delivered and require the manufacturer to pay the amount of tax due on the shortage.

§ 142.35 *Penalties.* Various sections of the Internal Revenue Code impose severe penalties for the unlawful withdrawal of cigars from the place of manufacture and for the possession, use, or delivery within the United States (including its territories) of manufactured cigars upon which the tax has not been paid. These sections apply to cigars withdrawn without the payment of tax under this subpart, and, accordingly, any person withdrawing, possessing, using, or delivering any such cigars otherwise than as authorized by this subpart may be subject to the penalties prescribed by these sections of the Code.

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of Internal Revenue.
G. H. GRIFFITH,
Acting Commissioner of Customs.

[F. R. Doc. 47-3893; Filed, Apr. 23, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8684]

JULIUS BACHARACH

In re: Trusts u/w of Julius Bacharach, deceased. File D-28-1791; E. T. sec. 1203.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Bacharach, Karl Bacharach, Julius Bacharach, and Frieda Weinstock, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the trusts created under the will of Julius Bacharach, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harry Mack, as trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3900; Filed, Apr. 23, 1947; 9:00 a. m.]

[Vesting Order 8686]

HELEN BIDEN

In re: Trust u/w of Helen Biden, deceased. File No. D-28-10667; E. T. sec. 15021.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Gudden, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of Helen Biden, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Sydney Preston Biden and Helen Rice, as co-trustees, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3894; Filed, Apr. 23, 1947; 8:59 a. m.]

[Vesting Order 8690]

HENRY FRICKE

In re: Estate of Henry Fricke, deceased. File No. F-28-7638; E. T. sec. No. 2024.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Werner Fricke and Johanne Fricke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Henry Fricke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter B. Solinger, as Ancillary Administrator C. T. A., acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3895; Filed, Apr. 23, 1947; 8:59 a. m.]

[Vesting Order 8741]

JACK TAKEUCHI

In re: Estate of Jack Takeuchi, also known as J. G. Takeuchi, deceased. File D-39-17363; E. T. sec. 15751.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Ayako Takeuchi and Atsuko Takeuchi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Jack Takeuchi, also known as J. G. Takeuchi, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan);

3. That such property is in the process of administration by Robert L. Sullivan, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Kings;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3896; Filed, Apr. 23, 1947; 8:59 a. m.]

[Return Order 12]

BAGPAK, INC.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Bagpak, Inc., New York, N. Y. Claims Nos. A-119 and A-120.	12 F. R. 1451, Mar. 1, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent Nos. 1,988,705 and 1,997,385, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3898; Filed, Apr. 23, 1947; 9:00 a. m.]

[Vesting Order 8747]

FRED KORTE

In re: Stock owned by Fred Korte. F-28-25277-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Korte, whose last known address is Loxstedt, Wesermunde, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered FN029866/8 for twenty-five (25), forty (40) and thirty-five (35) shares, respectively, registered in the name of Fred Korte, together with all declared and unpaid dividends thereon, and

b. Warrants to purchase one hundred fifty-seven (157) shares of common capital stock of The Colorado Fuel and Iron Corporation, P. O. Box 1920, Denver 1, Colorado, a corporation organized under the laws of the State of Colorado, evidenced by certificate number W-9044 and registered in the name of Fred Korte, together with any and all rights thereunder and thereto, including particularly but not limited to any and all rights of exchange thereof for other warrants of said The Colorado Fuel and Iron Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3897; Filed, Apr. 23, 1947; 9:00 a. m.]

[1] Filed as part of the original document.

ELLIS MILLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return on or after 30 days from the date of publication hereof, the following property located in Washington, D. C. including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Ellis Miller, New York City, N. Y.	691-694, inclusive	Property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) relating to United States Letters Patent Nos. 2,258,331, 2,258,332, 2,258,333, and 2,269,595, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3899; Filed, Apr. 23, 1947; 9:00 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-729]

CITIES SERVICE GAS CO.

ORDER GRANTING ORAL ARGUMENT IN LIEU OF BRIEFS

Upon consideration of the motion of Cities Service Gas Company filed on April 9, 1947, for oral argument in lieu of briefs;

The Commission finds that:

Good cause exists for substituting oral argument in lieu of briefs, and in the circumstances is appropriate and in the public interest.

The Commission orders that:

Oral argument upon the matters involved and issues presented in Docket No. G-729 be had before the Trial Examiner, previously designated, on May 7, 1947, at 10:00 a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: April 21, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3877; Filed, Apr. 23, 1947; 8:46 a. m.]

[Docket No. G-884]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 17, 1947.

Notice is hereby given that on March 31, 1947, an application was filed with the Federal Power Commission by Southern Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business at Birmingham, Alabama, and authorized to do business in the States of Alabama, Georgia, Louisiana, Mississippi and Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described natural-gas pipeline facilities:

(1) *Trunk Line.* A 16-inch line extending approximately 225 miles due east to the vicinity of Colfax, Georgia from the point in Lee County, Alabama on the proposed 24-inch Gwinville, Mississippi-Atlanta line where said line bends northeasterly toward Atlanta, Georgia. The capacity (delivery on peak day) of this line is 203,900 Mcf.

(2) Extensions from 16-inch line:

Tallahassee Line. An 8⅝-line, having a daily delivery capacity of 27,500 Mcf, extending 56.4 miles south from Compressor Station B on the 16-inch trunk line, to Albany, Georgia, reduced to 6⅝-inch pipe for 53.0 miles from Albany to Thomasville, Georgia, with 4½-inch laterals to Cordele, Moultrie and Cairo, Georgia, and Tallahassee, Florida, and with a 4½-inch lateral through Quitman to Valdosta, Georgia.

Jacksonville Line. A 10¾-inch line, having a daily delivery capacity of 47,500 Mcf, extending southeasterly 147.5 miles from the vicinity of Covena, Georgia, to the junction with the Fernandina branch, and continuing as an 8⅝-inch line 18 miles long to Jacksonville, Florida. Extending 59 miles southeasterly from the junction at Compressor Station E is 6⅝-inch lateral to Brunswick. The Fernandina-St. Marys lateral is an 8⅝-inch line extending 15.3 miles to the point where 6⅝-inch branch lines extend respectively 10 miles to Fernandina and 21 miles to St. Marys. There is also a 12.2 mile lateral of 4½-inch pipe to Waycross, Georgia.

Savannah Line. A 10¾-inch line, having a daily delivery capacity of 45,000 Mcf extending 54.2 miles from the Colfax terminus of the 16-inch line to Savannah, Georgia.

Georgetown Extension. A 14-inch line, having a daily delivery capacity of 78,500 Mcf, extending 54.4 miles from the Colfax terminus of the 16-inch trunk line to Compressor Station D, located at the junction of the Augusta Line. From this point to the junction of the junction of the Charleston Line, the line is reduced to a 12¾-inch line, where it is further reduced to 8⅝ inches extending to the easterly terminus at Georgetown, South Carolina. This extension will supply the following branch lines:

Augusta Line. An 8⅝-inch line extending 46.7 miles from Compressor Station D in the vicinity of Allendale, South Carolina, to the Aiken, South Carolina, junction with 6⅝-inch branches to Augusta (4.8 miles) and Aiken (18.3 miles). The daily delivery capacity of the Augusta Line is 21,750 Mcf.

Columbia Line. An 8⅝-inch line, having a daily delivery capacity of 14,000 Mcf, extending 55.6 miles north from the vicinity of Branchville, South Carolina.

Charleston Line. An 8⅝-inch line, having a daily capacity of 20,200 Mcf, extending 46 miles from the Georgetown line to Charleston, South Carolina.

(3) The location, rated horsepower and capacity of proposed Compressor stations as follows:

Compressor Station A of 9,000 installed horsepower, (8,720 active H. P.) with a delivery capacity of 203,900 Mcf, will be located on the 16-inch trunk line 21 miles east of its junction with the Gwinville-Atlanta 24-inch line.

Compressor Station B of 9,000 installed horsepower (8,660 active H. P.), with a delivered capacity of 201,400 Mcf, will be located on the 16-inch trunk line 56 miles east of Compressor Station A, at its junction with the Tallahassee Line.

Compressor Station C of 8,000 installed horsepower (7,420 active H. P.), with a delivery capacity of 171,100 Mcf, will be located on the 16-inch line 69 miles east of Compressor Station B.

Compressor Station D of 4,000 installed horsepower, with a delivery capacity of 78,300 Mcf will be located on the Georgetown Extension at its Junction with the Augusta Branch.

Compressor Station E of 1,600 installed horsepower, having a delivery capacity of 47,000 Mcf, will be located on the Jacksonville Line at its junction with the Brunswick laterial.

The pipe lines will include multiple line crossings at 21 major streams, and the compressor stations will include coolers, water systems and other appurtenances.

Meter and regulator stations of appropriate capacities will be located at all city and town gates and industrial delivery points. All facilities will be operated as an integral part of Applicant's system.

All lines will be operated at maximum pressures of 1080 p. s. i. with delivery pressures of not less than 50 p. s. i. The maximum day demand on this system is etimated to be 197,600 Mcf.

Applicant recites that the construction of the facilities covered by the present application is dependent upon approval by the Commission of Applicant's application, Docket No. G-796, including particularly the 24-inch Gwinville-Atlanta main line. Applicant states that the date of commencing construction is thus dependent upon Commission approval of the Gwinville-Atlanta main line for which pipe is now on order with deliveries expected in 1949.

The Applicant further recites that with the construction of the new 24-inch Gwinville-Atlanta main line sufficient excess capacity will be provided to supply the South Georgia-North Florida-South Carolina territory. This 24-inch main line, when operated with compressors at 1,000 pounds pressure, will have a capacity of 540,000 Mcf per day, when the additional necessary compression has been added to the above-mentioned 24-inch Gwinville-Atlanta line west of Lee County, Alabama. Less than half of this additional capacity will be required to meet all the estimated requirements of the markets now being served by Applicant, and those covered by Applicant in G-796, leaving more than 270,000 Mcf per day available to serve the South Georgia-North Florida-South Carolina territory.

Applicant recites that the estimated total over-all capital cost of the proposed facilities is $25,711,955.

Information with respect to Applicant's plans for financing the project, including working capital and other incidental costs, will be supplied by amendment hereto.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3878; Filed, Apr. 23, 1947; 8:46 a. m.]

[Docket No. G-886]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER VACATING ORDER SUSPENDING RATE SCHEDULE

APRIL 18, 1947.

Notice is hereby given that, on April 16, 1947, the Federal Power Commission issued its order entered April 16, 1947, vacating order suspending rate schedule in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3876; Filed, Apr. 23, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, General Permit 5]

RESTRICTIONS ON RECONSIGNING PERISHABLES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (j) of Service Order No. 396 insofar as it applies to shipments subject to a through or joint rate: *Providing however*, That this general permit shall not apply to shipments for which there are published tariff charges applicable for backhauling or out-of-route movement.

This general permit shall become effective 12:01 a. m., April 19th and shall apply to all cars in transit on and after that date.

The waybill shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3883; Filed, Apr. 23, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1489]

CENTRAL ILLINOIS LIGHT CO. AND COMMONWEALTH & SOUTHERN CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of April 1947.

Notice is hereby given that a joint application-declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Central Illinois Light Company ("Central Illinois") and its parent, The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company. The applicants-declarants have designated sections 6 (a), 7, 9 (a), 10, 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43, U-44 and U-62 thereunder as applicable to the proposed transactions.

All interested parties are referred to said application-declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Central Illinois proposes to amend its Articles of Incorporation so as to (a) increase the authorized number of shares of its common stock without par value from 250,000 shares to 1,500,000 shares and (b) change Central Illinois' issued and presently outstanding common stock, all of which is owned by Commonwealth, from 210,000 shares into 800,000 shares. Central Illinois also proposes to increase the aggregate stated capital represented by its common stock from $10,833,988 to $13,600,000 by the transfer of $2,766,012 from earned surplus to the common stock capital account. As of December 31, 1946, this entry would have had the effect of reducing Central Illinois' earned surplus from $4,102,108 to $1,336,096.

Commonwealth has filed with this Commission a plan dated March 25, 1946, pursuant to section 11 (e) of the act, for partial compliance with section 11 (b). As part of a program preliminary to such plan, and irrespective of the approval of said plan, Commonwealth proposes, subject to the approval of this Commission in appropriate proceedings, to dispose of the common stock of Central Illinois. The application states that the consummation of the instant proposed transactions will facilitate the disposition by Commonwealth of the common stock of Central Illinois and will make the company's common stock more marketable and a better vehicle of financing for the company. Central Illinois has filed an application with the Illinois Commerce Commission, the State Commission of the State in which Central Illinois is organized and doing business, for approval of the proposed transactions to be effected by it.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said application-declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on May 7, 1947 at 11:00 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before May 5, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed increase in the outstanding shares of common stock of Central Illinois and in the aggregate stated capital represented thereby meets the applicable standards of sections 7 and 12 (c) of the act.

2. Whether the terms and conditions of the proposed common stock issue are detrimental to the public interest or the interest of investors or consumers.

3. What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers and, particularly, to insure that voting power shall be fairly and equitably distributed among the security holders of Central Illinois.

4. Whether the proposed acquisition by Commonwealth of the common stock of Central Illinois meets the applicable requirements of section 10 of the act.

5. Whether the fees and expenses to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

6. Whether the proposed accounting treatment of the transactions is proper and in conformity with sound accounting principles.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicants-declarants herein, the Illinois Commerce Commission and on all parties of record and all parties granted leave to be heard in the proceedings on Commonwealth's plan of reorganization (File Nos. 59-20, 59-8 and 54-75); and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3879; Filed, Apr. 23, 1947; 8:46 a. m.]

[File No. 70-1503]

FEDERAL WATER AND GAS CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of April A. D. 1947.

Notice is hereby given that a declaration and an amendment thereto has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Federal Water and Gas Corporation ("Federal"), a registered holding company. Declarant designates section 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 29, 1947, at 5:30 p. m. e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration, as amended, proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Federal proposes to extend for a period of six months all or a portion of two notes in the unpaid principal amounts of $671,641.60 and $328,358.20, held by Guaranty Trust Company of New York and The Chase National Bank of the City of New York, respectively, and maturing June 1, 1947. Said notes are secured by 794.054½ shares of the no par value common stock of Scranton-Spring Brook Water Service Company ("Scranton"), a subsidiary of Federal, and were originally issued in the aggregate principal amount of $3,830,615.62 to enable Federal to acquire the common stock of Scranton in connection with the latter's reorganization (Holding Company Act Release No. 6458). The aggregate principal amount of said notes has been reduced to $1,000,000 by the use of cash received by Federal from the sale of its investments in Chattanooga Gas Company and Mississippi Gas Company and treasury cash.

The filing further states that Federal will not have sufficient cash available to meet the payment at the present maturity date of said notes; and that although Federal originally intended to sell such shares of the common stock of Scranton as may be necessary to provide funds with which to retire said notes, it is now contemplated that as soon as practicable after the United States Supreme Court hands down its decision in "Securities and Exchange Commission v. Chenery Corporation et al.," Federal will file with the Commission a plan for the distribution of its remaining assets including the Scranton stock and the dissolution of the corporation, and that funds for the payment of said notes will be obtained from other sources.

The declarant requests that the Commission's order be issued herein as soon as possible, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3880; Filed, Apr. 23, 1947; 8:46 a. m.]

APR 28 47

APR 28 47

FEDERAL REGISTER

VOLUME 12 NUMBER 82

Washington, Friday, April 25, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2729

COPYRIGHT EXTENSION: NEW ZEALAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by the act of Congress approved September 25, 1941 (55 Stat. 732) the President is authorized, on the conditions prescribed in that act, to grant an extension of time for the fulfilment of the conditions and formalities prescribed by the copyright laws of the United States of America with respect to works first produced or published outside the United States of America and subject to copyright or to renewal of copyright under the laws of the United States of America, including works subject to *ad interim* copyright, by nationals of countries which accord substantially equal treatment to citizens of the United States of America; and

WHEREAS the Governor-General of New Zealand has issued an Order in Council, effective from this day, by the terms of which treatment substantially equal to that authorized by the aforesaid act of September 25, 1941 is accorded in New Zealand to literary and artistic works first produced or published in the United States of America; and

WHEREAS the aforesaid Order in Council is annexed to and is part of an agreement embodied in notes exchanged this day between the Government of the United States of America and the Government of New Zealand; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated April 9, 1910 (36 Stat. 2685) citizens of New Zealand are, and since July 1, 1909 have been, entitled to the benefits of the act of Congress approved March 4, 1909 (35 Stat. 1075) relating to copyright, other than the benefits of section 1 (e) of that act; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated February 9, 1917 (39 Stat. 1815) the citizens of New Zealand are, and since December 1, 1916 have been, entitled to the benefits of section 1 (e) of the aforesaid act of March 4, 1909;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of September 25, 1941, do declare and proclaim:

That with respect to (1) works of citizens of New Zealand which were first produced or published outside the United States of America on or after September 3, 1939 and subject to copyright under the laws of the United States of America, including works subject to *ad interim* copyright and (2) works of citizens of New Zealand subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, there has existed during several years of the time since September 3, 1939 such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the aforesaid act of September 25, 1941; and that accordingly the time within which compliance with such conditions and formalities may take place is hereby extended with respect to such works until the day on which the President of the United States of America shall, in accordance with that act, terminate or suspend the present declaration and proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation, and that, as provided by the aforesaid act of September 25, 1941, no liability shall attach under the Copyright Act for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of April, in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States

[SEAL]

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of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-4022; Filed, Apr. 24, 1947; 12:12 p. m.]

EXECUTIVE ORDER 9841

TERMINATION OF THE OFFICE OF TEMPORARY CONTROLS

WHEREAS the Congress, in the Urgent Deficiency Appropriation Act, 1947, approved March 22, 1947, has declared its intent that the Office of Temporary Controls be closed and liquidated by June 30, 1947; and

WHEREAS it is necessary to provide for the orderly liquidation of such Office and the disposition of its residual affairs:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes, including the last paragraph of Title I of the First Supplemental Surplus Appropriation Rescission Act, 1946, approved February 18, 1946, Title III of the Second War Powers Act, 1942 as amended by the First Decontrol Act of 1947, section 201 (b) of the Emergency Price Control Act of 1942, as amended, section 2 of the Stabilization Act of 1942, as amended, and Title I of the First War Powers Act, 1941, and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

PART I

101. The Office of Temporary Controls, established by Executive Order No. 9809 of December 12, 1946, shall be terminated and disposition shall be made of its functions according to the provisions of this order.

PART II

201. The provisions of this Part shall become effective on May 4, 1947.

202. Functions of the Temporary Controls Administrator under the Emergency Price Control Act of 1942, as amended, Executive Order No. 9809, and any other statute, order, or delegation are transferred as follows:

(a) Functions with respect to rent control are transferred to the Housing Expediter and shall be performed by him or, subject to his direction and control, by such officers or agencies of the Government as he may designate.

(b) Functions with respect to price control over rice are transferred to the Secretary of Agriculture and shall be performed by him or, subject to his direction and control, by such officers or agencies of the Department of Agriculture as he may designate.

(c) Functions with respect to (1) subsidies, including determinations of the correct amounts of claims and the recovery of over-payments (but excluding premium-payment functions transferred under paragraph 302 (b) hereof); (2) applications for price adjustments filed under Supplementary Order 9 and Procedural Regulation 6 (Adjustment of Maximum Prices for Commodities and Services under Government Contracts or Subcontracts, 7 F .R. 5037, 5444) of the Office of Price Administration; and (3) the interpretation and application of price and subsidy regulations and orders which affect the amount of subsidy payable; are transferred to the Reconstruction Finance Corporation.

203. The following functions of the Temporary Controls Administrator are transferred to the Secretary of Commerce and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of Commerce as he may designate:

(a) Functions of the President under Title III of the Second War Powers Act, 1942, as amended, vested in the Temporary Controls Administrator immediately prior to the taking of effect of this Part.

(b) Functions with respect to determining, under section 6 (a) of the Strategic and Critical Materials Stockpiling Act, the amount of strategic and critical materials necessary to make up any deficiency of the supply thereof for the current requirements of industry.

(c) Functions under section 124 of the Internal Revenue Code, as amended.

(d) Functions under section 12 of the act of June 11, 1942 (the Small Business Mobilization Act).

(e) Functions with respect to claims relating to the expansion of the capacity of defense plants when such expansion is alleged to have been undertaken at the request of the War Production Board or any of its predecessor agencies.

(f) Functions with respect to claims relating to property requisitioned by the Chairman of the War Production Board or by any of his predecessors.

(g) Except as otherwise provided by statute or this or any other Executive order, all other functions of the Temporary Controls Administrator which were immediately prior to the taking of effect of Executive Order No. 9809 vested in the Civilian Production Administrator.

204. Executive Order No. 9705 of March 15, 1946 (as modified by Executive Orders Nos. 9762 and 9809) is revoked.

205. Any authority vested in the Temporary Controls Administrator in pursuance of section 120 of the National Defense Act of 1916 (with respect to placing compulsory orders for products or materials) is withdrawn and terminated.

PART III

301. The provisions of this Part shall become effective June 1, 1947.

302. All functions vested in the Temporary Controls Administrator by Executive Order No. 9809 not otherwise disposed of by statute or by this or any other Executive order are transferred to the Secretary of Commerce and shall be performed by him or, subject to his direction and control, by such officers or agencies of the Department of Commerce as the Secretary may designate. Such functions shall include, but not be limited to, the following:

(a) Functions of the President under the Stabilization Act of 1942, as amended, vested in the Temporary Controls Administrator immediately prior to the taking of effect of this Part.

(b) Functions with respect to premium payments under section 2 (e) (a) (2) of the Emergency Price Control Act of 1942, as amended, insofar as such payments relate to copper, lead, and zinc ores.

(c) Functions with respect to the establishment of maximum prices for industrial alcohol sold to the Government or its agencies.

(d) The liquidation of the functions of the Office of Temporary Controls and of the agencies thereof, except liquidation relating to functions specifically transferred to other agencies (by the provisions of this order or otherwise).

303. The Office of Temporary Controls is terminated.

PART IV

401. The provisions of this Part shall become effective, respectively, on the dates on which functions are transferred or otherwise vested by the provisions of this order.

402. Functions under the Emergency Price Control Act of 1942, as amended, transferred under the provisions of this order shall be deemed to include authority on the part of each officer to whom such functions are transferred hereunder to institute, maintain, or defend in his own name civil proceedings in any court (including the Emergency Court of Appeals), relating to the matters transferred to him, including any such proceedings pending on the effective date of the transfer of any such function under this order. The provisions of this paragraph shall be subject to the provisions of the Executive order entitled "Conduct of Certain Litigation Arising under Wartime Legislation," issued on the date of this order and effective June 1, 1947.[1]

403. (a) The records, property, and personnel relating primarily to the respective functions transferred under the provisions of this order shall be transferred, and the funds relating primarily to such respective functions shall be transferred or otherwise made available, to the agencies to which such functions are transferred. Such measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the purposes and provisions of this paragraph shall be carried out in such manner as the Director may determine and by such agencies as he may designate.

(b) In order that the confidential status of any records affected by this order shall be fully protected and maintained, the use of any confidential records transferred hereunder shall be so restricted by the respective agencies as to prevent the disclosure of information concerning individual persons or firms to persons who are not engaged in functions or activities to which such records are directly related, except as provided for by law or as required in the final disposition thereof pursuant to law.

404. All provisions of prior Executive orders in conflict with this order are amended accordingly. All other prior and currently effective orders, rules, regulations, directives, and other similar instruments relating to any function transferred by the provisions of this order or issued by any agency terminated hereunder or by any predecessor or constituent agency thereof, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

405. As used in this order, "functions" includes powers, duties, authorities, discretions, and responsibilities.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 23, 1947.

[F. R. Doc. 47-3997; Filed, Apr. 23, 1947; 5:07 p. m.]

[1] See E. O. 9842, *infra*.

EXECUTIVE ORDER 9842

CONDUCT OF CERTAIN LITIGATION ARISING UNDER WARTIME LEGISLATION

By virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941, and as President of the United States, and having regard to the established responsibilities and powers of the Department of Justice and of the Attorney General under the statutes of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. The Attorney General is authorized and directed, in the name of the United States or otherwise as permitted by law, to coordinate, conduct, initiate, maintain or defend:

(a) Litigation before the Emergency Court of Appeals for and on behalf of the Secretary of Agriculture, the Secretary of Commerce, and the Reconstruction Finance Corporation, respectively;

(b) Litigation against violators of regulations, schedules or orders relating to maximum prices pertaining to any commodity which has been removed from price control;

(c) Litigation arising out of Directive 41, as amended, of the Office of Economic Stabilization pertaining to the withholding of subsidies because of noncompliance with or violations of control orders.

2. Nothing herein shall be deemed to restrict or limit the powers conferred upon the Attorney General by law with respect to the conduct, settlement, disposition or review of litigation.

3. The functions and duties of the Attorney General under this order shall be performed by him or, subject to his direction and control, by such officers or agencies of the Department of Justice as he may designate, and there shall be made available to the Attorney General, pursuant to the provisions of Executive Order No. 9784 of September 25, 1946, any files or records pertinent to the subject matter hereof.

4. This order shall become effective June 1, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 23, 1947.

[F. R. Doc. 47-3998; Filed, Apr. 23, 1947; 5:07 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTIONS

RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

In the FEDERAL REGISTER of February 25, 1947, Chapter I was revised and certain parts, including part 12, §§ 12.301 to 12.314, inclusive, were redesignated effective May 1, 1947 (12 F. R. 1270). This amendment to § 12.306, which is effective on publication in the FEDERAL REGISTER, is to be carried over on May 1, the effective date of the redesignation.

Section 12.306 (redesignated as § 20.6 effective May 1, 1947) is amended to read as follows:

§ 12.306 *Special regulations relating to consolidations and mergers.* (a) Before any reduction in force is made in connection with the transfer of any or all of the functions of one department to another continuing department, all veteran preference employees and all retention group A employees assigned to any such function shall be transferred to such continuing department, without change in tenure of employment.

(b) Where, in the course of liquidation of an agency, functions are transferred only for liquidation, and functional operations have terminated or will terminate by law or authoritative order within sixty calendar days, employees engaged on such functions may be given temporary appointments, initially without change in grade or compensation, in the department or agency responsible for such liquidation.

All changes to temporary appointments under these regulations are subject to review by the Civil Service Commission on appeal by affected employees, and shall be corrected to transfers without change in tenure of employment in all cases where the Commission finds such action to be proper. Employees given temporary appointments under these regulations shall be notified that they may appeal such action within thirty days to the Civil Service Commission.

(c) Any employee assigned to a transferred function, who has been given a temporary appointment because functional operations were to be terminated by law or authoritative order within sixty calendar days, shall be restored to his tenure of employment prior to the transfer of the function, whenever such function is continued in operation for a longer period by law or authoritative order.

NOTE: Because of the necessity of making the procedures provided for in the above amendment available for use in current reductions in force, the Commission finds that good cause exists for making the amendment effective upon publication in the FEDERAL REGISTER.

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-3947; Filed, Apr. 24, 1947; 8:49 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

TRANSFER OF FUNCTIONS FROM OFFICE OF TEMPORARY CONTROLS

CROSS REFERENCE: For the transfer of functions of the Office of Temporary Controls, Office of Price Administration, with respect to price control over rice, to the Secretary of Agriculture, see Executive Order 9841, *supra*.

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[SECO 1]

PART 803—SUGAR EXPORTS

RESTRICTION ON EXPORTS OF SUGAR

Pursuant to the authority vested in the Secretary of Agriculture by law, including the Sugar Control Extension Act of 1947, it is hereby ordered as follows:

§ 803.1 *Sugar exports*—(a) *Definitions.* For purposes of this section: (1) "Order administrator" means the employee of the Department of Agriculture authorized by the Administrator of the Production and Marketing Administration to administer Sugar Export Control Order 1.

(2) "Export" means to transport or cause to be transported any commodity covered by this section in any manner from the United States or any of its territories and possessions to any foreign country or foreign territory. The term includes but is not limited to transporting from a free port, free zone, or bonded custody of the U. S. Bureau of Customs (bonded warehouse), and trans-shipment through the United States or any of its territories or possessions, to any foreign country or foreign territory.

(3) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(4) "Sugar" means any grade or type of saccharine product derived from sugarcane, sugar beets or corn, whether principally of crystalline or non-crystalline structure, which contains sucrose, dextrose, or levulose and which contains less soluble non-sugar solids (exclusive of any foreign substance that may have been added or developed in the product) than 6 percent by weight of the total soluble solids.

(5) "Sirup and molasses, including blackstrap" means any grade or type of saccharine product (other than sugar or sugar-containing products) derived from sugarcane, sugar beets, or corn, either edible or inedible, which is principally of non-crystalline structure, which contains sucrose, dextrose, or levulose, and which contains soluble non-sugar solids (exclusive of any foreign substance that may have been added or developed in the product) equal to 6 percent or more by weight of the total soluble solids.

(6) "Sugar-containing product" means any product (other than sugar or sirup and molasses, including blackstrap) which contains any amount of sucrose, dextrose, or levulose, derived from sugarcane, sugar beets, or corn.

(b) *General restriction.* No person shall export the commodities listed below without authorization from the Order Administrator:

(1) Sugar.

(2) Sirup and molasses, including blackstrap.

(3) Sugar-containing products the sugar contents of which is 70 percent or more by weight: *Provided*, That the provisions of this paragraph shall not apply to the exportation of such sugar-containing products from the continental United States.

(c) *Application for authorization.* (1) The exporter, or his duly authorized agent, desiring an export authorization required under paragraph (b) of this section shall make application therefor on Form SU-210, "Application for Export Authorization for Sugar, Sirup and Molasses, Including Blackstrap, and Certain Sugar-Containing Products," (or such other form as may be issued for this purpose) and proceed as follows:

(i) The application shall be completed in triplicate. All data requested on the form shall be furnished, including Department of Commerce Schedule B numbers. Where the exporter intends to make shipments from more than one part at the same time, separate applications shall be filed covering shipment from each port.

(ii) The copy marked "Duplicate" must bear the signature of the applicant.

(iii) The "Original" and "Duplicate" of the application shall be forwarded to the Sugar Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C. The "Triplicate" shall be retained by the applicant.

(iv) The "Original" of the application, when properly validated, constitutes the authorization. Such authorization will be returned to the applicant and must be presented to the Collector of Customs at the port of exit, or in the case of shipment by mail, to the Postmaster at the point of mailing. In the case of shipment by water or air the authorization must be presented prior to loading. In the case of shipments by means other than water, air or mail, the authorization must be presented to the Collector of Customs at the port of exit prior to the inspection by the customs official. Additional copies of Form SU-210, or such other form as may be issued, may be obtained from the Sugar Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C., or from the Sugar, Fibers, Fats and Oils Office, Production and Marketing Administration, 150 Broadday, New York 7, New York.

(2) Any person desiring an export authorization required for any sugar-containing product containing less than 70 percent of sugar by weight shall make application, where required, on such form and under such procedures as may be prescribed by the Office of International Trade of the Department of Commerce.

(d) *Exceptions.* Unless otherwise directed by the Order Administrator, the restrictions set forth in this section shall not apply to:

(1) Commodities owned at the time of exportation by the United States Government or any agency thereof.

(2) Food consigned as a gift to the consignee or exported for personal use by the consignor where the value of each consignment or shipment is less than $10.00: *Provided*, That (i) each gift parcel is restricted to 11 pounds in weight, (ii) not more than two gift parcels per month is sent by the same sender to the same address, and (iii) each gift parcel sent by mail conforms to restrictions established by the Post Office Department.

(e) *Submission of authorizations to collectors of customs.* No commodity subject to the provisions of paragraph (b) of this section shall be exported until an original validated export authorization therefor has been presented to the Collector of Customs or Postmaster as provided by paragraph (c) (1) (iv) of this section.

(f) *Records and reports.* (1) Any person granted an export authorization under the provisions of this section shall for at least two years or such period of time as the Order Administrator may designate, keep complete and accurate books, records and accounts of the product exported under such authorization. The Order Administrator shall have the right at any time or times during business hours to examine such books and records and other books and records relating to the export.

(2) Any person granted an export authorization under the provisions of this section shall execute and file with the Sugar Branch, Production and Marketing Administration, Department of Agriculture, such reports and questionnaires as shall be prescribed by the Order Administrator, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Existing contracts.* The restrictions of this section shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(h) *Violations.* Any person who willfully violates any provisions of this section or who, in connection with this section, willfully conceals a material fact or furnishes false information to any Department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. Civil action may also be instituted to enforce any liability or duty

created by, or to enjoin any violation of, any provision of this section. The person to whom the authorization is issued will be held strictly accountable for the proper use thereof.

(i) *Hardship case.* Any person affected by this section who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Administrator of Production and Marketing Administration, obtain a review by the Administrator of Production and Marketing Administration, of such action. After said review, the Administrator of Production and Marketing Administration may take such action as he deems appropriate, which action shall be final.

(j) *Communications.* Appeals and other communications concerning this section shall be directed to the Sugar Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(k) *Delegation of authority.* (1) Authority is hereby delegated to the Office of International Trade, Department of Commerce, to exercise and perform all such powers and functions under section 6 of the act of July 2, 1940 (54 Stat. 714), as amended and extended, as are now vested in the Secretary of Agriculture, with respect to sugar-containing products containing less than 70 percent of sugar by weight, insofar as such products may be included in the definition of sugar contained in the Sugar Control Extension Act of 1947.

(2) The administration of this section and the powers vested in the Secretary of Agriculture insofar as such powers relate to the administration of this section are hereby delegated to the Administrator of Production and Marketing Administration. The Administrator of Production and Marketing Administration is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this section.

(l) *Effective date.* This section shall become effective immediately upon the issuance thereof and shall supersede the Export Control Regulations of the Office of International Trade, Department of Commerce, insofar as it relates to sugar, sirup and molasses, including blackstrap, and sugar-containing products containing 70 percent or more of sugar by weight, all as defined herein: *Provided*, That export licenses issued by the Office of International Trade, Department of Commerce, prior to April 1, 1947, shall be valid until the expiration date thereof. With respect to violations, rights accrued, liabilities incurred, or appeals taken prior to the effective date hereof, under the Export Control Regulations issued by the Office of International Trade, Department of Commerce, all provisions of said regulations shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal. (Sec. 6, 54 Stat. 714, as amended by 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 30, 80th Cong., 50 U. S. C. App. Supp. 701)

NOTE: The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 47-3910; Filed, Apr. 24, 1947; 8:45 a. m.]

TITLE 13—BUSINESS CREDIT

Chapter I—Reconstruction Finance Corporation

TRANSFER OF FUNCTIONS FROM OFFICE OF TEMPORARY CONTROLS

CROSS REFERENCE: For the transfer of functions of the Office of Temporary Controls, Office of Price Administration and Office of War Mobilization and Reconversion (Stabilization) with respect to subsidies, applications for price adjustments and related functions, to the Reconstruction Finance Corporation, see Executive Order 9841, *supra*.

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

TRANSFER OF FUNCTIONS FROM OFFICE OF TEMPORARY CONTROLS

CROSS REFERENCE: For the transfer of certain functions of the Office of Temporary Controls to the Secretary of Commerce, see Executive Order 9841, *supra*.

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 360—ORGANIZATION, FUNCTIONS AND PROCEDURES OF THE OFFICE OF INTERNATIONAL TRADE

RESTRICTIONS ON EXPORTS OF SUGAR

CROSS REFERENCE: For supersedure of the Export Control Regulations relating to sugar, sirup and molasses, including blackstrap, and sugar-containing products by regulations of the Production and Marketing Administration, Department of Agriculture, see Federal Register Document 47-3910, Title 7, Chapter VIII, Part 803, *supra*.

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

TRANSFER OF FUNCTIONS FROM OFFICE OF TEMPORARY CONTROLS

CROSS REFERENCE: For the transfer of functions of the Office of Temporary Controls, Office of Price Administration, with respect to rent control, to the Housing Expediter, see Executive Order 9841, *supra*.

[Suspension Order S-12]

PART 807—SUSPENSION ORDERS

RALPH T. CHILTON & STONEWALL J. WEBSTER

About April 23, 1946, Ralph T. Chilton and Stonewall J. Webster, partners, without authorization by the Civilian Production Administration began the construction of a tobacco pack house on Murphy Street, Madison, North Carolina, at an estimated cost of $2,700. On May 4, 1946, the partners were authorized by the Civilian Production Administration to erect a tobacco pack house of four Butler Ready-Made buildings at that location but thereafter continued construction of such tobacco pack house out of concrete block, brick, lumber and other materials not covered by the authorization and exceeded dimensions of the structure authorized. This was a wilful violation of Veterans' Housing Program Order 1 and has diverted critical material to uses not authorized by the Civilian Production Administration or the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.12 *Suspension Order No. S-12.* (a) Neither Ralph T. Chilton nor Stonewall J. Webster, their successors and assigns, nor any other person, shall do any further construction on the said pack house property located on Murphy Street, Madison, North Carolina, including putting up, completing or altering any structure located thereon, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Ralph T. Chilton and Stonewall J. Webster shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Radph T. Chilton and Stonewall J. Webster, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3971; Filed, Apr. 23, 1947; 3:04 p. m.]

[Suspension Order S-13]

PART 807—SUSPENSION ORDERS

KURTZ-HODGE IMPLEMENT CO., INC.

Kurtz-Hodge Implement Co., Inc., a New York Corporation of 10 Park Place, Avon, New York, is the owner of property located at that address. It violated Veterans' Housing Program Order 1 in that (1) on or about May 15, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess $1,000, of a partly residential and partly commercial building located at 10 Park Place, Avon, New York; (2) on and after May 15, 1946 it carried on construction, repairs, additions and alterations, without authorization and at a cost in excess of $1,000, of a partly residential and partly commercial building located at 10 Park Place, Avon, New York. In view of the foregoing, it is hereby ordered that:

§ 807.13 *Suspension Order No. S-13.* (a) The temporary suspension order issued by telegram dated November 18, 1946, is hereby revoked.

(b) Neither Kurtz-Hodge Implement Co., Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at 10 Park Place, Avon, New York, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(c) Kurtz-Hodge Implement Co., Inc. shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Kurtz-Hodge Implement Co., Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3972; Filed, Apr. 23, 1947; 3:04 p. m.]

[Suspension Order S-18]

PART 807—SUSPENSION ORDERS

JOHN H. WOOD

John H. Wood, of 857 Hawthorne Road, Grosse Pointe Woods, Michigan, on or about December 1, 1946, without authorization of the Civilian Production Administration or the Office of the Housing Expediter, began and thereafter carried on construction of a structure, dimensions 50' x 78', for use as a gasoline and service station, the estimated cost of which was in excess of $1,000. These violations have diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.18 *Suspension Order No. S-18.* (a) Neither John H. Wood, his successors or assigns, nor any other person, shall, except to the extent authorized by the Civilian Production Administration—Application CPA 4423, Case No. 3-5-3705—do any further construction on the structure located at Mack Avenue and Cook Road, Grosse Pointe Woods, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) John H. Wood shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authority to construct or for priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve John H. Wood, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3973; Filed, Apr. 23, 1947; 3:04 p. m.]

[Suspension Order S-21]

PART 807—SUSPENSION ORDERS

DETROIT CONSTRUCTION CO.

Detroit Construction Company, 13836 Linwood Avenue, Detroit, Michigan, is a copartnership consisting of Micheal Chernick and Belle V. Chernick, his wife. The company is charged by the Office of the Housing Expediter with violating Veterans' Housing Program Order 1 in that without authorization of the Civilian Production Administration or the Office of the Housing Expediter the company began, on or about October 23, 1946 and thereafter carried on construction of a non-residential structure containing approximately 4,000 square feet, at 3954 Dix Highway, Lincoln Park, Michigan, the estimated cost of which was in excess of $1,000. This violation has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.21 *Suspension Order No. S-21.* (a) Neither the Detroit Construction Company, its successors and assigns, nor any other person shall do any further construction on the premises located at 3954 Dix Highway, Lincoln Park, Michigan, including putting up, completing or altering the structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Detroit Construction Company shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Detroit Construction Company, its successors and assigns, from any restriction prohibition, or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3974; Filed, Apr. 23, 1947; 3:04 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5560]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

COMPUTATION OF CONSTRUCTIVE AVERAGE BASE PERIOD NET INCOME

Regulations 109 (26 CFR, Part 30) and Regulations 112 (26 CFR, Part 35) are amended as follows:

1. Section 30.722-2 (b), as amended by Treasury Decision 5415, approved November 3, 1944, is further amended by striking out the last sentence of subparagraph (1) and inserting in lieu thereof the following: "In a proper case, however, growth may be recognized in arriving at the fair and just amount representing normal earnings if, and to the extent that, such recognition is reasonable and consistent with the conditions and limitations of section 722."

2. Section 35.722-2 (b), as amended by Treasury Decision 5415, approved November 3, 1944, is further amended by striking out the last sentence of subparagraph (1) and inserting in lieu thereof the following: "In a proper case, however, growth may be recognized in arriving at the fair and just amount representing normal earnings if, and to the extent that, such recognition is reasonable and consistent with the conditions and limitations of section 722."

3. The amendment to Part 30 Regulations 109) made by paragraph 1 of this Treasury decision shall be applicable to all taxable years covered by such regulations. The amendment to Part 35 (Regulations 112) made by paragraph 2 of this Treasury decision shall be applicable to all taxable years covered by such regulations.

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Sec. 62, 53 Stat. 32 as made applicable by sec. 729 (a), 54 Stat. 989; 26 U. S. C. 62, 729 (a))

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: April 21, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3949; Filed, Apr. 24, 1947; 8:49 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter D—Electrical Equipment, Lamps, Methane Detectors: Tests for Permissibility; Fees

PART 25—MULTIPLE-SHOT BLASTING UNITS

The rules and regulations in this part relate to the requirements for construction of multiple-shot blasting units under which satisfactory 10-shot units may be approved for use in gassy mines, and include forms for application for approval, conditions under which tests are made, and the fees charged. Applications for approval are voluntary with manufacturers of multiple-shot blasting units. Such manufacturers are few in number and have been consulted in the revision of the rules, and good cause exists for making them effective immediately. For these reasons the notice and public procedure prescribed by section 4 of the Administrative Procedure Act (Public Law 404, 79th Cong.), are unnecessary and the regulations shall become effective as of the date of their approval by the Secretary of the Interior.

Section 25.11 is revoked, and §§ 25.0 to 25.10, inclusive, are amended as follows:

Sec.
25.0 Compliance with the requirements for obtaining approval.
25.1 Purpose.
25.2 Fees charged.
25.3 Instructions on making applications.
25.4 Conditions governing investigations.
25.5 General requirements.
25.6 Specific requirements.
25.7 Material required for Bureau of Mines records.
25.8 How approvals are granted.
25.9 Wording, purpose, and use of approval plate.
25.10 Instructions on handling future changes in design.

AUTHORITY: §§ 25.0 to 25.10, inclusive, issued under sec. 311, 47 Stat. 410; 30 U. S. C. 7; E. O. 6611, Feb. 22, 1934.

§ 25.0 *Compliance with the requirements necessary for obtaining approval.* To receive approval of the Bureau of Mines for any multiple-shot blasting units a manufacturer must comply with the requirements specified in this part.

§ 25.1 *Purpose.* The purpose of investigations under this part is to promote the development of suitable multiple-shot blasting units for use under special conditions where the firing of several shots, one at a time, may be considered less safe than firing all simultaneously. The sanction of the use of multiple-shot firing units, with capacities up to ten shots, does not rescind the general recommendation of this Bureau in favor of single-shot firing except under special conditions, and in no way modifies the safety principles prescribed by the Bureau for handling permissible explosives as published in Part 16 of this chapter. Lists of such units will be published from time to time for the information of State mine inspection departments, compensation bureaus, mine operators, miners, and others interested in safe equipment for mines. This part shall become effective when approved by the Secretary of the Interior.

Any blasting unit that meets the requirements set forth in this part will be termed "permissible" by the Bureau of Mines.

§ 25.2 *Fees charged.* (a) The fee for a complete investigation of a multiple-shot blasting unit under this part is $100.[1]

(b) The fee for tests covering only a part of a complete investigation shall be proportional to the work involved.

Application for retests that may be equivalent to more than one-half of a complete investigation should be accompanied by a check for the full fee. Application for tests covering changes in design, which may require less than one-half of a complete investigation, should be accompanied by a check for one-half of the full fee. Any surplus will be refunded at the close of the investigation.

(c) Under the present provisions of this part, extensions of approvals that do not require tests will be made without charge.

(d) Tests to assist a manufacturer in the development of his device may be made upon request to the Director of the Bureau and will be charged for in amounts proportionate to the work involved.

§ 25.3 *Instructions on making applications.* A form of request for an investigation of a blasting unit follows:

The Director of the Bureau of Mines,
Department of the Interior,
Washington 25, D. C.

Dear Sir:

We hereby make application for approval of the (*type or model*) Multiple-Shot Blasting Unit under the provisions of Schedule 16B. Attached is a certified check for one hundred dollars ($100) made payable to the Treasurer of the United States to cover the fee for the tests.

A copy of this application, one set of drawings, one complete unit, and a full set of instructions for operating are being sent to the Central Experiment Station, 4800 Forbes Street, Pittsburgh, Pa., marked for the attention of the "Supervising Engineer, Electrical-Mechanical Section."

Signature of Applicant

§ 25.4 *Conditions governing investigations.* (a) One complete unit, with assembly and detail drawings that show its construction and the materials of which it is made, should be forwarded to the Central Experiment Station at the time the application for approval is made.

(b) When the unit and drawings have been inspected by the Bureau's engineers, the applicant will be notified as to the amount of material that will be required for the tests.

(c) The applicant will be notified of the date on which tests will be started and will be given an opportunity to witness the tests.

(d) No one is to be present at the time the tests are made except the necessary Bureau of Mines engineers, their assistants, a representative of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau.

(e) Permissibility tests will not be made unless the unit has been completely developed and is in a form that can be marketed.

(f) The results of the tests shall be regarded as confidential by all present at the tests and shall not be made public in any way prior to the formal approval of the shot-firing unit by the Bureau of Mines.

(g) No verbal report of approval or disapproval will be made to the applicant. After the Bureau's engineers have considered the results of the tests, a formal report of the approval or disapproval will be made to the applicant in writing by the Director of the Bureau of Mines. The applicant shall not be free to advertise the unit as being permissible or as having passed the tests prior to receipt of formal notice of approval.

§ 25.5 *General requirements.* Multiple-shot blasting units approved under this part shall be portable. They shall be durable in construction, practical in operation, and suitable for service conditions underground, particularly regarding resistance to moisture. They shall offer no probable explosion hazard when used in gaseous mine atmospheres. Under laboratory test conditions, they shall satisfy the various requirements of minimum performance that are specified in this part.

§ 25.6 *Specific requirements*—(a) *All types.* In determination of adequacy of design, the following points will be considered: (1) Materials used; (2) construction; (3) size, weight, and shape; (4) life of the active parts, and (5) maintenance. The suitability of the materials and the construction shall be determined by preliminary inspection, dropping tests, insulation measurements, and by the general performance of the unit during the investigation.

(b) *Units of the battery type.* (1) The units shall fire 10 electric blasting caps in series through a total resistance of 30 ohms.

A unit whose source of energy is the battery of a permissible cap lamp shall meet this requirement after the cap lamp has burned six hours.

(2) Unless a unit is inherently safe, that is, cannot produce electric arcs or sparks that will ignite an explosive mixture of natural gas and air, it shall be so designed that the terminal voltage of the unit is less than 12 volts, maximum or crest value, within 30 milliseconds after firing contact is made.

(3) A unit designed to be inherently safe shall be enclosed in a waterproofed housing and shall not have directly exposed terminals. The terminals may be recessed, provided the depth, shape, and position of the recesses are such as to guard against accidental contact and to insure ready disconnection of the leading wires as soon as the shot has been made. In this respect, it is recommended that the recesses be at least ½ inch deep, with a small bell-mouth opening, and be placed at a side or end of the unit.

(4) A unit designed to limit the duration of voltage on the firing circuit shall be enclosed in a housing that is sealed or locked to prevent unauthorized tampering with the device. Firing shall be by a detachable key or by a system of two or more push buttons requiring a definite sequence of operation that gives adequate protection against accidental firing; release of the key or buttons shall automatically return the firing contactors to their original positions.

Units in which firing is by discharge of a condenser shall have provision for insuring its discharge automatically after each shot or attempt to fire.

(c) *Units of the generator type.* (1) The units shall fire 10 electric blasting caps in series through a total resistance of 50 ohms.

(2) Generator units shall be so designed that electrical connection to the firing circuit is not made until near the end of the operation stroke and the terminal voltage of the unit within 30 milliseconds thereafter shall be less than 12 volts, maximum or crest value.

(3) The unit shall be operated by means of a special key or handle which, when released by the hand, will be returned automatically to its original starting position.

(4) Provision shall be made for sealing or locking the housing of the unit to prevent unauthorized changes in timing.

§ 25.7 *Material required for Bureau of Mines records.* In order that the Bureau may know exactly what it has tested and approved, it keeps detailed records covering each investigation. These records include drawings and actual equipment as follows:

(a) *Drawings.* The original drawings submitted with the application for the tests and the final drawings which the manufacturer must submit to the Bureau before the approval is granted, to show the details of the unit as approved. These drawings are used to identify the unit in the approval and as a means of checking the future commercial product of the manufacturer.

(b) *Actual equipment.* If the Bureau so desires, parts of the units that are used in the tests will be retained as records of the equipment submitted. If the unit is approved, the Bureau will require the manufacturer to submit a production model with the approval plate attached, as a record of his commercial product.

§ 25.8 *How approvals are granted.* All approvals are granted through the office of the Director of the Bureau of Mines at Washington, D. C. A blasting unit will be approved under this part only when the testing engineers have judged that it has met the requirements of the part and the Bureau's records are complete, including drawings from the manufacturer showing the unit as it is to be commercially made. No verbal reports of the investigation will be given and no informal approvals will be granted. The manufacturer shall not advertise the unit as permissible or approved until the formal notification of approval from Washington has been received.

§ 25.9 *Wording, purpose, and use of approval plate*—(a) *Approval plate.* Manufacturers shall attach, stamp, or mold an approval plate on each permissible blasting unit. The plate shall bear the seal of the Bureau of Mines and be inscribed as follows:

Permissible Ten-Shot Blasting Unit
Approval No. ------ Issued to the ----------
Company

When deemed necessary, appropriate caution statements shall be added. The size and position of the approval plate shall be satisfactory to the Bureau.

A photograph of the approval plate design will be supplied with the approval letter. This letter will assign an approval number for reference and for identification of the unit approved.

(b) *Purpose of approval plate.* The approval plate is a label that identifies the device so that anyone can tell at a glance whether it is of the permissible type or not. By the plate, the manufacturer can point out that the blasting unit complies with the Bureau's requirements and that it has been approved for use in gassy mines.

(c) *Use of approval plate.* Permission to place the Bureau's approval plate on the blasting unit obligates the manufacturer to maintain the quality of the product and to see that it is constructed according to the drawings accepted by the Bureau and in the Bureau's files. Blasting units exhibiting changes in design that have not been authorized by extension of approval are not permissible and must not bear the Bureau's approval plate.

(d) *Withdrawal of approval.* The Bureau reserves the right to rescind for cause at any time any approval granted under this part.

§ 25.10 *Instructions on handling future changes in design.* All approvals are granted with the understanding that the manufacturer will make the blasting unit according to the drawings included in the approval. Therefore, when the manufacturer desires to make any changes in the design the Bureau's authorization of the change should be obtained beforehand. The procedure is as follows:

(a) The manufacturer should write to the Director of the Bureau of Mines at Washington, D. C., requesting an extension of the original approval and describing the change or changes desired. A copy of the letter, a revised drawing showing the change in detail, and one of each of the parts affected should be sent to the Central Experiment Station, 4800 Forbes Street, Pittsburgh, Pa., marked for the attention of the Supervising Engineer, Electrical-Mechanical Section.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make any tests.

(c) If no tests are necessary, the applicant will be advised whether the change or changes are considered to meet the requirements. Changes judged to meet the requirements will be authorized by extension of approval issued through the Director's office.

(d) If tests are judged necessary, the applicant will be advised of the material that will be required and of the necessary deposit to cover the fee for the tests. Upon satisfactory completion of the tests, extension of approval authorizing the changes will be issued through the Director's office.

R. R. SAYERS,
Director.

Approved: April 16, 1947.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 47-3903; Filed, Apr. 24, 1947; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 11—CUSTOMHOUSE BROKERS

REVOCATION OR SUSPENSION OF LICENSES

1. Section 11.10 is hereby amended to read as follows:

§ 11.10 *Revocation or suspension of licenses*—(a) *Provisions of Tariff Act.* Amended section 641 (b) of the Tariff Act of 1930 provides in part:

The collector or chief officer of the customs may at any time, for good and sufficient reasons, serve notice in writing upon any customhouse broker so licensed to show cause why said license shall not be revoked or suspended, which notice shall be in the form of a statement specifically setting forth the ground of complaint. The collector or chief officer of customs shall within ten days thereafter notify the customhouse broker in writing of a hearing to be held before him within five days upon said charges. At such hearing the customhouse broker may be represented by counsel, and all proceedings including the proof of the charges and the answer thereto, shall be presented, with the right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the customhouse broker. At the conclusion of such hearing the collector or chief officer of customs shall forthwith transmit all papers and the stenographic report of the hearing, which shall constitute the record of the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke or suspend the license of any customhouse broker shown to be incompetent, disreputable, or who has refused to comply with the rules and regulations issued under this section, or who has, with intent to defraud, in any manner willfully and knowingly deceived, misled, or threatened any importer, exporter, claimant, or client, or prospective importer, exporter, claimant, or client, by word, circular, letter or by advertisement. (Sec. 4, 49 Stat. 864)

[1] Although the standard fee for a complete investigation is $100, the work involved in the investigation of a battery-type unit may not justify the full fee. In such cases a refund, depending upon the amount of work performed, but not exceeding $50, will be made.

(b) *Rules of procedure.* A proceeding for the revocation or suspension of a customhouse broker's license shall, subject to the Tariff Act of 1930, as amended, and the Administrative Procedure Act, be governed by the following rules:

(1) *Inability of collector to act.* In the case of sickness or necessary absence of the collector which prevents him from acting as provided in this section, the assistant collector shall be deemed the chief officer of the customs referred to in amended section 641 (b) of the Tariff Act of 1930, and shall perform the duties of the collector prescribed in this section. [Rule 1]

(2) *Investigation.* All complaints or charges against customhouse brokers filed with collectors or other customs officers shall forthwith be forwarded for investigation to the supervising customs agent in charge of the district in which the broker is located. The supervising customs agent shall make his report and transmit it, with recommendation, to the collector of the appropriate district, for such action as may be necessary, and shall also transmit a copy thereof to the Commissioner of Customs. [Rule 2]

(3) *Abatement of charges.* If the collector determines that there is not sufficient evidence to prefer charges, he shall report all of the facts to the Commissioner of Customs. [Rule 3]

(4) *Institution of proceedings.* If the collector determines that there is sufficient evidence to prefer charges, he shall, subject to the applicable provisions of this section, institute and conduct a proceeding pursuant to amended section 641 (b) of the Tariff Act of 1930. [Rule 4]

(5) *Drafting of notice.* The collector may call upon the Attorney for the Government to aid him in preparing the statement of charges to be served upon the accused broker. [Rule 5]

(6) *Opportunity to avoid proceeding.* The collector shall, before a proceeding is instituted, give to the accused broker preliminary notice in writing that:

(i) Transmits a copy of the proposed statement of charges, or a specification of the substance thereof;

(ii) Cites sections 5 (b) and 9 (b) of the Administrative Procedure Act;

(iii) Calls upon the accused broker to show cause why the proceeding should not be instituted;

(iv) Informs the accused broker that the notice affords him opportunity to make submissions and demonstrations of the character contemplated by the cited statutory provisions;

(v) Invites any negotiation that the accused broker deems it desirable to enter into; and

(vi) Specifies a reasonable time for response to that notice: *Provided*, That, if prior to service of the statement of charges, the collector determines that the case is one where such preliminary notice would be improper and unnecessary, he shall incorporate his findings and his reasons therefor in the statement of charges, and the statement of charges shall be served without first giving such preliminary notice. [Rule 6]

(7) *Service of statement of charges.* Notice of the charges, signed by the collector, shall be served upon the accused customhouse broker in the following manner:

(i) If an individual:

(*a*) By delivery to the accused broker personally, or

(*b*) By registered mail, with demand for a return card signed solely by the addressee;

(ii) If a corporation, association, or partnership:

(*a*) By delivery to any officer of such corporation or association, or member of such partnership, or

(*b*) By registered mail addressed to any such officer or member, with demand for a return card signed solely by the addressee: *Provided*, That, if a customhouse broker shall have signed and filed with the Committee his written consent to be served in some other manner, it shall be sufficient if service is made in that manner. Where the service is by registered mail, the receipt of the return card duly signed shall be satisfactory evidence of service. [Rule 7]

(8) *Content of statement of charges.* The notice of charges shall state the place where and time within which the accused may file in duplicate his verified answer, and shall contain or be accompanied by a statement of charges, which statement shall be signed by the collector, giving a plain and concise, but not necessarily detailed, description of the facts which it is claimed constitute grounds for suspension or revocation of license. A statement of charges which fairly informs the accused of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose might have been accomplished or different intents with which acts might have been done so as to constitute ground for suspension or revocation of license, may be alleged in the statement of charges in a single count in the alternative. If, in order to prepare his defense, the accused desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the collector asking that the statement of charges be made more specific, setting forth in such motion in what specific respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is needed. If in the opinion of the collector such information is reasonably necessary to enable the accused to prepare his defense, the collector shall furnish the accused with an amended statement of charges giving the needed information. [Rule 8]

(9) *Service of other papers.* After notice of the charges has been duly served, all other papers in the case, including notice of the time and place of the hearing, shall be served as follows:

(i) By delivering the same to the accused personally if an individual; or if a corporation, association, or partnership, to any officer or member thereof; or

(ii) By leaving them at the office of the accused, or of such officer or member, with his clerk or with a person in charge thereof; or

(iii) By depositing them in a United States post office or post-office box, enclosed in a sealed envelope, plainly addressed to such accused, or to such member or officer, at the address under which the accused is licensed or at the last known address of the accused, or such member or officer.

(iv) When the accused, whether an individual, corporation, association, or partnership, is represented by attorney, by service upon the attorney in the same manner as provided for in subdivision (i), (ii) or (iii) of this subparagraph for service on the accused personally. [Rule 9]

(10) *Copies filed with Committee.* Copies of all papers in the case, including the notice of charges, and notice of the time and place of all hearings, shall be sent promptly by the collector to the Committee on Practice. [Rule 10]

(11) *Hearing.* The hearing shall be before the collector. The collector shall designate an officer of his staff to represent the Government at the hearing and shall provide a stenographer to make the stenographic record. The Attorney for the Government, or another attorney designated by the Secretary of the Treasury, shall be present and participate in the presentation of testimony. The accused or his attorney shall have the right to examine all exhibits introduced at the hearing. Pursuant to order of the collector giving due notice to the parties, depositions upon oral or written interrogatories may be taken by either party for use at the hearing before any officer duly authorized to administer oaths for general purposes or in customs matters. [Rule 11]

(12) *Submittals.* After conclusion of the reception of the evidence, the collector shall by rule afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor as contemplated by section 8 (b) of the Administrative Procedure Act. [Rule 12]

(13) *Decision by the collector.* After compliance with subparagraph (12) of this paragraph the collector shall make his recommended decision in the case and certify the entire record to the Secretary of the Treasury. The collector shall recommend to the Secretary the dismissal of the charges when in his opinion the charges have not been proved. The collector shall recommend to the Secretary that the license be suspended or revoked if in the opinion of the collector such action is warranted by the record. The collector's decision shall conform with the requirements of section 8 of the Administrative Procedure Act. [Rule 13]

(14) *Decision by Secretary of the Treasury.* Upon receipt of the record the Secretary of the Treasury will afford the parties a reasonable opportunity to make such additional submittals as may then be required by section 8 (b) of the Administrative Procedure Act and by the circumstances of the case. Thereafter the Secretary of the Treasury will make his decision. [Rule 14]

(15) *Dismissal subject to new proceedings.* If the evidence at the hearing indicates that a proper disposition of the case cannot be made on the basis of the charges preferred, the Secretary is authorized to instruct the collector to file appropriate charges as a basis for new proceedings. [Rule 15]

(16) *Immaterial mistakes.* The deciding officer shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place or the ownership of any property, a failure to prove immaterial allegations in the description of the accused's conduct, or any other immaterial mistake in the statement of charges. [Rule 16]

(17) *Proof; partial.* If the deciding officer finds that a part of the charges in the statement of charges is not sufficiently proved but that the residue thereof is so proved, he may base his decision on any facts established by the evidence which are grounds for suspension or revocation of the license and which are substantially charged by the said residue of the statement of charges. [Rule 17]

(18) *Default.* No decision by default shall be made against an accused broker except upon evidence submitted on behalf of the Government. [Rule 18]

(19) *Notice of suspension or revocation.* If the Secretary of the Treasury in the exercise of his discretion issues his order of suspension or revocation of the license of the accused, notice thereof shall be given by the Committee to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Committee may determine. Except as provided in § 11.13, such person will not thereafter be recognized as a customhouse broker during the period of suspension or revocation of his license. [Rule 19]

(20) *Reopening.* Any customhouse broker who has been suspended or whose license has been revoked may make written application to the collector to have the order of suspension or revocation set aside or modified upon the ground (i) of newly discovered evidence, or (ii) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every such application shall be filed with the collector in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the collector after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, he shall so recommend to the Secretary, who may order the taking of additional testimony before the collector. The collector shall set a time and place for such hearing, and give due notice thereof to the applicant. The procedures governing the hearing and decision will be the same as those governing the original proceeding. [Rule 20]

(21) *Notice of reinstatement.* In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or revocation, notice thereof shall be given to all those to whom notice of the original order of suspension or revocation was sent. [Rule 21]

(22) *Saving provision.* The provisions of this section that were in force and effect April 30, 1947 are referred to in this subparagraph as the old rules. The provisions of this section as amended effective May 1, 1947 are referred to in this subparagraph as the new rules. The old rules shall continue to govern any proceeding that was instituted prior to April 30, 1947: *Provided, however*, That if in the course of the proceeding there is taken any action that is authorized by the old rules but that is not authorized by the new rules, said action shall not constitute grounds for disturbing any order thereafter made in the proceeding: (i) unless it is shown that the action was in derogation of substantive rights, and not merely procedural rights; and (ii) unless upon occurrence of the action the respondent made timely objection supported by his reasons, and the objection was overruled: *Provided further*, That adherence may be had to the new rules pursuant to stipulation of the parties. [Rule 22]

2. These amendments shall take effect on May 1, 1947.

(Sec. 641, 46 Stat. 759, secs. 3–5, 49 Stat. 864, 865; Pub. Law 404, 79th Cong.; 60 Stat. 238; 19 U. S. C. 1641)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3948; Filed, Apr. 24, 1947; 8:49 a. m.]

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1947, 16th Supp.]

PART 226—SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

INSURANCE COMPANY OF NORTH AMERICA

APRIL 21, 1947.

A certificate of authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved August 13, 1894, 28 Stat. 279–80, as amended by the act of Congress approved March 23, 1910, 36 Stat. 241 (6 U. S. C. 6–13), as an acceptable reinsuring company only, on Federal bonds. An underwriting limitation of $12,035,000.00 has been established for the company.

Section 226.1 *Surety companies acceptable on Federal bonds; acceptable reinsurance companies* is hereby amended by adding the following company:

Name of Company, Location of Principal Executive Office and State in Which Incorporated

Insurance Company of North America, Philadelphia, Pennsylvania.

(28 Stat. 279–80, 36 Stat. 241; 6 U. S. C. 6–13)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3915; Filed, Apr. 24, 1947; 8:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of Temporary Controls, Office of the Administrator

TERMINATION OF OFFICE OF TEMPORARY CONTROLS AND TRANSFER OF CERTAIN FUNCTIONS

CROSS REFERENCE: For the termination of the Office of Temporary Controls and transfer of certain of its functions to the Secretary of Agriculture, the Secretary of Commerce, the Housing Expediter, and the Reconstruction Finance Corporation, see Executive Order 9841, *supra*.

Chapter VIII—Office of International Trade, Department of Commerce

RESTRICTIONS ON EXPORTS OF SUGAR

CROSS REFERENCE: For supersedure of the Export Control Regulations relating to sugar, sirup and molasses, including blackstrap, and sugar-containing products by regulations of the Production and Marketing Administration, Department of Agriculture, see Federal Register Document 47-3910, Title 7, Chapter VIII, Part 803, *supra*.

Chapter IX—Office of Temporary Controls, Civilian Production Administration

TERMINATION OF OFFICE OF TEMPORARY CONTROLS AND TRANSFER OF CERTAIN FUNCTIONS

CROSS REFERENCE: For the termination of the Office of Temporary Controls and the transfer of certain of its functions to the Secretary of Commerce, see Executive Order 9841, *supra*.

Chapter XI—Office of Temporary Controls, Office of Price Administration

TERMINATION OF OFFICE OF TEMPORARY CONTROLS AND TRANSFER OF CERTAIN FUNCTIONS

CROSS REFERENCE: For the termination of the Office of Temporary Controls and the transfer of certain of its functions to the Secretary of Agriculture, the Housing Expediter and Reconstruction Finance Corporation, see Executive Order 9841, *supra*.

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

TERMINATION OF OFFICE OF TEMPORARY CONTROLS AND TRANSFER OF CERTAIN FUNCTIONS

CROSS REFERENCE: For the termination of the Office of Temporary Controls and the transfer of certain of its functions to Reconstruction Finance Corporation with respect to subsidies, see Executive Order 9841, *supra*.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

DRAWBRIDGES ACROSS TURNER CREEK, TYBEE (BULL) RIVER, AND LAZARETTO CREEK, GEORGIA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.404 is hereby prescribed to govern the operation of drawbridges of the State Highway Department of Georgia across Turner Creek, Tybee (Bull) River, and Lazaretto Creek, Georgia:

§ 203.404 *Turner Creek, Tybee (Bull) River, and Lazaretto Creek, Ga.; highway bridges on U. S. Highway 80 between Savannah Beach and Thunderbolt, Ga.* (a) The owner or agency controlling the above-described bridges may keep the drawspans closed to navigation between the hours of 7 a. m. and 10 a. m. and between 4 p. m. and 7 p. m., except on the hour, when the bridges shall be opened to allow all accumulated navigation to pass.

(b) The drawspans shall be opened at any time to allow the passage of a tow, common carrier, or vessel in distress.

(c) The owner of, or agency controlling, the bridges shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides of the bridges in such manner that it can easily be read at any time. [Regs. Apr. 2, 1947 (823.01 Turner Creek, Tybee (Bull) River, and Lazaretto Creek, Ga.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-3908; Filed, Apr. 24, 1947; 8:49 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

PART 202—PROCLAMATION COPYRIGHT RELATIONS

NEW ZEALAND

CROSS REFERENCE: For an addition to the tabulation contained in § 202.1, see Proclamation 2729 under Title 3, *supra*, extending copyright protection to works of authors who are citizens of New Zealand.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

OWYHEE PROJECT, OWYHEE AND GEM IRRIGATION DISTRICTS, OREGON-IDAHO AND VALE PROJECT, VALE, OREGON, IRRIGATION DISTRICT

CROSS REFERENCE: For public notice announcing the availability of water for public lands and opening of public lands to entry in Owyhee Project, Owyhee and Gem Irrigation Districts, Oregon-Idaho and Vale Project, Vale, Oregon, Irrigation District, Oregon, see F. R. Docs. 47-3906 and 47-3907 under Department of Interior, Bureau of Reclamation, in Notices section, *infra*.

PART 402—ANNUAL WATER CHARGES

DESCHUTES IRRIGATION PROJECT, NORTH UNIT, OREGON AND LUGERT-ALTUS IRRIGATION PROJECT, OKLAHOMA

CROSS REFERENCE: For additions to the tabulation contained in § 402.2 see F. R. Docs. 47-3904 and 47-3905 under Department of Interior, Bureau of Reclamation, in the Notices section, *infra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Ch. IX]

[Docket No. AO-182]

HANDLING OF MILK IN TOPEKA, KANS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements (7 CFR Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held in the Federal Building at Topeka, Kansas, beginning at 10 a. m., c. s. t., May 12, 1947, with respect to a proposed marketing agreement and order regulating the handling of milk in the Topeka, Kansas, marketing area. The proposed marketing agreement and order has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed marketing agreement and order, or to any modifications thereof, which are hereinafter set forth.

The Shawnee County Milk Producers Association has proposed the following marketing agreement and order:

SECTION 1. *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937) 7 U. S. C. 601 et seq.), as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(c) "Topeka, Kansas, marketing area" hereinafter called "marketing area" means all the territory in Shawnee County, Kansas.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who, under a dairy farm permit or rating issued by the health authorities of the City of Topeka for the production of milk to be used for consumption as milk or cream in the marketing area produces milk which is (1) purchased or received at an approved plant, or (2) caused to be diverted from the farm of such person to an unapproved plant by a cooperative association for the account of such association.

(f) "Handler" means (1) any person who operates an approved plant from which Class I milk or Class II milk is disposed of in the marketing area, or (2) any cooperative association, with respect to the milk of any producer, which such cooperative association causes to be diverted to the plant of a handler or to the plant of a non-handler for the account of such cooperative association.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging and distribution of milk are

the personal enterprise of and at the personal risk of such person in his capacity as a handler. A producer who processes and packages milk of his own production shall not be considered a producer-handler if his entire output is disposed of to other handlers who purchase or receive milk in bulk from producers.

(h) "An approved plant" means any milk plant approved by health authorities of the City of Topeka, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area, and currently used for any or all of the function of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

(i) "Producer milk" means all milk produced by a producer other than a producer-handler, which is purchased or received by a handler either directly from such producers or from other handlers.

(j) "Other source milk" means all milk and milk products other than producer milk.

(k) "Market administrator" means the person designated pursuant to section 2 as the agency for the administration hereof.

(l) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(m) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members and (2) to have and to be exercising full authority in the sale of milk of its members.

SEC. 2. *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violation of the provisions hereof; and

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by section 10, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to section 3 or (ii) made payments pursuant to section 8; and

(5) Promptly verify the information contained in the reports submitted by handlers.

SEC. 3. *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period, each handler who purchased or received milk from sources other than his own production or other handlers shall with respect to milk or dairy products which were purchased, received, or produced by such handler during such delivery period report to the market administrator in the detail and form prescribed by the market administrator, as folows:

(1) The receipts at each plant of milk from each producer, the butterfat content, and the number of days on which milk was received from each producer;

(2) The receipts from such handler's own farm production and the butterfat content;

(3) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers and the butterfat content;

(4) The receipts of other source milk;

(5) The respective quantities of milk and milk products and the butterfat content which were sold, distributed, or used, including sales to other handlers for the purpose of classification pursuant to section 4;

(6) The sales of Class I milk and Class II products outside the marketing area, listing the market or area in which such Class I milk and such Class II products were sold or disposed of, the date of such sale or disposition, and the plant from which such milk and milk products were supplied; and

(7) Such other information with respect to the use of milk as the market administrator may request.

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer: (1) The daily and total pounds of milk delivered and the average butterfat content thereof and (2) the net amount of such handler's payments to such producer with the prices, deduction, and charges involved.

(c) *Reports of producer-handlers and handlers whose sole source of supply is from other handlers.* Producer-handlers and handlers whose sole source of supply is from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representatives such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk and milk products, and in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in section 8.

SEC. 4. *Classification of milk*—(a) *Milk to be classified.* All milk and milk products purchased or received by each handler at his approved plant shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (c) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk and skim milk disposed of as milk, skim milk, buttermilk or flavored milk drinks and all milk not classified as Class II milk or Class III milk pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk, used to produce cream which is disposed of in the form of cream, other than for use in products specified in subparagraph (3) of this paragraph, creamed cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent of butterfat, aerated cream, and eggnog.

(3) Class III milk shall be all milk used to produce butter, cheese (other than creamed cottage cheese), evaporated milk, condensed milk, ice cream, and powdered whole milk; used for starter churning, wholesale baking and candy making purposes; accounted for as salvage from products where the recovery of fat is impossible; and not accounted for but not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers.

(c) *Transfers of milk, skim milk, and cream.* (1) Milk or skim milk sold or disposed of in fluid form by a handler to a plant of a nonhandler who distributes fluid milk shall be Class I unless all of the following conditions are met: (i) Such nonhandler's plant is located less than 100 miles from the approved plant where such milk was received from producers; (ii) the market administrator is permitted to audit the records of such nonhandler; (iii) the receipts of producer milk at approved plants are greater than the total sales of Class I and Class II milk from handlers' routes in the marketing area; and (iv) such nonhandler receives milk from dairy farmers who the market administrator determines constitute such nonhandler's regular source of supply.

If all the above conditions are met the market administrator shall classify such milk as follows: (a) Determine the use of all milk and all milk products received at the plant of such nonhandler, and (b) allocate the milk disposed of by the handler to such nonhandler to the highest use remaining after subtracting in series beginning with the highest use classification receipts of milk by such nonhandler direct from dairy farmers.

(2) Cream sold or disposed of in fluid form by a handler to a plant of a nonhandler who distributes fluid cream shall be Class II unless all of the following conditions are met: (i) Such nonhandler's plant is located less than 100 miles from the approved plant where such milk was received from producers; (ii) the market administrator is permitted to audit the records of such nonhandler; (iii) the receipts of producer milk at approved plants are greater than the total sales of Class I and Class II milk from handlers' routes in the marketing area; and (iv) such nonhandler receives milk from dairy farmers who the market administrator determines constitutes such nonhandler's regular source of supply.

If all the above conditions are met the market administrator shall classify such milk as follows: (*a*) Determine the use of all milk and all milk products received at the plant of such nonhandler; and (*b*) allocate the cream disposed of by the handler to such nonhandler to the highest use remaining after subtracting in series beginning with the highest use classification receipts of milk by such nonhandler direct from dairy farmers.

(3) Milk, skim milk or cream sold or disposed of by a handler to a plant of a nonhandler who does not distribute fluid milk or cream shall be Class III milk.

(4) Milk or skim milk sold or disposed of in fluid form by a handler, who purchases or receives milk from producers to another handler who purchases or receives milk from producers, shall be Class I milk: *Provided*, That if the amount of such milk so sold or disposed of is in excess of the amount classified as Class I at such purchasing handler's plant, such excess milk shall be classified in series beginning with the next highest class in which such purchasing handler has use: *Provided*, That if either or both handlers have purchased other source milk, such milk so sold or disposed of, shall be classified at both plants so as to return the highest class utilization to producer milk: *Provided further*, That the provisions of this paragraph shall apply with respect to the milk of producers which is caused to be diverted by a handler directly from the farms of producers to a plant of a second handler for not more than 5 days during the delivery period.

(5) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler who purchases or receives milk from producers shall be Class II: *Provided*, That if the amount of such cream so sold or disposed of is in excess of the amount classified as Class II in such purchasing handler's plant such excess cream shall be classified in the next highest class in which such purchasing handler has use: *Provided*, That if either or both handlers have purchased other source milk such cream so sold or disposed of shall be classified at both plants so as to return the highest class utilization to producer milk.

(6) Milk or skim milk sold or disposed of in fluid form by a handler who purchases or receives milk from producers to a producer-handler or to a handler who purchases or receives no milk from producers shall be Class I milk.

(7) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to a producer-handler or to a handler who purchases or receives no milk from producers shall be Class II milk.

(d) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in paragraph (b) of this section of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(e) *The allocation of other source milk.* Other source milk purchased or received at an approved plant of a handler who purchases or receives milk from producers shall be allocated to Class III except that other source milk may be allocated to Class II to the extent that Class II milk exceeds the amount of all producer milk classified as Class II milk, and other source milk may be allocated to Class I only to the extent that the total amount of Class I milk of the handler exceeds the total amount of producer milk received by such handler.

(f) *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator the amount of milk in each class as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk received as follows: add together the total pounds of milk received from (i) producers, (ii) own farm production, (iii) other handlers, and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: (i) multiply by its average butterfat test the weight of the milk received from (*a*) producers, (*b*) own farm production, (*c*) other handlers, and (*d*) other sources, and (ii) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) Convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, (ii) multiply the result by the average butterfat test of such milk, and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to subdivisions (ii) of subparagraph (4) and (iv) of subparagraph (5) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subdivision (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in subdivision (ii) of this subparagraph by 3.8 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) Multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (ii) add together the resulting amounts, (iii) subtract from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, the total pounds of butterfat in Class I milk, computed pursuant to subdivision (ii) of subparagraph (3) of this paragraph, the total pounds of butterfat in Class II milk, computed pursuant to subdivision (ii) of subparagraph (4) of this paragraph and the total pounds of butterfat computed pursuant to subdivision (ii) of this subparagraph which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat except receipts from other handlers), (iv) add together the results obtained in subdivisions (ii) and (iii) of this paragraph and (v) divide the result obtained in subdivision (iv) of this subparagraph by 3.8 percent.

(6) Determine the classification of milk received from producers as follows: (i) Subtract from the total pounds of milk in each class the pounds of producer milk which were received from other handlers and used in such class, (ii) subtract from the remaining pounds of milk in each class the pounds of other source milk allocated to such class pursuant to paragraph (e) of this section.

(g) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the several classes as computed pursuant to subparagraph (6) of paragraph (f) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to paragraph (c) of section 6 such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to subparagraph (6) of paragraph (f) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to subparagraph (6) of paragraph (f) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk for such handler by subtracting in series beginning with the lowest class use of such handler an amount equal to the difference between receipts of milk from producers and the total utilization of milk by classes for such handler.

SEC. 5. *Minimum prices*—(a) *Class prices.* Subject to the differentials set forth in paragraphs (c) and (d) of this section, each handler shall pay producers, at the time and in the manner set forth in section 11, for milk purchased or received from them not less than the following prices.

(1) *Class I milk.* The price per hundredweight of Class I milk during each delivery period shall be the price determined pursuant to paragraph (b) of this section, plus 75 cents.

(2) *Class II milk.* The price per hundredweight of Class II milk during each delivery period shall be the price determined pursuant to paragraph (b) of this section plus 50 cents.

(3) *Class III milk.* The price per hundredweight of Class III milk during each delivery period shall be the highest price ascertained by the market administrator to have been quoted for ungraded milk of 3.8 percent butterfat content received during such delivery period by any of the three following plants: The Jensen Creamery Company at its plant at Topeka, Kansas; The Beatrice Foods Products Company at its plant at Topeka, Kansas; The Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices, set forth in this section, per hundredweight of milk as computed and announced by the market administrator on or before the 5th day of the delivery period shall be the arithmetical average of the prices per hundredweight reported to the United States Department of Agriculture as being paid all farmers for milk of 3.5 percent butterfat content delivered f. o. b. plant during the immediately preceding delivery period at the following plants and places:

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and multiplied by 3.8, but in no event shall such basic formula price to be used be less than the following: Multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the immediately preceding delivery period, and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (1) Add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound or (2) subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the immediately preceding delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event such price shall be subject to the following adjustments: (1) Add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound or (2) Subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

(c) *Butterfat differential.* If the average butterfat content of milk purchased or received from producers by any handler during any delivery period is more or less than 3.8 percent, there shall be added or subtracted per hundredweight of such milk for each one-tenth of 1 percent above or below 3.8 percent an amount equal to the Class III price for such delivery period, divided by 38.

SEC. 6. *Application of provisions.* (a) The provisions of sections 4, 7, 8, 9, and 10 shall not apply to a producer-handler or to a handler whose sole source of supply is from other handlers.

(b) If a handler has purchased or received other source milk the market administrator, in determining the net pool obligation of the handler pursuant to paragraph (a) of section 7 shall consider such milk as Class III milk. If the receiving handler sells or disposes of such milk for other than Class III purposes, the market administrator shall add an amount equal to the difference between (1) the value of such milk according to its utilization by the handler, and (2) the value at the Class III price. (This provision shall not apply if Association is not in position to supply producers milk.)

(c) If a handler, after subtracting receipts from other handlers and receipts of other source milk, has disposed of milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them the market administrator, in determining the net pool obligation of the handler pursuant to paragraph (a) of section 7, shall add an amount equal to the value of milk or butterfat according to its utilization by the handler.

(d) Milk which is caused to be diverted by a handler directly from producers' farms to an approved plant of another handler for not more than 5 days during any delivery period shall be considered an interhandler transfer of milk, and shall be reported by the handler who caused such milk to be diverted, as though the milk had first been received at such handler's plant.

SEC. 7. *Determination of uniform price to producer*—(a) *Net pool obligation of handlers.* Subject to the provisions of section 6, the net pool obligation of each handler for milk received during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows:

(1) Multiply the pounds of milk in each class computed pursuant to section 4 by the class prices set forth in section 5 and add together resulting values;

(2) Add, if the average butterfat content of all milk purchased or received from producers is more than 3.8 percent, and deduct if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, an amount equal to the total value of the butterfat differential applicable pursuant to paragraph (c) of section 5;

(3) Add an amount equal to the total values pursuant to paragraphs (b) and (c) of section 6; and

(4) Deduct, if the average butterfat content of all milk purchased or received from producers is more than 3.8 percent, and add, if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to paragraph (c) of section 8.

(b) *Computation and announcement of the uniform price.* The market administrator shall compute and announce the uniform price per hundredweight for milk purchased or received from producers during each delivery period in the following manner:

(1) Combine into one total the net pool obligation computed pursuant to paragraph (a) of this section of all handlers who made the reports prescribed in section 3 and who made the payments prescribed by section 8 for the previous delivery period;

(2) For each of the delivery periods of May, June and July subtract an amount equal to 20 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations, to be retained in the producer-settlement fund for the purposes specified in subparagraph (2) of paragraph (g) of section 8.

(3) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(4) Divide by a figure equal to the total hundredweight of milk received by handlers from producers and included in these computations;

(5) Subtract from the figure computed pursuant to subparagraph (4) of

this paragraph not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for the milk of producers containing 3.8 percent butterfat; and

(6) On or before the 8th day after the end of such delivery period, mail to all handlers (i) such of these computations as do not disclose information confidential pursuant to the act; (ii) the uniform price per hundredweight computed pursuant to subparagraph (6) of this paragraph; (iii) the prices for Class I milk, Class II milk, and Class III milk; and the butterfat differentials pursuant to paragraph (c) of section 5 and paragraph (c) of section 8.

SEC. 8. *Payments of milk*—(a) *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler, after deducting the amount of the payment made pursuant to paragraph (b) of this section, and subject to the differentials set forth in paragraphs (c) and (d) of this section, shall make payment to producers at the uniform price per hundredweight computed pursuant to paragraph (b) of section 7 for the total quantity of milk received from producers: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) *Half-delivery period payments.* On or before the 25th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(c) *Butterfat differential.* If during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler, in making the payments prescribed in paragraph (a) of this section, shall add to the prices per hundredweight for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: Add 4 cents to the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and divide the resulting sum by 10.

(e) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (g) and (i) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (h) and (i) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum required to be paid producers pursuant to this section by such handler, and shall enter such amount on such handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

(f) *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period, each handler shall make full payment to the market administrator of any pool debit balance shown on the account rendered pursuant to paragraph (e) of this section for such delivery period.

(g) *Payments out of the producer-settlement fund.* (1) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered pursuant to paragraph (e) of this section for such delivery period, less any unpaid obligations of the handler. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler, who, on the 12th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his total payments uniformly to all producers by not more than the amount of the reduction in payment from the producer-settlement fund. Nothing in this paragraph shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

(2) On or before the 15th day after the end of each of the delivery periods of October, November and December, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: Divide one-third of the total amount held pursuant to subparagraph (2) of paragraph (b) of section 7 by the hundredweight of producer milk received during the delivery involved (October, November or December as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided*, That payment under this subsection due any producer who has given authority to a cooperative association which is qualified pursuant to paragraph (b) of section 9 to receive payments for his milk shall be distributed to such cooperative association if such cooperative association requests receipt of such payment.

(h) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (f) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billings, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (g) of this section, the market administrator shall, within 5 days, make such payment to such handler or offset any such payment due any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer, for milk purchased or received by such handler, discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payments to producers next following such disclosure.

(i) *Statements to producers.* In making payments to producers as prescribed in paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (a) and (c) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and section 9 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

SEC. 9. *Marketing service*—(a) *Deduction for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 3 cents per hundredweight from the payments made to each producer other than himself pursuant to paragraph (a) of section 8, with respect to all milk of each producer purchased or received by such handler during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made pursuant to paragraph (a) of section 8, which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the market administrator for the account of the association of which such producers are members.

SEC. 10. *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler who purchased or received milk from producers, with respect to all milk received from producers during the delivery period, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe.

Copies of this notice of hearing may be procured from Mr. M. M. Morehouse, Market Administrator, 510 Porter Building, 406 W. 34th Street, Kansas City 2, Missouri, or from the Hearing Clerk, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

[SEAL] E. A. MEYER,
Assistant Administrator.

APRIL 22, 1947.

[F. R. Doc. 47-3933; Filed, Apr. 24, 1947; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Ch. I]

COMMISSION'S STATEMENT ON MULTIPLE OWNERSHIP RULES

NOTICE OF PROPOSED RULE MAKING

APRIL 11, 1947.

The Commission today announced its action on certain applications involving §§ 3.240 and 3.640 of the rules and regulations (FM and Television multiple ownership rules). The Commission's action followed the oral argument held on February 24, 1947 "In the matter of the Rules and Regulations Concerning Multiple Ownership of Broadcast Stations" (Docket No. 8050) (12 F. R. 1111).

The Commission also announced that, as a result of the oral argument and its consideration of the matter, it had determined that the public interest would not be served by adoption of an ironclad rule defining the extent of overlap of service areas or the degree of common ownership, operation of control that would be deemed to be in contravention of §§ 3.35, 3.240 and 3.640 of the rules and regulations (AM, FM and Television multiple ownership rules). On the contrary, the Commission will continue to decide each such case on its own merits, considering all pertinent factors.

In each case the Commission will consider (1) the extent of overlap of service areas, (2) the degree of common ownership, operation and control, and (3) all other pertinent factors, including location of centers of population, distribution of population, other competitive service to the overlap areas and populations, location of trade areas, metropolitan districts, and political boundaries, areas and populations to which services of stations are directed (as indicated by commercial business of stations, news broadcasts, sources of programs and talent, nature of programs, coverage claims, and listening audience), and location of main and secondary studios.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3935; Filed, Apr. 24, 1947; 8:46 a. m.]

[1] 12 F. R. 2135.

[47 CFR, Ch. I]

[Docket No. 6651 [1]]

FREQUENCIES FOR VARIOUS CLASSES OF NON-GOVERNMENTAL SERVICES IN THE RADIO SPECTRUM FROM 10 KILOCYCLES TO 30,000,000 KILOCYCLES

NOTICE OF PROPOSED RULE MAKING

APRIL 14, 1947.

1. Notice is hereby given of further proceedings in the above-entitled matter involving changes in existing frequency service-allocations.

2. The proposed changes are designed to revise the existing frequency service-allocations to make available for the use of medical diathermy and industrial heating equipment certain additional radio frequency bands. The proposed changes are set forth in Federal Register Document 47-3937, *infra*.

3. These proposed changes are issued under the authority of sections 303 (c) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed changes should not be adopted in the form set forth may file with the Commission on or before April 30, 1947 fifteen copies of a written statement or brief setting forth his comments. The Commission will consider these written comments before taking any final action regarding the proposed rules; and, if comments are submitted which request or appear to warrant the holding of an oral argument, notice of the time and place of such oral argument will be given all interested parties.

Approved: April 10, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3936; Filed, Apr. 24, 1947; 8:46 a. m.]

[47 CFR, Ch. I]

FREQUENCIES FOR INDUSTRIAL, SCIENTIFIC, MEDICAL SERVICE

NOTICE OF PROPOSED ALLOCATIONS

APRIL 14, 1947.

The Commission previously has made available the frequencies 13.66, 27.32, 40.98 and 2450 Mc for the industrial, scientific, medical service.[1] The Commission has received testimony and information from representatives of this service substantiating a need for additional frequencies at approximately 3, 6, 500, 1000, 5000, 10000, and 15000 Mc. To satisfy this requirement, the Commission proposes to allocate the frequencies listed in the left column below to the industrial, scientific, medical service. Opposite each frequency is shown the corresponding modification in the table of U. S. service-allocations which also would be made if this proposal is adopted:

Frequency, Mc.	Band, Mc	U. S. service-allocation
915	470-890	Broadcasting 470-475 Mc: Facsimile. 475-500 Mc: (a) Facsimile.[4] (b) Developmental broadcasting. (c) Television.[2] 500-890 Mc: Television broadcasting.[3]
(5)	890-940	(a) Broadcasting.[3] (b) Fixed.[6]
[7] 940-960		Fixed: 940-952 Mc: FM studio-to-transmitter links.[8] 952-960 Mc: Fixed circuits except common carrier and television STL.[9]

[1] Assignments to this service may be made in any area from 475 Mc progressing upward whenever the band 470-475 Mc is utilized fully in that area.

[2] Assignments to this service may be made in any area whenever the band 500-890 Mc is utilized fully in that area.

[3] Frequencies for experimental television stations may be made available in any area until they are required in that area for television broadcasting.

[4] The frequency 915 Mc is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 890-940 Mc.

[5] This service recognizes that interference to its operations within this band may result from the emissions on the frequency 915 Mc of industrial, scientific and medical devices. Separations between assigned frequencies will be 100 kc and exact multiples thereof, and assignments will be made, in any area, progressively upward from 890 Mc.

[6] This service recognizes that interference to its operations within this band may result from the emissions on the frequency 915 Mc of industrial, scientific and medical devices. Separations between assigned frequencies, will be 100 kc and exact multiples thereof, and assignments will be made, in any area, progressively downward from 940 Mc. Assignments to FM studio-to-transmitter links may be made in any area in this band where insufficient space in that area is available in the band 940-952 Mc.

[7] Separations between assigned frequencies will be 100 kc and exact multiples thereof.

[8] Assignments in any area will be made progressively upward from 940 Mc.

[9] Assignments in any area will be made progressively downward from 960 Mc.

[1] Industrial, scientific, medical service: A service other than a radiocommunication service, for industrial, scientific, or medical uses, which results in the transmission of energy by radio.

Frequency, Mc	Band, Mc	U. S. service-allocation
5850	[10] 5650–5925 5925–7125 7125–8500	Amateur.[11] Non-Government; fixed and mobile. Government; fixed and mobile.

[10] The frequency 5850 Mc is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 5775–5925 Mc.
[11] This service recognizes that interference to its operations on frequencies within 75 Mc of 5850 Mc may result from emissions on the frequency 5850 Mc of industrial, scientific and medical devices.

Frequency, Mc	Band, Mc	U. S. service-allocation
10600	[12] 10500–10700 10700–13200 13200–16000	Industrial, scientific, medical.[13] Non-Government; fixed and mobile. Government; fixed and mobile.

[12] The frequency 10600 Mc is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 10500–10700 Mc.
[13] Sharing by communications services to be determined at a later date.

Frequency, Mc	Band, Mc	U. S. service-allocation
18000	[14] 16000–21000	(a) Fixed.[15] (b) Mobile.[15] 16000–18000 Mc—Non-Government. 18000–21000 Mc—Government.

[14] The frequency 18000 Mc is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 17850–18150 Mc.
[15] This service recognizes that interference to its operations on frequencies within 150 Mc of 18000 Mc may result from emissions on the frequency 18000 Mc of industrial, scientific and medical devices.

In addition, the Commission expects to assign a specific frequency in the vicinity of 6 Mc for use by the industrial, scientific, medical service subsequent to the forthcoming Radio Administration Conference of the International Telecommunications Union. This frequency would be intended to accommodate all radiating devices used in this service which cannot be adequately shielded and which require frequencies below 13.66 Mc.

These actions of the Commission, if and when fully implemented, following any oral argument which may be held, and the International Telecommunications Conference, will result in a complete family of frequencies for the industrial, scientific, medical service as follows:

6 Mc±2.5 kc (specific frequency to be announced later)
13.66 Mc±7.5 kc
27.32 Mc±160 kc
40.98 Mc±20 kc
915 Mc±25 Mc
2450 Mc±50 Mc
5850 Mc±75 Mc
10600 Mc±100 Mc.
18000 Mc±150 Mc

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3937; Filed, Apr. 24, 1947; 8:46 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-22]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167, 1028, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 404, 463a, 489, 526–526t, 50 U. S. C. 1275), and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals are prescribed effective upon the date of publication of this document in the FEDERAL REGISTER:

BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. A–332, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, submitted by Affiliated Retailers, Inc., 350 Fifth Ave., New York, N. Y., manufactured by The American Pad and Textile Co., Greenfield, Ohio.

Approval No. B–379, 11¾" x 15" x 20¾" x 21" x 2" trapezoidal kapok buoyant cushion, 26 oz. kapok, Dwg. No. NSC–1, dated April 8, 1947, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Benton Harbor Awning and Tent Co., 136 Territorial Road, Benton Harbor, Mich.

Approval No. B–380, 14" x 18" x 2" rectangular kapok buoyant cushion, 23 oz. kapok, Dwg. No. 4016, dated March 30, 1947; Approval No. B–381, 16" x 18" x 2" rectangular kapok buoyant cushion, 26 oz. kapok, Dwg. No. 4016, dated March 30, 1947; Approval No. B–382, 15" x 30" x 2" rectangular kapok buoyant cushion, 40 oz. kapok, Dwg. No. 4016, dated March 30, 1947; Approval No. B–383, 14" x 25" x 2" rectangular kapok buoyant cushion, 31½ oz. kapok, Dwg. No. 4017, dated April 1, 1947; Approval No. B–384, 16" x 25" x 2" rectangular kapok buoyant cushion, 36 oz. kapok, Dwg. No. 4017, dated April 1, 1947; Approval No. B–385, 15" x 26" x 2" rectangular kapok buoyant cushion, 35 oz. kapok, Dwg. No. 4017, dated April 1, 1947; for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire; manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. B–386, 14" x 18" x 2" rectangular buoyant cushion, 20 oz. kapok, The American Pad and Textile Co. Dwg. No. B–66, dated February 23, 1946, for use on motorboats of Classes A, 1 and 2 not carrying passengers for hire, submitted by Affiliated Retailers, Inc., 350 Fifth Ave., New York, N. Y., and manufactured by The American Pad and Textile Co., Greenfield, Ohio.

GAS MASKS

Bullard "Multi-Gas" universal gas mask, Dwg. No. 72–1, dated February 9, 1947, Bureau of Mines Approval No. 1439, consisting of BM–1439 canister, BM–1432 timer, BM–1439 harness, and BM–1419 facepiece, manufactured by E. D. Bullard Company, 275 Eighth Street, San Francisco 3, Calif.

Bullard "Smoke-Eater" universal gas mask, Dwg. No. 72–1, dated February 9, 1947, Bureau of Mines Approval No. 1440, consisting of BM–1440 canister, BM–1432 timer, BM–1439 harness, and BM–1419 facepiece, manufactured by E. D. Bullard Company, 275 Eighth Street, San Francisco 3, Calif.

Dated: April 21, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47-3950; Filed, Apr. 24, 1947; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 2]

DESCHUTES IRRIGATION PROJECT, NORTH UNIT, OREGON

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

APRIL 4, 1947.

1. I have determined that it is not possible, because construction work is not sufficiently advanced, to promulgate during the year 1947 any of the notices of construction charges contemplated in article 16 of the contract between the United States and the Jefferson Water Conservancy District of January 4, 1938, as amended by the contract of September 5, 1945.

2. *Water rental.* Pursuant to article 34 of the contract of January 4, 1938, irrigation water will be furnished, when available, upon a rental basis during the irrigation season of 1947 to the irrigable lands generally described below and shown on maps available upon request to the Construction Engineer, Bend, Oregon:

(a) To lands which can be served by turnouts from the main canal, laterals, or sublaterals up to mile 43.9 of the main canal, which is the location of the turnout to lateral M–43, for which area construction of the canals and laterals has been completed.

(b) Where the progress of construction will permit, to lands which can be served by turnouts from the main canal, laterals, or sublaterals beyond mile 43.9 of the main canal, for which area construction of canals and laterals may be completed for delivery of irrigation water during a part of the irrigation season of 1947.

3. *Charges and terms of payment.* The minimum water rental charge shall be $2.00 per irrigable acre for each irrigable acre of the 40-acre legal subdivision for which water service is requested, payment of which will entitle the water user to 1½ acre-feet of water per irrigable acre, except that where a farm contains less than a 40-acre legal subdivision the minimum charge shall be based on the irrigable area in the entire farm; however, for lands described in paragraph 2 (b) above for which water may be first available in 1947 the minimum charge shall be paid for each irrigable acre of land for which water service is requested. Additional water, if available, will be furnished during the irrigation season at the rate of $1.50 per acre-foot, but not to exceed a total of 2½ acre-feet of water will be furnished for each acre for which water service is requested. All charges shall be payable by the District to the United States in advance of the delivery of water.

4. Water will be delivered and measured by Government forces at the turnout or weir nearest to the individual farm, topographic conditions considered.

5. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388), and acts of Congress amendatory thereof or supplementary thereto, and who have duly complied with the requirements of the contract of January 4, 1938, as amended, between the United States and the District, including:

(a) The execution and delivery of the recordable contract as provided for in article 31 of said contract;

(b) The execution and delivery of an application and affidavit for water service, as provided for in article 31 of said contract; and

(c) The execution and delivery of a valid recordable contract, in the case of ownership of excess land, as provided for in article 32 of said contract.

The recordable contracts under (a) and (c) hereof may be combined into one contract.

6. Applications for water on the basis of this announcement will be received at the office of the Secretary of the Jefferson Water Conservancy District at Madras, Oregon, and payments will be made to that office in advance of the delivery of water.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 47-3904; Filed, Apr. 24, 1947; 8:48 a. m.]

[No. 2]

LUGERT-ALTUS IRRIGATION PROJECT, OKLAHOMA

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

APRIL 9, 1947.

1. I have determined that it is not possible, because construction work is not sufficiently advanced, to promulgate during the year 1947 any of the notices of construction charges contemplated in article 7 of the contract between the United States and the Lugert-Altus Irrigation District dated January 12, 1942.

2. *Water rental.* Pursuant to article 9 of the contract of January 12, 1942, irrigation water will be furnished, when available, upon a rental basis under approved applications for temporary water service during the irrigation season of 1947, where the progress of construction will permit, to the irrigable lands in the Lugert-Altus Irrigation District described below:

Water to be furnished beginning about May 1, 1947. Generally described as the area served from the Altus Canal and Altus Laterals 2.3 to 11.1, inclusive, and City Pipeline and City Laterals, comprising such lands as are irrigable within the tracts of land described as follows:

INDIAN MERIDIAN

T. 2 N., R. 20 W.
Sec. 5, SW¼;
Secs. 6 and 7;
Sec. 8, NW¼, NW¼SW¼, and NE¼.
T. 2 N., R. 21 W.
Secs. 1 and 2;
Sec. 12, E½ and NW¼;
Sec. 13, S½ and NE¼;
Sec. 14, NW¼ and SE¼;
Sec. 23, E½;
Sec. 24;
Sec. 25, lying west of S. L.-S. F. Ry.;
Sec. 26;
Sec. 35, NE¼ lying west of S. L.-S. F. Ry..
T. 3 N., R. 20 W.
Sec. 5;
Sec. 6, SE¼, S½NE¼, and SW¼;
Sec. 7, N½;
Sec. 8, N½;
Sec. 19, S½;
Sec. 30, W½ and NE¼;
Sec. 31, E½ and N½NW¼.
T. 3 N., R. 21 W.
Sec. 12;
Sec. 13, E½;
Sec. 23, SE¼;
Sec. 24, S½;
Sec. 25, N½;
Sec. 26, S½ and NE¼;
Sec. 35, E½ and SW¼;
Sec. 36.
T. 4 N., R. 20 W.,
Sec. 8, W½;
Sec. 17, W½;
Sec. 20, W½;
Secs. 29 and 32.

Water to be furnished beginning about July 1, 1947. Generally described as the area served from the West Canal, West Canal Laterals and Blair Lateral, comprising such lands as are irrigable within the tracts of land described as follows:

INDIAN MERIDIAN

T. 3 N., R. 20 W.,
Sec. 6, NW¼ and N½NE¼.
T. 3 N., R. 21 W.,
Secs. 1 and 2;
Sec. 3, N½ and SE¼;
Sec. 10, N½NE¼;
Sec. 11;
Sec. 13, W½;
Sec. 14;
Sec. 15, SW¼, S½NW¼, and NW¼NW¼;
Sec. 16, E½;
Sec. 21, E½;
Sec. 22;
Sec. 23, N½ and SW¼;
Sec. 26, NE¼ and NW¼;
Sec. 27, NW¼;
Sec. 28, E½NE¼..
T. 4 N., R. 20 W.,
Sec. 18, NE¼ and SW¼;
Secs. 19, 30, and 31.
T. 4 N., R. 21 W.,
Sec. 11;
Sec. 15, SW¼;
Sec. 16, SE¼;
Sec. 17, NW¼;
Sec. 18, E½ and E½NW¼;
Secs. 20, 21, and 22;
Sec. 24, SE¼ and S½NE¼;
Sec. 25, S½SE¼;
Sec. 27, W½ and SE¼;
Sec. 28, SE¼ and NW¼;
Sec. 29, N½;
Sec. 33, E½;
Secs. 34, 35, and 36.

3. *Charges and terms of payment.* The water rental charge shall be $4.00 per acre-foot for each acre-foot of water requested. No application for the initial delivery of less than five acre-feet of water for each ownership will be received by the District. All charges shall be payable by the District to the United States in advance of the delivery of water.

4. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

5. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388), and acts of Congress supplementary thereto or amendatory thereof, and who have duly complied with the requirements of the contract of January 12, 1942, between the United States and the District, including:

(a) The execution and delivery of the valid recordable contract, in the case of ownership of excess land, as provided for in articles 27 and 29 (b) of said contract.

6. Individual applications for water on forms approved by the United States and the payments required by this announcement will be received at the office of the Secretary of the Lugert-Altus Irrigation District, Altus, Oklahoma. Requests by the District for water for such lands as are entitled to receive water and payments by the District to the United States will be received at the office of the Bureau of Reclamation, Altus, Oklahoma.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

WILLIAM E. WARNE,
Assistant Commissioner.

[F. R. Doc. 47-3905; Filed, Apr. 24, 1947; 8:48 a. m.]

[Public Notice 25]

OWYHEE PROJECT, OWYHEE AND GEM IRRIGATION DISTRICTS—OREGON-IDAHO

PUBLIC NOTICE OPENING PUBLIC LAND TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER

APRIL 8, 1947.

1. *Public land for which water is available and for which entry may be made.* In pursuance of the act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, it is hereby announced that water will be furnished in the irrigation season of 1947 and thereafter until further notice, and beginning on June 2, 1947, entry may be made in accordance with this notice for the following described public lands in the Owyhee Project, in Oregon and Idaho, as shown on farm unit plats of:

SUCCOR CREEK DIVISION, OWYHEE PROJECT, WILLAMETTE MERIDIAN, OREG.

Township 21 South, Range 46 East

Order of unit in drawing	Section	Farm unit	Description	Total irrigable acres
1	34	C	W½NW¼.....	41
Township 22 South, Range 46 East				
2	27	B	N½N½.....	51

BOISE MERIDIAN, IDAHO

Township 4 North, Range 5 West

3	19	A	N½SE¼.....	46

The farm unit plats referred to above were approved on the date of this notice and are on file in the office of the Project Superintendent, Bureau of Reclamation, Vale, Oregon; the Irrigation Manager, Bureau of Reclamation, Nyssa, Oregon; the District Office, Bureau of Reclamation, 214 Broadway, Boise, Idaho, and in the Land Office at The Dalles, Oregon, or the Land Office at Blackfoot, Idaho, where they may be examined by any person desiring to make application hereunder.

2. *Preference rights to honorably discharged veterans of World War II*—(a) *Nature of preference.* Pursuant to the provisions of the act of Congress of September 27, 1944 (58 Stat. 747), as amended June 25, 1946 (Pub. Law No. 440, 79th Cong.), for a period of 90 days from the opening of these lands to entry or until September 2, 1947, the lands described in paragraph 1 above will be open to entry only by persons who have served or may serve not less than 90 days in the Army, Navy, Marine Corps or Coast Guard of the United States in World War II, and are honorably separated or discharged therefrom: *Provided, however,* That they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, capital and physical fitness required of all applicants under this notice. This right extends to the widow of a veteran of World War II, and to the guardian of his or her minor orphan child or children. The commencement of the United States' participation in World War II shall be deemed, for purposes of this notice, to be December 8, 1941.

(b) *Definition of honorable discharge.* An honorable discharge, within the meaning of the act of September 27, 1944, shall mean:

(1) Separation from the service by means of an honorable discharge or a discharge under honorable conditions.

(2) Transfer from active duty to a reserve or retired status.

(3) End of the period of war service by reason of the termination of the war, even though the person remains in the service of the armed forces of the United States.

(c) *Submission of proofs of veteran status.* An applicant who claims a preference right on account of service in the armed forces of the United States must attach to the application a photostatic copy of both sides of his or her discharge papers, a certified copy of his or her recorded discharge papers, or an affidavit which states the applicant's time of service, the unit of which he or she was a member, the date of honorable discharge and the fact that he or she did not refuse to wear the uniform of such service or to perform the duties thereof.

3. *Qualifications required by the reclamation laws.* Pursuant to the provisions of subsection 4C of the act of December 5, 1924 (43 Stat. 702, 43 U. S. C. 433), the following are established as minimum qualifications, which, in the opinion of the local examining board, are necessary to insure the success of an entryman or entrywoman on a reclamation farm unit. Applicants must meet these qualifications as determined by the examining board, in order to be considered for entry, and failure to meet them in all respects will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the minimum required.

(a) *Character and industry.* Each applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct and a bona fide intent to engage in farming as an occupation. Persons named as references in paragraph 17 of the Farm Application blank should be responsible individuals (not relatives) who are personally acquainted with the applicant and are willing and able to disclose full information relative to the applicant's qualifications for entry on a reclamation farm unit.

(b) *Health.* Each applicant must be in such physical condition as will enable him or her to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable should attach to his or her application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(c) *Farm experience.* Each applicant must have had at least two years' full-time farm experience acquired after the age of 15 years. Two years of study in agricultural courses in an accredited agricultural college or two years of responsible technical work in agriculture which, in the opinion of the examining board, may contribute toward knowledge of the successful operation of a farm may be credited as one year of farm experience. No more than one year's experience may be credited from such courses. No advantage will accrue from farming experience on irrigated land. Applicants must furnish three written statements signed by a Vocational Agriculture teacher, county agent, County Farmers Home Administration supervisor, Production and Marketing Administration chairman, an officer of any local farm organization or other comparable persons who have personal knowledge of the applicant's farm experience or have verified it to their satisfaction. Women applicants should describe fully the farm activities in which they have participated and the relation of agricultural courses they have taken to farm operation and management.

(d) *Capital.* Each applicant must possess at least $3,000 in operating capital or equivalent property, such as livestock and farm machinery, or adequate credit. Credit must be evidenced by a certified statement from the credit source, indicating the amount to be loaned and the terms of the loan. Credit will be regarded as adequate if the terms of repayment, in the opinion of the board, will not interfere with the development of a farm unit.

In addition, in order to be qualified for entry on project lands, applicants must not own or hold within any Federal Reclamation Project irrigable land for which construction charges payable to the United States have not been fully paid. Proofs of conformity with this requirement need not be furnished, but a check of project land ownership will be made to determine eligibility of applicants before awards of farm units are made.

4. *Qualifications required by homestead laws.* The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Entrywomen who are married must be heads of families. (Except veterans of World War II, all entrymen must be 21 years of age or the head of a family, and entrywomen must be 21 years of age and the head of a family. The act of June 25, 1946, removes the age requirement for both men and women who are veterans, but does not affect the homestead requirement that entrywomen who are married must be the heads of families.) Proofs of such status must be submitted with the applications of married women.

(c) Must not own more than 160 acres of land in the United States (with certain exceptions).

(d) Must not have exhausted the right to make homestead entry on public land by prior exercise of this right. Complete information concerning qualifications for homesteading may be obtained from the District Land Office at The Dalles, Oregon, and at Blackfoot, Idaho, or the Bureau of Land Management, Washington 25, D. C.

5. *When and how to apply for a farm unit*—(a) *Application blanks.* Any person desiring to acquire any of the public land farm units described in this notice must fill out the attached Farm Application blank. Additional application blanks may be obtained from the Owyhee Project Office, Nyssa, Oregon; the Vale Project Office, Vale, Oregon; the Regional Director, Bureau of Reclamation, P. O. Box 937, Boise, Idaho, or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the Farm Application blank, except that preference of farm units should not be listed.

(b) *Filing of application and proofs.* An application for a farm unit listed in this notice, together with proofs of veteran status and farm experience and married women's proofs of their status as the heads of families, must be filed with the Project Superintendent, Bureau of Reclamation, Vale, Oregon, either in person or by mail. No advantage will accrue to an applicant who presents his or her application in person.

(c) *Priority of applications.* All applications received prior to 2:00 p. m., June 2, 1947, will be held and treated as filed simultaneously, except that applications of persons who do not establish their eligibility for veterans' preference, as outlined in paragraph 2 of this notice, will be set aside and will not be considered until September 2, 1947. Applications received after 2:00 p. m., June 2, 1947, from persons eligible to receive veterans' preference will be considered in the order filed if there are any farm units still available. If any farm units are still available on September 2, 1947, all applications from persons not eligible to receive veterans' preference which have been received up to that time will be considered as filed simultaneously in the awarding of any remaining farm units.

6. *Selection of qualified applicants*—(a) *Examining board.* An Examining Board of three members, including the Superintendent of the Vale Project, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to consider the fitness of each applicant to undertake the development and operation of a farm on the Owyhee Project. Careful investigations will be made to verify the statements and representations made by applicants in order to determine their qualifications as prescribed in paragraph 3 above. Any falsification or misrepresentation made or discovered at any time will cause an application to be rejected.

(b) *Basis of examination.* The eligibility for the award of a reclamation farm unit under subsection 4C of the act of December 5, 1924, will be determined by the examining board. Applicants will be judged on the basis of character, industry, farming experience and capital. No applicant will be considered eligible who does not qualify in all respects, or who does not, in the opinion of the board, possess the health and vigor to engage in farm work.

(c) *Procedure*—(1) *Preliminary examination.* If an applicant fails to make a prima facie case; that is, an examination of the application discloses that the applicant is unqualified in respect to the requirements prescribed herein, the application shall be rejected and the applicant notified by the board of examiners of such rejection by registered mail, with return receipt requested, and of the right to appeal in writing to the Regional Director within ten (10) days from receipt of such notification. All appeals shall be filed within ten (10) days of the receipt of such notice with the Project Superintendent, Bureau of Reclamation, Vale, Oregon, who will forward them to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board of examiners for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application.

(2) *Selection of applicants.* After the expiration of the appeal period fixed by the above-mentioned notices and after the Regional Director has decided such appeals, the board shall select the successful applicants in the following manner: From the names of all qualified applicants in the group whose applications were considered as filed simultaneously, the board shall draw nine (9) names or three times as many as the number of farm units available. These applicants will be closely investigated, in the order in which selected, and any falsehood or misrepresentation shall be ground for disqualification. The examining board may, in its discretion, request any applicant to appear for a personal interview. Should any applicant so requested fail to appear for examination, his or her application will receive no further consideration at that time. Should such applicant appear later, his or her application may be placed at the bottom of the list of the nine (9) applicants whose names were drawn by the board.

(3) *Disqualification and appeals.* The board shall notify applicants from among the group of nine (9) who are disqualified as a result of the investigations of the board of such disqualification and the reasons therefor, and of the right of appeal to the Regional Director within ten (10) days from receipt of such notice, by registered mail with return receipt requested.

(d) *Award of farm units.* After the expiration of the appeal period and after the Regional Director has decided the appeals from the action of the board, the board shall award farm units in the order listed in this public notice to the first three qualified applicants who have been selected in the order drawn, without regard to preference as to units. Other applicants will retain their places in the order drawn and will be awarded such farm units as may become available in the event any of the original applicants to whom the units were awarded fail to complete their entries. An alternate will become ineligible for further consideration after having been offered right of entry to a single farm unit. In the event that there are farm units to be awarded after all applications that were filed simultaneously have been considered, consideration will be given to applications of other eligible veterans, in the order filed, as indicated in paragraph 5 (c) above. Farm units not awarded before September 2, 1947, will be open to entry to qualified applicants without regard to veterans' preference, in accordance with the procedure established by this public notice.

(e) *Notification to applicants.* Immediately after the selection of the three successful applicants, the board shall notify each of the other applicants, by registered mail with return receipt requested, of his or her standing as an alternate or otherwise and of the circumstances under which the applications must be rejected.

7. *Notification of selection of applicants and acceptance of farm units.* After the completion of the selection process and the determination of all appeals, the Board shall notify each of the three selected applicants, by registered mail with return receipt requested, that he or she has been awarded a farm unit. With such notice the board shall enclose a form for formal acceptance of the farm unit awarded. This form must be executed by the applicant and returned to the office of the Project Superintendent, Bureau of Reclamation, Vale, Oregon, within ten (10) days from receipt of the said notice. Upon receipt by the Project Superintendent of the acceptance executed by the applicant and the payment of the construction charge instalments as required in paragraph 9 (a) of this public notice before the expiration of the said 10-day period, the Secretary of the board shall furnish each such applicant by registered mail, unless delivery is made in person, a certificate, stating that his or her qualifications to enter public lands, as required by subsection 4C of the act of December 5, 1924, have been passed upon and approved by the board. Such certificate, a copy of which will be forwarded by the secretary of the board to the Land Office at The Dalles, Oregon, or the Land Office at Blackfoot, Idaho, immediately upon its issuance, must be attached by the applicant to his or her homestead application when such application is filed at the Land Office at The Dalles, Oregon, or the Land Office at Blackfoot, Idaho. Such homestead application must be made within twenty (20) days from the date of receipt by the applicant of said certificate. Failure to make application for homestead entry within the period specified herein will render the application subject to rejection.

8. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

9. *Irrigation charges*—(a) *Construction.* The total construction charges payable to the United States for the entire Owyhee Project are presently estimated to be $18,825,000. The average estimated construction charge per irriga-

ble acre is $186. Under existing contractual arrangements with the Owyhee and Gem Irrigation Districts, the construction charges payable to the United States on the irrigable lands in the districts during the years 1946, 1947, 1948 and 1949 will be $2.00 per irrigable acre per year, payable in two semi-annual instalments beginning on December 31, 1946, and July 1, 1947. The remainder of the construction charges will be payable in accordance with the contract arrangements with the districts. The applicants to whom the farm units are awarded must pay the semi-annual construction charge instalments otherwise due on December 31, 1946, and July 1, 1947, to the Project Superintendent prior to issuance of the certificate of eligibility by the Secretary of the examining board. When entries have been completed, the Project Superintendent will pay to the Owyhee and Gem Irrigation Districts the construction charge instalments received from the applicants. In the event that an applicant fails to complete homestead entry, any moneys paid to the United States on account of construction charges as herein specified shall be returned to the applicant.

(b) *Operation and maintenance.* In addition to the payment of construction charges as required by the existing repayment contracts, the entrymen, to be entitled to water, must pay operation and maintenance charges levied by the District in which the land is situated. The minimum charge per irrigable acre, whether water is used or not, has been fixed at $2.70, exclusive of any amounts that may be added by the District for its own purposes.

(c) *Amount of water and charges.* Payment of construction charges due and the operation and maintenance charges levied by the District will entitle the entryman to delivery of not more than four (4) acre-feet of water per irrigable acre in the 1947 season. Water in excess of this amount will be furnished to water users during the 1947 irrigation season at not less than eighty-four cents ($0.84) per acre-foot or fraction thereof, and water users shall be required to make advance payment for such additional water to the districts or to make arrangements for such payment that are satisfactory to the districts and in accordance with legal requirements. The minimum charges for operation and maintenance and maximum of water deliverable therefor and charges for excess water in subsequent years through 1949 are to be determined as provided in the Notice of Availability of February 19, 1946.

10. *Contracts with irrigation districts and recordable agreement.* The lands covered by this notice are included in the Owyhee Irrigation District and the Gem Irrigation District, which districts are bound under contracts dated October 14, 1926, as amended by the contracts of March 15, 1936, and the Public Notice of availability of water dated February 19, 1946, copies of which are available for inspection in the project offices at Nyssa, Oregon, and Homedale, Idaho, to pay all charges due to the United States from the districts and to collect the necessary funds for that purpose from the landowners and entrymen of the district by the levy of assessments or the collection of toll charges. The first two semi-annual construction charge installments paid by the applicants will be credited in the same manner as if paid at the regular time for payment. Each applicant for entry, in order to receive water, will also be required to execute and deliver a recordable contract as required under article 41 of the said contracts of October 14, 1926. (The recordable contract is designed to prevent land speculation based upon increased value of the land resulting from irrigation. It provides that in case of the sale of project land by an entryman or landowner, a portion of the sale price over and above the appraised value, as set by a board, without increment on account of the construction of the irrigation project works, shall be applied on the construction charge against the land which is being sold.) Each applicant for entry, in paying the first two semi-annual construction charge installments shall be deemed to have agreed to be bound by the provisions of the said contracts with the Owyhee Irrigation District and the Gem Irrigation District, dated October 14, 1926, as amended and supplemented.

11. *Reservation of rights of way for County, State and Federal Highways and access roads.* Rights of way are reserved for county, state and federal highways and access roads to the farm units shown on said plats along section lines and other lines shown in red on the farm plats, said rights of way being in general 30 feet in width on each side of said lines for county roads, 20 feet each side of said lines for access roads, and not to exceed 50 feet on each side of said lines for state and federal highways.

12. *Reservation of rights of way for telephone, electric transmission, water and sewer lines and water-treating and pumping plants.* Rights of way are reserved for government-owned telephone, electric transmission, water and sewer lines and water-treating and pumping plants, as now constructed, and the Secretary reserves the right to locate such other government-owned facilities over and across the farm units above described, as hereafter in his opinion may be necessary for the proper construction, operation or maintenance of said project.

13. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management, otherwise the homestead applications will be rejected or the homestead entry or entries canceled.

14. *Settler assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases, on a reimbursable basis, in development of farm units, including clearing and rough leveling the land and roughing in of farm irrigation and surface drainage systems beyond the farm turnout.

15. *Effect of relinquishment.* In the event that any entry of public land shall be relinquished prior to 2:00 p. m., September 2, 1947, the lands so relinquished shall be subject to entry in accordance with the procedure described in paragraph 6 of this notice. In the event that any entry of public land shall be relinquished subsequent to 2:00 p. m., September 2, 1947, and at any time prior to actual proving up of the land through necessary residence, cultivation and other homestead requirements, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2:00 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with the procedure described in paragraph 6 of this notice.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APPLICANTS FOR HOMESTEADS ON OWYHEE PROJECT, OREGON AND IDAHO

LOCATION

1. The farm units opened for homesteads by Public Notice No. 25 may be readily located with the use of the farm unit location map attached to the public notice.

PERSONAL INQUIRIES

2. Personal inquiries with respect to this public land opening may be made at the Superintendent's office, Bureau of Reclamation, Vale, Oregon.

LODGING

3. Government lodging is not available for visitors at Vale. Visitors should make reservations for lodging at local hotels in Vale, Ontario, or Nyssa, Oregon.

FORMS REQUIRED

4. Applications with all substantiating data should be mailed to the Superintendent, Bureau of Reclamation, Vale, Oregon. (Caution: It is of utmost importance that all the required forms be completely and accurately filled out and attached to the application. Failure to do so may disqualify the applicant.)

5. If you are claiming veteran preference, be sure to submit a photostatic, certified, or authenticated copy of your discharge or certificate of service.

6. If physically handicapped or afflicted, submit a detailed statement by an examining physician which defines your limitations because of the disability.

7. Attach to your application the signed statement of three agricultural leaders, setting forth the place, period, and years in which you received farming experience.

8. Be sure to list the names and addresses of three responsible individuals who are willing and able to disclose full information with respect to your character and industry as required in paragraph 17 of the application.

9. If you list credit as partial fulfillment of the capital requirement, be sure you attach to your application a certified statement from the credit source indicating the amount and terms of the loan available to you.

10. Married entrywomen must be heads of families to be eligible. Proof of such status must be returned with the application.

SETTLER ASSISTANCE

11. The Bureau of Reclamation and Oregon State College Extension Service will provide technical assistance to settlers in becoming familiar with local agricultural practices and in planning and laying out the farm fields and irrigation systems.

TIME LIMIT

12. Applications received prior to 2:00 p. m., June 2, 1947, will be considered as simultaneously filed. Applications received the last week of the filing period will delay the public land opening; therefore, the completed application and substantiating evidence should be mailed at the earliest possible moment. You will be notified of action taken by the Board and of the award of a farm unit if your name is drawn and you are found to be qualified.

[F. R. Doc. 47-3906; Filed, Apr. 24, 1947; 8:48 a. m.]

[Public Notice No. 9]

VALE PROJECT, VALE, OREGON, IRRIGATION DISTRICT

PUBLIC NOTICE OPENING PUBLIC LAND TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER

APRIL 8, 1947.

1. *Public Land for which water is available and for which entry may be made.* In pursuance of the act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, it is hereby announced that water will be furnished in the irrigation season of 1947 and thereafter until further notice, and beginning June 2, 1947, entry may be made in accordance with this notice for the following described public lands in the Vale Project, Oregon, as shown on the farm unit plat of

Township 17 South, Range 44 East, Willamette Meridian

Section 22, Farm Unit "D"; N½NW¼; 55.0 irrigable acres.

The farm unit plat referred to above was approved on April 15, 1936, and is on file in the office of the Project Superintendent, Bureau of Reclamation, Vale, Oregon; the District Office, Bureau of Reclamation, 214 Broadway, Boise, Idaho; and in the Land Office at The Dalles, Oregon, where it may be examined by any person desiring to make application therefor. A mess hall formerly used as a part of a CCC camp, BR 45, now located on the farm unit, will not be included in the award of the farm unit and will be removed from the premises by the owner.

2. *Preference rights to honorably discharged veterans of World War II*—(a) *Nature of preference.* Pursuant to the provisions of the act of Congress of September 27, 1944 (58 Stat. 747), as amended June 25, 1946 (Pub. Law No. 440, 79th Cong.), for a period of 90 days from the opening of these lands to entry or until September 2, 1947, the lands described in paragraph 1 above will be open to entry only by persons who have served or may serve not less than 90 days in the Army, Navy, Marine Corps or Coast Guard of the United States in World War II, and are honorably separated or discharged therefrom: *Provided, however,* That they must be qualified to make entry, under the homestead laws and also possess the qualifications as to industry, experience, character, capital and physical fitness required of all applicants under this notice. This right extends to the widow of a veteran of World War II and to the guardian of his or her minor orphan child or children. The commencement of the United States' participation in World War II shall be deemed, for purposes of this notice, to be December 8, 1941.

(b) *Definition of honorable discharge.* An honorable discharge within the meaning of the act of September 27, 1944, shall mean:

(1) Separation from the service by means of an honorable discharge or a discharge under honorable conditions.

(2) Transfer from active duty to a reserve or retired status.

(3) End of the period of war service by reason of the termination of the war, even though the person remains in the service of the armed forces of the United States.

(c) *Submission of proofs of veteran status.* An applicant who claims a preference right on account of service in the armed forces of the United States must attach to the application a photostatic copy of both sides of his or her discharge papers, a certified copy of his or her recorded discharge papers or an affidavit which states the applicant's time of service, the unit of which he or she was a member, the date of honorable discharge and the fact that he or she did not refuse to wear the uniform of such service or to perform the duties thereof.

3. *Qualifications required by the reclamation law.* Pursuant to the provisions of subsection 4C of the act of December 5, 1924 (43 Stat. 702, 43 U. S. C. 433), the following are established as minimum qualifications, which, in the opinion of the local examining board, are necessary to insure the success of an entryman or entrywoman on a reclamation farm unit. Applicants must meet these qualifications, as determined by the examining board, in order to be considered for entry, and failure to meet them in all respects will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the minimum required:

(a) *Character and industry.* Each applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct and a bona fide intent to engage in farming as an occupation. Persons named as references in paragraph 17 of the Farm Application blank should be responsible individuals (not relatives) who are personally acquainted with the applicant and who are willing and able to disclose full information relative to the applicant's qualifications for entry on a reclamation farm unit.

(b) *Health.* Each applicant must be in such physical condition as will enable him or her to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable should attach to his or her application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(c) *Farm experience.* Each applicant must have had at least two years' full-time farm experience acquired after the age of 15 years. Two years of study in agricultural courses in an accredited agricultural college or two years of responsible technical work in agriculture which in the opinion of the examining board may contribute toward knowledge of the successful operation of a farm may be credited as one year of farm experience. No more than one year's experience may be credited from such sources. No advantage will accrue from farming experience on irrigated land. Applicants must furnish three written statements signed by a Vocational Agriculture teacher, county agent, County Farmers Home Administration supervisor, Production and Marketing Administration chairman, an officer of any local farm organization, or other comparable persons who have personal knowledge of the applicant's farm experience or have verified it to their satisfaction. Women applicants should describe fully the farm activities in which they have participated, and the relation of agricultural courses they have taken to farm operation and management.

(d) *Capital.* Each applicant must possess at least $3,000 in operating capital or equivalent property such as livestock and farm machinery or adequate credit. Credit must be evidenced by a certified statement from the credit source, indicating the amount to be loaned and the terms of the loan. Credit will be regarded as adequate if the terms of repayment will not, in the opinion of the board, interfere with the development of a farm unit.

In addition, in order to be qualified for entry on project lands, applicants must not own or hold within any Federal Reclamation Project, irrigable land for which construction charges payable to the United States have not been fully paid. Proofs of conformity with this requirement need not be furnished, but a check of project land ownership will be made to determine eligibility of applicants before awards of farm units are made.

4. *Qualifications required by homestead laws.* The homstead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Entrywomen who are married must be heads of families. (Except veterans of World War II, all entrymen must be 21 years of age or the head of a family and entrywomen must be 21 years of age and the head of a family. The act of June 25, 1946, removes the age requirement for both men and women who are veterans, but does not

affect the homestead requirements that entrywomen who are married must be the heads of families.) Proofs of such status must be submitted with the applications of married women.

(c) Must not own more than 160 acres of land in the United States (with certain exceptions).

(d) Must not have exhausted the right to make homestead entry on public land.

Complete information concerning qualifications for homesteading may be obtained from the District Land Office at The Dalles, Oregon, or the Bureau of Land Management, Washington 25, D. C.

5. *When and how to apply for a farm unit*—(a) *Application blanks.* Any person desiring to acquire the public land farm unit described in this notice must fill out the attached Farm Application blank. Additional application blanks may be obtained from the Vale Project office, Vale, Oregon; the Regional Director, Bureau of Reclamation, P. O. Box 937, Boise, Idaho, or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the Farm Application blank.

(b) *Filing of application and proofs.* An application for the farm unit listed in this notice, together with proofs of veteran status and farm experience and married women's proofs of their status as the heads of families, must be filed with the Project Superintendent, Bureau of Reclamation, Vale, Oregon, either in person or by mail. No advantage will accrue to an applicant who presents his or her application in person.

(c) *Priority of applications.* All applications for the farm unit listed in this notice which are received prior to 2:00 p. m., June 2, 1947, will be held and treated as filed simultaneously, except that applications of persons who do not establish their eligibility for veterans' preference, as outlined in paragraph 2 of this notice, will be set aside and will not be considered until September 2, 1947. Applications received after 2:00 p. m., June 2, 1947, from persons eligible to receive veterans' preference, will be considered in the order filed if the farm unit is still available. If the farm unit is still available on September 2, 1947, all applications from persons not eligible to receive veterans' preference which have been received up to that time will be considered as filed simultaneously in the awarding of the farm unit.

6. *Selection of qualified applicants*—(a) *Examining board.* An examining board of three members, including the Superintendent of the Vale Project, who will act as Secretary of the Board, has been approved by the Commissioner of Reclamation to consider the fitness of each applicant to undertake the development and operation of a farm on the Vale Project. Careful investigations will be made to verify the statements and representations made by applicants in order to determine their qualifications as prescribed in paragraph 3 above. Any falsification or misrepresentation made or discovered at any time will cause an application to be rejected.

(b) *Basis of examination.* The examining board will determine the eligibility for the award of a reclamation farm unit under subsection 4C of the act of December 5, 1924. Applicants will be judged on the basis of character, industry, farming experience and capital. No applicant will be considered eligible who does not qualify in all respects, or who does not, in the opinion of the Board, possess the health and vigor to engage in farm work.

(c) *Procedure*—(1) *Preliminary examination.* If an applicant fails to make a prima facie case, that is, an examination of the application discloses that the applicant is unqualified in respect to the requirements prescribed herein, the application shall be rejected and the applicant notified by the board of examiners of such rejection by registered mail, with return receipt requested, and of the right to appeal in writing to the Regional Director within ten (10) days from the receipt of such notification. All appeals shall be filed within ten (10) days of the receipt of such notice with the Project Superintendent, Bureau of Reclamation, Vale, Oregon, who will forward them to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board of examiners for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application.

(2) *Selection of applicants.* After the expiration of the appeal period fixed by the above-mentioned notices and after the Regional Director has decided such appeals, the Board shall select the successful applicant in the following manner: From the names of all qualified applicants in the group whose applications where considered as filed simultaneously the board shall draw four (4) names or four times as many as the number of farm units available. These applicants will be closely investigated, in the order in which selected, and any falsehood or misrepresentation shall be ground for disqualification. The examining board may, in its discretion, request any applicant to appear for a personal interview. Should any applicant so requested fail to appear for examination, his or her application will receive no further consideration at that time. Should such applicant appear later, his or her application may be placed at the bottom of the list of the four (4) applicants whose names were drawn by the board.

(3) *Disqualification and appeals.* The board shall notify applicants from among the group of four (4) who are disqualified as a result of the investigations of the board of such disqualification and the reasons therefor, and of the right of appeal to the Regional Director within ten (10) days from receipt of such notice, by registered mail with return receipt requested.

(d) *Award of farm units.* After the expiration of the appeal period and after the Regional Director has decided the appeals from the action of the board, the board shall award the farm unit to the qualified applicant whose name was drawn first. Other applicants will retain their places in the order drawn and will be awarded the farm unit if the applicant to whom it was originally awarded or the alternate next in order fails to complete the entry of the land. In the event that the farm unit should not be awarded to any applicant whose application was one of those filed simultaneously, consideration will be given to applications of other eligible veterans, in the order filed, as indicated in paragraph 5 (c) above. If the farm unit is not awarded before September 2, 1947, it will be open to entry to qualified applicants without regard to veterans' preference, in accordance with the procedure established by this public notice.

(e) *Notification to applicants.* Immediately after the selection of the successful applicant, the board shall notify each of the other applicants, by registered mail with return receipt requested, of his or her standing as an alternate or otherwise and of the circumstances under which the applications must be rejected.

7. *Notification of selection of applicants and acceptance of farm units.* After the completion of the selection process and the determination of all appeals, the board shall notify the selected applicant, by registered mail with return receipt requested, that he or she has been awarded the farm unit. With such notice, the board shall enclose a form for formal acceptance of the farm unit awarded. This form must be executed by the applicant and returned to the office of the Project Superintendent, Bureau of Reclamation, Vale, Oregon, within ten (10) days from receipt of the said notice. Upon receipt by the Project Superintendent of the acceptance executed by the applicant, and the payment of the construction charge instalments as required in paragraph 9 (a) of this public notice, before the expiration of the said 10-day period, the Secretary of the Board shall furnish such applicant by registered mail, unless delivery is made in person, a certificate, stating that his or her qualifications to enter public lands, as required by subsection 4C of the act of December 5, 1924, have been passed upon and approved by the board. Such certificate, a copy of which will be forwarded by the Secretary of the Board to the local Land Office immediately upon its issuance, must be attached by the applicant to his or her homestead application, when such application is filed at the local Land Office at The Dalles, Oregon. Such homestead application must be made within twenty (20) days from the date of receipt by the applicant of said certificate. Failure to make application for homestead entry within the period specified herein will render the application subject to rejection.

8. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of the public lands covered by this notice except under the terms and conditions prescribed by this notice: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

9. *Irrigation charges*—(a) *Construction.* Construction charges for the Vale Irrigation District are now estimated at

$154 per irrigable acre of district lands. Under existing contractual arrangements with the District, the construction charges payable to the United States for and on account of the irrigable lands of the District during the years 1946, 1947, 1948 and 1949 will be $2.00 per irrigable acre per year, payable in two semiannual installments beginning December 31, 1946, and July 1, 1947. The remainder of the construction charges will be payable in accordance with contract arrangements with the District. The applicant to whom the farm unit is awarded must pay the semi-annual construction charge installments otherwise due on December 31, 1946, and July 1, 1947, to the Project Superintendent prior to issuance of the certificate of eligibility by the Secretary of the examining board. When entry has been completed, the Project Superintendent will pay to the Vale, Oregon, Irrigation District the construction-charge installments received from the applicant. In the event that an applicant fails to complete homestead entry, any moneys paid to the United on account of construction charges as herein specified shall be refunded to the applicant.

(b) *Operation and maintenance.* Pursuant to article 10 (e) of the contract of October 22, 1926, the operation and maintenance charges payable to the United States for 1947 shall be transferred to and paid as a part of the construction costs. However, the District may levy an assessment against the District lands for operation and maintenance purposes in 1947, and will levy assessments for operation and maintenance costs regularly thereafter as provided in the contract of October 22, 1926. Lands entered pursuant to this notice will be liable for such assessments on the same basis as other lands of the District.

(c) *Amount of water and charges.* During the period of operation of the project by the United States, payment of construction charges and of the annual minimum operation and maintenance charge levied by the District will entitle the entryman to not less than three (3) acre-feet of water per irrigable acre annually. Water in excess of this amount will be delivered at not less than the following rates:

The first acre-foot or fraction thereof at a charge per acre-foot which shall be not less than fifty percent (50%) more than the average charge per acre-foot of water which said land is entitled to secure for the annual minimum operation and maintenance charge; the second acre-foot or fraction thereof and each additional acre-foot at a charge per acre-foot which shall not be less than seventy-five percent (75%) more than the average charge per acre-foot of water which said land is entitled to secure for the annual minimum operation and maintenance charge.

No excess water will be delivered to any farm unit unless advance payment therefor has been made by the water user to the District, or arrangements have been made for payment that are satisfactory to the District and in accordance with legal requirements.

During the period of operation of the project (exclusive of reserved works) by the District, payment of construction charges and of operation and maintenance charges as levied by the District and in accordance with the contract between the District and the United States will be the prerequisite to delivery of water. Fixing of minimum operation and maintenance charges and of the maximum amount of water which can be delivered per irrigable acre and of charges for excess water will then be the responsibility of the District. Lands entered pursuant to this notice will be liable for such charges on the same basis as other lands of the District.

10. *Contract with Vale, Oregon, Irrigation District and recordable agreement.* The lands covered by this notice are included in the Vale, Oregon, Irrigation District, which District agreed under contract dated October 22, 1926, a copy of which is available for inspection in the Project Office, Bureau of Reclamation, Vale, Oregon, to pay all charges due to the United States from the District and to collect the necessary funds for that purpose from the landowners and entrymen of the District by the levy of assessments or the collection of toll charges. The first two semi-annual construction charge instalments paid by the applicant will be credited in the same manner as if paid at the regular time for payment. An applicant for entry, in order to receive water, will also be required to execute and deliver a recordable contract as required under article 25 of the said contract of October 22, 1926. (The recordable contract is designed to prevent land speculation based upon increased value of the land resulting from irrigation. It provides that in case of the sale of project land by an entryman or landowner, a portion of the sale price over and above the appraised value, as set by a board, without increment on account of the construction of the irrigation project works, shall be applied on the construction charges against the land which is being sold.) The applicant for entry, in paying the first two semi-annual construction charge instalments, shall be deemed to have agreed to be bound by the provisions of the said contract with the Vale, Oregon, Irrigation District dated October 22, 1926.

11. *Reservation of rights of way for County, State and Federal highways and access roads.* Rights of way are reserved for County, State and Federal highways and access roads to the farm unit shown on said plat along section lines and other lines shown in red on the farm plat, said right of way being in general 30 feet in width on each side of said lines for county roads, 20 feet each side of said lines for access roads, and not to exceed 50 feet on each side of said lines for State and Federal highways.

12. *Reservation of rights of way for telephone, electric transmission, water and sewer lines and water-treating and pumping plants.* Rights of way are reserved for government-owned telephone, electric transmission, water and sewer lines and water-treating and pumping plants, as now constructed, and the Secretary reserves the right to locate such other government-owned facilities over and across the farm unit above described, as hereafter in his opinion may be necessary for the proper construction, operation or maintenance of said project.

13. *Waiver of mineral rights.* All homestead entries for the above-described farm unit will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management, otherwise the homestead applications will be rejected or the homestead entry or entries cancelled.

14. *Settler assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases, on a reimbursable basis, in development of farm units, including clearing and rough leveling the land and roughing in of farm irrigation and surface drainage systems beyond the farm turnout.

15. *Effect of relinquishment.* In the event that any entry of public land shall be relinquished prior to 2:00 p. m., September 2, 1947, the lands so relinquished shall be subject to entry in accordance with paragraphs 2 and 6 of this notice. In the event that any entry of public land shall be relinquished subsequent to 2:00 p. m., September 2, 1947, and at any time prior to actual proving up of the land through necessary residence, cultivation and other homestead requirements, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2:00 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm unit shall be determined in accordance with the procedure described in paragraph 6 of this notice.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APPLICANTS FOR HOMESTEAD
ON
VALE PROJECT, OREGON

LOCATION

1. The farm unit opened for homestead by Public Notice No. 9 may be readily located with the use of the farm unit location map attached to the public notice.

PERSONAL INQUIRIES

2. Personal inquiries with respect to this public land opening may be made at the Superintendent's office, Bureau of Reclamation, Vale, Oregon.

LODGING

3. Government lodging is not available for visitors at Vale. Visitors should make reservations for lodging at local hotels in Vale or Ontario, Oregon.

FORMS REQUIRED

4. Applications with all substantiating data should be mailed to the Superintend-

ent, Bureau of Reclamation, Vale, Oregon. (Caution: It is of utmost importance that all the required forms be completely and accurately filled out and attached to the application. Failure to do so may disqualify the applicant.)

5. If you are claiming veteran preference, be sure to submit a photostatic, certified, or authenticated copy of your discharge or certificate of service.

6. If physically handicapped or afflicted, submit a detailed statement of an examining physician which defines your limitations because of the disability.

7. Attach to your application the signed statement of three agricultural leaders, setting forth the place, period, and years in which you received farming experience.

8. Be sure to list the names and addresses of three responsible individuals who are willing and able to disclose full information with respect to your character and industry as required in paragraph 17 of the application.

9. If you list credit as partial fulfillment of the capital requirement, be sure you attach to your application a certified statement from the credit source indicating the amount and terms of the loan available to you.

10. Married entrywomen must be heads of families to be eligible. Proof of such status must be returned with the application.

SETTLER ASSISTANCE

11. The Bureau of Reclamation and Oregon State College Extension Service will provide technical assistance to settlers in becoming familiar with local agricultural practices and in planning and laying out the farm fields and irrigation systems.

TIME LIMIT

12. Applications received prior to 2:00 p. m., June 2, 1947, will be considered as simultaneously filed. Applications received the last week of the filing period will delay the public land opening; therefore, the completed application and substantiating evidence should be mailed at the earliest possible moment. You will be notified of action taken by the Board and of the award of a farm unit if your name is drawn and you are found to be qualified.

[F. R. Doc. 47-3907; Filed, Apr. 24, 1947; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

SOLUTION TO FM BROADCAST-INSTRUMENT LANDING SYSTEMS INTERFERENCE

TEMPORARY CHANGE IN FREQUENCIES

MARCH 28, 1947.

Earlier in the year it was reported to the Commission that interference existed in certain cases between the transmission of FM broadcast stations and the aircraft "Instrument Landing Systems". The cause of this interference appeared to be the use by aircraft of equipment which was designed for the military but which is inadequate for civilian operations. The only equipment now available for the "Instrument Landing Systems" uses this particular surplus military receiver. This matter was referred to the Radio Technical Commission for Aeronautics for investigation. On the 11th of March that body recommended that the frequencies of certain FM stations in the New York area be changed for a temporary period ending March 1, 1948. The reasons for this recommendation were:

1. Because of the large number of aids to air navigation in the New York area, it was impossible to change localizer frequencies to avoid interference.

2. New aviation receiving equipment now in production will be installed by March 1, 1948, and the basic cause of the interference removed.

3. It would take longer to modify existing inadequate aviation equipment than it would to install the new replacement equipment.

In other than the New York area, interference can be avoided by appropriate selection of Instrument Landing and FM frequencies, giving consideration to geographical separation. This need for correlation will disappear on March 1, 1948, with the installation of adequate aircraft receivers.

The Commission has held a series of meetings with the various interests involved and has reached a solution which will be satisfactory to all concerned and will make no change in the service now available to the public. The solution is:

WGYN will occupy channel 251 (98.1 Mc) in lieu of 241 (96.1 Mc).

WNYC will occupy channel 231 (94.1 Mc) in lieu of 237 (95.3 Mc).

WBAM is conducting propagation tests and will not go on its regularly assigned frequency channel 243 (96.5 Mc) until March 1, 1948.

The Commission appreciates the cooperative attitude in which this problem has been approached by all concerned. It wishes to emphasize that in no sense can this interference be charged to improper operation of FM stations or failure in the engineering on the part of the aviation interests. The receiver used on the aircraft was designed to meet a particular military need and was installed aboard commercial aircraft because it was the only receiver in existence available in quantities to make possible the use of Instrument Landing Systems.

In these meetings representatives of both the airlines and the Civil Aeronautics Administration expressed their desire to join with the Commission in its expression of appreciation of the cooperation offered by the FM interests.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3934; Filed, Apr. 24, 1947; 8:46 a. m.]

[Docket Nos. 7338 and 7339]

A. S. ABELL CO. AND BERKS BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of A. S. Abell Company, Baltimore, Maryland, File No. BP-4297, Docket No. 7338; Berks Broadcasting Company, Reading, Pennsylvania, File No. BP-4380, Docket No. 7339.

The Commission having under consideration a petition filed April 7, 1947, by A. S. Abell Company, Baltimore, Maryland, and Berks Broadcasting Company, Reading, Pennsylvania, requesting a continuance in the further hearing upon their applications for construction permits which is presently scheduled for Washington, D. C., commencing April 18, 1947;

It is ordered, This 11th day of April 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, May 21, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3945; Filed, Apr. 24, 1947; 8:48 a. m.]

[Docket Nos. 7812 and 7416]

KOLA BROADCASTING CO. AND JAMES A. NOE

ORDER CONTINUING HEARING

In re applications of Kola Broadcasting Company, a partnership composed of Hugh O. Jones, William E. Jones and Mrs. Sarah Stewart Jones, Opelousas, Louisiana, for construction permit, Docket No. 7812, File No. BP-4917; James A. Noe, Lake Charles, Louisiana, for construction permit, Docket No. 7416, File No. BP-3888.

The Commission having scheduled a consolidated hearing upon the above-entitled applications for 10:00 o'clock a. m., Tuesday, April 15, 1947, at Lake Charles, Louisiana; and

It appearing, that public interest, convenience and necessity would be served by a continuance of said consolidated hearing;

It is ordered, This 11th day of April 1947, on the Commission's own motion, that the said consolidated hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Thursday, May 15, 1947, at Lake Charles, Louisiana.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3944; Filed, Apr. 24, 1947; 8:48 a. m.]

[Docket Nos. 7950, 7951, and 8114]

EAST TEXAS BROADCASTING CO. (KGKB) ET AL.

ORDER ENLARGING ISSUES AND CONTINUING HEARING

In re applications of Jas. G. Ulmer and James G. Ulmer, Jr., doing business as East Texas Broadcasting Company (KGKB), Tyler, Texas, for construction permit, Docket No. 7950, File No. BP-4769; Hugh J. Powell (KGGF), Coffeyville, Kansas, for construction permit, Docket No. 7951, File No. BMP-2021; Radio Enterprises, Inc. (KELD), El Dorado, Arkansas, for construction permit, Docket No. 8114, File No. BP-5644.

The Commission having under consideration a petition filed March 27, 1947, by East Texas Broadcasting Company (KGKB), Tyler, Texas, requesting enlargement of the issues in the consolidated proceeding upon the above-entitled applications, so as to include the following issues:

1. To determine whether the alternative directional antenna pattern for nighttime operation of Station KELD, as set forth in Exhibit 1 attached to the petition of KGKB to enlarge issues of hearing, dated March 27, 1947, is suitable for use by said Station KELD, and, if so, whether public interest, convenience and necessity would be served by a grant of the application of said Station KELD, subject to the condition that it use the said alternative pattern.

2. To determine whether the alternative directional antenna pattern for nighttime operation of Station KGKB, as set forth in Exhibit 2 attached to the petition of KGKB to enlarge issues of hearing, dated March 27, 1947, is suitable for use by said Station KGKB, and, if so, whether public interest, convenience and necessity would be served by a grant of the application of said Station KGKB, subject to the condition that it use the said alternative pattern.

and an opposition thereto filed April 9, 1947, by Radio Enterprises, Inc. (KELD), El Dorado, Arkansas; and

It appearing, that the opposition of KELD to the KGKB proposal is based on the fact that the proposal is unworkable, and that it forces KELD to serve an area substantially different from that KELD desires to serve; and

It appearing, that the question of the feasibility of the proposal and the change in area to be served by KELD are matters for determination after a hearing; and

It appearing, that the proposal to enlarge the issues is in conformity with the policies outlined in the Commission's Public Notice of January 8, 1947, relative to the Temporary Expediting Procedure; and

It appearing further, that the engineering hearing in the above-entitled proceeding is scheduled for April 16, 1947, at Washington, D. C.; and that in the event the petition is granted, counsel for all parties desire a two-week continuance of the hearing for the purpose of making further engineering studies;

It is ordered, This 11th day of April 1947, that the petition be, and it is hereby, granted; and the issues adopted November 7, 1946, January 30, 1947, and February 14, 1947, in the proceeding upon the above-entitled applications, be, and they are hereby, enlarged, to include the following:

1. To determine whether the alternative directional antenna pattern for nighttime operation of Station KELD, as set forth in Exhibit 1 attached to the petition of KGKB to enlarge issues of hearing, dated March 27, 1947, is suitable for use by said Station KELD, and, if so, whether the public interest, convenience and necessity would be served by a grant of the application of said Station KELD, subject to the condition that it use the said alternative pattern.

2. To determine whether the alternative directional antenna pattern for nighttime operation of Station KGKB, as set forth in Exhibit 2 attached to the petition of KGKB to enlarge issues of hearing, dated March 27, 1947, is suitable for use by said Station KGKB, and, if so, whether public interest, convenience and necessity would be served by a grant of the application of said Station KGKB, subject to the condition that it use the said alternative pattern.

It is further ordered, That the further hearing in the above-entitled proceeding, presently scheduled for April 16, 1947, be, and it is hereby, continued to 10:00 o'clock a. m., Monday, May 12, 1947.

Notice is hereby given, that the foregoing action is not to be construed in any way as having the effect of constituting an amendment to any above-entitled application within the meaning of the Commission's rules, regulations and standards.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3943; Filed, Apr. 24, 1947; 8:48 a. m.]

[Docket No. 7598]

RADIO STATION KTBS

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Allen D. Morris, P. E. Furlow and George D. Wray, a partnership d/b as Radio Station KTBS, Shreveport, Louisiana, for construction permit; Docket No. 7598, File No. BP-4720.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for an increase in power for standard broadcast station KTBS at Shreveport, Louisiana, to 5 kilowatts, 10 kilowatts local sunset, to change frequency from 1480 kilocycles to 710 kilocycles, to install a new transmitter and to make changes in the antenna system;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant partnership and the partners to construct and operate Station KTBS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTBS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KTBS as proposed would involve objectionable interference with Station WHB, Kansas City, Missouri, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KTBS as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KTBS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WHB Broadcasting Company, licensee of Station WHB Kansas City, Missouri, be and it is hereby made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3942; Filed, Apr. 24, 1947; 8:47 a. m.]

[Docket Nos. 8276 and 8277]

COCONINO BROADCASTING CO. AND GRAND CANYON BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Coconino Broadcasting Company, Flagstaff, Arizona, Docket No. 8276, File No. BP-5667; James L. Stapleton, Jessie Martin and Duard K. Nowlin, d/b as Grand Canyon Broadcasting Company (KWRZ), Flagstaff, Arizona, Docket No. 8277, File No. BP-6004; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled applications for construction permits of Coconino Broadcasting Company, filed January 29, 1947, requesting a new standard broadcast station to operate on the frequency 600 kc, with 1 kw power, unlimited time using directional antenna at night, and of Grand Canyon Broadcasting Company, submitted for filing February 6, 1947, permittee of station KWRZ, presently authorized the use of the frequency 1340 kc, requesting the frequency 600 kc, with 1 kw daytime and 250 watts nighttime power (non-directional), and the following related matters:

(1) Petition of Coconino Broadcasting Company requesting that the said application of Grand Canyon Broadcasting Company, since it requests nighttime op-

eration with 250 watts power on a channel for which the minimum power specified by the Commission's rules and regulations (§ 3.22 (c) (2)) is 500 watts, be returned to the applicant as defective under § 1.361 (c) of the rules and regulations;

(2) Request for waiver of § 3.22 (c) (2), filed on March 4, 1947, by Grand Canyon Broadcasting Company to be associated with its said application which, as submitted for filing on February 6, 1947, was not accompanied by such a request; and

(3) Related oppositions filed by the respective parties to the foregoing matters; and

It appearing, that the alleged defect in the said application of Grand Canyon Broadcasting Company involves its request for a nighttime Class IV station (Class III daytime) on a regional channel; that § 3.29 of the Commission's rules specifically authorizes the assignment of a Class IV station to a regional channel on certain conditions; that as a matter of Commission practice and procedure such applications have in the past been accepted for filing without a request for waiver or an affirmative showing in the application that the conditions specified in § 3.29, as implemented in the Standards of Good Engineering Practice, have been complied with; that to adopt a contrary policy at this time would be manifestly unfair and unjust and neither within the spirit or letter of the Commission's public notice of January 24, 1947, concerning the return of defective applications pursuant to established practice; and that § 1.361 (a) of the Commission's rules provides, in effect, that the return of defective applications shall be a matter within the Commission's discretion;

It is ordered, That the said petition of Coconino Broadcasting Company be, and it is hereby, denied; that the said request for waiver of § 3.22 (c) (2), filed by Grand Canyon Broadcasting Company, be, and it is hereby, accepted and associated with that applicant's said application which is hereby accepted for filing; and that the said applications of Coconino Broadcasting Company and Grand Canyon Broadcasting Company (KWRZ) be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate Station KWRZ, as proposed, and of the applicant corporation, its officers, directors and stockholders to construct and operate its proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the proposed nighttime operation of station KWRZ with 250 watts power on the requested frequency of 600 kc would be in compliance with § 3.29 of the Commission's rules and the Standards of Good Engineering Practice relating to the operation of Class IV stations on regional channels.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3938; Filed, Apr. 24, 1947; 8:47 a. m.]

[Docket Nos. 8289 and 8290]

EVERETT BROADCASTING CO., INC. AND SEATTLE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Everett Broadcasting Company, Inc., Everett, Washington, File No. BPH-842, Docket No. 8289, Seattle Broadcasting Company, Seattle, Washington, File No. BPH-858, Docket No. 8290; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of April 1947;

The Commission having under consideration the above-entitled applications for construction permits for new class B FM broadcast stations at Everett and Seattle, Washington, respectively;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications be, and they are hereby designated for a hearing in a consolidated proceeding at a time and place to be specified by a subsequent order of the Commission, each upon the following issues:

1. To determine what overlap of service areas, if any, exists between the proposed station and any other existing or proposed stations owned, operated or controlled by the same interests as the proposed station, and whether such overlap, if any, is in contravention of § 3.240 of the Commission's rules and regulations.

2. To determine which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3946; Filed, Apr. 24, 1947; 8:48 a. m.]

[Docket No. 8300]

GIDDENS & RESTER (WKRG)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Kenneth R. Giddens & T. J. Rester, a partnership d/b as Giddens & Rester (WKRG), Mobile, Alabama, for construction permit; Docket No. 8300, File No. BP-5887.

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit to increase its time of operating on 710 kilocycles to include nighttime operation using 250 watts with a directional antenna,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station WKRG as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WKRG as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WKRG as proposed would involve objectionable interference with station WOR, New York, New York or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WKRG as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation WKRG as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Bamberger Broadcasting Service, Inc., licensee of station WOR, New York, New York, be, and it is hereby made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3941; Filed, Apr. 24, 1947; 8:47 a. m.]

[Docket No. 8301]

RIDSON, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Ridson, Incorporated, Superior, Wisconsin (WDSM), for construction permit; File No. BP-5638, Docket No. 8301.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit to change frequency from 1230 kilocycles, 250 watts, unlimited time, to 710 kilocycles, 5 kilowatts, unlimited time, using a directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WDSM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WDSM as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WDSM as proposed would involve objectionable interference with Stations WHB, Kansas City, Missouri, and WOR, Newark, New Jersey, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WDSM as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WDSM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WHB Broadcasting Company, licensee of Station WHB, Kansas City, Missouri, and Bamberger Broadcasting Service, Inc., licensee of Station WOR, Newark, New Jersey, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3940; Filed, Apr. 24, 1947; 8:47 a. m.]

[Docket No. 8302]

CHARLES WILBUR LAMAR, JR.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, for construction permit; Docket No. 8302, File No. BP-4913.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 980 kc, with 250 w power, unlimited time, at Morgan City, Louisiana.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with Station CMCK, Havana, Cuba, Station XECA, Tampico, Mexico, XEY, Cuernavaca, Mexico or with any other foreign station, within the meaning of the North American Regional Broadcasting Agreement.

7. To determine whether the operation as proposed herein would preclude the most efficient use of the frequency 980 kilocycles.

8. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with reference to section 1, footnote 4, thereof.

9. To determine the overlap, if any, that will exist between the service areas of the proposed station, and of station KCIL at Houma, Louisiana, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-3939; Filed, Apr. 24, 1947; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 4902]

NED R. BASKIN

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Everett F. Haycraft, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence

in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, May 15, 1947, at two o'clock in the afternoon of that day (eastern standard time), in Room 332, Federal Trade Commission Building, Washington, D. C.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-3916; Filed, Apr. 24, 1947; 8:50 a. m.]

[Docket No. 5336]

SHEPHERD KNITWEAR CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, April 24, 1947, at eleven o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-3909; Filed, Apr. 24, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 174]

RECONSIGNMENT OF POTATOES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., April 21, 1947, by Simplot Prod. Co., of car PFE 52762, potatoes, now on the Mo. Pac. to H. G. Hill, Nashville, Tenn. (Mo. Pac-L. & N.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3909; Filed, Apr. 24, 1947; 8:50 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-16]

WILLIAM GRASSGREEN

CONSENT ORDER

William Grassgreen doing business as Grassgreen Bldg. Contracting Co., located at 10 Stuyvesant Street, New York City, is in the building contracting business. He is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) during November, 1946 he began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 2101 Third Avenue, New York City; (2) during and after November 1946 he carried on construction, repairs, additions and alterations, without authorization and at a cost in excess of $1,000 of a commercial building located at 2101 Third Avenue, New York City.

William Grassgreen admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of William Grassgreen, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither William Grassgreen, his successors and assigns, nor any other person shall do any further construction on the premises located at 2101 Third Avenue, New York City, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) William Grassgreen shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve William Grassgreen, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3969; Filed, Apr. 23, 1947; 3:04 p. m.]

[C-17]

JAMES D. GIANGIOBBE

CONSENT ORDER

James D. Giangiobbe has been constructing a restaurant located at 601 Burnet Avenue, Syracuse, N. Y. He is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on about September 16, 1946 he began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 601 Burnet Avenue, Syracuse, N. Y.; (2) on and after September 16, 1946 he carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial building located at 601 Burnet Avenue, Syracuse, N. Y.

James D. Giangiobbe admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of James D. Giangiobbe, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither James D. Giangiobbe, his successors and assigns, nor any other person shall do any further construction on the premises located at 601 Burnet Avenue, Syracuse, N. Y., including the putting up, completing or altering of any of structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) James D. Giangiobbe shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priority assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve James D. Giangiobbe, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-3970; Filed, Apr. 23, 1947; 3:04 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8123, Amdt.]

HERBERT MAYER

In re: Stocks owned by Herbert Mayer. F-28-1248-D-1, F-28-1248-D-2, F-28-1248-D-3.

Vesting Order 8123, dated January 29, 1947, is hereby amended as follows and not otherwise: By deleting from Exhibit A, attached thereto and by reference made a part thereof, the certificate number NO12338, set forth with respect to thirty (30) shares of $3.00 par value common capital stock of Aviation Corporation, 422 Lexington Avenue, New York, New York, incorporated in Delaware, and substituting therefor the certificate number NO12448.

All other provisions of said Vesting Order 8123 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3932; Filed, Apr. 1, 1947; 8:51 a. m.]

[Vesting Order 8668]

KLEMENT EMBERGER

In re: Estate of Klement Emberger, deceased. File No. D-28-9894; E. T. sec. 13977.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Victoria Hackl Geiger Emberger, Clara Emberger, Francisca Emberger, and Klement Emberger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Klement Emberger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Franz Xavier Geiger, as administrator, acting under the judicial supervision of the Mercer County Orphans' Court, Trenton, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3920; Filed, Apr. 24, 1947; 8:47 a. m.]

[Vesting Order 8672]

KALLE & CO. A. G.

In re: Bank account and portion of bank account owned by Kalle & Co. Aktiengesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kalle & Co. Aktiengesellschaft, the last known address of which is Wiesbaden-Biebrich, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of an account entitled Holland American Merchants Corporation Special Account No. 2, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $54,800, as of December 19, 1946, constituting a portion of an account entitled N. V. Hollandsche Koopmansbank, Amsterdam, Holland, Special Blocked "E" account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3918; Filed, Apr. 24, 1947; 8:47 a. m.]

[Vesting Order 8617]

EXPORTKREDITBANK A. G.

In re: Stocks, bonds and fractional certificates owned by Exportkreditbank A. G. F-28-180-A-5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank A. G., whose last known address is Kanonierstrasse 17-20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business

in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in the aforesaid Exhibit, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in an account entitled Exportkreditbank A. G., Berlin, Germany, together with all declared and unpaid dividends thereon,

b. Those certain bonds in bearer form described in Exhibit B, attached hereto and by reference made a part hereof, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in an account entitled Exportkreditbank A. G., Berlin, Germany, together with any and all rights thereunder and thereto, and

c. Five (5) Conversion Office for German Foreign Debts fractional certificates, for Series B 3% Dollar bonds, in bearer form, of the face values and numbered as follows:

Numbers:	Face value
065162	$5.00
110013	10.00
271610	20.00
271611	20.00
271612	20.00

which fractional certificates are presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
Alleghany Corp., Terminal Tower Bldg., Cleveland, Ohio.	New Jersey	Common	$1	C068113	55	L. D. Pickering & Co.
American Electric Securities Corp., 20 Pine St., New York, N. Y.	Delaware	30 cent cumulative preferred.	1	NPO-5	50	Do.
				NP-294/314	1 100	
National Electric Power Co.		7 percent cumulative preferred.	100	NYCO-527	100	N. V. Nederlandsch Administratie & Trustkantoor.
United Piece Dye Works, Lodi, N. J.	New Jersey	Common	No	CC6787-6821	1 100	L. D. Pickering & Co.
Brazeau Collieries, Ltd.		7 percent cumulative preference.	100	664	21	Professor Ernst Sachs.
European Gas & Electric Co.		Common	No	TCO 52, 114, 197, 269, 164	1 25	Bayerische Stickstoff-Werke-A. G.
					50	
				TC-177, 80, 81, 82, 83, 84, 144, 224,296,202,201.	1 100	
				TCO-371	1, 250	
European Gas & Electric		7 percent cumulative second preferred.	No	T2P084-152, 208, 239, 312	1 25	Do.
				T2P8	1 100	
Kedzie-Judson Building Corp.		Common	100	40	2	Emilie Hoerling and Mildred Hoerling or the survivor thereof.

[1] Each.

EXHIBIT B

Description of issue	Face value	Certificate No.	Description of issue	Face value	Certificate No.
Chicago, Rock Island & Pacific Ry. Co. 30-year convertible 4½ percent gold bonds	1 @ $1,000	6829.	Province of Santa Fe (Argentine Republic) external guaranteed sinking fund 4 percent dollar.	1 @ 1,000	M4519.
City of Carlsbad external sinking fund (municipal external loan of 1924) 8 percent gold bonds.	5 @ 1,000	57, 58, 59, 60, 1254.	Kingdom of Serbs, Croats and Slovenes 40-year secured external 8 percent gold bond.	1 @ 1,000 1 @ 500	M3648. D1309.
Conversion office for German foreign debts 3 percent dollar bonds.	9 @ 100	CO66901, CO66902, CO66903, CO66901, O66882, 66876, 66574, 66553, 66539.	Siemens & Halske A. G. 25-year sinking fund 6½ percent gold bond.	1 @ 11,000	M23766.
State of Sao Paulo 40-year (external loan of 1928) sinking fund 6 percent gold bond.	1 @ 11,000	M13562.			

[F. R. Doc. 47-3918; Filed, Apr. 24, 1947; 8:47 a. m.]

[Vesting Order 8689]

MARIA FREY ET AL.

In re: Maria Frey, plaintiff, vs. Anton Steinhoefer et al., Defendants. File D-28-9703; E. T. sec. 13588.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Steinhoefer, Josef Frey, Maria Ilg, and Therese Feistl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled "Maria Frey, plaintiff, vs. Anton Steinhoefer et al., Defendants, No. 4099" in the District Court of Nuckolls County, Nebraska, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by W. E. Garrison, Nelson, Nebraska, Referee, acting under the judicial supervision of the District Court of Nuckolls County, Nebraska, Case No. 4099;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3921; Filed, Apr. 24, 1947; 8:47 a. m.]

[Vesting Order 8696]

EMILIE KURTZ

In re: Estate of Emilie Kurtz, deceased. File D-28-10316; E. T. sec. 14706.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the University of Munich, whose last known address is Munich, Germany, is an organization organized under the laws of Germany, and is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the Estate of Emilie Kurtz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Alice C. Toon, as Executrix, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3922; Filed, Apr. 24, 1947; 8:47 a. m.]

[Vesting Order 8701]

HENRY MULLER

In re: Estate of Henry Muller, deceased. File D-28-11110; E. T. sec. 15531.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Janzen, Paula Hitz, Helmsa Knierel, and Friederike Muller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Henry Muller, deceased is property payable or deliverable to, or claimed by, the aforesaid nations of a designated enemy country (Germany);

3. That such property is in the process of administration by Phil C. Katz, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3923; Filed, Apr. 24, 1947; 8:48 a. m.]

[Vesting Order 8702]

GEORGE W. NIEMEYER

In re: Estate of George W. Niemeyer, deceased. File No. D-28-9289; E. T. sec. 12211.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Niemeyer, whose last known address is Germany, is a resident of Germany and a national of a designated country (Germany);

2. That all right, title, interest, and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of George W. Niemeyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Anna Niemeyer and Henry Lubsen, as executors, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3924; Filed, Apr. 24, 1947; 8:48 a. m.]

[Vesting Order 8719]

SHOGO MUTO

In re: Debt owing to Shogo Muto. D-39-15621-C-1, D-39-15621-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shogo Muto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: All those debts or other obligations owing to Shogo Muto, by Akira Komai, 1346 West 37th Street, Los Angeles 7, California, including particularly but not limited to a portion of the sum of money on deposit with Bank of America, National Trust and Savings As-

sociation, 660 South Spring Street, Los Angeles 54, California, in a Checking Account, entitled Akira Komai, maintained at the branch office of the aforesaid bank located at 220 N. Main Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3925; Filed, Apr. 24, 1947; 8:48 a. m.]

[Vesting Order 8732]

SUNAO YOSHIMURA

In re: Real property and property insurance policies owned by Sunao Yoshimura.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sunao Yoshimura, whose last known address is Miyoshimachi, Kukuyama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property situated in the City and County of San Francisco, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of Sunao Yoshimura in and to the property insurance policies, particularly described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the property described in subparagraph 2-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that certain real property situate, lying and being in the City and County of San Francisco, State of California, described as follows, to-wit:

Beginning at the point of intersection of the southerly line of Geary Street and the easterly line of Buchanan Street; running thence easterly along said line of Geary Street 62 feet; thence at a right angle southerly 14 feet 6 inches; thence at a right angle easterly 5¾ inches; thence at a right angle southerly 19 feet 5 inches; thence at a right angle westerly 5¾ inches; thence at a right angle southerly 28 feet 3 inches; thence at a right angle easterly 5¾ inches; thence at a right angle southerly 19 feet 3⅞ inches; thence at a right angle westerly 5¾ inches; thence at a right angle southerly 18 feet 6⅛ inches; thence at a right angle westerly 62 feet to the easterly line of Buchanan Street; thence at a right angle northerly along said line of Buchanan Street 100 feet to the point of beginning.

Being a portion of Western Addition Block No. 230.

EXHIBIT B

Policy No.	Insurer	Type	Amount		Expiration date
A-112616	Fireman's Fund Insurance Co., San Francisco, Calif.	Fire and Extended	Buildings	$6,000	Mar. 7, 1950
			Furnishings	1,000	
88702	Firemen's Insurance Co. of Newark, N. J.	do	Buildings	4,000	Do.
			Furnishings	1,000	

[F. R. Doc. 47-3926; Filed, Apr. 24, 1947; 8:48 a. m.]

[Vesting Order 8739]

KATHERINE RIESTER

In re: Estate of Katherine Riester, deceased, and T/W of Katherine Riester, deceased. File D-28-10745; E. T. sec. 15113.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Volk, Antonia Weef, Berta Findling, and Theresia Vollmer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of Louisa Beiter, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Katherine Riester, deceased, and in and to the trust created under the will of Katherine Riester, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charles J. Schuck, executor and trustee, acting under the judicial supervision of the County Court of Ohio County, Wheeling, West Virginia;

and it is hereby determined:

5. That to the extent that the above-named persons and the children of Louisa Beiter, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3927; Filed, Apr. 24, 1947; 8:48 a. m.]

[Vesting Order 8736]

FANNIE MILLER

In re: Estate of Fannie Miller, deceased. File No. D-28-11072; E. T. sec. 15505.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edward Miller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Fannie Miller, deceased, is property payable to or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William H. Jantzen, as Executor, acting under the judicial supervision of the Surrogate's Court, Erie County, Buffalo, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3929; Filed, Apr. 24, 1947; 8:51 a. m.]

[Vesting Order 8737]

JANE BOYNTON MONKS

Estate of Jane Boynton Monks, deceased. File No. D-28-9804; E. T. sec. 13815.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eberhard Hempel and Elizabeth S. Hempel whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Jane Boynton Monks, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Standish Bradford, 50 Federal Street, Boston, Massachusetts, as executor, acting under the judicial supervision of the Probate Court, Essex County; Massachusetts;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy county" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3928; Filed, Apr. 24, 1947; 8:48 a. m.]

[Vesting Order 8740]

EMIL MAX SENGER

In re: T/D of Emil Max Senger. File F-28-12242; E. T. sec. 15907.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Senger (Heinz Senger), Gretchen Senger Eckern (Grete Senger), and Klaud Walters (Klaus Walters), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 6, 1941, by and between Emil Max Senger and Integrity Trust Company, and in and to all property held thereunder by Land Title Bank and Trust Company, as substituted trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals or a designated enemy country (Germany);

3. That such property is in the process of administration by Land Title Bank and Trust Company, as substituted trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy county" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3930; Filed, Apr. 24, 1947; 8:51 a. m.]

[Vesting Order 8745]

ANNA GÖHDE

In re: Cash owned by Anna Göhde. F-28-23936-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Göhde, whose last known address is Bruttendorf, Kreis, Zeven, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $1,607.11, pres-

ently in the possession of the Attorney General of the United States in Collection Account, Symbol 896–027,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3931; Filed, Apr. 24, 1947; 8:51 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Chapter I—Farm Credit Administration, Department of Agriculture, is hereby revised to read as follows:

SUBCHAPTER A—ADMINISTRATIVE PROVISIONS

Part
1. Executive orders.
2. Organization, functions, and procedures of the Farm Credit Administration, Washington, D. C.
3. Functions of administrative officers.
4. Public information, submittals, and requests.
5. Surplus property disposal.
8. Farm credit districts.

SUBCHAPTER B—FEDERAL LAND BANKS, NATIONAL FARM LOAN ASSOCIATIONS, FEDERAL FARM MORTGAGE CORPORATION, AND JOINT STOCK LAND BANKS

10. Federal land banks generally.
11. National farm loan associations.
12. Federal Farm Mortgage Corporation.
14. Joint stock land banks.
19. Fees and charges on land bank and Commissioner loans.

SUBCHAPTER C—REGULATIONS ISSUED BY THE FEDERAL LAND BANKS

21. Federal Land Bank of Springfield.
22. Federal Land Bank of Baltimore.
23. Federal Land Bank of Columbia.
24. Federal Land Bank of Louisville.
25. Federal Land Bank of New Orleans.
26. Federal Land Bank of St. Louis.
27. Federal Land Bank of St. Paul.
28. Federal Land Bank of Omaha.
29. Federal Land Bank of Wichita.
30. Federal Land Bank of Houston.
31. Federal Land Bank of Berkeley.
32. Federal Land Bank of Spokane.

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS

40. General.
41. Interest and discount rates.
42. Loans and discounts.
43. Privately capitalized financing institutions.
44. Cooperative associations.
45. Collateral trust debentures.

SUBCHAPTER E—PRODUCTION CREDIT DIVISION

48. Production credit corporations.
49. Production credit associations.

Part
50. Rules and regulations for production credit associations promulgated by Farm Credit Administration.
51. Rules and regulations for production credit associations promulgated by all Production Credit Corporations.
52. Particular production credit associations.

SUBCHAPTER F—BANKS FOR COOPERATIVES

69. Organization, functions, and procedures of banks for cooperatives.
70. Loan interest rates and security.
71. Loan policies.

SUBCHAPTER G—REGIONAL AGRICULTURAL CREDIT CORPORATIONS

90. Organization, functions, and procedures of Regional Agricultural Credit Corporation of Washington, D. C.
91. Lending policies.
92. Loans, types and kinds; eligibility of borrowers.
93. Application of proceeds of sale.
94. Security requirements.
95. Loans for special areas.
96. Agricultural loans and advances by the Regional Agricultural Credit Corporation of Washington, D. C., for maximum war production.

Subchapter A—Administrative Provisions

PART 1—EXECUTIVE ORDERS

Sec.
1.1 Reorganization of agricultural credit agencies.
1.2 Transfer of Division of Cooperative Marketing to Federal Farm Board.
1.3 Allocation of funds to meet the necessity for relief in stricken agricultural areas.
1.4 Allocation of funds to the Farm Credit Administration for the making of emergency crop loans.

§ 1.1 *Reorganization of agricultural credit agencies.* After investigation, it is found and declared that the following changes in executive agencies and the functions thereof are necessary to accomplish the purposes set forth in section 401, Legislative Appropriation Act, fiscal year 1933, as amended, (47 Stat. 1517; 5 U. S. C. and Sup., 124):

(a) The functions of the Secretary of Agriculture as a member of the Federal Farm Board, and the offices of the appointed members of the Federal Farm Board, except the office of the member

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FEDERAL REGISTER

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designated as chairman thereof, are abolished.

(b) The name of the Federal Farm Board is changed to the Farm Credit Administration.

(c) The name of the office of Chairman of the Federal Farm Board is changed to Governor of the Farm Credit Administration, and he is vested with all the powers and duties of the Federal Farm Board.

(d) The functions of the Secretary of the Treasury as a member of the Federal Farm Loan Board, and the offices of the appointed members of the Federal Farm Loan Board, except the office of the member designated as Farm Loan Commissioner, are abolished, and all the powers and functions of the Federal Farm Loan Board are transferred to and vested in the Farm Loan Commissioner, subject to the jurisdiction and control of the Farm Credit Administration as herein provided.

(e) There are transferred to the jurisdiction and control of the Farm Credit Administration:

(1) The Federal Farm Loan Bureau and the functions thereof; together with the functions of the Federal Farm Loan Board, including the functions of the Farm Loan Commissioner;

(2) The functions of the Treasury Department and the Department of Agriculture, and the Secretaries thereof, under Executive authorizations to give aid to farmers, dated July 26, 1918, and any extensions or amendments thereof;

(3) The functions of the Secretary of Agriculture under all provisions of law relating to the making of advances or loans to farmers, fruit growers, producers and owners of livestock and crops, and to individuals for the purpose of assisting in forming or increasing the capital stock of agricultural-credit corporations, livestock-loan companies, or like organizations, except Public Resolution No. 74, Seventieth Congress, approved December 21, 1928 (45 Stat. 1067), providing for the Puerto Rican Hurricane Relief Commission;

(4) The Crop Production Loan Office and the Seed Loan Office of the Department of Agriculture, and the functions thereof;

(5) The functions of the Reconstruction Finance Corporation and its Board of Directors relating to the appointment of officers and agents to manage regional agricultural credit corporations formed under section 201 (e) of the Emergency Relief and Construction Act of 1932 (47 Stat. 713; 12 U. S. C. 1148); relating to the establishment of rules and regulations for such management; and relating to the approval of loans and advances made by such corporations and of the terms and conditions thereof.

(f) The functions vested in the Federal Farm Board by section 9 of the Agricultural Marketing Act (46 Stat. 15; 12 U. S. C. 1141g) are abolished, except that such functions shall continue to be exercised to such extent and for such time as may be necessary to permit the orderly winding up of the activities of stabilization corporations heretofore recognized under authority of such section, and the government of the Farm Credit Administration shall take appropriate action for winding up at the earliest practicable date the activities of such corporations and all affairs related to the exercise of such functions.

(g) The records, property (including office equipment), and personnel used and employed in the execution of the functions hereinbefore transferred are transferred to the jurisdiction and control of the Farm Credit Administration.

(h) The sum of $2,000,000 of the unexpended balances of appropriations made to the Federal Farm Board by Public Resolutions No. 43 and No. 51 of the Seventy-second Congress (47 Stat. 741, 799) shall be impounded and returned to the Treasury, which sum shall be in addition to the other savings to be effected by the Farm Credit Administration as a result of this order.

(i) The unexpended balances of appropriations to the Secretary of Agriculture, the Federal Farm Loan Bureau, and the Federal Farm Board for salaries, expenses, and all other administrative expenditures in the execution of the functions herein vested in the Farm Credit Administration shall be transferred to and vested in the Farm Credit Administration as a single fund for its use for salaries, expenses, and all other administrative expenditures for the execution of any or all of such functions without restriction as to the particular functions for the execution of which the same were originally appropriated. All other appropriations, allotments, and other funds available for use in connection with the functions and executive agencies hereby transferred and consolidated are hereby transferred to and vested in the Farm Credit Administration, and shall be available for use by it, for the same purposes as if the Farm Credit Administration were named in the law or authority providing such appropriations, allotments, or other funds.

(j) All power, authority, and duties conferred by law upon any officer, executive agency, or head thereof, from which or from whom transfer is hereinbefore made, in relation to the executive agency or function transferred, are

transferred to and vested in the Governor of the Farm Credit Administration.

(k) The Governor of the Farm Credit Administration is directed to dismiss, furlough, transfer, or make other appropriate disposition of such of the officers and employees under his jurisdiction and control as are not required for the proper execution of the functions of the Farm Credit Administration.

(m) The Governor of the Farm Credit Administration is authorized to execute any and all functions and perform any and all duties vested in him through such persons as he shall by order designate or employ.

(n) The Governor of the Farm Credit Administration, by order or rules and regulations, may consolidate, regroup, and transfer offices, bureaus, activities, and functions in the Farm Credit Administration, so far as may be required to carry out the purposes to which this order is directed, and may fix or change the names of such offices, bureaus, and activities and the duties, powers, and titles of their executive heads.

This order shall take effect upon the sixty-first calendar day after its transmission to Congress unless otherwise determined in accordance with the provisions of section 407 of the Legislative Appropriation Act, fiscal year 1933, as amended. (Secs. 401, 403, 407, as amended by sec. 16, 47 Stat. 1517–1519, 48 Stat. 16; 5 U. S. C. and Sup., 124, 126, 130) [E. O. 6084, Mar. 27, 1933]

§ 1.2 *Transfer of Division of Cooperative Marketing to Federal Farm Board.*[1] The whole of the Division of Cooperative Marketing in the Bureau of Agricultural Economics of the Department of Agriculture, all functions pertaining to the work and services of such division, its records, property, including office equipment, personnel, and unexpended balances of appropriation, pertaining to such work or services is hereby transferred from the Department of Agriculture to the jurisdiction and control of the Federal Farm Board. The transfer above mentioned shall be effective from and including October 1st, 1929. (Sec. 13 (e), 46 Stat. 18; 12 U. S. C. 1141 h) [E. O. 5200, Oct. 1, 1929]

§ 1.3 *Allocation of funds to meet the necessity for relief in stricken agricultural areas.* There is hereby allocated to the Director of Emergency Conservation Work for the establishment and maintenance of Civilian Conservation Corps camps, the sum of $12,500,000; to the Farm Credit Administration for making loans to farmers for seed, feed, freight, summer fallowing, and similar purposes, under such terms and conditions as the Governor thereof may prescribe, the sum of $25,000,000; to the Federal Emergency Relief Administration for making grants to States the sum of $56,250,000, and for the purpose of increasing employment through the purchase of lands in the stricken areas, the sum of $12,500,000; and to the Secretary of Agriculture or such agency as he may designate the sum of $43,750,000 for the purchase, sale, gift, or other disposition of seed, feed, and livestock, and for transportation thereof. (49 Stat. 115) [E. O. 6747, June 23, 1934]

§ 1.4 *Allocation of funds to the Farm Credit Administration for the making of emergency crop loans.* (a) There is set aside from funds provided by the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) for the use of the Farm Credit Administration for the purpose of making loans to farmers during the year 1936, under limitation (b) in section 1 of the said act, in the United States, Hawaii, and Puerto Rico, for fallowing, for the production of crops, for planting, cultivating, and harvesting crops, for supplies incident to and necessary for such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes, under such terms and conditions as the Governor of the Farm Credit Administration (hereinafter referred to as the Governor) may prescribe, a sum not to exceed $30,000,000, of which the sum of $7,000,000 is hereby allocated to the said Administration to be supplemented from time to time by such additional allocations as may be necessary.

(b) The amount which may be lent to any one borrower shall not exceed $200, and each applicant for a loan shall establish to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such conditions as the Governor may prescribe, that the applicant is unable to procure such loans from any other source: *Provided*, That preference shall be given to the applications of farmers whose cash requirements are small.

(c) Loans made under the provisions of this section shall be secured by a first lien, or by an agreement to give a first lien, upon all crops of which the production, planting, cultivating, or harvesting is to be financed, in whole or in part, with the proceeds of such loan, or, in case of any loan for the purchase or production of feed for livestock, a first lien upon the livestock to be fed. Such loans shall be made and collected under such regulations as the Governor shall prescribe, and shall bear interest at the rate of 5½ per centum per annum.

(d) Fees for recording, filing, registration, and examination of records (including certificates) in connection with each loan made hereunder shall be paid by the borrower: *Provided, however*, That such fees aggregating not to exceed 75 cents per loan may be paid by him from the proceeds of his loan. No fees for releasing liens given to secure loans shall be paid from the funds made available hereunder.

(e) The funds hereby or hereafter allocated may be used also for all necessary administrative expenses in carrying out the provisions of this section to and including June 30, 1937.

(f) In carrying out the provisions of this section, the Farm Credit Administration may (1) make expenditures for supplies and equipment, traveling expenses, rental of offices, printing and binding, and other necessary expenses, and (2) accept voluntary and uncompensated services, appoint officers and employees without regard to the provisions of the Civil Service laws and regulations, and fix the compensation of any officers and employees so appointed without regard to the Classification Act of 1923 (42 Stat. 1488, as amended; 5 U. S. C. and Sup., 661–674). [E. O. 7305, Feb. 28, 1936]

[1] The Farm Credit Administration has succeeded to the functions of the Federal Farm Board. See E. O. 6084, Mar. 27, 1933, 6 CFR 1.1.

PART 2—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE FARM CREDIT ADMINISTRATION, WASHINGTON, D. C.

Sec.
2.1 Organization.
2.2 Functions and procedures.

AUTHORITY: §§ 2.1 and 2.2 issued under sec. 40, 48 Stat. 51; 12 U. S. C. 636.

§ 2.1 *Organization.* All functions and activities of the Farm Credit Administration are conducted under the general supervision of the Secretary of Agriculture. The work of the Farm Credit Administration is directed by the Governor of the Farm Credit Administration, assisted by the Deputy Governors, and is performed by the four Commissioners named in sec. 80, 48 Stat. 273, 12 U. S. C. 638, and the several divisions of the Farm Credit Administration as follows:

(a) The Land Bank Commissioner, assisted by the personnel of the Land Bank Division, regulates and supervises the twelve Federal land banks, the national farm loan associations, and the joint stock land banks under 39 Stat. 360, as amended; 12 U. S. C., Chap 7, Subchap. I; and regulates and supervises the Federal Farm Mortgage Corporation in the discharge of its functions as disposal agency for surplus agricultural and forest real property under the Surplus Property Act of 1944 (58 Stat. 765, as amended; 50 U. S. C. App., Sup. 1611–1646).

(b) The Intermediate Credit Commissioner, assisted by the personnel of the Intermediate Credit Division, regulates and supervises the twelve Federal intermediate credit banks under 42 Stat. 1454, as amended; 12 U. S. C. Chap. 7, Subchap. III.

(c) The Production Credit Commissioner, assisted by the personnel of the Production Credit Division, regulates and supervises the twelve production credit corporations and the production credit associations under 48 Stat. 257, as amended; 48 Stat. 266, as amended; 12 U. S. C. Chap 7, Subchaps. IV and VI.

(d) The Cooperative Bank Commissioner, assisted by the personnel of the Cooperative Division, regulates and supervises the twelve district banks for cooperatives and the Central Bank for Cooperatives under 48 Stat. 257, as amended; 48 Stat. 266, as amended; 12 U. S. C. Chap. 7, Subchaps. V and VI. The Cooperative Bank Commissioner is ex officio the chairman of the board of directors of the Central Bank for Cooperatives and that Bank has its headquarters with the Farm Credit Administration in Washington, D. C., and utilizes the personnel and facilities of the Farm Credit Administration.

(e) The Mortgage Corporation Service Division, headed by the Director of that Division who is also the Executive Vice President of the Federal Farm Mortgage Corporation, performs various functions for that Corporation which conducts its affairs under 48 Stat. 48, as amended; 48 Stat. 344, as amended; 12 U. S. C. and Sup., Chap. 7, Subchaps. II and II A. The Governor and the Land Bank Commissioner, together with the Secretary of the Treasury or an officer of the Treasury designated by him, are ex officio the directors of the Federal Farm Mortgage Corporation, and that Corporation has its headquarters with the Farm Credit Administration in Washington, D. C., and utilizes the personnel and facilities of the Farm Credit Administration. The Land Bank Commissioner makes loans on behalf of the Federal Farm Mortgage Corporation under 48 Stat. 48, as amended; 12 U. S. C. and Sup., Chap. 7, Subchap. II.

(f) The Regional Agricultural Credit Division, headed by the Director of that Division, regulates and supervises the Regional Agricultural Credit Corporation of Washington, D. C., under 47 Stat. 713, as amended; 12 U. S. C., Chap. 7, Subchap. VIII. The Regional Agricultural Credit Corporation of Washington, D. C., has its headquarters with the Farm Credit Administration in Washington, D. C., and utilizes the personnel and facilities of the Farm Credit Administration.

(g) The Revolving Fund Section, headed by the Director of the Revolving Fund, conducts the liquidation of loans made to cooperative associations out of the Revolving Fund created by the Agricultural Marketing Act (46 Stat. 11, as amended; 12 U. S. C. 1141–1141j), and the liquidation of loans made to individuals to capitalize local agricultural credit corporations under 46 Stat. 1932, as amended by 46 Stat. 1160, and 47 Stat. 60, as amended; 12 U. S. C. 1401–1404.

(h) The Cooperative Research and Service Division, headed by the Director of that Division, gathers and disseminates information pertaining to cooperatives and promotes the organization and development of cooperative associations, under the Cooperative Marketing Act (44 Stat. 802; 7 U. S. C. 451–457) and the Agricultural Marketing Act (46 Stat. 11, as amended; 12 U. S. C. 1141–1141j).

(i) The Examination Division, headed by the Chief Examiner, conducts examinations of the various institutions supervised by the Farm Credit Administration.

In addition, there are five other staff divisions in the Farm Credit Administration which perform, for the Administration as a whole, the services denoted by their titles as follows: Finance and Accounts; Administrative; Personnel; Information and Extension; and Economic and Credit Research.

Prior to the enactment of the Farmers' Home Administration Act of 1946 (Pub. Law 731, 79th Cong., 60 Stat. 1062), the Farm Credit Administration, through the Emergency Crop and Feed Loan Division, made and collected emergency crop, feed, drought, and rehabilitation loans under an act of Congress approved January 29, 1937 (50 Stat. 5), and a number of earlier statutes and Executive orders. The Farmers' Home Administration Act of 1946 abolished these functions of the Farm Credit Administration and vested in the Farmers' Home Administration the function of collecting such loans.

§ 2.2 *Functions and procedures*—(a) *Supervision of institutions in farm credit districts.* The Farm Credit Administration regulates and supervises the Federal land banks and national farm loan associations, the Federal intermediate credit banks, the production credit corporations and production credit associations, and the district banks for cooperatives, through the respective Commissioners under the general direction of the Governor. Such regulation and supervision is exercised in the various respects and by the methods stated in the respective statutes enumerated in § 2.1 (a) to (d). The Farm Credit Administration also conducts examinations of these institutions. The substantive rules and regulations promulgated by the Farm Credit Administration with respect to these institutions are contained in Subchapters B, D, E, and F of this chapter.

(b) *Functions with respect to the Federal Farm Mortgage Corporation.* The Governor of the Farm Credit Administration and the Land Bank Commissioner, together with the Secretary of the Treasury or an officer of the Treasury designated by him, are ex officio the directors of the Federal Farm Mortgage Corporation and as such they direct its affairs. The loans of the Federal Farm Mortgage Corporation are made on its behalf by the Land Bank Commissioner. The Farm Credit Administration conducts examinations of the Federal Farm Mortgage Corporation.

The functions of the Department of Agriculture as disposal agency for surplus agricultural and forest real property under the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup., 1611–1646), have been delegated by the Secretary of Agriculture to the Governor of the Farm Credit Administration, and redelegated by the Governor to the Federal Farm Mortgage Corporation, which utilizes the facilities of the Federal land banks in performing these functions. The Farm Credit Administration regulates and supervises the execution of these functions. The regulations issued by the Farm Credit Administration, with the approval of the Secretary of Agriculture, are contained in Part 5 of this subchapter.

(c) *Functions with respect to the Central Bank for Cooperatives.* The Cooperative Bank Commissioner is ex officio chairman of the board of directors of the Central Bank for Cooperatives, and the other six directors are appointed by the Governor of the Farm Credit Administration. The Cooperative Bank Commissioner is also the chief executive officer of the Central Bank. The Commissioner, as chairman of the Board, and the Governor prescribe rules and regulations governing the activities of the Central Bank and these rules and regulations are contained in Subchapter F of this chapter. The Farm Credit Administration conducts examinations of the Central Bank and supervises it in other respects and by the methods stated in

48 Stat. 257, 266, as amended; 12 U. S. C., Chap. 7, Subchaps. V and VI.

(d) *Functions with respect to the Regional Agricultural Credit Corporation of Washington, D. C.* The Farm Credit Administration prescribes the charter provisions and bylaws of the Regional Agricultural Credit Corporation of Washington, D. C., appoints its directors and officers, prescribes rules and regulations governing its activities, and conducts examinations of its affairs. The rules and regulations governing the Corporation are contained in Subchapter G of this chapter.

(e) *Revolving Fund Section.* The Farm Credit Administration, through this Section, conducts the liquidation of loans made to cooperative associations by the Federal Farm Board and the Farm Credit Administration out of the Revolving Fund created by the Agricultural Marketing Act (46 Stat. 11, as amended; 12 U. S. C. 1141–1141j). Since loans to cooperative associations for the purposes specified in the Agricultural Marketing Act are now available from the banks for cooperatives, loans under that act are not ordinarily made by the Farm Credit Administration out of the Revolving Fund, except in furtherance of the liquidation by outstanding loans. The requirements for such loans and the terms and conditions thereof are stated in the Agricultural Marketing Act.

The Farm Credit Administration, through the Revolving Fund Section, also conducts the liquidation of loans made to individuals by the Secretary of Agriculture to capitalize local agricultural credit corporations under 46 Stat. 1032, as amended by 46 Stat. 1160, and 47 Stat. 60, as amended; 12 U. S. C. 1401–1404. No loans under these statutes are now being made.

A cooperative association desiring to apply for a loan from the Revolving Fund should submit an application on a prescribed form to the Director of the Revolving Fund, together with evidence of the association's eligibility under the act, and of the authority of its officers to execute the loan documents, and statements of its financial condition. Forms for making application for loans may be obtained from the Director of the Revolving Fund upon request.

Real and personal properties acquired by the United States as a result of loans made from the Revolving Fund are leased and sold in accordance with the provisions of 46 Stat. 13, as amended; 12 U. S. C. 1141b (7). Ordinarily, these properties are advertised and sold on the basis of sealed bids, reserving the right to reject any and all bids. Each bidder is notified of the acceptance or rejection of his bid.

Certain indebtedness of farmers being liquidated by the Farm Credit Administration through the Revolving Fund Section may be compromised, adjusted, or canceled, in appropriate cases, in accordance with 58 Stat. 836; 12 U. S. C. Sup., 1150–1150c; and the regulations contained in Part 01 of Subtitle A of this title. Applications of debtors for compromise, adjustment, or cancelation of their debts should be submitted on prescribed forms which may be obtained

from the Director of the Revolving Fund upon request.

(f) *Cooperative Research and Service Division.* The Farm Credit Administration, through this Division, conducts studies and gathers information regarding the organization and operations of agricultural cooperative associations, and disseminates such information and gives technical assistance to cooperative associations and persons and groups interested in the organization or operation of such associations, in accordance with the Cooperative Marketing Act (44 Stat. 802; 7 U. S. C., 451–457) and the Agricultural Marketing Act (46 Stat. 11, as amended; 12 U. S. C., 1141–1141j). The Division prepares various publications and distributes them generally to cooperative associations and other interested persons and groups, and confers and advises with individual associations, persons, and groups on their problems with respect to the organization and operation of particular cooperative associations.

(g) *Liquidation of joint stock land banks.* The Farm Credit Administration supervises and examines the few remaining joint stock land banks which are now in process of liquidation. Plans for the voluntary liquidation of joint stock land banks are subject to approval by the Farm Credit Administration in accordance with 39 Stat. 374, as amended; 12 U. S. C. 822. In the case of some insolvent joint stock land banks, the Farm Credit Administration has appointed receivers to liquidate them under its supervision in accordance with 39 Stat. 381, as amended; 12 U. S. C. 963.

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

Sec.

3.1 Authority of Deputy Governor and other officials to act in the absence of the Governor.
3.2 Functions, powers, authority, and duties of Land Bank Commissioner.
3.3 Authority and designation of order of precedence of Deputy and Assistant Deputy Land Bank Commissioners and Chief of NFLA Section to act as Land Bank Commissioner.
3.3a Authority and designation of Assistant Deputy Land Bank Commissioners and Chief of NFLA Section to act as Deputy Land Bank Commissioner.
3.4 Authorization to approve acts of receivers of joint stock land banks.
3.5 Authorization to approve the holding by Federal land banks of title to real estate for a period longer than 5 years.
3.6 Authorization to approve the holding by joint stock land banks of title to real estate for a period longer than 5 years.
3.7 Authorization to grant charters and amendments to charters of national farm loan associations.
3.8 Authorization to approve loans by the Federal land banks in excess of $25,000.
3.9 Approval of loans by the Federal land banks to livestock corporations.
3.10 Approval of Land Bank Commissioner loans to livestock corporations.
3.11 Authority of Deputy Land Bank Commissioners to approve retirement of capital stock of Federal land banks.
3.12 Authorization of Deputy Land Bank Commissioners to sign certificates of authority.
3.13 Authority of Deputy Land Bank Commissioners to sign orders in conservatorship cases.
3.14 Functions, powers, authority, and duties of Intermediate Credit Commissioner.
3.15 Authority and designation of order of precedence, of Deputy Intermediate Credit Commissioner, Assistant Intermediate Credit Commissioner, and Assistant Deputy Intermediate Credit Commissioner, to act as Intermediate Credit Commissioner.
3.16 Functions, powers, authority, and duties of Production Credit Commissioner.
3.17 Authority and designation of order of precedence, of Deputy Production Credit Commissioner, Assistant Production Credit Commissioner, and Assistant Deputy Production Credit Commissioners, to act as Production Credit Commissioner in the absence of the latter.
3.18 Authority of production credit corporation presidents to approve production credit association bylaws and amendments thereto.
3.19 Authority of production credit corporation vice presidents to approve production credit association bylaws and amendments thereto.
3.20 Functions, powers, authority, and duties of the Cooperative Bank Commissioner, Deputy Cooperative Bank Commissioner, and Assistant Deputy Cooperative Bank Commissioners.
3.21 Functions and duties of Director of the Revolving Fund.
3.22 Official acts of Treasurer and Assistant Treasurer of the Revolving Fund ratified.
3.23 Functions, powers, authorities, and duties of the Director and the Assistant Director of the Regional Agricultural Credit Division.
3.24 Designation of Acting Director, Assistant Director, and Acting Assistant Director of the Regional Agricultural Credit Division.
3.25 Functions, powers, authority, and duties of Chief, Administrative Division.
3.26 Functions, powers, authority, and duties of Assistant Chief, Administrative Division.
3.27 Authority of Chief Clerk and Assistant to the Chief Clerk to issue certificates.
3.28 Attestation of signatures of officials.

AUTHORITY: §§ 3.1 to 3.28, inclusive, issued under secs. 7.17a, 39 Stat. 365, 375, secs. 39, 40, 80, 80 (a), 80 (b), 48 Stat. 50, 51, 273, 1221, sec. 5, 50 Stat. 6, 58 Stat. 836; 12 U. S. C. 636–638 (b), 719, 831 (a), 1020m, 1776, 12 U. S. C. Sup. 1150–1150c; E. O. 6084, Mar. 27, 1933, 6 F. R. 1.1 (m). Additional authority is noted in parentheses following sections affected.

§ 3.1 *Authority of Deputy Governor and other officials to act in the absence of the Governor.* (a) J. E. Wells, Jr., Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

(b) One of the four commissioners or one of the deputy commissioners in the Farm Credit Administration who is designated by the Governor for such purpose is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Wells are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

§ 3.2 *Functions, powers, authority, and duties of Land Bank Commissioner.* The Land Bank Commissioner shall, subject to the jurisdiction and control of the Farm Credit Administration, execute and perform all functions, powers, authority, and duties heretofore vested in or conferred upon the Federal Farm Loan Board or the Land Bank Commissioner (previously known as the Farm Loan Commissioner), except functions, powers, authority, and duties pertaining to intermediate credit and to matters incidental thereto and to the administration of the provisions of law relative to Federal intermediate credit banks, and shall, subject to such supervision and control, execute and perform all functions, powers, authority, and duties of the Farm Credit Administration relative to the administration of the provisions of law relating to Federal land banks, national farm loan associations, and joint stock land banks.

§ 3.3 *Authority and designation of order of precedence of Deputy and Assistant Deputy Land Bank Commissioners and Chief of NFLA Section to act as Land Bank Commissioner.* Carl Colvin, Deputy Land Bank Commissioner, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event the Land Bank Commissioner is absent or unable to serve for any reason.

Ernest Diebel, Assistant Deputy Land Bank Commissioner, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event the Land Bank Commissioner and Deputy Land Bank Commissioner Colvin are absent or unable to serve for any reason.

E. C. Johnson, Assistant Deputy Land Bank Commissioner, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event the Land Bank Commissioner, Deputy Land Bank Commissioner Colvin, and Assistant Deputy Land Bank Commissioner Diebel are absent or unable to serve for any reason.

Horace A. Lake, Chief of NFLA Section, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event the Land Bank Commissioner, Deputy Land Bank Commissioner Colvin, and Assistant Deputy Land Bank Commissioners Diebel and Johnson are absent, or unable to serve for any reason.

§ 3.3a *Authority and designation of Assistant Deputy Land Bank Commissioners and Chief of NFLA Section to act as Deputy Land Bank Commissioner.* Ernest Diebel and E. C. Johnson, Assistant Deputy Land Bank Commissioners, and Horace A. Lake, Chief of NFLA Section, severally and not jointly and in the order named, are authorized to execute and perform any and all functions, powers, authority, and duties which the Deputy Land Bank Commissioner is now or hereafter authorized and empowered to execute or perform in the event that the Deputy Land Bank Commissioner is absent or unable to act for any reason.

§ 3.4 *Authorization to approve acts of receivers of joint stock land banks.* Authorization is given, severally and not jointly, to the Land Bank Commissioner, any deputy land bank commissioner, M. E. Menk, Assistant Deputy Land Bank Commissioner, and L. A. Wallace, Chief, Fiscal and Joint Stock Land Bank Section, to approve, on such terms as he shall direct, the acts pursuant to section 29 of the Federal Farm Loan Act (39 Stat. 381; 12 U. S. C. 961–967), as amended, of any receiver of any joint stock land bank appointed under the provisions of said section 29. (Sec. Memo 846, Jan. 6, 1940)

§ 3.5 *Authorization to approve the holding by Federal land banks of title to real estate for a period longer than 5 years.* Authorization is given, severally and not jointly, to any deputy land bank commissioner, and to the Chief, Assistant Chief, and Farm Service Analyst of the Loan Service and Real Estate Section, to approve, on such terms as he shall direct, the holding by Federal land banks of title and possession of real estate for a period longer than 5 years pursuant to paragraph Fourth (b) of section 13 of the Federal Farm Loan Act (39 Stat. 372; 12 U. S. C. 781 "Fourth" (b), as amended). (Sec. Memo. 846, Jan. 6, 1940)

§ 3.6 *Authorization to approve joint stock land banks' holding title to real estate for a longer period than 5 years.* Authorization is given, severally and not jointly, to any deputy land bank commissioner, any assistant deputy land bank commissioner, and the Chief, Fiscal and Joint Stock Land Bank Section, to approve, on such terms as he shall direct, joint stock land banks' holding title and possession of real estate for a period longer than 5 years pursuant to paragraph Fourth (b) of section 13 of the Federal Farm Loan Act (39 Stat. 372; 12 U. S. C. 781 "Fourth" (b)), as amended. (Sec. Memo. 846, Jan. 6, 1940)

§ 3.7 *Authorization to grant charters and amendments to charters of national farm loan associations.* Authorization is given, severally and not jointly, to any deputy land bank commissioner, to grant, on such terms as he shall direct, charters and amendments to charters of national farm loan associations. (Sec. Memo. 846, Jan. 6, 1940)

§ 3.8 *Authorization to approve loans by the Federal land banks in excess of $25,000.* Authorization is given, severally and not jointly, to any deputy land bank commissioner; the Chief, Appraisal Subdivision; the Chief, Appraisal Review and Analysis Section; the Chief Loan Analyst; any reviewing appraiser, assigned to the central office; and, in the respective farm credit districts to which they are assigned, to any reviewing appraiser and any special reviewer, to approve loans by the Federal land banks in excess of $25,000, pursuant to paragraph Seventh of section 12 of the Federal Farm Loan Act (39 Stat. 370; 12 U. S. C. 771 "Seventh"), as amended. (Sec. Memo. 846, Jan. 6, 1940)

§ 3.9 *Approval of loans by the Federal land banks to livestock corporations.* Authorization is given, severally and not jointly, to any deputy land bank commissioner; the Chief, Appraisal Subdivision; the Chief, Appraisal Review and Analysis Section; the Chief Loan Analyst; any reviewing appraiser, assigned to the central office; and, in the respective farm credit districts to which they are assigned, to any reviewing appraiser and any special reviewer, to permit, pursuant to paragraph Sixth of section 12 of the Federal Farm Loan Act as amended by section 18 of the Farm Credit Act of 1935 (39 Stat. 370, sec. 18, 49 Stat. 319; 12 U. S. C. 771 "Sixth"), loans by the Federal land banks to corporations engaged in the raising of livestock where not all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the farm to be mortgaged as security for the loan, but at least 75 percentum in value and number of shares of the stock of the corporation is owned by individuals personally actually so engaged. (Sec. Memo. 846, Jan. 6, 1940)

§ 3.10 *Approval of Land Bank Commissioner loans to livestock corporations.* Authorization is given, severally and not jointly, to any deputy land bank commissioner; the Chief, Appraisal Subdivision; the Chief, Appraisal Review and Analysis Section; the Chief Loan Analyst; any reviewing appraiser, assigned to the central office; and, in the respective farm credit districts to which they are assigned, to any reviewing appraiser and any special reviewer, to permit, pursuant to section 32 of the Emergency Farm Mortgage Act of 1933, as amended by section 2 (c) of the Farm Credit Act of 1935 (48 Stat. 48, sec. 2 (c), 49 Stat. 313; 12 U. S. C. and Sup. 1016), loans by the Land Bank Commissioner to corporations engaged in the raising of livestock where not all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the land to be mortgaged as security for the loan, but at least 75 per centum in value and number of shares of the stock of the corporation is owned by individuals personally actually so engaged. (Sec. Memo. 846, Jan. 6, 1940)

§ 3.11 *Authority of Deputy Land Bank Commissioners to approve retirement of capital stock of Federal land banks.* Authorization is given, severally and not jointly, to each deputy land bank commissioner to approve, on such terms as any one of them shall direct, the retirement of the capital stock of Federal land banks pursuant to the provisions of section 7 of the Federal Farm Loan Act (39 Stat. 365; 12 U. S. C. 721).

§ 3.12 *Authorization of Deputy Land Bank Commissioners to sign certificates of authority.* Authorization is given, severally and not jointly, to each deputy land bank commissioner to sign certificates authorizing Federal land banks to make loans to applicants through national farm loan associations under the provisions of section 25 (b) of the Farm Credit Act of 1937 (50 Stat. 711; 12 U. S. C. 724), and authorizing and empowering said associations to do all things provided for by, and in accordance with the provisions of, said section 25 (b).

§ 3.13 *Authority of Deputy Land Bank Commissioners to sign orders in conservatorship cases.* Authorization is hereby given, severally and not jointly, to each deputy land bank commissioner to sign orders, pursuant to the provisions of section 29 of the Federal Farm Loan Act, as amended by section 25 (d) of the Farm Credit Act of 1937 (39 Stat. 381, sec 25 (d), 50 Stat. 713; 12 U. S. C. 967) and the rules and regulations of the Farm Credit Administration, (a) appointing conservators for national farm loan associations and (b) approving reports of conservators, fixing the fair book value of the stock of national farm loan associations for the purposes of said section, and terminating the appointments of conservators.

§ 3.14 *Functions, powers, authority, and duties of Intermediate Credit Commissioner.* The Intermediate Credit Commissioner shall, subject to jurisdiction and control of the Farm Credit Administration, execute and perform all functions, powers, authority, and duties relative to intermediate credit and to matters incidental thereto, and to the administration of the provisions of law relative to Federal intermediate credit banks, inclusive of the functions, powers, authority, and duties previously vested in or conferred upon the Federal Farm Loan Board and/or the Farm Loan Commissioner under the provisions of law relative thereto.

§ 3.15 *Authority, and designation of order of precedence, of Deputy Intermediate Credit Commissioner, Assistant Intermediate Credit Commissioner, and Assistant Deputy Intermediate Credit Commissioner to act as Intermediate Credit Commissioner.* Arthur C. Sullivan, Deputy Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner is unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

Martin H. Uelsmann, Assistant Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner in the event that

the Intermediate Credit Commissioner and Deputy Intermediate Credit Commissioner Arthur C. Sullivan are unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

Franklin D. Van Sant, Assistant Deputy Intermediate Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of the Intermediate Credit Commissioner in the event that the Intermediate Credit Commissioner, Deputy Intermediate Credit Commissioner Arthur C. Sullivan, and Assistant Intermediate Credit Commissioner Martin H. Uelsmann are unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

§ 3.16 *Functions, powers, authority, and duties of Production Credit Commissioner.* The Production Credit Commissioner shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all functions, powers, authority, and duties relative to production credit and to matters incidental thereto, and to the administration of the provisions of law relative to production credit corporations and production credit associations.

§ 3.17 *Authority, and designation of order of precedence, of Deputy Production Credit Commissioner, Assistant Production Credit Commissioner, and Assistant Deputy Production Credit Commissioners, to act as Production Credit Commissioner in the absence of the latter.* A. T. Esgate, Deputy Production Credit Commissioner, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Production Credit Commissioner in the event that the Production Credit Commissioner is unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

K. L. Scott, Assistant Production Credit Commissioner, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Production Credit Commissioner in the event that the Production Credit Commissioner and Deputy Production Credit Commissioner Esgate are both unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

Paul Fankhauser, Assistant Deputy Production Credit Commissioner, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Production Credit Commissioner in the event that the Production Credit Commissioner, Deputy Production Credit Commissioner Esgate, and Assistant Production Credit Commissioner Scott are all unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause.

Homer G. Smith, Assistant Deputy Production Credit Commissioner, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Production Credit Commissioner in the event that the Production Credit Commissioner, Deputy Production Credit Commissioner Esgate, Assistant Production Credit Commissioner Scott, and Assistant Deputy Production Credit Commissioner Fankhauser are all unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause. (Sec. Memo. 846, Jan. 6, 1940)

§ 3.18 *Authority of production credit corporation presidents to approve production credit association bylaws and amendments thereto.* The president of each production credit corporation is designated the amanuensis of the Governor of the Farm Credit Administration to endorse his approval upon all production credit association bylaws which conform with Form PCA–202 and amendments thereto, the forms of which have been approved by him.

§ 3.19 *Authority of production credit corporation vice presidents to approve production credit association bylaws and amendments thereto.* The vice president of each production credit corporation is designated an amanuensis with full power and authority, in the absence or disability of the president of such production credit corporation, to endorse the Governor's approval upon all bylaws which conform with Form PCA–202 and amendments thereto heretofore or hereafter approved by the Governor, and which have been formally adopted by the respective boards of directors of production credit associations located within the district served by such production credit corporation.

§ 3.20 *Functions, powers, authority, and duties of the Cooperative Bank Commissioner, Deputy Cooperative Bank Commissioner, and Assistant Deputy Cooperative Bank Commissioners.* The Cooperative Bank Commissioner shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all functions, powers, authority, and duties pertaining to the administration of the provisions of law relative to the Central Bank for Cooperatives and the district banks for cooperatives.

B. F. Viehmann, Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner is unavailable to act, by reason of absence from the central office of the Farm Credit Administration, or for any other cause, and with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner and S. Y. McConnell, Assistant Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the central office of the Farm Credit Administration, or for any other cause.

S. Y. McConnell, Assistant Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner is unavailable to act, by reason of absence from the central office of the Farm Credit Administration, or for any other cause, and with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner, B. F. Viehmann, Deputy Cooperative Bank Commissioner, and W. C. Frazee, Assistant Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the central office of the Farm Credit Administration, or for any other cause.

W. C. Frazee, Assistant Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner and B. F. Viehmann, Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the central office of the Farm Credit Administration, or for any other cause, and with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner, S. Y. McConnell, Assistant Deputy Cooperative Bank Commissioner, and B. F. Viehmann, Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the central office of the Farm Credit Administration, or for any other cause. (Sec. Memo. 846, Jan. 6, 1940)

§ 3.21 *Functions and duties of Director of the Revolving Fund.* The Director of the Revolving Fund is authorized and empowered: (a) To accept or reject applications for loans from the Revolving Fund authorized by the Agricultural Marketing Act (46 Stat. 11; 12 U. S. C. 1141–1141j), in whole or in part, and to make commitments therefor; to designate such officers of the Revolving Fund Section as he may deem necessary and to prescribe their authority and duties; to execute, either in person or through such officer as he may authorize, instruments for the release, modification, renewal, or revival of real and chattel mortgages, pledges, and other lien instruments, and such other documents as may be necessary to carry out the functions of his office, and all such instruments and documents heretofore executed are ratified and confirmed; and to perform any and all functions and duties, in accordance with law, which the Governor of the Farm Credit Administration is authorized to perform with respect to the administration of the Revolving Fund Section of Farm Credit Administration and of the Agricultural Marketing Act Revolving Fund, except the signing of vouchers for the disbursement of money from the Revolving Fund; and (b) to perform any and all functions and duties, in accordance with law, which the Governor of Farm Credit Administration is authorized to perform under the regulations of the Secretary of Agriculture issued pursuant to the provisions of an act of Congress approved December 20, 1944 (58 Stat. 836; 12 U. S. C., Sup. 1150–1150c), insofar as the said act and regulations apply to indebtedness administered by the Revolving Fund Section, and to redelegate any or all of said functions and duties in accordance with said regulations. (Sec. Memos. 846, Jan. 6, 1940, 1086, Apr. 26, 1943)

§ 3.22 *Official acts of Treasurer and Assistant Treasurer of the Revolving Fund ratified.* The office of "Treasurer and Disbursing Officer for the Revolving Fund of the Federal Farm Board," created by a resolution of the Federal Farm Board, adopted November 12, 1929, and the office of "Assistant Treasurer and Deputy Disbursing Officer for the Revolving Fund of the Federal Farm Board," created by a resolution of the Federal Farm Board, adopted March 17, 1930, are hereby discontinued. All official acts of said officers (also entitled Treasurer and Assistant Treasurer of the Agricultural Marketing Revolving Fund and Treasurer and Assistant Treasurer of the Revolving Fund) and in particular all instruments executed by the persons occupying said offices, for the release, modification, renewal, or revival of real or chattel mortgages, pledges, or other lien instruments, are hereby ratified and confirmed. (Sec. Memos. 846, Jan. 6, 1940, 1086, Apr. 26, 1943)

§ 3.23 *Functions, powers, authorities, and duties of the Director and the Assistant Director of the Regional Agricultural Credit Division.* The Director of the Regional Agricultural Credit Division of the Farm Credit Administration is authorized and empowered, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, to execute and perform all functions, powers, authority, and duties which the Governor of the Farm Credit Administration is authorized to do and perform relative to all matters and things arising in connection with the administration of the regional agricultural credit corporations and the provisions of law pertaining thereto.

The Assistant Director of the Regional Agricultural Credit Division of the Farm Credit Administration is authorized and empowered to execute and perform all functions, powers, authority, and duties pertaining to the office of the Director of the Regional Agricultural Credit Division of the Farm Credit Administration in the event the Director is unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

§ 3.24 *Designation of Acting Director, Assistant Director, and Acting Assistant Director of the Regional Agricultural Credit Division.* Arthur C. Sullivan, in addition to his functions as Deputy Intermediate Credit Commissioner, is hereby designated to serve as Acting Director of the Regional Agricultural Credit Division in the absence of C. C. Jacobsen, Director of said Division, and in that capacity he is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Director of the Regional Agricultural Credit Division in the absence of C. C. Jacobsen.

The designation of Robert T. Hall as Assistant Director of the Regional Agricultural Credit Division, heretofore made as of June 16, 1939, is hereby confirmed and continued, and all acts done by him in that capacity are hereby ratified and approved; and he is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Director of the Regional Agricultural Credit Division in the absence of C. C. Jacobsen and Arthur C. Sullivan.

The designation of C. W. Bachman to serve as Acting Assistant Director of the Regional Agricultural Credit Division, heretofore made as of October 17, 1942, is hereby confirmed and continued, and all acts done by him in that capacity are hereby ratified and approved; and he is hereby authorized to execute and perform (in addition to his functions as Special Representative of the Regional Agricultural Credit Corporation of Minneapolis, Minnesota) all functions, powers, authority, and duties pertaining to the office of Director of the Regional Agricultural Credit Division in the absence of C. C. Jacobsen, Arthur C. Sullivan, and Robert T. Hall. (Sec. Memo. 846, Jan. 6, 1940)

§ 3.25 *Functions, powers, authority, and duties of Chief, Administrative Division.* The Chief, Administrative Division, is authorized and empowered:

(a) To supervise and direct the Administrative Division.

(b) To consult and advise with the Governor, deputy governors, and division heads, on matters pertaining to the organization of new activities, the reorganization of existing activities and offices, and general administrative policies.

(c) To sign letters of authorization for travel.

(d) To sign contracts covering the procurement of goods, space, and services other than personnel. (Sec. Memo. 846, Jan. 6, 1940)

§ 3.26 *Functions, powers, authority, and duties of Assistant Chief, Administrative Division.* The Assistant Chief, Administrative Division, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of the Chief, Administrative Division, in the event the Chief, Administrative Division, is unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause. (Sec. Memo. 846, Jan. 6, 1940)

§ 3.27 *Authority of Chief Clerk and Assistant to the Chief Clerk to issue certificates.* The Chief Clerk and the Assistant to the Chief Clerk of the Farm Credit Administration are hereby authorized to execute and issue under the seal of the Farm Credit Administration, statements (a) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (b) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (c) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration. (Sec. Memos. 846, Jan. 6, 1940, 1086, Apr. 26, 1943)

§ 3.28 *Attestation of signatures of officials.* The Chief Clerk and the Assistant to the Chief Clerk of the Farm Credit Administration are hereby authorized to sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration. (Sec. Memos. 846, Jan. 6, 1940, 1086, Apr. 26, 1943)

PART 4—PUBLIC INFORMATION, SUBMITTALS, AND REQUESTS

Sec.

4.1 Officers and employees of Farm Credit Administration and of corporations functioning thereunder.
4.2 Information regarding personnel.
4.3 Information regarding borrowers and applicants for loans.
4.4 Officer or employee summoned as witness.
4.5 General information.
4.6 Submittals and requests.
4.7 Official records.

AUTHORITY: §§ 4.1 to 4.7, inclusive, issued under sec. 6, 47 Stat. 14, sec. 17, 39 Stat. 375, sec. 2, 42 Stat. 1459, secs. 1–43, 48 Stat. 257, et seq., as amended, sec. 4, 46 Stat. 13, sec. 201 (c), 47 Stat. 713, sec. 6, 44 Stat. 803; 12 U. S. C. 665, 831, 1101, 1131–1138f, 1141b, 1148, 7 U. S. C. 456.

§ 4.1 *Officers and employees of Farm Credit Administration and of corporations functioning thereunder.* (a) Except as specifically authorized by law or rules and regulations promulgated thereunder, no officer, employee, or agent of the Farm Credit Administration or of any corporation under its supervision and control:

(1) Shall, in any manner directly or indirectly, participate in the deliberation upon, or the determination of, any question affecting his personal interest, those of any person related to him by blood or marriage, or those of any partnership, association, or any corporation in which he is directly or indirectly interested;

(2) Shall divulge to another person, except in the performance of his official duties, or utilize for his personal benefit or that of another, any fact or information acquired by such officer, employee, or agent, directly or indirectly, by virtue of his employment;

(3) Shall speculate, directly or indirectly, in any agricultural commodity or product thereof, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product;

(4) Shall, by any agreement or arrangement whatever, divide or share, directly or indirectly, with another person any compensation or other emolument received by such officer, employee, or agent for or on account of services rendered in the performance of his official duties;

(5) Shall accept or receive any salary, fee, commission, honorarium, or substantial gift, or other benefit for any purpose or in any way, directly or indirectly, from any borrower from or debtor to the Farm Credit Administration or any such corporation, or from any loan applicant or representative thereof.

(b) In this connection, particular attention is directed to the following provisions of law containing the Federal penal provisions which relate particularly to officers, employees, and agents of the Farm Credit Administration and the corporations under its supervision and control: section 31 of the Federal Farm Loan Act (39 Stat. 382; 12 U. S. C. 981) as amended; paragraphs (a) to (e), inclusive, of section 211 of the Agricultural Credits Act of 1923 (42 Stat. 1459; 12 U. S. C. 1121–1125) as amended; paragraphs (b), (c), and (d) of section 15 of the Agricultural Marketing Act (46 Stat. 18; 12 U. S. C. 1141j); section 3 (b) of the Act of February 3, 1933 (47 Stat. 795); section 10 (g) of the Act of May 12, 1933 (Agricultural Adjustment Act) (48 Stat. 37; 7 U. S. C. 610); and paragraphs (a), (c), (e), and (f) of section 64 of the Farm Credit Act of 1933 (48 Stat. 267; 12 U. S. C. 1138d).

§ 4.2 *Information regarding personnel.* Lists of employees shall not be released by a division, office, or corporate unit of the Farm Credit System without the approval of the Governor, a deputy governor, or a commissioner having general supervision over such division, office, or corporate unit. This section is subject to the exceptions set forth in paragraphs (a) to (d), inclusive, of this section.

(a) Federal and State taxing authorities shall be supplied, on request, with the names, addresses, and compensation of the officers, agents, and employees of any association, bank, or corporation. Requests for similar information shall be forwarded to the Farm Credit Administration at Washington, D. C., when they relate to personnel of the Federal Farm Mortgage Corporation or of the Farm Credit Administration (including registrars, reviewing appraisers, and examiners).

(b) A Federal land bank may release lists of the national farm loan association of its district, and their secretary-treasurers; and for use in connection with the nomination and election of members of a district farm credit board by national farm loan associations, a Federal land bank may release lists of the presidents and directors of national farm loan associations of its district.

(c) A production credit corporation may release lists of the production credit associations of its district, and their secretary-treasurers; and for use in connection with the nomination and election of members of a district farm credit board by production credit associations, a production credit corporation may release lists of the presidents and directors of production credit associations of its district.

(d) A bank for cooperatives may release lists of cooperative associations which hold stock in the bank or which have subscribed to its guaranty fund, and lists of the presidents of such cooperative associations, for use in connection with the nomination and election of members of a district farm credit board.

§ 4.3 *Information regarding borrowers and applicants for loans.* Every bank, association, corporation, and loan office of the Farm Credit System, its officers, directors, and employees, shall hold in strict confidence all information regarding the character, credit standing, and property of borrowers and applicants for loans, and shall not exhibit or quote the following listed documents: loan applications; supplementary statements by applicants; letters and statements relative to the character, property, and credit standing of borrowers and applicants; recommendations of loan committees; and reports of inspectors, fieldmen, and appraisers. This section is subject to the exceptions set forth in paragraphs (a) to (j) of this section.

(a) Examiners and other accredited representatives of the Farm Credit Administration shall have free access to all information, records, and files.

(b) Accredited representatives of the following offices of the United States Government, at their request, may be given information pertinent to official investigations of individual cases by such offices, and may be permitted to examine such portions of the records and files as contain the pertinent information: Secret Service and Bureau of Internal Revenue, Treasury Department; Federal Bureau of Investigation, Department of Justice; and Office of the Chief Inspector, Post Office Department. Before information is given to any such representative, he should be required to present his official identification card, and to make a written request identifying the individual case on which information is sought and the particular information desired and certifying that such information is pertinent to the official investigation of that case and is requested for confidential use of the investigating office.

(c) Accredited employees of bureaus and offices of the United States Department of Agriculture (other than the Farm Credit Administration) may be supplied with statistical data and impersonal information concerning borrowers, applicants, and loans, when such information is requested for a stated official purpose. If it appears that undue work would be involved in assembling the desired information, the request should be handled as follows: in the case of a national farm loan association, referred to the Federal land bank; in the case of a production credit association, referred to the production credit corporation; in the case of a regional agricultural credit corporation, referred to the Director, Regional Agricultural Credit Division; and in the case of any unit of a district Farm Credit Administration, referred to the appropriate commissioner. Thus, if the matter is not readily adjusted in the field, the appropriate Farm Credit Administration official in the central office may consult the head of the requesting unit, and agree upon a practical method of cooperation.

(d) The general agents and the presidents of the Federal land banks, Federal intermediate credit banks, production credit corporations, and banks for cooperatives may supply statistical and other impersonal information pertaining to groups of borrowers, applicants, and loans, in response to requests from any department or independent office of the Government of the United States, with the understanding that the information is requested for official use, and that it will not be published. Such information may be given in response to requests from non-Government sources, but only with the approval of the Governor, a deputy governor, or the appropriate commissioner.

(e) Full information concerning individual borrowers may be given for the confidential use of any bank, association, corporation, or loan office of the Farm Credit System, or any other Government agency, in response to inquiries made in contemplation of the extension of credit or the collection of loans. To the extent that such information relates to the character and personal traits of a borrower, it shall be ascribed to reports from unnamed sources believed to be reliable, and shall be accompanied by the statement that no responsibility is assumed for the accuracy of such reports.

(f) Information may be given in confidence to reliable private institutions (lending and mercantile) concerning the amount, terms, and payment records of loans to individual borrowers, in response to inquiries made in contemplation of the extension of credit.

(g) Credit information concerning any institutional borrower (including cooperative associations) may be given when such borrower consents thereto in writing: *Provided, however,* That opinions as to the ability of such borrower to meet its obligations and commitments may be given to creditors and prospective creditors of such borrower without its consent upon the following conditions: (1) that the opinion is to be held in strict confidence by the creditor or prospective creditor; (2) that the opinion is for the private use of the creditor or prospective creditor; and (3) that the opinion be accompanied by a statement that no responsibility for its accuracy is assumed.

(h) The loan application and any supplementary statements signed by a borrower may be examined and their contents may be proved in court by the borrower who signed them, or by his accredited representative, or by the successor in interest of a deceased borrower.

(i) An unsuccessful loan applicant, or a person authorized to inquire in his behalf, may be informed of impersonal credit factors which caused the rejection of his application, but if a loan is denied because of the applicant's personal shortcomings, no explanation may be made which would tend to defame his character or betray the confidence of an informant.

(j) In litigation between a borrower (or his successor in interest) and the United States or a bank or association of the Farm Credit System, any competent evidence may be introduced on behalf of either party with respect to any relevant statements made orally or in writing by or to the borrower or his successor.

§ 4.4 *Officer or employee summoned as witness.* If an officer or employee of any association, bank, corporation, or loan office of the Farm Credit System is summoned as a witness in litigation to which neither the Government nor any farm credit agency is a party for the purpose of testifying and/or producing documentary evidence with respect to matters which he is forbidden by these regulations to disclose, he shall arrange, if possible, with counsel who obtained the summons, to be excused from testifying. If such arrangement cannot be made, the officer or employee shall appear in response to the summons, and respectfully decline to give any testimony or produce any documents containing information which is designated as confidential by these regulations. Immediately upon receiving any such summons, the officer or employee shall notify counsel for the agency with which he is connected, requesting advice and assistance, and for this purpose, the officers and employees of national farm loan associations and production credit associations shall consult counsel for the appropriate Federal land bank or production credit corporation.

§ 4.5 *General information.* Information regarding the Farm Credit Administration or any of its activities, and general information regarding any of the institutions under its supervision (named in § 2.2 of this chapter) may be obtained from the Farm Credit Administration, Washington, D. C., or from the particular institution concerned.

§ 4.6 *Submittals and requests.* Submittals and requests pertaining to the activities of the Farm Credit Administration should be sent to the Farm Credit Administration, Washington, D. C. Submittals and requests pertaining to the activities of any particular institution supervised by the Farm Credit Administration should be sent to that institution.

§ 4.7 *Official records.* The Farm Credit Administration and the several institutions under its supervision keep confidential the classes of records enumerated in §§ 4.1 to 4.4, inclusive. Information contained in other official records in the custody of the Farm Credit Administration or of a particular institution may be made available to persons directly and properly concerned upon written application to the Farm Credit Administration or the particular institution. Such application must identify the specific information sought and must show how the applicant is concerned therewith. Such applications with respect to official records in the custody of the Farm Credit Administration may be granted by the Governor or any deputy governor or by the commissioner or other division head in charge of the functions to which the records relate. Such applications with respect to official records in the custody of a particular institution may be granted by the chief executive officer of the institution.

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AUTHORITY: §§ 5.103–01 to 5.704–04, inclusive, issued under 58 Stat. 765; 50 U. S. C., App. Sup., 1611 et seq.

NOTE: In §§ 5.103–01 to 5.704–04, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Surplus Property Disposal Manual, issued as of July 12, 1946.

DEFINITIONS AND DELEGATIONS OF AUTHORITY

§ 5.103–01 *Definitions; Surplus Property Act of 1944.* The following definitions are contained in the act and are adopted for the purposes of this part:

(a) The term "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(b) The term "owning agency," in the case of any property, means the executive department, the independent agency in the executive branch of the Federal Government, or the corporation (if a Government agency), having control of such property otherwise than solely as a disposal agency.

(c) The term "disposal agency" means any Government agency designated under section 10 of the act to dispose of one or more classes of surplus property.

(d) The term "property" means any interest, owned by the United States or any Government agency, in real or personal property, of any kind, wherever located, but does not include (1) the public domain, or such lands withdrawn or reserved from the public domain as the Surplus Property Board (created by section 5 of the act) determines are suitable for return to the public domain for disposition under the general land laws, or (2) naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers, and submarines.

(e) The term "surplus property" means any property which has been determined to be surplus to the needs and responsibilities of the owning agency in accordance with section 11 of the act.

(f) The term "contractor inventory" means (1) any property related to a terminated contract of any type with a Government agency or to a subcontract thereunder; and (2) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (3) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder.

(g) The term "care and handling" includes completing, repairing, converting, rehabilitating, operating, maintaining, preserving, protecting, insuring, storing, packing, handling, and transporting, and, in the case of property which is dangerous to public health or safety, destroying, or rendering innocuous, such property.

(h) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, or other entity.

(i) The term "State" includes the several States, Territories, and possessions of the United States, and the District of Columbia.

(j) The term "tax-supported institution" means any scientific, literary, educational, public-health, or public-welfare institution which is supported in whole or in part through the use of funds derived from taxation by the United States, or by any State or political subdivision thereof.

§ 5.103–02 *Definitions; regulations of War Assets Administrator.* The following definitions are contained in WAA revised Regulation 5 and are adopted for the purposes of the regulations in this part:

(a) "Administration" means the War Assets Administration.

(b) "Administrator" means the War Assets Administrator.

(c) "Continental United States" means the 48 States and the District of Columbia.

(d) "Former owner" means the person from whom the real property was acquired by the Government.

(e) "Nonprofit institution" means any scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, any hospital or similar institution, and any volunteer fire company, (1) which is supported in whole or in part through the use of funds derived from taxation by the United States, its territories or possessions, or by any State or political subdivision thereof, or (2) which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(f) "Educational institution" means any school, school system, library, college, university, or other similar institution, organization, or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution.

(g) "Offer" means a written offer to purchase surplus real property or a written application by a Government agency or a State or local government requesting that such property be held for disposal to it.

(h) "Owner-operator" means a person who will personally operate and cultivate agricultural land to earn a livelihood rather than lease it to a tenant.

(i) "Priority" means the right of a person, subject to stated conditions and limitations, to purchase surplus real property to the exclusion of other persons.

(j) "Public-health institution" means any hospital, board, agency, institution, organization, or association, which is organized for the primary purpose of carrying on medical, public health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution.

(k) "Real property" means any interest, owned by the United States or any Government agency, in real property, of any kind, wherever located, but does not include the public domain, or such lands withdrawn or reserved from the public domain as the War Assets Administration determines are suitable for return to the public domain for disposition under the general land laws. It is not limited to the definition thereof as contained in section 23 of the act.

(l) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (1) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (2) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (3) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing.

(m) "State or local government" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(n) "Veteran" means any person who served in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. "Veterans released" from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from "active" to "inactive."

(o) "War housing" means real properties improved with housing structures, acquired or constructed by the Government subsequent to September 8, 1939, either (1) for the purpose of housing servicemen, war workers, and their families, or (2) by the use of funds earmarked or appropriated for the housing of persons engaged in national defense activities, and their families.

(p) "Own" business enterprise of a veteran means one of which more than fifty (50) percent of the invested capital thereof is beneficially, and not merely nominally or formally, owned by a veteran or veterans, or one of which more than fifty (50) percent of the net income thereof beneficially, and not merely nominally or formally, accrues to a veteran or veterans.

(q) "Small business" as used herein with respect to a veteran, means a veteran's own small business and may include any commercial, agricultural, or industrial enterprise or group of enterprises under common ownership or control, which does not at the date of purchase of surplus real property hereunder have more than five hundred (500) employees, or any such enterprise which, by reason of its relative size and position in its industry, is determined by the disposal agency to be a small business. The disposal agency may in its discretion apply either or both criteria in determining whether or not the applicant is a small business.

§ 5.103–03 *Definitions; regulations of Farm Credit Administration.* As used in this part:

(a) "Act" means the Surplus Property Act of 1944 as modified by the act of Sept. 18, 1945 (Pub. Law 181, 79th Cong., 59 Stat. 533; 50 U. S. C. App. Sup., 1614a, 1614b), E. O. 9689, Jan. 31, 1946, and any other amendatory or supplementary acts or executive orders.

(b) "FCA" means the Farm Credit Administration.

(c) "Central office" means the central office of the Farm Credit Administration.

(d) "District office" means the office of the FFMC maintained in each of the 12 Federal land banks, including the Regional Director of Surplus Property Disposal and district vice president.

(e) "FFMC" or "Corporation" means the Federal Farm Mortgage Corporation.

(f) "FLB" or "bank" means the Federal land bank serving the farm credit district in which a project of surplus agricultural and forest property concerned is located.

(g) "Project" means the area included in a particular assignment which may or may not be composed of contiguous parts.

(h) "Project office" means an office established on the site of the project or at such other place as may be designated where business relating to the disposal of property in the project may be transacted.

(i) "Tract" means a separate parcel of land as acquired by the Government or any other unit established by the disposal agency in reblocking an area.

(j) "USDA" means the United States Department of Agriculture.

(k) "WAA" means War Assets Administrator or War Assets Administration.

§ 5.105–02 *Delegations of authority.* (a) An order of the Secretary of Agriculture dated April 26, 1945 (10 F. R. 4647), delegates, subject to his general supervision and direction, authority and responsibility to the Governor of the FCA, with authority to redelegate to any appropriate officer, agent, or employee of the FCA or of the USDA, including the FFMC, with a provision that the services and facilities of the Federal land banks and national farm loan associations may be used.

(b) An order of the Governor of the FCA dated April 28, 1945 (10 F. R. 4694), redelegates, subject to his general supervision and direction, authority and responsibility to FMC, with a provision that the services and facilities of the Federal land banks and national farm loan associations may be used.

(c) An order of the Governor of the FCA dated August 3, 1945, redelegates to the Land Bank Commissioner, subject to the Governor's supervision and direction, his supervisory powers related to surplus property disposal, and permits redelegation thereof to any officer or employee in the Land Bank Division of the FCA. An order of the Land Bank Commissioner, dated August 9, 1945, makes a further redelegation, subject to the Commissioner's supervision, to the Director of Surplus Property Disposal.

(d) A resolution of the Board of Directors of the FFMC adopted April 30, 1945, authorizes the President of the FFMC to act for the FFMC in executing the surplus property disposal program. An order of the President of the FFMC dated August 3, 1945, appoints the president of each Federal land bank ex officio an executive officer of the Corporation with the title of Regional Director of Surplus Property Disposal and makes the Regional Director of Surplus Property Disposal responsible for the Corporation's surplus property disposal activities in the district, subject to the supervision of the president of the Corporation. A letter from the president of the Corporation to each district vice president dated August 3, 1945, appearing in the Appendix hereto as Exhibit 33,[1] outlines the powers and duties of the district vice president and subordinates his authority and responsibility to that of the Regional Director of Surplus Property Disposal.

(e) A resolution of the Board of Directors of the FFMC adopted April 30, 1945, authorizes any vice president of the Corporation to sign deeds, leases, and other instruments in connection with the surplus property disposal program.

PURCHASE OF SURPLUS PROPERTY BY OFFICERS, EMPLOYEES, OR AGENTS

§ 5.109–01 *Purchase of surplus property by officers, employees, or agents.* No officer, employee, or agent of the Farm Credit Administration, the Federal Farm Mortgage Corporation, or any institution under the supervision of the Farm Credit Administration shall, except in the exercise of a priority right pursuant to the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App., Sup., 1611 et seq.), purchase any surplus property assigned for disposal to the Department of Agriculture as disposal agency for agricultural and forest property; and no sale of any such surplus property to any such officer, employee, or agent in the exercise of any such priority right shall be made except with the prior approval of the Farm Credit Administration.

FUNCTIONAL ORGANIZATION

§ 5.201–01 *Services and facilities of existing Farm Credit Administration units.* The units of the FCA whose services and facilities are used in the disposal of surplus property will function under the general direction of the Governor or officials designated by him. The experience of the Farm Credit Administration in connection with the servicing and selling of real estate acquired by the FFMC and the Federal land banks in the course of their regular business, the trained personnel in the various units concerned, the existing field organization, and the distribution of offices make it unnecessary to set up a special separate organization to dispose of surplus real property. Whatever services may be required should be rendered with as little disturbance to the regular organization as practicable. Such time records should be maintained as will facilitate reimbursement of all expenses.

§ 5.201–02 *Federal Farm Mortgage Corporation.* The responsibility for disposal of surplus agricultural and forest property is that of the FFMC by delegation of authority from the Governor of the FCA. The Board of Directors of the Corporation has authorized the president of the Corporation to administer the program on behalf of the Corporation. Provision has been made for the use of the facilities of the FCA and the Federal land bank and, where desired, the national farm loan associations, in the performance of the necessary operations.

§ 5.201–03 *Facilities of central office of Farm Credit Administration.* Services and facilities of the central office of the Farm Credit Administration will be used to the extent necessary or appropriate in administering the program.

§ 5.201–04 *Federal land banks.* It is expected that the services and facilities of the Federal land banks will be made available to the Corporation as needed in administering the program and in executing established policies, but the banks shall not exercise any authority or bear any responsibility of the disposal agency as such.

§ 5.201–05 *National farm loan associations.* While it is recognized that not many national farm loan association offices will be so located that their facilities can be used effectively, nevertheless in case such offices are located near project areas, it is possible that their services and facilities will be used if that is found convenient and practicable. The associations will not exercise any authority or bear any responsibility of the disposal agency as such.

§ 5.202–01 *Farm Credit Administration central office organization.* (a) The Governor of the FCA exercises general supervision and direction of the program and as President of the FFMC exercises the Corporation's authority and is responsible for actions taken in its name.

(b) The Land Bank Commissioner, subject to the supervision and direction of the Governor, is responsible for the direction and supervision of the disposal program, using the facilities of the Land Bank Division and appropriate service divisions of the FCA, and supervises the Federal land banks (and national farm loan associations when used) in the discharge of their responsibilities in rendering services to the FFMC.

(c) The Director of Surplus Property Disposal, under supervision and direction of the Land Bank Commissioner, exercises supervision and direction of disposal program; advises with representative of WAA and with the office of Assistant Secretary of Agriculture on operations; advises with USDA agencies and other Government agencies concerned; advises with FCA service units; is responsible for assembling of data and preparation of necessary reports, maintenance of necessary control records and files, correspondence, and the formulation, preparation, and issuance of appropriate regulations; makes recommendations on policies and procedures to Land Bank Commissioner.

(d) *Service units*—(1) *Legal.* Legal services to the FCA and FFMC in connection with the disposal of surplus agricultural and forest property will be rendered by the Office of the Solicitor.

(2) *Appraisal.* The Appraisal Subdivision will render assistance in developing policies and operating procedures relating to appraisal; exercise general su-

[1] Not filed with the Division of the Federal Register.

pervision over appraisers; cooperate with the banks in arranging for appraisal services as needed; make field reviews of appraisal work; and render such other services relating to appraisals as may be deemed advisable.

(3) *Real estate service and sales.* This section of the Land Bank Division will assist in developing policies and procedures relating to leasing, care and handling, and sale of real property; advise with the Federal land banks on operating problems; and render such other services as may be considered advisable.

(4) *Finance and accounts.* The Finance and Accounts Division will be responsible for developing a manual of accounts in cooperation with the field units responsible for accounting operations; for maintenance of necessary accounts in the central office; for assembling necessary data for the preparation of reports; for general supervision of accounting operations; and for such other assistance on fiscal problems as may be necessary.

(5) *Examination.* (i) The operations of Farm Credit Administration, Federal Farm Mortgage Corporation, Federal land banks, and national farm loan associations relating to surplus property disposal shall be included within the scope of the examinations of these agencies conducted by the Examination Division of the Farm Credit Administration. The Examination Division is designated the compliance organization to perform the functions and duties required by Surplus Property Administration Regulation 15, dated November 16, 1945, and any other related requirements of the Surplus Property Administrator, the Department of Agriculture, or the Farm Credit Administration.

(ii) Section 5 of SPA Regulation 15, dated November 16, 1945 (32 CFR, 1945 Supp., 8315.5) provides that subject to the provisions set forth in 32 CFR, 1945 Supp., 8315.6, the Examination Division shall perform such investigatory functions as are necessary to insure compliance with the provisions of the act and with the regulations, orders, directions, and policy statements of the Administrator including:

(a) Periodic surveys of field unit disposal operations, to prevent or correct irregularities in the disposition of surplus property.

(b) Such special investigations as the agency or the Administrator may consider necessary to insure the observance of prescribed disposal procedures.

(c) Investigations upon the receipt of complaints or information from any source indicating irregular or improper disposal of surplus property.

(6) *Personnel.* Personnel actions will be processed in accordance with established procedure of the Farm Credit Administration.

(7) *Information and extension.* This division will render appropriate assistance with reference to publicity and advertising.

(8) *Files and clerical.* Such services as may be necessary to maintain adequate files, conduct necessary correspondence and other clerical service will be rendered by the sections engaged in similar work for the FCA.

§ 5.203–01 *District organization.* (a) The president of the Federal land bank, as president of the Federal land bank, is responsible for the services rendered by the bank in executing the disposal program; and as regional director of Surplus Property Disposal of the FFMC, exercises general supervision and direction of the program on behalf of the FFMC, under general direction of the President of the FFMC.

(b) The district supervisor of Surplus Property Disposal, under the direction of the president of the FLB, exercises direction and supervision of the services and facilities of the bank and the national farm loan associations in connection with surplus property disposal in the district; advises with service units of the FLB; communicates with district U. S. Engineer's office concerning available information on particular projects; advises with FCA central office on operations problems, including proposed communications and contacts with other Government agencies; makes recommendations on prices and offers to purchase to vice president of FFMC and on any other transactions requiring the approval of the FFMC.

(c) The project manager, under the direction of the District Supervisor of Surplus Property Disposal, is responsible for field operations, arranging for appraisals, recommending prices and sales offers; maintenance of field records and correspondence; and other activities as may be assigned.

(d) The district vice president of FFMC, under the general direction of the Regional Director of Surplus Property Disposal of FFMC, takes such official action on behalf of the Corporation as may be assigned by the regional director, including approval of prices and signing of instruments and documents in accordance with established procedure.

(e) The district service units will render such service as may be necessary and advisable in discharging the responsibilities of the banks and associations to the FFMC. These service units include legal, personnel, appraisal, accounting, association service division, files, and clerical and records. It is expected that it will ordinarily not be necessary to assign personnel on a full-time basis or to create new sections for the purposes of the disposal program.

PREPARATORY STEPS

§ 5.301–01 *Receipt of declaration by disposal agency.* After real property is declared surplus by the owning agency, reported to the WAA, and classified by it, two copies of the declaration (WAA Form 1005 or Form SPB 5), with accompanying schedules, will be forwarded by the WAA to the FCA, either to the central office or in care of one of the Federal land banks. If the copies of the declaration are sent to the central office, it will reproduce such information as it deems necessary for its use and forward both copies of the declaration to the district supervisor. Date of assignment will be the date the declaration is received by the FCA.

§ 5.302–01 *Obtaining information from owning agency.* Section 10 (d) of SPA Revised Regulation 5 (32 CFR, Supps., 8305.10 (d)) provides that, upon request of the disposal agency, the owning agency shall immediately supply the disposal agency with the originals or true copies of all information and documents pertaining to the surplus real property in the possession of the owning agency and copies of which have not been filed with the declaration. Upon receipt of the copies of the declaration, the district supervisor will request from the owning agency originals or true copies of all such information and documents. This material ordinarily will include appraisal reports, maps, abstracts of title, tax receipts, affidavits of title, copies of judgment in condemnation proceedings, and other title papers relating to the property. In instances where the War Department is the owning agency, requests for abstracts of title or other title papers should be addressed to the Office of the Chief of Engineers, Attention: Director of Real Estate, Washington 25, D. C.

§ 5.302–02 *Return of documents to owning agency.* Any papers or documents which the owning agency requests be returned to it shall be returned promptly when there is no further need for them in connection with the disposal operations.

§ 5.303–01 *Assumption of custody and control of property.* Upon the filing of a declaration of surplus real property, the War Assets Administration shall work out with the owning agency mutually satisfactory arrangements for the assumption by the Administration of the custody and control of, and accountability for, the property covered by such declaration. After assumption of custody and control of the property, the Administration shall be responsible for the care and handling of such property pending its disposition or pending its assignment, in whole or in part to another disposal agency. When surplus real property is assigned to the Farm Credit Administration as disposal agency, the district supervisor shall promptly work out by agreement with the appropriate regional office of the WAA mutually satisfactory arrangements for the disposal agency's assumption of the physical custody and control of, and accountability for the property covered by the declaration of assignment. This acceptance of accountability should be signed by the district vice president of the Federal Farm Mortgage Corporation.

§ 5.303–02 *Repairs and improvements.* The disposal agency shall make repairs necessary for the preservation and maintenance of the property; no disbursement may be made for these purposes without the approval of the district office. The disposal agency is not authorized to expend any funds for improvement of real property declared to it as surplus or for the erection of structures thereon, except as may be specially authorized by the WAA.

§ 5.303–03 *Leasing.* In proper cases the disposal agency may lease or grant

permits on the property as provided in § 5.610–01, et seq.

§ 5.303–04 *Insurance.* In accordance with the general policy of the Government not to incur expense for the insurance of public property, insurance shall not be obtained or carried on improvements at Government expense.

§ 5.304–01 *Descriptions.* The disposal agency shall obtain the full and correct legal description of the property to be disposed of and take the steps necessary to determine its exact location and area.

§ 5.305–01 *Surveys.* Surveys shall be made when necessary and markers or monuments placed upon the ground in order to establish the boundaries of tracts as acquired by the Government. Ordinarily it will not be advisable to make the survey prior to appraisal in order that appraisals may conform to the area of the original tracts.

§ 5.306–01 *Subdivisions; economic units.* For disposal to other than Government agencies, State or local governments, former owners or tenants, surplus real property shall be subdivided by the disposal agency into appropriate units for disposal. Section 23 real property classified as suitable for agricultural use shall be subdivided by the disposal agency into economic family-size units wherever practicable. The size of such units may vary according to the conditions and farming practices in the locality where the land is situated. Section 23 real property not classified as suitable for agricultural use shall be subdivided or regrouped into appropriate units considering the character of the property, the use or uses to which it may be put, and the possibility of giving veterans and those who will use the property personally a fair opportunity to acquire and utilize the property. Plans for repatterning should be developed as soon as practicable after the disposal agency receives the declaration of surplus and the actual work of repatterning should be completed at the earliest possible date after the expiration of the priority period. Repatterning may be delayed if it appears that the property will be absorbed by the priorities of Government agencies, State or local governments, former owners, or tenants.

§ 5.306–02 *Contacts with other agencies.* In repatterning real property into economic family-size units, consideration shall be given to any available information published by the Department of Agriculture relating to economic size of farms in the area concerned. Ordinarily it will be desirable to confer on the site with representatives of the Bureau of Agricultural Economics, Soil Conservation Service, Agricultural Extension Service, and local representatives. In most instances agencies of the Department would be represented in such conferences by persons from regional offices of the agencies. Arrangements for such conferences and requests for information should be made by the district supervisor through the central office of the Farm Credit Administration except that any State and local contacts may be made direct.

§ 5.307–01 *Notice and advertisement; wide publicity.* The disposal agency shall avail itself of all suitable means to give wide publicity to the availability for disposal of surplus real property.

§ 5.307–02 *Publication of notice.* Except where a transfer is requested by a Government agency, the disposal agency, upon receipt of a declaration of surplus real property, shall promptly and widely publicize the property, giving information adequate to inform interested persons of the general nature of the property and its possible uses. Such publicity shall be by public advertising and also may include press releases, display advertisements, and other appropriate means which it is customary to use in advertising public notices of sale. Public advertising shall consist of a sale notice containing substantially the matter set forth in exhibit 34,[1] including a reservation of fissionable materials, as provided in 32 CFR, Supps. 8305.12 (f) (5). With respect to other than section 23 real property, including structures to be disposed of separate from land, such notice shall be published one or more times during the 10 days following the date of the first publication. With respect to section 23 real property, exclusive of structures to be disposed of separate from land, such notice shall be published at least three times during the 90 days following the date such notice is first published, at approximate intervals of 21 days, unless a Government agency or State or local government exercises its priority to acquire the property within the prescribed 10-day priority period for such claimants. The priority chart set forth in exhibit 35[1] hereof may be used as a guide in preparing the notice for publication. Ordinarily it will not be necessary to include all the information in the chart in any one notice. For example, if the declaration indicates that all tracts within the project area were acquired by the Government on or before December 31, 1939, it will not be necessary in preparing the notice to call attention to the priorities applicable only to section 23 real property acquired after that date.

§ 5.307–03 *Notice of sale.* In the "Notice of Sale" the FFMC shall be indicated as the disposal agency. If an office is established on the site, the address of the office, and ordinarily the name of the project manager, shall be shown in the notice for the benefit of persons seeking information about the project. If no project office is established on the site and a project manager will not be available there, such other address shall be indicated as will enable all persons to obtain information readily. The notice of sale shall be signed by the district vice president of the FFMC authorized by order of the Secretary of Agriculture to contract with the newspaper for advertising space.

§ 5.307–04 *Advertising order.* The disposal agency shall arrange with the newspapers selected for the publication of the notice of sale on Government Advertising Order, Standard Form No. 1053.

[1] Not filed with the Division of the Federal Register.

§ 5.307–05 *Payment of public voucher for advertising.* The following forms set forth the requirements to be met as a condition to payment of the voucher:

Statement of Advertising Rates—Std. Form No. 1052.
Public Voucher for Advertising—Std. Form No. 1054 (white copy).
Public Voucher for Advertising—Std. Form No. 1054a (yellow memorandum copy).

Standard Form No. 1052 requires that the publisher file with the department or office a sworn statement of his advertising rates which must be the commercial rates charged to private individuals with the usual discounts. After this sworn statement is once filed with the district office and space is again purchased from the same newspaper, it will not be necessary for the publisher to again file his sworn statement of advertising rates unless there has been a change in the rates charged subsequent to the filing of the last statement. The district office should determine that Standard Form No. 1054 has been properly completed by the publisher and that a clipping from the publication is pasted thereon; if the voucher is to be supported by a Standard Form No. 1052 previously received from the publisher, appropriate indication that a form 1052 is on file, and the date thereof, should be stated in the block provided for additional statements by the Corporation. The district vice president of the Federal Farm Mortgage Corporation should execute the certifications at the bottom of the voucher. The bank should retain in its files, as evidence of its payment as agent of the Corporation, a copy of the notice originally submitted to the publisher, a copy of the advertising order, and the voucher, to which should be attached a copy of the notice published.

§ 5.307–06 *Authority for payment of public voucher.* Authority is furnished the vice president of the Federal Farm Mortgage Corporation to sign Standard Form No. 1053 in contracting for newspaper space under order of the Secretary of Agriculture dated September 7, 1945 (10 F. R. 11415). Copies of this order may be used as required in furnishing the publisher with evidence of the authority of the officer in contracting for newspaper space. Ordinarily the information to be furnished on the advertising order showing the date of authority to advertise should be sufficient evidence to the publisher of the authority of the officer contracting for newspaper space. Ordinarily, in purchasing advertising space from a particular newspaper arrangements should be made for the four publications of the notice at the time of submitting the advertising order. This would obviate the necessity of furnishing the same newspaper with additional advertising orders and provide for the payment of one voucher covering the total cost of the four publications required.

§ 5.307–07 *Selection of newspapers.* In selecting the newspaper in which to publish the notice and advertisement, consideration should be given to the total circulation of newspapers and to the coverage of the general area in which

the project is located. Within the discretion of the district office the notice may be in the form of a display ad or a legal notice depending upon the circumstances, with due regard for the need for economy.

§ 5.307–08 *Notice by mail.* Where (a) a transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, its need being recognized as paramount, or (b) a transfer is requested by the National Housing Administrator pursuant to Public Law 292, 79th Congress (59 Stat. 674; 42 U. S. C. Sup., 1572), no notice to other Government agencies is required. In all other cases where a transfer is requested by a Government agency, the disposal agency shall send (not publish) a notice of availability by mail to all Government agencies listed in exhibit 36 [1] of the regulations in this part. When publication is required, as provided by § 5.307–02, at the time of the first publication of the notice, the disposal agency shall send a copy of the notice by mail to all Government agencies listed in exhibit 36 hereof, to the State and the political subdivision in which the property is located, and to the former owner when he is entitled to priority. The notice to the former owner shall be sent by registered mail to his last known address with return receipt requested. Where the former owner is outside the continental United States, a copy of the notice to the former owner may be sent to the spouse at the last known address. Notices to the State governments shall be addressed to the Secretary of State, and those to political subdivisions of a State should be addressed to appropriate officers. In order to bring to the attention of the proper officials the special priority of State and local governments in reestablishing highways or streets, a covering letter to the Secretary of State should be sent with the notice of sale, advising him that no additional notice has been mailed to the other State officers and requesting that he bring this matter to the attention of the appropriate State officials who might be interested. Also a copy of the notice should be sent by registered mail to the county highway commissioners and other appropriate officials of incorporated cities or municipalities or other political subdivisions in which the property is located. Such notices should be accompanied by a covering letter, which may be a circular letter, calling attention to the special priorities provided by the act and regulations and quoting the pertinent portion of WAA Regulation 5, section 11 (32 CFR, Supps., 8305.11). If there is any question as to the political subdivisions within a State, information should be requested from the Secretary of State prior to sending out notices.

§ 5.307–09 *Form of notice by mail.* Where publication is not required, as provided in §§ 5.307–02 and 5.307–08, the form of notice shall be prepared in substantially the same form as that prescribed for publication. Where publication is required, a copy of the notice published in newspapers will be sufficient to constitute appropriate notice by mail. In order that these notices may be mailed as of the date of publication in newspapers, the district office should request preprints from the newspapers in sufficient quantity to cover its needs for all notices by mail. One preprint of each notice as first published shall be mailed to the central office for its records, and one should be retained in the project file in the district supervisor's office. In the event preprints cannot be obtained, copies of the notice may be prepared in appropriate form and substituted for the preprints in meeting the requirements of this section.

§ 5.307–10 *Additional notice.* If the disposal agency decides to permit priority holders who have not exercised their priorities during the priority period to submit offers after such period has expired, such additional notice may be given to priority holders as the disposal agency shall deem proper.

§ 5.308–01 *Time when, and nature of, information to be made available.* Every effort shall be made to have available in the office of the officer having charge of the disposal, as soon as possible after notice of availability is first published, all necessary information concerning the property. This shall include the appraised value of the property, the unit sizes in which the property will be sold to various classes of purchasers, the priorities and the time and method of exercising them, the maximum prices which may be charged different priority buyers, and all other terms and conditions of sale. Any person shall be entitled, upon request, to receive such information or have access thereto at all reasonable times, as well as information concerning offers, exercises of priorties, and sales that have been made at the time of the inquiry.

APPRAISALS

§ 5.401–01 *Application of established policies and standards.* The policies, standards, definitions, and basic methods for determining values as established and used in the regular appraisal work of the FCA shall be followed in appraising surplus agricultural and forest property insofar as they are applicable to particular situations.

§ 5.401–02 *Scope of information.* Because of the numerous priority rights established by the act, it is important that appraisers develop complete information and data which may affect any of the values established for each property. Appraisal reports should reflect full information on all factors which have a bearing upon the appraiser's conclusions as to values established.

§ 5.401–03 *Developing information.* The act establishes rights to be accorded various groups of priority holders and the regulations provide that information regarding the appraised value of property, unit sizes in which the property will be sold to various classes of purchasers, and the maximum prices which may be charged different priority buyers shall be made available to anyone who requests it. Accordingly, in developing appraisal information the appraiser should refer to all available sources in order that the conclusions reached may be supported by valid evidence. It is particularly important that the damage or benefit to property as a result of action by the United States be fixed only after thorough consideration of the original appraisal data, the results of court action in case of condemnation proceedings, and of any available information furnished by the former owner, the former tenant, or others in the community.

§ 5.402–01 *Current market value.* (a) This value is the highest price the property will bring in terms of money if offered for sale in the open market with reasonable time to find a purchaser, buying with knowledge of the uses and purposes to which it is adapted and for which it is capable of being used. The appraiser should approach the problem from the viewpoint of the average buyer or seller in the community. Emphasis should be placed upon those factors affecting the sale price of the particular property, such as the productivity and earning power of the land, and proximity to towns and real estate developments. Consideration should be given to the highest and best use to which the property is reasonably adapted. Actual sales of similar properties in the community are the best evidence of market value. The appraiser should have intimate knowledge of recent sales and prices for which properties are offered for sale. When no recent transfers have been made, sales of more remote date may be used provided consideration is given to the trend of real estate values from the time of such sales to the date of appraisal. The sales information should be verified, the subject property inspected, and the conditions determined under which the transfers were made. It is believed that sales where the soil is of similar type and productivity can be used by making appropriate adjustments to compensate for differences, such as the absence of community advantages, the lack of buildings, or the fact that the land may be somewhat out of condition. Comparative studies of such information should be helpful in estimating the value of the particular property and in substantiating the conclusions reached.

(b) The appraisal supervisor will be responsible for the development of a list of comparable sales where practicable, to be used by the appraisers and other project personnel. To be of most value to those who will use it, the list should include the actual transfer data as taken from the records, a statement as to whether the sales data was verified, including any special conditions under which the transfer was made, and a brief general description of the property transferred. The list should be accompanied by a map showing the location of the listed properties in relation to the project. In view of the great variation among projects, it will be discretionary with the project appraisal supervisor as to whether the complete list or portions thereof be included in the individual appraisal reports. At any rate, the list should be made a matter of record in the project office, and two copies should be furnished the chief reviewing appraiser.

§ 5.402–02 *Adjusted value to be used as basis for price to former owners and tenants.* (a) In cases of section 23 real property acquired by the Government after December 31, 1939, former owners, or the spouse and children of deceased former owners, and tenants of former owners at the time of acquirement are entitled to purchase substantially the identical tract which the Government acquired from them, at the lower of (1) current market value or (2) the price for which the property was acquired by the Government, adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States. In order to establish this price it is necessary to make a determination as to the effect on the value of the property, which was acquired by the Government and which has been assigned for disposal, of any improvement or damage resulting from action by the United States.

(b) The acquisition price shall be the basis for determining this adjusted value regardless of whether such acquisition price was based on the value in the acquisition appraisal report or was fixed by negotiation or by court action. The land, building, and unit values shown in the acquisition appraisal report will furnish evidence as to their relative value at the time of acquirement, which should prove helpful to the appraiser in the determination of adjusted value.

(c) In those cases where only a portion of the original tract acquired by the Government is being disposed of, the acquisition price of the portion to be sold will be determined by prorating the purchase price of the whole tract on the basis of the relative value of each portion at the time of acquisition. In most cases a study of the original acquisition appraisal report in conjunction with a field inspection will be required in order to properly determine the relative proportion of the acquisition price assignable to the part to be sold. This proportionate amount shall thereafter represent the acquisition price of the tract to be disposed of.

(d) In those cases where only a part of a farm was acquired by the Government, the acquisition price shall include any amount which may have been allowed for "severance damage." "Severance damage" may be defined as the amount paid by the Government over and above the value of the portion taken, representing payment for damages to the remainder caused by the taking. While the methods perhaps varied considerably, the general practice in connection with appraisals made at the time of acquisition by the Government, where the case involved a partial taking, consisted fundamentally of (1) appraising the value of the entire unit as it existed before the taking and (2) appraising the value of the portion remaining considered as a unit by itself. The difference between these two values constitutes the acquisition price in such cases.

(e) In many cases where the Government acquired land for war purposes the amount paid the owners for land purchased included a certain amount for damages to growing crops. If the amount paid for crop damage can be determined as a separate item, it should not be included in the "acquisition price" of the tract.

(f) In some cases the owners of the land reserved, in their sale to the Government, certain buildings or improvements which they removed from the land at their own expense. In some such instances the Government deducted an amount, representing the fixed or agreed salvage value of the improvements, from the actual purchase price of the farm and paid the owner the balance. If, in those cases, the amount so deducted can be determined, it should be included in establishing the "acquisition price" of the tract. The removal of the improvements, even though it was actually done by the owner, will be considered to be action of the Government and will be reflected in the "adjusted value." In other words for all practical purposes the reservation of the improvements would be treated as a separate transaction representing a resale by the Government to the former owner.

(g) The direct effect of action by the United States ordinarily will relate to such factors as the removal of buildings, fences, other types of improvements, the construction of ditches, or other changes that may affect the farm from the viewpoint of facility of farming operations. Also, it may be appropriate to consider the indirect effect of actions such as the elimination of roads and the removal of schools or other community facilities. Ordinarily, information should be available prior to appraisal as to the intention of the State or local government with reference to the placement of public roads and perhaps other community facilities. Insofar as practicable, damages should be calculated upon those factors which lend themselves to objective measurement. The removal of a church or community center from a community is an example of an action the effect of which would be difficult to establish by any objective method in fixing the value of a particular tract of land. On the other hand, if it can be determined that in reestablishing any such facilities assessments against a tract of land will be made, appropriate weight should be given to this fact. Likewise, consideration should be given to any measurable benefits that have accrued or may accrue as a result of actions by the United States. For example, the improvement of drainage facilities or elimination of ditches may have resulted in measurable benefits to the tracts in the area affected; such benefits should be reflected in the value to be established.

(h) In estimating this increase or decrease in the value of the property substantially the same general procedure will be followed as is used to determine in the case of land bank loans the effect of a partial release on the value of property which, as outlined in paragraph (d) of this section, is also the usual procedure followed by the War Department in determining severance damage where only a portion of the farm is to be acquired. In applying this principle the acquisition price will be the value of the property before action by the United States and the adjusted value will reflect any changes resulting from the action of the United States. In effect the adjusted value will be an estimate of what the value of the property would have been as of the date of acquisition if the damage or improvement caused by action of the United States such as removal or construction of buildings, destruction or building of roads, or other changes had occurred at that time. This estimate should be made on the basis of the same levels of value as are reflected in the acquisition price regardless of how such acquisition price was determined.

§ 5.402–03 *Value to be used in fixing price to veterans.* Veterans, or the spouse and children of deceased veterans or the spouse and children of deceased servicemen, are given the right to purchase surplus real property at a price fixed by the disposal agency after taking into consideration the character of the property and if income producing the estimated earning capacity thereof on the basis of its highest and best use. This value in no event should be greater than the current market value and is defined as a price that is justified on the basis of expected returns with appropriate consideration given to present conditions and current commodity prices as well as to normal conditions and prices. It can be considered as a price which a purchaser is warranted in paying for the property for continued use or as a long-term investment.

§ 5.402–04 *Fair value.* Government agencies are accorded the right to acquire surplus real property at a price equal to the fair value. Fair value is defined as the maximum price a well-informed buyer acting intelligently and voluntarily would be warranted in paying if he were acquiring the property as a long-term investment or for continued use with the intention of devoting it to the best or most productive type of use for which the property is suitable or capable of being adapted. The appraiser shall give consideration to the character of the property, and if income-producing, the estimated earning capacity thereof. This value in no event shall be greater than the current market value and may be further defined as a price that is justified on the basis of expected returns with appropriate consideration given to present conditions and current commodity prices as well as to normal conditions and prices. In making the appraisal of fair value to be used in disposal to Government agencies, neither the original cost to the Government nor the purposes for which it is being acquired shall be taken into account. For the purpose of appraisal of "Section 23 real property", the term "fair value" is considered virtually synonymous with the "price to veterans" as defined in § 5.402–03.

[1] Not filed with the Division of the Federal Register.

§ 5.404–01 *Developing basic information.* It is likely that each project will present special problems and in order to plan the work effectively the appraisal supervisor and the appraisers should (a) study the appraisal data and all other information furnished by the owning agency on each tract acquired by the Government, and the instructions under which the appraiser operated when the original appraisals were made; (b) make a general survey of the project noting (1) the type of community, (2) the condition of the land, (3) the changes since acquirement, such as removal of buildings and destruction of roads, and whether any buildings constructed by the owning agency can be utilized for farming operations, (4) possible uses that may be made of the land, (5) wells or other sources of water supply, and (6) conveniences, such as telephone, electric power lines, schools, churches, and roads that are or will be available; (c) establish tentative levels of value for the different grades of land in the project; (d) assemble where practicable recent sales data for use in supporting the current market values established as outlined in § 5.402–01 (b); and (e) develop information as to the demand for land of the type in the particular project. (Since it is important to have the standards used in establishing values consistent among projects, the chief reviewing appraiser should, if possible, assist in this preliminary survey.)

§ 5.404–02 *Appraising the individual tracts.* With respect to section 23 real property acquired by the Government after December 31, 1939, in making appraisals of the individual tracts arrangements should be made for the former owner to accompany the appraiser during his inspection of the property, if practicable. This will give him an opportunity to present to the appraiser any information he may have as to the changes in the property and the effect on the price for which he is entitled to repurchase his farm. The appraisers will assign a current market value and also estimate the adjusted price at which each tract may be sold to the former owner or tenant. It will not be feasible to establish the price to veterans at this time unless (a) it is anticipated that only a relatively small part of the land will be sold to higher priority holders and (b) it is unnecessary to make changes in the original boundaries in order to block the land into economic units before offering it for sale to veterans. In other words, it would not be practicable to establish the price to veterans until it is determined definitely what land will be available to offer to them. Likewise it will not be feasible to establish the fair value at this time unless it is contemplated that disposal will be made to a Government agency. In such instance the fair value will be established for the specific acreage or property to be acquired by the Government agency.

§ 5.404–03 *Appraisal report.* (a) Since in many instances it will not be practicable to establish the price to the former owner and to veterans at the same time, two appraisal report forms are provided, FCA 1181 SPD and FCA 1181a SPD. Where the price for all priority holders is established at the same time, it will not be necessary to duplicate any information in the second report that is included in the first. In such cases the second form will be in the nature of a supplemental report. In reporting the fair value of "section 23 real property" Form FCA 1181a SPD will be used, adapting it where necessary to fit the case. In making appraisals, full information should be shown in the report to substantiate the conclusions reached. This will include any sales data used in establishing the current market value of the particular property and a clear statement of the consideration given to various factors relating to the estimate of the increase or decrease in value resulting from action by the United States.

(b) It is extremely important to maintain a high degree of consistency in the valuations of the various tracts of each project. The appraisal supervisor shall not release the appraisal reports until the valuations on all the properties have been completed and adjustments made to correct any inconsistencies in values among the individual units. A representative of the chief reviewing appraiser's office should participate in this final review.

(c) After the review is made the appraisal reports should be prepared in final form in duplicate in the project office. The original copies will be transmitted to the district office and the duplicate copies will be filed in the tract folders in the project office.

§ 5.404–04 *Appraisal report (Form FCA 1181 SPD).* (a) The "Current Market Value" and the "Adjusted Value" will be furnished on Form FCA 1181 SPD. However, since former owners or tenants of former owners do not have any priority to purchase property acquired by the Government on or before December 31, 1939, this form will not be used in any instance where the property was acquired on or prior to that date.

(b) The following should be observed in completing Form FCA 1181 SPD:

(1) *Sections A to D.* This page is designed to enable the appraiser to give in sections A and C, a description of the immediate area and the property at the present time and to list in sections B and D the changes in both the area and property since acquirement. This information is necessary to substantiate the current market value and to show the factors considered in determining the increase or decrease in value resulting from action by the United States. The information should be complete and the changes in the property described in some detail in order to show clearly the factors taken into consideration in establishing the price at which former owners and tenants are entitled to purchase the property.

(2) *Section E; acreage classification.* This space is provided to give the acreage breakdown by types and grades of land, a description of the various classifications, and information with respect to the present condition and changes since acquirement. The acre values and total land value will not be shown.

(3) *Section F; description of buildings.* Each building or improvement of a structural nature should be described in this section of the report. However, it will not be necessary to show building values in this report except in those cases where the particular building has relatively little or no "in place" value and should be sold separate from the land. In that event the current market value of the building as defined in § 5.405–03, relating to buildings to be removed, will be shown in the column headed "current market value." The total of any such values should be shown on the face of the report as the "C. M. V. of Buildings Surplus to this Property", and the general remarks should include the appraiser's recommendation as to whether such buildings should be disposed of separate from the land. Ordinarily where it is recommended that the buildings be sold separate from the land, they should not be considered in the establishment of a value on the tract as a whole. In any event, this point should be clarified in the remarks.

(4) *Section G; classification of property.* An agricultural property should be classified in its present condition on the basis of the definitions for classification of farms in sections A205 and A209 of the Manual for Land Bank Appraisers. If the property is not agricultural then the classification may be omitted; however, in such event the nature of the property should be indicated together with the appraiser's opinion as to its highest and best use.

(5) *Section H; general remarks.* It is important that a statement be included in each report showing any material assumptions or factors on which the values established are based such as the reestablishment of roads, the availability of electricity and telephone, etc. Unless special circumstances make it necessary to take into account a prospective delay in delivering possession to a purchaser the appraisal should be based on the assumption that possession will be delivered immediately upon sale, and this assumption need not be expressed in the report. Cases of sales subject to unexpired leases will be handled as provided in § 5.610–05.

(6) *Plat of farm.* The plat is to be prepared in the regular manner using the standard legend except that land use will be designated by the words "crop," "pasture," etc., instead of by coloring. The plat should be prepared in all cases on the appraiser's copy of the report for use by the appraisal supervisor and the chief reviewing appraiser in checking and correlating the values established on the properties in the project. It is discretionary with the disposal agency whether the plat is furnished on the report when it is prepared in final form.

§ 5.404–05 *Appraisal report (Form FCA 1181a SPD).* (a) The "Price to Veterans" will be furnished on Form FCA 1181a SPD. This form will also be used in reporting the "Fair Value" of real property where purchase is contemplated by a Government agency. In the event

the form is used at the time the first appraisal is made or at a later date in reappraising the identical tract on which a report on Form 1181 has been made, any information shown in the former report need not be repeated. It will, however, be necessary to show any changes in the property or in the current market value since the previous appraisal.

(b) The following instructions should be observed in completing Form FCA 1181a SPD:

(1) *Sections A and B.* Sections A and B are the same as A and C in Form 1181.

(2) *Section C; earning power of farm.* The act requires that the earning capacity of the property be taken into consideration in establishing the price to veterans. In connection with agricultural property the cropping program and estimated yields should be on the basis of the present condition of the farm except that any improvement to the land or buildings which will require only a nominal amount of expense may be anticipated. The income should be estimated on the basis of normal prices. Full explanatory statements should be made in the event it is not possible to visualize a crop setup or income that may be expected because of the condition of the property.

(3) *Section D.* In the appraisal of agricultural property the classifications, descriptions, and valuations should be on the same basis as in regular farm appraisal work. In the appraisal of property not suitable for agriculture the acre values and total land values will not be shown.

(4) *Section E.* (i) In the appraisal of agricultural property the buildings will be described and the value to the farm established on the same basis as used in regular farm appraisal work, except those buildings referred to in subdivision (iii) of this subparagraph. The normal agricultural value and normal market value will be established on the same basis as used in regular farm appraisals.

(ii) In the appraisal of property not suitable for agriculture the buildings will be described, but individual building values will not be shown except for those buildings referred to in subdivision (iii) of this subparagraph. The space provided for the "normal agricultural value" will not be used in the appraisal of nonagricultural property.

(iii) Those buildings which have relatively little or no "in place" value and which should be sold separate from the land are to be handled in the same manner as prescribed for such buildings in connection with report Form FCA 1181 SPD (see § 5.404–04 (b) (3)).

(5) *Section F.* The same instructions will apply to this section as to section G of Form 1181.

(6) *Section G.* Section G is the same as section H in Form 1181.

(7) *"Fair value."* In reporting the "fair value" for sale to Government agencies it will not be necessary to show the current market value on Form 1181a.

§ 5.405–01 *Buildings and improvements to be sold separate from land.* In some instances the disposal agency may be called upon to dispose of certain buildings and improvements which cannot be sold advantageously with the land. As in the disposal of surplus land, Government agencies are entitled to purchase buildings and improvements at a fair value, the criterion for which is furnished in the following section. In the appraisal of such buildings and improvements to be removed from the land, unless otherwise designated the estimate of value shall be based on the assumption that the buildings and improvements will be sold "as is" to be removed from the premises by the purchaser within a specified time at his own expense.

§ 5.405–02 *Fair value of buildings and improvements to be removed.* The fair value shall be considered to be the maximum price which a well informed buyer acting intelligently and voluntarily would be warranted in paying if he were acquiring the property for the purpose of devoting it to its highest and best use or for adopting it or the material therein to equally useful purposes, taking into account the fact that the building or improvement will have to be removed to a new location. In this connection, the appraiser will consider the most probable and economical method or methods of removal and the cost thereof, i. e., whether the building can be moved intact, or in sections, or whether it may be necessary to dismantle it completely. This factor will require special consideration in rural areas where the cost of removal and reestablishment of the structures may be lower than in more industrialized areas. The estimate of fair value shall take into account only those rights in structures and facilities or equipment therein or attached thereto which would be of use to such a buyer and only to the degree to which they would be of use. It shall be recognized that the fair value of the property is not in excess of the prices at which other similar properties having a like utility are actually selling on the market or which amount together with cost of removal to a new location will not exceed the total cost which would be required to erect and equip a similarly useful structure. Neither the cost to the Government nor the characteristics nor readiness to buy of any particular prospective purchaser shall be taken into account.

§ 5.405–03 *Current market value of buildings and improvements.* "Current market value" as relating to improvements to be sold separate from the land is defined as the highest price the property will bring in terms of money if offered for sale in open market with reasonable time to find a purchaser. In establishing this value the appraiser should approach the problem from the viewpoint of the typical purchaser, taking into consideration those factors affecting the sale price of the particular property. Emphasis should be placed on the demand for the type of improvement or for salvageable material therein, with special consideration given to any unusual or enhanced local demand and the adaptability of the improvement or material to the current local needs. The probable method of removal of the building and the cost thereof are other factors to be considered by the appraiser. These factors are especially important in rural areas where a considerable portion of the buildings may be sold to farmers who could use family labor and comparatively low cost hired labor in the removal and reestablishment of the buildings. The appraiser should make a study of recent sales of similar buildings or improvements. If there are no available data on sales of similar improvements, comparative studies should prove helpful, e. g., buildings of entirely different types may have been constructed of similar materials and consequently the salvageable material may be similar or if not similar may have relative values which may be used as a guide in setting the current market value of the improvements or buildings to be sold.

§ 5.406–01 *Appraisal of surplus easements.* For the purpose of appraisal for disposal, easements will be considered from the standpoint of their expected future usefulness. It is anticipated that in some instances surplus easements to be disposed of will be of such nature or so located that they will have a commercial or resale value. In the evaluation of such easements the appraiser ordinarily will follow the same approach as outlined in §§ 5.402–01 to 5.402–04, inclusive. On the other hand there will be surplus easements which have no future use or commercial value as such. Ordinarily these easements will have only a "nuisance value" and will be disposed of to the owner of the land subject to the easement at a nominal consideration or without consideration. In that event no appraisal will be required. However, those easements originally acquired at a substantial consideration including those involving severance damages may be disposed of only at a "reasonable" value. In the determination of the reasonable value the appraiser will consider any improvement in the utility value or enhancement in desirability or salability of the property subject to the easement, which may arise from the elimination of the easement. Unless otherwise designated the appraisal will be based on the assumption that no physical changes or improvement will be effected by the Government, however, consideration should be given to the fact that once the easement is eliminated the owner of the land can make such improvements as are prudent, though at his own expense. In effect the appraiser will use a "before and after" approach in which the enhancement in value is measured by determining the difference between the value of the property subject to the easement (as the value before) and the value of the property with the easement eliminated (as the value after). In making this estimate of reasonable value the appraiser must bear in mind the fact that ordinarily the owner of the property subject to the easement is the only prospective purchaser.

PRIORITIES AND PRICING

§ 5.501–03 *Time and method of exercise of priority by Government agencies.* Government agencies shall have a period of ten (10) days in which to exercise

their priorities after the date notice of availability is first published, as provided in § 5.307–02, or the date on which notice of availability is mailed to them, as provided in § 5.307–08. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the priority holder files a written statement of its desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those that have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a Government agency shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay (or that a transfer without reimbursement or transfer of funds is authorized by law), the length of time, if any, needed to acquire funds to purchase the property, all pertinent facts pertaining to the needs of applicant for the property and that the property is being acquired for its own use and not for transfer or disposition. If the applicant shall require time to obtain funds, or authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such an application containing such a statement, the disposal agency shall forward a copy of the same to the WAA. The Administrator will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude such purchase and will advise the disposal agency and the applicant of such determination. During the time thus allowed, the property may not be disposed of except where the priority period has expired and applicant's price is less than the fair value and either a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

§ 5.502–03 *Time and method of exercise of State and local government priorities.* State and local governments shall have a period of ten (10) days in which to exercise their priority after the date notice of availability is first published, as provided in § 5.307–02. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase, accompanied by an appropriate deposit if funds are available at the time for this purpose, it being in the discretion of the district office to determine the amount and whether funds are available. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the State or local government files a written statement of its desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those who have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a State or local government shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay for the property, and the length of time, if any, needed to acquire funds to purchase the property. The application shall show in detail the contemplated use of the property and set forth that the property is being acquired to fulfill, in the public interest, its legitimate needs. If the applicant shall require time to obtain funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such application containing such a statement the disposal agency shall forward a copy of the same to the WAA. The Administrator will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude the purchase and will advise the disposal agency and the applicant of such determination. During the time thus allowed, the property may not be disposed of except when the priority period has expired and applicant's price is less than the current market value and a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

§ 5.503–02 *Multiple former owners.* No division of a tract as purchased by the Government from a single ownership may be made to accommodate a former owner. In the case of common or joint former owners, if all wish to exercise their priority rights, they may do so and the entire tract may be sold to them. If one or more of the former owners, but fewer than all, desire to purchase the tract, they may do so. The priority rights of those who do not exercise them within the 90-day period will expire. No tract will be partitioned for the benefit of a former owner and no undivided interest will be sold to a former owner or to former owners pursuant to the priority rights of former owners.

§ 5.503–04 *Time and method of exercise of priority by former owners.* The time for exercise of the former owner's priority shall be a period of ninety (90) days after the date given in the notice required by these regulations, or such additional period as the WAA may allow where necessary or appropriate to facilitate a sale of the property to a former owner entitled to priority; and an additional period of thirty (30) days shall automatically be allowed if the disposal agency determines that the former owner is outside the continental United States. Within such period the former owner shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase, accompanied by an appropriate deposit as determined by the district office. When, however, an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a former owner files a written statement of his desire to acquire the property. As soon as the necessary information becomes available (whether during or after the priority period or in the extension thereof), a former owner who has filed such a statement shall be so advised in writing and given 15 days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.503–06 *Deed to another party where former owner exercises his priority.* It is permissible for the disposal agency to make the wife of a former owner, or any other party, grantee or co-grantee in the deed upon the request of a former owner exercising his priority. Furthermore, a former owner is not prohibited from exercising his priority with the intention of reselling the property. However, no former owner may exercise his priority acting as agent of, or otherwise in a representative or fiduciary capacity for, another party. Therefore, a request from a former owner to name someone else in the deed might, depending upon the circumstances of each case, be deemed sufficient to put the disposal agency on inquiry as to the bona fides of the offerer and to justify a reasonable investigation of the facts.

§ 5.504–03 *Time and method of exercise of tenant's priority.* The time for exercise of a tenant's priority shall be a period of ninety (90) days after the date given in the notice required by the regulations in this part. Within such period the tenant shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase accompanied by an appropriate deposit as determined by the district office. When, however, an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a tenant files a written statement of his desire to acquire the property. After the necessary information becomes available, a tenant who has filed such a statement shall be so advised in writing and be given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.504–04 *Extent of tenant's priority.* The priority of a tenant not exercised during the priority period shall expire upon the termination of such period; provided the disposal agency may, in its discretion, permit a tenant to make an offer after the priority period has ended, as set forth in § 5.602–023. The priority of a tenant is limited to the particular property as described in 32 CFR Supps. 8305.11 (a) (4), and no assignment or transfer of a tenant's priority shall be recognized. The provisions of 32 CFR 8305.11 (c) shall apply to the exercise of a tenant's priority.

§ 5.506–01 *Veteran's priority.* A veteran and the spouse and children (in that order) of a person who died while in the active military or naval service of the United States on or after September 16, 1940, shall be accorded a priority as to all surplus section 23 real property classified by the WAA as suitable for agricultural, residential, or small business purposes. This priority shall be subordinate to the priorities of Government agencies, State and local governments, former owners, and tenants. This priority ceases to exist after its holder has once effectively exercised it, or any other priority accorded by section 23 of the act, with respect to a tract.

§ 5.506–02 *Price to veterans.* The price to veterans shall be fixed after taking into consideration the current market value and the normal agricultural value based on normal returns with appropriate consideration to present conditions and current commodity prices. Any offer by a veteran at a price less than the maximum he may be charged shall be treated as a nonpriority offer.

§ 5.506–03 *Time and method of exercise of veteran's priority.* To exercise this priority a veteran or the spouse and children of a deceased serviceman must within the ninety (90) days after publication of the notice required by the regulations in this part or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof: *Provided*, That the disposal agency may in its discretion permit veterans, or the spouse and children of deceased servicemen, to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period as set forth in § 5.602–023. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the veteran's priority with respect to any and all tracts of the project. Where an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a veteran files a written statement of his desire to acquire the property. As soon as the necessary information becomes available, a veteran who has filed such an offer or statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.507–04 *Time and method of exercise of owner-operator's priority.* To exercise this priority, an owner-operator must within the ninety (90) days after publication of the notice required by the regulations in this part or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof: *Provided*, That the disposal agency may in its discretion permit owner-operators to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period as set forth in § 5.602–023. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the owner-operator's priority with respect to any and all tracts of the project. Where an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if an owner-operator files a written statement of his desire to acquire the property. As soon as the necessary information becomes available, an owner-operator who has filed such an offer or statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.508–04 *Time and method of exercise of nonprofit institution's priority.* Nonprofit institutions shall have a period of ten (10) days after notice of availability is first published in which to exercise their priority with respect to other than section 23 real property and shall have a period of ninety (90) days from the date notice of availability is first published in which to exercise their priority with respect to section 23 real property. Within the applicable period, a nonprofit institution shall file a written offer to purchase or statement of desire to acquire the property, accompanied by such deposit as the disposal agency may require. The written offer or statement shall show in detail the contemplated use of the property, and set forth that the property is being acquired to fulfill, in the public interest, the legitimate needs of the offeror. Such an offer or statement, even if restricted by its terms to a specifically identified tract, shall preserve the nonprofit institution's priority with respect to any and all tracts of the project. When an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a nonprofit institution files a written statement of its desire to acquire the property. As soon as the necessary information becomes available, a nonprofit institution which has filed such a statement shall be notified in writing and given fifteen (15) days or, in the case of section 23 real property, the remainder of the priority period if that is longer, within which to make an offer.

§ 5.511–01 *Certificate to be executed by disposal agency covering giving of notice and failure of priority holders to exercise priority rights.* After a sales contract is entered into between the disposal agency and a purchaser, the disposal agency shall certify that it has complied with the requirements of the act and of the regulations of the War Assets Administration concerning the giving of notice and that no holder of a priority superior to that, if any, of the purchaser has exercised his priority rights within the time limits fixed by or pursuant to the act. The certificate shall be executed on Form FCA 1183 SPD and signed by the district vice president of the Corporation. A certified copy of such certificate shall be given to any purchaser of the property at the time of transfer.

DISPOSAL

§ 5.601.01 *Terms of disposal.* Disposals generally shall be of the entire interest of the Government, except as indicated in 32 CFR, Supps., Part 8305, and shall be made upon such terms and conditions as may be necessary to protect the interests of the Government and carry out the requirements of the act. No credit shall be extended by the disposal agency in its capacity as such except in special cases and with the prior approval of the central office. The project manager should in no instance recommend any particular credit agency. Where sales are to be on a cash basis, purchasers may be allowed a reasonable time, when necessary, in which to arrange for any financing needed to complete payment of the purchase price.

§ 5.602–02 *Offers to purchase.* (a) During the applicable priority period, the project manager shall receive offers from priority and nonpriority prospective buyers. However, no offer shall be accepted during any priority period except in the following cases:

(1) Where an immediate transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, or

(2) Where an immediate transfer is requested by the National Housing Administrator pursuant to Public Law 292, 79th Congress, and no application has been received from another Government agency offering the maximum priority price and showing a greater need for the property, or

(3) Where surplus section 23 real property is to be advertised for 90 days and a Government agency or State or local government exercises its priority within the prescribed 10-day period, the offer of the Government agency or State or local government may be accepted after the 10-day period and before the termination of the 90-day period, or

(4) Where a former owner exercises his priority to acquire surplus section 23 real property and no offer has been submitted by a Government agency or State or local government at its maximum price within the prescribed 10-day period of priority for such claimants.

(b) Offers by Government agencies, and offers by State and local governments where funds are not available, shall be made as provided in §§ 5.501–03 and 5.502–03. All other offers shall be made on the "Offer to Purchase" form accompanied by a reasonable earnest money deposit ordinarily not less than 10 percent of the purchase price, in the form of cash, certified check, or post office money order payable to the Treasurer of the United States. Submission of offers to purchase by anyone entitled to priority shall not preclude any other party from submitting an offer.

§ 5.602–023 *Failure to exercise priority in time.* The disposal agency may, in its discretion, permit priority holders to make offers after the priority period has ended, and offers may be considered on the same basis as if they had been submitted during the priority period. Such action by the disposal agency, however, shall not be construed as extending the priority period and such offers may not be accepted to the prejudice of a timely and acceptable offer from another

priority offeror. Notice shall be given as provided in § 5.307–10.

§ 5.602–025 *Former owner's and former tenant's affidavits of eligibility.* Before the offer of a former owner or former tenant is accepted, he shall furnish an affidavit to the effect that he is a former owner or former tenant (as the case may be) of the property in question, and that in exercising his right of priority he is acting in his own right and behalf and not in behalf of, or as agent, attorney in fact, or trustee of, or in any representative or fiduciary capacity for, another. Before the affidavit is accepted from the former owner or the former tenant, he shall be informed of the substance of the provisions of section 26 of the act.

§ 5.603–5–01 *Subdividing or regrouping of tracts.* For disposal to others than Government agencies, State or local governments, former owners or tenants, surplus real property shall be divided by the disposal agency into appropriate units for disposal. Section 23 real property classified as suitable for agricultural use shall be divided by the disposal agency into economic family-size units (including part-time farms) wherever practicable. The size of such units may vary according to the conditions and farming practices in the locality where the land is situated. Section 23 real property not classified as suitable for agricultural use shall be subdivided into appropriate units in view of the character of the property, the use or uses to which it may be put, and the possibility of giving veterans and those who will use the property personally a fair opportunity to acquire and utilize the property. Plans for dividing shall be developed as soon as practicable after the disposal agency receives the declaration of surplus. The actual work of dividing shall be completed at the earliest possible date after the expiration of the priority period. Division may be delayed if it appears that the property will be absorbed by the priorities of Government agencies, State or local governments, former owners, or tenants.

OFFERS FROM VETERANS

§ 5.604–01 *Notice to veterans of remaining properties.* After all acceptable offers from Government agencies, State or local governments, former owners, and tenants of former owners have been accepted, and the appraisal and pricing of the remaining tracts and units have been completed, the project manager will make out a list of all tracts and units for sale. In compiling these lists of properties a place for list prices will be indicated, so that the prices may be inserted later, when desired, on the list to be mailed to veterans who have a priority.

In carrying out the policy and intent of the act and the regulations of the War Assets Administration in affording an opportunity to veterans and the spouse or children of a deceased serviceman or servicewoman to acquire surplus property, the project manager shall notify in writing all those who have made offers or who have filed a written statement of their desire to acquire one or more units of property, and give them fifteen (15) days within which to make an offer. This notice should generally describe the tract or units remaining to be sold and the conditions upon which written offers will be received at the project office during the period indicated.

§ 5.604–02 *Obtaining formal offers from veterans.* During the period referred to in § 5.604–01, offers should be received from all veterans who have retained their priority rights by filing a statement during the 90-day priority period. Offers should be made on the regular form for any or all tracts listed as available. Since a veteran can buy only one tract, only one satisfactory earnest money deposit shall be required from a veteran even though he may make an offer on more than one tract. The Property Record will be posted in the project office and a copy of the offer submitted to the district supervisor's office with the remittance and receipt. The same procedure will be followed in the district supervisor's office and in the district office upon receipt of these offers, as was described for offers from others. The Index of Request card in the project office will be posted to show the amount offered and date.

§ 5.604–03 *Selection of acceptable purchasers.* At the end of the designated period all offers from veterans shall be reviewed for the purpose of selecting purchasers. If equal offers are received from two or more veterans on the same property, the offer to be accepted shall be selected by lot. This drawing should be made openly and in the presence of as many as practicable of the interested parties. A record shall be made at the time of the order in which the names are drawn with respect to each tract or unit sold in this manner. If a veteran is selected for more than one unit, he shall elect in writing which property he will take.

§ 5.604–05 *Veteran's affidavit of eligibility.* When the district office is ready to accept a veteran's offer, but before the acceptance is executed, the veteran shall be required to submit an affidavit to the effect that he served in the active military or naval services of the United States on or after September 16, 1940, and prior to the termination of World War II, and has been discharged or released from such service under honorable conditions; that he has not prior to the date of the affidavit purchased under a right of priority a tract or unit of surplus real property pursuant to section 23 of the Surplus Property Act of 1944; that in exercising his right of priority as a veteran, he is acting in his own right and behalf and not on behalf of, or as agent, attorney in fact, or trustee of, or in any representative or fiduciary capacity for, another, and that the property applied for is for the applicant's own personal use for agricultural or residential purposes or to enable him to establish or maintain his own small business enterprise, indicating the particular contemplated use. If the intended use is for his own small business enterprise, it will be necessary to obtain additional factual information in order that the disposal agency may determine if the applicant's own small business comes within the definitions set forth in § 5.103–02 (p) and (q). Before the affidavit is accepted from the veteran, he shall be informed of the substance of the provisions of section 26 of the Surplus Property Act of 1944.

OFFERS FROM OWNER-OPERATORS

§ 5.605–01 *Obtaining offers.* In order to retain their priority rights owner-operators must either express their desire to purchase a particular tract or any of the tracts in a project in a written statement or submit a formal offer on tracts in which they are interested during the 90-day priority period. However, no offer may be legally accepted from an owner-operator until the expiration of the period allowed for submitting offers. After all offers from veterans have been processed, a list of remaining salable tracts shall be prepared showing the current market value, and all offers and statements of desire to acquire property filed by owner-operators shall be reviewed at this time. The project manager shall notify in writing all such owner-operators and give them fifteen (15) days within which to make an offer. This notice should generally describe the tracts remaining to be sold and the conditions upon which offers will be received at the project office during the time allowed.

§ 5.605–02 *Selection of acceptable purchasers.* If acceptable offers are received, they should be handled in accordance with the procedure for processing other types of offers. If only one offer is received for any particular tract and it is acceptable, it may be submitted immediately to the district office for approval. If more than one offer is received for a particular tract at the current market value, the purchaser shall be selected by lot, as in the case of offers from veterans.

§ 5.605–03 *Owner-operator's affidavit of eligibility.* When the district office is ready to accept an owner-operator's offer, but before the acceptance is executed, the owner-operator shall be required to submit an affidavit that he expects to operate and cultivate the land personally to earn a livelihood rather than lease it to a tenant; that he has not theretofore under his right of priority as an owner-operator (as defined in SPA Revised Regulation 5; 32 CFR, Supps., Part 1805) purchased a tract or unit of surplus real property pursuant to section 23 of the Surplus Property Act of 1944; and that in exercising his right of priority as an owner-operator, he is acting in his own right and behalf and not on behalf of, or as agent, attorney in fact, or trustee of, or in any representative or fiduciary capacity for, another. Before the affidavit is accepted from the owner-operator, he shall be informed of the substance of the provisions of section 26 of the act.

OFFERS FROM NON-PROFIT INSTITUTIONS

§ 5.606–01 *Obtaining offers.* In order to retain its priority rights a nonprofit institution must either express its desire to purchase a particular tract or any of the tracts in a project in a written statement or submit a formal offer on tracts in which it is interested during the 90-day priority period. However, no offer may be legally accepted from a nonprofit institution until the expiration of the period allowed for submitting offers. After all offers from owner-operators have been processed, a list of remaining salable tracts shall be prepared showing the current market value, and all offers and statements of desire to acquire property filed by nonprofit institutions shall be reviewed at this time. The project manager shall notify in writing all such nonprofit institutions and give them fifteen (15) days within which to make an offer. This notice should generally describe the tracts remaining to be sold and the conditions upon which offers will be received at the project office during the time allowed.

SALES TO NON-PRIORITY HOLDERS

§ 5.607–01 *Obtaining offers and acceptance of offers.* After all offers from priority holders have been processed, a list of remaining properties shall be prepared and sales negotiated by the project manager in the manner and upon the basis determined to be to the best interest of the Government. At the discretion of the district office additional notices may be published at this time in newspapers or such other publicity given to the availability of property as may be deemed advisable. Notice should be sent to individuals who have expressed a desire to purchase or who have submitted an offer at some period. Depending upon circumstances, sales may be made on the basis of sealed bids, auctions, or private negotiations. In any event offers must be accepted on the basis of the highest obtainable bid provided that no sale shall be made at a price which is less than 75 percent of the current market value as established by appraisal until such offer has been reviewed and approved by the WAA unless the price offered is the maximum price which may be charged the purchaser. At this time sales may be made to the general public, including any former priority holders. The offers to purchase will be processed and handled in the same manner as indicated in previous sections of these regulations relating to offers from priority holders. If equal acceptable offers are received from two or more nonpriority offerors, selection shall be made by lot unless otherwise authorized by the Administrator.

§ 5.608–02 *Notices in cases of nonperformance by successful bidders.* If performance of the contract of a successful bidder is not completed or if the Government agency or State or local government fails to complete its acquisition of the property after having it held for the time allotted by the WAA, all those who made unsuccessful offers during the priority period or any time allowed thereafter shall be notified by mail that if they renew their offers within fifteen (15) days from the date of mailing the notice, they will be reconsidered on the same basis on which they would have been considered had the offer accepted not been received in the first instance; *Provided*, That any case in which, after acceptance of an offer by the disposal agency, the offeror requests more time for completion of the purchase than the disposal agency is willing to grant, shall be submitted to the central office for transmittal to the War Assets Administration.

LEASING

§ 5.610–01 *Authority.* The disposal agency may lease or grant a permit on surplus property to place it in productive use pending disposition: *Provided*, That such lease shall be revocable at the will of such disposal agency; and may also, with the approval of the Administrator, grant irrevocable leases where such action would be in the best interest of the Government and meet the objectives of the act.

§ 5.610–015 *Terms and form of lease.* Land shall be leased for a period of one crop year with a clause giving the disposal agency the right of revocation at its election, using the form of "Agricultural Lease" supplied for that purpose, and with a reservation of fissionable materials as provided in 32 CFR, Supps., Part 8305. Rental prices shall be substantially in accordance with the prevailing cash rental prices at the time for comparable land in the locality. All leases shall be on a cash basis, payable in advance either annually or quarterly, depending upon the circumstances and the amounts involved. Leases may be revoked at any time during the period of the lease, using the form, "Notice of Revocation," provided for that purpose. When leases are revoked, compensation will be on the basis outlined in the lease agreement.

§ 5.610–02 *Decision to lease and selection of tenant.* The basis of determining whether or not to lease will be of advantage to the Government not only in terms of income and increase of crop production, but also in terms of aid in preventing deterioration of the soil and improvements. Before selecting a tenant, the property to be leased should be advertised in order to insure the acceptance of the highest obtainable offer from a satisfactory tenant. The notice generally describing the property to be leased and inviting offers from parties interested should be approved by the vice president of the Federal Farm Mortgage Corporation and placed in the local newspaper which will afford the greatest publicity. Ordinarily one publication of the notice, to be contracted and paid for under the procedure established by this part, should furnish sufficient publicity and the date set in the notice should be far enough ahead to permit time for those interested to appear at the project office and submit a written offer. Preferably, leases of agricultural land should be made to farm operators with sufficient equipment, labor, and resources to cultivate properly the acreage leased. Where advantages to the Government are considered equal, preference shall be given to former owners. In the discretion of the district office, it will not be necessary to advertise a property for lease in those cases where a satisfactory tenant is already in possession of the property at a rental determined to be fair to the Government. A desirable cropping program should be worked out with the tenant and made a part of each lease and should provide reasonable assurance of proper maintenance of the soil, buildings, and other improvements.

§ 5.610–03 *Preparing lease form.* (a) Upon securing an acceptable offer from a desirable tenant to lease a tract of land, the district supervisor or project manager will prepare the form of Agricultural Lease showing the description of the property, terms of lease, rental arrangement, acreage and crops to be seeded, and possession date. In instances where more than one tract is involved, separate forms will be prepared on each tract. The signature of the tenant, together with his post office address, will be required on all copies of the lease. The three copies of the lease and any rental monies collected will be forwarded to the bank, together with a transmittal letter outlining the project manager's recommendations. A copy of the receipt given for any rental monies collected is to be attached to the remittance letter. The property record card in the project office will be tabbed to show "lease pending" and any necessary follow-up established.

(b) Upon receipt in the district supervisor's office, the district supervisor will make a recommendation to the vice president of the Corporation. If the vice president approves, he will execute all three copies of the lease form. Then the original will be filed in the property folder, the second copy forwarded to the tenant, and the third copy mailed to the project office. The property record card in the district supervisor's office will be posted to show the name and address of the tenant, rental terms, possession date, expiration date, and amounts and dates of any future payments.

(c) Upon the receipt of the executed copy of the lease in the project office, the property record card will be posted, showing the name and address of the tenant, the rental terms, possession date, expiration date, amounts, and dates of future payments, if any, and the property record card will be tabbed to show "leased" and to provide follow-up for billing purposes. A copy of the lease will be filed in the related property folder.

§ 5.610–04 *Revocation of lease.* Where it is decided to revoke a lease, the form of Notice of Revocation will be prepared by the project manager or district supervisor of surplus property disposal, in three copies accompanied by a detailed statement of the facts supporting his recommendation. Upon approval by the district office, the vice president of the Corporation will execute three copies. Thereupon the necessary information will be posted upon the property record card, the original filed in the property folder, the second copy mailed to the tenant with necessary instructions, and the third copy mailed to the project office for posting purposes and filing in the related property folder, if the project office is still in operation.

§ 5.610–05 *Sales subject to leases.* As a general policy, in cases where sales are made to priority holders subject to

leases on which advance rentals are paid to the Government covering a period after the date when the purchaser becomes entitled to a deed, the purchase price should reflect an allowance of a pro rata share of the rentals computed from that date. For this purpose, a purchaser should be considered entitled to deed on the date he completes his payment of the purchase price or date of acceptance of the offer, whichever is later. The allowance for such rentals may be effected in establishing the purchase price. This policy does not necessarily apply to sales to nonpriority holders, where matters such as rentals are ordinarily taken into account by prospective purchasers and the disposal agency in making and considering offers. In practice, it may be advisable for offers taken from priority holders in cases of the type concerned here to provide that the stated dollar amount shall be reduced by an amount determined by application of the formula for prorating the rentals.

DISPOSAL OF IMPROVEMENTS

§ 5.702–01 *Disposal of personalty.* Where equipment and supplies are assigned for disposition in conjunction with real property, they may be disposed of with the real property, and any discount applicable to the real property shall apply also to the equipment and supplies. The disposal agency shall hold the real property and personalty intact until such time as the disposal agency determines that the retention of the personalty will not facilitate the disposition of the real property: *Provided*, That in no event shall the personal property be separated from the real property until such time as such property has been offered for disposition intact and the period for the submission of bids has expired. Upon such determination by the disposal agency, the declaration covering the personal property shall be forwarded to the agency designated in SPA Regulation 1 (32 CFR, Supps., Part 8301) to dispose of such personalty, with notice to the Administrator, and the real property may be readvertised for disposition without the personalty.

§ 5.703–01 *Water rights.* (a) Water rights in connection with real property subject to irrigation shall ordinarily be disposed of with the real property to which they relate, whether such rights are evidenced by stock certificates in irrigation projects or otherwise, and shall be disposed of subject to the provisions of this part.

(b) In order to meet the objectives of the act to discourage disposals for speculative purposes, it shall be the policy of the Administrator to dispose of such rights to the owners of the real property who may be entitled to the benefits thereof, rather than to persons who are not owners, and in quantities proportionate to the amount of property owned by such persons.

(c) Former owners shall be entitled to a priority for any such rights acquired from them in connection with real property which they sold to the Government where such former owners are entitled to and claim priority as to such property.

(d) Except as to former owners who are governed by the provisions of 32 CFR, Supps., Part 8305 as to price, the price to be charged for such water rights shall be the fair value thereof.

§ 5.704–01 *General principles governing disposal of minerals.* This disposal agency is authorized to dispose of mineral interests in land assigned to it for disposal, unless such mineral interests are explicitly assigned to another disposal agency. Fee-owned mineral interests assigned to this disposal agency for disposition shall be disposed of as real property, subject to the provisions of this part.

§ 5.704–02 *Priorities.* Fee-owned mineral interests acquired by the Government separately from the land are subject to the following priorities in the order stated:

(a) Government agencies;

(b) State and local governments;

(c) Former owners—if interests were acquired by the Government after December 31, 1939; and

(d) Nonprofit institutions.

§ 5.704–03 *Leasehold mineral interests.* Former owners of leasehold mineral interests acquired by the Government are not entitled to priority rights as such former owners. The cost to the Government of acquiring leasehold interests shall not be included in computing the acquisition price of real property for the purpose of setting a priority price to a former owner of the real property. However, in the appraisal of the real property, any enhancement of value resulting from freeing the property—whether consisting of surface rights, fee-owned mineral interests, or both—from a mineral lease will be reflected in the appraisal. Furthermore, in establishing the adjusted acquisition price of the real property to a former owner, any such enhancement of value may properly be considered the result of action by the United States in purchasing and extinguishing the mineral lease.

§ 5.704–04 *Disposal of mineral interests separate from the land.* Where leasehold mineral interests acquired by the Government separately from the land are not purchased by priority holders, the disposal agency may exercise its discretion as to whether to sell such interests separately or with the land.

PART 8—FARM CREDIT DISTRICTS

Sec.
8.1 District institutions.
8.2 District organization.

AUTHORITY: §§ 8.1 and 8.2 issued under sec. 5 (a), 50 Stat. 704; 12 U. S. C. 640a.

§ 8.1 *District institutions.* The United States is divided into twelve farm credit districts, each served by a Federal land bank, a Federal intermediate credit bank, a production credit corporation, and a bank for cooperatives. These four institutions in each district maintain their offices together. The city in which their offices are located in each district and the area comprising each district are as follows:

District No.	Location of offices	Area in district
1	Springfield, Mass.	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.
2	Baltimore, Md. (Branch office at San Juan, P. R.)	Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, and Puerto Rico.
3	Columbia, S. C.	North Carolina, South Carolina, Georgia, and Florida.
4	Louisville, Ky.	Ohio, Indiana, Kentucky, and Tennessee.
5	New Orleans, La.	Alabama, Mississippi, and Louisiana.
6	St. Louis, Mo.	Illinois, Missouri, and Arkansas.
7	St. Paul, Minn.	Michigan, Wisconsin, Minnesota, and North Dakota.
8	Omaha, Nebr.	Iowa, Nebraska, South Dakota, and Wyoming.
9	Wichita, Kans.	Oklahoma, Kansas, Colorado, and New Mexico.
10	Houston, Tex.	Texas.
11	Berkeley, Calif.	California, Nevada, Utah, and Arizona.
12	Spokane, Wash.	Washington, Oregon, Montana, and Idaho.

§ 8.2 *District organization.* The activities of the Federal land bank, Federal intermediate credit bank, production credit corporation, and bank for cooperatives in each district are coordinated through a farm credit board of seven members elected or appointed in accordance with 50 Stat. 704; 12 U. S. C. 640b–640j. The members of the farm credit board of the district are ex officio the directors of each of the four institutions in the district. Each of the four institutions has its own separate officers and employees, although the same individual may be an officer or employee of more than one institution. In addition, a general agent and other officers and employees appointed by the farm credit board, with approval by the Farm Credit Administration, pursuant to 50 Stat. 706, 12 U. S. C. 640*l*, serve as joint officers and employees of all four institutions. The general agent and the presidents of the four institutions constitute an advisory committee.

Subchapter B—Federal Land Banks, National Farm Loan Associations, Federal Farm Mortgage Corporation, and Joint Stock Land Banks

PART 10—FEDERAL LAND BANKS GENERALLY

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10.2 Functions and procedures of Federal land banks.
10.3 Definitions.
10.10 Security standards for Federal land bank loans.
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AUTHORITY: §§ 10.1 to 10.530–51, inclusive, issued under 39 Stat. 360, as amended, sec. 6, 47 Stat. 14, sec. 32 (b), 48 Stat. 48, sec. 25 (b), 50 Stat. 711; 12 U. S. C. and Sup., Chap. 7, Subchap. I, II.

NOTE: In §§ 10.3 to 10.530–51, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Policy and Operations Manuals for Federal Land Banks, issued as of January 1, 1943.

GENERAL PROVISIONS

§ 10.1 *Organization of Federal land banks.* (a) The twelve Federal land banks, of which there is one in each farm credit district, were organized in 1917 under the Federal Farm Loan Act (39 Stat. 360, as amended; 12 U. S. C. and Sup., Chap. 7, Subchap. I). The location of each bank and the States served by it are given in § 8.1 of this chapter. The activities of the Federal land bank in each district are coordinated with those of the Federal intermediate credit bank, production credit corporation, and bank for cooperatives of the district through the district organization described in § 8.2 of this chapter. The farm credit board in each district elected or appointed under 50 Stat. 704, 12 U. S. C. 640b-j, is ex officio the board of directors of the Federal land bank. This board appoints the officers of the bank and is responsible for the management of its affairs under the general supervision of the Farm Credit Administration.

(b) Under the provisions of the act it was contemplated that the capital stock of the Federal land banks ultimately would be owned entirely by borrowers through their national farm loan associations and some few direct borrowers, although provision also has been made for subscriptions to such stock by the United States. At present the United States owns stock in only one of the land banks.

(c) The Federal land banks, together with the national farm loan associations (see §§ 11.1 and 11.2 of this chapter), constitute a cooperative system known as the land bank system which, since 1934, has been supplemented by the Federal Farm Mortgage Corporation (see §§ 12.1 and 12.2 of this chapter).

§ 10.2 *Functions and procedures of Federal land banks*—(a) *General.* The twelve Federal land banks were established as permanent institutions designed to provide long-term farm mortgage credit for agriculture in accordance with the Federal Farm Loan Act (39 Stat. 360, as amended; 12 U. S. C. and Sup., Chap. 7, Subchap. I). Related thereto is the issuance of farm loan bonds to obtain funds with which to make loans, or obtaining such funds otherwise, and investing in Government securities. As a consequence of the large scale lending by the banks, they have acquired properties through voluntary deeds and foreclosure of mortgages securing loans which have broken down, requiring the management and disposal of such properties. In servicing their loans and acquired properties, the banks have in nearly all instances utilized the services and facilities of national farm loan associations. An important objective of the banks has been the strengthening of the associations both financially and from the standpoint of management.

(b) *Agents for Land Bank Commissioner and Federal Farm Mortgage Corporation.* The Federal land banks also act as agents in making and servicing Land Bank Commissioner loans on behalf of the Federal Farm Mortgage Corporation.

(c) *Loans.* The principal function of the Federal land banks is to make first mortgage loans on farm land to eligible applicants for the purposes and on the terms prescribed in the Federal Farm Loan Act. These bank loans are limited to 65 percent of the normal value of the security and may not exceed $50,000 to any one borrower. The Land Bank Commissioner loans authorized by 48 Stat. 48, as amended, 12 U. S. C. and Sup. 1016,

which the banks make as agents, may be made up to 75 percent of the normal value of the property, or 75 percent of the prudent investment value under certain conditions, but not to exceed $7,500 to any one farmer. They are made either as a first mortgage loan or as a second mortgage loan supplementing a first mortgage land bank loan. The maximum term for land bank and Commissioner loans is 40 years, but they are commonly made for a shorter period. The present contract interest rate on Federal land bank loans made through national farm loan associations is 4 percent, and the rate on Commissioner loans 1 percent higher.

A joint application for a loan (bank or Commissioner or both), on a prescribed form available from the banks and associations, is filed with the secretary-treasurer of the national farm loan association in the territory in which the property offered as security is located. The application calls for information regarding the amount and purposes of the loan sought, the security offered, and the applicant's financial condition. As a first step, the Federal Farm Loan Act provides for an investigation as to the character and solvency of the applicant and the sufficiency of the security offered, by the association loan committee or its investigator, and for a written report thereon. The association loan committee may also request a written report on the value of the security by a land bank appraiser, who is a public official appointed by the Farm Credit Administration. Where such a report by an appraiser has been obtained, the association may notify the applicant of any loan approved by it, subject to further approval by the Federal land bank.

The application and written report of the association loan committee, as well as any report by a land bank appraiser, are next referred to the Federal land bank; if there has been no report by a land bank appraiser, the bank will then obtain one. No loan may be made by the bank unless the reports of both the association and the lank bank appraiser are favorable. On the basis of the association approval and the favorable report by a land bank appraiser, the Federal land bank determines the amount of any loan that can be soundly made. Whether a Land Bank Commissioner loan is to be approved is determined by the bank as agent. The actual passing on applications in each bank is usually done by a loan or executive committee, and notice of its action is duly given to the interested association and the applicant. Loans to livestock corporations in certain circumstances, and land bank loans in excess of $25,000, require the approval of the Land Bank Commissioner which may be given by authorized personnel in the districts (see §§ 3.8, 3.9, 3.10 of this chapter).

There are certain statutory provisions also for direct loans to borrowers by the Federal land banks and loans through agents, where they cannot be made through an association, but the general plan is for the land bank loans to be made through associations.

(d) *Bonds.* Related to the lending functions of the Federal land banks is the issuance of Federal farm loan bonds to obtain funds with which to make loans. While the Federal Farm Loan Act provides both for Federal farm loan bonds to be issued by the banks individually, with the approval of the Farm Credit Administration (39 Stat. 375; 12 U. S. C. 841–844), and for consolidated bonds of the twelve banks to be sold through a common selling agency (39 Stat. 377, as amended; 12 U. S. C. and Sup., 875–886), all issues now outstanding are consolidated bonds. The collateral for consolidated bonds is prescribed in 39 Stat. 376, 377, as amended; 12 U. S. C. and Sup., 857, 875–899. This collateral is deposited or pledged with the farm loan registrars who are public officials appointed for each district by the Farm Credit Administration. Federal farm loan bonds are not guaranteed by the United States either as to principal or interest.

Such bonds intended for sale to the investing public are generally advertised and a prospectus is prepared as to the details of a particular issue. Further information as to such issues may be obtained from the Fiscal Agent of the Federal Land Banks, 31 Nassau Street, New York City.

(e) *Surplus property disposal.* The services and facilities of the Federal land banks are utilized further by the Federal Farm Mortgage Corporation in discharging its functions as disposal agency for surplus agricultural and forest real property under the Surplus Property Act of 1944. A separate Surplus Property Disposal Manual has been issued to cover this work, Part 5 of this chapter.

§ 10.3 *Definitions.* For the purposes of section 12 (Fourth) of the Federal Farm Loan Act, as amended (39 Stat. 370; 12 U. S. C. 771 (4)), the terms "equipment" and "improvement" are defined as follows:

(a) *Equipment.* The term equipment shall include implements appropriate for the operation of a farm, and may consist of teams as well as machinery, tools, and like articles.

(b) *Improvement.* The term improvement shall include any beneficial structure or any useful, permanent physical change tending to increase the productive value of the farm, such as clearing, tiling, drainage, fencing, building, and preparations for irrigation.

§ 10.10 *Security standards for Federal land bank loans.* To be acceptable security for a bank loan, a property must meet each of the following minimum standards:

(a) It must be capable of producing, under typical operation, sufficient normal agricultural earnings to pay farm operating expenses, including taxes and other fixed charges, maintain the property, and meet installments on a bank loan that would be proper to a typical owner of the property.

(b) It must be sufficiently desirable to be readily salable or rentable under normal agricultural conditions.

(c) It must be sufficiently durable to maintain satisfactory production during the loan term specified.

(d) It must have sufficient stability of value to assure that, on a loan that would be proper to a typical owner of the property, the bank could recover its investment if unforeseen difficulties should result in acquirement of the property.

While the normal agricultural earnings must be sufficient to meet the expenses specified in paragraph (a) of this section, it is not necessary that they also be adequate in all cases to meet family living expenses. When it is necessary to rely on income other than farm earnings for family living expenses, such supplemental income must be available to the applicant and to a typical owner from dependable sources and in an amount sufficient to support customary living standards.

§ 10.10–50 *Security standards for first mortgage Commissioner loans.* To be acceptable security for a first mortgage Commissioner loan based on normal agricultural value, a property may be somewhat lacking with respect to the minimum standards for bank loans or be subject to some uncertainty as to future conditions, provided there is reasonable assurance that a loan in a proper amount would prove to be satisfactory. The same requirements are applicable to security for a first mortgage Commissioner loan based on prudent investment value except that, as a minimum, the normal agricultural earnings of the property need be sufficient only to constitute a material contribution to the income or living of the operator.

§ 10.25 *Normal agricultural value basis.* The normal value of farms for agricultural purposes shall be the basis of appraisal for loans. For the purpose of such appraisal, commodity prices received by farmers during the period from 1909 to 1914, with such adjustment as may be necessary because of the change in the economic position of particular products, shall be the basis for determining the earning power of farm land. The normal agricultural value of a farm may be defined as the amount a typical purchaser would, under usual conditions, be willing to pay and be justified in paying for the property for customary agricultural uses, including farm home advantages, with the expectation of obtaining average production and of receiving normal prices for farm commodities.

§ 10.27–50 *Interest rates on loans made through an association or by a branch bank.* Approval is hereby given to an interest rate of 4 per centum per annum on loans by banks through associations, except loans on the security of the classes specified in § 10.28, and to an interest rate of 4½ per centum per annum on loans made pursuant to section 672, Title 12, United States Code, notwithstanding that the interest rate on the Federal farm loan bonds of the last series issued prior to the making of any such loans may be less than 3 per centum per annum.

§ 10.28 *Special interest rates.* For bank loans secured by first mortgages on the following farm property in the continental United States:

(a) Land that is employed primarily in the production of naval stores as defined by section 2 of the Naval Stores Act (Sec. 2, 42 Stat. 1435; 7 U. S. C. 92);

(b) Land used for the raising of livestock, in estimating the earning power and in establishing the value of which leases or permits for the use of other lands were taken into consideration and were a factor in determining the amount of the loan; and

(c) A farm property, a substantial part of the earnings from which is from orchard crops;

approval has been given to the following interest rates:

(1) For loans through associations, one-half of 1 per centum per annum in excess of the interest rate on loans through associations not secured by mortgages on the foregoing classes of farm property, such interest rate not to exceed 6 per centum per annum;

(2) For direct loans, one-half of 1 per centum per annum in excess of the interest rate approved for loans through associations under (1) preceding; and

(3) For loans under section 25 (b) of the Farm Credit Act of 1937 (50 Stat. 711; 12 U. S. C. Sup. 724) through associations, the capital stock of which is impaired, one-fourth of 1 per centum per annum less than the interest rate approved for direct loans under (2) preceding.

§ 10.29 *Special payments.* A bank may accept special payments on a bank loan or payment in full thereof either before or after 5 years from the date the loan was made. Where payment arises from the refinancing of the loan from a non-Government lending source and the loan has not been in force for at least 5 years, the bank may collect from the borrower such a sum as will reimburse it for the expense of making the loan. In all other cases of special principal payments or full payment of bank loans, the bank should not charge a prepayment fee nor should it ordinarily charge interest beyond the date the funds are received.

§ 10.31 *Conditional payments.* Conditional payments shall be held for subsequent credit upon indebtedness to the bank or the Corporation, except in cases of unusual circumstances where the release of the funds is justified. Interest shall be allowed on such payments held for more than 1 month at the effective interest rate applicable to the indebtedness in connection with which such conditional payment is held.

§ 10.101 *Executors and administrators (including temporary administrators).* Bank loans may be made to executors and administrators (including temporary administrators) when (a) either some individual beneficiary of the decedent's estate, or the executor, administrator, or any coexecutor or coadministrator of the estate, independently of his representative capacity, is (1) eligible as a borrower, and (2) owns, or is about to become the owner of, an interest in the property on which the loan is sought, and (3) can and will incur personal liability for the loan and assume the obligations of national farm loan association membership; and (b) a valid lien can and will be given on the property on which the loan is sought. As used in this section, the term "eligible as a borrower" means a person who is engaged in farming operations, or who is shortly to become engaged in farming operations, or who derives the principal part of his income from farming operations.

§ 10.103 *Heirs (including a sole heir taking without administration), devisees, and grantees of a deceased owner of farm land.* Loans may be made to heirs (including a sole heir taking without administration), devisees and grantees of a deceased owner of farm land under the same conditions as will permit a loan's being made to any other owner of farm land.

§ 10.104 *Trustees (whether appointed by will or deed), and other fiduciaries.* Bank loans may be made to trustees (whether appointed by will or deed) when (a) the trustee in his fiduciary capacity is engaged, or shortly to become engaged, in farming operations, or the beneficiaries of the trust are engaged in farming operations or derive the principal part of their income from farming operations; and (b) a valid lien can and will be given on the property on which the loan is sought; and (c) the trustee, or any cotrustee, or some individual beneficiary of the trust can and will incur personal liability for the loan, and assume the obligations of national farm loan association membership.

§ 10.105 *Guardians.* Bank loans may be made to guardians when (a) the guardian in his fiduciary capacity is engaged, or shortly to become engaged, in farming operations, or the wards are engaged in farming operations or derive the principal part of their income from farming operations; and (b) a valid lien can and will be given on the property on which the loan is sought; and (c) the guardian, or any coguardian, independently of his fiduciary capacity owns an interest in the property, and can and will incur personal liability for the loan and assume the obligations of national farm loan association membership.

§ 10.107 *Persons not legally competent (including infants, insane persons, and incompetents) when not represented by a guardian.* Loans may not be made to persons not legally competent (including infants, insane persons, and incompetents) when not represented by a guardian; and property in which such a person, not represented by a guardian, owns an interest, is ineligible as security for a loan.

§ 10.108 *Landlords.* Loans may be made to landlords when (a) the landlord has the right to and does exercise substantial control over the management of the farm on which the loan is sought; or (b) he is engaged, or shortly to become engaged, in farming operations, independently of his capacity as landlord of the farm on which the loan is sought; or (c) the principal part of his income is derived from farming operations.

§ 10.109 *Owners of future interests.* Loans may be made to owners of future interests when (a) all interests necessary to the creation of a fee simple estate in the land on which the loan is sought are included in the mortgage; and (b) the owner of the future interest is engaged, or shortly to become engaged, in farming operations independently of his capacity as owner of a future interest in the farm on which the loan is sought, or derives the principal part of his income from farming operations.

§ 10.110 *Tenants for years.* Bank loans may not be made to tenants for years.

§ 10.112 *Life tenants.* Loans may be made to life tenants when (a) all interests necessary to the creation of a fee simple estate in the land on which the loan is sought are included in the mortgage; and (b) the life tenant, by reason of farming operations conducted by him on the land covered by his life interest, or otherwise, is eligible as a borrower. As used in this section, the term "eligible as a borrower" means a person who is engaged in farming operations, or who is shortly to become engaged in farming operations, or who derives the principal part of his income from farming operations.

§ 10.114 *Husband and wife.* Loans may be made on their respective lands to a husband and wife owning land in severalty.

§ 10.115 *Aliens.* To the extent that State laws do not restrict the right of aliens to hold and convey real estate, loans may be made to aliens upon the same basis as to citizens: *Provided, however,* That such loans are not prohibited by and are made in conformity with the provisions of the Trading with the Enemy Act, as amended, (40 Stat. 411, as amended; 50 U. S. C. App. and Sup. 1–31), the foreign Funds Control regulations, and any other applicable laws and regulations relating to transactions with or property of enemy or other aliens.

CROSS REFERENCE: For Foreign Funds Control regulations, see 31 CFR Parts 130 and 131.

§ 10.116 *Individuals taking title from a corporation (bona fide ownership required).* Loans which are otherwise qualified may be made to individuals who have taken title from a corporation in which they were interested as stockholders, provided the transfer is in good faith and not a mere temporary expedient for the purpose of evading the provisions of the Federal Farm Loan Act (39 Stat. 360, as amended; 12 U. S. C. 641), which preclude loans to corporations other than corporations engaged in the raising of livestock.

§ 10.117 *Corporations.* Loans may be made to corporations (in addition to those engaged in raising livestock, when acting solely in a representative or fiduciary capacity for individual beneficiaries, provided that conditions of §§ 10.101, 12.102, 10.104, 10.105, and 12.106 are satisfied).

§ 10.118 *Livestock corporations.* Loans may be made to livestock corporations, provided the corporation is primarily engaged in the raising of livestock. It may also be engaged in such general farming operations as are incidental to its livestock raising. If it engages in any secondary operations not

strictly incidental to livestock raising, such secondary operations may constitute only a minor part of the corporation's activities.

§ 10.148 *Computing amount loanable to one borrower.* The aggregate amount of existing bank loans to any one borrower for the purpose of applying the limitation in section 12 "Seventh" of the Federal Farm Loan Act (12 U. S. C. 771) shall be the total unpaid principal of all indebtedness to the bank and any other banks of the system which is secured by mortgages or real estate sales contracts on property owned or being acquired by the applicant, or for which the applicant is personally liable, less the unpaid principal of (1) purchase money mortgage or real estate contract indebtedness in connection with which no association or bank stock has been issued, (2) indebtedness which is secured by property the applicant no longer owns and which has been assumed with the permission of the bank by a subsequent owner of the property in accordance with section 12 "Sixth" of the Federal Farm Loan Act (12 U. S. C. 771), and (3) assets purchased from a joint stock land bank under section 16 of the Federal Farm Loan Act.

DIRECT LOANS

§ 10.174 *Applicability of association loan regulations.* Except as otherwise specifically provided in these direct bank loan regulations and in section 7 of the Federal Farm Loan Act, as amended (12 U. S. C. 711–723), all provisions of said act and of the rules and regulations adopted thereunder which are applicable with respect to loans made through national farm loan associations shall, insofar as practicable, apply with respect to direct loans.

§ 10.175 *Receipt evidencing stock subscription.* Each borrower who obtains a direct loan shall be furnished by the bank with a receipt evidencing his subscription and payment for, and the issuance to him of, shares of the capital stock of said bank, the number and amount of such shares to be stated in said receipt. Each such receipt shall contain the following statement:

> The shares of stock hereinbefore mentioned are held by the Federal land bank as collateral security for the direct loan obtained by said borrower; said stock is nonvoting, and may be transferred only on the books of said bank and with its permission, as provided in section 12 (Sixth) of the Federal Farm Loan Act (12 U. S. C. section 771 (Sixth)), or to the Federal Farm Mortgage Corporation as authorized in section 7 of the act (12 U. S. C. 723 (c)). Said stock will be canceled by the bank if and when said borrower becomes a member of a duly organized national farm loan association, and in such event there will be issued in the name of said national farm loan association an equal number of shares of the capital stock of the bank, such shares to be held by the bank as collateral security for the loan of said borrower. The shares of stock of the Federal land bank issued to said borrower shall, if still outstanding, upon payment in full of said loan or foreclosure of the mortgage securing the same, be canceled at par, or, in the event that such stock shall have become impaired, at the estimated value thereof as approved by the Land Bank Commissioner, and the proceeds thereof shall be paid to the borrower: *Provided, however,* That all sums accruing and payable as dividends on such stock, and/or proceeds of such stock upon payment in full of said loan or foreclosure of said mortgage, shall be subject to the right of the bank to retain and apply the same upon any obligation(s) due and unpaid under the terms of said mortgage.

§ 10.182–50 *Interest rate on Commissioner loans.* Under the provisions of the fourth sentence of section 32 of the Emergency Farm Mortgage Act of 1933 (48 Stat. 48, as amended; 12 U. S. C. 1016 (c)), the contract rate of interest on Commissioner loans, except those guaranteed under Title III of the Servicemen's Readjustment Act of 1944 (58 Stat. 291, as amended; 38 U. S. C. Sup. 694), is required to be 1 percent per annum higher than the basic rate on loans made at the same time by the bank through associations, otherwise than pursuant to section 25 (b) of the Farm Credit Act of 1937 (50 Stat. 711; 12 U. S. C. 724). With the exception stated, this requirement is applicable to all Commissioner loans, including those closed jointly with section 25 (b), direct, or special risk bank loans bearing a higher rate than such basic rate on bank loans made through associations.

INSURANCE REQUIREMENTS FOR BANK LOANS

AUTHORITY: §§ 10.183 to 10.197, inclusive, issued under sec. 12 "Ninth", 39 Stat. 370; 12 U. S. C. 771 "Ninth".

§ 10.183 *Insurance requirements.* Insurance on buildings shall be required against such risks and in such amounts as the bank may determine to be necessary for adequate protection of the mortgagee's interest. In making the determination consideration should be given to the size of the loan in relation to the value of the security, the extent to which the buildings enter into such value, and the extent to which the borrower's ability to operate the property efficiently would be affected if a loss occurred and the buildings were not replaced. In closing loans the associations should notify the bank when the maximum amount of insurance obtainable is less than that required by the bank.

§ 10.187 *Acceptable insurers.* Insurance required shall be evidenced by a lawful policy or policies issued by any insurance company, including any State supervised mutual insurance company, which is satisfactory to the bank: *Provided,* That such company be authorized to do such insurance business, and be subject to service of process in suits brought, in the State in which the insured property is located, except that, when insurance is procured and paid for by the bank upon default under the mortgage, such insurance company may be one which is subject to service of process in suits brought in the State where the bank is located. The acceptance by a bank of insurance from an organization other than one provided for by this section shall be subject to the approval of the Commissioner.

§ 10.188 *Losses to be made payable to mortgagee; exception.* Insurance shall be made payable to the bank and Corporation, as mortgagees, as their interests may appear at time of loss, and shall afford the bank and Corporation the same protection they would have under the New York standard mortgage clause, but the bank may, in its discretion, permit individual losses of $100 or under to be paid directly to the mortgagor for use in the prompt reconstruction of the buildings destroyed. The provisions of §§ 10.189 to 10.197, inclusive, shall not be applicable to losses of $100 or under which are paid directly to the mortgagor, with the permission of the bank, for use in reconstruction.

§ 10.189 *Subsequent owner deemed "mortgagor" under certain circumstances.* When a subsequent owner of a mortgaged farm has assumed the mortgage and, in the case of a land bank loan the stock interests of the original mortgagor in accordance with the provisions of section 12 "Sixth" of the Federal Farm Loan Act is primarily liable therefor, the term "mortgagor" shall be deemed for the purposes of the regulations in this part to refer to such subsequent owner.

§ 10.190 *Mortgagor's option to use loss proceeds for reconstruction.* At the option of the mortgagor and subject to the provisions of this part any sum received in settlement of a loss covered by insurance required by this part may be used to pay for the reconstruction of the buildings involved.

§ 10.190–50 *Circumstances under which mortgagor's option to use loss proceeds does not obtain.* The option of the mortgagor referred to in this part shall not apply in the case of (a) any sum received under a policy of insurance which was not provided or paid for by the mortgagor, or (b) any sum with respect to which liability to the mortgagor is denied by the insurer, unless and until such denial be rescinded or until final judgment of a court of competent jurisdiction that the insurer is liable to the mortgagor. In either event the mortgagor shall initiate the steps otherwise necessary under this part for the exercise of his option within 30 days after the establishment of the liability of the insurer to him for such loss.

§ 10.191 *Manner in which mortgagor's option to use loss proceeds shall be exercised.* The bank or association as promptly as possible after the receipt of the sum referred to in § 10.190 shall send to the mortgagor a notice in writing thereof. Within 30 days after such notice is sent, if the mortgagor desires to exercise his option, he shall so notify the bank or association in writing. With such notice or within 30 days thereafter, unless such time for good cause be extended, the mortgagor shall furnish information in such form as shall be satisfactory covering the plans of the mortgagor for the reconstruction of the building involved in sound and serviceable form and condition, at least equal to that which existed immediately prior to the loss. Within said 30 days the mortgagor shall also furnish satisfactory assurance that such reconstruction will be completed within a reasonable time, and that there will be no unsatisfied liens for labor, materials, and/or other expenses

that will have priority over the mortgage when such reconstruction shall have been completed or when the said sum received shall have been paid to or for the account of the mortgagor.

§ 10.192 *Loss proceeds not to be disbursed in absence of evidence that prior liens will not attach.* No sum received shall be paid to or for the account of the mortgagor for the purpose of enabling him to reconstruct a building until the bank or association is satisfied that no lien by reason of reconstruction of the buildings covered by such insurance will have priority over the mortgage thereon. The regulations adopted by the bank should establish adequate safeguards with respect to such disbursements.

§ 10.193 *Reconstruction of improvements in different form.* If the mortgagor desires to use the insurance money, in whole or in part, in order to replace the building involved with an insurable building of less expensive type, or to substitute any other insurable building, the said fund may be used for such purpose, provided the land bank or association is satisfied that the proposed building will be suitable and adequate to the agricultural needs of the farm.

§ 10.194 *Evidence that mortgagor can supply additional funds; meaning of term "reconstruction."* If the sum received (after making the deductions, if any, authorized by the regulations in §§ 10.183 to 10.197, inclusive) be inadequate to enable the mortgagor to reconstruct as herein provided, and he desires nevertheless to do so, he shall furnish satisfactory assurance that he will have the necessary additional funds. Where, under the regulations in §§ 10.183 to 10.197, inclusive, a building may be repaired, replaced, or substituted, the operations involved shall be deemed to be covered by the words "reconstruct" or "reconstruction," as the case may require.

§ 10.195 *Application of loss proceeds to mortgage debt.* If the mortgagor fails or refuses to exercise his option in accordance with the regulations in this part, or to comply with all of the conditions of the regulations in this part with respect thereto, or if the mortgage be in process of foreclosure, or if the mortgagor be in default in such manner that the mortgage is subject to foreclosure, the sum received may be retained for application upon the indebtedness secured by such mortgage or as collateral security therefor. Any portion of the sum received which is not used for reconstruction may also be retained for application upon the indebtedness or as collateral security therefor.

§ 10.197 *Conditional release of loss proceeds.* No insurance proceeds may be released unconditionally to a borrower or a junior lienor except for the purpose and under the conditions hereinbefore set forth, unless the remaining security meets the security requirements for a new loan. Exceptions to this requirement may be made only where it is clearly to the best interest of the mortgagee to do so. Where insurance proceeds are released unconditionally to a borrower or junior lienor the procedure governing the release of funds received from the sale of part of the security shall be followed so far as applicable.

§ 10.198 *Nonapplicability of regulations.* The provisions of §§ 10.190 through 10.197 are not applicable in the case of settlements of losses on buildings not required by the bank to be insured.

§ 10.199 *Applicability of regulations to loans, mortgages, and contracts purchased from the Federal Farm Mortgage Corporation.* The provisions with reference to insurance in connection with mortgage loans also apply to loans, purchase money mortgages, and contracts purchased from the Federal Farm Mortgage Corporation.

§ 10.222 *Refinancing mortgages purchased from joint stock land banks.* In connection with the purchase of a mortgage from a joint stock land bank, the right given a mortgagor to refinance under the provisions of section 13 "Second" of the Federal Farm Loan Act, as amended (12 U. S. C. 781 (2)), is a personal privilege granted only to the owner of the property at the time the mortgage is purchased by the Federal land bank. It is the responsibility of the Federal land bank to notify such an owner of his right to have his indebtedness refinanced. A reasonable time of not to exceed 6 months should be specified in the notice as the period in which he may file an application for a refinancing loan.

§ 10.223–53 *Reduction of interest rate.* The interest rate on any Commissioner loan, purchase money mortgage, or contract purchased or acquired by the bank must be reduced to the rate applicable to new land bank loans as of the date of the acquisition of the loan, purchase money mortgage, or contract by the bank, but upon acquisition the bank may make the reduced rate effective retroactively. This reduction in interest may be accomplished generally in the same manner and under the same procedure as was used to reduce the contract interest rate on land bank loans to 4 percent. The bank should notify each borrower of the interest reduction when effected. It may also wish to consider furnishing, or offering to furnish upon request of the borrower, an individual instrument in recordable form evidencing the reduction.

§ 10.223–55 *Maximum and minimum loanable amounts.* The limitations with respect to the maximum and minimum amounts of loans as provided in section 12 "Seventh" of the Federal Farm Loan Act shall be applied in connection with the purchase of a Commissioner loan, purchase money mortgage, or contract by the land bank. Accordingly, no such asset may be purchased from the Corporation if the amount thereof will increase the borrower's total indebtedness to the bank and any other banks of the system to an amount in excess of $50,000.

§ 10.223–58 *Acquiring stock in addition to any available stock which borrower owns; retirement of stock owned by borrower.* "Any available stock" already owned by the borrower shall be stock in an unimpaired association which is owned by the borrower or in which the borrower owns the beneficial interest, and which, computed at its par value, is in excess of 5 percent of any indebtedness (unpaid principal, advances, and any other items properly chargeable to the borrower, including accrued interest thereon at the date of acquirement of the purchased asset) to the bank in connection with which such stock was issued. Stock in an unimpaired association other than the one through which the purchased asset is being acquired may be treated as available stock provided such association consents to its retirement. Also, where an association has been through conservatorship and is operating under section 25 (b) of the Farm Credit Act of 1937 (50 Stat. 711; 12 U. S. C. 724), with a completed compartment, any stock owned by the borrower in group 1, computed at its fair book value, which is in excess of 5 percent of any bank loan or loans of the borrower through group 1, may be retired and the proceeds thereof used to purchase stock in group 2 in connection with the asset being acquired. Under the foregoing definition, where a borrower has more than one loan through the association or owns stock in connection with a loan which is secured only in part by the property securing the asset being acquired, any excess stock in connection with such loan or loans is available stock.

§ 10.223–59 *Farm Credit Administration approval of retirement of association or related bank stock.* The Administration approves the retirement, under section 7 of the Federal Farm Loan Act (12 U. S. C. 721), of related bank stock in an amount equal to such available association stock where such retirement is authorized by the board of directors of the bank and the proceeds are to be used for the purchase of stock needed in connection with the acquired asset.

§ 10.223–60 *Classes of borrowers; borrowers' disposition of stock or purchase of additional stock; election to membership and purchase of stock by borrowers not members of an association.* It will be necessary to deal with three classes of persons in meeting the foregoing requirements; (a) those who are members of the association through which the paper is being acquired and who own sufficient available stock; (b) those who are members of the association but who do not own sufficient available stock in connection with any paid-down bank loan or loans; and (c) those who are not members of the association and who own no stock in it. As to the first class, the existing available stock or the stock purchased with the proceeds of retired available stock must be pledged as collateral security in accordance with the provisions of the Federal Farm Loan Act, as amended, for the indebtedness being acquired. Persons in the second class must purchase additional stock either in cash or under the methods hereinafter prescribed and pledge such stock, as well as the available stock or the stock purchased with the proceeds of the re-

tired available stock, for the indebtedness being acquired. Persons in the third class must be elected to membership, purchase stock either for cash or under the methods hereinafter prescribed, and pledge such stock as collateral security for the indebtedness being acquired.

§ 10.223–61 *Personal liability of borrower.* In each of the classes mentioned above the person owning the property subject to the loan, mortgage, or contract being acquired may or may not be personally liable on the indebtedness. If not personally liable, the person must become personally liable on the paper being acquired by the bank.

§ 10.223–62 *Restrictions on eligibility of borrowers for association membership.* To be eligible for association membership, a person must meet the requirements for assumption of a bank mortgage under section 12, Sixth of the Federal Farm Loan Act, i. e., the person need not be a farmer, but must be a natural person or a livestock corporation eligible for membership.

§ 10.223–63 *Payment in cash by borrower where amount of stock required is not substantial; additional loan to borrower to provide for payment of stock to be purchased; release by bank of conditional payments in amounts sufficient to cover the purchase of required stock; procedure for purchase of stock by borrower.* Where the amount of stock required is not substantial, it may be feasible to obtain payment therefor in cash. In other cases the borrower may desire, and it may be feasible, to provide for payment for the stock by means of an additional loan. It will also be appropriate for the bank to permit the release of conditional payments, under § 10.31, in amounts sufficient to cover the purchase of the required stock. However, where none of the foregoing procedures is followed, the stock may be purchased under either of the following procedures:

(a) The bank may extend credit on a secured or unsecured basis to the borrower in an amount sufficient to purchase such stock. The type of agreement to be entered into with the borrower for the repayment of the purchase price of the stock and the procedure to be followed in handling such transactions on the bank's books shall have the approval of the Administration.

(b) The association, upon application by the borrower, may extend credit in an amount sufficient to purchase such stock, subject to the following:

(1) In such application the borrower shall agree that his liability to the association for such stock shall be secured by a lien on the borrower's property which is security for the paper being acquired, junior to any lien held or to be acquired by the Federal land bank on such property. It is not necessary that the lien for the stock indebtedness be recorded.

(2) The association may charge the borrower interest at a rate not to exceed 4 per centum per annum on the unpaid balance of any indebtedness incurred for this purpose.

(3) The association may in turn, pursuant to 12 U. S. C. 743, borrow from the Federal land bank the amount necessary to purchase stock in the bank where it has sold its stock on credit to its borrowers. Such borrowing may be evidenced by an assignment by the association to the bank of the borrower's agreement to pay for stock in the association.

(4) The applicant may request a deferment of principal payments in order to enable the association or the bank, as the case may be, to collect the amount for indebtedness for stock in the association, and the bank may grant such deferments under the provisions of section 7 of the bill.

§ 10.223–64 *Issuance of new stock sufficient to cover existing loan; retirement of existing stock.* Where an applicant who does not own the outstanding stock in connection with the existing bank loan on the farm covered by the mortgage or contract being purchased by the bank from the Corporation desires or is required by the bank, in its discretion, to acquire such stock or new stock in lieu thereof but cannot acquire the outstanding stock, the outstanding stock may be retired and paid off and new stock issued to the applicant and pledged in connection with the existing bank loan. The bank should require that the applicant purchase only enough new stock to collateralize the existing bank loan in the proportion of one share of stock for every $100 or major fraction thereof of the unpaid indebtedness under the existing bank loan or the original face amount of the loan, whichever is less. When stock in that amount is issued to the applicant, all other stock outstanding in relation to the existing bank loan should be retired. The Administration hereby approves the retirement of stock in such cases where it is authorized by the bank's board of directors. Where the applicant acquires no stock in connection with the bank loan, then, unless he procures from the owner of the association stock held in connection with the bank loan a power of attorney or other authorization to exercise the exclusive right to vote in connection with both loans, the applicant must agree with the association, in consideration of the bank's purchase of the Corporation asset, to forego the right to vote at any association meeting where he and the other stockholder are present, except when they agree as to which shall cast the one vote.

§ 10.236 *Conditional payments; joint indebtedness to a bank and the Corporation.* In cases where the respective indebtednesses of the borrower to the bank and Corporation are secured by the same or common real property, amounts to be accepted as conditional payments (by the bank for subsequent credit on its indebtedness and by the Corporation for subsequent credit on its indebtedness) should ordinarily be allocated to each indebtedness in such manner as to assure the borrower of relatively the same security against future delinquency on the respective indebtednesses.

§ 10.238 *Conditional payments; unrelated loans.* In those cases in which a borrower has indebtedness to the bank, the Corporation, or both, which is not secured by the same or common real property, determination should be made by the bank, on the basis of the facts in each case, as to the indebtedness or indebtednesses on which conditional payments are to be accepted and held for subsequent credit. When conditional payments are accepted in these cases, they shall be subject to all the provisions of the regulations in this part governing conditional payments insofar as practicable.

§ 10.239 *Interest allowance.* Interest shall be allowed on conditional payments in accordance with the following terms and conditions:

(a) The rate(s) at which interest is allowed the borrower on a conditional payment shall be the rate(s) effective on those installment dates of the indebtedness to which the conditional payments are applied and which installment dates occurred during the period such conditional payments were held. As used herein, "effective interest rate" means the rate actually charged the borrower on the indebtedness on which a conditional payment is applied.

(b) Interest shall be allowed on conditional payments from the date of acceptance of such payments to the date of application on the borrower's indebtedness and such interest shall be compounded as of the installment dates of such indebtedness which occurred during the period the conditional payments were held by the bank: *Provided*, That at the option of the bank, interest need not be allowed upon any amount which has not been held for the credit of the borrower as an unapplied conditional payment for a period up to 1 month: *And provided further*, That in any case where the aggregate interest credit does not exceed 25 cents, no allowance need be made.

(c) Interest allowed on a conditional payment shall be credited to the borrower as of the date of application of a conditional payment on his indebtedness, or returned to him in accordance with § 10.242.

§ 10.240 *Interest liability.* The books and statements of condition of the bank and Corporation shall reflect the liability for interest accrued in connection with conditional payments held for subsequent application. Such liability shall be accrued on installment dates and for the periods provided in § 10.239 for determining interest allowances, at the rate actually charged the borrower on the unmatured portion of the indebtedness in connection with which such conditional payment is held. Such accruals shall be subject to any adjustment required upon application of the conditional payment in order that the interest allowed on the conditional payment shall conform to the provisions of § 10.239.

§ 10.241 *Application of conditional payments not involving transfers between the bank and the Corporation.* Subject to any limitations contained in the Federal Farm Loan Act, the bank shall apply conditional payments on the borrower's indebtedness in connection with which they are held, or on other indebtedness to the bank when such indebtedness is secured by the same or common real property, in accordance with the following terms and conditions:

(a) As the borrower may direct in writing, the bank shall pay out of conditional payments held for the borrower's credit any portion of the indebtedness to the bank on regular installment dates; and, upon the written request of the borrower, the bank may, at any time, pay out of conditional payments held for the borrower's credit any portion of the indebtedness to the bank.

(b) At its option the bank may pay out of conditional payments held for the borrower's credit on his bank indebtedness any portion of the indebtedness to the bank as and when the same becomes due and payable.

(c) If at any time the balance of unapplied conditional payments held for a borrower's credit together with the interest allowance thereon equals or exceeds the total amount of the indebtedness, the whole indebtedness shall become due and payable at once and shall be paid out of such balance.

(d) In the event of the borrower's death or bankruptcy, or in the event of transfer of the indebtedness by the bank or conveyance of title to the property securing the indebtedness by the borrower, the bank at its option may apply all or any portion of the conditional payments held for the borrower's credit on the indebtedness.

§ 10.241–20 *Application; unrelated loans.* At the borrower's written request the bank may pay out of conditional payments held for the borrower's credit, any portion of the borrower's indebtedness to the bank that is not secured in whole or in part by the same property securing the indebtedness to which the funds were allocated when received.

§ 10.241–30 *Conditional payments held by Corporation.* The provisions of §§ 10.241 and 10.241–20 shall apply with equal force to any application on the borrower's indebtedness to the Corporation from the conditional payments held by the Corporation for the borrower's credit; for this purpose the term "Corporation" shall be substituted for the term "bank."

§ 10.241–50 *Transfer of conditional payments from bank to Corporation; same security.* Conditional payments held for the credit of the borrower on his bank indebtedness shall be applied on the borrower's indebtedness to the Corporation, which is secured in whole or in part by the same real property securing the indebtedness to the bank, in accordance with the following terms and conditions:

(a) At the borrower's written direction the bank shall pay out of conditional payments held for the borrower's credit on his bank indebtedness, any portion of the borrower's indebtedness to the Corporation, as and when the same becomes due and payable.

(b) At the option of the bank and with the consent of the Corporation, the bank may pay out of conditional payments held for the borrower's credit on his bank indebtedness, any portion of the borrower's indebtedness to the Corporation as and when the same becomes due and payable.

(c) If at any time the total of unapplied conditional payments held for a borrower's credit on his indebtedness to both the bank and the Corporation together with the interest allowance thereon equals or exceeds the total amount of his indebtedness to the Corporation, at the discretion of the bank, upon written direction from the borrower and with the consent of the Corporation, the whole indebtedness to the Corporation may be regarded as having become due and payable at once and may be paid out of such total payments.

§ 10.241–60 *Transfer of conditional payments from bank to Corporation; different security.* In any case in which a borrower has indebtedness to the bank and the Corporation which is not secured by the same or common real property, at the borrower's written request and with the consent of the Corporation, the bank may, out of conditional payments held for the borrower's credit on his bank indebtedness, pay any portion of the borrower's indebtedness to the Corporation, as and when the same becomes due and payable, or, if at any time the total of unapplied conditional payments held for a borrower's credit on his indebtedness to both the bank and the Corporation together with the interest allowance thereon equals or exceeds the total amount of his indebtedness to the Corporation, the whole indebtedness to the Corporation may be regarded as having become due and payable at once and may be paid out of such total payments.

§ 10.241–70 *Transfer of conditional payments from bank to Corporation; interest adjustment.* The bank shall make transfers, which are within the purview of §§ 10.241–50 and 10.241–60, in the full amount required to take up the indebtedness to the Corporation and no reimbursement for interest credited thereon as of the date of transfer or prior installment dates shall be made to the bank by the Corporation; *Provided, however*, That if the indebtedness to the Corporation to which the payment is to be applied bears a higher effective rate of interest than the indebtedness on which the payments were held unapplied, then the Corporation shall allow a simple interest credit at the difference in such rates for the period(s) such differences existed or the period(s) such payments were held unapplied by the bank, whichever is the lesser, and the bank shall transfer an amount which, together with the simple interest credit allowed by the Corporation, will take up the indebtedness. The first amount accepted as conditional payments by the bank shall be considered as the first amount paid out of the conditional payments either on the indebtedness to the bank or on the indebtedness to the Corporation.

§ 10.241–80 *Transfer of conditional payments from Corporation to bank.* The provisions of §§ 10.241–50, 10.241–60 and 10.241–70 shall apply with equal force to any application on the borrower's indebtedness to the bank from the conditional payments held by the Corporation for the borrower's credit; for this purpose the terms "bank" and "Corporation" shall be read conversely.

§ 10.242 *Disposition of unapplied conditional payments.* When the balance of unapplied conditional payments held by the bank together with interest allowance thereon is reduced to $10 or less, at its option the bank may apply such balance on the borrower's indebtedness to the bank, subject to notification to the borrower of such action and reversal if he so requests. Any balance of unapplied conditional payments together with interest allowance thereon held in connection with the borrower's indebtedness shall be refunded to the borrower by the bank when the indebtedness is paid in full: *Provided, however*, That amounts of conditional payments held by the bank for the credit of a borrower who is indebted also to the Corporation, may, at the written direction of the borrower, be transferred to the Corporation, when the borrower's indebtedness to the bank is paid in full. Such payments transferred shall be subject to an interest allowance by the Corporation, in accordance with §§ 10.239 (a) and 10.241–70. The provisions of this section shall apply with equal force to the disposition of balances of conditional payments held unapplied by the Corporation; for this purpose the terms "bank" and "Corporation" shall be read conversely.

§ 10.243 *Evidence of acceptance of conditional payments.* Upon acceptance of a conditional payment, the bank shall furnish the borrower with a receipt, which shall identify the indebtedness in connection with which the conditional payment is accepted, and set forth generally the conditions under which such payments are held; *Provided*, That if the bank, under a procedure approved by the Administration, furnishes the borrower a general statement of such conditions to apply to one or more payments, the receipts for such payments need not set forth the conditions. The form of receipt used by a bank shall have the approval of the Administration.

§ 10.244 *Indebtedness current before conditional payments accepted.* Conditional payments shall not be accepted by a bank while there are outstanding unpaid matured obligations of the borrower to the bank on such indebtedness or to the Corporation on an indebtedness secured by the same or common real property: *Provided*, That at the direction of the borrower funds tendered as conditional payments may be used to pay such matured and unpaid obligations and any balance remaining may be accepted as conditional payments.

§ 10.275 *Subrogation of insurer following payment of loss.* An insurance company which has made payment to a bank under the uniform loss payable clause, but which denies liability to the mortgagor, is not entitled to subrogation against the endorsing association because of such payment. Nor can such an insurer, in the case of an association-endorsed or direct loan, obtain an in-

terest in the bank stock pledged with the bank as security for the loan. No assignment of mortgage or other form executed by a bank in favor of such an insurer shall by express provision or by implication undertake (a) to transfer any right of the bank against the endorsing association or any interest in the bank stock pledged by the association in connection with the loan, or (b) in the case of a direct loan, to transfer any right or interest to the insurance company in the direct loan stock.

§ 10.279–50 *Partial retirement of stock.* In individual cases where the amount of bank stock held as security for a loan is substantially in excess of 5 percent of the unpaid balance of the loan and the bank determines that retirement of the excess stock is advisable, the Administration approves, under section 7 of the Federal Farm Loan Act (12 U. S. C. 721), the retirement of that portion of such stock which is in excess of 5 percent of the unpaid balance of the loan, *Provided,* (a) The capital stock of the association through which the existing loan was made is not impaired and such stock retirement will not make the principal remaining unpaid upon mortgages already received from the association exceed 20 times the amount of stock in the bank owned by such association, or the only stock outstanding in connection with the existing loan is bank stock, and (b) Such retirement of stock is in accordance with authorization given by the bank's board of directors by appropriate resolution.

§ 10.383 *Conversion of direct loan into association loan.* The provisions of section 7 of the Federal Farm Loan Act, as amended (12 U. S. C. 723 (d)), with respect to the reduction of interest rates and issuance of association stock in lieu of stock in the bank shall be applicable also to a borrower who has obtained a direct loan and who subsequently is elected to membership in an existing association whose endorsement at the time is acceptable to the bank.

§ 10.522 *Exchange of consolidated bonds.* Consolidated bonds issued by the 12 Federal land banks may be exchanged for bonds of the same issue, and assignments of registered consolidated bonds of all issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchange and transfers of United States bonds.

LOST, STOLEN, DESTROYED, MUTILATED, OR DEFACED BONDS AND COUPONS

§ 10.523 *Bonds issued by individual banks.* Whenever it appears to the Land Bank Commissioner, by clear and satisfactory evidence, that any interest-bearing bond or any coupon thereof issued by any Federal land bank or joint stock land bank has, without bad faith on the part of the owner, been lost, stolen, or destroyed, and is not lawfully held by any person as his own property, or has been so mutilated or defaced as to impair its value to the owner, and is identified by number and description, the Land Bank Commissioner may authorize payment to be made (upon approval of the proofs of loss, etc., bonds of indemnity and related papers filed with the banks of issue in such cases, detailed information as to which has been furnished the banks) without requiring the issuance of any new bonds for record purposes.

§ 10.524 *Owner of lost bond to file bond of indemnity.* The owner of any such lost, stolen, or destroyed coupon bond or coupon thereof shall file with the bank of issue a bond of indemnity in a penal amount double the sum of the face amount of such coupon bond and the interest due and unpaid to the date when the bond was called or matured; and the owner of any such lost, stolen, or destroyed registered bond shall file with the bank of issue a bond of indemnity in a penal amount equal to the sum of the face amount of such bond and the interest thereon due and unpaid to the date when the bond was called or matured; with good and sufficient corporate surety to be approved by the bank of issue and the Land Bank Commissioner, and with conditions to indemnify and save harmless the bank of issue from all claims, demands, or loss, on account of the bond for which payment is requested.

§ 10.525 *Consolidated bonds.* The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of loss, theft, destruction, mutilation, or defacement of United States securities, and the regulations of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of United States securities, so far as such statutes and regulations may be applicable, and as modified to relate to consolidated Federal farm loan bonds, and coupons of such bonds, shall govern the granting of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated Federal farm loan bonds, and mutilated or defaced coupons of such bonds.

CONSOLIDATED BONDS; CALL FOR REDEMPTION

§ 10.530–50 *Method of calling consolidated Federal farm loan bonds.* When any Federal land bank shall desire to call for redemption any consolidated Federal farm loan bonds outstanding on its behalf, it shall, pursuant to appropriate authorization of the 12 Federal land banks, file with the Farm Credit Administration, at least 20 days prior to the date on which the call is to become effective, a certified copy of a resolution of its board of directors authorizing such call. The Land Bank Commissioner shall, at least 15 days prior to the date on which the call is to become effective, approve or disapprove the call and, if the call is approved, shall cause formal notice thereof to be published, at least 15 days prior to the effective date of the call, in the FEDERAL REGISTER and through any other facilities that the Farm Credit Administration may elect. Such notice shall describe the bonds so called for redemption and shall designate the place or places where and the date on and after which they will be payable. Approval of the call and publication of notice as herein required shall be deemed a complete call. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

§ 10.530–51 *Call for less than entire issue of consolidated Federal farm loan bonds.* In any case in which it is desired to call for redemption less than all of the outstanding bonds of any issue or issues, the bonds to be so called shall be selected in such manner as the Land Bank Commissioner shall prescribe.

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11.1025–63 Completing liquidation.
11.1025–64 Disposition of association records.

AUTHORITY: §§ 11.1 to 11.1025–64, inclusive, issued under secs. 7, 8, 9, 12, 24, 29, 39 Stat. 365, 367, 368, 370, 379, 381, sec. 6, 47 Stat. 14, sec. 25 (d), 50 Stat. 713; 12 U. S. C. and Sup., 665, 716, 721, 733, 745, 771, 911, 965, 967.

NOTE: In §§ 11.64–50 to 11.1025–64, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Policy and Operations Manuals of Federal Land Banks and the Manual for National Farm Loan Associations, issued as of January 1, 1943.

§ 11.1 *Organization of national farm loan associations.* (a) National farm loan associations are corporations chartered by the Farm Credit Administration and operate under its supervision in accordance with the provisions of the Federal Farm Loan Act (39 Stat. 360, as amended; 12 U. S. C. and Sup., Chap. 7, Subchap. I). All of the stock of a national farm loan association is owned by the member borrowers. The territory within which an association may transact business is fixed in its charter. Some 1,300 associations now serve the United States. Membership in an association is confined to persons who are borrowers from a Federal land bank.

(b) The members of an association elect its board of directors from its membership. The board appoints its officers and employees, the secretary-treasurer being its executive officer. Each association has a loan committee which considers applications for loans and also may elect applicants to membership if so authorized by the board. The necessary blanks and instructions for the formation of an association may be obtained from the Federal land bank authorized to operate in the particular State. The organization of a new association is not undertaken if an existing association is giving adequate service in the territory.

(c) The office address of the association serving a particular locality may be obtained from the Federal land bank of the district.

§ 11.2 *Functions and procedures of national farm loan associations.* (a) The Federal Farm Loan Act (39 Stat. 360, as amended; 12 U. S. C. and Sup., Chap. 7, Subchap. I) provides, in connection with Federal land bank loans through associations, that the borrower will be elected to membership in the association and subscribe for association stock in the amount of 5 percent of his loan, such stock to be held by the association as collateral security for repayment of the loan, and that the association will in turn endorse and thereby become liable for the loan and subscribe for a similar amount of stock in the bank, which stock will be held by the bank as collateral security for the association's obligations. Unless the capital of the association is impaired, both types of stock ordinarily are retired and paid off at par when the loan is repaid. The further association procedure on applications for loans is indicated under the heading "Loans" in § 10.2 of this subchapter.

(b) Full information as to the farm loans available from the land banks is obtainable from the local associations.

(c) The Federal land banks also utilize the services and facilities of the associations in servicing land bank and Commissioner loans in their territory, and have delegated certain functions with respect to loans and acquired properties to qualified associations. Among the transactions reserved for decision by the banks is the approving of new loans, calling loans for foreclosure, accepting deeds in lieu of foreclosure, filing suit for judgments, accepting offers for the sale of real estate, and the sale and disposition of minerals. In any event, even though final decision with respect to a transaction is reserved to the bank, initial application therefor should be made to the local association.

(d) Further, the services and facilities of the associations may be utilized, if convenient, by the Federal Farm Mortgage Corporation in discharging its functions as disposal agency for surplus agricultural and forest real property under the Surplus Property Act of 1944 (58 Stat. 765, as amended; 50 U. S. C. App. Sup., 1611–1646).

LIQUIDATION OF ASSOCIATIONS

§ 11.64–50 *Method of liquidation* Any association may be liquidated by the retirement by a bank, with the approval of the Administration, of all the stock held by the association in the bank and the retirement of the corresponding shares of stock in the association. In the absence of special circumstances, approval will not be given to a liquidation by this method unless the association has less than 10 members and it appears to the satisfaction of the Administration that the association cannot or will not funcion and that its continuance will not serve a useful purpose.

§ 11.64–51 *Distribution of assets; completing liquidation.* The Administration will advise the association of the retirement by the bank of its stock. Upon receipt of this information the association shall have recorded on its books the retirement of the corresponding stock of the association held by the borrowers; determine by agreement with the bank the amount of contingent liabilities incurred by the association on account of endorsed mortgages and include such amount in the liabilities of the association; apply all assets of the association to the extent necessary to the payment of its liabilities; distribute any remaining assets to its stockholders, or their successors in interest, of record on the books of the association as of the effective date of liquidation, pro rata according to their respective shareholdings; and return the charter of the association to the bank for transmittal to the Administration for cancelation.

RETIREMENT OF STOCK UPON REPAYMENT OF LOANS

§ 11.65 *Classification of associations.* The banks shall review periodically the financial condition of each association, and each completed compartment formed under the provisions of section 25 (b) of the Farm Credit Act of 1937 (50 Stat. 711; 12 U. S. C. 724), to determine whether its capital stock is impaired or unimpaired. For this purpose, the stock of an association shall be considered impaired if the total of its liabilities (including estimated losses on contingent liabilities) and capital stock is in excess of its total assets and such excess may not reasonably be regarded, under all the circumstances, as negligible in amount or percentage, as apparent rather than real, or as temporary only.

PROCEDURE CONSOLIDATING ASSOCIATIONS

§ 11.348 *Action by directors.* The board of directors of each association to be consolidated shall take appropriate action to authorize the execution of a consolidation agreement and articles of association for the consolidated association. The board may designate one or more of its members to serve with representatives of each of the boards of the other associations involved as an organization committee for the formation of the consolidated association. Each board of directors, or the representatives of each association on the organization committee pursuant to authority by the association board of directors, shall execute on behalf of such associations the agreement of consolidation and articles of association on forms prescribed by the Commissioner and shall appoint not less than five or more than seven qualified persons to serve as directors for the consolidated association, who will constitute the board of directors for the period intervening from the date of organization to the date fixed in the bylaws for the first annual meeting of stockholders or until their successors are elected and have qualified.

§ 11.349 *Action by members.* Meetings of association members shall be called in accordance with the provisions of the bylaws of the association. Notices of the meetings, containing a brief statement of the proposal shall be mailed to each stockholder of record and to members who are not stockholders, if any. Where an association has completed a compartment under section 25 (b) of the Farm Credit Act of 1937, a separate meeting shall be held of the members admitted under that section including those who have not been issued association stock because their loans are not in good standing. A favorable vote of a majority of the members present and voting at each separate meeting shall be necessary for the approval of the proposed consolidation, and such members shall adopt resolutions ratifying and approving the execution of the agreement of the consolidation and articles of association in the name of the association. The secretary-treasurer shall certify to the action taken at the meetings of members and his certificate shall set out the resolution adopted by the members ratifying the execution of the consolidation agreement.

§ 11.350 *Completing consolidation.* Upon completion of the association action, one set of organization papers, with the bank's recommendation, and a financial statement for each constituent association and the consolidated association, shall be submitted to the Commissioner for consideration. Upon approval by the Commissioner, notice of such approval and the effective date of the consolidation will be sent to the bank and the association, and a charter will be issued to the consolidated association which will be forwarded to the association through the bank. Upon receipt of the approval notice, the bank should provide assistance in transferring all assets to the consolidated association, setting up the new books and establishing such other procedures as may be found necessary. The transfer of all assets to the consolidated association should be made the day following the effective date of the consolidation, if possible. The secretary-treasurer of the consolidate ' association should take appropriate action to effect changes in stock issues, and should notify promptly each

of the members, as well as all former members of the constituent associations who hold participation certificates, if any, that the consolidation has been approved. The charters of the constituent associations should be surrendered and sent to the Administration for cancelation. The Administration should be notified by the bank of the completion of the consolidation upon the issuance of new bank stock to the consolidated association in exchange for the stock held by the constituent associations.

§ 11.351 *Legal reserve requirement.* The legal reserve requirement for the consolidated association at the time of completion of the consolidation shall be the total of the unimpaired legal reserves of the constituent associations.

§ 11.373 *Merger of shareholder groups in associations operating under section 25* (b). The following sections are issued pursuant to the fourth paragraph of section 25 (b) of the Farm Credit Act of 1937 (12 U. S. C. 724 (d)):

§ 11.374 *Definitions.* For the purpose of the regulations in this part the following words and phrases shall have the meaning herein ascribed to them:

(a) "To merge" shall mean to combine pursuant to an agreement authorized by the fourth paragraph of said section 25 (b) and entered into in accordance with the regulations in this part and "merger" shall describe the consummation of the union provided for in such an agreement.

(b) "Group 1" shall mean those shareholders of an association with loans which were made prior to the date on which the first member was admitted to such association pursuant to said section.

(c) "Group 2" shall mean those shareholders of an association with loans which were made on or after the date on which the first member was admitted to the association pursuant to said section and with respect to whom the special provisions of paragraphs "First" to "Sixth" of that section have become applicable.

(d) "When all impairment is removed," as used in the fourth paragraph of said section, shall mean when the Administration shall determine that the aggregate corporate liabilities of a group in an association authorized to operate under said section, including capital stock, do not exceed in amount the fair value of the total assets of such group, or, if there is an excess of such liabilities over such assets, that excess reasonably may be regarded, under all the circumtances, as negligible in amount or percentage, as apparent rather than real, or as temporary only.

§ 11.375 *Procedure.* Whenever, in an association authorized to operate under section 25 (b) of the Farm Credit Act of 1937, all impairment is removed in the stock owned by shareholders in group 1, and there is no impairment in the stock owned by shareholders in group 2, such groups may merge in the manner hereinafter set forth:

(a) The board of directors of the association shall call separate special meetings of the shareholders of group 1 and the shareholders of group 2 for the purpose of considering a proposed resolution of merger in a form prescribed by the Administration. Such meetings shall be called and held in accordance with the provisions of the association's bylaws applicable to meetings of association shareholders. The notice of the meetings shall contain a statement that a merger of the two groups of associaton shareholders will be voted upon and should contain a brief statement of the nature and effect of the proposal. At these meetings the effect of the proposed merger should be fully explained to the shareholders.

(b) The approval of a majority of the shareholders present and voting at each meeting at which the resolution of merger is considered shall be requisite for the adoption of such resolution.

(c) At least three copies of such resolution shall be prepared, and, when the resolution has been duly adopted by both groups, two copies shall be forwarded to the bank.

(d) The bank may request an examination of the association either on or before the adoption of the merger resolution. An examination may be required by the Land Bank Commissioner at any stage in the proceedings if it appears necessary in the interests of the shareholders.

(e) The bank shall forward to the Administration one copy of the resolution, a current financial statement of groups 1 and 2, and its recommendation as to whether the merger should be approved.

(f) No merger shall be effective unless or until it has been approved by the Commissioner. If the merger resolution is approved by the Commissioner, the effective date will be specified in his written approval and the bank and association will be notified of the approval and effective date by letter. Upon receipt of the approval notice the bank shall take such steps as it deems necessary to assist the secretary-treasurer of the association in consolidating the accounts and records of the two groups pursuant to the merger resolution. Such consolidation of accounts and records shall be made as of the close of business on the effective date of the merger. As soon as the merger has been completed, the secretary-treasurer shall notify each of the members of the association that the merger has been effected. A copy of that notice shall be sent to the Administration.

§ 11.385–50 *Liquidation of associations; action by bank.* The board of directors of the bank shall take appropriate action to adopt a resolution requesting approval of the Administration to pay off at par and retire all stock held by the association in the bank. The resolution should specifically state that, in the judgment of the board, it is advisable for the benefit and best interests of the association members and those engaged in agriculture in the territory of such association that all stock held by the association in the bank and all corresponding shares of stock in the association held by borrowers through it should be retired and the association liquidated. In the event an association is unable to pay its indebtedness in full, the resolution should further state the consideration the bank has given to the enforcement of the liability of the stockholders for the payment of the association's debts and the conclusion reached.

§ 11.385–51 *Certification by officer of bank.* The appropriate bank officer shall certify to the action taken at the meeting of the board of directors, and his certificate shall set out the resolution adopted by the board.

§ 11.385–52 *Approval by Administration.* Upon completion of the board's action, a certified copy of the resolution, accompanied by a detailed statement of facts concerning the condition, operations, and prospects of the association, should be forwarded to the Administration. Upon approval or disapproval of the bank's request by the Administration, notice of such decision will be sent to the bank. Upon receipt of approval notice, the bank shall take the necessary action to pay off at par and retire the stock held by the association in the bank, and when such action has been completed, the bank shall notify the Administration. The Administration will advise the association of the retirement by the bank of its stock.

§ 11.385–53 *Examination; disposition of books and records.* Upon completion of liquidation, the books and records of the association shall be forwarded to the office of the resident farm credit examiner for final examination: *Provided, however,* That upon the written request of the secretary-treasurer of the association, such final examination shall be made at the association's office prior to the release of the books and records by the association. Upon completion of the examination, the books and records will be forwarded to the Administration by the resident farm credit examiner.

§ 11.932 *Disposition of stock proceeds where association stock is unimpaired.* When a mortgage loan through an association with unimpaired stock is paid in full, the bank shall retire its stock outstanding in connection with such loan and shall pay its par value in cash to the association. Upon the retirement of the bank stock, the association shall retire its stock outstanding in connection with such loan and shall pay the full proceeds thereof, less the amount of any claim of the association which may properly be offset against such stock proceeds, to the owner of, or the holder of a valid assignment of the beneficial interest in, such stock. The bank may, however, pursuant to a general resolution adopted by its board of directors and approved by the Farm Credit Administration, retire its stock and, with the consent of the association, credit an amount equal to the par value thereof as a last payment on the retiring borrower's loan. Before crediting stock of an unimpaired association to the retiring borrower's loan, the bank shall have satisfactory evidence that the person paying off the loan either owns, or holds a valid assignment of the beneficial interest in, stock issued by the association in connection with such loan and the association does not have a valid claim which properly may be offset against the proceeds of such stock upon its retirement.

§ 11.393 *Disposition of stock proceeds where association stock is impaired.* When a mortgage loan through an association with impaired stock is paid in full, the bank shall retire its stock outstanding in connection with such loan, and, if the association is indebted to the bank, it may retain the full amount of the proceeds of such stock and apply it as a credit on such indebtedness or it may pay to the association from the proceeds of such retired stock an amount sufficient to permit the association to make settlements pursuant to conservatorship proceedings, under section 29 of the Federal Farm Loan Act as amended, in which case any balance of such proceeds shall be retained by the bank and applied as a credit on the indebtedness of the association to it. Upon the retirement of the bank stock the association shall retire its stock outstanding in connection with such loan, and, unless it has been through conservatorship as provided in said section 29, it shall not make any payments to its retired shareholders of record or their heirs or assigns until it has paid, or made adequate provision for paying, its indebtedness to its creditors and has sufficient funds available to make a distribution among its retired shareholders or their heirs or assigns on a pro rata basis. Except where settlement is made pursuant to conservatorship proceedings, an association with impaired stock shall issue to each retiring shareholder, or his heirs or assigns, a certificate which recites, in effect, that the holder of the certificate is entitled to share in the distribution of any assets of the association which is made after all its indebtedness to creditors has been paid or provided for; such sharing to be on the basis of the shares of stock described in the certificate, but not to exceed the par value of such shares, and pro rata with other persons having similar rights.

§ 11.1011 *Eligibility determined by location of land.* A farm owner shall be eligible to membership in the national farm loan association within whose chartered territory any part of the land to be mortgaged is located, regardless of the applicant's place of residence. If the farm to be mortgaged lies within the territory of two or more associations, the applicant shall be eligible to join any one of the associations, but if the lands to be mortgaged are not adjoining, they will be treated as a single farm for loan purposes only if the separate units are under common management and are in such proximity to each other as to constitute practically one operative agricultural unit.

§ 11.1012 *Husband or wife as sole owner.* When husband and wife both sign a mortgage but one or the other is sole owner, the one in whose name the title stands is the one who is eligible to membership in the association.

§ 11.1013 *Joint owners.* In cases of joint ownership, each owner who assumes personal liability for a loan must be elected to membership in the association through which the loan is made and the association stock must be issued jointly to all such owners.

§ 11.1014 *Livestock corporations.* Corporations engaged in the raising of livestock are eligible to become members of national farm loan associations. If a livestock corporation which is eligible for a loan, purchases property mortgaged to a land bank it may, with the approval of the bank, assume the mortgage and stock interests of the vendor. If an association approves the application of a livestock corporation, the corporation itself should be elected to membership and the association stock issued in its name. The corporation must authorize, by power of attorney, one of its shareholders to act for it in all association matters. The person so authorized to act for the corporation may be elected a director of the association, provided he is a bona fide resident of the territory within which the association is authorized to do business. The power of attorney referred to should be so drawn that it will continue in full force and effect until the association has received another power of attorney to supersede the old one or until the old power has been revoked.

§ 11.1015 *Other corporations.* In the event a corporation becomes the purchaser of the mortgaged property, while it may assume the payment of the existing mortgage, it cannot become a member of or an actual stockholder in an association unless it qualifies as engaged in the raising of livestock. However, any corporation may purchase the equity of redemption of the original borrower in such stock and thereby become entitled to any dividends on said stock and ultimately to the proceeds thereof. Stock that has been so purchased cannot be transferred on the stock certificate book of the association, but the fact that an assignment has been made may be noted on the back of the certificate so that the proceeds, including the dividends, may be paid the person equitably entitled thereto. In this connection, it should be borne in mind that the stock in the association is collateral security for the payment of the loan, and, in addition, may carry the statutory double liability. The original owner, so far as the association is concerned, remains the stockholder whether the purchaser of the equity does or does not agree to assume the liability.

§ 11.1016 *Voting by proxy.* Voting by proxy shall not be permitted at stockholders' meetings of associations unless the proxy holder is (a) the person authorized to act for a livestock corporation owning the stock, (b) a joint owner of the stock, or (c) the husband or wife of the owner of the stock. In the latter case, said husband or wife shall not be eligible to any office in the association.

§ 11.1017 *Participation certificates.* If any shareholder or former shareholder does not desire to settle on the basis of the fair book value of the stock of the association as determined in conservatorship proceedings pursuant to section 29 of the Federal Farm Loan Act, as amended by section 25 (d) of the Farm Credit Act of 1937, he may, in lieu thereof, be given a participation certificate which will entitle him to share pro rata on the basis of the number of shares of stock which he owned in the association in the distribution of any assets of the association which is made after all its indebtedness to creditors has been satisfied, but not to exceed the par value of such shares. The holder of a participation certificate may, at any time, by surrendering the certificate to the secretary-treasurer of the association, receive the amount which is being paid to retired shareholders at the date of such surrender as the fair book value of the stock of the association less the amount of the credit for, or proceeds of, such stock which already shall have been allowed or distributed: *Provided, however,* That if the person surrendering such certificates shall have acquired his interest in the claim evidenced thereby through a voluntary assignment or pledge made after the commencement of any conservatorship proceedings in the association, such certificate shall not be redeemed at a value in excess of the fair book value of the association stock as of the date when the initial holder thereof became entitled to receive such certificate. Settlements with holders of participation certificates in accordance with the preceding sentence should be made only on condition that they accept the settlement as payment in full. Unless the holder surrenders his participation certificate as herein provided, he shall receive no cash payments in connection with such certificate, except as follows:

(a) If the association is liquidated by receivership or otherwise, he shall be entitled to share pro rata with other persons having similar rights in the distribution of any assets of the association which is made after all of its indebtedness to creditors has been satisfied.

(b) If, prior to liquidation as provided in (a) above, the fair book value of the stock of the association reaches par, he shall be entitled to receive par for such certificate.

(c) If, prior to liquidation as provided in (a) above, all indebtedness of the association is paid but the fair book value of the stock is not par, he may share pro rata with other persons having similar rights in the distribution of any assets of the association which may be made from time to time.

§ 11.1025–60 *Action of association board of directors.* The board of directors of any association desiring to enter into voluntary liquidation shall develop a complete plan of liquidation setting forth in detail the reasons why it is considered advisable for the benefit and best interests of the association members that the association should be liquidated, containing a current financial statement of the association, and specifically providing:

(a) That the association should be liquidated and its charter canceled;

(b) That all liabilities of the association, including contingent liabilities incurred by the association by reason of its endorsement of mortgages, shall be paid in full, or the payment thereof provided for to the satisfaction of the Administration;

(c) That the amount of contingent liabilities shall be mutually agreed upon by the association and the Federal land bank, but in the event such agreement cannot be reached, the amount of such liabilities shall then be determined by the Administration;

(d) In the event the association does not have sufficient assets to pay all its liabilities without creating an impairment of its capital stock, the manner in which the necessary funds will be raised: (In this connection an association may by unanimous action of its members levy an assessment on the members in proportion to the amount of stock held by each to raise the required funds, or it may accept voluntary contributions from its members for the purpose of restoring the stock to an unimpaired condition after making provision for all liabilities of the association.)

(e) That funds in an amount equal to the net legal reserve of the association after provision for all its liabilities shall be transferred to the bank of the district;

(f) That the remaining assets of the association, other than its capital stock in the Federal land bank, shall be distributed among its stockholders, or their successors in interest, of record on the books of the association as of the effective date of liquidation, pro rata according to their respective shareholdings;

(g) That the plan of liquidation shall not become effective until consent, in writing, is obtained from the Administration; and

(h) That the effective date of liquidation shall be the date specified by the Administration in the written consent to liquidation.

A copy of such plan shall be submitted to the stockholders of the association as provided in § 11.1025–61.

§ 11.1025–61 *Action by members.* A special meeting of the association members shall be called. Notice of the meeting shall be mailed to each stockholder of record at least 20 days prior to the date of such meeting, and shall contain a full statement of the voluntary liquidation proposal or shall have incorporated in it by reference and attached thereto a complete copy of the plan of liquidation developed by the directors of the association. A favorable vote of at least two-thirds of the stockholders of the association, at the special meeting called as herein provided, shall be necessary for the approval of the proposed liquidation. Such approval shall be evidenced by a resolution of the stockholders approving in its entirety the plan of liquidation developed by the directors and authorizing and instructing the officers of the association to do all things necessary to carry into effect the liquidation and render the plan of liquidation effective. The secretary-treasurer shall certify to the action taken at the meeting of the stockholders, and his certificate shall set out the resolution adopted by the stockholders authorizing the liquidation of the association and the fact that the number of stockholders voting for the motion in the assembled meeting constituted at least two-thirds of the stockholders of record of the association on the date of the meeting.

§ 11.1025–62 *Procedure for obtaining consent of Administration.* Upon completion of the stockholder action, two certified true copies of the resolution and two copies of the plan, together with the charter of the association, should be forwarded to the bank. The association shall be examined by a farm credit examiner as soon as possible following receipt by the bank of the liquidation plan. After the examination is made, the bank should forward to the Administration one copy of the resolution and plan, together with the charter of the association, and its recommendations in the matter with the supporting reasons for such recommendations. If the Administration consents to the plan, notices of such consent, setting forth the effective date of the liquidation and any other requirements of the Administration, will be sent to the bank and to the association.

§ 11.1025–63 *Completing liquidation.* Upon receipt of notice of consent from the Administration, the association shall immediately take the necessary action to liquidate its affairs, as required by the plan of liquidation and the consent thereto. When the necessary action has been completed, evidence thereof in the form required by the Administration in its written consent to the liquidation shall be transmitted to the bank and, if the bank is satisfied that all requirements of the plan have been carried out, such evidence shall be forwarded to the Farm Credit Administration. If the Administration is satisfied that all liquidation steps have properly been taken, it will advise the bank, and the bank upon the receipt of such advice shall cancel the stock held by the association in the bank and thereupon issue its stock to the borrowers through the association pursuant to the provisions of section 29 of the Federal Farm Loan Bank Act (12 U. S. C. 966). The Administration should be notified when the cancellation and reissuance of stock have been completed by the bank.

§ 11.1025–64 *Disposition of association records.* Upon completion of liquidation, the books and records of the association shall be forwarded to the office of the resident farm credit examiner for final examination: *Provided, however,* That upon the written request of the secretary-treasurer of the association, such final examination shall be made at the association's office prior to the release of the books and records by the association. Upon completion of the examination, the books and records will be forwarded to the Administration by the resident farm credit examiner.

PART 12—FEDERAL FARM MORTGAGE CORPORATION

Sec.
- 12.1 Organization of Federal Farm Mortgage Corporation.
- 12.2 Functions and procedures of Federal Farm Mortgage Corporation.
- 12.28–25 Interest rate on Commissioner loans guaranteed by Veterans' Administration.
- 12.102 Executors and administrators (including temporary administrators).
- 12.106 Trustees (whether appointed by will or deed), guardians and other fiduciaries.
- 12.111 Tenants for years.
- 12.150 Computing amount loanable to one borrower.

AUTHORITY: §§ 12.1 to 12.150, inclusive, issued under sec. 33, 48 Stat., as amended; 12 U. S. C. 1017.

NOTE: In §§ 12.28–25 to 12.150, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Policy and Operations Manuals of the Federal Land Banks, issued as of January 1, 1943.

§ 12.1 *Organization of Federal Farm Mortgage Corporaton.* (a) The Federal Farm Mortgage Corporation was created in 1934 by the Federal Farm Mortgage Corporation Act (48 Stat. 344; 12 U. S. C. and Sup. 1020–1020h), and has its principal office with the Farm Credit Administration in Washington, D. C. Its entire capital is provided by the United States, and it has the authority, with the approval of the Secretary of the Treasury, to issue bonds fully and unconditionally guaranteed both as to interest and principal by the United States. The administration and management of the Corporation is vested in its board of directors consisting of the Governor of the Farm Credit Administration as chairman, the Secretary of the Treasury or an officer of the Treasury designated by him, and the Land Bank Commissioner. While the board is authorized to appoint such agents, officers, and employees as it deems necessary, it utilizes, on a reimbursable basis, the services and facilities of the Farm Credit Administration and the Federal land banks in discharging its functions, and may utilize the services and facilities of the national farm loan associations, if convenient, in surplus property disposal.

(b) An executive vice president is the active executive officer of the Corporation. Between meetings of the board, an executive committee acts upon matters not specifically requiring initial consideration by the board.

§ 12.2 *Functions and procedures of Federal Farm Mortgage Corporation*—(a) *General.* The main purposes of the establishment of the Corporation were to provide funds for the Land Bank Commissioner loans made on behalf of the Corporation by the land banks as agents, and to assist in providing funds to the Federal land banks for making loans. The Federal Farm Mortgage Corporation is specifically authorized to make loans to the Federal land banks, or otherwise provide them with loanable funds in accordance with 48 Stat. 345, 346, 647, as amended; 12 U. S. C. and Sup. 1020c and 1020d.

(b) *Land Bank Commissioner loans.* These loans were first authorized in section 32 of the Emergency Farm Mortgage Act of 1933 (48 Stat. 48, as amended; 12 U. S. C. and Sup. 1016) as a temporary measure, but the authority to make them has been extended from time to time, most recently until July 1, 1947. Land Bank Commissioner loans may be made to eligible borrowers and for eligible purposes up to 75 percent of the appraised normal value of the farm property, or 75 percent of the prudent investment value under certain conditions, but not to exceed $7,500 to any one farmer. These loans are made as first mortgage loans or as second mortgage loans supplementing a first mortgage land bank loan which is now limited to 65 percent. The interest rate on Commissioner loans is 1 percent higher than the rate on Federal land bank loans made through associations at the same time. The procedure for applying for Commissioner loans is covered under "Loans" in § 10.2 of this subchapter.

When the Federal Farm Mortgage Corporation was created in 1934, there was transferred to it the Land Bank Commissioner loans which had already been made, and the Corporation was authorized to invest its funds in such loans to be made thereafter on its behalf. In making and servicing these loans, the land banks act as agents for the Commissioner and the Corporation.

(c) *Surplus property disposal.* The Federal Farm Mortgage Corporation has undertaken the functions of disposal agency for surplus agricultural and forest real property under the Surplus Property Act of 1944. The functions of the Department of Agriculture as such disposal agency were delegated by the Secretary of Agriculture, subject to his general supervision and direction and to regulations approved by him, to the Governor of the Farm Credit Administration. They were redelegated by the Governor, subject to his general supervision and direction, to the Federal Farm Mortgage Corporation. The Corporation in turn utilizes the services and facilities of the Federal land banks in discharging these functions, and may also use the national farm loan associations if convenient. A separate Surplus Property Disposal Manual has been issued to cover this activity, Part 5 of this chapter.

§ 12.28–25 *Interest rate on Commissioner loans guaranteed by Veterans' Administration.* On and after February 1, 1945, the contract rate on Commissioner loans approved for guaranty by the Administrator of Veterans' Affairs pursuant to Title III of the Servicemen's Readjustment Act of 1944 and the regulations issued thereunder shall be 4 percent per annum.

§ 12.102 *Executors and administrators (including temporary administrators).* Commissioner loans may be made to executors and administrators (including temporary administrators) when (a) the decedent was engaged in farming operations or derived the principal part of his income from farming operations, or the executor or administrator in his representative capacity is engaged, or shortly to become engaged, in farming operations, or the principal part of the income of the estate is derived from farming operations; and (b) a valid lien can and will be given on the property on which the loan is sought; and (c) the executor or administrator or some individual beneficiary of the decedent's estate can and will incur personal liability for the loan, or the executor or administrator can and will charge the general assets of the estate with liability for the loan.

§ 12.106 *Trustees (whether appointed by will or deed), guardians, and other fiduciaries.* Commissioner loans may be made to trustees (whether appointed by will or deed), guardians, and other fiduciaries when (a) the trustee or guardian in his fiduciary capacity is engaged, or shortly to become engaged, in farming operations, or the beneficiaries of the trust or wardship are engaged, or shortly to become engaged, in farming operations or derive the principal part of their income from farming operations; and (b) a valid lien can and will be given on the property on which the loan is sought; and (c) the trustee or guardian or some individual beneficiary of the trust or wardship can and will incur personal liability for the loan, or, in the event the beneficiaries are not sui juris and the trustee or guardian will incur liability in his fiduciary capacity only, some other person intimately connected by blood or interest with a beneficiary can and will incur personal liability for the loan as a coobligor with the trustee or guardian.

§ 12.111 *Tenants for years.* Commissioner loans may be made to tenants for years to the extent of the value as security of the leasehold interest on which the loan is sought if the tenant, by reason of farming operations conducted by him on the land covered by his leasehold, or otherwise, is eligible as a borrower. As used in this section, the term "eligible as a borrower" means a person who is engaged in farming operations, or who is shortly to become engaged in farming operations, or who derives the principal part of his income from farming operations.

§ 12.150 *Computing amount loanable to the borrower.* No Commissioner loan or loans shall be made to any one farmer or on any one farm for more than an aggregate total of $7,500. For the purpose of computing the maximum amount loanable by the Commissioner to owners of undivided interests, there shall be charged against each, such portion of the loan on the jointly owned property as his undivided interest in the property bears to the entire title, except that the borrowing capacity of such an owner need not be charged with any amount which one or more of his coowners who are "farmers" within the statutory definition consent to have charged against the unused portion of their borrowing capacity.

PART 14—JOINT STOCK LAND BANKS

Sec.
- 14.1 Applicability of Federal land bank rules and regulations.
- 14.2 Voting privileges of shareholders in joint stock land banks.
- 14.3 Method of calling for redemption farm loan bonds issued by joint stock land banks.
- 14.4 Determination of bonds to be called where less than all of outstanding bonds of any issue or issues will be redeemed.
- 14.5 Sales of assets by joint stock land banks to stockholders, directors, officers or employees.

AUTHORITY: §§ 14.1 to 14.5, inclusive, issued under sec. 6, 47 Stat. 14; 12 U. S. C. 665.

§ 14.1 *Applicability of Federal land bank rules and regulations.* The following rules and regulations pertaining to the Federal land bank system set out heretofore in Part 10 of this chapter apply also to joint stock land banks except to such extent as the rules and regulations, by their terms or necessary inference, are restricted to Federal land banks or are otherwise inapplicable to joint stock land banks:

Sec.	Subject
10.25	Normal agricultural value basis.
10.183 to 10.197	Insurance requirements for bank loans.
10.523 to 10.525	Lost, stolen, destroyed, mutilated, or defaced bonds and coupons.

§ 14.2 *Voting privileges of shareholders in joint stock land banks.* The bylaws of every joint stock land bank should contain a provision substantially as follows:

In all elections of directors, each shareholder shall have the right to vote the number of shares owned by him for as many persons as there are directors to be elected, or to cumulate such shares and give one candidate as many votes as the number of directors multiplied by the number of his shares shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and in deciding all other questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him; except that (1) in the election of directors, shares of its own stock held by the bank as sole trustee, whether registered in its own name as such trustee or in the name of its nominee, shall not be voted by the registered owner unless under the terms of the trust the manner in which such shares shall be voted may be determined by a donor or beneficiary of the trust and unless such donor or beneficiary actually directs how such shares shall be voted, and (2) shares of its own stock held by the bank and one or more persons as trustees may be voted by such other person or persons, as trustees, in the same manner as if he or they were the sole trustee. Shareholders may vote by proxies duly authorized in writing; but no officer or employee of the bank shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote. Whenever shares of stock cannot be voted by reason of being held by the bank as sole trustee, such shares shall be excluded in determining whether matters voted upon by the shareholders were adopted by the requisite percentage of shares.

§ 14.3 *Method of calling for redemption farm loan bonds issued by joint stock land banks.* Any joint stock land bank desiring to call any bond or bonds issued by such bank (or of which the payment has been assumed by it), then callable according to the terms and tenor thereof, shall file with the Land Bank Commissioner, at least twenty days prior to the date on which the call is to become effective, a certified copy of the resolution(s) of its board of directors authorizing such call, and a formal notice of such call, describing by date of issue, date of maturity, call date, interest rate, and serial numbers (except in the case of a call of all the outstanding bonds, not theretofore called for redemption, of one or more issues) the bond or bonds so called for redemption, and des-

ignating the place or places where the same will be paid and the date on which payment will be made. The Land Bank Commissioner shall, at least fifteen days prior to the date on which the call is to become effective, approve or disapprove the call and cause the joint stock land bank concerned to be notified of his approval or disapproval. If the call is approved, the joint stock land bank calling such bonds for payment shall cause notice of such call to be published at least fifteen days prior to the effective date of the call, in such journals and newspapers as the Land Bank Commissioner may direct; and a certificate that the required publicity has been given shall be filed with the Land Bank Commissioner. Approval of the call and publication of the notice, as herein required, shall be deemed a complete call; and thereupon the bank making same will be relieved from paying any interest on the bonds called, after the date of payment specified in such notice.

§ 14.4 *Determination of bonds to be called where less than all of outstanding bonds of any issue or issues will be redeemed.* In any case in which it is desired to call for redemption less than all of the outstanding bonds of any issue or issues, the bonds to be so called shall be determined by said bank in such manner as the Land Bank Commissioner shall direct or approve.

§ 14.5 *Sales of assets by joint stock land banks to stockholders, directors, officers, or employees.* No joint stock land bank shall knowingly sell or otherwise dispose of any of its assets, directly or indirectly, to a stockholder, director, officer, or employee of the bank, or to a corporation, firm, syndicate, partnership, or other entity or group, in which any stockholder, director, officer, or employee of the bank has an interest, unless the prior written approval of the Farm Credit Administration is obtained.

PART 19—FEES AND CHARGES ON LAND BANK AND COMMISSIONER LOANS

Sec.
19.282 Forbearance agreements.
19.320 Applications; association fees.
19.322 Bank application fees.
19.324 Closed loans; association fees.
19.325 Additional and refunding loans; association fees.
19.326 Bank closed loan fees.
19.328 Association fees on Commissioner loans; "New money" defined.
19.330 Additional and refunding loans; bank fees.
19.331 Division of loans; bank fees.
19.332 Loans on specialized farms; bank fees.
19.333 Nonresident investigations; bank fees.
19.334 Applicability of bank fees.
19.335 Appraisal fees.
19.339 Partial releases; bank fees.
19.340 Release of personal liability; bank fees.
19.344 Associations operating under section 25 (b) of Farm Credit Act of 1937.

AUTHORITY: §§ 19.282 to 19.344, inclusive, issued under secs. 7, 13 "Ninth," 39 Stat. 365, 372; 12 U. S. C. 723, 781 "Ninth."

NOTE: In §§ 19.282 to 19.344, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Operations Manual for Federal Land Banks, issued as of January 1, 1943.

§ 19.282 *Forbearance agreements.* No fees may be charged in connection with forbearance agreements but borrowers may be charged with direct outlays for determination of title including filing or notarial expense.

§ 19.320 *Applications; association fees.* Associations may collect an association application fee of not more than $5.00 in connection with each application; *Provided, however,* That the amount of any such fee shall not exceed 1 percent of the amount of the loan applied for. If the property offered as security is subject to any outstanding mortgage loan or loans held by the bank, the Corporation, or both, regardless of the amount stated in the application, the application fee shall be based on an amount applied for which includes the unmatured principal, as of the date of the application, of such outstanding mortgage loan or loans. The application fee may be collected at the time the application is filed. It may be retained by the association regardless of whether the loan is rejected or closed as a new, additional, or refunding bank loan, Commissioner loan, or joint bank and Commissioner loan; *Provided, however,* That if no association appraisal is made after a fee provided for in this section has been collected, the amount of such fee shall be refunded.

§ 19.322 *Bank application fees.* The banks may collect an application fee of not to exceed $10.00 on each application.

§ 19.324 *Closed loans; association fees.* Except as provided in § 19.325, when a bank loan is closed, associations may collect a closed loan fee in an amount which, when added to the association application fee already collected, will equal but not exceed 1 percent of the amount of the bank loan closed.

§ 19.325 *Additional and refunding loans; association fees.* Where, upon the basis of an application in which there is offered as security property which is mortgaged, in whole or in part, to a bank, the Corporation, or both, a bank loan is closed through an association which endorsed the outstanding bank loan, the association may, whether the transaction is completed by way of a supplemental loan or a rewriting of the outstanding loan, collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount which represents other than unmatured principal of the outstanding bank loan as of the date of the application. Where, upon the basis of such an application, a bank loan is closed through a different association than that which endorsed the outstanding bank loan, or through any association if only a loan held by the Corporation was outstanding, the association may collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount for which it endorses the bank loan or bank purchase money mortgage.

§ 19.326 *Bank closed loan fees.* When a loan is closed, the bank may deduct from the proceeds an amount not exceeding $1.00 for each $1,000.00, or fraction thereof, by which the amount loaned exceeds $5,000.00.

§ 19.328 *Association fees on Commissioner loans; "New money" defined.* Where an association is not operating under a plan which compensates it, or is intended to compensate it, for its total operating expenses, the association may be allowed a commission of one-half of 1 percent of the full amount of new Commissioner loans closed. On Commissioner loans made to refinance outstanding Commissioner loans, bank loans, or both, this loan closing commission may be allowed only on the new money loaned. Loan closing commissions allowed associations for closing Commissioner loans shall not be collected from the borrowers but shall be paid by the Corporation. "New money", as used in the regulations in this part, is defined as the amount of the new note or notes which represents other than principal of the outstanding loan held by the bank or the Corporation, or both, unmatured as of the date of the application.

§ 19.330 *Additional and refunding loans; bank fees.* In connection with applications for additional or refunding loans, whether or not additional security is offered, the bank may require that a fee of not more than $10.00 be submitted with the application, and if a loan is closed, the bank may deduct from the proceeds an additional fee amounting to $1.00 for each $1,000.00, or fraction thereof, by which the amount of new money loaned exceeds $5,000.00.

§ 19.331 *Division of loans; bank fees.* A fee of $5.00 may be charged in connection with each application for the division of an existing loan. If the application results in an increased loan, there may be deducted from the proceeds an additional fee of $1.00 for each $1,000.00, or fraction thereof, by which the amount of new money loaned exceeds $5,000.00.

§ 19.332 *Loans on specialized farms; bank fees.* In the case of applications for loans (or increased loans or divisions of loans) on specialized farms of certain types, such as turpentine farms, ranches, and orchards, where appraisal costs are unusually high, the banks may establish, subject to the approval of the Land Bank Commissioner, special additional fees in recognition of the higher cost of appraisal of such property.

§ 19.333 *Nonresident investigations; bank fees.* Where, in connection with an application for a new loan, an increased loan, or the division of an existing loan, it appears necessary for the bank to make a nonresident personal investigation, the applicant may be required to pay a fee of $7.50, such fee to be refunded in its entirety to the applicant if the investigation is not made.

§ 19.334 *Applicability of bank fees.* The fee schedule described in §§ 19.322, 19.326, 19.330, 19.331 and 19.332 is applicable to single Federal land bank or Land Bank Commissioner first mortgage loans; in the event the application results in a joint land bank and Land Bank Commissioner loan, the fee shall be computed upon the basis of the aggregate amount loaned.

§ 19.335 *Appraisal fees.* The fee deposits authorized by §§ 19.322, 19.330, 19.331, and 19.332 should be retained by the bank if an appraisal is made of the property but in any such case where an appraisal is not made, the fee should be refunded in its entirety to the applicant. Where a reappraisal is required because of delay of the applicant or is made at his request, the applicant may be required to pay a second fee computed on the basis set forth in §§ 19.322, 19.330, 19.331, and 19.332.

§ 19.339 *Partial releases; bank fees.* A fee of $10.00 may be charged in connection with each application for a partial release of the mortgaged security but the fee should be returned to the applicant in its entirety if an appraisal is not made. Provision may be made, subject to the approval of the Land Bank Commissioner, for additional fees in the case of applications for releases in connection with specialized farms.

§ 19.340 *Release of personal liability; bank fees.* Where, upon transfer of title to the mortgaged property, an application is made for release from personal liability, the bank may require a fee of $10.00 in connection with each application, such fee to be refunded in its entirety to the applicant in the event an appraisal of the property is not made.

§ 19.344 *Associations operating under section 25 (b) of Farm Credit Act of 1937.* The association and bank fee regulations herein contained and the resolutions adopted by the association in pursuance thereof will govern fees to be collected by an association operating under section 25 (b) of the Farm Credit Act of 1937 in connection with applications for 25 (b) loans.

Subchapter C—Regulations Issued by the Federal Land Banks

CROSS REFERENCE: For loan regulations of the Land Bank Commissioner, see Parts 10 and 19 of this chapter.

PART 21—FEDERAL LAND BANK OF SPRINGFIELD

§ 21.1 *Transfer fees.* $2.00 shall be charged by the Federal land bank in connection with the preparation of loan documents involving the transfer of the title of mortgage premises covered by a direct mortgage loan made by the Federal land bank, or a mortage loan made by the Federal land bank through an association, which association is inactive at the time of the transfer. (Sec. 13 "Ninth", 39 Stat. 372; 12 U. S. C. 781 "Ninth")

PART 22—FEDERAL LAND BANK OF BALTIMORE

Sec.
22.1 Application fees.
22.2 New loan fees.
22.3 Conversion fees.
22.4 Reamortization fees.
22.5 Liquidation or prepayment fees.

AUTHORITY: §§ 22.1 to 22.5, inclusive, issued under sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth".

§ 22.1 *Application fees.* The following new loan and other fees shall be charged within the Second Farm Credit District, exclusive of Puerto Rico, and such fees shall be paid in the manner and at the times herein indicated:

(a) Each application for a new loan shall be accompanied by a fee of $10.00; provided said fee shall not be required to be paid in connection with an application for a direct or association-endorsed loan for the purpose of refinancing a real estate contract or purchase money mortgage executed to the bank or the Federal Farm Mortgage Corporation unless the amount applied for exceeds the amount required for the purpose of refinancing such a real estate contract or purchase money mortgage.

(b) Each application for an increased or additional loan shall be accompanied by a fee of $10.00.

In the event no appraisal of the property is made, the entire application fee shall be refunded.

On each loan closed exceeding $5,000.00 in amount, an additional fee shall be deducted from the loan proceeds in an amount equal to $1.00 for each $1,000.00 or fraction thereof by which the amount loaned exceeds $5,000.00: *Provided,* That the amount of an additional loan shall be determined by the amount of new money loaned and the additional fee on joint land bank and Land Bank Commissioner loans shall be computed on the aggregate amount loaned. The amount of a direct or association-endorsed loan made partially for the purpose of refinancing a real estate contract or purchase money mortgage executed to the bank or the Federal Farm Mortgage Corporation shall likewise be determined by the amount of new money loaned.

When a reappraisal in connection with an application for a new loan or an additional loan is required because of the delay of the applicant or is made at the applicant's request, a second fee shall be charged computed on the basis of the fee applicable to the original application.

A single fee shall be charged on an application resulting in a single land bank or Land Bank Commissioner loan or on joint land bank and Land Bank Commissioner loans: *Provided, however,* That no initial application or loan closing fees shall be charged by the bank in connection with new or additional loans made through any national farm loan association after the date on which such national farm loan association makes effective a policy eliminating all initial application fees in connection with new and additional loans and reducing the amount of the association loan closing fees to be collected from borrowers to ½ of 1% of the amount of each new land bank loan closed or, in the case of an additional land bank loan, to ½ of 1% of the new money loaned.

Each applicant shall be required to pay actual cash outlays for abstract expenses, title insurance fees, notarial fees, recording fees or other disbursements necessary for the completion of the transaction.

§ 22.2 *New loan fees.* The following new loan and other fees shall be charged and collected from applicants and borrowers through the Puerto Rico Branch Bank of The Federal Land Bank of Baltimore:

(a) Each application for a new loan shall be accompanied by an initial fee in the amount of $10.00. If the application for loan is approved, an additional initial fee of $15.00 must be paid prior to the examination of title. If the application results in a Federal land bank loan in excess of $2,000.00, there shall be deducted from the proceeds of the loan an additional fee equal to 1¼% of each $100.00 or fraction thereof in excess of $2,000.00. If the application results in a joint land bank and Land Bank Commissioner loan, no fee shall be charged or collected from the applicant or borrower in connection with any loan made by the Land Bank Commissioner. If the application results in a single Commissioner loan, the initial fees totaling $25.00 shall be the only fees charged and collected from the applicant or borrower.

The foregoing fees shall not be required to be paid in connection with any application for a loan to refinance a real estate contract or purchase money mortgage executed to the bank or the Federal Farm Mortgage Corporation unless the amount applied for exceeds the amount required for the purpose of refinancing such a real estate contract or purchase money mortgage. If the amount applied for exceeds such amount, the initial fees shall be charged and collected and, if the application results in a loan in excess of the amount required to refinance the real estate contract or purchase money mortgage, there shall be deducted from the proceeds of the loan a fee comparable to the fee which would be collectible in connection with a new loan: *Provided, however,* That the amount of the fee shall be computed only on that part of the loan which exceeds the amount required to refinance the real estate contract or purchase money mortgage.

(b) Each application for an increased or additional loan shall be accompanied by a fee of $10.00 and, if the application is approved, an additional initial fee of $15.00 must be paid prior to the examination of title. If a loan in an increased amount is closed, there shall be deducted from the proceeds of such increased loan a fee comparable to the fee which would be collectible in connection with a new loan: *Provided, however,* That the amount of the fee shall be computed only upon the basis of the amount of new money loaned to the borrower.

(c) Fees in connection with divisions of loans, reappraisals, partial releases, and releases of personal liability shall be charged and collected from applicants and borrowers to the same extent and under the same conditions as such fees are charged and collected from applicants and borrowers within the states of the Second Farm Credit District as provided in § 22.1.

In the event no appraisal of the property is made, the entire application fee shall be refunded. Each applicant shall also be required to pay actual cash outlays for notarial fees, recording fees, or other disbursements necessary for the completing of the transaction.

§ 22.3 *Conversion fees.* Each borrower who converts a direct Federal land bank loan into a loan of a national farm loan association shall be required to pay to the association a conversion fee of $5.00, or one-fourth of one per centum (¼ of 1%) of the unpaid balance of the direct loan, whichever is greater.

§ 22.4 *Reamortization fees.* Applicants for reamortization of bank loans and Commissioner loans will not be required to pay a reamortization fee: *Provided, however,* That applicants will be required to pay any out-of-pocket costs such as abstract charges, recording fees, and other similar items.

§ 22.5 *Liquidation or prepayment fees.* Prepayment fees shall be charged only when a borrower makes prepayment of all or of a portion of a Federal land bank loan from funds borrowed from other sources and in such cases the fees shall be as follows:

(a) Two percentum (2%) of the amount prepaid if the payment is received within one year after the date of the note evidencing the loan.

(b) One percentum (1%) of the amount prepaid if the payment is received more than one year and less than two years after the date of the note evidencing the loan.

(c) One-half of one percentum (½ of 1%) of the amount prepaid if the payment is received more than two years and less than three years after the date of the note evidencing the loan.

PART 23—FEDERAL LAND BANK OF COLUMBIA

Sec.
23.1 Loan application fees.
23.2 Loan closing fees (direct loans).
23.3 Title determination fees.
23.4 Partial release of security fees.
23.5 Release of personal liability fees.
23.6 Transfer of mortgage and stock interests fees.
23.7 Insurance inspection and appraisal fees.
23.8 Reamortization of loan fees.
23.9 Fees for prepayment of land bank loans.

AUTHORITY: §§ 23.1 to 23.9, inclusive, issued under sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth".

§ 23.1 *Loan application fees.* The following fees shall be charged in connection with loan applications:

Appraisal fee. An appraisal fee of $10 is payable at the time the application is filed.

Reappraisal fee. If a reappraisal is required because of delay for which the Bank is not responsible, or is made at the applicant's request, the regular appraisal fee will be charged for the reappraisal.

Return of fee. If the application is withdrawn or cancelled before appraisal by the Bank, the appraisal fee will be refunded to the applicant. If the application is withdrawn or cancelled after appraisal by the Bank, the appraisal fee will not be refunded to the applicant.

Loans on naval stores farms. The regular appraisal fee will apply to this type of application. If preliminary appraisal and review are made, none of the fee will be refunded. If it is determined by the Bank and the applicant, after preliminary appraisal and contact with the applicant, that the application is to be handled to a definite conclusion, a fee of 5¢ per acre for timber cruise will be charged, to be paid prior to the making of the cruise. If the cost of the cruise is less than the timber cruise fee previously collected, the difference will be refunded to the applicant.

§ 23.2 *Loan closing fees (direct loans).* The following loan closing fees shall be payable when a direct loan is closed:

Amount of loan:	*Fee (percentage of loan)*
$100–$1,000	1%
$1,000–$1,900	½ of 1% plus $5
$2,000–$14,900	¾ of 1%
$15,000–$50,000	¼ of 1% plus $75

§ 23.3 *Title determination fees.* No title determination fee will be charged.

§ 23.4 *Partial release of security fees.* The following fees shall be charged in connection with applications for partial release of security:

Land Bank Commissioner loan	$10.00
Direct Federal Land Bank loan	10.00
Land Bank loan through national farm loan association	10.00

The $10 fee applies also to applications for the release of timber. However, if the regular appraisal in connection with an application for release of timber indicates that a special cruise of the timber is necessary, an additional fee, equal to the cost of such cruise, will be charged.

If an application for partial release is submitted simultaneously with an application for a new loan on the same security, or on the same security plus some additional security, the regular new loan appraisal fee is charged in connection with the new loan application and a fee of $5 is charged in connection with the partial release application.

§ 23.5 *Release of personal liability fees.* The following fees shall be charged in connection with applications for release of personal liability:

Land Bank Commissioner loan	$10.00
Direct Federal Land Bank loan	10.00
Land Bank loan through national farm loan association	10.00

§ 23.6 *Transfer of mortgage and stock interests fees.* For transferring the mortgage and stock interests of a direct loan borrower a fee not to exceed $5 is charged; *Provided,* That the amount shall not exceed 1 percent of the balance of the indebtedness.

§ 23.7 *Insurance inspection and appraisal fees.* The following fees shall be charged in connection with applications for reduction of insurance requirements:

Type of loan:	*Appraisal fee*
Land Bank Commissioner loan	$10.00
Federal Land Bank loan	10.00

If no appraisal is made the fee will be refunded.

§ 23.8 *Reamortization of loan fees.* Applicants for reamortization of bank loans and Commissioner loans will not be required to pay a reamortization fee; however, applicants will be obligated to pay any outside expense incident to the reamortization, such as abstract and recording fees.

§ 23.9 *Fees for prepayment of land bank loans.* No fee shall be charged for prepayment of land bank loans.

PART 24—FEDERAL LAND BANK OF LOUISVILLE

Sec.
24.1 Application and loan fees.
24.2 Direct loan closed loan fees.
24.3 Title reserve fees.
24.4 Personal risk investigation fees.
24.5 Fees for partial releases.
24.6 Application fees for partial releases.
24.7 Fees for prepayment of land bank loans.
24.8 Fees and deposits for lending abstracts on closed land bank and Land Bank Commissioner loans.
24.9 Reamortization of loan fees.
24.10 Appraisal fee and other costs and expenses to be charged on reinstating loan called for foreclosure.
24.11 Fee for release of personal liability.
24.12 Fees for division of existing loans.

AUTHORITY: §§ 24.1 to 24.12, inclusive, issued under sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth".

§ 24.1 *Application and loan fees.* No application or loan fees shall be charged.

§ 24.2 *Direct loan closed loan fees.* Where a direct land bank loan is closed, a further fee of ¾ of 1 percent of the amount of such loan will be deducted for payment to the correspondent of the bank who acted for it in connection with the making of the loan.

§ 24.3 *Title reserve fees.* No title reserve fees shall be charged.

§ 24.4 *Personal risk investigation fees.* The bank charges other Federal land banks a flat rate of $7.50 each for personal risk investigations of persons in the Fourth Farm Credit District who are applying for loans through such other banks.

§ 24.5 *Fees for partial releases.* Effective ten days after October 29, 1946, a partial release fee of $10.00 will be charged on all partial releases where an appraisal is made in connection with a Federal land bank loan, a Land Bank Commissioner loan, or joint Federal land bank and Land Bank Commissioner loans.

§ 24.6 *Application fees for partial releases.* No fees, other than the fee established by § 24.5, shall be charged in connection with partial releases.

§ 24.7 *Fees for prepayment of land bank loans.* No fee shall be charged for prepayment of land bank loans.

§ 24.8 *Fees and deposits for lending abstracts on closed land bank and Land Bank Commissioner loans.* Abstracts of title held by the bank will be loaned in proper cases to secretary-treasurers of national farm loan associations, borrowers, attorneys, and purchasers provided the sum of $27.00 is deposited with it. $2.00 of this amount will be retained by the bank to cover postage and handling of abstracts, and the remaining $25.00 will be refunded upon return of the particular abstract to the bank.

§ 24.9 *Reamortization of loan fees.* No fees will be charged for reamortization of Federal land bank or Commissioner loans, but applicant will be required to pay actual cash outlays such as abstract fees, recording fees, notarial fees, and other similar expenditures incident to the reamortization.

§ 24.10 *Appraisal fee and other costs and expenses to be charged on reinstating loan called for foreclosure.* An appraisal fee of $10 is charged on each loan that is called for foreclosure, the security reappraised and the loan subsequently reinstated. This fee, together with all other costs and expenses incurred in calling such loan for foreclosure and/or incident to or because of the institution of foreclosure proceedings, whether by court action or otherwise (such as, attorney's fees, trustee's fees, court costs, abstract fees, or costs of depositions, advertisement, lis pendens notices or surveys) must be paid before the loan will be reinstated.

§ 24.11 *Fee for release of personal liability.* A fee of $10.00 is charged in connection with applications for release of personal liability for the payment of a Federal land bank loan, a Land Bank Commissioner loan, or joint Federal land bank and Land Bank Commissioner loan, if an appraisal is made.

§ 24.12 *Fees for division of existing loans.* No fees for the division of an existing loan shall be charged.

PART 25—FEDERAL LAND BANK OF NEW ORLEANS

Sec.
25.1 Appraisal fees.
25.2 Release fees.
25.3 Fees for reamortization and other loan treatments.
25.5 Prepayment fees.

AUTHORITY: §§ 25.1 to 25.5, inclusive, issued under sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth".

§ 25.1 *Appraisal fees.* (a) A fee of $5 will be collected with each application for a new loan of $1,000 or less, and a fee of $10 will be collected in such case where more than $1,000 is applied for. Should the application be withdrawn or declined before an appraisal is made, the fee will be returned to the applicant. A further fee of $1 per $1,000, or fraction thereof, will be charged and deducted from the loan proceeds at the time a loan is closed on any amount loaned by the land bank, the Land Bank Commissioner, or both, in excess of $5,000.

(b) A fee of $5 will be collected with each application for an increased or refunding loan where new money applied for is $1,000 or less, and a fee of $10 will be collected in such case where new money of more than $1,000 is applied for: *Provided,* That only a fee of $5 will be collected with each of two or more applications filed to refinance an existing loan (land bank, Land Bank Commissioner, or joint land bank and Commissioner loans but not purchase money mortgages) covering any part of the property offered as security. Should the application be withdrawn or declined before an appraisal is made, the fee will be returned to the applicant. A further fee of $1 per $1,000, or fraction thereof, will be charged and deducted from the loan proceeds at the time the loan is closed, on any amount of new money loaned by the land bank, the Land Bank Commissioner, or both, whether in one or in more than one refunding loan refinancing an existing loan, in excess of $5,000, which fee, in the case of several such refunding loans, will be prorated among the several applicants.

(c) A fee of $5 will be collected with each application for division of an existing loan (land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans). The fee will be returned if the application is withdrawn or declined before an appraisal is made.

(d) An additional fee of $7.50 will be collected with each application in any type of case where an applicant resides outside the Fifth Farm Credit District. The fee will be returned if an investigation outside the district is not made.

(e) A supplemental fee equal to the fee collected with the application will be charged in any type of case for each reappraisal made because of delay on the part of an applicant or made at the applicant's request.

§ 25.2 *Release fees.* An appraisal fee of $10 will be collected with each application for a partial release of security, subordination of a lien, adjustment of insurance, or release from personal liability. Only one such fee will be collected in cases where joint land bank and Land Bank Commissioner loans are involved. The fee will be returned if an appraisal is not made.

§ 25.3 *Fees for reamortization and other loan treatments.* An applicant for reamortization or other loan treatment changing the terms of any loan or contract will not be required to pay any fee in connection with such transaction, but will be obligated to pay any incidental outside expense, such as recording and reinscription costs.

§ 25.5 *Prepayment fees.* Payment in full or special payments on principal of a land bank loan will be accepted at any time with interest at the rate currently borne by the indebtedness to the date the payment is made, except that when the full payment arises from the refinancing of the loan from a non-Government lending source there will be an additional charge of 1 percent per annum from the date of payment to the end of the initial 5-year period, computed on the original amount of the loan less the principal portions of the regular installments already paid.

PART 26—FEDERAL LAND BANK OF ST. LOUIS

Sec.
26.1 Partial release of security and release of personal liability fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.
26.2 Reamortization fees on Federal land bank and Commissioner loans.
26.3 Prepayment fees.

AUTHORITY: §§ 26.1 to 26.3, inclusive, issued under sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth".

§ 26.1 *Partial release of security and release of personal liability fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.* (a) When no reappraisal by a land bank appraiser is necessary, no fee is charged. (If the application is for a release of personal liability or for a partial release of a small portion of security for school, church, cemetery, or other public use, ordinarily no reappraisal is necessary.)

(b) When reappraisal by a land bank appraiser is required, except as indicated in paragraph (c) of this section, a $10 fee is charged. (Ordinarily, reappraisal is required if more than 2% of the acreage included in the mortgage is involved in a partial release of security or subordination.)

(c) When the release or subordination is for public highway purposes, regardless of whether an appraisal is or is not required, no fee is charged.

§ 26.2 *Reamortization fees on Federal land bank and Commissioner loans.* Applicants for reamortization of land bank and Commissioner loans will not be required to pay a reamortization fee; however, applicants will be required to pay such out-of-pocket costs as abstract charges, recording fees, and other incidental items.

§ 26.3 *Prepayment fees.* In in any one year during the first five years a loan is in force, the borrower, through the refinancing of the loan from a non-Government lending source, makes special principal payments in excess of one-fifth of the original amount of the loan, a prepayment fee will be charged the borrower in a sum equal to 1% per annum on the amount of such excess for each year or fraction thereof of the unexpired portion of said five-year period.

PART 27—FEDERAL LAND BANK OF ST. PAUL

Sec.
27.1 Liquidation or prepayment fees.
27.2 Charges for reamortization; Federal land bank loans.
27.3 Charges for reamortization; Land Bank Commissioner loans.
27.4 Fees for change of maturity dates on loans.
27.5 Fees for subordination of mortgages and contracts, grants of and consents to easements, partial releases of mortgage security, partial conveyances of contract security, substitution of security and division of loans, Federal land bank and/or Land Bank Commissioner and/or Federal Farm Mortgage Corporation mortgages and land contracts.
27.6 Fees for release of personal liability in connection with Federal land bank and Land Bank Commissioner loans.

AUTHORITY: §§ 27.1 to 27.6, inclusive, issued under sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth".

§ 27.1 *Liquidation or prepayment fees.* No fee shall be charged in connection with the prepayment of any Federal land bank loan.

§ 27.2 *Charges for reamortization; Federal land bank loans.* For each loan reamortized the applicant therefor shall pay $3, said sum representing the average cash outlay in connection with each such reamortization for abstract of title charges and recording fees.

§ 27.3 *Charges for reamortization; Land Bank Commissioner loans.* For

each loan reamortized the applicant therefor shall pay $3, said sum representing the average cash outlay in connection with each such reamortization for abstract of title charges and recording fees. In the case of a joint loan where both the Federal land bank and the Land Bank Commissioner loans are reamortized simultaneously, a charge of $2 in addition to the foregoing is made.

§ 27.4 *Fees for change of maturity dates on loans.* Where the borrower requests that the maturity dates on any loan(s) be changed, the following fees are required: (a) Federal land bank loan, $3.00; (b) Commissioner loan, $3.00; and (c) Joint loan (FLB & Commissioner), $5.00.

§ 27.5 *Fees for subordination of mortgages and contracts, grants of and consents to easements, partial releases of mortgage security, partial conveyances of contract security, substitution of security and division of loans, Federal land bank and/or Land Bank Commissioner and/or Federal Farm Mortgage Corporation mortgages and land contracts.* The following fees and charges shall be paid to The Federal Land Bank of Saint Paul in connection with Federal land bank and/or Land Bank Commissioner and/or Federal Farm Mortgage Corporation mortgages and land contracts:

(a) Where an appraisal by a land bank appraiser is necessary, a fee of ten dollars ($10.00) shall be paid in connection with each application for subordination of mortgages and contracts, partial releases of mortgage security, partial conveyances of contract security, and grants of and consents to easements.

(b) Where an appraisal by a land bank appraiser is necessary, a fee of ten dollars ($10.00) shall be paid for each appraisal made in connection with an application for substitution of security.

(c) Where an appraisal by a land bank appraiser is necessary in connection with an application for division of a Federal land bank and/or Land Bank Commissioner loan, only one fee of five dollars ($5.00) shall be paid, regardless of the number of parts into which it or they may be divided.

(d) Where new loans are made involving a part of the security underlying an existing loan, partial releases necessitated thereby shall be made without fees.

§ 27.6 *Fees for release of personal liability in connection with Federal land bank and Land Bank Commissioner loans.* Where an appraisal by a land bank appraiser is necessary, a fee of ten dollars ($10.00) shall be paid in connection with an application for release of personal liability upon transfer of title to the mortgaged property.

PART 28—FEDERAL LAND BANK OF OMAHA

§ 28.1 *Reamortization fees.* Applicants for reamortization of bank loans and Commissioner loans will not be required to pay a reamortization fee: *Provided, however,* That applicants will be required to pay such out-of-pocket costs as recording fees, notarial fees and other incidental items. (Sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth").

PART 29—FEDERAL LAND BANK OF WICHITA

Sec.
29.1 Application and loan fees.
29.2 Partial release fees.
29.3 Fees for reamortization of existing loans.
29.4 Fees for release of personal liability.
29.5 Fees for division of existing loans.

AUTHORITY: §§ 29.1 to 29.5, inclusive, issued under sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth".

§ 29.1 *Application and loan fees.* Each application for a new loan, or an additional loan, shall be accompanied by a fee of $10.00, to be refunded if no appraisal is made. A further fee of $7.50 shall be required if it appears necessary for the bank to make a personal investigation outside of the Ninth Farm Credit District, such fee to be refunded if the investigation is not made. If a reappraisal is required because of delay of the applicant, or is made at the applicant's request, an additional fee of $10.00 may be required.

§ 29.2 *Partial release fees.* Each application for a partial release shall be accompanied by a fee of $10.00. An additional fee of $5.00 shall be required if the property to be released includes irrigated land or land in a drainage district, or both. If no appraisal is made, the foregoing fees shall be refunded. If a reappraisal is required because of delay of the applicant, or is made at the applicant's request, an additional fee of $10.00 may be required.

§ 29.3 *Fees for reamortization of existing loans.* In connection with the reamortization of existing loans, the borrower shall pay such out-of-pocket expenses as abstract charges, recording fees, and other incidental items.

§ 29.4 *Fees for release of personal liability.* Each application for a release of personal liability shall be accompanied by a fee of $10.00, such fee to be refunded if no appraisal or field investigation is made. An additional fee of $7.50 shall be required if it appears necessary to make a personal investigation outside of the Ninth Farm Credit District, such fee to be refunded if the investigation is not made.

§ 29.5 *Fees for division of existing loans.* Each application for the division of an existing loan shall be accompanied by a fee of $5.00. An additional fee of $2.50 shall be required if the loan involved includes irrigated land or land in a drainage district, or both. If no appraisal is made, the foregoing fees shall be refunded. An additional fee of $7.50 shall be required if it appears necessary for the bank to make a personal investigation outside of the Ninth Farm Credit District, such fee to be refunded if the investigation is not made. If a reappraisal is required because of delay of the applicant, or is made at the applicant's request, an additional fee of $10.00 may be required.

PART 30—FEDERAL LAND BANK OF HOUSTON

Sec.
30.1 Application fees; loan fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.
30.2 Partial release fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.
30.3 Reamortization fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.
30.4 Deposits of fees for abstract handling.
30.5 Release of personal liability fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.

AUTHORITY: §§ 30.1 to 30.5, inclusive, issued under sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth".

§ 30.1 *Application fees; loan fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.* A fee of $10 will be collected with each new loan application and each application for an additional or increased loan; and

A fee of $5 will be collected with each application for division of an existing loan; and

An additional fee of $10 will be charged for reappraisals made because of delay on the part of an applicant or made at the applicants' request; and

The initial fee collected in each case will be refunded if no appraisal is made.

§ 30.2 *Partial release fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.* A fee of $10 will be collected with each application for partial release; and,

An additional fee of $10 will be charged for reappraisals made because of delay on the part of an applicant or made at the applicant's request; and,

The initial fee collected in each case will be refunded if no appraisal is made.

§ 30.3 *Reamortization fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.* No fee will be collected with an application for reamortization. Each applicant, however, will be required to pay actual cash outlays incurred for abstract expense, notarial fees, recording fees, obtaining tax certificates, and other incidental items necessary for the completion of the transaction.

If a reappraisal is required in any case because of a delay on the part of the applicant, or is made at the applicant's request a fee of $10 will be charged.

§ 30.4 *Deposits of fees for abstract handling.* The Abstract Section is authorized to charge and collect from the borrower of all abstracts loaned by the Federal Land Bank of Houston and the Land Bank Commissioner, where proper deposit has been made, the following fees:

(a) A handling fee of $2 where the abstracts are returned to the Bank in as good condition as when delivered.

(b) A handling fee of an additional $2 per loan file, when it becomes necessary to go into the files of additional loans to supply the abstracts borrowed.

(c) A handling fee of $1 per loan file where, after the abstracts are forwarded to the borrower of the abstracts, the related loan is paid in full and released.

(d) A reexamination fee of $5 is charged where reexamination of the abstracts becomes necessary by reason of their alteration while in the possession of the borrower of the abstracts or other persons. The necessity for the examination must be approved by the General Counsel of the Federal Land Bank of Houston.

§ 30.5 *Release of personal liability fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.* A fee of $10 will be charged for release of personal liability to cover the expense of appraisal or investigation. Where no appraisal or investigation is necessary, no fee will be charged.

PART 31—FEDERAL LAND BANK OF BERKELEY

Sec.
31.1 Personal risk investigation fees.
31.2 Foreclosure attorney's fees.

AUTHORITY: §§ 31.1 and 31.2 issued under sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth".

§ 31.1 *Personal risk investigation fees.* Where, in connection with an application for a new loan, an increased loan, or the division of an existing loan, it appears necessary for the bank to have a nonresident personal investigation made, a fee of $7.50 will be required.

§ 31.2 *Foreclosure attorney's fees.*

California: If case is handled by attorney not on bank's staff:	
Balance of loan plus delinquencies under $5,000	$100.00
Balance of loan plus delinquencies over $5,000	200.00
Arizona, Utah, and Nevada:	
$1,000 to $1,400	50.00
$1,500 to $2,400	62.50
$2,500 to $3,400	75.00
$3,500 to $4,400	87.50
$4,500 to $5,400	100.00
$5,500 to $6,400	112.50
$6,500 to $8,400	137.50
$8,500 to $10,000	150.00

PART 32—FEDERAL LAND BANK OF SPOKANE

Sec.
32.1 Application fees; payable with application.
32.2 Reamortization and long-term extension fees.
32.3 Fees on prepayment of loan less than five years old.

AUTHORITY: §§ 32.1 to 32.3, inclusive, issued under sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth".

§ 32.1 *Application fees; payable with application.* On each application for a partial release of mortgage security or for a release from personal liability on a loan, a fee is charged as follows:

Application for partial release of mortgage security	$10.00
Application for release from personal liability on loan	10.00

In the event no appraisal of the property is made, the entire application fee is refunded.

A single fee is charged on such application applicable to single land bank or Land Bank Commissioner loans, or to joint land bank or Land Bank Commissioner loans.

No application fee or other fees are charged in connection with applications for new loans, or additional loans or for the division of existing loans.

Each applicant will be required to pay actual cash outlays for abstract expenses, title insurance fees, notarial fees, recording fees, or other disbursements necessary for the completion of the transaction.

§ 32.2 *Reamortization and long-term extension fees.* Applicants for reamortization or long-term extension of bank loans and Commissioner loans will not be required to pay a reamortization or long-term extension fee; however, applicants will be required to pay actual cash outlays for abstract expenses, notarial fees, recording fees, and other disbursements necessary and incident to the reamortization or long-term extension.

§ 32.3 *Fees on prepayment of loan less than five years old.* A service fee of one per cent per annum will be charged for the unexpired portion of the first five year term of the loan, if it is paid from funds received from a new loan other than one made by the United States or by any agency or instrumentality thereof.

Subchapter D—Federal Intermediate Credit Banks

PART 40—GENERAL

Sec.
40.1 Organization of Federal intermediate credit banks.
40.2 Functions and procedures of Federal intermediate credit banks.
40.103 Debtor and creditor relationship with borrowing institutions.
40.104 Definitions.

AUTHORITY: §§ 40.1 to 40.104, inclusive, issued under sec. 2, 42 Stat. 1459; 12 U. S. C. 1101.

NOTE: In §§ 40.103 and 40.104, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Manual for Federal Intermediate Credit Banks, issued as of September 1, 1937.

§ 40.1 *Organization of Federal intermediate credit banks.* (a) The twelve Federal intermediate credit banks, of which there is one in each Farm Credit district, are corporations chartered under 42 Stat. 1454, as amended; 12 U. S. C. 1021 et seq. The location of the several Federal intermediate credit banks and the district served by each are stated in § 8.1 of this chapter. All of their capital stock is owned by the United States. The activities of the credit bank in each district are coordinated with those of the Federal land bank, production credit corporation, and bank for cooperatives of the district through the district organization described in § 8.2 of this chapter. The Federal intermediate credit banks discount agricultural paper for eligible lending institutions and make loans to such institutions, and are authorized to make loans to cooperative associations of farmers and stockmen.

(b) The farm credit board of each district elected or appointed under 50 Stat. 704, 12 U. S. C. 640b-640j, is ex officio the board of directors of the Federal intermediate credit bank of the district. The board of directors appoints the officers of the credit bank and is responsible for the management of its affairs under general supervision of the Farm Credit Administration. The president of the credit bank is its chief executive officer.

§ 40.2 *Functions and procedures of Federal intermediate credit banks—(a) Discounts for and loans to lending institutions.* The Federal intermediate credit banks are primarily banks of discount for agricultural and livestock lending institutions. The banks are authorized to discount agricultural paper for, to purchase such paper from, and to make loans secured by such paper to, various types of lending institutions including national and State banks, trust companies, agricultural credit corporations, incorporated livestock loan companies, savings institutions, cooperative banks, credit unions, and cooperative associations of agricultural producers. To be eligible for discount or purchase by a Federal intermediate credit bank, or as security for loans from a credit bank, the paper offered by such institutions must represent an obligation the proceeds of which have been advanced or used in the first instance for an agricultural purpose or for the raising, breeding, fattening, or marketing of livestock.

The Federal intermediate credit banks also discount loan paper for, purchase such paper from, and make loans to, the production credit associations and the banks for cooperatives.

The discounts and loans by the Federal intermediate credit banks are made in accordance with 42 Stat. 1454, as amended, 12 U. S. C. and Sup., Chapter 7, Subchapter III, and the rules and regulations contained in subsequent sections of this subchapter of the Code of Federal Regulations.

A lending institution desiring to rediscount the obligations of farmers and stockmen with a Federal intermediate credit bank, or to obtain loans from a Federal intermediate credit bank on the security of such obligations, should communicate with the credit bank serving the district in which the lending institution operates. To qualify for discounts and loans from the credit bank, the lending institution is required to submit to the bank, on prescribed forms available from the bank, an "Application for Rediscount Privileges" and related documents, in which the institution gives certain information and makes certain agreements regarding the types of obligations to be offered by it to the bank for discount or as security for loans, submits evidence of its eligibility and the authority of its officers to rediscount with and borrow from the bank, and sets forth its financial condition.

Applications of lending institutions to qualify for discounts and loans from a Federal intermediate credit bank, and their offerings of paper for discount or as security for loans, are approved or rejected by the bank's executive committee.

(b) *Loans to cooperative associations.* The Federal intermediate credit banks are authorized to make loans to cooperative associations of agricultural or livestock producers secured by staple agricultural products or livestock or by other collateral approved by the Governor of the Farm Credit Administration. Since such loans are available to eligible cooperative associations from the banks for cooperatives (see 6 CFR, Chapter I, Subchapter F), the credit banks do not ordinarily make such loans but refer requests to the banks for cooperatives. Occasionally, however, loans to cooperative associations are made by the Federal intermediate credit banks where extraordinary circumstances make it more advantageous to have the loans made by the credit bank rather than the banks for cooperatives. Applications for such loans from a Federal intermediate credit bank are made on prescribed forms furnished by the credit bank. Cooperative associations desiring to apply to a Federal intermediate credit bank for loans should first communicate with the credit bank regarding the special reasons for requesting that the loans be made by the credit bank rather than the bank for cooperatives.

(c) *Issue and sale of debentures.* The Federal intermediate credit banks finance their discount and lending operations for the most part by issuing consolidated collateral trust debentures which are sold to the general public. These debentures are the joint and several obligations of the twelve Federal intermediate credit banks and are issued and sold in accordance with 50 Stat. 718, as amended, 12 U. S. C. 1040–1045, and the rules and regulations contained in 6 CFR, Part 45. The debentures are secured by collateral as specified in sec. 2, 42 Stat. 1456, as amended, 12 U. S. C. 1041, and this collateral is deposited or pledged with the farm loan registrars of the several districts who are public officials appointed by the Farm Credit Administration. The United States Government assumes no liability for the payment of these debentures. New issues of debentures are offered for sale, generally each month, through the Fiscal Agent of the Federal intermediate credit banks, and the Fiscal Agent notifies dealers listed with him of debenture offerings. Dealers desiring to be placed on the list should communicate with the Fiscal Agent for the Federal Intermediate Credit Banks, 31 Nassau Street, New York 5, New York. Persons interested in purchasing debentures for investment may communicate with any securities dealer or with the Fiscal Agent.

§ 40.103 *Debtor and creditor relationship with borrowing institutions.* Cooperative associations and other institutions obtaining credit from a Federal intermediate credit bank are not subsidiaries or agents of such bank. The relationship of an intermediate credit bank to such concerns is that of a creditor, or the holder for value of paper discounted or purchased with the indorsement of such borrowing institution. Each intermediate credit bank will conduct its dealings with borrowing institutions in such manner as to preclude any inference, through correspondence or otherwise, of any relationship between them other than as stated.

Any concern which places upon its letterheads, stationery, advertising matter, etc., any inscription or statement referring in any manner to dealings with the Federal intermediate credit bank, should be advised promptly to discontinue the use of such representations as a condition to the continuance of its rediscounting or borrowing privilege.

§ 40.104 *Definitions*—(a) *Financing institution.* As used herein, the term "financing institution" shall be held to mean any incorporated organization for which a Federal intermediate credit bank may discount agricultural paper, or to which it may make loans, under the Federal Farm Loan Act, as amended (48 Stat. 271, 272; 12 U. S. C. 1031 and Sup.). Such institutions include production credit associations organized under the Farm Credit Act of 1933 (48 Stat. 257), State and national banks, savings institutions, cooperative banks, credit unions, trust companies, agricultural credit corporations, livestock loan companies, and similar corporations.

(b) *Agricultural credit corporation or livestock loan company.* The terms "agricultural credit corporation" and "livestock loan company" shall be held to mean any privately capitalized financing institution (other than a bank) organized under the laws of any State or of the United States for the primary purpose of lending money for agricultural purposes, as herein defined, and/or for the raising, breeding, fattening, or marketing of livestock, regardless of the corporate name of the concern.

(c) *Person.* The word "person" shall, unless the context otherwise requires, be construed to mean an individual, a partnership, an association, a corporation, or two or more persons having a joint or common interest.

(d) *Agricultural purpose and agricultural paper.* The term "agricultural purpose," as used herein, shall be held to mean the purpose of carrying on agricultural production and marketing the products thereof, including the raising, breeding, fattening, or marketing of livestock, defraying expenses incident thereto, or paying an indebtedness arising therefrom. The term "agricultural paper" shall be held to mean notes or other obligations of farmers and stockmen, the proceeds of which have been advanced or used in the first instance for an agricultural purpose as herein defined, and the credit instruments executed in connection therewith.

(e) *Staple agricultural product.* The term "staple agricultural product" shall be held to mean a product of agriculture having, in the opinion of the Farm Credit Administration, such uses as to make it the subject of constant dealings in ready markets with such frequent quotations of prices as to make (1) the price easily and definitely ascertainable and (2) the product itself easy to realize upon by sale at any time. To be regarded as a staple product a commodity should be of such character and keeping quality that it may be warehoused safely for such period as may be necessary to permit orderly marketing.

(f) *Discounts; purchases.* Unless otherwise stated, or indicated by its context, the term "discounts" as used herein and in the accounting terminology prescribed for the Federal intermediate credit banks, will be understood to cover both discounts and purchases, or obligations so discounted or purchased, regardless of whether interest is deducted at the time of acquirement or is accrued and collected at maturity or at stated intervals.

PART 41—INTEREST AND DISCOUNT RATES

NOTE: In §§ 41.204 the number to the right of the decimal point corresponds with the section number in the Manual for Federal Intermediate Credit Banks issued as of September 1, 1937.

§ 41.204 *Interest and discount rates*—(a) *Limitations and application of interest and discount rates.* Interest and discount rates of each Federal intermediate credit bank which, except with the approval of the Governor of the Farm Credit Administration, shall not exceed by more than 1 per centum per annum the rate borne by the last preceding issue of debentures which it issued or in which it participated, will be applied in the following manner:

(1) Interest, or discount, is to be charged on each original note (or upon such amounts as may be advanced thereon) at the rate in effect at the time the funds are advanced by the bank.

(2) On any renewal note the bank will charge its established rate in effect at the date such renewal is taken into its accounts.

(3) Extension notes, which mature in not to exceed 90 days from the date the original obligation matured, may be carried at the same rate as that charged on the note which has matured or, in the discretion of the bank, at its loan and discount rate prevailing at the time of extension.

(b) *Discounting (deducting interest, or collecting in advance).* Federal intermediate credit banks will not collect interest (deduct discount) in advance, except when paper offered to them bears interest after maturity only. All financing institutions dealing with a Federal intermediate credit bank should be urged, when taking paper to be offered to the bank, to draw the notes to bear interest from date.

(c) *Interest after maturity.* Should a note purchased or discounted by a Federal intermediate credit bank be not paid promptly at maturity the bank may, in its discretion, collect the full rate of interest called for by the note for such time as the indorsing financing institution permits such note to remain with the bank as past due and unpaid.

(d) *Interest on notes receivable (financing institutions in liquidation).* On paper which a Federal intermediate credit bank is obliged to take over from a financing institution for liquidation, interest will be collected at the rate specified in the notes. Renewals of such notes, when taken payable directly to the bank, should bear interest at a rate not to exceed the maximum rate that may

be charged by financing institutions on paper eligible for discount by the bank, under regulations prescribed by the Farm Credit Administration. In no event may such rate exceed the maximum interest rate permitted by applicable State laws. (Sec. 2, 42 Stat. 1459, sec. 7, 49 Stat. 316; 12 U. S. C. 1101, 1051)

PART 42—LOANS AND DISCOUNTS

Sec.
42.301 Applications.
42.302 Examinations and reports of borrowing and rediscounting organizations.
42.303 Character of paper.
42.304 Maturities.
42.306 Notes of farming corporations.
42.308 Rates of interest or discount charged note makers by financing institutions.
42.309 Fees and other charges.

AUTHORITY: §§ 42.301 to 42.309, inclusive, issued under sec. 2, 42 Stat. 1459, sec. 7, 49 Stat. 316; 12 U. S. C. 1101, 1051.

NOTE: In §§ 42.301 to 42.309, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Manual for Federal Intermediate Credit Banks issued as of September 1, 1937.

§ 42.301 *Applications.* Federal intermediate credit banks shall require, as a condition precedent to making loans to or discounting paper for any eligible organization, an application for such privilege duly executed by the applicant institution in form prescribed by the bank and approved by the Intermediate Credit Commissioner.

§ 42.302 *Examinations and reports of borrowing and rediscounting organizations.* Federal intermediate credit banks shall require, as a condition precedent to making loans to or discounting paper for any eligible organization (other than a production credit association or bank for cooperatives, organized under the Farm Credit Act of 1933) its agreement to furnish to the bank and/or the Farm Credit Administration and/or any farm credit examiner at any time upon call, a detailed statement of its financial condition in such form as may be prescribed; and its agreement to submit, at its own expense, to periodic examinations by examiners for the Federal intermediate credit bank, by national bank examiners and/or by farm credit examiners; *Provided, however,* That any bank, trust company, or savings institution operating under the supervision of State or national banking authorities, in lieu of such agreement, may submit its authorization to such supervising authority, in writing, to furnish the Federal intermediate credit bank and/or the Farm Credit Administration upon request any report of condition or examination, or other confidential information in the possession of such supervising authority.

§ 42.303 *Character of paper.* To be acceptable to a Federal intermediate credit bank, paper offered by a financing institution for discount or as collateral security for a loan shall be of such character as to assure liquidation of the obligation within a reasonable time, consistent with sound banking and agricultural practices. In any case where the collateral offered is the principal factor in determining the acceptability of a note, a margin of security adequate to protect the bank during the full term of the obligation will be required.

§ 42.304 *Maturities*—(a) *Notes from financing institutions.* Maturities of notes or other obligations discounted by a Federal intermediate credit bank or accepted as collateral for loans to financing institutions should coincide, as nearly as may be practicable, with the usual time for marketing the crops or livestock from which liquidation is expected. Except as hereinafter provided, maturities of such notes will not exceed one growing and/or marketing season, usually not more than twelve months.

(b) *Notes of dairymen.* A Federal intermediate credit bank may discount, or accept as collateral, notes of dairymen secured by chattel mortgages on dairy cattle and maturing not more than two and one-half years from the date of discount or pledge, except that in the event the dairy cattle are subjected to intensive feeding and milk production, the maturity shall be not more than two years from the date of discount or pledge: *Provided,* That, in either case, such notes are payable in regular monthly or semi-monthly installments in amounts ordinarily sufficient to liquidate the paper within such period but consistent with sound farming practices of the operator. In the discretion of the intermediate credit bank, such installments may be for fixed amounts or for a percentage of proceeds from dairy products and should, ordinarily, be covered by assignment of an appropriate part of future milk or cream checks.

(c) *Notes guaranteed under Servicemen's Readjustment Act of 1944.* Notes or other obligations which are guaranteed under the provisions of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Congress, approved June 22, 1944), as amended, and which are otherwise eligible under the laws and regulations governing the Federal intermediate credit banks, may be discounted, purchased, or accepted as collateral for loans, when such notes or other obligations mature in not to exceed three years from date of acquisition or acceptance by a Federal intermediate credit bank.

§ 42.306 *Notes of farming corporations*—(a) *Eligibility.* Notes of a corporation are eligible for discount only if the corporation is principally engaged in farming or in raising, breeding, fattening, or marketing of livestock. To be considered so principally engaged, the major portion of the corporation's assets must be represented by property actually devoted to farming and/or livestock production; at least half of its gross income must be derived from such operations; and at least half of the time of its active officers and personnel must be spent in the conduct of such business.

(b) *Indorsements of stockholders.* (1) Notes of a farming corporation (as herein defined), to be accepted for discount or as collateral for a loan by a Federal intermediate credit bank, will be required to be indorsed, or signed as co-maker(s) by (i) the holder or holders of at least the majority of the outstanding shares of voting stock of the corporation or (ii) under certain conditions, by the principal stockholder or stockholders; or the bank will require that such stockholders execute a continuing guaranty of all indebtedness of such corporation to the financing institution and its successors or assigns.

(2) The Federal intermediate credit banks will require such stockholders' indorsements or guaranties on any renewals or extensions of obligations of farming corporations whose paper they may now hold, as a condition precedent to accepting such renewals or extensions. This requirement may not be waived in any case except with the express consent of the Intermediate Credit Commissioner.

§ 42.308 *Rates of interest or discount charged note makers by financing institutions.* The rate of interest or discount charged farmers and stockmen on notes or other obligations that may be discounted for, or accepted as collateral for loans to, production credit associations and other financing institutions shall not exceed by more than 3 percent per annum the loan and discount rate of the Federal intermediate credit bank in effect at the time the loan is made.

§ 42.309 *Fees and other charges.* No paper shall be eligible for discount, or as collateral for a loan by a Federal intermediate credit bank, if the financing institution charges any fee or commission aside from interest at a rate conforming to the regulations of the Farm Credit Administration and reimbursement for reasonable and necessary actual costs incurred by the financing institution in making the loan, such as the expenses of necessary inspections of the security, obtaining chattel mortgage abstracts or other evidences of title and priority of its liens, and filing or recording mortgages.

PART 43—PRIVATELY CAPITALIZED FINANCING INSTITUTIONS

Sec.
43.501 Eligibility of institutions.
43.503 General collateral requirements (financing institutions).
43.504 Loans to financing institutions.
43.504–1 Substitution of direct obligations (financing institutions).
43.504–2 Temporary advances to financing institutions.
43.505 Eligibility of paper.
43.507 Insolvent financing institutions.

AUTHORITY: §§ 43.501 to 43.507, inclusive, issued under sec. 2, 42 Stat. 1459, sec. 7, 49 Stat. 316; 12 U. S. C. 1101, 1051.

NOTE: In §§ 43.501 to 43.507, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Manual for Federal Intermediate Credit Banks issued as of September 1, 1937.

§ 43.501 *Eligibility of institutions.* In order to be eligible to obtain credit from a Federal intermediate credit bank, a privately capitalized financing institution (other than a bank or a credit union) must meet the following requirements:

(a) *Incorporation and capitalization.* It must be incorporated with a paid-in and unimpaired capital commensurate

with the volume of business it expects to handle and, in any event, not less than $10,000.

Ordinarily, such a corporation should have a minimum capital of $25,000 to enable it to handle a volume of business that will produce earnings sufficient to cover operating costs and establish reserves for possible losses.

(b) *Compliance with statutes.* It must comply with State laws applicable to it. Violations of State laws will be cause for revocation by an intermediate credit bank of the borrowing and rediscounting privilege of any concern which does not immediately rectify such conditions upon notice from the bank. Particular attention should be given to the corporation's articles of incorporation and bylaws; the issuance, sale, and retirement of its capital stock or other securities; and, in the case of foreign corporations, evidence will be required that the concern has complied with the laws of the State in which it is operating.

(c) *Nature of principal business.* It must be engaged, principally, in the business of extending seasonal short-term credit for agricultural and livestock production purposes.

(d) *Corporations acting under banking laws.* A corporation engaged in a banking business and operating under the banking laws of a State, but having the powers of an agricultural credit corporation, livestock loan company, or similar financing institution, must be limited to the amount of credit which may be granted to a banking institution under section 202 (b) of the Federal Farm Loan Act, as amended.

(e) *Definition of capital and surplus.* Only that portion of a corporation's authorized and subscribed capital which has been paid for, and for which stock certificates are actually outstanding in the names of bona fide stockholders, plus such sums as have been definitely and regularly credited to surplus account and remain therein, may be regarded as capital and surplus for the purposes of this section. Undivided profits may not be treated as surplus, until actually set aside for that purpose; but such undivided profits and any reserves set up will, to the extent of the amount available, be recognized as an offset against losses or other items which otherwise might impair the corporation's capital or surplus.

§ 43.503 *General collateral requirements (financing institutions).* A financing institution (other than a commercial bank, or a bank for cooperatives organized under the Farm Credit Act of 1933) as a condition precedent to borrowing from or rediscounting with a Federal intermediate credit bank, is required to pledge as general collateral to any and all obligations to the bank, cash, United States Government securities, Federal Farm Mortgage Corporation bonds, Federal land bank bonds, Federal intermediate credit bank debentures, or other readily marketable securities of high rating, in an amount equal to a substantial portion of its capital. In the discretion of the Federal intermediate credit bank concerned, banking institutions also may be required (unless prohibited by law or by supervisory authority) to deposit general, acceptable collateral.

§ 43.504 *Loans to financing institutions.* Loans may be made to a financing institution (other than a bank for cooperatives or a production credit association organized under the Farm Credit Act of 1933, as amended, or a production credit association in which a production credit corporation organized under that act owns stock) only when such loans are secured by paper that is in itself eligible for discount, that is, "the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock," and which otherwise conforms to the requirements of eligibility for discount.

§ 43.504–1 *Substitution of direct obligations (financing institutions).* As an incident to the exercise of its specific powers, and as a step in the liquidation of paper discounted for or purchased from a privately capitalized financing institution pursuant to the provisions of section 202 (a) (1) of the Federal Farm Loan Act, as amended (12 U. S. C. 1031), a Federal intermediate credit bank may accept from such financing institution, in substitution for any such paper which is overdue or otherwise in default, a direct promissory note of such institution secured by the pledge of bonds or other acceptable collateral.

§ 43.504–2 *Temporary advances to financing institutions.* Advances may be made to financing institutions, for temporary periods only, upon the basis of their direct notes secured by the pledge of bonds or other acceptable collateral, provided such advances are incident to the extension of credit by means of loans and discounts as contemplated by section 202 (a) (1) of the act (12 U. S. C. 1031). Such advances shall be made only in cases where the bank finds that funds are required by the financing institution to enable it to close loans which are to be offered to the bank for discount or purchase, or as collateral for a loan or loans, pursuant to said section 202 (a) (1)

§ 43.505 *Eligibility of paper*—(a) *Summary of eligibility requirements.* To be eligibile for discount or as collateral for loans, notes offered to a Federal intermediate credit bank by privately capitalized financing institutions must meet the following requirements:

(1) The rate of interest or discount charged the note maker may not exceed the limitations set out in the rules and regulations promulgated by the Farm Credit Administration.

(2) Maturity dates may not exceed the limitations fixed by Farm Credit Administration rules and regulations and may not, in any event, exceed the legal limit of three years from the date discounted or accepted as collateral by the banks.

(3) The total indebtedness of the note maker to the financing institution may not exceed the maximum amount permitted by rules and regulations of the Farm Credit Administration.

(4) The proceeds of the notes must have been advanced or used in the first instance for an agricultural purpose, as defined by the Farm Credit Administration, and the Federal intermediate credit bank will require appropriate certificates or other suitable evidence that the proceeds have or will be so used.

(b) *Notes given to merchants.* Notes given by farmers and stockmen to dealers or merchants for the purchase of livestock, machinery, farm supplies, fertilizer, etc., ordinarily are not eligible for discount by (or as collateral for loans from) a Federal intermediate credit bank.

Where the proceeds of such notes are used primarily for the benefit of a merchant or dealer, rather than a farmer (e. g., to finance a merchant's credit sales) the purpose is commercial, or mercantile, not agricutural. A farmer's note given to a financing institution, when the proceeds have been used to purchase for cash from a merchant, or to pay a merchant for, farm supplies, machinery, fertilizer, etc., if otherwise acceptable, is eligible for discount by a Federal intermediate credit bank.

(c) *Notes of irrigation companies, etc.* Notes of irrigation companies, canal companies, and similar concerns engaged in the business of supplying farmers with irrigation water or other services or supplies, are not eligible for discount by (or as collateral for loans from) a Federal intermediate credit bank.

(d) *Maximum individual notes eligible for discount.* The maximum amount of any person's obligations which may be discounted for (or accepted as collateral for loans to) a financing institution shall not, except with the consent of the Intermediate Credit Commissioner, exceed the following limitations: (1) 20 percent of the paid-in and unimpaired capital and surplus of the financing institution, in the case of crop production and general agricultural paper; or (2) 50 percent of the paid-in and unimpaired capital and surplus of such institution, if the notes or other obligations are adequately secured by warehouse receipts representing readily marketable and nonperishable staple agricultural commodities, or by chattel mortgages on livestock; and shall be subject to such further limitations as may be imposed by the laws governing the operations of the financing institution concerned.

A Federal intermediate credit bank may not, except with the approval of the Intermediate Credit Commissioner, discount or make loans upon the security of any part of the obligations of a person whose indebtedness to the financing institution offering such paper to the bank exceeds the limitations prescribed herein, since undue concentration of credit in large lines involves special hazards which may impair the ability of the financing institution to meet its liabilities to the bank.

The term "obligations," as used in this section, includes all paper upon which one person is liable, whether as borrower, co-maker, indorser, or guarantor; *Provided, however,* That a Federal intermediate credit bank may, with the approval of the Intermediate Credit Commissioner, fix a different maximum amount of paper acceptable to it and bearing the indorsement for security only of a person having no direct interest in the farming operations being financed with the proceeds of such notes.

§ 43.507 *Insolvent financing institutions.* In any case where a financing institution becomes insolvent, or is in process of liquidation, particularly if it will not properly service its paper, and where supervision and orderly liquidation will be facilitated by direct handling of the obligations of the borrowers, a Federal intermediate credit bank may, with the consent of the Intermediate Credit Commissioner, take over such paper and at maturity accept renewals thereof made payable directly to the bank. Notes or other obligations pledged with an intermediate credit bank by a financing institution, either as collateral for a direct loan or as additional security for any and all indebtedness of the corporation to the bank, also may be taken over by the bank and handled directly with the makers after title has been acquired by the bank in accordance with the provisions of applicable State laws and the terms of the pledge agreements executed by the financing institution.

It is the policy of the Farm Credit Administration, in so far as is possible without jeopardizing the interests of the Federal intermediate credit banks, and within the limitations of the law governing their operations, to avoid the enforced liquidation of privately capitalized financing institutions as well as their borrowers whose paper may be held by the intermediate credit banks. Therefore, direct liquidation of paper carried for a financing institution should be resorted to only in cases where other measures have failed and it is apparent that direct liquidation is the only practicable means available to the bank for the protection of its interests. When it is determined by a bank that the affairs of a financing institution are to be closed out through the foregoing procedure, a complete statement of the facts shall be submitted to the Intermediate Credit Commissioner before definite action is taken by the bank.

Paper handled for insolvent financing institutions under the foregoing procedure will not be assigned to the farm loan registrar as collateral for debentures.

PART 44—COOPERATIVE ASSOCIATIONS

Sec.
44.701 Eligibility requirements.
44.704 Collateral other than approved agricultural products.
44.706 Commodities acquired from or handled for nonmembers.
44.710 Charge for non-use of funds.

AUTHORITY: §§ 44.701 to 44.710, inclusive, issued under sec. 2, 42 Stat. 1459, sec. 7, 49 Stat. 316; 12 U. S. C. 1101, 1051.

NOTE: In §§ 44.701 to 44.710, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Manual for Federal Intermediate Credit Banks issued as of September 1, 1937.

§ 44.701 *Eligibility requirements.* Only bona fide cooperative associations, composed of persons who are engaged in producing and marketing staple agricultural products or livestock, are eligible for loans from a Federal intermediate credit bank. Any properly organized cooperative association which complies with the provisions of section 12 of the Farm Credit Act of 1935 (49 Stat. 317; 12 U. S. C., Sup., 1141j), and meets the foregoing requirements shall be deemed to be eligible for credit from a Federal intermediate credit bank.

Loans may be made to farmers' cooperative associations engaged in purchasing, testing, grading, processing, distributing, and/or furnishing farm supplies and/or farm business services as well as to associations engaged in processing, handling, and/or marketing farm products for their members. Loans to cooperative marketing associations will be made only to permit such associations to carry out an orderly marketing program, as distinguished from a speculative holding venture.

§ 44.704 *Collateral other than approved agricultural products.* In view of the variety of collateral which might be tendered by a cooperative association, no definite rulings with respect to what would constitute approved additional collateral are prescribed, except that under certain conditions an assignment of a hedge contract covering a staple agricultural product will be considered as "other collateral" within the meaning of that term as used in section 202 of the act, as amended (42 Stat. 1455; 12 U. S. C. 1031 (3) and Sup.). Favorable consideration will be given to a request by a Federal intermediate credit bank that the Governor approve collateral in this form, under the following conditions:

(a) That such hedge contract is, in effect, a sale of the commodity in the futures market at a price not less than its current market value plus carrying charges to the date of its sale, as provided in the contract;

(b) That the commodity will be hedged continuously during the entire time the bank's loan is outstanding; and

(c) That the hedge contract is made with a reputable and financially responsible broker through a recognized commodity exchange.

§ 44.706 *Commodities acquired from or handled for nonmembers.* Commodities acquired by a marketing association from nonmembers, for the purpose of supplementing the products received from its members, may be accepted as collateral for loans to cooperative associations: *Provided,* The value of the products so purchased from or handled for nonmembers does not exceed the value of those received from or handled for members.

§ 44.710 *Charge for non-use of funds.* As funds for lending purposes are procured principally through sales of debentures, a Federal intermediate credit bank is authorized to charge any cooperative association, in addition to interest on the indebtedness of the association to the bank, such sums as will protect the bank against pecuniary loss on its outstanding debentures in the event, and to the extent, that the association:

(a) Fails to employ the funds made available for its use in the amounts and on the dates agreed upon; or

(b) Makes prepayment of a loan or any part thereof.

PART 45—COLLATERAL TRUST DEBENTURES

NOTE: In § 45.804 the number to the right of the decimal point corresponds with the respective section number in the Manual for Federal Intermediate Credit Banks, issued as of September 1, 1937.

§ 45.804 *Lost, stolen, destroyed, mutilated, or defaced debentures*—(a) *Authorization for relief.* Whenever a debenture issued by an individual Federal intermediate credit bank, or a consolidated debenture, is lost, stolen, destroyed or so mutilated or defaced as to impair its value to the owner, the Intermediate Credit Commissioner may authorize the issuance of a new debenture in lieu thereof upon the owner's compliance with the following requirements:

(b) *Application.* In the event of the loss, theft, destruction, mutilation, or defacement of a debenture, issued by a Federal intermediate credit bank, or a consolidated debenture, the owner or his authorized representative, to protect his interest, should immediately file an application with the Intermediate Credit Commissioner for the issuance of another debenture in lieu thereof. Such application must be filed within a reasonable time after the loss, theft, destruction, mutilation, or defacement is discovered.

(c) *Affidavit of loss.* The owner of the debenture which has been lost, stolen, mutilated, or destroyed, or his authorized representative, shall furnish to the Intermediate Credit Commissioner his affidavit, duly acknowledged before a notary public or other officer authorized by law to administer oaths, setting forth:

(1) That he is the lawful owner (or authorized representative of the owner) of such debenture, and that he is legally entitled to its possession;

(2) A complete identification of such debenture, including serial number, date of issue, face amount, date of maturity, and interest rate;

(3) A detailed statement of the circumstances surrounding the loss, theft, destruction, mutilation, or defacement of such debenture;

(4) A statement that the affidavit is made for the purpose of obtaining a new debenture, and an undertaking that, should the original debenture come into possession or control of the deponent, he will immediately surrender it to the Farm Credit Administration.

(d) *Bond of indemnity.* (1) The owner of the lost, stolen, or destroyed debenture or his authorized representative, shall also furnish to the Intermediate Credit Commissioner a bond of indemnity in a penal amount equal to the sum of the principal and interest to maturity of the said debenture, plus 10 percent, with corporate surety satisfactory to the Intermediate Credit Commissioner, with conditions to indemnify and save harmless the Farm Credit Administration and any and all Federal intermediate credit banks and officers, employees,

and representatives thereof, of and from all liability, loss, claims, or demands, arising in any manner by reason or on account of the debenture for which the issuance of another is requested.

(2) The owner of a mutilated or defaced debenture, or his authorized representative, shall, before another debenture is issued in lieu thereof, surrender such debenture or as much thereof as remains, to the Intermediate Credit Commissioner, and shall, if required by him, also furnish him a bond of indemnity in a penal sum satisfactory to the Intermediate Credit Commissioner, with corporate surety and conditions as above stated.

(3) A bond of indemnity which is otherwise satisfactory will be accepted if the corporation which is surety thereon holds a certificate from the Secretary of the Treasury as being acceptable on surety bonds. A list of such corporations (Section of Surety Bonds Form 356) may be obtained from the United States Treasury.

CROSS REFERENCE: For listing of corporations by Form 356 as being acceptable on surety bonds, see 31 CFR Part 226.

(e) *Additional evidence of loss.* The owner of a lost, stolen, mutilated, or destroyed debenture, or his authorized representative, shall also furnish such other and further evidence relating to the loss, theft, destruction, mutilation, or defacement of the debenture for which a new debenture is requested as may be required by the Intermediate Credit Commissioner in any specific case.

(f) *Recovery of debenture reported lost, stolen, or destroyed.* If a debenture reported lost, stolen, or destroyed is recovered by the owner, or his authorized representative, prior to the issuance of a new debenture in lieu thereof, the Intermediate Credit Commissioner should be notified immediately, whereupon the application for the issuance of the new debenture will be canceled, and any bond and affidavits relative thereto will be returned to the owner, or his authorized representative. If the original debenture is recovered by the owner, or his authorized representative, after a new debenture in lieu thereof has been issued, the said original shall be returned to the Intermediate Credit Commissioner for cancellation.

(g) *Immaterial mutilation or defacement.* Where a mutilation or defacement of a debenture is so slight that the debenture may be identified fully, and the missing fragments could not by any possibility form the basis of a claim against the Farm Credit Administration or any Federal intermediate credit bank, the Intermediate Credit Commissioner, upon application therefor, and the surrender of the defaced or mutilated debenture, may authorize the issuance of a new debenture in lieu thereof without requiring an affidavit or indemnity bond, or such debenture may be accepted and paid, at maturity, as if no mutilation or defacement had occurred. (Sec. 2, 42 Stat. 1459, sec. 7, 49 Stat. 316; 12 U. S. C. 1101, 1051)

Subchapter E—Production Credit Division

PART 48—PRODUCTION CREDIT CORPORATIONS

Sec.
48.1 Organization of production credit corporations.
48.2 Functions and procedures of production credit corporations.

AUTHORITY: §§ 48.1 and 48.2 issued under sec. 2, 48 Stat. 257, as amended; 12 U. S. C. 1131.

§ 48.1 *Organization of production credit corporations.* (a) The twelve production credit corporations, of which there is one in each farm credit district, are corporations chartered by the Governor of the Farm Credit Administration under 48 Stat. 257, as amended; 12 U. S. C. and Sup. The location of the several production credit corporations and the district served by each are stated in § 8.1 of this chapter. All of their capital stock is held by the Governor of the Farm Credit Administration on behalf of the United States. The activities of the production credit corporation of each district are coordinated with those of the Federal land bank, Federal intermediate credit bank, and bank for cooperatives of the district through the district organization described in § 8.2 of this chapter. The production credit corporations assist in the organization and capitalization of the production credit associations in their respective districts and supervise the associations.

(b) The farm credit board in each district, elected or appointed under 50 Stat. 704, 12 U. S. C. 640b–640j, is ex officio the board of directors of the production credit corporation. The board of directors appoints the officers of the corporation and is responsible for the management of its affairs under general supervision of the Farm Credit Administration. The president of the corporation is its chief executive officer.

§ 48.2 *Functions and procedures of production credit corporations.* (a) The production credit corporations assist in the organization of production credit associations by advising with farmers desiring to form an association and by advising the Farm Credit Administration regarding the need and prospects for any proposed new associations. The corporations also consult with associations and make recommendations to the Farm Credit Aministration regarding proposals for changing the territories of, consolidating and liquidating associations.

(b) The production credit corporations assist in the capitalization of production credit associations by purchasing their class A stock in accordance with 48 Stat. 259; 12 U. S. C. 1131c.

(c) The corporations supervise the associations by prescribing rules and regulations which are contained in Parts 51 and 52 of this chapter, by reviewing their activities and records and consulting and advising with them, and otherwise in accordance with 48 Stat. 259, 12 U. S. C. 1131d–1131g, the rules and regulations (Parts 50, 51, and 52 of this chapter), and the bylaws of the associations.

PART 49—PRODUCTION CREDIT ASSOCIATIONS

Sec.
49.1 Organization of production credit associations.
49.2 Functions and procedures of production credit associations.

AUTHORITY: §§ 49.1 and 49.2 issued under sec. 20, 48 Stat. 259; 12 U. S. C. 1131d.

§ 49.1 *Organization of production credit associations.* (a) The production credit associations, of which there are about 500, are corporations organized by ten or more farmers and chartered by the Governor of the Farm Credit Administration pursuant to 48 Stat. 259; 12 U. S. C. 1131d.

(b) The farmer members of each association own some or all of its capital stock. Non-voting class A stock of the associations is purchased by the production credit corporations subject to retirement in accordance with 48 Stat. 259, 12 U. S. C. 1131c, and the aggregate amount of stock owned by the corporations is being progressively reduced.

(c) The farmer members of an association elect its board of directors from its membership. The board of directors appoints its officers and employees and manages its affairs under general supervision of the production credit corporation and the Farm Credit Administration. The secretary of the association is its managing officer. The association's executive committee, consisting generally of two directors and the secretary, acts as a loan committee and passes on loan applications.

§ 49.2 *Functions and procedures of production credit associations.* The production credit associations make loans to farmers and stockmen for general agricultural purposes, principally short-term loans for production purposes. The regulations prescribing the general terms and conditions on which such loans may be made are contained in Parts 50, 51, and 52 of this chapter. Applications for loans should be made to the production credit association serving the territory in which the applicant's farming operations are conducted. Loan applications should be made on prescribed forms, which may be obtained from the association, in which the applicant gives information regarding the amounts and purposes of the loan sought, his farming facilities, the anticipated sources of repayment, the security offered, and his financial condition. Each borrower from an association is required to own stock in the association as provided in 48 Stat. 261; 12 U. S. C. 1131g. The executive committee of the association has authority to approve or reject loan applications except that further approval is required for loans in excess of certain amounts (see 12 U. S. C. 1131g) and for loans to certain officials of the Farm Credit Administration, the production credit corporation, or the association (see § 51.2 (f) of this chapter).

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS PROMULGATED BY FARM CREDIT ADMINISTRATION

Sec.
50.13 Charges to borrowers.
50.15 Confidential information.
50.16 Territory.
50.17 Depositaries.
50.19 Consolidation of associations.
50.20 Voluntary liquidation of associations.

AUTHORITY: §§ 50.13 to 50.20, inclusive, issued under secs. 20, 60, 48 Stat. 259, 266; 12 U. S. C. 1131d, 1138. Exception is noted in parentheses following section affected.

NOTE: In §§ 50.13 to 50.20, inclusive, the numbers to the right of the decimal point correspond with the section numbers in the Rules and Regulations for Production Credit Associations, effective December 31, 1939.

§ 50.13 *Charges to borrowers.* Subject to the approval of the president of the corporation the association may prescribe charges and other fees to be charged applicants in connection with loans. Except as otherwise authorized by the president of the corporation, the cost of title and mortgage abstracts and searches, fees for filing or recording mortgages, fees in connection with releases, notarial fees in connection with the execution of loan papers, and other expenses incurred in closing loans must be paid by the borrower.

§ 50.15 *Confidential information.* The directors, officers, employees, and agents of an association shall not disclose information regarding the association's borrowers or applicants for loans or other information of confidential character, except as permitted by instructions issued by the corporation in conformity with the pertinent regulations promulgated in the General Administrative Manual issued by the Farm Credit Administration. (See Part 4 of this chapter.)

§ 50.16 *Territory.* (a) The association shall operate and conduct its business within such territory as may be prescribed by the Governor and evidenced in a certificate of district to be served.

(b) An application for a loan to finance operations wholly within the territory of the association may be accepted regardless of the residence of the applicant.

(c) An application for a loan to finance operations wholly without the territory of the association shall not be accepted even though the applicant resides within the territory served by the association.

(d) An application for a loan to finance operations on land partly within and partly without the association's territory may be accepted if such land may be regarded, in the opinion of the president of the corporation, as one farming or livestock unit. (Sec. 20, 48 Stat. 259; 12 U. S. C. 1131d)

§ 50.17 *Depositaries.* The depositaries for the funds of the association must be approved for the purpose by the corporation so long as it is the holder of any stock of the association, such depositaries wherever possible to be members of the Federal Reserve System or insured by the Federal Deposit Insurance Corporation.

§ 50.19 *Consolidation of associations.* (a) *Consolidation agreement.* By resolution, the board of directors of each association constituent to a consolidation shall authorize the execution of, and shall approve, an agreement (in the form prescribed by the corporation with the approval of the Production Credit Commissioner) designating the charter of one of the constituent associations as the charter of the consolidated association, providing an effective date for the consolidation, and setting forth the terms and conditions of the consolidation and the mode of carrying the same into effect.

Such consolidation agreement shall also provide that the shares of class A stock of the respective constituent associations shall be converted at the par value thereof into like shares of the consolidated association; that the shares of class B stock of the respective constituent associations which have a fair book value equal to or greater than the par value thereof shall be converted at the par value thereof into like shares of the consolidated association; that the shares of class B stock of the respective constituent associations which have a fair book value of less than par shall be converted into $5 par value shares of class B stock of the consolidated association having an aggregate value equal in each instance to the aggregate fair book value of such shares of such constituent associations.

(b) *Approval of consolidation agreement.* In order to become effective, the consolidation agreement must be approved:

(1) By a two-thirds vote of the class B stockholders of each association constituent to the consolidation who are present at a meeting duly called for the purpose (provided the stockholders so present constitute a quorum);

(2) By the president of the corporation; and

(3) By the Production Credit Commissioner.

(c) *Effectiveness of agreement.* When so approved the consolidation agreement shall be filed with the corporation and shall become effective as of its effective date. As of such date, the separate existence of the constituent associations shall cease, and the consolidated association shall succeed, without other transfer, to all rights and property of the constituent associations and shall be obligated to discharge all the debts, liabilities, and duties thereof in the same manner and to the same extent as if such consolidated association had originally incurred them.

(d) *Supervisory duties of corporation.* It shall be the duty of the corporation to supervise the consolidation for the purpose of insuring that the terms and conditions of the consolidation agreement are properly carried into effect and that the shares of stock of the constituent associations are retired and canceled and the proper number of shares of stock of the consolidated association issued in lieu thereof.

§ 50.20 *Voluntary liquidation of associations.* (a) Subject to the approval of the president of the corporation and of the Production Credit Commissioner an association may be placed in voluntary liquidation by resolution of its board of directors. The resolution shall authorize and direct the president of the corporation to appoint and fix the compensation of a liquidating agent for the association and to remove such liquidating agent at will and appoint a successor; and shall vest in the liquidating agent full and complete authority (without any reservation of power in the board) to liquidate the association subject to the direction and supervision of the president of the corporation.

(b) Subject to such direction and supervision, the liquidating agent shall convert all the association's assets into cash (except securities held by the corporation for the association's account), pay all its obligations, and distribute its remaining assets to the holders of class A and class B stock in accordance with their liquidation preference rights.

(c) The loan assets of the association may be converted into cash by either of the following methods:

(1) By their collection.

(2) By the sale of the loan assets of the association to another association or associations upon such terms and conditions as may be approved by the president of the corporation and by the Production Credit Commissioner: *Provided*, That immediately upon completion of such sale the liquidating association will be able to pay liquidating dividends of not less than $5 per share on all its outstanding stock. Each borrower whose loan is sold to another association shall be required to own class B stock in the purchasing association in the amount of $5 for each $100 or fraction thereof of the unpaid balance of such loan; and the liquidating association shall make payment to the purchasing association for such stock out of the borrower's liquidating dividends. (Sec. 65, 48 Stat. 269; 12 U. S. C. 1138e)

PART 51—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS PROMULGATED BY ALL PRODUCTION CREDIT CORPORATIONS

Sec.
51.1 Loan purposes.
51.2 Eligibility.
51.4 Approval of loan.
51.5 Interest rates.
51.8 Inspections.
51.10 Time limit on closing loans.
51.11 Relation of association to other organizations.
51.21 Guaranteed loans to veterans.

AUTHORITY: §§ 51.1 to 51.21, inclusive, issued under sec. 23, 48 Stat. 261; 12 U. S. C. 1131g.

NOTE: In §§ 51.1 to 51.21, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Rules and Regulations for the Production Credit Associations, effective December 31, 1939.

§ 51.11 *Loan purposes.* The association is authorized to provide short-term and intermediate-term credit for any general agricultural purpose to qualified farmers and stockmen. Loans may include funds for the purchase of associa-

tion class B stock required to be held by members in connection with their loans.

When a doubt exists as to the authority of an association to make a particular type of loan, all pertinent facts in connection therewith should be forwarded to the president of the production credit corporation (hereinafter referred to as "the corporation") for a decision.

§ 51.2 *Eligibility*—(a) *In general.* To be eligible for a loan, an applicant must be a farmer within the meaning of that word as used in the Farm Credit Act of 1933 and amendments thereto and acts amendatory thereof. The term "farmer" as so used includes a natural person, partnership, or corporation engaged in the business of farming or of breeding, raising, or fattening livestock.

(b) *Natural persons.* To be an eligible applicant, a natural person must devote certain time and energy to the active management of his farming or livestock operations; and the enterprise must be conducted in such a manner that he reaps the benefits of the operation if it is successful, and suffers the loss if it is a failure. He need not be principally so engaged nor reside on the place where the farming or livestock operations are carried on. An applicant for a loan, the proceeds of which are to be used for farming or livestock operations conducted through tenants or sharecroppers, will be ineligible unless it affirmatively appears that he has a right to, and does actually exercise the substantial direction and control in the management of the enterprise. When a landlord is entitled only to a fixed return without regard to the success or failure of the farming operations, or does not rightfully exercise the substantial direction and control of the management of such operations, the tenant, not the landlord, is to be considered the "farmer."

(c) *Partnerships.* The eligibility of a partnership is governed by the same principles as those governing the eligibility of natural persons.

(d) *Corporations.* To be considered a "farmer," a corporation must be principally engaged in farming or in the breeding, raising, or fattening of livestock.

For a corporation to be considered as so principally engaged, the major portion of its assets must be represented by property actually devoted to farming and/or the raising, breeding, or fattening of livestock; at least half of its gross income must be derived from such operations; and at least half of the time of its active officers and personnel must be spent in the conduct of such business.

When a loan is made to a corporation, either the holder or holders of at least a majority of its outstanding shares of voting stock or, with the consent of the production credit corporation, the principal stockholder or holders must (1) endorse, or sign as comakers, all notes evidencing such loans; or (2) execute continuing guarantees of all indebtedness of such corporation to the association. When it is expected that future advances will be made to a corporate borrower, the association will require a continuing guaranty as above mentioned.

(e) *Fiduciaries and representatives.* Loans may be made to a fiduciary or representative (including a trustee, guardian, executor, administrator, or receiver) who, in such capacity, is engaged in farming or in the raising, breeding, or fattening of livestock: *Provided*, That (1) adequate security can and will be given and (2) some financially responsible individual (which may be the fiduciary or representative) will incur personal liability for the loan, or the general assets of the estate can and will be charged with liability for the loan. Loans shall not be made to the receiver of a corporation or to the trustee of a business trust (commonly called Massachusetts trust) unless the corporation or trust satisfies the requirements for eligibility of a corporation as prescribed in paragraph (d) of this section.

(f) *Loans to directors, officers, employees, and agents of the Farm Credit Administration, the corporation and the association.* (1) Loans to a director of the corporation or to an officer (as distinguished from an employee) of the Farm Credit Administration of Washington, D. C., shall be subject to prior approval by the board of directors of the corporation and by the Production Credit Commissioner.

(2) Loans to an officer, employee, or agent of the corporation shall be subject to prior approval by the board of directors of the production credit corporation.

(3) Loans to a director or officer of an association shall be subject to prior approval by the president of the corporation, or in his absence or unavailability, by the officer authorized to perform the duties of the president.

(4) Similar approval shall be required for any loan to a partnership, firm, or corporation of which any of the aforesaid persons is a member or stockholder, and for any loan to a third party where more than $500 of the loan proceeds is to be used in connection with real or personal property in which any such person has a present legal or equitable interest.

(5) No member of the executive committee of an association shall participate in the deliberation upon the application for a loan in which he or a member of his immediate family has a legal or equitable interest. The term "immediate family" shall include a father, mother, brother, sister, son, daughter, husband, or wife.

§ 51.4 *Approval of loan.* Unless otherwise provided in the bylaws of the association, or unless otherwise authorized by the board of directors of the association and the president of the corporation, no loan shall be made unless the executive committee has given prior approval thereof. Where executive committee action is required, no loan shall be made unless application therefor has received the unanimous approval of the qualified members of the executive committee present at the meeting at which such action is taken.

§ 51.5 *Interest rates.* The interest rate charged the borrower shall be 3 per cent per annum above the discount rate of the Federal intermediate credit bank at the time the loan or advance is made, unless a lower or a higher rate is prescribed by the corporation with the approval of the Production Credit Commissioner. Interest shall be charged on loans for the actual number of days that loans are outstanding. The number of days for which interest shall be charged shall be computed on the basis of 365 days for normal years and 366 days for leap years.

§ 51.8 *Inspections.* Inspections or field reports shall be made in accordance with policies approved by the production credit corporation. Inspections shall be made by individuals approved by the corporation for this purpose.

An association officer, employee, or agent shall not be authorized to make an inspection incident to a loan applied for or obtained by a member of his immediate family or in connection with property in which he has a present legal or equitable interest. (See § 51.2 (f) for definition of "immediate family.")

§ 51.10 *Time limit on closing loans.* The association may, in its discretion, refuse to make a loan to an applicant who does not furnish all documents necessary to close the loan within 30 days after notice has been sent him by the association that his application has been approved.

§ 51.11 *Relation of association to other organizations.* No borrowers shall be required by the association to enter into any contract or agreement with any particular association, individual, or corporation with respect to the purchase of supplies or the sale of agricultural products, livestock, or livestock products; nor shall the association require a borrower to become a member of any other organization or association: *Provided*, That, with the prior approval of the Production Credit Commissioner, any of such requirements may be imposed as special credit requirements in connection with the closing of particular types of loans.

§ 51.21 *Guaranteed loans to veterans.* Upon authorization by its board of directors, an association may make loans to veterans which are guaranteed in part by the Administrator of Veterans' Affairs under Title III of the Servicemen's Readjustment Act of 1944, for any agricultural purpose eligible for such guaranty. Notwithstanding the regulations governing other loans made by the association, such guaranteed loans to veterans shall bear interest at the rate of 4 percent per annum, shall have a maturity in keeping with the repayment ability of the business financed but for not more than 5 years, and shall be made in accordance with the other requirements of said act and the regulations promulgated thereunder by the Administrator of Veterans' Affairs.

CROSS REFERENCE: For regulations under the Servicemen's Readjustment Act of 1944 promulgated by the Administrator of Veterans' Affairs, see Title 38, Part 36.

PART 52—PARTICULAR PRODUCTION CREDIT ASSOCIATIONS

§ 52.1 *Supervision by corporation of associations in First Farm Credit District.* Wherever in Parts 50 and 51 of this chapter authority is conferred upon the president of the corporation, such authority with respect to the associations in the First Farm Credit District may be exercised by either the President or the Executive Vice President of the Production Credit Corporation of Springfield. (Secs. 20, 23, 60, 48 Stat. 259, 261, 266; 12 U. S. C. 1131d, 1131g, 1138)

Subchapter F—Banks for Cooperatives

PART 69—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF BANKS FOR COOPERATIVES

Sec.
69.1 Organization of Central Bank for Cooperatives.
69.2 Organization of district banks for cooperatives.
69.3 Functions and procedures of banks for cooperatives.

AUTHORITY: §§ 69.1 to 69.3, inclusive, issued under sec. 30, 48 Stat. 261; 12 U. S. C. 1134f.

§ 69.1 *Organization of Central Bank for Cooperatives.* The Central Bank for Cooperatives is a corporation chartered by the Governor of the Farm Credit Administration under 48 Stat. 261; 12 U. S. C. 1134f. Its offices are located in Washington, D. C., with the Farm Credit Administration, and it serves the entire United States. Its capital stock is held partly by cooperative associations that borrow from it and partly by the Governor of the Farm Credit Administration on behalf of the United States. The Central Bank makes loans to large regional-type cooperative associations of farmers and assists in financing the district banks for cooperatives. The board of directors of the Central Bank consists of the Cooperative Bank Commissioner, who is ex officio chairman of the board, and six other directors appointed by the Governor of the Farm Credit Administration of whom three are appointed from among individuals nominated by cooperative associations borrowing from the Central Bank. The Cooperative Bank Commissioner, as chairman of the board, is the executive officer of the Central Bank and prescribes the terms and conditions of its loans. The business of the Central Bank is managed by its vice president and general manager under the direction of the Commissioner, subject to general supervision by the Governor of the Farm Credit Administration.

§ 69.2 *Organization of district banks for cooperatives.* (a) The twelve district banks for cooperatives, of which there is one in each farm credit district, are corporations chartered by the Governor of the Farm Credit Administration under 48 Stat. 257; 12 U. S. C. 1134. The location of the several district banks and the district served by each are stated in § 8.1 of this chapter. The capital stock of each district bank is held partly by cooperative associations that borrow from it and partly by the Governor of the Farm Credit Administration on behalf of the United States. The activities of the district bank for cooperatives in each district are coordinated with those of the Federal land bank, Federal intermediate credit bank, and production credit corporation of the district through the district organization described in § 8.2 of this chapter. The district banks for cooperatives make loans to farmers' cooperative associations.

(b) The farm credit board of each district, elected or appointed under 50 Stat. 704, 12 U. S. C. 640b–640j, is ex officio the board of directors of the district bank for cooperatives. The board of directors appoints the officers of the corporation and is responsible for the management of its affairs under general supervision of the Farm Credit Administration. The president of the district bank is its chief executive officer.

§ 69.3 *Functions and procedures of banks for cooperatives.* (a) The Central Bank and the twelve district banks for cooperatives make loans to eligible farmers' cooperative associations, as defined in 46 Stat. 18, as amended, 12 U. S. C. 1141j, for the purposes and subject to the conditions specified in the Agricultural Marketing Act (46 Stat. 11, as amended; 12 U. S. C. 1141–1141j). Such loans are made in accordance with the rules and regulations contained in subsequent sections of this subchapter of the Code of Federal Regulations.

(b) The amount of loans that a district bank may make to any one borrower is limited by regulation (§ 71.25 of this chapter), but a district bank may receive applications for loans in excess of such limit and offer the excess amount to the Central Bank for participation in the loan. A cooperative association desiring to apply for loans should apply to the district bank serving the State in which the association's principal office is located (see § 8.1 of this chapter). However, an association whose operations extend over several farm credit districts may apply to the Central Bank. In appropriate cases, applications submitted to a district bank may be referred by it to the Central Bank and vice versa.

(c) Loan applications should be made on prescribed forms furnished by the banks, in which the applicant gives information as to the amount and purposes of the loan desired, the security offered, the proposed method of repayment, and the association's eligibility as a cooperative. The association should submit with its application certified copies of its articles of incorporation, bylaws, and board resolution authorizing the application, and audit reports or financial and operating statements for the preceding three years. Each borrower from a bank for cooperatives is required to own stock in the bank in the amounts stated in § 70.128 of this chapter.

(d) Loan applications are approved or rejected, and matters relating to loans are determined, on behalf of the Central Bank by its vice president and general manager with the concurrence of the Cooperative Bank Commissioner; and on behalf of a district bank by its executive committee composed of its president and other officers, except that loans in excess of $500,000 to any one association require further approval by the Cooperative Bank Commissioner.

PART 70—LOAN INTEREST RATES AND SECURITY

Sec.
70.5 Nonproducer ownership of voting media in cooperative associations.
70.43 Loans entitled to commodity loan interest rate.
70.46 Eligible commodities.
70.90 Interest rate on continental loans for financing operations.
70.90–50 Interest rate on continental commodity loans.
70.90–51 Interest rate on loans secured by Commodity Credit Corporation loan documents.
70.90–52 Interest rate on continental facility loans.
70.90–53 Interest rate on commodity loans in Puerto Rico.
70.90–54 Interest rate on loans in Puerto Rico for financing operations.
70.90–55 Interest rate on facility loans in Puerto Rico.
70.128 Capital stock ownership required of borrowing cooperatives.
70.139 Stock of defaulting borrowers.

AUTHORITY: §§ 70.5 to 70.139, inclusive, issued under secs. 34, 38, 48 Stat. 262, 264, as amended; 12 U. S. C. 1134j.

NOTE: In §§ 70.5 to 70.139, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Manual for Banks for Cooperatives, issued as of September 15, 1940, except the last two paragraphs of § 70.5 which appear in the Manual as sections 6 and 7, and the last paragraph of § 70.46 which appears in the Manual as section 47.

§ 70.5 *Nonproducer ownership of voting media in cooperative associations.* Loans may not be made to a cooperative association, except a mutual fire insurance company, unless at least 90 percent of the voting media are held by either producers (individuals, partnerships, or corporations), or cooperative associations as defined in the Agricultural Marketing Act, as amended (see sec. 15, 46 Stat. 18 as amended; 12 U. S. C. 1141j).

In determining eligibility, all business transacted with members that are neither producers, nor cooperative associations as defined in the Agricultural Marketing Act, as amended, shall be deemed to be nonmember business.

Loans may not be made to a mutual fire insurance company unless at least 75 percent of the voting media are held by either producers (individuals, partnerships, or corporations), or cooperative associations as defined in the Agricultural Marketing Act, as amended.

§ 70.43 *Loans entitled to commodity loan interest rate.* No borrower from a bank for cooperatives shall be entitled to the interest rate prescribed in subsection (a) of section 8 of the Agricultural Marketing Act, as amended (Sec. 8, 46 Stat. 14, sec. 11, 49 Stat. 316; 12 U. S. C. 1141f, and Sup.), on any loan made upon the security of commodities, unless the following terms and conditions are complied with:

(a) Each loan shall be secured by a first lien on farm products or farm supplies, approved by the Cooperative Bank Commissioner, of sufficient value at the time the loan is made (as determined by the bank) to afford an adequate margin of security without the necessity for additional collateral or other kinds (liens for accrued storage or warehouse charges

and taxes not yet due will not be considered as prior liens: *Provided*, The bank is satisfied that adequate arrangements have been made to assure the payment of such charges, when and as the same become due and payable);

(b) The loan shall mature within the normal marketing period of the commodities securing the loan; and

(c) The proceeds of the loan shall not be used for the construction or acquisition by purchase or lease of physical facilities, or for refinancing the cost of construction or acquisition of such facilities.

(d) Such loans shall not be made on changing stocks of goods.

§ 70.46 *Eligible commodities. Until* further notice and within the limits of § 70.43 farm products and farm supplies coming within the general classifications listed below may be accepted as security for loans entitled to the interest rate prescribed in subsection (a) of section 8 of the Agricultural Marketing Act, as amended (Sec. 8, 46 Stat. 14, sec. 11, 49 Stat. 316; 12 U. S. C. 1141f), for loans made upon the security of commodities, when the products or supplies are marketable and generally are in bulk storage.

Loans made on the security of commodities or supplies not coming within the general classifications listed below shall not be entitled to the interest rate prescribed in subsection (a) of section 8 of the Agricultural Marketing Act, as amended, for loans made upon the security of commodities.

Grains.
Fibers (such as cotton, wool, mohair, etc.).
Tobacco.
Grass seeds.
Legume seeds (alfalfa, clover, etc.).
Other seeds (vegetable, cottonseed, etc.).
Dairy products.
Poultry products.
Livestock products.
Grapes to be immediately converted into grape juice, wine, or brandy.
Wines and brandies.
Processed fruits and vegetables, as well as the following fresh fruits and vegetables held in storage:
Winter apples and pears.
Citrus fruits.
Potatoes.
Sweet potatoes.
Beans (edible, soy, etc.).
Nuts.
Maple food products.
Sugar.
Oil (cottonseed, bean, olive, etc.).
Honey.
Coffee.
Hay.
Naval stores.
Pelts of fur-bearing animals produced under fully controlled conditions.
Farm supplies (in bulk and held in storage):
Fertilizer.
Fertilizer materials.
Feeds.
Binder twine.

§ 70.90 *Interest rate on continental loans for financing operations.* The rate of interest on all loans, other than upon the security of commodities, made on or after February 24, 1939, by any district bank for cooperatives, the Central Bank for Cooperatives, or from the Revolving Fund authorized by the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, for the purposes specified in section 7 (a) (1) of that act, shall be 2½ percent per annum.

§ 70.90–50 *Interest rate on Continental Commodity Loans.* Except as specified in § 70.90–51, and except as provided in this section with respect to the Berkeley Bank for Cooperatives, the rate of interest on all loans upon the security of commodities made on or after February 24, 1939, by any district bank for cooperatives, the Central Bank for Cooperatives, or from the Revolving Fund authorized by the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, for the purposes specified in section 7 (a) (1) of that act, shall be 1½ per centum per annum. The rate of interest on all such loans made on or after March 1, 1947, by the Berkeley Bank for Cooperatives shall be 1¾ per centum per annum.

§ 70.90–51 *Interest rate on loans secured by Commodity Credit Corporation loan documents.* The rate of interest on loans made on or after May 10, 1944, by any district bank for cooperatives or the Central Bank for Cooperatives to eligible farmers' cooperatives, upon the security of the following types of Commodity Credit Corporation loan documents, shall be 1.00 per centum per annum:

(a) Those representing loans made by such farmers cooperatives as lending agents pursuant to agreements entered into with Commodity Credit Corporation and which are evidenced by notes of their producer members or farmer patrons, and qualified for purchase by and sale to Commodity Credit Corporation:

(b) Those representing cotton qualified for loans from Commodity Credit Corporation to such farmers' cooperatives pursuant to agreements entered into with Commodity Credit Corporation.

§ 70.90–52 *Interest rate on continental facility loans.* On and after February 1, 1946, the interest rate on all facility loans made or then outstanding in the continental United States by the district banks for cooperatives and the Central Bank for cooperatives shall be three and one-half per centum per annum.

§ 70.90–53 *Interest rate on commodity loans in Puerto Rico.* The rate of interest on all loans upon the security of commodities made on or after February 24, 1939, for the purposes specified in section 7 (a) (1) of the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, by the Baltimore Bank for Cooperatives to borrowers located in Puerto Rico shall be 2 percent per annum.

§ 70.90–54 *Interest rate on loans in Puerto Rico for financing operations.* The rate of interest on all loans made on or after February 24, 1939, for the purposes specified in section 7 (a) (1) of the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, other than upon the security of commodities, by the Baltimore Bank for Cooperatives to borrowers located in Puerto Rico, shall be 3 percent per annum.

§ 70.90–55 *Interest rate on facility loans in Puerto Rico.* On and after February 1, 1946, the interest rate on all facility loans made or then outstanding in Puerto Rico by the Baltimore Bank for Cooperatives and the Central Bank for Cooperatives shall be four per centum per annum.

§ 70.128 *Capital stock ownership required of borrowing cooperatives.* Cooperative associations borrowing from a bank for cooperatives shall be required to own, at the time the loan is made, an amount of stock of the bank as follows:

(a) *Operating capital and facility loans.* An amount of stock of the bank equal in fair book value (not to exceed par), as determined by the bank, to $100 per $2,000 or fraction thereof of the amount of the loan.

(b) *Commodity loans; loans secured by Commodity Credit Corporation documents.* An amount of stock equal in fair book value (not to exceed par), as determined by the bank, to $100 per $10,000 or fraction thereof of the amount of the loan(s) (exclusive of any loans made for the purchase of stock); *Provided, however*, That stock owned by a borrower in connection with any operating capital or facility loan(s) may be regarded as meeting the stock ownership requirements in connection with either commodity loans or "Commodity Credit Corporation secured" loans, to the extent that such stock equals $100 per $10,000 of the sum of such commodity or "Commodity Credit Corporation secured" loan(s).

§ 70.139 *Stock of defaulting borrowers.* (a) In any case where the debt of a borrower to the Central Bank for Cooperatives or any district bank for cooperatives is in default, such bank may retire and cancel all or a part of the stock of the defaulting borrower at the fair book value thereof (not exceeding par), in total or partial liquidation of the debt, as the case may be, if:

(1) The borrower has been declared bankrupt; or

(2) The borrower has had a substantial part of its property placed in the hands of a receiver; or

(3) The borrower has ceased operations, regardless of whether its charter has been surrendered; or

(4) In the judgment of the bank, the the indebtedness of the borrower to the bank is uncollectible.

(b) Any such stock that is so cancelled and retired may not again be reissued to the borrower.

PART 71—LOAN POLICIES

Sec.
71.25 Lending limits of district banks for cooperatives.
71.25–50 Excess loans district banks; sale of participations.
71.28 Territorial limitations on loans to cooperative associations made by the banks for cooperatives.
71.29 Appraisal and/or loan fees charged by the banks for cooperatives.
71.30 Relation of cooperative associations to general farm organizations.

Sec.
71.39 Policy on retirement of nonproducer ownership of voting media in cooperative associations.

AUTHORITY: §§ 71.25 to 71.39, inclusive, issued under secs. 34, 38, 48 Stat. 262, 264, as amended; 12 U. S. C. 1134j.

NOTE: In §§ 71.25 to 71.39, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in the Manual for Banks for Cooperatives, issued as of September 15, 1940.

§ 71.25 *Lending limits of district banks for cooperatives.* Except with the written approval of the Cooperative Bank Commissioner, the lending limits of each district bank for cooperatives are hereby fixed so that loans to any one borrower outstanding at any time may not exceed the following percentages of the bank's combined capital, surplus, and reserve for contingencies:

(a) Facility loans, 10 percent;

(b) Operating capital loans, 15 percent;

(c) Commodity loans (excluding loans secured by Commodity Credit Corporation documents), 25 percent;

(d) The sum of facility and operating capital loans, 15 percent;

(e) The sum of facility, operating capital, and commodity loans (excluding loans secured by Commodity Credit Corporation documents), 25 percent.

§ 71.25–50 *Excess loans district banks; sale of participations.* The district bank shall request the Central Bank for Cooperatives (or, when approved by the Cooperative Bank Commissioner, another district bank) to participate in the extension of credit for amounts which exceed the lending limits set forth in § 71.25, and, except when otherwise agreed, such participation shall take place in the following order: First, commodity loans; second, operating capital loans; and third, facility loans. Nothing contained in this section or in § 71.25 shall be construed to prevent a district bank for cooperatives from requesting the Central Bank for Cooperatives (or, when approved by the Cooperative Bank Commissioner, another district bank) to participate in the extension of credit to any borrower before its lending limits are reached.

§ 71.28 *Territorial limitations on loans to cooperative associations made by the banks for cooperatives.* A bank for cooperatives should make loans only to cooperative associations operating within, or with headquarters in, the farm credit district served by the bank for cooperatives. A bank for cooperatives may make loans to an association operating in or with headquarters in, another farm credit district under the following conditions:

(a) That the interests of the borrowing cooperative would best be served.

(b) That the bank for cooperatives in the farm credit district in which the cooperative association is located and the Farm Credit Administration at Washington, D. C., agree thereto.

Cooperative associations operating in more than one farm credit district should apply for loans to the bank for cooperatives in the district in which the principal operating office of the cooperative association is located.

§ 71.29 *Appraisal and/or loan fees charged by the banks for cooperatives.* As a general policy appraisal and/or loan fees not to exceed one-half of 1 percent of the amount of a loan applied for may be charged by the banks for cooperatives to applicant associations.

§ 71.30 *Relation of cooperative associations to general farm organizations.* The requirement that membership in a cooperative association is limited to persons who are members of a general farm organization shall not make such cooperative association ineligible to borrow from a bank for cooperatives; *Provided:*

(a) That the applicant cooperative association does not collect from its members (by deductions from sales proceeds or from patronage dividends or otherwise) dues payable by such members to a general farm organization, except where the members from whom such dues are so collected have individually and specifically, and in a manner satisfactory to the bank for cooperatives, authorized the cooperative association to collect and pay such dues to the farm organization concerned.

(b) That the applicant cooperative association will agree, at the request of the bank for cooperatives, to serve qualified nonmembers of the association who do not desire membership in the general farm organization concerned, and to handle (within the limitations of the Agricultural Marketing Act (46 Stat. 11–19; 12 U. S. C. 1141–1141j), as amended, such nonmember business as may be necessary to serve such producers who have no other opportunity to market their products, or purchase their supplies, cooperatively.

§ 71.39 *Policy on retirement of nonproducer ownership of voting media in cooperative associations.* If all the voting media of a cooperative association borrowing from a bank for cooperatives, except a mutual fire insurance company, are not held by either producers (individuals, partnerships, or corporations), or cooperative associations as defined in the Agricultural Marketing Act, as amended, (sec. 15, 46 Stat. 18; 12 U. S. C. 1141j), the bank, as a matter of policy, should suggest or insist upon the adoption by the cooperative of satisfactory measures designed to assure that substantially all voting media will be so held.

Subchapter G—Regional Agricultural Credit Corporations

PART 90—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C.

Sec.
90.1 Organization.
90.2 Functions and procedure.

AUTHORITY: §§ 90.1 and 90.2 issued under sec. 201 (e), 47 Stat. 713, as amended; 12 U. S. C. 1148.

§ 90.1 *Organization*—(a) *Central organization.* The Regional Agricultural Credit Corporation of Washington, D. C., is a corporation chartered by the Farm Credit Administration under sec. 33, 50 Stat. 717; 12 U. S. C. 1148c. Originally there were twelve regional agricultural credit corporations created under sec. 201 (e), 47 Stat. 713, as amended, 12 U. S. C. 1148, but all of them have been consolidated or merged into the Regional Agricultural Credit Corporation of Washington, D. C., pursuant to sec. 33, 50 Stat. 717; 12 U. S. C. 1148c. The principal office of the Corporation is located in Washington, D. C., with the Farm Credit Administration. All of the capital stock of the Corporation is held by the Secretary of the Treasury on behalf of the United States. The Corporation is empowered to make loans to farmers and stockmen for agricultural purposes. The directors and officers of the Corporation are appointed by the Farm Credit Administration. The board of directors of the Corporation, has general management of its affairs, and the president of the Corporation is its chief executive officer. The Corporation's loan committee passes on applications for loans and related matters referred to the principal office.

(b) *District offices.* When the Regional Agricultural Credit Corporation is engaged in a loan program in any particular area, it utilizes the farm credit district office serving that area (see §§ 8.1 and 8.2 of this chapter) as its district office, and utilizes the personnel and facilities of the farm credit district institutions. The district office of the Corporation is under the direction of a district vice president who is aided by an assistant district vice president and by local representatives as needed. Persons interested in learning the name and location of the local representative serving any particular county may obtain this information by writing to the district office of the Corporation serving the State in which the county is located, or by writing to the Regional Agricultural Credit Corporation of Washington, D. C., Farm Credit Administration, Washington, D. C.

(c) *Wenatchee Branch Office.* The Corporation has a branch office known as the Wenatchee Branch which makes loans to fruit growers in Chelan, Okanogan, Douglas, and Grant Counties in the State of Washington. The office of the Wenatchee Branch is located in Spokane, Washington. The Wenatchee Branch is managed by a manager under the general direction of a branch committee.

§ 90.2 *Functions and procedures.* (a) The Regional Agricultural Credit Corporation of Washington, D. C., is empowered to make loans to farmers and stockmen for agricultural purposes in accordance with sec. 201 (e), 47 Stat. 713, as amended; 12 U. S. C. 1148. Loans from the Corporation are made available from time to time in areas where adequate credit for agricultural purposes is not then available from other sources. Accordingly, new loans from the Corporation are made available only in specified areas and for specified purposes designated from time to time, and are made only to applicants who are unable to obtain suitable financing from other sources. New loans have been made

available during 1946 in the following areas for the following purposes:

Area and Purposes

(1) Chelan, Okanogan, Douglas, and Grant Counties, State of Washington (Wenatchee Branch Office): Fruit production.

(2) Accomac and Northampton Counties, State of Virginia (Baltimore, Md., District Office): Production of certain vegetable crops.

The Corporation is also engaged in liquidating loans previously made throughout the United States. Where necessary, additional loans may be made to assist in the liquidation of outstanding loans.

(b) Applications for loans in the area served by the Wenatchee Branch Office should be submitted to that office. Such applications are approved or rejected by the branch committee of that office. Applications for loans in other areas where loans are made available should be submitted to the local representative of the Corporation or to its district office. The district vice president is authorized to approve or reject loan applications, except those in excess of specified amounts which require further approval by the principal office, and he may delegate such authority to the assistant district vice president.

(c) Loan applications are made on prescribed forms in which the applicant gives information as to the purposes and amounts of the loan desired, his farming facilities, the security offered, the anticipated sources of repayment, and his financial condition. The applicant must also submit evidence of his inability to obtain suitable financing from other local sources. The terms and conditions on which loans are made are prescribed or approved by the Farm Credit Administration and are contained in subsequent Parts of this Subchapter of the Code of Federal Regulations.

(d) Requests for cancelation of obligations for special war crop advances made in 1943 (see § 96.200 (b) of this chapter) should be submitted to the local representative of the Corporatiton or to its district office. The district vice president has authority to approve or disapprove such requests for cancelation and he may delegate this authority to the assistant vice president. Such requests for cancelation are made on prescribed forms in which the applicant gives information regarding his fulfillment of the conditions required for cancelation.

PART 91—LENDING POLICIES

Sec.
- 91.1 Loans.
- 91.2 Purposes for which loans may be made.
- 91.3 Present status.
- 91.4 Qualifications as lending agencies re wool loan program.
- 91.5 Size of loans.
- 91.6 Maturity of loans.
- 91.7 Split lines.
- 91.8 Special requirements.
- 91.9 Renewals.
- 91.10 Interest rate.
- 91.11 Inspection fees.

AUTHORITY: §§ 91.1 to 91.11, inclusive, issued under sec. 201 (e), 47 Stat. 713; 12 U. S. C. 1148.

§ 91.1 *Loans*—(a) *Borrowers to whom loans may be made.* Regional agricultural credit corporations are authorized to make loans or advances to individual farmers and stockmen, partnerships and corporations engaged in the business of farming or raising, breeding, fattening, or marketing of livestock. Canners, packers, processors, commission merchants, etc., are ineligible. Also, the regional agricultural credit corporations will not make loans to cooperatives.

(b) *Method of handling loans.* All transactions of any one borrower should be handled by one office.

§ 91.2 *Purposes for which loans may be made.* Loans or advances to farmers and stockmen are to be made only where the proceeds of the loans are to be used for agricultural purposes (including crop production) or for the raising, breeding, fattening, or marketing of livestock.

§ 91.3 *Present status.* The regional agricultural credit corporations' present status is one of liquidation and applications only for the renewal of outstanding loans or for readjustment and restocking in specified areas, which have been affected by insect infestation and drought, will be received and acted on at the offices of the corporations.

§ 91.4 *Qualification as lending agencies re wool loan program.* Regional agricultural credit corporations, including their branches, have been instructed to qualify as lending agencies on Commodity Credit Corporation Form H and are authorized to make loans to regional agricultural credit corporation producer borrowers on 1937–38 wool and/or mohair in storage in accordance with the Commodity Credit Corporation wool loan program.

CROSS REFERENCE: For Commodity Credit Corporation wool loan program, 1937–38, see Part 202, Chapter II of this title.

§ 91.5 *Size of loans*—(a) *Livestock loans.* Regional agricultural credit corporations are not authorized to make, or commit themselves to make, any livestock loan in the amount of $50,000 or more until all the facts in connection with the application shall have been presented (with an appropriate recommendation and a statement of any necessary conditions to be imposed) to the Farm Credit Administration, and its approval obtained. In all instances where the aggregate loans to a borrower (individually and/or jointly with others) and/or to any corporation controlled by such borrower, equal or exceed $50,000, a report covering all such loans should be forwarded to the Farm Credit Administration.

(b) *Agricultural loans.* The corporations are not authorized to make, or commit themselves to make, any agricultural loan in the amount of $15,000 or more until all the facts in connection with the application shall have been presented (with an appropriate recommendation and a statement of any necessary conditions to be imposed) to the Farm Credit Administration, and its approval obtained. In all instances where the aggregate loans to a borrower (individually and/or jointly with others) and/or to any corporation controlled by such borrower, equal or exceed $15,000, a report covering all such loans should be forwarded to the Farm Credit Administration.

(c) *Restocking loans.* There is a minimum limitation of $5,000 on restocking and readjustment loans. All recommended applications for such loans, whether made by present borrowers or new applicants, are required to be submitted to the Washington office of the Farm Credit Administration for approval before commitment of the corporation is made. Such loans are available only in certain specified areas.

§ 91.6 *Maturity of loans*—(a) *Livestock loans.* It is contemplated that the following will be the maximum maturities for livestock loans:

Range and breeder loans: One year.

Pasture loans: One year, or an earlier point of time coincidental with the expected time for marketing the livestock.

Feeder loans: Eight months, or an earlier period of time coincidental with the expected time for marketing the livestock.

(b) *Agricultural loans.* No agricultural loan should be made with a maturity to exceed one year, unless a later maturity is specifically authorized by the Farm Credit Administration; and it is contemplated that such loans will usually be made for the period of time such loans are customarily made in the locality, or drawn to mature at such time as liquidation of the loans will be expected.

(c) *Restocking loans and all other loans not specifically mentioned.* These loans are limited in the same manner and to the same term, to wit: one year, as agricultural and livestock loans.

§ 91.7 *Split lines.* Regional agricultural credit corporations shall not handle "split lines" of credit. A regional agricultural credit corporation should either meet all of the applicant's financing requirements or none of them.

§ 91.8 *Special requirements.* In connection with any new loans made with cattle as security therefor, or renewals of old loans in which cattle are any part of the security, the regional agricultural credit corporation requires the borrower to execute, in addition to the note and mortgage evidencing the debt, a collateral undertaking in which the borrower agrees that, in the event any cattle belonging to him are infected with Bang's disease and are sold in accordance with the terms of a contract with the Agricultural Adjustment Administration, executed in furtherance of this proposed program of eradication, and an indemnity payment is received in connection with the elimination of such cattle, the borrower will (a) apply such indemnity payment towards the purchase of sound cattle of the same type, grade, and approximate value as those sold under the proposed program, and subject the cattle so purchased as security for the loan, as if pledged for the repayment of the loan at the time of the making thereof; and/or (b) apply such indemnity payment to the reduction of his debt.

§ 91.9 *Renewals.* At no time should paper be renewed (except where renewal will facilitate liquidation or pending action by a production credit association) until the regional agricultural credit corporation office is reasonably certain that the borrower is unable to obtain credit elsewhere and then only under express agreement that he will attempt to refinance elsewhere when asked to do so.

§ 91.10 *Interest rate.* The interest rate for agricultural loans is the same as that provided for livestock loans.

Effective June 1, 1940, the rate of interest on all loans now outstanding bearing a rate of interest in excess of 5½ percent per annum, and the rate of interest on all loans hereafter made or renewed, shall be 5½ percent.

§ 91.11 *Inspection fees.* Effective June 1, 1934, the corporations will charge borrowers for actual cost of inspections not to exceed rate charged by production credit associations in same areas, this charge to be made only on normal and regular inspections made necessary in handling, extending, renewing or increasing loans and not for interim inspections made solely for the purpose of keeping in touch with status of loan between regular inspections.

PART 92—LOANS, TYPES AND KINDS; ELIGIBILITY OF BORROWERS

Sec.
- 92.1 Agricultural loans.
- 92.2 Livestock loans.
- 92.3 Special types and kinds; eligibility of poultry raisers.
- 92.4 Silver fox growers.
- 92.5 Nurserymen.
- 92.6 Indians.
- 92.7 Corporations.

AUTHORITY: §§ 92.1 to 92.7, inclusive, issued under sec. 201 (e), 47 Stat. 713; 12 U. S. C. 1148.

§ 92.1 *Agricultural loans.* The term "agricultural loan" is used to designate a loan made for an agricultural purpose to an individual farmer or a partnership or corporation (other than a cooperative corporation) engaged in the business of farming. Such loans will include loans or advances secured by liens on growing crops or other property, for the purpose of defraying the cost of seed and cultivation; loans for harvesting, likewise secured by liens on crops; marketing loans secured by warehouse receipts (preferably issued by warehouses licensed under the U. S. Warehouse Act (39 Stat. 486; 7 U. S. C. 241–273)) covering agricultural commodities; and "barnyard loans", or loans secured by first mortgage liens on milch cows, hogs, work horses, mules, equipment and small stock.

§ 92.2 *Livestock loans.* The term "livestock loan" is used to designate a loan to a livestock grower, feeder, or breeder secured by a first lien on livestock, where the loan is expected to be repaid through funds obtained from: (a) the sale of the livestock and/or the increase and other available sources, in the case of a range or breeder loan, or (b) the sale of fat cattle and sheep, in the case of a feeder or pasture loan.

§ 92.3 *Special types and kinds; eligibility of poultry raisers.* Poultry raisers are farmers and, as such, eligible to apply to the regional agricultural credit corporations for poultry loans. Commercial hatcheries, engaged primarily in the business of producing and selling baby chicks, are not so considered.

The term "poultry loans" is used to designate loans which are secured primarily by liens on poultry and on the feed and equipment used in producing the same, as distinguished from so-called "barnyard loans", or loans "secured by first mortgage liens on milch cows, hogs, work horses, mules, equipment and small stock". The term "poultry raiser" is used to designate an applicant engaged primarily in the business of producing poultry and not merely following such pursuit for the purpose of providing supplementary income.

§ 92.4 *Silver fox growers.* Silver fox growers may be considered eligible as borrowers from regional agricultural credit corporations, where silver foxes are given as security for the loans.

§ 92.5 *Nurserymen.* Nurserymen engaged in the culture or propagation of ornamental shrubs and trees, and other products usually included in standard nurseries, as well as other products having "utilitarian value" such as fruit trees and evergreens are eligible for loans which are required to be within amounts which will be paid from expected sales to be made within one year from the date the loan is made.

§ 92.6 *Indians.* Loans to Indians should be made only upon the security of the so-called "unrestricted" property, located on a Government Indian reservation.

§ 92.7 *Corporations.* A corporation is considered to be a "farmer" or "stockman" only if its principal business is that of farming and/or raising, breeding, fattening and marketing of livestock.

PART 93—APPLICATION OF PROCEEDS OF SALE

§ 93.1 *Disposition of proceeds of sale.* All proceeds of sale should be applied on the loan affected and the borrower permitted, when desired, to make application for an additional loan under the additional advance clause contained in the mortgage. (Sec. 201 (e), 47 Stat. 713; 12 U. S. C. 1148)

PART 94—SECURITY REQUIREMENTS

§ 94.1 *Security requirements.* All loans made by the regional agricultural credit corporations shall be fully and adequately secured. Primary security to be acceptable must consist of first and paramount liens on personal property. It is not the intention that loans shall be secured primarily by mortgages or other liens on real estate, either farms or ranches; and while this class of security is acceptable as additional collateral, it is only to be so considered. (Sec. 201 (f), 47 Stat. 713; 15 U. S. C. 605b (f))

PART 95—LOANS FOR SPECIAL AREAS

Sec.
- 95.1 Loans in the Wenatchee-Okanogan District, State of Washington, and in the Counties of Yakima, Kittitas, Skamania, Klickitat, and Benton, in the State of Washington, and the County of Hood River, in the State of Oregon.
- 95.2 Eligible borrowers.
- 95.3 Loan purposes.
- 95.4 Applications.
- 95.5 Use of loan proceeds; right to withhold advances.
- 95.6 Adequacy of credit.
- 95.7 Security.
- 95.8 Loans to corporations.
- 95.9 Other creditors.
- 95.10 Packing and marketing of fruit.
- 95.11 Factors.
- 95.12 Sales of fruit; remittance of proceeds.
- 95.13 Interest and other charges.
- 95.14 Reserve fund.
- 95.15 Additional regulations; amendments.
- 95.16 Section 91.5 (b) not applicable to Wenatchee Branch.

AUTHORITY: §§ 95.1 to 95.16, inclusive, issued under sec. 201 (e), 47 Stat. 713; 12 U. S. C. 1148.

§ 95.1 *Loans in the Wenatchee-Okanogan District, State of Washington, and in the Counties of Yakima, Kittitas, Skamania, Klickitat, and Benton, in the State of Washington, and the County of Hood River, in the State of Oregon.* The Wenatchee Branch of the Regional Agricultural Credit Corporation of Washington, D. C. (hereinafter referred to as "the Wenatchee Branch"), is authorized to make loans during the 1941–1942 and the 1942–1943 crop seasons to fruit growers (a) in the Counties of Okanogan, Chelan, Douglas, and Grant, in the State of Washington (known as the Wenatchee-Okanogan District), and (b) subject to the limitation in § 95.3, in the Counties of Yakima, Kittitas, Skamania, Klickitat, and Benton, in the State of Washington, and the County of Hood River, in the State of Oregon.

§ 95.2 *Eligible borrowers.* Farmers (including orchardists and fruit growers) are eligible to borrow from the corporation when they can qualify under the terms and conditions set forth herein and in the application and agreements required by the Wenatchee Branch to be executed in connection with such loans. Loans shall be made direct to borrowers and the Wenatchee Branch shall not discount notes for any other financing institution. Borrowers shall be required to cooperate in such program or programs as may be promulgated by or developed in cooperation with the United States Department of Agriculture, and to comply with Federal and State requirements now in effect or hereafter promulgated, with respect to sanitation, grading, packing and marketing of fruit.

§ 95.3 *Loan purposes.* Loans may be made to finance the production, harvesting, packing, storing, and marketing of fruit, including the care and preservation of orchards as well as the reasonable living expenses of the operator, under terms and conditions prescribed by the Wenatchee Branch Committee. Loans may be made also for the purchase and repair of equipment, for rehabilitation

of orchards, and for such other purposes, including (but not by way of limitation) the processing of apple by-products, as may be approved by the Wenatchee Branch Committee, provided loans to fruit growers in the Counties of Yakima, Kittitas, Skamania, Klickitat, and Benton, in the State of Washington, and the County of Hood River, in the State of Oregon, shall be limited to the processing, packing, storing and marketing of apple by-products, the purchase and repair of equipment used in connection with such operations and the reasonable living expenses of the operator-borrower, all of which loans shall be in accordance with the terms and conditions prescribed by the Wenatchee Branch Committee.

§ 95.4 *Applications.* Each application (to be presented in triplicate) for a season's financing shall be accompanied by figures for an operating budget. Applicants will be required to agree to pursue approved agricultural and horticultural practices and to harvest, pack and market their fruit in a manner and upon terms approved by the Wenatchee Branch.

§ 95.5 *Use of loan proceeds; right to withhold advances.* Each applicant for a loan will be required to agree to use the proceeds of his loan in accordance with the terms of his operating budget approved by the Wenatchee Branch. All commitments as to future advances shall be optional with the lender. By making advances the Wenatchee Branch shall not be deemed nor held to have obligated itself to the making of any other or further advances.

§ 95.6 *Adequacy of credit.* Each applicant will be required to furnish evidence satisfactory to the Wenatchee Branch that the amount of his loan, together with other available resources, will be sufficient to finance the production, harvesting, and packing of his fruit crop in accordance with approved standards.

§ 95.7 *Security.* All notes shall be secured by (a) crop liens or mortgages conveying a first and paramount lien on crops grown or to be grown during the current season, or (b) liens on other personal property, such as farm and orchard machinery, equipment and livestock; or (c) liens on real estate; or (d) liens on either or all the above classifications of property, any of which may be accepted as primary security.

§ 95.8 *Loans to corporations.* Notes of each corporate borrower shall be endorsed or guaranteed by the holder or holders of at least a majority of the outstanding shares of voting stock of such corporate borrower; or, at the option of the Wenatchee Branch, by the principal stockholder or stockholders: *Provided*, That in lieu of endorsements upon the notes such stockholders may execute a continuing guaranty of all indebtedness of such borrower to the Wenatchee Branch and to its successors or assigns. At the option of the Wenatchee Branch, the shares of capital stock owned by the endorsing or guaranteeing stockholders shall be pledged as security for the loan.

§ 95.9 *Other creditors.* As a condition to the granting of a loan, the Wenatchee Branch may require the applicant to obtain from all creditors, whether secured or unsecured, such waivers and subordinations as in the opinion of the Wenatchee Branch are necessary to afford it a first and paramount lien upon the crops to be produced and any chattels or other property offered or required as security for its advances; and also may require standstill and nondisturbance agreements executed by the holders of chattel and real estate mortgages constituting liens upon the orchard or other property. All such waivers and agreements shall be so drawn as to remain in effect so long as the Wenatchee Branch, or its assignee, is a creditor of the borrower.

§ 95.10 *Packing and marketing of fruit.* Each applicant for a loan will be required to agree that he will pack and offer for sale only such grades and varieties of fruit as may be designated or approved by the Wenatchee Branch, and that he will conform to a program approved by the Wenatchee Branch for the disposition of less desirable grades and varieties.

§ 95.11 *Factors.* Borrowers will be required to arrange for the packing, storing, and marketing of their fruit by factors whose facilities, methods, and charges have been approved by the Wenatchee Branch.

§ 95.12 *Sales of fruit; remittance of proceeds.* Each borrower and each marketing agency will be required to agree to market all fruit in accordance with a marketing program satisfactory to the Wenatchee Branch. All net proceeds of sales of pledged fruit will be required to be remitted to the Wenatchee Branch by the marketing agency, which shall furnish accounts of sales showing the quantity, grade and variety of fruits sold, to whom sold, prices received, selling charges and other costs deducted, and the net proceeds remitted.

§ 95.13 *Interest and other charges.* Each borrower will be required to reimburse the Wenatchee Branch for the actual cost of title examination and the recordation of necessary legal instruments incidental to the loan. Interest will be charged on all loans and advances at the rate of 5½ percent per annum. An additional charge of ½ of 1 percent of the amount lent, to be deducted from the proceeds of the loan, will be made to reimburse the Wenatchee Branch for a portion of the cost of horticultural and supervisory services furnished by it.

§ 95.14 *Reserve fund.* Each applicant for a loan will be required to agree to participate in the creation of a reserve fund, to be established, held and administered in the following manner:

(a) There shall be deducted from the net sales proceeds of all pledged fruit the sum of 2 cents per packed box or its equivalent of packed fruit sold and 2 cents per field box or its equivalent for all fruit otherwise sold. Such deduction shall be made by the Wenatchee Branch from remittances received by it.

(b) The fund so created may be deposited in a Federal Reserve Bank, in a separate account, or the funds may be deposited with the Treasurer of the United States in the symbol finance account, together with other moneys, subject to the order of the Wenatchee Branch and held by it for the following purposes:

(1) To indemnify the Wenatchee Branch for any credit losses on loans made to fruit growers in the Wenatchee-Okanogan area, and in the Counties of Yakima, Kittitas, Skamania, Klickitat, and Benton, in the State of Washington, and the County of Hood River, in the State of Oregon. The Wenatchee Branch shall be authorized to charge against such fund any and all credit losses as determined by it;

(2) After all loans made by the Wenatchee Branch have been liquidated and all losses chargeable to the reserve fund have been determined and deducted therefrom, the balance shall be held for a reasonable time by the Wenatchee Branch available for the development of a comprehensive long-range program (including the establishment of a credit corporation to finance growers' production needs) when such program for the benefit of the fruit industry of the area is fixed and determined by a majority of the contributing interested growers in cooperation with the United States Department of Agriculture or otherwise. Upon the determination of such a program, the Wenatchee Branch shall be authorized to pay the balance of the reserve fund to the institution and/or institutions and/or agencies designated thereunder.

§ 95.15 *Additional regulations; amendments.* The right is reserved to amend the regulations in this part without notice, and to prescribe such additional rules and regulations as may be deemed necessary to protect the interests of the Wenatchee Branch and to make its lending program effective. If the Wenatchee Branch, with the approval of the Farm Credit Administration, continues to finance fruit production in the Wenatchee-Okanogan District after the close of the 1941–1942 season, the rules and regulations in this part, as amended, shall extend to such future financing in the same manner and to the same extent as though specifically prescribed for that purpose.

§ 95.16 *Section 91.5 (b) not applicable to Wenatchee Branch.* Section 91.5 (b) of this chapter shall not be applicable to the loans made by the Wenatchee Branch of the Regional Agricultural Credit Corporation of Washington, D. C.

PART 96—AGRICULTURAL LOANS AND ADVANCES BY REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C., FOR MAXIMUM WAR PRODUCTION

SUBPART A—AGRICULTURAL LOANS FOR MAXIMUM WAR PRODUCTION

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96.100 Introduction.
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96.102 Loans to be made through duly authorized loan representatives of the Regional Agricultural Credit Corporation of Washington, D. C.
96.103 Collection of loans.

Terms, Conditions, and Requirements of Loans

96.104 Eligible borrowers.
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AUTHORITY: §§ 96.100 to 96.310, inclusive, issued under sec. 201 (e), 47 Stat. 713, 12 U. S. C. 1148.

SUBPART A—AGRICULTURAL LOANS FOR MAXIMUM WAR PRODUCTION

§ 96.100 *Introduction.* As announced by the Secretary of Agriculture on January 21, 1943, a new source of agricultural credit at the county level is now available to farmers and stockmen through the Production Loans Branch of the Food Production Administration to assist in financing increased production of needed agricultural commodities. The program will be carried out in the manner outlined below; and loans shall be made in accordance with the terms and conditions herein set forth.

§ 96.101 *General policies.* The following general principles and policies will serve as a guide to the Corporation's representatives, and the chairmen of the war boards and their designees in determining, according to their best judgment, whether a loan should be made in the amount applied for, or in a smaller amount, or whether the application should be declined:

(a) The purpose of the program is to provide adequate financing to assure maximum wartime production of essential agricultural commodities; therefore, no loan shall be made unless it will enable the borrower to engage in or increase his production of essential agricultural commodities. All loans made under the program are expected to be repaid. To qualify for a loan the applicant's farming operations should show a reasonable probability of successful production and, together with the collateral security offered, should afford reasonable assurance that the indebtedness will be liquidated in due course. It should be kept in mind that the success of the program depends largely upon the expeditious consideration of each application and the prompt closing of all loans which are approved.

(b) This program is not a substitute for other sources of credit, nor is it intended to compete with other lenders. Its purpose is to supplement other sources of credit where needed. Each producer will be urged to obtain his financial requirements, if possible, from any bank, production credit association, or other lender, including the emergency crop and feed loan office if the loan is eligible. In order to assure that the foregoing policies are carried out, the county war boards in each county shall invite the county bankers' association (or the bankers in the county if there is no such association) to name a representative or a committee to meet from time to time with the chairman of the county USDA war board and representatives of other credit agencies operating in the county to discuss credit problems relating to maximum production and types of loans made by the different agencies, to coordinate loan policies, and to make sure that all legitimate credit requirements of farmers are met. Applications for loans from the Corporation will be taken only where the producer desires to be financed through this program and the loan representative of the Regional Agricultural Credit Corporation and the chairman of the county war board should satisfy themselves that each applicant for a Regional Agricultural Credit Corporation loan is not in position to obtain the credit he needs from other sources at reasonable rates and terms. The Corporation reserves the right to sell or assign, without recourse, any note acquired by it to any bank or other lending institution desiring to purchase the paper, subject to the written consent of the notemaker. A charge of one-half of one percent of the unpaid principal of the loan will be made by the Corporation to the purchaser of any such notes to reimburse the Corporation for expenses incurred in making the loan.

(c) This is not a program for refinancing existing indebtedness. The mere transfer of a debt from one creditor to another will not aid production. An exception is to be made where an applicant for a loan under this program is presently indebted to any regional agricultural credit corporation. In such cases the amount of any loan approved shall include an amount sufficient to retire such existing loan in order that all obligations due from any individual to a regional agricultural credit corporation will be concentrated in one corporation. All collateral securing an existing debt to a regional agricultural credit corporation shall be included in the security to the new loan.

(d) Loans will not be made for the purchase of real estate or for extensive permanent improvements upon the farm. Loans for repairs and needed minor improvements which will facilitate increased production and for the purchase of essential livestock (including dairy cattle), work stock, machinery, equipment, etc., may be made even though liquidation of that portion of the loan made for capital expenditures may require two or three years' time. Thus, the construction of a house or barn will not be financed but provision may be made for construction of facilities such as cribs or storage bins, small poultry houses, and similar structures which may be needed to assist production of essential agricultural commodities, and which do not involve heavy outlays of money. Where it is determined that the producer actually needs equipment, such as a tractor, combine, peanut picker, or similar items of machinery, and that his operations (including any custom work which may be available to him) will enable him to pay for such equipment in two or three years, purchases of such equipment may be financed.

(e) This loan program does not extend to fruit growers in Okanogan, Chelan, Douglas, and Grant Counties in the State of Washington, which area is now served by the Wenatchee, Washington, Branch of the Corporation. That office will continue to function under its present program. Any fruit grower in that area whose financial requirements (whether for fruit production or for other purposes) are brought to the attention of a County War Board or the local loan representative of the Corporation should be referred to the Wenatchee Branch Office.

(f) All credit information obtained in connection with any application for a loan shall be held in strict confidence by all representatives, officials, or other employees, who have occasion to handle such applications or other papers, and shall not be released or divulged except upon the specific approval of the president, a vice president, or the secretary of the Corporation.

§ 96.102 *Loans to be made through duly authorized loan representatives of the Regional Agricultural Credit Corporation of Washington, D. C.* (a) To expedite the handling of applications and closing of loans, arrangements have been made to have a loan representative of the Regional Agricultural Credit Corporation of Washington, D. C. (hereinafter referred to as "the Corporation") located in each agricultural county in the United States. Such representatives are designated by the County War Boards; but in emergency cases where immediate change in loan representatives is essential to the effectiveness of the program the Corporation may terminate the services of a representative and designate a temporary replacement for him to serve until an acceptable

representative can be appointed in the regular manner. The Corporation will provide for bonds or equivalent protection covering its representatives and custodians.

(b) The Corporation will maintain an office in each District Farm Credit Administration headquarters city, in charge of an official designated as a District Vice President. All communications and inquiries by loan representatives relative to operations of the Corporation under its food production financing programs should be addressed to the appropriate District Vice President.

(c) Each application for a loan which, if approved would cause the total of all the applicant's loans and advances outstanding from the Corporation (including any undisbursed proceeds of any loans or advances previously approved) to exceed $2,500 shall be referred to the District Vice President for approval or disapproval.

Loans which, together with all the applicant's other loans and advances outstanding from the Corporation (including any undisbursed proceeds of any loans or advances previously approved), do not exceed $2,500 will be closed upon approval by the designated loan representative of the Corporation and the Chairman of the County War Board (or by their respective alternates if such alternates have been duly designated and authorized to act).

(d) Each application referred to the District Vice President for approval or disapproval shall be accompanied by such inspection reports and other data as the District Vice President may require, and by the recommendations of the loan representative and Chairman of the County War Board.

(e) It is preferable, where an application requires approval above the county level, that the mortgage securing the proposed loan be not filed or recorded prior to advice of final approval. If the mortgage is prepared before the papers are submitted to the District Vice President for consideration, a copy thereof should accompany the papers. If the mortgage is to be drawn later, the papers submitted should include a list of the property to be covered by such mortgage. The District Vice President will return all papers to the loan representative, with advice of the action to be taken. Upon final approval by the District Vice President, the proceeds of loans will be disbursed by the loan representative and Chairman of the County War Board, in the same manner as other loans or advances are disbursed.

(f) When procedures are settled for the handling of loans which the County War Board determines require supervision of the type given by Farm Security Administration supervisors, definite instructions for the handling of such loans will be issued by the Corporation. It is anticipated that upon the issuance of such instructions, loans recommended by the War Board for such supervision will be supervised by Farm Security Administration supervisors in accordance with such instructions.

§ 96.103 *Collection of loans.* Instructions relative to collections of loans, remittance of proceeds, and releases of collateral will be issued at a later date.

Terms, Conditions, and Requirements of Loans

§ 96.104 *Eligible borrowers.* Loans may be made to actual producers only. These include any farmer, stockman, or poultry producer, including any partnership or corporation engaged in agricultural or livestock production. Canners, packers, or other processors, dealers, commission merchants, and commercial hatcheries, as such, are not eligible and loans shall not be made to finance their commercial or processing operations but may be made to finance farming or livestock production, as defined in § 96.105, in which they may be engaged. Loans also may be made to any local group of farmers or stockmen formed for the purpose of acquiring larger items of machinery or equipment, sires, etc., for common use among the group, provided all members of the group join in executing the note, mortgage, etc.

§ 96.105 *Loan purposes.* Loans may be made to finance production, harvesting, and marketing of crops, purchasing, raising, breeding, fattening, and marketing of livestock; production and marketing of poultry, poultry products, and dairy products; purchase and repair of equipment essential to the farmer's production program; and for other purposes directly related or incident to the farming or livestock enterprise, including necessary labor and farm living expenses. Such loans may include provision for payment of existing obligations incurred in connection with the current season's operations (such as the purchase of seed, feed, fertilizer, and the payment of accrued wages for farm labor performed in connection with the current year's operations); the payment of income taxes and current taxes on real and personal farm property; and the payment of current interest on mortgage indebtedness as well as current installments on any amortized farm mortgage loan.

Ordinarily, the payment of delinquent interest, delinquent taxes, or other obligations may not be included in the financing, but this may be done in special circumstances where only relatively small amounts need to be loaned for such purposes and it reasonably appears to the persons approving the loan that the existence of such obligations is likely to impede the applicant's ability to attain his maximum production of essential agricultural commodities.

In cases where funds are required to complete an operation already partially financed (for example, to complete cultivation and harvesting a crop or to finish feeding livestock, etc.), and where the crops or livestock are mortgaged to a creditor who is unable or unwilling to provide additional funds, it may be advisable to take up the existing indebtedness. In such cases, where the loan representative and chairman of the county war board agree that a loan should be made in order to attain maximum production of essential agricultural commodities the existing indebtedness may be refinanced as a part of the loan transaction, subject of course to all other provisions and limitations of these instructions.

§ 96.106 *Loans to tenant farmers and sharecroppers.* Loans to tenant farmers or sharecroppers shall be conditioned upon their furnishing, on forms prescribed by the Corporation, such waivers or subordinations of statutory or recorded liens as will afford the Corporation a first lien upon the specific crops being financed: *Provided*, That no waiver or subordination need be taken in any case in which the statutory or recorded lien is limited to a specified share of the crops and the tenant or sharecropper has an unencumbered interest in such crops which is not susceptible to the creation of a subsequent overriding lien and which is, in the opinion of the loan representative and chairman of the county war board, sufficient to secure the repayment of the loan. In this respect, the established practices of other prudent lenders operating in the territory in which the crops are grown should be followed.

§ 96.107 *Loans to corporations.* To be considered a "farmer" a corporation must be engaged in farming or in the breeding, raising, or fattening of livestock as a substantial part of its business enterprise, as distinguished from incidental farming operations. Notes of each corporate borrower shall be endorsed or guaranteed by the holder or holders of at least a majority of the outstanding shares of voting stock of such corporate borrower, or by the principal stockholder or stockholders: *Provided*, That, in lieu of endorsements upon the notes, such stockholders may execute a continuing guaranty of all indebtedness of such borrower to the Corporation. Copies of the form of guaranty to be used may be obtained from the office of the Regional Agricultural Credit Corporation of Washington, D. C.

§ 96.108 *Collateral security.* In general, the minimum collateral security required will be a first and paramount lien upon the crops to be produced, the chattels purchased, and the livestock or poultry in the production and care of which the proceeds of the loan are to be expended. If the loan includes refinancing of an existing regional agricultural credit corporation loan, the collateral securing the old obligation will be included in the security to the new loan. In those States where a crop lien cannot be obtained until actual growth has begun (such, for example, as Nebraska and Wisconsin), an agreement to execute a crop lien will be required, in form prescribed by the Corporation. Such other and additional collateral as the County War Board or the Corporation's loan representative may deem necessary or advisable to afford adequate protection for the debt may be accepted.

§ 96.109 *Interest.* All notes shall be drawn with interest at the rate of 5 per centum per annum payable at maturity. Interest will be charged only on the unpaid balance, from date of each advance to date of payment.

§ 96.110 *Maturity.* All notes shall be drawn with a maturity of one year or less. The maturity date should coincide as nearly as may be practicable with the usual time for marketing the crops or livestock from which liquidation is expected. Although it is recognized that in some instances a borrower may be unable to repay within one year the full amount advanced for the purchase of equipment or for other capital expenditures, the maturity date of the notes shall not be more than one year from the date of the loan. In addition to repaying funds advanced to cover current production costs, the borrower will be expected to repay in the first year at least one-third of the amount advanced for capital purposes. The unpaid balances of loans for capital expenditures may then be renewed or extended at maturity where other conditions surrounding the transaction are satisfactory. Instructions for the handling of renewals and extensions will be issued at a later date.

§ 96.111 *Forms and documents.* The Corporation, through the various production credit associations, will furnish its loan representatives and County War Boards with a supply of the following forms: (a) Application for loan; (b) promissory note; (c) chattel mortgage or comparable lien instrument; (d) agreement to give a crop lien; (e) form of waiver; (f) form of subordination agreement; (g) assignment of proceeds; and (h) blank drafts to be used in disbursing loan proceeds.

§ 96.112 *Use of forms.* The forms prescribed by the Corporation will be used as outlined below:

(a) *The application.* It is the purpose of the application to obtain in concise form a request for a loan; financial statement of the applicant; information as to the use to be made of the proceeds; the plan of repayment; and such other information as may be necessary to enable the Corporation's representative and the County War Board to pass upon the loan applied for and to determine whether such loan would enable the applicant to contribute to the production of essential agricultural commodities. The application should be prepared and signed in duplicate. The original is to accompany the note and other supporting instruments, which are to be forwarded to a designated production credit association or other custodian, to be held for the account of the Corporation, and the copy is to be retained in the office of the loan representative.

To facilitate identification of subsequent transactions, each loan representative should assign the state and county code and farm serial number to each application filed with him. Should additional applications be filed by the same borrowers, such applications should bear the same numbers as the originals, with the addition of a suffix letter. (For example, No. 37–12–145 A, B, etc.)

(b) *Promissory note.* All notes are to be drawn for the amount of the approved loan; notes are to be made payable "on or before (insert specific date)", such maturity date to be fixed by the Corporation's loan representative and to be not later than one year after date; are to be made payable to the Regional Agricultural Credit Corporation of Washington, D. C., and are to provide for interest at the rate of 5 per centum per annum from date, payable at maturity. The loan representative shall have both the husband and wife execute the note and mortgage in the case of loans made to a married person in the States of Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, and Washington.

All notes should bear the number assigned to the individual borrower's application. (See instructions as to numbering applications.) It is advisable to prepare the note in duplicate, one copy to serve as the record of the loan representative and County War Board. Only the original note should be signed.

One note should be taken for the full amount to be loaned, even though the proceeds are to be advanced in two or more installments. In connection with such installment advances, the loan representative will enter on the reverse side of the note, in the space provided therefor, the date and amount of the first advance, which must correspond to the amount of the draft or drafts given at the time the loan is made. Subsequent advances will be posted by the custodian and may also be entered on the copy retained in the county office.

(c) *Chattel mortage.* The chattel or crop mortgage should be prepared in triplicate (or in quadruplicate if the borrower requests a copy or if the State law as indicated on the forms of mortgages, requires the mortgagee to furnish a copy to the mortgagor) at least two copies of which should be executed by the borrower. One copy (usually the original) shall be filed or recorded with the local official responsible for keeping the official record of such security instruments. Filing or recording fees shall be paid by the borrower, and may be paid out of the proceeds of the loan. The second (signed) copy should be endorsed to show the date and place of filing of the original and shall accompany the note and other papers to be sent to the designated custodian. The third copy is intended for the files of the Corporation's loan representative in the county office.

(d) *Agreement to give a crop lien.* Where agreements to execute a crop lien at a later date are taken, they should be executed in duplicate, the original to accompany the note and other papers; the copy to be retained in the local office.

(e) *Waivers and subordinations.* Where an applicant has other creditors who have prior liens upon the crops or chattels which are to constitute the collateral security for a loan from the Corporation, the Corporation's loan representative will require the applicant to obtain such waivers and subordinations as will afford the Corporation a first and paramount lien upon the property involved. Where an existing lien covers property which is not to be given as security for the loan applied for, but the continued possession of which is essential to enable the producer to carry on his operations, it is suggested that consideration be given to the desirability of obtaining standstill or nondisturbance agreements executed by the holders of chattel or real estate mortgages, if deemed to be necessary to assure the use of such property during the life of the loan. Such waivers and agreements should be drawn to remain in effect for the term of the loan and, if deemed advisable, for any renewal or extension thereof. Such instruments should be executed in duplicate. The executed original should be attached to the note and other papers; the other copy to be retained in the local office.

(f) *Drafts.* When a loan has been approved, a draft or drafts on the form prescribed are to be drawn on the Regional Agricultural Credit Corporation of Washington, D. C., payable at a designated Federal Intermediate Credit Bank. Any proceeds of a loan to be paid to someone other than the borrower shall be paid by draft made payable to the borrower and such third party, jointly. Separate instructions will be issued with respect to the manner in which proceeds of loans shall be applied to retire an existing obligation to a regional agricultural credit corporation.

If a loan is to be disbursed in two or more installments, in accordance with the budget schedule incorporated in or attached to the application, the initial advance is to be disbursed at the time of closing the loan and subsequent advances may be made in accordance with the approved budget, but in no event shall drafts be drawn payable to or for the account of any borrower in an amount exceeding the amount of his note, nor exceeding the amount approved, unless an additional loan is applied for and approved. Where total advances in excess of the original loan are to be made, a new application and note shall be obtained. Additional collateral may be required for additional loans.

Drafts will be signed by the Corporation's authorized loan representative, or a designated alternate, and countersigned by the Chairman of the County War Board or by an alternate designated by him for that purpose. Specimen signatures of all persons authorized to sign and countersign such drafts shall be furnished and delivered as may be directed by the Corporation. It is contemplated that signature cards will be sent to the Chairman of the State War Board and will be forwarded by him upon instructions, to a designated Federal Intermediate Credit Bank.

All drafts shall be drawn in duplicate, the duplicate copy to be sent to the custodian designated to hold the notes and other papers. If the loan representative desires a copy of the draft for his records, a third copy may be made. It is thought, however, that it will be sufficient for the records of the county office to place an appropriate notation upon the file copy of the application showing the date, number, amount, and payee of each draft issued.

§ 96.113 *Servicing of loans.* It is expected that the Corporation's loan representative, the Chairman and members of the County War Board, and members of the County and Community A. A. A. Committees ordinarily will keep in touch with farming activities within their respective counties and may from time to

time have opportunity to call upon borrowers under this program. It is the desire of the Corporation that the operations of the borrowers be given such general inspections as may be necessary to determine whether the crops and livestock being financed are being given proper care and attention; that such advice, guidance, or other assistance as may be needed to assure maximum production be given; and that, where necessary, appropriate steps be taken to protect the interests of the Corporation. Where any serious difficulty exists, a brief report of the facts should be sent to the Corporation at its office in Washington, D. C., or to such other office as may hereafter be designated.

In view of the fact that each County War Board will have in its files a copy of each producer's 1943 farm plan for war production, only such inspections (if any) as the chairman of the County War Board or the Corporation's loan representative deems necessary should be made, except in connection with problem cases that may develop, or as required by the District Vice President of the Corporation in connection with loans requiring his approval as provided in § 96.102 (d). It is contemplated that from time to time field representatives of the Washington office of the Corporation will visit some, or possibly all, counties in which loans are outstanding, for the purpose of making a general check up of the loan. Visits by such field representatives to the farms and ranches in a county ordinarily will be made in company with the Corporation's loan representative, or the Chairman of the County War Board, or such other person as may be designated and available.

Inspections deemed necessary by the chairman of the County War Board or the Corporation's loan representative, or required by the District Vice President, in connection with the making or renewal of loans, shall be made by an inspector approved by and serving the production credit association operating in the county, or such other inspector as may be approved by the District Vice President. Appropriate inspection report forms of the production credit association or other forms prescribed by the District Vice President may be used for this purpose.

The cost of such inspections, but not to exceed an amount equal to one-half of one percent of the amount for which the loan is approved, shall be paid by the borrower to the Corporation, and may be deducted from the proceeds of the loan. If the application is rejected, no charge will be made and the cost of the inspection will be borne by the Corporation. The procedures to be followed in compensating inspectors for their work and for remitting to the Corporation inspection fees collected from borrowers will be set forth in later instructions.

§ 96.114 *Custody of documents, handling of collections, etc.* It is contemplated that the personnel or facilities of production credit associations, and possibly other agencies of the Farm Credit Administration, will be utilized as custodians of the notes and other documents evidencing and supporting loans made under this program. Instructions with respect to the duties to be performed by such custodians will be issued at a later date, at which time the custodians will be designated and advice thereof will be sent to all loan representatives, County War Boards, and others interested.

The procedure for handling collections and remittances to the Corporation, and the channels through which such collections are to be made, are matters yet to be determined. These will be covered in subsequent instructions.

§ 96.115 *Further instructions.* These instructions may be supplemented or superseded by other instructions issued by the Corporation from time to time as conditions may warrant.

SUBPART B—ADVANCES TO FINANCE EXTRAORDINARY PRODUCTION OF ESSENTIAL AGRICULTURAL COMMODITIES

§ 96.200 *Introduction.* (a) In cases where the County War Board finds that a farmer has capacity to produce essential crops and when such production can be related definitely to the use of the proceeds of the advance, the Regional Agricultural Credit Corporation through its local representative may advance to such farmer the amount determined by the War Board to be necessary to finance such production.

(b) The borrower shall be personally liable for the full amount of such advances; except that if the district vice president of the Regional Agricultural Credit Corporation certifies that:

(1) The borrower has used the amount advanced for producing the crops for the production of which the advances were made;

(2) The borrower has provided for insurance on such crops to the extent and in the manner required by the Regional Agricultural Credit Corporation to protect its interest in such crops;

(3) The borrower, in good faith, has diligently applied principles of good husbandry to the production of such crops;

(4) The borrower has applied to the repayment of the advances an amount equal to all proceeds of such crops, including the proceeds of any incentive or other similar payments made by the United States on such crops and the proceeds of any insurance on such crops; and

(5) Such amount has been insufficient to repay the advances in full,

then the Regional Agricultural Credit Corporation will not look to other assets of the borrower for the repayment of that part of the advances which exceeds such proceeds but will cancel the borrower's obligation for the balance of the advances.

(c) No such advance shall be made except upon determination by the County War Board, evidenced in accordance with instructions of the Regional Agricultural Credit Corporation, that the proceeds of the production would be adequate to repay the advance, assuming reasonably expectable growing conditions and taking into consideration evident factors indicative of the price to be expected for the crops when produced, including support prices and other similar factors.

(d) Advances under this subpart will be made by the designated loan representatives of the Regional Agricultural Credit Corporation of Washington, D. C. In approving such advances the loan representatives shall take into consideration determinations and recommendations made by the County War Boards as required in this subpart. Such advances shall be made only to finance the production of crops designated as essential war crops and shall be subject to the following terms and conditions.

§ 96.201 *Essential war crops.* The following crops have been designated by the Food Production Administration as "essential war crops" the production of which may be financed under this program:

Soybeans for beans.
Flax for seed or fiber.
Peanuts to be harvested and picked.
Irish potatoes where farm goal is 3 acres or more.
Sweet potatoes on farms with goals determined.
American Egyptian cotton.
Hemp for seeed or fiber.
Dry beans.
Dry peas (excluding wrinkled varieties).
Castor beans.
Tomatoes, snap beans, lima beans, peas, and carrots for processing or sale fresh.
Cabbage, sweet corn, and table beets for processing only.
Sea Island cotton.
Corn and grain sorghums to be planted in rows and cultivated as cash grain crops in the counties in Arkansas, Illinois, Indiana, Kansas, Missouri, and Oklahoma, designated by the American Red Cross.
Food or feed crops to mature in 1943 planted on land which has been flooded in areas designated by the United States Department of Agriculture State War Boards in the Fourth, Sixth, and Ninth Farm Credit Districts.

§ 96.202 *Eligible borrowers.* Advances shall be made only to farmers who are actual producers. These include any farmer (individual, partnership, or corporation) engaged in agricultural production who proposes to engage in the year 1943 in the production of designated essential war crops and who has land suitable to the production of such crops and has, or will be able to procure, other facilities necessary for such production. To be considered a "farmer" a corporation must be engaged in farming as a substantial part of its business enterprise, as distinguished from incidental farming operations. Canners, packers, or other processors, dealers, or commission merchants, as such, are not eligible and advances shall not be made to finance their commercial or processing operations; but advances may be made to finance their actual production (including harvesting and delivery for sale or for processing) of designated essential war crops.

§ 96.203 *Purposes of advances.* Advances may be made to finance the actual current cash cost of producing and harvesting designated essential war crops and delivering such crops for sale or for processing. Such cash costs may include the cost of feed for workstock, seed, fertilizer, packages, insecticides and spraying, labor, motor fuel and oil, the repair of equipment, insurance on the essential war crop for the production of which the advance is made and other current expenses necessary or directly incidental to the production, harvesting, and disposition of such crops by the producer. Advances will not be made under the provisions of this subpart for the purchase of major items of farming equipment or other capital expenditures such as extensive improvements, etc., nor for the purpose of making payments for the use or ownership of land, such as cash rent, taxes, interest, installments or mortgage debts, etc., nor for the payment of existing debts, except that provision may be made for the payment of obligations incurred prior to the application in connection with the production of the crop being financed, such as prior purchase of feed for workstock, seed, fertilizer, etc., and the payment of wages for farm labor performed in the production of the current year's crop. No other outstanding obligations will be refinanced under this plan.

Applications for advances which are not eligible to be made hereunder such, for example, as applications involving the financing of major items of farming equipment, cash rent, or interest or installments on mortgage debts, but which meet the requirements set forth in Subpart A of this part may be handled through loans under Subpart A, using the forms therein prescribed.

§ 96.204 *Collateral security.* In all cases advances made hereunder must be secured by a first and paramount lien upon the specific crop to be produced. In the case of all designated essential war crops on which Federal crop insurance is available, the advances shall be secured also by such insurance on the crops for the production of which the advances are made, and in the case of all designated essential war crops, the Corporation may require that the borrower provide for such other insurance upon the crops for the production of which the advances are made, as it determines to be necessary for the protection of its interest in such crops.

It shall be a condition of the release of the borrower's obligation to the Corporation for any part of the amount of any advances made under this subpart that there shall have been paid to the Corporation for application against such advances the proceeds of any incentive or other similar payments made by the United States on the crops for the production of which the advances were made and the proceeds of any insurance on such crops, and that he shall have executed such documents as the Corporation may have required in order to provide for the payment to it of the proceeds of such payments and the proceeds of any insurance on such crops.

Except as provided in this section, no other collateral security will be required.

§ 96.205 *Advances to tenant farmers and sharecroppers.* Advances to tenant farmers or sharecroppers shall be conditioned upon their furnishing, on forms prescribed by the Corporation, such waivers or subordinations of statutory or recorded liens as will afford the Corporation a first lien upon the specific crop being financed.

§ 96.206 *Special review of applications.* (a) Each application for an advance which, if approved, would cause the total of all the applicant's loans and advances outstanding from the Corporation (including any undisbursed proceeds of any loans or advances previously approved) to exceed $2,500 shall be referred to the District Vice President for approval or disapproval.

Advances which, together with all the applicant's other loans or advances outstanding from the Corporation (including any undisbursed proceeds of any loans or advances previously approved), do not exceed $2,500 will be closed upon approval by the designated loan representative (or by his alternate if an alternate has been duly designated and authorized to act) and by the County War Board.

(b) Each application referred to the District Vice President for approval or disapproval shall be accompanied by such inspection reports and other data as the District Vice President may require and by the recommendations of the loan representative and the County War Board.

(c) It is preferable, where an application requires approval above the county level, that the mortgage securing the proposed advance be not filed or recorded prior to advice of final approval. If the mortgage is prepared before the papers are submitted to the District Vice President for consideration, a copy thereof should accompany the papers. If the mortgage is to be drawn later, the papers submitted should include a list of the property to be covered by such mortgage. The District Vice President will return all papers to the loan representative, with advice of the action to be taken. Upon final approval by the District Vice President the proceeds of the advance will be disbursed by the loan representative and Chairman of the County War Board, in the same manner as other loans or advances are disbursed.

(d) When procedures are settled for the handling of advances which the County War Board determines require supervision of the type given by Farm Security Administration supervisors, definite instructions for the handling of such advances will be issued by the Corporation. It is anticipated that upon the issuance of such instructions, advances recommended by the War Board for such supervision will be supervised by Farm Security Administration supervisors in accordance with such instructions.

§ 96.207 *Interest.* All notes shall be drawn with interest at the rate of 5 per centum per annum payable at maturity. Interest will be charged only on the unpaid balance, from date of advance (or partial advance) to date of payment.

§ 96.208 *Maturity.* All notes shall be drawn with a maturity of one year or less. The maturity date shall coincide as nearly as may be practicable with the usual time for marketing the crops for the production of which the advance is to be made.

§ 96.209 *Forms and documents.* The following forms shall be used in connection with advances made under the provisions of this subpart:

(a) *The application.* Each application for advances under the provisions of this subpart shall be prepared on Form RACC–FP3, which is especially designed to develop the information necessary to enable the loan representative and county war board to determine whether such advances may be made. The application shall be prepared and signed in duplicate and, in all other respects shall be handled in the same way as an application for a loan under Subpart A of this part. The letter "W" preceding the State and county code and farm serial number will identify the application and supporting papers as relating to advances made under the provisions of this subpart. The letter "W" shall be inserted before the State and county code and farm serial number on all documents related to the advance on which it is not printed and on all drafts issued in disbursing proceeds of the advance.

If the applicant is a corporation, it will be required to complete and execute "Corporation Form 1–A" in the same manner as required in connection with loans under Subpart A of this part.

(b) *Promissory note.* A special form of note (Form RACC–FP4) shall be taken covering advances made under the provisions of this subpart. Such notes shall be prepared and executed in the same manner as other notes, in accordance with § 96.112 (b). Notes of corporate borrowers shall be endorsed or guaranteed as provided in § 96.107.

(c) *Crop lien instrument.* All notes evidencing advances made under the provisions of this subpart shall be secured by a mortgage or other lien instrument, in form prescribed or approved by the Corporation. Such mortgages or other lien instruments shall describe the land upon which the crops being financed are grown in such manner as to permit definite identification of the specific crop involved. Such description may be in terms of fractions of designated sections or quarter-sections of land, by metes and bounds, or in such other manner as will indicate clearly the location of the area planted to the crops to be financed. In all cases, the number of acres planted to such crops shall be specified. Such instruments shall be prepared in triplicate (or in quadruplicate if the borrower requests a copy or if the State law, as indicated on the forms, requires the mortgagee to furnish a copy to the mortgagor). The original and one copy shall be executed by the borrower. One copy (usually the original) shall be filed or recorded with the local official responsible for keeping the official record of such security instruments. Either a certificate of filing or recording shall be obtained or the second (signed) copy shall be endorsed by the filing or recording officer to show the date and place of filing the original, and the signed copy together with any certificate of filing or recording, shall accompany the note and other papers sent to

the Corporation's custodian. The third copy is intended for the files of the Corporation's loan representative in the county office. Filing or recording fees and any lien search fees shall be paid by the borrower.

(d) *Other forms.* All other forms approved for use in connection with loans under Subpart A of this part shall be used, as needed, in connection with advances made under this subpart. Each such form shall bear the identification number assigned to the application, as provided in paragraph (a) of this section, including the prefix letter "W". Disbursements of proceeds are to be made in the same manner as is prescribed for loans under Subpart A of this part, and all drafts shall bear the identifying numbers of the applications and related loan documents, including the prefix letter "W".

§ 96.210 *Inspections.* The instructions with respect to inspections, set forth in § 96.113 shall be followed in connection with applications for advances to be made under this subpart.

§ 96.211 *Applicability of Subpart A.* Except as herein modified, instructions set forth in Subpart A of this part shall be observed in connection with advances under this subpart insofar as they are applicable to such advances.

§ 96.212 *Further instructions.* These instructions may be supplemented or superseded by other instructions issued by the Corporation from time to time as conditions may warrant.

SUBPART C—LOANS TO FINANCE THE PURCHASE BY DAIRYMEN AND FARMERS OF DAIRY CATTLE ACQUIRED BY COMMODITY CREDIT CORPORATION FOR THE PURPOSE OF INSURING THEIR UTILIZATION FOR MILK PRODUCTION

§ 96.300 *Introduction.* This subpart outlines the terms and procedures under which loans will be made by the Regional Agricultural Credit Corporation of Washington, D. C., to finance the purchase by dairymen and other farmers, of dairy cattle (including heifers and calves) acquired by Commodity Credit Corporation.

The Regional Agricultural Credit Corporation may be referred to hereinafter as "RACC"; the Farm Security Administration as "FSA"; County Rural Rehabilitation Supervisors of the Farm Security Administration as "FSA supervisors"; and Commodity Credit Corporation as "CCC."

§ 96.301 *Purpose of program.* Arrangements have been made for the RACC, where necessary, to finance the purchase by dairymen and other farmers and stockmen of dairy cattle acquired by CCC in its program designed to prevent the loss of such cattle as productive units, through slaughter, and to insure their utilization in the production of milk and milk products necessary for both civilian and military needs. The acquisition and sale of such cattle are to be handled by FSA supervisors, acting as agents or representatives of CCC.

It is understood that, as a general policy, preference in the sale of dairy cattle acquired by CCC is to be given to the following classes of purchasers, in the order stated:

1. To producers supplying fluid milk markets;
2. To producers supplying processing plants for the production of powdered, condensed, or evaporated milk, or cheese;
3. To producers supplying creameries; and
4. To other farmers, including those needing dairy cows to supply milk products for home consumption.

§ 96.302 *Loans by RACC.* Each purchaser of dairy cattle from CCC, who requires credit to finance such purchase, shall be urged to utilize, if possible, other established sources of credit. It is expected that rehabilitation clients of the FSA will borrow from the FSA if it has funds available to finance such purchasers.

If other suitable arrangements cannot be made by a dairyman, farmer, or stockman to purchase cattle from CCC, a loan for that purpose may be made by RACC, in accordance with the provisions of this subpart. Such loans will be made upon approval of the application by the FSA supervisor.

§ 96.303 *Forms.* Applications for loans to purchase dairy cattle from CCC shall be made upon RACC form FP7. If applicant is a corporation, supplemental Form 1A shall be executed by the applicant and attached to the application. The note and other required documents shall be upon forms prescribed for making loans under Subpart A of this part.

§ 96.304 *Terms of notes.* Notes evidencing loans made hereunder shall be in the form prescribed for loans under Subpart A of this part, and shall bear interest at the rate of 5 percent per annum, payable at maturity. All such notes shall be drawn to mature not later than 1 year after date. The unpaid balance of that portion of any loan made to pay for dairy cattle purchased from CCC may be renewed or extended at maturity where other conditions surrounding the transaction, including the progress made in reducing the debt, the collateral security, and the borrower's operations remain satisfactory.

§ 96.305 *Security.* The minimum collateral security required for a cattle purchase loan will be a first and paramount lien upon the cattle, including all increase therefrom, and upon any feed purchased with the proceeds of the loan. The chattel mortgage (or other similar lien instrument) shall describe the cattle, as nearly as may be practicable, in the same manner as they are described in the purchase agreement, Form FSA–CCC 7. Inasmuch as CCC warrants that the title to the cattle is free from encumbrances, it will be assumed with respect to the cattle that the title conveyed by CCC is not subject to any outstanding liens. However, where State laws permit mortgages or other lien instruments to cover after-acquired property, it may be necessary to ascertain that no such mortgage or lien instrument previously given by the borrower to a third person will constiute a prior lien against the cattle when purchased by the borrower.

Where payment of the loan is to be made from dairy income, it is advisable to obtain an assignment of proceeds of milk or cream sales. In each case where the producer has assigned or is expected to assign to a third party all or any portion of the proceeds from the sale of dairy products, he shall be required to assign to RACC such portion of his dairy income as will effect an equitable division of his total income between RACC and other assignees.

Notes of each corporate borrower shall be endorsed or guaranteed by the holder or holders of at least a majority of the outstanding shares of voting stock of such corporate borrower, or by the principal stockholder or stockholders; provided that, in lieu of endorsements upon the notes, such stockholders may execute a continuing guaranty of all indebtedness of such borrower to the Corporation. In any case where a corporate borrower already has given a continuing guaranty to RACC, no additional guaranty is required if the terms of the existing guaranty are sufficiently comprehensive to include the loan to purchase dairy cattle.

§ 96.306 *Handling of applications.* Upon approval of an application the FSA supervisor shall forward the application and all other documents to the county war board for closing of the loan. When the county war board receives such application the papers are to be examined for completeness and accuracy before any proceeds are disbursed. In the event any such application is submitted without all the necessary supporting documents, or if any such documents should be found incomplete or deficient in any important respect, all the papers shall be returned to the FSA supervisor for completion or adjustment and resubmission to the county war board.

§ 96.307 *Loan disbursements.* Upon delivery to the loan representative of RACC of the application, note, chattel mortgage and any other necessary documents, in proper form and duly executed, and upon filing or recording the chattel mortgage, the loan representative shall issue and the chairman of the county war board shall countersign such drafts as may be necessary to disburse the proceeds. Drafts covering the purchase price of the cattle shall be drawn payable to the borrower and CCC, jointly, and delivered to the FSA supervisor. Wherever practicable, drafts issued in payment for feed, likewise, shall be drawn payable to the borrower and the vendor of the feed, jointly.

§ 96.308 *Applicability of Subpart A.* Except with respect to the approval of the loan in the first instance, as herein set forth, all loans to purchase dairy cattle from CCC will be handled in the same manner as loans made under the provisions of Subpart A of this part. Thus, the dairy cattle loan program does not contemplate continuing supervision by FSA supervisors except in cases where the county war board determines that such supervision is necessary and furnishes the FSA supervisor a written certification to that effect.

§ 96.309 *Credit for other purposes.* If an applicant for a loan to purchase dairy cattle from CCC also requires credit for other purposes which are eligible to be financed under Bulletin F–1 or F–2, the applicant shall be referred to the county war board. A separate application (upon the prescribed forms) shall be taken to cover such requirements, and shall be handled in the manner outlined in the applicable bulletin.

§ 96.310 *Further instructions.* These instructions may be supplemented or superseded by other instructions issued by the Corporation from time to time as conditions may warrant.

I. W. DUGGAN,
Governor.
Farm Credit Administration.

[F. R. Doc. 47–4069; Filed, Apr. 25, 1947; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 118]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.344 *Orange Regulation 118*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 28, 1947, and ending at 12:01 a. m., e. s. t., May 12, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23d day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47–4031; Filed, Apr. 25, 1947; 8:46 a. m.]

[Lemon Reg. 219]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.326 *Lemon Regulation 219*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., April 27, 1947, and ending at 12:01 a. m., p. s. t., May 4, 1947, is hereby fixed at 425 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: April 20, 1947. 12:01 A. M. Apr. 27, 1947, to 12:01 A. M. May 11, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.910
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.469
Consolidated Citrus Growers	.000
Corona Plantation Co	.451
Hazeltine Packing Co	.938
Leppla-Pratt Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers, Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.357
Ventura Pacific Co	1.371
Total A. F. G	5.496
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.093
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.590
La Verne Lemon Association	.913
La Habra Citrus Association	2.127
Yorba Linda Citrus Association, The	1.250
Alta Loma Heights Citrus Association	.878
Etiwanda Citrus Fruit Association	.552
Mountain View Fruit Association	.856
Old Baldy Citrus Association	1.032
Upland Lemon Growers Association	5.432
Central Lemon Association	1.248
Irvine Citrus Association	1.550
Placentia Mutual Orange Association	.691
Corona Citrus Association	.454
Corona Foothill Lemon Co	1.613
Jameson Co	.954
Arlington Heights Fruit Co	.630
College Heights Orange & Lemon Association	2.580
Chula Vista Citrus Association, The	1.347
El Cajon Valley Citrus Association	.362
Escondido Lemon Association	4.345
Fallbrook Citrus Association	1.738
Lemon Grove Citrus Association	.557
San Dimas Lemon Association	2.477
Carpinteria Lemon Association	2.015
Carpinteria Mutual Citrus Association	2.348

PRORATE BASE SCHEDULE—CONTINUED

Handler	Prorate base (percent)
Goleta Lemon Association	1.985
Johnston Fruit Co	4.210
North Whittier Heights Citrus Association	1.098
San Fernando Heights Lemon Association	1.640
San Fernando Lemon Association	1.130
Sierra Madre-Lamanda Citrus Association	2.309
Tulare County Lemon & Grapefruit Association	.090
Briggs Lemon Association	2.048
Culbertson Investment Co	.419
Culbertson Lemon Association	1.016
Fillmore Lemon Association	1.870
Oxnard Citrus Association:	
No. 1	2.623
No. 2	2.736
Rancho Sespe	1.130
Santa Paula Citrus Fruit Association	3.073
Saticoy Lemon Association	2.384
Seaboard Lemon Association	3.570
Somis Lemon Association	2.718
Ventura Citrus Association	.959
Limoneira Co	2.704
Teague-McKevett Association	.738
East Whittier Citrus Association	.995
Leffingwell Rancho Lemon Association	.939
Murphy Ranch Co	1.544
Whittier Citrus Association	1.057
Whittier Select Citrus Association	.796
Total C. F. G. E.	85.614
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	1.074
Escondido Cooperative Citrus Association	.493
Glendora Cooperative Citrus Association	.160
Index Mutual Association	.454
La Verne Cooperative Citrus Association	1.757
Libbey Fruit Packing Co	.000
Orange Cooperative Citrus Association	.277
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura Co. Orange & Lemon Association	2.119
Whittier Mutual Orange & Lemon Association	.288
Total M. O. D.	6.622
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.013
California Citrus Groves, Inc., Ltd.	.000
El Modena Citrus, Inc	.015
Evans Bros. Packing Co.:	
Riverside	.149
Sentinel Butte Ranch	.000
Foothill Packing Co	.220
Granada Packing House	.000
Harding & Leggett	.084
Morris Bros. Fruit Co	.000
Orange Belt Fruit Distributors	1.444
Potato House, The	.000
Raymond Bros	.015
Riverside Growers, Inc	.000
Rooke, B. G. Packing Co	.000
San Antonio Orchard Co	.094
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.234
Western States Fruit & Produce Co	.000
Total independents	2.268

[F. R. Doc. 47-4030; Filed, Apr. 25, 1947; 8:46 a. m.]

[Orange Reg. 174, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.320 *Orange Regulation 174, as amended*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* Orange Regulation 174 (12 F. R. 2554) is hereby amended as follows:

(1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., April 20, 1947, and ending at 12:01 a. m., p. s. t., April 27, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate Districts Nos. 1 and 2, no movement; and (*b*) Prorate District No. 3, 60 carloads.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1250 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached to Orange Regulation 174 (12 F. R. 2554) and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4029; Filed, Apr. 25, 1947; 8:46 a. m.]

[Orange Reg. 175]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.321 *Orange Regulation 175*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 27, 1947, and ending at 12:01 a. m., P. s. t., May 4, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, 500 carloads; (*b*) Prorate District No. 2, no movement; and (*c*) Prorate District No. 3, 70 carloads.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, 800 carloads; and (*c*) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of April 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 A. M. April 27, 1947, to 12:01 A. M. May 4, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.3367
A. F. G. Fullerton	.0594
A. F. G. Orange	.0651
A. F. G. Redlands	.4154
A. F. G. Riverside	.8475
Corona Plantation Co	1.2395
Hazeltine Packing Co	.0000
Signal Fruit Association	.9064
Azusa Citrus Association	.0000
Azusa Orange Co., Inc	.0000
Damerel-Allison Co	.0000
Glendora Mutual Orange Association	.0000
Irwindale Citrus Association	.0000
Puente Mutual Citrus Association	.0000
Valencia Heights Orchards Association	.0000
Glendora Citrus Association	.0000
Glendora Heights O. & L. Growers Association	.0000
Gold Buckle Association	4.0481
La Verne Orange Association, The	4.0644
Anaheim Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Orange County, Valencia Association	.0000
Orangethorpe Citrus Association	.0000
Placentia Cooperative Orange Association	.0000
Yorba Linda Citrus Association, The	.0000
Alta Loma Heights Citrus Association	.4625
Citrus Fruit Growers	.8647
Cucamonga Citrus Association	.6759
Etiwanda Citrus Fruit Association	.2643
Mountain View Fruit Association	.1902
Old Baldy Citrus Association	.6055
Rialto Heights Orange Growers	.5121
Upland Citrus Association	2.6855
Upland Heights Orange Association	1.2663
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association, The	0.0000
Olive Heights Citrus Association	.0000
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.0000
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, Inc., The	.0000
Bradford Bros	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Call Ranch	.7736
Corona Citrus Association	.9213
Jameson Co	.4389
Orange Heights Orange Association	1.0553
Break & Son, Allen	.4051
Bryn Mawr Fruit Growers Association	1.2784
Crafton Orange Growers Association	1.6315
E. Highlands Citrus Association	.4972
Fontana Citrus Association	.5230
Highland Fruit Growers Association	.8021
Krinard Packing Co	1.7853
Mission Citrus Association	.9383
Redlands Cooperative Fruit Association	2.0703
Redlands Heights Groves	1.0745
Redlands Orange Growers Association	1.3993
Redlands Orangedale Association	1.1254
Redlands Select Groves	.6746
Rialto Citrus Association	.6570
Rialto Orange Company	.4373
Southern Citrus Association	1.2944
United Citrus Growers	.8431
Zilen Citrus Co	1.1790
Arlington Heights Fruit Co	.5322
Brown Estate, L. V. W	2.2113
Gavilan Citrus Association	1.9996
Hemet Mutual Groves	.4171
Highgrove Fruit Association	.7393
McDermont Fruit Co	1.9947
Mentone Heights Association	1.0868
Monte Vista Citrus Association	1.3547
National Orange Co	.0449
Riverside Heights Orange Growers Association	1.5264
Sierra Vista Packing Association	.9216
Victoria Ave. Citrus Association	2.9347
Claremont Citrus Association	1.1675
College Heights Orange and Lemon Association	1.2445
El Camino Citrus Association	.6186
Indian Hill Citrus Association	1.3841
Pomona Fruit Growers Association	2.3939
Walnut Fruit Growers Association	.4795
West Ontario Citrus Association	1.8465
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
San Dimas Orange Growers Association	1.3580
Covina Citrus Association	1.0353
Covina Orange Growers Association	.5932
Duarte-Monrovia Fruit Exchange	.5005
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Association	.0000
San Fernando Fruit Growers Association	.0000
San Fernando Heights Orange Association	.4134
Sierra Madre Lamanda Citrus Association	.0000
Camarillo Citrus Association	.0129
Fillmore Citrus Association	.0000
Ojai Orange Association	0.0000
Piru Citrus Association	.0000
Santa Paula Orange Association	.0000
Tapo Citrus Association	.0118
East Whittier Citrus Association	.0000
Whittier Citrus Association	.0000
Whittier Select Citrus Association	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.5810
Chula Vista Mutual Lemon Association	.0000
Escondido Coop. Citrus Association	.0000
Euclid Avenue Orange Association	2.6275
Foothill Citrus Union, Inc	.1403
Fullerton Cooperative Orange Association	.0000
Garden Grove Orange Cooperative	.0000
Glendora Cooperative Citrus Association	.0422
Golden Orange Groves, Inc	.4852
Highland Mutual Groves, Inc	.5103
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	3.2164
Olive Hillside Groves, Inc	.0000
Orange Cooperative Citrus Association	.0000
Redlands Foothill Groves	2.5822
Redlands Mutual Orange Association	1.2392
Riverside Citrus Association	.0000
Ventura County Orange & Lemon Association	.2644
Whittier Mutual Orange & Lemon Association	.0000
Babijuice Corp. of Calif	.0000
Banks Fruit Co	.0000
California Fruit Distributors	.0000
Cherokee Citrus Co., Inc	1.2863
Chess Co., Meyer W	.5145
Evans Brothers Packing Co	.8957
Gold Banner Association	2.2643
Granada Hills Packing Co	.0270
Granada Packing House	.0000
Hill, Fred A	.8435
Inland Fruit Dealers, Inc	.2795
Orange Belt Fruit Distributors	2.6965
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association	.0000
Riverside Growers, Inc	.5111
San Antonio Orchards Association	1.5052
Snyder & Sons Co., W. A	1.1876
Verity & Sons Co., R. H	.1167
Wall, E. T	1.7990
Western Fruit Growers, Inc., Redlands	3.2083
Yorba Orange Growers Association	.0381

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	.9392
A. F. G. Porterville	1.8265
Cooperative Citrus Association	.3443
Dofflemyer, W. Todd	.3239
Elderwood Citrus Association	1.2754
Exeter Citrus Association	1.6934
Hillside Packing Corp	3.9496
Ivanhoe Mutual Orange Association	1.0956
Klink Citrus Association	3.6418
Lemon Cove Association	1.3433
Lindsay Citrus Growers Association	3.4460
Lindsay Coop. Citrus Association	2.3375
Lindsay District Orange Co	1.4231
Lindsay Fruit Association	2.5716
Lindsay Orange Growers Association	.6537

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Orange Cove Citrus Association	2.9300
Orange Packing Co	1.6462
Orosi Foothill Citrus Association	1.1487
Paloma Citrus Fruit Association	.5336
Rocky Hill Citrus Association	2.7867
Sanger Citrus Association	2.5331
Sequoia Citrus Association	.7417
Stark Packing Corp	4.4649
Visalia Citrus Association	1.2282
Waddell & Sons	2.3157
Orland Orange Growers Association, Inc	.1184
Baird-Neece Corp	2.3050
Beattie Association, Agnes M	.2953
Grand View Heights Citrus Association	3.4750
Magnolia Citrus Association	1.8905
Porterville Citrus Association	.7180
Richgrove-Jasmine Citrus Association	1.2763
Sandilands Fruit Co	.3897
Strathmore Cooperative Association	3.0419
Strathmore District Orange Association	2.1948
Strathmore Fruit Growers Association	2.1094
Strathmore Packing House Co	1.3176
Sunflower Packing Association	1.9962
Sunland Packing House	3.4788
Tule River Citrus Association	.9985
Jensen, M. N	1.5117
Kroells Brothers, Ltd	1.5294
Lindsay Mutual Groves	1.6672
Martin Ranch	.6766
Stivers Packing Co	1.0776
Woodlake Packing House	1.5330
Randolph Marketing Co., Porterville	1.6630
Abbate Co., The Chas	.5014
Anderson Packing Co	1.0784
Baker Bros	.7545
Calif. Citrus Groves, Inc., Ltd	2.0987
Calif. Growers, Inc	.8452
Evans Brothers Packing Co	2.8010
Exeter Groves Packing Co	1.3686
Harding & Leggett	1.6203
Lo Bue Brothers	.3131
Marks, W. & M	.0454
Reimers, Don H	.2281
Rooke Packing Co., B. G	3.2710
Snyder & Sons Co., W. A	.6091
Webb Packing Co., Inc	.4777
Wollenman Packing Co	.6033
Woodlake Heights Packing Corp	.9246

Prorate District No. 3

Total	100.0000
Allen-Young Citrus Packing Co	.4249
Consolidated Citrus Growers	4.2805
Leppla-Pratt Produce Distributors, Inc	5.3931
McKellips Mutual Citrus Growers	14.5396
McKellips Phoenix Citrus Co., C. H	1.8068
Phoenix Citrus Packing Co	2.6615
Arizona Citrus Growers	20.7790
Desert Citrus Growers	3.0850
Mesa Citrus Growers	13.0650
Imperial Valley Grapefruit Growers	.0000
Yuma Mesa Fruit Growers Association	6.0880
Arizona Citrus Products Co	2.3685
Libbey Fruit Packing Co	5.2480
Pioneer Fruit Co	4.0000
Tempe Citrus Co	2.6335
Champion Produce House, L. M	.5756
Commercial Citrus Packing	1.3336
Dhuyvetter Bros	.9030
Ishikawa, Paul	.0603
Macchiaroli Fruit Co., James	2.2872
Morris Brothers Fruit Co	.7880
Orange Belt Fruit Distributors	3.3024

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 3—Continued

Handler	Prorate base (percent)
Paramount Citrus Association	0.7011
Potato House, The	.3513
Russo Brothers	.2307
Sharp Company, K. K	.1500
Sun Valley Packing Co	.6170
Valley Citrus Packing Co	2.3264

[F. R. Doc. 47-4033; Filed, Apr. 25, 1947; 8:46 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter A—Administrative Organization

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

POWER OF ARREST WITHOUT WARRANT, OF BOARDING AND SEARCHING, AND OF EXECUTING WARRANTS

APRIL 16, 1947.

Section 60.28, Chapter I, Title 8, Code of Federal Regulations, is hereby amended to read as follows:

§ 60.28 *Power of arrest without warrant, of boarding and searching, and of executing warrants*— (a) *Definitions.* (1) The term "the act" as used in this section shall, unless otherwise indicated, mean the act of February 27, 1925, as amended by the act of August 7, 1946, 43 Stat. 1049, 60 Stat. 865 (8 U. S. C. 110).

(2) The term in the act "officer of the Immigration and Naturalization Service having authority to examine aliens as to their right to enter or remain in the United States" shall mean an immigrant inspector or any person designated an immigrant inspector by § 60.27.

(3) The phrase in the act "within a reasonable distance from any external boundary of the United States" shall mean within a distance not exceeding 100 air miles from any external boundary of the United States, or any shorter distance which may be fixed by the district director in charge of a district defined in § 60.1, or, so far as the power to board and search aircraft is concerned, any distance within any of the areas designated in paragraph (d) of this section.

(b) *Authorized employees.* All patrol inspectors, immigrant inspectors, and all persons designated immigrant inspectors by § 60.27 are authorized to exercise the power of arrest without warrant, the power to board and search vessels and other conveyances, and the power to execute warrants and other processes conferred by the act.

(c) *Reasonable distance; fixing by district directors.* In fixing reasonable distances of less than 100 air miles pursuant to paragraph (a) (3) of this section, district directors shall take into consideration topography, confluence of arteries of transportation leading from external boundaries of the United States, relative distance from such boundaries, density of population, possible inconvenience to the traveling public, types of conveyances used, and reliable information as to movements of persons effecting illegal entry into the United States: *Provided*, That whenever in the opinion of a district director a distance in his district of more than 100 air miles from any external boundary of the United States would because of unusual circumstances be reasonable, such district director shall forward a complete report with respect to the matter to the Commissioner of Immigration and Naturalization, who may, if he determines that such action is justified, declare such distance to be reasonable.

(d) *Powers; where exercised.* The powers conferred by the act may be exercised in the forty-eight States of the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

(e) *Examining officer.* Although any officer authorized by paragraph (b) of this section to make arrests is qualified under paragraph (a) (2) of this section to conduct the examination required under clause (1) of the act, such examination shall be conducted by the arresting officer only in cases in which no other qualified officer is readily available and the taking of the alien before another officer would entail unnecessary delay and then only when the conducting of such examination is a part of the duties assigned to the arresting officer.

(f) *Disposition of cases of deportable aliens.* Whenever the examination which is required under clause (1) of the act in the case of an alien illegally entering or in the United States indicates that further action should be brought against the arrested alien, the examining officer shall proceed in accordance with the provisions of Part 150 of this chapter or shall take whatever action may be appropriate or required under the laws or other regulations applicable to the particular case. In so doing, the examining officer may utilize any record made by the arresting officer.

(g) *Disposition of felony cases.* The cases of persons arrested under clauses (3) of the act for felonies shall be handled administratively in accordance with the applicable provisions of § 60.25, but in no case shall there be prejudiced the right of the person arrested to be taken without unnecessary delay before the nearest available commissioner or before another nearby officer empowered to commit persons charged with offenses against the laws of the United States.

(h) *Powers not exclusive.* The powers conferred by the act upon the employees qualified thereunder are in addition to the powers conferred on immigrant inspectors by that provision of section 16 of the Immigration Act of 1917 (39 Stat. 885; 8 U. S. C. 152) which reads "Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, or any other conveyance, or vehicle in which they believe aliens are being brought into the United States" and in addition to any powers which are or may be conferred on officers or employees of the Immigration and Naturalization Service by other laws.

This section shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) relative to notice of proposed rule making and delayed effective date are inapplicable for the reason that the rules prescribed by this section pertain to agency organization and procedure, including delegation of authority. (Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp. ch. IV)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: April 20, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-3977; Filed, Apr. 25, 1947; 8:45 a. m.]

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF LAREDO MUNICIPAL AIRPORT, LAREDO, TEXAS, AS A TEMPORARY AIRPORT OF ENTRY FOR ALIENS

APRIL 21, 1947.

Section 110.3 (b), *Designated ports of entry by aircraft*, Chapter I, Title 8, Code of Federal Regulations is amended by inserting "Laredo, Tex., Laredo Municipal Airport" between "Havre, Mont., Havre-Hill County Airport" and "Malone, N. Y., Malone-Bufort Airport" in the list of temporary airports of entry for aliens.

Notice of the proposed designation of the Laredo Municipal Airport as a temporary airport of entry for aliens was published in the FEDERAL REGISTER dated March 15, 1947 (12 F. R. 1775), pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238). The designation shall become effective on May 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reasons that (1) the public convenience will be served by making the immigration facilities available beginning on May 1, 1947; (2) no representations in opposition to the designation have been received; and (3) the designation for customs purposes has been made effective on May 1, 1947 (12 F. R. 2110). The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with immigration requirements.

(Sec. 7 (d), 44 Stat. 572; 49 U. S. C. 177 (d); sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV)

TOM C. CLARK,
Attorney Geneal.

Recommended: April 10, 1947.

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 47-3976; Filed, Apr. 25, 1947; 8:45 a. m.]

PART 116—CIVIL AIR NAVIGATION

SPECIAL REGULATIONS RELATING TO AIR TRAVEL BETWEEN FOREIGN CONTIGUOUS TERRITORY AND THE UNITED STATES

APRIL 22, 1947.

The regulations for the application to civil air navigation of the laws and regulations relating to customs, public health, entry and clearance, and immigration issued by the Acting Secretary of the Treasury, the Federal Security Administrator, the Acting Secretary of Commerce, and the Acting Attorney General, within their respective authorities, on August 28, 1941, June 5, 1942, September 21, 1942, April 14, 1943, August 26, 1944, July 16, 1945, October 18, 1945, July 3, 1946, July 27, 1946, and December 23, 1946 (6 F. R. 4516, 4536, 4537, 4514, 5582, 5583, 5596; 7 F. R. 4471, 4472, 4496, 7800, 7813; 8 F. R. 5291, 5296, 5320; 9 F. R. 10446, 10448, 10503; 10 F. R. 9314, 9315, 9338, 13102, 13103, 13130; and 11 F. R. 7655, 7661, 7663, 8075, 8078, 8122, 13775, 13785, 13792; 19 CFR, Cum. Supp., 6.1 to 6.11, 42 CFR, Cum. Supp., 11.501 to 11.516, and 8 CFR, Cum. Supp., 116.1 to 116.16), are hereby further amended as follows:

1. Paragraph (a) of § 6.3 of Title 19 of the Code of Federal Regulations, such section being also designated as § 11.503 of Title 42 and § 116.3 of Title 8 of that Code, is amended by changing the period at the end of the second sentence to a comma and adding the following: "except that permission to land in Alaska elsewhere than at an airport of entry may be granted to aircraft arriving from Canada, by the Collector of Customs at Juneau, Alaska, who upon granting such permission shall immediately notify the officer in charge of the Public Health Service, the Immigration and Naturalization Service, and any other agency affected thereby in Alaska."

2. The last sentence of subparagraph (1) of paragraph (b) of § 6.8 of Title 19 of the Code of Federal Regulations, such section being also designated as § 11.508 of Title 42 and § 116.8 of Title 8 of that Code, is amended to read: "The list is not required if the aircraft is not arriving from outside the United States or if it is arriving on a trip which originated in Canada, Newfoundland, or the French islands of St. Pierre and Miquelon, or if the information with respect to the crew is furnished in accordance with § 6.10."

3. Subparagraph (2) of paragraph (b) of § 6.8 of Title 19 of the Code of Federal Regulations, such section being also designated as § 11.508 of Title 42 and § 116.8 of Title 8 of that Code, is amended by adding a sentence reading: "This subparagraph shall not apply to aircraft arriving on a trip which originated in Canada, Newfoundland, or the French islands of St. Pierre and Miquelon."

4. *Omission of notice and public procedure.* This order shall become effective on the day of its publication in the FEDERAL REGISTER. Notice of proposed rule making and public procedure prescribed by section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) are being dispensed with because they are found unnecessary and contrary to the public interest. Such finding is based on the fact that this order will result in the facilitation of travel and lessen the requirements on affected persons.

(R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 7, 44 Stat. 572, sec. 644, 46 Stat. 761, sec. 367, 602, 58 Stat. 706, 712; 5 U. S. C. 22, 19 U. S. C. 66, 1644, 49 U. S. C. 177, 42 U. S. C. Sup. 201 note, 270, 8 U. S. C. 102, 222, sec. 1, Reorg. Plan No. V, 5 F. R. 2132, 2223, sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.
W. R. JOHNSON,
Commissioner of Customs.
THOMAS PARRAN,
Surgeon General, Public Health Service.
TOM C. CLARK,
Attorney General.

Approved:

WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 47-3975; Filed, Apr. 25, 1947; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

SPECIAL REGULATIONS RELATING TO AIR TRAVEL BETWEEN FOREIGN CONTIGUOUS TERRITORY AND THE UNITED STATES

CROSS REFERENCE: For amendments to §§ 6.3 and 6.8 concerning special regulations relating to air travel between foreign contiguous territory and the United States, issued jointly by the Bureau of Customs of the Department of the Treasury, the Public Health Service of the Federal Security Agency, and the Immigration and Naturalization Service of the Department of Justice, see Title 8, Chapter I, Part 116, *supra*.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Administration

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS PENICILLIN AND STREPTOMYCIN

Correction

In Federal Register Document No. 47-3238 appearing at page 2215 of the issue for Friday, April 4, 1947, the following changes should be made:

1. In § 141.1 (b) (1) the third line should be omitted.

2. In § 141.1 (b) (3) the eighth item in the table should read:

"Distilled water, q. s. ------ 1,000.0 ml."

3. In § 141.5 (a) "50 mgm." should read "50 mg."

4. In § 141.7 (a) the fifth line should read "of § 141.1, prepare sample as follows:"

5. In § 141.7 (b) the fourth line should read "to inactivate the penicillin added in the".

6. In § 141.18 (a) the section number appearing in the fifth line should read "§ 141.1".

7. In § 141.105 the thirtieth line should read "given by 0.1 mcg./kg. of histamine base".

8. The last line of the last paragraph of this document should read "these drug products."

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

Correction

In Federal Register Document No. 47-3237 appearing at page 2226 of the issue for Friday, April 4, 1947, the following changes should be made:

1. In § 144.2 (h) the reference to § 144.2 should read "§ 144.3".

2. The seventh line from the end of § 144.9, beginning with the words "the Administrator may" should begin a new line.

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

Correction

In Federal Register Document No. 47-3236 appearing at page 2231 of the issue for Friday, April 4, 1947, the following changes should be made:

1. In § 146.1 (a) the first word in the second paragraph should read "Wherever".

2. In § 146.1 (p) the first two words of the third line should be deleted.

3. In § 146.4 (a) (2) the second line should read "less it complies with the packaging re-".

4. In § 146.27 (b), the fifteenth line, the word "content" should read "contents".

5. In the fifth line of § 146.29 (e) the word "of" should read "in".

6. In § 146.31 (d) (2) (i) the word "match" should read "batch".

7. In the second line of § 146.34 (e) (2) the word "investigation" should read "investigations".

8. In § 146.36 (a) the third line should read "*and purity.* Penicillin vaginal suppositories are".

9. In § 146.38 (a) the ninth line should read "by lyophilizing a solution containing".

10. In § 146.101 (d) (2) the first word in the eleventh line should read "or".

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expeditor

[Housing Expediter Priorities Reg. 4 as Amended Jan. 27, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SUSPENSION OF APPLICATIONS FOR CERTIFICATES AND REQUESTS FOR RENEWALS

Section 803.4, Housing Expediter Priorities Regulation 4, as amended January 27, 1947, is amended as follows:

Effective May 1, 1947, paragraph (e) (1) of this section, which provides for filing of applications for Housing Expediter certificates, and paragraph (e) (2) of this section, which provides for filing of applications for renewal of such certificates, are suspended until further notice. Applications received under either paragraph (e) (1) or paragraph (e) (2) of this section prior to May 1, 1947, will be processed as provided in this section.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 25th day of April 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-4081; Filed, Apr. 25, 1947; 11:30 a. m.]

[Suspension Order S-10]

PART 807—SUSPENSION ORDERS

GEORGE B. CHARLSEN & R. M. STAUFFER

George B. Charlsen, 101 South Kansas Avenue, Newton, Kansas, and R. M. Stauffer, 300 West Fourth Street, Newton, Kansas, as his contractor, on or about November 23, 1946, without authorization from the Civilian Production Administration or the Office of the Housing Expediter, began and thereafter carried on construction of a building, size 60' x 70', to be used as a commercial store building at 105–109 South Kansas Avenue, Newton, Kansas, estimated to cost in excess of $25,000. The beginning and carrying on of such construction without authorization constituted a violation of Veterans' Housing Program Order 1, and diverted critical material to uses not authorized by the Civilian Production Administration or the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.10 *Suspension Order No. S-10.* (a) Neither George B. Charlsen nor R. M. Stauffer, their successors or assigns, nor any other person, shall do any further construction on the premises located at 105–109 South Kansas Avenue, Newton, Kansas, including completing or altering the structure, unless authorized in writing by the Office of the Housing Expediter.

(b) George B. Charlsen and R. M. Stauffer shall refer to this order in any application or appeal which they or either of them may file with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve George B. Charlsen and R. M. Stauffer from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4023; Filed, Apr. 24, 1947; 2:19 p. m.]

[Suspension Order S-19]

PART 807—SUSPENSION ORDERS

DR. GERALD B. WINROD ET AL.

Dr. Gerald B. Winrod, Wichita, Kansas, as President of The Defenders of the Christian Faith, Inc., a Kansas non-profit corporation who also uses the names Defenders' Publishing Company and The Defender Publishers, in connection with their activities, on or about December 16, 1946, without authorization from the Civilian Production Administration or the Office of the Housing Expediter, began and thereafter carried on construction of a one-story building, size 50' x 90', containing 4,500 square feet of floor area, at 2500–2508 East Douglas Avenue, Wichita, Kansas, which was to be an addition to an existing one-story building, size 50' x 50', having 2,500 square feet of floor area, making the total floor area of the existing building and the addition 7,000 square feet. The addition was to be used as a printing plant and the estimated cost thereof was more than $14,000. The beginning and carrying on of construction of such addition was in violation of Veterans' Housing Program Order 1, and has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.19 *Suspension Order No. S-19.* (a) Neither Dr. Gerald B. Winrod, The Defenders of the Christian Faith, Inc., a corporation, The Defenders' Publishing Company, nor The Defender Publishers, their successors or assigns, shall do any further construction on the premises at 2500–2508 East Douglas Avenue, Wichita, Kansas, including the putting up, completing or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Dr. Gerald B. Winrod, The Defenders of the Christian Faith, Inc., The Defenders' Publishing Company, and the Defender Publishers, shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Dr. Gerald B. Winrod, The Defenders of the Christian Faith, Inc., The Defenders' Publishing Company, or the Defender Publishers, their successors or assigns, from any restriction, prohibition or provision contained in any other order, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4024; Filed, Apr. 24, 1947; 2:19 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1138—ANTIMONY

[General Preference Order M-112, as Amended Apr. 25, 1947]

§ 1138.1 *General Preference Order M-112*—(a) *Definitions.* For the purpose of this order "antimony" means and includes:

(1) Ores and concentrates, including beneficiated or treated forms, containing antimony commercially recognized;

(2) Antimony metal, otherwise known as "Regulus" and the element antimony in commercially pure form;

(3) Liquated antimony, sometimes known as "needle antimony", "crude antimony" or "Crudum", which is in any case the result of separating antimony sulphide from antimony ores by fusion, without essential chemical change;

(4) Any alloy containing 50 per cent or more by weight of antimony, as defined in (1), (2), and (3) above;

(5) Antimony oxide which results from the processing of antimony, as defined in (1), (2), (3) and (4) above;

(6) Antimony sulphide (precipitate or synthetic) which results from the processing of antimony, as defined in (1), (2), (3), (4), and (5) above.

(b) *Deliveries, allocations and uses*—(1) *Restrictions on deliveries.* No person shall deliver or accept delivery of antimony without a specific allocation in writing by the Civilian Production Administration, except as follows:

(i) Antimony may be delivered to any person in lots of 224 lbs. (contained antimony), or less, but the total quantity of contained antimony which any person may receive in any calendar month from all sources of supply under this subparagraph shall not exceed 224 lbs.

(ii) Antimony may be delivered to the Office of Metals Reserve, Reconstruction Finance Corporation, or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or to any agent of such corporation.

(2) *Allocations and uses.* The Civilian Production Administration may from time to time allocate and direct the manner and quantity in which antimony shall be delivered or used, including all antimony released by the Reconstruction Finance Corporation. Such action may also be taken with respect to the use of antimony-bearing lead scrap, secondary antimony-bearing lead alloys or any other practicable substitute in lieu of antimony. The Civilian Production Administration may also require any person seeking to place a purchase order for antimony to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(c) *Applications for and reports of antimony.* (1) Applications for an allocation of antimony should be made on Form CPA-2931 to the Civilian Production Administration not later than the 20th day of the month preceding the month in which delivery is requested. Applications for an allocation of antimony for export outside the United States, its territories or possessions or the Dominion of Canada may be made by letter addressed to the Civilian Production Administration furnishing the following information:

(i) The export license number and validation date;

(ii) The country to which the antimony is to be exported;

(iii) The name of the proposed supplier; and

(iv) The quantity allowed to be exported under the license.

Exports of antimony to any country other than Canada are also subject to any export license requirements of the Office of International Trade, Department of Commerce.

No application for an allocation of antimony should be filed if less critical materials obtainable from secondary sources, or substitute materials, are usable by and available to the applicant. Failure by any person to file an application in accordance with this paragraph may be construed as notice to the Civilian Production Administration that such person does not desire an allocation of antimony for the succeeding month.

(2) Any person who on the first day of a calendar month has in his possession or under his control 2240 pounds or more of antimony or who used during the preceding calendar month 2240 pounds or more of antimony shall not later than the 20th day of such month report to the Civilian Production Administration on Form CPA-2931 in accordance with the instructions accompanying such form, regardless of whether or not he seeks an allocation of antimony during the next succeeding month.

(d) *Inventory restrictions.* No person shall knowingly deliver to any person and no person shall accept delivery of any quantity of antimony, if the total inventory in the hands of the person accepting delivery is, or by virtue of acceptance will become, in excess of his reasonably anticipated requirements for permissible uses in the next 30 days, excepting in the case of antimony as defined in paragraph (a) (1) which shall be limited to 45 days. This restriction does not apply to a producer of antimony as defined in paragraph (a).

(e) [Deleted March 12, 1947.]

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals and Communications.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provisions appealed from and stating fully the grounds of appeal. Appeals, reports and all communications concerning this order shall, unless otherwise directed, be addressed to the Tin, Lead and Zinc Branch, Civilian Production Administration, Washington 25, D. C., reference M-112.

(h) The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-4077; Filed, Apr. 25, 1947; 11:15 a. m.]

PART 3290—MANILA (ABACA) AND AGAVE FIBERS AND CORDAGE

[Conservation Order M-84, Direction 1]

SPINNABLE CENTRAL AMERICAN ABACA (MANILA) FIBER

The following direction is issued pursuant to Conservation Order M-84:

(a) *Purpose of this direction.* Under paragraph (f) (1) of Order M-84, the Civilian Production Administration may from time to time allocate to processors the available supplies of manila and agave fiber held by the Reconstruction Finance Corporation, as provided in the order. This direction provides for the suspension of allocations by the CPA of spinnable Central American abaca (Manila) fiber held by the RFC, until further notice by amendment or revocation of this direction or otherwise.

(b) *Suspension of allocations of spinnable Central American abaca (Manila) fiber.* Until such time as the CPA may order otherwise, spinnable Central American abaca (Manila) fiber held by the RFC will not be allocated under Conservation Order M-84. Applications may be made to the RFC for such fiber, and not to the CPA.

(c) *Restriction on sales by RFC.* Spinnable Central American abaca (Manila) fiber

held by RFC may be sold and delivered by it to any person for use in making products in which use of such fiber is permitted under Conservation Order M-84 and directions issued under that order, or for resale for such uses, within the continental United States. Spinnable Central American abaca (Manila) fiber may not be sold by RFC for export.

(d) *Inconsistent provisions of Order M-84 suspended.* The provisions of paragraph (f) of Conservation Order M-84, to the extent they are inconsistent with the terms of this direction, are hereby suspended.

Issued this 25th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-4076; Filed, Apr. 25, 1947; 11:15 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

KISATCHIE NATIONAL FOREST; TRANSFER OF LAND

CROSS REFERENCE: For transfer of lands from Federal Farm Mortgage Corporation to Forest Service, Department of Agriculture, see Federal Farm Mortgage Corporation in Notices section, *infra*.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 11—FOREIGN QUARANTINE

SPECIAL REGULATIONS RELATING TO AIR TRAVEL BETWEEN FOREIGN CONTIGUOUS TERRITORY AND THE UNITED STATES

CROSS REFERENCE: For amendments to §§ 11.503 and 11.508 concerning special regulations relating to air travel between foreign contiguous territory and the United States, issued jointly by the Bureau of Customs of the Department of the Treasury, the Public Health Service of the Federal Security Agency, and the Immigration and Naturalization Service of the Department of Justice, see Title 8, Chapter I, Part 116, *supra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

ARIZONA GRAZING DISTRICT NO. 2

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see Misc. 2114081 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra*, relating to lands in Arizona Grazing District No. 2.

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[G. O. 56, Supp. 3, WSA Function Series]

PART 306—GENERAL AGENTS AND AGENTS

COMPENSATION PAYABLE TO GENERAL AGENTS, AGENTS AND BERTH AGENTS; DRY CARGO VESSELS

In Item 2 of this supplement (approved February 21, 1947, and published in the FEDERAL REGISTER of March 12, 1947; 12 F. R. 1683), the first effective date of the amendment of § 306.173 (a) (2) should read "July 15, 1946" so that the words and figures to and including the second colon of said item read:

2. Section 306.173 *Compensation for port services in continental United States* is amended as follows:

Subparagraph (2) of paragraph (a) is amended, effective as of July 15, 1946, and until September 1, 1946, to read:

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

APRIL 22, 1947.

[F. R. Doc. 47-3951; Filed, Apr. 25, 1947; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1506772]

MONTANA AND NORTH DAKOTA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

APRIL 14, 1947.

Departmental Order approved July 13, 1945, revoked Departmental Orders of August 24, 1903, September 2, 1905, July 27, 1908, January 4, 1910, and May 16, 1932, so far as they withdrew in the first and second forms prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the lower Yellowstone Project, Montana-North Dakota, and provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on June 16, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 17, 1947, to September 15, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 28, 1947 to June 16, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 16, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 27, 1947 to September 15, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 16, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Offices at Billings, Montana, and Bismarck, North Dakota, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code

of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Offices at Billings, Montana, and Bismarck, North Dakota.

The lands affected by this order are described as follows:

PRINCIPAL MERIDIAN, MONTANA

T. 19 N., R. 57 E.,
Sec. 26, Lot 1.
T. 20 N., R. 58 E.,
Sec. 22, Lot 7;
Sec. 28, Lot 1.
T. 22 N., R. 58 E.,
Sec. 26, E½NW¼.
T. 24 N., R. 60 E.,
Sec. 30, Lot 1.

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 150 N., R. 104 W.,
Sec. 17, Lot 2.
T. 152 N., R. 104 W.,
Sec. 19, W½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 27, SW¼SW¼;
Sec. 28, Lot 8.

The areas described aggregate 278.04 acres.

The lands are along or near the Yellowstone River and are nearly level in topography at elevations from 1900 to 2000 feet above sea level.

THOS. C. HAVELL,
Acting Assistant Director.

[F. R. Doc. 47-3955; Filed, Apr. 25, 1947; 8:51 a. m.]

[Misc. 2069556]

MONTANA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

APRIL 11, 1947.

Departmental Order approved December 11, 1945, revoked Departmental Orders of October 21, 1902 and July 27, and October 15, 1904, so far as they withdrew in the first and second forms prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Milk River Project, Montana, and provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reversing the lands described.

At 10:00 a. m. on June 13, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 14, 1947, to September 12, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 25, 1947 to June 13, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 14, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 24, 1947, to September 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 13, 1947, shall be treated as simultaneously filed. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Great Falls, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Offices at Great Falls, Montana.

The lands affected by this order are described as follows:

PRINCIPAL MERIDIAN

T. 30, N., R. 4 E.,
Sec. 11, SW¼SW¼;
Sec. 14, Lot 2 and N½SW¼;
Sec. 15, Lot 1;
Sec. 19, Lots 4 to 9 inclusive;
Sec. 20, Lots 1, 2, 4 to 9, inclusive, and SW¼NE¼;
Sec. 21, Lots 4 to 8, inclusive, W½NE¼, and SE¼NW¼;
Sec. 22, Lots 1 to 5, inclusive, and NE¼NW¼;
Sec. 23, Lots 1 to 6, and Lots 8 to 11, inclusive, SW¼NW¼; and SW¼NE¼;
Sec. 24, Lots 3, 4, and 5;
Sec. 25, Lots 3, 4, 5, 9, 10, SW¼NW¼, and W½SW¼;
Sec. 36, Lots 1 to 8, inclusive, NE¼NE¼, SE¼NW¼, W½NW¼, and NE¼SW¼.
T. 29 N., R. 5 E.,
Sec. 3, Lots 7 to 10, inclusive, and SW¼SE¼;
Sec. 4, Lots 3, 7, 8, 9, and SE¼SE¼;
Sec. 10, Lots 1, 2, and 3;
Sec. 11, Lots 1, 8, 9, 12, and SE¼SE¼;
Sec. 13, Lots 2, 4, 5, and 6;
Sec. 14, Lot 1, Lots 3 to 7, inclusive, and SW¼;
Sec. 24, Lots 2, 3, 4, and NW¼NW¼.
T. 30 N., R. 5 E.,
Sec. 29, Lots 4, 7, Lots 9 to 12, inclusive, and NW¼SE¼;
Sec. 31, Lots 2 to 10, inclusive;
Sec. 32, Lots 1, 2, 3, and N½SW¼;
Sec. 33, Lots 2 to 7, inclusive, and Lot 9.
T. 29 N., R. 6 E.,
Sec. 7, SE¼SW¼;
Sec. 13, Lot 2 and SE¼SE¼;
Sec. 14, Lots 3 to 11, inclusive, SE¼NW¼, and S½SW¼;
Sec. 15, Lots 7 to 11, inclusive, S½SW¼, and SE¼SE¼;
Sec. 16;
Sec. 17, Lots 1 to 4, inclusive, Lots 8, 10, 11, 12, and S½NE¼;
Sec. 18, Lots 2 to 4, Lots 7 to 10, inclusive, and NE¼NW¼;
Sec. 19, Lots 1, 2, 4, S½NE¼, SE¼NW¼, and NE¼SE¼;
Sec. 20, W½NE¼, NW¼, N½SW¼, and N½SE¼;
Sec. 21, Lots 1, 2, NE¼NE¼, and N½SW¼;
Sec. 22, NW¼NW¼;
Sec. 23, Lot 1 and N½S½;
Sec. 24, Lots 1 to 3, Lots 6 to 9, inclusive, and NE¼SE¼;
T. 29 N., R. 7 E.,
Sec. 16, S½NE¼, W½ and SE¼;
Sec. 17, Lots 2, 7, Lots 10 to 13, inclusive, and SW¼SW¼;
Sec. 19, Lots 1 to 11, inclusive, SE¼NE¼, SE¼SW¼, and N½SE¼;
Sec. 20, Lots 1 to 8, inclusive, NE¼NE¼, and NW¼SW¼;
Sec. 21, Lots 3, 7, 8, 13 and SW¼SW¼;
Sec. 25, Lot 3;
Sec. 27, Lots 1 to 5, inclusive, Lots 7, 8, SE¼NW¼, NW¼NW¼; SW¼SW¼, and N½SE¼;
Sec. 28, Lots 1, 2, 3, 6, and 7;
Sec. 35, Lots 3, 5, and 6;
Sec. 36, Lots 3, 5, 6, 8, S½NE¼, and S½.
T. 29 N., R. 8 E.,
Sec. 17, Lot 1;
Sec. 20, Lots 1 to 4, inclusive;
Sec. 30, Lots 1, 3, 4, 5, and NE¼NW¼;
T. 29 N., R. 11 E.,
Sec. 13, SE¼;
Sec. 14, NE¼SE¼;
Sec. 16, NE¼, SE¼NW¼, and S½.
T. 29 N., R. 12 E.,
Sec. 16;
Sec. 17, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, Lot 2;
Sec. 20, SE¼SW¼ and SW¼SE¼;
Sec. 21, SE¼SE¼;
Sec. 25, S½NW¼;
Sec. 26, SE¼NE¼;
Sec. 28, E½NE¼ and NE¼SE¼;
Sec. 29, W½NE¼, SW¼NW¼, and W½SW¼;
Sec. 32, S½NE¼, N½NW¼, and SE¼NW¼.

The areas described aggregate 12,543.19 acres. Part of the lands are patented.

The lands for the most part, are rolling in character and the Marias River flows through part of the lands. The predominant type of soil is a loam but in some parts is a sandy clay and in other parts, a sandy loam.

THOS. C. HAVELL,
Acting Assistant Director.

[F. R. Doc. 47-3956; Filed, Apr. 25, 1947; 8:51 a. m.]

[Misc. 2114081]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 14, 1947.

In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on June 16, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 16, 1947, to September 15, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 27, 1947, to June 16, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 16, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 15, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 26, 1947, to September 15, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 15, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title to the extent such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 27 N., R. 20 W.,
Sec. 20, SE¼NW¼ and NW¼SE¼.
T. 16 N., R. 15 W.,
Sec. 3, W½SW¼;
Sec. 15, W½ and W½E½;
Sec. 25, W½NW¼;
Secs. 27 and 35, containing 2,000 acres.

The above-described lands are in Grazing District No. 2, established March 6, 1936.

The land described in T. 16 N., R. 15 W., G. & S. R. M., is hilly and very rocky in character, cut by numerous sandy washes.

The land in sec. 20, T. 27 N., R. 20 W., is valley land, level to rolling in character, and having a sandy clay loam soil.

THOS. C. HAVELL,
Acting Assistant Director.

[F. R. Doc. 47–3953; Filed, Apr. 25, 1947; 8:51 a. m.]

[Misc. 2124464]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 11, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on June 13, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 13, 1947, to September 11, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 24, 1947, to June 13, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 13, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 11, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 22, 1947, to September 11, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 11, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 5 W., R. 2 N.,
Sec. 23, W½SE¼ and E½SW¼.

The area described contains 160 acres.

The above-described land is level to rolling, arid and of desert character.

THOS. C. HAVELL,
Acting Assistant Director.

[F. R. Doc. 47–3952, Filed, Apr. 25, 1947; 8:50 a. m.]

[Misc. 386272]

WASHINGTON

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

APRIL 1, 1947.

Departmental Order approved December 11, 1945, revoked Departmental Order of December 26, 1913, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Palouse Project, Washington, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on June 13, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 14, 1947, to September 12, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 25, 1947, to June 13, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 14, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 24, 1947, to September 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 13, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Spokane, Washington.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 13 N., R. 30 E.,
Secs. 6 and 8.
Sec. 18, lot 1 and NE¼NW¼.
T. 9 N., R. 31 E.,
Sec. 22, NW¼NE¼ and N½NW¼.
T. 10 N., R. 31 E.,
Secs. 10, 12, 14, and 22.
T. 11 N., R. 31 E.,
Secs. 24, 26, and 34.
T. 13 N., R. 31 E.,
Sec. 2, S½NW¼;
Sec. 10, NW¼;
Sec. 18, lots 1, 2, 3, 4, NW¼NE¼, E½NW¼, and NE¼SW¼.
T. 10 N., R. 32 E.,
Secs. 8 and 18.

The areas described aggregate 7,724.31 acres. Part of the lands are patented, and portions are withdrawn from all forms of appropriation by Public Land Order No. 247 of October 9, 1944.

The lands vary from nearly level to rolling to steep and rough in topography. The soil for the most part is sandy, but parts contain silt loam and sandy loam and some is scab land.

THOS. C. HAVELL,
Acting Assistant Director.

[F. R. Doc. 47–3954; Filed, Apr. 25, 1947; 8:51 a. m.]

FEDERAL FARM MORTGAGE CORPORATION

[Surplus Property Transfer Order 3]

KISATCHIE NATIONAL FOREST

TRANSFER OF JURISDICTION OF SURPLUS FOREST LANDS

Transferring jurisdiction of surplus forest lands within the Kisatchie National Forest and Purchase Unit, Louisiana, to the Forest Service pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended.

Whereas, the following described lands owned by the United States and situated in Grant Parish, Louisiana, within the Kisatchie National Forest and Purchase Unit, have been declared surplus and classified as forest lands pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended:

LOUISIANA MERIDIAN

T. 8 N., R. 1 E.,
Sec. 6, NE¼—All that part of the NE¼ lying west of the west right of way line of U. S. Highway No. 165, containing 76.40 acres, more or less. Conveyed to the United States of America by deed from J. C. Sanford and Agnes G. Sanford, his wife, dated June 8, 1943, and recorded among the land records of Grant Parish, Louisiana, on June 12, 1943, in Book 74 at page 208;
Sec. 7, NE¼NW¼—All that part of NE¼NW¼ lying north and west of the west right of way line of U. S. Highway No. 165, containing 1.80 acres, more or less. Conveyed to the United States of America by deed from The Urania Lumber Company, Ltd., dated July 12, 1943, and recorded among the land records of Grant Parish, Louisiana, on July 14, 1943, in Book 74 at page 339;
Sec. 7, SW¼NW¼—All that part of the SW¼NW¼ lying north and west of the west right of way of U. S. Highway No. 165, containing 9.50 acres, more or less. Conveyed to the United States of America by deed from The Urania Lumber Company, Ltd., dated July 12, 1943 and recorded among the land records of Grant Parish, Louisiana on July 14, 1943 in Book 74 at page 336.
T. 7 N., R. 1 W.,
Sec. 6, SW¼SW¼—A 3.00 acre tract of land in the SW corner of the SW¼SW¼ described as, all that part of the SW¼SW¼ lying west and south of the center line of Spring Branch, containing 3.00 acres, more or less. Conveyed to the United States of America by deed from Ola M. Ross, dated July 31, 1943 and recorded among the land records of Grant Parish, Louisiana on July 31, 1943 in Book 74 at page 390;
S½SW¼ except a 3.00 acre tract of land in the SW corner of the SW¼SW¼ lying west and south of the center line of Spring Branch, containing 77.68 acres, more or less. Conveyed to the United States of America by deeds from Joe Carson, et al., dated August 10 and 18, and October 18 and 19, 1943, and recorded, respectively, among the land records of Grant Parish, Louisiana on August 20, 1943 and October 25, 1943, in Book 74 at page 461 and in Book 75 at page 46.
T. 8 N., R. 1 W.,
Sec. 1, NE¼SW¼—Contains 40.08 acres, more or less, and was conveyed to the United States of America by deed from Belle M. Lincecum, dated June 30, 1943 and recorded among the land records of Grant Parish, Louisiana on June 30, 1943 in Book 74 at page 294;
Sec. 6, SE¼SW¼ and a 2.00 acre tract of land in the form of a rectangle lying north and south in the SE corner of the SW¼SW¼, being 1 acre in width. Contains 42.02 acres, more or less, and was conveyed to the United States of America by deed from W. C. Cookston and Malma Sanders Cookston, his wife, dated June 11, 1943 and recorded among the land records of Grant Parish, Louisiana on June 12, 1943 in Book 74 at page 205;
Sec. 27, SW¼NE¼—All the SW¼NE¼ lying north of the north right of way line of Louisiana State Highway No. 617 and being more particularly described as follows: Beginning at the NW corner of the SW¼NE¼, section 27; thence East 20 chains, thence S. 00°15' W. 19.17 chains to north right of way line of Louisiana State Highway No. 617; thence N. 89°15' W. 20.05 chains along north

right of way line of said highway to its intersection with the north and south midsection line; thence N. 18.89 chains along the north and south midsection line to point of beginning, containing 38.06 acres, more or less. Conveyed to the United States of America by deed from G. E. McManus and Della R. McManus, his wife, dated February 23, 1943 and recorded among the land records of Grant Parish, Louisiana on February 23, 1943 in Book 73 at page 312;

Sec. 31, SW¼NW¼. Contains 40.32 acres, more or less, and was conveyed to the United States of America by deed from Henry T. Townsend and Effie N. Townsend, his wife, dated May 13, 1943 and recorded among the land records of Grant Parish, Louisiana on May 13, 1943 in Book 74 at page 121.

T. 7 N., R. 2 W.,

Sec. 1, NE¼NE¼. Contains 39.66 acres, more or less, and was conveyed to the United States of America by deed from Allie E. Williams and Gyncia Williams, his wife, dated April 14, 1943 and recorded among the land records of Grant Parish, Louisiana on April 14, 1943 in Book 73 at page 566;

SE¼SE¼—A 3.00 acre tract of land in the NE corner of the SE¼SE¼, bound on the south by the center line of Spring Branch and on the west by the east right of way line of Carson Road, containing 3.00 acres, more of less. Conveyed to the United States of America by deeds from Joe Carson, et al., dated August 10 and 18, and October 18 and 19, 1943, and recorded, respectively, among the land records of Grant Parish, Louisiana on August 20, 1943 and October 25, 1943, in Book 74 at page 461 and in Book 75 at page 46;

SE¼SE¼ except a 3.00 acre tract of land in the NE corner of SE¼SE¼, bound on the south by the center line of Spring Branch and on the west by the east right of way line of Carson Road, containing 36.66 acres, more or less. Conveyed to the United States of America by deed from Ola M. Ross, dated July 31, 1943 and recorded among the land records of Grant Parish, Louisiana on July 31, 1943 in Book 74 at page 390;

Sec. 2, SE¼SE¼ except a one acre tract of land in the form of a square in the SW corner of SE¼SE¼, containing 38.06 acres, more or less. Conveyed to the United States of America by deed from V. W. Pilgrim and Lois Afeman Pilgrim, his wife, dated March 9, 1943 and recorded among the land records of Grant Parish, Louisiana on March 9, 1943 in Book 73 at page 383.

T. 8 N., R. 2 W.,

Sec. 22, W½SE¼SE¼. Contains 20 acres, more or less, and was conveyed to the United States of America by deed from the Hicks Company, Ltd., dated March 24, 1943 and recorded among the land records of Grant Parish, Louisiana on March 26, 1943 in Book 73 at page 446;

Sec. 36, SE¼NE¼—A 1.00 acre tract of land in the SE corner of the SE¼NE¼ and more particularly described as follows: Beginning at the SE corner of the SE¼NE¼; thence West 35 yards; thence North 140 yards; thence East 35 yards; thence South 140 yards to point of beginning, containing one acre, more or less. Conveyed to the United States of America by deed from Henry T. Townsend and Effie N. Townsend, his wife, dated May 13, 1943 and recorded among the land records of Grant Parish, Louisiana on May 13, 1943 in Book 74 at page 121.

Title to the following-described land was acquired by the United States of America in condemnation proceedings entitled United States of America vs. 4,925.00 acres of land, more or less, situate in Grant Parish, State of Louisiana, and W. A. Capps, et al., at Law No. 743:

T. 8 N., R. 1 E.,

Sec. 6, NW¼. Contains 157.09 acres, more or less.

T. 8 N., R. 1 W.,

Sec. 19, W½NW¼. Contains 79.36 acres, more or less;

Sec. 20, N½NW¼. Contains 79.56 acres, more or less;

Sec. 27, SE¼NW¼—All that part of the SE¼NW¼ lying north of the north right of way line of Louisiana State Highway No. 617 and being more particularly described as follows: Beginning at the NW corner of the SE¼NW¼, section 27; thence East 20.00 chains to the NE corner of the SE¼NW¼; thence S. 00°15' W. 18.89 chains along the east line of said SE¼NW¼ to the north right of way line of Louisiana State Highway No. 617; thence along the north right of way line of said highway, as follows: N. 80°00' W. 6.17 chains; thence N. 72°15' W. 4.70 chains; thence N. 75°15' W. 9.82 chains to the west line of the SE¼NW¼; thence N. 00°15' E. 13.80 chains to the point of beginning, containing 32.69 acres, more or less;

Sec. 28, S½NE¼—All that part of the S½NE¼ lying north of the north right of way line of Louisiana State Highway No. 617 and being more particularly described as follows: Beginning at the NW corner of the S½NE¼, section 28; thence East 40 chains to the NE corner of the S½NE¼; thence S. 00°15' W., 15.56 chains to the north right of way line of Louisiana State Highway No. 617; thence S. 71°00' W., 11.61 chains along the north right of way line of Louisiana State Highway No. 617 to the south line of the S½NE¼, section 28; thence West, 29.25 chains to the SW corner of S½NE¼; thence N. 00°15' E., 20.00 chains to place of beginning containing 77.61 acres, more or less.

T. 8 N., R. 2 W.,

Sec. 11, S½SE¼NW¼. Contains 19.73 acres, more or less;

Sec. 36, N½NE¼, S½NE¼ except a one acre tract of land in the SE corner more particularly described as follows: Beginning at the SE corner of the S½NE¼ section 36, thence W. 35 yards, thence N. 140 yards, thence E. 35 yards, thence S. 140 yards to point of beginning. Contains 159.00 acres, more or less.

Containing in all 1072.28 acres of land, more or less.

The lands hereby transferred are subject to:

1. Existing easements for public roads and highways, public utilities, railroads, and pipe lines; and

2. Reservation and/or exception of all oil, gas, and other mineral rights and other interests of record.

Whereas, the Forest Service is desirous of acquiring administrative control and jurisdiction over the above described lands for administration as a part of the Kisatchie National Forest and the acquisition has been approved by the National Forest Reservation Commission; and

Whereas, the Forest Service has caused the sum of $9,750.00, which is the fair value of the land, to be covered into the Treasury of the United States for deposit to the credit of the Federal Farm Mortgage Corporation from funds appropriated by the Congress for the acquisition of lands under the provisions of the act of March 1, 1911 (36 Stat. 961), as amended;

Now therefore, the Federal Farm Mortgage Corporation, pursuant to the authority vested in it in the disposal of surplus agricultural or forest property, by virtue of delegations of authority issued pursuant to the provisions of the aforementioned act of 1944, does hereby transfer the aforesaid lands to the Forest Service as of this date.

In witness whereof, the Federal Farm Mortgage Corporation has, on this 10th day of April 1947, caused these presents to be duly executed for and in its name and behalf and the seal of the said corporation to be hereunto affixed.

[SEAL] FEDERAL FARM MORTGAGE CORPORATION,
JACK HIGDON,
Vice President.

Attest:

W. D. JONES, Jr.

[F. R. Doc. 47-3958; Filed, Apr. 25, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF ORDER ALLOWING SUPPLEMENTAL RATE SCHEDULES PROVIDING EMERGENCY RULES AND REGULATIONS APPLICABLE TO THE 1947–48 HEATING SEASON TO TAKE EFFECT

APRIL 23, 1947.

Notice is hereby given that, on April 22, 1947, the Federal Power Commission issued its order entered April 22, 1947, allowing supplemental rate schedules providing emergency rules and regulations applicable to the 1947–48 heating season to take effect in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3965; Filed, Apr. 25, 1947; 8:47 a. m.]

[Docket No. G-462]

MISSISSIPPI RIVER FUEL CORP. ET AL.

NOTICE OF ORDER MODIFYING AND AMENDING ORDER PERMITTING SUPPLEMENTAL RATE SCHEDULES TO BECOME EFFECTIVE

APRIL 23, 1947.

Notice is hereby given that, on April 22, 1947, the Federal Power Commission issued its order entered April 22, 1947, modifying and amending order permitting supplemental rate schedules to become effective in the above-designated matter.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3964; Filed, Apr. 25, 1947; 8:47 a. m.]

[Docket No. G-881]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on April 1, 1947, Docket No. G-881,[1] by El Paso Natural Gas Company, a Delaware corporation, having its principal place of business in El Paso, Texas, pursuant to section 7 of the Natural Gas Act, as amended, to authorize applicant to construct and operate the following described natural gas pipeline facilities, subject to the jurisdiction of the Federal Power Commission:

A 6-inch O. D. Loop Line beginning at Applicant's mile Post 35.3 miles located on Applicant's Globe-Miami Transmission Line, Hidalgo County, New Mexico, and from that point extending in a northwesterly direction 17 miles, parallel and adjacent to Applicant's 8⅝-inch transmission line, to another point in Hidalgo County, near Applicant's mile Post 52.3.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the above facilities for the purpose of increasing the capacity of its transmission pipeline system by 2½ million cubic feet of natural gas per day to meet present and future demands of existing customers;

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 16, 1947 (12 F. R. 2460);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 13th day of May, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennnsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceeding; *Provided, however,* That if no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: April 23, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3963; Filed, Apr. 25, 1947; 8:46 a. m.]

[1] Temporary certificate was granted on March 27, 1947, to construct and operate facilities in Docket No. G-881 subject to conditions imposed.

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 175]

RECONSIGNMENT OF ONIONS AT LITTLE ROCK, ARK.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Little Rock, Ark. April 14 to 18, 1947, by Sam Pat Veg. Co., of cars of onions, now on the Mo. Pac. to Savannah, Ga., WFEX 49626, (Mo. Pac.-NCSt.L-CofGa) and to Thomasville, Ga., ART 18729, (Mo. Pac.-L.&N.-ACL).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3888; Filed, Apr. 25, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 176]

RECONSIGNMENT OF POTATOES AT DECATUR, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Decatur, Ill., April 21, 1947, by N. Skallerup & Co., of car RD 24570, potatoes, now on the Wab. to Sikeston, Mo. (Wab-Frisco).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3961; Filed, Apr. 25, 1947; 8:46 a. m.]

[S. O. 692, Special Permit 1]

RECONSIGNMENT OF LUMBER AT CHARLOTTE, N. C.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 692 (12 F. R. 1685), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (h) of Service Order No. 692 insofar as it applies to the reconsignment April 21, 1947, of car AT&SF 135540, lumber, from Charlotte, North Carolina to Hickory, North Carolina, via P. & N. RR. to Pinoca, North Carolina, P. & N. to Gastonia, North Carolina, C. & N. W. beyond.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3962; Filed, Apr. 25, 1947; 8:46 a. m.]

[S. O. 718]

UNLOADING OF COMMODITIES AT MURRAY HILL, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of April A. D. 1947.

It appearing, that 3 cars containing stone at Murray Hill, N. J., on The Delaware, Lackawanna and Western Railroad Company, have been on hand under

load for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Commodities at Murray Hill, N. J., be unloaded.* The Delaware, Lackawanna and Western Railroad Company, its agents or employees, shall unload immediately cars LV 31254, CIL 32094 and CIL 31940, loaded with granite and polished limestone, now on hand at Murray Hill, N. J., consigned to Mahoney Troast Construction Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., April 24, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3960; Filed, Apr. 25, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-983]

PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of April A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the common stock, no par value, of Pennsylvania Power & Light Company, a security listed and registered on the New York Stock Exchange and Philadelphia Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to May 13, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3966; Filed, Apr. 25, 1947; 8:47 a. m.]

[File No. 70-1463]

STATEN ISLAND EDISON CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of April 1947.

Staten Island Edison Corporation ("Staten Island"), an indirect subsidiary of General Public Utilities Corporation, a registered holding company, having filed a declaration, as amended, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transaction:

Staten Island proposes to issue and sell for cash at principal amount to three commercial banks an aggregate of $1,000,000 principal amount of eleven month notes which will bear interest at the rate of 1½% per annum. The net cash proceeds of the sale of the notes are to be used for construction requirements of the company and to repay an outstanding $350,000 sixty-day 1½% promissory note maturing May 5, 1947.

Such declaration, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, as amended, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and deeming it appropriate to grant a request of declarant that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3968; Filed, Apr. 25, 1947; 8:47 a. m.]

[File No. 70-1499]

EAST COAST PUBLIC SERVICE CO. AND VIRGINIA EAST COAST UTILITIES, INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of April A. D. 1947.

East Coast Public Service Company, a registered holding company, and its public utility subsidiary company, Virginia East Coast Utilities, Incorporated, have filed a joint declaration pursuant to sections 7 and 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, regarding the proposed issue and sale by Virginia East Coast Utilities, Incorporated of its promissory note in the principal amount of $250,000, bearing interest at the rate of 2½% per annum and maturing on July 7, 1947, to the Baltimore National Bank of Baltimore, Maryland. The proceeds of such sale are to be used in part to retire its present loan of $200,000 from the Baltimore National Bank, and in part for the construction of property additions.

East Coast Public Service Company proposes to guarantee the repayment of such note with interest to the Baltimore National Bank.

Said joint declaration having been filed on the 4th day of April, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and request having been made for accelerated action upon the joint declaration; and

The Commission finding with respect to said joint declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration be permitted to become effective; and

The declarants having requested that the Commission take appropriate action to accelerate its order herein, and that the order become effective forthwith, and the Commission deeming it appropriate to grant such request;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said joint declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3967; Filed, Apr. 25, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8685]

OTTO BERNDT

In re: Estate of Otto Berndt, deceased. File D-28-10673; E. T. sec. 15025.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alwine Berndt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Otto Berndt, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charlotte Knofel, Administratrix, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3979; Filed, Apr. 25, 1947; 8:45 a. m.]

[Vesting Order 8692]

CHARLES F. GLUECK

In re: Estate of Charles F. Glueck, deceased. File No. D-28-11017; E. T. sec. No. 15461.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sofie Heinrich, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Charles F. Glueck, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by First Judge of Probate for Suffolk County, Boston, Massachusetts, acting under the judicial supervision of the Probate Court, Suffolk County, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3978; Filed, Apr. 25, 1947; 8:45 a. m.]

[Vesting Order 8695]

CHRISTIAN KALMBACH

In re: Estate of Christian Kalmbach, deceased. File D-28-8296, E. T. sec. 9520.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Michael Kalmbach, Lina Hartenstein, Heinrich Steinmetz, Eugen Steinmetz and Frieda Geibel, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs at law, next of kin, distributees, legatees and personal representatives of Nana Henco and the heirs at law, next of kin, distributees, legatees and personal representatives of Karl Steinmetz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Christian Kalmbach, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by First Judge of Probate for the County of Hampden, acting under the judicial supervision of the Probate Court of Hampden County, Massachusetts;

and it is hereby determined:

5. That to the extent that the above named persons and the heirs at law, next of kin, distributees, legatees and personal representatives of Nana Henco and the heirs at law, next of kin, distributees, legatees and personal representatives of Karl Steinmetz are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3980; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order 8697]

JOSEPHINE LEHMANN

In re: Estate of Josephine Lehmann, a/k/a Josephine Lebhmann, deceased. File No. D–28–3715; E. T. sec. 6178.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Horn, Herman Endrisz, Meda Endrisz, Eugen Endrisz, George Endrisz, Johann Endrisz, Maria Endrisz, a/k/a Marie Croner, Johanna Holderied, Melanie Sauter, Karl Kramer, Josephine Kramer, Johann Kramer and Rosa Kramer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Josephine Lehmann, a/k/a Josephine Lebhmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Industrial Trust Company as Depositary, acting under the judicial supervision of the Orphans' Court of Camden County, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3981; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order 8699]

LOUIS MADARASI

In re: Estate of Louis Madarasi, deceased. File D–34–848; E. T. sec. 14039.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Madarasi, Mary Madarasi Kish and Barbara (Barbola) Madarasi Alpek, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Louis Madarasi, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by George Madarasi as administrator, acting under the judicial supervision of the Probate Court of Mahoning County, Youngstown, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3982; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order 8703]

ANNA M. C. RICHARDS

In re: Estate of Anna M. C. Richards, deceased. File No. D–28–8222; E. T. sec. 9270.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Herman Wiechmann, Helene Jentsch, and Bertha Oettinghaus, and each of them, in and to the Estate of Anna M. C. Richards, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Herman Wiechmann, Germany.
Helene Jentsch, Germany.
Bertha Oettinghaus, Germany.

That such property is in the process of administration by Rochester Trust Company, as depositary, acting under the judicial supervision of the Probate Court, Strafford County, New Hampshire;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3983; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order 8733]

ANNA BANDY

In re: Estate of Anna Bandy, deceased. File No. D–34–782; E. T. sec. 11876.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miklosne Hanyics, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That the sum of $139.13 was paid to the Alien Property Custodian by the Public Administrator of the County of New York, Administrator of the Estate of Anna Bandy, deceased;

3. That the said sum of $139.13 was property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Hungary);

4. That the said sum of $139.13 is presently in the possession of the Attorney General of the United States and was property in the process of administration by the Public Administrator, Administrator of the Estate of Anna Bandy, deceased, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on June 26, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3984; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order 8735]

HINDA MARCUS

In re: Estate of Hinda Marcus, deceased. File No. D–57–396; E. T. sec. 13261.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anne Rabinowitz, whose last known address is Roumania, is a resident of Roumania and a national of a designated enemy country (Roumania);

2. That the sum of $200.00 was paid to the Alien Property Custodian by Belle Stern, Executrix of the Estate of Hinda Marcus, deceased;

3. That the said sum of $200.00 was property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country, (Roumania);

4. That the said sum of $200.00 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Belle Stern, Executrix of the Estate of Hinda Marcus, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Roumania);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on June 26, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3985; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order 8744]

ANNA FIBIER ET AL.

In re: Bank accounts owned by Anna Fibier and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, by The Farmers and Merchants National Bank of Los Angeles, Fourth and Main Streets, Los Angeles 13, California, arising out of the savings account, bearing the number and entitled as set forth opposite the name of each such individual in the aforesaid Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons listed in Exhibit A hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name of owner	Title of account	Account No.	OAP file No.
Anna Fibier	Anna Fibier, blocked account	3670	F–28–9693–E–1
Heinrich Bohnsack, also known as Henry Bohnsack.	Henrich Bohnsack, blocked account	3397	F–28–9328–E–1
H. Bohnsack	H. Bohnsack, blocked account	3536	F–28–21722–E–1
Martha Stuve, also known as Martha Stuewe.	Martha Stuewe, blocked account	3152	F–28–12388–E–1 F–28–12388–C–1
Mrs. A. Schulze, also known as Alwinze Schulze.	Mrs. A. Schulze, blocked account	3308	F–28–12191–E–1 F–28–12191–C–1
Henry Bohnsack, also known as Hermann Bohnsack.	Hermann Bohnsack, blocked account	3177	F–28–9329–E–1 F–28–9329–C–1
Frieda Bohnsack, also known as Frieda Grzegolick, also known as Frieda Grzegoleck.	Frieda Grzegoleck, blocked account	4137	F–28–9930–E–1 F–28–9930–C–1
Wilhelmine Lahl	Wilhelmine Lahl, blocked account	4131	F–28–12905–E–1 F–28–12905–E–2
Martin Bohnsack	Martin Bohnsack, blocked account	3316	F–28–9330–E–1 F–28–9330–C–1

[F. R. Doc. 47-3986; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order 8746]

BERNARD HOHL ET AL.

In re: Bank accounts owned by Bernard Hohl and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit A, by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of the savings ac-

counts, described in the manner set forth in Exhibit A, maintained at the branch office of the aforesaid bank located at 2100 West Pico Boulevard, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Names of owners and titles of accounts	Account No.	OAP file No.
Bernard Hohl	52163	F-28-25807-E-1. F-28-25807-C-1.
Sebastian Hohl	52164	F-28-25738-E-1. F-28-25738-C-1.
Vinzent Hohl	52165	F-28-25804-E-1. F-28-25804-C-1.

[F. R. Doc. 47-3987; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order 8749]

HENRY Y. AND SUYE OZAKI

In re: Bank account owned by Henry Y. Ozaki and Suye Ozaki. F-39-5828-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Y. Ozaki and Suye Ozaki, whose last known addresses are Tokoyo, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Peoples Trust and Savings Company, 913-915 Calhoun Street, Fort Wayne 2, Indiana, arising out of a Savings Account, Account Number 39448, entitled Henry Y. Ozaki: Joint with Suye Ozaki, wife, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Henry Y. Ozaki and Suye Ozaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3988; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order 8751]

FUJITO TAGAWA

In re: Bank account owned by Fujito Tagawa, also known as Fugito Tagawa. F-39-2824-E-1, F-39-2824-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fujito Tagawa, also known as Fugito Tagawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of American Trust Company, 464 California Street, San Francisco 20, California, arising out of a Savings Account, Account Number 3373, entitled Someru Fujihara, trustee for Fugito Tagawa, maintained at the Polk-California office of the aforesaid bank located at San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fujito Tagawa, also known as Fugito Tagawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3989; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order 8753]

SEIICHI WAKYMOTO

In re: Bank account owned by Seiichi Wakymoto, also known as S. Wakymoto. D-39-1191-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seiichi Wakymoto, also known as S. Wakymoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Seiichi Wakymoto, also known as S. Wakymoto, by Chase National Bank of the City of New York, 20 Pine Street, New York, N. Y., arising out of a Checking Account, entitled S. Wakymoto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3990; Filed, Apr. 25, 1947; 8:46 a. m.]

[Vesting Order CE 377]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Marco Combetto	Italy	Estate of Joseph Combetto, also known as J. Combetto, deceased, in the Superior Court of the State of California, in and for the County of Alameda.	$500	Bank of America: National Trust & Savings Association, 1200 Broadway, Oakland, Calif., Executor.	$8.00
		Item 2			
Maurizio Combetto	do	Same	$500	Same	8.00
		Item 3			
Enrico Combetto	do	Same	$500	Same	8.00
		Item 4			
Virginia Combetto	do	Same	$500	Same	8.00
		Item 5			
Adele Combetto	do	Same	$500	Same	8.00
		Item 6			
Margery Thompson Chiari	do	Estate of T. Arthur Thompson, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 159081.	Income of trust under will of T. Arthur Thompson, deceased.	Howard T. Wayne, 2552 New York Drive, Altadena, Calif., and Claude A. Wayne, 10901 Chalon Rd., Los Angeles, Calif.; Trustees.	70.00
		Item 7			
Blanche Bolt Maccaferri	do	Estate of Frank C. Bolt, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles; No. 98025.	Income from trust under will of Frank C. Bolt, deceased.	Security-First National Bank of Los Angeles, Trustee, 230 East Colorado St., Pasadena, Calif.	84.00
		Item 8			
Katherine Quay Ruspoli	do	Estate of Joseph M. Quay, deceased, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 24218.	Income of trust under will of Joseph M. Quay, deceased.	American Trust Company, Trustee, 464 California St., San Francisco, Calif.	51.00
		Item 9			
Robertina Pennazzi-Ricci	do	Guardianship Estate of Robertina Pennazzi-Ricci, a minor, in the Superior Court of the State of California, in and for the City and County of San Francisco; No. 99867.	Approximately $22,000.	Sylvester Andriano, guardian, 550 Montgomery St., San Francisco, Calif.	51.00

[F. R. Doc. 47-3993; Filed, Apr. 25, 1947; 8:47 a. m.]

[Vesting Order CE 378]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN MICHIGAN, IOWA, NORTH DAKOTA, MINNESOTA AND KANSAS COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative

action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interest in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Johann (John) Franken	Netherlands	Estate of Henry Franken, deceased, Probate Court, County of Marquette, Mich.	$1,218.16	Herbert J. Potter, Administrator, Jenks Block, Ishpeming, Mich.	$167.00
		Item 2			
Antoon Franken	do	Same	1,218.16	Same	167.00
		Item 3			
Nella (Petronella) Franken	do	Same	1,218.16	Same	167.00
		Item 4			
Johanna Franken	do	Same	1,218.16	Same	167.00
		Item 5			
Knut Gunnarsli	Norway	Estate of Thomas R. Felle, deceased, District Court, Iowa, Winnebago County, File No. 2821.	688.67	Mr. S. R. Torgeson, Administrator, c/o Farmers & Merchants State Bank, Lake Mills, Iowa.	45.00
		Item 6			
Ole Solvang	do	Same	688.67	Same	45.00
		Item 7			
Anne Gunnarsli	do	Same	688.67	Same	45.00
		Item 8			
Marit L. Gikling	do	Estate of O. J. Gravem, also known as Ole J. Gravem, also known as Ole Johnson Gravem, deceased, County Court of Burleigh County, N. Dak., case 2034.	7,044.08	Royal Norwegian Consul General, Minneapolis, Minn.	80.00
		Item 9			
Erik Rognstadhagen	do	Estate of Berthe Nelson, also known as Bertha Nelson, deceased, Probate Court of Chippewa County, Minn., No. 3855.	144.48	Royal Norwegian Consul General, Room 2002 Foshay Tower, Minneapolis 2, Minn.	21.00
		Item 10			
Martha Huse	do	Same	144.48	Same	21.00
		Item 11			
Franz (Frank) Schenk	Austria	Estate of Marie Schenk, deceased, Probate Court, Barton County, Kans., No. 4453.	4,591.03	Mr. Leonard W. Schneider, Administrator, Albert, Kans.	147.00
		Item 12			
Johann Hiemer	do	Same	360.92	Same	12.00
		Item 13			
Frank Hiemer	Czechoslovakia	Same	360.92	Same	12.00

[F. R. Doc. 47-3994; Filed, Apr. 25, 1947; 8:47 a. m.]

[Vesting Order CE 379]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN PENNSYLVANIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Silvia Lante	Italy	Estate of Susanna Lante, also known as Donna Susanna Lante Della Rovere, deceased, in the Orphans' Court of Philadelphia County, Pa.; No. 2521 of 1945.	$12,324.61	The Pennsylvania Company for Insurances on Lives and Granting Annuities, administrator, Philadelphia, Pa.	$31.00
		Item 2			
Angela Lante Martinengo	do	Same	12,324.61	Same	31.00
		Item 3			
G. Carlo Vezzani	do	Estate of Anne C. Paze, deceased, in Orphans' Court of Philadelphia County, Pa.; No. 1480 of 1941.	7483.35	Fidelity Philadelphia Trust Co. executor, Philadelphia, Pa.	50.00
		Item 4			
Felicia Penzara	do	Estate of Phillip Penzara, deceased, in Orphans' Court of Lackawanna County, Pa.; No. 777 of 1940.	4974.55	Elizabeth B. Schroeder, executrix, 75 Spring St., Carbondale, Pa.	39.00
		Item 5			
Virginia F. Bozzo	do	Estate of John Bozzo, also known as Giovanni Bozzo, deceased, in the Orphans' Court of Allegheny County, Pa.; No. 4658 of 1945.	397.09	Peoples First National Bank & Trust Co., administrator, Pittsburgh, Pa.	10.00
		Item 6			
Filippo Bozzo	do	Same	198.54	Same	5.00
		Item 7			
Francesco Bozzo	do	Same	198.54	Same	5.00
		Item 8			
Marietta Bozzo	do	Same	198.55	Same	5.00
		Item 9			
Teresa Bozzo Falcone	do	Same	198.55	Same	5.00
		Item 10			
Angelo Perri	do	Estate of Perri Modesto, deceased, in the Orphans' Court of Beaver County, Pa.; No. —, March term, 1947.	698.05	Joe Frivano, 174 Station St., Vittorio Mell, 320 4th Ave., Alfonsino Pancottino, 206 3rd Ave., Joe Baghetti, Oak St., Aliquippa, Pa.	15.00
		Item 11			
Salvatore Perri	do	Same	698.05	Same	15.00
		Item 12			
Mario Perri	do	Same	698.05	Same	15.00
		Item 13			
Caterina Perri	do	Same	698.05	Same	15.00

[F. R. Doc. 47-3995; Filed, Apr. 25, 1947; 8:47 a. m.]

[Vesting Order 8754]

YANASE AUTOMOBILE CO.

In re: Debt owing to Yanase Automobile Co. F-39-5280-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yanase Automobile Co., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yanase Automobile Co., by General Motors Overseas Operations, Division of General Motors Corporation, 1775 Broadway, New York 19, N. Y., in the amount of $128.39, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3991; Filed, Apr. 25, 1947; 8:47 a. m.]

[Vesting Order CE 380]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

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tive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Filomena Peluso Danello	Italy	Estate of D'Anello Paolo, also known as Paolo Danello, deceased, Surrogate's Court, Erie County, N. Y.	$1,325.41	The County Treasurer of Erie County, Buffalo, N. Y.	$34.00
		Item 2			
Christina Danello	do	Same	883.61	Same	10.00
		Item 3			
Carmen Danello	do	Same	883.61	Same	10.00
		Item 4			
Luigi Danello	do	Same	883.61	Same	10.00
		Item 5			
The issue of Giovanni Vitellaro, deceased.	do	Estate of Salvatore Vitellaro, deceased, Surrogate's Court, Queens County, N. Y.; Docket No. 865/1934.	644.93	Sarah Sick and James J. Conroy, administrators, c. t. a., 171-25 41st Ave., Flushing, Queens County, N. Y.	10.00
		Item 6			
Paul Vitellaro or his issue	do	Same	644.93	Same	10.00
		Item 7			
The issue of Vincenzina Gallo, deceased.	do	Same	644.93	Same	10.00
		Item 8			
Francesco Morrone	do	Estate of Joseph A. Morroney, deceased, Surrogate's Court, New York County, N. Y., Docket No. P-2842/1944.	5,010.48	Virginia Giamundo, executrix, 28 Grandview Ave., Mt. Vernon, N. Y.	30.34
		Item 9			
Maria Morrone Petrosino	do	Same	5,010.48	Same	30.33
		Item 10			
Rachela Morrone Crisel	do	Same	5,010.48	Same	30.33
		Item 11			
Nicolo Greco	do	Estate of Salvatore Greco, deceased, Surrogate's Court, New York County, N. Y.; Docket No. A-1433/1944.	[1] $2,000.00	Public Administrator, County of New York, Hall of Records, 31 Chamber St., New York, N. Y.	165.72
		Item 12			
Alice Yvonne Lieberman	do	Trust under will of Pauline Horrmann, deceased, Surrogate's Court, Richmond County, N. Y.; Docket No. 5154-1917.	(2)	Bankers Trust Co., substituted trustee, c/o Guggenheimer & Untermyer, 30 Pine St., New York, N. Y.	73.00

[1] Approximately.
[2] Remainder interest in trust for Pauline Uhl, deceased, under will of Pauline Horrmann, deceased.

[F. R. Doc. 47-3996; Filed, Apr. 25, 1947; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 12 NUMBER 84

Washington, Tuesday, April 29, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9843

AUTHORIZING THE SECRETARY OF THE NAVY TO TRANSFER CERTAIN VESSELS AND MATERIAL AND TO FURNISH CERTAIN ASSISTANCE TO THE REPUBLIC OF CHINA

WHEREAS the act of July 16, 1946, Public Law 512, Seventy-ninth Congress, provides, in part:

"That notwithstanding the provisions of any other law, the President is authorized, whenever in his discretion the public interests render such a course advisable, or will assist in relieving United States forces of duty in China or putting the Government of the Republic of China in better position to protect or improve the safety of navigation in its waters, to provide to the Republic of China such naval services, training, plans, and technical advice as he may deem proper; and to dispose of naval vessels and craft, not to exceed two hundred and seventy-one vessels and craft under authority of this Act, which are in excess of the naval needs of the United States, floating drydocks of capacity sufficient to accommodate any vessel or craft disposed of under authority of this Act, and material necessary for the operation and maintenance of the vessels and craft disposed of under authority of this Act and for the training of the crews of such vessels and craft, to the Republic of China by sale, exchange, lease, gift, or transfer for cash, credit, or other property, with or without warranty, or upon such other terms and conditions as he may deem proper: *Provided*, That prior to the disposition under the authority of this Act of any battleship, aircraft carrier of any type, cruiser, destroyer (but not destroyer escort), or submarine the President shall first obtain the authority of the Congress in each instance: *Provided further*, That no information, plans, advice, material, documents, blueprints, or other papers, bearing a secret or top-secret classification shall be disposed of or transferred under authority of this Act.

"SEC. 2. The President is authorized, upon application from the Republic of China, and whenever in his discretion the public interests render such a course advisable, to detail not to exceed one hundred officers and two hundred enlisted men of the United States Navy and Marine Corps to assist the Republic of China in naval matters: *Provided*, That United States naval or Marine Corps personnel shall not accompany Chinese troops, aircraft, or ships on other than training maneuvers or cruises * * *."

WHEREAS the Republic of China has requested the United States to transfer to it certain specified naval vessels, craft, and floating drydocks, and to furnish it certain technical advice and assistance in connection with the organization and maintenance by it of a naval establishment; and

WHEREAS such vessels and craft are in excess of the naval needs of the United States; and

WHEREAS it appears that the transfer of such vessels, craft, and floating drydocks, and the furnishing of such advice and assistance to the Republic of China would be in accordance with the conditions and limitations of the said act of July 16, 1946, and would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by the said act of July 16, 1946, and as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

SECTION 1. Subject to the conditions and limitations contained in the said act of July 16, 1946, the Secretary of the Navy is authorized:

(a) To transfer to the Republic of China without compensation the said vessels, craft, and floating drydocks.

(b) To repair, outfit, and equip the vessels, craft, and floating drydocks which are to be transferred under paragraph (a) of this section, and to transfer material deemed by the Secretary of the Navy to be necessary for the operation and maintenance of the vessels and craft so transferred, all on the basis of cash reimbursement of the cost thereof by the Republic of China.

(c) To furnish to the Republic of China such plans, blueprints, documents, and other information in connection with such vessels, craft, and floating drydocks, and such technical information and advice in connection with the organization and maintenance of a naval establishment by the Republic of China which has not been classified as secret or top-secret as the Secretary of the Navy may deem proper.

(d) To train personnel for the operation of such vessels, craft, and floating drydocks, and for such other naval purposes as the Secretary of the Navy may deem proper.

(e) To detail not more than one hundred officers and two hundred enlisted men of the United States Navy or Marine Corps to assist the Republic of China in naval matters under such conditions and subject to such rules and regula-

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FEDERAL REGISTER

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tions as the Secretary of the Navy may prescribe.

SEC. 2. The authority hereby granted shall be exercised by the Secretary of the Navy subject to concurrence by the Secretary of State; and if at any time the Secretary of State shall determine that the transfer of further vessels and craft or material would not be in the public interest, such transfers shall be discontinued.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 25, 1947.

[F. R. Doc. 47-4118; Filed, Apr. 28, 1947; 11:02 a. m.]

EXECUTIVE ORDER 9844

DESIGNATING THE UNITED STATES MISSION TO THE UNITED NATIONS AND PROVIDING FOR ITS DIRECTION AND ADMINISTRATION

By virtue of and pursuant to the authority vested in me by the United Nations Participation Act of 1945 (59 Stat. 619) and as President of the United States, and for the purpose of defining further the functions of the Representative of the United States at the seat of the United Nations in connection with the participation of the United States in the United Nations, it is hereby ordered as follows:

1. The Representative at the seat of the United Nations, the Deputy Representative to the Security Council, Representatives in the Economic and Social Council and its Commissions, the Trusteeship Council, the Atomic Energy Commission, the Commission for Conventional Armaments and the Military Staff Committee, and representatives to organs and agencies of the United Nations hereafter appointed or designated and included within the United States Mission to the United Nations herein provided for, together with their deputies, staffs and offices, shall be known as the United States Mission to the United Nations.

2. The Representative of the United States at the seat of the United Nations shall be the Chief of Mission in charge of the United States Mission to the United Nations. The Chief of Mission shall coordinate at the seat of the United Nations the activities of the Mission in carrying out the instructions of the President transmitted either by the Secretary of State or by other means of transmission as directed by the President. Instructions to the Representatives of the Joint Chiefs of Staff in the Military Staff Committee of the United Nations shall be transmitted by the Joint Chiefs of Staff. On request of the Chief of Mission, such Representatives shall, in addition to their responsibilities under the Charter of the United Nations, serve as advisers in the United States Mission to the United Nations.

3. The Chief of Mission shall also be responsible for the administration of the Mission, including personnel, budget, obligation and expenditure of funds, and the central administrative services; provided that he shall not be responsible for the internal administration of the personnel, budget, and obligation and expenditure of funds of the United States Representatives in the Military Staff Committee. The Chief of Mission shall discharge his responsibilities under this paragraph in accordance with such rules and regulations as the Secretary of State may from time to time prescribe.

4. This order shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 28, 1947.

[F. R. Doc. 47-4139; Filed, Apr. 28, 1947; 12:04 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

TRANSFER OF FUNCTIONS TO STATE DIRECTORS

Paragraph (d) of § 300.1 (11 F. R. 14221; 12 F. R. 1915) of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 300.1 *General functions and organization of the Farmers Home Administration.* * * *

(d) *Transfer of functions to State Directors.* The authority of regional (FSA) directors and regional (ECFL) managers for the administration of the FHA program within a state, territory, or possession (except with respect to fiscal and accounting functions of regional (ECFL) managers in connection with loan servicing, which have been transferred to Area Finance Offices, and the authority for which is vested in the Area Finance Managers) is vested in each state FHA director, effective, with respect to each function of the regional (FSA) director or regional (ECFL) manager, upon the effective date of the transfer of such function to the state FHA director. The following is a list of the states, territories, and possessions under the direction of state FHA directors, the location of state offices, the functions transferred to the state FHA director, and the effective date of the vesting of the authority for each function:

(1) Alabama; Montgomery, Alabama. Effective March 3, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects, except with regard to Casa Grande Valley Farms and Eleven Mile Corner projects.

(3) Arkansas; Little Rock, Arkansas. Effective March 3, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(4) California; San Francisco, California. Effective February 28, 1947: Servicing of accounts transferred to the Farm Home Administration from the Farm Credit Administration. Effective March 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of project; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(5) Colorado: Denver, Colorado. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective April 7, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to

the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(6) Connecticut; Boston, Massachusetts. Effective February 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended, making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(7) Delaware; Baltimore, Maryland. Effective March 7, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(8) Florida; Gainesville, Florida. Effective March 3, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, servicing and supervision of cooperative activities. Effective March 17, 1947: Liquidation of projects; and, servicing and supervision of cooperative activities.

(9) Georgia; Atlanta, Georgia. Effective March 3, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, supervision of medical, dental and hospital care activities. Effective March 17, 1947: Liquidation of projects; and, servicing and supervision of cooperative activities.

(10) Idaho; Salt Lake City, Utah. Effective February 22, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 23, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 31, 1947. Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(11) Illinois; Champaign, Illinois. Effective January 20, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective January 27, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, servicing and supervision of cooperative activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities. Effective April 1, 1947: Liquidation of projects.

(12) Indiana; La Fayette, Indiana. Effective January 20, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective January 27, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, servicing and supervision of cooperative activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities. Effective April 1, 1947: Liquidation of projects.

(13) Iowa; Des Moines, Iowa. Effective January 20, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective January 27, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, servicing and supervision of cooperative activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities. Effective April 1, 1947: Liquidation of projects.

(14) Kansas; Topeka, Kansas. Effective March 10, 1947. Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(15) Kentucky; Lexington, Kentucky. Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 24, 1947: Supervision of medical, dental and hospital care activities.

(16) Louisiana; Alexandria, Louisiana. Effective March 3, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 24, 1947: Supervision of medical, dental and hospital care activities.

(17) Maine; Bangor, Maine. Effective February 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 7, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Accomack and Northampton counties, Virginia, effective February 25, 1947, and Maryland, effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(18) Maryland, and Accomack and Northampton counties, Virginia; Baltimore, Maryland. Accomack and Northampton counties, Virginia, effective February 25, 1947; and Maryland, effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 7, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Accomack and Northampton counties, Virginia, effective February 25, 1947, and Maryland, effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(19) Massachusetts; Boston, Massachusetts. Effective February 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(20) Michigan; East Lansing, Michigan. Effective February 28, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective April 21, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; srvicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, servicing and supervision of cooperative activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities. Effective April 1, 1947: Liquidation of projects.

(21) Minnesota; St. Paul, Minnesota. Effective February 28, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective April 1, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective April 21, 1947: Liquidation of projects.

(22) Mississippi; Jackson, Mississippi. Effective February 10, 1947. Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 3, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration; and liquidation of projects.

(23) Missouri; Columbia, Missouri. Effective January 20, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective January 27, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, servicing and supervision of cooperative activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities. Effective April 1, 1947: Liquidation of projects.

(24) Montana; Bozeman, Montana. Effective February 22, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective April 7, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration;

liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(25) Nebraska; Lincoln, Nebraska. Effective March 10, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(26) Nevada; San Francisco, California. Effective February 28, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(27) New Hampshire; Boston, Massachusetts. Effective February 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervison of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(28) New Jersey; New Brunswick, New Jersey. February 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities. Effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(29) New Mexico; Albuquerque, New Mexico. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 31, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act, servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration; and, liquidation of projects. Effective April 25, 1947; Servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(30) New York; Ithaca, New York. Effective February 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(31) North Carolina; Raleigh, North Carolina. Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenact Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; and servicing and supervision of cooperative activities. Effective March 3, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 24, 1947: Supervision of medical, dental, and hospital care activities.

(32) North Dakota; Bismarck, North Dakota. Effective February 28, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(33) Ohio; Columbus, Ohio. Effective January 20, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective January 27, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, servicing and supervision of cooperative activities. Effective February 3, 1947: Supervision of medical, dental and hospital care activities. Effective April 1, 1947: Liquidation of projects.

(34) Oklahoma; Oklahoma City, Oklahoma. Effective February 27, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of

the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(35) Oregon; Portland, Oregon. Effective February 21, 1947: Making and servicing of Water Facilities loans under the Pope-Jones Act. Effective February 22, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 10, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; and debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration. Effective March 31, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(36) Pennsylvania; Harrisburg, Pennsylvania. Effective March 7, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(37) Rhode Island; Boston, Massachusetts. Effective February 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 24, 1947: Supervision of medical, dental and hospital care activities.

(38) South Carolina; Columbia, South Carolina. Effective March 3, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, servicing of accounts transferred to the Farmers Home Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, supervision of medical, dental and hospital care activities. Effective March 17, 1947: Liquidation of projects, and, servicing and supervision of cooperative activities.

(39) South Dakota; Huron, South Dakota. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, supervision of medical, dental and hospital care activities. Effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(40) Tennessee; Nashville, Tennessee. Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; and, servicing and supervision of cooperative activities. Effective March 3, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 24, 1947: Supervision of medical, dental and hospital care activities.

(41) Texas; Dallas, Texas. Effective February 27, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 24, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(42) Utah; Salt Lake City, Utah. Effective February 28, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; liquidation of projects; and, servicing and supervision of cooperative activities. Effective March 31, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; and, supervision of medical, dental and hospital care activities.

(43) Vermont; Boston, Massachusetts. Effective February 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of ac-

counts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective April 1, 1947: Debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration.

(44) Virginia; Richmond, Virginia. Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of acccunts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; and, servicing and supervision of cooperative activities. Effective March 7, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 24, 1947: Supervision of medical, dental and hospital care activities.

(45) Washington; Portland, Oregon. Effective February 21, 1947: Making and servicing of Water Facilities loans under the Pope-Jones Act. Effective February 22, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 10, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; and, debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration. Effective March 31, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(46) West Virginia; Morgantown, West Virginia. Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective March 7, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 24, 1947: Supervision of medical, dental, and hospital care activities.

(47) Wisconsin; Milwaukee, Wisconsin (temporary): Effective February 28, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 17, 1947: Making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities. Effective April 7, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended. Effective April 21, 1947: Liquidation of projects.

(48) Wyoming; Casper, Wyoming. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of Water Facilities loans under the Pope-Jones Act; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(49) Alaska; Portland, Oregon. Effective March 10, 1947: Making and servicing P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; and, debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration. Effective March 17, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration. Effective March 31, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(50) Hawaii; San Francisco, California. Effective March 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; liquidation of projects; servicing and supervision of cooperative activities; and, supervision of medical, dental and hospital care activities.

(51) Puerto Rico; San Juan, Puerto Rico. Effective March 7, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration.

(60 Stat. 1062; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520)

Dated: April 21, 1947.

[SEAL] DILLARD B. LASSETER,
Administrator.

Approved: April 24, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4032; Filed, Apr. 28, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts,[1] Amdt. 106, (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS

The application of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is terminated in the Baldwin County defense-rental area; in the Imperial County defense-rental area; in a portion of the Panama City defense-rental area; in the Toccoa defense-rental area; in the Valdosta defense-rental area; in the Coeur d'Alene-Pend Orielle defense-rental area; in the Twin Falls defense-rental area; in a portion of the Columbus, Indiana defense-rental area; in a portion of the Evansville-Henderson defense-rental area; in a portion of the La Fayette defense-rental area; in the Eastern Shore defense-rental area; in a portion of the Escanaba-Marquette defense-rental area; in a portion of the Grand Rapids-Muskegon defense-rental area; in the Hillsdale defense-rental area; in the Hancock defense-rental area; in the Ludington defense-rental area; in the Sault Ste. Marie defense-rental area; in the Traverse City defense-rental area; in the Butte defense-rental area; in the Dawes County defense-rental area; in the Fairbury defense-rental area; in the York defense-rental area; in the Carson City defense-rental area; in a portion of the Southern New Jersey defense-rental area; in a portion of the Cincinnati defense-rental area; in a portion of the Cleveland defense-rental area; in the Clinton-Elk City defense-rental area; in the Bend defense-rental area; in the Watertown defense-rental area; in the Brownwood defense-rental area; in the Dalhart defense-rental area; in the Paris, Texas defense-rental area; in the Pecos defense-rental area; in the Winkler County defense-rental area; in the Grand Coulee defense-rental area; in a portion of the Port Angeles-Port Townsend defense-rental area; in the Shelton defense-rental area; in a portion of the Bluefield defense-rental area and in the Rawlins defense-rental area; and consequently, the above-named areas and portions of areas are decontrolled. Items 1a, 27b, 79, 80, 81, 82a, 139c, 150a, 150b, 154, 156a, 157a, 175d, 176b, 176c, 182a, 183b, 244, 252a, 285a, 306, 309a, 325, 326, 333b, 349a, 352a, and 369d of Schedule A of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts are hereby revoked, and Items 62, 97, 100, 104, 149a, 150, 188a, 227, 228, 351 and 354b are amended to read as follows:

[1] 11 F. R. 13032, 13056, 13305, 14013, 14187.

Name of Defense-Rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(62) Panama City	Florida	Bay County, except the portion bounded on the north by the line beginning at the western boundary of Bay County at the Northwest corner of Section 31, Township 2 South, Range 17 west, and running thence East along section lines to the water's edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	do	Gulf	do	Dec. 1, 1942	Jan. 15, 1943
(97) Columbus, Indiana	Indiana	Bartholomew, Johnson, Morgan, and Shelby	do	Sept. 1, 1942	Oct. 16, 1942
	do	Lawrence	do	Nov. 1, 1942	Dec. 15, 1942
	do	Jackson	do	Dec. 1, 1942	Jan. 15, 1943
(100) Evansville-Henderson	do	Vanderburgh	do	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	do	do	Do.
(104) La Fayette	Indiana	Fountain and Tippecanoe	do	Nov. 1, 1942	Dec. 15, 1942
(149a) Escanaba-Marquette	Michigan	Dickinson and Marquette	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(150) Grand Rapids Muskegon	do	Muskegon	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	do	Kent	do	Dec. 1, 1942	Jan. 15, 1943
(188a) Southern New Jersey	New Jersey	Burlington, Camden, and Gloucester	do	July 1, 1942	Aug. 31, 1942
	do	Salem	do	Nov. 1, 1942	Dec. 15, 1942
	do	Cumberland	do	Dec. 1, 1942	Jan. 15, 1943
(227) Cincinnati	Ohio	Butler, Clermont, Hamilton, and Warren	do	Nov. 1, 1942	May 31, 1943
	Kentucky	Campbell and Kenton	do	do	Do.
(288) Cleveland	Ohio	County of Cuyahoga and in the County of Lake the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 31, 1942
	do	County of Lake other than the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	do	do	Do.
(351) Port Angeles-Port Townsend	Washington	Clallam	Mar. 1, 1942	Nov 1, 1942	Dec. 16, 1942
(354b) Bluefield	West Virginia	Mercer County	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
		McDowell, Mingo, Raleigh and Wyoming	do	May 1, 1946	June 15, 1946
	Virginia	Bluefield Town in Tazewell County	do	Apr. 1, 1946	May 15, 1946

This amendment shall become effective May 1, 1947.

Issued this 28th day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 114 to the Rent Regulation for Housing and Amendment 106 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

By these amendments the application of the rent regulations is terminated in the Baldwin County defense-rental area, consisting of Baldwin County in Alabama; in the Imperial County defense-rental area, consisting of Imperial County in California; in the Toccoa defense-rental area, consisting of Stephens County in Georgia; in the Valdosta defense-rental area, consisting of Lowndes County in Georgia; in the Coeur d'Alene-Pend Orielle defense-rental area, consisting of Bonner and Kootenai Counties in Idaho; in the Twin Falls defense-rental area, consisting of Cassia, Minidoka and Twin Falls Counties in Idaho; in the Eastern Shore defense-rental area, consisting of Dorchester, Wicomico and Worcester Counties in Maryland and Accomac County in Virginia; in the Hillsdale defense-rental area, consisting of Hillsdale County in Michigan; in the Hancock defense-rental area, consisting of Houghton County in Michigan; in the Ludington defense-rental area, consisting of Mason County in Michigan; in the Sault Ste. Marie defense-rental area, consisting of Chippewa County in Michigan; in the Traverse City defense-rental area, consisting of Grand Traverse County in Michigan; in the Butte defense-rental area, consisting of Silver Bow County in Montana; in the Dawes County defense-rental area, consisting of Dawes County in Nebraska; in the Fairbury defense-rental area, consisting of Jefferson County in Nebraska; in the York defense-rental area, consisting of York County in Nebraska; in the Carson City defense-rental area, consisting of Ormsby County in Nevada; in the Clinton-Elk City defense-rental area, consisting of Beckham, Custer, and Washita Counties in Oklahoma; in the Bend defense-rental area, consisting of Deschutes County in Oregon; in the Watertown defense-rental area, consisting of Codington County in South Dakota; in the Brownwood defense-rental area, consisting of Brown, Coleman and Comanche Counties in Texas; in the Dalhart defense-rental area, consisting of Dallan, Hartley, Moore and Sherman Counties in Texas; in the Paris, Texas defense-rental area, consisting of Lamar County in Texas, and Choctaw County in Oklahoma; in the Pecos defense-rental area, consisting of Reeves and Ward Counties in Texas; in the Winkler County defense-rental area, consisting of Winkler County in Texas; in the Grand Coulee defense-rental area, consisting of that portion of Grant County lying north of the South Line of Township 23 North in Washington; in the Shelton defense-rental area, consisting of Mason County in Washington; in the Rawlins defense-rental area, consisting of Carbon County in Wyoming; in a portion of the Panama City defense-rental area, consisting of the part of Bay County bounded on the north by the line beginning at the western boundary of Bay County at the northwest corner of Section 31, Township 2 South, Range 17 west and running thence East along section lines to the water's edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County in Florida; in a portion of the Columbus, Indiana defense-rental area, consisting

of Brown County in Indiana; in a portion of the Evansville-Henderson defense-rental area, consisting of Union County in Kentucky; in a portion of the La Fayette defense-rental area, consisting of Warren County in Indiana; in a portion of the Escanaba-Marquette defense-rental area, consisting of Delta County in Michigan; in a portion of the Grand Rapids-Muskegon defense-rental area, consisting of Ottawa County in Michigan; in a portion of the Southern New Jersey defense-rental area, consisting of Cape May County in New Jersey; in a portion of the Cincinnati defense-rental area, consisting of Boone County in Kentucky; in a portion of the Cleveland defense-rental area, consisting of Geauga County in Ohio; in a portion of the Port Angeles-Port Townsend defense-rental area, consisting of Jefferson County in Washington; and in a portion of the Bluefield defense-rental area, consisting of Boone, Fayette and Summers Counties in West Virginia.

It is the judgment of the Temporary Controls Administrator, that these amendments are necessary and proper in order to effecutate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-4133; Filed, Apr. 28, 1947; 11:49 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 114 (§§ 1388, 1181)]

HOUSING

The application of the rent regulation for housing is terminated in the Baldwin County defense-rental area; in the Imperial County defense-rental area; in a portion of the Panama City defense-rental area; in the Toccoa defense-rental area; in the Valdosta defense-rental area; in the Coeur d'Alene-Pend Orielle defense-rental area; in the Twin Falls defense-rental area; in a portion of the Columbus, Indiana defense-rental area; in a portion of the Evansville-Henderson defense-rental area; in a portion of the La Fayette defense-rental area; in the Eastern Shore defense-rental area; in a portion of the Escanaba-Marquette defense-rental area; in a portion of the Grand Rapids-Muskegon defense-rental area; in the Hillsdale defense-rental area; in the Hancock defense-rental area; in the Ludington defense-rental area; in the Sault Ste. Marie defense-rental area; in the Traverse City defense-rental area; in the Butte defense-rental area; in the Dawes County defense-rental area; in the Fairbury defense-rental area; in the York defense-rental area; in the Carson City defense-rental area; in a portion of the Southern New Jersey defense-rental area; in a portion of the Cincinnati defense-rental area; in a portion of the Cleveland defense-rental area; in the Clinton-Elk City defense-rental area; in the Bend defense-rental area; in the Watertown defense-rental area; in the Brownwood defense-rental area; in the Dalhart defense-rental area; in the Paris, Texas defense-rental area; in the Pecos defense-rental area; in the Winkler County defense-rental area; in the Grand Coulee defense-rental area; in a portion of the Port Angeles-Port Townsend defense-rental area; in the Shelton defense-rental area; in a portion of the Bluefield defense-rental area and in the Rawlins defense-rental area; and consequently, the above-named areas and portions of areas are decontrolled. Items 1a, 27b, 79, 80, 81, 82a, 139c, 150a, 150b, 154, 156a, 157a, 175d, 176b, 176c, 182a, 183b, 244, 252a, 285a, 306, 309a, 325, 326, 333b, 349a, 352a and 369d of Schedule A of the rent regulation for housing are hereby revoked, and Items 62, 97, 100, 104, 149a, 150, 188a, 227, 228, 351 and 354b are amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(62) Panama City	Florida	Bay County, except the portion bounded on the north by the line beginning at the western boundary of Bay County at the Northwest corner of section 31, Township 2 South, Range 17 west, and running thence East along section lines to the water's edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Gulf	do	Dec. 1, 1942	Jan. 15, 1943
(97) Columbus, Indiana	Indiana	Bartholomew, Johnson, Morgan, and Shelby	do	Sept. 1, 1942	Oct. 16, 1942
	do	Lawrence	do	Nov. 1, 1942	Dec. 16, 1942
	do	Jackson	do	Dec. 1, 1942	Jan. 15, 1943
(100) Evansville-Henderson	do	Vanderburgh	do	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	do	do	Do.
(104) La Fayette	Indiana	Fountain and Tippecanoe	do	Nov. 1, 1942	Dec. 16, 1942
(149a) Escanaba-Marquette	Michigan	Dickinson and Marquette	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(150) Grand Rapids-Muskegon	do	Muskegon	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	do	Kent	do	Dec. 1, 1942	Jan. 15, 1943
(188a) Southern New Jersey	New Jersey	Burlington, Camden and Gloucester	do	July 1, 1942	Aug. 15, 1942
	do	Salem	do	Nov. 1, 1942	Dec. 16, 1942
	do	Cumberland	do	Dec. 1, 1942	Jan. 15, 1943
(227) Cincinnati	Ohio	Butler, Clermont, Hamilton, and Warren	do	Nov. 1, 1942	[1] May 31, 1943
	Kentucky	Campbell and Kenton	do	do	do
(228) Cleveland	Ohio	County of Cuyahoga and in the County of Lake the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	June 1, 1942	July 15, 1942
	do	County of Lake other than the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 15, 1942
(351) Port Angeles-Port Townsend	Washington	Clallam	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(354b) Bluefield	West Virginia	Mercer County	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
	do	McDowell, Mingo, Raleigh and Wyoming	do	May 1, 1946	June 15, 1946
	Virginia	Bluefield Town in Tazewell County	do	Apr. 1, 1946	May 15, 1946

[1] Except registrations required by Amendment 87 which must be filed by July 15, 1946.

This amendment shall become effective May 1, 1947.

Issued this 28th day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[1] 11 F. R. 12055, 13028, 13309, 14013, 14189; 12 F. R. 229, 920, 1443, 1984.

Statement to accompany Amendment L14 to the rent regulation for housing and amendment 106 to the rent regulation for transient hotels, residential hotels, rooming houses and motor courts

By these amendments the application of the rent regulations is terminated in the Baldwin County defense-rental area, consisting of Baldwin County in Alabama; in the Imperial County defense-rental area, consisting of Imperial County in California; in the Toccoa defense-rental area, consisting of Stephens County in Georgia; in the Valdosta defense-rental area, consisting of Lowndes County in Georgia; in the Coeur d'Alene-Pend Orielle defense-rental area, consisting of Bonner and Kootenai Counties in Idaho; in the Twin Falls defense-rental area, consisting of Cassia, Minidoka and Twin Falls Counties in Idaho; in the Eastern Shore defense-rental area, consisting of Dorchester, Wicomico and Worcester Counties in Maryland and Accomac County in Virginia; in the Hillsdale defense-rental area, consisting of Hillsdale County in Michigan; in the Hancock defense-rental area, consisting of Houghton County in Michigan; in the Ludington defense-rental area, consisting of Mason County in Michigan; in the Sault Ste. Marie defense-rental area, consisting of Chippewa County in Michigan; in the Traverse City defense-rental area, consisting of Grand Traverse County in Michigan; in the Butte defense-rental area, consisting of Silver Bow County in Montana; in the Dawes County defense-rental area, consisting of Dawes County in Nebraska; in the Fairbury defense-rental area, consisting of Jefferson County in Nebraska; in the York defense-rental area, consisting of York County in Nebraska; in the Carson City defense-rental area, consisting of Ormsby County in Nevada; in the Clinton-Elk City defense-rental area, consisting of Beckham, Custer, and Washita Counties in Oklahoma; in the Bend defense-rental area, consisting of Deschutes County in Oregon; in the Watertown defense-rental area, consisting of Codington County in South Dakota; in the Brownwood defense-rental area, consisting of Brown, Coleman and Comanche Counties in Texas; in the Dalhart defense-rental area, consisting of Dallam, Hartley, Moore and Sherman Counties in Texas; in the Paris, Texas defense-rental area, consisting of Lamar County in Texas, and Choctow County in Oklahoma; in the Pecos defense-rental area, consisting of Reeves and Ward Counties in Texas; in the Winkler County defense-rental area, consisting of Winkler County in Texas; in the Grand Coulee defense-rental area, consisting of that portion of Grant County lying North of the South Line of Township 23 North in Washington; in the Shelton defense-rental area, consisting of Mason County in Washington; in the Rawlins defense-rental area, consisting of Carbon County in Wyoming; in a portion of the Panama City defense-rental area, consisting of the part of Bay County bounded on the north by the line beginning at the western boundary of Bay County at the northwest corner of Section 31, Township 2 South, Range 17 west and running thence East along section lines to the water's edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County in Florida; in a portion of the Columbus, Indiana defense-rental area, consisting of Brown County in Indiana; in a portion of the Evansville-Henderson defense-rental area, consisting of Union County in Kentucky; in a portion of the La Fayette defense-rental area, consisting of Warren County in Indiana; in a portion of the Escanaba-Marquette defense-rental area, consisting of Delta County in Michigan; in a portion of the Grand Rapids-Muskegon defense-rental area, consisting of Ottawa County in Michigan; in a portion of the Southern New Jersey defense-rental area, consisting of Cape May County in New Jersey; in a portion of the Cincinnati defense-rental area, consisting of Boone County in Kentucky; in a portion of the Cleveland defense-rental area, consisting of Geauga County in Ohio; in a portion of the Port Angeles-Port Townsend defense-rental area, consisting of Jefferson County in Washington; and in a portion of the Bluefield defense-rental area, consisting of Boone, Fayette and Summers Counties in West Virginia.

It is the judgment of the Temporary Controls Administrator, that these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-4134; Filed, Apr. 28, 1947; 11:49 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 1, Amdt. 1]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

War Assets Administration Regulation 1, March 25, 1947, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located Within the Continental United States, Its Territories and Possessions" (12 F. R. 2249), is hereby amended in the following respects:

1. Paragraph (c) of § 8301.2 is hereby deleted.

2. Paragraphs (d) and (e) of § 8301.2 are redesignated (c) and (d) respectively, and the redesignated paragraph (d) is amended to read as follows:

(d) *All other property; War Assets Administration.* The War Assets Administration is hereby designated as disposal agency for all real and personal property of every type and classification located in the continental United States, declared surplus by owning agencies, except those types and classifications specifically assigned to other disposal agencies under this part: *Provided*, That:

(1) The Federal Works Agency is designated as disposal agency for all section 23 real property which was assigned to it for disposal prior to the 29th day of January 1947;

(2) The National Housing Agency is designated as disposal agency for all residential and other property which was assigned to it for disposal prior to the 29th day of January 1947; and

(3) The Department of Agriculture is designated as disposal agency for agricultural commodities and food processed from agricultural commodities described in declarations filed prior to the 1st day of May 1947.

3. The last sentence of § 8301.10 which reads "This section shall not apply to agricultural commodities and foods." is hereby deleted.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This amendment shall become effective May 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 23, 1947.

[F. R. Doc. 47-4136; Filed, Apr. 28, 1947; 11:56 a. m.]

[Reg. 1,[1] Amdt. 1 to Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES FOR FILING DECLARATIONS OF SURPLUS PROPERTY BY OWNING AGENCIES

War Assets Administration Regulation 1, Order 2, April 7, 1947, entitled "Location of Disposal Agency Offices for Filing Declarations of Surplus Property by Owning Agencies" (12 F. R. 2515), is hereby amended in the following respects.

1. The subheading "Department of Agriculture" appearing in § 8301.52 (c), together with the three lines thereunder which read "Production and Marketing Administration (Attention: Surplus Property), Washington 25, D. C." are hereby deleted.

2. Paragraph (d) of § 8301.52 is amended by redesignating it as subparagraph (d) (1) and by adding a new subparagraph (d) (2) which shall read as follows:

(2) Declarations of surplus agricultural commodities and foods processed from agricultural commodities shall be filed with the War Assets Administration, Washington 25, D. C.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This amendment shall become effective May 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 23, 1947.

[F. R. Doc. 47-4137; Filed, Apr. 28, 1947; 11:56 a. m.]

[1] Reg. 1 (12 F. R. 2249).

[Reg. 22, Amdt. 2]

PART 8322—PRICING AND DISTRIBUTION POLICY FOR CONSUMER GOODS

War Assets Administration Regulation 22, November 30, 1946, as amended January 29, 1947, entitled "Pricing and Distribution Policy for Consumer Goods" (11 F. R. 14106; 12 F. R. 1058), is hereby further amended by deleting from the first sentence of § 8322.2 the words "other than agricultural commodities and foods processed from agricultural commodities',".

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This amendment shall become effective May 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 23, 1947.

[F. R. Doc. 47-4138; Filed, Apr. 28, 1947; 11:56 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

UNION PACIFIC RAILROAD COMPANY BRIDGE, TACOMA, WASH.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.795 (g) is hereby amended by modifying the closed periods for the Union Pacific Railroad Company bridge near South Fifteenth Street, to read as follows:

§ 203.795 *City Waterway at Tacoma, Wash.; bridge,* * * *

SPECIAL REGULATIONS

(g) * * *

Union Pacific Railroad Company bridge near South Fifteenth Street; opening signal. * * *

Closed periods. Between the hours of 7:15 a. m. and 8:00 a. m. and 4:15 p. m. and 5:00 p. m. the draw need not be opened: *Provided,* That during such periods the draw shall be promptly opened if necessary to prevent disaster to shipping.

[Regs. 9 Apr. 1947 (C. E. 823 City Waterway-Tacoma, Wash.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4028; Filed, Apr. 28, 1947; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 250—PUBLIC SALES

SALE OF LOTS IN EAST ADDITION TO KODIAK TOWN SITE, ALASKA

CROSS REFERENCE: For notice concerning sale and prices of lots in the East Addition to Kodiak Town Site, Alaska, see F. R. Document 47-4000, under Department of the Interior, Bureau of Land Management, in the Notices section, *infra.*

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 48]

REGULATIONS UNDER PRODUCE AGENCY ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as hereinafter proposed, of the regulations (7 CFR and Supps. 48.1 et seq.) under the so-called Produce Agency Act (44 Stat. 1355; 7 U. S. C. 494), entitled "An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them."

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision shall file the same, in quadruplicate, with the Hearing Clerk, Room 0308 South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after publication of this notice in the FEDERAL REGISTER.

The proposed revised regulations are as follows:

DEFINITIONS

Sec.
48.1 Meaning of words.
48.2 Definitions.

ADMINISTRATION

48.3 Administrator.

VIOLATIONS

48.4 Destroying or dumping.
48.5 False report or statement.
48.6 Failure to account.

CERTIFICATES OF INSPECTION

48.7 Inspection and certification.
48.8 Certificates; issuance; contents.
48.9 Application for inspection and certification; how made; contents.
48.10 Copy of certificate to Administrator.

COMPLAINTS

48.11 Filing of complaints.

AUTHORITY: §§ 48.1 to 48.11, inclusive, issued under 44 Stat. 1355; 7 U. S. C. 491-497.

DEFINITIONS

§ 48.1 *Meaning of words.* Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 48.2 *Definitions.* Unless the context otherwise requires, the following terms shall be construed as follows:

(a) "Act" means "An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others, and to require them truly and correctly to account for all farm produce received by them," approved March 3, 1927 (44 Stat. 1355; 7 U. S. C. 491-497).

(b) "Person" means an individual, partnership, association or corporation.

(c) "Secretary" or "Secretary of Agriculture" means the Secretary of the United States Department of Agriculture or any preson to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(d) "Administration" means the Production and Marketing Administration, United States Department of Agriculture.

(e) "Administrator" means the Administrator of the Production and Marketing Administration, United States Department of Agriculture, or any officer or employee of the Administration to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(f) "Produce" means all fresh fruits and fresh vegetables generally considered by the trade as perishable fruits and vegetables, melons, dairy or poultry products, or any perishable farm products of any kind or character.

(g) "Truly and correctly to account" means, unless otherwise stipulated by the parties, that the consignee of produce shall, within ten days after the final sale is made of any produce received for sale on consignment in interstate commerce or in the District of Columbia, render to the consignor thereof a true and correct itemized statement of the gross sales as well as all selling charges and all other charges or expenses paid and a statement of the net proceeds or deficit, and make full payment to the consignor of the net proceeds so received together with a full explanation of the disposition of any and all produce not sold,

(h) "Good and sufficient cause" means, with respect to destroyed, abandoned, discarded, or dumped produce, that the produce so dealt with had no commercial value, or that some other legal justification for so dealing with such produce existed, such as an order of condemnation by a health officer or definite authority from the shipper.

(i) "Commercial value" means any value that the produce may have for any purpose that can be ascertained in the exercise of due diligence by the consignee without unreasonable expense or loss of time.

ADMINISTRATION

§ 48.3 *Administrator.* The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the administration and enforcement of the provisions of the act and the regulations in this part.

VIOLATIONS

§ 48.4 *Destroying or dumping.* Any person, receiving produce in interstate commerce or in the District of Columbia for or on behalf of another, who, without good and sufficient cause, shall destroy or abandon, discard as refuse, or dump any produce, directly or indirectly or through collusion with any person, shall be considered to have violated the act.

§ 48.5 *False report or statement.* Any person, receiving produce in interstate commerce or in the District of Columbia for or on behalf of another, shall be considered to have violated the act if, knowingly and with intent to defraud, he makes any false report or statement to the person from whom such produce was received concerning the handling, condition, quality, quantity, sale, or disposition thereof.

§ 48.6 *Failure to account.* Any person, receiving produce in interstate commerce or in the District of Columbia for or on behalf of another, shall be considered to have violated the act, if, knowingly and with intent to defraud, he fails truly and correctly to account to the person from whom such produce was received.

CERTIFICATES OF INSPECTION

§ 48.7 *Inspection and certification.* The classes of persons described in paragraphs (a), (b), and (c) of this section are hereby designed to make inspections regarding the quality and condition of produce received in interstate commerce or in the District of Columbia, and to issue certificates setting forth the quality and condition of such produce which is to be destroyed, abandoned, discarded as refuse, or dumped. Any person shipping, receiving, or financially interested in such produce may make application for such inspection to the designated classes of persons.

(a) Any person authorized by the United States Department of Agriculture to inspect fruits and vegetables under any law (including, but not being limited to, the so-called Farm Products Inspection Law (59 Stat. 158, 7 U. S. C. 414) or any amendment thereto, and the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, as amended, 7 U. S. C. 499a et seq.)), providing for the market inspection of farm products;

(b) Any health officer or food inspector of any State, county, parish, city, or municipality or of the District of Columbia;

(c) When, and only when, no inspector or health officer, designated in paragraph (a) or (b) of this section, is available, the inspection and certification provided herein may be made by any two persons having no financial interest in the produce involved or in the business of any person financially interested therein, and who are unrelated by blood or marriage to any such financially interested person, and who at the time of the inspection and certification, and for a period of at least one year immediately prior thereto, have been engaged in the handling of the same general kind or class of produce with respect to which the inspection and certification are to be made. Any certificate issued by any persons designated in this paragraph must include a statement that each of them possesses the requisite qualifications.

§ 48.8 *Certificates; issuance; contents.* Each certificate issued under the act and pursuant to the regulations in this part must identify the particular lot of produce inspected; name the commodity; give the date upon which the inspection was made; state the quantity of the produce, the name and address of the agent handling the same and the fee, if any, charged therefor; and shall certify as to the quality and condition of such produce, and that it was without commercial value at the time of inspection.

§ 48.9 *Application for inspection and certification; how made; contents.* Application for inspection may be filed with the person or persons authorized to make such inspection or with anyone employed in such person's office and may be made in writing or by telegraph, or orally or by telephone. If made orally, the person or persons requested to make the inspection may require that it be confirmed in writing by the applicant. The application must show the name and address of the shipper, the name and address of the applicant, and the location and description of the produce, with marks, brands, or other specific identification if practicable.

§ 48.10 *Copy of certificate to the Administrator.* Any person issuing a certificate under the regulations in this part must mail promptly a copy of the certificate to the Administrator, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

COMPLAINTS

§ 48.11 *Filing of complaints.* Any person having reason to believe that the act or the regulations in this part have been violated should submit promptly all available facts with respect thereto to the Administrator for investigation and appropriate action.

Done at Washington, D. C., this 23d day of April 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4011; Filed, Apr. 28, 1947; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Circular No. 1646]

ALASKA

SALE OF LOTS IN EAST ADDITION TO KODIAK TOWN SITE

1. *Statutory authority.* The lots in the East Addition to Kodiak Town Site, Alaska, will be disposed of under Section 2381, Revised Statutes (43 U. S. C. 712). The town site plat of survey No. 2538B for this addition was accepted on February 17, 1942, and officially filed on January 29, 1947.

2. *Lots, areas, and minimum prices.* The lots which will be offered for sale, and the areas and minimum prices thereof, are shown in the attached schedule.

3. *Public sale.* The lots will be offered for sale by the Regional Administrator or his representative at public outcry to the highest bidder at Kodiak, Alaska, on May 26, 1947, beginning at 10 a. m. The sale will be continued from day to day as long as may be necessary until all the lots have been offered.

4. *Payments.* No lot shall be sold for less than the appraised price. Full payment may be made in cash on the date of sale, or one-fourth of the purchase price may be paid in cash at that time and the balance in not to exceed three equal annual installments, with interest at the rate of four percent per annum to the date of payment. Payment on the date of sale must be made to the officer conducting the sale. The deferred installments, with the interest, must be paid to the Manager, District Land Office, Anchorage, Alaska.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States or that he has declared his intention to become such a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in Alaska.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but

may not be made by mail nor at any time or place other than that fixed by these regulations. Any person may purchase any number of lots for which he is the successful bidder.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Forfeitures for nonpayment.* If any person who has made partial payment on a lot fails to make any succeeding payment required under these regulations, at the date such payment becomes due, the money theretofore paid and his right to the lot will be forfeited.

9. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale will be subject to private entry for cash at their appraised value, and lots the rights to which have been declared forfeited for nonpayment of any installment of the purchase price will be subject to private entry for cash at such purchase price.

10. *Reservations.* Patents for the lots, when issued, will contain a reservation of fissionable materials and conditions and limitations as provided by the Act of August 1, 1946 (60 Stat. 755). Patents will also contain reservations of rights-of-way for ditches or canals in accordance with the act of August 30, 1890 (26 Stat. 391), and for the construction of railroads and telegraph and telephone lines as provided by the act of March 12, 1914 (38 Stat. 305).

11. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code of the United States (18 U. S. C. 113).

(R. S. 453, 2381, 2478; 43 U. S. C. 2, 712, 1201)

FRED W. JOHNSON,
Director.

Approved: April 11, 1947.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

SCHEDULE SHOWING LOT AND BLOCK NUMBERS, AREAS, AND APPRAISED VALUES OF LOTS IN THE EAST ADDITION TO KODIAK TOWN SITE, ALASKA, WHICH WILL BE OFFERED FOR SALE AT PUBLIC OUTCRY UNDER CIRCULAR NO. 1646

Block	Lot	Area in square feet	Appraised value
20	1	5,980	$250
	2	6,135	250
	3	5,865	250
	4	5,315	250
	5	4,773	250
	6	4,223	250
	7	3,682	150
	8	3,131	150
	9	5,000	100
	10	5,000	100
	11	5,000	100
	12	5,000	100
	13	5,000	100
	14	5,000	100
	15	5,000	100
	16	5,000	100
29	1	5537	250
	2	4847	250
	3	5005	250
	4	5162	250
	5	5319	250
	6	5476	250
	7	5634	250
	8	5000	100
	9	5000	100
	10	5000	100
	11	5000	100
	12	5000	100
	13	5000	100
	14	6779	100
30	1	6687	200
	2	5509	200
	3	6952	200
	4	8230	300
	5	8083	300
	6	7713	300
	7	7780	300
	8	7899	300
	9	8018	300
31	1	8,078	250
	2	7,568	250
	3	7,138	250
	4	6,667	250
	5	6,197	250
	6	5,727	250
	7	5,257	250
	8	4,786	250
	9	5,736	250
	10	1,631	50
	11	2,892	100
	12	4,334	100
	13	5,000	150
	14	5,000	150
	15	5,000	150
	16	5,000	150
32	1	3,834	150
	2	5,628	150
	3	7,642	250
	4	8,001	250
	5	8,223	250
	6	5,000	150
	7	5,000	150
	8	5,000	150
	9	5,000	150
	10	5,000	150
	11	5,000	150
	12	5,379	150
33	1	5,244	250
	2	4,533	250
	3	6,369	300
	4	6,651	300
	5	7,057	300
	6	9,269	300
	7	6,233	300
	8	6,757	150
	9	5,000	150
	10	5,000	150
	11	5,000	150
	12	5,000	150
	13	5,000	150
	14	5,000	150
	15	5,000	150
36	1	5,250	200
	2	5,249	200
	3	5,248	200
	4	5,248	200
	5	5,247	200
	6	5,246	200
	7	5,245	200
	8	5,245	250
	9	5,000	150
	10	5,000	150
	11	5,000	150
	12	5,000	150
	13	5,000	150
	14	5,000	150
	15	5,000	150
	16	5,000	150
37	1 to 16	[1] 5,000	[1] 100
38	1 to 16	[1] 5,000	[1] 100

[1] Each lot.

[F. R. Doc. 47-4000; Filed, Apr. 28, 1947; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent telephone learner regulations, July 17, 1944 (9 F. R. 7125):

The special learner certificates issued to the following companies under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See Regulations, Part 522, § 522.083.

Hooper Telephone Company, Hooper, Nebraska; effective April 13, 1947, expiring April 12, 1948.

Primghar Telephone Company, Primghar, Iowa; effective April 10, 1947, expiring April 9, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at Washington, D. C., this 16th day of April, 1947.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 47-4025; Filed, Apr. 28, 1947; 8:50 a. m.]

ROBERT S. CONLAN AND ASSOCIATES

NOTICE OF GRANTING OF EXCEPTION FROM CERTAIN RECORD-KEEPING REQUIREMENTS

Pursuant to section 11 (c) of the Fair Labor Standards Act of 1938 and § 516.18 of the record-keeping regulations, Part 516, as amended, notice is hereby given of the granting of an exception to Robert S. Conlan & Associates, Kansas City, Missouri, from the requirements of keeping records as provided in § 516.11 of the regulations, including the requirement of keeping homework handbooks for their employees who are engaged in their homes in interviewing persons by telephone, *Provided,* That the company maintains, with respect to such employees, the records required under § 516.2 of the regulations; *And provided further,* That the company furnishes to each such employee, and instructs him to preserve for not less than two years, the following records: (1) A record of the number of hours worked each day during the workweek; (2) the date of the workweek; (3) the straight time, overtime and total earnings of the employees each pay period; (4) deductions from and additions to earnings, if any, and (5) the net amount paid the employee.

This exception is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at Washington, D. C. this 16th day of April 1947.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 47-4026; Filed, Apr. 28, 1947; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2839]

WESTERN AIRLINES, INC., AND UNITED AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Western Air Lines, Inc., and United Air Lines, Inc., under sections 401, 408 and 412 of the Civil Aeronautics Act of 1938, as amended, for an order approving an agreement for the sale of certain properties and the transfer and amendment of a certificate of public convenience and necessity for route No. 68, and amendment of a certificate of public convenience and necessity for route No. 1.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 5, 1947, at 10 a. m., eastern standard time, at the Carlton Hotel, 16th and K Streets NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Without limiting the scope of the issues involved in this application, particular attention will be directed to the following matters:

1. Whether the transfer of the certificate under section 401 (i) of the act is consistent with the public interest.

2. Whether the agreement requires approval under section 408 (a) (2) of the Civil Aeronautics Act and, if so, whether it meets the statutory tests prescribed by the act.

3. Whether the agreement, insofar as section 412 of the act is applicable, is adverse to the public interest or is in violation of the act.

4. Inasmuch as the application requests in the event of approval of the agreement that United's certificate for route No. 1 be amended to include route No. 68, whether the public convenience and necessity requires such amendment under section 401 (h) of the act.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board on or before May 5, 1947, a statement setting forth the issues of fact or of law, raised by said application, which he desires to controvert.

For further details of the authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated Washington, D. C., April 24, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4027; Filed, Apr. 28, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CURRENT AM CONSTRUCTION AND OPERATING COSTS

QUESTIONNAIRE TO NEW STATIONS

APRIL 14, 1947.

Considerable interest has been shown by construction permit holders and applicants in the current cost of entering the standard broadcast industry and in the average revenues and expenses of new AM stations. A substantial number of AM stations have gone on the air since VJ-Day, and their experience offers a basis for making a realistic appraisal of the present situation with respect to these facts.

Accordingly, the Commission is mailing to each station authorized since October 8, 1945, a one-page questionnaire asking information on actual construction costs and monthly expenses and revenues. It is hoped that these reports will be returned to the Commission on or before April 30.

When study of these reports is completed, the over-all results will be made public, but individual station data will not be disclosed.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4035; Filed, Apr. 28, 1947; 8:46 a. m.]

MUNICIPAL POLICE VHF RADIO CHANNELS

APRIL 17, 1947.

Frequency service-allocation reports for the non-government fixed and mobile services operating in the 30-40 Mc, 72-76 Mc and 152-162 Mc bands (Docket No. 6651) have been adopted and related public notices released (Nos. 3529, 95684 and 3544). Since a majority of the presently available equipment is not capable of adjacent channel operation, normally only alternate channels will be assigned at the present time. The attached list contains a summary of such alternate VHF channels available for assignment to municipal police radio stations.

Pending revision of Part 10 of the Commission's rules and regulations, certain of the alternate channels have been tentatively designated as "land" or "mobile" to aid in the proper selection of channels. Channels designated "mobile" are for assignment to mobile units exclusively. Channels designated "land" are primarily for assignment to land stations, but may also be assigned to mobile units associated with land stations operating on the specific channel.

In order to expedite the handling of applications, it is suggested that in areas where frequency assignment groups are organized each request for a new frequency or a change of frequency be accompanied by a statement from the appropriate state or area frequency assignment group indicating approval of the frequency requested.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

SUMMARY OF MUNICIPAL POLICE VHF RADIO CHANNELS

30-40 Mc Band [1]		*72-76 Mc Band*	
Mc		*Mc*	
37.02	Mobile	73.82	Land
37.10	Land	73.90	Land
37.18	Land	73.98	Mobile
37.26	Land	74.06	Mobile
37.34	Mobile	74.14	Mobile
37.42	Mobile	74.22	Land
39.02	Land	74.30	Land
39.10	Land	74.38	Land
39.18	Land	74.46	Land
39.26	Mobile	74.54	Land
39.34	Mobile	*152-162 Mc Band*	
39.42	Land		
39.50	Land	154.65	Mobile
39.58	Land	154.77	Mobile
39.66	Mobile	154.89	Mobile
39.74	Mobile	155.01	Land
39.82	Land	155.13	Land
39.90	Land	155.25	Land
39.98	Land	155.37	Land
72-76 Mc Band		155.49	Land
		155.61	Land
73.18	Mobile	155.73	Land
73.26	Mobile	155.85	Mobile
73.34	Mobile	155.97	Mobile
73.42	Land	156.09	Mobile
73.50	Land	156.21	Land
73.58	Land	156.33	Land
73.66	Land	156.45	Land
73.74	Land	156.57	Land
		156.69	Land

[F. R. Doc. 47-4037; Filed, Apr. 28, 1947; 8:46 a. m.]

[1] Certain 30-40 Mc channels may not be available in all areas until July 1, 1950. A committee of Panel 13, Radio Technical Planning Board, is presently studying the problem of conversion from th interspersed 30-40 Mc service-allocation plan to the new block plan and will advise the Commission of its findings on or before August 1, 1947.

[Docket Nos. 7560, 7562]

S. H. PATTERSON AND S. H. PATTERSON (KVAK)

ORDER CONTINUING HEARING

In re applications of S. H. Patterson, Topeka, Kansas, File No. BP-4389, Docket No. 7560; S. H. Patterson (KVAK) Atchison, Kansas, File No. BP-4317, Docket No. 7562, for construction permits.

The Commission having scheduled a further consolidated hearing on the above-entitled applications for 10:00 o'clock a. m. Monday, April 21, 1947, at Washington, D. C.;

It appearing, that public interest, convenience, and necessity will be served by a continuance of said further hearing; and that the applicants consent thereto;

It is ordered, This 18th day of April 1947, on the Commission's own motion, that the said further consolidated hearing on the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m. Wednesday, May 21, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4053; Filed, Apr. 28, 1947; 8:52 a. m.]

[Docket No. 7913]

JOE V. WILLIAMS, JR.

ORDER CONTINUING HEARING

In re application of Joe V. Williams, Jr., Chattanooga, Tennessee, Docket No. 7913, File No. BP-4816, for construction permit.

The Commission having under consideration a petition filed April 15, 1947 by Joe V. Williams, Jr., Chattanooga, Tennessee requesting a continuance in the hearing upon its above-entitled application which is presently scheduled for April 21, 1947 at Washington, D. C.;

It is ordered, This 18th day of April, 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to Monday, May 12, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4054; Filed, Apr. 28, 1947; 8:52 a. m.]

[Docket Nos. 7982, 8087, 8088]

WESTERN UNION TELEGRAPH CO.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of The Western Union Telegraph Company. Investigation of plans to discontinue, reduce or impair service and standards to be applied. For an authorization under section 214 of the Communications Act of 1934, as amended (Kansas City, Missouri). For an authorization under section 214 of the Communications Act of 1934, as amended (Dallas, Texas).

The Commission at its regular meeting on April 17, 1947, postponed the Oral Argument in the above-entitled proceeding, heretofore scheduled to be held before the Commission on May 7, 1947 to May 23, 1947 at ten o'clock a. m. in Room 6121 of the offices of the Commission at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4040; Filed, Apr. 28, 1947; 8:48 a. m.]

[Docket Nos. 7987, 8057]

PRESS WIRELESS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Press Wireless, Inc., Docket No. 8057, File Nos. 6514-MLHT-B, 6515-MLHT-B; for modification of licenses to permit the handling of deferred commercial messages. In re applications of Press Wireless, Inc., Docket No. 7987, File Nos. 10367-MLHT-B, 10368-MLHT-B; for modification of licenses to permit the handling of administrative press messages.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 17th day of April 1947:

The Commission having under consideration the applications filed on February 12, 1947, and amendments thereto filed on March 27, 1947, by Press Wireless, Inc., for modification of its licenses in the fixed public press service and for special temporary authority, to permit the handling of messages not ordinarily falling within the press classification, but which relate to the operation and business administration of press, radio and other entities engaged in the gathering and dissemination of news or information for publication, broadcast, or other public dissemination; and also having under consideration the objections filed by RCA Communications, Inc., All American Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., to a grant of the aforementioned applications; and

It appearing, that the Commission upon examination of the above-described applications is unable to determine that public interest, convenience or necessity would be served by the granting thereof;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the above-described amended applications of Press Wireless, Inc., are designated for hearing for the following reason:

1. To determine whether there is a public need for the use of applicant's telegraph communication channels for the handling of administrative press messages which cannot be met adequately by existing cable facilities and the facilities of radio carriers in the fixed public service;

2. To determine the nature of the service proposed to be rendered by the applicant, including the charges and divisions thereof, the practices and regulations in connection therewith, as compared to the services now offered by the applicant;

3. To determine the relationship between the service proposed herein and the service proposed by the applicant in connection with its applications now pending in the proceedings in Docket No. 8057;

4. To determine the relative speed of service and scheduled hours of operation of the proposed service as compared with the service of competing cable and radio carriers;

5. To determine the extent to which applicant's authorized frequencies and facilities would be used for rendering the proposed service and whether such use is the most desirable and efficient use thereof from the standpoint of providing the United States public with rapid and efficient communication service;

6. To determine what effect, if any, the rendition of the proposed service by the applicant will have upon the communication services now being rendered by the applicant and upon the communication services rendered by other carriers furnishing foreign telegraph communication service;

7. To determine applicant's financial ability to provide the necessary physical equipment, offices and personnel in order to render the proposed service;

8. To determine the effect which the rendition of the proposed service would have on applicant's financial condition and on its ability to serve the public as a press carrier;

9. To determine any other relevant facts which would indicate whether or not a grant of the above-described applications would serve public interest, convenience or necessity;

It is further ordered, That the proceedings herein are consolidated with the proceedings in Docket No. 8057;

It is further ordered, That Press Wireless, Inc., is made a party respondent to these proceedings; that The Western Union Telegraph Company, RCA Communications, Inc., Commercial Pacific Cable Company, All America Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., interveners in the proceedings in Docket No. 8057, are hereby given leave to intervene and participate fully in the proceedings herein; and that a copy hereof be served upon each of the above named carriers, and upon all other carriers subject to the Communications Act of 1934, as amended, engaged in rendering telegraph communication service between the United States and foreign points.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4041; Filed, Apr. 28, 1947; 8:48 a. m.]

JOHN J. DEMPSEY

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of January 1947;

The Commission having under consideration the petition of John J. Dempsey, filed with the Commission on March 22, 1946, individually and as Governor of the State of New Mexico, requesting the Commission to investigate the charges contained in said petition and to take appropriate action thereon, and

It appearing, that said petition alleges, in substance, that the Albuquerque Broadcasting Company, licensee of Radio Station KOB, Albuquerque, New Mexico, through its sole stockholder, T. M. Pepperday, publisher of the Albuquerque Journal, a daily newspaper, has permitted the use of said radio station for broadcast purposes by one, Larry Bynon, and

It appearing further, that said petition alleges that the broadcasts of said Larry Bynon were designed to advance the editorial policies of said T. M. Peppperday on public questions of major importance without properly identifying the sponsor of such programs, and

It appearing further, that said petition alleges that said licensee of Station KOB has failed to comply with the provisions of section 317 of the Communications Act of 1934, as amended, and § 3.409 of the Commission's rules and regulations, in that it failed to identify the sponsors of said Bynon's broadcasts, and

It appearing further, that said Albuquerque Broadcasting Company has filed a response containing its "comments" regarding the allegations set forth in said petition, substantially denying the acts of wrongdoing alleged therein, and

It appearing further, that a reply to said "comments" has been filed by petitioner, and further "comments" have been filed by the licensee, and

It appearing further, that said petition, "comments" and reply have raised certain questions concerning the matters contained therein which require clarification, supplementation and further verification, and

It appearing further, that such clarification, supplementation and verification can best be obtained by the institution by the Commission, on its own motion, of an inquiry into the facts pursuant to sections 4 (i) and 403 of the Communications Act of 1934, as amended.

It is ordered, That said petition of John J. Dempsey, be, and it is hereby, designated for hearing, at a time and place to be fixed by subsequent order, for the purpose of inquiring into and ascertaining full information concerning the following matters which have been placed in issue by said petition, "comments" and reply:

1. Whether the Albuquerque Broadcasting Company, licensee of Radio Station KOB, through its sole stockholder, T. M. Pepperday, has used or permitted the use of the licensee's broadcast facilities by any person or persons for the purpose of advancing the editorial policies of said licensee, or of said T. M. Pepperday, on questions of public interest;

2. Whether the acts set forth in item "1" above occurred in connection with the broadcasts of said Larry Bynon on January 16 and 23, 1946; February 1, 8, 15, and 22, 1946; and March 1, 8, 15 and 22, 1946;

3. Whether the Albuquerque Broadcasting Company has at all times identified the sponsor of the broadcasts made by said Larry Bynon on the dates set forth in item "2" above, as required by section 317 of the Communications Act of 1934, as amended, and § 3.409 of the Commission's rules and regulations;

4. Full information concerning the programs broadcast over the facilities of Radio Station KOB by said Larry Bynon on the dates set forth in item "2" above, including the facts and circumstances surrounding these broadcasts.

It is further ordered, That the Hearing Officer to be designated to preside at said hearing shall not prepare any decision in this proceeding but shall certify the record of the hearing to the Commission for its consideration.

Notice is hereby given that the provisions of § 1.857 of the Commission's rules and regulations shall be applicable to the hearing designated herein.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4034; Filed, Apr. 28, 1947; 8:48 a. m.]

[Docket No. 8057]

PRESS WIRELESS, INC.

ORDER CONTINUING HEARING

In re application of Press Wireless, Inc., Docket No. 8057; File Nos. 6514-MLHT-B, 6515-MLHT-B, for modification of licenses to permit the handling of deferred commercial messages.

The Commission, having been informally advised by all the parties herein that they have no objection to a continuance of the hearing now set for April 28, 1947;

It is ordered, This 15th day of April 1947, that the hearing herein, now scheduled for April 28, 1947, is continued to May 27, 1947.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4047; Filed, Apr. 28, 1947; 8:49 a. m.]

[Docket Nos. 8165, 8166]

CEDAR VALLEY BROADCASTING CO. AND MASON CITY BROADCASTING CO.

ORDER AMENDING ISSUES

In re applications of Cedar Valley Broadcasting Company, Austin, Minnesota, Docket No. 8165, File No. BP-5085; Louis Wolf, Abbott E. Wolf, J. George Worf and William Robert Worf, doing business as Mason City Broadcasting Company, Mason City, Iowa, Docket No. 8166, File No. BP-5324; for construction permits.

The Commission having under consideration a petition filed March 18, 1947 by Cedar Valley Broadcasting Company, Austin, Minnesota, requesting leave to enlarge the issues in the above-entitled proceeding so as to include the following issues:

1. To determine the amount and character of overlap in service between the proposed new station at Mason City, Iowa, and Station KATE, located at Albert Lea, Minnesota, the areas and populations involved and the service, if any, rendered therein by any other broadcast station.

2. To determine the interest in Albert Lea-Austin Broadcasting Company, Inc., the licensee of Station KATE and the offices in said corporation held by any of the applicants in Docket No. 8166, as well as any other connections between said applicants and said Radio Station KATE,

and

It appearing that the issues requested are too general and that the standard issue used by the Commission regarding questions of overlap is preferable;

It is ordered, This 18th day of April 1947, that the petition be, and it is hereby, granted in part; and the issues in the above-entitled proceeding, dated February 27, 1947 be, and they are hereby, enlarged to include the following: To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KATE at Albert Lea Minnesota the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4052; Filed, Apr. 28, 1947; 8:51 a. m.]

[Docket Nos. 8257, 8258]

ELLIS COUNTY BROADCASTING CO. AND TEXAS STAR BROADCASTING CO.

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ellis County Broadcasting Company, Waxahachie, Texas, Docket No. 8257, File No. BP-5339; Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of March, 1947;

The Commission having under consideration the above-entitled applications of Ellis County Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 730 kc, with 250 w power daytime only, at Waxahachie, Texas, and

Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 740 kc, with power of 10 kw day and 5 kw night, unlimited time, employing a directional antenna, at Dallas, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communication Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4042; Filed, Apr. 28, 1947; 8:48 a. m.]

[Docket Nos. 8271, 8272, 8311]

BARTELL BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bartell Broadcasting Company, Madison, Wisconsin, Docket No. 8271, File No. BP-5508; Chicago Federation of Labor (WCFL), Chicago, Illinois, Docket No. 8272, File No. BMP-2486; Capital Broadcasting Company, Lincoln, Nebraska, Docket No. 8311, File No. BP-5495; for construction permits.

At a session of the Federal Communications Commissions, held at its offices in Washington, D. C., on the 17th day of April 1947;

The Commission having under consideration the above-entitled application of Capital Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1000 kc, with 10 kw power, daytime only, at Lincoln, Nebraska; and

It appearing, that the Commission on March 27, 1947, designated for hearing in a consolidated proceeding the applications of Bartell Broadcasting Company (File No. BP-5508; Docket No. 8271) requesting a construction permit for a new standard broadcast station to operate on 1010 kc, with 1 kw power, daytime only, at Madison, Wisconsin, and Chicago Federation of Labor (WCFL) (File No. BMP-2486; Docket No. 8272) requesting a modification of construction permit to change the directional antenna pattern of Station WCFL, Chicago, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Capital Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of KTOK, Inc. (File No. BP-4763; Docket No. 7775) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the Commission's order, dated March 27, 1947, designating the above-entitled applications of Bartell Broadcasting Company and Chicago Federation of Labor (WCFL) for hearing in a consolidated proceeding, be, and it is hereby, amended to include the above-entitled application of Capital Broadcasting Company and to include among the issues for hearing Issue No. 7, stated above.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4045; Filed, Apr. 28, 1947; 8:49 a. m.]

[Docket No. 8279]

FOUNDATION CO. OF WASHINGTON

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Foundation Company of Washington, Washington, D. C., Docket No. 8279, File No. BP-4997, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of April 1947;

The Commission having under consideration its action of March 20, 1947, dismissing, without prejudice, the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 580 kc, with 5 kw power, unlimited time, employing a directional antenna, at Washington, D. C.;

It is ordered, That said action of March 20, 1947, dismissing without prejudice, the above-entitled application and the order therefor, be and they are hereby, rescinded and vacated; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, and said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WQQW, Washington, D. C., or with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of The Patriot Company, Harrisburg, Pennsylvania (File No. BP-4091, Docket No. 6884), WHP, Inc. (File No. BP-4334, Docket No. 7115), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be incompliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Metropolitan Broadcasting Corporation, licensee of Station WQQW, Washington, D. C. be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4051; Filed, Apr. 28, 1947; 8:51 a. m.]

[Docket No. 8298]

R. I. BROADCASTING CO. (WEPL)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of R. I. Broadcasting Company (WEPL), Providence, Rhode Island, Docket No. 8298, File No. BMP-2479, for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for modification of a construction permit from 250 w to 1 kw, daytime only, to install a new transmitter, make changes in vertical antenna and to change transmitter location, using the assigned frequency of 1220 kc at Providence, Rhode Island;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WEPL as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WEPL as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the station as proposed would involve objectionable interference with station WWON, Woonsocket, Rhode Island, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in the pending application of Scenic City Broadcasting Co., Inc., Middletown, Rhode Island (File No. BP-4902), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WEPL as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Associated Electronic Enterprises, licensee of Station WWON, Woonsocket, Rhode Island, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4043; Filed, Apr. 28, 1947; 8:49 a. m.]

[Docket No. 8303]

DEMOCRAT PRINTING CO. (KSEO)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of R. F. Story and Bennett Story d/b as Democrat Printing Company (KSEO), Durant, Oklahoma, Docket No. 8303, File No. BMP-2566, for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of April 1947;

The Commission having under consideration the above-entitled application of construction permit so as to permit operation of station KSEO on the frequency 1340 kc with 250 watts power, unlimited time, rather than on the frequency 750 kc with 250 watts power, daytime only, as authorized in its present construction permit (File No. BP-4897);

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station KSEO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KSEO as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KSEO as proposed would involve objectionable interference with station KAND, Corsicana, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KSEO as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KSEO as proposed would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Alto, Inc., licensee of station KAND, Corsicana, Texas, be, and it is hereby, made a party to this proceeding.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4050; Filed, Apr. 28, 1947; 8:51 a. m.]

[Docket No. 8304]

FLORENCE BROADCASTING CO., INC. (WJOI)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Florence Broadcasting Company, Incorporated (WJOI), Florence, Alabama, Docket No. 8304, File No. BP-5525, for construction permit.

At a session of the Federal Communications Commission, held at its offices in

Washington, D. C., on the 17th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit to change the power and frequency of Station WJOI, Florence, Alabama, from 1340 kc, 250 w, unlimited time, to 1280 kc, 1 kw, 5 kw-LS, DA-N, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Evansville on the Air, Inc. (WGBF) (File No. BP-3844), requesting construction permit for change in power of Station WGBF, Evansville, Indiana, to 1280 kc, 5 kw, DA-N, unlimited time, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WJOI as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WJOI as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WJOI as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WJOI as proposed would involve objectionable interference with the services proposed in the pending applications of James Edwin Latimer and William Albert Pritchett, Lake City, South Carolina (File No. BP-5008, Do. No. 8243) and Evansville On the Air, Inc., Evansville, Ind. (WGBF) (File No. BP-3844) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WJOI as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4048; Filed, Apr. 28, 1947; 8:51 a. m.]

[Docket No. 8305]

EVANSVILLE ON THE AIR, INC. (WGBF)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Evansville on the Air, Inc. (WGBF), Evansville, Indiana, Docket No. 8305, Filed No. BP-3844, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit to change the power of Station WGBF, Evansville, Indiana, now operating on 1280 kc, 1 kw, 5 kw-LS, DA-N, unlimited time, to 1280 kc, 5 kw, using directional antenna at night, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby designated for hearing in a consolidated proceeding with the applications of Florence Broadcasting Company, Incorporated (WJOI) (File No. BP-5525), for construction permit to change the power and frequency of Station WJOI, Florence, Alabama, from 1340 kc, 250 w, unlimited time, to 1280 kc, 1 kw, 5 kw-LS, using a directional antenna at night, unlimited time, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WGBF as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WGBF as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WGBF as proposed would involve objectionable interference with Stations KSFT, Trinidad, Colorado, WDSU, New Orleans, Louisiana, and WTCN, Minneapolis, Minnesota, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such area and populations.

5. To determine whether the operation of Station WGBF as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WGBF as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4055; Filed, Apr. 28, 1947; 8:52 a. m.]

[Docket No. 8309]

DAVENPORT BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Davenport Broadcasting Company, Inc., Davenport, Iowa (KSTT), Docket No. 8309, File No. BP-5984, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of April 1946;

The Commission having under consideration the above-entitled application requesting change of frequency from 750 kc to 1170 kc, increase of power from 250 w to 1 kw, installation of directional antenna and change of transmitter and transmitter location;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KSTT as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KSTT as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the station as proposed would involve objectionable interference with stations KVOO, Tulsa, Oklahoma, WWVA, Wheeling, West Virginia, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KSTT as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Southwestern Sales Corporation, licensee of station KVOO, Tulsa, Oklahoma, and West Virginia Broadcasting Corporation, licensee of station WWVA, Wheeling, West Virginia, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4049; Filed, Apr. 28, 1947; 8:51 a. m.]

[Docket No. 8310]

HOTELS AND THEATRES, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Hotels and Theatres, Inc., Bluefield, West Virginia, Docket No. 8310, File No. BP-5549; for construction permit.

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 17th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Bluefield, West Virginia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Hotels and Theatres, Inc. be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the population and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WBOB, Galax, Virginia or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Carroll-Grayson Broadcasting Corporation, licensee of Station WBOB, Galax, Virginia, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4044; Filed, Apr. 28, 1947; 8:49 a. m.]

[Docket No. 8312]

WHARTON COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Louis T. C. Krueger, Lafayette L. Duckett, Charles C. Ingram, J. Edward Johnson and Ross Bohannon, d/b as Wharton County Broadcasting Company, El Campo, Texas, Docket No. 8312, File No. BP-5611, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 watts power, unlimited time, at El Campo, Texas;

It is ordered, That, pursuant to Section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations KNOW, Austin, Texas and KSAM, Huntsville, Texas or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Frontier Broadcasting Company, Inc., licensee of Station KNOW, Austin, Texas and J. G. Long, licensee of Station KSAM, Huntsville, Texas be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4046; Filed, Apr. 28, 1947; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-649]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING AND APPROVING ABANDONMENT OF FACILITIES

APRIL 24, 1947.

Notice is hereby given that, on April 24, 1947, the Federal Power Commission issued its findings and order entered April 22, 1947, issuing certificate of public convenience and necessity and authorizing and approving abandonment of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4017; Filed, Apr. 28, 1947; 8:54 a. m.]

[Docket No. G-780]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF FINDINDS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 24, 1947.

Notice is hereby given that, on April 24, 1947, the Federal Power Commission issued its findings and order entered April 22, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4018; Filed, Apr. 28, 1947; 8:54 a. m.]

[Docket No. G-784]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 24, 1947.

Notice is hereby given that, on April 24, 1947, the Federal Power Commission issued its findings and order entered April 22, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4015; Filed, Apr. 28, 1947; 8:54 a. m.]

[Docket No. G-795]

REPUBLIC LIGHT, HEAT AND POWER CO., INC.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 24, 1947.

Notice is hereby given that, on April 24, 1947, the Federal Power Commission issued its findings and order entered April 22, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4012; Filed, Apr. 28, 1947; 8:53 a. m.]

[Docket No. G-801]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 24, 1947.

Notice is hereby given that, on April 24, 1947, the Federal Power Commission issued its findings and order entered April 22, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4016; Filed, Apr. 28, 1947; 8:54 a. m.]

[Docket No. G-833]

PENN-YORK NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 24, 1947.

Notice is hereby given that, on April 24, 1947, the Federal Power Commission issued its findings and order entered April 22, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4014; Filed, Apr. 28, 1947; 8:54 a. m.]

[Docket No. G-838]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 24, 1947.

Notice is hereby given that, on April 24, 1947, the Federal Power Commission issued its findings and order entered April 22, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4013; Filed, Apr. 28, 1947; 8:53 a. m.]

[Docket No. IT-5914]

SAFE HARBOR WATER POWER CORP.

NOTICE OF ORDER ACCEPTING FOR FILING REVISION OF RATE SCHEDULE AND STATEMENT OF RATE BASE

APRIL 24, 1947.

Notice is hereby given that, on April 23, 1947, the Federal Power Commission issued its order entered April 22, 1947, accepting for filing revision of rate schedule and statement of rate base in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4019; Filed, Apr. 28, 1947; 8:54 a. m.]

[Docket No. IT-6057]

DEEPWATER LIGHT AND POWER CO. AND DEEPWATER OPERATING CO.

ORDER INSTITUTING INVESTIGATION

It appears to the Commission that:

(a) Deepwater Light and Power Company ("Power Company") and Atlantic City Electric Company are joint owners of Deepwater Generating Station located in Lower Penns Neck Township, New Jersey. Pursuant to an agreement executed January 3, 1933, by and between Power Company and Atlantic City Electric Company as joint owners, and Deepwater Operating Company ("Operating Company"), Deepwater Generating Station is operated by Operating Company. Under said agreement each of the owners is entitled to 50% of the entire output of the generating station, after supplying the requirements of E. I. du Pont de Nemours & Company, and either owner is entitled to the unused capacity of the other owner.

(b) Under an agreement dated February 1, 1933, Power Company sells its entire entitlement of electric energy from Deepwater Generating Station to Philadelphia Electric Company. The energy so sold is generated in New Jersey and transmitted and consumed in Pennsylvania by means of facilities, among others, owned or operated, by Deepwater Light and Power Company and Deepwater Operating Company. Such a sale is a sale of electric energy at wholesale in interstate commerce, and Deepwater Light and Power Company and Deepwater Operating Company are therefore "public utilities" within the meaning of the Federal Power Act.

(c) Pursuant to the aforesaid agreement of February 1, 1933, designated in the files of the Commission as Deepwater Light and Power Company Rate Schedule FPC No. 1 and Philadelphia Electric Company Rate Schedule FPC No. 3, Philadelphia Electric Company through "cost of service" payments for the energy it purchases, virtually guarantees Power Company a return of approximately 7% on the latter's undepreciated investment.

The Commission finds that:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that an investigation be instituted by the Commission into and concerning any rate, charge, or classification, demanded, observed, charged or collected by Deepwater Light and Power Company or Deepwater Operating Company for or in connection with the sale of electric power and energy to Philadelphia Electric Company under Deepwater Light and Power Company Rate Schedule FPC No. 1, and any rule, regulation, practice or contract affecting such rate, charge or classification,

(2) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that an investigation be instituted by the Commission into and concerning all other rates, charges, or classifications demanded, observed, charged or collected by Deepwater Light and Power Company or Deepwater Operating Company for or in connection with any transmission or sale of electric energy subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

The Commission orders that:

An investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, or classification demanded, observed, charged, or collected by Deepwater Light and Power Company or Deepwater Operating Company for or in connection with the sale of electric power and energy to Philadelphia Electric Company under Deepwater Light and Power Company Rate Schedule FPC No. 1, or any rule, regulation, practice, or contract affecting such rate, charge or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) To determine whether in connection with any transmission or sale of electric energy subject to the jurisdiction of this Commission under the Federal Power Act, by Deepwater Light and Power Company or Deepwater Operating Company, any rates, charges, classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges, or classifications, are unjust, unreasonable, unduly discriminatory or preferential; and

(C) If, after hearing, it shall find that any of such rates, charges, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

By the Commission.

Date of issuance: April 23, 1947.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3999; Filed, Apr. 28, 1947; 8:51 a. m.]

[Project No. 1393]

PEND OREILLE MINES & METALS CO.

NOTICE OF APPLICATION FOR LICENSE

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r), that Pend Oreille Mines & Metals Co., of Spokane, Washington, has made application for a new license for constructed major Project No. 1393 (the outstanding license for which will expire July 15, 1947), located on Clark Fork of Columbia River at Metaline Falls, Pend Oreille County, Washington, and consisting of an intake above Metaline Falls, a diversion tunnel about 600 feet long, a power plant immediately below Metaline Falls with installed capacity of approximately 2,000 horsepower, and transmission lines from the powerhouse to several mines and concentrating plants.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting and requesting, should be submitted before June 11, 1947, to the Federal Power Commission, at Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4021; Filed, Apr. 28, 1947; 8:55 a. m.]

[Project No. 1853]

FIRST IOWA HYDRO-ELECTRIC COOPERATIVE

ORDER DENYING PETITION TO RECONSIDER AND POSTPONING ORAL ARGUMENT

APRIL 23, 1947.

(1) On April 8, 1947, in this proceeding, oral argument before the Commission was ordered on the issues raised by the applicant's and the State of Iowa's exceptions and objections to the findings and conclusions and the recommended decision contained in the Trial Examiner's Report, other than on the issue of the Commission's jurisdiction, said argument to commence at 10:00 a. m. on May 9, 1947, in the Commission's Hearing Room, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

(2) On April 21, 1947, the State of Iowa filed "Exceptions to Commission's Order Issued April 8, 1947, and Petition to Reconsider." The State objects to exclusion from oral argument of the issue of the Commission's jurisdiction and requests that it be granted the right to orally argue this excluded issue.

The Commission finds that:

(3) The oral argument should be postponed as hereinafter provided.

(4) No facts have been presented or alleged and no principles of law have been set forth which either were not fully considered by the Commission before it entered its order setting oral argument, or, having been considered, warrant modification of the order to permit oral argument on the issue of the Commission's jurisdiction.

It is ordered, That:

(5) The aforesaid petition to reconsider is hereby denied.

(6) Oral argument in the above-entitled matter is hereby postponed to commence at 10:15 a. m. on May 16, 1947, in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: April 24, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4020; Filed, Apr. 28, 1947; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 719]

UNLOADING OF WIRE AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of April, A. D. 1947.

It appearing, that car Soo 40624 containing wire at New Orleans, Louisiana, on the Louisville and Nashville Railroad Company, has been on hand for an unreasonable length of time, and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Wire at New Orleans, Louisiana, be unloaded.* The Louisville and Nashville Railroad Company, its agents or employees, shall unload immediately car Soo 40624, loaded with wire, now on hand at New Orleans, Louisiana, consigned to Edmund Loeliger for export.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m. April 25, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4008; Filed, Apr. 28, 1947; 8:52 a. m.]

[S. O. 720]

UNLOADING OF WAX AT NEW ORLEANS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of April A. D. 1947.

It appearing, that car C&NW 84016 containing wax at New Orleans, La., on the Louisiana & Arkansas Railway Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Wax at New Orleans, La., be unloaded.* The Louisiana & Arkansas Railway Company, its agents or employees shall unload immediately car C&NW 84016, containing wax, on hand at New Orleans, La., consigned to Edmund Loeliger for export.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., April 25, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4009; Filed, Apr. 28, 1947; 8:52 a. m.]

[No. 29679]

EXPRESS EARNINGS, PLAN AND METHOD OF DIVISION

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 22d day of April A. D. 1947.

It appearing, that upon application under section 5 (1) of the Interstate Commerce Act and after hearing, the Commission authorized the grouping of carriers and division of express earnings, in accordance with the terms of Article V of the Standard Express Agreement, set forth at pages 437–441, "Securities and Acquisition of Control of Railway Express Agency," 150 I. C. C. 423.

Section 4 of Article V of the Agreement mentioned provides:

> The balance • • • designated as "Rail Transportation Revenue" shall be distributed among the carriers in the group executing this form of agreement • • • in the proportion that the gross express transportation revenues on other than carload business for the month earned on the line of each such carrier bears to the gross express transportation revenues on other than carload business earned on the lines of all such carriers in that group for that month: • • •

It further appearing, that upon the averment of the Railway Express Agency, Incorporated, that the cost of accounting on a monthly basis was excessive and reduced the express privilege payments by about $4,000,000 per annum, the Railway Express Agency, Incorporated, proposed to the rail carriers that apportionment be made on the basis of percentages arrived at by using the results of a test year; and that by separate supplemental agreement in 1938, substantially all the carriers agreed to the revised plan and it became effective July 1, 1938. The specific terms of the agreement are set forth in Appendix C to the report in Ex Parte No. 163, "Increased Express Rates and Charges, 1946," 266 I. C. C. 369;

It further appearing, that the revised plan for distributing express revenues was not submitted to the Commission for its approval, and has not been approved;

And it further appearing, that by petition dated December 10, 1946, the Railway Express Agency, Incorporated, requests that the Commission find that the revised plan for distributing express revenues does not require additional approval under section 5 (1) of the act; and that should the Commission determine that its approval is necessary, the Railway Express Agency, Incorporated, requests that the Commission approve and authorize such plan;

It is ordered, That a proceeding of investigation and inquiry be, and it is hereby instituted by the Commission on its own motion, under the provisions of the Interstate Commerce Act, sections 5 (1) and 15, as amended, into and concerning the present practice of the Railway Express Agency, Incorporated, in the pooling and distribution of express revenues, with the view of determining whether such practices are just and reasonable and otherwise conform to the requirements of the act; and if such practices or any of them shall be found to be unjust and unreasonable or to otherwise depart from the requirements of the act, with a view to determining and prescribing just and reasonable and lawful practices;

It is further ordered, That the Railway Express Agency, Incorporated, and all of the carriers parties to the existing pooling arrangement be, and they are hereby, made respondents in this proceeding, that a copy of this order be served upon them, and also served upon the parties in "Securities and Acquisition of Control of Railway Express Agency," supra, and "Increased Express Rates and Charges," 1946, supra; and that notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register;

And it is further ordered, That this proceeding be, and it is, hereby assigned for hearing on June 3, 1947, at 9:30 A. M., United States Standard Time, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leonard Way.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4010; Filed, Apr. 28, 1947; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-106, 31-524; 54-107, 31-523; 59-52]

BUFFALO, NIAGARA AND EASTERN POWER CORP. ET AL.

ORDER GRANTING APPLICATION FOR EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of April 1947.

In the matters of Buffalo, Niagara and Eastern Power Corporation, File Nos. 54-106, 31-524; Niagara Hudson Power Corporation, File Nos. 54-107, 31-523; Niagara Hudson Power Corporation and its subsidiary companies, respondents, File No. 59-52.

Niagara Hudson Power Corporation having filed an application requesting a six months extension to November 1, 1947, of the time within which Niagara Hudson Power Corporation must dispose of all its interest, direct or indirect, in Buffalo, Niagara Electric Corporation and all the subsidiaries thereof, as provided by the amended plan of Niagara Hudson Power Corporation approved by Commission order of October 4, 1945 issued in respect thereof (the time for compliance with such order having been subsequently extended for a period of six months by Commission order dated October 28, 1946); and

Said application having been filed on March 31, 1947 and public notice of such filing having been duly given, and the Commission not having received a request for hearing with respect to said application within the period specified in such notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission, upon the basis of the reasons advanced and representations made in support of the requested extension of time, that it is appropriate in the public interest and the interest of investors to grant said request:

It is therefore ordered, That Niagara Hudson Power Corporation's request for a six months' extension to November 1, 1947 of the time within which it must dispose of all its interest, direct or indirect, in Buffalo Niagara Electric Corporation and all the subsidiaries thereof, as provided in the amended plan of Niagara Hudson Power Corporation approved by the Commission's order of October 4, 1945, be, and the same is hereby, granted, effective as of May 1, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4007; Filed, Apr. 28, 1947; 8:52 a. m.]

[File No. 70-1433]

DALLAS POWER & LIGHT CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of April A. D. 1947.

Dallas Power & Light Company ("Dallas"), an electric utility subsidiary of Texas Utilities Company, a registered holding company subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration and amendment thereto pursuant to sections 6 (a) (2) and 7 of the Public Utility Holding Company Act of 1935 regarding certain proposed amendments to its charter; and

The Commission having by order dated March 5, 1947 permitted said declaration, as amended, to become effective subject to the terms and conditions prescribed in Rule U-24; and

Dallas having advised the Commission that it now desires to submit said proposed charter amendments to the annual meeting of its stockholders to be called and held on June 12, 1947 instead of calling and holding a special meeting of its stockholders for that purpose; and

Dallas having requested the Commission to extend to July 1, 1947 the time within which the proposed transactions shall be carried out, in accordance with the terms and conditions of, and for the purposes stated in, the declaration; and

The Commission having considered such request and deeming it appropriate that it be granted:

It is ordered, That the time within which Dallas shall carry out the transactions proposed in said declaration be, and hereby is, extended to and including July 1, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4001; Filed, Apr. 28, 1947; 8:51 a. m.]

[File No. 70-1481]

NORTHERN NATURAL GAS CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of April 1947.

Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company and a subsidiary of North American Light & Power Company and of The North American Company, both registered holding companies, having filed an application-declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") in which Northern Natural proposed to issue and sell pursuant to the competitive bidding provisions of Rule U-50 promulgated under the act $10,000,000 principal amount of its --% Serial Debentures, Dated May 1, 1947, Due 1956–1967; and

The Commission having by order dated April 11, 1947 granted said application and permitted said declaration to become effective subject to the condition, among others, that the proposed issuance and sale of debentures not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in the proceeding and a further order has been entered by the Commission in the light of the record so completed, jurisdiction being reserved for this purpose; and

Northern Natural having filed a further amendment to its application-declaration, as amended, in which it is stated that in accordance with the permission granted by the said order of the Commission dated April 11, 1947 it has offered its debentures for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

	Price to company [1]	Coupon rate	Net interest cost to company
	Per cent	*Per cent*	*Per cent*
Blyth & Co., Inc.	100.2005	2½	2.4998
Halsey, Stuart & Co., Inc.	99.639	2½	2.50605
The First Boston Corp.	99.559	2½	2.51107
Kidder, Peabody & Co.	99.031	2½	2.52418

[1] Plus accrued interest.

The amendment further states that Northern Natural has accepted the bid of Blyth & Co., Inc. for the serial debentures maturing in 1956 to 1967, inclusive. Blyth & Co., Inc. proposes to offer the serial debentures to the public at the following prices:

Series	Offering price (percent of principal amount)	Approximate yield to maturity
	Percent	*Percent*
1956	103.681	2.05
1957	103.501	2.10
1958	102.917	2.20
1959	102.087	2.30
1960	101.672	2.35
1961	101.482	2.375
1962	101.253	2.40
1963	100.658	2.45
1964	100.000	2.50
1965	99.282	2.55
1966	98.508	2.60
1967	98.066	2.625

The amendment further states that the aggregate of the various offering prices to the public amounts to $10,098,724 as compared with proceeds to the company of $10,020,050, resulting in a difference between the price to the company and the offering prices to the public of $78,674.

It appearing from the amendment and the exhibits attached thereto that it is proposed that Pam, Hurd & Reichmann, of Chicago, Illinois, be paid certain sums by Northern Natural representing fees and expenses for services rendered in connection with the registration of said securities, and that said Pam, Hurd & Reichmann also be paid fees and expenses estimated to be in the amount of $12,500, by Blyth & Co., Inc., the successful bidder, and it appearing that the amounts of fees and expenses to be paid to all the counsel for said Company are not specifically set forth in said application and declaration as so amended, and that jurisdiction should be reserved with respect to all such legal fees and expenses, including those to be paid to Pam, Hurd & Reichmann; and

The Commission having examined said amendment and considered the record herein, and finding that the applicable standards of the act and the rules and regulations thereunder have been complied with and that said application should be granted and said declaration should be permitted to become effective subject to a reservation of jurisdiction with respect to all the legal fees and expenses proposed to be paid in connection with said issue, including those proposed to be paid to Pam, Hurd & Reichmann, as hereinafter ordered;

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding for said debentures be, and the same hereby is, released and that the amendment filed on April 22, 1947 to the application-declaration herein be, and hereby is, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That jurisdiction be and is hereby reserved with respect to all the legal fees and expenses proposed to be paid in connection with said issue, including those proposed to be paid to Pam, Hurd & Reichmann.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4005; Filed, Apr. 28, 1947; 8:52 a. m.]

[File Nos. 70-1490, 70-1491]

NORTHERN STATES POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of April A. D. 1947.

In the Matter of Northern States Power Company, a Minnesota corporation, File No. 70-1490; Northern States Power Company, a Wisconsin corporation, File No. 70-1491.

Northern States Power Company, a Minnesota corporation (Minnesota), a registered holding company, and Northern States Power Company, a Wisconsin corporation (Wisconsin), a public utility subsidiary of Minnesota, having filed applications and declarations pursuant to sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 and Rules U-24, U-43, and U-50 promulgated thereunder regarding, among other things, the issuance and sale at competitive bidding of $19,000,000 principal amount of First Mortgage Bonds Series due April 1, 1977; and

The Commission having by order dated April 11, 1947, granted and permitted to become effective said applications and declarations subject to the condition that the proposed issuance and sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed; and

Wisconsin having filed an amendment to its declaration setting forth the action taken to comply with the require-

ments of Rule U-50 and stating that pursuant to the invitation for competitive bids, five bids on said bonds by five groups of underwriters headed by the firms set forth below were received:

Underwriting group	Coupon rate	Price to company (percent of principal amount)	Annual cost to company
	Percent		*Percent*
Kidder, Peabody & Co. and White, Weld & Co.	2⅛	100.6811	2.5622
Glore, Forgan & Co.	2⅛	100.572	2.5674
The First Boston Corp.	2⅛	100.559	2.5681
Halsey, Stuart & Co., Inc.	2⅛	100.55	2.5685
Blyth & Co., Inc.	2⅛	100.329	2.6091

The said amendment having stated further that Wisconsin has accepted the bid of the group headed by Kidder, Peabody & Co. and White, Weld & Co., as set out above and that the bonds will be offered for sale to the public at a price of 101.25% of the principal amount thereof plus accrued interest from April 1, 1947, resulting in an underwriters' spread of 0.5689% of the principal amount of said bonds; and

A further hearing having been held and the Commission having examined the record herein and finding no basis for imposing terms and conditions with respect to the prices to be paid to Wisconsin for said bonds, the interest rate thereon, the underwriters' spread and the redemption price; and the Commission having examined the record and finding that the legal fee proposed to be paid to Messrs. Gardner, Carton & Douglas, if it does not exceed the estimate, is not excessive:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding under Rule U-50 and the legal fee of Messrs. Gardner, Carton & Douglas be and hereby is released and that said applications and declarations as amended be and hereby are granted and permitted to become effective forthwith, subject, however, to all other terms, conditions and reservations of jurisdiction prescribed in the Commission's order of April 11, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4004; Filed, Apr. 28, 1947; 8:51 a. m.]

[File No. 70-1492]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of April 1947.

Notice is hereby given that a joint application-declaration with an amendment thereto has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Power & Light Company (Delaware), a registered holding company, and its public utility subsidiary, Eastern Shore Public Service Company of Maryland (Eastern Shore). Applicants-declarants designate sections 6 (d), 9 (a), 12 (d) and 12 (f) of the act and Rules U-43 and U-44 promulgated thereunder as applicable to the proposed transactions:

Notice is further given that any interested person may, not later than May 6, 1947, at 5:30 p. m., e. d. s. t. request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1948, up to $2,000,000 principal amount of its 3½% promissory notes due October 1, 1973 and 20,000 shares of its common stock of the par value of $100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The major portion of the proceeds from the sale of said notes and common stock, which will not exceed $4,000,000 is to be used to finance its construction program and the remaining portion will be used to reimburse Eastern Shore's treasury for money previously expended for such construction program. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943 in accordance with the provisions of the Indenture of Mortgage.

The proposed transactions have been approved by the Public Service Commission of Maryland.

The applicants-declarants request that the Commission's order be issued herein on or before May 6, 1947, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4006; Filed, Apr. 28, 1947; 8:52 a. m.]

[File No. 70-1500]

ARKANSAS POWER & LIGHT CO. AND ELECTRIC POWER & LIGHT CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of April A. D. 1947.

Electric Power & Light Corporation ("Electric"), a registered holding company and its subsidiary, Arkansas Power & Light Company ("Arkansas"), having filed a joint application-declaration pursuant to sections 6 (b), 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder regarding the following proposed transactions:

Arkansas has outstanding 1,360,000 shares of common stock, having a par value of $12.50 per share, all of which are owned by Electric. Arkansas proposes to issue and sell and Electric proposes to acquire an additional 100,000 shares of common stock of Arkansas for a cash consideration of $1,250,000. The proceeds from the sale of the new common stock will be used by Arkansas for the construction of needed facilities. Electric proposes to use treasury funds in making the proposed purchase.

The issue and sale by Arkansas of such common stock has been expressly authorized by the Arkansas Public Service Commission.

Such application-declaration having been filed on the 7th day of April 1947 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated under said act and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

Applicants-declarants having requested that the Commission's order in this matter become effective immediately in order that it may proceed with the proposed transactions without delay and the Commission deeming it appropriate to grant such request; and

The Commission finding that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4002; Filed, Apr. 28, 1947; 8:51 a. m.]

[File No. 811-314]

BROOKLYN NATIONAL CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of April A. D. 1947.

The Commission having reasonable cause to believe that The Brooklyn National Corporation, a registered investment company, has been dissolved and has ceased to do business and that its assets have been liquidated;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing be held on May 7, 1947 at 10:00 a. m., Eastern Standard Time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, to determine whether the Commission shall declare by order, pursuant to section 8 (f) of said act, that The Brooklyn National Corporation has ceased to be an investment company; and

It is further ordered, That William W. Swift, Esquire, or any other officer of the Commission designated by it for that purpose, shall exercise all powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to The Brooklyn National Corporation and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4003; Filed, Apr. 28, 1947; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8183, Amdt.]

FLORENCE D. UHDE

In re: Real property, bond and mortgage, interests in bonds and mortgages, checks, securities, claims, bank account and interests in property insurance policies owned by Florence D. Uhde.

Vesting Order 8183, dated February 11, 1947, is hereby amended as follows and not otherwise:

By deleting subparagraph 2–e and substituting therefor the following:

e. All right, title and interest of Florence D. Uhde, in and to the property insurance policies particularly described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the premises subject to the mortgages described in subparagraphs 2–c and 2–d hereof, including particularly but not limited to the claim of Florence D. Uhde against Norwich Union Fire Insurance Society, Ltd., arising by reason of the damage by fire on January 6, 1945, to the premises subject to the mortgage referred to in subparagraph 2–d hereof and insured by Norwich Union Fire Insurance Society, Ltd., under Fire Insurance Policy No. 26987, which was then in effect, and the right to enforce and collect such claim,

All other provisions of said Vesting Order 8183 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4068; Filed, Apr. 28, 1947; 8:54 a. m.]

[Vesting Order 8687]

RAMONA BOULEVARD

In the matter of the condemnation proceeding of Ramona Boulevard. File No. D–28–1984; E. T. sec. 2297.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

All right, title, interest and claim of any kind or character whatsoever of Gladys Zuckerman, as assignee of Robert K. Muller-Wirth in and to the sum of money deposited to her account with the Treasurer of the City of New York pursuant to an Order of the Supreme Court, State of New York, County of Richmond, dated September 3, 1941, entered in the matter of the condemnation proceeding of Ramona Boulevard,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely

National and Last Known Address

Gladys Zuckerman, as assignee of Robert K. Muller-Wirth, Germany.

That such property is in the process of administration and is on deposit with the Treasurer of the City of New York, as depository, acting under the judicial supervision of the Supreme Court of Richmond County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4056; Filed, Apr. 28, 1947; 8:52 a. m.]

[Vesting Order 8691]

MINNA GASSNER

In re: Estate of Minna Gassner, deceased. File No. D–28–7662; E. T. sec. 8345.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Didzuneit, Edward Didzuneit and Gustav Gassner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Maria Didzuneit, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Minna Gassner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Treasurer of the City of New York, as Depositary of the Estate of Minna Gassner, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown of Maria Didzuneit, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4057; Filed, Apr. 28, 1947; 8:52 a. m.]

[Vesting Order 8700]

FLORA MEYER

In re: Estate of Flora Meyer, deceased. D-28-9964; E. T. sec. 14133.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Mannhardt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1,603.96 was paid to the Attorney General of the United States by The Northern Trust Company, Executor of the Estate of Flora Meyer, deceased;

3. That the said sum of $1,603.96 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 3, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F .R. Doc. 47-4058; Filed, Apr. 28, 1947; 8:52 a. m.]

[Vesting Order 8706]

ARTHUR L. WINKLER

In re: Estate of Arthur L. Winkler, deceased. File No. D-66-526; E. T. sec. No. 4739.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Friedrich Winkler, also known as Carl Winkler, Anna Louise Winkler Breunner, also known as Anna Louise Winkler Brünner, Luca Anna Winkler Franke, also known as Lina Anna Winkler Franke, Christian Ernest Winkler, also known as Christian Ernst Winkler and Ernestine Emilie Winkler Harzendorf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the child or children, names unknown of Karl Friedrich Winkler, also known as Carl Winkler; the child or children, names unknown, of Anna Louise Winkler Breunner, also known as Anna Louise Winkler Brünner; the child or children, names unknown, of Luca Anna Winkler Franke, also known as Lina Anna Winkler Franke; the child or children, names unknown, of Christian Ernest Winkler, also known as Christian Ernst Winkler; and the child or children, names unknown, of Ernestine Emilie Winkler Harzendorf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Arthur L. Winkler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Steven T. Bladek, as Substituted Administrator, c. t. a. of the Estate of Arthur L. Winkler, deceased, acting under the judicial supervision of the Passaic County Orphans' Court, Paterson, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the child or children, names unknown, of Karl Friedrich Winkler, also known as Carl Winkler; the child or children, names unknown, of Anna Louise Winkler Breunner, also known as Anna Louise Winkler Brünner; the child or children, names unknown, of Luca Anna Winkler Franke, also known as Lina Anna Winkler Franke; the child or children, names unknown, of Christian Ernest Winkler, also known as Christian Ernst Winkler; and the child or children, names unknown, of Ernestine Emilie Winkler Harzendorf, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4060; Filed, Apr. 28, 1947; 8:52 a. m.]

[Vesting Order 8704]

SIGFRIED SCHLUECHTERER

In re: Trust u/w of Sigfried Schluechterer, deceased. File No. D-28-6601; E. T. sec. No. 5597.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Sigmund (Helene) Nordlinger, Mrs. Lottie Paepcke and Mrs. Gustav (Ottillie) Schluechterer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That the issue of Lily Schluechterer Jahn, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Sigfried Schluechterer deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Chase National Bank of New York, and Harry H. Neuberger, as Co-Trustees of the trust created under the will of Sigfried Schluechterer, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue of Lily Schleuchterer Jahn, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4059; Filed, Apr. 28, 1947; 8:52 a. m.]

[Vesting Order 8711]

EXPORTKREDITBANK A. G.

In re: Bonds, stocks, checks or other credit instruments and other property owned by Exportkreditbank A. G. F-28-180-A-7, F-28-180-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank A. G., whose last known address is Kanonierstrasse, 17-20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds in bearer form described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany—Customers account for Custody, together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the name of the persons set forth in the aforesaid Exhibit B, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany—Customers account for Custody, together with all declared and unpaid dividends thereon,

c. Those certain coupons described in Exhibit C, attached hereto and by reference made a part hereof, detached from bonds described in the aforesaid Exhibit C, which coupons are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany—Customers account for Custody, together with any and all rights thereunder and thereto,

d. Those certain scrip certificates in bearer form described in Exhibit D, attached hereto and by reference made a part hereof, covering the issues of stock described in the aforesaid Exhibit D, which scrip certificates are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany—Customers account for Custody, together with any and all rights thereunder and thereto,

e. Those certain scrip certificates in bearer form described in Exhibit E, attached hereto and by reference made a part hereof, covering the issues of bonds described in the aforesaid Exhibit E, which scrip certificates are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany—Customers account for Custody, together with any and all rights thereunder and thereto,

f. Three (3) United States of Brazil fractional certificates, for 20-year 5% Funding bonds of 1931, of the face values and numbered as follows:

Number:	*Face value*
FX2758	$32.50
GX8882	32.50
E1282	30.00

which fractional certificates are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany-Customers account for Custody, together with any and all rights thereunder and thereto,

g. Twelve (12) Conversion Office for German Foreign Debts fractional certificates, for 3% Dollar bonds, of the face values and numbered as follows:

Number:	*Face value*
B035070	$2.50
121644	10.00
C056648	20.00
C056649	20.00
054763	20.00
054764	20.00
054765	20.00
054766	20.00
C010782	5.00
C005530	2.50
005729	2.50
000099	1.25

which fractional certificates are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany-Customers account for Custody, together with any and all rights thereunder and thereto,

h. One (1) Kingdom of Yugoslovia fractional certificate, for 2nd Series Funding 5% bond, of $14.01 face value, bearing the number H3089, in bearer form, which fractional certificate is presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233, entitled Exportkreditbank A. G., Berlin, Germany-Customers account for Custody, together with any and all rights thereunder and thereto,

i. One (1) Kingdom of Yugoslovia fractional certificate, for 5% Funding bond, of $28.15 face value, bearing the number D2868, in bearer form, which fractional certificate is presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany-Customers account for Custody, together with any and all rights thereunder and thereto,

j. Those certain Erie Railroad Company warrants, representing rights to purchase 62½ shares of common stock, in bearer form, bearing the number W7824, which warrants are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany-Customers account for Custody, together with any and all rights thereunder and thereto,

k. Twenty-three (23) General Investment Corporation warrants, representing rights to purchase 3,873 shares of common stock, numbered as set forth below and for the number of shares indicated opposite the aforesaid warrant numbers:

Warrant Numbers:	*Number of shares*
NCW3449, NCW3450, NCW3451	each.. 1,000
NCW3441, NCW3442, NCW3443, NCW3444, NCW3445, NCW3446, NCW3447, NCW3448	each.. 100
NCW3685	21
NYC021837	20
NYC09869, NYC021966	8
NCW2544	6
NCW2337	4
NCW3103, 3686, 3687, 3688, 3689, BCW0240	each.. 1

which warrants are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany-Customers account for Custody, together with any and all rights thereunder and thereto,

l. One (1) United States of Mexico Class B arrears receipt, of $2,700.00 face value, in bearer form, bearing the number S225, which arrears receipt is presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany-Customers account for Custody, together with any and all rights thereunder and thereto,

m. Two (2) United States of Mexico Class A arrears receipts, in bearer form, of the face values and numbered as follows:

Number:	*Face value*
194529	$225.00
S1145	1125.00

which arrears receipts are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street,

New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany—Customers account for Custody, together with any and all rights thereunder and thereto,

n. Seven (7) St. Louis-San Francisco Railway Company certificates of deposit, representing Prior Lien Series A 4% Gold bonds, in bearer form, of the face values and numbered as follows:

Number:	Face value
AC633	$100.00
AC634	100.00
AY985	250.00
AY986	250.00
AD2093	500.00
AD870	500.00
AM31884	1,000.00

which certificates of deposit are presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany—Customers account for Custody, together with any and all rights thereunder and thereto,

o. One (1) National Railways of Mexico coupon receipt, from 70-year Guaranteed General Sinking Fund 4% Gold bond, of $240.00 face value, bearing the number B446, which receipt is presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany—Customers account for Custody, together with any and all rights thereunder and thereto,

p. Those certain checks or other credit instruments, drawn on various drawees in the United States, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, for collection and credit to the account of Exportkreditbank A. G., Berlin, Germany, which checks or other credit instruments are identified in Exhibit F, attached hereto and by reference made a part hereof, together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment, of the aforesaid checks or other credit instruments, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK.
Director.

EXHIBIT A

Description of issue	Face value	Certificate Nos.
Department of Antioquia, Colombia, external series D 20-year sinking fund 7% gold bonds.	2 @ $1,000	M1024, M1025.
Free State of Bavaria external 20-year sinking fund 6½% gold bonds.	5 @ 1,000	8763, 8764, 8765, 8766, 8767.
City of Berlin, Germany, external 25-year sinking fund 6½% gold bonds.	2 @ 500	D1576, D1577.
City of Bogota, Colombia, external sinking fund 8% gold bonds of 1924.	2 @ 1,000	M1068, 2229.
Republic of Bolivia secured external 25-year sinking fund refunding 8% gold bonds.	2 @ 1,000	M280, 21387.
United States of Brazil external 20-year 8% gold bonds.	1 @ 1,000	20718.
United States of Brazil external sinking fund 6½% gold bond of 1926.	1 @ 1,000	M3711.
United States of Brazil funding 20-year 5% bond of 1931.	1 @ £100	C865.
City of Budapest external sinking fund 6% gold bonds of 1927.	2 @ 500	D1935, D1936.
Chicago, Rock Island & Pacific Ry. Co. first and refunding 4% gold bonds.	2 @ 1,000	38245, 38829.
Chilean Nitrate and Iodine Sales Corporation temporary income sinking fund 5% debenture bonds.	33 @ 1,000	TM522, 673, 1270, 1271, 1272, 1273, 1274, 1275, 1279, 1280, 1281, 1303, 1304, 1316, 1317, 1318, 1319, 1325, 1326, 1333, 1340, 1344, 1345, 1346, 1348, 1413, 1425, 1426, 1437, 1450, 1451, 1466, 1468.
Compania Salitrera de Tarapaca y Antofagasta Bonds	7 @ £1,000	BM831, BM832, BM833, BM834, 880, 878, 879.
	1 @ 500	BD160.
	3 @ 100	BC1374, BC1375, BC1376.
	2 @ 10	BX206, BX207.
	1 @ £8 18s 8d	B699.
Consolidated Municipalities of Baden, Germany, external sinking fund 7% gold bonds.	3 @ 500	D101, D253, D254.
Conversion Office for German Foreign Debts 3% dollar bonds	1 @ 1,000	M016685.
	1 @ 500	D012050.
	19 @ 100	C079077, C079078, C068882, C068883, C068884, C068885, C068886, C068887, C068888, C068889, C06841, C06842, C068843, C068844, C068008, 069504, 068667, 077184, 080457.
Denver & Rio Grande Western Railroad Co., general mortgage sinking fund 5% gold bonds.	1 @ 500	D792.
	6 @ 100	C1701, C1704, C6842, C6845, C6843, C6844, M28204.
	1 @ 1,000	M28204.
Kingdom of Yugoslavia funding second series 5% bonds	6 @ 100	C6756, C5757, C6758, C2451, C5664, C5665.
German Central Bank for Agriculture secured farm loan sinking fund 6% gold bonds	2 @ 1,000	M17974, M6026.
German Government external loan 7% gold bond	1 @ 1,000	C029315.
German Government external loan 7% bond	7 @ 1,000	C054450, C062553, C002555, C045607, 045609, 070647, 095389.
	1 @ 500	B3882.
Hungarian Consolidated Municipalities secured 20-year sinking fund 7% gold bond of 1926.	1 @ 1,000	M3881.
Ilseder Steel Corporation 6% mortgage bond of 1928.	1 @ 1,000	M3896.
Republic of Mexico consolidated external loan of 1899 5% bond	1 @ 100	092313.
Republic of Mexico external loan of 1910 4% bonds	165 @ £20	30516, 30517, 30518, 30519, 63802, 52457, 45066, 45067, 45160, 85515, 41738, 41739, 45167, 46710, 46711, 46712, 46713, 85517, 47071, 47072, 11838, 11840, 11839, 15519, 63803, 29520, 240737, 440519, 424876, 424877, 424878, 424879, 415147, 378905, 357584, 357585, 268584, 203585, 203886, 203887, 52458, 29517, 48875, 48876, 48882, 29518, 41746, 41747, 63805, 356706, 103323, 25356, 104293, 104292, 077502, 104289, 133324, 133325, 372620, 104297, 104298, 392416, 392417, 392418, 392419, 392420, 392421, 392422, 392423, 168351, 168352, 372291, 372292, 413756, 225817, 315794, 94593, 94594, 18309, 29519, 44589, 22026, 44389, 44386, 44387, 44388, 293580, 293581, 293582, 293583, 57862, 57863, 57864, 57865, 137214, 137215, 137216, 97925, 269173, 269174, 283467, 307815, 318755, 97935, 198058, 41121, 41118, 41119, 350497, 444171, 350498, 80780, 67677, 80783, 67676, 67675, 111583, 68253, 62428, 62429, 52897, 47078, 58357, 58354, 58355, 58358, 50120, 139458, 227679, 227680, 198470, 198471, 160344, 309537, 401983, 267035, 267036, 267037, 57960, 57961, 195862, 195863, 97921, 97922, 97923, 97924, 384801, 384802, 284608, 292806, 292807, 374147, 374148, 50188, 320895, 187170, 187171, 187172, 41740, 41741, 41742, 41743, 41744, 41745, 63806.
National Railways of Mexico secured 2-year 6% notes	10 @ 1,000	A2597, A2598, A2599, A2600, A2678, A2679, A2680, A2682, A2800, A2681.
National Railways of Mexico 3-year secured 6% notes	7 @ 45	N24363, N23861, N23817, N23868, N23864, N23862, N23863.
National Railroad of Mexico first consolidated mortgage 4% gold bonds	4 @ 1,000	17660, 18462, 17658, 17659.

EXHIBIT A—Continued

Description of issue	Face value	Certificate Nos.
Free State of Prussia, Germany, external sinking fund 6½% gold bonds of 1926.	3 @ $1,000	15094, 15095, 15096.
Rhinelbe Union mortgage 20-year sinking fund 7% gold bonds	5 @ 1,000	M15841, M15842, M15843, M15844-15874.
Rhine Westphalia Electric Power Corporation mortgage (direct) 7% gold bonds.	3 @ 500	D688, D689, D554.
	7 @ 1,000	M3934-3101-5250-5251-3204-3847-4078.
City of Rio de Janeiro, Brazil, external secured sinking fund 6½% gold bonds	3 @ 1,000	M6931, M6932-20061.
City of Rio de Janeiro, Brazil, external 25-year sinking fund 8% gold bonds.	2 @ 1,000	M521-4037.
State of Rio Grande Do Sul external sinking fund 6% gold bonds of 1928.	5 @ 1,000	5321, 5322, 5323, 5324, 5325.
State of Rio Grande Do Sul external 25-year sinking fund 8% gold bonds.	3 @ 1,000	M6616, 8329, 4028.
St. Louis-San Francisco Ry. Co. prior A 4% bonds	3 @ 250	Y8560, Y8561, Y3272.
	1 @ 500	D6334.
State of São Paulo external loan 25-year sinking fund 8% gold bond	1 @ 1,000	M2550.
City of Santiago, Chile, external 21-year sinking fund 7% gold bonds	2 @ 500	D127, D130.
Siemens & Halske Stock Corp. series A 6% participation debenture bonds	2 @ 400	4790, 6397.
Siemens & Halske Stock Corp. 25-year sinking fund 6½% debenture gold bonds	20 @ 1,000	11443, 11441, 11445, 5661, 5662, 5663, 5664, 3846, 19941, 19942, 19943, 19944, 19415, 11398, 11399, 11400, 19938, 19939, 19940, 19946.
United Steel Works Corp. mortgage series A 25-year sinking fund 6½% gold bonds.	4 @ 1,000	M197, 178, 177, 7654.
United Steel Works Corp. mortgage series A 25-year sinking fund 6½% gold bonds.	11 @ 1,000	M3822, M3823, 3807, 3808, 3809, 3810, 3811, 3728, 3729, 3730, 926.
United Steel Works Corp. mortgage series C 25-year sinking fund 6½% gold bond.	5 @ 1,000	M2494, M2495, M2496, M2497 M2498.
United Steel Works Corp. mortgage series A 25-year sinking fund 6½% gold bond.	1 @ 1,000	M23503.
United Steel Works Corp. mortgage series C 25-year sinking fund 6½% gold bond.	1 @ 1,000	M2409.
Vera Cruz & Pacific R. R. Co. first mortgage sinking fund 4½% gold bonds	2 @ 1,000	1569, 1570.
Vesten Electric Rys. Corp. first mortgage 20-year sinking fund 7% gold bonds.	1 @ 1,000	M1254.
Kingdom of Yugoslavia funding 5% bonds	6 @ 100	C16505, C16506, C16507, C16508, C9708, C9709.

EXHIBIT B

Name and address of issue	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares	Registered owner
Allegheny Corp., Terminal Tower Bldg., Cleveland, Ohio.	Maryland	Common	$1.00	C0112957	6	Lee & Co.
				C0112958	4	
American Locomotive Co., 30 Church St., New York 8, N. Y.	New York	do	No	C0112358	50	Do.
American Radiator & Standard Sanitary Corp., 40 West 40th St., New York, N. Y.	Delaware	do	No	C0117840	25	Do.
Baltimore & Ohio R. R. Co., B & O Bldg., Baltimore, Md.	Maryland	do	100.00	A535440	47	Egger & Co.
				A543867	35	
				A405899	20	Lee & Co.
				D313705	10	
				A528670	9	
Baltimore & Ohio R. R. Co	do	4% Non-cumulative preferred.	100.00	B96335	4	Do.
Basin Montana Tunnel Co., 1 East 57th St., New York, N. Y.	Delaware	Capital	1.00	13541/13610	[1] 100	Do.
Canadian Pacific Ry. Co., Montreal, Quebec	Canada	Capital ordinary	25.00	L173042	8	Do.
Central States Electric Corp., Richmond Trust Bldg., Richmond, Va.	Virginia	6% cumulative preferred.	100.00	NY6-SP1189	100	James L. de Rosset.
Chicago, Milwaukee, St. Paul & Pacific R. R. Co., Union Station Bldg., Chicago, Ill.	Wisconsin	$5.00 non-cumulative preferred.	100.00	PO4666	12	Joseph Schulte, Guardian for Ignaz Velder.
Chicago, Rock Island & Pacific Ry. Co., 139 Van Buren St., Chicago, Ill.	Illinois, Iowa	6% preferred	100.00	E11264	100	G. M. P. Murphy & Co.
				D39950	28	Arnold Von Guilleaume.
				D42509	20	Lee & Co.
Denver & Rio Grande Western Railroad Co., Rio Grande Bldg., Denver 2, Colo.	Delaware	6% cumulative preferred.	100.00	PF10149	8	Do.
				PF9959	4	
Electric Bond & Share Co., 2 Rector St., New York 2, N. Y.	New York	Common	5.00	N0224515	3	Do.
Erie R. R. Co., 101 Prospect Ave., Cleveland, Ohio	do	do	No	C06341	10	Do.
General Investment Corp., 941 North Meridian St., Indianapolis, Ind.	Delaware	do	1.00	NC588, NC590, NC591, NC592, NC593, NC803, NC1322.	[1] 100	Do.
				NC017233	75	
				NC017234, NC017221	[1] 25	
				NC017919	13	Egger & Co.
				NC013315	1	
Kreuger & Toll Co., Stockholm, Sweden	Sweden	American certificates	Cr. 20.00	NY063716	30	Squire & Co.
				NY073902	25	Dell & Co.
Middle West Utilities Co. of Canada, Ltd., Saulte Ste. Marie, Ontario, Canada.	Canada	Common	No	NC010153	50	Squire & Co.
				CC048163, 166233, 347769, 210291, 99747, 288121, 558017.	[1]	
Missouri Pacific R. R. Co., Missouri Pacific Bldg., St. Louis, Mo.	Missouri	5% cumulative preferred.	100.00	056068	25	Lee & Co.
				077028	11	
				059074	10	
				076972	2	
National Railways of Mexico, 2a Calle de Bolivar, No. 19, Mexico, D. F.	United States of America.	5% 24 noncumulative	100.00	17409	100	Do.
National Rubber Machinery Co., 917 Sweitzer Ave., Akron, Ohio.	Ohio	Capital	No	N5092	5	
				02228	20	Do.
Ohio Mines Corp	Delaware	do	1.00	1054	25	Mrs. Dr. Else Warlich.
Radio Corp. of America, R. C. A. Bldg., 30 Rockefeller Plaza, New York 20, N. Y.	do	Common	No	FRC27783	30	Egger & Co.
				FRC8197	15	
				FRC12176	7	
				FRC23577	3	
				FRC26130	3	
				FRC8572	1	
				FRC8575	1	
Do	do	1st cumulative preferred.	3.50	FP03725	36	Do.
St. Lawrence Paper Mills Co., Ltd., 820 Sun Life Bldg., Montreal, Canada.	Canada	6% Cumulative preferred.	100.00	NYB0754, NYB0577, NYB0578.	[1] 25	Lee & Co.
St. Louis-San Francisco Ry Co., Frisco Bldg., St. Louis 1, Mo.	Missouri	Common	100.00	52245	100	Do.
Union Pacific R. R. Co., 15th & Dodge Sts., Omaha, Nebr.	Utah	do	100.00	B524317	10	Do.
The United Corp., 901 Market St., Wilmington 7, Del.	Delaware	do	No	CO439862	25	Do.
United Fruit Co., 1 Federal St., Boston, Mass	New Jersey	Capital	No	KO87517	50	Do.
Vertientes-Camagney Sugar Co., Edificio La Metropolitana, No. 801, Havana, Cuba.	Cuba	Common temporary	6.50	TJ4596, TJ4597, TJ4598, TJ4599, TJ4600.	[1] 100	Egger & Co.
Warren Bros. Co., 38 Memorial Dr., Cambridge 42, Mass.	West Virginia	Class C	No	NYC02546	7	Lee & C.
The Western Pacific R. R. Corporation, 526 Mission St.	California	Common	100.00	EO22851	1	Do.

[1] Each.

EXHIBIT C

Description of bond issue	Bond Nos.	Rate, per cent	Face value of coupons	Due date of coupons
Free State of Bavaria	9669	6½	1 @ $32.50	2/38.
			1 @ 32.50	8/38.
			1 @ 32.50	2/39.
			1 @ 32.50	8/39.
United States of Brazil	C865	5	4 @ £2-5-0	4/1/42-10/1/43.
	M23711	6½	4 @ 32.50	4/1/42-10/1/43.
City of Budapest	1935-1936	6	2 @ 15.00	6/41.
		6	2 @ 15.00	12/40.
Conversion Office for German Foreign Debts	C077184, C080457, C068841/44, C059587, C068882/89.	3	15 @ 1.50	1/40.
German Government External Loan	C029315	7	1 @ 35.00	10/39.
Hungarian Consolidated Municipal Loan	3881	7	1 @ 35.00	7/37.
			1 @ 35.00	1/41.
			1 @ 35.00	7/41.
Munich, Germany, 7% Loan of 1925	5943/45	7	3 @ 35.00	8/38.
			3 @ 35.00	2/39.
			3 @ 35.00	8/39.
Rheinelbe Union	15841/44-15871	3¼	5 @ 16.25	1/40.
		7	5 @ 16.25	7/40.
City of Rio de Janeiro	521-4097	8	16 @ 40.00	4/1/32 through 10/1/33.
				4/1/42 through 10/1/43.
State of Rio Grande Do Sul	6616-8329-4628	8	24 @ 40.00	4/1/32 through 10/1/37.
				4/1/42 through 10/1/43.
City of Rio De Janeiro	6031/2-20091	6½	33 @ 32.50	8/1/31-2/1/32 through 2/1/34-8/1/41 through 8/1/43.
State of Rio Grande Do Sul	3321/25	6	50 @ 30.00	12/1/31 through 12/1/33 and 12/1/41 through 12/1/43.
State of Sao Paulo	2350	8	29 @ 40.00	7/1/32 through 1/1/34 and 7/1/41 through 7/1/43.
Siemens & Halske Stock Corp.	5661/64, 11443/5, 19941/46, 11308/400, 19968/80	3½	19 @ 16.25	3/40.
United Steel Works Corp.	197-177/8-23303	3½	4 @ 16.25	12/39.
	2494/98		5 @ 16.25	12/39.
	197-177/8-23303		4 @ 16.25	6/40.
	2494/98		5 @ 16.25	6/40.
	197-177/8-23303		4 @ 16.25	12/40.
	2494/98		5 @ 16.25	12/40.
	2494/98		5 @ 16.25	6/41.
	7654		16.25	6/41.
	197-177/8-23303		4 @ 16.25	6/41.

EXHIBIT D

Name and address of issuer	Place of incorporation	Type of stock	Par value	Number	Number of shares
Central Public Service Corp.		Class A		S91112	23/40ths.
				S91235	2/40ths.
The Commonwealth & Southern Corp., 902 Market St., Wilmington, Del.	Delaware	Common	No	SC2484	2/80ths.
				D134424	2/80ths.
Warren Brothers Co., 38 Memorial Dr., Cambridge 42, Mass.	West Virginia	Class C	No	None stated	7/120ths.
				CS1906	50/100ths.

EXHIBIT E

Description of issue	Face value	Number	Date
The Denver & Rio Grande Western R. R. Co. 5% General Mortgage Bond	1 @ $25	V676	12/1/24.
Konversionskasse Reichmarks Series C Bonds	11 @ RM 5	2356679, 2356680, 2356681, 2356682, 2356683, 2356684, 2356685, 2356686, 2356687, 2356688, 2356689.	8/28/33.
National Railways of Mexico Secured 3-year 6% Notes	1 @ $22.50	U136	1/1/11.

EXHIBIT F

Drawer	Drawee	Payee	Date of check	Amount
Guaranty Trust Co., New York, N. Y.	Treasurer's check	Walter Bossman	1/15/40	$13.26
Banco Occidental, in Voluntary Liq., San Salvador, El Salvador, C. A.	The Chase National Bank, New York, N. Y.	Deutsche Bank	9/11/39	60.23
Banco Occidental, San Salvador, El Salvador, C. A.	do	do	11/6/39	89.63
Do	do	do	10/4/39	38.45
Do	do	do	10/17/39	21.45
Do	do	do	10/14/39	151.06
Do	do	do	10/11/39	36.80
Allied Chemical & Dye Corp., New York, N. Y.	Guaranty Trust Co. of N. Y., New York, N. Y.	Frederich Von schmidt, Berlin, Germany	9/20/40	37.57
Phoenix Mutual Life Ins. Co., Hartford, Conn.	Chemical Bank & Trust Co., New York, N. Y.	Margarethe E. Engel, Harz, Germany	9/5/40	287.33
General Electric Co. Nela Park, Cleveland, Ohio	The Cleveland Trust Co., East Cleveland, Ohio.	Frank Werner	11/9/39	85.34
Wells Fargo Bk. & Union Trust Co., San Francisco, Calif.	Guaranty Trust Co., New York, N. Y.	Paula Stern	12/15/39	50.00
Do	Chemical Bank & Trust Co., New York, N. Y.	do	1/15/40	50.00
Do	Chase National Bank, New York, N. Y.	do	2/15/40	50.00
Do	do	do	11/16/39	34.17
Illegible	Chase National Bank, 11 Broad St., N. Y.	Emma Ulrich	11/21/39	50.00
Est. H. Day, Washington, D. C.	Chase National Bank, New York, N. Y.	Helene Day	12/1/39	166.89
Forsikrings Aktieselskabet Skandinavia, Copenhagen, Denmark.	The Chase National Bank, New York, N. Y.	Deutsche Bank, Berlin	2/14/40	1,387.85
El Banco de Costa Rica, San Jose, Costa Rica	The Royal Bank of Canada, 68 William St., New York, N. Y.	Exportkreditbank A. G.	11/13/39	30.90
Hollandsche Bank-Unie, N. V., Amsterdam, Holland.	Bank of the Manhattan Co., New York, N. Y.	Landesversicherungsanstalt	2/14/40	90.00
Bank of Hawaii, Honolulu, Hawaii	Chase National Bank, New York, N. Y.	Elinor C. Struve	11/9/39	20.00
Instituto Espanol de Moneda Extranjera, Madrid, Spain.	Manufacturers Trust Co., New York, N. Y.	Banco de Vizcaya	1/27/40	759.45
Hauck, S. A., Caracas, Venezuela	The Chase National Bank, New York, N. Y.	Kabel und Metallwerke, Neumeyer A. G.	1/18/40	416.24
European Mort. Series B Corp., New York, N. Y.	Schroder Trust Co.	Hans Homann	9/2/40	17.50
European Mortgage Series B Corp., New York, N. Y.	do	Curt Freiherr Von der Ostensacken	9/2/40	26.25
United Shoe Machinery Corp., Boston, Mass.	The First National Bank, Boston, Mass.	A. Bohr and Dr. H. Fincke	10/10/40	64.00
Instituto Espanol de Moneda Extranjera, Madrid, Spain.	Manufacturers Trust Co., New York, N. Y.	Banco de Vizcaya	10/19/40	6.00

EXHIBIT F—Continued

Drawer	Drawee	Payee	Date of check	Amount
Consulate of U. S. A., Colonge, Germany	Secretary of State, Washington, D. C.	Alfred W. Killforth, F. S. O.	10/12/40	$90.00
Standard Oil Co., Inc., of N. J., New York, N. Y.	Guaranty Trust Co. of N. Y., New York, N. Y.	Walter Bossmann	1/15/40	115.68
Frankford Trust Co., Philadelphia, Pa.	Bankers Trust Co., New York, N. Y.	Chemie Holding A. G.	12/28/39	2,208.00
Banca Commerciale Italiana, Trieste, Italy	Banca Commerciale Italiana, New York, N. Y.	Deutsche Schiffarts, Gesellschaft Hansa	1/18/40	37.00
Skandinaviska Banken Aktiebolag, Harnesand	Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	Wilhelm Dreusicke & Co.	1/13/40	2.00
Serene S. Merck	Orange First National Bank, Orange, N. J.	Dr. Carl Alwin Schenck	11/6/39	48.50
Guarantie & Kredit Bank fur Den Osten, Berlin, Germany.	The Chase National Bank, New York, N. Y.	Deutsche Bank Filiale Koln	6/6/40	43.20
Do	do	Deutsche Bank	6/6/40	1,024.02
A. W. Kliefforth	The Riggs National Bank, Washington, D. C.	Deutsche Bank, Cologne	8/20/40	55.12
New York Life Insurance Co., New York, N. Y.	Bank of New York, 48 Wall St., New York, N. Y.	Johanna L. Simon	8/3/40	43.02
The N. W. Mutual Life Ins. Co., Milwaukee, Wis.	Bankers Trust Co., New York, N. Y.	Gertrude Jungebiut	8/13/40	111.60
Allied Chemical & Dye Corp., New York, N. Y.	Guaranty Trust Co. of N. Y., New York, N. Y.	Frederich Von Schmidt	6/20/40	40.50
Victor J. Evans & Co., Washington, D. C.	The Washington Loan & Trust Co., Washington, D. C.	Apitz & Reinhold	3/19/40	48.00
Victor J. Evans & Co., Washington, D. C.	do	do	2/14/40	48.00
Rochester German Publishing Co., Rochester, N. Y.	Lincoln Alliance Bank & Trust Co., Rochester, N. Y.	Verlag Deike Berlin	11/11/39	2.71
Richard W. Tref	The Beatrice St. Bank, Beatrice, Nebr.	Strethgertes & Allianz	9/11/40	21.66
Banco Mercantil, Cochabamba	Bank of London & South America Ltd., 55 Cedar St., N. Y.	Deutsche Bank	7/20/40	40.95
Roderick P. Malloy	The National City Bank of N. Y., New York, N. Y.	Wagons Lits/Cook S. A. Oslo	4/17/40	150.00
Wm. Wallace White & Scotti, New York, N. Y.	Bankers Trust Co., 5th Ave., New York, N. Y.	A. Bohr & H. Fincke	5/28/40	23.75
Union Bank of Switzerland, Zurich, Switzerland	The Chase National Bank, New York, N. Y.	Exportkreditbank A. G.	6/13/40	44.60
Elsa Neustadter	The Farmers & Merch. National Bank, Los Angeles, Calif.	Jenny Richtenstein	6/14/40	10.00
The North American Co., New York, N. Y.	Chemical Bank & Trust Co., 165 Broadway, N. Y.	Emma Schnautler	12/29/39	89
Heidelberg Printing Machinery Corp., New York, N. Y.	The Chase National Bank, Lexington and 43d St. New York, N. Y.	Schnellpressenfabrik A. G.	5/8/40	136.48
John Ganbald, Pub. Administrator	Bank of America N. T. & S. A., Sacramento, Calif.	Minna Wimmer	11/3/39	66.78
Banque de Commerce, S. A., Ostende	Chase National Bank, New York, N. Y.	Firme, Erich C. A., Leue	1/25/40	24.85
Reichsbankdirektorium	The Chase National Bank, New York, N. Y.	Dr. E. Wirth & Co.		245.20
Exportkreditbank Aktiengesellschaft, Hamburg	Central Hanover Bank & Trust Co.	Schweizerische Lebensvers Rentenanstalt	2/1/40	8.85
Banco Aleman Antioqueno, Caracas, Venezuela	Guaranty Trust Co. of N. Y., New York, N. Y.	Alfred Metz	12/28/39	59.96
Banco Internacional del Peru, Lima, Peru	The National City Bank of N. Y., 55 Wall St., New York.	George Wildegans & Co.	10/2/39	106.87
A. B. Kjobenhavns Handelsbank, Copenhagen, Denmark.	Chemical Bank & Trust Co., 165 Broadway, New York.	Schenker & Co., A. G. (G. M. B. H.) Stettin	1/6/40	17.05
A/B. Kjobenhavns Handelsbank, Copenhagen, Denmark.	Irving Trust Co., New York, N. Y.	Schenker & Co. G. M. B. H., Stettin	1/8/40	11.95
Hammerbrocker Lagerhaus Gesellschaft, Hamburg	I. Henry Schroder Banking Corp., New York, N. Y.	Deutsche Betriebsgesellschaft fur drahtlose Telegrafie.	2/5/40	25.83
Collins & Aikman Corp., New York, N. Y.	The Comm. National Bank & Trust Co., 56 Wall St., New York.	Meifert, Dr. Sell und Dr. Schlumberger Al.	10/15/39	16.00
Forsikrings Aktieselskabet, Skandinavia, Copenhagen.	The Chase National Bank, New York, N. Y.	Deutsche Bank, Filiale Koln	1/26/40	886.81
Banco Borges & Irmao, Porto, Portugal	do	Deutsche Allgemeine Zeitung	1/4/40	7.65
Forretningsbanken, Trondheim	J. Henry Schroder Banking Corp., New York, N. Y.	Messrs Wilhelm Drensicke & Co.	1/16/40	16.70
Skandina viska Banken A/B, Stockholm, Sweden	The New York Trust Co., 100 Broadway, New York.	DEBEG, Deutsche Betriebsgesellschaft fur drahtlose Telegrafie.	1/27/40	4.28
Treasurer of the United States, Washington, D. C.	U. S. Army, Allotment Pay Section	Else Amidon	11/5/39	8.00
Max Krueger	The New York Trust Co., New York, N. Y.	Deutsche Bank	1/29/40	200.00
Bohemian Industrial Bank, Praha	Guaranty Trust Co. of N. Y., New York, N. Y.	Alfred Cristofolini	5/10/40	68.04
Soc. of the Divine Savior, St. Nazianz, Wis.	1st Wisconsin National Bank of Milwaukee, Wis.	Salvator, Verlag	12/16/39	28.09
Columbia Gas & Electric Corp., New York, N. Y.	Bankers Trust Co., New York, N. Y.	Hermine Johnson	5/15/40	37.60
Do	do	do	5/15/40	30.00
Estate of Matilda Guckert, Deceased, by Elizabeth M. Janson, Philadelphia, Pa.	Erie National Bank, Philadelphia, Pa.	Joseph Hull, Carl Hull, Leonard S. Hull, Elizabeth Schembs.	5/8/40	500.00
Do	do	Joseph Guckert, George Guckert	5/8/40	500.00
Simon Evers & Co. G. m. b. H., Hamburg, Germany	The Chase National Bank, New York, N. Y.	Lebensversicherungsbank auf Gegenseitigkeit	6/1/40	.56
Norddeutscher Lloyd, Bremen	do	Deutsche Betriebsgesellschaft fur drahtlose Telegrafie m. b. H.	5/30/40	18.47
Garantie Kredit Bank fur Den Osten, Aktien Gesellschaft, Berlin.	do	Deutsche Bank	6/6/40	190.03
Hollandsche Bank-Unie, N. V., Willemstad, Curacao	do	Reichsversicherungsanstalt fuer Angestellte	4/3/40	50.00
Allgemeine Waren Finanzierungs, Gesellschaft m. b. H., Hamburg, Germany.	Bank of New York, New York, N. Y.	Wurttenbergische und Badische Vereinigte Versicherungsgesellschaften Aktiengesellschaft.	5/24/40	13.91
Nederlandsche Indische Handelsbank, Shanghai, China.	Irving Trust Co., New York, N. Y.	Rhenania Pharm Abt. Kali Chemie, Aktiengesellschaft.	5/10/40	297.61
Allgemeine Waren Finanzierungs Gesellschaft m. b. H., Hamburg.	Bank of New York, New York, N. Y.	Albrecht, Muller Pearse & Co.	6/3/40	193.45
Estate of Gertrude Wood Lysle, Deceased, 747 Union Trust Bldg., Pittsburgh.	Fidelity Trust Co., Pittsburgh, Pa.	Martha Gadski	5/1/40	35.00
The Italian Bank for China, Shanghai, China	Guaranty Trust Co. of N. Y., New York, N. Y.	Frankfurter Zeitung	4/29/40	18.00

[F. R. Doc. 47-4063; Filed, Apr. 28, 1947; 8:53 a. m.]

[Vesting Order 8727]

AMBI-BUDD VERWALTUNG K. G. AUF AKTIEN ET AL.

In re: Interests of Ambi-Budd Verwaltung K. G. auf Aktien in agreements of Edward G. Budd Manufacturing Company of Philadelphia, Pa., and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ambi-Budd Verwaltung K. G. auf Aktien is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

All interests and rights (including all royalties and other moneys payable or held with respect to such interests and rights and all damages for breach of the agreements, and each of them, hereinafter described, all relating, among other things, to certain German or Austrian patents, together with the right to sue therefor) created in Ambi-Budd Verwaltung K. G. auf Aktien by virtue of:

(a) An agreement dated February 12, 1926 (including all modifications thereof and supplements thereto, if any) by and between Edward G. Budd Manufacturing Co. and Ambi-Budd Verwaltung K. G. auf Aktien,

(b) An agreement dated March 17, 1926 (including all modifications thereof and supplements thereto, if any) by and between Edward G. Budd Manufacturing Co. and Ambi-Budd Presswerk, G. m. b. H.,

(c) An agreement dated July 8, 1935 (including all modifications thereof and supplements thereto, if any), by and between Edward G. Budd Manufactur-

ing Co., Budd International Corporation, Ambi-Budd Presswerk G. m. b. H. and the Daimler-Benz A. G.,

(d) An agreement dated March 8, 1937 and April 19, 1937 (including all modifications thereof and supplements thereto, if any) by and between Edward G. Budd Manufacturing Co., Budd International Corporation, Ambi-Budd Presswerk G. m. b. H. and the Steyr-Daimler-Puch A. G.,

(e) An agreement dated October 2, 1937 (including all modifications thereof and supplements thereto, if any) by and between Edward G. Budd Manufacturing Co., Budd International Corporation, Ambi-Budd Presswerk G. m. b. H. and the Auto Union A. G. of Chemnitz,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy county" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4061; Filed, Apr. 28, 1947; 8:53 a. m.]

[Vesting Order 8728]

AMBI-BUDD PRESSWERK G. M. B. H. ET AL.

In re: Interests of Ambi-Budd Presswerk G. m. b. H. in an agreement between Budd International Corporation of Philadelphia, Pa., Edward G. Budd Manufacturing Company of Philadelphia, Pa., Ambi-Budd Presswerk G. m. b.H. of Berlin-Johannisthal and Zaklady Przemyslowe "Bielany" S. A., of Warsaw, Poland dated March 2, 1938.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ambi-Budd Presswerk G. m. b. H. is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All interests and rights (including all royalties and other moneys payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ambi-Budd G. m. b. H by virtue of an agreement dated March 2, 1938 (including all modifications thereof and supplements thereto, if any) by and between Budd International Corporation, Edward G. Budd Manufacturing Co., Ambi-Budd Presswork G. m. b. H., and Zaklady Przemyslowe "Bielany" S. A., relating, among other things, to certain Polish patents,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4062; Filed, Apr. 28, 1947; 8:53 a. m.]

[Vesting Order 8734]

ERNEST GAERTNER

In re: Estate of Ernest Gaertner, deceased. File D-28-10080; E. T. sec. 14335.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Gaertner and Philipp Gaertner, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $1,656.01 was paid to the Attorney General of the United States by Dora E. Hermanny, Executrix of the Estate of Ernest Gaertner, deceased;

3. That the said sum of $1,656.01 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on February 13, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4064; Filed, Apr. 28, 1947; 8:53 a. m.]

[Vesting Order 8742]

PAUL BORCHERS

In re: Cash owned by Paul Borchers. F-28-2112-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Borchers, whose last known address is c/o Mrs. Anna Borchers, Eichstrasse 18, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $858.67, presently in the possession of the Attorney General of the United States in Collection Account, Symbol 896-027,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4065; Filed, Apr. 28, 1947; 8:53 a. m.]

[Vesting Order 8748]

ADELGUNDE LUTTICH

In re: Stock owned by and debt owing to Adelgunde Luttich. F-28-18149-D-1, F-28-18149-A-1, F-28-18149-C-1, D-66-2239-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adelgunde Luttich, whose last known address is Baumst'r 4/1, Munich, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten and three hundredths (10.03) shares of $100.00 par value common capital stock of The Murray Company, Dallas, Texas, a corporation organized under the laws of the State of Texas, evidenced by Certificates Numbered 483 and 185, and registered in the name of Adelgunde Luttich, which certificates are presently in the possession of Rhodes S. Baker, Jr., 3217 Martha Custis Drive, Alexandria, Virginia, together with all declared and unpaid dividends thereon, and

b. All those debts or other obligations owing to Adelgunde Luttich by Rhodes S. Baker, Jr., 3217 Martha Custis Drive, Alexandria, Virginia, including particularly but not limited to a portion of the sum of money on deposit with The City Bank of Washington, D. C., 9th and Massachusetts Avenue, N. W., Washington, D. C., in an account, entitled Rhodes S. Baker, Jr., maintained at the branch office of the aforesaid bank located at 10th and Pennsylvania Avenue, N. W., Washington, D. C., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4066; Filed, Apr. 28, 1947; 8:53 a. m.]

[Vesting Order 8750]

CARL SCHILL

In re: Stock owned by Carl Schill, F-28-547-D-1, F-28-547-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Schill, whose last known address is Osthofen, Rheinhessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of no par value capital stock of The Wander Company, 360 North Michigan Avenue, Chicago 1, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by Certificates Numbered 77 and 199, representing 25 shares each and 375 representing 50 shares, and registered in the name of Carl Schill, together with all declared and unpaid dividends thereon, and

b. Sixty-nine (69) shares of $1.00 par value common capital stock of The Gruen Watch Company, Time Hill, Cincinnati, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by Certificate Numbered 2005, and registered in the name of Carl Schill, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4067; Filed, Apr. 28, 1947; 8:53 a. m.]

[Vesting Order 8755]

FUJISO YANO

In re: Bank account owned by Fujiso Yano, also known as Fujizo Yano and as F. Yano. D-39-13584-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fujiso Yano, also known as Fujizo Yano, and as F. Yano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Fujiso Yano, also known as Fujizo Yano and as F. Yano, by Security First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles 54, California, arising out of a Savings Account, entitled F. Yano, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on ac-

count of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3992; Filed, Apr. 25, 1947; 8:47 a. m.]

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9845

AMENDMENT OF EXECUTIVE ORDER NO. 9 OF JANUARY 17, 1873, RELATING TO THE HOLDING OF STATE OR LOCAL OFFICES BY FEDERAL OFFICERS AND EMPLOYEES

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), and as President of the United States, Executive Order No. 9 of January 17, 1873, as amended, prohibiting with certain exceptions Federal officers and employees from holding state, territorial, county, municipal, or other local offices, is hereby further amended so as to permit employees of the Bureau of Reclamation with the approval of the Secretary of the Interior to accept appointments as constables or deputy sheriffs under the laws of the States or territories in which such employees may be on duty: *Provided*, That their services as such constables or deputy sheriffs shall be without compensation and shall not in any manner interfere or conflict with the performance of their duties as employees of the Bureau of Reclamation.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 28, 1947.

[F. R. Doc. 47-4145; Filed, Apr. 28, 1947; 4:16 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

DELEGATION OF AUTHORITY TO SUGAR RATIONING ADMINISTRATION

CROSS REFERENCE: For delegation of authority from the Secretary of Agriculture to the Sugar Rationing Administration of certain authority, powers and functions vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947, see Title 32, Chapter VII, Part 705, *infra*.

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organizations, Functions and Procedures

PART 2—ORGANIZATION, FUNCTIONS, AND PROCEDURES, OF AGENCIES DEALING WITH THE PUBLIC

SECRETARY OF WAR'S BOARD ON CORRECTION OF MILITARY RECORDS

Pursuant to the authority vested in the Secretary of War by section 207 of the Legislative Reorganization Act of August 2, 1946 and pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, the following §§ 2.20 to 2.29, pertaining to the Secretary of War's Board on Correction of Military Records, are hereby prescribed:

Sec.
2.20 Secretary of War's Board on correction of military records.
2.21 Undue delay as bar to relief.
2.22 Application for relief.
2.23 Proceedings of Board.
2.24 Hearings.
2.25 Scope of inquiry.
2.26 Findings, conclusions and recommendations.
2.27 Disposition of proceedings.
2.28 Transmittal of records and action by The Adjutant General.
2.29 Changes in procedure of Board.

AUTHORITY: §§ 2.20 to 2.29, inclusive, issued under sec. 3, Pub. Law 404, 79th Cong., 60 Stat. 238, Pub. Law 601, 79th Cong., 60 Stat. 837.

§ 2.20 *Secretary of War's Board on correction of military records.* (a) The Secretary of War's Board on Correction of Military Records, hereinafter referred to as the Board, is an administrative agency established in the Office of the Secretary of War pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946 which authorizes the Secretary of War to correct any military record where in his judgment such action is necessary to correct an error or to remove an injustice.

(b) Section 131 of the Legislative Reorganization Act cited above, provides that no bill authorizing or directing the correction of a military record shall be received or considered in either the Senate or the House of Representatives.

(Continued on p. 2801)

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This legislative mandate gives to the Secretary of War the same jurisdiction as heretofore possessed by Congress in this respect.

§ 2.21 *Undue delay as bar to relief.* An application for the correction of a military record as provided in section 207 may be refused by the Board on the ground that there has been undue delay in filing the application.

§ 2.22 *Application for relief.* (a) The applicant for relief will submit a written request to the Secretary of War, Attention: Board on Correction of Military Records. The request should be made on WD AGO Form 562, which may be obtained from The Adjutant General, Attention: AGPI, Washington 25, D. C.

(b) The application shall include:

(1) The full name, Army serial number, grade and organization or assignment of the person whose military record is involved.

(2) A description of the military record sought to be corrected.

(3) A particular description of the alleged error or injustice sought to be corrected or removed.

(4) The reasons in support of the relief requested.

(5) The full name and address of counsel if the applicant desires to be so represented.

(6) A request for a hearing before the Board in Washington, D. C., if the applicant so desires.

(7) The full name and address of any witness or witnesses whose testimony the applicant may desire the Board to consider at the hearing. The nature of each witness' testimony, or the principal facts concerning which he will testify, should be indicated.

(8) Any statements or affidavits from persons other than the applicant in support of the request for relief.

(9) Signature of the applicant.

(c) The application shall be executed under oath or shall contain a provision that the statements submitted in the application, as part of the claim, are made with full knowledge of the penalty provided for making a false statement.

(d) Upon request of the Board, The Adjutant General will assemble the originals or certified copies of all available War Department records pertinent to the relief requested. Such records together with the application and all supporting documents will be transmitted to the Chairman of the Board.

§ 2.23 *Proceedings of Board.* (a) The Board will be convened at the call of the Chairman and will recess or adjourn at his order.

(b) The Board will assemble in open or closed session for the consideration and determination of cases presented to it. Cases in which no request for hearing is made by the applicant will be considered in closed session on the bases of all documentary evidence presented to it, and any briefs submitted by or on behalf of applicant.

(c) A reporter will record the proceedings of the Board in open session and the testimony taken before it.

§ 2.24 *Hearings.* (a) An applicant for the correction of a military record, upon request, shall be entitled to appear before the Board in open session, either in person or by counsel of his own selection. At the discretion of the Board, the applicant may present witnesses to testify in support of his claim. As used in §§ 2.20 through 2.29, the term "counsel" will be construed to include members of the Federal bar in good standing, the bar of any State in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of 29 June 1936 (Pub. Law 844, 74th Cong.), and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses of the applicant or expenses or compensation of witnesses or counsel for the applicant be paid by the Government.

(b) In each case in which hearing is requested the Board will transmit to the applicant and to designated counsel for the applicant, if any, a written notice stating the time and place of hearing. Such notice will be mailed at least 15 days prior to the date of hearing to the applicant and his counsel, if any. It will be the responsibility of the applicant to notify his witnesses, if any. The applicant may waive such time limit and an earlier date may be set by the Board. The record will contain evidence that written notice was given the applicant and his counsel, if any, and the time and manner thereof.

(c) An applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails without cause to appear at the appointed time, either in person or by counsel, shall be deemed to have waived his right to be present, and the Board will have authority to proceed with the consideration and determination of the case.

(d) The hearing will be conducted so as to insure a full and fair inquiry. Neither the applicant nor his counsel will have access to any classified papers or reports of investigation or papers related thereto or any document received from the Federal Bureau of Investigation. When it is necessary to acquaint the applicant with the substance of a document, such as above described, the Director of Intelligence, WDGS, or other appropriate official, on the request of the Board, will prepare a summary of, or extract from, the document deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the public interest. Such summary then may be made available without classification to the applicant or his counsel.

(1) The Board will not be limited by the restrictions of common law rules of evidence.

(2) In order to justify correction of a military record, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the alleged entry or omission in the record was in error or unjust under directives, standards, administration, and practice either existing at the time, or subsequently changed in the petitioner's favor, effective retroactively. The directives, standards, administration, and practice in §§ 2.20 through 2.29 contemplated are those stated in statutes, regulations, manuals, directives of the War Department and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, the Comptroller General and of The Judge Advocate General.

(3) The testimony of witnesses will be under oath administered by the presiding officer or by affidavit. If a witness testifies in person he will be subject to examination by members of the Board.

(4) The Board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

(5) The Board may, at its discretion and for good cause shown, permit an applicant to withdraw his application without prejudice at any time before the Board makes its final recommendation.

§ 2.25 *Scope of inquiry.* (a) Unless directed by the Secretary of War, the

Board shall not review any case wherein final action has been taken by the President of the United States, the Secretary, the Under Secretary, or the Assistant Secretary of War. No application will be considered until the applicant has exhausted all remedies afforded him by existing law or regulations.

(b) It shall be adequate ground for denial of any application that effective relief cannot be granted or that a sufficient basis for review has not been established.

(c) The right to apply to the Board for relief shall not operate as a stay of any proceedings taken against the person involved.

§ 2.26 *Findings, conclusions, and recommendations.* (a) The Board will make findings in writing in each case. The findings and conclusions of a majority of the Board will constitute the findings and conclusions of the Board.

(b) In case of a disagreement between members of the Board a minority report may be submitted, either as to the findings, or to the recommendations, or to both. The reasons for the minority report will be clearly stated.

(c) The Chairman of the Board will, in the name of the Board, recommend to the Secretary of War such action as may be necessary to carry into effect the determinations of the Board.

§ 2.27 *Disposition of proceedings.* (a) When the Board has concluded its proceedings in any case, the Board will prepare a complete record thereof. Such record will include the application for relief; a transcript of the hearing, if any; affidavits, papers, and documents considered by the Board; all briefs and written arguments filed in the case; the report of the examiner, if any; the findings and conclusions of the Board and its recommendation for corrective action; any minority report prepared by a dissenting member of the Board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the Chairman as being true and complete.

(b) All records of proceedings of the Board in closed session will be confidential.

§ 2.28 *Transmittal of records and action by The Adjutant General.* Upon the approval of the Secretary of War, the record of proceedings and recommendations in each case will be transmitted to The Adjutant General or other proper authority for appropriate War Department action. The Adjutant General will perform such administrative acts as may be necessary, and thereafter will notify the applicant and his counsel, if any, of the action taken. Written notice specifying the action taken and the date thereof will be transmitted by The Adjutant General to the Chairman of the Board.

§ 2.29 *Changes in procedure of Board.* The Board may initiate recommendation for such changes in procedure as established herein as may be deemed necessary for the proper functioning of the Board. Such changes will be subject to the approval of the Secretary of War.

[WD Memo 400-20-2, April 17, 1947]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4088; Filed, Apr. 29, 1947; 8:55 a. m.]

Chapter V—Military Reservations and National Cemeteries

PART 507—SERVICE CLUBS, HOSTESSES AND LIBRARIANS

SERVICE UNIFORMS

In § 507.21 amend paragraph (a) and revoke paragraph (b) as follows:

§ 507.21 *Service uniforms; general—*(a) *In continental United States, and in oversea commands.* The hostess-librarian service uniform will be worn in the continental United States and in oversea commands only by members of the Army Hostess and Librarian service except as provided in (c) of this section.

(b) *In oversea theaters, departments, and base commands.* [Revoked]

[AR 600-36, 25 Feb. 1944 as amended by WD Cir. 95, Apr. 11, 1947] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL.
Major General,
The Adjutant General.

[F. R. Doc. 47-4090; Filed, Apr. 29, 1947; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 501—AIRCRAFT REGISTRATION CERTIFICATES

Part 501 of the regulations of the Administrator of Civil Aeronautics was last revised on February 10, 1943. Since that time experience has disclosed the necessity for again revising this part by making a few minor changes. It appearing that:

This part, as herein revised, (including these minor changes) was published in proposed form in the FEDERAL REGISTER (12 F. R. 1247) on February 22, 1947; all interested persons, pursuant to such publication, were given an opportunity to submit written data, views, or arguments for consideration in connection with this proposed revision; all such data, views, and arguments submitted by interested persons were considered in the final preparation of the revision of this part which, in its present form as compared to its proposed form previously published in the FEDERAL REGISTER, contains changes of only a minor nature which will not impose any burden upon interested persons; the persons affected by this part (as herein revised) will be greatly benefited by its being made effective without delay; in view of the foregoing, sufficient notice and public procedure have been afforded to interested persons, and further notice or public procedure would serve no purpose other than to delay the issuance of the revision of this part of the regulations of the Administrator which it is in the public interest and benefit to adopt at this time. And finding that:

Further notice and public procedure provided for in sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary with respect to the revision of this part; and that good cause exists to declare this part (as herein revised) effective immediately pursuant to section 4 (c) of that act.

Now therefore, acting pursuant to the authority vested in me by sections 308 and 501 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 986, 1005, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 521)[1] I hereby revise Part 501 of the regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.
501.0 Basis and purpose.
501.1 Scope.
501.2 Application.
501.3 Issuance of registration certificate.
501.4 Effective date.
501.5 Transferability.
501.6 Duration.
501.7 Display.
501.8 Invalidation.
501.9 Surrender.
501.10 Notice of change of address.

AUTHORITY: §§ 501.0 to 501.10, inclusive, issued under 52 Stat. 973, 986, 1005, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 521.

§ 501.0 *Basis and purpose.* The purpose of the regulations in this part is to prescribe the regulations under which persons may register aircraft in accordance with the requirements of section 501 of the Civil Aeronautics Act of 1938, as amended. The basis for this part is found in sections 308 and 501 of the Civil Aeronautics Act of 1938, as amended.

§ 501.1 *Scope.* Except as provided in Part 502 of this chapter with respect to Dealers' Aircraft Registration Certificates, the requirements for aircraft registration certificates shall be as prescribed in this part.

§ 501.2 *Application.* Application for the registration of an aircraft shall be made upon the applicable form prescribed (and furnished) by the Administrator.

§ 501.3 *Issuance of registration certificate—*(a) *New or previously unregistered aircraft.* A registration certificate will be issued by the Administrator for aircraft not previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended: *Provided*, That the applicant: (a) Mails or delivers a duly executed application for registration to the Administrator[1] accompanied by the required registration fee;[2] (b) certifies that applicant is a citizen of the United States;[3] and (c) submits with the application proof satisfactory to the Administrator that the applicant is the owner of such aircraft.

(b) *Previously registered aircraft.* A registration certificate will be issued by the Administrator for aircraft previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended, if the applicant: (a) Mails or delivers a duly executed application for registration to the Administrator[1] accompanied by the required registration fee;[2] (b) certifies that applicant is a citizen of the United States;[3] and (c) submits with the application for registration a conveyance which meets the requirements prescribed in Part 503 of regulations of this chapter, evidencing applicant's ownership of the aircraft; and (d) the conveyance submitted with the above application establishes in the recordation system of the Administrator, title to the aircraft in the applicant: *Provided*, That this requirement shall not be applicable to contracts of conditional sale in which the seller is the recorded owner of the aircraft.

§ 501.4 *Effective date.* An aircraft will be deemed to be registered upon the date the documents required by § 501.3 (a) and (b), whichever is applicable, are mailed or delivered to the Administrator.

§ 501.5 *Transferability.* A registration certificate is not transferable.[1]

§ 501.6 *Duration.* Upon application for registration made upon the prescribed form, an aircraft may be operated for a period of sixty (60) days pending registration by the Administrator.[1] The registration and the certificate issued by the Administrator pursuant thereto shall remain in effect indefinitely unless suspended or revoked: *Provided*, That such registration and certificate shall immediately expire on the date: (a) The aircraft is registered under the laws of any foreign country; or (b) the registration of the aircraft is cancelled at the written request of the owner; or (c) the aircraft is totally destroyed or scrapped; or (d) the ownership of the aircraft is transferred.

§ 501.7 *Display.* The registration certificate issued for any aircraft shall be carried at all times in such aircraft and shall be presented upon request of any duly authorized representative for the Administrator,[2] or any state or municipal official charged with enforcing local laws or regulations involving Federal compliance.

§ 501.8 *Invalidation.* Any registration of an aircraft shall be null and void if at the time of registration: (a) The aircraft was registered under the laws of any foreign country; (b) the person registered as owner was not the true and lawful owner of the aircraft; (c) the person registered as owner was not a citizen of the United States; or the interest of such person in the aircraft was created by any transaction not entered into in good faith, but for the purpose of avoiding, with or without the knowledge of the registered owner, the provision of the Civil Aeronautics Act of 1938, as amended, prohibiting the registration of an aircraft in the name of a person not a citizen of the United States.

§ 501.9 *Surrender.* Upon the suspension, revocation, expiration or invalidation of a registration certificate, the owner of the aircraft shall, upon request, surrender such certificate to any authorized representative of the Administrator.

§ 501.10 *Notice of change of address.* The registered owner of any aircraft shall notify the Administrator immediately of any change of address.

This part as revised herein shall become effective May 1, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-4071; Filed, Apr. 29, 1947; 8:46 a. m.]

PART 502—DEALERS' AIRCRAFT REGISTRATION CERTIFICATES

Part 502 of the regulations of the Administrator of Civil Aeronautics was originally made effective on November 15, 1946. Since that date it has become necessary to revise this part in order to grant to bona fide distributors and dealers of used aircraft the same privilege to obtain and utilize dealers aircraft registration certificates as was granted to manufacturers, distributors and dealers of new aircraft under the original Part 502. It appearing that:

This part, as herein revised, was published in proposed form in the FEDERAL REGISTER (12 F. R. 1248) on February 22, 1947; all interested persons, pursuant to such publication, were given an opportunity to submit written data, views, or arguments for consideration in connection with this proposed revision; all such data, views, and arguments submitted by interested persons were considered in the final preparation of the revision of this part which, in its present form as compared to its proposed form previously published in the FEDERAL REGISTER, contains changes of only a minor nature which will not impose any burden upon interested persons; the persons affected by this part (as herein revised) will be greatly benefited by its being made effective without delay; in view of the foregoing, sufficient notice and public procedure have been afforded to interested persons, and further notice or public procedure would serve no purpose other than to delay the issuance of the revision of this part of the regulations of the Administrator which it is in the public interest and benefit to adopt at this time. And finding that:

Further notice and public procedure provided for in sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary with respect to the revision of this part, and that good cause exists to declare this part (as herein revised) effective immediately pursuant to section 4 (c) of that act.

Now therefore acting pursuant to the authority vested in me by sections 308, and 501 of the Civil Aeronautics Act of 1938 as amended (52 Stat. 973, 986, 1005, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 401, 458, 521), I hereby revise Part 502 of the regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.
502.1 Basis and purposes.
502.2 Application.
502.3 Requirements.
502.4 Limitations.
502.5 Rules.
502.6 Notice.

AUTHORITY: §§ 502.1 to 502.6, inclusive, issued under 52 Stat. 973, 986, 1005, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 521.

§ 502.1 *Basis and purposes.* The purposes of the regulations in this part are: (a) To prescribe regulations for the registration of aircraft by persons engaged in the business of manufacturing, distributing or selling of aircraft, (b) to facilitate the operation, demonstration, and merchandising of aircraft moving in the ordinary trade channels from the manufacturer, distributor, or dealer to the ultimate purchaser without imposing upon the manufacturer, distributor, or dealer the burden of obtaining an individual registration certificate for such aircraft with each transfer of title as required under the registration provisions of Part 501 of this chapter, and (c) to permit manufacturers to conduct required production flight tests. A dealer's aircraft registration certificate is an alternate form for the registration of civil aircraft from that prescribed by Part 501. Persons engaged in the business of manufacturing, distributing or selling aircraft, upon application, may obtain one or more dealers' aircraft registration certificates issued under the provisions of this part. The basis for this part is found in sections 308 and 501 of the Civil Aeronautics Act of 1938 as amended.

[1] Effective November 15, 1946, the Administrator issued a new Form ACA 500 with complete instruction for the execution of each part on the back of the form. Each transfer of aircraft ownership effected subsequent to November 15, 1946, and registration of the aircraft in the new owner's name will be accomplished by using the new Form ACA 500.

[1] See footnote on p. 2802.

[2] *Registration fee.* Section 651.31 (c) (1) of the regulations of the Administrator of Civil Aeronautics reads as follows:

(1) Effective November 15, 1946, aircraft registration other than Dealers' Aircraft Registration will be accomplished by the use of Form ACA 500. This form contains three parts: Part A, Registration Certificate, Part B, Application for Registration, and Part C, Bill of Sale.

(i) *Application and fee.* The applicant for such registration certificate will execute the original and duplicate of Part A and Part B, retain the original of Part B in the aircraft as a temporary registration for 60 days, and mail all duplicates of Parts A, B, and C together with the original of Part A and a registration fee of $4.00 to the Director, Aircraft and Components Service, Attention: Certification and Recordation Section, Civil Aeronautics Administration, Washington 25, D. C.

[3] As defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended, "'Citizen of the United States' means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, territory or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions."

§ 502.2 *Application.* Application for a dealers' aircraft registration certificate shall be made upon a form prescribed by the Administrator and shall be accompanied by the required registration fee.[1]

§ 502.3 *Requirements.* To be eligible for a dealers' aircraft registration certificate an applicant shall be a citizen of the United States[2] with an established place of business located in the United States or any territory or possession of the United States, engaged in the following activities:

(a) The manufacture of aircraft, or

(b) The distribution or sale of new aircraft under authority of a franchise, license, letter of authority, agreement, or other arrangement from the manufacturer or his authorized agent, or

(c) The distribution or sale of used aircraft[3] to ultimate purchasers through ordinary trade channels.

§ 502.4 *Limitations—(a) Operation.* (1) A dealers' aircraft registration certificate shall be valid for the operation of an aircraft only by a person to whom such certificate was issued or by his duly authorized agent or employee.

(2) A dealers' aircraft registration certificate is valid only for an aircraft owned by a person to whom such certificate was issued and which is being operated, (i) in the ordinary trade channels between any two of the following persons: The manufacturer, the distributor, the dealer, or the purchaser from any of such persons, (ii) for demonstration purposes necessary to the sale of such aircraft, or (iii) to conduct required production flight tests.

Transfer of ownership. Whenever the ownership of an aircraft is transferred to a person who is not the possessor of a valid dealers' aircraft registration certificate, the purchaser shall make application for registration of the aircraft in his name in accordance with the provisions of Part 501 of this chapter prior to the operation of the aircraft.[3]

§ 502.5 *Rules—(a) Display.* The dealers' aircraft registration certificate shall be carried in the aircraft when operated by the person to whom the certificate was issued, or by his authorized agent or employee.

(b) *Duration.* A dealers' aircraft registration certificate shall expire one year from the date of issuance thereof.

(c) *Transferability.* A dealers' aircraft registration certificate is not transferable.

§ 502.6 *Notice.* The holder of a dealers' registration certificate shall notify the Administrator immediately of any change which affects his status as a citizen of the United States as defined in section 1 (13) of the Civil Aeronautics Act of 1938, or other change of the conduct of his business which affects his eligibility for a dealers' aircraft registration certificate.

This part as revised herein shall become effective May 1, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-4072; Filed, Apr. 29, 1947; 8:47 a. m.]

PART 503—RECORDATION OF AIRCRAFT OWNERSHIP

Part 503 of the regulations of the Administrator of Civil Aeronautics was adopted on February 10, 1943. Since that time experience has disclosed the necessity for revising this part by making a few minor changes. It appearing that:

This part, as herein revised (including these minor changes) was published in proposed form in the FEDERAL REGISTER (12 F. R. 1249) on February 22, 1947; all interested persons, pursuant to such publication, were given an opportunity to submit written data, views, or arguments for consideration in connection with this proposed revision; all such data, views, and arguments submitted by interested persons were considered in the final preparation of the revision of this part which, in its present form as compared to its proposed form previously published in the FEDERAL REGISTER, contains changes of only a minor nature which will not impose any burden upon interested persons; the persons affected by this part (as herein revised) will be greatly benefited by its being made effective without delay; in view of the foregoing, sufficient notice and public procedure have been afforded to interested persons, and further notice or public procedure would serve no purpose other than to delay the issuance of the revision of this part of the regulations of the Administrator which it is in the public interest and benefit to adopt at this time. And finding that:

Further notice and public procedure provided for in sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary with respect to the revision of this part, and that good cause exists to declare this part (as herein revised) effective immediately pursuant to section 4 (c) of that act.

Now therefore acting pursuant to the authority vested in me by sections 308 and 503 of the Civil Aeronautics Act of 1938 as amended (52 Stat. 973, 986, 1006, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 401, 458, 523) I hereby revise Part 503 of the regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.
503.1 Basis and purpose.
503.2 Definitions.
503.3 Eligibility of conveyances.

AUTHORITY: §§ 503.1 to 503.3, inclusive, issued under 52 Stat. 973, 986, 1006, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 458, 523.

§ 503.1 *Basis and purpose.* The purpose of the regulations in this part is to prescribe regulations for recordation of conveyances affecting the title to, or interest in, any aircraft registered under the provisions of section 501 of the Civil Aeronautics Act of 1938, as amended, (52 Stat. as amended; 49 U. S. C. 521) and of Part 501 or Part 502 of this chapter. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 503.2 *Definitions.* As used in this part, "conveyance" means a bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, aircraft.

§ 503.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It is executed upon the form prescribed by the Administrator for such type of conveyance, or upon a form deemed by the Administrator to be its equivalent; and

(b) It is accompanied by a duly executed application for registration and the required registration fee, and complies with the other provisions of either § 501.3 (a) or (b) of this chapter, whichever is applicable: *Provided,* That this paragraph shall not apply to conveyances affecting an interest in, but not title to, the aircraft; and

(c) It affects an aircraft currently registered under the terms of the Civil Aeronautics Act of 1938, as amended; and

(d) It states the interest in the aircraft of the person by whom such conveyance is made or given, or in the case of a contract of conditional sale, the interest of the vendor; and, except in cases where the conveyor is the record title holder of such aircraft in the records of the Administrator, it is accompanied by a bill or bills of sale or similar instrument or instruments establishing title to such aircraft in the conveyor; and

(e) It states the interest transferred by the conveyance; and

(f) It is accompanied by the required recordation fee:[1] *Provided,* That this paragraph shall not apply to any conveyance accomplished by a bill of sale or similar instrument transferring title to an aircraft to the purchaser; and

(g) It is acknowledged before a Notary Public or other officer authorized by law of the United States, or a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

This part as revised herein shall become effective May 1, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-4073; Filed, Apr. 29, 1947; 8:47 a. m.]

PART 651—PROCEDURE OF THE CIVIL AERONAUTICS ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended (52 Stat. 986–1005, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458, 521), and in accordance with the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.), I hereby amend Part 651, Procedure of the Civil Aeronautics Administration, as follows:

1. By amending § 651.31 (c) (11 F. R. 177A–321) to read as follows:

§ 651.31 *Aircraft certificates.* • • •

(c) *Aircraft registration certificates.* An aircraft registration certificate is conclusive evidence of the nationality of the aircraft for international purposes, but not in any proceeding under the laws of the United States. The registration of the aircraft by the Civil Aeronautics Administration is not evidence of ownership in any proceeding in which ownership by a particular person is or may be, in issue.

(1) Effective November 15, 1946, aircraft registration other than Dealers' Aircraft Registration will be accomplished by the use of Form ACA 500. This form contains three parts: Part A, Registration Certificate, Part B, Application for Registration, and Part C, Bill of Sale.

(i) *Application and fee.* The applicant for such registration certificate will execute the original and duplicate of Part A and Part B, retain the original of Part B in the aircraft as a temporary registration for 60 days, and mail all duplicates of Parts A, B, and C together with the original of Part A and a registration fee of $4.00 to the Director, Aircraft and Components Service, Attention: Certification and Recordation Section, Civil Aeronautics Administration, Washington 25, D. C.

Effective November 15, 1946, Certificates of Ownership (Form ACA 1160) will not be issued by the Administration. However, such certificates issued prior to November 15, 1946, may be used subsequent to that date in effecting the transfer of ownership of an aircraft if it is accompanied by the registration fee of $4.00. If the Form ACA 1160, Certificate of Ownership is not used in effecting the transfer of ownership, it should be surrendered at the time the next application is made on Form ACA 500 for the registration of the aircraft.

(ii) *Requirements.* For the evidence required for the issuance of a registration certificate and the general rules pertaining to the registration of aircraft, see Part 501 of this chapter.

(2) *Dealers' aircraft registration certificates.* (Form ACA 1707) provides an alternate form of registration permitting the operation, demonstration, and merchandizing of civil aircraft owned by the certificate holder, such as manufacturer, distributor, or dealer and moving in the ordinary trade channels from such manufacturer, distributor, or dealer to the ultimate purchaser.

(i) *Application and fee.* Application is made on a form, "Application for Issuance of Dealers' Aircraft Registration Certificate(s)" (ACA–1706) which requires a statement of the citizenship of the dealer and certain data as to his status as a bona fide dealer in aircraft. An application containing current data must be submitted each time certificates are requested and may cover as many certificates as are desired at that time. This application is obtained from, and is submitted to, the Aircraft and Components Branch of the Regional Office for the area in which the applicant's business is located. A fee of $5.00 is charged for the first certificate, and $1.00 for each additional or subsequent certificate, issued to the same dealer. Certificates are valid for twelve months from date of issuance. Duplicates will not be issued.

(ii) *Requirements.* For further information as to the requirements pertaining to the issuance and use of Dealers' Aircraft Registration Certificates see Part 502 of this chapter.

(52 Stat. 986–1005, 54 Stat. 1233, 1235, 1236, Pub. Law 404, 79th Cong.; 49 U. S. C. 458, 521)

2. By amending Subpart E (Part 651) (11 F. R. 177a–323) to read as follows:

SUBPART E—RECORDATION OF AIRCRAFT CONVEYANCES

Sec.
651.51 General.
651.52 Forms of conveyance.
651.53 Application.
651.54 Requirements.

AUTHORITY: § 651.51 to 651.54, inclusive, issued under 52 Stat. 986–1005, 54 Stat. 1233, 1235, 1236, Pub. Law 404, 79th Cong.; 49 U. S. C. 458, 521)

§ 651.51 *General.* All conveyances which affect the title to, or interest in, any aircraft registered under the provisions of the Civil Aeronautics Act are eligible for recordation with the Civil Aeronautics Administration. Upon receipt of any such conveyance, it is entered upon the Administration's record of conveyances. A receipt showing the recording of any document evidencing indebtedness will be furnished to the holder of such document.

§ 651.52 *Forms of conveyance.* The following forms have been prepared by the Administrator for use in recording of conveyances and are available upon request to the Certification and Recordation Section, Civil Aeronautics Administration, Washington 25, D. C.

(a) *Form ACA 500: Part C, Bill of Sale.* (For further information concerning Form ACA 500, see § 651.31 (c).)

(b) *Form ACA 506: Release.* (This form appears on the back of a letter acknowledging receipt of a chattel mortgage and should be in the possession of the mortgagee or his assignee to be used when the mortgage is cleared.)

(c) *Form ACA 818: Release Contract of Conditional Sale.* (This form appears on the back of a letter acknowledging receipt of a contract of conditional sale and should be in the possession of the seller or his assignee to be used when all conditions of the contract have been met.)

(d) *Form ACA 905: Aircraft Chattel Mortgage.*

(e) *Form ACA 906: Aircraft Conditional Sale Contract.*

(f) *Form ACA 909: Supplemental Affidavit to Application for Registration for All Types of Aircraft.* (To be filled in and submitted with Application for Registration (Form ACA 500, Part B) when the aircraft has been repossessed pursuant to the provisions of a chattel mortgage or contract of conditional sale and the person repossessing desires registration of the aircraft in his name.)

§ 651.53 *Application.* A conveyance may be recorded by submitting the original document, or a properly executed duplicate thereof, to the Director, Aircraft and Components Service, Civil Aeronautics Administration, Washington 25, D. C. There is no fee (other than the $4.00 registration fee) for recording a bill of sale. A fee of $4.00 is charged for the recording of a lien covering one aircraft. If more than one aircraft is covered by such lien the fee shall be $4.00 for each aircraft. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a satisfaction of a lien.

§ 651.54 *Requirements.* For further information with respect to the requirements and instructions for the recordation of aircraft conveyances, see Part 503 of this chapter, or mail requests to the Director, Aircraft and Components Service, Attention: Certification and Recordation Section, Civil Aeronautics Administration, Washington 25, D. C.

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[1] *Registration fee.* Section 651.31 (c) (2) (i) of this chapter reads as follows:

(i) *Application and fee.* Application is made on a form, "Application for Issuance of Dealers' Aircraft Registration Certificate(s)" (ACA–1706) which requires a statement of the citizenship of the dealer and certain data as to his status as a bona fide dealer in aircraft. An application containing current data must be submitted each time certificates are requested and may cover as many certificates as are desired at that time. This application is obtained from, and is submitted to, the Aircraft and Components Branch of the Regional Office for the area in which the applicant's business is located. A fee of $5.00 is charged for the first certificate, and $1.00 for each additional or subsequent certificate, issued to the same dealer. Certificates are valid for twelve months from date of issuance. Duplicates will not be issued.

[2] As defined by section 1 (13) of the Civil Aeronautics Act of 1938 as amended, "'Citizen of the United States' means (a) an individual who is a citizen of the United States or of one of its possesions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, territory, or possession of the United States of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions."

[3] Upon the transfer of the ownership of the aircraft to a person who is not the possessor of a valid dealers' registration certificate, the parties to the sale will execute the new form ACA 500 in accordance with the instructions on the reverse side thereof. The portion marked "Part B" shall be retained in the aircraft and will entitle the purchaser to operate the aircraft for 60 days pending registration in his name by the Administrator.

[1] Section 651.53 of the regulations of the Administrator of Civil Aeronautics reads as follows:

§ 651.53 *Application.* A conveyance may be recorded by submitting the original document, or a properly executed duplicate thereof, to the Director, Aircraft and Components Service, Civil Aeronautics Administration, Washington 25, D. C. There is no fee (other than the $4.00 registration fee) for recording a bill of sale. A fee of $4.00 is charged for the recording of a lien covering one aircraft. If more than one aircraft is covered by such lien the fee shall be $4.00 for each aircraft. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a satisfaction of a lien.

This amendment shall become effective May 1, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-4070; Filed, Apr. 29, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51665]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

PREPARATION BY CUSTOMS EMPLOYEES OF COPIES OF RECORDS PERTAINING TO IMPORTATIONS

Section 24.12 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 24.12 (b)), is hereby amended by inserting after the third sentence the following sentence: "The cost of such labor shall be computed in multiples of 1 minute based on an hourly rate equal to $\frac{1}{1688}$ of the gross annual rate of regular pay of the particular employee or the amount actually payable to the employee for services outside his established basic workweek."

(R. S. 161, 2635, 2654, sec. 624, 46 Stat. 759, R. S. 4383, 5 U. S. C. 22; 19 U. S. C. 58, 59, 1624, 46 U. S. C. 333)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: April 23, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4108; Filed, Apr. 29, 1947; 8:57 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 4, as Amended Jan. 27, 1947, Amdt. 2]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

CERTIFICATES AND DIRECTIVES FOR SURPLUS MATERIALS AND EQUIPMENT

Section 803.4, Housing Expediter Priorities Regulation 4, is amended by changing paragraph (d) to read as follows:

(d) *WAA stocks covered.* This section covers all materials and equipment of the types described in paragraph (c) of this section which are held by WAA as Government-owned surplus, with the exception of equipment below O-4 condition (as defined in WAA "Machinery Program 1066"), and motor vehicles below O-4 condition (as defined in WAA "Motor Vehicles Sales Program 1073"), which may be disposed of by WAA without reference to this section.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 29th day of April 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-4167; Filed, Apr. 29, 1947; 11:11 a. m.]

[Priorities Reg. 28, Direction 25, as Amended April 29, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

PRIORITIES ASSISTANCE FOR MERCHANT PIG IRON FOR CAST IRON SOIL PIPE AND CAST IRON SOIL FITTINGS

The following direction is issued pursuant to Priorities Regulation 28:

(a) *What this direction does.* The continued shortage of merchant pig iron, particularly in certain areas, threatens the production of cast iron soil pipe and cast iron soil fittings, critically short for the Veterans' Emergency Housing Program. It is necessary to maintain such production at a high level and for this purpose this direction provides for the placing of certified orders for p' iron for the production of cast iron soil pipe and cast iron soil fittings, after March 31, 1947. This direction is necessary in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

(b) *Applications and authorizations*—(1) *What foundries may apply.* Only foundries which make cast iron soil pipe or which make both cast iron soil pipe and cast iron soil fittings may apply under this direction for authorization to place a certified order for merchant pig iron.

(2) *When to file application.* Applications should be filed on Form OHE 14-186 (formerly Form CPA-4570) with the Housing Expediter on or before the 15th day of the month preceding the month in which delivery is required. (Until copies of FORM OHE 14-186 are available, applications may be made on Form CPA-4570.)

(3) *Authorizations.* The Housing Expediter upon receipt of an application on Form OHE 14-186 may authorize the placing by the applicant of certified orders for merchant pig iron required to make cast iron soil pipe and cast iron soil fittings. Authorization will be returned to the applicant in time for the applicant to place his orders with the supplier for the required delivery. Such authorization will not be granted to increase inventories and will only be granted where it is determined that the authorization is necessary to maintain or increase production of cast iron soil pipe and cast iron soil fittings. In making such authorization, the Housing Expediter will take into account the extent to which the applicant in the production of cast iron soil pipe and cast iron soil fittings conserves pig iron through the use of scrap iron.

(4) *Limitation on use of merchant pig iron obtained on certified orders.* Each foundry must put into production in each month for which it receives authorization not less than the amount of merchant pig iron authorized for that month on Form OHE 14-186 to make cast iron soil pipe and cast iron soil fittings.

(c) *Placement of certified orders.* A foundry which receives an authorization on Form OHE 14-186 may certify its order on its supplier for merchant pig iron by furnishing with the order, a certificate in substantially the following form, signed as provided in Priorities Regulation 7.

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I have been authorized to place this order for merchant pig iron under Direction 25 to Priorities Regulation 28, serial number ———.

(1) *Restrictions on placing certified orders.* Orders may be certified for delivery only as authorized on Form OHE 14-186. Thus they must be certified to the suppliers for the amount and in the month indicated on the form when it is returned by the Housing Expediter.

(d) *Certified orders must be treated as rated orders.* Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled and delivered accordingly, except that a producer of merchant pig iron need not accept a certified order received after the 25th day of the month preceding the month in which delivery is required. The provisions of Priorities Regulation 1 will apply except to the extent that this direction is inconsistent with them.

(e) *Reports.* Producers of merchant pig iron and foundries making cast iron soil pipe or both cast iron soil pipe and cast iron soil fittings must furnish such reports as may be required by the Housing Expediter from time to time, subject to approval by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

Issued this 29th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4166; Filed, Apr. 29, 1947; 11:11 a. m.]

[Suspension Order S-1077, Reinstatement and Amdt.]

PART 807—SUSPENSION ORDERS

GROVER D. KING

Grover D. King, 1821 West Whittier Boulevard, Whittier, California, engaged in the construction of several housing projects in Southern California, was suspended on February 8, 1947 by Suspension Order No. S-1077. He appealed from the provisions of the suspension order and, pending determination of the appeal, the order was stayed by the Chief Compliance Commissioner on February 17, 1947. The appeal has been considered by the Chief Compliance Commissioner who has denied the appeal, directed that the stay be terminated, and the suspension order reinstated and amended. In view of the foregoing: *It is hereby ordered*, That §1010.1077, Suspension Order No. S-1077, issued January 29, 1947 and effective February 8, 1947, be and hereby is reinstated as of April 28, 1947; the stay of execution directed by the Chief Compliance Commissioner on February 17, 1947 be and hereby is revoked as of April 28, 1947; and the suspension order be and hereby is amended by substituting the following paragraphs (a) and (f) for the present paragraphs (a) and (f):

(a) For a period beginning April 28, 1947, and extending to and including August 19, 1947, no authorization shall be granted to Grover D. King to construct, nor shall he during such period apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(f) This order shall take effect on the 28th day of April.

Issued this 28th day of April 1947.

OFFICE OF HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4159; Filed, Apr. 28, 1947; 4:43 p. m.]

PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.22 *Designation of Acting Housing Expediter.* Robert E. Johnson is hereby designated to act as Housing Expeditor during my absence on April 28 and 29, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1946, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such dates. (60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 25th day of April 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-4091; Filed, Apr. 29, 1947; 8:57 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 1]

PART 705—ADMINISTRATION

ESTABLISHMENT OF SUGAR RATIONING ADMINISTRATION IN DEPARTMENT OF AGRICULTURE

§ 705.101 *Establishment of Sugar Rationing Administration in the Department of Agriculture.* The Secretary of Agriculture, acting by virtue of authority vested in him by law, including the Sugar Control Extension Act of 1947, hereby establishes within the Department of Agriculture an agency known as the Sugar Rationing Administration for the purpose of carrying out the functions vested in the Secretary of Agriculture by such act. The personnel of such administration shall include the personnel transferred to the Department of Agriculture in accordance with the Sugar Control Extension Act of 1947.

I hereby designate Irvin L. Rice Acting Administrator and Seymour Friedman Acting Deputy Administrator of the Sugar Rationing Administration. The Acting Administrator of the Sugar Rationing Administration shall report to the Secretary of Agriculture through, and be under the general supervision of James H. Marshall. The legal aspects of the work of the Sugar Rationing Administration shall be subject to the general supervision of the Solicitor of the Department of Agriculture.

As provided in section 3 (b) of the Sugar Control Extension Act of 1947, every order, directive, rule or regulation relating to any power, function, or duty transferred by such act, issued by any officer, department, or agency heretofore performing such power, function, or duty, which is not in conflict with the provisions of such act and which is in effect on March 31, 1947, shall continue in full force and effect, according to its terms, unless and until modified or rescinded by the Secretary of Agriculture.

The Secretary of Agriculture delegates to James H. Marshall administrative authority to act for the Secretary in all matters relating to the Sugar Rationing Administration, except that the authority to issue sugar price and rationing regulations and amendments thereto, and the authority to maintain in his own name civil proceedings relating to matters within the scope of that act are hereby expressly reserved to the Secretary of Agriculture.

Subject to the authority of the Secretary of Agriculture and of James H. Marshall herein set forth, the Secretary of Agriculture delegates to the Sugar Rationing Administration authority and responsibility to discharge all of the functions, powers, and duties conferred upon the Secretary by the Sugar Control Extension Act of 1947.

There is hereby delegated to the Office of Administrative Hearings to be set up within the Sugar Rationing Administration all of the functions, powers, and duties relating to sugar heretofore delegated to the Office of Administrative Hearings of the Office of Price Administration by Second Revised General Order 46 of the Office of Price Administration, dated October 25, 1946.

Until changed, revoked, or modified by order of the Secretary of Agriculture, James H. Marshall or the Administrator of the Sugar Rationing Administration, and except to the extent they may be inconsistent with this memorandum, all delegations and sub-delegations of authority and designation of functions of the Sugar Rationing Administration as they are now described in the Office of Price Administration manual covering the organization of those portions of the Office of Price Administration whose functions are transferred to the Department of Agriculture under the Sugar Control Extension Act of 1947 are hereby ratified, confirmed, and validated and shall remain in full force and effect. (Pub. Law 30, 80th Cong.)

Issued this 31st day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 47-4079; Filed, Apr. 29, 1947; 8:48 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 3290—MANILA (ABACA) AND AGAVE FIBERS AND CORDAGE

[Conservation Order M-84 as Amended April 16, 1947, Amdt. 1]

Section 3290.221, *Conservation Order M-84*, is amended by making the following changes in the last paragraph in paragraph (b) (2): in next to the last sentence the words "500 feet" are changed to "500 to 650 feet"; and in the last sentence the words "200 to 225 feet" are changed to "200 to 300 feet."

Issued this 29th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R Doc. 47-4168; Filed, Apr. 29, 1947; 11:24 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

BONNEVILLE DAM, COLUMBIA RIVER, OREGON AND WASHINGTON

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), the following § 204.105 is hereby prescribed for the purpose of preventing accidents to vessels and other floating craft in dangerous waters in the vicinity of Bonneville Dam, Columbia River, Oregon and Washington:

§ 204.105 *Bonneville Dam, Columbia River, Oreg. and Wash.; restricted areas.* (a) All waters of the Columbia River and Bradford Slough within 1,000 feet above and 2,000 feet below the spillway dam and 400 feet above and 600 feet below the power house are hereby designated as restricted areas.

(b) No vessel or other floating craft shall enter or remain in any of the restricted areas at any time without first obtaining permission from the District Engineer, Corps of Engineers, Portland, Oregon, or his duly authorized representative.

(c) The restricted areas will be designated by signs posted in conspicuous and appropriate places. [Regs. April 10, 1947 (C. E. 800.211 Columbia River—Oreg. and Wash.)—ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4089; Filed, Apr. 29, 1947; 8:57 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 5—CLASSIFICATION AND RATES OF POSTAGE

FOURTH-CLASS MAIL; DISCONTINUANCE OF REQUIREMENT OF REQUESTS

Section 5.70 *Fourth-class mail matter defined*, (39 CFR, Part 5), is amended by the addition of the following:

(c) *Discontinuance of requirement of requests from army personnel overseas for parcels, effective May 1, 1947.* The War Department advises that the requirement of a written request from the addressees for the mailing of parcels to overseas Army Post Offices, and the limitation with respect to the acceptance of not more than one parcel in any one week when mailed by or on behalf of the same sender, to or for the same addressee, will be eliminated, effective May 1, 1947.

Therefore, on and after that date, postmasters may accept parcels not exceeding 70 pounds in weight or 100 inches in length and girth combined addressed to persons who are authorized to receive mail through overseas Army Post Offices, containing articles for the personal use of the addressees.

Air mail (except official mail) addressed for delivery through overseas Army Post Offices, in care of the postmasters of New York, New York, and San Francisco, California, is restricted to 8 ounces in weight.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4075; Filed, Apr. 29, 1947; 8:47 a. m.]

PART 6—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

POISONS, EXPLOSIVES, LIQUIDS, MEDICINES, MOTION PICTURE FILMS

Section 6.13 *Poisons, explosives, liquids, medicines, motion picture films* (11 F. R. 10057), is amended as follows:

Paragraph (d) (2) is amended by the addition of the following:

Rat poison having a low percentage of alphanapthylthiourea (Antu) as the active ingredient, and not containing other substances that are unmailable, may be mailed in quantities not to exceed 5 pounds of the low percentage preparation in any one parcel. The inside container must be of metal, glass or fiberboard, surrounded with cushioning material and placed in an outside container of metal, wood or fiberboard, tightly closed and securely fastened. The inside container must be plainly labeled to show its contents and marked "Poison" with the antidotes for first aid treatment. The label on the inside container must also bear the name and address of the manufacturer.

(R. S. 161, 396, as amended, sec. 217, 35 Stat. 1131, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 340)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4074; Filed, Apr. 29, 1947; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—SHIP RADIO SERVICE

WAIVERS CONCERNING EMPLOYMENT OF SHIP RADIO OPERATORS POSSESSING LESS THAN SIX MONTHS RADIO EXPERIENCE

CROSS REFERENCE: For statement concerning applications for waivers covering employment of ship radio operators possessing less than six months ship radio experience see F. R. Doc. 47-4036 under Federal Communications Commission in Notices section, *infra*.

[Order 130-M]

PART 12—AMATEUR RADIO SERVICE

ALLOCATION OF FREQUENCIES AND FREQUENCY BANDS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the matter of allocating frequencies to the Amateur Radio Service, and having by separate order dated and effective this date designated as available for the Amateur Radio Service the frequency band 27.160 to 27.430 Mc in lieu of the band 27.185 to 27.455 Mc; and

It appearing, that the allocation of frequencies in the band 27.185 to 27.455 Mc to the Amateur Radio Service, as set forth in the Commission's Order No. 130-L dated January 2, 1947, is inconsistent with the frequency allocations effected by the order referred to in the preceding paragraph hereof; and

It further appearing, that as the change in the allocation of frequencies mentioned in the preceding paragraphs hereof is already in effect, general public notice and procedure for rule making required by section 4 (a) of the Administrative Procedure Act is unnecessary;

It is ordered, That for the purpose of correlating the Commission's orders in the 130-series with the changed allocation of frequencies hereinbefore referred to, the paragraph numbered 2 (a) (4) of the first ordering clause of Order No. 130-L be, and it is hereby amended to read as follows:

(4) 27.160 to 27.430 Mc, using types A0, A1, A2, A3, and A4 emissions, and also special emissions for frequency modulation (radio-telephone transmissions and radio-telegraph transmissions employing carrier shift or other frequency modulation techniques), subject to such interference as may occur from the operation of industrial, scientific and medical devices also assigned to this band and centered on 27.320 Mc.

For the reasons above indicated, this order is made effective immediately.

(Secs. 4 (i), 303 (c), 48 Stat. 1068, 1082; 47 U. S. C. 154 (i), 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4106; Filed, Apr. 29, 1947; 8:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS FROM AND WITHIN OFFICIAL CLASSIFICATION TERRITORY

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 1, Rev. 10, Amdt. 3]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS AND PERMITS

SHIPMENTS FROM OFFICIAL CLASSIFICATION TERRITORY

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, *It is hereby ordered*, That the expiration date provided in General Permit ODT 1, Revised-10, as amended (11 F. R. 12364, 14598, 12 F. R. 1374) be changed to June 30, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 25th day of April 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-4092; Filed, Apr. 29, 1947; 8:54 a. m.]

[General Permit ODT 1, Rev. 11, Amdt. 3]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS AND PERMITS

SHIPMENTS WITHIN OFFICIAL CLASSIFICATION TERRITORY

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, *It is hereby ordered*, That the expiration date provided in General Permit ODT 1, Revised-11, as amended (11 F. R. 12364, 14598, 12 F. R. 1374, 1421), be changed to June 30, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 25th day of April 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-4093; Filed, Apr. 29, 1947; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF BUDGET AND FIXING OF RATE OF ASSESSMENT FOR CALENDAR YEAR 1947

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1947, as follows: (1) The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Control Agency during the calendar year 1947, will amount to $31,525, from which shall be deducted the unexpended balance of $4,269.77 on hand with said Control Agency on January 1, 1947, from assessments collected during the calendar year 1946, leaving a balance of $27,255.23 to be collected during the calendar year 1947, and (2) of the amount of $27,255.23 to be collected during the calendar year 1947, the sum of $26,255.23 shall be assessed against handlers who are manufacturers, and $1,000 shall be assessed against handlers who, as distributors, market their products principally through veterinarians or other channels.

The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1947 by each handler who is a manufacturer shall be $17.45 per million cubic centimeters (determined by the nearest whole number) of hyperimmune blood collected by such handler during the calendar year 1946; and the pro rata share of such expenses to be paid for the calendar year 1947 by each handler who, as a distributor, markets his products principally through veterinarians or other channels shall be $2.25 per million cubic centimeters (determined by the nearest whole number) of serum sold by such handler. Such assessments shall be paid by each respective handler in accordance with the provisions of the marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid considerations shall file the same with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate. (49 Stat. 781; 7 U. S. C. 851 et seq.)

Issued this 24th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4078; Filed, Apr. 29, 1947; 8:47 a. m.]

Production and Marketing Administration

[7 CFR, Ch. VIII]

WAGES FOR SUGARCANE WORKERS

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress, as amended,) notice is hereby given that a public hearing will be held at Clewiston, Florida, in the High School Auditorium, on May 10, 1947, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wages for persons employed in Florida in the production, cultivation, and harvesting of sugarcane during the period from July 1, 1947 to June 30, 1948 on farms with respect to which applications for payments under the said act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1947 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane and with respect to the terms and conditions of contracts between laborers and producers of sugarcane.

George A. Dice, Ward S. Stevenson, and Frank T. Gradoville are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Issued this 24th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4080; Filed, Apr. 29, 1947; 8:50 a. m.]

[7 CFR, Part 933]

[Docket No. AO 85-A2]

MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure as amended (7 CFR and Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held in the Court Room, County Court House, Vero Beach, Florida, beginning at 10:00 a. m., e. s. t., May 12, 1947, and in the Assembly Room, Florida Citrus Commission, Lakeland, Florida, beginning at 10:00 a. m., e. s. t., May 14, 1947, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supps., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. These proposals have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments have been proposed by the Growers Administrative Committee and the Shippers Advisory Committee, established pursuant to the aforesaid amended marketing agreement and order:

1. Add to section 1 of the amended marketing agreement and § 933.1 *Definitions* of the amended order the following new paragraph:

(m) (1) "Regulation Area I" shall include all that part of the State of Florida not included in "Regulation Area II" as hereinafter described.

(2) "Regulation Area II" shall include that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14 South, Range 31 East; thence East to the Northwest corner of Township 15 South, Range 32 East; thence South to the Southwest corner of Township 17 South, Range 32 East; thence East to the Northwest corner of Township 18 South, Range 33 East; thence South to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence South to the South line of Brevard County; thence East to the line between Ranges 36 East and 37 East; thence South to the Southwest corner of St. Lucie County; thence East to the line between Ranges 39 East and 40 East; thence South to the South line of Martin County; thence East to the line between Ranges 40 East and 41 East; thence South to the West Palm Beach Canal (also known as the Okeechobee Canal);

thence follow said canal eastward to the mouth thereof; thence East to the shore of the Atlantic Ocean; thence Northerly along the shore of the Atlantic Ocean to the point of beginning.

2. Delete the provisions of (b) (1) of section 4 of the amended agreement and of (b) (1) of § 933.4 *Regulations by grades and sizes* of the amended order and substitute therefor the following:

(b) *Recommendation for regulations.* (1) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety pursuant to this section, the said committee shall recommend the particular grades and sizes or either thereof deemed by it advisable to be shipped, and any such recommendation may include a proposal that shipments of any variety grown in Regulation Area II shall be limited to the grades and sizes different from the proposed grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (a) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (b) amount on hand at the principal markets, as evidenced by supplies on track; (c) maturity, conditions, and available supply, including the grade and size thereof in the producing areas; (d) other pertinent market information; and (e) the level and trend in consumer income. The Shippers Advisory Committee shall promptly report the recommendations so made, with supporting information, to the Growers Administrative Committee, which committee shall, in turn, submit the same to the Secretary, together with its own recommendations and supporting information respecting the factors hereinbefore enumerated.

3. Delete the provisions of (c) of section 4 of the amended agreement and of (c) of § 933.4 of the amended order and substitute therefor the following:

(c) *Regulation by the Secretary.* Whenever the Secretary shall find from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety to particular grades and sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods, and any such regulation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the proposed grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of Florida: *Provided*, That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed that consideration be given to such other changes in the provisions of the amended marketing agreement and order, as may be necessary to make the entire amended marketing agreement and order conform with the proposed amendments contained in this notice of hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Fruit and Vegetable Branch, Production and Marketing Administration, Drane Building, Lakeland, Florida.

Dated April 25, 1947, Washington, D. C.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-4107; Filed, Apr. 29, 1947; 8:57 a. m.]

[9 CFR, Part 201]

HANDLING OF SHIPPERS' PROCEEDS BY MARKET AGENCIES AND LICENSEES UNDER THE PACKERS AND STOCKYARDS ACT

NOTICE OF PROPOSED RULE MAKING

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture proposes to issue a rule amending § 201.42 of the regulations under the Packers and Stockyards Act (9 CFR Part 201) to read as follows:

Every market agency and licensee shall deposit the gross proceeds received from the sale of livestock or live poultry handled on a commission or agency basis in a separate bank account designated as follows (using the name of "John Doe Commission Company," as an example): "John Doe Commission Company—Custodial Account for Shippers' Proceeds." Such acount shall be drawn on only for the payment of the net proceeds to the person or persons entitled thereto and to obtain therefrom the sums due the market agency or licensee as compensation for its services as set out in its tariffs and for such sums as may be required to pay all legal charges against the consignments of livestock or live poultry as a market agency or licensee may, in its capacity as agent, be required to pay for and on behalf of the owner or consignor. No funds, other than the gross proceeds received from the sale of livestock or live poultry, shall be deposited in said account. The market agency or licensee in each case shall keep such accounts and records as will at all times disclose the names of consignors and the amount due and payable to each from funds in the Custodial Account for Shippers' Proceeds.

Therefore, notice is hereby given that any interested person who desires to do so may submit within 60 days after the publication of this notice any data, views, or argument in writing on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 24th day of April 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-4038; Filed, Apr. 29, 1947; 8:49 a. m.]

DEPARTMENT OF COMMERCE

United States Patent Office

[37 CFR, Part 5]

TRADE-MARKS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Patent Office proposes to issue rules and regulations relating to the registration of trade-marks, and to practice before the Patent Office in trade-mark matters, under the Trade-Mark Act of July 5, 1946 (Pub. Law 489, 79th Cong.), which will come into effect on July 5, 1947.

The proposed rules and regulations are issued pursuant to the authority contained in sections 1 (c) and 41 of said act, and will upon promulgation supersede and replace the rules now in force, 37 CFR Part 5.

The proposed rules and regulations, including some representative forms, will be available in printed form for distribution on Wednesday, April 30, 1947, and will be given or sent to all interested parties upon request to the Commissioner of Patents, Washington 25, D. C. They will also be published in the Official Gazette of the United States Patent Office on May 13, 1947.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed rules and regulations are invited to forward the same to the Commissioner of Patents, Washington 25, D. C., before Thursday May 22, 1947.

In addition to submitting briefs or statements, those who so desire may be heard orally. Hearings are scheduled to commence at 10:00 o'clock a. m. on Friday, May 23, 1947, in the Auditorium of the Department of Commerce.

LESLIE FRAZER,
First Assistant Commissioner of Patents.

APRIL 25, 1947.

[F. R. Doc. 47-4117; Filed, Apr. 29, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 8]

[Docket No. 8308]

SHIP SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 8 of the rules and regulations governing ship service to establish a 5-year regular term for ship station licenses and to establish the ship radar station with a 5-year license term as a new class of station within the ship service.

Notice is hereby given of proposed rule making in the above-entitled matter.

The proposed rules and regulations, which are amendments of and additions to existing rules and regulations, are set forth in this notice.

The proposed rules are issued under the authority of section 301 and sections 303 (b), (c), (e), (f), (j) and (r) of the Communications Act of 1934, as amended.

The amendment of § 8.20 and 8.21 of the existing rules is for the purpose of showing that the terms "maritime mobile service" and "ship service" as used in Part 8 of the rules do not apply generally to ship radar stations. The amendment of § 8.61 of the existing rules is for the purpose of making the license term of ship station and ship radar station licenses uniform. The addition of new § 8.195 is to provide particulars covering ship radar stations.

Any interested person who is of the opinion that these proposed revisions of the rules should not be adopted, or should not be adopted in the form set forth, may file with the Commission, on or before May 19, 1947, a written statement or brief setting forth his comments. Before final action is taken, all comments received will be considered, and if any comments are received which appear to warrant the Commission's holding an oral argument, notice of the time and place of such oral argument will be given.

1. Sections 8.20 and 8.21, respectively, are amended by inserting the notation "[2a]" after the term "maritime mobile service" in § 8.20 and after the term "ship service" in § 8.21.

2. The following footnote is added (cf. paragraph 1 above):

[2a] The term does not apply to the use of radar installations on board ship except where radar is specifically mentioned.

3. Section 8.61 is amended to read as follows:

§ 8.61 *Ship station license.* All new, renewed, or modified ship station licenses normally will be issued to expire at 3:00 a. m., e. s. t. on a date 5 years from the date on which they became effective.

4. The following new rules governing ship radar stations are added after § 8.192:

SHIP RADAR STATIONS

§ 8.195 *Ship radar stations*—(a) *Ship radar station.* The term "ship radar station" means a radio station located on board a ship licensed for the transmission of energy by radio for the purpose of automatically detecting land and other objects through the reception of the effects of such transmission, with or without a determination of their direction and distance from the ship.

(b) *Applications for ship radar station licenses.* Applications for ship radar station licenses shall be made in accordance with the provisions of Part 1 of the Commission's rules and regulations.

(c) *Term of ship radar station licenses.* All new, renewed, or modified ship radar station licenses normally will be issued to expire at 3:00 a. m., e. s. t., on a date 5 years from the date on which they became effective.

(d) *Posting of ship radar station license.* The ship radar station license shall be posted in a conspicuous place at the principal operating position.

(e) *Station identification.* Section 2.65 requiring station identification by call letters shall not apply to ship radar stations. For administrative purposes, the call letters assigned to a ship radar station normally will be the same as the ship station call letters or ship signal letters.

(f) *Authorized emission for radar transmitters.* Any transmitter of a ship radar station which operates within a frequency band allocated in paragraph (g) of this section shall use special (pulsed) type of emission only.[71a]

(g) *Allocation of frequencies for ship radar stations.* The following frequency bands are allocated for use by ship radar stations:[71b]

3000 to 3246 Mc
5460 to 5650 Mc
9320 to 9500 Mc

(h) *Frequency tolerance.* All emissions of a ship radar station outside an assigned frequency band shall be attenuated at least 60 decibels below the maximum emission within the assigned frequency band. The frequency at which maximum emission occurs shall not be within 20 Megacycles of either end of an assigned band.

(i) *Frequency measurements.* The licensee of a ship radar station shall take the necessary measures to insure that the transmitter operates within the tolerance limits specified in paragraph (h) of this section.

(j) *Name plate on radar installation.* Each ship radar station installation the manufacture of which was completed on or after June 1, 1947, shall be furnished with a durable name plate with the manufacturer's name, transmitter model number, and month and year of completion of manufacture, permanently inscribed thereon. Such name plate shall be affixed to the indicator housing at the principal operating position.

(k) *External adjustments.* Radar transmitters which have means available for external adjustments, the manipulation of which may cause operation not in accordance with paragraph (h), of this section, will not be licensed in the ship service.[71c]

(l) *Design and construction.* The design and construction of radar equipment intended for licensing in the ship service shall be such that its use will produce no interference to the radio communication service of any ship.

(m) *Type approval of radar equipment.* To determine the acceptability of radar equipment for licensing in the ship service, such equipment will be examined by duly authorized representatives of the Commission for compliance with the provisions of paragraphs (f), (g), (h), (j), (k) and (l) of this section 5 and if found in compliance therewith, appropriate type approval will be issued.

(n) *Reports.* The licensee, by such arrangement as may be necessary with the ship master, operating agency, or ship owner, shall, upon request of the Commission, be responsible for the submission of such reports as may be required to show the value and performance of a ship radar station.[71d]

Adopted: April 17, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[71a] For the purpose of this part of the rules, the term "special (pulsed) type of emission" means radio frequency energy which is emitted in the form of short bursts of energy repeated at regular intervals, the duration of each burst being much shorter than the interval between bursts.

[71b] The associated transmitting frequencies of radar beacons (Racons) are, respectively, as follows: 3256, 5450, and 9310 Megacycles.

[71c] This provision does not necessarily prohibit the licensing of such radar transmitters experimentally on board ship in accordance with Part 5 of the rules.

[71d] For assistance in preparing these reports, daily records should be kept showing at least the following:

(a) Number of hours of use while the ship is in operation.

(b) Number of service failures, and duration, nature, and cause of each failure.

(c) Performance under abnormal weather conditions.

(d) Unusual incidents, including, among others, cases in which radar may have aided or hindered safe operation of a vessel.

[F. R. Doc. 47-4105; Filed, Apr. 29, 1947; 8:51 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

DR. AUGUST VON BOROSINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Dr. August von Borosini; A-461; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 1,958,100, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4103; Filed, Apr. 29, 1947; 8:50 a. m.]

ROLF BIE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Rolf Bie, New York, N. Y., A-290; Property described in Vesting Order No. 292 (7 F. R. 9836, November 26, 1942), relating to United States Letters Patent No. 2,323,009, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4104; Filed, Apr. 29, 1947; 8:50 a. m.]

[Vesting Order 2081, Amdt.]

FREDERICK C. AND ELISE BOHLKEN

In re: Real properties situated in Brooklyn, New York, mortgages on real properties similarly situated, claims, and property insurance policies owned by Frederick C. Bohlken and Elise Bohlken.

Amendment to Vesting Order 2081, dated January 22, 1944, is hereby amended as follows and not otherwise:

By adding to subparagraph 3c (iii) immediately after the figure "405," the following: "excepting, however, the interest assigned to Maria Topp by J. Lehrenkrauss & Sons, a copartnership, by instrument recorded December 15, 1933, in the Register's Office of Kings County, New York, in Liber 7870 of Mortgages at page 80."

All other provisions of said amendment to Vesting Order 2081 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4099; Filed, Apr. 29, 1947; 8:50 a. m.]

[Vesting Order 8139, Amdt.]

ELSE EICHMAN

In re: Bank accounts, stock and bond owned by Else Eichman.

Vesting Order 8139, dated January 31, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A of said Vesting Order the number "0171" and substituting therefor the number "P. O. 704."

By deleting from Exhibit A of said Vesting Order the following: "Twelve (12) shares of no par value cumulative preferred capital stock" and substituting therefor "Twelve (12) shares of no par value $4.50 cumulative preferred capital stock."

All other provisions of said Vesting Order 8139 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4100; Filed, Apr. 29, 1947; 8:50 a. m.]

[Vesting Order 8775]

YOSHIKIYO ARIMORI ET AL.

In re: Stock owned by Yoshikiyo Arimori and others. D-39-16989-D-1, F-39-4793-D-1, F-28-6154-D-1, and F-28-22405-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshikiyo Arimori and Takasuki Takeshita, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That Chr. Mann and Miss Elsie Schneidt, whose last known addresses are c/o Mann & Friedeborn, Hildesheim, Germany, and Haag A. Amper, Oberbayern, Germany, respectively, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the property described as follows: Six hundred ninety-six (696) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner and certificate Nos.	Number of shares
Yoshikiyo Arimori, NYE-98068	40
Takasuki Takeshita, NYD-275419	50
Chr. Mann, NYC-496952/7	[1] 100
Miss Elsie Schneidt, NYD-202372	6

[1] Shares each.

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yoshikiyo Arimori and Takasuki Takeshita, the aforesaid nationals of a designated enemy country (Japan), and Chr. Mann and Miss Elsie Schneidt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that the persons named in subparagraph 1 be treated as nationals of a designated enemy country (Japan) and the persons named in subparagraph 2 be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4097; Filed, Apr. 29, 1947; 8:50 a. m.]

[Vesting Order 8720]

DENGO NAKAYAMA

In re: Bonds owned by Dengo Nakayama, also known as D. Nakayama. D-39-840 and D-39-840-F-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dengo Nakayama, also known as D. Nakayama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, the aggregate maturity value of which amounts to $3,000, registered in the name of Dengo Nakayama, presently in the control of George I. Nakayama, in safe deposit box No. 273 in the Bishop Trust Company, Limited, P. O. Box 2390, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

UNITED STATES DEFENSE BONDS OWNED BY DENGO NAKAYAMA

Serial Number:	Denomination
D437580E	$500
D437581E	500
D437582E	500
D437583E	500
D437584E	500
D437585E	500
Total	3,000

[F. R. Doc. 47-4094; Filed, Apr. 29, 1947; 8:49 a. m.]

[Vesting Order 8752]

TATSUJI TAKAHIRO

In re: Debt owing to Tatsuji Takahiro. F-39-4136-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tatsuji Takahiro, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tatsuji Takahiro, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $261.46, as of December 31, 1945, arising out of an accepted account payable, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4095; Filed, Apr. 29, 1947; 8:49 a. m.]

[Vesting Order 8773]

RIYE AND HATSUE ONISHI

In re: Bank account owned by Riye Onishi, also known as Rige Onishi and as Rie Onishi, and a bank account owned by Hatsue Onishi and Riye Onishi, also known as Rige Onishi and as Rie Onishi. D-39-326-E-1 and D-39-326-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hatsue Onishi and Riye Onishi, also known as Rige Onishi and as Rie Onishi, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Bishop National Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 47132, entitled Sadao Onishi, Trustee for Rige Onishi, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of American Savings and Loan Association, 915 Fort Street, Honolulu, T. H., arising out of a savings account, Account Number 2833, entitled Sadao Onishi, Trustee for Hatsue Onishi and Rie Onishi, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hatsue Onishi and Riye Onishi, also known as Rige Onishi and Rie Onishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4096; Filed, Apr. 29, 1947; 8:49 a. m.]

[Vesting Order 8780]

KIYOSHI TOGASAKI

In re: Stock owned by Kiyoshi Togasaki. F-39-3798-D-1 and F-39-3798-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoshi Togasaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Three (3) shares of $12.50 par value common capital stock of Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered B46809 for 2 shares, and G55846 for 1 share, and registered in the name of Kiyoshi Togasaki, together with all declared and unpaid dividends thereon, and

b. Ten (10) shares of $2.00 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered SFR45920, and registered in the name of Kiyoshi Togasaki, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4098; Filed, Apr. 29, 1947; 8:50 a. m.]

[Vesting Order CE 381]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN MASSACHUSETTS COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Giuseppe Cifelli	Italy	Estate of Mariangelo Cifelli, deceased, Norfolk County, Probate Court, Mass., No. 98139.	$100.00
		Item 2	
Antonio Gentile	do	Estate of Agostino Gentile, deceased, Plymouth County, Probate Court, Plymouth, Mass., Probate No. 5828.	70.00
		Item 3	
John Baptist Mortola, also known as Juanito Mortola	do	Estate of Amedo Mortola, deceased, Essex County, Probate Court, Salem, Mass., No. 213851.	25.00
		Item 4	
Lawrence Carbone	do	Estate of Louis Carbone, deceased, Essex County, Mass., Probate Court, No. 39987.	74.00
		Item 5	
Theresa Carbone	do	Same	37.00
		Item 6	
Children, names unknown, of Giovanni Carbone, deceased.	do	Same	37.00

[F. R. Doc. 47-4101; Filed, Apr. 29, 1947; 8:50 a. m.]

[Vesting Order CE 382]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN OREGON, WASHINGTON, CALIFORNIA, COLORADO AND UTAH COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Efstathia Hronopoulos	Greece	Estate of James Koutsoulas, deceased, in the Circuit Court of the State of Oregon for the County of Multnomah, No. 40-143.	$50.00
		Item 2	
Lina Caramella	Italy	Estate of Julius Caramella, deceased, in the Circuit Court of the State of Oregon, County of Clackamas, No. 7251.	22.00
		Item 3	
Armida Caramella	do	Same	22.00
		Item 4	
Rosa Molinaro	do	Estate of Giuseppi Molinaro, also known as Guiseppa Molinaro, deceased, in the Circuit Court of the State of Oregon, for the County of Multnomah; No. 54-128.	60.00
		Item 5	
Beatrice Mellott Pisola	do	Estate of George C. Mellott, deceased, in the Superior Court of the State of Washington, in and for the County of King; No. 84250.	45.00
		Item 6	
Agostino Bolla	do	Estate of Angelo Bolla, deceased, in the Superior Court of the State of California, in and for the County of San Francisco, No. 69855.	34.00
		Item 7	
Luigi Bolla	do	Same	31.00
		Item 8	
Lorenzo Bolla	do	Same	31.00
		Item 9	
Virginia Mattei	do	Estate of Joseph A. Mattei, deceased, in the County Court of the State of Colorado, in and for the City and County of Denver, No. 59697.	337.00
		Item 10	
Lucia Di Giulio	do	Estate of Carmelio Amicone, deceased, Third Judicial District Court, State of Utah, Salt Lake County.	59.00

[F. R. Doc. 47-4102; Filed, Apr. 29, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

EMPLOYMENT OF SHIP RADIO OPERATORS POSSESSING LESS THAN SIX MONTHS SHIP RADIO EXPERIENCE

STATEMENT REGARDING WAIVERS

APRIL 18, 1947.

The Commission has recently received several requests for individual waivers of the requirement of section 353 (b) of the Communications Act of 1934, as amended, that for safety purposes ship radio operators shall, in certain instances, have had at least six months previous experience as ship radio operators.

The Commission has been careful to assure itself, and will continue to do so, that every party who has or may hereafter request a waiver of the above-mentioned statutory safety requirement is fully cognizant of the responsibility he thereby assumes for the safety of the particular vessel on any voyage made as a result of any waiver granted. Because of the safety aspect, the Commission has required each applicant for a waiver to submit a written request and to specify therein that he has exhausted every reasonable possibility of obtaining a qualified operator with the required experience. The requests received, even if couched in somewhat general terms, have been construed literally to mean that a complete and detailed search for operators at every recognized source within reasonable distance has been made without favorable result. As indicated below, a detailed statement will hereafter be required.

In many cases in which requests for waiver have been received, the application has not contained sufficient information to enable the Commission to take expeditious action, and delay has ensued. The Commission is presently studying the over-all situation with a view to taking such action of a general nature as may be appropriate. However, in order to avoid unnecessary delay on such interim requests for waiver as may be received, the Commission deems it advisable to make clear the procedure to be followed and the minimum information to be presented before action on an application can be taken.

In each case, the request for waiver should be submitted by the owner, charter party, or operating agent of the ship, and the procedure to be followed should be as follows: (1) Exhaust the sources, including appropriate local field engineering offices of the Federal Communications Commission; (2) submit directly to the Commission at Washington, D. C. a written request for waiver which specifies at least the following information: (a) name of ship and port of expected departure, (b) date and time of expected departure, (c) nature of cargo, (d) destination, (e) statement that all recognized sources of ship radio operators within a reasonable distance have been exhausted, including both all union and non-union sources, listing by name the sources contacted and including identification of the local Federal Communications Commission offices contacted, (f) name and description of qualifications of the radiotelegraph operator presently available and intended to be employed under the requested waiver.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4036; Filed, Apr. 29, 1947; 8:46 a. m.]

[Docket No. 6651]

VARIOUS CLASSES OF NON-GOVERNMENT SERVICES IN RADIO SPECTRUM FROM 10 KC TO 30,000,000 KC

ALLOCATION OF FREQUENCIES

APRIL 14, 1947.

At a meeting of the Federal Communications Commisison, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the frequencies 27.185-27.455 megacycles heretofore designated for industrial, scientific, medical purposes, and

that portion of the hearing and oral argument held on December 18 and 19, 1946, "In the Matter of Promulgation of Rules and Regulations Governing Medical Diathermy Equipment and Industrial Heating Equipment" (Docket No. 7858), concerning the advisability of allocating a wider band of frequencies in the 27 megacycle region of the spectrum for such purposes; and

The Commission also having under consideration its recommendation dated February 18, 1947, to the Department of State, for approval at the forthcoming Conference of the International Telecommunications Union that the frequency band 27.160–27.480 megacycles be made available for industrial, scientific, and medical uses and to the amateur, fixed, and mobile services, subject to interference from industrial, scientific or medical operation; and the fact that no objection from interested parties has been received by the Commission to its recommendation which was made after full opportunity for the submission of such objection; and

The Commission having determined that the public interest, convenience and necessity would be served by allocation for use in the United States by industrial, scientific and medical devices of the frequency band 27.160–27.480 mc as set forth in the proposal referred to above, with certain provision for use of such frequencies by the amateur, fixed and mobile services; and

The Commission having further determined that under the circumstances set forth above the said amendments should become effective immediately:

Now, therefore, *It is hereby ordered*, That the frequency allocation plan set out below for the frequency band 27.160–27.480 megacycles, be, and the same is hereby, adopted, effective immediately to supersede any plan heretofore adopted for the said frequency band or any portion thereof:

Band, Mc	*U. S. Service-Allocation*
27.160–27.430	(a) Amateur.[1]
	(b) Industrial, scientific, Medical.[2]
27.430–27.480	(a) Fixed (non-Government).[1]
	(b) Industrial, scientific, medical.[2]
	(c) Mobile (non-Government).[1]

[1] This service recognizes that interference to its operations within this band may result from the emissions on the frequency 27.320 Mc of industrial, scientific and medical devices.

[2] The frequency 27.320 Mc is designated for the operation of industrial, scientific and medical devices.

By direction of the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4039; Filed, Apr. 29, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-200, G-207]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF ORDER EXTENDING EMERGENCY SERVICE RULES AND REGULATIONS TO GOVERN DELIVERIES OF NATURAL GAS BY PANHANDLE EASTERN PIPE LINE COMPANY AS PERMITTED TO BECOME EFFECTIVE BY ORDER OF DECEMBER 12, 1946

APRIL 25, 1947.

City of Detroit, Michigan and County of Wayne, Michigan v. Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation, Docket No. G-200; Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation and Illinois Natural Gas Company, Docket No. G-207.

Notice is hereby given that, on April 24, 1947, the Federal Power Commission issued its order entered April 23, 1947, extending emergency service rules and regulations to govern deliveries of natural gas by Panhandle Eastern Pipe Line Company as permitted to become effective by order of December 12, 1946, in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4085; Filed, Apr. 29, 1947; 8:54 a. m.]

[Docket No. G-654]

HOPE NATURAL GAS CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AND FOR AUTHORITY TO ABANDON FACILITIES

APRIL 25, 1947.

Notice is hereby given that, on April 24, 1947, the Federal Power Commission issued its order entered April 22, 1947, dismissing application for certificate of public convenience and necessity, and for authority to abandon facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4084; Filed, Apr. 29, 1947; 8:54 a. m.]

[Docket No. G-840]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 25, 1947.

Notice is hereby given that, on April 25, 1947, the Federal Power Commission issued its findings and order entered April 23, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4082; Filed, Apr. 29, 1947; 8:54 a. m.]

[Docket No. G-848]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND PERMITTING ABANDONMENT

APRIL 25, 1947.

Notice is hereby given that, on April 25, 1947, the Federal Power Commission issued its findings and order entered April 23, 1947, issuing certificate of public convenience and necessity and permitting abandonment in the above-designated matter.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4083; Filed, Apr. 29, 1947; 8:54 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5455]

W. L. ABT

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of April A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Everett F. Haycraft, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, May 21, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 505, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-4086; Filed, Apr. 29, 1947; 8:54 a. m.]

[Docket No. 5006]

LOS ANGELES PHARMACAL CO., AND HIDALGO PHARMACY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of April A. D. 1947.

In the matter of Robert Salazar, an individual trading and doing business as Los Angeles Pharmacal Company, and Hidalgo Pharmacy.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Everett F. Haycraft, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, May 15, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 332, Federal Trade Commission Building, Washington, D. C.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence, and after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-4087; Filed, Apr. 29, 1947; 8:54 a. m.]